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HOUSE OF REPRESENTATIVES—*Tuesday, April 3, 1973*

The House met at 12 o'clock noon.

Rev. Richard Bloodworth, Shiloh Baptist Church, Chipley, Fla., offered the following prayer:

O God, our refuge and strength, in the name of Thy Son we pray. Thank you for making ours the greatest and freest nation on earth. We know that it is a grand and sacred gift from a good God.

Direct our President and his advisers.

Reach down and touch the life of every Member of Congress, giving them wise purpose and unity in their deliberations.

Teach us how to recognize the obligations which we have to our country, which so thoroughly appreciates individuals and their worth.

While there remains in the world a constant struggle between good and evil, keep us wise in that which is good and innocent in that which is evil.

O God, our guide, lead the way. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate insists upon its amendments to the bill (H.R. 975) entitled "An act to amend the emergency loan program under the Consolidated Farm and Rural Development Act, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. McGovern, Mr. Allen, Mr. Humphrey, Mr. Dole, and Mr. Bellmon to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1021. An act to amend section 301 of the Federal Meat Inspection Act, as amended, and section 5 of the Poultry Products Inspection Act, as amended, so as to increase from 50 to 80 percent the amount that may be paid as the Federal Government's share of the costs of any cooperative meat or poultry inspection program carried out by any State under such sections, and for other purposes; and

S. 1235. An act to amend Public Law 90-553 authorizing an additional appropriation for an International Center for Foreign Chanceries.

RICHARD GLYNDELL BLOODWORTH

(Mr. SIKES asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SIKES. Mr. Speaker, I am very pleased to state to my colleagues in the House that Richard Glyndell Bloodworth, who has just delivered our opening prayer, is a resident of Chipley, Fla., in my district, and is pastor of the Shiloh Baptist Church there. He is a graduate of Stetson University and attended University of Florida and the New Orleans Baptist Theological Seminary. He has held a number of pastorates and important leadership responsibilities among the Baptist churches and organizations in western Florida. He is presently a member of the State Board of Missions of the Florida Baptist Convention, and he was named "Man of the Year" in Walton County, Fla., in 1968. He is married and he and Mrs. Bloodworth have five children.

I know that my colleagues are glad to join me in a warm welcome to this able and distinguished church leader.

PERMISSION FOR THE SPEAKER TO DECLARE A RECESS AT ANY TIME TODAY

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the Speaker of the House may have permission to declare a recess at any time during the day.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. GROSS. Mr. Speaker, reserving the right to object, did the gentleman say "at any time during the day"?

Mr. O'NEILL. We will be waiting for the veto to come over from the Senate. There is only one 15-minute special order, so at that time, when that is completed, we will ask for a recess subject to the call of the Chair. Do I make myself clear to the gentleman?

Mr. GROSS. So we are prepared, under these circumstances, to wait out the other body and their election in the matter?

Mr. O'NEILL. The other body notified us it anticipates this legislation shall be over here at 2:30 if it prevails. If it does not prevail, there will be no further legislation.

Mr. GROSS. That is what I was trying to ascertain. Will we be in recess all afternoon or, let us say, 2:30 or perhaps until 3 o'clock?

Mr. O'NEILL. Let us say the Senate set the vote for 2 o'clock on that and said that they will send it forthwith to the House.

Mr. GROSS. So we can reasonably expect that it will be before us then?

Mr. O'NEILL. That it will be before us at 2:30.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. GERALD R. FORD. Mr. Speaker, further reserving the right to object, if by any chance the other body should sustain, then we would simply reconvene and have our special orders after that?

The SPEAKER. The Chair will state, if there are special orders, we will hear them prior to that.

Mr. GERALD R. FORD. I see. In other words, we are going to finish the special orders and then recess?

The SPEAKER. Yes.

Mr. O'NEILL. There is only one request for 15 minutes. It has been my belief the Speaker is going to recognize that gentleman.

Mr. GERALD R. FORD. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. BOLLING. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

RETIREMENT OF WILLIAM P. COCHRANE, ASSISTANT PARLIAMENTARIAN

(Mr. ALBERT asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. ALBERT. Mr. Speaker, it is with deep regret that I note and advise the House of the retirement, effective last Saturday, March 31, of one of our most loyal and able House employees, the Assistant Parliamentarian, William P. Cochrane.

All Members of the House will miss Bil's familiar figure at the rostrum, where he has given many, many years of valuable and dedicated service to the House as Lew Deschler's right hand. All of us who have had occasion to call upon him for advice or assistance or guidance—and I have probably done this more than most Members in this Chamber—will be particularly aware of his absence.

Throughout his career in the House on the staff of the Parliamentarian, I have been consistently impressed by Bil's devotion and loyalty—not to any political party, because the Parliamentarian and his assistants serve no party—but to this House and to each of its Members. He has served Lew Deschler and three Speakers—Sam Rayburn, John McCormack, and myself—with great ability, perserverence, and unswerving loyalty. Bil has often said that his ambition has been solely to be Lew Deschler's most able, most efficient, and most loyal assistant. He can be proud in his retirement of the manner in which he has accomplished these goals.

All of us who know Bil know that he is not just a fine Parliamentarian and servant of the House; he is a fine, honorable, considerate, gentle, virtuous, decent human being, and a friend of all who know him.

This House is the richer because Bil Cochrane has served in it. The lives of those who worked with him daily are fuller because of the opportunity to associate with him. We are sad because he leaves us, but glad because he and his lovely wife, Peggy, can look forward together to many years of pleasant and happy retirement. As he embarks on this new phase of his life, I want to wish him Godspeed and express to him my personal deep thanks and appreciation for his service to the House and to me.

Mr. Speaker, I insert at this point a letter from Lew Deschler to Bil Cochrane:

WASHINGTON, D.C.,
March 30, 1973.

Mr. WILLIAM P. COCHRANE,
Assistant Parliamentarian,
House of Representatives,
Washington, D.C.

DEAR BIL: It is with deep regret that I learned of your decision to retire this month—the news doubly regrettable because of our long and rewarding association. You will be long remembered for the astuteness, intelligence and thoughtful ability that you so consistently displayed. Fortunately for the House and myself, you have expertly trained the staff in my office who will, with me, miss you as the days and years go by.

Over the years, Bil, we have had some great experiences, many of which were more than trying of patience and energies, but through all those years your very capable assistance, loyalty and devotion to your job have been invaluable. They will be sorely missed by me and by the House itself, I am sure.

Your many friends here at the Capitol will also feel a great sense of loss at your retirement; your thoughtful and sound advice have been highly valued throughout the halls of Congress, and your kindness and generosity have become legendary.

I know that you will succeed in any of your post-retirement activities and I hope that the future holds health, happiness and the enjoyment of many good years for both you and Peggy.

Sincerely,

LEWIS DESCHLER,
Parliamentarian.

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield to the majority leader.

Mr. O'NEILL. Mr. Speaker, I rise on this special occasion to pay tribute to Bil Cochrane, our distinguished Assistant Parliamentarian for nearly two decades. To chronicle all the significant parliamentary decisions Bil has made hardly begin to detail the high marks of excellence he merits for an outstanding performance over the past 17 years.

I can remember when Bil first came here in 1955. Eager to learn everything about House procedures, enthusiastic about the task before him, Bil brought to his position as Assistant Parliamentarian a keen mind and a remembrance for House precedents unparalleled in this institution.

Conscientious devotion to his duties, hard work, and a willingness to share his knowledge with others have earned him the praise and gratitude, the respect and admiration of all Members and House employees alike. Whether he was presiding Parliamentarian over monumental legislative business, counseling Members on the correct procedure to instruct conferees, or ruling on a point of order against a nongermane amendment, Bil took his job seriously and performed each succeeding task with equal diligence and perspicacity.

His valuable contributions to the three Speakers who presided over the House during Bil's tenure as Assistant Parliamentarian are incalculable. And his undivided loyalty to the Parliamentarian, Lew Deschler, is well known to all Members in this Chamber. In fact many have often called Bil Lew's alter ego, so thoroughly and adroitly did he carry out the directives given to him by Lew.

Yes, Bil Cochrane has fulfilled his responsibilities as Assistant Parliamentarian with great dedication and resourcefulness.

So on this day we say to you, Bil Cochrane, that we will miss you in the House of Representatives. But we want to wish you the very best in your retirement. We are extremely proud of you Bil; we are indebted to the excellence that you brought to the parliamentary decisions governing this body; and we extend to you our sincere gratitude and appreciation for a job well done.

Mr. ALBERT. I yield to the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Speaker, I am very honored and privileged to say with emphasis what I think all of us think of the outstanding job that Bil Cochrane did for the House for so many years. Although I never had the privilege of working with Bil as a Speaker of the House, I have for 8-plus years while Republican leader in the House had the wonderful opportunity of having the benefit of his sound judgment, his great knowledge, and his conscientious effort. One could always go to Bil, present a problem, and get a straight answer to the best of his ability in the interpretation of the House rules. His decisions were objective; his spirit of cooperation was superb.

Bil Cochrane will be badly missed by all of us on both sides of the aisle.

Mr. Speaker, I join the Speaker and the distinguished majority leader in wishing Bil and his family many happy, healthy, and successful years of retirement.

Mr. ALBERT. I thank the distinguished gentleman.

I yield to the gentleman from Missouri.

Mr. BOLLING. Mr. Speaker, it is a pleasure in a sense to join with the distinguished Speaker of the House in sharing this tribute to Bil Cochrane, but there is a sadness to know that he will not be with us.

It has been my privilege to work very closely with him as Mr. Lewis Deschler's principal assistant over many years and in many different ways. Also I have shared with him another particular pleasure, which I hope he will be able to pursue more frequently and with more time. We both love to fish, and we both fish on the Chesapeake Bay. I hope that Bil will take advantage of his retirement, well earned and well deserved, to spend a lot of time fishing on the bay.

I wish him and his family the very best. He has earned his retirement, and I hope he enjoys his fishing.

Mr. ALBERT. I thank the gentleman from Missouri.

I yield to the gentleman from Virginia.

Mr. BROYHILL of Virginia. Mr. Speaker, last Friday William P. Cochrane ended a distinguished Federal career by retiring from the position of Assistant Parliamentarian of the House he has held since 1955.

"Bil" was a friend and constituent of mine for many years. He was well known and admired throughout northern Virginia for his unselfish devotion of time and energy to such charitable and civic endeavors as the Catholic Charities of Northern Virginia, the Great Falls Volunteer Fire Department and the Great Falls Citizens Association. All who knew him were impressed by his intense desire to work for the benefit of his community, his State and his Nation.

His conscientiousness in the discharge of his duties for this body has been equaled by few and surpassed by none. Efficiency, dependability and productiveness have been constant characteristics of his work in the House. We will miss his excellent service and his friendly smile.

I am confident that I express not only my own but the appreciation of all the Members of the House over many years, in saying "thank you" to William P. Cochrane for many, many jobs well done. I know all our colleagues join me in wishing all the happiness that life affords in the years to come.

Mr. ALBERT. I yield to the gentleman from California.

Mr. McFALL. Mr. Speaker, I join with everyone in the expressions of tribute to the abilities of Bil Cochrane. He has been of immeasurable help to the House in its operation since I have known him here in the last 16 years.

I express a certain amount of regret because I had looked forward to his continuing for a long time in his service to the House. I will miss his kindness. I will miss his friendship. Most of all I will miss, I think, as all of us will, his sense of humor because in presiding over the House all of us who have had the opportunity know that when he was there he had a smile and a joke that made the business of our service here that much easier and that much happier.

I hope his retirement will be a happy one. I hope that the minor health problem that seems to be contributing to his retirement will be quickly remedied and we will have him back here to continue his great career.

Mr. ALBERT. I thank the gentleman.

I yield now to the distinguished minority whip and dean of the Republicans of the House, the gentleman from Illinois (Mr. ARENDS).

Mr. ARENDS. Mr. Speaker, I am pleased to join with you the Speaker and others who have spoken here today in paying tribute to Bil Cochrane, a fine gentleman and one who I have had the privilege of knowing for many, many years. Believe me when I say he is the type individual I am proud to call my friend.

During these many past years I have had the opportunity to work with Bil Cochrane. Always he has been an extremely friendly and accommodating person with a most lovable disposition. He is an able student of parliamentary government and knows his job and knows it well. On occasions all of us have had the opportunity of going to Bil and asking him for answers to questions which we could not answer ourselves.

We are going to miss Bil and we wish him and his the best of everything.

Mr. ALBERT. I thank the gentleman from Illinois.

I yield to the gentleman from New Jersey (Mr. THOMPSON).

Mr. THOMPSON of New Jersey. Mr. Speaker, I thank the Speaker for yielding.

When I learned of Bil Cochrane's retirement I was nothing short of horrified because I, as so many other Members, will miss him tremendously. I was particularly interested in the remarks of my friend the majority whip, the gentleman from California (Mr. MCFALL) in relating Bil's sense of humor. Bil really has a most wonderful sense of humor, one of the most wonderful of anyone I have ever known.

Bil and I came here in the same year and fortunately I got to know him in 1955. Mr. Speaker, in your remarks you quoted Bil Cochrane's desire to be Judge Deschler's most loyal and most faithful assistant, and indeed that is so. The other Assistant Parliamentarian, Bill Brown, has an equal dedication. They made a marvelous team.

With respect to the fishing, I do not know that the gentleman from Missouri (Mr. BOLLING) fished so much in the Chesapeake. I do know of his deep interest in that great sport and I am pleased to learn that Bil shared that pleasure with Mr. BOLLING. I hope that Bil's health will be such that he can continue to share fishing time with my distinguished colleague. I hope also that if they have the success which one would expect of such skilled persons that they will share some rockfish with me.

In the years that I have been here I have not attempted, following the late Speaker Rayburn's admonition, to make a parliamentarian of myself, so invariably when Judge Deschler has not been available I have gone either to Bil Cochrane or to Bill Brown. To describe them as impartial and nonpartisan is to be perfectly accurate. To describe Bil Cochrane as a likable and able human being is even more accurate. I count him among my friends and I join his innumerable friends who are serving now and who served earlier in wishing him the very best of everything for himself and for his family.

Mr. ALBERT. I thank the gentleman from New Jersey.

I yield now to the gentleman from Texas (Mr. BURLESON).

Mr. BURLESON of Texas. Mr. Speaker, I thank the Speaker for yielding.

It seems to me there are three essential attributes for those of us who are a part of this great institution, the House of Representatives, to be worthy of our position. These may be indistinguishable in a manner, but first it seems to me there is loyalty, whether one is a Member of Congress or whether one is an employee serving all the way from page up through the rest of us. First is loyalty to those whom we serve, and we all serve somebody.

The other element is dedication, and the two are closely related, of course. Here again he must be dedicated to make this institution work.

Taken all together with these qualities is efficiency. These qualifications, as I say, all go hand in hand. Bil Cochrane is the epitome of all of these attributes.

I regret very much to see him leave his position here in the House of Representatives, but I am glad he is doing so for the reasons given. I wish him the very best for the future.

Mr. ALBERT. I thank the gentleman from Texas.

Mr. MATSUNAGA. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from Hawaii (Mr. MATSUNAGA).

Mr. MATSUNAGA. Mr. Speaker, I thank the distinguished Speaker for yielding.

I join the Speaker in paying tribute to Bil Cochrane. I was most distressed when I first learned of his retirement due to illness.

Bil has been advising Speakers, Acting Speakers, and Chairman of the Committee of the Whole since 1955, when he first joined the House as Assistant Parliamentarian. At that point he had already practiced law for the Department of Justice for 10 years. His Justice Department superiors no doubt depended on him a lot, but I am sure never more than did the Members of the House whom he advised so well.

Many a time I have sat in the Speaker's chair as Speaker pro tem and looked unusually intelligent. I can remember occasions when, had it not been for the coaching, and even recitation of exactly what to say, by Bil Cochrane, I might have looked awfully foolish up there. I am sure that others who have served as Speaker pro tem have known the experience.

I will sorely miss him as a friend and adviser. I am sure others too will miss him.

To Bil Cochrane and his lovely wife, Sara, go my aloha and very best wishes for success and happiness in the coming years. I trust they will both take satisfaction in this simple but sincere comment on Bil's work in the House: "A job well done in the service of his country."

Mr. CULVER. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from Iowa (Mr. CULVER).

Mr. CULVER. Mr. Speaker, I should like to join with many colleagues on both sides of the aisle as they pay tribute to the distinguished legislative career of William Cochrane. If there is any hidden hand in the effective operation of the House of Representatives, it is that of the Parliamentarian and his assistants. For it is to the holders of that unique and historic responsibility that we look for a sense of fairness, of decorum, and for the details of law and procedure which so vitally influence the content of legislation itself.

In the 18 years that Bil Cochrane has spent in the House, his work and his character have been emblematic of all that is best in the parliamentary tradition. Not only has he possessed a rare professional knowledge of law and a concern for its details, he has also had an unusual insight into the operative traditions of this body and into the needs of its Members, committees, and institutions. Few men have had his affection for the House and what it represents in our constitutional system, and few men in turn have so fully earned the affection of all those serving in the House. He has shown a sustained loyalty to three Speakers and has been unfailingly helpful to all Members and to all those serving in a staff capacity as well. His sense of humor, his ability to carry the weight of his knowledge lightly, and his considerations to all have left for many of us indelible and happy memories.

That Bil Cochrane must not withdraw from his work in the House is a source of deep regret. But this is offset by the knowledge that his energy and interests will find new outlets and that his influence will not diminish. We all wish him all future happiness and hope that he will be among the most active alumni of this body. For the House of Representatives has had no finer friend and no more devoted coworker than Bil Cochrane.

Mr. HUNGATE. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from Missouri (Mr. HUNGATE).

Mr. HUNGATE. Mr. Speaker, in the game of politics there are a lot of friendly people and very few friends. Bil Cochrane was a friend, a man one could respect and admire and from whom you would always receive courtesy and kindness.

I recall during my first year here, I had the privilege to write an article for the Missouri Law Review. Of course, the first man I repaired to was Bil Cochrane. I had people whom I thought at first were kind to me remarking that they thought the article was good and original, and then they continued by saying that the part that was good was not original and the part that was original was not good. But, the part that was good was the part that Bil Cochrane had taken care of.

He was always available to provide assistance on any of the questions that might arise concerning parliamentary proceedings.

It has been mentioned before that he is a fisherman, and not only that, but he is a fisherman who catches fish and sometimes shares them with his friends.

In addition to that he was a horologist, a fellow who works on watches. I hope he will have plenty of time in his retirement to enjoy his fishing and his work on clocks and watches and spend many more happy and useful years.

Mr. ROGERS. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from Florida (Mr. Rogers).

Mr. ROGERS. Mr. Speaker, I would like to join with my colleagues also in expressing my appreciation for the fine work Bil Cochrane has done, not only for individual Members, but for the House of Representatives as a whole.

It was my pleasure to come to the House at the same time Bil did, and we have served here since. His work has been exceptional. We will all miss him and we all join in wishing him Godspeed and happiness in the years ahead.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from Iowa (Mr. Gross).

Mr. GROSS. I thank the Speaker for yielding.

With so many of my colleagues, I genuinely regret to hear that Bil Cochrane is retiring. He will be sorely missed by the Members of the House.

Through the years I have come to know Bil very well. Not only is he a fine parliamentarian but he is a gentleman in every respect. Always carrying a heavy workload and busy though he was, he never failed to give helpful counsel in matters pertaining to legislation and procedures under the Rules of the House.

I do not know the Cochrane's plans for the future—into what new waters he and his wife, Peg, will sail the *Sundown*—but whatever they do, wherever they go, the warm good wishes of both Mrs. Gross and myself will go with them.

Mr. MORGAN. Mr. Speaker, the retirement of Bil Cochrane from the job of Assistant Parliamentarian of the House is a bittersweet occasion.

The retirement of so valuable an officer of the Congress as Bil has been must give us a feeling of deprivation and loss.

At the same time, however, he has richly earned the rewards of leisure and self-fulfillment which retirement can bring. That, certainly, is reason to be happy for him.

Since 1955 Bil has served in the very difficult and responsible position as Assistant Parliamentarian. Although his face and his name seldom, if ever, appeared in the press or on television, he has contributed immeasurably to the work of the Congress and to national legislation.

His tenure in this body has been in the highest tradition of congressional service. Self-effacing and loyal, his dedication to duty has been evident to all who have had the opportunity to work with him.

Both as an individual Member of Congress and as chairman of the Committee on Foreign Affairs, I have had countless occasions to call upon the wisdom and expertise of Bil Cochrane. Always he was ready to provide accurate information and good advice.

The floor of the House will not seem the same without Bil's presence—advising the Members, overseeing the work of the House, perhaps telling or listening to a story.

But though he will be missed, we can be confident that he will continue to find success and personal satisfaction in the months and years to come.

Mr. GRAY. Mr. Speaker, I rise today filled with mixed emotions—sad because my long time friend and the great Assistant Parliamentarian of the House, Bil Cochrane, is leaving House service but happy to see anyone gain his deserved retirement.

Bil Cochrane and I came to Congress the same year in 1955, and I knew immediately that Lew Deschler, the House Parliamentarian, was blessed with a brilliant and able Assistant Parliamentarian. Bil Cochrane is the type of individual who always has a smile and a helping hand. During the 19 years I have had the privilege of working with him as a Member of this body, he has always been more than willing to give his valuable time to the Members of Congress and their staffs. During these exciting and historic but hectic years of the fifties, sixties, and seventies, Bil Cochrane has made great contributions to our country and our society.

Mr. Speaker, I know I join every Member of this House on both sides of the aisle in wishing Bil, his lovely wife Sara, and daughter Sally an abundance of health and happiness in the years to come and the only warning I could give would be to the fish in the Chesapeake Bay because I can see the Cochrane's using that same diligence in fishing that Bil has applied to his work in the Congress. We wish you well.

Mr. ROSTENKOWSKI. Mr. Speaker, the last thing Bil Cochrane needs is any Congressional Record prose from me. Bil has been my good friend since I was first elected to the House in 1958. During the 15 years that I have known him, Bil has never been anything else than a consummate gentleman. He has been my good friend, but more important, he has been my close adviser. During the 4-year period that I was privileged to be the chairman of the Democratic caucus, Bil was my right hand. He was always available whenever I needed him—whether it was for his wise counsel, for his shrewd parliamentary interpretations, or when things got rough, for his physical protection. He was literally a caucus staff of one. I am sure that few Members of Congress were aware of the importance of his role in caucus deliberations. Bil would not have had it any other way.

Bil's decision to leave us was as characteristic as the manner of his parliamentary rulings. It was a decisive one. He and his lovely wife, Peggy, have sold their house and shortly will be on their way to South Carolina where they will take up residence on board their boat, the *Sundown*. Next to Peggy and the House of Representatives, the *Sundown* is the real love of Bil's life. And I am not too sure about that order of preference. Now that Bil will have some extra time on his hands, it is my fervent hope that he will use it to judiciously study his navigational charts. I am joined in this aspiration by the U.S. Coast Guard who have been known on occasion to have pulled the *Sundown* off some rather well-marked sand bars.

Mr. BROOKS. Mr. Speaker, we in this body have accepted with almost a casual attitude the excellence of our Assistant Parliamentarian, Mr. Bil Cochrane. We came to expect informed and clearly understandable determinations on even the most involved matters. Fortunately, that reliance was well placed.

He has never given less than outstanding service to the House of Representatives or to any individual Member, to my knowledge. While not always pleased with an unfavorable ruling, we never questioned the fairness of such.

As Assistant Parliamentarian, Bil Cochrane was an essential mainspring of our Parliamentarian's office. While I am sure that that office will continue to operate as effectively now that he has gone, it is a tribute to his thoroughness and ability that the remaining Parliamentarians will be able to function without him.

I personally have a deep respect and admiration for him not only as an able parliamentarian and dedicated American, but also as a cherished friend. I know that his family will welcome the chance to see more of him and I trust that he will find his retirement enjoyable and full of the happiness he has rightfully earned.

Mr. ZABLOCKI. Mr. Speaker, I am pleased to have this opportunity to join you this afternoon in paying tribute to a good friend and an outstanding public servant, Bil Cochrane, who has retired from the position of Assistant Parliamentarian of the House.

It has been my privilege to know Bil since he came to the House in 1955. For many years it has been the order to my staff when a parliamentary question arose: "Call Bil Cochrane."

On dozens of occasions I have myself sought his advice and counsel in preparing legislation, in work on the floor, and to better understand specific rules and procedures of the House.

In all such instances Bil has been unfailingly courteous and helpful. Whether it was in response to me personally or to a member of my staff, he always extended himself to provide the correct information.

On those occasions when I have chaired the Committee of the Whole, Bil has stood at my right hand, with his knowledge of procedure an estimable asset to me—and to all who have served in that capacity.

It was my privilege to serve with Bil in the 9999th Air Force Reserve unit when it was active on Capitol Hill. It afforded me an opportunity to know him personally as we sat together during weekly meetings and during an inspection trip to Latin America.

His wit and wisdom, his personality and qualities of leadership, made him a valued member of the 9999th indeed he contributed much to any group with which he was associated.

His retirement is a personal loss to me and undoubtedly to the entire House. House parliamentarians, being such a small, select group, are never easy to replace. Outstanding Parliamentarians, such as Bil Cochrane, are virtually irreplaceable.

Such feelings for Bil are basically selfish. We are thinking of our own deprivation because of his leaving. Bil, however, amply has earned his retirement after almost two decades of contributing his services to the House of Representatives.

Knowing Bil, I am confident that although he will no longer be formally on the House payroll, he will continue to be ready to provide assistance and advice when called upon to do so.

I join with my colleagues in wishing Bil Cochrane, his lovely wife, and family many happy and prosperous years of leisure and retirement. We will miss Bil Cochrane. It is our fond hope he will miss us and come back to see us often.

GENERAL LEAVE

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks at this point in the RECORD on the subject matter of my remarks, and that all Members may have 5 legislative days in which to insert their remarks in the RECORD on the subject of the retirement of William P. Cochrane, Assistant Parliamentarian.

Further, Mr. Speaker, I ask unanimous consent that a letter written by our distinguished Parliamentarian may be inserted as a part of my statement.

The SPEAKER pro tempore (Mr. BRADEMAS). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PROTECTION OF SENIOR CITIZENS SOCIAL SECURITY BENEFITS INCREASE

(Ms. HOLTZMAN asked and was given permission to address the House for 1 minute, to revise and extend her remarks and include extraneous matter.)

Ms. HOLTZMAN. Mr. Speaker, yesterday I introduced H.R. 6447, a bill which would guarantee that social security recipients will not lose entitlement to federally assisted programs because of the 1972 20-percent increase in social security benefits.

I was shocked to learn from senior citizens in my district that their economic position has actually worsened because of these increases. This tragic irony is a product of the fact that present social security provisions dictate that State and Federal agencies, except in very limited instances, count these increases as additional income in determining eligibility to federally funded programs.

Needless to say, this has worked a tremendous hardship against a disadvantaged group. For example, in New York City alone, over 10,000 elderly social security recipients recently have received notices that they are now ineligible for medicaid since their increased social security benefits places their income above the eligibility ceiling.

I cannot believe that in passing H.R. 1, the 92d Congress purposefully intended such harsh results, especially during a time when many of our senior citizens are on the frontline of the battle against runaway inflation.

H.R. 6447 would rectify injustices of this nature. It would require both State and Federal agencies to completely disregard the 1972 social security increases in determining eligibility and entitlement for all federally assisted programs, including medicaid, public housing, food stamps, aid to the aged, blind, and disabled, as well as benefits to veterans and retired individuals.

Moreover, H.R. 6447 clarifies what has been considered by New York City officials to be an ambiguity in other "pass-through" legislation introduced in Congress to date. It makes clear that the 1972 increases will be disregarded for the fixing or adjustment of rentals in, as well as the admission to, low rent public housing. The New York City Housing Authority has informed me that unless remedial action is immediately forthcoming in this regard, that agency will be compelled to either evict, or substantially increase the rents of, thousands of tenants in federally subsidized buildings.

In short, the need for this legislation is critical. It is my hope that Congress will act favorably upon H.R. 6447 and do so expeditiously.

CALL OF THE HOUSE

Mr. MATHIS of Georgia. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 65]

Badillo
Burke, Calif.
Carney, Ohio
Chisholm
Clark
Davis, Wis.
Dickinson
Diggs
Eckhardt
Edwards, Ala.
Erlenborn
Hansen, Wash.
Harvey
Hébert
Karth
King
Kuykendall
Landrum
McCollister
McCormack
Metcalfe
Mills, Ark.
Montgomery
Price, Tex.
Quie
Reid
Rooney, N.Y.
Sandman
Shipley
Skubitz
Staggers
Stephens
Treen
Wilson, Charles, Tex.
Wright

The SPEAKER. On this rollcall 398 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

A PROPOSAL: MEATLESS TUESDAYS

(Mr. PODELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PODELL. Mr. Speaker, while I believe that it is not possible for families young or old to persist for long in a boycott of meat and meatless diet, I support the boycott wholeheartedly.

What should be done is that the President announce at once a national policy of meatless Tuesdays, beginning immediately and lasting until such time as supply reasonably coincides with demand.

During World War II, the last time we faced a meat crisis of this size, the White House, calmly corrected imperfections in the law of supply and demand by almost unanimously supporting meatless Tuesdays. The result of the years-long effort saw the dwindling supply of meat available to the public at fair prices and a sense of national pride at having solved still another problem.

Mr. Speaker, I believe that meatless Tuesdays, combined with a price rollback to phase II, would most closely satisfy the needs of all parties. It would give the cattle industry more time, the consumers a fairly priced supply of meat, and the entrepreneurs along the way a reasonable profit.

THE PASSING OF DR. SIDNEY FARBER—A FIGHTER AGAINST CANCER

(Mr. ROGERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS. Mr. Speaker, it is with great sadness that I inform the House of the passing of Dr. Sidney Farber. A man of extraordinary energy and ability, Dr. Farber served as director of the Children's Cancer Research Foundation, the "Jimmy Fund," and for 41 years as professor at the Hararvd University School of Medicine. But he will be best known to the Members of the House as a brilliant researcher into the causes and treatment of cancer.

Unwilling to accept cancer as an incurable disease, Dr. Farber pioneered the technique of "chemotherapy" in the treatment of cancer victims. His discovery of the uses of actinomycin-D and aminopterin in the treatment of cancer of the kidneys and leukemia were great breakthroughs in our ability to offer relief to the victims of these diseases.

The Subcommittee on Public Health and Environment is indebted for the invaluable advice and assistance of Dr. Farber in writing the National Cancer Act of 1971.

With his passing we have lost a compassionate man, whose legacy is not only the great relief his research afforded the victims of cancer, but also the realization that with great effort we can successfully combat this tragic disease.

I extend my most sincere condolences to Dr. Farber's wife, Norma, and to their four children.

MAJORITY LEADER THOMAS P. O'NEILL, JR., CRITICIZES NETWORKS FOR FAILING TO GRANT EQUAL TIME TO THE DEMOCRATIC CONGRESSIONAL LEADERSHIP

(Mr. O'NEILL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. O'NEILL. Mr. Speaker, last night Senator Muskie delivered a response to the President's nationwide television address. Senator Muskie had been chosen to make the reply in behalf of the Democratic majority of both Houses of Congress.

Unfortunately, the Nation's three major television networks refused to grant equal time. There was no live television broadcast of the address.

I do not know whether the decision was merely poor judgment by the networks, or whether the networks were intimidated by the President's power to regulate the uses of the air waves.

In whatever event, the networks defaulted on their responsibility to the public. President Nixon had free access to an audience of as many as 100 million Americans. He used his free television time to make a partisan appeal for votes in the Congress to uphold his current and projected vetoes of legislation.

The President has made it his practice to use the air waves to promote his own policies. The Democratic majority in Congress has a right to equal time to present its alternatives to those policies. And the networks have a clear responsibility to transmit both sides of this debate on national policy matters to the citizens that all of us serve.

The television networks cannot be permitted—deliberately or by default—to become allied exclusively with administration policies.

VOCATIONAL REHABILITATION LEGISLATION

(Mr. ESCH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ESCH. Mr. Speaker, in a statement issued by my office last Thursday, we drew a comparison between the Esch-Erlenborn and the vetoed vocational rehabilitation legislation and we utilized figures in our factsheet which indicated that the total amount of authorization in the vetoed bill for fiscal year 1974–75 would be $2.48 billion. The statement failed to contain a footnote indicating that this figure was based on the assumption that there would eventually be provided a vehicle for funding to the States in fiscal year 1975 at least to a comparable amount funded in fiscal year 1974. The truth is that the vetoed bill has no dollar figure for fiscal year 1975, for I understand that it is the subcommittee chairman's decision to review the delivery system for title I funds prior to that year especially as it relates to the larger States. I wanted to make sure that the Members of the House knew that there was no intention to deceive with dollar figures and that there was no attempt to balloon the total dollar amounts of H.R. 17. I apologize to the chairman of the subcommittee. I have so indicated to the chairman and author of this bill and have asked him to indicate that our assumption was in error. That is that it was not his intent to fund title I for fiscal year 1975 and at least to the dollar amounts equal to the previous year. Without such specific denial, we should have to assume our assumption was correct. The chairman of the subcommittee, the gentleman from Indiana (Mr. Brademas) has done a most effective job in developing and in working closely and diligently on this legislation during the past many months and while we are not in agreement today, I am hopeful that through his leadership and his efforts we can, if the President's veto is sustained today, work together for effective legislation that can be enacted into law. Indeed, it is most regrettable that the House finds itself in a position of forcing this to become a partisan issue. Surely the handicapped of this Nation deserve more than to be caught in a partisan political crossfire.

I AM HONORED

(Mr. KOCH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, on Sunday a very distinguished Member of the other body, Senator Lowell Weicker, revealed that six Senators and three Members of this House, myself included, had been placed under surveillance by the "Watergate Seven." It came as a shock to know that the activities of a national political party had gone to such extremes.

I remember being on the floor in October of last year not knowing that I was one of a number of Senators and Congressmen who had been targets of the Watergate Seven's activities. At that time I suggested that what we were witnessing with Wategate bugging and the sabotage of campaign efforts of Democratic Presidential candidates could be compared to the tactics used by the "Brownshirts" in Germany in the 1930's. I remember Members here on the floor booing and saying that such a comparison was ridiculous.

I just say to the Members in this House on both sides of the aisle that something has got to be done. If we are going to find a situation in which persons working at the behest of individuals in the executive branch of this Government are trying to intimidate Members of the House, the whole House must stand up and resist.

Yesterday I placed on the door of my office in the Longworth Building a sign which read:

> These premises were "surveilled" by the Watergate Seven. Watch yourself.

This happened to six Senators and three Members of this House. It is time that the House act to protect its integrity.

CALL OF THE HOUSE

Mr. DAVIS of South Carolina. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond.

[Roll No. 66]

Adams
Bray
Brown, Calif.
Burke, Calif.
Carey, N.Y.
Carney, Ohio
Chisholm
Clark
Cleveland
Dellenback
Diggs
Dingell
Edwards, Ala.
Erlenborn
Flowers
Grover
Gunter
Hansen, Wash.
Harvey
Hays
Hébert
Holifield
Ichord
King
Madden
Martin, Nebr.
McCollister
McCormack
McSpadden
Melcher
Metcalfe
Michel
Mills, Ark.
Mitchell, Md.
Montgomery
Myers
Nelsen
Patman
Pettis
Pike
Price, Tex.
Quie
Rees
Reid
Rooney, N.Y.
Ryan
Shipley
Sisk
Staggers
Stanton, J. William
Stephens
Symington
Thompson, N.J.
Whalen
Widnall
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wright

The SPEAKER. On this rollcall 375 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

HEARINGS ANNOUNCED BY FOREIGN OPERATIONS AND GOVERNMENT INFORMATION SUBCOMMITTEE ON FEDERAL INFORMATION SYSTEMS AND PLANS—THE POTENTIAL OF INFORMATION TECHNOLOGY TO SERVE NATIONAL NEEDS

(Mr. MOORHEAD of Pennsylvania asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, in January I described to our colleagues some of the background work of the Foreign Operations and Government Information Subcommittee in the investigation of Federal agencies' development of advanced information technology. Congressional Record, volume 118, part 2, page 1566. At that time, I mentioned that the subcommittee would hold extensive hearings on this important subject during the session.

I am today announcing that phase 1 of these hearings will begin next Tuesday, April 10, at 10 a.m. in room 2203, Rayburn House Office Building. They will continue on Tuesday, April 17. The first phase will hear testimony from two panels of outstanding experts who will discuss various opportunities offered by information and communications technology to improve various types of information services that can be provided for the public by Federal agencies.

In June, the subcommittee is planning additional hearings to explore the operation of the Federal Information Centers and other existing information systems of Federal agencies and the future plans for their development. In the fall, we will examine implications for Federal planning in the information technology field, the potential for abuses of individual privacy, and the types of safeguards that will be required. At the conclusion of my remarks, I will include an outline of all phases of these important hearings.

Mr. Speaker, these hearings will explore what role the Federal Government should play in the development and application of new information and communications technologies. We are now being told that life in the home, in the community, and in the Nation may soon be significantly changed as revolutionary new information systems are put into operation. The subcommittee will look at how these vastly expanded information systems might be utilized to improve the full range of public information services provided by Federal agencies, including their economy and efficiency.

The witnesses and topics of discussion at the April 10 and 17 hearings are as follows:

FOREIGN OPERATIONS AND GOVERNMENT INFORMATION SUBCOMMITTEE HEARINGS ON FEDERAL USE AND DEVELOPMENT OF ADVANCED INFORMATION TECHNOLOGY: WITNESS LIST

SUBJECT AND PANELIST

Tuesday, April 10, 1973

Overview of current information technology: Professor Robert M. Fano, Associate Head for Computer Science and Engineering, Department of Electrical Engineering, Massachusetts Institute of Technology.

Applications of information technology in the school: Donald L. Bitzer, Director, Computer-Based Education Research Lab, University of Illinois.

Applications of information technology in health care: Professor Paul Zukin, M.D., School of Public Health, University of California at Los Angeles.

Applications of information technology in the cities (CATV): Weston E. Vivian, Ann Arbor, Michigan.

Tuesday, April 17, 1973

Information and communications technology and local government: Professor Oliver E. Dial, Director, Municipal Information Systems Research Lab, Long Island University.

Information and communications technology and general education: Professor Marvin Adelson, School of Architecture and Urban Planning, University of California at Los Angeles.

Information and communications technology and rural development: George Tressel, Director, Communications and Media Research, Batelle Columbus Lab, Columbus, Ohio.

Effects of information technology on the individual: Herbert S. Dordick, Director, Office of Telecommunications, City of New York.

OUTLINE OF HEARINGS

Federal information systems and plans—Federal Use and Development of Advanced Information Technology.

Subcommittee on Foreign Operations and Government Information Committee on Government Operations U.S. House of Representatives.

Summary: Hearings will survey electronic information and communications technologies and examine their relevance to the full range of Federal information activities, in terms of both content and delivery.

The key questions are these: How can information technology be utilized to meet the needs of society? What information services utilizing that technology should be provided by the Federal Government?

An allied question concerns what Federal initiatives are required to assure the best use of these new technologies.

Initial hearings will survey conflicting views and define issues. What can the new information technology do and what can't it do? What secondary consequences do experts anticipate? Should Federal information activities be expanded or not, and in what ways?

Subsequent hearings will examine implications for Federal planning and policy-making. What kinds of controls and safeguards will be needed? Where and how should Federal plans and policies be formulated?

Hearings will be scheduled in three phases—tentatively in April, June and September of 1973—to cover the following:

The potential of information technology to serve national needs.

Existing information systems of Federal agencies and future plans.

Policy-making and planning for Federal information activities.

Background: Amidst a profusion of technological advances, those which pertain to information and communications warrant special attention. Experts assert that "advances in the storage, retrieval, processing and distribution of information make up the central technological achievements of the 20th century's third quarter."[1]

Moreover, information technology directly affects the lives of most individuals and the development of society. "The way men deal with each other and with the distant world is about to be transformed by a combination of the computer, innovations in the transmission of signals, and new ways to feed images into this system and to take them out."[2]

In recent years models for multi-service and "total" communications systems have been designed for particular purposes, for cities and regions, and finally for the nation as a whole. We have proposals for "electronic classrooms", for the "wired city", and for a "wired nation".

New information technology raises difficult questions for Federal Government. What roles should government play in its development and use?

At the simplest level, Federal agencies are major users of information and communications facilities, and as was recently reported, "to achieve cost-effective telecommunications, government agencies will increase their efforts to design systems which meet more than one need."[3]

At another level, some Federal agencies have been moving in the direction indicated by a lengthy 1968 study which recommended that they "search out new applications of communications technology which hold promise of social payoff in such areas as adult education and job training, medicine, alleviation of racial tensions, and public enlightenment and entertainment."[4]

In 1971 a Federal interagency team urged a new Federal initiative to conduct a full set of national, regional and urban public experiments to demonstrate how new information and communications technologies can improve social, cultural, educational, health, law enforcement and other services.[5]

That same study went one step further. It projected an elaborate "national communications system" complete with diagrams and cost estimates.[5]

Scope of Hearings: The scope of hearings will be determined by a number of considerations.

Jurisdiction: First, the jurisdiction of the Subcommittee is limited in certain respects.

The Subcommittee is responsible for studying the operation of Government information activities at all levels with a view to determine their economy and efficiency.

The Subcommittee has expressed particular concern with the improvement of the public information capabilities of Federal agencies.

Federal information activities involve systems incorporating cable, public broadcasting, databanks and other elements. However, the Subcommittee does not have jurisdiction over the licensing and general regulation of radio, TV, and cable facilities.

Hearings will focus primarily on information systems per se, not on discrete questions associated with these separate elements—questions which fall within the jurisdictions of other Committees.

Public Information: Hearings will focus on Federal activities which serve public information needs.

"Public information" is defined as information of use to the general public, including private groups, organizations and businesses, as well as public institutions and State and local governments.

Federal Information Activities: Hearings will consider all Federal information activities, not simply those providing basic service information such as weather reports, census data, and the like.

Federal reporting about the processes and actions of Federal Government is a primary concern.

Federal activities which produce other materials for education, orientation, or similar uses are also of primary concern.

Federal information activities which essentially serve the routine management needs of Federal and other government agencies will *not* be given special attention.

Federal Support: Questions of what information activities Federal Government should *engage* in lead to other questions of how Government should support development of information systems to meet the needs of society.

Hearings will also consider Federal responsibilities to provide financial and advisory assistance to other public and private information systems, including research and development, demonstrations, systems planning, evaluation, etc.

It should be emphasized, however, that the primary focus of hearings will be on the Federal Government's own information systems and services.

FOOTNOTES

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[1] "Information Technology: Some Critical Implications for Decision Makers"—The Conference Board Inc., 1972.

[2] "The Information Machines: Their Impact on Men and Media" by Ben H. Bagdikian—Harper and Row, 1971.

[3] "Cost-Effective Telecommunications Systems Sought by Federal Agencies"—Commerce Today, Nov. 13, 1972.

[4] "Final Report of the President's Task

Force on Communications Policy"—Dec. 7, 1968.

[5] "Communications for Social Needs: Technological Opportunities" Study for the President's Domestic Council, Sept. 24, 1971 (Internal document).

TO RESTORE STATE CONTROLS ON ABORTIONS

(Mr. O'BRIEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. O'BRIEN. Mr. Speaker, the recent decision of the U.S. Supreme Court to override State abortion statutes has far-reaching implications, not only for the lives of millions of unborn children, but also for the power of the States to legislate effectively regarding a matter traditionally and most suitably a State concern.

The effect of the decision, according to Justice Byron A. White in his dissenting opinion, is that—

> The people and the legislatures of the 50 States are constitutionally disentitled to weigh the relative importance of the continued existence and development of the fetus on the one hand against a spectrum of possible impacts on the mother on the other hand.

When does human life begin? For what reasons and under what circumstances, if any, may a human life be terminated? These are questions over which sincere men and women can—and do—differ. The answers to these questions have social and political ramifications which, in my opinion, make them ill-suited to judicial decisions. To quote Mr. Justice White's comment on the decision:

> The Court apparently values the convenience of the pregnant mother more than the continued existence and development of the life or potential life which she carries. Whether or not I might agree with that marshalling of values, I can in no event join the Court's judgment because I find no constitutional warrant for imposing such an order of priorities on the people and legislatures of the States. In a sensitive area such as this, involving as it does issues over which reasonable men may easily and heatedly differ, I cannot accept the Court's exercise of its clear power of choice by interposing a constitutional barrier to state efforts to protect human life and by investing mothers and doctors with the constitutionally protected right to exterminate it. This issue, for the most part, should be left with the people and to the political processes the people have devised to govern their affairs.

I believe that many of my colleagues in Congress would agree that these are questions which the people, through the vehicle of their elected representatives, ought to be able to decide for themselves.

Accordingly, I am introducing today a joint resolution proposing an amendment to the Constitution of the United States which would restore to the States the authority to decide these and related questions.

My proposed amendment reads:

> Nothing in this Constitution shall bar any State, or the Congress with regard to any area over which it is granted the power to exercise exclusive legislation, from enacting laws respecting the life of an unborn child from the time of conception.

My amendment would assure to the people, through their chosen representatives or in certain cases by referendum, the power to decide the rights of and the responsibilities of society toward the unborn. It should satisfy the many Americans who sincerely believe abortion to be wrong and who now feel vexed and frustrated at their inability to influence any decision as to where the line should be drawn between the rights of the mother and the rights of the unborn child. At the same time it ought to receive the support of those who honestly feel that this is a matter most appropriately left to the States to decide. I feel that my amendment is capable of generating the widest range of support and, therefore, affords the best opportunity for remedying the adverse effect of the recent Supreme Court ruling.

My personal views find expression in the eloquence of the distinguished French philosopher, Francois Mauriac, when he wrote:

> I believe as I did as a child, that life has meaning, a direction, a value; that no suffering is lost, that every tear counts, and each drop of blood, and the secret of living in today's troubled world is found in the simple phrase of St. John, "Deus caritas est."

MALPRACTICE INSURANCE

(Mr. HUBER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HUBER. Mr. Speaker, on the first of last month when introducing a bill to establish a blue-ribbon commission to study the problem of medical malpractice awards, I mentioned to my colleagues that malpractice awards were becoming exorbitant.

It is an obvious fact of economic life that physicians, hospitals and clinics must buy more insurance to protect themselves from such suits. In turn, the substantially added cost of more malpractice insurance must be passed on to the individual citizen in the form of higher medical charges. Some way that is fair to all must be found to curb this trend.

The following article, from the March 27, 1973, edition of the Washington Star and Daily News, recounts another example of such a malpractice suit.

CHILDREN'S HOSPITAL APPEALS $900,000 AWARD TO GIRL

Children's Hospital today requested a new trial in the case in which a jury decided last week that the hospital must pay $900,000 to a young girl who became blind after treatment there.

In a motion filed before U.S. District Court Judge John Lewis Smith Jr., the hospital's attorney claimed that the verdict was excessive and "reflects the deliberate actions on the part of plaintiff's attorneys of the amount sued for or desired, and the interjection of insurance in the case."

Normally civil juries are not informed of the amount of damages a plaintiff is claiming, nor are they told whether the defendant has insurance to cover the damages claimed.

However, in his opening statement in the case, plaintiff's attorney Melvin Belli told the jury his client would be asking for more than $1 million in damages, and the plaintiff's lawyers also told the jury the hospital had insurance, the defense claims.

The plaintiff is Sharlene Morris, 14, of Lamont Street NW, who according to the allegations was found to be suffering from Stevens-Johnson syndrome after having been treated at Children's with a drug, Dilantin, in an effort to control seizures.

The defense presented evidence that the cause of the syndrome, which results in a peeling away of skin, including the protective skin over the cornea of the eyes, is not known, and that the ailment could not be attributed to Dilantin since other drugs and conditions were involved in the case, as was some type of virus infection.

Denver H. Graham, the hospital's attorney, also noted in the motion that he moved for a mistrial as soon as Belli mentioned the amount sought, but that the judge denied the motion.

The judgment was the largest in memory by a civil jury in a personal injury case in the District. Graham said immediately after Friday's verdict that he would ask for a new trial or a judgment for the hospital.

MASS TRANSPORTATION AMENDMENTS OF 1973

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. BIAGGI) is recognized for 15 minutes.

Mr. BIAGGI. Mr. Speaker, I am pleased to introduce legislation today which will go a long way toward solving our current transportation crisis and providing a solid financial basis for meeting the future transportation needs of our ever-expanding urban population.

Massive Federal financial assistance for new urban transportation systems is imperative. The need for mass transit services has steadily grown over the past decade, finally reaching the crisis level in many of our major cities. We cannot allow the cry for help to go unheeded. The fact is a growing majority of Americans live in or near metropolitan areas.

The transportation problem is already a major concern in every large city today, but in the very near future a surprising number of our country's suburban and rural areas will be facing the same situation. Let us meet the challenge realistically. Let us not put off the problem until tomorrow. The time to act is now.

My proposed legislation, to be cited as the Urban Mass Transportation Amendments of 1973, represents a direct approach to the mass transit problem. The bill provides emergency commuter relief funds which will be made available to subsidize commuter systems currently operating in deficit. These funds will also have the effect of providing financial security that is necessary to enable existing mass transit operations to modernize and expand their services. The proposal allocates $800 million for such uses over the next 2 years.

Today, many of our cities have rail and bus companies—both private and public—which are operating on the brink of bankruptcy. In most cases, these commuter systems are saddled with outdated equipment and offer poor services to the public. The dilapidated condition of the equipment further encourages the traveling public to return to the automobile. The conveniences which the car provides are not being matched by the existing mass transit lines. As the number of riders decreases, these lines are forced to raise their fares to meet rising operating costs. This step further accelerates the vicious cycle. These are the unfortunate realities of the existing mass transit predicament.

However, the emergency provisions I am including in this legislation will arrest the downward swing in quality of service, and stop the rise in public transportation fares. This legislation will have the effect of stabilizing the mercurial mass transit economic picture, thus enabling transit companies to make long-range financial plans.

These decisions cannot be made at a time when the company is struggling to survive on a day-to-day basis. Once on firm ground, commuter lines can take steps to modernize and develop more efficient services.

We must respond to the changing needs of our populace. Clearly what is needed today and what will be needed in the future is a safe, clean, nonpolluting and effective mass transportation network. I believe that the legislation I am introducing today will provide the necessary funds to construct just such a system.

Extensive highway construction is no longer an immediate priority. In fact, these projects have recently been creating many more problems than they can solve. In the first place, there simply is not enough space to build all the highways available that would be necessary to accommodate the entire motoring public. All too often local communities are uprooted to make way for the construction of new highways. Second, there is the escalating problem of severe air pollution. The automobile is the major contribution to the unhealthy state of our city air. How much more of this blatant assault on our environment can we tolerate? Much can be done to alleviate these problems by reducing our reliance on the automobile.

I do not mean to indicate that the car has lost its usefulness but rather that equally comfortable and efficient means of transportation can be constructed. Modern mass transit systems, better suited to metropolitan America, will be made available by this legislation.

There exists today an abundance of evidence to encourage the maintenance of mass transit operations and the construction of new lines where appropriate. Once clean, attractive, and efficient services are offered to the public, success will be forthcoming.

San Francisco's public transit system is an excellent example of the kind of success we are capable of achieving. In that metropolitan area, up-to-date technology and ample capital were combined to construct the Bay Area Rapid Transit System—BART. It has attracted substantial public support by moving greater numbers of people more quickly and more efficiently, and by simultaneously alleviating the overcrowded state of the highways. The results of this project conclusively prove that modern mass transit systems can succeed in our major urban centers.

Los Angeles provides an unfortunate example of what occurs when a large urban area relies too heavily on automobile transportation. Public transportation is virtually non-existent. As the demand grew for more highways in the Los Angeles area, they were constructed. Ironically, rush-hour traffic in this city—which has built one of the largest freeway networks in the world—slows twice daily to a virtual halt. Today the Los Angeles metropolitan area is undergoing perhaps the most severe transportation crisis in the country.

A related issue is the increasing need for rapid mass transit services within and between certain suburban towns. There are currently 70 million Americans living in our suburbs, approximately one-third of whom do not own cars. Until recently the only way of commuting within these areas was by automobile or taxi.

One response to this situation has been the minibus. In Mansfield, Ohio, for example, the Ford Motor Co. has successfully implemented just such a service, featuring minibuses with attractive thick carpeting and comfortable seats. A second Mansfield experiment is called the "dial-a-ride" system, in which the bus service combines the convenience of a taxi with the economy usually associated with mass transit. Similar services have been introduced in certain suburbs of Seattle, Cleveland, San Francisco, Toronto, and here in the District.

The need for mass transit networks throughout this Nation is a documented fact. I have attempted to demonstrate that the mass transit crisis will not be solved with a simplistic solution. So many of our urban and suburban areas have much to gain through the construction and maintenance not only of highways, but of efficient mass transit networks.

We must recognize the fact that mass transit systems and highway networks are not mutually exclusive, but rather complementary. We must combine the best points of each, and thereby encourage the construction of one, unified, effective transportation system. Passage of the Urban Mass Transportation Amendments of 1973 will enable communities across the Nation to accomplish this very task.

The bill reads as follows:

H.R. 6482

A bill to amend the Urban Mass Transportation Act of 1964 to authorize increased and additional grants to improve mass transportation service in urban areas, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Urban Mass Transportation Amendments of 1973".

TITLE I—IMPROVEMENTS IN URBAN MASS TRANSPORTATION PROGRAM

FINDINGS

SEC. 101. The Congress finds that—

(1) over 70 per centum of the Nation's population lives in urban areas;

(2) transportation is the lifeblood of an urbanized society and the health and welfare of that society depends upon the provision of efficient, economical, and convenient transportation within and between its urban areas;

(3) for many years the mass transportation industry satisfied the transportation needs of the urban areas of the country capably and profitably;

(4) in recent years the maintenance of even minimal mass transportation service in urban areas has become so financially burdensome as to threaten the continuation of this essential public service;

(5) the termination of such service or the continued increase in its cost to the user is undesirable, and may have a particularly serious adverse effect upon the welfare of a substantial number of lower income persons;

(6) some urban areas are now engaged in developing preliminary plans for, or are actually carrying out, comprehensive projects to revitalize their mass transportation operations; and

(7) immediate substantial Federal assistance is needed to enable many mass transportation systems to continue to provide vital service.

INCREASE IN FEDERAL GRANT RATIO

SEC. 102. (a) The fifth sentence of section 4(a) of the Urban Mass Transportation Act of 1964 is amended to read as follows: "The Federal grant for any such project to be assisted under section 3 (other than a project for payment of operating expenses) shall be in an amount equal to 90 per centum of the net project cost."

(b) The amendment made by subsection (a) shall apply only with respect to projects which were not subject to administrative reservation on or before July 1, 1973.

ASSISTANCE FOR OPERATING EXPENSES

SEC. 103. (a) Section 3 of the Urban Mass Transportation Act of 1964 is amended—

(1) by striking out "No" in the fifth sentence of subsection (a) and inserting in lieu thereof "Except as provided in subsection (f), no"; and

(2) by adding at the end thereof a new subsection as follows:

"(f) (1) The Secretary is also authorized, on such terms and conditions as he may prescribe, to make grants or loans to any State or local public body to enable it to assist any mass transportation system which maintains mass transportation service in an urban area to pay operating expenses incurred as a result of providing such service. No financial assistance shall be provided under this subsection unless—

"(A) the Secretary determines that the mass transportation service provided by the system involved are needed to carry out a program referred to in section 4(a),

"(B) the applicant State or public body has submitted to the Secretary a comprehensive mass transportation service improvement plan which is approved by him and which sets forth a program, meeting criteria established by the Secretary, for capital or service improvements to be undertaken for the purpose of providing more efficient, economical, and convenient mass transportation service in an urban area, and for placing the mass transportation operations of such system on a sound financial basis, and

"(C) the Secretary determines that the mass transportation services provided by each system involved is being provided by an efficient operation of such system in accordance with regulations promulgated by the Secretary.

"(2) The amount of any grant under this subsection to a State or local public body to enable it to assist any mass transportation system to pay operating expenses shall not exceed twice the amount of financial assistance provided from State or local sources for that purpose. The Secretary shall issue such regulations as he deems necessary to administer this subsection in an equitable manner. Such regulations shall include appropriate definitions of (A) operating expenses, and (B) the sources or type of State or local financial assistance which may be considered in computing the maximum allowable Federal grant."

(b) The fourth sentence of section 4(a) of such Act is amended by striking out "section 3" and inserting in lieu thereof "section 3 (other than subsection (f))".

(c) Section 4(c) of such Act is amended—

(1) by inserting "(1)" after "(c)";

(2) by striking out "sections 3, 7(b), and 9" and inserting in lieu thereof "section 3 (except subsection (f)), and sections 7(b) and 9";

(3) by striking out "this subsection" wherever it appears and inserting in lieu thereof "this paragraph"; and

(4) by adding at the end thereof a new paragraph as follows:

"(2) To finance grants and loans under section 3(f) of this Act, the Secretary is authorized to incur obligations on behalf of the United States in the form of grant agreements or otherwise in amounts aggregating not to exceed $800,000,000. This amount shall become available for obligation upon date of enactment of this paragraph and shall remain available until obligated. There are authorized to be appropriated for liquidation of the obligations incurred under this paragraph not to exceed $400,000,000 prior to July 1, 1974, which amount may be increased to not to exceed an aggregate of $800,000,000 prior to July 1, 1975. Sums so appropriated shall remain available until expended."

(d)(1) Section 12(c) of such Act is amended—

(A) by striking out "and" at the end of paragraph (4);

(B) by striking out the period at the end of paragraph (5) and inserting in lieu thereof "; and"; and

(C) by adding after paragraph (5) a new paragraph as follows:

"(6) the term 'mass transportation system' means any private company or public authority or agency providing mass transportation service."

(2) Section 12 of such Act is further amended by adding at the end thereof the following new subsection:

"(f) The provision of assistance for the payment of operating expenses under section 3(f) shall not be construed as bringing within the application of chapter 15 of title 5, United States Code, any nonsupervisory employee of an urban mass transportation system (or of any other agency or entity performing related functions) to whom such chapter is otherwise inapplicable."

INCREASE IN BASIC ASSISTANCE AUTHORITY

Sec. 104. Section 4(c) of the Urban Mass Transportation Act of 1964 is amended by striking out "$3,100,000,000" in the first and third sentences and inserting in lieu thereof "$6,100,000,000".

GRANTS FOR TECHNICAL STUDIES

Sec. 105. Section 9 of the Urban Mass Transportation Act of 1964 is amended—

(1) by inserting "(a)" after "Sec. 9.";

(2) by striking out "engineering, and designing" in the first sentence and inserting in lieu thereof "engineering, designing, and evaluation";

(3) by striking out "and" before "(3)", in the second sentence, and by inserting before the period at the end of such sentence the following: ", and (4) evaluation of such projects after their implementation";

(4) by striking out "section" and "two-thirds" in the third sentence and inserting in lieu thereof "subsection" and "90 per centum", respectively; and

(5) by adding at the end thereof the following new subsection:

"(b) The Secretary is authorized to utilize not to exceed one-half of 1 per centum of the authorization provided in section 4(c) to carry out technical studies by contract without limitation on the Federal share of the cost."

THE OFFICE OF ECONOMIC OPPORTUNITY

The SPEAKER. Under a previous order of the House, the gentleman from Iowa (Mr. Gross) is recognized for 15 minutes.

Mr. GROSS. Mr. Speaker, the ultraliberal do-gooders who held sway in Washington in the 1960's fervently embraced the fallacious theory that the way to solve any problem is to throw money at it. The bigger the problem, the more you throw.

They told us that the way to end poverty was to throw money at the poor, and the result was the Office of Economic Opportunity—OEO—undoubtedly one of the best examples of bureaucratic bumbling and utter waste that has ever been created by the mind of man.

Now that moves are being made to abolish the OEO, the moans and groans of the professional poor corps—the bureaucrats who make a living off this misguided program—are heard across the land.

The truth is that the OEO, as it has been operated, should be scuttled without a trace and before any more of the taxpayers' hard earned money can be thrown away. I want to cite a few examples of how the taxpayers of America have been swindled—examples which are reason enough to do away with this program.

CALL OF THE HOUSE

Mr. MATHIS of Georgia. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 67]

Anderson, Ill.
Bray
Burke, Calif.
Byron
Carey, N.Y.
Carney, Ohio
Chisholm
Clark
Clausen, Don H.
Coughlin
Dennis
Diggs
Dingell
Edwards, Ala.
Foley
Gunter
Hansen, Wash.
Harvey
Hays
Hébert
Helstoski
King
Leggett
McCollister
McCormack
McSpadden
Melcher
Metcalfe
Mills, Ark.
Mitchell, N.Y.
Montgomery
Myers
Pike
Powell, Ohio
Price, Tex.
Quie
Railsback
Roe
Rooney, N.Y.
Ryan
St Germain
Shipley
Slack
Steele
Steelman
Stephens
Teague, Tex.
Thompson, N.J.
Widnall
Wilson, George, Tex.
Wright

The SPEAKER. On this rollcall 382 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

THE OFFICE OF ECONOMIC OPPORTUNITY

The SPEAKER. The gentleman from Iowa has 8 minutes remaining.

Mr. GROSS. Mr. Speaker, as I was saying, in Chicago, the director and the board of directors of an OEO-financed program, set up allegedly to help minority medical students, decided to take a trip to the People's Republic of China. Since the trip was supposed to be a private one, the director billed OEO $3,270 for a conference in Los Angeles. The money was actually used for airline tickets to California as the first stage of the trip to China.

A total of $1,050 in telephone bills was run up on calls to China and from Honolulu in connection with this junket.

The director also submitted $40 per diem travel expense vouchers when $25 a day was the approved rate and in one March to November period alone he collected $5,887 for such "expenses."

Finally, the director deposited $210,000 of OEO funds in a Chicago bank on the excuse that he wanted to give business to a deserving minority bank. The bank in question is not minority owned and does not normally make loans to minority or other students. Perhaps it is simply coincidence that no checks have been written on this account and that the bank has made two unsecured loans to the director since the account was opened.

In Baltimore, Md., the organizer of an alleged teaching and research "institute" set himself up as president of a corporation and proceeded to do business with himself to the extent that 43 percent of OEO's initial grant to the institute—a total of $120,640—went to his corporation.

The organizer also set up a high school equivalency teaching program in North Carolina and OEO obligingly pumped $595,236 into it during its first 18 months. At the end of that time the "school" had produced two students who had passed the high school equivalency tests.

The executive director of an OEO program in Indiana chartered a private aircraft for her personal convenience and paid for it with OEO funds. She also used rental cars, paid for with OEO money, and awarded electrical and rug installation work to her brother-in-law without taking competitive bids.

In Oregon, the chairman of an OEO-financed organization was the leader of a gang that conducted numerous fire bombings, including that of a grocery store, a knitting mill, and a drugstore. He was convicted of arson and, subsequently, has been charged with being an ex-convict in possession of a firearm.

In Montana, an attorney received at least $20,000 in salary and fees from an OEO community action agency for serving as a "tourism specialist" and "economic consultant" over a 2-year period. No personnel file for the lawyer has been found and no time records exist showing work actually performed.

The secretary and a member of the board of directors of an OEO-financed program in Florida were indicted for operating an interstate automobile theft ring. The secretary pleaded guilty and the board member was convicted.

In New Jersey, the executive director of a community action program leased two luxury automobiles equipped with mobile telephones, in violation of OEO regulations. His deputy director traveled to Jamaica and Puerto Rico allegedly on official business, but without telling the organization's board of trustees.

In Alabama, a community action program was found to be "a hot bed of racial segregation" where jobs were handed out as patronage for members of the board of directors. In addition, one director submitted travel vouchers for over $150 a month to cover travel to and from work and staff members drew large and unauthorized travel allowances.

In California, the National Chicano Health Organization is composed of a physician, a director, and six students who are members of the board. The students are scattered all over the map, from California to Michigan, and as a result, travel costs for board meetings are high. As a matter of fact, $103,801 of the $200,000 OEO grant has gone for personnel expenses.

Elsewhere in California, the executive director of an OEO antipoverty outfit was found guilty of forging $5,575 of OEO checks and of improperly cashing $8,356 of other OEO checks.

Still elsewhere in California, the executive director of an OEO unit has been indicted for fraudulently obtaining $24,478 in OEO grant funds and of embezzling another $19,478 of OEO funds from a Community Action Project Directors' Association of which he was secretary-treasurer.

As of March 2 the executive director was reportedly residing in Mexico, a fugitive from justice.

In Georgia, the director of an OEO organization was found unqualified to administer the program. He was being paid $17,000 a year in spite of the fact that the OEO grant fixed his salary at $12,000. Perhaps it is needless to add that all employees of this outfit were paid in excess of their set salaries.

CALL OF THE HOUSE

Mr. FLOWERS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 68]

Alexander
Anderson, Ill.
Barrett
Blatnik
Bray
Burke, Calif.
Carey, N.Y.
Carney, Ohio
Chisholm
Clark
Diggs
Dingell
Eckhardt
Edwards, Ala.
Gunter
Harsha
Harvey
Hays
Hébert
Heckler, Mass.
Holifield
King
Leggett
McSpadden
Metcalfe
Mills, Ark.
Montgomery
Myers
Nedzi
Obey
Patman
Peyser
Pike
Powell, Ohio
Price, Tex.
Quie
Rooney, N.Y.
Rosenthal
Ruppe
Ryan
St Germain
Shipley
Sikes
Smith, N.Y.
Staggers
Stephens
Teague, Tex.
Thompson, N.J.
Udall
Widnall
Wiggins
Wright

The SPEAKER. On this rollcall 381 Members have recorded their presence by electronic device.

By unanimous consent, further proceedings under the call were dispensed with.

THE OFFICE OF ECONOMIC OPPORTUNITY

The SPEAKER. The Chair recognizes the gentleman from Iowa (Mr. Gross).

Mr. GROSS. I thank the Speaker.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield to me?

Mr. GROSS. I am glad to yield to the gentleman.

Mr. ROUSSELOT. Mr. Speaker, once again I want to compliment the gentleman from Iowa for doing his homework in very thorough fashion and very fashionable fashion and wish to associate myself with his remarks.

I rise to associate myself with the remarks of the gentleman from Iowa, Mr. H. R. Gross, and commend him for his usual thorough, objective and careful research on the subject of the Office of Economic Opportunity.

Many of us in this House, including the distinguished gentleman from Iowa (Mr. Gross) have supported President Nixon's effort to phase out the unwarranted, unproductive and improper activity of the Office of Economic Opportunity. Many of us in this House have applauded the courageous efforts of the Acting Director of the Office of Economic Opportunity, Howard Phillips, to try to return some sense of sanity to this program by, in many cases, actually discontinuing the wholly unwarranted actions of the various constituent agencies.

There are many documented examples of outright frauds that have been conducted at all levels of this activity in the name of "eliminating poverty" and, as the gentleman from Iowa has so clearly enumerated, on the basis of this overwhelming evidence, the President has been absolutely correct in terminating the Office of Economic Opportunity and preserving only those programs that actually produce constructive results.

Since the gentleman from Iowa has listed several of these examples, I would also like to present to my colleagues a résumé of the General Accounting Office's audit report which outlines how millions of dollars in fraudulent use by this agency.

On the basis of these audits and reports, it is unfair to ask the 85 million taxpayers of this country to continue to support this type of activity. I urge my colleagues to review with me a summary of this General Accounting Office report which has appeared in the Washington Star-News of today, Tuesday, April 3, 1973:

OEO Accounting Scored Following Audit Report

The General Accounting Office (GAO) has accused the Office of Economic Opportunity of failing to account properly for millions of dollars spent by its antipoverty agencies.

The congressional watchdog agency yesterday said in a draft report of its investigation that it uncovered accounting and auditing deficiencies including "inadequate controls over cash, payrolls, travel expenses, procurement, consultant services and property."

GAO investigators said they picked 27 reports from agencies receiving grants of between $200,000 and $2 million during fiscal 1970 for special study from among the more than 1,000 reports filed.

Most of these reports came from local community action agencies the Nixon administration wants to stop funding by July 1 as part of its plan to dismantle OEO by shifting some programs to other agencies and scrapping other programs entirely.

The GAO gave no total of the money involved in the slipshod accounting but indicated it could be several million dollars.

Of the 27 reports, 10 showed what GAO said were glaring problems, including these:

In Iowa, an agency employe made unauthorized payments to himself of more than $7,035 over seven months. Restitution was made, but the employe received $760 for vacation not taken. Records failed to show any basis for this payment and local officials were unable to explain it.

In Texas, a public accountant did not mention in an audit report a forgery case involving 16 checks totaling $917 during seven months because restitution was made and the employe dismissed.

In California, one agency had vendors invoices paid without evidence that the goods were received and did not withhold federal income and social security taxes.

At another California agency, probers found uncontrolled use of credit cards and an unauthorized trip by agency personnel to Alaska.

In Missouri, improper accounting led to an agency receiving more federal funds than it was entitled to.

In Nevada, purchase orders did not support the number of procurements.

The GAO, noting OEO was not told of agency deficiencies in some reports, pointed out several accountants believed their allegiance and responsibility was to the grant recipient rather than to OEO. Some accountants also performed other services for local agencies, leading GAO to question their ability to conduct an independent audit.

OEO was rebuked sharply for leniency in checking whether agencies corrected reported deficiencies. GAO said only 12 of 76 reports reviewed in four OEO regional offices showed agencies actually were checked to make sure corrections had been made.

Again, I wish to express the genuine appreciation of most of the Members of this House who are here listening to the comments of Mr. Gross who has again performed a service of great value to this people's body in bringing attention to this misuse of the taxpayers' money.

Mr. DICKINSON. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. DICKINSON. Mr. Speaker, I, too, want to commend the gentleman in the well. I compliment the gentleman from Iowa for bringing these matters up. I have long been interested in this issue and would like to present a few facts of my own.

As a result of constituents' complaints, I have had occasion to look into several incidents involving OEO-funded offices in my district. In each case where investigations have been completed and reports received, there is evidence of either misfeasance, malfeasance, or mismanagement of funds. I submit, Mr. Speaker, that we are not helping the poor and underprivileged in cases such as this, rather we are allowing a few individuals to get fat at the expense of the poor and the middle-income taxpayer or we are encouraging people to get on welfare instead of getting off welfare.

In June of 1969, I was asked by a number of my constituents to request an investigation into the activities of Tri-County Area 22, Inc., in Greenville, Ala., with reference to difficulties in personnel management and misuse of funds. In its subsequent investigation, OEO found the board of directors was improperly constituted, showed an unwillingness to insure sufficient involvement of the poor in the operation of community action programs, failed to provide stable direction and minimum standards of administration of its OEO-funded programs and appointed an acting executive director in spite of a potential conflict of interest and violation of OEO policy in the assignment. OEO also found questionable accounting standards and procedures and certain internal control deficiencies in the emergency food and medical program. As a result of the investigation, OEO defunded the emergency food and medical program and eventually withdrew recognition of Tri-County as a CAP agency. You may argue that OEO cleaned its own house in this case, but the housekeeping bill presented to the taxpayers could well have been avoided if the agency had been properly supervised. These are not my opinions and conclusions but those of OEO.

In January of 1970, due to a number of complaints I requested GAO to make an independent investigation of the Little River Community Action Corp. in Daphne, Ala., a grantee of the Office of Economic Opportunity. A report by the General Accounting Office revealed mismanagement of programs and misuse of funds in several instances. Travel expenses paid to the former executive director in the amount of $4,150 were questionable in all cases due to insufficient supporting documentation. I do not mean to say the travel was not done or the reimbursements were illegal. She just wrote on a blank piece of paper "Trip to blank, x miles at x cents per mile" and approved the voucher herself. The former executive director leased land to the Corporation for 1 year, used employees of the Corporation to improve the property and then took the property back the next year. The Corporation spent $16,800 of OEO grant funds—about $9,400 more than authorized—for constructing three tennis courts, repairing an existing court, and purchasing athletic equipment. The courts were supposed to provide recreation for the underprivileged. They had about as much use for three tennis courts as a hog has for a sidesaddle. Only one of the four courts was used and that was not being used by the poor people for which it was constructed. Also, about $1,175 worth of the athletic equipment supposedly procured could not be located. The Corporation did not develop adequate outreach programs for contacting potential participants in its commodity distribution program and 21 of the enrollees in its Headstart program were from families whose reported incomes were above the poverty guidelines, while only 10 children were permitted under OEO requirements to be from such families. As if all that weren't enough, there is an additional example of mismanagement which has not been totally cleared up to this day. In September of 1967, the Corporation initiated a project for the construction of a barge for use as a ferry to serve the poor in an isolated area of the county. The project was to have been completed in 45 days and the barge was to have cost $16,000. The corporation did not obtain the required written OEO approval for the project and did not obtain competitive bids for construction of the barge. When placed on notice that the contractor was not performing satisfactorily, the Corporation did not take actions to obtain timely completion of the barge and initiation of the ferry service. Construction on the barge was not completed until September of 1970—3 years after initiation of the project—and to my knowledge the ferry is still not in actual operation due to further complications.

Rather than costing $16,000, the project cost $39,000—more than double the original estimate—due solely to ineffective and inefficient management. Since the investigation, OEO has taken action which has apparently improved the services and management at Little River. Nevertheless, the fact remains that mismanagement and misappropriation of funds has robbed the poor people of that community of programs which could have fulfilled many of their needs—needs which OEO was designed to meet. We are asking the American public to fund OEO so those needs can be met, and yet, we do not take appropriate action to insure that the purposes of OEO are fulfilled.

In September of 1970, I was asked by another constituent to request an investigation of activities of the Montgomery Community Action Agency and particularly its delegate agency, Health Services, Inc. The investigation by GAO revealed that certain payments in the amount of $5,500 for accounting services were charged to the program year prior to the one in which the services were rendered and inventory record cards for medical items stored in a converted warehouse were not being maintained. GAO was not able to account for 55 to 88 equipment items received from a Job Corps Center. An OEO audit report of the corporation's OEO-funded activities dated April 6, 1970, revealed that Government vehicles were being used by employees of the Corporation and the delegate agency—Health Services, Inc.—for unauthorized transportation to and from their homes and that usage logs were not maintained on the vehicles. The report stated that they checked 2,941 payments by Health Services, Inc., to private pharmacies for prescriptions, and that of those checked, 429 prescriptions erroneously included a professional fee on drugs not requiring a doctor's prescription. That is, for a bottle of aspirin selling for 15 cents retail, a pharmacy would charge $1.50 professional fee for filling the prescription—thus making a $1.57 profit on a 15 cent item. Also, in some instances, pharmacies had refilled prescriptions a greater number of times than specified by Health Services, Inc., physicians. Furthermore, Health Services, Inc., had not employed enough full-time physicians to completely staff its health clinic and the resultant use of part-time physicians was more costly than employing the necessary number of full-time physicians. Once again, lack of proper supervision allowed mismanagement and misuse of funds creating an unnecessary financial burden to be borne by the taxpayers without benefiting the poor.

Mr. GROSS. Mr. Speaker, No. 13, in the State of Utah, the "accounting supervisor" of an OEO program was arrested twice within a few days—once for burglary and once for grand larceny. He had been hired 5 years earlier while on parole from a previous offense and had been arrested five times since.

In Texas, the board of directors of a community action program spent $4,100 of OEO funds for tickets to a movie on Martin Luther King. Total ticket sales for the showing amounted to approximately $10,000.

The same organization spent $2,533 on equipment and supplies for a wig-making course that was dropped for lack of interest after 10 students were trained. The equipment then turned up next door in a beauty shop leased by a community action program employee.

Mr. Speaker, these examples of corruption, as flagrant as they are, represent only the tip of the OEO iceberg. There are many more like them and I plan to present a further list of them in the near future.

CHANGE OF LEGISLATIVE PROGRAM

(Mr. O'NEILL asked and was given permission to address the House for 1 minute.)

Mr. O'NEILL. Mr. Speaker, I take this time to announce that we will not consider this week the bill H.R. 3180, the franking privilege for Members of Congress, and House Joint Resolution 205, the Atlantic Union delegation.

Both these measures were announced subject to rules being granted, and the Rules Committee has deferred action on them this week.

This leaves us with H.R. 5683, insured loan program for REA, which has an open rule with 3 hours of debate. We will call the bill up tomorrow.

Of course, conference reports may be

brought up at any time and any further program will be announced later. Otherwise there will be no legislative business on Thursday.

Mr. ARENDS. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL. I yield to the gentleman from Illinois.

Mr. ARENDS. Mr. Speaker, do I correctly understand from the statement of the gentleman from Massachusetts that we do expect to finish the insured loan program for REA on Wednesday?

Mr. O'NEILL. We do expect to finish the REA bill on Wednesday.

Mr. ARENDS. I thank the gentleman for yielding.

PERSONAL EXPLANATION

Mr. ZION. Mr. Speaker, I was out of town on official business yesterday during the consideration of H.R. 3153 and House Resolution 330. Transportation difficulties precluded my returning in time to vote. Had I been here, I would have voted "yea."

ALTERNATIVE TO VETOED LEGISLATION

The SPEAKER. Under a previous order of the House, the gentleman from Michigan (Mr. Esch) is recognized for 5 minutes.

Mr. ESCH. Mr. Speaker, as we all know, the Senate today sustained the President's veto of the Vocational Rehabilitation legislation by a large margin of 60 to 36. It is time now to reassess our position in light of the Senate's action and to work for a viable alternative to the vetoed legislation.

Accordingly, I am joining with the gentleman from North Carolina, Representative Broyhill, the gentleman from New York, Representative Robison, the gentlemen from Illinois, Representatives Erlenborn and Anderson, and 70 other Republicans in introducing what we believe to be a viable compromise vocational rehabilitation legislation. This bill recognizes the fact that we must move aggressively ahead on legislation that will reach out to the needs of the handicapped across the Nation, but that it must be designed not only to be passed by the Congress but will be forcefully carried out by the administration during the next 3 years.

Our bill meets most of the administration's arguments head-on. It decategorizes much of the vetoed bill, with the one exception of the most difficult area of all—those inflicted with spinal injuries for special attention. In addition to providing flexibility, it guarantees that the States will receive the amount promised them in the President's budget request as well as additional new funds for research and training and the construction of vocational rehabilitation facilities. While it does not contain Title II, it contains a new section 204 which authorizes the Secretary of Health, Education, and Welfare to conduct experimental programs and studies designed to test the feasibility of bringing the severely and minimally trainable handicapped under the provisions of the act. Additionally, our bill actively involves the Federal Government in eliminating architectural barriers.

The administration has never indicated any disagreement, to the best of my knowledge, with these provisions.

In terms of funding, while our bill provides for a moderate increase in funding over a 3-year authorization—1974–76—and continues 1973 authorizations at the President's original budget request, it does so at a level we think the administration can live with—particularly in that they represent authorization levels, not appropriations or outlays. Our bill cuts approximately $300 million from the vetoed bill's fiscal year 1974 authorizations, and assuming that title I funding would be at the same level in 1975 as in 1974 in the vetoed bill, cuts an additional $800 million in fiscal year 1975.

Many of my colleagues recognize the needs of the handicapped but found it most regrettable that we were faced today with a decision in which many of the handicapped throughout the Nation would feel "used" by both sides. Our handicapped deserve better than this.

I pray that both sides work actively together to see that a compromise bill can be passed immediately to provide the needed services, research and training facilities so that our handicapped citizens may be contributing members of our society.

SKYROCKETING FOOD PRICES

The SPEAKER. Under a previous order of the House, the gentleman from Alabama (Mr. Edwards) is recognized for 10 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, like all Members of Congress, I have been concerned about the problem of rising food prices and so I started looking into some of the causes. The situation today can be traced to last year and the early part of this year. Consumer income increased, and as a result, people were eating better and were buying more food. The demand both at home and abroad increased.

Unfortunately, this rising demand at home and overseas was accompanied by a falling supply of food on our American farms, particularly in the second half of 1972.

The consequence has been a sharp upsurge in the prices of raw farm products, an upsurge which has now hit the retail markets.

Adding to this problem was the unusually large supply of wheat this country agreed to sell to the Soviet Union, which had experienced a poor harvest. The lack of wheat on the domestic market applied pressure to feed grain production. This short supply caused an increase in the cost of feed for livestock, wheat for bread, and many other foods which make up our daily diet.

While the large sale of wheat to the Soviet Union is only one factor of many in causing the current food price increases, it is an important one. Not only did the sale shorten our own supply of grains, but all indications are that we did not get a good deal for the farmer and the taxpayer when the wheat sale occurred. I am introducing a bill today which I feel will prevent many of the inequities which resulted from the Soviet wheat sale. This series of transactions, referred to not inaccurately as the "Great American Wheat Robbery," resulted in the Russians getting wheat and other grains they desperately needed at bargain prices, while the farmer and the taxpayer picked up the tab.

This bill, in short, would require disclosure of grain or soybean sales of more than 10,000 bushels for export as soon as the sales agreement is reached and would require the Secretary of Agriculture to make the information public at once through the market news service of the Department of Agriculture.

The bill will protect farmers from selling their grain or soybeans at a low price, not knowing that large sales have been made. It will provide the Department of Agriculture and other pertinent agencies will the necessary information to make adjustments to protect cattle, hog, and poultry farmers from having to pay outrageous prices for feed. It will help protect bakers and other food producers from sudden uncontrolled spurts in the price of grains and grain products. The bill will assist every American consumer by helping to protect against unexpected skyrocketing food prices. And it will enable our seaports and our railroads to better prepare for increased traffic in exported grains and soybeans.

Under our free enterprise system and our open spirit of competition, the Russians frankly took us to the cleaners. They did this by dealing privately and quietly with each grain dealer unknown to other grain dealers, unknown to farmers, and to a large extent, unknown to the Department of Agriculture. I believe we can retain our free enterprise system and at the same time protect ourselves from those who would seek to take advantage of it.

If enacted, my bill would throw a spotlight on each major grain sale for export as it is consummated, thereby informing interested parties of the frequency and magnitude of grain and soybean sales. Certainly this is not the entire answer to the problem of rising food costs, but I believe it will help. And it will allow the United States, its farmers, and its taxpayers to get the best possible deal from foreign buyers.

Again, Mr. Speaker, we must do all we can to hold the line on rising food prices. The old law of supply and demand is still the best answer, and we must take all necessary steps in the weeks and months ahead to increase the supply so that the price of food will stop its gallop upward.

The working men and women of America and our retired citizens cannot afford ever-increasing prices. I am confident that with the help of consumers and government alike, we can beat this problem of skyrocketing food prices.

ARCTIC WINTER GAMES BILL

The SPEAKER. Under a previous order of the House, the gentleman from Alaska (Mr. YOUNG) is recognized for 5 minutes.

Mr. YOUNG of Alaska. Mr. Speaker, today, I have introduced a bill to authorize the appropriation of $150,000 to assist in financing the Arctic Winter Games which will be held in the State of Alaska in 1974.

As you may know, a similar measure which sought a $250,000 appropriation, passed the Senate last May 10 without objection. However, the press of business prevented it from being considered by the House last spring. A lesser appropriation is in order at this time, I believe, because the Armed Forces in Alaska have since agreed to provide food for the contestants at a nominal fee, and private donations have surpassed the original expectations of the organizing committee.

Still, an appropriation in the amount of $150,000 is needed if the games are to be held next March in Anchorage, Alaska.

In the past, approximately two-thirds of the funding for the games has come from the Canadian Government. In support of the 1970 Yellowknife games and the 1972 contests which were held in Whitehorse, Yukon Territory, the Canadian Government contributed almost $500,000. The State of Alaska appropriated $30,000 toward the first pair of games.

During this time, the U.S. Government has made no contribution toward the games. It is estimated that $150,000 is the minimum amount needed from the Federal Government in order to bring the games to Alaska next year; this is the reason for introducing this bill today.

Since their inception, the Arctic Winter Games have grown substantially. Thousands of American and Canadian spectators have watched young people from both nations compete. Greeland, Iceland, Denmark, Norway, Sweden, and Finland are counted as possible future competitors.

Greenland even now is exploring the possibilities of sending a team of competitors to Alaska for the 1974 games.

I urge Congress to assist in funding this worthy event. For as these games progress and grow, they will expand to provide a forum for international peace and understanding between the young people of all northern nations and territories.

A copy of the bill follows:

H.R. 6540

A bill to authorize the appropriation of $150,000 to assist in financing the arctic winter games to be held in the State of Alaska in 1974

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is authorized to be appropriated to the Secretary of Commerce the sum of $150,000 for the purpose of assisting the financing of the arctic winter games to be held in Alaska in 1974. The Secretary shall provide for the disbursement of such funds (including the making of grants to appropriate persons or organizations) on such terms and under such conditions as he deems appropriate, including the submission to him of such reports from persons or organizations to which such funds are disbursed as the Secretary considers necessary to protect the interests of the United States and assure that such funds have been used for the purpose for which they were disbursed.

PATRICK "PAT" COSENTINO—"MAN OF THE YEAR"

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 15 minutes.

Mr. KEMP. Mr. Speaker, Charles Cina, international representative, UAW of America, AFL–CIO, New York State Senator Steve Greco, and I recently had the honor and privilege of being the principal speakers at Bison City Lodge No. 230, Italian Sons and Daughters of America's dinner which paid tribute to Patrick "Pat" Cosentino—their "Man of the Year" and a good friend of mine.

Pat's life is an illustrative example of the idea that hard work and love of God and country are still the essence of our American dream.

So by honoring Pat Cosentino we really honor those Italian-Americans who share his belief that each individual, no matter his background, creed, or race, should be free to go as far and fly as high as his ambition, courage, and determination will take him.

The Cosentino family, dear friends of mine, are those whose character is that which helped build this Nation.

I am proud to be the Representative of many thousands of Americans of Italian origin in my 38th District of New York and I am especially proud of Bison City Lodge No. 230, whose members are renowned on the Niagara Frontier for the many public-spirited projects they have undertaken on behalf of the community.

Pat Cosentino, his family and Bison City Lodge No. 230, Italian Sons and Daughters of America represent the finest traditions of ther proud Italian heritage.

The first Italian immigrants came to this Nation asking for nothing except the opportunity to work and build and we are very fortunate that they came here. They have become a part of America and every area of our Nation where they have settled has been enriched.

Our history and the American heritage are filled with the accomplishments of Americans of Italian origin. Italians came as explorers and settlers to help conquer the wilderness and they joined in America's initial fight for freedom, liberty, and justice.

Enrico Tonti founded the first trading post in Chicago and was one of the founders of the colony of Louisiana. His brother, Alfonso Tonti, helped Cadillac found the city of Detroit.

Umberti Beltrami discovered the sources of the Mississippi.

William Paca was a signer of the Declaration of Independence and Dr. Filippo Mazzei, physician and counselor to Present Thomas Jefferson, incorporated the philosophy of Mazzei in the Declaration of Independence with the immortal words "that all men are created free and equal."

I could, of course, go on to mention countless other ways in which Americans of Italian heritage have contributed to the greatness of our Nation, but whatever area we might pick, whether business or politics, the arts or labor, we would find those of Italian background who have made their way to the top and are justly honored.

Such a person is Patrick "Pat" Cosentino who is a living example of the fulfillment of the American dream. At the age of 14, Pat worked at the Elk Street Market, unloading trucks and earning $3 a week. As soon as he was old enough to obtain a drivers license at 18, Pat worked as a driver for $18 weekly. From this Horatio Alger beginning, Pat worked his way up to purchasing his own truck to owning his own automobile agency to developing land through building and leasing in the Buffalo Airport area.

Today, Pat heads numerous enterprises—Executive Motor Inn, Williamsville Manor, Charter House Motor Inn of Buffalo, Dynamic Enterprises, and many others. He is also active in a multitude of organizations including: Bison City Lodge No. 230; Canisius College President's Council; board of trustees, Villla Maria College; and others such as the Food Service Executive Association and the Hotel and Motel Association.

Pat is known as a man of honor in his profession and as a generous humanitarian and devoted family man in his private life. His philosophy is perhaps best expressed by a favorite saying of his:

> No one knows what it is that he can do till he tries.

On March 10, many notable public figures, including the mayor of Buffalo, New York State legislators, town officials, judges, law enforcement officials, and representatives of business and labor, gathered to join the members of Bison Lodge No. 230, Italian Sons and Daughters of America and myself in honoring Pat Cosentino as "Man of the Year."

Mr. Speaker, I recommend the study of Pat Cosentino's life to anyone who believes that it is no longer possible to struggle against great odds and achieve success.

I include at this time and recommend to the attention of my colleagues, a proclamation by Stanley M. Makowski, mayor of Buffalo, N.Y., honoring Pat Cosentino and Bison City Lodge No. 230, Italian Sons and Daughters of America; an outstanding speech by my friend Charles Cina, international representative UAW of America, AFL–CIO presenting the "Man of the Year" award; a list of the honored guests attending the award dinner and a list of the officers and trustees of Bison City Lodge No. 230 and the western New York national officers of the Order of Italian Sons and Daughters of America:

CITY OF BUFFALO, OFFICE OF THE MAYOR—PROCLAMATION

Whereas, Bison City Lodge #230, Italian Sons and Daughters of America demonstrated in the past that their aims are devoted toward the betterment of the community and civic responsibility; and

Whereas, Bison City Lodge #230 has greatly contributed in fostering worthwhile community projects and has stood in the forefront on many issues concerned with promoting goodwill among all citizens of this community; and

Whereas, Patrick A. Cosentino, Sr. has been chosen for his dedicated service to the public as the Bison City Lodge #230 "Man of the Year" for 1973; and

Whereas, the membership of the Bison City Lodge #230 has earned and richly deserves the thanks and gratitude of the community for its public-spirited activities,

Now, therefore, I, Stanley M. Makowski, Mayor of the City of Buffalo, do hereby proclaim March 10, 1973 as "Bison City Lodge No. 230—Italian Sons and Daughters of America Day" and earnestly urge all of our citizens to promote and foster the aims and principles of this lodge through appropriate festivities.

STANLEY M. MAKOWSKI,
Mayor.

SPEECH BY CHARLES CINA

The Bison City Lodge #230 made up of sons and daughters of Italian Americans has selected a person of Italian-American heritage to be its "1973 Man of the Year".

Let me tell you something about this man and then you can see for yourself why this man is worthy of the distinction and honor being bestowed upon him this evening.

Pat Cosentino was born July 4, 1916 on Myrtle Avenue and was raised on Buffalo's East Side. He was the youngest of three (3) children in a very poor family.

At the age of 9, he experienced his first tragedy in life with the death of his beloved mother.

He graduated from Public School 32, attended Burgard Vocational High School and left to help support himself and his family.

At the age of 14, Pat got a job unloading trucks at the Elk Street Market for $3.00 per week. When he reached the age of 18, he obtained a license to drive a truck and subsequently became a truck driver at $18.00 per week.

At the height of the Depression in 1938 and at the age of 22, Pat, with no money to speak of, a limited education and no business experience, decided to go into business for himself. This was the turning point in Pat's life. A man with great imagination and determination, he went to see his friend, Jim Oddi, who was Credit Manager of the then Niagara National Bank of Buffalo, and applied for a loan to purchase a truck. Having no collateral to offer except nerve and integrity, Jim Oddi helped to arrange a loan for Pat so that he could buy his truck.

Full of vim and vigor and with an abundance of confidence, he was able to secure contracts with several food merchants to deliver food products all over Western New York. This was the beginning of his uphill struggle to make a better way of life for himself and for the family he hoped to have.

In June of 1939, he decided to marry his childhood sweetheart, the former Jennie T. Tagliaferro, whom he courted while she was babysititng for Mario and Ann Cichine who lived in the same house on Adams St. owned by Jennie's father. The Cichine's took Pat into their home while still a youngster and fed and gave him a place to sleep and looked upon Pat as their younger brother. Pat was such a likable guy that Mario took him along to drive his car on a honeymoon trip when Mario and Ann got married.

Not having enough money to take his own wife on a Florida honeymoon, as he was still trying to make ends meet in his new trucking concern, but not lacking friends, Pat was able to borrow an automobile and instead took his wife on a one week honeymoon trip to Salem, Massachusetts.

He now has four (4) married children; James—Age 31, Marilyn—Age 29, Pat, Jr.—Age 26 and Ann—Age 23. Pat and Jennie are the proud grandparents of seven (7) grandchildren.

Marriage was another turning point in Pat's life. He knew that being married and having children would be a big responsibility and he knew that he had to make good.

After operating his trucking concern for several years, Pat decided to go into the new car business. Not having enough money, Pat once again went to his old banker friend, Jim Oddi, for help. After getting a bank loan, Pat leased a building on Genesee Street near Union Road and opened up a Packard Agency called "Cosentino Motors".

Pat did very well and consequently won an award from the Syracuse Office of the Packard Auto Company for selling a lot of Packard automobiles. As a matter of fact, he also won a trip but refused to go away for fear of not being able to sell more cars while being gone.

When his lease was up, the owners of the building refused to renew his lease. This was another turning point in Pat's life. Things looked dark for him. He had nowhere to go.

Undaunted, he again went to his friends and to the bank and raised some more money and bought land opposite the Buffalo Airport. He built a new building for his Packard Agency. While he was operating the Packard Agency, he continued to buy more land adjacent to his Agency and on Dick Road with small down payments and big mortgages. A combination of heavy debts and a bad automobile market eventually forced him to sell the Agency.

Having confidence and foresightedness in the future growth of the airport area, Pat continued to scrape up money to buy more land on Genesee Street with more small down payments and big mortgages.

Here he built the beautiful and famous Executive Motor Inn in the winter of 1960, opposite the Buffalo Airport, where many functions are held. It is widely known throughout this country and Canada for its clean, high class entertainment, fine food and comfortable, luxurious lodgings. Famous people from all walks of life have stayed at his motel. Pat has gotten to know almost all of them personally. He has received hundreds of testimonial letters of commendation for the excellent care and treatment extended to them by the Management and help of the Executive Motor Inn. A perfectionist, that was the way Pat wanted it and that is the way it is still being done.

Not content with the Executive Motor Inn, he recently acquired the Charter House on Transit Road and is now expanding his Hotel and Motel facilities to Niagara Falls Boulevard, Town of Tonawanda where he is planning in the near future to build another modern and beautiful facility to be known as the Executive Motel North.

In addition to this, he now owns and controls many more corporations among them are Dynamic Enterprises, Williamsville Towers and Panorama Park.

Pat experienced another sad incident in September of 1958 when he lost his father whom he supported over the many years. Just last year he lost his oldest brother, Charlie, who he loved and admired very much. His older married sister, Mary Gullo, is still living and most happy and proud to see her brother being honored tonight.

Pat was born to greatness through his outstanding achievements accomplished by his driving and dynamic force over the many and sometimes turbulent and difficult years. Pat was able to prove that: *"No one knows what it is that he can do till he tries"*. Pat has earned the respect of all of the people he had occasion to deal with. They have found him to be highly ethical in his business dealings and a man of honor whose word is good as "gold". As a great humanitarian, his charities to those less fortunate have been many but always anonymous.

WHO IS AND WHAT KIND OF MAN IS PAT CONSENTINO?

Pat is a hard working individual whose work day starts at 6:00 A.M. and ends at 6:00 P.M. and sometimes later.

His only purpose in life is to build a future with security for his family and for the hundreds of his employees now working in his many companies.

The Hotel, Motel and Restaurant Workers Union of America which is the collective bargaining agent in matters of hours, wages and other conditions of employment and many top labor leaders of other International Unions look upon Pat Cosentino as a man who is fair and just and a man with the belief that the dignity of the worker is something that must always be upheld.

In short, Pat is a kind, gentle, ethical and compassionate human being with a keen sense of humor and understanding, one who believes and loves his God, one who believes in and loves his country, one who believes in and loves his family, his community, and respects the beliefs and rights of others.

The success to his endeavors can be greatly attributed to his family; a family of togetherness, a family who have always stood by him with love, understanding, patience and moral support. Particularly, his wife Jennie, who has cared for him during his period of convalescence when stricken with a heart attack 9 years ago. Besides being a wife, she has been a mother, a nurse and a pleasant and wonderful companion to have around. She always rallied around him when the going was rough and supported him in his many successful and sometimes failing business ventures. Jennie hovers over Pat as if he were a little boy and he loves every minute of it. She cooks special meals for him, sometimes reminds him to take a short afternoon nap and makes sure that Pat goes to bed early to get his much needed rest so that the next day he can work in his usual whirlwind fashion.

His two boys, James and Pat, Jr., brother officers of all his corporations have been of tremendous help to Pat by assuming many of the responsibilities that Pat has in the administration of his many enterprises. Marilyn helped out at the front receptionist desk until she became a mother of two (2) children. Ann, the youngest, has now taken Marilyn's place at the front desk and she is easily recognizable by the flashing and winsome smile emanating from her pretty face.

Yes, Pat has been blessed with a wonderful and beautiful family. He will someday, when he passes on to the great beyond, leave them and all of us in the community a legacy that will long be remembered, as a humble man who came from a poor Italian family and who struggled hard against great odds to make good, and in doing so, made a tremendous contribution towards helping to build a happy and prosperous community for all of us to enjoy.

Therefore, I say to all of you in our great society, take heed! We have added one more to the thousands of men of Italian-American heritage who has been a credit to himself, his family, to all of us of Italian-American heritage, and to his community as a whole.

Although Pat possesses great wealth, and deservedly so, however the first and most important thing he cherishes is the love of his family and the respect of his friends.

On behalf of the members of the Bison City Lodge #230 and those friends of Pat who are here tonight and who hold him in high esteem—let me say that I deem it a great honor, a great privilege and a genuine pleasure to declare you, Pat Cosentino, "Our 1973 Man of the Year".

HONORED GUESTS

Mrs. Patrick Cosentino, Wife of Man of the Year.

Hon. Jack Kemp, United States Congressman.

Hon. Stephen R. Greco, New York State Assemblyman.

Hon. Joseph Ricotta, State Supreme Court Justice.

Hon. Stanley M. Makowski, Mayor, City of Buffalo.

Hon. Frank A. Sedita, Former Mayor, City of Buffalo.

Hon. Ernest Colucci, Erie County Justice.

Hon. Joseph S. Mattina, Erie County Justice.

Hon. Sebastian Bellomo, City Court Justice.

Hon. Joseph Sedita, City Court Justice.

Hon Carmelo Parlato, City Court Justice.

Hon. John Jabonski, Cheektowaga Justice.

Hon. Joseph Pysczynski, Cheektowaga Justice.

Hon. William Dauria, Buffalo Councilman-at-Large.

Michael Amico, Erie County Sheriff.

Frank Felicetta, Buffalo Police Commissioner.

Hon. Daniel Weber, Cheektowaga Supervisor.

Hon. Anthony F. Tauriello, Buffalo Board of Education.

Ralph Dengenhardt, Buffalo Chief of Detectives.

Bernard Kostzewski, Cheektowaga Police Chief.

Rev. Michael Gigante, O.M.I., Bison City Lodge Chaplain.

James Oddy, Retired Bank Official.

Charles Cina, International Representative UAW of America AFL–CIO.

Samuel F. Cariola, President, Business Manager, Local 66 AFL–CIO.

BISON CITY LODGE NO. 230 I.S.D.A.

1972–1973 OFFICERS

President, Mr. Vincent M. Mule'.
Vice President, Mr. Joseph Casacci.
Executive President, Mr. Leonard Torchia.
Orator, Mr. Vincent J. Mule'.
Financial Secretary, Mrs. Vincent Vizzi.
Treasurer, Mrs. Simon Wallens.
Recording Secretary, Mrs. Joseph Casacci.
Sentinal, Mr. Carl Galluzzo.

TRUSTEES

Chairman, Mr. Richard Principale.
Trustee, Mr. Vincent Greco.
Trustee, Mr. Anthony Trifilitti.
Trustee, Mr. Gary Martinelli.
Trustee, Mr. Michael Lombardo.
Trustee, Mr. Louis Castiglione.

WESTERN NEW YORK NATIONAL OFFICERS—ORDER OF ITALIAN SONS AND DAUGHTERS OF AMERICA

National Deputy to Bison City Lodge, Georgianna McCoy, Power City Lodge No. 158.

National Counselor, Chuck McCoy, Power City Lodge No. 158.

National Counselor, Patrick Valenti, Cataract Lodge No. 240.

National Representative, Daniel Archie, Cataract Lodge No. 240.

National Representative, Leonard Torchia, Bison City Lodge No. 230.

A SPECIAL TRIBUTE TO DR. SIDNEY FARBER—FOUNDER OF THE JIMMY FUND AND AUTHORITY ON CANCER

The SPEAKER. Under a previous order of the House, the gentleman from Massachusetts (Mr. O'NEILL) is recognized for 5 minutes.

Mr. O'NEILL. Mr. Speaker, it is with a deeply saddened and heavy heart that I take this opportunity to pay tribute to the passing of one of the most devout and successful researchers into children's diseases, Dr. Sidney Farber, the guiding spirit behind the Jimmy Fund and the Charles A. Dana Cancer Center.

He began his lifelong struggle to save lives from cancer in a small basement room at the Children's Hospital in 1927. Twenty years later, the Jimmy Fund Center was built and the battle against cancer was enlarged with new resources, equipment, and personnel.

When Dr. Farber began searching for a cure for childhood leukemia, working 16 hours a day, 7 days a week, youngsters faced only weeks or months of life. When his work ended, children were being kept alive for years through chemotherapy and radiotherapy developed at this Jimmy Fund Center.

In 1947, he discovered that the drug, aminopterin and the related chemical, methotrexate could bring about remission of symptoms in acute leukemia. But this was only the beginning. Continued research in anti-cancer agents progressed at the Children's Research Foundation under Dr. Farber's aegis.

Becoming internationally renowned as the world authority on cancer in children and as the founder of modern pediatric pathology, Dr. Farber received innumerable recognition for his unparalleled contribution in the field of cancer research. Nine honorary degrees, the Judd Award for Cancer Research in 1953, the United Cerebral Palsy-Max Weinstein Award for his stimulus to broad areas of neurological research in 1958, the Gold Medal of the American Cancer Society in 1959, and appointment to the President's Commission on Heart Disease, Cancer, and Stroke in 1964 enumerate just a few of his accolades for a lifetime of dedication and service to children.

I remember Sidney Farber as a great humanitarian, a compassionate and gentle man who loved children, and the sicker they were, the more he tried to cure them. His tireless efforts on behalf of children stricken with cancer filled a lifetime of outstanding service and endeared him to all who knew him.

Rare was the person who could say no to Dr. Farber when he sought aid in behalf of the children of the world. He appeared many times before congressional committees and was a powerful influence in the National Cancer Institute.

I also can remember when Dr. Farber ordered that parents should not be forced to pay for treatment of their children at the Jimmy Fund Center. So money for the center was raised through donations of nickles, dimes, and by large individual gifts.

I know that many children grown to adulthood across this Nation today, mourn the loss of this kind and gentle, but proud and powerful man, who preserved their lives. His many accomplishments made him loved and respected by all.

So, on this occasion I know that we will miss Dr. Sidney Farber, but the efforts he started will be continued at the Jimmy Fund and Dana Centers. And one day, a prevention of cancer will be found, the discovery of which is closer to reality merely because of the lifelong efforts of Dr. Sidney Farber.

My wife, Milly, joins me in sincere expression of condolences to Dr. Farber's wife and family.

THE LATE HARRY MILTON LIVINGSTON

The SPEAKER. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 5 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, it is my sad duty to inform the Members of the U.S. Congress that Harry Milton Livingston, finance officer in the House of Representatives for the past 24 years, died Sunday, April 1, 1973, at Georgetown University Hospital following a brief illness.

Mr. Livingston was named disbursing clerk in the House of Representatives in February 1949 and served under four Speakers of the House, CARL ALBERT, John McCormack, the late Sam Rayburn, and the late Joseph W. Martin, Jr. For the past 4 years he had served as budget and operations officer for the House Doorkeeper.

Mr. Livingston was born April 24, 1909, in Rochester, N.Y., son of the late Richard E. and Charlotte McLeod Livingston.

Before coming to Washington, he was a resident of Buffalo, N.Y. He graduated from Lafayette High School and took up the trade as a carpenter, later being employed by the city parks department. He was a member of Carpenters Union Local No. 9 and had retained his membership.

He had long been active in affairs of the Democratic Party and for many years was a ward chairman in Buffalo.

At the Capitol, he had been president of the Congressional Employees Federal Credit Union since 1963, having been on the board of directors since 1961, when he also was named vice president. He was a member of the Burros Club, a Democratic organization, and was a former president of the Congressional First Friday Club.

He was a member of the Kenwood Country Club of suburban Bethesda, Md., and recently was elected to the board of governors. He was active in the Kenwood Men's Bowling League and had been chairman of the Arthritis Ball for the last 2 years.

He is survived by his wife, Loretta T., at home 5401 Christy Drive, Chevy Chase, Md., two daughters, Mrs. Francis G. "Joyce" Monan of Alexandria, Va., and Mrs. Theodore "Patti Anne" Morgan of Wurzburg, Germany; nine grandchildren; and two brothers, Richard E. Livingston of Bethesda, secretary-treasurer of the United Brotherhood of Carpenters and Joiners of America, and Donald M. Livingston of North Tonawanda, N.Y.

Mr. Livingston was active in church affairs and had been an usher at the Little Flower Roman Catholic Church for many years. He was a member of Council 184, Knights of Columbus.

Harry Livingston was a friend of mine and I know he was loved by all who knew him. On behalf of Mrs. Burke and myself I express my deep sympathy to his wife and family. Our prayers are with them in this hour of sorrow.

LEGISLATION TO PROVIDE ADEQUATE SHORESIDE FACILITIES FOR VISITORS TO THE U.S.S. "ARIZONA" MEMORIAL NOW SPONSORED BY 100 MEMBERS OF HOUSE

The SPEAKER. Under a previous order of the House, the gentleman from Hawaii (Mr. MATSUNAGA), is recognized for 10 minutes.

Mr. MATSUNAGA. Mr. Speaker, I am pleased today to reintroduce legislation authorizing the construction and operation of shoreside visitor facilities for the U.S.S. *Arizona* Memoral at Pearl Harbor, Hawaii.

Almost 120 Members of the House, from 37 States and territories, are now sponsoring this legislation, which is identical to legislation which passed the House without a single dissenting vote in the last session. Unfortunately, there was insufficient time for the Senate to take action, and the bill died in that body. This year, I am confident of early and favorable action in both Houses of Congress, and enactment of this long-overdue legislation.

Mr. Speaker, the need for this legislation continues to grow. Since the dedication of the *Arizona* Memorial, the annual number of visitors has grown from 62,000 in 1962 to 874,000 in 1972—440,000 by Navy boat, and an almost equal number by commercial vessels.

Since these visitors come from every State in the Union, the visitor facilities to be authorized in my legislation would be of direct benefit to citizens of every State.

I trust that this increasing flow of visitors will very soon have an appropriate theater and museum, in which they can learn of the Pearl Harbor attack and the war in the Pacific, before visiting the solemn U.S.S. *Arizona* Memorial itself, where 1,177 Americans still lie entombed within the hulls of the sunken battleship.

I offer for inclusion in the RECORD at this point the text of the legislation, along with a State-by-State list of sponsors:

H.R —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy is authorized to provide for the construction, establishment, and maintenance of permanent shoreside facilities (including, but not limited to, a theater and museum) within the Pearl Harbor Naval Base, Hawaii, to provide for the education and convenience of visitors to the United States Ship Arizona Memorial.

SEC. 2. The Secretary of the Navy, after consultation called for in section 3 hereof, may include and display in the theater and museum such personal property, relics, documents, memorabilia, films, and exhibits as he deems appropriate to assist visitors to enhance their understanding of the history and American interest in the Pacific Ocean areas, and to deepen their appreciation of the great heroism and patriotism of the men who lost their lives at Pearl Harbor on December 7, 1941, and in the Pacific Ocean areas during World War II.

SEC. 3. In carrying out his duties under this Act, including (but not limited to) the planning, construction, equipping, and furnishing of the shoreside facilities, the Secretary of the Navy is authorized to consult with, seek the advice and assistance of, and receive and accept gifts from, any interested individuals, agencies, groups, or organizations, including the Pacific War Memorial Commission of the State of Hawaii.

SEC. 4. The Secretary of the Navy is authorized to consult and negotiate with the Secretary of the Interior for the transfer of responsibility to the National Park Service, Department of Interior, for the maintenance and operation of the shoreside facilities immediately upon completion of their construction.

SEC. 5. There is authorized to be appropriated a sum not to exceed $2,500,000 for the planning, construction, equipping, and furnishing of the shoreside facilities authorized in section 1 hereof, such sum to be in addition to the regular budgetary appropriations for the Department of the Navy.

HOUSE SPONSORS OF U.S.S. "ARIZONA" MEMORIAL BILL, APRIL 3, 1973

ALABAMA

Tom Bevill, Bill Nichols.

ARIZONA

John B. Conlan, John J. Rhodes.

CALIFORNIA

Glenn M. Anderson, Phillip Burton, Del Clawson, George E. Danielson, Don Edwards, Barry M. Goldwater, Jr., Richard T. Hanna, Augustus F. Hawkins, Andrew Hinshaw, Chet Holifield.

Craig Hosmer, Harold Johnson, Robert L. Leggett, John Moss, Thomas Rees, Edward R. Roybal, B. F. Sisk, Lionel Van Deerlin, Victor V. Veysey, Charles E. Wiggins, Charles H. Wilson.

CONNECTICUT

Robert N. Giaimo, Ella T. Grasso, Stewart B. McKinney, Ronald A. Sarasin, Robert H. Steele.

FLORIDA

Charles E. Bennett, Dante B. Fascell, Don Fuqua, William Lehman, Claude Pepper, C. W. Bill Young.

GEORGIA

John W. Davis.

GUAM

Antonio B. Won Pat.

HAWAII

Spark M. Matsunaga, Patsy T. Mink.

IDAHO

Steven D. Symms.

ILLINOIS

Harold Collier, Edward J. Derwinski, Ralph H. Metcalfe, Melvin Price.

INDIANA

Ray J. Madden.

KANSAS

William Roy.

LOUISIANA

Gillis W. Long, John Rarick, David C. Treen.

MAINE

Peter Kyros.

MARYLAND

Parren Mitchell, Paul Sarbanes.

MASSACHUSETTS

Paul W. Cronin, John J. Moakley.

MICHIGAN

Marvin L. Esch, Gerald R. Ford, Guy Vander Jagt.

MISSOURI

William L. Hungate, Leonor K. Sullivan.

MONTANA

John Melcher, Richard G. Shoup.

NEBRASKA

Charles Thone, David Towell.

NEW JERSEY

Dominick Daniels, Peter Frelinghuysen, Henry Helstoski, John E. Hunt, Joseph Minish, Edward J. Patten, Peter Rodino, Jr., Robert A. Roe, William Widnall.

NEW HAMPSHIRE

James C. Cleveland.

NEW YORK

Joseph P. Addabbo, Jonathan Bingham, Frank Brasco, Shirley Chisholm, Thaddeus Dulski, Frank Horton, Jack F. Kemp, Bertram L. Podell, Angelo D. Roncallo, Benjamin S. Rosenthal, Samuel Stratton, William F. Walsh, Lester Wolff.

NORTH CAROLINA

James T. Broyhill.

OHIO

Charles J. Carney, John F. Seiberling, J. William Stanton, Louis Stokes.

OKLAHOMA

James R. Jones, Clem Rogers McSpadden.

PENNSYLVANIA

Lawrence Coughlin, John H. Dent, John P. Saylor.

SOUTH CAROLINA

Wm. Jennings Bryan Dorn, James R. Mann.

SOUTH DAKOTA

Frank Denholm.

TENNESSEE

Joe L. Evins.

TEXAS

Bob Casey, O. C. Fisher, J. J. Pickle, Olin E. Teague, Jim Wright.

VIRGIN ISLANDS

Ron de Lugo.

VIRGINIA

Thomas N. Downing, G. William Whitehurst.

WASHINGTON

Brock Adams, Floyd V. Hicks, Julia B. Hansen, Mike McCormack, Lloyd Meeds.

WEST VIRGINIA

Ken Hechler, Robert H. Mollohan.

WISCONSIN

David R. Obey.

WYOMING

Teno Roncalio.

FAIRER OPPORTUNITIES FOR NATIVE AMERICANS

The SPEAKER. Under a previous order of the House, the gentleman from Iowa (Mr. CULVER) is recognized for 5 minutes.

Mr. CULVER. Mr. Speaker, in recent weeks the news media has again carried stories reminding us of the agonizing social problems of this land's first inhabitants. Reports from Wounded Knee are painful reminders of the failure of our past attempts to deal with the needs and aspirations of this special group within our national society.

Today, Mr. Speaker, I am reintroducing three bills that I first submitted for the consideration of Congress in 1971. At that time, I had just visited the Rosebud Indian Reservation in South Dakota and had personally witnessed the drastically inadequate conditions and facilities of that reservation. Since that experience, my memory of the Rosebud Reservation has not been dimmed, and the requests from Wounded Knee evoke vivid recollections. I am introducing these bills as a part of an attempt to develop a more responsible and responsive policy toward the Indian population.

Two of the bills are aimed at easing the widespread Indian unemployment.

The first, modeled after the measure largely responsible for Puerto Rico's unparalleled economic growth, would exempt from Federal income taxes for 10 years all business firms locating on reservations. The second proposal would increase business control available to Indians and their tribes by providing incentives to private lenders to loan more money for Indian economic projects and boost the source of public funds for such projects when private money is unavailable.

The third bill would create an Indian Trust Counsel Authority to represent Indians in their disputes with the Federal Government over rights to natural resources. The present arrangement, whereby the Departments of Justice and Interior represent both the Indians and the Government, has often raised conflicts of interest.

When these bills were first introduced 2 years ago there was unfortunately insufficient congressional support to secure their passage. Furthermore, there has been insufficient movement in recent years attempting to help resolve the many difficulties faced by the Indians.

For instance, the Indian population is still plagued by the presence of extreme economic pressures. It is estimated by the Bureau of Indian Affairs that the unemployment rate among Indians is approximately 40 percent, with an additional 20 percent underemployed. In recent years, the unemployment has been 10 times the national average. In addition, the proportion of Indian families estimated to be living below the poverty level is 75 percent, with the annual income for such families averaging approximately $1,500.

Population statistics give evidence of the negative effect of this poor economic condition. While total U.S. population has multiplied many times, the 1970 census shows a decrease to 827,091 from the estimated 840,000 Indians living in Columbus' America. Yet today's population actually represents a rapid increase from the late 19th century when there were less than 250,000 Indians surviving. This rapid growth in population, in spite of an infant mortality rate nearly 50 percent higher than for the population at large and an average life span of 44 years, only aggravates the unhealthy economic situation of most American Indians and threatens bigger problems for the coming years.

The severe shortage of adequate educational facilities is another factor affected by and affecting the economic situation. The educational achievement of Indians is only two-thirds that of other Americans. With a dropout rate among Indian children before completion of the 12th grade running much higher than that of the general population, the average educational level for all Indians under Federal supervision is less than 6 years.

But statistics are only a surface indication of a deep-rooted situation which exists on even the most progressive of the Indian reservations today. The American Indian lives in a pocket of poverty and cultural diversity striving to overcome years of dependency on the Federal Government as well as a cycle of misunderstanding and neglect. It is difficult to measure in quantitative terms and impossible to accept the steady erosion of the Indian's self-concept resulting from years of bare subsistence living, routinely characterized by inadequacies in housing, health benefits, employment skills, and educational opportunities.

I am reintroducing these bills not as a panacea to the many complex difficulties that face the Indian but hopefully as important parts of a larger movement to encourage their full and distinct participation in our society. These bills will provide additional tools to enable the Indians fairer opportunities in the more economically advanced segments of this society and are offered to help open the doors for the existence of a cultural diversity within our boundaries that can only ultimately enrich and strengthen this Nation.

I urge my colleagues in Congress to give this legislation their immediate consideration and to work for the quickest possible enactment.

ILLEGAL ALIENS

The SPEAKER. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 10 minutes.

Ms. ABZUG. Mr. Speaker, the U.S. Immigration and Naturalization Service has of late been engaging in dragnet raids in which anyone with dark skin, or a foreign accent, or unusual dress is subject to detention if he is unable to prove that he is either a citizen or a legal alien.

I have spoken out against this tactic as yet another attack by the Nixon administration on the fundamental rights of all people, and I am pleased to note that the prestigious Association of the Bar of the City of New York has joined me in opposing the behavior of the Service.

The March 1973 number of the record of the Association of the Bar of the City of New York includes a report setting forth the position of the association. Entitled "Palmer Raids Revisited," it takes an uncompromising stand against the dragnet tactics and declares that they "violate the American tradition of protecting the rights of the individual."

I commend the report to my colleagues, and I include it at this point in the RECORD.

[COMMITTEE REPORT]

PALMER RAIDS REVISITED

(By the Committee on Immigration and Nationality)

Yielding to Congressional and public pressure to eliminate the alleged competition in the American labor market for illegal aliens, the Immigration and Naturalization Service, in its effort to apprehend illegal aliens, has reverted, among other techniques, to a search operation without specific prior clues, which has been used from time to time in the past, when economic and/or political pressures and anti-alien sentiment became outspoken.

The Committee on Immigration and Nationality was briefed on December 12, 1972 in a frank statement by Sol Marks, the District Director for the New York District of the Immigration and Naturalization Service, on its method of apprehending illegal aliens.

He stated that on the basis of information received from civic associations that illegal aliens live in the area where a raid is planned, investigators are stationed at the top and bottom of subway and elevated stairs and persons who have "the appearance" of illegal aliens are stopped by the investigators. According to Mr. Marks, "foreign looking" persons are asked to show their alien registration receipt card or other identification. If they are "prima facie illegal," they are taken by car to the nearest police precinct and kept there in detention. When enough illegal aliens have been collected in the detention facilities of the police station, they are shuttled by bus to 20 West Broadway, the headquarters of the Immigration Service in New York, where they are processed for deportation hearings. In appropriate cases, bail is allowed for their release. Deportation hearings are scheduled as soon as feasible.

The results of this method are found to be excellent by Mr. Marks, who mentioned that on one day 102 alleged illegal aliens were picked up by 30 investigators. He said that the investigators have instructions to pass over anybody who objects to being examined, but he says that the investigators are well trained and recognize illegal aliens easily.

He justified this procedure with the provisions of Sec. 287(a) (1) and (2) of the Immigration and Nationality Act (8 U.S.C. 1357(a)(1) and (2)). He admitted that there are no court cases directly in point which clearly establish the legality of the procedure, but stated that he had consulted with the United States Attorney's office and had been told that the procedure, in their opinion, was legal.

In response to the argument that the method used with regard to aliens disregarded the protection which the law has given criminals in this country, and that most aliens are not criminals, but merely try to work, Mr. Marks stated that this had bothered him in the beginning, but the United States Attorney's office had reassured him that the procedure was legal. He found the operation "simple" and "clean." He invited the members of the Committee to express their reactions to the method and was not surprised to see that most members of the Committee opposed his action. A vote was taken by the Committee to pursue the matter further.

The Committee Chairman joined chairmen of other organizations, among them the Association of Immigration and Nationality Lawyers, the New York County Lawyers Association and the American Civil Liberties Union, in preparing a letter of protest against the above-described tactics to the Attorney General.

Prior to sending such a letter, it was felt appropriate to explore whether the above-described techniques were used only locally or whether they represent a nationwide policy. At a conference in the Central Office of the Immigration and Naturalization Service with top officials of the Service, it was confirmed that the investigative dragnet methods utilized in New York were used on a nationwide basis. There was no understanding on the part of the officials as to why there were objections to these eminently effective techniques. Raid techniques of this type are not new in American history.

As a result of the anti-alien feeling which developed after World War I, they were used extensively (by the Department of Labor) in 1919 and 1920 and revived again with the economic depression of 1930–31. In 1919 the "Red Crusade" was organized by Attorney General Palmer. Wide group arrests were made at night and in social gatherings and in public mass meetings in many cities all over the country.

In the early 1920s the Department of Justice attempted to eliminate anarchists in the so-called Palmer Raids, named after the Attorney General then in office. In the late 1930s there were raids against alleged communists and Marxists, and in the early 1950s the Department of Justice organized raids on alleged racketeers, criminals and communists, sometimes even initiating denaturalization proceedings in order to deport such individuals.

In 1957, it is reported, hundreds and even thousands of aliens were rounded up by the Federal Bureau of Investigation by raiding hotels, bars, restaurants, homes, the Hoboken docks and other places.[1] These raids, which apparently were directed toward Southern Europeans, did not include Mexican illegal entrants, who apparently at that time crossed freely back and forth into the United States.[1] while at present they are one of the chief targets of the operations. In 1955 the Immigration Service engaged in what it termed "investigative search without prior clue," and while the so-called search operations were not described in detail by the Service, they took place at "meetings or institutions where seamen [were] apt to congregate, such as dance halls and seamen's missions . . ."[2]

"Investigative searches without prior clues" were stepped up during 1956 and, according to the statistics furnished by the Service, resulted in the apprehension of 13,247 deportable aliens during that year.[3] These numbers are small in comparison to the more than 100,000 mentioned by the Service today.

LEGAL ISSUE INVOLVED

The question of whether recent widespread dragnet searches by the Immigration and Naturalization Service for illegal aliens are in violation of the United States Constitution has been the topic of discussion in both the profession and the press.

As the District Director, Mr. Marks, pointed out, whatever authority can be found for the procedures is contained in Section 287(a) of the Immigration and Nationality Act (8 U.S.C. 1357(a)). The extent of the authority granted to the Immigration Service by that provision is discussed in a number of decisions as well as in an article entitled "Powers and Responsibilities of Immigration Officers," by Charles Gordon, General Counsel of the Immigration and Naturalization Service.[4] The article justifies the search operation in principle, but contains the following statement:

"It sometimes happens that immigration officers try to check traffic at points in excess of one hundred miles from an external boundary, and any authority they may have in these situations obviously is more circumscribed. At this time, the officers rely primarily on their general authority to interrogate aliens or persons believed to be aliens. Their exercise of authority in connection with these distant road checks is not absolute and must have a reasonable basis. Several courts have upheld these interrogations when they have been reasonably conducted."

The INS claims to operate under Section 287(a) of the Immigration and Nationality Act (8 USC 1357).[5]

Section 287(a)(1) and (2) are exceptions to the general rule which preclude arrest without a warrant.[6] Although the District Director of Immigration can issue an arrest and/or search warrant, such warrants are tested by the usual rules governing the issuance of warrants by judicial magistrates, since the Fourth Amendment to the Constitution protects all persons, not only citizens but aliens as well, from unreasonable search, seizure and arrest.[7]

Because only the unreasonable search and seizure is prohibited by the Fourth Amendment,[8] it may be that Section 287(a)(1) and (2) could empower officers and employees of the Immigration Service to interrogate and/or arrest without warrant but such powers have always had to have the justification of an exceptional circumstance. The Supreme Court in non-immigration cases has permitted officers to search without warrant when a party consented to the search;[9] or in the case of a search incident to a lawful arrest which means the officer can search the area within the immediate control of the arrested person;[10] or in an emergency requiring immediate action as, for example, a fugitive entering a building.[11]

Does Section 287(a)(1) and (2) go beyond the limitations placed upon executive authority by the Fourth Amendment? Notwithstanding the Supreme Court's cautionary language that inferences of probable cause should be drawn by neutral and detached magistrates, not "by the officer engaged in the often competitive enterprise of ferreting out crime."[12] Section 287(a)(1) and (2) claim these powers for the enforcement officers or employees of the Service notwithstanding the lack of an emergency or special circumstance requirement in the statute. And despite the admonitions of the Supreme Court as to the requirements of probable cause, the powers conferred by Section 287(a)(1) and (2) have been upheld in the principal recent cases in the U.S. District and Courts of Appeals.

In *Yam Sang Kwai* v. *Immigration & Naturalization Service*,[13] immigration officers surrounded petitioner's Chinese restaurant with the purpose of interrogating any aliens therein. Prior to entry the officers did not know of the petitioner's nor of any of the patrons' existence. One officer entered and questioned petitioner concerning his right to be in the United States and when presented with conflicting documents arrested him. The Court of Appeals upheld the Special Inquiry Officer's denial of a motion to suppress and issued an Order of Deportation. Although the Court conceded that prior to petitioner's entry into the restaurant there was no probable cause to arrest anyone, it found that probable cause arose when the petitioner produced conflicting documents to the investigating officer. The Court held that under Section 287(a)(1) the officer had the authority to interrogate any alien as to his right to be in the United States.

The Court gave the words in Section 287(a)(1) and (2) a literal interpretation: the statute says "any alien" and the Court said it means just that: "any alien." Since Yam Sang Kwai was obviously a person of foreign descent, he appeared to be an alien, and the Court upheld the office in questioning him. The Court recited the standard formula: "Our construction of the respondent's activities in no way vitiates the legal necessity of 'probable cause' to make an arrest."[14]

Despite the assurance by the Court that it required a showing of probable cause, what probable cause was there? The Court, disregarding the fact that petitioner was restrained in the liberty of his movements, stated there was no initial arrest because the petitioner did not realize that officers had closed off the restaurant. The Court held the arrest occurred after the interrogation began, which itself brought about the probable cause to justify the arrest.

By what we believe to be an illogical interpretation of Section 287(a)(1), the Court justified the interrogating of any person believed to be an alien as to his right to be or to remain in the United States. From this it follows that a person's appearance, ethnic origin, dress or use of a foreign language, the fact of being a foreigner in and of itself, justifies an Immigration Officer in interrogating that person. Section 287(a)(1) as interpreted by *Yam Sang Kwai* does not require as an indication of probable cause that the person is an illegal alien, only that he looks like an alien. The first question of the investigator serves to establish whether he is an alien and this question must, of necessity, be caused by the suspect's appearance. Once it is established that the person questioned *is* an alien, the protection of the Fourth Amendment does not apply. Thus the repeated assurances contained in the dicta of the opinions, that probable cause is required by our Constitution to arrest or search the alien, are negated by the results of the same opinions which, under Section 287(a)(1), permit an immigration officer to question the alleged alien any place, anytime and use the fruits of the interrogation as the basis upon which to establish probable cause. The Fourth Amendment would mean a different thing to an alien than to a citizen. And the words of the Fourth Amendment, which makes the prohibition of unreasonable search and seizure applicable to all persons, would be a nullity.

The Supreme Court has stated: "The Fourth Amendment, and the personal rights which it secures, have a long history. At the very core stands the right of a man to retreat into his own home and there be free from unreasonable governmental intrusion."[15] Evidently *Yam Sang Kwai* leaves little space for a Chinese restaurateur to retreat into his own restaurant without fear of the presence of the governmental intruder.

Circuit Judge J. Skelly Wright, dissenting in *Yam Sang Kwai* maintained that when the officers entered the restaurant Yam Sang Kwai was not free to depart and thus he was arrested before the officers interrogated him and before they had probable cause. Judge Wright cited *Terry* v. *Ohio*[16] which emphatically condemned "intrusions upon constitutionally guaranteed rights based on nothing more substantial than inarticulate hunches."

Judge Wright maintained correctly that there were no particular grounds for a reasonable suspicion. He read Section 287(a)(1) as importing a requirement of reasonable belief the person interrogated is an illegal alien. To hold otherwise would give the Immigration officer an impermissible opportunity to detain any foreigner, any place, anytime, with no more than a hunch or a surmise.

Judge Wright stated,

"We entirely ignore the letter and spirit of the Fourth Amendment when we sanction detention of an individual for interrogation by law enforcement officers on grounds no more substantial than the ethnic character of his restaurant or his own apparent race or national origin. Thus, under the duty of the Courts to construe federal statutes subject to constitutional standards, I would hold that the power granted by 8 U.S.C. Sec. 1357 (a)(1), (287(a)(1) to detain for interrogation any alien or person believed to be an alien should be limited to cases where officers have particular grounds to support a reasonable suspicion that the person detained is illegally in the country. Since no such ground was shown in this case, I believe that petitioner was illegally detained in his restaurant during the interrogation."

In two other cases, *Au Yi Lau* v. *Immigration & Naturalization Service*[17] together with its companion case, *Tit Tit Wong* v. *Immigration & Naturalization Service*[18] the Courts dealt with the question of forcible detention of aliens against their will for the purpose of questioning.

In the former case an informant's tip led INS officers to a Chinese restaurant where without warrant they identified themselves and obtained permission to interview the employees. As the three petitoners attempted to flee, the officers forcibly detained them and on questioning the aliens each of them admitted jumping ship. The officers searched

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Footnotes at end of article.

them, seized documents which proved each had overstayed his leave. At the deportation hearing a motion to suppress evidence as the fruit of an illegal search was denied and a deportation order was issued. In the companion case of *Tit Tit Wong* v. *Immigration & Naturalization Service*,[18] the immigration officer, while interrogating an alien believed to be illegally here, noticed petitioners leave a hospital waiting room in what he believed to be an "odd" departure. Later he pursued them and in a parking lot, when they got into a car and tried to drive off, he took their car keys. Since he was unable to communicate with them he obtained the aid of a Chinese student who acted as interpreter. After questioning the petitioners the officer came to the conclusion they were in the country illegally and arrested them.

In these two cases, the Court held that officers of the INS could "make forcible detention of a temporary nature for the purpose of interrogation under circumstances creating a reasonable suspicion, not arising to the level of probable cause to arrest, that the individual so detained is illegally in this country." [19] The Court commented as follows:

"We believe the statutory interrogation authority comprehends such detentions, but, because they are far greater intrusions upon personal privacy than the nonforcible approaches, and since aliens in this country are sheltered by the Fourth Amendment in common with citizens, such a reading of the Congressional mandate must be controlled by the constitutional standards governing similar detentions made by other law enforcement officials. See *Terry* v. *Ohio*.[20] We hold that immigration officers, in accordance with the Congressional grant of authority found in Section 287(a) (1), may make forcible detentions of a temporary nature for the purposes of interrogation under circumstances creating a reasonable suspicion, not arising to the level of probable cause to arrest, that the individual so detained is illegally in this country. Utilizing the standards developed in *Terry*, such detentions are to be judged from case to case by reference to the particular facts of each. . . ."

Terry v. *Ohio* in effect permitted a policeman to "stop and frisk" when the circumstances were such that he could "reasonably" conclude that the suspect was armed and dangerous, but even then there had to be "specific and articulable facts, which taken together with rational references from those facts, reasonably warrant that intrusion." [21] Both *Au Yi Lau* and *Tit Tit Wong* extend the already sweeping authority of the *Terry* case. In both cases the investigator acted on the basis of anonymous tips and the courts construed the "probable cause" retrospectively from the demeanor of the subject after they were virtually taken into custody, i.e. all avenues of escape were closed.

While in *Cheung Tin Wong* v. *U.S. Immigration & Naturalization Service* [22] the Court said:

". . . we wish to state in unequivocal terms that we could never condone stopping or questioning an individual simply because he looked to be of oriental descent. . . ."

it apparently found that the oriental looks in conjunction with the individual's apparent inability to speak English is "sufficient grounds for . . . suspicion that petitioner was an alien" and thus under Sec. 287 could be questioned as to his right to remain in the United States. This case involved an immigration officer's observation of two men, who appeared to be Chinese, stop a taxi, and one entered the back of the cab, and his companion bent over the front door and appeared to be giving the cab driver instructions. The officer understandably concluded that the man in the back seat did not speak English and he then detained the petitioner for questioning, which ultimately, after taking him to a cafe led the officer to facts to justify the arrest. The Court held, following the precedent in *Au Yi Lau*, that forcible detention of a temporary nature for the purpose of interrogation under circumstances creating a reasonable suspicion, not arising to the level of probable cause to arrest, were all right. The Court felt that it was utilizing the standard developed in *Terry*. The Court in *Cheung* stated: "A brief stop of a suspicious individual, in order to determine his identity or to maintain the status quo momentarily while obtaining more information, may be most reasonable in light of the facts known to the officer at the time."

What was the "suspicious" behavior? One could have reasonably inferred that petitioner was an alien, it is true, but not an illegal alien. The Court was following the interpretation of the statute given it in *Yam Sang Kwai* and *Au Yi Lau* that the immigration officer has power without warrant to interrogate any alien. This interpretation of the statute, while literally correct, is contrary to the Fourth Amendment's protection granted all persons against unreasonable arrests, searches and seizures. If the statute is not interpreted by the courts to be limited to cases in which officers have particular grounds to support a reasonable suspicion that the person detained is illegally in the country—and it is not presently being so interpreted as the cases heretofore mentioned show—then the statute is being applied unconstitutionally in violation of the Fourth Amendment.

The dragnet operation as presently conducted by the Immigration Service and adverted to at the beginning of the article are even less supportable than any case mentioned herein. The actions of the Immigration Service conflict with basic constitutional liberties which grants to all persons the right to generally be free of governmental arrest and inquest.

"The safeguards of the Fourth, Fifth and Sixth Amendments of the Constitution protect citizens and aliens alike and hence the foreigner, equally with the native-born, may invoke their aid to guard against the assaults of arbitrary power." [23]

CONCLUSION

In evaluating the law on the right of Government to conduct alien raids without prior clues, warrants of arrest or any other of the protections usually necessary for restricting human freedom under the Bill of Rights, the conclusion is inevitable that the lower courts' decisions result in victory for the enforcement agency, a victory which is accompanied by voluminous verbiage exalting the right of the individual under the United States Constitution. Our Committee would like to see the Immigration Service which, over the years, has built up a deserved reputation for humanitarianism in many areas of the immigration law, apply this humanitarianism to self-restraint in dealing with the arrest of aliens, to deny itself what it believes its absolute right of detention and arrest without warrant without being compelled to do so by court decision.

We believe that Section 287 as interpreted by the Service goes beyond the limitation of the Fourth and possibly the Fifth Amendments of the United States Constitution, but we also believe that even if in the present anti-alien atmosphere, the Courts do not agree with this conclusion, this does not compel the Government to insist on pressing its rights to such a point that the Courts are compelled to intercede.

Regardless of the results of future litigation, the procedures described and admittedly used all over the United States, violate the American tradition of protecting the rights of the individual.

Respectfully submitted,
COMMITTEE ON IMMIGRATION AND
NATIONALITY LAW,
EDITH LOWENSTEIN,
Chairman.
WILLIAM H. OLTARSH,
Secretary.

FOOTNOTES

[1] *Civil Rights and Immigration*, Milton R. Konvitz, (1953), p. 111.

[2] *Annual Report of the Immigration and Naturalization Service*, (1955), p. 14.

[3] *I. & N. Reporter*, (January 1957), p. 30.

[4] *American Bar Association Journal*, January 1973, pp. 64–67.

[5] 8 USC 1357:

"Any officer or employee of the Service (INS) authorized under regulations prescribed by the Attorney General shall have power without warrant—

(1) to interrogate any alien or person believed to be an alien as to his right to be or to remain in the United States.

(2) to arrest any alien who in his presence or view is entering or attempting to enter the United States in violation of any law or regulation made in pursuance of law regulating the admission, exclusion, or expulsion of aliens, or to arrest any alien in the United States, if he has reason to believe that the alien so arrested is in the United States in violation of any such law or regulation and is likely to escape before a warrant can be obtained for his arrest . . ."

[6] *Nathanson* v. *U.S.*, (1933) 290 U.S. 41, 78 L. Ed. 159, 54 S. Ct. 11.

[7] *Abel* v. *United States*, (1960) 362 U.S. 217, 4 L Ed. 2d 668, 80 S. Ct. reh. den. 362 U.S. 984, 4 L. Ed. 2d 1019, 80 S. Ct. 1056.

[8] *United States* v. *Rabinowitz*, (1950) 339 U.S. 56, 60, 94 L. Ed 653, 657, 70 S. Ct. 430.

[9] *United States* v. *Mitchell*, (1944), 322 U.S. 65, 88 L. Ed. 1140, 64 S. Ct. 896, reh. den. 322 U.S. 770, 88 L. Ed. 1595, 64 S. Ct. 1257.

[10] *Chimel* v. *California*, (1969), 395 U.S. 752, 23 L. Ed. 2d 685, 89 S. Ct. 2034, reh. den. 396 U.S. 869, 24 L. Ed. 124, 90 S. Ct. 36.

[11] *Frank* v. *Md.* (1959) 359 U.S. 360, 3 L. Ed. 2d 877, 890, 79 S. Ct. 804, reh. den. 360 U.S. 914, 3 L. Ed. 2d 1263, 79 S. Ct. 1292.

[12] *Johnson* v. *United States* (1948) 333 U.S. 10, 14, 92 L. Ed. 436, 440, 68 S. Ct. 367, 369.

[13] *Yam Sang Kwai* v. *Immigration & Naturalization Service*, 133 U.S. App. D.C. 369, 411 F. 2d 683 (1969) cert. den. 396 U.S. 877, 1970.

[14] *Id. at 687.*

[15] *Silverman* v. *U.S.* (1961) 365 U.S. 505, 5 L. Ed. 2d 734, 81 S. Ct. 679, 683, 97 ALR 2d 1277.

[16] *Terry* v. *Ohio*, 392 U.S. 1, 88 S. Ct. 1869, 20 L. Ed. 2d 889 (1968).

[17] *Au Yi Lau* v. *Immigration & Naturalization Service*, 445 F. 2d 217 (D.C. Cir. 1971), cert. den., 404 U.S. 864 (1971).

[18] *Tit Tit Wong* v. *Immigration & Naturalization Service*, 445 F. 2d 217 (D.C. Cir. 1971), cert. den., 404 U.S. 864 (1971).

[19] *Au Yi Lau* v. *INS*. p. 232.

[20] *Terry* v. *Ohio*, supra.

[21] *Terry* v. *Ohio*, supra.

[22] *Cheung Tin Wong* v. *U.S. Immigration & Naturalization Service*, decided Aug. 31, 1972, U.S. Ct. of Appeals, District of Columbia Circuit, reported in NYLJ, September 18, 1972.

[23] *Ex-parte Orozco*, (1912) D.C. Tex. 201 F. 106, 118.

RECESS

The SPEAKER. Under a previous order, the House will stand in recess subject to the call of the Chair.

Accordingly (at 1 o'clock and 57 minutes p.m.), the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 o'clock and 39 minutes p.m.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate having proceeded to reconsider the bill, S. 7, entitled "An act to amend the Vocational Rehabilitation Act to extend and revise the authorization of grants to States for vocational rehabilitation services, to authorize grants for rehabilitation services to those with severe disabilities, and for other purposes," returned by the President of the United States with his objections, to the Senate, in which it originated, it was resolved, that the said bill do not pass, two-thirds of the Senators present not having voted in the affirmative.

RENT ROLLBACK AND FREEZE: AN ANSWER TO A DESPERATE PROBLEM

(Ms. ABZUG asked and was given permission to address the House for 1 minute, to revise and extend her remarks and include extraneous matter.)

Ms. ABZUG. Mr. Speaker, yesterday I called for a rollback and a freeze of prices at December 1972 levels and proposed three strengthening amendments to a rent freeze provision now before the House, including one that would specifically apply the moratorium to cities like New York that have their own rent control laws.

At hearings held by the House Banking and Currency Committee on economic stabilization legislation which it has introduced, cited rent increases in New York of up to 100 percent and offered the following changes for the rent freeze section:

Specific language nullifying any rent increases authorized under State or local rent laws and bringing such States and localities under the provisions of the Federal freeze.

A restriction of "pass-alongs" to tenants of tax increases and the price of improvements which are currently permitted under the committee's freeze section. Under my proposal, such pass-alongs could not amount to more than a 2.5-percent annual increase in rents.

A rollback of rents—and a freeze at that point—to phase I, August 1971 levels. The committee's bill calls for a rollback only to January 10, 1973, levels and provides the President with authority to roll them back further.

On January 15, 1973, I introduced rent freeze legislation, the major provisions of which were included in the Banking and Currency Committee's bill.

I believe we are not far from the point at which the rent situation in this country will spark the same kind of spontaneous mass movement as the national meat boycott.

What I believe is not generally recognized—indeed what has not been reflected in previous rent measures passed by Congress—is that cities like New York that have their own rent control laws are suffering from intolerable rent increases.

New York has a vacancy rate of 1.5 percent, annual 7½ percent rent increases to hundreds of thousands of tenants under the city's maximum base rent law and the exhorbitant raises that occur under the State-mandated vacancy decontrol program. Rent conditions in New York and other major urban areas are very serious if not desperate.

Unless economic stabilization strictly controls all prices, profits and interest rates, allows working people some catch-up pay increases, exempts those who earn less than $3.50 from wage controls and provides realistic enforcement procedures that will really protect the consumers, the major burden will continue to be placed on the wage earner, the middle class and those on fixed incomes. It would be better not to extend the President's stabilization powers at all rather than to arm him with the kind of discriminatory powers that have allowed profits and prices to soar.

At this point I would like to insert the full text of my testimony: .

TESTIMONY BY CONGRESSWOMAN BELLA S. ABZUG

Mr. Chairman, I welcome this opportunity to appear before your committee to discuss what is on everybody's mind today—incredible increases in the price of food, other necessities and in rents.

On Saturday I toured my entire district in support of the meat boycott at supermarkets. I found, of course, tremendous support for the meat boycott. Among the hundreds of people I talked to I also found a sense of despair and outrage at what food costs were doing to their budgets.

There was virtually unanimous recognition that the President's action, on the eve of the boycott, in placing ceilings on meat prices simply would not do the job, and I agree. Freezing meat prices at their highest level in more than 20 years and ignoring increases in other foods is not going to help the beleaguered consumer.

I support the bill before this committee which imposes a 60-day freeze on prices and interest rates at all levels and which instructs the President to set up a rollback mechanism so that prices do not rise more than 2.5 percent a year. This is a good proposal, as far as it goes. We must freeze prices, but only after they have been rolled back to at least the levels they were at on December 1972 when the President announced his ill-advised Phase III plan.

Unless economic stabilization strictly controls all prices, profits and interest rates, allows working people some catch-up pay increases, exempts those who earn less than $3.50 an hour from wage controls, and provides realistic enforcement procedures that will really protect consumers, the major burden will continue to be placed on the wage earner, the middle class and those on fixed incomes. It would be better not to extend the President's stabilization powers at all rather than to arm him with the kind of discriminatory powers that have allowed profits and prices to soar.

I would like to devote the main portion of my remarks to the plight of the tenant, particularly in my city.

I believe we are not far from the point at which the rent situation in this country will spark the same kind of spontaneous mass movement as the national meat boycott campaign that has resulted from spiraling food costs.

Because of the growing concern with worsening rent conditions, I introduced on January 15 of this year a rent freeze bill and reintroduced it on March 22 with the cosponsorship of 13 other House members, including six from New York City. They rent freeze provisions of the economic stabilization legislation prepared by this committee also reflect that concern.

What I believe is not generally recognized—indeed what has not been reflected in previous rent measures approved by the Congress is that cities like New York that have their own rent control laws are also suffering from intolerable rent increases. It is too widely believed, I fear, that because of their own statutes, such localities have the rising cost of rents under adequate control. On behalf of the overwhelming majority of the tenants of my district—and indeed the entire City of New York—let me assure you that this is not the case.

Consider these statistics: The vacancy rate in New York is only *1.5 percent*. This is a crisis figure. The picture is further darkened by the federal freeze in housing funds which will all but eliminate new building starts in low and middle income housing in the city.

In 1960, 60 percent of the city's housing stock was under rent control, but by 1970 only 48 percent remained controlled. In 1971, the New York State legislature passed the monstrous vacancy decontrol law, which removed any apartment vacated by a tenant from the jurisdiction of New York City's rent control statute. Thus, the landlord is free to charge the next and subsequent tenants any rent the traffic will bear. Since vacancy decontrol went into effect, 144,000 additional units have been decontrolled. That number is based on voluntary reports by landlords to the city, and therefore the figure must be considered conservative. The estimated average citywide rent increase for decontrolled apartments is from 90 to 100 percent since the law went into effect

As New York City Councilman Theodore Weiss—who represents an area in my district—was quoted as saying in the NEW YORK TIMES March 30: "If this continues we will be left with a rent control law and no housing to control."

Approximately 750,000 out of 1.1 million controlled units in the city are currently under what has become an infamous control law called the maximum base rent program (MBR) that provides a complicated formula for computing a maximum rent for each unit and then authorizes annual increases of up to 7½ percent until that maximum figure is reached.

The majority of the units under this program have an annual household income below $8,000. Approximately 20 percent of them are currently on welfare rolls and just last week the city reported that its rent payments for those on welfare were going up because of MBR increases.

It is not widely known that despite its rent control programs, New York has consistently undergone rent increases more severe than other cities. From 1957–1969, rents in the city increased at a 57 percent faster rate than the U.S. average.

In a metropolitan area basis, the U.S. Bureau of Labor Statistics reported the average rental increase in the nation to be 18.1 percent for the period 1967–72 while it was 24.3 percent for the New York area.

In the last two years the MBR program has spewed out total increases of 15 percent for hundreds of thousands of tenants with additional cumulative annual increases of 7½ percent promised for ensuing years. And in all too many cases, these increases were not accompanied by the improvements in building maintenance and service which the law required of the landlord.

MBR has provided a windfall for landlords, while causing hardship to countless low and middle income tenants. An 8½ percent return on capital value provision of the law which is tied to equalized assessed valuation, has resulted in maximum base rents far higher than those required to provide reasonable incentive to landlords. Few people knew at the time this formula was enacted that the equalization of assessed valuation would turn out to be approximately 75 percent more than the assessed valuation. Indeed, those of us who inquired in 1970 were advised that the adjustment would be no more than 30–35 percent. The result has been an unexpected windfall for landlords, with profits now up to approximately 15 percent of assessed value and threatening to go higher.

Another rent program in the city covering about 300,000 units—called rent stabilization—also provides landlord dominated machinery that results in increases of up to 13 percent for tenants.

Finally, there is the problem of tenant harassment and the ever growing number of evictions of low and middle income tenants from sound housing earmarked by private developers for destruction and replacement by luxury buildings. Because of the city's low vacancy rate and because of vacancy decontrol, it is extremely difficult if not impossible for the evicted tenants to find housing comparable to the units which they left behind.

There is widespread feeling among the people of New York and in the City Council that the so-called rent control and stabilization laws should be repealed and a freeze enacted while more equitable machinery is devised. Unfortunately, the same state law that imposed vacancy decontrol also prohibits the Council from passing a rent statute "more restrictive" than the one now in force.

In short, the rent conditions in New York, like those in other major urban areas, are very serious, if not desperate. Therefore, I am pleased to note that H.R. 6168, sponsored by twenty members of this Committee, includes provisions for the stabilization of rents similar to those in my bills. Section 205 of this bill provides that all rents shall be rolled back to their levels as of January 10, 1973, the day that Phase II ended, with increases permitted thereafter only to reflect the actual cost to the landlord of increased taxes or operating costs or capital improvements on the property.

While I agree with the basic thrust of this provision, there are several changes that I think would greatly increase its effectiveness. Most of the American people realize that not only Phase III, but Phase II as well, have been resoundingly unsuccessful in stopping inflation. In the meantime, they have only increased the squeeze on working Americans who are struggling each day to make ends meet. I would propose—and I will attach the text of each of my proposed amendments to section 205 as an appendix to my statement—that rents be rolled back not to the date on which Phase II ended (January 10, 1973), but back to their levels during Phase I, which lasted from mid-August to mid-November 1971.

Second, while I understand the rationale behind allowing landlords to pass on increases in their costs to tenants, I am concerned about the open-ended nature of this provision of H.R. 6168. For one thing, if increased costs are the only means to increase rent, they may demonstrate a tendency to rise sharply as landlords suddenly find all sorts of "costs" that had in the past not been specifically identified as such. Many capital expenses that have been put off for months or even years will suddenly be made, leaving the tenant no better off than before. Also, if we are asking all Americans to sacrifice somewhat to help stop the inflationary spiral, I see no need to guarantee landlords their present handsome rates of return; they too should have to make sacrifices. Accordingly, I would suggest that any provision allowing a pass-on of increased costs should limit such increases to 2.5 percent a year, the figure the President has cited as an acceptable inflation rate.

Finally, there is the question of the applicability of section 205 to housing which is subject to local rent control laws. In 1971, Congressman Brasco and I added to the Economic Stabilization Act section 203(h), providing that no area with local rent control should be in any way excused from the applicability of federal rent controls by virtue of that fact. To our dismay, the Administration interpreted that provision in a manner wholly at variance with its language and its legislative history, and areas such as New York City and several Massachusetts communities were not subjected to federal controls. The Senate version of Economic Stabilization now before you, S. 398, only complicates this situation. It provides that its rent control provisions shall not "invalidate the provisions of any State or local rent control laws or regulations which have been approved by the President or his delegate." H.R. 6168 does not speak directly to the question of locally rent controlled areas.

I would propose that in light of the difficulty we have had in sustaining our intent in enacting the Abzug-Brasco amendment, it be replaced by an unmistakable statement that no local law shall operate to permit any rent increase in excess of that permitted under the Economic Stabilization law.

I thank you for your consideration of my suggestions, and hope you will see fit to include them in your bill.

Amendments to H.R. 6168, Proposed by Representative Bella S. Abzug

1. (a) Page 3, line 23, strike out "January 10, 1973" and insert in lieu thereof "August 15, 1971".

(b) Page 4, line 7, strike out "January 10, 1973" and insert in lieu thereof "August 15, 1971".

2. Page 4, line 5, strike out the period and insert in lieu thereof the following: ", but no increase permitted under this section shall exceed two and one-half per centum in any year for any housing unit.".

3. (a) Page 4, after line 8, insert a new subsection (c) as follows:

"(c) This section shall pre-empt the provisions of State and local rent control laws only to the extent that they operate to permit to be charged a rent in excess of that permitted by this section."

(b) Page 12, after line 22, insert the following new section:

"LOCAL RENT CONTROL

"Sec. 7. Section 203 Section 203 of the Economic Stabilization Act of 1970 is amended by striking out subsection (h) and relettering subsection (i) as subsection (h)."

THE RIGHT TO FREEDOM

(Mr. CHAPPELL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CHAPPELL. Mr. Speaker, if the United States ever attempts to stifle a drive for freedom by any people with the excuse that we are simply trying to keep the peace, we will be doomed as a nation.

Is peace so dear and comfort so valued that we would sacrifice the hopes and dreams of millions of Americans over the past two centuries to passivity and indifference?

Many well organized groups accuse anyone who speaks out on the dangers of the Communist ideology as using "McCarthy tactics"—or "scare statements." Many of my young friends tell me that a high percentage of their classmates justify communism simply as another form of government—and better fitting for certain peoples of the world. Such a justification saddens me intensely. It is not just another form of government; it is a weapon to bring other nations under its domination; and there is nothing simple about communism; it is a tough governmental discipline. It stands four square in opposition to our concept of freedom. It regiments, dominates and controls the individual as a servant of the government while we believe government exists as the servant of the individual.

Some choose to close their eyes, hoping the expansion of communism will go away. It will not go away. It is entrenched just 90 miles off the shores of our beloved Florida and it is creeping into the United States just as it is into South American nations—and just as it crept over so many of the nations of Europe. From all the information I have, the training of groups in Cuba for subversion is increasing. Cubans are sent to the U.S.S.R. for indoctrination; and they in turn move throughout the Western Hemisphere, teaching others to join them in their crusade for the downfall of free enterprise systems such as ours. Subversion is their goal and groups are continuing to go from this country to Havana for lessons in subversive activities.

The cry for the recognition of the Castro regime in the Organization of American States and for the diplomatic recognition by the United States has begun. Trade relations with her are urged. I believe that all Amercians strongly want peace, but not peace at any price. Most thinking Americans want the Communist threat in South America halted and reversed. I firmly believe that most people in South America want the Communists out and they are willing to move them out. The one impediment to their doing so appears to be our own United States. By our outward image of passivity toward an ever growing Communist power build-up in the Western Hemisphere, we indirectly discourage our friends in Latin and South America from strong and concerted efforts to rid this hemisphere of Cuban Communist subversion.

We need South America and they need us. There are many concessions the United States can make to South America to help them economically and improve our friendship with them. They are proud countries and they can't be bought and we would not value their friendship if they could. They do not need our interference when they attempt to control an investigation of subversiveness. Even if we are not willing to help them about Communist activity in South America, we can at least let them be free to make their own decision on how to handle this matter.

Mr. Speaker, the American people are at this time in no mood to thrust themselves into another "peoples' fight" to liberate themselves from communism, but I sincerely pray that we have not reached the stage where we would either by patent effort or latent image discourage a country from a struggle to regain and maintain freedom. I think the American people have not reached this stage and they will not stand for a policy by our leaders which might weaken our great reservoir of friendship to our south. I believe we must reassert in a very positive way, the spirit of the Monroe Doctrine and thus guarantee an atmosphere in the Western Hemisphere wherein peoples can successfully resist and throw off the chains of a government imposed by force. The free choice of the majority is the way to freedom.

THE VOCATIONAL REHABILITATION ACT OF 1973

The SPEAKER. Under a previous order of the House, the gentleman from Idaho (Mr. HANSEN) is recognized for 20 minutes.

Mr. HANSEN of Idaho. Mr. Speaker, I had hope that the House would have an opportunity to debate and vote on the Vocational Rehabilitation Act of 1973, which was vetoed by the President. I would have voted for the bill notwithstanding the veto.

I have listened to the attacks made on this legislation during the last few days with surprise and deep disappointment.

To place the issues before us today in proper perspective, it is helpful to recall some recent history.

First, this legislation is the product of an honest, good faith effort over the last year and a half—by both parties in Congress and with the full cooperation of the executive branch—to respond to the needs of millions of handicapped Americans.

The record will show that the legislation that emerged from that cooperative effort won the approval and even the praise of administration officials. During the lengthy period of drafting, public hearings, markup, floor debate and consideration by the Senate-House conference, there was no indication from the executive branch of displeasure with the bill that is now found to be so objectionable.

The bill was unanimously approved by the House—by a vote of 327 in favor and none against—and by the Senate with a vote of 70 in favor and none against.

The veto of the bill following the adjournment of Congress in October was the first sign that the administration had apparently changed its position on this legislation.

At the beginning of this Congress, another good faith effort was made on a bipartisan basis to reach a compromise with the administration and to bring to the floor a bill that would continue and strengthen one of the Nation's highest priority and effective programs to help the handicapped. Because much of the administration criticism was focused on the level of authorizations these were substantially reduced in the new bill.

The product of those efforts was again approved by a vote of 33 to 1 in the full Committee on Education and Labor and by a vote of 318 to 57 in House. The overwhelming majority of Members of both political parties voted for the bill on final passage.

Following another veto, it is obvious that a great many Members who voted for the bill last year with its higher authorizations and who voted for the bill this year have changed their minds on the merits of the legislation and were planning to vote today to sustain the President's veto.

I certainly respect anyone's right to change his mind. I have done it myself. This is somewhat reminiscent of the story they used to tell about former Senator Harry Ashurst who spent a good part of one session denouncing a bill that was supported by the leadership. When the final vote came, however, Senator Ashurst voted for the bill. "What happened?" asked a friend, "Did you finally see the light?" "No," retorted Senator Ashurst, "but I certainly felt the heat."

Now I do not question anyone's motives or sincerity in changing his position on this bill. What I do object to, however, is making a vote on the veto a test of loyalty to the administration. And, I deeply resent the charges coming from executive branch officials that those of us who have not changed our minds are somehow playing political football with the expectations of the Nation's handicapped.

The vote here today is being widely advertised as a test of congressional will to control spending. That is a false issue. As everyone in this Chamber knows full well, this is not a spending bill. It is an authorization bill only and will not have any direct effect on the Federal budget. The fact is that the spending levels authorized by this bill are much closer to actual budget requests than most of the authorization bills approved by Congress. The decision on spending will be made by the Congress when the appropriations bills come to the floor. Then spending will indeed be the issue.

I applaud an support efforts to hold down Federal spending. But, my decision on spending bills will reflect my own convictions on national priorities. And, when the record of this Congress has been written and all of the votes have been recorded, the level of spending which I will have approved will be below that of the administration.

The unfortunate victims of the attempt to confuse and make this appear to be a spending issue are the Nation's handicapped. There are few programs where the investment of Federal dollars has paid greater dividends. Many of these dividends are repaid in dollars. The record show dramatic increases in the earning power of handicapped persons who become employable. But the greater dividends are in terms of human values—the dignity and satisfaction that come with conquering a handicap and becoming an independent, self-supporting, contributing member of society.

This is not a new bill designed to meet some social cause that we just discovered. It is legislation which is 53 years old. It was first passed in 1920. It is legislation designed to continue programs that are established in every State of the Union. It is not a welfare program and it is certainly not a Federal giveaway. This legislation is the epitome of the American work ethic in that individuals who are unable to work are retrained and helped so that they may work and become contributing, participating and productive members of society.

I am concerned that this legislation has become the battle ground over the budget. I stand with the President in his concern for keeping spending and taxes down but I think it is a distortion of all facts to suggest that "S. 7, if enacted, would result in an increase in Federal outlays of some $1 billion above my budget recommendations for fiscal years 1973–75." This is simply not true. This is an authorizing bill and everyone here knows there is a difference between authorizations and appropriations. The levels that we have set in this bill, which are $900 million less than the figures in the bill vetoed by the President last October, are the levels which we in the Congress believe should be spent on this program. Now, it is possible for reasonable men to disagree as to what should or should not be spent and that is the job of the Appropriations Committee, but it is a total distortion to suggest that this bill, because it happens to be the first one up this year and has high authorization levels, will break the budget. Some will argue that high authorization levels are empty promises which cannot be fulfilled. I cannot accept that because the handicapped of this Nation are aware of budgetary constraints, as is everyone else, but they, as I, are also aware that priorities do change and by having authorization levels that are set which reflect the concern of the authorizing committee, who have studied this legislation for well over a year and a half now, it is possible for changes to be made.

The issue of unreasonable authorization figures has been raised many times in the last few days and the argument has been made that it would be another empty promise which could not possibly be fulfilled as the authorization levels are so high that they could never be met. In many cases in many pieces of legislation which have come before the House this is true. But this has not been the case in the vocational rehabilitation legislation. Let us look at the actual facts for the funding of the old section 2 which, is now called title I in the bill before us today:

In 1967 the authorization was $300 million.

The actual appropriation was $236 million.

In 1968 the authorization was $400 million.

The actual appropriation was $287 million.

In 1969 the authorization was $500 million; the actual appropriation was $345 million.

In 1970 the authorization was $600 million; the actual appropriation was $436 million.

In 1971 the authorization was $700 million; the actual appropriation was $503 million.

In 1972 the authorization was $800 million; the actual appropriation was $560 million.

In 1973 the authorization is $700 million; the original budget request submitted by the administration in January, 1972, was $610 million; when the bill was vetoed, the request was revised downward to $590 million.

The figure for 1974 is $800 million; the administration's request is $610 million.

I think that you can see that the authorization levels have been reasonable and accurate to a great extent. As I said before, in every piece of legislation that comes before the House the authorization levels represent the best estimate as to what this body feels is necessary for these programs. I think that the actual appropriations through the years have been so close to the authorization levels that this indicates that the Congress has been right.

The President in his original veto message observed that the authorization levels for this bill were too large. I think that we responded in a very responsible manner by reducing those authorization levels by $900 million or 25 percent under the first vetoed bill's authorizations. Because of this responsible action, in my judgment the bill is still sound.

This bill has centered around money which, of course, is important, but let us stop for one minute and see who the bill actually serves. It is the handicapped of this Nation. Who are the handicapped? They are the blind, the deaf, the retarded, the physically handicapped, and many others too numerous for me to list here. Many people who are helped by this legislation are often healthy one minute and disabled the next. Probably the best example was Gov. George Wallace of Alabama who one minute was vigorously campaigning for the Presidency and the next minute, as a result of a bullet in his spine, was a paralyzed, disabled individual. Not all people, of course, become handicapped because of violence. Most become handicapped through accident or disease.

What does it mean to be handicapped? Let me try to put it in terms that everyone in this Chamber can understand. Sight, as we all know, is one of the most important senses that we have and we rely on it as we carry out our normal daily activities. The loss of sight and the accompanying problems can often be so overwhelming as to totally destroy an individual's capacity to continue his life in a normal way without some retraining and guidance. To help you understand exactly what I am talking about, if all of you on the floor today would close your eyes and put you hands over your closed eyes, you will immediately experience the partial sensation of what it means to be blind. I must point out that it is partial because you are sitting here but you have not really tried to go through an entire day without the use of sight. Let you minds wander and think how difficult it would be for you who have had sight all of your lives to get dressed in the morning, to shave, to comb your hair, to eat a meal or to simply get from one place to another.

How many of you would be able to walk from the floor to your office right now without the use of sight? How difficult would it be to walk from your office to the floor several times a day for record votes? Let me just carry it a step further. Think about going to your home district, getting on the plane, getting off the plane, and getting around your own congressional district without sight.

Those without sight are merely one of the groups aided by this bill, but aided to go to work. There is no charity in this bill. Its premise of the bill is based on the hardnosed reality that it is a good investment to help these people because over the years people trained under this legislation have returned hundreds of times the Government's outlay for them back in taxes paid once they were working.

I would remind my colleagues in the House that there were major differences between the House and Senate versions of the bill, but in conference the primary House position prevailed. So that you understand the surprise of the veto I am going to insert at this point in the record portions of an official document from the Department of Health, Education, and Welfare sent to John Steinberg, the Senate counsel handling this bill, from Edward Newman, then the Commissioner of Rehabilitation. It is on HEW stationery and was submitted as a document representing to us at least HEW's position. It was sent prior to the conference and was instrumental in getting the Senate to recede to the House position. You should note that the unhappiness that is being expressed today was certainly not conveyed to us just 1 month before the veto.

Department of Health,
Education and Welfare,
Washington, D.C., September 6, 1972.

Mr. Jonathan Steinberg,
U.S. Senate,,
Washington, D.C.

Dear Mr. Steinberg: In accordance with your request and additional questions posed by Ms. Walker, we have prepared the enclosed discussion paper of the possible impact on the present program of vocational rehabilitation services that would be occasioned by the inclusion in the Act of proposed changes seen in the Second Committee Print.

Also enclosed are (1) tables showing the numbers served and rehabilitated for some twenty cost ranges in FY 1971. We have just received these analyses and have not had time to verify the accuracy of the computations; however, our statistical staff feel that they are accurate reflection of the general practices; and (2) a section-by-section technical discussion of the Second Committee Print.

We are heartened by the obvious interest of the Subcommittee in wanting to build in incentives to serve those seriously disabled who are not now being well served. However, as the enclosed materials elaborate, we do have some serious questions regarding the model of eligibility and services presented in the Second Committee Print, as we understand it. If our discussion seems to suggest that we are missing some key points, we would be happy to discuss this further with you.

Sincerely yours,
Edward Newman, *Commissioner.*

Technical Comments on Committee Print Draft 2—Rehabilitation Act of 1973

Comments and suggested technical changes are listed in the order the item appears in the bill. Most significant comments are starred.

The draft bill represents a logical reorganization and rationalization of existing authorities and proposed additional ones. The suggestions which follow are intended to clarify, or elaborate but not to change radically any new proposals in the draft except as noted in Tabs dealing with issues related to the cost/duration model for comprehensive services for severely disabled persons, and the proposed substitution of a fair hearings and appeals procedure and ombudsman function for the client advocacy and appeals sections in the draft bill.

SPECIFIC COMMENTS

1. Initial staffing has been dropped from the definition of "construction" on p. 7. Was this inadvertent? It has been retained in "establishment" on p. 10.

2. On p. 25 reference is made to the individualized written rehabilitation program developed by the "rehabilitation facility". This should be changed to the "State agency." The State agency is the official body administering the service programs for eligible individuals. The "State agency" purchases services from facilities, workshops, or specialists in private practice such as doctors. While each of these vendors of specialized services may be technically in charge of his unique service to the client, the State agency as the responsible agency must agree and approve any such service plan for the individual.

3. On page 31 Section 111 (a) (1), the draft should read "or" by a licensed psychologist instead of "and".

4. On page 31 where services are listed, we find no reference to "services to the families of handicapped individuals when such services will contribute substantially to the rehabilitation of such individuals". This is provided for in Section 11(a) (2) (H) of present Act. Was this omission inadvertent?

5. On p. 33, references to physical and mental restoration services, maintenance and training are not conditioned, as in the present Act, upon consideration of eligibility for any similar benefit by way of pension, compensation, or insurance. Was this intentional?

6. On p. 33, conform references to psychologists in Section 111 (a) (5) to Section 111 (a) (1).

7. On p. 35, see Section 112 on Innovation and Expansion Grants.

Do we want to follow the Innovation grant philosophy or the Expansion philosophy in the present Act for this new authority? Innovation grants were approved by Regional office if they met certain criteria. Other than that performa type approval, the State really did what it wanted to do (under State Plan) and States controlled the funds by allotment. Expansion grants, on the other hand, involve the approval of specific activities for specific purposes and are at the discretion of the Secretary, also the control of the funds State by State.

The new Section 112, by remaining silent on the role of the Secretary in the approval process seems to put the Expansion authority that we now have into the Innovation grant mold. The Section might more appropriately be entitled "Innovation Grants."

The following should be deleted:

. . . "And sums appropriated for grants under this section shall remain available for such grants through the close of June 30, 1976."

This language is inconsistent with the allotment and reallotment provisions that apply to formula grants. If the money were available to the State for longer than 1 year the State would never relinquish its allotment for reallotment.

8. On p. 38. See Section 113 on Client Advocacy. We assume that the client advocacy system would be in effect in all geographic areas where "programs" are in effect, not "projects" which are not usually statewide. We suggest, also, that each Sate be granted by the Secretary an amount no less than $50,000 nor more than $150,000 for this

purpose. This is consistent with sums for the State advisory councils and recognizes variations in need for funds for this purpose.

9. p. 40. See Section 114 on Experimental Appeals Projects. See other Tab for a discussion of an alternative approach to assuring clients, and applicants prompt and relevant attention through the establishment of a fair hearing and appeal procedure.

10. On p. 42, See Section 121 on State Programs. Language seems to imply that a formal State plan would be submitted each year. This provision need be effected only once—following enactment of these amendments—since Section 102 requires that an approved State plan must contain these provisions. Under the present Act, an annual submission is not required, although States do submit each year a description of their current and anticipated program and financial activities. The concern of the committee that the program reflect implementation of the requirement would be satisfied by the program and financial plan.

11. P. 44 and p. 49. See Sections 200 and 201. The authorization in the VR Act for construction for 1972 is $30 million. A like amount was authorized for training services. We suggest that $30 million for construction and $30 million for training services, projects, including workshop improvement projects, should be maintained for each of the three years. These amounts are comparatively modest in the light of increased costs due to inflation, and increased reliance in the years ahead upon facilities and training services to back up efforts to bring greater numbers of severely disabled into the programs. More highly specialized services will be needed for the older blind, the multiple handicapped, and greater numbers of people from assistance roles with severe impairments complicated by low motivation associated with chronic dependency.

12. On p. 48. See Section 200 on Construction. Why is "in exceptional cases" included in the section permitting the inclusion of residential accommodations in workshops? Residential accommodations are traditionally an integral part of rehabilitation centers and many workshops.

13. On p. 59. See Section 204 on Special Projects and Demonstrations. This section should include the authority now in Section 400(e) for the Secretary directly or by contract to provide technical assistance to rehabilitation facilities, and in the case of removal of architectural barriers to any public or private agency or institution.

14. P. 68. See Section 207 on National Centers for Spinal Cord Injuries. The proposed authorizations for National Centers for Spinal Cord Injuries should be graduated. $10 million for 1973, $15 million for 1974 and $20 million for 1975 are suggested. Such amounts would permit the establishment of and staffing of some centers in existing physical facilities where this is appropriate. It would permit, also, the construction, staffing (and payment for provision of services to some clients) in a number of low income areas where resources of all kinds are limited or non-existent.

15. On p. 83. See Section 211(f) on State Advisory Council and the reference to "amount not to exceed $50,000." This is redundant since an earlier section provides for amounts no less than $50,000 nor more than $150,000.

16. On p. 85. See Section 302 on Research. At top of page substitute "disabled" for "handicapped" in order to permit wider latitude in research activities.

17. On p. 86. See Section 302 on Research. At top of page insert after "handicapped" the following "and problems of environmental barriers."

18. On p. 87. See Section 302 on Research. At top of page note subsection (c). This language appears in several places in the act. It tends to be limiting in connection with the development of new and innovative services which is the objective of several programs authorized in the Act. The committee's purpose could be achieved by language such as the following from Section 4(a) of the present Act: "Any grant of funds under this subsection which will be used for direct services to handicapped individuals or for establishing facilities which will render direct services to such individuals must have the prior approval of the appropriate State agency."

19. On p. 88 and 89. See Section 303 Training and Section 400 on Administration. No grant shall be made under these sections for furnishing to an individual any one course of study extending for a period in excess of two years. This will seriously hinder the recruitment of individuals into courses of study in rehabilitation professions such as physical medicine, speech therapy, research and other disciplines in current short supply. Was this intended or inadvertent?

20. On p. 89. See Section 400(a)(4) on Administration. The amount of $50,000 should be $150,000 as provided for in earlier sections of the Act.

21. On p. 90 and 91. See Sections 400(d) and 400(e). These might be moved to Section 204 and made a part of special projects.

22. On p. 101. See Section 602 on Architectural and Transportation Barriers Compliance Board. This board should have responsibility for insuring compliance not only with the standards prescribed by the GSA, as indicated, but also the standards prescribed by the Department of Defense and the Department of Housing and Urban Development under the same legislation, PL 90–480.

Some functions of the proposed National Commission on Transportation and Housing provided for in Section 413 of HR 8395 have not been included in those assigned to the Architectural and Transportation Barriers Compliance Board in Section 602. Reference is made to the requirement that the Commission "(A) determine how transportation barriers impede mobility of the handicapped and aged handicapped and consider how travel expenses in connection with transportation to and from work can be met or subsidized when such individuals are unable to use mass transit systems or need special equipment in private transportation and (B) consider the housing needs of the handicapped."

Does the committee intend that this Board concentrate primarily on environmental and attitudinal barriers with respect to transportation, parks, housing and the like, but *not* be concerned with other aspects of the housing and transportation needs of disabled individuals?

23. P. 99. See Section 601 Federal Interagency Committee on Handicapped Employees. The following language is offered for inclusion in this section in order to make possible more widespread use by State vocational rehabilitation of Federal agencies as sites for work experience for rehabilitation clients. "An individual who, as a part of his rehabilitation under a State plan approved under this Act, participates in a program of work experience in a Federal agency, shall not, by reason thereof, be considered to be a Federal employee or to be subject to the provisions of low relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits."

As you can see, we were shocked to learn of the veto because there was absolutely no indication from any source that the bill was going to be vetoed. In fact, we had heard that steps were being initiated within RSA to have a signing ceremony at the White House on this legislation. Hearing about the possibility of the signing ceremony somehow does not give one the feeling that a veto is forthcoming.

I regret that this bill is being used to measure loyalty to the President. In terms of the handicapped and their needs, loyalty cannot be measured. I do not think that any Member should have to be put in an either/or position. While this bill is not perfect, it reaffirms our commitment to those individuals who want to work but have greater obstacles to overcome. I would leave you with this one thought. It has been said that we are all ordinary people seeking an extraordinary destiny. Handicapped people are extraordinary in that they just seek an ordinary destiny. I deeply regret the action of the Senate that prevented this most worthwhile and needed legislation.

THE ROLE OF CONGRESS

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. McFALL) is recognized for 5 minutes.

Mr. McFALL. Mr. Speaker, former Governor Pat Brown of California, believes that the U.S. Congress can strengthen itself as did the California Legislature in the last decade. His suggestions and insights, made at a symposium on "The Role of Congress" sponsored by Time, Inc. as part of its 50th anniversary editorial project, along with the panel discussion and remarks of the moderator, Louis Banks, follow:

THE ROLE OF CONGRESS

PAT BROWN. Due to the fact that the former speaker of the house, during the period I was Governor, had a few words, I think it's fitting and proper that I should follow him, particularly in view of the fact that I'm sure that during the period he was speaker he would have sponsored the parliamentary system in the legislature of the State of California.

I want to say, too, that I agree with him, that in California it would be far better to have a unicameral legislature. I think there's too much separation of power. But that is not the question before us today. My question is to Senator Packwood:

The editors of TIME are undertaking a study of the U.S. Congress and the possible way of restoring that body to coequal status with the Executive Branch, which assumes the fact the Legislative Branch of Congress is not coequal with the Executive Branch. I know that the editorials and the news stories throughout the country say today that the Congress is not coequal. But in all of the things that you have talked about—the war, the budget, welfare—I think you have to have a strong executive. I think in California, due to the very intelligent efforts of Jess Unruh, that we have a very, very great legislature. But I think they became coequal with the executive during the period of his speakership and, I think, that this same thing can happen in the Congress of the U.S. I think a strong President is a good thing, and I would like to ask you, Senator Packwood, do you really believe that you actually surrendered your powers to the Executive during the past four or eight years?

Senator PACKWOOD. Governor, I think we have absolutely, and we maintain coequal status only in theory and to the extent we can take back these powers. The powers are still there to take back. We don't and we haven't. As far as I am concerned, the presidency was never intended to be the major policy-making body of our nation. The legislature was intended to do that. We have given sufficient powers to the presidency so that the President is the principal policy maker and administrator in most significant areas. The only powers Congress could exercise and doesn't is appropriations. By and large we work from the Executive budget and we pare a bit off here and add a little bit there, but that's the basic document from which we work. The irony is that until 1921 there was not a real Executive budget. It was proposed in the First Congress and rejected until 1921. Every major department, the Treasury, Justice, gave their budget to Congress.

Governor **Brown**. Would you change that today?

Senator **Packwood**. Yes, I would change that today. I would let the President have the Executive budget in terms of management, have the same powers that any executive officer of a corporation has. But that Executive budget was not meant to set policies of this country and that's what it is being used for today.

Representative **Udall**. We are getting down into the nitty gritty and I am glad Pat Brown made this point. I am for a strong, activist President. You need a strong, activist President in many situations. Let me revert to Jess Unruh's question because this is really essential and gets to the heart of it.

Party leaders in Congress cannot call folks together, make decisions, crack heads and say this is the policy of, for instance, the Democratic Party because the congressional committee chairman don't owe their election to these people. They can thumb their noses, and do, at the House Speaker and the Majority Leader in the U.S. Senate. Why? Because as long as you tolerate the seniority system, these men have independent power and they need not confer with, or listen to, or heed the party leaders. The party leaders are simply presiding officers. The power is in the committee chairmen and will remain there as long as the seniority system remains. They don't have it in the California assembly and that's why men who know how to exercise power can do what Jess Unruh did in the California assembly.

Mr. **Banks**. I think we have time for about one or two more questions.

Mr. **Mandles**. My name is Martin Mandles. I have a question relating to the balance of power. My 87-year-old grandmother has a theory. She believes that if we look at those periods in our history when we had the most happiness and content throughout the land with the political system, and to the period when we derived the most efficiency and effectiveness, these periods have always occurred when the political party of the President has been opposite to that of the political party in control of the Senate.

This leads to the obvious question: Is my grandmother senile?

Dr. **Polsby**. It seems to me that if she were chairman of a committee of Congress, we would automatically assign her to that category. I have found, much to my dismay, that many of these elderly committee chairmen who were opposed to the things that I wanted were unfortunately not senile and were terribly effective in preventing the things that I wanted to happen. As to whether there's more public happiness when the world is filled with Democratic Senators who want to be President and Republican Presidents, I don't know. I will know when I'm 87, however.

Mr. **Greenberg**. I am Carl Greenberg. I would like to ask either Senator Packwood or Congressman Udall their feelings about the impact of the lobbyist.

Senator **Packwood**. I will take a whirl at it. It's my personal opinion that the influence of the lobby is overestimated. The business lobby is absolutely convinced that the Sierra Club dominates the Congress. The Sierra Club is convinced that G.M. dominates the Congress. If General Motors did dominate it, we would have no environmental protection. If Sierra Club did dominate it, we would have no clear cutting in Oregon, period.

I find that lobbyists generally who are there full time, representing their trade associations or business enterprises, are pretty good, very sharp. They are knowledgeable about their subject and their word is usually quite good because all we have to deal with is their word. If they are careless in what they tell you, or deliberate liars, their credibility goes down, and you pay no attention to them. But the thing to remember is that they are similar to a lawyer in court. They have a cause and a case to represent, and they are going to present their side of the facts of that case the best they can.

You must be careful, before you reach a decision, that you have talked with enough lobbyists on a variety of sides of the issue, and there is no issue that is one-sided. If you have a fair pleading of the case from all sides, as long as you are willing to do that, I find the lobbyist helpful.

Mr. **MacNeil**. The role of the lobbyist as dictator to Congress is grossly exaggerated. They serve a much more useful purpose as one of the few areas of highly intelligent information flowing into the Congress.

Representative **Udall**. I think that the place where I am concerned about the lobbyists is with the separate subject of the evil influence of campaign money. You have lobbyists who are very good—you don't have to influence the whole U.S. Senate. The work is done by committees.

Mr. **Farrelly**. I am David Farrelly of UCLA. The question I'd like to ask is if we had a responsible two-party system, a disciplined system, would the problem of Congress be solved? By way of background—and Professor Polsby will remember this—22 years ago the American Political Science Association came out with a report on the responsible two-party system, saying this country ought to have a responsible, disciplined party system if we were to solve our national problems. As Nelson Polsby will remember, political scientists one after another shot this committee report down. It was unrealistic, we had a federal system, they said.

After 22 years we have come full circle. David Broder, whom I consider one of the astute observers of our political system, writes a book: "The Party's Over," and his point is that our system is not working and it won't work until we have parties that mean something, that discipline Americans, and attract a national verdict. We also have Professors Saloma and Sontag, who, unlike Broder, are optimistic. They think that with education, we solve everything. If citizens would get into politics, everything would be fine. Once everybody pooh-pooed the idea of a responsible party system, only to have good people like Broder and others come back to the only possible solution, that of having responsible party systems.

So the question isn't over; it's being revived.

Isn't the key to our successful public interests and policy that of having a two-party system?

Dr. **Polsby**. It seems to me the idea of party centralization formulates a device for weakening Congress—weakening it in such a way that it couldn't do its job of checking and balancing the Executive Branch.

Most of the proposals for party centralization that I have heard, I am afraid, would have those consequences. I am in favor of strengthening the Legislative Branch, and therefore, I myself think, as I thought 22 years ago, and also during the '30s, that strengthening parties hurts the Legislative Branch. That I am against. I'd like to see it done in another way.

Mr. **Banks**. I think we have one more.

Mr. **Benson**. I am George Benson. I am not really disagreeing with any of the suggestions made for improving the Congress, but I have just finished two and a half years in Washington where I was dealing with several congressional committees quite regularly and had very pleasant relationships with them. I had the feeling that very consistently they had too much power, and I will give you two or three quick examples:

They were making appropriations for scholarship programs by dividing an appropriation up between the military services. You could not get them to agree to any kind of formula, allocated between the services on the basis of the number of officers needed or anything of that sort. They wanted to continue to have control themselves, and review it every year, although it was an impossible thing to get them to pass an act every year. They made appropriations for some subsistence allowances which hadn't been revamped for something like 20 years. Again, we could not get them to agree to any kind of a formula by which things would be recalculated from year to year.

Are we considering any kind of a degree of limitation on detailed things into which Congress shouldn't be going, but is going into for obviously somewhat petty reasons?

Mr. **Banks**. Let's start with Mr. MacNeil who, I know, has some thoughts on that.

Mr. **MacNeil**. I think what we're aiming at is the broader sense of power to which you addressed your question. The details' just can't be taken away from Congress at any level. But I think we are concerned with the terms of the institutional integrity of the place. To advocate a strong Congress, a strong Legislative Branch, is not to advocate a weak President. We need both strong. This is the true purpose of the project we have embarked upon.

Mr. **Banks**. I think this is a fine benediction. Thank you, ladies and gentlemen.

VOCATIONAL REHABILITATION ACT, 1973

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. **Metcalfe**), is recognized for 10 minutes.

Mr. METCALFE. Mr. Speaker, I have just learned that the Senate of the United States has sustained the President's veto of the Vocational Rehabilitation Act. I am shocked. I had planned to make a statement during the debate on the floor concerning the President's veto of this bill.

I am going to include the essence of the statement in the **Record**, and I can only say that there are some 20 million physically handicapped persons across the Nation who are going to continue to be dependent upon the rest of the people in this country because of the actions taken by the other House.

If it seems repetitive that I return to the same theme about reordering priorities, it is only because the President of this country has, as of now, refused to heed the message. I would not like to think that I was talking to the wind as I move on into the discussion of the merits of this legislation, and I am hopeful that my colleagues will not only join me in this debate, but that they will take an active part in assuring that approximately 20 million persons who are physically handicapped will neither be forgotten nor ignored.

For the past few years we have heard that this branch has no idea what fiscal responsibility is. We have been told over and over again that we are not fiscally responsible. I do not believe that this argument is necessarily sound. As a matter of fact, I would argue that the administration is fiscally negligent. The priorities before the Nixon administration had reflected, at least for the better part of the 20th century, the social needs of our citizens. With the advent of this administration, however, the priorities have switched from social needs to "local control." We have, through this mechanism called revenue sharing, completely bypassed the needs of the American people.

This administration has yet to live up to its campaign pledge of 1968: "bringing us all together." The use of the Presidential veto at this time and on this legislation not only divides us further, but also is indicative of the callous disregard that this administration has for the people of this country. I cannot remember another instance since the administration of the late President Hoover when this country has embarked on a campaign of such complete and total disregard for its people. President Hoover believed that the American people did not need the help that the Europeans needed because the American people were of a different breed. The American people were strong and resilient.

I want to close my comments on a positive note: one that will express my dismay at the President's actions by explaining what this bill will do for the physically handicapped persons throughout this country.

We have a sad situation in this country: some 20 million people are not able to work, and become self-sufficient and independent, because they are physically handicapped. This Vocational Rehabilitation Act would provide programs that would allow the physically handicapped to become self-sufficient and independent. These programs would train the handicapped person to do more than sit all day. The handicapped person would become a viable economic entity in this country. No longer would that person have to depend on the Government to support him or her. In the long run this would be much less costly. The President insists that this program would cost too much, yet in a few years it would start to pay for itself.

If we continue to allow the handicapped person to live off of government subsidies, then there will never be any constructive input from these people. Simple logic, which the President seems to be short on at this moment, would dictate to us that when people become self-sufficient and independent they start to pay taxes; when they are unable to become self-sufficient they are a liability for the whole country. The President's idea of fiscal responsibility is to determine how much can be cut from the programs that will benefit the people of this country. It seems somewhat absurd that this country continues to have the largest GNP in the world and yet we are unable to feed, clothe, and house the people of this country. The usefulness of a Trident submarine, a CVN carrier, a B–1 bomber, an F–14 aircraft, and the like are very much in doubt as we proceed toward the end of the 20th century. Yet, this administration has done more to push these questionable weapons-systems than any other administration in our history. Unfortunately, the people of this country have become so accustomed to gross cost overruns and waste in the Defense Department that they are willing to accept it. I cannot. Our priorities have become so distorted that there has to be some semblance of rationality restored both to the budget and our national priorities. One of the ways that this can be accomplished is by overriding the President's veto.

I deeply regret that the other body did not override this veto.

HOME PRESERVATION ACT OF 1973

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PODELL. Mr. Speaker, one of the greatest problems facing America today is the deterioration of housing, particularly in urban areas. While urban renewal may be one answer, it has failed to live up to its promise. There is no point in spending billions of dollars to construct new high-rise buildings which destroy the character of their neighborhoods and become breeding places for crime and slums of the future. I believe that it would be much more beneficial—and much cheaper—for the Federal Government to concentrate on the millions of substandard dwellings which could be saved with moderate rehabilitation.

A critical problem is that old housing is being abandoned much faster than new housing is being built. In New York City, for example, an estimated 50,000 housing units are abandoned each year.

To help alleviate the housing crisis in our urban centers—and in our rural areas as well—I am today introducing the Home Preservation Act of 1973. Senators CRANSTON and TAFT have introduced a companion bill in the Senate, and hearings will be held later this spring. The thesis underlying this legislation is that the best way to deal with our housing crisis is to rehabilitate our existing dwellings. The bill attempts to solve the problems of deteriorating housing on several fronts.

Title I would permit FHA insurance to be used to obtain the private market refinancing necessary to lengthen existing mortgages. This will enable homeowners and landlords to make necessary repairs without increasing their monthly housing expenses. The provisions of this title include safeguards to preclude the possibility of abuses. The cost to the Federal Government would be very little.

Title II authorizes home repair loans for the elderly and the handicapped. These homeowners would be able to obtain low-interest loans up to $5,000 to repair and improve their homes; the poorest homeowners among the elderly and handicapped would be eligible for grants of up to $5,000 for necessary repairs to their property. Although my own district in Brooklyn contains many persons who are elderly, I know that these provisions would also have great impact in our rural areas.

Title III protects a homeowner against foreclosure or forced sale if he loses his job, gets sick, or for other good reason beyond his control is unable to meet his mortgage payments. The homeowner in financial straits would be able to obtain a Government loan to cover as much as 12 monthly mortgage payments, provided he had tried unsuccessfully to alter the terms of his mortgage.

Title IV creates a home preservation loan fund, which would cover the loans provided for under titles II and III. A revolving fund of $50 million would be authorized for these programs. Title IV also authorizes demonstration programs designed to improve maintenance of federally assisted housing.

Mr. Speaker, there is no reason why the Federal Government should stay out of the area of substandard housing until the units are no longer capable of rehabilitation. The Home Preservation Act is a very desirable alternative to the huge construction projects in our urban renewal areas; it would yield much greater rewards at a fraction of the cost. Even if this legislation is not enacted, I hope that the Congress will give careful consideration to the policy of home preservation as a means of financing and repairing homes and apartment buildings. This program, I believe, has the potential for saving our urban neighborhoods and for improving the quality of life for millions of Americans.

LEGISLATION FOR HAWAII'S ECONOMIC DEVELOPMENT

(Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, many areas of our Nation are suffering economic distress as a result of increased competition for their products by foreign imports, but I doubt that any has been affected as severely as parts of the State of Hawaii.

Hawaii is known as the world's pineapple production center, and indeed the State did pioneer the industry by developing new agricultural techniques which dramatically increased the availability of this wholesome and well liked fruit.

In recent years, however, Hawaii's pineapple industry has been threatened with extinction—largely due to the adaptation of its expertise in other areas of the world with abundant supplies of low-cost labor. In some cases, the Federal Government helped to finance the start of overseas pineapple operations. In others, American pineapple companies founded foreign subsidiaries. Because of such factors, Hawaii's share of the world pineapple market has plummeted from 72 percent in 1950 to less than 33 percent today.

During 1950–71, imports of foreign pineapple into the United States increased by 3,870,781 cases or a whopping 204 percent. Meanwhile, the U.S. sales of Hawaii pineapple increased only slightly. Since the midsixties, nearly all the increases in pineapple consumption on the U.S. mainland were accounted for by foreign pineapple. I am inserting a newspaper article more fully describing this situation at the conclusion of my remarks.

Recently, I introduced legislation to increase the import duty on foreign pineapple, which has been set at a very low rate in comparison with the tariff protection enjoyed by other U.S. fruit products with which Hawaii pineapple competes. Yet we cannot be sure that this measure, even if adopted, would halt the downward spiral of Hawaii's industry.

In 1950, there were nine companies producing pineapple in Hawaii; today there are only four. Further production cutbacks already announced for the next 3 years will leave Molokai and Kauai Islands without any pineapple industry at all. The total acreage may drop from 62,500 to 40,000 on the remaining islands.

On Molokai, the departure of two pineapple firms will leave the island virtually without industry. The entire population is about 5,000. Of this, some 520 year-round employees and another 1,200 seasonal workers have been employed in the pineapple industry. Merchants and other businesses dependent upon the industry may be wiped out.

The situation is so serious that concerted action is needed by all public and private officials involved. While steps are being investigated to halt the pineapple industry exodus, planning is needed now to permit economic conversion in case the planned closings cannot be prevented.

Because the decline of the Hawaii pineapple industry is due in large measure to the Federal subsidy of foreign pineapple—in the form of abnormally low tariffs and failure to enforce laws for the quality inspection of foreign imported pineapple—the Federal Government must bear a large measure of the responsibility for solving the problem of this economic threat to Molokai and other islands. Yet our present programs are inadequate to respond to this type of economic disaster caused by foreign imports.

Today I am introducing legislation to establish a new and comprehensive program of Federal aid to communities where an industry closes as a result of foreign imports. My bill would provide economic adjustment assistance to such areas in the form of technical aid as well as financial aid in the form of cash grants, loans, and guarantees of loans. This assistance would be for the purpose of planning and implementing a conversion to other forms of new industry using lands and facilities formerly used by the pineapple companies.

The community, such as Molokai, would submit a proposal for economic adjustment to the Secretary of Commerce. The plan would be developed in consultation with workers, landowners, and lessees, and would be designed to create new economic opportunities to replace those lost due to the closings or cutbacks of existing companies. Interim assistance would be provided to the community by the Department of Commerce for the purpose of developing the economic conversion plan prior to its submission.

On approval of the plan the Secretary would be authorized to provide technical and financial assistance to help the community and its workers. Funds could be used for such purposes as acquisition, construction, installation, modernization, conversion, and expansion of lands, plants, buildings, equipment, facilities, or machinery, and to supply working capital.

By proper use of this authority, I feel the Federal Government could contribute materially to the solution of the economic problems caused by increased foreign imports of such commodities as pineapple. If Hawaiian pineapple had accounted for the increased U.S. consumption between 1950 and 1971, instead of foreign imported pineapple, the Hawaii economy would have been bolstered by an additional $38.7 million in income. If this production had been from Hawaii it would have meant the planting of 10,000 more acres and addition of 2,000 more year-round jobs. The lack of aid to foreign producing areas could have meant additional markets for Hawaii pineapple beyond these figures. In view of the magnitude of the loss to Hawaii caused by Federal policies, I feel that Federal programs should be initiated to provide at least a portion of this amount in direct aid to the communities of Hawaii which will be suffering greatly over the next few years. My legislation is designed to accomplish that equitable purpose.

The articles follow:

WORLD ROLE DECLINING: WHITHER HAWAII'S PINEAPPLE INDUSTRY?—I

(By Charles Turner)

Hawaii's pineapple industry has weathered many storms over the years—from bugs, adverse weather and strikes, to name a few.

But nothing in the past has alarmed the government, the companies and union members as much as these recent developments:

Production cutbacks which are planned during the next three years on Kauai, Molokai and Oahu.

A decline in Hawaii's dominant role in world pineapple production, with the Island State's share of the market declining from 72 per cent in 1950 to about 33 per cent today.

The proposed plantation cutbacks are being watched closely by the Legislature and industry sources are reluctant to discuss pineapple's problems in public.

The first of the cutbacks will occur later this year, when Hawaiian Fruit Packers on Kauai plans to go out of business.

The company had 2,200 acres in pineapple at one time.

Dole Co. announced last year that 4,500 of its 9,000 acres on Oahu would be taken out of production within three years. It said the remaining 4,500 acres would be devoted to fresh fruit.

Dole followed up that announcement a few months later with an even bigger shocker: It was going to end operations on its 10,500-acre Molokai plantation by 1975.

With that news still undigested, the Molokai community was hit by still another blow this year, when the Del Monte Corp. announced it would close down its 6,100-acre pineapple plantation on the Island by 1975.

The implications of the dual shutdowns by Dole and Del Monte are staggering.

It will mean that some 520 year-round employees, but another 1,200 seasonal workers, will be thrown out of jobs.

It will mean the end of a $5.5-million payroll.

Merchants in Kaunakakai and other businesses dependent upon the 1,300 residents of Maunaloa and Kulapuu may be wiped out.

The situation is so serious that it is being made a full-time joint venture by government, union and business in an effort to find a solution.

Tommy Trask, the ILWU's international representative who handles pineapple negotiations, said:

"We are working closely with the Maui Task Force. We hope that both companies will develop ways and means to continue production on Molokai.

"That failing, some industry must be developed to prevent Molokai from becoming a ghost farm."

He was asked whether the ILWU has any ideas on what can be done to "save Molokai."

"We would prefer a continuation of pineapple, but if that is not possible we will support other agriculture and diversified economic activities that will provide adequate employment and orderly growth," he said.

"Productive employment must be found for the people of Molokai. The pineapple workers really made the money that these firms have used to develop into gigantic conglomerates.

"They should not be cruelly cast into a storm that is not of their own making."

Trask was asked whether there was any chance that tourism might replace agriculture as the main source of employment for Molokai's work force. His reply:

"With proper planning of visitor facilities, certain sections of Molokai can well become one of the best tourist attractions in the entire State.

"However, we would not support a program which would result in any part of Molokai becoming another Waikiki."

The situation on Oahu, while troublesome, is not comparable to that facing Molokai.

Trask said the changes at Wahiawa will reduce the seasonal field work load because of Dole's shift from canned to fresh pineapple.

"There will no longer be peak periods when large numbers of workers will be needed," he said, "because they are staggering crops for year-round production.

"The basic or intermittent work forces won't be affected too much. But the seasonals, who are primarily students, will feel the impact strongly."

The union's members got a scare some three years ago when Libby, McNeill & Libby decided to get out of pineapple production in Hawaii.

However, Dole stepped in and acquired Libby's plantation and cannery (the latter was sold and is now used as a warehouse).

At the opening of pineapple contract talks in December 1971, company spokesman Bernard Ellerts pointed out the cutbacks which were already underway in the industry and warned:

"It would be wrong to interpret these cutbacks in planting as signaling any ideas of going out of business. Quite the opposite. They are a matter of necessarily trimming production to sales in order to stay in business—you can't pay wages from unsold pineapple."

The pineapple industry had just gone through a traumatic experience because of the West Coast dock strike, which had lasted for 100 days (and was going to be resumed the next month by the ILWU for another 35 days).

The longshore strike, which began July 1, 1971, came during the peak canning season. The industry was unable to ship its products to the Mainland until October.

Pineapple deliveries dropped $21 million from the previous year.

The estimated dollar loss sales to supermarket operators and wholesalers was $9.5 million.

The cost of additional transportation (shipping pineapple from the West Coast to

Gulf ports via charter vessels) came to about 80 cents a case, or $813,000.

The pineapple industry went through another strike-induced economic jolt late last year, when the Masters, Mates & Pilots tied up shipping from Oct. 25 to Dec. 7.

The specter of another longshore strike hangs over the industry this coming June, when both the West Coast and Hawaii dock contracts expire.

And that's not the end of the labor problems facing the industry.

The present pineapple contract expires Jan. 31, 1974, that means that negotiations probably will get under way in late November or early December of this year.

Next in The Advertiser: Why the high cost of producing Hawaiian pineapple?

Isle Pine Problems: Just Who Is To Blame?

(By Charles Turner)

If you ask a pineapple-company executive to tell you the fundamental problem facing the industry in Hawaii, he'll probably say it's the cost of production.

If you ask the State Department of Agriculture, which prepared a report on the subject, it will say there are several problems, including inadequate tariff protection—failure of the U.S. Government to protect Hawaiian pineapple adequately from low-priced, poor-grade foreign imports—and production costs.

But the ILWU, which represents the pineapple workers, will tell you that production per man-hour is the highest in history.

Industry brings up the "output per man-hour" issue at every negotiating session with the union.

Bernard Eilerts, spokesman for the pineapple companies in the last negotiations, said in his opening statement:

"The only way we in Hawaii can hold our own against foreign pineapple—even in our own domestic, Mainland U.S.D.A. market—is to increase our productivity, to increase our output per man-hour and cut our costs per case."

Hawaii pineapple growers employed 5,500 persons on a regular basis last year, with the total statewide work force climbing to 18,000 or more at the peak of the season.

The payroll was $52 million, and the combined canned solid fruit and juice packed was about 28 million cases.

Pineapple workers were making $2.49 to $4.44½ an hour before the contract was renewed for a two-year term on Feb. 1, 1972.

The new contract provided for wage hikes which brought the range to $2.78 for the lowest paid workers and $4.77½ at the top.

The ILWU's international vice president, George Martin, came from his San Francisco headquarters to help out in the negotiations. After they were completed, he called it "an excellent settlement" and told the ILWU negotiating committee:

"You can be proud of your negotiators for doing such a good job in the antilabor atmosphere of the times."

Whether intentionally or not, the State Government's report on "The Impact of Foreign Pineapple Production on the Hawaii Pineapple Industry" makes one recommendation which is sure to get a cold reception when the next negotiations are held later this year.

The recommendation:

"As wage increases occur, it may be possible to hold student, seasonal labor to lower increases. Labor, industry and the State should explore possible approaches."

The Advertiser asked Tommy Trask, chief ILWU negotiator for pineapple, if he felt his union's wage demands had contributed to the problems of the industry.

"Our contracts have not been to blame for the decline of pineapple," he replied. "These people have been mechanizing and modernizing over the years for the sole purpose of making more profit and they began reducing the work force long before the ILWU was in existence."

Trask pointed to the Ginaca machine, a revolutionary device invented in 1912, as an example of mechanization in the industry.

"It is the most important piece of labor-saving equipment in the pineapple industry," Trask said. "It was developed before I was born."

Trask conceded that the ILWU's aggressive organizing drives in pineapple may have spurred the industry to make improvements.

"Undoubtedly, the organizing of pineapple workers caused the companies to intensify modernization," he said. "But production per man-hour is higher today than ever before.

"We don't believe the workers should subsidize an industry. Moreover, the record shows we have cooperated with agriculture in Hawaii when we were convinced that sacrifices were necessary."

Trask recalled that the ILWU negotiated wage cuts for five sugar plantations "when wages throughout the nation—and the then-Territory of Hawaii—were increasing."

The union made the concessions in the late 1940s.

Self-Competition Hurts Isle Pine, Too—III

(By Charles Turner)

It costs pineapple producers 17 cents an hour for each man on the harvesting payroll on Taiwan.

In Hawaii, it costs a minimum of $2.79 an hour.

It goes without saying that if the Taiwanese can get their pineapple to American markets, they will have a tremendous advantage over Hawaii's pineapple producers.

That is one of the reasons the State of Hawaii is so concerned about foreign competition, and why it asked the Department of Agriculture to prepare a report on the impact of foreign pineapple on the local industry.

The report notes that labor costs account for about half of total production costs, whether in Hawaii or elsewhere.

"The implication of having available extremely low-cost labor for production in foreign countries is clear," the report said. "That cost must be offset by other advantages, or production will erode to the low-cost areas."

Tommy Trask, ILWU international representative, was asked whether he thought competition from foreign countries is a major problem facing the Hawaii growers.

"It is one of the basic problems," he said. "But a substantial part of the 'competition' comes from their own operations in foreign countries."

Trask said he was informed last year that Dole Co., Hawaii's largest pineapple producer, "was fast approaching its Hawaiian production" in its Dole-Phil agricultural operation in the Philippines.

He noted that Del Monte Corp. was in the Philippines "long before Dole."

"They are marketing their products from foreign countries—under their own labels—in American markets," Trask said.

He was asked by The Advertiser whether it is possible to deal with the foreign competition by sending teams from Hawaii to organize workers in those problem areas.

"The ILWU has shown it could organize foreign workers," he said. "We did it in Canada. But there is no such plan at this time (for the Far East).

"Besides, there already are unions in the Philippines. Dole has five unions on its plantations."

The Agriculture Department's report says that the challenge of foreign competition can best be met by "cost-reduction measures through technology . . ."

"It is unrealistic to expect decreases in hourly wages," the report said. "This would not be acceptable to the employes, and the pineapple companies would experience great difficulty in hiring workers in direct competition with other employers paying better wages."

In addition to the problems raised by the cheap foreign labor, the report points out that duties and quotas on foreign pineapple haven't been increased because industry has not been able to agree on steps needed to protect Hawaii's production.

Trask was asked by The Advertiser whether tightening up tariff duties would hurt the Hawaii pineapple growers who have foreign operations, such as Dole and Del Monte.

"No," said Trask. "They are still paying outrageously low wages in those operations. It will only mean reduced profits."

Trask said "the American housewife is label-conscious."

"She basically doesn't look for grade-labeling (which experts feel would help Hawaii's prime-grade pineapple) but a label she believes to be of good quality."

Trask said the identifying symbols on the Dole and Del Monte cans are what attract the housewife.

"She doesn't look at the small print to see whether the pineapple came from Hawaii or elsewhere," he said.

Despite the hesitancy by the American producers to seek increased duties on foreign pineapple, U.S. Sen. Hiram L. Fong has introduced a bill in Congress which would raise the tariff on canned pineapple from three-fourths of one cent per pound to nearly four cents a pound.

He also proposed raising the duties on juice concentrates from five cents a gallon to 35 cents.

The proposed new rates would be the same as those now imposed by the United States on foreign citrus products.

There has been no immediate reaction from the union or industry on Fong's tariff proposals.

TOO LITTLE TOO LATE

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, the President's imposition of a ceiling on beef, lamb, and pork prices on March 30, is again a case of the administration's acting too little and too late. The President sounded as though he had just learned on Thursday that meat prices were getting out of hand and immediately took action to stop it. In fact, he placed the ceiling at the highest level of prices this country has known in its history—prices that have been steadily and dramatically escalating for the last 2 months.

The President should not have "temporarily" ended the wage and price controls which had been in effect until January 15. At that time, I predicted that since he stated the lifting of controls was "temporary," prices would be raised substantially in an effort to get as much as possible before controls were slapped on again. The results of phase III bear this out.

Meat prices are not the only ones to have gone up—although they have been the most dramatic. All food prices are higher, and rents in many areas have skyrocketed. Other items have also risen, but food and housing are the two elements that are vital necessities for day-to-day living and existence.

Increases in wages have not kept pace

with rising costs. Inflation is rampant. The stock market is extremely jittery. Unless there is an almost immediate and dramatic turn in the economic situation, I believe the country now has little alternative left. Going in and out of the marketplace with controls on selected foods or economic areas will not stem the uncertainty in the public mind, bring stability to the marketplace, or halt inflation.

Mr. Speaker, I believe we must return to an across-the-board freeze at the levels that were in effect on January 15. The Banking and Currency Committee is now marking up the legislation to extend the Economic Stabilization Act and I will support the committee's recommendations for the continuation of controls. These controls should remain in effect until the administration can arrive at a solution.

CRIME COMMITTEE MAIL

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, several letters supporting the past and present activities of the Crime Committee have come to me since the agreement was reached transferring our work to the House Judiciary Committee. I submit them for the RECORD today and thank their authors as I have the hundreds of others who wrote or wired the House expressing their views on the work of the Crime Committee:

MIAMI, FLA.

Hon. CARL ALBERT,
Speaker of the House of Representatives.

DEAR MR. SPEAKER: As a Director of the Crime Commission of Greater Miami for approximately two years now, I believe I have acquired a greater realization than the average citizen of the very serious extent of our nation's crime problem. I am convinced that this is a major problem for our nation and that the answer will be found only with the fullest understanding and the closest cooperation among the Executive, Legislative and Judicial branches of our federal and state governments.

As a Marine Reserve Officer, I have had the privilege of performing several tours of military training duty in Washington, D.C., in recent years. Upon reporting in on each occasion, I was shocked to receive cautions against walking alone about the city during evening or early morning hours. I'm sure it has been said before and I know you agree that something is very wrong when authorities find it necessary to offer suggestions bordering on combat conditions to visitors to our nation's capitol.

I have watched the work of the Select Committee on Crime, and I feel that under the chairmanship of Congressman Claude Pepper, it has taken a strong first step in the right direction towards a solution. Yet, there are many more steps that must be taken in this direction for the good of our nation and the reasonable safety of our citizens.

Mr. Speaker, I know that you have our nation's best interest at heart. May I respectfully urge you to give every consideration to the establishment of a permanent Select Committee on Crime to do the job that needs to be done for all of us.

Sincerely,

THOMAS F. MOORE,
Colonel, USMCR, Retired.

MIAMI, FLA.

Hon. CARL ALBERT,
Speaker of the House of Representatives.

DEAR MR. SPEAKER: The South Florida area and the nation as a whole have, in my judgment, benefitted substantially from the work of the Select Committee on Crime under the leadership of the Honorable Claude Pepper.

I sincerely hope that the House will find it possible to continue the active existence of the Select Committee. The impact of crime on our society is so great that it merits the special attention of the Congress as well as that of the Executive branch of the government.

I shall appreciate your giving favorable consideration to the continuation of the Congressional initiative in the vital fight against crime.

Sincerely,

R. V. WALKER,
President, First Federal Savings and Loan Association.

MIAMI BEACH, FLA.

Hon. CARL ALBERT,
Speaker of the House,
U.S. Congress,
Washington, D.C.

DEAR MR. SPEAKER: On behalf of the hundreds of the members of our club I urge you to use the strength of your office to assure the continuance of the committee now chaired by the very able Congressman Claude Pepper investigating the cancerous illness, crime and its related sources of power, so that the excellent work of this committee shall not be for naught. We pray that this committee be authorized to function on in its democratic fashion and enlighten both the public and the members of Congress on the strangulation hold Crime apparently has on some of our people, public officials and government agencies. It cannot be argued that this committee has not served well.

Respectfully,

LOUIS KROLL,
President.

MIAMI, FLA.

Hon. CARL ALBERT,
Speaker of the House of Representatives.

DEAR MR. SPEAKER: I am very sorry to learn that the Select Committee on Crime is to be terminated.

I strongly believe that this Committee has done a good job. And I feel that it is of grave importance that the Committee continue the work they are doing.

Thank you.

Sincerely,

MS. MARY MEYLACH.

MIAMI, FLA.

Hon. CARL ALBERT,
Speaker of the House, Rayburn House Office Building, Washington, D.C.

DEAR SIR: It was with deep regret that I read about the disbandonment of the House Select Committee on Crime after June 30th.

I am writing to you with the hope that something can yet be done to keep this Committee Active past that date.

When Crime is such a problem in the United States. we must all do everything in our power to combat it. The forming of the House Select Committee on Crime was a step in the right direction.

Please do whatever you can to keep this Committee functioning.

Sincerely,

HERC ARONSON.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. VANIK, for 10 minutes, today, and to revise and extend his remarks and include extraneous material.

Mr. GROSS, for 10 minutes, today.

Mr. SEIBERLING, for 30 minutes, today.

(The following Members (at the request of Mr. ROBERT W. DANIEL, JR.) to revise and extend their remarks and include extraneous material:)

Mr. MOSHER, for 10 minutes, today.

Mr. ESCH, for 5 minutes, today.

Mr. EDWARDS of Alabama, for 10 minutes, today.

Mr. YOUNG of Alaska, for 5 minutes, today.

Mr. KEMP, for 15 minutes, today.

Mr. HANSEN of Idaho, for 20 minutes, today.

(The following Members (at the request of Mr. JONES of Oklahoma) to revise and extend their remarks and include extraneous material:)

Mr. O'NEILL, for 5 minutes, today.

Mr. BURKE of Massachusetts, for 5 minutes, today.

Mr. MATSUNAGA, for 10 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. CULVER, for 5 minutes, today.

Ms. ABZUG, for 10 minutes, today.

Mr. BIAGGI, for 10 minutes, April 4.

(The following Members (at the request of Mr. BRECKINRIDGE) and to revise and extend their remarks and include extraneous matter:)

Mr. BRADEMAS, for 5 minutes, today.

Mr. MCFALL, for 5 minutes, today.

Mr. METCALFE, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. GROSS, and to include extraneous matter.

(The following Members (at the request of Mr. ROBERT W. DANIEL, JR.) and to include extraneous matter:)

Mr. SCHERLE in 10 instances.
Mr. DICKINSON in two instances.
Mr. MYERS.
Mr. MCKINNEY.
Mr. KEATING.
Mr. HEINZ in two instances.
Mr. FRELINGHUYSEN.
Mr. CARTER in two instances.
Mr. WYMAN in two instances.
Mr. THOMSON of Wisconsin.
Mr. QUILLEN.
Mr. CRANE in five instances.
Mr. ZWACH.
Mr. ASHBROOK in three instances.
Mr. BUCHANAN in three instances.
Mr. KEMP.
Mr. RAILSBACK in two instances.
Mr. COLLIER in three instances.
Mr. HUDNUT.
Mr. FORSYTHE.
Mr. STEELE.
Mr. SHRIVER.

(The following Members (at the request of Mr. JONES of Oklahoma) and to include extraneous matter:)

Mr. MOAKLEY in five instances.
Mrs. GRIFFITHS.
Mr. OWENS in five instances.
Mr. GONZALEZ in three instances.
Mr. RARICK in three instances.
Mr. KASTENMEIER in two instances.
Mr. JAMES V. STANTON.

Mr. Burton.
Mr. Reid.
Mr. Bevill.
Mr. Pepper.
Mr. Fisher in three instances.
Mr. Clay in three instances.
Mr. Fraser in five instances.
Mr. Roe in two instances.
Mr. Rodino.
Mr. Runnels.
Mr. Rees in two instances.
Mr. Moss.
Mr. Dulski in six instances.
Mr. Rangel in 10 instances.
Mr. Anderson of California in two instances.
Mr. Fuqua.
Mr. Rogers in five instances.
Mr. Seiberling in two instances.
Mr. Nix.

(The following Members (at the request of Mr. Breckinridge) and to include extraneous matter:)

Mr. Wolff.
Mr. William D. Ford.
Mr. Brasco.
Mr. Won Pat.
Mr. Donohue.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1021. An act to amend section 301 of the Federal Meat Inspection Act, as amended, and section 5 of the Poultry Products Inspection Act, as amended, so as to increase from 50 to 80 percent the amount that may be paid as the Federal Government's share of the costs of any cooperative meat or poultry inspection program carried out by any State under such sections, and for other purposes; to the Committee on Agriculture.

S. 1235. An act to amend Public Law 90-553 authorizing an additional appropriation for an International Center for Foreign Chanceries to the Committee on Public Works.

ADJOURNMENT

Mr. O'NEILL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 43 minutes p.m.), the House adjourned until tomorrow, Wednesday, April 4, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

714. A letter from the Assistant Secretary of Defense (Manpower and Reserve Affairs), transmitting a report on the adequacy of pays and allowances of the uniformed services, pursuant to 37 U.S.C. 1008(a), together with a draft of proposed legislation to amend title 37, United States Code, to refine the procedures for adjustments in military compensation and for other purposes; to the Committee on Armed Services.

715. A letter from the Assistant Secretary of the Air Force (Manpower and Reserve Affairs), transmitting a draft of proposed legislation to amend title 10, United States Code, to authorize, with respect to certain officers of the Army Reserve or Air Force Reserve their employment as, and retention in an active status beyond 28 or 30 years if they are, Army Reserve or Air Reserve technicians, and for other purposes; to the Committee on Armed Services.

716. A letter from the Acting Assistant Secretary of State for Congressional Relations, transmitting a draft of proposed legislation to remove certain limitations on annual operation and maintenance expenditures applicable to the U.S. section of the International Boundary and Water Commission, United States and Mexico, and for other purposes; to the Committee on Foreign Affairs.

717. A letter from the Acting Administrator of General Services, transmitting the annual report of the General Services Administration on the status of public building projects authorized for construction and alteration, covering 1972, pursuant to 40 U.S.C. 610(a); to the Committee on Public Works.

Received From the Comptroller General

718. A letter from the Comptroller General of the United States, transmitting a report on the effectiveness of vocational rehabilitation in helping the handicapped; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HOLIFIELD: Committee on Government Operations. A report on Special Problems of the Rural Aging; (Rept. No. 93-103). Referred to the Committee of the Whole House on the State of the Union.

Mr. SISK: Committee on Rules. House Resolution 337. Resolution providing for the consideration of H.R. 5683. A bill to amend the Rural Electrification Act of 1936, as amended, to establish a Rural Electrification and Telephone Revolving Fund to provide adequate funds for rural electric and telephone systems through insured and guaranteed loans at interest rates which will allow them to achieve the objectives of the act, and for other purposes; (Rept. No. 93-104). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of California:

H.R. 6481. A bill to provide for control of meat prices through limitation on exportation of meat products from the United States; to the Committee on Banking and Currency.

By Mr. BIAGGI:

H.R. 6482. A bill to amend the Urban Mass Transportation Act of 1964 to authorize increased and additional grants to improve mass transportation service in urban areas, and for other purposes; to the Committee on Banking and Currency.

By Mr. BIAGGI (for himself, Mr. Harrington, and Mr. Corman):

H.R. 6483. A bill to amend the Elementary and Secondary Education Act of 1965 to provide a program of grants to States for the development of child abuse and neglect prevention programs in the areas of treatment, training, case reporting, public education, and information gathering and referral; to the Committee on Education and Labor.

By Mr. BINGHAM (for himself and Mr. Aspin):

H.R. 6484. A bill requiring congressional authorization for the reinvolvement of American forces in further hostilities in Indochina; to the Committee on Foreign Affairs.

By Mr. BRECKINRIDGE (for himself, Mr. Carter, Mr. Stubblefield, Mr. Perkins, and Mr. Snyder):

H.R. 6485. A bill to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938; to the Committee on Agriculture.

By Mr. BRINKLEY:

H.R. 6486. A bill to amend the Internal Revenue Code of 1954 to provide a trade or business deduction to firemen for meals which they eat while at their post of duty overnight; to the Committee on Ways and Means.

By Mr. BROYHILL of Virginia:

H.R. 6487. A bill to authorize the Administrator of General Services Administration to contract for the construction of certain parking facilities on federally owned property; to the Committee on Public Works.

H.R. 6488. A bill to amend title 38 of the United States Code to remove the time limitation within which programs of education for veterans must be completed, and restore on behalf of certain veterans educational assistance benefits which had previously terminated; to the Committee on Veterans' Affairs.

By Mr. CONTE (for himself, Mrs. Chisholm, Mr. Forsythe, Mr. Frenzel, Mrs. Heckler of Massachusetts, Mr. Horton, Mr. Minshall of Ohio, Mr. Riegle, and Mr. Sarasin):

H.R. 6489. A bill to authorize appropriations for certain transportation projects in accordance with title 23 of the United States Code, and for other purposes; to the Committee on Public Works.

By Mr. CORMAN (for himself, Ms. Abzug, Mr. Badillo, Mr. Clay, Mr. Diggs, Mr. Gibbons, Mr. Moss, Mr. Stark, Mr. Thompson of New Jersey, and Mr. Tiernan):

H.R. 6490. A bill to broaden the income tax base, provide equity among taxpayers, and to otherwise reform the income and estate tax provisions; to the Committee on Ways and Means.

By Mr. CORMAN (for himself and Mrs. Burke of California):

H.R. 6491. A bill to extend unemployment insurance coverage to employers employing four or more agricultural workers for each of 20 or more weeks; to the Committee on Ways and Means.

By Mr. CRONIN:

H.R. 6492. A bill to amend the Economic Stabilization Act of 1970, to stabilize the retail prices of meat for a period of 45 days at the November 1972 retail levels, and to require the President to submit to the Congress a plan for insuring an adequate meat supply for U.S. consumers, reasonable meat prices, and a fair return on invested capital to farmers, food processors, and food retailers; to the Committee on Banking and Currency.

By Mr. CULVER:

H.R. 6493. A bill to provide for the economic development of Indians, Indian tribes, and other Indian organizations, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 6494. A bill to provide for the creation of the Indian Trust Counsel Authority, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 6495. A bill to provide a tax incentive for industrial development for the Indians on certain reservations in order to improve conditions among the Indian people on such reservations, and in other communities, and for other purposes; to the Committee on Ways and Means.

By Mr. DAN DANIEL:

H.R. 6496. A bill to exempt small pork producers from the provisions of the Meat Inspection Act; to the Committee on Agriculture.

H.R. 6497. A bill to amend title 10 of the

United States Code in order to authorize assistance in providing facilities and services abroad for the American Legion when the President finds such assistance to be necessary in the national interest; to the Committee on Armed Services.

H.R. 6498. A bill to limit the amount of personal funds an individual may contribute to candidates for Federal office in connection with the campaigns of those candidates; to the Committee on House Administration.

H.R. 6499. A bill to authorize the expansion of the boundaries of the Appomattox Court House National Historical Park, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. PATTEN:

H.R. 6500. A bill to amend title II of the Social Security Act to permit the payment of benefits to a married couple on their combined earnings record where that method of computation produces a higher combined benefit; to the Committee on Ways and Means.

By Mr. DAN DANIEL:

H.R. 6501. A bill to increase the penalty with respect to certain offenses involving the commission of a felony while armed with a firearm; to the Committee on the Judiciary.

By Mr. DAVIS of Georgia (for himself and Mr. William D. Ford):

H.R. 6502. A bill to amend title 5, United States Code, to correct certain inequities in crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DAVIS of Georgia (for himself, Mr. Mosher, and Mr. Blackburn):

H.R. 6503. A bill to amend the National Bureau of Standards Act of 1901 in order to broaden activities in the field of fire research and training, and for other purposes; to the Committee on Science and Astronautics.

By Mr. DAVIS of Wisconsin:

H.R. 6504. A bill to amend the Federal Trade Commission Act (15 U.S.C. 45) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. DINGELL:

H.R. 6505. A bill to make it a Federal crime to murder or assault a fireman or law enforcement officer engaged in the performance of official duties by any person traveling in interstate commerce or using any facility of interstate commerce for such purposes; to the Committee on the Judiciary.

By Mr. DONOHUE:

H.R. 6506. A bill to reestablish and extend the program whereby payments in lieu of taxes may be made with respect to certain real property transferred by the Reconstruction Finance Corporation and its subsidiaries to other Government departments; to the Committee on Interior and Insular Affairs.

By Mr. EDWARDS of Alabama:

H.R. 6507. A bill to amend the Export Administration Act of 1969, to require the reporting of export sales of grain and soybeans and to provide for the dissemination by the Secretary of Agriculture of such data in order to provide essential information for domestic grain and soybean industries; to the Committee on Banking and Currency.

H.R. 6508. A bill to amend the Social Security Act to provide for medical, hospital, and dental care through a system of voluntary health insurance including protection against the catastrophic expenses of illness, financed in whole for low-income groups through issuance of certificates, and in part for all other persons through allowance of tax credits; and to provide effective utilization of available financial resources, health manpower, and facilities; to the Committee on Ways and Means.

By Mr. ESCH (for himself, Mr. Robison of New York, Mr. Anderson of Illinois, Mr. Broyhill of North Carolina, Mr. Erlenborn, Mr. Archer, Mr. Bafalis, Mr. Baker, Mr. Beard, Mr. Broomfield, Mr. Brown of Michigan, Mr. Burgener, Mr. Burke of Florida, Mr. Butler, Mr. Cederberg, Mr. Cleveland, Mr. Cohen, Mr. Conable, Mr. Coughlin, Mr. Derwinski, Mr. Dickinson, Mr. Fish, Mr. Forsythe, Mr. Frenzel, and Mr. Frey):

H.R. 6509. A bill to amend the Vocational Rehabilitation Act to extend and revise the authorization of grants to States for vocational rehabilitation services, to authorize grants for rehabilitation services to those with severe disabilities, and for other purposes; to the Committee on Education and Labor.

By Mr. ESCH (for himself, Mr. Robison of New York, Mr. Anderson of Illinois, Mr. Broyhill of North Carolina, Mr. Erlenborn, Mr. Gilman, Mr. Goldwater, Mr. Goodling, Mr. Grover, Mr. Gubser, Mr. Hammerschmidt, Mr. Hanrahan, Mr. Harsha, Mr. Harvey, Mr. Hastings, Mr. Hillis, Mr. Horton, Mr. Hosmer, Mr. Hudnut, Mr. Johnson of Pennsylvania, Mr. Johnson of Colorado, Mr. Keating, Mr. Kemp, Mr. Ketchum, and Mr. Latta):

H.R. 6510. A bill to amend the Vocational Rehabilitation Act to extend and revise the authorization of grants to States for vocational rehabilitation services, to authorize grants for rehabilitation services to those with severe disabilities, and for other purposes; to the Committee on Education and Labor.

By Mr. ESCH (for himself, Mr. Robison of New York, Mr. Anderson of Illinois, Mr. Broyhill of North Carolina, Mr. Erlenborn, Mr. Lent, Mr. McCollister, Mr. Mailliard, Mr. Mosher, Mr. Nelsen, Mr. O'Brien, Mr. Regula, Mr. Schneebeli, Mr. Skubitz, Mr. Smith of New York, Mr. J. William Stanton, Mr. Steiger of Arizona, Mr. Teague of California, Mr. Thomson of Wisconsin, Mr. Thone, Mr. Vander Jagt, Mr. Veysey, Mr. Ware, Mr. Young of Florida, and Mr. Young of Alaska):

H.R. 6511. A bill to amend the Vocational Rehabilitation Act to extend and revise the authorization of grants to States for vocational rehabilitation services, to authorize grants for rehabilitation services to those with severe disabilities, and for other purposes; to the Committee on Education and Labor.

By Mr. ESCH (for himself, Mr. Robison of New York, Mr. Anderson of Illinois, Mr. Broyhill of North Carolina, Mr. Erlenborn, Mr. Sarasin, Mr. Young of Illinois, Mr. Zwach, Mr. Conte, Mr. Broyhill of Virginia, and Mr. Wydler):

H.R. 6512. A bill to amend the Vocational Rehabilitation Act to extend and revise the authorization of grants to States for vocational rehabilitation services, to authorize grants for rehabilitation services to those with severe disabilities, and for other purposes; to the Committee on Education and Labor.

By Mr. FISH:

H.R. 6513. A bill to establish the Van Buren-Lindenwald Historic Site at Kinderhook, N.Y., and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 6514. A bill to amend section 3104 of title 38, United States Code, to permit certain service-connected disabled veterans who are retired members of the uniformed services to receive compensation concurrently with retired pay, without deduction from either; to the Committee on Veterans' Affairs.

By Mr. GERALD R. FORD:

H.R. 6515. A bill to direct the Interstate Commerce Commission to make regulations that certain railroad vehicles be equipped with reflectors or luminous material so that they can be readily seen at night; to the Committee on Interstate and Foreign Commerce.

By Mr. FORSYTHE (for himself, Mr. Brinkley, Mr. Addabbo, Mr. Bafalis, Mr. Cleveland, Mr. Collier, Mr. Cronin, Mr. Derwinski, Mr. Eilberg, Mr. Fisher, Mrs. Hansen of Washington, Mr. Helstoski, Mr. Hudnut, Mr. Ketchum, Mr. Macdonald, Mr. Pepper, Mr. Pickle, Mr. Walsh, Mr. Ware, and Mr. Young of Florida):

H.R. 6516. A bill to incorporate the Gold Star Wives of America; to the Committee on the Judiciary.

By Mr. FORSYTHE:

H.R. 6517. A bill to prohibit discrimination against locally recruited personnel in the granting of overseas differentials and allowances, equalize the compensation of overseas teachers, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HARRINGTON:

H.R. 6518. A bill to enforce the provisions of the 14th amendment to assure the proper conduct of elections; to the Committee on the Judiciary.

By Mr. JARMAN (by request):

H.R. 6519. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. McFALL (for himself and Mr. Rangel):

H.R. 6520. A bill to amend the Economic Stabilization Act of 1970 to establish a temporary Price-Wage Board, to provide temporary guidelines for the creation of price and pay rate stabilization standards, and for other purposes; to the Committee on Banking and Currency.

By Mr. MEZVINSKY:

H.R. 6521. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mrs. MINK:

H.R. 6522. A bill to establish a Trade Adjustment Assistance Administration, to transfer to such Administration certain functions and duties of other departments and agencies relating to trade adjustment assistance, to establish a comprehensive program of trade adjustment assistance, and for other purposes; to the Committee on Ways and Means.

By Mr. MURPHY of New York (for himself, Mr. Pepper, Mr. Winn, Mr. Robison of New York, and Mr. Hastings):

H.R. 6523. A bill to provide for the humane care, treatment, habilitation and protection of the mentally retarded in residential facilities through the establishment of strict quality operation and control standards and the support of the implementation of such standards by Federal assistance, to establish State plans which require a survey of need for assistance to residential facilities to enable them to be in compliance with such standards, seek to minimize inappropriate admissions to residential facilities and develop strategies which stimulate the development of regional and community programs for the mentally retarded which include the integration of such residential facilities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PATMAN (for himself, Mr. Barrett, and Mr. Widnall):

H.R. 6524. A bill to expand the national flood insurance program by substantially increasing limits of coverage and total amount of insurance authorized to be outstanding and by requiring known floodprone communities to participate in the program, and for other purposes; to the Committee on Banking and Currency.

By Mr. PEYSER, (for himself, Mr. Conte, Mr. Anderson of Illinois, Mr. Clay, Mr. Podell, Mr. Lehman, Mr. Moakley, Mr. Frey, Mr. Walsh, Mr. Mallary, Mr. Addabbo, Mr. Fish, Mr. Montgomery, Mr. Gilman, Mr. Gerald R. Ford, Mr. Adams, Mr. Pritchard, Mr. McFall, Mr. Stratton, and Mr. Cohen):

H.R. 6525. A bill to protect collegiate and other amateur athletes; to the Committee on Education and Labor.

By Mr. PEYSER (for himself, Mr. Young of Georgia, Mr. Lent, Mr. Blackburn, Mr. Derwinski, Mr. Rees, Mr. Roncallo of New York, Mr. Tiernan, Mr. Gunter, Mr. Hinshaw, Mr. Rosenthal, Mr. Railsback, Mr. Forsythe, Mr. Buchanan, Mr. Hunt, Mr. Collier, Mr. Mathias of California, Mr. Conyers, Mr. Vander Jagt, Mr. Metcalfe, and Mr. Young of Alaska):

H.R. 6526. A bill to protect collegiate and other amateur athletes; to the Committee on Education and Labor.

By Mr. PEYSER (for himself, Mr. Widnall, Mr. Heinz, Mr. Moss, Mr. Edwards of California, Mr. Forsythe, Mr. Roe, Mr. Davis of South Carolina, Mr. Brown of California, Ms. Holtzman, Mr. Mazzoli, Mr. Danielson, Ms. Abzug, Mr. Frenzel, and Mr. Gude):

H.R. 6527. A bill to place Methaqualone on schedule II of Controlled Substances; to the Committee on Interstate and Foreign Commerce.

By Mr. PODELL:

H.R. 6528. A bill to help preserve and improve low- and moderate-income housing; to the Committee on Banking and Currency.

By Mr. RANGEL:

H.R. 6529. A bill to stabilize wholesale and retail food prices at acceptable levels by amending the Economic Stabilization Act of 1970 in order to establish a Food Price Stabilization Commission; to the Committee on Banking and Currency.

H.R. 6530. A bill to temporarily prohibit the imposition of quotas on certain meat and meat products; to the Committee on Ways and Means.

By Mr. RODINO (for himself and Mr. Hutchinson):

H.R. 6531. A bill to amend section 215, title 18, United States Code, Receipt of Commissions or Gifts for Procuring Loans, to expand the institutions covered; to encompass indirect payments to bank officials; to make violation of the section a felony; and to specifically include offerors and givers of the proscribed payments; and for other related purposes; to the Committee on the Judiciary.

H.R. 6532. A bill to prohibit the unauthorized possession within any Federal penal or correctional institution, any substance or thing designed to damage the institution or to injure any persons within or part of the institution, and for other purposes; to the Committee on the Judiciary.

By Mr. RODINO:

H.R. 6533. A bill to prevent the unauthorized manufacture and use of the character "Woodsy Owl", and for other purposes; to the Committee on the Judiciary.

By Mr. SISK:

H.R. 6534. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. VANDER JAGT:

H.R. 6535. A bill to amend the Agricultural Fair Practices Act to require that handlers of agricultural products bargain in good faith with respect to the price, terms of sale, compensation for commodities produced under contract, and other contract provisions, with associations of producers of such products, and for other purposes; to the Committee on Agriculture.

H.R. 6536. A bill to amend title 18 of the United States Code to permit the transportation, mailing, and broadcasting of advertising, information, and materials concerning lotteries authorized by law and conducted by a State, and for other purposes; to the Committee on the Judiciary.

By Mr. VANDER JAGT (for himself, Mr. Kemp, Mr. Steiger of Wisconsin, Mr. Riegle, Mr. Broomfield, Mr. Minshall of Ohio, Mr. Horton, Mr. Brademas, Mr. Dingell, and Mr. William D. Ford):

H.R. 6537. A bill to amend the Soil Conservation and Domestic Allotment Act, as amended, to provide for a Great Lakes Basin conservation program; to the Committee on Agriculture.

By Mr. WAGGONNER:

H.R. 6538. A bill to amend the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to recognize the difference in hazards to employees between the heavy construction industry and the light residential construction industry; to the Committee on Education and Labor.

By Mr. WOLFF:

H.R. 6539. A bill to promote the employment of unemployed Vietnam veterans; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska:

H.R. 6540. A bill to authorize the appropriation of $150,000 to assist in financing the arctic winter games to be held in the State of Alaska in 1974; to the Committee on Interstate and Foreign Commerce.

By Mr. YOUNG of South Carolina:

H.R. 6541. A bill to authorize the Secretary of the Interior to convey certain mineral interests of the United States to the owner or owners of record of certain lands in the State of South Carolina; to the Committee on Interior and Insular Affairs.

H.R. 6542. A bill to authorize the Secretary of the Interior to convey certain mineral interests of the United States to the owner or owners of record to certain lands in the State of South Carolina; to the Committee on Interior and Insular Affairs.

By Mr. DAN DANIEL:

H.J. Res. 475. Joint resolution proposing an amendment to the Constitution relating to the continuance in office of judges of the Supreme Court and of inferior courts; to the Committee on the Judiciary.

By Mr. O'BRIEN:

H.J. Res. 476. Joint resolution proposing an amendment to the Constitution of the United States guaranteeing to the States the power to enact laws respecting the life of an unborn child from the time of conception; to the Committee on the Judiciary.

By Mr. SIKES:

H.J. Res. 477. Joint resolution proposing an amendment to the Constitution of the United States providing that the Supreme Court may not render an opinion or decision in cases in which less than a certain number of Justices concur; to the Committee on the Judiciary.

H.J. Res. 478. Joint resolution proposing an amendment to the Constitution of the United States with respect to freedom of choice in attending public schools; to the Committee on the Judiciary.

By Mr. TREEN (for himself, Mr. Blackburn, Mr. Bowen, Mr. Burgener, Mr. Casey of Texas, Mr. Cohen, Mr. Robert W. Daniel, Jr., Mr. Dellenback, Mr. Derwinski, Mr. Downing, Mr. Drinan, Mr. Fisher, Mr. Harrington, Mr. Huber, Mr. Ketchum, Mr. Pritchard, Mr. Rarick, Mr. Sikes, Mr. Waggonner, Mr. Whitehurst, Mr. Won Pat, and Mr. Young of Alaska):

H. Con. Res. 173. Concurrent resolution relating to the U.S. fishing industry; to the Committee on Merchant Marine and Fisheries.

By Mr. ANDERSON of Illinois (for himself, Mr. Gibbons, Mr. Cleveland, Mr. Fraser, Mr. Derwinski, Mr. Frenzel, Mr. Rhodes, Mr. Esch, and Mr. Steiger of Wisconsin):

H. Res. 338. Resolution to amend clause 32(c) of Rule XI of the House of Representatives to provide the minority party, upon request, with up to one-third of a committee's investigative staff funds; to the Committee on Rules.

By Mr. CRONIN:

H. Res. 339. Resolution creating a select committee to conduct an investigation of matters affecting, influencing, and pertaining to the cost and availability of food to the American consumer; to the Committee on Rules.

By Mr. HALEY:

H. Res. 340. Resolution authorizing additional investigative authority to the Committee on Interior and Insular Affairs; to the Committee on Rules.

By Mr. ROSENTHAL (for himself, Mr. Matsunaga, Mr. Anderson of California, Mr. Byron, Mr. de Lugo, Mr. Fauntroy, Mr. Fraser, Mr. Gibbons, Mr. Gunter, Mr. Harrington, Mr. Hawkins, Mr. Kemp, Mr. Lehman, Mr. Long of Maryland, Mrs. Mink, Mr. Rangel, Mr. Rinaldo, Mr. Riegle, Mr. Rodino, Mr. Tiernan, and Mr. Whitehurst):

H. Res. 341. Resolution creating a select committee to conduct an investigation of matters affecting, influencing, and pertaining to the cost and availability of food to the American consumer; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

125. By the SPEAKER: A memorial of the Legislature of the State of Connecticut, relative to servicemen missing in action in Vietnam; to the Committee on Armed Services.

126. Also, memorial of the General Assembly of the State of New Jersey, relative to the legal services program; to the Committee on Education and Labor.

127. Also, memorial of the Legislature of the State of Connecticut, relative to the situation in Wounded Knee, S. Dak.; to the Committee on Interior and Insular Affairs.

128. Also, memorial of the Legislature of the State of Kansas, relative to daylight savings time; to the Committee on Interstate and Foreign Commerce.

129. Also, memorial of the Legislature of the Commonwealth of Virginia, requesting the Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States regarding attendance in the public schools; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DAN DANIEL:

H.R. 6543. A bill for the relief of L. C. Benedict; to the Commitee on the Judiciary.

H.R. 6544. A bill for the relief of George W. Spring, Jr.; to the Committee on the Judiciary.

By Mr. RANGEL:

H.R. 6545. A bill for the relief of Lucinda C. Wormley; to the Committee on the Judiciary.

By Mr. WAGGONNER:

H.R. 6546. A bill for the relief of Cloyd J. Slade; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

124. By the **SPEAKER**: Petition of Richard H. Harrison, Woodridge, Ill., and others, relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

125. Also, petition of Hubert L. Myers, Mitchell, Ind., and others, relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judicairy.

126. Also, petition of Donald P. Laurika, Plumsteadville, Pa., and others, relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

SENATE—*Tuesday, April 3, 1973*

The Senate met at 10:45 a.m., and was called to order by Hon. J. BENNETT JOHNSTON, a Senator from the State of Louisiana.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty and everlasting God, by whose providence we have been brought to another day, prepare us in heart and mind and spirit that we may fitly serve Thee. Guide us in our deliberations, guard us in our conduct, nourish us with the truth, reward us with inner peace and uphold us in days to come. May we never be so hurried or harried as to crowd Thee out of our common life. Thus may we keep a serene and solemn sanctuary of the soul and at length be partakers of Thy kingdom which is above all earthly kingdoms and abides all time. Through Him who is King of Kings and Lord of Lords. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The **PRESIDING OFFICER.** The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The second assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., April 3, 1973.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. J. BENNETT JOHNSTON, a Senator from the State of Louisiana, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. JOHNSTON thereupon took the chair as Acting President pro tempore.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed a bill (H.R. 3153) to amend the Social Security Act to make certain technical and conforming changes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 3153) to amend the Social Security Act to make certain technical and conforming changes, was read twice by its title and referred to the Committee on Finance.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, April 2, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the calendar.

There being no objection, the Senate proceeded to consider executive business.

The ACTING PRESIDENT pro tempore. The clerk will state the nomination.

DEPARTMENT OF LABOR

The second assistant legislative clerk read the nomination of John H. Stender, of Washington, to be an Assistant Secretary of Labor.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask that the President be immediately notified of the confirmation of the nomination.

The ACTING PRESIDENT pro tempore. Without objection, the President will be so notified.

LEGISLATIVE BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

FOOD PRICES IN PERSPECTIVE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that some remarks made by Mr. Tony Dechant, president of the Farmers Union, be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

FOOD PRICES IN PERSPECTIVE

When farm prices are low, farmers go bankrupt by the thousands. But now that one sector of the farm economy (livestock) has finally reached 100% of parity, cries of anguish are heard across the land and President Nixon orders price ceilings that will inevitably put the livestock producer again face to face with bankruptcy. Hardly a word of concern is expressed for the wheat farmer who is receiving 62% of parity in the "open market" or the feed grain farmer who is receiving only 63% of parity in the marketplace.

The farmer and rancher, of course, are the most convenient targets in the discussion over higher food costs. The public pressure against fair farm income started more than a year ago. It was in March, 1972 that a large retail supermarket placed an ad in an Eastern metropolitan newspaper which blamed the farmer for rising prices and advised its customers to "eat less meat."

At that time, the average price per hundredweight the farmer received for beef was a dollar less than it had been 20 years ago. But retail meat prices in the chainstores had doubled. In 1952, swiss steak was 85¢ per lb. but in 1972 it was $1.69. In 1952, hamburger sold for 49¢ per lb. but in 1972 it cost 97¢ per lb. Somehow, the chainstore newspaper ad failed to mention the 100% increase in retail prices while the farmer's price had only inched back to the level of 20 years ago.

As long as retail food prices remained cheap and most income was going up, no one seemed to notice or care that the farmer's income was depressed and his cost of production was jumping by leaps and bounds. (A 2-row corn picker that sold for $1,500 in 1952 increased by 300% to $4,480 in 1972.) Only the farmer realized that the $38 he received for prime cattle in 1972 was 91% of parity.

A House Agriculture committee staff report, released last week, shows that overall farm prices for food have increased only 6% above what they were 20 years ago. But at the same time, wholesale food prices have jumped by 20% and retail food prices are up 43% over the past 20 years. The study goes on to show that agricultural productivity per man hour has increased by 330%. That compares with an increase of only 160% per man hour in manufacturing industries.

In other industries, prices have been managed upward at a rather steady pace. Consumers have had years to become accustomed to steadily increasing prices on everything from light bulbs from General Electric to automobiles from General Motors. But because agriculture prices may fluctuate widely in the short run, as they have since the Russian grain deal, consumers are suddenly faced with large increases in food prices which they did not expect and did not plan for in their monthly budgets.

Last year the Price Commission found that livestock production and farming are highly competitive enterprises and there is no opportunity for "administered price" inflation as occurs in such concentrated industries as steel, automobiles, and farm equipment manufacturing. Perhaps the only way that producers can maintain fair prices is to create the market structure and marketing system which other sectors of the economy have shown can achieve administered production and administered prices that move up with costs. This may be the only way to avoid the great contrast between the short-term leap in prices, which brings pressures to break prices, and the long-term creep in farm prices, which often leaves the producer with very inadequate returns.

Under the present system, the farmer has no control over the price even at the first point of sale. Therefore, it is impossible for him to be responsible for prices which lurch from depression to inflation. But there is no question that a farm program which balances supply with demand and assures parity of income for the farmer would stabilize farm prices. While this might not guarantee stable retail prices, it certainly would make it easier to identify the culprits in any future price spirals.

EFFECT OF UNEQUAL TELEVISION COVERAGE ON CHECKS AND BALANCES TO ASSURE COEQUAL BRANCHES OF THE GOVERNMENT

Mr. MANSFIELD. Mr. President, last Thursday evening President Nixon was granted 22 minutes by each of the networks for a simultaneous broadcast of an address covering matters that ranged from the war to the "battle of the budget" with the Congress. In that address, we will recall, he appealed to the American people to write to the spenders in Congress.

Last Friday, Speaker Albert and I addressed a telegram to each of the networks requesting coverage by them of a statement to be delivered at 9 p.m., Monday, April 2, on behalf of the majorities in the Congress. The statement was to be delivered by Senator Muskie at our request. We felt compelled to move quickly because of the impending vote today to override the veto by the President of the Vocational Rehabilitation Act.

The networks refused to cover this event live. One network even raised questions about what was to be said. This is a particularly interesting inquiry, especially in view of recent controversy on censorship of news broadcasts. No such questions are asked when a President seeks time to address the American people simultaneously on all networks. It has been estimated that almost 100 million people are watching television at 9 p.m. on winter, weekday evenings similar to when President Nixon addressed the Nation and questioned the validity of congressional judgment. I believe that the attitudes of the networks as reflected by their refusal to grant Congress the opportunity to communicate on the same scale as the Executive are preventing the Congress from becoming again a coequal branch. They appear to be responsive to threats by members of the executive branch, but show no appreciation for an attempt on behalf of Congress to be responsible in shaping the public perceptions and determining significant national decisions. The issues of water pollution, vocational rehabilitation are perfect examples that the great differences of judgment between the White House and the Congress are not partisan. The overwhelming majority of Republicans, as well as Democrats, voted for these programs in contradiction to the President's opinion. What we are dealing with is a prevailing view of Congress—a prevailing view of 535 elected officials.

I believe it is time for the Congress to stand still no longer. It is time for Congress to determine who really should decide what is a fair input by a coequal branch of government into the perceptions of the American electorate.

I believe that any sensible interpretation of a notion of fairness requires that the American people have the input of the Congress on an issue of great vital importance especially when that issue was drawn into question by the President in an attack upon the Congress.

With the revolution of communications in this country, the whole notion of the separation of powers has been significantly diminished by the inordinate input the executive branch, through the President and the Cabinet officers, has on television. It is so much easier for the networks to cover the executive branch—it speaks with one voice. But ease of coverage is not effective coverage and especially where Congress differs from the White House is it difficult for the networks easily to present a balance. The designation by the joint leadership of the Congress of a spokesman to present a prevailing viewpoint was intended to meet the need of providing a viewpoint that accurately portrayed its input into national decisions.

I believe the networks should be made aware of the effects their decisions have on the doctrine of checks and balances so wisely incorporated into the Constitution.

I think it would be appropriate to incorporate in the Record the viewpoint of Congress as expressed through the designated spokesman, Senator Muskie, and ask unanimous consent that his statement be printed at this point in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Senator Muskie's Response to Nixon Address

Last Thursday, President Nixon addressed the nation on matters of great importance to us all:

The status of the war in Vietnam;

The staggering rise in the price of food;

The size of the Federal budget and of your tax bill; and

The goals to which we should turn our attention in the post-Vietnam era.

I have been asked by the Democratic leadership of the Congress to respond to that address tonight.

My purpose is not to make a partisan, Democratic speech, attacking a Republican President, but to express our deep concern about his conduct of vital public business.

I speak as a Senator, a member of the lawmaking branch of government, which you have chosen to represent you in the Nation's capitol.

It is by no means a perfectly efficient and responsive branch; there are many ways in which it could, and should, be reformed. But it is, whatever its faults, your voice in government.

And when its counsel is not sought by the Administration in office; when its purposes, as expressed in law, are defied; when its right to question executive officials is rejected, then your voice is not heard in Washington.

We rejoice, with the President and with each of you, that our remaining military forces in Vietnam have been withdrawn and that our prisoners of war have been returned.

And we wholeheartedly agree with these words of the President: "Let us, therefore, put aside those honest differences about the war which have divided us and dedicate ourselves to meet the great challenges of peace which can unite us."

But in meeting those challenges, the President has asked for a free hand—a blank check—so that he can decide—and decide alone:

When the war will really end;

What our spending priorities are;

Who will shoulder the heaviest tax burdens;

How to halt inflation; and

When we will hear the truth about Watergate.

We in Congress fear, as all Americans fear, the threat of one-man rule. We in Congress distrust, as all Americans distrust, *any* President who would suggest that only *he* knows what is best for America.

That is why many members of Congress disagree not only with the policies the President has proposed, but also with his rejection of Congress' role in developing those policies.

We are concerned that the continued daily bombing by our B–52's in Cambodia prolongs division at home and the risk of our continuing military involvement abroad.

The bombing is no longer necessary for the safe withdrawal of our troops.

The bombing does not have the approval of the Congress, nor has the appproval been sought by the President.

We believe that Americans want a complete and final end to our military involvement in Southeast Asia, and that it is the responsibility of Congress to insist upon it.

Only then can we truly turn to the tasks of reconstruction and peace.

We agree with the President that one of the first of these tasks is to provide those Americans who have served in this tragic war "with veterans benefits and job opportunities they have earned."

We do not agree that the way to do this is to veto the Veterans Administration health care act passed by the last Congress—as the President did; or to reduce physical disability benefits to Vietnam veterans, including amputees—as the President did; or to reduce the number of positions open to Vietnam veterans in Federally supported employment and job-training programs—as the President did.

We do not agree that the way to do this is to veto aid to the deaf, the blind, the disabled, the mentally handicapped—as the President did just last week, because he thought it cost too much. And tomorrow, an effort will be made to override that veto.

The President said: "Let us honor them with the respect they deserve." We agree.

It becomes our challenge then to insure that our country—its policies and its promise—reflect the values and the hopes they sought to advance by their sacrifice.

Surely, that means a resumption of the war against poverty, ignorance, and disease, those ancient enemies of all mankind. Surely it means a commitment to end the discrimination and deprivation too many of them knew back here at home.

Surely, it means a commitment to provide the opportunities so many of them were seeking when they were called upon to fight for their country.

Surely, it means a commitment to provide educational opportunity for them and their children, and all children.

It means a commitment to make possible decent housing, fruitful job opportunities, a healthy environment.

It means a commitment to make possible retirement years of dignity and security.

To the President who has accused us of being irresponsible in fighting for those commitments, we in Congress say that they are our highest responsibility. We intend to fight for them, and we insist on helping to decide how to fulfill them.

In order to meet these commitments, it is essential that we have a strong and growing economy. Inflation is the greatest danger to that strength and growth.

Last Thursday, President Nixon put a ceiling on meat prices. But a ceiling on meat prices at their highest level in history does not control inflation. We are all painfully aware that our whole economy seems out of control.

Since President Nixon ended Phase II price controls in January, food prices, rents and interest rates have all skyrocketed. Wholesale prices went up faster in February than in any month in the last twenty years. The price of the food you buy went up at an annual rate of 28%.

Meanwhile, the stockmarket has plummeted, and the dollar has been devalued again for the second time in 14 months.

Inflation consumes the standard of living of every American. It eats up savings, cuts into pensions, washes out wage gains and destroys every man's hope that tomorrow can be a little better than today.

The President's response does too little and comes too late. What good does it do for American families who cannot afford meat at today's prices? And what about the rest of the American market basket?

What is the President waiting for? Must all food prices reach intolerable levels before he will act to protect your pocketbook?

And not just groceries, but almost everything Americans want and need—clothing, lumber, medicine—has jumped in price since the President abandoned effective price controls three months ago.

In his speech last Thursday, the President attempted to shift the blame to Congress for the runaway inflation since he lifted price controls. The President's attempt to blame Congress for inflation is unfair and untrue.

Let's look at the record.

President Nixon has never submitted a balanced budget to Congress. The budget deficits he has proposed during the past five years exceed the deficits of the preceding twenty-five.

Congress, on the other hand, has cut every budget the President has submitted—for a total of $20 billion in savings in appropriations during the President's first term.

And, President Nixon waited for nearly three years—until the wage-price freeze in August 1971, to do anything effective about inflation.

Congress acted against inflation in 1970, when it enacted the wage-price control law. The President opposed that law.

That law was on the books for more than a year of rising prices before the President used it. And that law was on the books when the President abandoned Phase II wage and price controls this year and gave the green light to price increases.

No, Congress is not to blame for inflation. It was Congress which cut the budget and gave the President the wage-price law he has refused to use effectively. Congress will continue to use its power to set sensible economic policy.

The Congress will continue to use its power to limit Federal spending.

The Congress will continue to use its power to control inflation.

The Congress will continue to use its power to hold taxes down.

The President has told us that the Vietnam war is over . . . and that we are entering a new generation of peace with the Soviet Union and Mainland China.

And yet he has requested that we spend $7.5 billion more for non-Vietnam defense items this year than we did last year.

Congress asks: Why must we spend more on defense than we did during the last year of the Vietnam war?

Congress is committed to a strong national defense. But there is a difference between adequate defense and wasteful military spending.

At the same time that the President proposes increasing military spending, he boasts in his budget message that he is cutting $14 billion from programs for the elderly, the poor, the education of all children, our health and the environment.

Congress and the President do not disagree on how much we should spend at the Federal level . . . we disagree on what our spending priorities should be.

The issue is not whether we will spend more than $268 billion . . . but rather, for what purposes that $268 billion should be spent.

The President chooses to put the emphasis on military spending. Congress will shift that emphasis to domestic problems . . . giving adequate attention to our defense needs and primary attention to our human needs.

Congress and the President also disagree on who should pay for government programs.

The President, by cutting $14 billion of Federal support from needed programs, is shifting much of the burden to state and local governments . . . and to state and local taxpayers.

And the Congress does not believe it is right to create pressure to raise regressive property and sales taxes at the local level. They take the biggest bite from the smallest incomes, while the Federal tax laws continue to shelter the affluent and the powerful.

Implicit in all of this and in the President's unremitting attack on the Congress is the notion that only one man has the wisdom and the judgment to make decisions about the Federal budget.

This notion of one-man rule—over the budget, over inflation and over the Watergate case—constitutes an abuse of the President's power.

It is the same notion which prompts him to withhold from the Congress information about his war policies.

It is the same notion which prompts him to decide by himself to relax Phase Two controls when we needed them most.

It is the same notion which in the Watergate case prompts him to withhold testimony of members of his Administration from the Congress and the people.

In his speech, President Nixon quoted a famous statement by President Truman about his office—"The buck stops here." What the Congress says to the President on the Watergate incident is that the buck indeed stops there.

The people expect the President to make every effort to ensure that the whole story—whatever it may be—is made public.

It is in the nature of presidential power that it can be exercised more directly and more effectively than legislative power.

It is in the nature of legislative power that it is more cumbersome, and—because it is more representative—more fragmented and divided.

It is also in the nature of presidential power, however, that it can be more arrogant and more easily abused. The Founders of our nation understood that fact . . . and for that reason they created in the Congress powers necessary to check such abuse.

The most important of these powers is the power of the purse. The President has challenged this power directly. We in Congress have no right to surrender it to him. It is not ours to surrender because it belongs to you. We intend to protect it and preserve it by exercising it—as the Constitution requires that we do.

We Americans now have an opportunity to begin the work of reconstruction in peace—work we have been yearning to do for eight long, agonizing years.

To do it effectively requires unity of purpose . . . shared by the President, the Congress, and all Americans.

The Congress stands ready to accommodate itself to that objective—not by surrendering to Presidential power, but by acting as a responsible, independent, but cooperative branch of the government of the United States.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Does the acting minority leader care to be heard? If not, under the previous order, the Senator from Missouri (Mr. EAGLETON) is recognized for a period not to exceed 15 minutes.

THE CONTINUED BOMBING OF CAMBODIA AND THE WAR POWERS OF CONGRESS

Mr. EAGLETON. Mr. President, 1 week after the termination of our involvement in a tragically mistaken war, our Nation continues to suffer the consequences of the institutional breakdown that led us into Vietnam.

Our activity in Indochina and our apparent commitment to provide military support to the Government of Cambodia closely resemble our involvement in Vietnam a few years prior to the alleged crisis in the Gulf of Tonkin. During that earlier period Congress stood idly by while we became ever more deeply committed to a presidential war until finally, in August 1964, Gulf of Tonkin resolution, we unquestioningly gave away our most solemn responsibility by delegating to the President the decision to wage war anywhere in the SEATO area.

We may be standing on that dangerous threshold again today. But there is one major difference—this time we will not be asked to grant our authority. We will be told that our consent is not necessary. We will be told that the President has all the power he needs to wage war in Indochina.

I personally have great fears that our bombing in Cambodia and our threats to retaliate for violations of the cease-fire might lead to reinvolvement in Southeast Asia. I know there are reasonable Members of this body who disagree with that view. But the real issue is not whether the President's Indochina policy is good or bad. The issue is whether the President can legally continue his action without the authorization of Congress. I must answer that question with an emphatic "No."

I had hoped to comment today on a document prepared by the administration to present the legal justification for our continued military action in Cambodia.

That document has not yet been released, but I will venture to anticipate its claims—claims which, I am sure, have been made many times in the past, the legitimacy of which cannot be enhanced by repetition.

Reaction to the first Cambodian incursion brought one of the more enlightening debates our Nation has heard over the legal justification for a President's apparently unilateral military activities. After initially citing the SEATO Treaty—and then backing off quickly when it was pointed out that the incursion onto

Cambodian soil was not requested by the Cambodian Government, as is required by paragraph 3 of SEATO—the administration moved to justify the action as a means of protecting the withdrawal of U.S. forces from Vietnam. At a news conference on May 8, 1971, President Nixon said:

> As Commander in Chief, I alone am responsible for the lives of 425,000 or 430,000 Americans in Vietnam. That's what I've been thinking about and the decision that I made on Cambodia will save those lives.

The use of the Commander in Chief clause in the context of entering a soverign third nation may contradict international law as set by the U.N. Charter. But, if the President could have shown that he was protecting our forces by attacking the sanctuaries in Cambodia, then he technically would have been within the bounds of the Commander in Chief clause. I believe then and I still believe the President's action had much greater policy implications—namely, to prop up the beleaguered Lon Nol government. Such action by the President, therefore, should have received the approval of Congress. However, using only the narrowly drawn administration statements of intent to clear out the sanctuaries, the President was, in that limited sense, probably acting constitutionally.

When the Cambodian incursion happened Congress had already forfeited its warmaking role. That role should have been exercised long before to control the deployment of forces to Indochina—an area where hostilities clearly existed in the early 1960's.

That same challenge faces us today, but the lines of our authority have eroded even further—despite our concerted efforts to regain our proper constitutional role over the past 3 years. The administration's objective is no longer the defense of American forces—it is, instead, what I have always perceived it to be, the defense of the Cambodian Government. Whatever the merits of this objective, it cannot be pursued on the basis of the Commander in Chief power alone.

There are indications that the SEATO Treaty will be resurrected to justify our action in Cambodia. It is difficult to imagine how this shopworn document could possibly be used again, especially since it was dismissed by the State Department as being inapplicable to the 1970 Cambodian incursion. In a letter from Acting Secretary of State Richardson to the Foreign Relations Committee on May 30, 1970, the Department's position was that "the SEATO Treaty has no application to the current situation in Cambodia."

If that was true for the 1970 Cambodian incursion, it must be equally true today.

Faced with this previous statement, I would expect that the State Department will withdraw the SEATO Treaty from the laundry list of alleged legal justifications. I will not, however, underestimate the administration's talent for legal gymnastics by failing to fully discuss SEATO in the chance that it may again be used.

The most important factor to stress in regard to SEATO is that none of our mutual defense treaties is self-executing. The President cannot engage in offensive war on the basis of a treaty alone, in the absence of the specific authorization of both Houses of Congress. Each of these treaties includes the phrase "in accordance with constitutional processes" to circumscribe the commitment to engage in hostilities in defense of another signatory nation.

Even if such a phrase were not included, the war powers of Congress could not be delegated by the Senate acting alone.

The SEATO Treaty is even more limited than other of our mutual defense treaties in terms of implementing its provisions. Paragraph 1 of the treaty requires the "unanimous agreement" of the signatory nations if action is to be taken in defense of one of the parties. The combination of this provision along with the "constitutional processes" language, the protocol status of Cambodia—the Cambodian Government never signed the treaty—and the announced rejection of SEATO by both the Sihanouk and Lon Nol governments, discredits the effort to use SEATO as legal justification for our current involvement.

Mr. President, I ask unanimous consent that the provisions of the SEATO Treaty and a Library of Congress study entitled "Cambodia's Relationship With SEATO" be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. EAGLETON. The Secretary of Defense has stated that our activity in Indochina—and our threats of future reprisals—are based on our commitment to carry out the Paris agreement. Specifically, he asserts that the President has the unilateral authority to assure that the North Vietnamese do not violate the agreement as it applies to South Vietnam, Laos, and Cambodia.

I have attempted to demonstrate that treaties, such as the SEATO Treaty, cannot be used to delegate power that rests with both Houses of Congress. Alexander Hamilton expressed that principle this way:

> A delegated authority (e.g. the President) cannot alter the constituting act, unless so expressly authorized by the constituting power. An agent cannot new-model his own commission. A treaty, for example, cannot transfer the legislative power to the executive department.

It, therefore, stands to reason that if the power of Congress to authorize war cannot be transferred by treaty, it most definitely cannot be transferred by an agreement which excludes the participation of both Houses of Congress.

Article 20 of the Paris agreement urges the parties participating in the Paris Conference to recognize the fundamental national rights of the people of Cambodia and Laos by putting an end to all military activities in those two countries. But beyond its high intent and noble objectives, article 20 levies no enforceable requirement on the parties of the agreement.

Whereas the sections of the Paris agreement that cover the termination of hostilities in Vietnam are replete with provisions calling for specific time requirements, control commissions, grievance procedures, and so forth, article 20 is a general, open-ended statement. And yet article 20 has been cited by the administration as a justification for our current military activity in Cambodia. If we accept this incredibly vague provision as justification we could well be committed to the defense of Cambodia indefinitely. If such an important commitment is to be made, it must be made by Congress.

Mr. President, I ask unanimous consent that article 20 of the Paris agreement be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 2.)

Mr. EAGLETON. Mr. President, whatever its merit—either as a legal or a political document—the Paris agreement has, by providing for the complete withdrawal of all American military personnel and the release of our POW's ended the American presence in Indochina. In his television address on March 30, President Nixon told the Nation that the war was "ended." The President has, perhaps coincidentally, fulfilled the "policy of the United States," as expressed by Congress, to withdraw all U.S. military forces from Indochina "at a date certain," subject to the release of American prisoners. This policy was established in the Mansfield amendment to the Selective Service Act of 1971 and the defense procurement authorization bill of 1971.

The Mansfield provision was held not legally binding by the President. But whether the fulfillment of its objectives in the Paris agreement was coincidental or not, the President cannot, in light of that provision, now assume that he has been delegated the authority of Congress to reinvolve the United States in Indochina.

The statutory position of Congress on military activity in Cambodia is even more explicit. A Javits amendment to the Supplemental Foreign Assistance Act of 1970 states that—

> Military and economic assistance provided by the United States to Cambodia and authorized or appropriated pursuant to this or any other act shall not be construed as a commitment by the United States to Cambodia for its defense.

It should be noted that none of the language in the Paris agreement would, in a literal sense, contradict the Javits amendment. Nor does it contradict the desire of Congress as expressed by the earlier Cooper-Church amendment, which specified in part that no funds could be expended to conduct combat activity in the air above Cambodia.

The Paris agreement does not contradict the law, but the actions the administration has taken in the name of that agreement do constitute such a contradiction. If the lawful position on Indochina as expressed by Congress requires changing, it will have to be changed by Congress acting with the President—not by the President acting alone.

The real sum of these alleged justifications is that the President has no constitutional authority to do what he is doing. And he will continue to act without regard for the powers of Congress until we move to reassert our own constitutional prerogatives.

I remain convinced that the only valid and lasting solution to our current impasse over war powers is passage of the War Powers Act (S. 440). If we fail to delineate powers and responsibilities in the warmaking area, we can be sure that Presidents will continue to operate on their own definitions—definitions that become more and more distorted as incumbent President seek to increase the power base of their office.

Hearings on war powers legislation will be held soon by the Foreign Relations Committee and I am hopeful that we will be able to pass the bill again in the Senate in the near future. Beyond the Senate's anticipated approval, prospects for S. 440 are clouded.

But whether or not this important legislation is enacted, Congress cannot in the meantime sacrifice its responsibility to uphold its end of the Constitution. I am, therefore, announcing my support today for the legislation proposed by Senators Church and Case which would prohibit military activity in Indochina, if such activity does not have the authorization of Congress. In the absence of the War Powers Act there is no recourse but to positively compel the President to uphold the Constitution and to respect the responsibilities of Congress.

Now that the March 28 deadline has taken away the independent Presidential authority to engage in hostilities in Indochina, we are no longer dealing with the war powers issue as an academic question. The bombing runs by our planes are very real. And the absence of congressional authority for those actions is very obvious.

I therefore urge all Senators especially those who were concerned enough over the erosion of Congress' war powers, to join Senators Javits, Stennis, and me in cosponsoring S. 440, to support legislation that will enable Congress to authorize or deny President Nixon's commitment to defend Indochina with American military personnel. Without our authority, that commitment cannot legitimately be called a commitment of the American people.

Mr. President, in 1871, another Senator from Missouri, Carl Schurz, stood on this floor and challenged the legality of President Grant's use of the U.S. Navy to protect the Dominican Republic. Senator Schurz' comments are applicable to the situation we have today:

> It is claimed that the President, by an act performed by himself at his own arbitrary pleasure, in conjunction with a foreign government, may obtain for himself alone the war-making power, which the Constitution expressly vests in Congress. I look upon this as perhaps the hugest absurdity, the most audacious preposterosity, the most mischievous, dangerous, and anti-republican doctrine that ever was broached. . . .

Congress can no longer sit idly by while the President usurps our responsibilities. If we are to win back our power to declare war, we must begin today by insisting that American military activities in Indochina be consistent with the Constitution.

Mr. President, I ask unanimous consent that a letter to the editor of the New York Times concerning the use of the case of Orlando against Laird as justification for the President's Cambodia activities be printed in the Record, as well as a letter discussing the President's authority to bomb in Cambodia from Prof. Raoul Berger.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Concord, Mass.,
March 31, 1973.

Hon. Thomas Eagleton,
U.S. Senate, Washington, D.C.

Dear Senator Eagleton: I am responding to your invitation to comment on hostilities in Cambodia by airmail-special delivery because several attempts to reach Western Union failed. Herewith my statement:

"Continued bombing Cambodia unconstitutional. War-making requires constitutional authorization. Former Attorney General, subsequenlty Under Secretary of State, Nicholas Katzenbach, testified 1970 "the constitutional authority to use our Armed Forces in Vietnam rests squarely on Tonkin and cannot otherwise be constitutionally justified." [quoted by Sen. Stennis, Fulbright War Powers Hearings, 1971, p. 707] Repeal of Tonkin Resolution withdrew any Congressional authorization. Withdrawal of troops Vietnam terminated alleged presidential power to protect troops which furnished foundation invasion Cambodia. President Nixon stated March 30 that war is "ended".

"Only Congress, said James Madison, has power to decide "whether a war ought to be commenced, continued or concluded." On dubious assumption that some vestige independent presidential power to conduct war remains, Congress may terminate war in Cambodia. Congress has ultimate power over deployment and regulation of Armed Forces [see my "War-Making article, 121 U.Pa. L.Rev. at 77–82].

"Strongly urge Congress to direct cessation of hostilities in Cambodia by enactment, concurrent resolution, curtailment appropriations, by all means in Congressional armory. Congress must vigorously protect its own constitutional prerogatives."

All good wishes.

Sincerely,

Raoul Berger.

[From the New York Times, Mar. 30, 1973]

To Punish Violators of the Peace

To the Editor:

Senator Goldwater's March 26 letter attacks James Reston's assertion that President Nixon lacks legal authority to punish violations of the Vietnam peace agreement. The Senator relies on *Orlando* v. *Laird* as justifying reprisals against North Vietnam if the President deems that the terms of the armistice are not being met. This is a misreading of *Orlando*.

In that case, Orlando, an enlisted man, had been ordered to duty in Vietnam. He brought an action to enjoin the Secretary of Defense and other officials from carrying out this order, on the ground that the Vietnam war had not been properly authorized by Congress.

In denying this claim, the court rejected the argument that the Vietnam war was illegal because undeclared. The court ruled, however, that the war-making power of the Constitution requires *some* collaborative action of the executive and legislative branches. The test, as put by Judge Anderson of the Circuit Court of Appeals, is "whether there is any action by the Congress sufficient to authorize or ratify the military activity in question."

In *Orlando*, the court found sufficient Congressional action in the Tonkin Gulf Resolution (which had not then been repealed), the appropriation of billions of dollars to carry out military operations in Southeast Asia and the extension of the Selective Service Act in circumstances where Congress knew that many men called up under the act would be sent to Vietnam. In his concurring opinion, Judge Kaufman relied on the Tonkin Gulf Resolution and on the "clear evidence of continuing and distinctly expressed participation by the legislative branch in the prosecution of the war."

None of the factors on which the Circuit Court of Appeals relied in *Orlando* would support a renewal of the war at this time by Mr. Nixon. The Tonkin Gulf Resolution has been repealed. No defense appropriations bills have been approved which under any reasonable interpretation could be deemed to authorize the renewal of the fighting after the prisoners have been released and our troops withdrawn. The Selective Service Act is being allowed to expire.

There is no longer the "abundance of continuing mutual participation in the prosecution of the war" which Judge Anderson found in *Orlando*. A dictum in *DaCosta* v. *Laird*, a later decision by the same court that decided *Orlando*, is directly applicable to the present situation:

"If the Executive were now escalating the prolonged struggle instead of decreasing it, additional supporting action by the Legislative Branch over what is presently afforded, might well be required."

Under the circumstances, any resumption of the bombing or other aggressive action by the President in Southeast Asia, without new Congressional authorization, would be a clear usurpation of power and should be dealt with as such.

John French.

New York, *March 27, 1973.*

Exhibit 1

Southeast Asia Collective Defense Treaty (SEATO)

PARTIES

Australia, France, New Zealand, Pakistan, Republic of the Philippines, Thailand, the United Kingdom, and the United States.

Note.—By a protocol signed on the same date as the treaty (see p. 99), the states of Cambodia and Laos and the free territory under the jurisdiction of the State of Vietnam were designated for the purposes of Article IV, quoted below. Subsequently, Cambodia has indicated disinterest in the protection of the Southeast Asia Treaty. The Royal Government of Laos, in the Geneva Declaration on the Neutrality of Laos, signed July 23, 1962, declared that it will not "recognize the protection of any alliance or military coalition including SEATO" and the United States and other nations agreed to "respect the wish of the Kingdom of Laos not to recognize the protection of any alliance or military coalition, including SEATO."

COLLECTIVE DEFENSE

"1. Each Party recognizes that aggression by means of armed attack in the treaty area against any of the Parties or against any State or territory which the Parties by unanimous agreement may hereafter designate, would endanger its own peace and safety, and agrees that it will in that event act to meet the common danger in accordance with its constitutional processes. Measures taken under this paragraph shall be immediately reported to the Security Council of the United Nations.

"2. If, in the opinion of any of the Parties, the inviolability or the integrity of the territory or the sovereignty or political independence of any Party in the treaty area or of any other State or territory to which the provisions of paragraph 1 of this Article from time to time apply is threatened in any way other than by armed attack or is affected or threatened by any fact or situation which might endanger the peace of the area, the Parties shall consult immediately in order to agree on the measures which should be taken for the common defense.

"3. It is understood that no action on the territory of any State designated by unanimous agreement under paragraph 1 of this Article or on any territory so designated shall be taken except at the invitation or with the consent of the government concerned." (ARTICLE IV).

UNDERSTANDING OF THE UNITED STATES OF AMERICA—INCLUDED IN THE TREATY

"The United States of America in executing the present Treaty does so with the understanding that its recognition of the effect of aggression and armed attack and its agreement with reference thereto in Article IV, paragraph 1, apply only to communist aggression but affirms that in the event of other aggression or armed attack it will consult under the provisions of Article IV, paragraph 2."

CAMBODIA'S RELATIONSHIP WITH SEATO

(By Larry A. Niksch)

The international agreements provide the basic framework for Cambodia's relationship to the SEATO Treaty: the 1954 Geneva Agreement on Cambodia and the SEATO Pact itself. Article 7 of the Geneva Agreement contained a provision which discusses the limitations on Cambodia's right to join a military alliance or to accept the protection of one.[1] The Article, however, clearly did not bar membership in an alliance and reserved Cambodia's right to call for assistance if threatened. Article 7 read:

"The Royal Government of Cambodia will not join in any agreement with other States, if this agreement carries for Cambodia the obligation to enter into a military alliance not in conformity with the principles of the Charter of the United Nations, or, as long as its security is not threatened, the obligation to establish bases on Cambodian territory for the military forces of foreign powers."

Following Geneva, Cambodia actively sought a direct U.S. defense guarantee[2] but was ultimately persuaded to accept the status of a protocol state under the SEATO Pact. The protocol to the treaty read:

"The parties to the South-East Asia Collective Defense Treaty unanimously designate, for the purposes of Article 4 of the treaty, the States of Cambodia and Laos and the free territory under the jurisdiction of the State of Vietnam."

This protocol remains a part of the treaty; Prince Sihanouk, however, subsequently renounced SEATO protection.

Article 8 of the treaty provides that the signatories may amend the treaty area only by unanimous agreement. However, Article 4 declares that the signatories can take no action under the pact on any territory in the treaty area "except at the invitation or with the consent of the Government concerned." The United States has given explicit recognition to the right of the governments of the protocol states to define their relationship to SEATO. In discussing the Government of Laos' decision to reject SEATO's protection (under the 1962 Geneva Agreement on Laos), Secretary Rusk stated on July 12, 1962:

"Under the SEATO arrangements, the protocol would apply only on the request of the government of one of the protocol states, so that if the Laotian Government announces that it does not expect to call upon that protection, there is no particular problem from the point of view of the law of the matter or the arrangements concerned."[3]

In 1955, Prince Sihanouk began to move Cambodia's foreign policy toward a neutralist stance. In May 1955, he informed the British Government that:

"As regards SEATO, Cambodia is not a member of this organization and is not bound under [the agreement] to support any action by SEATO unless it decides to do so to safeguard the defense of its territory. Again, this commitment is subject to mutual agreement and it is open to Cambodia to refuse to give such aid."[4]

At this point, however, the Prince did not reject SEATO's protection but only stated that Cambodia did not feel obligated to support actions taken by the alliance. However, later in 1955 and during his trip to Peking in 1956, he did take this step. In September 1955 he rejected the protection offered by SEATO. The National Congress (Cambodia) of December 30–31, 1955 resolved that the government might accept aid "from any quarter, provided that it does not prejudice the sovereignty and the neutrality of the Kingdom."[5]

On February 18, 1956, while on a visit to China, Sihanouk said: "Cambodia is neutral. The people themselves request me to remain neutral whatever may happen. The SEATO has told us that we would be automatically protected. We reject such protection which can only bring us dishonor."[6]

Sihanouk had visited the Philippines prior to his trip to China because of an invitation to "participate in a reciprocal pact but I did not want it," but said after he returned home in late February [1956] that "I have refused the proposals of the Philippines to adhere to SEATO."[7]

In 1965, he informed the British Government in a communication:

"I am convinced that you will agree that the Cambodian people have the right to live in peace and also categorically to reject the protective umbrella of SEATO which has brought it only affliction and destruction."

EXHIBIT 2

CHAPTER VII: PARIS CEASE-FIRE AGREEMENT—REGARDING CAMBODIA AND LAOS

ARTICLE 20

(a) The parties participating in the Paris Conference on Vietnam shall strictly respect the 1954 Geneva Agreements on Cambodia and the 1962 Geneva Agreements on Laos, which recognized the Cambodian and the Lao peoples' fundamental national rights, i.e., the independence, sovereignty, unity, and territorial integrity of these countries. The parties shall respect the neutrality of Cambodia and Laos.

The parties participating in the Paris Conference on Vietnam undertake to refrain from using the territory of Cambodia and the territory of Laos to encroach on the sovereignty and security of one another and of other countries.

(b) Foreign countries shall put an end to all military activities in Cambodia and Laos, totally withdraw from and refrain from reintroducing into these two countries troops, military advisers and military personnel, armaments, munitions and war material.

(c) The internal affairs of Cambodia and Laos shall be settled by the people of each of these countries without foreign interference.

(d) The problems existing between the Indochinese countries shall be settled by the Indochinese parties on the basis of respect for each other's independence, sovereignty, and territorial integrity, and non-interference in each other's internal affairs.

Mr. CASE. Mr. President, will the distinguished Senator from Missouri yield?

Mr. EAGLETON. I am happy to yield to the Senator from New Jersey.

Mr. CASE. Mr. President, I want, first of all, to express my admiration for the distinguished Senator from Missouri. It takes another Senator from Missouri to be able to quote Carl Schurz.

The Senator has made a great speech. I thank him for it. I associate myself with its substance. I join with him in support of the war powers bill that he and Senators JAVITS and STENNIS have introduced. I am pleased to be a cosponsor of this important legislation. I want to thank him also for his thoughtful and generous reference to the bill which the Senator from Idaho (Mr. CHURCH) and I have introduced to prohibit further U.S. involvement in Indochina without specific congressional authorization. We hope that the Senate will soon be able to express its will on this measure.

As the Senator said, it is up to us to decide whether we are willing to exercise the power of Congress in this situation. If we do not, the American people are left without any recourse.

What is necessary, as the Senator has said, is that Congress must live up to its responsibilities under the Constitution; to decide whether or not the United States will reenter a war that the President has said has ended; and to make sure that we do not become involved in another war. I think it is as simple as that.

If the Congress does not take action at this point, we will continue from incident to incident and from crisis to crisis and be in a never-ending situation in which the executive branch alone runs the show. This is not the way the American system of government is supposed to work. Only Congress can decide what it will do, as the Senator has so rightly said.

Mr. President, with the indulgence of the Senator from Missouri, I should like to ask unanimous consent to have printed in the RECORD an editorial entitled "Finality in Vietnam," published in the New York Times of April 1, 1973.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

FINALITY IN VIETNAM

The air of finality with which President Nixon heralded the American withdrawal from Vietnam Thursday night has been welcomed with gratitude and relief across the country. The nation and its elected representatives in Congress now have the right to insist that this finality be reflected in the Administration's actions.

Specifically, the continuing American bombardment of Cambodia sounds a roaring discord against Mr. Nixon's self-congratulatory utterances. None of the constitutional or strategic justifications previously offered for these acts of war exist any longer; Administration spokesmen seem to be struggling to find some new legal rationalization for the bombing raids, and it is not surprising that they are having a difficult time of it. The fact is that these raids, unless quickly halted, carry the germ of a new United States commitment to bestow open-ended authority on yet another shaky Southeast Asian leader.

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[1] Leifer, Michael. Cambodia: the Search for Security. New York, Washington, London, 1967: pp. 55–60. Smith, Roger M. Cambodia's foreign policy. Ithaca, Cornell University Press, 1965: p. 68.

[2] Leifer, p. 57. Smith, p. 68–73.

[3] Department of State Bulletin, July 30, 1962: p. 173.

[4] Smith, pp. 83–84.

[5] Smith, *op. cit.*, p. 85–86.

[6] NCNA, Peking, February 18, 1956 in Smith, *op. cit.* p. 95.

[7] Smith, *op. cit.*, pp. 97–9 .

The arrival in this country of South Vietnam's President Thieu could similarly create temptations for escalating new commitments. None should be necessary. Mr. Nixon stated that through his policy of Vietnamization, the South Vietnamese people now have the strength to defend their right of self-determination. On his words, therefore, there is no need for further American military effort, in the air or on the ground in Vietnam.

The President continues to imply in dark and guarded language that he is ready to use the power of the United States to force adherence to the cease-fire terms. Nowhere in the official records of the truce is there provision for any one nation to deal with violations by its own bilateral actions. The possibility of cheating on the truce was specifically envisaged in the Jan. 27 accords, and Mr. Nixon's negotiators devised an elaborate if utterly unrealistic mechanism for dealing with violations. Having accepted this control mechanism freely, the Administration can hardly claim unlimited license to act on its own if the system turns out to be as ineffectual as it was freely predicted it would be.

Congress now has the opportunity to insure that Mr. Nixon's rhetoric of finality is embodied in fact. Bipartisan legislation is before the Senate, introduced by Senators Church of Idaho and Case of New Jersey, providing that "no funds heretofore or hereafter appropriated may be expended to finance the reinvolvement of United States military forces in hostilities in or over or from off the shores of North and South Vietnam, Laos or Cambodia, without prior, specific authorization by Congress."

Passage of this measure would assure long life to the gratitude and relief now felt across the United States at the declared end of the Vietnam war.

Mr. EAGLETON. Mr. President, I thank the distinguished Senator from New Jersey for his excellent remarks. I would like to think that perhaps the war powers bill could be a solution to the instant dilemma; but I think, considering the urgency of time, that the only way we can curtail American activities in Cambodia now is by the medium of the Church-Case amendment. I feel certain that the Senator and his associate, the distinguished Senator from Idaho (Mr. Church), will follow through with this matter at the earliest opportunity in bringing their bill before the Senate.

STAY OUT OF INDOCHINA

Mr. CHURCH. Mr. President, a recent series of New York Times editorials advise the United States to get out and to stay out of military hostilities in and over all of Indochina. On April 1, this influential paper editorialized—

> Congress now has the opportunity to insure that Mr. Nixon's rhetoric of finality is embodied in fact. . . . Passage of (the Case-Church) measure would assure long life to the gratitude and relief now felt across the United States at the declared end of the Vietnam war.

I ask unanimous consent that editorials and commentary from the New York Times be printed here in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the New York Times, Mar. 17, 1973]

Threatening the Truce

President Nixon certainly has every justification for expressing concern over the continuing violations of the Vietnam cease-fire agreements, inasmuch as the "rather serious consequences" he mentioned this week involve not only the truce in Southeast Asia but the stability of the American homefront.

Intelligence reports of apparent massive flows of war materiel—tanks, artillery and anti-aircraft guns—toward South Vietnam from the North are indeed disturbing. The Administration's argument last January for ignoring the continued presence of North Vietnamese troops inside South Vietnam was that without being reinforced and re-equipped they would cease to be an effective military force. Now that assurance may be in jeopardy.

There is ample evidence, however, that the cease-fire violations are not all on the North Vietnamese side. We hope that Mr. Nixon is considerably stronger on this point in his private communications with the Saigon Government than he was in his news conference. In public he seemed to dismiss the violations of the truce on the ground, for which Saigon's forces have been as responsible as Hanoi's, as inevitable "because of the nature of the war." It is untenable to hold one set of violations more legally reprehensible than another; anyone who expects to benefit from the obligations of others has the obligation to honor his own undertakings.

The President left little doubt that he regarded resumption of bombing and harbor mining as a viable option against North Vietnam. Hanoi's leaders recently tried to test Mr. Nixon's resolve on the cease-fire terms by delaying the process of releasing American war prisoners, and when they saw the Administration's firmness they returned to the agreed-upon schedule. A similar response is looked for now.

Contained in the President's scarcely veiled threat, however, was an ominous time-bomb. The Congress has maintained relative silence on recent Vietnam developments only under the firm hand of its Democratic leadership, concerned that the sixty days of releasing the prisoners pass without reverses. Once that process is completed, by March 28, both the Congress and the President must be aware that resumption of combat by American military personnel could threaten a constitutional crisis of the first order.

Senators Church and Case have bipartisan legislation ready for floor action flatly forbidding the reintroduction of any American forces into hostilities in Southeast Asia. Even without passage of such a measure, there are strong arguments from Mr. Nixon's own statements that the President would have no constitutional authority to recommit American military forces. The Tonkin Gulf resolution, which the Johnson Administration considered a virtual declaration of war by Congress, was repealed in 1970. Shortly thereafter Mr. Nixon argued that his legal justification for carrying on the war in North Vietnam was "the right of the President of the United States under the Constitution to protect the lives of American men."

With American prisoners safety at home and American troops correspondingly withdrawn from South Vietnam, the President would be hard-pressed to invoke this justification again. Any move to resume hostilities against North Vietnam could provoke a restive Congress into its most bitter challenge yet of Presidential powers.

[From the New York Times, Mar. 18, 1973]

Latest Nixon Threat

(By James Reston)

Washington, March 17.—In his press conference the other day, President Nixon confirmed that the North Vietnamese had been sending heavy military equipment into South Vietnam in violation of the truce agreement, and he issued what could only be regarded as a threat of U.S. retaliation if these violations continued.

"We have informed the North Vietnamese of our concern about this infiltration . . ." he said. "Our concern has also been expressed to other interested parties [presumably the Soviet Union and China], and I would only suggest that, based on my actions over the last four years, the North Vietnamese should not lightly disregard such expressions of concern when they are made. . . ."

The meeting of this is fairly clear. Based on his record over the last four years, Mr. Nixon's reaction to North Vietnamese violations of agreements, or even North Vietnamese defiance of his warnings, has simply been to bomb the hell out of them. And here he is, back again, in that "don't-monkey-with-Nixon" mood.

Maybe several things ought to be said about this. First, Hanoi is obviously cheating on the truce agreement, and cheating big. Henry Kissinger has wanted to believe all along that he could count on the good faith of Hanoi's principal negotiator, Le Duc Tho, but he confirms that the North Vietnamese have not only sent substantial numbers of men down the Ho Chi Minh Trail into the South, but that they have also sent about 300 tanks and considerable quantities of artillery and anti-aircraft guns as well. In fact, Hanoi has made little effort to conceal these violations.

Second, Hanoi's excuse for doing so—and it's a pretty lame excuse—is that they had an agreement in principle with Mr. Kissinger back last October and would have been able to resupply their garrisons in the South if it hadn't been for President Nixon's Christmas bombing campaign, which they regard as a violation of the Kissinger-Le Duc Tho October draft truce. But anyway, they have acted on their own and the President has come back with his implied threat of renewing the bombing if they don't honor the terms of the truce.

For the moment, this is no big crisis. President Nixon is an unpredictable man when he thinks he's being challenged, and the North Vietnamese, no doubt fearful that Saigon would massacre their garrisons if they could, have challenged him.

But even with 300 new tanks and a considerable number of new recruits from the North, Hanoi is in no position to mount an effective offensive against Saigon's million-man army, which has complete control of the air, and President Nixon is not likely to carry out his threats before all the American prisoners of war and the few thousand remaining American troops have been safely evacuated.

Once this withdrawal of American prisoners and troops is complete—and it will be within a few weeks—there will be an interesting legal question: What legal authority would the President then have to order American men or bombers back into the battle?

The Gulf of Tonkin Resolution, which was regarded by the Johnson and Nixon Administrations as Congressional approval for carrying on the Vietnam conflict—virtually as a declaration of war—was nullified by the Congress in December of 1970 and signed by President Nixon himself on Jan. 12, 1971.

On July 1, 1970, Howard K. Smith of the American Broadcasting Company asked Mr. Nixon what legal authority he would have to carry on the war if the Gulf of Tonkin authorization was withdrawn on Capitol Hill.

Mr. Nixon replied that "the President of the United States has the constitutional right—not only the right but the responsibility—to use his powers to protect American forces when they are engaged in military actions, and under these circumstances, starting at the time that I became President, I have that power, and I am exercising that power."

But now clearly "the circumstances" are different. The legal shield for the war—the Gulf of Tonkin Resolution—has been repealed, and when the American prisoners and the last remnants of the American expeditionary force are withdrawn, the President will not be able to "use his powers to protect American forces when they are engaged in military actions," because there will be no American troops there to protect.

Accordingly, one wonders why Hanoi and Washington keep on playing these games at this late date. Hanoi cannot gain any great advantage by sending a few thousand men and 300 tanks into the South, for President Nixon has the right and can easily get the votes and the money to help Saigon counter this violation of the truce agreement.

But what the President cannot legally do on his own after our prisoners and troops are gone is to carry out his implied threat to send the American bombers back into the battle. It is too late for that now. We have had too much war in Vietnam under vague constitutional authority to start it up again by Presidential fiat.

Maybe it's all right to threaten Hanoi, for the officials there have not been faithful to the truce or their personal promises to Mr. Kissinger and the President; but if they have to be punished in order to maintain the balance of power in Vietnam, this can be done practically and legally by aid to Saigon. It cannot be done legally now with personal instructions by the President to the Air Force. If this is necessary, and it is hard to imagine that it is, then the question has to go back to the Congress for approval.

[From the New York Times, Mar. 28, 1973]

NIXON'S WAR POWERS

(By James Reston)

Now that the last of the American prisoners and troops are on their way home from Vietnam, it would be useful if President Nixon would tell the country what authority he thinks he has to carry on in military action in Indochina rather than leaving the explanation to Senator Barry Goldwater.

The Senator from Arizona asserts in a letter to The New York Times that the President has the legal authority to punish violations of the Vietnam peace agreement on his own, and says questioning of this authority is "destructive of the peace we all seek."

"The President can, if he sees need," Senator Goldwater writes, "order reprisals in line with more than 24 acts of Congress which were judicially determined in *Orlando* v. *Laird* to provide Congressional collaboration in the Indochina war. . . ."

Well, this may be so, but that "Congressional collaboration" was authorized before the Congress specifically repealed the Tonkin Gulf Resolution, which had been regarded by President Johnson and Nixon as legal sanction for the war. Also, if the Congress has the power to sanction and finance a war, it also has the power to withdraw both sanction and funds.

"Acting as Commander in Chief, which confers on him supreme direction over the armed forces," Senator Goldwater adds, "the President possesses full constitutional authority to judge that the terms of the armistice which he negotiated have not been met by the enemy and that an actual state of war continues there that carries with it his power and duty to enforce that settlement. . . ."

If this is true, then President Nixon not only has the power but "the duty" without a word to Congress to order the bombers back into Vietnam to "enforce" one of the most ambiguous settlements ever negotiated at the end of a war.

The fact is that the armistice agreement is being violated constantly by both sides, but the main American objective of the agreement was to get the Americans out of Vietnam, not to impose on the President "the duty" to get them back in whenever he personally judged that the armistice was being violated.

"As Chief Executive of a sovereign nation and bearer of primary powers over the conduct of foreign affairs and the maintenance of our national defense," Senator Goldwater remarked further, "the President possesses a constitutional independence in these two fields which reinforces his authority in this situation. . . ."

This is undoubtedly true, but it is not a power "independent" of the Congress in the present situation where the President can no longer claim to be "protecting the lives" of American troops and prisoners. Besides, if Senator Goldwater is correct, Mr. Nixon also has the right and duty to take whatever military action he wants to enforce not only the Vietnam settlement, but the Korean settlement, and for that matter, the World War II settlement.

It is odd that one of the most sincere conservatives in the Senate, who has fought against excessive Presidential power for half a lifetime, should defend such extraordinary authority for the Chief Executive.

And odder still that the President who has taken such credit for getting out of the war, should not explain what the B–52 bombers are doing in Cambodia, and why, and on what authority. This is not a subject that should be left to a couple of non-legal amateurs, but is central to the larger issues of the President's war powers, his executive privilege, and his right to impound funds.

Is it really "destructive of the peace we all seek" to wonder whether the President has the personal right to send his bombers and troops back into the Vietnam struggle? Nobody honestly thinks he is considering such a move in Vietnam, but to assert his "right" and even "duty" to do so if he personally chooses indicates just how much things have changed since conservatives were worrying about "the supremacy of the Presidency."

Besides, it is hard to see the logic in Senator Goldwater's assertion that *Orlando v. Laird* support his case, for what the court said in *Orlando* was that Secretary Laird had the right to send Orlando to fight in Vietnam because the Congress had appropriated funds specifically for such a purpose. The Congress, however, has not appropriated funds to reintroduce troops into Vietnam after the armistice.

The President has asserted an absolute right to shield his staff from Congressional or legal questioning, not only about their personal dealings with him, but about their personal dealings with men convicted of burglarizing Democratic headquarters in the Watergate case. This has aroused a storm over whether or not he has such an "executive privilege," but at least in this case the President issued an official statement defining what he thinks his powers are.

No such statement, however, has been forthcoming from the White House on the President's intervention in Cambodia or his right of reintervention in Vietnam after the prisoners and troops are home. And oddly enough, the Congress has not yet requested an official explanation of what the President's policy actually is.

[From the New York Times, Mar. 29, 1973]

OUT, BUT NOT OUT

The expected return today of the last American combat troops and prisoners from Vietnam should be an occasion for universal relief and rejoicing, marking the end of the long and anguished United States intervention in Indochina. To most Americans it is inconceivable that this country would again become militarily involved in a regime so remote from any vital national strategic interest.

And yet intervention persists. United States military aircraft based in Thailand continue to devastate the countryside of Cambodia in support of a shaky military regime. The White House says this bombing will continue until Communist forces in Cambodia stop their military operations and agree to a cease-fire, which at the moment appears to be an extremely remote possibility.

Any further American military action in Cambodia after the completion of disengagement from Vietnam would raise the most serious constitutional questions. Following repeal of the Tonkin Gulf Resolution, President Nixon's sole justification for operations in Indochina has been his alleged powers as President and Commander in Chief "to protect American forces when they are engaged in military actions." Even this dubious claim evaporates with the departure of the last United States combat soldier from Vietnam.

So far neither the Defense nor the State Department has been able to come up with a substitute justification for what is going on in Cambodia although a State Department official reportedly told Congressional aides that his department had two lawyers working on the problem. White House Press Secretary Ronald Ziegler has lamely explained that the heavy daily bombings are being conducted because "the Cambodian Government has asked for our air support."

That is a doctrine for Presidential intervention in foreign conflicts that must not be allowed to stand unchallenged. It would mean, in effect, an assumption of Presidential authority to invoke the devastating power of American air forces wherever and whenever a government which enjoyed White House sympathy was in trouble.

Failure of Congress to assert its own constitutional prerogatives promptly and forcefully could result in continuing unauthorized bombing in Cambodia and would establish a perilous precedent for future Presidential intervention in trouble spots around the world, not excluding an already threatened resumption of American hostilities in Vietnam.

[From The New York Times, Apr. 1, 1973]

FINALITY IN VIETNAM

The air of finality with which President Nixon heralded the American withdrawal from Vietnam Thursday night has been welcomed with gratitude and relief across the country. The nation and its elected representatives in Congress now have the right to insist that this finality be reflected in the Administration's actions.

Specifically, the continuing American bombardment of Cambodia sounds a roaring discord against Mr. Nixon's self-congratulatory utterances. None of the constitutional or strategic justifications previously offered for these acts of war exist any longer; Administration spokesmen seem to be struggling to find some new legal rationalization for the bombing raids, and it is not surprising that they are having a difficult time of it. The fact is that these raids, unless quickly halted, carry the germ of a new United States commitment to bestow open-ended authority on yet another shaky Southeast Asian leader.

The arrival in this country of South Vietnam's President Thieu could similarly create temptations for escalating new commitments. None should be necessary. Mr. Nixon stated that through his policy of Vietnamization, the South Vietnamese people now have the strength to defend their right to self-determination. On his words, therefore, there is no need for further American military effort, in the air or on the ground in Vietnam.

The President continues to imply in dark and guarded language that he is ready to use the power of the United States to force adherence to the cease-fire terms. Nowhere in the official records of the truce is there provision for any one nation to deal with violations by its own bilateral actions. The possibility of cheating on the truce was specifically envisaged in the Jan. 27 accords, and Mr. Nixon's negotiators devised an elaborate if utterly unrealistic mechanism for dealing with violations. Having accepted this control mechanism freely, the Administration can hardly claim unlimited license to act on its own if the system turns out to be as ineffectual as it was freely predicted it would be.

Congress now has the opportunity to insure that Mr. Nixon's rhetoric of finality is embodied in fact. Bipartisan legislation is before the Senate, introduced by Senators Church of Idaho and Case of New Jersey, providing that "no funds heretofore or hereafter appropriated may be expended to finance the reinvolvement of United States military forces in hostilities in or over or from off the shores of North and South Vietnam, Laos or Cambodia, without prior, specific authorization by Congress."

Passage of this measure would assure long life to the gratitude and relief now felt across the United States at the declared end of the Vietnam war.

[From the New York Times, Apr. 3, 1973]

"WINDUP" IN CAMBODIA

No one can dispute Secretary of Defense Elliot L. Richardson's assertion that "it would be very difficult" for the Cambodian Government of President Lon Nol to survive without the massive American air support it is currently receiving. The commander in chief of Cambodia's crumbling forces has said as much.

But that is not the issue. The question for Americans is whether the survival of the present regime in Phom Penh is sufficiently vital to United States interests to justify prolonging a war from which this country has presumably disengaged and for repudiating at this critical stage of disengagement the sensible self-help policy that was proclaimed in the Nixon Doctrine.

Under the Constitution, that is a question that cannot be decided by the President and his aides alone. The withdrawal of the last American ground combat soldier from Vietnam has removed the last possible justification—and a lame one, at that—for unilateral direct military intervention in Indochina by the President.

Secretary Richardson only sidestepped this vital issue when he said: "Basically, I believe that our Constitutional authority rests on the circumstances that we are coming out of a ten-year period of conflict. This is the windup."

That is just what is worrying thoughtful members of Congress. Instead of finally concluding the war in Indochina in accordance with its popular mandate and the expressed will of Congress, the Administration appears to be laying the basis for repetition of the Vietnam tragedy in Cambodia, if not for resumption of direct military intervention in Vietnam itself. Congress has a constitutional obligation to challenge such extension of Presidential war-making authority, which has implications far beyond Indochina.

The **PRESIDING OFFICER**. Under the previous order, the Senator from Connecticut (Mr. RIBICOFF) is recognized for not to exceed 15 minutes.

FORMER SENATOR WILLIAM BENTON OF CONNECTICUT

Mr. **RIBICOFF**. Mr. President, it is with a deep sense of loss that we mourn the death of former U.S. Senator William Benton of Connecticut.

Bill Benton served in the Senate from 1949 to 1952. He was appointed to the Senate by Connecticut Governor Chester Bowles in 1949 and won election in 1950 to fill out the unexpired term of Senator Raymond E. Baldwin.

Senator Benton was a great and dedicated public servant. He devoted his life to the betterment of mankind. His life was many faceted, encompassing politics, business, the arts, and education. Bill's sudden death comes as a great shock to myself and his many friends. Mrs. Ribicoff joins me in extending our deepest sympathy to Bill's wife, Helen, and other members of his family.

A success in business at an early age, Bill Benton entered public service in 1939 when he became an adviser to Nelson A. Rockefeller, then the Coordinator of Inter-American Affairs. In 1945, President Truman appointed him Assistant Secretary of State for Public Affairs.

As Assistant Secretary for 2 years, Bill organized the Voice of America broadcasts and was active in the establishment of UNESCO, the United Nations Educational and Cultural Organization. During the Johnson administration, Bill Benton was the chief U.S. member of the UNESCO executive board with the rank of ambassador.

Bill was born April 1, 1900, in Minneapolis. His father, Charles William Benton, was a Congregationalist minister and a college professor. His mother, the former Elma Hixson, was a county school superintendent.

Graduating from Yale in 1921, Bill went into the advertising business. In 1929, he and Chester Bowles formed an advertising agency known as Benton and Bowles.

The young firm prospered. In 1935, Bill left advertising and became vice president of the University of Chicago.

He later became publisher and chairman of the board of the Encyclopaedia Britannica and made that organization into a great success.

I ask unanimous consent that an article published in the March 19, 1973, New York Times on Senator Benton be inserted at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 19, 1973]

WILLIAM BENTON DIES HERE AT 72; LEADER IN POLITICS AND EDUCATION

(By Alden Whitman)

Former Senator William Benton of Connecticut, publisher of the Encyclopaedia Britannica and onetime Assistant Secretary of State, died early yesterday in his sleep in his apartment at the Waldorf Towers Hotel. He would have been 73 years old on April 1. His home was in Southport, Conn.

There will be a memorial service at 3:30 P.M. on Wednesday at Trinity Church (Episcopal) in Southport.

Mr. Benton had been released from Lenox Hill Hospital on Feb. 26 after recovering from pneumonia.

A man who never seemed to operate at less than full tilt, William Burnett Benton crammed at least five careers into his lifetime. He was, at various times, an advertising executive, a university vice president, a public servant and Senator and the head of a vast publishing empire. In all these careers, except politics, he wielded the Midas touch.

One example of Mr. Benton's business acumen was the Muzak Corporation, which he picked up in an idle moment in 1939–40, when he was still with the University of Chicago. After expanding the company's operations and taking several millions out of it in dividends, he sold it in 1957 for $4.35-million. But despite his undoubted feel for the marketplace, Mr. Benton preferred to regard himself (and to be regarded) as a serious and dedicated educator and statesman.

In this respect he was chairman of the company that published and sold the Encyclopaedia Britannica, from which he and his family made a great deal of money, much of it given to the William Benton Foundation. At the same time the company enriched the University of Chicago, a contractual beneficiary, by more than $25-million in 25 years.

A friend and business partner was astonished by the ease with which Mr. Benton made money, remarking that he "completely lacks the acquisitive instinct" and adding:

"You never saw a businessman spend less time thinking about money."

ANOTHER VIEWPOINT

Another associate of 20 years disagreed, saying:

"It's like a fellow playing 40 games of chess simultaneously. You could say you never saw a fellow spend so little time on a game of chess. But that wouldn't be the whole story."

In politics, which engaged Mr. Benton from 1945, he was a liberal Democrat, whose record as Senator from Connecticut was highlighted by opposition to Senator Joseph R. McCarthy, the Wisconsin Republican and anti-Communist crusader.

In 1951, when Mr. McCarthy was at the apogee of his influence, Mr. Benton introduced a resolution that, in effect, denounced his colleague as a liar and a thief and as unworthy to sit in the Senate. Hearings on this resolution led ultimately to Mr. McCarthy's censure in 1954, but by that time Mr. Benton was out of the Senate, having been defeated at the polls in 1952. Mr. McCarthy's enmity was generally credited with helping in the defeat.

He tried several times thereafter for office, but as one biographer put it, he was "never really one of the boys." Mr. Benton, it was said, "simply does not react" to a person and an ambulance, and could rarely bring himself to utter a flattery. Less kindly observers said that he was such a foundation of ideas that he did not listen to the notions of others and was inclined moreover to be vain-glorious.

SON OF A CLERGYMAN

Mr. Benton's background was religious and educational. Born April 1, 1900, in Minneapolis, he was the son of Charles William Benton, a Congregationalist clergyman and college professor, and the former Elma Hixson, a county school superintendent. His father died when he was 13, and his mother took the family to Montana to clear ground for a homestead.

Bill Benton entered Yale on his second attempt and graduated in 1921. He worked his way through as a high-stake auction bridge player. While denying reports that he cleared $25,000 a year, he told a friend that "it's a demonstrable fact that for 10 years I was one of the 10 or 20 best card players in the world."

On graduation he turned down a Rhodes Scholarship for a job as an advertising copywriter. This horrified his mother, who wrote her son, "If you won't go into a respectable profession, can't you at least be a lawyer?"

In advertising, he rose to become assistant general manager of Albert Lasker's Lord & Thomas agency in Chicago. He was earning $25,000 a year when he left in 1929 to join Chester Bowles in forming Benton & Bowles with a capital of $18,000. This agency, New York-based, attained annual gross billings of $18-million by 1935, of which Mr. Benton's share was $250,000—a huge sum in the Depression.

Pioneering in market research and the use of radio as an advertising medium, Mr. Benton was in part responsible for the Maxwell House "Showboat," the Palmolive "Beauty Box," "Gang Busters" and Fred Allen's "Town Hall Tonight." He has been credited with introducing the studio audience and signs to direct it to applaud, as well as commercials with sound effects.

"Up to then, you'd always had a commercial announcement, somebody stopping the show and talking, as though he were reading from a magazine," Mr. Benton recalled. "I staged commercials, you could hear the spoons, people clinking cups of coffee, everything acted out. It was revolutionary; it was like the first girl standing on her head on the back of a horse."

It was Mr. Benton, impressed with the local "Amos 'n' Andy" comic show in Chicago in 1929, who initiated its sponsorship on a national network by Pepsodent that made the show's characters, played by Freeman Gosden and the late Charles Correll, household words.

Mr. Benton had determined to quit advertising when he was 35, and in 1935 he did, having by that time made $1-million. Almost immediately, however, Robert M. Hutchins, his Yale classmate and president of the University of Chicago, persuaded him to become a vice president of the school. He held that post from 1937 to 1945 and helped the university pioneer in educational radio and educational movies. His radio program, "The University of Chicago Round Table," won several awards as an adult education show.

With characteristic self-regard, Mr. Benton appeared on the show, talking about the common man, censorship, cartels, foreign relations and other topics on which he was able to brief himself with remarkable thoroughness.

"COOKING UP THINGS"

At Chicago, Mr. Benton was, in effect, advertising a university. "Bill was what an engineering concern would call research and development," Mr. Hutchins said. "We worked on cooking up things, all kinds of measures, some of them successful, some of them abortions."

One of his greatest successes turned out to be the Encyclopaedia Britannica, which had been bought from its British owners after World War I by Sears, Roebuck & Co. In 1943 the mail-order house wanted to get rid of the publication and offered it to the university. Mr. Benton put up $100,000 in working capital for the acquisition and gave the school a beneficiary interest in the profits.

The salesmanship methods that Mr. Benton employed over the years to push the encyclopedia and its associated enterprises—chiefly classroom films, a yearbook, a junior encyclopedia, an atlas and a dictionary—have been much criticized as "hard sell." But there has been little question that they produced results. Nevertheless, in the judgment of a number of experts, the informational quality of the Britannica was greatly diluted under Mr. Benton's management. And at least one editor resigned in a huff over the volumes' contents.

Mr. Benton not only defended the Britannica, but also expanded its related business by publishing the 54-volume "Great Books of the Western World" series and a companion 10-volume set called "Gateway to the Great Books." In 1964 the Britannica company acquired the G. & C. Merriam Company, which publishes Webster's Dictionary.

Administering his publishing realm, Mr. Benton was accustomed to flying 75,000 miles a year to ginger up his underlings and to dictating up to 8,000 words a day of ideas and suggestions for his aides to execute. Recipients of these memos were amazed (and sometimes numbed) by their author's fecundity and circumlocutions.

In 1971, in a joint venture with the Tokyo Broadcasting System, Mr. Benton began publishing an international encyclopedia in Japanese.

He edged into public service in 1939 as an adviser to Nelson A. Rockefeller, then coordinator of Inter-American Affairs. Out of this, and an interest in economics as a founder of the Committee for Economic Development, came his appointment in 1945 as Assistant Secretary of State for Public Affairs.

As Assistant Secretary, his post for two years, he organized the Voice of America broadcasts and was active in the establishment of UNESCO, the United Nations Educational, Scientific and Cultural Organization. During the Johnson Administration he was chief United States member of the UNESCO executive board with the rank of Ambassador.

He served last year on the educational platform committee at the Democratic convention in Miami.

APPOINTED BY BOWLES

Mr. Benton became a Senator by courtesy of his old business partner, Chester Bowles, who was Governor of Connecticut in 1949. Mr. Bowles appointed him to fill a vacancy, and then he won an election in 1950 for the rest of the term. His Senate record included a plea for a Fair Employment Practices Commission and a fight against the McCarran Immigration Act as restrictive of the people of eastern and southern Europe. He voted for the legislation, however, when his appeals against it proved futile.

Out of office after 1952, he was identified with the Adlai E. Stevenson wing of the Democratic party and campaigned for Mr. Stevenson in 1956 and supported him again in 1960. The two were warm friends, and Mr. Stevenson was a frequent guest of Mr. Benton's home in Southport.

From his student days, when he was editor of The Yale Record, Mr. Benton was interested in art and in his friend Reginald Marsh in particular. By 1954, when Mr. Marsh died, Mr. Benton had collected hundreds of his paintings, which centered on the vulgarities and vagaries of American life. Marsh, who has come to be recognized as a major artist, forms the richest part of Mr. Bentons' collection, which also includes works by Ivan Albright, Jack Levine, Bellows, Hassam and Kuniyoshi.

In 1972 the University of Connecticut named the William Benton Museum of Art in Mr. Benton's honor. Later that year he gave his collection of Albright's medical sketches to the University of Chicago Medical School. In the same year he was named Chubb Fellow at Yale.

Mr. Benton married Helen Hemingway, a Connecticut schoolteacher, in 1928. Also surviving are two sons, Charles and John; two daughters, Mrs. Helen Bolgey and Louise, and eight grandchildren.

Mr. RIBICOFF. The Bridgeport Post on March 20, 1973, published an editorial on Bill Benton. I ask unanimous consent that the editorial be printed in the Record at this point.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

WILLIAM BENTON

The prolific talent and sincere interests of Senator William Benton knew no bounds. To say he was a man of many successful careers is to state the truth.

Beyond the obvious personal achievements of the individual, there was much more. An intellectual, Mr. Benton made generous contributions to education in this country. As a statesman carrying out special governmental assignments, Mr. Benton did a great deal to bring about better understanding of the United States by other nations.

During his four years in the U.S. Senate, this resident of the Southport section of Fairfield found that his independent thinking was not always appreciated. He was a man who spoke his mind and rarely, if ever, bowed to pressure to remain silent.

It was Senator Benton, displaying the courage of his convictions, who first stood tall against the menace of McCarthyism. On October 6, 1951, on the floor of the Senate, he called on Senator Joseph R. McCarthy to resign. Three years later, after Mr. Benton had left the Senate, Senator McCarthy was censured. Some of Mr. Benton's colleagues made a point at that time of stating it was the Senator from Connecticut who first detected the potential for disaster in the McCarthy philosphy and had the resoluteness to warn the country.

The many and varied philanthropic activities of Mr. Benton have been detailed in the news columns. These facts can only suggest the true measure of the man. William Benton served his country, his state, and his fellow man in a manner to be admired and copied.

Mr. RIBICOFF. The Waterbury Republican on March 20, 1973, published an editorial on Bill Benton. I ask unanimous consent that the editorial be printed in the Record at this point.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

WILLIAM BENTON

William Benton was truly one of Connecticut's distinguished citizens. He was an advertising and business executive; an educator, serving as vice-president of the University of Chicago and as a trustee of the University of Connecticut, a publisher, a statesman and politician.

He was a liberal in politics and was a most unlikely candidate when he first entered the political scene. He was appointed to fill a vacancy in the U.S. Senate by his former advertising agency partner, then Gov. Chester Bowles.

Benton was then elected to fill a partial term and moved into the Washington arena with no difficulty. He became noted in the Senate for the resolution he introduced calling for the resignation or expulsion of the late Sen. Joseph McCarthy. Hearings on the resolution eventually ended with a censure of McCarthy.

Although he was not reelected, Benton remained an influential but behind-the-scenes figure in Connecticut politics.

At one time he served as an assistant Secretary of State. Te traveled extensively and wrote books on both Latin America and the Soviet Union. As publisher of Encyclopedia Brittanica, he helped make it almost a household word as the ultimate reference source.

He was a philanthropist. One of his most recent gifts was of an art collection to the University of Connecticut where the art museum is named in his honor.

Mr. Benton's guidance will be missed in many areas.

Mr. RIBICOFF. The Hartford Times on March 20, 1973, published an editorial on Bill Benton. I ask unanimous consent that the editorial be printed in the Record at this point.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

WILLIAM BENTON

It was a happy coincidence that Chester Bowles and Bill Benton were students at Yale University at the same time. Their friendship produced two statesmen whose services were significant to Connecticut and the nation.

Their partnership in an advertising agency made them financially independent while they were still young. In the many offices, both elective and appointive, they held during their public lives, they were free of the responsibilities of earning a living and providing for their families. When a call to service came along, each of them could consider it on its merits.

Early in his career of public service, Bill Benton associated himself with education. His connection with the University of Chicago, among others in higher education, made him known in national affairs and enabled him to attract offers from government.

Except in Connecticut, Mr. Benton's name probably is not widely recognized outside business circles. Yet he exerted significant influence on the nation and the world.

He was the first United States senator to call for the resignation or censure of the demagogic Joe McCarthy of Wisconsin. He was an assistant secretary of state, and in that post he organized the Voice of America and helped establish UNESCO—two accomplishments whose effects will outlive his generation.

As a citizen of Connecticut, he was an able United States senator and was generous with his time and talents in behalf of the University of Connecticut and the University of Bridgeport, among other institutions. His art benefactions are remembered in the art museum of the University of Connecticut, which last year was named for Mr. Benton.

Bill Benton's story is not the Horatio Alger cliche. Though he achieved financial success early in life and thereafter was not primarily interested in making money, he had a kind of Midas touch, a feeling for a good investment at the right time.

He has been praised for his political courage—in attacking McCarthy at the high tide of the other senator's popularity, for instance. His courage also displayed itself in decisions affecting his personal life. It took courage to refuse a Rhodes scholarship in favor of going into the advertising business, and it took courage to buy Encyclopaedia Britannica when encyclopedia salesmen were joked about as pests.

It is safe to predict that his obituaries are not the last word on Bill Benton. His stature and reputation will surely attract biographers, and posterity may know him even better than do we, his contemporaries.

Mr. RIBICOFF. The Hartford Courant on March 21, 1973, published an editorial on Bill Benton. I ask unanimous consent that the editorial be printed in the Record at this point.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

William Benton

William Benton, former United States Senator from Connecticut, died quietly in his sleep March 18 at his New York City apartment. It may come as a surprise to some that the educator, statesman, politician, advertising pioneer, art collector, traveler, lecturer and philanthropist ever slept. For Mr. Benton crammed five diverse careers into his almost 73 years whetted by an insatiable thirst for activity abetted by seemingly unlimited energy.

Thanks to his perfect sense of business timing, whatever he touched seemed to turn to money. Yet, though his genius for innovation made him a millionaire by the age of 35, it was as a statesman and educator that Mr. Benton wanted to be recalled. Once the foundation of his fortune was laid, he spent his life using much of it for a number of good causes, particularly related to education.

Under his guidance, financial losers such as Encyclopedia Britannica and Muzak Corporation became winners. His advertising agency, Benton and Bowles, in partnership with former Connecticut Governor Chester Bowles, became the world's sixth largest. Always daring to try something new, he developed the first sound commercials for radio. During his tenure as Senator from 1949 to 1953 he initiated the investigation of Senator Joseph McCarthy leading to the Wisconsin legislator's censure.

While active in international affairs, he was a member of the Committee for Economic Development which helped rebuild Europe after World War II and led to the formation of the U.S. Information Agency. Later he supervised the infant Voice of America radio operation.

Besides his countless private interests, Mr. Benton was most proud of his work with colleges and universities, including those at Chicago and Bridgeport, Brandeis University and the University of Connecticut. In the latter capacity he worked for higher salaries for faculty and scholarships for deserving needy students.

Up to $45 million in encyclopedia royalties have benefited the University of Chicago since Mr. Benton turned them over to the school in 1943. All his stock in the firm went to establish the Benton Foundation in 1968. His extensive art collection now is housed in the UConn art museum bearing his name.

For his humanitarian efforts at home and abroad, Mr. Benton has been honored many times. But perhaps his greatest gift was his flair for living—"at full tilt" as a biographer put it. It is not surprising that so large an enthusiasm overflowed to encompass so many of his fellow men, the beneficiaries of his generosity for years to come.

Mr. RIBICOFF. Joseph A. Owens, editorial page editor of the Bridgeport Post, wrote in his column, "In the Open" on March 20, 1973, of the life of William Benton. I ask unanimous consent that the column be printed in the Record at this point.

There being no objection, the column was ordered to be printed in the Record, as follows:

Friend to Many

(By Joseph A. Owens)

Though born in Minnesota, William Benton looked every bit a native of New England. His facial features certainly would not have been out of place in a Norman Rockwell painting depicting life in this part of the country.

Benton was a gentle person, a lover of the arts.

In politics, he seemed to be out of place. Maybe that is why he did the unspeakable back in 1951. The U.S. Senate is viewed by most of its members as a club. Rare is the occasion when one member speaks ill of another.

That was one rule Benton could not apply to himself as far as Senator Joseph R. McCarthy of Wisconsin was concerned. McCarthy was a fierce, a frightening force in those days. He was the most publicized hunter of Communists in the land.

PROPHET

Whether McCarthy had his facts straight or not made small difference to him. He claimed Communists were everywhere in government. No one was anxious to stand up to Joe McCarthy. In the Senate the unwritten rule was being strictly observed.

Then Bill Benton went to the floor of the Senate on August 6. He described McCarthy in unflattering terms and warned against the man and his tactics. Not until more damage had been done did people begin to realize that Senator Benton had been a prophet crying out in the wilderness.

Three years passed before McCarthy was censured.

John F. Kennedy later observed that if a new edition of his book, "Profiles in Courage" were to be written, Bill Benton would have his rightful place in it.

Benton first went to the Senate in 1949, on an appointment from Governor Chester Bowles when Raymond E. Baldwin resigned to take a seat on the Connecticut Supreme Court. Benton faced the voters in 1950 and won the right to complete the term. In 1952 he was buried in the Eisenhower landslide.

Six years later he sought the Democratic senatorial nomination which went to Tom Dodd.

Benton remained active, making financial contributions to Democrats and sharing his wisdom with party leaders.

DENIED FINALE

Benton's dreams of returning to the Senate had long since vanished when one of his friends and admirers was hoping he could honor him by making him a member of the Senate once again.

The story unfolded last summer during the Democratic Convention in Miami Beach. One of Benton's sons, John, approached former Governor John N. Dempsey and thanked him profusely "for what you wanted to do for my father."

The man was in tears.

So was the elder Benton.

Dempsey had reason to believe in the late 1960s that Senator Dodd would resign. The moment this act took place, he planned to appoint Benton to complete Dodd's term. But Dodd stayed on.

It would have been a grand finale for Benton. After being highly successful in the competitive world of private business, he developed a love affair with government. He took on special assignments, seeing each as a chance to contribute to the betterment of his country and the world. The time he had spent in the Senate was looked back upon with particular fondness.

GIFT TO UB

On a pleasant evening last summer he sat outside his home overlooking Long Island Sound and talked about politics, his service as a member of the Board of Trustees at the University of Connecticut, and his desire to help education. The Benton home and the beautiful grounds surrounding it, he said will some day belong to the University of Bridgeport. That was his desire.

NOT RENAMED

The decision of Governor Thomas J. Meskill not to rename him to the UConn board was painful and in a polite way, Benton said so. He supported lecture series which brought some of the leading figures in the formulation of American foreign policy to the campus in Storrs. This was in addition to the donation of numerous valuable pieces of art. More important than the gifts was the acumen he brought to the meetings.

His fellow trustees thought so highly of Benton they named a museum after him.

Benton liked and respected Dr. Homer Babbidge and was upset when he left the UConn presidency for a position at Benton's alma mater, Yale.

ONE DEMPSEY

Of all the people in Connecticut with whom he had come in contact, Benton placed one man at the head of the parade. To William Benton there was only one John N. Dempsey.

He spoke not about Dempsey's record in office, but rather of the rich humane qualities of the individual. To him Dempsey was the personification of a man truly dedicated to helping others.

The 1972 Democratic Convention was the last time Benton performed on the political stage. He wanted Hubert H. Humphrey, an old friend, to be the Democratic presidential candidate. When Humphrey failed in his quest for the prize, Benton was dejected.

Benton was a liberal Democrat in the mold of Humphrey and the late Adlai Stevenson. There was nothing radical about the philosophy he espoused, only an earnest desire to assist people and to motivate causes shaped for the betterment of all.

Bill Benton is gone and education, the arts, politics, and his many friends have suffered a considerable loss.

Mr. RIBICOFF. The New York Times published an article by Sidney Hyman on March 25, 1973, about Bill Benton. I ask unanimous consent that the article be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

William Benton—An Appraisal

(By Sidney Hyman)

William Burnett Benton, Yale '21, worked a year for the National Cash Register Commany and was then told by his strongwilled mother—a school teacher—to enroll in the Harvard Law School. But for the first time in his young life, he defied her by entering instead the world of advertising.

When news of his waywardness in New York reached his mother in St. Louis, she compressed her outrage in a one-sentence letter: "I am appalled to learn that you are going to waste yourself in a business which does nothing except say that Palmolive soap is a good soap."

Only 14 years of Mr. Benton's life, which ended last week on the eve of his 73d birthday, were tied to advertising. And of these, only six were spent with Benton & Bowles, which he and Chester Bowles founded in July, 1929 and from which he voluntarily resigned, as planned, in 1935.

He was 35 at the time, and his break with the business was irrevocable.

Yet no matter what he did afterward, and did with distinction in different fields—in education, publishing, national politics and diplomacy—sniffish people declassed his worth, saying that he was "just another flim-flam Madison Avenue type."

Mr. Benton, on his part, never apologized for his time in advertising. Many of his best achievements were rooted in the million dollars paid him in installments for the stock he sold back to Benton & Bowles when he resigned from the firm.

The money financed his high-risk ventures involving the purchase or start of a cluster of companies that were to make him a worldwide force in mass education, and only incidentally one of the richest men in the United States.

When Mr. Benton embarked in 1922 on his short but lucrative career in advertising, New York had more agencies than Chicago, but Chicago was where the most creative minds in the field were to be found.

Most of the valedictorians of the "Chicago school" were trained at Lord & Thomas, whose head and sole owner was Albert D. Lasker. Mr. Lasker, all imperious, exciting, excitable and wacky genius, was to the advertising world of the day the same protean force that John H. Patterson of the National Cash Register Company was to the world of "scientific sales management."

To expose himself to what Mr. Lasker had to teach, Mr. Benton moved from New York to Chicago in the mid-nineteen-twenties and into a job at Lord & Thomas. Mr. Benton gave Mr. Lasker what the agency head wanted and he absorbed from Mr. Lasker what he needed to know before he brought his own firm of Benton & Bowles to birth.

There were particular reasons why that firm became after six years of life one of the largest single-office advertising agencies in the United States.

First, the Great Depression of the nineteen-thirties forced corporations to examine their advertising policies and to welcome new ideas. The need for new ideas brought creative men to the forefront in place of the old-line account executives who had previously dominated the advertising business.

It was a time when other young men like Mr. Benton and Mr. Bowles, originally trained as copywriters, founded their own advertising agencies or took over the direction of existing firms.

A second element in the success of Benton & Bowles was Mr. Benton's introduction into New York of the consumer research surveys that he had accidentally devised at Lord & Thomas in Chicago. These gave client prospects the hope of being more scientific in deciding how to sell and advertise their products in a market where effective consumer purchasing power was drastically curtailed.

The rough-hewn surveys Mr. Benton introduced into New York were later eclipsed in polish and significance when Raymond Rubican, the creative head of one of the most admired newer advertising agencies of the day, turned to the academic world for help. At Northwestern University on the edge of Chicago, he found a young sociologist named George Gallup, who was perfecting techniques for polling public opinion.

Another element in the success of Benton & Bowles involved innovations in the use of radio.

The innovations included the first use of live audiences and the first cueing of audiences with placards reading "laugh" or "applaud."

The commercials were also something new. Previously, during a "pause for a commercial announcement," a "voice from the sponsor" would read a few paragraphs of advertising. This was changed after Benton & Bowles launched the "Maxwell House Show Boat."

The actors drank coffee, smacked their lips and tinkled their cups to give listening audiences around the country an acoustical substitution for what their eyes could not see. These innovations were followed by a Benton invention of the singing commercial—something for which he later did penance.

Above all, Mr. Benton's success in winning business away from old and large advertising agencies lent credence to a theory he advanced and proved by his later success with other enterprises at which big companies had faltered or failed.

"Every great corporation," he said, "is struggling with many failures buried down in its soft underbelly, failures awaiting development by enterprising men with original ideas. If I were a young man in pursuit of wealth I would look for and compete with the big corporations at their weak point.

"I am not talking about a corporation such as the Commonwealth Edison Company. You don't compete with monopolies when you are a young man, though you try to create and own them when you get older. But as a young man, I would look for the soft spots in the business structure of the great nonmonopolistic corporations and start my own business in one or another of these areas."

Mr. RIBICOFF. Mr. President, I ask unanimous consent that the Record remain open for the inclusion of additional statements regarding Senator Benton for 14 legislative days.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIBICOFF. I ask unanimous consent that the statements made in the Senate and the House of Representatives be printed as a Senate document

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIBICOFF. Mr. President, I yield to the distinguished Senator from Illinois.

(At this point, Mr. Ribicoff assumed the chair.)

Mr. STEVENSON. Mr. President, William Benton was both student and teacher. Young in heart, full of curiosity, he spent his life absorbing the world about him. His curiosity was insatiable. His enthusiasm for all the possibilities for reason and progress was boundless. I never knew a man of such energy and imagination, enthusiasm and vitality. His life spent in learning was also spent in teaching at the University of Chicago, through the Encyclopaedia Britannica and its affiliated companies, through the Benton Foundation, and in his daily contacts with people in good causes.

He served the Nation well. He served it in the State Department. He served it with distinction and bravery in this body. He was a constant source of inspiration and a constant source of support for his many friends, including two generations of Stevensons.

It will be a long time before we see the likes of Bill Benton. His death is a sad loss not only for his family but also his friends, among whom I count myself one. It is a sad loss for the Nation.

Five years and two months ago, the University of Chicago marked the 25th anniversary of William Benton as publisher and chairman of the Encyclopaedia Britannica. Addressing a banquet on that occasion, the university's former president, Robert M. Hutchins, spoke of William Benton's benefactions and concluded:

> We must hope that he will live for a thousand years.

To our sorrow, he did not. The degree to which his death is humanity's loss is reflected well, I think, in the comments by Robert M. Hutchins, and I ask unanimous consent that they be printed at this point in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Statement of Robert M. Hutchins

William Benton was descended from a long line of teachers. When he got out of business, it was natural for him to think of continuing the labors of his forebears. The University of Chicago was fortunate to be able to induce him to become one of its principal officers.

As vice president of the university, he exploited every means of using its intellectual resources for the widest possible educational purposes. He revitalized the University of Chicago Roundtable, the oldest educational program on the air, and developed an interest in educational films that was later to flower in the establishment of a company called Encyclopaedia Britannica Films.

He persuaded the trustees of the University of Chicago, against their will, to accept the gift of Encyclopaedia Britannica from Sears, Roebuck & Company. He had to put up the working capital himself. Nobody thought at that time that this gift would enrich either the university or the Benton family. The best that was hoped for was that the company would not drain resources from the university and that it would not bankrupt the Benton family.

For thirty years after Bill Benton took over Britannica, he poured out thousands of memoranda demanding, in good times and bad, further expenditures to improve Britannica products as instruments of education.

He believed, as the founding fathers did, that the enlightenment of people was indispensable to a just society. The Britannica companies were dedicated to this task.

> His interest in education led him into trusteeship of many institutions, notably the University of Chicago, University of Connecticut, University of Bridgeport, and Brandeis University. He was a good trustee: he did not try to run the university; he asked the right questions.
>
> He went to the State Department because he saw a chance to work for enlightenment on a world scale. He organized the first delegation to UNESCO, and remained in close relationship to that organization all his life, returning to it as ambassador toward the end of his career. He collaborated with Senator Fulbright in setting up the program in international education associated with that Senator's name. He was interested in all the media of communication, not for propaganda, but for the education of the peoples of the world.
>
> He was committed to the principles for which this republic was founded, the chief of which is free, independent, inquiry and debate. When he was in the Senate, he was among the first to oppose publicly the threat to these principles presented by those who were exploiting the cold war to repress the basic freedoms of Americans. If these repressive efforts had succeeded, it would have put an end to the program of enlightenment to which he was committed.
>
> William Benton was an educational statesman.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. STEVENSON. I yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, I join my distinguished colleagues from Connecticut and Illinois in expressing my deep personal regret at the passing of Bill Benton.

Mr. Benton served with distinction in the Senate. He served with courage and integrity, and I think that because of that courage and integrity he was defeated after serving one term. But he knew what he was doing. He was willing to take his chances and was willing to take his lot.

Bill Benton and his family had a close connection with the State of Montana, because his folks homesteaded along the highline, as we call it, in the northern part of the State, in the period prior to the First World War. He was also the recipient of an honorary degree from Montana State University, at Bozeman. He was a man who had an abiding interest in the welfare and the development of the State of Montana, even though he lived in the East.

He was a man whom we all respected and admired. He was a man who, on the basis of sheer ability, was able to lift himself up and to achieve a position of prominence in the advertising world, in the academic world, and in the political world.

We will miss Bill Benton. All I want to say in conclusion is that Mrs. Mansfield, my daughter, Ann, and I wish to extend to the family of Bill Benton our deepest sympathy in their hour of sorrow.

Mr. PASTORE. Mr. President, today we eulogize a former colleague, the late William Benton, former Senator from Connecticut, whose impress on this Senate did not end with his departure from this Chamber 20 years ago.

Each year the CONGRESSIONAL RECORD would bring contributions to a better America, contributions that would bear the impress of Bill Benton, his thoughts, and activities. And the years brought constantly word of tributes to his high citizenship and public service.

In addition there was constant communication with us, his old colleagues, as individuals, for communication seemed second nature to Bill Benton who, characteristically, did so much to organize "The Voice of America," our spokesman in times and places when America needed a voice.

This was part of his service to his country which earned for him the State Department the highest recognition possible—the Distinguished Honor Award.

As one opens the volume of the Biography of the American Congress and turns to the chapter of William Benton, it is to marvel at the range of public service that he rendered in the past quarter of a century. Not the least was his participation in platform proceedings of his Democratic Party in convention after convention.

He compressed five careers into his crowded life—education, advertising, industry, philanthropy, statesmanship. His entire life story is one of superlatives—in scholarship, in industrial pioneering, in attaining great wealth and international service.

Bill Benton was a great humanitarian. As such he earned, among other honors, the Human Relations Award of the American Jewish Committee.

In accepting that award—5 years ago—Bill Benton made some observations that are very much of this moment. They have been preserved in the CONGRESSIONAL RECORD.

He spoke of the "rising expectations" of the underprivileged inspired by television visions of plenty, of the comfort of the opulent society—and he spoke of the "rising impatience" of the underprivileged to attain those gains.

That thought seems timely, too, when our national ills of hunger, unemployment and inflation need attention. It is the duty of the Government, he said, to "give justice" and it is the duty of the citizen to "contribute to order."

And Bill Benton quoted a philosopher who, thousands of years ago, spoke the formula for good citizenship—"to do justly, to love mercy and to walk humbly with God."

It is a formula that bears repeating—a formula that deserves a hearing—a formula that deserves a following.

Mr. FULBRIGHT. Mr. President, William Benton was a man who contributed to the Nation in a number of different ways, in business, education, and public affairs. Although he had a relatively brief tenure in the Senate, he certainly made an important contribution during his service here.

Prior to coming to the Senate, he had served as Assistant Secretary of State and he was in this position at the time I introduced legislation to establish the educational exchange program. He was one of those who testified in favor of my bill on February 25, 1946, before the Surplus Property Subcommittee of the Senate Committee on Military Affairs.

William Benton's wide range of interests and his enormous energy and enthusiasm have left many monuments, but perhaps his most significant and daring contribution was his early and steadfast stand against McCarthy and McCarthyism.

Benton was outraged and disgusted by McCarthy's attacks on the State Department, his false charges, character assassinations, and wild distortions. As the culminations wore on, Benton was shocked and frustrated by the acquiescence to McCarthy's depredations. Given the certainty that the Senate would not expel McCarthy, he hoped that the Senate might at least be induced to censure him. This was his real aim—but to attain it Benton felt he must dramatize the issue of McCarthyism by means of a motion to expel, with the hope that this would lead the way to a lower-pitched motion for censure. With this in mind Benton took the floor on August 6, 1951, to set in motion a train of events which were to move over a long, tortuous road until the McCarthy censure was ultimately attained 4 years later. Benton told the Senate:

> I suggest today, that the Senator from Wisconsin should at once submit his resignation from this body. That would be an honorable and decisive gesture on his part. Only so could he take the only step now open to him to make amends to the people of Wisconsin, to his great predecessors (the LaFollettes) in the seat he now occupies in the Senate, and to his colleagues in the Senate. If the Senator from Wisconsin refuses to resign—and there is nothing in his record to indicate that he will do other than refuse—then I suggest at least he refrain from taking any further part in the activities and procedures of the United States Senate until my resolution has been received and reviewed by the Committee on Rules and Administration, and until action has been taken upon it by the Committee and by the United States Senate itself.

It was war. A dozen or more Senators came up to Benton afterward to repeat their own admiration of Benton's "courage"—perhaps some thought him a little crazy. Herbert Lehman openly came to Benton's support after he introduced the resolution, and he would do so repeatedly in the long months of battle that lay ahead.

Benton had accumulated from various sources mounds of material about Senator McCarthy's activities. But this by itself did not make an indictment. An indictment must have an organization so that each count points to a clear-cut pattern of censurable behavior. In framing such an indictment, John Howe, Benton's assistant, thought the best way to proceed would be to take a series of cases where McCarthy had deliberately lied to the Senate, and to present them all as part of a single whole. The mass of material in hand was sifted until Benton himself settled on 10 specific cases supported by hard facts showing where and how McCarthy had deceived the Senate. The 10-count bill of particulars made a 25,000-word indictment. While it was being prepared over a 2-month period, McCarthy and Benton repeatedly tangled on the floor of the Senate—as they would continue to do for the rest of the 82d Congress.

McCarthy himself at once assailed Benton as being "a mental midget," but it was obvious that he was having trouble in getting his hands on any episodes in Benton's private and public life that could be forged into a weapon for attacking him. Driven to inventing evidence in support of his accusations, he charged, for example, that Benton as an Assistant Secretary of State for Public Affairs had induced the State Department to buy Encyclopaedia Britannica films for use in the information program. The charge boomeranged when Benton produced proof showing that he had explicitly prohibited the employees of the information program from purchasing Britannica films for use in the program and that no such films were subsequently purchased. McCarthy went on to charge that the Britannica Film Co. employed Communists who left their mark on the character of the classroom talking pictures the company produced. That charge also backfired when Benton showed that the films McCarthy attacked were scientific films produced by A.T. & T. before Benton had bought the film company. Even so, Benton demanded that his accuser both identify the alleged Communists by name and specify even a single film which showed traces of Communist influence. McCarthy could produce no names and no evidence.

In mid-September, Benton, working with John Howe and with Kenneth M. Birkhead, completed the 10-count indictment of McCarthy, and Benton then read it in an appearance before the Gillette subcommittee. Many of the counts documented instances where McCarthy had perjured himself and had practiced fraud and deceit. None of this, however, immediately brought the Senate to take decisive action.

Fortunately, the listed instances of McCarthy's lying included items about his financial irregularities, beginning with the fact that he had accepted $10,000 from the Lustron Corp., makers of prefabricated housing, to influence housing legislation. Financial irregularity was something the public could grasp, and it was hard for a U.S. Senator accused of it to wriggle his way free if hard evidence supported the charge. The mounds of evidence on this point did not look good for McCarthy. His financial speculation—much of it with funds drawn from financial contribtuions to his anti-Communist campaign—began to be spread on the public record.

It is worth noting that when McCarthy was eventually censured by the Senate in 1955, it was for his two offenses against the Senate itself, for his contemptuous treatment of the Gillette subcommittee investigating Benton's charges, and for his contemptuous treatment of the Watkins committee that investigated the question of whether or not he was to be censured for his treatment of the Gillette subcommittee.

There remains one classic example of Benton's unwavering courage in this confrontation. In April 1952, McCarthy appeared on Edward R. Murrow's television show to charge that Benton, in his accusations, was protecting himself, using the Senate's constitutional immunity against libel. All of Benton's charges had been stated on the floor of the Senate. Benton was a wealthy man, indeed a multimillionaire, and so the implication was that he had launched his charges recklessly from a shielded sanctuary where he could not be held accountable in any way if proven wrong. The next day Benton rose in the Senate to waive his immunity, thus challenging McCarthy to sue him for libel. Benton went on the Murrow program and repeated anew his waiver of immunity and challenged McCarthy to sue. Thus, with his bluff called, McCarthy retained Edward Bennett Williams to file suit for $2 million. Exactly as Benton had hoped, this brought the matter into the law court where evidence would be governed by strict procedure, and the Wisconsin Senator could not hide or resort to the diversionary tactics which he practiced in Congress.

Obviously Senator McCarthy had no desire to pursue the matter in a proceeding which would further discredit him, and he wanted the last word. After Benton's defeat for the Senate, McCarthy withdrew his suit, saying to the press:

> I cannot find a single person in the United States who believes Benton's charges, so I withdraw the lawsuit.

Benton then worked with the National Committee for an Effective Congress to invite citizens who did indeed believe him. The "I Believe" Committee was formed which placed advertisements in the New York Times and Herald Tribune, calling on citizens to come forward if they believed in William Benton. There was a coupon for those responding to indicate their confidence and subscribe to pay for the advertisement. The first two ads raised $20,000, enough to repeat the message in 20 newspapers across the country. Thousands of citizens responded, and their names were forwarded to Washington, but McCarthy and his attorney did not rise to the bait.

Benton was willing to challenge, he was willing to risk, he was willing to stand. There are many morals and lessons to be learned from this remarkable man, who was my personal friend. He was full of contradictions; he proved that a man could be honest and become wealthy; he proved that a man could move out in front and not be alone; and he proved that a man could wear his principles on his sleeve and become successful and influential. Somehow Bill Benton actually lived by all those maxims and parables that most people remember only in church on Sunday, if at all. He worked to make this country a better, saner, and more enlightened place. And his contribution to the Senate, during his brief tenure, was a lesson in fearless honesty, and devotion to duty. William Benton supplied that ingredient without which we can have no democracy—enlightened courage.

Mr. McCLELLAN. Mr. President, this Nation has lost an outstanding citizen and the Senate a distinguished former member as a result of the death of former Senator William B. Benton of Connecticut.

Bill Benton served but a comparatively brief time in this Chamber—from 1949 to 1952—but left his mark fixed indelibly upon the memories of those of us who were fortunate enough to serve with him, as I was, on the Committee on Government Operations.

Few men have come to the Senate of the United States with his wide range of experience in business and public service. He had at least five careers—advertising executive, university official, diplomat, director of a vast publishing empire and Senator. Through his own efforts, he became wealthy as a young man but chose to regard himself as an educator and statesman.

Bill Benton's greatest asset was courage. Just as he was unwilling to accept the conventional wisdom of his time in business and thereby revolutionized advertising, he was unwilling to remain silent when the forces of fear and vituperation stalked the land.

Although men with weaker consciences found it politic to remain silent, Bill Benton had the courage to speak up, and in so doing, helped restore sanity to a distracted country. His decision was an unpopular one at the time. It was to cost him the seat in the Senate that he revered and loved so deeply.

Yet, with Edmund Burke, he could say:

> Your representative owes you, not his industry only, but his judgment; and he betrays instead of serving you if he sacrifices it to your opinion.

So, Mr. President, I take great pride in saluting William B. Benton, a dedicated public servant whose goal was the betterment of mankind and mourn his passing.

Mr. WEICKER. Mr. President, I am most grateful for this opportunity to pay tribute to a former Senator, and old friend, William Benton of Connecticut. The memory of Bill Benton will be sustained by the broad legacy he leaves behind him, but some words in recognition of his many contributions are in order.

I had the personal pleasure of knowing this distinguished former Senator. The value of his acquaintance and counsel, born of vast experience stretching far beyond our mutual profession of politics, reflected his own great wisdom, his judgment, and unparalleled devotion to public service.

Bill Benton was a remarkable man, and a remarkable character. Born in 1900 to parents active in the ministry and local school systems of Minneapolis, he eventually worked his way through Yale University as a high-stake auction bridge player. Upon graduation, Bill turned down a Rhodes scholarship for a career in advertising, forming in 1929 the pioneering Benton and Bowles agency which prospered in the midst of the Great Depression. In 1935, then a millionaire, Bill Benton became vice president of the University of Chicago and developed new projects in educational radio and movies. His record of successful business ventures in these years was marked by the purchase and sale of the Muzak Corp., and the management of a publishing empire based on the Encyclopaedia Britannica enterprises.

His career as a dedicated public servant and statesman began in 1939 as adviser to Nelson Rockefeller, then Coordinator of Inter-American Affairs. Appointed by President Truman in 1945 as Assistant Secretary of State for Public Affairs, a post he held for 2 years, Bill organized the Voice of America broadcasts, and worked to establish UNESCO, the United National Educational, Scientific, and Cultural Organization. During the Johnson administration, he served as chief U.S. member of the UNESCO executive board, with the rank of Ambassador.

In 1949, Bill Benton was appointed by Governor Chester Bowles of Connecticut to a seat in the Senate, and later won election in his own right to the remainder of former Senator Raymond E. Baldwin's unexpired term. His 3-year record in the Senate was marked by compassionate and competent representation of Connecticut and the Nation, and was highlighted by opposition to the anti-Communist crusades of the former Senator from Wisconsin, Joseph McCarthy.

Much of the fortune and success amassed by Bill Benton accrued to the benefit of his fellow man. His interest in American art enriched collections at the University of Connecticut, and his business acumen helped sustain the University of Chicago, a contractual beneficiary of the Encyclopaedia Britannica empire. The William Benton Foundation continues today its philanthropic purpose.

The life of this notable American deserves more than mere mention in these pages. I miss my good friend and former Senator, Bill Benton, and commend his accomplishments and ideals to the attention of all Americans.

Mr. WILLIAMS. Mr. President, I want to join my colleagues today in paying tribute to former Senator William B. Benton, who died on March 18 at the age of 72.

It is no exaggeration to say that Senator Benton's life was an embodiment of the American dream. He spent most of his teenage years helping his mother homestead on a claim in Montana, and then came east where he compiled a distinguished academic record at Yale University. During the boom years of the 1920's, he established himself as a leader in the advertising industry, finally starting his own firm in 1929. Despite the stock market crash and the depression, the new firm of Benton and Bowles prospered and won a reputation for innovation in advertising.

In 1936, William Benton left the advertising business and joined the University of Chicago, where he served as vice president until 1945. Also during that time, he bought the Encyclopaedia Britannica of which he was publisher. He was appointed Assistant Secretary of State in 1945, and in 1949 was appointed to the Senate to fill a vacancy. During his Senate tenure, which lasted until 1953, Senator Benton became one of the first Members of this body to challenge the allegations being made by the late Senator Joseph R. McCarthy, as well as the tactics he used.

Although he was defeated when he sought election to a full Senate term in 1952, Senator Benton reentered public service in 1963, when he was appointed U.S. Ambassador to UNESCO. He held that post for 5 years.

Mr. President, I know that William Benton will be long remembered for his accomplishments in both the public and the private sector, and that his talent and energy will certainly be missed. I want to join my colleagues today in expressing my condolences to his widow, children, and grandchildren.

Mr. PERCY. I am grateful for the opportunity to honor the memory of William Benton. Although Bill Benton was from Connecticut, having served that State as its Senator from 1949 until 1952, his geographical homes were as varied as his intellectual and business bases.

I knew Bill Benton best as a fellow trustee of the University of Chicago and through his work with the Encyclopaedia Britannica. Bill joined the University of Chicago's administration as a vice president in 1937, and became what one person described as a "research and development" team on his own, pioneering educational radio and educational television at the university.

Perhaps his biggest coup came in 1943, when he bought the Encyclopaedia Britannica for the university for $100,000. He expanded Britannica by publishing "Great Books of the Western World" and a companion set called "Gateway to the Great Books." By 1968, the board of trustees of the University of Chicago rightly felt that they owed him such a debt of gratitude that they created the William Benton Medal as the university's highest service award, not to be given more than once in a 5-year period. The first recipient was William Benton himself.

Mr. President, I know of few men who served so ably in so many varied careers. In 73 years, he was an advertising executive, a vice president of a great university, a U.S. Senator, and the head of a publishing empire.

Although his tenure in the Senate was short, he distinguished himself by publicly denouncing the positions of Senator Joe McCarthy. Bill Benton was one of the first to recognize and call attention to the tactics used by McCarthy in destroying the lives and reputations of many patriotic Americans.

People are ordinarily inclined to make only the most reverent statements about the deceased. However, I knew Bill Benton well enough to know that he would be both embarrassed and irate if in death his true personality were diminished one iota by inane pleasantries. He was a formidable personality. He had drive, on occasion he had a temper, and he had style. His business colleagues were constantly harassed but stimulated by the voluminous memorandums he dictated daily; friends and business associates were dazzled by the sheer energy he applied to his work.

In accepting the William Benton Medal from the University of Chicago, Bill described himself as "a square—a total, complete, unchangeable square." What he neglected to include in that description was his extraordinary capacity for friendship and loyalty. I entered the University of Chicago as a freshman the same year he started there as a vice president, but we grew to be fast friends as our paths crossed when I finished school and entered the business world. Bill and Helen Benton, their son Charles and daughter-in-law Marge were faithful friends to my family and me, and we benefited constantly from their kindness and their enthusiasm for life.

We join with their many other friends in extending our deepest sympathy to Mrs. Benton and their entire family at this time.

Mr. President, I ask unanimous consent that William Benton's acceptance remarks at the time of the presentation of the William Benton Medal be inserted in the Record at this point.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

The Benton Medal

It must have occurred to you, as it did to me, during these extravagant speeches, that if this fellow Benton is such a sterling character, why can't he stop dictating all those memoranda? They drive people nuts. . . .

My friends, I have sat here patiently, in unaccustomed silence for what seemed like hours, listening to men wiser and better than I can ever hope to be—for in truth Bob Hutchins, Paul Hoffman, Paul Douglas, and Hubert Humphrey are giants who have inspired and profoundly influenced my life. I acknowledge these men my masters—but their pitfall tonight is simply that they do not know the real Bill Benton as well as I do. . . .

I now intend to set you straight. I'm going to tell you about the *real* Bill Benton:

He was born of extremely good and virtuous parents—and for the rest of his life remained a square—a total, complete, unchangeable square. . . .

Mr. Benton is, at bottom, an extremely *shy* fellow. I doubt if some of you believe *that*—I sometimes find it hard to believe myself. But after the closest possible examination of his habits I return to the conviction that he is a shy man—who conceals his shyness with a display of fervent purpose and alarming salesmanship.

Mr. Benton is also a man with a serious case of educationophilia. [He is] a maniac about trying to help get other people educated—not himself, mind you. For himself there has never been enough time to be both Saint Paul *and* Mortimer Adler.

Bad luck has made his life a series of triumphs. He was persuaded by Chet Bowles to go into business with him and the Great Depression struck. . . .

[At the University of Chicago, he] persuaded Bob Hutchins to bring the president of Czechoslovakia to the university faculty, and World War II promptly broke out.

Benton went to the State Department and the Russians blockaded Berlin, the British withdrew from Greece, and the Communists took over China.

He became a Democratic politician, and Paul Hoffman negotiated the Eisenhower landslide.

He . . . supported Adlai Stevenson or Hubert Humphrey for president in 1960, and you know what happened to them.

Not long after that, the University of Chicago, impressed with his track record, made him a life trustee—to get him out of the ranks of those who made the decisions.

His strength of character is best reflected in the fact that as a young man he turned down an invitation to become a professional gambler. Yet all his life he has been addicted to the needle—of the dictating machine. . . .

He has only been able to hold onto his suffering associates because his wife, Helen, goes around after him binding up their wounds.

It has been suggested here tonight that he has a magic hand for making money, that only a genius would have purchased the then ailing and depressed *Encyclopaedia Britannica*. As Bob Hutchins has informed you, rarely has such a legend been founded on such an infirm foundation. The reason that Bill Benton financed the *Encyclopaedia* was simple: he was trying to help out, and he could not say no to a couple of friends. . . .

That's the real story of Bill Benton, a tactless, not too likable fellow, who all his life has worked much harder than necessary trying to make ends meet.

My friends, when a man has heard what I have heard tonight, he has heard the obituary he hopes his wife and children will hear—and he should be ready for the grave. But I have, I trust, a surprise in store for so orderly a fate. . . .

It has been my high privilege to serve this great university for thirty-two years. . . . It is my determination to serve it as best I can for yet thirty-two more, or at least until that career, the facts of which have been so stretched tonight, can be stretched no further down the years. In thirty-two years I shall only be one hundred. When he retired at seventy, Coach Stagg fixed his eyes on Bob Hutchins and said, "Young man, I'll be coaching football when I'm one hundred." And so he was. . . .

I give thanks to the university and to the preceding speakers for the great honor done me tonight. Henceforward I shall try to deserve it.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. Stevenson). Under the previous order, the Senator from New Mexico (Mr. Domenici) is recognized for not to exceed 15 minutes.

INDIAN SELF-DETERMINATION

Mr. DOMENICI. Mr. President, I rise today to speak about a problem which is around us and which is extremely important to me, as a Senator from New Mexico, and that is the problem of the U.S. Government versus its responsibilities of trust to the Indian people of America.

A staff writer for the Washington Post, Mr. Leroy Aarons, recently visited my home State and wrote a lengthy and perceptive article about changes taking place at Zuni, an Indian pueblo there.

His article includes two strong assertions, which he applies not only to this one pueblo but also to our relations with all Indians and to all Indian affairs:

> No real change will take place without a continuing intensive government commitment. Half-hearted efforts in the past have accounted for the consistent betrayal of Indian hopes.

That judgment by Mr. Aarons is quite clear: our efforts have been halfhearted, and our Indian citizens' hopes have been betrayed.

I personally feel that "betrayed" is too strong a word—too active, too suggestive of deliberate intent—to describe what has happened. But halfhearted efforts—too little done too late—are almost certainly true of our relations with Indians over many years.

Let me cite, in an uncritical and thoroughly factual way, just one program which has become an example of halfhearted efforts—the Navajo Indian irrigation project.

In 1868, we signed a treaty with the Navajos which promised heads of families specified land holdings on which they could live and support a family. The land is so arid that, without irrigation, it will not support such groups.

Surely the treaty, therefore, implies an obligation to provide such water. It took us 88 years—till 1956—to recognize that underlying obligation, which we did, in positive language in the Colorado River Storage Act. But it was another 6 years before we began to do anything about it by authorizing the beginning of this project.

To know why the project matters, one has to know we are talking about 16.5 million acres in New Mexico, Arizona and Utah, with a population of 134,000 people. One has to know that, up until 10 years ago, this area had no sizeable development of roads or the kind of communications which make economic development possible. To put it simply, there are virtually no job opportunities for more than 64 percent of those Navajos ready, willing and able to work.

Today there are 56,000 Navajos at every level of education. Tomorrow, their entrance into the labor market, at a rate of 2,000 young Navajos every year, will create a tremendous impact on the Navajos economy. Where will they go if they do not have jobs?

That is why the Navajos give the irrigation project the tribe's No. 1 priority—because it has great potential for curing their critical unemployed situation, which underlies almost every problem on the reservation.

Because they know this, they have begun to prepare their people for completion of the project—training them for the variety of jobs it will create, agricultural and nonagricultural, and even educating their young people for a new life in an agrarian economy.

How have we treated the Navajos' No. 1 priority in Congress?

The original plan, as adopted by Congress, called for a series of eight annual appropriations, which would have put the first irrigation water onto the land in 1970.

For the first 2 years, the funds were appropriated as scheduled. Then, halfheartedness took over, and the schedule has never been met again.

It is now 1973, and there is still no water on the land.

There will be no water by 1975, the second target date, adopted when it became clear we did not intend to meet the 1970 deadline—not unless we appropriate $19 million for the project this year and $25 million next year.

Yet the administration is asking for only $10.5 million this year. Even if we appropriate that, it is unlikely we would increase the appropriation by two and a half for next fiscal year.

So, in short, what we have is another story of the kind of which there are all too many—halfhearted efforts, which may almost merit Mr. Aaron's more dramatic phrase, "a betrayal of Indian hopes."

At Zuni, the pueblo covered in the Post story, the Governor is an extraordinary man, Robert Lewis.

He was the first to suggest to me a step I believe must be taken if Indian self-determination is to succeed. He said—

> We must be able to take those people, Indian and non-Indian alike, who have governmental experience and put them to work for the tribes. Yet how can we ask them to come if they lose all the employee benefits they have earned, which we can never match for them? To help us do our job, the government must allow them to keep those benefits while they help us on our way.

I am pleased to see that the program this outstanding leader of his people calls for has been presented to this body in S. 1340, the Federal Employees Indian Tribal Organizational Transfer Act. I shall support this act, and I call upon other Senators to do so.

I also ask this body some serious questions:

Is it not time to look at the whole body of our laws which govern our relations with Indian citizens?

Is it not our obligation now to begin to reevaluate all these relationships?

Can the workings of Government—in the Interior Department and the Justice Department particularly—which apply to non-Indians be made to fit the diversity of tribes, nations and pueblos, or do they not need special application to these special people?

I ask these questions because I believe the time has come to end our lack of commitment to the tribes. I do so because I believe self-management—not "termination," the disastrous policy of the 1950's—is the only way to keep faith with our Indian citizens. I do so because I believe the swirl of events makes it urgent that we finally break the chain of half-hearted commitment and reencourage the thrust toward Indian self-determination by dramatic action.

Indians must finally have the freedom so many of us find it hard to grant, "the right to fail."

Mr. President, I ask unanimous consent to have printed in the Record the article entitled "The Zuni Story: A Beginning for Self-Reliance on the Reservation" by Leroy F. Aarons, published in the Washington Post on April 1, 1973.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Zuni Story: A Beginning for Self-Reliance on the Reservation

(By Leroy F. Aarons)

Zuni, N. Mex.—Zuni is a "downtown" with adobe pueblos separated by gullies of mud. It is drums beating in mid-afternoon. It is Indians in full ceremonial regalia dancing religious rituals in the village square.

But Zuni is also single-family homes of wood and cinder block growing up alongside the ancient adobe dwellings. And it is TV antennas and pickup trucks and a new airport and a huge Catholic church that dominates the "downtown" area.

Such is the setting, an overlay of the traditional and the inherited, the adapted and the new, in which a little-noted test is taking place, an experiment in self-reliance that holds important implications for American reservation Indians in general. The experience, which has assumed greater urgency with the violent swirl of events at Wounded Knee and elsewhere, seeks to answer the question of whether reservation Indians can lift themselves up within the bureaucratic system—or whether they must, as radical Indians say, return to the warpath to reclaim their legacy.

The Nixon administration concept being tried on the 640-square-mile Zuni reservation, 40 miles south of Gallup, is termed "self-determination," the notion being to give Indians greater control over their own affairs. The Zunis and the Miccosukees of

Florida are the only two tribes involved in full-fledged trials of the policy.

Some Indians are nervous about self-determination, seeing it as potential camouflage for "termination," the disastrous policy of the 1950s which sought to cast Indians adrift from all federal guardianship. But it differs, at least in concept. Self-determination is designed to free tribes from the administrative and policy control of the Bureau of Indian Affairs (BIA), while preserving federal financial aid and the unique trusteeship of Indian lands. By its grant of local control, it offers, as many Indians have demanded, "the right to fail."

A GENTLE, FRIENDLY PEOPLE

The Zuni reservation was chosen two years ago as one laboratory of the policy. If it worked here, the plan was to encourage its adoption by other tribes.

The Zunis were ripe for experimentation. A gentle, friendly people, they have lived on this land for hundreds of years. They are the largest of the 18 Pueblo tribes, with a population of some 5,000 (nearly tripled in the last 50 years). Zuni was one of the so-called Seven Cities of Gold sought by Coronado in 1540. The Spanish influence is still felt, in the surnames, in the religion (90 per cent are Catholic, although the ancient tribal rituals and dances are still widely observed) and the architecture of churches and missions.

The Pueblo Indians are among the few tribes which have not been forced to move from their original home lands, which may account for the integrity the Zuni culture has managed to maintain. Many Zunis speak only their original language.

In addition, the Zunis have an economic base in the widespread practice of part-time silversmithing and jewelry making. Nearly every home in this tiny capital village of the reservation has one or more craftsmen who supplement their incomes by making and selling jewelry to white traders. A few have become wealthy by crafting magnificent adornments of inlaid turquoise, coral, mother of pearl and shell.

By and large, the Zunis suffer from many of the same handicaps found among most other reservation Indians: absence of natural resources (there is some timber, and grazing land for sheep and cattle), a low level of education, poor health conditions, a high rate of alcoholism. At the same time, their population is increasing at twice the national rate.

JOBS AND ROOT BEER

But there are assets, as well. One of them is Robert Lewis, a former plumber and jack-of-all-trades who became governor of the tribe in 1966. A short, peppery man, half Cherokee, half Zuni, who goes to work in dungarees, bolo tie and cowboy hat, Lewis is a take-charge individual who would advance in even the most hostile non-Indian environment. Among the Zunis, generally unagressive and timid, he is a dynamo who commands grudging admiration even from his detractors, who feel he is going too far too fast.

Shortly after taking office in 1966. Lewis ordered an extensive survey of most of the Zuni population, designed to learn what it is they wanted for a better life. The answers that flooded back covered a remarkable range, from jobs—the thing most mentioned—to a go-kart track, a drive-in theater, tennis courts, babysitting service, a dude ranch and a root beer stand.

Drawing on the survey, Lewis initiated studies for a comprehensive plan for the Zuni people, aimed at increasing individual income, enhancing educational opportunity and improving living conditions. With heavy technical input from BIA advisers, Lewis and a team of committees produced the Zuni Plan in 1969—a five-year, $50-million blueprint for lifting the Zunis into economic self-sufficiency.

Lewis took the plan to Washington and lobbied vigorously with the BIA, government bureaucrats and probably half the members of Congress.

Meanwhile, the Nixon administration was casting about for a tribe with which to test its self-determination concept. The two concepts—Zuni planning and self-determination—happened to converge at the same place at the same time.

In July, 1970, the Zunis and the BIA signed a contract transferring most Bureau functions on the Zuni reservation to the Zunis. Lewis, in addition to being governor would also be superintendent (the traditional BIA agency head on reservations).

All Bureau jobs held by federal employees would be phased out and filled by Zunis. All money earmarked for tribal use would be filtered through the tribal government rather than the local BIA arm. Only one BIA employee, with the title of "federal officer in charge," (a man named John Gray) would stay on as a technical adviser and custodian of certain nontransferable federal trust responsibilities, such as land management.

The tribal takeover, coupled with the projected Zuni Plan, added up to a revolutionary concept for reservation Indians. At the same time, the Zunis voted, with a characteristically small turnout of 412, to adopt a constitution delineating three branches of government.

THE REPORT CARD

That was July, 1970. In March, 1973, this is the report card, as supplied by tribal officials:

BIA has been phasing out; of 38 jobs held by federal employees two years ago, 21 are now held by Zunis.

There has been a tremendous input of federal money—about $19 million—from a variety of agencies, like the Economic Development Administration, probably more per capita than any other reservation received in the period. Some examples: $280,000 to develop an industrial park; $250,000 for a new tribal building and community center; $4 million from the BIA for a soon-to-begin public health hospital; and several million for construction of 280 new homes.

Beyond construction, the tribe has made progress on paving roads, has relocated a sewer lagoon from sacred tribal grounds, and has formed or absorbed four business enterprises—an airline, a cement business, a construction company and a soil conservation-machinery firm.

The tribe has increased its employee payroll from a handful of seven or eight to 182. Per capita annual income, according to these tribal sources, has gone from $582 in 1968 to $1,200 today. Unemployment has dipped from 54 per cent to 33 per cent.

If even this partial list reads like a Chamber of Commerce brochure, it doesn't take much probing to learn that all is not harmony on the Zuni reservation.

In its haste to transform the Zuni economy the administration may have moved too quickly, especially in replacing experienced white technicians with untrained Zunis. The result has been a series of blunders.

Example: The tribe purchased a cement company, named Redi-Mix, and turned it over to five Zuni Vietnam veterans, including the governor's stepson. A white manager was hired, but the young veterans insisted they could do it without him. Subsequently, the young operators burned out two trucks by overloading, and lost $16,000 the first year from mismanagement.

Example: With the tribe's encouragement, a co-op trading post corporation was formed to try to draw the Zunis' jewelry-making business away from the white dealers. But the inexperienced Zuni directors did not know how to take advantage of an array of money-saving loopholes involving business corporations. The co-op began losing money and Zuni silversmiths generally boycotted it in favor of higher-paying white traders. An effort to get the tribe to take over the co-op failed when the tribe could not absorb the payments on a $25,000 Federal Housing Administration loan.

Example: The tribe contracted with the Department of Housing and Urban Development's special self-help housing program for 280 wood and cinderblock houses at a cost of $14,000 apiece. The deal required the individual occupant to contribute $1,500 in equivalent "sweat equity," including interior wiring, plumbing and painting. But many Zunis, used to generations of living in pueblos, didn't know the first thing about wiring or plumbing, with the result that the project fell way behind schedule, endangering federal funds.

A BAND OF DISSENTERS

These snafus could be attributed to growing pains, and tribal officials say they are being corrected. Most Zunis, unaware of the problems, will tell you that their life has improved. Lewis 58, is quite popular.

But the snags, and the consequent slowing down of the Zuni Plan timetable, have crystallized dissent among a small band of politically active Zunis. These individuals, including a former tribal governor, a candidate for governor who ran against Lewis, a tribal interpreter and a couple of tribal councilmen, project a pessimistic view of the Zuni experiment.

They accuse Lewis of teaming with federal officer John Gray to bulldoze decisions past a paper tribal council in their zeal to realize their personal vision of the Zuni future. They claim that the takeover agreement, the Zuni Plan and the new constitution were all drafted by white federal technicians and that tribal participation was minimal.

"The changeover was too sudden," complains former governor Calvin Eustace. "If we are to take over, let's think about it. Are we capable of carrying this on? We should take it step by step, train our young people. If we want to succeed in some programs we have to have people with know-how."

Adds tribal councilman Virgil Wyaco, a postal worker: "We do have the (eight-man) council, but we have three people that don't understand English. They're just there. My judgment is they don't have enough intelligence to make decisions on their own, to resist the arguments of the BIA and the governor. When somebody comes in for approval of a contract or an industry that wants to come in, they don't ask enough questions . . .

"I do not object at all to the comprehensive plan or the takeover. I know the BIA used to be very lax. They had to go through channels. It was very time-consuming. The takeover speeded up the pace of some of the things needed for the people. But when the fundings and the grants cease it is bound to collapse."

THE REALITY IN BETWEEN

John Gray, who is white and a 10-year BIA employee, shares with Lewis an impatience to get the job done, to see and feel tangible change after years of inertia.

"We are responding to tribal needs faster now, and the reason is the governor cracks the whip. He issues the order and we figure out how to untangle things to make it work. The council has more input than they need to have, actually. This is one of the slowing-down factors. Under the new constitution, they are the legislative arm, not the executive. It's a departure from their old way. They feel they should be making day-to-day executive-type decisions."

Lewis, himself a former BIA employee and president of the local American Legion chapter, is gruffly unsympathetic with critics. "Many people say this is a Bureau program. Baloney. It's Zunis', because we asked the people. The Bureau doesn't tell us what to do. They may suggest something once in a while, or recommend. We say this is what we want and this is why we want it. The people are the boss. The Zuni people."

The reality probably lies somewhere between these conflicting arguments. And the landscape is complicated by many factors. Here are some tentative conclusions:

Clearly, the Zuni tribe has moved off dead center. In purely economic terms, the average Zuni is better off today than he was four years ago. Looking around him, he sees signs of progress—new housing, paved streets, an airport. Generally, his paycheck has fattened.

Just as clearly, little of this would have happened without the fortunate timing of Robert Lewis' accession to the governorship. Unschooled and with little administrative experience, Lewis somehow had absorbed the qualities of leadership and aggressiveness of an activist big-city mayor.

At the same time, he has the big-city mayor's impatience with the crawl-pace of governmental bureaucracy. The result is that Lewis has almost certainly done his share of bulldozing while chasing his vision of a Zuni utopia.

One is reminded of the bright, aggressive leaders of the mid-'50s who decided that urban renewal was the salvation of the cities. Projects were hustled past city councils and businesses and residents dislocated in pursuit of that goal. It was only later that the real price of that enthusiasm became obvious.

THE RIGHT VISION

The question here, then, is first, whether Lewis' vision is the right one, and second, how far out front of one's constituency can a leader afford to get?

This is complicated by social and psychological factors unique to the Indian culture. In terms of education, experience and sophistication, most Zunis are at a low rung on the ladder. The Zuni Plan, the Zuni constitution, the advisers to Lewis are all white-based. The Plan is full of cost projections, "program matrixes," land uses plans and "enrichment activities."

How well this concept will mesh with the Zunis' traditional pueblo-based life style, their essential lack of aggressiveness and penchant for self-criticism and pessimism still remains to be seen. Zunis are already torn between their traditional culture and white-influenced aspirations (the go-kart syndrome).

Councilman Wyaco expresses it thus: "Knowing my own people, it's going to be fatal. I know Zunis—what's the use and I don't care. And that's what's going to happen. I don't regret saying it because it just makes me mad."

It seems apparent, then, that in addition to the physical and economic aspects of the program, an intensive community education and motivation effort is vital to the success of the Zuni experiment. There is no real evidence of this at present.

Finally, no real change will take place without a continuing intensive government commitment. Halfhearted efforts in the past have accounted for the consistent betrayal of Indian hopes.

There are already ominous signs that the Nixon administration—and Congress—are wavering in their commitment to the "self-determination" concept. Alvin M. Josephy Jr., an eminent student of Indian affairs, wrote recently of the political struggle within the Interior Department leading to the ouster of Indian Commissioner Louis Bruce:

"The Bureau's new policies, including the granting of self-management to the tribes, were halted; the whole thrust toward self-determination was shunted aside, and even the White House aides . . . felt politically helpless . . . A partial reversal followed, but the damage was done."

A BEGINNING

With the present turmoil at Wounded Knee, a thorough reevaluation of Indian policy is in the offing. The self-determination concept is still alive—but barely.

The Zuni experiment is still in its nascent stage—as symbolically promising or as doubtful as the Zuni industrial park site, which has one industry sitting on a vast empty plain waiting for others to start building.

It is a beginning, and, in the context of hopelessness that characterizes most reservations, it is a good beginning. Zunis look to the future with the mixture of fatalism and hope expressed by one of their sages:

"With the ways of the white man entering our lives, perhaps it will not be long before our people become a wandering tribe, aimlessly roving the path of self-deterioration and destruction. But it is for our children to decide and work for. We must just hope they, too, can survive what lies before them."

ORDER OF BUSINESS

Mr. DOMENICI. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 7 minutes remaining.

ELECTION CAMPAIGN ACTIVITIES

Mr. DOMENICI. Mr. President, I am moved to comment on two matters, both having to do with national elections.

The first comment will be brief, but I hope it will be extremely clear. I make it first because it refers to an election which is past.

An election which is past, yes—but one which brought with it and leaves behind it some perplexities and mysteries which must be resolved.

Put plainly, Mr. President, the matter I refer to is the socalled Watergate affair.

As a younger Member of this body, as a life-long Republican, as an American, I urge everyone, man, woman or child, no matter what his or her rank, who has factual knowledge of this ill-conceived and misbegotten event, to come forward in candor, in honesty and in affection for his or her country, to add such hard knowledge as may be available to the corpus of truth which alone will bring this matter to an end.

How can I speak more plainly than this? I say: Every point of fact about this matter must be aired and recorded; every rock must be turned over and every name must be named, so the American people will know and will know that they know the truth about this matter.

Now, let me move on to discuss national elections of the future, without implying by the juncture that what I have just said forms the base for what I am going to say.

This body will soon be called upon to consider S. 1094, a bill I am cosponsoring to improve our Federal election campaign activities by establishing a Federal Elections Commission, to be named by the President, by and with the advice and consent of the Senate.

I strongly support the adoption of such a system and I am a cosponsor of S. 1094 as an initial step in the creation of such a system.

I do not suggest, because I do not believe, that there has been wrong-doing during any national election of such an extent as to make us doubt the validity of anyone's election. But I do believe that it would be helpful at this point in our Nation's history if every doubt on such a point be henceforth removed by the establishment of a bipartisan group, serving staggered terms so that they are not named by a single President—who must inevitably be partisan, in the sense that he is the official candidate of a single party.

The present system may be said to place an unfair burden on the Attorney General, who is appointed by the President and so inevitably identified with the party controlling the White House.

The problem has not been so much to avoid impropriety; I believe we had done this well. But we need to avoid even the possibility of impropriety—and to make it clear to our people and the world that we have done so.

Mr. President, it is essential, if our form of government is to continue as an example to the world, that all suggestion of the possibility of wrong-doing in connection with its essential machinery of elections be removed.

It is for this reason that I speak to these two issues today and urge the actions I suggest.

It is not the total answer, but it is certainly an attempt to get an answer. I do it because I love and revere this Nation and its democratic processes.

Mr. President, I yield back the remainder of my time.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, will the Senator reserve the balance of his time?

Mr. DOMENICI. Does the Senator desire that I reserve it?

Mr. ROBERT C. BYRD. Yes, I do.

Mr. DOMENICI. Mr. President, I reserve the remainder of my time.

How much time remains?

The PRESIDING OFFICER. The Senator has 2 minutes remaining, which will be reserved.

Mr. ROBERT C. BYRD. Mr. President, has the Senator yielded the floor?

Mr. DOMENICI. Yes.

Mr. ROBERT. C. BYRD. I thank the Senator.

Mr. President, I ask unanimous consent that the order for the recognition of Mr. Thurmond at this time be vacated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the Senator from West Virginia (Mr. ROBERT C. BYRD) is recognized for not to exceed 15 minutes.

Mr. ROBERT C. BYRD. Mr. President, how much time remains from previous orders having been reserved?

The PRESIDING OFFICER. A total of 7 minutes remain.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that I may allot that time to myself if I need the time.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEARINGS SHOULD BE HELD ON THE FUTURE ROLE OF THE FBI

Mr. ROBERT C. BYRD. Mr. President, the Judiciary Committee hearings on the nomination of L. Patrick Gray

III, to be the Director of the Federal Bureau of Investigation, will, I believe, lead to a failure to confirm. I do not think that the committee will vote to report the confirmation, with 14 members of that committee having been denied the opportunity to examine FBI files which have been made available only to the chairman and ranking minority member of the committee—both of whom favor the nomination, and I do not cast any reflection on either of those two members in saying this—and which FBI files have also been made available to the majority and minority counsel of the committee.

It is inconceivable to me that committee staff members are allowed to see files which are denied to Senators who have the responsibility, under the Constitution, to make a judgment on the nomination. In the unlikely event that the committee were to report the confirmation, the Senate would then be confronted wtih a floor fight on the nomination—with all of the sordid aspects of the campaign of political espionage and sabotage which culminated in the Watergate break-in being also discussed—the upshot of which would likely be a rejection of the nomination.

For the Senate to approve the nomination, in the face of White House refusal to allow Presidential aide John Dean to appear before the committee at the request of all 16 Judiciary Committee members—including the unanimous vote of the seven Republican Senators thereon—is unimaginable and unthinkable and, in my judgment, would be a mockery of the claim of the legislative branch to equal status with the executive branch in our constitutional system of checks and balances.

I realize that there is some sentiment on the committee for delaying further action in the Gray nomination until the Watergate investigation has been completed by the Ervin special committee, and I formerly shared that viewpoint. However, I no longer support that approach, because the FBI has been without a Director now for going on 11 months, during which time the morale and the image of the FBI have undoubtedly suffered. The FBI needs a Director, and further delay can only further damage this great law enforcement and intelligence gathering agency.

I have stated, therefore, and I now state again, that, in justice to the FBI—and in justice to the Senate which, under the Constitution, has the duty to advise and consent, or to withhold such advice and consent to the nomination—this nomination should be rejected. On previous occasions I have cited the reasons why the nomination should be rejected. I say this with all due respect to Mr. Gray, whom I like personally. In the main, I think that Mr. Gray, for the most part, tried to be forthright with the committee, but one must keep in mind that much of the information he supplied to the committee was not exactly volunteered. He was testifying under oath, and any answer to a question carried with it the necessity of being candid or of being confronted with the possible charge of perjury.

The record would seem to show conclusively that Mr. Gray was given the nomination because of his political connections with the White House and not through law enforcement experience or other attributes that would specially qualify him for the office of FBI Director. His dedication to his party and the President apparently was such that he could not demonstrate the independence required of the Director of the FBI during the Watergate investigation, the result being that, when forced to testify under oath, he simply could not extricate himself from a tangled web of political subservience.

All this, however, is not the main purpose of my remarks today. My purpose in taking the floor today is to call attention to a distinct problem that the Congress ought to focus upon. The attention of the Nation and the Congress has often been drawn away from a key question raised by these hearings and by the unfortunate tenure of the present Acting Director. We have all been diverted by the glittering spectacle of the Watergate scandal and the FBI's apparently bungled investigation of that affair.

We ought not lose sight of the key issue raised by the hearings that will remain, even after the committee and the Senate have rendered a decision regarding Mr. Gray. That issue is, in fact, the central issue for resolution; namely, control of the Bureau.

The hearings have shown ambiguity on the part of the Acting Director as to whom the Bureau is to be responsible. While the Director of the FBI is, by statute, responsible to the Attorney General, Gray said that he delivered investigative raw files of the FBI on the Watergate case to the Legal Counsel to the President, Mr. John Dean, without the knowledge of anyone in the Justice Department. Mr. Gray further clouded the issue of FBI accountability by stating in the hearings that he would continue to supply Mr. Dean with FBI raw files, defending this action by what Mr. Gray termed his "presumption of regularity" toward requests made by White House staff.

The point here is that the Congress must reach a decision as to who is to control the FBI's activities. The FBI in the Watergate case responded at different times to the Attorney General, and at other times to White House aides without the Attorney General knowing about the actions.

This raises a critical question: Should the FBI Director be directly responsible to the Attorney General since history has taught us that the Attorney General is, in fact, merely another politically responsive cabinet official?

Such a relationship with no congressional control, could lend itself to the eventual use of the FBI as a political police force, serving the wishes of whatever administration is in power.

J. Edgar Hoover took the FBI out of politics. When Hoover took control of the poorly trained Bureau of Investigation in 1924, it was a small division of the Justice Department that had been discredited by its political activities during the scandals of the Harding administration. In his 48 years as the head of the agency, Hoover built the FBI into a powerful and independent law enforcement agency consisting of more than 8,500 agents respected throughout the world for their professionalism. In building this mighty agency, Hoover developed its most important, but potentially dangerous, weapon against crime—files on millions of Americans and a computerized collection of 90 million persons' fingerprints. During the Hoover years, Congress never seriously questioned the role or authority of the FBI.

As the Gray hearings have shown, the FBI has lost its independence since Hoover's death. I was a strong supporter of J. Edgar Hoover, and continue to be a strong supporter of the FBI, but we could have foreseen that the death of any man, who built and led an agency for a longer period than any of us has served in the Senate, would create a vacuum that would be hard to fill. But approval or disapproval of nominations for the Director's post, while a difficult and extremely important task, is far easier than facing and answering the more serious questions facing us today: What kind of an FBI do we want? How can a national law enforcement agency successfully function in a free society without threatening the foundations of political freedom? How can Congress and the President retain a check on the authority of the Bureau without turning it into a political police force?

Time magazine, in its recent cover story on the FBI, summarized the issues now before us when it stated that the confirmation or rejection of L. Patrick Gray:

> Would not resolve the basic questions about the kind of leadership that the FBI needs, the role that it should play or how it can be supervised by higher authority without becoming politicized.
>
> To deplore a politically subservient Gray is not to exalt an autocratic Hoover. There is too much potentially dangerous power in such a large force of skilled agents, such a vast collection of incriminating or harassing information about so many people, to allow the FBI to become either the vehicle of one man's whims or the tool of any Administration's political ambitions.

It has been said that one reason the confirmation hearings have continued over such a long period of time is that this is "the only crack that the Senate has had or is likely to have in the near future" at the FBI. This does not and should not have to be the case. With the end of the Hoover reign, the FBI is at a crossroad. The Senate must take a leading role in determining the future course and the future role for this vital and powerful agency. If we shirk our responsibility and merely consider the immediate question of "who" and not "what," we may surrender the right to any role in determining the future of the FBI or preventing it from becoming a political force.

These questions are far too serious to be lightly considered in the course of a confirmation debate. In order not to miss this challenge and once again abdicate our rightful role as a forum for consideration and debate of such questions of national policy, the Senate Judiciary

Committee or one of its subcommittees should hold hearings as soon as possible on the question of the future role of the FBI. The committee then should make legislative recommendations regarding the future structure, role, and control of our national law enforcement agency.

I believe that the Congress should develop an approach whereby meaningful direction of the FBI and meaningful checks on its power can be exercised, perhaps through a permanent oversight subcommittee of the Judiciary Committee, to help prevent politicization of this vital agency. Such direction and such power should not be left to the decision of a bureau chief responsible to a politically oriented attorney general in any administration, whether it be Democratic or whether it be Republican.

The responsiveness of the FBI and the nature of the Bureau's work are matters of vital concern to every citizen of the United States, for no agency could more threaten the individual liberties of our citizens if it is misused. And no agency can be of more benefit to our citizens, if properly functioning, than the FBI in eliminating the fear of organized crime in our society.

These issues concerning the direction and future of the FBI are even more crucial to our society than are the qualifications of one man to head the Bureau.

Our ultimate objective, of course, should be to insure, once and for all, that the FBI would be the most effective investigative and law enforcement agency in the world and that its actions or directions would never enter into the political arena and that individual law-abiding citizens need never fear for their constitutional liberties from the very agency that must be their protector.

Mr. President, we waited until 1968 to require that appointments for the office of Director of the FBI receive confirmation from the Senate. The wisdom of this action is apparent to everyone, as evidenced by the current confirmation hearings. We did not go far enough, however. Earlier this year, I introduced legislation requiring reconfirmation of the FBI Director every 4 years. The confirmation hearings in connection with the nomination of Mr. Gray have convinced me, however, that it would be unwise to reconfirm the Director every 4 years, inasmuch as this would encourage the very thing we are trying to prevent, the very thing that we are concerned about with respect to the confirmation of Mr. Gray, namely, politicization of the Bureau. I have now concluded that the term should be for a much longer period than that of 4 years. Perhaps it should be a 9-year term, a 12-year term, or even a 15-year term. Consideration should be given to making the Director ineligible for a second term. Perhaps the Director should be given a life term, depending upon periodic review by the Senate, say even 7 years. In any event, now is the time for Congress to make this decision. I hope that out of its collective judgment will come legislation that will insure that the FBI will never become a White House national police force under any administration of either political party.

Meanwhile, I hope that the President will, in the best interests of the FBI, submit a nomination for the directorship which will be above question. Such an individual ought to be a person of national stature—one, preferably, with law enforcement experience, but in any event, someone who has recognized ability, recognized integrity, and recognized independence, and who has had no association whatsoever with the Watergate investigation. Such a nomination would reflect credit upon the President and his administration. It would be welcomed by the Senate, and it would be a service to the FBI and to law enforcement throughout the Nation.

SENATOR HUDDLESTON: MAN FROM THE BLUE GRASS STATE

Mr. ROBERT C. BYRD. Mr. President, I wish to call attention to an excellent article which recently appeared in the Louisville, Ky., Times. The author of the article, Mr. Ward Sinclair, calls attention to the solid attributes and legislative experience and effectiveness of the able junior Senator from Kentucky, Walter "Dee" Huddleston. Senator Huddleston is already receiving high marks from his colleagues in the Senate, and he is a man to keep an eye on. His pleasing personality and his attentiveness to his work have already made a very favorable impression on all of us, and I have no doubt that he will continue to reflect credit on his State as he advances in seniority in the U.S. Senate.

I ask unanimous consent to have the Louisville Times article printed in the Record.

I also ask unanimous consent to have printed in the Record a speech by Senator Huddleston at a meeting of the Democratic Party of Kentucky at Frankfort, Ky., titled "The National Democratic Party and Kentucky's Role in It."

There being no objection, the newspaper article and the speech were ordered to be printed in the Record, as follows:

[From the Louisville (Ky.) Times, Jan. 26, 1973]

SENATOR HUDDLESTON—MAN FROM THE BLUE GRASS STATE

(By Ward Sinclair)

Washington.—Even before Walter (Dee) Huddleston was sworn in as a U.S. senator, he was being identified publicly as one of "three key guys" who could determine the tone of the Senate this year.

The author of that remark was William Timmons, President Nixon's chief congressional liaison man, who was assessing in an interview how the administration might fare on Capitol Hill in 1973.

The point of it was that if Huddleston and two other freshmen senators—Sam Nunn, D-Ga., and J. Bennett Johnston Jr., D-La.—line up with anti-administration forces, then Mr. Nixon's programs may have "some bad troubles" in the Senate.

A power-conscious and image-bent newcomer might be inclined to grab that sort of rhetorical ball and run with it for all he's worth. But if Dee Huddleston, the first-year Democrat from Kentucky, has any such inclination, he's keeping it artfully disguised.

Huddleston has only been in office three weeks and it is, of course, much too early to get a fix on his political azimuth. But his early thoughts and actions easily might suggest "bad troubles" for Mr. Nixon.

He has been highly critical of the administration's spending cutbacks on various farm programs. He was upset with Mr. Nixon's resumption of the bombing of North Vietnam from last Dec. 18–30. He thinks the Watergate bugging case and allegations of GOP-inspired political campaign sabotage require a full Senate airing, and he would like to be a part of it.

But as a longer-range concern, Huddleston is visibly possessed by the nation that Congress as a whole must act forcefully to reassert its constitutional powers and take back from the executive branch some of the prerogatives it has abandoned.

Again, it's too early to speculate very much, but Huddleston is showing and talking an air of independence, nurtured by the thought that Congress has dropped to a lamentably low point in public esteem.

In an interview this week, the new man from Kentucky talked about those and other points, including some of his first impressions of life as a U.S. senator and some of his hopes.

He said, for example, that he assumed Timmons based his views on the fact that Huddleston didn't make his campaign against Louie B. Nunn a campaign against President Nixon.

"Well, he said, "I'm not hostile toward the President, but neither do I intend to be a rubber stamp. I'm very much concerned about the whole question of the use of executive powers.

"In my judgment, the erosion of congressional power has been an abdication of responsibility. Nobody can restore Congress to its rightful place and nobody can restore respect for Congress except the Congress itself. I'm going to do all I can to restore that," Huddleston said.

By now the words were coming easily and his feet were up on the desk, a comfortable position that he assumes in a manner that bespeaks his apparent lack of pretense and feigned formality that is often the way of self-important senators.

"I am not in any category and I am somewhat unpredictable," he said. "I will take each issue as it comes up . . . I don't feel any great compulsion to vote on an issue if I can't intelligently vote on it."

Beyond that, however, Huddleston views his job in another light. He is given to repeating the "public service" chestnut, but even that he seems to view in a different context.

He said he sees his victory last November as a "mandate" from Kentuckians to do his utmost to help preserve the tide of public cynicism toward politicians and political institutions.

"I think you have to be the best member you can and react to all things in the interest of the public and not for any other reason—and not to do things as a public-relations gesture," Huddleston said.

In that vein, one thing he intends to do is make a periodic financial disclosure, so his constituents will know about his personal holdings. Few senators and congressmen make such voluntary disclosures. (Only two Kentuckians—Rep. Romano L. Mazzoli, D-Louisville, and Gene Snyder, R–Jeffersontown—have done so voluntarily in recent years.)

Huddleston said that the public views with suspicion any politician who bends over in the "melon patch" even though it is only to tie his shoe. Being a U.S. senator has put him in "the public melon patch," he said, and therefore he intends to disclose his finances.

"I worked for financial disclosure in the state legislature and I took a lead in pushing it. I made a disclosure, even though it was painful, when I filed for this office. I felt it was an obligation I had and I'll continue to do that here," Huddleston said.

With his previous experience as a state senator, Huddleston has not been stricken with the parliamentary frustration so many other newcomers with no legislative background express. That is, he is familiar with the workings of the machinery.

But even so, life in Washington is turning out to be somewhat different from what Huddleston had imagined. He thought, for instance, that the Senate operated more as a "team" than it actually does.

"It just doesn't seem to be as much of a team effort as the state legislature. Each senator is an entity. He has his own staff and office. One thing that impresses me is that every senator is an individual who takes his responsibility as an individual responsibility . . . Everybody accepts everyone else as an individual. Up to this point, I've not seen a lot of personal lobbying."

He said he has been "very pleased" with the reception he has received from other senators and he went out of his way to mention two of them by name—Majority Leader Mike Mansfield, D-Mont., and Robert Byrd, D-W. Va., the majority whip.

Both men have called Huddleston personally and stopped by his office to chat and make him feel at ease. Byrd, in fact, always known for being solicitous with his colleagues, paid a purely social call Monday that impressed the Kentuckian.

Being a full-time U.S. senator rather than a part-time state senator means a completely new way of life for him, a fact that he recognizes with some pleasure and with some regret.

"I can see a tremendous work load here. We'll be under more pressure; we'll have to make more decisions on what our social life will be," he said. "We have a greater work load here than I anticipated . . . Office space in general is woefully inadequate."

The work load has meant that he takes home official reading matter at night, which cuts into the pleasure reading he likes to do (the last novel he read was "The Godfather"). But between official reading he is sneaking time for the Washington reminiscences of cartoonist Herbert Block and has the David Halberstam's best seller on Vietnam Policy, "The Best and the Brightest," awaiting him on a shelf.

Like most outsiders, Huddleston was puzzled about the habit of most senators stay-off the floor when a colleague makes a speech. "I now have a different viewpoint on the day-to-day operation of the Senate," he said. "I understand why the chamber is empty—business doesn't require them to be there. Nobody seems concerned when you miss a speech . . . most of them are given for some kind of effect."

Another of his early impressions is that the storied bureaucracy really is as large and unmanageable as everyone thinks it is. That, by the way, dovetails with his concern over congressional abdication of powers.

"I might suggest that the senators ought to visit the bureaucracy and see what we've created. It is a manifestation of the Congress reluctance to assume its responsibility. It is much easier to create an agency and give it authority to make regulations and then just forget it," Huddleston said:

"We need more congressional oversight and review of programs that have been established," he continued. "Legislative bodies decrease their own standing by letting the bureaucracy and the executive move into areas that Congress should assume for itself."

Through four Democratic caucuses, Huddleston said, he has caught a genuine mood of urgency on the part of the Senate to restore itself to an equal role with the presidency. "The old-timers tell me there is a marked difference now . . . a wish to build pride in the Senate," he said.

If that's so Huddleston counts himself a part of it. And it could spell the "bad troubles" that Timmons at the White House was anticipating. And maybe it won't work.

"I'm not adverse to using power . . . but I'm not going to oppose just for the sake of opposing," he said.

THE NATIONAL DEMOCRATIC PARTY AND KENTUCKY'S ROLE IN IT

(Speech by Sen. Walter Dee Huddleston)

Will Rogers used to say that the first thing he did every morning was read the obituary page of the newspaper. If he did not see his name there, Will Rogers said, he would get up and go about his business for the day.

Well, if you have been reading the newspapers since November 7, you have doubtless seen some obituaries for the Democratic Party. Critics, political pundits, and even some of our faint-hearted fellow Democrats have either pronounced the party dead, or at least diagnosed it as suffering from a fatal disease called the Emerging Republican Majority.

However, to paraphrase Mark Twain, rumors of the death of the Democratic Party have been greatly exaggerated. Our party is neither dead nor dying. In fact, I believe the party to be in good shape nationally and gaining in strength all the time. And we are in an excellent position to make some significant gains in the next few years.

Much of this continuing success of the Democratic Party has been obscured by President Nixon's landslide in November. But despite the President's big win, Democrats more than held their own in races for the United States Senate, the governorships, the House of Representatives, and the various state legislatures and general assemblies.

Let's look at a few facts:

First, as a result of the November elections, Democrats registered a net gain of two seats in the United States Senate. That gives our party a 57–43 majority, which is truly remarkable considering the Nixon landslide and the widespread predictions of Democratic defeats.

Secondly, while Republicans did gain 12 seats in the House of Representatives, they fell far short of their target of 39 needed to gain control of the House. And the Democrats retain a 244–191 majority in that body.

Third, Democrats gained one more governorship in November, giving our party a commanding 31–19 majority of the nation's governors. It is important to note that Republicans held an identical 31–19 majority when the Nixon Administration assumed office in 1968. We have completely reversed the situation while Republicans have occupied the White House. And we won 11 of the 18 governor's races in November.

And in the state legislatures, Republicans today control both houses of the legislatures in only 18 states—the same number as before November. Democrats, however, registered a gain of two states in which they control both houses of their state assemblies, making a total of 25.

So in spite of the Nixon landslide, the Democratic Party more than held its own and even made some important gains. We continue our strong majorities in the Senate, the House, the governorships, the State legislatures, and in local and State offices.

The strength of the party is even more evident—perhaps you might say amazing—when you consider some of the individual races last year.

Here in Kentucky, Democrats (and some good Republicans too) elected me to the United States Senate in the face of a 300,000 vote Republican majority at the top of the ticket. If you had told me before the campaign that I could win against those odds, I frankly would not have believed it.

Over in Arkansas, President Nixon got 69 percent of the vote. But Democratic Governor Dale Bumpers got 75 percent, and Democratic Senator John McClellan got 60 percent.

The President carried Delaware, Colorado, and Maine each by 60 percent or more—and yet Democrats scored major upset victories over incumbent Republican Senators in each of the States.

So while the President did win by a landslide, his coattails were of little or no use to other Republicans. Put another way, a majority of Americans stayed with the other Democratic candidates—and they split their tickets in record numbers to do so.

The Democratic Party is alive and strong; it remains the majority party in this country; it remains the party to which most Americans look for a strong economy and high employment, for fair and equitable tax treatment, for worthwhile domestic programs, for leadership in world affairs, and for consumer protection and environmental protection.

In saying this, however, I would hasten to add that much remains to be done. We must maintain and increase our majorities in the Congress, the statehouses, and on the city and county level. We must elect a Democratic Senator in Kentucky in 1974, and another Democratic Governor in 1975. And we must regain control of the White House in 1976.

How can we accomplish these goals?

I believe it will take four ingredients: Unity, a broad-based party appeal, organization and hard work, and—to put it bluntly—money.

Speaking from my still limited experience in Washington, I can report increasing signs of unity and cooperation among Democrats in the Congress. Our caucus of Democratic senators has met regularly under the able leadership of Senators Mike Mansfield and Robert Byrd, and we have shown great unity of purpose in several vital areas—especially in the reassertion of Congress' power as a coequal branch of the government. Senator Mansfield has moved to bring about closer cooperation between Congressional Democrats and the Democratic governors, which is extremely important. And I think the Democratic National Committee is moving to heal the wounds of 1972 and expand the party's base of support.

We have a great deal of unity and cooperation within the Democratic Party here in Kentucky. I certainly could not have won my race without it. We will need this same kind of united effort in the future because we have a couple of big races coming up in 1974 and 1975.

The Democratic Party should constantly strive to broaden its base. This has been our tradition. Our supporters cover the ideological spectrum. Workers, businessmen, farmers, working mothers and housewives, minorities, students and the disadvantaged relate more to the philosophy of the Democratic Party.

This is the true role of a political party—to accumulate enough mass appeal to win elections in order to govern and carry out shared goals. You cannot win elections with a narrow ideological base. And you cannot govern without winning elections.

We must avoid excluding anyone or any group from our party. We will have our internal disagreements; that is to be expected. But we must never let those things that would divide us take precedence over those things which unite us.

I think this is an area in which Kentucky Democrats can play a vital role. We can demonstrate to the state and the nation over the next three years that ours is a party that can attract a mass following, that can win elections, and that can govern effectively and wisely. Certainly, the administration of Governor Wendell Ford already has shown great leadership which the voters of Kentucky cannot fail to contrast with the previous Republican administration.

Kentucky's role in national Democratic politics is definitely on the increase. Two years ago the state had no Democratic senators, a Republican governor, and limited impact in national party affairs. Now we have a governor who commands wide respect in national political circles, as evidenced by the role he played in helping elect the new national democratic chairman. We now have a Democratic U.S. Senator, and I am confident that we will soon have another. And we continue to receive truly outstanding leadership and representation from our Democratic House members.

These facts are not lost on national Democratic leaders. Almost daily during my first few weeks in Washington, I had prominent leaders of our party express their pleasure and satisfaction that after 16 years Kentucky again has a Democratic Senator. They appreciate the influence of Governor Ford and J. R. Miller in national party affairs.

The continued success of the Democratic Party here in Kentucky as well as nationwide requires continued organization, hard work, and loyalty. And it also requires financial support—that is why we are here today.

It takes money to run campaigns; it takes money to organize; and it takes money to keep the party machinery in operation. We Democrats do not have access to the big money which seems so much a part of the Republican Party. We do not have enough money to hire political spies to break in the opposition's campaign headquarters. In fact, in recent years we have not had enough money to pay off all our campaign debts.

It is no secret that there is still a debt left over from my campaign. I think we ran a tight-fisted campaign—certainly not extravagant—and we spent $300,000 less than our opponent. I want to express my appreciation to the party and the individuals who signed the note to make it possible to finance our campaign.

Being realistic about politics in the 1970s, we have to acknowledge that it requires lots of money—too much, in my opinion. And I am very much interested in reforming the way we finance our campaigns. But until that day comes, we must raise sufficient resources so that our party can compete with the Republicans on an equitable basis.

With the tremendous costs of television and other advertising media, plus the expenses of campaigns generally, the Democratic Party does face the possibility of entering elections at a decided disadvantage unless we can raise the financial resources necessary to compete.

I want to commend Governor Ford and Chairman Miller for their initiative and imagination in developing the projects we are launching here today. The achievement of a permanent state headquarters and a viable properly financed state organization will strengthen our party in the state and further enhance our standing and influence at the national level.

ORDER THAT THE UNFINISHED BUSINESS (S. 929) NOT BE CONSIDERED BY SENATE TODAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the unfinished business, S. 929, to amend the Par Value Modification Act, not be laid before the Senate during the session of the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask that there now be a period for the transaction of routine morning business with statements limited therein to 3 minutes, the period not to extend beyond 12 o'clock meridian today.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. JOHNSTON) laid before the Senate the following letters, which were referred as indicated:

PROPOSED LEGISLATION BY THE DEPARTMENT OF DEFENSE

A letter from the Assistant Secretary of Defense, transmitting a draft of proposed legislation to amend title 37, United States Code, to refine the procedures for adjustments in military compensation and for other purposes (with accompanying papers). Referred to the Committee on Armed Services.

DONATION OF SURPLUS PROPERTY BY THE NAVY

A letter from the Chief of Legislative Affairs, Office of Legislative Affairs, Department of the Navy, transmitting, pursuant to law the intention of the Department of the Navy to donate certain surplus property to the Warren County Chapter of the National Railway Historical Society, Warrenton, N.C. Referred to the Committee on Armed Services.

REPORT OF FEDERAL DEPOSIT INSURANCE CORPORATION

A letter from the Chairman, Federal Deposit Insurance Corporation, reporting, pursuant to law, on its operations for calendar year 1972. Referred to the Committee on Banking, Housing and Urban Affairs.

REPORT OF COUNCIL OF ECONOMIC ADVISERS

A letter from the Chairman, Council of Economic Advisers, transmitting, pursuant to law, a report on the repeal of the excise tax on motor vehicles (with an accompanying report). Referring to the Committee on Finance.

PROPOSED LEGISLATION BY DEPARTMENT OF STATE

A letter from the Acting Assistant Secretary for Congressional Relations, transmitting a draft of proposed legislation to remove certain limitations on annual operation and maintenance expenditures applicable to the U.S. section of the International Boundary and Water Commission, United States and Mexico, and for other purposes (with an accompanying paper). Referred to the Committee on Foreign Relations.

REPORT ON DELIVERIES OF EXCESS DEFENSE ARTICLES

A letter from the Acting Assistant Secretary for Congressional Relations, Department of State, transmitting, pursuant to law, a report on the deliveries of excess defense articles during the second quarter of fiscal year 1973 (with an accompanying paper). Referred to the Committee in Foreign Relations.

REPORT ON EXTRAORDINARY CONTRACTUAL ACTIONS TO FACILITATE NATIONAL DEFENSE

A letter from the Acting Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, a report on Extraordinary Contractual Actions to Facilitate the National Defense for calendar year 1972 (with an accompanying report). Referred to the Committee on the Judiciary.

PROPOSED LEGISLATION BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to extend the authorization of appropriations for educational broadcasting facilities grants (with an accompanying paper). Referred to the Committee on Labor and Public Welfare.

PROPOSED LEGISLATION BY THE VETERANS' ADMINISTRATION

A letter from the Administrator, Veterans' Administration, transmitting a draft of proposed legislation to amend title 38 of the United States Code, in order to establish a National Cemetery System within the Veterans' Administration; assist States in the establishment and operation of veterans' cemeteries; to revise eligibility for burial allowances; to eliminate certain duplications in Federal burial benefits; and for other purposes (with accompanying papers). Referred to the Committee on Veterans' Affairs.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. JOHNSTON):

A joint resolution of the General Assembly of the State of Connecticut. Referred to the Committee on Foreign Relations:

"HOUSE JOINT RESOLUTION NO. 116

"Resolution urging the President and Congress to investigate the release of prisoners of war and the fate of those missing in action in Vietnam

"Resolved by this House:

"Whereas, the citizens of Connecticut join with the rest of our nation in rejoicing at the cease-fire in Vietnam and at the return of so many of our valiant servicemen who have suffered imprisonment at the hands of the North Vietnamese and the Viet Cong; and

"Whereas, even while so rejoicing, we are disturbed to see that only one private first class has been returned to the states to date and that no men of lesser rank have been returned; and

"Whereas, we are concerned equally with the fate of our captured ground troops as we were with those officers who have been reunited with their families; and

"Whereas, we share also the burden of our fellow citizens whose husbands, sons, brothers and fathers are among those missing in action, whose fate is still unknown.

"Now therefore, be it resolved, that this General Assembly urge the President and the Congress of the United States to take such measures as will reveal the fate of all these loyal servicemen and expedite their return; and

"Be it further resolved, that the clerks of the House and Senate cause a copy of this resolution to be sent to the President of the United States, the President Pro Tempore of the United States Senate, the Speaker of the United States House of Representatives and the Senators and Congressmen from Connecticut."

A joint memorial of the Legislature of the State of Idaho. Referred to the Committee on Agriculture and Forestry:

"SENATE JOINT MEMORIAL NO. 110

"A joint memorial to the Honorable Earl L. Butz, Secretary of the United States Department of Agriculture, and to the Senators and Representatives representing the State of Idaho in the Congress of the United States; expressing appreciation to the Farmers Home Administration for credit programs provided to Idaho residents

"We, your Memorialists, the Senate and House of Representatives of the State of Idaho assembled in the First Regular Session of the Forty-second Idaho Legislature, do hereby respectfully represent that:

"Whereas, the rural people of Idaho, particularly those engaged in productive agriculture to supply high quality food and fiber for the Nation's people, constitute the backbone of the state's economy; and

"Whereas, there is a continuing need for adequate sources to provide needed capital to develop and expand rural communities and productive farm and range lands; and

"Whereas, many rural residents of Idaho deserve and desire better and more adequate housing; and

"Whereas, the Farmers Home Administration, under the administration of James V. Smith and the Idaho Directorship of Donald L. Winder, has greatly increased its services and assistance to rural Idaho communities and residents during the past four and one-half years; and

"Whereas, during this period of time the Farmers Home Administration has approved and obligated $170 million to 2,200 Idaho farm families to purchase and improve farm lands and nearly $35 million to more than 6,800 farm families for operating capital; and

"Whereas, the desirability of living in rural Idaho communities has been enhanced through the Farmers Home Administration's participation in 224 separate projects to provide adequate sewage and waste disposal systems, domestic water systems, irrigation improvements and recreational facilities through loans and grants totaling more than $24 million; and

"Whereas, nearly 6,200 individual families have secured modern, sanitary and adequate housing through Farmers Home Administration financial assistance, and in addition, more than 420 rental housing units and more than 480 farm labor housing units have been constructed by financing secured through Farmers Home Administration, all of which reflect the investment of $100 million in rural housing in Idaho since July of 1969; and

"Whereas, the impact of Farmers Home Administration credit, covering more than 15,500 loans and grants in the amount of $329 million, is felt directly by one of every six farm families in Idaho, by thousands of non-farm but rural families, and indirectly by every citizen of the State of Idaho.

"Now, therefore, be it resolved by the First Regular Session of the Forty-second Legislature, the Senate and the House of Representatives concurring therein, that the Honorable Earl L. Butz and the Senators and Representatives representing the State of Idaho in the Congress of the United States be notified that this body, speaking for the people of our State, express deepest appreciation and gratitude for the extremely beneficial services and assistance the Farmers Home Administration has rendered to the citizens of Idaho; that this body highly commends the agency, the Administrator James V. Smith, and Idaho Director Donald L. Winder for their empathy, understanding and diligence in helping meet the credit needs of rural residents; and this body urges the continuation and expansion of Farmers Home Administration credit programs in Idaho.

"Be it further resolved, that the Secretary of the Senate be, and he is hereby authorized and directed to forward copies of this Memorial to the Honorable Earl L. Butz, and to the Senators and Representatives representing the State of Idaho in the Congress of the United States."

A joint memorial of the Legislature of the State of Idaho. Referred to the Committee on Armed Services:

"SENATE JOINT MEMORIAL NO. 107

"A joint memorial to the honorable Senate and House of Representatives of the United States in Congress assembled, and the honorable congressional delegation representing the State of Idaho in the Congress of the United States

"We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the First Regular Session of the Forty-second Idaho Legislature, do hereby respectfully represent that:

"Whereas, the majority of young men called to military service through the Selective Service proecss accept that responsibility and serve their country in time of need; and

"Whereas, a minority of young men chose not to accept their responsibility and through defiance of the law and disregard for the manpower needs of their country, dodged their obligation by leaving the United States to seek sanctuary in other countries; and

"Whereas, these men and others who deserted from the military and residing in other countries, but desirous of returning to the United States without prosecution and punishment can be avoided as they avoided their citizen's duty; and

"Whereas, some politicians, some members of the judiciary, news media, clergy and other organizations and agencies are advocating some sort of amnesty or second-chance program for these expatriates; and

"Whereas, this obligation to the Nation can only be fulfilled by complete compliance by all of its citizens.

"Now, therefore, be it resolved by the First Regular Session of the Forty-second Idaho Legislature now in session, the Senate and the House of Representatives concurring, that we go on record as opposing any attempt to grant blanket amnesty or freedom from prosecution to those men who either by illegally avoiding the draft or desertion from the Armed Forces failed to fulfill their military obligation to the United States, until the end of the conflict when peace is established and our Prisoners of War and Missing in Action have been repatriated or accounted for, and each should then be reviewed on a case-by-case basis under existing procedures available to the courts and the President; and

"Be it further resolved that we insist upon prosecution to the full extent of the law of anyone guilty of either of the aforementioned violations; and

"Be it further resolved that the Secretary of the Senate be, and he is hereby authorized and directed to forward copies of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and to the Senators and Representatives representing this State in the Congress of the United States."

A joint memorial of the Legislature of the State of Idaho. Referred to the Committee on Commerce:

"SENATE JOINT MEMORIAL NO. 102

"A joint memorial to the Honorable Senate and House of Representatives of the United States in Congress assembled, the Federal Communications Commission, and the National Communications Networks

"We, your Memorialists, the Senate and House of Representatives of the state of Idaho assembled in the First Regular Session of the Forty-second Idaho Legislature, do hereby respectfully represent that:

"Whereas, the American people deserve and should be granted the assurance of a free, democratic election process, particularly as the process relates to the selection of the President of the United States; and

"Whereas, the current practice of network radio and television operations is to project the election of the President, based upon sample returns in eastern states at the earliest possible hour; and

"Whereas, there are variations in the time the polls close across the United States, and there are states in the midwest and west where voters are advised that the President has been selected before they have had the opportunity to cast their vote; and

"Whereas, while no certain evidence of the impact of such advance information is available, yet it is a distinct possibility that such information could have a drastic effect on national presidential elections.

"Now, therefore, be it resolved by the First Regular Session of the Forty-second Legislature, the Senate and the House of Representatives concurring therein, that we do hereby respectfully petition the Congress of the United States, the Federal Communications Commission, and the responsible television and radio networks of America to give consideration to alternatives to the early transmission of election predictions. We recommend for their consideration the possibility of prohibiting the transmission of such predictions prior to the hour at which the polls close in the area under consideration. No national elections results should be presented prior to closing of the polls.

"Be it further resolved that the Secretary of the Senate be, and he is hereby authorized and directed to forward copies of tihs Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, to the Federal Communications Commission, and the Presidents of the national communications networks, and to the Senators and Representatives representing the State of Idaho in the Congress of the United States."

A joint memorial of the Legislature of the State of Idaho. Referred to the Committee on the Judiciary:

"SENATE JOINT MEMORIAL NO. 113 BY STATE AFFAIRS COMMITTEE

"A joint memorial to the Congress of the United States and the Senators and Representatives representing the State of Idaho in the Congress of the United States relating to action necessary to preserve the right to life of unborn children

"We, your Memorialists, the Senate and House of Representatives of the State of Idaho assembled in the First Regular Session of the Forty-second Idaho Legislature, do hereby respectfully represent that:

"Whereas, the United States Supreme Court has severely limited the rights of the states to regulate and prohibit abortions; and

"Whereas, the decision of the Supreme Court fails to recognize the right to life of unborn children; and

"Whereas, immediate action is necessary to preserve the right to life of unborn children and to forestall a wholesale wave of life-taking abortions.

"Now, therefore, be it resolved by the First Regular Session of the Forty-second Idaho Legislature, the Senate and House of Representatives concurring therein, that we urge the Congress of the United States to take, without delay, such action as necessary including proposing a constitutional amendment to preserve the right to life of unborn children and to forestall a wholesale wave of life-taking abortions which could result from the recent decision of the Supreme Court.

"Be it further resolved that the Secretary of the Senate be, and he is hereby, authorized and directed to forward copies of this Memorial to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and the Senators and Representatives representing the State of Idaho in the Congress of the United States."

Two joint memorials of the Legislature of the State of Idaho. Referred to the Committee on Labor and Public Welfare:

"SENATE JOINT MEMORIAL NO. 109 BY STATE AFFAIRS COMMITTEE

"A joint memorial relating to the occupational Safety and Health Act of 1970; to the honorable Senate and House of Representatives of the United States in Congress assembled, and the honorable Congressional delegation representing the State of Idaho in the Congress of the United States

"We, your Memorialists, the Senate and House of Representatives of the State of Idaho assembled in the First Regular Session of the Forty-second Idaho Legislature, do respectfully represent that:

"Whereas, the Occupational Safety and Health Act of 1970 is causing hardships upon business, industries and farmers in Idaho.

"Now, therefore, be it resolved by the First Regular Session of the Forty-second Idaho Legislature, the Senate and the House of Representatives concurring, that we most respectfully urge the Congress of the United States to amend the Occupational Safety and Health Act of 1970 to make it workable in guarding the health and lives of America's working citizens.

"Be it further resolved that the Secretary of the Senate be, and he is hereby authorized and directed to forward certified copies of this Memorial to the Leadership of the Senate and House of Representatives of Congress, and to the Senators and Representatives representing this state in Congress".

"Senate Joint Memorial No. 111

"A joint memorial to the President of the Senate and the Honorable Speaker of the House of Representatives in Congress, the Secretary of Health, Education and Welfare, the Senators and Representatives representing this State in Congress; concerning Federal social service regulations

"We, your Memorialists, the Senate and the House of Representaties of the First Regular Session of the Forty-second Idaho Legislature, do respectfully represent that:

"Whereas, there exists in the State of Idaho a recognized need for an effective program of social services to combat the multiple problems of mental illness, mental retardation, drug abuse, juvenile delinquency, alcoholism, child abuse, and child development; and

"Whereas, the Congress of the United States has clearly reaffirmed its belief in the necessity of these programs and has attempted to continue these programs at their current levels; and

"Whereas, the Department of Health, Education, and Welfare, in implementing these programs has previously advanced the principle of the new federalism which is designed to expand the authority and responsibility of state and local governments and reduce the concentration of federal power and authority in Washington, D.C.; and

"Whereas, the department's recently proposed amendments to the social services regulations are, in many respects, violative of specific statutory provisions and of expressed Congressional intent, and are in important respects arbitrary, capricious and antithetical to the principles of the new federalism, and would impose upon the State of Idaho and local governments within this state additional federal controls, restraints and infringements; and

"Whereas, these amendments to the regulations would seriously jeopardize and in some cases effect the termination of essentially needed programs currently operated within this state, especially those programs designed to serve the mentally ill and mentally retarded.

"Now, therefore, be it resolved by the First Regular Session of the Forty-second Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Forty-second Idaho Legislature is unalterably opposed to the recently proposed social service regulations, as circulated, inasmuch as they would drastically reduce the essential programs currently provided within this state, thwart the ongoing attempts of this state to integrate and improve services, impose upon this state cumbersome and unnecessary federal controls and administrative procedures designed to hamstring the program and arbitrarily infringe upon those areas of authority and responsibility traditionally reserved by the State of Idaho and its local governments; and

"Be it further resolved that the Forty-second Idaho Legislature urges the Secretary of Health, Education and Welfare to withdraw the proposed regulations forthwith and withhold any future regulations in this area until the Congress has had an opportunity to definitively act in this area.

"Be it further resolved that the Secretary of the Senate be, and he is hereby authorized and directed to forward copies of this Memorial to the President of the Senate and the Speaker of the House of Representatives in Congress, to the Secretary of Health, Education and Welfare of the United States and to the Senators and Representatives representing this state in the Congress of the United States."

A concurrent resolution of the Legislature of the State of Kansas. Referred to the Committee on Commerce:

"House Concurrent Resolution No. 1002

"A concurrent resolution memorializing the Congress of the United States to enact legislation limiting Daylight Savings Time to the period between Memorial Day and Labor Day

"Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the legislature of Kansas respectfully petitions the Congress of the United States to give serious consideration to enacting some type of legislation which would limit Daylight Savings Time to the months between Memorial Day and Labor Day.

"Be it further resolved: That the Secretary of state be directed to transmit enrolled copies of this resolution to the President of the United States Senate, the Speaker of the United States House of Representatives and to each member of Congress from this state."

Resolutions of the Commonwealth of Massachusetts. Referred to the Committee on Commerce:

"Resolutions Memorializing the Congress of the United States To Enact Appropriate Legislation for the Uniform and Coordinated Observance by the Several States of a 12-Month System of Daylight Saving Time

"Whereas, A uniform and coordinated system of reckoning time thorughout the several states is convenient and necessary for the proper and efficient carrying on of interstate commerce; and

"Whereas, By the Uniform Time Act of 1966 Congress provided for such a uniform and coordinated system, including the observance of Daylight Saving Time, except in those states which by law omit such observance, during the summer months, from 2:00 A.M. on the last Sunday of April until the last Sunday of October of each year, and

"Whereas, The benefits of Daylight Saving Time, in providing an extension of natural light into the evening hours, have been almost universally acknowledged not only in the United States but also in many foreign nations, some of which currently observe it on a twelve month basis; and

"Whereas, The return each fall to Standard Time, whereby winter sunset occurs at 5:00 P.M. and earlier in most latitudes of the United States, causes an undesirable encroachment of darkness upon the later part of the active day, requiring an unnecessary and undesirable drain upon valuable and increasingly scarce power resources to supply artificial light, creating conditions hazardous to vehicular and pedestrian traffic during a peak travel period and offering unduly propitious conditions for violent and predatory criminal acts upon the streets and thoroughfares of many urban areas and

"Whereas, The value of Daylight Saving Time as a conservation measure, reducing the consumption of fuel for power generation and the concomitant effusion of pollutants, was recognized by the Congress in providing for a twelve month observance of this time reckoning during the war emergency period from February, nineteen hundred and forty-two to October, nineteen hundred and forty-five; and

"Whereas, Urgent current needs for conservation of energy sources, control of pollution, deterrence of street crime and reduction of the human suffering and property damage due to accidents combine to support the advisability of a permanent twelve month advance in the system of time reckoning; and

"Whereas, Resolutions substantially identical to this have been submitted for the consideration of the legislatures of the several states comprised, in whole or in part, in the Eastern Time Zone, for the purpose of permitting and encouraging a uniform expression and representation to the Congress by said states acting in concert; now, therefore, be it

"Resolved, That the General Court of Massachusetts joins with the other states in the Eastern Time Zone in calling upon the Congress of the United States to enact appropriate legislation for the uniform and coordinated observance by the several states of a twelve month system of Daylight Saving Time; and be it further

"Resolved, That copies of these resolutions be transmitted forthwith by the secretary of the commonwealth to the President of the United States to the presiding office of each branch of the Congress, and to each member thereof from the commonwealth and to the presiding officers of the legislative bodies of the several states in the Eastern Time Zone.

"House of Representatives, adopted March 12, 1973.

"Senate, adopted in concurrence, March 19, 1973."

Resolutions of the Commonwealth of Massachusetts. Referred to the Committee on Finance:

"Resolutions Memorializing the Congress of the United States To Enact a National Health Care Insurance Plan

"Whereas, Many of our citizens receiving fixed inadequate income are unable to participate in private or public health insurance programs covering medical, surgical, hospital, nursing and dental care and treatment; and

"Whereas, Many of our citizens now covered by Medicare are still unable to meet the ancillary costs of medical, hospital, surgical, nursing, pharmaceutical and prosthetic care and treatment; and

"Whereas, Many of our citizens now covered by private health insurance programs are unable to meet the cost of increasing premiums for adequate medical care and treatment; and

"Whereas, The care and treatment of the health of our citizens and the prevention of diseases and illnesses tending to destroy that health are now recognized as prime obligations of the federal government; now, therefore, be it

"Resolved, That the General Court of Massachusetts hereby respectfully urges the Congress of the United States to enact legislation providing for a national health insurance program to cover all of its citizens to be administered by federal government agencies and financed, in part at least, by Social Security financing; and be it further

"Resolved, That copies of these resolutions be transmitted forthwith by the state secretary to the President of the United States, to the presiding officer of each branch of the Congress, to the chairman of Ways and Means committee of the United States House of Representatives, to the chairman of the Committee on Labor and Public Welfare of the United States Senate, to the Secretary of Health Education and Welfare and to the members of each branch of the Congress from the commonwealth.

"House of Representatives, adopted, March 12, 1973.

"Senate, adopted in concurrence, March 19, 1973."

Resolutions of the Commonwealth of Massachusetts. Referred to the Committee on Finance:

"Resolutions Memorializing the Congress of the United States To Enact Legislation Expanding the Medicare Program To Include Drug Costs

"Whereas, Millions of recipients of Medicare incur great and heavy financial expenses due to the high cost of drugs; now, therefore, be it

"Resolved, That the Massachusetts Senate hereby respectfully urges the Congress of the United States to enact legislation expanding the Medicare program to include drug costs; and be it further

"Resolved, That a copy of these resolutions be transmitted forthwith by the Senate Clerk and Parliamentarian to the President of the United States, to the presiding officer of each branch of the Congress of the United States and to the members thereof from the Commonwealth.

"Senate, adopted, March 7, 1973."

Resolutions of the Commonwealth of Massachusetts. Referred to the Committee on Foreign Relations:

"Resolutions Memorializing the President and the Congress of the United States To Consider the Plight of Soviet Jews Prior To Granting Favored Nation Status to the Soviet Union

"*Whereas,* In the Soviet Union men and women are denied freedoms recognized as basic by all civilized countries of the world and indeed by the Soviet Constitution; and

"*Whereas,* Jews and other religious minorities in the Soviet Union are being denied the means to exercise their religion and sustain their identity; and

"*Whereas,* The government of the Soviet Union is persecuting Jewish citizens by denying them the same rights and privileges accorded other recognized religions in the Soviet Union and by discrimination against Jews in cultural activities and access to higher education; and

"*Whereas,* The right freely to emigrate, which is denied Soviet Jews who seek to maintain their identity by moving elsewhere, is a right affirmed by the United Nations Declaration of Human Rights, adopted unanimously by the General Assembly of the United Nations; and

"*Whereas,* These infringements of human rights are an obstacle to the development of better understanding and better relations between the people of the United States and the people of the Soviet Union; now, therefore, be it

"*Resolved,* That the Massachusetts Senate memorializes the President and the Congress of the United States to consider the plight of Soviet Jews when granting most favored nation status to the Soviet Union and to call upon the Soviet government to end its persecution of the Jews and other minorities and to permit the free exercise of religion by all its citizens in accordance with the Soviet Constitution, to permit its citizens to emigrate from the Soviet Union to the countries of their choice as affirmed by the United Nations Declaration of Human Rights and to use all appropriate diplomatic means to engender the fullest support possible among other nations for such a request to the Soviet Union; and be it further

"*Resolved,* That copies of these resolutions be transmitted by the Senate Clerk and Parliamentarian to the President, the Secretary of State of the United States, the presiding officer of each branch of the Congress of the United States and to each member thereof from the Commonwealth.

"Senate, adopted, March 8, 1973."

Resolutions of the Commonwealth of Massachusetts. Referred to the Committee on Interior and Insular Affairs:

"Resolutions Memorializing the Congress of the United States To Oppose the Proposed Nantucket Sound Island Trust Legislation

"*Whereas,* There is pending before the United States Senate, a bill numbered S. 3845, having been amended on July twenty-seven, nineteen hundred and seventy-two, amendment numbered 1372 and a companion bill pending before the United States House of Representatives numbered H.R. 17187, both proposing to establish the Nantucket Sound Island Trust of which Dukes County is a part; and

"*Whereas,* The terms of Dukes County have tried to preserve and conserve the natural beauty and physical aspects of their island by placing control of all future building and use of land under the jurisdiction of the selectmen, county commissioners and other locally elected officials; and

"*Whereas,* There exists a viable planning and economic development commission established by Chapter six hundred and ninety of the Acts of nineteen hundred and sixty-six by the General Court of Massachusetts; and

"*Whereas,* The town governments in the county have taken steps to develop effective land use and subdivision controls, building codes and conservation commissions; and

"*Whereas,* If the Nantucket Sound Islands Trust were to become a reality, it would abolish home rule as guaranteed under the laws of the commonwealth and the United States Constitution; and

"*Whereas,* By a vote of the citizens of Dukes County through a referendum question on the ballot of November seven, nineteen hundred and seventy-two, a substantial majority expressed opposition to federal land use controls as proposed in the Nantucket Sound Island Trust Bill; now, therefore, be it

"*Resolved,* That the General Court of Massachusetts respectfully urges the Congress of the United States to oppose the proposed Nantucket Sound Islands Trust legislation; and be it further

"*Resolved,* That copies of these resolutions be transmitted forthwith by the state secretary to the President of the United States, to the presiding officer of each branch of the Congress and to each member thereof from the Commonwealth.

"House of Representatives, adopted, March 19, 1973."

Resolutions of the Commonwealth of Massachusetts. Referred to the Committee on Labor and Public Welfare:

"Resolutions Memorializing the Congress of the United States To Enact the National Health Care Expansion and Improvement Act Introduced by Senator Pell

"*Whereas,* The per capita cost for medical services is higher in the United States than in other developed nations; and

"*Whereas,* The health delivery system of the Unted States lags behind that of other developed nations in important categories; now, therefore, be it

"*Resolved,* That the General Court of Massachusetts hereby respectfully urges the Congress of the United States to enact the health insurance system known as "The Pell Bill", the National Health Care Expansion and Improvement Act; and be it further

"*Resolved,* That copies of these resolutions be transmitted forthwith by the secretary of the commonwealth to the President of the United States, the presiding officer of each branch of the Congress and to the members thereof from this commonwealth.

"House of Representatives, adopted, March 12, 1973."

Resolutions of the Commonwealth of Massachusetts. Referred to the Committee on the Judiciary:

"Resolutions Memorializing the Congress of the United States To Enact Legislation Providing That the Federal Government Assume All Welfare Costs of the Several States

"*Whereas,* The welfare costs of the several states have risen in such alarming proportions that the available means of obtaining revenue by the states are proving insufficient to meet such costs; and

"*Whereas,* It is the responsibility of the federal government to provide to its citizens on public welfare a minimum income to satisfy their food, clothing and housing needs; now, therefore, be it

"*Resolved,* That the General Court of Massachusetts hereby respectfully urges the Congress of the United States to enact legislation providing for the assumption of all welfare costs of the several states by the federal government with local administration; and be it further

"*Resolved,* That copies of these resolutions be transmitted forthwith by the secretary of the commonwealth to the President of the United States, to the presiding officer to each branch of the Congress and to each member thereof from the commonwealth.

"House of Representatives, adopted March 12, 1973."

Resolutions of the Commonwealth of Massachusetts. Referred to the Committee on Veterans' Affairs:

"Resolutions Memorializing the Congress of the United States to Establish a National Cemetery in the Commonwealth

"Whereas, It is the right of every veteran to be accorded the honor of a burial in a national place of honor; and

"Whereas, Of the Ninety-eight national cemeteries in the United States there is none in the New England area; and

"Whereas, The saturation point of these cemeteries is rapidly being reached and the need for new land is pressing; now, therefore, be it

"Resolved, That the General Court of Massachusetts hereby memorializes the Congress of the United States to establish a national cemetery in Massachusetts and be it further

"Resolved, That copies of these resolutions be transmitted forthwith by the secretary of the commonwealth to the President of the United States, to the presiding officer of each branch of the Congress and to each member thereof from the commonwealth.

"House of Representatives, adopted, March 12, 1973.

"Senate, adopted in concurrence, March 19, 1973."

"Executive Department, Council Chamber,
"Boston, *December 6, 1972.*

"His Excellency the Governor and Council, having examined the copies of returns of votes cast on the Referendum Question given in the several cities and towns in the manner prescribed by the Constitution and Laws of the Commonwealth on the seventh day of November last past, certify as follows:

"REFERENDUM QUESTION NO. 9

"*Law Submitted Upon Referendum After Passage*

"Shall the voluntary recitation of prayer be authorized in the public schools of the Commonwealth?"

"County of Barnstable, yes, 46,067 votes; no, 9,117 votes.

"County of Berkshire, yes, 45,891; no, 9,797 votes.

"County of Bristol, yes, 144,815; no, 20,293 votes.

"County of Dukes, yes, 3,182; no, 806 votes.

"County of Essex, yes, 229,489; no, 42,596 votes.

"County of Franklin, yes, 21,965; no, 3,753 votes.

"County of Hampden, yes, 125,396; no, 25,991 votes.

"County of Hampshire, yes, 39,927; no, 9,557 votes.

"County of Middlesex, yes, 443,206; no, 114,460 votes.

"County of Nantucket, yes, 1,805; no, 317 votes.

"County of Norfolk, yes, 212,042; no, 52,103 votes.

"County of Plymouth, yes, 116,980; no, 20,594 votes.

"County of Suffolk, yes, 128,315; no, 39,831 votes.

"County of Worcester, yes, 207,900; no, 34,276 votes.

Totals: yes, 1,766,980 votes; no, 387,496 votes.

"And the said law appears to be approved.

"The number of persons who voted at the State Election, as returned under the provisions of Chapter 54, Section 132 of the General Laws was 2,503,494."

A concurrent resolution of the Legislature of the State of Mississippi. Referred to the Committee on Commerce:

"Senate Concurrent Resolution No. 585

"A concurrent resolution memorializing the United States Congress to adopt United States Senate concurrent resolution 11 which advocates a national policy in support of America's Commercial Fishing Industry and to commend United States Senator James O. Eastland for providing leadership and a national policy in support of this important American industry.

"Whereas, the commercial fishing industry of the United States has suffered greatly in relation to national support for commercial fishing; and

"Whereas, foreign countries have vigorously supported and encouraged the commercial fishing industry to the extent that foreign fishermen have invaded waters surrounding the North American continent to the detriment of our fishing industry; and

"Whereas, America has suffered from a lack of policy, guidance and financial support to the commercial fishing industry; and

"Whereas, the State of Mississippi has a vested interest in the future of the fishing industry of this country, and it is the position of the Legislature of the State of Mississippi that immediate steps must be taken to strengthen our fishing industry against excessive foreign fishing; and

"Whereas, United States Senator James O. Eastland has offered strong leadership and national guidance in urging the adoption of a national policy in support of the commercial fishing industry through the introduction of United States Senate Concurrent Resolution 11, and this Senate Concurrent Resolution is a realization of the position of the Mississippi State Legislature; and

"Whereas, a national policy with respect to strengthening our fishing industry is long overdue:

"Now, therefore, be it resolved by the Mississippi State Senate, the House of Representatives concurring therein, That the Legislature of the State of Mississippi memorializes the United States Senate and Concurrent Resolution 11, thereby strengthening the position of the domestic fishing industry.

"Be it further resolved, That the Legislature of the State of Mississippi does hereby publicly commend Senior Senator James O. Eastland for his effective and timely support and leadership in the development of a national commercial fishing policy and applaud his action.

"Be it further resolved, That copies of this Resolution be sent to the Vice President of the United States, Spiro T. Agnew; the Speaker of the House of Representatives, Carl Albert; Senators James O. Eastland and John C. Stennis; Representatives G. V. Montgomery, David Bowen, Thad Cochran, Trent Lott, and Jamie Whitten; and members of the press.

"Adopted by the Senate, March 22, 1973

Adopted by the House of Representatives, March 27, 1973."

A joint resolution of the Legislature of the State of Nevada. Referred to the Committee on Post Office and Civil Service:

"Senate Joint Resolution No. 2—Senator Young—File Number 40

"Senate Joint Resolution—Memorializing the Congress of the United States to adopt certain legislation requiring the decennial United States census of each state to be made according to a plan and form approved by the governor of the state whose population is being tabulated.

"Whereas, The representation in the legislature of the State of Nevada is apportioned according to the population of districts within the State of Nevada, as determined by the decennial United States census; and

"Whereas, The process of reapportioning of the legislature is lengthy and complex; and

"Whereas, The process of reapportioning the legislature would be greatly expedited by the prompt reporting to the governor of the State of Nevada of the results of a census made according to a plan and form approved by the governor of the State of Nevada; now, therefore, be it

"Resolved by the Senate and Assembly of the State of Nevada, jointly, That the 93d Congress of the United States is hereby memorialized to adopt legislation embodying the provisions of H.R. 15773 of the 92d Congress of the United States, which will require the tabulation of total population by state (for the apportionment of the legislative bodies of each state) to be made and promptly reported according to a plan and form approved by the governor of the state being tabulated; and be it further

"Resolved, That copies of this resolution be prepared and transmitted forthwith by the legislative counsel to the Speaker of the House of Representatives, the President of the Senate and the members of the Nevada congressional delegation."

A concurrent resolution of the Legislature of the State of New Hampshire. Referred to the Committee on Foreign Relations:

"House Concurrent Resolution No. 3

"Memorializing the Congress of the United States to enact legislation setting February 1, 1955, as the starting date of the Vietnam Conflict in order to give recognition to all who served in the Vietnam theatre of war

"Whereas, on November 8, 1950, the first American United States Air Force advisers arrived in Vietnam to assist the French and South Vietnamese, who at that time were deeply engaged in the Indochina War, and we have remained in Vietnam during twenty years of continuing combat, and

"Whereas, after the fall of Dien Bien Phu in May 1954 and the partitioning of Vietnam at the 17th parallel, French forces withdrew and the American presence was gradually increased and escalated as more and more Americans were committed during the ensuing years of insurgency, and

"Whereas, many Americans were killed and injured during the twenty years of continuous strife, the first combat death that the government officially recognizes occurred in 1961, over three and one-half years before the date now set as the start of the Vietnam Conflict, August 5, 1964, and

"Whereas, the United States Senate has twice voted to repeal the Gulf of Tonkin Resolution that was passed as a result of the attack by the North Vietnamese on August 5, 1964 against United States Navy ships cruising in the Tonkin Gulf. The administration has publicly stated that it does not regard the Gulf of Tonkin Resolution as the basis for its authority to operate in Vietnam, therefore there no longer exists any validity for retaining August 5, 1964 as the starting date of the Vietnam Conflict, now therefore be it

"Resolved by the House of Representatives of the State of New Hampshire, the Senate concurring:

"That the Congress of the United States is hereby memorialized to set February 1, 1955 as the starting date of the Vietnam Conflict for the purposes of veterans administration and all other branches of the federal government so that all Vietnam Veterans may receive their full entitlement to benefits; and be it further

"Resolved, that the secretary of state be instructed to forward a copy of this concurrent resolution to the President of the United States, the Vice President of the United States, the Speaker of the House of Representatives, and to each member of the congressional delegation from New Hampshire."

A resolution of the General Assembly of New Jersey. Referred to the Committee on the Judiciary:

"Assembly Resolution No. 215—State of New Jersey

"An Assembly Resolution memorializing the Congress of the United States to maintain the legal services program as an independent entity fully funded, and to create an independent corporation for the administration of said program

"Whereas, Federally-funded legal services was established with the approval of the bench and the bar to provide counsel to individuals who, by reason of their poverty, could not afford legal representation equal to that available to others; and

"Whereas, A program for the provision of legal services has existed throughout the State of New Jersey for the past 7 years; and

"Whereas, The people of New Jersey are of the firm conviction that such program for legal services renders indispensable services to the poor of New Jersey who would not otherwise have adequate access to the legal process in civil causes; and

"Whereas, The legal services program was established as a semi-independent entity within the Office of Economic Opportunity because it was recognized that lawyers owe primary responsibility to their clients; and

"Whereas, The people of New Jersey believe that the legal services program must be continued as an independent entity free of bureaucratic interference; therefore

"Be it resolved by the General Assembly of the State of New Jersey:

"1. That it is the conviction of the people of New Jersey that the Congress of the United States maintain and mandate continuation of the legal services program through adequate and uninterrupted funding. To insure the effectuation of this purpose, the people of New Jersey respectfully request that the Congress of the United States promptly create an independent corporation for the administration of the legal services program, so designed that it will be free of partisan or administrative interference, to the end that legal services attorneys may continue to function with vigor and fidelity on behalf of their clients.

"2. That a copy of this resolution signed by the Speaker of the General Assembly and attested to by the Clerk thereof shall be sent to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and every United States Senator and United States Representative elected from the State of New Jersey."

A concurrent resolution of the Legislature of the State of South Carolina. Referred to the Committee on Commerce:

"Calendar No. S. 3

"A concurrent resolution to memorialize the Congress of the United States to Take Necessary Legislative Action to Terminate Daylight Saving Time on the Fourth Monday in September of 1973 and Each Year Thereafter

"Whereas, the control of standard and daylight saving time schedules has been preempted by the Congress of the United States and daylight saving time now begins on the last Sunday in April and ends on the fourth Monday in October; and

"Whereas, this scheduling of daylight saving time results in a severe hardship for many persons who begin work or must travel long distances to school in almost total darkness in the morning hours of early fall; and

"Whereas, this situation creates a very serious safety problem for young children who, by bus or on foot, must go to school in darkness; and

"Whereas, this problem is particularly acute in the early fall and could be solved at least partially by ending daylight saving time in late September, Now, therefore,

"*Be it resolved* by the Senate, the House of Representatives concurring:

"That the Congress of the United States be and hereby is memorialized to take necessary legislative action to change the termination time of daylight saving time to the last Monday in September.

"*Be it further resolved* that copies of this resolution be forwarded to the President of the United States Senate and the Speaker of the United States House of Representatives and to each member of the South Carolina Congressional Delegation."

A concurrent resolution of the Legislature of the State of South Dakota. Referred to the Committee on Commerce:

"House Concurrent Resolution No. 512

"A concurrent resolution, citing legislative interest in, and requesting the Governor to conduct, a study of railway abandonments in South Dakota and their effect upon the economy of the state, and requesting a moratorium upon further abandonments until such study is completed

"*Be it resolved by the House of Representatives of the State of South Dakota, the Senate concurring therein:*

"Whereas, the economic prosperity of South Dakota is critically dependent upon the cost, convenience, and quality of transportation services which are required to move agricultural commodities to principal markets; and

"Whereas, a large proportion of agricultural commodity movement is accomplished by railroad transportation; and

"Whereas, scattered, uncoordinated, and unexpected abandonment of railroad trackage in South Dakota seriously threatens the integrity of the transportation service system; and

"Whereas, the Legislature of the state of South Dakota recognizes the need to offer positive alternatives which would preserve basic rail service:

"Now, therefore, be it resolved, by the House of Representatives of the Forty-eighth Legislature of the state of South Dakota, the Senate concurring therein, that the Governor is hereby requested to establish a task force on rail abandonment policy whose term of existence shall continue until July 1, 1974, which task force shall conduct research and prepare a study report including, but not limited to, the following:

"(1) An analysis of past track abandonments, together with an assessment of selected abandonments upon the costs of farming and other businesses in affected communities;

"(2) A discussion of interstate commerce commission policy with respect to rail abandonments, including such criteria and decision rules as the commission currently applies to determine whether or not a given section of track shall be abandoned;

"(3) Proposals for new institutional arrangements which would encourage discussion and maximum exchange of information among carriers and between carriers and state and local governments affected by potential abandonments;

"(4) A review of the powers and authorities of the public utilities commission and other instruments of state government with respect to abandonment procedures;

"(5) A series of recommendations, illustrated by maps or such other material as may be appropriate, setting forth major sections of South Dakota trackage in their order of economic importance; and

"(6) A series of recommendations for change in state or federal statute which would improve the economic viability of a basic railroad transportation system in South Dakota; and

"Be it further resolved, that the Legislature of South Dakota urges the task force on rail abandonment policy to consider the adequacy of rail service and the effects of abandonment upon that service within the context of all other available transportation modes, and that particular attention be given to abandonment of rail routes which are not paralleled by suitable highways; and

"Be it further resolved, that the Legislature of South Dakota urges the Interstate Commerce Commission to adopt a moratorium on rail abandonment until such time as the study requested herein has been completed and until the results of that study have been distributed to the fiftieth legislative session for its full consideration; and

"Be it further resolved, that copies of this Concurrent Resolution be transmitted by the chief clerk of the House of Representatives to the members of the South Dakota Congressional Delegation, to the Interstate Commerce Commission, the United States Secretary of Transportation, the Governor of the state of South Dakota and to the South Dakota Public Utilities Commission.

"Adopted by the House, February 23, 1973.

"Concurred in by the Senate, March 7, 1973."

A concurrent resolution of the Legislature of the State of South Dakota. Referred to the Committee on Interior and Insular Affairs:

"House Concurrent Resolution No. 514

"A concurrent resolution, memorializing the President and Congress of the United States to instruct and direct the Bureau of Reclamation to expeditiously complete the feasibility study of the Wagner Unit of the Pick-Sloan Missouri River Basin Project and to appropriate and authorize funds sufficient to complete construction of the project

"*Be it resolved by the House of Representatives of the State of South Dakota, the Senate concurring therein:*

"Whereas, construction of the Wager Unit of the Lake Andes-Wagner Irrigation District is a practical way to stabilize agriculture and the entire economy and would preserve and enhance the fish and wildlife and recreation values of the area; and

"Whereas, the Bureau of Reclamation initiated a survey of the Wagner Unit in 1959; and

"Whereas, a project evaluation was set forth in a report dated March, 1966; and

"Whereas, the Lake Andes-Wagner Irrigation District composed of 80,000 acres was formed under state law and confirmed by a favorable vote of 93 per cent of the landowners of the area in 1969; and

"Whereas, the Fort Randall Conservancy Sub-district was organized to cover a five county area; and

"Whereas, both the irrigation district and conservancy sub-district have taxing powers sufficient for financial support of the Wagner Unit project; and

"Whereas, the feasibility evaluation appearing in the 1966 report was not complete and reactivation and a new study was begun in 1971; and

"Whereas, the reactivated feasibility study is scheduled for completion in 1975:

"Now, therefore, be it resolved, by the House of Representatives of the Forty-eighth Legislature of the state of South Dakota, the Senate concurring therein, that the President and Congress of the United States be respectfully urged and requested to instruct and direct the Bureau of Reclamation of the Department of the Interior to complete with all possible haste the feasibility study of the Wagner Unit of the Pick-Sloan Missouri River Basin Project and that such report be delivered to the President and the Congress; and

"Be it further resolved, that subsequent to receiving the above report the Congress appropriate and the President authorize with all possible haste funds sufficient to complete construction of the Wagner Unit; and

"Be it further resolved, that copies of this concurrent resolution be transmitted by the chief clerk of the House of Representatives of the state of South Dakota to the offices of the President and Vice President of the United States, the Speaker of the House of Representatives of the United States, the members of the Congressional delegation of the state of South Dakota, the Secretary of the Department of the Interior of the United States and the Governor of the state of South Dakota.

"Adopted by the House, February 27, 1973.

"Concurred in by the Senate, March 14, 1973."

A concurrent resolution of the Legislature of the State of South Dakota. Referred to the Committee on the Judiciary:

"House Concurrent Resolution No. 510

"A concurrent resolution, memorializing the Congress of the United States to propose an appropriate amendment to the Constitution of the United States recognizing the right to life for all unborn children and affording protection for that right or, in the alternative, specifically reserving to the states the power to make and enforce such laws as the states deem fit which would recognize and would afford protection for such right

"*Be it resolved by the House of Representatives of the State of South Dakota, the Senate concurring therein:*

"Whereas, since time immemorial mankind has recognized the inherent sanctity and right to life of unborn children; and

"Whereas, many of the several states, including South Dakota, have, since statehood, made and enforced laws recognizing and enforcing such right, including laws restricting or prohibiting abortion; and

"Whereas, a recent decision by a majority of the United States Supreme Court has failed to give full recognition to this inherent right to life and has rendered invalid the laws of many states, including those of South Dakota, which seek to enforce such right;

"Now, therefore, be it resolved by the House of Representatives of the State of South Dakota, the Senate concurring therein:

To hereby memorialize the Congress to propose, by a two-thirds vote of each house thereof, an amendment to the Constitution of the United States recognizing the right to life for all unborn children and affording protection for that right or, in the alternative, specifically reserving to the states the power to make and enforce such laws as the states deem fit which would recognize and would afford protection for such right, the said amendment which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several states.

"Be it further resolved, that duly certified copies of this Resolution be forthwith transmitted to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each member of Congress from this state.

"Adopted by the House, February 21, 1973.

"Concurred in by the Senate, March 14, 1973."

A joint resolution of the Legislature of the State of Washington. Referred to the Committee on the Judiciary:

"HOUSE JOINT RESOLUTION No. 10

"Be it resolved by the Senate and House of Representatives of the State of Washington in legislative session assembled:

"Whereas, Both Houses at the second session of the Ninety-second Congress of the United States of America by a constitutional majority of two-thirds thereof proposed an amendment to the Constitution of the United States which is in words and figures as follows, to-wit:

" 'JOINT RESOLUTION

" 'Proposing an amendment to the Constitution of the United States relative to equal rights for men and women

" '*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled* (*two-thirds of each House concurring therein*), That the following article is proposed as an amendment to the Constitution of the United States which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

" 'ARTICLE —

" 'SECTION 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

" 'SEC. 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

" 'SEC. 3. This amendment shall take effect two years after the date of ratification.'

"Now, therefore, be it resolved, That said proposed amendment to the Constitution of the United States of America be, and the same is hereby ratified by the legislature of the State of Washington.

"And be it further resolved, That certified copies of this joint resolution be forwarded by the Governor of the State of Washington to the Administrator of General Services, Washington, D.C., and the President of the Senate, and the Speaker of the House of Representatives of the Congress of the United States.

"Passed the House March 9, 1973.

"Passed the Senate March 22, 1973."

A resolution of the Trust Territory of the Pacific Islands. Referred to the Committee on Labor and Public Welfare:

"RESOLUTION No. 39–1973

"A resolution relative to respectively memoralizing and requesting the President of the United States of America and the United States Congress to continue funding the Office of Economic Opportunity

"Whereas, the proposed budget for the operation of the various agencies of the United States Government for fiscal year 1974 submitted to the United States Congress by the President of the United States contains no request for operating funds for the Office of Economic Opportunity; and

"Whereas, the justification that is given for the absence of a budgetary request to fund the Office of Economic Opportunity is that the funding of these programs are to be taken over by the revenue sharing proposals that have been approved by the United States Congress; and

"Whereas, unfortunately, the Trust Territory of the Pacific Islands is not included in the General Revenue Sharing legislation recently passed by the United States Congress, which will have the effect of eliminating these essential programs to the people of Micronesia; and

"Whereas, the people of Micronesia have received great benefits from the various programs that have been sponsored by the Office of Economic Opportunity, and to suddenly have these essential services stopped would create a great deal of confusion among both the local population as well as those persons who are employed for the various CAA's within the Trust Territory; and

"Whereas, in order to avoid the confusion that would result, it is respectfully urged that the funds for the Office of Economic Opportunity be continued;

"Now, therefore, be it resolved by the 4th. Mariana Islands District Legislature that the President of the United States of America and the Congress of the United States be and hereby are respectfully memorialized and requested to continue funding the Office of Economic Opportunity;

"And be it further resolved that the President certify to and the Legislative Secretary attest the adoption hereof and thereafter transmit copies of the same to the President of the United States of America, the President of the United States Senate, the Speaker of the U.S. House of Representatives, and to the Secretary of the U.S. Department of the Interior."

A resolution of the Legislature of the Virgin Islands. Referred to the Committee on Interior and Insular Affairs:

"RESOLUTION No. 670

"To express the support of the Legislature of H.R. 291, calling for a constitutional amendment to permit Guam and the Virgin Islands to participate in the election of President and Vice President of the United States

"Whereas the Virgin Islands' and Guam's Delegates to the United States House of Representatives recently introduced, as their first official actions as members of that body, legislation calling for an amendment to the Constitution of the United States to permit the Virgin Islands and Guam to participate, by membership in the Electoral College, in the election of the President and Vice-President of the United States; and

"Whereas the introduction of this legislation received strong support from many members of the House of Representatives; and

"Whereas it has long been the policy of the United States Virgin Islands to seek not only a greater voice in determining local affairs but also a more active role and greater participation in national affairs which so profoundly affect all of our lives; and

"Whereas permitting Virgin Islanders, as United States citizens, to cast their ballots in the national election for President and Vice-President would be not only extremely logical, but a significant step toward the achievement of greater self-determination for the Virgin Islands and an indication of the coming-of-age of the Virgin Islands as a political entity; and

"Whereas it is the sense of the Legislature that the Congress and President of the United States receive some tangible indication of the position of the Legislature of the Virgin Islands on the question of the Presidential vote for Virgin Islanders; Now, Therefore,

"Be it resolved by the Legislature of the Virgin Islands:

" 'Section 1. That the Legislature of the Virgin Islands hereby expresses its wholehearted and enthusiastic support of the Presidential vote for Virgin Islanders.

" 'Section 2. That copies of this Resolution, immediately upon its passage, be forwarded to the President of the United States, the President of the Senate, the Speaker of the House of Representatives, the Chairmen of the respective Congressional Committees on Interior and Insular Affairs, and the Virgin Islands Delegate to the United States House of Representatives, Washington, D.C.' "

A joint resolution of the Senate of Micronesia. Referred to the Committee on Foreign Relations:

"SENATE JOINT RESOLUTION No. 48

"A Senate joint resolution expressing the sense of the Congress of Micronesia that the people of Roi-Namur should be permitted to return to their island and respectfully requesting the Administering Authority and the United Nations to assure the peaceful and uninterrupted return and resettlement of the said people, to their island and to provide for relief funds for that purpose

"Whereas, the United States Armed Forces have retained and used the island of Roi-Namur for the defense purposes of the United States without having compensated the landowners for the use and occupancy of their land; and

"Whereas, the Roi-Namur landowners have suffered considerable hardship for a long period of time by the loss of their land; and

"Whereas, the United States Government has been breaking its promises to the people of Micronesia regarding the taking of their land and has been most equivocal in any attempt to bring about settlement of the long pending Roi-Namur case; and

"Whereas, the legal assistance to the people of Roi-Namur for these negotiations which was promised and initiated by the High Commissioner has been denied and discontinued by the representatives of the United States Government; and

"Whereas, it now appears that the possibility of fair negotiations for an equitable settlement between the representatives of the people of Roi-Namur and the United States Government is improbable and uncertain, and may entail further unreasonable delays for a long time because of the action of the United States Government to deny legal representation to the people of Roi-Namur; and

"Whereas, such situation has become almost hopeless considering the time which has passed during the last decade and the only remaining desire and hope of the people is to return and find peace and livelihood on their island of Roi-Namur; and

"Whereas, it is almost certain that the involvement of the United Nations in monitoring and assisting in this matter will assure the peaceful and uninterrupted return and resettlement of the people of Roi-Namur; and

"Whereas, in the event the attempt to obtain financial assistance to regain control of their island should prove unsuccessful, the need for appropriate United Nations funds becomes apparent; now, therefore,

"Be it resolved by the Senate of the Fifth Congress of Micronesia, First Regular Session, 1973, the House of Representatives concurring, that it is the sense of the Congress of Micronesia with regard to the case of the people of the Roi-Namur island that:

"(1) it sympathizes with the grievances of the people for the unfair treatment accorded them and the undue inconveiences and burden inflicted upon them for an unreasonable period of time by the United States Government;

(2) it recognizes the legal rights of the people of return to their homeland, the need of the people to rectify the situation by themselves when the hope of fair settlement for the use of their land by the United States Government has been uncertain for a period of more than twenty-five years;

"(3) it supports such justifiable movement on the part of the people to seek peaceful redress by themselves;

"(4) it urges the United States Government to give all possible support and cooperation to make the resettlement of the Roi-Namur people possible and peaceful; and

"Be it further resolved that the United

Nations is respectfully requested to dispatch observers to the scene where and when the resettlement movement is to take place to assure peaceful resettlement of the people on Roi-Namur Island; and

"Be it further resolved that in the event the funds appropriated by this Congress for the purpose of assisting and defraying the cost of resettling the people of Roi-Namur, including cost of building shelters and providing means of subsistence as well as other needs in the process of the resettlement, are not available or made unavailable by action of the Trust Territory Administration, the United Nations or its appropriate agencies are hereby and respectfully requested to give financial assistance in any amount they deem necessary for, at least, the cost of the first year of the resettlement of the people; and

"Be it further resolved that certified copies of this Senate Joint Resolution be forwarded to the High Commissioner of the Trust Territory of the Pacific Islands, Secretary of the Interior, Secretary of Defense, Speaker of the House of Representatives and President of the Senate of the Congress of the United States and President of the Trusteeship Council and the Secretary-General of the United Nations.

"Adopted: February 25, 1973."

A joint resolution of the Congress of Micronesia. Referred to the Committee on Interior and Insular Affairs:

"Senate Joint Resolution No. 38

"A Senate joint resolution expressing the sense of the Congress of Micronesia with regard to certain issues relating to the future political status of Micronesia, and directing the Joint Committee on Future Status to conduct negotiations accordingly

"Whereas, House Joint Resolution No. 102, adopted by the Third Congress of Micronesia, created the Joint Committee on Future Status and gave it authority to negotiate with the United States of America toward the termination of the Trusteeship and the attainment of a new political status for Micronesia, subject to expressions of policies by the Congress of Micronesia; and

"Whereas, the Congress of Micronesia is desirous of expressing the sense of the Congress with regard to certain important issues bearing upon such negotiations; now, therefore,

"Be it resolved by the Senate of the Fifth Congress of Micronesia, First Regular Session, 1973, the House of Representatives concurring, that it is the sense of the Congress that the Trust Territory of the Pacific Islands is one single and indivisible political unit, and the Trusteeship may not be terminated or modified as to one part thereof while another part or parts thereof remain under such Trusteeship; and

"Be it further resolved that it is the sense of the Congress that the Congress of Micronesia, through the Joint Committee on Future Status, is the sole authority in the Trust Territory of the Pacific Islands which is legally authorized and empowered to conduct negotiations with regard to the future political status of the Trust Territory, including all parts thereof, and that the Congress has the sole responsibility to negotiate on behalf of and provide for the future political status of the entire Trust Territory; and

"Be it further resolved that the Joint Committee on Future Status is hereby directed to continue its negotiations with the United States of America based on the guidelines set forth in this Senate Joint Resolution; and

"Be it further resolved that certified copies of this Senate Joint Resolution be transmitted to the Chairman of the Joint Committee on Future Status; to the President's Personal Representative for Micronesian Status Negotiations; to the Secretary-General of the United Nations; to the President of the United Nations Trusteeship Council; to the President of the United Nations Security Council; to the President of the United States; to the President of the United States Senate; to the Speaker of the United States House of Representatives; to the Secretary of the Interior; to the Secretary of State; to the Secretary of Defense; and to the High Commissioner.

"Adopted: February 26, 1973."

A resolution adopted by the Woden PTA Executive Committee, Woden, Tex., relating to films shown on television. Referred to the Committee on Commerce.

A resolution adopted by the Truck Trailer Manufacturers Association, Washington, D.C., expressing opposition to attempts to divert moneys from the highway trust fund. Referred to the Committee on Finance.

A resolution adopted by the parish of Winn, La., police jury, expressing objection to the proposed rebuilding of North Vietnam. Referred to the Committee on Foreign Relations.

A resolution adopted by the St. Landry Parish police jury, Louisiana, expressing opposition to the proposed rebuilding of North Vietnam. Referred to the Committee on Foreign Relations.

A resolution adopted by the St. Mary Policy Jury, Franklin, La., expressing opposition to the proposed rebuilding of North Vietnam. Referred to the Committee on Foreign Relations.

A resolution adopted by the legislature of Rockland County, N.Y., relating to the return of the "Fort Worth Five" to the State of New York for trial. Referred to the Committee on the Judiciary.

A resolution adopted by the Viroqua Kiwanis Club, of Viroqua, Wis., praying for the enactment of legislation to promote the principle of justice for the good of all men. Referred to the Committee on the Judiciary.

A resolution adopted by the Council of the County of Maui, Hawaii, praying for the enactment of legislation to reevaluate the funding for social programs and restore moneys proposed to be deleted. Referred to the Committee on Labor and Public Welfare.

A resolution adopted by the California School Boards Association, relating to nominations. Referred to the Committee on Labor and Public Welfare.

A resolution adopted by the California School Boards Association, praying for the enactment of legislation to extend the funding of Vocational Act Amendments of 1968. Referred to the Committee on Labor and Public Welfare.

A resolution adopted by the Kaiser Foundation Parent-Child Center, Los Angeles, Calif., praying for the reinstatement of the Neighborhood Youth Corps program in the budget. Referred to the Committee on Labor and Public Welfare.

A resolution adopted by the National Association of Regulatory Utility Commissioners, Washington, D.C., praying for the enactment of legislation relating to the construction of a pipeline from Prudhoe Bay through Canada to the United States. Referred to the Committee on Commerce.

A resolution adopted by the National Association of Regulatory Utility Commissioners, Washington, D.C., urging the immediate institution of comprehensive studies relating to the environment. Referred to the Committee on Interior and Insular Affairs.

A resolution adopted by the Commissioners' Court of Maverick County, Tex., expressing appreciation for the passage of revenue-sharing legislation. Ordered to lie on the table.

A resolution adopted by the city council, city of Elizabeth, N.J., urging the Congress to review its policies concerning the production, export and imports of meats and agricultural products. Referred to the Committee on Agriculture and Forestry.

A resolution adopted by the Sacramento County Central Committee of the American Independent Party of the State of California, urging that the control and operation of the Panama Canal be kept in the hands of the United States. Referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PELL from the Committee on Labor and Public Welfare, with an amendment:

S. 795. A bill to amend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes (Rept. No. 93-100).

REPORT ENTITLED "LEGISLATIVE REVIEW ACTIVITIES OF THE COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS"—REPORT OF A COMMITTEE (S. REPT. NO. 93-99)

Mr. SPARKMAN, from the Committee on Banking, Housing and Urban Affairs, submitted a report entitled "Legislative Review Activities of the Committee on Banking, Housing and Urban Affairs," which was ordered to be printed.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. FULBRIGHT:

S. 1443. A bill to authorize the furnishing of defense articles and services to foreign countries and international organizations. Referred to the Committee on Foreign Relations.

By Mr. HOLLINGS:

S. 1444. A bill to provide for a comprehensive national program of earthquake monitoring, research and engineering in order to reduce loss of life and property; to provide for studies leading to earthquake prediction and control; and for other purposes. Referred to the Committee on Commerce.

By Mr. DOMINICK (for himself and Mr. HASKELL):

S. 1445. A bill to provide for the striking of medals in commemoration of the 100th anniversary of the statehood of Colorado. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. JAVITS (for himself, Mr. DOMINICK, Mr. SCHWEIKER, and Mr. BEALL):

S. 1446. A bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to assure the safety and effectiveness of medical devices. Referred to the Committee on Labor and Public Welfare.

By Mr. MATHIAS:

S. 1447. A bill for the relief of Rosa Miriam Alvarado; and

S. 1448. A bill for the relief of Lynne B. MacDonald. Referred to the Committee on the Judiciary.

By Mr. JAVITS (for himself and Mr. BUCKLEY):

S. 1449. A bill to eliminate racketeering in the sale and distribution of cigarettes, and for other purposes. Referred to the Committee on Commerce.

By Mr. JAVITS (by request):

S. 1450. A bill to consolidate and extend the authorizations for appropriations for assistance to medical libraries, to repeal provisions for assistance for construction of facilities and for grants for training in medical library sciences, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. JAVITS (for himself, Mr. SCOTT of Pennsylvania, and Mr. DOMINICK):

S. 1451. A bill to amend the Federal Food, Drug, and Cosmetic Act to require the disclosure of ingredients on the labels of all foods. Referred to the Committee on Labor and Public Welfare.

By Mr. HARRY F. BYRD, JR.:

S. 1452. A bill to prohibit Department of Defense funds from being used for the purpose of providing assistance to or on behalf of North Vietnam. Referred to the Committee on Armed Services.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FULBRIGHT:

S. 1443. A bill to authorize the furnishing of defense articles and services to foreign countries and international organizations. Referred to the Committee on Foreign Relations.

A BILL TO REVISE THE FOREIGN MILITARY AID AND SALES PROGRAM

Mr. FULBRIGHT. Mr. President, 26 years ago, with the Greek-Turkish aid program, the United States began a program of economic and military aid whose purpose was to contain communism and promote the growth of democracy around the world. The report of the Foreign Relations Committee on the 1948 Greek-Turkish aid bill stated that—

> The primary purpose of the assistance proposed to be rendered under the bill is to enable the peoples of Greece and Turkey to retain their freedom to decide for themselves what the form and composition of their governments are to be.

The results in Greece, whose people are controlled by a military dictatorship, leave something to be desired. It is an appropriate benchmark for evaluating the entire military aid program.

Today the problem is not the fall of friendly dominoes to communism but their fall to military rule. Totalitarianism of the right should be as offensive to Washington as totalitarianism of the left. But the major recipients of our military aid—Korea, Thailand, the Philippines, Greece, and Taiwan are hardly paragons of democratic government. Yet, the lexicon of the military aid program they are all "free world" countries—our kind of folks.

The world of a quarter of a century ago, which spawned the military aid program, bears little relations to the world of today. The cold war is over. Yet the policies of that era linger on in the military aid program. It is time to wipe out this relic of the past. The bill I am introducing today will give it a fitting burial.

For many years reports by the Committee on Foreign Relations have been replete with criticism of both the economic and military aid programs. Each year the committee has nibbled at the fringes of foreign aid policy but to date has failed to bring about significant changes. As long ago as 1965, the committee voted to liquidate the existing program and proposed machinery for coming up with a new approach to foreign aid. That effort, like so many others since, was unacceptable to the House. In report after report on foreign aid legislation the committee has called for a new look for foreign aid.

In 1968 it said:

> The committee is persuaded that the United States cannot longer postpone giving priority to putting its own house in order. Over both the foreign and domestic problems of the United States hang the fiscal and balance-of-payments crises which have been alleviated but not solved, and which fundamentally result from overcommitment, both at home and abroad, and from efforts to spread available resources too thinly.

In 1969 the committee again warned:

> The future of foreign aid is bleak indeed until a new program can be developed which will command greater respect and support, both with the public and the Congress, than the current program commands.

In the last year and a half the Senate has rejected two foreign aid bills. No foreign military aid authorization bill was enacted for the current fiscal year. The bill reported by the committee on March 14 lies dead on the calendar because the executive branch succeeded in getting Congress to provide the money for the foreign aid program although no regular authorization or appropriation bills were passed. And this notwithstanding a provision of law which states that appropriations for foreign aid cannot be spent unless there is a valid authorization. The aid program—like old man river—keeps on rolling along. It is a prime example of the difficulty of eliminating a Government program, no matter how outdated by time and events.

Following the Senate's defeat of the foreign aid bill in 1971, the committee reported two bills separating military from economic aid. Each bill stated that it was an interim measure which "looks to the phaseout of the current program and to establishment of a new one which will command the respect and the support of Congress and the American people." I hope the bill I am introducing today will merit that support.

By the end of this fiscal year, the U.S. taxpayers will have provided $180 billion in assistance to foreign countries since the end of World War II, $80 billion of that in military and related aid. That flow of military aid will continue unless Congress acts to make the nations of the world look to their own resources—not to the United States—for the setting of their defense priorities. Too many nations around the world have become overly dependent on the largesse of the American people.

In his inaugural the President said that—

> The time has passed when America will make every other nation's conflict our own, or make every other nation's future our responsibility, or presume to tell the people of other nations how to manage their own affairs. * * * So let us encourage individuals at home and nations abroad to do more for themselves.

That, I understand, is the basic thesis of the Nixon doctrine.

In the Foreign Relations Committee's report on the first aid to Korea bill, in 1949, the committee said:

> No country desires to be dependent on others permanently, and our aim in South Korea should be to assist it to stand on its own feet economically. With such assistance South Korea will eventually eliminate the necessity for all outside help. Finally, our aid should make it possible for the South Koreans to * * * retain their free elections, and preserve the freedom and dignity of the individual so dear and fundamental to democratic people everywhere.

But in Korea, with one-man rule 20 years after the end of the war there, we still maintain 40,000 troops at a cost of $600 million annually. In addition, we pay out $150 million or more a year for the South Korean Armed Forces. This is a country with an army far larger than, and a population twice that of North Korea. Thanks to American generosity, South Korea spends only 4 percent of its GNP on defense, compared with 16 percent for North Korea, which fiercely maintains its independence from both China and the Soviet Union. Perhaps if we had not been so willing to underwrite South Korea's military forces all these years, South and North would have reached some type of political accommodation. It is quite possible that our presence and our aid have served to prevent the very goal we profess to seek.

Now it appears that in South Vietnam executive branch officials are planning a rerun of the Korean experience, minus U.S. uniformed forces, but plus thousands of civilian technicians and advisors. Once we get our hands on a client state—and they on us—both seem to find it impossible to let go. If the South Vietnamese Government is ever going to be able to compete politically with the Communists, the United States must pry loose the Thieu government's hold on Uncle Sam's coattails and checkbook. But probably neither our Government nor the Thieu government have learned that lesson from this tragic war.

Sixty-five percent of our administrative budget goes for war-related expenses. Seven percent of our wealth at best, is spent for military purposes. And some $5 billion per year is spent on military and related foreign aid. Contrast this with Japan which spends less than 1 percent of GNP for military purposes and has no military aid clients. Our NATO allies spend, on the average, about 4 percent of GNP for defense while the cost of U.S. forces committed to NATO now runs about $17 billion a year. Wherever you look the rich nations expect the United States to subsidize their defense. For example, why cannot our prosperous NATO allies, instead of the American taxpayer, support Turkey's armed forces, or pay for the rental of Britain's naval base at Malta. It is, I fear, only because of the American Government's long standing habit of reaching for the check.

The Peterson Commission report put the problem this way:

> The United States now devotes seven of its GNP for defense expenditures. In part, these security responsibilities make it possible for our allies to spend less themselves on military security. As a group, their defense expenditures as a percentage of GNP are perhaps half those of the United States.

Only recently the Greek Government said that it no longer wanted any U.S. military grant aid after they learned that it would soon be phased out. But their decision came only after our Navy began homeporting many ships there—a decision which will earn Greece more dollars than the value of our grant aid, hardly the way to cut down the expense to the American taxpayer.

It is the same story wherever you look. On Taiwan we continue to funnel tens of millions of the taxpayers' money into Chiang Kai-shek's military establishment, long after the policy justifying that aid was abandoned. Even though the old policy has been discarded, its manifestations live on in the form of a 165-man U.S. military advisory mission on Taiwan and a $103 million program of military grants and credit sales this fiscal year. Once the door to our Treasury is opened to a foreign government, it is difficult to close it.

Mr. President, the United States' financial house is in disorder, largely due to the accumulated effects of many years of overcommitment abroad. Our Government's zealous determination to control and shape the destinies of much of the world has brought our Nation to a state of financial exhaustion. Since 1965, the Federal debt has increased by $150 billion, interest on the national debt has doubled, the defense budget is up by 50 percent and the cost of living by 36 percent. The statistical picture is bleak.

For too many years we have lived beyond our means abroad, maintaining vast military forces and bases, lending and giving away our resources, and watching complacently while those we aided seized our markets. The $50-billion balance-of-payments deficit our Nation has incurred over the last 3 years is directly related to overcommitment abroad and the lessening of world confidence in the United States' ability to put its house in order. Military operations abroad alone account for a $5-billion drain each year on our balance of payments. Two years ago we ran a $2-billion trade deficit, the first time in this century. Last year that deficit rose to $6.4 billion.

Dollar holdings of foreigners now total over $80 billion and our official reserves are less than $14 billion. One columnist, close to the President, recently wrote that—

> There are now $12 billion of Arab oil money sloshing about on the world money market, like an excess of bilge in the hold of an unstable ship. By the same estimates, this figure will reach $36 billion in three more years!

Unless we restore the integrity of the dollar, these excess dollars will in future years be a mightier weapon against our country than any army, air force, or navy. Revamping the military aid program will be one small step to stem this outflow.

The bill I am introducing today will phase out military grant assistance over a 2-year period and permit loans on concessional terms for the countries being phased out. It would thus implement the philosophy expressed in the Peterson Commission report that—

> More should be done to enable these countries to estimate their own requirements, to relate them to their budgetary priorities, and to make their military decisions in the light of available resources * * * moving military assistance from a grant to a credit basis also will serve this purpose. Unlike military grants, military credits are subject to the budgetary discipline of the receiving country.

To insure this budgetary discipline during the phase-out period, the bill requires a 50-percent payment in foreign currency for grant aid, which will be available to meet U.S. expenditures within the country. The United States is now spending dollars at the rate of $375 million a year in the 10 countries which are the top recipients of military grant aid. This year those countries will receive $580 million in military grant aid, including excess arms and equipment. The new bill thus requires true burden sharing which, we are told, is the basic meaning of the Nixon doctrine.

In the committee's report on the 1947 Greek-Turkish aid bill, it was stated that—

> Testimony heard by the Committee indicated that the military mission to Greece would probably not exceed 40 and the naval mission would probably be less than 30.

A quarter of a century later we still have 54 Americans there as military advisers in addition to many attachés. In all, there are some 2,300 U.S. military advisers assigned to aid missions in 47 countries around the world, including countries like France, Germany, Denmark, where military grant aid ended years ago.

My bill would phase out all military aid missions over a 2-year period and, in the interim, require that a foreign country pay 50 percent of the operating costs of the mission. This also implements a recommendation of the Peterson Commission that—

> U.S. military missions and advisory groups should be consolidated with other elements in our overseas mission as soon as possible.

The Foreign Relations Committee endorsed this position 2 years ago. These missions, in most cases, are lingering vestiges of the cold war and a soft tour of duty for officers before retirement.

The bill also ends funding of military aid to Vietnam and Laos from the defense budget, as the committee has recommended since 1971. Now that U.S. involvement in the hostilities has formally ended, there is no reason to treat these two countries any differently from other aid recipients.

The bill also requires that all transfers of naval vessels be under the authority of the new act, ending the existing practice where ships could be furnished to foreign governments under a number of different authorities, carrying out a recent recommendation by the General Accounting Office.

As to surplus arms and equipment, the bill requires that this material be used to the maximum extent possible to save U.S. tax dollars and stop the abuses revealed in a recent General Accounting Office study of this program.

Military credit sales to the underdeveloped countries would be financed to the maximum extent possible through the guaranty of commercial bank loans, thus cutting down on the amount of tax dollars tied up on loans. The prohibition on Export-Import Bank loans to finance arms sales to the developing countries would be removed. But Export-Import loans could not be covered under the guaranty program, the Bank's normal credit criteria would still apply. A fixed ceiling would continue on total credit sales allowed to these countries as under existing law. Interest rates on direct loans, other than those for the phaseout grant recipients, would be at the rate charged by the Export-Import Bank for comparable loans.

I wish to emphasize that the ultimate objective of this bill is to get the State and Defense Departments out of the arms sales business and get these transactions back to a free enterprise, commercial basis, where they belong.

This bill also authorizes all grant aid and supporting assistance on a country-by-country basis, thus ending the situation where the President had complete freedom to allocate the lump sums Congress provided.

I point out, however, that the bill does not include supporting assistance or military aid for the nations of Indochina. It would be premature for Congress to authorize any additional foreign aid for these countries since the President has not submitted his recommendations for postwar programs in that area. It would, however, permit continued delivery of aid in the pipeline and Public Law 480 food aid.

The Secretary of State's control over military aid and sales matters is enhanced by providing that appropriations be made directly to him.

The bill completely rewrites the Foreign Military Sales Act and the military aid and supporting assistance provisions of the Foreign Assistance Act. It is possible that in merging the authority for the grant aid and the sales authority, additional administrative provisions may be needed other than those included in the new bill. If so, the committee will be glad to consider any changes that the executive branch deems necessary.

The authorization for military grant assistance proposed for fiscal year 1974 by this bill is $250 million, which, after deduction of the 50 percent foreign currency payment requirements, means a cost of $125 million to the taxpayer. A separate item of $25 million is included for military training. These compare with the administration's budget request of $685 million, a reduction of $535 million. Additional savings will come from the foreign currency payments received for excess defense articles.

For military credit sales, the bill authorizes $200 million, a reduction of $325 million from the budget request. Eighty million dollars for supporting assistance is authorized. But, as stated, this does not include funds for Indochina which will be dealt with in separate legislation. This is a reduction of $652 million from the budget request for supporting assistance. The total reduction from the budget requests for these programs comes to $1.512 billion. When military aid for Vietnam, Cambodia, and Laos are considered later, in connection with proposals for reconstruction, additional savings can be anticipated from the amount budgeted.

I ask unanimous consent that the text of the bill, a comparative table, and a section-by-section analysis be printed in the RECORD after my remarks. Hearings will be scheduled on the bill in the near future.

A bill to revise the economic aid program is now being drafted and will be introduced as soon as possible.

Mr. President, in recent months many Members of this body have expressed their concern over the growth in the power of the President over foreign policy. There has been much talk, but all too little action, about restoring the Senate's proper role in the formation of foreign policy. The Senate, and Congress as an institution, has power to make policy—foreign or domestic—only to the extent it is willing to use it. But politicians feel far more comfortable passing the buck than in taking the initiative. Thus, if Congress is contemptible in the President's eyes, it is largely because it is deserving of contempt. But if Congress is to regain its role as the fundamental source of national policy, as the Founding Fathers intended it must assume the responsibility and free itself from subservience to the Pentagon and the White House, which have controlled its actions since World War II. It must have the courage to take the initiative in matters like foreign aid. If not, the initiative and the control will forever remain with the President.

I hope that the Senate will demonstrate that on military aid policy it has the will, as well as desire, to chart a new course, one which is geared both to the realities of the world today and the depleted state of our national pocketbook.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 1443

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act, divided into parts, chapters, and sections according to the following table of contents, may be cited as the "Foreign Military Sales and Assistance Act":

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PART I—GENERAL PROVISIONS

Chapter 1.—Coordination; Definitions; Certain Authorizations; Eligibility

COORDINATION

SEC. 101. (a) Under the direction of the President, the Secretary of State shall be responsible for the direction and continuous supervision in carrying out the provisions of this Act. The responsibilities of the Secretary shall include, but not be limited to, determining whether sales, credit sales, or guaranties shall be made and other assistance (and the kind thereof) shall be provided a foreign country or international organization under this Act, and, if so, the amount or value thereof.

(b) The President shall prescribe appropriate procedures to assure effective direction and control by the Chief of the United States Diplomatic Mission in each country with respect to all activities and programs carried out under this Act within that country. The Chief of the Diplomatic Mission shall insure that sales, credit sales, and guaranties made and other assistance provided under this Act are coordinated with political and economic considerations, and he shall be responsible for the submission of all recommendations pertaining to such sales, credit sales, guaranties, and other assistance in that country.

DEFINITIONS

SEC. 102. For purposes of this Act—

(1) "agency of the United States Government" includes any agency, department, board, wholly or partly owned corporation, instrumentality, commission, or establishment of the United States Government;

(2) "armed forces" of the United States means the Army, Navy, Air Force, Marine Corps, and Coast Guard;

(3) "commodity" includes any material, article, supply, goods, or equipment furnished for nonmilitary purposes;

(4) "defense article" includes—

(A) any weapon, weapons system, munition, aircraft, vessel, boat, or other implement of war;

(B) any property, installation, commodity, material, equipment, supply, or goods furnished for military purposes;

(C) any machinery, facility, tool, material, supply, or other item necessary for the manufacture, production, processing, repair, servicing, storage, construction, transportation, operation, or use of any article listed in this subsection; or

(D) any component or part of any article listed in this subsection; but shall not include merchant vessels or, as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011), source material, byproduct material, special nuclear material, production facilities, utilization facilities, or atomic weapons or articles involving restricted data;

(5) "defense information" includes any document, writing, sketch, photograph, plan, model, specification, design, prototype, or other recorded or oral information relating to any defense article or defense service, but shall not include restricted data as defined by the Atomic Energy Act of 1954, as amended, and data removed from the restricted data category under section 142d of that Act;

(6) "defense service" includes military training, and any service, test, inspection, repair, publication, or technical or other assistance, or defense information furnished for military purposes;

(7) "excess defense articles" means the quantity of defense articles owned by the United States Government, and not procured in anticipation of military assistance or sales requirements, or pursuant to a military assistance or sales order, which are excess to the needs of the Department of Defense for other than military assistance purposes at the time such articles are dropped from inventory by the supplying agency for delivery to countries or international organizations under this Act;

(8) "function" includes any duty, obligation, power, authority, responsibility, right, privilege, discretion, or activity;

(9) "military training" includes formal or informal instruction, for military purposes, of foreign students by officers or employees of the United States, contract technicians, contractors (including instruction at civilian institutions), or by correspondence courses, technical, educational, or information publications and media of all kinds, training aid, orientation, training exercise, and military advice to foreign military units and forces;

(10) "officer or employee" means civilian personnel and members of the Armed Forces of the United States Government;

(11) "services" include any service, repair, training of personnel, or technical or other assistance or information furnished for nonmilitary purposes;

(12) "surplus agricultural commodity" means any agricultural commodity or product thereof, class, kind, type, or other specification thereof, produced in the United States either publicly or privately owned, which is in excess of domestic requirements, adequate carryover, and anticipated exports for United States dollars, as determined by the Secretary of Agriculture; and

(13) "value" means—

(A) with respect to an excess defense article, the actual value of the article, but not less than 33⅓ percent of the amount of the United States paid at the time the defense article was acquired by the United States;

(B) with respect to a nonexcess defense article delivered from inventory to foreign countries or international organizations under this Act, the acquisition cost to the United States Government, adjusted as appropriate for condition and market value, plus a proportional share of the administrative expenses incurred by the United States Government in supplying such article;

(C) with respect to a nonexcess defense article delivered from new procurement to foreign countries or international organizations under this Act, the contract or production costs of such article plus a proportional share of the administrative expenses incurred by the United States Government, in supplying such article; and

(D) with respect to a defense service, the cost to the United States Government of such service plus a proportional share of the administrative expenses incurred by the United States in providing that service.

PRIOR AUTHORIZATION

SEC. 103. (a) Notwithstanding any provision of law enacted before the effective date of this Act, no money appropriated to carry out any provision of part II or part III of this Act shall be available for obligation or expenditure—

(1) unless the appropriation thereof has been previously authorized by law; or

(2) in excess of an amount previously prescribed by law.

(b) To the extent that legislation enacted after the making of an appropriation to carry out any provision of part II or part III of this Act authorizes the obligation or expenditure thereof, the limitation contained in subsection (a) shall have no effect.

(c) The provisions of this section shall not be superseded except by a provision of law enacted after the date of enactment of this subsection which specifically repeals or modifies the provisions of this section.

(d) The provisions of this section shall not apply to, or affect in any manner permanent appropriations, trust funds, and other similar accounts administered as authorized by law.

AUTHORIZATIONS FOR LAOS AND SOUTH VIETNAM

SEC. 104. After June 30, 1973, no sale, credit sale, or guaranty of any defense article or defense service shall be made, or any military assistance, including supporting assistance, furnished to Laos or South Vietnam directly or through any other foreign country unless that sale, credit sale, or guaranty is made under, or such assistance is furnished under this Act. The provisions of this section shall not apply to funds obligated prior to July 1, 1973.

ELIGIBILITY

SEC. 105. (a) No defense article may be furnished to any foreign country under this Act unless that country shall have agreed that—

(1) it will not, without the consent of the President—

(A) permit any use of such article by anyone not an officer, employee, or agent of that country;

(B) transfer, or permit any officer, employee, or agent of that country to transfer such article by gift, sale, or otherwise; and

(C) use or permit the use of such article for purposes other than those for which furnished; and

(2) it will maintain the security of such article, and will provide substantially the same degree of security protection afforded to such article by the United States Government.

(b) In considering a request for approval of any transfer of a defense article to another country, the President shall not give his consent to the transfer unless (1) the United States itself would transfer the defense article under consideration to that country, and (2) prior to the date he intends to give his consent to the transfer, the President notifies the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate in writing of each such intended consent, the justification for giving such consent, the defense article for which he intends to give his consent to be so transferred, and the foreign country to which that defense article is to be transferred.

(c) The President shall not give his consent to the transfer of any weapon, weapons system, munition, aircraft, military boat, military vessel, or other implement of war unless (1) the foreign country requesting consent to transfer agrees to demilitarize such defense article prior to transfer, or (2) the proposed recipient foreign country provides a commitment in writing to the United States Government that it will not transfer such defense article, if not demilitarized, to any other foreign country or person without first obtaining the consent of the President.

PART II.—MILITARY SALES, CREDIT SALES, AND GUARANTIES

Chapter 11.—Authorizations

REDUCTION IN GOVERNMENT PARTICIPATION

SEC. 1101. In order to reduce the role of the United States Government in the furnishing of defense articles and defense services to foreign countries and international organizations, and return such transactions to commercial channels, the United States Government shall reduce its sales, credit sales, and guarantees of such articles and defense services as soon as, and to the maximum extent, practicable.

CASH SALES FROM STOCK

SEC. 1102. The President may sell defense articles from the stocks of the Department of Defense and defense services of the Department of Defense to any foreign country or international organization if such country or international organization agrees to pay not less than the value thereof in United States dollars. Payment shall be made in advance or, as determined by the President to be in the best interests of the United States, within a reasonable period not to exceed one hundred and twenty days after the delivery of the defense articles or the rendering of the defense services.

PROCUREMENT FOR CASH SALES

SEC. 1103. (a) Except as otherwise provided in this section, the President may, without requirement for charge to any appropriation or contract authorization otherwise provided, enter into contracts for the procurement of defense articles or defense services for sale for United States dollars to any foreign country or international organization if such country or international organization provides the United States Government with a dependable undertaking (1) to pay the full amount of such contract which will assure the United States Government against any loss on the contract, (2) to make funds available in such amounts and at such times as may be required to meet the payments required by the contract, and any damages and costs that may accrue from the cancellation of such contract, in advance of the time such payments, damages, or costs are due, and (3) to pay the United States Government an amount equal to the administrative costs incurred by the Government in procuring such defense articles and defense services under this section.

(b) The President may, when he determines it to be in the national interest, accept a dependable undertaking of a foreign country or international organization with respect to any such sale, to make full payment within one hundred and twenty days after delivery of the defense articles, or the rendering of the defense services. Appropriations available to the Department of Defense may be used to meet the payments required by the contracts for the procurement of defense articles and defense services and shall be reimbursed by the amounts subsequently received from the country or international organization to whom articles or services are sold.

(c) No sales of defense articles shall be made to the government of any economically developed country under the provisions of this section unless such articles are not generally available for purchase by such country from commercial sources in the United States.

CREDIT SALES

SEC. 1104. (a) Except to the extent otherwise provided in this section, the President is authorized to finance procurements of defense articles and defense services by less-developed foreign countries and international organizations on terms requiring the payment of the United States Government in United States dollars of—

(1) the value of such articles or services within a period not to exceed 10 years after the delivery of such articles or the rendering of such services; and

(2) interest, on the unpaid balance of that obligation for payment of the value of such articles or services, at a rate equivalent to the current average interest rate, as of the last day of the month preceding the financing of such procurement, that (A) the Export-Import Bank of the United States charges for obligations of similar purposes and comparable maturities or (B) the United States Government pays on * * * marketable obligations of comparable maturity, whichever is greater.

(b)(1) For the period from July 1, 1973, through June 30, 1975, the President is authorized to finance such procurements by any foreign country receiving defense articles and defense services during fiscal year 1973 under the Foreign Assistance Act of 1961 on terms providing for the payment of the value of such articles or services in the currency of that country and without the payment of any interest. The total amount of procurements by a foreign country financed under this paragraph shall not exceed in any fiscal year the total amount of such articles and services (other than military training) furnished that country under chapter 2 of part II of that Act during fiscal year 1973.

(2) For the period from July 1, 1975, through June 30, 1978, the President is authorized to finance procurements by any foreign country receiving defense articles or defense services during fiscal year 1973 under the Foreign Assistance Act of 1961, on terms providing for the payment, in the currency of the country (to the extent that the President determines that payment in that currency is needed to pay for all official costs of the United States Government payable in the currency of that country, including all costs relating to the financing of international educational and cultural exchange activities in which that country participates under the programs authorized by the Mutual Educational and Cultural Exchange Act of 1961), (A) of the value of such articles and services but not to exceed the amount of such articles and services for military training furnished that country in fiscal year 1973 under chapter 2 of part II of the Foreign Assistance Act of 1961, and (B) at a rate of interest of not less than 3 percent a year.

GUARANTIES

SEC. 1105. (a) The President may guarantee any individual, corporation, partnership, or other judicial entity doing business in the United States (excluding United States Government agencies) against political and credit risks of nonpayment arising out of their financing of credit sales of defense articles and defense services to less-developed foreign countries and international organizations. Guaranties shall be made under this section whenever possible rather than credit sales under section 1103 of this Act, in order to minimize outlays by the United States Government in carrying out this part. Fees shall be charged for such guaranties.

(b) The President may sell to any individual, corporation, partnership , or other juridical entity (excluding United States Government agencies) promissory notes issued by less-developed foreign countries and international organizations as evidence of their obligations to make repayments to the United States on account of credit sales financed under section 1104 of this Act, and may guarantee payment thereof.

(c) Funds made available under section 1106 of this Act shall be obligated in an amount equal to 25 percent of the contractual liability related to any guaranty issued under this section, and all the funds so obligated shall constitute a single reserve for the payment of claims under such guaranties. Any funds so obligated which are deobligated from time to time during any current fiscal year as being in excess of the amount necessary to maintain a fractional reserve of 25 percent of the contractual liability under outstanding guaranties shall be transferred to the general fund of the Treasury. Any guaranties issued hereunder shall be backed by the full faith and credit of the United States.

AUTHORIZATION OF APPROPRIATIONS

SEC. 1106. There are authorized to be appropriated to the Secretary of State to carry out this part not to exceed $200,000,000 for the fiscal year 1974.

Chapter 13.—Ceilings

AGGREGATE CEILINGS

SEC. 1301. The aggregate total of credits, or participations in credits, extended pursuant to this part (excluding credits covered by guaranties issued under section 1105(b) of this Act), the face amount of guaranties issued under section 1105 (a) and (b) of this Act, and the amount of assistance extended by the Export-Import Bank of the United States to finance sales of defense articles and defense services to less developed countries shall not exceed $700,000,000 for the fiscal year 1974, of which amount not less than $300,000,000 shall be available to Israel only.

REGIONAL CEILINGS

SEC. 1302. (a) The aggregate of the total amount of military assistance under part II of this Act, of cash sales pursuant to sections 1102 and 1103 of this Act, of credits, or participation in credit , financed under section 1105(b) of this Act, of the face amount of contracts of guaranty issued under section 1105 (a) and (b) of this Act, and of transfers of vessels and boats under this Act, shall, excluding training, not to exceed $150,000,000 in each fiscal year for Latin American countries.

(b) The aggregate of the total amount of military assistance under part II of this Act, of cash sales under sections 1102 and 1103 of this Act, of credits, or participations in credits, financed under section 1104 of this Act (excluding credits covered by guaranties issued under section 1105(b) of this Act, and of the face amount of contracts or guaranty issued under section 1105 (a) and (b) of this Act, shall, excluding training, not exceed $40,000,000 in each fiscal year for African countries.

Chapter 15.—Administrative and Fiscal Provisions

PAYMENTS RECEIVED

SEC. 1501. (a) Cash payments received under sections 1102 and 1103 of this Act and advances received under section 1104 of this Act shall be available solely for payments to suppliers (including the military departments) and refunds to purchasers and shall not be available for financing credits and guaranties.

(b) Amounts received from foreign governments and international organizations as repayments for credits extended under section 1104 of this Act, amounts received from the disposition of instruments evidencing indebtedness, and other collections (including fees and interests) shall be transferred to the miscellaneous receipts of the Treasury.

CREDIT STANDARDS

SEC. 1502. The President shall establish standards and criteria for credit and guaranty transactions under sections 1104 and 1105 of this Act in accordance with the provisions of this Act.

PART III—MILITARY ASSISTANCE

Chapter 21.—Military Grant Assistance

GENERAL AUTHORITY

SEC. 2101. From July 1, 1973, through June 30, 1975, the President is authorized to furnish military grant assistance under this chapter on such terms and conditions as he may determine to any foreign country which is otherwise eligible to receive such assistance, by—

(1) acquiring from any source and providing any defense article or defense service (other than military training); and

(2) assigning or detailing members of the Armed Forces of the United States and other personnel of the Department of Defense to United States missions in foreign countries to perform duties of a noncombatant nature in carrying out duties (other than military training) in carrying out the provisions of this Act.

TERMINATION OF AUTHORITY

SEC. 2102. (a) The President shall gradually reduce assistance provided under this chapter so that, by not later than June 30, 1975, no assistance shall be provided under this chapter.

(b) The provision of subsection (a) of this section shall not apply to funds obligated prior to July 1, 1975.

AUTHORIZATION OF APPROPRIATIONS

SEC. 2103. There are authorized to be appropriated to the Secretary of State to carry out this chapter, not to exceed $250,000,000 for fiscal year 1974, which sum shall be allocated and made available to or for each of the following foreign countries and not in excess of the amount specified for that country:

Country:	*Amount*
(1) Republic of Korea	$110, 000, 000
(2) Turkey	46, 000, 000
(3) Thailand	31, 000, 000
(4) Jordan	27, 000, 000
(5) Philippines	12, 000, 000
(6) Indonesia	12, 000, 000
(7) Ethiopa	7, 500, 000
(8) Spain	5, 000, 000

CONDITIONS OF ELIGIBILITY

SEC. 2104. (a) In addition to the provisions of section 105 of this Act, and such other provisions as the President may require, no defense article shall be furnished to any foreign country under this chapter unless that country shall have agreed that—

(1) it will, as the President may require, permit continuous observation and review by, and furnish necessary information to, representatives of the United States Government with regard to the use of any such article;

(2) unless the President consents to other disposition, it will return to the United States Government for such use or disposition as the President considers in the best interests of the United States, such article which is no longer needed for the purpose for which furnished; and

(3) any funds received by that country in disposing of any weapon, weapons system, munition, aircraft, military boat, military vessel, or other implement of war received under this chapter, will be paid to the United States Government and shall be available to pay all official costs of the United States Government payable in the currency of that country, including all costs relating to the financing of international educational and cultural exchange activities in which that country participates under the programs authorized by the Mutual Educational and Cultural Exchange Act of 1961.

(b) Any foreign country which hereafter uses defense articles or defense services furnished such country under this Act, the Mutual Security Act of 1954, as amended, or any predecessor foreign assistance Act, in substantial violation of the provisions of this chapter or any agreements entered into under any of such Acts shall be immediately ineligible for further assistance.

EXCESS DEFENSE ARTICLES

SEC. 2105. (a) The value of any excess defense article furnished to a foreign country or international organization by any agency of the United States Government shall be considered to be an expenditure made from funds appropriated under section 2103 of this Act. Unless such agency certifies to the Comptroller General of the United States that the excess defense article it is ordering is not to be transferred by any means to a foreign country or international organization, when an order is placed for a defense article whose stock status is excess at the time ordered, a sum equal to the value thereof shall (1) be reserved and transferred to a suspense account, (2) remain in the suspense account until the excess defense article is either delivered to a foreign country or international organization or the order therefor is canceled, and (3) be transferred from the suspense account to (A) the general fund of the Treasury upon delivery of such article or (B) to the appropriation made under section 2103 of this Act for the current fiscal year upon cancellation of the order. Such sum shall be transferred to the appropriation made under section 2103 of this Act for the current fiscal year, upon delivery such article, if at the time of delivery the stock status of the article is determined, in accordance with section 102(7) and (13) of this Act to be nonexcess.

(b) Excess defense articles shall be provided whenever possible rather than providing such articles by the procurement of new items.

SPECIAL MILITARY GRANT ASSISTANCE ACCOUNTS

SEC. 2106. (a) Except as otherwise provided in this section no military grant assistance shall be furnished under this chapter to a foreign country unless the country agrees—

(1) to deposit in a special account established by the United States Government the following amounts of currency of that country:

(A) in the case of any excess defense article to be given to that country, an amount equal to 50 percent of the fair value of the article, as determined by the Secretary of State, at the time agreement to give the article to the country is made; and

(B) in the case of a grant of military assistance to be made to that country, an amount equal to 50 percent of each such grant; and

(2) to allow the United States Government to use such amounts from that special account as may be determined, from time to time, by the President to be necessary to pay all official costs of the United States Government payable in the currency of that country, including all costs relating to the financing of international educational and cultural exchange activities in which that country participates under the programs authorized by the Mutual Educational and Cultural Exchange Act of 1961.

(b) The provisions of this section shall not apply in any case in which military grant assistance is furnished to a foreign country under an agreement with that country which allows the United States Government to operate a military or other similar base in that country in exchange for that grant assistance, if the Senate has given its advice and consent to such agreement.

(c) If a special account is established for that foreign country under section 2303 of this Act, any currencies in that account shall be transferred to and consolidated with the special account established under such section 2303. The special account of that country shall thereupon be closed. Any currencies that would be placed in the special account established under this section for that country, but for the enactment of this subsection, shall be deposited directly in the special account of that country established under such section 2303. If a special account has been established for a foreign country under such section 2303 prior to establishing a special account under this section, then any currencies that would have been deposited, but for the enactment of this subsection, in the account established under this section, shall be deposited directly into the account established under such section 2303.

MILITARY ASSISTANCE INFORMATION

SEC. 2107. Notwithstanding any other provision of law, that portion of any record showing the name of any foreign country or international organization and the amount of military assistance intended to be provided, or that has been provided, by the United States to such country or organization for any fiscal year under this or any other law shall be made available to the public, and that portion of the record shall not be withheld from public disclosure by designating such record as classified information.

SPECIAL MILITARY ASSISTANCE REPORT

SEC. 2108. Not later than January 31, 1974, the President shall transmit to Congress a report on all military assistance agreements entered into under this chapter, chapter 2 of part II of the Foreign Assistance Act of 1961, and prior comparable provisions of law and which are in effect as of December 31, 1973. Such report shall list those agreements which the President believes should be continued beyond the date such assistance is to be terminated under the provisions of this chapter and include a detailed justification for continuing each such agreement.

REPEAL OF MILITARY GRANT ASSISTANCE AUTHORITY

SEC. 2109. Sections 2101, 2102(a), and 2103–2108 of this Act are repealed on July 1, 1975. Any special account of a foreign country established under section 2106 of this Act shall continue in existence until the currencies in that account are expended for the purposes specified in such section 2106, except that if a special account is established for that country under section 2303 of this Act, such currencies shall be transferred to and consolidated with the currencies in that account established under such section 2303. The special account of that country established under this section shall thereupon be closed.

Chapter 23.—Military Training

GENERAL AUTHORITY

SEC. 2301. The President is authorized to furnish, on such other terms and conditions as the President may determine, military training to any foreign country or international organization. After June 30, 1974, no such training shall be conducted outside the United States except by specific authorization of law.

AUTHORIZATION OF APPROPRIATIONS

SEC. 2302. There are authorized to be appropriated to the Secretary of State, to carry out the provisions of this chapter, not to exceed $25,000,000 for fiscal year 1974.

SPECIAL MILITARY TRAINING ACCOUNTS

SEC. 2303. (a) Except as otherwise provided in this section no military training may be furnished under this chapter to a foreign country unless that country agrees—

(1) to deposit in a special account established by the United States Government amounts of currency of that country equal to 25 percent of the cost of the military training furnished; and

(2) to allow the United States Government to use such amounts from that special account as may be determined, from to time, by the President to be necessary to pay all official costs of the United States Government payable in the currency of that country, including all costs relating to the financing of international educational and cultural exchange activities in which that country participates under the programs authorized by the Mutual Educational and Cultural Exchange Act of 1961.

(b) The provisions of this section shall not apply in any case in which military training is furnished to a foreign country under an agreement with that country which allows the United States Government to operate a military or other similar base in that country in exchange for that training if the Senate has given its advice and consent to such agreement.

RESTRICTION ON FOREIGN MILITARY STUDENTS

SEC. 2304. The number of foreign military students to be trained in the United States in any fiscal year, out of funds appropriated pursuant to this chapter, may not exceed a number equal to the number of foreign civilians brought to the United States under the Mutual Educational and Cultural Exchange Act of 1961 in the immediate preceding fiscal year.

Chapter 25.—Military Assistance Advisory Groups and Missions

TRANSFER OF FUNCTIONS

SEC. 2501. (a) By not later than June 30, 1975, all the functions of a military assistance advisory group, a military mission, or other organization of the United States Government in a foreign country performing activities similar to any such group or mission shall be transferred to the Chief of the United States Diplomatic Mission to that country. Upon the transfer of such functions, that group, mission, or organization, as the case may be, shall cease to exist.

(b) On and after July 1, 1973, the total number of military attachés assigned or detailed to the United States Diplomatic Mission of a foreign country shall not exceed by 25 percent the total number of military attachés authorized to be assigned or detailed to that mission on June 30, 1973.

AUTHORIZING MILITARY ASSISTANCE ADVISORY GROUPS AND MISSIONS

SEC. 2502. On and after July 1, 1975, no military assistance advisory group, military mission, or other organization of the United States Government in a foreign country shall be established or continued unless such group, mission, or organization is authorized by law specifically for that country and the foreign country agrees to reimburse the United States Government for the entire cost of such group, mission, or similar organization.

Chapter 27.—Supporting Assistance

GENERAL AUTHORITY

SEC. 2701. The President is authorized to furnish supporting assistance to foreign countries, eligible to receive assistance under this Act on such terms and conditions as he may determine, in cases in which important security interests of the United States are involved.

AUTHORIZATION OF APPROPRIATIONS

SEC. 2702. (a) There are authorized to be appropriated to the Secretary of State to carry out this chapter, not to exceed $80,000,000 for the fiscal year 1974, which sum shall be allocated and made available to or for each of the following foreign countries and not in excess of the amount specified for that country:

Country:	*Amount*
(1) Israel	$50,000,000
(2) Jordan	20,000,000
(3) Thailand	7,000,000
(4) Spain	3,000,000

(b) No part of any appropriation made available to carry out this chapter shall be used to conduct any public safety program.

PART IV.—MISCELLANEOUS PROVISIONS

Chapter 31.—General Limitations

TRANSFERS OF VESSELS AND BOATS

SEC. 3101. Notwithstanding any other provision of law, no vessel or boat of the United States Government (including, but not limited to, any battleship, aircraft carrier, cruiser, destroyer, or submarine) may be sold, loaned, leased, given, or transferred by any other means to a foreign country or international organization except under the provisions of this Act.

USE OF UNITED STATES ARMED FORCES

SEC. 3102. The making of any sale, credit sale, or guaranty, or the furnishing of any assistance, under this Act shall not be construed as creating a new commitment or as affecting any existing commitment to use Armed Forces of the United States for the defense of any foreign country.

FAILURE TO PROVIDE REQUESTED INFORMATION

SEC. 3103. None of the funds made available pursuant to the provisions of this Act shall be used to carry out any provision of this Act in any country or with respect to any project or activity after the expiration of the 35-day period which begins on the date the General Accounting Office or any committee of the Congress charged with considering legislation, appropriations, or expenditures under this Act has delivered to the office of the head of any agency carrying out such provision a written request that it be furnished any document, paper, communication, audit, review, finding, recommendation, report, or other material in its custody or control relating to the administration of such provision in such country or with respect to such project or activity, unless and until there has been furnished to the General Accounting Office, or to such committee, as the case may be, the document, paper, communication, audit, review, finding, recommendation, report, or other material so requested.

PROCUREMENT

SEC. 3104. (a) Funds made available under this Act may be used for procurement outside the United States only if the President determines that such procurement will not result in adverse effects upon the economy of the United States or the industrial mobilization base, with special reference to any areas of labor surplus or to the net position of the United States in its balance of payments with the rest of the world, which outweigh the economic or other advantages to the United States of less costly procurement outside the United States, and only if the price of any commodity procured in bulk is lower than the market price prevailing in the United States at the time of procurement, adjusted for differences in the cost of transportation to destination, quality, and terms of payment.

(b) No funds made available under this Act shall be used for the purchase in bulk of any commodities at prices higher than the market price prevailing in the United States at the time of purchase, adjusted for differences in the cost of transportation to destination, quality, and terms of payment.

(c) In providing for the procurement of any agricultural commodity or product thereof available for disposition under the Agricultural Trade Development and Assistance Act of 1954, as amended, for transfer by grant under this Act to any recipient country in accordance with its requirements, the President shall, insofar as practicable and when in furtherance of the purposes of this Act, authorize the procurement of such agricultural commodity only within the United States except to the extent that such agricultural commodity is not available in the United States in sufficient quantities to supply emergency requirements of recipients under this Act.

(d) In providing assistance in the procurement of commodities in the United States, the United States dollars shall be made available for marine insurance on such commodities where such insurance is placed on a competitive basis in accordance with normal trade practice prevailing prior to the outbreak of World War II, except that in the event a participating country, by statute, decree, rule, or regulation, discriminates against any marine insurance company authorized to do business in any State of the United States, then commodities purchased with funds provided hereunder and destined for such country shall be insured in the United States against marine risk with a company or companies authorized to do a marine insurance business in any State of the United States.

(e) No funds made available under this Act shall be used for the procurement of any agricultural commodity or product thereof outside the United States when the domestic price of such commodity is less than parity.

(f) The President shall take all appropriate steps to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars. Dollar funds made available under this Act shall not be expended for goods and services when United States-owned foreign currencies are available for such purposes unless the administrative official approving the voucher certifies as to the reason for the use of dollars in each case. The President shall also take all appropriate steps to assure that, to the maximum extent possible, countries receiving assistance under this Act contribute local currencies to meet the cost of contractual and other services rendered in conjunction with such assistance.

SMALL BUSINESS

SEC. 3105. Insofar as practicable and to the maximum extent consistent with the accomplishment of the purposes of this Act, the President shall assist American small business to participate equitably in the furnishing of commodities, defense articles, and services (including defense services) financed with funds made available under this Act by causing to be made available to suppliers in the United States, and particularly to small independent enterprises, information, as far in advance as possible, with respect to purchases proposed to be financed with such funds.

SHIPPING ON UNITED STATES VESSELS

SEC. 3106. The ocean transportation between foreign countries of commodities and defense articles purchased with foreign currencies made available or derived from funds made available under this Act or the Agricultural Trade Development and Assistance Act of 1954, as amended, shall not be governed by the provisions of section 901(b) of the Merchant Marine Act of 1936, as amended, or any other law relating to the ocean transportation of commodities on United States flag vessels.

TERMINATION OF ASSISTANCE

SEC. 3107. Assistance (including sales) provided under any section of part II or part III of this Act, may, unless sooner terminated by the President, be terminated by concurrent resolution of Congress.

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SEC. 3108. Section 104(c) of the Agricultural Trade Development and Assistance Act of 1954, as amended, is amended by striking out the semicolon at the end of such section and inserting in lieu thereof a comma and the following: "except that no agreement may be entered into under this subsection (c) unless such agreement has been specifically authorized by legislation enacted after the date of enactment of the Foreign Military Sales and Assistance Act;".

Chapter 33.—Reports and Information

ANNUAL FOREIGN ASSISTANCE REPORT

SEC. 3301. (a) In order that the Congress and the American people may be better and more currently informed regarding the volume and cost of assistance extended by the United States Government to foreign countries and international organizations, and in order that the Congress and the American people may be better informed regarding the sale of arms to foreign countries and international organizations by private industry of the United States, not later than December 31 of each year the President shall transmit to the Congress an annual report, for the fiscal year ending prior to the fiscal year in which the report is transmitted, showing—

(1) the aggregate dollar value of all foreign assistance provided by the United States Government by any means to all foreign countries and international organizations, and the aggregate dollar value of such assistance by category provided by the United States Government to each such country and organization, during that fiscal year;

(2) the total amounts of foreign currency paid by each foreign country or international organization to the United States Government in such fiscal year, what each payment was made for, whether any portion of such payment was returned by the United States Government to the country or organization from which the payment was obtained or whether any such portion was transferred by the United States Government to another foreign country or international organization, and, if so returned or transferred, the kind of assistance obtained by that country or organization with those foreign currencies and the dollar value of such kind of assistance;

(3) the aggregate dollar value of all weapons, weapons systems, munitions, aircraft, military boats, military vessels, and other implements of war, and the aggregate dollar value of each category of such implements of war, exported under any export license, to all foreign countries and international organizations, and to each such country and organization, during that fiscal year;

(4) all exports of significant defense articles on the United States munitions list to any foreign government, international organization, or other foreign recipient or purchaser, by the United States under this Act or any other authority, or by any individual, corporation, partnership, or other association doing business in the United States, including but not limited to, full information as to the particular defense articles so exported, the particular recipient or purchaser, the terms of the export, including its selling price, if any, and such other information as may be appropriate to enable the Congress to evaluate the distribution of United States defense articles abroad; and

(5) such other matters relating to foreign assistance provided by the United States Government as the President considers appropriate, including explanations of the information required under clauses (1) through (3) of this subsection.

(b) All information contained in any report transmitted under this section shall be public information. However, in the case of any item of information to be included in any such report that the President, on an extraordinary basis, determines is clearly detrimental to the security of the United States, he shall explain in a supplemental report why publication of each specific item would be detrimental to the security of the United States. A supplement to any report shall be transmitted to the Congress at the same time that the report is transmitted.

(c) If the Congress is not in session at the time a report or supplement is transmitted to the Congress; the Secretary of the Senate and the Clerk of the House of Representatives shall accept the report or supplement on behalf of their respective Houses of Congress and present the report or supplement to the two Houses immediately upon their convening.

(d) For purposes of this section—

(1) "foreign assistance" means any tangible or intangible item provided by the United States Government under this or any other law to a foreign country or international organization, including, but not limited to, any training, service, or technical advice, any item of real, personal, or mixed property, any agricultural commodity, United States dollars, and any currencies owned by the United States Government of any foreign country;

(2) "provided by the United States Government" includes, but is not limited to, foreign assistance provided by means of gift, loan, sale, credit sale, or guaranty; and

(3) "value" means value at the time of transfer except that in no case shall any commodity or article of equipment or material be considered to have a value less than one-third of the amount the United States Government paid at the time the commodity or article was acquired by the United States Government.

QUARTERLY REPORTS

SEC. 3302. Commencing with the fiscal year which begins July 1, 1973, the Secretary of State shall transmit to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate, within 30 days after the end of each quarter of each fiscal year, a written report with respect to such quarter on—

(1)(A) sales, credit sales, and guaranties made to or on behalf of each foreign country under chapter 11 of this Act, giving in detail each country to or on whose behalf such sales, credit sales, and guaranties were extended, and the terms and conditions of such sales, credit sales, and guaranties (including the guaranty fee and the person extending the credit so guaranteed), (B) forecasts of sales, credit sales, and guaranties to that foreign country for the remainder of the fiscal year in which the report is transmited and the next suceeding fiscal year, and (C) the balance remaining to be paid by that country on each loan made or guaranteed under such chapter;

(2) the total value for each foreign country of all deliveries of excess defense articles, including a specification for each country of the aggregate original acquisition costs and the aggregate value at time of delivery of such articles;

(3) the total value of all defense articles and defense services provided each foreign country under this Act or any other provision of law, specifying separately for each such country (A) the total value of defense articles and the total value of defense services provided that country, and (B) each provision and the toal value furnished under each such provision; and

(4)(A) the number of United Sates Government personnel detailed or assigned to each military assistance advisory group, military mission, or other organization of the United States Government in each foreign country performing activities similar to any such group or mission, (B) the number of such personnel detailed or assigned to the Chief of the United States Diplomatic Mission to that country performing primarily military advisory duties, (C) the number of such personnel so detailed or assigned to each such group, mission, organization, and diplomatic mission on the first day of the fiscal year with respect to which such report pertains, and (D) the number of such personnel so detailed or assigned to each such group, mission, organization, or diplomatic mission on the last of the quarter of the fiscal year with respect to which that report pertains.

PRESIDENTIAL FINDINGS AND DETERMINATIONS

SEC. 3303. (a) In any case in which the President is required to make a report to the Congress, or to any committee or officer of either House of Congress, concerning any finding or determination under any provision of this Act, the International Development Act, or the Foreign Assistance and Related Programs Appropriations Act for each fiscal year, that finding or determination shall be reduced to writing and signed by the President.

(b) No action shall be taken pursuant to any such finding or determination prior to the date on which that finding or determination has been reduced to writing and signed by the President.

(c) Each such finding or determination shall be published in the Federal Register as soon as practicable after it has been reduced to writing and signed by the President. In any case in which the President concludes that such publication would be harmful to the national security of the United States, only a statement that a determination or finding has been made by the President, including the name and section of the Act under which it was made, shall be published.

(d) No committee or officer of either House of Congress shall be denied any requested information relating to any finding or determination which the President is required to report to the Congress, or to any committee or officer of either House of Congress, under any provision of this Act, the International Development Act, or the Foreign Assistance and Related Programs Appropriation Act for each fiscal year, even though such report has not yet been transmitted to the appropriate committee or officer of either House of Congress.

Chapter 35.—Effective Date; Repeals; Technical Provisions

EFFECTIVE DATE

SEC. 3501. This Act is effective July 1, 1973.

LAWS REPEALED

SEC. 3502. (a) The following provisions of law are repealed:

(1) part II of the Foreign Assistance Act of 1961;

(2) sections 634, 650, 654, and 657 of the Foreign Assistance Act of 1961;

(3) the Foreign Military Sales Act;

(4) the Act entitled "An Act to amend the Foreign Military Sales Act, and for other purposes", approved January 12, 1971, as amended (except section 12);

(5) the Special Foreign Assistance Act of 1971 (except section 7); and

(6) section 712 of title 10, United States Code.

(b) Any amounts in the separate fund account established under section 524 of the Foreign Assistance Act of 1961, and any amounts that would have been paid into such fund but for the repeal of such section, shall be covered into the Treasury as miscellaneous receipts. There are authorized to be appropriated such sums as may be necessary to pay liabilities incurred by the United States in providing military assistance on credit and guaranty terms under part II of the Foreign Assistance Act of 1961.

(c) References in law to the Acts, or provisions of such Acts, repealed by subsection (a) of this section shall hereafter be deemed to be references to this Act or appropriate provisions of this Act.

(d) The repeal of the Acts listed in subsection (a) of this section shall not be deemed to affect amendments contained in such Acts not named in that subsection.

SAVINGS PROVISIONS

SEC. 3503. (a) Except as may be expressly provided to the contrary in this Act, all determinations, authorizations, regulations, orders, contracts, agreements, and other actions issued, undertaken, or entered into under authority of any provision of law repealed by section 3502 of this Act shall continue in full force and effect until modified by appropriate authority.

(b) Wherever provisions of this Act establish conditions which must be complied with before use may be made of authority contained in, or funds authorized by, this Act, compliance with, or satisfaction of, substantially similar conditions under Acts listed in section 3502 of this Act or Acts repealed by those Acts shall be deemed to constitute compliance with the conditions established by this Act.

(c) Funds made available pursuant to provisions of law repealed by section 3502 of this Act shall, unless otherwise authorized or provided by law, remain available for their original purposes in accordance with the provision of law originally applicable thereto, or in accordance with the provisions of law currently applicable to those purposes.

STATUTORY CONSTRUCTION

SEC. 3504. (a) If any provision of this Act, or the application of any provision to any circumstances or persons shall be held invalid, the validity of the remainder of this Act, and the applicability of such provision to other circumstances or persons shall not be affected thereby.

(b) No provision of this Act shall be construed as modifying in any way the provisions of the Atomic Energy Act of 1954, as amended, or section 7307 of title 10, United States Code.

COMPARATIVE TABLE ON MILITARY ASSISTANCE AND RELATED PROGRAMS

[In millions of dollars]

Program and country	Fiscal year 1974 budget request	Proposed bill
I. Military grant assistance:		
1. South Korea		110
2. Turkey		46
3. Thailand		31
4. Jordan		27
5. Philippines		12
6. Indonesia		12
7. Ethiopia		7
8. Spain		5
Total military grants	685	250
II. Military training (included above)		25
III. Military credit sales	525	200
1. Credit sales ceiling	(760)	(700)
(a) Earmarked for Israel		300
IV. Supporting assistance:		
1. Israel		50
2. Jordan		50
3. Thailand		7
4. Spain		3
Total supporting assistance	732	80
Total, all programs	1,842	535
Less expected owings from currency payments		125+
Total		410

Note.—Net reduction from the fiscal year 1974 budget request=$1,512,000,000.

FOREIGN MILITARY SALES AND ASSISTANCE ACT, SECTION-BY-SECTION ANALYSIS

PART I.—GENERAL PROVISIONS—CHAPTER 1.—COORDINATION; DEFINITIONS; CERTAIN AUTHORIZATIONS; ELIGIBILITY

Section 101. Coordination

Subsection (a) assigns to the Secretary of State the responsibility for direction and continuous supervision of operations carried out under the Act. The Secretary shall be responsible, among other things, for determining whether sales shall be made or assistance provided to a country under the Act and the amount of the sale or assistance.

Subsection (b) directs the President to prescribe procedures to assure effective direction and control by the Chief of the U.S. diplomatic mission in each country concerning all activities and programs within that country carried out under the new Act. The chief of mission shall be responsible for submission of all recommendations pertaining to programs under the Act.

Section 102. Definitions

Section 102 defines certain terms used in the Act.

(1) "agency of the United States Government" includes any agency, department, board, wholly or partly owned corporation, instrumentality, commission, or establishment of the United States Government;

(2) "armed forces" of the United States means the Army, Navy, Air Force, Marine Corps, and Coast Guard;

(3) "commodity" includes any material, article, supply, goods, or equipment furnished for nonmilitary purposes;

(4) "defense article" includes—

(A) any weapon, weapons system, munition, aircraft, vessel, boat, or other implement of war;

(B) any property, installation, commodity, material equipment supply, or goods furnished for military purposes;

(C) any machinery, facility, tool, material, supply, or other item necessary for the manufacture, production, processing, repair, servicing, storage, construction, transportation, operation, or use of any article listed in the subsection; or

(D) any component or part of any article listed in the subsection; but does not include merchant vessels or, as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011), source material, byproduct material, special nuclear material, production facilities, utilization facilities, or atomic weapons or articles involving restricted data;

(5) "defense information" includes any document, writing, sketch, photograph, plan, model, specification, design, prototype, or other recorded or oral information relating to any defense article or defense service, but does not include restricted data as defined by the Atomic Energy Act of 1954, as amended, and data removed from the restricted data category under section 142d of that Act;

(6) "defense service" includes military training, and any service, test, inspection, repair, publication, or technical or other assistance, or defense information furnished for military purposes;

(7) "excess defense articles" mean the quantity of defense articles owned by the United States Government, and not procured in anticipation of military assistance or sales requirements, or pursuant to a military assistance or sales order, which are excess to the needs of the Department of Defense for other than military assistance purposes at the time such articles are dropped from inventory by the supplying agency for delivery to countries or international organizations under this Act;

(8) "function" includes any duty, obligation, power, authority, responsibility, right, privilege, discretion, or activity;

(9) "military training" includes formal or informal instruction, for military purposes, of foreign students by officers or employees of the United States, contract technicians, contractors (including instruction at civilian institutions), or by correspondence courses, technical, educational, or information publications and media of all kinds, training aid, orientation, training exercise, and military advice to foreign military units and forces;

(10) "officer or employee" means civilian personnel and members of the Armed Forces of the United States Government;

(11) "Services" include any service, repair, training of personnel, or personnel, or technical or other assistance or information furnished for nonmilitary purposes;

(12) "surplus agricultural commodity" means any agricultural commodity or product thereof, class, kind, type, or other specification thereof, produced in the United States, either publicly or privately owned, which is in excess of domestic requirements, adequate carry-over, and anticipated exports for United States dollars, as determined by the Secretary of Agriculture; and

(13, "value" means—

(A) with respect to an excess defense article, the actual value of the article, but not less than 33⅓ per cent of the acquisition cost of the article;

(B) with respect to a nonexcess defense article delivered from inventory to foreign countries or international organizations under this Act, the acquisition cost to the United States Government, adjusted as appropriate for condition and market value, plus a proportional share of the administrative expenses incurred by the United States Government in supplying such article;

(C) with respect to a nonexcess defense article delivered from new procurement to foreign countries or international organizations under this Act, the contract or production costs of such article plus a proportional share of the administrative expenses incurred by the United States Government, in supplying such article; and

(D) with respect to a defense service, the cost to the United States Government of such service plus a proportional share of the administrative expenses incurred by the United States in providing that service.

Section 103. Prior authorization

This section is designed to insure that appropriations for programs under the Act cannot be spent unless a valid authorization exists. Thus, its purpose is to preserve the integrity of the regular authorization process. It is practically identical to Section 10 of Public Law 91–672, initiated in 1970 by the Committee on Foreign Relations.

Section 104. Authorizations for Laos and South Vietnam

This provision requires that after June 30, 1973, any military or supporting assistance or military sales to Laos or South Vietnam must be made pursuant to the authority of this Act. Military aid and suporting assistance to Thailand is now provided under authority of the Foreign Assistance Act of 1961, as amended. Military Assistance to South Vietnam has been funded through the Department of Defense since 1966 and for Laos since 1967. This provision will insure that funding of military aid and supporting assistance to these countries is treated on the same basis as aid to any other country. This section would not affect obligations made prior to July 1, 1973.

Section 105. Eligibility

This section states conditions of eligibility which foreign countries must agree to before any defense articles can be provided. Some are taken from existing law, others are new requirements.

Subsection (a) (1) requires the foreign countries to agree that it will not, without the consent of the President—

(A) permit anyone who is not an officer, employee or agent of the country to use this article;

(B) transfer, or permit the transfer of the article by gift, sale or otherwise; or

(C) Use or permit the use of the article for purposes other than those for which furnished. Subsection (A) (2) requires the recipient foreign country to provide substantially the same degree of security for defense articles furnished as the United States would provide.

Subsection (B) requires the President to refuse a request for a transfer to another country of a defense article of U.S. origin unless under current U.S. policy the article would be provided by the United States. It also requires the President to give prior notice to the Speaker of the House and the Senate Committee on Foreign Relations of his intention to consent to a request for transfer of material of U.S. origin to a third country and to provide appropriate details of the arrangement.

Subsection (C) requires that, before the President approves a proposed transfer of any implement of war that he require that either the item be made unsuitable for further military use or that the transferring country obtain a commitment to the U.S. in writing that it will not transfer the article to another country without the consent of the President.

PART II.—MILITARY SALES, CREDIT SALES, AND GUARANTEES—CHAPTER 11.—AUTHORIZATIONS

Section 1101. Reduction in Government participation

This section states the objective of returning U.S. arms sales transactions to commercial channels. A basic purpose of this act is to get the U.S. Government out of the arms sales business and return such transactions to commercial channels.

Section 1102. Cash sales from stocks

This section is basically the same as section 21 of the Foreign Military Sales Act, as amended.

It authorizes the President to sell defense articles from the stocks of the Department of Defense and defense services of the Department of Defense to any foreign country or international organization agrees to pay not less than the value thereof in United States dollars. Payment is to be made in advance or, as determined by the President to be in the best interests of the United States, within a reasonable period not to exceed one hundred and twenty days after the delivery of the defense articles or the rendering of the defense services.

Section 1103. Procurement for cash sales

This section is based on section 22 of the Foreign Military Sales Act, as amended.

Subsection (a) authorizes the President to enter into contracts for the procurement of defense articles or defense services for sale for dollars to any foreign country or international organization if the country or international organization provides the United States Government with a dependable undertaking (1) to pay the full amount of the contract which will assure the United States Government against any loss on the contract, (2) to make funds available in amounts and at times as may be required by the contract, and any damages and costs that may accrue from the cancellation of the contract, in advance of the time the payments, damages, or costs are due, and (3) to pay the United States Government an amount equal to the administrative costs incurred by the Government in procuring such defense articles and defense services under this section.

The principal changes from existing law are a specific requirement that the arrangements provide for payment by the foreign country of a pro rata base of the administrative expense for the sales program and repeal of a provision which allowed fixed price contracts with foreign countries which could result in losses to American taxpayers.

Subsection (b) is based on the first proviso to section 22 of the Foreign Military Sales Act, as amended.

When the President determines it to be in the national interest he may accept a dependable undertaking of a foreign country or international organization with respect to a sale, to make full payment within one hundred and twenty days after delivery of the defense articles, or the rendering of the defense services. Appropriations available to the Department of Defense may be used to meet the payments required by the contracts for the procurement of defense articles and defense services and shall be reimbursed by the amounts later received from the country or international organization to whom articles or services are sold.

Subsection (c) is designed to implement section 1101 by emphasizing that commercial sources for arms and equipment should be used whenever possible, thus minimizing the U.S. government's role in the sale of such material to foreign countries. It provides that sales of defense articles shall not be made to the government of any economically developed country under the provisions of section 1103 unless the articles are not generally available to the purchasing country from commercial sources in the United States.

Section 1104. Credit sales

Section 1103 authorizes the U.S. government to finance the sale of defense articles and defense services to less developed countries and international organizations through direct credit arrangements. Subsection (a) (1) establishes a maximum repayment period of ten years after delivery, the maximum allowed under existing law.

Subsection (a) (2) requires that the interest rate charged on the unpaid balance be not less than the rate charged by the Export-Import Bank for loans of comparable maturity to finance procurement of military materials or services, or the current rate for long term Treasury borrowings, whichever is greater.

Subsection (b) authorizes concessional terms for financing sales of defense articles and services to foreign countries for which military grant aid is being phased out under Chapter 21.

Under subsection (b) (1) a foreign country which received military grant aid in fiscal year 1973 is eligible for financing of credit sales in FY 1974 and FY 1975 without payment of interest and it may repay the loan in its own currency. The amount that can be financed under these concessional terms is limited in each of the two years to not more than the country received in military grant assistance, other than military training, in FY 1973.

Subsection (b) (2) authorizes other concessional lending terms for the grant phase-out countries during the following three fiscal years, from July 1, 1975 through June 30, 1978. For each year during this period credit can be extended to the limited list of phase-out countries, to the extent it received military grant assistance (other than training) during FY 1973. Repayment can be made in the currency of the country, if needed to meet U.S. local currency expenses in the country and finance educational and cultural exchange activities, and interest can be as low as 3 percent, also payable in local currency.

Section 1105. Guaranties

This section is based on section 24 of the Foreign Military Sales Act, as amended and continues the authority for the President to guaranty commercial loans to foreign countries for purchase of defense articles or defense services. Guaranties may be issued to any individual, corporation, partnership, or other juridical entity doing business in the United States (excluding United States Government agencies) against political and credit risks of nonpayment arising out of their financing of credit sales of defense articles and defense service to foreign countries and international organizations. The guaranty authority shall be used wherever possible instead of providing direct credit, in order to minimize outlays by the United States Government. Fees shall be charged for such guaranties.

Subsection (b) is also taken from existing law. It authorizes the President to sell to any individual, corporation, partnership, or other juridical entity (excluding United States Government agencies) promissory notes issued by foreign countries and international organizations as evidence of their obligations to make repayments to the United States on account of credit sales financed under section 1104 and may guarantee payment of the notes.

Subsection (c) provides for a guaranty reserve for promissory notes guaranteed under this section. It is also based on existing law. Twenty-five percent of the contractual liability related to any guaranty issued under this section shall be obligated and set aside in a reserve account for the payment of any claims that may be made under the guaranties. Any funds in the reserve account which are deobligated during any current fiscal year, as in excess of the amount necessary to maintain a fractional reserve of 25 per centum of the contractual liability under outstanding guaranties, must be transferred to the general fund of the Treasury. Guaranties issued under the Act shall be backed by the full faith and credit of the United States.

Section 1106. Authorization of appropriations

Section 1106 authorizes the appropriation to the Secretary of State in FY 1974 of $200,000,000 to finance sales and guaranties under the new Act. Through use of the guaranty authority this amount is more than sufficient to finance the full $700,000,000 in credit and guaranties allowed under the ceiling established by section 1301.

CHAPTER 13.—CEILINGS

Section 1301. Aggregate ceilings

Section 1301 establishes a ceiling for FY 1974 of $700,000,000 on the aggregate total of credits, or participations in credits (excluding credits covered by guaranties issued under section 1105(b) of this Act), the face amount of guaranties issued under section 1105 (a) and (b), and the amount of assistance extended by the Export-Import Bank on military sales to less developed countries. Of that amount, not less than $300,000,000 shall be available to Israel only, consistent with Congressional action over the last two years.

Section 1302. Regional ceilings

Latin America

Subsection (a) establishes an annual ceiling of $150,000,000 on the amount of U.S. government military assistance grants, credit sales, guaranties of credits, and the value of vessels or boats that can be provided to the Nations of Latin America, excluding grants for training. There is a ceiling of $100,000,000 under existing law which the President can waive, to increase to a maximum of $150,000,000. Neither existing law or the new provision restrict the amount of sales that may be made to Latin American countries through commercial channels.

Subsection (b) is a comparable ceiling on African countries and is the same amount in existing law.

CHAPTER 15.—ADMINISTRATIVE AND FISCAL PROVISIONS

Section 1501. Payments received

Section 1501 parallels provisions of existing law, section 37 of the Foreign Military Sales Act, as amended. Cash payments received under sections 1102 and 1103 and advances received under section 1104 shall be available solely for payments to suppliers (including the military departments) and refunds to purchasers and shall not be available for financing credits and guaranties.

Amounts received from foreign governments and international organizations as repayments for credits extended under section 1104, amounts received from the disposition of instruments evidencing indebtedness, and other collections (including fees and interest) shall be transferred to the miscellaneous receipts of the Treasury.

Section 1502. Credit standards

This section provides that the President shall establish standards and criteria for credit and guaranty transactions under sections 1104 and 1105 of this Act.

PART III.—MILITARY ASSISTANCE—CHAPTER 21.—MILITARY GRANT ASSISTANCE

Section 2101. General authority

This section provides the authority for the President to furnish military grant assistance to foreign countries during this two year phase-out period. The section is a modification of section 503 of the Foreign Assistance Act of 1961 as amended, which is being repealed.

The President is authorized to furnish military grant assistance to any foreign country which is otherwise eligible to receive such assistance, by—

(1) acquiring from any source and providing any defense article or defense service (other than military training); and

(2) assigning or detailing members of the Armed Forces of the United States and other personnel of the Department of Defense to U.S. missions in foreign countries to perform duties of a noncombatant nature in carrying out duties (other than military training) in carrying out the provisions of the Act.

Section 2102.—Termination of authority

This section requires the President to phase-out the grant military assistance program so that by not later than June 30, 1975, no additional grant-assistance shall be provided. However, deliveries could continue to be made after that date on military grant aid for which obligations were made prior to the cutoff date.

Section 2103.—Authorization of appropriations

Section 2103 authorizes the appropriation to the Secretary of State of $250,000,000 for FY 1974. That amount is to be distributed as follows:

Republic of Korea	$110,000,000
Turkey	46,000,000
Thailand	31,000,000
Jordan	27,000,000
Philippines	12,000,000
Indonesia	$12,000,000
Ethiopia	7,000,000
Spain	5,000,000
	250,000,000

No military asisstance is authorized for South Vietnam, Laos, or Cambodia. Military aid to these countries must be considered, not in isolation, but only within the context of proposals for reconstruction or other economic assistance for Indochina.

Section 2104.—Conditions of eligibility

Section 2104 imposes conditions of eligibility on recipients of grant military assistance, in addition to those imposed under section 105. In addition to such other provisions as the President may require, no defense article shall be furnished to any foreign country under the grant program unless that country agrees that—

(1) it will permit continuous observation and review by, and furnish necessary information to, representatives of the United States Government with regard to the use of any such article;

(2) unless the President consents to other disposition, it will return to the United States Government for the articles which are no longer needed; and

(3) any funds received by a country in disposing of any weapon, weapons system, munition, aircraft, military boat, military vessel, or other implement of war received under this chapter, will be paid to the United States Government and shall be available to pay all official local currency costs of the United States Government, including all costs of international educational and cultural exchange activities in that country under the programs authorized by the Mutual Educational and Cultural Exchange Act of 1961.

Subsection (b) provides that any foreign country which uses defense articles or defense services furnished to that country under this Act, the Mutual Security Act of 1954, as amended, or any predecessor foreign assistance Act, in substantial violation of the provisions of this chapter or any agreements entered into under any of such Acts shall be ineligible for further assistance.

Section 2105. Excess defense articles

Subsection (a) provides that the value of any excess defense article furnished to a foreign country or international organization by an agency of the United States Government shall be considered to be an expenditure made from military grant assistance funds appropriated under the Act. Unless the agency certifies to the Comptroller General of the United States that the excess defense article it is ordering is not to be transferred to a foreign country or international organization, when an order is placed for a defense article whose stock status is excess at the time ordered, a sum equal to the value thereof shall (1) be reserved and transferred to a suspense account, (2) remain in the suspense account until the excess defense article is either delivered to a foreign country or international organization or the order therefor is cancelled, and (3) be transferred from the suspense account to (A) the general fund of the Treasury upon delivery of such article, or (B) to the appropriation made under section 2103 for the current fiscal year upon cancellation of the order. Such sum shall be transferred to the appropriation made under section 2103 of this Act for the current fiscal year, upon delivery of such article, if at the time of delivery the stock status of the article is determined, in accordance with section 102(7) and (13) of this Act to be nonexcess.

Excess defense articles shall be provided whenever possible rather than providing such articles by the procurement of new items.

Section 2106. Special military grant assistance accounts

This section requires that a recipient of grant military assistance shall agree that—

(1) to deposit in a special account established by the United States the following amounts of currency of that country:

(A) in the case of any excess defense article to be given to the country, an amount equal to fifty percent of the fair value of the article, as determined by the Secretary of State, at the time the agreement to give the article *to the country* is made; and

(B) in the case of a grant of military assistance to be made to the country, an amount equal to fifty per cent of each such grant; and

(2) to allow the United States Government to use funds from the special account to pay all official costs of the United States Government payable in the currency of the country, including all costs relating to the financing of international educational and cultural exchange activities in which that country participates under the programs authorized by the Mutual Educational and Cultural Exchange Act of 1961.

Subsection (b) is an exemption from the foreign currency payment requirement under (a) for any case in which military grant assistance is furnished to a country under an agreement with which allows the United States Government to operate a military or other similar base in that country in exchange for grant assistance, if the Senate has given its advice and consent to the base agreement.

Subsection (c) provides a mechanism for combining the foreign currency accounts required under this section with that required for payments for training assistance under Section 2303.

Section 2107. Military assistance information

Section 2107 is designed to insure the full public disclosure of information concerning the Grant Military Assistance Program.

It requires that the record showing the name of any foreign country or international organization and the amount of military assistance to be provided, or that has been provided, by the United States to such country or organization for any fiscal year under this or any other law shall be made available to the public.

Section 2108. Special military assistance report

Section 2108 states that not later than January 31, 1974, the President shall transmit to Congress a report on all military assistance agreements with foreign countries which are in effect as of December 31, 1973. That report shall list the agreements which the President believes should be continued beyond the date grant assistance is to be terminated under the provisions of this chapter and include a detailed justification for continuing each agreement which, in his judgment, should be continued.

Section 2109. Repeal of military grant assistance authority

Section 2109 repeals the portions of this bill relative to military grant assistance effective July 1, 1975. Any special account of a foreign country established under Section 2106 of this bill shall continue in existence until the currencies in the account are expended for the purposes specified in Section 2106, except that if a special account is established for that country under Section 2303 of this Act, the currencies shall be transferred to and consolidated with the currencies in the account established under Section 2303. The special account of the country established under this section shall then be closed.

CHAPTER 23.—MILITARY TRAINING

Section 2301. General authority

This section authorizes the President to furnish military training to any foreign country or international organization. After June 30, 1974, no such training shall be conducted outside the United States except by specific authorization of law.

Section 2302. Authorization of appropriations

This section authorizes the appropriation of $25,000,000 for FY 1974 for foreign military training purposes.

Section 2303. Special military training accounts

Section 2303 is comparable to Section 2106. Subsection 2303(a) requires that in order to be eligible to receive training assistance, a country must agree—

(1) to deposit in a special account established by the United States Government its currency equal to 25 per cent of the cost of the military training furnished; and

(2) to allow the United States Government to use funds from that account as necessary to pay all official costs of the United States Government payable in the currency of the country, including all costs relating to the financing of international educational and cultural exchange activities in which the country participates under the programs authorized by the Mutual Educational and Cultural Exchange Act of 1961.

Subsection (b) exempts from the foreign currency payment for training any case in which military training is furnished to a foreign country under an agreement which allows the United States Government to operate a military or other similar base in that country in exchange for the training, if the Senate has given its advice and consent to the agreement.

Section 2304. Restriction on foreign military training students

Section 2304 restricts the number of foreign military students to be trained in the United States in any fiscal year to not more than the number of foreign civilians brought to the United States under the Mutual Educational and Cultural Exchange Act of 1961 in the preceding fiscal year.

CHAPTER 25.—MILITARY ASSISTANCE ADVISORY GROUPS AND MISSIONS

Section 2501. Transfer of functions

Subsection (a) phases out military missions and groups by not later than June 30, 1975. By that date all the functions of military assistance advisory groups or other organizations of the United States Government performing similar activities in a foreign country shall be transferred to the Chief of the United States Diplomatic Mission to the country.

Subsection (b) limits the number of military attaches that can be assigned to a U.S. diplomatic mission. It provides that on and after July 1, 1973, the total number of military attaches assigned to the United States diplomatic mission shall not exceed by 25 per cent the total number of military attaches authorized to be assigned to that mission on June 30, 1973.

Section 2502. Authorizing military assistance advisory groups and missions

This section requires that on and after July 1, 1975, no military assistance advisory group, military mission, or other organization of the United States Government in a foreign country shall be established or continued unless the group, mission, or organization is authorized by law specifically for that country and the country agrees to pay the entire costs for the operation of the group or mission.

CHAPTER 27. SUPPORTING ASSISTANCE

Section 2701. General authority

This section provides the general authority for the President to provide supporting assistance to foreign countries in cases in which important security interests of the United States are involved.

Section 2702. Authorization of appropriations

Subsection (a) authorizes the appropriation to the Secretary of State of $80,000,000 for FY 1974 for supporting assistance to be distributed as follows:

Israel	$50,000,000
Jordan	20,000,000
Thailand	7,000,000
Spain	3,000,000
Total	80,000,000

No supporting assistance is authorized for South Vietnam, Laos, or Cambodia. This type of assistance for these countries should be considered only in the context of comprehensive proposals for relief and rehabilitation in Indochina.

Subsection (b) prohibits funding of public safety programs through this or any other act.

PART IV.—MISCELLANEOUS PROVISIONS—CHAPTER 31.—GENERAL LIMITATIONS

Section 3101. Transfers of vessels and boats

This section prohibits the sale, loan, lease, or other transfer of any vessel or boat of the United States Government (including, but not limited to, any battleship, aircraft carrier, cruiser, destroyer, or submarine) to a foreign country or international organization except under the provisions of this Act.

Sec. 3102. Use of United States Armed Forces

This section states that the making of any sale, credit sale, or guaranty, or the furnishing of any assistance, under the Act shall not be construed as creating a new commitment or as affecting any existing commitment to use Armed Forces of the United States for the defense of any foreign country.

This provision is a restatement of Section 650 of the Foreign Assistance Act of 1961, as amended.

Section 3103. Failure to provide requested information

Section 3103 requires that information concerning the programs carried out under this Act be provided, upon request, to appropriate committees of Congress or the General Accounting Office or funds for the program or activity involved will be cut off. It is a modification of Section 634(c) of the Foreign Assistance Act of 1961, as amended. Its purpose is to insure that Congress has available to it, from the Executive Branch, sufficient information on which to make rational judgments concerning the funding and operation of programs under the Act.

Specifically, it requires that no funds appropriated under the Act shall be available after the expiration of a 35-day period which begins on the date the General Accounting Office or a committee of the Congress charged with considering legislation, appropriations or expenditures under this Act has delivered to the office of the head of any agency carrying out that provision a written request that it be furnished any document or other material in its custody or control relating to programs under the Act until there has been furnished to the Committee on the General Accounting Office the document or other material so requested.

Section 3104. Procurement

Section 3104 is adopted from the existing provisions of the Foreign Assistance Act of 1961, as amended, pertaining to procurements.

Subsection (a) provides that funds made available may be used for procurement outside the United States only if the President determines that such procurement will not result in adverse effects upon the economy of the United States or the industrial mobilization base, with special reference to any areas of labor surplus or to the net position of the United States in its balance of payments with the rest of the world, which outweigh the economic or other advantages to the United States of less costly procurement outside the United States, and only if the price of any commodity procured in bulk is lower than the market price prevailing in the United States at the time of procurement, adjusted for differences in the cost of transportation to destination, quality, and terms of payment.

Subsection (b) provides that no funds made available under the Act shall be used for the purchase in bulk of any commodities at prices higher than the market price prevailing in the United States at the time of purchase, adjusted for differences in the cost of transportation to destination, quality, and terms of payment.

Subsection (c) states that in providing for the procurement of any agricultural commodity or product available for disposition under the Agricultural Trade Development and Assistance Act of 1954, as amended, for transfer by grant under the new act to any recipient country in accordance with its requirements, the President shall, insofar as practicable, authorize the procurement of the commodity only within the United States except to the extent that the commodity is not available in the United States in sufficient quantities to supply emergency requirements of recipients under this Act.

Subsection (d) relates to marine insurance. In providing assistance in the procurement of commodities in the United States, dollars shall be made available for marine insurance on such commodities where such insurance is placed on a competitive basis in accordance with normal trade practice prevailing prior to the outbreak of World War II, except that in the event a participating country, by statute, decree, rule, or regulation, discriminates against any marine insurance company authorized to do business in any State of the United States, then commodities purchased with funds provided hereunder and destined for such country shall be insured in the United States against marine risk with a company or companies authorized to do a marine insurance business in any State of the United States.

Subsection (e) states that no funds under the act shall be used for the procurement of agricultural commodities or outside the United States when the domestic price of the commodity is less than parity.

Under subsection (f) the President is required to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars. Dollar funds made available under the act shall not be expended for goods and services when United States-owned foreign currencies are available for such purposes unless the administrative official approving the voucher certifies as to the reason for the use of dollars in each case. The President is also required to take all appropriate steps to assure that, to the maximum extent possible, countries receiving assistance under the act contribute local currencies to meet the cost of contractual and other services rendered in conjunction with that assistance.

Sec. 3105. Small business

Section 3105 is based on Section 602 of the Foreign Assistance Act of 1961, as amended. It provides that, insofar as practicable, the President shall assist American small business to participate equitably in the furnishing of commodities, defense articles, and services (including defense services) financed with funds appropriated under the act by causing to be made available to suppliers in the United States, and particularly to small independent enterprises, information, as far in advance as possible, with respect to purchases proposed to be financed with these funds.

Section 3106. Shipping on U.S. vessels

Section 3106 continues the provision now contained in Section 603 of the Foreign Assistance Act of 1961 as amended. It provides that ocean transportation between foreign countries of commodities and defense articles purchased with foreign currencies made available or derived from funds made available under this act or the Agricultural Trade Development and Assistance Act of 1954, as amended, shall not be governed by the provisions of section 901(b) of the Merchant Marine Act of 1936, as amended, or any other law relating to the ocean transportation of commodities on United States flag vessels.

Section 3107. Termination of assistance

This section provides that assistance (including sales) provided under the act, may be terminated by concurrent resolution of Congress. It is based on Section 617 of the Foreign Assistance Act of 1961, as amended.

Section 3108. Public Law 480

This section amends section 104(c) of the Agricultural Trade Development and Assistance Act of 1954, as amended, by requiring specific authorization, by law, of any agreement with a foreign country concerning grants for military purposes of foreign currencies accruing to the United States under Title I of that act.

CHAPTER 33.—REPORTS AND INFORMATION

Section 3301. Annual Foreign Assistance Report

Section 3301 requires a comprehensive annual report on foreign assistance and related transactions. It is derived from Section 657 of the Foreign Assistance Act of 1961, as amended, and Section 36 of the Foreign Military Sales Act. The President is required to transmit to Congress by December 31, an annual report, for the prior fiscal year showing—

(1) the aggregate dollar value of all foreign assistance provided by the United States Government to all foreign countries and international organizations, and the aggregate dollar value of that assistance by category provided by the United States Government to each country and organization, during the fiscal year;

(2) the total amounts of foreign currency paid by each foreign country or international organization to the United States Government in the fiscal year, what each payment was made for, whether any portion of the payment was returned by the United States Government to the country or organization from which the payment was obtained or whether any portion was transferred by the United States Government to another foreign country or international organization and, if so, the kind of assistance obtained by the country or organization with the foreign currencies and the dollar value of the assistance;

(3) the aggregate dollar value of all weapons, weapons systems, munitions, aircraft, military boats, military vessels, and other implements of war, and the aggregate dollar value of each category of the implements of war, exported under any export license, to all foreign countries and international organizations, and to each country and organization, during the fiscal year;

(4) all exports of significant defense articles on the United States munitions list to any foreign government, international organization, or other foreign recipient or purchaser, by the United States under this act or any other authority, or by any individual, corporation, partnership, or other association doing business in the United States, including but not limited to, full information as to the particular defense articles exported, the particular recipient or purchaser, the terms of the export, including its selling price, if any, and any other information appropriate to enable the Congress to evaluate the distribution of United States defense articles abroad; and

(5) any other matters relating to foreign assistance provided by the United States Government as the President considers appropriate, including explanations of the information required under clauses (1) to (3) of the subsection.

Subsection (b) requires that all information contained in the report transmitted pursuant to this section shall be public information. However, if the President determines that it is clearly detrimental to the security of the United States, he shall explain in a supplemental report why publication of each specific item would be detrimental to the security of the United States. A supplement to the annual report shall be transmitted to the Congress at the same time that the report is transmitted.

Subsection (c) states that if the Congress is not in session at the time a report or supplement is transmitted to the Congress, the Secretary of the Senate and the Clerk of the House of Representatives shall accept the report or supplement on behalf of their respective Houses of Congress and present the report or supplement to the two Houses immediately upon their convening.

Subsection (d) defines terms used in the section.

Section 3302. Quarterly reports

Section 3302 is a quarterly reporting requirement. Commencing July 1, 1973, the Secretary of State shall transmit to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate, within 30 days after the end of each quarter, a written report with respect to that quarter on—

(1)(A) sales, credit sales, and guaranties made to or on behalf of each foreign country under chapter 11 of the Act, giving in detail each country to or on whose behalf the sales, credit sales, and guaranties were extended, and the terms and conditions of such sales, credit sales, and guaranties (including the guaranty fee and the person extending the credit so guaranteed), (B) forecasts of sales, credit sales, and guaranties to that foreign country for the remainder of the fiscal year in which the report is transmitted and the next succeeding fiscal year, and (C) the balance remaining to be paid by that country on each loan made or guaranteed under such chapter;

(2) the total value for each foreign country of all deliveries of excess defense articles, including a specification for each country of the aggregate original acquisition costs and the aggregate value at time of delivery of such articles;

(3) the total value of all defense articles and defense services provided each foreign country under this Act or any other provision of law, specifying separately for each such country (A) the total value of defense articles and the total value of defense services provided that country, and (B) each provision of law under which such articles and services are provided and the total value furnished under each provision;

(4)(A) the number of United States Government personnel detailed or assigned to each military assistance advisory group, military mission, or other organization of the United States Government in each foreign country performing activities similar to any such group or mission (B) the number of personnel detailed or assigned to the Chief of the United States Diplomatic Mission to that country performing primarily military advisory duties, (C) the number of personnel so detailed or assigned to each group, mission, organization, and diplomatic mission on the first day of the fiscal year with respect to which the report pertains, and (D) the number of personnel so detailed or assigned to each group, mission, organization, diplomatic mission on the last of the quarter of the fiscal year with respect to which that report pertains.

Section 3303. Presidential findings and determinations

Section 3303 is based on section 654 of the Foreign Assistance Act of 1961, as amended.

Subsection (a) provides that in any case in which the President is required to make a report to the Congress, or to any committee or officer of either House of Congress, concerning any finding or determination under any provision of this act, the International Development Act, or the Foreign Assistance and Related Programs Appropriations Act for each fiscal year, the finding or determination shall be reduced to writing and signed by the President.

Subsection (b) requires that no action shall be taken pursuant to any finding or determination prior to the date on which the finding or determination has been reduced to writing and signed by the President.

Under Subsection (c) each finding or determination must be published in the Federal Register as soon as practicable after it has been reduced to writing and signed by the President. In any case in which the President concludes that publication would be harmful to the national security of the United States, only a statement that a determination or finding has been made by the President, including the name and section of the Act under which it was made, shall be published.

Subsection (d) states that no committee or officer of either House of Congress shall be denied any requested information relating to any finding or determination which the President is required to report to the Congress, or to any committee or officer of either House of Congress, under any provision of the Act, the International Development Act, or the Foreign Assistance and Related Programs Appropriation Act for each fiscal year, even though the report has not yet been transmitted to the appropriate committee or officer of either House of Congress.

CHAPTER 35.—EFFECTIVE DATE; REPEALS; TECHNICAL PROVISIONS

Section 3501. Effective date

This section provides an effective date for the Act of July 1, 1973.

Section 3502. Laws repealed

Section 3502 repeals or modifies provisions of existing law.

The following provisions of law are repealed:

(1) part II of the Foreign Assistance Act of 1961;

(2) sections 634, 650, 654, and 657 of the Foreign Assistance Act of 1961;

(3) the Foreign Military Sales Act;

(4) the Act entitled "An Act to amend the Foreign Military Sales Act, and for other purposes", approved January 12, 1971, as amended (except section 12);

(5) the Special Foreign Assistance Act of 1971 (except section 7); and

(6) Section 712 of title 10, United States Code.

Subsection (b) requires that any amounts in the separate fund account established under section 524 of the Foreign Assistance Act of 1961, and any amounts that would have been paid into such fund but for the repeal of such section, shall be covered into the Treasury as miscellaneous receipts. It authorizes to be appropriated such sums as may be necessary to pay any liabilities that may accrue as a result of providing military assistance on credit and guaranty terms under part II of the Foreign Assistance Act of 1961.

Subsection (c) states that references in law to the Acts, or provisions of acts, repealed by subsection (a) shall be deemed to be references to this act or appropriate provisions of this act.

Subsection (d) provides that repeal of the acts listed in subsection (a) shall not be deemed to affect amendments contained in these acts to acts not named in that subsection.

Section 3503. Saving provisions

Subsection (a) provides that except as may be expressly provided to the contrary in the act, all determinations, authorizations, regulations, orders, contracts, agreements, and other actions issued, undertaken, or entered into under authority of any provision of law repealed by section 3502 of the Act shall continue in full force and effect until modified by appropriate authority.

Subsection (b) is a transitional provision which provides that wherever provisions of this Act establish conditions which must be complied with before use may be made of authority contained in, or funds authorized by, this Act, compliance with, or satisfaction of, substantially similar conditions under acts listed in section 3502 of this Act or Acts repealed by those Acts shall be deemed to constitute compliance with the conditions established by this Act.

Under subsection (c) funds made available pursuant to provisions of law repealed by section 3502 of this Act shall, unless otherwise authorized or provided by law, remain available for their original purposes in accordance with the applicable original provisions of law, or in accordance with the provisions of law currently applicable.

Section 3504. Statutory construction

If any provision of the Act, or the application of any provision to any circumstances or persons is held invalid, the validity of the remainder of the act, and the applicability of the provision to other circumstances or persons not be affected thereby.

No provision of the act shall be construed as modifying in any way the provisions of the Atomic Energy Act of 1954, as amended, or section 7307 of title 10, United States Code.

By Mr. HOLLINGS:

S. 1444. A bill to provide for a comprehensive national program of earthquake monitoring, research, and engineering in order to reduce loss of life and property; to provide for studies leading to earthquake prediction and control; and for other purposes. Referred to the Committee on Commerce.

Mr. HOLLINGS. Mr. President, today I am reintroducing my bill to provide for a comprehensive national program of earthquake monitoring, research, and engineering. The aim of this legislation, which is identical to S. 3584 of the 92d Congress, is to help reduce loss of life and reduce property damage in this country caused by earthquakes. Every year, hundreds of tremors of varying degrees occur in the United States, and when major quakes take place, even though they are infrequent, the loss of life and property can be enormous.

I cite as an example the Alaska quake of 1964 which caused some $500 million in damage, the loss of 131 lives and hundreds of injuries. The quake in San Fernando, Calif., in February of 1971, caused about the same amount of damage but took only half as many lives because of the distance of the main tremor from any densely populated area.

What is our Government doing to prepare our communities and our citizens for protection against natural hazards such as earthquakes? And can a national hazard protection system be devised? These are some of the questions which need examination.

My bill is not intended to stand as the final answer to this problem. In fact, I know that a more comprehensive approach to natural hazard protection is needed. To approach this problem, the Commerce Committee Subcommittee on Oceans and Atmosphere, which I am privileged to chair, has already scheduled field hearings later this month in California. We intend to take a look at my bill as well as legislation by the distinguished senior Senator from California (Mr. CRANSTON). We intend to get a first hand look at what Government, scientists, and experts from institutions of higher learning are doing to get at such problems as:

First. Revision of building code requirements and engineering practices;

Second. Detailed evaluation of earthquake hazards in heavily populated seismic areas prior to construction;

Third. Development of warning systems; and

Fourth. Arrangements for collection of data and insurance systems.

A hearing on this legislation was conducted in 1972, and it laid the groundwork for further examination of this issue. We intend to develop more information in these field hearings and conduct additional hearings in Washington later this session.

At present, there appears to be no national, coordinated plan to predict earthquakes or to develop the scientific and technical knowledge which will help us avoid the tremendous damage they can cause. Often, the lack of a policy itself can be part of the problem. I hope that this legislation will help us begin to establish such policy.

By Mr. DOMINICK (for himself and Mr. HASKELL):

S. 1445. A bill to provide for the striking of medals in commemoration of the 100th anniversary of the statehood of Colorado. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. DOMINICK. Mr. President, on behalf of myself and my distinguished colleague, Senator FLOYD HASKELL, I am pleased to introduce a bill to authorize the Denver Mint to strike a special commemorative medallion honoring 100 years of Colorado statehood. An identical bill, H.R. 4738, has been introduced in the House by Congressman BROTZMAN for himself and for Congressmen ARMSTRONG, EVANS, and JOHNSON, and Congresswoman SCHROEDER.

Under the provisions of this bill, the expenses incurred by the Denver Mint in striking the medallion would be reimbursed by the Colorado Centennial-Bicentennial Commission. The commission would use proceeds from the sale of the medallion in excess of its cost to help finance appropriate commemorative events and ceremonies throughout the State. Production of the medallion would be limited to 250,000, with December 31, 1976, being the final date for striking such medals.

Mr. President, in 1976 Coloradans will have the singular distinction of holding a dual celebration commemorating 100 years of statehood as well as our Nation's 200th birthday. The medallions authorized under this bill would add to the celebration by serving as a tangible reminder to Coloradans that they have a past to remember and a future to mold. In addition, it would be particulary appropriate that the Denver Mint, whose establishment helped insure that development of Denver as a commercial center, be permitted to play a part in Colorado's celebration.

I am hopeful that my colleagues on the Senate Committee on Banking, Housing and Urban Affairs will give speedy and favorable consideration to hearings on this bill, just as they have for similar bills enacted in recent years to commemorate other historical events.

Mr. HASKELL. Mr. President, the people of Colorado will be celebrating two very special birthdays in 1976. They will share in the national bicentennial celebration for the entire United States. But they will also be celebrating the 100th anniversary of Colorado's admission to the Union.

August 1, 1976, will mark the 100th year Colorado has been a part of these United States. A special Centennial-Bicentennial Commission has been established to plan and coordinate the gala events.

I am pleased to join with my colleague, the senior Senator from the State of Colorado, in introducing legislation which would provide for the striking of medals in commemoration of the 100th anniversary of the statehood of Colorado.

The medals would be minted at the Denver Mint. They would be sold by the Centennial-Bicentennial Commission to help defray the costs of centennial and bicentennial celebration events. All costs incurred in the minting of the medals would be repaid to the mint. The legislation sets a limit of 250,000 on the number of medals to be minted. December 31, 1976, is the last date they can be struck.

Companion legislation to provide for the minting of these medals has already been introduced in the House of Representatives. The legislation is supported by the entire Colorado congressional delegation.

The people of Colorado are proud of their heritage. Coloradans have always played a basic role in the development of the "Wild West" and are looking forward to continuing that deep involvement of our Nation. The riches of Colorado range from spectacular mountain scenery to valuable mineral resources to valuable farming and grazing lands. Visitors to the State can enjoy pleasures ranging from skiing, hiking, fishing, and boating to the more urban pleasures of Colorado's cities. Denver is the hub of the West's transportation system and is a major Federal center for the West.

I hope that many people will travel to Colorado during our centennial and enjoy the celebration and Colorado's unique attributes. Our State has long been called the Centennial State and I am looking forward to that centennial celebration.

Mr. President, I hope my colleagues who are on the Banking, Housing and Urban Affairs Committee, will take early action on this legislation to help provide the people of Colorado with a means to finance their centennial celebration.

By Mr. JAVITS (for himself, Mr. DOMINICK, Mr. SCHWEIKER, and Mr. BEALL):

S. 1446. A bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to assure the safety and effectiveness of medical devices. Referred to the Committee on Labor and Public Welfare.

MEDICAL DEVICE SAFETY ACT

Mr. JAVITS. Mr. President, I am reintroducing today on behalf of myself, Senators DOMINICK, SCHWEIKER, and BEALL a bill on behalf of the administration, to amend the Federal Food, Drug, and Cosmetic Act to assure the safety and effectiveness of medical devices entitled the "Medical Device Safety Act," which I first presented in the Senate on December 16, 1971.

The bill would authorize the Secretary of Health, Education, and Welfare to establish safety standards for medical devices, and to require unreasonably hazardous medical devices used in life-threatening situations to undergo a scientific review by the department for safety and efficacy prior to their introduction into commerce.

The scientific review section of the bill is more commonly referred to as the premarket clearance provision. It is the key element of the bill and is intended to assure the safety and efficacy of devices used in life-threatening situations. Classes of devices that may be expected to require scientific review are cardiovascular implants, other implants composed of new materials, applications of new forms of energy to the body—for example, lasers—and new designs for machines which substitute for major bodily functions—for example, heart-lung machines. When the principles of design and construction of any device or class of devices subject to scientific review evolve to the point at which the safety and efficacy of the device or class may be assured under appropriate standards, such standards would be promulgated under the bill's standard-setting authority and the scientific review requirement rescinded.

Two examples of devices which would be subject to appropriate standards are certain types of pacemakers and catheters. The miracles of scientific technology must be rapidly translated into improved quality health care for all Americans. However, at the same time, modern medical scientific instrumentation must be controlled to insure that untested scientific devices are not inappropriately foisted upon the public.

Mr. President, although the purpose of this legislation is to provide a comprehensive regulatory program for medical devices in order to protect consumers from their potential hazards, I am concerned that the legislation as presently written in regard to its standard-setting authority for medical devices is too limited. There is a limitation that there be "unreasonable" risk of illness or injury. I am not convinced that when we deal with the protection of consumers' health we should not provide authority for all risks, not merely "unreasonable" risks caused by medical devices.

Also, I am concerned that in the establishment of the various scientific advisory committees established pursuant to this legislation that there is no explicit provision for consumer representation on such committees, nor is there any provision which would assure the public that the scientific members of the advisory committee passing upon its safety and effectiveness.

I believe all of us in Congress have a deep concern that there be adequate protection of animals, for a mark of our civilization is the humane treatment of those creatures who cannot speak for themselves. Accordingly, I wish to assure all animal lovers that the exemption provision of this legislation will be carefully reviewed by the committee as the legislation receives further consideration.

There is a provision in the legislation for the exemption of "reports on the investigational use of devices." Although I share the concern that there be adequate protection of trade secrets, I am equally concerned that all information which may be affected with a public interest be made available to the interested subject parties' scrutiny. This section of the legislation shall also be subject to careful review by the committee as the measure receives further committee consideration.

Finally the legislation does not provide funding authorizations for the activities to be conducted pursuant to the legislation—and would, therefore, rely upon the general Department of Health, Education, and Welfare's funding authorities—and I am concerned that if we are adequately to protect the public, we must require specific funding authorizations to be provided for by this bill. This, of course, will be subject to careful review by the committee as the legislation progresses.

Although I expressed my concerns about the "unreasonable" limitation in order to effectuate standard setting; the need for consumer representation on advisory committees; the scope of trade secret protection; and the need for explicit funding authorizations to assure legislative implementation which adequately protects the public, there have not been any administration amendments to the bill as originally introduced. I believe these are critical provisions in the bill and when the bill is considered by the Committee on Labor and Public Welfare—of which I am ranking minority member—I intend to propose the necessary amendments to achieve these results, assuming that the testimony supports such recommendations.

Mr. President, I understand that representatives of the medical device industry and the scientific community have developed amendments to the administration's medical device legislation I introduced in the 92d Congress which they believe would improve the legislation and make it more workable.

One amendment provides that a medical device which may not conform to a promulgated standard may nevertheless be shipped for testing purposes under the guidance of the Secretary's regulations.

Another would insure that a surgeon could continue to develop or modify devices to meet the individual needs of a particular patient—the so-called custom devices.

Another would insure public participation in the crucial decision of whether or not scientific review is necessary in the first place.

The most significant amendment provides for a new definition of medical devices. Law review articles and lawsuits are not uncommon with regard to what is a device or a drug. I understand this proposed definition has been distributed to interested consumer groups and the industry and they have found it to be reasonable.

I believe we would want to accommodate these aforementioned legitimate interests to the maximum extent consistent with a workable regulatory scheme and reach a balance between competing interests. We should stand ready to consider all reasonable amendments developed by responsible groups and not prevent the development of lifesaving instruments. I am today asking Secretary Weinberger to provide me with his views on the amendment, which I request be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks, and I will consider the need to introduce a revised bill after reviewing the HEW comments.

Mr. President, although the committee is confronted with a monumental legislative "logjam"—there are more than 50 expiring provisions of the PHS Act alone—I believe this measure which provides legislative authority for the regulation of products considered to be medical devices deserves prompt action. The Medical Device Safety Act will assure medical and scientific safeguards essential to protecting the health of all our citizens.

I ask unanimous consent to have the bill, letter of transmittal from the Department of Health, Education, and Welfare, and a summary of the key provisions of the bill printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 1446

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Medical Device Safety Act".

TITLE I—AUTHORITY TO ESTABLISH STANDARDS

"AUTHORITY TO SET STANDARDS

"SEC. 513. (a) (1) Whenever in the judgment of the Secretary such action is necessary to reduce or eliminate unreasonable risk of illness or injury associated with exposure to or use of a device (including the need for uniformity and compatibility with systems or environments in which it is intended to be used) and there are no other more practicable means to protect the public from such risk, he may by order issued in accordance with subsection (a) of this section promulgate for any device, or type or class of device, a standard relating to any one or more of the following: the composition, the construction, the properties, the uniform identification, or the performance of such device. Such standard may include provisions for the testing of the device and the measurement of its characteristics, and may require the use and prescribe the form and content of instructions or warnings necessary for the proper installation, maintenance, operation, and use of the device.

"(2) A standard shall, where feasible, pertain to the safety performance characteristics of a device, except that it may apply to the composition, design, construction, finish, or packaging of the device or any component thereof if the Secretary determines such application to be in the public interest. Without regard to the limitations of the preceding sentence, a standard may require that the device or any component thereof be marked, tagged, or accompanied by clear and adequate warnings or instructions reasonably necessary for the protection of health or safety.

"(3) The Secretary shall provide for a periodic evaluation of the adequacy of all standards promulgated under this section in order to reflect changes in the state of the art of the development of devices and in applicable medical, scientific, and other technological data.

"Consultation with Other Federal Agencies and Interested Groups; Use of Other Federal Agencies

"(b) (1) Prior to (A) initiating a proceeding under subsection (c) to promulgate a standard under this section, (B) initiating the development of a proposed standard under subsection (f) of this section, or (C) the taking of any action under subsection (g) of this section, the Secretary shall to the maximum practicable extent consult with, and give appropriate weight to relevant standards published by, other Federal agencies concerned with standard setting and other nationally or internationally recognized standard-setting agencies or organizations. In considering proposals for the development of standards, the Secretary may also invite appropriate participation, through joint or other conferences, workshops, or other means, by informed persons representative of scientific, professional, industry, or consumer organizations which in his judgment can make a significant contribution to such development.

"(2) In carrying out his duties under this section, the Secretary shall utilize to the maximum practicable extent the personnel, facilities, and other technical support available in other Federal agencies.

"Initiation of Proceeding for Standards—Development by Interested Parties

"(c) A proceeding to promulgate a standard under this section shall be initiated by the Secretary by publication of notice in the Federal Register. Such notice shall advise of the opportunity for comment on the need to initiate such proceeding and shall include—

"(1) a description or other designation of the device (or type or class of device) to which the proceeding relates;

"(2) the nature of the risk or risks intended to be controlled;

"(3) a summary of the data on which the Secretary has found a need for initiation of the proceeding;

"(4) identification of any existing standard (if known to the Secretary) which may be relevant to the proceeding; and

"(5) an invitation to any person, including any Federal agency, which has developed or is willing to develop a proposed standard to submit to the Secretary, within thirty days after the date of such notice, (A) such a standard; or (B) an offer to develop a proposed standard in accordance with procedures prescribed by regulations of the Secretary.

"Use of Existing Standards

"(d) If the Secretary (1) finds that there exists a standard which has been published by any Federal agency or other qualified agency, organization, or institution, (2) has made reference to such standard (unless it is a standard submitted under subsection (c) (5) in his notice pursuant to subsection (c) (4), and (3) determines that such standard may be substantially acceptable to him as a device standard, then he may, in lieu of accepting an offer under this section, publish such standard as a proposed device standard in accordance with subsection (g).

"Acceptance of Offer to Develop Standards

"(e) (1) Except as otherwise provided by subsection (d), the Secretary shall accept one or more offers to develop a proposed standard pursuant to the invitation prescribed by subsection (c) (5) if he determines that (A) the offeror is technically competent to undertake and complete the development of an appropriate standard within a reasonable period of time, and (B) the offeror has the capacity to comply with procedures prescribed by regulations of the Secretary under paragraph (4).

"(2) The Secretary shall publish in the Federal Register the name and address of each person whose offer is accepted, and a summary of the terms of such offer as accepted.

"(3) Upon an offeror's application therefor prior to the acceptance of his offer under this subsection, the Secretary may agree to contribute to the offeror's cost in developing a proposed standard, if the Secretary determines that such contribution is likely to result in a more satisfactory standard than would be developed without such contribution, and that the offeror is financially responsible. Regulations of the Secretary shall set forth the items of cost in which he may participate, except that such items may not include construction (except minor remodeling), or the acquisition of land or buildings.

"(4) The Secretary shall prescribe regulations governing the development of proposed standards under this subsection and subsection (f), which regulations shall not be considered rules of agency organization, procedure, or practice for purposes of section 553 of title 5 of the United States Code. Such regulations shall include requirements—

"(A) that standards recommended for promulgation be supported by test data or such other documents or materials as the Secretary may reasonably require to be developed, and be suitable for promulgation under subsection (g);

"(B) that standards recommended for promulgation contain such test methods as may be appropriate for measurement of compliance with such standards;

"C) for opportunity by interested persons to participate in the development of such standards;

"(D) for the maintenance of such records as the Secretary prescribes in such regulations to disclose the course of the development of standards recommended for promulgation, the comments and other information submitted by any person in connection with such development, including comments and information with respect to the need for such recommended standards, and such other matters as may be relevant to the evaluation of such recommended standards; and

"(E) that the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, have access for the purpose of audit and examination to any books, documents, papers, and records, relevant to the expenditure of any contribution of the Secretary, under paragraph (3).

"Development of Standards by the Secretary

"(f) If the Secretary has published a notice as provided by subsection (c), and—

"(1) no person accepts the invitation prescribed by subsection (c) (5);

"(2) the Secretary has accepted neither an existing standard pursuant to subsection (d) nor an offer to develop a proposed standard pursuant to subsection (e); or

"(3) the Secretary has accepted an offer pursuant to subsection (e), but determines that the offeror is unwilling or unable to continue the development of the standard which was the subject of the offer or the standard which has been developed is not satisfactory; then the Secretary may proceed to develop a proposed standard pursuant to procedures prescribed by subsection (g).

"Procedure for Promulgation, Amendment, or Revocation of Standards

"(g) (1) (A) As soon as practicable after the initiation of a proceeding to promulgate a standard, and after review of any proposal submitted under subsection (e), the Secretary shall publish in the Federal Register either a proposal to promulgate a standard applicable to the device (or type or class of device) subject to the proceeding, or a notice that the proceeding is terminated. The proposal to promulgate a standard shall set forth the standard, the manner in which interested persons may examine data and other information on which the standard is based, and the period within which interested persons may present their comments on the standard (including the need therefor) orally or in writing.

"(B) As soon as practicable after the publication of a proposal to promulgate a standard, the Secretary shall, by order published in the Federal Register, act upon the proposed standard or terminate the proceeding. The order shall set forth the standard, if any, the reasons for the Secretary's action (including reasons for the promulgation of a standard materially different than that set forth in the proposal or for his failure to promulgate any standard), and the date or dates upon which the standard, or portions thereof, will become effective. Such date or dates shall be established so as to minimize, consistent with the public health and safety, economic loss to, and disruption or dislocation of, domestic and international trade.

"(C) (i) Prior to his issuance of an order to promulgate a standard, the Secretary shall consider—

"(I) the degree of risk of illness of injury associated with those aspects of the devices subject to the order;

"(II) the approximate number of devices, or types or classes thereof, subject to the order;

"(III) the need of the public for the devices subject to the order, and the probable effect of the order upon the utility, cost, or availability of the devices to meet that need;

"(IV) means of achieving the objective of the order with a minimal disruption or dislocation of competition and of reasonable manufacturing and other commercial practices; and

"(V) data and comments submitted in the course of any proceeding initiated under subsection (c) relevant to such order.

Such order shall include appropriate findings with respect to the matters set forth in clauses (I) through (V) and such standard shall be based on such findings.

"(ii) The Secretary shall include in the order promulgating a standard such additional findings as he may determine to be necessary to support the judgment required by subsection (a)(1).

"(2) The Secretary may revoke any standard, in whole or in part, upon the ground that there no longer exists a need therefor or that such standard (or part thereof) is no longer in the public interest. Such revocation shall be published as a proposal in the Federal Register and shall set forth such standard or portion thereof to be revoked, a summary of the reasons for his determination that there may no longer be a need therefor or that such standard (or any part thereof) may no longer be in the public interest, the manner in which interested persons may examine data and other information relevant to the Secretary's determination, and the period within which any interested person may present his views, orally or in writing, with respect to such revocation. As soon as practicable thereafter, the Secretary shall by order act upon such proposal and shall publish such order in the Federal Register. The order shall include the reasons for the Secretary's action and the date or dates upon which such revocation shall become effective.

"(3) The Secretary may propose an amendment of a standard by publishing such proposal in the Federal Register. Such proposal shall be subject to paragraph (4) of this subsection and to subsection (h).

"(4) To the extent not inconsistent with this section, the provisions of section 553 of title 5 of the United States Code, shall govern proceedings under this section to promulgate, amend, or revoke a standard. An order promulgating, amending, or revoking a standard shall, upon its publication and without regard to its effective date, be a final order for purposes of chapter 7 of title 5 of the United States Code. Judicial review of such final order shall not be denied upon the ground that the petitioner has failed to seek the referral of any proposal to an advisory committee under subsection (h).

"Referral to Independent Advisory Committee

"(h)(1) A proposal under subsection (g) may be referred to an advisory committee of experts for a report and recommendations with respect to any matter involved in such proposal which requires the exercise of scientific judgment. The Secretary may so refer such proposal prior to or after its publication under such subsection, and shall so refer it after its publication upon a request, within the time specified in the proposal, of any interested person (unless the Secretary finds the request to be without good cause). For the purpose of any such referral, the Secretary shall appoint such an advisory committee (which may be a standing advisory scientific review panel established under section 514(b)) and shall refer to it, together with all the data before him, the matter so involved for study, and for a report and recommendations.

The provisions of the first and second sentences of section 706(b)(5)(C)(ii) shall apply to such report and recommendations. A person who has requested the referral of a matter to an advisory committee pursuant to this subsection, as well as representatives of the Department, shall have the right to consult with such advisory committee, and such advisory committee is authorized to consult with any person, in connection with the matter referred to it.

"(2) The Secretary shall appoint as members of any such committee persons qualified in the subject matter to be referred to the committee and of appropriately diversified professional background. Members of an advisory committee who are not in the regular full-time employ of the United States, while attending conferences or meetings of their committee or otherwise serving at the request of the Secretary, shall be entitled to receive compensation at rates to be fixed by the Secretary but not at rates exceeding the daily equivalent for grade GS-18 of the General Schedule for each day so engaged, including travel time; and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently. The Secretary shall furnish the committee with clerical and other assistance, and shall by regulation prescribe the procedure to be followed by the committee.

"(3) If such a matter is referred to an expert advisory committee upon request of an interested person, the Secretary may, pursuant to regulations designed so as not to discourage any such referrals which are in the public interest, require such person to pay all or part of the cost to the Department arising by reason of such referral. Such payments, including advance deposits to cover such payments, shall be available until expended for paying (directly or by way of reimbursement of the applicable currently available appropriations) such costs and for refunds in accordance with such regulations.

"Testing or Manufacture of Devices to Assure Compliance With Standards

"(i)(1) Every manufacturer of a device subject to a standard under this section shall assure the Secretary, at such times and in such form and manner as the Secretary shall by regulation prescribe, that testing methods prescribed by the standard show the device to comply therewith, or that the device has been manufactured under a program of quality control which is in accord with current good manufacturing practice (as may be determined by regulations of the Secretary) designed to assure such compliance.

"(2) To assure that devices conform to standards under this section, the Secretary shall review and evaluate on a continuing basis testing and other quality control programs carried out by manufacturers of devices subject to such standards.

"Exemption

"(j) This section shall not apply to any device intended solely (1) for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in animals other than man or (2) to affect the structure or any function of the body of such animals."

CONFORMING AMENDMENTS

SEC. 102. (a) Section 501 of such Act (21 U.S.C. 351) is amended by adding at the end thereof the following new paragraph:

"(e) If it is, or purports to be or is represented as, a device with respect to which, or with respect to any component, part, or accessory of which, there has been promulgated a standard under section 513, unless such device, or such component, part, or accessory, is in all respects in conformity with such standard."

(b) Section 502 of such Act (21 U.S.C. 352) is amended by adding at the end thereof the following new paragraph:

"(q) If it is a device subject to a standard promulgated under section 513, unless (1) its labeling bears such instructions and warnings as may be prescribed in such standard; and (2) it complies with the requirements of section 513(i)(1)."

TITLE II—SCIENTIFIC REVIEW OF CERTAIN MEDICAL DEVICES

SEC. 201. (a) Section 501 of such Act, as amended by section 102(a) of this Act, is further amended by adding at the end thereof the following new paragraph:

"(f) If (1) it is a device, and (2) such device, or any component, part, or accessory thereof, is deemed unsafe or ineffective within the meaning of section 514 with respect to its use or intended use."

(b) Chapter V of such Act, as amended by this Act, is further amended by adding at the end thereof the following new section:

"SCIENTIFIC REVIEW OF CERTAIN MEDICAL DEVICES

"When Scientific Review is Required

"SEC. 514. (a) The Secretary may declare that a device (or type or class of device) shall be subject to scientific review under this section with respect to any particular use or intended use thereof if, after consultation with the appropriate panel or panels specified in subsection (b), he finds that the device (or type or class of device) is used or intended to be used in life-threatening situations, that the composition, construction, or properties of the device (or type or class of device) is such that, in relation to that use or intended use, the device (or type of class of device) may present an unreasonable hazard, that scientific review may materially reduce this hazard, and that no more practicable means to reduce this hazard are available to the Secretary. The declaration shall be by regulation (which may be rescinded by the Secretary) which shall set forth and be based upon the findings prescribed by the preceding sentence and findings as described in clause (I), (II), (III), and (IV) of section 513(g)(1)(C)(i). A device (or type or class of device) declared to be subject to scientific review shall be deemed unsafe or ineffective for the purpose of the application of section 501(f) unless either—

"(1) there is in effect an approval of an application with respect to such device under this section,

"(2) such device is exempted by or pursuant to subsection (k) of this section, or

"(3) such device is intended solely (A) for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in animals other than man or (B) to affect the structure or any function of the body of such animals.

"Standing Advisory Scientific Review Panels

"(b)(1) For the purpose of reviewing applications filed under subsection (c), and of reviewing plans and protocols submitted under subsection (k)(4), the Secretary shall establish one or more standing advisory scientific panels composed of members appointed by the Secretary. Such members shall consist of experts qualified by training and experience to evaluate the safety and effectiveness of devices in the category or class of devices to be referred to such a panel, including appropriate experts from one or more of the physical or biological sciences and of the professions of medicine, dentistry, and engineering. The Secretary shall from time to time designate one of the members of each panel to serve as chairman thereof.

"(2) Members of any standing advisory scientific panel established under this subsection, while attending conferences or meetings of their panels or otherwise serving at the request of the Secretary, shall be entitled to receive compensation at rates to be fixed by the Secretary but not at rates exceeding the daily equivalent of the rate specified at the time of such service for grade GS-18 of the General Schedule, including travel time; and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703(b) of title 5 of the United States Code for persons in the Government service employed intermittently. The Secretary shall furnish the committee with clerical and other assistance. The members shall not be subject to any other provisions of law regarding the appointment and compensation of employees of the United States.

"Application for Scientific Review

"(c) (1) Scientific review of a device (or type or class of device) which has been declared subject to such review in accordance with subsection (a) may be obtained by filing with the Secretary an application for his determination of the safety and effectiveness of the device. The application shall contain (A) full reports of all information, published or otherwise available to the applicant, concerning investigations which have been made to show whether or not such device is safe and effective for use; (B) a full statement of the composition, properties, and construction, and of the principle or principles of operation, of such device; (C) a full description of the methods used in, and the facilities and controls used for, the manufacture, processing, and, when relevant, packing and installation of such device; (D) an identifying reference to any standard applicable to such device, which is in effect pursuant to section 513, and adequate information to show that such device fully meets such standard; (E) such samples of such device and of the articles used as components thereof as the Secretary may require; (F) specimens of the labeling proposed to be used for such device; and (G) such other information, relevant to the subject matter of the application, as the Secretary, upon advice of the appropriate panel or panels established pursuant to subsection (b), may require.

(2) Upon receipt of an application meeting the requirements set forth in paragraph (1), the Secretary shall refer such application to the appropriate panel or panels (established pursuant to subsection (b)) for study and for submission (within such period, if any, as he may establish) of a report and recommendations, together with all underlying data and the reasons or basis for the recommendations. The provisions of section 706(d) (2) shall apply with respect to the material so submitted.

"Consideration of and Initial Action on Application

"(d) As promptly as possible, but in no event later than one hundred and twenty days after the receipt of an application under subsection (c), unless an additional period is agreed upon by the Secretary and the applicant, the Secretary, after considering the report and recommendations referred to in paragraph (2) of such subsection, shall—

"(1) approve the application if he finds that one of the grounds for denying approval specified in subsection (e) applies,

"(2) advise the applicant that the application is not in approvable form; and inform the applicant, insofar as the Secretary determines to be practicable, of the measures required to place such application in approvable form (which measures may include further research by the applicant in accordance with one or more protocols prescribed by the Secretary); or

"(3) deny approval of the application if he finds (and sets forth the basis of such finding as part of or accompanying such denial) that one or more grounds for denial specified in subsection (e) applies.

"Bases for Approval or Disapproval; Opportunity for Review

"(e) (1) If, upon the basis of the information submitted to the Secretary as part of the application and any other information before him with respect to such device, the Secretary finds, after opportunity to the applicant for the review prescribed by paragraph (4), that—

"(A) such device is not shown to be safe for use under the conditions prescribed, recommended, or suggested in the proposed labeling thereof;

"(B) the methods used in, and the facilities and controls used for, the manufacture, processing, and packing and installation of such device do not conform to the requirements of section 501(g);

"(C) there is a lack of adequate scientific evidence that the device will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the proposed labeling thereof;

"(D) based on a fair evaluation of all material facts, such labeling is false or misleading in any particular; or

"(E) such device is not shown to conform in all respects to an applicable standard promulgated under section 513 and in effiect; he shall issue an order denying approval of the application and stating the findings upon which the order is based. In determining if a device is shown to be safe for purposes of this paragraph, the Secretary shall weigh any benefit to the public health probably resulting from the use of the device against any hazard to the public health probably resulting from such use.

"(2) As used in this subsection and subsection (f), the term 'adequate scientific evidence' means evidence consisting of sufficient well-controlled investigations, including clinical investigations where appropriate, by experts qualified by scientific training and experience to evaluate the effectiveness of the device involved, on the basis of which it could fairly and responsibly be concluded by such experts that the device will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling or proposed labeling thereof.

"(3) For the purposes of this section, when a device is intended for use by a physician, surgeon, or other person licensed or otherwise specially qualified therefor, its safety and effectiveness shall be determined in the light of such intended use.

"(4) (A) An applicant whose application has been denied approval (either pursuant to paragraph (3), or in consequence of the Secretary's finding pursuant to paragraph (2), of subsection (d)) may, by petition filed on or before the thirtieth day after the date upon which he receives notice of such denial, obtain review thereof in accordance with subsection (i). The Secretary shall consider and give appropriate weight to the report and recommendations received from the advisory committee conducting such review under such subsection.

"(B) In lieu of the review provided by subparagraph (A), such applicant may, for good cause shown by such petition, obtain a hearing in accordance with section 554 of title 5 of the United States Code.

"Withdrawal of Approval

"(f) (1) The Secretary may, upon obtaining, where appropriate, advice on scientific matters from a panel or panels established pursuant to subsection (b), and after due notice and opportunity for hearing to the applicant, issue an order withdrawing approval of an application with respect to a device under this section if the Secretary finds—

"(A) (i) that clinical or other experience, tests, or other scientific data show that such device is unsafe for use under the conditions of use upon the basis of which the application was approved; or (ii) on the basis of evidence of clinical experience, not included in or accompanying such application and not available to the Secretary until after the application was approved, or of tests by new methods or by methods not reasonably applicable when the application was approved, evaluated together with the evidence available to the Secretary when the application was approved, that such device is not shown to be safe for use under the conditions of use on the basis of which the application was approved;

"(B) on the basis of new information before him with respect to such device, evaluated together with the evidence available to him when the application was approved, that there is a lack of adequate scientific evidence that the device will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof;

"(C) that the application filed pursuant to subsection (c) contains or was accompanied by an untrue statement of a material fact;

"(D) that the applicant has failed to establish a system for maintaining records, or has repeatedly or deliberately failed to maintain records or to make reports, required by an applicable regulation or order under subsection (a) of section 516, or that the applicant has refused to permit access to, or copying or verification of, such records as required by paragraph (2) of such subsection;

"(E) on the basis of new information before him, evaluated together with the evidence before him when the application was approved, that the methods used in, or the facilities and controls used for, the manufacture, processing, packing, or installation of such device do not conform to the requirements of section 501(g) and were not brought into conformity with such requirements within a reasonable time after receipt of written notice from the Secretary; or

"(F) on the basis of new information before him, evaluated together with the evidence before him when the application was approved, that the labeling of such device, based on a fair evaluation of all material facts, is false or misleading in any particular and was not corrected within a reasonable time after receipt of written notice from the Secretary; or

"(G) on the basis of new information before him, evaluated together with the evidence before him when the application was approved, that such device is not shown to conform in all respects to an applicable standard promulgated pursuant to section 513.

"(2) If the Secretary (or in his absence the officer acting as Secretary) finds that an imminent health or safety hazard is involved, he may by order suspend the approval of such application immediately and give the applicant prompt notice of his action and afford the applicant an opportunity for an expedited hearing under this subsection. Such authority to suspend the approval of an application may not be delegated.

"(3) Any order under this subsection shall state the findings upon which it is based.

"Authority To Revoke Adverse Orders

"(g) Whenever the Secretary finds that the facts so require, he shall revoke an order under subsection (e) or (f) denying, withdrawing, or suspending approval of an application and shall approve such application or reinstate such approval, as may be appropriate.

"Service of Secretary's Orders

"(h) Orders of the Secretary under this section shall be served (1) in person by any officer or employee of the Department designated by the Secretary or (2) by mailing the order by registered mail or certified mail addressed to the applicant at his last known address in the records of the Secretary.

"Referral to Independent Advisory Committee

"(i) (1) A person who has filed an application under subsection (c) may petition the Secretary, in accordance with subparagraph (A) of subsection (e) (4), to refer such application, or the Secretary's action thereon, to an advisory committee of experts for a report and recommendations with respect to any question therein involved which requires the exercise of scientific judgment. Upon such petition, or if the Secretary on his own initiative deems such a referral necessary, the Secretary shall appoint an advisory committee and shall refer to it, together with all the data before him, the question so involved for study thereof and a report and recommendations thereon. The provisions of the first and second sentences of section 706(b) (5) (C) (ii) shall apply to such report and recommendations. The applicant, as well as representatives of the Department, shall have the right to consult with such advisory committee, and such advisory committee is authorized to consult with any person, in connection with the question referred to it.

"(2) Section 513(h) (2) shall apply to the appointment, compensation, staffing, and procedure of any such advisory committee.

"(3) Paragraph (3) of section 513(h) shall also apply in the case of a referral to an advisory committee under this subsection.

"Judicial Review

"(j) The applicant may, by appeal taken in accordance with section 505(h), obtain judicial review of a final order of the Secretary denying or withdrawing approval of an application filed under subsection (c) of this section. Judicial review of such final order shall not be denied upon the ground that the petitioner has failed to avail himself of the review or hearing provided by subsection (e) (4).

"Exemption for Investigational Use

"(k) (1) It is the purpose of this subsection to encourage, to the maximum extent consistent with the protection of the public health and safety and with professional ethics, the discovery and development of useful devices and to that end to maintain optimum freedom for individual scientific investigators in their pursuit of that objective.

"(2) Subject to the succeeding paragraphs of this subsection, there shall be exempt from the requirement of approval of an application under the foregoing provisions of this section any device which is intended solely for investigational use (in a hospital, laboratory, clinic, or other appropriate scientific environment) by an expert or experts qualified by scientific training and experience to investigate the safety and effectiveness of such device.

"(3) The Secretary shall promulgate regulations relating to the application of the exemption referred to in paragraph (2) to any device which is intended for use in the clinical testing thereof upon humans, in developing data required to support an application under subsection (c).

"(4) Such regulations may provide for conditioning the exemption, in the case of a device intended for such use, upon—

"(A) the submission, by the manufacturer of the device or the sponsor of the investigation, of an outline of the plan of initial clinical testing—

"(i) to a local institutional review committee which has been established to supervise clinical testing in the facility where the initial clinical testing is to be conducted, the composition and procedures of which comply with regulations of the Secretary, for review and approval as being adequate to justify the commencement of such testing, or

"(ii) if no such committee exists or if the Secretary finds that the process of review by such committee is inadequate or that protection of health and safety so requires (whether or not the plan has been approved by such committee), to the Secretary for review by the appropriate panel or panels established pursuant to subsection (b) and approval by the Secretary as being adequate to justify the commencement of such testing;

"(B) prompt notification to the Secretary by such manufacturer or sponsor (in such manner as the Secretary prescribes) of approval of any plan pursuant to clause (A) (i);

"(C) the submission, by the manufacturer of the device or the sponsor of the investigation, of an adequate protocol for clinical testing to be conducted by separate groups of investigators under essentially the same protocol, together with a report of prior investigations of the device (including, where appropriate, tests on animals) adequate to justify the proposed testing, either (i) to a local institutional review committee for review and approval in accordance with the provisions of clauses (A) (i) and (B), or (ii) to the Secretary for review and approval in accordance with the provisions of clause (A) (ii) if such testing involves facilities in which no such committee exists, or facilities served by more than one local institutional review committee if such committees are unable to agree on the adequacy of the submission;

"(D) the obtaining, by the manufacturer, of the device or the sponsor of the investigation, if the device is to be distributed to investigators for testing, of a signed agreement from each of such investigators that humans upon whom the device is to be used will be under such investigator's personal supervision or under the supervision of investigators responsible to him;

"(E) the establishment and maintenance of such records, and the making of such reports to the Secretary, by the manufacturer of the device or the sponsor of the investigation, of data (including but not limited to analytical reports by investigators) obtained as a result of such investigational use of the device, as the Secretary finds will enable him to evaluate the safety and effectiveness of the device in the event of the filing of an application pursuant to subsection (c); and

"(F) such other conditions relating to the protection of the public health and safety as the Secretary may determine to be necessary. Nothing in this subsection shall be construed to require any clinical investigator to submit directly to the Secretary reports on the investigational use of devices.

"(5) Such regulations shall condition such exemption upon the manufacturer of the device, or the sponsor of the investigation, requiring that investigators using the device certify to such manufacturer or sponsor that they—

"(A) will inform individuals upon whom such device or any controls in connection therewith are used, or the representatives of such individuals, that the device is being used for investigational purposes, and

"(B) will obtain the consent of such individuals or representatives,

except where such investigators deem it not feasible or, in their professional judgment, contrary to the best interest of such individuals.

"(6) Whenever the Secretary determines that a device is being or has been shipped or delivered for shipment in interstate commerce for investigational testing upon humans, and that such device is subject to the preceding subsections of this section and fails to meet the conditions for exemption therefrom for investigational use, he shall notify the sponsor of his determination and the reasons therefor, and the exemption will not thereafter apply with respect to such investigational use until such failure is corrected.

"(7) In determining whether this subsection is applicable to any device and, if so, whether there has been compliance with the conditions of exemption, or upon application for reconsideration of any such determination, the Secretary shall, if so requested by the sponsor of the investigation, or may on his own initiative, obtain the advice of an appropriate expert or experts who are not otherwise, except as consultants, engaged in the carrying out of this Act.

"(l) (1) If, on the day immediately prior to the date upon which a device is declared to be subject to scientific review under this section, the device was in use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man, or for the purpose of affecting the structure or any function of the body of man, section 501(f) shall become effective with respect to such preexisting use or uses of such device on the closing date (as defined in paragraph (2) of this subsection) or, if sooner, on the effective date of an order of the Secretary approving or denying approval of an application with respect to such use of the device under this section.

"(2) For the purposes of this subsection, the term 'closing date' means, with respect to a device, the first day of the thirty-first calendar month which begins after the month in which the device is declared to be subject to scientific review under this section, except that, if in the opinion of the Secretary it would not involve any undue risk to the public health, he may on application or on his own initiative postpone such closing date wtih respect to any particular use or uses of a device until such later date (but not beyond the close of the sixtieth month after the month of such declaration) as he determines is necessary to permit completion, in good faith and as soon as reasonably practicable, of the scientific investigations necessary to establish the safety and effectiveness of such use or uses. The Secretary may terminate any such postponement at any time if he finds that such postponement should not have been granted or that, by reason of a change in circumstances, the basis for such postponement no longer exists or that there has been a failure to comply with a requirement of the Secretary for submission of progress reports or with other conditions attached by him to such postponement."

PROHIBITED ACTS

SEC. 202. (a) Paragraph (e) of section 301 of such Act is amended (1) by striking out "or" before "512(j), (l), or (m)", and (2) by inserting ", 514(k), or 516(a)" after "512(j), (l), or (m)".

(b) Paragraph (j) of section 301 of such Act is amended by inserting "514, 516," immediately after "512,".

(c) Paragraph (1) of such section 301 is amended (1) by inserting "or device" after the word "drug" each time it appears therein, and (2) by striking out "505." and inserting in lieu thereof "505 or 514, as the case may be,".

TITLE III.—NOTIFICATION OF DEFECTIVE DEVICES; REPAIR OR REPLACEMENT

SEC. 301. Chapter V of such Act, as amended by sections 101 and 201(b) of this Act, is further amended by adding at the end thereof the following new section:

"NOTIFICATION OF DEFECTS IN, AND REPAIR OR REPLACEMENT OF, DEVICES

"SEC. 515. (a) (1) Every person who acquires information which may reasonably be understood to show that a device produced, assembled, or imported by him (A) contains a defect which is likely to create a substantial risk to the health or safety of any person, or (B) on or after the effective date of an applicable standard promulgated pursuant to section 513 fails to comply with such standard, shall immediately notify the Secretary of such defect or failure to comply if such device has left the place of manufacture and shall, except as otherwise provided by paragraph (3) of this subsection, with reasonable promptness furnish notification of such defect or failure (C) by mail to any purchaser not for sale of such device (where known to such person), and (D) by mail or other more expeditious means to the dealers or distributors to whom such device was delivered.

"(2) The notifications required by paragraph (1) of this subsection shall contain a clear description of such defect or failure to comply, an evaluation of the hazard related thereto, and a statement of the measures to be taken to correct such defect or failure.

"(3) The Secretary shall by regulation prescribe a procedure for the exemption or partial exemption of any person from the requirements of paragraph (1) of this subsection (other than notification to the Secretary) if the Secretary finds, upon application of such person, that the defect or failure to comply is not such as to create a significant risk to the health or safety of any person.

"(4) A dealer or distributor who is notified under paragraph (1) of a defect or failure of a device shall furnish to the manufacturer or importer from whom he obtained the device such information (at such times and in such manner and form as the Secretary may by regulation prescribe) as may be necessary to identify and locate each purchaser not for sale of the device.

"(b) Every person required to furnish the notification (other than to the Secretary) specified in paragraph (2) of subsection (a) shall submit to the Secretary upon his request a copy of all notices, bulletins, and other communications to the dealers or distributors of such person or to purchasers not for sale of devices of such person regarding any such defect in such device or any such failure to comply with a standard applicable to such device. The Secretary shall disclose to the public so much of the information contained in such communications or other relevant information in his possession as he deems will assist in carrying out this Act, but he shall not disclose any information which contains or relates to a trade secret.

"(c) If any device contains a defect which relates to the safety or effectiveness of the device or fails to comply with an applicable standard promulgated pursuant to section 513, and the notification specified in paragraph (2) of subsection (a) is required to be furnished on account of such defect or failure, the producer, assembler, or importer of such device may be required by the Secretary, without charge, to—

"(1) bring such device into conformity with such standard or remedy such defect and provide reimbursement for any reasonable and necessary expenses incurred in connection with having such device brought into conformity or having such defect remedied; or

"(2) replace such device with a like or equivalent device which complies with each applicable standard promulgated under section 513 and which has no defect relating to its safety or effectiveness; or

"(3) refund the purchase price of such device upon tender of the device by the owner, less a reasonable allowance for depreciation, and provide reimbursement for any reasonable and necessary expenses incurred in its return.

The producer, assembler, or importer shall take the action required under this subsection in such manner, and with respect to such persons, as the Secretary may by regulation prescribe.

"(d) The remedies provided for in this section shall be in addition to and not in substitution for any other remedies provided by law.

"(e) This section shall not apply to any individual device that was manufactured before the date of the enactment of the Medical Device Safety Act."

PROHIBITED ACTS

SEC. 302. Section 301 of such Act, as amended by section 202 of this Act, is further amended by adding at the end thereof the following new paragraph:

"(q)(1) The failure or refusal to furnish any notification or other material or information as required by section 515 or 516(c); or (2) the failure or refusal to comply with any requirement prescribed under authority of section 515(c)."

CONFORMING AMENDMENT

SEC. 303. Section 502(j) of such Act is amended by inserting "or manner" after "dosage".

TITLE IV—REQUIREMENT OF GOOD MANUFACTURING PRACTICE

SEC. 401. Section 501 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351), as amended by sections 102 and 201 of this Act, is further amended by adding at the end thereof the following new paragraph:

"(g) If it is a device and the methods used in, or the facilities or controls used for, its manufacture, processing, packing, holding, or installation do not conform to, or are not operated or administered in conformity with, current good manufacturing practice as determined by regulations of the Secretary under section 701(a) to assure that such device is safe."

TITLE V—RECORDS AND REPORTS; INSPECTION AND REGISTRATION OF ESTABLISHMENTS; OFFICIAL NAMES

SEC. 501. Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C., ch. 9, subch. V) is further amended by adding at the end thereof the following new section:

"RECORDS AND REPORTS ON DEVICES

"SEC. 516. (a)(1) Every person engaged in manufacturing, processing, or distributing, a device that is subject to a standard promulgated under section 513, or with respect to which there is in effect an approval under section 514 of an application filed under subsection (c) thereof, shall establish and maintain such records, and make such reports to the Secretary, of data relating to clinical experience and other data or information, received or otherwise obtained by such person with respect to such device, and bearing on the safety or effectiveness of such device, or on whether such device may be adulterated or misbranded, as the Secretary may by general regulation, or by special regulation or order applicable to such device, require. In prescribing such regulations or issuing such orders the Secretary shall have due regard for the professional ethics of the medical profession and the interests of patients and shall provide, wherever he deems it appropriate, for the examination, upon request, by the persons to whom such regulations or orders are applicable, of similar information received or otherwise obtained by the Secretary.

"(2) Every person required under this subsection to maintain records, and every person in charge or custody thereof, shall, upon request of an officer or employee designated by the Secretary, permit such officer or employee at all reasonable times to have access to any copy and verify such records.

"(b) Subsection (a) shall not apply to—

"(1) practitioners licensed by law to prescribe or administer drugs and devices and who manufacture or process devices solely for use in the course of their professional practice;

"(2) persons who manufacture or process devices solely for use in research or teaching and not for sale;

"(3) such other classes of persons as the Secretary may be or pursuant to regulation exempt from the application of this subsection upon a finding that such application is not necessary to acommplish the purposes of this subsection.

"(c) Every person engaged in manufacturing a device subject to this Act shall provide to the Secretary upon his request such technical data and other data or information with respect to such device as may be reasonably required to carry out this Act."

INSPECTION RELATING TO DEVICES

SEC. 502. (a) The second sentence of subsection (a) of section 704 of such Act (21 U.S.C. 374) is amended by inserting "or prescription devices" after "prescription drugs" both times it appears.

(b) The third sentence of such subsection is amended (1) by striking out "for prescription drugs", (2) by striking out "and antibiotic drugs" and inserting in lieu thereof ", antibiotic drugs, and devices", (3) by striking out "or section 507(d) or (g)" and inserting in lieu thereof ", section 507(d) or (g), section 514(k), or section 516", and (4) by inserting "or devices" after "other drugs", inserting "or of a device subject to section 514" after "new drug", and inserting "or section 516" after "section 505(j)".

(c)(1) Paragraph (1) of the sixth sentence of such subsection is amended by inserting "or devices" after "drugs" each time such term occurs.

(2) Paragraph (2) of that sentence is amended by inserting ", or prescribe or use devices, as the case may be," after "administer drugs"; and by inserting ", or manufacture or process devices," after "process drugs".

(3) Paragraph (3) of that sentence is amended by inserting ", or manufacture or process devices," after "process drugs".

REGISTRATION OF DEVICE MANUFACTURERS; OFFICIAL NAMES OF DEVICES

SEC. 503. (a) Section 510 of such Act (21 U.S.C. 360) is amended as follows:

(1) The section heading is amended by inserting "AND DEVICES" after "DRUGS".

(2) Subsection (a)(1) is amended by inserting "or device package" after "drug package"; by inserting "or device" after "the drug"; and by inserting "or user' 'after "consumer".

(3) Subsection (d) is amended to read as follows:

"(d)(1) Every person duly registered in accordance with the foregoing subsections of this section shall immediately register with the Secretary any additional establishment which he owns or operates in any State and in which he begins the manufacture, preparation, propagation, compounding, or processing of a drug or drugs, or of a device or devices.

"(2) Every person who is registered with the Secretary pursuant to the first sentence of subsection (b) or (c) or paragraph (1) of this subsection shall, and any device is thereafter manufactured, prepared, propagated, compounded, or processed in any establishment with respect to which he is so registered, immediately file a supplement to such registration with the Secretary indicating such fact.

(4) Subsection (g) is amended by inserting "or devices" after "drugs" each time such term occurs in paragraphs (1), (2), and (3) of such subsection.

(5) The first sentence of subsection (i) is amended by inserting ", or a device or devices," after "drug or drugs"; and the second sentence of such subsection is amended by inserting "shall require such establishment to provide the information required by subsection (j) in the case of a device or devices and" immediately before "shall include", and by inserting "or devices" after "drugs".

(6) Subsection (j) is amended—

(A) in paragraph (1), preceding subparagraph (A), by striking out "a list of all drugs (by established name" and inserting in lieu thereof "a list of all drugs and a list of all devices (in each case by established name"; and by striking out "drugs filed" and inserting "drugs or devices filed" in lieu thereof;

(B) in subparagraph (A) of paragraph (1) by striking out "such list" and inserting "the applicable list" in lieu thereof; by inserting "or a device contained in the applicable list with respect to which a standard has been promulgated under section 513 or which is subject to section 514," after "512,"; and by inserting "or device" after "such drug" each time it appears;

(C) in subparagraph (B) or paragraph (1), before clause (i), by striking out "drug contained in such list" and inserting "drug or device contained in an applicable list" in lieu thereof;

(D) in clause (i) of paragraph (1)(B), by amending such clause to read as follows—

"(i) which drug is subject to section 503 (b)(1), or which device is a prescription device under regulations promulgated under section 502(f), a copy of all labeling for such drug or device, a representative sampling of advertisements for such drug or device, and, upon request made by the Secretary for good cause, a copy of all advertisements for a particular drug product or device, or";

(E) in clause (ii) of paragraph (1)(B), by amending such clause to read as follows:

"(ii) which drug is not subject to section 503(b)(1), or which device is not a prescription device under regulations promulgated under section 502(f), the label and package insert for such drug or device and a representative sampling of any other labeling for such drug or device";

(F) in subparagraph (C) of paragraph (1), by striking out "such list" and inserting "an applicable list" in lieu thereof;

(G) in subparagraph (D) of paragraph (1), by striking out "the list" and inserting "a list" in lieu thereof; by inserting "or the particular device contained in such list is not subject to a standard promulgated under section 513, or is not a prescription device under regulations promulgated under section 502 (f)," after "512,"; and by inserting 'or device" after "particular drug product";

(H) in paragraph (2), by inserting "or device" after "drug" each time it appears and, in subparagraph (C), by inserting "each" before "by established name".

(b) Subsection (o) of section 502 of such Act (21 U.S.C. 352) is amended by striking out "is a drug and".

(c) The second sentence of section 801(a) of such Act (21 U.S.C. 381(a)) is amended by inserting "or devices" after "drugs" both times such words appear.

(d)(1) Subparagraph (1) of section 502(e) of such Act (21 U.S.C. 352(e)) is amended by striking out "subparagraph (2)" and inserting in lieu thereof "subparagraph (3)".

(2) Subparagraph (2) of section 502(e) of such Act (21 U.S.C. 352(e)) is redesignated as subparagraph (3) and is amended by striking out "this paragraph (e)" and inserting in lieu thereof "subparagraph (1)".

(3) There is added to such paragraph (e) a new subparagraph (2) as follows:

"(2) If it is a device, unless its label bears, to the exclusion of any other nonproprietary name, the established name (as defined in subparagraph (4)) of the device, if such there be, prominently printed in type at least half as large as that used thereon for any proprietary name or designation for such device: *Provided,* That to the extent compliance with the requirements of this subparagraph is impracticable, exemptions shall be established by regulations promulgated by the Secretary."

(4) There is further added to such paragraph a new subparagraph (4) as follows:

"(4) As used in subparagraph (2), the term 'established name', with respect to a device, means (A) the applicable official name dseignated pursuant to section 508, or (B) if there is no such name and such device is an article recognized in an official compendium then the official title thereof in such compendium, or (C) if neither clause (A) nor clause (B) of this subparagraph applies, then the common or usual name of such device, if any."

(f) Section 508 of such Act (21 U.S.C. 358) is amended (1) in subsections (a) and (e) by adding "or device" after "drug" each time it appears; (2) in subsection (b) by adding after "all supplements thereto," the following: "and at such times as he may deem necessary shall cause a review to be made of the official names by which devices are identified in any official compendium, and all supplements thereto"; (3) in subsection (c)(2) by adding "or device" after "single drug", and by adding "or to two or more devices which are substantially similar in design and purpose" after "purity,"; (4) in subsection (c)(3) by adding "or device" after "useful drug", and after "drug or drugs" each time it appears; and (5) in subsection (d) by adding "or devices" after "drugs".

(g) Section 301 of the Drug Amendments of 1962 (76 Stat. 793) is amended by inserting "and devices" after "drugs' each time such word appears, except that "or devices" is inserted after "which drugs" and after "intrastate commerce in such drugs".

TITLE VI—GENERAL PROVISIONS ADVISORY COUNCIL ON DEVICES, ET CETERA

SEC. 601. Chapter VII of the Federal Food, Drug, and Cosmetic Act is amended by adding at the end thereof the following new section:

"ADVISORY COUNCIL ON DEVICES, AND OTHER ADVISORY COMMITTEES

"SEC. 708. (a) For the purpose of advising the Secretary with respect to matters of policy in carrying out the provisions of this Act relating to devices, there is established in the Department on Advisory Council on Devices appointed by the Secretary without regard to the civil service and classification laws. The persons so appointed shall be manufacturers and other persons with special knowledge of the problems involved in the regulation of various kinds of devices under this Act, members of the professions using such devices, scientists expert in the investigational use of devices, engineers expert in the development of devices, and members of the general public representing consumers of devices.

"(b) The Secretary may also from time to time appoint, without regard to the civil service or classification laws, in addition to the advisory councils and committees otherwise authorized under this Act, such other advisory committees or councils as he deems desirable.

"(c) Members or an advisory council or committee appointed pursuant to subsection (a) or (b) who are not in the regular full-time employ of the United States shall, while attending meetings or conferences of the council or committee or otherwise engaged on its business, be compensated at per diem rates fixed by the Secretary but not in excess of the rate for grade GS-18 of the General Schedule at the time of such service, including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses (including per diem in lieu of subsistence) as authorized by title 5, United States Code, section 5703, for persons in the Government service employed intermittently."

RESEARCH AND STUDIES

SEC. 602. Chapter VII of such Act, as amended by section 601 of this Act, is further amended by adding at the end thereof the following new section:

"RESEARCH AND STUDIES RELATING TO DEVICES

"SEC. 709. (a) The Secretary is authorized directly or through contracts with public or private agencies, institutions, and organizations and with individuals, to plan, conduct, coordinate, and support

"(1) research and investigation into the safety and effectiveness of devices, and into the causes and prevention of injuries or other health impairments associated with exposure to or use of devices;

"(2) studies relating to the development and improvement of device standards, and device testing methods and procedures; and

"(3) education and training with respect to the proper installation, maintenance, operation, and use of devices.

"(b) In carrying out the purposes of subsection (a), the Secretary, in addition to or in aid of the foregoing—

"(1) shall, to the maximum practicable extent, cooperate with and invite the participation of other Federal or State departments and agencies having related interests, and interested professional or industrial organizations;

"(2) shall collect and make available, through publications and by other appropriate means, the results of, and other information concerning, research and other activities undertaken pursuant to subsection (a); and

"(3) may procure (by negotiation or otherwise) devices for research and testing purposes, and sell or otherwise dispose of such products."

PUBLICITY

SEC. 603. Section 705 of such Act is amended by adding at the end thereof the following new subsection:

"(c) To assist in carrying out the provisions of this Act relating to devices, the Secretary may cause to be disseminated information regarding standards, testing facilities, and testing methods promulgated, established, or approved under this Act. Subject to the provisions of section 301(j), the Secretary may also cause to be published reports summarizing clinical data relevant to marketed devices approved under this Act."

EFFECTIVE DATES AND TRANSITIONAL PROVISIONS

SEC. 604. (a) Except as provided in subsections (b) and (c) of this section, the foregoing provisions of this Act shall take effect on the date of the enactment of this Act.

(b) Paragraph (f) of section 501 of the Federal Food, Drug, and Cosmetic Act, as added to such section by section 201(a) of this Act, shall, with respect to any particular use of a device, take effect (1) on the first day of the thirteenth calendar month following the month in which this Act is enacted, or (2) if sooner, on the effective date of an order of the Secretary approving or denying approval of an application with respect to such use of the device under section 514 of such Act as added by section 201(b) of this Act.

(c) Any person who, on the day immediately preceding the date of enactment of this Act, owned or operated any establishment in any State (as defined in section 201 of the Federal Food, Drug, and Cosmetic Act) engaged in the manufacture or processing of a device or devices, shall, if he first registers with respect to devices, or supplements his registration with respect thereto, in accordance with subsection (b) of section 510 of that Act (as amended by section 503 of this Act) prior to the first day of the seventh calendar month following the month in which this Act is enacted, be deemed to have complied with that subsection for the calendar year 1971. Such registration, if made within such period and effected in 1972, shall also be deemed to be in compliance with such subsection for that calendar year.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., March 15, 1973.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed for the consideration of the Congress is a draft bill "To protect the public health by amending the Federal Food, Drug, and Cosmetic Act to assure the safety and effectiveness of medical devices." The bill has the short title of the "Medical Device Safety Act".

The draft bill would authorize the Secretary to establish safety standards for medical devices, and to require such devices used in life-threatening situations which may present an unreasonable hazard to undergo a scientific review by the Department for safety and efficacy prior to their introduction into commerce. A summary of the key provisions of the bill is enclosed.

Our proposal, which was submitted to the last Congress but which was not acted upon, is the product of a thorough study of medical device regulation undertaken by the Department at the request of the President in his October 31, 1969, consumer message. In the course of this study, we obtained the views of medical practitioners, research scientists, engineers, consumer groups, manufacturers, and Government agencies on the nature and extent of the medical device safety problem, and the type of legislation needed.

On the basis of these views we have prepared a comprehensive regulatory program to protect consumers from the potential hazards of these devices. A cornerstone of this program is its procedure for drawing upon the expert knowledge of consumer groups, manufacturers, and trade associations, in the development of safety standards; and upon the expert knowledge of the medical and scientific community in reviewing proposed standards, in advising upon the need for subjecting medical devices to scientific review for safety and effectiveness, and in conducting that review.

We ask that the draft bill receive favorable consideration.

We are advised by the Office of Management and Budget that enactment of this draft bill would be in accord with the program of the President.

Sincerely,

CASPAR W. WEINBERGER,
Secretary.

SUMMARY OF KEY PROVISIONS OF PROPOSED MEDICAL DEVICE SAFETY ACT

PROPOSED OF THE BILL

The draft bill, which has been prepared as an amendment to the Federal Food, Drug, and Cosmetic Act, would authorize the Secretary of Health, Education, and Welfare to establish safety standards for medical devices, and to require unreasonably hazardous devices used in life-threatening situations to undergo a scientific review by the Department for safety and efficacy prior to their introduction into commerce or, if already in commerce, to determine whether they may continue to be marketed.

The term "device", as now defined by section 201(h) of the present Act (which to a limited degree already regulates devices), means "instruments, apparatus, and contrivances, including their components, parts, and accessories, intended (1) for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; or (2) to affect the structure or any function of the body of man or other animals." (The bill would exempt from its standard-setting and scientific review provisions devices for use on animals, however. §§ 513(j) and 514(a)(3)*.)

PROMULGATION OF STANDARDS

The bill would authorize the Secretary to promulgate a standard governing the performance or other characteristics of a medical device whenever, in his judgment, a standard is necessary to reduce or eliminate unreasonable risk of illness or injury associated with exposure to or use of the device, and there are no other more practicable means to protect the public. § 513(a).

Prior to the initiation of a proceeding to promulgate a standard, and prior to publishing a proposed standard in the course of such proceeding, the Secretary would be required, to the maximum practicable extent, to consult with other Federal agencies concerned with standard setting and other nationally or internationally recognized standard-setting agencies or organizations, and to use the technical support of other Federal agencies. Under this provision the Department would contemplate extensive consultation with, and the use of the resources of, the National Bureau of Standards. § 513(b).

The Secretary would initiate a proceeding to promulgate a device standard by publishing a notice which would invite interested persons to submit to the Secretary an existing standard or an offer to develop a standard. The Secretary could accept one or more of such offers, or adopt an applicable existing standard, or in appropriate cases—for example, where no offeror is technically competent to prepare a standard within a reasonable period—develop a standard using the resources of the Department and other agencies, or by contracting with qualified non-governmental entities. A proposed standard would then be published by regulation, with opportunity for public comment before it became effective, § 513(c), (d), (e), and (f).

After publication of a proposed standard, interested persons may for good cause require the Secretary to refer the standard to an *ad hoc* independent advisory committee for recommendations with respect to any matter involved in the proposal which requires the exercise of scientific judgment. § 513(h).

The standard, when promulgated, would be subject to the judicial review provisions of the Administrative Procedure Act governing informal rule making. § 513(g).

Every manufacturer of a device subject to a standard would be required to assure the Secretary that appropriate tests or its manufacture under a quality control program in accord with good manufacturing practice show the device to conform to the standard.

Nonconforming devices would be deemed to be adulterated (or, as may be applicable, misbranded), and would therefore fall under the same proscriptions now applicable to adulterated or misbranded drugs. §§ 501(e) and 502(q).

SCIENTIFIC REVIEW

The Secretary would be authorized to subject a device, or a type or class of device, to scientific review for safety and efficacy if, after consultation with an appropriate scientific panel, he found the device to be unreasonably hazardous when used, as intended, in life-threatening situations, and determined that there was no more practicable means than such review to reduce the hazard. § 514 (a) and (b). Classes of devices that may be expected to meet these criteria would include cardio-vascular implants, other implants composed of new materials, applications of new forms of energy to the body (*e.g.,* lasers), and new designs for machines which substitute for major bodily functions (*e.g.,* heart-lung machines). When the principles of design and construction of any device or class of devices subject to scientific review evolve to the point at which the safety and efficacy of the device or class may be assured under appropriate standards, such standards would be promulgated under the bill's standard-setting authority, and the scientific review requirement rescinded.

The bill would provide for the exemption from scientific review of devices intended solely for investigational uses by qualified experts. § 514(k). Devices on the market which are made subject to scientific review could continue to be marketed during the pendency of the review unless presenting a hazard requiring otherwise. § 604 of the bill.

An application for scientific review would be referred by the Secretary to a standing advisory scientific review panel for its recommendations. § 514(c)(2). The application would be denied if the device is not shown to be safe and efficacious. § 514(e) (1), (2), and (3). An applicant may seek administrative review of the Secretary's denial of his application either through petitioning the Secretary to refer the application to an advisory committee of experts for its independent recommendations on the scientific issues involved, or in the alternative by obtaining a formal adjudicatory hearing. § 514(e)(4). Judicial review would be provided in the same manner as is now available for denial of new drug applications. § 514(j). Approval of applications may be withdrawn on grounds similar to those for which the Secretary may now withdraw approval of new drug applications. § 514(f).

NOTIFICATION OF DEFECTIVE DEVICES; REPAIR OR REPLACEMENT

A manufacturer or importer would be required to notify the Secretary of any defects in devices produced, assembled, or imported by him if the defect is likely to create a substantial risk to the health or safety of any person, or of the failure of a device to comply with an applicable standard. Unless exempted by the Secretary, the manufacturer or importer would also be required to notify his dealers or distributors, and purchasers not for sale who are known to him. (Dealers or distributors who are notified of a defect by the manufacturer would be required to provide to the manufacturer or importer the names and addresses of each purchaser not for sale.) The Secretary may require the manufacturer or importer to remedy the defect, replace the device, or refund the purchase price. § 515.

REQUIREMENT OF GOOD MANUFACTURING PRACTICE

The bill would require devices to be manufactured in accordance with current good manufacturing practice (as determined by the Secretary) to assure their safety and efficacy. § 501(g).

REGISTRATION OF MANUFACTURERS; OFFICIAL NAMES OF DEVICES

The bill would require the registration of device manufacturers, and their continuing notification of the Secretary of the devices that they are producing and marketing. § 510. The Secretary would be authorized to establish official names for devices (as he now does for drugs). § 508.

RECORDS AND REPORTS

The bill also contains provisions (similar to those now in effect with respect to drugs) requiring manufacturers and distributors of devices subject to a standard or marketed under an approval of a scientific review application to maintain certain records relating to the safety and efficacy of the devices. § 516.

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*Unless otherwise indicated, section references in this summary are to the Federal Food, Drug, and Cosmetic Act as it would be amended by the bill.

FACTORY INSPECTION

The factory inspection authority (now applicable to devices) would be amended to make clear the Secretary's authority to inspect research data on devices, and to extend to devices certain exemptions from inspection which are now applicable to drugs. § 704.

ADVISORY COUNCIL

The bill would establish an Advisory Council on Devices to advise the Secretary with respect to matters of policy in carrying out the bill's provisions. § 708.

Industry Proposed Amendment

Insert p. 2, line 12 immediately after "standard relating to" the following: "safety and effectiveness, including where appropriate."

Strike on p. 2, lines 20–25.

Strike on p. 3, line 1, the word "sentence," and capitalize "a."

P. 5, line 2, strike "thirty" and insert in lieu thereof "sixty."

Insert, p. 14, new subsection as follows:

"TEMPORARY PERMITS

"(k) The Secretary shall issue regulations permitting the interstate shipment of devices varying from an applicable standard for the purpose of investigation or other testing prior to amendment of the standard. Such regulations may include reasonable conditions related to the safety and effectiveness of the devices."

Insert p. 14 after new subsection (k) a new subsection as follows:

"(1) This section shall not apply to any custom device to the extent that it is ordered by a physician to be made in a special way for individual patients. Any such device shall comply with all aspects of any applicable standard except those specifically ordered by a physician to be changed. This subsection shall apply only to devices ordered for individual patients, and shall not otherwise exempt a device from subsection (k)."

Insert p. 16, line 21, a new sentence after the word Secretary as follows:

"To the maximum extent practical the panel or panels shall provide an opportunity for any interested person to submit data and views on the appropriateness of applying scientific review to a device (or type or class of device) or any particular use of a device."

On p. 22, line 13 change period to a comma and add the following:

"unless the Secretary determines that other valid scientific evidence is sufficient to establish the effectiveness of the device."

On p. 32, redesignate subsection "(1)" as "(m)" and add immediately after subsection (k) a new subsection:

"CUSTOM DEVICES

"(1) This section shall not apply to any custom device to the extent that it is ordered by a physician to be made in a special way for individual patients. Any such device shall comply with all aspects of any applicable standard except those specifically ordered for individual patients, and shall not otherwise exempt a device from subsection (k)."

P. 50 redesignate "section 604" as "sec 607" and add immediately after section 603 the following new sections:

SEC. 604. Chapter IX of such Act is amended by adding at the end thereof the following new subsection:

"EFFECT ON STATE REQUIREMENTS

"SEC. 903(a) Whenever a standard pursuant to section 513 or scientific review pursuant to section 514 under this Act is in effect no State or political subdivision of a State shall have any authority either to establish or to continue in effect any provision of a standard or regulation which prescribes any requirements as to the performance, composition, contents, design, finish, construction, packaging, or labeling of such product which are designed to deal with the same device unless such requirements are identical to the requirements of the Federal requirements.

(b) Nothing in this section shall be construed to prevent the Federal Government or the government of any State or political subdivision thereof from establishing a safety requirement applicable to a device for its own use if such requirement imposes a higher standard of performance than that required to comply with the otherwise applicable Federal requirements.

(c) Upon application of State or political subdivision thereof, the Secretary may by rule, after notice and opportunity for oral presentation of views, exempt from the provisions of subsection (a) (under such conditions as he may impose) a proposed safety requirement described in such application, where the proposed requirement (1) imposes a higher level of performance than the Federal standard, (2) is required by compelling local conditions and (3) does not unduly burden interstate commerce.

SEC. 605. Section 301(j) of such Act is amended by inserting "513, 514" after "512."

SEC. 606. Section 201 of such Act is amended by striking subsection (h) and inserting in lieu thereof the following new subsection:

(h) The term "device" (except when used in paragraph (n) of this section and in sections 301(i), 403(f), 502(c), and 602(c) means instruments, apparatus, implements, machines, contrivances, implants, *in vitro* reagents, and other similar or related articles, including their components, parts, and accessories (1) recognized in the official United States Pharmacopeia or official National Formulary, or any supplement to them; or (2) intended for use in the diagnosis of disease or other conditions or in the cure, mitigation, treatment, or prevention of disease in man or other animals; or (3) intended to affect the structure or any function of the body of man or other animals; and (4) which do not achieve any of their principal intended purposes through chemical action within or on the body of man or other animals and which are not dependent upon being metabolized for the achievement of any of its principal intended purposes."

On p. 51, lines 23 and 24, change "1971" and "1972" to "1973" and "1974" respectively.

Mr. SCHWEIKER. Mr. President, the administration has again transmitted a draft bill to amend the Federal Food, Drug, and Cosmetic Act to assure the safety and effectiveness of medical devices. The bill is a revised version of the bill introduced on this subject during the last Congress—H.R. 12316, 92d Congress—and has the short title of the Medical Device Safety Act.

The bill would authorize the Secretary of Health, Education, and Welfare, operating through the Food and Drug Administration, to establish safety standards for medical devices, and to require unreasonably hazardous medical devices used in life-threatening situations to undergo a scientific review for safety and efficacy prior to commercial marketing.

The need for more effective legislation to regulate medical devices can best be illustrated by the legal limitations in the law that now governs these health instruments. These limitations rest upon an "ex post facto" control authority; the lack of adequate standards for the immense number of devices presently on the market; and the absence of a comprehensive reporting system of adverse effects related to devices. This law, the 1938 Food and Drug Act, allows the regulation of devices only as to misbranding or adulteration after they have been offered into interstate commerce. New drug manufacturers on the other hand, must first present substantial evidence of the safety and effectiveness of their products for review before marketing.

In 1938, when the Food and Drug Act was passed, the device industry was relatively small and basically represented simple designs. The opinion of medical professionals was almost all that was necessary to designate a device as misbranded or adulterated.

Today's devices however, are far more complex and sophisticatel; taking advantage of recent technological innovation in the fields of metallurgy, electronics, plastics, and ceramic chemistry. Both quack devices and legitimate medical devices could no longer be easily classified and the advice of engineering, metallurgy, plastics, and medical specialists are all needed to assess whether or not a device was misbranded and legal cases are more and more difficult to build.

There are many glaring shortcomings of the present enforcement tools, specifically seizure and injunction actions; primarily the cost and the time loss incurred in awaiting final judicial decisions. If a seizure or enjoinder action is initiated by the FDA, the manufacturer has the right to appeal. The courts have traditionally stayed the enforcement of the injunction until a review of all of the facts, unless there is a clear health hazard. Some examples of how this may be hazardous to the public health might be helpful.

One of the most notorious of quack devices was the "Micro-dynameter" a simple string galvanometer encased in an expensive looking box, which sold for $875. It was distributed to the benefactors of the "quack" device field who bilk the gullible and more naive elements of society. It purportedly could diagnose any ailment or disease known to man. The patient was connected to the galvanometer which registered the patient's static electricity, and this electrical current then moved a dial which would stop at one of a number of listed diseases. Such devices present direct health hazards to seriously ill persons who through a false sense of security may terminally delay medical attention.

The FDA initiated the first seizure of the device in 1954. The manufacturer appealed. Two hundred and fifty subsequent actions were initiated. In a 12-month period 1,200 of the devices were seized, or voluntarily destroyed by their owners. The devices continued to be marketed and in 1960 the FDA moved to enjoin the further manufacture of the device.

This was appealed by the manufacturer and in 1962 the court ruled in favor of the Government. This decision was appealed, and the company continued to manufacture the device until 1969. Fifteen years elapsed between the initial FDA action and the final withdrawal of the device from the market.

Other devices which fall within a twilight zone between "quack" and legitimate medical devices also serve as examples. Weight reducing devices best exemplify this type of device. One such device, the "Relax-a-cisor," first appeared on the market in 1949. It transmitted an electrical current to the muscles through contact pads strapped to the user's body. This caused the muscles to go through spasms of tightening and relaxing. This process purportedly led to a reduction in weight.

It was not until early in 1960 that the device was first reported to the FDA. After an initial investigation, the FDA notified the manufacturer to delete the weight reduction claim. The manufacturer complied by changing its weight reduction claim to a girth reduction claim. The FDA then ordered the manufacturer to delete the girth reduction claim and the manufacturer complied by changing that claim to another claim that the device would "tone up" muscles.

In 1966, FDA moved to enjoin the further production of the device due to misbranding. The manufacturer appealed and the court stayed the enjoinder until a hearing on the merits. In 1967, new evidence as to the device's potential to aggravate existing physical disorders was reported and in early 1970, a decision was handed down upholding the Government. This was appealed by the manufacturer, and a final decision in November of 1970 the court of appeals upholding the lower court's decision finally stopped production. The lower court had found that the device could aggravate existing physical ailments such as gastrointestinal, neurological, orthopedic, muscular, vascular, dermatological, kidney, gynecological, and pelvic disorders.

Yet another device, the "Res-Q-Aire," was first marketed in the mid-1960's. It was a plastic accordion shaped resuscitator which the manufacturer claimed would provide enough oxygen in emergency situations to revive a stricken person. In November of 1966, the FDA received reports from physicians that the device did not perform as per its labeled claims. A testing firm reported in May 1969 that the the device was a direct hazard to health in that it gave off only 6 cycles of air per minute whereas adults required 12 and children as much as 30 in emergency situations.

The device further lacked an exhalation valve, which required the device to be removed after each inhalation. And the mouthpiece was so formed as to force the lower jaw down which left the tongue free to block the air passage. Shortly after receipt of this report the agency declared the device a danger to health. The manufacturer still refused to withdraw the device from the market. The agency began initiating multiple seizures, and was forced in some instances to pay $12.50 per device in order to take it off the market.

These examples however, involved devices which represent a distinct minority of the total device field. Legitimate devices comprise the vast majority and can be even more difficult to regulate. Since World War II, we have witnessed such breakthroughs as: cardiac pacemakers; artificial heart valves; artificial veins; heart, lung, and kidney machines; and intensive care electronic monitoring stations, to name but a few. Regulation of these devices has led to the same problems of after the fact authority. The "Diapulse" affair is a prime example. This device is a highly sophisticated pulse diathermy machine. In 1965, the FDA initiated its first seizure. Eighteen research studies had to be conducted by the FDA and other Government agencies to establish that the device did not meet the standards set on its label. The seizure action was contested by the manufacturer and the court allowed the manufacturer to continue marketing.

A subsequent decision in 1967 was in favor of the Government but as the judge had submitted to the jury the question of the truth or falsity of 112 claims, and the jury found for 40, the manufacturer appealed the original seizure on those points decided in its favor. In 1971, the appeal was denied, and an injunction was brought against any labeling of a curative nature. This was appealed, with a decision in May of 1972 in the Government's favor. A permanent injunction was filed in July 1972.

The need for standards and premarket scientific review for medical devices thus seems apparent. Today there are approximately 1,500 manufacturers who produce over 12,000 medical devices. The industry's gross sales for 1972 is estimated to top $6 billion.

The general trend of development in this industry has been through a liaison process between specialists in technological fields and medical professionals who by pooling their respective knowledge have managed to develop functional devices for specific medical problems.

Because many of these devices are of a totally new design, there are usually no existing standards by which minimum safety and efficacy requirements can be set. The only test is of the device's actual effect on the patient.

Other devices do have standards which have been set by a number of independent agencies, such as: the American Heart Association; the American National Standards Institute; the American Society for Testing and Materials; and so forth. But these agencies have no power to enforce these standards. Manufacturers are under no legal obligation to adhere to these standards. Self-regulation may be acceptable to the industry but what of the patient who encounters a defective device which further aggravates his condition, or actually kills him. And not only the patient but also the technician, the nurse, or the doctor are subjected to such hazards as: poorly marked terminal sockets, which when reversed lead to electrocution; improperly or poorly insulated or grounded power sources which leak electrical currents; exposed wiring; and defective pressure valves which explode.

The patient as well as his doctor, or the hospital where he has gone to be treated, is virtually at the mercy of the sales pitch of a device manufacturer's salesman. Most hospitals do not have the resources to set up a preclearance department such as the one at the Downstate Medical Center in Brooklyn, N.Y. In its first 2 years of operation, the center discovered that 40 percent of the devices it tested were defective. Some manufacturers when informed of defects by physicians or hospital technicians have flatly refused to correct the defect. FDA attempts to control this situation have been further hampered by the lack of a precise, uniform medical device adverse effects reporting system. Physicians and hospitals have a tendency to avoid directly attributing or reporting injuries or deaths related to medical device malfunctions for fear of malpractice suits.

The statistics that have been compiled by a Secretary's task force which examined the problem, have been gleaned from a number of different sources; such as: a review of the death certificates; a review of leading medical journal articles which include physicians reports on experiences with various medical devices; and the hospital discharge experience data reported by the Commission on Professional and Hospital Activities. Resultant statistics are by no means comprehensive. They are merely a fractional representation of the actual number, which is definitely far greater. The literature search itself reveals 27,000 untoward effects from devices between 1961 and 1971.

An appreciable number of injuries and even deaths can also be attributed not merely to a specific medical device's defect itself, but rather to the negligent maintenance of the device. More specific labeling as to use, and a more detailed explanation of proper maintenance procedures by the manufacturer could aid in eliminating these hazards. Also hospitals must improve the quality of their maintenance personnel and technicians, and initiate adequate device training programs. Hospitals must also correct hazards such as faulty or antiquated electrical wiring and outlets, which when burdened by the high voltage capacities of many of the new medical devices, often short-circuit causing electrical shocks and fires.

A 1972 article in the Journal of the Association for the Advancement of Medical Instrumentation, by Dr. John N. R. Brewer, illustrates this problem. In a study of a 1,100-bed hospital over a 42-month period, from September 1967 to March 1971, a total of 110 injuries occurred which were directly related to improper wiring and inadequate grounding outlets.

A recent incident involving the device "Super Coil" was described in testimony before the Health Subcommittee on March 7 of this year. A witness told of 20 women undergoing abortions by use of the untested super coil which resulted in 60 percent receiving serious injury and at least one requiring a hysterectomy. This incident could have been avoided by the legislation advanced by the administration.

In conclusion, legislation in this area is clearly needed to eliminate the present limitations on HEW's regulatory authority over the medical devices. But in arriving at an effective scientific review procedure, careful consideration must be given to the great diversity in the types, functions, and the present state of the art of various devices. Scientific review of toxic, faulty, or patently hazardous devices is a clear necessity. Standards may be appropriate even for those devices that have been on the market for a number of years and are well known in order to assure reliability. New, or experimental devices must be given a regulatory procedure through peer review whereby the device can be placed quickly on the market, if approved, but whereby the patients are protected to the fullest extent possible. This is needed to encourage the continued technological growth of new devices.

The Medical Device Safety Act recognizes these necessary elements for workable legislation in this field. The bill would also subject all to the general controls of requisite defect notification; adherence to quality manufacturing practices; record and report keeping; and factory inspection and registration of establishments.

The legislation is based on a thorough investigation of medical device legislation by a Secretary of HEW's task force undertaken at the specific direction of the President. The legislation reflects the task force recommendations and thus fully recognizes the inherent differences between drugs and devices, yet provides real protection.

I urge the speedy consideration and enactment of legislation to control the safety of health devices which has been recommended by Presidents Kennedy, Johnson, and Nixon.

By Mr. JAVITS (for himself and Mr. BUCKLEY):

S. 1449. A bill to eliminate racketeering in the sale and distribution of cigarettes, and for other purposes. Referred to the Committee on Commerce.

Mr. JAVITS. Mr. President, I introduce and send to the desk for appropriate reference on behalf of myself and my colleague, the junior Senator from New York (Mr. BUCKLEY), a bill dealing with the problem of contraband in the shape of cigarettes moving from one State to another on which the required State tax is not paid.

This is a very major problem for many States. It involves great losses of revenue.

I introduced this bill in the last Congress as well, also with the junior Senator from New York (Mr. BUCKLEY).

I hope that we may get early action on the bill. I understand that New York alone loses $85 million a year. I feel it is a very serious situation.

Mr. President, the need for this bill was dramatically illustrated recently when Maryland police seized a truckload of bootleg cigarettes on its way to New York City from North Carolina.

I note that Maryland officials estimate that this shipment alone—consisting of nearly 16,000 cartons of cigarettes—would have represented a tax loss to the city and State of New York of over $30,000.

It is estimated that the city and State of New York annually lose over $85,000,000 in total tax revenues because of cigarette smuggling. New York is not the only victim; consider the estimates: Connecticut, an annual loss of $21,000,000 in taxes; Pennsylvania, annual tax loss of between $35 and $50 million; for New Jersey, the annual tax loss is estimated at between $3 and $5 million.

Organized crime began to find cigarette smuggling attractive in the mid-1960's when a number of State and local governments, feeling the revenue pinch, started increasing cigarette taxes. The resulting disparities in cigarette costs from one State to another provided profitable opportunities for smuggling. For example, North Carolina has the Nation's lowest tax—2 cents per pack—while New York City and State taxes can total as much as 23 cents per pack. The difference of over $2 per carton allows smugglers to sell North Carolina cigarettes in New York City well below local prices and still make a handsome profit.

This bill, similar to one I and Senator BUCKLEY offered last year, has three major objectives: first, to help eliminate racketeering in the sale and distribution of cigarettes; second, to afford greater protection to legitimate cigarette dealers from this unlawful and ruinous competition; and third, to reduce a serious drain on needed State and local revenues by providing more effective enforcement of cigarette tax laws.

The bill would further these purposes by prohibiting transportation of "contraband cigarettes" in interstate commerce. "Contraband cigarettes" are defined as quantities of greater than 20,000 cigarettes, lacking appropriate State tax stamps, in the possession of anyone except those who can properly possess such cigarettes; namely, a cigarette manufacturer, a licensed distributor, an officer or agent of the U.S. Government, or a common or contract carrier. A violation of the provisions of the bill would be a felony under Federal law and would carry a fine of up to $10,000 and/or imprisonment up to 2 years.

A 1972 New York State Commission of Investigation report on cigarette smuggling made the following major findings:

Cigarette smuggling is a national problem, involving many States other than just New York;

Huge amounts of money are involved in cigarette smuggling. As noted above, the city and State of New York are believed to lose over $85,000,000 in sales and excise taxes alone; and

Organized crime elements are extensively engaged in, and account for a major portion of, cigarette smuggling.

This bill offers Congress the chance to provide a timely solution to a serious organized crime problem, to help honest businessmen, and to increase substantially tax revenues of many fiscally distressed cities and States at relatively little cost to the Federal Government.

I ask unanimous consent that an article of March 12, 1973, in the New York Times and March 2, 1973 in the Washington Post discussing this situation be printed in the RECORD together with a text of the bill.

There being no objection, the articles and bill were ordered to be printed in the RECORD, as follows:

HARTFORD TAX LOSS ON CIGARETTES CITED

HARTFORD, March 12.—State Tax Commissioner F. George Brown said today that 87 million packs of illegal cigarettes were smuggled into Connecticut each year for a tax loss of $21-million.

Despite a stepped-up campaign to slow this smuggling, Mr. Brown said, the state has confiscated only 36,000 packs since last Nov. 1.

In a speech to the Hartford Rotary Club Mr. Brown said a special post office box and 24-hour telephone had been established to take confidential information on smuggled cigarettes. The numbers have been printed on stickers on cigarette machines throughout the state. Mr. Brown also has organized a smuggling unit in the tax department.

Mr. Brown said Connecticut and New York State were both victims of an underground trade in untaxed cigarettes, with New York losing $85-million a year in tax revenues.

He said organized crime had become deeply involved in cigarette smuggling.

TRUCKLOAD OF CIGARETTES SEIZED ON BELTWAY IN MARYLAND

(By Philip A. McCombs)

Maryland State Police, acting on a tip, yesterday stopped a truck on the Capitol Beltway and seized 15,426 cartons and nine packs of untaxed cigarettes that police said were being illegally transported from North Carolina to New York City.

It was the largest untaxed cigarette seizure in recent years in the state.

State tax authorities said the allegedly illegal shipment had probably cost about $40,000 in North Carolina and would bring about $75,000 if sold illegally on the streets of New York.

The difference between the two figures would represent a $35,000 tax loss to New York State on this shipment alone, according to John F. Deinlein of Maryland's tobacco tax enforcement division.

Deinlien said the stream of illegal cigarettes coming out of the South along highways in the Washington area to New York, Pennsylvania and the New England states for illegal sale represent multi-million dollar tax losses annually for these states.

New York state osses $85 million a year in cigarette taxes because of the illegal trade, Connecticut $22 million, Pennsylvania between $35 and $50 million and New Jersey between $3 and $5 million, according to Deinlein.

Maryland, on the other hand, makes a small annual net profit from the illegal cigarette trade because the state can sell the cigarettes it seizes. Under state alcohol and tobacco laws, it can also seize and sell the vehicles in which alcohol and tobacco's being illegally transported.

Tax losses in Maryland, Virginia and the District of Columbia from illegal cigarette sales tend to be negligible because taxes in these jurisdictions are low, according to Deinlein. He said illegal shippers seldom stop here to sell their cigarettes, preferring to go to the states where high taxes drive cigarette prices up and create a market for the tax free cigarettes.

Shortly after midnight, State Police arrested a man they identified as John Edward Pavlik of New York and charged him with illegally possessing and transporting untaxed cigarettes. He was being held on a $10,000 bond. The charge upon conviction carries penalties of up to two years in prison and $350,000 fines.

Police seized the rented tractor-trailer truck Pavlik was driving and said they would sell it. They said the cigarettes seized from it would be sold in the state's hospitals. They said virtually every brand of commercial cigarette was represented in the seizure.

The seizure was one of the largest in recent Maryland history, police said. Less than 60,000 cartons of illegal cigarettes had been seized in Maryland during the previous 18 months, according to Deinlein.

S. 1449

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

STATEMENT OF FINDINGS AND PURPOSE

SECTION 1. (a) The Congress finds that (1) smuggling of cigarettes in interstate commerce has dramatically increased in recent years with organized crime playing a large role in the situation; (2) present Federal law pertaining to cigarette smuggling is ineffective because it covers only smuggling through use of the mails and does not reach smuggling using trucks and similar means which account for the main part of the problem; (3) a sharply expanded Federal role in the fight against cigarette smuggling is essential if there is to be an effective law enforcement effort against cigarette smuggling since the interstate nature of the crime places individual States at too great a disadvantage to handle these problems effectively.

(b) It is the purpose of this Act to provide a timely solution to a serious organized crime problem and to help provide relief to many cities and States at a small cost to the Federal Government.

Sec. 2. For the purposes of this Act—

(1) the term "cigarette" means—

(a) any roll of tobacco wrapped in paper or in any substance not containing tobacco, and

(b) any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in paragraph (a),

(2) the term "contraband cigarettes" means a quantity in excess of twenty thousand cigarettes, bearing no evidence of the payment of applicable State cigarette taxes in the State where they are found and which are, in the possession of any person other than (a) a person holding a permit issued pursuant to chapter 52 of title 26, United States Code, as a manfacturer of tobacco products or as an export warehouse proprietor or his agent; (b) a common or contract carrier: *Provided, however,* That the cigarettes are designated as such on the bill of lading or freight bill; (c) a person licensed or otherwise authorized by the State where the cigarettes are found, to deal in cigarettes and to account for and pay applicable cigarette taxes imposed by such State; or (d) an officer, employee, or other agent of the United States, or its departments and wholly owned instrumentalities.

(3) the term "common or contract carrier" means a carrier holding a certificate of convenience or necessity or equivalent operating authority from a regulatory agency of the United States or of any State or the District of Columbia.

(4) the term "State" includes a political subdivision thereof and the District of Columbia.

Sec. 3. The transportation of contraband cigarettes in interstate commerce is prohibited.

Sec. 4. Nothing in this Act shall be construed to affect the concurrent jurisdiction of a State to enact and enforce State cigarette tax laws, to provide for the confiscation of and to provide penalties for the violation of such laws.

Sec. 5. Whoever violates any provision of this Act shall be sentenced to pay a fine of not more than $10,000, or to be imprisoned for not more than two years, or both.

Sec. 6. Any contraband cigarettes transported in interstate commerce in violation of the laws of any State and any vehicle or other means of transportation used for the transportation of contraband cigarettes in interstate commerce may be seized and shall be forfeited to the United States.

Sec. 7. The United States district courts shall have jurisdiction to prevent and restrain violations of this Act.

Sec. 8. This Act shall take effect ninety days after its enactment.

By Mr. JAVITS (by request):

S. 1450. A bill to consolidate and extend the authorizations for appropriations for assistance to medical libraries, to repeal provisions for assistance for construction of facilities and for grants for training in medical library sciences, and for other purposes. Referred to the Committee on Labor and Public Welfare.

Mr. JAVITS. Mr. President, I introduce today on behalf of the administration, by request, a bill to extend assistance for medical libraries.

I am sympathetic to the bill's proposed consolidation of the seven separate statutory purposes authorizations into a single authorization. I will carefully follow the hearings on this bill to determine from the experts in the field; for example, the Medical Library Association, the Association of Research Libraries, the Association for Hospital Medical Education, if the proposed consolidation will meet the magnitude of the problems involved in disseminating cumulative health sciences knowledge to health professionals, research scientists, educators, and students.

I have serious reservations about the bill's repealing the training grants and fellowship program—which supports innovative graduate and postgraduate curriculum for the education and training of medical librarians, biomedical communications specialists, professional personnel required for health science communication research and services, and other individuals in preparation for careers of independent research in librarianship and other information and communication specialties related to the health sciences.

Also, I am concerned about the bill's repeal of construction grant assistance for medical library facilities. Although no funds have been appropriated for such authorized purpose since 1968, I am not convinced, having reviewed the testimony during hearings on the 92d Congress Senate passed Medical Libraries Act of 1972—S. 3752—of which I was a cosponsor—which emphasized the need for adequate funding to achieve the program objectives—that medical libraries should not have the opportunity to argue before the Congress for funding support despite scarce health resources funding.

The focal point for the collection, analysis, and dissemination of biomedical information is the National Library of Medicine. Through the authority of the Medical Library Assistance Act it has been instrumental in the creation of an effective system of regional libraries. I feel that this record of excellence will be continued.

Mr. President, I ask unanimous consent that a letter to the President of the Senate be printed in the Record.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the material will be printed in the Record.

Department of Health, Education, and Welfare,
March 20, 1973.

Hon. Spiro T. Agnew,
President of the Senate,
Washington, D.C.

Dear Mr. President: We enclose for the consideration of the Congress a draft bill "To consolidate and extend the authorizations for appropriations for assistance to medical libraries, to repeal provisions for assistance for construction of facilities and for grants for training in medical library sciences, and for other purposes."

In its present form, the program of assistance to medical libraries, contained in part J of title III of the Public Health Service Act, contains separate authorizations for each of the seven statutory purposes served by the part. Many of these purposes overlap and cannot properly be regarded as independent programs. The pertinent appropriation Acts, in fact, provide a single amount as budget authority to the National Library of Medicine, which administers the part, for all of the Library's activities. (See, for example, the Department of Health, Education, and Welfare Appropriation Act, 1972, 85 Stat. 293.) The draft bill, by consolidating the appropriations authorizations of part J into a single provision, would give formal recognition to these considerations and somewhat simplify the Department's task in administering the part as a unitary program.

The draft bill would also repeal the authority in part J to assist in the construction of medical library facilities and regional medical libraries (as contained in sections 393 and 397(b)(6) of the PHS Act). In order to support, as broadly as possible, activities that serve to promote the collection and dissemination of the ever-increasing volume of knowledge in the health information field, the Federal role should be limited to the development of medical library resource materials. Program resources should not be diverted from this primary purpose in order to aid construction. Such a diversion would concentrate available funds on a relatively small number of low priority projects and would thereby confer disproportionately large benefits on a small fraction of potential grant recipients. For these reasons, the Department, in the budget justifications submitted to the Congress in support of part J in recent years, has not proposed the making of construction grants. The draft bill would amend the part to reflect more clearly the policies that govern its administration.

Finally, the draft bill would repeal the authority in part J to make grants for training in medical library sciences (section 394 of the PHS Act). Assistance to individuals who seek training as medical librarians or other health information specialists is available under title IV–B of the Higher Education Act of 1965, which now makes available Federal, State, and private low-interest insured loans to students for study in institutions of higher education. Additional categorical support is unwarranted.

We would appreciate it if you would refer the enclosed draft bill to the appropriate Committee for its consideration.

We are advised by the Office of Management and Budget that enactment of this draft bill would be in accord with the program of the President.

Sincerely,

Frank C. Carlucci,
Acting Secretary.

By Mr. JAVITS (for himself, Mr. Scott of Pennsylvania, and Mr. Dominick):

S. 1451. A bill to amend the Federal Food, Drug, and Cosmetic Act to require the disclosure of ingredients on the labels of all foods. Referred to the Committee on Labor and Public Welfare.

Mr. JAVITS. Mr. President, I introduce for the administration the Truth in Food Labeling Act.

Mr. President, in his 1971 consumer message, President Nixon set forth his "Buyer's Bill of Rights." A fundamental of this bill of rights is the consumer's right to accurate information on which to base a sound and informed choice between competing projects in the marketplace. The administration bill I am introducing today on behalf of myself and Senators SCOTT of Pennsylvania and DOMINICK would help in achieving this goal by requiring full and honest labeling of ingredients for all foods.

The major deficiency in the present food labeling provisions of law is that some food labels do not disclose their ingredients. Foods for which a definition and standard of identity have been established pursuant to the Food and Drug Act need not list mandatory ingredients on the label. In other words, the ingredients that must be in the food if it is to comply with the standard are not required to be listed on the label. There are approximately 300 standards covering such categories of foods as: Cocoa products, wheat products, cheeses, desserts, canned foods, seafoods, mayonnaise, and ice cream. Optional ingredients—those that may be in the food but need not be—are listed at the option of the FDA. Only foods for which there is no standard of identity must disclose their ingredients.

These distinctions do not make sense and the bill would simply require all foods to disclose their ingredients on the label on an equal basis. In effect, it is an antidiscrimination measure. I ask unanimous consent that the letter of transmittal, an explanation of the bill and the bill be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. JAVITS. A group of enterprising young law students also did not see the sense of these distinctions especially in view of the fact that the Food and Drug Act states that standards are intended to "promote honesty and fair dealing in the interest of consumers" and these law students filed a petition with FDA under the acronym LABEL, Inc.

FDA published the proposal in the Federal Register and in a rather unusual action requested comments on whether the food and drug law included sufficient legal authority to require labeling of mandatory ingredients as requested in this petition. After giving the proposal serious and in-depth consideration and reviewing all the comments, FDA denied the petition as not providing sufficient legal grounds to uphold such a labeling regulation in court. The then Commissioner of FDA, Dr. Charles Edwards, did, however, agree that food labels should list their complete ingredients. Toward this end, he issued a statement of policy that FDA intends to amend the existing standards and definitions of identity so as to require disclosure of all optional ingredients. One might say FDA was going to exercise their option in the interest of consumers. The statement of policy also attempted to foster the voluntary listing of mandatory ingredients by providing that a requirement included in some standards which specified that certain ingredients had to be designated in a particular manner could be waived if a complete listing was put on the label. This kind of waiver on a quid pro quo basis can hardly be described as satisfactory.

Therefore, after denying the petition, the administration followed through with its expressed determination that all the ingredients should be listed and the bill I introduce today seeks to correct the legal deficiency. I urge its prompt consideration.

During hearings last year before the House Health Subcommittee, Commissioner Edwards testified on the rationale of this legislation:

> A more informed consumer is an important step. As you know, Mr. Chairman, mandatory ingredients in a food for which a standard of identity has been established need not be declared on the label. The rationale for the exemption for mandatory ingredients from the labeling provisions of the Act was that consumers would be familiar with the mandatory ingredients of a standardized product. This legislative assumption, which was made in 1938 when the Federal Food, Drug, and Cosmetic Act became law, has since proven invalid, especially as a result of the many new and complex variations of standardized foods which have been introduced into the market.

Basically the bill requires: Mandatory ingredients in standardized foods to be listed in the same manner as other ingredients; requires ingredients to be listed in the order of their predominance in the food; and, of course, would provide an appropriate transitional period for the industry to prepare for the necessary relabeling.

Mr. President, while the bill I introduce today is a most important step forward in consumer protection—to assure more complete labeling of food products—I am concerned that the bill does not require that every ingredient of a food product appear on the label. Moreover, it does not require disclosure of spices, flavoring, and color additives. I am confident that the Committee on Labor and Public Welfare—of which I am ranking minority member—will examine this bill with objectivity to determine how, if it is necessary to amend the bill in this regard, we can most effectively protect the American consumer.

EXHIBIT 1

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
March 12, 1973.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed for the consideration of the Congress is a draft bill "To amend the Federal Food, Drug, and Cosmetic Act to require the disclosure of ingredients on the labels of all foods."

The draft bill would require mandatory ingredients in foods for which a standard and definition of identity has been established pursuant to the Federal Food, Drug, and Cosmetic Act to be declared on the label of such foods. Present law exempts such ingredients from the requirement that ingredients be identified on the label. In effect, the draft bill would put standardized and nonstandardized foods on an equal footing regarding the disclosure of ingredients. A more detailed explanation of the bill is appended.

The legislation would fulfill a recommendation of the White House Conference on Food, Nutrition and Health that the exemption for mandatory ingredients be deleted.

We believe the consumer has a right to know, to the extent practicable, the ingredients in the food that he consumes.

We ask that the draft bill receive favorable consideration.

We are advised by the Office of Management and Budget that enactment of this draft bill would be consistent with the Administration's objectives.

Sincerely,

CASPAR W. WEINBERGER,
Secretary.

EXPLANATION OF HEW DRAFT BILL TO AMEND THE FEDERAL FOOD, DRUG, AND COSMETIC ACT TO REQUIRE THE DISCLOSURE OF INGREDIENTS ON THE LABELS OF ALL FOODS

OVERVIEW

The purpose of the draft bill is to require the label of a food subject to a standard of identity under the Federal Food, Drug, and Cosmetic Act to bear a listing of the food's ingredients in the order of their predominance.

EXISTING LAW

Section 401 of the Federal Food, Drug, and Cosmetic Act authorizes the Secretary to "promulgate regulations fixing and establishing for any food . . . a reasonable definition and standard of identity . . . ." The section also provides that "the Secretary shall . . . designate the optional ingredients which shall be named on the label." Section 403(g) of the Act would deem a food to be misbranded "if it purports to be . . . a food for which a definition and standard of identity has been prescribed . . . unless . . . its label bears the name of the food specified in the definition and standard, and, insofar as may required by [regulations under section 401], the common names of optional ingredients (other than spices, flavoring, and coloring) present in such food."

The sum of these provisions is that the Secretary is without authority to find a standardized food to be misbranded even though its label fails to list its ingredients (other than optional ingredients). Subject to exemptions in certain circumstances, the labeling of foods which are not standardized must list the food's ingredients (except that spices, flavorings, and colorings may be designated as such). (§ 403(i)).

THE DRAFT BILL

Section 1(a) of the draft bill would delete the provision of *section 401* of the Federal Food, Drug, and Cosmetic Act which, as partially quoted above, authorizes the Secretary to require the designation of optional ingredients on the labeling of standardized foods. This provision would no longer be necessary upon the enactment of the other sections of the bill, because the same listing of ingredients, including optional ingredients, would be required for standardized foods as for other foods.

Section 1(b) of the draft bill would revise section 403(g) of the Act, partially quoted above, in order to repeal the exemption of a standardized food, the label of which merely bears the name of the food and a listing of optional ingredients, from being found misbranded because of the failure of the label to list all of the food's ingredients.

Section 1(c)(1) of the draft bill would repeal the exemption of standardized foods from the general requirement applicable to other foods that, subject to certain exemptions, the labeling of such other foods bear a listing of their ingredients.

Section 1(c)(2) of the draft bill would require that any food, whether a standardized food or otherwise, list its ingredients on its label in the order of their predominance.

Section 1(d) of the draft bill is a conforming technical amendment.

Section 2 of the draft bill provides for the bill to take effect 12 months after the month of its enactment, except that the Secretary would be authorized to postpone the effective date for good cause for up to an additional year with respect to any specific food product, provided that the label of such food had not been printed more than 3 months after the month of the bill's enactment.

S. 1451

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

DISCLOSURE OF INGREDIENTS IN FOODS

SECTION 1. (a) Section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341) is amended by striking out the fourth sentence.

(b) Section 403(g) of such Act (21 U.S.C. 343(g)) is amended to read as follows:

"(g) If it purports to be or is represented as a food for which a definition and standard of identity has been prescribed by regulations as provided by section 401, unless (1) it conforms to such definition and standard, and (2) its label bears the name of the food specified in the definition and standard."

(c)(1) Section 403(i) of such Act (21 U.S.C. 343(i)) is amended by striking out "If it is not subject to the provisions of paragraph (g) of this section unless its label bears" and inserting in lieu thereof "If its label fails to bear".

(2) Section 403(i) of such Act (21 U.S.C. 343(i)) is further amended by inserting "(in the order of their predominance)" immediately after "each such ingredient".

(d) Section 403(k) of such Act (21 U.S.C. 343(k)) is amended by striking out "paragraphs (g) and (i)" and inserting in lieu thereof "paragraph (i)".

EFFECTIVE DATE

SEC. 2. The amendments made by this Act shall take effect on the first day of the thirteenth month beginning after the date of their enactment, except that such effective date shall be postponed, if the Secretary of Health, Education, and Welfare determines that there is good cause therefor, for a period of not to exceed an additional twelve months with respect to any specific food product not in compliance with such amendments, other than a product bearing a label printed after the first day of the fourth month beginning after the date of such enactment.

Mr. SCOTT of Pennsylvania. Mr. President, I am delighted to join the distinguished Senator from New York (Mr. JAVITS) in sponsoring this legislation to require the full labeling of ingredients on certain food products which are now exempted from Federal labeling requirements.

Under existing law, "standardized" food products must include Food and Drug Administration specified ingredients, but the FDA does not have the authority to require that these ingredients be listed on the product's label. I commend the Food and Drug Administration for recommending the legislation being introduced today.

The ordinary consumer cannot be expected to memorize the ingredients of the more than 100 food products in the "standardized" category. This category includes foods such as ice cream, macaroni and noodle products, bread, wheat and corn flour, cheese, certain canned fruits and vegetables, tomato products, and fruit pies. These foods are staple items in many households and the nonlabeling of their ingredients poses a constant hazard to individuals on special or restricted diets.

I urge early consideration of this much needed legislation.

By Mr. HARRY F. BYRD, JR.:

S. 1452. A bill to prohibit Department of Defense funds from being used for the purpose of providing assistance to or on behalf of North Vietnam. Referred to the Committee on Armed Services.

Mr. HARRY F. BYRD, JR. Mr. President, I send to the desk a bill and ask unanimous consent that it be printed in the RECORD and appropriately referred.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD, as requested by the Senator from Virginia.

The bill is as follows:

S. 1452

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no funds made available by the Congress to the Department of Defense may be obligated or expended for the purpose of providing assistance of any kind, directly or indirectly, to or on behalf of North Vietnam.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 136

At the request of Mr. SCHWEIKER, the Senator from Kansas (Mr. DOLE), the Senator from Oregon (Mr. HATFIELD), and the Senator from Missouri (Mr. EAGLETON) were added as cosponsors of S. 136, a bill to authorize financial assistance for opportunities industrialization centers.

S. 330

At the request of Mr. THURMOND, the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 330, to amend chapter 67 (relating to retired pay for nonregular service) of title 10, United States Code, to authorize payment of retired pay actuarily computed to persons, otherwise eligible, at age 50, and for other purposes.

S. 897

At the request of Mr. STEVENS, the Senator from Alaska (Mr. GRAVEL) was added as a cosponsor of S. 897, to authorize the removal of debris and obsolete buildings in the Aleutian Islands, Alaska.

S. 980

At the request of Mr. JAVITS, the Senator from Alaska, (Mr. GRAVEL), the Senator from Washington (Mr. MAGNUSON), the Senator from Maine (Mr. MUSKIE), and the Senator from Connecticut (Mr. WEICKER) were added as cosponsors of S. 980, the extended unemployment compensation bill.

S. 1003

At the request of Mr. PACKWOOD, the Senator from Oklahoma (Mr. BARTLETT) was added as a cosponsor of S. 1003, the Transportation Crisis Prevention Act of 1973.

S. 1304

At the request of Mr. STEVENS, the Senator from Kentucky (Mr. COOK) was added as a cosponsor of S. 1304, to amend certain provisions of title XI of the Organized Crime Control Act of 1970 relating to explosives.

S. 1418

At the request of Mr. HATFIELD, the Senator from New York (Mr. BUCKLEY) and the Senator from Kansas (Mr. DOLE) were added as cosponsors of S. 1418, a bill to commemorate the 100th anniversary of the birth of Herbert Hoover by providing grants to the Hoover Institution on War, Revolution and Peace.

S. 1431

Mr. HELMS. Mr. President, I ask unanimous consent that 18 of my distinguished colleagues be added to the original list of cosponsors to my bill, S. 1431, introduced yesterday, to provide for the continuation of programs authorized under the Vocational Rehabilitation Act, and for other purposes. The additional cosponsors are:

Senators BAKER, BELLMON, BENNETT, BROCK, BUCKLEY, COOK, CURTIS, DOMENICI, DOMINICK, FONG, GRIFFIN, GURNEY, HANSEN, ROTH, SCOTT of Pennsylvania, THURMOND, TOWER, and YOUNG.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 513

At the request of Mr. MOSS, the Senator from Ohio (Mr. TAFT) was added as a cosponsor of S. 513, to amend section 232 of the National Housing Act to authorize insured loans to provide fire safety equipment for nursing homes.

SENATE JOINT RESOLUTION 2

At the request of Mr. NELSON, the following Senators were added as cosponsors of Senate Joint Resolution 2, designating April 9 through April 15 as "Earth Week, 1973":

LIST OF COSPONSORS

Sen. James S. Abourezk (S. Dak.).
Sen. Howard H. Baker (Tenn.).
Sen. Birch Bayh (Ind.).
Sen. J. Glenn Beall, Jr. (Md.).
Sen. Lloyd Bentsen (Tex.).
Sen. Alan Bible (Nev.).
Sen. Joseph R. Biden, Jr. (Del.).
Sen. Bill Brock (Tenn.).
Sen. Edward W. Brooke (Mass.).
Sen. Quentin N. Burdick (N. Dak.).
Sen. Howard W. Cannon (Nev.).
Sen. Clifford P. Case (N.J.).
Sen. Lawton Chiles (Fla.).
Sen. Frank Church (Idaho).
Sen. Marlow W. Cook (Ky.).
Sen. Norris Cotton (N.H.).
Sen. Alan Cranston (Calif.).
Sen. Robert Dole (Kan.).
Sen. Pete V. Domenici (N. Mex.).
Sen. Peter H. Dominick (Colo.).
Sen. Thomas F. Eagleton (Mo.).
Sen. Hiram L. Fong (Hawaii).
Sen. Mike Gravel (Alaska).
Sen. Edward J. Gurney (Fla.).
Sen. Clifford P. Hansen (Wyo.).
Sen. Philip A. Hart (Mich.).
Sen. Floyd K. Haskell (Colo.).
Sen William D. Hathaway (Maine).
Sen. Ernest F. Hollings (S.C.).
Sen. Walter D. Huddleston (Ky.).
Sen. Harold E. Hughes (Iowa).
Sen. Hubert Humphrey (Minn.).
Sen. Daniel Inouye (Hawaii).
Sen. Henry M. Jackson (Wash.).
Sen. Jacob K. Javits (N.Y.).
Sen. Edward M. Kennedy (Mass.).
Sen. Warren Magnuson (Wash.).
Sen. Mike Mansfield (Mont.).
Sen. Gale W. McGee (Wyo.).
Sen. George McGovern (S. Dak.).
Sen. Thomas J. McIntyre (N.H.).
Sen. Walter F. Mondale (Minn.).
Sen. Frank E. Moss (Utah).
Sen. Edmund S. Muskie (Maine).
Sen. Sam Nunn (Ga.).
Sen. Bob Packwood (Oreg.).
Sen. John O. Pastore (R.I.).
Sen. Claiborne Pell (R.I.).
Sen. William Proxmire (Wis.).
Sen. Jennings Randolph (W.Va.).
Sen. Abraham Ribicoff (Conn.).
Sen. William V. Roth, Jr. (Del.).
Sen. Richard S. Schweiker (Pa.).

Sen. Ted Stevens (Alaska).
Sen. Adlai E. Stevenson, III (Ill.).
Sen. Stuart Symington (Mo.).
Sen. Robert Taft, Jr (Ohio).
Sen. Herman E. Talmadge (Ga.).
Sen. Strom Thurmond (S.C.).
Sen. John Tower (Tex.).
Sen. John V. Tunney (Calif.).
Sen. Harrison A. Williams, Jr. (N.J.).

SENATE JOINT RESOLUTION 24

At the request of Mr. McIntyre, the Senator from Idaho (Mr. Church), and the Senator from South Carolina (Mr. Thurmond) were added as cosponsors of Senate Joint Resolution 24, to declare the fourth Saturday of each September as "National Hunting and Fishing Day."

SENATE JOINT RESOLUTION 84

At the request of Mr. Schweiker, the Senator from West Virginia (Mr. Randolph) was added as a cosponsor of Senate Joint Resolution 84, the school prayer amendment.

SENATE CONCURRENT RESOLUTION 20—SUBMISSION OF A CONCURRENT RESOLUTION COMMENDING THE PRESIDENT FOR TERMINATING THE INVOLVEMENT OF THE UNITED STATES IN HOSTILITIES IN VIETNAM

(Referred to the Committee on Foreign Relations.)

Mr. THURMOND. Mr. President, last week was, indeed, a historic week for the United States of America with the return of the last contingent of ground troops and POW's. For the first time in in more than a decade, no American men are involved in combat activities of any sort in Vietnam.

The entire Nation is breathing a collective sigh of relief as this country's direct involvement in the war has ended. In the midst of our relief, however, I would add one word of caution. We have been assured by the North Vietnamese that a complete and accurate accounting of all those missing in action would be promptly provided. So far, this has not been done. We must demand that this be carried out since it is an integral part of the agreements.

The statistics relating to the war are familiar by now: More than 45,000 Americans killed in hostile action; more than 300,000 wounded; it was the longest war in our history, lasting more than 11 years at a cost of more than $140 billion.

President Nixon has fulfilled the pledge he made to the American people. He has obtained and complied with an agreement which gives the United States true peace with honor.

Mr. President, during this long and costly war, our country faced an unprecedented barrage of criticism and debate over the propriety of the war. Members of this august body, echoing the differences of opinions across the Nation, often disagreed on the execution of our policy in Vietnam.

Debate may continue over the position this country assumes in other parts of Indochina. That aside, however, one fact is clear: President Nixon has ended direct U.S. involvement in Vietnam, and he has obtained the release of all known American prisoners of war. He has further made it clear that we will accept nothing less than a complete and accurate accounting of all missing Americans.

For this, I believe the President should be commended by the Congress of the United States. In this regard, I am introducing a concurrent resolution with 23 coauthors.

My colleagues who join me in submitting this concurrent resolution are the Senator from Florida (Mr. Gurney), the Senator from Alabama (Mr. Allen), the Senator from Kansas (Mr. Dole), the Senator from Idaho (Mr. McClure), the Senator from Ohio (Mr. Taft), the Senator from Arizona (Mr. Fannin), the Senator from Utah (Mr. Bennett), the Senator from Oklahoma (Mr. Bellmon), the Senator from Oklahoma (Mr. Bartlett), the Senator from New Mexico (Mr. Domenici), the Senator from Arizona (Mr. Goldwater), the Senator from Nebraska (Mr. Curtis), the Senator from New York (Mr. Buckley), the Senator from Pennsylvania (Mr. Scott), the Senator from Delaware (Mr. Roth), the Senator from Texas (Mr. Tower), the Senator from Nebraska (Mr. Hruska), the Senator from Tennessee (Mr. Brock), the Senator from Connecticut (Mr. Weicker), the Senator from Kentucky (Mr. Cook), the Senator from Ohio (Mr. Saxbe), the Senator from Hawaii (Mr. Fong), the Senator from Tennessee (Mr. Baker), and the Senator from Michigan (Mr. Griffin).

I send the concurrent resolution to the desk for appropriate reference.

The PRESIDING OFFICER. The concurrent resolution will be received and appropriately referred.

Mr. THURMOND. The concurrent resolution reads as follows:

S. Con. Res. 20

Whereas, in January of 1969 when Richard M. Nixon assumed the Office of President of the United States there were 542,400 members of the armed forces of the United States serving in South Vietnam; and

Whereas, at that time hundreds of American servicemen were being killed and wounded each week and many others were being captured by enemy forces; and

Whereas, the involvement of the United States in the Vietnam conflict was controversial at home and abroad and resulted in discord among some segments of this Nation's society; and

Whereas, despite major obstacles, the President was able to obtain, through skillful negotiations, a peace agreement acceptable to the Governments of North and South Vietnam and the National Liberation Front; and

Whereas, such agreement has resulted in the withdrawal of all combat forces of the United States from Vietnam, the return of all prisoners of war, and the promise of an accurate and complete accounting by the North Vietnamese Government of all Americans missing in action of which that Government has knowledge: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress expresses its gratitude to, and commends the President for, attaining an honorable termination of the involvement of the United States in hostilities in Vietnam.

Mr. President, now I wish to turn to a postwar problem.

Although our direct involvement in the Vietnam war is history, we are still confronted with many problems in the post-Vietnam era. Of primary concern are the veterans who served this country so faithfully in Vietnam. For them, the war in a foreign country is over, but the fight as they make a transition to civilian life is just beginning.

Mr. President, the debt this country owes these brave men cannot be measured in dollars and cents. A small but vocal minority criticized President Nixon for doing his duty, and also criticized our military men for doing their duty. All too often, deserters and draft dodgers were held up before society as men of high moral courage while the man in the rice paddies was regarded as a pawn for the Military Establishment.

Mr. President, I am proud to stand here today and tell our young military men that they did their job and they did it well. I know I am speaking for the majority of the United States when I say we are proud of our Vietnam veterans. Even though they are not receiving the fanfare past veterans received, I believe we have a definite obligation to express our gratitude in the only manner at our disposal: To help them adjust to civilian life as easily as possible.

Officials of the Veterans' Administration and Defense Department say that this transition will be easy for some, but very difficult for others. The reasons are many: The Vietnam veteran fought in a war which did not have the full support of the people; while they fought, our country was not feeling the effects of war as in past wars and, therefore, they felt forgotten; and as the veterans come back home, no hero's welcome awaits them.

Mr. President, more than 2.3 million veterans served in Vietnam and 6 million served in the Vietnam era from 1965 on. About one in eight of those who served in Vietnam was disabled to some degree and more than 23,000 were totally disabled. In many of these cases, the disability is psychiatric or neurological. The average Vietnam veteran is 23 years old. Many were just kids when they were sent to fight, but a war has a way of making a boy grow up fast.

The most important element as the veterans return to civilian life is finding a job or, for those who have not acquired a skill, training them so they can enter the labor force and make their own way. Although we are making definite progress in this area, much more has to be done.

Recognizing this, President Nixon initiated a massive undertaking and established "Jobs for Veterans," a national organization whose only concern is to find jobs for our men reentering civilian life. Thus far, this program has realized a great amount of success. The committee's annual report shows that 240,000 Vietnam era veterans were unemployed in December of 1972, compared with 335,000 a year earlier. Last month's unemployment rate for veterans between the ages of 20 to 29 was 5.7 percent compared to 7.6 percent a year earlier. This is progress, Mr. President, but we cannot afford to rest until every veteran of the Vietnam era has found a job to make him an integral productive member of society.

This is why every Member of the U.S. Congress must join President Nixon in urging the private business sector to hire the veteran. James F. Oates, Jr., the national chairman of Jobs for Veterans, recently pointed out that the veteran "has the edge in employment as compared to his nonveteran contemporary." During fiscal year 1972, over 4 million veterans were in the labor force although they represented less than 5 percent of the labor market. There are still 240,000 unemployed veterans, and more are returning to civilian life every month. The Federal Government should do all within its power to help these veterans, but we also must rely upon private enterprise to help us in this worthwhile endeavor.

Today's veteran is a special individual and would be a good asset to any company. He is a graduate of some of the most demanding, challenging, and scientifically designed training the Nation can offer. His experience, generally enriched by a blend of skills, maturity, leadership, and discipline, deserve special attention from educators and employers.

I would like to commend all of the veterans organizations for the vital role they are playing in this regard. They, more than anyone else, realize the necessity of such an undertaking and they are of invaluable assistance. I have had many occasions to meet with these groups and I can assure you that they stand ready to assist us in any way.

Before a veteran, or anyone else can find a job, he must have a skill that is suitable to the civilian economy. Therefore, it is our duty to help him find what he does best and then teach him how to develop that skill. In fiscal year 1972, more than 540,000 veterans took advantage of the many benefits under the GI bill; almost 150,000 participated in the various manpower training programs and about 85,000 participated in the Defense Department transition programs.

In this regard, Mr. President, I am proud to say that South Carolina is leading the Nation in the veteran education rate; 42 percent of eligible veterans in South Carolina are enrolled in some type of educational program. The national average is 39 percent. Of the 22,000 South Carolina veterans enrolled, 47 percent are in higher education, 44 percent at the high school level, and more than 8 percent are receiving on-the-job training. Of those enrolled in postsecondary programs, 39 percent are attending technical education centers. I believe this speaks very highly of our educational system and our concern for veterans in the Palmetto State.

We must continue this effort throughout the Nation. We must seek out the veteran, explain the benefits available to him and urge him to take advantage of these many fine programs.

So far, only 4 in 10 veterans—or 2.4 million—have taken advantage of GI education benefits. We must not rest until every GI who wants an education acquires one.

The most tragic aspect of our involvement in Vietnam is the thousands of men who suffered partial or permanent disability. For those who can no longer work, we must care for them. For those still able to produce, we must provide them with every assistance possible in adjusting to their handicaps.

The vocational rehabilitation program of the Veterans' Administration has realized much success in this endeavor. In fiscal year 1972, it provided training to 31,600 disabled veterans. In 1973, the VA will provide vocational rehabilitation for more than 35,000 disabled veterans, an 85 percent increase since 1969.

In addition to the other health care programs, I am convinced that the Veterans Health Care Expansion Act which I coauthored will be of great benefit. It would provide outpatient care for veterans if it alleviated the need for hospitalization. In addition, orphans and widows of veterans who died of service-connected disabilities and wives and children of totally disabled veterans would also be eligible for medical care.

Mr. President, time will not permit me to go into all of the programs concerning the veteran. A great deal is being done to help him adjust to civilian life and much more has to be done before we can truly claim success. But one thing is clear: The veteran should command top priority in the post-Vietnam era. No one has served his country more gallantly and no one has sacrificed more for freedom. We owe a debt to the veteran and we should not rest until it has been paid.

Mr. President, I have in my hand a "Hire the Veteran" bumper sticker. I have seen to it that one be sent to each Senator along with a "Hire the Veteran" lapel pin. I believe that the display of these items would be a good symbolic gesture of our support of these brave men.

SENATE RESOLUTION 89—SUBMISSION OF A RESOLUTION TO CREATE A SELECT COMMITTEE TO STUDY CERTAIN RULES OF THE SENATE

(Referred to the Committee on Rules and Administration.)

Mr. BROCK. Mr. President, congressional reform is one of the urgent priorities of this Congress.

I use the word "urgent" advisedly, because I believe that if we fail to bring the Congress up to date, we will lose the confidence of the people we serve, and if that happens, we will be faced with a crisis that could easily result in a drastic alteration, for the worse, of the American system of government.

This evening, I am participating in a forum for which the topic is "Is Congress Obsolete?" I shall argue that it is not, but the very fact that such a topic is chosen for discussion indicates that there is, indeed, a crisis.

Congress may become obsolete if we do not reform. Congress may lose its place as the people's branch of government if we do not become more responsive to the people.

It is in that spirit that I have introduced a comprehensive bill to reform the budgetmaking and priority establishment procedures of the Congress. Hearings on that, and other proposals in the budgetary area are now being conducted by the Committee on Government Operations, and I am cautiously optimistic that some genuine reform may result.

In addition to the budgetary process, however, other measures are needed, and it is to that point that I rise today. I am submitting, for myself and Mr. MATHIAS, for appropriate reference, a resolution to create a temporary select committee to study the committee structure of the Senate.

Such a committee is already in existence in the House of Representatives, and concurrent action by the Senate would yield both substantive and symbolic benefits.

The committee system is the crucial element in any serious effort to strengthen Congress, just as it is the crucial element in any serious effort to pass legislation. If, however, the committee system is to work, it must satisfy some basic criteria.

Identifying these criteria, and proposing such changes as may better satisfy them, is the charge of the temporary select committee which I propose to create by the mechanism of this resolution.

Among the possibilities which suggest themselves are these:

Reduction in the number of committees with broadened jurisdiction for each.

More effective use of special, select, and joint committees to focus on crucial problems for which no standing committee takes responsibility.

More flexible subcommittee arrangements.

Democratization of committee procedures, with open hearings whenever practicable.

Provision for better informational and analytical resources, including the upgrading of staffing arrangements.

Increased resources for minority and junior members of committees.

Assurance that membership on each committee fairly reflects the viewpoint of the entire Chamber.

The list is not exhaustive and it is not intended to be inclusive. It does, however, indicate that important and far-reaching questions need to be considered.

The assignment then, is not superficial; it is deep and it is real. In pursuing it, the select committee can perform a valuable public service, not only for the Senate, but for the people.

I ask unanimous consent that the text of the resolution be printed in the RECORD at this point.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S. RES. 89

Resolved, That there is hereby created a temporary select committee to be composed of ten Members of the Senate to be appointed by the President of the Senate; five from the majority party and five from the minority party, one of whom he shall designate as chairman.

The select committee is authorized and directed to conduct a thorough and complete study with respect to the operation and implementation of rules XXIV, XXV, and XXVI of the Standing Rules of the Senate, including committee structure of the Senate, the number and optimum size of committees, their jurisdiction, the number of subcommittees, committee rules and procedures, media coverage of meetings, staffing, space, equipment, other committee facilities and appointment of Senate conferees to committees of conference.

The select committee is authorized and directed to report to the Senate by bill, resolution, or otherwise, with respect to any matters covered by this resolution and shall make a report with respect to its study and investigation by January 30, 1974.

For the purposes of this resolution, the select committee or any subcommittee thereof is authorized to sit and act at any time and place during the session, recess, and adjournment periods of the Senate. The majority of the members of the committee shall constitute a quorum for the transaction of business, except that the committee may sit a lesser number as a quorum for the purposes of taking sworn testimony.

To assist the select committee in the conduct of its study under this resolution, the committee may employ personnel; and all expenses of the select committee, not to exceed $1,500,000 to be available one-half to the majority and one-half to the minority, shall be paid from the contingent fund of the Senate on vouchers approved by the chairman of the select committee.

The select committee shall cease to exist on January 2, 1975.

Mr. MATHIAS. Mr. President, today I consider it a privilege to join with my colleague the Senator from Tennessee (Mr. BROCK) in the introduction of a resolution for a temporary select committee to conduct a comprehensive study of the jurisdiction of committees in the Senate.

The House of Representatives has recently authorized a similar committee with Representatives RICHARD BOLLING and DAVE MARTIN serving as cochairmen. Our committee would be parallel to theirs, with authority to examine a whole range of committee matters—from the number and size of the present Senate committees and their jurisdictions, to committee rules and procedures, to media coverage of meetings, staffing, space, equipment, and the appointment of Senate conferees to conference committees. Ten Members of the Senate would sit on the committee, five from the majority and five from the minority party. A budget of $1,500,000 would match the House appropriation and would be shared equally by the Members of both parties. The committee's duration would be limited to the remainder of this Congress.

The prestige of the Congress is inextricably linked to its effectiveness as an institution. When public support for Congress has fallen to a low of 16 percent, the position accorded the Congress as a coequal branch under the Constitution has clearly diminished as well. Few concerns of mine are greater than the necessity for restoring the Congress to an equal role in the body politic. Perhaps the biggest stumbling block to achieving a government capable of winning the respect and faith of the people is Congress' in ability to establish wise policy priorities and see that they are carried out. The committee structure no longer matches congressional needs.

The dominant message of the ad hoc reform hearings which I held along with Senator STEVENSON last December was that the public does not want an ineffective, archaic government which cannot respond efficiently to the will of the electorate. A whole laundry list of reform proposals were offered, none more important than the proposal that we look at our won ability or oversee the executive branch and determine sound national policy. But as we have all become enmeshed in our individual responsibilities, the healthy restorative spirit which I sensed at the start of the Congress needs to be renewed and refreshed.

This resolution would refocus the Senate upon its most important collective task, that of restoring the effectiveness of our branch of government.

At present, we each feel the frustration of the committee system in different ways. While we have a joint committee on atomic energy, there is no single committee to consider all of our energy needs. There are no committees to match the President's pragmatic staff structure of human resources, natural resources or community development. We have no committee which considers our national security policy as a whole.

When a Presidential adviser—like Henry Kissinger—is invited to the Hill, the invitation is not an easy one. If he speaks to the Foreign Relations Committee about diplomacy, he must speak to the Armed Services Committee as well, since they are responsible for sending troops and material abroad. And if he speaks to these committees, why should he not appear before the Appropriations Committee which, after all, pays the bills. No wonder Presidential assistants, executive officials, and the public as a whole, views Congress as an unending maze of separate and isolated fiefdoms.

As Abraham Lincoln said more than a hundred years ago about another Congress:

> Fellow-citizens, we cannot escape history. We of this Congress and this administration will be remembered in spite of ourselves. No personal significance or insignificance can spare one or another of us. The fiery trial through which we pass will light us down, in honor or dishonor, to the last generation.

Our proposal for a select committee to thoroughly review the committee structure represents the "fiery trial" of this time through which the Congress must pass in order to restore the honor of the legislative branch. I have confidence that this path will reaffirm the wisdom of our Founding Fathers in writing a Constitution setting forth three equally powerful and effective branches within our democracy.

REVIEW OF COMMITTEE JURISDICTIONS

Mr. STEVENSON. Mr. President, on January 11 the majority leader established a Committee of the Majority Conference, which I am privileged to chair, to make recommendations on the improvement of Senate practices and procedures. The participating members of that committee—Senators HATHAWAY, INOUYE, METCALF, and myself—have concluded that a reexamination of Senate committee jurisdictions and related matters should be conducted during the 93d Congress, and that the task can best be performed by a temporary select committee of the Senate. A report to that effect is in preparation and will be presented to the majority conference at an early date.

The last major review of committee jurisdictions occurred nearly 30 years ago, during consideration of the Legislative Reorganization Act of 1946. When what was to become the Legislative Reorganization Act of 1970 was pending before the Congress, the decision was made not to get deeply into the question of committee jurisdictions because, in the words of Congressman BOLLING, "this was the meanest area." Be that as it may, the time has come to take on this difficult, delicate task in an evenhanded and realistic way. Over the last 30 years America has changed, and the nature and scope of Federal activity has changed with it. That is not to say that this Senate must also change for the sake of change; it is to say that we must consider, as carefully and systematically as we can, whether the committee system is as effective as it can be.

The Senator from Tennessee (Mr. BROCK) has today introduced a resolution calling for the establishment of a select committee to study Senate committee jurisdictions. Earlier this session, the Senator from Minnesota (Mr. HUMPHREY) and the Senator from Oklahoma (Mr. BELLMON) made thoughtful proposals concerning committee jurisdictions. I commend these Senators for their vision and initiative and hope that, following consideration by the majority conference the issue will receive early attention in committee and on the floor.

IMPOUNDMENT AND BUDGETARY CONTROL—AMENDMENT

AMENDMENT NO. 74

(Ordered to be printed and to lie on the table.)

Mr. ROTH. Mr. President, I am submitting this afternoon a perfecting amendment which I understand Senator ERVIN will offer tomorrow.

His language speaks to the important issues of impoundment and budgetary control.

In legislation which the Government Operations Committee favorably approved this afternoon, future impoundments by the Executive would be subject to specific approval by the Congress within 60 days, or they would become null and void. My language seeks to put the burden of disapproval on the Congress, where I feel it fairly belongs.

My proposal mirrors legislation (H.R. 5193) which Chairman MAHON introduced on March 6 and which is currently before the House Rules Committee. Future Presidential impoundments would stand unless specifically disapproved by Congress within the 60-day period.

I would urge my colleagues to review carefully the provisions of Senator ERVIN's proposed amendment and I would hope that others will join me in modifying that legislation.

I ask unanimous consent that the text of my perfecting amendment be printed at this point in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 74

In section 3, line 8, delete all after the word "shall," and all through the end of section 3.

In its place, insert: "immediately cease the impounding of any budget authority set forth in each special message, or any portion thereof, if, within sixty calendar days of continuous session after the date on which the message is received by the Congress, the specific impoundment, or any portion thereof, shall have been disapproved by a majority vote of both the Senate and the House of Representatives in a joint resolution in accordance with the procedures set out in section 5 of this Act. The effect of such disapproval shall be to make the obligation of that specific budgetary authority mandatory, and shall preclude the President or any other Federal officer or employee from reimpounding the specific budget authority set forth in the special message which the Congress by its disapproval has thereby rejected."

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT—AMENDMENT

AMENDMENT NO. 75

(Ordered to be printed, and referred to the Committee on Armed Services.)

Mr. HARRY F. BYRD, JR. Mr. President, I send to the desk an amendment to S. 1263, the military authorization bill, and ask unanimous consent that it be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 75

On page 7, between lines 11 and 12, insert the following:

SEC. 502. None of the funds made available to carry out the provisions of this or any other law may be obligated or expended for the purpose of providing assistance of any kind, directly or indirectly, to or on behalf of North Vietnam.

AMENDMENT OF PAR VALUE MODIFICATION ACT—AMENDMENTS

AMENDMENT NO. 76

(Ordered to be printed, and to lie on the table.)

Mr. HARRY F. BYRD, JR. submitted an amendment, intended to be proposed by him, to the bill (S. 929) to amend the Par Value Modification Act.

AMENDMENT NO. 77

(Ordered to be printed, and to lie on the table.)

Mr. ERVIN (for himself, Mr. MUSKIE, Mr. PERCY, Mr. JAVITS, Mr. CHILES, Mr. NUNN, Mr. HUDDLESTON, Mr. MONDALE, and Mr. BENTSEN) submitted an amendment, intended to be proposed by them, jointly, to Senate bill 929, supra.

NOTICE OF HEARINGS ON BILLS TO CODIFY, REVISE, AND REFORM TITLE 18 OF THE UNITED STATES CODE

Mr. McCLELLAN. Mr. President, as chairman of the Subcommittee on Criminal Laws and Procedures, I would like to inform the Senate and other interested individuals that it is my intention to begin legislative hearings shortly on the two bills (S. 1 and S. 1400) to codify, revise and reform title 18 of the United States Code, along with other pending items relating to particular sections of title 18.

It is my intention to commence the hearings within the next 2 weeks and complete them before the summer recess of the Congress. We will try to give ample notice in the RECORD before each series is scheduled. Nevertheless, it may be necessary to set hearing dates on short notice and, therefore, persons interested in appearing as witnesses or submitting statements should contact the subcommittee as soon as practicable to allow time for the scheduling of their appearance.

In connection with the forthcoming hearings, I ask unanimous consent to have printed in the RECORD the memorandum we have mailed out to various individuals and organizations assisting in the revision of the Code. I insert this to give as wide a circulation as possible to this project, for, in revising the Code, it is our hope to get the views and to have the participation of all segments of the criminal justice system—judges, prosecutors, corrections and court officials, prosecutors, law professors, practicing attorneys and other interested citizens.

Copies of S. 1, S. 1400, and related material, or information on the hearings are available from the subcommittee in room 204, Dirksen Senate Office Building, Washington, D.C. 20510, telephone area code 202—225—3281.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, D.C., April 4, 1973.

To: Individuals and Organizations Assisting in the Revision of the Federal Criminal Code.

From: John L. McClellan, Chairman, Subcommittee on Criminal Laws and Procedures of the Senate Committee on the Judiciary.

Re Further Hearings on Reform of Federal Criminal Laws.

Public Law 89–801 (1966) created the National Commission on Reform of the Federal Criminal Laws. The Commission, under the Chairmanship of the Honorable Edmund G. Brown and on which Senators Ervin, Hruska and myself were privileged to serve, reported to the President and the Congress on January 7, 1972. Since that time, this Subcommittee has been considering the recommendations of that Commission. Contact has been made throughout the United States with State Attorneys General, local district attorneys, professors of criminal law, defense attorneys, numerous bar associations and other citizen groups, as well as relevant Government agencies. Thirteen days of public hearings have been held and a printed record of over 4,000 pages has been compiled. In all, 64 witnesses have given testimony and statements have been received from hundreds of others.

As a result of these two years of effort, on January 4, 1973, I introduced, for myself and Senators Ervin and Hruska, S. 1, the "Criminal Justice Codification, Revision and Reform Act of 1973." This, too, has been given wide circulation in anticipation of the legislative hearings to be conducted during this Session.

As I am sure you are aware, the Department of Justice has now submitted its own recommendations for the reform of the Federal criminal laws to implement the President's recent Message on the Federal System of Criminal Justice. These recommendations have been introduced as the enclosed bill. It is the Subcommittee's intention to process these recommendations, along with S. 1 and other related bills before the Subcommittee as soon as practicable.

Please inform the staff of the Subcommittee at Room 2204, Dirksen Senate Office Building, Washington, D.C. 20510 (Telephone 202–225–3281), of the earliest possible date by which you might be prepared to discuss in legislative hearings the recommendations of the Commission, S. 1, the Administration's bill, S. 1400, and such other proposals as are before the Subcommittee, or you might feel warrant consideration by the Subcommittee. Hearings should begin within three to four weeks and finish without unreasonable delay.

ANNOUNCEMENT OF HEARINGS CONCERNING INDIAN JUDGMENT FUNDS DISTRIBUTION ACT

Mr. ABOUREZK. Mr. President, I wish to announce for the information of the Members of the Senate, the Indian people, and other interested persons that the Subcommittee on Indian Affairs has scheduled an open hearing for April 13, 1973, on S. 1016, the Indian Judgment Funds Distribution Act of 1973.

The proposed measure offers an alternative method for the processing of numerous judgment awards made to Indian tribal groups by the Indian Claims Commission or the U.S. Court of Claims. These payments, for the most part, represent additional compensation to the tribal groups for land sold by them to the Federal Government in the past at prices considered to be grossly inequitable in relation to the value of the land.

Under current congressional policy, a tribal group receiving a judgment award is required to obtain authorizing legislation from Congress to specifically permit the distribution of the judgment funds to their duly enrolled members and to expend a portion of the funds for purposes which will benefit the tribal membership as a whole—education, community development, and so forth.

While this procedure served a useful purpose in the past, the procedure now places an undue legislative burden on the Senate Interior and Insular Affairs Committee, and limits the committee's capacity to address its energies and resources to the substantive issues related to the Indians' historical relationship with the Federal Government.

The Indian Judgment Funds Distribution Act would serve to accomplish the desired objective of freeing-up valuable committee time to be devoted to more substantive issues in the field; and to speed up the processing of Indian judgment awards and making the needed funds available to Indian people.

The subcommittee will receive testimony from administration and Indian witnesses on this measure. The hearing will commence at 9 a.m. in room 3110 of the Dirksen Senate Office Building.

NOTICE OF HEARINGS OF BILL S. 1423 TO AMEND THE LABOR-MANAGEMENT RELATIONS ACT, 1947

Mr. WILLIAMS. Mr. President, I wish to announce for the information of the Senate and the public that open hearings have been scheduled by the Subcommittee on Labor at 10 a.m. on April 10 and 11 and on April 16 at 11 a.m. in room

4232, Dirksen Senate Office Building, on S. 1423, a bill to amend the Labor-Management Relations Act, 1947, to permit employer contributions to jointly administered trust funds established by labor organizations to defray costs of legal services.

All persons wishing to testify should contact Mr. Gerald Feder, room G-237, Dirksen Office Building, telephone 225-3674.

ANNOUNCEMENT OF OPEN HEARINGS BY SUBCOMMITTEE ON PARKS AND RECREATION

Mr. BIBLE. Mr. President, I wish to announce for the information of the Senate and the public that open hearings have been scheduled by the Subcommittee on Parks and Recreation at 10 a.m. on April 18, in room 3110, Dirksen Senate Office Building, on the following bill: S. 1201, to amend the act of October 15, 1966 (80 Stat. 915), as amended, establishing a program for the preservation of additional historic properties throughout the Nation, and for other purposes.

ADDITIONAL STATEMENTS

THE COMING OF PEACE IN VIETNAM AND THE RELEASE OF AMERICAN PRISONERS OF WAR

Mr. BELLMON. Mr. President, on behalf of myself and my distinguished colleague (Mr. Bartlett), we have received copies of a concurrent resolution adopted by the Oklahoma State Legislature which, we believe, vividly expresses the views of the vast majority of Americans regarding the new peace in Vietnam and the debt of gratitude this Nation owes to the men who bore arms in Southeast Asia. The resolution singles out for special commendation those who were wounded, those who are permanently disabled, and those who gave up months and years of their lives as prisoners of war.

Mr. President, this resolution puts into words our deep feelings and the great pride we have in the returning prisoners of war for their inexhaustible loyalty to the United States and their unwavering belief in the cause of defending freedom wherever it may be threatened.

This resolution eloquently says what so many of us have felt, but for which we have not found adequate words; namely, that the attitude and spirit demonstrated by the returning prisoners represents the finest chapter of American involvement in Southeast Asia, and that the courage, loyalty, and patriotism they have shown places these men among the front ranks of brave fighting men throughout American history.

Mr. President, on behalf of the people of Oklahoma we ask unanimous consent that the full text of the Oklahoma State Legislature's Senate Concurrent Resolution No. 19 be printed in the Record.

There being no objection, the concurrent resolution was ordered to be printed in the Record, as follows:

Senate Concurrent Resolution No. 19

A concurrent resolution noting the coming of peace in Vietnam and the release of American prisoners of war; commending released American prisoners for their expressions of loyalty and dedication to country; commending all those who bore arms for the United States in Vietnam; expressing appreciation to those who were wounded or disabled during the war; expressing sympathy to the families of those who died in the war; extending sympathy and hope for reconciliation to families of Americans missing in action; registering strong objections to any policy of general amnesty for draft dodgers and deserters; and directing distribution

Whereas, a peace settlement has finally been achieved in Vietnam, allowing the release of over 500 loyal American Prisoners of War; and

Whereas, the United States has every reason to be extremely proud of these former prisoners, some of whom were held for a period of eight years, and many of whom suffered from serious injuries during the period of their captivity; and

Whereas, the attitudes and comments of those prisoners released thus far from North Vietnamese and Viet Cong prison camps constitute * * * Southeast Asia; and

Whereas, the returning prisoners have made it quite clear that they never wavered in their loyalty to the United States and in their belief in our mission of bringing peace from oppression to the people of South Vietnam; and

Whereas, the spontaneous expressions of loyalty exemplified by such statements as "God Bless America," and "We never lost faith in our country or in our President," place our returnees in the front rank of American military men and continue the proud tradition of courage and stamina seen in our previous wars; and

Whereas, all returning American Prisoners of War richly deserve the congratulations and commendations of the American people, and the citizens of Oklahoma; and

Whereas, the 2.3 million men who bore arms for this country during the nearly 12 years of the Vietnam Conflict are likewise deserving of commendation for their patriotism and dedication to duty; and

Whereas, the more than 300,000 wounded and 23,000 totally disabled who served so proudly in this war richly deserve our thanks and apppreciation for their sacrifices on behalf of freedom's call; and

Whereas, our sympathies and warmest regards should be extended to the families of the more than 46,000 Americans who gave their lives to insure the right of the people of South Vietnam to determine their own destiny; and

Whereas, our prayers of consolation and our hopes for an ultimate reconciliation should go to the families of Americans still listed as "Missing in Action" in Southeast Asia; and

Whereas, we should express our deepest and strongest objections to any policy of granting general amnesty to draft dodgers and deserters from the armed forces during the period of the Vietnam Conflict.

Now, therefore, be it resolved by the Senate of the 1st session of the 34th Oklahoma Legislature, the House of Representatives concurring therein:

Section 1. That all returning American Prisoners of War be and hereby are congratulated and commended for their exemplary expressions and attitudes of loyalty to the United States.

Section 2. That all Americans who served in Vietnam, and all those who were wounded and disabled there be and hereby are tendered our gratitude and appreciation for devotion to duty.

Section 3. That the families of Americans who gave their lives, and the families of those listed as "Missing in Action" be and hereby are extended our prayers and our sympathy.

Section 4. That we do hereby express our deepest and strongest objections to the granting of general amnesty to draft dodgers and deserters by the United States Government.

Section 5. That duly authenticated copies of this Concurrent Resolution, following consideration and enrollment, be prepared for and sent to:

1. The Honorable Richard M. Nixon, President of the United States; and
2. All members of the Oklahoma Congressional Delegation.

SO YOU WANT TO LIVE IN THE COUNTRY?

Mr. McINTYRE. Mr. President, a few months ago, Rene Jules Dubos spoke on "Humanizing the Earth" to the Washington conference of the American Association for the Advance of Science.

This noted humanist, ecologist, medical microbiologist, and perimental pathologist observed that now that the whole earth has been explored and occupied, the new problem is to manage its resources.

He said,

> Careful management need not mean stagnation. In many places, the interplay between man and nature results in a creative symbiotic relationship that facilitates evolutionary changes. Man continuously tries to derive from nature new satisfactions that go beyond his elementary biological needs—and he thereby elicits the expresion of some of nature's potentialities that would remain unrecognized without his efforts.

Dr. Dubos then goes on to say:

> Man has now succeeded in humanizing most of the earth's surface, but, paradoxically, he is developing simultaneously a cult for the wilderness. After having been for so long frightened by the primeval forest, he has come to realize that its eerie light evokes in him a mood of wonder.

What Dr. Dubos said applies in a very real sense to what is happening in my State of New Hampshire, Mr. President, and in other States across this land.

Americans everywhere are seeking relief from the tensions of the big cities through the peaceful esthetics of the countryside.

For many, this still means the annual vacation at the beach, the lake, or the forest. But for an increasing number it means a second home away from the city, a home to be used on weekends, on vacations, and at some future time for retirement years.

This phenomenon has grown by leaps and bounds, in part due to our increasing affluence, in part due to new interstate highways, in large part due to the accelerating realization of our people that nature is still the greatest healer and tranquilizer of all.

But in their desire to get back to nature through a country home, many Americans leap before they look and make mistakes in buying that are as heartbreaking as they are costly.

Today, Mr. President, I ask unanimous consent to put into the Record at the conclusion of my remarks an account of how one area in my own State is working to manage resources wisely and to save people costs and heartbreak.

I refer to an article in the February, 1973, issue of Soil Conservation, a publication by the Soil Conservation Service of the U.S. Department of Agriculture. This article, titled, "So You Want To Live in the Country," was written by William R. Hauck, resource conservation and development project coordinator for the Soil Conservation Service at Littleton, N.H., and I am pleased to call my colleagues' attention to it.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SO YOU WANT TO LIVE IN THE COUNTRY?

(By William R. Hauck)

Rear Admiral James T. Brewer stopped issuing orders when he left the Navy 15 years ago. Now, retired and living in a small Connecticut River Valley town in northern New Hampshire, he issues advice to hundreds of city people looking for a country home.

"If you expect to escape the rate race of the city," cautions the Admiral, "the first thing to do is to slow down. If you don't, all your frustrations will come with you to the country. Don't transplant your urban habits in a new setting. If you're planning to buy, take your time.

"Many rural newcomers think they left water problems back in the city. Look for wet basements and soil slippage around the house. Investigate water supply, septic tank capacity, town ordinances, local real estate costs, and all the things that are going to make you a satisfied country resident."

The Admiral knows what he's talking about. He and his wife chose a farm home in New Hampshire's North Country for retirement. With 15 years of Yankee rural living, he has become a leader in helping protect the rich natural resources of the North Country. As a selectman for the town of Piermont and ex officio member of the town's planning board, he has been instrumental in getting approval of subdivision regulations and zoning ordinances that preserve the natural charm cherished by Piermont's 467 residents.

As chairman of the Executive Board of the North Country Resource Conservation and Development (RC&D) Project, he has extended his advice and concern for prudent use of nature's resources to the northern half of the state.

"RC&D gets government agencies working together," said Admiral Brewer. "There was a time when it appeared to many landowners that each agency went its own way. But thanks to RC&D, there isn't any worthwhile project now that lacks the coordinated assistance to get it done. I have found this to be true, and, as a matter of fact, I don't believe there is much that anyone wants to do that RC&D can't find someone, somewhere to help do it."

After executive board approval, the Soil Conservation Service helps round up the needed resources to help put action into requests received from local communities.

New Hampshire has long been popular for second homes, but new interstate highways are bringing more people than ever into the state. "Many of these people, from all walks of life, trying to escape big-city tensions, are so eager to buy a house that they pay any price for any land or any structure," said Admiral Brewer. "That's why I have worked hard to get land use ordinances approved in Piermont.

"One developer from down country, for example, was stopped from building in Piermont on wetland with no sewage facilities. Without our ordinances, there would have been a lot of unhappy landowners within the first year. In general, land speculators shy away from towns having such restrictions."

The Admiral believes that haphazard development creates rural slums, denudes the land, fills the streams with silt, and cheats many unsuspecting house buyers.

A little time spent checking property values helps everyone except the land speculator, according to the Admiral.

"The house buyer in a hurry also threatens the agricultural industry," he explained. "The high price he pays for property unbalances the tax structure. It's taxing the farmers out of business."

In Piermont, 52 percent of taxes are paid by nonresidents. Piermont is an agricultural town but has many second homes and cottages dotting the landscape.

Admiral Brewer considers the area's RC&D project, with its executive board of 20 members, a valuable asset, capable of influencing and helping to control growth.

"I do not despair at the changes we are undergoing," he said. "They can be handled with common sense. We should welcome with open arms the property motivated, prospective nonresident and the conscientious developer and help them to find a desirable site, priced fair and square, and taxed equitably.

"As for the despoiler, the in-and-outer, the fast-buck artist, we should reserve for him the cold shoulder, the frigid, wordless, baleful stare—commonly known in the North Country as Reaction No. 12."

A LETTER FROM MR. AND MRS. BEN MORSE THANKING SOUTH CAROLINIANS FOR THEIR GENEROSITY DURING A RECENT SNOW STORM

Mr. THURMOND. Mr. President, on March 20, 1973, Mr. and Mrs. Ben Morse of Columbus, Ga., wrote a letter to me expressing their thanks for the generosity and hospitality extended to them by South Carolinians, and particularly the people of Sumter, S.C., during the record snow and ice storm in my State last month.

South Carolina was struck by an unusually heavy snowfall of 22 inches last month that virtually paralyzed all transportation activity for days. It caused severe hardships for many people, including a sizable number of tourists and visitors from other States.

The people of South Carolina have always been noted for their kindness and hospitality, and during the recent storm their generosity was especially in evidence.

Mr. President, I ask unanimous consent that the letter from Mr. and Mrs. Morse dated March 20, 1973, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COLUMBUS, GA.
March 20, 1973.

Hon. STROM THURMOND,
Senator of South Carolina, State Capital Building, Columbia, S.C.

DEAR SIR: I regret to say that it has been much longer than I anticipated or liked, in thanking the State of South Carolina and specifically the Chief of Police, the Mayor and all of the citizens of Sumter, S.C. for the generosity, courtesy and conveniences that were afforded my daughter, my grandson, my wife and myself.

In the many years that I had spent in the snow country I had never come upon a situation such as this, nor do I believe that any of the citizens of South Carolina expected such a freak of nature to cause such a hardship on so many people. Yet, my family and I marveled at the expedient techniques and methods with which your city officials and state authorities coped with such disagreeable hardship.

Never will I be able to thank the people of Sumter, S.C. enough for the hospitality afforded my family and I. And may I say once again, the officials are a great asset to any and all persons coming to the State of South Carolina and to the City of Sumter.

Thank you sincerely and may God bless all of you.

BEN and ANNA MORSE,
And my daughter and grandson Betty and Joshua Miller.

SAVING THE OLD POST OFFICE

Mr. HARTKE. Mr. President, almost 2 years ago, I spoke on the floor of the Senate to urge the preservation of the old post office here in the District. At that time, the General Services Administration had announced plans to destroy the building so that it could proceed with plans to complete the Federal Triangle.

GSA's plans took no cognizance of the historical and architectural value of the old post office—values which cannot be forgotten in a city which serves as the Nation's Capital.

Rcently, an article in the Washington Post announced the welcome news that GSA is now interested in preserving, rather than destroying, the old post office.

Mr. President, I ask unanimous consent that the text of that article be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GSA MOVES TO SAVE OLD POST OFFICE

(By Kirk Scharfenberg)

The General Services Administration, once firmly committed to demolishing the old Post Office Building on Pennsylvania Avenue, is now interested in preserving it.

The turnabout resulted in part from last year's refusal by Congress to appropriate the funds necessary to demolish the 74-year-old Romanesque structure and replace it with a new IRS building.

In addition, Nancy Hanks, chairman of the National Endowment for the Arts and Humanities, is working in the executive branch to save the building for use partially as National Endowment offices.

In a recent interview in the Preservation News, published by the National Trust for Historic Preservation, Arthur F. Sampson, acting administrator of GSA, said:

"There is a strong move on, with support from the Congress, and the Executive Branch to take a new look at that building in terms of keeping it alive."

A major obstacle to preserving the building has been the cost of renovating and underpinning it to withstand Metro construction and operations in the area.

However, according to several sources, Metro has recently circulated to government agencies a draft environmental impact statement that concludes no underpinning will be necessary.

Sampson was quoted in Preservation News as saying it "would be a tough battle" to persuade Congress to finance the renovation of the structure at 12th Street and Pennsylvania Avenue NW.

He suggested, however, that it might be turned over to private interests for rehabilitation management. Such arrangements are permitted under legislation signed by President Nixon last summer. In the past, the Georgetown-Inland Corps., now planning a redevelopment of the Georgetown waterfront, has expressed interest in such a project.

Urban planners in the city have advocated saving the structure and converting it into a commercial facility with shops, restaurants and possibly a hotel as a means of bringing street life into the Federal Triangle.

Preservation of the old Post Office Building has been in contention since the Mellon Board, in existence between 1920 and 1934, recommended its demolition.

In 1964, the Pennsylvania Avenue Commission recommended its demolition as part of a redevelopment of the avenue that would involve construction of various office buildings in federal-style architecture.

VOLUNTARY PRAYER IN PUBLIC SCHOOLS AND BUILDINGS

Mr. BAKER. Mr. President, the distinguished junior Senator from Pennsylvania (Mr. SCHWEIKER) has introduced a joint resolution proposing an amendment to the Constitution of the United States which reaffirms the right of voluntary prayer in public schools and buildings.

I am happy to join with Senator SCHWEIKER and Senators CANNON, EASTLAND, PASTORE, and SCOTT of Pennsylvania in sponsoring Senate Joint Resolution 84.

This measure offers a most encouraging opportunity for united legislative action to restore voluntary prayer. All the sponsors of this resolution have sponsored previous legislation with the same objective in mind. Though our goals were the same, the various proposed amendments were worded somewhat differently.

Earlier in this session, for example, I introduced Senate Joint Resolution 7, which speaks of the right to "participate in nondenominational prayer." I had included the word "nondenominational," because this is the language of the proposed prayer amendment I introduced which passed the Senate in 1970.

Similarly, Senate Joint Resolution 10, introduced by Senators SCHWEIKER and SCOTT of Pennsylvania made reference to "voluntary nondenominational prayer or meditation." Senators SCOTT of Virginia, and BARTLETT and others also put forth prayer resolutions in the Senate. In the House of Representatives, Congressman CHALMERS WYLIE of Ohio, offered a joint resolution favoring "voluntary prayer," one which is very similar to Senate Joint Resolution 84.

Senator SCHWEIKER has spent much time and effort in studying the various prayer amendments. He has carefully consulted with congressional sponsors of such amendments, constitutional experts in the academic world and the Library of Congress, and concerned citizens throughout the Nation.

The purpose of this intensive study has been to develop a single amendment, acceptable to all who seek to reaffirm the right of prayer, which can effectively be enacted into law. I believe Senate Joint Resolution 84 meets those criteria.

Earlier attempts to achieve the objective of voluntary prayer have been most frustrating. The political machinery has not been responsive to the wishes of an overwhelming majority of the people of this country.

I am most encouraged, however, by this latest development. I look forward to continuing to work with the other sponsors of Senate Joint Resolution 84, with Congressman WYLIE and other leaders in the House, and all others who support the right for voluntary prayer.

ENOUGH BLAME TO GO AROUND

Mr. ROBERT C. BYRD. Mr. President, the President is entitled to great credit for ending our active participation in the Vietnam war and for bringing the POW's home. I supported him in this difficult effort, and I support him now in opposing blanket amnesty. I supported him in his efforts to open constructive new relationships with China and the Soviet Union. However, while I shall oppose any meat axe cuts in our defense budget, I will support a unilateral reduction of military forces overseas. It is time that our European friends take on more of the cost of providing for their own defense.

Anent the President's imposition of a ceiling on meat prices, this does not go far enough. We should at least return to the phase II mandatory controls, and apply them on prices, wages, interest rates, et cetera. To deal with meat prices alone, only touches one area in rising living costs.

As to the President's reference to congressional spending, there is no question but that Congress has contributed its share to costly programs. But if one's comments stop here, the story is only half told. The overall net cuts made by Congress in the administration's budget during the past 4 years have amounted to $20 billion. Even so, the national debt has increased $104 billion during the 4 years of the present administration, and this constitutes almost a fourth of the total national debt. Additionally, it was the administration that recommended a $30 billion general revenue-sharing program over a 5-year period, which in many instances proved to be a handout to States that are far better off financially than is the Federal Government. Surely, some reference should be made to this expenditure, which I voted against and which Congress did not initiate. Furthermore, it was the Congress that enacted standby price and wage controls, which the President opposed but which, after too long a delay, the administration finally utilized in August 1971, in the fight against inflation. While the President seeks, therefore, to focus public attention on congressional spending, there is enough blame to go around. After all, it was the administration, not Congress, that lifted phase II controls prematurely, and the "stick in the closet" has not worked.

PAKISTANI PRISONERS OF WAR

Mr. SCOTT of Pennsylvania. Mr. President, yesterday afternoon I met with the wives of three Pakistani prisoners of war. It was a very moving and emotional meeting. This small group of compassionate women representing the loved ones of 92,000 prisoners still being held by India as a result of that short but dividing war, are here in Washington pleading their case. They want their men home. Their children want their fathers home. They speak of their POW relatives as we have spoken so often about the POW's from the 10-year Vietnam involvement now ended by President Nixon. And we have 588 prisoners of that war either home or on their way home. All are out of captivity. But so many of the POW's of the war involving Pakistan, India, and Bangladesh are still in captivity. Mr. President, the senior Senator from Illinois (Mr. PERCY) said yesterday he could see no reason for detaining these men. I agree. These men, who represented their belief in their country by fighting honorably for it in a time of war, should be released. The prisoners should rejoin their families in Pakistan. As Senator PERCY said, these prisoners constitute an unnecessary burden of expense to India and contribute nothing to better international relations for Bangladesh.

Mr. President, I trust the time will come very soon when these 92,000 prisoners will be returned to their families and that the people of these countries, and the governments representing these people, can live together and work together in the harmony of peace.

BARRIERS TO HEALTH CARE FOR OLDER AMERICANS

Mr. MUSKIE. Mr. President, genuine economic security in retirement will remain impossible unless immediate action is taken to help solve the grave medical cost problems which now place an unbearable strain on the limited incomes of older Americans. Lack of access to quality care and other major obstacles to adequate medical treatment cause an intolerable situation for senior citizens who seek to secure or maintain good health.

As chairman of the Subcommittee on Health of the Elderly, I intend to do all that I can to assure our elderly of the decent health care they need and deserve.

On March 5 and 6, I opened subcommittee hearings in Washington on "Barriers to Health Care for Older Americans." This first round in the series served two purposes.

First, our witnesses identified some of the key barriers to better health care for our elderly and suggested ways in which these might be removed or their bad effects reduced.

For example, Miss Alice Brophy, director of the New York City Office for the Aging, and Mrs. Marjorie Cantor, research director, told us of the problems encountered by older New Yorkers. Their testimony was based on their recent, excellent study, "The Health Crisis of Older New Yorkers."

IDENTIFYING THE BARRIERS

Miss Brophy singled out "five major barriers to adequate medical care for older people which desperately call for action." Her list included the following:

> First, an incredibly rapid rise of medical costs in the last decade has virtually undermined Medicare and has outpriced all but the very rich from quality medical care.
>
> Second, Medicare as presently constituted fails to cover important medical services, required by older people—drugs, dentistry, podiatry, appliances, mental health care and home health services—despite the fact that this lack of coverage too often results in far more expensive alternatives for city, state and federal governments.

> Third, medical services are fragmented and hard to locate. There are serious gaps in both facilities and personnel in almost every community. These gaps and the fragmentation of the present health delivery system prevent an older person from receiving the broad and comprehensive medical care he requires.
>
> Fourth, the older patient currently has little or no input into the policy of the health care delivery system. Too often, he has little recourse when he is unhappy about the care he receives and, in many cases, the whole process of health care delivery is thoroughly confusing and depersonalizing to him.
>
> Fifth, we must face the fact honestly that, with few exceptions, the older person who seeks health care is the unwitting victim of society's prejudice against old age. Young doctors tend to be impatient with the elderly, find them difficult to treat, and have little interest in the illnesses of old age, since most of these hold no promise of reversibility.

Testimony by Dr. Leslie S. Libow, chief of geriatric medicine at Mount Sinai Hospital Services, City Hospital Center, at Elmhurst, N.Y., supported Miss Brophy's fifth "barrier" quoted above. In Dr. Libow's words—

> There are very few physicians and nurses in this country trained even for one week with regard to particular skills and care for the elderly . . . people are not easily attracted to working in this area. I don't know what the motivations are to work with the elderly. We need more personnel who are trained in these areas.

Mrs. Mae Laufer, president of the Bronx River Senior Center, Bronx, N.Y., told us most effectively what the current health care crisis facing the elderly means in direct human terms. The experiences of Mrs. Laufer and her fellow senior citizens in attempting to secure decent health care at a reasonable price illustrate dramatically the shortcomings in our present health care system.

Mrs. Laufer, for example, shared with us the problem that faces many elderly in trying to pay for prescripiton drugs:

> When a senior citizen of 74 goes into a drug store with a prescription the doctor gave her, and the drug is so expensive, $14, and she looks at the drug store man, and she says, "Can't you give me a little less? I only have $4 in change." But she does not get the drug, *unless* she pays $14.

As Mrs. Cantor told the subcommittee:

> In spite of greatly increased public expenditures for health services for the elderly, the barriers to adequate and comprehensive care are still formidable.

The testimony cited above—and indeed all that we heard throughout our 2 days of hearings—supports Mrs. Cantor's conclusion.

We wanted to learn not only about the barriers to better health care for the elderly, but also some innovative and practical solutions to the problems they cause. Witnesses came forward with a number of interesting suggestions in this regard.

Prof. Charlotte Muller, of the Center for Social Research of the City University of New York, for example, urged "adaptation of the medicare benefit structure to support services and thus to redirect professional and technical manpower and institutional capital over a period of time into the work of health maintenance."

Professor Muller cited as an example of what she had in mind "outpatient drug coverage under medicare for important medications used by the elderly who are neither in hospitals nor nursing homes."

Another witness, Melvin Glasser, director of the Social Security Department of the United Automobile Workers, included among his recommendations the "abolition of the deductibles in part B—of medicare—and eventually of the present coinsurance and deductibles in part A—of medicare."

Certainly this proposal would help meet the problem of costs which Miss Brophy listed as her first "barrier" to health care for the elderly.

Our March hearings, then, provided us with valuable testimony for our overall study of "Barriers to Health Care for Older Americans." We received essential information on major problems. And we heard proposals for helping to solve these problems.

ADMINISTRATION MEDICARE PROPOSALS

A second purpose served by our March hearings was the opportunity to take an intensive look at the administration's proposals to increase the cost of coinsurance and deductibles under medicare. Specifically, the subcommittee wanted to know how and why the administration decided to make medicare patients pay for—

First. Actual hospital room and board charges for the first full day plus 10 percent of all subsequent charges, instead of—as at present—the $72 deductible and nothing else until the 61st day;

Second. The first $85 of doctor bills, instead of the current $60; and

Third. Twenty-five percent, as opposed to the existing 20 percent, for physician services after the part B deductible is met.

None of our witnesses, with the exception of Health, Education, and Welfare Secretary Weinberger, supported these proposed cutbacks. Instead, they declared that the elderly are already faced with a health care crisis of major proportions and that the cutbacks can only serve to make the situation more desperate and intolerable.

Testimony by Mrs. Cantor presented the human story of what these cutbacks would mean in two typical examples.

Mrs. Cantor's first example concerned the costs to an elderly person for 21 days in a New York hospital. That is about the average stay for an older person in that city's hospitals. The average daily cost of $110 for semiprivate room and board charges was used. Excluded were laboratory fees, drugs, nursing care, and other items whose costs are generally completely covered by medicare after the initial deductible is paid by the elderly patient. Today this patient would pay $72 out of his own pocket. Under the administration's medicare changes, the same patient would pay $330, a 358-percent increase in out-of-pocket costs.

The second example Mrs. Cantor cited involved a chronically ill, elderly woman with a common ailment of old age, congestive heart failure. In calculating this patient's doctor's bills, the standard fees in New York City were used. It was also assumed that the fees were within medicare reimbursement schedules and that the patient would not have to pay any additional costs beyond the 20-percent coinsurance. Today this patient would be required to pay $225 in doctor's fees for the year. If the administration's medicare cutbacks became law, her out-of-pocket payments for doctor's bills would increase to $285, or almost a one-third jump.

Mrs. Cantor's examples, it seems to me, state a compelling case against the administration's cutback proposals.

What was entirely lacking in our examination of the cutback recommendations was any satisfactory rationale for them. Although Secretary Weinberger and his colleagues from HEW were before us for over 2 hours, we heard not one convincing argument in favor of putting the burden of budget cutting on ill, elderly Americans.

The Secretary says that the cutbacks seek to encourage greater cost awareness by health consumers in order to minimize overutilization of medical services. But the fact is that most social security recipients need no further encouragement for cost consciousness. They are already struggling on low budgets. Furthermore, it is physicians—not patients—who decide when and how medical services should be utilized.

The Secretary says that increasing deductibles and copayments has a positive effect in moderating utilization. But the fact is that existing studies are equivocal on this point. And there is no evidence that the elderly "overutilize" the health care system relative to other groups.

The Secretary says that the long-term patient would benefit from the administration's proposal because patients are generally less able to afford costs of care after lengthy hospital stays. But the fact is that only after 92 days in the hospital would medicare beneficiaries pay less under the administration proposal than they do now. And only around 1 percent of the medicare population is likely to be hospitalized for 92 days or more. These figures, I might add, are based on conservative assumptions and have been provided by the Congressional Research Service at my request. What the administration proposes, then, boils down to this: increasing cost-sharing for about 99 percent of medicare hospital patients so as to lower costs for about 1 percent.

The Secretary says that the administration proposals would encourage the use of lower-cost alternatives to hospitals or nursing homes. But the fact is that in many cases such alternatives do not exist.

The Secretary says that recent social security increases make possible increased cost-sharing under medicare. But the fact is that reliable estimates indicate that the administration's proposed medicare changes likely would cut away half or more of the recent 20-percent social security increase in the case of older persons with any reasonable degree of illness.

So, the question which I asked in my opening statement still remains unanswered:

> How can many of our elderly realistically expect to receive adequate medical care, in

the fact of these proposed Medicare cutbacks?

This question is even more significant in the light of these harsh facts:

Over 3 million older Americans live in poverty;

Most elderly single persons subsist on less than $40 weekly; and

Health care expenditures for the aged averaged $861 in 1971, well over three times that for those under 65.

Medicare is a vital program for the Nation's elderly. But the threat of high medical costs is still a grim reality for many millions of our elderly.

The fact is that medicare covers only about 42 percent of the total health bill for senior citizens. There are many serious gaps in protection, including essential out-of-hospital prescription drugs, and effective provisions for long-term care.

The shocking truth is that the elderly paid out-of-pocket in fiscal 1971 almost as much for health care as they did the year before medicare became law. It would seem obvious that today their situation is even worse.

In the face of this, Secretary Weinberger and the administration call for retrenchment.

I say that improvement—not retrenchment—should be our goal. We will do all in our power to mount public and congressional opposition to further dismantling of this program.

I wish to acknowledge with much appreciation the fine contributions of our witnesses. They gave us much to think about and set the stage for further hearings this year in Washington and the field, or in special reports that might be issued in connection with the hearings. We will, as I stated at the hearings, go elsewhere in the Nation in our effort to understand more fully the barriers to health care for the elderly and what can be done to remove them.

No task could be more worthy of our attention. We are committed to a better life for the Nation's elderly. This cannot be realized unless good health care is accessible to all older Americans and at a price within their reach.

INCREASING CONCERN OVER THE PRICE AND AVAILABILITY OF FOREST PRODUCTS

Mr. McCLURE. Mr. President, in recent weeks we have seen increasing concern over the price and availability of forest products in the Nation. Several of my colleagues in the Senate, and members of the House are contributing statements to the RECORD on this subject. The North Idaho Hoo-Hoo Club, a chapter of Fraternal Order of Lumbermen, recently sent the following resolution to my attention. I ask unanimous consent that it be entered into the RECORD, as it develops very well the scope of the problem.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

Whereas, the members of the North Idaho Hoo-Hoo Club in a meeting on February 15, 1973, at Coeur d' Alene, Idaho discussed with deep concern the alarming reduction of available wood timber from all commercial timber lands; and

Whereas, the total commercial timber land base has been and is continually being reduced by withdrawals for single use purposes such as wilderness areas, power lines, reservoirs, transportation systems, urban sprawl, etc.; and

Whereas, the timber supply will fall short of the projected demand with increases in the price of timber products; i.e. it is estimated that demand will exceed supply by ten million board feet in 1980 and by as much as twenty billion board feet in the year 2000; and

Whereas, it has been suggested that greater use of nonwood materials would alleviate softwood shortage however, this is only a short term solution with undesirable environmental and economic impacts such as requiring up to eight times more energy to produce the finished non-renewable wood substitute product; and

Whereas, wood processing facilities are permanent installations, requiring a stable supply of timber to sustain their continuing operation and providing the economic stability for the forest dependent communities in which they are located;

Now, therefore, be it resolved, that the North Idaho Hoo-Hoo Club, goes on record on February 20, 1973 requesting that immediate action be taken to increase the softwood production by implementation of high yield forestry programs such as reforestation, timber stand improvement protection against fire, inserts and disease, on all commercial timber lands regardless of ownership; and

Be it further resolved, that increased funding be provided to assist the private timberland owner in the practice of intensive forest management which will increase the yield from his timber lands and also to provide a realistic tax program which will encourage forest land owners to retain commercial forest acres for that purpose, and

Be it further resolved, that more emphasis be directed toward increased funding for research utilize and market all available wood fiber grown on commercial timber lands, and

Be it further resolved, that funding be provided on a sustaining basis to improve and implement those forest land management techniques which will increase the timber output from all commercial timber lands, thus meeting present as well as future demands for wood products.

And be it further resolved, that copies of this resolution be sent to all members of the Idaho Congressional Delegation, the Secretary of Agriculture and the Chief of the U.S. Forest Service.

GENOCIDE CONVENTION DOES NOT USURP NATIONAL SOVEREIGNTY OF THE UNITED STATES

Mr. PROXMIRE. Mr. President, one of the major criticisms which has been advanced against the Genocide Convention is that it would subordinate the American Government to the World Court.

Article IX of the Genocide Convention provides that disputes between the parties to the Convention relating to the "interpretation, application, or fulfillment" of the Convention "shall be submitted to the International Court of Justice at the request of any of the parties to the dispute."

There is nothing inappropriate about such a provision. The United States has already ratified many treaties which refer such disputes to the World Court.

On March 6, 1973, the Senate Foreign Relations Committee reported favorably to the Senate on the Genocide Convention. The committee's discussion of article IX should serve to allay the fears of those who believe that our national sovereignty would be subordinated to the World Court:

SETTLEMENT OF DISPUTES

ARTICLE IX

Disputes between the Contracting Parties relating to the interpretation, application or fulfillment of the present Convention, including those relating to the responsibility of a State for genocide or for any of the other acts enumerated in article III, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute.

The jurisdiction of the Court will extend to disputes relating to the interpretation, application, or fulfillment of the convention, including those relating to the responsibility of a state for genocide. It must be noted that such cases will fall under article 36(1) of the Court's statute which provides:

1. The jurisdiction of the Court comprises all cases which the parties refer to it and all matters specially provided for in the Charter of the United Nations or *in treaties and conventions in force* [Emphasis added.]

Cases arising under the Genocide Convention will not be covered by the Connally amendment under which the United States reserves to itself the right to determine which cases it considers to be within its domestic jurisdiction and therefore outside the jurisdiction of the Court. The Connally amendment applies only to article 36(2)—the so-called compulsory jurisdiction clause.

Provisions similar to Article IX are included in many multilateral and bilateral conventions to which the United States is a party. A list of these appears on page 215 of the 1970 hearings. Prominent examples include the Japanese Peace Treaty, the Antarctic Treaty, and the Statute of the International Atomic Energy Agency.

It must also be noted that a number of countries, notably the Communist bloc, have ratified the treaty subject to the reservation that they do not consider themselves bound by article IX. Other countries have taken exception to this and other reservations. The United States is expected to do likewise. As a consequence, the United States could invoke the Communist bloc reservation in its own behalf in cases brought by members of the bloc.

The committee does not envisage any real difficulties resulting from article IX. No disputes arising from alleged violations of the Genocide Convention have been brought before the Court to date; moreover, hardly any disputes of any kind have been brought before the Court. This is not to say, of course, that the United States might not be someday charged with nonfulfillment of the treaty by another signatory and might even be found in default of its treaty obligation—though this is hard to conceive—but as a practical matter that is where it would end. The Court has no enforcement powers. It is also well to recall that only states party to the Statute can bring cases before the World Court—not individuals or groups. In the committee's view, the fears expressed about the role of a moribund court in genocide matters appear very far fetched.

Mr. President, I urge that the Senate ratify the Genocide Convention without further delay.

CATHOLIC UNIVERSITY AWARDS DEGREES TO ARTHUR BURNS AND NATHAN CUNNINGS

Mr. JAVITS. Mr. President, recently Catholic University conferred honorary degrees on two distinguished Americans—one a public servant in high authority—Dr. Arthur F. Burns, Chairman of the Federal Reserve Board, and Nathan Cunnings of New York, a leader in business, art and philanthropy. As recipients of numerous past awards, both recognized the poignant symbolic significance for the Judeo-Christian heritage of the convocation at Catholic University. I ask unanimous consent that the very appropriate remarks of Dr. Burns on that occasion hereby be be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Remarks by Arthur F. Burns

In the course of my academic and governmental career, I have attended many university convocations. On some of these occasions, I or a member of my family was the object of some attention. I remember all these occasions with a sense of belonging and gratitude, and I am very happy indeed to be admitted to the fellowship of this university.

But today's event—my receiving a Roman degree from this distinguished university—is a truly unique experience. Indeed, it has a significance that goes far beyond any individual.

For through this convocation, this pontifical university has given dramatic expression to the ecumenical spirit which Pope John so nobly proclaimed to the entire world and which Pope Paul is now extending with zeal and energy.

Through this convocation, by honoring Mr. Cummings and me, this university is reminding all of us, and doing so with a pointed eloquence, of the Judeo-Christian heritage—the religious and moral culture—which we share in common.

In a larger sense still, through this convocation, this university is honoring the great multitude of Jews, both living and dead, who have observed God's commandments and taught piety to others.

Through this convocation, President Walton, you are also honoring the historic devotion of the Jewish people to study and scholarship.

You are honoring the countless Jewish mothers who have toiled and struggled across the centuries so that their children may become learned in the Torah or, in our own age, in the secular disciplines.

You are honoring Alexandria, the Queen of Judah, who had the wisdom to establish free and universal primary education before the dawn of the Christian era.

You are honoring Rabbi Jochanan ben Zakkai who, while Jerusalem was still burning and the Temple a ruin, had the courage to lay plans for his celebrated Academy at Jabneh.

You are honoring Rabbi Akiba's Rachel, who encouraged her husband—when he was still an illiterate shepherd of nearly forty—to learn how to read and take up Talmudic studies; the Rachel who scorned her father's riches, and gladly accepted toil and poverty during the twenty-four years that she waited, with a heart full of love, for the shepherd's return as an accomplished scholar.

You are honoring Rabbi Akiba himself who became the greatest sage in Israel and died a martyr to his faith.

And you are honoring also the millions of Jews whose last words have unfailingly been "Hear, O Israel, the Lord is our God, the Lord is One."

Today's convocation is therefore rich in meaning for all of us. It is a link to the future as well as to the past, a link to the living and those yet unborn as well as to those who have departed. For we have taken together today one more step, a measured and ennobling step, toward the universal brotherhood of man under God which the prophets of our common faith have assured us will in time be ours.

May God shower blessings on this Catholic University in its pursuit of truth and righteousness.

IN MEMORY OF WENDELL PIGMAN

Mr. CHURCH. Mr. President, one of the pleasures of serving in the Senate over these many years has been the opportunity to work with some of the brightest, most creative and dedicated men and women in the United States.

I rise today to pay tribute to one of these men—Wendell Holmes Pigman, who died earlier this month.

Wendell had served on my staff for 2 years, following earlier congressional service with the late Senator Robert Kennedy and Congressman Max McCarthy.

Many men and women serve Members of Congress for decades in total anonymity. Yet Wendell Pigman gained for himself, among those who follow the course of events, a rightful place in the course of legislative history.

As much as any other man, Wendell Pigman was responsible for the decision of the United States to renounce the use of chemical and biological warfare. While working for Congressman McCarthy, Wendell investigated, dug out and helped expose the dangers of CBW.

Martin Nolan, Washington bureau chief of the Boston Globe, has chronicled Wendell's career in a recent column. I ask unanimous consent that the text of that column be printed at the close of my remarks.

Finally, I would like, as a Senator, to say that it was a pleasure to work with Wendell Pigman. For all his years of service on Capitol Hill, he deserves our thanks. Indeed, the entire country owes him a vote of thanks.

There being no objection, the article was ordered to be printed in the Record, as follows:

A Man Who Worked To Alter Events

(By Martin F. Nolan)

Washington.—Wendell Pigman was a big, gruff man who won a Bronze Star in the Korean War after running away at age 15 to join the Marine Corps.

But he was also an intellectual who later won a Phi Beta Kappa key at Cornell and a master's degree at Princeton. Wendell Holmes Pigman later became one of the faceless horde of Congressional "aides", the legislative assistants who research, write speeches and otherwise make their bosses look statesmanlike.

Pigman worked for the Late Sen. Robert F. Kennedy, Sen. Frank Church of Idaho and ex-Rep. Max McCarthy of New York.

While working for McCarthy, Pigman was assigned to investigate a subject that interested his boss, the US Army's cavalier attitude towards a deadly arsenal of chemical and biological warfare.

Pigman helped make the poisonous monogram CBW into a genuine national concern. After 6400 sheep died mysteriously near a nerve-gas training site in Dugway, Utah, Pigman persisted by telephoning, writing, digging through files and other sources and otherwise pleading with the Pentagon to tell Congress what toxic substances the taxpayers were financing.

After he helped McCarthy write a book on CBW, "The Ultimate Folly", Pigman could take some satisfaction in the resultant publicity that led President Nixon to order the destruction of vast stores of deadly gases.

The President also declared that the United States renounced the use of poison gases in warfare and closed the Army's main CBW research center, Fort Dietrich in Maryland.

Last week, Wendell Pigman's friends could take satisfaction and thank him on behalf of all Americans as they attended his funeral at the Cleveland Park Congregational Church. His friends saluted him as they sang from the old hymn, "God of Our Fathers":

"From war's alarms, from deadly pestilence
"Be thy strong arm our ever sure defense."

He died at 42, after shuttling back and forth to a kidney machine in Veterans' Hospital here the last five years of his life. He never complained.

His wife, Nancy, had worked for Sen. Leverett Saltonstall of Massachusetts, when he had worked for Robert Kennedy. "Strange bedfellows," Wendell used to say. After work, they often attended the games of the late Washington Senators with their son, Geoffrey.

There are hundreds of people like Wendell Pigman on Capitol Hill, plugging away each day in the obliquely-reflected glory of their leaders. Few were more lighthearted, few more dedicated and determined than he was. And few were more effective.

His friend Wes Barthelmes, who worked with him for both Sens. Kennedy and Church, read at the funeral from a Robert Kennedy speech of 1966. Wendell Pigman had helped Kennedy prepare for a visit to South Africa, where the senator spoke to a university audience about hope:

"Great men moved the world, and so can we all. Few will have the greatness to bend history itself, but each of us can work to change a small portion of events, and in the total of all those acts will be written the history of this generation."

Mr. JAVITS. Mr. President, on March 18, a young man of great promise and courage lost his battle with serious kidney disease and died. Wendell Pigman, legislative assistant to Frank Church, and only 42 years of age was a valued aid and creative thinker. He first came to the Hill from NASA as a congressional fellow in the office of my late colleague, Senator Robert Kennedy. Because of his ability and dedication in that assignment, he was asked to join the Senator's staff full time, and served as legislative assistant to Senator Kennedy. After the Senator's death, he served in the same capacity with Congressman Max McCarthy of New York before joining Senator Church in 1971. While working with Congressman McCarthy, he was instrumental in bringing to the attention of the public the vital issues concerned in chemical and biological warfare.

While it is always tragic when one so young dies, his family must take pride in the extraordinary service he rendered to his country during his short life. My wife joins me in extending our deepest sympathies to his wife Nancy, who was Senator Everett Saltonstall's legislative assistant, and to their son Geoffrey.

Mr. KENNEDY. Mr. President, Wendell Holmes Pigman, whose recent death has saddened his many friends in Congress, fought to live with the same courage that he fought life's causes in the service of the people of America. The cruel disease that claimed his life ended his career before its prime, but it can never dim the brilliant contributions he made in the short time he had.

Congress functions in major part through the efforts of outstanding and dedicated staff members like Wendell Pigman. Last week, in a fine tribute, Martin Nolan of the Boston Globe put it this way:

> There are hundreds of people like Wendell Pigman on Capitol Hill, plugging away each day in the obliquely-reflected glory of their leaders. Few were more light-hearted, few more dedicated and determined than he was. And few were more effective.

Wendell Pigman was no organization man. With his wise and lively intelligence, he expressed himself with a spirit and frankness reminiscent of the combat marine he once was. Articulate and perceptive, quick to unmask hypocrisy and cant, he called things as he saw them and let the chips fall where they may.

Predictably, in his legislative duties in the Senate, Wendell Pigman found himself at the cutting edge of his assigned issues, such as conservation, the environment, and chemical-biological warfare. His legislative career was an effective marriage of new ideas and vigorous accomplishment. And so, at his death, his young lifetime was already overflowing with landmarks of achievement in the many causes he had served so well.

Senator Frank Church, under whom Wendell had served most recently as legislative assistant, appreciated his extraordinary ability. Representative Max McCarthy, during his congressional service, knew him as a strong right arm. And I know myself how highly Robert Kennedy valued Wendell's skills and contributions.

At a recent memorial service, Wes Barthelmes spoke about his friend and the men for whom he worked:

> As staff members on the Hill say—Wendell worked with good people—Senator Church, Congressman Max McCarthy and Senator Robert Kennedy.
>
> Each man is unto himself in his inch of time, but Wendell Pigman shared certain qualities with the three able men for whom he worked. All four men were private men in a public profession. All four men shunned the private sunshine for the uncertainties of public affairs. All four men believed that the world into which they were born was not working fairly, that it could be made to work better. This knowledge was their strength—and their burden.
>
> As Robert Kennedy told the students at the University of Capetown in South Africa on his visit there in 1966—
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> "Great men moved the world, and so can we all. Few will have the greatness to bend history itself, but each of us can work to change a small portion of events, and in the total of all those acts will be written the history of this generation. It is from numberless diverse acts of courage and belief that human history is shaped. Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current that can sweep down the mightiest walls of oppression and resistance.
>
> "Our future may lie beyond our vision, but it is not completely beyond our control. It is the shaping impulse of America that neither fate nor nature nor the irresistible tides of history, but the work of our hands, matched to reason and principle, will determine our distiny. There is pride in that, even arrogance, but there is also experience and truth. In any event, it is the only way we can live."

There can be no question that Wendell Pigman helped to write the history of this generation. Confronted with our mounting complex problems and controversial issues, Congress needs more, not fewer, able staff members like Wendell. How ironic it is that in the very week when the Senate was seeking newer and more effective ways to encourage medical science and research, kidney disease should claim one of our own ablest assistants.

Robert Kennedy was 42 when he died and so was Wendell Pigman. To his wife Nancy and his son Geoffrey, I extend my sympathy in their time of loss, as well as my respect for their own courage during his long illness. Perhaps it is some comfort for them now, to know how much Wendell meant to us in the Senate, and how much we feel that Congress and the country are the poorer for his loss.

In "Lycidas," one of his greatest poems, John Milton mourned the death of a college friend who had died too young:

"Yet once more, O ye laurels, and once more,
Ye myrtles brown, with ivy never sere,
I come to pluck your berries harsh and crude,
And with forced fingers rude
Shatter your leaves before the mellowing year.
Bitter constraint and sad occasion dear
Compels me to disturb your season due:
For Lycidas is dead, dead ere his prime,
Young Lycidas, and hath not left his peer."

As we celebrate Wendell Pigman's life and mourn his death, those who knew him as a friend and wise adviser know also that Wendell, like Lycidas, hath not left his peer.

Mr. President, I ask unanimous consent that Mr. Nolan's article of appreciation in the Boston Globe may be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Boston Globe, Mar. 26, 1973]

A MAN WHO WORKED TO ALTER EVENTS

(By Martin F. Nolan) *

Washington.—Wendell Pigman was a big, gruff man who won a Bronze Star in the Korean War after running away at age 15 to join the Marine Corps.

But he was also an intellectual who later won a Phi Beta Kappa key at Cornell and a master's degree at Princeton. Wendell Holmes Pigman later became one of the faceless horde of Congressional "aides", the legislative assistants who research, write speeches and otherwise make their bosses look statesmanlike.

Pigman worked for the Late Sen. Robert F. Kennedy, Sen. Frank Church of Idaho and ex-Rep. Max McCarthy of New York.

While working for McCarthy, Pigman was assigned to investigate a subject that interested his boss, the US Army's cavalier attitude towards a deadly arsenal of chemical and biological warfare.

Pigman helped make the poisonous monogram CBW into a genuine national concern. After 6400 sheep died mysteriously near a nerve-gas training site in Dugway, Utah, Pigman persisted by telephoning, writing, digging through files and other sources and otherwise pleading with the Pentagon to tell Congress what toxic substances the taxpayers were financing.

After he helped McCarthy write a book on CBW, "The Ultimate Folly", Pigman could take some satisfaction in the resultant publicity that led President Nixon to order the destruction of vast stores of deadly gases.

The President also declared that the United States renounced the use of poison gases in warfare and closed the Army's main CBW research center, Fort Dietrich in Maryland.

Last week, Wendell Pigman's friends could take satisfaction and thank him on behalf of all Americans as they attended his funeral at the Cleveland Park Congregational Church. His friends saluted him as they sang from the old hymn, "God of our Fathers":

"From war's alarms, from deadly pestilence
"Be thy strong arm our ever sure defense."

He died at 42, after shuttling back and forth to a kidney machine in Veterans' Hospital here the last five years of his life. He never complained.

His wife, Nancy, had worked for Sen. Leverett Saltonstall of Massachusetts, when he had worked for Robert Kennedy. "Strange bedfellows," Wendell used to say. After work, they often attended the games of the late Washington Senators with their son, Geoffrey.

There are hundreds of people like Wendell Pigman on Capitol Hill, plugging away each day in the obliquely-reflected glory of their leaders. Few were more light-hearted, few more dedicated and determined than he was. And few were more effective.

His friend Wes Barthelmes, who worked with him for both Sens. Kennedy and Church, read at the funeral from a Robert Kennedy speech of 1966. Wendell Pigman had helped Kennedy prepare for a visit to South Africa, where the senator spoke to a university audience about hope:

"Great men moved the world, and so can we all. Few will have the greatness to bend history itself, but each of us can work to change a small portion of events, and in the total of all those acts will be written the history of this generation."

Mr. PELL. Mr. President, the recent death of the congressional aide, Mr. Wendell Pigman, is a loss not only to his employer, Senator Frank Church, but a loss to all of us.

Mr. Pigman gained a national reputation in his drive to change the administration's policy on chemical and biological weapons while he was serving as a legislative assistant to former Congressman Richard D. McCarthy of New York. Although physically handicapped for the last 5 years, he worked hard and long, both in the Senate and the House, for the ideas in which he believed so strongly.

I should like to ask at this time unanimose consent to insert in the Congressional Record an obituary which was published in the New York Times. His untimely death at the age of 42 was greeted by much sadness by his many friends on Capitol Hill. All of those who knew him shared a special high regard for him. My sympathies go out to his wife Nancy and his son Geoffrey.

There being no objection, the article was ordered to be printed in the Record, as follows:

WENDELL PIGMAN, LEGISLATIVE AIDE—CONGRESS ASSISTANT DIES—OPPOSED CHEMICAL WAR

Washington, March 19.—Wendell H. Pigman, a Congressional aide who helped in reshaping the United States policy toward the use of chemical and biological warfare weapons, died yesterday in the Veterans Hos-

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*Martin Nolan is chief of The Globe's Washington Bureau.

pital here. His age was 42. He had been using an artificial kidney machine for five years.

Mr. Pigman served as legislative assistant to Representative Richard D. (Max) McCarthy, Democrat of upstate New York from 1969 to 1971, and was instrumental in aiding Mr. McCarthy in his drive to change the policy on chemical and biological weapons. The White House renounced the first use of lethal chemical weapons in November, 1969, and also announced a unilateral abandonment of offensive biological warfare research.

After Mr. McCarthy's defeat in New York senatorial primary campaigns in 1970, Mr. Pigman joined the staff of Senator Frank Church, Democrat of Idaho, as a legislative assistant.

A native of New York City, Mr. Pigman attended the Bronx High School of Science before enlisting in the Marine Corps, where he won a Bronze Star and participated in the Inchon landing and the capture of Seoul during the Korean war.

Mr. Pigman graduated in 1955 from Cornell University, where he was elected to Phi Beta Kappa, and received a master's degree from the Woodrow Wilson School of Public and International Affairs at Princeton University. He worked for the Bureau of the Budget and the National Aeronautics and Space Administration until he won an American Political Science Association fellowship on Capitol Hill in 1964. He then joined the staff of Senator Robert F. Kennedy, Democrat of New York, as a legislative assistant, working there until Mr. Kennedy was assassinated in 1968.

Survivors include his widow, Nancy; a son, Geoffrey; his father, Augustus Pigman of New York, and two brothers, John D. and William A. Pigman.

NATIONAL FUTURE HOMEMAKERS OF AMERICA WEEK, APRIL 1 THROUGH 7

Mr. HRUSKA. Mr. President, this week the Future Homemakers of America, as part of their celebration of National FHA Week are exploring the multiple roles of the individual in family and community life. Special observances will include active involvement in home, civic and school projects, the development of individual leadership, team work experience, and vocational training.

For more than a quarter century, FHA has provided worthwhile experiences which have helped young men and women prepare for the important responsibilities of their future as parents and mature adults.

Future Homemakers of America has a national membership in all 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, and American schools overseas. Its national membership totals well over a half million girls and boys in 11,000 chapters. There are some 4,800 members of FHA in the State of Nebraska with 141 chapters in junior and senior high schools throughout the State.

Because FHA is integrated into the home economics classroom work of junior and senior high schools it plays an effective role in the educational system by keeping its members involved in activities that benefit not only individuals but also families and communities.

FHA members have many opportunities to make direct and positive contributions to our society. This Senator extends his good wishes to the FHA for a job well done.

One of my letters from active Future Homemakers of America—Mrs. Mary Ann Morgan, of Red Cloud, Nebr., an FHA adviser—puts it this way:

> We observe National FHA Week because we are proud of our organization and wish to develop a public awareness of its value to young people. As a part of the home economics education program, FHA makes learning mean something tangible and affords us opportunities to make direct contributions to society. Belonging to the organization keeps us involved in activities which benefit us not only as individuals but as family and community members, serving as a bridge between the classroom, the home and the community.

YOUTH HELP THE ELDERLY

Mr. HUMPHREY. Mr. President, I want to bring to the attention of my Senate colleagues an outstanding program in New York where teenagers provide essential services for old people who are poor and who are limited by physical handicaps. Known as SCOPE II, an acronym for Seniors, Community Outreach to the Elderly, this program represents an important new dimension in the involvement of youth in services to people.

This is precisely the kind of program I had in mind in the comprehensive proposal I presented in the Senate last May on jobs and opportunities for youth. where I discussed the need for carefully planned programs of paid jobs for youth in vitally needed community services.

The teenagers in the SCOPE II program have been selected because they need the money, and they can earn $1.85 an hour for up to 18 hours per week doing marketing, laundering, and cleanup chores for homebound elderly persons and, perhaps most importantly, talking and visting with them.

In the process, the teenagers themselves are learning many vital lessons—about loneliness in old age, and about respect for human dignity. And they have been led to a serious reevaluation of their attitudes toward old age, and to a recognition of the serious problems of maintaining self-respect and trying to get along on a limited income. This is truly a program which effectively bridges the age gap, about which there has been increasing concern in our society as the population of those over age 65 has continued to expand.

Mr. President, I ask unanimous consent that the article by Virginia Lee Warren, entitled "Teenagers Who Help Look After the Elderly," and appearing in the February 13, 1973, issue of the New York Times, be included at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, Feb. 13, 1973]

Teenagers Who Help Look After the Elderly

(By Virginia Lee Warren)

It's hard to say who is being benefited more: (1) the old people who are alone, usually existing below the poverty level but often too proud to go on relief, and sometimes with physical handicaps severe enough to keep them from going outside their living-quarters, or (2) the teenagers who are helping to look after them.

While what the elderly are gaining is easy to see—they can have things like their marketing done, errands run, their places straightened up—what the young people are getting out of it is not quite so obvious.

True, they are getting paid $1.85 an hour and they may work as many as 18 hours a week. Furthermore, they have been selected because they need the money.

But they are also getting less tangible benefits and these may turn out to be just as valuable. At least that is the hope of sponsors of the program, which is bringing some of the old and a few of the young together on the middle East Side.

Anne Charnow, who used to be with the Youth Corps and is now in charge of the teenagers in this new program—SCOPE II it's called—says she is continually asking herself, "How much are these boys and girls learning about what it is like to be old and have very little means?"

MUCH WONDERING

She also wonders whether the experiences these young people are now having are leading them to consider what society is doing about the elderly—and what society is doing to help the young to understand the problems that come with old age.

"We like to think," Mrs. Charnow said, "that the young people are also being helped to think of their own old age and to understand their own parents' getting old and dying."

As Mrs. Charnow spoke she was getting ready to conduct the weekly session that the 11 girls and four boys in the program must attend in order to learn how to minister to their clients. The sessions are held at Lenox Hill Neighborhood Association; this is the organization that is sponsoring SCOPE, an acronym for Seniors, Community Outreach Program to the Elderly. It's divided into two parts and the teenagers come under the second part of it.

SCOPE I, through the New York State Office for the Aging, pays people who want to supplement their Social Security to visit and help the homebound elderly. Such workers are called Senior Aides.

At present only teen-agers who live or go to school in the Yorkville area are eligible to be in SCOPE II.

During this particular session the 15 carried on improvised dialogues—the kind called role-playing—with one of the young people pretending to be an old person and another young person pretending to be there to help. Through the dialogues, whose themes were suggested by Mrs. Charnow, the boys and girls learned the following:

They are not to gossip about their clients. ("This old woman has four sons and they don't do one thing for her.")

They are not to offer medical advice. ("My father had swelling in the legs like yours but his doctor got him well right away.")

They are not to apply pressure. ("After I do your shopping I'm going to clean your room because it looks pretty awful, and I'll put away a lot of this stuff for you.")

GAINING THEIR TRUST

In the playlet the girl impersonating an old woman said she didn't want her place cleaned and seemed hurt by the suggestion. "You came to do my shopping, so do that."

"There, you see," said Mrs. Charnow. "If someone doesn't want a room straightened up, leave it alone. Some old people like clutter. Besides, no one likes being told that his or her place is a mess."

"At first a lot of the clients won't let you do anything," complained 16-year-old Rosemarie DeRosa, who joined the program only last month.

"You have to gain their trust," put in Efraim Torres, 17, who has been in SCOPE II since September.

Efraim has had a harder time than most; in the Yorkville section his dark skin makes him suspect as he goes into the all-white buildings that characterize the neighborhood, but he's learned to handle the problem and says he now wants to be a social worker.

"Right now I'm going to an old lady for an hour five days a week," he said, "and I walk her dog and we talk. She has a wheelchair but doesn't use it; she likes crutches better. We have good talks. At first she was worried about my color but then one day she said someone had told her that some people were left in the oven a little longer and that made them darker." Efraim related this theory without rancor; indeed, there was an almost amused tolerance.

He was surprised when asked if the woman had objected to having a strapping 17-year-old assigned to her. "Oh, no," he said. "It was just the color that bothered her."

The fact is that girls usually have women for clients and boys have men, but it has been found that the boys get along unusually well with old women; since 75 per cent of the elderly persons in the program are women, each of the four boys has some of them for clients.

Jehan de Noue, for instance, who came here from France six years ago when he was 10, goes to a French-woman in her 80's for one hour twice a week. "She's sick but can be up around a little," is the way Jehan describes this client. He does her marketing, takes her laundry to the laundromat and then—what probably means most to the old woman—he writes letters for her in French. "And we sit and talk about France."

A WILLINGNESS TO LISTEN

A visit to 71-year-old James Gould found 18-year-old John Vasquez ready to take out the laundry. Mr. Gould lives on the top floor of a 5-story walkup and his room is barely big enough to hold a single bed, a bureau, a small chest, an even smaller table and a chair. Mr. Gould referred to the closest, but this turned out to be a small shelf with some hooks from which his clothes were suspended; there was not even a curtain around it.

Mr. Gould, who used to drive a taxi, broke his hip a year and a half ago and uses a cane. "Well, I don't really use it," he said. "I just carry it."

His manner was jaunty and he said he goes up and down the five flights two or three times a day to keep from getting stiff. "I don't like to go out on the sidewalk, though; too many people and the pavement's uneven. But I do go to the place next door to eat." He goes there once a day.

It is plain that what he values in the teen-ager who has been sent to him is his willingness to listen in addition to running errands. John confirmed, with a smile, that "Mr. Gould is a great talker."

One of the girls who is carrying a full 18-hour schedule is 17-year-old Mary McMonigle, who was hard at work mopping the linoleum-covered floors in the tiny first-floor apartment of Mr. and Mrs. Benjamin Augustine when a visitor walked in.

QUALIFICATIONS ARE MANY

The client is Mrs. Augustine, who is in her late 70's and had her right leg amputated a few years ago; later she broke her right hip and is now in a wheelchair. But when Mary takes out the laundry it is for both Mr. and Mrs. Augustine. He is 85 and recently returned from a long stay in a hospital. He used to be a chauffeur.

"We've been married 58 years," said Mrs. Augustine cheerfully. Then she added, "I'm a hairdresser," using the present tense although she has not worked for years. Recently she had cataracts removed.

How are the old people found who are to be helped by the teen-agers? Around 4,000 elderly are living below the poverty level in the SCOPE area, bordered by 59th Street, Third Avenue, 89th Street and the East River. Referrals are made by social workers, visiting nurses, clergymen or, fairly often, by neighbors.

Then SCOPE I sends a Senior Aide to call upon the man or woman to determine what can be done and whether a teen-ager should be assigned. At present the 15 young people in SCOPE II are helping to look after 50 old people. Their $1.85 an hour comes from a grant of $36,000 given by the Vincent Astor Foundation for 1973.

To qualify for SCOPE II the teen-agers must be at least 15 years old, have out-going personalities, a sense of responsibility, be conscientious and willing to take guidance. They are required to fill out detailed reports on all their activities.

"At first the elderly person is likely to be frightened at the thought of a teenager coming in," said Ellen Brown, project director for SCOPE. But while there may be apprehension at first, most of the old men and women come around quickly to the attitude of Eugene Weiss, 77, who describes himself as "about 90 per cent helpless."

Of his teen-ager, Jehan de Noue, Mr. Weiss said the other day, "I wondered in the beginning how it would work out; there's such a gap in our ages. But now I look forward to his visits; I don't know what I would do without him."

A NEW DECLARATION

Mr. BAKER. Mr. President, George W. Kelly, the distinguished editor of the Johnson City Press-Chronicle in my home State of Tennessee, was recently selected as the national first place winner in the editorial division of the annual Freedoms Foundation Awards.

Mr. Kelly's editorial, "A New Declaration," eloquently evaluates the relationship of the independence and the interdependence of the American people.

This thoughtful editorial was written as part of Mr. Kelly's daily responsibility as editor, with no thought of an award. It is typical of his fine journalistic work.

I believe that all our citizens can benefit from reflection on the essential truth of the message of "A New Declaration." I therefore ask unanimous consent that Mr. Kelly's editorial be entered in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Johnson City (Tenn.) Press-Chronicle, July 4, 1972]

A NEW DECLARATION

Independence is at the heart of the American dream.

Independence and freedom.

Independence from tyranny, independence from subjugation, independence from control of thought, speech, press, religion, assembly, movement, work, play, association.

Since 1776 we have persevered proudly as a people dedicated to the proposition that "all men are created equal and that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness."

Today we honor the document that embodies these tenets—the Declaration of Independence. Four years from now, in glad ceremonies in the 50 states, we shall mark the Declaration's 200th birthday.

Two hundred years of independence!

How wonderful to contemplate! How glorious to have and to hold!

On this Independence Day, July 4, 1972, we recall the words and the solemn covenant that gave them birth, and swell with pride in the knowledge that we are free, independent citizens of the greatest nation the world has known. We can come, go, do and be as we choose, subject only to the laws enacted within the framework of freedom for the protection of us all.

Free people in a free country! Every one of us endowed with "unalienable rights" which we can invoke with certainty if some person, or our government, treads on us! Every one of us a free agent; every man a king!

Ah yes but ah no! There is such a fragile thread between freedom and license. There is such a tenuous demarcation between independence and abuse of independence. And there is such a broad gap, often, between the literal letter of the law and the spirit thereof.

At a time when so many Americans are insisting on "doing their own thing" in the name of freedom and "rights," even if the thing they are doing does grievous public harm, perhaps we need to re-evaluate our independence. If we carry independence so far that we place our interest, or our group's, above that of our nation, we court chaos. If we insist upon our individual rights to the point that we do violence to the rights of others, we destroy the meaning of all rights.

Independence is a cherished word. It inspires. Dependence is a word spoken apologetically; it does not inspire.

Yet perhaps, at this point in our national history we need to recognize all of us are dependent as well as independent. And maybe we should adopt some declaration or document saying so.

Such a document would start with the proposition that our government is dependent upon its citizens, not vice versa, and that positive unity of purpose must exist among those citizens if our nation is to be great. Diverse we surely are, being a land of many races, many creeds and many philosophies, but we are dependent upon one another in the things that count—the preservation of national purpose, national faith, national strength, national morality. Every person needs every other person. No man is an island unto himself; none can contribute to the overall good if he insists on "doing his own thing" to the extent that he ignores everybody else.

We are dependent in so many ways. We are dependent upon free speech and free press. If we insist upon having our say but try to silence those who have other views, we invite someone to silence us. If we cry out for control of the press because we think freedom of the press is being abused, we invite the shutting off of information that is vital to our own freedom.

If we carry independence to the point of advancing our own business, or cause, or politics, or even religion, without any regard to the businesses, causes or politics or religions of others, we may succeed for a while but we isolate ourselves from our fellow beings and they, in turn, isolate themselves from us. We lose the joy of association, of togetherness, or shared experiences, of wholesome competition, of positive dependency of one individual upon another.

If we insist doggedly upon our rights, even if these rights encroach upon the rights and interests of others, we violate the certain principle that the good of the whole is dependent upon the unselfish functioning of all its parts.

Thus when we move into the streets and block traffic . . .

When we organize a campus demonstration and interrupt classes . . .

When we interfere with a political gathering or convention, or a legislature or congress, in the name of freedom to do this or that . . .

When we use the right to strike, even though this may conflict with some other person's right to work . . .

When we shout down someone who is trying to say something because we do not like what he wants to say . . .

When we do any of these things—or many others that could be catalogued—we are carrying independence over the brink and giving no thought to the principle of dependency on which the welfare of the nation and its people rests.

On this Independence Day, let us reflect upon the truth that independence and freedom, true independence and freedom, can not be sustained unless we are willing to undergird them with the practice of dependence—one group on another, one person on another—to the end that the brotherhood of man under the fatherhood of God shall prevail in all things.

SAFETY IN THE STREETS

Mr. HRUSKA. Mr. President, I wish to call the attention of the Senate to an article published in the March 21 issue of the Washington Star-News under the byline of Ruth Dean which reported that a conference of city criminal justice planners from 45 U.S. cities had concluded that the Nation's city streets are safer today than they were 5 years ago.

It was my pleasure to address these large city criminal justice administrators at their first meeting here in Washington, and to read of their support for the programs of the Law Enforcement Assistance Administration created by the Safe Streets Act of 1968—legislation which I had the privilege of consponsoring in the Senate. I read with special interest of the concern expressed by the city planners that LEAA funds to the cities might be substantially reduced through passage of the administration's law enforcement special revenue sharing bill—a bill I introduced into the 93d Congress.

I would like to address these remarks to that concern.

In my remarks to the National Association of Urban Criminal Justice Planners I stressed several points which deserve to be repeated here. I can appreciate their concern, and so does the administration. But, special revenue sharing for law enforcement will give the cities and States precisely what they have always wanted—the funds, the freedom, and the flexibility. With special revenue sharing for law enforcement, the cities will not have to go to their State officials with their hats in their hands. Because the administration's bill retains the variable passthrough formula that was so effective in the LEAA program, the cities will receive the funds they need.

Some have suggested that there be some sort of block grant directly to the cities. I do not agree with that contention. Cities are political subdivisions of a State—and they must be part of a statewide effort to reduce and prevent crime and delinquency. Effective anti-crime planning can be done only on a statewide level. It cannot be done in isolation in every city, town, hamlet, or State agency. Crime is different place to place—in both amount and kind. The administration's bill makes specific provision for substantial funding to those cities and urban areas that experience a high incidence of crime. It calls for an adequate allocation of funds to meet the respective needs of the cities and counties.

LEAA has in the past, and will continue in the future under special revenue sharing, to get the funds to the cities, and to assist in making the Nation's city streets safe for all their citizens.

Mr. President, I ask unanimous consent that the Washington Star-News article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Star-News, Mar. 21, 1973]

SAFETY IN THE STREETS

(By Ruth Dean)

Are the nation's city streets safer than they were five years ago?

A random survey of city criminal justice planners, who wound up a two-day meeting here yesterday, indicates that they think so.

With funding from the Federal Law Enforcement Assistance Agency Administration—created by the Safe Streets Act of 1968—the planners point out that:

The District of Columbia has cut serious crime from 200 reported daily arrests to less than 100.

Louisville is reducing crime by correcting juvenile delinquency at its source.

New York's institution of separate narcotics felony courts and treatment centers for heroin addicts is lowering incidence of street crime.

San Francisco law enforcement officers' 10-second access to sophisticated police information computers is facilitating immediate street arrests.

The planners, however, fear that this trend may be reversed if revenue sharing spreads LEAA funds so thinly that they are siphoned indiscriminately to small municipalities with low crime rates rather than to big cities where the greatest concentration of crime exists.

This concern brought administrators from 45 U.S. major cities for their first conference at the Sheraton Park Hotel.

They talked of the prospect of the 1968 Safe Streets Act running out in June, and introduction in its place of House and Senate legislation spelling out the administration's revenue-sharing goals for law enforcement.

The group presented position papers, and heard talks by Rep. James V. Stanton, D-Ohio, and Sen. Roman L. Hruska, R-Neb., chief architect of the 1968 Safe Streets Act who introduced the administration's new version of the act last week.

"We want to see the money go where the crime is," said conference chairman Stephen T. Porter of Louisville, summing up his fellow planners' key concern. Bluntly, he added: "Two-thirds of the serious crimes occur in the cities or their suburbs."

Porter described what LEAA funding has done in his own Louisville area.

"We decided to put the money into people programs," he said. "Our major objective was juvenile delinquency, and how to provide alternatives to detention."

The planners said that "something in between" had to be found to avoid the extremities of sending the child back to a broken home or to an institution where he would be labeled a "delinquent and do all he could to live up to it," Porter said.

The solution was "small group homes," housing 8-to-10 kids with a resident couple (husband and wife), one of whom is a professional social worker, who provide substitute parental care.

The LEAA funds also support "alternate schools" for children who have just finished six-month correctional institution sentences. The schools provide special counseling and refresher teaching, so the child can go back to his old school without being slapped again with the "delinquent" image.

William Van Dyke attributed the District's dramatically reduced crime rate to the infusion of LEAA funds, which enabled the mayor's office to put more police on the streets on overtime pay during the interim period until congressional authorization for more police hiring could be filled.

Treatment of heroin addicts with approximately $4 million of LEAA funds to date, also accounts for the lowered D.C. crime index, Van Dyke said.

For a city the size of New York, Federal funding for crime prevention is a minuscule portion of the city's crime budget.

"We get $25 million in LEAA funds," Henry Ruth said. "By comparison that's just 150th of the $35 million the city is spending on new street lighting alone."

"But you can't expect LEAA money itself to reduce crime; it has to be built in to the larger city's anti-crime policy," said Ruth, who is criminal justice planning director for New York.

Thus, the $25 million has been poured into effective anti-drug programs, including a reordering of the court system. The latter includes the setting of a "major offense bureau" in the district attorney's office to give priority to cases, Ruth said, and setting up of narcotics felony courts, "which has resulted in higher pleas of guilty to more serious crimes and getting more severe sentences."

That, coupled with the fact that 54,000 drug addicts are under treatment today compared with 12,000 two years ago, Ruth points out, has brought an 18 percent reduction in crime between 1971 and 1972. "We've had a big drop in larceny, burglary and auto theft crimes," he said.

William J. Mallen, former deputy district attorney of San Francisco, said: "Depending on what part of town, he would feel safe on the streets now in the residential areas; some other areas, no."

The Haight-Ashbury district—now deserted by the flower children of the 60s—"is coming back as a residential neighborhood," Mallen said. "Crime is on the decline and it's a nice neighborhood now. You can make a lot of money buying property there."

He said LEAA funds about one-fiftieth of what the city spends to combat the 6,000 serious crimes committed per 100,000 population—twice the California state average.

The money has been spent mainly, he says, to beef up the police force and to computerize the central police information data system. As a result, according to Mallen, a policeman on the beat can call into a central warrant bureau and get a 10-second readout on an arrest suspect. "It helps in quick apprehension," he said.

EARTH WEEK

Mr. NELSON. Mr. President, interest in Earth Week has been rapidly building around the Nation and signs of enthusiastic support for this annual environmental observance are apparent at all levels.

Recently, all Senators were invited to cosponsor Senate Joint Resolution 2, which designates April 9–15 as Earth Week. So far, 62 Senators, Democrats and Republicans alike, have joined as cosponsors. We welcome further support and once again invite Senators to add their names as cosponsors.

In addition, the President of the United States and 45 of the Nation's Governors have proclaimed Earth Week, and more proclamations are arriving every day. Twenty-one national educational and environmental organizations are once again supporting Earth Week.

This year, Earth Week will place a special educational emphasis on energy conservation, one of the most important environmental problems of this decade.

The Wisconsin city of Burlington will participate in a unique experiment that will demonstrate to the Nation and the world the need for energy conservation, and the importance of citizen involvement in that area. It is worthwhile to describe that experiment here.

From April 10 to 11, Burlington citizens will take part in an energy slowdown. All members of the community will be asked by the mayor, John H. Thate, to reduce their consumption of all types of energy to the 1950's level—or 50 percent of their current consumption. They will use their ingenuity in demonstrating their involvement.

Commercial establishments in this city of 8,000 south of Milwaukee will participate by reducing their electrical lighting and heating. Some retailers plan to hold sales on items which require no energy or which help to conserve energy.

While it would not be practical for industries to shut down or slow down production, they will encourage employees to limit the use of automobiles driven to work and to walk, cycle or use car pools instead.

A key feature of the city's experiment will involve 12 Burlington families who will participate in a controlled demonstration on energy use.

For 2 weeks prior to Earth Week, these families will keep daily records of their normal energy consumption, which will be averaged on a daily basis.

For a 24-hour period during Earth Week, beginning at 6 a.m. on the morning of April 10, the 12 families will be rationed three major types of fuel—electricity, natural gas, and gasoline. The ration will be based on 1950 consumption levels, or 50 percent of current consumption.

Five of the 12 families will be given their rations and told how to conserve the energy available. Another 5 families will be given their rations, but will not be instructed on energy conservation. They will be expected to devise their own program for conservation.

The two remaining families will have the toughest assignment. They will be put on an energy ration based on the world's average consumption of energy, which is six to eight times less than the average energy consumption in the United States.

The last two families will use only one-sixth of the energy they would normally use—or one-twelfth of the 1950 consumption level that has been established as the measure for the experiment.

Devices will be placed on the lawn of each demonstration home to record on an hour-by-hour basis how the family is getting along on its allotted fuel ration. If, and when, a family runs out of an allotment, that hour will be noted.

The Burlington experiment should make two things very clear. The first is that we face an impending energy crisis in this country. If we keep using energy at present rates, we will double our consumption by 1987—just 14 years away. Yet we already face the prospect of shortages and in some cases complete depletion of energy supplies. Our domestic supplies of oil are estimated to be 10 years at current levels of consumption. This country's supply of natural gas may last only 11 years.

We can, of course, as in the past, draw from foreign reserves. But that is at best a short-term answer, since the demands of the rest of the world will limit availability.

As supplies grow shorter, the costs to the consumer will rise. Some experts are predicting gasoline prices in this country will reach the European level of 80 cents to $1 per gallon in the next few years. The price of natural gas may double in the next 2 years. Predictions are that fuel oil costs could increase 20 percent in the next 3 years. And the cost of electricity could go up a third in the next 5 years.

In view of predicted future fuel shortages and cost escalations, the energy problem is everyone's problem. For this reason, the Burlington demonstration is both timely and meaningful.

The second thing we can learn from the Burlington experiment is that the average citizen can take meaningful and effective steps to conserve energy.

Households in this country use fully one-fifth of all the energy consumed, yet some 30 to 35 percent of that energy is wasted. Automobiles use one-eighth of the energy consumed in this country.

By making environmentally sound choices in heating their homes and buying their automobiles, Americans can make major reductions in the amounts of energy used.

If the Burlington experiment makes the average person think about the energy problem and what he can do to help solve it, it will have accomplished a great deal.

Today, I ask unanimous consent that, at the next printing of Senate Joint Resolution 2, the following 62 Senators be added as cosponsors:

LIST OF ADDITIONAL COSPONSORS

Sen. James S. Abourezk (S. Dak.), Sen. Howard H. Baker, Jr. (Tenn.), Sen. Birch Bayh (Ind.), Sen. J. Glenn Beall Jr., (Md.), Sen. Lloyd Bentsen (Tex.), Sen. Alan Bible (Nev.), Sen. Joseph R. Biden, Jr. (Del.), Sen. Bill Brock (Tenn.), Sen. Edward W. Brooke (Mass.), Sen. Quentin N. Burdick (N. Dak.), Sen. Howard W. Cannon (Nev.), Sen. Clifford P. Case (N.J.).

Sen. Lawton Chiles (Fla.), Sen. Frank Church (Idaho), Sen. Marlow W. Cook (Ky.), Sen. Norris Cotton (N.H.), Sen. Alan Cranston (Calif.), Sen. Robert Dole (Kans.), Sen. Pete V. Domenici (N. Mex.), Sen. Peter H. Dominick (Colo.), Sen. Thomas F. Eagleton (Mo.), Sen. Hiram L. Fong (Hawaii), Sen. Mike Gravel (Alaska), Sen. Edward J. Gurney (Fla.).

Sen. Clifford P. Hansen (Wyo.), Sen. Philip A. Hart (Mich.), Sen. Floyd K. Haskell (Colo.), Sen. William D. Hathaway (Maine), Sen. Ernest F. Hollings (S.C.), Sen. Walter D. Huddleston (Ky.), Sen. Harold E. Hughes (Iowa), Sen. Hubert Humphrey (Minn.), Sen. Daniel Inouye (Hawaii), Sen. Henry M. Jackson (Wash.), Sen. Jacob K. Javits (N.Y.), Sen. Edward M. Kennedy (Mass.).

Sen. Warren Magnuson (Wash.), Sen. Mike Mansfield (Mont.), Sen. Gale W. McGee (Wyo.), Sen. George McGovern (S. Dak.), Sen. Thomas J. McIntyre (N.H.), Sen. Walter F. Mondale (Minn.), Sen. Frank E. Moss (Utah), Sen. Edmund S. Muskie (Maine), Sen. Sam Nunn (Ga.), Sen. Bob Packwood (Oreg.), Sen. John O. Pastore (R.I.), Sen. Claiborne Pell (R.I.).

Sen. William Proxmire (Wis.), Sen. Jennings Randolph (W. Va.), Sen. Abraham Ribicoff (Conn.), Sen. William V. Roth, Jr., (Del.), Sen. Richard S. Schweiker (Pa.), Sen. Ted Stevens (Alaska), Sen. Adlai E. Stevenson III (Ill.), Sen. Stuart Symington (Mo.), Sen. Robert Taft, Jr. (Ohio), Sen. Herman E. Talmadge (Ga.), Sen. Strom Thurmond (S.C.), Sen. John Tower (Tex.), Sen. John V. Tunney (Calif.), Sen. Harrison A. Williams, Jr. (N.J.).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Mr. President, in addition, the following environmental and educational organizations support Earth Week:

LIST OF SUPPORTING ORGANIZATIONS

David Selden, President, American Federation of Teachers, 1012 14th Street, NW., Washington, D.C. 20005.

Dr. Spencer Smith, Secretary, Citizens Committee on Natural Resources, 1346 Connecticut Avenue, NW., Washington, D.C. 20036.

Sydney Howe, President, The Conservation Foundation, 1717 Massachusetts Avenue, NW., Washington, D.C. 20036.

Mary H. Harris, Executive Director, Defenders of Wildlife, 200 N Street NW., Washington, D.C. 20036.

George Coling, Director, Ecology Center Communications Council, 2000 P Street, NW., Washington, D.C. 20036.

Sam Love, Coordinator, Environmental Action, Inc., 1346 Connecticut Avenue, NW., Washington, D.C. 20036.

Joseph Browder, Executive Vice President, Environmental Policy Center, 324 C Street, SE., Washington, D.C. 20003.

David Brower, President, Friends of the Earth, 529 Commercial Street, San Francisco, Calif., 94111.

Raymond Hubley, Jr., Executive Director, The Izaak Walton League of America, 1800 North Kent Street, Arlington, Va. 22205.

Marion Edey, The League of Conservation Voters, 324 C Street SE., Washington, D.C. 20003.

Peggy Lampl, President, League of Women Voters of the U.S., 1730 M Street, NW., Washington, D.C.

Dr. Elvis Stahr, President, National Audubon Society, 950 Third Avenue, New York, New York 10022.

Mrs. Catherine Barrett, President, National Education Association, 1201 16th Street, NW., Washington, D.C.

Anthony W. Smith, President, National Parks and Conservation Association, 1701 18th Street, NW., Washington, D.C. 20009.

Dwight Rettie, Executive Director, National Recreation and Parks Association, 1601 N. Kent Street, Arlington, Va. 22209.

Thomas Kimball, Executive Vice President, National Wildlife Federation, 1412 16th Street, NW., Washington, D.C. 20036.

Rodney Shaw, President, The Population Institute, 110 Maryland Avenue, NE., Washington, D.C. 20002.

Michael McCloskey, Executive Director, The Sierra Club, 1050 Mills Tower, San Francisco, Calif. 94104.

William Painter, Director, Washington Ecology Center, 2000 P Street, NW., Washington, D.C. 20036.

Stewart Brandborg, Executive Director, The Wilderness Society, 729 15th Street, NW., Washington, D.C. 20005.

Carl Pope, Zero Population Growth, 620 C Street, SE., Washington, D.C. 20003.

THE RISING COST OF FOOD

Mr. BEALL. Mr. President, all of us are deeply concerned over the rising cost of food, particularly in the area of red meats. To dramatize this situation, many Americans are boycotting meat this week in an effort to lower the price of that increasingly precious commodity.

But, Mr. President, I have a suggestion which will not only allow the housewife to leave less of her paycheck at the grocery store every week, but will also enable her to maintain, or even improve, the protein intake of her family. All she has to do is to make better use of nutritious poultry and seafood products, of which my State just so happens to be a prime producer.

Mr. Gordon P. Hallock, director of the Seafood Marketing Authority of the Maryland Department of Economic and Community Development, has developed a 7-day menu for a family of four that will expand the family budget and, at the same time, reduce the waistline. The plan makes use of Maryland's seafood and poultry products, which are ample in supply, as a substitute for more expensive foods, without a loss in food value. Additionally, the menu offers an extra bonus in that it is composed of low calorie items.

Mr. President, I ask unanimous consent that this 7-day menu be included in the RECORD so that all my colleagues might have the opportunity to make use of this moneysaving yet nutritious plan.

There being no objection, the menu was ordered to be printed in the RECORD, as follows:

THE 7-DAY MEAL PLAN

SUNDAY

Breakfast

Fruit Cup
Broiled perch
Cornbread
Beverage

Dinner

Roast Chicken
Oven-browned potatoes
Peas and carrots
Tossed salad
Cranberry frappe
Beverage

Supper

Oyster-corn fritters
Apple-celery-raisin salad
Beverage

MONDAY

Breakfast

Grapefruit juice
Enriched cereal with bananas
Beverage

Lunch

Grilled shad roe
Sliced raw vegetables (tomatoes, cucumbers, celery, carrots, etc.)
Beverage

Dinner

Baked sweet & sour rockfish (striped bass)
Rice
Frozen mixed Chinese vegetables
Broccoli
Oatmeal cookies
Beverages

TUESDAY

Breakfast

Orange juice
Scrambled eggs
Toast
Beverage

Lunch

Crab-burgers
Coleslaw
Sliced tomatoes
Fresh fruit
Beverage

Dinner

Chicken and egg casserole
Green beans
Tossed salad
Fruit gelatin
Beverage

WEDNESDAY

Breakfast

Grapefruit juice
Enriched raisin cereal
Beverage

Lunch

Maryland Clam Chowder
Oatmeal bread
Vegetable-relish tray
Beverage

Dinner

Baked stuffed rockfish (striped bass)
Baked zucchini squash
Crisp green salad
Lemon sherbet
Beverage

THURSDAY

Breakfast

Orange and grapefruit juice
Cheese omelet
Toast
Beverage

Lunch

Oyster stew
Egg salad sandwiches
Beverage

Dinner

Oven fried chicken
Baked sweet potatoes
Cauliflower
Minted carrots
Ice milk
Beverage

FRIDAY

Breakfast

Tomato juice
Enriched cereal with fruit
Beverage

Lunch

Chicken salad plate garnished with raw vegetables
Deviled eggs
Beverage

Dinner

Spicy broiled rockfish (striped bass)
Broiled tomatoes
Lima beans
Frozen mixed fruit
Beverage

SATURDAY

Breakfast

Orange juice
Waffles with frozen blueberries
Beverage

Lunch

Chicken vegetable soup
Cheese sandwiches
Beverage

Dinner

Hangtown Fry (oyster omelet w/seasonings)
Home fried potatoes
Scalloped tomatoes
Baked apple
Beverage

The fish recipes listed on this Poster can be substituted with several varieties of Chesapeake Bay Fish Species including: rock, shad, perch, trout, carp, croaker, crappie, flounder, whiting and others.

For further information on Chesapeake Bay Seafood Products or Recipes, write: Seafood Marketing Authority, 2525 Riva Road, Annapolis, Maryland 21401.

OEO LEGAL SERVICES

Mr. McGOVERN. Mr. President. I ask unanimous consent to have printed in the RECORD the controversial "Boarman memo" outlining the OEO plan for phasing out the OEO legal services backup centers. This memo which was prepared by Marshall Boarman, Acting Director of Program Evaluation for the Office of Legal Services, dated February 13, 1973, is a "rationale for phasing out" the backup centers, prepared at the request of Howard Phillips. These centers, which specialize in different aspects of poverty law, provide assistance and expertise to the various legal aid offices throughout the country and are an integral part of the legal services network.

I would also like at this time, Mr. President, to draw attention to the recent report on legal services issued by the GAO which was based on a study made over several months last year, and certainly seems to lay to rest the charges that have been made by various individuals that legal services lawyers spend more time on causes and test cases than they do representing individual clients.

The clients interviewed expressed satisfaction with the services received, and the judges interviewed felt that the legal services attorneys that appeared before them were generally well prepared. No basis was found for the spurious allegations that antipoverty lawyers neglect individual clients, and I would, therefore, again urge my colleagues to pass the legislation required to create an independent National Legal Services Corporation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BACKUP CENTERS

The problem of what to do about OEO's 13 Legal Services backup centers is most urgent. Howard Phillips asked me to prepare a rationale for phasing them out and replacing them with an in-house unit. The attached is the rationale in three tiers: (1) a one-page summary of, (2) a 6-page summary of, (3) a 22-page study. The bulky first draft is enclosed because, although it is somewhat repetitious and disorganized, it does contain rather detailed excerpts from CSC letters, an OMB circular and HEW guidelines on grants vs. contracts which support the categorical assertions in the one page memo. It was my understanding that Ted Tetzlaff was to prepare a defense of several less drastic alternatives.

Also attached in very rough form is a breakdown of the backup center staffing and some thoughts on the shape of the new inhouse unit, if the decision is made to establish one.

THE PROBLEM OF THE BACKUP CENTERS

1. The Administration is committed to equal access to justice for all, and is further committed to a Federal role in ensuring such access for the poor. Exemplifying this concern is the Legal Services Program: a federally-funded network of 900 neighborhood law offices scattered throughout the country, supported by 13 "backup centers", each specializing in a different area of poverty law. What is in dispute is not the need for a backup effort but its structure, functions and location.

2. Structure: The backup network is (a) duplicative (13 overlapping areas of poverty law in 13 physicially separate centers); (b) unwieldy (the overcompartmentalization and geographical dispersal impedes collaboration among specialists and confuses field attorneys) and (c) overextended, (the substantive thinness of the 13 specialized areas of poverty law causes the centers to get involved in problems having little or nothing to do directly with poverty).

3. Functions: Of the two basic functions backup centers are now perfforming, the first—supportive research and technical assistance for field attorneys—is acceptable, while the second—advocacy—is not. For one thing, formal intervention by backup attor-

neys, in a co-counsel or amicus role, in litigation being conducted by LSP field attorneys or others is not authorized by the EOA. Backup centers are "research" projects and in any case advocacy is not compatible with research. Secondly, that portion of advocacy which consists of the drafting of legislative proposals and administrative rules is non-client-initiated and mostly irrelevant to the needs of field attorneys involved in specific cases. Thirdly, the drafting activity, particularly when it is associated with such overt forms of advocacy as lobbying, is clearly improper on constitutional and public policy grounds and is probably illegal. It violates both the principle of non-delegation (a narrower form of the principle of public accountability which was reaffirmed most recently by CSC and OMB) and the principle of neutrality (the church/state principle generalized, reflected in Federal statutes against lobbying with public funds and against lobbying by tax-exempt organizations). Finally, to the extent backup centers have been engaged in advocacy, they have been functioning in effect as public interest law firms. The idea of a Federally funded public interest law firm is novel, extremely controversial and in any case not yet sanctioned by Congress. Even the prototype Consumer Protection Agency which, unlike the backup centers would be quasi-public and therefore subject to a degree of public control, has not yet been approved. There is statutory authority at best for backup centers of either the library-clearinghouse or the think tank variety.

4. Location: Elimination of the advocacy functions of backup centers would not remove the risk, inherent in the delegation of advocacy-oriented research, of violating the two principles described above. The risk could, in theory, be lessened by writing and enforcing strict guidelines for grantees, but OEO/OLS would inevitably became entangled in a thicket of censorship problems, complaints of infringement of first amendment rights and of the prerogatives of private attorneys under the Canons of Ethics, etc. This grey area should be avoided if possible. The problem would be reduced to manageable proportions if backup research, instead of being farmed out to private and independent grantees, were to be conducted directly by the government, with occasional research projects of limited scope and duration delegated by way of contracts instead of grants.

5. Conclusion: The backup center operation, on grounds of economy, efficient, accountability and immunity from outside political interference, should be (1) consolidated and centralized both geographically and administratively and (2) located within OEO/OLS.

PRESENT CONFIGURATION

Specialized area	Number of attorneys	Number of non-attorney professionals	Number of consultants	Number of nonprofessionals
Health law, UCLA	6⅔	1	55,500	10
Economic development law, University of California	4	2	8,222	11½
Housing law, University of California	8	1	10,818	19
Consumer law, Boston College	9	0	8,250	19
Youth law, San Francisco	2	0	11,700	8
Juvenile law, St. Louis University	6	0	1,000	12
Senior citizens law, University of Southern California	9	4	5,000	11
Migrants, District of Columbia	5	0	2,000	8
Indians, University of Colorado	2	0	13,000	2
Education, Harvard	10	⅔		7
Employment, New York	4	0	$2,685	0
Welfare, Columbia University	9	2	5,000	12
Correctional, District of Columbia	3	0	42,250	3
Social/science, District of Columbia	1	4	6,700	4
Clearinghouse review, Northwestern University	3	4	15,200	16
Poverty law reporter				
Total	81	18	187,325	144

There are 81 attorneys manning the present program. Assuming the program is not undermanned or overmanned (i.e. that the number of attorneys now on board is necessary and sufficient to cope with the existing demand) and assuming there is no duplication among the centers, the new center would need presumbably 81 attorneys. Obviously these assumptions must be carefully examined, before any decision is made as to the minimal/optimal number of attorneys the new center would require. Another important consideration is the fact that the attorneys in the new center would have a greatly reduced clientele. The Office of Legal Services is now preparing a breakdown which will show the percentage of request for services that emanate from project attorneys and the percentage that comes from other sources. In addition, the elimination of the legislative drafting and advocacy function could be expected to reduce the number of attorneys required, although the relocation of this function in a new advocacy unit in OEO would push the figure up again. Since it is the needs of the project attorneys which are the most urgent, I would suggest that the problems of staffing an OEO advocacy unit be set aside for the time being. I would further recommend (1) that youth law and juvenile law be considered one field, (2) that the social unit be dropped from consideration as a separate area of expertise and (3) that the organizational problem of a revamped *Clearinghouse Review* be considered separately later. There is clearly not enough hard data on hand to project an optimal figure for the number of attorneys who will eventually be needed in the research unit, and the staffing process should in any case begin modestly and proceed gradually, as we feel out the real demand. Since there are twelve fields of poverty law left after the trimming suggested above, why not start with a target of 20–25 lawyers for the initial phase of the build-up? This would provide at least one lawyer per each specialized area with the excess placed in those areas which have a proportionately larger staff now, or whose programs in the field are being phased out earliest. (See figures at extreme right of chart.) The staff of lawyers could initially be supplemented by 5 or so non-attorney professionals (there are 18 on board now) and a support staff of around 10 secretarial/administrative personnel.

THE PROBLEM OF THE BACKUP CENTERS

The Administration is committed to the ideal of equal access to justice for all citizens and to the mechanism for realizing this network of neighborhood law offices backed up by a second echelon team of legal experts to whom the poverty lawyers in the field can turn for advice and technical assistance. What is in dispute is not the need for a backup center effort, but the structure, functions and location of the organization required to carry on this effort. To suggest that the Administration's plans for restructuring the backup centers is simply a device for gutting the Legal Services Program is both unfair and demagogic. The purpose of the new approach is, in fact, quite the opposite: to expand the volume and improve the quality of services to individual clients, and to render the Legal Services Program as a whole less vulnerable to outside political pressures.

Regarding the organizational structure of the backup centers, a growing number of disinterested observers are convinced that the present nationwide network of 15 backup centers is duplicative and unwieldy. The fundamental assumption on which the network is based—that there are 13 separate and distinct areas of poverty law—is highly questionable. Where is one supposed to draw the line between youth law and juvenile law, between juvenile law and education law, between health law and senior citizens law etc. And is there another line to be drawn between youth law in general and youth law for the poor etc.? The substantive thinness of the subdivisions of poverty law is no doubt at least part of the reason for the tendency of backup centers to get involved in the problems of the non-poor (e.g. student rights). Whatever the merits of such involvement, it diverts limited resources away from the essential task for which backup center funds were granted: to help the field attorneys provide legal aid to individual *poor* clients and not to every youth, Indian or oldster who comes down the pike.

Even if it were granted that each of the 13 subdivisions of poverty law is so specialized and substantive that anywhere from 2 to 10 legal experts are required per subdivision does it make sense to scatter them all over the country? Not only does this impede cooperation and cross-fertilization among the lawyers working in areas that do admittedly overlap, but it confuses the field attorneys who frequently take cases involving a number of areas of poverty law. Consider for example the hypothetical case of a poverty-stricken young Indian who needs psychiatric help, is expelled from school for some infraction, gets into trouble and is sent to a correctional institution. Where will his attorney go for specialized advice? To the youth law center? The Indian law center? The education law center? The health law center? The correctional law center? Could not the field attorney be serviced more quickly and effectively if specialists in these areas of poverty law were concentrated in one place?

In short, the above considerations lend credence to the suspicion that the whole field of poverty law has become something esoteric and vastly overblown, producing an overcompartmentalization which, combined with the geographical dispersal, is hindering rather than helping the delivery of legal services to the poor.

Another factor which weakens the effort to serve project attorneys in the field is the backup centers' preoccupation with the needs of persons and organizations that have nothing directly to do with the problems of the field attorneys. These outside beneficiaries of backup center activity include the Congress (i.e. individual representatives and senators as well as Congressional committees), Federal agencies other than OEO, State and local administrators and legislators, academics and professionals—both attorneys and non-attorneys—who are not affiliated with the Legal Services Program, and finally private organizations and institutions of all types. Frequently, by the way, the concerns of the individuals and groups just enumerated are not with poverty, but with broader social problems such as education in general, housing law in general etc. In any event, no matter how genuine their needs and how laudable the effort to meet these needs, neither the budget nor the mission of the Legal Services Program would seem to justify the diversion of backup center resources for such "extracurricular" purposes. By analogy, what would happen to the volume and quality of services provided to members of Congress if the Congressional Research Division of the Library of Congress should suddenly start honoring requests for help from all and sundry. If the above considerations are valid, then the restructuring of the backup center program should include a drastic reduction in the clientele now being served.

The restructuring of the backup center program is not only a problem of organization, but of function. At the present time, there are at least three functions being performed by backup centers which are either redundant, irrelevant or improper on public policy grounds. The three functions are (1) *formal intervention*, either as co-counsel or by way of amicus briefs, in litigation being conducted by project attorneys; (2) involvement in *non-client-initiated* activities which border on advocacy, such as drafting model statutes and (3) involvement in overt forms of *non-client-initiated advocacy* such as lobbying. Since these three functions are characteristic of the public interest law firm, one can couch the proposal for overhauling the backup center program in terms of the particular model, of the several available, to which the backup center should conform of the *library* or *clearinghouse model*, the *think tank model* or the *public interest law firm model*.

In the case of the library model, the "research" is retrospective, i.e. the researcher in response to a specific request from a client collates and analyzes existing material and transmits the results to the client. A research facility which corresponds to this model is the Congressional Research Division of the Library of Congress, which as above responds *only* to requests from members of Congress and does not go off on advocacy tangents of its own. The think tank model on the other hand calls for innovative research, brainstorming etc. aimed at the generation of new knowledge and new solutions to the problems of their clients. In the case of a legal think tank, research of this kind could, but need not, culminate in the production of new legislative and administrative proposals (including model statutes and rules) drafted by members of the think tank. And finally there is the public interest law firm model whose relevant functions have been described above.

In respect to the first of these functions, formal participation by backup center attorneys in litigation being conducted by field attorneys, such participation is not only not essential for field attorneys to do their job, but it would appear to be incompatible with the research mission of the backup centers. There are a number of legal scholars, including the Dean of the UCLA Law School where the health law backup center is located, who feel that the litigative and the research functions should not be mixed. Besides backup centers are authorized and funded under Section 232(a) of the EOA as "research" projects, and it is difficult to see how "research" can be stretched to include actual litigation.

The second of the three functions in question, the drafting of legislation and administrative rules, is, in 99 cases out of 100, not associated with client-initiated advocacy. It is not only not needed or requested by the vast majority of clients seeking redress of individual grievances but is rarely if ever linked by the backup center which initiates it to any specific litigation or other activity being conducted by project attorneys. It is, in short, irrelevant to the basic mission of the backup center which is to help individual attorneys wrestling with specific cases involving individual clients. Secondly legislative drafting has a pronounced advocacy aspect, even where the backup center does not actively lobby for the adoption of legislation drafted by its staff. The legislative proposal is imprinted with the values and point of view of the drafter and is made available, supposedly "on request," to a multitude of private and public individuals and institutions. This means that the function of drafting legislative and administrative proposals is improper on the same grounds as those used to fault the third function referred to above—overt legislative advocacy.

For one thing, the drafting of legislation and the subsequent advocacy of it, though proper and often even laudable in the abstract, are, in the context of publicly funded activities, violative of the constitutional *principle of non-delegation*. This principle, which was given its most recent formulations by the Civil Service Commission and the Office of Management and Budget, can be paraphrased as follows:

"An executive agency ought on the grounds of preserving accountability, to refrain from delegation to a private grantee or contractor responsibility for *policy-setting* (including the planning of programs and the the establishing of goals and priorities). On the other hand, an executive agency ought, on the grounds of furthering private enterprise, to farm out wherever possible the *execution of policy, so long as such delegation entails no serious risk of abdication by the government or usurpation by the grantee or contractor in respect to any non-delegable functions.*"

If the testimony of such close observers of OEO's Legal Services Program as Hannon and Blumenthal can be trusted, the Office of Legal Services has from its inception violated the non-delegation doctrine through its failure to clearly articulate policies and guidelines for the Program. The most conspicuous example of such delegation is found in the range of choice conceded to backup centers in respect to legislative advocacy. The delegation to backup centers of the power to determine whether to lobby, what to lobby, where to lobby and when to lobby is beyond question a delegation of the power to establish goals and priorities i.e., to set policies. As such it is more than an unwise grant of discretionary power, it is abdication.

To make matters worse, the delegation of legislative drafting and lobbying authority to backup centers infringes on another basic constitutional principle: the principle of *neutrality or nonpartisanship*. This principle, which is a generalized version of the principle of the separation of church and state, can be formulated as follows:

"The Government ought not furnish support, through subsidies or otherwise, to private parties for the purpose of enabling them to propagate a creed, ideology, point of view or value-system, whether the value-system be religious or secular, whether it be a prescription for spiritual ills or for political or social ills, or whether it be aiming, in the judgment of the Government, at something salutary for society or something inimical to society."

The principle of neutrality is reflected not only in formulae relating to the separation of church and state but also in the (Federal) statute against the use of Treasury funds for lobbying and in the statute which denies eligibility for tax benefits to organizations which lobby. The principle has also been confirmed number of times by court decisions.

If the criticisms made thus far of the organizational structure and functions of the present backup center program are valid, then a decision to consolidate them would seem to be in order Take away from the centers the function of client-initiated advocacy (co-counsel and amicus activity), take away the function of non-client-initiated legislative and administrative advocacy, shift the focus of the centers from law in general to law as it affects the poor, severely curtail the clientele served and eliminate duplication, and one has a persuasive rationale for dismantling the present backup network and replacing it with a smaller and more integrated structure, ideally a single unit geographically and administratively centralized. Not only would the new unit be more efficient but the cost of the program would be reduced by at least one third, with the savings coming mostly from a reduction in overhead and non-professional personnel costs.

The argument for consolidating the present backup center network does not by itself entail the relocation of the backup mechanism within a government agency. One obvious alternative would be to publish new guidelines imposing restrictions on the categories of clientele to be served, and on advocacy activities, and then to refund either one or more of the existing centers or an entirely new grantee. A strong argument can be made however against redelegating the backup center function.

The kind of social science research and poverty law research conducted by back-up centers is inevitably advocacy-oriented, since the whole reason for being of the back-up centers is to serve project attorneys engaged in client-generated advocacy. The momentum of such research can easily, even if unintentionally, carry the research activity across the line which separates policy-execution from policy setting. This problem is present in some degree in all government-funded research in the social sciences as opposed to the hard sciences, but it is extraordinarily acute where there is an immediate and necessary link to advocacy, as is the case in backup center research. Furthermore, non-client initiated or public interest advocacy even of the legislative variety can almost always be tied in to advocacy on behalf of some particular client, if there are pressures strong enough to push it in this direction.

To cope with this difficulty, the writing of new guidelines would not be sufficient. There would have to be a continuous and vigorous effort to enforce compliance with the guidelines. This effort would be open to constant challenge on grounds drawn from both the First Amendment and the ABA's Canons of Ethics. One may not agree that restrictions on a grantee's advocacy activities are precluded by the Constitution or the lawyer's Code, nonetheless, as the history of Hatch Act enforcement illustrates, there is a gray area here which should be avoided if possible. Additionally, it would be repugnant for an agency of the government to probe motives in order to determine whether a lawyer involved, for example, in giving advice on a test case, was trying to advance his own personal ideology at government expense, or whether on the contrary he was putting the interests of his client in first place. In short the delegation of the advocacy research function to a private entity would pose the same dilemma as it has in the past: either a loss of control or a costly, time-consuming and sometimes questionable watchdog effort by the funding agency to prevent this from happening. The history of the Legal Services Program confirms this. On the one hand there has been an enormous reluctance by OLS to provide clear restrictions. This abdication has been well documented by both friends and foes of the Program. On the other hand, whenever there has been an attempt to impose restrictions, it has been met with bitter resistance and evasion, tantamount, if our position on the non-delegation doctrine is correct, to usurpation.

There are of course ways of cutting the risks, so that in the future some research projects could be farmed out to supplement the government's efforts. But this presupposes the existence of a strong in-house research capability in the poverty law area, something which has never existed in the past. The entire research function has been delegated, so it is little wonder that insufficient know-how was generated in-house to set up an effective system of control. Had a poverty law research center been set up within OEO from the beginning, a network of non-government centers to supplement the government's effort might well have been viable.

If the above analysis is valid, the principle of non-delegation can be invoked to justify the establishment of an in-house poverty law research unit, to replace the existing grantee network. The paraphrase of the OMB formula (p. 4 above) seems to fit the present case. According to the formula, an executive agency ought not to delegate to a private grantee or contractor any function when there is a serious risk of abdication by the government, or usurpation by the grantee or contractor, of non-delegable powers.

THE PROBLEM OF THE BACKUP CENTERS

INTRODUCTION

1. The legal services program

The problem of the back-up centers is best viewed in the context of the larger problem of the entire Legal Services Program. For the back-up centers, chameleon-like, take on the coloration of the overall goals set for legal services projects. OEO's Legal Services Program, as it presently operates, comprises roughly 2000 project attorneys working in some 900 neighborhood law offices administered directly by approximately 265 legal services projects and indirectly by the national Office of Legal Services at OEO Headquarters in Washington, D.C. The legal services projects receive technical assistance from 15 national back-up centers scattered throughout the country and 5 State back-up centers. The national back-up centers are for the most part affiliated with university law schools and each specializes in a different aspect of poverty law (e.g. housing law as it affects the poor, consumer law as it affects the poor etc.). The annual cost of the overall Legal Services Program projected for the current fiscal year is around $61 million. Approximately $4 million of this amount goes to the back-up centers in the form of "research" grants, which includes the salaries of some 100 "professionals" (80 attorneys and 20 non-attorneys and around 145 non-professionals not including consultants).

The Legal Services Program as is presently constituted has five main goals:

(1) Law reform.
(2) Quality individual services.
(3) Community education.
(4) Group representation.
(5) Economic development.

(NOTE.—Here will be inserted a paragraph or two defining each goal and in particular the goal of law reform as contrasted with individual services. The point will be made that historically it is the goal of law reform which has received the most emphasis in the rhetoric of the directors of the national program, the national guidelines for evaluating legal services projects and back-up centers etc. A distinction will be made a la Agnew between acceptable and unacceptable law reform, so OEO's position will not be misrepresented . . .)

2. The proposed overhaul of the legal services program

It is taken for granted that in the thinking of the Administration OEO's Legal Services Program should be redesigned so that social law reform (in the unacceptable sense) will no longer be a goal of the program much less a primary goal. To accomplish this it is suggested that the overriding purpose of the new program be:

(1) To stimulate lawyers and legal institutions located both at the State and local governmental level and within the private sector to provide more ordinary legal aid to indigent individuals (this goal, mentioned in the EOA, is part of the overall "mobilization of local resources" goal of OEO, construed in a way consistent with the Administration's concept of localism), and

(2) To supplement this effort through a network of Federally-funded neighborhood law offices.

"Legal services to individuals" would include legal advice, legal representation, legal counseling, education in legal matters and "other appropriate legal services", in particular services aimed at promoting among the poor a greater degree of economic self-help and development. Project attorneys would be prohibited from engaging in any advocacy activity which was not generated by and addressed to the limited legal needs of a specific client in a particular case.

Under no conditions would project attorneys involve themselves in organizing poor persons into pressure groups for the purpose of promoting political and legislative causes. All of this will be spelled out in much greater detail in a separate paper proposing precise new guidelines for the Program.

The redesign of the Legal Services Program just described is perfectly compatible with the statutory authorization for the program found in Section 222(a) (2) of the EOA. The operative sentence in this section reads as follows:

"(Programs under this section shall include . . .) a Legal Services Program to further the cause of justice among persons living in poverty by (1) mobilizing the assistance of lawyers and legal institutions and (2) by providing legal advice, legal representation, legal counsel, education in legal matters, and other appropriate legal services."

As mentioned above, there is no reason why the expression "mobilization" cannot be interpreted (as the reference in the Rumsfeld-era-CAP mission statement to "mobilization of local resources" can be interpreted) in a way that coheres with the Administration's emphasis on decentralization, reprivatization, etc. It could also be used as an opening wedge provided by the statute for a movement toward judicare, prepaid insurance, etc.)

3. Why no social law reform

(NOTE.—Since the proposal to eliminate back-up centers is premised largely on the unacceptability of social law reform (including legislative advocacy) as a goal of the overall program, some rationale should be offered to support our objection. It should be pointed out that the Adminitsration is not opposed to social law reform *per se*, whether such activity be conducted by lawyers or non-lawyers. The approval or rejection of a particular proposal for social law reform falls quite properly within the purview of legislators, while lawful effort to promote the passage or defeat of such legislation is the traditional prerogative of the private citizen. It is the (1) *use of Federal funds* to support the law reform activities of (2) *non-elected, private individuals* which the present Administration and the Director of OEO opposes. Lest the Administration's position on law reform be misunderstood, several additional distinctions need to be made in respect to limitations on the use by OEO lawyers of the three principal instruments of law reform: litigative or judicial advocacy, legislative advocacy and administrative advocacy.

(Here include a ref. to putting causes over cases; quote Agnew article & Code of Ethics. Quote Hazard on use of judicial forum to bring out social justice and civil justice; concede that in a sense it's not the lawyers' fault but the judges' fault but still OEO should not encourage—on the contrary, should discourage—efforts by its lawyers to exploit this trend, where it exists . . .); in re legislative advocacy, quote Hazard—cite basic principle on which objection rests & which underlies church-state principle, tax code, etc.—Finally reduce administrative advocacy either to litigative (where it employs a suit against an administrative or executive agency) or legislative (where it employs lobbying techniques against administrators.)

(a) Authorization for OEO's Backup Centers

There is no explicit mention of the backup center concept in the EOA either in the passage which deals with the Legal Services Program or elsewhere. The authority which is routinely cited to justify the funding of backup centers is the unspecific sentence in Section 232(a) of the EOA which reads: "The Director . . . may also contract or provide financial assistance for research pertaining to the purposes of this Title." All backup center grants are "research" grants in support of one of the "purposes" of Title II, viz. the Legal Services Program.

(b) The Justification for OEO's Backup Centers

Are the 15 Federally-subsidized national back-up centers really needed?

Are they really essential for the 900 neighborhood law offices to do their job? It would seem it, if one considers the fact that traditional legal-aid programs were able to carry on without them. On the other hand, there is a growing body of specialized legal knowledge besides a growing body of research in the other social sciences, which is pertinent in one way or another to the legal problems of the poor. At the very least one can say that a backup center resource enables Federally-paid poverty lawyers to do their job *better*, and so enables the Federal government to maximize the gain from the funds incested in the Legal Services Program. Let us concede then that OEO's project attorneys need the help provided by a "centralized national source of legal expertise" in the various compartments of poverty law, "through an interdisciplinary approach using the skills and knowledge of lawyers, economists and other social scientists". This general concession does not, by itself, entail a commitment to any particular model, among the several available, for a back-up program. Furthermore it leaves quite open the question of whether the poverty law research function should be located within or outside the government.

(c) Three Models for a Legal Services Backup Center

(1) The Library Model: The backup center is conceived as a national knowledge data bank specializing in poverty law manned by specialists (poverty lawyers, social scientists, economists, librarians etc.) whose sole function is to furnish, when requested, information and guidance to attorneys employed in the neighborhood law offices of the Legal Services Program. The backup center resembles the Congressional Research Service of the Library of Congress, not only because it caters to a limited professional clientele rather than to the general public, but because its "research" is the retrospective or "digging" variety rather than the innovative kind associated with the expression "R&D".

(2) The Think Tank Model:

Version A: Here the backup center combines all of the characteristics of the library model with another feature: that of creative research leading to new solutions to the legal problems of the poor.

Version B: Another function is added to the backup center described in Version A: that of utilizing research results to produce legislative proposals (including model statutes) and new administrative regulations. Since project attorneys in a service-oriented legal aid program would rarely have need for model statutes and regulations, it would appear that this latter activity of a backup center could be justified only by extending its clientele to include public administrators and legislators.

(3) The Public Interest Law Firm Model: Here the backup center would have all the functions of Version B of the think tank model, but would in addition engage in advocacy of both the client-generated and non-client-generated variety. An example of involvement by a backup center in client-generated advocacy would be its intervention in a case being conducted by a project attorney, either by acting as co-counsel or by filing an amicus brief. An example of non-client-generated advocacy would be the backup center's intervention, under its own name, in pending litigation, or lobbying by the backup center for or against a legislative proposal.

I take it that in the overhaul of the Legal Services Program, the backup center to be established in-house (in the Office of Legal Services) to replace the existing 14 backup centers, will conform either to Model 1 or Model 2A above.

(d) What Model do the Backup Centers Now Conform To?

An analysis of OEO's grant packages for back-up centers and of OEO's standard criteria for evaluating back-up centers as well as a review of the articles regularly appearing in the OEO-funded *Clearinghouse Review* and in law journals supports the conclusion that by and large the typical OEO-funded back-up center conforms to the third model described above: the public interest law firm model. That is to say, the activity of a typical back-up center is a blend of retrospective research, innovative research and advocacy (both the client-initiated and non-client-initiated variety).

Activities of OEO backup centers which, on their face at least, are not advocacy activities (though they provide a ready springboard for advocacy) include the following:

(1) Preparing practice for project attorneys practice materials which deal with common *problems* in various fields of poverty law problems in the areas of health, employment, housing, and welfare, etc.

(2) Responding to requests for training materials prepared by the backup centers and others.

(3) Providing assistance in the conduct of training programs for present attorneys.

(4) Providing technical assistance (legal briefs, memoranda etc.) in support of litigation being conducted by project attorneys.

(5) Relaying to project attorneys information on legislation and administrative regulations which affect the poor.

(6) Conducting research aimed at identifying and documenting recurring patterns found among the legal problems of the poor and at devising new solutions to these problems, where needed.

(7) Contributing articles on poverty law to the Clearinghouse Review, to law journals and other publications.

A second major group of activities conducted by back-up centers includes those which, though they do not by themselves constitute advocacy (taking advocacy in its strictest sense), nonetheless border on and easily pass into advocacy. The activities in question are the drafting of administrative regulations and legislative proposals. One can plausibly argue that the mere drafting of a piece of legislation is a form of advocacy since the product is imprinted with the values and points of view of the drafter—to the extent that he stands by what he has written, is committed to it and endorses it, he advocates it. Whether the drafting of a legislative proposal is considered to be part of a full-blown advocacy effort of the kind we recommend be prohibited in the Legal Services Program depends on (a) the identity of the person or agency to whom the legislative product is supplied (presumably there would be no objection if the sole recipient were OEO) and (b) on the extent to which the researchers-drafters lobby for the adoption of their product.

The following quotation from a special condition inserted in a backup center grant is a typical illustration of the encouragement given to the borderline activity just described:

"Many of the problems which cause or aggravate poverty can be most effectively alleviated by the passage of new legislation. Appropriate reform in statutes, regulations and administrative practices is a part of the traditional role of the lawyer and may be among the services afforded and assisted by the grantee. This may include research into the conflicting or discriminating applications of laws or administrative rules, *and proposals for administrative and legislative change*" (emphasis added).

The above passage is ambiguous enough to be taken as referring not only to technical or procedural law reform or to substantive law reform in the non-controversial sense but to the kind of substantive law reform discussed earlier under "social law reform." Be that as it may, a review of the actual practice of the backup centers confirms the fact that they have assumed a major legislative advisory role in the area of social reform at all levels, Federal, State and local.

Thirdly, there is little doubt that a significant part of the activities of the backup centers as they are presently constituted consists of overt advocacy of both the client-generated and non-client-generated variety. Lawyers assigned to backup centers regularly serve as co-counsel and file amicus briefs in support of major litigation brought by project attorneys. They also formally intervene (in supportive roles) in the administrative process in an effort to modify the regulations of administrative agencies. In addition, they actively engage in advocacy aimed at the passage or defeat of particular pieces of legislation before city councils, State legislatures and the U.S. Congress, whether the legislative proposal in question be one drafted by the backup center or by someone else. In sum, the OEO-funded backup centers have become, to all intents and purposes, Federally-subsidized public interest law firms.

In respect to the clientele of the backup centers, the record clearly shows that the backup centers serve on a regular basis the following persons and organizations: (1) legal services project attorneys; (2) OEO; (3) other Federal agencies; (4) State and local administrators; (5) the U.S. Congress; (6) State and local legislators; (7) professionals and academics not only in law but other fields and (8) various private groups who claim to represent the poor or who are involved in one way or another with the problems of the poor.

Finally, the primary thrust of backup center activity, the goal which animates much of the research and advocacy of the centers even when they are consulted on so-called routine legal matters, is social law reform. Presumably project attorneys are competent to handle most of the routine cases familiar to traditional legal aid programs. It is in moving towards the new and "challenging" goal of social law reform and overcoming the many forces which quite understandably resist such reform, that the project attorney most needs the help of the sophisticated and high-powered talent on the back-up center staffs. The need for this kind of support has predictably become the controlling factor in the operations of the back-up center network.

(f) Curtailment of the backup centers

The principal justification for the existence of the back-up centers is the need on the part of the field attorneys for expert guidance and technical assistance to enable them to provide effective legal representation to individuals living in poverty. But this perfectly non-controversial and common-sensical purpose of the back-up center network has (to repeat the point made earlier) been enormously extended so that back-up centers are now engaging at Federal expense in a whole range of activities and serving a whole range of persons and institutions never envisioned by the authorizing passage in the EOA, much less mandated by any part of the EOA.

For one thing, the Act authorizes "research" and it is a rather blatant perversion of this term to construe it to include not only such dubious activities (in the context of federal funding) as the drafting of legislative proposals for the use of every and anyone interested who might share the drafter's point of view, but also the vigorous lobbying which the centers regularly engage in on behalf of their proposals. Advocacy is by definition a partisan activity and could not be further removed from the customary notion of "research".

Secondly, not only is the legislative advocacy activity of the back-up centers largely irrelevant to the original and legitimate purpose of the centers—which was to back up project attorney involved in specific cases—but it is also for the reasons already mentioned highly questionable on public policy and constitutional grounds.

Thirdly, there are good reasons for prohibiting a research-oriented organization from engaging directly in client-centered advocacy, i.e., serving as co-counsel and filing amicus briefs in court cases.

For one thing, research is best carried in a dispassionate, objective atmosphere. Research that is slanted toward winning cases is not good research (we are here talking of basic or innovative research and not the kind of "research" which consists in the organizing of existing information for the benefit of a project attorney involved in a case). Besides, why would not the project attorneys suffice for courtroom advocacy, particularly if the Legal Services Program is reoriented away from law reform? Legal services available to moderate income persons with legal problems generally don't include a battery of lawyers acting as co-counsel.

Fourthly, there is nothing in the EOA which either requires or encourages attorneys employed in the Legal Services Program to be at the beck and call of every public and private entity in the U.S. interested in social problems. The basic purpose of the backup centers is to backup project attorneys, not governors, legislators, other social researchers, public interest advocates and so on. Fifthly, much of the activity of the university-based backup centers has little to do with poverty law but much to do with consumer law in general, housing law in general, youth law in general etc. It is beyond the mission responsibilities of either OEO or the Office of Legal Services to fund innovative research, much less advocacy, in the field of law in general. Sixthly, the proliferation of backup centers has reached a stage where there are bound to be serious problems of coordination and duplication. Where is one supposed to draw the line between youth law and juvenile law, or between juvenile law and education law or juvenile law and health law? How are centers geographically remote from each other to figure out what each is doing so that needless and expensive duplication can be avoided?

All of the above considerations point to an inescapable conclusion: the elaborate network of 15 national and 5 State back-up centers simply isn't needed. Take away the function of client-centered advocacy (co-counsel and amicus activity), take away the function of non-client centered legislative advocacy, narrow the concern of the centers from law in general to law as it affects the *poor,* drastically restrict the categories of clientele served and eliminate duplication and you have a powerful rationale for consolidating the back-up center operation. Not only would a consolidation render the program more amenable to control by those who are the elected and appointed stewards of the funds used to pay for the program, but the cost of the program could be considerably reduced. For one thing the overhead costs (not including the cost of non-professional personnel) in the back-up center programs average 45% of the total cost of the programs. There are alternative solutions under which this cost could be cut to around 25%. Secondly, consolidation would not only make possible *some* savings in costs for professional staff (based on the assumption that there is now a degree of duplication) but it should result in substantial savings in cost for non-professional or support staff. At the present time, the staff breakdown in the 15 national back-up centers is roughly 100 professionals (80 lawyers and 20 non-lawyers) and 140–150 non-professionals. The present cost of the back-up programs is running around $4,000,000. If overhead is reduced from the current 46% to 24%, the total cost would be reduced to around $3,000,000. Personnel reductions would further shave this amount to provide an overall estimated saving of around a million and a half dollars. (This of course is a very rough guess, but a conservative one. A more precise estimate would have to be worked out by the manpower and controller people.) In the process of redefining the functions and consolidating the operations of the back-up centers in a manner consistent with the redefinition of the mission the Legal Services Program in general, the Agency, it is clear, would be substituting either the library model or the weaker version of the think tank model for the public interest model on which the current back-up center program is based (see p. 6). The question which remains is: should the reorganized and consolidated back-up center(s) be located in-house, i.e. within OEO headquarters, whether as a separate unit or as a subordinate element of the Office of Legal Services, or should the back-up center tasks, redefined as suggested above be delegated once more either to independent grantees, as in the past, or to independent contractors?

PART II: THE PROBLEM OF ACCOUNTABILITY

The problem of delegation—what to delegate and what not to delegate, and to whom—is part of a larger problem: the problem of accountability. Elected officials are accountable to the electorate. Elected or appointed officials, when they spend *tax* monies, are accountable to the *taxpaying* electorate. There are times when the governmental subsidy of the activities of a private individual or organization is proper and there are times when such subsidy, to the extent that it signifies relinquishment of control over a non-delegable function, is irresponsible, violative of the constitutional requirement of accountability. Although there is disagreement sometimes as to where the line should be drawn between what is delegable and what is not, there is general agreement that there is such a line, and that it is entailed by the principle of accountability. This principle, which under the name of the "non-delegation doctrine" figures prominently in administrative law, was given one of its most recent formulations by the Civil Service Commission. The case involved contract personnel at the Goddard Space Flight Center who were working alongside government employees, performing similar tasks and being supervised by other Government employees. The Commission, involving among other things the Biblical principle that no man can serve two masters, ruled that the Space Center should either stop supervising the contract personnel or hire them as Federal employees.

The ramifications of this ruling spelled out in several Federal Personnel Manual Letters are extremely relevant to the problem of the back-up centers whose employees, although they are not being supervised in the sense in which the contract personnel at Goddard were being supervised creating facto employer-employee relationship, are nonetheless doing things some of which under the Commission's critera (which is to say under the principle of accountability) ought to be supervised and therefore ought not to be delegated, whether by grant or by contract. (It should be noted by the way that although the Commission's interpretation deals with delegation by contract, it would apply with equal force to the case of the back-up centers where there is delegation by grant. Authority for this latter statement is found in the literature focusing on the differences and similarities between grants and contracts). The basis for the Commission's ruling is cited in FPM Letter No. 300–12 dated Aug. 20, 1968 as follows:

'The touchstone of legality under the personnel laws is whether the contract creates what is tantamount to an employer-employee relationship between the Government and the employee of the contractor. The basic criteria by which this relationship is judged are those set forth in 5 USC 2105(a), namely whether an employee is:

(1) appointed in the civil service by a Federal officer or employee;

"(2) engaged in the performance of a Federal function under authority of law or an Executive act (emphasis added); and

'(3) subject to the supervision of a Federal officer or employee while engaged in the performance of the duties of his position."

It is fairly obvious that of the three statutory criteria listed, the second is germane to the back-up center problem. But it is the Commission's elucidation of the third criterion in FPM Letter No. 300–8 dated Dec. 12, 19–67 which interests us most. The Commission breaks down the third criterion into six 'elements," the presence of any one of which can cast a shade over the legality of a contract. The six elements are described in the letter as follows:

1. Performance of services on-site.

2. Principal tools and equipment furnished by the Government.

3. Services are applied directly to integral effort of agencies or an organizational subpart in furtherance of assigned function or mission.

4. Comparable services, meeting comparable needs, are performed in the same or similar agencies using civil service personnel.

5. *The need for type of service provided can reasonably be expected to last beyond one year.*

6. The inherent nature of the service, or the manner in which *it is provided reasonably requires directly or indirectly, Government direction or supervision of contractor employees in order:*

To adequately protect the Governments interest, or

To retain control of the function involved, or

To retain full personal responsibility for the function supported in a duly authorized Federal officer or employee (Emphasis added.)

The presence of element 1 through 4 in situations where services are being performed under contract all facilitate de facto supervision by Government employees and the only question to be determined then is whether such supervision actually occurs. If it does, the legality of the contract is thrown into doubt. It is elements 5 and 6 however which are really pertinent to the problem of back-up centers. In respect to element 5, the need for the services provided by back-up centers is a continuing need which has been filled now for a number of years and which shows no signs of abating. One could make an argument based on this criterion alone that, all things being equal, where the services are such that they can be provided indifferently by either the government or by a private supplier, the government should provide them. But all things are seldom equal, and in any case there are stronger reasons which can be urged in support of locating the back-up center activity in-house, than the fact that there is a continuing need for such services. These reasons are suggested by the 6th element listed above. If the "inherent nature" of the service being performed by a contractor (or the manner in which the service is being performed) is such that the Government ought to retain control to the point of supervising the performance, then we have an example of a service whose performance ought not to be delegated to a non-governmental entity, whether by way of grant or contract. The principle is reiterated a number of times in FFM Letter No. 300–8, as follows:

"The thrust of the Comptroller General" interest is of course fiscal accountability, whereas that of the Civil Service Commission is the overall integrity of the personnel system. . . . Both however are true to the principle inherent in our constitutional form of government that the essential functions of Government and the employment of individuals required to perform these functions are a responsibility which cannot be delegated to private interests".

"In a government of delegated powers, where public office is a public trust, the authority to discharge official responsibilities reposes only in those persons duly appointed and vested by law with an office or employment. It is axiomatic that official authority can be delegated only to those properly appointed to exercise it. The Federal civilian service of the executive branch is in this aspect the personification of government by law; it is through the exercise of the powers of public office by Federal employees that the process of self-government is executed. The personnel systems prescribed by Congressional and Presidential authority constitute the exclusive methods of staffing this civilian service; of investing private persons with public authority. . . . *To the extent the exercise of official authority and responsibility is in actual practice delegated to private persons or corporations (outside the civil service and personnel system), there is an unlawful delegation or an abdication.*" (Appendix A. Emphasis added.)

The principle of the non-delegability of certain governmental functions which was enunciated by the Civil Service Commission and concurred in by the Comptroller General, also finds expression in OMB Circular A–76 dated August 30, 1967. The Circular, in discussing the contracting out by the Government of certain activities, affirms that:

"Executive agencies will *perform for themselves* those basic functions of management which they must perform in order *to retain essential control* over the conduct of their programs."

The implication, of course, is that there are certain functions and activities which *may* be properly delegated to grantees and contractors, and in fact the OMB Circular just quoted holds that there are some which *ought* to be so delegated. According to the Circular:

"The guidelines of this Circular are in furtherance of the Government's general policy of relying on the private enterprise system to supply its needs."

In other words, all things being equal and where the principle of accountability is not a factor, if products and services can be provided directly by either the Government or by private suppliers, the Government ought to resort to private suppliers. This means that there are in fact two broad policy injunctions which, though they may complement one another in theory, breed conflicts in practice due to disagreement over where to draw the line between what is delegable and what is non-delegable. The injunctions addressed to Government administrators are:

(1) You ought to delegate a function to a non-governmental entity when such delegation will further the private enterprise system.

(2) You ought not to delegate a function to a non-governmental entity when such delegation violates the principle of accountability.

In practice these two injunctions can be reconciled only if one has worked out fairly clear criteria for distinguishing between delegations which affront the principle of accountability and those which do not. In the search for such criteria, a clue is furnished by the OMB circular quoted above. According to the circular, functions which an executive agency must perform for itself in order to retain essential control over the conduct of a program include:

(a) The "selection and direction of Government employees."

(b) The "assignment of organizational responsibilities."

(c) The "planning of programs."

(d) The "establishment of goals and priorities."

(e) The "evaluation of performance."

It is (c) and (d) which are the most pertinent, but a brief digression on (e) might be useful, as it bears on a problem analogous to the delegation of authority to back-up centers. Has not OEO (and OLS) been consistently violating the OMB rule that the evaluation of performance is a non-delegable function which should not be assigned to a grantee or contractor? If it turns out that much of the delegation to back-up centers in the past was abdication, would it not be abdication compounded to have assigned to a private entity the responsibility for evaluating activities some of which were improperly delegated in the first place? OLS might counter, of course, that the "evaluation" of back-up centers now being conducted by the American Technical Assistance Corporation, for example, is merely fact-finding, the gathering of information to be used by OLS in making its own evaluation. But this is not the case. The evaluations submitted by ATAC are not mere compilations of facts (in the manner of inspection reports) from which OLS might draw its own conclusions, but fairly reek with value-judgments. It would be interesting to know incidentally how many times in the past OLS, in evaluating third party evaluations of back-up centers, has drawn other conclusions than those turned in by the evaluator, and has relayed these conclusions to the back-up centers. In rebuttal, OLS might make the point (which contradicts the fact-finding thesis) that ATAC was furnished with "evaluation guidelines" drawn up by OLS. But the OMB circular's ban on the delegation of the evaluative function isn't conditioned by any reference to guidelines. In any event, it would appear that a more sharply defined policy in evaluation is needed and that, consistent with the OMB circular, a much stronger in-house capability should be developed for evaluating OLS' field operations.

Returning to (c) and (d), the "planning of programs" and the "establishment of goals and priorities" corresponds to a common understanding of the term *"policy-setting"*. According to former OEO staffer Richard Blumenthal:

"Policy-setting may be defined as a concept of management consisting of five elements: (1) *the definition of goals and priorities;* (2) the articulation of those goals and priorities through coherent *standards and guidelines;* (3) the reporting of performance data so that the program may be *evaluated* in terms of its stated goals and priorities; (4) *enforcement* of standards and guidelines where projects do not comply voluntarily and (5) the precise delineation of responsibility for each of these tasks" (81 Yale LJ 231)

The purely ministerial function of implementing goals and priorities, and carrying out plans in accordance with well-defined guidelines can be designated, symmetrically, as *"policy-execution."* The OMB formulas on delegation might then be rephrased to read as follows:

"An executive agency ought, on the grounds of preserving accountability, to refrain from delegating to a private grantee or contractor responsibility for policy-setting (planning programs or establishing goals and priorities). On the other hand, an executive agency ought, on the grounds of furthering private enterprise, to farm out wherever possible the execution of policy, so long as such delegation entails no serious risk of abdication by the Government or usurpation by the grantee or contractor in respect to any non-delegable functions."

A review of the "guidelines," evaluation criteria and grant conditions used in connection with the Legal Services Program provide ample evidence, some of which will be examined below, that the back-up centers have from their inception been setting their own goals and priorities. This violation of the non-delegation doctrine is attributable not so much to non-compliance by the centers with policies set by OLS as to OLS' failure to set any policies. Richard Blumenthal, in the article cited above, in effect charges OLS with abdication. He writes:

"A major contributing cause of the program's current vulnerability . . . has been a failure of policysetting. . . . There has been no clear articulation of policies for projects and personnel to follow. . . . The failure of policysetting in legal services has been evident in the vagueness of policy guidelines and standards, their silence on many issues and the uneven nature of their enforcement. . . . There was a failure of policy-setting with respect to the issue of services—the question of what distinction was to be drawn between permissible and impermissible services, and what priorities would be established among different types of permissible services. . . . Policies pertaining to lobbying were equally uncertain. . . . The Instruction (on lobbying) failed to clearly determine the propriety of the most common and important lobbying activities of projects, largely because of an ambiguous proviso that restrictions were not to be interpreted to forbid 'purely informational or educational activities.'"

This is pretty strong testimony from an OEO insider who was known to be a staunch defender of the concept of legal aid for the poor. Whether lobbying is proper or improper or whether Blumenthal considers lobbying to be a proper or improper function for legal services projects and back-up centers is not at issue here. (Blumenthal happens to think it is a proper function). The point is that *the determination as to the propriety or impropriety of lobbying ought not to have been delegated to non-government employees.* But it is also true that the back-up centers, in exercising the prerogative of making their own policy decisions on such matters as the propriety of lobbying at public expense, have in fact decided that such lobbying is proper, and in so doing have, in the opinion of a goodly number of legal scholars, violated another constitutional principle which for want of a better name can be styled "the principle of neutrality or non-partisanship". The principle is reflected in formulae relating to the separation of church and state, in the Federal statute against the use of Treasury funds for lobbying (5 USC 1913) and in the statute which denies eligibility for tax benefits to organizations which lobby (501c3). The principle has also been confirmed a number of times by court decisions (see pp — "Issues Concerning Legal Services").

If it is granted that the intangible reality signified by the term "religion" is, when contrasted with the world of physical things, akin to the intangible reality signified by such terms as "ethical", "philosophical", social" and "political", using all these terms to refer to value-systems rather than to observable processes; then the Constitutional principle of the separation of church and state can be generalized to read as follows:

"The Government ought not to furnish support, through subsidies or otherwise, to private parties for the purpose of enabling them to propagate a creed, ideology, point of view or value-system (or any particular belief which reflects a value-system), whether the creed or value-system be religious or secular, whether it be a prescription for spiritual ills or for political and social ills, or whether it be aiming, in the judgment of the Government, at something salutary for society or something inimical to society."

The point that it is irrelevant whether the ideology or point of view of a private party is deemed socially beneficial or socially harmful, is particularly crucial. As John Roche put it recently in a column on the Public Broadcasting Corporation entitled "Keep the Government out of the News Business": "I don't want the United States public affairs program on television whether its content be liberal, conservative, Maoist or vegetarian." Not unsurprisingly William Buckley Jr. whose program "The Firing Line" was discontinued by the Corporation for Public Broadcasting, tends to agree with Roche. He wrote: "If the decision is that tax money should not be spent to subsidize the distribution of points of view, then it is consistent that the Firing Line, along with the other programs scheduled for elimination should be dropped," adding, in answer to the question "Do you sympathize with the no-public-activity resolution of the Corporation?"—"In a way I do. When you sit down to think about it, you ask yourself: What is the Congress of the United States doing, putting up taxpayer's money for Firing Line?" According to the principle of nonpartisanship, the government, in respect to ideological "churches" in the private domain, is neutral. The Voltairian maxim: "I may disagree with what you say but I will fight to the death for your right to say it" still holds but should be balanced by another: "I may agree with what you say but I will fight to the death (well, let's say I'll fight) to stop you from saying it at public expense." Curiously these two seemingly antithetical maxims rest on a common premise: the First Amendment.

It is important to keep clear the distinction between the non-delegation doctrine and the neutrality thesis. The spheres of activities covered by the two doctrines overlap but they do not coincide. For example, it would be an overdelegation for the Government to concede to Lockheed Aircraft Company the right to decide what kind of fighter plane the Navy should have, but this would hardly contravene the principle of neutrality in the sense in which it has been defined above. Likewise, the latter principle would be violated if a government employee were assigned the duty of instructing his fellow-workers in the tenets of the Catholic Church or budgeting funds for the construction of a synagogue, but it would not be a case of overdelegation (although the Government could be charged with usurping a power not delegated to it by the people). The principle of neutrality applies differently of course to religious activities and to political activities. While decision-making in respect to religion is a power which resides in the people and which they have not surrendered to government religion being a purely private matter, decision-making in respect to political issues is a power which has been delegated by the people, via the Constitution, to the Government on the grounds that such issues are not only private but public matters. The exercise by the Government of the power to set social and political policies is not per se a violation of either the principle of neutrality or the principle of nondelegation. The principle of non-delegation is honored so long as the persons who are promoting, at public expense, a political value-system or a particular belief which form a part of such a value-system, are public officials who are employed in one of the three branches of government and who are ultimately accountable in one way or another to the electorate. The principle of neutrality is honored so long as these officials, in seeking to make their views prevail in legislation, administrative rules and judicial decisions or whatever, adhere strictly to procedures prescribed by law and by the Constitution.

Although the spheres of activity to which the principles of neutrality and non-delegation apply do not coincide there are occasions when they overlap, as illustrated by the example of lobbying, specifically by lobbying conducted by non-governmental entities at public expense. To the extent that such lobbying is initiated and controlled by the non-government entity, it constitutes an improper delegation of the policy-setting power. To the extent that the government, by the very fact that it is committing funds for this activity, puts its seal of approval on the particular views being lobbied, there is an improper departure from neutrality. Lobbying of this sort, whether it be viewed as one kind of violation or another, is both unfair and dangerous. The unfairness was emphasized by Justice Harlan in 1959 when he wrote:

"As early as 1934 Congress amended the Code expressly to provide that no tax exemption should be given to organizations, otherwise qualifying, a substantial part of the activities of which 'is carrying on propaganda, or otherwise attempting to influence legislation,' and that deductibility should be denied to contributions by individuals to such organizations. And a year thereafter, when the Code was for the first time amended to permit corporations to deduct certain contributions not qualifying as 'ordinary and necessary' business expenses, an identical limitation was imposed. These limitations, carried over into the 1939 and 1954 Codes, made explicit the conclusion derived by Judge Learned Hand in 1930 that *'political agitation as such is outside the statute, however innocent the air . . . (Controversies of that sort must be conducted without public subvention; the Treasury* * * * are not being denied a tax deduction because they * * * constitutionally protected activities, *but are simply being required to pay for those activities out of their own pockets* * * * *as everyone else* * * * *similar activities is required to do under the provisions of the Internal Revenue Code.* Nondiscriminatory denial of deduction from gross income to sums expended to promote or defeat legislation is plainly not 'aimed at the suppression of dangerous ideas.' Rather, it appears to us to express a determination by Congress that since purchased publicity can influence the fate of legislation which will affect, directly or indirectly, *all in the community, everyone in the community should stand on the same footing as regards its purchase so far as the Treasury of the United States is concerned. Affirmed."* (* * * vs. The U.S. 79 S. Ct. 524).

In the same case, Justice Douglas, in a separate concurring opinion, made the point that the use of public funds to subsidize private views was not only unfair but dangerous. Wrote Douglas:

"Congress has not undertaken to penalize taxpayers for certain types of advocacy; it has rarely allowed some, not all, expenses as deductions. Deductions are a matter of grace, not of right. To hold that this item of expense must be allowed as a deduction would be to give impetus to the view favored in some quarters that First Amendment rights must be protected by tax exemptions. But that proposition savors of the notion that First Amendment rights are somehow not fully realized unless they are subsidized by the State. Such a notion runs counter to our Decisions and may indeed conflict with the *underlying premise that a complete hands-off policy on the part of government is at times the only course consistent with First Amendment rights.*

"With this addendum, I concur in the opinion of the Court."

A similar view on the dangers and inequity of governmental delegation of lobbying authority to private entities has been expressed by the eminent legal scholar, Professor Geoffrey Hazard of Yale, who wrote:

"The fact remains that in a constitutional regime partisan political activity is supposed to be a matter of private initiative. For such a regime to survive it has to stay pretty much that way in fact. However inconstantly the principle is fulfilled, it rests on a recognition that a government which creates agencies to formulate what shall be taken as the people's will is no longer a government by the people.

"The force of the point is suggested by asking what would be the consequences of generalizing the proposition that the poor should have lobbyists paid by the government: Should similar lobbyists * * * the political resources through which resource allocation is made? One comes uneasily to the conclusion that the idea simply does not have * * * attraction."

"The question boils down to the propriety of constituting a publicly funded agency to lobby for the special benefit of a limited sector of the general community . . . There is a serious, if simple, question of principle involved, namely, whether government predicated on equal participation of all members of the electorate is compatible with providing some of them with special political equipage at public expense."

In sum, the "inherent nature" of lobbying is such that where it is paid for from public funds, "Government direction or supervision" of those conducting the lobbying is required in order to "retain control of the function involved". To the degree that such lobbying is in itself legitimate, it should be conducted directly by some element of the executive branch (e.g. by an in-house unit in OEO) since the Chief Executive represents and is accountable to, not some "limited sector of the community", but all of the people. (See the report of the OEO Task Force on Advocacy).

It is now time to address the following question: In the light of the twofold criterion—the principle of neutrality and the principle of non-delegation—which of the activities conducted by the Legal Services Program's back-up centers can be judged to be improper? The principles once more, are as follows:

(1) The principle of neutrality or non-partisanship: The Government ought to subsidize by grant or by contract, or otherwise support, activities which are motivated by and which foster a particular religious, ideological, philosophical, social or political point of view.

(2) The principle of non-delegation (Potestas delegatus non potest delegari). The Government ought not, by grant contract or otherwise, to relinquish to private parties its responsibility for policy-setting (including discretion in the selection of a policy which favors activities of the sort described in (1) above).

In answer to the question, the most egregious example of an improper back-up center activity is the one so often referred to in legal services literature as "legislative advocacy", but which we have been calling, less elegantly "lobbying". Legislative advocacy or lobbying is violative of both principles. . . . Firstly, if the comments quoted earlier of Messrs. Harlan, Douglas and Hazard have merit, then it is plain that public funds are being used by the back-up centers to promote a "church" in the larger sense of the term. The controversiality of the advocacy activities of the Legal Services Program in general and the back-up centers in particular stems largely from the antipathy felt by the Program's critics for the social and political doctrines being promoted. The passions aroused are a sure sign we are in the realm of ideology. And the issue becomes a constitutional one when the question: "Why use taxpayers funds to support that awful ideology" is transformed to read: "Why use taxpayers money to support any ideology?".

Secondly, to the extent that the back-up centers, in drafting legislation and administrative regulations, have followed their own discretion uninhibited by specifications supplied by the funding agent, and to the extent that the centers have subsequently (still at government expense) promoted on their own initiative, acceptance of the proposals they drafted, the principle of non-delegation has clearly been violated. It seems beyond question that the range of choice available to back-up centers in determining whether to lobby, what to lobby, where to lobby and when to lobby is an instance of delegation of the power to "establish goals and priorities". If it is argued that backup centers, as legislative advocates, are not pursuing a goal they have set for themselves, but are merely implementing the law reform goal established for them by the Office of Legal Services, this only proves there has been an abdication rather than a usurpation of authority. If the law reform goal that has been established for them implies a grant of discretion in fixing their own advocacy goals and priorities, then the back-up centers have been "improperly invested with public authority", regardless of where the fault lies.

Are there any activities of back-up centers, other than legislative advocacy, which violate the neutrality doctrine and/or the non-delegation doctrine? Administrative advocacy, defined as intervention in the decision-making and rule-making activity of administrative agencies can, for the purposes of this discussion, be assimilated to either legislative advocacy or litigative advocacy, depending on the particular type of intervention. If the intervention consists in the drafting and promoting of new regulations, or in efforts to bring about changes in the application and interpretation of existing regulations, the intervention can be regarded as a species of legislative advocacy and is subject to the same objections made above against such advocacy. On the other hand, if intervention in the administrative process takes the form of amicus curiae briefs, or suits against administrative agencies, it can be regarded as a form of litigative advocacy. When the back-up centers involve themselves as formal parties in client-generated litigation where the principal counsel of record is an attorney assigned to a neighborhood law office, the back-up center's activity acquires the immunity of the attorney-client relationship and cannot be scored per se as a violation of the principle of neutrality or the principle of non-delegation. But the OLS guidelines which allow such intervention might be faulted for over-delegation. In any case, formal participation in litigation by back-up centers can be criticized on the grounds of redundancy and more importantly, on the grounds of incompatibility with the research mission of back-up centers. Non-client-centered litigation is even more questionable, since there is no statutory basis at all for any creature of OEO to engage, under its own name, in public interest litigation.

At this point, a proponent of the back-up center program might well ask how the above discussion brings us any nearer to an answer to the question posed at the beginning of the discussion: should the reorganized and consolidated back-up center(s) be located within OEO or should the program, reduced to the dimensions of the library or think tank model, be delegated once more to a grantee or contractor? In other words, assuming some or even most of the existing 14 centers are discontinued on grounds of efficiency and economy, why could not the remainder be simply prohibited from doing anything which would violate the non-delegation principle, restricting themselves to nonadvocacy activities (e.g. research, compilation and transmission of technical information etc.) in direct support of project lawyers only? The answer to this question is elaborated in the succeeding and final part of this paper.

PART III: RATIONALE FOR AN INHOUSE POVERTY LAW RESEARCH CENTER

1. An argument for doing away with the existing set-up rather than trying to reform it: The advocacy motif has been deeply ingrained in the present network. It is so much a part of the mind-set of the attorneys, non-attorney professionals and consultants who are carrying out the present program that many of them could be expected to resist, consciously or unconsciously, new policies and guidelines. Others would just quit, producing a period of understaffing and administrative chaos which would be costly to the government and demoralizing both to project attorneys and to those willing to cooperate at the local level in re-shaping the backup center program. To the extent that the present backup center staff proved to be uncooperative, investment by OEO in a monitoring effort would have to be stepped up, adding further to the costs. A number of refusal-to-refund actions could be anticipated which would probably stir up even more resentment throughout the network, and might lead to hearings which could complicate things further for the Agency. A total discontinuance based on a major policy shift would be seen by most as more equitable and less invidious than a selective phase-out of certain centers whether on punitive grounds or on grounds of economy and efficiency.

2. A second argument for doing away with the existing set-up, rather than trying to reform it: The first argument underlines the difficulties the Agency would face in its reform effort, even if it were to win the battle to establish its right to impose certain guidelines and restrictions. The present argument questions the ease with which that right could be established. Attempts to enforce adherence to the new restrictions would probably be challenged legally on grounds drawn from both the First Amendment and the ABA's Canons of Ethics. One may not agree that restrictions on a Federally-funded grantee's freedom of action in the field of advocacy are precluded by the Constitution or the lawyers' Code, nonetheless, as the history of Hatch Act enforcement illustrates, there is a gray area here which should be avoided if possible. Its bad enough to have to cope with the problem of the project attorneys' prerogatives. Why compound the problem by trying to "reform" the present backup center operation, backed up as so many of them are by the expertise of the law schools? Much of their grant funds would probably be used to prepare their case against OEO's new guidelines. And even if OEO should in the end prevail, the rebuttal effort would be costly and time consuming.

(NOTE.—The above two arguments are reasons for closing down the present backup center operation rather than trying to reform it. However, they are not as they stand and without further expansion, very strong arguments for relocating the back-up center program in-house, rather than redelegating it to entirely new grantees. Additionally, though the above two arguments would probably impress an outsider, a particular back-up center in the present network might reject them, saying in effect: "We'll limit our activities to research for the project attorneys. We'll follow your new guidelines and conform to the library model of a back-up center, etc. So why won't you refund us?")

3. An argument for going the in-house route: The kind of social science research and poverty law research conducted by back-up centers is inevitably advocacy-oriented, since the whole raison d'etre of the back-up centers is to serve project attorneys engaged in client-generated advocacy. Furthermore, non-client generated or public interest advocacy even of the legislative variety can almost always be tied into advocacy on behalf of some particular client, if there are pressures strong enough to push it in this direction. And it would be repugnant, even if it were possible, for an agency of the government to probe motives in cases of this sort in order to determine whether the lawyer was trying to advance his own personal ideology at government expense, or whether on the contrary he was putting the legitimate interests of his client in first place. To put it another way, the momentum of back-up center research, pointed as such research is toward advocacy conducted by private individuals (project attorneys) can easily even if unintentionally carry the research activity across the line which separates policy-execution, which can be delegated, from policy-setting, which cannot be delegated (the principle of non-delegation), especially when it is a question of choosing options in the area of public policy in general and social policy in particular (the principle of neutrality). This problem is present in some degree in all government funded research in the social sciences as opposed to the hard sciences, but it is extraordinarily acute where there is an immediate and necessary link to advocacy, as in the case of back-up center research.

If the above analysis is valid, the principle of non-delegation can be invoked to justify the establishment of an in-house poverty law research unit, to replace the existing grantee network. Our paraphrase of the OMB formula above seems to fit the present case. The formula reads:

"An executive agency ought, on the grounds of preserving accountability, to refrain from delegating to a private grantee or contractor responsibility for policy-setting (planning programs or establishihng goals and priorities). On the other hand, an executive agency ought, on the grounds of furthering private enterprise, to farm out wherever possible the execution of policy, so long as such delegation entails no serious risk of abdication by the Government or usurpation by the grantee or contractor in respect to any non-delegable functions.

In short, even were guidelines to be spelled out banning non-client-initiated advocacy, the "inherent nature" of advocacy-oriented legal and social research is such that there would always be a grave risk that the line between policy-setting and policy and policy-execution would be breached, entailing either a loss of control or an excessive and questionable watchdog effort by the funding agency to prevent this from happening. The history of the Legal Services Program confirms this. On the one hand there has been an enormous reluctance by OLS to provide clear restrictions. This abdication has been well-documented by such writers at Blumenthal. On the other hand, wherever there has been an attempt to impose restrictions, it has been met with bitter resistance and evasion, tantamount, if our position on the non-delegation doctrine is correct, to usurpation.

There are of course ways of cutting he risks, so that in the future some research projects could be farmed out to supplement the government's efforts. But this presupposes the existence of a strong in-house research capability in the poverty law area, something which has never existed in the past. The *entire* research function has been delegated, so it is little wonder that insufficient know-how was generated in-house to set up an effective system of control. Had a poverty law research center been set up within OEO from the beginning, a network of non-government centers to supplement the government's effort might well have been viable.

Another factor which complicated the problem of control was the exclusive use of grants rather than contracts to get the job done. The question of the similarities between grants and contracts, and of the appropriateness of one or the other for a given project is being much debated at the present time. According to an article by John Grossbaum, the government agency which has come closest to resolving the problem of when to use a grant and when to use a contract for a particular research project is HEW. According to HEW's basic selection criteria:

"The *contract* is an appropriate instrument when:

"1. The objective is the acquisition of a specified service or end-product for the Government; *or*

"2. In order to accomplish its mission, the awarding agency must exercise *considerable direction and control over the manner of performance* or timing of the work."

"On the other hand:

"The *grant* is the appropriate instrument for providing support to an activity of the applicant which is in furtherance of a statutory purpose of the awarding agency when:

"1. There is no expectation of a specific service or end-product to be furnished to the Government as a quid pro quo for Federal funds; or

"2. The awarding agency does not need to exercise considerable direction or control over the manner of the performance or the timing of the work, and therefore extensive freedom of approach in carrying out the purpose of the award is to be reserved to the recipient."

If the theses underlying the decision to revamp the overall Legal Services Program in general and the back-up centers in particular are valid, that is to say if the Government has no business subsidizing the non-client centered advocacy activities of a private entity and if advocacy-oriented *research* is therefore, if publicly funded, in need of "considerable direction and control"—then it would seem obvious that the contract and not the grant is the preferred instrument of agreement. In the years-long skirmishing over the advocacy activities of back-up centers, has any thought ever been given to putting the entire operation on a contract basis?

Secondly, there is the problem of the kinds of "research" needed to support project attorneys. There is on the one hand "basic research" which is innovative, which aims at the development of new knowledge while on the other hand there is "applied research" which aims at the practical application of an already existing body of knowledge. If the primacy of the law reform objective is eliminated in the Legal Services Program in favor of "quality individual services", then much of the need for basic research in the back-up centers disappears. It comes down to a question of which is the more appropriate model for a back-up center: the library model under which the back-up center would concentrate on the transmission of existing knowledge and expertise, or the think tank model (version A. See p. 6 above) under which the back-up centers primary emphasis would be on innovative research. A number of government agencies (e.g. DOD and NASA) apply the simple rule of thumb: award grants for basic research and contracts for applied research. Under this rule, if the library model for a back-up center were favored, the instrument of choice would be a contract whereas the think-tank model would justify the use of grants. There is no reason of course why a back-up center basically aligned on the library model could not devote some of its resources to basic research. In any case, the overriding consideration would appear to be the amount of direction and control needed. If conversion to the contractual method of delegation were to be adopted in lieu of establishing an in-house poverty law research unit, this in itself would justify the elimination of the entire present back-up center set-up, none of whose components, by the way, were selected on the basis of competitive bidding. If an in-house poverty law unit is set up, a policy should be developed in respect to grants vs. contracts to cover any future delegations of legal research projects.

4. Some supplementary arguments for transferring the backup center function to OEO:

(a) Back-up centers now have two functions: the "research" function and the advocacy function. Under the new policy, the advocacy function, to the degree that it is non-client initiated (as in the case of legislative advocacy) would be taken away from the back-up centers. The report of the recent OEO Task Force on Advocacy recommended that a unit be established within OEO headquarters to carry out the function of non-client initiated advocacy, defined so as to exclude certain forms of adversary advocacy, such as public interest litigation. But if such a unit were to be established, a poverty law research resource to support its advocacy would be needed. It would be awkward, to say the least, for OEO's advocacy unit to be dependent for its support on the present network of 15 national back-up centers. If the Task Force's recommendations were to be implemented, they would constitute an additional justification for locating the research unit in-house.

(b) The future shape of the Legal Services Program is uncertain. There is a possibility that the proposal for some form of corporation will be revived. If this happens, and a corporation should indeed be set up, the central problem with which this paper has been dealing, unaccountable advocacy, would be greatly magnified, *unless steps are taken now to wind down the back-up center program as it is presently constituted*. This is so because a back-up center network funded by a semi-autonomous corporation would be even further removed from Government surveillance and control than is the case at present. It therefore behooves the Agency to eliminate the present network and replace it with an integrated, well-defined unit which could, if and when a corporation is established, be located within the corporation at the national level. Provided the guidelines are right and precise and the board accountable to the President, the chances of the corporation's poverty law research unit violating the non-delegation doctrine or the neutrality doctrine would be minimal. There is, by the way, no suggestion here that the advocacy unit, if established within OEO, be a part of OLS or be transferred to any future legal services corporation.

DISARMAMENT AND THE ARMS RACE

Mr. HUMPHREY. Mr. President, the United Nations, recognizing both the problems and potential inherent in arms control agreements, has labeled the 1970's as a "Decade of Disarmament."

In this week's World magazine, William Epstein, former director of the U.N. Secretariat disarmament division, questions the commitment of the world to arms control in an article entitled, "The Disarmament Hoax." Mr. Epstein points out that despite far reaching agreements and treaties, the arms race continues unabated. The world spends more on military expenditures today than it ever has in the past. In 1959, $97 billion was expended for military purposes globally, and in 1971 the figure was $216 billion. Yet the nations of the world are no more secure and safe as a result.

I bring this article to the attention of my colleagues because I think it presents an accurate and reasoned picture of the current status of disarmament and efforts at arms control. If we are to make further progress in this vital field, we need to understand the issues raised by Mr. Epstein.

Of particular importance is his analysis of the SALT talks. While the agreements reached have considerable psychological and political significance, Mr. Epstein warns that SALT may only further the nuclear arms race, on a qualitative, instead of a quantitative level. Additionally, it is ironic to note that in spite of SALT we air proceeding with development of the B-1 bomber and the Trident submarine, at a cost of billions of dollars. Oddly enough, the more progress we make in limiting the spread of weapons, the more we are told by the Department of Defense that more weapon systems are needed.

Mr. President, for over two decades I have been calling for arms control as an effective means to channel much needed revenue into domestic concerns. I have done so out of the conviction that the building of more weapons of destruction does nothing to enhance our natonal security when both we and the Soviet Union have the capability of destroying the world 10 times over.

Mr. Epstein points out that—

> When the United States converts its Polaris missiles to Poseidons, its submarine force alone will be able to launch more than 5,000 Nuclear warheads against separate targets. There aren't nearly that many practicable targets in the entire world.

The rationale of this vast overkill capacity frankly is beyond the comprehension of the American public who must pay for those weapons. I plan to continue to press for a sane posture of military preparedness, and I will continue to advocate greater and more substantal international arms control agreements as a way to enhance national security.

Mr. President, I ask that the article by William Epstein be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Disarmament Hoax

(By William Epstein)

Arms control is to the arms race what birth control is to overpopulation: Neither initiative seems able to cope with the explosive build-up it is trying to slow down and bring to a halt. For some fifteen years after the Second World War, negotiations for nuclear and conventional disarmament got absolutely nowhere. In the last thirteen years, however, the world has seen seven multilateral disarmament treaties, including the partial-test-ban and nonproliferation treaties, as well as six bilateral treaties, including the SALT (Strategic Arms Limitation Talks) agreements, between the Soviet Union and the United States.

Never before in human history have we had so many arms-control and disarmament treaties. But paradoxically, never before in peacetime have our resources been devoted so lavishly to fueling an accelerating arms race. During this same treaty-studed thirteen-year period, military expenditures more than doubled—from a global figure of $97 billion in 1959 to $216 billion in 1971. From 1948 to 1963 military expenditures tripled at *constant* prices, and from 1959 to 1972 the real increase was more than 50 percent. A few more such arms-control agreements, and the world will go bankrupt!

This astonishing build-up continues at headlong speed. In 1960 there was only one nuclear submarine in the world, carrying sixteen Polaris missiles, and there were something less than 100 ICBMs. Today there are nearly 100 nuclear submarines carrying some 1400 sea-based missiles, and almost one-third of these carry Poseidon missiles. Each Poseidon missile is armed with ten nuclear warheads, called MIRVs (multiple independently targeted re-entry vehicles). There are also more than 2600 land-based intercontinental ballistic missiles (ICBMs). Under the SALT agreements the number of nuclear submarines can increase to sixty-two for the USSR and forty-four for the United States, without counting the four British and five projected French submarines. Some years ago it was estimated that the explosive power of nuclear weapons was the equivalent of some fifteen tons of TNT for every person in the world, or some sixty tons for every inhabitant of the NATO and Warsaw Pact countries.

The money devoted each year to military expenditures is more than the total income of all the people of Africa, South Asia, and the Far East. It is nearly three times what all the world's governments spend on health, nearly twice what they spend on education, and nearly thirty times what industrialized nations give in aid to developing countries.

Naturally, the nations like to talk up disarmament and play down the steady inflation of military budgets. American and Soviet arms-control authorities, for instance, have stressed the great progress made as a result of the pragmatic, step-by-step approach. They hail the treaties already achieved as representing important progress in themselves and as paving the way to further agreements. On the other hand, the Chinese consider almost all the arms-control agreements thus far arrived at as a "fraud" and a "hoax," intended to deceive the peoples of the world and to preserve the "nuclear monopoly and hegemony" of the two superpowers.

But even ideologically neutral observers are growing skeptical. Mr. Alva Myrdal, the Swedish minister in charge of disarmament affairs, describes the disarmament story as a "history of wilfully squandered opportunities." She says the two powers have used the negotiations to achieve a balance between themselves, and have not seriously tried to achieve disarmament. The result has been the "unrelenting militarization of our world."

Ambassador Alfonso Garcia-Robles of Mexico, another active "non-nuclear" protagonist of arms control and disarmament, has repeatedly deplored the superpowers' failure to achieve greater progress. He says that annual disarmament resolutions adopted by the United Nations are,

> irrespective of their tons of deep concern, justified alarm, or pressing urgency, . . . dispatched to the tomb of inertia, resignation, or oblivion in the UN. Conference of the Committee on Disarmament.

There you have it: Some observers point to the disarmament scene as a remarkable record of achievement in the light of the obstacles. Others see it as a sorry failure in light of the needs. Both are right. It is like describing a glass of water as one-quarter full or three-quarters empty.

But arms control is too vital a matter to be dismissed as a purely subjective problem. How can we arrive at a balanced, practical view of the problem? One approach would be to examine in some detail the three leading current initiatives: the SALT talks, the Geneva disarmament conference, and the proposed world disarmament conference. (In addition those, preliminary talks now being held in Helsinki and Vienna for a European security conference and for troop reductions in Central Europe deal with only partial aspects of the basic problem.)

Almost all countries, with the notable exception of China, welcomed the SALT agreements. But there may be less here than meets the eye. The ceilings established for both the defensive antiballistic missiles (ABMs) and the offensive submarine missiles are higher than the existing number, and for exceed any conceivable purpose for which they might be used. The SALT and ABM treaty limits anti-ballistic missiles to two sites in each country, with up to 100 ABM single missile launchers at each. If many hundreds or thousands of ABMS would not be able to prevent some missiles getting through to their target, then 200 are in fact a mockery. The U.S. Congress apparently agrees, since it decided not to vote money to build an ABM ring around Washington. As one possible effectiveness of the ABM's: "We can't even get the telephone system to work!"

The SALT interim agreement for the limitation of strategic offensive arms has come in for even greater criticism. This five-year agreement merely limits land-based ICBMs to the existing number (1054 for the United States and 1680 for the USSR). Sea-based missiles may number 710 for the United States in up to forty-four submarines, and 950 for the Soviet Union in up to sixty-two submarines. However, the agreement provides no curb on converting missiles to MIRV warheads, no limitation on the number of missile-carrying aircraft, and virtually no agreed qualitative limitations. For example, when the United States converts its Polaris missiles to Poseidons, its submarine force alone will be able to launch more than 5000 nuclear warheads against separate targets. There aren't nearly that many practicable targets in the entire world.

The fixing of higher numerical ceilings for both defensive and offensive strategic systems, and the almost total absence of any qualitative limitation on offensive missiles, has not gone down well with either American or foreign experts. The U.N. General Assembly adopted a resolution (not supported by the United States or USSR and their allies) appealing for further Soviet-American agreements on qualitative limitations, and on substantial reductions in offensive and defensive strategic systems. The assembly also invited the two governments, which had not thus far officially told the United Nations about their agreements, "to keep the General Assembly informed of the results of the negotiations."

The first SALT agreements may very well bring on a qualitative nuclear-arms race—that is, the further sophistication of these weapons as a result of technological and scientific improvements. After the SALT agreements, and despite the better climate they were supposed to produce, the United States decided to proceed with the building of third-generation Trident nuclear submarines at a cost of more than $1 billion each, and it has authorized further work on the B–1 bomber and on "cruise" missiles, which can be electronically guided to their targets.

These new nuclear-weapons systems are supposed to be "bargaining chips" in the negotiations with the Russians. But these chips may become permanent blocks or new links in the action-reaction chain. The military-scientific-industrial complex in the United States and its military-scientific-bureaucratic counterpart in the Soviet Union might use such bargaining chips as pretexts to hold on to their oversized stockpiles of weapons and build them up even more. The continuing sophistication of the nuclear arsenals of the two superpowers feeds what Robert McNamara and U Thant have called the "mad momentum" of the nuclear-arms race. The maintenance and further development of vast overkill capability is completely irrational. It is a sophisticated form of insanity. One hundred to two hundred submarine-launched missiles on each side would be more than sufficient to stabilize the nuclear deterrent.

Nevertheless, the SALT agreements do stabilize the deterrent (read "balance of mutual terror") between the two superpowers, at least for the present. They publicly register the two behemoths' agreement to maintain a rough nuclear parity rather than to seek superiority. Further, they acknowledge that neither side can knock out the other side's capability to inflict on it assured destruction or unacceptable damage. Thus each nation is hostage to the other. The importance of the SALT agreements is in their political and psychological significance rather than their military or arms-control value. They help to promote a spirit of détente between the two powers that is likely to spill over in its political effects to other countries and areas of international affairs. Unless advantage is taken of this breathing space, and SALT II begins to reduce strategic weapons and halt the qualitative technological arms race, then no real arms control, disarmament, or security will have been achieved. The stability of the deterrent may be upset and SALT I could turn out to be of no more use than a grain of salt.

On the other hand, Secretary-General Waldheim has called the Geneva disarmament conference "the most effective and productive organ for multilateral arms control." Formerly known as the Eighteen-Nation Disarmament Committee, or ENDC, it is now called the UN Conference of the Committee on Disarmament, or CCD. It consists of twenty-six members under the cochairmanship of the USSR and the United States. In addition to the two cochairmen, there are six allies of the Soviet Union and of the United States, although France, which is a member, does not participate. There are also twelve so-called nonaligned member states. Although the CCD was established in 1962 as the ENDC to work toward general and complete disarmament, it quickly abandoned these efforts and concentrated instead on partial or collateral measures. Negotiations on nuclear disarmament have in effect been shifted from the CCD to SALT. Only a comprehensive test ban—meaning an underground test ban by the United States and USSR—remains for negotiation in the CCD, without much prospect of an early solution. The only other area under active CCD negotiation is a comprehensive ban on chemical weapons—that is, for the destruction of stocks of these weapons and banning their production, development, and stockpiling, as was done with biological weapons. Many CCD members feel the conference is running out of ideas or is being supplanted by other bodies, and thus has lost its momentum in the field of arms control.

France has no desire to take the seat allotted to it and is unlikely to do so while the Soviet Union and the United States remain as the cochairmen and while China is not a member. For its part, China shows no interest in joining the CCD, which it regards as an instrument of American and Soviet domination. The two cochairmen and most of their allies seem prepared to reorganize the CCD if that would bring in the Chinese and the French. But as Ambassador George Ignatieff of Canada put it, "Let us not stop the bus until we are sure we have some passengers to pick up." Ambassador Mirceta Cvorovic of Yugoslavia responded, "Let us overhaul the bus to ensure that it will be good working order to take on more passengers." In any case it seems clear that while the CCD may continue for another session or two, its days are numbered, at least in its present form.

Most countries favor holding a world disarmament conference as a means of promoting faster progress in disarmament and bringing China and France into negotiations. The Soviet Union and non-aligned countries strongly support an early world conference. China, however, says such a conference would be useless and would only delude the peoples of the world—unless the nuclear powers promise not to be the first to use nuclear weapons and agree to liquidate all their foreign bases and withdraw their troops and nuclear weapons to their respective homelands. The Chinese position resembles that of the Soviet Union in the late Forties and Fifties, when it wanted to catch up with the United States, and adopted an "all or nothing" attitude. The United States also opposes a world conference and any preparations for one. The Americans prefer to work through SALT, the CCD, and other small negotiating bodies, and believe that a world conference attended by some 140 countries might be counterproductive.

Nevertheless, China voted for the U.N. resolution creating a special committee to examine feasibility of the conference. Although China declined membership, she promised to keep in touch with the committee. The resolution to set up the committee was adopted by 105 votes to 0, with only 1 abstention. Many countries were astounded and disheartened because the abstaining country was the United States. The U.S. delegation has indicated privately that it would not participate in the special committee, even though it knows it is isolated on this issue. Mrs. Myrdal summed up the attitude of many when she questioned whether the U.S. objections were "based on an unwillingness to reduce at all its extraordinary military power." She also asked whether China's reluctance was "based on a desire to gain time in order to arrive at a similar military-power status." There is a feeling around the United Nations that as soon as China has developed her own minimum nuclear deterrent, which could happen very soon, she will become far more active in the entire field of arms control and disarmament. It is doubtful whether the United States will then be willing or able to stand in not-so-splendid isolation. But with both China and the United States now unwilling to join in planning for a world disarmament conference, it is obvious that one is still some time away.

In all, it would seem that despite the agreements reached over the last thirteen years, we are falling behind in the "race to stop the arms race." Unfortunately, nations increase their armaments unilaterally and at a feverish pace, but they reduce them only by mutual agreement and at the speed of a moving glacier. Alice in Wonderland had to run fast to stay in the same place; the disarmers, who are running as fast as their governments will permit, are falling behind.

The world cannot live securely poised on the knife edge of a balance of nuclear terror. The precarious balance can be shattered in a moment by an unexpected political upset or by a technological breakthrough. It could also collapse if someone fires a nuclear missile by accident, miscalculation, or mad intent. If human survival is to be assured, it must be founded on something more rational and permanent than the so-called stability of deterrence.

In addition to posing the fearful threat of ultimate disaster, the arms race exacts an appalling toll in terms of human welfare in both the rich and the poor countries. If the world is to overcome the threat of the three *p*'s—poverty, population, and pollution—on both the national and international scale, it must rechannel the vast sums now wasted in the arms race to peaceful economic and social purposes. The United Nations, recognizing the link between the two, has proclaimed the 1970s both a Disarmament Decade and a Development Decade.

A new sense of uneasiness is now beginning to affect many of the small and medium powers. While they recognize the value of bilateral diplomacy and its achievements in 1972, they have deep-seated fears that there may be a trend toward bilateralism that could displace the carefully created multilateral structure of the world community. They recall that balance-of-power diplomacy has, in the past, succeeded for brief periods, but that it has always ended in disaster. It is more true today than in Woodrow Wilson's time that there is no true balance of power but only "an unstable equilibrium of competitive interests."

What then must we do? The first and most obvious step would be for the United States and the Soviet Union to agree on an underground test ban, thus living up to their commitment in the partial-test-ban treaty of 1963 to seek "to achieve the discontinuance of all test explosions of nuclear weapons for all time."

The United States has conducted more than 550 nuclear-weapons tests and the Soviet Union nearly 300. Roughly one-half of these have been exploded underground since 1963. The United Kingdom has conducted twenty-five nuclear tests, nearly all atmospheric, but stopped its testing program some years ago. France has carried out forty tests, almost all in the atmosphere, and intends to resume its testing program next summer. China has conducted thirteen atmospheric tests and says that it must continue to test in order to build up its nuclear defense against the aggressive superpowers.

The Soviet Union says that it is prepared to stop all tests on the basis of "national means of verification"—that is, no on-site inspection within its territory and no international control system. The United States insists that some on-site inspections are necessary to verify compliance with the test ban. Most scientists and experts simply don't believe this; they are convinced that recent improvements in long-range seismic means of detection and identification of underground tests, together with the amazing capabilities of surveillance by satellites, can provide all the assurance necessary to deter any attempts at clandestine testing. Time and again, Canada, Japan, and Sweden, all of which can "go nuclear" whenever they want to, have warned that the risks of continued testing far outweigh the risks from halting all tests. The U.N. secretary-general has said that all the technical and scientific aspects of the problem are so well known that only a political decision is necessary to stop the testing. He has called for a moratorium on further underground tests pending a permanent agreement. Unless the United States and the Soviet Union stop their underground tests, there is little likelihood that France and China can be persuaded to stop their atmospheric tests. From their point of view, why should they? But even if they continued testing after the United States and USSR stopped, they could hardly hope to catch up with the two superpowers for many years, if ever. There would be no need, and no sense, in their trying to.

If the United States and Russia ended their underground testing, they would at last be in a better moral position to urge countries such as India and Israel, which are also capable of going nuclear, to resist the temptation to do so. Many CCD countries have also expressed great concern that unless the nuclear powers stop their vertical proliferation (the further sophistication and deployment of nuclear weapons), there's little hope for preventing their horizontal proliferation (the spread of nuclear weapons to additional countries). Both the non-proliferation treaty and the partial test-ban treaty are thus in jeopardy. Both treaties contain withdrawal clauses providing simple procedures for unilateral renunciation by any party.

The non-nuclear powers appear to regard an underground test ban as a litmus-paper test of how seriously the two nuclear superpowers want to stop the nuclear-arms race. While such a halt would not by itself end the further technological improvement of nuclear weapons, it would be an important step in that direction. What is more important, it might help to convince the non-nuclear powers that the nuclear powers intended to live up to their legal commitment in the Nuclear Non-proliferation Treaty "to pursue negotiations in good faith on effective measures relating to cessation of the nuclear-arms race at an early date and to nuclear disarmament." An underground test ban is the single most important step toward halting the nuclear-arms race. It is the logical next step to the SALT I agreements; it would strengthen them and lend credibility and momentum to the SALT II negotiations.

The second important step would be for the two superpowers to curb their frantic efforts in the field of anti-submarine warfare (known as ASW). The United States is spending more than $2 billion a year on ASW, and this sum may be doubled by 1975. The Soviet Union is no doubt spending a comparable amount. At the moment the stability of the nuclear deterrent is based mainly on the invulnerability of nuclear submarines and their missiles. It is obvious that if either side were to make a significant breakthrough in ASW, this would immediately upset the balance and destabilize the deterrent in a far more serious way than any ABM system.

It is true that for now there seems no prospect of any real breakthrough in ASW. A successful ASW capability would require the detection of every enemy missile-carrying submarine in all the oceans; their positive identification (discriminating between enemy and friendly submarines, schools of fish, and other false targets); fixing their precise location; and finally launching a simultaneous attack that would destroy virtually the entire enemy force. Merely to detect all enemy submarines would require a tremendous oceanwide ASW system, using conventional means of surveillance together with both passive sonars (which pick up the sounds created by a submarine) and active sonars (which send out signals and analyze their echoes). Currently no nation can even begin to approach such a worldwide capability. Nevertheless the possibility always exists that the fertile brain of some not-so-mad scientist on either side might come up with some ingenious invention—even one only partially effective—that would frighten the other, which always seems to proceed on the "worst case" hypothesis about its adversary. This could set off a new cycle in the arms spiral, and thus ASW could become the ABM of the 1970s.

The time to prevent such a possibility is now. Just as nearly all arms-control agreements are for limitation or "non-armament," so too in ASW, prevention is much easier than cure. Had the two superpowers overcome their mistrust and inertia, and begun their SALT talks several years earlier, the world might have been saved from the hydra-headed monster called MIRV, and thus have avoided a new round in the nuclear-arms race, and the magnified difficulties of effectively coping with them. If measures are taken soon to limit and halt work on ASW, the world may be saved still another escalation of the nuclear-arms race and the fears of destablization of the deterrent. The awful alphabet and arithmetic of ASW and ABMs ought to be relegated to the world of science fiction before, rather than after, the damage is done.

The third measure, and perhaps the most important of all, is cutting down on massive military expenditures. As shown above, such expenditures tend to go on escalating despite the dozen-plus arms-control agreements. President Nixon has just proposed that the U.S. defense budget be increased from $76 billion to $81 billion. At the same time he has proposed that the budget of the U.S. Arms Control and Disarmament Agency be cut from $10 million to $7 million. We can attack the problem directly by calling not simply for a freeze for a substantial drop in military expenditures—in the first place by the five nuclear powers and the two Germanys, and eventually by all countries. It would not even be necessary to specify how or in what field military budgets should be cut; it would be enough to obtain commitments from the different countries to undertake such cuts, and to leave it to them to decide in what way and in what sectors they could best be carried out.

The Soviet Union has repeatedly called for reductions in military expenditures, the latest call coming from Brezhnev in his address to the Twenty-fourth Congress of the Soviet Communist party, in March 1971. At one time the Americans feared that there was no way of knowing whether the Soviet Union was actually carrying out the budgetary cuts. Ambassador Adrian Fisher, an American disarmament negotiator in the 1960's, pointed out with devastating effect that the entire published Soviet military budget consisted of sixteen words and the one sum: "To establish in the state budget of the Soviet Union for 1964 an allocation for national defense of 13,289,000,000 rubles." Nevertheless, in 1963–64 the United States and the USSR both carried out unilateral budget reductions by what Khrushchev called "the policy of mutual example." With the greater understanding and knowledge of each other's systems, and the new techniques of economic monitoring and satellite surveillance, many experts are now convinced that unilateral or agreed budgetary reductions could be satisfactorily verified. It is certainly worth a try. Since the piecemeal approach to arms control and disarmament has failed to slow down the arms race or to make any impact on military expenditures, and since general and complete disarmament seems a hopeless ideal for the present, only a budgetary approach now holds much promise of halting and turning down the spiral of the arms race.

The above three measures—an underground test ban, a cutback in anti-submarine warfare research, and a sharp reduction and social reallocation of military funds—are the most important ones. There are, of course, other measures the nations could try: a comprehensive ban on chemical weapons; more nuclear-free zones and regional disarmament; reducing both strategic and tactical nuclear weapons; the freezing and reduction of conventional armaments and armed forces; the withdrawal of troops from foreign bases (which is the aim of the force-reduction talks just begun in Europe); curbing the trade in arms; declaration of non-first use of nuclear weapons; elimination of napalm and other incendiary weapons; halting the development of new laser weapons, and many more. But none of these limited measures really get at the guts of the problem, and time may really be running out.

The three measures outlined above would represent major advances in stopping and reversing the arms race. Each of these measures could be taken within the next year and all of them within two or three years. But unless there is a great deal more public interest and pressure for them, it is highly doubtful that any one of them will be taken soon.

Unfortunately the public is too easily lulled and gulled. When people were shaken by fear of leukemia and bone cancer from the radioactive fallout from nuclear tests in the atmosphere, they compelled their governments to sign a partial test ban. Having achieved that, most of them promptly went to sleep and ignored the even greater perils posed by the escalating arms race.

With the Vietnam war now ended, with China now in its U.N. seat, and with the two Germanys expected to make their entry in 1973, new opportunities and problems become evident in arms control and disarmament, as they are in the entire field of international peace and security. But one looks in vain for either new ideas or any sense of urgency in either Washington, Moscow, Peking, or the other great capitals.

It seems as if only the smaller and middle-sized powers are exerting a major effort toward achieving disarmament. They do not always find it comfortable to keep pointing out that the emperors are wearing no clothes other than a superabundance of armaments. It is heavily armed "emperors" who must be persuaded that arms control and disarmament are in their interest.

PROBLEMS IN MEDICAL DEVICES

Mr. NELSON. Mr. President, it has come to our attention that a very serious problem has developed with regard to a particular heart pacemaker now in clinical use by some 30,000 Americans. A report on the pacemaker, prepared by the Health Research Group of Washington, D.C., and based on the manufacturer's own information, indicates two things: in 3 percent of the 30,000 pacemakers—involving some 900 patients—2 out of 5 batteries in each pacemaker may fail before the 24-month expected life span of the batteries; and, all 30,000 of the pacemakers may not warn patients of a problem in the event of battery failure.

This is not the first time in recent years that a problem has developed with heart pacemakers. The same company 2 weeks ago voluntarily recalled more than 300 external pacemakers for battery defects. In 1972, another company recalled voluntarily, 487 battery-powered pacemakers for possible defects.

These problems dramatically illustrate the need for legislation requiring Federal safety and efficacy standards for medical devices, and pre-market testing of devices prior to approval for their use.

Presently, there is no law requiring regulation of the estimated 12,000 medical devices now on the market.

A bill that I introduced on March 22, 1973, would give the Federal Government the authority to establish safety and efficacy standards and to require premarket clearance for medical devices, based on the finding that such standards and clearance are necessary to protect the public health and safety.

There have been many tragedies with drugs that were not properly tested before marketing. We have also seen that it is extremely difficult to pass drug legislation unless some major tragedy occurs that captures public attention. We should not wait for a major tragedy to force medical device legislation.

The Food and Drug Administration is now investigating the possible problems with this pacemaker, which the health research group brought to the Agency's attention.

Mr. President, I ask unanimous consent that the group's report and a newspaper article from the Washington Post be printed in the RECORD.

There being no objection, the report and article were ordered to be printed in the RECORD, as follows:

HEALTH RESEARCH GROUP REPORT ON DEFECTS IN MEDTRONIC CARDIAC PACEMAKERS, MARCH 29, 1973

More than 30,000 Americans have heart pace-making devices which could potentially, without warning, stop working and subject their owners to fainting, shock, or even death.

The devices in question are manufactured by Medtronic, Inc. the major U.S. producer of cardiac pacemakers.

There are two main components in a cardiac pacemaker. The pulse-generator is a battery powered unit several inches in diameter which is implanted under the skin. A "lead" connects the pulse-generator to the heart. In patients whose natural pulse generating and conducting system is defective (various forms of heart block) the device provides electrical stimulation to ensure that their heart will beat at an adequate rate. The doctor is told in a Medtronics manual that the pulse-generator unit should be replaced.

a. in 24 months *or*

b. if, upon measuring the patients' pulse, "the check shows a rate decrease of five pulses per minute or more" (indicating depletion of 2 or more of the 5 battery cells).

In April 1972, at a time when more than 40,000 of these pulse-generating devices were in clinical use (MODELS 5842, 5942, 5843, 5943 and 5910), Medtronics quietly announced in Volume III, issue 2 of "Medtronic News", (a company bulletin circulated to *some* physicians), that a defect existed in many pulse-generators with the above model numbers manufactured prior to April, 1972.

"The purpose of this report is to supply updated information and recommendation to those physicians . . . who use changes of the rate or the wave shape of the pacemaker pulse to determine the time at which a pulse generator needs replacement (i.e., "end of life") . . . manuals enclosed with several Medtronic devices manufactured prior to April 1972 indicated that a rate decrease of 5 or more pulses per minute would occur with the loss of two cells (batteries). It has become evident that in many of these pulse generators, *the decrease in rate will not occur as described or may be absent.*" (emphasis added).

The newsletter went on to say that "the statements describing the end of life characteristics in those manuals are, therefore, not applicable" and "we wish again to underline the importance of 'elective replacement' rather than waiting for an uncertain and, at best, small decrease in rate to indicate replacement . . ."

Since elective replacement is indicated only at 24 months, and since the signalling device to indicate impending "end-of-life" before 24 months doesn't work in many of the pre-April 1972 pulse-generators, if the power supply does not last 24 months, the patient has no way to protect himself from abrupt power failure.

The following information was obtained from the aforementioned April 1972 "Medtronic News", the next (Nov. 1972) issue of the same newsletter, and other information "supplied" by Medtronic.

In a group of 10,000 pacemakers in use for 15 months there were (as of April 1972) "only 4 premature end-of-life failures" *documented.*

Although "Medtronic News" tries to minimize these cases by saying *only* 4, the data were collected at 15 months, not 24, and, equally important the means of "documenting" cases is far from adequate. According to several cardiologists, when a patient with a pacemaker dies, the facts that

a. he/she is older (average age around 70) and

b. has heart disease.

usually dissuade physicians from seeking further explanation for death. Unless autopsy permission is granted, the pulse-generator cannot be examined to see if it is still working properly. Thus, for most people who die with pacemakers implanted, there is no data as to the possible role of power failure of the device in causing the death of the patient.

As of the April 1972 "Medtronic News" bulletin, extensive *in vitro* testing (not in the body but in solutions at body temperature) of the pulse-generators had been going on for only 21 months. Thus, well before adequate pre-market testing to determine safety (length of life) had been *completed,* massive human use had been initiated. Within six months after the *in vitro* "life tests" were begun, 10,000 humans were already using the device.

In the Nov. 1972 "Medtronic News", further data from *in vitro* life testing and a carefully followed clinical sample indicated that "97% of these pulse generators may be expected to reach 24 months without premature depletion of a cell in the battery."

Thus, 3% of the pacemakers *will not* reach 24 months without some loss of energy. 900 or more Americans may thus be living on borrowed time. They have no way of knowing if they have in their body one of the 3% of pacemakers which won't reach 24 months, nor, because the pulse decrease does not occur, will they know when the battery has failed until they become symptomatic.

The Medtronic *Pacemaker Patient Booklet* bespeaks the company's own lack of confidence in its products.

"In spite of the care employed in the design of circuitry, the selection of components, the manufacturing process, and the checking and testing prior to acceptance as a finished product, some implantable pulse-generators will fail in the *extremely hostile environment* (emphasis added) of the human body. Therefore, Medtronic, Inc. does not assume any liability for malfunction from any cause other than to the extent set forth in this Replacement Credit Agreement. Nor does Medtronic, Inc., warrant or guarantee the implantable pulse-generator for any specific length of time."

OTHER PROBLEMS WITH MEDTRONIC DEVICES

In the face of this serious hazard, why doesn't Medtronic recall these pacemakers and replace them *at their own cost* with models of post-April 1972 manufacture . . . in which this defect does not exist?

Part of the answer to this question may lie in a similar episode in the summer of 1970. At that time a "problem" arose with the power supply of Medtronic pulse-generators and the company recalled an estimated 1000 pacemakers at a cost of approximately $500,000. As a result of this, loss of confidence in the product ensued and the Medtronic "share" of the pacemaker market fell from 70% to 60%.

At present, they have recovered and currently possess about 67% of the market for implantable pacemakers which yields them about 40 million dollars in sales annually and has resulted in an average growth rate of about 50% per year for the past several years.

Little wonder they are trying to ride out this storm, hoping that they won't have to recall their defective products again. The marketing figure of a nuclear-powered Medtronic pacemaker, recently introduced and expected to be much in demand, would also suffer if a recall were to occcur.

Defective pacemakers are not by any means limited to Medtronic. In April, 1972, General

Electric voluntarily recalled 487 battery-powered units and bore *all* costs associated with this procedure.

ONE SOURCE OF PACEMAKER PROBLEMS

Following the General Electric pacemaker recall, Dr. Joseph Davis, an FDA Medical Devices official—who said he had learned of the problem from the newspapers—stated that "it isn't always possible to prevent an incident like this—but a 4% rate of products found to be defective (the GE incidence) is a high risk rate. As a physician, I think a 1% defect rate in medical devices is too high."

If a 1% defect rate was too high—so too is the 3% of Medtronic batteries which won't reach 24 months without loss of power or the unknown percentage ("many") of the aforementioned pulse-generators which don't have a properly functioning warning device (decreasing pulse rate).

One way to ensure the continued marketing of defective pacemakers and other medical devices is to keep delaying the enactment of medical device legislation. It is no accident that *in vitro* experiments—which, if completed *before* mass marketing, might have prevented implantation in tens of thousands of older citizens—were only brought to semi-completion *long after* millions of dollars worth had been sold. It is barbaric to allow humans to use these and other devices (and drugs) before adequate pre-market testing.

[From the Washington Post, Mar. 30, 1973]

Nader Group Asks Pacemaker Recall

(By Morton Mintz)

The government was urged yesterday to seek a recall of heart pacemakers implanted in more than 30,000 persons on the ground that some of the devices could fail without warning and cause fainting, shock or even death.

Ralph Nader's Health Research Group made the appeal to Caspar W. Weinberger, Secretary of Health, Education, and Welfare.

The devices in question, made by Medtronic, Inc., of Minneapolis, are models 5842, 5843, 5943 and 5910. Battery-powered, they stimulate the heart to beat at an adequate rate.

Company President Earl E. Bakken said his "primary concern" is that patients using Medtronic pacemakers—about 70 per cent of all in use—not be caused "unnecessary stress and concern by news accounts . . . They must be reassured."

Bakken said the report, based mainly on "materials we provided to physicians over the last year . . . can raise no new elements or risk . . ."

The Research Group, drawing almost entirely from Medtronic's own materials, gave this account:

A Medtronic manual advises doctors that the pulse-generator unit should be replaced either in 24 months, or if the patient's pulse rate slows "five pulses per minute or more."

In a bulletin last April, the company told some doctors that "the decrease in rate will not occur as described," making the device's "end of life" characteristics as described in the manual "not applicable."

The newsletter went on to "underline the importance of 'elective replacement' " without explaining what protection would be afforded a patient whose unit failed without warning before the time specified for "elective replacement"—24 months—came around.

Medtronic has acknowledged knowing of four "premature" failures within 15 months among 10,000 units, the Health Group said—adding that this is probably a large understatement because the possible role of a pacemaker failure would not be discovered in the deaths of many users.

Medtronic is quoted as saying in a November bulletin that careful testing indicated 97 per cent of the units may last 24 months without "premature depletion."

The Health Group interpreted this as an admission that 3 per cent of the 30,000 pacemakers in the study will lose some energy before 24 months, meaning that about 900 persons may be "living on borrowed time"—not knowing if they have a pacemaker that won't last 24 months, and unable to know, unless they develop symptoms, if the battery has failed.

In the letter to Weinberger, the Health Group's Dr. Sidney Wolfe said Medtronic should replace the questioned units at its own expense. The devices sell for $1,000 each. Medicare funds have bought $100 million worth—most of those sold.

EXTENSION OF HEALTH PROGRAMS

Mr. SYMINGTON. Mr. President, the Public Health Service Act Extension of 1973, now approved by the Senate, provides a 2-year extension of a number of Federal health programs, namely those which this administration plans to terminate by means of a budget strategy and without regard to congressional consideration. It is a matter of a great deal of interest to Missourians.

Many programs are involved. Among them are the community mental health centers program, the regional medical program, the Hill-Burton hospital program, the Public Health training program, comprehensive health planning, and allied health training.

The administration asserts that some of these programs are ineffective and others, although effective, can be continued through local funding. The Congress needs to evaluate these programs, and such an examination may show the need for revision or termination of some programs. This congressional review cannot be accomplished, however, overnight.

Many people in my State have written of their serious concerns over the unfortunate effects that will result from the announced intention of this administration to terminate such programs as community mental health centers and the regional medical health program.

In this connection, I sent to Roy L. Ash, Director of the Office of Management and Budget, a letter enclosing copies of telegrams received from Missourians wtih respect to the cutoff of staffing grants for community mental health centers. I ask unanimous consent that these telegrams, along with my covering letter and a reply I received from Frederic V. Malek, Deputy Director of OMB, be printed at this point in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Missouri Association for
Mental Health,
Jefferson City, Mo., February 14, 1973.
Senator Stuart Symington,
Capitol Hill, D.C.:

The Missouri Association for Mental Health has been advised that the regional office of the HEW in Kansas City received a directive yesterday from the President through the Office of Management and Budget that effective immediately no more staffing and children grants of the community mental health centers act can be reviewed for funding during the remainder of FY 73 budget. This directive will have disasterous effects on the CMHC movement in Missouri in that four centers which are in Southeast Jackson County North Kansas City, Kirksville, and Cape Girardeau are directly affected. These centers were to serve 30 counties and 600,000 people which is almost half the number currently being served in Missouri.

Another problem associated with this directive is that all four of these centers have been approved for construction and money has been expended in this area. Without these staffing grants, for which money had been appropriated, we might very well end up with building which cannot be used because without the staffing grants, which all the centers were advised would be available, no programs will be able to be redeveloped because of the seriousness of the action by the President. I urge you on behalf of the 15,000 member of MAMH to help us bring to the attention of the President and the public the disastrous effect which this directive will have on mental health services in Missouri. A copy of this telegram is going to all members of the Missouri congressional delegation and to Governor Bond.

Thank you.

Respectfully,

John E. Thiel,
President.

Missouri Division of Mental Health,
Jefferson City, Mo., February 14, 1973.
Hon. Stuart Symington,
Senate Office Building,
Capitol Hill, D.C.:

I have been advised by the regional office that Community Mental Health Center staffing applications and children's staffing applications will not be reviewed by the regional office or the advisory council to NIMH. At stake in Missouri are centers already approved for construction funds; without staffing funds they will be able to operate. In light of this policy, a decision to terminate construction will in most cases be made. The centers are: Southeastern Jackson County Community Mental Health Center, Lee's Summit; St. Francis Hospital Community Mental Health Center, Cape Girardeau; Thousand Hills Community Mental Health Center, Kirksville; Tri-County Community Mental Health Center, North Kansas City.

Further, a mental health center construction proposal to be developed by Cox Memorial Hospital, Springfield, will not be submitted because of the staffing grant situation. Effected by this policy are services to 30 counties and 617,000 people; an additional 158,000 people are involved if the Cox application is considered. Centers have been developed with the understanding that initial salary costs will be offset in part by a staffing grant. As such, there is a moral commitment on the part of the Federal Government to honor this understanding and to complete the Community Mental Health Center Program in such a way that constructed centers can become operational and fulfill the stated objectives. Over one-half million people are involved. We need your help.

Richard B. Cravens,
Director of Community Mental Health.

February 14, 1973.

Mr. Roy L. Ash,
Director, Office of Management and Budget,
Washington, D.C.

Dear Mr. Ash: Enclosed are copies of telegrams from Dr. Richard B. Cravens, Director of Community Mental Health, Missouri Division of Mental Health, and Mr. John E. Thiel, President of the Missouri Association for Mental Health, expressing their distress about the directive that applications for staffing grants for community mental health centers can no longer be processed.

We do share the concern set forth in these telegrams on behalf of the number of citizens of Missouri who have a need for the services supplied by the centers, and would hope this directive will be rescinded.

Will you please let us know when processing of these applications will resume.

Sincerely,

STUART SYMINGTON.

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., March 6, 1973.

Hon. STUART SYMINGTON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SYMINGTON: This is in response to your inquiry of February 14, 1973, regarding funding for community mental health centers.

The Department of Health, Education, and Welfare has stated that the workability of the community mental health center concept has been thoroughly demonstrated and that the current momentum should be adequate to maintain existing centers and stimulate the establishment of new centers. The program has matured and shown the value of reorienting the delivery of mental health services. States and local communities can now decide whether or not to establish and support new centers.

The President's 1974 budget requests sufficient funds to support Federal grants to existing community mental health centers for the duration of the approved grant periods. No "new" grants to community mental health centers are, however, contemplated.

Generally, the President's 1974 budget reflects a strategy of making available Federal support for benefits to all individuals as equitably and effectively as possible. This strategy emphasizes a reliance on financing programs—Medicaid, Medicare, and national health insurance—to provide people with the means to purchase services rather than selectively financing certain services through direct Federal grants to a limited number of communities.

I hope this information is helpful.

Sincerely,

FREDERIC V. MALEK,
Deputy Director.

Mr. SYMINGTON. Mr. President, as may be noted, the OMB reply does not respond to the valid question raised concerning the honoring of the commitment on the part of the Federal Government to assure that community mental health centers will be completed in such a way that constructed centers can become operational and fulfill the stated objectives. These telegrams suggest it would be wasteful as well for the Federal Government to simply walk away from the program.

With respect to legislation for both new and old programs, the Congress should obtain the evaluation of the experts in the medical and health fields, but the viewpoints of the citizens we represent on the needs in these areas are mighty important as well.

The significance of the legislation to extend the life of these programs for 1 year lies in the opportunity thereby afforded Congress to examine the various programs and to provide, as may be needed, an orderly means of transition for those which may need to be modified or curtailed. For the foregoing reasons, I voted for S. 1136 when the Senate approved it on March 27.

BARRIERS TO HEALTH CARE FOR OLDER AMERICANS: VIEWS OF THE AMERICAN ASSOCIATION OF RETIRED PERSONS-NATIONAL RETIRED TEACHERS ASSOCIATION

Mr. MUSKIE. Mr. President, the Subcommittee on Health of the Elderly, of which I am chairman, is conducting hearings on "barriers to health care for older Americans." The opening round of hearings in this series—held in Washington on March 5 and 6—gave the subcommittee vital information for our overall study. Witnesses outlined the key problems to be explored in greater detail at subsequent hearings in Washington and the field, or in special reports that might be issued in connection with the hearings.

These March hearings also had a more specific focus. We took testimony on the administration proposals to raise the cost of coinsurance and deductibles for medicare participants. This is an issue we will continue to examine in later hearings.

The American Association of Retired Persons-National Retired Teachers Association shared with me before the hearings their views on barriers to health care for older Americans and on the medicare cutbacks recommended by President Nixon. The cutbacks are, in the opinion of these associations, "ill-timed, based in myth, and harsh to older Americans." Their letter to me expresses the hope—and it is one which I share—that the President's proposal for more cost-sharing under medicare will be withdrawn.

The AARP–NRTA letter included these comments on deficiencies in our health care system:

> Attention must be paid to the inadequacies of the present health care system; inadequate funding, maldistribution of services, insufficient personnel, inappropriate delivery systems, inattention to preventive care are the real difficulties in providing older Americans with quality care.

Mr. President, I am pleased to have the very helpful comments and suggestions of these leading associations in the field of aging as our subcommittee goes forward in its study of "barriers to health care for older Americans." What they have told us is, I am sure, of great interest to my colleagues in the Senate, who share our concern about the pressing need to improve health care for the elderly.

I ask unanimous consent that the letter to me from Cyril F. Brickfield, legislative counsel, American Association of Retired Persons-National Retired Teachers Association, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN ASSOCIATION OF RETIRED PERSONS, NATIONAL RETIRED TEACHERS ASSOCIATION,
Washington, D.C., February 27, 1973.

Hon. EDMUND S. MUSKIE,
Chairman, Subcommittee on Health of the Elderly, Washington, D.C.

DEAR SENATOR MUSKIE: Our Associations, the American Association of Retired Persons and the National Retired Teachers Association, with a combined membership of over five million persons, appreciate this opportunity to express our concern about the Administration's proposals to increase coinsurance and deductibles under Medicare.

We are particularly concerned that the cost-sharing proposals recommended by the President would strike hardest at older Americans relying on limited retirement income from public and private sources. These Americans are those whose income, while small and fixed, is nonetheless too high to meet Medicaid requirements. For these individuals who are deemed ineligible for Medicaid assistance because they had the foresight and the opportunity to invest for their retirement, the burden of medical expenditures not covered by Medicare must be shouldered by themselves. It is for this reason that our Associations' basic position is that any health proposal must take into account the substantial out-of-pocket outlay that older people now must make at a time when their income is apt to be fixed or diminished and their health care requirement increased.

In light of the fact that Medicare in fiscal year 1971 covered only 42 per cent of the total health payment of the elderly, that per capita expenditures in fiscal year 1971 were $861 for persons 65 and older compared to $228 for those under 65, that in fiscal year 1971 out-of-pocket payments for people 65 and older were about the same as the total medical care expenditures of the average person under 65 and were more than double the younger person's out-of-pocket payment, it is alarming that the President would recommend increased personal expenditures by older Americans to meet their health needs.

The President's proposed Medicare changes which would force Medicare patients to pay for actual hospital room and board charges for the first day plus 10 per cent of all subsequent hospital room and board cost is a cruel punishment to older persons. We wonder how the President expects the average Social Security recipient receiving an average cash benefit of $164 a month to pay the average daily charge for a hospital bed of $105.30 and still provide for his other needs during the month.

Our Associations fear that increased out-of-pocket costs to the patients are more likely to result in the postponement of needed care—especially preventive care—which might forestall longer and more costly treatment at a later date.

Spokesmen for the President have stated that the proposed increase in out-of-pocket cost is needed to prevent over-utilization of hospital facilities and doctors' services. The justification points out that both doctors and patients will become more cost conscious and reduce over-utilization of the patient's out-of-pocket share of the cost is increased. There is no evidence to support this claim. In fact, a survey by Blue Cross Association and the National Association of Blue Shield Plans indicates that unless deductibles and coinsurance payments are large enough to constitute a serious economic hardship they have no significant effect on utilization. Furthermore, if out-of-pocket costs truly act as a deterrent to over-utilization, then patients who pay nothing for hospital care would spend more time in hospitals than patients who must make substantial out-of-pocket payments for hospital stays. Department of Health, Education and Welfare figures demonstrate, however, that patients belonging to health maintenance organizations, where hospitalization is provided free, actually spend less time in hospitals than do other patients.

We are pleased that a number of the members of your committee, yourself included, share our conviction that the President's proposal is ill-timed, based in myth and harsh to older Americans.

We appreciate this opportunity to bring our views before this committee, and to express our concern. We would hope that our protest and those of groups sharing our interest in legislation affecting older Americans will illuminate the false logic upon which the suggested cutbacks are based. Furthermore, we hope that these preliminary hearings will demonstrate the strong sentiment against these cost-sharing proposals so that the President would not have to suffer the embarrassment of defending an untenable position before a hostile Congress. In short, we are hopeful that you will communicate to the President our views that the suggested increase in coinsurance and deductibles under Medicare is unacceptable to the older public and should be withdrawn.

The recommendations of the President only make it more obvious that our Nation must now find a comprehensive solution to the problems of delivering and financing health care and must reform substantively the present health care system. Attention must be paid to the inadequacies of the present health care system; inadequate funding, maldistribution of services, insufficient personnel, inappropriate delivery systems, inattention to preventive care are the real difficulties in providing older Americans with quality care.

Our Associations are in agreement with the fundamental proposition reflected in virtually all major health care proposals before Congress: the medical care system requires substantial and comprehensive improvement of the benefits of medical care, the manner of delivery of medical services, the quality of medical services and care and the means of financing the system. It is shortsighted to tax the older recipient of health services for the failure of the Congress and the President to recognize and act on the health crisis in our Nation. Unfortunately, it is sad commentary that our Nation, the richest and most powerful in the world, must resort to burdening those most in need to pay for their health services.

We would hope that during the coming months, your committee can explore steps to make immediate improvements in Medicare. New directions must be initiated to improve the administration of the Medicare program, to expand its coverage, and to insure that older Americans are receiving quality care under these services. A renewed effort must be made toward merging parts A and B of Medicare so that the health needs of older persons are better met. Emphasis should be placed on expanding geriatrics and the study of gerontology to further the research in health care for older persons. An investigation should be initiated into the quality of services available under Medicaid, and facts should be gathered on the effect of the Title XIX Amendments authorized under P.L. 92-603.

These areas are but a few of the major health issues in which we share your interest. As you know, our Legislative Council which formulates our legislative policies will be meeting in the near future, March 19–March 22, here in Washington. Following this meeting, I shall be in further communication with you as to our goals for 1973, and ways in which we hope we can be of assistance to the Congress in achieving these goals.

Again, Senator Muskie, I want to thank you for your invitation to comment on the upcoming hearings of the Subcommittee on Health of the Elderly. Needless to say, I look forward to our continued close liaison and working friendship.

Sincerely,

CYRIL F. BRICKFIELD,
Legislative Counsel.

RECENT BUDGETARY REDUCTIONS IN SOCIAL SERVICES

Mr. INOUYE. Mr. President, the recent budgetary reductions in social services programs proposed by President Nixon well illustrates that this administration tends to think in abstract monetary balance-sheet terms, and not in terms of human needs and suffering. The original purpose of Federal programs is to assist and support those elements of our population that are in need and are not able to fully provide for or protect themselves.

In recent times two of the most deserving of these Federal programs operated in the areas of housing assistance for citizens with low incomes and support for the elderly. One need only to take a short drive through any major urban area or go into the poorer rural areas to reinforce the idea that the need for housing assistance is still very much there. And, with 25.6 million of our citizens at or below the official poverty line for nonrural families of four, it should be clear to all that poverty has not suddenly disappeared. When the Nixon administration chooses to try to drastically reduce or abolish the Federal programs associated with these crisis areas, it will be these citizens with low incomes, the old and the poorly housed, that suffer the most.

I wish to introduce into the RECORD a resolution that was passed by the Council of the County of Maui on March 16, 1973, which eloquently and directly addresses itself to the seriousness of the impact that these administration proposals would have in Maui.

Hawaii would be hit especially hard by such funding reductions due to the fact that Hawaii has one of the highest living and housing costs in the Nation. Thus, those Hawaiians needing housing or having low-level incomes must fight even harder to try to achieve certain minimum standards. I abhor these defunding proposals both for their immediate negative impact on the people of Hawaii, and for their implied principle that the Government of the United States no longer will be responsive to the needs of the people, regardless of income or status. I request unanimous consent that this resolution, with which I fully support and which so poignantly addresses the essence of these problems, be printed into the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION REQUESTING THE PRESIDENT OF THE UNITED STATES AND CONGRESS TO RESTORE FUNDS FOR CERTAIN SOCIAL SERVICE PROGRAMS

Whereas, the President of the United States has ordered reductions and deletions of federally funded programs designed to improve the general welfare of the socially and economically deprived citizens; and

Whereas, it is a proven fact that the federal funding provided has done much toward the development and improvement of the socially and economically deprived citizens; and

Whereas, such reductions and deletions include, but are not limited to, the following:

(a) The deletion of federal programs 235 and 236 will result in the denial of housing for the low income citizens. Due to the funding of Section 235 and 236 programs, the County of Maui has provided 194 fee simple homes and 112 rental units for the economically deprived citizens;

(b) The reduction of funding to Maui Economic Opportunity, Inc. will affect 2,400 low income citizens. These economically deprived citizens have been receiving services by way of general community programs and consumer education programs. Noontime meals have been provided for approximately seventy elderly citizens over the age of 60, and transportation for approximately 1500 low income citizens. Due to the lack of federal funds the Haiku Neighborhood Service Center, the Haua Neighborhood Center, the Makawao Neighborhood Service Center and the Puunene Neighborhood Service Center will be closed down. Such denial of federal funds would drastically affect the living standards and social orientation of families who have relied on such aid over the past years;

(c) The drastic reduction of funds to the social services programs of the State of Hawaii will in turn affect the welfare programs in the County of Maui. It is a known fact that the State of Hawaii has ordered a cut in the amount of welfare subsidies to the low income families. This, in effect, would deny the economically deprived citizens on Maui needed income for survival;

(d) The elimination of federal funding to libraries, vocational educational training of personnel, new careers in education, training institutes and summer fellowships, P.L. 815 school construction, programs for strengthening state departments of education, drug abuse education, environmental education, and vocational rehabilitation services; and

Whereas, federal cutbacks will have drastic psychological, social and economical effects on the deprived citizens of the County of Maui; now, therefore,

Be it resolved by the Council of the County of Maui that it does hereby respectfully request the President of the United States and Congress to re-evaluate the funding for social programs and restore monies proposed to be deleted; and

Be it further resolved that certified copies of this resolution be transmitted to the President of the United States, President of the Senate, Speaker of the House, Hawaii's Congressional delegation, Governor of the State of Hawaii, and Mayors and Councils of the counties of the State of Hawaii.

HUMAN AND SOCIAL PROBLEMS CONFRONTING AMERICA

Mr. ABOUREZK. Mr. President, the identity of the human and social problems which confront America are well known to the Members of Congress and the American public. Mr. William E. "Bill" Ryan has written an editorial, which appeared in the January 1973 issue of "This Issue," which is a thoughtful, eloquent, and provocative appraisal of the problems which confront America and the responses of the current administration to the problems. As a serious consideration of the editorial would be of benefit to all who are concerned about the future of America. I ask unanimous consent that the editorial be printed in the CONGRESSIONAL RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THIS ISSUE

On Saturday, January 27th, agreements on ending the fighting in Vietnam and calling for the withdrawal of all U.S. forces were signed in two sessions held in the ballroom of an old hotel near the Arch of Triumph in Paris. The signing took approximately eighteen minutes and was finished off with a champagne toast. The second session supposedly brought an "official" end to diplomatic efforts for peace in Vietnam, and the war was over.

On Sunday, January 28th, President Nixon told the nation in a speech made on radio that he, in effect, had also ended the "war on poverty", that the Office of Economic Opportunity would, as of June 30th, become extinct. There would also be substantial cuts in the budget of the Department of Health, Education and Welfare. Social service and social action programs from the era of the "great society" are "taking it in the shorts". Witness the Administration's decision to place an eighteen month moratorium on all subsidized housing programs, but one. Consider the renewed series of beatings suffered by the American farmer via federal policy. And in the background, rural America gets ripped off again; the Department of Interior announces to increase wholesale power rates for farm power: in dollars and cents, this means South Dakotans will be forced to pay an additional $590,000 in power costs next year. The list of overt abuses goes on and on. But remember, we are all saving tax dollars, or at least that is what we are told. Meanwhile, Mr. Nixon is speeding up work on a "laser bomb" that will be "more powerful than the hydrogen bomb." This year we will spend at least twenty-two million dollars ($22,000,000) on that bomb—next year, we will spend an additional thirty-four million dollars ($34,000,000) on that same bomb. Think of that the next time you balance your checkbook. And meanwhile, millions of Americans are suffering from hunger and malnutrition, unemployment, dilapidated housing, inferior education and limited educational opportunity, poor health complicated by an inadequate supply of medical facilities and personnel, and an abundance of high-cost medicine and medical services, a lack of job opportunities, rising crime rates, and ever-spiralling inflation.

"But at least the war is over," you say. Well, that is a rather grey area. Yesterday, January 30th, the newspapers offered some interesting headlines; on the front page of the Pierre Daily Capitol Journal, a head read, "Last U.S. Fighter Bomber Group Begins Pullout". On the very same page, immediately above aforementioned head, ran this larger article, "U.S. Bombers Continue Laos, Cambodia Raids". You interpret that.

Sadly, in dollars, the cost of the Vietnam War to date is well over sixty-five billion dollars (that figure looks like this: $65,000,000,000—and that, friends, came from tax dollars); in lives, it is 1,100,000 dead (over 45,000 American lives), and this figure excludes "civilians"; in human misery and sickness of soul—it is incalculable. Put alongside that price the fact that after ten years "the enemy" commands most of the countryside in the South, moves its troops and weapons back and forth with relative ease, and keeps its economy functioning in the North, bombing or no bombing. The war in Indo-China is over, and the bombing stops in one of three countries.

Thank God that a formal peace arrangement has been made in Vietnam and that our prisoners of war and forces (most of them at least) are coming home. But what of the bombing? What of the war that is being waged on the poor, on rural America, on education? Still we are sold secondhand, secondterm promises. If Mr. Nixon truly is a "man of the people", let him respond to the needs of all American people—not just to the attentions of the rich, the giant corporations, and conglomerates. The problem of poverty is not solved when Mr. Nixon decides to abolish it. The problems of poverty and credibility are not solved with schizophrenic pledges from Administration mouths. The President speaks out as an advocate for the elderly—even specifically requested (via Title VII of the Older Americans Act) $100,000,000 for programs to feed the elderly—but pocket-vetoed the bill. The Administration speaks out against crime yet participates in the "Watergate" affair; it cuts the welfare budget, then closes down successful social service programs, placing over one-hundred thousand people out of work, and unemployment continues to rise; Mr. Nixon promises relief from the drug epidemic and slices away at funds that would have provided more drug education; welfare for the poor is attacked vehemently while welfare for the rich and big business is encouraged. There seem to be a pattern here; in each case the low and middle income person suffers, and the situation is getting worse.

In theory, being a democracy means that the final decision for all things affecting our lives is in the hands of the people. We cannot forget that our representatives (and this includes Mr. Nixon) are elected by our votes—but just as importantly, it is the duty of an informed, concerned electorate to continue to communicate with those it elected. Our freedoms cannot and must not be jeopardized by a one-man show. Our Congress recently was referred to as an "advisory council" to the President. This can only be true if you allow it—speak out, keep your representatives aware of how you feel, keep them aware of your problems and your community's problems.

If the war is truly over, let us first concentrate on rebuilding America: disadvantaged America, uneducated America, poor America, hungry America, rural America, urban America. The need now is to awaken the interest and consciences of all Americans and draw them into the "real" issues and problems that confront this country so we all might claim a fair share in a great joint work.

WILLIAM E. RYAN.

SELF-DETERMINATION FOR THE DISTRICT OF COLUMBIA

Mr. NELSON. Mr. President, the Government Operations Subcommittee of the House District Committee today began hearings on local self-government for the District of Columbia. Senate hearings will begin very shortly.

I ask unanimous consent to have printed in the RECORD the testimony presented in the House today by the Metropolitan Coalition of Self-Determination for D.C. It is a detailed and thoughtful statement of their position regarding the issue of home rule.

Self-Determination for D.C. is a coalition of 51 national and 60 Metropolitan District of Columbia organizations working for full congressional voting representation and local self-government for residents of the District.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TESTIMONY BEFORE THE GOVERNMENT OPERATIONS SUBCOMMITTEE OF THE HOUSE DISTRICT COMMITTEE, TUESDAY, APRIL 3, 1973

(Statement of Sterling Tucker)

Mr. Chairman and members of the Committee on the District of Columbia:

I am Sterling Tucker, Chairman of the Metropolitan Coalition for Self-Determination for the District of Columbia. We appreciate the opportunity to appear before you today on the issue of local self-government for the District of Columbia.

The Metropolitan Coalition, as its name indicates, is the local component of the National Coalition for Self-Determination for D.C., which is scheduled to testify later on in the agenda of these hearings.

Our local organization, which was formed on October 13, 1971, is comprised of a rapidly growing number, now approximately sixty, of business, professional, labor, political, religious and civic groups in the Greater Washington area, each of which is firmly committed to the principle of self-determination for the District of Columbia and to the cause of self-government and national representation for its citizens.

Our area-wide drive for D.C. self-determination is being greatly aided and stimulated by the joinder in such effort of the Washington Home Rule Committee, which organization brings to us a large individual membership, and a quarter-century of expertise and dedication to total suffrage for the residents of our Nation's Capital. Our Vice-Chairman, Mrs. Marshall Hornblower, has long been identified with the work of the Home Rule Committee, as its Legislative Chairman and in other official capacities, and her involvement evidences the identity of goals and unity of efforts of our two organizations.

Since its formation, the Metropolitan Coalition has been actively seeking a broad consensus of citizen opinion regarding the question of full suffrage for the people of Washington. Although we are a Coalition of organizations, representing a broadbase of this community, I want to make it clear that we do not appear before you today assuming to speak for the citizens of the District of Columbia. Delegate Fauntroy is the only person who can presume to speak to you with that authority. Although much of my testimony today repeats testimony we have given in the past, we attempt to be responsive to the detailed questions which you have posed. We welcome this opportunity to clarify issues.

Unfortunately, the District does not have a vehicle for gathering elected representatives of all the people to determine answers to your questions. That is what our visit here today is all about. It would not be fair to imply that we have inventoried all citizens of the District and then developed these recommendations.

Rather, we did involve representatives of the organizations in the Coalition and as many local "experts" as we could identify within the framework of the time we received your questions and prepared our testimony. Our efforts involved many community leaders, professionals, and persons who have worked within the District Government. These people have roots in the community.

In order to give you the benefit of the work of our task forces which we organized to study and answer your questions, we have organized our presentation along several topic areas. First, I will respond concerning the "Federal Interest." Next, Delano Lewis will discuss Government form and organization—legislative and executive. Third, Sturgis Warner will review the electoral and judicial functions. Jim Devall will handle the fiscal affairs area and Ken Kennedy will offer concluding remarks. Other resource people will be available to help respond to specific questions.

We would like to offer for the record three research papers prepared by Jason Newman, our legal counsel and Chairman of our Legal Research Committee. These papers describe congressional proposals for self-determination over the past twenty-five years, a review of historical forms of government in the District of Columbia and an analysis of Nelsen Commission recommendations that relate to self-determination.

We submit that a full delegation of legislative, executive, fiscal and budget authority to an elected city government is consistent with the intention of the Founding Fathers who drafted the United States Constitution. We note, for instance, the comments of

James Madison in Federalist Paper Number 43 which supports the logic and validity of an elected local government for the Nation's capital. Congress has recognized this intention many times in the past by granting various forms of elected self-government for the District of Columbia.

On behalf of our constituency, and of all the disenfranchised residents of our Nation's "last colony," we come before the District Committee today to urge your receptive consideration and legislative assistance to restore to us this basic American right of self-government, of which we were deprived almost one hundred years ago.

It is a basic principle of democracy that government officials should be elected rather than appointed, and therefore answerable to the electorate, rather than to the appointing authority. Yet, in the District of Columbia, where democracy should be most evident and at its very strongest, it is conspicuously absent.

If our Federal Government does not believe that it can function democratically at its own seat, then how can it expect to convince the rest of the world that democracy is good for anybody, or can work anywhere?

In the eyes of many people throughout the world, the Federal Government's attitude toward the District of Columbia appears, as suggested by an observing foreign student., like an automobile salesman who drives one make of car, but sells another—a salesman who doesn't have enough confidence in his own product to use it himself.

There are no legal, moral or philosophical grounds for the denial of self-government to the residents of Washington. We live and pay taxes here. We raise and educate our children here. We are citizens of the Country, we are citizens of this City. We are not transients; we are not squatters; this is our home, and we plan to remain here. We do not have one foot here and the other foot elsewhere.

We want only what residents of other cities of this Country have—a right to elect those who govern us; control over our budget and revenues; and participation in the decisions which affect our lives daily. We are not mythological; we are here, and we are entitled to be treated as though we are!

Legal, moral and philosophical arguments aside, there are compelling practical benefits which would accrue to the District from self-government.

It would start a political process—a people becoming involved in a systematic approach to problems and progress.

It would put an end to the isolation of people from their government—both local and national.

It would provide opportunities for dealership development, and create a body of legitimate and authentic leaders, responsive to the people, yet responsible to their government.

This is why the Metropolitan Coalition, and the broad-based, bipartisan group of organizations and individuals which we represent, feel that the citizens of the District are entitled to and should enjoy the full measure of democracy, and the same privileges of citizenship as all other Americans, and that there exists no justification of the second-class citizenship status to which Washingtonians have been relegated.

One practical benefit of an elected local government with full power to act is that the "buck" cannot be passed to the Congress. As you know so well, city residents with problems seek out the District Committee at least as often as they seek out the Mayor and City Council. As long as the city government does not have real authority, people with problems and grievances will continue to sit in your outer offices hoping for five minutes time with someone who holds real power.

The absence of real power in local government breed apathy and a lack of concern on the local level. Local initiatives are not taken when most citizens and officials have the impression that the nebulous "they" on Capitol Hill really run the daily affairs of the city government. This atmosphere is unhealthy and leads to avoidance of decision-making as well as fiscal irresponsibility.

We submit to you that it is in the interest of the Congress and of the citizens of the United States for an elected local government with full authority to exist in the District of Columbia. We need a strong vehicle to improve the quality of life in the Nation's Capital, for residents and visitors, as we near the 200th anniversay of the independence of this Nation.

We appreciate the opportunity to appear before you today and we hold high hopes that you will deliver a self-determination bill to the floor of the House in just a few months. We will be pleased to supply further information you request as your review progresses.

Before introducing our task force chairmen, I would like to offer some comments on the issue of the Federal Interest.

FEDERAL INTEREST QUESTION

The Subcommittee asked: "What is the 'federal interest' and how is it defined?"

The "federal interest"—as regards the District of Columbia—would be best served, we believe, by adopting legislation delegating the full powers of state and local government to a locally-elected District government. This would serve the "federal interest" from several points of view—moral, political and practical.

It is in the "federal interest" to provide for "consent of the governed" in the Capital City of the United States. This is the form of government we advocate throughout the world but do not practice in our backyard.

It is clearly in the "federal interest" to free Congress from the burdens of dealing with the District's purely local affairs.

Finally, a locally-elected government, operating on a full-time basis, accountable to the people of the District, would provide a more practical and efficient form of District government. And certainly, good government in the District is in the "federal interest."

In all cases, the "federal interest" as Congress chooses to define it, is protected by the U.S. Constitution, which grants Congress exclusive jurisdiction over the District of Columbia.

We would resent, and I'm sure the Subcommittee did not mean to imply, any suggestion that there is a dichotomy between "federal interest" and "local interest." We would be unhappy to be placed in an adversary position in this regard. We hold an adversary position only with respect to our current colonial status,—in that area we have strong views.

In a very broad sense, the "federal interest" and the "local interest" are in harmony.

The Federal Government is a major employer of the citizens of the District. The well-being and proper functioning of the Federal Government is clearly in the "local interest."

The residents of the District are proud of our Capital City. The monuments, Capitol Building, White House and Smithsonian Museum are a vital part of our city. The L'Enfant plan is a local resource. It would be very incorrect to assume that the beauty of the Mall is within the "federal interest" but not the "local interest." We D.C. residents have a strong interest in protecting the beauty of the city.

The question of local self-government for the District of Columbia requires a definition of the "federal function" in the District, not the "federal interest." The question should be: "What is the federal function—or—to which agency, council, etc. should Congress delegate various functions over which it maintains constitutional responsibility? Which functions are best delegated to a local government? Which should be directly under the control of a Congressional committee or Federal Agency."

We believe that the Federal Government has special responsibilities within the corporate limits of the District of Columbia. We conceive of the federal function as threefold:

1. The Federal Government's responsibility for the well-being of the diplomatic community residing and working in the District of Columbia;
2. The Federal Government's responsibility for the establishment, care and maintenance of federally-owned buildings, lands and monuments;
3. The Federal Government's responsibility to maintain the harmonious and uninterrupted physical operation of the three branches of government and to insure that the Constitutional rights of all the people of the United States (right of assembly, right of petition, etc.) are guaranteed within the District of Columbia.

We propose that these areas of federal function be delegated to appropriate Congressional or Executive agencies with the Federal Government maintaining exclusive jurisdiction and immediate control over the administration of these functions.

All other functions involving the District of Columbia should be delegated to a locally-elected government.

Although we did consider the fact that occasional functional overlaps and differences of opinion would arise, we believe that the authorities administering the federal function and those administering the local function would work in harmony on the vast majority of occasions.

It has been suggested, for example, that the architectural consistency and visual appearance of the Mall could be affected by a Zoning Commission decision authorizing the construction of a high-rise office building adjacent to federal land. However, the architectural consistency and visual appearance of the Mall is in the "local interest" and we believe that a locally-elected government would act in good faith on such matters, responsibly watching out for these "federal-local" interests.

In any event, the Congress has ultimate authority to act if it feels the actions of the District Government are in conflict with the federal funcion. This power provided by the U. S. Constitution would not be removed through legislation providing for local self-government.

If this Subcommittee determines that a mechanism should be created for arbitration of conflicts between the federal and local functions, we would like to testify at that time with respect to our recommendations in this subject. We did consider several specific proposals in this regard, but we feel that they are not necessary to protect the "federal function," just as they aren't necessary in the fifty states where the Federal Government has an interest in terms of federally-owned lands and buildings, diplomatic offices and regional operations of the Federal Government.

SELF-DETERMINATION FOR THE DISTRICT OF COLUMBIA

(Testimony of Delano E. Lewis)

I am Delano E. Lewis, General Public Affairs Manager of the Chesapeake and Potomac Telephone Company and the chairman of the Political Committee of Self-Determination for D. C. My portion of the testimony will address itself to the specific questions regarding the form and organization of the local government and the questions of executive and legislative function.

GOVERNMENT FORM

We propose a Mayor-Council form of government. This is a natural outgrowth of our recent experience and has proven use in many large cities. However, we would recommend, in place of our current nine-member Council, a District Assembly of 13 members. The larger Assembly would be required to meet the increased workload and responsibilities this body would have. The District of Columbia should have only one level of government, in our judgment. As a polity, D. C. is comparable to a "city-state," unique in the United States.

We would like to see what is often referred to as the "strong-Mayor" form of Mayor-Council government in order to assure an ability to act and be responsive on the part of the local government to both the people and the needs of the National Government. The "strong-Mayor" form is basically what we have today in the District, and has been defined by one writer as follows:

"Where the mayor's authority exceeds that of the council, what is called the "strong-Mayor" form of government exists. One cannot distinguish sharply between systems having a "weak" and a "strong" mayor, but in a general way the strong-mayor form resembles the national government. The mayor shares with the Council responsibility for policy-making, but he alone has administrative responsibility. He appoints department heads without approval of the council, makes up the budget, and usually his veto can be overridden only by a two-thirds vote of the council. He is the dominant force in the city government; the council must follow his lead." (Banfield & Wilson, *City Politics*, p. 80 (Vintage, 1966)

We would define a strong-mayor form of government as one in which the residual powers as well as certain explicit powers rest with the Mayor, while the Assembly has only the authority set forth in the enabling legislation.

EXECUTIVE FUNCTION

The District Mayor will function in a political environment different from that of any other local government executive. This is due to the District's relationship to the Congress and surrounding states and counties. The Mayor's powers should be a combination of the powers of Mayor, County Executive and Governor, as is the case today with the present Mayor-Commissioner. Surrounded by the States of Virginia and Maryland, the District does and will work jointly with these states and their counties on a host of matters, such as sanitation, water supply and pollution, to mention a few. Thus, the Mayor of the District of Columbia will need the authority to enter into functional agreements with surrounding county, state and regional bodies, as is the case today.

The Mayor should be elected. We recommend that he serve a four-year term and that the Mayor be elected in a partisan election.

We recommend that the Mayor have the authority to make certain appointments without confirmation by the Assembly. These would include a Deputy Mayor, department heads, Fire Department Chief, Police Chief, Auditor and the boards of all present local agencies with some exceptions. As a balance of power, we would recommend that certain other appointments be made by the Mayor with the approval of the Assembly. For example, the Public Service Commission, the Board of the Regional Land Agency in the District of Columbia and such other appointments formerly made by the President of the United States, should be approved by the Assembly.

LEGISLATIVE FUNCTION

We recommend the creation of a District Assembly with members elected on a partisan basis, both from wards and at-large. It is envisioned that at-large assemblymen would achieve greater independence from a narrow constituency and could take a broader and more objective view of the city's problems. Moreover, by becoming known city-wide they are afforded an opportunity to assume a city leadership role. On the other hand, there is a greater incentive for ward-elected assemblymen to be responsive to, and serve, the needs and wishes of their constituencies. Also, at-large races tend to be relatively expensive. Therefore, we suggest the Assembly be comprised of eight assembymen elected from eight Districts or wards and five at-large members.

Assemblymen should serve staggered terms of four years, expiring on even-numbered years. We propose that the Assembly elect its Chairman from among the at-large members and the Vice-chairman from among its 13 members every two years, following the elections of the members.

We strongly recommend that the Congress delegate to the District Assembly full legislative power over local affairs. If this new government is to work at all, if it is to relieve the Congress of the necessity for legislating on purely local matters, and if it is to be capable of governing the city efficiently and responsibly, then it must have the range of powers normally vested in state and local governments.

This Subcommittee has asked us to respond to the question of whether or not a distinction can be made between "laws normally enacted by municipalities and those normally enacted by states?" It is our view that this is both a practical impossibility and unwise from the standpoint of reasonable and responsible government. At the present time, the city government performs many state functions and has commensurate state legislative authority to act in certain areas. The city is also the "state agency" for purposes of all federal programs and as such adopts state plans in such areas as mental health, welfare and highway safety.

The even more compelling reason for not making such a distinction between state and local functions is one of simple logic and history. Just as Congress stepped into the field of interstate commerce to assure uniformity of law within a geographically related area, states serve the function of providing uniformity over a geographic area in such fields as commerce, transportation, higher education and so forth. States, of necessity, legislate where conflicting local laws would be detrimental to the public interest. There is no such danger here. There is only one geographic unit and the need for only one political unit. The District Assembly will be at once both city and state.

For similar reasons, we did not recommend a bicameral legislature, which is created when there are competing interests and areas to be represented. In an area as small and compact as the District, all interests can be represented within the Assembly. We would provide this Assembly, by the way, with the power to alter its size through referendum.

The new legislative powers which the Assembly would assume are in large part proposed in the recommendations of the Nelsen Commission report. The legislation should explicitly grant the Assembly the right to set new taxes and alter existing tax rates and the authorization to participate in all federal grant programs in a manner analogous to other state and local jurisdictions. Of course, any act of the Assembly, itself a creature of Congress, could at any time be negated by a positive enactment of the Congress—even if the act were purely local and otherwise valid. Because of this Constitutional fact of law, we do not see the need for a veto provision, such as was included in the Senate bill of the 92nd Congress. However, if a veto provision is considered, we strongly urge that it require action by both Houses of Congress. We have every confidence that an elected District Government would act responsibly as do elected municipal and state governments throughout the free world.

GOVERNMENT ORGANIZATION

Any agency, department, etc. presently exercising functions which do not fit into the identified categories of "federal functions," such as agency and/or the jurisdiction exercised by same should be transferred to the District government. The Redevelopment Land Agency and the National Capital Housing Authority are examples of this type of agency.

Any agency, department, etc. presently exercising functions partially local and partially federal should relinquish its local jurisdiction and focus exclusively upon its area of Federal authority or expertise. The National Capital Planning Commission, for example, should relinquish its local planning function to the District Government, but retain its planning authority over federally-owned lands and buildings. These recommendations are consistent with the Nelsen Report. Lastly, the right to reorganize and restructure local functions should rest with the District Government.

SELF-DETERMINATION FOR THE DISTRICT OF COLUMBIA

(Testimony of Sturgis Warner)

I am Sturgis Warner, an attorney in private practice. I have lived here for more than 30 years and my roots are deep here. My portion of the testimony will address itself to the specific questions of electoral function and judicial function.

As you have heard us testify, we recommend the Mayor and the members of the Assembly be elected. In addition, we recommend that consideration be given to electing the Public Prosecutor for the District of Columbia. That office is an elected office in a number of states, and we believe that this method of selection provides the incumbent with greater freedom of action. The incumbent would for instance be in a position to prosecute the Mayor or a member of the Assembly, if that became necessary. At present, the members of the Board of Education are elected, and we believe that this should be continued, with some changes in compensation which I shall discuss shortly.

We believe that, at this time at least, the officials whom I have just mentioned should be the only ones who are elected, and that all others should be appointed, with or without confirmation by the Assembly.

Before discussing such matters as the length of the terms of office and the mechanics of nomination and election of these elected officials, it is impotant at the outset to stress that these officials are going to carry a big load and tremendous responsibility, and that they should be compensated accordingly. We believe that the Mayor's salary should be $40,000 as at present and that each member of the Assembly have a salary of $25,000.

You must bear in mind that the total size of the Assembly is only thirteen members and that the legislative load on the Assembly really is going to be very heavy; accordingly, the salary level for the Assembly members should be based on the assumption that most of them will be working full time as Assembly members and not have to moonlight. We believe that the President of the Assembly, who will be elected from among its members should receive additional compensation during the period of that person's Presidency, perhaps an additional $5,000.

The elected Public Prosecutor would also carry a heavy load, including the supervision of a substantial staff of assistant prosecutors, we believe that the salary of that official should be in the $30,000 to $35,000 range.

The members of the Board of Education are now elected, as previously stated, but that the present rate of compensation which is only $1250 a year, is totally inadequate for the amount of time required to be spent on what is recognized to be an extremely difficult area of public administration—namely, the operation of a public school system of 140,000 pupils. We believe that the salary of Board of Education members should be raised now to $15,000 or $20,000 a year and that the job be considered to be basically a full-time job.

These salaries are the ones which should be in the basic legislation itself. The Assembly would have the power to vary these salaries as later circumstances require. We believe that it is essential that the District of Columbia have a tough but realistic conflict of interest law which would be applicable to all these elected officials, and which would require abstention from action either by the Mayor or a Member of the Assembly who has a conflicting financial interest in a pending measure. The conflict of interest statute should contain disclosure requirements with the disclosed information to be available at least to other elected members of the District Government and in certain categories to the public. We recognize that the evolution of such a conflict of interest statute will be a difficult operation, but we believe it will be an essential part of any package, and will be glad to participate in its drafting.

Turning next to terms of office of elected officials, and the method of nomination, we believe that the Mayor should be elected for a four year term, and that the members of the Assembly should be likewise elected for four year terms. There would be five members of the Assembly elected at large, with elections every two years for staggered four year terms. There would be one member elected from each of the eight election wards and these two would serve full year terms with elections staggered two years apart. We believe that the Presidency of the Assembly should be for a two year period so that the members can choose their President immediately after each new Assembly election. We believe that the Prosecutor should be elected for a full four year term. The Board of Education at present consists of three at large members and one elected for each of the eight wards. They all have four year staggered terms and we believe that no change in this arrangement should be made at this time.

Nominations for Mayor and Assemblymen should be partisan, with closed party primaries, with provision however, for minority parties and non-partisans to be nominated to compete in the general elections, as in the case at the present time with respect to candidates for Delegate to the House of Representatives. All nominations should be by petition signed by D.C. registered voters and the numbers of signatures required for nomination to each such office to be somewhat fewer than the signatures required for the Delegate to the House of Representatives. Obviously substantial work will be necessary to work out the details on these nominating requirements and those requirements for the conduct of the primary and the general elections of these officials. We shall be glad to assist in drafting such provision.

THE JUDICIARY

The Court system here has recently had a comprehensive reorganization, through the District of Columbia Court Reform and Criminal Procedure Act of 1970. Transfers of jurisdiction from the U.S. District Court to the Superior Court are taking place progressively, and will not be completed until August of this year.

While further changes in the Court system may ultimately be proved desirable, we believe that the present new Court system needs to have a chance to shake down and to operate for a while; consequently, we believe that at this time, no changes should be made either in the Superior Court's jurisdiction, or operations, or compensation or terms of office. The sole change, with regard to the judges themselves, should be in the authority for selection and appointment of the judges of the Superior Court and of the D.C. Court of Appeals.

Rather than having these judges nominated by the President and confirmed by the Senate, as at present, we recommend an adaptation i.e. variant of the so-called Missouri system, which contemplates the creation of a high-level standing Judicial Selection Committee, composed principally of lawyers, who maintain continuing responsibility to recommend several suitable candidates for each judicial post to be filled.

The nominating authority to whom the Judicial Selection Committee would make its recommendations, would be the Mayor, with all judicial nominations subject to the advice and consent of the Assembly. The Mayor would be obligated either to nominate one of the persons proposed by the Judicial Selection Committee for each vacancy, or in the alternative to reject all such persons, in which latter case the Judicial Selection Committee would send a new list of prospective candidates to the Mayor. If the Mayor rejected all the names on the second list as well as the first list, the Judicial Selection Committee would make public the names on both lists, which the nominating authority had rejected. At that point, and only at that point, the Mayor would be authorized to make his or her own selection as nominee without reference to the recommendations of the Judicial Selection Committee.

Variations of this plan can, of course, be developed and will be developed if this Committee so requests; however, we feel that the general plan makes a great deal of sense. An effective Judicial Selection Committee requires continuity, and also a competent but very small staff, probably not more than one or two persons. The Committee should meet regularly at least every couple of months, even though there is no judicial vacancy to be filled, in order to build up a carefully screened list of competent prospective judicial appointees for use as soon as any vacancy occurs. It should be borne in mind that the D.C. Court of Appeals has nine judges, the Superior Court has forty-four judges—two vacancies at present—and both Courts have mandatory retirement at age 70. It can be expected, therefore, that vacancies in one or both Courts will occur with relative frequency, wholly apart from reasons of death or disability or premature retirement, so that the Judicial Selection Committee will have continuing work to do.

The membership of the Judicial Selection Committee can include not only representatives of the Bar (and possibly the Bench), but also one or more representatives from the White House, the Congress, as well as the public in general.

The proposed statute should include a grandfather clause to permit present judges to stay during their present terms of office, and possibly also to provide for their reappointment once without action by the Judicial Selection Committee, until such judges reach the mandatory retirement age.

SELF-DETERMINATION FOR THE DISTRICT OF COLUMBIA

(Testimony of James L. Devall)

Mr. Chairman and Members of the Committee:

My name is James L. Devall and I am appearing today, on behalf of the Metropolitan Coalition of Self-Determination for the District of Columbia, to discuss certain financial and budgetary issues associated with home rule for the District of Columbia. I am presently an attorney in private practice in the District. Previously I worked in the Executive Office of the Mayor for the District of Columbia and was involved in legislative and regulatory matters for the City. I have also been employed by the Federal Office of Management and Budget and in that capacity I handled District legislative matters.

In my testimony I have addressed myself to two interrelated matters of significant importance to any legislation providing for local control of local affairs in the District of Columbia. The first of these is the question of local financial and budgetary authority for the District of Columbia, and second, the financial relationship between the Federal and District Governments.

LOCAL FINANCIAL AUTHORITY

Local taxing authority

The new District of Columbia Government should have complete authority to establish local taxes and engage in any other revenue-raising activities which it deems necessary. The local taxing authority should include the power to set not only those taxes now established by Congress, such as the District's income tax and the sales tax, but also any new taxes, charges, or fees. The District should also be authorized to establish other income-raising methods determined appropriate.

The local taxing authority for the District should be analogous to that now generally possessed by State and local jurisdictions. This comprehensive local revenue-raising authority is essential if the new District Government is to have the flexibility necessary to meet the current and future needs of the city. Pursuant to such authority, the new District Government would no doubt carefully review at the outset, and on an annual basis thereafter, the level and applicability of existing local taxes and the desirability of any additional taxes or fees and charges. With respect to other revenue-raising authority, the District would presumably wish to examine such potential revenue items as lotteries and off-track betting. Experience in other jurisdictions indicates that these types of revenue-producing activities should be fully explored.

The local taxing authority we envision is one unhampered by any restrictions in the enabling legislation. Recognizing that there might be certain areas of disagreement on this point, in terms of the extent of the District's authority as it might affect individuals, activities, or organizations within the city, we would propose that any restrictions on the District's ability to raise revenue from local sources be fully recognized and accounted for in the computation of the Federal financial commitment to the District. Absent either complete local taxing authority, or appropriate recognition of a reduced local taxing base in Federal financing for the city, the District could find itself seriously hamstrung in its effort to rationally fulfill its responsibilities to both the local citizenry and the obligations resulting from the presence of the Federal Government.

Local borrowing authority

The new District Government should be authorized to engage in public borrowing for the capital construction expenditures of the city. The borrowing authority should be flexible to the extent necessary to allow the city to either pledge specific revenues to a particular bond issue or to provide general borrowing with principal and interest paid through the use of operating funds.

The District's borrowing authority, in a manner analogous to most State and local jurisdictions, should consist of the power to issue tax-exempt bonds. In the event that Congress, through the enabling legislation, should determine that a Federal guarantee of local District bonds is preferable to tax-exempt bonding authority, then that Federal guarantee should be tied to an automatic interest-subsidy payment by the Federal Government. This interest-subsidy feature would be necessary to insure that the District be able to borrow at effective rates comparable to those available in the tax-exempt market.

The District's current outstanding capital debt, which consists of long-term borrowing directly from the Federal Government, should be repayable either according to the existing payment schedules or through refinancing by the District Government utilizing its new borrowing authority. Specific provision should be made for the exclusion from the District's local debt of any outstanding obligations of the Federal Government, such as the indebtedness of the National Capital Housing Authority. Those obligations are likewise "Federal obligations" within State and local jurisdictions and should not be considered local borrowing.

The District's borrowing authority should be subject to a debt ceiling established by the local legislative body. The initial debt ceiling and any future changes in the ceiling should be determined by two-thirds concurrence of the full local legislative body. The District's borrowing authority should be subject to the annual budget process of the city.

Local budget authority

The new District Government should have complete authority to establish the local budget. This authority should be divided between the executive branch, through submission of an executive budget, and the legislative branch, through the approval process. The District budget should be balanced on the basis of all funds available to the city, with authority to engage in short-term borrowing in anticipation of revenue receipts.

FEDERAL-DISTRICT FINANCIAL RELATIONSHIP

Federal payment

An annual Federal payment should continue to be made to the District Government. Historically, this payment has been made in recognition of the presence of the Federal Government and its significant impact on the city. That impact was recently reviewed in detail by the Commission on the Organization of the Government of the District of Columbia.

The Commission, quite correctly in our view, concluded that it is difficult if not impossible to quantify the impact of the Federal Government in the District. Rather, the Commission outlined numerous factors which underlie the Federal financial commitment to the city. Those factors include the significant amount of land, and land value, in the city exempt by virtue of Federal ownership, the unique limitations on the local tax base due to the relative lack of revenue-producing commercial and industrial enterprises; limitations on the District's tax base due to height limitations and other zoning restrictions; and the effect of Federal agency relocation and leasing decisions. This list of factors is illustrative of the considerations inherent in the Congressional decisions over a period of decades in providing the Federal payment for District Government operations.

The Commission viewed the Federal payment as representing an equilibrium or balancing the benefits and costs resulting from the Federal presence. The result of the historical balancing and decision-making on the part of the Congress with respect to Federal responsibility to the city is reflected today in the existing annual authorized Federal payment of $190 million. The historical perspective which has led to the establishment of that amount appears to us to be an appropriate place to begin the new Federal-District financial relationship.

We would propose that the annual Federal payment be established with two objectives in mind. The first objective is a clear recognition that the payment cannot remain at a static, fixed level as the needs of the city continue to grow. Rather, the payment, as has been the case historically, should be established so as to allow for increases based in a rational manner upon the District's own revenue commitments and resources. Second, the procedure by which the Federal payment is made to the city should be automatic. Payment should be automatically appropriated and provided to the city on a timely basis at the beginning of each fiscal year. This feature will allow the local District Government to accurately predict the resources it has available and proceed with its budget planning and city operations in an orderly and efficient manner.

In recognition of the Congressional determination of the current amount and the historical incremental increases provided by the Congress, we would propose that the enabling legislation provide in the initial year, the current authorized payment of $190 million. For the succeeding five years, that payment would automatically be recomputed to reflect an increase by the same percentage as the increase in the local general fund revenues. At the end of five years, the question of the future Federal-District financial relationship should be examined jointly by the District Government and the Congress to determine the appropriateness of this method of computation in light of the five-year experience.

This proposal is designed to build on the wisdom of the prior Congressional decisions on the Federal commitment to the city, and to insure a specific payment to the city for budgetary and planning needs.

Existing obligations

In order to insure that the new District Government is not unreasonably burdened with extraordinary expenditures as a result of expanded functions or unique circumstances, a careful review of outstanding and potential obligations should be undertaken with the objective of identifying those obligations originating either in Federal commitments or a transfer of functions to the new government. These obligations should be accommodated through appropriate funding in legislation authorizing local self-government.

Examples of the type of obligations to be considered in this review include the following:

Robert F. Kennedy Memorial Stadium: No payments have been made on the approximately $20 million in outstanding debt for construction of the stadium. While the District is responsible for principal and interest payments, the stadium itself is owned by the Federal Government. Recognition should be given to this outstanding obligation, possibly through some shared Federal-District method of retiring the outstanding obligations and transferring title for the stadium to the District.

St. Elizabeth's Hospital: With the transfer of St. Elizabeth's Hospital to become a part of the comprehensive mental health programs of the local District Government, some arrangement should be devised to compensate the District for services of a Federal nature and for the absence, in the short-term, of normal Federal financial assistance for facilities of this nature.

Higher Education: States and localities have proceeded with the development of higher education facilities over a lengthy period of time and in many cases with substantial Federal assistance during much of that period. Only recently has recognition been given, through the enactment of legislation, to the need for higher education facilities in the District of Columbia. This fact has resulted in significant requirements for capital outlays to provide higher education facilities in the District and those expenditures should be considered in the review which we are recommending.

Personnel systems: In certain instances the District Government has, through its operating budget, contributed significant amounts to various Federal personnel retirement systems. With the creation of a unified local personnel system and local retirement funds, appropriate reimbursements should be made into those funds in recognition of past District contributions to the Federal retirement system. Similarly, consideration should be given to the funding needs of new retirement funds for District police and firemen.

Federal reimbursement

Finally, a mechanism should be established to take care of future situations in which the local District Government must obligate itself, because of a request or action by the Federal Government, to expenditures uniquely related to Federal activities.

Some of these expenditures may be on a periodic basis such as the local costs associated with inauguration of the President. Others may be associated with unforeseen events involving the Federal Government such as mass demonstrations in the city. Generally, these expenditures are likely to occur as the result of requests by the Federal Government to develop either local programs or local facilities to serve the Federal interest. Typically, these expenditures have not been included in the annual Federal payment to the city because of their uniqueness and the fact that they are difficult to anticipate. A reimbursement device will give the Federal Government greater flexibility to utilize District Government resources as may be appropriate to meet specific Federal needs.

The determination as to the appropriate amount to be paid by the Federal Government for these types of unique expenditures should, in the first instance, be made by the District Government and then be subject to audit by the General Accounting Office. A determination as to actual appropriation and payment should be made through the creation of an advisory body consisting of representatives from both the Congress and the District Government. Upon a determination by that body as to the appropriate sum, appropriation to the District should be on an automatic basis in the same manner as the annual Federal payment.

I appreciate the opportunity to testify today and I would be pleased to attempt to answer any questions you may have.

Self-Determination for the District of Columbia

(Concluding Remarks of Kenneth Kennedy)

Mr. Chairman and Members of the Subcommitte, I am Kenneth Kennedy. I have been active for many years with citizen groups, both city-wide and in my area of Northeast Washington.

You have heard our specific testimony regarding self-government legislation. I would like to conclude our presentation by attempting to set at rest the myth that D.C. residents do not want home rule.

For decades, the opponents of home rule have taken shelter behind the myth that D.C. citizens are really not in support of self-government, that our umbilical cord to Uncle Sam is so tough that it can never be cut.

This is a pure myth, as every rational legislator knows. D.C. residents no more want to allow appointed officials to control their daily lives than do the citizens of any other city, town or county in this democracy.

The people who come in the side door of the District Building or the Congress and get their favors do not represent the great bulk of law-abiding D.C. residents.

We want to vote for local officials. We want to have something to celebrate in 1976. We implore you to report out a strong home rule bill.

We appreciate the opportunity to appear and commend you for calling these hearings. Your request for citizens to comment is refreshing and we urge you to move on to report out a bill promptly.

Thank you.

SECOND-CLASS POSTAL RATES

Mr. MOSS. Mr. President, over the past decade the entire magazine industry has faced a crisis of rising costs.

One of the major elements in the squeeze on many magazines has been the increased cost of postal services. I am pleased to see that the bills under discussion by the Post Office and Civil Service Committee are all concerned with this important national problem.

If the rate increases announced last June by the Postal Service were to go into effect according to the current 5-year schedule, it would sound the death knell for a large number of publications that play a vital role in the cultural and political life of this Nation. We have already witnessed the death recently of such widely read publications as Life and Look, magazines which had virtually become national institutions.

The problem of rising costs affects not only the larger, well-known members of the magazine industry, but a countless number of small publications as well. I am particularly concerned about the survival of publications that are often referred to as "independent journals of opinion." These include such journals as the New Republic, National Review, Saturday Review, Harpers, and others that are less prominent. It is this type of publication that is so essential to democracy's "marketplace of ideas." Without such journals, the vitality of our democracy would be greatly diminished.

I am aware that the proposals before the committee, in effect, call for Federal subsidies on the mailing of magazines and newspapers. But I believe that costs of this Government aid are small compared to the great loss that our society would suffer if a large number of publications were forced to stop their presses.

According to one estimate I have received, the 10-year phase-in of the new rates would cost the Federal Government somewhere in the neighborhood of $20 million per year. The Government would have to spend approximately $75 million per year if Congress enacts the Kennedy-Goldwater proposal for a ceiling of 66⅔ of the applicable rates for the first 250,000 of any publication. These sums are actually quite modest when put in perspective. For, throughout our history, the Federal Government has helped pay for the costs of mail service in order to encourage the dissemination of ideas. In the 24 years following World War II the average annual appropriation for second-class postal rates was $283 million.

I wish, Mr. President, that it were possible for publications using second-class mail to pay their own way. But, unfortunately, it has become apparent that many of these publications are operating on such a narow margin that the new rates simply would send them under. This would be a loss that our democracy could ill afford.

MEAT PRICE CEILING

Mr. PEARSON. Mr. President, American farmers are deeply troubled, frustrated, and angry. They believe they are being made the scapegoat for an inflation problem which they did not cause. They cannot understand why they are being singled out for special economic sanction.

Mr. President, I agree with them. I sympathize with them. Livestock producers are especially troubled at this time because of the price ceiling on meat recently imposed by the President. They are, of course, concerned about the ceiling itself. But they are more concerned about all the rhetoric that this is only the first step; that the administration seeks not simply to put a lid on farm prices but to roll them back. And this talk is disturbing not only for the livestock producer but the wheat growers, the corn growers, and all farmers who produce food commodities.

They have heard no call to roll back wage rates, indeed they know that wages will go up significantly this year.

They have heard no call to roll back the price of automobiles, indeed they know they will be higher.

They have heard no call for businessmen to roll back their profits, indeed they expect them to be higher.

They have heard no call to roll back the prices on new tractors and other farm equipment, indeed they know they will be higher this year just as they were higher last, and the year before that, and the year before that, and the year before that.

Mr. President, no one denies that the price of meat has risen significantly in recent months. But it is important to keep in mind that these are increases from a low, stable price. In 1952 choice steers sold for $32 per hundredweight but for the next 18 years they sold for less than $30.

From 1954 to 1970 choice steer prices averaged about $26 per hundredweight on a yearly basis. Prices began to rise in 1971 and are now somewhere in the neighborhood of $44. In comparison to last year or the year before, this looks high, but in comparison to the past 20 years it is modest particularly in view of the spectacular increase in the costs of production. And cattlemen's costs have been especially high in recent months because of high feed grain prices and death losses due to extremely adverse weather conditions. Considering the costs of production, the current price of beef and pork is not excessive.

The basic fact remains that over the past 20 years farm prices have been deflationary rather than inflationary.

If beef prices had increased at the same rate as industrial wages since 1950 farmers would be getting $77 per hundredweight for steers.

If the price of beef had followed the price of medical care a producer would be getting $179 per hundredweight.

Since 1952 the cost of food to the consumers has increased 43 percent while the cost of medical care has increased 150 percent, the cost of housing 80 percent, and the overall consumer price index by 80 percent. But even more revealing is the fact that farm prices have increased only 6 percent over the past 20 years. Thus most of the increase in the cost of food is attributable to increased processing and marketing costs.

Mr. President, the farmer also suffers the burden of inflation. Thus, farm parity, the relationship between prices received by the farmer and prices paid by the farmer, was actually lower in 1972—74 percent—than in 1963—80 percent.

The farmer is not getting rich at the expense of the housewife. It is true, of course, that last year was a good year for farmers. But it was one of the few good years that the farmer has enjoyed over the past 20 years—a period during which millions of people were forced to leave the farm because they could not make a decent living, because of the price-cost squeeze.

In recent months the farmer has begun to catch up a little. Thus, in 1971 the disposable income for farmers was 78 percent of the disposable income for nonfarmers and in 1972 that ratio increased to 83 percent. He still has a considerable way to go. He knows only too well that if his prices are rolled back while his costs continue to rise his income will decline, all the while the income of his city brothers will continue to rise. He believes this would be unfair. I agree with him.

Mr. President, in the case of meat we have a situation where demand has temporarily outstripped supply. The American's annual per capita consumption of beef has increased from 85 pounds in 1960 to 160 pounds in 1972. Moreover, worldwide consumption of meat is increasing rapidly.

Supply of meat has not kept pace because the prices in relation to costs over the last decade have not been high enough to encourage production. The so-called high prices today are a reflection of the fact that prices were too low over the past 10 to 15 years.

The situation has been compounded in recent months by sharply increased feed grain prices. The corn blight in 1970 reduced production here at home. Crop failures in the Soviet Union caused them to buy more of our feed grains. Shortages in soybeans, a necessary protein supplement in livestock feeding, caused those prices to rise dramatically. Also, adverse weather conditions throughout the Midwest have been a contributing factor. Cattlemen and feedlot operators have experienced extraordinary costs in recent months due to death losses and increased expenses attributable to the weather.

Mr. President, there is a real need to increase meat production in this country. But I would suggest that all this talk about ceilings and price rollbacks will serve to reduce production rather than to increase it. Thus, we have done the consumer no favor here.

Mr. President, I would suggest that farmers will tolerate a ceiling today if they can count on some fair treatment tomorrow. They do not want to be singled out for special privileges, neither do they want to be singled out for special punishment. They want to do their part in solving the inflation problem, but they see no reason why they should carry a greater burden than others. Thus, if they are to operate under a ceiling today, they want to have some confidence that their prices will rise in the future along with all other prices. All they want is fair treatment and if they are not treated fairly the laws of economics will dictate that we will not get the increased farm production that all experts claim that we need.

JOHNNY STILL CAN'T READ

Mr. BROCK. Mr. President, a recent column by Joseph Alsop sounded a clear warning that a crisis in education persists in this country.

In spite of forced busing, in spite of billions of dollars, in spite of the rhetoric of the social planners, Johnny still can't read.

Alsop's documentation of the failure of our educational system, particularly in our large cities, is a grim commentary which will, I hope, bring us to the realization that new directions and new leadership are desperately needed.

I ask unanimous consent that his article be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Mar. 28, 1973]

Johnny Still Can't Read

(By Joseph Alsop)

It is not the sort of stuff headlines are made of, but the deepening crisis in American education is still the most ominous single feature of our political landscape. Consider the following facts:

Item: The Supreme Court has just refused to strike down the discriminatory system by which our schools are largely financed by property taxes. The court was probably wise not to order a judicially-contrived educational earthquake. But that still leaves rich school districts paying lower taxes and getting better schools, and poor school districts getting poorer schools while paying higher taxes.

Item: Only a few decades ago, New York City's school system was still a model for other big cities. The other day, however, the annual citywide reading tests showed that the New York system had once again dropped further behind in teaching the city's children the most basic and essential skill, which is how to read. The reading level has been declining continuously in the New York schools since 1965, when testing began.

Item: There is a class difference here. Queens and Staten Island children, still predominantly white and middle class, are still reading at the level of the national averages, and sometimes above. But in the overwhelmingly black Williamsburg district in Brooklyn, for instance, the boys and girls in the ninth grade are reading at the level of normal sixth graders. That means most of them will leave school effectively illiterate.

Item: Really recent exact figures are not available. But in all big cities in America, the black and Puerto Rican components in the school populations—the ones who are not learning to read, in fact—have been steadily increasing, year by year. In most American big cities beginning on a North-South line from Chicago to New Orleans line and going eastwards, the whites are now in the minority in the school populations, both in North and South.

The social meaning of this for the future hardly bears thinking about. In the last half centuries, great numbers of Americans—all the so-called ethnic groups, for instance, and the Chinese- and Japanese-Americans—have escaped from partial or total exclusion into full success in the larger American society. But these groups escaped by having the tools to escape; and reading was the first tool.

Thus the meaning of the school crisis is that our last large excluded groups, the great majorities of the blacks and Puerto Ricans, are not being given the tool they need most of all, in order to escape into equality. There is no use talking about equal opportunity, for people who cannot take advantage of opportunities, even when offered. And there are precious few opportunities in modern America for persons who leave school without the ability to read and write and figure.

So consider the future of so many of our big cities, which are getting nearer and nearer to being straight-out ghettos half hidden behind financial and business districts! All this in sum betokens a horrifying failure of American society today, and an even more hair-raising problem for American society in the future.

Yet the soggy silence that now prevails on these subjects also has its own grim, quite current political meaning. After all, you do not look to hold-the-line conservatives like President Nixon for creative answers to vast social problems. For such answers you look—or used to look—to the liberals who want change and do not fear it.

But in the crucial area of education, as in so many other areas important for domestic policy, the American liberals have fallen strangely silent. They cannot even find the energy to challenge the nonsense of pseudo-thinkers like Harvard's Christopher Jencks, who has grandly announced that it is hopeless to expect the schools to educate the people who need education most.

The reasons for the liberal silence on education are pretty obvious, too. The slogan-think remedy of the past was school desegregation, forcible if need be, and by busing if need be. But three things have happened to make the slogan-thinkers taciturn.

Busing has proved to be a horribly hot political potato, especially with the white blue collar workers who are so vital to the Democratic Party. Most black people have turned out not to want their children bused, any more than blue collar whites want it. And even where the device has been given the fairest kind of chance, in places like Berkeley, Calif., mere forcible desegregation has turned out to do little or nothing to raise black children's reading levels.

This is a thing that can be done, and has been done, although it costs a good deal of money. It was done, for instance, very briefly, by the more effective schools program in New York City—which was killed by liberal hostility and liberal neglect, because it did not suit the slogan-thinkers. But is it really liberalism (or is it bankruptcy?) To have no problem except dismantling the country's foreign policy and national defense? All the same, that is American liberalism today.

OPEN THE TRUST FUND

Mr. KENNEDY. Mr. President, I call the attention of my colleagues to a column by Tom Wicker appearing today in the New York Times which I believe once again clearly states the argument for providing cities and States the flexibility to use highway trust fund moneys for mass transit.

Mr. Wicker notes that Boston has brought urban interstate highway construction to a complete halt after a 33-month study convinced both city and State leaders that the disadvantages far outweighed the benefits.

He could have also cited nearly two dozen other cities where similar decisions have been made regarding specific interstate routes.

Cities across the Nation require mass transit if they are to meet the basic transportation goal of enabling people and things to move from place to place.

Yet they are consistently denied the option of using Federal transportation funds for the programs they see as absolutely essential to meet their transportation needs. The Senate has acted twice to provide funds for that purpose from the trust fund. And this year the House will hopefully have the chance to vote on it, and hopefully will join in approving the flexible use of trust fund moneys.

I ask unanimous consent that Mr. Wicker's article appear in the Congressional Record at this time.

There being no objection, the article was ordered to be printed in the Record, as follows:

Two Tracks Versus Eight Lanes

(By Tom Wicker)

New or renewed rail transit is an idea whose time has come, despite the highway lobby's propaganda. Here are a few facts to support that proposition:

The new Lindenwold line from Philadelphia to the South New Jersey suburbs began service in 1969 and now carries 42,000 riders daily, 40 per cent of whom are former automobile commuters. San Francisco and its sister cities have just opened the Bay Area Rapid Transit system; Washington is digging a new subway, and so is Atlanta; Miami has voted the funds to build an elevated system that by 1979 will carry 400,000 passengers daily in fully automated trains over 58.7 miles of track, including the full length of Miami Beach.

Boston has stopped urban super-highway construction and is shifting its efforts to various forms of mass transit. In New York, the ground has been broken for a new Second Avenue subway; Baltimore and Buffalo have new transit systems in the planning stages.

While total transit ridership in the United States has declined since World War II, the largest part of the decline—contrary to popular belief—was in bus and trolley, not rail mass transit ridership, and much of the rest is explained by ancient equipment and inadequate service. Rail lines are cheaper to build than superhighways and can move 40,000 people per hour, compared to 2,500 per hour for each highway lane. Modern trains of any number of cars require no more than one crewman, as on the Lindenwold line; but every bus must have a driver, pushing labor costs much higher.

Electrified rail transit cuts pollution; when the Chicago Transit Authority updated its Skokie line, the result was a reduction of 2,000 auto trips per day and a 13 per cent drop in hydrocarbons in the air along the route. And rail transit does not require all that space for eight or 16 lanes of concrete, huge cloverleafs, and acres of downtown parking. Above all, rail transit can bring communities full cycle to the solution of a problem described as follows by Gov. Francis Sargent of Massachusetts:

"We found that we had defeated our own purpose, and that we have been caught in a vicious cycle. More cars meant more highways, which meant more traffic jams, more traffic jams meant the need for more highways, which meant more traffic jams—and the need for superhighways. The result today? Miles and miles of bumper-to-bumper traffic, creeping along hopelessly crowded highways. The side effect? Billions of dollars spent, more and more cities torn apart, more and more families uprooted and displaced. Worst of all—failure to solve the problem that started it all: how best to get from one place to another."

All of this (most of the foregoing facts are from Railway Age) is why nothing in the murky world of public affairs seems clearer than that at least part of the massive Highway Trust Fund ought to be made available to communities that prefer new or renewed rail transit to more superhighways. The Senate voted to do so last year, and has done so again in 1973. The Nixon Administration favors the proposition.

The need is apparent from the facts that general revenue support for mass transit cannot be expected to reach more than $1 billion a year, while the Department of Transportation estimates that the cost of a minimally acceptable urban mass transit system would be $28 to $34 billion by 1980.

Yet, when the House debates the matter later this month, it may well reject the idea; last year, it did not even vote on it. That is primarily because the highway lobby has pictured this limited step as the beginning of the end for highway construction and has succeeded in rallying representatives of rural states and areas against it. The truth is that the mass transit amendment would only permit cities, if they chose, to use their shares—about $850 million a year—of the $18-billion trust fund appropriation for rail or bus transit rather than for urban highway construction.

To the lobby's other argument that the automobile driver finances the highway fund (through his gasoline taxes), the quotation from Governor Sargent provides the answer; the auto driver also creates the need for mass transit.

Speaker Carl Albert may hold the key to the situation. Last year, he effectively sided with the highway lobby and the mass transit amendment was ruled not germane to the highway appropriation. But in this session, reforms have increased Mr. Albert's potential strength, and personnel changes have given him more power over the vital Rules Committee than any Speaker has had in years. His support could not only clear away parliamentary difficulties but help the mass transit forces pick up the votes they need on the House floor. With that stroke, the Speaker could gain new standing among the urban members who have been the least impressed with his leadership.

A TALE OF TWO SUBSIDIES

Mr. PERCY. Mr. President, I want to bring to the attention of my colleagues an unusually useful analysis of two contrasting Federal subsidy programs.

Mr. Tom Littlewood of the Chicago Sun-Times had done all of us a service by digging into the section 235 homeownership program for low- and moderate-income families as well as the program of Federal subsidies for the construction and operation of commercial shipping vessels.

In this time of concern about our spending priorities and objectives I believe Mr. Littlewood's article is excellent reading for all public officials.

I ask unanimous consent that the article headlined "Housing Subsidy in Peril but Shipping Is on High Tide" be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Housing Subsidy in Peril But Shipping Is on High Tide

(By Tom Littlewood)

Washington.—This is a tale of two subsidies and what has happened to them. One has been in existence since 1936 and was intended to give a helping hand to the owners and builders of cargo-carrying ships that fly the U.S. flag. The other was enacted in 1968, shortly before the election of President Nixon, and was designed to make it easier for people in the $5,000 to $8,000 income range to own their homes.

The statute books are filled with programs that pay subsidies out of the federal treasury, but some meet stubborn resistance and others meet none at all, which is the underlying message of this tale. Subsidy is another word, simply put, for money from the government.

First the housing subsidy for lower-income families and then the payments to the maritime industries.

SECTION 235 A SOCIOLOGICAL TRAP

Sen. Charles H. Percy (R-Ill.) staked his reputation as the boy wonder of the business world on the thesis that it would be politically and practically feasible to improve the lives of the poor by assisting them in the purchase of places that would otherwise be out of reach.

It was largely through his persistence that Congress included in the 1968 housing bill section 235, the first large-volume, homeownership subsidy program ever to be tried in the low-income market. People who qualified would live in privately built and financed dwellings, but the government would pay the monthly mortgage cost above 20 per cent of the family income.

For many years, standard FHA and VA-insured mortgages have been available, but the average income level of those eligible for that help is nearly $15,000 now and the average price of the new house is about $25,000. Moreover, the $7 billion of lost revenue resulting from the deduction of mortgage interest and real estate taxes from the federal income tax constitutes the biggest, middle-class housing subsidy of all.

But the incoming Republican administration refused to appoint members of the foundation—because, one suspects, of the obvious social policy implications of Section 235.

Although many subsidized dwellings were built or rehabilitated in suburbs, the U.S. Civil Rights Commission complained that racial patterns were scrupulously not disturbed. The few sales to blacks of homes in the suburbs under Section 235 were in all-black enclaves. Anthony Downs, chairman of the Real Estate Research Corp. in Chicago and one of the few experts on the complicated operation of the program, said most of the suburban buyers were "already suburbanites" and there has been very little dispersal of inner-city poor into outlying and suburban neighborhoods.

The potential was certainly there, but in its testing phase the program was not used as a tool to obtain significant racial economic integration of higher-income communities.

Until January of this year, when the White House suspended new applications, the program has been responsible for about 425,000 new and rehabilitated units, plus about 78,000 existing units that were used. In 1970, one-third of all new houses sold for less than $25,000 were purchased under the Section 235 program, it was estimated.

The average acquisition cost was $18,300, and the average family income of the purchaser was $6,300. The subsidy to lower the monthly payments will be about $412 million in the next fiscal year, payable to the lenders.

A disproportionate share of the homes was in the South, where building costs are lower and the mortgage limitations are more realistic than in the urban North.

Percy said less than 1 per cent of the 6,647 purchases in the Chicago area have ended in default and repossession. The rate has been considerably higher in some cities.

Furthermore, the official who had responsibility for managing the program until his resignation, George W. Romney, the former secretary of housing and urban development, admitted that the FHA had a dismal management record. He mentioned that the program had been "made the vehicle of inordinate profits through shoddy construction, poor site location and questionable financing arrangements." Nearly one in four of the Section 235 homes contained "significant defects" at the purchase closing.

When the White House stopped all new commitments for subsidized housing, pending a six-month reassessment of the whole package, it was said that the interest subsidy had proven inequitable, wasteful, too expensive, ineffective, and "in most cases counter-productive to the greater solution of our urban and rural problems."

Despite its handicaps, Percy and Downs contend that the program has been remarkably effective and that deficiencies could be corrected by better management. It is a delusion, Downs believes, to think that private enterprise will invest in housing for low-income households in deteriorated areas without making an appropriate profit. He and Percy both would have preferred that more of the money had gone into higher-risk central-city rehabilitation and less into new structures in the suburbs.

The word from the White House, nonetheless, is that Section 235 is highly unlikely to survive the current review process.

It is important to identify the real issues. Many powerful forces—the National Assn. of Real Estate Boards is an example—subscribe to the filter-down theory of housing: The tax subsidy is the key to a system of helping put middle-income families in better housing that they can take care of, then poorer families can move into the rundown housing that has been vacated, a process that goes on indefinitely.

NAREB protested last year that the FHA "preoccupation" with interest subsidies had "seriously jeopardized the future existence of the FHA's economically sound mortgage insurance program."

Percy has this answer to that: "Removing the federal role in favor of the operation of a free market would tend to concentrate the poor in older, declining neighborhoods abandoned by the families of higher-income brackets moving to the suburbs."

Section 235's potential for large-scale economic integration of outlying and suburban neighborhoods is why the administration wanted no part of a home-ownership foundation that might have busied itself with such sociological questions. In his study of the program, Downs recommended a requirement that at least 20 to 25 per cent of the subsidized households "move directly from inner-city poverty areas."

SHIPS AFLOAT ON SEA OF GREEN

And now a quite different kind of subsidy, actually a combination of two subsidies that have had a longer, happier and less precarious life, for reasons that will be examined later.

In its wisdom, Congress determined many years ago, in 1936, that it was essential that certain selected shipping routes in foreign commerce be served by the U.S. merchant fleet.

To this end, the federal government picks up half or more of the cost of vessels built in U.S. shipyards, an arrangement that helps the shipbuilder by bringing the price down close to what the same vessel would cost in a foreign shipyard. That means the government invests as much money in a new ship as the builder.

To the same end, after the ship is afloat, the government pays the difference between the costs that U.S. shipping lines have and those that their foreign competitors have. Most of the difference is the higher wages that crews earn aboard American ships. In 1969 the government paid 67 cents of every dollar of wages aboard subsidized cargo vessels and nearly a quarter of all the operating expenses of such ships.

Gerald R. Jantscher, a research associate at the Brookings Institution, assembled this information for a study that was published Saturday by the Joint Economic Committee of Congress.

Within the space of 20 years, federal subsidies for the construction and operation of commercial ships have grown from $121 million a year to more than $500 million a year in the President's new budget, Jantscher reported. In fact, maritime assistance is the only sizable subsidy program that was not cut in the budget for the next fiscal year.

In the election-year budget period, $425 million was appropriatetd for the construction subsidy alone, compared with a previous average of just under $100 million.

Mr. Nixon visited a shipyard in Southern California last year to dramatize a new initiative.

"A great expansion in the amount of these subsidies is now under way," Jantscher wrote, "in fulfillment of the President's pledge to rebuild and revitalize the merchant marine. . . . There is no way of telling how much administration's ship construction program will cost by the time it is finished. Uncertainty surrounds the number of vessels that will eventually be built. It reflects no credit on any of the parties connected with the program that no public estimates of its cost were ever demanded or volunteered as it moved toward enactment."

The operating subsidy was broadened in 1970 to cover not only steamships operating over the essential ocean routes but bringing in a bulk carrier on the Great Lakes that goes to Canadian ports.

There are certain additional benefits too complicated to describe in detail—for example, the "cabotage" laws which require that goods in domestic oceanborne commerce must be carried in U.S.-built and registered vessels. Over 20 years, Jantscher estimated, these have added $3 billion to shipping costs that are eventually passed on to the consumer.

Shipowners also enjoy a unique tax advantage that Jantscher said "constitutes an extraordinary form of public assistance available to no other industry."

Essentially, the government lends back the taxes that a ship owner is supposed to pay, interest-free and with no time limit, provided the earnings are invested in new U.S.-made ships and equipment.

How can this be? There are several reasons. The maritime unions are obviously influential in Washington. Some of the subsidy increase is an attempt to buy labor peace on the waterfront. Nor can there be any mistake about Mr. Nixon's interest in stimulating export trade with the Soviet Union and other nations, much of it to go in U.S. ships.

Although maritime employment is not large, it is strategically located. The President's election-year announcement at a California shipyard reflected both the West Coast spin on his administration (John Ehrlichman is from Seattle; Caspar Weinberger, who put together the new budget, is a Californian) and also the fact that shipping is important to politically important states, on the Pacific, Gulf and East coasts and increasingly on the Great Lakes.

THE END OF THE DRAFT AND THE ALL-VOLUNTEER FORCE

Mr. SCHWEIKER. Mr. President, I was gratified to learn that Secretary of Defense Elliot Richardson has announced the administration will not request an extension of the induction authority after it expires June 30. Furthermore, they will alsc not request standby authority, thereby effectively ending the draft until and unless the Congress passes legislation specifically authorizing the President to draft young men into the Armed Forces.

The President has delivered on his promise to end the draft—not merely to stop drafting, leaving the threat of a standby draft hanging over the heads of our young people—by formally and finally announcing that he will not seek such authority from the Congress. He is to be applauded for his performance on this issue.

This is a sign that we have successfully achieved the all-volunteer force. However, some loose ends remain to be tied up. With Senators STAFFORD, BENTSEN, TOWER, and CRANSTON, I introduced S. 368, the Uniformed Services Special Pay Act earlier in this Congress. This bill was passed in identical form in the House last year, but the Senate failed to act on it. I have been informed that Secretary Richardson intends to provide the Congress with his recommendations on this legislation in the near future. It is essential that the appropriate committees consider this measure as soon as they can, in view of the announced end of the draft, and the necessity of assuring adequate manpower flows in those skilled areas to which this legislation addresses itself.

Secretary Richardson has announced that successful institution of the all-volunteer force is among his highest priorities. As one of the earliest proponents of the all-volunteer force, I am very pleased to hear this, since obviously it represents not only his views, but those of the President.

Roger Kelley, the incumbent Assistant Secretary of Defense for Manpower and Reserve Affairs, who managed this most difficult transition so successfully, deserves high praise for his successful efforts.

VETERANS' PROGRAMS IN OREGON

Mr. HATFIELD. Mr. President, the State of Oregon has long been a pioneer in creative, effective veterans' programs which might well serve as models for other States. The following is a brief outline of benefits available to Oregon's veterans today, which I ask unanimous consent to have printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE OREGON VETERANS' PROGRAM

The State of Oregon has one of the outstanding veterans' benefits programs in the nation. Even before the passage of the original GI Bill in 1944, the Oregon Legislature had submitted two measures to a vote of the people to create State veterans farm and home loans, and an educational aid program. Both measures were approved by the voters in 1944, and the next year the Legislature created the Department of Veterans' Affairs for the purpose of administering the loan and educational aid programs, and providing counseling and claims service to veterans and their dependents and survivors.

The unique feature of the Oregon veterans' benefits program is its farm and home loan offering. Only one other State—California—has a program like it. In Oregon, eligible veterans may borrow up to $24,500 to acquire a home and up to $80,000 for a farm, at a current low interest rate of 5.9 percent. Until May 27, 1971, the rate was only 4 percent. Veterans borrow this money direct from the Department of Veterans' Affairs, which issues self-liquidating bonds periodically to obtain the loan funds.

Since the program started in 1945, the Department of Veterans' Affairs has granted more than 95,000 loans in excess of $1.1 billion. The program has been averaging 660 loans every month in the amount of $12 million, and a new record for dollar volume was set in calendar 1972 when 7,927 veterans borrowed $144,480,202.

Of the $1.1 billion borrowed, veterans have repaid $573 million in principal and $204 million in interest. Monthly repayments are averaging over $9 million, with interest payments alone amounting to $2.5 million a month. The veterans' repayment record is so good that only 455 homes have had to be foreclosed out of more than 95,000 loans granted, and the serious delinquency rate averages only around 45/100ths of 1 percent.

The Oregon veterans' farm and home loan program has been a self-supporting operation and has, in fact, accumulated net earnings since 1945 of more than $25 million. This money is ploughed right back into loans.

Veterans of World War II, Korea and the Vietnam era who meet certain residence requirements are entitled to the loans, as are the unremarried widows of Oregon servicemen who died on active duty and the wives of men who were missing in action or prisoners of war.

Oregon also offers educational aid benefits to her returning servicemen, in amounts ranging up to $50 a month. This program is designed to help students who have already exhausted their federal GI schooling benefits and who wish to continue their studies, as the state benefits cannot be paid at the same time the veteran is receiving federal GI aid. Since the program started in 1945, payments have gone to nearly 15,000 veterans in the total amount of $4.4 million. The average payment to each veteran under this program has been $290.

The Oregon Department of Veterans' Affairs offers a full range of counseling and claims service to veterans and their survivors, and coordinates these services with county veterans' service officers situated in all but one of Oregon's 36 counties.

Another service of the Department of Veterans' Affairs is that of acting as guardian of the estates of certain incompetent or minor recipients of Veterans Administration benefits. This program came into being in 1965, and in the seven years since then the department has handled 712 cases, of which today slightly over 500 are active accounts.

FOOD PRICES IN PERSPECTIVE

Mr. McGEE. Mr. President, on Thursday, April 5, National Farmers Union President Tony Dechant is scheduled to make a speech in Midland, Tex., on the subject of "Food Prices in Perspective."

An advance copy of his remarks was contained in the March 30 Washington Newsletter of the National Farmers Union on page 3. Tony's remarks really strike to the heart of the issues surrounding food prices and I would hope my colleagues would study what he has to say. It is all too convenient to target the farmer and rancher as the scapegoats of the supermarket. Many in this body do so and it is understandable, because the farmer and rancher of this Nation have very little political clout these days. Therefore, it is easy to ignore them.

However, if we are to be equitable in our treatment of all sectors of our society, then a little informed understanding is in order concerning the price of meat in the supermarket.

I ask unanimous consent that Tony Dechant's remarks be printed in the RECORD.

There being no objection, the remarks

were ordered to be printed in the Record, as follows:

Food Prices in Perspective

When farm prices are low, farmers go bankrupt by the thousands. But now that one sector of the farm economy (livestock) has finally reached 100% of parity, cries of anguish are heard across the land and President Nixon orders price ceilings that will inevitably put the livestock producer again face to face with bankruptcy. Hardly a word of concern is expressed for the wheat farmer who is receiving 62% of parity in the "open market" or for the feed grain farmer who is receiving only 63% of parity in the marketplace.

The farmer and rancher, of course, are the most convenient targets in the discussion over higher food costs. The public pressure against fair farm income started more than a year ago. It was in March, 1972 that a large retail supermarket placed an ad in an Eastern metropolitan newspaper which blamed the farmer for rising prices and advised its customers to "eat less meat."

At that time, the average price per hundredweight the farmer received for beef was a dollar less than it had been 20 years ago. But retail meat prices in the chainstores had doubled. In 1952, swiss steak was 85¢ per lb. but in 1972 it was $1.69. In 1952, hamburger sold for 49¢ per lb. but in 1972 it cost 97¢ per lb. Somehow, the chainstore newspaper ad failed to mention the 100% increase in retail prices while the farmer's price had only inched back to the level of 20 years ago.

As long as retail food prices remained cheap and most income was going up, no one seemed to notice or care that the farmer's income was depressed and his cost of production was jumping by leaps and bounds. (A 2-row corn picker that sold for $1,500 in 1952 increased by 300% to $4,480 in 1972.) Only the farmer realized that the $38 he received for prime cattle in 1972 was 91% of parity.

A House Agriculture committee staff report, released last week, shows that overall farm prices for food have increased only 6% above what they were 20 years ago. But at the same time, wholesale food prices have jumped by 20% and retail food prices are up 43% over the past 20 years. The study goes on to show that agricultural productivity per man hour has increased by 330%. That compares with an increase of only 160% per man hour in manufacturing industries.

In other industries, prices have been managed upward at a rather steady pace. Consumers have had years to become accustomed to steadily increasing prices on everything from light bulbs from General Electric to automobiles from General Motors. But because agriculture prices may fluctuate widely in the short run, as they have since the Russian grain deal, consumers are suddenly faced with large increases in food prices which they did not expect and did not plan for in their monthly budgets.

Last year the Price Commission found that livestock production and farming are highly competitive enterprises and there is no opportunity for "administered price" inflation as occurs in such concentrated industries as steel, automobiles, and farm equipment manufacturing. Perhaps the only way that producers can maintain fair prices is to create the market structure and marketing system which other sectors of the economy have shown can achieve administered production and administered prices that move up with costs. This may be the only way to avoid the great contrast between the short-term leap in prices, which brings pressures to break prices, and the long-term creep in farm prices, which often leaves the producer with very inadequate returns.

Under the present system, the farmer has no control over the price even at the first point of sale. Therefore, it is impossible for him to be responsible for prices which lurch from depression to inflation. But there is no question that a farm program which balances supply with demand and assures parity of income for the farmer would stabilize farm prices. While this might not guarantee stable retail prices, it certainly would make it easier to identify the culprits in any future price spirals.

Editor's Note: The above is based on remarks prepared for delivery by President Tony Dechant in Midland, Texas on April 5, 1973.

THE SUCCESS OF ERTS

Mr. MOSS. Mr. President, the World Environment Newsletter, prepared by Philip W. Quigg for the International Institute for Environmental Affairs and published in the magazine World for April 10, 1973, contains a report which should be of considerable interest to the Senate.

I ask unanimous consent that the item be published in full for the benefit of the Senate.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Success of ERTS

When the possibility of remote sensing by satellites in space became a reality, many countries were worried. It raised the "spy-in-the-sky" specter, that first emerged more than a decade ago when it was surmised that the Soviet Union would not tolerate U.S. satellites passing over its territory.

When the Earth Resources Technology Satellite (ERTS) was being designed by NASA, developing nations especially were fearful and resentful. Many believed that the information obtained would be closely held by the United States and used against them to exploit natural resources of which they were unaware.

Now, after eight months in polar orbit ERTS is a spectacular success not only technologically but politically as well. Although some lingering resentment remains, nations have been reassured. As promised, the United States has made the 130,000 or more pictures transmitted available to all, and their immense value is recognized. The United States has also volunteered to make a complete master tape available to the United Nations if an agency is set up to service those who need and want pictures. At the meeting this winter of the U.N. Working Group on Remote Sensing of the Earth by Satellites, nations that have not said a kind word about the United States for years were full of praise.

THE TERMINATION OF CERTAIN AGRICULTURE PROGRAMS

Mr. McGEE. Mr. President, the executive branch, through a series of unilateral actions, has terminated numerous agriculture programs, stating that the benefits these programs render are minimal at best.

However, in looking at the termination of these programs, it is apparent that very little informed thinking went into the decision to abolish them. Today, therefore, I would like to offer a little education course on one particular program, the resource conservation and development program of the Soil Conservation Service. In an article appearing in the U.S. Department of Agriculture's January publication of Soil Conservation, it was pointed out how the R.C. & D. program benefited the community of Kemmerer in my State of Wyoming.

The author of the article, Richard L. Thompson, who is the R.C. & D. project coordinator at Kemmerer, made a very important point when he noted:

> The people of Kemmerer know that R.C. & D. projects promote the concept of "self-help," and that's what they have done.

Apparently, the President does not feel the same way about the Soil Conservation Service as he has moved to severely cut back on its operations.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Help Yourself

(By Richard L. Thompson)

There was a time in Kemmerer, Wyoming, when the drinking water took on a "different" taste right after a storm. And esthetically the town wasn't any better off. People approaching Kemmerer from one end of town were greeted by an open garbage dump, and from the other end by a rundown cemetery.

Then, in 1968, things began to happen. People in Lincoln and Uinta Counties organized the Western Wyoming Resource Conservation and Development Project to help in the development of urban and agricultural areas in the two counties.

RC&D projects are locally initiated and directed, permitting local people to work together for mutual goals. The Soil Conservation Service has U.S. Department of Agriculture leadership in providing assistance to sponsors of RC&D projects.

Soon after the Western Wyoming RC&D Project was organized, Kemmerer officials asked the project's executive committee for help in developing a sanitary landfill and in improving the town's cemetery. The committee approved the request.

Today the town's cemetery is no longer an eyesore, and a landfill has replaced the old dump, which has been covered with soil and allowed to go back to native vegetation.

With the support of the RC&D committee, Kemmerer obtained a grant from the Department of Housing and Urban Development for the design and installation of a new water supply system.

The people of Kemmerer know that RC&D projects promote the concept of "self-help," and that's what they have done.

ANTIENVIRONMENTAL BARRIERS BILL

Mr. PERCY. Mr. President, on March 6 Senator Dole and I introduced S. 1105, the antienvironmental barriers bill. This measure would provide income tax incentives for the modification of certain buildings to remove architectural and transportational barriers to the handicapped and elderly.

Since that time, I have received a highly favorable response to the bill from professionals who work with our handicapped and elderly citizens. I am overwhelmed at the enthusiasm that has been voiced all across the country, from States such as New Mexico, West Virginia, Missouri, Michigan, Idaho, Massachusetts, Illinois. Numerous State offices of vocational rehabilitation, State departments of public welfare, State commissions on employment of the handicapped, and associations representing various constituencies of handicapped people have written to me welcoming the introduction of the anti-environmental barriers bill and expressing wholehearted support of it.

For example, Mr. Donald H. Kappes writes:

> Please be advised that as a professional in the field of rehabilitation of the handicapped and as the Delaware State Acting Director of Vocational Rehabilitation I lend my full support to your Bill. It would seem that in this day and age of maximizing the potential of individuals to "do for themselves" we must strive to lower the barriers which prevent this possibility.

A member of the California Governor's Committee for Employment of the Handicapped and an adviser to the State department of vocational rehabilitation says:

> I have for years fought for this very principle (of accessibility of public buildings to the handicapped) . . . I am convinced that this kind of incentive and/or an investment credit will accomplish what you and I realize would mean so much not only to the disabled but to the community as a whole because of the reduction in the welfare load and the increase in tax revenue.

The director of Pennsylvania's Bureau for the Visually Handicapped:

> I can simply state that any action to encourage removal of environmental restrictions to the handicapped population of our Nation must be considered of prime importance.

The administrator of Ohio's Rehabilitation Services Commission writes:

> We feel that the architectural and transportation barriers which often prohibit use by our handicapped and elderly are a major problem to society. However, to impose requirements that barriers be eliminated without incentive or financial relief could easily create more problems than solutions. It appears that your legislative approach provides both the incentive and the financial relief that would be beneficial to all of society.

From Georgia, the director of the division of vocational rehabilitation writes:

> This is a practical, long needed, forward looking idea that can eventually be of very considerable benefit to a large segment of our citizens. Obviously, in the long run, it will help the people which the Vocational Rehabilitation Agency works with to live more normal lives, but there are many hundreds of thousands of people who will also be helped by it. . . . I am also impressed with the fact that this bill doesn't cost money, even though it may defer a little income tax for a few corporations, it won't amount to much; in fact, in all probability, in the long run, it will mean more income tax paid by these corporations. It is a very practical approach without spending government money.

Says the executive officer of the Indiana Rehabilitation Services Board:

> The approach you have chosen seems both workable in terms of the objective and consistent with our private enterprise system. I am hopeful that your approach will provide the incentives needed and furthermore direct governmental action will be foreclosed. You can count on Indiana Rehabilitation Services and myself for support.

Needless to say, I am greatly pleased that my proposed legislation has met with such a positive reception among the professionals in the field of vocational rehabilitation and employment for the handicapped. I urge my colleagues in the Congress to press for prompt and positive action on the antienvironmental barriers bill.

THE IMPACT OF GROWTH ON THE ENVIRONMENT

Mr. MUSKIE. Mr. President, on April 2 and 3 of this week, the Subcommittee on Air and Water Pollution initiated a series of hearings on the impact of growth on the environment. Of particular interest and importance was testimony presented to the subcommittee by Dr. George M. Woodwell of the Brookhaven National Laboratory on the "Ecological Effects of Growth."

Dr. Woodwell has made a significant contribution to identification of the impact of man's activities on the world's life support systems. His conclusions are provocative and significant. He challenges many of the assumptions on which our industrial-technical society has functioned for the last 100 years.

Three specific conclusions which Dr. Woodwell has drawn highlight the importance of his commentary:

1. The assumption that the environment has an assimilative capacity for all human insults is misleading and inconsistent with the imperative that the earth's biota be preserved for continuous use by man. An assimilative capacity for organic matter or heat does not imply an assimilative capacity for mercury, lead or other substances that may accompany the organic matter. The evidence is overwhelming that man has already exceeded the assimilative capacity of the biosphere for CO_2, chlorinated hydrocarbon pesticides, PCB's, dust and possibly fossil fuel energy. Assimilative capacity is a useful concept only within those areas of the earth that man determines that he will manage intensively.

2. Economic principles are an insufficient basis for management of the biosphere or such large segments of it as the United States controls. The limits of the earth can be accommodated by recognition of the fact that the biosphere is a series of interacting units, oceans, forests, estuaries, cities, agricultural units, each of which has definable characteristics including interactions with other units. Some such as the oceans, cannot be managed intensively; other such as cities and agricultural regions, must be. The design and management of these units is an essential topic for science and government. It is encouraging that our laws are now beginning to reflect in their objectives some of the realities of the biosphere.

3. The pattern of change necessary in the design of human activities is clear. The further diffusion of toxic influences around the globe must be checked. A certain amount of retrenchment and repair is necessary to assure the stability of biotic resources. Cities cannot be allowed to dispose of wastes in the oceans; fresh water supplies, nutrient elements and mineral resources are to be conserved and recycled; estuaries and coastal waters cannot be used for cooling power plants or ursurped for other industrial uses: they are essential to maintenance of the oceanic biota, including especially the fisheries.

In order that my colleagues may study and react to this important contribution to understanding the impact of growth on our environment, I ask unanimous consent that the testimony of Dr. Woodwell be inserted in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

ECOLOGICAL EFFECTS OF GROWTH

Many of the ramifications of growth have been explored recently in documents familiar to you such as "The Limits to Growth" (Meadows et al. 1972), "Bluprint for Survival" (Goldsmith et al., 1972) and Mishan's "The Cost of Economic Growth" (Mishan, 1967). These documents establish that many facets of growth as we have known it through the past century will slow or stop within the next decades. The principal question is whether we will have any control over the transition, avoiding the discomforts of Malthusian limits or analogous chaos. I applaud your attempt to address the question directly.

I shall examine an aspect of the cost of growth that has not been explored adequately in these documents or elsewhere. This is the dependence of man on the earth's living resources. I believe that the data I shall summarize indicate that this dependence is far greater than the world's intellectual, political or economic leaders have commonly acknowledged, that irreversible changes are occurring at the moment that have great importance for all, and that, while significant steps have been taken recently in our own air and water pollution bills, much more powerful steps are needed to prevent major, irreversible changes in the capacity of the earth for support of man.

First, the problem is urgent, perhaps the very most urgent of the plethora of urgencies of our time. There is a common tendency to think of pressures on environment as directly correlated with the growth of population; and so they are. The population of the earth is expected to double in the next 30–35 years. But pressures on environment are also a product of human activities. People who have cheap energy, for instance, can command more of the earth's resources than those who do not. Indeed, one of the advantages of having an abundance of energy is precisely this control over other resources. The aggregate demand on resources is the product of the number of people times their average impact per person. Various indices suggest that aggregate impact is increasing very much more rapidly than the population alone. A review of the "Gross Domestic Product", which does not include services, taken from the U.N. Statistical Yearbook (1968), shows an annual increase since 1950 of of 5–6% or a doubling time of 12–14 years (SCEP, p. 119). The Gross Domestic Product might be taken as one index of the aggregate effect of man on environment.

Similarly, the amount of energy used in support of the technological segment of society is another index of aggregate demand on resources. World use of fossil fuel energy has increased for the last century at about 4% per year, giving a doubling time of about 18 years (Hubbert 1969).

Such considerations suggest that the aggregate effects of man on environment are doubling in between 1 and 2 decades, perhaps less. This is a very short time when we consider the time required for major changes in social systems.

Certain effects increase at much greater rates. In the 15 years between 1951–66 a 34% increase in food production was accompanied by a 146% increase in use of nitrates and a 300% increase in use of pesticides. These relationships are shown in Table 1. There appears to be every reason to believe that the further intensification of agriculture will require similarly disproportionate efforts, perhaps more so, as less fertile lands are put into production. There is reason, moreover, to fear that toxification of the environment over large areas will aggravate this problem significantly. It is difficult to exaggerate the speed with which these problems are developing or their potential for disruption.

Second, contrary to the arguments of many economists and others, the earth's biota is our single, most important resource.

While protecting it will not assure wealth and grace for man, its decimation will assure increasing hardship for all. We can gain insight by examining certain aspects of the earth's energy budget, including especially the nonbiotic energy used directly by man in support of technology and the energy used by plants in support of the essential qualities of that thin surface layer of the earth that contains all life. I use energy for my simplification because energy is the basis of the wealth of the western nations and, as we have seen, it can be used as an index of total human activity. I use it also because those who advocate reliance on growth as a solution for all problems rely on an abundance of cheap energy which can be used to substitute resources for one another as need arises. Energy can also be used to measure the intensity of biotic activity on a regional or global basis. A brief discussion and comparison of these two flows of energy, that through man-dominated systems and that through the earth's biota, provides an indication of the scale of human activities and offers one index of the limits of the earth for support of man.

First, world consumption of non-biotic energy is summarized for 1967 in Table 2. Total energy use worldwide, including all non-biotic sources, was estimated as about 45x10^{12} KWH. Virtually all of it was from fossil fuels. About 35% of the total energy was used by the United States and about 86% by the "developed" countries. If all the people of the world used energy at the U.S. rate in 1967, total energy use would have been 6.6 times higher than it was then. Chauncey Starr, writing in the Scientific American in 1971, estimated that if the people of the underdeveloped countries were able to reach the present U.S. standard of living by the year 2,000, total world energy consumption would be 100 times the present consumption. This is, of course, impossible. Petroleum is the most versatile form of readily available energy at present. M. K. Hubbert in 1969 provided an authoritative appraisal of world supplies, reproduced here as Fig. 1. By either of the two limiting assumptions as to the total quantity of petroleum on earth, we can expect to enter the declining phase of extraction and use world wide by the year 2,000 or sooner. A 6 fold increase in rate of use is not possible; the maximum use may be 2 times the present rate, but will decline almost immediately because of declining supplies. Coal is a very much larger resource and might sustain greatly increased use, but at substantial cost to environment in strip mining and in air pollution. Nuclear energy's potential is not being realized for a variety of important reasons. Other non-biotic sources of energy are small. The possibilities for sustaining a doubling time of 15–20 years for energy use worldwide for more than another doubling look questionable at present simply on the basis of the size of the resources and the magnitude of the problems of extraction and distribution. Supplies of non-biotic energy are finite. The problems of supply in the next decades are sufficient of themselves to give pause to those who assume that growth as we have known it in recent decades can continue to float on cheap non-biotic energy.

The second flux of energy I wish to examine is the flux through biotic systems, which is summarized in Table 3. This flux, while often overlooked by those considering the issues of the human future, is far more fundamental to human welfare than the non-biotic energy we have been considering. With only trivial exceptions this energy represents all of the life of the earth including man and sets one limit on the size of human activities. Hidden in the table is all of human food, both plant and animal, some of man's fuel, his fiber and other resources; hidden also are services such as the stabilization of water flows, the amelioration of climate, the cleansing of water and air, and the control of plant and animal populations. These services are performed at no cost to man by systems that build and repair themselves. The services to man can be disrupted and lost; when they are, large costs accrue to society for flood control, for land stabilization, for subsidies of various types, for pest control, and for various forms of social repair and relief. It is reasonable to assert that when large increments in the earth's capacity or maintaining this flux of biotic energy are lost, the earth has lost a significant segment of its capacity for support of man. This energy, too, is finite: the total for the world was estimated most recently by Whittaker and Likens (1973) as 841 x 10^{12} KWH of net primary production per year. Net primary production is the dry organic matter or energy that is left over after the needs of the plants for metabolism have been filled; it is the energy available to support man, other animals and the decay organisms. More than 60% of the earth's net production is terrestrial, most of that in forests. Cultivated land provides for only 43 x 10^{12} KWH of this total. Probably somewhere between 5 and 10% of the world total is used directly now in support of man as food, fuel or fiber. The fraction of the net production of the sea used as food may be higher than that for land because we harvest only fish and may be harvesting fish now at close to the maximum rate that the oceans can sustain.

The most difficult question for us is how much of this flux is used indirectly in support of man through maintenance of essential service? How big can human activities get with respect to the rest of life before all aspects of life in the broadest context of the meaning of "life" are progressively degraded? It seems very doubtful that we will be able to substitute energy-based technologies for all of the functions of forests, for the functions of the biota of the oceans, or for the biota of the coastal wetlands. These are simple systems in the limited sense that they run themselves. They do not require man-controlled energy to sustain them; they do their job in support of man without any tinkering from us. How can we measure the total function of these systems in support of man? Keeping in mind the age-old principle of ecology that no single-factor analysis is ever adequate, we may use as one criterion a comparison of the flux of energy through natural systems with that through man-dominated systems to establish an estimate of the equivalence between the constructive forces of ecological succession and the biotically destructive forces of fossil-fueled man. Table 4 offers such a comparison (Woodwell 1972).

Less than 0.1% of the solar energy impingent on the top of the atmosphere is fixed in photosynthesis and made available as net production. This does not mean that photosynthesis is inefficient, it simply means that the rest of the solar energy is used in other ways. Photosynthesis provides an average worldwide density of net production of 1.4 KWH/m^2/year of the surface of the earth. The non-biotic energy flux controlled by man when averaged over all of the land, is very much lower, about 0.3 KWH/m^2/year; the average flux in the U.S. is about 1.67 KWH/m^2/year, appreciably less than 5–15 KWH/m^2 characteristic of forests and agriculture in the temperate zone. In areas such as Manhattan and Brooklyn the flux of non-biotic energy probably rises to 1,000–3,000 KWH/m^2/year (Table 4), nearly as high as the mean solar flux at the top of the atmosphere. These areas are clearly dependent on other regions for food, fiber and essential services. The significance of the worldwide fluxes and the U.S. flux require further analysis. What can we say about the effects on the biosphere of the growth of human activities to the point of using an average of 1.67 KWH of energy annually per square meter over the entire U.S.? The answer is sufficiently complex to be easily ignored. I shall offer an answer in two segments. First, a general segment showing the pattern of change in the biota caused by disturbance; second an examination of certain specific effects that are more or less directly caused by energy production.

There is a popular assumption that the earth's biota is a more or less random array of species, capable of adjusting by evolution or short-term successional rearrangements to virtually any disturbance. The assumption is misleading. A hundred years of post-Darwinian experience has shown that there are clear, quantitative relationships between species by whatever criterion we choose for measurement. If we choose energy, we can show that there is in any mature natural community a transfer of 10–20% of the energy fixed by the plants to animals that eat plants. Consumers of these animals commonly take 10–20% of this energy. And so on through two or three levels of carnivores. No matter how large the plant population and its net production, canivores will be rare because there is simply not enough energy transferred to them to support them in abundance. This does not mean that they are unimportant; they exert controls over the sizes of populations below them in the trophic structure that keep the flow of energy within the 10–20% limits. This simplification emphasizes that there are quantitative relationships between populations in nature. Natural systems have powerful interactive mechanisms to maintain these relationships and to preserve the integrity of biotic structure. There is overwhelming evidence that man is now overriding these interactive mechanisms by changing the basic chemistry, physics and therefore the biology of the earth, locally, regionally, and worldwide. What are the changes, how important are they, and what should be done?

The changes, no matter how complex they may appear and potentially advantageous in one or more respects, are reductions in biotic structure that can only be considered unstabilizing and retrogressive. The pattern is consistent throughout all of the plant and animal communities of the earth. First, the highly specialized carnivores, perched high in the food web, are reduced or eliminated either by the accumulation of toxins such as the chlorinated hydrocarbons or by changes in the food web below them that leave them without an essential ingredient of their environment. Second, the entire array of plants and animals is changed from one in which large bodied, long-lived species occur to one in which small-bodied, short-lived, rapidly reproducing plant or detritus-eating organisms predominate. We see this pattern now in the reduction of forests in the Los Angeles Basin by toxins in the air. The forest is replaced by low growing shrubs and annual herbs. It can be illustrated dramatically in agriculture where use of broadly toxic compounds as insecticides has eliminated predators and competitors not only of the target species but also of other previously benign inhabitants of the crop, releasing insect and mite populations as new "pests", all of which are herbivorous competitors with man for the crop. It can be seen in carefully designed experiments such as those at Brookhaven National Laboratory where ionizing radiation has been used to reduce the structure of a forest systematically to offer an opportunity to study such questions. It can be seen in the biotic impoverishment of the lands around the Mediterranean and in eutrophic and polluted streams, lakes and estuaries.

Data from Lake Pontchartrain obtained by R. Darnell (1961) illustrate these points for a disturbed estuarine lake. The lake was receiving significant quantities of organic matter at the time of the study and was turbid with Mississippi River silt. It contained a surprising diversity of consumers, most of which showed a dependence on two or more sources of food (Fig. 2). Most, but not all, were dependent on organic detritus in some degree. It is clear that with further disturbance such as elimination of bottom-dwelling animals by siltation, by dredging, or by an oil spill, the fish populations would shift still more heavily toward plant and detritus-eating forms low in the list insofar as the fish survived at all.

It is important that here few species of fish were dependent directly on the plants; most fed only indirectly through detritus, zooplankton, or other fish. Disruption of one of these populations has implications throughout the system, although the changes are often difficult to measure. The pattern, however, is clear: a reduction of complexity favoring fewer forms that are detritus-feeders. We guess that this would mean a reduction in total production of fish; it would certainly mean a reduction in the variety of fish and in the opportunity for harvest of food that would otherwise be totally unavailable to man, who does not eat phytoplankton, most small zooplankton or detritus.

These are gross disturbances: minor disturbances such as small changes in the chemistry of environment must be assumed to bring increments of change in the same direction, although individual increments may be unmeasured and unmeasurable. We are learning now that fish and various other animals communicate by chemical signals at incredibly low concentrations. With the experience of DDT and radioactivity behind us we would be naive to assume that small concentrations of other substances cannot be accumulated, do not have significant effects at low concentrations, and cannot be returned to man in toxic quantities. Indeed, we must assume that they do have biotic effects and manage our affairs to assure that in those systems, such as the oceans, lakes, streams, and terrestrial communities, where biotic integrity is important to us, there is no accumulation of minor chemical insults that can become significant in total. This conclusion bears directly on the recent legislation on air and water pollution as we shall see in a moment.

There are abundant signs that growth in human influences has already progressed to the point where these individually small insults are world wide. Clear world wide effects seem to be limited to an increase in the CO_2 content of air, the worldwide distribution of DDT residues and PCB's to the point where virtually every organism contains detectable residues, to fallout radioactivity, to dust in the atmosphere, and to a worldwide reduction in biotic diversity through a combination of direct exploitation and changes in habitat. While each of these has potentially great significance for man, I use them only to emphasize that we are changing the physics, chemistry and biology of the earth worldwide, a clear sign that growth in the aggregate effect of man has already exceeded the point where we can rely longer on the classical assumptions of an Adam Smith-based economics, in which free enterprise organizes itself through the self-interest of the entrepreneur and the economy grows unbridled into a limitless world.

The magnitude and seriousness of the ecological problems associated with the current scale of human activities is shown most lucidly by a consideration of the acidity of rainfall in the Northeastern United States. Normally rain has acidity that is determined by the CO_2 in the atmosphere. On the pH scale rain usually has a value of 5.6–6.0, indicating slight acidity. Increasing acidity is indicated by lower numbers, each whole unit representing a 10 fold increase. During the past decade rainfall in widely separate parts of the Northeastern U.S. and in Scandinavia has been commonly in the range of 3.8–5.0, occasionally as low as 3.0 (Likens, et al. 1972). The high acidity has been correlated with an increase in the amount of sulphate and nitrate in the rain and is thought to be caused by these acid forming ions. The source of sulphur is probably fossil fuels, including both petroleum and coal. The sulphur is oxidized in combustion and forms sulphuric acid in precipitation. The nitrate is probably fixed by automobiles.

The effects of acid rains are many and important. The acidity is great enough to erode limestone and cement; it is also high enough to affect lakes and streams and to cause serious effects on terrestrial ecosystems. In southern Norway it is reported that the pH of streams has been lowered to the point of eliminating salmon runs (Klein, 1971). Likens and his colleagues (1972) report data suggesting that the acidity of Lake Michigan, the Illinois River, possibly the Ohio River, and the Mississippi has increased in the last 50–75 years. But the most important effects, as yet unmeasured in the United States are on the uplands. Acid rains leach nutrients from leaves and other tissues of plants. Weak acid is also commonly used to extract nutrients from soils. A decade or more of highly acid rains must be assumed to have had effects on nutrient cycles in terrestrial systems in the Northeast, including both forests and agriculture. Continued and increasingly acid rain might reasonably be expected to reduce net production of plants regionally making a major step toward the biotic impoverishment of a segment of a continent. A 10–20% reduction in net primary productivity for the region would be difficult to detect in less than several years. Such a reduction may be a reality now; it will be surprising if it is not demonstrated clearly within the next decade. The fact that the effects are diffused does not diminish their importance. A 10% reduction in the net primary production of the vegetation of the New England States would be a loss of solar energy equivalent to the output of 15 1,000 megawatt reactors operating at full capacity.

Solutions to the acid rain problem are elusive. The sources of the sulphur and nitrogen probably extend as far west as Chicago and south to the Gulf States. The possibility of shifting to low sulphur fuels throughout any significant part of this area seems remote in view of the mounting shortage of oil and the shift to coal. An early reduction in the consumption of fossil fuels, however necessary, scarcely appears possible.

The prospect for the Northeast is for continued, perhaps increasingly, acid rains that will levy a tax on all, but an especially heavy tax on those who gain their livelihoods directly from forestry, agriculture, fishing or related industries. It is a most insidious and regressive tax taken from a resource that should not be available for compromise in the endless series of "trade-offs" made in support of the classical forms of growth. This is a part of the uncounted costs of the growth we have experienced to date that has led to a non-biotic energy flux over the U.S. of 1.67 KWH/m^2/year. It is one sign that we are overdeveloped—that we not only cannot sustain further growth in the current pattern but must plan now for a substantial revision in the pattern and intensity of our activities.

Solar energy is the only long term source of energy available now for support of man. Within the next decades we can expect worldwide human demands on the flux of solar energy fixed in photosynthesis to increase with a doubling time of 10–20 years, perhaps less. These demands include food, fuel, fiber and environmental services. The demands extend not only to plants, they extend to the full range of diversity of the biota. This diversity offers not only stability and predictability of function, but also a wide range of resources to man.

The challenge for us is to recognize the dependence of man on the earth's biota and to bend our phenomenal technology resources to see that the biota is not only preserved but that its support for man is enhanced in the most energetically efficient ways consistent with long continued use. This is not a stance against growth; it is a challenge to redirect growth into new and exciting topics consistent with the facts of a 20th Century earth headed for 7 billion people in about 30 years.

The conclusions seem obvious:

1. The earth's most important resource is its capacity to fix solar energy through photosynthesis and to use it in support of life. This is the earth's largest flux of energy; it's management must now become a major and increasing concern of governments.

2. Man probably uses directly 5–10% of the net primary production of plants; the worldwide changes in the quality of air and water and the reductions in the earth's biota indicate that he is using all of the rest of that energy in secondary services and is in effect now mining the life of the earth.

3. Man's use of non-biotic energy has reached about 5% of the magnitude of worldwide net production of plants and secondary effects of its use at that level are having serious toxic effects on the earth's biota, probably reducing overall the fixation of solar energy and its availability in support of man.

4. Growth in the use of fossil fuels and other energy sources will probably be limited in the next decades by the problems of supply and distribution, forcing major changes in the technological societies that will include restraint of growth in energy-rich technologies.

5. The inevitable struggles for more energy that are intensifying rapidly now should not be allowed to destroy additional segments of the earth's capacity for fixing solar energy. National and international policies on energy development and use are needed now with policies on population to avoid increasing conflict and further degradation of biotic energy sources.

6. The assumption that setting standards for toxins on the basis of thresholds for biotic effects will protect the earth's biota and man is false. There is no way of determining thresholds for the myriad of substances that can be developed and released, no way of controlling releases, no sure way of monitoring for the substances, and no basis for belief that thresholds for effects on natural ecosystems exist. The alternative is, as stated in the Water Pollution Control Act of 1972, preservation of the chemical, physical and biotic integrity of those areas of the earth not directly manipulated by man for urban or agricultural uses.

7. The assumption that the environment has an assimilative capacity for all human insults is misleading and inconsistent with the imperative that the earth's biota be preserved for continuous use by man. An assimilative capacity for organic matter or heat does not imply an assimilative capacity for mercury, lead or other substances that may accompany the organic matter. The evidence is overwhelming that man has already exceeded the assimilative capacity of the biosphere for CO_2, chlorinated hydrocarbon pesticides, PCB's, dust and possibly fossil fuel energy. Assimilative capacity is a useful concept only within those areas of the earth that man determines that he will manage intensively.

8. Economic principles are an insufficient basis for management of the biosphere or such large segments of it as the United States controls. The limits of the earth can be accommodated by recognization of the fact that the biosphere is a series of interacting units, oceans, forests, estuaries, cities, agricultural units, each of which has definable characteristics including interactions with other units. Some, such as the oceans, cannot be managed intensively; others such as cities and agricultural regions, must be. The design and management of these units is an essential topic for science and govern-

ment. It is encouraging that our laws are now beginning to reflect in their objectives some of the realities of the biosphere.

9. The pattern of change necessary in the design of human activities is clear. The further diffusion of toxic influences around the globe must be checked. A certain amount of retrenchment and repair is necessary to assure the stability of biotic resources. Cities cannot be allowed to dispose of wastes in the oceans; fresh water supplies, nutrient elements and mineral resources are to be conserved and recycled; estuaries and coastal waters cannot be used for cooling power plants or ursurped for other industrial uses: they are essential to maintenance of the oceanic biota, including especially the fisheries.

10. These changes in perspective and function of government can come only with a major change in objectives, away from the attractive, even beguiling, concept that economic growth will solve all problems and toward a recognition that the earth's basic resources of life and energy are finite. The transition requires major support from science, from the educational establishment, and from legislative bodies. Private enterprise cannot be expected to make these innovations. Government must lead by providing the domestic climate and resources for the massive research and educational needs that such a transition requires. We should at the moment be building at least two national laboratories, one in the East and one in the West to address directly the questions of how to reconcile the needs of 20th Century man with the facts of a living but finite earth. Instead we are watching the dismantling of science. We would be terrified, if we were thoughtful.

11. The inevitable restriction of growth in energy-dense activities does not restrict growth in all segments of society. On the contrary the problems present an intellectual challenge unprecedented in history. We have now a great new freedom to examine in detail the enduring question of what man's most rewarding circumstances might be. On these topics growth has barely begun.

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TABLE 1.—*World Average Rates of Increase for the Period 1951–1966 for Selected Aspects of Human Activity Related to Food Production (SCEP 1970).*

	Percentage Increase
Food	34
Tractors	63
Phosphates	75
Nitrates	146
Pesticides	300

TABLE 2.—WORLD ENERGY CONSUMPTION IN 1967—(ADAPTED FROM SCEP 1970, P. 294)

[10¹² kWh(t)]

	Coal	Petroleum	Gas	Water [1]	Nuclear	Overall
Developed countries:						
United States	3.52	6.33	5.58	0.22	0.03	15.68
Canada	.18	.63	.38	.13		1.32
Western Europe	3.67	4.42	.33	.32	.09	8.83
Eastern Europe	2.42	.37	.26	.01		3.06
U.S.S.R.	3.27	2.23	1.66	.09	(2)	7.45
Japan	.61	1.11	.02	.07		1.81
Oceania	.26	.24		.02		.52
Total	14.13	15.33	8.32	.86	[3].12	38.67
Developing countries:						
Communist Asia	1.97	0.13		0.04		2.14
Other Asia (excluding Japan)	.76	.85	0.12	.03		1.76
Africa	.43	.29	.02	.02		.76
Other America	.10	1.14	.33	.06		1.63
Total	3.26	2.41	.47	.15		6.29
World total	17.39	17.74	8.70	1.01	[3]0.12	44.96

[1] Hydroelectricity is converted from kWh(e) production figures in table 13 of United Nations, World Energy Supplies as follows:

$$\mathrm{kWh(t)}=\left[\frac{3,412\ \mathrm{Btu}}{\mathrm{kWh(e)}}\ \frac{\mathrm{kWh(t)}}{3,412\ \mathrm{Btu}}\right]\mathrm{kWh(e)}=[1]\mathrm{kWh(e)}$$

[2] Not available.

[3] Nuclear totals exclude U.S.S.R. for which separate data are not available.

Note: U.N. figures are in million metric tons of coal equivalent. The energy contained within 1,000 generated kWh(e) of electricity is equated by the U.N. to 0.125 metric ton coal equivalent. Since the energy content of 1 kWh(e)=the theoretical 3,412 Btu, therefore, $3,412\times10^6$ Btu=0.125 m.t.c.e.=27.3×10^6 Btu.

TABLE 3.—NET PRIMARY PRODUCTION OF THE EARTH. NET PRODUCTION IS THE AMOUNT OF ENERGY OR ORGANIC MATTER AVAILABLE FROM PLANTS TO SUPPORT ANIMALS (INCLUDING MAN) AND ORGANISMS OF DECAY

	10^9T C/yr	10^{12} kWh/yr
Continental:		
Tropical rainforest	15.3	162.0
Tropical seasonal forest	5.1	55.0
Temperate evergreen forest	2.9	36.0
Temperate deciduous forest	3.8	45.0
Boreal forest	4.3	53.0
Woodlands and shrublands	2.2	27.0
Savanna	4.7	49.0
Temperate grasslands	2.0	21.0
Tundra	.5	5.8
Deserts scrub	.6	7.0
Rock, ice and sand	.04	.3
Cultivated land	4.1	43.0
Swamp and marsh	2.2	23.0
Lake and stream	.6	7.0
Total	48.3	534.0
Marine:		
Open ocean	18.9	237.0
Upwelling	.1	1.2
Continental shelf	4.3	50.0
Algal beds	.5	5.8
Estuaries	1.1	12.8
Total	24.9	307.0
World total	73.2	841.0

Source: Adapted from Whittaker and Likens 1973.

TABLE 4.—THE FLUX AND AVERAGE DENSITY OF ENERGY WORLDWIDE

Source of energy	Worldwide flux kWh/yr	Density kWh/m²/yr
Solar energy: Top of atmosphere	156×10^{16}	3.05×10^3
Net production of plants:		
World	841×10^{12}	1.4
Temperate forests and agriculture		10–21
Nonbiotic energy:		
World (1967) [2]	44.9×10^{12}	[1] 0.088 [3] 0.301
United States (1967) [2]	15.6×10^{12}	1.67
Manhattan		[4] $\sim2.4\times10^3$
Kings (Brooklyn)		[4] $\sim1.36\times10^3$

[1] Worldwide.

[2] Man's Impact on the Global Environment (SCEP), MIT Press, 1970, p. 294.

[3] Land only.

[4] Estimated on Basis of per Capita use of Energy in United States.

BARRIERS TO HEALTH CARE FOR OLDER AMERICANS: VIEWS OF THE NATIONAL COUNCIL OF SENIOR CITIZENS

Mr. MUSKIE. Mr. President, I am deeply concerned about the health care crisis facing our Nation's elderly. As chairman of the Subcommittee on Health of the Elderly, I opened hearings last week on "Barriers to Health Care for Older Americans." The first round in the series had a twofold purpose.

First, we gathered valuable testimony for our overall study. Those who appeared before the subcommittee provided information on the major problems we will be exploring in more depth in further hearings in Washington and the field, or in special reports that might be issued in connection with the hearings.

Second, our March hearings served a more immediate purpose. We took an intensive look at the administration proposals to increase the cost of coinsurance and deductibles for medicare participants. This is an issue of great concern to the subcommittee.

The National Council of Senior Citizens sent me for the hearing a statement on the administrations' proposed cutbacks in medicare.

Mr. President, the subcommittee is grateful to have the forceful and well-reasoned views of this outstanding organization on the issue of medicare cutbacks. The statement that NCSC has prepared will greatly assist us as we continue our examination of this crucial matter. Their analysis of the effects of the cutbacks is, I am certain, something my Senate colleagues would like to study in detail.

I ask unanimous consent that the statement of Nelson H. Cruikshank, president of the National Council of Senior Citizens, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF NELSON H. CRUIKSHANK

COMMENTS OF THE NATIONAL COUNCIL OF SENIOR CITIZENS ON ADMINISTRATION'S PROPOSED CUTBACKS IN MEDICARE

The 3,000,000 members of the National Council of Senior Citizens reacted with dismay to President Nixon's budget message. We were shocked to learn that rather than improving the Medicare program along lines proposed by the White Hosue Conference on Aging, the President proposes extensive cutbacks in the existing program.

After studying the President's proposal, the 50-member Executive Board of the National Council of Senior Citizens expressed the serious concern of the Council's membership in a resolution denouncing the drastic Medicare cuts "as an attempt to win favor with the well-to-do at the expense of the defenseless sick elderly of the nation."

Noting that President Nixon seeks to require Medicare patients to pay about three times as much as they now pay for an average hospital stay and a substantial increase in the personal payments required under Medicare medical insurance (Part B), the Executive Board warned: "This means denial of needed health services to a vast number of men and women who can barely meet the present Medicare out-of-pocket payments."

We strongly believe, the enactment of the President's proposal would constitute a most serious barrier to health care for older Americans!

NCSC's views echoed by the Nation

This nation's elderly are not alone in their opposition to the President's proposal; they are joined in opposition by their sons and daughters who are currently making the payroll contributions for Medicare.

The National Council of Senior Citizens has always taken pride in the fact that its membership is concerned with the welfare of people of all ages, members or not. We have often said in testimony to this Committee and other Committees that our members place their responsibility as parents and grandparents before their own self-interest.

Medicare could not have been enacted without the whole-hearted support of our younger working population who saw this program as protection badly needed by their aged parents now and by themselves in their own old age. Just as the population of all ages won the battle for the enactment of Medicare in 1965, the population of all ages can be expected to fight the battle against Mr. Nixon's proposed cutbacks. As evidence, we would cite the recent Harris Survey that showed that 92 percent of all people questioned about Mr. Nixon's various proposals for major changes in federal spending disagreed with his proposal to "make older people pay more than they now pay for Medicare"; only 5 percent agreed.

Of the various proposals, this was the one on which the population most strongly disagreed.

Although agreeing two to one that inflation cannot be controlled unless federal spending is cut to the bone, the public's response to cutbacks in Medicare and other needed social welfare programs indicates the President is very out of step with his spending priorities. In a related question, Harris also found an almost 3 to 1 public agreement with the recently increased Social Security payments. Clearly, President Nixon does not have a mandate to maim and kill basic social welfare programs!

The National Council of Senior Citizens is therefore counting strongly on the support of all our people in defeating the drastic cutbacks in Medicare sought by Mr. Nixon.

A "paper saving" for the President's budget

But the public is not upset only by the proposed cutbacks; they are also upset because the elderly sick and the workers are being used by the President to effect a paper reduction in the budget deficit.

Mr. Nixon, while urging massive cutbacks in Medicare benefits for the workers' elderly parents, made no recommendation to cut back on the payroll taxes the worker pays or the premium the elderly pay to support the Medicare program. By maintaining the Social Security tax as it is, the President is making available as a paper surplus in his unified budget, in effect, another $1.7 billion a year which is now going to support benefits that the proposes to abolish.

To be sure, Mr. Nixon cannot expend this money for anything else. But it is not being spent for the purpose for which Congress imposed the tax—and is therefore a deceitful misuse of the Social Security trust funds. It releases other money the Administration can use to boost the Pentagon budgets.

Thus under the President's budget proposal the elderly sick and the working people would be the victims of a double-edged assault—increases in taxes and premiums accompanied by reductions in health protection.

The proposed cutbacks

As you know, under the guise of reducing what is termed "unnecessary utilization of hospital services," the President proposes that the present deductible of $72 for the first day under hospital insurance be increased to the actual first day charge for room and board. In addition, each Medicare patient would be required to pay a "co-insurance" amount equal to 10 percent of his subsequent hospital bill. In contrast there is no additional charge currently under Medicare for the first 60 days, $18 per day for days 61–90, and $36 per day for "lifetime reserve days" from 91–150.

The financial implications of such a change would be grave. This change would shift an additional burden of an estimated $345 million in hospital costs, during the last six months of Fiscal Year '74, onto the backs of an estimated 5.4 million hospital insurance beneficiaries, or an average out-of-pocket increase of $64.

With this proposal there would be a sharp increase in out-of-pocket expenses for almost all hospital stays. (The great majority of hospital stays are well below 60 days in duration; only about 5 percent of the hospital insurance beneficiaries report total annual hospital days in excess of 60.) Using the rounded-off current average hospital charge under Medicare of $100 per day, the President's proposal would provide relief for only the handful of patients requiring hospital stays of 105 days or more. But for most stays the out-of-pocket costs would soar:

Three-fold increase for an average hospital stay, from $72 to $220 for a 13 day stay.

Almost ten-fold increase for a 60 day stay, from $72 to $690.

While providing relief to an extremely small number of patients, the Nixon proposal would have the accompanying disadvantage of removing the financial disincentives to utilize a hospital as a long-term care facility. This situation would occur because of the change from the progressively higher out-of-pocket per diems currently under Medicare to the President's flat rate of 10 percent.

Another criticism of the Nixon proposal is that the out-of-pocket hospital costs would vary across the country, in accordance with local hospital charges. In other words, in those areas where hospital charges are high, such as California, Northeastern States, and large central cities, a patient would have to pay significantly more for his hospital care than a patient in Wyoming or a rural area.

Medicare patients currently pay the same rate for identical care, regardless of the hospital's normal charge. But under the President's proposal the out-of-pocket charge would vary among hospitals for identical care, since it would be always one-tenth of the hospital's normal charge. The President's proposal could result, therefore, in a disparity between out-of-pocket expenses of as much as 150 percent for identical care in two different hospitals. The burden of this hospital coverage cutback would fall much more heavily on the elderly in high hospital cost areas than in low cost areas.

The budget message also includes less severe proposed cuts in the Supplementary Medical Insurance Program (Part B). The proposal would increase the deductible by 42 percent, from $60 to $85, and the coinsurance of the subsequent cost to the beneficiary by one-fourth, from 20 percent to 25 percent. The increased burden due to this change during the last six months of Fiscal Year '74 is estimated to be $171 million for 11.6 million SMI beneficiaries, or an average out-of-pocket increase of about $15.

The increasing personal burden which would be shifted to the elderly sick under the Nixon proposal for SMI is exemplified by a person with a $200 bill of covered medical expenses. Currently, the person only has to pay $88, whereas with the Nixon proposal he would have to pay $113.75, an increase of 29 percent. In fact, because of raising both the SMI deductible and co-insurance nobody would benefit.

The related problem of assignment

A related problem is apparently not touched in the President's budget message—the erosion of SMI coverage due to the increasing refusal of doctors to take "assignment". Under the "assignment" method of payment the doctor agrees to accept the "reasonable charge" as payment in full. The proportion of doctors taking assignments has decreased in the last few years from some 60 percent to 41 percent and can be expected to decrease still further if Medicare is weakened.

Table 1 illustrates progressive erosion of Medicare coverage as the doctor's bill moves from "reasonable charge" (or assignment charge) to 10 percent above "reasonable charge," and to 20 percent above "reasonable charge."

TABLE I.—CURRENT MEDICARE

[Illustrative percentages of total charges for covered medical and hospital services reimbursable under Medicare, by size of medical bill and days in hospital (at $100 per day]

	Days in hospital					
Medical charges	0	5	10	20	40	80
A. Cases where the medical charge does not exceed the reasonable charge:						
$50	0	77.8	88.4	94.0	97.0	94.0
$100	32.0	76.6	87.3	93.3	96.6	93.8
$200	56.0	77.1	86.7	92.7	96.2	93.7
$400	68.0	77.7	85.7	91.7	95.5	93.3
$800	74.0	78.5	84.4	90.0	94.2	92.7
$1,600	77.0	79.0	83.1	87.8	92.1	91.7
B. Cases where the medical charge is 10 percent above the reasonable charge:						
$50	0	77.8	88.4	94.1	97.0	94.0
$100	24.7	75.5	86.6	93.0	96.4	93.7
$200	48.7	75.1	85.5	92.1	95.8	93.5
$400	60.7	74.5	83.6	90.5	94.8	93.0
$800	66.7	74.0	81.7	87.9	93.0	92.1
$1,600	69.7	73.5	78.6	84.6	90.1	90.5

Medical charges	Days in hospital					
	0	5	10	20	40	80
C. Cases where the medical charge is 20 percent above the reasonable charge:						
$50	0	77.8	88.4	94.1	97.0	94.0
$100	18.7	74.4	86.1	92.7	96.3	93.7
$200	42.7	73.3	84.5	91.5	95.6	93.3
$400	54.7	71.9	81.9	89.4	94.2	92.7
$800	60.7	70.3	78.5	86.2	91.9	91.5
$1,600	63.7	68.9	74.9	81.9	88.3	89.4

The reduction of Medicare coverage due to the lack of control over medical charges can be exemplified by the hypothetical case of a man who has received 5 days of hospitalization and $800 of Part B medical care. If the $800 is billed under "assignment," Medicare will pay 78.5 percent of his total bill. However, his coverage is eroded if that medical bill is 10 percent above "reasonable charge" to 74.0 percent, and only 70.3 percent if 20 percent above "reasonable charge."

The table also displays:

The more extensive coverage of hospital charges vs. medical charges.

The more extensive coverage of hospitalization for 60 days or less vs. over 60 day stays.

It should also be borne in mind that the medical expenses in the tables are not total expenses for an illness in a typical case since they include only *covered* expenses and do not include, therefore, such items as out-of-hospital drugs. If such items were included the percentages in the table in almost all cases would be smaller.

The disastrous combination of President Nixon's proposed Medicare coverage reductions and the increasing refusal of physicians to accept the "reasonable charge", that is to take "assignment", for medical care is graphically outlined on Table 2. Using again the hypothetical case of the man with 5 hospital days and $800 medical bill, under "assignment" in Nixon's proposal he would get further reductions to 68.9 percent coverage, 64.8 percent if 10 percent above "reasonable", and 61.3 percent if 20 percent above "reasonable".

TABLE 2.—NIXON PROPOSAL

[Illustrative percentages of total charges for covered medical and hospital services reimbursable under Medicare under terms of changes proposed in Nixon budget, by size of medical bill and days in hospital (at $100 per day)]

Medical charges	Days in hospital					
	0	5	10	20	40	80
A. Cases where the medical charge does not exceed the reasonable charge:						
$50	0	65.5	77.1	83.4	86.7	88.3
$100	11.3	61.9	74.7	82.0	85.9	87.9
$200	43.1	63.8	74.7	81.7	85.6	87.8
$400	59.1	64.4	74.7	81.1	85.1	87.5
$800	67.0	68.9	74.8	80.2	84.3	86.9
$1,600	71.0	71.3	74.9	79.1	83.0	85.9
B. Cases where the medical charge is 10 percent above the reasonable charge:						
$50	0	65.5	77.1	83.4	86.7	88.3
$100	4.4	60.7	74.0	81.6	85.7	87.8
$200	36.3	61.8	73.6	81.0	85.3	87.6
$400	52.2	63.2	72.8	80.0	84.5	87.1
$800	60.2	64.8	71.8	78.3	83.2	86.3
$1,600	64.2	66.1	70.7	76.0	81.0	84.8
C. Cases where the medical charge is 20 percent above the reasonable charge:						
$50	0	65.5	77.1	83.4	86.7	88.3
$100	0	60.0	73.6	81.4	85.6	87.8
$200	30.6	60.2	72.6	80.5	85.0	87.5
$400	46.6	60.7	71.2	79.0	84.0	86.9
$800	54.5	61.3	69.2	76.7	82.2	85.8
$1,600	58.5	61.7	67.2	73.5	79.4	83.8

The real effects of deductibles and coinsurance

Many studies have been conducted on the utilization of health services under deductible and coinsurance provisions. Common conclusions cited by these studies are that the only circumstance which leads to reduced utilization is when the deductible and coinsurance are set high. But at high levels they are found to create a financial hardship and discourage prudent health service utilization. On the other hand, smaller rates are nothing more than administrative nuisances and will hardly act as a utilization control

President Nixon's record on part B premiums

Mr. Nixon, after repeated promises to eliminate the Part B premium for doctors insurance—a premium that will increase to $6.30 in July—now proposes to retain this premium while simultaneously making deep slashes in Medicare benefits.

Part B premiums bear heavily on the low incomes of older people who are attempting to insure against some portion of their medical costs. Since January 1, 1966 when the program began, premiums have more than doubled, an 110 percent increase. Coupled with the recent raise in the Part B deductible to $60, the new increase means participants in the voluntary program will have an annual out-of-pocket cost of $136 before they will get even limited reimbursement for medical bills!

Mr. Nixon first recognized the injustice of this burden in his 1971 Health Message when he proposed the elimination of Part B premiums. At that time he also proposed a decrease in Medicare benefits to make up the loss in premiums. He repeated his pledge to eliminate Part B premiums to a White House Conference that had made this an important plank in its recommendations for improved health security for the aged and again in his March 23, 1972 message on Aging. But by then he apparently intended that the loss be made up by raiding one of the Social Security trust funds of money needed to pay cash benefits or by increasing the Social Security tax on workers and employers. Needless to say, the nation's elderly would be worse off under these proposals, regardless of how attractive the President made them sound.

Again, Mr. Nixon in campaigning for reelection, and the Republican Party Platform made much of this proposal to eliminate the monthly premium required under Part B of Medicare—"the equivalent of more than a three percent social security increase."

In fact, the claims made for the President by the Committee to Re-elect the President in the pamphlet called "The President Cares" far outstepped this pledge, making it sound like an accomplished act. Lamenting the fact that the President had failed to stop the increase in medical fees, the pamphlet said:

"The $5.80 monthly permium for Medicare Part B (doctor) insurance is henceforth to be paid for by the government—worth another $1.5 billion to the nation's elderly."

The same pamphlet gave Mr. Nixon credit for increases in social security cash benefits, increases passed by the Congress over a threat of Presidential veto. But the falseness of the claims with respect to Part B premiums must have been evident to every older person who has to pay the premiums—and increasing premiums—every month. What he may not have known is that the President had never even proposed that this premium be paid for by the government.

And once reelected Mr. Nixon has withdrawn from his proposal for eliminating the premium. His proposal now is to continue this heavy burden on the older individual at the same time that Medicare benefits would be drastically slashed.

Nixon proposals flaunt White House Conference recommendations

Mr. Nixon, in his speech to the closing session of the White House Conference on Aging, promised that he would make sure that the recommendations of the December 1971 Conference would not gather dust in the National Archives. Right now the dust covering those recommendations must be inches thick! And his proposals for Medicare cutbacks not only ignore the recommendations for improvement but drastically reverse the course recommended by the Conferees!

One of the major recommendations of the Conference called for making comprehensive health care available to all Americans, including the elderly, without deductibles and without any other coinsurance or out-of-pocket payments, financed under Social Security. Pending National Health Insurance for the total population, the Conferees called for improvements in Medicare and Medicaid. Specifically, benefits should be increased immediately to include, at a minimum, out-of-hospital drugs; care of the eyes, ears, teeth and feet; improved services for long-term care and expanded and broadened services in the home and other alternatives to institutional care. There should be no deductibles, co-payments, or co-insurance under either program. Medicare should be financed through Social Security payroll taxes and a greatly expanded use of Federal revenues, not through ever-rising premiums paid by the elderly

In conclusion

The President's proposal is clearly an attempt to strip the elderly of their hard-fought gains, to turn back the clock of health care progress!

Special note should be made of Nixon's tricky method of making the impact of his proposed cutbacks appear only half as bad as reality. The yearly added burden to the elderly sick is effectively twice what the budget suggests since the proposed changes would only be in effect during the last six months of Fiscal Year '74. The President wants, in effect, to cut back Part A and B coverage more than $1 billion a year! By including other cutbacks obscured in the budget message, the total added burden to the elderly is about $1.7 billion a year.

To add insult to injury, the President makes no proposal to pass this "saving" on to those who contribute to the health insurance trust funds. There is no attempt to use this budget "saving" to reduce the one percent hospital insurance payroll tax, raised in January from 0.65 percent, or reduce the announced increase in SMI premiums from $5.80 per month to $6.30, as of July, 1973. By maintaining the tax and premium, President Nixon is making available as a paper surplus in his unified budget another $1.7 billion a year which is now going to support benefits that would be abolished.

We trust the Congress will never find acceptable this outrageous and unconscionable scheme to steal from the elderly sick and give to the rich, the Pentagon, and the special interests!

SUCCESS OF THE ALL-VOLUNTEER FORCE

Mr. HUMPHREY. Mr. President, I was most pleased to learn that the administration will not seek an extension of the President's Selective Service induction authority. This step represents a small but important recognition of the constitutional prerogative of Congress to raise and support armies.

This announcement also signifies the success of the volunteer force program. In a comprehensive report issued last week, Secretary of Defense Elliot Richardson made the following important points:

The trend in "true volunteer" rates has increased the number of enlistments to the point where the draft is no longer necessary;

Despite decreasing draft pressure, the quality of new recruits has remained steady;

The supply of officers has been adequate;

Opportunities for women in service are being greatly expanded; and

An increasing number of support jobs now performed by military personnel will be handled in a more effective and economical fashion by civilians.

The report also shows that the cost of the volunteer force is within the range predicted by the Gates Commission. While we must reduce overall personnel expenditures, it is important to note that the volunteer force increment for fiscal year 1974 is only $400 million, as compared to an increase of $4.1 billion in the defense budget as a whole.

Secretary Richardson's report lists several technical concerns that must be addressed to insure efficient management of the Armed Forces in the absence of the draft. A key proposal is the Special Pay Act, which I have cosponsored. This cost effective measure—introduced by the Senator from California (Mr. CRANSTON), the Senator from Texas (Mr. BENTSEN), and others—will maintain the strength of the Reserves and Guard, provide an adequate supply of military physicians, and establish meaningful compensation for young men and women of outstanding skill and ability.

I am sure that all who are interested in military personnel problems will want to read this report, and I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

THE ALL-VOLUNTEER FORCE AND THE END OF THE DRAFT

(Special report of Secretary of Defense Elliot L. Richardson, March 1973)

(NOTE.—Charts referred to are not printed in the RECORD.)

THE SECRETARY OF DEFENSE,
Washington, D.C.

On January 27, 1973, Secretary of Defense Melvin R. Laird announced that "the Armed Forces henceforth will depend exclusively on volunteer soldiers, sailors, airmen and marines. The use of the draft has ended." Three days later I became Secretary of Defense. Let no one doubt that I count it as among my most compelling tasks to make the All-Volunteer Force a working reality.

This Special Report updates the August 1972 Report of my able predecessor and describes the remarkable progress made by the Military Services in eliminating the draft without weakening our military forces or impairing our ability to deter threats to the peace. It also describes remaining problems and their solutions.

The goal of an All-Volunteer Force was set by our Commander-in-Chief, President Richard M. Nixon, in October, 1968. In March, 1969, the President appointed a distinguished Commission on the All-Volunteer Force under the Chairmanship of the Honorable Thomas S. Gates, Jr., former Secretary of Defense. After a year of intensive study, the Gates Commission concluded that:

"We unanimously believe that the nation's interest will be better served by an all-volunteer force, supported by an effective stand-by draft, than by a mixed force of volunteers and conscripts . . ."

The material in this Report is evidence that the historic goal of having an All-Volunteer Force can, indeed, be reached by this generation of Americans. Accordingly, on behalf of the Administration I have advised the Chairman of the Armed Services Committees of the Senate and of the House of Representatives that it will not be necessary to extend the draft induction authority beyond its expiration date of July 1.

Finally, I have asked Congress to promptly pass legislation to help us solve special manning problems, and thus assure that it will not be necessary for us to request reinstatement of the induction authority at some future time to meet our peacetime manpower needs.

ELLIOT L. RICHARDSON.

CHAPTER I—ACCOMPLISHMENTS

The enactment of the draft extension bill in 1971 provided two years to make the transition to an All-Volunteer Force. The transition has been made in 18 months and further extension of induction authority beyond July 1, 1973, will not be required.

In part, this remarkable achievement has been made possible by continuing reductions in Active Force strength required to meet national security commitments. From a Vietnam War peak of 3.55 million, Active Forces have declined to the end-FY 1974 baseline strength of 2.23 million.

Elimination of the draft

From the level of 299,000 in 1968, at the height of the Vietnam War, draft calls have rapidly declined to zero. Inductions ended in December 1972.

Enlistment trends

The favorable trend in male enlistments for all Services and especially the trend in true volunteers, coupled with the decline in required Active Force strength, have eliminated the need to continue the draft.

Despite the sharp drop in draft calls, overall enlistments DOD-wide have increased and the proportion of true volunteers among those who enlisted has increased from 59 percent in FY 1971 to an estimated 84 percent in FY 1973. With the termination of draft calls in December, virtually all current enlistees are true volunteers.

Several factors contributed to this improvement. Certainly the increase in military entry pay provided by the Congress in Public Law 92-129, which became effective in November 1971, attracted additional volunteers.

Improving the conditions of Service life, modernizing the training of personnel, and renewing the emphasis on professionalism in the Services—and communicating these changes to the public—also have attracted additional volunteers.

But the factor which may have contributed most to these volunteer increases is the improved recruiting program. During the years of heavy draft pressure, military recruiting was often little more than "order taking." The draft induced many young men to enlist, and gaps in enlistments were made up by drafting more young men. The draft served as an ever-present crutch to support unaggressive recruiting.

A great and successful effort has been made to improve the quality of military recruiting and to expand the recruiting force. Highly qualified officers and NCOs are seeking and being assigned to recruiting billets. Increasingly the military recruiter is capable of describing the challenges and satisfactions of military service, and of competing effectively in the labor market with those who offer other job options. Thus, he reflects to the prospective enlistee the best of Service life.

The individual services

The Army, faced with the highest enlistment requirements, has made great progress. To meet its accession requirements of 162,000 new men in FY 1974, the Army must enlist 11,000 more than its expected level of true volunteers for FY 1973. The enlistment trend, which can be visualized on the following chart, indicates that with continued improved the Army will meet its FY 1974 enlistment requirement.

The Navy experienced recruiting shortages in late FY 1971 and early FY 1972, partly due to shortages in its recruiting force. The Navy has overcome these early difficulties and now is attracting sufficient volunteers to meet its requirements.

The Marine Corps "needs a few good men" and gets them. The consistently high quality of its recruiting program, combined with stable force requirements, angur well for the Marine Corps meeting its enlistment requirements in FY 1974 and beyond.

During the entire period of transition to the All-Volunteer Force, the Air Force has met its manning requirements with high caliber enlistees. Its effective recruiting system, and the popularity of the Air Force with young people, assure its capibility in meeting enlistment requirements in the future.

Ground combat arms enlistments

The impact of aggressive and creative recruiting is illustrated by the Army's experience in enlisting men for the ground combat arms—infantry, artillery, and armor. During July to December 1970, enlistments for these specialities averaged 227 a month compared with requirements averaging 5,000 a month. Most of the men assigned to ground combat jobs were either draftees or men who enlisted without selecting a military specialty. During July to December 1971, ground combat enlistments reached a one-month high of 3,900 and averaged slightly over 3,000 a month. Enlistments continued at this level in 1972. This spectacular rise was achieved by offering the choice of overseas locations and unit assignments to combat arms enlistees, by advertising these new options, and by aggressively recruiting candidates for them.

With Army combat arms enlistments stabilized at 3,000 a month for one year, a test of the combat arms bonus authorized earlier by Congress was initiated on June 1. A bonus of $1,500 was offered to Army and Marine Corps ground combat volunteers who enlisted for four years. Before the bonus test there were some Marine Corps four year ground combat enlistments, but none in the Army.

The test was originally scheduled for three months. However, its initial success in increasing combat arms enlistments and the proportion of four-year enlistments resulted in the bonus test being extended. To date Army ground combat arms enlistments have averaged 3,825 a month—an increase of 26 percent over the pre-test period. This number of enlistments would be sufficient to fill Army combat arms requirements in FY 1974.

The longer enlistment of four years associated with the bonus, rather than two or three years without it, is significant. It will have the effect of substantially reducing the high cost of training and reducing personnel turnover in the future. It is also an indication that an enlistment bonus can be used effectively to attract people for longer enlistments in hard skills that require long training, thus further reducing the cost of training.

Quality of enlistments

There have been some dire predictions that ending the draft would produce an organization of substandard volunteers. Our experience does not support this claim. The quality objectives for military enlistments are being met as well or better than during earlier periods of high draft calls. These objectives are:

To enlist people whose learning capacities match the requirements of military jobs.

To enlist people who display self-discipline and control.

To maintain efficiency and effectiveness of the Armed Forces.

To minimize military manpower costs.

Because of the importance of maintaining the fine balance among the quality of the force, its mission requirements, and its costs, we monitor quality factors closely. Mental ability of people entering military service is one of these factors.

The trends in mental ability of new entries by fiscal year show a modest decline in men coming into military service having above average mental ability. However, the number is adequate to fill jobs requiring complex technical training and the ability to complete such training successfully. There has been a steady increase in the proportion of men entering service with average mental ability, which is adequate for most military jobs. The declining trend in Mental Group IV personnel is the result of emphasis placed on recruiting people with greater mental ability. Overall, the learning capacity of new entries is adequate in meeting job requirements when the proportion of Mental Group IV personnel does not exceed about 22 percent. Conversely, when the overall proportion of Mental Group IV personnel falls below 15 percent, there is a tendency toward many people being under-challenged by their job assignments.

High school graduates have consistently performed better is their military jobs, and have had fewer disciplinary problems, than those who have not graduated. Hence, special emphasis is placed on attracting a high proportion of young men who have completed high school.

Because of a sharp decline in the percentage of high school graduates among Army enlistees during the first half of FY 1973, the overall percentage of high school graduates among enlistees for all of the Armed Services combined dropped from 71 percent in FY 1972 to 63 percent in the first half of FY 1973. Starting February 1, 1973, the Army placed a ceiling of 30 percent non-high school graduate enlistments each month. Army recruiters will direct more attention toward high school graduates and this shift in emphasis should increase the Army percentage of high school graduates to the 70 percent level which is desirable.

Because of the very significant increase in total enlistments during the first seven months of FY 1973 compared to the same period in FY 1972, the total number of high school graduates actually increased from 167,000 during July 1971-January 1972 to 172,000 during July 1972-January 1973.

The overall goal is to obtain people who have the capacity and will to perform the required jobs in a completely satisfactory manner. It may be necessary to offer bonuses to attract people in sufficient numbers for the more difficult jobs, or to use reenlistment bonuses to selectively retain them. Authority for the payment of such bonuses is contained in the Uniformed Sevices Special Pay Act which awaits action by Congress.

Use of women in the military services

Along with increasing enlistments of men, more women are volunteering for military service as the individual Services implement plans to increase the number of women serving in a wide variety of job specialties. Currently, more than 80 percent of job specialties Defense-wide are open to women.

In FY 1972, 14,000 women enlisted in the four Services combined. FY 1973 goals call for enlisting 21,700 women—an increase of more than 50 percent. Enlistment trends for the first seven months of the fiscal year indicate that the goals for women will be achieved. They are all high school graduates, or have GED equivalents, and have average or above average mental ability.

An important consideration in implementing the All-Volunteer Force is the potential trade-off between men and women. By enlisting more women, fewer men have to be enlisted. Also, because the proportion of women in the Armed Forces is much smaller than men, it is comparatively easy to maintain high quality standards among women entries.

It is likely that the planned end-strengths for women shown on the chart will be substantially exceeded in the process of their broader utilization within the Services.

Officer supply

The Military Services met their requirements for 43,000 new commissioned officers in FY 1972.

In meeting these requirements for new officers, the Services drew on the supply of ROTC graduates who had enrolled in the program in previous years when draft pressure was high. Legislation, which in FY 1973 increased the number of ROTC scholarships and subsistence payments, has thus far been effective in abating any serious decline in ROTC enrollment.

By FY 1974, requirements for new commissioned officers will drop to about 20,000 per year, except for medical officers. Attracting this number, compared with the 280,000 qualified men who will graduate from colleges, should not be a difficult task.

The Uniformed Services Special Pay Act, discussed later, would provide upon enactment variable incentive pay that would be useful in raising retention of officers in such fields as nuclear submarines and aviation. With higher retention, any problems in attracting sufficient new officers in these specialized fields would be soluble.

As with enlisted women, there are many more qualified women who seek military service as officers than there are vacancies for them to fill. Increased use of women in the officer ranks will substantially facilitate the procurement of qualified officers.

Physicians

Since World War II, retention of military physicians, dentists, and other health professionals has been among the most difficult personnel problems for the Services. At present, only one-sixth of the physicians on active duty are serving voluntarily. Another one-sixth serve because of obligations incurred through medical training programs subsidized or provided by DOD. The remaining two-thirds serve because of the "doctor draft." Since the latter group serve for two years, this means that one-third of our physician force turns over each year. The inefficiencies and costs of such a system are obvious.

This problem is made especially critical by two factors. First, there is currently a national shortage of health professionals. Second, there is a big gap between the pay of most military health professionals and their civilian counterparts, particularly in the initial years of practice following completion of their professional training.

Most of the physician entries in recent years have been obtained through the draft or the draft-motivated Berry Plan. This is a program under which an intern defers his obligated military service until completion of specialty training, generally a period of from two to five or more years. A number of physicians are currently in various phases of training under this program and may still be called upon to perform their military service as Reserve officers. Even assuming continued reliance on those who will be completing their deferments under the Berry Plan, there will be a shortage of physicians by end-FY 1975. We estimate that the shortage by end-FY 1976 would be 2,200 unless there is early action on special pay legislation. Without the use of the Berry Plan participants there could be a shortage of 6,900 physicians by end-FY 1976.

Essentially no real progress has been made since the previous report toward solving the future problem of shortages of physicians since legislation to overcome the pay gap between military and civilian physicians was not enacted by the 92nd Congress. Neither have the Military Medical Services yet accomplished the efficiencies possible in modern hospital care through new techniques, greater use of paraprofessionals, tri-Service regionalization of military health care, etc.

The Uniformed Services Special Pay Act embodies corrections to bring pay of military physicians to competitive levels. It is essential that this legislation and other actions be accomplished at an early date so that military health care will not suffer. If these actions, particularly those relating to increased pay, are delayed, the military departments can be expected to lose a large number of experienced military health specialists in the immediate future.

Guard and Reserve strength

Measures to revitalize the Guard and Reserve described in the August report have continued, and with good results. Yet, Guard and Reserve Forces are just now receiving their severest test.

By June 1972, the combined National Guard and Reserve Forces strengths were 49,000—or about 5 percent—below the Congressionally mandated minimum of 972,674 at that time. In FY 1973 mandated strength increased by about 4,000 to 976,559. Despite this increase and substantial losses of reservists, though greatly increased recruiting efforts the Reserve Forces managed to end calendar year 1972 with approximately the same shortage. High losses projected over the next five months will offset most of the enlistment gains, so it is expected that there will be some shortage of Selected Reserve personnel at the end of this fiscal year.

On June 22, President Nixon announced the creation of the National Committee for Support of the Guard and Reserve and named Mr. J. M. Roche, Former Chairman of the Board of General Motors Corporation, as its Chairman. The efforts of this Committee have improved public understanding of the Guard and Reserve role in our nation's security system, and have enlisted the cooperation of those who employ present and prospective members of Guard and Reserve Components. Though its efforts, the Committee has sought to make the American taxpayer realize that a well equipped, fully manned, and readily deployable Guard and Reserve is potentially the most economical part of our national defense system—and that without it, his and the nation's security are in peril.

While better recruiting and fuller public support are essential for the Reserve Forces, these actions alone are not enough. Needed also is the authority to pay enlistment and reenlistment bonuses to men and women in the Guard and Reserves. These would be provided under a key provision of the Uniformed Services Special Pay Act. The bill would authorize bonuses of up to $2,200 for an enlistment or reenlistment of six years in a critical skill.

Long-time experience with variable reenlistment bonuses in the Active Forces, and experience since June 1972 with the enlistment bonus for ground combat arms in the Active Army and Marine Corps, continue to be favorable. Without a draft, and in order to be effective and fully manned, the Selected Reserve needs the same kinds of financial incentives which have been made available for use in the Active Forces.

Civilian substitution

Many support-type jobs now filled by military men can be performed effectively and economically by civilians. The expanded use of this alternate source of manpower can further reduce the requirement for male recruits.

When the August 1972 report was published, studies of civilian substitution were underway. In December 1972, the Secretary of Defense instructed the Military Services to initiate immediate programs to civilianize at least 31,000 military positions by end-FY 1974.

CHAPTER II—REMAINING ALL-VOLUNTEER FORCE NEEDS

As observed earlier in this report, there has been tremendous progress in increasing the number of volunteers, while maintaining quality standards. This has made it possible to end the draft, and it will not be necessary to extend the induction authority beyond its expiration date of July 1, 1973.

Uniformed services special pay legislation

It is important that Congress act promptly in passing special pay legislation to assure that it will not be necessary to request reinstatement of the draft at some future time to meet our peacetime manpower requirements.

The Uniformed Services Special Pay Act passed the House of Representatives of the 92nd Congress during the final weeks of its session, but failed for lack of action in the Senate.

Each provision of the current Special Pay Act, like its predecessor bill in the 92nd Congress, addresses a specific All-Volunteer Force need. Not every provision would be employed immediately or in the full amount. None would be used if all problems could be solved by other means. However, the provisions would be selectively employed to overcome shortages or deficiencies which remain or develop in the future.

The total FY 1974 cost of the Special Pay Act, assuming all provisions are authorized and are used to the maximum extent from July 1, 1973, would be approximately $225 million.

All-Volunteer Force costs

Some early estimates that an All-Volunteer Force would be prohibitively costly have proven incorrect. Many of the costs associated with the All-Volunteer Force program should not even be charged against the program since they are expenditures that would have been prudent to make under any conditions. Prior to enactment of Public Law 92–129 in November, 1971, first term enlisted men and women did not enjoy competitive pay scales with their civilian peers. As a result, every young soldier, sailor, airman, or marine—inductee and volunteer alike—was paying a large implied tax while serving his country.

If the costs of the November 1971 pay increase (the law was not put into effect immediately) and two subsequent cost-of-living increases on January 1, 1972, and January 1, 1973, are subtracted from the total costs associated with the All-Volunteer Force, the additional annual costs do not exceed $1 billion.

CHAPTER III—SUMMARY

The draft has ended, and induction authority will expire July 1, 1973. With the help of special legislation and continued public support, it should not be necessary to reinstate the draft in the future to meet our peacetime manpower needs.

Enlistment levels reached during the past year match total requirements through FY 1974. The Services have demonstrated the capability of maintaining and exceeding these levels.

The quality of enlistments has been maintained. Moreover, as favorable enlistment trends continue, the Services will be able to reduce the number of disciplinary problems by increasing the proportion of high school graduates among future enlistees.

Increases in the number of highly qualified women enlistees, and the replacement of military members by civilians in support-type jobs, will further reduce the requirement for enlisting men into the Armed Forces.

The effectiveness of an enlistment bonus, as a means of attracting new members to skills that are in short supply, has been demonstrated by the successful Army and Marine Corps test of the ground combat arms bonus. More extensive experience with the reenlistment bonus has established its usefulness in obtaining higher retention of personnel who possess critical skills. The authority to use special bonuses for attraction and retention in critical skills is important insurance against having to reinstate the induction authority at some future time to meet peacetime manpower needs.

Shortages in the Guard and Reserve have stabilized at about 5 percent of the mandated strength of the Selected Reserve. These shortages will decline gradually through continued improvements in Reserve recruiting, in the effectiveness of Reserve training, and in the public support of the Guard and Reserve. However, the Reserve bonus provisions of the Special Pay Act are needed also to assure that Selected Reserve requirements will be met in the future.

As indicated, there will be a shortage of military physicians unless special pay incentives are provided. The Military Services will reduce the health services shortage by improving the efficiency of military health care. Such improvements, combined with additional medical scholarships and special pay incentives, should be sufficient to solve this problem.

Moving to an All-Volunteer Force from a thirty year-old draft system in less than four years is indeed an historic and major achievement. As noted by my predecessor in his August, 1972, progress report on this subject, great credit is due our military leaders for moving to convert from "conscript" to "volunteer" promptly, aggressively, and with such a high degree of success.

With their leadership, and with continued improvement in the management of our human resources, I am confident that the nation's security during peacetime will be best served by the All-Volunteer Force.

BUSINESS AND THE CONSUMER: PUBLIC OPINION CALLS FOR A MORE POSITIVE STANCE

Mr. PERCY. Mr. President, several years ago, while discussing ways to meet the public needs of the United States, President Nixon urged that "we take a new road, one that taps the energies of the greatest engine of productivity the world has ever known—the engine of American industry and private enterprise." The President's statement is often quoted today, but the response from the business community has been disconcerting and not entirely consistent.

Few would disagree that American business and industry have enormous power for social good. The thrust of the engine to which the President referred has been steadily gaining momentum with industry's new willingness to revise marketing techniques and to sponsor diversified social programs and services. There are numerous examples of private industry's honest attempts to generate a reciprocal goodwill with the rest of society by confronting the difficult social problems which plague and divide American society.

Examples which come to mind of American industry's concern for improved community relations are the industrial skills training program for high school dropouts directed by Motorola Inc., and the social service employee leave program recently established by the Xerox Corp. Many companies are responding to consumer pleas for social activism with policies that go far beyond any imposed standards. Just last month, Sears, Roebuck & Co. voluntarily introduced a new flame-retardant sleepwear line for children's sizes, 7 to 14, while Quaker Oats will soon implement a learning program for young children printed on "Life" cereal boxes.

Other noteworthy examples of corporate concern for the public well-being include Zenith Radio Corp.'s 48-hour complaint reply system, Reynolds Metals' aluminum recycling campaign with reclamation centers in 11 major cities, and Pillsbury's project in cooperation with the Office of Economic Opportunity which offers protein-rich lysine flour to low-income families.

Such foresight and concern deserves recognition, and other companies should be encouraged to adopt similar programs.

One area, however, in which some businesses have been noticeably lax and unresponsive to public feelings is consumer relations. The following paradox exists: Even though businesses are increasingly realizing that community relations and social activism enhance the free enterprise system, too many nonetheless continue to reject the theory that consumer consideration is good for business. This paradox became quite clear to me during the consideration of the Consumer Protection Agency legislation last year. The lobbying effort directed against this bill by several segments of the business community exemplifies the dual standard which prevails. On one hand, business and private industry are opening the throttle and proceeding under full steam to create a recognizable social consciousness, while on the other, too many continue to neglect the legitimate needs and demands of consumers.

There are, however, some notable exceptions. Leo Schoenhofen, chairman of the board of Marcor, the parent company to Montgomery Ward and the Container Corporation of America, has expressed his belief in the value of business sensitivity to consumer pleas. In a letter to me dated September 25, 1972, Mr. Schoenhofen stated Marcor's enlightened position as follows:

> There is a growing body of opinion that sees a close correlation between the belief of numerous consumers that they don't yet have adequate protection in some important circumstances and today's less than optimum public confidence in business, the declining interest of some talented young people in business careers, and other ills that currently plague the marketplace. Because we believe a fair and effective Consumer Protection Agency law would be a positive step toward correcting some of these problems and because we believe it would advance the vital cause of providing all Americans with fair and effective consumer protection, we are pleased to announce our support.

Mr. Schoenhofen's views were seconded 2 weeks ago by John Nevin, president of the Zenith Radio Corp., who wrote to Senator Moss endorsing S. 707, the Consumer Protection Agency bill, because "the interests of the public and the business community would be served."

I believe that Mr. Schoenhofen and Mr. Nevin will be joined shortly by several other farsighted businessmen who realize that the consumer's voice must be heard by both private industry and the Federal Government.

When all the inflammatory rhetoric is swept aside, the consumer's demands are relatively modest. He asks only for a free consumer choice in a competitive market; the prevention of unfair or deceptive trade practices; fair advertising, promotion and sales practices; adequate product information and warnings; and protection of his legal rights and those of other consumers.

On February 1, 1973, Senators Ribicoff, Javits, and I, joined by Senators Magnuson, Moss, and Cook, reintroduced this critical Consumer Protection Agency legislation.

Now, 24 additional Senators have joined in cosponsoring that measure. At the time of introduction, I addressed this body on the principles underlying this legislation and the necessity for prompt action by the whole Senate during the 93d Congress. Four recent public opinion surveys have shown very clearly that consumers are tired of neglect by both industry and government. These surveys, one conducted by two marketing professors at the University of Georgia, and three taken by the Harris survey, support what would appear to be the good business judgment underlying Mr. Schoenhofen's reasoning and the points my colleagues and I advanced during the fight to save this legislation last year.

The results of these surveys, which I shall request be printed in their entirety at the conclusion of my remarks, should alert the business community and Members of this body that the public will no longer accept the traditional excuses for such abuses as the marketing of potentially harmful drugs or unsafe automobiles. They indicate that the public expects more credibility and responsiveness from business, but is disappointed because it feels the opposite course is being followed.

For example, the random mail sampling poll conducted by Hiram D. Barksdale, Chairman of the Department of Marketing and Distribution, and William R. Darden, associate professor of marketing at the University of Georgia, supports the dismaying conclusion that the public has "more confidence in government enforcement than in voluntary business efforts to meet consumer expectations." Specifically, over 73 percent of those responding believed that the Government should test competing brands of products; 73.7 percent stated that the Government should set minimum standards for all consumer products; 77.1 percent indicated that a Federal Department of Consumer Protection is needed—a point that I would have to take exception with, in that I believe a small "fat-free" cadre of advocates for the consumer would be sufficient—and 74.9 percent believe that the exploitation of consumers by business firms deserves more attention than it receives.

I cite these figures only to point out that the clear majority of those responding to the survey support our recent efforts, and by these standards, other moderate efforts in the field of consumer protection. Commenting on the results of their study, the authors concluded:

> The high level of agreement suggests that consumers are ready to accept legislative solutions to their problems.

I also wish to comment on the results of three recent polls conducted by the Harris survey. Since 1966 the Harris survey has asked cross sections of American people to rate the credibility of American business on 16 key issues. The results of this long project have been published recently by Mr. Harris in three articles appearing in his syndicated column. In every area sampled, the public's confidence in business today rates far below that of just a few years ago.

While the public expects more intensified social involvement by business, they believe at the same time that too little participation is actually taking place. Over the last 7 years, the proportion of the population which believe that industry should provide special leadership in air and water pollution control has increased from 69 percent to a remarkable 92 percent. Similar increases were recorded in all 16 categories sampled. For example, there is a 37-percent increase in the number of people who believe that American industry should help to improve living standards around the world; a 31-percent rise amongst those who think that business should help to prevent and control crime; and a 22-percent increase in the number who think that the business community should provide better leadership in cutting down highway accidents.

The consistency should demonstrate to the business community that socially oriented programs are not only necessary but expected. However, the public also believes that business is doing less for society than it was 7 years ago. In 1966, 66 percent felt that business was setting a good example of citizenship for our young people, while only 42 percent hold that belief today. Similarly, there is a 22-percent slippage in the public's belief that business is concerned about the problems of the elderly, a 33-percent decline in public respect for the overall quality of the goods and services produced, and a 27-percent drop amongst those who feel that business is keeping profits at reasonable levels.

Most disturbing of all, there has been a 28-percent drop—from 70 to 42 percent—among those who think that the business community is working for good government.

Clearly, the public's view of social involvement by business does not accurately reflect the current attitude of many companies nor my own high regard for a great deal of enlightened thinking that I know is going on in many segments of the business community. Business has been expanding both its participation in social programs and its support for community action projects. It is difficult to define the causes for this disenchantment expressed by the public. A growing dissatisfaction with—and sometimes alienation from—our economic and governmental systems, coupled with consumer frustrations, are two major factors. What the public believes, though, is very likely to have a direct effect on any future governmental action or regulation. The public is beginning to think that these problems will not be solved by either government or private enterprise acting alone. Surprisingly, they now seem to feel that only by a joint relationship between business and government can the society's ills and technology's shortcomings be effectively overcome.

Mr. Harris cites this evident lack of confidence in business as the chief reason underlying the survey's most noteworthy statistic: over 77 percent of the sample indicated that Federal regulatory policies should be more restrictive toward business.

Only 1 percent sampled thought the Federal Government should go easier on business.

I personally do not believe "easier" and "tougher" to be the only criterion, nor even the proper one. Federal regulatory policy should be made more effective with respect to that small percentage of firms which callously—sometimes arrogantly—cut corners and in so doing endanger public health and safety or defraud consumers. Most of the business community would not benefit from the imposition of simply more Federal regulation. Nor would consumers.

But, it seems clear to me from the aforementioned results, that this Congress has received a mandate from the public, requiring it to act affirmatively in order to insure that the consumer's concerns will be represented by a non-regulatory agency of Government specifically directed to protect consumer interests that are now overlooked by both industry and Government.

Mr. Harris further deduces that—

> A failure to realize the public's expectation at the community level ultimately would lead to a reversal of public opposition to severe governmental controls over business.

Strict Government control is not the intent of S. 707. Enactment of this legislation would establish a new agency to complement the existing Federal regulatory machinery by providing for a consistent and full-time advocate for consumers in the deliberations of Federal agencies and courts that substantially affect their interests.

At this stage, an extension of the Government's regulatory powers can be avoided, but cooperation by all concerned parties is necessary. Industry has already proven to itself that community involvement and concern for the public is essential to the free enterprise system. Now that the public expects and desires greater public interest participation by American industry, I urge the business community to carry that policy to its next logical step. I urge that they join with my colleagues and myself to guarantee a fair and effective consumer policy for this Nation through the creation of a Consumer Protection Agency as contemplated by S. 707.

This is not to say that anything the business community does on its own in the way of improving the quality of products and services to consumers is not to be encouraged. Some of the examples I earlier cited of individual company responses to communal and marketplace problems should be extended industry-wide. Two other developments are especially gratifying in this context.

First, President Nixon's National Business Council for Consumer Affairs has been working assiduously over the past 2 years in formulating guidelines for responsible business practices and procedures to be recommended for industry-wide adoption. I understand that Tom Brooker, former chairman of that group and former chairman of the executive committees of Marcor, together with Don Perkins, chairman and chief executive officer of the Jewel Companies, Inc.—two sterling Illinois companies—continue to be prime movers in this noteworthy manifestation of corporate responsibility.

I also look with genuine satisfaction to the effort now being organized by Henry Ford II to enlist 1,300 of the largest companies in the Nation to support an organization known as the Committee for Constructive Consumerism, based in New York City. According to reports, Mr. Ford's effort arises from much the same concern as I have expressed, that the image of American business has become all too tarnished in the views of such a large segment of the American public. His purpose is to upgrade voluntary self-regulation by business in such a way that it becomes meaningful again.

I heartily agree with the aim of both of these efforts; namely, that by improving voluntary efforts, more heavy-handed Government regulation can be avoided. However, I do not believe that either the work of the Committee for Constructive Consumerism, nor that of the National Business Council for Consumer Affairs, can ever be a substitute for a nonregulatory Consumer Protection Agency within Government whose primary and overriding function is to permit consumers for the first time to have their voice consistently heard in the deliberations of agencies of Government, regulatory or otherwise.

The latter does not amount to more regulation, it is an alternative to regulation. In the long run, it should be of considerable help to responsible businesses who are concerned about their reputations being besmirched by the irresponsible practices of those few companies which seem to be impervious to the best interests of consumers.

Mr. President, because of the importance of the several public opinion surveys I have referred to, I ask unanimous consent that the full text of these polls and the articles accompanying them be printed in the RECORD at this point. I further ask to have printed an article appearing in the Chicago Tribune, March 15, 1973, titled "Business Acts to Quench Consumer Fire," describing the effort to launch the Committee for Constructive Consumerism. Finally, I also would like to include a staff analysis—prepared by the Senate Commerce Committee's Consumer Subcommittee, under the outstanding direction of Senator FRANK MOSS—of letters submitted by major businesses explaining their initiatives in consumer responsibilty.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MORE REGULATION WANTED TO PROTECT CONSUMERS

(By Tom Walker)

The consumers are restless.

And while a lot of their discontent may be pent up frustration at the general state of the world—particularly its institutions—a great deal of it is aimed specifically at the business establishment in the United States and many of its practices, such as advertising.

And when both political conservatives and political liberals agree that more government regulation is needed to protect the consuming public, something must really be wrong.

This agreement among both conservatives and liberals giving overwhelming support to the idea of further government involvement in the American marketplace is, in fact, the most important result of a recent study by two University of Georgia marketing professors in the College of Business Administration.

The survey, which sampled opinion by mail in a nationwide distribution, was conducted by Hiram C. Barksdale, chairman of the Department of Marketing and Distribution, and William R. Darden, associate professor of marketing. They explained that increasing concern has been shown in the last decade over the rights and interests of the consumer, with mounting criticism by consumer advocates directed against American business and its marketing practices.

But, they noted, relatively little information was known about the attitudes of consumers themselves towards marketing practices, even when a lot was known about the views of the advocates.

In studies of this type, the views of those who respond to questionnaires are sometimes mistaken—but what people believe to be true is very often at least as important as what is actually true, particularly in an area as sensitive as the relationship between the buying public and the industries which produce the goods they buy.

Barksdale and Darden mailed questionnaires to 785 households in the summer of 1971. The national sample was randomly selected within each state in proportion to its population. In the end, they found 45 per cent of the questionnaires had been returned and were useful—a significant response.

The questionnaire consisted of 40 statements with which the respondents were asked to agree or disagree in varying degrees, or to show uncertainty about an answer. The questions were grouped around business philosophy, the quality of products, advertising and other marketing activities, consumer responsibilities, the consumerism movement and government regulation of business.

It was in the latter category that Barksdale and Darden found what they described as perhaps the most significant response on the part of consumers, who, they noted, had considerable experience as shoppers and purchasers of consumer goods. "Over two-thirds of the sample agreed that additional government regulation is needed to protect consumer interests," they said in their analysis.

Furthermore: "Over 73 per cent believed that the government should test competing brands of products and make the test results available to consumers; 73.7 per cent stated that the government should set minimum quality standards for all consumer products; 77.1 per cent indicated that a Federal Department of Consumer Affairs is needed, and 68.3 per cent agreed that there should be greater government control over advertising, sales and marketing activities."

A small proportion of the respondents expressed strong disagreement with the need for increased government control, to be sure, but Barksdale and Darden concluded: "The high level of agreement suggests that consumers want help and are ready to accept legislative solutions to their problems." Not only that, the answers to these specific questions did not include very large percentages in the "uncertain" column, which means the consumers not only had opinions on this subject, but strong opinions.

More remarkable than this, Barksdale and Darden reasoned, was the response of consumers when they were divided into political persuasions: namely, conservative and liberal.

It was to be expected that liberals would take a generally more critical view of the marketing practices of businessmen, and to be more optimistic about the consumerism movement. "Both groups, however, expressed strong support for a Federal Department of Consumer protection," they said.

In effect, 41.8 per cent of the "conservatives" agreed there is a need for such an agency, and 29.3 per cent agreed "strongly" there is such a need, for a total of 71.1 per cent. Among the "liberals," 47 per cent expressed favor for such an agency, and almost as many—42.6 per cent—strongly expressed such an opinion, for a total of 89.6 per cent.

"Business leaders may have definite reasons for opposing protective legislation for consumers, but apparently the buying public does not agree," Barksdale and Darden declared. They drew this significant implication: "Business appears to be facing the choice of voluntary or legislative control."

That, frankly, is putting it mildy, as the authors themselves suggest in their concluding remarks. They noted that consumer discontent in the study must be viewed in the light of a general mood of discontent prevailing against all institutions. But nevertheless, consumers were responsive to legislative solutions to their problems. Indeed, it suggests they have more confidence in government enforcement than in voluntary business efforts to meet consumer expectations, the study concludes.

"The apprehension expressed about particular aspects of business and marketing constitute an important message to corporate officials and marketing executives and should not be ignored," caution the two authors. "Consumers seem to have some specific complaints that demand constructive and corrective action."

Not only that: "Until there is visible progress in alleviating these conditions, the consuming public is likely to continue the search for solutions through government action."

This, of course, raises a question not posed directly by the report: namely, what reason do consumers have to believing that government will do a better job of looking out for their interests than will private business itself?

Indirectly, they consider this question by noting that the respondents "do not appear to understand that government intervention will not solve all consumer problems and certainly will not prevent problems created by consumers who are unwilling to accept their responsibilities in the marketplace."

It is the responsibility of business to do a better job of educating the public to the advantages of the free marketplace and the free enterprise system, the authors suggest, but it is also their responsibility to straighten up their own house so the consumer won't have a motive to run to the government for help.

"The consumer movement has emphasized the responsibility of consumers to complain when justified," they write. "This situation has created a responsibility for business to increase the attention given to consumer problems and to initiate programs that will improve customer relations. If businessmen do not voluntarily respond to consumer problems and complaints, they may be faced with further government control through legislation."

WHAT BUYERS SAID

Following is the complete list of questions which the University of Georgia Marketing Department put to a nationwide sampling of consumers to get their attitudes on business, advertising, marketing, consumerism and government regulations.

PHILOSOPHY OF BUSINESS

Statements	Level of agreement (percent)				
	Strongly agree	Agree	Uncertain	Disagree	Strongly disagree
1. Most manufacturers operate on the philosophy that the consumer is always right	2.0	21.5	15.8	47.2	13.6
2. Despite what is frequently said, let the buyer beware is the guiding philosophy of most manufacturers	5.6	32.5	24.6	34.2	3.1
3. Competition insures that consumer pay fair prices	12.4	44.9	12.1	25.7	4.8
4. Manufacturers seldom shirk their responsibility to the consumer	.8	20.3	20.3	46.6	11.9
5. Most manufacturers are more interested in making profits than in serving consumers	21.8	52.3	11.9	12.4	1.7
PRODUCT QUALITY					
6. In general, manufacturers make an effort to design products to fit the needs of consumers	5.4	73.2	8.8	11.9	.8
7. Over the past several years, the quality of most products has not improved	11.9	38.1	12.1	35.3	2.5
8. From the consumer's point of view, style changes are not as important as improvements in product quality	33.6	48.0	5.1	11.3	2.0
9. Manufacturers do not deliberately design products which will wear out as quickly as possible	4.0	31.6	22.6	31.9	9.9
10. Manufacturers often withhold important product improvements from the market in order to protect their own interests	11.3	37.9	34.7	15.5	.6
11. The wide variety of competing products makes intelligent buying decisions more difficult	8.5	1.3	7.1	21.2	2.0
12. For most types of products, the differences among competing brands are insignificant and unimportant to consumers	1.1	31.9	6.5	50.3	10.2
ADVERTISING					
13. Most product advertising is believable	.6	30.2	13.8	42.4	13.0
14. Manufacturers' advertisements are reliable sources of information about the quality and performance of products	2.0	14.7	12.4	44.1	26.8
15. Generally advertised products are more dependable than unadvertised ones	4.2	34.2	19.2	33.9	8.5
16. Manufacturers' advertisements usually present a true picture of the products advertised	1.7	18.6	12.7	50.8	16.1
OTHER MARKETING ACTIVITIES					
17. Generally speaking, the products required by the average family are easily available at convenient places	27.1	67.2	1.4	3.4	.8
18. In general, the quality of repair and maintenance service provided by manufacturers and dealers is getting better	2.8	18.1	20.1	43.5	5.5
19. Generally, product guarantees are backed by the manufacturers who make them	4.2	59.6	15.8	15.8	4.5
20. The games and contests that manufacturers sponsor to encourage people to buy their products are usually dishonest	13.6	4.6	38.7	32.0	1.1
21. The American marketing system operates more efficiently than those of other countries	11.0	38.7	44.6	5.1	.6
CONSUMER RESPONSIBILITIES					
22. The problems of consumers are less serious now than in the past	2.0	18.4	16.7	54.0	9.0
23. The information needed to become a well informed consumer is readily available to most people	3.7	39.5	13.6	37.3	5.9
24. The average consumer is willing to pay higher prices for products that will cause less enviornmental pollution	9.0	32.8	27.7	27.7	2.8
25. The problems of the consumer are relatively unimportant when compared with the other questions and issues faced by the average family	4.2	21.8	13.6	53.7	6.8
26. Many of the mistakes that consumers make in buying products are the result of their own carelessness or ignorance	12.4	62.4	5.9	16.9	2.3
27. Consumers often try to take advantage of manufacturers and dealers by making claims that are not justified	6.5	25.4	22.0	39.3	6.8
28. For most types of products, consumers do not find it worthwhile to shop around to find the best buy	5.1	31.4	4.0	48.9	10.7
29. Concern for the environment does not influence the product choices made by most consumers	5.4	56.2	18.6	18.4	1.4
CONSUMERISM					
30. Manufacturers seem to be more sensitive to consumer complaints now than they were in the part	3.4	42.9	18.4	26.8	8.5
31. When consumers have problems with products they have purchased, it is usually easy to get them corrected	1.7	14.1	15.3	51.7	17.2
32. Most business firms make a sincere effort to adjust consumer complaints fairly	3.7	52.8	21.5	17.8	4.2
33. From the consumer's viewpoint, the procedures followed by most manufacturers in handling complaints and settling grievances of consumers are not satisfactory	13.3	53.7	16.4	16.1	.6
34. Consumerism or the consumer crusade has not been an important factor in changing business practices and procedures	2.5	27.1	22.0	41.8	6.5
35. Ralph Nader and the work that he has done on behalf of consumers has been an important force in changing the practices of business	22.3	38.7	28.8	7.9	2.3
36. The exploitation of consumers by business firms deserves more attention than it receives	24.6	50.3	14.1	9.6	1.4
GOVERNMENT REGULATION					
37. The government should test competing brands of products and make the results of these tests available to consumers	28.2	45.5	8.5	14.1	3.7
38. The government should set minimum standards of quality for all products sold to consumers	25.1	48.6	9.9	13.6	2.8
39. The government should exercise more responsibility for regulating the advertising, sales, and marketing activities of manufacturers	25.1	43.2	12.4	16.7	2.5
40. A federal department of consumer protection is not needed to protect and promote the interests of consumers	5.1	8.8	9.0	43.5	33.6

[From the Washington Post, Feb. 5, 1973]

UNITED STATES LENIENT ON BUSINESS, MOST FEEL

(By Louis Harris)

Compared with the 23 per cent of the American people who predict the second Nixon administration will be "tougher" on business, a much higher 77 per cent of the public think there should be tougher policies toward business on the part of the federal government.

One of the lingering doubts about the stewardship of Mr. Nixon in the White House has been the charge that the Republican regime is "too close to big business," a worry expressed by a 57-to-29 per cent majority. These doubts and suspicions take on added significance with the advent of the Phase III Nixon economic controls program, which relies more on voluntary compliance from business to keep within stated guidelines on price increases.

Behind the concerns the public has about government and business are the continuing decline in the marks accorded by public opinion on "the job American business is doing."

One of the phenomena in America in the early 1970s is suspicion about almost all parts of the establishment. This is so deep that business will probably have to prove its effectiveness on many specific dimensions before confidence is restored.

In periodic surveys since 1966, the Harris Survey has asked cross-sections of the public to rate American business on 16 key dimensions; the latest was conducted among 1,501 households nationwide in late December. The cross-section was asked:

"I would like you to keep in mind the companies and management that make up American business For each area I ask about, I wish you would tell me your impression of the job that American business is doing in that area—excellent, pretty good, only fair, or poor?"

	Positive rating		
	1972 percent	1966 percent	Change percent
Developing new products through research	69	92	−23
Putting in latest improvements in machinery	59	89	−30
Building new plants to make economy grow	55	78	−23
Providing enough steady jobs for people	48	76	−28

	Positive rating		
	1972 percent	1966 percent	Change percent
Providing job openings for minorities	49	57	−8
Paying good wages and salaries	48	72	−24
Paying out adequate dividends to stockholders	42	56	−14
Providing stockholders with sound investment opportunities	42	56	−14
Bringing better quality products to American people	42	75	−33
Offering young people chance to get ahead	41	73	−32
Dealing fairly with labor unions	41	56	−15
Allowing people to use their full creative abilities	34	62	−28
Really caring about the individual	22	39	−17
Helping care for workers displaced by automation	19	40	−21
Keeping profits at reasonable levels	19	46	−27
Keeping down cost of living	10	21	−11

The areas of greatest slippage in business reputation can be found in a perceived deterioration of the quality of products and services offered to the public—the root of the current surge of consumerism in the country.

At the bottom of the business credibility list are two highly sensitive items: its record on keeping down the cost of living and keeping profits at reasonable levels. Never a source of high credibility for business, its reputation on prices and profits has now reached its lowest level since 1966.

These specific areas of public doubts concerning American business are chiefly responsible for the overwhelming feeling in the country that the federal government should be "tougher" rather than "easier" on business in the next four years.

The cross-section was asked:

"In the next four years, do you think the Nixon administration will be tougher on big business, easier, or about the way it was in the first four years?" and

"Do you feel the Nixon administration in the next four years should be tougher on big business, easier, or no tougher or easier than it was in the first four years?"

[In percent]

	Will be	Should be
Tougher	23	77
Easier	10	1
About same	56	13
Not sure	11	9

[From the Chicago Tribune Feb. 8, 1973]

BUSINESS' COMMUNITY ROLE FAULTED

(By Louis Harris)

As well as being broadly criticized for the way it runs its affairs, as the Harris Survey has reported, American business is more severely criticized for what is perceived as a lack of contribution to the communities in which business is located.

In a recent survey, questions were asked about 12 areas of community activity by businesses. Business only received credit from a majority of the public for "being a real help" in three areas: "building up the community" [59 percent], "backing scientific progress" [53 per cent], and "supporting colleges and universities" [51 per cent].

In all three areas, however, as in every other area, public confidence levels today are far below those of a few years ago.

The greatest slippage since 1966 in business' rating as "being a real help" has been most acute in these categories: "*working for good government*" [*from 70 to 42 per cent*]; "supporting education [from 73 to 48 per cent]! "setting an example of good citizenship for the young" [from 66 to 42 per cent]; "helping the needy" [from 61 to 39 per cent]; and "supporting hospitals" [from 64 to 43 per cent].

The lowest civic marks for business centered on "controlling air and water pollution," where, by 57 to 24 per cent, the public thinks business has been "not much help." Along with what the public sees as deterioration of product quality and consumer services, a low rating for its efforts to protect the environment is at the center of the public confidence crisis now confronting American business.

[In percent]

	1972	1966	Change
Building up community	59	80	−21
Backing scientific progress	53	64	−11
Supporting colleges	51	68	−17
Supporting education	48	73	−25
Supporting cultural activities	45	62	−17
Supporting hospitals	43	64	−21
Working for good government	42	70	−28
Setting example of citizenship for young	42	66	−24
Helping the needy	39	61	−22
Helping minority groups	37	43	−6
Controlling water pollution	25	26	−1
Controlling air pollution	24	26	−2

Periodically since 1966, the Harris Survey has asked nationwide cross sections of the public to assess the part business plays in the local community. Most recently, a cross section of 1,502 was asked in late December:

"In most communities, businessmen are active in many civic activities. Do you think businessmen have been a real help, or not much help, here in these areas?"

There were signs of some positive public response to new environmental programs by some businesses. But more significant is the fact that while the economy has been recovering and public worries about unemployment and prices have abated, public opinion of the contributions of business to local communities has not been rising.

A key question is whether the public thinks business should take the lead in civic and community affairs. When the public was asked this question, the answer was in the affirmative, 78 to 19 per cent. Asked why they felt that way, more than 50 per cent indicated that business has the power to get things done and therefore ought to be active.

Some of the public's disenchantment with business in the community might be related to similar disenchantment with local government and politicians.

It is ironic that at a time when people want business to become more active in community leadership, they also believe business is doing less than before. This creates a sense of public frustration that breeds alienation, a development that may prove important in the politics of the 1970s.

For business, the stakes are particularly high. A failure to realize the public's expectations at the community level ultimately could lead to a reversal of public opposition to severe government controls over business. In this event, business could find itself under intensified attack from consumer groups advocating stricter government regulation of major business functions.

[From the Chicago Tribune, Feb. 12, 1973]

UNITED STATES WANTS MORE FROM BUSINESS

(By Louis Harris)

It is for "errors of omission" that the public is critical of American business these days. Public aspirations for business are directed as much toward humanistic goals—such as "raising moral standards," "raising living standards around the world," or "enabling people to use their talents creatively"—as they are toward improving the quality of goods and services turned out by business.

This is why 77 per cent of the public want the Nixon administration to be "tougher on business" in the next four years.

The sharp rise in public expectations for business in a wide assortment of areas hitherto regarded as public responsibilities is one of the most significant developments in modern American public opinion.

Its origins can be traced directly to the sharply diminished confidence the public has in politics and government, as well as to the fact that people prefer to see many of society's problems solved by joint private public efforts.

Periodically, since 1966, the Harris Survey has asked nationwide cross sections of the public about the propriety of business being involved in 16 key public areas.

Here are the trends in the answers to this question, asked again recently of a cross section of 1,501 households nationwide: "Do you think [read list] is a problem that businessmen and companies should give some special leadership to, or not?"

[In percent]

	Should give leadership		
	1972	1971	1966
Controlling air, water pollution	92	89	69
Eliminating depressions	88	83	76
Rebuilding cities	85	84	74
Enabling people to use creative talents fully	85	85	73
Eliminating racial discrimination	84	81	69
Wiping out poverty	83	81	69
Raising living standards around the world	80	74	43
Finding disease cures	76	70	63
Giving college education to all qualified	75	70	71
Controlling crime	73	64	42
Cutting highway accidents	72	67	50
Raising moral standards	70	64	48
Reducing threat of war	68	61	55
Eliminating religious prejudice	63	52	37
Cutting government redtape	57	50	34
Controlling population growth	44	43	17

The change over the last seven years in every case has been toward wanting to see business more involved in every area. Basically, this public mandate centers on three types of perceived business responsibility:

Those areas where business can do a job directly within its own companies, such as controlling pollution; using people's talents creatively; eliminating racial and religious discrimination; or producing safer cars.

Those areas where business in the aggregate can have an impact on the rest of the country and world, such as raising living standards around the world, rebuilding cities, or eliminating economic depressions.

Areas in which business can set an example for others to follow, such as raising moral standards and controlling crime.

A majority of the public now thinks modern corporate leadership should have a point of view on nearly all major issues facing society—whether or not they are under the direct control of business—including war, education, and finding cures for disease.

This is a far cry from the past, when such matters were not identified as the responsibility of the private sector.

At the same time that the public has expected more from business, however, it also has rated business leadership lower on its performance in these broad social areas: "As far as you know, has business helped solve the problem of [read list] or not?"

[In percent]

	Has helped		
	1972	1971	1966
Rebuilding cities	60	62	76
Raising living standards around world	52	54	61
Eliminating racial discrimination	50	49	58
Finding disease cures	47	53	71
Enabling people to use creative talents fully	41	46	65
Eliminating depressions	41	36	75
Giving college education to all qualified	40	38	65
Controlling air and water pollution	36	28	35
Wiping out poverty	35	39	63
Cutting highway accidents	29	28	29
Eliminating religious prejudice	28	24	34
Controlling crime	23	24	32
Raising moral standards	21	23	29
Controlling population growth	21	19	23
Reducing threat of war	18	18	23
Cutting Government redtape	11	12	19

Again, the trend has been almost uniformly down in the respect people hold for the job business is doing in the broader social areas. A slight turnaround was registered last year on protecting the environment and, in a year of economic recovery, on eliminating depressions.

The subject might be debated long and hard whether these broad areas of public responsibility are a proper basis on which to judge American business in 1973.

But the people themselves have made up their minds that they are. And, if business leadership does not speak out on them and offer more in the way of possible solutions, American business may find itself even more on the defensive than it is today.

[From the Chicago (Ill.) Tribune, Mar 15, 1973]

Business Acts To Quench Consumer Fire

Washington, March 14.—Big business is mounting a national campaign to improve relations with the man on the street and blunt increasing federal involvement in consumer affairs.

Invitations have been issued by Henry Ford II to the country's 1,300 largest companies to support an organization called the Committee for Constructive Consumerism, which has headquarters at the offices of the Council of Better Business Bureaus, in Manhattan.

Leo Beebe, executive vice chairman of the committee, said it was started in part because "the image of American business is so low you can hardly see it.

"Businesses are not saints and the customer may get damned disenchanted with some of their action, so the committee was set up to act as sort of the rubber mat around the spittoon."

Beebe said "Consumerism started from poor goods and services to become a fire that has got to be put out."

But the way to quench it, he insisted would be by better performance by American business, rather than government intervention in the marketplace.

"Voluntary self-regulation is worth trying in spaces in consumerism, but one of the insidious things is that there has been less and less voluntary self-regulation and a substitution of collective government action," he said.

The committee's budget for its first year is $7.2 million, of which $3 million is for a national advertising campaign. The remainder is being turned over to the 134 local better business bureaus in the nation's largest cities.

Robert Pearson, a vice president of the council, said the $4.2 million is to be spent as "pump priming money" to strengthen local programs and personnel.

Education programs to increase the sophistication of consumers are being conducted in Toledo and Detroit, he said, while in Buffalo the local Better Business Bureau has assisted in bringing local consumer protection agencies together into a unit with a single phone number "to eliminate confusion."

"This is a move that we're actively supporting thru the council and the committee that could well be copied elsewhere" Pearson said.

He conceded that both consumer advocates and businessmen have in recent years criticized the local Better Business Bureau for not acting forcefully enough on behalf of complaining customers.

"Even Henry Ford had his doubts at first," Pearson said. But a decision was made to use the local bureaus "as a platform on which to build, altho it is generally acknowledged that the Better Business Bureau needs to be honed up."

"It's too early to tell how successful it [the campaign] will be, but it's certainly worth trying," Beebe, a retired vice president of Philco-Ford, said. "If we can't get the job done voluntarily lets do it with something like a Consumer Protection Agency."

Congressional efforts to create a federal consumer protection agency were defeated last year, but advocates are trying again in this session. Outlook for passage is uncertain.

Initiatives in Corporate Responsibility

(Prepared by the Consumer Subcommittee of the Senate Commerce Committee)

STAFF ANALYSIS OF THE RESPONSES

Replies numbering 181 were received in response to Senator Moss' invitation. Approximately 20% of these replies came from firms whose primary business concerns the manufacture of corporate and industrial goods rather than consumer merchandise; thus they were able to include little information directly applicable to the scope of this project. In addition, 5 companies not listed in the 300 requested the opportunity to participate in the survey and their contributions have also been printed in Appendix D.

Nearly all of the companies that replied expressed gratitude at the opportunity extended by Senator Moss. The consensus among corporate leaders in the nation seems to reflect the Senator's view, as expressed in the original letter, that too little attention is paid to the "good guys" in industry and commerce, and the chance to detail consumer-oriented programs was received enthusiastically in almost every instance. Many letters offered the view that meeting the challenge of consumerism was integral to sound business practice, and that success in the marketplace is reflected in the willingness and ability of manufacturers to produce quality goods and services and respond to consumer demands outside the areas of research, development and production.

Not all of the replies were particularly cooperative, however. One major steel company declined to offer any positive steps taken in behalf of the consumer, instead merely reiterating an old position against consumer class action legislation. Except for an outstanding report submitted by Philip Morris, companies engaged in the manufacture of cigarettes declined to participate. Other letters carried unfavorable messages regarding consumerism in general—specifying that consumers are not usually qualified to speak out against corporate irresponsibility, are not sufficiently knowledgeable about the intricacies of industrial production and management, or refuse to acknowledge existing consumer-oriented programs and policies. Overall, however, the responses were well-prepared and a genuinely helpful contribution to the goal of the project.

The report is designed to bring to the attention of the general public and industry the more unique and noteworthy projects undertaken by various industrial organizations in behalf of consumers, not only for purposes of publicizing these worthwhile ventures, but to encourage consumer programs among all industrial manufacturers. The body of the report is limited to a discussion of impressive programs reported by the participating companies. Except for one section on product safety, no specific attention has been devoted to potential consumer benefits arising out of product improvement and development, new technologies, streamlined production techniques, etc. The focus of the report is instead upon the efforts of the major corporations toward special programs and efforts of service to the consuming public.

The report is divided into 8 subsections dealing with areas of consumer concern in which leading manufacturers have produced viable programs and solutions. Several companies sent no specially prepared report or memorandum, instead relying on previously produced pamphlets, brochures and/or policy statements as representative of their efforts. In such cases selected sections of these pamphlets and statements were gleaned from the original sources and printed in Appendix C. It proved impossible and unproductive to print each contribution in its entirety, considering the huge quantities of such materials received by the committee. Also, no pictures, prints or other graphics have been included. Reports prepared particularly for the use of the committee were printed in full in Appendix C, however.

PRODUCT SAFETY

Although the focus of this report is not directed towards product development, there do exist some noteworthy examples of manufacturing efforts geared specifically to consumer safety in the use of products. Several examples of how corporate responsibility can be interpreted in this vital area of concern are discussed in this section of the report.

Deere and Company reported that its efforts in pioneering tractor roll-guards were finally rewarded by a million dollar giveaway program designed to publicize their rollover protection product. Late this year the company expects to introduce a simple, functional and full-shielded power take-off coupler to replace traditional power take-off shields which have proved unwieldly. Farmers have apparently found these traditional coupler shields inconvenient, and have removed them from tractors, thus exposing themselves to possible injury. Deere's shield, according to the company, does not interfere with the operation of the coupler and will reduce the hazards to farmers.

Saab-Scania perfected a new bumper for installation on its 1972 model cars that will withstand damage to the auto's safety systems in impacts of five mph in the front, and rear collisions of two and one-half mph. These meet the National Highway Traffic Safety Administration standards which will go into effect on 1973 automobiles. Saab maintains that in tests no damage has been recorded to either the safety systems of the car or to the car itself, and that this accomplishment exceeds federal standards one year ahead of time.

In the area of food products, Delmonte reported that its cans now carry a safety warning concerning the potential hazards of sharp, raw-edge can lids. The company introduced on June 1, a guard bead lid designed to remedy potential hazards, and is working toward a triple-fold lid that would completely eliminate the raw edge on all cans. This new lid will reportedly be test marketed in the near future.

H. J. Heinz has pioneered efforts to safeguard baby food containers by promoting development of a new vacuum button. When the button is depressed, the baby food jars are safely sealed; when it is up, food may be spoiled or otherwise unsafe for consumption. The company reports that adequate instructions detailing the proper use of the vacuum button are included on each food container.

Manufacturers can also bring pressure to bear within industry for safe consumer products, or practices that will ensure consumer safety. Pittsburgh Paint and Glass helped organize the Consumer Safety Glazing Commission in 1970, which helped to promote home safety by supporting enactment of legislation at the state level requiring use of safety glazing materials in certain hazardous locations. Glazed materials are less apt to cause injury because of a reduced tendency to shatter or splinter on impact. The CSGC has already supported passage of legislation in 15 states, and will support seventeen more bills in 1972–3.

ENVIRONMENTAL PROTECTION

The challenge of environmental protection has become a crucial issue among consumers, and various manufacturers reported their efforts to meet consumer demands for a clean, waste free environment. For example, the major aluminum manufacturers recently initiated efforts to reclaim and recycle all-aluminum products. In 1970 Reynolds Metals began an intensive aluminum recycling campaign with reclamation centers in Miami, Los Angeles, San Francisco, Phoenix, Houston, New York City, Newark, Tampa and Jacksonville, Florida. The newest center was opened in Seattle in 1972. In addition eleven mobile reclamation centers have begun operation in the New York City area, the middle Atlantic states, and the northwest. The company maintains that its 500 collection points cover the areas of the United States in which some 95% of all aluminum cans are consumed. Reynolds also noted that the number of aluminum cans that have been turned in since they began the program has jumped from 10 million in 1968 to some 750 million in 1971. The company pays 10¢ a pound for aluminum cans or clean household scrap aluminum.

Alcoa began reclamation and recycling test programs in 1970 in San Diego, Dallas, and Fort Worth. Through the program, entitled "Yes We Can", scrap aluminum is purchased by metals dealers and resold to Alcoa. The scrap value of aluminum is $200 per ton, a price that the company believes encourages participation by both consumers and secondary scrap dealers. Two other major can producers, American Can and National Can reported that they have opened scrap collection centers at each of their manufacturing locations. The Miller Brewing Company, a subsidiary of Philip Morris, uses all aluminum cans which are fully recyclable, and plans to initiate grants to minority entrepreneurs to start reclamation centers.

Improved waste disposal techniques also contribute to environmental protection. In its paper mill in Halsey, Oregon, American Can has opened an experimental process to transfer recycled water to cornfields for irrigation purposes. The National Can Company reported its participation, in cooperation with other industries, in preparing waste disposal demonstration projects in San Francisco and Madison, Wisconsin. Proctor and Gamble reported a program directed at environmental preservation involving the combination of domestic sewage with pulp mill waste in a single plant in Green Bay, Wisconsin. The company reported that this project was considered a success. Another Philip Morris subsidiary, the Nicolet Paper Company, has built a waste water treatment facility to clean industrial waste water before it returns to the Fox River near its plant in Wisconsin, and Philip Morris' American Safety Razor division has constructed a filtration system that returns waste water to Virginia's Middle River cleaner than when it was removed for industrial use.

Several manufacturers reported participation in reforestation programs. The Saint Regis Paper Company grows and distributes seed to independent tree farmers principally in the south. The company reported that more than 10 million seedlings are distributed every year under this program. United States Gypsum is also involved in a reforestation program in Mississippi which would provide replanting of 1250 acres of flood-ravaged land over the next 25 years. The Hunt-Wesson Foods Division of Norton Simon Incorporated has also cooperated with the Forest Service in establishing three National Children's Forests, special areas in existing national forests that will be replanted with trees donated by Hunt-Wesson in the name of consumers who send in proof of purchase seals from nine Hunt-Wesson products. Over one million trees have been purchased for planting in response to this program.

Landscape beautification programs have been implemented by several companies in response to consumer demands for environmental protection. Most of the major oil companies reported some form of program or policy designed to upgrade both appearance and service of their retail outlets.

Recent pollution problems have led to new efforts on the part of the industry to develop systems designed to detect and prevent pipeline and drilling well blowouts. Phillips Petroleum Company has developed a new inspection tool designed to detect both internal and external corrosion in domestic pipelines. The company has installed metal plates into the lines which aid in detection of corrosion at certain sections in the lines and hopefully will head off pipeline bursts and prevent oil pollution. Tenneco Incorporated described a system designed to control oil blowouts in off shore drilling wells. By implementing a crimping device in the tubing which transfers oil to the well head, a sealing plug can be formed which halts the flow of the oil to a head that has been damaged. After the plug is properly placed the well is "killed" by pouring drilling mud through the tubing to the core of the oil well.

To combat the growing problem of air pollution National Distillers has shifted to low sulphur fuels for steam generation in its power plants. They also maintain that the water taken from Kentucky streams for distilling purposes is returned to the streams "cleaner than when it was taken out."

Leading manufacturers discussed many other programs dealing with environmental preservation which are of interest to consumers. In the area of pesticides control, the Agway Chemical Corporation has produced control guide lists containing information about the proper use of pesticides, the correct time and place for application, and other relevant information designed to combat chemical abuses. Delmonte included a comment regarding their use of non-chemical pesticides whenever and wherever practical. Alternative methods to pest control include cultural control, cultivation of crops where pests are not present, physical controls such as field flooding and use of ecological barriers, insect resistant plants and other biological control methods.

The Atlantic-Richfield Oil company sponsors a Clean Air Caravan in large metropolitan areas around the country. Vans equipped with pollution measuring devices offer pollution control information to interested consumers, and present demonstration programs and automotive pollution tests for the public. U.S. Gypsum reported that employees at its Alabaster, Michigan plant converted a dumping area into a nine hole golf course. The Ingersoll-Rand company noted its various efforts to combat noise pollution by muffling demolition tools and contributing articles on noise pollution control suggestions for consumers through its Compressed Air Magazine subsidiary.

The Lever Brothers company has taken an interesting approach to the prevention of water pollution by launching a "Clean Water Campaign" in Wisconsin. One of the highlights of the Lever campaign is the company commitment of two cents from each package of its ten leading detergent brands sold in Wisconsin to the University of Wisconsin Extension program for the study of water pollution abatement methods. Lever made an initial $10,000 contribution against sales to get the program started, and reported that a favorable public response in Wisconsin could lead to continuation and expansion of the campaign into other areas.

Heinz listed a number of pollution abatement studies and projects designed to produce better waste disposal methods in locations such as Tracy, California and Los Angeles.

CONSUMER EDUCATION

Labeling procedures—Food products

Among consumers today there exists a growing demand for informative labeling of ingredients, nutrients and calories contained in packaged and processed food products. Most of the participating food manufacturers are adopting, if they have not already adopted, labeling policies geared to meet some of the needs. Nutritive and ingredient information is now printed on the side panel of each package of Kellogg's cereals, along with a chart detailing vitamin and mineral values of the product with and without milk and sugar. The Coca-Cola company has adopted a policy of ingredient labeling on all carbonated beverage products and fruit drinks. Coke's Food Division has begun labeling fruit juice percentages contained in each of its Hi-C products.

Other major food producers, such as Quaker, Delmonte, Libby's and Campbell's list ingredients on packages, as well as an offer to consumers for further information upon request. The Best Foods division of CPS has instituted a policy of nutritional labeling on products such as Hellman's mayonnaise and Skippy peanut butter, foods that are produced under standards of identity. CPC also offers a booklet containing nutritional analysis of the company's food products. An informative, free product analysis of the company's food products. An informative, free product analysis booklet is produced by Delmonte, and includes nutritional and caloric values of most of their products, as well as recommended daily nutritional requirements according to age, sex, height and weight and a summary of the functions of various nutrients contained in Delmonte products.

According to their report, General Foods follows basically the same nutrition labeling policy as its competitors. The company did mention labeling of caloric content, and grams of protein, carbohydrates and fats that appear in each average serving of each product. General Foods also has adopted a policy of explaining the function of each additive and ingredient in its food products.

H. J. Heinz has published extensive information detailing nutritional composition of its food products which is available upon request from the company. One of the Heinz publications, entitled *Nutritional Data*, has become an integral teaching aid in a large number of American medical schools.

Labeling—Cleaning products

Ingredient labeling on cleaning products also assists consumers in finding the most suitable product for household needs. The Armour-Dial division of Greyhound reported that it prints all ingredients on three of its major products. The company has adopted a labeling policy for new products that provides for information regarding the proper use of the cleanser, plus an analysis of what the product will not do, as well as what it can accomplish.

Labeling—Pharmaceuticals

Precise labeling of prescription drugs helps to assure their safe use by both medical personnel and consumers. Several of the leading manufacturers reported identification policies designed to maximize the amount of information available to consumers in order to promote proper use of the product.

Eli Lilly prints a code symbol on each tablet, and all labels of suppositories and oral suspension powders identify the ingredients in the particular product which according to the company, allows for immediate antidotal analysis in case of emergencies. Trademarked Identi-code, this system appears to be one of the more precise coding policies in effect in the industry.

Lilly also has instituted a system of unit dosage known as Identi-dose by which single doses of selected medicines are individually packaged. The company maintains that this system provides for easier, safer and less wasteful distribution of medicines in hospitals and offices which handle large quantities.

Schering-Plough prints color codes on the labels of all its prescription products, and code letters on tablets and capsules in order to facilitate identification.

Dating procedures

Open dating of food products has become more widespread due to consumer demand. Code dating is being phased out in favor of comprehensible open dating aimed more specifically at the consumer rather than the retailer. Land O' Lakes and the Continental Baking Division of ITT are two corporate concerns currently experimenting with open dating policies on all food products. Manufacturing dates are clearly marked on both shipping cartons and individual packages of Kellogg's cereal products. Oscar-Mayer prints a freshness expiration date on all units.

In most cases, consumers respond favorably to an open, legible dating system which provides the freshest available food products on grocery shelves. Code dating and restriction of manufacturing dates to shipping containers leaves the responsibility for product freshness in the hands of the retailer rather than the individual consumer. Hopefully more manufacturers will adopt open dating policies where and when feasible, as a response to the consumer demand for high quality food products.

Nutrition education and enrichment

Several leading food manufacturers offer programs designed to meet the nutritional needs of consumers. The Pillsbury company is cooperating with the Office of Economic Opportunity in a program offering protein-rich lysine flour to low-income consumers. The effectiveness of this particular effort, which has been initiated in three test cities, is currently under review by the Department of Agriculture. Hunt-Wesson, a division of Norton-Simon, has continued its successful low-cost cookery program, which offers information on nutritional values of its products, meal preparation plans, and advice about smart buying in the marketplace. Hunt's Computerized Menu Plan is a unique program geared toward family meal planning with emphasis upon nutritional food preparation according to family size, life style, food budget and personal preferences of each family subscribing to the program.

Other impressive policies and programs exist to combat malnutrition among low-income groups. CPC organized a Food Improvement Nutrition Development program to produce low cost, high nutrition foods for use in developing areas where malnutrition is a serious problem. A cereal for young children and infants was produced for distribution in Colombia; another high nutrition product for children is being used in Brazil.

In its efforts to combat malnutrition the Star-Kist division of Heinz cooperated with the Southwestern Engineering Company of Los Angeles in formation of the Ocean Harvest Company. Ocean Harvest has been responsible for the pilot production of fish protein concentrates designed for incorporation into other food sources as a remedy for nutritional deficiences. No test site for those products was listed. Ralston-Purina also reported experiments in protein enriched cereal product designed to alleviate nutritional deficiencies. Quaker Oats has sponsored a series of nutrition education messages for distribution to educational television stations. Delmonte cooperated with the University of California in production and distribution of public service films for viewing around the state. The company has also participated in nutrition counseling to the San Francisco Bay Area alcoholism program, and has designed a low-cost menu and assisted in food purchasing, storage and preparation measures as a contribution to the rehabilitation program.

The Nabisco Company has produced public service announcements designed to stimulate consumer education regarding nutritional needs. A series of two-minute messages is in the final stage of production and will be distributed to all U.S. radio stations. The series includes interviews with noted nutrition experts and deals with general topics such as vitamin and nutritional requirements. Some of these messages will be directed at specific audiences—teenagers, businessmen, housewives, older persons, and other particular segments of the overall consumer market. The entire series will be translated into Spanish prior to distribution.

General Foods has been sending nutrition information to schools for use in home economics classes. The company also sponsors the National 4–H Food Nutrition Program, involving over 700,000 club members in nutrition education projects each year.

SAFETY EDUCATION

Efforts of leading manufacturers in promoting the safety of the general public represent a genuine public service. Illinois Central's Safety Department has produced films designed to demonstrate to children the hazards of playing along railroad tracks and in freight yards. Prints of the film have been presented to each state governor and each state education commissioner for distribution.

Illinois Central also reported its creation of a Fire Prevention Bureau to teach fire prevention and emergency preparedness to interested members of local communities. Special attention is devoted to explanation of emergency procedures should a railroad accident lead to chemical fires or explosions.

Whirlpool produces a "Color Me Safe" coloring book for children designed to instruct youngsters about general household safety rules. The company noted that the book is available free of charge and has been used in schools and day care centers, as well as by families, in teaching safety habits.

Avis Rent-A-Car has prepared a special auto safety driver training program in cooperation with the Highway Safety Foundation. The program will be tried on an experimental basis in Mansfield, Ohio, and if sufficient citizen enrollment is realized, Avis plans to extend the training sessions to other locations. Under the program, student drivers of all ages will be instructed in tactical driving techniques, how to deal with road emergencies such as skidding, tire blow-outs, and auto maintenance.

GENERAL EFFORTS

Other leading corporations listed various programs and policies created to instruct consumers in product use and maintenance. Whirlpool produces a "Home Care Package", a short booklet containing household tips and ideas, prepared by a team of home economists and service personnel. Late in 1971, the company worked together with the Celanese Fibers Marketing Company in production of seminars on the technology and maintenance of washable knit clothing. The seminars were held in Los Angeles, San Francisco, Dallas and Chicago, and were attended by home economists, educators and members of the press.

Whirlpool introduced its Care-a-Van program in 1969. One of the most unique approaches to consumer education listed in the survey, Care-a-Van involved a company of Broadway actors and performs in a ninety minute stage show oriented toward construction, care and proper use of appliances in the home. Care-A-Van included a series of slides and films in addition to the stage show. The success of the show prompted the company to produce a motion picture, which is currently available to civic groups and schools.

Bristol-Myers reported a contribution to public education through production of a series of health programs. Last year's program, entitled "How to Stay Alive", demonstrated various physical fitness regimens designed to combat heart disease. This year the company produced a new program aimed specifically at women, "Life, Death and the American Woman," containing several exercises for women.

Bristol-Myers also sponsors model anti-drug abuse programs in Yorkville and East Harlem. The project, known as ACTION, involves peer groups in educating youths about drug abuse.

General Electric operates a Consumer's Institute in Louisville, Kentucky comprised of five home economists who travel around the country holding workshops concerned with new and better approaches to cooking, dishwashing, laundering, more efficient waste disposal and other home-making skills. The Institute also publishes bulletins as references to home economists and other professionals in the field.

GE designs point-of-purchase tags for attachment on certain appliances offering valuable information about what the product can be expected to do, and physical and electrical characteristics. The tag is designed to assist potential customers in ascertaining for themselves whether a product meets their demands and specifications.

Although this report was directed at manufacturers and did not specifically include retailers, the Committee received information about a unique and beneficial customer service program from one retailer, Market Tire, with a chain of outlets in the Washington, D.C. area. Market Tire is providing consumers with relevant tire test information on the 22 lines of tires which they carry. Testing results of tire endurance, high speed performance strength and bead unseating, indicating the resistance of tires under various loads and impacts, have been made available in a pamphlet entitled "A Guide to Aid You in Tire Selection." The Department of Transportation's Safety Standard Number 109 provided minimum requirements for tire testing, and Market has extended these tests to provide customers with important comparative data.

Market also reported that when DOT finishes modifying its tire quality grading proposal, they will participate with the Department in conducting these tests in compliance with the new standards.

CONSUMER SERVICE

Customer relations

Several companies reported intensive follow-up relations procedures designed to ensure that consumers receive satisfactory performance from company products and services. Motorola's post-sale customer relations procedure appeared unique in its sponsorship of a special summer program in 1971 through which college students were hired to conduct interviews with Quasar color set owners. After an education program that oriented the students to Motorola's quality control programs, they were assigned to work out of company distributorships in the District of Columbia, Jacksonville, Salt Lake City and service facilities in Newark and Franklin Park, Illinois.

General Electric conducts a monthly survey known as the Consumer Market Information System which queries customers about their satisfaction with all brands of home appliances. The survey reaches about 1,000 people every month and includes three separate interviews, one in person and two over the telephone, over a year-long period. GE attempts to track down appliance repair records, product performance and overall enthusiasm, or lack of it, for different products.

Procter and Gamble also reported an involved customer relations program through which over one million customers were contacted during 1971. These interviews were conducted over the telephone and through mailed questionnaires and personal interviews in households where company products were used. The company did not indicate whether such interviews were being continued in 1972.

When several customers wrote the Merck corporation with complaints that their Calgonite dishwashing soap product had created a foaming problem when used in certain brands of dishwashers, the company authorized voluntary compensation for all customers who had suffered machine damage. Merck informed the committee that Calgonite has since been refined to correct for the sudsing problem.

Sunbeam responded to the original subcommittee letter in a unique manner, by providing some eighteen letters relating consumer satisfaction with the Sunbeam repair and replacement program, from consumers across the country. A number of other leading manufacturers reported similarly favorable responses from the public toward customer relations and complaint policies, emphasizing the importance of maintaining favorable relations and providing good service as a prerequisite to success in the business world. The increasing numbers of consumer service departments created or planned in the nation's leading manufacturing enterprises indicates the substantial concern for corporate relations and public image in the marketing sector.

Advertising practices

Responsible, informative advertising benefits the consumer and contributes to a positive corporate image among the buying public. With all the complaints and criticisms that have been leveled at advertising practices, the Committee did receive evidence that some companies are concerned with promoting advertising directed at consumer education and understanding of the products on the market.

The Flintkote Corporation provided excellent examples of consumer-oriented advertising. Flintkote ads offer consumers helpful information regarding building materials, proper construction of swimming pools, backyard patios, driveways, home additions, and roof repairing techniques. The advertisement concerning patio-building, for example, includes pointers on concrete mixing, placement, finishing and curing, as well as some possible hazards inherent in the processing, the importance of proper water drainage, the best time of the day for pouring concrete and how to handle irregularities in the mix. Helpful illustrations are scattered throughout the ad. Complete texts of several Flintkote advertisements have been printed in Appendix C.

There are other examples of advertising which contains information directed at consumer education. General Telephone prepared an advertisement with information geared to consumer complaints about telephone charges. The ad contains tips on how to check a phone bill for billing errors, and what to do and who to call in case of erroneous charges. Consumer-oriented advertising can be especially efficacious in the print media as a substitute for the usual appeals to vanity and irrationality. Such rational, responsible ad policies are bound to elicit praise and support from consumers, and will hopefully be adopted on a larger scale in the near future.

WARRANTIES

All the major automobile and appliance manufacturers who responded to the survey listed some form of warranty or guarantee applicable to their product or products. Most of these do not vary in substance and manufacturer responsibility to any great degree, except for a few outstanding agreements which have been highlighted below. The ongoing problems of customer misunderstanding of difficult legalities and loopholes often lead to dissatisfaction and may be alleviated by conscientious attempts to improve product warranties.

One of the most generally accepted attributes of any product guarantee among consumers is a broad scope. The American Motors Buyer Protection Plan, issued in August 1971 for effect on 1972 autos, is the only one of its kind in the U.S. automobile industry, and the scope of this guarantee exceeds basic warranties issued by major home appliance manufacturers. In essence, the plan stipulates that under normal driving use during the first year or 12,000 miles of customer ownership, any defective part or evidence of faulty assembly will be corrected at company expense. American Motors has thus far expressed satisfaction with the customer response to the plan, stating that some 95% of new car owners have been satisfied with the performance of their product. The full text of the AMC warranty is included in Appendix C, along with some brief descriptions of new quality control practices instituted by the company in conjunction with the warranty.

Among warranties issued with household appliances and similar products the O. M. Scott Company guarantee exemplifies a more satisfactory form of consumer protection agreement stating that any customer dissatisfied with his lawn spreader may receive a full refund simply by providing proof of purchase to the company. Other manufacturers have similar warranty plans through which dissatisfied customers may be refunded after producing proof of purchase and the defective or otherwise unsatisfactory product.

Another positive approach to the problem of consumer understanding of guarantees is reflected in the policy of the Corning Glass Company. Corning has altogether rejected the complicated warranties and guarantees that confuse customers with legal jargon and complicated loopholes, and has adopted a concise, straightforward "promise" to its customers. The "promise" states that the company will "replace without charge any piece of Corelle Livingware that should chip, break, craze or stain during two years of normal household use." Another Corning guarantee stipulates that any Corningware product that breaks from extreme temperatures will also be replaced free of charge. Corning has thus far been pleased with consumer response to the new "promises."

PUBLIC SERVICE LEGAL CONTRIBUTIONS

Another area of public concern in which major companies are making contributions is in public service law. Seven of the leading industrial corporations participate in pro bono work, providing counsel for indigent defendants, helping to prepare public service litigation, or aiding the Legal Aid committees of local bar associations. Information on participating corporate law departments was provided for publication in this document by the American Bar Association Pro Bono project, which queried 200 major manufacturing, insurance and retail companies, and utilities, in order to ascertain the breadth of participation in public legal aid work. The ABA has published their results in an in-depth study. Their contribution has been printed in full in Appendix A.

E. I. DuPont has initiated a legal assistance program through which fifty-two DuPont lawyers were recruited by the Delaware Public Defender for volunteer work. The Public Defender's Office held training sessions, instructing the lawyers on all aspects of criminal law, then provided a Criminal Law Clerkship program designed to prepare the lawyers for effective defense work by allowing their attendance at preliminary hearings and as second attorneys at criminal trials.

IBM began in 1971 to assign a lawyer to work full-time for a three-month period with the Legal Aid Society in Westchester, New York. IBM, Union Carbide, Dow Chemical and Standard Oil of Indiana encourage the participation of their lawyers in pro bono work of their own choosing by providing ample time and compensation. Goodyear Tire has adopted a similar policy by offering the assistance of its lawyers in community and social projects, and providing to the Akron, Ohio Bar Association a list of company attorneys willing to represent juveniles or indigents in criminal proceedings.

Caterpillar Tractor has also reportedly granted time and money to company attorneys to defend indigents. Caterpillar lawyers have aided the Illinois Civil Liberties Union in preparing litigation opposing granting of state education funds to nonpublic schools in Illinois, and have assisted state environmental protection personnel in holding off a project to fill in the shoreline of the Illinois River near Peoria for industrial purposes.

Whirlpool has also been involved in pro bono work in Michigan on projects such as establishment of black enterprises, review of local housing conditions, and provision of capital to "disadvantaged" businessmen who have been unable to obtain loans from conventional sources. Whirlpool noted that a group of its company lawyers has established a community house in Benton Harbor, Michigan in order to provide information and leadership to those who need help on financial or community improvement projects.

In a similar effort, Avon is working with the Federal Trade Commission in New York City on production of a pamphlet for low income groups containing information about their legal rights. Avon has provided staff people to help with this project.

PUBLIC BROADCASTING CONTRIBUTIONS

Several of the leading industrial corporations have underwritten public broadcasting or sponsored public service programming in attempting to provide more meaningful and responsive television productions for the public. With the assistance of the Corporation for Public Broadcasting we have compiled a brief list of corporate efforts in this area.

Xerox has long been recognized for its role in promoting public television through grants and subsidies. Kenneth Clark's "Civilisation" series is their latest and most adventurous effort. Mobil Oil also merits recognition for ongoing sponsorship of the Masterpiece Theatre. Quaker Oats and General Foods have underwritten the Sesame Street series, one of the most successful children's educational programs on the air.

General Foods has also adopted a policy outlining corporate desire to sponsor quality local public service programming, and a number of local stations have produced special shows through General Foods contributions. Among them are "Black African Heritage," over KDKA in Pittsburgh, "The Noise Around Us," WTEV in Providence and "The Potential for a Power Shortage," KTAR-TV in Phoenix. Xerox, Kraftco, Bristol Myers, Crown Zellerbach and other manufacturing leaders have also underwritten local programming efforts.

Support of at least $50,000 and up to as much as $1,500,000 has been individually granted by these leading corporations for national public television program underwriting:

Celanese—The Great Teachers

Ciby-Geigy—The Restless Earth
Coca-Cola—General Programming
Faberge—General Programming
General Electric—International Performance
General Foods—Sesame Street repeats
General Telephone & Electronics—Helen Hayes Special; Joan Sutherland, opera plus other dramatic specials
IBM—Hansel & Gretel
Martin-Marietta—Boston Pops
Minnesota Mining & Manufacturing—The Quiet Epidemic, "V.C."
Mobil Oil—Masterpiece Theatre
Polaroid—French Chef
Quaker Oats—Sesame Street repeats
Schlitz—July 4 Parade
Sears, Roebuck—Mister Rogers
Standard Oil (New Jersey)—Vibrations & Age of Kings
Trans-World Airways—EEN Newsfront
Xerox—Civilisation

In addition, local stations have received support at this level from corporations for general operations, underwriting or capital:

International Nickel—WETA
Xerox—Rochester, WXXI
Kraft Co.—WNET
Bristol Myers—WNET
Bank of America—KQED
Metro Media—KQED
Helena Rubinstein—WNET
Crown-Zellerbach—KQED
Champion Sparkplugs—WGTE, Toledo
Owens Illinois—WGTE, Toledo
Illinois Bell Western Electric—WTTW

SPECIAL EFFORTS

Several major companies have undertaken the responsibility for meeting the demands of consumers during and following emergencies, natural disasters and others, by providing services, equipment or other assistance. Maytag's flood relief program represents industry responsibility in this area. Under this program, the company provides repair parts at half price to Maytag product owners who have suffered damage to washers or drying units during natural disasters. The company also dispatches personnel from headquarters and branch offices to assist local dealers in repair operations. In conditions of extreme adversity Maytag offers to replace whole washers or dryers at half price to residents of affected areas who have suffered total losses of cleaning appliances.

Texaco reported that following hurricane Celia, in Texas in 1970, and again after the February 1971 earthquake in California, the company decided to defer the payments of credit card customers affected by the disasters. Texaco's report offered no indication of the length of the deferred period, or whether this type of offer has become company policy. The idea is a good one, however, and worth emulation in similar circumstances.

Special services to blind or otherwise handicapped consumers deserve mention. There are several companies which currently organize and operate assistance programs aimed at segments of the population with extraordinary physical or social handicaps. Hunt-Wesson assisted Spanish-speaking families in El Modena, California in translating old family recipes into English for publication in a community fund-raising cookbook. Hunt-Wesson also developed exact written measurements of ingredients for recipes which had been handed down through word of mouth for generations.

General Mills reports a new marketing program directed at persons with special eating habits resulting from metabolic imbalance or kidney disorders. A low protein wheat starch known as Paygel P and protein substitutes such as Chono, an egg product free of cholesterol, have been developed through the program.

As a special service to blind customers Campbell's has printed one of its more popular cookbooks, "Easy Ways to Delicious Meals," in braille. The book is available from the company upon request. In addition, Campbell's has provided funds for a study of food preparation for the aged and handicapped.

Among programs designed to deal with the problems of low-income groups such as migrant workers the plan of the Coca Cola Company is worth special attention. The company reported its efforts to improve the living conditions of its Minute Maid migrant workers in the Florida orange groves by ensuing the protection of employees not already covered by the National Labor Relations Act. Coke's activities in this area of public concern reflect the success of public pressure upon industry in the ongoing effort to promote the theme of corporate responsibility in helping improve the quality of life throughout the nation.

Philip Morris and their subsidiary, the Miller Brewing Company, have increased their deposits in minority-owned banks. Philip Morris reported that it now holds deposits in nearly every minority bank in the United States. To illustrate their commitment to the rehabilitation of U.S. cities, the company decided to build an $80 million manufacturing plant inside the city limits of Richmond rather than moving to the suburbs.

MISCELLANEOUS PROGRAMS

Abbott Laboratories offers through its Ross Laboratories Division, free counsel to hospitals to assist in the planning of pediatric wards. Abbott is also active in the production of films for medical personnel concerning surgery, cell life, hospital procedures and other related topics.

Schering-Plough maintains a permanent staff assigned the responsibility of answering questions from medical personnel about proper application of prescription products. The Plough division has opened up a telephone line for both consumers and medical personnel to obtain prompt information concerning medical problems.

The Pfizer Chemical Corporation noted in its report the institution of its project Great Concern, designed to combat venereal disease through distribution of educational pamphlets and posters.

In 1971 the company sponsored monthly training institutes in cooperation with medical schools and associations. Held throughout the U.S., these programs were designed to train doctors and medical students in combating drug abuse.

The B.F. Goodrich company claims to be a leader in aid to low-cost housing and urban development, through its four million dollar contribution to Opportunity Park in Akron, Ohio. Goodrich has also developed a vinyl plastic pipe which can be installed in old apartment buildings for thirty-five to fifty per cent less than conventional piping. In addition, the company stated in its report that technical assistance is provided to minority contractors who decide to install the new vinyl piping in their apartment units.

General Mills reported some new ideas for back-of-package offers that appeared unique for their potential educational value. The "Adventure-in-Learning" offers, which appeared in the early months of 1972, included foreign coins, stamps and insect collection kits as well as a miniature garden offer. During the fall of 1972 the company plans to feature a free coloring book to educate children to the proper use of medicines and other household products. This offer has been planned in cooperation with the Justice Department.

North American Rockwell's Hatteras division builds yachts for more affluent consumers, and includes with each unit an owner's hull file containing a permanent record of owner's data, warranty claims and dealer correspondence concerning the particular hull. Hull records are passed on by the owner when he sells his yacht. Inclusion of a special hull file represents an important effort by the company to ensure accurate maintenance data.

Philip Morris reported a distinctive approach toward the entire concept of the social responsibility of manufacturers by undertaking a massive audit of all previous and planned efforts in order to ascertain the strengths and failings of their programs and policies and extend efforts where necessary. Along with their social audit policy, Philip Morris decided to create a Board of Directors committee to review progress and management of corporate contributions. The company noted that they have received several requests for information about their social audit policy from other manufacturers interested in the concept.

Appendix A

Pro Bono Work in Corporate Law Departments: A Surfacing Sign of Social Responsibility

A number of forces are presently at work which seem to be pushing large corporations into a reappraisal of the social implications of what they are doing. Since the Spring of 1970, serious questions have been raised both inside and outside the corporate world about whether their traditional role goes far enough—or if it needs to be broadened to include a host of non-economic and social concerns. Such matters as human conditions, consumerism, pollution of the environment, and even international relations are being thrust upon the corporate conscience with disquieting intensity.

The whole question of a corporation's involvement in social considerations is coming to a head: the National Council of Churches is working on a new formalized structure for redirecting the investments of many denominational groups into more socially-oriented areas; the late Saul Alinsky's nationwide "Proxies for People" campaign plans to solicit proxies from foundations, union welfare funds and other institutions to put more pressure on management to consider the social consequences of their actions; the mayors of ten large U.S. cities are presently laying plans for making a formal presentation to leading auto makers to stress their concern about what the companies are doing to curb pollution of the environment; and the Project on Corporate Responsibility which staged Campaign GM in efforts to reform the corporate structure of General Motors, has plans for proposals requesting Ford, Chrysler, and AT&T to expand their boards to include women, minorities, and representatives of consumer and employee groups. The Ford and Chrysler proposals also call for further disclosure in auto safety, pollution control and minority hiring.

Within the corporate legal departments, signs of "social responsibility" are also surfacing. In a recent study by the ABA *Pro Bono Project*, 200 major corporations were surveyed to determine to what extent the legal departments were involved in *pro bono* and public interest work. The results show that 14 of the 32 corporations responding, presently have or are in the process of developing some type of public interest program.

Most of the corporations that participate in *pro bono* activities work with an existing legal services or public defender program by providing volunteer time. The policy of the amount of time to be provided varies from company to company. In a manner similar to private law firm *pro bono* programs, some companies allow their attorneys released time for an extended period of up to three months, whereas others simply allow attorneys to represent indigents using a "reasonable" amount of company time.

The extent of participation varies with the amount and type of encouragement the company has provided.

All in all, very few companies have taken steps to engage their lawyers in *pro bono* work, and of those who have, very few have developed innovative approaches for use of their manpower. Of those companies responding to the questionnaire, but who had no program, it appeared that there is great interest in developing programs, but that no organized push has taken place to move the interested corporations along the path of developing one.

If a lesson can be learned from the experience that private law firms' *pro bono* involvement has provided, it is that energetic lawyers from within the company will have to take the initiative to move the corporations further along. The task is by no means hopeless, as the outside pressures that are helping to make corporations more socially responsible have plowed a fertile field.

The survey also revealed that several problem areas can arise that may be peculiar to corporate attorneys engaging in *pro bono* activities.

In many corporations, the lawyers are not members of the bar of the state where they are working, and therefore, cannot appear in court. The Public Defender's Program in Wilmington, Delaware, faced this problem when trying to solicit the assistance of Du Pont Corporation lawyers for their program. DuPont has approximately 130 attorneys on their staff, but only 30 of these are members of the Delaware Bar, which greatly limited the number of attorneys eligible to participate in the Public Defender's Program. Successful steps were taken to change a Supreme Court of Delaware ruling, which now allows volunteer attorneys doing work for either the legal aid society or the Public Defender to appear in court if they are admitted to active practice in another jurisdiction. When the rule was changed, the Public Defender contacted DuPont and as a result obtained the volunteer support of 52 of the corporation's attorneys.

Such arrangements may be impossible for a company to make, depending on the rules of court or statutes that control admission to practice in a particular jurisdiction. But such arrangements are worth investigating.

Another interesting problem involves the situation that since corporate attorneys are not ordinarily insured against legal malpractice actions, it might be necessary for the company to procure malpractice insurance for each attorney participating in a *pro bono* project. Of course, a company could leave that decision to the individual attorney, but some corporations have borne this expense to affirmatively encourage the participation of their lawyers.

Some corporations have raised the question that *pro bono* practice performed by the corporate lawyer during regular business hours might be engaging the corporation in the unauthorized practice of law. This issue does not appear to be a real problem, because, in most instances the individual attorney will be providing representation, but the local rules in each jurisdiction concerning corporate practice, unauthorized practice and conflict of interest should be carefully complied with.

Finally, some companies have found dissatisfaction among their lawyers who are participating in public interest activities, because they feel that full-time legal services attorneys tend to retain the more challenging legal cases and the volunteers receive only routine cases. This problem can eventually be alleviated by corporate lawyers making more extensive time commitments to these local programs so that the programs can depend on them and can assign difficult matters to them. Also, as more expertise in poverty law is developed, more challenging cases seem to follow.

The following companies have lawyers engaged in *pro bono* work, and the corporate commitment is more formalized:

Aetna Life Insurance Co. in Hartford, Conn. has had a *pro bono* program since 1967 which allows its attorneys up to 15 hours per month for *pro bono* work while receiving full salary and retaining the use of office and secretarial backup. If a lawyer wishes to participate in an activity for an extended period on a more substantial or full-time basis, the matter is presented to the General Counsel for approval. Projects have included Circuit Court Volunteer Defender Program, assistance to the local Hartford Neighborhood Legal Services, Inc. and litigation on behalf of student lawyers for the University of Connecticut Legal Aid.

Consolidated Edison Company of New York, Inc. in New York City has four attorneys working in the Community Law Offices program. Additionally, the company's Community Relations Department has established a program called Con Ed Volunteers for Minority Businessmen. Personnel of the company furnish legal, accounting, sales promotion, electric lighting, layouts and designs, financing advice and other services to minority businessmen who qualify for the program.

E. I. duPont de Nemours & Co. in Wilmington, Delware, has traditionally had a few lawyers volunteering assistance to the Public Defender's Program. When the Supreme Court of Delaware court ruling was changed to allow attorneys admitted to active practice in a jurisdiction other than Delaware, to appear in court to do volunteer work for the Public Defender's and the legal aid society, the Public Defender contacted duPont and recruited 52 of the corporation's lawyers for volunteer work.

A training program was established, with a staff member from the Public Defender giving a series of lectures on Delaware criminal law. In addition, a syllabus of leading Delaware criminal law cases was compiled and supplied to each participating DuPont attorney. The second phase of the program is a Criminal Law Clerkship Program, with the Public Defender's office compiling a list of suggested activities such as attending preliminary hearings and arraignments, and participating as a second attorney in court trials, in order to prepare the DuPont volunteers for effective participation in the Public Defender Program.

International Business Machines Corporation in Armonk, N.Y. initiated a program in Westchester County in 1971 where one lawyer is assigned full-time for a three month period to the Legal Aid Society. One IBM lawyer is working full-time with Legal Aid at all times, while continuing to receive full salary and other benefits from IBM. Additionally, IBM affirmatively encourages *pro bono* work by providing its lawyers with a reasonable amount of time off with pay to engage in *pro bono* work of their own choosing. The company also provides active assistance to its lawyers by advising all IBM lawyers of the availability of poverty law expertise developed by some of the lawyers, particularly those who have worked with the Legal Aid Society, and by distributing an updated list of materials in their centralized law library to assist their lawyers in handling *pro bono* matters.

Massachusetts Mutual Life Insurance Company in Springfield, Mass. instituted its program two years ago, permitting attorneys within the Company's training program to spend up to four working hours each week performing legal services for low income persons through the Neighborhood Legal Services office. Participation is on a voluntary and individual basis. Seven of the nine attorneys within the company training program have chosen to take part in the program by undertaking legal research projects in conjunction with full-time Legal Services attorneys and representing individual indigent clients.

Currently, the company is reviewing the local situation as to how they can best make a contribution toward the provision of legal services to the residents of the Springfield area.

The Travelers Insurance Co. in Hartford, Conn. provides technical and professional assistance both formally and through volunteers to various minority enterpreneur and business associations. Employees requests for legal assistance in personal matters are referred to a member of the Law Department. Matters which have been handled include landlord-tenant, real estate, consumer fraud, traffic violations, and immigration problems.

Members of the Law Department also participate in programs of the Office of Consumer Information which was created to provide a better understanding of company products, services and methods of operation.

Union Carbide Corporation in New York City has a released time policy of permitting lawyers in their legal department to work with the Legal Aid Office in New York City for periods of a month at a time.

Whirlpool in Benton Harbor, Michigan has been involved in public service activities for approximately four years. Two to 3 lawyers are generally active in this work at a given time. Projects have included: the establishment of a "black enterprise" program; review of local housing conditions, and researching what can be done to alleviate bad conditions; establishing a funding medium for advancing loans to capable disadvantaged businessmen in need of additional funds but unable to obtain them at traditional borrowing sources; the establishment of a community house to provide leadership and advice to disadvantaged persons in regard to housing and neighborhood improvement and financial management.

The following companies have lawyers engaged in *pro bono* work, but the extent of formalized activity is somewhat limited:

Caterpillar Tractor Co. in Peoria, Illinois, grants its attorneys time for engaging in non-company legal activities such as post-conviction proceedings involving indigent criminal defendants, working with the ACLU on litigation opposing the granting of state aid to non-public schools in the state, and preparation of a brief with state environment authorities which was instrumental in forestalling a substantial filling of the shoreline of the Illinois River in the vicinity of Peoria for industral purposes.

The Dow Chemical Company in Midland, Michigan, permits some members of its legal staff to participate in *pro bono* work on an individual non-formalized basis. Some attorneys have accepted court appointments to represent indigents and provided volunteer legal work for the Legal Aid Committee of the local Bar Association.

The Goodyear Tire and Rubber Company in Akron, Ohio, has offered the services of its lawyers to the local Akron Bar Association which maintains a listing of attorneys willing to volunteer services for indigent representation in juvenile and municipal court. The general policy of Goodyear is to make available people in all departments for community and socially-oriented work within reasonable limits, this service being at the expense of the company, with adequate time off to handle the work in a professional manner.

The Prudential Insurance Co. of America in Newark, N.J., encourages their lawyers to participate in *pro bono* activities on an individual basis. Company lawyers have tried criminal cases on behalf of the Public Defender's Office, served on the Board of Trustees on an O.E.O. Legal Service Project, acted as legal advisor to a newly formed Committee of Black Churchmen, and assisted with the legal work to establish two non-profit corporations involving minority groups.

Standard Oil Company (Indiana) in Chicago, Ill. encourages their legal staff to participate on an individual basis in public interest activities through their relationships with various bar associations and other public interest groups by permitting a reasonable amount of time to be taken from the individual's company responsibilities, although this is not done on a programmed basis.

J. C. Penney Company, Inc. in New York City, has recently created a *Pro Bono* Committee to develop plans for effective involvement of the legal department in *pro bono* work.

The corporate role in *pro bono* work is expanding. The ABA *Pro Bono* Project would like to hear about any new or additional corporate developments so that we may keep our readership abreast. Since the survey included 200 of the country's largest corporations, undertakings by smaller corporations have not been compiled or included. We would like to know about them and to report on them also.

HOMICIDE AND SUICIDE IN A METROPOLITAN COUNTY

Mr. STEVENSON. Mr. President, the February 19 issue of the Journal of the American Medical Association contains a well-documented article entitled "Homicide and Suicide in a Metropolitan County." The authors are Doctors Charles Hirsch and Lester Adelson, of the Laboratory of the Cuyahoga County Coroner's Office and the department of pathology at Case Western Reserve University in Cleveland, Dr. Norman Rushforth of the department of biology and biometry at Case Western Reserve, and Dr. Amasa B. Ford of the department of community health and medicine, also at Case Western Reserve.

The article reports on a study, a statistical analysis of homicide and suicide victims in Cuyahoga County, Cleveland, Ohio, and its suburbs from 1938 to 1971 inclusive. The study examined the homicide and suicide rates in the county from such perspectives as the sex and race of the victims, the weapons involved, and the classification of the homicides as justifiable or nonjustifiable.

The results of the study are startling. Cleveland and Cuyahoga County serve as a microcosm to show us the growing crime and violence in our society over the last decade.

Between 1938 and 1962, there were about 87 homicides per year in Cuyahoga County with firearms involved in anywhere from 50 to 60 percent of them. Today, however, the rate has grown to over 300 homicides annually with guns claiming 80 percent of the victims.

In 1963 the firearms homicide rate was 3.6 per 100,000, as compared to 2.9 per 100,000 for all other methods combined. In 1966 the corresponding rates were 6.2 and 3.3, and the 1970 rates were 14.7 per 100,000 for firearms and 3.7 for all other modalities.

The conclusions are obvious, and the authors state them well:

> Thus, the rapid increase in homicide rates in the latter 1960s clearly is attributable to homicides involving guns. Since approximately 90% of firearms homicides are handgun fatalities, we interpret this as an unmistakable and tragic consequence of the availability and abuse of handguns.

One again, the evidence is clear: the rising tide of violence—the death, the bloodshed—is directly attributable to "the availability and abuse of handguns."

The article speaks for itself. It does not need to ask the obvious questions:

When are we going to end the needless bloodshed and control the availability and abuse of handguns?

When are we going to enact reasonable Federal handgun control legislation?

When are we going to stem the still rising tide of crime and violence in our society?

I would urge my colleagues that the time to act is now—before too many more lives are lost.

I ask unanimous consent that the article be printed in the Record at the conclusion of my remarks. Unfortunately, the Record cannot reflect all the tables and figures included in the original article, and I would urge those who want this detailed information in the article to consult the February 19 issue of the Journal of the American Medical Association.

There being no objection, the article was ordered to be printed in the Record, as follows:

Homicide and Suicide in a Metropolitan County

(By Charles S. Hirsch, M.D.; Norman B. Rushforth, PhD; Amasa B. Ford, M.D.; and Lester Adelson, M.D.)

(Note.—Tables and figures referred to are not printed in the Record.)

Because homicide represents the ultimate deterioration of personal interactions, its frequency in a given population furnishes an objective index of violent reactions to the cumulative stresses in the group. Moreover, problems generated by these tragic losses of life are larger than a simple summation of individual misery. Ultimately, a high rate of homicide disrupts almost every facet of society. Since homicide has such extensive social, legal, and medical ramifications, its study possesses an immediacy matched by comparatively few other aspects of life on the current scene in the United States.

Previous studies in Cleveland [1] and elsewhere [2-4] all show that the incidence of homicide is correlated with poverty, with an intimate acquaintance between victim and assailant, and with a preponderance of nonwhite male victims. A marked increase in the local and national [5] homicide rates during the past decade prompted us to restudy homicide in the Cleveland area, partly in order to identify related and rapidly changing variables.

Before attempting to come to grips with some of the many questions and problems associated with the causes, adjudication, and, hopefully, prevention of homicide, an introductory survey of its dimensions and trends over a span of years will give a valuable perspective. This study, the first of a series, is a statistical analysis of homicide and suicide victims in Cuyahoga County, Ohio (Cleveland and suburbs), from 1938 to 1971 inclusive, a period encompassing the middle third of the 20th century. Suicide rates are included for comparison and contrast.

METHODS

Cuyahoga County (county) is subdivided into the centrally located city of Cleveland (city) and an adjacent aggregate of 36 cities, 20 villages, and four townships (suburbs). The deaths of all homicide and suicide victims dying in Cuyahoga County are investigated by the Coroner's Office. Autopsies invariably are performed in homicide cases unless the slaying is abated by suicide of the killer (eg, the man shoots his wife and then turns the gun upon himself). Autopsies are done in suicide cases if there is any question about the circumstances surrounding death, if the cause of death is not demonstrable by viewing the body (eg, drug ingestion), if the decedent's family requests an autopsy, or if the victim was in detention when he killed himself. When the suicidal manner of death is obvious and the cause of death can be documented accurately by viewing the body (eg, contact-range gunshot wound of the head), autopsy is not performed; this is the case in approximately 65% of suicides. Criteria for the verdicts of homicide and suicide in this jurisdiction have been consistent over the entire study period because one man (Samuel R. Gerber, MD, LLB) has been the county coroner since 1936.

Fatalities are tabulated by geographic subdivisions of the county according to place of occurrence of the incident. Deaths in the Cleveland area where the injuries were sustained outside Cuyahoga County are classified as "out of county." The latter classification and those instances in which the location of the incident are unknown comprise 0.9% of the homicides and 1.0% of the suicides in this study. Data supplementing the anatomic, toxicologic, and other objective findings of the coroner's staff are supplied by official police reports, eyewitness accounts, and hospital records.

We calculated homicide and suicide rates from data in the coroner's records (to determine the number of victims) and from population figures in Census Bureau publications. The decennial censuses (1940 through 1970) were used for city and suburban population sizes in the respective years, and for the city of Cleveland there was a special census in 1965. Traffic manslaughters are not included in the homicide data.

Total population figures are used as the denominator to determine all rates. This is entirely appropriate for nonjustifiable (culpable) homicide because the victims' ages range over the whole life-span. However, only with rare exceptions are victims of justifiable homicide or suicide younger than 15 years old; and, for practical purposes, only the population older than 15 could be con-

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Footnotes at end of article.

sidered at risk in calculating these rates. Nonetheless, in the interest of presenting data which are comparable to other published material, we calculated all rates on the basis of total population.

Justifiable homicides typically are those in which an individual kills while defending himself or his property or in which the decedent was committing a felony. In practice, a verdict of justifiable homicide is a consensus of the coroner and police prosecutor. The latter is an appointed official who is not an employee of the police department. If an incident is controversial, the county grand jury determines whether or not a homicide is justifiable.

Homicide and suicide rates are analyzed with respect to (1) location of the incident (city, suburbs), (2 and 3) sex and race of the victim, and (4) method of lethal violence (firearms, nonfirearms). Justifiable homicides were subdivided on the basis of the person who killed (police officer, civilian).

For purposes of graphic description, we used three-year average rates per 100,000 population. Estimates of the populations for individual years were calculated by linear interpolation of census figures. The rates center around each decade year and the third and sixth year of each decade for 1940 through 1970. (The eighth year of each decade is dropped.) This representation gives greater detail than a portrayal restricted to decade years, and random fluctuations in yearly rates are obliterated.

RESULTS

County Population and Numbers of Victims.—Table 1 shows the population and racial composition of the city and suburbs for each decennial census from 1940 through 1970 and a special census in 1965 for the city. The city population peaked in 1950 while the suburban population has grown steadily since 1940. The nonwhite population was 99.4% Negro in 1940 and 97.3% Negro in 1970. Annual numbers of homicide and suicide victims in the city and suburbs are shown in Table 2.

Homicide and Suicide Rates.—Cuyahoga County homicide rates increased slightly during the 20-year period from 1940 to 1960, ranging from 5.5 to 6.6 victims per 100,000 population. (All rates are expressed per 100,000 population, and hereafter denominators are omitted.) By the mid-sixties the homicide rate reached 9.4 and then climbed precipitously to 18.4 by the end of the decade. The rate for the city of Cleveland rose gradually during the 1940 to 1960 interval. In the latter half of the sixties, the city rate began to climb dramatically, reaching 38.4 in 1970. Suburban homicide rates were much lower during the entire time span. They also increased in the sixties, and reached a high of 2.7 in 1970 (Fig. 1).

Figure 1 also depicts changes in suicide rates for the city and suburbs. Suicide rates for the city are greater than those of the suburbs, but the difference, although statistically significant ($P = .05$, paired t-test), is much less marked.

Sex and Race of Victim.—Figure 2 shows sex- and race-specific homicide rates for the city of Cleveland and sex-specific homicide rates for suburban whites. Meaningful comparable rates for nonwhites in the suburbs cannot be calculated because the suburban population was more than 99% white until 1960. Nonwhite males always have had the highest homicide rate, and now this continues by a fivefold order of magnitude greater than the rate for white males. White females have always had the lowest homicide rate. Currently nonwhite females are homicide victims at a rate 4½ times that for white individuals in the city are much higher than for white suburbanites.

During the period from 1946 to 1953, the homicide rate for nonwhite males was high and relatively stable (average, 71.8). This rate declined in the mid and latter fifties to a value of 44.0 in 1960. However, the homicide rate for nonwhite males soared in the sixties, and reached 135.4 at the end of the decade. In the 1940 to 1960 interval, homicide rates for the white population in the city were relatively stable. An increased rate for white males began in the mid-sixties. The absolute magnitude of this rate is much less than that for nonwhite males, but the relative increase from 1960 to 1970 for white males was more than 600% compared to 200% for nonwhite males.

Sex- and race-specific suicide rates for the city and suburbs are shown in Fig. 3. As with homicide, the nonwhite suburban population was too small to calculate meaningful data. Rates for men are always higher than corresponding rates for women of the same race; and those for white persons are uniformly higher than Negro rates in both sexes. Suicide rates are similar for white women in the city and suburbs, but the rates for white men are much higher in the city than in the suburbs. In 1970, the suicide rate for white men in the city was double that of their suburban counterparts. During the past decade, suicide rates have increased for men and women of both races in the city.

Firearms in Homicide and Suicide.—To determine if a common method might be implicated in the slight rise in suicide rates over the sixties and the large increase in homicide rates in the latter part of the decade, rates were determined for victims killed by firearms (Fig. 4). On all but one of the ten time-points (1940), rates for homicide by firearms are higher than those for all other modalities combined. The differences, however, are not great until the latter sixties, when there begins a slight increase in homicide rates by instruments other than firearms along with a large increase in the firearms rate.

Modalities other than firearms have been used more frequently for committing suicide over the past 33 years (Fig. 4). However, during the sixties, while suicide rates due to methods other than firearms were quite stable, rates for suicide by means of firearms rose from 3.1 in 1960 to 4.5 in 1970.

Data on the types of firearms are not available for the entire study period, but our current experience is that approximately 90% of homicides by firearms and 80% of suicides by firearms are due to handguns rather than shotguns or rifles.

Classification of Homicides: Justifiable vs Nonjustifiable.—During the first two decades of the study period, homicide rates were relatively stable, with little change for nonjustifiable homicide (average, 5.2, 1940–1960), justifiable homicide by civilians (average, 0.6), and justifiable homicide by police officers (average, 0.4). The latter rate remained at about the same level throughout the sixties (Fig. 5), but justifiable homicide rates for civilians rose to 1.7 by the end of the decade. Nonjustifiable homicides increased markedly in this period, rising to a value of 16.2 in 1970.

COMMENT

Cuyahoga County, Ohio, experienced a large increase in homicide rates in the latter 1960s, primarily due to a disproportionate and astronomical rise of homicide frequency in the city of Cleveland. Most (86%) of the homicides were nonjustifiable, but an upward trend in justifiable homicides is noteworthy. This latter increase is small in absolute magnitude compared to the leap of nonjustifiable homicides, although the relative increases of each are comparable.

Justifiable homicide by police officers has not shown an increase in rate over three decades; thus the recent increase of justifiable homicides has resulted entirely from civilians killing each other with legally execusable provocation (eg, self-defense). An upward trend in justifiable homicide in Cuyahoga County, therefore, is another valid index of the totality of criminal behavior and of violent response to stress in the community.

Suicide rates also increased during the latter 1960s, although this trend was slight compared to the dramatic rise in homicide rates during the same period. Relative proportions of homicide and suicide in a given population may provide an interesting contrast of the frequency of self-destruction vs. killing of another person. Based upon five-year averages centered around 1940 and 1969, suburban suicides formerly outnumbered homicides by 10.7 to 1; the ratio is now 4.4 to 1. Homicide is now 2.4 times as frequent as suicide in the city, whereas formerly the situation was reversed with 1.9 suicides per homicide.

The controversy over firearms control, especially as it relates to handguns, has many passionate advocates on both sides. Public debate is sure to continue. The experience of a single medicolegal investigative agency, which has collected data in a uniform manner over a 33-year period, is particularly instructive in this regard.

From 1938 to 1962, there was an average of 87 homicides per year in Cuyahoga County with firearms involved in 50% to 60%. We now have more than 300 homicides annually, and guns claim 80% of the victims! In 1963 the firearms homicide rate was 3.6 per 100,000 compared to 2.9 for all other methods combined. Corresponding homicide rates were 6.2 and 3.3 in 1966, and in 1970 the comparison shows a rate of 14.7 for firearms and 3.7 for all other modalities. Thus, the rapid increase in homicide rates in the latter 1960s clearly is attributable to homicides involving guns. Since approximately 90% of firearms homicides are handgun fatalities, we interpret this as an unmistakable and tragic consequence of the availability and abuse of handguns.

This communication provides a perspective of long-term trends in homicide and suicide in Cuyahoga County. Comparable metropolitan areas in the United States have had similar recent experience. Many important facets of homicide and suicide are untouched by this general survey, and we recognize a need for future work to focus in greater detail on such variables as the role of alcohol and drugs, age, relationship of victim and assailant, socioeconomic factors, and the legal follow-up of homicide.

(This investigation was supported in part by grant GM–12302 from the National Institutes of Health.

(Otto Morgenstern did the computer programming.)

FOOTNOTES

[1] Bensing RC, Schroeder O: *Homicide is an Urban Community.* Springfield, Charles C. Thomas, 1960.

[2] Harlan H: Five hundred homicides, *J. Criminal Law Criminol Police Sci* 40:736–752, 1949–1950.

[3] Bullock HA: Urban homicide in theory and fact, *J Criminal Law Criminol Police Sci* 45:565–575, 1954–1955.

[4] Wolfgang ME: *Patterns in Criminal Homicide,* Philadelphia, University of Pennsylvania, 1958.

[5] Hoover JE: *Crime in the United States, Uniform Crime Reports—1970.* US Government Printing Office 1970.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorm.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 11:30 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOCATIONAL REHABILITATION ACT—VETO

The PRESIDING OFFICER (Mr. STEVENSON). Under the previous unanimous-consent agreement, the hour of 12 o'clock having arrived, the Chair lays before the Senate the President's veto message on S. 7, the Vocational Rehabilitation Act which the clerk will state.

The assistant legislative clerk read as follows:

A veto message on S. 7, the Vocational Rehabilitation Act.

(The text of the President's veto message is printed on page 9597 of the CONGRESSIONAL *RECORD* of March 27, 1973).

The Senate proceeded to reconsider the bill.

The PRESIDING OFFICER. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

The time for debate on this question will run until 2 p.m. and is to be equally divided and controlled by the distinguished Senator from California (Mr. CRANSTON) and the distinguished Senator from Pennsylvania (Mr. SCOTT), or his designees.

Who yields time?

Mr. SCOTT of Pennsylvania. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 10 minutes.

Mr. SCOTT of Pennsylvania. Mr. President, this is a good bill, but that is not what is wrong with it.

What is wrong with it is that it is duplicative, that notwithstanding the very large increase in the program plus an increase in the administration's program for fiscal 1974, the bill undertakes to duplicate the actions of other agencies and establish a large new group of categorical grants. It enters into the medical field and, thereby, preempts other programs of the administration.

Generally, it suffers from the fault of offering to promise more than can be delivered and to offer false assurances to the people who would expect to be the benficiaries of things that will be done for them, which will, in fact, not be done.

We are being asked today to act upon a veto, well knowing that if the veto is overridden, an appropriation bill will follow, and if it falls anywhere near the form of the authorization bill, then it will be vetoed and we will again have to face the same question.

Thus, Mr. President, I rise to urge the Senate to sustain the President's veto of this bill. I urge the Senate to do so in the economic interest of the American people.

Mr. President, I very much fear that Congress is preparing to indulge itself in yet another spending binge—and we all know by now that a spending binge means an economic hangover. It means more inflation or higher taxes. That is the price the Nation will have to pay on "the morning after" if we persist in excessive spending beyond our ability to pay the bills.

Certainly, Mr. President, one drink will not cause a hangover any more than enactment of this bill would, all by itself, cause economic dislocation. But it is quite clear that we in Congress—in legislation which has already been passed, in bills that are in conference and in committee—have quite a bit more in the bottle. I think that once we have finished off that bottle, we will be headed for a massive hangover and major economic problems. It is not going to be any easier to stop on the second, third, or fourth drink than it is to stop right now.

As with every Senator, I am certain, I support vocational rehabilitation. I have introduced bills myself for aid to the handicapped and for vocational rehabilitation generally. I support the goals of this legislation, and I would support funding it at an even higher level than the one incorporated in the bill we sent to the President—if we could afford it. And I will support alternative legislation which has already been introduced in this body at a higher spending level than in previous fiscal years. But it is quite clear that we cannot afford this bill without raising taxes or precipitating another round of inflation—which would be just as effective and burdensome as new taxes in depriving the taxpayer of his earnings.

The taxpayers, too, I think, at this period, when April 15 is approaching, are extremely conscious of the tax burdens being placed on them and their families.

There are a great many programs which we would all like to see expanded, just as there are a great many problems which could be dealt with better if we had unlimited resources to devote to them. But we do not have these unlimited resources. Despite the fact that our dreams for a better world may be infinite, tax dollars are not, and we must face that fact.

What is the good of spending more money on programs, a dozen or more programs, each good in themselves, but each duplicative and excessively costly, if the result of that spending is simply to bust the budget and bump taxes up?

We must discard the old illusory concept that more spending and more categorical grants piled one upon another necessarily result in greater good.

We are limited in what we can spend for any given program, and, to that degree, every level of funding is arbitrary. In the present case—vocational rehabilitation—we are talking about a field in which spending has been increased by 75 percent over a 5-year period. I think that, given the other obligations of the Federal Government, this has been a very real gain. In the present case, as in so many others, I think that we need to be satisfied with the substantial progress we are making, even if it falls short of what we would have wished under ideal circumstances and with unlimited resources.

I, therefore, will vote to sustain the President's veto.

I would like to note further that, unfortunately, this bill may be only the first in a series of bills which we will pass in excess of budgetary limits, and that, consequently, it may mark only the first in a series of Presidential vetoes which we will be called upon to override or sustain. This process represents something less than government operating at its most efficient. Moreover, I believe that it tends to act as a social irritant. It pits one group of potential beneficiaries under a given program against others. It raises expectations which cannot be realized. The one thing which it does accomplish is that it permits Members of Congress to say to any given group of beneficiaries, "I voted to give you more money," even though those Members have known all along that the money would not be forthcoming.

This is a time-honored charade, but it is one which we should bring to a close. We should stop passing bills which are funded at excessive levels. We should stop the necessity of forcing Presidential vetoes. We should stop having votes to sustain or override vetoes of excessively costly bills. We should stop pulling the taxpayer's leg and start passing good, constructive, social legislation that will not break his back.

Mr. President, I reserve the remainder of the 10 minutes that were allotted to me.

Mr. CRANSTON. Mr. President, I ask unanimous consent that from this point throughout the consideration of the question on the override of the veto on S. 7, and during the vote thereon, the following staff members of the Committee on Labor and Public Welfare and Phil McGance of Senator RANDOLPH's staff and Michael Francis of Senator STAFFORD's staff be accorded the privileges of the floor:

Jonathan Steinberg, Robert Humphries, Roy Millenson, Lisa Walker, and Patria Forsythe.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 7: VOCATIONAL REHABILITATION ACT OF 1972: OVERRIDE AN UNWISE, IRRESPONSIBLE VETO

Mr. CRANSTON. Mr. President, I am saddened that the bill before us today—

which offers sensible and humane programs to assist handicapped Americans to become self-dependent—has become a pawn in a much larger battle. The bill itself, and the program it would authorize, on the merits deserve the overwhelming approbation of the Congress, the American people, and the President.

Yet, here we are today locked head-to-head in apparently mortal combat with the President over the very future of this highly successful program which we seek to improve substantially and expand modestly.

What has happened to bring us to this impasse, Mr. President? What has happened is that someone downtown has fed the President of the United States some unmitigated balderdash.

What has happened is that the President of the United States—himself a former distinguished legislator in both Houses of Congress—sends us a veto message which has no real relevance to the substance of the legislation we are considering. These quotes from the President's message should suffice to demonstrate the temperament of those downtown, those who want to continue to spend $30 billion on foreign military bases, $17 billion on the NATO Alliance alone, and $10 billion more on foreign aid and military assistance, but who think we cannot afford to give aid and assistance inside our country to Americans to help them to learn to take care of themselves financially.

Here are some choice catch phrases from the veto message: "Bad legislation," "poor legislation," "badly constructed," "unwise legislation." Now, Mr. President, this is just preposterous. This bill has received about the most painstaking scrutiny of any bill I know of since I have been a Senator. Of course, it is not perfect. We in the Congress have never pretended to be able to achieve perfection. Democracy does not really permit it, with the give and take it fosters and the spirit of accord and compromise which is so essential to our system of Government and democratic values.

But, I for one, would like to go on record with our three volumes of hearing record behind us, and assert that this is a darn good piece of legislation—one I would stack up against any we have dealt with here over the last 4 years on any standard of measurement anyone would like to propose. It has passed the Houses of Congress eight times within the last year. I think if the President ever stopped to read the bill, or even an unbiased summary of it prepared by someone other than this OMB adviser who screen out the truth by screening him off from the public, he would recognize this.

What is really bothering OMB? That is not too hard to find out by filtering out the rest of the rhetoric in the veto message: It refers to "a congressional spending spree," "a massive assault upon the pocketbook of millions * * * in this country," "throwing money at problems," "fiscally irresponsible," "open the floodgates on the Federal budget," "extravagant price tags," "big spenders," "raising taxes substantially—perhaps as much as 15 percent," "hefty boost in consumer prices and interest rates," "big spending bills," "inordinately expensive."

You see, Mr. President, I have read the message very carefully. I just cannot find any substance to it.

You would think this was a tax bill, or an appropriation bill, or a pension bill. But it is none of these.

I share President Nixon's desire for fiscal responsibility, a ceiling on spending, no new taxes, and no broader deficits. But none of these commendable concerns have any relevance to this bill.

The truth is that the epithets in the message have absolutely nothing to do with this bill, S. 7, the Rehabilitation Act.

As the Washington Post editorial so correctly states this morning, this is an "authorization measure—the bill does not mandate the outlay of a nickel." That is the simple fact. No amount of rhetoric can obscure it. Mr. President, I ask unanimous consent that the full text of the editorial be set forth in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

VOTING ON THE REHABILITATION ACT

The Senate is scheduled to vote this afternoon on whether to override or sustain President Nixon's veto of S. 7, the vocational rehabilitation act. If the Senate votes to override, the question will be taken up in the House shortly thereafter. The issue has become much larger than the bill itself, for this will be the first showdown between Congress and President this year in what the administration has styled "the battle of the budget." As Caspar W. Weinberger, Secretary of Health, Education and Welfare, makes clear in an article on the opposite page today, the executive branch is asking the legislators not just to uphold this veto, but to make of it a test case in the developing conflict over the President's fiscal program—limiting spending, curbing inflation, rejecting tax increases, and all the rest.

It is unfortunate that the vote on S. 7 should be made to carry such freight, for the legislation itself is hardly budget-busting and the legitimate arguments over the substance of the bill are limited. The first and all-important point is that, contrary to the impression Mr. Nixon and Mr. Weinberger have tried to create, S. 7 is *not* in itself a spending bill. It is an *authorization* measure which establishes certain vocational rehabilitation programs and sets ceilings for subsequent appropriations. The bill does not mandate the outlay of a nickel.

Nor are the authorizations in S. 7 as extravagant as the administration claims. To continue the 52-year-old program of grants to the states for vocational rehabilitation programs, the bill authorizes $700 million for fiscal 1973 and $800 million for fiscal 1974; the President's own budget contains about $600 million for this purpose for fiscal 1973 and $610 million for fiscal 1974. The difference, while debatable, is hardly astronomical. Mr. Weinberger also objects to new programs in S. 7 which are intended to meet the particular needs of groups such as the severely handicapped, older blind and deaf persons, and those suffering from spinal cord injuries. But the amounts authorized in these areas are quite modest, given the undeniable human pain and anguish to be relieved.

All in all, this appears to be a meritorious bill which has become a pawn in the bitter struggle between an obstinate Congress and an equally stubborn President.

It is true that if such matters are decided by reflex votes for or against Mr. Nixon, the country will be in for a long season of rancor and rhetorical excess. But the immediate question is the merits of S. 7.

On those merits, the veto should be overturned.

Mr. CRANSTON. Mr. President, this bill has no impact on the Federal budget, on Federal outlays or, therefore, on the need for any tax increase. The veto message in sum and substance is a red herring.

The fact is that even as a piece of legislation authorizing certain appropriations levels, it is fiscally sound, moderate measure.

First, it authorizes for this fiscal year $97 million less in total appropriations than were in the law for fiscal year 1971—2 fiscal years ago. It is hard to find the fiscal irresponsibility in that, Mr. President.

Second, it authorize total appropriations of $881 million less than were contained in H.R. 8395, last Congress' vetoed bill—a cut of more than 25 percent. The Congress has met the President more than half way. But our efforts at reasonable compromise did not satisfy an administration that is more obsessed with confrontation with the Congress than it is concerned about handicapped people.

Third, what the President wants is open-ended authorizations of appropriations—that is, unlimited dollar authorizations. This bill sets dollar ceilings on every program it authorizes. That has long been the policy of the Labor and Public Welfare Committee in setting appropriations authorizations levels: To fix a dollar figure that represents an estimate of what could be spent effectively to meet a given social or economic need, so as to provide guidelines to the appropriations committees and the Congress itself in the ensuing appropriations process.

Fourth, Mr. President, the President's message describes the great increases in funding for vocational rehabilitation over the last 5 years. It is true there is more money now than 4 years ago. But the facts are that the growth rate of expenditures for vocational rehabilitation programs has slowed down enormously. The 4-year average before Mr. Nixon prepared his first budget—for fiscal year 1971—was 29.5 percent. Under his four budgets—fiscal years 1971 through 1974—it would be an 8.5-percent increase, and the bill proposes an increase in the authorization levels exactly in between these two figures—19 percent.

Finally, Mr. President, and most significantly, this program is actually a revenue raiser not spender. As the material Senator RANDOLPH and I have placed on each desk states, the benefits of the national rehabilitation program relative to costs are conceded by all to be extremely high. Over 3 million handicapped Americans have been returned to productive and meaningful lives because of assistance from the program. In fiscal year 1972 alone, the estimated annual earnings of the 326,138 individuals rehabilitated total $1 billion—a net increase of $750 million in earnings from the time these individuals entered the rehabilitation system.

The Rehabilitation Services Administration estimates that, in addition to this contribution to the GNP, these individuals, at a minimum, will be contributing approximately 5 percent of their income—or $58 million each year—in taxes to Federal, State, and local governments. And these figures do not reflect the approximately $33 million in savings to Federal and State governments in 1972 caused by removal of many rehabilitated persons from the public assistance rolls.

This $91 million figure over 20 years would return more than $3 for every $1 of the $560 million spent in fiscal year 1972.

So, Mr. President, the veto message insofar as it tries to make this bill out as a grab at the taxpayer's pocketbook is pure nonsense. What this bill aims to do is increase revenues by getting handicapped individuals off welfare rather than keep them on, and to help handicapped individuals earn their own way and pay their own taxes—as they fervently wish to do—rather than to consume the tax dollars of others.

So let us put all of this budget busting talk to bed once and for all. This is not a tax bill, not an appropriations bill, not in any way a spending bill. The programs it would authorize, if they are subsequently funded later in the legislative process in an appropriations bill—are themeslves enormously cost effective.

Mr. President, I ask unanimous consent that there be set forth in the RECORD at this point material we have placed on each Senator's desk, including comparative authorization charts and a chart showing the numbers of handicapped persons served and rehabilitated and the dollars spent in each State in fiscal year 1972 and the total number of persons requiring services and the dollars which could be spent in each State if the basic program were fully funded at $700 million for this fiscal year—just $90 million more than the President requested in his original fiscal year 1973 budget.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REASONS CONGRESS SHOULD OVERRIDE THE PRESIDENT'S VETO OF S. 7, THE REHABILITATION ACT OF 1972

Support for the Bill.—For over 50 years, the Vocational Rehabilitation program has had broad bipartisan support. In 1972, both the House and Senate passed the Rehabilitation bill *unanimously.*

In 1973, the Senate (by a vote of 86–2) and the House (by a vote of 318–57) passed S. 7. The appropriations authorization is nearly $900 million *below* the amount in the 1972 vetoed bill. (The House Education and Labor Committee had reported the 1973 bill by a 33–1 vote; the Senate Labor and Public Welfare Committee by a 16–0 vote).

Bill Summary.—The Rehabilitation Act (S. 7) revises, extends and improves programs for the handicapped previously authorized under the Vocational Rehabilitation Act. Established by Congress in 1920 and extended six times since, the vocational rehabilitation program provides a variety of services as needed to physically and mentally handicapped persons to prepare them for employment. These continuing services include, among others: hospital diagnosis and care for the handicapped; placement services to assist handicapped individuals to secure and maintain employment; maintenance and transportation as appropriate during rehabilitation.

Title III of the Rehabilitation Act of 1972 creates new programs to assist States in establishing programs for blind and deaf persons and those suffering from spinal cord injury and kidney disease. Title II provides for services to individuals with the most severe handicaps to assist them in living more independent lives.

Benefits of Vocational Rehabilitation.—Benefits of the national rehabilitation program relative to costs are conceded by all to be extremely high. Over three million handicapped Americans have been returned to productive and meaningful lives because of assistance from the program. In fiscal year 1972 alone, the estimated annual earnings of the 326,138 individuals rehabilitated total $1 billion—a net increase of $750 million in earnings from the time the individuals entered the rehabilitation system.

The Rehabilitation Services Administration estimates that, in addition to this contribution to the GNP, these individuals, at a minimum, will be contributing approximately 5 percent of their income, or $58 million each year, in taxes to Federal, state and local governments. And these figures do not reflect the aproximately $33 million in savings to Federal and state governments in 1972 caused by removal of many rehabilitated persons from the public assistance rolls. This $91 million figure over 20 years would return more than $3 for every $1 of the $560 million spent in fiscal year 1972.

Need for Rehabilitation Bill.—There are an estimated seven to twelve million handicapped individuals in the nation who have not realized their vocational potential. With the level of funding authorized in S. 7, rehabilitation services could be provided to a total of approximately 2.8 million handicapped individuals over the next two fiscal years using today's per case cost. This would leave at least *four million* handicapped persons who, at today's spending level, *would not be served.*

The simple fact is that we have a long way to go to meet the needs of our disabled fellow citizens.

ADMINISTRATION OBJECTIONS AND ANSWERS

Objection.—The veto message argues S. 7 is "fiscally irresponsible."

Answer.—In order to meet Administration objections, the authorization was reduced nearly $900 million—from $3,481 billion to $2.6 billion—a cut of more than 25 percent. Furthermore, the authorization for fiscal year 1973 ($913 million), is almost $100 million *LOWER* than the authorizations for Fiscal Years 1971 and 1972 ($1.010 billion each).

Objection.—The veto message argues that it diverts rehabilitation from its basically vocational objective.

Answer.—The basic Vocational Rehabilitation program is changed in no way. The bill merely makes explicit a commitment to persons with severe handicaps that the Administration itself expressed during Committee hearings.

Many people covered by the new programs are today refused assistance under the present program because they are difficult to rehabilitate for employment. It should be made clear that the vocational goal for these people has not been eliminated by the modest program for the severely handicapped. If a vocational goal is found possible, these individuals will be provided services under the regular state program. For the few who are incapable of employment, the new program will hopefully assist them in becoming more self-sufficient, often enabling other members of the family to re-enter the work force.

This new program is authorized separately and the appropriation authorization amounts are less than 5 percent of the total for the basic Vocational Rehabilitation program

APPROPRIATIONS AUTHORIZATIONS, REHABILITATION ACT OF 1973, S. 7 (93D CONG.) COMPARED TO H.R. 8395 (92D CONG.), FISCAL YEAR 1972 EXPENDITURES, AND BUDGET REQUESTS

[In millions of dollars]

	Fiscal year 1972 authorizations	Actual fiscal year 1972 spending levels	Fiscal year 1973 budget request	Revised fiscal year 1973 budget request	H.R. 8395 fiscal year 1973	S. 7 fiscal year 1973	Fiscal year 1974 budget request	H.R. 8395 fiscal year 1974	S. 7 fiscal year 1974	H.R. 8395 fiscal year 1975	S. 7 fiscal year 1975
Title I—Vocational rehabilitation services:											
Part B—Basic services	700	[560]	[610]	[590]	800.0	700	[610]	975	800	0	0
Part C—Innovative and experimental grants	10	[41.8]	[49.35]	[35.86]	50.0	50	[30]	60	60	75	75
Title II—Comprehensive rehabilitation services					30.0	10		50	25	80	50
Title III—Special Federal responsibility:											
Construction grants (301)		[.55]	[.55]	[.55]	35.0	10	[.5]	40	10	45	10
Vocational training services (302)	30	[12.85]	[12.30]	[10.3]	30.0	15	[8.3]	35	25	40	30
Mortgage insurance (303)					(1)	(1)		(1)	(1)	(1)	(1)
Annual interest grants (304)					1.0	1		3	2	7	4
Special project and demonstrations (305)		[3.2]	[12.2]	[12.2]	[2] 50.0	[2] 22.5	[13.7]	[2] 125	[2] 50	[2] 150	[2] 75
Center for deaf-blind (306):											
Construction		[.6]	[.6]	[.6]	5.0	5	[.6]				
Operations					.8	.5		1.2	.6	2	.7
Centers for deaf industries (307)					2.0	2		4	3	7	5
Centers for spinal cord injuries (308)					15.0	8.5		25	25	30	30
Renal disease (309)					25.0	8.5		25	20	25	25
Older blind individuals (310)					10.0	5		20	15	30	30
National advisory counsel (311)					.1	.05		.15	.10	.15	.15
State advisory counsels (312)					2.0	.15	.15	2	.5	2	.75

Footnotes at end of article.

APPROPRIATIONS AUTHORIZATIONS, REHABILITATION ACT OF 1973, S. 7 (93D CONG.) COMPARED TO H.R. 8395 (92D CONG.), FISCAL YEAR 1972 EXPENDITURES, AND BUDGET REQUESTS—Con.

[In millions of dollars]

	Fiscal year 1972 authorizations	Actual fiscal year 1972 spending levels	Fiscal year 1973 budget request	Revised fiscal year 1973 budget request	H.R. 8395 fiscal year 1973	S. 7 fiscal year 1973	Fiscal year 1974 budget request	H.R. 8395 fiscal year 1974	S. 7 fiscal year 1974	H.R. 8395 fiscal year 1975	S. 7 fiscal year 1975
Title IV—Research and training: (4)	140										
Research (402)		[35.26]	[31.69]	[20.346]	75.0	40	[19.996]	100	75	150	100
Training (403)		[22.26]	[27.7]	[27.7]	50.0	32.5	[17]	75	50	100	75
Title V—Administration and evaluation					[3] 2.0	[3] 1		[3] 2	[3] 1	[3] 2	[3] 1.5
Title VI—Office for the handicapped					1.0	1		2	1.5	2	2
Title VII—Miscellaneous:											
Interagency employment committee (701)					1.0	0		1.25	1.25		
Compliance board (703)					1.0	.5		1.25	1.5	1.5	1.5
Rehabilitation facility improvement	30										
Vocational evaluation	100										
Yearly total	1,010	[676.52]	[744.390]	[697.556]	1,185.9	913.2	[700.096]	1,546.85	1,171.45	748.65	515.60

[1] Such sums; limit of $250,000,000 on total mortgages insured.

[2] Plus amounts for migrants.

[3] Or ½ percent of appropriations under titles I to IV, whichever is greater.

[4] Includes demonstration and expansion grants.

NOTES

Grand total:	
H.R. 8395	3,481.40
S. 7	2,600.25
3-year difference	881.25

The figures in brackets represent expenditures or budget requests.

TOTAL DISABLED POPULATION VERSUS NUMBER SERVED AND REHABILITATED IN FISCAL YEAR 1972, BY STATE

State or territory [1]	Total number disabled	Number served by (fiscal year 1972) vocational rehabilitation	Number rehabilitated, fiscal year 1972	Fiscal year 1972 vocational rehabilitation dollars spent	Amount available 1973 under S. 7
Total	9,778,942	1,111,045	326,138	$547,782,565	$700,000,000
Connecticut [2]	110,000	9,319	2,438	4,419,988	5,879,651
Maine [2]	35,245	3,201	829	2,131,468	4,568,820
Massachusetts [2]	180,325	16,934	5,148	11,360,714	14,819,711
New Hampshire	33,719	3,158	765	1,886,846	2,845,044
Rhode Island [2]	36,450	6,653	1,622	2,095,214	3,078,035
Vermont [2]	15,757	2,394	655	1,388,272	2,000,000
New Jersey [2]	569,000	26,729	9,900	13,105,065	16,416,386
New York [2]	816,930	53,316	13,717	30,770,834	36,706,857
Puerto Rico [1]	135,600	20,518	4,289	16,124,320	19,246,119
Virgin Islands [1]	8,000	370	121	340,557	442,349
Delaware [2]	51,444	3,371	734	1,148,032	2,000,000
District of Columbia [1]	158,000	10,261	3,638	4,318,323	5,308,295
Maryland	205,000	26,353	8,788	8,288,376	10,705,890
Pennsylvania [2]	858,000	74,138	21,145	31,966,879	37,730,293
Virginia [2]	355,135	35,039	12,782	15,163,406	17,398,097
West Virginia	88,208	17,271	7,297	7,667,121	8,539,513
Alabama	210,000	26,898	7,770	15,750,809	17,815,743
Florida [2]	245,200	46,284	13,253	20,668,031	26,135,217
Georgia	111,546	37,058	12,592	16,971,584	19,455,633
Kentucky	284,410	24,838	10,534	11,107,798	15,306,676
Mississippi [2]	97,717	18,340	6,353	11,520,065	12,865,653
North Carolina [2]	185,863	45,512	14,605	19,184,417	23,039,218
South Carolina [2]	143,214	34,855	11,002	11,250,405	13,230,108
Tennessee [2]	94,372	26,080	7,265	11,045,036	18,773,664
Illinois	383,500	39,443	14,315	20,704,483	25,774,125
Indiana [2]	508,000	13,588	3,140	5,408,043	17,452,187
Michigan [2]	312,758	38,657	10,642	$19,809,266	$24,697,820
Minnesota [2]	128,540	25,552	6,072	10,673,096	12,953,299
Ohio [2]	370,000	34,256	10,092	23,990,307	32,963,240
Wisconsin	332,000	32,379	9,896	12,270,770	15,942,314
Arkansas [2]	73,085	17,945	5,850	9,023,266	10,132,556
Louisiana [2]	223,922	29,047	5,737	14,629,484	17,536,186
New Mexico [2]	12,000	5,078	1,498	4,056,540	4,928,953
Oklahoma	215,349	30,471	7,560	9,337,877	11,134,334
Texas [2]	539,206	80,505	24,735	37,677,025	44,432,830
Iowa [2]	144,890	18,680	4,143	8,152,485	10,100,156
Kansas [2]	98,845	6,516	2,305	4,459,331	7,179,962
Missouri [2]	197,370	19,321	7,299	13,357,605	16,731,881
Nebraska	126,891	7,839	1,917	4,137,523	5,125,685
Colorado	62,138	11,895	3,287	6,300,698	7,809,327
Montana [2]	43,500	6,783	1,265	2,440,247	2,904,644
North Dakota	50,000	5,405	1,363	2,410,718	2,799,838
South Dakota [2]	12,525	4,882	913	2,415,917	3,017,098
Utah	35,700	11,666	2,486	4,011,796	4,969,069
Wyoming	21,011	2,067	573	1,045,873	2,000,000
Arizona [2]	68,425	6,658	1,932	5,688,546	7,156,951
California	370,922	56,708	12,990	35,287,323	49,148,065
Guam [1]	8,219	332	116	533,927	603,215
Hawaii	56,335	3,987	873	1,864,125	2,000,000
Nevada [2]	27,465	2,435	738	1,000,000	2,000,000
Alaska	63,376	2,045	390	1,000,000	2,000,000
Idaho [2]	60,920	4,385	1,030	2,609,470	3,301,906
Oregon [2]	58,763	9,557	2,297	5,918,251	7,589,068
Washington [2]	144,152	15,093	3,460	7,895,103	10,416,648

[1] Including District of Columbia, Guam, Puerto Rico, and Virgin Islands.

[2] Separate blind agency.

ANNUAL TOTALS COMPARISON: H.R. 8395, S. 7, FISCAL YEAR 1972 AUTHORIZATION, FISCAL YEAR 1972 APPROPRIATIONS, AND FISCAL YEARS 1973 AND 1974 BUDGET REQUESTS

[In millions of dollars]

Fiscal year—	Authorization	Actual expenditures		
1972	1,010.0	676.52		
	Authorizations: S. 7	Authorizations: H.R. 8395	Budget request	Revised budget request
1973	913.2	1,185.9	744.390	697.556
1974	1,171.45	1,546.85	700.096	
1975	515.60	748.65		
3-year total	2,600.25	3,481.40		
S. 7 total	−881.15			

ANNUAL VOCATIONAL REHABILITATION APPROPRIATIONS PERCENTAGE INCREASES FROM FISCAL YEAR 1967 THROUGH FISCAL YEAR 1973 AND FISCAL YEAR 1974 BUDGET REQUESTS AND AUTHORIZATION PERCENTAGE INCREASES IN S. 7 FOR FISCAL YEARS 1973–75

Fiscal year—	Percent increase or decrease
1967	46.0 Average 4 yrs=29.5.
1968	22.0
1969	21.0
1970	29.0
1971	15.0 Average 4 yrs=8.5.
1972	11.0
1973 (budget request)	5.0
1974 (budget request)	3.0
1973, 1974, 1975: [1] S. 7 authorization increases.	−9.6 Average 3 yrs=19. +28.1 +39.0

[1] Where comparable authorizations exist.

Mr. CRANSTON. Mr. President, the veto message reiterates the tired old saw of "medical services," "categorical," "overlapping" programs, "rigid organizational structures," and accuses the Congress of "cruelly" raising "the hopes of the handicapped." Mr. President, I need not dwell on these playbacks of the specious reasons asserted in last year's memorandum of disapproval. Our committee report carefully considered each of these points, and I explained our analysis at length on the floor when the Senate passed S. 7 the first time on February 28. I ask unanimous consent, Mr. President, that appropriate excerpts from my floor statement be set forth at this point in the RECORD.

There being no objection, the excerpts

were ordered to be printed in the Record, as follows:

Veto Rebuttal: Discussion

The committee carefully considered the memorandum of disapproval on H.R. 8395. It has reviewed 1,732 pages of testimony from the more than 40 groups who testified in hearings in the 92d Congress. It asked each of the witnesses who appeared in previous hearings in the 92d Congress for his views concerning the reasoning in the President's memorandum.

In statements that were submitted to the committee in a January 10, 1973, hearing, from more than 30 of these groups, the response has been of one mind on three points: First, support and endorsement of the bill as passed in the 92d Congress; second, the need for early action in the 93d Congress in view of the expiration on June 30, 1972 of appropriations authorization for the program; and third, rejection of the grounds for the veto as stated in the memorandum of disapproval. The administration reiterated its opposition to the bill at a February 6 hearing, and transmitted a draft bill for introduction on February 16.

In view of this response and the bipartisan support for the bill as passed in the 92d Congress, the subcommittee and the full committee, both acting on February 19, 1973, unanimously approved S. 7 with certain amendments. The bill as reported except for a total reduction of $351.7 million in the level of appropriations authorization for fiscal years 1973, 1974, and 1975 and the addition of authorizations for fiscal year 1976 for all programs other than the basic title I, part B, State allotments programs, is virtually identical to the conference report on H.R. 8395 as passed by the Congress.

Amendments were offered in subcommittee on behalf of the administration to delete programs and authorizations from the bill. They were unanimously rejected.

The committee's reasons for disagreeing with the objections set forth in the President's Memorandum of Disapproval, are as follows:

First. The bill would seriously jeopardize the goals of the vocational rehabilitation program and is another example of fiscal irresponsibility.

Mr. President, the goal of the vocational rehabilitation program has been, since its inception in 1920, to provide vocational services to handicapped individuals in order that they might seek and maintain gainful employment. Toward this end, medical, surgical, and psychological services and counseling, training, and placement have been provided. As passed by the 92d Congress, this bill continues to provide such services, and insures that the wide range of services are available to all individuals who can benefit from them. By providing increased emphasis on research into rehabilitation, S. 7 attempts to insure that the best knowledge and new breakthroughs in technology and scientific research can be brought to bear on the problems of handicapped individuals so that their disabilities will no longer block their potential for a productive and self-supporting life.

S. 7 also expands the services which can be provided under vocational rehabilitation programs so that these new innovations can be used at the field level and that handicapped individuals can share more fully in the benefits of our society. While this legislation alters the definition of handicapped individual, this has been done so that many more individuals can benefit from the program, and can enjoy the benefits of vocational training and self sustaining lives. This change in definition may be the most important provision of the bill, for it insures that an individual's capacity is not judged prematurely, and that all individuals have the opportunity to benefit from the services the program provides.

S. 7 places a priority for services on those with the most severe handicaps to ensure that those individuals who are most in need of services receive these services. The committee realizes that it is easier to serve those individuals with mild or moderate disabilities. But with the range of knowledge and technology which is presently available to this society, it strongly believes that those individuals with severe handicaps have an equal right to services and to live productive lives. Testimony from witnesses who have worked with severely handicapped individuals all of their lives indicate that these individuals can be extremely productive if given the opportunity. The history of this program has shown that for every $1 spent on rehabilitation programs, the Federal Treasury gets back from $3 to $5 by decreasing the welfare rolls and adding to tax revenue through income earned by rehabilitated clients. S. 7 will provide this opportunity.

Furthermore, the authorizations originally included in S. 7 are not large expansions of authority for the Vocational Rehabilitation program. In most areas, what were previously separate programs and represent modest increases have been combined into one authorization; in other cases, relatively modest increases have been provided.

Second. The bill's provisions would divert this program from its basic vocational objectives into activities that have no vocational element whatsoever or are essentially medical in character.

Mr. President, the primary focus of the existing program is vocational rehabilitation. S. 7 retains and reinforces this focus. S. 7 does create a new program for the provision of comprehensive rehabilitation services designed to promote independent living, and provides project grant authority for rehabilitation services for older blind individuals. In the strict sense, these programs might be construed as not having vocational goals. However, both these programs have separate authorizations, and were included in the bill to meet specific unmet needs. As such, they will not affect the basic program or divert it from its vocational objectives.

But most important, title II of S. 7, comprehensive rehabilitation services, was designed to assist individuals who may not presently have a vocational goal. The inclusion of this title in S. 7 marks an explicit resolve on the part of the Congress to build a flexible program which can provide a continuum of services for handicapped individuals. Recognizing that individual conditions are not static and that training can be progressive, this new program is promised on the realization that an individual who first approaches a rehabilitation program may not appear to have a vocational goal. Yet, following training and assistance, this individual may be brought to a point where he may be readily accepted in the basic vocational rehabilitation program. Rather than condemn this individual to no services, and dependence on his family and society, this program has been included in order to build toward the flexibility that is needed if this service program is to be truly responsive to human needs. Further, individuals served may achieve a more independent life, which will in turn decrease their dependence on other family members, thus freeing those individuals to seek work and not only raise the standard of living of the entire family but also produce additional tax revenues.

The President's memorandum also cites the diversion of the program to programs which are essentially "medical" in character. Presumably, this refers to provisions for services to individuals with end-stage renal disease and spinal cord injuries. This "medical" characterization is much too simple to describe the import of these two programs.

Once again, both the programs for services for individuals with end-stage renal disease and the centers for spinal cord injuries authorized in the bill are separate from the basic program, are project grant authorities, and have separate authorizations. To construe these provisions as medical service programs misses their direction and the underlying congressional intent. In the case of the end-stage renal program, the vocational rehabilitation program has been supporting programs of this type since 1968 and is currently serving approximately 2,800 individuals under the present Vocational Rehabilitation Act as part of the process of preparing an individual for employment.

Furthermore, medical rehabilitation is not all that is needed for such renal patients. Expert testimony from committee hearings indicate that many renal patients need retraining and vocational rehabilitation in a variety of more traditional ways as well. In the past, expansion grant authority under the Vocational Rehabilitation Act has been used to support renal dialysis, for this was the only way a renal patient could get the comprehensive services and retraining he needed without becoming totally dependent—because other authorities required him to be indigent before he could get assistance. Finally, despite new authority under the recently passed social security legislation—H.R. 1—that new authority will not provide support for the first 90 days of treatment and it will not cover those who are not covered by social security.

In the case of centers for spinal cord injury, medical therapy for this injury is only a small part of the total program of services for the patient. Testimony from rehabilitation medicine experts, such as Dr. Howard Rusk, Dr. Edward Lowman, Dr. John Young, and Dr. Henry Betts, indicate that emotional psychological, and vocational services for the patient must start from the time of injury if the patient is to recover as much of his ability as possible. In this case, medical services and other therapy must go hand in hand even in acute phases if the patient is to survive this enormous trauma. To separate these processes is a counterproductive categorization of services. Further, testimony before the committee indicated that present acute care facilities seldom provide this comprehensive service for this type of injury, and that this lack of knowledge and awareness of treatment methods has resulted in permanent damage to the patient which was not necessary. In recognition of the importance of a multidiscipline service team in early stages of spinal cord injury, this program has been included in S. 7.

Third. The bill would proliferate a host of narrow categorical programs which duplicate and overlap existing authorities and programs.

Mr. President, it is true that S. 7 does contain categorical programs they include: rehabilitation services to older blind persons; rehabilitation centers for deaf and the deaf-blind individuals, and centers for spinal cord injuries.

But not all categorical programs are bad. These programs have been singled out for special treatment because of the dearth of adequate services in these areas. Each program is a project grant authority, and carries with it a direction to demonstrate and examine the best way to provide exemplary programs of services to these unique populations. In each case, the affected populations are presently being inadequately served. In each case, they continue to be inadequately served because of problems peculiar to their rehabilitation, and lack of broad understanding among rehabilitation counselors as to their particular needs for treatment and training. It is the intent of the Congress that attention be focused on these unique problems so that progress can be made in innovative methods of rehabilitation for these individuals.

The automatic rejection of categorical programs is as unresponsive as the opposite approach: special needs are generally ignored by generic service programs, and when knowledge concerning certain special needs is not possessed within those programs it is important that priority and emphasis be given elsewhere, for a time at least, in order to demonstrate the appropriate skills and approaches for these disabilities.

Fourth. Such provisions serve only to dilute the resources of the vocational rehabilitation program and impair its continued valuable achievements in restoring deserving American citizens to meaningful employment.

Mr. President, I have already pointed out, the categorical programs have individual appropriations authorizations. They serve as a focus for special projects and demonstrations and a vehicle for translating new knowledge and methods to the field. There can be no question that the vocational rehabilitation program has made great achievements in its 53-year history. But these achievements have always been the result of its flexibility and its responsiveness to problems of individuals, and changes made in the legislation by the Congress. The committee would not wish to impair these achievements. To suggest that those persons without immediate, and I stress immediate, vocational goals are not deserving of service flies in the face of every value that this Nation stands for. It imposes an inflexibility on the program and on the changeability of the human condition which violates the individual's right to equal opportunity and equal protection of the law. And it is an abrupt violation of the administration's stated objective for reduction of dependency.

Fifth. The bill also would create organizational rigidities in the vocational rehabilitation program which would undermine the ability of the Secretary of HEW to manage the program effectively.

Mr. President, the committee assumes that this objection refers to the statutory authority for the RSA and the creation within that Administration of a Division of Research, Training, and Evaluation. The committee believes that the clear lines of authority for the vocational rehabilitation program will encourage more effective management of this program for the purposes for which it was intended by the Congress, and will insure that the program will not be diverted from its primary goal of provision of rehabilitation services to handicapped individuals, and the concomitant research and development which is needed to provide a dynamic program.

The Congress has found that, in recent years, emphasis on other social rehabilitation programs within the Department has resulted in the deemphasis of vocational rehabilitation for handicapped individuals. From the strong force of 400 personnel in past years, the Rehabilitation Services Administration has in recent years become an appendage to the Social and Rehabilitation Services Administration—and has been cut back to a work force of 160. Its research and development function has been diffused and directed toward programs oriented to the reduction of public assistance. The committee does not disagree with this goal of reducing dependency on public assistance. However, the vocational rehabilitation program was created for the rehabilitation of handicapped individuals; until that task is completed, it should not take on a wider function.

Sixth. The bill also would establish numerous committees and independent commissions which are unnecessary, would waste the taxpayer's dollars, and would complicate and confuse the direction of this program.

Mr. President, S. 7 would create a Federal Interagency Committee on the Employment of the Handicapped, an Architectural and Transportation Barriers Compliance Board, a National Commission on Transportation and Housing, and an Office for the Handicapped. These commissions as such would have no direct connection to the vocational rehabilitation program. They were created to span all programs which affect the handicapped, to deal with serious problems that presently exist, and to escape the narrowing perspective that comes with control by a single program.

In examining the vocational rehabilitation program during hearings, testimony of many witnesses surfaced criticisms which could not be handled simply by amending the Vocational Rehabilitation Act itself. Such problems as unfounded discrimination in employment and in housing, difficulties of access to places of work and treatment centers, and duplication and fragmentation of services across program lines were voiced repeatedly to the committee. Despite efforts on the part of the Civil Service Commission and personnel of the vocational rehabilitation programs, discrimination in placement, hiring and advancement continue to limit the vocational rehabilitation program's ability to effect successful rehabilitations.

Despite an explicit law enacted in 1968 regarding elimination of architectural barriers—Public Law 90-480—accessibility remains a problem because of lack of enforcement of this statute.

The Subcommittee on the Handicapped, when it was created in the 92d Congress, was charged with the examination of all problems which affect the handicapped. The provisions in question were included as an important beginning to carrying out that charge.

But beyond the need for compliance and coordinating mechanisms, the committee questioned the implication in the President's memorandum that such mechanisms would waste the taxpayer's dollar. The expenditure of money on vocational rehabilitation programs is not well spent if we do not at the same time take meaningful steps to eliminate architectural barriers and provide substantial accomplishments in employment for handicapped individuals. The failure to cooperate and coordinate across program lines for services to handicapped individuals results in fractionated programs with wasteful overlap and duplication of service and expenditure. For those millions of handicapped individuals who pay taxes and have the right to expect that their tax money will go toward making their environment more accessible to them and their lives and employment easier, the creation of a compliance mechanism to eliminate architectural and transportation barriers and an affirmative action program to ensure that they have the right to employment which complements their abilities represent overdue avenues of restitution for previous societal neglect.

For those individuals who have handicapped children, the expenditure of dollars for programs which meet their needs and the needs of their children is a simple return on the equity from their taxes which has long since been warranted. For those individuals and their families who are well trained or have the hopes of becoming well trained so that their dependence on tax revenues may be lessened, such proposals offer the possibility for action to make more effective utilization of their talents.

The committee does not believe such provisions are a waste of tax money.

Mr. CRANSTON. Mr. President, I wish to note at this point only that the so-called new programs in S. 7 are—by and large—not new at all but merely extensions and refinements of what vocational rehabilitation programs are doing right now. For example, right now State vocational rehabilitation programs are serving 2,800 persons with end-stage renal disease, and HEW has itself allocated funds to begin support of spinal cord injury centers around the country, just as we have provided for in the bill. The administration bill also proposed special grant authority for assistance to certain deaf individuals and spinal cord injured persons.

These are branded by the administration as "medical" or "categorical" when the Congress takes the initiative and lauded as brilliant new directions when the President does it.

That is really the heart of the nonbudgetary objections, Mr. President: This is not the administration's bill, and that is why they really are against it.

The philosophy of the executive branch is, "Go away Congress and let us alone; we'll call you when we want you, and then pass our bill exactly as we say, when we say, and accept all of our program and spending priorities."

This attitude makes a mockery of the Constitution, of our 536 congressional and senatorial elections, and of the historic separation of powers. I do not believe the American people want a rubberstamp Congress. In any event, I cannot believe that this is the way our democracy can effectively serve the needs of our people.

I am all for fiscal responsibility. I know all of my colleagues are. I want us to set a budget ceiling and stick to it just as much as the President does.

But I also fervently believe we in the Congress would be abdicating our historic responsibility of the purse if we do not set our own program and spending priorities within an overall annual budget figure.

Mr. President, this bill is designed to give millions of severely handicapped Americans a decent chance for a job and for a dignified, more independent way of life than dependence on Government handouts.

If the President meant to include people who are crippled, paralyzed, or blind when he admonished the American people to ask not what the Government can do for them but rather what they can do for themselves, then the President was not only heartless, but has shown himself to be budgetarily blind. I cannot believe that to be the case—but I can most certainly believe it of some of his faceless advisers in OMB.

Mr. President, even with the modest increases in appropriations authorizations for fiscal year 1973 and fiscal year 1974, we could provide services in the next 18 months to only approximately 680,000 more than the 1 million being served annually now.

Figures provided to us yesterday by rehabilitation services administration in HEW show an estimated 9.8 million handicapped individuals who would be eligible and who would benefit from vocational rehabilitation services provided under the basic State grant program. Thus, Mr. President, even if we were able to achieve full appropriations of the authorization amounts for fiscal years 1973 and 1974, at a minimum, more than 6 million disabled persons would continue to be without services that they need in order to prepare themselves for work and to end their dependence on friends, families, and Federal welfare or social security payments.

Mr. President, in closing I would like to make a personal note about my great interest in this legislation. Unfortunately, I have lived with the problem of serious disability for the last 3 years. In December of 1969, my wife, Geneva, was stricken with a paralyzing stroke which seriously incapacitated the motor faculties of one side of her body. She has strived mightily toward her rehabilitation and has made much, much progress, with a great deal of help,.

Thus, Mr. President, I have seen firsthand the effect of a serious disability striking in the midst of an active and productive life and the struggle of one person to carry out the most basic everyday activities. And I know how much it has meant to her to achieve greater and greater self-sufficiency in all of her daily activities.

In addition, Mr. President, for the last year I have worked intimately with a young Vietnam Navy pilot who, as a result of a service-connected injury, is a quadraplegic confined to a wheelchair. I think many of you have seen Michael Burns with me on the floor when I was managing this bill and its predecessor, H.R. 8395, the four previous times.

I wish Mr. Burns could be here today for this bill truly is a tribute to his enormous courage, insight, and perseverance. I regret to say, however, that his great efforts on this legislation over the past year have been such that at present he is hospitalized recovering from the effects of too great a strain he imposed on himself in working to perfect and move through the legislative process this measure and to overcome the obstacles raised by the OMB decisionmakers.

I hope, Mr. President, that we can send him the get well card that he and 10 million other handicapped Americans deserve by voting to override the unconscionable veto of S. 7.

Mr. TAFT. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. TAFT. Mr. President, the issue before the Senate today is a very difficult one. It was intended to be a difficult one from the very outset.

As I said before, when the bill came up for initial consideration by the Senate in this session, this bill, unfortunately, was chosen because it presented a confrontation between the President's budget and a specifically authorized program which the President vetoed at the end of the last session.

There was a hurried attempt to get this measure on the desk of the President to make it the key issue. It was only because I objected to some procedures that it was not here several weeks before the present date.

The issue is a difficult one because I think all Americans and certainly all Members of this body recognize the validity of an important ongoing vocational rehabilitation program and recognize it has a cost-benefit ratio which is extremely favorable, not merely in conjecture but actual experience at both the State and the Federal level.

I have offered and worked for sound rehabilitation legislation. I am sure all of us have had some personal connection so far as rehabilitation legislation is concerned, and that we all recognize the importance and the validity of a sound vocational rehabilitation program.

I had a parent who was incapacitated for 8 years as a stroke victim. Rehabilitation helped much and was extremely valuable in that case. I had a wife who was an amputee and received a great deal of rehabilitation, so far as that handicap was concerned.

But that is not the issue today. There are things about this bill which should be pointed out so far as rehabilitation is concerned. There could be no doubt it does much in the direction of bringing additional medical services under general authorizing legislation in the rehabilitation field in aiding end stage renal disease and spinal cord centers, both of which need additional facilities.

It will turn the program away from its concept of providing vocational rehabilitation rather than becoming another means for providing the type treatment that is needed in some medical situations.

We should clarify the issue to begin with. I do not believe passage of this bill in its present form, in the long run, would be the best interest of a sound vocational rehabilitation program in this country, nor do I think portraying this bill and the sustaining of the veto as an effort to cut off vocational rehabilitation will succeed.

I wish to quote from the President's message:

> Through past increases in funding and by our efforts to find more effective means of providing services, this Administration has demonstrated its strong commitment to vocational rehabilitation. Funding for the Vocational Rehabilitation program will reach $650 million under my budget for the coming fiscal year, an increase of 75 percent over the level of support when I took office.

So, to those who cry for more funds for vocational rehabilitation, we may well look back and say, "Where were **they** when this same need, to a great extent, existed and was being funded at a lower level just 4 years ago?"

The President continued:

> Two other sources of funding for rehabilitation of the handicapped, the Disability Insurance Trust Fund and the new Supplemental Security Income program, will provide another $100 million. Altogether during the coming fiscal year, the Vocational Rehabilitation programs should provide services for about 1.2 million people—an increase of more than 50 percent over the figure of 4 years ago.

I turn to an article which was printed in today's Washington Post containing remarks by Secretary of Health, Education, and Welfare, Casper W. Weinberger, in which he replied to charges being made in this regard.

I ask unanimous consent that the article be printed in full.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 4, 1973]

THE REHABILITATION VETO: AN ADMINISTRATION VIEW

(By Caspar W. Weinberger)

Two facts are obvious from President Nixon's veto of the Rehabilitation Act of 1972 in what is shaping up as a major battle over the budget and the prospect of higher taxes.

The first fact is that many in the Congress are willing to play political football with the hopes and aspirations of less-fortunate Americans as they prosecute partisan raids on the President's budget, ignoring the threats of higher taxes and assuming that every bill with a good label is a good bill.

And the second is that President Nixon is committed, whatever the short-term political implications, to preserve a budget that will fight inflation and hold taxes in check, while keeping the nation's economy and social progress moving steadily forward.

The struggle over the Rehabilitation Act of 1972 provides a scenario likely to be repeated often in the weeks and months ahead.

First, the President proposes a responsible and responsive program budget. In the case of vocational rehabilitation, he asked $650 million—75 per cent more than was being spent for this purpose when he took office.

Next, the Congress—operating through a committee system that never considers the budget as a whole—decides to double or triple the funds asked by the President, hoping the bill's humanitarian subject will hide their fiscal irresponsibility. This bill, vetoed by the President, would cost an additional $1 billion over the next three years, above the very large amount asked by the President.

Furthermore, this particular bill has serious deficiencies which would weaken the nation's successful vocational rehabilitation program.

Inevitably, the President is forced—in the interests of economic sanity and of the taxpayers—to veto such a bill. And the stage thus is set for Congress falsely to accuse the President of callous disregard of the needs of our less fortunate citizens.

In truth, it is the big spenders in Congress who are pursuing a heartless strategy. They are the ones raising hopes that are doomed to be dashed. They make promises which no federal government can afford to keep.

A budget that feeds inflation ends by hurting the poor most of all. A budget that requires a tax increase hurts every American. A budget that ignores economic reality also courts economic calamity.

Beyond its exorbitant price tag, the Rehabilitation Act of 1972 is bad legislation in its basic structure.

It would add medical and other services already available under existing laws, and thereby divert vocational rehabilitation from its primary goal: Training the handicapped to become self-sufficient.

It would create new categorical grant programs, many of them duplicating or overlapping existing programs.

It would add new layers of bureaucracy, and new mountains of red tape, in the face of clear evidence that such snarls impede, rather than speed, the efficient delivery of services to those in need.

The Vocational Act of 1972 was, in short, a prime example of ill-conceived, irresponsible legislation. It is to be hoped that the Congress, given additional time to consider the bill, will allow it to rest in peace—and will enact instead the generous and responsible program contained in President Nixon's budget so that the high cause of vocational rehabilitation can continue to serve the public interest with high effectiveness as in the past.

Mr. TAFT. I would like to read just briefly from it as a part of my argument. Mr. Weinberger said:

> First, the President proposes a responsible and responsive program budget. In the case of vocational rehabilitation he asked $650 million—75 percent more than was being spent for this purpose when he took office.

Then further in the article—

> This bill, vetoed by the President, would cost an additional $1 billion over the next three years, above the very large amount asked by the President.

Then at a later point:

> Beyond its exorbitant price tag, the Rehabilitation Act of 1972 is bad legislation in its basic structure.
>
> It would add medical and other services already available under existing laws, and thereby divert vocational rehabilitation from its primary goal: Training the handicapped to become self-sufficient.
>
> It would create new categorical grant programs, many of them duplicating or overlapping existing programs.
>
> It would add new layers of bureaucracy, and new mountains of red tape, in the face of clear evidence that such snarls impede, rather than speed, the efficient delivery of services to those in need.
>
> The Vocational Act of 1972 was, in short, a prime example of ill-conceived, irresponsible legislation. It is to be hoped that the Congress, given additional time to consider the bill will allow it to rest in peace—and will enact instead the generous and responsible program contained in President Nixon's budget so that the high cause of vocational rehabilitation can continue to serve the public interest with high effectiveness as in the past.

Mr. President, as I said before when the bill was before us on the floor, the vocational rehabilitation programs in which we have been engaged have been a very good investment, and one to which I think we are well merited in applying further resources. There is an extremely good benefit-cost ratio. However, I can see no good being done for the handicapped by enacting a bill that has twice been vetoed.

I had hoped, when I voted for the bill and it was sent to the House, that the House would take a look at it.

The distinguished Senator from California mentioned in his remarks a few moments ago that it was a confrontation chosen by the White House to present itself to the Congress. I think just the opposite has taken place. Congress has chosen to make a confrontation on this issue. What happened is that amendment after amendment was offered to the bill, trying to make a compromise, trying to keep it on a sound legislative track, but they were turned down flat on partisan lines on both sides. My hopes for reaching some compromise in the House were not fulfilled. There were no substantive change. It came back quite similar to version passed by the Senate.

It was desired to put this piece of legislation on the desk of the President early in the session, a piece of legislation which is in a field generally regarded with sympathy, and cause the President to veto it, in an attempt to break down the President's responsible attempts to bring about some fiscal responsibility on the part of the Congress and the administration.

This bill has become a political football and a veto override would only constitute a power play. I do not believe that we as responsible Members of the Senate can afford to play political games with the well-being of many. I for one will not be a party to such procedures, and therefore will vote to sustain the President's veto of S. 7, the Rehabilitation Act of 1972, in hopes that it will carry and we can get a bill that can be supported by the administration as well as by the Senate to benefit the handicapped.

I would like to point out that the argument for S. 7 is also something of a hoax. The impression has been created around it that for the handicapped of the Nation, there is S. 7 or nothing.

President Nixon, in vetoing this legislation, has been portrayed as a man callously drawing a line through programs for the handicapped with the heartless pen of parsimony.

That, Mr. President, is simply not true.

The fact of the matter is that the administration has already proposed a very generous and improved continuation of vocational rehabilitation programs.

His proposals call for an authorization level over the next 3 years of $650 million a year, which is 75 percent higher than was authorized when he took office in 1969. I have indicated that there will be another $100 million under the disability insurance trust fund and the new supplemental security income programs for the disabled.

This level will provide assistance for approximately 1.2 million handicapped persons, 50 percent more than were reached 4 years ago, all of which seems hardly parismonious.

Therefore, I urge my colleagues to vote to sustain the veto and protect the American pocketbook without hardening the American heart.

The PRESIDING OFFICER (Mr. HASKELL). Who yields time?

Mr. CRANSTON. Mr. President, I yield to my distinguished colleague from West Virginia (Mr. RANDOLPH), the chairman of the Handicapped Subcommittee who has done so much work on this bill, such time as he needs for his purposes.

Mr. RANDOLPH. I would like to ask a question of the Senator from Ohio.

Mr. TAFT. I am sorry. I did not know the Senator was going to ask a question. I am glad to yield for a question.

Mr. RANDOLPH. Mr. President, the Senator from Ohio gave very careful attention to the provisions of this legislation last year, and again this year. I find it difficult, knowing his sense of fairness, to understand whether he means to tell the Senate and the country that the vote this afternoon will be cast to embarrass the President of the United States when those Members who have conviction and commitment will, on both sides of the aisle, whether successful in overriding or not, set their stamp of approval on what they believe to be right in this important matter. Would a clarification be in order?

Mr. TAFT. Of course. I would say to the distinguished Senator from West Virginia that I am sure every Senator here votes, in the last analysis, for what he believes right. He does it in his own conscience. Certainly I did not mean to imply anything to the contrary.

However, I do feel the mistaken impression has been arrived at that, somehow, this bill must be passed, under these circumstances, at this time, or the assistance to our handicapped is going to be cut off. That is a false impression. I also think it would be a false impression not to recognize that the program has had built into it considerable increases, and I am sure will have built into it additional increases.

At the same time, that does not mean that a confrontation is not being presented. The public press generally recognizes this as a bill on which the confrontation is being presented. I think we would be unrealistic from a political point of view in not recognizing that that is what has occurred. Unfortunately, it is tied to this particular label.

Mr. RANDOLPH. Mr. President, will the Senator yield further?

Mr. TAFT. I am glad to yield.

Mr. RANDOLPH. I disagree—however, very respectfully but very earnestly—with the Senator. The confrontation, if it arises, arises in the mind of a Senator. Is it not right that it arises in the mind of an individual Senator?

Mr. TAFT. It may arise in the minds of certain Senators and not in the minds of others, but in the minds of the press generally and the country generally, this bill—along with a package of other bills of similar nature which have possibly been vetoed because of fiscal aspects—has been chosen to present this confrontation. I think that is a fact whether we recognize it or not. The Senator may not be convinced of that, but I am convinced of it.

Mr. RANDOLPH. Mr. President, will the Senator yield further?

Mr. TAFT. I yield.

Mr. RANDOLPH. I will be deeply disappointed if votes this afternoon beginning at 2 o'clock are cast for or against on the basis of confrontation, on the basis of partisanship, as the Senator has indicated in his remarks. I have confidence in the individual responsibility of a Member of the Senate to vote on what he thinks is right or wrong on this matter.

Mr. TAFT. Mr. President, I would say to the Senator that I do not consider that whether a Senator thinks he is doing right or wrong should void the question of the confrontation. For those of us who see this confrontation, our consciences may dictate that it is a very difficult decision to vote against a program for which we have stood for many years. However, in our consciences we feel that we have to vote to sustain the veto.

Mr. RANDOLPH. It is difficult for me to assess the thinking of the Senator and his constant raising of confrontation and partisanship. We are attempting to cope here with the specific problem, and to approach it in any other degree, I think, lowers, very frankly, the level of the debate on this matter. That is my feeling deep inside.

Mr. TAFT. Mr. President, I thank the

Senator for his remarks. I simply point out that the Senator from North Carolina (Mr. HELMS) and others have introduced legislation to extend the present program based upon the recommendation contained in the President's budget. That alternative could be pursued and could be pursued very quickly if the veto is sustained.

Mr. CRANSTON. Mr. President, I yield 7 minutes to the Senator from Vermont (Mr. STAFFORD), the ranking minority member of the Handicapped Subcommittee, who has been a tower of strength in this matter.

Mr. STAFFORD. Mr. President, I thank the chairman of the subcommittee, the Senator from California (Mr. CRANSTON), for yielding.

As a Republican and one who supported the reelection of President Nixon, I certainly will bend over backwards to support the President's policies wherever possible.

For example, I support his proposal that total Federal spending should be held within a ceiling of $268 billion. At the same time, as an elected Member of the Congress, it is my responsibility to arrive at my own decisions along with my colleagues, as to how we believe funds should be appropriated within that ceiling for this is the constitutional prerogative of the Congress.

It is my own belief that we can afford to spend $600 million per year and more for rehabilitation of handicapped citizens, especially when experience shows us that for every dollar we spend, we will get $5 in return through actual dollars earned by these citizens, not to mention the satisfaction they and we derive from their ability to live as useful and productive citizens.

I am quite prepared to vote for reductions of spending in other areas to make up for offsetting any additional funds that I vote for which exceed a specific item in the President's budget.

There are an estimated 7 to 12 million handicapped individuals in our Nation who have not realized their full potential in performing at some job. In the most recent fiscal year, more than 1.1 million disabled persons were served by State vocational rehabilitation agencies and more than 300,000 of those individuals were reported to be rehabilitated.

It is clear that we still have a long way to go, just as it is clear that S. 7 and the funds authorized by it will not meet all of our national needs. But, this new law can guarantee that many more individuals with severe handicaps will be served than at present. It will also insure that no one will be excluded from the program simply because his or her handicap is too severe.

I realize that there may be some severely handicapped individuals who may not be able to achieve the capacity to hold down a job. But, I firmly believe that the opportunity to work toward that goal must be made available to the handicapped person as is the case with the Rehabilitation Act of 1972.

S. 7 gives our handicapped citizens the power to help shape their own future by participating in the formulation of their rehabilitation program, a practice which, I am convinced, will noticeably improve the effectiveness of the whole vocational rehabilitation effort in our Nation. This new approach will bring more dignity and greater achievement to our handicapped citizens.

Aside from the humanitarian aspect of the program, it is also one of the most cost effective programs in operation by Government. A disabled individual may receive up to $100,000 in welfare payments during his lifetime. Yet, if he has been rehabilitated by the vocational rehabilitation program and earns an annual average income of $8,000 over his lifetime, then as the head of a family of four, he would pay taxes totaling $42,000 for the same period of time. Thus, the resources that we invest today in our handicapped citizens bring large returns to the Federal Treasury.

Mr. President, the Senate must match its word about wanting to help these handicapped citizens with deeds. The Senate should do its part in voting S. 7 into law.

Mr. CRANSTON. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, I yield such time as he may require to the distinguished Senator from West Virginia, who has done such tremendous work on this legislation over so many years.

Mr. RANDOLPH. Mr. President, one of the thrusts of this legislation which I believe many people have overlooked is services to the severely handicapped.

Who are these people who are severely handicapped? They are those persons who suffer a combination of handicaps, or have what I frankly call devastating degrees of disability.

Yet, if we would give to those people, not a pat on the shoulder—this is not the hour for the Senate to do that—but a helping hand—and that is necessary, and can be done through the overriding of the Presidential veto—we could do much for them through providing them the necessary highly specialized training by highly trained personnel. But this can only be done if we provide the proper emphasis, the strength, and, yes, the money—the money for this program which has such a high cost-benefit ratio, which has been acknowledged by the able Senator from Ohio (Mr. TAFT), and I believe must be acknowledged by every Senator who appears on this floor during the debate to argue for sustaining the President's position.

Of whom do we speak when we speak of the severely handicapped? We speak of the deaf-blind. We speak of the paraplegics and quadriplegics. We speak of the mentally retarded. We speak of the cerebral palsied.

Mr. President, these are men and women who desire very much to participate as productive members of the American system of work, and of contribution through taxes—in other words, to be participants in the body politic to the fullest degree.

Do we have many such people, or are they few in number? Mr. President, their number in our population is increasing. That is why we have given the thrust in this legislation, for the first time, to helping such people, so that they, in turn, may help themselves and the country will benefit.

We all know of the progress that has been made in the medical profession. We know of the improvements which have been made from the standpoint of prenatal and postnatal care, resulting in higher rates of survival among our multiple handicapped infants. The changing concept of the right to treatment, the advent of new drugs and new surgical techniques, permits lives previously lost to be saved. But patients are often left with physical or mental handicaps.

Once we thought the lives of such people were a loss, that we could not return them to active levels of society where they would be productive citizens. Now, however, we know that that can be done. We know it has been done. But very frankly, if we do not move, as I believe we must move, we will have a patient here and a patient there in increasing numbers left with physical and mental handicaps, that we ourselves could help by commitment, not by just saying, "I want to do something," not just by conception but by conviction, when we can really move forward these programs in a way to reflect credit upon this body and the individuals who will be involved, by voting, not as a whole, knowing that we at least in this instance will be responsive to need, and I think, Mr. President, responsive to the thinking of the American people. There are 2¼ million—I reemphasize the figure—2¼ million severely handicapped men, women, and children. They include the paraplegics that I mentioned and the quadriplegics of whom I have spoken. These people, Mr. President, need and deserve from this Congress the services that we can give them.

This legislation was passed with only two votes against it in this body on a rollcall vote. What has changed the situation? I do not believe it is confrontation. I do not believe it is partisanship. I somehow cling to the hope that the membership of this body will rise at this high hour and do what it should do and do it because it is right.

We must think of these people of whom I speak, and in a sense for whom I speak, these handicapped people of the country. It is the desire of their hearts that although they are handicapped, they want to move forward. They want to do the job. They may not be wage earners and taxpayers now, but that is what they want to be. That is what we want them to be. They are citizens of this country. They have the same right as every Member of this Senate to live in what has been expressed often as dignity.

Accordingly, Mr. President, until the tally is announced, I am continuing to believe that Senators will not be swayed into feeling that here we must stand for the President. That should not be involved.

Here we are with well-considered legislation, reported with unanimity from the Labor and Public Welfare Subcommittee on the Handicapped, which I have the responsibility to chair, brought from the committee itself, the parent body, to the floor of the Senate and on two occasions, in 1972 and now again in 1973, with the stamp of approval after testimony and testimony and testimony, not a lack of analysis of the bill as has been indicated, but by a careful screening and evaluation of every point.

Mr. President, at this moment we are within 55 minutes of the decision. I still continue to have the hope and the belief that the membership of this body will not do other than what it should do and that is, on the basis of the facts—that is all—not confrontation and not partisanship—know that this is the high hour for commitment and conviction.

The President of the United States has announced that he believes in full funding for cancer, in full funding for heart and lung diseases. I only wish that he and his advisers had realized that the one need which is just as compelling—and perhaps even more so for this body—is that the physically handicapped men, women, and children of this country have a right to the assistance that we can provide them. It is not a handout but a helping hand, that they may help themselves as participants and as active men, women, and children in our country in the day-by-day development of a nation where we believe, when we talk of dignity, that it really means participation and being a part of what is done.

That is why I stand here today. That is why others stand here today in an effort not to become involved in too much detail in this matter—all of that has been demonstrated in the debate this year on the bill and last year on the bill, when substantial reductions were made in the various programs—but that we might approach the President and say to him, "There has been an attempt, a very honest attempt, to meet your thinking in a matter of this magnitude."

The PRESIDING OFFICER (Mr. ABOUREZK). Who yields time?

Mr. CRANSTON. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TAFT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TAFT. Mr. President, I yield 4 minutes to the distinguished Senator from South Carolina (Mr. THURMOND).

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 4 minutes.

Mr. THURMOND. Mr. President, last week, President Nixon vetoed the "Vocational Rehabilitation Act of 1972" because of its excessive cost and its creation of additional categorical grant programs.

When this measure was considered in the Senate last year, I worked diligently to persuade the managers of the bill to accept an amendment which would retain the allotment formula used in previous years. This formula was adopted by the conference committee last year and again this year. I have consistently favored the vocational rehabilitation program, and feel that its accomplishments speak for themselves. Since 1920, more than 3 million Americans have been rehabilitated and are now working as useful citizens.

In the past, the vocational rehabilitation program's success has stemmed from its employment-oriented mission. S. 7, as submitted to the President, would have included in the program a medical and social services mission which is already encompassed in numerous existing HEW programs. I was hopeful that the conference committee would have reestablished the employment-oriented direction, and was disappointed that this was not done.

Mr. President, this afternoon the Senate will be asked to override the President's veto, thereby adding over $1 billion to the deficit budget over the next 3 years.

My long advocacy of the position that Federal spending must be controlled requires that I vote to uphold the President's judgment. The good work being accomplished by the vocational rehabilitation programs as presently constituted on the State and National level is most worthy. However, we should only extend these programs at a level the Nation can provide without increasing taxes and producing inflationary effects.

By voting to uphold the President's veto of S. 7, we will leave a void in the authorizations for vocational rehabilitation programs. Therefore, I have joined Senator HELMS and others as a cosponsor of a more fiscally responsible proposal. This bill, S. 1431, authorizes the continuation and expansion of existing programs at a level responsive to the needs of the handicapped without overburdening the taxpayers.

Mr. President, the administration and Congress are not ignoring the needs of the handicapped. On the contrary, the President has indicated his full support of S. 1431 and will sign it into law when it is passed by Congress.

The PRESIDING OFFICER. Who yields time?

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. CRANSTON. I yield 5 minutes to the Senator from Minnesota.

Mr. MONDALE. Mr. President, I rise to urge that the Senate override the President's veto of S. 7, the so-called Rehabilitation Act of 1972, one of the most important, carefully developed, and humane measures that has been before the Senate since I came here almost 7 years ago.

The program authorized by this bill has indisputably proved its success in terms of both social and economic goals.

More than 3 million handicapped citizens have been rehabilitated since the vocational rehabilitation program started in 1920. We can never measure adequately what successful rehabilitation can mean in personal terms to the handicapped and their families. We can only imagine the great pride and sense of security which developed when a handicapped person knows that he is self-sufficient.

We can, however, measure the economic value of a program like this, and we have. The committee report on this legislation describes the dramatic economic gains achieved by this program:

> In addition, the cost/benefit ratio clearly indicates the value of making a greater Federal investment. A number of cost/benefit analyses of the rehabilitation program have been completed. Although they differ with respect to methods and assumptions, they all agree on one crucial fact—the benefits of the rehabilitation program are many times its cost. Conservative estimates of the ratio of benefits *to costs range between 3 to 1 and 5 to 1.* (Emphasis added.) For instance, the aggregate increase in annual earnings for the 291,272 persons rehabilitated in FY 1971 was $729,000,000. These first year earnings for rehabilitated persons compare to a total Federal cost of $552,800,000 (including service projects and Social Security Trust Funds) for that year for all persons served, including those cases closed as not rehabilitated. Total benefits for what is essentially a one-time expenditure depends on the number of years the individual is able to work following rehabilitation, whether his disability worsens, whatever increases in earnings come about because of experience and more proficiency, and many other factors. In addition to the contribution to the GNP, the RSA estimates that these individuals, at a minimum, will be contributing approximately 5 percent of their total income or $58 million to Federal, State and local governments for taxes. This contribution is in addition to the estimated savings to the program by the government through either the removal of clients from the Public Assistance rolls ($32 million annually with respect to FY 1972 rehabilitations) or by reducing clients' dependency."

In other words, we know that the vocational rehabilitation program works. We know that, in addition to what ought to be the sense of humanity justifying the override of this veto, just in terms of cold bookkeeping and cold economics, for every dollar we invest in this program there is a return of at least 3 to 1 and possibly up to 5 to 1. This return takes the form of personal income and of Federal, State, and local revenues.

This does not refer to the humanity of it at all. We know that when handicapped persons are able to find work, they prove to be excellent employees who constitute a fine part of the Nation's labor market. We know that they are able to care for their families and take them off welfare and other forms of assistance. They are able to pay their taxes once again, and all the pride that goes with that status is also there for that employee and for his family.

If there is one program in which we know what we are doing and in which we know that every investment we make will be returned in a very real sense, it is this program.

It is not a new idea. It is an idea that goes back 52 years. It is one in which we have a deep range of experience.

This bill reflects what we have learned from these years of experience; and it would also support hopeful, new approaches.

For example, in Minnesota, at the University of Minnesota, we have one of the finest schools in the country for the physically handicapped. They are doing absolutely remarkable work in the field of spinal cord injury. They have found that with early and sophisticated aid to spinal cord injured persons, there is a fantastic rate of repair and a fantastic rate of financial aid. This bill, among other things, incorporates work in this field, bringing desperately needed help to people who want it. This help provides returns in employment, increased taxes, and all the rest.

The issue is not spending. The Senate is prepared to set a spending ceiling, I think, is below the President's. The issue is not taxes or inflation. We are prepared to make clear that we will live with an overall spending ceiling beneath that of the President. The issue is whether this country is going to turn its back on compelling human problems for which we have a solution; and in no field of human problems are we more experienced and better able to prove that we can save money and help human beings at the same time than this one.

An estimated 7 to 12 million handicapped Americans have not reached their vocational potential. If this bill is enacted, some 2 million of these persons would be able to benefit from the program—but that would still leave a huge backlog of deserving handicapped persons unserved.

There are few programs which have so consistently retained the strong bipartisan support of the Congress. I hope that our vote today and that of the House will demonstrate that this bipartisan commitment is as strong as ever.

If we cannot override this veto, I do not see how we can override any of the others, and the President will be an emperor.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CRANSTON. Mr. President, I yield 4 minutes to the distinguished junior Senator from Minnesota.

Mr. HUMPHREY. Mr. President, I, of course, am going to join what I hope is an overwhelming majority of the Members of this body to override the President's veto of the Rehabilitation Act, S. 7. I should like to direct my attention, for a moment, to what this act means.

How many Members of this body have a retarded child? How many Senators have somebody in their families who is physically or mentally or emotionally handicapped? How many Senators have tried to raise money privately to keep a school open for the mentally retarded?

President Nixon, how many of these schools have you visited? How many of these sheltered workshops, Mr. Nixon, have you visited?

I want the President of the United States to come to Minnesota and go out to 78th and Bloomington and see a sheltered workshop where the kids who are mentally retarded are going to be out because of this pennypinching, Scrooge-like government that decides we do not have enough money to take care of the handicapped.

I was in Abilene, Tex., last night, speaking at the Christian College of Abilene. Whatever may be our religious faith, how we can turn our backs on the handicapped, as a government of the people, by the people, for the people, a government that says, "One nation under God, indivisible, with liberty and justice for all," is beyond me.

This veto is the worst, the most cruel, and the most inhumane veto the President has ever handed down.

I am the grandfather of a mentally retarded granddaughter. Our family can afford to take care of that child. Some families cannot. Many of these youngsters and adults can be trained to be self-sustaining. Many of them are subject, by intensive training, to become what we call educated or educable individuals.

As my colleague has said, many of them can become productive citizens, paying their way, earning, living, contributing to this society. Twice within a year this President has vetoed this act. I ask every Senator here to search his conscience. I do not believe the President knew what he was doing, and if he did, he ought to be ashamed of himself.

Mr. President, I will vote to override President Nixon's veto of S. 7, the Rehabilitation Act of 1972, because I believe it is essential to sustain hope for millions of handicapped and retarded American children and adults who would otherwise be denied essential services and training that can enable so many to enjoy independent, self-sufficient, and productive lives.

Already, many rehabilitation facilities are being forced to release handicapped clients, because the Nixon administration is refusing to release moneys under supplemental appropriations enacted by Congress for these programs. Already, programs for the mentally retarded face the cutoff of vital financial support, should new regulations on social services proposed by the Nixon administration be implemented.

The time has come for Congress to insist that the needs of handicapped persons are a vital national concern that must no longer be ignored.

The Rehabilitation Act of 1972, as sent to the President, is fiscally responsible legislation—the authorization for the current fiscal year is actually $100 million lower than the fiscal 1972 authorization for the existing Vocational Rehabilitation Act.

The Rehabilitation Act of 1972 will not divert the vocational rehabilitation program away from its original purposes of encouraging and enabling handicapped persons to obtain meaningful and gainful employment. Instead, and in addition, this legislation authorizes the initiation of comprehensive services for the thousands upon thousands of severely handicapped persons whose needs have been ignored, but who could now be helped to lead self-sufficient and independent lives. The President notes with pride that the vocational rehabilitation program he has in mind would provide services for some 1.2 million people. But he should note with shame the harsh fact that up to 11 million handicapped persons who could be helped will receive no services under the administration's program.

These are only some of the clarifications that must be made in correcting a Presidential veto message that is seriously misleading. If the President's veto is allowed to stand, thousands of people who might have been helped to remain in their communities will instead be confined to institutions, and untold numbers of handicapped children will continue to be denied the right to public education services. Federal programs would continue to be diffuse and disorganized and at a reduced level of effort—conditions which the Rehabilitation Act of 1972 can correct through launching fundamental reorganization measures.

The President sees a diversion, under this legislation, in the authorization of new medical services, and he is critical of the special-purpose programs which it authorizes. But this position represents a complete about-face, for his own administration originally requested special programs for the blind, for people with spinal cord injuries, and for the treatment of end-stage renal disease—all of which were included in this bill. And his administration initially supported a separate program for nonvocational services to the severely disabled.

The President's veto rejects the opportunity to seize hold of dramatic advances underway in research and technology for the rehabilitation of the mentally and physically handicapped. And it rejects the strong economic argument for vocational rehabilitation services—that for every dollar spent on rehabilitation programs, the Federal Treasury gets back from $3 to $5 by decreasing the welfare rolls and adding to tax revenue through income earned by rehabilitated clients.

The President has contended that the promise of increased Federal spending would cruelly raise the hopes of the handicapped. Then let his administration agree to carry through that promise, rather than deny outright any hope to people in need, by cruelly cutting back on Federal expenditures for human resources. And let this administration support the Rehabilitation Act of 1972, rather than call for enactment of substitute legislation that has been frankly evaluated as working havoc on vocational rehabilitation programs.

It is incumbent upon Congress now to be the spokesman for millions of handicapped Americans. It must insist that the responsibilities of national leadership include responsibilities of compassion and of respect for human dignity. I urge the Senate to give voice to this demand through rejecting the President's veto of the Rehabilitation Act of 1972.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HUMPHREY. I do not need any more time.

QUORUM CALL

Mr. CRANSTON. Mr. President, I suggest the absence of a quorum and the time to be charged equally.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TAFT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TAFT. Mr. President, I yield the Senator from Arizona (Mr. GOLDWATER) 5 minutes.

Mr. GOLDWATER. I think I can complete my remarks in that time.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 5 minutes.

Mr. GOLDWATER. Mr. President, as I said in a statement to the press yesterday, I intend to vote to sustain all of the vetoes that the President will make on bills that he thinks, and with which I agree, would contribute to further inflation in this country.

I want to make it clear that by this vote to sustain I do not indicate opposition to the basic idea of the programs, but I think we have reached a point in our history where we have begun to think that dollars alone are going to solve the problems that these various programs are aimed at.

I think it should be perfectly clear to everyone that billions and billions of dollars have not solved the problems with which we are faced. So to me it does not make sense to appropriate more money when we have not been able to spend well the money that we have appropriated.

I would like to state at this point that another reason for my position is that I feel probably the most dangerous problem facing the American people today is the very rapidly deteriorating dollar. I do not think many Americans realize, I do not think many Members of Congress realize, the great extent to which inflation has been fired and kept growing by continued deficit spending.

The other day I reminded a group of my time in college in 1928 when a professor of German extraction kept telling his class that unless Austria changed its ways, we could be in trouble in the world. This was in 1928. Austria was then engaged in doing precisely the same things we are engaged in doing now—spending money it did not have—and, sure enough, in late 1928, the Kredit Anstalt, which was their great banking house—and mark you, Mr. President, the Austrian krone was a very important part of world currency then—collapsed and went bankrupt, and the world was plunged into a depression from which the United States did not emerge until the end of World War II.

I lived through those days, and I never want to see my country or our people suffer as the people in this country suffered during those nearly 10 years of depression in the 1930's.

I remind my colleagues and remind the country that we are engaged in precisely the same things that Austria was engaged in in the 1920's, only we are doing it to a greater extent. We are further in debt. We are appropriating money at a faster rate than they in Austria appropriated then.

So my attitude is that if the Congress cannot be responsible, if we cannot realize that spending money we do not have adds to the inflationary problems of this country and the economic problems of the world, then I think we are lucky to have a man in the White House who will use his power to veto, so that the spending has to end—not the programs, but the spending. Stop it, slow it down, so that we can take another look at what we are trying to do.

The field covered by this bill is an excellent one. It has done good. I think we have only scratched the surface. We have not had any new ideas in it for years, to my knowledge.

Mr. President, we are faced today with the situation of the chickens coming home to roost. Ever since the days of Franklin Roosevelt we have been engaged in deficit spending, and I will not defend Republican administrations which during that time did not seem to be able to control it any better than the Democrats. Now we are faced in this country with a problem of fast rising food costs. This is not due to anything the President has done or not done. It is due to inflation. It is due mainly to the fact that we have about 90 billion—I repeat, about 90 billion—American dollars floating around this world in the possession of almost all countries. These American dollars at the present time are buying 10 percent more than they were a year ago because of our decision to cut the value of the dollar. So these dollars of our country, owned by other people, are now in this country buying the things that our housewives would like to buy—namely, meat. I know the meat producers of this country feel under no obligation to cut their prices, because they can sell meat abroad at better prices than our markets are able to pay them.

The other day when I was down in Mexico I learned of the sale of 100,000 pounds of pork to Japan. We had been buying this pork, but Japan was willing to pay a greater price.

I mention this only to point out the fact that all the boycotting our housewives do is not going to solve this problem. Because we will have grocers who will get a little "chickenish," as long as we are talking about eating, or who may be fearful and reduce the price of meat, it will be grabbed up immediately, and there will be no meat available to us. So we are going to go on a fish diet, or a chicken or turkey diet, whether we like it or not.

This is one of the chickens that has come back to roost as a result of all the birds we have let go through congressional action and refusal to do anything about it through the years since Franklin Roosevelt. The chickens are coming back to roost now and we are paying the price.

Therefore, even though we are not really doing much by sustaining the veto of the President on the 12 or 14 or 15 bills that he will probably veto, we are doing a little bit, and I think by doing this we are reassuring the American people and the American taxpayers, who are now about as angry at this Congress as they have ever been.

That is my explanation of why I am going to vote to sustain this veto, and it will apply to every veto the President makes which I feel he is justified in doing, because a reduction in spending would help the American people, not hurt them.

Mr. TAFT. Mr. President, I yield the distinguished Senator from New York (Mr. JAVITS) 3 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 3 minutes.

Mr. JAVITS. Mr. President, in my view, the vetoes of the President, in respect to his efforts, which we join in, to hold down expenditures, need to be taken up one by one and each veto examined individually. The fact that he has taken this bill as the first one does not make it holy. That is the way it fell. I hope I can be with him on some of them, but I am not with him on this one.

A vote to override the veto of S. 7, the Rehabilitation Act of 1972, would not be contrary to the terms of the Policy Statement on Fiscal Responsibility adopted by the Senate Republican Conference on March 20, 1973.

First. This is not legislation which will add to the tax burden. As a matter of fact, as the administration witness, Assistant HEW Secretary Stephen Kurzman, in his February 6 testimony before the Subcommittee on Handicapped Workers—P. 408 of the hearing record—pointed out it will decrease that tax burden. He testified as follows:

> Second, the program is not only humanitarian, it is also cost-effective. Resources invested today in preventing or reducing dependency can yield major long-term economies in the application of society's resources. One disabled individual may, during his lifetime, receive anywhere from $30,000 to $100,000 in public assistance payments. But if he were not dependent and had an average annual income of $8,000, the same individual in a family of four would pay taxes totaling $42,000 over his lifetime. Thus, when a handicapped person is helped to become a contributing member of society, he is transformed from a charge on the public into a productive person able to contribute his taxes to helping others.

Also, his earlier testimony was to the same effect during the 92d Congress on May 15, 1972.

The Senate committee report Senate Report No. 93-48, pages 8 and 9—also stressed this aspect noting that conservative estimates of the ratio of benefits to costs range between 3 to 1 and 5 to 1. The report, for example, noted that with respect to 46 special training service projects in 30 States there was an estimated savings in public assistance payments of $32,000,000 for the first year alone, the first year being fiscal year 1972.

Emphasizing this point is the study of 9,600 individuals in the State of New York who were helped to achieve gainful employment through the vocational rehabilitation program in 1972. Approximately 16 percent of those rehabilitated were employed when they applied for services, but their positions were in jeopardy or unsuitable because of their disabilities. Since all were employed at closure, it is possible to measure the economic gains attributable to their successful rehabilitation.

At the time of application, this group of 9,600 persons were earning from work an estimated $5.4 million a year. At the conclusion of their rehabilitation program, they were earning an estimated $30.9 million annually, an increase of 576 percent.

In addition, 13 percent of the group had been receiving $2.05 million annually in public assistance at the time they were accepted into the service program. Although some were not earning enough at the time of closure to remove their families from the public assistance rolls, only 5 percent were receiving public assistance at the time of closure, at the rate of $735,000 annually, a reduction of $1.315 million, or 65 percent, from the amount of benefit payments received before the rehabilitation.

Second. This bill is not an appropriation; it is an authorization. Moreover, the principal authorization provision—State programs, at $700 million for fiscal year 1973 and $800 million for fiscal year 1974—is unique and singular in one particular respect, differing from authorizations found in other grant-in-aid programs—in addition to being a ceiling for appropriations, it also serves as the basis for computing the allotment of funds to the States.

Usually, in grant-in-aid programs, the allotment is based on actual appropriations. Not so in vocational rehabilitation. Because the States' share of the matching—20 percent—is appropriated either annually or biennially by each State, the authorization serves as a planning figure for the States to receive Federal funds. The history of this program shows that State governments have negotiated with State legislatures based on this authorization figure and this has had the effect of many States actually putting more of their own funds into vocational rehabilitation than would have been the case if actual appropriations had been used for the basis of allotment.

Thus, what we are dealing with here is an authorization figure which is not only a spending ceiling—and the Congress can, as it has always done, set its own level of spending under that ceiling—but an authorization which is also an allocation base for planning, a feature which has been in the law since 1965.

This legislation, as it originally passed the Senate late last year, would have changed this procedure so that allotments to the States would have been based on actual appropriations, but the House view to the contrary prevailed.

We are dealing here, then, with a fact of life. The Congress can support the authorization figures for State programs without the same time committing itself to appropriate the full amounts authorized. Appropriations for vocational rehabilitation have traditionally been less than authorizations. Thus, we approve here a computation base—not solely a funding—appropriations—base. Hence we are not promising unrealizable increased Federal spending for this program necessarily, or a net increase in Federal outlays, but we are laying the foundation for allocation based on the extent to which States are willing to match whatever the Federal Government does appropriate and we leave the Congress free to establish its own priorities.

Third. This bill is accommodating to the President. When pocket vetoed last year, the Rehabilitation Act of 1972 authorized $3,481,400,000 through fiscal year 1975. As presented to the President this year, the authorization is $2,600,250,000, a reduction of $881,250,000. That is a 25-percent reduction.

Furthermore, the authorization for fiscal year 1973 in S. 7 is almost $100 million less than the authorizations now in law for fiscal year 1971 and fiscal year 1972—$1.01 billion each.

Fourth. This is not a partisan issue. Since its enactment in 1920 and through its major expansions in 1943, 1954 and 1960 it has enjoyed great bipartisan support. S. 7 passed the Senate only a few weeks ago on February 28 by a vote of 86 to 2, consistent with this overwhelming bipartisan support. The vocational rehabilitation organizations, in urging support for an override, have stressed the bipartisan aspects of this measure. The leadership in the House and Senate in the effort to override is shared by both Republicans and Democrats. In the House Committee on Education and Labor, there was only one vote for the administration substitute. The bill was reported 36 to 1 and passed the House 318 to 57. In the Senate Committee on Labor and Public Welfare, the bill was reported unanimously, with my cosponsorship as the ranking minority member of the full committee and with the cosponsorship of the ranking minority member of the Subcommittee on the Handicapped (Mr. STAFFORD).

The above arguments lead me to believe I must vote to override.

I thank the Senator for yielding time to me.

Mr. TAFT. Mr. President, I yield 3 minutes to the minority whip.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 3 minutes.

Mr. GRIFFIN. Mr. President, this is not a vote for or against vocational rehabilitation. It is a vote for or against fiscal responsibility.

While it is true that the bill now before the Senate would authorize $1 billion less than an earlier committee bill, as the distinguished Senator from New York has pointed out, it is also true that it would authorize $1 billion of spending over and above budget levels projected for a 3-year period.

In the background it should be recognized that spending for vocational rehabilitation has been going up at a rapid rate every year. It has risen from $371 million in fiscal year 1969 to $650 million in fiscal year 1974.

In other words, during the period that President Nixon has been in office, the funding for vocational rehabilitation has risen by 75 percent.

The vote we are about to cast is not just a vote on the merits of this particular legislation. In many respects, the purpose of this bill is worthy and meritorious. But we are voting on a fiscal policy. Make no mistake about it, if the President's veto is overridden in this instance, the spending dam will be broken. In other words, we are, in effect, voting not just to add $1 billion of spending over and above the budget to this particular program, we would be signaling approval of excessive spending under other programs. As well, indeed, spending could be increased by as much as $50 billion if authorization bills already passed were fully funded. That is not just theoretical speculation.

Mr. President, I ask unanimous consent that tabulation showing authorizations versus appropriations for fiscal year 1973 be printed in the RECORD.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

AUTHORIZATION VERSUS APPROPRIATIONS—
FISCAL YEAR 1973

More than $50 billion in additional appropriations would be required in 1973 to fully fund in that year all the legislation that authorizes specific projects or provides specific dollar amounts. The major differences are in the following areas:

[*In billions*]

Public Works	25.8
Corps of Engineers	(19.8)
Bureau of Reclamation	(6.0)
Agriculture	12.3
Public Law 480	(11.8)
Other	(.5)
HEW:	
Education	6.0
Health	1.8
Commerce	.9
HUD:	1.2
Model cities	(.4)
Water/sewer facilities	(.6)
Urban renewal	(.1)
Rehabilitation loans	(.1)
LEAA	.9
EPA	3.0
Total	51.9

Mr. GRIFFIN. There are responsible predictions that if we do not hold the line on spending—if this additional $1 billion is approved—and triggers approval of other spending bills coming along—the average taxpayer in this country can expect to be met with a tax increase of 15 percent. This, again, is not idle speculation. I ask unanimous consent that a supporting table be printed in the RECORD.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

THE 15 PERCENT STORY IN FIGURES (FISCAL YEARS 1973-75)

	Budget proposed by RN (billions)	Budget without RN cuts	Savings under RN	Required tax increase without savings (percent)
1973	250	261	11	11
1974	269	288	19	18
1975	288	312	24	19
Total			55	15

Note that the required tax increase is a surcharge.

Mr. GRIFFIN. Mr. President, a statement was made earlier by the distinguished majority leader and by others to the effect that Congress has actually cut President Nixon's budget every year he has been in office. Such statements have been made as an answer to the argument that we must hold the line on spending. But it must be pointed out that such a statement does not really make a case because it refers only to appropriations bills passed.

It ignores the fact that Congress has, with increasing frequency, been bypassing its own Appropriations Committee by approving backdoor spending bills which require expenditures to be made from the Treasury without going through the appropriations process.

Taking fiscal year 1973 as an example, Congress did reduce appropriations, as the distinguished majority leader and others have pointed out. However——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. TAFT. Mr. President, I yield the Senator an additional 2 minutes.

The PRESIDING OFFICER. The Senator from Michigan is recognized for an additional 2 minutes.

Mr. GRIFFIN. By passing backdoor and mandatory spending bills, in addition to appropriation bills, Congress has added in the same year $15 billion to the spending level requested by the President. As a result, even though there were some cuts in appropriations in 1973, the action of the last Congress resulted in a net spending increase of about $9 billion.

Mr. President, I ask unanimous consent that a document showing a breakdown of the fiscal year 1973 figure be printed in the RECORD.

There being no objection, the document was ordered to be printed in the RECORD, as follows:

SUMMARY OF EFFECT OF CONGRESSIONAL ACTION ON 1973 BUDGET AUTHORITY

(Change from budget estimate in plus and minus)

[*In millions of dollars*]

Appropriations bills:	
Agriculture-EPA	+482
Defense	−5,221
Foreign assistance	−1,510
Labor-HEW	+1,032
Other (net changes)	−844
Subtotal	−6,061
Mandatory spending bills:	
Equalization of retired military pay	−269
Black lung benefits	+969
Social security benefits	−159
Veterans benefits	+265
Other (net changes)	+58
Subtotal	+864
Backdoor spending bills:	
Higher education	Indefinite
Housing-temporary extension	+150
Highway emergency relief	−50
General revenue sharing	+2,995
Water pollution control	+11,050
Subtotal	+14,145
Inaction on proposed legislation:	
Student loan program revision	+288
Stockpile sales	+301
Volunteer army	−360
Armed forces retirement	−145
Education revenue sharing	−224
Other (net changes)	−140
Subtotal	−280
Total, congressional impact	+8,667

Mr. GRIFFIN. Mr. President, it is true, as the distinguished ranking minority Member, the Senator from New York (Mr. JAVITS) has pointed out, that the bill before us—which has been vetoed by the President—is an authorization bill and not an appropriation bill. However, Mr. President, let us not delude ourselves or mislead others. Too often in the past Congress has raised expectations too high by passing authorization bills which could not, or should not, be funded. Such actions lead people, however, to expect appropriations in a certain amount. This in turn puts pressure on Congress to fund to the level of authorization.

An authorization bill creates not only expectations, it sets a benchmark from which potential beneficiaries of a program can say that they have been cut.

I submit that it would be far better and more responsible to hold authorizations to a figure which is likely to, and can be, funded.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CRANSTON. Mr. President, I yield 3 minutes to the distinguished majority leader.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, on the desk of every Senator is a tabulation showing the total disabled population in the United States and its outlying areas. The figure is approximately 10 million Americans.

The money requested by this bill, I think, is more meritorious and serves a far better purpose than is money asked to buy the bombs dropped on Cambodia and other places.

The statement made that this is a spending Congress is totally false, although that seems to be the emphasis which the administration is endeavoring to place on it in its arguments against what we attempt to do here.

The assistant minority leader would not deny the fact that this Congress in the past 4 years was able to reduce the President's budget request by $20.2 billion. That is what the Congress cut from money asked for by the President. Every year of this administration Congress provided funds below the President's request. And what the Congress will do this year is to continue that pattern and that policy and further reduce the $268.7 billion budget request which the President has made.

A tax increase of 15 percent, it is alleged, will be occasioned by our helping the handicapped, the helpless, and the retarded, the ones who are in need of help and assistance, the ones who are our fellow citizens, who have for all too many years been kept at home or locked up in institutions and are now being given here the opportunity to become rehabilitated, to become worthwhile citizens, and to earn incomes and pay taxes. That is the real issue.

Mr. President, what about the revenue-sharing bill? Talk about backdoor financing and handing out money with nothing in the way of a return. This administration passed a 5-year revenue-sharing bill which cost taxpayers $32.5 billion over that period.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, 86 Members of the Senate voted for this bill, and two voted against it. Are we going to march up one hill and down the other? Do we have no principle?

The PRESIDING OFFICER. Who yields time?

Mr. TAFT. Mr. President, I suggest the absence of a quorum.

Mr. CRANSTON. Mr. President, may I ask that the time be charged to the other side?

The PRESIDING OFFICER. The Senator does not have enough time to suggest the absence of a quorum.

Mr. GRIFFIN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Ohio has 7 minutes remaining. The Senator from California has 3 minutes remaining.

Mr. TAFT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. TAFT. I ask that the time be equally divided.

Mr. CRANSTON. Mr. President, may I ask that the time for the quorum call be charged to the other side?

Mr. TAFT. I think the time should be charged equally.

The PRESIDING OFFICER. That requires unanimous consent. Is there objection?

Mr. GOLDWATER. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. CRANSTON. Mr. President, I yield to the Senator from West Virginia, who has been the leader in this field for so long.

Mr. RANDOLPH. Mr. President, the argument has been made by several Senators that if S. 7 becomes law, it will cost too much.

That is a statement that cannot be substantiated by facts. We would authorize, by this legislation, I remind my colleagues, a total of $2.6 billion over a period of 3 years, from 1973 to 1975.

The existing law, the Vocational Rehabilitation Act, over the most recent 3 years, 1970 to 1972, authorized a total of $2.856 billion. That is nearly $300 million more than is provided in S. 7—nearly $300 million more than in the present bill.

So I regret that the issue of fiscal irresponsibility rears its ugly head, because if we override the Presidential veto, we shall be returning to the Senate a rebirth of individual responsibility. That is what is called for when the vote begins at 2 o'clock.

And when we speak of authorization levels, we must remember that we are not speaking of appropriations, we are speaking of what the Washington Post, I think correctly, said this morning:

> S. 7 is not in itself a spending bill. It is an authorization measure which establishes certain vocational rehabilitation programs and sets ceilings for subsequent appropriations.

The PRESIDING OFFICER. The time of the majority has expired.

Mr. TAFT. Mr. President, I shall be glad to yield the Senator an additional 2 minutes, if he so desires.

Mr. RANDOLPH. I am grateful to my colleague.

S. 7 will have no effect whatever on the budget. We must recognize that as a fact. I said earlier today that the President of the United States, whom I respect, and I certainly respect the office he holds, has begun to think in terms of what I believe is the responsibility of the country. Thus the full funding for heart and lung diseases and the full funding for cancer have been provided. Now, we need the inclusion of this vocational rehabilitation program if we are to do the job.

Closely associated with the charge that S. 7 is fiscally irresponsible is the question of cost compared to benefit. I want to make this clear unequivocal statement: the more we spend on rehabilitating handicapped people, the more the economy, the Federal budget, and State and local budgets will benefit.

S. 7 is not only just, and humanitarian, and compassionate legislation. It is also one of the best investments that can be made.

A philosopher has said that a civilization—a society—is judged by the way it treats its handicapped and its poor. Let history record that our American society is a good and compassionate society. Let it not be said that we, the 93d Congress, failed those who need our help the most—the blind, the deaf, the crippled, the mentally retarded.

Thomas Wolfe said:

> To every man his chance. To every man, regardless of his birth, his shining golden opportunity. To every man the right to live, to work, to be himself, and to become whatever his manhood and vision can combine to make him. This, seeker, is the promise of America.

I conclude with this personal comment: I remember the effort that I made with Senator Sheppard many years ago, when I was in the House of Representatives, to provide for the blind of this country an opportunity to be productive citizens by operating vending services in public buildings, and how the Post Office Department came before us, through the Assistant Postmaster General, and spoke against that effort.

I say that the costs of that program have been very little—only administrative costs. And as we stand here this afternoon, let us remember that there are approximately 3,850 blind men and women who, in this city and all over America, are vendors under the Randolph-Sheppard Vending Facilities Act. They are entrepreneurs, they are producers, and they are earning today an average personal return of $7,000 a year.

That, in a bigger and broader measure, is what we are talking about in this bill today—the opportunity for people who want to help themselves to be able to do the job.

I cannot conceive, Mr. President, that the Senate will fail in its individual responsibility, Senator by Senator, to do what is necessary here today.

The PRESIDING OFFICER. The time of the Senator has expired. The minority has 4 minutes remaining.

Mr. TAFT. Mr. President, I yield myself 2 minutes.

Earlier in the debate, I made several points, and I think one of two of them would be appropriate to repeat at this time before we close the debate.

The first is that the funding of this program over the last 4 years has gone up by 75 percent, so that those who say the President is so niggardly in his proposed financing of vocational rehabilitation should recognize that apparently that is an accusation which should go back a number of years.

I am a strong advocate of vocational rehabilitation programs, but I wonder if we can really expand at the rate that it is proposed to expand by the majority of this committee. I wonder what the proper level of spending should be.

The committee in this case did cut back somewhat on last year's proposals and the amount arrived at in last year's hearings, it is true. And I believe the administration is committed to support, at an increasing rate, present vocational rehabilitation programs. But I also believe there are some things that ought to be noted about this particular bill.

One thing is the addition of two vocational rehabilitation programs: The end state renal disease program and the spinal cord injury program. While these programs have some fringe effects, it is true, and some of those who have suffered disease and injury in these areas, it is true, are subject to rehabilitation, the basic effect of these two programs is that they are medical programs; and if we are to make any real impact in these areas added on to this bill, I believe we are going to have to make it in the consideration of overall health activities and administration of the Department of Health, Education, and Welfare, and programs financed through the health programs rather than through vocational rehabilitation programs.

This I think has been overlooked, but it is one of the reasons pointed out for the veto.

I believe in the long run if we keep the vocational rehabilitation program just that, study it carefully, see to it that the expansion is effective, see to it that the States share in the program, and try to stimulate activities throughout the Nation, we will do a far better job, rather than by trying to pass a bill which has imposed upon it the Senate's approach.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. CRANSTON. Mr. President, do we have any time remaining on our side?

The PRESIDING OFFICER. The time on the majority side has expired. The Senator from Ohio controls the remainder of the time. There are 2 minutes remaining.

Mr. RANDOLPH. Mr. President, will the Senator from Ohio yield for a question?

Mr. TAFT. I am glad to yield for a question, and I will take a minute myself.

Mr. RANDOLPH. I thank my able colleague.

I hold in my hand a study by the Wisconsin Vocational Rehabilitation Organization, which indicates that for every dollar spent on the disabled, $25 will be returned in increased lifetime earnings.

Would my colleague care to comment on that statement?

Mr. TAFT. I might say to the distinguished Senator that I have no knowledge of the Wisconsin study. However, as I have stated earlier, I firmly believe that the cost-benefit ratio for vocational rehabilitation programs is extremely good and extremely important. That is one of the reasons why we ought to continue to try to develop and strengthen this program.

I would point out that diverting funds under a vocational rehabilitation bill from the primary purpose of vocational rehabilitatiton, which I am sure from the figures the distinguished Senator states from the Wisconsin study must be the case in Wisconsin, to other basically medical programs, may have the effect of running down to the benefit-to-cost ratio and diverting it, really, away from the vocational rehabilitation concept and motive from the funds that might otherwise go in that direction.

Mr. WILLIAMS. Mr. Presdent, a week ago today, President Nixon cast his veto of S. 7, the Rehabilitation Act of 1972.

This afternoon it will be our responsibility to cast our votes of disapproval of that insensitive action.

This is the second time in 6 months that the President has vetoed this legislation which provides a variety of services to physically and mentally handicapped individuals so that they may be prepared for employment and thus to assume their rightful place as productive members of American society. The basic rehabilitation program offers such continuing services as hospital diagnosis and care for the handicapped and placement services to assist handicapped individuals to secure and maintain jobs, as well as protections to insure that no person is denied these services. In addition, this legislation creates a new program, the intent of which is to provide services to enable those individuals unable to have a vocational goal at the present time to become more independent and self-reliant. The Rehabilitation Act also establishes new initiatives to assist States in developing programs for blind and deaf persons and those suffering from spinal cord injury and kidney disease.

Finally, the legislation provides for the establishment of a Federal Interagency Committee on Employment of Handicapped Indviduals, an Architectural Barriers and Compliance Board, and includes my proposal to create an Office of the Handicapped in the Department of Health, Education, and Welfare to coordinate all Federal programs for the handicapped and prepare a 5-year planning document for the provision of comprehensive services to handicapped individuals.

Mr. President, for over 50 years the vocational rehabilitation program has had broad and enthusiastic bipartisan support. In 1972, both the Senate and the House passed this legislation by a unanimous vote, only to see these efforts unfeelingly vetoed without an opportunity to act to override that action. This year, the Senate and the House again passed this legislation by overwhelming majorities in both bodies; and, in order to accommodate certain objections which were raised by the administration, the authorizations for the 1973 bill were set at nearly $900,000,000 below the amount in the 1972 vetoed bill.

Established by Congress in 1920 and extended 6 times thereafter, the benefits of the Federal-State rehabilitation program relative to its costs are conceded by everyone to be remarkably high. More than 3 million handicapped Americans have been returned to productive and meaningful lives as a direct result of assistance offered by this program. In fiscal year 1972 alone, the estimated annual earnings of the more than 325,000 individuals who have been rehabilitated total more than $1 billion. And this represents a threefold increase in earnings from the time these individuals first entered the rehabilitation system.

In 1972, handicapped individuals who received benefits under the rehabilitation program contributed $58 million in taxes to Federal, State, and local government. And these figures do not reflect the additional $33 million in savings to Federal and State Governments in 1972 resulting from a removal of many rehabilitated persons from public assistance roles. This total figure of $91 million when multiplied over 20 years will mean a return of more than $3 for every $1 of the $560 million spent on the rehabilitation program in fiscal year 1972.

Mr. President, as I stated last week upon first learning of the President's veto of this bill.

> He has chosen as the first victim of his unfeeling priorities the least powerful members of our society—those with physical and mental handicaps. With this veto, he has signalled with overwhelming clarity that those whose needs are greatest cannot look to their Government for help.

In his veto message, the President attempts to conjure up the argument that this legislation would result in a massive assault on the pocketbooks of the American people, and that it would require a large tax increase and result in inflated consumer prices and interest rates. He said that only by vetoing this and other legislation would we be able to hold down inflation and taxes. And he harked back to his old and discredited lament that the Members of Congress who voted for this measure are irresponsible "big spenders" whose actions have served to jeopardize economic stability at home. But, Mr. President, one only need look at the record of this administration to see what irresponsibility really is.

It is irresponsible to encourage policies which have resulted in massive unemployment and the highest prices in our history.

It is irresponsible to seek to increase the Federal defense budget by more than $5 billion over last year's level, at a time when the Vietnam war has ended.

It is irresponsible to encourage policies which result in grain deals, milk deals, and who know what other deals.

And it is irresponsible to support unwarranted tax loopholes for only the very, very rich.

It is difficult to believe that the President of the United States would veto this legislation unless he did not have a clear understanding of what it has done and what it must do in the future. The millions of disabled Americans who have benefited from this initiative are testimony enough to its success. And the millions of dollars which this Nation has saved as a direct result of this program reinforces the need for its continuation and improvement. Because of these facts I can only conclude that the President has not been adequately or responsibly informed about the nature of this measure. And if that is so, as I must conclude it is, it makes the tragedy of his veto even greater.

It is my hope that my colleagues in the Senate are fully aware of the vital importance of the vote they will be casting today. Whenever this Nation has been confronted with a crisis, we have always forthrightly responded with understanding and compassion. That is one of the great traditions of this country, and I know that it is a tradition which we must and will continue to follow.

Mr. MONTOYA. Mr. President, for the past 50 years the Congress has given its support to both the concept of vocational rehabilitation and to the hard realities of programs and funding. Rehabilitation has become one of the few true bipartisan issues to regularly come before the Congress. I think this is so because the value of the services rendered is great, and the need for those services so apparent.

Last year, the Congress, again recognizing the need for comprehensive vocational rehabilitation services to continue, passed a new act which enlarged the scope of rehabilitation and which accepted the challenge to rehabilitation presented by such different kinds of cases as spinal injuries and renal disease.

Although the Congress agreed to lower levels of funding than might be optimal, the administration still refuses to accept the need for this legislation. The Senate reduced funding levels from $3.481 billion—not really enough—to $2.6 billion, a cut of 25 percent. After this $900 million reduction, the authorization is still $100 million less than authorizations for fiscal years 1971 and 1972—$1.010 billion each.

But the President still calls this severely underfunded and inadequate bill to be "fiscally irresponsible." I feel that rather than being fiscally irresponsible, this bill would be humanly irresponsible if it were reduced any more.

For even with the level of funding that the Senate has approved there will still be more people not receiving necessary rehabilitation services than receiving them. The S.7 funding level would provide services for about 2.8 million handicapped persons over the next 2 fiscal years. Unfortunately, that will leave about 4 million who, at today's costs, could be served.

But the word "service" is misleading I think, and should be explored further. What we are really talking about is getting people on welfare rolls off of them, of taking people who are dependent and working to make them independent.

The Rehabilitation Services Administration estimates that the total income of the 326,138 persons who were rehabilitated in 1972 reached $1 billion. Instead of being a drain on the tax rolls through welfare these people paid $58 million in taxes to different Government agencies. In addition, about $33 million was saved by removing these people from the public assistance rolls. Over 20 years, this annual savings of $91 million would mean a return of $3 for every $1 spent on rehabilitation in 1972.

What we, in the Senate, produced in S. 7 was legislation that barely met the need and which admitted that even in the difficult area of rehabilitation there are more difficult problems such as spinal and renal disease.

This is not an especially spectacular piece of legislation, it is solid, it is aimed at solving particular problems and it is well drafted.

For all these reasons; that this is necessary, that it is fiscally responsible and humanly responsible and that it deals with real and pressing problems for millions of Americans, I urge the Senate to pass once again the Rehabilitation Act of 1972.

VOCATIONAL REHABILITATION AND BUDGET PRIORITIES

Mr. MOSS. Mr. President, what value does the Nation place on rehabilitating those who have physical and mental handicaps? What burden must people in this group carry in President Nixon's fight against inflation? These are the two key questions facing the Senate as we vote today on the President's veto of the Rehabilitation Act of 1972.

The President claims that we can only afford tiny increases in funds to aid the handicapped who wish to enter the work force and make a meaningful contribution to society. He says that nowhere in the budget is there money to meet their needs. Yet clearly, this is not the case.

Non-Vietnam funds in the defense budget are scheduled for an $8 billion increase in fiscal year 1974. Surely there are funds which could be shifted from that increase to cover the $190 million this bill authorizes above the President's budget request for fiscal year 1974. Vocational rehabilitation programs have been in existence for 52 years and have met only a small fraction of the need of the handicapped. A modest increase in activity is long overdue.

This bill has not been examined on its merits by the President or his staff. Instead, it has been sacrificed falsely and unnecessarily on the altar of the administration's misdirected anti-inflation policies. Instead of a tough wage-price policy, which is what is needed to control inflation, the administration has asked the handicapped of America to forego their future so that inflation might be checked.

Let me share a letter with you that demonstrates what these programs really do to help the handicapped. One of my constituents recently sent me a copy of his letter to President Nixon:

President RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. NIXON: I had polio when I was fourteen months of age, and I wear braces and walk with crutches. I was able to attend the University of Utah, with the help of the Vocational Rehabilitation Program, and graduated with an LLB in 1938. I was admitted to the Utah Bar in January of 1940.

In the first five years of my law practice I paid enough State and Federal income taxes to more than pay for the costs which rehabilitation had expended for my benefit.

By reason of my legal training I was able to serve the people of my community and of this state for eight years as a member of the Utah House of Representatives. For the past six years, as Family Court Commissioner, I have assisted approximately one thousand women in securing support for their children after they had been awarded a divorce. Some of them thereby avoided going on the welfare rolls, some of them were able to leave the welfare rolls, and in many cases I was able to secure reimbursement for the welfare department from the fathers of these children.

I am advised that your recent budget proposal would either completely eliminate Federal funds from the Vocational Rehabilitation Program or would severely diminish those funds. That seems to me to be very short-sighted economy. I frequently see, and I expect that I will continue to see, the slogan, "Hire the Handicapped—it's good business". I do not see how you can ask employers to hire the handicapped in the future unless such handicapped persons can continue to receive the training which has been available under the Rehabilitation Program.

For four years I was president of a statewide association whose members had been or were being trained under the Rehabilitation Program. It is my experience that 95% of them became self-sufficient, and in a very short time they returned to the state of Utah and the Federal government considerably more in taxes than had been the cost of their training. For two years I was a member of the Executive Committee of the Statewide Comprehensive Planning Project For Vocational Rehabilitation for Utah. The report which we published in November 1968, affirmatively established not only the worth of the Rehabilitation Program in making disabled people contributing members of society, but also established the economic justification for expansion of the Rehabilitation Program.

Under all those circumstances I submit that it would be far more in the interest of the people of Utah and of the nation as a whole to fully fund the Rehabilitation Program than it would be, for instance, to pour many millions of dollars into the corporate treasuries of Boeing or Lockheed for a very questionable renewal of the SST Program.

Yours very truly,

———— ————.

Instead of restricting such worthwhile programs, why could not the administration close some of the approximately 2,000 bases the United States has on foreign soil and bring home some of the 600,000 U.S. military personnel used to man these bases? Could not some of the $17 billion used to support the 300,000 U.S. military men in Europe be shifted to aid handicapped men and women who seek job training?

The passage of this act means a new life for thousands of handicapped Americans. It also means more goods and services for America in general, produced by workers who go through rehabilitation and into the labor force. In addition, the revenues of the U.S. Treasury will be increased by the taxes paid by such workers once they gain employment, and these tax revenues more than offset the costs of the rehabilitation program.

A vote to override the President's veto is necessary in order to reestablish the priority of human needs, reverse the administration's attempt at one-man rule, and restore the proper role of the people, acting through their legislative representatives, in determining the direction of their country. I shall vote to override the President's veto today and I am confident that a two-thirds majority of the Senate will do likewise.

Mr. ROTH. Mr. President, I want to make clear to my colleagues and constituents my position on vocational rehabilitation.

First, I want to say that I wholeheartedly support the existing program which has aided thousands of men and women. And I look with pride on the determination of those maimed or crippled participants who will not let their handicaps prevent them from making a valuable contribution to their families and communities. I believe this is a program that should be continued and strengthened.

But this afternoon, I will vote to sustain the President's veto for two major reasons:

First. It exceeds the Presidential request for spending authority by $440 million this fiscal year, and $1.3 billion by fiscal year 1975.

Second. It further fragments the funding process by establishing additional categorical programs.

THE NEED FOR RESPONSIBLE SPENDING

Mr. President, nobody needs to be reminded of the still rampant inflation our country faces. Anyone who buys food, rents a house or apartment, or has need for medical services knows full well the impact of rising prices. I personally feel phase II did not clamp down hard enough, and was lifted too soon, but unless the Federal Government exercises its fiscal responsibilities, the deficits Congress creates will continue to haunt everyone, with higher prices and unquestionably higher taxes.

Let me stress that my vote against this pending bill is not in opposition to the programs, or the many thousands of needy citizens who have benefited from them. I supported the original legislation last year and its counterpart (S. 7) this year. I have also been a consistent spokesman during my 6 years in Congress for programs that help individuals to help themselves, and I fully realize the rehabilitation efforts eventually provide jobs and the opportunity for people to become self-sustaining.

Yet at the time I voted for S. 7 last month, I indicated that I felt some accommodation was necessary between Congress and the White House relative to funding levels for this and other programs. We face a multitude of social and economic problems and Congress cannot help to cure them all simply by adding more dollars to an endless stream of outlays. This program has grown more than 75 percent, from $371 million in fiscal year 1969 to $650 million requested by the President in fiscal year 1974. That alone is up $10 million from last year's request. S. 7 would boost that to some $1.1 billion, 68 percent over the amount proposed in the administration's request.

Mr. President, I ask my colleagues here, can we honestly expect to increase our Federal participation by such enormous proportions when the swelling deficit we now incur merely adds to the economic ills of everyone? Can we expect the appropriating committees to neglect their responsibilities and fund 100 percent of this authorization request? To do so would be to neglect the realities of economic life. And so then, why promise help with one hand, knowing full well we shall have to retract it with another?

I would call on the people of Delaware to show their support for a reasoned approach, not only to rehabilitation services, but to the entire budget as well. We are not asking anyone to forgo benefits previously authorized. Delaware's allotment will rise from $1.1 million to $1.2 million under the President's request, hardly the Draconian picture painted by opponents of responsible spending.

Mr. President, we must accept our roles as representatives of the people, not just members of a political party. We do no service to those we speak for in deliberately creating a confrontation atmosphere between Congress and the Executive. Our roles are different, but our responsibilities are the same—to govern in the interests of those that sent us here to Washington.

The longer we stall on developing an accord with the President, the longer valuable programs such as this remain in limbo without new authorizing language. We should look on all spending bills as an opportunity to do the maximum good with the money our tax laws will generate.

We would be foolish to neglect the ever-present inflation and the threat of higher taxes. A budget that fuels inflation ends in hurting the handicapped, poor, and elderly most of all. I have heard many cries to curb the former, but few requests from my constituents to up the ante they send to the Treasury every year.

Mr. President, we need important efforts such as vocational rehabilitation to bring hope and help to those in need. But, in this year of severe economic stress, we must exercise some restraint in our spending habits.

I hope Congress will immediately enact legislation which I have cosponsored and which will maintain vocational rehabilitation at its current levels.

Mr. PEARSON. Mr. President, I am today voting to override the President's veto of the Rehabilitation Act of 1972. I do this not because the act has an alluring label, but because it is an important piece of legislation which provides necessary assistance to deserving recipients. Vocational rehabilitation does not have a massive constituency in the United States. There are far more individuals who are healthy than handicapped. There are far more people who fear tax increases than support additional expenditures. To claim, as does the administration, that support for this bill is merely an attractive or popular course is curious logic at best.

Rehabilitation services are, in my mind, neither Great Society nor service programs. They are an outgrowth of America's interest in aiding the handicapped. The historic background of the bill, beginning in 1920 with the Smith-Fess Act, indicates that efforts to provide adequate rehabilitation are not the result of some morally righteous social conscience. Rather they are the continuation of a philosophy which permits handicapped individuals to become more productive members of society. Because the primary goal of rehabilitation services is to reintegrate the individual into a meaningful participation in society, it cannot be viewed as a welfare or service program. Its goal is not sustenance, but "rehabilitation" in the fullest sense of the word.

Given this philosophy, I want to examine some of the major issues outlined by the President in his veto message. I do not deny that some valid questions are raised. Nevertheless, I cannot help but conclude that weighing what the bill does against what it does not do compels my continued and active support.

BUDGET IMPACT

The President stated in his veto message that "all of our economic progress—and all of our hopes—will be washed away if we open the floodgates on the Federal budget." It is difficult to disagree with his statement. The issue is, however, whether this bill opens the floodgates, whether it is budget busting, and whether it will destroy "all our hopes." I believe it does not.

S. 7 amends the Vocational Rehabilitation Act, revises the authorization of grants, and authorizes funds for a variety of rehabilitation services. It does not appropriate funds. When I examine the level of authorization, in fact, I find it one of the most reasonable we have had in some time. The administration's budget request for fiscal year 1973 is 87 percent of the appropriation authority under S. 7. For 1974, it is 80 percent of the authority under this bill. There are relatively few pieces of legislation in which the actual availability of funds is more closely related to appropriation authority. Labeling this bill "budget busting" is a "strawman" argument.

Mr. President, I can understand the concern voiced about the cumulative effect of Federal expenditures. It is true that this is but one of several bills which provide for increased expenditures. I, for one, however, believe that the vehicles for reducing Federal expenditures in a time of peace should not be programs designed to aid individuals with crippling physical handicaps.

More important than actual expenditures, however, is the type of legislation with which we are dealing. It is not a program to provide subsistence, but one designed to foster independence and self-reliance. To borrow a line from the President's Inaugural Address:

> A person can be expected to act responsibly only if he has responsibility. . . . Let us remember that America was built not by government but by people—not by welfare, but by work—not by shirking responsibility, but by seeking responsibility.

Mr. President, the handicapped and the severely handicapped are among the most responsible people I know. They seek responsibility whenever possible, but they must have the necessary tools to do that. To ask them to venture out alone would be the cruelest expectation. The fact is that these individuals do seek responsibility, and that they do become taxpayers instead of tax users. In Kansas during fiscal year 1972, the total estimated weekly earnings of 2,187 participants entering vocational rehabilitation was $24,040. After training these same individuals totaled earnings of $178,740. The dramatic nature of this improvement is also seen in the yearly earnings, totaling $1,250,000 at acceptance, and $9,294,480 after training.

Finally, let us dispel the myth of using public aid. The same 2,187 recipients in Kansas received $913,344 annually in public assistance at acceptance. After completion, they received $204,912, a net benefit to the public of more than $700,000. If any other Federal program has this kind of pay back, I am not familiar with it.

There are legitimate budgetary pressures with which we must be concerned during this session of Congress. The Rehabilitation Act, however, is not one of them.

AID FOR THE SEVERELY HANDICAPPED

A second major criticism of the bill is that it unduly expands the definition of handicapped, and dilutes the resources of the program or distorts its objective by turning it toward welfare or medical goals. This philosophy implicitly states that vocational aid for the severely handicapped would be nonproductive. This is a narrow approach which dictates that we accept the plight of the severely handicapped without making strenuous effects toward making them, too, participants in our economy.

Title II of S. 7 dispels the notion that the severely handicapped cannot be retrained at any future date. It assists individuals who may not presently have a vocational goal. By this measure, Congress can indicate its explicit resolve that people who do not appear to have a vocational goal may be brought along to a point where they later can be retrained. Even if training is not possible, this bill can help a handicapped individual improve his ability to live independently or function normally with his family and community. Again, he can become a responsible member of society—only if we help him achieve that goal.

More importantly, Mr. President, the severely handicapped, through the research provisions of this bill, might well be on the threshold of more active employment opportunities. Research breakthroughs in engineering can be the first step. The Kansas Cerebral Palsy Foundation and Wichita State University are currently involved in a research project to develop comprehensive competitive employment services for the physically handicapped. It will develop a new classification system for the severely handicapped based on their remaining capabilities. It combines individual instruction with the development of mechanical hardware to provide employment opportunities. I am enthused about these prospects, and believe that they can yield successful results if we support the authorizations for research and the severely handicapped.

ORGANIZATION OF REHABILITATION EFFORTS

A third criticism of the bill is that it duplicates existing programs and creates an administrative nightmare. The creation of additional categorical programs, if indeed the bill does that, should cause careful evaluation. I share the administration's concern about the duplication of Government structures.

Advocates of this bill, including the National Rehabilitation Association, however, claim the sections having to do with the older blind, spinal cord injured, renal disease victims, and the deaf are special project programs aimed at stimulating State and local efforts. No current program does this effectively. At a later date, it is hoped, these will be absorbed into the basic program. If we in Congress are not careful, however, these project grants could well become entrenched. Supporters will expect Federal assistance as a matter of course.

I merely warn against this eventuality because I believe that the need for special treatment in these areas is worthy of support on a project and demonstration basis. If the administration's goal is to make the Federal Government an innovator rather than a provider of services, this is an appropriate mechanism. The committee report adequately states the intent of Congress, "that attention be focused on these unique problems so that progress can be made in innovative methods of rehabilitation."

CONCLUSION

Mr. President, although there are other issues, I believe that on balance, the major questions I have discussed compel my support for the bill. In my mind, the question is whether we in Congress will support a social program which in no way practices a "condescending policy of paternalism." Vocational Rehabilitation is one of the Federal Government's original means of fostering the seeking of responsibility rather than the shirking of it. I trust that the Senate will reject the false argument that this is a financially irresponsible piece of legislation, and continue our full support of America's handicapped by voting to override the veto of the Rehabilitation Act of 1972.

Mr. BUCKLEY. Mr. President, from time to time the Congress is asked to vote on matters which are not only important in themselves but which also symbolize fundamental issues affecting all aspects of public policy. The 93d Congress is faced with just such a matter in the case of the forthcoming vote on whether or not to sustain the Presidential veto of the Rehabilitation Act of 1972. What is at stake is not the fate of a single program, but the willingness of the Congress to come to grips with the single overriding fiscal problem of our time. I speak of the necessity to cut Federal spending in order to halt inflation, put our Nation on a sound fiscal basis and avoid the evil of inevitable tax increases.

With this in mind I am going to vote to sustain the Presidential veto for two reasons. First, I believe that the time has come to put an end to fiscal irresponsibility in the Congress and that sustaining the veto is the only way to demonstrate the seriousness of this matter. Second—and perhaps more importantly—I believe the overriding of this veto can become not simply a "small crack in the dam" but the beginning of a deluge which will destroy the last remnants of fiscal prudence in this Nation.

Let it be made abundantly clear, Mr. President, that the issue before us is not whether we are for or against vocational rehabilitation; it is not whether we are for or against helping those in need. All hands are agreed, both in the White House and in Congress, that vocational training and other programs for the handicapped ought to be continued and, indeed, funded at higher levels than at present. That is why I and many of my colleagues are joining Senator Helms in sponsoring a measure to extend and expand the Vocational Rehabilitation Act for another 3 years. The Helms proposal, which I enthusiastically support, represents an effective and realistic effort to aid the handicapped. It intentionally avoids the cruel deception which characterizes S. 7, a deception by virtue of which those in need are encouraged to expect hundreds of millions in assistance in excess or what we can realistically expect to see appropriate. Thus a vote to sustain the President's veto is not only a vote for fiscal responsibility; it is a vote for honesty in Government.

The President has said:

> My decision to disapprove S. 7 should be seen by the Congress as more than just an isolated rejection of a single piece of unwise legislation. If is part of my overall commitment to hold down taxes and prices. I remind the Congress of that determination, I ask the Congress to consider carefully the implications of spendthrift actions, and I urge the Congress to be more reasonable and responsible in the legislation it passes in the future.

I find the President's concern all the more convincing in light of remarks made by the distinguished Senator John L. McClellan, chairman of the Senate Committee on Appropriations. Senator McClellan said, in part:

> Since fiscal 1969 alone, the gross Federal debt has been increased by more than $106 billion, and the current budget for fiscal 1974 projects another $32 billion being added to this swollen national liability. How long can this continue? I do not know, and I doubt very much if the collective judgment of the Congress can supply the answer. But, good sense tells us that it cannot continue indefinitely, and the better part of wisdom suggests the compelling necessity for ending the reckless practice of spending beyond our means.
>
> I am sure we all share a common interest in bringing Federal spending into better balance with revenues and in funding our commitments more nearly on a pay as you go basis. Our current efforts to achieve this goal are not sufficient; they are wholly deficient. And we, the elected representatives of the people, whose duty it is to adopt and pursue sound fiscal policies, have woefully failed to meet that responsibility.
>
> Mr. President, we must now begin meeting that responsibility. As Thomas Jefferson said, 'We must make our election'—the choice is ours. Indifference, procrastination, or lack of courage to act—lack of courage to do what must be done—will surely doom us to the fate of 'profusion and servitude' about which Jefferson so profoundly warned us more than 157 years ago.

I believe Senator McClellan has eloquently put the case for fiscal responsibility and has incisively analyzed the three evils which have brought us to this sorry state—"Indifference, procrastination or lack of courage to act".

We can no longer afford the luxury of indifference, for now is a time to care, and to care passionately about what inflation is doing to millions of Americans. We can no longer afford to procrastinate, for the time is now. Not next month. Not until some other bill comes along, but now. And surely we should not lack the courage to act. Sustaining this veto may be politically unpopular. But do we want it said that fear of political unpopularity can override not only a veto but the conscience of the Congress?

I urge all those who share with me the concern that this single vote is among the most important to come before this session, to vote to sustain the veto. If we sustain the veto, now, in this session, at this moment of history, the momentum will be on the side of those who, with Senator McClellan, want to cast aside the triple evil of indifference, procrastination, and lack of courage. If, however, the Senate decides to override the veto, we will, in effect, be turning our backs on millions of our fellow Americans. I am convinced the choice is one that is as obvious as it is necessary. Sustain the President's veto on S. 7 and we sustain the faith of the American people in the ability of the Congress to exercise true fiscal responsibility.

In closing, Mr. President, I would like to add one final thought. With all due respect for my colleagues on the other side of the aisle, I find it necessary to comment on the extent to which partisan interest has dominated discussion of this issue. The Democratic leadership has, I believe, purposely selected this measure as the first in what is fully expected to be a series of confrontations on the question of spending. They have sought the most popular measure as the first, the one that is probably most difficult to approve. If they can divide those most concerned with the need for fiscal responsibility on this one, they believe that all the rest will fall their way as well. It was selected, obviously, because it is widely believed that on an issue such as this, few Senators will dare to line up against aid to the handicapped. Thus, every effort has been made to describe this vote in terms of how one feels about aiding the handicapped. But, as I have suggested, that is not the issue at all. If the veto is sustained, a substitute along the lines submitted by the Senator from New Hampshire, will be adopted. The handicapped will not suffer. The issue rather, is whether this Congress will stop promising what it cannot possibly deliver; the issue is whether this Congress will assert it constitutional prerogatives over spending in order to bring a halt to inflation; the issue is whether this Congress has sufficient courage to stop passing the buck to the White House.

Mr. BAYH. Mr. President, I rise today to urge my colleagues to join me in voting to override the President's veto of the Rehabilitation Act of 1973. This legislation has twice received overwhelming bipartisan support in both the Senate and the House—in 1972 and again in 1973. It is shocking that the President has once more chosen to veto a measure designed to improve the Federal effort to rehabilitate the physically and mentally handicapped and to prepare them for productive, useful lives. The Rehabilitation Act will extend rehabilitation programs previously authorized and place special emphasis on helping severely handicapped individuals. In addition, the act provides for prosthetic and orthotic devices, training services, adjustment centers, reader services for the blind and the deaf, as well as recruitment and training programs to provide new careers for handicapped people, construction of rehabilitation facilities and other services necessary to render a handicapped person employable.

The President's veto of this critical measure is a tragic example of mistaken priorities—priorities which make increased defense spending and the continued bombing of Cambodia more important than the rehabilitation of the Nation's handicapped citizens. The President defended his veto on the grounds that we must hold Federal spending within limits. I share his concern, but I do not believe that withholding assistance to disabled Americans is the way to accomplish this goal.

The Rehabilitation Act we are considering today is a modification of the rehabilitation program passed last year and calls for a reduction of approximately $900 million from the bill which the President pocket vetoed last October. It provides $2.6 billion over the next 3 years—expenditures which are richly repaid by the increased productivity of the handicapped persons receiving training and rehabilitation assistance under the act. In its 50-year history, the vocational rehabilitation program has proven to be perhaps the most cost-beneficial effort in the Federal Government. For every dollar invested in rehabilitating a handicapped individual, at least $3, and as much as $70, is returned to the economy in reduced welfare payments, increased income, and increased tax revenues for Federal, State, and local governments.

The President cannot disguise the merits of this program behind a smokescreen of fiscal responsibility. I agree that we must hold Federal spending within reasonable limits; indeed, I recently introduced an amendment setting a spending ceiling of $268.7 billion for fiscal year 1974—the level of spending which the President has requested. But I believe that there better ways of controlling Federal expenditures than by cutting off assistance to our Nation's handicapped citizens. There are many areas in the Federal budget where reductions would be appropriate and necessary. Irresponsible spending on new weapons systems, for example, is one area where I would like to see greater caution. In the 92d Congress, I voted for an amendment to the defense procurement authorization which cut $508.4 million of the requested $906.4 million for accelerated development of the Navy's Trident submarine-missile system. I believe our primary concern should be to protect the health and welfare of our citizens, particularly those citizens who suffer from severe handicaps. We have a duty to insure that they receive the kind of assistance they need to allow them to lead useful, productive lives.

The President has criticized the Rehabilitation Act for duplicating services already available under medicare or medicaid. This is simply not true. Medical services vary from State to State and usually do not include the specific help which the disabled person needs. Nor does medicaid offer a full range of rehabilitation services, such as counseling and training, which are vital in moving handicapped people back into the work force. With our present population of 206 million people, 71 percent of whom live in urban areas, the pressures for rehabilitation services are heavy. Many needy handicapped individuals are being denied service or are required to wait for service because of the inadequate financial resources of the vocational rehabilitation agencies.

The President has also attacked the Rehabilitation Act for providing new programs that would divert the program from its original emphasis. This is not true. New programs added to the bill amount to less than 5 percent of the total authorization. These programs, which aid patients suffering from kidney disease, spinal cord injuries, and other severe handicaps, provide vocational services not offered by any other Government program.

Since the inception of the vocational rehabilitation program, over 3 million handicapped people have been rehabilitated. In my own State of Indiana, the benefits of this program have been great. Last year, more than 3,000 handicapped Hoosiers were totally rehabilitated. The annual rate of earning of these rehabilitated citizens rose from $1,800 to $10,050. The number of man-hours worked by this group increased from 850,000 to 4,100,000 annually. And by rehabilitating those citizens who were entirely supported by welfare assistance, the Indiana welfare expenditure was reduced by $72,000. What better evidence could there be that the vocational rehabilitation program provides enormous benefits to our country? Not only does it save the taxpayer's money but it also allows our handicapped citizens to lead self-supporting lives of dignity.

I urge my colleagues to join me in voting to override the President's veto of the Rehabilitation Act. We cannot turn our backs on the handicapped people of this country; helping them to become employable, productive citizens must be our first priority.

Mr. DOMINICK. Mr. President, during President Nixon's term in office, spending for vocational rehabilitation programs has risen from $371 million to $650 million a year, an increase of 75 percent. I have and will continue to support reasonable efforts in this area.

I am a cosponsor of a very sound and reasonable approach—S. 1431—which has been offered in the form of a 2-year extension to provide $697 million for fiscal 1973, and $700 million in fiscal 1974, a total of $1.39 billion for these vital and necessary vocational rehabilitation programs.

This proposal would be quickly signed into law by the President and the vital vocational rehabilitation programs would receive increased funding at a reasonable and fiscally responsible rate. Because of this, I am suspicious that Congress may be more interested in promoting an executive-legislative confrontation than in promoting vocational rehabilitation programs.

The vocational rehabilitation programs are, therefore, not in jeopardy; and my support for the President's veto of S. 7, the "Vocational Rehabilitation Act", is not a vote against these vital programs, but rather a vote against inflation, rising prices, and irresponsibly burgeoning Federal spending.

Americans have a right to demand and expect responsible Federal spending, and I intend to serve my constituents.

Mr. HELMS. Mr. President, we all are well aware that the economy in this country is suffering from inflationary pressures. Food prices are rising, the cost of housing, the cost of transportation and every other necessary expenditure has significantly increased for the American family. The purchasing power of the American dollar has seen one setback after another in both foreign and domestic markets.

All of this has transpired within an economic setting which saw this Nation fight a war, while we increased the standard of living for all Americans, and retained a relatively full employment economy. As a result, Federal spending grew significantly in excess of our Federal revenue during the past decade. This excess was financed with substantial Federal borrowing which in no small measure has been the cause of our current fiscal predicament.

The President has committed himself to hold the Federal budget during this and future fiscal years to a level which is within our national means. Under his direction, we are gradually progressing from a regulated economy with wage and price controls toward our objective of a stable free market economy.

There are those in this Congress who want to see the mandatory controls continue and be expanded. They prefer to deal with the symptoms rather than the disease.

Here, we are given the opportunity to draw the line on inflation. This administration has a sound record in supporting vocational rehabilitation for the handicapped. Since the President has come in office the program level has risen approximately 75 percent.

I believe that there is a more responsible and constructive way to legislate than through the confrontation politics being exercised in this effort to override the President's veto.

Yesterday, I introduced S. 1431 for the purpose of providing a reasonable alternative to the excessive spending and duplicative programs contained in S. 7. My bill would provide authorization levels which are in accord with the President's budget requests.

I can understand how difficult the choice will be for many Senators on this question of sustaining the President's veto. Few programs are as meritorious as this rehabilitation program which provides an opportunity for many of the handicapped to become self-sufficient and productive members of society. But the difficult choices are the most meaningful. The American people are earnestly looking to the President and to the Congress for leadership in stabilizing our economy. The President has committed himself to control Federal spending to a level within the budget. Now it is up to the Congress to make or to break that budget, to do something about inflation or to do nothing. The handicapped feel the sting of inflation as strongly as any other citizen. They do not want to be deceived by great promises for Federal funds which do not exist.

I hope that my colleagues who will vote to override the veto on this bill are also prepared to vote for the substantial tax increase to pay for the excess Federal spending.

Mr. McCLELLAN. Mr. President, on March 22, I addressed the Senate concerning the fiscal responsibility of Congress. In that speech, I noted that the 92d Congress authorized additional spending over the next 5 years of more than $320 billion. Moreover, in the first 2 months of the 93d Congress, bills have been introduced which, if enacted and fully funded, would increase the budget by $20.4 billion immediately following their enactment. And, several more such measures were introduced in the Senate during the month of March.

Today, we have before us a bill, S. 7, which would authorize expenditures for vocational rehabilitation of some $1 billion over budget recommendations for fiscal years 1973, 1974, and 1975.

Vocational rehabilitation is not a new program. It began several years ago. I have consistently supported the objectives of vocational rehabilitation and increased appropriations therefor. Indeed, appropriations for the basic grant portions of this program have risen from $370 million in fiscal year 1969 to a proposed $650 million for fiscal year 1974. I am hopeful that Congress will fund this $650 million request, and I shall vote for an appropriation in that amount.

S. 7, as reported by the Committee on Labor and Public Welfare, provides for some desirable new programs. I commend the chairman of that committee, the junior Senator from New Jersey; and the ranking majority member of that committee, the able senior Senator from West Virginia; for the dedication and effort which they have put into the development and processing of this legislation.

Under more favorable conditions, I might well support this bill—support its ultimate objective to further expand vocational rehabilitation. But, the realities of our fiscal situation compel the conclusion that the increase in Federal spending which this bill will obligate, together with the additional cost of many other measures which we are asked to enact at this session of the Congress, will further greatly enlarge the already-swollen deficit that is anticipated for fiscal year 1974. The expansion of existing programs and the enactment of new ones at this session of Congress calling for heavy increased expenditures, I believe, in most instances if not in all, should be deferred, temporarily at least, until we get our fiscal affairs under better control.

This is a time of fiscal crisis. The heavy annual deficits we are incurring further augment that crisis; they intensify and make more acute and probable the dangers they portend. Federal deficit spending is fueling the flames of raging inflation. Inflation is rapidly eroding the purchasing power of the dollar, increasing prices, and making higher and higher the cost of living. It is aggravating the imbalance of payments and weakening our financial strength internationally. In recent years, we have so recklessly and heavily engaged in deficit spending that a large increase in Federal taxes is rapidly becoming imperative and inevitable.

Within the past 5 years, Congress has increased appropriations for the basic grant portions of vocational rehabilitation by more than 75 percent. We are now asked in this bill to authorize appropriations of $1,171,000,000—a figure which is more than 50 percent above the President's total budget request of $700 million for all vocational rehabilitation for fiscal year 1974.

If the Senate passes this bill, it will reject the urgent recommendations of and run counter to the resolution adopted by the Senate Democrtic Policy Committee on March 29 dealing with the budget. In that resolution, the Senate Majority Policy Committee "urges":

> That the Appropriations, Armed Services and Foreign Relations Committees consider substantial reductions in authorizations and expenditures for military and foreign aid purposes abroad and *that all other committees of the Senate act to restrain the authorizing of expenditures of federal funds;*
>
> That the Senate Members of the Joint Study Committee on Budget Control consider with the House Members *establishing a specific ceiling on budgeted expenditures substantially below that of the Administration's proposed ceiling and report to the Senate thereon as soon as possible.*

Mr. President, if I correctly interpret these provisions of that resolution, then a vote to sustain the President's veto of this measure is positively in keeping with the announced policy and "urging" of the Majority Policy Committee to "act to restrain the authorizing of expenditures of Federal funds."

If we are to hold down appropriations and the expenditure of public funds, then authorizations must also be restrained and kept in line with anticipated revenues and appropriation expectations. Authorizations engender expenditures. Without authorizations, appropriations cannot be made. Thus, authorization measures, when enacted, present to the Appropriations Committees and to the Congress a bill—a demand for payment. This demand for payment must be paid in full or in part by appropriations or be wholly rejected by the Congress.

Mr. President, I share the views of the Senate Democratic Policy Committee that we should undertake to establish a "ceiling on budgeted expenditures substantially below that of the administration's proposed ceiling"—the President's budget.

As chairman of the Senate Appropriations Committee, I am glad to report that some progress is being made in that direction. The chairman of the Foreign Operations Subcommittee of the Senate Appropriations Committee has advised me that he hopes to reduce appropriations in foreign spending by $1.33 billion below the President's budget. You will recall that Defense appropriations last year were cut by some $5 billion below the President's budget request. As chairman of the Defense Appropriations Subcommittee, it is my expectation that we will again this year be successful in making substantial reductions in the President's defense budget without adversely affecting national security.

Mr. President, the news media today carries a statement by the Honorable Caspar W. Weinberger, Secretary of Health, Education, and Welfare, in which he states:

> A budget that feeds inflation ends by hurting the poor most of all. A budget that requires a tax increase hurts every American. A budget that ignores economic reality also courts economic calamity.

Mr. President, I share those views. It is the poor who suffer most from inflation, unemployment, and the rising cost of living. Habitual deficit spending simply adds to the distress of the poor and prolongs their suffering. Today, deficit spending is hurting severely those who are on a fixed income, those who are on a pension, those who are drawing social security, those who are trying to live on their retirement checks, and those who are receiving public assistance. To alleviate their distress, we must bring to an end this irresponsible and perilous practice of spending heavily beyond our revenues. There will be no convenient or pleasant time—neither now nor tomorrow—to begin a return to sound fiscal policies. But, prudence dictates that we should begin now; the necessity for us to do so is compelling.

Mr. President, under the realities of the conditions and circumstances that now confront us, I have reluctantly concluded that it is my duty to sustain the President's veto. I shall, therefore, vote accordingly.

Mr. President, I ask unanimous consent that the aritcle by Mr. Weinberger, to which I have referred, and a memorandum of "Background Material" be inserted in the Record as a part of my remarks.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Washington Post, April 3, 1973]

The Rehabilitation Veto: An Administration View

(By Caspar W. Weinberger)

Two facts are obvious from President Nixon's veto of the Rehabilitation Act of 1972 in what is shaping up as a major battle over the budget and the prospect of higher taxes.

The first fact is that many in the Congress are willing to play political football with the hopes and aspirations of less-fortunate Americans as they prosecute partisan raids on the President's budget, ignoring the threats of higher taxes and assuming that every bill with a good label is a good bill.

And the second is that President Nixon is committed, whatever the short-term political implications, to preserve a budget that will fight inflation and hold taxes in check, while keeping the nation's economy and social progress moving steadily forward.

The struggle over the Rehabilitation Act of 1972 provides a scenario likely to be repeated often in the weeks and months ahead.

First, the President proposes a responsible and responsive program budget. In the case of vocational rehabilitation, he asked $650 million—75 per cent more than was being spent for this purpose when he took office.

Next, the Congress—operating through a committee system that never considers the budget as a whole—decides to double or triple the funds asked by the President, hoping the bill's humanitarian subject will hide their fiscal irresponsibility. This bill, vetoed by the President would cost an additional $1 billion over the next three years, above the very large amount asked by the President.

Furthermore, this particular bill has serious deficiencies which would weaken the nation's successful vocational rehabilitation program

Inevitably, the President is forced—in the interests of economic sanity and of the taxpayers—to veto such a bill. And the stage thus is set for Congress falsely to accuse the President of callous disregard of the needs of our less fortunate citizens.

In truth, it is the big spenders in Congress who are pursuing a heartless strategy. They are the ones raising hopes that are doomed to be dashed. They make promises which no federal government can afford to keep.

A budget that feeds inflation ends by hurting the poor most of all. A budget that requires a tax increase hurts every American. A budget that ignores economic reality also courts economic calamity.

Beyond its exorbitant price tag, the Rehabilitation Act of 1972 is bad legislation in its basic structure.

It would add medical and other services already available under existing laws, and thereby divert vocational rehabilitation from its primary goal: Training the handicapped to become self-sufficient.

It would create new categorical grant programs, many of them duplicating or overlapping existing programs.

It would add new layers of bureaucracy, and new mountains of red tape, in the face of clear evidence that such snarls impede, rather than speed, the efficient delivery of services to those in need.

The Vocational Act of 1972 was, in short, a prime example of ill-conceived, irresponsible legislation. It is to be hoped that the Congress, given additional time to consider the bill, will allow it to rest in peace—and will enact instead the generous and responsible program contained in President Nixon's budget so that the high cause of vocational rehabilitation can continue to serve the public interest with high effectiveness as in the past.

Background Material—Rehabilitation Act of 1972—S. 7

PROGRAM LEVEL TREND

The Vocational Rehabilitation (VR) program has grown dramatically in recent years.

The program level has risen from $371 million in fiscal year 1969 to $650 million (President's 1974 Budget) in 1974, an increase of 75% in only 5 years.

The program level will rise from $641 million in 1973 to $650 million in 1974.

In addition, there are other major HEW programs which will significantly assist many of the clientel covered by S. 7 in fiscal year 1974:

(1) Rehabilitation services under the Disability Insurance Trust Fund ($66 million)

(2) Rehabilitation services under the Supplemental Security Income Program ($40 million, half-year)

(3) Treatment for end-stage kidney disease under Medicare ($93 million)

(4) Services for mentally retarded under Medicaid, Intermediate Care Facilities ($300 million)

(5) Benefits for disabled under Medicare $1.5 billion)

BASIC OBJECTIONS TO S. 7

Is fiscally irresponsible

Authorizations in S. 7 exceed the budget for fiscal years 1973–75 by $1.3 billion, assuming that the basic Title I grant program would be funded in 1975 at the same level as authorized by S. 7 for 1974. If these authorizations were fully funded and spent, outlays would be increased by $1 billion over the budget in this period.

The authorization levels in S. 7 would feed the fires of inflation.

They are a gross overpromise since no responsible Congress and President would provide such levels of funding. Moreover, they are unwarranted in the light of the other sources of financial assistance noted above.

Distorts the objectives of the VR program

This program has had a long and successful history because its objectives have been clear and undiluted. S. 7 would undermine that success story by

Establishing new service programs for handicapped persons for whom a vocational objective is not possible or feasible, thus diluting the successful vocational emphasis of the program.

Fostering fragmentation of effort through proliferation of categorical programs, which duplicate existing authority and also weaken the program's vocational focus.

Prevents effective management

S. 7 would establish a hodge-podge of narrow categorical grant activities.

It would fix authority and responsibility for the VR program not in the Secretary but in a subordinate official.

It would create undesirable organizational rigidities.

It would set up numerous unnecessary committees and study commissions.

Mr. HRUSKA. Mr. President, today Members of the Senate are faced with a difficult decision. No one wants to be against vocational rehabilitation. Every American is deserving of the right to lead a decent life—a life filled with dignity and the opportunity for fulfillment. For the physically and mentally handicapped, such words have added meaning.

The vocational rehabilitation program was designed to help our handicapped citizens by giving them a chance to develop their individual potential to the fullest possible extent. Federally funded programs operating through the States offered vocational training, counseling, and job placement services to the handicapped. None of us deny the value of such programs. We wish to see them continued.

Mr. President, it is imperative at this point to recognize that the Nixon administration is also committed to vocational rehabilitation. It submitted recommendations to both the 92d and 93d Congresses for these purposes. The level of funding for vocational rehabilitation programs has increased from $371 million in fiscal year 1969 to a recommended level of $650 million in fiscal year 1974. This represents a 75-percent increase in only 5 years. It is also important to note that the President is requesting a $9 million increase in funding over last year's level. This says nothing of the other major HEW programs which assist many of the same people: rehabilitation services under the disability insurance trust fund, rehabilitation services under the supplemental security income program, treatment for end-stage kidney disease under medicare, services for the mentally retarded under medicaid, and benefits for the disabled under medicare.

Mr. President, I supported S. 7 on its final passage with full knowledge that President Nixon might veto the bill. I wished to convey to my constituents that I do care about vocational rehabilitation; that I want the program extended; that in short, I am not against the handicapped. However, I did not believe that S. 7 was the best bill the Congress should pass. It has defects which I will shortly list. But, we were given little choice in the Senate. It was abundantly clear that the bill was going to pass by a wide margin. I wished to be recorded in favor so as to show my concern for the continuation of the program.

Those of us who were aware of the administration's feelings were hopeful that the House of Representatives would pass a modified version of the bill, a version that was more in line with the administration's fiscal policies. If this had been the case, a conference committee would have been called to iron out the differences and perhaps we could have had a bill which would have been acceptable to the administration. That was not the case. The President has vetoed the bill, and we are called upon today to judge the merits of that veto.

Mr. President, after careful thought, I have decided to vote to sustain the President's veto. I would like to take this opportunity to explain my reasons for doing so. I should like to single out two of those reasons.

First, S. 7 would create a hodge-podge of seven new categorical grant programs. Many of these overlap and duplicate existing services. Consider this example: S. 7 would set up a new program to assist victims of end-stage kidney disease. I do not question the value of such an effort. But, the fact remains that the Congress has already acted on this matter. An amendment to H.R. 1 is designed to accomplish the same purposes. The President has requested $93 million for the program. Why should we create a second program?

Mr. President, we must look at the whole picture. This administration is committed to eliminating wasteful duplication at the Federal level, I fully support that effort. The American people will not tolerate the bureaucratic nightmare that they face when trying to secure Federal funds. If we are really going to bring government back to the people, then we must begin now. We must halt the trend of channeling Federal funds through narrow categorical programs. Revenue sharing is a beginning. We must expand upon that concept.

This leads me to my second point. All of us realize that there are many government programs which possess merit. I have been receiving many letters each week which describe in detail the many fine projects operating in Nebraska because of Federal funds. It would be wonderful if all projects could be continued. If money were no object, this would be the case.

Mr. President, money is an object: There is a limit to the total amount of money available for all government activities. Whatever amount is spent should be used wisely and efficiently.

Authorizations in S. 7 exceed the budget for fiscal years 1973–75 by $1.3 billion. That in itself may not be alarming to come Members of Congress. But, if we continue to pass similar bills, always adding just a little bit more to what the President has requested, we are going to eventually face that time when we have to determine where the total amount of money is going to come from. Surely, we can adjust the ceiling a little higher. But, then what? Do we increase taxes? Most of my constituents oppose that course. Do we feed the fires of inflation? Again, I think most Americans reject that course. An over-obligated, over-spent nation must exercise discipline and restraint.

I, therefore, believe it would be better for the Congress to return to the drawing boards and draft new legislation for the continuation of the vocational rehabilitation program. The administration has suggested its policy. Together we can try to develop a vocational rehabilitation bill that will give the most to those who will benefit from the programs and assurances to those who pay for the programs the consumers—who clamor for checking inflation—and the taxpayers—who stoutly resist and resent increase of taxes.

Mr. DOLE. Mr. President, somewhat surprisingly, I find myself in agreement with an editorial point in today's Washington Post. It is indeed unfortunate, as the Post says, that S. 7, the Vocational Rehabilitation Act, has been made the focus of the conflict between Congress and the President over the Federal Government's budget and spending priorities.

CRUCIAL UNDERTAKING

Restoration of handicapped Americans to meaningful, productive lives is one of the most crucial, important, and noble undertakings of our society. Our Nation's human potential is its most valuable national resource, and any suppression of this potential or the erection of barriers to its fullest expression inflict great damage on the individuals concerned and on our entire society. It makes no difference whether these impediments to full human development can be traced to racial prejudice, religious persecution, economic oppression or handicaps of the mind and body. The effects are the same regardless of the cause: personal anguish, frustration and despair and a generally diminished social and economic structure. And, likewise, elimination of any of these impediments produces enormous benefits: personal pride, self-respect, and independence—as well as a vast enrichment of the overall quality of American life.

UNFORTUNATE CONVERSION

It is clear that programs providing assistance for the handicapped have one of the broadest bases of support of any subject considered in Congress and Government. Over the years legislative and administrative initiatives have established a commendable record of progress and accomplishment on behalf of handicapped Americans.

Thus, I agree with the Post's assessment of the unfortunate conversion of the Vocational Rehabilitation Act—with its broad, general support, but legitimate differences of opinion as to specific approaches—into the centerpiece of a major controversy on a fundamentally different issue.

REAL ISSUE

That is not to say that this other issue is unimportant. On the contrary, it is one of the most important and basic questions of the day. And let the issue be clearly understood. We are not talking about aiding the handicapped today. We are not debating the strength or depth of commitment to the handicapped by any Senator or by the President or the Congress. We are talking about prudent Government spending and about the types of actions which will lead to or avoid increasing the tax burdens of the American people.

CYNICAL MANEUVER

And I believe the action of transforming the Vocational Rehabilitation Act into the battleground upon which the first round of the budget issue dispute will be fought is a cynical maneuver. Let us be candid and recognize that the Vocational Rehabilitation Act did not just "happen" to be the first test of the President's determination to hold the line on spending and the Congress' standard procedure of willy-nilly spending with no overall idea of the total picture. Today with this vote on overriding the veto, we are seeing the end result of a well-orchestrated plan.

The actual bill, however, is really a Trojan horse containing the seeds of a runaway congressional spending spree to the tune of a $10 billion increase in the fiscal year 1974 budget and a $50 billion total increase over the next 3 years. This is only the first of more than a dozen bills which will determine ability of Government to manage spending, avoid increasing taxes and hold the lid on inflation. So let the real issue be recognized, and let us acknowledge that the President, who neither set the timing for this bill's consideration or its impact on his budgetary policies, did not set this shell game in motion.

RECORD OF SUPPORT FOR REHABILITATION

Of course, the issue of vocational rehabilitation would be an entirely different matter if today were facing a question of Congress attempting to overcome an administration's indifference or hostility to the needs of handicapped Americans. But a look at the record of the last 4 years reveals, not only a firm commitment to the longstanding basic goals of vocational rehabilitation, but generous and increasing support for a wide variety of programs operated under the Vocational Rehabilitation Act, and other authorities. In fact, as the President pointed out in his veto message, with his proposals for the coming year, the number of individuals served by vocational rehabilitation will have increased more than 50 percent over the past 4 years to a total of 1.2 million people. This is hardly the mark of indifference or hostility to these citizens.

The following additional points are also persuasive:

Funding for title I of the Vocational Rehabilitation Act, the basic VR programs, has increased 75 percent from fiscal year 1969 to the $650 budget request for fiscal year 1974.

The President's budget includes $40 million under the supplemental security income program enacted in last year's H.R. 1 (Public Law 92–603) for the cost of vocational rehabilitation services for needy blind and disabled persons.

For fiscal year 1974 payments from the disability insurance trust fund will provide $66 million for vocational rehabilitation services, a fourfold increase over fiscal year 1969.

OTHER PROGRAMS

When one looks beyond vocational rehabilitation, the current support for the disabled is even more substantial:

$18.6 billion is the overall fiscal year 1974 estimate for income security benefits for disabled persons. This is more than a one-third increase over the fiscal year 1974 figure of $13.1 billion.

Specifically, the new Federal floor for the needy aged, blind, and disabled which was written into the law by Public Law 92–603 will go into effect January 1, 1974. The President's fiscal year 1974 budget request includes $1.7 billion for these needy persons.

Medicare coverage was also extended to the disabled by Public Law 92–603, and is included in the $18.6 billion for income security for the disabled. The new coverage will go into effect on July 1 of this year, will add $1.7 million disabled persons to the medicare program and will increase benefit outlays by $1.5 billion in fiscal year 1974 alone.

DEFECTS OF S. 7

So it is against this record that the faults of S. 7 must be considered—not against some artificial and unrealistic controversy over commitment to the handicapped. And it would emphasize that S. 7 is marred by several serious faults aside from spending considerations.

The first point I want to make is my dissatisfaction with the fact that S. 7 dilutes the traditional and highly successful orientation of the program toward employability for disabled persons. This vocational emphasis is one of the most significant reasons why the VR program has been so successful and so cost-effective. But title II of S. 7 would change the act's focus—especially in the case of the severely disabled—to provide medical and social services, not vocationally oriented services. The severely disabled can and are being given increased attention under existing authority in the Vocational Rehabilitation Act. Increased medical services and other income security for the disabled will soon be available. In view of these facts, I believe it would be a grave mistake to set up new authority which would blur the clear vocational focus of the existing program and possibly dilute the impact of the entire VR effort.

UNREALISTIC PROMISES

I am also greatly concerned at the vast overpromise implied by the authorization levels in S. 7. They total $2.1 billion for fiscal year 1973 and fiscal year 1974, $700 million over the President's budget requests. S. 7's authorization levels are higher than any President could in good conscience request and higher than any Congress could responsibly appropriate. They are nothing more than a hollow symbol to the Nation's handicapped. I would have hoped we might have learned something from the disappointing and discouraging experience of bigger and better Government promises, followed by shortcomings, defaulted commitments and disillusion which we saw with the so-called war on poverty and model cities efforts to aid the victims of economic and racial barriers. I would count it a sad and sorrowful day that such an empty and deceptive policy was initiated with respect to the physically and mentally handicapped in America.

Another implied promise is represented by the special categorical programs which S. 7 would establish. All have worthy sounding titles. Yet each special program will call into existence its own bureaucracy, its own guidelines and regulations, its own redtape, its own inefficiencies. Each will add another element of complexity to the already virtually impenetrable jungle of Federal programs.

Is this the way truly to serve the special groups for whom these programs are designed? I think not. Each of the problems for which S. 7 would establish a special, categorical program can be addressed under existing statutory authority through existing programs. And I ask unanimous consent to have printed in the Record at the conclusion of my remarks a table showing these overlapping provisions.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

ORGANIZATIONAL DIFFICULTIES

Mr. DOLE. Still another example of the bill's inefficiency, as well as its lack of accountability, is the range of special organizational units which it would erect—with all the added bureaucratic confusion that more boxes in the organizational chart can create. They include an Office of the Handicapped in the Office of the Secretary of Health, Education, and Welfare; a National Commission on Transportation and Housing for Handicapped Individuals, also in HEW; an Architectural Barriers Compliance Board, apparently independent of HEW; and a Federal Interagency Committee on Handicapped Employees. All these new entities would further complicate the already confusing administrative maze of Federal activities I mentioned earlier.

One final defect of S. 7 deserves mention. Under the guise of giving increased importance to rehabilitation activities, S. 7 would give an existing administrative unit of HEW, the Rehabilitative Services Administration, statutory status, and assign it, not the HEW Secretary, statutory authority for the VR program. In my opinion, by reducing the effectiveness with which the Secretary could manage all HEW programs benefiting the disabled, this change would impede the provision of services and benefits to disabled people.

BETTER APPROACH

In contrast, Mr. President, a bill supported by the administration has been introduced by the Senator from North Carolina (Mr. HELMS). It builds on the strengths of the existing program and its proved record of success in rehabilitating individuals for employment. Had it been introduced early in the session, it would have readily received my support in preference to S. 7.

This bill would extend the VR program for 3 years. It would increase the training allowances for VR clients being trained for employment through special projects in rehabilitation facilities. It would extend the basic State formula grant program to American Samoa and the Trust Territories. It would provide authority to reallot unmatched section 2 funds. It would authorize joint funding and administration with other public agencies. It would provide for increased evaluation funds and for consultation with consumers in program development at the State level.

Many of these and other, more technical improvements in the VR program have been twice proposed by the administration and adopted by the Congress. They represent a solid, workmanlike improvement of that program. They represent changes that will work to the real benefit of the Nation's disabled persons. I believe this measure deserves support as a sound extension of the program that has meant so much to the vocational betterment of the disabled.

DIFFICULT DECISION

As one who has maintained an active and detailed interest in the problems of the handicapped, it is not a casual matter to cast a vote in opposition to passage of legislation in this field. If the history of this bill could be rewritten, I would prefer having had the alternative proposal of the Senator from North Carolina to support at an earlier date. However, that bill was not prepared at that time, so S. 7 was the only alternative to those of us who wished to see vocational rehabilitation continued and supported.

MOST IMPORTANT CONSIDERATION

But now we have this alternative, and we also have the question of controlling spending. And over the long run, I believe a vote for a sound budgetary policy to avoid increasing taxes and fueling inflation is more important to the handicapped than any vote on a specific program. For the handicapped—along with the elderly, the poor, and the chonically ill—who live on fixed or very low incomes and have only the most meager resources are the earliest and most vulnerable victims of Federal economic irresponsibility. Inflation, rising costs, increased taxes all strike hard on them. They are the first to feel the cost-price squeeze, and they can do the least to fight it.

UNQUESTIONED COMMITMENT TO HANDICAPPED

There is no doubt about America's commitment to supporting programs for the handicapped. If this veto stands, another bill—hopefully the proposal introduced yesterday—will receive full approval by Congress and the President.

DOUBT ON SPENDING

There is, however, real doubt about this Nation's commitment to sound spending policies. And today's vote is the first clear watershed on that question. And, I for one, do not wish to allow my deep concern for enhancing the expression of the abilities and talents of the handicapped to inadvertently add even more formidable economic barriers to the physical and mental obstacles which now impede their course toward human fulfillment.

Mr. President, I cast my vote to sustain the President's veto in the hope that his decision will be upheld and in the expectation that Congress will soon pass a sound, generous, and responsible vocational rehabilitation bill.

EXHIBIT 1—CATEGORICAL PROGRAMS IN S. 7—AND PRESENT AUTHORITIES WHICH ARE SIMILAR

S. 7 AND H.R. 17	SIMILAR AUTHORITIES
Title II A formula grant program to provide "comprehensive rehabilitation services" to individuals for whom a vocational goal is not indicated, or for whom a vocational goal is unrealistic. "Comprehensive rehabilitation services" are defined as services that will make a substantial contribution in helping a handicapped individual to improve his ability to live independently or function normally with his family and community.	Service programs for families and children and for aged, blind, or disabled individuals are authorized under Titles I, IV (Parts A an B), X, XIV, and XVI of the Social Security Act. Under proposed rule making issued February 16, 1973, eligibility for these services would be limited to individuals who are current applicants for or recipients of public assistance, or individuals who are likely to become recipients within six months unless services are given. Medicaid eligibles (Title XIX of the Social Security Act) may receive specified services of a purely medical nature, depending on the extent of coverage under Medicaid in each State. An individual who has been receiving monthly benefits on the basis of being under a disability under Title II of the Social Security Act for 24 consecutive months has been made eligible for Medicare under Title XVIII of the Social Security Act. Medicare coverage will continue through the month following the month in which notice of the termination of his monthly disability benefits is mailed to him, or if earlier, through the month in which he attains age 65.
Section 307 Rehabilitation Centers for Deaf Individuals.	A prototype of such centers has been developed partially with Federal funding under Section 4(a) (1) of the Vocational Rehabilitation Act. The Administration has proposed that emphasis on these centers be achieved by including reference to centers for low achieving deaf in Section 4(a) (1) of the Act (Special Projects) rather than by providing a separate section with a special authorization.[1]
Section 308 National Centers for Spinal Cord Injuries.	Prototypes of these centers have been developed with partial Federal funding under Section 4(a) (1) of the Vocational Rehabilitation Act. The Administration has proposed that emphasis on these type centers be achieved by including reference to spinal cord injury centers in Section 4(a) (1) of the Act (Special Projects) rather than a separate section, with its own authorizations.[1] Also, the National Institutes on Neurological Diseases and Stroke has funded five planning projects for research into acute spinal cord injury, under its general authority to conduct research into neurological problems.

Footnote at end of table.

EXHIBIT 1—CATEGORICAL PROGRAMS IN S. 7—AND PRESENT AUTHORITIES WHICH ARE SIMILAR—Continued

S. 7 AND H.R. 17—continued	SIMILAR AUTHORITIES—continued
Section 309 Grants for End-Stage Renal Disease.	The Social Security Amendments of 1972 (P.L. 92–603) extend Medicare coverage to individuals under age 65 who are currently or fully insured or entitled to monthly social security benefits and to spouses and dependent children of such individuals, who require hemodialysis or renal transplanation for chronic renal disease. Entitlement begins with the third month following the month in which a course of dialysis is initiated and extends through the 12th month after the month in which an individual had a transplant or dialysis terminates. Benefits are parts A and B of Medicare with the usual deductibles and coinsurance. Renal services are provided to eligible persons in some States under Medicaid (Title XIX of the Social Security Act). (A survey conducted in May, 1972 by Smirnow Associates indicated that 45 States provided dialysis to "categorically needy" and 24 States provided services to the "medically needy." A survey conducted in 1971 indicated that 40 State vocational rehabilitation agencies had some experience in providing services to handicapped individuals with end stage renal disease, principally through transplants. Eligibility is the same as for other disabilities. There is wide variation in services covered and in limitations on these services.
Section 310 Rehabilitation services for older blind individuals.	Title XVI of the Social Security Act contains authority to provide social services for the blind. Proposed rule making issued February 18, 1972, would define these services as services which would alleviate the handicapping effects of blindness through training in mobility, personal care, home management, and communication skills; special aids and appliances; special counseling for caretakers of blind children and adults; and help in securing talking book machines. The above proposed rules would also limit such services to individuals who were applicants for or recipients of assistance payments or medical assistance, or individuals who would be probable recipients of assistance within six months in the absence of such services.

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[1] Administration amendments were introduced into the House of Representatives on February 21, 1973, by Representative Earl Landgrebe.

SENATOR RANDOLPH URGES OVERRIDE OF REHABILITATION ACT VETO

Mr. RANDOLPH. Mr. President, the distinguished Members of this body have listened on a number of occasions to discussions on the need for new legislation to aid handicapped individuals. On each of those occasions you have, almost to a man, supported the Rehabilitation Act of 1972.

In October of last year you supported this measure by a vote of 70 to 0. You unanimously supported the conference bill that was sent to the White House. On February 28, 1973, you agreed to adopt a similar measure with reduced authorizations in an effort to meet some of the President's objections to it. The recorded vote at that time was 86 for, 2 against.

Today, my colleagues, you have another opportunity to express your support for this very necessary Rehabilitation Act of 1972 and to keep alive the hopes of millions of handicapped Americans across our land.

The President has, to my very sincere and deep regret, expressed his disapproval of this act. About the time the Rehabilitation Act was delivered to the President I sent the following telegram to the White House:

> DEAR MR. PRESIDENT: As chairman of the Senate Subcommittee on the handicapped, and as principal sponsor of S. 7, and the Senate version of this measure in the 92d Congress, I appeal to you, as a humanitarian and friend of the handicapped in America, to approve S. 7, the Rehabilitation Act passed overwhelmingly by Congress last Thursday.
>
> This measure differs substantially in authorization levels from the bill you disapproved last October. We have made a sincere attempt to send to you realistic legislation which will help meet the urgent needs of the handicapped and which you can sign into law.
>
> I urge you to give personal and careful study to the provisions and purpose of this legislation. I am confident you will agree that S. 7 is fiscally sound; that it will bring great benefits to the handicapped; that it will reduce the rolls of welfare recipients and increase the number of taxpayers; and that it represents an effective program which in reality will be an investment rather than an expenditure of Federal funds.
>
> With esteem and best wishes, I am
>
> Truly,
>
> JENNINGS RANDOLPH,
> *U.S. Senate.*

The President has in his veto message, charged Congress with fiscal irresponsibility in the adoption of S. 7. In doing so he has lumped together a dozen or more measures which he anticipates will reach his desk. If all these measures became law, the President argues, the budget would be increased by $50 billion. Certainly this is a fearsome figure, and one which Congress should view with concern. Both the President and the Congress, however, should consider each enactment on its own merits. The Rehabilitation Act of 1972 bears no closer relationship to the other measures the President has cited than does, for example, authorization for foreign aid, or the space program.

The Congress, mindful of the President's desire to hold Federal spending down, reduced the authorization levels of S. 7 nearly $900 million below the levels of the measure vetoed by the President last fall. Although there is no question that the need exists for higher spending levels for vocational rehabilitation of handicapped individuals, we made a sincere effort to meet the President's objections.

It must be stressed that S. 7 is authorizing legislation, and not an appropriation. As such it provides a framework for the appropriations process; it does not reflect spending levels. It must also be kept in mind that the level of spending authorized in the Rehabilitation Act for fiscal year 1973 is actually lower by nearly $100 million than the authorization for both fiscal year 1971 and 1972 under the act S. 7 replaces.

There are many other compelling reasons to adopt S. 7 over the President's veto. In my opinion the President's advisers were extremely shortsighted in their failure to assess the positive budgetary impact of this legislation. More than a half century of experience in Federal vocational rehabilitation programs has clearly demonstrated that the rehabilitation dollar produces a higher ratio of benefits to costs than most other Federal programs. A recent economic study states categorically that "for every dollar spent on the medically disabled, $25 will be returned in increased lifetime earnings." The lowest ratio of benefits as compared to costs is estimated at 3 to 1. In some cases, studies show, the ratio is an astounding 70 to 1. This means that for every dollar spent on the rehabilitation of a handicapped individual, at least $3 is returned in the form of reduced welfare costs and increased income taxes. This ratio does not even take into account the beneficial effects on the national economy which are realized through dramatically increased income for rehabilitated individuals and the indirect economic benefits which accrue to the Nation from the purchase of goods and services by self-sustaining, independent handicapped persons.

S. 7 would provide rehabilitation services to some 2.8 million handicapped individuals over the next 2 fiscal years. What a great relief it would be to the American taxpayer if even half this number were removed from the welfare rolls through vocational rehabilitation.

To this point I have limited my remarks to the economic benefit and fiscal soundness of the Rehabilitation Act of 1972. The measure involves far more than mere figures on a balance sheet. S. 7 is a bill that shows the handicapped citizens of America that the Congress really cares about their future. It demonstrates that a civilized society is, as it must be, compassionate and humanitarian and just toward segments of that society which, through an accident of birth, or disease, or traumatic injury, need help in achieving the hope and freedom from despair, the dignity and independence, that rehabilitation can bring.

I appeal to you, my colleagues. Do not let the handicapped of America become the victims of a budgetary squabble over which they have no control or influence. Let us set spending priorities, but let us not set them at the expense of the deaf, the blind, the mentally retarded and those with spinal cord injuries. Lift up the hearts and souls of those who need your help. Cast your vote in support of S. 7, the Rehabilitation Act of 1972. Millions of people less fortunate than we will be eternally grateful.

Mr. GURNEY. Mr. President, in vetoing S. 7, President Nixon made his position quite clear. First, he feels that S. 7 will jeopardize the very effective vocational rehabilitation program because it diverts funds into activities that have no vocational element whatsoever. S. 7 should not be a welfare bill. Its objectives should be purely vocational in nature, since this is the primary goal of the vocational rehabilitation program. If we are to pass a welfare program, let us do that—but let us not call it vocational rehabilitation and confuse the issue.

Second, the President feels that authorization levels in S. 7 are too high. We are simply raising the hopes of our disabled citizens, but are not delivering what we promise. If we are not going to appropriate a particular sum, then why authorize it?

Third, the President feels—and I agree—that numerous boards, commissions, and committees provided in the bill would serve as a detriment to the delivery of services to the handicapped. I submit that we cannot solve our unemployment problem by appointing everyone to some commission or other. These commissions will only waste the taxpayers money.

Fourth, S. 7 provides for several new categorical aid programs already provided for by the Social Security Act. Here again, the bill duplicates existing programs. This will divert attention and money from vocational rehabilitation which this bill is supposed to provide for. This is a classical case of throwing money at a problem instead of trying to solve it.

I voted for this legislation the first time it came before the Senate. Even at that time I believed that certain of the authorized funding levels were too high and that certain portions of the bill went too far. But there was no alternative measure for which I could vote and still support vocational rehabilitation programs. I believed those programs were vital; I still do.

Now the administration has come up with an alternative to S. 7. It was introduced in the Senate yesterday by my distinguished colleague from North Carolina (Mr. HELMS), and I have joined as a cosponsor. This is a responsible bill which is targeted to the goal of increasing funding for vocational rehabilitation programs. It results neither in excessive funding nor in the setting up of other duplicating programs and bureaucracies.

I wish to emphasize that the vocational rehabilitation program is under no duress if we sustain the President's veto. The current authority does not expire until June 30, the end of the current fiscal year. I have noticed many of my colleagues indicating that we have no choice in this matter. The fact is, we have 3 more months during which we can draw up and consider a more suitable alternative, such as the Mr. HELM's proposal which I have cosponsored.

I wish to emphasize that the main reason we are faced with an uncontrolled inflation in this country has been the year after year excessive funding by Congress. The dollar is in trouble at home, and it is in trouble abroad. The tax of inflation is the cruelest tax of all, especially for the handicapped.

We in Congress must put our own House in order. We cannot go back to our constituents and talk about excessive Federal spending unless we do something about it here in Congress. This bill provides for funding way in excess of our tax income abilities.

Mr. President, those who vote to override the President's veto will, in the face of all of the facts, be acting most irresponsibly.

I intend to vote to sustain the President's veto. Again and again I have said Congress should practice the fiscal responsibility it preaches and my vote does exactly that.

AN ILL-CONSIDERED VETO

Mr. TUNNEY. Mr. President, I rise at this time to protest the President's decision to veto S. 7, the Rehabilitation Act of 1973. The President's action means that he intends to deny thousands of handicapped Americans the opportunity to rise up from the dependency of their handicaps to lives of independence and self-sufficiency.

The President's veto, if the Congress does not override it, will cause the most serious slowdown in the growth and expansion of the vocational rehabilitation program since its inception 52 years ago.

The vocational rehabilitation program, since it was first passed in 1921, has had strong bipartisan support in the Congress and strong popular support across the country. For this reason the program shows a record of unbroken success in fulfilling its basic purpose—to combine all resources in a coordinated way, to help the disabled or handicapped person help himself. This basic concept has remained largely unchanged for the more than half century of the program's existence. The Vocational Rehabilitation Act has been amended many times since the original enactment, new provisions have been added, and new disability groups have been made eligible for assistance, but the basic goal of the program has remained the same.

The success of the program has been evident from the start. Since the inception of the program, over 3 million handicapped men and women have been rehabilitated. In fiscal year 1971, over a million persons were provided vocational rehabilitation services and nearly 300 thousand persons completed their rehabilitation. Of that number, over 51 thousand had been receiving public assistance before their rehabilitation. For this group alone the total savings in public assistance payments was over $33 million for the first year following rehabilitation.

I could go on and on citing example after example of how successful the program has been, but that is not really necessary. No one denies the success of the program. That is why the President's veto is so inexplicable. The reason he gives for his action is that the bill is "fiscally irresponsible," citing the authorizations, which the Congress had already reduced by $900 million from the bill the President vetoed last fall. And these are just authorizations, not actual appropriations.

The President also mentions the various new programs created by the bill in his veto message, saying that they create overlap and duplication with other existing programs. He also says that the program for the severely handicapped will divert the program from its traditional vocational goal. He does not seem concerned for the fate of the millions of handicapped persons who can be helped by these new programs. I think the importance of serving those people whose needs have been neglected for so long far outweighs the President's reservations concerning these programs.

I mentioned earlier the strong bipartisan support the vocational rehabilitation program has received over the years. Nothing proves this better than the votes by which the bills passed both last fall and this year to amend and extend the act, both of which were vetoed by the President. I am convinced that if the 92d Congress had been given the chance last year, it would have voted overwhelmingly to override the veto of H.R. 8395. I hope the 93d Congress will take the opportunity it has and vote to pass this legislation over the veto of the President. It is essential that we do this to continue the fine work of the vocational rehabilitation program. On behalf of the millions of handicapped Americans who will benefit from the expanded services of this program, I urge the Senate to vote to override.

Mr. KENNEDY. Mr. President, I rise to speak in strong support of a vote to override the President's veto of the Vocational Rehabilitation Act, S. 7.

This legislation should not be held hostage to the administration's efforts to blame its economic failures on Federal spending. The sky-high price of food, the first trade deficits in a century, the steady level of 5 million unemployed—those failures cannot be blamed on congressional spending. And they particularly cannot be blamed on passage on the Vocational Rehabilitation bill.

I see no reason why 12 million handicapped should be forced to do without the programs contained in this legislation because the President has decided to use this bill as a symbol of his opposition to congressional spending priorities.

This is particularly disturbing when one recognizes that the legislation before us is an authorization bill which does not mandate the expenditure of one thin dime. Even if it were to be fully funded, it still would not represent an inflationary threat. Because instead of sinking our money into foreign military aid and military bases overseas and gold-plated defense systems, we will be cutting those programs in favor of programs such as the Vocational Rehabilitation Act—in favor of changing the status of hundreds of thousands of handicapped persons from welfare recipients to productive and taxpaying members of society.

For when this bill is judged on its merits, it clearly deserves approval—and the Congress has said so twice before. This bill was passed unanimously in 1972. This year, the Senate approved it 86 to 2. The House approved it 318 to 57. And it has the support of the National Rehabilitation Association, the International Association of Rehabilitation Facilities, the National Easter Seal Society for Crippled Children and Adults, the American Foundation for the Blind, and the Council of Organizations Serving the Deaf.

There are millions of blind, deaf, and physically disabled individuals in the country, some severely handicapped, some less so. Over the past 52 years, some 3 million have become productive members of society. But some 12 million still require assistance. And all of them have a right to the chance to develop their full potential.

The veto message says to them: You are expendable. It says the programs designed to help you become productive members of society are expendable. When the President proposes to cut research and development for vocational rehabilitation by 40 percent, as he is doing this year; when the President proposes to cut back on services to 300,000 persons over the next 3 years, as his veto statement implies; and when the President proposes to kill a bill providing rehabilitation engineering centers, which he himself originally requested, then one must question the commitment of the administration.

As a member of the Subcommittee on the Handicapped, I believe that the legislation now before us opens up new avenues of opportunity to millions of handicapped Americans. It means that over the next 3 years, an estimated 2.4 million persons will be served under this program and will be given the chance to become productive workers, teachers and professionals. The handicapped can and do participate in all fields—if we give them the chance. This legislation gives them that chance.

It removes unnecessary obstacles from their path; obstacles such as discrimination in Federal employment, obstacles such as architectural barriers, obstacles such as informational roadblocks. All of these barriers have prevented the handicapped from obtaining employment, from attending school, even from voting.

Finally, the legislation takes a major step toward easing the burden of groups which have been ignored too often—persons suffering from spinal cord injuries, persons suffering from end-stage renal disease, severely handicapped deaf, deaf-blind individuals, older blind individuals and handicapped migrants.

There was testimony recently by a young deaf woman, Miss Barbara Sachs, which I believe most eloquently describes what legislation such as the Vocational Rehabilitation Act means to the handicapped. Miss Sachs told the Subcommittee:

> I have been deaf from the day I was born. In my lifetime, I have done enough traveling outside of the United States to be able to say that . . . this country has served me well. I think I can say the same in speaking for my deaf countrymen. We would like to return the favor. There are two million of us who pay taxes. There are two million of us who vote for you. There are two million of us who are depending on you to help us to do more.

Miss Sachs was speaking on behalf of the deaf in the United States, but I am sure she speaks for the approximately 12-million handicapped people in this country. The Vocational Rehabilitation Act will give them the chance to do more and that is why it is so important that this legislation be enacted into law. I urge my colleagues to vote to override the veto.

Mr. STEVENSON. Mr. President, the Rehabilitation Act, S. 7, revises, extends, and improves rehabilitation programs for the handicapped authorized under the Vocational Rehabilitation Act originally passed by the Congress in 1920. These programs provide a variety of services to the physically and mentally handicapped in order to prepare them for employment. The services include hospital diagnosis and care for the handicapped, placement services to assist handicapped individuals to secure and maintain employment and maintenance and transportation during rehabilitation.

The rehabilitation program is not an experimental program of the late sixties. It is an established program which in over 50 years has clearly succeeded.

For every $1 invested in a rehabilitation program, at least $3 are saved by the Government in taxes paid by rehabilitated workers and through savings in reduced unemployment compensation, reduced medicaid and social security payments, and reduced public assistance. In addition, it should be pointed out that this is an authorization bill and not an appropriation bill. It will not in itself cost the taxpayers one cent. Mr. Nixon would like an authorization of $600 million in fiscal year 1973 for the basic title I program and $630 in fiscal year 1974. But Congress has seen fit to set the authorization for those 2 years at $700 million and $800 million, respectively—just in case we see the error of our priorities and spend more on humans and less on space shuttles; and just in case the Congress decides to appropriate more than the $590 million Mr. Nixon has requested for fiscal year 1973 or the $610 million he has requested in his 1974 budget. Most authorizations give the President and Congress just such discretion. Even so, the authorization in S. 7 is more than $900 million below the authorization in H.R. 8395, the bill Mr. Nixon pocket-vetoed last autumn. Congress has come more than halfway to meet Mr. Nixon's objections. Indeed, the authorization for fiscal year 1973—a total of $913 million for all programs—beyond the basic $700 million for the basic title I program—is almost $100 million below the $1.01 billion authorizations for fiscal years 1971 and 1972.

President Nixon's objections to the substance of S. 7 are without merit. In his veto message Mr. Nixon argued that S. 7 "would further divert the Vocational Rehabilitation program from its original purposes by requiring that it provide new medical services." S. 7 would change the basic rehabilitation program in no way. It would merely make a more explicit commitment to persons with severe handicaps. Many people who would be covered under S. 7 are today refused assistance under the ongoing program because they appear to be too difficult to rehabilitate for employment. S. 7 would make clear that vocational rehabilitation for these unfortunate people is not to be abandoned simply because it is easier to rehabilitate for employment others less unfortunate. If a vocational rehabilitation is found possible, the severely handicapped will be provided services. The few who are incapable of employment will be assisted by S. 7 to become more self-sufficient, often-times enabling other members of their families to work.

Mr. Nixon also claims that S. 7 "would create a hodgepodge of seven new categorical grant programs" and that it would distort the objective of the rehabilitation program by "turning it toward welfare or medical goals."

The sections dealing with the blind, the spinal cord injured, renal disease victims and the deaf are special project programs having the specific aim of stimulating State and local effort, with the expectation that they will be absorbed into the basic program later.

The real reason Mr. Nixon vetoed this bill is that he disagrees with the priorities of the Congress. He talks about the work ethic, but is prepared to spend enormous sums on foreign military aid, not on helping the handicapped to work. The Congress would put Federal dollars to work making taxpayers out of citizens who through no fault of their own cannot work and pay taxes.

Mr. Nixon has told the American people to ask not what the Government can do for them but rather what they can do for themselves. By vetoing S. 7, he has sought to deny thousands of citizens the chance to help themselves. The handicapped are not asking for a handout. They are asking for a hand up. They intend to repay us all in full—and then some. Let us give them a chance.

I urge my colleagues to override Mr. Nixon's arbitrary and capricious veto of S. 7.

Mr. MATHIAS. Mr. President, this is a vote on structure, not on money. It is a decision to establish a policy, not to appropriate funds. It is an assessment of need, not a judgment on the adequacy of the budget request.

The difficulty of this decision is compounded by the lack of confidence exhibited by laymen and professionals in the administration's alternative proposal. The administration program was not spelled out in debate or thoroughly examined in hearings and its coverage is not fully understood either by the Congress or the public.

As the current program expires there is no assurance that any new program can be adopted by June 30. The prospect of chaos is a very real one for our States and many people directly affected as government flounders in its effort to make the transition from the past to the future. Another "continuing resolution" will only prolong the uncertainty and increase the anxiety.

I submitted a suggestion for bridging the gap between the committee position and the proposal made yesterday by the Senator from North Carolina (Mr. HELMS) which seems to have Executive support. The lack of response to my effort indicates an absence of that spirit of compromise that will make the enactment of any new bill very difficult.

We are then left with a decision between an existing congressional policy that may have some flaws and one that does not yet exist. It is a choice between a policy that is subject to criticism and one that is subject to still-birth. It is not a happy choice.

This program, like every other one, depends on the health of our economy. The recurrent issue of how much spending is too little or enough or too much is going to be a vital question as we face the next fiscal year. But that question is not before us now. That question is raised by the appropriation process and I will respond to it at the proper time.

At the moment I am faced with voting for something or for nothing, and I am forced by the imperatives of the situation to choose the continuation of a program that can be modified later rather than to risk its dismantlement as the end of the fiscal year approaches.

Mr. PACKWOOD. Mr. President, I rise today to express some very mixed emotions. The vocational rehabilitation bill before us deals with programs which have unparalleled support here in Congress and around the Nation. Every penny spent in assisting Americans less fortunate than ourselves is a penny well spent. What better investment is possible than one which permits mentally and physically handicapped individuals to achieve self-sufficiency, to gain a sense of independence, to know that they are taking an active role in directing their own lives, not just a passive one, and to have the satisfaction to know that they are contributing to society.

Mr. President, I have been an ardent supporter of vocational rehabilitation programs since before I entered the Oregon State Legislature, and have consistently maintained that support through the years. Though a member of the Senate Labor and Public Welfare Committee during the 92d Congress, I did not have the opportunity to serve on the Committee's Handicapped Subcommittee during the time that the Vocational Rehabilitation extension was being considered. Based upon full committee consideration of the measure reported out by the subcommittee, however, I felt and expressed some serious reservations about the impact of the bill on both the handicapped individuals the bill was intended to help, and on the program administrators responsible for providing services in the most effective and efficient way.

However, with the time factors involved, and the program operating without an authorization since July 1, 1972, I felt it necessary to put aside my own questions for the sake of getting a new bill written into law without further delay.

The President apparently shared some of my own reservations as to impact on the handicapped and in addition expressed grave misgivings over the dollar levels authorized in the bill. As a result the bill was vetoed.

This year, although no longer a member of the Senate Labor and Public Welfare Committee, I assumed that the problems of overlap, duplication and dilution of the vocational function would be dealt with squarely in the new bill. Sadly, Mr. President, the bill approved and sent to the Senate floor met neither my objections regarding effectiveness and efficiency, nor apparently the President's objections regarding authorization levels. Once again, however, in the interest of time, and the urgency of getting a new authorization, I put aside my own differences with the reported bill, and felt that an imperfect bill was better than no bill at all.

Tragically, however, Mr. President, we are once again faced with the prospect of further delays, which once again must be weighed against the defects in the approved bill. Clearly, this is not an easy decision. Although twice I have come down on the side of time, overriding my very deep concerns over the defects in the bill presented by the committee, after long and difficult debate within myself, I have concluded that our mentally and physically handicapped Americans must unequivocally receive the best, most effective and most efficient assistance this body can possibly provide, regardless of the additional few weeks it may take us to draft legislation and reach agreement. Our handicapped are least able of all to defend themselves from gimmickry at the hands of Congress, and to sort out the confusing mish-mash of Federal and State programs designed to assist them, but sometimes more successful in hamstringing them and preventing their effective rehabilitation. We owe it to our handicapped Americans, and to those who have responsibility for administering the programs we authorize, to come up with a good, not just a showy, bill.

Mr. President, S. 7 has been described by its supporters as a flawless bill, one which will provide new and better assistance for our handicapped. I beg to differ. Were the issues as simple as that, I fear the President would have few defenders. Without attempting to speak for my colleagues, I myself would find it difficult if not impossible to defend any effort to curtail services for our handicapped merely on the basis of saving Federal dollars. At this point, perhaps it is appropriate to clarify a frequently repeated allegation about the administration's commitments to rehabilitation programs. First, it should be pointed out that the administration strongly supports a bill which I have cosponsored to extend the program at increased levels. Second, the President's proposed budget requests over $700 million for vocational rehabilitation programs in 1974, an increase of 75 percent above the funding level when he took office. I might add that few programs have grown as fast or as successfully as this one.

In 1969, the vocational rehabilitation program served 781,000 persons and rehabilitated about 241,000. The fiscal year 1974 budget makes possible rehabilitation services for about 1,225,000 in fiscal year 1974, which will result in the rehabilitation of 350,000 persons. These figures include 263,000 public assistance recipients who will receive services—70,000 of whom will be rehabilitated.

Mr. President, I believe there is unanimous agreement here in Congress that we all—including the administration—want what is best for the handicapped, but the difficulty arises because what looks best is not, under closer scrutiny, always the best in fact. Since some will question the wisdom of my vote to push for a better bill at this point, let me give some specifics on the reasons for my objections. Mr. President, in my judgment, S. 7 establishes new categorical programs which duplicate numerous existing programs, it will make Federal, State, and local administration of the program more complex and difficult, and it will seriously disrupt the present successful emphasis on vocational training. The details of organization and administration are such that the Secretary of Health, Education, and Welfare is impeded from effective management of vocational rehabilitation programs and successful coordination of vocational rehabilitation with related program activities in the department.

I am particularly concerned about the duplicative programs which S. 7 would create, each leading to their own competing bureaucracies, their own red tape, their own administrative procedures, and numerous inefficiencies which would result.

For example, title II would create a new formula grant program for severely disabled persons for whom a vocational goal is, in the committee's words, "not possible or feasible." Such a program would emphasize medical and social services. While I fully support the provision of such services, I am concerned that the VR programs, with its traditional and successful focus on employability, is not the proper or most effective vehicle. It should be further mentioned that other program channels have been established through HEW to meet these needs.

SIMILAR AUTHORITIES

Service programs for families and children and for aged, blind, or disabled individuals are authorized under titles I, IV—parts A and B—X, XIV, and XVI of the Social Security Act. Under proposed rulemaking issued February 16, 1973, eligibility for these services would be limited to individuals who are current applicants for or recipients of public assistance, or individuals who are likely to become recipients within 6 months unless services are given.

Medicaid eligibles—title XIX of the Social Security Act—may receive specified services of a purely medical nature, depending on the extent of coverage under medicaid in each State.

An individual who has been receiving monthly benefits on the basis of being under a disability under title II of the

Social Security Act for 24 consecutive months has been made eligible for medicare under title XVIII of the Social Security Act. Medicare coverage will continue through the month following the month in which notice of the termination of his monthly disability benefits is mailed to him, or if earlier, through the month in which he attains age 65.

Section 307 would authorize rehabilitation centers for deaf individuals.

SIMILAR AUTHORITIES

A prototype of such centers has been developed, partially with Federal funding under section 4(a) (1) of the Vocational Rehabilitation Act.

The administration has proposed that emphasis on these centers be achieved by including reference to centers for low achieving deaf in section 4(a) (1) of the act—special projects—rather than by providing a separate section with a special authorization.

Section 308 would establish national centers for spinal cord injuries.

SIMILAR AUTHORITIES

Prototype of these centers have been developed with partial Federal funding under section 4(a) (1) of the Vocational Rehabilitation Act.

The administration has proposed that emphasis on these type centers be achieved by including reference to spinal cord injury centers in Section 4(a) (1) of the Act—Special Projects—rather than a separate section, with its own authorizations.

Also, the National Institute on Neurological Diseases and Stroke has funded five planning projects for research into acute spinal cord injury, under its general authority to conduct research into neurological problems.

Section 309 would provide grants for end-stage renal disease.

SIMILAR AUTHORITIES

The Social Security Amendments of 1972—Public Law 92-603—extend medicare coverage to individuals under age 65 who are currently or fully insured or entitled to monthly social security benefits and to spouses and dependent children of such individuals, who require hemodialysis or renal transplantation for chronic renal disease. Entitlement begins with the third month following the month in which a course of dialysis is initiated and extends through the 12th month after the month in which an individual had a transplant or dialysis terminates. Benefits are parts A and B of medicare with the usual deductibles and coinsurance.

Renal services are provided to eligible persons in some States under medicaid—title XIX of the Social Security Act. A survey conducted in May 1972, by Smirnow Associates indicated that 45 States provided dialysis to "categorically needy" and 24 States provided services to the "medically needy."

A Survey conducted indirected that 40 State vocational rehabilitation agencies had some experience in providing services to handicapped individuals with end stage renal disease, principally through transplants. Eligibility is the same as for other disabilities. There is wide variation in services covered and in limitations on these services.

Section 310 would establish rehabilitation services for older blind individuals.

SIMILAR AUTHORITIES

Title XVI of the Social Security Act contains authority to provide social services for the blind.

Proposed rulemaking issued February 18, 1972, would define these services as services which would alleviate the handicapping effects of blindness through training in mobility, personal care, home management, and communication skills; special aids and appliances; special counseling for caretakers of blind children and adults; and help in securing talking book machines.

The above proposed rules would also limit such services to individuals who were applicants for or recipients of assistance payments or medical assistance, or individuals who would be probable recipients of assistance within 6 months in the absence of such services.

Let me emphasize, Mr. President, that it is with a great deal of reluctance that I am today casting a vote which may have the effect of further delaying enactment of a continuing authorization for the vocational rehabilitation program. But for the above reasons, I am forced to this conclusion, that delay is preferable to enactment of an ineffective and inefficient program, which may not serve the best interests of those we are trying to assist to self-sufficiency.

As a constructive alternative, I have cosponsored a bill proposed by the administration and designed to meet most of my objections. For example, this bill would simplify grants administration by combining special project authorities, and merging funding arrangements for categories of projects and groups of activities. While strengthening administration of the program, the bill provides for greater flexibility in the actual delivery of services through joint project capability with any local public agency. It provides for greater sensitivity to public interest through advisory groups on the State level, which must include disabled persons as well as professionals, and other citizens groups. Further, when the program is administered on the local level, an advisory committee will be formed to participate at that level.

Other amendments are technical and are directed to aspects of the program that can make it more effective and responsive to individuals served. Special emphasis is directed to developing resources for special needs by explicitly citing, within the special projects section, projects for the spinal cord injured and the low achieving deaf.

While I am not wedded to every approach outlined in the bill, S. 1431, and would provide greater flexibility for increasing appropriations authorizations, I feel it is imperative that we provide alternatives and move forward speedily to consider new legislation. May I finally take this opportunity to urge my colleagues, especially those who have the privilege to serve on the Labor and Public Welfare Committees, to make this legislation their first priority, so that we may fill the legislative void at the earliest possible date.

Mr. CRANSTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, what is the issue now before the Senate?

The PRESIDING OFFICER. Under the previous unanimous-consent agreement, the time for debate having expired, and the time of 2 p.m. having arrived, the question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Under article I, section 5 of the Constitution, the yeas and nays are required, and the clerk will call the roll.

Mr. GRIFFIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Michigan will state it.

Mr. GRIFFIN. Then a vote to override the President's veto would be "yea" and a vote to sustain the President's veto would be "nay"; is that correct?

The PRESIDING OFFICER. That is correct. A "yea" vote would be to pass the bill, the objections of the President notwithstanding, and a "nay" vote would be not to pass the bill.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. EASTLAND), is necessarily absent.

I also announce that the Senator from Mississippi (Mr. STENNIS), is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. BROOKE) is absent by leave of the Senate on official business, and, if present and voting, would vote "yea."

The Senator from Arizona (Mr. FANNIN) is absent on official committee business.

The yeas and nays resulted—yeas 60, nays 36, as follows:

[No. 77 Leg.]

YEAS—60

Abourezk
Aiken
Allen
Bayh
Bentsen
Bible
Biden
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cranston
Eagleton
Ervin
Fulbright
Gravel
Hart
Hartke
Haskell
Hatfield
Hathaway
Hollings
Huddleston
Hughes
Humphrey
Inouye
Jackson
Javits
Kennedy
Long
Magnuson
Mansfield
Mathias
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Sparkman
Stafford
Stevenson
Symington
Tunney
Weicker
Williams

NAYS—36

Baker
Bartlett
Beall
Bellmon
Bennett
Brock
Buckley
Byrd,
Harry F., Jr.
Cook
Cotton
Curtis
Dole
Domenici
Dominick
Fong
Goldwater
Griffin
Gurney
Hansen
Helms

Hruska
Johnston
McClellan
McClure
Nunn
Packwood
Roth
Saxbe
Scott, Pa.
Scott, Va.
Stevens
Taft
Talmadge
Thurmond
Tower
Young

NOT VOTING—4

Brooke
Eastland
Fannin
Stennis

The PRESIDING OFFICER (Mr. HELMS). On this vote the yeas are 60 and the nays are 36. Two-thirds of the Senators present and voting not having voted in the affirmative, on reconsideration, the bill fails of passage.

Mr. TOWER. Mr. President, I ask unanimous consent to have printed in the RECORD the text of the statement of the Senate Republican leadership on sustaining the presidential veto of S. 7, the Vocational Rehabilitation Act of 1973.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE REPUBLICAN LEADERSHIP STATEMENT ON SUSTAINING PRESIDENTIAL VETO OF S. 7, VOCATIONAL REHABILITATION ACT OF 1972

Our support of the President's veto is not a vote aaginst the disadvantaged and the handicapped. It is a vote for an orderly expansion of generous Federal rehabilitation programs, already substantially increased over previous years.

President Nixon is requesting an increase in spending on vocational rehabilitation from $641 million to $650 million this year, an increase of more than seventy-five percent over the amount spent for this purpose during the last year of the Johnson Administration. By vetoing S. 7, the President thus did not, as partisan propaganda would have it, terminate Federal vocational rehabilitation programs in the United States.

S. 7 is fiscally irresponsible. It promises an increase of more than $1 billion during the next two years—when spending beyond the proposed budget ceiling threatens either higher taxes or renewed inflation. With Federal and State income taxes coming due at this time, this point should have special significance to every taxpayer in the United States.

As the President said, this bill would create a hodge-podge of seven new categorical grant programs, many of which would overlap and duplicate existing services.

Europe and Japan have experienced rates of inflation ranging from six to ten percent during the past year. Because of President Nixon's fiscal policies, our rate of inflation has been reduced to less than three percent. Americans living on fixed incomes should not be forced to pay, by loss of purchasing power, for budget-busting fiscal adventures of the Federal Government.

The bill offers promises which cannot be kept because the bill is technically unworkable. It takes no account of the means to perform. This is demagoguery at its worst.

We strongly support the alternative proposed by Senators Helms and Beall, and approved by the Administration. This bill would increase expenditures by approximately $200 million over a two-year period, within the framework of existing programs.

The above statement was signed by the Republican Leadership on April 3, 1973:

Hugh Scott, (Pa.), Minority Leader, Norris Cotton, Chairman, Republican Conference, John Tower, Chairman, Republican Policy Committee, Robert P. Griffin, Assistant Minority Leader, Wallace F. Bennett, Secretary of the Republican Conference.

VICTIMS OF CRIME ACT OF 1973

The PRESIDING OFFICER (Mr. HELMS). Under the previous unanimous-consent agreement, at the conclusion of the vote on the reconsideration of S. 7, the Senate will now proceed to the consideration of S. 800, which the clerk will report.

The assistant legislative clerk read as follows:

Calendar No. 25, S. 800, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for the compensation of innocent victims of violent crime in financial stress; to make grants to the States for the payment of such compensation; to authorize an insurance program and death benefits to dependent survivors of public safety officers; to strengthen the civil remedies available to victims of racketeering activity and theft; and for other purposes.

The PRESIDING OFFICER. While the Chair welcomes visitors to the galleries, we must request that they be in order.

Mr. TALMADGE. Mr. President, I ask unanimous consent that Dan Tate and William Talmadge, of my staff, be granted the privilege of the floor during the consideration of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, I yield to the floor manager of the bill.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that Mr. Blakey and other members of the professional staff of the Subcommittee on Criminal Laws and Procedures may be admitted to the Chamber once again during consideration of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, I ask unanimous consent that my amendment be withdrawn at this point, and I submit a modified version in lieu thereof which I ask the clerk to report.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered. The clerk will report.

The assistant legislative clerk proceeded to read the amendment.

The PRESIDING OFFICER. Without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 65, immediately preceding line 5, insert the following new titles:

"TITLE V—ADDITIONAL SENTENCES FOR COMMISSION OF A FELONY WITH USE OF FIREARM

"SEC. 501. Subsection (c) of section 924 of title 18 of the United States Code, is amended to read as follows:

"'(c) (1) Whoever—

"'(A) uses a firearm to commit any felony for which he may be prosecuted in a court of the United States, or

"'(B) carries a firearm unlawfully during the commission of any felony which threatens life or property for which he may be prosecuted in a court of the United States,

may, in addition to the punishment provided for the commission of such felony, be sentenced to a term of imprisonment for not less than five years or more than fifteen years. In any case in which such additional sentence is not imposed, the court shall state in writing its reasons for so deciding. The imposition or execution of such additional sentence if imposed shall not be suspended nor probation granted.

"'(2) Whoever, after having been convicted of any such felony while so using or unlawfully carrying a firearm as provided in paragraph (1) of this subsection and is again convicted of a second or subsequent offense involving the commission of a felony for which he may be prosecuted in a court of the United States while so using or unlawfully carrying a firearm as provided in paragraph (1) shall, in addition to the punishment provided for the commission of such felony, be sentenced to a term of imprisonment for not less than ten or more than 30 years. The imposition or execution of such additional sentence shall not be suspended and probation shall not be granted.

"'(3) In no case shall any additional term of imprisonment imposed pursuant to this subsection run concurrently with any term of imprisonment imposed for the commission of any such felony.

"'(4) A conviction shown on direct or collateral review to be invalid, or for which the defendant has been pardoned on the ground of innocence shall be disregarded for purposes of paragraph (2) of this subsection.

"TITLE VI—CONTROLLED SUBSTANCES ACT AMENDMENTS

"SEC. 601. The Controlled Substances Act, approved October 27, 1970 (84 Stat. 1242), is amended by adding immediately after section 405 thereof the following new section:

"'PUBLIC MENACE

"'SEC. 405A. (a) Notwithstanding any other provisions of this Act or of any other law, any person who violates section 401(a) (1) shall, if such person is a public menace, be sentenced, in addition to the punishment provided for such violation, to a term of imprisonment for not less than ten years or more than thirty-years; except that if such person has previously been convicted of such a violation and sentenced as a public menace, such person shall be sentenced, in addition, to life imprisonment. The imposition or execution of any such additional sentence shall not be suspended, probation shall not be granted, and section 4202 and chapter 309 of title 18, United States Code, shall not be applicable; except that any person so sentenced to life imprisonment may be released on parole after serving not less than thirty years of his life sentence (but in no event shall any period of imprisonment served by him in connection with his punishment for such violation be included within or considered as a part of the thirty-year period which he is required to serve prior to his eligibility for consideration for parole). In no case shall any such additional term of imprisonment (including life imprisonment) imposed pursuant to this section run concurrently with any term of imprisonment imposed for such violation.

"'(b) For purposes of this section, the term "public menace" means any person, convicted on or after the effective date of this section of a violation of section 401(a) (1) of this Act by illegally manufacturing, distributing or dispensing, in an amount equal to or in excess of one-tenth (1/10) of an ounce of, or the equivalent of one-tenth (1/10) of an ounce of pure heroin or morphine and who, at the time he committed such violation, was not an addict.

"'(c) This section shall not be applicable to any person under 18 years of age at the time the offense was committed, provided, however, that the Attorney General may expressly direct, that any person over 16 years of age and under 18 years of age who is for the second or subsequent time convicted as an adult for violating this section by illegally manufacturing, distributing or dispensing, in an amount equal to or in excess of one-tenth (1/10) of an ounce of, or the equivalent of one-tenth (1/10) of an ounce of, pure heroin or morphine and who, at the time he committed such violation, was not an addict, be treated as if he were a first offender under the provisions of this section, and sentenced accordingly.

"'(d) A conviction shown on direct or collateral review to be invalid, or for which the defendant has been pardoned on the ground of innocence shall be disregarded for purposes of this section.'"

On page 65, line 5, strike "TITLE V" and insert in lieu thereof "TITLE VII".

On page 65, line 7, strike "Sec. 501." and insert in lieu thereof "Sec. 701."

On page 66, lines 2, 10, 17, strike "Sec. 502", "Sec. 503" and "Sec. 504" respectively and insert in lieu thereof "Sec. 702", "Sec. 703" and "Sec. 704".

On page 66, line 17, strike "and IV" and insert in lieu thereof ", IV, V and VI".

Mr. TALMADGE. Mr. President, when I first introduced this amendment, the junior Senator from Indiana (Mr. BAYH) requested that we postpone its consideration until today. I was, of course, happy to accommodate him in this regard.

During that interval, my colleague from Indiana and I discussed the provisions of the amendment. He has suggested some changes, several of which, in my judgment, strengthen the amendment, and I was happy to accept them. I am pleased to announce that my able and distinguished colleague has now joined me as a cosponsor of my amendment.

Mr. President, one has only to open the newspaper to realize that a wave of terror is sweeping our Nation. When night falls on our cities, many sections of them become dangerous and treacherous areas into which many Americans fear to venture.

Twenty years ago, a man or woman walking down a darkened street at night would have no cause for fear or alarm at the sound of footsteps approaching rapidly from the rear. Can we say the same thing today? The answer to that question is tragically obvious.

Mr. President, I ask unanimous consent that the names of Senators PASTORE, HANSEN, STEVENSON, NUNN, and GURNEY be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, I submit that we should scourge the criminals from our streets like mad dogs. To do so will require, however, that we legislate against the criminals themselves—not just the implements of their crimes. For this reason I oppose efforts to require the licensing, registration, or confiscation of firearms. The first aspects of my amendment present a clear alternative to such efforts. My amendments legislates against the criminal, not an inanimate object. This measure increases the additional penalties imposed on individuals who use or unlawfully carry a firearm in the commission of a Federal felony. I feel that it also clarifies congressional intent with regard to how such criminals are to be punished.

In the case of first offenders under my modified amendment, the additional penalty would be a term of imprisonment for not less than 5 or more than 15 years. My amendment gives the court the option to either impose a sentence or not to impose a sentence on conviction of the first offense under this section. If the judge imposes a sentence, the defendant would not be eligible for probation and would not be eligible for suspension of the sentence imposed. In addition, the sentence imposed must run consecutively to the punishment imposed for the underlying felony.

There are two reasons for this change in my amendment. First, because under existing law the courts are given no latitude or discretion where first offenders are involved, the courts have refused to apply the mandatory minimum sentence provisions. In effect, we have a law on the books which the courts have refused to enforce. Second, there are cases in which the defendant's potential for rehabilitation are very good. The courts should not be denied the opportunity to rehabilitate that first-time offender and make him a productive, taxpaying citizen.

In the case of second offenders under the firearms aspects of the modified amendment, the additional penalty would be a term of imprisonment of not less than 10 or more than 30 years. The court would have absolutely no discretion; such sentence is required. Furthermore, the additional penalty must be served consecutively to the punishment imposed for the commission of the underlying felony. The court may not suspend this sentence or grant a probationary sentence.

The modified amendment also takes into account the fact that these additional penalties are not to be applied in the case of paper fraud. For example, I do not intend that this amendment apply in the case of a man who fraudulently fills out a Federal income tax return while he has a firearm in his possession unlawfully. This is because the firearm bears no reasonable relationship to the underlying felony. For this reason, my amendment has been modified to cover the use or unlawful carrying of a firearm in the commission of a Federal felony which threatens life or property.

Mr. President, the modifications to the firearms aspects of my amendment were made in the hope that the entire legislative package which comprises my amendment can be adopted by this body. I shall continue to push at every opportunity for even more stringent legislation to stop the epidemic of gun-related crimes in our society.

Every Senator in this body knows that many criminals are tied together by a common thread. Whether they are prostitutes, thieves, muggers, or murderers, they are all striving desperately to satisfy an unquenchable hunger for drugs.

I am, of course, Mr. President, concerned with clearing these criminals from our streets. But every time we clear them, they will be replaced.

We must concentrate our efforts on the vultures who are mass producing these criminals as surely as if they were running an assembly line. They are preying on our society, Mr. President, and it is past time that something was done about them.

They are not addicts themselves, for they know all too well the horrors endured by their victims.

These are cold, calculating, ruthless criminals of the lowest order. They deserve neither our mercy nor our compassion—but they do deserve our attention.

My amendment calls for the imposition of an extra sentence on these "public menaces."

In order to be sentenced as a "public menace," a defendant must not be an addict himself, and must be engaged in the illegal manufacture, distribution, or sale of a mixture containing at least one-tenth of an ounce of heroin or morphine. These drugs were selected for special attention by the administration in their proposals on drug abuse because they pose a most serious problem in our society.

The junior Senator from Indiana expressed concern to me regarding the mandatory application of this provision to youthful offenders. I agree that a certain measure of discretion should be included in this provision where juveniles are concerned. Therefore, the sentence called for by this amendment will not be applied to the first conviction of an offender who is 18 years of age. The conviction, however, will be noted upon his record. Upon the second such conviction of an offender who is between the ages of 16 and 18, the Attorney General may, at his option, request that the juvenile be sentenced as a first offender under this amendment.

Those who are convicted for the first time as "public menaces" will receive an extra sentence of from 10 to 30 years in addition to the sentence already imposed for the original crime of which they were convicted. No probation, parole, or suspension of sentence will be available to them. Second and subsequent conviction will result in the imposition of an extra life sentence. While this sentence also may neither be probated nor suspended, the defendant would be eligible for parole after he has served 30 years of the additional life sentence.

Mr. President, this amendment does not attempt to effect any substantial substantive changes in the drug laws we now have. "An addict" under my amendment is the same thing as an addict under existing law—any individual who habitually uses any narcotic drug so as to endanger the public morals, health, safety, or welfare, or who is so far addicted to the use of narcotic drugs that he has lost the power of self-control with reference to his addiction. I am simply trying to isolate for public attention and deserved retribution those people who are lining their pockets with money earned at the expense of lives and property of law-abiding citizens and the shattered bodies and broken minds of youthful drug addicts.

I yield now to my distinguished cosponsor, the Senator from Indiana.

Mr. BAYH. Mr. President, over the weekend, the distinguished Senator from Georgia (Mr. TALMADGE) and I have tried to put together a piece of legislation which we think will make a significant contribution to the bill. I think most of us who believe in the Bill of Rights believe in the right of individual citizens to understand the importance of due process in our system of jurisprudence. However, society also deserves to be protected. I think we have drawn a piece of legislation that will achieve this balance and make a significant contribution toward correcting a serious problem as far as crime is concerned.

The amendment provides significant penalties for the big heroin pusher. We have attempted to mandate punishment for a person who is seeking to peddle the stuff, trying to hook others, and make huge profits for himself.

We are also directing our attention to another serious crime—the use of the deadly weapon in the commission of a felony.

Mr. President, I should like to ask that Ms. Mather Falco, Mr. John Rector, and Mr. Woodman Jones be permitted access to the floor during the debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, will the Senator yield for a question?

Mr. BAYH. I yield.

Mr. JAVITS. Mr. President, I have looked over this amendment, although it is one I have not had very much chance to look over. The question of mandatory sentences, especially mandatory life sentences, is a very difficult one. I am especially concerned about that part of the amendment. It provides for no concurrent sentencing, which locks in the sentence rather tightly. Am I correct in my understanding that after 30 years parole is possible—when 30 years have been served under one or both of these sentences? Or does the provision apply only to one?

Mr. BAYH. Under both. I must say that I have reservations, in most instances, about mandatory sentencing, particularly a mandatory life sentence. But I suggest to the Senator from New York that when we see the pusher make his next attempt to push, I am ready to put that fellow away.

Mr. JAVITS. The second question is asked because of the very great haste with which we are acting and are expected to vote. We should consider whether we ought to give this more careful consideration. How can we be sure that a person is a nonaddict? How is that established? By the way, are copies of the amendment available?

Mr. BAYH. For the purpose of this section, if the Senator from New York will listen——

Mr. JAVITS. If the Senator will allow me to say so, I think we ought to have some copies available. We usually have copies.

Mr. BAYH. I think the Senator has a right to express concern. Let me read the language the Senator is concerned about:

> (b) For purposes of this section, the term "public menace" means any person, convicted on or after the effective date of this section of a violation of section 401(a)(1) of this Act by illegally manufacturing, distributing or dispensing, in an amount equal to or in excess of one-tenth (1/10) of an ounce of, or the equivalent of one-tenth (1/10) of an ounce of, pure heroin or morphine and who, at the time he committed such violation, was not an addict.

Mr. JAVITS. Mr. President, are we then to understand that if he is an addict, he is not subject to that mandatory sentencing provision?

Mr. BAYH. The Senator is correct.

Mr. JAVITS. What happens if he is an addict?

Mr. TALMADGE. If an addict is to be prosecuted, he must be prosecuted under the existing law. My amendment is inapplicable to him. It is only applicable to peddlers of hard drugs if they are not themselves addicts.

Mr. JAVITS. I gather this obtains at any time if the individual is not an addict.

Mr. TALMADGE. The Senator is correct.

Mr. JAVITS. That is correct; is it not?

Mr. TALMADGE. The Senator is correct. He would have to be a nonaddict at the time he violated the provision in the proposed amendment.

Mr. JAVITS. Who is to make that determination, the sentencing judge?

Mr. TALMADGE. The court would make the determination.

Mr. JAVITS. Mr. President, is there any definition of an addict in the existing law?

Mr. BAYH. Yes, there is.

Mr. JAVITS. A definition to which this refers?

Mr. BAYH. Yes. Let me read section 102 of title III of Public Law 91-513. It reads:

> The term "addict" means any individual who habitually uses any narcotic drug so as to endanger the public morals, health, safety, and welfare, or who is so far addicted to the use of narcotic drugs as to have lost the power of self-control with reference to his addiction.

Mr. JAVITS. Mr. President, is there a reference in this act? I count myself as a fairly competent lawyer. Is there anything that ties this word "addict" to that definition, as this language is drafted?

Mr. TALMADGE. This is an amendment to the existing law, I may say.

Mr. JAVITS. In other words, is there a definition in the Controlled Substances Act?

Mr. TALMADGE. Yes.

Mr. BAYH. This is the law we are amending.

Mr. JAVITS. It is in the act.

Mr. BAYH. It is.

Mr. JAVITS. So the representation is made that the particular word is defined in the very act we are amending.

Mr. BAYH. That is not only a representation. That is a fact.

Mr. JAVITS. All right. Now, moving to the first item where an offender uses a firearm to commit a felony that is not related to drug addiction. That could be an addict or a nonaddict as well. He is guilty because he used or carried a firearm in the commission of a felony under this section.

Mr. BAYH. No. That comes under section 924(c) of title 18.

Mr. JAVITS. And that is not related to addiction.

Mr. BAYH. No.

Mr. JAVITS. In other words, an addict who uses a weapon to commit two felonies will be subject to the first part of this amendment, even though he would not be as to the second part. Is that correct?

Mr. BAYH. If he uses a firearm, he would be subject to the provisions that we now amend, title 18, section 924, enacted in the Omnibus Crime Control Act of 1970. However, he would not be subject to the heroin pusher part of our amendment if he is an addict.

Mr. JAVITS. I think it is the other way. What I am trying to get at is, whether or not he is an addict, he would be caught under 501.

Mr. BAYH. That is correct, if he uses a firearm.

Mr. JAVITS. Mr. President, I would like to request that these two parts of the amendment be severed since they relate to very different subjects and are very difficult problems.

Mr. MANSFIELD. Mr. President, would the Senator withdraw that request?

Mr. JAVITS. Mr. President, I withdraw my request.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that an amendment which I offer to the pending amendment be in order.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered. The amendment will be stated.

The legislative clerk read as follows:

> At the end of section 501 in the amendment add the following:
>
> SEC. 502. (a) Subsection (e) of section 3575 of title 18, United States Code is amended (1) by striking out the period at the end of paragraph (3) thereof and inserting in lieu thereof a semicolon and the word "or", and (2) by adding immediately after paragraph (3) thereof the following new paragraph:
>
> "(4) the defendant used a firearm (as defined in section 921(a)(3) of this title) to commit such felony, or unlawfully carried a firearm (as defined in section 921(a)(3) of this title) during the commission of such felony."
>
> (b) Section 3575 of title 18, United States Code, is amended by adding at the end thereof the following new subsection:
>
> "(h) Nothing in this section shall be construed as amending, altering, modifying, or otherwise affecting the provisions of subsection (c) of section 924 of this title, or as affecting the applicability of such provisions to any defendant sentenced pursuant to this section".

Mr. MANSFIELD. Mr. President, with respect to sentences for gun criminals, the pending Talmadge-Bayh amendment strengthens current law against gun crime, a provision that I authored as a 1970 amendment to the Federal Criminal Code.

I support this revision because it makes it even stronger medicine for the criminal who chooses a weapon of violence.

Mr. President, my amendment to the Talmadge-Bayh amendment would treat the gun criminal as a dangerous special offender under Federal criminal law.

The major feature that this amendment adds is that the sentence, in the case of a first or second gun offender, may be appealed by the Federal prosecutor should he feel that a stiffer sentence is in order, or that the trial judge erred by not imposing a prison term at all. On appeal, the court of appeals could make the sentence more severe; it could impose any sentence which the sentencing court could have originally imposed, or it could simply affirm the sentencing action taken by the lower court.

Mr. President, I would hope that the authors of the amendment would accept my amendment, in which case I will have my statement printed in the RECORD.

Mr. TALMADGE. Mr. President, I have no objection to the amendment of the distinguished majority leader. If the Senator from Indiana has no objection, I am prepared to accept the amendment.

Mr. BAYH. Mr. President, I have no objection.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the remainder of my statement be printed in the RECORD.

Mr. HUGHES. Mr. President, reserving the right to object, and I do not intend to object, I fail to understand the amendment.

Mr. MANSFIELD. All right. I withdraw my request. I continue my statement.

In practice, I feel that this procedure will prove necessary and vital in our system of criminal justice. It is necessary simply because the prosecutor too often confronts a criminal whose actions present a particular threat to society at large, but who, for whatever reason, escapes the penalty of confinement—or sufficient confinement—the only penalty that offers true protection to society. I agree that the reform of correctional institutions to provide rehabilitation is equally vital. Our prisons simply fail to do the job intended.

And I recognize that this proposal—allowing the prosecutor to appeal from a sentence that is too lenient—may be greeted by some as of dubious validity. It is out of a deep sense of outrage over violence with firearms, however, that I believe something has to be done—something that serves notice on the criminal who resorts to weapons of violence that he may pay an additional price for doing so. Allowing a court of appeals to impose an even stiffer sentence against a gun criminal will provide, I think, the price increase needed for this type of crime. Such a procedure, I might add, is not without constitutional foundation. My attention has been directed, for example, to the 1972 case of Robinson against the Warden of the Maryland House of Corrections where the Fourth Circuit Court of Appeals of the United States ruled that an increased sentence given on appeal to a criminal convicted under Maryland law did not violate constitutional guarantees against double jeopardy, nor did it offend due process considerations or fall in the category of cruel or unusual punishment.

In short, I believe there is an added safeguard owing to society where gun crime is involved. The criminal ought to be considered a dangerous special offender and the sentence against him should be open to review if there is any danger at all that society is not adequately protected from his threatened acts of violence.

In the case of the gun criminal my amendment would give society the added protection it needs. For the gun criminal, it adds to the price he already pays for choosing a weapon of violence in committing his crime. I hope it is agreed to.

Mr. JAVITS. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. MANSFIELD. I yield.

Mr. JAVITS. Mr. President, I ask unanimous consent that Brian Conboy be given the privilege of the floor during the consideration of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. Mr. President, I ask the Senator from Montana to yield for a question.

Mr. MANSFIELD. I yield.

Mr. BAYH. Mr. President, is the Senator from Indiana accurate in assessing this situation? Would this only be used in those instances in which the prosecutor felt that a judge showed a clear instance of not recognizing the need to mete out punishment sufficient to deter continuing criminal activity?

Mr. MANSFIELD. The Senator is absolutely clear. And while not a lawyer, I can cite cases, especially in the city of New York, where that has been the norm.

Mr. BAYH. Is it not also correct that, in most instances, the appellate court would look to the trial court that heard the case and that only when there is a rather obvious violation of such a policy would the appellate court take advantage of the amendment offered by the Senator from Montana?

Mr. MANSFIELD. The Senator is correct.

The PRESIDING OFFICER. Is there objection to the Senator from Georgia and the Senator from Indiana modifying their amendment?

Mr. HRUSKA. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HRUSKA. May we have the unanimous-consent request repeated?

The PRESIDING OFFICER. The unanimous-consent request was not exactly in order. Only the authors of the amendment can modify it.

Mr. TALMADGE. Mr. President, I am willing to so modify my amendment.

I send the amendment of the distinguished majority leader to the desk, and ask that the Talmadge-Bayh amendment be modified accordingly.

The PRESIDING OFFICER. The amendment will be so modified.

The Talmadge-Bayh amendment, as modified, is as follows:

On page 65, immediately preceding line 5, insert the following new titles:

"TITLE V—ADDITIONAL SENTENCES FOR COMMISSION OF A FELONY WITH USE OF FIREARM

"SEC. 501. Subsection (c) of section 924 of title 18 of the United States Code, is amended to read as follows:

" '(c) (1) Whoever—

" '(A) uses a firearm to commit any felony for which he may be prosecuted in a court of the United States, or

" '(B) carries a firearm unlawfully during the commission of any felony which threatens life or property for which he may be prosecuted in a court of the United States, may, in addition to the punishment provided for the commission of such felony, be sentenced to a term of imprisonment for not less than five years or more than fifteen years. In any case in which such additional sentence is not imposed, the court shall state in writing its reasons for so deciding. The imposition or execution of such additional sentence if imposed shall not be suspended nor probation granted.

" '(2) Whoever, after having been convicted of any such felony while so using or unlawfully carrying a firearm as provided in paragraph (1) of this subsection and is again convicted of a second or subsequent offense involving the commission of a felony for which he may be prosecuted in a court of the United States while so using or unlawfully carrying a firearm as provided in paragraph (1) shall, in addition to the punishment provided for the commission of such felony, be sentenced to a term of imprisonment for not less than ten or more than thirty years. The imposition or execution of such additional sentence shall not be suspended and probation shall not be granted.

" '(3) In no case shall any additional term of imprisonment imposed pursuant to this subsection run concurrently with any term of imprisonment imposed for the commission of any such felony.

" '(4) A conviction shown on direct or collateral review to be invalid, or for which the defendent has been pardoned on the ground of innocence shall be disregarded for purposes of paragraph (2) of this subsection.

"TITLE VI—CONTROLLED SUBSTANCES ACT AMENDMENTS

"SEC. 601. The Controlled Substances Act, approved October 27, 1970 (84 Stat. 1242), is amended by adding immediately after section 405 thereof the following new section:

" 'PUBLIC MENACE

" 'SEC. 405A. (a) Notwithstanding any other provisions of this Act or of any other law, any person who violates section 401(a) (1) shall, if such person is a public menace, be sentenced, in addition to the punishment provided for such violation, to a term of imprisonment for not less than ten years or more than thirty years; except that if such person has previously been convicted of such a violation and sentenced as a public menace, such person shall be sentenced, in addition, to life imprisonment. The imposition or execution of any such additional sentence shall not be suspended, probation shall not be granted, and section 4202 and chapter 309 of title 18, United States Code, shall not be applicable; except that any person so sentenced to life imprisonment may be released on parole after serving not less than thirty years of his life sentence (but in no event shall any period of imprisonment served by him in connection with his punishment for such violation be included within or considered as a part of the thirty-year period which he is required to serve prior to his eligibility for consideration for parole). In no case shall any such additional term of imprisonment (including life imprisonment) imposed pursuant to this section run concurrently with any term of imprisonment imposed for such violation.

" '(b) For purposes of this section, the term "public menace" means any person, convicted on or after the effective date of this section of a violation of section 401(a) (1) of this Act by illegally manufacturing, distributing or dispening, in an amount equal to or in excess of one-tenth ($\frac{1}{10}$) of an ounce of, or the equivalent of one-tenth ($\frac{1}{10}$) of an ounce of, pure heroin or morphine and who, at the time he committed such violation, was not an addict.

" '(c) This section shall not be applicable to any person under 18 years of age at the time the offense was committed, provided, however, that the Attorney General may expressly direct, that any person over 16 years of age and under 18 years of age who is for the second or subsequent time convicted as an adult for violating this section by illegally manufacturing, distributing or dispensing, in an amount equal to or in excess of one-tenth (1/10) of an ounce of, or the equivalent of one-tenth (1/10) of an ounce of, pure heroin or morphine and who, at the time he committed such violation, was not an addict, be treated as if he were a first offender under the provisions of this section, and sentenced accordingly.

"'(d) A conviction shown on direct or collateral review to be invalid, or for which the defendant has been pardoned on the ground of innocence shall be disregarded for purposes of this section.'"

On page 65, line 5, strike "TITLE V" and insert in lieu thereof "TITLE VII".

On page 65, line 7, strike "Sec. 501," and insert in lieu thereof "Sec. 701."

On page 66, lines 2, 10, 17, strike "Sec. 502", "Sec. 503" and "Sec. 504" respectively and insert in lieu thereof "Sec. 702", "Sec. 703" and "Sec. 704".

On page 66, line 17, strike "and IV" and insert in lieu thereof ", IV, V and VI".

Sec. 502. (a) Subsection (e) of section 3575 of title 18, United States Code is amended (1) by striking out the period at the end of paragraph (3) thereof and inserting in lieu thereof a semicolon and the word "or", and (2) by adding immediately after paragraph (3) thereof the following new paragraph:

"(4) the defendant used a firearm (as defined in section 921(a)(3) of this title) to commit such felony, or unlawfully carried a firearm (as defined in section 921(a)(3) of this title) during the commission of such felony."

(b) Section 3575 of title 18, United States Code, is amended by adding at the end thereof the following new subsection:

"(h) Nothing in this section shall be construed as amending, altering, modifying, or otherwise affecting the provisions of subsection (c) of section 924 of this title, or as affecting the applicability of such provisions to any defendant sentenced pursuant to this section".

Mr. TALMADGE. Mr. President, I ask unanimous consent that William E. Pursley, Jr., of the staff of the Committee on the Judiciary, be accorded the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question recurs on agreeing to the Talmadge-Bayh amendment as modified. Who yields time?

Mr. HUGHES. Mr. President, who controls the time in opposition?

The PRESIDING OFFICER. The Senator from Arkansas and the Senator from Indiana.

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLELLAN. Are we under controlled time?

Mr. MANSFIELD. Yes.

Mr. McCLELLAN. On each amendment?

The PRESIDING OFFICER. There is a limitation of 1 hour on the amendment. The Senator from Arkansas has 10 minutes.

Mr. MANSFIELD. Why does not the Senator from New York State take the time on this side?

Mr. TALMADGE. Mr. President, I have no objection to yielding time to the Senator from Iowa. I yield the Senator such time as he may require.

Mr. HUGHES. I simply want to ask a question. I do not have these laws before me, or the printed amendment. Would the manager of the bill tell me specifically how this amendment would work in relationship to an addict? I, myself, after working for 4½ years now in connection with problems with drugs, am not certain what drugs this applies to. The Senator mentioned heroin and morphine specifically.

Mr. TALMADGE. That is all.

Mr. HUGHES. Does it apply to any other drug or narcotic?

Mr. TALMADGE. No, it does not.

Mr. BAYH. Mr. President, if the Senator will permit me to interject, this is one of the concerns I had last week when this matter was considered rather late in the day. I was concerned because we had not really narrowed it to the specific drugs that would be considered or made certain that we had a significant quantity of the drug.

In other words, a person could have had 4 ounces of grass mixed with an insignificant amount of a schedule 1 or 2 narcotic and come under the amendment's original definition. This is no longer the case.

Mr. HUGHES. As I understand it, then, Mr. President, it applies strictly to heroin and morphine.

Mr. TALMADGE. That is correct. And there must be at least one-tenth of an ounce of pure heroin or pure morphine. Such an amount brings, I might say, on the wholesale market, seven or eight hundred dollars, and on the resale market on the street several thousand dollars. The reason that definition was put in there is to get at the hardened drug pusher, not the addict. That is what this amendment is aimed at, no more and no less.

Mr. HUGHES. Could I ask the chairman of the committee to give me an example of a typical crime where this penalty would apply and what the total penalties applied would amount to, in years? Would it apply only to an individual who is not an addict himself?

Mr. TALMADGE. This aspect of the amendment would apply only to an individual who is not an addict himself and who sells or illegally manufactures a substance containing at least one-tenth of an ounce of pure heroin or morphine.

There is an exception. If a youthful first offender over 16 and under 18 is convicted as a public menace, this section will not be applied, but will be noted on his record. On a second conviction of a youthful offender over 16 and under 18, he may, at the option of the Attorney General, be sentenced as a first offender under this section.

This section is aimed at getting the cold-blooded, calculating pusher of narcotics who preys on the youth of our country for greed and avarice alone, and commits them to a life of crime. That is who the amendment is aimed at.

Mr. HUGHES. What are the provisions of the original law at the present time? I have not had time to understand or compare the two together. I may not object if I can understand what we are putting together. I am trying to understand it.

Mr. BAYH. Mr. President, will the Senator let the Senator from Indiana address a question to him? Was he seeking the definition of "addict" in the act to which this amendment applies?

Mr. HUGHES. Well, originally I was, but at the present time I am trying to determine what is the existing practice as a first sentence conviction, without this additional penalty.

Mr. TALMADGE. I have in my hand a statement given to me by the staff of the Judiciary Committee. I am informed that 76.3 percent of the violators of present law are sent to prison, and 51.3 percent receive 5 years and over.

Mr. HUGHES. What are the penalty provisions of the law?

Mr. BAYH. If I may, I will read the penalty provisions of the present law.

Public Law 91-513, section 401(b)(1)(A) provides:

> In the case of a controlled substance in schedule I or II—

which covers heroin and morphine, of course—

> which is a narcotic drug, such person shall be sentenced to a term of imprisonment of not more than 15 years, a fine of not more than $25,000, or both. If any person commits such a violation after one or more prior convictions of him for an offense punishable under this paragraph, or for a felony under any other provision of this title or title III or other law of the United States relating to narcotic drugs, marihuana, or depressant or stimulant substances, have become final, such person shall be sentenced to a term of imprisonment of not more than 30 years, a fine of not more than $50,000, or both. Any sentence imposing a term of imprisonment under his paragraph shall, in the absence of such a prior conviction, impose a special parole term of at least 3 years in addition to such term of imprisonment and shall, if there was such a prior conviction, impose a special parole term of at least 6 years in addition to such term of imprisonment.

Mr. HUGHES. If the Senator will yield, then, as I understand——

Mr. BAYH. May I suggest that this applies to addicts?

Mr. HUGHES. I beg the Senator's pardon?

Mr. BAYH. This applies to addicts, of course.

Mr. HUGHES. Then, as I understand the Senator from Indiana, a first offender who is a nonaddict selling heroin on the streets and picked up is subject, under existing law, to a sentence of up to 15 years?

Mr. BAYH. At the discretion of the judge.

Mr. HUGHES. At the discretion of the judge, and a $25,000 fine, or both.

Mr. BAYH. That is accurate.

Mr. HUGHES. I beg the Senator's pardon?

Mr. BAYH. That is accurate.

Mr. HUGHES. And then with this amendment, he would receive an additional minimum of 10 years and a maximum of 30 years?

Mr. BAYH. For a second offense. The first offense would be 5 to 15 in addition.

Mr. HUGHES. What am I reading here, then?

Mr. BAYH. No, I am sorry, the Senator is correct. It is 10 to 30. I was looking at the minimum provision.

Mr. HUGHES. Yes, an additional 10 to 30 years.

Mr. BAYH. That is right.

Mr. HUGHES. Which would run consecutively, and could not run concurrently, is that correct?

Mr. BAYH. That is correct.

Mr. HUGHES. Then the other thing, does the Senator think——

Mr. BAYH. I should like to point out to the——

Mr. HUGHES. Does the Senator think it is possible, under a combination of these sentences, that a judge may not even give a man, who is convicted, over 1 year on the first offense or under the original law?

Mr. BAYH. That is possible.

Mr. HUGHES. So that the total sentence would be 10 years.

Mr. BAYH. That is possible.

Mr. HUGHES. Then, as a matter of fact we may not be increasing the penalty at all, except for the fact that——

Mr. BAYH. It would all depend on the judge. That same judge might give him 1 year for this same horrible crime and we would do nothing about it——

Mr. HUGHES. Except no parole or probation, under the amendment.

Mr. BAYH. Under the amendment, that is accurate.

Mr. HUGHES. Of course, if the judge wanted to, he could give a man 15 years plus 30 years for a total of 45 years for a first offense with no parole.

Mr. BAYH. That is accurate.

Mr. HUGHES. Would he get any good time under the first offense?

Mr. BAYH. Not under the first offense.

Mr. HUGHES. Under the original law. Fifteen years—would he get good time?

Mr. BAYH. He gets good time under the first offense, yes, that is accurate.

Mr. HUGHES. Could any of that full 15 years be commuted or parole granted?

Mr. BAYH. Yes, it may be commuted, and parole may be granted, if there is a limit of 3 years on the first sentence and 6 years on the second sentence under the original act, but he could do less than that.

Mr. HUGHES. He would have to serve at least 3 years.

Mr. BAYH. Yes, before being paroled.

Mr. HUGHES. Then what has been the second sentence, but not in addition, would be a minimum of 10 years, a maximum of 30 years?

Mr. BAYH. That is right.

Mr. HUGHES. What I am trying to find out is, a first offender could have a minimum of 13 years and a $25,000 fine and a maximum of 45 years and a $25,000 fine.

Mr. BAYH. I think the Senator from Iowa is accurate in pointing out that these are very serious penalties. But, before he makes a final judgment, I think that all of us should understand that we are talking about a narrow category of individuals. We are not talking about the addict who is hustling to sustain a habit which has gotten out of control, but we are talking about someone who is sitting back knowingly trying to get others hooked so that he can make a buck out of it. The usual compassion that I have for a temperate system of jurisdiction is significantly diminished as far as this particular category of crime is concerned.

Mr. HUGHES. I am not talking from the point of view of the law, or emotion, or the feelings of either the originators or the consponsors of the amendment, but I should like to point out to the Senator from Indiana and the manager of the amendment that a 45-year sentence to a 21-year-old boy may well be a life sentence for a first offense, if the judge should throw the book at him. It may well mean that.

Mr. TALMADGE. If the distinguished Senator from Iowa would let me interject here, I am sure the distinguished Senator knows that the nonaddicted fellow who peddles hard drugs on the street is trying to get young men and women hooked on heroin or morphine, or other drugs. For those he hooks there is a lifetime of degradation and suffering, of crime, burglary, prostitution—the utmost depravity that mankind can experience. He is after not just one young man or woman, but thousands of them.

Mr. HUGHES. The Senator from Iowa has held literally hundreds of hours of hearings on this subject and agrees with the Senator from Georgia in his opinion of the depravity of those who prey upon humanity in this and other ways. We have no disagreement whatsoever on that.

But the principle of a sentencing law and its effect on the lives, not only of offenders, but those to whom drugs are sold, not simply the effect upon society of this kind of sentencing and what it may lead to, is of deep concern to me.

In essence, what we are doing, if a judge wants to, is allowing and providing for a first offense, which is in effect a lifetime sentence without commutation or parole for what is basically the average lifetime of the male American. I think that we all should be aware of that when we talk of the number of years involved.

If we are going to move into these types of sentencing laws, we should remember—if I remember my statistics correctly—that the most savage crimes in this country are committed while under the influence of alcohol. That is a legal drug, and a common drug, which is used today by 89 million persons almost every day of their lives.

We all agree on the amount of damage in our society that heroin does, yet on our public television and radio we see the common possession of a legal drug such as alcohol which leads to more crime in America than any other drug and, I might add, just as much depravity in the breaking up of homes, the committing of savage crimes against society, and so forth.

I have considerable difficulty, in the mind of this Senator at least, in seeing a first offense sentence against a criminal of one type who admittedly does everything that the Senator says he does, and I do not debate that for one moment, as being a life sentence, in effect, for this man, no matter what we call it on the books.

Mr. BAYH. If the Senator will permit me to interject one observation, I am not too sure as to the allocation of time, or where it is coming from. I hope that we can make some reconciliation before we run out of time, because these questions need to be asked, and answered.

I am concerned about someone being put away from 30 years for a first offense. That is why I was not willing to go along until we had defined it very carefully. But I should like to suggest to my good friend from Iowa that under the amendment as presented by the Senator from Georgia and the Senator from Indiana, it is a mandatory 10 to 30 years. Under the present act as it stands now, that same 21-year-old can be put away for a first offense for 15 years, which is a pretty good slug——

Mr. HUGHES. But that is a big difference from a life sentence which in effect is what 45 years would be to a 21-year-old man, when the average lifetime of the average male is 68.2 years, if I remember that figure correctly.

Mr. BAYH. Well, I would hate to think of anyone being placed in prison for life, but I do not think that I need to repeat what the Senator from Georgia just said. A man can sell one-tenth of an ounce of heroin on the street which makes 1,418 bags at 2 percent and 2,835 bags at 1 percent. The heroin commonly sold on the street today is no more potent than this. This amount of heroin would commit many lives to a life of drug addiction. Thus, such a drug pusher may be getting less than he deserves.

Mr. HUGHES. I would ask the distinguished Senator from Indiana, please, not to place the Senator from Iowa in a position of supporting a pusher who is out trying to destroy the lives of thousands of Americans. No one hates them any worse than I do. No one has spent more time in trying to bring them to justice than I have. What I am pointing out is that this type of sentencing law can lead to such things as mandatory castration for rape, and can lead to mandatory life sentences for other crimes. It leads, in my opinion, to a move backward in civilization so far as sentencing procedures are concerned, regardless of the danger of the crimes involved. There has to be some humanity in it.

Mr. BAYH. If the Senator will permit me to interject a thought there, I know of no Member of this body who has worked harder and who is more opposed to the practice to which we are addressing ourselves here than the distinguished Senator from Iowa (Mr. HUGHES). Just as I accept his judgment but respectfully disagree with him on the ultimate impact of what the sentence would be, I hope he would not infer that those of us who disagree with him would say there is a necessity for castration for rape and on and on and on. We can disagree and yet not go quite that far.

Mr. HUGHES. I think it is ironic that the Senator from Indiana and the Senator from Iowa find themselves debating this issue, because I happen to know that basically we would be in agreement on 99 percent of the procedures used in relation to rehabilitation and the redemption of human beings.

The existing sentencing laws, even with respect to first degree murder, allow for commutation. They allow the Executive to make the final decision. They allow an appeal to the Chief Executive of the land or the Chief Executive of a

State—to someone, somewhere—to stop this sort of thing.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. HUGHES. I yield.

Mr. TALMADGE. This amendment makes no provision for a pardon by the Chief Executive. That is a constitutional provision. The Chief Executive can pardon any time he desires, and there is no way in which Congress can limit constitutional grant of power.

The PRESIDING OFFICER. The time of the Senator from Indiana has expired.

Mr. HRUSKA. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HRUSKA. What is the time situation?

The PRESIDING OFFICER. The Senator from Georgia has 14 minutes remaining, and the Senator from Arkansas has 10 minutes.

Mr. TALMADGE. Does the Senator desire time?

Mr. HRUSKA. Will the Senator yield me 5 minutes?

Mr. TALMADGE. I yield.

Mr. HRUSKA. Mr. President, it is my understanding that the pending amendment has a provision requiring mandatory sentences in certain cases of morphine and heroin trafficking. Additionally it has provision for mandatory sentences with respect to crimes committed with a gun. Finally, it would authorize limited appellate review of sentences so as to allow the increase of prison terms for dangerous special offenders.

In this latter regard it would amend the definition of dangerous special offenders as contained in the organized, Crime Control Act of 1970.

Mr. President, it happens that this Senator is in favor of the principle underlying each of these proposals. For years I have introduced a bill to provide appellate review of sentences. There is also pending in Congress S. 1300, a bill sent up by the administration as part of the President's crime program, dealing with heroin trafficking. These are all matters that should be legislated upon with deliberate speed.

I submit, however, that when we labor in committee and in the Senate Chamber, as we did 3 years ago, to define, dangerous special offenders and the appellate review of sentences contained therein, it is somewhat difficult to understand how we can fashion informally and on the floor of the Senate legislation which goes deeply and fundamentally into every one of these subjects.

I submit that it cannot be done. It cannot be done with due respect for this body's ideal deliberateness in the legislative process. None of these concepts is simple; none is simplistic. They are entitled to the considered evaluation of appropriate committees.

It would not be possible—notwithstanding my sympathy and my active work for enactment into law in proper fashion of these proposals—for me to favor this amendment under current operating procedures.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. JAVITS. I agree with the Senator, and I favor some reasonable minimum mandatory sentences on measures which relate to pushers.

I must say that it simply boggles my mind that we would enact long-term sentences of life, as Senator Hughes has pointed out, without some evidence, some deliberation, some consideration of the relationship between these offenses statute by statute. It concerns me that on an hour's debate, despite the deeply held views of the two distinguished Senators who have sponsored this amendment we might simply legislate men's lives away, even though they are the worst criminals in the world. This flies in the face of every principle of providence and humanity which we know as lawyers.

I say to the Senator that I know how he feels about most things. His opinions differ from mine in many of these ideological matters; but upon one thing we must be together, as lawyers. What he has just said reflects the highest tradition of the legal profession and the highest sense of responsibility.

Mr. HRUSKA. Each of the proposals embodied in this amendment—which, of course, is divisible—is entitled to due processing. I do not believe however that they have had any processing so far.

The PRESIDING OFFICER. Who yields time?

Mr. TALMADGE. I yield 3 minutes to the distinguished Senator from Idaho.

Mr. McCLURE. I thank the Senator for yielding.

Mr. President, I take this time to commend the Senator for the pending amendment and to point out a parallel which exists between one section of his amendment and a bill I have sponsored in the Senate, which is pending, S. 651. This bill was introduced by me on January 31 of this year. It deals with penalties for the use of firearms in the commission of felonies.

Well over 2,000 laws affecting the use and registration of guns are presently on the books across the Nation. We know from experience that these restrictions have had absolutely no effect whatsoever on the crime rate. Rather than more controls over firearms, I believe that emphasis should be on efforts to control the person who wrongfully uses a firearm. With this amendment we are finally recognizing more vividly the need for stronger penalties against the gun-connected criminal.

Mr. President, the amendment which the Senator from Georgia has offered does not impose mandatory sentences in addition for the use of firearms, as my bill would do. However, I believe that it is a step in the right direction, and I support the amendment in that particular. I would have preferred that we had gone further and made additional sentences for the use of firearms mandatory.

The punishments called for in this amendment are stiff and they should be. As tired as the argument might be, a gun is no more dangerous than the man who uses it. Our law abiding citizens deserve every effort we can muster to deter the felon. It is high time the criminal gunmen in our country know that the law means business.

Many have decided they can solve our crime problem by locking up the guns. That is about as effective as pouring gasoline on a fire. The increased penalty called for in this amendment I am sure will have a beneficial effect on strengthening the laws we have today.

A number of people think that we can control crime by controlling firearms, and I think we are approaching the matter in the proper fashion when we look at the criminals who misuse firearms as the fault in the system rather than the possession of firearms.

I also point out that my bill would go one step further than the amendment of the Senator from Georgia, in that it would attempt to impose additional penalties where the gun is used in the employment of a crime punishable under State statute. My bill deals with a separate Federal offense punishable by trial under Federal law, and at the same time would not do the thing which I think is very dangerous, if that should become involved in it—attempt to federalize all the criminal codes of the various States.

I think the provisions of my bill with respect to mandatory sentencing of criminals using firearms, which goes further than the pending amendment, are perhaps in that respect superior to this amendment; but I commend the Senator from Georgia for his amendment and pledge my support.

I also point out one other feature contained in my bill that is not in the pending amendment—to do away with a couple of the problems in the ammunition registration section of the gun control laws. We have already lowered the voting age, by act of Congress, and by constitutional amendment, from 21 to 18; but we still have on the books, in regard to the purchase of ammunition, the 21-year-old restriction.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. HUGHES. Mr. President, will someone yield a few minutes?

Mr. McCLELLAN. I believe I have 10 minutes remaining on this amendment. I yield the Senator 3 minutes.

Mr. HUGHES. Mr. President, I should like to point out, in relation to the narcotics section of this amendment, that it is the opinion of the Senator from Iowa, after years of studying this question and chairing three subcommittees that relate to the use of narcotics and drugs, that this will leave those men who really manufacture or import or ship large quantities of heroin or morphine into this country, or manufacture it illegally, to deliberately make addicts out of people as salesmen, who deliberately use those people, sometimes perhaps even with forced addiction, perhaps under penalty of heavy borrowing or something else, to use heroin or morphine to avoid penalties of law, under the addict section of this law.

I think the probability is that it would, to some extent, increase addiction in this manner. I am in agreement with heavy penalties for those people who are nonaddicts, who are illegally manufacturing heroin or morphine. I have no objection to them being branded as public menaces. But I do not think it will diminish those people selling it. I think it will simply increase the number of addicts that sell it, and probably reduce the number of nonaddicts selling it, if such penalties cause a reduction thereof.

I think also of the possibilities of the latitudes for judges in this matter. I have believed in latitude in sentencing. But I believe it could lead to as much difference as 15 to 45 years in sentencing for the same sort of offense, which in one instance would leave a man the majority of his lifetime left to live after release from incarceration whereas in another instance it would, in effect, be a life sentence to the individual who received the sentence.

That breadth of latitude, in my opinion, is, in essence, death to one and life to another. I do not think there is any disagreement between those of us discussing this question.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. McCLELLAN. I yield the Senator 2 additional minutes.

Mr. HUGHES. I thank the Senator.

I do not think there is any disagreement between the authors and the cosponsors of this amendment and the Senator from Iowa in the need for a harsh application and branding as a public menace those people who deliberately manufacture and sell large quantities of morphine and heroin which lead to the destruction of many lives in our society and the commission of so many crimes. But this type of sentencing law I am afraid is the forerunner of a retreat into the past in methodology of sentencing.

The Senator from Iowa is going to find himself placed in a position of voting against an amendment, with which he agrees in principle, on branding the criminal, of increasing the certainty of the penalty for the crime, because he disagrees completely with the philosophy of this amendment that defies rehabilitation, and that defies any potential possibility of recovery for the individual at all in our society.

I think the standard of civilization is being lost when we do that. I regret that there does not seem to be any possibility of reconciliation between the two differing positions. I would like to see the sentencing certainty of punishment strong, but I could not bring myself to vote for this amendment with the latitude of possibilities it has.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the name of the Senator from Georgia (Mr. NUNN) may be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. HART. Mr. President, will the Senator from Arkansas yield to me for 2 minutes?

Mr. McCLELLAN. Mr. President, I believe I have 5 minutes remaining.

The PRESIDING OFFICER. The Senator is correct.

Mr. McCLELLAN. I yield 2 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. HART. Mr. President, the writing of criminal law is perhaps as solemn a responsibility as any the Senate must assume. The place to write criminal law is not on the floor of the Senate and not under time limitation. This is so, whether we are dealing with a lovable group of possible defendants, which is rarely the case, or a bunch of bandits and ruffians, which is usually the case. The place to decide on a prudent course of action on the criminal code is in committee, after hearings, open discussion, markups and then, with committee record and report available, the Senate can make its judgment.

There is contained in this amendment some mandatory sentencing provisions. If this was a cheap, effective way to eliminate drug addiction and mugging, maybe I would be content to go along with mandatory sentencing. Mandatory sentencing, in the opinion of those most knowledgeable, so says the American Law Institute, the ABA, the National Committee on Crime and Juvenile Delinquency, and others, is not the way. We can have our favorite and unfavorite judges, but not one of us will ever know the circumstances of the individual who is going to be charged under what we are doing here; we will never know him or any aspect of the circumstances of the crime. As between us, who know not one aspect of a case, and the judge, who knows all that is possible of a case, is there any doubt that the wiser disposition of the specific case is more likely to be made by the judge? For this reason, I cannot support mandatory sentencing.

Mr. BAYH. Mr. President, if there is any time remaining, may I be recognized for a few minutes?

The PRESIDING OFFICER. The Senator from Georgia has 6 minutes remaining, and the Senator from Arkansas has 3 minutes remaining.

Mr. TALMADGE. I yield 3 minutes to the Senator from Indiana.

Mr. BAYH. I thank the Senator from Georgia. I have listened to my distinguished colleague from Michigan, and I usually find myself on the same side with him. I have also listened to the distinguished Senator from Iowa. I think it is important to look at exactly what we are doing. The Senator from Michigan referred to mugging. We are not talking about mugging. We are not talking about somebody who is involved in selling drugs because he has a habit but because he is in it to make money.

I have been very much concerned about this matter, and as chairman of the Subcommittee on Juvenile Delinquency I have done as much as anyone to try to reform our laws to provide for effective rehabilitation. For that reason we have excluded juveniles and addicts from this act because we hope to rehabilitate them. But for someone out there selling hard heroin or morphine—whether the amount is 2,835 one hundred milligram bags of 1-percent heroin or 1,418 bags of 2-percent heroin on the street—I have little compassion for that kind of person. Therefore, I come down on the side of teaching that fellow a lesson the only way we can.

Our amendment will significantly strengthen the hand of our law enforcement officials in dealing with what are in my view two of the most dangerous sorts of criminals in our society: those who use firearms in the commission of crimes, and those who are the purveyors of hard drugs. These serious crimes deserve and demand severe punishment. This amendment requires very severe punishment indeed.

When Senator TALMADGE first suggested that provisions dealing with these two pressing problems be added to this bill, I stated that I would support such legislation if it was effectively aimed at serious offenders. During the last few days, I have worked closely with Senator TALMADGE, and the amendment we offer today is intended to impose on hardened criminals penalties of the severity that their crimes warrant, while at the same time taking care not to mandate unnecessarily long terms for those for whom we can realistically hold out some hope of rehabilitation. We have drafted this amendment as precisely as we could, despite the time pressures and the lack of hearings and committee consideration. We think it urgent and proper to deal with those felons who use firearms to rob or to rape, and with those high level operators who, while not addicts themselves, push heroin and morphine on our citizens. These criminals have shown themselves by their offenses to be beyond the normal hope we hold out for rehabilitation in our society. Moreover, these criminals are the sort of cold, calculating characters who can be deterred by the specter of sure, swift, and severe punishment. The only solution for those who are not deterred and who commit these crimes is to put them away, and to put them away for a long time. This is what our amendment does.

With respect to those who use firearms to commit felonies, or who unlawfully carry firearms while committing a felony which threatens life or property, our amendment imposes, in addition to the penalties already provided by law, a minimum sentence of 5 to 15 years for the first offense, and 10 to 30 years for second offense. The imposition of the additional sentence on the first offender would be left up to the trial judge; but if he failed to impose this additional sentence, he would have to state his reasons publicly. For the second offense, the judge would have no such discretion: upon conviction, a mandatory minimum sentence of 10 to 30 years, would have to be imposed. These minimum sentences—which are, of course, over and above the penalties which exist in present law—could not be suspended, nor could probation be granted.

The United States leads all other Western countries in the use of firearms in connection with serious crimes. I have long been an advocate in this Chamber of controls on the distribution of the small, easily concealable "Saturday Night Specials" which are favored by criminals. I believe that carefully drawn legislation, like that which passed the Senate last year, would make a significant contribution to safe streets by taking weapons away from criminals. I also believe that penalties of the severity in this amendment are appropriate for those who use such firearms in highly dangerous illegal activity.

There is no criminal element in this country which is more dangerous and despicable than those who are the purveyors of heroin to our young people. Our amendment is designed to deal with these individuals very severely, as they should be dealt with. It is not aimed at addicts who are already hooked and who are trying to support their habit. For such people, laws already on the books and adequate treatment programs—together with capture and imprisonment of big-time dealers—offer the best hope. Our amendment is aimed at those who have hooked others and not themselves.

By the joint effort of the Senator from Georgia and myself, this amendment has been written to reach those who are the backbone of heroin trade and distribution in this country. Persons convicted of manufacturing, distributing or dispensing heroin or morphine in amounts equal to or in excess of one-tenth of an ounce of pure narcotic would receive, on the first offense, a mandatory minimum sentence of 10 to 30 years. For second convictions, these pushers would get a mandatory life sentence. In neither case would the offender be eligible for probation, suspended sentence, or parole—except after serving 30 years of a life sentence. In both cases the mandatory minimum sentence would have to be imposed in addition to the sentence provided under existing law; and in both cases the additional sentence would have to be consecutive to, not concurrent with, the existing punishment.

One-tenth of an ounce of heroin or morphine may seem to be a tiny amount, Mr. President, but it is as deadly as it is small. It can and is turned into a large number of bags of heroin on the street, and is worth a handsome sum. As a measure of the seriousness of the criminal conduct it is preferable to a 4-ounce mixture requirement. The 4-ounce level, the two measures are similar in terms of the value of street heroin. But our test assures that we reach the high-level dealers who handle very pure and very valuable heroin and who might circumvent a 4-ounce mixture standard. Our test also assures that we do not bring under these very severe penalties a person with a 4-ounce mixture which contains only traces of a narcotic. Under our amendment, the volume of the material sold or manufactured would not matter; the only question would be whether it contained the equivalent of one-tenth of an ounce of pure heroin or morphine.

Any nonaddict who manufactures, distributes, or dispenses one-tenth of an ounce of heroin or morphine is, we can be confident, a high-level trafficker who is rationally and for his own profit pushing drugs. Such a person deserves no quarter.

The penalties we propose in this amendment are extraordinarily severe. I support them because the dimensions of the problem are such as to demand that we take this exceptional action. But we must not deceive ourselves into believing that harsh penalties alone will solve our problems. Even with those who can be deterred from criminal conduct, the enforcement of the law—the certainty of capture and of punishment—is more important than the length of punishment. But by making the penalties mandatory and severe for certain persistent and destructive criminals, we will be providing a solid law enforcement tool where such tools are badly needed. These provisions combined with adequate enforcement, speedy trials, prisons which rehabilitate criminals instead of perpetuating crime, treatment for addicts, sufficient jobs and equal opportunities for all our citizens, will with effort bring the law, order, and justice we all want and deserve.

The PRESIDING OFFICER. The Senator's 2 minutes have expired. Who yields time?

Mr. TALMADGE. Mr. President, if the Senator from Arkansas and the Senator from Indiana are prepared to yield back their time I am prepared to yield back my time.

Mr. HATHAWAY. Mr. President, will the Senator yield for a question?

Mr. TALMADGE. I yield.

Mr. HATHAWAY. What evidence do we have that the district judge——

Mr. TALMADGE. Mr. President, may we have order?

Mr. HATHAWAY. Mr. President, would the Senator answer this question? What evidence do we have here, in hearings or otherwise, that our district court system is so lax in its duty that we cannot allow our district judges to have the jurisdiction of sentencing an individual in the type case listed in the Senator's amendment, and, indeed, to impose mandatory sentences, thereby taking away, as the Senator from Michigan pointed out necessary discretion needed to judge individual cases?

Mr. TALMADGE. Of course, let me say we are giving him discretion in the matter of the length of the sentence imposed; but, second, the Senator from Georgia is of the opinion that the gravest social and crime problem in the United States today is the cancerous spread of narcotics addiction. It escalates day by day, week by week, month by month, and year by year, to the point where it is unsafe for anyone to walk on the streets today because someone, usually addicted to drugs, is willing to murder and rob people night and day. It is the opinion of the Senator from Georgia that the only way we can stop that is to put the cold, calculating, professional peddler of drugs, who is a nonaddict, in the penitentiary and keep him there. That is the opinion of the Senator from Georgia.

Mr. HATHAWAY. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield.

Mr. HATHAWAY. Are not all district judges aware of the seriousness of crime?

Mr. TALMADGE. I cannot speak for judges, but I can say that we do give them some discretionary authority, and it is the idea of the Senator from Georgia—and I may say that of the President of the United States—to make the sentence severe enough to have the hardened, cold, calculating, nonaddicted professional peddlers of morphine and heroin put in the penitentiary and kept there. That is what this amendment will do.

Mr. HATHAWAY. I believe they should be punished, but I think the punishment can be left to the discretion of the district judges.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield.

Mr. GURNEY. Will the Senator allow the Senator from Florida to be listed as a cosponsor of the amendment?

Mr. TALMADGE. Mr. President, I ask unanimous consent that the distinguished senior Senator from Florida be listed as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, I yield myself 3 minutes.

I am going to vote for the amendment of the distinguished Senators from Georgia (Mr. TALMADGE) and Indiana (Mr. BAYH).

I would have preferred, of course, to have processed this amendment as a part of the normal course of the subcommittee's business, but now that it is before the Senate, I am going to support it.

I am going to vote for it because it will do precisely what needs to be done—strengthen the law at the point of enforcement.

No law works just because it is on the books. It works and is effective because it is enforced all the way through the criminal justice system.

Gunmen wound and kill, but what do we hear the voices of some calling for?

Take guns away from householders, who seek only to protect themselves.

Mr. President, I am going to vote for this amendment because it will put criminals in jail, where they belong.

I do not think we need new gun laws or new drug laws so much as we need to enforce the laws we now have on the statute books.

And if judges will not enforce the law when we give them discretion, then we will have to take their discretion away from them.

Mr. President, I ask unanimous consent to have inserted in the RECORD as a part of my remarks two tables, one on gun law statistics and the other on drug law statistics.

There being no objection, the tabulations were ordered to be printed in the RECORD, as follows:

EXHIBIT NO. 1

U.S. DISTRICT COURTS, CRIMINAL SENTENCE ANALYSIS[1]

U.S. DISTRICT COURTS, CRIMINAL SENTENCE ANALYSIS[1] (OFFENSE—WEAPONS AND FIREARMS)

Defendants—	1967		1968		1969		1970		1971	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
1. Prosecuted	303	100	436	100	388	100	1,074	100	1,983	100
2. Not convicted	74	24.4	146	33.5	134	34.5	354	33.0	622	31.3
Dismissed	64	21.1	124	28.4	110	28.4	265	24.7	474	23.9
NARA							1	.1		
Found not guilty:										
By court	4	1.3	13	3.0	10	2.6	32	3.0	60	3.0
By jury	6	2.0	9	2.1	14	3.6	56	5.2	88	4.4
3. Convicted	229	75.6	290	66.5	254	65.5	720	67.0	1,361	68.6
Plea of guilty or nolo contendere	179	59.1	224	51.4	189	48.7	565	52.6	1,028	51.8
Found guilty:										
By court	12	4.0	19	4.4	20	5.2	75	7.0	119	6.0
By jury	38	12.5	47	10.8	45	11.6	80	7.4	214	10.8
4 Sent to prison	109	47.6	133	45.9	127	50.0	325	45.1	642	47.2
6 months and under	17	7.4	15	5.2	20	7.9	74	10.3	141	10.4
7 to 12 months	9	3.9	25	8.6	12	4.7	45	6.3	96	7.1
1 to 3 years	33	14.4	31	10.7	28	11.0	74	10.3	157	11.5
3 to 5 years	34	14.8	40	13.8	36	14.2	79	11.0	137	10.1
5 years and over	16	7.0	22	7.6	31	12.2	53	7.4	111	8.2
Average sentence (months)	30		32		37		30		27	
5. Put on probation	100	43.7	141	48.6	118	46.5	365	50.7	662	48.6
12 months and under	9	3.9	17	5.9	23	9.1	63	8.8	113	8.3
1 to 2 years	40	17.5	49	16.9	42	16.5	131	18.2	238	17.5
3 to 4 years	38	16.6	49	16.7	39	15.4	128	17.8	216	15.9
5 years	13	5.7	26	9.0	14	5.5	43	6.0	95	7.0
Fines and other sentences	20	8.7	16	5.5	9	3.5	30	4.2	57	4.2

EXHIBIT NO. 2

U.S. DISTRICT COURTS, CRIMINAL SENTENCE ANALYSIS (OFFENSE—NARCOTIC DRUG VIOLATIONS)

Defendants—	1967		1968		1969		1970		1971	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
1. Prosecuted	1,344	100	1,355	100	1,510	100	1,568	100	2,366	100
2. Not convicted	247	18.4	284	21.0	366	24.2	469	29.9	974	41.2
Dismissed	212	15.8	237	17.5	293	19.4	411	26.2	880	37.2
NARA			3	.2	17	1.1	13	.8	19	.8
Found not guilty:										
By court	18	1.3	29	2.1	25	1.7	23	1.5	30	1.3
By jury	17	1.3	15	1.1	31	2.1	22	1.4	45	1.9
3. Convicted	1,097	81.6	1,071	79.0	1,144	75.8	1,099	70.1	1,392	58.8
Plea of guilty or nolo contendere	790	58.8	780	57.6	863	57.2	813	51.8	1,060	44.8
Found guilty:										
By court	91	6.8	90	6.6	70	4.6	64	4.1	58	2.5
By jury	216	16.1	201	14.8	211	14.0	222	14.2	274	11.6
4. Sent to prison	841	76.7	869	81.1	915	80.0	819	74.5	1,062	76.3
6 months and under	19	1.7	17	1.6	27	2.4	17	1.5	44	3.2
7 to 12 months	15	1.4	14	1.3	9	.8	17	1.5	23	1.7
1 to 3 years	99	9.0	83	7.7	98	8.6	72	6.6	123	8.8
3 to 5 years	143	13.0	131	12.2	128	11.2	110	10.0	158	11.4
5 years and over	565	51.5	624	58.3	653	57.1	603	54.9	714	51.3
Average sentence (months)	67		73		75		79		65	
5. Put on probation	244	22.2	181	16.9	221	19.3	268	24.4	313	22.5
12 months and under	13	1.2	16	1.5	14	1.2	19	1.7	12	.9
1 to 2 years	43	3.9	38	3.5	47	4.1	60	5.5	54	3.6
3 to 4 years	111	10.1	61	5.7	86	7.5	109	9.9	129	9.3
5 years	77	7.0	66	6.2	74	6.5	80	7.3	118	8.5
Fines and other sentences	12	1.1	21	2.0	8	.7	12	1.1	17	1.2

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[1] Prepared for the use of the Subcommittee on Criminal Laws and Procedures of the Committee on the Judiciary, U.S. Senate, by the Administrative Office of the U.S. Courts. See hearings before the Subcommittee on Criminal Laws and Procedures, of the Committee on the Judiciary, U.S. Senate, "Reform of the Federal Criminal Laws," pt. IV—Appendix (Courts and Corrections), 92d Cong. 2d sess., 1972.

Mr. McCLELLAN. Mr. President, I am prepared to yield back the remainder of my time——

Mr. DOMINICK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOMINICK. Under what time limits are we operating under now?

Mr. McCLELLAN. Mr. President, I yield to the Senator from Colorado any time I may have left.

The PRESIDING OFFICER. The Senator from Arkansas has 1 minute remaining.

Mr. McCLELLAN. I yield the 1 minute to the Senator.

Mr. DOMINICK. Mr. President, is there any other time available?

The PRESIDING OFFICER. There are 30 minutes on each additional amendment. There is no time limit on the bill.

Mr. DOMINICK. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOMINICK. Does this time have to expire before an amendment to the amendment can be offered?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMINICK. Mr. President, if the Senator from Arkansas would be willing to yield back the remainder of his time, I have an amendment to the Talmadge amendment.

The PRESIDING OFFICER. The time has now expired.

Mr. DOMINICK. Mr. President, I submit an amendment, but I must say to the Parliamentarian and to the Chair that it was drafted in the form of an original amendment, as opposed to an amendment to an amendment, so I ask unanimous consent that I may take 3 minutes on a quorum call so that I can get a copy made of the amendment and show it to the Senator from Georgia.

The PRESIDING OFFICER. Is there objection?

Mr. HUGHES. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HUGHES. Has the amendment already been amended?

The PRESIDING OFFICER. The amendment has been modified by the Senator who originally offered the amendment.

Mr. HUGHES. Was that an amendment in the first degree?

The PRESIDING OFFICER. It becomes original text since it was a modification, and not an amendment, so the amendment itself is in the first degree and thereby subject to amendment.

Mr. DOMINICK. Mr. President, I suggest the absence of a quorum.

Mr. JAVITS. Mr. President, before the Senator suggests the absence of a quorum, I wish to make a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Will a call for a quorum lie as of right, without unanimous consent?

The PRESIDING OFFICER. Yes.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. BAYH. Mr. President, a parliamentary inquiry. Where does the time for the quorum call come from?

The PRESIDING OFFICER. Debate is not in order. A quorum call has been ordered.

Mr. BAYH. I want to see where we are. The time comes out of what?

The PRESIDING OFFICER. There is no time limit on the bill. The time on the amendment has expired. There is no time limit on the bill. A quorum call is in order. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMINICK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMINICK. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. DOMINICK. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

To amend the pending amendment to S. 800, as follows:

In view the language proposed in the bill by the pending amendment to section 501 insert the following section 501:

"(c) Whoever—

"(1) uses a firearm to commit any felony for which he may be prosecuted in a court of the United States; or

"(2) carries a firearm during the commission of any felony for which he may be prosecuted in a court of the United States.

shall, in addition to the punishment provided for the commission of such felony, be sentenced for the additional offense defined in this subsection to a term of imprisonment for not less than one year nor more than ten years. In the case of his second or subsequent conviction under this subsection, such person shall be sentenced to a term of imprisonment for not less than two nor more than twenty-five years.

"The execution or imposition of any term of imprisonment imposed under this subsection may not be suspended, and probation may not be granted. Any term or imprisonment imposed under this subsection may not be imposed to run concurrently with any term or imprisonment imposed for the commission of such felony."

Mr. DOMINICK. Mr. President, earlier this year I submitted an amendment to the Federal Criminal Code dealing with this same subject. It was cosponsored by Senators BROCK, CURTIS, GOLDWATER, SCHWEIKER, BIBLE, STEVENS, BUCKLEY, BELLMON, HASKELL, THURMOND, FANNIN, MONTOYA, DOMENICI, TALMADGE, and BARTLETT.

At that time, I did so for the reason that the original Mansfield amendment, of which I had been a cosponsor and a strong supporter, had been interpreted by the 10th Circuit Court of Appeals, in Colorado, to mean something different from what I had thought was the intent of Congress in the adoption of the so-called Mansfield amendment. I believe Congress intended separate crimes and separate sentences for crimes involving the use of a sun. The court's interpretation of that section has caused doubt as to Congress' intent. Therefore, we were in serious trouble, both in the aspect of the habitual-criminal statute and in the sentences that were being imposed.

It was for that reason that I introduced what was called the clarifying amendment.

I offer this amendment as an amendment to the Talmadge amendment, specifically putting back into that amendment the original legislation which I had proposed earlier this year.

The reason for this, as has been stated on many occasions on this floor, is that it seems far sounder to me to deal with the criminal than just with the object of the criminality, the gun. Most of the bills that have been introduced to date—and I am not talking about the Talmadge amendment, because it is not in that category—have dealt with registration. What we are dealing with is people who are carrying a firearm while they commit a felony.

It seems to me and has seemed to me since the beginning that if we are going to deal just with the weapon or instrumentality, we ought to abolish automobiles, because they cause as much trouble and as many violations of the law as firearms, and cause just as much harm and death. If we are going to deal with the object instead of the person using it, then I think we ought to abolish the automobile.

This is kind of silly, but I think the abolition or registering of guns is just as silly, for the same reason.

What my amendment would do is get after the criminal, and not just the gun. That is also what the Talmadge amendment proposes to do. The question, then, is what is the difference between the Talmadge amendment and mine?

As I recall, having briefly scanned that amendment—and I invite the comments of the Senator from Georgia on the matter—the major differences are two. First of all, in subsection (b) of the Talmadge amendment, on line 5, he uses the words "carries a firearm unlawfully." In ours, we have not used the word "unlawfully."

The reason for that, in my opinion, was that this means the criminal would have to use, not just carry the gun in the commission of a felony. But the fact of the matter is that there are many crimes committed where the gun is either in the back of the car or it is hidden under a floor board or something of that kind, and not actually used by the criminal. My question to the Senator from Georgia, and I am sure he will be happy to give me enlightenment on it, is whether under those circumstances, if the man is eventually convicted of a crime, he would also be convicted of carrying a gun unlawfully?

Mr. TALMADGE. Mr. President, I point out to the Senator that that language is in the bill for a specific purpose. We did not want to convict someone under this provision of the amendment, for instance, who had filed a fraudulent income tax return and was thus guilty of a felony, and was illegally carrying a gun at the same time.

What we are trying to get at is someone who unlawfully carries the weapon in the commission of a crime that threatens life or property, for which he may be prosecuted in the courts of the United States.

That is the problem we are confronted with in the United States today, in my judgment.

Mr. DOMINICK. Mr. President, I subscribe to most of what the Senator has been saying, but let me ask him this question, just to clarify the record: Suppose a man was carrying a rifle, a shotgun, or a revolver in the back of his car and committed a felony by assault with a club or by some other mechanism.

Would he then be involved in carrying a gun or firearm unlawfully in the commission of a crime?

Mr. TALMADGE. No, that would have no reasonable relationship to the crime.

Mr. DOMINICK. That is what I was somewhat concerned about, and that is why I raised the question originally, because it strikes me that the mere possession of a gun in the process of committing a crime is, in and of itself, terrorism on the part of the criminal against the victim, and whether he is doing it unlawfully or not, the fact of the matter is that he has a gun there. If it is loaded, the fellow who is being accosted, held up, or whatever it is, will be terrorized.

Mr. TALMADGE. Criminals, I point out to the Senator, almost always carry firearms unlawfully. They almost never carry them lawfully.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. DOMINICK. So, if he did not have a permit, the Senator says he is carrying it unlawfully and will be subjected to the penalty?

Mr. BAYH. If I might be permitted to try to reconstruct a crime which is very close to but not specifically the one referred to by the Senator from Colorado. If two men were involved in holding up a liquor store and one of them had a firearm and the other one beat the owner of the liquor store to death with a poker, then the gun is a part of the crime, even though the gun was not used in that particular instance. This is very different, it seems to me, from someone who has a shotgun or a rifle in the back end of his car, is intoxicated, runs over someone, and is found guilty of reckless homicide where the gun is not a part of the crime.

Mr. DOMINICK. I can appreciate the problem, and I remember a discussion the Senator from Indiana and I had about this the last session. I want to try to make the record clear that while it went through as a part of the law on the Saturday night special bill that we passed, the Senator and I made a record at that time to show that the amendment which I offered, and which was adopted, was designed to apply particularly to crimes of violence, not to embezzlement or things of that nature. I think we made a pretty good record on it.

What the Senator is saying here follows along the same line, except that by using the word "unlawfully" he thinks he has tied it down even more, is that correct?

Mr. BAYH. That is the opinion of the Senator from Indiana. And I think the Senator from Georgia, from a private discussion we had a moment ago, would concur in that opinion.

Mr. DOMINICK. The other difference, then, between the Talmadge amendment with his cosponsors and the one that I have proposed is in the sentencing.

My amendment provided for 1 to 10 years on a first offense; the Talmadge amendment applies 5 to 15. On a second offense, mine applies 2 to 25, and his 10 to 30; so it is far more severe.

I am not a bit sure that we can, in this particular format, determine what is or is not a proper penalty, but I am willing to go along, in the interests of getting this done.

So, Mr. President, I withdraw my amendment and ask unanimous consent that I may be added as a cosponsor of the Talmadge amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is withdrawn.

Mr. ERVIN. Mr. President, I share the desire of my friend from Georgia, Senator TALMADGE, to provide for effective criminal sanctions against felons using firearms and drug pushers. Especially with respect to persons who peddle the horrible habit of narcotic addiction, I believe we must strengthen our law enforcement program.

Nevertheless, I must respectfully disagree with the amendment proposed by Senator TALMADGE which provides for mandatory minimum sentences. I am opposed to this amendment for two reasons. In the first place, I do not believe that the institution of mandatory minimum sentences will be effective in deterring these crimes or insuring proper punishment for the guilty. Experience shows and logic demonstrates that mandatory sentences in some cases actually encourage prosecutors to dismiss or break down charges to lesser offenses and encourage judges and juries to acquit the guilty. If a judge or jury believes the mandatory sentence does not fit the defendant under the circumstances, acquittal will be a great temptation.

The second objection I have to mandatory minimum sentences is the unfortunate restrictions they place upon the discretion of judges. Although, like other Americans, I do not always agree with the way in which judges exercise their traditional discretion in sentencing, I strongly believe in preserving this flexibility built into our system of criminal justice. It is the trial judge, not Congress, which hears all of the evidence, observes firsthand the particular defendant, and becomes acquainted with his background through the presentencing report. Mandatory sentences deprive trial judges of discretion to make the punishment fit the crime and the criminal.

While the Congress can and should establish the range of appropriate criminal sanctions for criminal conduct, only the court has the practical capacity to express the precise public will as to the particular, necessarily unforeseen individual case.

The American Bar Association's Report on Standards for Criminal Justice has concluded:

> The legislature should not specify a mandatory sentence for any sentence category or for any particular offense.

For these reasons, Mr. President, I strongly oppose mandatory minimum sentences. If I thought that this approach to sentencing held out any reasonable hope of curtailing drug traffic and punishing those who peddle drugs among our citizenry, I would support it. I am convinced, however, that it would not only be an ineffective answer to the problem of serious crime but actually handicap our courts in dealing with these crimes.

In addition to the reasons stated above, I am also disturbed that the Judiciary Subcommittee on Criminal Laws and Procedures has not had any opportunity to study and to consider this proposal. I have the greatest respect for the chairman of this Subcommittee, Senator JOHN MCCLELLAN. Over the years, he has demonstrated great knowledge and understanding of our criminal justice system. Every major bill dealing with criminal justice which I can recall has been processed by Senator MCCLELLAN's subcommittee. This year, Senator MCCLELLAN's subcommittee is considering S. 1 and S. 1400, proposals to revise and reform our entire Federal criminal code. I consider it inappropriate and unfortunate that this present proposal for mandatory minimum sentences has not been given 1 hour of consideration by the Senate subcommittee which has both jurisdiction and expertise on this subject.

Mr. President, I am as concerned as any Senator about crime in America. I have joined my colleagues Senator MCCLELLAN and Senator HRUSKA in introducing S. 1, a comprehensive bill to revise and reform the Federal criminal law. I have introduced again in this Congress a bill to provide for speedy trials which, if enacted, would bring swift and sure justice to the criminal. I am anxious to review and support any legislative proposal which promises to make our communities safe and improve our system of criminal justice. Nevertheless, Mr. President, I cannot support measures such as the pending amendment which represent false hopes for crime control and which have not been considered at all by any Senate committee.

Mr. CHURCH. Mr. President, I support the amendment offered by the Senator from Georgia. Since I first came to the Senate in 1957, I have maintained that the way to control crimes committed with a firearm is to punish those who commit the crime—not restrict the rights of honest citizens.

The Senator's amendment would achieve that goal. It provides that once a person is found guilty of the commission of a felony with a firearm, he may be punished for that crime by imposing an additional penalty of from 5 to 15 years in prison. During that term, no court could suspend the sentence imposed or grant probation.

I commend the Senator for offering his amendment. It has my full support and I am sure it has the support of the majority of the people in the State of Idaho.

As to the second part of the Senator's amendment dealing with sentences for drug pushers, that too has my support. I have no sympathy for an adult, not himself an addict, who pushes hard drugs. Any adult who engages in hard narcotics traffic for profit should be punished severely. Under this proposal, a pusher could be given from 10 to 30 years and during the term of the sentence imposed, no probation could be granted.

It is time we made clear to the criminal element in this country that we will not tolerate the abuse of firearms and the illicit traffic in drugs that is becoming all too common even in rural America.

I strongly urge the adoption of the amendment.

Mr. MCGOVERN. Mr. President, I am privileged to join with my distinguished colleague from Georgia in introducing an amendment to S. 800, the omnibus crime bill.

The amendment provides for separate and additional penalties for persons who sell or manufacture in excess of one-tenth of an ounce of pure morphine or pure heroin. Addicts and first-time juvenile offenders are expressly exempted. A first-time adult offender would be sentenced 10 to 30 years in addition to the existing penalties now provided by law. A second-time offender would receive a life sentence with the right to parole after 30 years.

The amendment is tailored to hit the organized criminal who sells or manufactures hard drugs for profit at the wholesale level. The streetpusher addict who needs medical and psychiatirc treatment will continue to be subject to the existing penalties.

By raising the stakes for the hardened criminal who preys on the addict, we will deter those at the source of the hard drug traffic, whose only motive is profit—the courier, the refiner, and the wholesaler. The organized criminal will be faced with the prospect of spending most of his adult life in jail.

Our amendment also provides for harsher mandatory penalties for the criminal who uses a gun in committing Federal crimes. This is a step in the right direction. We must make it more costly for the criminal to use firearms. However, the relatively small number of Federal crimes indicates that such penalties will only act as a deterrrent to the criminal use of firearms when the States enact similar penalties.

Mr. President, the country badly needs this amendment. It is not the complete answer, but is a step in the right direction. It has broad bipartisan support. I hope it soon becomes the law of the land.

QUORUM CALL

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. (Mr. HANSEN). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I send an amendment to the amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> Amend Sec. 405A(a) as follows: strike "ten" and insert "7", strike "thirty" and insert "25."

Mr. JAVITS. Mr. President, I have 10 minutes, I understand?

The PRESIDING OFFICER. The Senator has 10 minutes.

Mr. JAVITS. Mr. President, I have introduced this amendment to the amendment and will introduce whatever other amendments need to be introduced, in order to increase the time available to talk about this subject, because I think this matter is altogether too important in terms of the impact on the jurisprudence of this country and in terms of its impact on the youth of the country to rush as rapidly as we have.

I wish to state to the manager of the bill and to the Senator from Indiana (Mr. BAYH), however, that I have no intention or desire to delay it beyond a very approximate hour this afternoon. We will act on it. It is a matter of getting the time and none is available.

I wish to emphasize first that I am for reasonable mandatory sentences. I have myself introduced S. 1137 a bill on this very same subject on it, to increase penalties and to impose mandatory sentences in narcotics trafficking cases, and I think that the use of firearms is most reprehensible. I should also like to point out that I have long supported strong gun control legislation, which is the real way to get at this problem. I question seriously whether the massive penalties, which could be written down as being beyond the limits of what is humanitarian, will really have the effect that my colleagues think it will have.

So far as I know, the dealth penalty did not end murders, nor did life imprisonment end murders. We still have homicides in New York. I remember very well the stringent Boggs bill which passed when I was in the House of Representatives years ago, and it did not end narcotics peddling, whether by the pusher or the narcotics addict.

I think that this is a narrow way to look at the problem we have. The problem, in my judgment, will yield only when we have a trilogy of remedies, when we have adequate remedies in the criminal justice system for those who are criminals.

I think the real problem is the fact that our courts are bogged down, and with plea bargaining, because if the fixed sentences are too high, there will be acquittals and dismissals when there should not be, and even more plea bargaining than there is today, so that we may very well proliferate our problem rather than solve it.

In addition, where there are such fearsome penalties as 45 years mandatory for a first offense, we merely drive that individual into a corner and he commits more serious crime because he will be imprisoned for life or tantamount to it. So why hold back? He might as well go all out. He is an outlaw of society, anyway. Society is through with him. This is the history of penology.

That is why I suggested the wisdom, when we were dealing with such long mandatory sentences.

Frankly, I am not a bit appalled by the fact that it could be argued, as it has already been argued, that the minute we talk about penalties, we are somehow "soft" on crime, or on pushers or on narcotics addicts. In that case, where do we stop? Do we want to draw and quarter them? Why stop at all? What is the limit? Why have any limit for any crime?

At one time, they used to cut off a man's hand for minor crimes, including Anglo-Saxon England. Why not do it again, and have no restraints, no limits, no qualifications whatsoever? Why not 30 years instead of 20 years? Or why not 40 years instead of 30 years? Maybe we will be heroes if we say to our colleagues, "You are too soft on crime; 30 years is too short. Make it 40 years, 50 years—102 years. Even if the criminal does not live that long, we will show our intention that he must suffer."

So, Mr. President, this subject should not be approached without very careful consideration of what is the present law and practice with regard to this problem, including the problem of delayed justice—which is justice frustrated. Hearings should establish whether this could or could not be counterproductive. Maybe it would, maybe it would not.

The distinguished Senator from Nebraska (Mr. HRUSKA) tells us that the Judiciary Committee will do exactly that. In my judgment, we should send this bill to the Judiciary Committee. There is undoubtedly overwhelming sentiment for tough mandatory sentences, in which I join with both Senators TALMADGE and BAYH with respect to the very kinds of crime which they have put in their amendment.

I think the fact that we have excluded the addict is a most important change and I hope that that will be continued in anything the Judiciary Committee does. I would propose that we set a short time limit on the measure, if sent back to the Judiciary Committee. That committee, as the Senator from Nebraska (Mr. HRUSKA) tells us, is taking up this subject. All of us have seen this amendment for the first time today, other than as presented by the Senator from Georgia (Mr. TALMADGE) the other day.

For all those reasons, Mr. President, it would be my judgment that we would be very much better advised to proceed in that way rather than to endeavor immediately to legislate on so awesome a subject.

It would, therefore, be my intention to move at an appropriate time to refer S. 800 to the Judiciary Committee, with instructions to report it back to the Senate within 2 weeks from this date with its recommendations to the Senate. Then I think we could legislate in an intelligent and appropriate way on this, as I say, awesome question of a human life and its fate, even though it is the fate of a criminal offender.

Mr. BAYH. May I ask the Senator this question: Does the Senator direct his motion to the entire bill (S. 800), which has many other facets and on which there is little disagreement, or would he rather just confine his motion to the amendment of the Senator from Georgia and the Senator from Indiana?

Mr. JAVITS. Well, I am constrained to say that it is going to be a motion to refer back so that we can get the chance here, within a short period of time, to consider this carefully. We cannot make it any other way. The only other way would be to table it. I can do that, testing the question that way, but it seems to me that is not an adequate or a proper test. If I were unsympathetic, that would be one thing, but I have no such desire. All I say is that it is so awesome a question that we should have the best advice we can from the committee which is charged with the matter. It is the very thing for which Senator HRUSKA pleaded. The only way that can be done is by sending the whole bill back. If anybody can tell me a better way, I would like to do it.

If I move to table, it will only result in the charge that I am trying to kill it. I am not. I have no such desire. I will make it a week, if the manager of the bill will accept that—any time which would let some deliberative group in the Senate really pass on this, match it with other law, and come back and tell us that this is the right thing to do or the wrong thing to do, but at least give us their views on it, which I think is highly desirable, instead of legislating such a severe penalty statute within the little time available. Even if all Senators were available, people have to look at it. We do not know what other statutes relate to it, what the practice is in the courts, how it is working out.

I think that what I have suggested is the proper course, and I hope to pursue that course as soon as the moment is appropriate.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. HRUSKA. Does the Senator consider a week or 2 weeks as a realistic period of time in which the Judiciary Committee could consider this matter in depth and return it to the floor with any degree of utility at all?

Mr. JAVITS. I think 2 weeks would at least give us a pause to look at it. I am trying to show good faith, I say to the Senator from Nebraska, as well as to show some decent concern for human beings.

I think Senator HUGHES argued very eloquently that the severity of punishment can have no limits, if that is our only standard or judgment. How severe can we make it? We can be experts in conjuring up ways to make it even more severe than the authors have already made it, and I think this is ill-advised.

Mr. BAYH. Will the Senator withhold momentarily? I speak only for myself. I do not want to speak for the Senator from Georgia. He is more than able to speak for himself.

Of course, the Senator from New York is the final repository of his motion. I do not think it is fair to suggest—and perhaps the Senator from New York does not care to imply this—that the authors of this amendment have just gone out willy-nilly and chosen an amendment with endless punishments. I do not think anybody here really suggests that. We are trying to deter——

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. JAVITS. Mr. President, I withdraw my amendment, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I move in accordance with the written motion which I have at the desk with reference to this bill, which I ask the Chair to direct the clerk to report.

The PRESIDING OFFICER. The motion will be stated.

The assistant legislative clerk read as follows:

> I move to refer S. 800 to the Committee on the Judiciary with instructions to report it back to the Senate in two weeks with the committee's recommendations thereon.

The PRESIDING OFFICER. Under the agreement previously entered into, time on this referral is 10 minutes to the Senator from New York, 10 minutes to the Senator from Georgia, and 10 minutes to the Senator from Arkansas.

Mr. JAVITS. I yield myself 5 minutes.

Mr. President, I hope we can terminate this very quickly and have a vote. I ask for the yeas and nays on the motion.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, I have made the argument, essentially. All I want is wise consideration by the appropriate committee of what is a very important measure, for which its proponents—and I am very likely to join them, I wish to emphasize—claim a measure of deterrence.

All I would like to find out is whether they can establish that it will be a deterrent and what the other factors are which are inhibiting the effective administration of the criminal law so that we have to lay on these extremely severe penalties, even for a first offense.

I have already argued the fact that there are no absolutes in respect of punishment, that we try to adjudge them as humanity and experience dictate is appropriate to fit the crime and to be adequate deterrents. I have already argued that not only deterrence is involved. Other factors are involved, such as cutting off the supply, treating those who are the customers of the pushers, and so forth.

Second, how many of us know individually—I think we all do—the young people who have gone wild and used a firearm, children of families where it is the last thing in the world one would ever think of? And just think of that mother and the famous statement that "There, but for the grace of God, am I."

When that child is put away for life, on a mandatory sentence which can go up to 45 years, and without any opportunity whatever, no matter what he does, to even get a probation or parole. Society may have to do that. I am not trying to beg that question. But at the very least, the Senate should not pass on that on a written motion sent up to the desk a few moments before it is argued and whizzed through.

Senators may say, "Sure, this bill is not going anywhere. It is loaded down." Or they might say, "Let the other body take care of it, or we will fix it up in conference." That is not the way we do our work, and it is not the way to abide by the oath we have taken to our people and to our country and to the Senate. We are here to do justice, even to the worst felons, and to render due process of law. This is not an annihilistic society. We take care of the sick and we take care of the most hardened criminal.

I have not moved to table. I think these are footless motions. We all want to find out more about this. The bill is a desirable bill and it should be passed. But in view of this amendment, which goes to a totally different subject, we cannot, in my judgment, act so improvidently. I, like other Senators who will vote on the RECORD, must risk the fact that our people are humane and intelligent enough to want to stop the crimes such as those involved here. I do not think anyone who looks at the matter in an American way can justly accuse me or any other Senator who votes that we are soft on crime. We are going to be tough on crime and because we are tough on crime we are going to be thoughtful and prudent.

Therefore, Mr. President, whenever the Senator from Georgia and the Senator from Indiana are ready, I am ready to vote.

Mr. TALMADGE. Mr. President, I yield myself such time as I may need. I shall be brief.

I ask unanimous consent that my distinguished colleague, the junior Senator from Georgia (Mr. NUNN), may be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, the motion of the distinguished senior Senator from New York would send S. 800 back to the Committee on the Judiciary with instructions to report the bill and the committee's recommendations within 2 weeks. The Committee on the Judiciary has worked long and hard on S. 800. The motion of the distinguished Senator from New York does not even relate to the pending amendment, the pending business at this time. The Committee on the Judiciary would not be under instructions to report the pending amendment or anything related to it back. Nothing has been discussed ad infinitum, ad nauseum, as much as the act of peddling hard drugs to the youth of this country; nothing has been discussed ad infinitum, ad nauseum, as much as the use of firearms in the commission of felonies. In recent history, we have seen a President of the United States shot down, and we have seen colleagues in the Senate shot down, and we have seen private citizens shot down with firearms.

Some people think the remedy is to outlaw firearms. I think the remedy is to put the man who uses them in the commission of a crime in the penitentiary. I think the remedy for this Mafia group that peddles hard narcotics and for those who hang around schoolhouses and sell heroin and morphine to our youth, is to put them in the penitentiary. That is what my amendment would do.

It is time to put up or shut up. If Senators want to do something about narcotics, the time is now while this amendment is pending before the Senate. We have the vehicle, we have the measure, and we have the time. I hope the Senate will not approve the motion of the Senator from New York.

I yield such time as he may need to the distinguished Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. BAYH. Mr. President, I think this matter has been debated rather at length. I appreciate the sincerity of my colleague from New York.

If the recipients of these penalties were not involved in the most heinous crimes against society, the Senator from Indiana would be marching shoulder to shoulder with the Senator from New York, as is often the case. I cannot do so on this issue because of reasons I have already cited in the previous debate.

I add one other practical aspect. As I look around this Chamber, I see five members of the Committee on the Judiciary, as well as a sixth member, the distinguished author of this resolution who previously had been a member of the Committee on the Judiciary, familiar with the workings of the committee. We know the workload they are now carrying and the degree of study the Committee on the Judiciary gives almost every issue before it.

I really believe it is rather unrealistic to expect that this or any other measure could be sent to that committee and come out again with the kind of careful study the Senator from New York wants it to have in the 2-week time period.

Mr. JAVITS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 6 minutes remaining.

Mr. JAVITS. Mr. President, I yield myself 3 minutes for a brief rebuttal.

First, I am not an amateur in criminal prosecution. I was attorney general for New York in 1955 and 1956. I have been a very active practicing lawyer for years and years, more years than I care to think about, in the New York courts in every conceivable kind of practice, trial, appellate, criminal, civil, and so forth. My abhorrence for crime, my reasonable knowledge of how prosecutions go, and what deterrents mean, the issue of plea bargaining are not strangers to me, nor is the reluctance of juries to convict when they think the penalty is too tough and they may let the accused off on that ground. Unreasonable severity can be counterproductive.

But laying all that aside, the fact is there are no absolutes in these matters. That is all I am saying. Sentences have to be matched to existing conditions to determine what should be done.

I would like to point out that the Senator from Indiana said that the Committee on the Judiciary is busy. When I want to get something done, I give it to a busy man. They are also experienced. I do not think they would let the Senate down. I might not like what I get. They might recommend much more severe penalties. This is fine. That is their duty.

Second, I think the Senator from Georgia himself must recognize they will have this amendment before them. The amendment is pending and is on this bill. It can be testified to before them. I fully respect their sincerity as they respect mine.

Mr. President, the concerns here have always been rooted in the Constitution. We must be against barbarous punishment, and everything the Constitution sets out—respect for courts, law, and the rights of any defendant support this I would be less than true to my oath if I were to try to pass on a matter of this importance in 1 hour or 2 hours of debate and without any understanding of its real consequences or in light of the law and the circumstances.

For those reasons, and in the interest of sheer prudence and humanity the Senate will send this matter to the Committee on the Judiciary with instructions.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. ERVIN. I am not going to vote for the Senator's motion, but I would like to make my position clear. I am opposed to mandatory sentences. I think that mandatory sentences deprive the judge of the power to exercise his intelligence to judge the case on its individual merits. So I am opposed to mandatory sentences on that ground.

Also, despite my highest respect for my good friend from Georgia, I am very sorry this matter has been offered as an amendment to bills which deal with other aspects of the criminal field. I think the amendment should have been introduced in the form of a separate bill or should have been offered as an amendment to some bill dealing with penalties for criminal violations.

I will not vote for a motion to recommit, because the other bills have been before the Judiciary Committee for a considerable period of time, but if the Senator from New York had made a motion that the amendment be committed to the Judiciary Committee with instructions to report back immediately with the amendment eliminated, I would vote for that kind of motion. Otherwise I just have to content myself with expressing my great reluctance for mandatory sentences which have the effect of depriving the judge of the capacity to exercise his intelligence and judge each case on the basis of its own merits rather than on the basis of the category into which it falls.

I thank my colleague for yielding.

Mr. JAVITS. Mr. President, if I have some time left, I yield myself 1 minute to make a parliamentary inquiry.

Is the motion which I have made amendable?

The PRESIDING OFFICER (Mr. COTTON). The motion to refer is amendable by adding instructions.

Mr. JAVITS. Mr. President, I am willing to do anything that Members of this body want done. All I want is a pause so that we can think this thing over. Anything that any Member of this body can think of is amenable to me, but I could not think of anything but offering the motion which I did.

Mr. BAYH. Mr. President, will the Senator permit me to make a suggestion?

The PRESIDING OFFICER. Who yields time?

Mr. TALMADGE. Mr. President, I yield time to the Senator.

Mr. BAYH. Mr. President, I think that the Senator from New York has an excellent record and nobody would accuse him of being soft on crime. If this proposal is defeated, the Senator from Georgia and the Senator from Indiana—and perhaps the Senator from New York will join us—can introduce a separate bill, which can be referred. But, I think the issue should be joined.

Mr. JAVITS. May I answer that the Senator from New York is caught in a trap. There is no other way to challenge this issue that I can think of without taking a position in opposition that would be unfair to me. I may very well not be in opposition. That is why I made the motion. It is the only way. I am ready to vote.

Mr. McCLELLAN. Mr. President, I believe I have 10 minutes, but I do not intend to use all of it.

Mr. President, I hope that we will proceed to vote on this amendment and on the bill. As every Senator knows, all of it except this amendment has been under consideration for some 2 years by the Senate, and particularly by the Senate Judiciary Committee. Four titles of this bill were passed by the Senate last year, both in an omnibus bill such as this, and separately. Due to the time factor, we were not able to get the bill passed by the House.

One bill was passed by the House, the conferees agreed upon the measure, and were ready to file the report, but the House did not have a quorum and had to adjourn. Consequently, the bill was not enacted into law.

It seems to me every Senator knows what this amendment contains. It is very simple. He is either for it or against it. There is no reason, in my judgment, why the amendment cannot be voted up or down.

If a majority of the Senate does not want mandatory sentences, they can vote the amendment down. If they are willing to have mandatory sentences, they can vote for the amendment and get it disposed of.

I see no reason for delay. I think every Senator has considered this issue, not only on the floor, but in his own discussions and considerations off the floor, and he already knows whether he favors mandatory sentences or does not. That is the issue. More time will not change votes. I hope we will not refer this bill back to committee. We are all burdened with work today. It is not intended as a dilatory tactic, I know, but it further delays action on a matter that I feel the Members of this body are competent to express their judgment on today.

I yield back my time.

Mr. TALMADGE. Mr. President, I yield back my time.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. TALMADGE. Mr. President, I withdraw the yielding back of my time.

Mr. McCLELLAN. Mr. President, I withdraw my statement, and I yield to the Senator.

Mr. HRUSKA. Mr. President, I suggest that the Senator from Arkansas has eloquently stated that we **all** know whether we are for or against the objectives of the bill. Of course, we all know whether we do or do not want to make criminal sanctions more severe in certain cases and whether we favor mandatory sentences in certain cases and whether we would authorize review of sentences applicable to special dangerous offenders.

However, I arose to criticize the amendment and the fashion in which it was proposed, it was because I did not know—I doubt if anyone knows—the fashion or the language in which these objectives are effected in the amendment which is before the Senate. I would glady vote for such a purpose, but it is difficult to support the language of an amendment which we have not had the opportunity to study.

My objection was not to its purpose,

not to the idea of what it seeks to do, but to the form in which it was developed here on the floor. I find it hard to endorse that kind of procedure.

Mr. McCLELLAN. Mr. President, I want to make one further observation.

It is not a good practice to offer amendments to bills on the floor that have not been considered by the committee which reported the bill, but that happens on almost every bill that comes in to this body. If we are going to establish a precedent here to refer a bill back to committee for further consideration of an amendment that has been offered on the floor but not considered in committee, then we are going to have a stumbling block to the expedition of legislation in the Senate. If we are not going to establish that kind of precedent, this would be a good place to resolve it.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. MANSFIELD. Mr. President, the Committees of the Senate are the servants of the Senate, and what the Senate does is what counts, not what the committees do.

Mr. McCLELLAN. That is right, and we can vote it up or down on the floor. That is what I suggest.

Mr. HRUSKA. Mr. President, the motion to refer to the Judiciary Committee is not effective. It would be nothing more than a gesture to refer a matter of this kind for only 2 weeks in the present state of affairs and the present calendar.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the distinguished junior Senator from Florida (Mr. Chiles) be listed as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, I am prepared to yield back my time.

Mr. McCLELLAN. I yield back my time.

The PRESIDING OFFICER. Does the Senator from Georgia yield back his time?

Mr. TALMADGE. I yield back my time.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BAYH. Mr. President, a parliamentary inquiry. Is this a quorum call?

The PRESIDING OFFICER. A quorum call is in progress.

Mr. GRIFFIN. On whose time, Mr. President?

The PRESIDING OFFICER. Debate is not in order. All time has been yielded back. A quorum call is in progress. The clerk will continue to call the roll.

The second assistant legislative clerk continued to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PASTORE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. JAVITS. Mr. President, I withdraw my motion.

The PRESIDING OFFICER. It requires unanimous consent to do so because the yeas and nays have been ordered.

Mr. JAVITS. Mr. President, I ask unanimous consent to withdraw my motion.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HUGHES. Mr. President, I move to table the amendment.

Mr. TALMADGE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. Helms). The question is on agreeing to the motion to table the Talmadge-Bayh amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. Eastland) is necessarily absent.

I also announce that the Senator from Mississippi (Mr. Stennis) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. Brooke) is absent by leave of the Senate on official business.

The Senator from Arizona (Mr. Fannin) is absent on official committee business.

The Senator from Arizona (Mr. Goldwater) and the Senator from Ohio (Mr. Saxbe) are necessarily absent.

The result was announced—yeas 18, nays 76, as follows:

[No. 78 Leg.]

YEAS—18

Abourezk
Aiken
Case
Clark
Curtis
Ervin
Hart
Hatfield
Hathaway
Hruska
Hughes
Javits
Kennedy
Muskie
Percy
Stevenson
Tunney
Williams

NAYS—76

Allen
Baker
Bartlett
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Biden
Brock
Buckley
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Church
Cook
Cotton
Cranston
Dole
Domenici
Dominick
Eagleton
Fong
Fulbright
Gravel
Griffin
Gurney
Hansen
Hartke
Haskell
Helms
Hollings
Huddleston
Humphrey
Inouye
Jackson
Johnston
Long
Magnuson
Mansfield
Mathias
McClellan
McClure
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Pa.
Scott, Va.
Sparkman
Stafford
Stevens
Symington
Taft
Talmadge
Thurmond
Tower
Weicker
Young

NOT VOTING—6

Brooke
Eastland
Fannin
Goldwater
Saxbe
Stennis

So the motion to table the Talmadge-Bayh amendment was rejected.

Mr. TALMADGE. Mr. President, I ask for the yeas and nays on the amendment.

Mr. JAVITS. Mr. President, I ask for a severance of the two parts of the amendment. I demand a severance. I wish a division.

The PRESIDING OFFICER. The amendment will be divided into two parts.

Mr. BAYH. Mr. President, a parliamentary inquiry.

Mr. JAVITS. Mr. President, I have the floor. Will the Chair state the particular point of division?

The PRESIDING OFFICER. Title V and title VI.

Mr. JAVITS. "Title V—Additional Sentences for Commission of a Felony With Use of Firearm." "Title VI—Controlled Substances Act Amendments."

They are to be voted on separately, and the yeas and nays have been ordered. How would the yeas and nays be applied?

The PRESIDING OFFICER. There will be a yea-and-nay vote on each title.

Mr. JAVITS. The first vote to come on title V?

The PRESIDING OFFICER. The Senator is correct.

Mr. HUGHES. As I understand, title V has been amended or revised. Is that correct?

The PRESIDING OFFICER. Title V has been modified.

Mr. HUGHES. Is it permissible to have the title of the amendment read before we vote?

The PRESIDING OFFICER. Yes. Does the Senator wish to have it read?

Mr. HUGHES. I wish to have a reading of the section before the vote.

The PRESIDING OFFICER. The clerk will read.

The legislative clerk read as follows:

On page 65, immediately preceding line 5, insert the following new titles:

"TITLE V—ADDITIONAL SENTENCES FOR COMMISSION OF A FELONY WITH USE OF FIREARM

Sec. 501. Subsection (c) of section 924 of title 18 of the United States Code, is amended to read as follows:

"'(c) (1) Whoever—

"'(A) uses a firearm to commit any felony for which he may be prosecuted in a court of the United States, or

"'(B) carries a firearm unlawfully during the commission of any felony which threatens life or property for which he may be prosecuted in a court of the United States, may, in addition to the punishment provided for the commission of such felony, be sentenced to a term of imprisonment for not less than five years or more than fifteen years. In any case in which such additional sentence is not imposed, the court shall state in writing its reasons for so deciding. The imposition or execution of such additional sentence if imposed shall not be suspended nor probation granted.

"'(2) Whoever, after having been convicted of any such felony while so using or unlawfully carrying a firearm as provided in paragraph (1) of this subsection and is again convicted of a second or subsequent offense involving the commission of a felony for which he may be prosecuted in a court of the United States while so using or unlawfully carrying a firearm as provided in paragraph (1) shall, in addition to the punishment provided for the commission of such felony, be sentenced to a term of imprisonment for not less than ten or more than thirty years. The imposition or execution of such additional sentence shall not be suspended and probation shall not be granted.

"'(3) In no case shall any additional term of imprisonment imposed pursuant to this subsection run concurrently with any time of imprisonment imposed for the commission of any such felony.

"'(4) A conviction shown on direct or collateral review to be invalid, or for which the defendant has been pardoned on the ground of innocence shall be disregarded for purposes of paragraph (2) of this subsection.

The amendment of the Senator from Montana (Mr. Mansfield) is as follows:

Sec. 502a. "Subsection (e) of section 3575 of title 18, United States Code is amended (1) by striking out the period at the end of paragraph (3) thereof and inserting in lieu thereof a semicolon and the word "or", and (2) by adding immediately after paragraph (3) thereof the following new paragraph:

"(4) the defendant used a firearm (as defined in section 921(a)(3) of this title) to commit such felony, or unlawfully carried a firearm (as defined in section 921(a)(3) of this title) during the commission of such felony."

(g) Section 3575 of title 18, United States Code, is amended by adding at the end thereof the following new subsection:

"(h) Nothing in this section shall be construed as amending, altering, modifying, or otherwise affecting the provisions of subsection (c) of section 924 of this title, or as affecting the applicability of such provisions to any defendant sentenced pursuant to this section".

The PRESIDING OFFICER (Mr. Cranston). The question is on agreeing to the first part of the amendment of the Senator from Georgia (Mr. Talmadge).

On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. Eastland) and the Senator from Maine (Mr. Muskie) are necessarily absent.

I also announce that the Senator from Mississippi (Mr. Stennis), is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. Brooke) is absent by leave of the Senate on official business.

The Senator from Arizona (Mr. Fannin) is absent on official committee business.

The Senator from Arizona (Mr. Goldwater) and the Senator from Ohio (Mr. Saxbe) are necessarily absent.

The result was announced—yeas 81, nays 12, as follows:

[No. 79 Leg.]

YEAS—81

Aiken
Allen
Baker
Bartlett
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Biden
Brock
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Church
Cook
Cotton
Cranston
Curtis
Dole
Domenici
Dominick
Eagleton
Fong
Fulbright
Gravel
Griffin
Gurney
Hansen
Hartke
Haskell
Hatfield
Helms
Hollings
Hruska
Huddleston
Humphrey
Inouye
Jackson
Johnston
Long
Magnuson
Mansfield
Mathias
McClellan
McClure
McGee
McGovern
McIntyre
Mondale
Montoya
Moss
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Pa.
Scott, Va.
Sparkman
Stafford
Stevens
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Young

NAYS—12

Abourezk
Case
Clark
Ervin
Hart
Hathaway
Hughes
Javits
Kennedy
Metcalf
Stevenson
Williams

NOT VOTING—7

Brooke
Eastland
Fannin
Goldwater
Muskie
Saxbe
Stennis

So the first part of Mr. Talmadge's amendment was agreed to.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the first part of the amendment was agreed to.

Mr. TALMADGE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on all votes from now on the time limit be reduced from 15 to 10 minutes. I understand there will be two more votes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The question now recurs on the second part of the amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. Eastland), and the Senator from Maine (Mr. Muskie) are necessarily absent.

I also announce that the Senator from Mississippi (Mr. Stennis) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. Brooke) is absent by leave of the Senate on official business.

The Senator from Arizona (Mr. Fannin) is absent on official committee business.

The Senator from Arizona (Mr. Goldwater) and the Senator from Ohio (Mr. Saxbe) are necessarily absent.

The result was announced—yeas 81, nays 12, as follows:

[No. 80 Leg.]

YEAS—81

Allen
Baker
Bartlett
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Biden
Brock
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cotton
Cranston
Curtis
Dole
Domenici
Dominick
Eagleton
Fong
Fulbright
Gravel
Griffin
Gurney
Hansen
Hartke
Haskell
Helms
Hollings
Huddleston
Humphrey
Inouye
Jackson
Javits
Johnston
Long
Magnuson
Mansfield
Mathias
McClellan
McClure
McGee
McGovern
McIntyre
Mondale
Montoya
Moss
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Pa.
Scott, Va.
Sparkman
Stafford
Stevens
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—12

Abourezk
Aiken
Clark
Ervin
Hart
Hatfield
Hathaway
Hruska
Hughes
Kennedy
Metcalf
Stevenson

NOT VOTING—7

Brooke
Eastland
Fannin
Goldwater
Muskie
Saxbe
Stennis

So the second part of Mr. Talmadge's amendment was agreed to.

Mr. TALMADGE. Mr. President, I move to reconsider the vote by which the second part of the amendment was agreed to.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 72

Mr. STEVENS. Mr. President, I call up amendment No. 72.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. STEVENS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment, ordered to be printed in the Record, is as follows:

On page 52 following line 26, insert the following:

Sec. 529. (a) There is hereby established an honorary award for the recognition of outstanding service by public safety officers. The award shall be known as the President's Award for Distinguished Public Safety Service. Each award shall be suitably inscribed and an appropriate citation shall accompany each award.

(b) The President's Award for Distinguished Public Safety Service shall be presented by the President to public safety officers for extraordinary valor in the line of duty or for exceptional contribution to the field of public safety.

(c) The Attorney General shall advise and assist the President in the selection of persons to whom the award shall be tendered. In performing this function, the Attorney General shall seek and review recommendations submitted to him by Federal, State, county, or local government officials, and shall decide which of them, if any, warrant presentation to the President. The Attorney General shall transmit to the President the names of those persons determined by the Attorney General to merit the award, together with the reasons therefor. Recipients of the award shall be selected by the President.

(d) There shall not be awarded in any one calendar year in excess of twelve such awards.

(e) The Attorney General is authorized and directed to issue such regulations as may be necessary to carry out this section.

Mr. STEVENS. Mr. President, the amendment which I am proposing to S. 800, title III, is a revised version of S. 187, my bill to establish law enforcement awards. My amendment provides for the issuance of the President's Award for Distinguished Public Safety Service, and it calls for a maximum of 12 such honorary awards to be presented annually by the President for outstanding service and extraordinary valor in the field of public safety by public safety officers, as defined in S. 800. I am convinced that such recognition is long overdue for our public safety officers who each day risk their safety on our behalf.

My amendment directs the Attorney General, after reviewing recommendations by Government officials, to advise and assist the President in his selection of recipients of the award, with the President making the final choices. This procedure allows Government officials at all levels to participate in this program of proper recognition of our public safety representatives.

During floor deliberations on the Omnibus Crime Control and Safe Streets Act of 1970, the Senate incorporated without objection my bill to establish the President's Award for Distinguished Law Enforcement Service, but the amendment was subsequently deleted by the conference. My present amendment has been appropriately redrafted to include all public safety officers, as defined in S. 800, and it is, therefore, germane to S. 800. The Department of Justice has reported on the bill I introduced in the 91st Congress to establish such a program, and urged its prompt and favorable consideration. I have the letter from Attorney General Kleindienst to the Committee on the Judiciary dated August 26, 1970, and I ask unanimous consent to have it printed in the Record.

There being no objection, the letter ordered to be printed in the Record, as follows:

Office of the
Deputy Attorney General,
Washington, D.C., August 26, 1970.

Hon. James O. Eastland,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: This is in response to your request for the views of the Department of Justice on S. 4193, "To establish the President's Award for Distinguished Law Enforcement Service."

This bill establishes an honorary award program to recognize outstanding service by State, county and local law enforcement officers. A maximum of twelve awards annually will be presented by the President for extraordinary valor in the line of duty or for exceptional contribution in the field of law enforcement. The Attorney General will advise and assist in the President's selection of award recipients by reviewing recommendations made by State, county and local officials. The cost of carrying out this award program will be listed in the annual budget request of the Department of Justice.

This legislation will serve as an affirmative, public declaration by the Congress which enacts it, and the President who approves it, of the esteem in which the American people hold law enforcement officers.

The Department of Justice urges its prompt and favorable consideration.

The Office of Management and Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's Program.

Sincerely,

Richard G. Kleindienst,
Deputy Attorney General.

Mr. STEVENS. Mr. President, there are certain criteria necessary to the successful performance of public safety employment. These employment demands are illustrated by an excerpt from a Brookings Institution publication entitled "Upgrading the American Police," by Charles B. Saunders, Jr. While these demands apply to policemen in this excerpt, they have broader application to all officers of public safety, and they illustrate some of the standards by which the award provided by my amendment may be granted. I ask unanimous consent that this excerpt be printed in the Record.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Upgrading the American Police

* * * * *

Bruce Smith, the foremost scholar of police administration, emphasized the human factor in the law enforcement equation in his landmark study which appeared in 1940:

> The policeman's art, then, consists in applying and enforcing a multitude of laws and ordinances in such degree or proportion and in such manner that the greatest degree of social protection will be secured. The degree of enforcement and the method of application will vary with each neighborhood and community. There are no set rules, nor even general guides to policy, in this regard. Each policeman must, in a sense, determine the standard which is to be set in the area for which he is responsible. Immediate superiors may be able to impress upon him some of the lessons of experience, but for the most part such experience must be his own. . . . Thus he is a policy-forming police administrator in miniature, who operates beyond the scope of the usual devices for popular control. . . .
>
> Hence the task of raising the level of police performance does not hinge upon the use of mechanical aids, as so many suppose. It depends upon sound organization and efficient procedures which are applied to—and by—alert and intelligent servants of the police organism. Since the human factor proves the most difficult to control and may actively resist all change, the process of raising the general level of police service sometimes proves to be a lengthy one. . . .[14]

In the last three decades the human factor has assumed ever greater importance as police agencies have had to cope with the tensions and dislocations resulting from population growth, increasing urbanization, developing technology, the civil rights revolution, changing social norms, and a breakdown of traditional values. Such factors have enormously complicated the law enforcement task, making more critical the need for the "truly exceptional men" Vollmer sought in the 1930s.[15]

Today's local patrolman must be aware of these factors and understand their psychological and sociological implications for his community. He must deal with all of its citizens—rich and poor, young and old, of whatever cultural and ethnic backgrounds—in ways which will maintain their support and confidence. He must be able to provide a variety of services while serving as protector of life, property, and personal liberty. He must be a law enforcement generalist with a working knowledge of federal, state, county, and municipal law, traffic law, and criminal procedures.

THE POLICE PATROLMAN: A JOB DESCRIPTION

The complex demands of the patrolman's job and the attributes required for successful performance have recently been analyzed by a university research team whose findings, reported as a list of essential behavioral requirements, serve as scientific validation of the point Vollmer made three decades earlier. On the basis of extensive field observation, the scholars concluded that a patrolman must

(1) endure long periods of monotony in routine patrol yet react quickly (almost instantaneously) and effectively to problem situations observed on the street or to orders issued by the radio dispatcher (in much the same way that a combat pilot must react to interception or a target opportunity).

(2) gain knowledge of his patrol area, not only of its physical characteristics but also of its normal routine of events and the usual behavior patterns of its residents.

(3) exhibit initiative, problem-solving capacity, effective judgment, and imagination in coping with the numerous complex situations he is called upon to face, e.g., a family disturbance, a potential suicide, a robbery in progress, an accident, or a disaster. Police officers themselves clearly recognize this requirement and refer to it as "showing street sense."

(4) make prompt and effective decisions, sometimes in life and death situations, and be able to size up a situation quickly and take appropriate action.

(5) demonstrate mature judgment, as in deciding whether an arrest is warranted by the circumstances or a warning is sufficient, or in facing a situation where the use of force may be needed.

(6) demonstrate critical awareness in discerning signs of out-of-the-ordinary conditions or circumstances which indicate trouble or a crime in progress.

(7) exhibit a number of complex psychomotor skills, such as driving a vehicle in normal and emergency situations, firing a weapon accurately under extremely varied conditions, maintaining agility, endurance, and strength, and showing facility in self-defense and apprehension, as in taking a person into custody with a minimum of force.

(8) adequately perform the communication and record-keeping functions of the job, including oral reports, preparation of formal case reports, and completion of departmental and court forms.

(9) have the facility to act effectively in extremely divergent interpersonal situations. A police officer constantly confronts persons who are acting in violation of the law, ranging from curfew violators to felons. He is constantly confronted by people who are in trouble or who are victims of crimes. Besides his dealings with criminals, he has contact with para-criminals, informers, and people on the border of criminal behavior. (He must also be "alley-wise.") At the same time, he must relate to the people on his beat—businessmen, residents, school officials, visitors, etc. His interpersonal relations must range up and down a continuum defined by friendliness and persuasion on one end and by firmness and force at the other.

(10) endure verbal and physical abuse from citizens and offenders (as when placing a person under arrest or facing day-in and day-out race prejudice) while using only necessary force in the performance of his function.

(11) exhibit a professional, self-assured presence and a self-confident manner in his conduct when dealing with offenders, the public, and the courts.

(12) be capable of restoring equilibrium to social groups, e.g., restoring order in a family fight, in a disagreement between neighbors, or in a clash between rival youth groups.

(13) be skillful in questioning suspected offenders, victims, and witnesses of crimes.

(14) take charge of situations, e.g., a crime or accident scene, yet not unduly alienate participants or bystanders.

(15) be flexible enough to work under loose supervision in most of his day-to-day patrol activities (either alone or as part of a two-man team) and also under the direct

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[14] Smith, *Police Systems in the United States* (Harper & Bros., 1940), pp. 21–22. The continuing validity of this point is indicated by the use of the identical passage two decades later in the second revised edition (Harper & Row, 1960), pp 19–20.

[15] August Vollmer, *The Police and Modern Society* (University of California Press, 1936), p. 223.

supervision of superiors in situations where large numbers of officers are required.

(16) tolerate stress in a multitude of forms, such as meeting the violent behavior of a mob, arousing people in a burning building, coping with the pressures of a high-speed chase or a weapon being fired at him, or dealing with a woman bearing a child.

(17) exhibit personal courage in the face of dangerous situations which may result in serious injury or death.

(18) maintain objectivity while dealing with a host of "special interest" groups, ranging from relatives of offenders to members of the press.

(19) maintain a balanced perspective in the face of constant exposure to the worst side of human nature.

(20) exhibit a high level of personal integrity and ethical conduct, e.g., refrain from accepting bribes or "favors," provide impartial law enforcement, etc.[16]

These behavioral requirements are basic to the job of a patrolman, regardless of the size and nature of the community in which he works. If competent performance of the law enforcement task is expected, these attributes should characterize every member of the force, from the newest recruit to the oldest veteran. They should be standard equipment for any man in uniform, whether he patrols a sleepy rural street, a congested business district, or a ghetto alley.

Mr. STEVENS. Mr. President, my amendment provides for a positive recognition of the valuable service which public safety officers render to the citizens of this Nation. Their routine duties expose them to extreme danger and require significant personal sacrifice to the extent that national public acknowledgment by the issuance of honorary awards as provided by my amendment is necessary and justified.

Mr. President, this is the same amendment I proposed to a crime bill in 1970. I have discussed the amendment with the chairman of the committee and with the ranking minority member of the committee. The amendment would create the President's Award for Distinguished Public Safety Service. No expense is involved and the amendment has been approved by the Attorney General. We have not had a hearing on it, but under the circumstances in which this bill is being passed again I ask the chairman if he is prepared to accept the amendment.

Mr. McCLELLAN. Mr. President, this amendment was accepted and became part of a crime bill passed in 1970. I know of no objection to it. I would support the amendment. It is not controversial. It provides for a medal for distinguished public safety service. I am sure no one objects to that.

Mr. HRUSKA. I would associate myself with the remarks of the distinguished senior Senator from Arkansas (Mr. McCLELLAN) in this instance.

Mr. President, if no other Senator wants to discuss the matter, I am ready to yield back the remainder of my time.

Mr. STEVENSON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment having been yielded back, the question is on agreeing to the amendment of the Senator from Alaska.

The amendment was agreed to.

The PRESIDING OFFICER. If there be no further amendment to be offered, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. WILLIAMS. Mr. President, it is my privilege to have joined with the distinguished chairman of the Subcommittee on Criminal Laws and Procedures as a cosponsor of S. 800, the Victims of Crime Act of 1973. This comprehensive piece of legislation would assist the various States in aiding the innocent victims of violent crimes.

Crime has created an atmosphere of unparalleled fear among this Nation's citizenry. In 1969, a survey taken in a major city on the eastern seaboard indicated that between 30 and 43 percent of the people lived in fear of being the victim of a street crime in their own neighborhood. In the high-crime districts of the city, 60 percent of the residents considered it likely that they would be victimized by a criminal in their own community.

FBI crime statistics suggest that the public's fears about crime are well founded. They disclose not only that a staggering volume of crime is committed in this country each year, but also that the volume of crime continues to increase.

The risk of becoming a victim of violent crime in New Jersey in particular is increasing at an enormous rate. There wasa 12-percent increase in crime from 1970 to 1971 and a 56-percent increase from 1967 to 1971. Violent crimes rose disproportionately—28 percent from 1970 to 1971, and constituted 12 percent of the total crime index reported for 1971.

We must take steps to bring a halt to crime itself. We have taken action, and one particularly noteworthy example is the Omnibus Crime Control and Safe Streets Act of 1968 to which S. 800 is an amendment. Nevertheless, as long as law enforcement officers and other innocent victims continue to suffer injury at the hands of criminals, society ought also to take steps to make them whole.

S. 800 would establish a nationwide, federally subsidized program of life and dismemberment insurance for public safety officers. Because of the obvious hazards of their profession many policemen, firemen, correctional officers, et ceteria, either have difficulty in obtaining insurance or find it to be unusually expensive. Since they are placed at a disadvantage because of the sacrifice they make for society, it seems only fair to me that we should put them back on an equal footing with the other members of society.

Along these same lines, S. 800 would provide a lump sum death benefit to the dependent survivors of public safety officers when the officer has been killed in the line of duty.

S. 800 would also establish a program to compensate the innocent man or woman on the street who is the victim of a violent crime. Several States, including my own State of New Jersey, have already established programs to compensate innocent victims of crimes, and it is my understanding that this bill will allow the Federal Government to assume most of the cost of these programs.

Finally, S. 800 would extend antitrust type remedies to the victims of racketeers. The United States itself would be permitted to sue for actual damages when it is injured in its business or property by reason of a violation of the Organized Crime Control Act of 1970, and the United States would also be allowed to intervene in private suits of public importance.

The Victims of Crime Act of 1973 embodies the recognition that we have an obligation to provide compensation to our public safety officers and other innocent victims who are killed or seriously injured by criminals, and I commend it to my colleagues.

Mr. EAGLETON. Mr. President, I consider passage of the Omnibus Victims of Crime Act of 1973 to be of the utmost priority in this Nation's fight against crime. I am especially pleased that this legislation incorporates the Public Safety Officers' Group Life Insurance Act and the Public Safety Officers' Benefits Act, which I have voted for previously when they passed the Senate.

No element is more significant than the human one—our policemen and firemen—in protecting the public safety and reducing crime. Unfortunately, the danger inherent in their jobs too often leaves them and their families facing severe financial hardship.

In recent years there has been an alarming increase in the number of deaths of policemen and firemen in the line of duty. The following table from the 1970 Uniform Crime Report illustrates starkly the risks our police officers take:

	Number killed
1961	37
1962	48
1963	55
1964	57
1965	53
1966	57
1967	76
1968	64
1969	86
1970	100
1971	126
1972	112

In 1970 there were 115 firefighters killed in the line of duty and in 1971 there were 106 deaths.

Injuries increased nationally from 18 per 100 policemen in 1970 to 18.7 per 100 in 1971. Injuries among firemen increased from 38 per 100 in 1970 to 39.6 per 100 in 1971.

By providing increased financial security through death benefits to an officer's surviving family and by providing a program of basic group life insurance, we cannot only improve the morale of our public safety officers and their families, but we can also greatly enhance our ability to attract and retain qualified public safety personnel.

At the present time, an officer's family is often dependent on the charity of a community after his death. While these efforts are commendable, I do not think that those men who preserve our public safety should have to depend on those who are public spirited to be sure that their children get an education or their widows can pay the mortgage.

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[16] Melany E. Baehr, John E. Furcon, and Ernest C. Froemel, "Psychological Assessment of Patrolman Qualification in Relation to Field Performance," Preliminary Report to Office of Law Enforcement Assistance, Department of Justice (processed, 1968), pp. II–3 to II–5. The project was conducted by the Industrial Relations Center of the University of Chicago under a grant to the Chicago Police Department.

The provision in this bill for a $50,000 payment to the dependent survivors of policemen, firefighters, corrections officers, and other public safety personnel has my wholehearted support. I also favor the establishment of a nationwide program of group life, accidental death, and dismemberment insurance for State and local police, firefighters, corrections guards, and court officers, patterned after that available to Federal civilian employees and members of the Armed Forces.

Because of the hazards of their jobs, life insurance is either unavailable or prohibitively expensive for these public safety officers. I think it is a Federal obligation, in order to fulfill our social aims of improved safety and reduced crime, to provide the means for such officers to protect themselves and their families against death and disability—whether on or off the job.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. EASTLAND), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. BROOKE) is absent by leave of the Senate on official business.

The Senator from Arizona (Mr. FANNIN) is absent on official committee business.

The Senator from Arizona (Mr. GOLDWATER) is necessarily absent.

The result was announced—yeas 93, nays 1, as follows:

[No. 81 Leg.]

YEAS—93

Abourezk
Aiken
Allen
Baker
Bartlett
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Biden
Brock
Buckley
Burdick
Byrd,
Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cook
Cotton
Cranston
Curtis
Dole
Domenici
Dominick
Eagleton
Ervin
Fong
Fulbright
Gravel
Griffin
Gurney
Hansen
Hart
Hartke
Haskell
Hatfield
Hathaway
Helms
Hollings
Hruska
Huddleston
Hughes
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McClure
McGee
McGovern
McIntyre
Mondale
Montoya
Moss
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott, Pa.
Scott, Va.
Sparkman
Stafford
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—1

Metcalf

NOT VOTING—6

Brooke
Eastland
Fannin
Goldwater
Muskie
Stennis

So the bill (S. 800) was passed, as follows:

S. 800

An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for the compensation of innocent victims of violent crime in financial stress; to make grants to the States for the payment of such compensation; to authorize an insurance program and death benefits to dependent survivors of public safety officers; to strengthen the civil remedies available to victims of racketeering activity and theft; and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Victims of Crime Act of 1973".

STATEMENT OF FINDINGS AND PURPOSE

The Congress finds that (1) there is an increase in crimes of violence, racketeering activity, and theft; (2) the increase in such crimes increases the chances of a person becoming a victim of such crime; (3) on an increasing basis crimes of violence are being directed at public safety officers; (4) the perpetrators of crimes of violence, when identified, apprehended, and convicted, are often not financially responsible; (5) the victims of crimes of violence, or their surviving dependents, are often themselves unable to bear the consequent losses; and (6) the victims of crimes of racketeering activity and theft could, with strengthened civil remedies, often help themselves to meet the financial consequences of such crimes.

It is, therefore, the purpose of this Act to commit the United States to meet its moral obligation to assist the innocent victims of violent crime or their surviving dependents within the area primarily of Federal responsibility to bear the consequential losses and to assist the States to aid those within the area primarily of State responsibility; to establish insurance and death benefit programs for public safety officers or their surviving dependents; and to strengthen the civil remedies available to victims of racketeering activity and theft.

TITLE I—COMPENSATION FOR VICTIMS OF VIOLENT CRIME

DECLARATION OF PURPOSE

SEC. 101. It is the declared purpose of Congress in this title to promote the public welfare by establishing a means of meeting the financial needs of the innocent victims of violent crime or their surviving dependents and intervenors acting to prevent the commission of crime or to assist in the apprehension of suspected criminals.

PART A—FEDERAL COMPENSATION PROGRAM

SEC. 102. The Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by—

(1) redesignating sections 451 through 455, respectively, as sections 421 through 425;

(2) redesignating sections 501 through 522, respectively, as sections 550 through 571;

(3) redesignating parts F, G, H, and I of title I, respectively, as parts I, J, K, and L of title I; and

(4) adding at the end of part E of title I, as amended by this Act, the following new parts:

"PART F—FEDERAL COMPENSATION FOR VICTIMS OF VIOLENT CRIME

"DEFINITIONS

"SEC. 450. As used in this part—

"(1) 'Board' means the Violent Crimes Compensation Board established by this part;

"(2) 'Chairman' means the Chairman of the Violent Crimes Compensation Board established by this part;

"(3) 'child' includes a stepchild, an adopted child, and an illegitimate child;

"(4) 'claim' means a written request to the Board for compensation made by or on behalf of an intervenor, a victim, or the surviving dependent or dependents of either of them;

"(5) 'claimant' means an intervenor, victim, or the surviving dependent or dependents of either of them;

"(6) 'compensation' means payment by the Board for net losses or pecuniary losses to or on behalf of an intervenor, a victim, or the surviving dependent or dependents of either of them;

"(7) 'dependent' means—

"(A) a surviving spouse;

"(B) an individual who is a dependent of the deceased victim or intervenor within the meaning of section 152 of the Internal Revenue Code of 1954 (26 U.S.C. 152); or

"(C) a posthumous child of the deceased intervenor or victim;

"(8) 'financial stress' means the undue financial strain experienced by a victim or his surviving dependent or dependents as the result of pecuniary loss from an act, omission, or possession giving rise to a claim under this part, disregarding ownership of—

"(A) a residence;

"(B) normal household items and personal effects;

"(C) an automobile;

"(D) such tools as are necessary to maintain gainful employment; and

"(E) all other liquid assets not in excess of one year's gross income or $10,000 in value, whichever is less;

"(9) 'gross losses' means all damages, including pain and suffering and including property losses, incurred by an intervenor or victim, or surviving dependent or dependents of either of them, for which the proximate cause is an act, omission, or possession enumerated in section 456 of this part, or set forth in paragraph (B) of subsection (18) of this section;

"(10) 'guardian' means a person who is entitled by common law or legal appointment to care for and manage the person or property, or both, of a minor or incompetent intervenor or victim, or surviving dependent or dependents of either of them;

"(11) 'intervenor' means a person who goes to the aid of another and is killed or injured while acting not recklessly to prevent the commission or reasonably suspected commission of a crime enumerated in section 456 of this part, or while acting not recklessly to apprehend a person reasonably suspected of having committed such a crime;

"(12) 'liquid assets' includes cash on hand, savings accounts, checking accounts, certificates of deposit, stocks, bonds, and all other personal property that may be readily converted into cash;

"(13) 'member' means a member of the Violent Crimes Compensation Board established by this part;

"(14) 'minor' means an unmarried person who is under eighteen years of age;

"(15) 'net losses' means gross losses, excluding pain and suffering, that are not otherwise recovered or recoverable—

"(A) under insurance programs mandated by law;

"(B) from the United States, a State, or unit of general local government for a personal injury or death otherwise compensable under this part;

"(C) under contract or insurance wherein the claimant is the insured or beneficiary; or

"(D) by other public or private means;

"(16) 'pecuniary losses' means net losses which cover—

"(A) for personal injury—

"(1) all appropriate and reasonable expenses necessarily incurred for medical, hospital, surgical, professional, nursing, dental, ambulance, and prosthetic services relating to physical or psychiatric care;

"(2) all appropriate and reasonable expenses necessarily incurred for physical and occupational therapy and rehabilitation;

"(3) actual loss of past earnings and anticipated loss of future earnings because of a disability resulting from the personal injury at a rate not to exceed $150 per week; and

"(4) all appropriate and reasonable expenses necessarily incurred for the care of minor children enabling a victim or his or her spouse, but not both of them, to continue gainful employment at a rate not to exceed $30 per child per week, up to a maximum of $75 per week for any number of children;

"(B) for death—

"(1) all appropriate and reasonable expenses necessarily incurred for funeral and burial expenses;

"(2) loss of support to a dependent or dependents of a victim, not otherwise compensated for as a pecuniary loss for personal injury, for such period of time as the dependency would have existed but for the death of the victim, at a rate not to exceed a total of $150 per week for all dependents; and

"(3) all appropriate and reasonable expenses, not otherwise compensated for as a pecuniary loss for personal injury, which are incurred for the care of minor children, enabling the surviving spouse of a victim to engage in gainful employment, at a rate not to exceed $30 per week per child, up to a maximum of $75 per week for any number of children;

"(17) 'personal injury' means actual bodily harm and includes pregnancy, mental distress, and nervous shock; and

"(18) 'victim' means a person who is killed or who suffers personal injury where the proximate cause of such death or personal injury is—

"(A) a crime enumerated in section 456 of this part; or

"(B) the not reckless actions of an intervenor in attempting to prevent the commission or reasonably suspected commission of a crime enumerated in section 456 of this part or in attempting to apprehend a person reasonably suspected of having committed such a crime.

"BOARD

"SEC. 451. (a) There is hereby established a Board within the Department of Justice to be known as the Violent Crimes Compensation Board. The Board shall be composed of three members, each of whom shall have been members of the bar of the highest court of a State for at least eight years, to be appointed by the President, by and with advice and consent of the Senate. The President shall designate one of the members of the Board to serve as Chairman.

"(b) No member of the Board shall engage in any other business, vocation, or employment.

"(c) The Board shall have an official seal.

"(d) The term of office of each member of the Board shall be eight years, except that (1) the terms of office of the members first taking office shall expire as designated by the President at the time of appointment, one at the end of four years, one at the end of six years, and one at the end of eight years, and (2) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

"(e) Each member of the Board shall be eligible for reappointment.

"(f) Any member of the Board may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

"(g) the principal office of the Board shall be in or near the District of Columbia, but the Board or any duly authorized representative may exercise any or all of its powers in any place.

"ADMINISTRATION

"SEC. 452. The Board is authorized in carrying out its functions under this part to—

"(1) appoint and fix the compensation of an Executive Director and a General Counsel and such other personnel as the Board deems necessary in accordance with the provisions of title 5 of the United States Code;

"(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5 of the United States Code, but at rates not to exceed $100 a day for individuals;

"(3) promulgate such rules and regulations as may be required to carry out the provisions of this part;

"(4) designate representatives to serve or assist on such advisory committees as the Board may determine to be necessary to maintain effective liaison with Federal agencies and with State and local agencies developing or carrying out policies or programs related to the provisions of this part;

"(5) request and use the services, personnel, facilities, and information (including suggestions, estimates, and statistics) of Federal agencies and those of State and local public agencies and private institutions, with or without reimbursement therefor;

"(6) enter into and perform, without regard to section 529 of title 31 of the United States Code, such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of its functions with any public agency, or with any person, firm, association, corporation, or educational institution, and make grants to any public agency or private nonprofit organization;

"(7) request and use such information, data, and reports from any Federal agency as the Board may from time to time require and as may be produced consistent with other law;

"(8) arrange with the heads of other Federal agencies for the performance of any of its functions under this part with or without reimbursement and, with the approval of the President, delegate and authorize the redelegation of any of its powers under this part;

"(9) request each Federal agency to make its services, equipment, personnel, facilities, and information (including suggestions, estimates, and statistics) available to the greatest practicable extent to the Board in the performance of its functions;

"(10) pay all expenses of the Board, including all necessary travel and subsistence expenses of the Board outside the District of Columbia incurred by the members or employees of the Board under its orders on the presentation of itemized vouchers therefor approved by the Chairman or his designate; and

"(11) establish a program to assure extensive and continuing publicity for the provisions relating to compensation under this part, including information on the right to file a claim, the scope of coverage, and procedures to be utilized incident thereto.

"COMPENSATION

"SEC. 453. (a) The Board shall order the payment of compensation—

"(1) in the case of the personal injury of an intervenor or victim, to or on behalf of that person; or

"(2) in the case of the death of the intervenor or victim, to or on behalf of the surviving dependent or dependents of either of them.

"(b) The Board shall determine the amount of compensation under this part—

"(1) in the case of a claim by an intervenor or his surviving dependent or dependents, by computing the net losses of the claimant; and

"(2) in the case of a claim by a victim or his surviving dependent or dependents, by computing the pecuniary losses of the claimant.

"(c) The Board may order the payment of compensation under this part to the extent it is based upon anticipated loss of future earnings or loss of support of the victim for ninety days or more, or child care payments, in the form of periodic payments during the protracted period of such loss of earnings, support or payments, or ten years, whichever is less.

"(d) The Board may order the payment of compensation under this part to a victim or his surviving dependent or dependents held in abeyance until such time as the victim or his surviving dependent or dependents has exhausted his liquid assets.

"(e)(1) Whenever the Board determines, prior to taking final action upon a claim, that such claim is one with respect to which an order of compensation will probably be made, the Board may order emergency compensation not to exceed $1,500 pending final action on the claim.

"(2) The amount of any emergency compensation ordered under paragraph (1) of this subsection shall be deducted from the amount of any final order for compensation.

"(3) Where the amount of any emergency compensation ordered under paragraph (1) of this subsection exceeds the amount of the final order for compensation, or if there is no order for compensation made, the recipient of any such emergency compensation shall be liable for the repayment of such compensation. The Board may waive all or part of such repayment.

"(f) No order for compensation under this part shall be subject to execution or attachment.

"(g) The availability or payment of compensation under this part shall not affect the right of any person to recover damages from any other person by a civil action for the injury or death, subject to the limitations of this part—

"(1) in the event an intervenor, a victim, or the surviving dependent or dependents of either of them who has a right to file a claim under this part, should first recover damages from any other source based upon an act, omission, or possession giving rise to a claim under this part, such damages shall be first used to offset gross losses that do not qualify as net or pecuniary losses; and

"(2) in the event an intervenor, victim, or the surviving dependent or dependents of either of them receives compensation under this part and subsequently recovers damages from any other source based upon an act, omission, or possession that gave rise to compensation under this part, the Board shall be reimbursed for any compensation previously paid to the same extent compensation would have been reduced had recovery preceded compensation under paragraph (1) of this subsection.

"(h) The Board may reconsider a claim at any time and modify or rescind previous orders for compensation based upon a change in financial circumstances of a victim or one or more of his surviving dependents that eliminates financial stress.

"LIMITATIONS

"SEC. 454. (a) No order for compensation under this part shall be allowed to or on behalf of a victim or his surviving dependent or dependents unless the Board finds that such a claimant will suffer financial stress from pecuniary losses for which the act, omission, or possession giving rise to the claim was the proximate cause.

"(b) No order for compensation under

this part shall be made unless the claim has been made within one year after the date of the act, ommission, or possession resulting in the injury or death, unless the Board finds that the failure to file was justified by good cause.

"(c) No order for compensation under this part shall be made to or on behalf of an intervenor victim, or the surviving dependent or dependents of either of them unless a minimum pecuniary or net loss of $100 or an amount equal to a week's earnings or support, whichever is less, has been incurred.

"(d) No order for compensation under this part shall be made unless the act, omission, or possession giving rise to a claim under this part was reported to the law enforcement officials within seventy-two hours after its occurrence, unless the Board finds that the failure to report was justified by good cause.

"(e) No order for compensation under this part to or on behalf of a victim, his surviving dependent or dependents, as the result of any one act, omission, or possession, or related series of such acts, omissions or possessions, giving rise to a claim shall be in excess of $50,000, including lump-sum and periodic payments.

"(f) The Board, upon finding that any claimant has not substantially cooperated with all law enforcement agencies incident to the act, omission, or possession that gave rise to the claim, may proportionately reduce, deny, or withdraw any order for compensation under this part.

"(g) The Board, in determining whether to order compensation or the amount of the compensation, shall consider the behavior of the claimant and whether, because of provocation or otherwise, he bears any share of responsibility for the act, omission, or possession that gave rise to the claim for compensation and—

"(1) the Board shall reduce the amount of compensation to the claimant in accordance with its assessment of the degree of such responsibility attributable to the claimant, or

"(2) in the event the claimant's behavior was a substantial contributing factor to the act, omission, or possession giving rise to a claim under this part, he shall be denied compensation.

"(h) No order for compensation under this part shall be made to or on behalf of a person engaging in the act, omission, or possession giving rise to the claim for compensation, to or on behalf of his accomplice, a member of the family or household of either of them, or to or on behalf of any person maintaining continuing unlawful sexual relations with either of them.

"PROCEDURES

"SEC. 455. (a) The Board is authorized to receive claims for compensation under this part filed by an intervenor, a victim, or the surviving dependent or dependents of either of them, or a guardian acting on behalf of such a person.

"(b) The Board—

"(1) may subpena and require production of documents in the manner of the Securities and Exchange Commission as provided in subsection (c) of section (18) of the Act of August 26, 1935, except that such subpena shall only be issued under the signature of the Chairman, and application to any court for aid in enforcing such subpena shall be made only by the Chairman, but a subpena may be served by any person designated by the Chairman;

"(2) may administer oaths or affirmations to witnesses appearing before the Board, receive in evidence any statement, document, information, or matter that may, in the opinion of the Chairman, contribute to its functions under this part, whether or not such statement, document, information, or matter would be admissible in a court of law, provided it is relevant and not privileged;

"(3) shall, if hearings are held, conduct such hearings open to the public, unless in a particular case the Chairman determines that the hearing, or a portion thereof, should be held in private, having regard to the fact that a criminal suspect may not yet have been apprehended or convicted, or to the interest of the claimant; and

"(4) may, at the discretion of the Chairman, appoint an impartial licensed physician to examine any claimant under this part and order the payment of reasonable fees for such examination.

"(c) The Board shall be an 'agency of the United States' under subsection (1) of section 6001 of title 18 of the United States Code for the purpose of granting immunity to witnesses.

"(d) The provisions of chapter 5 of title 5 of the United States Code shall not apply to adjudicatory procedures to be utilized before the Board.

"(e)(1) A claim for compensation under this part may be acted upon by a member designated by the Chairman to act on behalf of the Board.

"(2) In the event the disposition by a member as authorized by paragraph (1) of this subsection is unsatisfactory to the claimant, the claimant shall be entitled to a de novo hearing of record on his claim by the full Board.

"(f)(1) Decisions of the full Board shall be in accord with the will of a majority of the members and shall be based upon a preponderance of the evidence.

"(2) All questions as to the relevancy or privileged nature of evidence at such times as the full Board shall sit shall be decided by the Chairman.

"(3) A claimant at such times as the full Board shall sit shall have the right to produce evidence and to cross-examine such witnesses as may appear.

"(g)(1) The Board shall publish regulations providing that an attorney may, at the conclusion of proceedings under this part, file with the Board an appropriate statement for a fee in connection with services rendered in such proceedings.

"(2) After the fee statement is filed by an attorney under paragraph (1) of this subsection, the Board shall award a fee to such attorney on substantially similar terms and conditions as is provided for the payment of representation under section 3036A of title 18 of the United States Code.

"(3) Any attorney who charges or collects for services rendered in connection with any proceedings under this part any fee in any amount in excess of that allotted under this subsection shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(h) The United States Court of Appeals for the District of Columbia shall have jurisdiction to review all final orders of the Board. No finding of fact supported by substantial evidence shall be set aside.

"CRIMES

"SEC. 456. (a) The Board is authorized to order compensation under this part in any case in which an intervenor, victim, or the surviving dependent or dependents of either of them files a claim when the act, omission, or possession giving rise to the claim for compensation occurs—

"(1) within the 'special maritime and territorial jurisdiction of the United States' within the meaning of section 7 of title 18 of the United States Code;

"(2) within the District of Columbia; or

"(3) within 'Indian country' within the meaning of section 1151 of title 18 of the United States Code.

"(b) This part applies to the following acts, omissions, or possessions:

"(1) aggravated assault:

"(2) arson;

"(3) assault;

"(4) burglary;

"(5) forcible sodomy;

"(6) kidnaping;

"(7) manslaughter;

"(8) mayhem;

"(9) murder;

"(10) negligent homicide;

"(11) rape;

"(12) robbery;

"(13) riot;

"(14) unlawful sale or exchange of drugs;

"(15) unlawful use of explosives;

"(16) unlawful use of firearms;

"(17) any other crime, including poisoning, which poses a substantial threat of personal injury; or

"(18) attempts to commit any of the foregoing.

"(c) For the purposes of this part, the operation of a motor vehicle, boat, or aircraft that results in an injury or death shall not constitute a crime unless the injuries were intentionally inflicted through the use of such vehicle, boat, or aircraft or unless such vehicle, boat, or aircraft is an implement of a crime to which this part applies.

"(d) For the purposes of this part, a crime may be considered to have been committed notwithstanding that by reason of age, insanity, drunkenness, or otherwise, the person engaging in the act, omission, or possession was legally incapable of committing a crime.

"SUBROGATION

"SEC. 457. (a) Whenever an order for compensation under this part has been made for loss resulting from an act, omission, or possession of a person, the Attorney General may, within three years from the date on which the order for compensation was made, institute an action against such person for the recovery of the whole or any specified part of such compensation in the district court of the United States for any judicial district in which such person resides or is found. Such court shall have jurisdiction to hear, determine, and render judgment in any such action. Any amounts recovered under this subsection shall be deposited in the Criminal Victim Indemnity Fund established by section 458 of this part.

"(b) The Board shall provide to the Attorney General such information, data, and reports as the Attorney General may require to prosecute actions in accordance with this section.

"INDEMNITY FUND

"SEC. 458. (a) There is hereby created on the books of the Treasury of the United States a fund known as the Criminal Victim Indemnity Fund (hereinafter referred to as the 'Fund'). Except as otherwise specifically provided, the Fund shall be the repository of (1) criminal fines paid in the various courts of the United States, (2) additional amounts that may be appropriated to the Fund as provided by law, and (3) such other sums as may be contributed to the Fund by public or private agencies, organizations, or persons.

"(b) The Fund shall be utilized only for the purposes of this part.

"ADVISORY

"SEC. 459. (a) There is hereby established an Advisory Council on the Victims of Crime (hereinafter referred to as the 'Council') consisting of the members of the Board and one representative from each of the various State crime victims compensation programs referred to in paragraph (10) of subsection (b) of section 301 of this title, each of whom shall serve without additional compensation.

"(b) The Chairman of the Board shall also serve as the Chairman of the Council.

"(c) The Council shall meet not less than once a year or more frequently at the call of the Chairman, and shall review the administration of this part and programs under paragraph (10) of subsection (b) of section 301 of this title and advise the Administration on matters of policy relating to their activities thereunder.

"(d) The Council is authorized to appoint an advisory committee to carry out the provisions of this section.

"(e) Each member of the advisory committee, not a member of the Council, appointed pursuant to subsection (d) of this section shall receive $100 a day, including travel time, for each day he is engaged in the actual performance of his duties as a member of the committee.

"(f) Each member of the Council or advisory committee shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of his duties.

"REPORTS

"SEC. 460. The Board shall transmit to the Congress an annual report of its activities under this part. In its third annual report, the Board, upon investigation and study, shall include its findings and recommendations with respect to the operation of the overall limit on compensation under section 454(e) of part F of this title and with respect to the adequacy of State programs receiving assistance under paragraph (10) of subsection (b) of section 301 of part C of this title."

COMPENSATION OF BOARD MEMBERS

SEC. 103. (a) Section 5314 of title 5 of the United States Code is amended by adding at the end thereof the following new paragraph:

"(58) Chairman, Violent Crimes Compensation Board."

(b) Section 5315 of title 5 of the United States Code is amended by adding at the end thereof the following new paragraph:

"(95) Members, Violent Crimes Compensation Board."

CRIMINAL VICTIM INDEMNITY FUND FINES

SEC. 104. (a) Chapter 227 of title 18 of the United States Code is amended by adding at the end thereof the following new section:

"§ 3579. Fine imposed for Criminal Victim Indemnity Fund

"In any court of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States, upon conviction of a person of an offense resulting in personal injury, property loss, or death, the court shall take into consideration the financial condition of such person, and may, in addition to any other penalty, order such person to pay a fine in an amount of not more than $10,000 and such fine shall be deposited into the Criminal Victim Indemnity Fund of the United States."

(b) The analysis of chapter 227 of title 18 of the United States Code is amended by adding at the end thereof the following new item:

"3579. Fine imposed for Criminal Victim Indemnity Fund.".

PART B—FEDERAL GRANT PROGRAM

SEC. 105. Subsection (b) of section 301 of part C of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end thereof the following new paragraph:

"(10) The cost of administration and that portion of the costs of State programs, other than in the District of Columbia, to compensate victims of violent crime which are substantially comparable in coverage and limitations to part F of this title."

SEC. 106. Paragraph (a) of section 601 of part G (redesignated part K by this Act) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking "and" the second time it appears, striking "or" the sixth time it appears, striking the period, and inserting the following: ", or programs for the compensation of victims of violent crimes."

SEC. 107. Section 501 of part F (redesignated as part I by this Act) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by inserting "(a)" immediately after "501" and adding at the end thereof the following new subsection:

"(b) In addition to the rules, regulations, and procedures under subsection (a) of this section, the Administration shall, after consultation with the Violent Crimes Compensation Board, establish by rule or regulation criteria to be applied under paragraph (10) of subsection (b) of section 301 of this title. In addition to other matters, such criteria shall include standards for—

"(1) the persons who shall be eligible for compensation;

"(2) the categories of crimes for which compensation may be ordered;

"(3) the losses for which compensation may be ordered; and

"(4) such other terms and conditions for the payment of such compensation as the Administration deems necessary and appropriate.

TITLE II—GROUP LIFE INSURANCE FOR PUBLIC SAFETY OFFICERS

DECLARATION OF PURPOSE

SEC. 201. It is the declared purpose of Congress in this title to promote the public welfare by establishing a means of meeting the financial needs of public safety officers or their surviving dependents through group life, accidental death, and dismemberment insurance, and to assist State and local governments to provide such insurance.

INSURANCE PROGRAM AUTHORIZED

SEC. 202. Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is further amended by adding after part F the following part:

"PART G—PUBLIC SAFETY OFFICERS' GROUP LIFE INSURANCE

"DEFINITIONS

"SEC. 500. For the purposes of this part—

"(1) 'child' includes a stepchild, an adopted child, an illegitimate child, and a posthumous child;

"(2) 'month' means a month that runs from a given day in one month to a day of the corresponding number in the next or specified succeeding month, except when the last month has not so many days, in which event it expires on the last day of the month; and

"(3) 'public safety officer' means a person who is employed full time by a State or unit of general local government in—

"(A) the enforcement of the criminal laws, including highway patrol,

"(B) a correctional program, facility, or institution where the activity is potentially dangerous because of contact with criminal suspects, defendants, prisoners, probationers, or parolees,

"(C) a court having criminal or juvenile delinquent jurisdiction where the activity is potentially dangerous because of contact with criminal suspects, defendants, prisoners, probationers, or parolees, or

"(D) firefighting,

but does not include any person eligible to participate in the insurance program established by chapter 87 of title 5 of the United States Code, or any person participating in the program established by subchapter III of chapter 19 of title 38 of the United States Code.

"Subpart 1—Nationwide Program of Group Life Insurance for Public Safety Officers

"ELIGIBLE INSURANCE COMPANIES

"SEC. 501. (a) The Administration is authorized, without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), to purchase from one or more life insurance companies a policy or policies of group life insurance to provide the benefits specified in this subpart. Each such life insurance company must (1) be licensed to issue life, accidental death, and dismemberment insurance in each of the fifty States of the United States and the District of Columbia, and (2) as of the most recent December 31 for which information is available to the Administration, have in effect at least 1 per centum of the total amount of group life insurance which all life insurance companies have in effect in the United States.

"(b) Any life insurance company issuing such a policy shall establish an administrative office at a place and under a name designated by the Administration.

"(c) The Administration may at any time discontinue any policy which it has purchased from any insurance company under this subpart.

"REINSURANCE

"SEC. 502. (a) The Administration shall arrange with each life insurance company issuing a policy under this subpart for the reinsurance, under conditions approved by the Administration, of portions of the total amount of insurance under the policy, determined under this section, with other life insurance companies which elect to participate in the reinsurance.

"(b) The Administration shall determine for and in advance of a policy year which companies are eligible to participate as reinsurers and the amount of insurance under a policy which is to be allocated to the issuing company and to reinsurers. The Administration shall make this determination at least every three years and when a participating company withdraws.

"(c) The Administration shall establish a formula under which the amount of insurance retained by an issuing company after ceding reinsurance, and the amount of reinsurance ceded to each reinsurer, is in proportion to the total amount of each company's group life insurance, excluding insurance purchased under this subpart, in force in the United States on the determination date, which is the most recent December 31 for which information is available to the Administration. In determining the proportions, the portion of a company's group life insurance in force on the determination date in excess of $100,000,000 shall be reduced by—

"(1) 25 per centum of the first $100,000,000 of the excess;

"(2) 50 per centum of the second $100,000,000 of the excess;

"(3) 75 per centum of the third $100,000,000 of the excess; and

"(4) 95 per centum of the remaining excess. However, the amount retained by or ceded to a company may not exceed 25 per centum of the amount of the company's total life insurance in force in the United States on the determination date.

"(d) The Administration may modify the computations under this section as necessary to carry out the intent of this section.

"PERSONS INSURED; AMOUNT

"SEC. 503. (a) Any policy of insurance purchased by the Administration under this subpart shall automatically insure any public safety officer employed on a full-time basis by a State or unit of general local government which has (1) applied to the Administration for participation in the insurance program under this subpart, and (2) agreed to deduct from such officers' pay the amount of such officer's contribution, if any, and forward such amount to the Administration or such other agency or office as is designated by the Administration as the collection agency or office for such contributions. The insurance provided under this subpart shall take effect from the first day agreed upon by the Administration and the responsible officials of the State or unit of general local government making application for participation in the program as to public safety officers then on the payroll, and as to public safety officers thereafter entering on full-time duty from the first day of such duty. The insurance provided by this subpart shall so insure all such public safety officers unless such officer elects in writing not to be insured under this subpart. If any such officer elects not to be insured under this subpart he may thereafter, if eligible be insured under this subpart upon written application, proof of good health, and compliance with such other terms and conditions as may be prescribed by the Administration.

"(b) A public safety officer eligible for insurance under this subpart is entitled to be insured for an amount of group life insurance, plus an equal amount of group accidental death and dismemberment insurance, in accordance with the following schedule:

"If annual pay is—		The amount of group insurance is—	
Greater than—	But not greater than—	Life	Accidental death and dismemberment
0	$8,000	$10,000	$10,000
$8,000	9,000	11,000	11,000
$9,000	10,000	12,000	12,000
$10,000	11,000	13,000	13,000
$11,000	12,000	14,000	14,000
$12,000	13,000	15,000	15,000
$13,000	14,000	16,000	16,000
$14,000	15,000	17,000	17,000
$15,000	16,000	18,000	18,000
$16,000	17,000	19,000	19,000
$17,000	18,000	20,000	20,000
$18,000	19,000	21,000	21,000
$19,000	20,000	22,000	22,000
$20,000	$21,000	$23,000	$23,000
$21,000	22,000	24,000	24,000
$22,000	23,000	25,000	25,000
$23,000	24,000	26,000	26,000
$24,000	25,000	27,000	27,000
$25,000	26,000	28,000	28,000
$26,000	27,000	29,000	29,000
$27,000	28,000	30,000	30,000
$28,000	29,000	31,000	31,000
$29,000		32,000	32,000"

The amount of such insurance shall automatically increase at any time the amount of increase in the annual basic rate of pay places any such officer in a new pay bracket of the schedule and any necessary adjustment is made in his contribution to the total premium.

"(c) Subject to conditions and limitations approved by the Administration which shall be included in any policy purchased by it, the group accidental death and dismemberment insurance shall provide for the following payments:

"Loss	Amount payable
For loss of life	Full amount shown in the schedule in subsection (b) of this section.
Loss of one hand or of one foot or loss of sight of one eye.	One-half of the amount shown in the schedule in subsection (b) of this section.
Loss of two or more such members	Full amount shown in the schedule in subsection (b) of this section.

The aggregate amount of group accidental death and dismemberment insurance that may be paid in the case of any insured as the result of any one accident may not exceed the amount shown in the schedule in subsection (b) of this section.

"(d) Any policy purchased under this subpart may provide for adjustments to prevent duplication of payments under any program of Federal gratuities for killed or injured public safety officers.

"(e) Group life insurance shall include provisions approved by the Administration for continuance of such life insurance without requirement of contribution payment during a period of disability of a public safety officer covered for such life insurance.

"(f) The Administration shall prescribe regulations providing for the conversion of other than annual rates of pay to annual rates of pay and shall specify the types of pay included in annual pay.

"TERMINATION OF COVERAGE

"SEC. 504. Each policy purchased under this subpart shall contain a provision, in terms approved by the Administration, to the effect that any insurance thereunder on any public safety officer shall cease two months after (1) his separation or release from full-time duty as such an officer or (2) discontinuance of his pay as such an officer, whichever is earlier: *Provided however*, That coverage shall be continued during periods of leave or limited disciplinary suspension if such an officer authorizes or otherwise agrees to make or continue to make any required contribution for the insurance provided by this subpart.

"CONVERSION

"SEC. 505. Each policy purchased under this subpart shall contain a provision, in terms approved by the Administration, for the conversion of the group life insurance portion of the policy to an individual policy of life insurance effective the day following the date such insurance would cease as provided in section 504 of this subpart. During the period such insurance is in force, the insured, upon request to the Administration, shall be furnished a list of life insurance companies participating in the program established under this subpart and upon written application (within such period) to the participating company selected by the insured and payment of the required premiums, the insured shall be granted life insurance without a medical examination on a permanent plan then currently written by such company which does not provide for the payment of any sum less than the face value thereof. In addition to the life insurance companies participating in the program established under this subpart, such list shall include additional life insurance companies (not so participating) which meet qualifying criteria, terms, and conditions established by the Administration and agree to sell insurance to any eligible insured in accordance with the provisions of this section.

"WITHHOLDING OF PREMIUMS FROM PAY

"SEC. 506. During any period in which a public safety officer is insured under a policy of insurance purchased by the Administration under this subpart, his employer shall withhold each pay period from his basic or other pay until separation or release from full-time duty as a public safety officer an amount determined by the Administration to be such officer's share of the cost of his group life insurance and accidental death and dismemberment insurance. Any such amount not withheld from the basic or other pay of such officer insured under this subpart while on full-time duty as a public safety officer, if not otherwise paid, shall be deducted from the proceeds of any insurance thereafter payable. The initial amount determined by the Administration to be charged any public safety officer for each unit of insurance under this subpart may be continued from year to year, except that the Administration may redetermine such amount from time to time in accordance with experience.

"SHARING OF COST OF INSURANCE

"SEC. 507. For each month any public safety officer is insured under this subpart, the Administration shall bear not more than one-third of the cost of insurance for such officer, or such lesser amount as may from time to time be determined by the Administration to be a practicable and equitable obligation of the United States in assisting the States and units of general local government in recruiting and retaining their public safety officers.

"INVESTMENTS AND EXPENSES

"SEC. 508. (a) The amounts withheld from the basic or other pay of public officers as contributions to premiums for insurance under section 506 of this subpart, any sums contributed by the Administration under section 507 of this subpart, and any sums contributed for insurance under this subpart by States and units of general government under section 515 of this part, together with the income derived from any dividends or premium rate readjustment from insurers, shall be deposited to the credit of a revolving fund established by section 517 of this part. All premium payments on any insurance policy or policies purchased under this subpart and the administrative costs to the Administration of the insurance program established by this subpart shall be paid from the revolving fund by the Administration.

"(b) The Administration is authorized to set aside out of the revolving fund such amounts as may be required to meet the administrative costs to the Administration of the program and all current premium payments on any policy purchased under this subpart. The Secretary of the Treasury is authorized to invest in and to sell and retire special interest-bearing obligations of the United States for the account of the revolving fund. Such obligations issued for this purpose shall have maturities fixed with due regard for the needs of the fund and shall bear interest at a rate equal to the average market yield (computed by the Secretary of the Treasury on the basis of market quotations as of the end of the calendar month next preceding the date of issue) on all marketable interest-bearing obligations of the United States then forming a part of the public debt which are not due or callable until after the expiration of four years from the end of such calendar month; except that where such average market yield is not a multiple of one-eighth of 1 per centum, the rate of interest of such obligation shall be the multiple of one-eighth of 1 per centum nearest market yield. The interest on and the proceeds from the sale of these obligations, and the income derived from dividends or premium rate adjustments from insurers, shall become a part of the revolving fund.

"BENEFICIARIES; PAYMENT OF INSURANCE

"SEC. 509. (a) Any amount of insurance in force under this subpart on any public safety officer or former public safety officer on the date of his death shall be paid, upon the establishment of a valid claim therefor, to the person or persons surviving at the date of his death, in the following order of precedence:

"(1) to the beneficiary or beneficiaries as the public safety officer or former public safety officer may have designated by a writing received in his employer's office prior to his death;

"(2) if there is no such beneficiary, to the surviving spouse of such officer or former officer;

"(3) if none of the above, to the child or children of such officer or former officer and to the descendants of deceased children by representation in equal shares;

"(4) if none of the above, to the parent or parents of such officer or former officer, in equal shares; or

"(5) if none of the above, to the duly

appointed executor or administrator of the estate of such officer or former officer.

Provided, however, That if a claim has not been made by a person under this section within the period set forth in subsection (b) of this section, the amount payable shall escheat to the credit of the revolving fund established by section 517 of this part.

"(b) A claim for payment shall be made by a person entitled under the order of precedence set forth in subsection (a) of this section within two years from the date of death of a public safety officer or former public safety officer.

"(c) The public safety officer may elect settlement of insurance under this subpart either in a lump sum or in thirty-six equal monthly installments. If no such election is made by such officer, the beneficiary or other person entitled to payment under this section may elect settlement either in a lump sum or in thirty-six equal monthly installments. If any such officer has elected settlement in a lump sum, the beneficiary or other person entitled to payment under this section may elect settlement in thirty-six equal monthly installments.

"BASIC TABLES OF PREMIUMS; READJUSTMENT OF RATES

"SEC. 10. (a) Each policy or policies purchased under this subpart shall include for the first policy year a schedule of basic premium rates by age which the Administration shall have determined on a basis consistent with the lowest schedule of basic premium rates generally charged for new group life insurance policies issued to large employers, taking into account expense and risk charges and other rates based on the special characteristics of the group. This schedule of basic premium rates by age shall be applied, except as otherwise provided in this section, to the distribution by age of the amount of group life insurance and group accidental death and dismemberment insurance under the policy at its date of issue to determine an average basic premium per $1,000 of insurance, taking into account all savings based on the size of the group established by this subpart. Each policy so purchased shall also include provisions whereby the basic rates of premium determined for the first policy year shall be continued for subsequent policy years, except that they may be readjusted for any subsequent year, based on the experience under the policy, such readjustment to be made by the insurance company issuing the policy on a basis determined by the Administration in advance of such year to be consistent with the general practice of life insurance companies under policies of group life insurance and group accidental death and dismemberment insurance issued to large employers.

"(b) Each policy so purchased shall include a provision that, in the event the Administration determines that ascertaining the actual age distribution of the amounts of group life insurance in force at the date of issue of the policy or at the end of the first or any subsequent year of insurance thereunder would not be possible except at a disproportionately high expense, the Administration may approve the determination of a tentative average group life premium, for the first of any subsequent policy year, in lieu of using the actual age distribution. Such tentative average premium rate may be increased by the Administration during any policy year upon a showing by the insurance company issuing the policy that the assumptions made in determining the tentative average premium rate for that policy year were incorrect.

"(c) Each policy so purchased shall contain a provision stipulating the maximum expense and risk charges for the first policy year, which charges shall have been determined by the Administration on a basis consistent with the general level of such charges made by life insurance companies under policies of group life insurance and group accidental death and dismemberment insurance issued to large employers, taking into consideration peculiar characteristics of the group. Such maximum charges shall be continued from year to year, except that the Administration may redetermine such maximum charges for any year either by agreement with the insurance company or companies issuing the policy or upon written notice given by the Administration to such companies at least one year in advance of the beginning of the year for which such redetermined maximum charges will be effective.

"(d) Each such policy shall provide for an accounting to the Administration not later than ninety days after the end of each policy year, which shall set forth, in a form approved by the Administration, (1) the amounts of premiums actually accrued under the policy from its date of issue to the end of such policy year, (2) the total of all mortality, dismemberment, and other claim charges incurred for that period, and (3) the amounts of the insurers' expense and risk charge for that period. Any excess of item (1) over the sum of items (2) and (3) shall be held by the insurance company issuing the policy as a special contingency reserve to be used by such insurance company for charges under such policy only, such reserve to bear interest at a rate to be determined in advance of each policy year by the insurance company issuing the policy, which rate shall be approved by the Administration as being consistent with the rates generally used by such company or companies for similar funds held under other group life insurance policies. If and when the Administration determines that such special contingency reserve has attained an amount estimated by the Administration to make satisfactory provision for adverse fluctuations in future charges under the policy, any further excess shall be deposited to the credit of the revolving fund established under this subpart. If and when such policy is discontinued, and if, after all charges have been made, there is any positive balance remaining in such special contingency reserve, such balance shall be deposited to the credit of the revolving fund, subject to the right of the insurance company issuing the policy to make such deposit in equal monthly installments over a period of not more than two years.

"BENEFIT CERTIFICATES

"SEC. 511. The Administration shall arrange to have each public safety officer, insured under a policy purchased under this subpart, receive a certificate setting forth the benefits to which such officer is entitled thereunder, to whom such benefit shall be payable, to whom claims should be submitted, and summarizing the provisions of the policy principally affecting the officer. Such certificate shall be in lieu of the certificate which the insurance company would otherwise be required to issue.

"Subpart 2—Assistance to States and Localities for Public Safety Officers' Group Life Insurance Programs

"SEC. 512. (a) Any State or unit of general local government having an existing program of group life insurance for, or including as eligible, public safety officers during the first year after the effective date of this part, which desires receive assistance under the provisions of this subpart shall—

"(1) inform the public safety officers of the benefits and allocation of premium costs under both the Federal program established by subpart 1 of this part and the existing State or unit of general local government program;

"(2) hold a referendum of the eligible public safety officers of the State or unit of general local government to determine whether such officers want to continue in the existing group life insurance program or apply for inclusion in the Federal program under the provisions of subpart 1 of this part; and

"(3) recognize the results of the referendum as finally binding on the State or unit of general local government for the purposes of this part.

"(b) Upon an affirmative vote of a majority of such officers to continue in such State or unit of general local government program, a State or unit of general local government may apply for assistance for such program of group life insurance and the Administration shall provide assistance in accordance with this subpart.

"(c) Assistance under this subpart shall not exceed one-third of the premiums attributable to the public safety officers enrolled in such State or unit of general local government program or such assistance as would be available to the public safety officers if they were enrolled under subpart 1 of this part, whichever is less, to the extent the amount of coverage under the State or unit of general local government program is comparable with the amount of coverage available under subpart 1 of this part.

"(d) Assistance under this subpart shall be used to reduce proportionately the contributions paid by the State or unit of general local government and by the appropriate public safety officers to the total premium under such program: *Provided, however,* That the State or unit of general local government and the insured public safety officers may by agreement change the contributions to premium costs paid by each, but not so that such officers must pay a higher fraction of the total premium than before the granting of assistance.

"Subpart 3—General Provisions

"UTILIZATION OF OTHER AGENCIES

"SEC. 513. In administering the provisions of this part, the Administration is authorized to utilize the services and facilities of any agency of the Federal Government or a State or unit of general local government or a company from which insurance is purchased under this part, in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement, as may be agreed upon.

"ADVISORY COUNCIL ON PUBLIC SAFETY OFFICERS' GROUP LIFE INSURANCE

"SEC. 514. There is hereby created an Advisory Council on Public Safety Officers' Group Life Insurance consisting of the Attorney General as Chairman, the Secretary of the Treasury, the Secretary of Health, Education, and Welfare, and the Director of the Office of Management and Budget, each of whom shall serve without additional compensation. The Council shall meet not less than once a year, at the call of the Chairman, and shall review the administration of this part and advise the Administration on matters of policy relating to its activity thereunder. In addition, the Administration may solicit advice and recommendations from any State or unit of general local government participating in a public safety officers' group life insurance program under this part, from any insurance company underwriting programs under this part, and from public safety officers participating in group life insurance program under this part.

"PREMIUM PAYMENTS ON BEHALF OF PUBLIC SAFETY OFFICERS

"SEC. 515. Nothing in this part shall be construed to preclude any State or unit of general local government from making contributions on behalf of public safety officers to the premiums required to be paid by them for any group life insurance program receiving assistance under this part.

"WAIVER OF SOVEREIGN IMMUNITY

"SEC. 516. The Administration may sue or be sued on any cause of action arising under this part.

"PUBLIC SAFETY OFFICERS' GROUP INSURANCE REVOLVING FUND

"SEC. 517. There is hereby created on the books of the Treasury of the United States a fund known as the Public Safety Officers' Group Insurance Revolving Fund which may be utilized only for the purposes of subpart 1 of this part."

TITLE III—DEATH BENEFITS TO DEPENDENT SURVIVORS OF PUBLIC SAFETY OFFICERS

DECLARATION OF PURPOSE

SEC. 301. It is the purpose of this title to promote the public welfare by establishing a Federal minimum death benefit to dependent survivors of public safety officers.

SEC. 302. Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is further amended by adding after part G the following new part:

"PART H—DEATH BENEFITS TO DEPENDENT SURVIVORS OF PUBLIC SAFETY OFFICERS

"DEFINITIONS

"SEC. 525. As used in this part—

"(1) 'child' means any natural, adopted, or posthumous child of a deceased public safety officer who is—

"(A) under eighteen years of age; or

"(B) over eighteen years of age and incapable of self-support because of physical or mental disability; or

"(C) over eighteen years of age and a student as defined by section 8101 of title 5 United States Code.

"(2) 'criminal act' means any crime, including an act, omission, or possession under the laws of the United States or a State or unit of general local government, which poses a substantial threat of personal injury, notwithstanding that by reason of age, insanity, intoxication, or otherwise, the person engaging in the act, omission, or possession was legally incapable of committing a crime;

"(3) 'dependent' means a person who was wholly or substantially reliant for support upon the income of a deceased public safety officer;

"(4) 'intoxication' means a disturbance of mental or physical faculties resulting from the introduction of alcohol, drugs, or other substances into the body;

"(5) 'line of duty' means within the scope of employment or service;

"(6) 'public safety officer' means a person serving a public agency, with or without compensation, as—

"(A) a law enforcement officer, including a corrections or a court officer, engaged in—

"(i) the apprehension or attempted apprehension of any person—

"(a) for the commission of a criminal act, or

"(b) who at the time was sought as a material witness in a criminal proceeding; or

"(ii) protecting or guarding a person held for the commission of a criminal act or held as a material witness in connection with a criminal act; or

"(iii) the lawful prevention of, or lawful attempt to prevent the commission of, a criminal act or an apparent criminal act; or in the performance of his official duty; or

"(B) a firefighter; and

"(7) 'separated spouse' means a spouse, without regard to dependency, who is living apart for reasonable cause or because of desertion by the deceased public safety officer.

AWARDS

"SEC. 526. (a) Upon a finding made in accordance with section 527 of this part the Administration shall provide a gratuity of $50,000.

"(b)(1) Whenever the Administration determines, upon a showing of need and prior to taking final action, that a death of a public safety officer is one with respect to which a benefit will probably be paid, the Administration may make an interim benefit payment not exceeding $3,000 to the person entitled to receive a benefit under section 527 of this part.

"(2) The amount of any interim benefit paid under paragraph (1) of this subsection shall be deducted from the amount of any final benefit paid to such person or dependent.

"(3) Where there is no final benefit paid, the recipient of any interim benefit paid under paragraph (1) of this subsection shall be liable for repayment of such amount. The Administration may waive all or part of such repayment.

"(c) The benefit payable under this part shall be in addition to any other benefit that may be due from any other source, but shall be reduced by payments authorized by section 12(k) of the Act of September 1, 1916, as amended, 4-531(1) of the District of Columbia Code.

"(d) No benefit paid under this part shall be subject to execution or attachment.

"(e) In lieu of the benefit provided under subsection (a), any recipient eligible under section 527 may elect to receive compensation under the provisions of Subchapter I of chapter 81 of title 5, United States Code, except section 8135(a) thereof, as if the public safety officer were a deceased employee as defined by section 8101(1) of such title 5, whose death resulted from an injury sustained in the performance of duty.

"RECIPIENTS

"SEC. 527. When a public safety officer has been killed in the line of duty and the direct and proximate cause of such death was a criminal act or an apparent criminal act, the Administration shall pay a benefit as provided in section 526 of this part as follows:

"(1) if there is no surviving dependent child of such officer, to the surviving dependent spouse or separated spouse of such officer;

"(2) if there is a surviving dependent child or children and a surviving dependent spouse or separated spouse of such officer, one-half to the surviving dependent child or children of such officer in equal shares and one-half to the surviving dependent spouse or separated spouse of such officer;

"(3) if there is no such surviving dependent spouse or separated spouse, to the dependent child or children of such officer, in equal shares; or

"(4) if none of the above, to the dependent parent or parents of the decedent, in equal shares; or

"(5) if none of the above, to the dependent person or persons who are blood relatives of the deceased public safety officer or who were living in his household and who are specifically designated in the public safety officer's duly executed authorization to receive the benefit provided for in this part.

"LIMITATIONS

"SEC. 528. No benefit shall be paid under this part—

"(1) if the death was caused by the intentional misconduct of the public safety officer or by such officer's intention to bring about his death;

"(2) if voluntary intoxication of the public safety officer was the proximate cause of such officer's death; or

"(3) to any person who would otherwise be entitled to a benefit under this part if such person's actions were a substantial contributing factor to the death of the public safety officer.

"SEC. 529. (a) There is hereby established an honorary award for the recognition of outstanding service by public safety officers. The award shall be known as the President's Award for Distinguished Public Safety Service. Each award shall be suitably inscribed and an appropriate citation shall accompany each award.

"(b) The President's Award for Distinguished Public Safety Service shall be presented by the President to public safety officers for extraordinary valor in the line of duty or for exceptional contribution to the field of public safety.

"(c) The Attorney General shall advise and assist the President in the selection of persons to whom the award shall be tendered. In performing this function, the Attorney General shall seek and review recommendations submitted to him by Federal, State, county, or local government officials, and shall decide which of them, if any, warrant presentation to the President. The Attorney General shall transmit to the President the names of those persons determined by the Attorney General to merit the award, together with the reasons therefor. Recipients of the award shall be selected by the President.

"(d) There shall not be awarded in any one calendar year in excess of twelve such awards.

"(e) The Attorney General is authorized and directed to issue such regulations as may be necessary to carry out this section."

TITLE IV—CIVIL REMEDIES FOR VICTIMS OF RACKETEERING ACTIVITY AND THEFT

PURPOSE

SEC. 401. It is the purpose of this title to promote the general welfare by strengthening the civil remedies available to the victim of racketeering activity and theft.

RACKETEER CIVIL REMEDIES

SEC. 402. (a) Section 1964 of title 18 of the United States Code is amended by—

(1) inserting in subsection (a) ", without regard to the amount in controversy," immediately after "jurisdiction";

(2) inserting in subsection (b) "subsection (a) of" after "under" each time it appears;

(3) striking the word "action" in subsection (b) and inserting in lieu thereof "proceedings"; and

(4) striking subsections (c) and (d) of such section and inserting in lieu thereof the following:

"(c) Any person may institute proceedings under subsection (a) of this section. In any proceeding brought by any person under subsection (a) of this section, relief shall be granted in conformity with the principles which govern the granting of injunctive relief from threatened loss or damage in other cases. Upon the execution of proper bond against damages for an injunction improvidently granted and showing of immediate danger of irreparable loss or damage, a temporary restraining order and a preliminary injunction may be issued in any action before a final determination thereof upon its merits.

"(d) Whenever the United States is injured in its business or property by reason of any violation of section 1962 of this chapter, the Attorney General may bring a civil action in a district court of the United States, without regard to the amount in controversy, and shall recover the actual damages sustained by it, and the cost of the action.

"(e) Any person who is injured in his business or property by reason of any violation of section 1962 of this chapter may bring a civil action in a district court of the United States, without regard to the amount in controversy, and shall recover threefold the actual damages sustained by him, and the cost of the action, including a reasonable attorney's fee.

"(f) The United States may upon timely application intervene in any civil action or proceeding brought under this chapter, if the Attorney General certifies that in his opinion the case is of general public importance. In such action or proceeding, the United States shall be entitled to the same relief as if it had instituted the action or proceeding.

"(g) A final judgment or decree rendered in favor of the United States in any criminal or civil action or proceeding under this chapter shall estop the defendant in any subsequent civil proceeding as to all matters respecting which said judgment or decree would be an estoppel as between the parties thereto.

"(h) Except as hereinafter provided any civil action under this section shall be barred unless it is commenced within five years after the cause of action accrued. Whenever any civil or criminal action or proceeding, other than an action under subsection (d) of this section, is brought or intervened in by the United States to prevent, restrain, or punish any violation of section 1962 of this chapter the running of the period of limitations prescribed by this subsection with respect to any cause of action arising under subsections (c) and (e) of this section, which is based in whole or in part on any matter complained of in such action or proceeding by the United States, shall be suspended during the pendency of such action or proceeding by the United States and for two years thereafter.".

(b) Section 1965 of title 18 of the United States Code is amended by—

(1) striking out in subsection (b) "action under section 1964 of" and inserting in lieu thereof "civil action or proceeding under";

(2) striking out in subsection (c) "instituted by the United States"; and

(3) inserting in subsection (d) "civil or criminal" immediately before "action".

(c) Section 1966 of title 18 of the United States Code is amended by striking "any civil action instituted under this chapter by the United States" in the first sentence and inserting in lieu thereof "any civil action or proceeding under this chapter in which the United States is a party".

(d) Section 1967 of title 18 of the United States Code is amended by striking "instituted by the United States", and inserting in lieu thereof "or proceeding".

(e) Section 1968 of title 18 of the United States Code is amended by—

(1) striking out "prior to the institution of a civil or criminal proceeding" in the first sentence of subsection (a) and inserting in lieu thereof "before he institutes or intervenes in a civil or criminal action or proceedng";

(2) striking out "case" the first time it appears and inserting in lieu thereof "civil or criminal action" in paragraph (4) of subsection (f) and striking out "case" each time it appears thereafter and inserting in lieu thereof "action";

(3) striking out "case" each time it appears in paragraph (5) of subsection (f) and inserting in lieu thereof "action"; and

(4) striking out "case" and inserting in lieu thereof "action" in paragraph (6) of subsection (f).

THEFT CIVIL REMEDIES

SEC. 403. (a) Section 659 of title 18 of the United States Code is amended to read as follows:

"§ 659. Interstate or foreign shipments by carrier; State prosecutions; civil remedies for victims of theft

"(a) It shall be unlawful for any person to embezzle, steal, or unlawfully take, carry away, or conceal, or by fraud or deception obtain, with intent to convert to his own use, any money, baggage, goods, chattels, or other property which is moving as, or which is a part of, or which constitute an interstate or foreign shipment from any pipeline system, railroad car, wagon, motortruck, or other vehicle, or from any tank or storage facility, station, station house, platform, or depot, or from any steamboat, vessel, or wharf, or from any aircraft, air terminal, airport, aircraft terminal, or air navigation facility, or to buy, receive, or have in his possession any such money, baggage, goods, chattels, or other property, knowing, or having reason to know, that it has been embezzled, stolen, or otherwise unlawfully taken, carried away, concealed, or obtained.

"(b) It shall be unlawful for any person to embezzle, steal, or unlawfully take, carry away, or conceal, or by fraud or deception obtain, with intent to convert to his own use, any money, baggage, goods, chattels, or other property, which shall have come into the possession of any common carrier for transportation in interstate or foreign commerce, or to break into, embezzle, steal, unlawfully take, carry away, or conceal, or by fraud or deception obtain, with intent to convert to his own use, any of the contents of such baggage, goods, chattels, or other property, or to buy, receive, or have in his possession any such money, baggage, goods, chattels, or other property, knowing or having reason to know that it has been embezzled or stolen or otherwise unlawfully taken, carried away, concealed, or obtained.

"(c) It shall be unlawful for any person to embezzle, steal, or unlawfully take, carry away, conceal, or by fraud or deception obtain, with intent to convert to his own use, any money, baggage, goods, chattels, or other property from any railroad car, bus, vehicle, steamboat, vessel, or aircraft operated by any common carrier moving in interstate or foreign commerce, or from any passenger thereon, or to buy, receive, or have in his possession any such money, baggage, goods, chattels, or other property, knowing or having reason to know that it has been embezzled, stolen, or otherwise unlawfully taken, carried away, concealed, or obtained.

"(d) Whoever violates any provision of subsection (a), (b), or (c) of this section shall in each case be fined not more than $5,000 or imprisoned not more than ten years, or both; but if the amount or value of such money, baggage, goods, chattels, or other property does not exceed $100, he shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(e) The district courts of the United States shall have jurisdiction, without regard to the amount in controversy, to prevent and restrain violations of this section by issuing appropriate orders, including, but not limited to: ordering any person to divest himself of any interest, direct or indirect, in any enterprise; imposing reasonable restrictions on the future activities or investments of any person, including, but not limited to, prohibiting any person from engaging in the same type of endeavor as the enterprise engaged in, the activities of which affect interstate or foreign commerce; or ordering dissolution or reorganization of any enterprise, making due provision for the rights of innocent persons.

"(f) The Attorney General may institute proceedings under subsection (e) of this section. In any proceedings brought by the United States under subsection (e) of this section, the court shall proceed as soon as practicable to the hearing and determination thereof. Pending final determination thereof, the court may at any time enter such restraining orders or prohibitions, or take such other actions as it shall deem proper.

"(g) Any person may institute proceedings under subsection (e) of this section. In any proceeding brought by any person under subsection (e) of this section, relief shall be granted in conformity with the principles which govern the granting of injunctive relief from threatened loss or damage in other cases. Upon the execution of proper bond against damages for an injunction improvidently granted and a showing of immediate danger of irreparable loss or damage, a temporary restraining order and preliminary injunction may be issued in any action before a final determination thereof upon its merits.

"(h) Whenever the United States is injured in its business or property by reason of any violation of this section, the Attorney General may bring a civil action in a district court of the United States, without regard to the amount in controversy, and shall recover the actual damages sustained by the United States, and the cost of the action.

"(i) Any person who is injured in his business or property by reason of any violation of this section may bring a civil action in a district court of the United States, without regard to the amount in controversy, and shall recover three-fold the actual damages sustained by him, and the cost of the action, including a reasonable attorney's fee.

"(j) Any civil action or proceeding under this section against any person may be instituted in the district court of the United States for any district in which such person resides, is found, has an agent, or transacts his affairs.

"(k) In any civil action or proceeding under this section in any district court of the United States in which it is shown that the ends of justice require that any other party residing in any other district be brought before the court, the court may cause such party to be summoned, and process for that purpose may be served in any judicial district of the United States by the marshal thereof.

"(l) In any civil or criminal action or proceeding under this section in the district court of the United States for any judicial district, subpenas issued by such court to compel the attendance of witnesses may be served in any other judicial district, except that in any civil action or proceeding no such subpena shall be issued for service upon any individual who resides in another district at a place more than one hundred miles from the place at which such court is held without approval given by a judge of such court upon a showing of good cause.

"(m) All other process in any civil or criminal action or proceeding under this section may be served on any person in any judicial district in which such person resides, is found, has an agent, or transacts his affairs.

"(n) The United States may, upon timely application, intervene in any civil action or proceeding brought under this section if the Attorney General certifies that in his opinion the case is of general public importance. In such action or proceeding, the United States shall be entitled to the same relief as if he had instituted the action or proceeding.

"(o) A final judgment or decree, rendered in favor of the United States in any criminal action or proceeding under this section shall estop the defendant in any subsequent civil proceeding as to all matters respecting which said judgment or decree would be an estoppel as between the parties thereto.

"(p) Except as hereinafter provided, any civil action or proceeding under this section shall be barred unless it is commenced within five years after the cause of action accrued. Whenever any civil or criminal action or proceeding, other than an action under subsection (h) of this section, is brought or intervened in by the United States to prevent, restrain, or punish any violation of this section, the running of the period of limitations prescribed by this subsection with respect to any cause of action arising under subsection (g) or (i) of this section, which is based in whole or in part on any matter complained of in such action or proceeding by the United States, shall be suspended during the pendency of such action or proceeding by the United States and for two years thereafter.

"(q) A violation of this section shall be deemed to have been committed not only in the district where the violation first occurred, but also in any district in which the defendant may have taken or been in possession of the said money, baggage, goods, chattels, or other property.

"(r) The carrying or transporting of any such money, baggage, goods, chattels, or other property in interstate or foreign commerce, knowing, or having reason to know, it had been embezzled, stolen, or otherwise unlawfully taken, carried away, concealed, or obtained, shall constitute a separate violation and subject the violator to criminal penalties and a civil cause of action under this section and the violation shall be deemed to have been committed in any district into which such money, baggage, goods, chattels, or other property, shall have been removed or into which it shall have been brought by such violator.

"(s) To establish the interstate or foreign commerce character of any shipment in any criminal or civil action or proceeding under this section the waybill or other shipping document of such shipment shall be prima facie evidence of the place from which and to which such shipment was made. The removal of property from a pipeline system which extends interstate shall be prima facie evidence of the interstate character of the shipment of the property. Proof that a person was found in unexplained possession of any money, baggage, goods, chattels, or other property, recently embezzled, stolen, or otherwise unlawfully taken, carried away, concealed, or obtained by fraud or deception in violation of this section, shall be prima facie evidence that such person knew that such property was, or that such person had, embezzled, stolen, or otherwise unlawfully taken, carried away, concealed, or obtained by fraud or deception such money, baggage, goods, chattels, or other property in violation of this section. Proof that a person bought or received for a consideration substantially below its fair market value money, baggage, goods, chattels, or other property embezzled, stolen, or otherwise unlawfully taken, carried away, concealed, or obtained by fraud or deception in violation of this section shall be prima facie evidence that such person knew that such property was embezzled, stolen, or otherwise unlawfully taken, carried away, concealed, or obtained by fraud or deception in violation of this section.

"(t) A judgment of conviction or acquittal on the merits under the laws of any State shall be a bar to any criminal prosecution under this section for the same act or acts. Nothing contained in this section shall be construed as indicating an intent on the part of Congress to occupy the field in which provisions of this section operate to the exclusion of State laws on the same subject matter, nor shall any provision of this section be construed as invalidating any provision of State law unless such provision is inconsistent with any of the purposes of this section or any provision thereof."

(b) The analysis at the beginning of chapter 31 of title 18 of the United States Code, for section 659, is amended to read:

"659. Interstate or foreign shipment by carrier: State prosecutions: civil remedies for victim of theft."

TITLE V—ADDITIONAL SENTENCES FOR COMMISSION OF A FELONY WITH USE OF FIREARM

PENALTIES

SEC. 501. Subsection (c) of section 924 of title 18 of the United States Code is amended to read as follows:

"(c)(1) Whoever—

"(A) uses a firearm to commit any felony for which he may be prosecuted in a court of the United States, or

"(B) carries a firearm unlawfully during the commission of any felony which threatens life or property for which he may be prosecuted in a court of the United States, may, in addition to the punishment provided for the commission of such felony, be sentenced to a term of imprisonment for not less than five years or more than fifteen years. In any case in which such additional sentence is not imposed, the court shall state in writing its reasons for so deciding. The imposition or execution of such additional sentence if imposed shall not be suspended nor probation granted.

"(2) Whoever, after having been convicted of any such felony while so using or unlawfully carrying a firearm as provided in paragraph (1) of this subsection and is again convicted of a second or subsequent offense involving the commission of a felony for which he may be prosecuted in a court of the United States while so using or unlawfully carrying a firearm as provided in paragraph (1) shall, in addition to the punishment provided for the commission of such felony, be sentenced to a term of imprisonment for not less than ten or more than fifteen years. In any case in which such additional sentence is not imposed, the court shall state in writing its reasons for so deciding. The imposition or execution of such additional sentence if imposed shall not be suspended nor probation granted.

"(2) Whoever, after having been convicted of any such felony while so using or unlawfully carrying a firearm as provided in paragraph (1) of this subsection and is again convicted of a second or subsequent offense involving the commission of a felony for which he may be prosecuted in a court of the United States while so using or unlawfully carrying a firearm as provided in paragraph (1) shall, in addition to the punishment provided for the commission of such felony, be sentenced to a term of imprisonment for not less than ten or more than thirty years. The imposition or execution of such additional sentence shall not be suspended and probation shall not be granted.

"(3) In no case shall any additional term of imprisonment imposed pursuant to this subsection run concurrently with any term of imprisonment imposed for the commission of any such felony.

"(4) A conviction shown on direct or collateral review to be invalid, or for which the defendant has been pardoned on the ground of innocence shall be disregarded for purposes of paragraph (2) of this subsection."

DANGEROUS SPECIAL OFFENDERS

SEC. 502. (a) Subsection (e) of section 3575 of title 18, United States Code is amended (1) by striking out the period at the end of paragraph (3) thereof and inserting in lieu thereof a semicolon and the word "or", and (2) by adding immediately after paragraph (3) thereof the following new paragraph:

"(4) the defendant used a firearm (as defined in section 921(a)(3) of this title) to commit such felony, or unlawfully carried a firearm (as defined in section 921 (a)(3) of this title) during the commission of such felony."

(b) Section 3575 of title 18, United States Code, is amended by adding at the end thereof the following new subsection:

"(h) Nothing in this section shall be construed as amending, altering, modifying, or otherwise affecting the provisions of subsection (c) of section 924 of this title, or as affecting the applicability of such provisions to any defendant sentenced pursuant to this section."

TITLE VI—CONTROLLED SUBSTANCES ACT AMENDMENTS

SEC. 601. The Controlled Substances Act, approved October 27, 1970 (84 Stat. 1242), is amended by adding immediately after section 405 thereof the following new section:

"PUBLIC MENACE

"SEC. 405A. (a) Notwithstanding any other provisions of this Act or of any other law, any person who violates section 401(a)(1) shall, if such person is a public menace, be sentenced, in addition to the punishment provided for such violation, to a term of imprisonment for not less than ten years or more than thirty years; except that if such person has previously been convicted of such a violation and sentenced as a public menace, such person shall be sentenced, in addition, to life imprisonment. The imposition or execution of any such additional sentence shall not be suspended, probation shall not be granted, and section 4202 and chapter 309 of title 18, United States Code, shall not be applicable; except that any person so sentenced to life imprisonment may be released on parole after serving not less than thirty years of his life sentence (but in no event shall any period of imprisonment served by him in connection with his punishment for such violation be included within or considered as a part of the thirty-year period which he is required to serve prior to his eligibility for consideration for parole). In no case shall any such additional term of imprisonment (including life imprisonment) imposed pursuant to this section run concurrently with any term of imprisonment imposed for such violation.

"(b) For purposes of this section, the term 'public menace' means any person, convicted on or after the effective date of this section of a violation of section 401(a)(1) of this Act by illegally manufacturing, distributing or dispensing, in an amount equal to or in excess of one-tenth (1/10) of an ounce of, or the equivalent of one-tenth (1/10) of an ounce of, pure heroin or morphine and who, at the time he committed such violation, was not an addict.

"(c) This section shall not be applicable to any person under eighteen years of age at the time the offense was committed: *Provided, however,* That the Attorney General may expressly direct, that any person over sixteen years of age and under eighteen years of age who is for the second or subsequent time convicted as an adult for violating this section by illegally manufacturing, distributing or dispensing, in an amount equal to or in excess of one-tenth (1/10) of an ounce of, or the equivalent of one-tenth (1/10) of an ounce of, pure heroin or morphine and who, at the time he committed such violation, was not an addict, be treated as if he were a first offender under the provisions of this section, and sentenced accordingly.

"(d) A conviction shown on direct or collateral review to be invalid, or for which the defendant has been pardoned on the ground of innocence shall be disregarded for purposes of this section."

TITLE VII—MISCELLANEOUS PROVISIONS

AUTHORIZATIONS

SEC. 701. Section 569 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended and as redesignated by this Act, is amended by inserting "(a)" immediately after "569" and by adding at the end thereof the following new subsections:

"(b) In addition to the appropriations authorized by subsection (a) of this section, there is authorized to be appropriated—

"(1) for the purposes of part F, $5,000,000 for the fiscal year ending June 30, 1973;

"(2) for the purposes of part G, $20,000,000 for the fiscal year ending June 30, 1973, and $25,000,000 for the fiscal year ending June 30, 1974; and

"(3) for the purposes of part H, $10,000,000 for the fiscal year ending June 30, 1973, and $10,000,000 for the fiscal year ending June 30, 1974."

USE OF APPROPRIATIONS

SEC. 702. Until specific appropriations are made for carrying out the purposes of this Act, any appropriation made to the Department of Justice or the Law Enforcement Assistance Administration for grants, activities, or contracts shall, in the discretion of the Attorney General, be available for payments of obligations arising under this Act.

SEVERABILITY

SEC. 703. If the provisions of any part of this Act are found invalid or any amendments made thereby or the application thereof to any person or circumstances be held invalid, the provisions of the other parts and their application to other persons or circumstances shall not be affected thereby.

EFFECTIVE DATES

SEC. 704. (a) Titles I, II, IV, V, and VI of this Act shall become effective on the date of enactment of this Act.

(b) Title III of this Act shall become effective on the date of enactment of this Act and the benefits thereunder shall be retroactive with respect to any death of a public safety officer as defined in part II of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by this Act, which occured on or after October 17, 1972.

Mr. McCLELLAN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make certain technical corrections in the bill, S. 800, passed by the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO SENATOR M'CLELLAN ON PASSAGE OF VICTIMS OF CRIME ACT

Mr. MANSFIELD. Mr. President, to the distinguished Senator from Arkansas (Mr. McCLELLAN) the Senate again owes its deepest gratitude. Both in committee and here in this Chamber he labored tirelessly to steer the Victims of Crime Act through to its overwhelming success. Needless to say, without his splendid advocacy and outstanding leadership the measure would not have been received with such overwhelming approval by this body. Today's achievement, may I say, would add the victim of crime to this Nation's system of criminal justice; a system in which JOHN McCLELLAN has played such an effective role toward shaping and improving over the years. The Senate is in his debt once again.

The distinguished Senator from Nebraska deserves similar praise. His cooperation was indispensable.

ORDER FOR RECOGNITION OF SENATORS GRIFFIN AND ROBERT C. BYRD TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders or their designees have been recognized under the standing order, the distinguished Senator from Michigan (Mr. GRIFFIN) be recognized for not to exceed 15 minutes and that he be followed by the junior Senator from West Virginia (Mr. ROBERT C. BYRD) for not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE LEGAL SERVICES PROGRAM—ACCOMPLISHMENTS OF AND PROBLEMS FACED BY ITS GRANTEES

Mr. JAVITS. Mr. President, there is no more embattled element of the antipoverty program than the legal services program.

Its history is marked by controversy and attempts by the Congress or the executive branch to restrict the independence of the Legal Services attorneys to represent their clients—the poor. In 1968, the Congress unsuccessfully attempted, through the so-called Murphy amendment, to give Governors an absolute veto over legal services programs in their States; this is not retained in conference. Just last year in the Senate, restrictions were tacked onto H.R. 1, the Social Security Amendments of 1972, but fortunately also dropped in conference.

This year the future of the program once again is dangerously "up in the air," caught in a battle between the Congress and the Executive over future funding and administration. The last few months have witnessed the discharge of the Acting Director of the program, Mr. Tetzlaff, and interruptions in funding of programs and essential support centers, throughout the Nation including those in my own State.

The administration's fiscal 1974 budget proposal contains a request for continuation of the program—but only if it is to be conducted by a new legal services corporation for which the administration plans to submit authorizing legislation; as of this date no such legislation has been submitted.

The Congress—unable to reach agreement with the administration respecting the board of directors of a new corporation—regrettably dropped from the Economic Opportunity Amendments of 1972, a proposal for the establishment of such an entity; however it did provide for continuation of the existing program for 2 years and gave priority to that effort.

The Economic Opportunity Act Amendments of 1972, signed into law by the President on September 19, 1972, authorize $840,000,000 for fiscal year 1973 and $870,000,000 for fiscal year 1974 for antipoverty programs conducted by the Office of Economic Opportunity and provides that of those amounts in each fiscal year, the Director of the Office of Economic Opportunity shall reserve and make available not less than $71.5 million for legal services programs. On October 31, 1972, the President signed into law—Public Law 92-607—the Supplemental Appropriations Act appropriating $71.5 million for legal services for the current fiscal year, 1973.

It is my intention, together with Senator TAFT, the ranking minority member of the Subcommittee on Employment, Manpower, and Poverty; Senator NELSON, the chairman of that subcommittee; Senator MONDALE and Senator CRANSTON, members of that subcommittee, to seek advance funding for the program for fiscal 1974, whether the program is to be administered by OEO or by a new legal services corporation, as we hope it will.

Underlying much of the controversy over the program and its future has been the question of so-called law reform cases, often brought against State and local government.

In that regard, it was very reassuring when President Nixon said, in his message to the Congress on May 5, 1971, submitting his original proposal for the establishment of a corporation:

> The legal problems of the poor are of sufficient scope that we should not restrict the right of their attorneys to bring any type of civil suit. Only in this way can we maintain the integrity of the adversary process and fully protect the attorney-client relationship so central to our judicial process.

It appears now that the Office of the Comptroller General not only agrees that law reform actions are legitimate activities, but in fact may be considered a principal goal of the program; interestingly and contrary to the charges of the critics of the program, the GAO has found that not enough attention has been given to that goal in the administration of programs in the field.

A GAO report issued March 21, 1973, entitled "The Legal Services Program—Accomplishment of and Problems Faced by Its Grantees," based on field evaluations of seven legal services grantees in six States—New York, California, Montana, Minnesota, Colorado, and Puerto Rico—and selected written evaluations of 19 other efforts, concludes—at page 14:

> One of the principal missions of OEO's Legal Services program is to have program grantees challenge . . . by class action or test cases—that portion of the statutory, regulatory and administrative base of the existing order considered to discriminate against the poor.

and then finds—at page 2:

> GAO noted only limited achievements by most grantees in the economic development and law reform areas. This partly happened because the grantees had neither clearly defined objectives and priorities nor set operating plans to achieve these goals.

The report provides, at page 20, statistics with respect to seven programs reviewed in the field in support of this conclusion:

Service	Percent	Number of cases
Advice	51	42, 798
Litigation	28	23, 218
Advice and representation without litigation	17	14, 511
Administrative hearings	4	3, 776
Appeals		225
Total	100	84, 528

These figures, based on the grantees studied, show that less than two-tenths of 1 percent of effort is devoted to the appeals area, where most law reform usually takes place. Of the 28 percent of service devoted to litigation, legal service attorneys have a success rate to be admired by the most prestigious of law firms: 72 percent won, 16 percent settled out of court and only 12 percent lost.

It should be noted that the programs reviewed are among those considered to be most radical and heavy on law reform, for instance programs in New York and California; this aspect suggests that the charge that legal services attorneys nationwide are too involved in "law reform" activities, is subject to serious question.

Mr. President, it should be noted that despite these findings on congressional intent, the present managers of OEO appear to take a different view—which is perhaps reflected in policy, and administered the program and ultimately in these findings of the GAO. In that connection, I note the following statement contained in the comments of J. Laurence McCarty, Acting Associate Director, Office of Legal Services in the official comments on the GEA report contained in an appendix to the report itself:

> Another major "deficiency" discussed in your report, is the failure of some grantees to meet the law reform goals of the program. This criticism points up the occupational schizophrenia from which many of our programs have suffered. This has resulted from intense pressure on the attorneys to engage in more law reform (test case litigation, legislative advocacy, group organizing, etc.) even if it meant keeping individual clients waiting. . .
>
> . . . I am not in principle opposed to class actions, suits against the government, test case litigation, legislative advocacy or any other kind of law reform. Properly considered, they are simply some of the tools which the conscientious attorney must employ on occasion in serving a particular client. What I do strongly object to, however, is the elevation of these tools to the status of ends, separated from the goal of service to individual clients and subordinated in turn to some transcendent goal such as social change.

Mr. President, I am also concerned with the finding that efforts in the area of economic development have been limited. This is very unfortunate, since—as in the case of law reform—a single effort may effect many of the poor, thus contributing to the cost-effectiveness of the program.

There is a great unreached potential, for example, in the establishment of community economic development corporations authorized under the new title X of the Economic Opportunity Act coauthored by Senator Kennedy and I and which under the previous authority, title I–D of the act, has demonstrated such success in mobilizing resources for the poor in such depressed urban and rural areas as Bedford-Stuyvesant, N.Y.

Coupled with increased funds for the establishment for such corporations, efforts of legal services attorneys can be very helpful in bringing new community development corporations and similar efforts to life.

Mr. President, the GAO report is not limited to the question of law reform or economic development, but deals comprehensively with the extent to which programs have met other goals with respect to services in various areas; its overall conclusion is very favorable. At page 10, the report notes:

> The program grantees provided the poor with the same scope of civil representation that was available to persons able to afford private attorneys.

The report highlighted a number of areas where the program could stand improvement. Particular stress was given to the need to improve reporting and management and administration generally, including tightening up with respect to eligibility, control over clients deposits, and similar areas.

These criticisms and recommendations must be taken seriously by the Executive and the Congress and as the ranking minority member of the Senate Committee on Labor and Public Welfare, I intend to give them full consideration both in the context of continuing the existing program and in the establishment of any new national legal services corporation.

Mr. President, so that the members of the Senate and those who operate these programs may be fully aware of the GAO findings and act upon them where appropriate, I ask unanimous consent that it be printed in full at this point in the RECORD, along with a a statement which I made on February 15, 1973, setting forth my position with respect to the future of the legal services program. I also ask unanimous consent that there be included a letter from John E. Berry, executive director, New York State Bar Association, and a resolution announcing that association's support—which is very key and gratifying—for the establishment of a National Legal Services Corporation, paralleling the support on the national level of the American Bar Association.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the CONGRESSIONAL RECORD,
Feb. 6. 1973]

THE FUTURE OF FEDERAL GOVERNMENT ANTI-POVERTY PROGRAMS

Mr. JAVITS. Mr. President, as the ranking minority member of the Senate Labor and Public Welfare Committee and a member of the Subcommittee on Employment, Manpower and Poverty, and a supporter of the antipoverty program, I wish to indicate my general position with respect to the administration's plans for the program as disclosed in the fiscal 1974 budget submission and related announcements.

The administration's plans consist of four basic elements:

First, the administration proposes completely to eliminate the Office of Economic Opportunity, beginning July 1, 1973, by not requesting any funding for fiscal 1974.

Mr. President, this is notwithstanding that the Economic Opportunity Amendments of 1972, which the President signed on September 19, 1972, provide for a continuation of OEO through fiscal 1974—June 30, 1974.

It is extremely important that the poor—who number 24 million, or over one-twelfth of our population—continue to have an advocacy agency within the Federal "establishment" which may serve their needs.

As President Nixon himself said on February 19, 1969, in a message to the Congress concerning the antipoverty program:

"From the experience of OEO we have learned the value of having in the Federal Government an agency whose special concern is the poor."

Second, the administration proposes the cut-off of Federal funding for community action operations and activities—so-called "local initiative"—as of July 1, 1973; in that regard, the fiscal 1974 budget submission states—at page 122:

"After more than seven years of existence, Community Action has had an adequate opportunity to demonstrate its value. In addition to private funds, State and local governments, may, of course, use general and special revenue sharing funds for these purposes."

The 1972 amendments signed by the President reserved $328.9 million for these activities out of $870 million authorized for programs administered by the Office of Economic Opportunity during fiscal 1974.

It is expected that the administration will take the position that since they are not requesting funds for OEO, the reservation is inapplicable.

The elimination of Federal funding for community action agencies—which aggregate 1,000—may well sound a "death knell" for them in many areas; although it is true that in a number of cases they may be successful in obtaining funds from and establishing new relationships with the departments and agencies of the Federal Government and with State and local government—and should begin now to do so—I am concerned that in a substantial number of instances they will not be extended the benefit of general revenue sharing funds, and they will go out of business. Too many community action agencies have had to "take on" State and local government in order to carry out their chartered role as "advocate for the poor" and it is not reasonable to expect that States and cities will come running to the assistance of their former antagonists if the Federal lifeline is cut.

The administration's proposal to eliminate Federal funding for CAA's overlooks the administration's own strategy with respect to the role of the community action agencies in the community.

Since 1970, the administration has been developing community action agencies as catalysts, rather than protagonists, on the local level, and those efforts have borne fruit.

A report entitled "Utilization Test Survey Data for 591 CAA's" dated January 1973 by the Office of Operations of the Office of Economic Opportunity concludes—on the basis of an extensive survey of approximately 60 percent of the 1,000 community action agencies:

"CAA's are rapidly becoming very positive forces in their communities, that can play significant roles in helping communities rise to the challenges of revenue sharing and other forms of government decentralization."

The report documents the fact that between 1965 and 1972, with an aggregate Federal expenditure of approximately $1.1 billion in local initiative funds, 591 community action agencies have mobilized $1.3 billion in resources from State and local governments, the private sector and other Federal sources—thus more than doubling the Federal investment.

Accordingly, sound Federal policy dictates that we continue Federal funding for community action agencies in order to make general and special revenue sharing work for the poor.

The concept which underlies revenue sharing—that those on the local level can best determine their future—applies to the poor on the local level, as well.

Thus, I consider it essential that Federal funding for community action agencies continue, beyond July 1, 1973, so that they can find a meaningful and secure place in the local fabric emerging under decentralization, and so that we will not precipitously bankrupt those very agencies which may well provide the means of making decentralization work effectively for the poor.

Third, the administration's fiscal 1974 budget provides $71.5 million for legal services, assuming enactment of legislation for a legal services corporation which the administration intends to submit. No funds are included in the budget for the current legal services program under administration by the Office of Economic Opportunity.

In contrast, the Economic Opportunity Amendments of 1972 expressly provide for a reservation of $71.5 million for legal services program for fiscal 1974.

I believe in the concept of a national legal services corporation and considered most unfortunate the decision made last year to drop the legal services title from the Economic Opportunity Amendments of 1972.

At my request the conference committee included the following language as a part of the joint explanatory statement of the committee on the conference of September 5, 1972: (Report No. 92–1086, at page 26).

"The Conferees regret that it was necessary to delete title IX, which would have established a National Legal Services Corporation as a result of the failure to reach agreement with respect to the composition of the Board of Directors and certain other elements of the Corporation.

"The Conferees continue to strongly support the existing legal services program and the concept of a legal services corporation and intend to continue to seek appropriate means of expanding the program and insuring its independents, to provide the poor greater access to our system of justice under law."

To implement this commitment, I intend to sponsor, or cosponsor new legislation for the establishment of a legal services corporation. I believe deeply in the current legal services program which defends the legal rights of the poor and contributes so much to the sense of dignity of the poor—and in the desirability of giving the legal services program a new home where its independence, professionalism, and adequate funding may be more readily secured. I will make every effort toward fulfillment of that objective early in this Congress both in my own efforts and in respect to any proposal that is forthcoming from the administration; their commitment to pursue the concept of the corporation is most welcome. However, if we fail to enact a specific legal services measure before the beginning of fiscal 1974, the current program should continue and I shall take whatever steps are necessary to see that the program receives the appropriations to which it is entitled.

Fourth, the administration plans to delegate or transfer a number of programs to other agencies or have them assumed by such agencies. As indicated at page 122 of the administration's budget request:

"In 1974 responsibility for certain programs now funded through the Office of Economic Opportunity will be assumed by other agencies, as follows: the migrant program will be delegated to the Department of Labor; Indian programs will be assumed by HEW; Community Economic Development program grantees will be funded by the Office of Minority Business Enterprise at Commerce; health projects will be transferred to HEW; research and development functions will be transferred to the agencies which have statutory responsibility in the fields of current OEO activity."

The administration has not revealed at this time details of its plans for implementation of these *actions in terms* of the legal basis upon which they intend to proceed and the effect on existing programs in terms of funding and mode of operation, but again I shall try to hold substantively to the specified programs.

Mr. President, in closing, the administration's proposals are very serious and I am concerned that they be not received by the poor as depressant to their own efforts.

In his second inaugural address, President Nixon said:

"The shift from old policies to new will not be a retreat from our responsibilities, but a better way to progress."

Mr. President, I will be openminded to any changes that may be made, we must seek better ways to progress and needs to phase in the new while we do not retreat from the responsibilities assumed by the Congress and the Executive 4½ months ago in enacting the 2-year extension, and what the poor themselves have given life under the Economic Opportunity Act of 1964 and the recent amendments.

The administration's proposal at this point is only that—a proposal; it is not enacted into law and is subject to action by the Congress.

It is my fervent hope—and one to which I shall give all my efforts as ranking minority member of the committee—that we will in time avoid a confrontation on this issue.

This is no time for further divisions at home between the community of the poor exemplified in the community action movement and the community at large; now that peace in Southeast Asia is being secured, it is time for reconciliation.

We have a great opportunity here. The American public wants progress for the poor: a Harris poll conducted in December of last year documented that 62 percent of Americans supported increased spending for the poor.

We must work together to secure that progress mindful not only of the dictates of the "new federalism" and the economy, but of the benefits and toil of the past and the necessity of maintaining the momentum of the national commitment contained in the Economic Opportunity Act and which OEO, community action agencies and the poor have sought to translate into programs to arrest the syndrome of poverty.

As the President said in his message of February 19, 1969, to which I referred earlier:

"How the work begun by OEO can best be carried forward is a subject on which many views deserve to be heard—both from within Congress, and among those many others who are interested or affected, including especially the poor themselves."

I want very much that we work together in that spirit.

New York State Bar Association,
March 14, 1973.

Hon. Jacob Javits,
U.S. Senate,
Washington, D.C.

Dear Senator Javits: Our Association has long been concerned with the vital problem of furnishing adequate legal services to the poor.

Enclosed is copy of report and resolution adopted by our House of Delegates on March 3, 1973 urging the creation of a national legal services corporation to fill this important need.

Your continued interest in, and support of, this program will be much appreciated.

Very truly yours,

John E. Berry,
Executive Director.

Enclosure.

New York State Bar Association,
March 8, 1973.

To: New York State Congregational Delegation.

Re Creation of a National Non-profit Corporation for Legal Services.

This will advise that on March 3, 1973 the House of Delegates of this Association adopted the following resolution:

"Resolved that the New York State Bar Association reaffirm its support of a national legal services corporation as urged by the American Bar Association and ask the Congress and the Administration to join in the enactment of a law to establish a National Legal Services Corporation and to take such action as is necessary to assure the continuity and adequate funding of the national legal services program."

Enclosed for your information are statements by the Association's president and copies of prior reports dealing with this proposed legislation.

We urge and will appreciate your support of this proposal.

John E. Berry,
Executive Director.

Comptroller General of the
United States,
Washington, D.C.

To the President of the Senate and the Speaker of the House of Representatives:

This is our report on the accomplishments of and problems faced by Legal Services program grantees. Federal participation in this program is administered by the Office of Economic Opportunity.

We made our review pursuant to the Budget and Accounting Act, 1921 (31 U.S.C. 53), and the Accounting and Auditing Act of 1950 (31 U.S.C. 67).

We are sending copies of this report to the Director, Office of Management and Budget, and the Acting Director, Office of Economic Opportunity.

Elmer B. Staats,
Comptroller General of the United States.

Report to the Congress: the Legal Services Program—Accomplishments of and Problems Faced by Its Grantees: Office of Economic Opportunity

(By the Comptroller General of the United States)

DIGEST

(Note.—Page numbers listed refer to original report.)

Why the review was made

The public and the Congress are concerned about the operations and accomplishments of the Legal Services program of the Office of Economic Opportunity (OEO).

The General Accounting Office (GAO) reported to the Congress on the effectiveness and administration of the program in August 1969. (See p. 17.)

To follow up on the matters reported then and to provide the public and the Congress with current information, as well as suggestions for improvements, GAO reviewed the activities of eight Legal Services program grantees.

GAO also reviewed 19 randomly selected annual evaluation reports of program grantees. These reports were prepared during 1970 and 1971 under contracts awarded by OEO.

The President's budget for fiscal year 1974 contains no direct appropriations for OEO. Legislation establishing a Legal Services corporation to operate the program has been introduced in the Congress. Observations in this report should be of value to the successor organization (if created) in establishing policies and procedures to govern the provision of legal services.

Background

The Legal Services program seeks to provide representation which will benefit the poor and help alleviate their problems through legal processes.

The program began in 1965 as a $600,000 experiment and has grown steadily. Through fiscal year 1972, the Federal Government invested about $315 million in the program. About $71.5 million will be spent in fiscal year 1973.

GAO reviewed seven standard program grantees in New York, Puerto Rico, California, Montana, Colorado, and Minnesota which employed attorneys to provide legal services. GAO also reviewed the Wisconsin Judicare project, under which legal services provided by private attorneys were paid for by the project from OEO funds.

The review covered grantee activities during 12-month grant periods ended during calendar year 1971. OEO provided the eight grantees with about $8 million for these periods.

Findings and conclusions

Results of operations

The seven standard program grantees provided legal services to a number of persons to whom such services otherwise might not have been available. Adequate data was not available to determine these numbers.

Grantees could increase their programs' effectiveness if they developed clearer and more detailed plans to achieve program goals and if OEO developed a reliable system to gather data on grantees' accomplishments.

GAO noted only limited achievements by most grantees in the economic development and law reform areas. (See p. 11.) This partly happened because the grantees had neither clearly defined objectives and priorities nor set operating plans to achieve these goals. (See pp. 11 and 17.)

The grantees provided the poor with the same scope of civil representation that was available to those able to afford attorneys.

in the following areas, which are goals of the OEO Legal Services program:

Providing quality legal services to the greatest possible number of poor people. (See p. 19.)

Educating target-area residents as to their legal rights and responsibilities. (See p. 22.)

Ascertaining what rules of law affecting the poor should be changed to benefit the poor and achieving such changes (law reform). (See p. 14.)

Serving as advocates for poor clients in the social decisionmaking process. (See p. 22.)

Helping the poor in forming self-help groups (economic development). (See p. 11.)

Involving the poor in the grantees' decisionmaking processes. (See p. 23.)

GAO had considerable difficulty interpreting and analyzing results reported by the grantees. They had not defined their objectives in operational terms. Their records were inadequate. And the confidentiality of the attorney-client relationship precluded GAO from reviewing certain records.

Adequate data was not available to determine the actual number and types of cases handled, to measure achievements in some program goal areas, and to compute the average cost for cases handled. (See p. 25.)

Management and administration

Standard program grantees need to improve their management and administration so they can use resources more effectively and efficiently. Grantees could improve their determinations of persons' eligibility for legal assistance by—

Complying more with income limitations (see p. 31),

Recording complete data supporting persons' eligibility (see pp. 31 to 33), and

Requiring supervisory reviews of grantee attorneys' client eligibility determinations (see p. 33).

Non-Federal contributions need to be documented adequately and should represent allowable contributions. (See p. 35.) Grantee controls over client deposits also need to be improved. (See p. 36.)

Wisconsin Judicare

Although established in 1966 as an alternative method of providing legal services to the rural poor, Wisconsin Judicare was not designed to test its own effectiveness nor its effectiveness in comparison to standard Legal Services program grantees.

Consequently, Wisconsin Judicare has not been evaluated in depth, and standard methods of delivering legal services and the value of the judicare concept remain in question.

OEO did not establish—

A systematic method of extracting information, such as the cost of each type of legal case handled, needed for documenting judicare results and for comparing Wisconsin Judicare with standard program grantees (see p. 42) or

A model standard Legal Services program grantee having a system for collecting data for comparison to Wisconsin Judicare (see p. 42).

Emphasis should be placed on developing more reliable data on and measures of judicare accomplishments and on developing a system of collecting data for comparison purposes, so that a basis would exist for objectively assessing and comparing the judicare method with the methods used by standard program grantees.

OEO took steps in August 1972 to improve the information on judicare project results; however, further improvements are necessary. (See p. 44.)

Wisconsin Judicare provided free legal services in diverse areas to a number of persons to whom such services otherwise might not have been available. The project was involved to some extent in all program goal areas. (See pp. 47 to 49.)

GAO noted the following problems relating to Wisconsin Judicare's operations.

Private attorneys were involved very little in law reform and economic development. (See p. 45.)

Services provided in education, advocacy, and economic development were limited to a narrow spectrum of target-area residents. (See p. 45.)

Private attorneys were not involved in appellate actions. (See p. 46.)

Management and administration of the judicare project should be improved in areas relating to documentation of judicare payments to private attorneys, client eligibility, and non-Federal contributions. (See pp. 51 and 52.)

Recommendations or suggestions

The Director of OEO should take actions necessary to remedy the conditions noted above. (See pp. 18, 29, 33, 36, 50, and 53.)

Agency actions and unresolved issues

OEO generally concurred in GAO's recommendations and promised to take corrective actions so that it could bequeath to the proposed successor organization, the Legal Services corporation, a mechanism that would function effectively in meeting the legal needs of the poor. (See app. II.)

Matters for consideration by the Congress

The Congress has expressed interest in how effectively and efficiently program grantees operate. In its deliberations on legislation to establish a Legal Services corporation, the Congress may wish to consider the information in this report on program grantees' achievements and operating problems.

CHAPTER 1.—INTRODUCTION

The legal profession has long acknowledged a responsibility to provide legal services to persons who cannot afford attorneys. At the turn of the century the profession established free legal aid offices to handle civil matters. This was followed by locally funded public defender offices to provide legal services in criminal matters.

Although the number of legal aid and public defender offices throughout the country has increased, the advent of the Legal Services program in 1965 significantly increased the availability of free legal assistance for low-income persons. When initiated, the Legal Services program was placed in the Community Action Program (CAP) of the Office of Economic Opportunity (OEO). In recognition of the importance of legal assistance for the poor, the program was elevated in fiscal year 1970 to the status of an independent office reporting to the Director of OEO.

The President's fiscal year 1974 budget contains no direct appropriations for OEO and provides for the transfer of most OEO programs to other Federal agencies. Legislation establishing a Legal Services corporation to operate a Legal Services program has been introduced in the Congress.

We evaluated the results of program grantees' operations and the manner in which they were administered. Our observations should be of value to the successor organization (if created) in establishing policies and procedures to govern the provision of legal services.

By letter dated March 12, 1973 (see app. II), OEO informed us that it generally agreed with our recommendations and that it would give top priority to remedying the deficiencies pointed out in this report, so that it could bequeath to the proposed successor organization, the Legal Services corporation, a mechanism that would function effectively in meeting the legal needs of the poor.

The overall mission of the Legal Services program is to provide representation which will benefit the poor and help alleviate their problems through the legal process. The program, which began as a small experiment within OEO, funded 265 grantees which operated 934 offices and employed over 20,000 attorneys in 50 states, the District of Columbia, and Puerto Rico during fiscal year 1971. Under the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2701 et seq.), OEO provided most of the funds ($71.5 million) for program grantees during fiscal year 1973.

OEO provided about $8 million to the eight grantees—seven standard Legal Services program grantees and the Wisconsin Judicare project—for the periods reviewed. (See app. I.) We also reviewed 19 randomly selected annual evaluation reports for program grantees prepared during 1970 and 1971 under contracts awarded by OEO, to ascertain the grantees' achievement of program objectives.

Economic Opportunity Act

The Economic Opporunity Act of 1964, commonly referred to as the War on Poverty act, was enacted August 20, 1964, to strengthen, supplement, and coordinate efforts to eliminate poverty in the United States. The act authorized various programs intended to give everyone the opportunity to be educated and trained to work, and to live in decency and dignity. To lead this endeavor, the act created OEO, headed by a director, in the Executive Office of the President.

When first enacted, the Economic Opportunity Act enumerated various programs that could be federally financed but did not mention a Legal Services program. In 1965 the law was amended so as not to preclude the financing of programs other than those expressly enumerated.

In 1966 the Economic Opportunity Act mentioned a Legal Services program for the first time. The 1966 amendments expressly authorized programs providing legal advice and legal representation to persons unable to afford private attorneys. This amendment also specifically authorized funds for the programs.

The Legal Services program provisions of the Economic Opportunity Act were amended in 1967. Under these amendments, the progam is categorized as one of eight special programs under CAP to stimulate actions to meet or deal with particularly critical needs or problems of the poor which are common to a number of communities.

Program goals

Section 222 of the act provides for a Legal Services program to: "* * * further the cause of justice among persons living in poverty by mobilizing the assistance of lawyers and legal institutions and by providing legal advice, legal representation, legal counseling, education in legal matters, and other appropriate legal services."

Each grantee is expected to participate, to some extent, in each of the following goals of the Legal Services program.

1. Provide quality legal services to the greatest possible number of poor people in accordance with program goals and the size of the staff.
2. Educate target-area residents as to their legal rights and responsibilities in areas of concern to them.
3. Ascertain what rules of law affecting the poor should be changed to benefit the poor and achieve such changes through test cases [1] and appeals, statutory reforms, or changes in the administrative process.
4. Serve as advocate for poor clients in the social decisionmaking process.
5. Help the poor in forming self-help groups, such as cooperative purchasing organizations and other businesses.
6. Involve the poor in the grantee's decisionmaking process and, to the extent feasible, include target-area residents on the grantee's staff.

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[1] Cases that test the legality or interpretation of a law or regulation.

Organization of the legal services program

Legal Services program grantees may be sponsored by community action agencies or other local groups, bar associations, and/or legal aid societies, as determined by the local community.

Although program grantees are usually funded as a part of CAPs, a governing board separate from the local community action agency directs them. OEO's Legal Services program guidelines state that this separation is to insure grantees' independence.

The Office of Legal Services in the OEO headquarters administers the Legal Services program. This office is responsible to the Director of OEO for conducting the program, coordinating program grantees, evaluating the effectiveness of the program, and developing policies and program guidelines.

Administration of the Legal Services program at OEO headquarters is divided into five major units: (1) Operations, (2) Special Counsel for Legal Services, (3) Program Development and Training, (4) Budget and Program Management, and (5) Planning, Technical Assistance, and Evaluation.

Each of the 10 regional Legal Services offices implements headquarters' plans and instructions and is responsible for directing day-to-day activities in its geographical area.

Funding

OEO funding of the Legal Services program has increased steadily from $600,000 in fiscal year 1965 to an estimated $71.5 million for fiscal year 1973. OEO reported that Federal funds of about $315 million and matching funds from non-Federal sources of about $59 million had been invested in the Legal Services program through fiscal year 1972.

In addition, some funds have been made available to the Legal Services program through the Department of Health, Education, and Welfare (HEW). All States, under the fair hearing requirements of the Social Security Act (42 U.S.C. 1302, as implemented by 45 CFR 205.10), were required to make lawyers' services available to clients desiring them in public welfare hearings by July 1, 1969.

HEW announced on November 8, 1968, that it would initiate a legal services program which would provide legal counsel to welfare recipients on such matters as evictions, divorces, and wage garnishments. This program is not mandatory; individual States decide on their participation.

One method by which HEW has provided legal services under this program is having State public welfare agencies buy such services from existing OEO-funded Legal Services program grantees. OEO estimates that HEW will provide about $2 million to its Legal Services program grantees during fiscal year 1973.

CHAPTER 2.—ACHIEVEMENTS AND PROBLEMS OF STANDARD PROGRAM GRANTEE'S OPERATIONS

The information we obtained on program results provided some insight into the achievements and problems in grantees' operations. The seven standard program grantees we reviewed provided legal and related services to a number of persons to whom such services otherwise might not have been available.

However, there were indications that most program grantees had not been adequately involved in the program goal areas of economic development and law reform. We believe the achievement of these goals was limited partly because the grantees had neither clearly defined their objectives and priorities nor developed a plan for achieving these objectives.

The program grantees provided the poor with the same scope of civil representation that was available to persons able to afford private attorneys. In some instances the grantees advocated institutional reform of laws and practices which adversely affected the poor, carried on programs which educated the poor as to their legal rights, served as advocates for the poor in the social decisionmaking process, and involved the poor in the decisionmaking process.

We had considerable difficulty interpreting and analyzing the results reported by the grantees because (1) grantees had not defined their objectives in operational terms, (2) grantee records were inadequate, and (3) the confidentiality of the attorney-client relationship precluded our review of certain grantee records.

Adequate data was not available to determine the actual number and types of cases handled; to measure achievements in law reform, economic development, and education; and to compute the average cost for cases handled. In addition, we were unable to fully evaluate the quality and extent of legal services provided by the grantees because attorneys' case files containing pertinent information were confidential and were not available to us.

We believe that emphasis should be placed on developing better operational, managerial and administrative techniques that will enable program grantees to better serve their intended beneficiaries and provide more reliable data on grantee accomplishments.

The results of the Legal Services grantees' operations and the problems relating to grantee achievements follow:

Inadequate involvement in economic development and law reform

Our examination showed that all seven grantees had been involved to some extent in the program goal areas of economic development and law reform and that some grantees had considerable success in law reform. Some specific activities in these two goal areas are discussed in more detail on pages 13 and 16.

Despite these successful efforts, there were indications that most grantees had not been adequately involved in (1) encouraging the poor to form self-help groups and (2) identifying and seeking appropriate reform of statutes, regulations, and administrative practices that unfairly affected the poor. Our analysis of the results of annual evaluations made of 19 program grantees disclosed that a number of the grantees were not doing an effective job in these goal areas.

We believe the achievement of these goals was limited partly because the grantees had neither clearly defined their objectives and priorities nor developed a plan for achieving these objectives.

The absence of data on grantee accomplishments in these goal areas and in the education goal area is discussed on page 27.

Economic Development

There were indications for 6 of the 7 grantees which we reviewed and 12 of 19 grantee evaluation reports which we analyzed that there had not been adequate involvement in the economic development goal area.

OEO's Office of Legal Services recognized that successful use of the courts and reform of governmental processes, by themselves, would not significantly improve the lives of the poor. It believed that, to break the cycle of poverty and to have the poor achieve middle-class living standards, more far-reaching changes would have to occur in the private sector than in the public sector. It noted that, despite the availability of substantial amounts of Federal funds for housing and economic development, there had been few visible signs of improved conditions in low-income communities. The Office of Legal Services attributed this lack of progress to private entrepreneurs who did not fully use available Federal and private funds for projects in poverty areas.

The Office of Legal Services' approach to economic development is to help the poor in forming self-help groups in their communities; it is hoped that these groups will generate funds to provide more adequate housing, retail facilities, loans, and employment.

The following items indicated that the six grantees had not been adequately involved in economic development.

Grantee

A. A 1971 evaluation report stated that the grantee did not have a dynamic economic development activity. The grantee's executive director, in a 1971 self-evaluation report, stated that little had been accomplished in this area.

B. An OEO official informed us in January 1972 that the grantee had achieved nothing significant in economic development since 1969.

C. A 1970 evaluation found that only 1 of the grantee's 10 corporations had worked in the area of economic development. As of October 1971 the grantee had fully staffed only four of the nine economic development units required under its grant.

D. The grantee's deputy director informed us in December 1971 that activities in economic development were nonexistent.

E. A consultant evaluated the grantee and reported to OEO in February 1971 that the grantee had made virtually no progress in economic development.

Of 29 staff attorneys we talked with, 23 said they had not participated in economic development, 3 estimated that they had spent only 1 or 2 percent of their time, 2 estimated that they had spent about 25 percent of their time, and 1 did not estimate his time.

F. The grantee had been involved in organizing and structuring six business enterprises since 1969; five were either never organized enough to become operating businesses.

Our analysis of 19 grantee evaluation reports showed that only 5 grantees were reportedly adequately helping the poor in forming self-help groups and that 12 grantees were deficient in this goal area. Moreover, 7 of these 12 grantees were reportedly not involved at all in this goal area. We were unable to determine the extent to which two grantees were involved in economic development because of limited information in the evaluation reports.

As we said earlier, all seven grantees included in our review devoted some effort to economic development. Examples of grantee activities in this goal area during the period covered by our review include—

Preparing a lease for a building to house a bus depot;

Assisting tenants in purchasing a 42-unit apartment building;

Assisting a group of State penitentiary inmates to establish a janitorial service to provide employment for ex-felons;

Drafting articles of incorporation for a development corporation in a Model Cities target area;

Preparing a proposal for a food cooperative; and

Assisting in forming a nonprofit grocery store, gas station, and development corporation for migrant farmworkers.

Law Reform

There were indications for four of the seven grantees which we reviewed and eight of the grantee evaluation reports which we analyzed that there had not been adequate involvement in the law reform goal area.

One of the principal missions of OEO's Legal Services program is to have program grantees challenge—by class action[1] or test case—that portion of the statutory, regulatory, and administrative base of the existing order considered to discriminate against the poor; to research conflicting or discriminating applications of laws or administrative rules; and to propose administrative and legislative changes.

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[1] An action brought on behalf of named plaintiffs and other persons similarly situated but too numerous to be named as plaintiffs.

The magnitude of the benefits that the poor can realize through program attorneys' law reform efforts was indicated by a former director of the Office of Legal Services who stated that—

"In a series of 16 cases challenging the constitutionality of the welfare residence laws, which were so strongly condemned by the Riot Commission, legal services lawyers have increased the income of the poverty population by several million dollars."

If their clients' position is sustained in the Supreme Court, as much as $100 million per annum or more will have been gained for over 100,000 poor people each year.[2]

The following items indicated that four grantees reviewed had not been adequately involved in law reform.

Grantee

A. A 1970 evaluation reported that law reform activities needed strengthening. A grantee official informed us that a heavy caseload in the area of individual services precluded the grantee from emphasizing law reform.

B. A 1969 OEO evaluation reported that grantee corporations had not markedly implemented the national goal. As of October 1971, only four of the eight law reform units required under its grant were operational.

C. The grantee's 1970 self-evaluation report stated that a substantial, organized, and effective law reform program was lacking. The grantee's executive director reported in May and August 1971 that the law reform unit was in a state of flux and not able to produce as much as has been anticipated.

D. A grantee official informed us that the project had not been involved in any significant law reform activities.

Our analysis of 19 grantee evaluation reports showed that only 10 grantees were reportedly adequately engaged in law reform activities and that 8 grantees were deficient in this goal area. Moreover, four of the eight grantees were reportedly not involved at all in this goal area. We were unable to determine the extent to which one grantee was involved in law reform activities because of limited information in the evaluation report.

As we said earlier, all seven grantees included in our review devoted some effort to law reform. Some grantee attorneys had secured important decisions and legislation for the poor. Examples of law reform cases handled by the grantees during the period covered by our review follow.

1. *Serrano* v. *Priest*, 487 P. 2d 1241 (1971)—The grantee was successful in this case in which a particular State's use of local property taxes to finance public schools was ruled unconstitutional by the State Supreme Court. The grantee's clients in this case were a group of poor school children and their parents who alleged that they were discriminated against on the basis of wealth because the quality of their education depended largely upon the value of the property that happened to be in their school district.

2. *California Welfare Rights Organization* v. *Carleson*, 482 P. 2d 670 (1971)—This was an action which called for the repeal of certain changes made by the California State Department of Social Welfare in the standards and regulations for determining welfare payments which resulted in reduced welfare payments. The State Supreme Court held that the reductions were beyond the Department's authority and that the new standards were partially invalid and inconsistent with welfare regulations. This decision prevented a 24-percent reduction—an average of about $44 a family—in monthly welfare payments for about 1.4 million recipients.

3. *Escalera* v. *New York City Housing Authority*, 425 F. 2d 853 (1970)—This was an action against the housing authority for violation of tenants' rights of due process in eviction and penalty proceedings. The court of appeals determined, and thus established the precedent, that the housing authority's procedures for determining tenancy on the basis of breach of rules and regulations or on the basis of nondesirability violated the minimum standards of due process guaranteed by the 14th amendment.

The seven grantees' grant applications either contained no provisions relating to economic development and law reform goals or the provisions included were generally descriptive and did not specify information such as what the grantee intended to accomplish, how these objectives would be achieved, and the amount of resources to be allocated.

Grantee officials said that the main reason for the low activity in economic development and law reform was the lack of adequate resources. Grantee officials informed us that their attorneys were fully occupied with meeting individuals' day-to-day needs and that they were therefore unable to devote more time to economic development and law reform.

Also, some attorneys did not agree with the economic development program objective. A number of grantee officials informed us that, because of limited resources and grantee attorneys' lack of expertise in business matters, Legal Services grantees should not assume an active part in economic development activities.

In our August 7, 1969, report on the "Effectiveness and Administration of the Legal Services Program Under Title II of the Economic Opportunity Act of 1964" (B–130515), we also reported that there was little activity in economic development and law reform. We reported, at that time, that apparently only 2 of 34 Legal Services program grantees evaluated were effectively engaged in economic development and only 6 of the 34 grantees were effectively engaged in law reform activities.

On the basis of our review of 34 annual evaluation reports, we concluded that achievement of these objectives had been limited partly because OEO had neither clearly defined program objectives and priorities nor provided the essential direction and guidance to program grantees on how to engage in activities directed toward law reform and economic development. Accordingly, we recommended to the Director of OEO that he more clearly define program objectives and priorities and instruct grantees on how to engage in these activities.

OEO disagreed with our conclusion. It informed us in 1969 that it viewed its immediate objective as one of increasing its law reform and economic development activities without neglecting basic client services and that it had consciously refrained from issuing guidelines, monographs, and formal policy statements on priorities and methodologies because it believed that such determinations could not be made at that time on the basis of the program's limited experience.

Conclusions

We recognize that certain aspects of the Legal Services program are experimental and innovative and that the program has been in existence less than 8 years. We recognize also that OEO has increased the degree of grantee involvement in economic development and law reform since our 1969 review.

We also recognize the difficulties inherent in establishing precise objectives and priorities for all Legal Services program grantees. We believe, however, that for Legal Services program grantees to adequately plan, program, and budget their resources to meet the major program goals, it is essential for program grantees to have clearly defined objectives and priorities and a plan for achieving these objectives.

We believe that one feasible method of insuring clearly defined objectives and priorities at this time would be for the Office of Legal Services to require grantees, in their grant applications, to define their objectives and priorities and to develop a plan for achieving economic development and law reform objectives.

Recommendation to the Director, OEO

We recommend that the Director of OEO require program grantees to include in their grant applications statements defining objectives and priorities and indicating how economic deevlopment and law reform objectives are to be achieved.

Program results in other goal areas

During the 12-month periods covered by our review, the seven Legal Services program grantees provided legal services in diverse areas. The grantees provided a full range of legal work—advicc, representation, litigation, and appeal—to a number of clients and were involved to some extent in the Legal Services program goal areas of education, advocacy, and involvement of the poor in the decision-making process.

A discussion of achievements in these goal areas follows.

Providing Quality Legal Services to the Greatest Possible Number of Poor People

We were unable to fully evaluate the quality of legal services provided to clients by the grantees because of the confidentiality of the attorney-client relationship discussed on page 10. However, the clients were interviewed generally expressed satisfaction with the services they received. Also, judges whom we interviewed informed us that grantee attorneys generally provided competent legal representation for their clients.

The caseload data which follows is data reported to OEO by the grantees. The discrepancies we noted in this data, which prevent the ascertainment of the actual number and types of cases handled by the grantees, are discussed on pages 25 to 27.

Extent of legal services provided

Records showed that the seven grantees had accepted 127,309 cases during the 1971 program year. The social program areas in which services were rendered for these cases are summarized below. This data was available for only 9 months of the program year for one of the seven grantees.

Social program area	Number of cases	Percent
Housing	38, 637	30
Domestic relations	35, 783	28
Administrative matters	16, 338	13
Consumer and employment	13, 335	11
Miscellaneous	23, 216	18
Total	127, 309	100

During the 1971 program year, the grantees closed 84,528 cases and referred 15,394 persons to private attorneys or to Government and social service agencies for nonlegal services. The grantees' services for the closed cases are summarized below. The amount of legal work required to dispose of a case may vary from a few minutes to a number of days, depending on the nature of the case.

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[2] The Supreme Court of the United States upheld the judgments of the district courts in three of the cases, holding that the statutory provision which denies welfare assistance to residents of the State or the District of Columbia who have not resided within their jurisdictions for at least 1 year immediately preceding their applications for such assistance is unconstitutional (*Shapiro* v. *Thompson*, 394 U.S. 618 (1968)). The other district court cases were stayed pending the decision of the Supreme Court.

Service	Number of cases	Percent
Advice	42,798	51
Litigation	23,218	28
Advice and representation without litigation	14,511	17
Administrative hearings	3,776	4
Appeals	225	
Total	84,528	100

The most common types of services provided by the grantees were advice only and advice and representation without litigation—usually a telephone call or a letter. Although these types of services on the average represented about 68 percent of the caseloads for the seven grantees, they accounted for as much as 85 to 87 percent of the caseloads of four of the seven grantees. Staff attorneys estimated that such cases usually involved from one-half hour to 4 hours of an attorney's time.

About 28 percent of the cases closed by the grantees involved court appearances. Major concerns in these cases included domestic relations and juvenile offenders. Six [3] grantees reported the following results for 3,990 litigated cases.

Results of litigation	Number of cases	Percent
Cases won	2,890	72
Cases lost	465	12
Cases settled out of court	635	16
Total	3,990	100

Quality of services provided—clients' views

Most of the 115 grantee clients interviewed stated that they were satisfied with the services they had received. Ten clients were dissatisfied for such reasons as difficulty in communicating with attorneys and attorneys' failure to explain the nature of the case to the client.

Quality of services provided—judges' views

The 18 judges interviewed stated that grantee attorneys generally were well prepared and provided competent legal representation for their clients. Some judges stated that they had had problems with some grantee attorneys. The problems pointed out by the judges were courtroom disruptions, disrespectful behavior, falsification of documents, and attorneys who, in the opinion of one judge, were militants interested only in battling the establishment.

Accessibility of grantee offices

The grantees' neighborhood law offices generally were convenient to the population they were designated to serve. The 7 grantees operated 72 offices which generally had convenient office hours for their clients.

Educating Target-Area Residents

OEO's Legal Services program guidelines provide that a Legal Services program educate eligible people about their legal rights and obligations.

The seven grantees had initiated steps to educate organizations and individuals as to their legal rights and obligations. The grantees used conventional methods, including printed materials, oral presentations, and radio and television announcements. Examples of the grantees' efforts in legal education include—

Appearing before various community groups, such as welfare rights organizations, to provide information relating to legal rights and changes in the law.

Advising senior citizens' groups on such matters as preparing wills.

Publishing periodic newsletters on such issues as credit and evictions.

Participating in a Spanish-speaking traveling theater project which identified and illustrated law-related problems prevailing in rural communities and how program attorneys could help.

Publicizing the availability of the grantee's services on radio and telvision.

Advocacy for the Poor

Advocacy for poor clients generally refers to the representation of organized community groups of poor people before State and local government agencies and, more broadly, to the counseling of such groups on questions of policy, procedure, legal rights, and remedies.

All seven grantees had served as advocates for poor clients. For example, grantees—

Assisted community workers and public housing residents in obtaining approval of funding for the assignment of 16 patrolmen to certain public housing projects.

Prepared a study that disclosed an urgent need for senior citizens' housing in one county. Subsequently, funds were made available to ease this problem.

Represented minority groups concerned with increasing minority membership in unions in negotiations with a building trade union.

Provided representation at a meeting with State and local welfare officials which resulted in policy changes making food stamp purchases more convenient.

Obtained a local school board's agreement to expand the school lunch program and automatically entitle welfare family students to reduced-price lunches.

Involving the Poor

The seven grantees had involved the poor, or representatives of the poor, in the grantees' decision-making processes by including them on the governing boards and by employing target-area residents on their staffs.

The Economic Opportunity Act requires that each community action agency have a governing board which has at least one-third of the board members chosen in accordance with democratic selection procedures adequate to insure that they are representative of the poor in the area served.

Generally, at least one-third of the membership of the seven grantees' governing boards comprised representatives of the poor. Most of these representatives had good attendance records at board meetings during 1971.

Also, target-area residents were employed on the seven grantees' staffs. For example, at December 31, 1971, all of one grantee's 57 nonprofessional staff members had been hired from the poverty community through recommendations by representatives of the poor or a local employment service.

Program data

The number and magnitude of the discrepancies we noted in the grantee's data on accomplishments prevented us from reconstructing accurate caseload data for the grantees and from developing precise data on grantee accomplishments. Consequently, we could not establish the actual number and types of cases handled by the grantees during the 1971 program year nor could we measure grantee achievements in certain program goal areas.

In August 1967, OEO established a management information system (MIS) to help program management at the local level and to aid OEO in its monitoring activities. According to OEO, MIS was designed to identify and describe the types of individuals being helped by the various antipoverty activities and to provide information about program content, progress, impact, and costs—thus providing a basis for evaluating the effectiveness of individual programs, comparing the various programs, and providing a factual justification for continuing, discontinuing, or modifying particular programs.[4]

We examined the MIS reports submitted by the seven grantees to OEO for the 1971 program year to (1) test the accuracy of the reported data, (2) evaluate the accomplishments of the grantees, and (3) evaluate the usefulness of the data to OEO.

We found that—

program grantees were not adhering to the MIS reporting requirements;

MIS statistical reports on grantee activities were inaccurate and incomplete;

MIS had not provided management with data needed for monitoring grantee operations, such as data on grantee accomplishments in the program goal areas of economic development, law reform, and education; and

OEO made little use of the MIS reports.

MIS produces quarterly statistical and narrative reports of program operations. OEO considers these reports to be one of the primary means of documenting the accomplishments of Legal Services program grantees. The Legal Services program's quarterly statistical report provides information on client characteristics, social program areas in which services were rendered, types of services provided, overall caseload, sources of clients, staff composition, number of legislative bills drafted, number of oral presentations made, and written materials distributed on legal education. The narrative reports are designed to supplement and interpret the programs' quantitative aspects reported in the statistical section and to give an account of the program's nonquantifiable aspects.

OEO's Legal Services program guidelines provide that grantees' records include an analysis of the kinds of cases handled, the results of cases, and the methods and results of legal education.

For the 1971 program year, each of the seven grantees was required to prepare and submit to OEO four quarterly statistical and narrative reports. We found that 9 of the 28 statistical reports and 15 of the 28 narrative reports were not submitted. An OEO official informed us that less than 75 percent of the Legal Services program grantees submit MIS reports regularly.

Our analysis of source documents and grantees' statistical reports showed that the reports were inaccurate and incomplete. Source data for these reports comes from case intake and disposition forms prepared for each client.

Our test of the intake and disposition forms of three grantees showed that the data in the statistical reports on grantee accomplishments did not agree with the supporting intake and disposition forms. The results of one of our tests of supporting documents maintained by two offices of one grantee for cases handled during one quarter of the 1971 program year follow.

	Number of cases reported	Number of cases shown by supporting documents	Number of cases reported in excess of supporting documents
Accepted	545	449	96
Rejected	183	165	18

Our analysis of the statistical reports also showed that three grantees' reports did not contain information on certain reporting items, such as the results of civil court proceedings and the number of appeals; also two grantees' reports contained mathematical errors.

Although the MIS reports are designed to answer certain basic questions, such as how many people the grantee served, the report format contains no provisions to show the accumulation of grantee accomplishments in economic development, law reform, and education of target-area residents. For example, the MIS report does not reflect the amount of effort and results obtained by grantees in law reform. Therefore, if a grantee is concentrating on law reform, the MIS reports would probably show a decreasing caseload for the grantee while accomplishments may actually be increasing.

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[3] One grantee did not report the results of litigated cases, and the data reported by another grantee covered only a 3-month period.

[4] Effective June 1, 1971, OEO terminated MIS as a national reporting requirement, except for Legal Services and health program grants, while a revised national MIS system was being developed.

In addition, the MIS report format contains no provisions to show expenditures for each individual case by litigation category. Our tests of four grantees' records showed they did not maintain records of each legal case's costs.

We found that the narrative sections of the MIS reports contained brief comments on community relations, grantee operations, and administration and, in some instances, a description of a few significant cases handled by the grantee. For example, one grantee's narrative report commented that certain board members were continually absent from meetings and that insufficient funds had restricted travel and prevented the hiring of certain poor persons.

We also found that OEO made little use of the MIS reports. OEO officials informed us that the Office of Legal Services did not use MIS reports extensively for program management or for refunding decisions. OEO had not compiled an overall summary of the data provided by the MIS reports since 1969. An OEO official informed us in December 1972 that the Office of Legal Services was revising the MIS format to make it more responsive to the informational needs of the Office of Legal Services.

In our 1969 report on the Legal Services program, we reported that the MIS reporting format should be revised to show selective meaningful data for review by management and that Legal Services program grantees should be required to adhere to the reporting requirements of MIS.

By letter dated May 7, 1969, the Acting Director of OEO informed us that OEO was revising MIS and that OEO had conducted two nationwide surveys of all Legal Services program grantees to obtain data for management purposes and for establishing priority needs.

Because OEO was revising the MIS format, we made no recommendation in the 1969 report concerning the contents of the MIS report. Instead, we recommended that the Director of OEO, in association with the development of an improved MIS to meet the needs of the Legal Services program, insure that program grantees comply with the system's reporting requirements.

Conclusions

We believe that the MIS reports could help management monitor program activities if Legal Services program grantees were required to comply with the reporting requirements of MIS and if the MIS format was revised to obtain selective meaningful data on grantee accomplishments for review by management.

Because needed revisions in the MIS report have been discussed since 1969 but not implemented as of December 1972, OEO officials need to see that the changes are made. It is also essential for all Legal Services program grantees to prepare and submit accurate narrative and statistical reports so that adequate data on the results of program grantee's operations can be accumulated and so that the Office of Legal Services can continually monitor program activities and compare the results with approved plans and objectives.

RECOMMENDATIONS TO THE DIRECTOR, OEO

We recommend that the Director of OEO—

Require program grantees to comply with the eporting requirements of MIS;

Take steps to insure that revisions in the Legal Services program MIS report are made;

In improving MIS, insure that consideration is given to including revisions in the report format which provide management with selective meaningful data on grantee accomplishments; and

Require OEO Legal Services program officials to use the MIS reports in monitoring grantee activities.

CHAPTER 3—IMPROVEMENTS NEEDED IN STANDARD GRANTEES' MANAGEMENT AND ADMINISTRATION

Standard Legal Services program grantees need to improve their management and administration so that they can use available resources more effectively and efficiently. Grantees could improve their determinations of a person's eligibility for legal assistance by

Complying more with eligibility income limitations;

Obtaining and recording complete data supporting a person's eligibility for legal assistance, particularly in cases involving law reform issues, groups of individuals, and nearly poor persons; and

Requiring supervisory reviews of grantee attorneys' client eligibility determinations.

Non-Federal contributions need to be adequately documented and should represent allowable claims. Also, grantee controls over client deposits need to be improved.

Eligibility

OEO's Legal Services program guidelines provide that OEO not give free legal assistance to individuals who can afford a private attorney. Also eligibility criteria established by legal services programs must include such factors as (1) income and dependents, (2) assets and liabilities, (3) cost of a decent living in the community, and (4) an estimate of the cost of the legal services needed.

The grantees established annual income limits, usually those specified in the OEO poverty guidelines, to determine income eligibility. For example, in 1971 the OEO poverty guidelines provided that a nonfarm family of four qualified for assistance if its annual income was $3,800 or less.

We examined financial information on 5,693 cases handled by the seven grantees primarily during the 1971 program year. We examined this information, maintained at 13 neighborhood grantees' law offices, for various periods of the 1971 program year.

For 4,879 of the 5,693 cases, the records show that reported income was within the grantees' income standards. For the 814 remaining cases (14 percent), we found that for 582 (10 percent) reported annual income exceeded the grantees' income limitations; for 232 (4 percent) we were unable to determine whether the income limitations had been adhered to because such necessary information as incomes and numbers of dependents had not been recorded. In addition, 2 of 13 law offices kept no records on the eligibility of their clients. The rate of questionable eligibility because of overincome and lack of supporting data for the individual grantees ranged between 4 and 25 percent for the cases tested.

The following table shows the extent to which reported annual income exceeded the income limitations for the 582 cases. As shown below, 55 percent of the cases exceeded the annual income limitations by over $1,000.

Annual income in excess of limitations	Number of cases	Percent
$1 to $500	132	23
$501 to $1,000	128	22
$1,001 to $1,500	97	17
$1,501 to $3,000	141	24
$3,001 to $4,500	48	8
Over $4,500	36	6
Total	582	100

We also found indications that grantee attorneys did not apply the income limitations uniformly. Attorneys in one neighborhood law office were using higher income limitations than those prescribed by the grantee. Attorneys for another grantee were interpreting the income lmiitations to mean gross income in some cases and net income in other cases. A staff attorney for one grantee informed us that he had accepted many cases in which clients' incomes exceeded the income limitations because the cases involved problems with the credit bureau and he used these cases to challenge the credit bureau's practices.

The lack of information to determine eligibility appeared to be a problem particularly in cases involving law reform issues and group representations. We reviewed one grantee's financial records for 168 cases which the grantee identified as being representative of significant law reform issues. For 84 (50 percent) we found that no financial records had been prepared.

We found that the same grantee had provided legal services to certain groups without clearly determining their eligibility. OEO permits group representation if a majortiy of the persons in the group qualify individually for services.

In some instances, we could find no supporting eligibility data for groups represented by grantee attorneys; when data was recorded, it was usually not sufficiently complete to determine the eligibility of the group or the individual members. For example, in one case the grantee represented a church after a woman requested legal assistance to obtain a refund of $1,200 paid for church choir robes that she considered to be defective. Although the woman's and the church's eligibility were not established, a staff attorney of the grantee accepted the case and wrote letters to the company requesting it to rescind the contract for the robes and make a full refund to the church. The case was still open at the time of our review.

Grantee officials gave us various reasons for assisting ineligible clients, such as extenuating circumstances existed, eligibility was borderline, new attorneys handled the cases, the cases involved a law reform issue, the client's high unemployment history precluded continual employment, only advice was required, and applicants who were $500 over the income limitation were accepted because poor people usually have large outstanding debts.

OEO's Legal Services program guidelines also provide that no eligibility standard be inflexible and that an allowance be made in cases of unusual hardship. OEO policy permits grantee attorneys to handle legal cases when a client is nearly poor, if mitigating reasons exist in the person's financial situation.

It should be noted, however, that grantee records were not documented to show mitigating reasons as justification for accepting nearly poor persons as clients, and, as discussed on page 31, 55 percent of the overincome cases exceeded the annual income limitations by over $1,000.

We found that generally grantee attorneys made eligibility determinations which were not subject to supervisory review. In addition, 14 of the 19 grantee evaluation reports which we analyzed did not contain any information on the propriety of eligibility determinations.

Conclusions

Since Legal Service program grantees offer free, but valuable, professional services, the determination of who receives services is significant. By devoting resources to servicing ineligible clients, grantees are depriving those disadvantaged by poverty from obtaining free legal services.

We believe that grantees need to improve their compliance with income limitations and their data supporting a person's eligibility for legal assistance, particularly in cases involving law reform issues, groups of individuals, and nearly poor persons.

Such improvements would help insure that available resources are used more effectively and efficiently and would also enable OEO to better measure the extent to which grantees are reaching persons most disadvantaged by poverty.

Recommendations to the Director, OEO

We recommend that the Director of OEO—

Emphasize to Legal Services program grantees the need to comply with established eligibility income limitations and to obtain and record complete data supporting persons' eligibility for legal assistance, particularly in cases involving law reform issues, groups of individuals, and nearly poor persons and

Require that the propriety of grantee attorneys' eligibility determinations be reviewed by grantee officials and be closely monitored by OEO through the annual grantee evaluation and spot checks by OEO regional office personnel.

Non-Federal contributions

The legislation authorizing the Legal Services program generally requires that a grantee provide a specified percentage of total project costs in cash or in-kind contributions. The rate of non-Federal contributions for six of the seven grantees[1] reviewed was 20 percent for five grantees and 10 percent for one grantee. Grantee records showed that, for the 1971 program year, the six grantees had recorded non-Federal contributions totaling about $638,000.

We examined selected non-Federal contributions totaling $180,780 recorded in the 1971 program year. We found that contributions of about $68,500 recorded by four grantees were questionable because the grantees did not have adequate documentation supporting the contributions or the contributions were not proper. Examples of the contributions questioned and the basis for questioning follow.

OEO instructions pertaining to donated services recorded as non-Federal contributions require that the records show the specific duties performed. Donated services of $11,572 recorded by two grantees were not substantiated by records showing the specific duties performed.

OEO instructions pertaining to donated services also prohibit adding to the non-Federal contribution recorded for an attorney's volunteer work the value of assistance provided in this work by attorney employees. Donated services of $552 recorded by one grantee represented the value of services performed by volunteer attorney secretaries.

Conclusion

Contributions from non-Federal sources represent a significant part of the resources available to program grantees for providing legal assistance to the poor. There is a need for improving program grantee compliance with OEO instructions pertaining to non-Federal contributions to insure that amounts claimed are allowable and supportable.

Recommendations to the Director, OEO

We recommend that the Director of OEO require program grantees to comply with OEO instructions on the allowability and documentation requirements of non-Federal contributions. We also recommend that OEO closely monitor grantee efforts to bring about the needed compliance.

Controls over client deposits

Our review showed that program grantees had not established adequate controls over cash deposits made by clients to pay for incidental costs, such as court filing fees and publication costs. Two grantees reported client deposit account balances totaling about $13,100 at the time of our review. The balance on hand for another grantee could not be determined because of inadequate records. Examples of the weaknesses identified in three grantees' controls over client deposits follows:

1. Records were not kept to identify deposits with the names of the individuals making the deposits.

2. The same individual was responsible for accepting money from clients, making bank deposits maintaining bookkeeping records, and reconciling the bank accounts.

3. Records of individual client deposits could not be reconciled with the deposit control account.

4. Procedures were not established to insure that unneeded deposits were returned promptly to clients.

Conclusion

Program grantees had not established adequate controls over clients' cash deposits. Grantees need to improve their records on and their handling of client deposits, to adequately account for and safeguard client deposits.

Recommendation to the Director, OEO

We recommend that the Director of OEO require that OEO's accounting requirements for Legal Services program grantees be revised to provide for the maintenance of adequate records and the establishment of procedures for handling client deposits.

CHAPTER 4. WISCONSIN JUDICARE

Although established in 1966 as an alternative method of providing legal services to the rural poor, Wisconsin Judicare was not designed to test its own effectiveness nor its effectiveness in comparison to standard Legal Services program grantees.

OEO did not establish a systematic method of extracting information needed for documenting judicare results and for comparing them to standard program grantees' results. Data available on project results was inaccurate and incomplete and was not designed to provide for the collection of certain data needed for comparison, such as the cost of each type of legal case handled. Consequently, data was not available to determine such results as the actual number and types of cases handled and the extent and impact of judicare project activities in such program goal areas as law reform.

OEO did not establish a model standard program grantee having a system for collecting data for comparison to Wisconsin Judicare. Consequently, Wisconsin Judicare has not been evaluated in depth, and standard methods of delivering legal services and the value of the judicare concept as an alternative method of providing legal services to the rural poor remain in question.

OEO took steps in August 1972 to improve the information on judicare project results; however, further improvements are necessary to insure adequate systems for collecting, comparing, and evaluating data.

We believe that emphasis should be placed on developing more reliable data on and measures of judicare accomplishments and on developing a system of collecting data for comparison purposes, so that a basis would exist for objectively assessing and comparing the judicare method with the methods employed by standard program grantees.

The information we obtained on project results provided some insight into the benefits and problems of Wisconsin Judicare. Wisconsin Judicare provided free legal services in diverse areas to a number of persons to whom such services otherwise might not have been available. The project was also involved to some extent in all Legal Services program goal areas.

Our analysis of available records and discussions with project officials showed that (1) private attorneys were involved very little in law reform and economic development, (2) services provided in education, advocacy, and economic development were limited to a narrow spectrum of target-area residents, and (3) private attorneys were not involved in appellate actions. We believe these problems have adversely affected the project's effectiveness.

Wisconsin Judicare needs to improve its management and administration. Judicare payments to private attorneys need to be supported by evidence that clients received legal services, eligibility determinations need to be adequately supported, and non-Federal contributions need to be adequately documented and must represent allowable contributions.

Background

OEO's Office of Legal Services has been concerned with the problem of providing legal assistance to the rural poor who are widely dispersed. The Office of Legal Services has tried to solve the problems posed by distance and population density in rural areas by: (1) circuit riding, in which an attorney regularly visits a series of small substations (churches, apartment houses, general stores) to provide legal assistance and (2) establishing decentralized staff projects which involve several permanent one- or two-man offices distributed over a wide geographic area.

In November 1965, the Wisconsin State Bar Association proposed to OEO a comprehensive program of legal assistance in the rural areas of Wisconsin which would use the judicare concept of providing legal services. Under the proposal, legal services would be provided to the rural poor by private attorneys who would be reimbursed out of funds provided by OEO, rather than by attorneys employed by an OEO-funded organization using circuit riding or decentralized staff methods of providing services.

OEO approved the State bar association's proposal in April 1966 and limited the area to be served by the grant to 26 counties in the northern part of the State. This area was later expanded to cover two more counties and inmates of the State's correctional institutions.

OEO's initial grant of $240,181 to the Wisconsin State Bar Association for operating the Wisconsin Judicare project covered the period June 1, 1966 to July 14, 1967. OEO has provided funds totaling about $2 million for the operation of the judicare project through July 31, 1973.

Wisconsin Judicare's objectives, as defined by its rules and bylaws, are to give underprivileged persons

Equal opportunities in litigation and other legal matters,

Equal freedom to choose their attorneys, and

High quality legal services.

At the time of our review, the judicare project was governed by a board of directors responsible to the State bar association for establishing operating guidelines for the project. The project was administered by a headquarters office in Madison, Wisconsin, until May 1, 1972, when the headquarters was transferred to Wausau, Wisconsin. The headquarters staff consisted of a director, four attorneys, two law students, and an administrative staff of six persons. Their duties included reviewing applicants' eligibility for judicare cards, paying private attorneys, and participating in the Legal Services program goal areas of law reform, economic development, and group advocacy.

Under the judicare project, low-income persons in the 28-county area apply for a judicare card at community action or welfare agencies. These agencies accept judicare card applications, perform preliminary eligibility reviews, issue cards to eligible applicants, and forward a copy of each application to Wisconsin Judicare's headquarters office.

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[1] One grantee, a delegate agency of a community action agency, did not record or expend non-Federal contributions because the contributions required for all city antipoverty programs were provided in cash by the city government.

Persons do not have to have a legal problem when they apply for a judicare card.

Judicare cards authorize the holder to obtain civil legal services from licensed attorneys in the county of residence or in an adjoining county. The cards expire on May 31 of each year and are renewable for a year on the basis of an affidavit indicating that the cardholder's economic situation has not changed. At August 31, 1971, 2,780 target-area residents held judicare cards.

Any licensed attorney is eligible to provide services through the project if he lives in the target area and is willing to provide legal services to eligible persons at fees established by Wisconsin Judicare. Reimbursements to private attorneys are fixed by a fee schedule for certain services and by certain hourly rates for services not provided for by the schedule in an amount not to exceed 80 percent of the State bar association's minimum fee schedule. Total fees to an individual attorney cannot exceed $5,000 a year, nor can fees for a single case exceed $300.

Under Wisconsin Judicare's procedures governing payments to private attorneys, a $5 fee is paid to a private attorney after he has held the first conference with a person eligible for legal services. Upon receipt of the attorney's billing for the conference, Wisconsin Judicare determines whether further payments may be made for the type of case involved and notifies the attorney if further payments are not reimbursable. If such a notification is not received, the private attorneys proceed with the case and are paid the balance of the fee on the basis of the final billing which they submit upon completion of services.

Data available for comparative analysis

Wisconsin Judicare's MIS reports submitted to OEO were inaccurate and incomplete and did not provide for the collection of certain data needed for comparison purposes. OEO required Wisconsin Judicare to use a MIS identical to the system used by other Legal Services program grantees.

Our test of Wisconsin Judicare's records which served as the basis for preparing the MIS statistical reports showed, for example, that the number of people participating in the judicarce project as of June 30, 1971, was overstated by 130 and that divorces and annulments sought were overstated by 206. Our analysis also showed that some reports did not contain information on certain reporting items, such as the number of referrals and advice cases closed, and that some reports had mathematical errors.

Also, there were no provisions in the report format for accumulating certain data needed for comparison purposes, such as the cost for each type of legal case handled and the extent and impact of involvement in the Legal Services program goal areas of law reform, economic development, and education.

OEO did not establish a model standard program grantee having a system for collecting data for comparison to Wisconsin Judicare. Consequently, past evaluations of Wisconsin Judicare, with one exception, were restricted to identifying project weaknesses and did not compare Wisconsin Judicare to standard program grantees. Past evaluation reports also indicated that the lack of certain data had limited the observations. For example, a July 10, 1970, evaluation report concluded, in part, that:

"All evaluators were of the unanimous opinion that this was not a good evaluation. It is not complete and another evaluation should be made in depth. None of us were satisfied with either the quantity or quality of information obtained."

Only one evaluation attempted to compare the results of Wisconsin Judicare's operations with those of standard Legal Services program grantees. The Bureau of Social Science Research, in a January 1972 report prepared under an OEO grant, reported to OEO on alternative approaches to the provision of legal services for the rural poor.

The bureau's report attempted to compare Wisconsin Judicare with three Legal Services program grantees which were using the decentralized staff method of providing legal services to the rural poor. The bureau compared grantees in terms of cost and the extent of their involvement in the Legal Services program goal areas.

Although the report did identify some differences in grantees' performance, the observations were limited because certain data for the judicare project and the decentralized staff grantees was not available. The bureau recognized the limitations of its report in comparing grantee operations. The report states that:

"Part of the difficulty lies in the fact that most of the available information upon which it is based was collected for administrative purposes, and therefore tended to have a fiscal and policy orientation. * * * With respect to some program features it is not comparative at all, merely presenting information on one program or another; there is far more information presented on the Wisconsin Judicare program than on any of the three staff programs, only because the former has been the object of greater attention and frequent study by others."

The limited information available to compare grantees is illustrated by the bureau's attempt to compare grantee costs by type of case. The report states that the cost comparison was limited because the decentralized staff grantees did not keep the kind of records which would permit detailed comparison of costs for all types of cases.

The bureau selected two types of cases—divorces and bankruptcies—to make cost comparisons. For indirect judicare costs, the bureau had to rely on estimates made by judicare officials and another evaluator; it had to rely on officials of the decentralized staff grantees for the average time attorneys and other personnel spent in handling these types of cases. The report showed that Wisconsin Judicare's costs for handling these cases were greater than those of the three decentralized grantees.

OEO officials could not tell us why systematic methods to extract information needed for comparison purposes had not been established. They informed us that the Wisconsin Judicare project was established in 1966 and that officials responsible for establishing the project were no longer with OEO. OEO officials informed us, however, that they had experienced difficulties with the former director of Wisconsin Judicare in obtaining information on the project's operations.

Subsequent to our review, OEO took steps to improve the information available on judicare project results. Also, Wisconsin Judicare has been reorganized as a corporation.

OEO's grant to Wisconsin Judicare for the 12-month period ended July 31, 1973, requires that the (1) audit report for this period contain certain information on amounts paid to private attorneys for completed cases and estimates of the number and cost of open cases, (2) project secure status reports on private attorneys' open cases, and (3) project cooperate and furnish information so that OEO can study and analyze the structure, policies, and operations of the project.

The State bar association desired the project to have a more independent status. Consequently, OEO's grant for the 1972–73 period was awarded to a newly incorporated organization, Wisconsin Judicare, Inc., rather than the State bar association.

Problems in project operations

We noted several problems relating to the operations of Wisconsin Judicare which we believe adversely affected the project's effectiveness.

Private Attorneys' Involvement in Law Reform and Economic Development

Wisconsin Judicare's grant for the 1971 program year provided that the headquarters office staff and private attorneys share the responsibility for involvement in law reform and economic development.

Wisconsin Judicare records showed that the project had been involved in 17 law reform cases during the 1971 program year. However, private attorneys had been involved in only one of these cases, and there had been only three major law reform actions involving private attorneys since the inception of the project in 1966. Of the six economic development projects handled by Wisconsin Judicare in the program year, only one project was handled by a private attorney. An evaluation report prepared by private consultants for OEO reported in May 1971 that there had been virtually no law reform or economic development activity by private attorneys under the judicare project.

Services in education, advocacy, and economic development

Wisconsin Judicare's services in the program goal areas of education, advocacy, and economic development were limited to a narrow spectrum of target-area residents.

The project's records showed that there were 38 contacts to educate target-area residents during the 1971 program year. Twenty-six of the contacts were with Indian groups and 12 were with inmates of correctional institutions. We were informed by a former director of Wisconsin Judicare that group advocacy was predominantly for Indian tribes and groups. With respect to economic development, all six projects in which Wisconsin Judicare was involved in the 1971 program year were for the benefit of Indian groups.

A former director of Wisconsin Judicare informed us that there had not been a conscious effort to limit the project's services in advocacy and economic development to Indian groups but that services were provided to these groups because they were the predominant groups seeking help. With respect to educating the poor, the former director stated that it did not seem logical to him to emphasize education of target-area residents when, because of funding limitations, he had to impose restrictions on the cases handled by the project.

Appellate actions

OEO's Legal Services program guidelines provide that grantees provide a full spectrum of legal work: advice, representation, litigation, and appeal.

Wisconsin Judicare record showed that private attorneys handled no appeal cases during the 1971 program year. A former director of Wisconsin Judicare told us that the lack of appellate action was attributable to a lack of resources. He stated that private attorneys requested permission for waivers of the $300 limit per case to enable them to appeal court decisions but that Wisconsin Judicare's governing board had repeatedly denied such requests.

Project results

Wisconsin Judicare records showed that 2,714 cases, summarized below, were accepted during the 1971 fiscal year.

Social program areas	Number of cases	Percent
Family problems	889	33
Consumer and employment problems	519	19
Housing problems	253	9
Administrative problems	168	6
Miscellaneous problems	885	33
Total	2,714	100

During the 1971 program year, Wisconsin Judicare closed 1,441 cases which are summarized below.

Services	Number of cases	Percent
Litigation	512	36
Advice	462	32
Advice and representation without litigation	437	30
Administrative hearings	29	2
Appeals		
Referrals	1	
Total	1,441	100

About 36 percent of the closed cases involved court appearances. The reported results of 419 litigated cases closed by Wisconsin Judicare during the 1971 program year follow.

Type of case	Number of cases	Won	Lost	Settled out of court
Bankruptcy	133	133		
Family problem	183	166	10	7
Housing	84	77	2	5
Consumer	19	11	2	6
Total	419	387	14	18

We were unable to fully evaluate the quality of legal services provided to clients by Wisconsin Judicare because of the confidentiality of the attorney-client relationship. However, the 18 persons we interviewed who had obtained judicare cards and had consulted attorneys generally expressed satisfaction with the services received.

We interviewed 23 persons who had obtained judicare cards; 21 stated that the card-issuing office was easy to reach from their homes; all stated that they did not have to miss work to visit the card-issuing office and were given adequate privacy during interviews at these offices. Of the 23 persons interviewed, 18 had visited a private attorney for services. Only 1 of the 18 stated that a private attorney was not conveniently located to her home.

We also interviewed 13 private attorneys who had provided legal services to the poor through the judicare project. Six stated that they had evening or weekend office hours and the remaining seven stated that they serviced clients outside of regular office hours by appointment.

For the other program goals, Wisconsin Judicare, during the 1971 program year:

Conducted meetings with Indian groups and inmates of State correctional institutions to explain legal rights.

Was involved in 17 law reform cases.

Was involved in five cases of group advocacy work.

Was involved in six economic development projects.

Included the required number of target-area residents as representatives of the poor on the project's governing board.

Conclusions

To provide a basis for objectively assessing and comparing judicare as an alternative method of providing legal services, data collected on Wisconsin Judicare and standard grantee operations must be expanded and improved. Wisconsin Judicare needs to improve the accuracy, completeness, and type of data it keeps. Also, a data collection system for a model standard grantee should be established.

For the judicare project to achieve its objectives more fully, improvements are needed with respect to (1) private attorneys' involvement in certain program goal areas, (2) extending the population segments to which certain services are provided, and (3) the scope of legal services provided, in order to increase the effectiveness of Wisconsin Judicare.

Recommendations to the Director, OEO

We recommend that the Director of OEO require that:

Wisconsin Judicare accumulate accurate and complete MIS data on its operations, including data on its activities in the program goal areas of law reform, economic development, and education.

A data collection system be established for a standard program grantee for comparison with Wisconsin Judicare.

Private attorneys become more involved in law reform and economic development.

The services provided in education, advocacy, and economic development be extended to include diverse segments of the intended beneficiaries.

Wisconsin Judicare include appellate actions by private attorneys in its legal services.

Wisconsin Judicare's Management and Administration

Wisconsin Judicare needs to improve its management and administration so that available resources can be used more effectively and efficiently. Financial and other weaknesses identified during our audit follow:

Judicare payments to private attorneys were not supported by evidence that clients received legal services.

Data supporting eligibility of judicare cardholders was inadequate for 10 percent of the cardholders tested.

Recorded non-Federal contributions of $37,300 were not allowable under OEO requirements or were inadequately documented.

The director of Wisconsin Judicare informed us that corrective action would be taken with respect to the allowability and documenting of non-Federal contributions.

Payment To Private Attorneys

We were unable to determine the propriety of Wisconsin Judicare's payments to private attorneys because the available records did not show evidence that legal services were furnished. About $135,700, or 54 percent, of the $251,700 spent by Wisconsin Judicare during the 1971 program year represented payments to private attorneys.

Our examination of 100 payments totaling $3,495 made to private attorneys showed that the payments were made on the basis of attorneys' billings to Wisconsin Judicare for services rendered. Supporting evidence for the payments did not show that the clients had received legal services. We were unable to contact the clients and determine from them whether they had received legal services because the confidentiality of the attorney-client relationship would not permit us to identify the names of clients for whom payments were made.

Wisconsin Judcare officials informed us that private attorneys are not required to submit supporting evidence showing that legal services were furnished to clients.

The officials believed that there was no need to establish such a requirement in dealing with attorneys. The officials also stated that procedural changes involved in obtaining such documentation would make private attorneys less receptive to the project since it would question their integrity.

OEO regional office officials agreed that payments made to private attorneys should be based on evidence supporting clients' receipt of services; however, they said that they would not insist on such documentation because of opposition from project officials.

Eligibility

Wisconsin Judicare's eligibility standard for legal assistance provides that, besides income, other factors—equity in real and personal property—be considered when determining eligibility. Wisconsin Judicare has established maximum amounts for these nonincome factors.

We examined the financial information on 130 active cardholders selected at random from the 2,780 active cardholders on file at August 31, 1971. For 13, or 10 percent, of the 130 cardholders, we were unable to determine whether Wisconsin Judicare's eligibility standard had been adhered to because such necessary information as income and equity in real or personal property had not been recorded. For 2 of the remaining 117 cardholders, the records showed that reported financial data exceeded Wisconsin Judicare's eligibility standard.

Non-Federal contributions

The rate of non-Federal contributions for Wisconsin Judicare was 20 percent of its costs for the 1971 program year. OEO instructions permit donated personal services to be recorded as non-Federal contributions; however, they prohibit services from being treated as part paid and part volunteer, and they prohibit services of persons regularly employed by community action agencies from being recorded as non-Federal contributions. OEO instructions also require donated services to be supported by records showing the specific duties performed.

Project records showed that non-Federal contributions in donated personal services totaling $66,600 had been recorded for the 1971 program year. Recorded contributions of 37,300 were questionable because they were not allowable under OEO instructions or were inadequately documented. Included in the $66,600 were

$15,800 which represented that part of the private attorneys' claims for providing legal services which were not paid by Wisconsin Judicare because the claim exceeded the project's fixed fee for the type of service provided,

$15,600 for services rendered by persons regularly employed by community action agencies, and

$5,900 for services which were not supported by records showing the specific duties performed.

We brought this matter to the attention of the director of Wisconsin Judicare who stated that corrective action would be taken.

Conclusions

Our review showed that improvements were needed in the data maintained by Wisconsin Judicare supporting judicare payments to private attorneys and supporting persons' eligibility for legal assistance. Such improvements would help insure that available resources are used more effectively and efficiently and would provide a basis for determining the propriety of judicare payments to private attorneys.

Our review also showed that Wisconsin Judicare had deviated from OEO requirements with respect to the propriety and documentation of some non-Federal contributions. The director of Wisconsin Judicare promised to correct this deviation.

Recommendations to the Director, OEO

We recommend that the Director of OEO require that:

Wisconsin Judicare payments to private attorneys be supported by evidence showing that legal services had been furnished to clients.

Wisconsin Judicare obtain and record complete data supporting client eligibility.

OEO officials follow up on Wisconsin Judicare's efforts to improve the handling of non-Federal contributions.

CHAPTER 5. SCOPE OF REVIEW

We reviewed the operations and selected administrative practices of eight Legal Services program grantees in New York, Puerto Rico, California, Montana, Colorado, Minnesota, and Wisconsin. Seven of the grantees were standard program grantees which employed attorneys to provide legal services, and one was the Wisconsin Judicare project under which legal services are provided by private attorneys and paid for by the project.

In addition, we reviewed 19 randomly selected annual evaluation reports for the 256 standard program grantees operating in February 1971, to ascertain the grantees' achievement of program objectives. The evaluation reports were prepared during 1970 and 1971 under contracts awarded by OEO.

We analyzed and evaluated the results of Legal Services grantee operations and the manner in which they were administered. Our review covered the eight grantees' activities during 12-month grant periods ended during calendar year 1971.

We reviewed applicable legislation, policies, program documents, reports, correspondence, and other pertinent records and interviewed officials of the grantees, local bar associations, and local community action agencies concerning activities during 1971 and 1972. We also reviewed records and reports and interviewed officials at the headquarters office and pertinent regional offices of OEO.

In addition, we interviewed 138 clients to obtain their views and comments on the grantees and the services received and 18 judges to obtain their views and comments on the competence of grantee attorneys' representation of clients.

APPENDIX I

FUNDS PROVIDED BY OEO TO THE GRANTEES FOR THE PERIODS REVIEWED

Grantee	Period covered From—	Period covered To—	Federal funds provided	Required non-Federal funding[1]
A	May 1, 1970	Apr. 30, 1971	$173,992	$78,624
B[2]	Jan. 1, 1971	Dec. 31, 1971	919,206	184,448
C	Oct. 1, 1970	Sept. 30, 1971	4,347,505	
D	Sept. 1, 1970	Aug. 31, 1971	464,017	98,872
E	Mar. 1, 1970	Feb. 28, 1971	1,035,881	264,944
F	Apr. 1, 1970	Mar. 31, 1971	79,940	20,000
G	Sept. 1, 1970	Aug. 31, 1971	449,000	49,614
Wisconsin Judicare.	Aug. 1, 1970	July 31, 1971	281,670	74,000
Total			7,751,211	770,502

[1] Represents local contributions required under the Federal funding agreements.

[2] Funds pertain to a grant covering the 12-month period ended May 31, 1971.

APPENDIX II

OFFICE OF ECONOMIC OPPORTUNITY,
Washington, D.C., March 12, 1973.

Reply to Attention of: J. Laurence McCarty, Acting Associate Director, Office of Legal Services

Subject: OEO Comments on GAO Report on the Legal Services Program

To: Franklin A. Curtis, Associate Director, Manpower and Welfare Division, U.S. General Accounting Office.

Your Report was referred by the Acting Director of OEO to me, the Acting Associate Director of Legal Services, for comment.

I am delighted to have at my disposal so early in my assignment such an objective and detailed diagnosis of the Program's deficiencies. I have instructed my staff to give top priority to remedying these deficiencies so that we can bequeath to our proposed successor organization, the National Legal Services Corporation, a mechanism which is functioning smoothly and effectively in meeting the legal needs of the poor.

On the other hand, I was shocked to learn that the main source of legal services statistics and the primary means of documenting the accomplishments of the program—the so-called Management Information System (MIS)—was so unreliable. You point out, for example, that grantees were not adhering to reporting requirements of the MIS (according to one source less than 75% of the grantees submit regular reports), and that much of the data in the reports that were submitted was incomplete and inaccurate. You further note that MIS reports were not extensively used by the Office of Legal Services either for program management or in refunding decisions.

Members of the staff I inherited were aware of these problems and had already initiated corrective action. The Office of Legal Services is now in the process of revising and simplifying the MIS form, and I have approved the completion of a project to computerize the data-gathering system. I can assure you that no effort will be spared to make this vital management tool (MIS) reliable. I am also instituting a plan under which both MIS data and our periodic evaluations of projects will be time-phased so that they are available for all refunding decisions.

I am also deeply concerned over the reported laxity of some of our grantees in adhering to our eligibility guidelines. This Program was established to provide legal services to *poor* individauls—individuals who fit the poverty definition set by the Federal government—and to no one else. I intend to standardize this definition throughout our legal services network—allowing of course for some geographic variations due to differences in the cost of living. In addition I intend to take decisive action in respect to your recommendation that we should require our grantees to comply with our guidelines on such matters as submission of reports, adherence to eligibility criteria, etc.

One of the problems here is the exaggerated autonomy which has been conceded to grantees in the past. We accept the fact that project directors and attorneys are not "employees" of the Office of Legal Services and hence are not subject to the same kind of supervision that employees receive. Nonetheless, a grant is a type of contract and the agency supplying Federal funds to a grantee has the right not only to stipulate the goals and the ways in which these goals are to be reached but to insist on compliance and to refuse to refund those grantees who do not comply.

A second factor which has made it difficult to enforce compliance with policy has been the failure by this Office to date to develop a clear and comprehensive set of formal regulations. You say that in 1969 the Office of Legal Services advised you that "it had consciously refrained from issuing guidelines, monographs and formal policy statements on priorities and methodologies because of the belief that such determinations could not be made at the time on the basis of the program's limited experience". This seems to me to be a curious admission from an office which had three years of experience behind it in 1969, but I find it to be almost beyond belief that by January 1973 the Office had still not taken any substantive action in this area. We therefore accept your recommendation that we "more clearly define the objectives and priorities of the program to legal Services Program directors and instruct them on the methodology of engaging in these activities". I have appointed a task force to work full time on this problem, and we hope to have a set of basic directives completed shortly.

In respect to the charges made by several of the judges you interviewed that some of our attorneys were "militants interested only in battling the establishment" and that a number of them indulged in "courtroom disruptions, disrespectful behavior (and) falsification of documents", I can only react at this point in a very qualified way. Neither this office nor the regional offices concerned have received any official complaints from the judges involved nor are we aware of any action taken by a judge or judges before the ethics committee of the State or local bar association with respect to these allegations. Nevertheless, we are conducting an informal investigation and I can assure you that corrective action will be taken, if indicated.

On the other hand, assuming that the GAO's random sampling was intended to provide to some extent a picture of the Legal Services Program in general, it cannot be denied that a number of our lawyers have been guilty in the past of an anti-establishment militancy which has caused them to breach the line between professional and unprofessional behavior. A provision in the bill for a Corporation which was debated in the Senate last year called for legal services attorneys to assist "in the peaceful settlement of disputes *within the system of justice*". The "system of justice", I take it, includes not only the body of constitutional and statutory law and the usual rules and procedures through which such law is applied to wrongdoing, but also decorum in the courtroom, and respect on the part of the lawyer not only for the judiciary and the bar but for the other institutions of our society. I can promise you that as long as I am in charge of this office, I will insist on adherence to the traditions of ordinary civility and on abstention by our lawyers from participation in hostile demonstrations and confrontations outside the courtroom. Incidentally, I am convinced that the great majority of our field attorneys do not confuse dedication to the cause of the poor with contempt for the society which is trying to make equal access to justice a reality. Most of our lawyers have in the past abided by the accepted standards of the legal profession and I am confident they will continue to do so in the future despite the example being set by a few of their more extremist brethren.

On the question of Judicare, you note that the Office of Legal Services, in setting up the Wisconsin experiment, did not build in a system of data collection for a standard Legal Services Program grantee for comparison purposes. You add:

"Consequently, past evaluations of Wisconsin Judicare, with one exception, were restricted to the identification of project weaknesses without comparisons to standard program grantees." Your judgment is borne out by an article written by Samuel Brakel in the *American Bar Association Journal* in July of last year. Wrote Mr. Brakel: "Judicare has not been given a fair shake in the evaluation literature that has appeared in recent years. Inadequate evaluations have contributed to the distortion of legal services realities. There are now no grounds for conclusions that judicare is either better or worse, cheaper or more costly than staff attorney programs". At the very time OEO's judicare experiment was being set up, the Director of the Legal Services Program was disparaging the idea, mainly on the grounds that judicare did not lend itself nearly as well to law reform as did the staff attorney system. Pursuant to the recommendations in your Report and to the desires of the Senate as expressed in the Gurney amendment to S. 3010 (in which the Senate by a vote of 87 to 1 directed OEO to conduct a study of alternative methods of delivering legal services) I am conferring with my R&D people on how to build a data base for making fair comparisons between judicare and the staff attorney system.

Another major "deficiency" discussed in your report, is the failure of some grantees to meet the law reform goals of the program. This criticism points up the occupational schizophrenia from which many of our programs have suffered. This has resulted from intense pressure on the attorneys to engage in more law reform (test case litigation, legislative advocacy, group organizing etc.) even if it meant keeping individual clients waiting. As you note: "Grantee officials informed us that their attorneys were fully occupied with meeting the day-to-day needs of such matters as individual casework and that they were therefore unable to devote more time to law reform."

Lest my position be misconstrued, let me say immediately that I am not in principle opposed to class actions, suits against the government, test case litigation, legislative advocacy or any other kind of law reform. Properly considered, they are simply some of the tools which the conscientious attorney must employ on occasion in serving a particular client. What I do strongly object to, however, is the elevation of these tools to the status of ends, separated from the goal of service to individual clients and subordinated in turn to some transcendent goal such as "social change."

Equally as objectionable as the separation made in the past between the goal of "service to individual clients" and the goal of "law reform" is the pressure which has been brought to bear on attorneys to divide their time between these two goals and indeed to treat law reform as the primary goal. I happen to believe, as do many others in and outside the legal profession, that it is bad public policy to pressure legal services attorneys to engage in non-client-initiated advocacy on behalf of legislative proposals which may run counter to the preferences of large numbers (and in many cases the majority) of those whose taxes are being used to pay the attorney salaries. I also believe that it is not only bad public policy but a violation of the Canons of Ethics to *push an attorney who is representing a client* to do something in the way of law reform which he might not otherwise have done. This is just as bad, it seems to me, as an attempt to *inhibit* the attorney from doing what his professional judgment tells him ought to be done once he is engaged with his client. In both cases, there is an unwarranted interference with the attorney-client relationship. Yet some of the material (grant conditions, evaluation handbooks etc.) which I have read since assuming my new duties has convinced me that the application of such pressure on attorneys has been a studied policy of the Office of Legal Services for a number of years.

I should add that in expressing my unhappiness with certain aspects of the Program, I in no way mean to reflect on the integrity and competence of the staff who were on board when I arrived. I appreciate the fact that they were aware of the need for some change in the Program and were conscientiously trying to effect such change. In policy matters, there surely is room for honest disagreement.

Because of the short time we had to comment on the draft Report, we were not able to fully investigate all the matters the Report touched on. Nonetheless, I want to thank you again for your valuable contribution to the improvement of the Legal Services Program. Your report will be circulated among my staff for use as an important tool in the effort to fulfill the goal of both the Administration and the Congress: equal access to justice for all citizens through provision of Federal assistance to those citizens whose poverty would otherwise deprive them of such access.

PRINCIPAL OFFICIALS OF THE OFFICE OF ECONOMIC OPPORTUNITY RESPONSIBLE FOR ADMINISTERING THE LEGAL SERVICES PROGRAM DISCUSSED IN THIS REPORT

	Tenure of office			
	From—		To—	
Director:				
Howard Phillips (acting)	Jan.	1973	Present	
Phillip V. Sanchez	Sept.	1971	Jan.	1973
Frank C. Carlucci	Dec.	1970	Sept.	1971
Donald Rumsfeld	May	1969	Dec.	1970
Director, legal services:				
J. Laurence McCarty (acting)	Feb.	1973	Present	
Theodore Tetzlaf (acting)	June	1972	Feb.	1973
Wesley Hjornevik (acting)	Mar.	1972	May	1972
Fred Speaker	Apr.	1971	Feb.	1972
Art Reid (acting)	Nov.	1970	Mar.	1971
Terry F. Lenzner	July	1969	Nov.	1970

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 81–207, appoints the Senator from Connecticut (Mr. RIBICOFF) to the Board of Visitors to the Coast Guard Academy, and the Chair announces, on behalf of the chairman of the Committee on Commerce, Mr. MAGNUSON, his appointments of the Senator from Rhode Island (Mr. PASTORE) and the Senator from Kentucky (Mr. COOK) as members of the same Board of Visitors.

Further the Chair, on behalf of the Vice President, pursuant to Public Law 78–301, appoints the Senator from Utah (Mr. MOSS) to the Board of Visitors to the U.S. Merchant Marine Academy, and the Chair announces, on behalf of the chairman of the Committee on Commerce, Mr. MAGNUSON, his appointments of the Senator from Louisiana (Mr. LONG) and the Senator from Maryland (Mr. BEALL) as members of the same Board of Visitors.

AUTHORIZATION FOR SENATOR ERVIN TO FILE AN AMENDMENT TO THE PAR VALUE MODIFICATION ACT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the distinguished senior Senator from North Carolina (Mr. ERVIN) may have permission to file an amendment to the Par Value Modification Act following adjournment of the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Carolina is recognized.

(The remarks Senator THURMOND made on the submission of a concurrent resolution commending the President for terminating the involvement of the United States in hostilities in Vietnam, are printed in the RECORD under Submission of a Concurrent Resolution.)

APPROPRIATION OF FUNDS FOR NORTH VIETNAM

Mr. HARRY F. BYRD, JR. Mr. President, earlier in the day I sent to the desk an amendment to the military authorization bill. The military authorization bill is now in the Committee on Armed Services. That amendment would prohibit the use of any funds authorized by that act for the purpose of providing assistance of any kind, directly or indirectly, to or on behalf of North Vietnam.

Earlier today, also, I sent to the desk a bill—and asked that it be printed and appropriately referred—which would prevent any funds appropriated to the Department of Defense to be used, directly or indirectly, for the benefit of or on behalf of North Vietnam.

These pieces of legislation already have been submitted. Now I am going to submit a third piece of legislation on the same subject.

In a few minutes, I will send to the desk an amendment to S. 929, the gold revaluation legislation, which will be before the Senate tomorrow. The amendment I propose is this:

> At the end of the bill insert the following: "That no funds made available by the Congress to any agency of government may be obligated or expended for the purpose of providing assistance of any kind, directly or indirectly, to or on behalf of North Vietnam."

Mr. GRIFFIN. Mr. President, will the Senator yield for an inquiry?

Mr. HARRY F. BYRD, JR. I am glad to yield to the distinguished Senator from Michigan.

Mr. GRIFFIN. I understand the earlier request of the Senator from Virginia that no limitation on germane amendments should be entered into without his consent. In fact, I was on the floor, and I recall when he made that request, and it was an oversight that he was not consulted.

So, although I dislike to see an amendment of this kind offered to the gold bill, because I think the gold bill should become law, this obviously raises an entirely different subject and one which will likely become controversial, to say the least, is there any time limit associated with the amendment now, as the Senator from Virginia understands it, under the unanimous-consent agreement?

Mr. HARRY F. BYRD, JR. I believe I had best inquire of the Chair.

The PRESIDING OFFICER. The Senator's amendment will be subject to a 1-hour time limitation, as will all amendments on this bill.

Mr. GRIFFIN. I wonder whether the Senator from Virginia thinks that is an appropriate situation, to have a 1-hour time limit on an amendment of that kind.

Mr. HARRY F. BYRD, JR. I would be very glad to make a unanimous-consent request that the 1-hour time limitation on this amendment be extended to whatever length of time the distinguished Senator from Michigan would suggest.

The PRESIDING OFFICER. There is time on the bill which could be yielded.

Mr. GRIFFIN. I thank the Chair for that voluntary observation, but that does not quite answer the concern of the Senator from Michigan.

I do not necessarily intend to be critical of the Senator from Virginia, because the junior Senator from Michigan recalls the subject of busing, when I offered an amendment that was not exactly germane; but, as I recall, I do not believe there was a 1-hour time limit on it.

I think this demonstrates very emphatically how inappropriate it is for the Senate to be entering into unanimous-consent agreements limiting debate on unknown amendments, with no requirement of germaneness, to 1 hour.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator yield at that point?

Mr. GRIFFIN. I yield.

Mr. HARRY F. BYRD, JR. I concur in that, and I should like to read from the Record of March 20, page 8867. This is what I said at that time:

> I would like to state for the Record that I would hope no unanimous-consent agreement will be entered into without the Senator from Virginia having an opportunity to discuss such a unanimous-consent agreement.

Then I added:

> Particularly as it relates to germane amendments.

But I also note that the first part of that applied to a time limitation. Had I been consulted, I do not know that I would have agreed to a time limitation.

By an oversight—it was not the fault of anyone—I was not consulted. But because it was an oversight, the distinguished and able Senator from West Virginia, the majority whip; the distinguished and able Senator from Michigan, the minority whip; the Senator from Texas (Mr. Tower); and the Senator from Alabama (Mr. Sparkman) all agreed that, because of that oversight, the question of germaneness would not be raised.

I did not bring up the question of the time limitation; but if the Senator from Michigan would like to suggest a unanimous-consent agreement in changing the 1 hour on this amendment, it would be very satisfactory to the Senator from Virginia.

Mr. GRIFFIN. I recall that when this unanimous-consent agreement was entered into, there was an understanding that amendments had to be filed by the end of the day and that other amendments could be received if they were related to impoundment of funds or something of that sort, so that we would know by the end of the day what amendments were going to be subject to this unanimous-consent agreement. On reflection, I would say that even that was rather a loose kind of arrangement and I do not think it becomes the Senate, in terms of orderly procedure, for the Senate to get into a situation where we are limiting ourselves to time when we do not know the subject or what the amendment is.

Mr. HARRY F. BYRD, JR. Mr. President, if the Senator will yield, the Senator from Virginia does not like unanimous-consent agreements. I hesitate to object to them. I do not like to object, but personally I do not like a time limitation. I do not speak very long, as the Senator from Michigan knows. Very seldom have I spoken more than 15 or 20 minutes at a time in the Senate. I do not speak at length. But I do not like a time limitation. It bothers me a little bit.

Mr. GRIFFIN. I thank the Senator from Virginia.

Mr. HARRY F. BYRD, JR. Mr. President, if the Senator from Michigan would want to change the 1 hour, I would be pleased to have that change. I think it is an issue that needs to be raised on the floor of the Senate and I maintain that even though the Parliamentarian technically may not agree with me, I maintain that the gold revaluation bill is a logical vehicle on which to put any amendments or any legislation dealing with the restriction of spending of tax funds.

Why is S. 29 to be before the Senate tomorrow? Why was it before the Senate last week? It was presented to the Senate, because of the very serious financial situation in which the Nation finds itself. That was dramatized in the Senate Chamber today when 36 Senators voted to sustain the President's veto of a bill; practically all those 36 Senators had a keen interest in the bill and many parts of the bill were meritorious. But 36 Senators sustained the President's veto today, because of the very dangerous and very serious situation facing the Federal Government financially.

It is certainly very difficult for me to see how we are going to get the Government's financial house in order, which we must do if we are going to now embark on a new foreign aid program in Indochina. I want to see this new proposed program knocked in the head right at the beginning so that the American people will know where the Senate stands and so that we will not mislead the people in Indochina and particularly in North Vietnam to think that they are going to get large chunks of American tax dollars.

To me it is utterly inconceivable to talk about plowing American tax dollars into North Vietnam at a time when more and more persons are beginning to realize just how precarious and dangerous the Government's financial situation really is.

The Senator from Virginia feels strongly about this matter. Today I presented three different pieces of legislation. I have no doubt I will present more legislation as the session goes on. But tomorrow, it seems to me, is an ideal time for the Senate to meet this issue to let the people know where the Senate stands, as to whether we are going to take dollars out of the pockets of the working people of this country and send them over to North Vietnam, at whose hands the American people have suffered 50,000 dead, 300,000 wounded, and the Vietnamese war already has cost the taxpayers $200 billion.

There is no similarity between what is being proposed for North Vietnam as compared to what was done with regard to Germany, Japan, and Italy. There is no similarity at all. At the end of World War II, the governments of Germany, Japan, and Italy were destroyed. There were no governments. Those aggressive leaders in those countries who had brought about the war were either killed or eliminated from all offices of government. Such is not the case with North Vietnam. The same aggressive leadership exists today in North Vietnam that existed there during the many years of the struggle participated in by the American people.

So I think this is a matter of great consequence to the American people. What I am doing ties in precisely with the vote today, and it ties in with the President's threatened vetoes on many other pieces of legislation; it is an endeavor to make clear that so far as the Senate is concerned—the House can do what it wants to do—the Senate is going on record tomorrow, I hope, to see if we are going to plow tax dollars into North Vietnam.

This gold devaluation bill, or revaluation bill—which is another way of expressing it—is the formal devaluation of the American dollar, the second in 14 months. It was brought about, as I mentioned earlier, because of the Government's very severe financial situation and because of that I submit that while it might not be technically germane, it is appropriate and right to put such an amendment on the bill, because it seeks to protect the integrity, what integrity there is left, of the American dollar.

At this point I wish to read into the Record what Under Secretary of the Treasury Volcker had to say about devaluation:

I was querying Under Secretary Volcker:

> Senator Byrd. Now you said in your dialog with Senator Hansen, that you found it necessary to take radical action. Would you indicate the radical action to which you referred?
>
> Mr. Volcker. Well, we devalued the dollar twice and had a major exchange rate realignment in the last 14 months twice. I consider that radical action.

And further on in the testimony:

> Senator Byrd. And it is, in your judgment, radical action to devalue the dollar twice in 14 months?
>
> Mr. Volcker. It is indeed and this is nothing I look forward to repeating at all. It is radical action.

So it is. That is what the Senate will be called on to do tomorrow—take radical action in regard to the American dollar.

In doing that, I think it is most appropriate that the Senate have an opportunity to go on record as saying we are opposed to the use of tax funds now for another foreign aid program, and that no American tax dollars shall be obligated or expended for the purpose of providing assistance of any kind, directly or indirectly, on behalf of North Vietnam.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. HARRY F. BYRD, JR. I yield.

Mr. GRIFFIN. I feel that I ought to try, at least, to provide some measure of protection for Senators who, I think, are going to be rather uncomfortable with this unanimous-consent agreement, particularly since I am somewhat responsible, at least from this side, for the fix that we are in.

I am aware of the fact that 4 hours of time are provided for the bill and that time on the bill can be allotted to the debate on a particular amendment, but I am also very much aware of the fact that we are going to have some very controversial amendments on impoundments and spending ceilings that are going to be considered, and it was thought that those 4 hours, or parts thereof, would be necessary for the discussion of those amendmnts.

If I had my "druthers," I would like to have no time limitation on the amendment of the Senator from Virginia, but

I realize that that would not be acceptable.

I wonder if a time limitation of 3 hours on the amendment of the Senator from Virginia might not afford some measure of protection for those who want to discuss this subject, which, while it might be somewhat relevant, is somewhat far afield from the principal purpose of the bill.

Mr. HARRY F. BYRD, JR. I think that would be an appropriate suggestion by the Senator from Michigan. So far as the Senator from Virginia is concerned, it would be most acceptable.

UNANIMOUS-CONSENT AGREEMENT

Mr. GRIFFIN. Since the agreement in the first place could not have been entered into without the consent of the Senator from Virginia and without agreement on his part as to the time limit on his amendment, and he is inclined to go along with this suggestion, I think it would be all right to go ahead at this point, and I shall do so.

I ask unanimous consent that the agreement previously entered into be modified so that the time limitation on the amendment of the distinguished Senator from Virginia, which he has described, be 3 hours instead of 1 hour.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GRIFFIN. I thank the Senator.

Mr. HARRY F. BYRD, JR. I am glad the Senator from Michigan did propound that unanimous-consent request to increase the time for discussion of this matter. I think it is an important question. I realize that there will be differences of viewpoint on it. I have not canvassed anyone. I do not know how Senators stand on it. I know how I stand on it. I feel very strongly that to go into a rebuilding on Indochina is a tremendous and a fantastic undertaking.

Mr. GRIFFIN. Mr. President, would the Senator yield for an observation at that point?

Mr. HARRY F. BYRD, JR. Yes.

Mr. GRIFFIN. I just feel I almost have to say that, of course, the President has made no request of the Congress. There are indications that some requests will be forthcoming. The case has not been made. There have been no hearings. We have no idea what the presentation would be or what the arguments pro and con would be.

Even though at a later date the junior Senator from Michigan might be persuaded to vote with the Senator from Virginia, it seems premature, to say the least, to have such an amendment presented at this time and presented on a gold bill which is essential to our monetary agreements already entered into and which relates directly to the dollar in the world markets.

I must say that while I can understand the frustration and the strong feelings of the Senator from Virginia, I am disappointed and I think it is too bad that this kind of amendment would be offered on this legislation. I wish he would not offer it.

Mr. HARRY F. BYRD, JR. I may say to the Senator from Michigan that this amendment does not in any way change the gold bill. This is merely an amendment to the gold bill, and the gold devaluation or reevaluation stays precisely as it is in the bill. It does not change it in any way, shape, or form. It merely adds an additional section to the bill dealing with the matter of Government spending. That is what all of us have expressed such great concern about today.

The Senator from Michigan brought up the question that the legislation has not yet been presented. Technically that is correct, but the newspaper headlines just yesterday or Sunday—sometimes we lose track of the time—presented arguments in behalf of the legislation, such arguments being made by the presidential assistant from the White House either at San Clemente or Washington. I do not remember exactly which one, but the presentation was made in the press for the legislation. I think I want to make a case on the other side. I think the time to make the case is here, at the beginning.

I just cannot conceive of going into a new foreign aid program of billions and billions of dollars in Indochina. I think it is a matter that the Senate should address itself to at the earliest opportunity. We know from 10 long years' experience that Indochina has been a quicksand for men and material, and I submit that it is going to be a bottomless pit also for American tax dollars. I think it is a major spending program that will be presented to this Congress unless the Congress makes known its views it will not go into another such bottomless pit affecting the dollars of the American working people.

Mr. President, I send the amendment to the desk and ask that it be printed.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Mr. HARRY F. BYRD, JR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRANSTON). Without objection, it is so ordered.

Mr. HARRY F. BYRD, JR. Mr. President, in regard to the matter of U.S. foreign assistance to North Vietnam, as I said earlier in my remarks, I feel strongly that we should not go into a new foreign aid program in Indochina. I think it is the responsibility of Congress to make its views known on this important matter.

I have proposed an amendment to the pending legislation. Of course, I do not know what the outcome will be. Maybe mine will be the only vote for it. I do not know. But I want the record to show that so far as I am concerned, I plan to propose a similar amendment to a half a dozen or a dozen bills, if necessary, that will come before the Senate in the next few weeks and months. If the Senate does not go on record affirmatively tomorrow in favor of it, then I will give the Senate an opportunity at a later date to go on record, because I think it is important that legislation prohibiting the use of tax funds for North Vietnam should be enacted.

MODIFICATION OF UNANIMOUS-CONSENT AGREEMENT WITH RESPECT TO GERMANENESS OF AMENDMENTS TO S. 929, TO AMEND THE PAR VALUE MODIFICATION ACT

Mr. ROBERT C. BYRD. Mr. President, March 29, at the time an agreement was entered into with respect to germaneness of amendments in connection with the Par Value Modification Act—which is the unfinished business of the Senate—I thought that I had cleared with all Senators, whom I had promised to do so, the proposed agreement with respect to germaneness.

However, I had inadvertently failed to clear that agreement with the distinguished senior Senator from Virginia (Mr. HARRY F. BYRD, JR.).

Prior thereto, on March 20, 1973, Mr. HARRY F. BYRD, JR., speaking on the Senate floor on the subject of gold reevaluation, stated, in part as follows:

> I would like to state for the RECORD that I would hope no unanimous-consent agreements will be entered into without the Senator from Virginia having an opportunity to discuss such a unanimous-consent agreement, particularly as it relates to germane amendments.

As the representative of the majority leadership on the floor at that time, I responded in this fashion:

> The distinguished Senator may be assured that if there is any attempt to promulgate a unanimous-consent agreement, it will first have been cleared with him, now that he has put the leadership on notice.

So the record is clear; the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.) requested that such an agreement be cleared with him before it was put before the Senate. I responded and assured him that the leadership would act accordingly. Inadvertently, I failed to do so.

I, therefore, today have discussed the matter with the distinguished majority leader, the distinguished assistant Republican leader, who is in the Chamber at this time, and the two managers of the bill (Mr. SPARKMAN and Mr. TOWER); and in view of the situation as I have described it, they have all indicated that they will not object, in this instance, because of the extenuating circumstances I have explained, to the offering of a nongermane amendment by Mr. HARRY F. BYRD, JR.

I, therefore, at this time ask unanimous consent to amend the previous agreement to permit the Senator from Virginia (Mr. HARRY F. BYRD, JR.) to offer one nongermane amendment to the Par Value Modification Act.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. I thank the distinguished assistant Republican leader, the distinguished Senator from

Virginia, and all other Senators for their understanding in this matter.

Mr. President, the amendment which will be offered by the distinguished senior Senator from Virginia (Mr. Harry F. Byrd, Jr.) is, as I have indicated, a nongermane amendment. The amendment, however, is a very controversial one, dealing with aid to North Vietnam. As I understand the Senator's amendment, it would preclude the giving of aid to North Vietnam.

Mr. HARRY F. BYRD, JR. The giving of U.S. tax dollars.

Mr. ROBERT C. BYRD. Therefore, Mr. President, the amendment is quite controversial, it is nongermane to the bill, and the Senator from Virginia is entitled to offer his amendment by virtue of my assurance to him several days ago that he would be contacted with respect to any agreement in connection with germaneness in regard to amendments on the Par Value Modification Act. The leadership on the other side of the aisle has shown its usual courtesy, understanding, good faith, and cooperation in allowing the amendment by the Senator from Virginia to be offered.

However, in view of the controversial aspect and in view of the fact that the agreement allows only 1 hour on any amendment—with the further understanding, of course, that Senators in control of the time on the bill can yield to Senators therefrom—it is now desired that there be no time limitation on this particular amendment.

I have discussed the matter with the distinguished majority leader; with the manager of the bill, the Senator from Alabama (Mr. Sparkman); and the matter has also been discussed with the ranking minority member of the committee, the Senator from Texas (Mr. Tower); and with the leadership on the other side of the aisle. The request which I shall now make has been cleared on all sides.

I, therefore, propound the following request, that there be no time limitation on the amendment to be proposed by the distinguished Senator from Virginia (Mr. Harry F. Byrd, Jr.) with respect to aid to North Vietnam, with the understanding, Mr. President, that on tomorrow the principals can get together in an effort to try to work out some kind of reasonable time agreement on this amendment.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

Mr. HARRY F. BYRD, JR. Mr. President, reserving the right to object, the Senator from Virginia agrees as to the 3-hour time limitation.

I understand that the distinguished deputy minority leader would prefer that a time limitation be removed entirely. I am in agreement with that suggestion. I think that it is important that this matter be fully debated. It is a very important matter. I feel that it is well to remove the 1-hour limitation, following the suggestion of the distinguished Senator from West Virginia.

So, for the moment I shall not object to that unanimous-consent request. However, I do want the Record to show for the future that I am asking the joint leadership to notify the Senator from Virginia of any future request for unanimous-consent eliminating nongermane items from any of the bills coming before the Senate in the near future.

I have in mind only objecting to that unanimous-consent request so far as it concerns this one amendment that I have, and I want to read the amendment into the Record so that we will be clear on it. The amendment that I have proposed is as follows:

> No funds made available by the Congress to any department or agency of the Government may be obligated or expended for the purpose of providing assistance of any kind, directly or indirectly, to or on behalf of North Vietnam.

I want to be frank and say to the Senate and to the joint leadership that until this amendment is enacted into law, I propose to offer it on any number of bills coming before the Senate. For that reason, I request the cooperation of the joint leadership, as they have always been so cooperative with all Senators in this regard, to make a note of the request now officially being made by the Senator from Virginia that no unanimous-consent agreement regarding nongermane amendments be entered into without the Senator from Virginia having an opportunity to discuss the matter.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. HARRY F. BYRD, JR. I yield.

Mr. ROBERT C. BYRD. Mr. President, I think this is a very reasonable request by the able Senator. I assure him of my effort to cooperate, with the further understanding that the Senator will not hold the leadership responsible in this regard beyond such time as he has been able to successfully attach such an amendment to a bill, or until such time as he decides to desist from offering it, if that time should occur.

Mr. HARRY F. BYRD, JR. I think that is a very reasonable statement by my distinguished and able friend from West Virginia, and I assure him that my request would apply only up until the point that Congress enacts such an amendment or such legislation as I have just read into the Record.

Mr. ROBERT C. BYRD. Very well. The Senator has my assurance. The leadership of the majority always enjoys his cooperation, and I assure him that the leadership intends for him to have our cooperation.

The Senator has just reminded me in his statement that the time agreement was changed with respect to his amendment a little earlier so as to allow 3 hours thereon.

Mr. HARRY F. BYRD, JR. Yes.

Mr. ROBERT C. BYRD. Therefore, Mr. President, I negate my earlier request and ask that this statement not be associated in the Record with my previous request. I negate that, so that the Record will show developments in their proper sequence.

The PRESIDING OFFICER. Is there objection?

Mr. HARRY F. BYRD, JR. Reserving the right to object, and I shall not object, as I understand it, if the unanimous-consent request is agreed to, there would be no time limitation on the aid to North Vietnam amendment.

Mr. ROBERT C. BYRD. That portion of my request is still before the Senate, and the Senator from Virginia is still reserving the right to object.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I thank all Senators for their cooperation, their understanding, and their patience.

Mr. GRIFFIN. Mr. President, if I may have a moment, I appreciate the indulgence and cooperation in this regard.

I think the Senator from West Virginia, the distinguished majority whip, does a commendable job in the Senate, moving the business of the Senate along, in large measure due to the fact that we are able to obtain unanimous-consent agreements. But the only way we will ever get unanimous-consent agreements on a continuing basis is if Senators understand and realize what they are agreeing to. This kind of good faith accommodation is absolutely essential, I am convinced, if we are to have a continuing series of unanimous-consent agreements. If we do not have that kind of cooperation, understanding, and mutual good will and good faith, then obviously there will always be an objection, and we will never have any unanimous-consent agreements, or at least they will be very difficult to obtain.

I am somewhat sorry to hear the Senator from Virginia say that we will not be able to have any agreement concerning nongermane amendments—or maybe we will, if we get his agreement.

Mr. HARRY F. BYRD, JR. If the Senator will yield——

Mr. GRIFFIN. But what this means, of course, is that we have to be very sure in advance what nongermane amendments are going to be offered, and then we will be able to agree to a time limitation agreement, if we know what they are.

Mr. HARRY F. BYRD, JR. If the Senator will yield——

Mr. GRIFFIN. Yes.

Mr. HARRY F. BYRD, JR. The request of the Senator from Virginia deals only with this one amendment which has already been read into the Record.

Mr. GRIFFIN. Now we know what it is. I thank the Senator.

Mr. HARRY F. BYRD, JR. But if the Senator will yield further, I want to say that I appreciate the attitude of the distinguished Senator from West Virginia and the distinguished Senator from Michigan. As the Senator from Michigan has just pointed out, we operate in the Senate on a basis of understanding between the Members of the Senate, and I have always found the distinguished majority whip and the distinguished minority whip not only fully cooperative, but undertaking their responsibilities in the finest tradition of the Senate. I am very proud of my association with both the Senator from West Virginia (Mr. Robert C. Byrd) and the Senator from Michigan (Mr. Griffin).

Mr. ROBERT C. BYRD. Mr. President, I thank the Senator. I also thank the distinguished assistant Republican leader.

I think the record should show that had the Senator from West Virginia not, by inadvertence, failed to contact the Senator from Virginia in conformity with my previous assurance that I would do just that, the Senator from Virginia would have been consulted. Senators would have known the nature of his amendment, and it is quite possible that there would have been no unanimous-consent agreements at all worked out with respect to this bill and other amendments thereto until and unless there could have been a meeting of the minds with respect to the Senator's amendment. So, no harm has been done.

With the cooperation and understanding of all Senators involved here, including the two managers of the bill (Mr. TOWER and Mr. SPARKMAN), the Senator from Virginia will now be able to offer his nongermane amendment. As of this time, there is no time limitation on that amendment. The managers of the bill will get together tomorrow with the Senator from Virginia, the assistant Republican leader, the majority leader, and myself to see if perchance we can still possibly arrive at a time limitation on the Senator's amendment.

So I am very happy and pleased that we have been able to resolve this difficult matter. I appreciate the cooperation of Senators, and I apologize to the Senator from Virginia for the oversight on my part.

Mr. President, so that we may have a clear understanding, what about amendments to the Byrd amendment? I would assume, and I ask unanimous consent, that the vacating of any time agreement with respect to the amendment by the Senator from Virginia (Mr. HARRY F. BYRD, JR.) also apply to any amendments to that amendment as of now, because otherwise there would be a time limitation on an amendment to his amendment of 30 minutes.

So I think that if the distinguished minority whip is agreeable, I will ask unanimous consent at this time that there be no time limitation on amendment by the Senator from Virginia (Mr. HARRY F. BYRD, JR.).

Here again, on tomorrow, we will meet and see if we can work out something whereby a time agreement can be reached which would be all-encompassing with regard to the Senator's amendment.

Mr. HARRY F. BYRD, JR. Mr. President, reserving the right to object, and I shall not object, the proposal made by the distinguished Senator from West Virginia is a most appropriate one. It would not seem logical to remove the time limitation on the amendment and then have a time limitation on the amendment to the amendment. So that I think the request of the Senator from West Virginia is most appropriate.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is sc ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 11:30 a.m. After the two leaders or their designees have been recognized under the standing order, the following Senators will be recognized: Mr. GRIFFIN, for 15 minutes; Mr. ROBERT C. BYRD, for 10 minutes.

At 12 o'clock noon, the Senate will resume consideration of the unfinished business, the Par Value Modification Act, S. 929, Calendar No. 82. There is a time limitation on the bill and on amendments thereto. There will be yea-and-nay votes during the afternoon of tomorrow.

ADJOURNMENT UNTIL 11:30 A.M.

Mr. HARRY F. BYRD, JR. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11:30 a.m. tomorrow.

The motion was agreed to; and at 8:01 p.m. the Senate adjourned until tomorrow, Wednesday, April 4, 1973, at 11:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate April 3, 1973:

DEPARTMENT OF LABOR

John H. Stender, of Washington, to be an Assistant Secretary of Labor.

(The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

EXTENSIONS OF REMARKS

KENT FRIZZELL, OF KANSAS, NAMED INTERIOR SOLICITOR

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 1973

Mr. SHRIVER. Mr. Speaker, it is with considerable pride that those of us from Kansas learned of the President's nomination of Kent Frizzell, of Wichita, to be Solicitor of the Department of Interior. Mr. Frizzell has served with distinction as Assistant Attorney General, Land and Natural Resources Division, Department of Justice for more than a year.

Kent Frizzell is a good friend; he enjoys the support and admiration of many Kansans who have followed his career of public service. We are confident that he will continue to render distinguished service to our Nation in his new capacity as Solicitor at the Interior Department. We congratulate him and wish him well.

Under leave to extend my remarks in the RECORD, I include a news release issued by Secretary of Interior Rogers C. B. Morton following the President's nomination of Mr. Frizzell:

SECRETARY MORTON COMMENDS NOMINATION OF KENT FRIZZELL AS INTERIOR SOLICITOR

President Nixon's nomination of Kent Frizzell to be Solicitor of the Department of the Interior won praise today from Interior Secretary Rogers C. B. Morton.

"Mr. Frizzell's experience in handling land and natural resource problems as well as his broad knowledge of Federal-State relationships especially in the West are excellent qualifications for this important post at Interior," Secretary Morton said. "I look forward to working closely with Mr. Frizzell in solving the many complex legal issues which Interior now faces."

Frizzell, 44, has been Assistant Attorney General, Land and Natural Resources Division, at the Department of Justice in Washington since January 1972. His nomination to the Interior post is subject to Senate confirmation.

The Solicitor is Interior's chief legal officer and is the third ranking official of the Department behind the Secretary and Under Secretary. Frizzell would succeed Mitchell Melich, who has been Solicitor since 1969.

Frizzell has served since March 1972 as Chairman of the Federal Bar Association's Council on Natural Resources, a public service position requiring extensive knowledge of the natural resource field and filled by appointment of the President of the Federal Bar Association.

Frizzell was the Republican nominee for Governor of Kansas in 1970. He was Attorney General of the State of Kansas from 1965 to 1969. Among other public offices he has been Chairman of the Kansas State Accounting Board and President of the Wichita Board of Education.

Born February 11, 1929, in Wichita, Frizzell attended Wichita public schools. He did undergraduate work at Northwestern University, holds a B.A. degree from Friends University, Wichita, and a J. D. degree from Washburn University Law School, Topeka. He was a lecturer in business law at Wichita State University, and practiced law in Kansas from 1955 to 1968.

Frizzell has held a number of civic posts including State Legal Counsel, Kansas Jaycees; Judge Advocate, American Legion Department of Kansas, and Trustee, Mid-Continent Regional Educational Laboratory. He has been an active member of the Kansas Wildlife Federation.

Frizzell and his wife Shirley have five children. Their home is in Falls Church, Virginia.

BIG BROTHERS PROGRAM

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 1973

Mr. MOSS. Mr. Speaker, throughout the Nation, Mr. President, the Big Brothers program has for years counseled and given guidance to thousands of fatherless boys. It is beneficial, not only to the American boys it serves, but to their parents, the Big Brothers themselves and to the community as a whole. For the Big Brothers program is more than just an altruistic gesture by a few concerned citizens. It is also a pragmatic method of dealing with some of the potential social and family problems that turn juveniles into juvenile delinquents.

Let us be frank about it. Without the attention these youngsters now receive from their Big Brothers, many of them would end up in detention centers. Unless these young people are given an opportunity to talk over their problems with understanding adults now, the chances are greater that we, the public, will hear from them at a later date, be it in some dark alley, or when we return home some night to find our car stolen or our home burglarized.

But this is a lesson this administration has not yet learned. For although they talk constantly about "law and order," their proposed changes and cutbacks under title IV of the Social Security Act would jeopardize the entire Big Brothers program and all that it stands for.

Mr. President, to demonstrate my concern for the Big Brothers and to further inform my colleagues to the grave hazards of those proposed cutbacks, I insert a sample of correspondence from participants in the Sacramento Big Brothers program in the RECORD:

MARCH 16, 1973.

Congressman JOHN E. MOSS,
Washington, D.C.

DEAR CONGRESSMAN MOSS: I am writing to you in regards to the proposed changes in regulations for "Service Programs for Families and Children" under Title IV of the Social Security Act. As I understand it, the proposed changes do not provide for "preventative services" (Big Brothers' basic philosophy) and this would jeopardize our present Purchase of Service Contract with the Sacramento County Welfare Department.

As you must know Big Brothers is an International organization of volunteer men who provide mature adult-male friendship and direction to Fatherless Boys on a one-to-one basis (under the supervision of Big Brothers' professional staff). Our main goal is to help Fatherless Boys grow into responsive, respected and contributing citizens of their communities and Country.

During the past year 32,000 FREE hours of service were provided by *volunteer* Big Brothers to Fatherless Boys in the Sacramento community.

At present our Sacramento Chapter of Big Brothers of America is providing service to approximately 350 Fatherless Boys and their families at a cost of $250 per boy per year (for interviewing, screening, counseling and supervising a Big Brother-Little Brother "matching"). Considering the cost of a youngster going through the Juvenile Courts and then to a Correction Facility ($6500 per year) we feel we are making a sound investment and at the same time *saving the California Taxpayers money*.

Should our Service Contract with the Sacramento County Welfare Department be terminated because of the proposed changes in the Social Security Act, we would have to *cut back our service by more than half*. We would only be able to continue operations on a limited basis through private donations.

How do we tell a mother and her son "Sorry, but because of new regulations in the Social Security Act we can no longer help you."

I cannot state too strongly the importance of the Big Brothers Program to the Sacramento community. Our Big Brother volunteers have a 90% success ratio, and what a waste of our community and the families we serve if we must cut back our services.

Will you please do your utmost to modify and/or change these proposed regulations in the Social Security Act to the point that we can continue to service our community. I do not think we are asking too much, considering the number of volunteer hours that are contributed to our program by volunteer Big Brothers.

Thanking you in advance for your consideration of this letter.

Yours very truly,
GEORGE G. BROEHAN
President.

This letter is written to you on behalf of my son, who is a fatherless boy. My son has had the good fortune of having a Big Brother for two years, in those two years he had graduated from a class for the Educationally Handicapped to regular fourth grade and has overcome many emotional problems. After all these accomplishments have come about I find that these services we have enjoyed will be drastically reduced or terminated. Some boys will lose their Big Brothers and the boys who have been on a waiting list will be dropped.

You can appreciate, I am sure, how it is for some boys who haven't a man in their family picture to help guide them on the right road in a world where the wrong road is often glorified and profitable. I am turning to you for assistance. If there is anything you can do to help keep these funds available for a worthy cause it would be greatly appreciated by Little Brothers, Big Brothers, and mothers of Little Brothers.

MRS. KATHY ROY.

The Big Brothers Association . . . They are a major source of preventing delinquency in fatherless boys, which are increasing in number every day. The funds your new system will deprive them of will later have to be used in juvenile courts, etc.

To me it would be like immunizing a person after they have a disease.

MRS. POMIE V. T. LOMAS.

Big Brothers in Sacramento have done a great job in the past and I feel very strongly they will continue to do so in the future, that is of course, if they don't suffer any cutbacks from the Federal Government.

I am a widow and my youngest son, Phillip, is eight years old. He lost his Father when he was four years old.

There is already enough problems with our youth in California so please lets' try to get the government to help fund this worthwhile program. It is very much needed. . . .

MRS. BETTY KAZNOWSKI.

I am a mother with a boy 12 who has a Big Brother of Sacramento and it really has and is helping him a great deal. For he has no Father and there is also some boys who will never have a Big Brother with these cuts. Please help.

MRS. VESTA WELCH.

There are 250 boys on a waiting list here in Sacramento alone who have not yet had a big brother. . . .

MR. TOM GREEN.

SHARE, INC.

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 1973

Mr. REES. Mr. Speaker, I want to address myself to the extraordinary work done by SHARE, Inc., a nonprofit service organization headquartered in my district. SHARE, Inc. is an acronym for Share Happily and Reap Endlessly, and is currently celebrating the 20th anniversary of its founding.

The list of accomplishments by this organization is lengthy and impressive.

Since 1953, SHARE, Inc. has raised in excess of $3 million. These moneys have gone to the Exceptional Children's Foundation for the mentally retarded of all races and creeds. The Foundation is one of the oldest and largest nonprofit community agencies in the country.

SHARE, Inc. supports preschool training and special education classes for mentally retarded youngsters not accepted by the public schools, while maintaining three sheltered workshops for the older retarded. The organization has created special recreational programs, including a summer camp and the Western Special Olympics. SHARE, Inc. has instituted an art center for the gifted retarded and instated a special resident home.

Mr. Speaker, the very special ladies who comprise SHARE, Inc. have established the first Guidance, Diagnostic, and Counseling Center for the mentally retarded and their families, west of the Mississippi. They have also initiated an innovative Infant Development program, so successful that it is now being partially funded by the State of California.

SHARE, Inc., has directed its efforts toward community participation wherever possible, establishing a citizen advocacy program in which a volunteer works on a one-to-one basis, representing the interests of a retarded person. In addition, this participation has provided training opportunities for graduate students from local colleges and universities. SHARE, Inc., has activated research in the development of new methods of delivering services to the retarded and their families.

The State of California has commended SHARE, Inc., for having one of the lowest expenditure ratios of any charity organization. The years of SHARE's involvement in the field of mental retardation have seen this most serious problem come out of the dark, into the light of understanding. The work of SHARE, Inc., has shown that three-fourths of the mentally retarded can become self-supporting individuals, living with dignity.

Mr. Speaker, serving on SHARE's board of directors are: Gloria Franks, chairman; Janet Leigh; Joni Horowitz; Joan Lucas; Virginia Mancini; Jeanne Martin; Miriam Nelson Meyers; Jo Stafford Weston; and Peg Yorkin.

SHARE's current officers include: Peg

Yorkin, president; Jackie Gershwin, first vice president and "Boomtown" chairman; Bette Lou Murray, second vice president; Joan Rush, secretary; and Lynn Beyer, treasurer.

A sampling of the list of more than 60 members includes: Ruth Berle; Joanna Carson; Altovise Davis; Polly Bergen Fields; Laraine Day Grilikhes; Carol Burnett Hamilton; Eydie Gorme; Pat Crowley; Jane Greer Lasker; Nancy Olson Livingston; Martha Lyles; Neile Adams McQueen; Diane Merrick; Dorothy Mitchum; Lucille Ball Morton; Ingrid Orbach; Joan Rivers; Edye Rugolo; Jan Sarnoff; Rosemarie Stack; Anne Jeffreys Sterling; and Pilar Wayne.

PHILLIPS EXPLAINS ACTIVITIES OF OEO

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 1973

Mr. DICKINSON. Mr. Speaker, the Washington Post and other liberal newspapers have been having a field day at the expense of Mr. Howard Phillips, Acting Director of the Office of Economic Opportunity. If one believed the Post, Mr. Phillips has horns, breathes fire, and carries a pitchfork. However, I know Mr. Phillips well and he is doing an outstanding job in carrying out the mandate of the President—to dismantle OEO.

Mr. Phillip's actions during the past month have been misunderstood. However, in order to clarify what has happened at OEO, I am inserting in the RECORD a recent article by Scripps-Howard staff writer Lee Stillwell. I hope this will serve to explain Mr. Phillips' actions:

OEO DISMANTLING RIGHT ON SCHEDULE

(By Lee Stillwell)

WASHINGTON.—Howard Phillips, under orders from President Nixon to dismantle the Office of Economic Opportunity (OEO) by the end of June, believes he's on schedule and will complete the job on time, he said in an interview Thursday.

"I'm frankly encouraged and I think we are on course," said Phillips, acting OEO director. "There may be an occasional problem down the road that we may run into . . . That's always possible . . . but I'm confident we are going to carry out the mandate we have been given. By June 30, the transfer of authority will have been achieved."

Phillips believes the administration will win any legal battles that arise from killing OEO and moving many of its programs to other agencies.

"DO VERY WELL"

"I know what we are doing is entirely consistent with the statute and we wouldn't be having any legal problems," he said. "I'm told by our general counsel that they are confident, at least in the long run, that we are going to do very well."

Phillips said OEO has been negotiating very closely with other departments and agencies to which OEO programs are being assigned and believes the new realignment will strengthen their efficiency and effectiveness.

All OEO regional offices will be closed by April 28, he said, with the 200 to 300 OEO employes needed to carry on the phaseout moved to the general services administration payroll.

Phillips said a task force is now trying to find job opportunities for people who will be out of work.

He's still uncertain about the ultimate fate of an estimated 2,000 OEO employes when the agency closes at the end of June.

SEEK OTHER JOBS

"I don't know with any certainty . . . so much depends on decisions that haven't been made," Phillips said, adding that some workers probably will follow the programs to other agencies. Others are already seeking other jobs.

Phillips believes Congress will pass legislation for two programs, empowering the Commerce Department to continue certain of OEO's community economic development activities through its office of minority business and create a separate federal legal assistance corporation.

"We seek to enact a bill in this area which will prevent the diversion of legal services funds into political channels and away from the priorities of disadvantaged citizens," Phillips said.

Phillips also said OEO will continue to fund community action agencies (CAA) until the June 30 deadline, permitting many to receive federal help until the end of this year.

FOLLOW THROUGH

The entire CAA portion of OEO is being eliminated. A total of $285.3 million was obligated this fiscal year for providing one-third funding for the 907 agencies around the country but local governments must now determine if their programs are worth continuing at their expense.

"Community action agencies have realized that the ball is now in their court and they have to follow through on the message that we have been giving them for the last several years," Phillips said. "That is, prove their case . . . prove their merits, not to some anonymous people in a regional office or Washington but to their neighbors . . . the local officials who are accountable to their neighbors."

Phillips, who argues that the killing of OEO and realignment of its agencies will give other communities more self-determination, believes the administration is winning over the public to its actions.

"In terms of progress, I find that people understand what we are doing," Phillips said, reiterating his stand that transferring OEO programs to other agencies and elimination of federal participation in community action agencies is the proper course to follow.

NIX WILL NOT SUPPORT RECONSTRUCTION AID UNTIL PRESIDENT WITHDRAWS OPPOSITION TO VOCATIONAL EDUCATION AND OTHER DOMESTIC PROGRAMS

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 1973

Mr. NIX. Mr. Speaker, at a time when the President of the United States is preparing to pressure the Congress into appropriating funds for reconstruction aid to North Vietnam, we are faced with his veto of vocational education legislation for our own people.

If there is insufficient money for Government spending in the United States, there is not enough for spending in other countries.

We have already been confronted during this session with an attempt by the White House to administratively cut down payments to veteran amputees, most of whom were Vietnam veterans.

The Congress won that fight for veterans and we will win the battle for vocational education, because of its aid to disadvantaged American youth.

While we are depriving the poor at home with these cuts the administration wants to support not only our friends abroad but our enemies as well.

I do not think that Philadelphia should be a poorer city in order to support the President's dreams of establishing a better world for other nations.

As chairman of the Asian and Pacific Affairs Subcommittee, I have waited until now to challenge the administration's spending plans for North Vietnam. I have waited because I believed that the administration had not expressed all of its reasons for supporting such a project. They will not do so, because we have heard all their reasons. Their case is made, it is a weak case.

They merely wish to place the Government of North Vietnam on a payroll which they can fire them from should they ignore the truce agreement.

I would point out that, by the President's own statements and warnings to North Vietnam, they have already violated the truce. They have shipped massive amounts of munitions into South Vietnam in violation of article 7 of the truce. Large numbers of North Vietnam troops have entered South Vietnam since the truce.

Therefore, we will be buying less peace everyday. In any case there is no reason to believe that North Vietnam would stay bought.

The People's Republic of China, the Soviet Union, and Japan have all promised aid to the Hanoi government.

It is even doubtful that the peacetime potential of North Vietnam was badly damaged based on newsstories in the Washington Star-News.

As chairman of the Asian and Pacific Affairs Subcommittee I will find it all but impossible to support reconstruction aid for North Vietnam, and I will not reconsider my position until the President reconsiders his position in opposition to programs for our own people.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 1973

Mr. SCHERLE. Mr. Speaker, for more than 3 years, I have reminded my colleagues daily of the plight of our prisoners of war. Now, for most of us, the war is over. Yet despite the cease-fire agreement's provisions for the release of all prisoners, fewer than 600 of the more than 1,900 men who were lost while on active duty in Southeast Asia have been identified by the enemy as alive and captive. The remaining 1,220 men are still missing in action.

A child asks: "Where is Daddy?" A mother asks: "How is my son?" A wife wonders: "Is my husband alive or dead?" How long?

Until those men are accounted for, their families will continue to undergo the special suffering reserved for the relatives of those who simply disappear without a trace, the living lost, the dead with graves unmarked. For their families, peace brings no respite from frustration, anxiety, and uncertainty. Some can look forward to a whole lifetime shadowed by grief.

We must make every effort to alleviate their anguish by redoubling our search for the missing servicemen. Of the incalculable debt owed to them and their families, we can at least pay that minimum. Until I am satisfied, therefore, that we are meeting our obligation, I will continue to ask, "How long?"

THE CASE FOR AID TO SOUTH VIETNAM

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 1973

Mr. RARICK. Mr. Speaker, while the attention of the public is being focused on attempts to lavish U.S. aid money to rebuild and strengthen the Communist dictatorship in North Vietnam as "an investment in peace," little consideration is given to the continued suffering of our South Vietnamese allies.

So that the other side of the picture may be presented, I include the following paper by Dr. Nguyen Tien Hung, associate professor of economics at Howard University be inserted. Dr. Hung is most qualified to discuss the Vietnamese situation since he is a refugee from North Vietnam.

The article follows:

THE CASE FOR AID TO SOUTH VIETNAM

(By Dr. Nguyen Tien Hung)

As Congress moves to consider foreign aid for South Vietnam in the coming fiscal year, it should, for the first time in years, be able to do so without the acrimonious debate that has surrounded the question through the long war.

American troops are gone and the war has—at least officially—ended. The chief sources of contention are gone. Now an adequate program of aid can be one of the keystones for lasting peace in Southeast Asia.

AN AMERICAN TRADITION

That it has been a noble tradition of America to help allies devastated by war is a matter of history. Indeed the very program of Foreign Aid to underdeveloped countries today is merely an extension of the Marshall Plan for reconstruction and rehabilitation of Europe after World War II. With over $3.8 billion in loans and grants for the United Kingdom, $3.2 billion for France, $1.7 billion for West Germany, $1.7 billion for Italy, and others, Western Europe rose out of the ashes of war to become a prosperous and powerful ally of the United States. In the Pacific, with $3 billion (1950 dollar value) in U.S. aid and loans, South Korea has also rebuilt its economy and recorded a Gross National Product of nearly $8 billion in 1970, the highest in Southeast Asia.

In a sense, the case for increased American assistance to rebuild South Vietnam is unique when compared with the motivation for support to other war-ravaged countries in the past. That is, in Vietnam and in Vietnam alone, 2.5 million American soldiers fought in a foreign land, but under their own flag, the "Stars and Stripes." In Europe during World War II, American soldiers fought under the banner of the "Allied Forces." During the Korean War, they fought under the flag of the United Nations. On March 8, 1965, with the landing of the first U.S. Marines (3rd Battalion, 9th Marines), America unilaterally came to the support of South Vietnam and initiated a period of direct intervention. A token commitment of other foreign forces (mainly from Korea and Australia) which came in later represented only a symbol of solidarity among the Asian nations for defense of the area. These nations share with South Vietnam and the United States the common goal of protecting their frontiers in the Pacific.

STABILITY CRUCIAL IN ASIA

In the years ahead when American foreign policy shifts from the balance-of-power to a pluralistic concept, that is, from political bi-polarity to multi-polarity, the United States will continue to depend heavily on the stability of South Vietnam for its success in building a structure of peace in the Pacific. Even though not everyone believes in the "domino theory," few thoughtful persons can really assume that a unified Communist Vietnam will be content to leave Southeast Asia in tranquility.

But whether South Vietnam can survive as an independent and non-Communist state while groping toward political and economic stability will depend largely on what will or will not be done in the next two or three years.

To the extent that a viable economy and a strong army are essential for stability, increased aid to South Vietnam is basically compatible with America's security interests.

Furthermore, American security interest in Asia may be strengthened by its potential economic interest. The reason is that, as growth rates and market capacities in Europe and the Western Hemisphere slow down, the expansive economic trends in the Pacific countries will become a plus factor in contributing to the strength of the American economy.

LONG-RUN PROSPECTS

Provided that assistance will be adequate to help South Vietnam recover from the war and maintain the peace, long-run economic prospects for the country will be bright indeed. The Vietnamese people have the capacity to gain a modest but reasonable livelihood. With financial support during the initial period, the job of reconstruction and self support may be pressed forward with self confidence. For in spite of the destruction and limitations to development imposed by years of hostilities, the war has also exerted favorable influences on potential economic growth.

In the traditional sector, agriculture has been greatly modernized; a high degree of mechanization in agriculture was required to substitute for traditional manpower drawn into the defense sector. This suggests an important degree of structural change in the rural area during the war. Intensive application of chemical fertilizers and better water control have made the introduction of "miracle rice" possible and continue to raise rural productivity.

The war has also changed the nature of the hamlet economy; traditionally subsistence, the hamlet economy had been completely isolated for centuries behind a "bamboo curtain." During the war years, lack of security in the countryside necessitated displacement of nearly 50 percent of the rural population from one village to another and from the rural area to the cities. The displacement has brought about a high degree of mobility, a favorable factor for development, since excessive attachment to the land has long been viewed as a hindrance to economic growth.

In the modern sector, the impact of war has been most visible. The expansion of infrastructure as a result of American logistic support will save the country a staggering sum in future development plans. The port of Saigon is today one of the best in the Far East, and facilities at Cam Ranh Bay are envied by the rest of Southeast Asia. The presence of American military forces had also induced some transfer of technology, thus generating a profound technical impact on many diverse sectors of the civilian economy. Over 300,000 Vietnamese have acquired some know-how from highly skilled foreign technicians (engineers, electronic specialists, draftsmen). Given a high degree of propensity to borrow and to accept foreign technology, the highly skilled Vietnamese workers will be valuable assets in post-war economic development.

SHORT-RUN PROBLEMS

All these favorable economic factors, nevertheless, require financial resources in order to turn them into productive forces. When potentialities fail to be exploited, long-range assets may turn into short-run liabilities. For example, mechanization in the rural sector will continue to require imported inputs, which if not provided, may generate a depression in agriculture. Modern ports and airports will require high-cost maintenance; if production and exports do not increase and tourism expand in order to render them economically lucrative, the ports and airports will actually become a budgetary burden.

Mobility of the rural population during the war years in conjunction with prospects for employment in the urbanized sector has also brought about a high degree of dualism. Fast-growing cities have attracted over one-half million farmers who left the rice fields in favor of high wages in urban employment. Lack of financial resources to help them return to the land will aggravate the unemployment problem and intensify social unrest.

Therefore, while South Vietnam does have great potential to develop its economy to a degree that foreign aid may no longer be required, it does have serious short-run problems in maintaining security, recovering from war, and adjusting to peace.

THE COST OF MAINTAINING SECURITY

The January 27, Paris Agreement, by opting for an in-place cease-fire has imposed an enormous cost for maintaining security throughout the country. By permitting over 150,000 of North Vietnam's best soldiers to join the insurgent Viet Cong within South Vietnam, the agreement has left the country with no clearcut physical frontier to defend. The nature of guerrilla warfare is such that it only requires two or three snipers to tie down a whole police force and hold up an entire city's traffic. That was precisely what happened in New Orleans last winter when one or two snipers occupied the Howard Johnson Motel and wreaked havoc in the area for several days.

As the situation now exists, North and South Vietnam will be facing an unfair economic competition. While the North enjoys an absolute security and is able to start reconstruction and development if it so desires, the South still has to devote most of its resources in terms of manpower and money to maintain security throughout the country. The opportunity cost, that is, the actual cost of maintaining a large army plus the cost in terms of foregone development which could take place in the absence of North Vietnamese troops is exceptionally high. Assuming a total Communist force (including North Vietnamese and Viet Cong) cf about 400,000 men, the equivalent of 40 percent of the South Vietnamese forces, the latter will have to devote full time just to keep major roads open and airports protected.

In addition, the spectre of another North Vietnamese invasion is too disquieting to even contemplate. Yet evidence suggests that it may happen, and very soon. The forthcoming offensive, if and when it happens, will make a mockery of the Paris agreement. From the enconomic viewpoint, not only will it doom South Vietnam's plans for a fast recovery, but will also inflict further, heavy damage to the entire economy, already a casualty of the last offensive.

If security is a prerequisite for economic development, it will then be very difficult for South Vietnam to consider a partial demobilization of its army under the present conditions.

On the other hand, to maintain a million men in the armed forces is a heavy financial burden, for it still requires nearly 70 percent of the budget, leaving little money for social and economic development. The defense burden in recent years has already claimed between 15 and 16 percent of the Gross National Product as compared with a median burden of less than 3 percent for 44 developing countries during 1960–65.

THE COST OF ADJUSTMENT TO PEACE

In addition to the cost of maintaining security, adjustment to peace will be no less expensive. Very soon a huge amount of money will be required to resettle over 2 million persons still displaced. In addition to refugees, there are great numbers of war victims who desperately need help in rebuilding their lives. As of February 1970, according to estimates from the American War Victim Directorate in Saigon, there were already 156,000 disabled, 258,000 orphans and 131,000 widows. The number of victims has increased markedly since the 1972 Easter offensive and has greatly burdened the welfare payroll.

The problem of adjustment to peace is extremely serious when viewed in light of the economic effects of American withdrawal. During the latter half of the sixties when over one-half million Americans were in Vietnam, employment was high, income inflated, and an artificial prosperity was visible. Foreign exchange from American spending, estimated at over $300 million a year, helped to fuel imports and income.

In addition to about 150,000 workers directly employed by the American sector, there is another great, but undetermined, number of people living on services to the U.S. personnel, either on a full- or part-time basis. To these people, the withdrawal means that restaurant tables are empty, dance floors deserted, and laundries shut down. Reorientation, retraining and reemployment of hundreds of thousands of people must take place in order to fill the immense vacuum left behind by the departed Americans.

At present, the budgetary problem has already reached a dangerous level. Sizable annual deficits, which grew by more than seven times during 1966–69 in spite of foreign aid, have been financed mainly by advances from the Central Bank and by drawing down Treasury resources; these deficits, therefore, could not be called upon to finance the additional burden of rehabilitation and resettlement.

THE COST OF RECONSTRUCTION AND DEVELOPMENT

The argument for American aid to South Vietnam is particularly strong when looked at from the development angle. That is, up until now, most of American aid to South Vietnam has been stabilization aid, or foreign aid provided for import of foodstuffs and consumer goods due to shortages during wartime. Thus, nearly 70 percent of the total American aid in recent years was under the form of the Food for Peace Program and the Commercial Import Program; foreign aid in its true sense for development purpose is yet to come.

At great cost in men and materials, the Republic of Vietnam has survived thus far as a non-Communist state. War torn and battered, it is now looking toward the future to carry out the task of reconstruction and development no matter what the cost.

In the next year or so, the task of physical reconstruction will have to be completed to lay a foundation for further development. For example, a large sum will have to be allocated for treating over one-half million acres of crop land affected by herbicides before miracle rice cultivation can be widely introduced.

CONCLUSION

The overwhelming share of the cost of survival as a free nation will continue to be borne by the Vietnamese people. However, they need substantial and sustained assistance over a short period of time to reach the deeply cherished goal of self support and total independence. An amount of economic assistance, say from $1 billion to $1.5 billion a year for the next four or five years before gradual reduction will not only be in the American tradition of helping allies in reconstruction, but will also be compatible with long-run American security and economic interests.

In the 1960's, America undertook grave responsibility in helping South Vietnam to resist Communist aggression. That resistance has been successful, and the political situation in Asia today differs markedly from that in 1960 in favor of freedom. If in the seventies South Vietnam continues to be supported in maintaining that successful resistance while building an independent and viable economy, Asia in the eighties will indeed be even better than Asia today.

GEN. LEWIS WALT, USMC-RETIRED, SPEAKS ON NATIONAL SECURITY

HON. HAROLD RUNNELS

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 1973

Mr. RUNNELS. Mr. Speaker, I recently was privileged to attend the 57th annual conference of the Association of Military Colleges and Schools of the United States.

I was guest of a distinguished soldier and West Point graduate, Col. Charles R. Kemble, who is the president of our reputable New Mexico Military Institute at Roswell.

My membership on the House Armed Services Committee gives me a broad insight into the military posture of the world. This committee service also allows me to place in proper perspective the leadership role AMCS graduates lend to both the military and civilian establishments of the Nation. The AMCS is to be commended for its emphasis on disciplined education, quality schools, and productive citizens which graduate in great numbers from its ranks.

Mr. Speaker, I call on you and to each of my fellow Members of Congress, many of whom attended the recent conference, to recognize and renew our support of the AMCS for its perservering efforts to provide America with vitalized, dynamic young men in every walk of life.

The following remarks were presented at the AMCS conference by Gen. Lewis Walt, an ROTC graduate who became the Assistant Commandant of the Marine Corps:

NATIONAL SECURITY

There are many words being said today and many more words being written about the "end" of the war. Our people are elated. They are contemplating a long period of peace and prosperity. They are being lulled into the feeling that all is well in our world. Our people are exhausted from war and ravishingly hungry for peace—peace in our time, in our children's time and in our grandchildren's time. One can even sense the very dangerous mood among some of our people of "peace at any price". I have been asked on numerous occasions, when speaking to youthful audiences: Wouldn't a mild form of communism be better than what we have today if it would produce a peaceful world? My answer to that question is rather direct: There is no such thing as a "mild" form of communism and the "peace" it would produce would be the Communist form of "peace" where people are "peaceful" because they are subdued slaves of the totalitarian government.

Two hundred years ago, our forefathers paid a terrible price in lives and sacrifices as the first installment on the liberties and freedoms we enjoy today. Since that time millions of patriotic and dedicated Americans have protected these dearest of all treasures at the cost of their lives or their personal well being. Sometimes, I feel that the majority of our citizens take our freedom for granted and idly assume it to be part and parcel of the land we live on. They see no real need for defense forces. They honestly cannot conceive of enemy forces attacking us. Those of us who argue for preparedness and strong defense forces are war mongers who plan wars and ways of getting into wars to justify our existence. They cannot seem to realize that all the niceties, conveniences, material wealth, and comforts we enjoy in our overly affluent society, would be for naught if we lost our freedom. They refuse to accept the fact that our freedom is in any danger today, leave alone the fact that we are approaching the most critically dangerous period since its birth.

Today, we are witnessing a changing world. How can we as common citizens discern right from wrong in international diplomatic relations? Should we or should we not keep our international commitments to our allies of the free world? If not, how then can we survive as a free nation if we are totally enveloped in a hostile atmosphere of communism? How can we survive without friends abroad to sustain us? Due to our affluency we are more dependent on world trade than any nation in the world. Of the critical materials which we need to maintain our industry today, 85% of them have to be imported from abroad. What would happen to our Nation if we lost control of the seas and these critical materiels were cut off from us—either at the source or on the high seas? What will happen to our Nation if the majority of our industry is shut down and millions of people are thrown out of work? I doubt if we would have enough police and armed forces in our country to maintain order—especially if dissident groups were successful in carrying out some of their subversive plans.

Our national entity is protected in two ways: internal protection which is accomplished by objectivity in laws and good law enforcement; external protection which must be accomplished through a military establishment.

History shows that weakness—in military power or in "national will/self-discipline" is itself the greatest threat to peace. For this reason, the growing weakness of the U.S. today is the world's greatest threat to peace and this danger is growing because our military strength and our "national will to resist" is declining.

You may ask the logical question: If strength is so essential to peace—why do so many Americans oppose our being strong or more specifically, oppose expenditures for our military forces? These reasons are used to substantiate their arguments:

(1) U.S. is already awesome in power!

(2) Tensions with Soviets and Chinese seem to be lessening.

(3) We no longer can afford to be the world police force.

(4) Greater needs on home front.

(5) Squandering and inefficiency in the Pentagon.

(6) Real threat to our country is the industrial/military complex which threatens to destroy our social programs.

I must admit that there is enough real or imagined information to support each of these contentions so that when only that side is presented—it is convincing to an ill-informed, peace-loving, war-weary people. The blame for this must be shared by many including our political leaders and the news media. Let us examine the first of these arguments.

Is our power awesome? Is it adequate? How much is enough and how much is too much?

What is our national strategy today? I believe our national strategy is poorly defined and even more poorly understood. After World War II, the world became sharply divided into two major camps—the free world and the Soviet or communist-controlled world. The free world led by the U.S., believing the war to be over, brought their military forces home, disbanded them and prepared for an era of peace. The Soviet-led world took a different tact. To them, war was a continuing effort. They did not demobilize, they did not withdraw their forces from the lands they had occupied, they started aggressive moves against other free nations. To stop this aggression, the free world, again led by the U.S., originated a world-wide strategy of collective security—a banding together of free nations in mutual security agreements to stop communist aggression. This strategy backed by the military and economic power of our country proved highly successful but even so the communists have been able to subvert seventeen free nations since the end of World War II.

The free world forces have halted this aggression through physical force in Greece, Berlin, Lebanon, Korea, Taiwan, and Southeast Asia. Our country is still a signator on over forty treaties or agreements in one form or another. Does our national policy still commit us to honoring these agreements and to what extent? What is our national strategy today in carrying out these commitments? Do we maintain forces to give nuclear weapons protection to our allies or do we withdraw to our borders and use nuclear weapons only if we are attacked directly by the USSR?

During the 1950's we had a national strategy of massive retaliation by nuclear weapons. This strategy was sound—we had a monopoly on these weapons and we had demonstrated their effectiveness. However, that strategy lost its validity and much of its value as a deterrent because when the Communists attacked South Korea we did not use our nuclear weapons.

As a result of Korea and because other nations now had nuclear weapons, we ceased our full reliance on nuclear weapons and began once more to build up our conventional war capabilities. Although we still enjoyed nuclear superiority, our national strategy was changed in the 1960's from one of massive retaliation to one of flexible response. We declared our intention and ability to fight either type war—nuclear or conventional.

This opened the gate for the Communists into Vietnam and we found ourselves involved and immediately bogged down in a different and unfamiliar type of conventional warfare. A war where the elusive guerrilla was the number one enemy and the hearts and minds of people were the number one target. It was a war where psychological and political weapons were as deadly as the bombs and the guns and where the United States itself was as much a part of the battlefield as South Vietnam.

By 1970 the Soviet had pulled ahead of us in thermonuclear capability and also in several other areas of strategic importance such as ICBMs, modern naval surface ships, submarines both nuclear and conventional powered and in overall air power. Our national strategy then took on a defensive tone and was called "creditable, reliable, or realistic deterrent."

Just how creditable, how reliable or how realistic is our military force capability today? To be creditable, our military forces should be powerful enough to deter any potential aggressor from initiating either an all out strategic exchange or a more limited tactical conflict. In my humble, but I believe well-founded, opinion we do not today have the military power to deter either type of conflict!

The adequacy of our deterrence depends not upon what we consider to be adequate but rather upon what our potential enemy considers to be inhibitive. Our strategic deterrent, for example, must be of such strength to provide unacceptable punishment to an enemy after having absorbed a surprise attack by that enemy and after having countered the defenses of that enemy. If our strategic deterrent does not fulfill this requirement and our deterrent force cannot in fact deliver unacceptable punishment on the enemy, we may then be placing an enemy in a critically dangerous position. A position of being able to win if he initiates the conflict, and only if he initiates the conflict!

Compared to the Soviets, we do not provide for ourselves anywhere near the deterrent capability that the Soviets have considered necessary for themselves. For example: the Soviets have 3100 home defense interceptor aircraft—we have 400. They have 10,000 surface-to-air missile launchers for home defense—we have 600. They have operational ballistic missile defenses, anti-ship missiles and a fractional orbit bombardment system; none of which we have.

The USSR is decisively surpassing the U.S. in virtually all aspects of military strength. Four years ago, Russia had 550 ICBMs—today they have over 1600 including over 300 monstrous SS–9s, with 25 million ton TNT equivalent warhead explosive capability. Four years ago, the U.S. had 1054 ICBMs—today we have 1054, the largest having less than 1/10th the SS–9 power.

Four years ago the Soviets had 5 advanced strategic missile submarines—today they have 42 with permission in the SALT I agreement to build 20 more. Four years ago, we had 41—today we have 42. The SALT I agreement prohibits us from building anymore. As to overall submarine strength—the Soviets have over 400 compared to our 141. They are building submarines at a rate five times that of the U.S. The Soviets have tested their fractional orbit bombardment system (FOBS)—an intercontinent space weapon which carries a payload equivalent to 50 tons T.N.T. We have no defense against it! The payload of the USSR strategic ballistic missile force, under the relationship essentially frozen by SALT I agreement, is approximately four times that of our own.

If the trends continue in which the USSR military power continues to grow and the U.S. military power continues to decline, as has been the case for the past five years, it is a matter of fact that USSR will have the capability of controlling the sea lanes, and the capability of making a deadly first strike against both our land based and sea based ICBMs by the year 1975.

We have gone as far as we dare go in proving our willingness to make peace. We have placed ourselves in an inferior position to the Soviet Union in terms of strategic armaments. We are number two in military power today—they are number one. We have opened relations with Communist China at a terrible cost to our friends in Taiwan and to our prestige and truthworthiness among our other free world allies. We have undermined the confidence of the Asian free world peoples governments in our united defense commitment in Asia. We have given in to Soviet demands for a European Security conference which can benefit only the USSR.

By subscribing to the ABM treaty, both the U.S. and the USSR have "agreed" to remain vulnerable to retaliatory attack thereby "assuming" that even small deterrent forces will be adequate to deter.

This is not logical reasoning or thinking. It fails to take into account the massive Soviet air defense system. It ignores the basic principle of strategic deterrence: The certain survivability of one retaliatory force. With Soviet superior first-strike capability today—we do not have a survivable retaliatory force. It is quite plausible and evident that the Soviet's intense interest in ABM treaty was to stop the U.S. from its much more advanced ABM deployment.

The unsupported notion that the USSR has accepted the doctrine of minimum deterrence—seems to be wishful thinking on the part of our own arms control specialists. Some scientists have voiced the opinion and presented the argument that a handful of nuclear weapons targeted on a handful of Soviet cities constitutes strategic nuclear sufficiency.

SALT talks conferred 50% advantage of ICBM and SLBMs on USSR!

Soviets have enough missile power to destroy our retaliatory force and still retain enough to wipe out our major American cities if we tried to retaliate. Furthermore, a minimum deterrence for the U.S. would mean no deterrence for our free world allies.

Since WW II the Communists have taken over seventeen free nations. It has subjugated nearly 50% of the world's population. With the Communists growing military power and political influence, we are given only one alternative if we are to resist communism as an accepted way of life. We must fight. There is no substitute for the "will to fight" and the "courage to suffer" for our cause of freedom. There is no other way we as a people and as a Nation can protect our freedom.

Today our "will to resist" and our "ability to resist" is at a very low ebb. Our Congress, who must bear the responsibility laid on it by our Constitution for the defense of our country, in my opinion, is not fulfilling that responsibility. We are number two military power today and each day we are falling farther behind the Soviet Union in the vital area.

Not only are we behind in missiles, airplanes, ships, submarines, armor, etc., but we are behind in the caliber of "trained" military men and the discipline of our military forces. Permissiveness has softened the substance of our fighting forces. Pleasure, laxity, and comfort have replaced discipline, tough training and pride of achievement. The so-called fighting man of today, who is supposed to be prepared to go on the battlefield tomorrow, is not prepared either physically or mentally to carry out such a mission. It would be unmitigated murder to commit him to battle against a well-trained enemy on a modern battlefield. This is not his fault. The fault lies with the attitude of our society today.

The average American wants and believes that we have a generation of peace ahead. The fault lies with our civilian and military leaders who are not insisting that our Armed

Forces be in a state of true readiness. Our Nation or our Armed Forces are not prepared today to defend our freedom. Apathy, wishful thinking, and downright carelessness have put our Nation in the most precarious position of its existence. There is no enemy who will attack us if we are strong—none will fail to attack us if we are not. Our future is not bright.

FOOD SUPPLEMENTS

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 1973

Mr. RAILSBACK. Mr. Speaker, recently I was pleased to join Congressman HOSMER in cosponsoring a bill, H.R. 6044, which I believe will do much to clear the controversy regarding Federal regulation of food supplements. As we are aware, this has been an active issue since the Food and Drug Administration's attempt to revise the food supplement regulations in 1962. The proposed regulations were objected to as interfering with the freedom of choice of consumers, as unfairly damaging the health food industry, and as unsound scientifically. Due to heavy opposition to the regulations—over 54,000 unfavorable responses were received by the FDA—the regulations were never promulgated.

Revised regulations were then proposed in 1966 and again numerous objections were raised. Many felt that the Food and Drug Administration was overstepping its authority by involving itself in the economic aspects of the food industry and that the extent of its involvement should be limited to the question of safety. As was the case with the 1962 regulations, the 1966 regulations were never made final.

The Food and Drug Administration has once again proposed regulations for food supplements. Among regulations proposed are upper and lower limits for each individual vitamin and mineral which may be present in the specified daily quantities of dietary supplements of vitamins and minerals. I understand that certain evidence indicates that excessive amounts of some vitamins may have toxic effects. However, the FDA has no authority to limit the amounts of those vitamins which do not constitute a hazard to health—this is an economic issue not a safety issue.

The bill I am cosponsoring, H.R. 6044, will clearly prohibit any abuse of authority or imagined authority in regard to regulation of food supplements. It would prohibit the limitation of potency, number, combination, amount, or variety of any synthetic or natural vitamin, mineral, substance, or ingredient of any food supplement unless such article is intrinsically injurious to health in the recommended dosage. In addition, a definition of food supplement would be added to the Federal Food, Drug, and Cosmetic Act. At present, no such definition exists in the law; only in the regulations promulgated in accordance with the law.

I urge immediate and favorable action on H.R. 6044.

THIEU'S POLICIES

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 2, 1973

Ms. ABZUG. Mr. Speaker, a short while ago, several Members expressed their dismay that this administration continues to support the corrupt regime in Saigon, even wining and dining its dictatorial President.

In the past few months the press, too, has expressed increasing alarm, as more and more hard news comes in to confirm our worst fears of existing conditions for all who oppose Thieu's policies. I would like to submit the following editorials from the New York Times, the Nation, and the War Resisters League, all among the first to expose the real situation:

THE OTHER PRISONERS

(By Tom Wicker)

Two young French school teachers, André Menras and Jean Pierre Debris, left New York last week to speak in cities across the United States about a matter that stands in sad counterpoint to the return of American prisoners of war from North Vietnam.

In 1968, they went to South Vietnam as exchange teachers in a French Government program. In July, 1970, outraged by what they regarded as the corruption and tyranny of the Thieu regime, they mounted a monument in downtown Saigon, unfurled a Liberation Front flag, and started handing out peace leaflets.

This was unwise, if bold; they were immediately jailed by South Vietnamese military police. After a trial in which they were not allowed to speak, they remained in Chi-Hoa prison in Saigon for more than two years, until they were suddenly released and deported last Dec. 29. Now they have a grim story to tell about the inhumane treatment, starving, beating and torturing of political prisoners in South Vietnam, of whom they maintain there are at least 200,000 (other estimates range from 35,000 to 300,000, a lot in any case).

There is nothing particularly new about the accounts by the Messrs. Debris and Menras (aside from their impressive earnestness) of their harrowing experiences and of the terrible suffering in the South Vietnamese prisons. The existence of the infamous "tiger cages" in Con Son prison has been well-publicized here and as far back as May, 1969, the story of one prisoner, He Khan Hieu, was detailed in this space—how, for instance, he had spent a month in solitary in a "tiger cage." As the two Frenchmen tell it convincingly, things have only gotten worse since then, particularly with the great influx of political prisoners arrested during last spring's Communist offensive.

But somehow, American public opinion has never been aroused by these activities of the nation's ally in Saigon, even though it has been documented—for example in Don Luce's authoritative study, "Hostages of War"—that American funds and companies helped build the "tiger cages" and American personnel sometimes helped in the political roundups.

Predictably enough, Messrs. Menras and Debris did not get much response to their appearances in New York (including a news conference at the U.N.), in a week when C.B.S. meekly bowed to the fears of its affiliates and refused to show a drama about a Vietnam veteran who did not get the red-carpet treatment now being accorded returning bomber pilots.

Nevertheless, there was one element of the Menras-Debris account that needs repetition, if only because it could bode trouble for the cease-fire agreements now uneasily in force. They contend, with a wealth of eyewitness detail, that the Thieu Government is systematically forging records and callously shifting bodies about from prison to prison, so that thousands of its political captives can be reported as common criminals and kept in jail, cease-fire or no cease-fire. The reason is obvious; once released, most of these political prisoners are not likely to support President Thieu in the political struggle for power.

(The two French teachers believe they were released in December so they could no longer witness this process, which was being stepped up as the cease-fire approached.)

Aside from questions of compassion and justice, this effort by the Thieu regime to hold on to its civilian political prisoners (its exchange of prisoners of war with Hanoi and the Vietcong is a separate matter) is a direct violation of the Paris accords. They define "civilian internees" as anyone arrested for "having in any way contributed to the political and armed struggle" in South Vietnam, and provide that such persons shall be released by agreement between Saigon and the Vietcong, who are supposed "to do their utmost" to accomplish this within ninety days.

The Menras-Debris charges of a violation of this provision are probably the most direct and convincing, but the same charges have been heard from others; moreover, the Thieu regime may also have violated or circumvented other provisions of the accords on Feb. 6, when it suddenly released 10,000 prisoners on the Saigon streets. These were said to be former Vietcong, but no one can be sure, and if they were, they should have been returned to the so-called Provisional Revolutionary Government.

It may be of little interest to some Americans that, aside from its general sponsorship of President Thieu's regime, the United States has aided and abetted his political repressions; but it ought to concern all Americans that, by violating the accords on the release of political prisoners, he could endanger the cease-fire, not to mention the peaceful political development of South Vietnam.

In the preamble, after all, the accords state that the signing parties "undertake to respect and to implement them." That means all of the accords and protocols, not just those that serve President Thieu's political interests; and it means the United States has an obligation to see to it that his political prisoners are released just as it has an obligation to see to it that its own P.O.W.'s are returned.

[From the Nation, Dec. 18, 1972]

SAIGON'S PRISONERS

"Each day the war continues, South Vietnamese patriots now in prison face execution and torture." In mid-October, Nguyen Thanh Kiem, chief of the legation in Hanoi of the Provisional Revolutionary Government (NLF), was discussing with us, four lawyers invited by the Hanoi Bar Association, the fate of political prisoners in South Vietnam. Kiem said further that the PRG, whose cadres have infiltrated all levels of the Saigon government, had come into possession of the text of a "liquidation" program issued by Saigon to prison officials. One passage was ominous: "to avoid difficulties in case of an eventual forced release of prisoners, in regard to those whom they do not succeed in redressing and gaining over, appropriate and easy measures are recommended." He paused. "You know what that means—shooting, secret disposal, massacre, poisoning." (Kiem spoke Vietnamese which was then translated into English.)

A few days later, we met in Paris with Mme. Nguyen Thi Binh, Foreign Minister of the PRG and its chief delegate at the Paris talks. Mme. Binh expressed her deepest anxiety over the fate of the political prisoners, and appealed to us to alert the American people to the ominous situation.

There are signs that the killing may already have begun. On October 30, *The New York Times* quoted Mme. Binh as saying, "Thieu is now embarked on an extermination policy with regard to the prisoners. Women and children are being tortured and killed in the Saigon jails. The United States is equally responsible, for Thieu is not capable of carrying out such a policy alone." In corroboration of Mme. Binh's assertion, the *Times* on August 13 had published reports that five political prisoners had already died from torture in prison. A subsequent report in that paper (November 2) quoted "Vietnamese Catholic sources in Paris" as saying that Le Cong Giau, a student leader, was on the point of death following torture in Saigon's Chi Hoa jail.

Mme. Binh had given us a folio of documents bearing on conditions in South Vietnamese prisons. One was the text of a letter (undated) addressed to U.N. Secretary-General Kurt Waldheim by Vo Nhu Lanh, president of the Association of Students of Van Hanh University, calling attention to widespread imprisonment of students and requesting a *commission* of inquiry of the Saigon administration, described as *"rangé parmi des régimes militaires dictatoriaux les plus barbares du monde entier."* A footnote records that Vo Nhu Lanh was himself arrested on May 5 and detained at the Han Hiep prison.

Estimates of the number of political prisoners in South Vietnam vary widely. Craig Whitney, a *Times* correspondent in Saigon, wrote recently (November 12) that "some estimates" in Saigon put the number at 40,000 to 60,000, while "the Communists claim they number 300,000." Kiem and Mme. Binh mentioned that there were more than 200,000.

The release date of political prisoners, as proposed in the current Paris negotiations, is not altogether clear, Hanoi's newspaper *Nhan Dan* asserted recently that the settlement must provide for the release of all civilian prisoners held in South Vietnam at the same time that military prisoners, including American POWs, are freed. That ran counter to statements by Dr. Kissinger that military prisoners were to be released first, the exchange of Vietnamese civilians held by both the Saigon regime and the PRG being negotiated afterward by the Vietnamese themselves.

Article 3, as broadcast by the North Vietnamese in a summary which Kissinger stated to be correct, is understood by the North Vietnamese to cover the release of *all* civilian and military prisoners held by the South, including political prisoners, as well as the release of U.S. and other foreign POWs held in both North and South Vietnam. While Article 3 calls for the release of all prisoners of "the parties" during the period when U.S. troops withdraw, North Vietnam's Deputy Minister Nguyen Minh Vy said in the October 30th *New York Times* that the military prisoners must be released within the *sixty*-day troop withdrawal period but political prisoners apparently only within a *ninety*-day period. These are North Vietnam's expectations.

On October 27, two days after our meetings with Mme. Binh and Mr. Vy, Cornell University Prof. George Kahin clarified the North Vietnamese position at a press conference immediately following his detailed discussions with Mr. Vy and Mme. Binh. He said, in fact:

They [the PRG] are also upset to find what they had understood to be a release of all prisoners on both sides is now being interpreted by Mr. Kissinger as not covering the many thousands of political prisoners, NLF as well as third force, held in the prisons of Saigon. As Mme. Binh observed this afternoon in Paris with some evident bitterness, the United States has a responsibility to see to it that civilians, including political prisoners arrested during the war, are released along with American POWs. To set a double standard to the rules of prisoner release is fairly certain to hold up that process and is hardly consistent with the Presidential pledge to work for the earliest possible release of American POWs.

Each day that the signing of the settlement is deferred imperils the fate of the political prisoners. Mr. Nixon was ever wont to forecast a blood bath if the NFL's seven-point program were accepted. Why has he remained silent about Thieu's "liquidation" program?

POLITICAL PRISONERS

One of the *most urgent* problems following the cease fire is that of the political prisoners held by Saigon. *Newsweek* (February 5, 1973) conservatively estimates the number of civilian prisoners at 150,000. Most sources agree the number is at least 200,000 and the PRG suggests it may be as high as 300,000. It is known that Thieu has been arresting tens of thousands of persons in recent months in preparation for a ceasefire. Thieu himself at one point admitted to holding only 10,000 prisoners—an ominous figure, since it may mean he is preparing to liquidate the rest before international inspection can take place. Some murders have already occurred and prompted Amnesty International, not a radical group, to issue a special call for world pressure to keep these prisoners alive.

Who are these prisoners? For the most part it is believed they are not cadre of the PRG for the simple reason that most PRG civilian cadre were executed on capture. It is known the prisoners include women and children as well as men, and include Catholics, Buddhist priests and nuns, non-Communist political opponents, and a number of persons totally innocent of any political involvement but arrested on the basis of rumor.

Thieu is reluctant to release so vast a number of persons because, while many have been broken by the prison experience, all who are released will stand as living witness to the cruelty and torture of Thieu's prisons (built and financed by the U.S. government). Just as it was once noted that virtually every Russian family had a relative in Stalin's prisons, so *virtually every Vietnamese family today* has a relative in prison in South Vietnam. The prisoners live under barbaric conditions, eating rotted rice, decomposing fish, crowded into tiny cells, denied medical attention, and subjected to direct torture. (The list of tortures is nauseous: water forced up vaginas, electric shock applied to genitals, repeated beatings, etc.).

The Paris Agreements make it clear—in principle—that all prisoners are to be released. But agreement in principle is one thing and compliance in fact is another. Some of the prisoners have already been murdered. Others are being charged with criminal acts so they will not show up on the lists of political prisoners. The lives of all are in danger. The War Resisters League is making an immediate and major effort to focus attention on these prisoners and this must take precedence even over amnesty for prisoners held in our own prisons for war resistance. It would be dangerously easy for Americans, once our own *military* prisoners are home (only about 500 of them) to ignore the fate of the 200,000 or 300,000 *civilian* prisoners held by Thieu.

VOCATIONAL REHABILITATION: A DESERVING PROGRAM SUFFERS AN UNDESERVED SETBACK

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 1973

Mr. MATSUNAGA. Mr. Speaker, it was with great sadness that I learned of the failure of the Senate to override the President's veto of S. 7, the proposed Vocational Rehabilitation Act Amendments of 1973. It was a good bill, one worthy of enactment.

Vocational rehabilitation is not a New Frontier or Great Society program which has been proven ineffective. Indeed, the first Vocational Rehabilitation Act was passed by Congress long before the Fair Deal of Harry Truman, or even the New Deal of Franklin D. Roosevelt. Since 1920, Congress has considered the rehabilitation of our Nation's handicapped as deserving of the highest priority.

And what has been the record of this program? The vocational rehabilitation system is widely acclaimed as one of the great successes in Federal-State partnership. Last year, for example, more than 300,000 men and women were rehabilitated into employment. Their total earnings in 1972 amounted to $1 billion—400 percent higher than they had earned before entering the program. Out of that increased income they paid about $58 million in taxes to all levels of government—revenues that would not have been generated otherwise.

In addition, the removal of many of them from public assistance rolls saved Federal and State governments another $33 million. These savings will continue over the years.

Mr. Speaker, more than 3 million handicapped Americans have been returned to meaningful and productive lives because of assistance from this program.

I will not recount the legislative history of S. 7 and its predecessor. The two vetoes, ostensibly on grounds of economy, have done serious, perhaps irreparable, damage to the 12 million Americans for whose direct benefit this legislation was designed. Their chance to live in dignity as contributing members of our society has been thwarted by false economy. As a consequence our Nation as a whole has suffered a setback.

I urge the House Education and Labor Committee to try again to design a workable program which can muster the necessary two-thirds majority support from Congress to override another Presidential veto. I pledge my best efforts to assist in this task in any way possible.

THE LATE PRESIDENT JOHNSON AND TEXAS WATER

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 1973

Mr. PICKLE. Mr. Speaker, the activities the late President Lyndon B. Johnson fostered for the benefit of people during his years in the White House are well known to us all.

They are built on a foundation of people-concerned programs he fostered throughout his public life, some of which are not so well known.

One area which received much of his careful attention was water—a crucial issue in many parts of his home State of Texas.

The executive director of the Texas Water Development Board, Mr. Harry Burliegh, paid tribute recently to President Johnson's efforts in the field of water throughout his public career.

I should like at this time to reprint Mr. Burleigh's statement in the RECORD as follows:

THE EXECUTIVE DIRECTOR'S REPORT

(By Harry P. Burleigh)

The Texas water fraternity lost one of its best friends with the death of former President Lyndon B. Johnson on January 22 of this year.

The former President loved his State. He loved its people. More importantly, he exercised his leadership in a manner that left a stamp on our State of a nature that will endure in perpetuity and may in the long run be one of the more significant memorials to him and his career. This occurs in the many water projects and water programs he fostered and furthered in the interest of Texas. As a national leader he understood better than any other the catalytic relationship between orderly water programs and economic growth and he expressed this knowledge in purposeful programs. His interest in water matters endured throughout his entire political career from the time he was elected to the House in 1937, to the Senate in 1948, as Senate Majority Leader, and later as Vice President and subsequently as President.

Mr. Johnson took many actions that related to Texas water affairs. Some of the more significant include:

A directive in 1949 to the federal water agencies to determine how their technical resources could more effectively assist Texas in development of its water resources.

Publication in 1953 of Senate Document 57, 83rd Congress: "An Appraisal of the Texas Water Problem." The document was preliminary in nature—often the subject of controversy—but for the first time it sharply directed attention to the intricate relationship between unused water of Texas to the State and national economies in a time of rapid economic growth.

Creation, through the Congress, in 1958 of the United States Study Commission. Directives to the Commission were based upon a full awareness of the basic sovereignty of Texas over its own water, and for the first time integrated into a single group the collective capabilities and skills of a number of federal water agencies and the skills and leadership of the various Texas river authorities to common goals. The report of the Study Commission later provided a solid base for the water plan for Texas published by this Board in 1968. Importantly, it represented integrated views of several levels of government.

Throughout the entire decade of the 50's and later, solid support for appropriations to federal agencies concerned with water matters in Texas.

Late in the 50's, directives to the Corps of Engineers and the Department of Interior to fully cooperate with the then Texas Board of Water Engineers on formulation of the first statewide water plan.

In 1962, a directive to the Bureau of Reclamation and the Corps of Engineers to make a reasonable apportionment of their efforts in Texas as between them. This was done.

Strong support for many individual Texas projects now serving the Texas economy. Among them the Canadian River project, the first totally municipal water supply project to be constructed by the Bureau of Reclamation; Falcon; Amistad; and a host of others.

The preceding are examples. Others could be set forth. In their aggregate implementation Mr. Johnson left a stamp on his beloved Texas that may be in the final analysis his most enduring eulogy.

In the years ahead, Mr. Johnson will be favorably judged for many accomplishments: progress in civil rights, progress in education, progress in social welfare, and other areas. The water fraternity will respect his memory because of his profound knowledge of what intelligent use and control of water meant to the public weal and for the capability to translate that knowledge into practical programs and projects.

He will be missed.

WOMEN AS ECONOMIC EQUALS CONFERENCE

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 1973

Mrs. GRIFFITHS. Mr. Speaker, on March 21 in Washington, D.C., Ladies' Home Journal, National BankAmericard Inc., and six Maryland and Virginia banking institutions sponsored a unique conference concerning "Women as Economic Equals." The symposium provided a valuable forum for exchange of views among varied, and sometimes dissenting, segments concerned with women's rights. Hopefully this will further the unity needed in breaking down the bastions of opposition and complacency to equality for women that continue to exist.

The 500 female delegates to the conference discussed barriers to women in financial transactions and employment and possible solutions to inequalities.

Jayne Baker Spain, vice chairman of the U.S. Civil Service Commission; Liz Carpenter, former press secretary to Mrs. Lyndon B. Johnson; and Dr. Bernice Sandler, counselor to Women's Equity Action League; were among those setting forth problems and opportunities for women in business and government careers.

I was privileged to review the status of Federal and State laws and proposed bills of vital concern to women. The delegates discussed measures women can take to obtain credit until nondiscriminatory legislation is passed.

Secretary of Health, Education, and Welfare Caspar Weinberger endorsed the equal rights amendment. Herbert Klein assured those of us participating in the conference that President Nixon would continue to support this amendment.

It was encouraging to hear the executive vice president of National BankAmericard Inc., John A. Dillon, say that his organization's new directive to member banks includes a recommended practices section, which states that ability and willingness to repay, not sex or marital status, should be the determining factors in all decisions relating to the extension of credit.

Mr. Speaker, this is an area with which I have long been concerned, and feel we need much more of this type of positive action.

DAY CARE HELPS MOTHERS SHAKE WELFARE YOKE

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 1973

Mr. WILLIAM D. FORD. Mr. Speaker, on February 15, the Department of Health, Education, and Welfare issued proposed new regulations for the funding and administration of social service programs. The effect of these new regulations is to cut back many urgently needed domestic programs for the blind, aged, and poor families with dependent children.

Despite the Nixon administration's emphasis upon the "work ethic," one of the most disgraceful aspects of these regulations is the fact that they will literally force many hard-working, self-supporting mothers to quit their jobs and return to the welfare rolls. These working mothers and their children will become ineligible for federally assisted day care programs if the mothers' incomes are above the poverty level. Therefore, the mothers will be given the choice between paying the high cost of child care out of their monthly incomes or giving up their jobs in order to stay home and care for their children. In nearly all cases, it would be more profitable for these women to quit their jobs and receive welfare benefits than to work.

The following is an editorial which appeared in the March 27 edition of the Detroit Free Press which presents quite clearly the plight of these working mothers:

DAY CARE HELPS MOTHERS SHAKE WELFARE YOKE

There is a strange irony in President Nixon's philosophy of getting people off relief and into the work force while at the same time cutting back social service funds that permit them to do it.

The cutbacks scheduled to go into effect April 1 on day care programs for children of low-income working mothers are going to make it more profitable for them to go to Aid To Dependent Children than to work, and in many cases will force them to go on welfare.

The head of the Department of Health, Education and Welfare, Caspar Weinberger, says his people are reviewing the situation and may ease the new regulations. The time to do this and insure the continuation of existing programs is going by fast.

There are other ways to run day care programs for the children of the working poor, mostly mothers, besides demanding the federal government take up the responsibility. But the government is the major source of help at the moment, and precious little time has been offered to develop substitutes. Mr. Nixon offered none.

The average cost of day care in Wayne County is $25 per week per family in day care centers and $15 in licensed day care homes. About 2,000 children in the county will be cut off the federal program under the new regulations.

The new federal program will cut families from day care programs if their income is a third more than they would receive on welfare. Since the cost of child care in the lower income brackets will amount to a third of the family income, welfare will become more attractive.

There are many families using day care centers, in fact, who will be penalized if they work had and study hard to improve their incomes even a small amount, because it will put them over the income edge and disqualify them from free day care. Some incentive.

There are alternatives to public day care subsidization. A number of businesses and industries, including Michigan's Whirlpool Corp., provide day care facilities for their employes. Some unions have day care centers, and there is a variety of day care service provided by churches and other community centers.

But these programs do not begin to dent an increasing problem. The number of working mothers has increased eight-fold since 1940, with 12.7 million mothers of children under 18 either working or seeking work as of a year ago. About one out of three mothers had children under six. By 1985, it is estimated, about 6.6 million women with children under five will be in the labor force.

The most recent survey indicates only about five percent of the children have been cared for in group centers, although it is probably larger by now. The rest are cared for by relatives, in the homes of neighbors or by older children. But the fragmentation of families makes it increasingly difficult for mothers to rely on having a kindly elderly relative around to look after the kids. The federal program is the only alternative, and it has not been offered on a large scale.

The day care cutbacks are going to make thousands of struggling mothers completely dependent. They would prefer to amount to something, and they could with a little help.

A WAY TO REMEMBER

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 1973

Mr. RANGEL. Mr. Speaker, it is not enough to honor our veterans with parades, and cheers and words. They need and want jobs.

In this light, I want to applaud the efforts of Bankers Trust Co. in New York, which currently employs approximately 1,500 veterans. It will take similar outstanding and progressive efforts on the part of employers and companies across the country to give our veterans what they truly deserve.

I submit a recent editorial from the New York Daily News on the efforts of Bankers Trust to employ veterans:

A Way To Remember—these fine young men that will give them a lift in body as well as spirit. As President Richard M. Nixon said on Saturday, employers should give top priority to recruiting and hiring veterans.

The President praised (though not by name) the efforts of Bankers Trust here in New York, which employs 1,500 ex-servicemen, including many with severe handicaps.

More can be done, and should be done, by American business. Let's show these men by actions as well as words our profound gratitude for their sacrifices.

UNION BRIDGE WELCOMES EDDIE DRABIC HOME

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 1973

Mr. BYRON. Mr. Speaker, not only the POW's but also their families and friends have suffered years of anguish during the period of their captivity. Now is a time of rejoicing as we share in the joy of the release of husbands, sons, and brothers.

Last week, Eddie Drabic, recently released from North Vietnam, returned to his hometown of Union Bridge, Md. I would like to share the account of his happy return from the Frederick Post:

UNION BRIDGE WELCOMES FORMER POW—EDDIE DRABIC COMES HOME

(By Martha Raver)

Eddie Drabic came home Friday to an old fashioned hero's welcome in Union Bridge.

High school buddies, town officials, VFW Post 8806, and a crowd of friends and neighbors greeted Sgt. Drabic as he drove into town from Valley Forge Military Hospital in Pennsylvania.

A color guard of 4 Vietnam veterans and a parade of cars led the returning prisoners of war up Main Street past flags, signs and hundreds of people.

"Oh, it's so good to be home again," Drabic said over and over as he picked familiar faces out of the crowd. In the center of town, people swarmed over Drabic's car halting the procession with shouts of "Welcome home," and "God bless you, Eddie."

The parade swung down the hill past the Lehigh Portland Cement plant to Eddie Drabic's house on Lightener Street.

Stepping into the crowd, Drabic paused as he searched each face and then remembered a name, good times, four years ago.

Grown men had tears in their eyes as Eddie gave them each a bear hug. "My old buddy," he cried, holding a school friend close.

"I never forgot any of you. Honest I didn't," Drabic told another man.

Nothing seemed to have changed in the little town since Drabic went into the Army four years ago, "except the children," one woman said.

The news boy, the little girl next door, a good friend's kid brother are now inches taller. "Boy, you've grown," Drabic said to many.

Drabic slipped out of the crowd for a few minutes and walked with his sister Nancy Blacksten up the back yard to see his dog Snoopy. The aging beagle was the only Union Bridge resident Friday who wasn't quite sure who Eddie Drabic is.

"You've got to get your fishing rods out, Eddie. We'll go fishing in Liberty just like always," an old friend said.

"Coming back to Mithhell?" another asked. Drabic worked for the Union Bridge trucking company before he was drafted and his job is still open, Bob Myers said yesterday.

Almost every house and store in the little town was decorated Friday with flags and homemade signs of "Welcome home, Eddie Eddie."

A child's crayon drawing, original poems and cartoon characters repeated the message again and again.

"God loves you. And so do we," a sign read.

"Rejoice with the Drabics. Eddie's home," said another. "Welcome home Eddie. From all the bad boys in the cement row," said a sign from J.W. and R.W.

THE IRISH AND ST. PATRICK

HON. HAROLD D. DONOHUE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 1973

Mr. DONOHUE. Mr. Speaker, at this point in the RECORD I wish to include the excellent and eloquent address of Judge Joseph M. F. Ryan, Jr., Associate Judge to the Superior Court of the District of Columbia, to the members and ladies' auxiliary of the local Ancient Order of Hibernians assembled at the annual St. Patrick's Day banquet at the Sheraton Hotel in Silver Spring, Md., last March 17.

In his speech Judge Ryan emphasized that the basic teaching of St. Patrick was the urgent need, for a well ordered life, of each individual to develop self-discipline in accord with divine laws, which is a lesson and an admonishment that merits the most serious attention of all God-fearing people everywhere, especially during this very turbulent period of national and international history.

Judge Ryan's address follows:

JUDGE RYAN'S ADDRESS

The opportunity to address persons of Irish ancestry, and particularly a gathering of the Ancient Order of Hibernians, on this special day is truly an Irishman's dream. One would have but a slight reservation in such a situation—what shall I say that has not already been said and probably with greater eloquence? Today, March 17th; the Saint, Bishop Patrick; the land, Ireland; the people, the Irish, and those who spring from Irish heritage, require no panegyric reminding or extravagant extolling. On numerous occasions they have all come in for an abundance of praise and honor.

Although the day we celebrate is the Feast of St. Patrick, the thoughts conjured up include the land, the Saint, and the people. What can be said of the land? Its greatness lay not in its size, nor in its singular solitary exposure to the ravages of North Atlantic Seas. It certainly is no tropic isle, nor even the Florida Keys. From the Middle East site of the Garden of Eden it could scarcely be more remote. But to those who have been privileged to be there, or who have their roots in the Emerald Isle, there is no prettier place on this planet, no more peaceful place to be.

But, for all the beauty it possesses, it is still a demanding land. It knows all seasons intimately and tempers not a one. As a sole source of sustenance it grudgingly reserves its produce for only those who earn it.

By the force of historical events it has permitted to dwell there only those who fought to hold each square inch of its sod. Even Rome's mighty legions were brought up short and unable to conquer it. But the land taught a lesson. Its people were the pupils. They learned the value of that for which they had to fight, and they were more grateful for a sustenance they had to wrest from a stubborn terrain. What they thus gained and harvested they treasured all the more. No easy life was offered them. To survive they were forced to work and fight. Yet, a peculiar kinship between man and land developed as a result of this daily confrontation with the forces of nature.

No surprise should it be then that through the catalystic effect of a man named Patrick they were brought to a recognition of their real relationship to nature and nature's God. There have been critics and debunkers who are quick to point out that Patrick was not born in Ireland, he came from some other place. But no matter what is said, he came to Ireland. It was his chosen land and whether Patrick was Irish or the Irish were Patrick is of little moment. The amalgamation of the two produced a dynamic force and a people from that land whose influence today has permeated and penetrated the periphery of civilization.

Although he came to them as a man of God, a God whom he convinced them to be true, he would never have achieved acceptance had he not first satisfied them he was himself a man. He taught them a new, strange and demanding doctrine, requiring first a discipline of oneself. He exemplified his very teachings. His lesson was a live one. He was a man the Irish could follow and in whom they placed their trust.

But then what of the Irish, the people? From whence did they spring or originate? Jokingly, some of our friends say they are the lost tribe of Israel. It is, of course, not inconceivable. Ireland does lie to the Northwest of Israel and the Irish today still tend to the Northwest. But from wherever they came, they drew one common characterization from all of history's commentators: our predecessors were fierce. But fierce is the term enemies use for the same quality for which your friends give you praise as fearless. The people who inhabited the Emerald Isle prior to the coming of Patrick were unquestionably fierce and fearless. Patrick, however, taught them fear—but a proper fear, a fear of the Lord, a fear of their Creator.

To all the peoples and creatures they remained fierce and fearless. But they unashamedly professed and reserved a fear of their Creator. To what places they have ventured and to what heights they have risen, history is a far better chronicle. Their names, fame and accomplishments have spread far and wide. But the one identifiable strain which follows all Irishmen to the ends of the earth is the threat of religion sown by Bishop Patrick. The binding tie he left each Irishman is a recognition of his relationship to his God and his dependence upon that Supreme Being.

So Patrick taught them fear, but it was a fierce fear that became a burning fire—a fire which in a short time has engulfed the earth. It is unnecessary to remind this group of the heroism of the Irish through the ages. The wild geese, the countless Irish brigades of many nations, the contingent of Irish on whom our first president, Washington, relied most heavily at Valley Forge. In both World Wars Irish soldiers distinguished themselves. In the Second World War British authorities admitted that the number of Irish volunteers exceeded the number who could have been obtained through a draft. Moreover, of the ten leading aces in the Royal Air Force, four were Irish volunteers.

But lest emphasis be misleading, their prowess lay not alone in arms, for by the sixth century the land was known as the Isle of Saints and Scholars. Indeed, in many respects, during some of the church's darkest days they were the firm bastion of Christianity.

But when we say Irishmen we of course include the Irish ladies. Without such ladies there would be no Irishmen. What can we say of the Irish ladies? Call me prejudiced if you will, but I picked one for my mother and one for my wife. As girls you'll find none prettier, as companions there are none wittier. As wives there are none better and as mothers they are unequaled. And the courage of an Irish lad derives not always from his dad.

But the Irish colleen took her duties seriously whether it be as sweetheart, wife, or mother. Her home was her interest—her husband, family and no other. No greater tribute can be paid than to say that behind every successful Irishman there was a courageous wife and mother. No race of women in history have weathered more adversity as they clung to their men and homes reserving all the while the values of family, love, morality and a devotion to almighty God.

What then shall we say of these people—the Irish, these Irish men and their ladies?

Look for those who love nature and a closeness to the land.
Never bored, they're self-sufficient, they come from Ireland.
Mark the man who with pride of family reaps the joy of simple life,
Finding peace amidst suffering, displaying courage amid strife,
With a heritage of honor and royal blood within his veins,
He has fought in countless battles and in many different reigns.
Yet he also built our railroads, dug canals and tilled the plains,
And in varied statesman offices he made substantial gains. These were Irishmen!

It is good from time to time to recount our blessings and to reminisce on thoughts such as these. For one cannot then help being thankful for the land, the Saint, and the people. Let me conclude by saying on such a fitting occasion, let us give voice to such thanks:

LAND

I give you a land which tells man his real worth with a climate as testing as any on earth.

I give you a land that is true emerald green,
With mountains and lakes that are best ever seen.

PEOPLE

I give you a people whose message is mirth,
Whose music and laughter enriches the earth.
I give you a people called fierce at one time,
Whose learning and wit now help make life sublime.
I give you a people whose secret of living is a
Fear of the Lord and a real thrill of giving.

ST. PATRICK

I give you a man who brought God to that land,
Who kindled a fire of burning desire
Which united that people to such an extent
It identified them wherever they went.
I give you St. Patrick, Erin's primate,
Who gave form to that substance we now celebrate.
On this eve in March with a shout from afar
All praise to St. Patrick and Erin go Bragh!

WELFARE SCANDAL—VII

HON. VERNON W. THOMSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 1973

Mr. THOMSON of Wisconsin. Mr. Speaker, the clumsy bureaucracy which administers our antiquated and ineffective welfare programs has contributed to the failure of these programs to fulfill their intended humanitarian purpose.

Today I am inserting in the Record the seventh installment of a series run recently in the Milwaukee Sentinel exposing the mismanagement of an estimated $28 million in welfare funds last year by the Milwaukee County Welfare Department.

The easy access to welfare funds even for those not qualified for assistance is compounded, say reporters Gene Cunningham and Stuart Wilk, by the administrative inefficiencies which continue payments or make double payments to those who should no longer be receiving assistance.

It is time to call a halt to this seemingly endless chain of abuses and establish some order and efficiency in our efforts to aid the needy.

Aid Paid in Error—Or Twice

(By Gene Cunningham and Stuart Wilk)

"Gentlemen, I am amazed that you are not aware that Mrs. — is off the (welfare) rolls. I wonder how many thousands (of dollars) you mailed out this month won't come back?"

That note was sent to the Milwaukee County Welfare Department by a person who had been paid for the bill of a woman who was no longer on welfare. He returned the check with the note.

Another person also sent a check back to the department—the second payment he had received in one month for the room and board of a welfare recipient.

"I got what Willie paid for rent and board. Here your check back," the man wrote to the department. "If you think I got one to many let me no I send it back."

The department once paid the foster care for a child for almost three years after the child had been removed from the foster home.

In August of 1967, the child was removed from the home and placed in the State School for Boys at Wales. The welfare department continued paying the foster mother until April of 1970.

"Notice was not received by the accounting department of the removal of the child . . ." a department supervisor reported when the error was finally discovered.

The removal of the child did show up early in 1970 but "was overlooked by the accounting department," another employe reported.

An agreement later was worked out with the foster mother, arranging repayment of the money she had erroneously received.

Under the agreement, she was to repay $110.50 a month to the department until the entire $3,759 she had received through error was repaid.

A year later, the business office of the department reported that the woman had only made five payments—one for $15 and four for $50 each.

An auditor assigned to the welfare department by the county auditor's office said she has "run across a lot of double payments."

Once something gets on the computer for payment, it isn't stopped, so double payments result, she said.

It has been said, "It's easier to get on welfare than it is to get off."

"The solution is not to look for double payments but to correct the system so it will prevent double payments," said Carl A. Seydewitz, county audit director.

Arthur Silverman, director of the welfare department, said there are "very few double payments."

Double payments, in the sense that two checks were sent paying for the same thing, "should be a rare situation," Silverman said.

The Sheriff's Department Fraud Squad told of one month in which a quantity of welfare recipients received double checks.

The department was transferring a number of recipients from general relief payments to payments under specific categories of aid, a deputy on the squad said.

The switch was made and the checks went out under the new categories, he said. But then someone discovered the general relief checks for the same recipients hadn't been stopped. Everyone involved received two welfare checks that month, he said.

"How can you charge the client with fraud in a case like that?" the deputy asked.

A former accountant in the welfare department said there were a lot of double payments in 1971 when the computer that is used to issue welfare checks was not programmed correctly.

The computer, he said, was allowing general relief checks to go out at the same time that checks under another aid category were going to the same people.

Much of the problem relating to double checks, the accountant said, is caused by caseworkers who don't close the cases, so payments continue in one category after they have already been started in another.

If the old payment isn't stopped when the new one is started, double checks result, he said.

Double payments also result from the system of replacing "lost" checks.

Some of the checks actually are lost by the recipients. Some are not, although they are reported as lost.

When a recipient reports that his check was lost, the department often issues a replacement check only to find later that the "lost" check already had been cashed, according to an official in the county treasurer's office.

If a person receives and cashes both the original and a replacement check, he is referred to the welfare department for fraud investigation, said Edwin W. Kornblum, administrative assistant in the county treasurer's office.

"The county, in effect, has made a double payment," Kornblum said.

Some recipients, he said, say that the endorsement on the "lost" check is not theirs, in which case they are asked to come to the treasurer's office and sign a forgery statement to that effect.

If they don't show up at the treasurer's office, then the assumption is that they did receive and cash both checks, he said.

The money the welfare department wastes in double and duplicate payments is all county tax money.

The federal government and the state do not share the cost of duplicate and erroneous payments, officials of the State Department of Health and Social Services said.

Welfare funds are 56% federal money, 26½% state and 17½% county.

Pay the same person or the same bill twice and it's 100% county tax money.

THERE MUST BE AN ANSWER

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 1973

Mr. ZWACH. Mr. Speaker, one of the big problems in countryside America is the shortage of medical doctors. There is hardly a community in our Minnesota Sixth Congressional District that does not need at least one medical doctor. Some communities have hospitals and clinics but no medical doctors to staff them.

In the 92d Congress, I introduced legislation designed to provide more medical school graduates and in particular general practitioners for the countryside.

Gordon Duenow, editor of the St. Cloud Daily Times, in our Minnesota Sixth Congressional District, recently wrote an editorial on this matter which, I believe, should be read by every Member of Congress so that they may increase their concern over our medical doctor shortage.

Congress does have the tools to alleviate this shortage. An expanded medical school program would pay more dividends than some of the Federal programs on which we are lavishing Federal funds.

When, as Editor Duenow says, 735 Minnesotans applied for admittance to our Minnesota medical schools who had places for only 40, there is something drastically wrong with our planning.

I would like to insert Mr. Duenow's editorial in the RECORD and highly commend its reading to my colleagues:

THERE MUST BE AN ANSWER

It is possible that we just don't understand what the problems involved are but it does seem strange to us that while so many students aspire to become doctors some way can't be found to make the dreams of those qualified become a reality. Certainly there is no over-supply of doctors in the United States.

We were reminded of this when it was reported that 735 Minnesotans applied for the 40 places in this coming fall's entering freshman class of the new Mayo Medical School. Only 36 Minnesotans were selected with the other four from outside the state. More than 1,700 applicants competed for the four positions granted to students from outside the state.

Thus it can readily be seen that there are hundreds of qualified young people who want to become doctors but there just isn't any place where they can get a medical education.

While there is a desperate shortage of doctors in all fields, colleges and universities continue to graduate students every year in fields which are far overcrowded. In many instances, there just aren't any jobs in the areas for which the students have been educated. It is possible that some of these graduates also had ambitions to become doctors but were forced into other fields because they just couldn't gain admission to a medical school.

We know there are more than enough teachers and there is an over-supply of qualified graduates in almost any field. We have a drawer full of applications from highly qualified young people seeking employment in the newspaper field. There just aren't enough newspaper jobs to go around.

Just why it isn't possible to provide educational opportunities in the medical field is difficult for many of us to understand. We know operation of medical colleges is expensive. But it also takes a lot of money to educate young people for jobs which can't be found in today's job market.

We desperately need more doctors. Young men and women are eagerly seeking an opportunity for a medical education. Somehow a means surely can be found to fulfill the demand for doctors which exists and at the same time fulfill the ambitions of thousands of qualified youngsters. G.E.D.

CORRESPONDENCE ON VETERANS BENEFITS

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 1973

Mr. JONES of Tennessee. Mr. Speaker, recently I received a letter from one of my strong willed and outspoken constituents who is also a disabled veteran. In that letter, Mr. O. S. Bramlett of Tiptonville, Tenn., states his views on programs providing veterans benefits. With the permission of Mr. Bramlett, who is a quadriplegic, I include his letter in the RECORD at this point:

TIPTONVILLE, TENN.,
March 4, 1973.

Hon. ED JONES,
House of Representatives.

DEAR MR. ED: I have seen you guys up there all week pertaining to the raw deal all of us vets are getting. I've written W. J. Bryan Dorn, Olin Teague, Talmadge & others of the Vets Affairs Committee. I've heard from Dorn already.

I saved you till this time for a reason. As you know I'm totally paralyzed from the neck down & unable to speak. I type with one finger & in order to do this my aid has to put my arm up in an overhead sling so I can slowly peck out a letter with one finger of my right hand.

I am a non service-connected quadriplegic. My degree of injury can well be classed as one thousand percent, yet due to a SS raise I got a cut in my VA pension. I get a big ole one hundred & ninety five bucks. Me and all other quads are definitely entitled to a flat thousand a month & the proper legislation to insure no cuts for nothing. Furthermore we should receive any & all medical treatment needed & all posthetics & rehab. equipment needed. I'm speaking of non service-connected quadriplegics. Reckon you could get along without your legs, arms, voice and a number of other things we fellows are forced to do without?

You fellows are setting the stage for the greatest mass march on Washington by all veterans from all wars in the history of the world & you make sure you inform the rest of the House & Senate those words.

The very idea of a Senate & House letting the President try his budget cutting on disabled veterans so he can have a hundred & sixty million.

If there's any cutting to do, cut out the assinine talk of aid to Hanoi. I'll put it plain, brother I wouldn't give one American life for all of Vietnam.

I respect this great country, I respect the U.S. flag, I respect the Office of the President, but this cut I took and the cut the President has tried to hand Vietnam vets has made me sick in the gut. Every fighting man in our services ought to stop right where he is. It's the height of all cruelty for any disabled vet to suffer any kind of cut for any reason.

I see in last nite's news where Ralph Nader stepped in. That's good, somebody better straighten this out and you can commence by getting to your colleagues in the House, Olin and Dorn and raise us non service-connected totally paralyzed quads up where we can at least live decent.

My next letter goes to Gov. George Wallace who knows what it is not to be able to walk. I'm going to ask him to speak out for the non service connected veteran and you all know how Gov. Wallace can drive his speeches home. Although he is just paraplegic where I'm quadriplegic and even unable to speak. You have a voice, speak out for us fellows.

The President has no right to impound monies appropriated by Congress. Doesn't Congress have any guts any more. Why is all the power flowing to the White House? Stop it . . . What happened to the checks and balances? We're paying you fellows over forty grand a year a piece for nothing if you are going to let one man run the show.

Then my next letters will be directed to the news media. The whole country needs to know the plight of the non-service connected quad.

I'd like to remind you that the Bible says, "He who fails to take care of his own is worse than an infidel."

I'm a quadriplegic of the U.S.A., a navy veteran, and we need some help from our U.S. Congress and we need it now. And we don't need sympathy, that don't pay the inflated bill.

Sincerely,

O. S. "SHORTY" BRAMLETT.

P.S.—Us non-service boys are just as paralyzed as the service-connected.

If a quad is so severely paralyzed as to require full time aid, he needs to be rated service-connected.

ARCTIC WINTER GAMES BILL

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 1973

Mr. YOUNG of Alaska. Mr. Speaker, today, I have introduced a bill to authorize the appropriation of $150,000 to assist in financing the Arctic winter games which will be held in the State of Alaska in 1974.

As you may know, a similar measure which sought a $250,000 appropriation, passed the Senate last May 10 without objection. However, the press of business prevented it from being considered by the House last spring. A lesser appropriation is in order at this time, I believe, because the Armed Forces in Alaska have since agreed to provide food for the contestants at a nominal fee, and private donations have surpassed the original expectations of the organizing committee.

Still, an appropriation in the amount of $150,000 is needed if the games are to be held next March in Anchorage, Alaska.

The first Arctic winter games were held in Yellowknife, Northwest Territories, Canada, in 1970 under the joint sponsorship of the State of Alaska and Canada's Yukon and Northwest Territories. The games were organized to strengthen the common bond that exists between nations and territories whose lands lie above the 60th parallel.

In the past, approximately two-thirds of the funding for the games has come from the Canadian Government. In support of the 1970 Yellowknife games and the 1972 contests which were held in Whitehorse, Yukon Territory, the Canadian Government contributed almost $500,000. The State of Alaska appropriated $30,000 toward the first pair of games.

During this time, the U.S. Government has made no contribution toward the games. It is estimated that $150,000 is the minimum amount needed from the Federal Government in order to bring the games to Alaska next year; this is the reason for introducing this bill today.

Since their inception, the Arctic winter games have grown substantially. Thousands of American and Canadian spectators have watched young people from both nations compete. Greenland, Iceland, Denmark, Norway, Sweden, and Finland are counted as possible future competitors.

Greenland even now is exploring the possibilities of sending a team of competitors to Alaska for the 1974 games.

I urge Congress to assist in funding this worthy event. For as these games progress and grow, they will expand to provide a forum for international peace and understanding between the young people of all northern nations and territories.

VOCATIONAL REHABILITATION ACT AMENDMENTS OF 1973

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 1973

Mr. FORSYTHE. Mr. Speaker, now that the Senate has upheld President Nixon's veto of the Vocational Rehabilitation Act Amendments of 1973, the House should promptly turn its attention to approving a bill that will continue this meaningful program and that will be signed by the President.

I believe that such a bill is already available to us, Mr. Speaker. I refer to legislation drafted by our colleagues, Mr. ESCH of Michigan and Mr. ERLENBORN of Illinois, which authorizes total funding for fiscal 1974 of $799.5 million as compared to $1.69 billion in the vetoed measure.

It is unfortunate, Mr. Speaker, that the issue of vocational rehabilitation has become entangled in the conflict of congressional and Presidential power that is presently underway on Capitol Hill.

Far more important, in my judgment, than setting authorization levels that cannot possibly be met and only inviting more impoundment of funds, is the serious need to provide funding consistent with the need and with the budget.

The Esch bill, which I have cosponsored, does not establish new programs for any particular group. It, instead, allows for flexibility in carrying out present programs.

Title I of the measure establishes basic Federal-State grants for upgrading and expansion of State services to the handicapped. It calls for State plans and sets up regional offices to advise and assist States and other groups involved in programs to aid the handicapped.

Title II of the vetoed bill is replaced with a section authorizing the Secretary of HEW to conduct experimental programs for, and study the needs of the severely and minimally retrainable handicapped who are not presently eligible for services provided under the act.

Title II of the Esch bill establishes special Federal responsibilities in construction, vocational training, and other special projects and demonstrations.

Title III provides grant for research and training. Title IV provides for administration and project evaluation, and title V establishes an Office of the Handicapped to advise, provide information, and complete research data.

Mr. Speaker, there is still time for this House to act on vocational rehabilitation and to give agencies back in the States and counties the assurance that the Congress and the administration strongly support continuation and improvement of this very important and worthy program.

I would like to urge my colleagues to join in support of this new measure so that this assistance can be provided without further delay.

JAMES J. KILPATRICK SPEAKS OUT ON THE CORRUPTION ISSUE

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 1973

Mr. KASTENMEIER. Mr. Speaker, the shady economic and political dealings of this "law and order" administration have become too blatant and too excessive even for the White House's natural allies in the press to tolerate.

The lack of any effort on the part of the White House to cleanse itself from some of the worst corruption in the Nation's history has prompted conservative columnist James J. Kilpatrick to ask, "What in the world is wrong with Richard Nixon?"

Mr. Speaker, I would like to share with my colleagues the March 30, 1973, Washington Evening Star article in which Mr. Kilpatrick expresses his disgust with the White House gang.

The article follows:

SQUARELY CONFRONTING CORRUPTION ISSUE

(By James J. Kilpatrick)

It is time for those of us on the political right, drawn by instinct toward the Nixon administration and the Republican party, to face up squarely to the long-simmering issue that now threatens to boil over. The issue is corruption.

For understandable reasons—reasons rooted in human nature and in the partisan spirit—many of us have tended to avoid the issue. Since the first ITT case blew up a year ago, conservatives have been fighting defensive battles. These have been months of embarrassment, discomfort, bewilderment and shame. We have apologized, minimized and justified. Both in public and in private life, Republicans have shown surpassing loyalty. But loyalty has its limits, and mine, at least, have been reached.

One thing has followed upon the heels of another. There was the settlement of ITT's antitrust case. There was the milk deal, the wheat deal, the carpet deal. June brought Watergate. Now we learn of the Vesco deal. A rich woman has bought herself a pretty title: She is Mrs. Ambassador now. ITT, it develops, once seriously proposed to buy from the CIA $1 million worth of subversion.

This has been a year of charge and accusation, of innuendo and suspicion, of images that linger in the mind: Dita Beard in a buffet line, would-be burglars in a darkened office, money—big money, cash money—hand-delivered in packets of $100 bills. The tragic tale has been played on a shadowed stage. Characters come and go, their roles unclear, their lines obscured, their presence clearly felt if still unseen.

Those of us in the audience, mystified and anxious, have prayed for some burst of cleansing light, some blazing sunshine that would burn the noxious mist away. We have prayed in vain. Denials firm have been followed by denials not quite so firm. Events that should have been explained have gone unexplained. The White House record, by and large, has been a record of evasion, dissembling, expostulation and silence.

The anguished heart will not be stilled: What in the world is wrong with Richard Nixon? One might have supposed, looking back 20 years to the time of the "Nixon fund" and the Checkers speech, that he above all men would be keenly sensitive, acutely sensitive, to the slightest appearance of impropriety. Clean as a hound's tooth! That was the standard Dwight Eisenhower fixed, and to that standard Nixon once willingly repaired.

No such telling phrase has come from Nixon's lips these past 12 months. An ugly charge was voiced a year ago: The International Telephone & Telegraph Corporation, caught in a crucial antitrust prosecution, had wangled a favorable settlement out of court; in return, or so it was implied, ITT had made a generous offer toward a Republican convention in San Diego.

In the face of such a charge—a charge of corruption—it was not too much to expect an angry and explosive reaction from the President himself. We should have had instant documentation of the facts, full exposure of the truth, complete access to every person and every record, and if there were indeed malfeasance, we should have heard the sound of rolling heads. Nothing of the sort occurred.

By the end of June, 10 days after the news of the Watergate bugging burst upon Washington, it was clear to every schoolboy that this was no "caper." The astounding, dismaying truth began to emerge that men in high places had known, or should have known, of this squalid, disgraceful and inexcusable affair. Yet that truth emerged in bits and pieces, not with the eager help of an outraged President, but against a wall of hostility, indifference and resistance.

Recent revelations of the "Vesco deal" are for me the last straw. It is incredible, simply incredible, that the President's advisers could have accepted one penny, or made one telephone call, or opened one door, at the suggestion of a man in serious trouble with the SEC. The first breath of this $200,000 campaign contribution must have reeked of impropriety. But the blind monkeys on whom the President relied could see no evil and hear no evil, and plainly they could smell no evil either.

It is late, but not too late, for Nixon to exert his personal leadership in clearing the air. If he fails to grasp the seriousness of the situation, and to respond effectively to it, he will yet forfeit much of the respect he has fought so long to earn.

STRONGER ANTICRIME MEASURES SPONSORED BY CONGRESSMAN JOHN D. DINGELL

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 1973

Mr. DINGELL. Mr. Speaker, the United States must enact and enforce stronger anticrime laws and I am introducing legislation today to make it a Federal crime to murder or assault a fireman or law enforcement officer engaged in official duties of protecting law and order.

I feel there are few issues that concern our residents as much as acts of crime and violence.

I want to see a law on the books that states whoever murders a law enforcement officer or fireman engaged in the performance of his duties shall suffer death. That is exactly what my bill requires.

The legislation further requires that "whoever assaults a law enforcement officer or fireman would be imprisoned for up to 10 years, or fined as much as $10,000, or both."

The Federal penalties under my bill would also pertain to any person traveling in interstate commerce or using any facility of interstate commerce who commits such a crime against a law officer or fireman.

Mr. Speaker, despite what the White House and the FBI report as being a decline of 3 percent in 1972 in the crime rate affecting burglary, larceny, and auto theft; according to the administration's announcement March 29, there must be a tougher system of sentencing convicted criminals in the United States if we are to stop acts of outrageous violence which increased in 1972.

The FBI statistics show that murder, rape, robbery, and assault increased by 1 percent for the past year. While the administration touts that as being a far lower rate for crimes of violence than any in the past, it nonetheless is an increase and our citizens remain ravaged with fear of criminal activities.

The police and the courts have got to tell the criminal that we mean business and enforce the laws on the books while the Government provides the tools and the Congress provides the laws to fight crime.

I also have sponsored legislation to stiffen the penalty against those persons who use a firearm to commit any crime.

This second anticrime measure was introduced January 30. It is H.R. 3257 and it would strengthen the penalty provisions of the Gun Control Act of 1968. It would require sentencing of a person who is convicted of a felony, and who used a gun in the commission of the crime, to a term of imprisonment for not less than 1 year or more than 10 years.

Additionally, in the case of subsequent convictions of the same person for a crime involving the use of a firearm; that person would be sentenced to a longer term of not less than 25 years, no suspended sentence, no parole, and the term of sentence could not run concurrently wth the term of imprisonment imposed for the commission of the felony.

Mr. Speaker, I urge early action and swift enactment of these crime control measures, and include the text of these two bills at this point in the CONGRESSIONAL RECORD.

H.R. 6505

A bill to make it a Federal crime to murder or assault a fireman or law enforcement officer engaged in the performance of official duties by any person traveling in interstate commerce or using any facility of interstate commerce for such purpose

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 18 of the United States Code is amended by adding at the end of chapter 51 the following new section:

"§ 1116. Murder or assault; law enforcement officers and firemen.

"(a) Whoever murders a law enforcement officer or fireman engaged in the performance of official duties shall suffer death.

"(b) Whoever assaults a law enforcement officer or fireman engaged in the performance of official duties shall be imprisoned for not more than ten years, or fined not more than $10,000, or both.

"(c) This section shall not be construed to evidence an intent on the part of the Congress to prevent the exercise by any State of jurisdiction over any offense with respect to which such State would have had jurisdiction if this section had not been enacted by the Congress.

"(d) For purposes of this section:

"(1) The term 'fireman' means any member of a fire department of any State or political subdivision of a State or any volunteer fire department organized or administered under the laws of any State or political subdivision of a State.

"(2) The term 'law enforcement officer' means any officer or employee of the United States, any State, or any political subdivision of a State responsible for the enforcement of any of the criminal laws of the United States, a State, or any political subdivision of a State, or the prosecution or conduct of any trial or appeal arising thereunder, or the enforcement of any sentence or decree imposed therefrom.

"(3) The term 'assault' means any assault which is punishable under the law of the State where the assault occurred by imprisonment for one or more years."

(b) The table of sections of chapter 51 of title 18 of the United States Code is amended by adding at the end thereof the following new item:

"1116. Murder or assault; law enforcement officers and firemen.".

H.R. 3257

A bill to strengthen the penalty provisions of the Gun Control Act of 1968

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of section 924 of title 18, United States Code, is amended to read as follows:

"(a) Whoever—

"(1) uses a firearm to commit any felony which may be prosecuted in a court of the United States, or

"(2) carries a firearm unlawfully during the commission of any felony which may be prosecuted in a court of the United States, shall, in addition to the punishment provided for the commission of such felony, be sentenced to a term of imprisonment for not less than one year nor more than ten years. In the case of his second or subsequent conviction under this subsection, such person shall be sentenced to a term of imprisonment for not less than twenty-five years and, notwithstanding any other provision of law, the court shall not suspend the sentence of such person or give him a probationary sentence nor shall the term of imprisonment imposed under this subsection run concurrently with any term of imprisonment imposed for the commission of such felony."

OPPOSITION TO INTEREST RATE PROVISIONS OF SECTION 204

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 1973

Mr. HANNA. Mr. Speaker, regretfully I must announce to the House that I am disassociating myself from H.R. 6168 introduced by the chairman and several members of the Committee on Banking and Currency on March 27, 1973. I cosponsored the measure with serious reservations about section 204 as it pertains to interest rates. I had hoped that this section would be amended in such a way as to insure a favorable economic impact from the bill. Since that does not appear to be the case, I can no longer support the bill.

I am providing for the RECORD my testimony before the Banking and Currency Committee in which I explain my opposition to the interest rate provisions of section 204.

The testimony follows:

STATEMENT BY RICHARD T. HANNA

Mr. Chairman, Members of the Committee, I thank the Chairman for allowing me to appear before my colleagues in the role of witness. I devoutly hope that the subject matter of my remarks will justify your courtesy and attention.

I am keenly concerned over the proposal to freeze interest rates as set forth in the bill before us. As a co-author, it is one of two aspects for which I entertain strong reservations. I will attempt to outline as clearly as I am able the magnitude of my concern.

First, I am greatly distressed with the approach to the problem of interest rates under Phase I, II and III, and the results this approach produced. The wrong-headedness of efforts used to suppress the "prime rate" is so evident as to make the need of an alternative compulsive. One course definitely more disasterous would be a *freeze,* which would set these past mistakes in cement. Let me be specific.

The "prime rate" is the interest return banks require from their biggest and best borrowers. These are the giants of the corporate world, companies like I.B.M., G.M., I.T.T., etc., etc. All have substantial lines of credit in as many as twelve to fifteen of the large and medium size banks of the country. By artifically depressing the rate charged these customers to a figure below the actual market price for money in other capital centers, we guarantee the maximum use of all their credit lines. Since bank loans will be the cheapest source in the total capital game, these large corporations sop up much of the available lendable funds, and bump down the borrowing bench—

(A) The small businessman

(B) The consumer, and

(C) The home buyer.

The availability of capital to these three is substantially diminished and, ironically, these are the very people we as public servants hope to help.

May I remind you that the big borrower has ready access to every other source of capital in the diverse money markets; to wit—the commercial paper market; the corporate bond market; the stock market, and the Euro-dollar market. How can our legislation control the interest paid in these markets? I speak here of interest in the broad context of being the cost of the use of money, for the "discount" pays the cost in the commercial market; the coupon clipping pays the cost in the corporate bond market; the dividend pays the cost in the stock market; and the interest plus arbitrage pays for the Eurodollar market. Each of these competes against the other and all with the banks—"for the big borrower." The little man has no such alternatives. Why, then, should we set in legislation a guaranteed advantage for the large capital seeker?

Reflect on the already existing advantages that protect preference for the large borrower—

(1) Large corporations can provide good size "compensating balances," which leverage bank earnings.

(2) These corporations or large borrowers can provide attractive certificate of deposits for the lending bank.

(3) Larger loans are less costly per loan, thus assure better profitability.

(4) I hestiate to add—a newly discovered advantage for the largest of borrowers. That is, the U.S. Government as residual guarantor—examples are the Penn Central case and the Lockheed case.

With all this going for them why should we freeze an interest rate structure which has disporportionately benefited the strongest businesses, and has assisted all too little the three segments of the country which need our help—i.e., the small businessman, the consumer, and the home buyer.

Is there an alternative?

The Chairman of the Federal Reserve System, Dr. Burns, coyly suggested last week a two tier interest system. Spelling out what this would require—a thing Dr. Burns has been cautiously avoiding—

I submit the following:

One: Let the Federal Reserve get out from under their detailed concern for prime rates, and concentrate instead upon encouraging capital for the elements of our economy that have little or no alternative for credit borrowing than the banks and savings and loans.

Two: Provide incentives to roll back loans to this class of borrower, because the big boys can take care of themselves. They will play off their alternatives, one against the others, and get the best market.

Three: One incentive is to gear the borrowing window at the Fed to the paper generated from just these kinds of loans.

Four: Consider requirements of a certain percentage of bank loans to include a minimum portfolio of these borrowings. Setting favorable discount rates to assure a reasonable return to the banks.

The Federal Reserve specialists should be able to suggest other specifics to make this program feasible, and acceptable. Our basic challenge is, I believe, to get the public to understand that the prime rate holds no magic for the bulk or our citizens. Our problem is that the newspapers and economists have been "brainwashed" with the phrase "prime rate." There is a pervasive and misleading folk wisdom to the effect that if you know a things name, it follows it is understood and friendly. Nothing could be further from the truth.

This Committee should not rest until it has exhausted every alternative to both unacceptable propositions—A) the status quo and B) a freezing of this status quo.

Mr. Chairman, may I make this final observation. Much of what has been told us by a variety of witnesses comes down in agreement with the sentiments of Professor Bassie, who told us on Tuesday:

"I believe effective stabilization measures will be increasingly necessary over the indefinite future on an across the board basis . . . I do not favor a simple one year extension, because I feel that would be entirely inadequate."

This imperative fact is equally painful to the strong conservative and the enthusiastic liberal, but for separate and disparate reasons. To the conservative, it commands a departure from beliefs he thought were absolute and he knew were comforting. To the liberal, it dictates a departure from the thrilling rhetoric and heady freedom of an abstract concept.

For everyone and especially for this Committee it commands our grappling with the realities of an economy which has evolved in spite of our beliefs and outside the comforting confinements of out-moded phrases and ineffective programs. I warn my colleagues, to kennel a frisky dog is one kind of challenge, to kennel a canny fox is quite another. In a manner of speaking, we are setting out with a very poor appreciation of just what kind of critter we are seeking to corral by this legislation. My hope is that we will take some of our time to cultivate this much needed appreciation. I hope you will agree with me that the matter of interest rates is far more complex than our simplistic journalistic advisors have thus far demonstrated for our benefit and edification.

HON. BILL NICHOLS ADDRESSES THE ANNUAL STATE FRATERNAL ORDER OF POLICE CONFERENCE

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 1973

Mr. BEVILL. Mr. Speaker, on Sunday, my distinguished colleague from the Third Congressional District of Alabama, the Honorable BILL NICHOLS, addressed the annual State Fraternal Order of Police Conference in Montgomery, Ala.

In his remarks, Congressman NICHOLS discussed the various problem facing law enforcement officers today and legislation pending before this Congress to alleviate some of these problems.

Mr. Speaker, the job of the police officer is becoming more difficult every day; the job is more dangerous and it is more demanding. Congressman NICHOLS points these facts out in his speech and I include it in the CONGRESSIONAL RECORD for study by my colleagues:

FRATERNAL ORDER OF POLICE CONFERENCE

Thank you for your very kind remarks. It is a real pleasure for me to be here at the annual conference of Fraternal Order of Police.

From the beginning of civilization society has found it necessary to designate certain individuals to be responsible for enforcing the laws of that society and protecting human life and property. In ancient Rome, that responsibility rested with the centurion who was faced with the task of making it possible for civilization to survive against the onslaught of lawlessness.

Today, you gentlemen are the new centurions. You are the only buffer that stands between those forces of evil, crime and terror and our society. If left unchecked, these forces would bring our civilization to its knees. Whereas the Roman centurion had to have some qualities of leadership, his effectiveness was often judged by his size and physical ability. The new centurion, however, is somewhat different. While size is an asset, today's law enforcement officer must be intelligent as well. He must be a psychologist, a lawyer, a preacher, a doctor, and a sociologist. He must be able to make a decision in a split second, remembering all the time that he might be violating someone's constitutional rights—he must be aware of the fact that his split second decision might mean life or death—he must hold his personal emotions in check when he arrests a suspected cop killer, a child molester or some other thug who has committed a particularly horrible crime.

Today's law enforcement officer is a professional. Our society no longer gives a man a gun and a badge and says, "go enforce the law". Our state has now started an excellent educational program which will insure that all law enforcement officers are qualified and are professionals.

Our new policy in Alabama requires 240 hours in one of the four law enforcement academies set up in Alabama for all new police officers and those who have been in law enforcement for less than three years. This, plus on the job training these new officers receive while working with veteran officers such as yourself, will prove invaluable to them and to the society they protect. The law enforcement school at Jacksonville State University, Auburn University, the University of Alabama, South Alabama, Troy State and U-A-B are working well and many officers are now working toward a college degree in the field. These officers should be commended for attending school during their off-hours to make better officers. It is interesting to note that one recent graduate of Jax State is now the police chief in Roanoke: It is believed that chief Billy White, age 24, may be the youngest police chief in Alabama.

To further encourage our law enforcement officers to improve themselves through higher education, I have co-sponsored legislation with Congressman Bill Chappell of Florida which would amend the Omnibus Crime Control and Safe Streets Act of 1968. In essence, our proposed legislation is designed to compensate officers for courses taken at institutions of higher learning in law enforcement. Since we in Alabama have six institutions of higher learning offering degrees in law enforcement, I believe this will be very beneficial to our State. This bill is now pending before the Judiciary Committee.

All the formal schooling in the world, however, is useless without practical experience and this is where you members of the F-O-P come in. Most of you have been in law enforcement for at least several years now and I am sure you are aware of how much it has changed since you first joined the force. So be patient with the new officer and remember that while you are teaching him, you are also learning so both of you benefit—as does society.

I believe the citizens of the United States are now taking a different attitude toward the police officer. A few years ago, your image was tarnished and it seeemd that every arrested suspect was crying "police brutality" and his cry was often heard. Those charges are still being made although the number is diminishing, but the public is paying less attention. Instead, they are paying attention to the newspaper articles that say, "Two Deputy Sheriffs Shot to Death In San Antonio," "Two Delaware State Troopers Die in Gunfight," or "Sniper Slays Three New Orleans Police Officers." Last year, 112 law enforcement officers were killed in the line of deputy including officer Israel Gonzales of the Arlington County, Virginia Police Department who died while attempting to stop a bank robbery in a suburb of Washington, D.C. His death prompted a member of the Capitol Hill police force to write this poem in his memory:

The rains come down. the skies are gray
Another "cop" is buried today
His young wife mourns, her grief we share
A final tribute to show we care
He died with honor, he met the test
This man in blue, the Nation's best
We ask ourselves, "why must this be"
And who is next, maybe you or me
For the flowers wilt and lose their beauty
And a young man died in the line of duty
Still the rains come down, the skies are gray
Another "cop" is dead today
But the sun must shine, the rains must cease
So we say farewell, may he rest in peace.

While this poem was written in honor of Officer Gonzales, it stands as a memorial to all 112, including the three killed in Alabama, who died in the line of duty during 1972.

I am very concerned about the future of the families of those 112 men who gave their lives while protecting society during 1972. I am sure that many of these officers did not have adequate insurance to provide for all the needs of their families. In order to assure that the survivors of police officers killed in the line of duty do not face economic hardships in the future, I have introduced H.R. 874, the public safety officers benefits act. This bill would provide $50,000 to the family of police officers and firemen killed in the line of duty. This legislation is similar to a bill I introduced, while in the State senate. This legislation, which was passed in 1965, provided $10,000 to survivors of police officers and firemen killed in the line of duty. I believe this was one of the most worthwhile measures passed while I was in the State legislature. Ironically, the first to benefit from this law was the family of an Anniston fireman.

While this legislation might have been sufficient in 1965, it is no longer adequate to meet the economic needs of these families. The average income of a police officer in Alabama today is only $5,800, hardly enough to provide long range economic security for his family in the event of his death. Since this legislation affects all policemen and firemen in the country, the national F-O-P has undertaken a massive letter writing campaign to members of the judiciary committee, where this proposal is now pending.

You know, gentlemen, I don't envy your position today. While your stature has come up in the eyes of the average citizen, there is no doubt that it is open season on law enforcement officers. In 1971, there were 126 police officers killed and over 75,000 assaults—the number of officers slain during 1972 decreased but assaults continued to mount. In New York, there are approximately 300 assaults every month and the story is the same in much of the nation. The urgency created by this growing epidemic of attacks and killings with respect to police officers calls for the most stringent measures to protect our society, our government and our citizens.

I have introduced legislation which, I feel includes the stringent measures to protect our police officers from these attacks. This bill, H.R. 2372, has also been endorsed by the national F.O.P. First, this legislation makes the assault or killing of a police officer a Federal crime: secondly, it provides for imprisonment and/or a fine for those convicted of assaulting a policeman: thirdly, this bill provides for a mandatory death sentence for anyone who kills, with premeditation and malice aforethought, a police officer acting in the line of duty. It is my opinion that this provision complies with the supreme court on capital punishment since the jury has no discretion in the sentence: and finally, this legislation authorizes the attorney general to pay up to $50,000 for information leading to the arrest and conviction of anyone who violates this law.

Last summer, the Supreme Court made one of its most ridiculous rulings in history when it—in essence—struck down the death penalty. The decision, five to four, was extremely confusing with each Justice writing a separate opinion. Only two felt the death penalty was cruel and unusual punishment. What seemed to disturb the other three members of the majority was the fact that juries had the discretion of deciding life or death. A number of States have already passed new laws which will allow the imposition of the death penalty under certain conditions. These States believe that the new laws will comply with Supreme Court ruling. I very definitely believe that capital punishment is a deterrent to crime and I think the statistics will bear me out. In 1960, the United States had a murder rate per 100,000 population of 5.0: that year, there were 56 executions. In 1966, the murder rate was 5.6 and there was one execution. By 1971, the murder rate had skyrocketed to 8.5. There were no executions in 1971—in fact, there has not been a single death sentence carried out in this country since 1967.

A number of members in the 93rd Congress—and I am one of them—are concerned about the Supreme Court ruling. We have introduced a bill, in the form of a constitutional amendment, which would give the States the right to impose the death penalty for first degree murder and treason. I am sick and tired of our lawbreakers being coddled with society receiving the blame for whatever crimes they committed. The man who guns down a law abiding citizen, assaults and murders a child or kills a public safety officer has forfeited his right to live yet under today's laws, he cannot be executed. The Supreme Court ruling of last June spared the lives of over 600 persons including some convicted of particularly brutal crimes.

Several weeks ago in a Washington suburb, a group of men forced their way into a warehouse during an attempted robbery. They held a number of hostages, several of whom were shot, and then exchanged gunfire with police for about an hour. During the gunbattle, one of the robbers told a hostage, "We might as well kill you—after all, there's no death penalty." This statement underscores the need for capital punishment.

Gentlemen, I commend each of you. You have one of the most thankless jobs in our Nation. You are the target of more abuse than any other group of men in our Nation. But I am happy to see the situation changing. You are returning to a position of honor and respect. I am sure there are many reasons for this change—fear by the law abiding citizens for his personal safety—a tiring by these citizens of the lawlessness which continues in our country—and, of course, the 112 colleagues of yours who laid down their life during 1972 to protect society.

I would also like to pay honor to your wives. The life of a police officer's wife is not an easy one. There is always a certain amount of uncertainty—there is always the overcooked dinners—the holidays when your husband is working.

I often wonder why a man wants to be a police officer. The pay is not good, the hours are often long and the work is dangerous. I am sure your reasons are much more complex but I think it can be summed up easily—it's a desire to help your fellow man in a job that has to be done. I thank you for making police work your profession. Society owes you a debt—a debt that cannot be repaid. But hopefully, during the 93rd Congress we will be taking steps to begin repaying this debt. I hope this session of Congerss will pass this legislation which is badly needed and which will make your job just a little easier.

I thank you for the opportunity to speak to you today and I want to issue each of you a personal invitation to stop by my office when you are in Washington. We look forward to seeing you and repaying the kind hospitality you have shown to me today.

THE FICTION OF FOREIGN AID

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 1973

Mr. GROSS. Mr. Speaker, the February 1973 issue of Washington Monthly has published an article by William and Elizabeth Paddock which ought to be read by the Members of Congress since they will be called upon in the weeks ahead to vote on still another edition of the annual multibillion-dollar foreign aid program.

The article is adapted from the Paddock's book, "We Don't Know How," soon to be published by the Iowa State University Press. It describes the waste and utter futility of certain projects in the foreign aid programs through which billions of dollars have been squandered since the inception of the Marshall plan.

But let the Paddocks, through Washington Monthly, tell you of their experience in Central America in the following article:

THE CULTURE OF BUREAUCRACY: SO HARD TO REMEMBER, SO EASY TO FORGET

(By William and Elizabeth Paddock)

In the 1940s the American people began a long journey that was to take them to the hungry nations of Asia, Africa, and Latin America. It became an emotional crusade involving the government, national foundations, church groups, universities, and scientists. Other "developed" countries one by one joined us in this crusade. The United Nations took up the cause, declaring the 1960s to be the "Decade of Development." The total cost to the American people to the beginning of 1971 was 100 billion tax dollars plus the money and energies of the many nongovernment organizations.

This enormous expenditure has been justified for many reasons, but the dominating motive has been the conviction that we "cannot live as an island of affluence in a sea of poverty," that if the world is to have peace it must be stable, and for the poor nations to achieve stability they must be "developed."

In the last few years enthusiasm for the crusade has flagged as the development of the poor nations seems, somehow, always to recede, no matter how much money is spent, no matter how many new ideas are put into operation. In fact, by now, the only people who remain enthusiastic seem to be those of the receiving countries (provided they get to spend the money, themselves, without strings), and the staffs of the massive (and firmly entrenched) development bureaucracies inside and outside the government. As for the stability of the world, seldom has it seemed more elusive. Fighting for it with the sword of development has come to seem rather futile and out of date.

The authors, firm believers in the doctrines of development and long involved in the struggle, believed now was the right time for a report about foreign aid which would be not only optimistic but useful as a guide showing how a variety of development projects had indeed succeeded. We were thinking of more than a glorification of all those thousands of people who have given up the amenities of their homes and gone out to strike development sparks in the suffering areas of the world's hungry nations. We wanted to give an account of a dozen or more effective development programs in the hope that the lessons learned from them could be applied elsewhere.

With nothing more definite than this in mind we set out to find the most promising region (not a single country) in the world to study. We began by talking to government officials, businessmen, diplomats, foundation officers, directors of international agencies, missionary groups, and the like. We asked. "What area in the whole world of development can we visit in order to see the most optimistic case for foreign assistance, an optimistic case based on valid accomplishments already achieved, not on blueprints or further hopes?"

The almost universal consensus, at the end of 1967, was that we should go to Mexico and Central America. This was the area with the most promising growth statistics, the experts said, and the cause for this was largely aid from a number of different development organizations.

We asked key officials with both private and government development organizations to recommend their most effective programs in Mexico and Central America. We asked that they name programs that were at least three years old so we could see progress already accomplished, rather than progress hoped for. We wanted to visit and examine those specific programs which the administrators of development organizations themselves assured us were especially effective. It was important that the praise for the projects come from the men responsible for the planning and financing of them, rather than from the press or the people carrying out the work in the field.

We organized a list of "effective development projects" and traveled some 25,000 miles to inspect them. We not only held more than 200 prearranged interviews but talked with everybody in sight—government officials, scientists, merchants, peasants, laborers, doctors, and lawyers. Upon arrival at a project, our usual procedure was to be briefed by the officials in charge, who then would arrange our tour and go with us or send an aide to answer our questions in the field. Whenever possible, we returned alone to the project, so we could study it without official guidance. We wanted our study to be a genuinely independent audit.

The oddest thing came out of this research.

When we examined these projects in the field, we found they were not at all as described by the high officials back home (Peace Corps, AID, Inter-American Development Bank, and the rest). The projects were not necessarily ineffective; they were just different, sometimes unrecognizably so.

We do not question the sincerity of the officials who gave the recommendations, but certainly we now question the accuracy of the information fed back to them from the field. Always it is biased in favor of their programs. Always the reports are favorable. Journalists somehow never seem to write critical records of specific projects; perhaps it is because their studies are so often made on grants from the organizations being studied—or else they are hoping for grants for future studies. For the record, we financed this research trip ourselves, and thus were beholden to no organization.

CHOCOLA TREAT

An agricultural experiment station operated by the Guatemalan government is located at a town on the Pacific Coast called Chocola. This station was once the focus of a major U.S. effort to assist agriculture throughout this coastal area of Central America, and a lot of U.S. money went into it.

I had last visited Chocola in 1958 with Louis Franke, then head of the U.S. program for agriculture in Guatemala. He was about to be transferred to Argentina and was anxious to show me what he had accomplished before leaving Guatemala. "This is my major contribution," Franke said. He was rightly proud, for its was a beautiful experiment station.

Unlike most foreign aid administrators, Franke had brought to his job a good technical background and a lively interest in tropical farming. He knew that Guatemala's future depends on agriculture and he was able to convert this knowledge into action by getting the United States to put money into this station at Chocola and another at Barcenas.

At Chocola, a laboratory was built, followed by classrooms, dormitories, offices, a cafeteria, and so on—all with U.S. funds. Guest houses were constructed, and the station soon became a favorite spot for U.S. government personnel to visit.

Chocola was designed to become a major agricultural research center, concentrating on the problems of principal tropical commercial crops like coffee. It was also to be a training center offering short, practical courses to farmers and agricultural extension agents from all of Central America, so they could carry home with them updated knowledge of improved farming practices.

This preface will help explain why I was so pleased when Covey Oliver, assistant secretary for Inter-American Affairs in the Department of State, told me that one of the projects I should visit was an experiment station established with AID support at Los Brillantes, located near Chocola. I was doubly pleased because back in 1956 I had had a small hand in selecting Los Brillantes, from several possible sites, for a substation to augment the work at Chocola. Thus by visiting Los Brillantes, a project which Oliver indicated already shows "evidence of success or which [is] sufficiently well established so that a significant effect on development can be confidently predicted," I could also stop by and see Chocola.

Now, on this revisit to Guatemala's south coast, I could see at once a definite increase in cattle production. This seemed to jibe with a current policy in economic planning—namely, encouraging the developing countries to diversify their agriculture in order to alleviate dependence on a single crop—in the case of Guatemala, coffee. The planners say that such dependence makes a nation highly vulnerable to the vagaries of the international market and most governments have long tried to encourage the production of more kinds of crops.

But how to effect the diversification? That was the specific task assigned to Los Brillantes—a difficult one because theory and practice unfortunately are at odds.

CASHEWS AND ORANGES

Assistant Secretary Oliver had urged me to visit the experiment station at Los Brillantes precisely because it was effectively solving this difficult, complex problem; that is, it was finding crops into which Guatemalan farmers could diversify and still make money. With half of Guatemala's export earnings coming from one crop, he said, AID is keenly interested in helping Guatemala break the shackles of coffee dependency.

Oliver told me a great deal of progress had been made at Los Brillantes through the introduction of rubber and citrus as new crops. The station was supplying seedlings and advice on how to plant them, and AID was providing the loans needed to support this diversification. In addition, he said, research was moving ahead on other crops, such as black pepper, vanilla, cashews, allspice, mangos, tea and achiote.

At Los Brillantes, the first person I met was Raymond Stadelman, a man whose writings I have admired for so long I thought he must be dead. His *Maize Cultivation in Northwestern Guatemala* remains the classic background study on the agriculture of the highland Indians of Guatemala. Stadelman was now working here on rubber, and AID, according to Oliver, was greatly pleased with his progress.

Earlier, I knew, Los Brillantes had been kept busy for at least five years supplying rubber seedlings to Guatemalan farmers who had planted some 27,000 acres of rubber. Now, to my amazement, the place seemed dead. The reason, Stadelman explained, was that Guatemalan farmers were interested in planting rubber only as long as AID provided money on easy terms (such as a seven-year grace period before repayment begins).

When the loan money was used up (some loans were sizable: one farmer received $884,000) the station, once a beehive of projects, fell into the doldrums. With prices as low as they were, neither rubber nor citrus was sufficiently attractive to the farmer without the easy loan money.

Now Stadelman was working alone. Support from AID to the research station had been reduced solely to providing his salary. No one could have been less optimistic about the future of rubber cultivation in Guatemala than Stadelman himself. He was even less optimistic about the possibility of receiving the additional support needed to change the direction of this work or to revive it. I commiserated with him and left as he was preparing for a visit by Congressman Clarence Long of Maryland and Nathaniel Davis, the new U.S. Ambassador to Guatemala. They would be arriving the next day for the same reason I had come—American officialdom had told them it considered this to be a good and thriving development project.

Why were the embassy and Washington continuing to send such visitors to see the "successful" AID program at Los Brillantes? Was it that they had not yet heard that the program had dried up?

BACK TO THE GRAVEYARD

From Los Brillantes I drove, for old times' sake, 30 minutes down the road to the station at Chocola. Superficially, it looked much as it had in 1958, except that the beautiful buildings were empty.

A second glance showed it to be a disaster area. Its staff consisted of a single agronomist, a Guatemalan, Efrain Humberto Reyna, who had the equivalent of a high school education in agriculture. With the help of only two field hands, he was trying desperately to manage this huge station. Never have I seen a harder working, more dedicated, or more lost soul. Poor fellow, he had literally nothing with which to work—no equipment, no help, and obviously, only hand-to-mouth money. He was puppy-dog happy to see me, as if I were the first visitor in 10 years. The whole station is presently funded, all from the Guatemalan government, the equivalent of $3,500 per year. Occasionally, Reyna is able to scrounge a little fertilizer from manufacturers. And that is his support.

And yet at the time of my visit, this was the one and only coffee research station in operation in all of Guatemala, a nation that still relies on coffee to pay for 36 per cent of all its imports. The total effort of government research to find more economical ways to produce this crop, to combat diseases and pests, to solve harvest and processing problems rested on the shoulders of this one man.

The dormitories, which U.S. tax money had built, had last been used six months earlier when they housed eight students for six days. The last course prior to that had been held nine years ago.

It is painful to go on. The Chocola station is today a graveyard where the forgotten bones of this carefully planned major aid program have been left to rot. The chairs, typewriters, desks, furniture—even the microscopes and pH meters—are still there, stenciled with the letters S.C.I.D.A., the long-forgotten alphabet soup designation for the cooperative program that operated for a few years as a joint venture of AID's predecessor, the U.S. International Cooperation Administration (ICA), and the Guatemalan Ministry of Agriculture.

Incredibly, I found there was no cooperation, nor had there been for years, between Chocola and Los Brillantes a few miles away. These two agricultural stations were separated as if by the Great Wall of China. The reason for this, I learned, was that there had been some jurisdictional scuffling between the Guatemalan Ministry of Agriculture and AID. The result: neither worked with the other.

Chocola is an illustration of one tragic aspect of our development work: *AID has no memory*.

AID programs are constantly scrapped, abandoned, or started anew—or forgotten. Budgets are cut and then, an an alibi, Washington primly says it is time for the local government to "take over." The local government, however, usually has neither the money nor the talent (nor, sometimes, the interest) to take over. Thus another orphan program joins the graveyard.

New foreign aid directors arrive in the capital, sweep the decks clean, and begin anew. Back home a President is elected and his new foreign aid administrator also sweeps clean. No one takes the time to learn. What preceded? Did it fail? Did it succeed? Why?

A long-time AID friend says. "Every morning we wake up and laboriously reinvent the wheel."

COWS AND BUNNY RABBITS

Wherever the United States has a foreign aid program it has a staff that supervises the spending of its money, plans its use, and cajoles the local government into actions intended to make the money effective. The staff is called a "mission" and the man in charge is the "mission director."

Deane Hinton, U.S. AID mission director in Guatemala, was fresh from the National War College and recently decorated with a Superior Honor Award. Undoubtedly Hinton, whom I found to be a likeable man, was highly regarded as an administrator at AID's Washington headquarters.

Like AID mission directors around the globe, Hinton was filling an important post within the embassy structure. The AID director is generally the principal economic counselor to the ambassador. Although this was Hinton's first assignment in Latin America, he had served at several embassies in Europe and elsewhere, mainly as a political affairs officer. As is true of nearly all other AID mission directors, he had had no experience as a technician. Thus I was not surprised to learn that he knew little about agriculture even though this is the major economic business in Guatemala. But I was startled by the way he expressed it, although it was refreshingly honest.

"I don't know a cow from a bunny rabbit," he told me. "I'm a political economist."

I asked Hinton about how AID was performing in Guatemala. The answers he gave could have come from any of several other highly-regarded AID mission directors whom I have known.

PADDOCK: What is the most effective AID program in Guatemala?

HINTON: The agricultural school at Barcenas. We were able to convince the minister of agriculture that this agricultural school is important.

PADDOCK: The director said he was having a problem placing some of the graduates. Of the 26 new graduates in forestry, not one of them has a job in sight.

HINTON: I don't know about that.

PADDOCK: I understand Barcenas includes the forestry school the U. S. government helped establish 10 years ago and later helped merge with the agricultural school there.

HINTON: I don't know anything about that. You must remember that I have only been here 15 months. There is a lot about previous programs I don't know.

PADDOCK: Is any money going into the experiment station at Barcenas?

HINTON: What experiment station? There is no experiment station there in the sense any of us would think of one. It's a work farm for the Barcenas students. The farm is terribly run down, stupidly managed, and the United States has never helped it with funds.

PADDOCK: I don't mean the school's farm. I mean the experiment station. When I worked here in the 1950s this and the station at Chocola formed a major U.S. government effort. . . .

HINTON: I know nothing about it. I'm still learning. I have my hands full trying to keep track of what is going on today. I don't have the time to go through all the past records.

PADDOCK: What U.S.-supported project are Guatemala's officials most enthusiastic about?

HINTON: None. There is probably no one in the Guatemalan government who would be sorry about our leaving or even notice if we left tomorrow. I'm talking about projects. Loans are another matter. Everybody wants loans.

PADDOCK: I'm interested to know why you chose the Los Brillantes coastal experiment station and the nearby agricultural school at Barcenas as projects for the new ambassador to see on his first trip into the country last week, and also why you considered them worthy of inspection by Congressman Clarence Long, who went with him.

HINTON: The trip was planned for the Congressman and he didn't want any briefings. He wanted to get out into the country and these fit his two-day itinerary nicely.

PADDOCK: What is the most important thing AID can do in Guatemala?

HINTON: Be smart enough to operate as a catalyst for change. We should emphasize the training of people and the need for changes in their fundamental attitudes. In addition to giving them new technical skills, we should expose them to new ideas.

PADDOCK: How would you do this?

HINTON: We are doing it in a training program in social sciences at the local university.

PADDOCK: How did you happen to choose social sciences?

HINTON: We had a study made of the university, and the study showed this was the area of greatest need.

PADDOCK: Who made the study?

HINTON: Gene Martin.

PADDOCK: What is his specialty?

HINTON: He is a social scientist.

This is an old story. In 1963 AID hired the Center of International Studies at the Massachusetts Institute of Technology to find an answer to the agricultural dilemma of the world's hungry nations. The center assembled a group of experts who set about interviewing agriculturalists and scientists from such other fields as anthropology, sociology, and psychology. The $100,000 study, published in book form, showed that each specialist finds solutions in terms of his own discipline. If you hire a social scientist to study the university, you end up with a solution that involves social science.

I myself am no different. Being a former corn breeder. I lose few opportunities to emphasize that corn is of major importance in Central America and Mexico. That I know this about myself makes me wary of the same bias in others.

PADDOCK: What do you consider Guatemala's most serious problem?

HINTON (after a discussion of some political dilemmas): Agriculture. And for the first time we are going to take a serious look at the Guatemalan farm picture.

He went on to explain that through his efforts, a contract had been arranged with Iowa State University to send a team of agriculural economists to Guatemala to make an analysis of the role of agriculture in the development of the Guatemalan economy.

PADDOCK: Why are you using Iowa State University?

HINTON: Because it's a good agricultural school.

PADDOCK: Are you familiar with the Iowa State-Guatemala Tropical Research Center, operated here by Iowa State from 1945 to 1955? That was the program which brought me to Guatemala originally.

HINTON: I've never heard of it.

PADDOCK: That program emphasized agriculture. It was then taken over by the International Cooperation Administration which, as you know, was the predecessor agency of your own AID. At one time the annual U.S. budget for Guatemalan agriculture was nearly $1 million. That certainly represented a major interest in those days.

HINTON: I've been here too short a time to know the details of previous programs. However, I know Iowa State is a good university and they have good men.

Of the four authors of the study for which Hinton had contracted Iowa State, only one was then in Guatemala. He was a young graduate student named Eric Graber, and I sensed he was doing most of the field work for the study. Our conversation went like this:

PADDOCK: Are you familiar with an earlier Iowa State agricultural program in Guatemala?

GRABER: I have heard there was some kind of program but that's all I know about it.

PADDOCK: I am interested in what you think has been the most effective U.S. effort in Guatemala.

GRABER: The Peace Corps. Of course I'm prejudiced because I was once with the Peace Corps.

PADDOCK: What do you consider to be the most effective AID program in Guatemala?

GRABER: I haven't found one.

PADDOCK: What will your current study indicate?

GRABER: We would like to determine the priorities for investment in agriculture.

PADDOCK: Do you know what use will be made of the report for which you are collecting data?

GRABER: I really have no idea.

EVEN IOWA FORGETS

In April, 1969, Iowa State University published the report, a full two inches thick, titled: *Agricultural Development and Policy in Guatemala*. When I read that its purpose was to review the extent "to which the agricultural sector has changed since 1950," I realized it covered part of the 1945–55 period when Iowa State had operated its own agricultural experiment station in Guatemala. Writing Graber, I asked if his group had consulted any of the reports published during the course of that earlier program. He replied: "I don't remember those specific reports." Thus, like AID, Iowa State, too, has no memory.

I wrote to Hinton some nine months after the report had been released, asking two questions: How has the report been used? Which of its recommendations have been acted upon? He replied that the report had been circulated widely but had "encountered a fairly general lack of interest."

Not surprising! The report begins with these deadly naive and patronizing sentences about a nation which, it would seem, no one at Iowa State had ever heard of before (in fact, they might have been written in 1852 by John L. Stephens, the first U.S. envoy to Guatemala):

"Guatemala lies just south of the Yucatan peninsula in Central America. It is bounded on the north and west by Mexico, on the east by Belice, to the south and east by Honduras and El Salvador, and on the southwest by the Pacific Coast. Although Guatemala contains only 108,889 square kilometers, approximately the size of the state of Louisiana, it has a very wide geographical diversity."

This study, remember, was intended primarily for Guatemalan officials and Americans stationed there. I wonder how many bothered to read through this two-inch rehash of all the appallingly familiar data which had been kicking around the back offices for years. Fifty officials? Twenty? Five? No one?

In his letter, Hinton commented that it was "still too early" to say which of the Iowa State recommendations would actually be put into practice, but "I am happy to tell you . . . the Government of Guatemala seems to have accepted . . . one of the recommendations, the idea of placing more emphasis on basic grain cereals, particularly corn."

Hinton's letter was postmarked Santiago, Chile. He had been transferred there to head up another program where, in the deeply entrenched tradition of AID, he doubtless was again starting from scratch.

When I wrote to the new U.S. mission director in Guatemala, his assistant answered. "I can assure you that the report has had a major impact . . ." The result: another U.S. loan to Guatemala, this time for $23 million.

I did not have the heart to write to Hinton that the corn seed stock from the old Iowa State College-Guatemala Tropical Research Center is sitting in a storeroom at the experiment station at Barcenas. It was put in storage 10 years ago when ICA stopped funding the program. A faithful Guatemalan there is keeping the seed collection in what he believes is good order, just in case someday someone wants to use it.

How could this have happened? Former Secretary of State Dean Acheson, from his years of experience, pointed at the answer when, after a highly optimistic White House briefing about Vietnam by the Joint Chiefs of Staff, he said President Johnson had been "led down a garden path. . . ." Actually, Acheson is more exactly reported to have said, "With all due respect, Mr. President, the Joint Chiefs of Staff don't know what they're talking about." He claimed that field reports written near the scene of combat in Vietnam were rewritten as they passed through each higher echelon. With each rewriting the reports reflected less and less the pessimism at the front and more and more the optimism that prevailed in the Pentagon.

The same reporting situation occurs with development projects in the "third world," and with the same result. Gunnar Myrdal, writing about South Asia, said, "Optimism, and therefore approaches that make optimism seem more realistic, is itself a natural urge for intellectuals. . . . All (economic) planning . . . tends to err on the side of optimism. . . ." This can similarly be found in Latin America and, I am sure, in Africa as well. (In virtually every interview for this book which involved an unfavorable view of a development project, I was told, "Don't quote me." But no one ever said that when their remarks were favorable. Thus the syndrome feeds upon itself.)

The most easily understood examples of this are the numerous congressional fact-finding missions where congressmen travel abroad to evaluate foreign aid projects. The congressman arrives at the foreign capital; he is met by the ambassador and the AID mission director. Off they all go to see the mission's best project, and at its best appearance. You remember, like Sunday dinner for the preacher or parents' day at school. Who shows the failures? Who would be so naive as to suggest showing them? Who even wants to see them?

WELFARE: EVERYBODY'S WHIPPING BOY

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 1973

Mr. HARRINGTON. Mr. Speaker, the welfare "mess" has been a major political issue for the past several years, but there has been more rumor than fact in the public debate. Our welfare system definitely needs reform and needs it badly. At the same time, however, there are millions of poor people in this country and we cannot simply terminate all welfare payments. What we need instead is a rational debate based upon the true facts of the situation—and this is exactly what we have not been hearing from politicians and public officials.

The AFL-CIO Committee on Political Education has recently performed a great public service by publishing the real facts about welfare, and Parade magaine on April 1, 1973, summarized these facts. People wind up on welfare, because they are poor—not because they are chiselers. Most poor people are not even on welfare. More than half of the people on welfare are young children. Less than 1 percent of the welfare recipients are able-bodied males.

No one is getting rich on welfare. Cheating and fraud are minimal. Welfare mothers are not churning out illegitimate children. Almost half of the people receiving welfare payments are white. And there is no evidence that welfare is necessarily habit-forming.

It is facts like these, and the documentation behind them, that should be heard in public debate. COPE deserves our commendation for its candor and its report deserves the attention of every Member.

Therefore, I would like to insert both the AFL-CIO study and the Parade magazine summary in the RECORD at this time:

WELFARE: EVERYBODY'S WHIPPING BOY

(Welfare . . . it's as unloved as athlete's foot. Office-holders know they're guaranteed prime press space by attacking it. Conservative groups and leaders make careers inveighing against it. In a government administering thousands of programs, welfare is probably the least popular and most misunderstood. It's everybody's whipping-boy.

(The Greeks created no more myths about their gods than we have about welfare. Time and again we are told of the welfare client who arrives in a fancy car to pick up the check that comes from taxpayers' money, and goes home to his color television and vintage champagne. He is strong, able-bodied and employable, we are told . . . but he just doesn't want to work. He's a loafer.)

If the welfare client is female, we are drawn a horror picture of repeated illegitimate births for the sole purpose of increasing her welfare benefits. She's a loafer, too.

We are advised that welfare provides such opulent living its clients would be crazy to give it all up and go to work. We hear repeatedly that welfare clients are cheats and welfare programs are rampant with fraud.

We even are asked to believe that hordes of poor people scrutinize statistics that come out of federal and state agencies, locate states and communities where the highest welfare benefits are paid, and choose their spots accordingly.

We believe, too, that the majority of welfare recipients are blacks.

Perhaps the attitude of a great many Americans toward welfare was reflected in a campaign statement by President Nixon: "We are faced with the choice between the 'work ethic' that built this nation's character, and the new 'welfare ethic' that could cause that American character to weaken." The statement seems to encompass and reinforce most of the myths about welfare.

As the new Congress swings into action and may confront again, as it did last year, the welfare issue, it's a good time to look more closely at the facts, not the myths. Following are 10 key facts about welfare.

Fact No. 1—People wind up on welfare not because they are cheats, loafers or malingerers, but because they are poor. They are not just poor in money, but in everything. They've had poor education, poor health care, poor chances at decent employment, and poor prospects for anything better.

Fact No. 2—But even most of the poor are not on welfare. Some 15 million Americans receive some form of welfare benefits. There are more than 25 million officially below the poverty level of $4,000 a year for a family of four. Another 30-50 million are just barely above it. And $4,000 a year, as everyone knows, does not afford extravagance.

Fact No. 3—Of the 15 million receiving welfare, about eight million are children under 16 years of age. Anyone for "work-fare" for children more than half a century after child labor laws were enacted?

Fact No. 4—Less than one percent—about 150,000—of welfare recipients are able-bodied employable males. Many of these are in their late-middle years. Most are uneducated. All are required by law to sign up for work or work training. A government study shows more than 80 percent want to work, rather than draw welfare, and among the fathers in this group one in three is enrolled in work training.

Fact No. 5—Apart from children and the relative handful of potential employables, on welfare are more than two million aged, more than one million totally and permanently disabled or blind, three million mothers. All of these are in programs roughly supported 50-50 by state and federal funds. Another group of less than one million is aided by state and local non-federally supported programs. These are single adults and childless couples, most of whom work full time but are paid less than they would be on welfare. These are the working poor.

Fact No. 6—No one is getting rich on welfare. It allows, at best, bare-bone living. In no state does the average welfare payment bring a family up to poverty level. Maximum payments for a family of four range from the $700 a year in Mississippi to $3600-plus in New York, New Jersey, Massachusetts and Connecticut. Thirty-nine states pay less than their own established standard of need.

So instead of the high living often portrayed among welfare recipients, the facts boil down to an average nationally of $1.68 per recipient per day with a range in the states from 48 cents to $2.58 per person per day. Out of this comes food, clothing, housing and other essential cost items. A survey of welfare mothers showed that if they received higher benefits, half would spend it mostly on food, 28 percent on clothing and shoes, most of the others on rent or a combination of essentials.

(Figures are based on the major federal-state matching program called Aid to Families With Dependent Children, which covers the largest percentage of welfare recipients.)

Fact No. 7—Cheating and fraud in welfare are minimal. There is, of course, some cheating and dishonesty among welfare clients. Try to imagine any program involving 15 million persons that is entirely free of fraud. But the Department of Health, Education, and Welfare estimates there is cheating among fewer than one percent of welfare cases. Add to this another 2-3 percent on the rolls due to misunderstanding or technical-bureaucratic error, and there is an upper range of 4-5 percent receiving benefits who are either completely or partially ineligible. It is likely that this range of cheating, plus error, exists in income tax payments of citizens and in many other areas of activity.

No one argues that any cheating should be permitted when discovered, but the public idea of massive fraud in welfare is wrong.

As for invading hordes of welfare clients moving from state to state to achieve higher benefits, facts don't support this myth. In New York, which pays the highest benefits, less than two percent of new recipients have lived in the state less than two years; more than 85 percent of all recipients have lived there more than five years. The facts show that poor people, like the rest of us, move around mainly to find better job opportunities.

Fact No. 8—Welfare mothers are not churning out illegitimate children. Nearly 70 percent of all children in welfare families are legitimate, according to the Social and Rehabilitation Service of HEW. Thirty percent of welfare families with any children have only one child; 25 percent have two; 18 percent have three. The remainder have four or more.

Economically, anyway, the myth is nonsense, since the average payment per additional child nationally is only $35 a month, hardly an incentive toward mass production.

Fact No. 9—More than 48 percent of welfare families are white; about 43 percent are black. Most of the remaining are American Indians, Orientals and other racial minorities. The reasons for the high percentage of blacks are self-evident: More than 34 percent of the black population in the U.S. have incomes below the poverty level, compared to 13 percent of the white population.

Fact No. 10—There is no evidence to sustain the belief that welfare is necessarily habit-forming, that is that "once on welfare, always on welfare." Half the families on welfare have been on the rolls 20 months or less; two-thirds have been on the rolls less than three years. Fewer than one in five have received welfare for five years or more. One in 16 has been on 10 years or more. About 65 percent of welfare cases at any given time are on for the first time; about one-third are repeaters.

These, then, are some of the major facts about welfare. Sad to relate, there is no fresh revelation among them. They have been printed in many places, many times. Yet, the myths about welfare, and the objections to it, persist.

A major objection, raised both by those who want to reduce it and even many of those who want to improve it, is its cost. It is true, welfare costs money—about $12 billion a year in the major programs jointly financed on about a 50-50 basis by the states and federal government. Another $100 million a year is borne by states and communities in general assistance programs not aided by Washington.

The federal share of the cost represents about 2½ percent of an over-all budget of $270 billion that President Nixon is shooting for next year.

So welfare really costs less than 2½ cents of every dollar paid into federal taxes. Indeed, closing just a few major tax loopholes for corporations and wealthy individuals alone could bring in enough additional federal revenue to cover present welfare outlays.

Buried in the emotions surrounding, and misunderstandings of, welfare are some other important matters that should not be ignored.

AFDC, the major welfare program, was conceived to provide help for dependent children. As Bert Seidman, director of the AFL–CIO Social Security Department noted in a recent speech, "Our whole approach to welfare reform ought to be, therefore: What is best for these millions of disadvantaged and under-privileged children?" He called "disadvantaged" and "underprivileged" fancy words "to describe kids who are hungry and ill-clothed and living in rat-infested tenements surrounded by filth, despair, degradation and often disease."

Instead, Seidman said, "their plight is ignored and all the attention is placed on the alleged sins of the adults . . . but whatever may or may not be the sins of their parents, the guiltless children share heavily in the punishment."

It is too simple to say, as some do, "send the mothers to work." In the first place, surveys show many would like to work. But where are the jobs, and if there were jobs what do you do with the children? Who will be there when they get home from school? If they are pre-school, where are the day care centers to look after them properly? The President vetoed day care legislation a couple of years back.

If there were sufficient jobs and adequate day care facilities, what are the ethical implications of a must-work program for welfare mothers? Some welfare opponents have split personalities. In one breath they oppose day care legislation on the grounds it would weaken the family structure; in the next breath they extol "work-fare" and the "work-ethic." You can't have it both ways.

Experience with non-federal must-work programs for welfare clients in several states has been a jolt, with one of the key roadblocks to any success being "the documented reluctance of employers" to hire welfare recipients, according to a congressional study.

Welfare probably will be a matter of heated controversy for years to come, and it is likely to remain massively misunderstood. The shape of any true reform was described by Seidman this way:

"In summary, any genuine welfare reform must, first and foremost, emphasize the children's welfare. It should rely primarily on non-welfare programs to develop and assure suitable jobs at decent wages supplemented by improved social insurance, health security and other programs aimed at eliminating poverty.

"With this multi-faceted approach, welfare, whatever it is called, could become a residual program providing a decent level of living to people who can't work at all or ought not to be required to work if they wish to devote themselves to their children's care. Under these circumstances, welfare would be far less costly and the 'work ethic' would be irrelevant to welfare. The nation might even turn once again to helping instead of punishing the poor.

THE TRUTH ABOUT WELFARE

In a recent "Memo From COPE," a publication of the Committee on Political Education of the AFL–CIO, 10 key facts were printed to dispel the myths which have grown up in this country concerning welfare.

Herewith from COPE the fact sheet on "Welfare: Everybody's Whipping Boy":

Fact No. 1—People wind up on welfare not because they are cheats, loafers or malingerers, but because they are poor. They are not just poor in money, but in everything. They've had poor education, poor health care, poor chances at decent employment and poor prospects for anything better.

Fact No. 2—But even most of the poor are not on welfare. Some 15 million Americans receive some form of welfare benefits. There are more than 25 million officially below the poverty level of $4000 a year for a family of four. Another 30–50 million are just barely above it. And $4000 a year, as everyone knows, does not afford extravagance.

Fact No. 3—Of the 15 million receiving welfare, about eight million are children under 16 years of age.

Fact No. 4—Less than one percent—about 150,000—of the welfare recipients are able-bodied employable males. Many of these are in their late-middle years. Most are uneducated. All are required by law to sign up for work or work training. A government study shows more than 80 percent want to work, rather than draw welfare, and among the fathers in this group one in three is enrolled in work training.

Fact No. 5—Apart from children and the relative handful of potential employables, on welfare are more than two million aged, more than one million totally and permanently disabled or blind, three million mothers. All of these are in programs roughly supported 50–50 by state and federal funds. Another group of less than one million is aided by state and local non-federally supported programs. These are single adults and childless couples, most of whom work full time but are paid less than they would be on welfare. These are the working poor.

Fact No. 6—No one is getting rich on welfare. It allows, at best, barebone living. In no state does the average welfare payment bring a family up to poverty level. Maximum payments for a family of four range from $700 a year in Mississippi to $3600+ in New York, New Jersey, Massachusetts and Connecticut. Thirty-nine states pay less than their own established standard of need. . . .

Fact No. 7—Cheating and fraud in welfare are minimal. There is, of course, some cheating and dishonesty among welfare clients. Try to imagine any program involving 15 million persons that is entirely free of fraud. But the U.S. Department of Health, Education and Welfare estimates there is cheating among fewer than one percent of welfare cases. Add to this another two to three percent on the rolls due to misunderstanding or technical-bureaucratic error, and there is an upper range of four to five percent receiving benefits who are either completely or partially ineligible. It is likely that this range of cheating, plus error, exists in income tax payments of citizens and in many other areas of activity . . .

Fact No. 8—Welfare mothers are not churning out illegitimate children. Nearly 70 percent of all children in welfare families are legitimate, according to the Social and Rehabilitation Service of HEW. Thirty percent of welfare families with any children have only one child; 25 percent have two; 18 percent have three. The remainder have four or more . . .

Fact No. 9—More than 48 percent of welfare families are white; about 43 percent are black. Most of the remaining are American Indians, Orientals and other racial minorities. The reasons for the high percentage of blacks are self-evident; more than 34 percent of the blacks in the U.S. have incomes below the poverty level, compared to 13 percent of the white population.

Fact No. 10—There is no evidence to sustain the belief that welfare is necessarily habit-forming, that is that "once on welfare, always on welfare." Half the families on welfare have been on the rolls 20 months or less; two-thirds have been on the rolls less than three years. Fewer than one in five has received welfare for five years or more. About 65 percent of welfare cases at any given time are on for the first time; about one-third are repeaters.

PARTING TODAY'S RED SEA

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 1973

Mr. BRASCO. Mr. Speaker, it is as simple for a nation to take the easy way out as it is for an individual. Periodically, every society is confronted with a choice between short-term physical gain at expense of principle, or preference for the more difficult alternative dictated by adherence to standards on which that nation was founded and upon which it is supposed to stand.

Such a decision is going to confront our Nation, Government, and Congress in the next few months.

Today, there are 3½ million Jews in Russia. That is nothing new by itself. There have been Jews in Russia from the very earliest times of recorded history. Nor has their situation changed much over the centuries.

For as long as there have been Jews in Russia, there has been active anti-Semitism. It is a national phenomenon there. To be a Jew was to be born under the sign of persecution. Forms of oppression varied and evolved, but never the motivating forces behind them; hatred for the Jew because he was different, determined to practice his religious faith, and impossible to eliminate by mere discrimination.

Regime after regime tried as hard as it could. Czar after czar formented pogrom after pogrom. And the Jews died. Horribly. Beaten to death. Sabered by the thousands by Cossacks. Burned out of their homes by czarist-inspired mobs. Driven from entire provinces by ukase from Moscow. Tortured to death for being religious. Slaughtered by enraged mobs because of false charges of ritual murder.

Unable to attend universities. Unable to own land. Unable to work in certain areas.

Forbidden to travel into specified sections of the nation. Forbidden to stay on sidewalks when non-Jews trod them. Forbidden to speak to non-Jews with a hat on their heads. Forbidden to build houses of worship. Forbidden to manufacture religious articles. Forbidden, it seems, to do everything but die and pay taxes. Their only solace was in each other and in their God.

Butchered by one people or another, until their history became one quavering, drawnout wail of supreme agony. Crowded into tiny villages of the Pale, where they were forced to live by decree, these masses of belabored humanity somehow survived. All they could do was pray to the Almighty that He would somehow see them through that stygian darkness of torment to a brighter time.

We all know what happened. The czars were replaced by the Bolsheviki, who have tenaciously clung to the goal of stamping out all recognized religion. So their agony took different forms. Synagogues were closed. Religious life was frowned upon in any form. Every organized power of the state was mobilized to focus upon these stubborn "people of the book" who resisted oppression in the time-honored manner of their tribe: fervent devotion to their God and silent suffering under the tyrant's heel.

Since that time, these people have endured more than any other in the world's recorded history. Hitler has come and gone. Yet still the Jewish people live. And in Russia, no matter how hard the dictators of that land tried to snuff it out, their faith stayed alive. Huddled about countless Sabbath candles, they persisted in reaffirming their adherence to the ancient covenant. And at last, the new day came, as Israel rose like a phoenix from the ashes of 6 million of their slaughtered brothers and sisters.

Today they seek to shake the dust of Russia from their feet and emigrate to a place that is their own, at long last. To do so is to exchange one set of foes for another, but it does not matter to them. For there burns in their hearts a yearning to be free that veritably embodies much of the spirit of their ageless faith.

The Soviets have placed every physical obstacle in their path that they can think and conceive of.

News of Israel and the movement for freedom for Russian Jews has been vigorously repressed by the full force of the Soviet state. Yet as if by some magic, Jews across Russia thrill to the knowledge that they are not alone, and that across the world their brethren are moving heaven and earth to break age-old chains of bondage which still bind them. And it spreads across the face of Russia, to the rage and despair of police authorities.

From Moscow to Smolensk; from Leningrad to Kiev; from Odessa to Magnitogorsk; from Volgagrad to Minsk; from Riga to Dniepropetrovsk; from Gorko to Archangel.

Nothing can stop it. For it flies with the wind, drifts with the snow and seems to fall with the very rain. No gun can kill it. No fence can hold it in.

And these Russian Jews risk and lose all by applying for permission to leave. As soon as they take such a momentous step, the full force of the Soviet state is loosed on them in a fury. Jobs are lost. Spies appear. Phones are tapped. Children are suspended from school. Physical violence accompanies all other forms of intimidation. Yet still they persist, willing to die on their feet rather than continue to live on their knees.

Frantic, the regime has imprisoned many on trumped-up charges, for numbers of these desperate people are both brilliant and accomplished.

Finally, as a last resort, the cynical Kremlin leadership imposed an infamous exit tax based no formal education attained by prospective emigrants. In effect, it seeks to make it financially impossible for any educated Jew to leave the Soviet Union. No other group is harmed in this manner by the tax save the Jews.

In spite of all obstacles Russian life places in their path, these people have attained many educational goals. Russia seeks to pick their minds without allowing them personal religious freedom. If they leave, Russia, starved for foreign currencies, seek to demand and collect a true highwayman's ransom for their persons.

From the very start of the campaign on behalf of the Jews of Russia, I have been intimately involved, and this spans the last 3½ years. All the names of those brave souls, either now in the West or still rotting in Soviet prisons, have come across my desk, and I, among many others, have done what was in my own poor power to aid them in their struggle to be free of persecution.

In recent weeks, the Soviets have made a great show of nonenforcement of the exit tax, without, it should be carefully noted, wiping that odious legislation from their statute books. Let it also be noted that just prior to our own last election, a similar move was made by them, and a number of educated Jews were allowed to leave without payment of the tax. Shortly after the election, as we all remember, the tax was reimposed.

Now, we are told, the Congress must ease its hitherto firm stand on the Vanik and Jackson amendments. In the name of selling them grain and turning profitable deals on the fruits of American technology, which Russia wants and needs, we are told to "ease up."

I am all for profits and expanded East-West trade. I applaud any relaxation of old tensions. Laudable and worthy of pursuit and realization. Yet how worthy is any goal if it is gained by stepping over the bodies, lives, hopes, and ideals of an ancient, helpless and innocent people? Has America ever done this? When have we ever gone to war in modern times for land? When have we coldbloodedly sold out a vulnerable group of human beings whose only crime is sharing a common religious faith? Are we that eager for Russian money? Do we thirst that much for some slight improvement in the balance of trade?

Our solution is simple and obvious. No weakening of congressional resolve is necessary. All we need do is pass the Vanik and Jackson amendments, and put them on the shelf, like worthy tools which for the present shall remain unused. Just like the Russian exit tax, which remains on their statute books but is now, according to their claims, unused. If they ever come to reinstitute it, then all we need do is reach for the shelf, grasp our own equalizer, and nullify their move. Simple, effective, and quite noncontroversial.

Then most-favored-nation status can be extended to the Russians, and everyone is happy. The Soviets gain American business. Our business people gain lucrative Russian trade. And the Jews are able to shake the dust of Mother Russia and leave in peace.

Therefore, I shall continue to offer my enthusiastic sponsorship and support for the Freedom of Emigration Act. Some pharaohs, I believe, need a reminder from time to time.

AID TO NORTH VIETNAM

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 1973

Mr. RARICK. Mr. Speaker, the aid to North Vietnam syndrome persists as the administration escalates its manuevering to condition the people to accept secretly made deals.

Time was when Americans felt that government was a servant of the people and that Congress was their forum to make sure that government was responsive to the wants and the needs of the people. The people's elected representatives in government have never approved of aid to North Vietnam or for that matter aid to North Korea, or to Communist Cuba. No one can truthfully suggest that it is the will of the American people to rebuild North Vietnam or give financial assistance to the Communist, aggressors who mistreated our POW's, killed 46,000 American men, and wounded thousands of others.

Yet the Presidential mouthpieces continue to tell the American people that the President has pledged aid to Hanoi so American dollars must go to Hanoi—the people and this Congress be damned.

THE PRICE OF "PEACE WITH HONOR" MUST BE PAID

As for me, hell would have to freeze over before I would vote 1 penny for North Vietnam, and if hell froze over, I still would not.

I am still waiting to hear any ripples that our new found allies, the Russians and the Red Chinese, feel obligated to give any aid to South Vietnam, or for that matter, aid to North Vietnam—unless it is more Mig's, SAM missiles, and military hardware.

If the American people sit by and watch this international rape of national integrity, we all deserve the reputation we are rapidly achieving around the world, that is, the most gullible fools on earth.

I insert a related news clipping:

[From the Washington Post, April 1, 1973]

U.S. AID PLEDGED TO HANOI—PRESIDENT FIRM DESPITE BRUTAL POW HANDLING

(By Carroll Kilpatrick)

SAN CLEMENTE, March 31.—The Nixon administration has no intention of abandoning its commitment to aid to North Vietnamese recovery despite indignation over Hanoi's treatment of prisoners of war.

That was one official comment of spokesmen here today as President Nixon prepared for his first meeting with South Vietnam's President Nguyen Van Thieu since July, 1969.

Thieu is to arrive in Los Angeles Sunday for the meeting at the Western White House here Monday and Tuesday. Demonstrations against and in support of Thieu are being planned both here and in Los Angeles, but officials indicated they do not expect any trouble.

In President Nixon's speech to the nation Thursday, he made no mention of the promise he had made earlier to give postwar reconstruction aid to North Vietnam.

The tough warnings to Hanoi in the speech, plus stories of mistreatment of American prisoners and the vigorous opposition in Congress to aid to North Vietnam, led some observers to conclude that the assistance effort might be dead.

An authorized spokesman as well as officials speaking privately said today, however, that the President has not changed his position and intends to live up to the commitment in the cease-fire agreement. The agreement said that the United States will contribute to "healing the wounds of war and to postwar reconstruction of the Democratic Republic of Vietnam and throughout Indochina."

In addition to the Paris commitment to aid Hanoi, the United States agreed during Henry A. Kissinger's February visit to North Vietnam to establish a U.S.-North Vietnam Joint Economic Commission to develop economic relations between the two countries. That commission is now meeting in Paris.

An official emphasized here that Mr. Nixon, while disturbed not only by the treatment of American POWs but also by Hanoi's military movements, nevertheless is convinced that the most important objective is to have all sides abide by the cease-fire agreement.

The President is expected to tell Thieu that the way to achieve peace in Indochina is through "positive acts" and that "a dynamic approach to peace" is required despite all the previous bitterness and violence.

White House press secretary Ronald L. Ziegler said yesterday that the two presidents will confer in "postwar economic, political and military relationships between the two countries."

The military relationships may interest Thieu as much as the economic, and he is bringing with him the chief and assistant chief of the joint general staff.

But he also is bringing, in addition to his foreign minister, both the minister of economy and the minister of finance. In addition to their talks here, they will meet with American economic experts in Washington and with World Bank President Robert S. McNamara.

Pham Duong Hien, director general of overseas information, said in Washington this week that Thieu will seek assurances from Mr. Nixon of guaranteed military support if North Vietnam resumes large-scale war.

"In case the Communists break the agreement with a large-scale and blatant invasion, we want some kind of guarantee that the U.S. will not permit North Vietnam to do so," the South Vietnamese spokesman said.

"Much depends in the firm attitude of president Nixon. If they realize he would react militarily to a blatant violation of the agreement, then they may resort only to small-scale guerrilla activity."

That request could be the most difficult for Mr. Nixon to answer clearly, and it may in part explain the tough attitude he took in his Thursday speech. Not only did he speak emphatically in the need for "keeping the strength" of America, but he heaped scorn on what he called the "weak, soft and self-indulgent" who advocated "peace at any price" in Vietnam.

Obviously, the President is continuing to use both the carrot and the stick with North Vietnam, yet he must know that Congress will oppose his offering of the carrot and scream wildly if he should again use the stick.

As Thieu departed today from Saigon for the flight to Honolulu, where he held his first conference with an American President seven years ago, he said his journey would "mark a new era" in U.S.-Vietnam relations. That, indeed, is what the conference here Monday and Tuesday is all about.

Thieu expressed optimism that the meeting will lay a "foundation suitable to the new situation that is postwar and peace era."

"My trip will mark a new era in which the United States and South Vietnam will share difficulties as well as glories," the South Vietnamese president said. "That is why I have baptized my plane "Cooperation in Peace."

Thieu will have an opportunity not only to express to the President his concerns about the cease-fire and Hanoi's intentions, but to hear from the President his plans to "normalize" U.S. relations with Hanoi and Peking.

The working out of a new United States relationship with Asia's Communist leaders directly concerns Thieu, and he wants to hear from Mr. Nixon how the new directions in American policy will affect him economically, militarily and politically.

The nature and dimensions of the Saigon-Washington relationship will inevitably change at the very time that Thieu is facing new and difficult problems domestically.

After his meetings here, the South Vietnamese leader, who has never been to the United States mainland, will fly to Washington and later to the LBJ Ranch in Texas to pay his respects to Mrs. Lyndon B. Johnson, widow of the President who sent more than a half-million American troops to fight in South Vietnam.

It is significant that when he leaves this country he will visit not only London and Rome but his chief friends in Asia, South Korea and Taiwan.

For Thieu, who has wanted to visit America ever since he became president, his trip is of enormous significance, and it may be no less so to Mr. Nixon as he attempts to bring about a new era in America's relations with the Asian and Pacific nations.

NOT WORTH A CONTINENTAL

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 1973

Mr. QUILLEN. Mr. Speaker, Harry L. Hamilton, editor and publisher of the Tri-County News, Seymour, Tenn., is one of Tennessee's outstanding editors. He is a man of great ability, wide perspective, and a real credit to his profession.

He writes a column, "From the Editor's Desk," which has gained widespread readership. The following column is from a recent issue of his weekly newspaper:

NOT WORTH A CONTINENTAL

The battle for independence by the American colonies began about break of day at the battle of Lexington, April 19, 1775. It ended with the surrender of Lord Cornwallis at Yorktown, October 19, 1781. A treaty of peace with England, granting independence to the colonies was not signed until September, 1783. During this period of war and uncertain peace, large amounts of something to use for money was needed. The Continental Congress had no power to tax, loans from abroad were almost impossible to arrange. So the Continental Congress did what all nations do under similar circumstances, printed millions and millions of dollars of paper money, called Continentals, without any gold or silver to back it up. The more they printed the more worthless it became. It was a simple case of a man writing checks without any money in the bank.

During the war Franklin, Washington, Lafayette, Robert Morris and Haym Solomon gave some money to the cause, and by the end of the war Congress had been able to borrow about ten million dollars from France, Holland and Spain, all enemies of England.

But the Second Continental Congress had issued almost 250 million dollars worth of continental currency! In 1780 about half of this amount was redeemed at two cents on the dollar. By this time a hundred dollar bill would not buy a pound of potatoes. For the most part, the balance went unredeemed. In this wise, the saying, "not worth a continental" came to mean something entirely worthless.

Chosen unanimously by the electors of the thirteen colonies, on April 30, 1789, George Washington mounted the steps of Federal Hall, Wall Street, in New York City, and took the oath of office as President of the struggling young Republic. Money was still the most pressing problem. He wanted Robert Morris for Secretary of the Treasury, but Morris refused. He settled on Alexander Hamilton, who had been his secretary and adjutant during the war. Washington already knew Hamilton had unusual ability and was honest.

Hamilton set about to fund the already large debt over a period of time, set up tariffs and urged Congress to enact what taxes the people could pay. In addition, he asked for a United States Bank as a central depository for what funds he had. His system was sound. He paid the nation's debts on or before they were due, and in less than fifty years the young nation's money and credit were sound, the American dollar selling on par with the leading nations of the world. During the administration of President Andrew Jackson, the last dollar of national debts was liquidated, and ours became one of the few nations of the world to be able to make such a boast.

A few years later large quantities of gold and silver were discovered on our West Coast. Now every American dollar could be backed by a dollar in gold or silver, and was the most highly prized money in the world! But gold and silver are heavy metals and the people tired of their transportation. Why not leave them in the vault and issue paper certificates against them, redeemable on demand? It was arranged and gold and silver certificates were issued, "redeemable in gold or silver" on demand.

By 1930 the nation was again heavily in debt and faced with a deep depression. When the printing presses were turned on there were more paper dollars than there was gold to cover them, so the gold standard was given up. The printing presses continued to spin. In 1963 the Silver certificates were declared null and void and again our money has no backing and the boys in Washington continue to write checks without having any money in the bank.

In just two more years it will be two hundred years since Congress started printing the Continentals. Is history to repeat itself in that short period of time?

(Submitted by B. W. Piper.)

HERE'S WHAT HAPPENED

What is it that nice, sensible guy you elected to Congress seems to go off the deep end shortly after he gets to Babylon on the Potomac? He often takes on an aura of royalty, tells you how to run your affairs and proposes with blithe unconcern new ways to spend tens of billions of your tax dollars.

It is reported that when new members of the House of Representatives go to Washington they find that suddenly they are" . . . wrapped in a veritable cocoon of privileges and prerequisites—at taxpayer expense. . . ." To make sure a fledgling Congressman does not overlook anything, there is a new 204-page "Congressional Handbook" outlining all of the goodies provided for his creature comforts and working convenience. In the first place, he has a $157,092 a year allowance to hire a 16-member staff to help him run his office in Washington and in his home district. An employment service to find these people is provided free of charge. Provisions are made for every kind of personal service, from legal help to shoe shining, at no cost. Complete facilities and expert assistance are available within instant reach to help with communications to the folks back home—radio scripts, movies, slides, speeches—anything at all. The Congressman's salary, not to be sneezed at, is $42,500 a year and to assure that he stays around to a ripe old age, 31 different health plans are available as well as the complete medical services of Walter Reed Army Hospital and Bethesda Naval Hospital.

It's little wonder that that nice fellow from down the block that you sent to Congress fought so hard and valiantly to get the job of representing you and changed so much after he went to Washington. It takes a lot to support a Congressman in the manner to which he becomes accustomed, and it's hard to believe that most of the time we get our moneys' worth.

WORDS FROM HISTORY

"The rung of a ladder was never meant to rest upon, but only to hold a man's foot long enough to enable him to put the other somewhat higher."—Thomas Henry Huxley.

COMMENDATION TO A GROUP OF COURAGEOUS FRENCHMEN

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 1973

Mr. REES. Mr. Speaker, despite international tensions, there is often harmony among nations and cooperation between peoples. This is brought to mind by a constituent of mine, Stephen Weiss. Mr. Weiss recently vacationed in France and was able to locate two members of a group of Frenchmen who saved his life in an incident during World War II. It is fitting that we pay tribute here to these men whose courage and intelligence were exemplary in a time of war, exhibiting a spirit which transcends national boundaries.

At this time, Mr. Speaker, I would like to briefly recount the story behind that incident.

During the summer of 1944, in the fight for Southern France, the 36th Texas Division met retreating elements of the 19th German Army.

This meeting produced a battle which lasted the better part of the evening of August 24. The American forces sustained a sizable loss in men and materiel. Eight soldiers of C Company, 143d Infantry, 36th Division emerged to find that the remaining U.S. forces had advanced without them.

The eight sought refuge at the farm of M. and Mme. Gaston Reynaud. Despite the proximity of the Germans, M. Reynaud promised he would aid the American infantrymen. His commitment exposed his family to great risk in the event of a search by German patrols.

Reynaud held a conference with members of the local resistance—Police Commissioner Gerard, Marcel Volle, M. Guillon, Agent Salmon, M. Crespy, Captain Ferdinand, Lieutenant Maurice—regarding the Americans in his custody. The means of escape to be followed called for the Americans to don French police uniforms and reach safety in a police car.

The Germans were engaged in a farm-to-farm search for the infantrymen when the police car arrived to the Reynaud's home. Communication between the two allies was difficult, but the imperatives of the situation produced the greatest sort of cooperation, transcending the bounds of culture and language.

Through the entire course of the operation, the eight Americans were neither stopped nor questioned. On three separate occasions, however, members of the Reynaud family were queried as to the whereabouts of the American soldiers. Throughout, the incident was kept in confidence.

As the Germans widened their search to the outskirts south of Valence, the eight members of the 36th were rowing across the Rhone River, with the assistance of Robert Debreuil and Augustin Bouvier, the mayor of St. Perey.

In late September of 1944, after aiding an OSS Special Forces Company, the infantrymen rejoined the 36th far to the north. The attempt had been entirely successful.

Its success can be traced, in part, to the bond of friendship between the United States and France. The willingness to cooperate, evidenced on both sides, should serve as an example to us all.

A GOOD SAMARITAN

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 1973

Mr. McKINNEY. Mr. Speaker, I am sure there are those in this Chamber who oppose or at least, question the abandonment of the national draft.

Certainly, the issue is many sided and the pros and cons are legion. A debate, however, on the central issue will come another day.

Today, I would like to comment briefly on one small side effect, one of no great import on a national scale but one of relevance to the people of Stamford, Conn.

Twice a month for the past 22 years, Mrs. Samuel Plotnick has wished Stamford draftees well as they departed their hometown from the city's railroad station. In that span of time, every young man drafted from Stamford has seen Mrs. Plotnick's smile, has been the recipient of her well wishes and has been given a small gift by this most genial of hostesses.

Here is a case, Mr. Speaker, of a woman who cared enough to spend cold, rainy, snowy and dark mornings representing the townspeople and offering a few kind words to a long list of young men who at the time were probably experiencing the loneliest moment of their lives.

Recently, several hundred people turned out to honor Mrs. Plotnick at a testimonial dinner at Stamford's Italian Community Center. Under the able direction of the mayor's patriotic and special events commission chairman, Alphonse Pia, the affair was an enormous success and a fitting tribute to this dedicated, personable and unselfish woman. However, no tribute will ever be enough. Hopefully, we will never need Mrs. Plotnick's services again but at the same time, Mr. Speaker, we will miss them very much.

J. B. COLE IS SCIOTO COUNTY'S "MR. REPUBLICAN"

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 1973

Mr. CARTER. Mr. Speaker, it is my great pleasure to share with my colleagues at this time an article upon Mr. William Jennings Bryan Cole which appeared in the Portsmouth—Ohio—Times for March 6, 1973.

Having experienced party politics from the grassroots on up to the national scene, "JB" Cole's opinion is often sought on many important issues.

Friend of the powerful, servant of the poor, the successful career of Jennings B. Cole attests to his vast knowledge and great ability. As with the "Great Commoner" himself, Cole's popularity truly transcends party affiliation.

The article follows:

J. B. COLE IS SCIOTO COUNTY'S "MR. REPUBLICAN"

(By Everette E. Parker)

What is Scioto County's Mr. Republican doing with a name such as William Jennings Bryan Cole?

That's the full name of Jennings B. Cole, Scioto County director of elections, and perhaps the county's most widely known Republican.

How did the versatile Republican come by that particular Democratic name?

It's simple. His father, the late John Wesley Cole, was an ardent Democrat, and all fall before the birth of his son John Wesley Cole had waged a strong campaign for the election of William Jennings Bryan as President of the United States.

The impressive name didn't influence the son, and for all practical purposes the name has been Jennings B. Cole, often shortened to "JB" by his close friends.

Cole, a native of South Webster, has won acclaim for his Republican party support from virtually every level of activity—from the village of South Webster through township, county, and state to the national scene.

Cole, who served 8 years as mayor of South Webster, never has sought another public elective office, although he has been successful in serving as central committeeman for his party for more than 40 years.

He's also been head of the Scioto County Board of Elections 32 years, coming here from a position with the Department of Taxation.

An active Republican all his life, despite his father's political leanings, Cole has been personal friends with Ohio's Republican governors back to and including Gov. Myers Y. Cooper.

He's also been active in GOP presidential campaigns ever since he worked for the election of President Herbert C. Hoover.

In more recent years he was aboard the presidential campaign trains for President Eisenhower and President Nixon, and he has a huge collection of letters, photographs, and autographs to prove his close friendships with these and many other nationally known Republicans.

Among his prized possessions are pictures he's taken himself, along with pictures others have taken of him and GOP dignitaries through the years.

He has several letters from President Nixon, dating back to the early '60s, including several since the 1968 election.

Dozens and dozens of his photographs are autographed, or with whom he was photographed.

His picture-taking possibilities almost have been unlimited, especially since he has been a delegate to three national conventions.

Actually, Republican politics has been a way of life for Cole. He knows so many prominent Republicans that he's almost in constant contact wtih a leading GOP figure from one state or another all the time.

But party politics hasn't filled the vast expanses of his life. He's still active in civic, church and community activities, and takes a firm stand for progress, believing in getting things done for the good of all, regardless of the level of government.

Cole has spanned the party gaps in his role as director of elections. He is popular all over the state with elections officials, and as early as 1955 was elected president of the Ohio Association of Election Officials, an organization of both Democrats and Republicans. For the last 13 years he has been treasurer of that group, and now also is chairman of its Legislative Committee and Retirement Committee.

His gap-spanning ability also was evident when he was South Webster mayor during the WPA days of the Roosevelt administration.

Cole managed to get such cooperation that he got a village building, sidewalks and the first rural fire department in the county. He clearly remembers the old Model A truck on which the units equipment was mounted.

In addition to combining his photographic interests with politics, he has done the same with his interest in sports.

He has a huge collection of pictures he's taken of America's foremost athletes, including such figures as Jack Dempsey, Honus Wagner, Dizzy Dean, Babe Ruth and others. He's particularly proud of the pictures he has of many of the old Portsmouth Spartans football players.

Even today Cole is an ardent sports fan, and he'll take off any evening he can spare to witness anything from a high school basketball game to a professional football or baseball game.

He's *still* taking pictures, adding to his collection which dates back to early days of Scioto County. He owns five still cameras and a movie camera, but to his embarrassment, recently found that the particular camera he was using was inoperative and he had to borrow one to get his desired pictures.

Proud of his record in all his work, Cole is specially proud of the many citations his office has won for excellence in handling the elections during the last 32 years.

"At my age, with my 76th birthday anniversary coming up April 26, I'm beginning to give some thought to retirement, but I haven't made any firm decision yet," Cole says. He's quick to state that he has plenty to keep him busy in case he should decide to retire.

His interests then could turn more to community and party activities, as well as to his work in South Webster's Christ United Methodist Church where he serves as a member of the administrative board.

Both his father, and his mother, the late Emma Potts Cole, were pioneer residents of South Webster.

He and his wife, the former Margaret Hughes of Oak Hill, still live in the village. They have a son, Ronald, of Cole Lincoln-Mercury and a daughter, Mrs. Howard (Rosemary) Williamson of Houston, Tex.

Anything about Cole would be incomplete without mention of his widely known ability in writing a fine Spencerian script. He's sought by many to embellish certificates, awards and other items for presentation.

In considering his accomplishments and the possibility of retirement, he has one major regret. He would have enjoyed the privilege of seeing Scioto County move to voting machines. It hasn't been done.

PRESIDENT'S PEACE WITH HONOR

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 1973

Mr. MYERS. Mr. Speaker, let the record show that on April 1, 1973, the last known U.S. prisoner of war was released in Vietnam and that 3 days prior to that, on March 29, 1973, all U.S. military forces were withdrawn from South Vietnam.

President Nixon accomplished both within 71 days of taking the oath of office for his second term. He did so without begging the enemy, but rather he ended our involvement there in such a manner as to bring our men home with honor and with assurances of a lasting peace.

I make this distinction about the time and the manner of the settlement as a reminder of the promises made by Senator GEORGE McGOVERN in his campaign for the presidency. It was on July 14, 1972, as he accepted his party's nomination, that he promised:

> Within 90 days of my inauguration every American soldier and every American prisoner will be out of the jungle and out of their cells.

President Nixon beat that deadline by nearly 3 weeks.

It was on June 30, 1972, that Senator McGOVERN told a South Carolina meeting:

> Begging is better than bombing. I would go to Hanoi and beg if I thought that would release the boys one day earlier.

This admission on the part of a presidential candidate that he was willing to "beg" the enemy to end the conflict was played over and over again to our prisoners of war in attempt to destroy their morale and their faith in their country.

President Nixon did not have to beg for a settlement. He negotiated from a position of strength so that the cease-fire would not just signal the end of our involvement but would be part of a lasting peace for all of Southeast Asia.

It is a peace that has been long in coming. Our President insisted on settling only on terms that could produce a lasting peace in Vietnam. Those who charge that this war could have been concluded 4 years ago, or even last fall, are plain wrong. They are missing not one but several essential points.

It was not until October 1972, when it became apparent that President Nixon would win reelection, that the North Vietnamese gave up their demand that a political victory be handed them as a precondition for even a discussion of military questions. To that time, the North Vietnamese had insisted on establishment of a coalition government that would have paved the way for a total Communist takeover of the politics of South Vietnam. Our President could not accept those terms.

He could have bought peace earlier, too, on the terms favored by a strident minority who advocated immediate unconditional withdrawal of American troops. Such would have meant peace for us alone. The Vietnamese people would not have shared in it. Instead, the President insisted on an internationally supervised cease-fire that is designed to bring peace to all of Vietnam as well.

And if peace had come on the terms of Senator GEORGE McGOVERN, we would not be here so secure in the knowledge that the prisoners of war—all of them—have been released.

Whatever judgment history may render on the war in Vietnam and our involvement in it, we must be thankful that President Nixon led us out of a war he inherited into a peace with honor.

The credit for peace belongs also to the silent majority in Congress and in the country, who stood with the President for an honorable peace. Had the President's opponents prevailed, I am convinced Americans would today be witnessing a bloodbath in Southeast Asia. The difference between what the President has achieved and what his opponents wanted is the difference between peace with honor and the false peace of an American surrender.

MEAT EXPORT LIMIT

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 1973

Mr. ANDERSON of California. Mr. Speaker, several local suburban supermarkets reported meat sales down 25 percent yesterday—the first day of a nationwide meat boycott.

American consumers are not satisfied with the President's meat price controls, as evidenced by the widespread support of the boycott.

As the effects of unrestricted foreign bidding on domestic meat purchases, while domestic prices are held down by price controls become evident, Americans will become even more disgruntled.

If we do not institute meat export controls to complement meat price controls, there will be shortages of meat and extensive black market meat deals.

The supply of meat available to Americans must be insured.

Economists have long known that the demand for food is relatively insensitive to its price.

People must still eat, even if the prices of food are outrageously high.

Even with the demand for food remaining relatively stable, the supply is not an even one.

Very simply, when the supply of meat goes down, the price goes up.

Even small changes in meat supply have disproportionately large effects on price.

The only logical course of action is to keep the American supply of meat from leaving the country. The exportation of American meat merely decreases the domestic supply and increases the price.

Legislation which I am introducing today would provide that whenever the annual rate of increase in the average price equals or exceeds 3.6 percent in any consecutive 3-month period beginning January 1, 1973, the President is required to ban the export of these meat products and of the intermediate meat products used in their manufacture or preparation.

It also provides that this export ban shall remain in force unless and until the annual rate of increase in this average price remains below 3.6 percent for a period of 6 consecutive months or the expiration of the act, whichever comes first.

The export ban cannot be lifted earlier than 6 months after removal of the President's price controls on meat.

If a foreign emergency in which human suffering could be relieved by the export of meat, this bill would allow the President to waive for 30 days part of the export ban for the exclusive purpose of meeting such emergency.

Mr. Speaker, the meat price crisis in our Nation has not been solved by meat price controls alone. We must institute export controls to complement the price controls already in effect.

VOCATIONAL REHABILITATION

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 1973

Mr. KEATING. Mr. Speaker, today I have cosponsored legislation to insure the continuation of ongoing vocational-rehabilitation programs at responsible levels of funding.

The President's veto of the Vocational Rehabilitation Act of 1972, on the judgment that it exceeds responsible levels of funding, has been respected by a majority in Congress.

As a supporter of the original House version of the Vocational Rehabilitation Act of 1972, I urge my colleagues to now turn their support to the legislation being introduced today.

The substance of the controversial title II of the vetoed bill would be changed, eliminating the duplication which would have resulted had the original vocational-rehabilitation bill become law. Title II was designed to extend the benefits of vocational-rehabilitation services to the handicapped who are not employable. Previously, such services did not exist under this act, but have been provided for through medicare, medicaid, and the Developmental Disabilities Act. Effective January 1, 1974, title 16 of the social security amendments will provide Federal reimbursement to State agencies aiding all eligible blind and disabled individuals under age 65.

In addition, the compromise bill directs the National Advisory Council on Rehabilitation for the Handicapped, created by both bills, to study the question of aid to the unemployable and report to Congress.

This bill would place special emphasis on spinal cord injuries and low-achieving deaf individuals in special projects and demonstration grant programs.

The Rehabilitation Services Administration would be created by statute as part of the Special Rehabilitation Service.

State advisory councils would be permitted by the compromise bill, with the States given the responsibility to include the council under a State plan and fund it from a State grant.

Also provided for would be the architectural and transportation barrier compliance board to consolidate and enforce existing statutes and regulations designed to accommodate the handicapped in building design and transportation systems.

This proposal presents a viable legislative alternative to the vetoed Vocational Rehabilitation Act of 1972, a responsible level of funding, and a deep concern for the continuation of services to the handicapped.

TO FIGHT INFLATION?

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 1973

Mr. BRAY. Mr. Speaker, the following editorial from the March 31, 1973, Indianapolis, Ind., Star makes some interesting points:

TO FIGHT INFLATION?

The New York State Communist Party is calling for a mass program to fight inflation. The way the Communists propose to accomplish this task is interesting.

The first point of the program is this: "Freeze prices, not wages."

Freezing prices while not controlling wages would very probably result in reduction of employment. One of the sure things concerning inflation is that every time an employer must give in to wage demands that exceed productivity increases he is forced to raise prices or go out of business. The collapse of American industry is one goal of international Communism, including its United States strain.

"Halt government handouts to big business."

We'll pass that, except to observe that what the C.P. has in mind apparently is the making of loans or grants to corporations in financial trouble, and the covering of cost increases on defense contracts. The latter item does need better control, which would indeed help to fight inflation.

"Tax big business. Repeal all sales taxes."

Taxes on business, big or little, wind up in the prices for the goods and services sold by business. But prices are frozen under this program, aren't they? So what happens? "Big business" is squeezed out of business and socialism takes over. We aren't peachy keen on sales taxes either. But they have been instituted in many cases as the direct result of following the philosophy of the next Communist proposal to combat inflation.

"Stop cutbacks on social programs. More money for people, not less."

In other words extend the welfare state. Make more and more people dependent on government. And when government goes broke because of trying to provide for the people all the Communists say they would like to have, why, then the Communists can take over.

The final point in the Communist "inflation" program is most fascinating:

"Abolish military spending at home and abroad."

The major Communist nations of the world make no bones about spending large portions of their budgets for military hardware. The Soviet Union for years has been augmenting and modernizing its navy until it today is ranked as one of the most powerful, if not the most powerful, in the world.

Abolishing all military spending on the part of the U.S. while the Communist nations proceed to strengthen themselves would of course so weaken the U.S. that it would be easy prey for the conquest that Communists dream of.

Fight inflation? No. Fight the U.S. Exactly.

BUNYAN'S BUNION

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 1973

Mr. SCHERLE. Mr. Speaker, the high cost of food is far from the only form of price inflation attacking pocketbooks all over the country. In the past few months, the cost of wood fiber products has soared much higher and faster than food. No single reason accounts for the high price tags on logs and lumber, and no simple solution can alleviate it, but the following comments and suggestions may be of interest to my colleagues. Mr. Speaker, I will insert the full text of an article which appeared in my most recent newsletter in abbreviated form at this point:

BUNYAN'S BUNION

In singling out food prices alone as the target of his anti-inflation rhetoric, AFL-CIO President George Meany may be barking up the wrong tree. He has declared that he cannot support Phase III wage guidelines while retail food prices continue to climb; but if anything has warped the framework of the President's program of "voluntary compliance," it is the skyrocketing price of lumber.

"Lumber prices," the Wall Street Journal said recently, "are going through the ceiling. And the roof, too." This verdict from a newspaper hardly noted for hysterical hyperbole only confirms what home buyers and home builders have known for some time, that inflation in the cost of wood fiber products far exceeds the rate of increase for any other. Since the beginning of the year, prices on key lumber and plywood items have shot up between 20% and 30%. According to the National Association of Home Builders, the construction cost of the average new one-family house has jumped $1,200 in the last six months solely because of price hikes in wood products.

The basic problem is a high, sustained and still rising demand for these products from domestic and foreign customers. Fueled by a record number of housing starts in both the United States and Japan (about 2.4 million in each country) demand has outraced usable supplies of lumber for eighteen months. Japan, which is able to grow very little timber of its own, relies on imports and is willing to pay almost any price for logs from the Pacific Northwest. Last year they consumed 85% of the three billion board feet which the United States exported. The Japanese would buy more if they could, and their eagerness has driven up prices beyond the wildest dreams of America's timber titans. In one month, industry sources say, the price on Douglas fir for export to Japan more than doubled to $300 per thousand board feet from $135. The appetite of this populous nation, poor in most natural resources but rich in manufacturing technology and foreign exchange, is apparently insatiable for raw materials of all kinds.

Other factors contributing to the insufficient supplies of lumber include pressure from environmental groups and the perennial boxcar shortage, which has slowed down the movement of logs to sawmills as it has other agricultural products to their destinations. However, the environmental lobby has impeded the growth of lumber supplies far more effectively than the dearth of freight cars. Not that all members of the Sierra Club are opposed to harvesting the forests—any more than all the executives of Boise Cascade are enemies of ecology. The major differences between these opposing factions center on how many trees should be cut, what methods should be used and how the forests should be managed to best satisfy the public interest.

Yet there are fundamental discrepancies in their approach to the problem. The timber industry sees trees primarily as an economic resource, a vital raw material for houses, furniture, cartons, paper. From this vantage point, a tree which dies of old age or disease is a waste. Conservationists judge the value of forests from an entirely different perspective. To them trees are objects of beauty and important contributors to the complex ecological balance of the forest. And a "tree farm," they maintain, is not a forest. It cannot nurture the variety of life or halt erosion in the same way that a diverse woodland can.

In an effort to reconcile these competing and sometimes conflicting interests, Congress passed two broad measures aiming to satisfy both somewhat: the Multiple Use Sustained Yield Act (1960) and the Wilderness Act (1964). According to the terms of the first, the Forest Service must manage forests on public lands so that there will always be a new crop growing at the same rate mature trees are felled. The public forests must also, however, serve six distinct purposes: recreation; watershed management; wildlife preservation; timber production; mining; and grazing. Because multiple use is neither possible nor desirable on each and every acre, the Wilderness Act set aside some nine million acres as untouchable. The fate of an additional 34 million acres awaits the results of a lengthy, comprehensive Forest Service study mandated by law some years ago but not yet completed. (Ironically, the conservationists' success against further inroads by the timber industry may ultimately harm the environment more than heavier timber cutting, for synthetic wood substitutes require an enormous expenditure of energy to produce.) The new environment-inspired reluctance of the Forest Service to develop public lands further is exacerbated by the Office of Management and Budget's stingy stipend to the Service, this year as well as next. Like many another worthy agriculture program, it has fallen under the administration's axe and has suffered severe cutbacks.

The convergence of all these factors has obliged the timber industry to seek new ways to increase lumber supplies. Spurred by intense shortages (and high profits) private woodlands planted for commercial harvest are now being utilized to a fuller extent. "We use everything," said one timber man, "but the sigh of the pine." (The same efficiency, it should be noted, is not operative on public lands probably because their custodians lack the requisite economic incentive.) Timber companies are also seeking new, more stable sources of supply, especially in Canada. The forests of British Columbia now furnish 20% of our logs. In effect, we import more than we export of this commodity.

Nevertheless, exports are the first order of concern for most domestic consumers of lumber. They argue that, when supplies are scarce, preference should be given to American needs first. I have therefore introduced a bill prohibiting the exportation of logs for a twelve-month period. As of this writing, the administration is still reluctant to impose an embargo on log exports, preferring to negotiate a voluntary limit with the Japanese. In the meantime, Cost of Living Council Director John Dunlop has unveiled a plan to place lumber under wage and price controls, while Agriculture Secretary Earl Butz will insure that 11.8 billion board feet of logs will be sold from national forests this year (compared with 10 billion last year.)

To meet the long-term demand, more far-reaching measures than these will be necessary. With better management, the Forest Service could make tree-cutting on public lands a more efficient source of lumber for the timber industry and revenue for the government. Some compromise will also have to be reached between the environmentalists and the lumber producers on how best to balance the competing claims of commerce and conservation. There is encouraging evidence, however, that both sides recognize the inevitability of cooperation.

DAILY CHRONICLE EDITORIAL ON MILITARY SERVANTS

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 1973

Mr. OWENS. Mr. Speaker, the attached editorial from the Daily Chronicle of March 26, 1973, published by the students at the University of Utah, echoes my own strong feeling about the military abuse of using enlisted men as personal servants for general officers. I think other Members may be interested in reading it:

HEY BOY! UNCLE SAM NEEDS YOU

It was another one of those news items which somehow escaped proper detailing in the pages of our local newspapers. The networks failed to allot time for it. But in a Senate subcommittee hearing Sen. William Proxmire of Wisconsin discovered that the U.S. Army maintains a special school at Fort Lee, Virginia, where it trains enlisted men to be servants for the generals.

According to the General Accounting Office the cost of equipping these 1,722 men per year with their special military skills comes to $13 million per year. Some of the classes taught are bar-tending, gourmet cooking, ice-carving, dog walking, ashtray-empting, and bathroom cleaning.

The graduates are assigned to 970 generals and admirals. One defect in the program is that brigadier generals and rear admirals must struggle along with only one "enlisted aide." Members of the Joint Chiefs of Staff, on the other hand, have six to eight servants. The Pentagon explained to Proxmire that the servants are necessary to induce admirals and generals, who may earn nearly $43,000 per year, to remain on active duty. The aides "relieve officers of minor tasks and details which, if performed by the officer himself, would be at the expense of his primary and official duties." Which presumably means we would need more generals to get the job done. It is, the Pentagon said, "A good deal for the taxpayers."

And to prove that the Pentagon is an equal opportunity employer, why it turns out that 98 percent of the Navy's military servants are Filipinos and 65 percent of the Marine Corp's servants are Black. Hey, boy . . . Uncle Sam needs you!

Several weeks ago while cutting social and educational programs all to hell, the White House mentioned that there were many beneficial programs emanating from the intact new budget (which favors business and the military). We guess this school for servants must be one of them; why as soon as you are done shining shoes in the military you can move right into private enterprise. Shining shoes.

PRESIDENTIAL WAR POWERS

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 1973

Mr. BINGHAM. Mr. Speaker, in view of the continuing debate in both Houses of the Congress over appropriate legislation to define the powers of the President to engage in military hostilities abroad without a congressional declaration of war, Members and other readers of the RECORD may be interested in the testimony of Prof. Arthur Schlesinger, Jr., before the House Subcommittee on National Security Policy and Scientific Developments. That testimony, presented on March 14, 1973, follows:

WAR POWERS LEGISLATION

(By Arthur Schlesinger, Jr.)

As one much concerned with these questions both as a former government official and as a student of American history, I welcome the opportunity to set forth certain views on the range of questions embraced by the war powers resolutions before this Committee. These resolutions address themselves to a question of wide import and deep significance: the question of the democratic control of that most vital of national decisions, the decision to go to war. I am glad that this Committee is conducting so careful an inquiry into the alternative modes of action open to Congress and the country.

Of the various proposals before the Committee, I shall refer first to the War Powers bill as passed so emphatically by the Senate last year—S. 440.

Let me begin by emphasizing that I heartily endorse the purposes of this bill.

Nor do I have any question about its constitutionality. I am aware that objection has been made that, in seeking to define the powers of the President, the bill is in derogation of his authority as Commander in Chief and is therefore unconstitutional. This objection seems to me without force. The notion of the office of Commander in Chief as a source of independent and inherent peacetime authority is relatively novel in our constitutional history. The Founding Fathers would surely have regarded it as a latter-day heresy.

For the men who drafted the Constitution made clear their very narrow interpretation of the office of Commander in Chief. "It would amount," Hamilton carefully explained in the 69th Federalist, "to nothing more than the supreme command and direction of the military and naval forces"—and he went on to distinguish this limited authority from the much broader authority of the British King. The President's power as Commander in Chief, in short, was simply the power to issue orders to the armed forces within a framework established by Congress; it was, in particular, the power to conduct war once Congress had authorized war. As Commander in Chief the President would have no more power than the first general of the Army or the first admiral of the Navy would have as professional military men.

This view prevailed through the early republic. In 1850, the Supreme Court, in reviewing "the power conferred upon the President by the declaration of war" in the case of *Fleming v. Page*, said bluntly that, when he assumed the role of Commander in Chief, "His duty and his power are purely military." The theory that the Commander in Chief had larger powers first appeared during the Civil War, but this was justified, as Lincoln repeatedly said, by the emergency, noted in the Constitution in connection with the suspension of *habeas corpus*, of rebellion and invasion. Lincoln's successors did not claim that their role as Commander in Chief conferred on them any special peacetime authority. In his 83 press conferences in 1941 up to Pearl Harbor, during the anxious time when our nation entered into an undeclared naval war with Germany in the North Atlantic, Roosevelt never once claimed that he had any special powers to bypass Congress by virtue of his office as Commander in Chief.

The Second World War gave Presidents the theory that this office was a residuum of inherent and independent authority, and in peace as well as in war. As early as 1948 Justice Jackson in the case of *Woods v. Miller* called the Commander in Chief clause "the most dangerous one to free government in the whole catalogue of powers." Subsequent developments, it seems to me, abundantly justify Justice Jackson's warning. In any case, the idea that S. 440 is unconstitutional because it interferes with the President's authority as Commander in Chief is based on a conception of that office unknown to the men who wrote the Constitution—unknown, indeed, to most Presidents of the United States until very recently in our history.

S. 440 contains three separable elements: (1) a definition of the circumstances in which the President can send armed force into battle without a declaration of war by Congress; (2) a provision requiring the President to report periodically to Congress on the status of hostilities; (3) a provision enabling Congress to terminate hostilities by statute or joint resolution.

My difficulties with this bill arise from the first of these elements: Section 3 of the bill attempts to define the possible contingencies in which the President would be authorized to commit armed force on his own initiative. History is exceedingly unpredictable; and the attempt to specify in advance all the circumstances that might justify unilateral presidential action seems to me hazardous in the extreme. "The circumstances that endanger the safety of nations are infinite." Hamilton wrote in the 23rd Federalist. Able and perspicacious as the sponsors of this legislation are, one wonders whether they can see so much more clearly into the future than the men who designed the Constitution.

In attempting to specify these contingencies, Section 3 has the peculiar character, or so it seems to me, of being at once too limiting and too expansive. While on the one hand it seeks to pin down the particularity of circumstance that would legitimize unilateral presidential action, on the other hand it gives its blessing to the theory that has justified the most extravagant instances of such action—that is, the theory of defensive war. I call your attention to the relevant phrases—the power proposed in paragraph (1) to send armed forces into battle "to forestall the direct and imminent threat" of attack on the United States; the power proposed in paragraph (2) to send armed forces into battle "to forestall the direct and imminent threat" of attack against the armed forces located outside the United States and its possessions; the power proposed in paragraph (3) to send armed forces into battle in any country where American citizens are "subjected to a direct and imminent threat to their lives." Since no provision is made as to who shall make the judgment about the directness and imminence of such threat, it is to be assumed that the judgment is left to the President.

I hardly need recall to this Committee the warning issued by a member of the House of Representatives exactly one hundred and twenty-five years and one month ago. "Allow the President to invade a neighboring nation, whenever *he* shall deem it necessary to repel an invasion," said Congressman Lincoln of Illinois, ". . . and you allow him to make war at pleasure. Study to see if you can fix *any limit* to his power in this respect. . . . If, to-day, he should choose to say he thinks it necessary to invade Canada, to prevent the British from invading us, how could you stop him? You may say to him, 'I see no probability of the British invading us' but he will say to you 'be silent; I see it, if you don't.' " Though this proposition did not apply to the Mexican War, where Congress had formally recognized the existence of a state of war, it does apply with great precision to S. 440.

There is nothing more elastic than the theory of defensive war once that theory is extended beyond actual attack to alleged threat of attack. Presidents of a certain temperament may easily see direct and imminent threats on every hand; and, if members of Congress fail to see such threats, Be silent: I see them, if you don't. When one has seen this highly expansive concept of defensive war invoked to justify American attacks on neutral countries, one recalls Joseph A. Schumpeter's description of the foreign policy of the Roman Empire. "Here," he wrote, "is the classic example of that kind of insincerity in both foreign and domestic affairs which permeates not only avowed motives but also probably the conscious motives of the actors themselves—of that policy which pretends to aspire to peace but unerringly generates war, the policy of continual preparation for war, the policy of meddlesome interventionism. There was no corner of the known world where some interest was not alleged to be in danger or under actual attack. If the interests were not Roman, they were those of Rome's allies; and if Rome had no allies, then allies would be invented. When it was utterly impossible to contrive such an interest—why, then it was the national honor that had been insulted. The fight was always invested with an aura of legality. Rome was always being attacked by evil-minded neighbors, always fighting for a breathing space. The whole world was pervaded by a host of enemies, and it was manifestly Rome's duty to guard against their indubitably hostile designs."

Nothing seems to me more perilous in S. 440 than the congressional sanction thus bestowed on the expansive theory of defensive war. The President has always had the power to repel sudden attacks on his own responsibility. But this bill would give him blanket congressional authorization to send armed force into battle whenever he sees within the first three categories what he pronounces, by his own personal, independent, unilateral and unchecked judgment, as "direct and imminent threat" of attack. As Senator Javits has frankly said, the bill "gives the President more authority to do what is necessary and proper in an emergency than he now possesses" and provides "ample play to the need of the Commander in Chief to have 'discretionary' as well as 'emergency' authority" (Congressional Record, vol. 117, pt. 9, p. 11462).

The President must of course have the power to respond to emergency. But it would seem to me far better that he exercise this power on his own and not with the color of congressional authorization. I see no advantage in Congress thus giving away its independence and compromising its position in advance. On this issue I agree with Senator Fulbright that a President "would remain accountable to Congress for his action to a greater extent [if he acted on his own responsibility] than he would if he had specific authorizing language to fall back upon. Congress, for its part, would retain its uncompromised right to pass judgment upon any military initiative undertaken without its advance approval." (Additional Views of Senator Fulbright, Senate Report No. 92-606, "War Powers," 92 Cong., 1 Sess., February 9, 1972).

I have equal difficulty with the provision in Section 5 of S. 440 requiring congressional authorization for the prosecution of hostilities after a period of thirty days. This raises first of all a problem that is more tricky than it may seem: how to ascertain the date on which hostilities began? Nor does the bill make this conundrum any easier of solution by mentioning, in an additional endorsement of the expansive theory of defensive war, situations "where imminent involvement in hostilities is clearly indicated by the circumstances." What in the world does this mean? At what point does the commitment of armed force in response to actual attack or to speculative threats of attack trigger the 30-day authorization period? Had S. 440 been on the statute books in 1960, at what point would the 30-day deadline have applied to the American involvement in Vietnam? These are not frivolous questions. They go to the heart of the proposed legislation.

The 30-day deadline seems to me to be filled with booby-traps. Most wars are popular in their first 30 days. These are the 30 days when the President who ordered the action overwhelms Congress and the press with his own rendition of the facts and his own interpretation of the crisis. It generally takes a good deal more than 30 days for other facts to emerge and other interpretations to win a hearing. With the President's immense advantages in his control of information, in his ability to define the emergency, in his capacity to rouse the nation, it would take a very stout-hearted Congress indeed to veto his request for the authorization of continued hostilities—except in those infrequent cases where differences have already crystallized in advance of the commitment of force. This bill, I greatly fear, would be more likely to become a means of inducing formal congressional approval of warlike presidential acts than of preventing such acts.

Moreover, the principle on which the bill is based—that the President must carry out the policy directives of Congress in the initiation and prosecution of military hostilities—is founded on the unstated assumption that Congress can be relied upon to be more peace-minded than the executive. This assumption finds little sustenance in the historical record. In two of our five declared wars in American history—the War of 1812 and the Spanish-American War—Congress imposed war on a diffident executive. One need go back no further than the Cuban missile crisis to recall, as Robert Kennedy has told us, that the congressional leaders, when informed by President Kennedy of the quarantine policy, "felt that the President should take more forceful action, a military attack or invasion, and that the blockade was far too weak a response." A bill constructed on the supposition that the President is always a force for war and Congress always a force for restraint may have unexpected consequence when, as has been so often the case in our history, it is the Congress which is seeking war and the President restraint.

As an historian, I feel that a legislative proposal of this consequence must be subjected to the historical test, by which I mean that we must carefully consider what its effect would have been had it been on the statute books in times of crisis in our past. I will not enter here into the question whether S. 440 would have prevented the action undertaken by President Truman in Korea and by President Kennedy in the Cuban missile crisis. Both conceivably could have slipped through under the capacious theory of defensive war sanctioned in the bill, and neither probably would have been hampered by the 30-day deadline. I will concentrate rather on two other situations of equal significance: the undeclared naval war with Germany in the North Atlantic in 1941, and the war in Vietnam.

In 1941 Britain, fighting alone in the west against Hitler, depended on American aid for survival. The Roosevelt administration felt that British collapse and Nazi victory would jeopardize the security of the United

States. Accordingly, Roosevelt announced a "shoot-on-sight" policy in order to protect the British lifeline. It is not at all clear that this action falls within the categories of initiative permitted to Presidents by S. 440. In any case, it is fairly certain that Congress would not have sustained the shoot-on-sight policy after 30 days. For this was one of those cases where policy differences had been well crystallized before the commitment of force. One has only to recall the fact that in August 1941 the House of Representatives came very close to disbanding the American Army when it extended the draft by but a single vote. It is hardly conceivable that this same Congress would have authorized Roosevelt to pursue an undeclared war in the North Atlantic.

As for the Vietnam war, President Johnson could unquestionably have got all the congressional blessing he wanted at any point up to 1968 and probably even then. If S. 440 had been on the books, it would not have arrested American participation in the war; it would only have locked Congress deeper into the escalation policy. In short, the War Powers bill would have prevented President Roosevelt from protecting the British lifeline against Nazi submarines; and it would not have prevented President Johnson from intensifying the war in Vietnam nor President Nixon from carrying that war into Cambodia and Laos. If all this is so, then the bill will serve neither the purpose for which it was drafted nor the national interest of the United States.

All these considerations constrain me to believe that Sections 3 and 5 of S. 440, however constitutional they may be, are ill-considered, unwise and filled with danger for public policy. Nor, indeed, do these sections seem to me essential to attain the declared purposes of the bill. For these purposes can be effectively attained, in my judgment, by the provisions in S. 440 providing for the reporting and the recall of hostilities. For this reason, Congressman Bingham's proposal, H.R. 317, seems to me to represent a greatly preferable approach to this complex problem.

H.R. 317 omits the impossible attempt to foresee all future contingencies; it omits the placing of the congressional *imprimatur* on expansive theories of defensive war; it avoids the perplexities and dangers created by the 30-day deadline. H.R. 317 retains, however, the usable and useful provisions of S. 440.

Section 3 of H.R. 317 provides for periodic presidential reports to Congress on the status of hostilities. My only comment on this section is to wonder whether the requirement that the President must report to Congress at least once every six months is sufficient. It would seem to me safer to require such reports no less often than every three months.

Sections 4 and 5 provide for the termination of hostilities upon the adoption by either House of a resolution disapproving continuance of the action taken. I am in agreement with the congressional priority provision in Section 5. As for the mode of termination prescribed in Section 4, this is based on the precedent of the Executive Reorganization Act; and the reasoning behind it in this case is evident—that, since one House of Congress could defeat a declaration or authorization of war, one house of Congress should be able to prevent the continuation of undeclared or unauthorized war. From some viewpoints, a joint resolution passed by both Houses of Congress would seem a more appropriate form of action. I am not sure, for example, whether Section 4, if on the statute books in 1941, might not have resulted in the termination of American protection of the British lifeline, though, since it would have required positive action by one or the other House, such termination could not have been achieved without a most intense national debate. On the other hand, with the presidential power to veto joint resolutions, the war-making power would rest in the hands of one-third of each House, and this surely was not the intention of the Constitution. So, on balance, I am inclined to feel that the mode prescribed in Section 4 is a feasible solution. With this perplexity noted, I would urge on this Committee the consideration of H.R. 317, which will, I believe, fulfill the purposes of S. 440 without saddling the country with that curious melange of rigidity and permissiveness I find in S. 440.

As for H.J. Res. 2, this proposal seems to me to suffer from two defeats. It would appear to endorse the expansive theory of defensive war on presidential initiative by authorizing the President to commit forces when "the necessity to respond" to situations endangering the United States constitutes in the presidential judgment "extraordinary and emergency circumstances as do not permit advance Congressional authorization." While Presidents may be compelled by emergency to take action without congressional sanction, it does not seem to me, as I have noted before, essential that Congress should encourage them to do so by providing an appearance of sanction. The reporting provisions in Section 5 seem to me admirable and might well be incorporated in H.R. 317. The provision for congressional action in Section 6 seems to me vague and less satisfactory than the more specific provisions in H.R. 317.

In the interests of time, I will not comment in this statement on the other resolutions before the Committee, though I will be glad to do so to the best of my ability in the course of the hearing.

Before closing, I would beg the indulgence of the Committee to suggest two other aspects of this general problem for your consideration.

One means by which Congress could get a grip on the problem of war powers is through the exertion of its control over the deployment of armed force outside the United States. I recognize that the constitutional authority of Congress to determine the commitment of forces outside the country has been in dispute. Nevertheless I would recall to you the statement made on the floor of the Senate in 1912 by the eminent lawyer Elihu Root, who had served as Secretary of War under McKinley and Secretary of State under Theodore Roosevelt. While expressing the hope that it would never do so, Root conceded that "Congress could by law forbid the troops' being sent out of the country." The more venerable among us can remember the "great debate" of 1951 when President Truman proposed to send four additional divisions to Europe. That debate ended inconclusively with the passage of a "sense of the Senate" resolution in which the Senate approved the sending of the divisions but added, over administration opposition, that no additional ground troops should be sent to Western Europe "without further congressional approval." Among those voting against inherent presidential authority and for the principle of congressional control of troop deployment was Senator Nixon of California.

I would call this Committee's attention to the statement by the Research and Policy Committee of the Committee for Economic Development in February 1972 entitled "Military Manpower and National Security." This statement argues persuasively for a procedure by which Congress could regularly authorize and control the overseas deployment of military manpower. The report recommends that Congress should annually and explicitly authorize by major overseas areas the number of troops that may be deployed outside the United States. This need not limit the President's power to act in an emergency, for Congress can require of the President an after-the-fact accounting for emergency action; but it would give Congress a continuing voice in peacetime overseas deployments. This would go far, in my judgment, in restoring the proper balance between Congress and the Presidency.

My second point has to do with the vital question of information. Nothing has been more effective in obstructing the democratic control of foreign policy and in perpetuating monopolistic control by the national security bureaucracy than the myth of inside information—the "if you only knew what we knew" attitude. There is absolutely no reason why Congress should not have before it all the facts essential to sound and informed judgment on the large decisions of foreign affairs. This would require a marked change of attitude on the part of the executive. It would require the substitution of genuine consultation for unilateral briefing. It would require the end of the abuse of executive privilege. It would require the transmission of all executive agreements to the foreign affairs committees of both Houses, with appropriate provisions for secrecy when secrecy is really necessary. It would require, it seems to me, the establishment of a Joint Committee on Intelligence on the model of the Joint Committee on Atomic Energy. It might well require, as Benjamin V. Cohen has proposed, the establishment by Congress of a commission with representatives from both Houses and from the executive branch empowered to exchange information and views on the most delicate and critical questions of foreign affairs. It will require above all more systematic and aggressive efforts by Congress to avail itself of the vast resources of knowledge in the public domain; for, in my experience, the great bulk of information necessary for intelligent political judgment is available to any citizen who will take the trouble to seek it out.

If Congress will arm itself with knowledge, with the control of overseas troop deployment and with some means of terminating hostilities undertaken on unilateral presidential initiative, it will make long strides toward bringing the war-making power under responsible democratic control.

A FRIEND IN NEED

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 1973

Mr. VAN DEERLIN. Mr. Speaker, in a recent statement, President Nixcn called on employers to give top priority to hiring returning servicemen.

One businessman who did not have to wait for this invitation is a constituent of mine—Dick Chase, of Chula Vista, Calif. As president of Chula Vista Sanitary Service, Mr. Chase has long had hiring guidelines which he explains quite simply in the following words:

Disabled veterans get the first crack at employment opportunities. Veterans, particularly Vietnam veterans, are considered next. That Mr. Chase practices what he preaches is borne out by the the statistics that follow: Of 135 persons employed by his company over the past 3 years, 89 have been veterans and 11 disabled veterans—an excellent batting average for any firm.

Dick Chase seeks no credit for his policies. In fact, he says, they bring him cash as much as credit. He also says.

> I hire a man for his ability, not his disability.

And he finds that veterans, disabled or not, make excellent workers. Equally important, they have a team spirit and loyalty instilled in them by their military service.

Mr. Chase agrees with the president's statement that,

> These men ask no special privileges or favors.

They do expect and deserve a chance, however, and Dick Chase is seeing to it that they get the best chance he can give them. Hardheaded businessmen might well note the growth of Mr. Chase's company and ponder this demonstration of the fact that hiring veterans is an exercise not only of patriotism but of sound business judgment as well.

THE NATIONAL ARTS AND HUMANITIES FOUNDATION

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 1973

Mr. RODINO. Mr. Speaker, during the last few weeks, the House Select Subcommittee on Education has been holding hearings to urge an extension and increase the budget of the National Arts and Humanities Foundation.

Because I so strongly believe in the need to continue this invaluable program and because I am so pleased with the progress and achievements the Endowment has made over these past few years, I would like to share the words of my testimony with you at this time:

Testimony by Peter Rodino

Mr. Chairman, it has been said that given nothing but its music, the archeologist of the future could do a fair job of restructuring American civilization in the decades of the 60s and 70s. The mixtures of musical forms and styles, the straining for new sounds and new tonal and rhythmic relationships, the persistence of musical idioms of the past, the protest songs of American youth, soul music, even the singing commercial—will not all these factors together constitute a true mirror of our times? I am not speaking so much of the separate words, of the specific sounds, of the individual drum beats. I am speaking, rather, of the representation of particular ideas. And, if this individual expression is the very reflection of life for us today, should we not recognize that our music, our art, is the medium through which our ideas, our beliefs, our dreams, are given concrete form and substance? Aristotle quite succinctly stated, "the aim of art is to represent, not the outward appearance of things, but their inward significance, for this, and not the external mannerism and detail, is true reality."

It is therefore extremely important for me, and for all of us in this Congress, to extend every effort to assist and encourage the development and expansion of the artistic efforts so vital to the life and growth and legacy of our nation. The more I study the existing economic difficulties experienced in practically every creative endeavor, however, the more I realize the need for Federal assistance to our arts becomes ever more acute.

Of all the performing arts, grand opera takes its place as the most spectacular, the most artistic, and also, the most expensive of presentations. With its full cast of singers, complete orchestra and ballet, with its elaborate scenery, costuming and lighting, the opera production embodies all the economic burdens that beset every other art form. Its cast, from four leads, 10 supporting singers, 75–100 chorus members, 20–40 ballet dancers, and 80–100 orchestra members can run between 200 and 300 individuals. And, noting that often different operas with different casts may perform each evening, rehearsal costs are far higher than those of a theatrical production with a moderately long run.

The first recorded opera performance on American soil was in 1735. The Metropolitan Opera was founded in 1883. Despite this long tradition, however, professional opera in the United States is extremely scarce. Only four major opera companies exist—the Met, the New York City Opera, the Chicago-Lyric Opera and the San Francisco Opera. And, approximately 40 professional opera groups are scattered throughout the country. Opera singers, therefore, must usually travel from place to place, singing in an emsemble framework that is largely improvised. Artists with young talent have no place to go. They often train outside the United States and request, "Please find us a place in a European opera house. We don't want to go home because we can't find an opportunity to work and earn a living in our own field".

If, therefore, for approximately 340 days a year no professional opera exists in such major cities as Boston, Dallas, Hartford, Houston, Kansas City, New Orleans, Philadelphia, Pittsburgh and Washington, D.C., how is it possible to develop a continuing opera program in this country? If such few performances are given, one understands a director's reluctance to experiment with fresh styles. Standard works are basically used, mostly for economic reasons. With so little opportunity to enjoy opera, an audience wants to see, those few days a year, the works she knows well and understands. Yet, how can opera fulfill its role in America if its predominant interest is focused on the 18th and 19th Centuries? Exclusive preoccupation with past glory contributes little to the vitality of opera as a living art form.

You have already heard the excellent testimonies of the Honorable Emanuel Celler and of Schuyler G. Chapman, Acting General Manager of the Met on the financial "desperation gap" in which the Met is now caught. Between inflation costs and slowing rising income, added to the fact that the box office pays 80% of the Met's expenditures, leaves this grant opera company with a high temptation to raise its prices. Yet, its directors shy away from this alternative, preferring instead to broaden the availability of public opportunity to enjoy and share in this art. Even as it stands now, a large segment of our communities, simply because of high prices and the dearth of existing facilities is denied the opportunity to appreciate opera. For how can our citizens learn to enjoy the living arts if so few performances are available to them? And, what child should not be given the opportunity to know and to feel comfortable with this art form, especially while his tastes are still developing and his behavior patterns are being socialized.

It is not as though the men and women of this nation have demonstrated a lack of interest and support for the arts. To the contrary, a growing awareness exists, and a wealth of American operatic talent wants only to be given a chance. We all recall, for example the overwhelming response to Leonard Bernstein's performance of the Mass. Tickets were sold out so quickly, I know of many who were turned away and denied the opportunity of viewing this production.

If we look upon our roles in this Congress as voicing the needs and desires of America's citizens, as serving to increase public awareness of the significance of encouragement and support of the arts, we must act now. The arts are public goods and the wishes and interests of the public should be followed in the allocation of this most valuable national resource. Government funding in this area is certainly justified. We must demonstrate our responsibility to the stability, continuity and growth of American art.

When one realizes, for example, that European governments pay 40–90% of opera house costs, one cannot dispute the fact that there exists no system of American sponsorship corresponding to the European government subsidy. And, one cannot help but recognize that the present American system of financial sponsorship is certainly not secure enough at this point to guarantee any substantial artistic future for this nation.

We have not faced head on the financial plight of our artistic endeavors, but rather have approached the problem in a limited fashion, from offering tax incentives to private contributors, to supporting specific projects. None of these funds, however, are sufficient to guarantee the stability and freedom needed for our arts to flourish properly. Ronald Berman, Chairman of the National Endowment for the Humanities, in his recent testimony before this committee, stressed the importance of encouraging new approaches, new research, in discovering new ways, new time frames, for the acquisition of even conventional knowledge. The mind, given the opportunity, has an unlimited wealth of ideas and expressions. "The object of art", stated Francois Delsarte, "is to crystallize emotion into thought and then fix it in form". Let us not, by our inaction, stifle this process for America. The development of mature cultural activity, of exacting standards of performance and of an understanding audience can't be provided overnight. Funds must be provided today if the arts are to be kept alive tomorrow.

As one of the original sponsors of P.L. 89–209, to establish the National Endowment of Arts and Humanities, I am extremely pleased to note the success and progress of the Foundation since 1965. Since its inception, the Endowment has sought to understand the needs, concerns, and dreams of our citizens, and to respond to these needs on a national as well as a local level. It has set up councils and committees, composed of individuals from a multitude of backgrounds and experiences, within each state to tap into the state's existing human resources, to reflect the particular nature of each state and to answer its specific desires and concerns.

The exhibition of "Impressionist and Post-Impressionist Painting from the USSR", opening this Saturday at the National Gallery, the first exhibition of Western Art to be lent to the United States by the Soviet Union, was largely sponsored under a $100,000 grant from the Endowment. I am extremely excited about this cultural exchange and very much look forward, as I'm sure many Americans do, to the museum opening.

The Goldovsky Opera Institute, through Endowment Assistance, toured last year in my home state of New Jersey and this year, New Jersey's own Opera Theatre is being aided by a matching from grant from the Arts' Endowment. Just last year 45 grants for the opera were made, including one to the National Opera Institute whose function is to encourage the growth and development of opera in the United States. Through this Institute, financial encouragement has been provided to outstanding young singers and grants in aid have been offered for the commissioning and production of new performances of rarely performed operas. Assistance to date has made possible the world premiere of 10 new operas.

Since I am most familiar with the Endowment's projects in New Jersey, I would like to share with you a few of the programs which stand out in my mind as special to my constituents, but important to the country as a whole.

The Creative Leadership Arts-In-Schools program, a cooperative project with the U.S. Office of Education, began in 1970 with a small grant for a post working in our local school system. Since that time, the program has grown in 3 years to include poets, dancers, visual artists, musicians and filmmakers—all working throughout the elementary and secondary schools of the state. Debra Stein, leading the poetry component of this project, under the direction of Bryan R. Kelly, director of the New Jersey Council on the arts, writes, "Our goals were to bring the living art of poetry into the classroom, stimulating the natural creative ability of the student and encouraging an appreciation of both contemporary and classic forms". The following poems were written through this program, the first from a 3rd grader and the second from a high school student.

An open door
Says come in.
A shut door
Says who are you?

APARTMENT HOUSE

A filing cabinet of human lives
Where people swarm likes bees in tunnelled hives.
Each to his own cell in the towered comb
Identical and cramped, we call it home.

The Newark Community Arts Center, in another matching grant program, received support for its 1972 classes in music, drama and dance—a grant which served nearly 1000 inner-city youngsters. The importance of these opportunities, experiences and encouragements to these children during so special a developing period in their lives cannot be overstated.

The New Jersey Symphony, located in Newark, received assistance during the past fiscal year to continue its youth concert programs and to expand to new locations and new audiences in several counties throughout the state. And, the Newark Museum has received matching funds to catalogue its collection of American paintings and sculpture covering the 18th, 19th and 20th Centuries with an additional collection of American folk art.

Thus, the National Arts and Humanities Foundation has given life and vitality to the art of the United States. It has encouraged, in its short years of existence, creativity of tremendous value. It has exposed our young to new and beautiful experiences and to exciting new avenues of expression. And, it has continually sought to respond to the hopes and desires of our citizens. With our support and with the successful passage of this legislation to assist this Foundation in its invaluable work, all this has only just begun.

REV. JAMES A. RUSSELL CELEBRATES 25TH ANNIVERSARY OF HIS ORDINATION

Hon. PETER H. B. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 1973

Mr. FRELINGHUYSEN. Mr. Speaker, on March 13, Rev. James A. Russell celebrated the 25th anniversary of his ordination. He is presently pastor of Our Lady of the Mount Roman Catholic Church in Warren Township, N.J., and his parish is having a celebration of this event on April 8, 1973.

Father Russell is an exceptional person as a spiritual director, citizen, and is both loved and deeply appreciated by the members of his parish as well as the other parishes that he has served during his priesthood.

I would like to add my congratulations to those that soon will be expressed.

A GROUP OF 34 LENINGRAD JEWS COURAGEOUSLY SPEAK OUT ON THE EMIGRATION POLICY OF THE SOVIET UNION

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 1973

Mr. ROE. Mr. Speaker, many of us have joined in sponsoring legislation to halt the persecution and harassment of Soviet citizens of Jewish heritage, calling for the exercise of the citizen's right to emigrate to the country of his choice. This past week I received a very desperate appeal from Rabbi Harvey J. Fields of the Anshe Emeth Memorial Temple of New Brunswick, N.J., and Mr. Samuel Landis, president of the Jewish Federation of Raritan Valley, N.J., urging increased sponsorship and congressional action in securing passage of all relief measures possible to put an end to the oppression of Jews and bring about the right of Jews and others to leave the Soviet Union.

Their message to me included a letter signed by 34 Leningrad Jews calling upon the Congress of the United States to remember the tragic plight of the Soviet Jews in any discussions relating to foreign aid and cooperative programs with the Soviet Union and continue to seek the "free exit from the Soviet Union for all Jews who wish it, with no concessions or compromises."

Mr. Speaker, I know that you and our colleagues here in the Congress will be interested in the communication from these representatives of the Soviet Jewish citizenry and their description of the alarming conditions with which they are faced in their efforts to reaffirm their right to leave the Soviet Union and live their remaining years in the State of Israel. I insert their letter at this point in the RECORD for your information and guidance:

A GROUP OF LENINGRAD JEWS ADDRESSES THE CONGRESS OF THE UNITED STATES OF AMERICA

We are not able to fulfill our wish—to leave the Soviet Union and to settle forever in the State of Israel. We are conscious of the fact that this, our wish, is an elementary right of contemporary civilized men—nevertheless, we are deprived of it. The Soviet authorities do not allow us to arrange our own fate and the lives of our children.

We do not lead an easy life, but one that is full of assorted material and spiritual difficulties. We are not writing about them because they will never be fully understood in the West—no matter how much is written or said about them. We live a life which kills the spirit, moreover, we bear our present time only so that it might pass quickly; but after all the present life is that only life we have. We want the future to arrive as quickly as possible, our indefinite future.

We are striving for fairness from the Soviet authorities. In our argument what can we say to them?

The only stand we can take is to show our lack of fear of their monstrous power; to show our agreement to make sacrifices; and by our being prepared to go to prison. This latter is a preparedness which the authorities unfortunately use all too often. It is turned out that after the camps and crematories of the War—there still remains Jews for whom it is necessary to go to prison in order to reaffirm their right to leave the Soviet Union forever and live a natural life in their homeland in the State of Israel.

The official laws which regulate the issuance of exit permits for the State of Israel are unknown to us. Jews to whom exit visas are refused do not know when they will be able to receive a visa; they do not know on what the reasons for refusal are based; they do not know in particular which organizations or officials are blocking the issuance of the visa; they do not know in which instances it is necessary to appeal the refusal; and above all, they do not know if they will ever receive permission to depart. The only thing that they know is that a year after the refusal they once again may submit all of the documents together with their request for an exit visa. And it is possible once again to receive a refusal. And again in another year to submit documents . . . and this can go on without end.

But life goes on, children go on growing. Specialists are disqualified. In order to live such a life and not lose heart or dispair an unlimited belief in success is necessary.

We complain about the absence of laws but when they appear the situation by no means gets any better. The notorious education tax has only the appearance of legality; indeed it emphasizes still more the lack of rights of those who wish to leave. The unprecedented sums of the tax which were called for in the beginning have so affected public opinion that, when they were slightly reduced (albeit remaining excessively large), it was possible to point out that the situation had improved. But no, it had not improved. The education tax continues to remain a monstrous absurdity and a mockery of common sense. The evil of the education tax lies not only in itself but also in the fact that it diverts public opinion in the West from more important issues to do battle against it. Progressive people in the West may think that if the tax is either surmounted, lowered or completely rescinded, then the main obstacle on the path for Jews going to Israel will have been eliminated. No, no, no! This just isn't so! The main obstacle on the path for Jews going to Israel is not the education tax but the absence of free exit for all who wish it.

The Jews and non-Jews of the Western world have rendered us invaluable aid. The support of public opinion and of various organizations in the West helps us to exist, to endure and surmount our lives. It may be said straight-forwardly that without your support we would never have been able to stand ground.

Therefore we are turning to you: remember us!

We are living people just as you are; we know the same joys and the same pain that you do. We do so love our children and fear for them as do you for yours; and we too want to make them happy.

Help us in this! Remember about this during the negotiations with the Soviet government over political and economic questions.

Do not agree to compromises and half measures.

Do not trade the bodies and souls of Soviet Jews for tons of grain or fertilizer.

Don't delude yourselves about the apparent legality of the tax on education and similar measures.

> We beg you to strive for one thing alone: Free exit from the Soviet Union for all Jews who wish it.
>
> No concessions or compromises! Only free exit for all who wish this—this is the position we are expecting from you; and it is for this that we have hope.

Mr. Speaker, although we have been aware of the difficulties, this letter, I am sure, will bore deeper into the hearts of all freedom-loving people throughout the world and add strength and determination to our efforts here in the United States to secure a worldwide commitment of goodwill and understanding among all peoples of the world, and particularly the U.S.S.R. in hastening to make amends and abolish the evils of archaic, tyrannical principles that do not belong in the doctrine of human values today. For no matter how we equate or measure our values—by whatever standard applied—it is axiomatic that human values are paramount to the purpose of the mutual endeavors and responsibilities of all of mankind.

C. DIXON BILLINGSLEA AN AMERICAN HERO

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 1973

Mr. FUQUA. Mr. Speaker, Arlington National Cemetery is the final resting place for thousands of American heroes. Here two Presidents, privates and generals rest side by side in honored glory.

A small dignified cross marks the final resting place of General Pershing, beside those he led.

On a hill overlooking thousands of crosses of his fellow heroes is a new cross. It too marks the final resting place of an American hero who has answered his Nation's last call to duty.

Col. C. Dixon Billingslea was decorated by his country more than 140 times. He had a record of 379 hours in combat in 250 missions.

He was to make his last flight on February 10, 1973, when the small private plane in which he was a passenger crashed 8 miles from his base, with Colonel Billingslea and two friends losing their lives.

Flying was his life. He was a brilliant aviator. Why such a bright star should be plucked from our midst is not for us to know.

Suffice it to say that in his short life, Colonel Billingslea experienced more than man has a right to expect. He knew combat, he had a reverence for duty, he was blessed with a loving family, his career was astonishing in its accomplishments and he left so many friends that their number is countless.

It because of men like Dixon Billingslea that this Nation remains strong. He gave his all.

His family has made an equal sacrifice.

I can only hope that in their grief, they can be comforted in the knowledge that he lived such a rich, full life.

One day soon, his son, Arthur, will be graduated from the Air Force Academy. A great tradition has only been temporarily stifled. It will live on.

From his beginning in the service as a senatorial appointment to the U.S. Naval Academy to participation in some of the early astronaut programs to heroism in battle, the colonel's background was one of distinction.

Colonel Billingslea entered the Naval Academy in 1947 and was graduated in 1951 with a degree in engineering. While there he also qualified as a translator-interpreter in Spanish with the State and Defense Departments.

After graduation he entered pilot training at Spence AFB, Ariz. in 1952. After another school at Nellis AFB, Nev. he traveled to Korea where he racked up 87 combat missions for 139 combat hours in the F–86 Super Sabre.

Returning to the United States in 1953, Colonel Billingslea served in a variety of positions while flying the F–86, the F9 F–8 and the F–100.

In 1960 the colonel left TAC while a F–100 weapons instructor pilot and began work toward his master of business administration degree at the University of Chicago. He specialized in engineering management of research and development and was graduated in 1961.

From 1961 to 1963 Colonel Billingslea was assigned to Wright-Patterson Air Force Base, Ohio, where he played a major role in the development of the C–141 Starlifter. His primary specialities with the aircraft were the new jet engines and cockpit design. It was also at Wright-Patterson that he participated in various "Zero G" weightless experiments in the air and under water for the early astronaut programs.

For the next 3 years, he served on an F–105 with the 36th Tactical Fighter Wing at Bitburg Airbase, Germany. In 1966 he was reassigned to the 39th Tactical Fighter Squadron at Danang Airbase, Vietnam.

While with the 39th, he flew 152 combat missions, and 240 combat hours in the F–4C. For one of his combat missions over North Vietnam, Colonel Billingslea was awarded the Silver Star.

When he returned to the United States in 1967, the colonel served a stint with Headquarters, USAF, at the Pentagon as an operations staff officer before going into the Army War College at Carlisle Barracks, Pa. He received his diploma from the War College in 1970.

An assignment to Misawa Airbase, Japan as deputy commander for operations with the 474th TFW and the job with the 3d TFW at Kunsan followed his graduation.

He began his final assignment when he went to Holloman Air Force Base in New Mexico in July 1972. He reportedly had arrived there with the most impressive set of credentials ever seen at the base.

He was serving as the commander of the 49th Civil Engineering Squadron at the Base at the time of his death.

His military decorations include the Silver Star, the Distinguished Flying Cross with three Oak Leaf Clusters, the Bronze Star, the Air Medal with 13 Oak Leaf Clusters, the Meritorious Service Medal with Oak Leaf Cluster, the Republic of Vietnam Gallantry Cross with Bronze Star, and 134 other awards.

Colonel Billingslea attended Marianna High School and graduated from Marion Military Institute, Marion, Ala.

He is survived by his wife, the former Miss Molly Ley Austin of Tallahassee, one son, Arthur, a cadet at the Air Force Academy, one daughter, Karen, a student at Texas Christian University, and his parents, Mr. and Mrs. A. C. Billingslea of Marianna.

His hometown newspaper, the Jackson County Floridian of Marianna, Fla., carried an editorial entitled "Jackson Loses a Son."

We share in the loss of a distinguished son of Jackson County, a man whose service to his country exemplified the true strength of America.

POW'S ACCOUNTS OF TORTURE PRESENT THE TRUE FACE OF COMMUNIST BRUTALITY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 1973

Mr. RARICK. Mr. Speaker, now that the American POW's have been returned to American soil, the truth about their brutal treatment at the hands of their North Vietnamese captors is finally being told to the American public. The fear that the Communists would take reprisals against those remaining in captivity forced the early returnees from making the truth of their ordeal known earlier.

The accounts of the shameful torture inflicted on American prisoners by the North Vietnamese and the Vietcong present a shocking horror story for the public. But the accounts should be given widespread attention so Americans can see the true face of the Communist enemy in Southeast Asia.

As it may have been anticipated, the antiwar and Red apologists who supplied propaganda support for North Vietnam during the war years, have now turned their attention to discrediting the accounts of brutality by the Communists. This new line of antiwar diatribe has been picked up and mouthed by many members of the "surrender at any price" crowd.

One outspoken antiwar guitarpicker recently was quoted as saying:

> You have to bear in mind the sources from which these reports come. They (the POW's) have been carefully screened and studied before being allowed to talk.

The stories of starvation, beatings, and torture are too spontaneous and have been confirmed by too many of the returning men to be merely passed off as being controlled by Government press agents.

A better example of carefully manipulated press-agentry was the job the North Vietnamese did on the antiwar crowd when they visited Hanoi. They "carefully screened" what they wanted their American comrads to see, and it was accepted as truth with no questions asked.

The obvious reason for the attempted repudiation of the prisoners' accounts is to soften the American public's strongly held opposition to aid to North Vietnam. But the dodge will not work. The representatives in Congress of the American people, if their votes reflect the feelings of the country, will not allow $2.5 billion of tax dollars to be given to the brutal, subhuman Government of North Vietnam.

I insert the following two related newsclippings at this point:

[From the Washington Star, Apr. 2, 1973]

BAEZ SURPRISED

Singer Joan Baez said in Paris that she was surprised at the reaction to reports by returning American prisoners of war of torture while captives in North Vietnam.

"I am a little surprised at the outrage over the POWs since there are still 200,000 prisoners in South Vietnam who are not being treated well," the antiwar folksinger said yesterday.

"Of primary importance is that civilization must demand that any and all torture must cease. It does not matter if it is by our side or their side."

"Nobody seemed to care about boys on drugs committing suicide, but with the POWs they are taking special care. You have to bear in mind the source from which these reports come. They have been carefully screened and studied before being allowed to talk," she said.

THE TRUTH COMES OUT

Now that all the American prisoners the North Vietnamese and Viet Cong admit to having held have been repatriated, the truth concerning the conditions under which the POWs existed is beginning to leak out. It is a chilling story of organized brutality for political purposes that will surprise only those who have always maintained that their country's enemies are but a little lower than the angels.

At best, the lot of a prisoner is never a happy one. For those held by societies which do not place a high premium on human life or suffering, imprisonment can be a searing experience. But when a natural brutality is complemented, as was the case in Indochina, by a structured form of terror designed to extract political advantage from the plight of helpless men, one's heart goes out to those who have been its victims.

Americans captured by the Viet Cong and the higher-ranking fliers imprisoned in Hanoi during the years 1965–67 appear to have fared the worst. After 1967, the uproar in the American press and pressure from the White House seems to have resulted in slightly better treatment.

The tales of beatings, starvation and other forms of torture unquestionably will become more heartbreaking as more and more former prisoners tell their stories. Under the circumstances, the wonder is not that some prisoners signed anti-war statements but that more did not do so. Those who stood up under such vile treatment deserve the highest possible praise for their courage, resolution and faith.

A soldier, be he officer or enlisted man, owes it to his country, his comrades and his service to resist interrogation when information which he has would endanger others if revealed. But beyond that, there can be no absolutes. No man can say how much he would endure when in the hands of skilled and pitiless interrogators. Some, like Marine Major Donald G. Cook, died rather than tell his interrogators the time of day. But not every man is capable of such heroism.

In any case, the shame of torture rests not on its victims but upon those who inflict it. Which will not make it any easier to get through Congress that $2.5 billion for rebuilding North Vietnam as an "investment in peace."

OUR FLOUNDERING WELFARE SYSTEM

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1973

Mr. GILMAN. Mr. Speaker, on Tuesday, March 27, 1973, Representative MARTHA W. GRIFFITHS provided the assembled body with an enlightened and informative analysis of the status of our Nation's welfare system. I commend Mrs. GRIFFITHS' excellent study and her attempt to tie together some of the loose ends of our floundering welfare programs.

Mr. Speaker, it seems to me that Mrs. GRIFFITHS has made a significant step in welfare reform by focusing attention on the shortcoming of welfare programs, which, as she so aptly indicated, are disordered, overlapping, and generally unsatisfactory.

No one denies that there is a need to provide for our truly needy, for our aged, our disabled, for our handicapped—for all those who desperately need Federal assistance.

But there is something drastically wrong when our Nation's hard earned tax dollars are utilized in providing assistance in a welfare system which contradicts the best of our American traditions. Something is wrong when welfare assistance negates the work incentive and something is radically wrong when the Federal Government and the States provide an individual with all of the essentials of life without generating any impetus for that person to create a living for himself.

We are all cognizant of the abuses in our present haphazard methods of dispensing funds to poverty stricken individuals. And Congress may have encouraged some of these abuses by indiscriminately pouring funds into programs whenever a need is expressed. Congress, seeing the needs of the American people, has responded in a truly humanitarian spirit.

But, by that very response, have we missed the point? Just as important as providing moneys and services to stricken individuals, should we not also foster the desire to work, to achieve, to seek the ability to be self-sustaining and self-reliant?

The temper of these existing programs is not in tune with our American traditions. In his inaugural address, President Nixon called upon every American to assume responsibility for himself, by taking the initiative to make his own way among the masses. To do this, we in Congress must take stock of where we are heading, where we have been, and how effectively we are looking ahead to provide for underprivileged Americans.

The gentlewoman from Michigan has pointed out 11 existing programs comprising our present system of welfare services. Surely with these 11 programs, working independently of one another, there is bound to be overlapping and irregularities. Mrs. GRIFFITHS' study has suggested consolidating these programs. That is certainly an alternative which bears further investigation by the Congress.

Thanks to Mrs. GRIFFITHS, we finally have an accurate assessment of our current welfare system. It is now up to Congress to pursue meaningful reform, making certain that our Nation's welfare program truly fulfills our intentions of providing the incentives for self-reliance, thereby seeking a termination to the endless welfare cycle.

COMMENDATION FOR A COURAGEOUS LADY

HON. JOHN BUCHANAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 1973

Mr. BUCHANAN. Mr. Speaker, we in Birmingham and Alabama, are fortunate to have working with the handicapped a lady who herself overcome a serious handicap to continue providing greatly needed assistance to others. This year, Dr. Gwenyth R. Vaughn, chief of audiology and speech pathology service at the Veterans' Administration Hospital in Birmingham has received the VA Administrator's commendation and is a finalist for the Outstanding Handicapped Federal Employee of the Year Award which will be presented later this week.

Dr. Vaughn has my sincere gratitude for her many years of outstanding service and for the courage she has shown. She is an inspiration to the handicapped in her personal life and a shining light for all those whom she touches in her professional life.

During World War II, Gwenyth Vaughn moved to Mexico City where she helped establish the University of the Americas. She served as principal of the American High School which was the largest private English-speaking high school outside the United States. During this period she became the sole support of her small daughter.

In 1950, at the age of 34, Dr. Vaughn developed polio. She was told that she would never walk again and she had great difficulty in swallowing. Many Mexican friends, nurses and the local polio committee rallied about her because of her determination to live. She slowly recovered the ability to speak, swallow and move her extremities. She also faced her struggle for financial independence.

Dr. Vaughn was so severely paralyzed that she had to be carried from place to place by cab drivers and strapped to her chair to remain upright while she was teaching. Dr. Vaughn not only continued working and supporting her daughter but also provided the first educational opportunities for the physically handicapped and the first private school for the mentally deficient in Mexico. Often she supported the school from her own salary, and shared her home with 18 multiple handicapped students.

After being told she had no chance of ever walking she developed her own devices to help her walk. Her first attempts were with the support of a grocery cart. She now uses an umbrella cane she developed to disguise her need for support. The umbrella is easily interchangeable and she has sets in various colored materials that she attaches to match her clothing.

Dr. Vaughn and her staff have the responsibility for assessment and treatment of those with hearing and speech impairments among the veterans in three VA hospitals at Birmingham, Tuscaloosa, and Montgomery. She is also on the teaching staff of the University of Alabama in Birmingham and director of the joint VA-University "Project Tele-Therapy," an innovative approach to supplementary and followup services to veterans needing help with speech and language. For her outstanding work she received one of VA's highest awards, the VA Administrator's Commendation in February 1973.

A 1959 Ph. D. graduate of the University of Denver, Dr. Vaughn is a leader in her professional field, the author of several books, and a contributor of chapters to several books in medicine and dentistry. She is a fellow in both the American Speech and Hearing Association and the American Association on Mental Deficiency.

Despite the fact that Dr. Vaughn routinely must use either a walker or personal assistance, she asks for no special consideration in her job, said Clyde G. Cox, director of the VA hospital, adding:

> Through her deep understanding, professional competence, and desire to help others, she is most effective in aiding the sick and disabled in their life struggle.

PHYSICAL FITNESS

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 1973

Mr. BYRON. Mr. Speaker, the national physical fitness effort was given another fine boost this past weekend with the running of the 11th Annual J. F. K. 50-Mile Hike along the Appalachian Trail and C. & O. Canal towpath. I know you join with me in extending special thanks and appreciation to those colleagues among us who added encouragement and enthusiasm to this significant activity with their participation. Congress was active along the course with the likes of Idaho's Orval Hansen and Washington's Joel Pritchard. But special recognition is justly due to our grimly determined colleague from California, Lionel Van Deerlin, who endured the steady rain and fog for 14 hours to become one of this year's 675 finishers. My hat is off to him and our pride in his achievement abounds.

MENTAL HEALTH FUNDS CUT

HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 1973

Mr. BURTON. Mr. Speaker, I should like to place in the Record at this time an article which appeared in the San Francisco Chronicle which vividly outlines the disastrous effects of President Nixon's budget cuts on programs designed to meet real and pressing human needs.

Community mental health programs have met with major success and are of unquestioned worth. In San Francisco alone, three community health centers will lose grants if funds are not restored. If you multiply this by the communities across the Nation which have been similarly affected, you have what comes close to a national disaster in the field of mental health.

The article follows:

Three Centers Lose Grants: San Francisco Mental Funds Cut

(By David Perlman)

Three community mental health centers in San Francisco have lost more than $2 million in federal grants for new programs as a result of administration budget cuts in Washington, The Chronicle learned yesterday.

The programs had been developed over several years with broad local community participation and federal encouragement. They had been officially approved by mental health experts at local, state and federal levels.

But now the applications have all been returned to San Francisco officials, with the flat statement that there is no money for the programs in President Nixon's budget for the fiscal year beginning July 1.

The grants would have covered the first of eight years of operations, so the city stands to lose a total of $18 million unless the cuts are restored by congressional or administration action.

According to Dr. Barry Decker, San Francisco's mental health services chief, the largest lost grant was for $1,739,879 a year.

This would have paid for three-quarters of the staff costs in launching badly needed new mental health programs throughout the Sunset, the Richmond, and the Oceanview-Merced-Ingleside districts.

Another grant was for $300,000. It would have developed new psycho-social services for hundreds of isolated, lonely and needy elderly people living in seven senior citizens' housing projects and 20 board and care homes throughout the area covered by the Westside Community Mental Health Center.

The third grant, for $241,040, was to have gone through the Bayview-Hunters Point Community Mental Health Center to the John Hale Health Foundation. It would have trained a corps of mothers to serve as specialized mental health workers for children.

Dr. William Goldman, director of the Westside Center, is also president of the National Council of Community Mental Health Centers. He has been virtually commuting to Washington for weeks now, leading a battle to stave off the budget cuts.

CUTS

According to Goldman officials at the National Institute of Mental Health have declared that federal approval for nearly $9 million in federal grants for programs at 11 California centers are being rescinded because of the budget reversal.

Nationally, about 140 separate mental health center programs had won approval at some official level, and 100 more official level, and 100 more were in advanced planning stages when they were notified there would be no money, according to Goldman.

The San Francisco psychiatrist, who is heading for Washington again this week, said yesterday that Congressmen William F. Mailliard and Philip Burton have both been strong supporters of community mental health center legislation in the past and that they have proved "most receptive" to Goldman's urgent pleas for help now.

But he said he has found it "extremely difficult" to gain access to Health, Education and Welfare Secretary Caspar W. Weinberg's top staff advisers to present his case.

President Nixon has argued that the federal cuts in mental health center program financing are now possible because money is available from states, local governments and private insurance funds.

State and local tax money is increasingly tight, however, and almost no private health insurance policies cover any expenses for mental illness, Goldman replied.

"But with sufficient public outcry and support at all levels, there are indications this program might be restored." Dr. Goldman said, "because even the White House admits that community mental health centers have been a major success."

SUPPORT

Eventually, he said, federal financing "could well give way to local support, but we won't be able to pick up the federal burden for another three or four years."

The biggest fund loss in San Francisco is scheduled in the Richmond-Sunset areas, where citizen and community groups have been planning new health services for three years.

The mental health efforts there would be strongly focused on families seeking them, according to Decker. They would include individual services to children and parents, "walk-in" clinics, day care centers for disturbed youngsters, home visiting programs, and inpatient services to acutely ill mental patients at Langley Porter Institute.

"With so much trouble in our schools, with our juvenile justice system overloaded, and with difficulties arising in so many families, we believe the new services could make a dramatic change in the mental health picture of the communities involved," Decker said.

ABOLISH CAPITAL PUNISHMENT

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 1973

Mr. DRINAN. Mr. Speaker, I would like to call to the attention of the House two editorials broadcast recently over WEEI in Boston, supporting the abolition of the death penalty. My office has received many letters and comments in support of my bill (H.R. 5592) to abolish the death penalty. The editorials which follow are a further example of the sentiment expressed by many of the citizens, including the religious leaders, of this country.

The Death Penalty, Part I

Many people thought that capital punishment had walked its last mile when the Supreme Court ruled the death penalty unconstitutional after finding it a cruel and unusual punishment.

But capital punishment is back from the grave and is again being discussed at the highest levels of government. President Nixon is calling for reinstatement, saying: "I am convinced that the death penalty can be an effective deterrent against specific crimes."

You probably heard the President's comments on capital punishment, but perhaps you missed another voice. WEEI thinks the words of the Roman Catholic Bishop of Nashville Joseph Durick are worth repeating.

Bishop Durick says the death penalty is "un-Christian and un-Godly." And he quotes the late criminal lawyer, Clarence Darrow, who said 30 years ago that the walk to the death chamber has been from the "beginning a procession of the poor, the weak, the unfit."

The Nashville Catholic Bishop cites many other arguments against capital punishment including noted psychiatrist Dr. Karl Menninger's contention that the death penalty is not a crime deterrent. Yes, WEEI thinks Bishop Durick's arguments are worth repeating; we'll discuss more of them in tomorrow's editorial.

And we wish more church leaders would take stands on the social and moral issues of the times. For it seems that the only time we hear from them is when they make dogmatic statements on such sexually-oriented issues as birth control and abortion. We feel that issues like war and capital punishment far transcend issues of private sexual morality.

In yesterday's editorial we quoted Catholic Bishop Joseph Durick of Nashville who contends that capital punishment is "un-Christian and un-Godly." Today WEEI would like to tell you more about the Bishop's reasoning.

The Bishop does cite several Old Testament passages that are often used to give Biblical support to the death penalty. These are from Genesis where it is written: "Whoever sheds the blood of man, by man shall his blood be shed," and from Numbers: "If a man strikes another with an iron instrument and causes his death, he is a murderer and should be put to death."

Bishop Durick points out, however, that "there are no New Testament passages sanctioning the death penalty." And he quotes a statement made by the Roman Catholic Bishops of Canada who said they consider it "an illegitimate use of the Bible" to use Old Testament passages to argue for the death penalty.

The Canadian Bishops said that these texts "must be weighed against any passages in the New Testament where Jesus constantly rejects the normal human tendency to redress injury by injury and calls instead for generosity." And Bishop Durick says the Jewish theologian, Rabbi Israel Kazis, thinks that these Old Testament passages don't reveal the true position of Judaism toward the death penalty.

The Bishop of Nashville says in summary: "The theological arguments in behalf (of the death penalty) are weak. Let us treasure life, not gamble with it." WEEI is in full agreement with Bishop Durick's thinking on this important social and moral issue. And as we said in yesterday's editorial, we find it refreshing to hear a church leader take a stand on an issue like this.

NFL PLAYERS VISITS TO SOUTHEAST ASIA

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 1973

Mr. KEMP. Mr. Speaker, amidst the gratitude for the return of our prisoners of war and the shock over the tortures inflicted upon them, it is easy to forget the efforts of many Americans who have devoted much time and energy to improving the lives and conditions of those U.S. fighting men who have served their country in lonely and distant lands over the past several years.

One of the few clear and incontrovertible accomplishments of the Vietnam war has been the mobilization of a great number of non-governmental volunteer groups of Americans devoted to humanitarian pursuits in Southeast Asia. Many Americans have touched, in a personal way, the lives of those who have made it possible for the United States to leave Vietnam with honor. With the end of American involvement in Vietnam, it is my fervent hope that much of the good which came from those who sought to ease the ravages of war will not be lost. As grateful Americans, let us acknowledge the service, the sacrifice, and the patriotism of those who helped lighten the burden which many of our military men have borne in Southeast Asia.

I particularly wish to express my thanks to the National Football League for their 8 years of effort in bringing players in the NFL to Vietnam and the Far East. Their spirit and hope helped make the lives of our fighting men a little brighter.

I enclose the following list of players who have participated in tours:

PLAYERS WHO HAVE PARTICIPATED IN TOURS

1966

John Unitas, Willie Davis, Sam Huff.

1967

Don Meredith, Dick Bass, Larry Wilson.

1968

Bobby Bell, Bill Brown, John David Crow, Jack Kemp, Andy Russell, Lance Alworth, Ernie Green, Wayne Walker, Bart Starr.

1969

Al Atkinson, Irv Cross, Marv Fleming, Joe Namath, Tommy Nobis, Jim Otto, Dan Reeves, Dick Schafrath, Billy Ray Smith, Dick Westmoreland, Steve Wright.

1970

Tucker Frederickson, Floyd Little, Paul McGuire, Jack Snow, Chuck Walker, Dave Whitsell, Dick Butkus, George Webster, Jim Marshall, Dan Conners, Gary Garrison, Jim Nance, Norm Snead, Len Rohde, Chris Hanburger.

1971

Lem Barney, Greg Landry, Clint Jones, Bob Lilly, Tom Woodeshick, Jerry Smith, George Kunz, Joe Scibelli, Tom Dempsey, Fred Hoaglin, John Brown, Tom Matte, Jon Morris, George Byrd, Larry Csonka.

1972

Donny Anderson, Ken Houston, Danny Abramowicz, Gene Upshaw, Otis Taylor, Bill Curry, Marlin McKeever, Mike Garrett, Manny Fernandez, Jack Gregory, Marlin Briscoe, Roger Wehrla, John Elliott, John Fuqua, Grady Alderman.

1973

George Atkinson, Mike McCoy, Archie Manning, Joe Morrison, John Zook, Cliff Harris, Ken Iman, Karl Kassulke, Marty Domres, Bill Kilmer, Jim Marsalis.

The NFL, in conjunction with the USO, has undertaken goodwill tours which have been invaluable, not only to the men they were organized to assist, but also to those of us who have had the privilege to participate. NFL Commissioner Pete Rozelle issued a white paper in 1970 which talked about the NFL–USO project and what it has tried to accomplish:

THE "HANDSHAKE" TOURS

Each year the National Football League, in cooperation with the USO and the Department of Defense, sends groups of players on a post-season tour of military installations and hospitals in Vietnam, Thailand, Okinawa, Guam, Japan, and Hawaii.

In Vietnam, as two groups did last winter, they travel from the tiny island of Con Son off the shore of the Mekong Delta to the fringes of the Military Demarcation zone (DMZ), from the sands lapped by the South China Sea to the borders of Laos and Cambodia.

They talk about the length of miniskirts with the six men and one dog that make up a Marine patrol a few miles out of mortar-scarred Da Nang and they chat about the width of lapels with the crew of a freshly-painted aircraft carrier in the Gulf of Tonkin.

They show the Super Bowl film on a sheet draped over a truck in the "doonies."

And they know what Jack Snow has said—that for a few minutes they have taken young minds off the horror of war.

And the learn what Schafrath has said—that those few minutes are as important to the players as to the servicemen.

The response to these non-political missions to the Far East has been the most rewarding aspect for the sponsoring partners. General Creighton Abrams Jr., the American commander in Vietnam, has personally requested that the tours continue. The NFL intends to do so, for as long as we are wanted.

I'm told that the usual response to the NFL visits stems from the fact that the pro football players come as people rather than performers. They are not bound by a performance schedule that limits their movements. Because of that, there is a maximum of face-to-face contact with the servicemen.

Their very nature—the NFL stars travel light, dressed in fatigues, and carry a minimum amount of equipment—allows for the group to find even the remotest areas accessible for chats with the servicemen stationed throughout that part of the world. For that reason, the visits have been labeled "handshake" tours, and they are exactly what the label connotes—pro football players shaking hands with thousands of servicemen while talking, talking, talking—including football—as a relief from the rigors of service life.

The tours are both physically and mentally demanding. One early visitor likened his routine day to the rigors of training camp. And for good reason. On an ordinary day, the players hop the map on a dozen stops from a starting point at dawn to an era in the boondocks at midnight. But they always insist on working on scheduled days off.

Visits are made to all branches of the service and there are no priorities, except the unwritten law that no hospital can be bypassed. Transportation is by whatever means is available—helicopter, truck, even sampan.

The program began in 1966 when the NFL became the first sports organization to send a group of athletes to Vietnam. The first group was made up of Johnny Unitas, quarterback of the Baltimore Colts, Sam Huff, middle linebacker of the Washington Redskins, Willie Davis, defensive end of the Green Bay Packers, and CBS sportscaster Frank Gifford, former all-NFL running back for the New York Giants.

Whenever I mention it, I recall Unitas' classic line. He was intently reading a book when the Vietnam-bound plane set down in Guam in a violent rainstorm.

After the plane had landed and was taxiing to a refueling area. Unitas looked out at the driving rain, shrugged and said: "Every time I come to Guam it's raining." And calmly went back to reading his book.

In subsequent years the tours have grown in demand and numbers participating. Last January, 15 players, broken into three groups, toured the South Pacific for as long as 17 days, carrying with them Super Bowl films, team decals, polaroid cameras, and lots of small talk.

The cameras proved extremely popular. Pictures of the players and servicemen were taken, developed, autographed and presented as keepsakes on the spot.

Despite the accoutrements brought along, however, the most significant part of the tour seems to be the talk sessions with the emphasis on the three F's—football, fashions and females.

What does it mean to the players?

Norm Snead, quarterback of the Philadelphia Eagles, said afterward, "I wouldn't trade the experience for anything else I've ever done."

Said Floyd Little, Denver running back: "It was very gratifying. We went everywhere, mountain country, jungle, we were right up there with the 'Dirty Boots,' the kids who are really in it. They were so tickled, so happy to see somebody."

Said Paul Maguire, the Buffalo punter: "On the way over I wondered if they'd look on us as a bunch of hot dogs, you know, pro football players out on a vacation, but the best part of the trip was the reaction we got everywhere we went. They were really glad to see us. Anybody with any chance to go should do it because it means so much that somebody is interested enough to visit them."

Said Dick Westmoreland, Miami cornerback recently traded to Minnesota: "It makes you proud. It makes you feel what you're doing is a drop in the bucket compared to what they're doing. These people are doing a tremendous job and paying a terrific price."

After he returned from a hospital tour, Bart Starr wrote me:

"May I take this opportunity to thank you and all of those responsible for arranging our tour to the Far East. This was one of the most memorable trips of my life and although some of the wounded cases we witnessed were tragic, the exemplary courage of these young men made me very proud to be an American."

Once back in the States, many players have made one of their first projects a series of long distance telephone calls—at their expense—to the parents of injured servicemen they met on their tour.

Dick Schafrath recorded his daily doings for the Cleveland Plain Dealer and in his series urged people to write to servicemen in the area. He offered to coordinate the mailing and delivery. Within the next few weeks, he received nearly 20,000 letters.

Forty-two players have made the tours thus far, along with one member of my staff, Bill Granholm, who has coordinated the last three visits.

And as I said, we will continue these visits for as long as the need exists and as long as we're wanted.

PETE ROZELLE, *Commissioner*.

I was fortunate enough to be a part of the project in 1968 traveling to South Vietnam and Thailand and can say without hesitation that it was one of the most rewarding experiences of my life. While the program has affected different players in different ways, there can be no doubt about the sense of gratitude we felt for being able to, even briefly, bring some happy memories of home and pro football into the lives of those great guys.

Mr. Speaker, much credit for NFL support of humanitarian and patriotic enterprises must go to Commissioner Pete Rozelle. His effort and that of Bill Granholm, special assistant to the commissioner, in coordinating the program for 5 of the past 8 years, have made the project an accomplishment of which the NFL should be proud.

The kind of effort this has represented and which I hope will continue in the years ahead is tribute to the coming of age of an industry which brings great enjoyment into the lives of millions of Americans. The National Football League clearly recognizes its capacity for contributing to the lives of those who do not have the opportunity to be spectators of professional football. Many lives have been brightened by the energies of those in professional football who manifest the same devotion for their country and their countrymen, as they do for excellence on the football field.

I pay tribute to those who have been involved in the NFL program. It can and should mark only the first step in making much of the world of sports, entertainment, and for that matter, other elements of private industry, cognizant of their infinite capabilities to meet the needs of our Nation, at home and abroad.

Bob Roesler of the New Orleans Times-Picayune recently spoke of the effect of the trip on Archie Manning. It is worth reading.

The article follows:

BEHIND THE SPORTS SCENE

(By Bob Roesler)

MANNING ON THE WAR

Archie Manning has always been a serious young man. Life is more than football for him. He has had a keen interest in things like government, international politics and people.

He has just returned from the Far East, touching down at places like the Philippines, South Vietnam and Thailand while taking part in the National Football League's annual pilgrimage to military installations "over there."

He arrived in Thailand after the cease fire, but it obviously had not "ceased." He and his group were at an outpost known simply as NKP located on a river across from Laos. From there he could see flares dropping and feel bombs exploding.

"You know you can read about the war in the newspapers and never really know what it is like over there," Archie said seriously. "But after seeing what I did and talking to the men who have been doing the fighting you know, I feel I know a lot more now.

"I came home with a great pride in our servicemen, our equipment and this country. At several bases we visited we would go out on the flight line and watch the fighter-bombers take off loaded and return empty.

"It was a strange feeling to know that pilots we were talking with the previous night might not be coming back in the morning. But the morale is high. Golly, it's good.

"Oh, there are the usual gripes about bad food, or maybe one GI would have a beef about his commanding officer. You know, like some football players might grumble about a coach.

"But there is great esprit de corps. The F105 squadrons think they are better than the F111 people. And for a long time the B52 crews were the buff of jokes because they had easy missions.

"Then in December, when the B52s took heavy losses, those guys would hold their heads high. They all just have fantastic pride in their own planes.

"The rivalry extends to bases, too. We'd stop at one place and the guys would boast that they had the best gym facilities in Thailand. Another base might counter by saying that maybe so, but they had the best track, or the best club."

NIXON AND ANTIWAR FEELINGS

I asked Manning how rank and file dogfaces and officers, too, felt about President Nixon, his effort to end the war and the antiwar movement back home.

"Almost everyone had good things to say about President Nixon and what he was doing. They used the expression 'commander in chief' a lot—and with pride. Actually I found very few of what you would call antiwar comments.

"The tour was pretty informal. Sometimes we would talk with 75 people, other times it would be 300 and 400. I remember one airman asked me how I like Thailand. I told him it was okay. So what does he say? He told me, 'Well, if you like it so much, how about you staying here and letting me go home in your place?' But it was all in fun because they all seem to agree that if you've got to pull duty over there, the best spot is Thailand."

A ROCK GROUP?

Manning's group included Joe Morrison of the Giants, Mike McCoy of the Packers, John Zook of the Falcons, Cliff Harris of the Cowboys and George Atkinson of the Raiders. All looked like mod-squad members with their long hair.

"When we first got there people thought we were a rock group," Archie grinned. "We got a lot of ribbing about our long hair, but the guys were real nice to us.

"Our shows were not much more than a rap session. What really amazed us was how knowledgeable they were about football. We didn't get many stupid questions.

"Oh, there was a lot of ribbing. Like one GI asked Harris what happened to the Cowboys. Cliff told him that the players had made so much money the year before by winning the NFC championship and Super Bowl that they had to dump the season for tax purposes.

"They got on to me pretty good because the Saints had a bad season. But they asked serious questions on how hard the college-to-pro transition was and my thoughts on a running quarterback.

"Funny thing, our group wanted to ask questions, too. We were interested in their thoughts of the war, their outfits, how the civilians treated them and things like that. But we were snowed under with questions about the National Football League.

"We did learn that they got NFL games three weeks late and they were shown over television. Every base there had their own TV studios.

"We brought along the Super Bowl film and another funny film about things like quarterbacks getting sacked. They liked them a lot. Believe me, they were an appreciative audience."

There is more to the Archie Manning story. But let's save it for Sunday. You'll find out the impression 300-pound Mike McCoy made on the small Thailanders; how Manning bartered Saint decals for a taxi ride; and his gang's visit to a fly-infested Marine outpost somewhere in the boondocks.

Too. Archie will talk a bit about the spirit of our fighting men. Or fashioned patriotism—maybe you could call it World War II vintage—is not dead.

Many reporters filing stories out of Vietnam the past years have painted some bleak word pictures of our GIs. Manning and his pals found things a little different.

Those hard-nosed, often far-left newsmen either deliberately overlooked patriotism or were too damn blind to see it. Manning came home with a feeling of pride for our men in uniform. His words are refreshing.

There isn't a darn thing wrong about the American idea of mother, flag and apple pie. It is still there for those who care to log for it.

Those American newspapers whose stories and editorials seem to come direct from the Hanoi Herald would do well to listen to people like Archie Manning. But I have a hunch those kind of opinion-shapers wouldn't want to hear anything that would prove that their hogwash about low-rating everything from the U.S. and extending crying towels to the enemy is just that—hogwash.

Manning is my kind of guy. As for the Hanoi Herald-types, they can erect a statue to Ho Chi Minh in their men's room.

A SIX PACK

For priority and VIP purposes Archie Manning and the National Football Players who toured the Far East were given temporary ranks of colonel.

The title and privileges were sources of embarrassment when the troupe landed in the Philippines and at Saigon. With their "horsepower" they would be first off the planes.

"We really felt funny being given the VIP treatment while an Army veteran of 16 years had to wait for us to deplane and things like that," Manning grinned sheepishly.

"There were no hard feelings, but as soon as we got to Thailand we got into more casual clothes. Some of us wore fatigue pants or just cutoff shorts and golf shirts."

Manning, Joe Morrison, Mike McCoy, John Zook, Cliff Harris and George Atkinson visited many Thai bases, large and small. Some were landing fields for giant B52s, others were reachable only by helicopter.

"There was a Marine base called Nam Phong, at least that's the way I believe it is spelled," Manning began. "It was carved out in a primitive, remote part of the jungle. It turned out to be nothing but miserable.

"We were told it was to have been a temporary place and would be used for three months, so no permanent buildings were erected. But the Marines stayed on and were living in tents until just recently.

"You know, when we'd reach a base one of the top brass would meet us at the plane for a formal welcoming. That was nice. But our best welcome was from this Marine captain at Nam Phong.

"As we climbed off the helicopter he handed us each a six-pack of beer. Since the temperature seldom dipped below 100 you can imagine how good it tasted.

"The camp was really something. You had to eat fast or the flies would get more than you would. But you know the Marines, they enjoy roughing it.

"Matter of fact, one of the Marine officers told me that if Hilton built a hotel there, the Marines would still prefer their present style of living.

"They didn't like our long hair and I believe that was the only place we visited that I honestly felt one of those guys would grab us and give a haircut."

BANGKOK: NEVER THE SAME

Before beginning the tour of Thailand. Manning and his pals had a few days in Bangkok. It proved interesting, profitable and funny.

"The Thais are rather small people, you know, and were utterly amazed by Mike McCoy's size," Manning grinned. "He says he's 270, but if he isn't 300 pounds my name isn't Archie Manning.

"Everywhere we went people would stop and gawk at Mike. There is a vehicle over there that is powered by a bicycle and has a seat in the back that carries two people. I wish you could see the legs on those little Thai pedal pushers."

Manning related how his gang used decals of NFL teams—they went over with thousands—as barter. "We'd put them all over their vehicles and on their clothes," he said.

"The taxis are something else. One might be a Mercedes, another a pick-up truck with benches in the back. They were something else.

"Clothes over there were real cheap. You could get a tailor-made knit suit for $30. And you could sit down there and design the suit and watch as the tailor made it.

"You had to bargain for everything. One tailor wanted to charge me $60 for a suit I finally paid $30 for. Mike McCoy had trouble, though. They took one look at his size and doubled the price. Believe me Bangkok will never forget Mike McCoy."

PRICELESS EXPERIENCE

The Saint quarterback considered the trip over there as an experience he will never forget. "It was something to see how people live in another part of the world, examine their culture, religion and government," the redhead said, sounding more like a political science student than a professional football player.

"It was also a valuable education in military affairs and war. It was something to listen to those pilots and what they have been through. I came home with a deep respect for the American servicemen. They are courageous people who love their country.

"As for the equipment they fly and use, well, after talking to them I am convinced it is the best. I am confident that we have the people, knowhow and equipment to meet any emergency.

"The guys we met there were just great. It made you feel good to be an American. There is a high degree of patriotism over there. They have a love for their country, and as I have said before, much respect for their Commander in Chief."

With the war winding down there was little need to visit base hospitals, but Archie and his pals did drop in on some. "Those in there were being treated for non-combat things. Like colds and bad backs," Archie related.

"We did talk to two patients who had turned themselves in to take the drug cure. The drug situation is one thing the military is keenly interested in and watching.

"With the fighting ending there will be less for the GI's to do and boredom could set in. Boredom could bring on a drug problem, but the brass hats are on the alert."

Once the tour was over, Manning's group plus the one Bill Kilmer took to Korea headed east. There were a few days of relaxing in Hawaii on the itinerary but Archie skipped that stop.

"I was eager to get home," he admitted. "You know even when I take a vacation I am anxious to get back home. This trip was no different. But I would like to go back again.

"Being with our servicemen over there was a rewarding experience. I'll never forget it. You know, we were supposed to go over there to help the GI's. It was more the other way around. They made me feel proud of them and our country."

Right on, Archie.

THIEU'S POLITICAL PRISONERS

HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, April 2, 1973

Mr. MITCHELL of Maryland. Mr. Speaker, a most unusual and frightening document has come to my attention. It is the true story of two young Frenchmen who served time in South Vietnamese prisons for antigovernment activity. I cannot judge their guilt or innocence. But their description of prison life strikes me as totally sincere. I am truly concerned that these prisons are largely supported by American subsidy. The two young men, Jean-Pierre Debris and Andre Menras, witnessed torture and atrocity as a way of life. The incidents that they recall are often stomach turning. At this time, when America is so grateful for the safe and healthy return of our POW's, it seems especially relevant that we investigate the way in which the South Vietnamese are treating political prisoners.

With this in mind, I urge that my colleagues find time to study this very enlightening document:

THIEU'S POLITICAL PRISONERS

(By Jean-Pierre Debris and Andre Menras)

INTRODUCTORY REMARKS

More than four years ago, in 1968, two young Frenchmen, Jean-Pierre Debris and Andre Menras, both teachers, went to South Vietnam on a governmental educational exchange program called in French "La Cooperation". Jean-Pierre, aged 27, teaches mathematics, and his friend Andre, who is 24, is an "instituteur", or primary school teacher.

Although they had gone there with no political preconceptions, after two years, during which they worked in Danang, then in Saigon, they became so indignant at the amount of corruption and tyranny they encountered on every side, that on July 25, 1970, they decided to break the strict silence they had maintained thus far. Throwing all caution to the winds, they climbed on a monument just outside the National Assembly in Saigon, unfurled a Liberation Front flag, and at the same time, started scattering leaflets in Vietnamese, which urged immediate peace.

The reaction was not long in coming; they were quickly surrounded and overpowered by ARVN MP's, assisted by numerous plainclothed police, who hustled them to the CHI HOA prison in Saigon, where they remained until they were freed without warning, and immediately expelled, on December 29, 1972. They arrived in Paris on New Year's eve, and on Tuesday, January 2, held their first press conference at the headquarters of the Paris SECOURS POPULAIRE which, as they tell, played an essential role in their release.

The following text is a translation of the taped statement they made during a meeting that took place at the Paris Mutualite, before an audience of some 5,000 persons, on January 20, 1973. This meeting was organized by three important Vietnamese groups in Paris.

The two teachers will be touring the United States between March 5 and 23 whereupon they will begin a 7-day tour of Canada. It is hoped that this statement and their subsequent dialogue and statements before U.S. and Canadian audiences and news media will receive the widest possible dissemination.

Their testimony is, to date, the most authentic non-Vietnamese statement that has been received concerning the fate of the more than 200,000 political prisoners in Thieu's jails, and whose very lives are in the balance during the weeks that lie just ahead.

We would urge you to give your full attention to the attached statements and to seek out more information relating to the treatment of political prisoners held in the jails and prisons of South Vietnam.

Further documentation available upon request from: The International Committee to Free South Vietnamese Political Prisoners from Detention, Torture, and Death, 122 W. Franklin Ave., Minneapolis, Minn. 55404.

JEAN-PIERRE DEBRIS

First of all I want to tell you about our arrest. During the first week we spent in jail, we were surrounded by ordinary prisoners, who are used by the Saigon administration to guard and beat up the political prisoners. Still, even in that first week, while we were lying in our cell, I was thrown a little bottle of oil which the Vietnamese use for relieving pain after you've been beaten up. Around this little bottle was a note written in very good French. It said "Thank you, on behalf of the Vietnamese people," and was signed, "your comrades in arms." We learned a long while afterwards that this came from a cell where the so-called "rebels" were kept, those who refused to salute the Saigon regime's flag. They were beaten and tortured for it.

We met them eight months later, during the first TET celebration we spent in prison, in February 1971. After months of complete isolation, we were able to go down into the yard where the latrines were. It wasn't a favor on the part of the prison guards; it was just carelessness: they were too busy celebrating TET. So we went into the yard and there we met the brothers who had sent us the lotion. They lived in awful conditions and now, for TET, their families had been able to visit them and had brought them all kinds of good things to eat. They insisted on giving us everything, and we celebrated together. We sang the song of Unity and Solidarity.

Then the brothers from the isolation ward also came down. These were political prisoners who had been brought back from the tiger-cages in Poulo Condor. Normally, they were never allowed to go out into the sunlight; but were kept in solitary confinement, in cells without windows or light. But that day, the first day of TET, they could come down into the prison yard. So we saw, the whole jail saw, for the first time, these hundred prisoners from the tiger-cages. And in what condition! They had to crawl down, because they couldn't walk anymore; their knees had been broken. They dragged themselves along the ground with little wooden benches of their own make. In the sun they had to close their eyes completely because they'd been blinded from so many years of darkness. Their faces were haggard and lined, their bodies gaunt and emaciated. They were wearing tattered prison uniforms, the standard black pyjamas. No one made a sound when they arrived. Even the trusties who guarded them were astonished. A regular prisoner threw them a box of candy. The trusties didn't move. They let him do it. Other regulars threw delicacies they had been brought: oranges, fruit, even a few ducks. We watched all the prisoners throw everything they had to these people, who had come back from the death camps. We even saw an American, an American GI, who was in the isolation ward. He had nothing to give, no money, he received no visits. All he had was his clothes. He started to undress and piece by piece, he threw all his clothes to these prisoners from Poulo Condor.

This policy of "re-education", as the Saigon government calls it, is aimed solely at breaking patriotic Vietnamese; sapping their strength; breaking them not only physically, but especially morally. There are many ways to kill a man. At Fu Quoc, an island prison, for seven years, until 1971, prisoners were shot at with machine-guns. When the prisoners demanded better food, jeeps with machine-guns mounted on them were driven into the prison and they would fire on the prisoners, forcing the prisoners further and further down. And each time there were dozens of dead and wounded. At our prison of Chi Hoa, and elsewhere there are other ways of killing people; by giving them nothing to eat, by rationing their water by beating them, by torturing them, by leaving them in tiger-cages.

In our last months at CHI HOA, we saw something which was still more tragic. On the 15th of November (1972) Colonel Nguyen ——— came back. He had been exposed in '69 and '70 as the "father of the tiger-cages" at Paulo Condor. These tiger-cages were denounced in '69 by all the international press, by American papers and by French papers. I even remember seeing a picture of this colonel in a Paris magazine that labeled him the father of the tiger-cages. (Actually it was the French colonialists who were the first to build them.) In '67 this colonel was director of the concentration camps at Poulo Condor. After the scandal of the tiger-cages he disappeared, only to re-appear in the "Phoenix" campaign, which was aimed at destroying the ranks of the National Liberation Front by assassination.

Despite the exposure of the tiger-cages, they're still there, and what's more, they've been rebuilt. We saw prisoners in RC sector, in particular, in cell OG3, at CHI HOA, who had come back from the tiger-cage to be "nursed". There is an infirmary at the CHI HOA prison. When they arrived at this infirmary, they were told that there was no medicine. The American supplies weren't being sent any more. There were no dollars for medicine for political prisoners, but there were 400,000 dollars to build new tiger-cages in camps numbers 7 and 8, at Poulo Condor. There is an American company in Saigon which is building tiger-cages at the present time: new, improved models.

The cages are too low for the prisoners to stand up. Also they put three to five prisoners in each one, so there's not enough room for them to sleep. They have to take turns lying down while the others crouch. The cages are kept in completely dark rooms without ventilation; most of those who manage to live through the experience are completely blind afterwards. Friends of ours who've lived in the cages have told us how they were forced in desperation to wash themselves with their own urine, even to drink their own urine. The food rations decrease each year. In August 1972 it was still a pound and a quarter of cooked rice a day; now it's less than a pound, and the rice is soaked in sea water and mixed with sand to make it go further. The only thing they get with the rice is a pinch of salt—not enough—no vegetables, no meat, of course, no fish. They used to get a bit of pickling brine, but now they don't even get that.

If anyone so much as asks for an extra bowl of rice, there is ferocious repression. Beside each tiger-cage is a container of quick lime which the guards throw onto the prisoners, and which burns their skin. They also use grenades of nausea gas and tear gas. Then, when they've used all this, they beat and handcuff them, with their wrists behind their backs. We know people who've been kept handcuffed like this for years because they refused to salute the Saigon flag.

So the 15th of November, at Chi Hoa, the colonel came back. He brought into the prison a hundred members of the *tac* squad of the Saigon police, armed with bamboo shields, helmets, bullet-proof vests, pistols, clubs, even grenade launchers. They entered every cell containing political prisoners. Each cell had from 60 to 100 people piled on top of one another. They divided each cell into tiny groups, separating people who had known each other for years. During this separation and change of cells, a lot of prisoners disappeared completely. They even mixed the Catholic students with members of the National Liberation Front, so they could be classified as communists; and all the political prisoners were mixed with ordinary ones. Then they took away the files of these prisoners, so that no one will be able to prove that they were political prisoners, and not ordinary criminals. This was done for a very good reason. If there is a cease-fire, the criminal prisoners won't be released. If the political prisoners are indistinguishable from the ordinary ones, they won't be released either.

The Colonel also stopped family visits, with the result that families lost track of their relatives. Then sometimes, they would tell people whose time was up, that they were going to release them. So these prisoners would say good-bye to us and follow the guards. Later, prisoners would arrive at CHI HOA who had been transferred from other prisons, and they would tell us "so-and-so is in the prison we just left", while we thought he had been released.

An example I want to talk about is Nguyen Dong Ha, the younger brother of Madame Nguyen Thi Binh. His only crime is to be her brother. Because they couldn't find anything against him, they gave him a light sentence of only three years. When he had served his time, they told him he was released, and took him to the police station. There he was faced with American interrogators who asked him to sign letters defaming his sister's character and to go on Saigon television to speak against her. When he refused, he was brought back to Chi Hoa, and that was how we met him and learned his story. Then he was taken away to the camps at Poulo Condor, and no one has heard of him since. His wife was pregnant when she was brought into the prison, and she gave birth there. She too was asked to sign letters about Madame Binh, and the police threatened to take away her baby. A few days later they actually did take the child away and no one knows what became of it.

So in the last few months of our imprisonment, we realized that the colonel was preparing for a cease-fire. By mixing the prisoners, putting them out of sight, he was going to do away with the political prisoners, who should be released upon a cease-fire. There are a lot of examples of this. We knew a student, Nguyen Ngoc Phuong, who was at Camp No. 7 at Poulo Condor. He was tortured to death by officials at Poulo Condor called "specialists". We know of at least 26 other prisoners who were being tortured to death when we left.

On December 10, 16 Catholic students began a hunger strike to protest: they weren't allowed to go into the yard to get sunlight or to have visits from their families. On the 26th of December, less than three weeks after they began their hunger strike, they were taken away on stretchers to the tiger-cages at Poulo Condor. We also saw 53 political prisoners from Cell EG3, Sector FG, who had already been brought back from the tiger-cages at Poulo Condor, returned there. They were among those who had been brought to CHI HOA to be treated, but as I said, there was no medicine. There is a nurse at CHI HOA, but she had no medicine and did nothing. So when these students went there, the 53 prisoners accompanied them. They went back to the tiger-cages in the same condition they had left them: their legs broken, their joints paralysed, asthmatic and leprous, and most of them infected with tuberculosis. Andre will tell you how they got tuberculosis.

We knew that, for these prisoners we had lived with for nearly a year, this was a death sentence. We know we will never see them again. The president of the Association of Vietnamese Students, told us upon our departure, "we have to bring back all those who've been deported. Otherwise we'll never see them again. We know that we're going to be taken away too."

Why all these plans for liquidation? Why had these liquidation begun before we left? If, the Thieu regime is going to have a chance of survival after a cease-fire, they've got to get rid of everyone who has lived in these prisons and who could tell what they've experienced, what they've seen in the camps, especially the Catholic students, the Buddhist monks, who refused military service. Obviously they can't be called "Communists", they're from well-known Saigon families, well-known to the upper classes there. It could snowball if they begin to tell what they've lived through, and what they've seen, the tortures they've undergone. Because of their religion and their social standing, people will believe them. Thus it is a matter of survival for the Thieu regime to get rid of these people. Also, there are some prisoners they haven't been able to break. Even if they've broken their bodies, they've not always broken their spirit.

The 28th of December, three days after the convoy left with the Catholic students and 53 prisoners, the French consul came to see us, to tell us that we were released and would be deported to France. It was really unbelievable, unthinkable, that after what we'd seen of the conditions of imprisonment of our brothers, we should be released now. And then when we were to go, we refused to leave, we didn't want to leave our comrades in arms, who had helped us so much. They ran the risk of being taken to the security room to be tortured; this was a room which, when American delegations came transformed into a movie theater. Then some political prisoners came to see us and told us that we had to go, to bear witness of what we had seen, to tell of the tortures, the beatings, the assassinations, the policy of slow death. All this has been going on for dozens of years and no one speaks of it in the papers. And that's why we're here today.

I should also tell you that, in the last nine months of our imprisonment, we saw a new type of political prisoner arriving at CHI HOA. Up till then we had seen mostly members of the National Liberation Front, patriotic Vietnamese, usually peasants. But from about March 1972 we began to see lawyers, intellectuals, professors, students, even Catholic students; Buddhist monks; in fact, an entire category of prisoners that, until then, we had not been accustomed to see. At first, we were extremely surprised, then we understood: these people belonged to the neutral "Third Force" that, just now, Thieu is so afraid of. (End of Debris's testimony.)

NOTA BENE. Here is the second witness, Andre Menras, takes over. In turning the cassette tape, there is an apparent 'hole' in the beginning of his testimony. This however, is easily reconstituted, since he is describing, in detail, the type of torture carried out by the so-called "specialists". The victim is forcibly made to drink a sickening amount of dirty water, for the second time. . . .

ANDRE MENRAS

The torturers stop, after all they're specialists, they know when to stop. They then gag the victim with a piece of dirty cloth and start giving little taps beneath the ribs to force him to vomit the liquid. This time, however, the vomit does not come out through the mouth, which is gagged, but through the nose.

There exists yet another form of torture which leaves fewer traces than the others, but is much more painful and lasting. The victim, after having been bound hand and foot, is plunged into a big metal barrel filled with water up to the neck. Then the police, armed with heavy wood hammers, beat against the sides of the barrel with all their might. The water acts as a conductor of these blows, which penetrate to the internal organs of the body, especially, the liver, the heart and the kidneys. People who have been tortured this way several times, never really recover.

Then, there is what the police call the "plane trip." After the victim's wrists have been tied together behind his back, a long very strong rope is inserted through the cords around his wrists, while the other end is attached to a pulley on the ceiling. By pulling on the rope the police can make the victim swing in the air by his wrists, which have been tied together behind his back. The effects of this action are heightened by an occasional blackjacking, or cigarette burn on the more sensitive parts of the body, particularly on the genital parts. A girl student who was subjected to this torture twice in succession, could not bend her arms or wrist joints, and her shoulder-blades were fractured. The same was true of a young male student, who after having been subjected to practically every form of torture, tried to commit suicide. He was afraid that he would break down and sign the paper they tried to force upon him. He first tried to open his veins with a piece of glass, inside his cell. He failed, however, and fainted. When the trusties saw the blood trickling under the door, they saved him in spite of himself. He then tried to kill himself by biting his tongue as hard as he could, and beating his head against the walls of the cell. Here again, he failed, a fact he seemed almost apologetic about. However, he signed nothing.

There is yet another form of torture, which is practiced on war prisoners. The prisoners is stripped naked and made to sit on a chair with a hole in the seat. A lighted oil lamp—making it possible to raise and lower the flame—is placed underneath the chair. If the prisoner refuses to talk, the flame is raised higher and higher, until it burns the anus. Some 75% of the prisoners tortured in this manner do not survive since the only possibility of saving them could be an operation on the abdomen that would permit the intestine to function normally.

In the case of young girls, while rape has always been the fate of the little peasant girls, all considered as "communists" by the Saigon authorities, at present the same thing is true of girl students. A young women student, whose fiance is now in the CHI HOA prison, told us that she had been raped by a veritable monster who, himself, forced a living eel into her vagina. He was known to have done this type of thing with other young women, using, among other instruments, filled cocoa-cola bottles, which he had shaken well before decapsuling. This same young woman also told us that she had had lizards let loose to run over her body, cigarette burns on her breasts, etc. She too tried to commit suicide. At first she tried to hide from her family and from her fiance what had happened to her. But she couldn't keep it from them, and three months later, she tried again to take her life. At present she has been moved to another prison.

One student told of having been subjected to torture with needles. Seated at a table, his hands were attached to the table, with his fingers spread so far apart that he could no longer move them. Slowly, by means of light taps on a piece of cardboard, needles were inserted under the fingernails. Once in place, a sheet of tissue paper was attached to each needle, after which the ventilator just opposite was turned on. The breeze from the ventilator set the tissue-paper in motion and this, in turn, made the needles move, under the nails. The student told us that he stood it for ten minutes before fainting, but added that even the most hardened, could not stand it for longer than fifteen minutes. He also described to us an interrogation during which the skin of his face had been burned by high-powered lamps. The young girls especially, who, for the most part, come from well-to-do Saigon families, and who have grown up in surroundings where, more than elsewhere, children are sheltered, even spoiled, have been prepared for either physical or moral suffering. And even if the day should come when they regain their liberty, even if they are not physically marked, they will never be able to lead normal social lives. All their lives they will be haunted by the images of the tortures to which they have been subjected. A young girl who has been raped in this manner may appear to be alive; in reality she is dead.

There have been many arrests of 15 year-olds, who took part in the movement to steal American cars whose owners refused to show the peace-sign with the broken rifle. One young boy was condemned to twenty years of hard labor and ten years banishment from the Saigon area: at present he is in the youth Center in Dalat. This shows how a person can get into prison. From then on, the penal authorities apply the policy for forcible patriotism, or rallying, as they call it. All these hard-headed rebels will have to be brought to heel, they will have to be made to salute the Saigon flag, stand at attention every morning, join the Saigon side, show that they repent. If not, they'll be black-jacked and put in the big, dark cinema hall, Jean-Pierre has told about. Then, for one, two, or three months, every morning, regularly, they'll be beaten. If they continue in their attitude of refusals, they'll be returned to a cell. They'll be in solitary confinement, no exercise in the yard, no light, reduced food and water rations. After that, they can expect to be deported, about which, at CHI HOA, all the prisoners speak. There are people who are old, sick, tubercular, paralyzed, for whom deportation will mean isolation, then death. When other prisoners in the cells, who were not yet broken in health, heard about it, they decided to resist deportation of their friends, since it would surely bring on their death. This was why they barricaded themselves in their cells; they knew that their friends were going to be sent away, and that it would mean their death. While this movement of resistance was at its height, a group of trusties entered the yards, formed in line and began to hurl nausea and tear-gas grenades into the cells. In one cell, where there were 78 prisoners, 80 grenades were thrown, leaving the inmate unconscious, their skin so burnt that it hung in shreds from their bodies. The trusties next rushed into the hall where they first beat the prisoners then dragged them by the feet into the yard. From there they were dragged again, some by their hands, others by their feet, to a more distant yard, next to the kitchens, where a number of closed army trucks were waiting. (Jean-Pierre even succeed in taking the license number of these trucks). The unconscious bodies were thrown into the trucks, the way butchers handle animal carcasses. Once inside the trucks the prisoners were numbered and tied together by a trusty designated for this task. When the trucks were finally loaded they were driven to the Saigon quayside, where a boat—always the same one—was waiting to take them from Saigon to the Island.

The welcoming ceremony at Poulo Condor starts with the "third degree" between two rows of blackjack-wielding trusties. Then each prisoner is searched, in a way that is always humiliating. If he has succeed in bringing a small parcel with him, with perhaps a few pieces of clothing, it is confiscated, all individual clothing being against the regulations here. This is followed by introduction to the chief of the "specialists" that Jean-Pierre spoke of. Addressing the prisoners, he says: "Here the people in charge of the prison will be very nice to you, but you too must show comprehension; you must agree to be re-educated, you must salute this flag. Otherwise, don't forget, here we are on an island, cut off from the rest of the world; no matter how loudly you cry, nobody will hear you. Don't forget either, that if one of you dies, it's just a matter of filling out a tiny scrap of paper. That's all. You have all night to think things over." Then they return to their cells. "All who refuse to salute the flag should come out." And silently, one by one, the prisoners come out, with behind them, little groups of "specialists", who are waiting, blackjacks in hand, to beat them until they are unconscious. Before entering the tiger-cages, they are dragged first into "buffalo-cages", Camps No. 7 and 8, where the long road toward death begins. Toward death, that is, toward the convalescence camp. Poulo Condor is a re-education center, so it has to have a convalescence camp—and this should not be forgotten—for people who are ill. Actually, there is one. Eloquently enough the prisoners call it by the name of a famous cemetery in Vietnam. All the tubercular, paralyzed, ill, or old prisoners are put in this camp, where their food rations are reduced and they are constantly beaten. There was one among them who escaped from this camp and returned to Chi Hoa; but he was re-deported on December 26. We know that we shall never see him again, since he was already in a very critical condition.

A friend told us that when this camp was built, it was surrounded by a lawn of green grass. He described how the prisoners, who were given no vegetables, dragged themselves as far as this lawn, pulled up handfuls of it, and ate it. He also told us how the trusties had beaten them, how they set up barbed-wire fences, and then, finally cut the grass, very close. This friend also told us that there was a tree growing beside the camp, and that the prisoners dragged themselves as far as the tree, in an effort to reach the leaves, to eat them. Then, he told us, the tree was cut down. He told us what the chief of the specialists said to him: "This grass and these leaves are the property of the Saigon government. You, however, are a rebel, you're a communist; you refuse to salute the Saigon flag. You have no right to this grass, or to these leaves. Nobody cares if you croak."

This then is the long road that the Vietnamese patriots must travel until they reach extermination. How do they do it? This what impressed us most. It is also for us the greatest lesson in courage we have ever learned. It's their smile, the smiling will-power of these patriots. Systematically, scientifically, their bodies are destroyed. But their spirit is not destroyed, they continue to resist. After ten, fifteen, seventeen years—we met one man who had spent seventeen years in these jails, but who still smiled, nevertheless. The symbol, perhaps, of this struggle, of this suffering, of these Vietnamese patriots in the concentration camps of the South, is the children whom we met at Ohi Hoa, because there are children there also. The youngest among them, whose name is Dong, is six years old. His mother was killed by American bombing in the Delta region. His father, suspected by the Saigon regime of being a communist sympathizer, was incarcerated in Chi Hoa and brought the child with him. The child had no relatives to take care of him. The last news we have of Dong dates from December 20, 1972, when we heard him cry out in the disciplinary section where he was imprisoned with his father, with his friends. He was shouting slogans with the adults, to protest the living conditions that were forced upon the political prisoners, to protest the lack of food, the imprisoning of people in unknown places, and to demand that the prisoners be allowed to take walks outside, to take baths in water, in real water, not in urine. They were demanding water, unadulterated water, larger rations of rice, of properly cooked rice.

We also met another little prisoner who considered us his brothers, his big brothers. At twelve years of age, he had already been in three prisons. His crime was attempting to steal an M.C. rifle from a G.I. He had been taken by the police, who tried to make him say that he was part of a group that was stealing arms. The police also tried to get him to say where arms were being stored, who were his parents' friends, and, then, they wanted him to reveal names. First they gave the kid candy, then they gave him money, and then they hit him, because he still wouldn't talk. The boy told us how the policeman who beat him justified his hitting him. He told him: "Your hands are little, but they are big enough to hold a rifle. That's why I'm hitting you."

We saw a section of forty kids in CHI HOA who organized themselves and who, when they were mistreated, got together, like adults, made up slogans. At night, when the prison camp was sleeping, they shouted these slogans so that the adults in all the different sections could hear them. They also put together little information bulletins which said, for example, "Today when we went to take a bath, the 'trusty' so-and-so hit so-and-so. He was hurt. Today our friend so-and-so was sick; they refused to give him any medicine. Today the food ration was lowered." We saw how these kids, at an age when little French children are playing marbles, are already adults. We saw how the prison authorities repressed them. No difference between them and the adults; they were put into the same category: hard-headed rebels.

There's a camp at Dalat, a concentration camp for children, where at this moment 800 young boys and girls are being held. In this center the prison authorities try as well to force the children to rally to the regime: they must salute the flag and work. There is a special torture for the kids. Dalat is situated on the high plateau, a place where it rains a lot and the nights are cold. The children who are obstinate, who refuse to salute the flag and to sing the "re-education" song, are put into a cell. They are bound so that they cannot move, and then twice during the night, they are drenched with water and left like that to dry off. Psychological tactics are often used on them as well, especially on the younger ones. They are isolated without food or water for a day or two and then the kids are told: "Your mother is sick; she is very sick. Do you want to see her? Do you want to see your mother? Well, it's easy. You just have to salute the flag and go cut wood with the others on the hill, and then you will see your mother." At the last transport of prisoners to Dalat we received word that there were four children who persisted in refusing to salute the flag; the others couldn't hold out. It's impossible to hold out for long. If you do you are dead.

I think I have forgotten to mention many things. When we left, we saw many friends cry for the first time, people whom we had seen suffer for two and a half years without complaint. We saw them cry, and we left them there: a part of our family. We came back with Jean-Pierre to try to save them. We know that they will be exterminated, especially in the weeks which will precede an eventual cease-fire, or even in the weeks that will follow.

We must not demobilize, we must not lose out interest in these prisoners just because the cease-fire is going to be signed. We must not say that we have peace, that it's a cease-fire, that it's finished. Not at all! It is precisely at that moment that they are going to finish them off. The same thing happened in the Nazi concentration camp. It was at that moment that they killed people off.

We have come back, then, to relate what we have seen and to arouse people's attention. We want to say that if we are still alive, Jean-Pierre and I, if we can talk to you, it is thanks to a campaign launched by the *Secours Populaire Francais,* it is thanks to thousands of people who sent us letters, who were concerned about us. From the moment thousand of French people decided to pressure the Saigon fascists, from that moment on, we saw a difference in the attitude of our jailers. They stopped beating us and they took precautions with us. We also saw how the torturing of the students had been denounced, and how *The New Yorks Times* and *The Daily Mirror* (England) printed articles which spoke of this torture. At that moment the torturers stopped their work. They permitted families to see their children, who up to that point, had been kept in unknown prisons. And then we saw how silence closed in after that . . . silence and then the tortures started again.

It is not only for a day that we must cry out in alarm, that we must protest. We must continue, we must show Saigon, show Thieu, that we are constantly behind these prisoners, that we know what is happening, what they are trying to do, what they have decided to do.

Along with *Secours Populaire* we have prepared a petition to be signed demanding the release of the prisoners who have never been brought to trial; prisoners who have completed their preventive detention. At present there is a section in Poulo Condor, number 6, I think, for those prisoners who have completed their detention and who will never be released. Every six months, their imprisonment is prolonged another six months. We must have the prisoners freed; the prisoners must, in general, be humanely treated. They must not be reduced to the level of animals any longer. The *Secours Catholic Francais* has joined our effort. We have visited several places in the north of France. There were many meetings. We went to Brussels; we will try to go to as many other countries as possible. Then, if we must, we will visit village by village, house by house, to say what has to be said, even to those who do not want to be concerned, to those who take refuge in their selfishness. We will search them out in their homes, if need be. But thousand, tens of thousands of Europeans, not only French, must show that they know what is happening and must exert constant pressure on Thieu's government until all these patriots who have been suffering for decades and who are fighting for the liberation of their country and for their independence have been released. (Applause.)

THE 55TH ANNIVERSARY OF BYELORUSSIAN PROCLAMATION OF INDEPENDENCE OBSERVED

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 1973

Mr. MINSHALL of Ohio. Mr. Speaker, many of us in the House have paused in the last few weeks to note the ironic fact that while Byelorussians throughout the free countries of the world were able to observe the 55th anniversary of the proclamation of independence of the Byelorussian Democratic Republic, such celebration is not allowed in occupied Byelorussia itself. There the occasion is replaced by enforced commemoration of the Russian Bolshevik Revolution, an ironic twist of the knife as it were.

Conditions in Byelorussia under Soviet subjugation have been repeatedly described by my colleagues in the House. We all deplore this obliteration of independence. But I would like to go beyond lip service to the cause of Byelorussia and all other captive nations, I would like to see this House take action on a longstanding legislative proposal, one that I and others have been introducing and reintroducing for years now. This measure would create a Special Committee on the Captive Nations to study peaceful processes by which the United States can assist nations under totalitarian control.

Full text of my House Resolution 68 follows:

Whereas on the all-important issue of imperio-colonialism the posture of imperialist Moscow, as shown in part by the rape of Czechoslovakia and the Brezhnev doctrine, has not been adequately exposed by us in the United Nations and elsewhere; and

Whereas Presidential proclamations designating Captive Nations Week summon the American people "to study the plight of the Soviet-dominated nations and to recommit themselves to the support of the just aspirations of the people of those captive nations"; and

Whereas the nationwide observances in the eleven anniversaries of Captive Nations Week have clearly demonstrated the enthusiastic response of major sections of our society to this Presidential call; and

Whereas, following the passage of the Captive Nations Week resolution in 1959 by the Congress of the United States and again during the annual observances of Captive Nations Week, Moscow has consistently displayed to the world its profound fear of growing free world knowledge of and interest in all of the captive nations, and particularly the occupied non-Russian colonies within the Soviet Union; and

Whereas the indispensable advancement of such basic knowledge and interest alone can serve to explode current myths on Soviet unity, Soviet national economy, and monolithic military prowess and openly to expose the depths of imperialist totalitarianism and economic colonialism throughout the Red Russian empire, especially inside the so-called Union of Soviet Socialist Republics; and

Whereas, for example, it was not generally recognized, and thus not advantageously made use of, that, in point of geography, history, and demography, the now famous U-2 plane flew mostly over captive non-Russian territories in the Soviet Union; and

Whereas, in the fundamental conviction that the central issue of our time is imperialist totalitarian slavery versus democratic national freedom, we commence to shed popular light on this issue by assembling and forthrightly utilizing all the truths and facts pertaining to the enslaved condition of the peoples of Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Tibet, Cossackia, Turkestan, North Vietnam, Cuba, and other subjugated nations; and

Whereas the enlightening forces generated by such knowledge and understanding of the fate of these occupied and captive non-Russian nations would also give encouragement to latent liberal elements in the Russian Soviet Federative Socialist Republic—which contains Russia itself—and would help bring to the oppressed Russian people their overdue independence from centuries-long authoritarian rule and tyranny; and

Whereas these weapons of truth, fact, and ideas would counter effectively and overwhelm and defeat Moscow's worldwide, anti-American propaganda campaign in Asia, Africa, the Middle East, Latin American, and specifically among the newly independent and underdeveloped nations and states; and

Whereas it is incumbent upon us as free citizens to appreciatively recognize that the captive nations in the aggregate constitute not only a primary deterrent against a hot global war and further overt aggression by Moscow's totalitarian imperialism, but also a prime positive means for the advance of world freedom in a struggle which in totalistic form is psychopolitical; and

Whereas in pursuit of a diplomacy of truth we cannot for long avoid bringing into question Moscow's legalistic pretensions of "noninterference in the internal affairs of states" and other contrivances which are acutely subject to examination under the light of morally founded legal principles and political, economic, and historcial evidence; and

Whereas, in the implementing spirit of our own congressional Captive Nations Week resolution and the twelve Presidential proclamations, it is in our own strategic interest and that of the nontotalitarian free world to undertake a continuous and unremitting study of all the captive nations for the purpose of developing new approaches and fresh ideas for world peace with freedom and justice: Now, therefore, be it

Resolved, That there is hereby established a nonpermament committee which shall be known as the Special Committee on the Captive Nations. The committee shall be composed of ten Members of the House, of whom not more than six shall be members of the same political party, to be appointed by the Speaker of the House of Representatives.

SEC. 2. (a) Vacancies in the membership of the committee shall not affect the power of the remaining members to execute the functions of the committee, and shall be filled in the same manner as in the case of the original selection.

(b) The committee shall select a chairman and a vice chairman from among its members. In the absence of the chairman, the vice chairman shall act as chairman.

(c) A majority of the committee shall constitute a quorum except that a lesser number, to be fixed by the committee, shall constitute a quorum for the purpose of administering oaths and taking sworn testimony.

SEC. 3. (a) The committee shall conduct an inquiry into and a study of all the captive non-Russian nations, which includes those in the Soviet Union and Asia, and also of the Russian people, with particular reference to the moral and legal status of Red totalitarian control over them, facts concerning conditions existing in these nations, and means by which the United States can assist them by peaceful processes in their present plight and in their aspiration to regain their national and individual freedoms.

(b) The committee shall make such interim reports to the House of Representatives as it deems proper, and shall make its first comprehensive report of the results of its inquiry and study, together with its recommendations, not later than January 31, 1972.

SEC. 4. The committee, or any duly authorized subcommittee thereof, is authorized to sit and act at such places and times within or outside the United States to hold such hearings, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, and to take such testimony as it deems advisable.

SEC. 5. The committee may employ and fix the compensation of such experts, consultants, and other employees as it deems necessary in the performance of its duties.

SEC. 6. The committee shall enjoy a nonstanding status, performing its duties in the course of the Ninety-second Congress and subject to renewal only as determined by needs in the completion of its work and further purposes of the House of Representatives.

U.S. BOUNTY AIDS 252 "RICH" FARMS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 1973

Mr. CRANE. Mr. Speaker, there has been vocal opposition, in the Congress and in portions of the press, to the termination by the administration of the rural environmental assistance program.

The program, initiated in 1936 as a conservation program in which money went for soil saving projects of small farmers, has become something far different. The reasons for initiating the program more than 30 years ago no longer exist. The program, however, until its termination in December 1972, continued to spend at the rate of about $200 million a year.

To discover what the money was being used for today, and who was receiving it, Chicago Tribune columnist Bill Anderson investigated the $65,000 spent by the Federal Government in Fauquier County, Va., located an hour and a half by car from Washington, D.C.

Mr. Anderson found that about 50 of the 232 farms receiving money from REAP in 1972 were owned by people who live in Washington.

He wrote—

> One of these places is owned by Mrs. Joseph W. Barr, wife of the former secretary of the treasury. Since 1968, Mrs. Barr has received $1,408 from the Federal Treasury to spend on her estate. . . . Mrs. Katherine Graham, publisher of the Post and owner of a 347-acre estate near Rectortown, has also been a Federal recipient. Records provided . . . . showed that Mrs. Graham received $976 since 1968. . . .

An examination of the REAP program, particularly as it was administered in this Virginia county, indicates that the administration has acted wisely and prudently in eliminating it. Those who have received REAP funds will, naturally, regret this action. The majority of taxpayers, however, will have a far different reaction.

Wrote Bill Anderson—

> The largest amount which was spent on a farm in Fauquier County last year was about $2,500. The average amount here last year was $260, slightly lower than the national average per grant. Next year there will be no money unless Congress is successful in overriding the Administration's cutback.

I wish to share Mr. Anderson's column, which appeared in the Chicago Tribune of March 8, 1973, with my colleagues, and insert it into the RECORD at this time:

U.S. BOUNTY AIDS 252 "RICH" FARMS

(By Bill Anderson)

WARRENTON, VA.—This is where people come for the Gold Cup, an annual horse race on a huge estate in Fauquier County, a place near the Appalachian Trail and National Forests set in the rolling hills of the Blue Ridge Mountains.

There are about 600 farms in this large county, and most of them are larger than Chicago's Loop. The air is clean and fresh, and there is nothing here that remotely resembles poverty or the old dust bowl farming portrayed in "The Grapes of Wrath."

Yet, there are 252 farms in Fauquier County that will be greener this spring because the federal government spent $65,000 on them last year in a program that grew out of the plight of farmers during the dust bowl days. The federal dollars were part of a spending program of the Rural Environmental Assistance Program [REAP], currently the object of what amounts to a pilot fight between the executive and the legislative branches of the government.

The father of REAP was born in 1936 as a conservation program funded at $374 million. In the early days, the money went for soil saving projects of small farmers, water development, and tree planting. There are literally thousands of acres of land in the United States that are green today as a result of the program.

By 1944, as times changed, the program became strictly conservation. Spending continued at the rate of about 200 million dollars a year until 1970, when the executive branch began to run into budget problems. On Dec. 22, 1972, the Nixon administration terminated the funding [except for prior commitments] after it dropped to the $140 million level.

In essence, a large number of congressmen said: "You can't do this to us." The Washington Post, a newspaper highly critical of the Nixon administration, has given extensive coverage to the REAP issue. One story was headlined, "As Ye Sow, So Shall Ye REAP."

Since Fauquier County is only an hour and a half by auto from Washington, the Post has considerable influence in the county—as well as among prominent, politically-connected residents who live here. About 50 of the 252 farms receiving money from REAP last year are owned by people who live in Washington.

One of these places is owned by Mrs. Joseph W. Barr, wife of the former secretary of the treasury. Since 1968, Mrs. Barr has received $1,408 from the federal treasury to spend on her estate. The money spent on the 364-acre holding was for fertilizing, applying lime, and planting blue grass.

Mrs. Katharine Graham, publisher of the Post and owner of a 347-acre estate near Rectortown, has also been a federal recipient. Records provided to Jim Coates, a reporter for this column, showed that Mrs. Graham received $976 since 1968, a figure somewhat less than the average payment.

Mrs. Francis Gilbert, executive director of the Agriculture Stabilization and Conservation Service, which administers the program on a local level, said that the money for Mrs. Graham's estate was used for a variety of projects. In 1968, there was a federal allotment of $158 for the Graham estate for vegetation cover on 18 acres. Other money over the years went for thistle spraying and additional ground-covering projects.

"Whether you're rich or poor," Mrs. Gilbert said, "you'll still get rained on—and, no matter how prominent you are, your soil will wash away if there is no grass." The local director said the establishment of permanent vegetative cover was one of the most popular in the county. All together, REAP offers 16 grant categories ranging from animal-waste storage and diversion facilities to strip-cropping—a term used in connection with land contouring to avoid erosion.

Mrs. Gilbert explained, as did officials of REAP, that the programs are traditionally handled at the local levels in order to insure maximum benefits. The federal tax dollars are distributed first to the states and then down to the county levels. At the county level, three farmers are elected by the other farmers of the county to make the final disposition of the money.

The largest amount which was spent on a farm in Fauquier County last year was about $2,500. The average amount here last year was $260, slightly lower than the national average per grant. Next year there will be no money unless Congress is successful in overriding the administration's cutback.

OBSCENE RADIO BROADCASTING—IX

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 1973

Mr. JAMES V. STANTON. Mr. Speaker, over the past several weeks I have been inserting into the Congressional Record—February 5, 6, 7, 8, 21, 26, 28, and March 28—several items relating to controversial broadcasting by station WERE in Cleveland, Ohio, and on how this appears to be part of a national trend in programing by radio.

I am happy to report to this body that my efforts to get the Federal Communications Commission to accept responsibility for this situation have succeeded. As you know, one of my original letters on this issue was addressed to the Honorable Dean Burch, Chairman of the FCC. After receiving my letter, Mr. Burch was questioned about it when he appeared before several committees of the Congress. He and his colleagues began some serious discussions of the letter at meetings of the Commission. As Broadcasting magazine reported on March 19:

> The first indication of the policy decision the commission ultimately will make (on the subject of obscenity on the air waves) will probably show up in a letter to Representative James V. Stanton (D–Ohio) . . . Commissioner Lee said the congressman "is forcing our hand."

Finally, on March 22, Mr. Speaker, Chairman Burch telephoned me in my office in the Longworth Building and gave me a synopsis of what had just occurred at a meeting of the Commission members that had concluded only a few minutes earlier. Mr. Burch praised my letter as being "well researched" and "constructive." He said that because of it, and because of some other complaints the Commission had received, a decision had been made that the agency would take some action in this area.

A few days later the FCC spelled out, in a news release, what that action was to be. On the following day, Chairman Burch, in a speech to the National Association of Broadcasters, elaborated on the reasons for the Commission's actions.

I have not yet received from Mr. Burch a written reply to my letter to him. But he did assure me in the telephone conversation that the reply would be on its way shortly. In the meantime, for the sake of continuity, and for the information of those who have been following these developments, I am inserting here in the Record first, a copy of the FCC news release of March 27; second, the text of Chairman Burch's speech to the broadcasters; and third, a Washington Star-News article of March 30, 1973. When I receive a copy of Mr. Burch's reply, I will insert that, too, in the Record.

The aforementioned materials follow:

[From Federal Communications Commission, Mar. 27, 1971]

Closed Inquiry Into Obscene Broadcasting, Cablecasting Slated by FCC

A non-public inquiry to determine whether any broadcaster or cablecaster has broadcast "obscene, indecent or profane material," in violation of Section 1464, Title 18 of the United States Code, has been instituted by the Commission (Docket 19716).

The FCC said the action was in response to information and complaints from the public. The inquiry is to determine whether any licensee, permittee or cable system operator, or "any principal, agent or employee," has engaged in obscene broadcasting, and if so, to what extent and in what circumstances.

The Commission stated that the inquiry would remain non-public unless it determines that public sessions would serve the public interest.

Authority was delegated to the Chief Administrative Law Judge of the FCC to subpoena records and witnesses, compel their attendance, take evidence and perform other duties necessary to compile a complete record. The Chief Judge was also authorized to designate an FCC Administrative Law Judge to preside at the inquiry.

The Presiding Judge may require witnesses to testify and produce evidence, under Section 409 of the Communications Act, when asked to do so by the Commission counsel. When the inquiry is finished, the Presiding Judge is to certify the record to the Commission for action.

The Commission specified that the subpoena powers delegated to the Chief Judge should be used in compliance with Sections 1.331 through 1.340 of the rules. Motions to quash or limit subpoenas may be filed with the Presiding Judge under Section 1.334, and applications for review of the Presiding Judge's rulings on these motions may be filed with the FCC within 10 days after the Judge's rulings. Witnesses directed to produce oral and documentary evidence under subpoena will have the rights to counsel specified in Section 1.27 of the rules.

Action by the Commission March 22, 1973 by Order. Commissioners Burch (Chairman), Robert E. Lee, H. Rex Lee, Reid and Wiley, with Commissioner Johnson dissenting.

[From Federal Communications Commission, Mar. 28, 1973]

Address by Dean Burch, Chairman, Federal Communications Commission

As a prelude, let me say that the annual NAB speech is perhaps the most difficult task for any F.C.C. Chairman. Like any human being, I would enjoy the adulation of this immense audience—would enjoy saying the things you'd like to hear.

Believe me, it's no fun being cast as the village scold—as the one who after examining a beauty mark has to declare that it's really a mole. But it seems to me that I owe it to you—but more importantly to the public which we all serve—to notice—and to point it out clearly—when the emperor is wearing no clothes.

Three years ago before this convention I made a first attempt at stating a regulatory philosophy of "least is best"—and then, hoping perhaps that you would get the message and save both of us from an open confrontation, I laid down a blanket critique of children's programming and children's network programming in particular. My judgment was that commercial broadcasting was for the most part wasting the greatest potential educational influence since moveable type on the production of animated pacifiers. Three years, many petitions, and several Commission proceedings later, my judgment is that not very much has really changed.

Each commercial minute is more expensive, CBS is making even more money out of essentially wall-to-wall Saturday morning cartoons—and if the reports are to be believed, ABC and NBC will soon do their part to prove, once again, the immutability of the old maxim, if you can't lick em, join em. Next season, our children will have the dubious distinction of watching counter-programming in its classic form—practically carbon-copies of cartoons on all three networks simultaneously. And this at a time, mind you when the afternoon segment—children's hour so to speak—is filled with soaps, sitcoms, games, movies, and syndicated retreads. So the problems remain and so do the deficiencies.

Then, two NAB conventions ago, I focused on the Fairness Doctrine. The thrust of that message was that the fairness doctrine would be a redundancy if licensees were living up to the statutory mandate of fairness in fact. The Commission's long overdue fairness inquiry is still in the works and so is the Supreme Court's decision in BEM—but I'd have to say that my message of two years ago still stands.

Last year I took a second look at controversial issue programming from a different perspective. I stated it as my view that broadcast journalism had nothing to fear from the F.C.C., and never has, if it measured up to some reasonable approximation of balance, objectivity, and professionalism. We do not censor. We do not authenticate the truth. I said then that whatever the risks inherent in free investigative reporting, the risks of government monitoring were far, far greater—and I'll stand on that message too.

Three years, two years, and one year ago, my point was much the same: namely, the American commercial broadcast system "works" just to the extent that public trustees act like public trustees.

Sad to say, a few broadcasters today are in the process of rejecting that counsel of caution—are in fact in the process of forcing a public definition of the fragile distinction between freedom and license. Half way between here and the bank, however, they may just find themselves in the gutter. The word is apt—because what I'm talking about, of course, is the latest fad in competitive programming, "topless" radio and its still relatively uncommon television counterpart, X-rated films. Admittedly, I'm talking about only a very few—probably no more than a hundred people in the whole industry.

But the problem is not easily contained. In the first place, it's an open question how long the competition can hold out. In the second place, the listening and viewing public does not always make fine distinctions between the few and the many.

First of all, let's get our categories straight. I am not talking about sanitized movies. Neither am I talking about the occasional use of cusswords, in context. I simply do not believe that a "hell" here and a "damn" there is going to destroy the nation's moral fibre.

Nor am I talking about the greater and even refreshing candor with which such no-no's as homosexuality or VD or racial strife are now handled during prime time, either on essentially entertainment shows or in a purely educational format. These *are* controversial public issues in most of the communities I know anything about, and broadcasters ought to take them on in good taste.

And I am certainly not talking about serious works of art with their judicious use of graphic language or almost unbearable realism, as for example, "A Long Day's Journey into Night".

No, this is not what all the fuss is about.

What I *am* talking about is the prurient trash that is the stock-in-trade of the sex-oriented radio talk show, complete with the suggestive, coaxing, pear-shaped tones of the smut-hustling host. I *am* talking about three, four, five solid hours of titillating chit-chat—scheduled during daytime hours—on such elevating topics of urgent public concern as the number and frequency of orgasms (during a single "sitting" so to speak), or the endless varieties of oral sex (including practical tips on learning to love it), or a Baker's dozen of other turn-ons, turn-offs and turn-downs.

This is garbage pure and simple. And it's no less garbage because a sizable number of so-called "adults" seem to want to listen to it. I take leave to doubt that it can be seriously defended on such grounds, any more than explicit how-to-do-it shows on rape or murder could be defended as meeting the demands of potential rapists or murders. Nor can it be argued that it's all a matter of free choice by consenting citizens age 21 and older: certainly Washington, D.C. is not the only city in the country whose children have transistor radios growing out of their ears.

In the last analysis, it is not dog-eared sex manuals we're talking about, or sexploitation comics, or peep shows, or "feelthy" postcards.

We are talking about a medium whose transcendental quality is its pervasiveness. A medium that has no point of purchase, requires no admission ticket, no visit to a book store or a magazine counter.

A medium available in the automobile, the living room, the bedroom—even in the nursery. A medium, which, like the goddess of justice, is blind, in that once unleashed it travels in every direction, uncontrolled and relentless.

And for this reason it is a medium that is licensed to public trustees in order to serve the public convenience, interest and necessity. And if electronic voyeurism is what the authors of the Communications Act had in mind, I'll eat my copy.

It is particularly ironic that this new fad comes at a time when all journalists, broadcast and otherwise, are seeking greater safeguards against intrusions into the essential processes of their professional craft—safeguards either by statute or by the broader application of First Amendment guarantees The ultimate irony is that the boundaries of the First Amendment may next be tested in the context of the right to broadcast garbage—and, don't kid yourselves, it will be tested.

The Commission has now acted, and will take further action in this difficult field as necessary. It is my hope and the purpose of this statement to make further government action moot.

The Commission does not know, indeed none of us knows, what the metes and bounds of the First Amendment *are* with respect to this free, mass communications medium. But maybe—just maybe—in the process we'll all learn something critical about that distinction between freedom and license to which I referred earlier.

One thing I do know, however—that broadcasters cannot ignore this problem. That in my book is a cop-out, and I cannot square cop-outs with the responsibilities of licensed trustees. You're not buying time, you're buying eventual grief—and you will all end up paying the price for a handful of your brethren who are deliberately thumbing their noses at good taste and good sense.

And the price may be high. Because this comes at a time when broadcasters are seeking greater stability in the renewal process, longer license terms, selective de-regulation, and less detailed intrusion into journalistic discretion in the treatment of controversial issues of programming. And it is eminently right and proper that you *should* be seeking relief from overbearing regulation, at the hands of the Commission or the Congress or the Courts.

We support these efforts. We owe you a climate where broadcasting can flourish—can entertain, can inform. When we pull egregious boners like *WHDH*, we undermine the necessary stability of the industry.

We owe you regulatory procedures that take acount of the marked differences between television—with its relatively few licensees—and radio with its thousands, with its abundance of service in the large metropolitan areas. We are embarked on a long serious undertaking here. We need your full cooperation.

We owe you policies in the fairness area that will permit broadcasting to make a maximum contribution to an informed electorate. The search for perfect fairness is not only impractical but destructive of the very goal of robust, wide-open debate. But to go beyond reasonable attainment of that essential goal—to become bogged down in the day-to-day workings of broadcast journalism—is to render both journalism and the public a great disservice.

All these matters are now pending before the Congress or the Commission. And all are dependent on the nation of the responsible public trustee. Do not, ladies and gentlemen, do not permit the gamesmen and the schlock operators to call down on all your heads the open-ended and unpredictable consequences of *their* perverse folly. The responsible broadcaster has access to solid tangible profits. And he has access to the intangibles as well—to the rewards of public service that few of us, and I mean every word I say, can ever aspire to. A couple of rating points and a few easy bucks for riding the wave of a passing fad are simply not worth it.

About 7:00 last evening—after I thought this speech had been put to bed I received the following letter from Vince Wasilewski:

(Letter at end of this address.)

Perhaps, after receipt of this letter—a letter whose statement of purpose I applaud mightily—I might have rewritten my remarks today—or deleted them entirely—but upon reflection I decided to add only this postscript.

This decision by the NAB Board of Directors is exactly what I had hoped for when I set out to prepare these remarks.

We are dealing with a crisis in the health of the broadcasting industry and the cure requires the delicate hands of a surgeon. The type of surgery that you can best prescribe—and perform—within your own ranks. I fear as you do the hands of the government that will be called upon as a last resort—the stubby, gnarled bureaucratic hands that belong on a 3rd string catcher in the minor leagues, not on a public interest physician.

I know I speak for millions of Americans when I wish you the very best of health.

National Association
of Broadcasters,
Washington, D.C., March 27, 1973.

Hon. Dean Burch,
Chairman, Federal Communications Commission, Washington, D.C.

Dear Chairman Burch: I am pleased to advise you of the following action taken by the Board of Directors of the National Association of Broadcasters, by a unanimous vote at its meeting today.

"The Board of Directors of the National Association of Broadcasters recognizes the tremendous responsibility of broadcasting, whose audience includes children and adults of all ages and embraces all races and all varieties of religious faith, and educational background.

In view of this great responsibility, the Board of Directors unequivocally and vigorously deplores and condemns tasteless and vulgar program content, whether explicit or by sexually-oriented innuendo.

The Board of Directors directs the Radio and Television Code Boards to undertake immediately such action as is necessary to assure compliance of Code subscribers with the Radio and Television Codes.

In addition, the Board of Directors strongly urges all broadcatsers, whether or not members of the National Association of Broadcasters, to examine their programming policies in order to comply with decent and good taste requirements."

Sincerely yours,

Vincent T. Wasilewski.

FCC Probe Cited: "Topless Radio" Show Quits

Los Angeles.—Bill Ballance's Feminine Forum, the pioneer "topless radio" show, is being taken off the air following a Federal Communications Commission blast at talking about sex on the air.

When Ballance, now on vacation, returns to work Monday, he will be operating with a new format, station KGBS announced yesterday.

Storer Broadcasting Co., which owns the station, issued a statement saying the show was hurt because of its imitators, which were less restrained and prompted an FCC probe of the whole breed.

Ballance's program started nearly three years ago. Women telephoned and were put on the air, discussing with Ballance intimate details of their lives, frequently including their sex lives.

The show was a great success, made a celebrity of Ballance locally, drew heavily listener response, big audiences and was syndicated to dozens of stations across the country.

Imitators sprang up, along with variations on the format (a woman announcer host taking calls from men).

Dean Burch, chairman of the Federal Communications Commission, appeared to have the trend in mind when he spoke to the National Association of Broadcasters on Wednesday, and called such shows "garbage pure and simple."

"And it's no less garbage because a sizable number of adults seem to want to listen to it," he added.

Peter Storer, executive vice president of Storer Broadcasting Co., said:

"We feel that the image of the Bill Ballance Feminine Forum has been colored and damaged by many less restricted imitators.

"None of our stations would knowingly contribute to the lowering of standards of this industry, and we have exercised careful supervision and control over this program to prevent exactly that.

"However, rather than add to the problems of an industry with already enough major difficulties in the areas of governmental relations, we prefer to be responsive."

OUT-MIGRATION FROM CITIES TO RURAL AREAS URGED

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 1973

Mr. **EVINS** of Tennessee. Mr. Speaker, for many years I have urged the passage of legislation to make our smaller towns and rural areas more attractive to encourage an out-migration from our metropolitan areas to our rural communities.

In this connection I noted with interest in a recent article in the Washington Post that Dr. Peter C. Goldmark, who is conducting a study sponsored by the Department of Housing and Urban Development, has reached the same conclusion.

In a letter to then President Johnson on July 27, 1965, I wrote, in part:

> I would like to propose a new concept which, if accepted and implemented, would attack many of our social and economic problems from a new direction, in a new dimension. My suggestion basically is that rather than continuing to encourage urban growth, we shift emphasis and encourage a national small town improvement and development campaign.

My letter also pointed out that large metropolitan complexes have become unmanageable, unwieldy and ungovernable; that the community concept inherent in small towns is basic in our American system because it embraces the dimension of identification with community so often lacking in the "lonely crowds" in large cities; and that people move to cities from rural areas for economic reasons, not because they prefer to live there.

My letter added:

> What is needed is a concentrated effort to strengthen the small town base of America, to bring industry and business to small towns, to create towns that embody the best of the new technology and the best of the old philosophy.

I was interested to note that Dr. Goldmark drew a similar conclusion:

> The best of the urban life and the best of the rural life. That is really what this is about. And for the first time the technology is available to make it possible.

Because of the interest of my colleagues and the American people in this most important subject, I place in the RECORD herewith the article from the Washington Post concerning the study by Dr. Goldmark.

The article follows:

TOWARD AN URBAN VILLAGE

(By Robert J. Donovan)

STAMFORD, CONN.—Among other things, Dr. Peter C. Goldmark invented long-playing records and pioneered color television. Now he is a leading figure in a government-sponsored study to see how the tide of migration to the cities might be reversed and the population spread out more evenly from coast to coast in what he calls "the new rural society."

If Goldmark's vision comes true, 100 million Americans (roughly a third of the future population) will in the next century or so shun the big cities and take up life not in so-called new towns but in presently established cities and towns whose population is now 100,000 or less. He calculates that there are well over 5,000 such communities.

"Because there are so many," he explained in a recent interview, "their growth would be trivial when the 100 million were distributed among them."

He is one of those who believe that American civilization is headed for destruction by the 21st century if it persists on its present course. Thus, without ignoring the gigantic problems of redistributing a third of the population, he thinks that there is no real alternative—and that Americans will find their country a lot more enjoyable when they have accomplished the task.

The reason for giving Goldmark a leading part in the study funded by the Department of Housing and Urban Development lies in the fact that he is responsible for some 160 inventions in such fields as television, film reproduction, phonograph recording and acoustics.

It is generally recognized that rural communities and small cities cannot attract new business and masses of city dwellers without a phenomenal increase in telecommunications that will tie them into the commercial, cultural, educational, athletic and medical activities of the entire nation.

"These are the things that drew people to the cities in the first place, even though conditions are now such that they no longer make use of many of them," Goldmark said. "Most people want to live in a stimulating and attractive environment, and we will have to see to it that the rural areas are no longer isolated and deprived of theaters, concerts, opera, museums and sporting events. Live performances from Broadway, for example, could be shown in all the cities and towns.

"With a new high-resolution color television system they could be shown on large screens in local theaters or over local cable television. The 20th century, or 21st century, counterpart of the village common would be the community communications center.

"When people started moving to the suburbs they thought they would be going far enough. They were afraid to go farther away because they wanted to have the advantages of the nearby big cities and the rural charm of the suburbs. Today they have neither. The city doesn't have the amenities and there is little of the rural charm left in the suburbs.

"People go into the city and get out as fast as they can because nobody wants to get mugged or get tangled up with drug addicts. Already the population density of the city is resulting in the alienation of people. The paradox of communication is that the closer together people live the harder they find it to communicate.

"High population density seems to spawn crime, pollution and drug addiction. People are already at each others' throats in some metropolitan areas. It is just like a bunch of rats when they are put under such stress that they behave erratically and then destroy each other and their society. Clearly we are already experiencing a decomposition of our social fiber in this situation where 80 per cent of the population is crowded into less than 10 per cent of the land."

A native of Budapest, Goldmark is former president and director of research of CBS Laboratories and former vice president of the Columbia Broadcasting System. He retired a couple of years ago and established his own firm, the Goldmark Communications Corp., a subsidiary of Warner Communications, Inc., in Stamford. He is called the inventor of the first practical color television, although not the system in general use today.

New towns are not the answer to the population problem, Goldmark says, because one would have to be built every third day for the next thirty years to handle the number of persons involved. On the other hand the thousands of existing cities and towns of under 100,000 population are going concerns with facilities already intact.

"So we must persuade some 100 million Americans to remain in or move to attractive rural areas," he said. "To do this we have to, among other things, get business to relocate, because you can't attract people unles they have choices of employment. Many organizations want to leave metropolitan areas, but they don't go far enough. They stop at the suburbs, which is just spreading congestion and adding to the dilemma. To get them into the rural areas we have to prove they won't suffer. We have to show them we can give them communications facilities they don't know exist.

"If they will go farther they will find greater well being among their employees, happier lifestyles, more land, lower taxes. With telecommunications you can do a great deal to offset distance. And we are still doing only a fraction of what could be done with communication to improve the quality of life for everyone.

"In this plan we would be making use of our most valuable resource—land. We have plenty of it, and it is nonsense to say we musn't use it.

"We are not talking here of heavy industries. For the most party they will stay where they are. During the next 30 years manufacturing manpower requirements will remain steady or even decrease. But employment in service industries will increase.

"So we are talking mostly about relocating insurance companies, electronics firms, banks, pharmaceutical manufacturers and business of that kind. They won't interfere with the rural well being and attractiveness.

"People who live and work in these communities would be encouraged to walk, use bikes, small cars and small delivery trucks in order to save gasoline and cut down on pollution. There would be a complete change of lifestyle. Problems of crime, poverty, traffic, pollution and other ills of large cities would exist in smaller communities, but they would be on a much smaller scale and would be more manageable.

"Most airplane trips would be shorter and travel patterns could be dispersed and air traffic congestion lessened. There would be more small airports rather than the present few crowded ones. Deluxe buses could run from one community to another. The post offices would be electronic.

"With the present intolerable load removed from the big cities they could revert to what they were supposed to be in the first place as cultural centers and headquarters for business.

"The best of the urban life and best of the rural life. That is really what this is about. And for the first time the technology is available to make it possible."

IN SUPPORT OF PRESIDENT NIXON'S EFFORTS TO CURTAIL EXCESSIVE SPENDING

HON. WILLIAM H. HUDNUT III

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 1973

Mr. HUDNUT. Mr. Speaker, I am glad for the stand taken by the Senate in sustaining the President's veto of S. 7, thereby exercising fiscal restraint. It seems to me that the time has come for the Congress to stop promising what it cannot deliver. All the passage of S. 7 would accomplish is to widen the expectation gap by raising false hopes in our handicapped citizens.

The real issue at stake was that of fiscal responsibility. The Congress must do its part to hold down excessive spending if our Nation's economy is to be stabilized.

At the present level of funding, vocational rehabilitation will receive some $650 million in 1974—an increase of $9 million over 1973. This seems like a reasonable figure, whereas the authorization in S. 7, which over the next 3 years would exceed the budget projections for those years by $1.3 billion, strikes me as unreasonable and excessive. Initially, I voted for the substitute measure, which had a more moderate approach to both authorizations and burgeoning bureaucratic functions, but against S. 7 when this subject was before the House originally.

The President is doing all in his power to provide responsible Government—rendering the necessary services required by the American people in the most economical manner.

Adequate funds have been set aside for domestic programs in the areas of health, housing, education, and aid for the poor. These amounts more than double the money spent on programs for human needs 4 years ago.

But the President is also making every effort to hold the line on Federal spending, the fuel that feeds inflation.

If the Congress continues to insist on spending more than recommended in the budget, the American people will be faced with an estimated 15 percent increase in their income tax, and I am pledged to vote against such a possibility.

I want to emphasize that my concern for our handicapped citizens is very high on my priority list, but we must continue to keep it and other pressing demands on our total budget in responsible perspective and focus. Senate bill 7 had the distinction of being the first of many big spending bills now on their way through the congressional mill, to get an up or down decision at the White House. Organizations working for the handicapped naturally feel theirs is a special case, even though Federal support for rehabilitation has gone up by more than 50 percent over a 4-year period. The difficulty is that almost every spending bill can be defended in some way as a special case. In effect, President Nixon is saying: "I can't make an exception." It is a strategy I do not necessarily applaud, for the administration's budget and order of priorities should never be thought of as sacrosanct. But I believe the strategy is understandable for without it there appears little likelihood that Congress will choose to reverse its fiscally irresponsible drift.

I am favorably disposed toward substitute legislation that will provide a viable alternative to the act vetoed by the President, and have joined in cosponsoring such a bill. To provide for the genuine needs of people and still put an end to inflation and further Federal deficits is a difficult goal to acheive, but it must be done.

PUBLIC OPINION POLL

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 1973

Mr. RAILSBACK. Mr. Speaker, on March 28, I met with representatives of Local 5051 of the Communications Workers of America from Ottawa, Ill. They presented me with a copy of the public opinion poll they recently conducted which points out the thinking of the American people on such important issues as budget cuts, import tariffs, energy resources, draft evaders, consumer protection, mass transit, and equal rights. I know the results of this poll will be interesting to my colleagues and request that the public opinion poll be inserted in the CONGRESSIONAL RECORD immediately following my remarks.

The public opinion follows:

LOCAL 5051 LEGISLATIVE COMMITTEE OPINION POLL

1. Social Security:

A. Do you feel the Social Security program should continue on its present course? Yes 29%; No 71%.

B. Would you favor an option for compulsory participation in either the present System or a private plan? Yes 74%; No 26%.

C. Are you in favor of raising the amount a pensioner can earn and still collect benefits? Yes 88%; No 12%.

2. Are you in agreement with proposed budget cuts in the following categories?

Indicate yes or no following each subject:

A. Housing, Yes 75%; No. 25%.

B. Education, Yes 23%; No 77%.

C. Welfare, Yes 83%; No 17%.

D. Defense, Yes 55%; No 45%.

E. Agriculture, Yes 47%; No 53%.

F. Veteran's Benefits, Yes 11%; No 89%.

3. Do you favor higher import tariffs on foreign import goods? Yes 67%; No 33%.

4. A. Do you feel the U.S. is becoming too dependent on foreign countries for energy sources? Yes 77%; No 23%.

B. Would you favor a government subsidy for procuring existing energy within the U.S.? Yes 61%; No 39%.

C. Would you favor a government subsidy for research and development of new energy sources? Yes 87%; No 13%

5. Now that the war is over, do you favor unconditional amnesty for: A. Deserters, Yes 6%; No 94%.

B. Draft evaders, Yes 8%; No 92%.

6. Now that the war is over, do you favor conditional amnesty (equal time spent in a non-military service): A. Deserters, Yes 20%; No 80%; draft evaders, yes 30%; No 70%.

7. In your opinion, do the women who hold the same job as men, do an equal amount of work? Yes 37%; No 63%. If no, do they do: A. More 8%, less 92%.

8. How do you rate the President's overall performance on: Foreign affairs: below average, average, above average? B Avg. 10%; Avg 33%; A Avg 58%.

Domestic affairs; below average, average, or above average? B Avg. 37%; Avg. 50%; A Avg 13%.

9. Are you in agreement with Phase III of the economic controls? Yes 23%; No 77%.

If not, which of the following do you favor? A. No controls. B. Additional controls on wages, prices, rents, interest rates, C. Less controls on wages, prices, rents, interest rates? See Attachment.

10. Do you favor post-war aid to Indochina? Yes 18%; No 82%.

11. Do you favor a Federal ban on the manufacture and sale of handguns? Yes 28%, No 72%.

12. Do you favor a Federal control on the manufacture and sale of handguns? Yes 54%, No 46%.

13. Do you agree with the Supreme Court ruling on abortion? Yes 57%; No 43%.

14. Do you believe that freshness codes on perishable foods are clear enough to do any good? Yes 15%; No 85%.

15. Do you believe that existing consumer protection is adequate? Yes 15%; No 85%. If no, in what area do you believe a concentrated effort should be made? See attachment.

16. Do you believe the volunteer army is a good thing? Yes 78%; no 22%.

17. Are you in favor of national health insurance? Yes 52%; No 48%.

18. Are you in favor of the state government using any or all of the gas tax for public mass transit? Yes 27%; No 73%.

19. Which of the following are you in favor of? A. Federal no-fault insurance program. 37%.

B. A Federal modified no-fault insurance program. 17%. No Federal insurance program. 46%.

20. Are you an favor of a Women's Rights Bill in which women would be guaranteed equality to men in all aspects of life? Yes 45%; No 55%.

21. In regard to this, do you believe either partner should pay alimony when no children are involved? Yes 19%; No 81%. When children are involved? Yes 74%; No 26%.

22. Providing the bill is passed, do you believe that court cases involving child support and custody should be decided by the individual's ability to pay, and not by sex? Yes 91%; No 9%.

The results of this poll will be used by your Legislative Committee to guide our course of action in the upcoming Legislative Conference in Washington.

ATTACHMENT

9. Which of the following do you favor?

A. No Controls, 13%.

B. Additional controls on wages, (46%) prices, (57%) rents, (55%) interest rates, (58%).

C. Less controls on wages, (20%) prices, (14%) rents, (15)%, and interest rates (16%).

15. If no, in what area do you believe a concentrated effort should be made? The following were of primary concern:

Food, Advertising, Automobiles, Appliances, Warranties, Packaging.

The following were of secondary concern:

Better inspections, Drugs, Health and Safety items, Gas, Oil, Utilities, Credit, and Loans.

THE CONTROLLED SUBSTANCES SECURITY ACT OF 1973

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 1973

Mr. RANGEL. Mr. Speaker, a recent New York Post article concerned itself with the criminal diversion of methadone from manufacturing companies, clinics and commercial trucks. The minimal security precautions that are now taken to prevent the theft of the dangerous narcotic are unreasonable and unnecessary. We can and must see to it that methadone is administered by physicians rather than junkies, and in clinics rather than on city streets. The "Controlled Substances Security Act of 1973" that I will soon introduce in the House of Representatives will serve to properly regulate the handling and shipping of controlled substances. I welcome the cosponsorship and support of my colleagues in the House.

I now submit for your attention and the attention of my colleagues, the New York Post article of March 6, entitled "Methadone Delivery a Casual Job."

METHADONE DELIVERY A CASUAL JOB

(By Robert Bazell)

Methadone, which has become a major part of the illegal drug market here, is shipped to treatment clinics through the mails or via commercial trucks with few security precautions.

A survey of pharmacists at several clinics revealed that boxes of the heroin substitute are dropped off at the clinic in the same manner as cotton bandages and other supplies except that the druggists must sign a special federal form when they receive the delivery.

One pharmacist, who asked not to be identified, said truck drivers on three occasions had pulled up before the clinic opened and left several boxes of methadone with a street value of $12,000 each on the doorstep.

A spokesman for the Eli Lilly Company in Indianapolis, principal suppliers of the drug, acknowledged that methadone was shipped mostly by truck—and by mail when the orders were small.

In 1972, he said, 12,027 methadone pills were lost in transit—all in New York City. But he emphasized the amount lost represented one-tenth of one per cent of the total quantity Lilly delivers to clinics across the country. New York accounts for 60 per cent of all methadone used in the U.S.

More than 30,000 addicts receive methadone from federally-licensed treatment programs here. At the same time, thousands of others buy the drug in the street, where it is readily available, if they are unable to purchase heroin.

TWO MAJOR SOURCES

Authorities are not entirely certain where the huge quantities of illegal methadone sold here come from. But they say "unscrupulous" doctors who obtain federal licenses to sell the drug and addicts who sell part of their daily dose from clinics are two major sources.

Federal narcotics agents are "concerned" about the means drug companies use to ship methadone.

It is a "potential problem," says Gene R. Halslip, executive assistant to the director of the federal Bureau of Narcotics and Dangerous Drugs. "But all our information indicates that the street methadone is not being diverted from legitimate shipments."

Police recently began a drive to arrest small-scale pushers in order to question them and gain information on the methadone black market.

Addicts taking illegal methadone experience largely the same effects as those in treatment. But officials are concerned about the large amount of methadone on the street because if a non-addict takes a normal dose it can prove fatal.

LETTERS AGAINST LEGAL SERVICES

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 1973

Mr. DICKINSON. Mr. Speaker, very few people will disagree with the contention that everyone accused of a crime—rich or poor—is entitled to legal counsel. While most of us occasionally need a lawyer, the United States does not need a national legal services system financed with the tax dollars of the American taxpayer.

The Legal Services program of the Office of Economic Opportunity has received a great deal of criticism in the past few weeks. Allegations have been made that the program has become too political, too involved in law reform; and has neglected the cornerstone upon which Legal Services was developed: The relationship between the individual client and the lawyer.

The March 1973 edition of the American Bar Association Journal contained three letters to the editor which I think will help to shed light on the activities of many Legal Services programs. I am inserting these letters in the RECORD at this point:

LEGAL SERVICES CONTROVERSY

INDIANAPOLIS, IND.

In the November Journal (page 1190), I find an editorial bemoaning the fact that Title IX, creating a National Legal Services Corporation, was deleted from the Economic Opportunity Amendments Act of 1972. The editorial not only expresses disappointment at its defeat, but notes further that the American Bar Association has been a leader in urging the creation of such an independent agency to operate a national legal services program.

In addition, an article in the same issue of the Journal (page 1178), by William R. Klaus asserts that the O.E.O. national legal services program should be applauded for its achievements, not attacked for its "minor and often exaggerated defects."

Finally, the November issue of American Bar News notes that the O.E.O. legal services program survived an effort to control the activities of its project attorneys, and that the Association through Robert W. Meserve, sent telegrams to all senators opposing this effort and the proposed restrictions.

Please be advised that a substantial majority of the membership of the Indianapolis Bar Association has recently expressed its vigorous opposition to the creation of any type of public interest law firm or legal services corporation, and further that there is considerable dissatisfaction with the activities of L.S.O. attorneys in this area. The complaints in this area are neither minor nor exaggerated. They are very real; and I happen to be one of the group that is opposed to both the establishment of any type of public interest law firm on a local basis, and certainly on a national basis, and to some of the activities of L.S.O. counsel which have no relationship whatever to the provision of competent legal services to the poor. Moreover, here in Indianapolis, we have adequate facilities for providing such service through our legal aid society activities, and have no real need for further programs in this area. . . .

MILTON ELROD, Jr.

MATTOON, ILL.

From its inception I felt that the legal services program of the Office of Economic Opportunity was an ill-conceived adventure in the field of jurisprudence—an imprudent venture, hostile to established and sound professional practice in our system of jurisprudence. A venture provocative of degrading and harmful practices, and a vehicle for barratry, nuisance litigation, and even malpractice.

In my opinion, subsequent events more than confirm my apprehension.

Also in my opinion, the Association in proper service to the legal profession and our system of jurisprudence is and remains delinquent in its failure to condemn said legal services program.

CARUS S. ICENOGLE.

BERKELEY, CALIF.

Your editorial, the essay by Mr. Klaus, and the letters responding to Mr. Agnew's article prompt me to express some of my own observations and some of my views concerning the legal services program. Recently, a deputy city attorney from San Francisco who deals with a great number of domestic relations problems reported to me that as far as she was concerned, the poverty lawyers that she had seen were simply using the clients for their own advantage. She reported that they appeared in court time after time never having seen or talked to their clients between court appearances and that an already burdened system is being bogged down by this conduct.

I invite Mr. Adelman ("Views of Our Readers," November *Journal*, page 1130) to come from Bellerose to California because we have innumerable instances in this state where by word and deed the taxpayers' subsidized attorney has ignored the client's needs and on at least one instance refused even to render any assistance unless the client would act as plaintiff in a "set up" suit against a county welfare director.

These indiscretions are being dealt with by the disciplinary committee of our state bar, and it is doubtful O.E.O. lawyers will again sign the names of other people to telegrams, but the main crux of the problem is not the irresponsibility of individual attorneys and the lack of direction by the administrators of the program but it is the over-all direction in which the program appears to be moving. . . .

WILLIAM L. KNECHT.

MR. HERSHEL WELLS

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 1973

Mr. CARTER. Mr. Speaker, once, maybe twice, one encounters a man after whom his life should be patterned.

I wish to share with my colleagues the story of Mr. Hershel Wells, of Summer Shade, Ky., as it appeared in the Edmonton, Ky., Herald-News for September 21, 1973.

I commend Mr. Wells for his fine record of achievement and contribution. Teacher, farmer, civil servant, banker, his store of knowledge has made him an authority in many fields of endeavor.

It should be said that he will never be a grump, if he ever grows old.

HERSHEL WELLS—"I'M NOT GOING TO BE GRUMPY WHEN I GET OLD"

Such words as humorous, witty and entertaining come to mind in trying to describe Hershel Wells. Or you could just say he is a close relative of Earl Harvey's then no other description would be neecssary.

At any rate, he says he made up his mind a long time ago that he was not going to be grumpy when he gets old. If he keeps going the way he is now, when he gets old he will never be called a grump.

A resident of Summer Shade, Rt. 3, Wells was born in Barren County, but according to his own testimony, as soon as he got big enough to know anything, he had his folks move him to Metcalfe. This all took place of course when he was somewhere around the age of one.

In early manhood, Hershel was a teacher in the rural schools of Huffman, Lone Star and Beaumont. He married Mary Agnes Barrett, one of his pupils from Huffman School. The attractive Mrs. Wells explained this saying, "well, I thought I had to mind the teacher so when he said, 'Marry me,' I did!"

Giving up teaching, Hershel worked for a number of years in the ACP (now ASCS) office in Edmonton and also was later employed at the Edmonton State Bank as a teller. Moving nearer home, he took a job as cashier at the Bank of Summer Shade for about two years before settling down at the Deposit Bank in Tompkinsville for a period of sixteen years.

He became president of the bank there and is still on the board of directors, although he has retired. Looking back over the different types of jobs he has held, Hershel said, "I'd rather draw Social Security than anything I ever did!"

Actually, he claims his real reason for retirement had nothing to do with age.

"I never had stayed home long enough to get to know my wife and she always seemed like such a nice person, I decided it was time I got acquainted with her."

They have spent some time traveling since his retirement, visiting the Black Hills of South Dakota, and making a couple of trips to Florida and Alabama. They agree that the most delightful trip they have ever taken was through eastern Kentucky.

Hershel hopes that he will be like an Uncle Ocee Wells of Oregon. "Although 81 years old, he drove from Los Angeles to Indiana to settle a business deal then drove from there back to his home in Oregon."

Hershel and his wife are members of the Christian Church at Summer Shade, where he was superintendent of Sunday School for a number of years. Now he is assistant teacher of the men's class and an elder of the church.

Reflecting briefly upon the condition of the world today, he says it is no wonder people are turning to drugs and alcohol as an escape from life. "Without faith and hope in Jesus, how can anyone face the future?"

The wells have two daughters and a son all married and settled nearby. They also have been blessed with ten grandchildren and two great-grandchildren.

While they have never had to baby sit with all of them at once, Hershel says, "We babysit constantly. The grandchildren all love us dearly, for which we are proud. They bring their clothes and come to our house and would never leave."

Through all of the different types of public work he has held, he has farmed consistently. And although his crop is rented out, he always finds enough to do to keep busy, even now, helping out on his own farm and keeping an eye on things for his son and son-in-law, who farm and work in Tompkinsville, too.

Not long ago, Wells' father-in-law was in Summer Shade and met a fellow who was looking for hands to help cut his tobacco. The story goes that Mr. Barrett told him he know who he could get to help. "Hershel Wells," he said. "He's got three crops and another one ain't gonna hurt him none."

Deciding that he had mentioned everything in his life that was of importance, Wells glanced at his wife, and asked "Have I done anything else, except be one of the best husband's you've ever had?"

She allowed that he hadn't and that since he was the only husband she'd ever had, he must surely have been the best.

This does seem to be one pupil-teacher relation that is pretty nearly perfect.

GREAT NECK RESOLUTION

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 1973

Mr. WOLFF. Mr. Speaker, I would like to insert into the RECORD a resolution unanimously adopted by the members of the Great Neck, N.Y. Chamber of Commerce in favor of continuing Federal funds for community agencies which provide the much needed and appreciated assistance to the elderly, the sick, the poor, and the disabled. I would like to commend the Great Neck Chamber of Commerce for its sense of humanitarianism:

A RESOLUTION UNANIMOUSLY APPROVED BY THE GREAT NECK CHAMBER OF COMMERCE, MARCH 15, 1973

Whereas, the Great Neck Chamber of Commerce wishes to foster the continuation of federal funding for health, education, housing and antipoverty programs within the community; and

Whereas, the Chamber of Commerce is proud of the record of accomplishment achieved by community agencies which receive federal funding here; and

Whereas, no arrangements have yet been made for other agencies to assume the burden from the federal government, and even a temporary loss of funding would produce undue hardships for persons and programs; and

Whereas, funds are available on the federal level, unless priorities are given to funding human services, an undue burden is placed on a state, county, and local level.

Therefore, be it resolved that the Chamber of Commerce petitions the President of the United States, the Congress, and all our local officials to create a climate of financial support for all programs, local and national, providing human services for the sick, the aged, and the poor.

THE DISCONNECTED

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 1973

Mr. RANGEL. Mr. Speaker, in 1972, Columbia University Prof. Penn Kimball wrote a book entitled "The Disconnected." Mr. Kimball presented studies of important American urban elections and the related problems of voter registration. In the introduction, Mr. Kimball wrote:

> There will probably be no significant improvement in public participation in the electoral process until the federal government takes the initiative to qualify eligible voters rather than place the onus upon individuals thwarted by outmoded state and local regulations. Voting in America is enmeshed in a spider's web of prior restraints.

The National Voter Registration Rights Act of 1973 (H.R. 4846) that I have introduced in Congress will serve to bring millions of "The Disconnected"—blacks, chicanos, the poor, rural citizens—into the American political process.

I highly recommend Mr. Kimball's book to my colleagues in Congress.

HOUSE OF REPRESENTATIVES—*Wednesday, April 4, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

The kingdom of God is not meat and drink; but righteousness and peace and joy in the Holy Spirit.—Romans 14: 17.

Eternal God and Father of us all, ever near, ever loving, ever ready to help, purify our hearts, clarify our vision, and strengthen our spirits as we wait upon Thee. Deliver us from discouraging doubts, free us from fretful fears, save us from the spirit which promotes disunity and produces division. Lead us into the fresh air of faith and freedom and keep us in the atmosphere of life and love that the benediction of Thy peace and the blessing of Thy presence may rest upon us, upon our Nation, and upon our world.

"Send down Thy peace, O Lord;
Earth's bitter voices drown
In one deep ocean of accord;
Thy peace, O God, send down."

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 800. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for the compensation of innocent victims of violent crime in financial stress; to make grants to the States for the payment of such compensation; to authorize an insurance program and death benefits to dependent survivors of public safety officers; to strengthen the civil remedies available to victims of racketeering activity and theft; and for other purposes.

The message also announced that the Vice President, pursuant to Public Law 78–301, appointed Mr. Moss as a member, on the part of the Senate, of the Board of Visitors to the U.S. Merchant Marine Academy.

The chairman of the Committee on Commerce (Mr. MAGNUSON) under the above-cited law appointed Mr. LONG and Mr. BEALL as members of the same Board of Visitors.

The message also announced that the Vice President, pursuant to Public Law 81–207, appointed Mr. RIBICOFF as a member, on the part of the Senate, of the Board of Visitors to the U.S. Coast Guard Academy.

The chairman of the Committee on Commerce (Mr. MAGNUSON) under the above-cited law appointed Mr. PASTORE and Mr. COOK as members of the same Board of Visitors.

INSURED LOAN PROGRAM FOR REA

(Mr. DAVIS of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of South Carolina. Mr. Speaker, I rise today first of all to say that the legislation before us today concerning the REA is a most important measure. It goes to the interests of the people all over this country.

I support this legislation, as does my colleague, the gentleman from Georgia (Mr. MATHIS) and my colleague, the gentleman from Alabama (Mr. FLOWERS). Throughout the southern part of this country my colleagues join me in supporting this bill on our side of the aisle.

I would say to the Members that if this bill today is interrupted at times because of quorum calls it is because we feel it needs the full attention of every Member. Therefore, Mr. Speaker, any quorum call will not be made to delay action on this bill. We can finish it today. We need to finish it today so we can go on with the other business of the House. However, we do need the attention of all Members.

CALL OF THE HOUSE

Mr. DAVIS of South Carolina. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 69]

Ashley
Badillo
Biaggi
Buchanan
Carney, Ohio
Chisholm
Clark
Dellums
Diggs
Dingell
Drinan
Fountain
Harvey
Holifield
Karth
Kastenmeier
King
Lent
McEwen
Martin, N.C.
Moorhead, Pa.
O'Hara
Price, Tex.
Railsback
Reid
Rooney, N.Y.
Shipley
Staggers
Young, Ill.

The SPEAKER. On this rollcall 404 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

MAJORITY LEADER THOMAS P. O'NEILL, JR., SAYS TOO LITTLE OF THE CONSUMER'S DOLLAR GETS BACK TO THE FARMER

(Mr. O'NEILL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. O'NEILL. Mr. Speaker, this new round of inflation is further evidence that President Nixon acted prematurely in lifting wage and price controls last January.

This time inflation has had the unfortunate additional consequence of arraying the consumer against the farmer. The consumer feels he is paying too much for food, and the farmer feels he is getting too little for his produce.

What is happening here is that too little of the consumer's dollar is getting back to the farmer. We need to know how much is unjustifiably lost to middlemen and the big dealers like those who skimmed the cream off the Russian wheat sale last summer.

The American farmer today has an arduous task—especially the small- and medium-sized independent farmer. He needs some $50,000 to $60,000 worth of equipment; he carries a debt financed into the indefinable future; his workdays are sunup to sundown 7 days a week; his crop is at the mercy of the weather.

Despite these obstacles, American farmers in this century have regularly achieved miracles of agricultural production. They have done so well, in fact, that their very abundance has served to depress farm prices.

President Nixon's selective price controls on red meat discriminate against the farmer. We need a comprehensive system of controls until we lick inflation. And in the longer range we need a better means of assuring that the farmer actually receives the financial remuneration that is due him.

THE AMERICAN FARMER

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, I am delighted that the gentleman from Massachusetts, the distinguished Democratic majority leader, is now trying to retrieve his indefensible position with the American farmer. Just a few days ago he was up on the floor in effect castigating the farmers of America and he frankly admitted by inference if not directly that what he was saying would gut the American farmer.

I appreciate windowsill farmers trying to give the farmers of America some credit, but he cannot be on both sides of the issue. A few days ago he was against the farmers of America. Today he is praising them. I just wish the gentleman would make up his mind one way or the other.

UNDERSTANDING THE FARMERS OF AMERICA

(Mr. ARENDS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ARENDS. Mr. Speaker, I would like to take this opportunity to speak directly to the majority leader. I would like to invite him if he could possibly get away for an all-expense-paid tour, paid for by myself, to visit the farm area I represent and thereby give him an opportunity to really understand what goes on in agriculture today. I think it would be beneficial and enlightening to him.

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I will yield to the gentleman from Massachusetts if he will accept my invitation.

Mr. O'NEILL. I just spent 3 days as a guest in South Dakota of the gentleman from South Dakota (Mr. DENHOLM), and I appreciate the situation of the farmer.

Let me say this. The minority leader must have misinterpreted my remarks the other day. What I was saying was in favor of the farmers. I say to the gentleman, it would have been a gutsy thing if he went to the small farmers of America and told them how the cream was skimmed off the wheat deal of last summer.

Mr. ARENDS. Let me say to the gentleman from Massachusetts, that having a basic understanding of what the real farm problem is, I believe if the gentleman from Massachusetts were given the opportunity to understand the fundamentals and the basics of what is involved he would be making a rather different speech than the statements he is presently making to the House.

Mr. O'NEILL. I think there is a great element of understanding and truth in my statements.

EFFECT OF WHEAT DEAL WITH RUSSIA ON FARMING IN AMERICA

(Mr. HAYS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HAYS. Mr. Speaker, I would like to say to the gentleman from Illinois I know something about the basic what farm problems and farming in general and I have done a little research on it. The wheat deal with Russia just cost the American consumers about $2 a bushel more than they would have had to pay for grain if the deal had not been made. It was added to the price of bread, and then of course the bread manufacturers put their 2 cents in and the whole thing went up. If people think this kind of export is not costing us, they are wrong.

Another thing, the devaluation of the dollar which the President said was not going to hurt us has pushed up the price of everything we eat, because it has made the dollar worth less abroad. That is part of the reason why the beef price went up. It is because we are exporting beef like we never did before, because the consumers overseas can buy beef cheaper than the American consumers.

GENERAL LEAVE FOR TRIBUTES TO THE LATE PRESIDENT LYNDON B. JOHNSON

(Mr. PICKLE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PICKLE. Mr. Speaker, many Members of the House have made statements and extensions in the RECORD on the life, character, and service of the late President Lyndon B. Johnson. Many Members have asked me how many legislative days remain within which they may make insertions in the RECORD.

For that reason, Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to extend their remarks on the life, character, and public service of the late Lyndon B. Johnson.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

CORRECTING INEQUITY IN FEED GRAIN SET-ASIDE PROGRAM

(Mr. GROSS asked and was given permission to address the House for one minute to revise and extend his remarks and include extraneous matter.)

Mr. GROSS. Mr. Speaker, I am today submitting legislation designed to correct a most inequitable situation which has developed because of action by the Department of Agriculture in regard to the feed grain set-aside program.

What has happened is that after widespread urging of feed grain producers to sign up for the so-called plan B, under which no acreage is set aside, the Department then changed the rules to provide a bonanza for those grain growers who signed up for plan A, an option which originally called for participants to keep 25 percent of their acreage out of production in return for a specified Federal subsidy.

After the ballgame had started, the Department suddenly announced a few days ago that the set-aside for plan A participants was being reduced to 10 percent, but that the subsidy would remain unchanged.

My bill, Mr. Speaker, directs the Secretary of Agriculture to reopen the registration books for the set-aside program for 21 days and permit those plan B producers who wish to do so to switch to plan A.

It is absolutely wrong in principle to change the rules of the game after it has begun and I urge the Committee on Agriculture to take immediate action on this bill so that all feed grain producers are given a fair shake.

AGRICULTURAL AND FOOD PRICES

(Mr. BROWN of Michigan asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BROWN of Michigan. Mr. Speaker, hearing the discussion on the floor just a few minutes ago about agricultural prices and food prices prompted me to speak, for I was appalled today to see the Democratic majority on the Banking and Currency Committee reverse its action of yesterday, taken with some of our help, to roll back food prices to May 1 of 1972, which action of yesterday was certainly a strike in favor of the consumer.

However, that very same Democratic majority which rolled back food prices to May 1, 1972, yesterday, reconsidered the vote today and by moving the freeze and roll-back date all the way up to January 19, 1973, imposed upon the consumer all of the increases in food prices which have occurred since May 1, 1972.

The Democrat majority says it supports the consumer. I will let the consumer draw his own conclusions but I would suggest this is about as bad a case of turn-coat conservatism as I have ever seen.

CONFERENCE REPORT ON H.R. 3577, INTEREST EQUALIZATION TAX

Mr. MILLS of Arkansas. Mr. Speaker, I call up the conference report on the bill (H.R. 3577) to provide an extension of the interest equalization tax, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of March 28, 1973.)

Mr. MILLS of Arkansas (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the statement.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MILLS of Arkansas. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, the Senate made 15 amendments to the interest equalization tax as it was passed by the House. All but two of these amendments were relatively minor and technical in nature, and all but one of these amendments were strictly concerned with the interest equalization tax itself and are, therefore, fully germane amendments.

The amendment which was unrelated to the interest equalization tax and which the House conferees did not accept would have called for the submission to Congress by the Secretary of the Treasury, proposals for a comprehensive reform of the internal revenue laws within 120 days of the date of enactment of this bill. Not only would this amendment have not been germane to the interest equalization tax but, in addition, it was wholly unnecessary. It is unnecessary because the Secretary of the Treasury has already agreed to appear before the Ways and Means Committee and present his proposals for tax reform on April 30 and possibly also on May 1. As a result, we will, well within the 120-day period, receive the administration proposals on tax reform, making this amendment entirely unnecessary.

The other important amendment to the bill which the Senate made would have extended the interest equalization tax until April 1, 1975. The version of the bill as passed by the House would extend the tax until July 1, 1974. Some of the Members of the House, including members of the Ways and Means Committee, wanted this tax extended only through June 30, 1974, because they wanted a chance in this Congress to review the possibility of making the base of this interest equalization tax more comprehensive than is true at the present time. Whether the Congress at that time will want to do so or not, I do not know. However, your conferees on the part of the House thought it was only appropriate to provide the Members of the House with an opportunity to review the nature of this tax later in this Congress. At that time, Congress will have an opportunity to see whether it wants to continue the tax for any appreciable period of time or only for the 6-month period requested by the Treasury Department. It will also have an opportunity then to consider possible revisions in the tax base.

The remaining amendments made by the Senate were for the most part technical in nature, and had been worked out carefully by the Treasury Department and the congressional staffs. These amendments are explained fully in the statement of managers accompanying the conference report.

One of these amendments which I believe to be especially desirable is the one which calls for a report from the Secretary of the Treasury by September 30 of this year as to whether the present exemption from the interest equalization tax with respect to new issues should be continued in the case of Canada. This exemption was provided in order to maintain monetary stabilization. I think it is entirely appropriate to obtain a report from the Secretary of the Treasury as to whether this exemption any longer serves this purpose.

I should point out that today is the 4th of April and that this tax expired on the 31st of March. However, similar to the Congress' action in 1969, this tax will be effective, if we agree to the conference report, from March 31, 1973, through June 30, 1974. In light of this, I think it is especially important that favorable action be taken on the conference report today.

Mr. GROSS. Mr. Speaker, will the gentleman yield.

Mr. MILLS of Arkansas. I yield to the gentleman from Iowa.

Mr. GROSS. Does the gentleman say that all 15 amendments are germane to the bill?

Mr. MILLS of Arkansas. All of them are germane except for the one I just discussed pertaining to the date the Treasury was to report the administration's recommendations on tax reform. As I indicated this amendment was not agreed to by the House conferees.

Mr. GROSS. Was there any diminution of the discretionary power of the President to act?

Mr. MILLS of Arkansas. No, none of them do that. Most of them either correct matters in the language in the House-passed bill or deal with other minor technical issues.

Mr. GROSS. In other words, the powers delegated to the President to act under certain circumstances remain intact?

Mr. MILLS of Arkansas. Yes, sir

Mr. GROSS. It is the delegations of powers to which some of us in the House, a score or more, took exception when the bill was originally before the House. There still is that power, which is still there in the the extension?

Mr. MILLS of Arkansas. Let me say to my friend from Iowa that I do not like, any more than I am sure he does not like, to give the President discretionary authority when it can be avoided, but I do not see how the Congress itself can exercise the function of determining the rate of the interest equalization tax when this tax rate needs to vary from time to time as the difference between domestic and foreign interest rates either widens or narrows. I believe that under these kinds of circumstances the President and those who advise with him in the executive department are in a better position to make those decisions than we could possibly do here because of our lack of machinery to do it.

Mr. GROSS. Of course, that is the story of the sponsor with respect to every bill, when there is delegated authority; that for some strange, inexplicable reason the President must have discretionary power to do a multitude of things.

Mr. MILLS of Arkansas. The reason why we do it is because of the constant fluctuation from day to day in the rates of interest here vis-a-vis the rates of interest in other countries. We cannot keep up with this variation.

Mr. GROSS. The same thing applies to the foreign aid bill.

Mr. MILLS of Arkansas. No; this is different. In fact we in the past have made quite clear that the right of the President to set rates in the case of this tax could not be cosnidered a precedent for other taxes.

Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. SCHNEEBELI).

Mr. SCHNEEBELI. Mr. Speaker, in further answer to the gentleman from Iowa I should like to point out there is a very limited guideline within which the President can act, between zero and 1½ percent. It is also the recommendation that this legislation be phased out as quickly as possible.

Mr. Speaker, I support the action taken by the conferees on H.R. 3577, the Interest Equalization Tax Extension Act of 1973. Like the House bill, the bill agreed to by the conferees would extend the Interest Equalization Tax provision for 15 months through June 30, 1974.

As I said on February 27 when H.R. 3577 was being considered by this body, the need for a continuation of this tax can be clearly seen by a review of our current balance-of-payments problems and by considering the effects its elimination at this time could have on our Government's efforts to attack the fundamental causes of these problems. In 1972, our merchandise trade balance was in deficit by $6.4 billion; and we ran a balance-of-payments deficit of $5.8 billion on current account and $9.2 billion on a basic balance basis. These are serious problems and while the extension of the interest equalization tax will not solve them, it can maintain the framework that will enable our current efforts to attack the fundamental causes of disequilibrium to bear fruit.

While we recognize the current need for extending the IET for this 15-month period, we are determined to phase out the tax as soon as we can. In recommending that the tax be phased out no later than December of next year, Secretary Shultz stated on February 12:

> The phasing out of these restraints (including I.E.T.) is appropriate in view of the improvement which will be brought to our underlying payments position by the cumulative effect of the exchange rate changes, by continued steps in curbing inflationary tendencies and by the attractiveness of the U.S. economy for investors abroad. The termination of the restraints on capital flows is appropriate in light of our broad objective of reducing governmental controls on private transactions.

As I previously indicated, the conference agreement provides for an extension of the IET only through June of 1974. This will provide an additional opportunity for the Congress to review this tax again during this Congress. It is our deep conviction and hope that major steps will be taken during the interim to restructure the international monetary system, improve our trading posture, and eliminate reliance on the IET.

The conference bill includes all the provisions which were contained in the House-passed version with a few minor modifications, primarily of a technical nature. Additionally, several amendments of a limited application were adopted by the Senate, and agreed to by the conferees, to make the IET work better. The chairman has explained the conference report in considerable detail, and the amendments are also explained in the conference report. Accordingly, I will not take the time of the House to explain these exceedingly technical amendments.

Let me emphasize that this legislation is required and required now. The provisions in existing law expired last Saturday, March 31, with the result that it is imperative that we act now to extend the tax.

I urge the adoption of the conference report.

Mr. COLLIER. Mr. Speaker, the chairman has concisely summarized the action of the conferees on this bill. Hence, there is no need for me to belabor that aspect of the legislation.

It is important that the House act promptly on this bill to extend the law beyond its expiration date which was midnight of last Saturday, March 31. Prompt action will assure uninterrupted applicability of the tax at the rates and under the procedures in effect on that date.

The IET is intended to discourage borrowers from other industrialized countries from raising long-term financing in the United States, and thus creating an unnecessary drain on the U.S. balance of payments. The tax has the effect of increasing the foreign borrower's interest rate, by an amount of three-quarters of 1 percent per year. The IET is also intended to discourage purchases of foreign stocks by Americans. Together with this country's two other capital control programs—the Commerce Department's foreign direct investment program, and the Federal Reserve Board's voluntary foreign credit restraint program—the IET has been a significant deterrent to the excessive outflow of U.S. capital funds since it was first enacted in 1963.

The IET was initially enacted as a temporary measure, but the continuing deterioration in the U.S. balance of payments required that it be extended from time to time. The administration believes that the dollar devaluation announced in February will help to improve our balance of payments substantially. However, the beneficial effects of the devaluation take time to emerge and some of the immediate effects may actually tend to increase the deficit. We need to continue the IET as we work with our trading partners to develop changes in the international monetary system.

Treasury Secretary Shultz has said that we look to these negotiations to help establish a world economic system which facilitates balance of payments adjustments without resort to capital controls. He has indicated the administration's intention to phase out IET and similar programs as permanent international monetary realinements take place.

In the meantime, the administration has asked that the IET be renewed again, in order to help stabilize our balance of payments position during this important transition period.

The bill to extend the IET contains a number of technical amendments which were added in the Senate and which were agreed to by the House Conferees. I support them and urge your support for this measure.

Mr. BROYHILL of Virginia. Mr. Speaker, I urge prompt House approval of H.R. 3577 in view of the fact that the provisions of the IET Extensive Act of 1971 expired at midnight last Saturday, March 31.

The enactment of H.R. 3577 will provide continuing support for our country's capital control programs. The extension of the IET will help prevent the outflow of dollars to foreign borrowers during a period which hopefully will be marked by permanent and fundamental changes in our international monetary reform arrangements and a strengthening of our balance of payments position as a result of the recent devaluation of the dollar.

The provisions of H.R. 3577 will extend the IET through June 30, 1974. It is intended that the bill shall be effective as of midnight, March 31, 1973, in order that the tax shall continue uninterrupted after that date. It should be stressed that the stock exchanges and the brokers who deal in foreign securities that are subject to the IET, as well as the banks and trust companies who are custodians of those securities, are operating under interim procedures adopted by their governing bodies. They have made every effort to be cooperative but now the Congress must act promptly in order to assure that transactions in foreign securities shall continue to be processed in an orderly manner which will guarantee collection of the tax where it is applicable.

Mr. Speaker, the conferees accepted a number of technical amendments of the Senate which will enhance the overall effectiveness of this tax. I supported them in conference and I urge their support here.

For these reasons, I ask my colleagues to support the Interest Equalization Tax Extension Act of 1973.

GENERAL LEAVE

Mr. MILLS of Arkansas. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may extend their remarks at this point in the RECORD on the conference report.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MILLS of Arkansas. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 396, nays 18, not voting 19, as follows:

[Roll No. 70]

YEAS—396

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashley
Aspin
Bafalis
Baker
Barrett
Beard
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blackburn
Blatnik
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Bray
Breaux
Breckinridge
Brinkley
Brooks
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Camp
Carey, N.Y.
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cochran
Collier
Collins
Conable
Conlan
Conte
Corman
Cotter
Coughlin
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gettys
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Hastings
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hillis
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton
Hosmer
Howard
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kemp
Ketchum
Kluczynski
Koch
Kuykendall
Kyros
Landgrebe
Landrum
Latta
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKay
McKinney
McSpadden
Macdonald
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Miller
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelson
Nichols
Obey
O'Brien
O'Hara
O'Neill
Owens
Parris
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Preyer
Price, Ill.
Quie
Quillen
Randall
Rangel
Rees
Regula
Reid
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
Ruth
St Germain
Sandman
Sarasin
Sarbanes
Satterfield
Saylor
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shoup
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Towell, Nev.
Thomson, Wis
Thone
Thornton
Tiernan
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—18

Ashbrook
Broomfield
Cleveland
Crane
Dent
Flynt
Gaydos
Gross
Grover
Hicks
Mathis, Ga.
Nix
Powell, Ohio
Rarick
Roncalio, Wyo.
Roncallo, N.Y.
Rousselot
Symms

NOT VOTING—19

Anderson, Ill.
Andrews, N.C.
Badillo
Carney, Ohio
Cohen
Conyers
Fraser
Harvey
Hébert
King
Martin, N.C.
Price, Tex.
Pritchard
Railsback
Rooney, N.Y.
Ryan
Shipley
Staggers
Wilson, Charles, Tex.

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Staggers with Mr. Charles Wilson of Texas.

Mr. Rooney of New York with Mr. Harvey.

Mr. Shipley with Mr. King.

Mr. Hébert with Mr. Price of Texas.

Mr. Carney of Ohio with Mr. Anderson of Illinois.

Mr. Fraser with Mr. Anderson of North Carolina.

Mr. Badillo with Mr. Railsback.

Mr. Conyers with Mr. Cohen.

Mr. Ryan with Mr. Martin of North Carolina.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL STATEMENT

Mr. DELLUMS. Mr. Speaker, on the previous call of the House the clock in my office showed all of the lights on. It did not indicate it was a call of the House. For that reason I was not here. If the clocks had been working correctly, I would have been present.

PERSONAL EXPLANATION

(Mr. CARNEY of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. CARNEY of Ohio. Mr. Speaker, unfortunately I have had a case of the flu for the last couple of weeks, and I am going to have to curtail some of my committee work. However, I intend, every time God makes it humanly possible for me to be here, to be here and vote on bills.

Mr. Speaker, the conference report on H.R. 3577 was voted on today, and unfortunately I was delayed and was a little late. I would like the record to show that I was here after the vote, and that had I been here, I would have voted for the conference report on H.R. 3577.

PERMISSION FOR COMMITTEE ON RULES TO FILE REPORTS

Mr. SISK. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain reports.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

INSURED LOAN PROGRAM FOR RURAL ELECTRIFICATION ADMINISTRATION

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 337 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 337

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5683) to amend the Rural Electrification Act of 1936, as amended, to establish a Rural Electrification and Telephone Revolving Fund to provide adequate funds for rural electric and telephone systems through insured and guaranteed loans at interest rates which will allow them to achieve the objectives of the Act, and for other purposes, and all points of order against section 2 of said bill for failure to comply with clause 4 of rule XXI are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from Nebraska (Mr. MARTIN), pending which I yield such time as I may consume.

Mr. Speaker, House Resolution 337 provides for an open rule with 3 hours of general debate on H.R. 5683, which is a bill to provide a lending program for rural electrification and telephone systems.

All points of order against section 2 of the bill for failure to comply with clause 4 of rule XXI of the Rules of the House of Representatives are hereby waived.

The increased capital needs of the rural electric and telephone systems of our country in the past few years along with the arbitrary termination by the Department of Agriculture of the direct lending program of the REA on December 29, 1972, has brought about the need for this legislation.

Title III of H.R. 5683 amends the existing REA Act and creates insured and guaranteed loan programs. Both of these programs will be administered by the REA. Insured loans for REA borrowers will be instituted through the creation of a "rural electrification and telephone revolving fund." The assets of this fund will come from the current assets of the REA and all loan repayments each year. Interest repayments to REA on all outstanding and future loans will remain in the fund.

The fund will be available for two types of insured loans. One at a "special rate" of 2 percent and the other at a "standard rate" of 5 percent. The special rate will be reserved for those borrowers with few subscribers or low gross revenues, but the Administrator could also make loans at his discretion in hardship cases.

The only new appropriations required under this legislation will be those moneys which are necessary to reimburse the fund for: first, losses sustained by the fund or bad loans, and second, interest rate differentials between the rates charged on loans by the fund and the cost of moneys to the fund from the private market.

Mr. Speaker, I urge adoption of House Resolution 337 in order that we may discuss and debate H.R. 5683.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SISK. I will be glad to yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, would section 2 of the bill provide any funds under any circumstances for rehabilitation or reconstruction in either North or South Vietnam?

Mr. SISK. No, it would not, I feel very certain, as I understand the legislation.

Mr. GROSS. None of the funds contained in section 2, which is protected by a waiver of the rules, could be used for that purpose?

Mr. SISK. There is no possibility, I would say to my good friend from Iowa, and if there were, I would not support the legislation.

Mr. GROSS. I thank the gentleman.

Mr. SISK. I reserve the balance of my time.

Mr. MARTIN of Nebraska. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, as the gentleman from California has explained, House Resolution 337 provides for 3 hours of debate on H.R. 5683, a bill to amend the Rural Electrification Act. This legislation was brought about and stimulated because of the actions of President Nixon late last year in discontinuing the 2-percent loan rate of the REA districts throughout the Nation.

Let us go back just a few years and explain what transpired when this legislation was first enacted in 1936. At that time the average cost of money to the Federal Government was 1.9 percent. The REA was just beginning and was in its development stages. The Congress in its wisdom in passing the original act provided for loans to be made at 2 percent, which was just a trifle higher than the average cost of money to the Government at that time. Over the years since 1936 the 2-percent money has prevailed. Then last year the Congress took action to make some changes and provide for different interest rates—2 percent, 5 percent, and also the going interest rate in the money market. As a result of that action by the Congress last year, the President eliminated the 2-percent loans, which is a direct subsidy of course to all of the REA districts throughout the Nation. This legislation has been brought about because of the President's action.

One of the most objectionable features in the bill which we have before us today is the fact that there is mandatory language in the bill which either ties the hands of the program administrator or removes from him sound and reasonable budgetary control.

The bill directs the Administrator to exhaust all moneys available in the fund. Yet it is inconceivable that under even the most generous estimates of loan need the Administrator could not possibly lend the huge sums of money which would be inviolably locked up in the fund. This is especially evident Mr. Speaker, when it is remembered that under the insured loan approach as contained in this bill, at least 10 times as much money can be lent as the amount of money that is available in the fund. That is 10 times as much. With the fund being fed at the rate of approximately $27 million cash per month, this amounts to $329 million per year for fiscal year 1973, and with the 10 times loan ability capacity, that would amount to $3.3 billion per year.

The chairman of the Agriculture Committee, the gentleman from Texas, in testifying before the Committee on Rules yesterday, in reply to a question, stated that the average amount of REA loans made during the last 5 years was approximately $425 million a year. Yet this is going to make available over $3 billion that the Administrator could loan out.

The legislation as written in section 3 on page 8 of the bill provides and makes it mandatory that these funds be loaned by the Administrator of the program.

Another section of the bill increases the amount that the Rural Telephone Bank may loan from eight times its total assets, which is the current loan ability, to 20 times. In response to a question by me to the chairman of the Agriculture Committee, the gentleman from Texas (Mr. POAGE), as to why this was done, the reply simply was that well, 20 times is customary in other banks of this nature. There was no really logical reason for increasing the amount of loans that can be made under the rural telehone bank provision.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Nebraska. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Speaker, I appreciate the gentleman's discussion of the merits of the bill and the facts concerning the rural electrification program and the rural telephone bank.

I would like to ask him what this rule permits in the way of offering a substitute. Would the gentleman from Nebraska tell the House what the situation is as far as this rule is concerned, and the possibility of offering a substitute that would more nearly achieve what the administration thinks is fiscally responsible and still continue in a constructive way the REA and the rural telephone program?

The SPEAKER. The time of the gentleman from Nebraska has expired.

Mr. MARTIN of Nebraska. Mr. Speaker, I yield myself 2 additional minutes.

Mr. Speaker, I will be happy to respond to the question.

Mr. NELSEN, the gentleman from Minnesota, introduced the administration bill in regard to this. The number of that bill is H.R. 5536. I made the motion in the Committee on Rules yesterday to amend the rule permitting this bill to be made in order to be offered as a substitute. We were voted down on a straight party line vote by a vote of 9 to 5, and we are not permitted as a consequence to offer that bill as a substitute today on the floor of the House and to let the Members of the House work their will.

Mr. GERALD R. FORD. Is it the understanding of the gentleman from Nebraska that unless the previous question is voted down, that the Nelsen substitute would not be germane; it would be ruled out of order and the House would be precluded from working its will on that proposal?

Mr. MARTIN of Nebraska. That is correct. A point of order could be made against the bill.

Mr. GERALD R. FORD. In other words, if we want the Nelsen substitute to be germane and not subject to a point of order, we have to vote down the previous question?

Mr. MARTIN of Nebraska. Yes, that is correct.

I would like to announce to the House that we will call for a vote on the previous question. I urge that we have a "no" vote, so that Mr. NELSEN's bill may be considered as a substitute for the committee bill.

I yield 2 minutes to the gentleman from California (Mr. TEAGUE), the ranking minority member on the Committee on Agriculture.

Mr. TEAGUE of California. Mr. Speaker, I shall discuss what I consider to be the demerits of this legislation later.

I want to plead with those Members who have been talking so long about congressional reform. I hope Ralph Nader, Common Cause, and the League of Women Voters take some notice of the rule which came out of the Committee on Rules yesterday.

I have been a supporter of the Committee on Rules for the 18-plus years I have been here, and I am terribly disappointed in what the committee did yesterday. It was totally unfair and unjust, in my opinion. It is a half-open, half-closed rule. It waived points of order for the committee's bill and refused to do so for the bill which Mr. NELSEN, the gentleman from Minnesota, introduced, which he or someone had hoped to offer in the nature of a substitute.

This is one-sided, partisan politics, something the Committee on Rules has never engaged in before in the 18 years I have been here. To me, it is reprehensible, and I regret it very much.

Mr. MARTIN of Nebraska. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Speaker, I know of no one who does not want to continue a viable and effective rural electrification and telephone program. These programs came into being 40 years ago. Is there anyone in this Chamber today who knows of a program that has existed for that length of time which has not been subject to desirable change? There is, however, a very small minority which insists on maintaining the status quo.

I consider myself a reasonably good businessman, and as such I cannot support a practice simply because it was good in the 1930's. I cannot by any stretch of the imagination agree that it is good in the 1970's.

Let me briefly review my thinking. When these organizations, the rural electric and rural telephone co-ops, came into being, the interest rate of money borrowed by the Government was approximately 2 percent. Because of that, the lending rate to co-ops was established at 2 percent, and rightly so.

We are in the decades of the 1970's. It would take hours to evaluate the advances we have made in every field in this period. I can think of no industry, no profession, in which giant forward steps have not been made. Certainly our outstanding achievement in the field of technology must be in having placed 12 Americans on the moon.

In spite of all the advancements we have achieved, to me it is not only incredible but also asinine and downright stupid that some should shed crocodile tears each time a suggestion is made that across the board—and let me stress, across the board—2-percent money should not be placed in the history books and not be a reality in government.

Witness after witness appeared before the Committee on Agriculture in support of higher interest rates for those having the ability to pay. Their almost unanimous plea was this: "We need money, and we need it now, and we are not particularly concerned about the interest rate."

Let us do a bit of simple arithmetic. The two organizations we are considering today have recently been funded at an annual rate of approximately $700 million. At an interest rate of 2 percent the return to Uncle Sam is about $14 million. At the more realistic interest rate of 5 percent—and this is below the average rate paid by the Government—the return would be about $35 million. In other words, the already overworked taxpayer is picking up the tab for $21 million which he rightfully should not be required to pay.

I realize the bill we are considering does change this to a certain extent, but in my opinion the criteria are still entirely too liberal. Is it not about time that we graduate from the decade of the 1930's and do a bit of post graduate work in the decade of the 1970's? In my opinion, that time is here.

Mr. MARTIN of Nebraska. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota (Mr. NELSEN).

Mr. NELSEN. Mr. Speaker, I do not believe that we have a Member in this body who has worked longer and harder in trying to bring about a piece of legislation to deal with the REA program than I. I have worked very closely with the gentleman from Texas (Mr. POAGE) and we have been giving and taking a bit, here and there, trying to design a vehicle that would fly, as the fellow says, and give the REA program a long-range financing plan.

I have heard from many cooperatives. I used to be the Administrator of this program. Many have come to me, including many from back home, saying that they feel they should now step up and pick up the tab, because "We are in good financial shape, have money in the bank, and we ought to pay a little bit higher rate of interest."

I have been working with the administration for the past 4 months, and I got certain commitments from them regarding generation, regarding criteria, and trying at all times to move in the direction of putting a bill together that would be signed and thereby become law.

Therefore, there has been some difference of opinion as to what should be in the bill, so far as I am concerned, because of what I can do with regard to some of the demands, that would eliminate a veto.

So I have been moving carefully, and I will offer the administration bill, with modifications in generation, that will accommodate some of the wishes of the gentleman from Texas (Mr. POAGE). I will also have in it a provision where there will be a separate account in the rural development fund, which is still in limbo.

When we get through with those amendments we are going to be so close, the gentleman from Texas (Mr. POAGE) and I, that it is almost a shame we could not recess for a minute and let the gentleman and I get into a room all by ourselves.

But now in regard to the Committee on Rules, I am reminded of a Norwegian friend of mine back home. There was a great debate in the State senate when I was a member of that body, and when the debate was finished, he turned to all his attorney friends who had been making these great speeches and he said:

> You fellows can talk, but we have got the votes.

Mr. Speaker, I did not have the votes in the Committee on Rules. We do not have a chance under the rule to offer the amendments I proposed, and I think that is too bad. At a time when everybody is screaming about open debate and when everybody says we should say something and do something about this matter, now the Committee on Rules has denied the consideration of the administration bill, because it does not make in order dealing with the rural development fund, which is part of the package that I would like to offer, at least to give the Members a chance to vote on it.

But, Mr. Speaker, I must make it very clear that the gentleman from Texas, Bob Poage, and I have been hitched together, and when you get a Texas cowboy and a Minnesota cowmilker together, that is a combination that should be hard to beat.

But anyway I hope we can vote down the previous question and open the rule so we can consider the administration bill. I will not take their bill exactly as it is. I will have some amendments to it, because I think it should be found in order, and I am sure they will be signed.

Mr. MARTIN of Nebraska. Mr. Speaker, I have no further requests for time. I reserve the balance of my time and urge the Members to vote "no" on ordering the previous question.

Mr. SISK. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I understand there will be an attempt to vote down the previous question, and, therefore, I would like to put the issue in what I think is the proper perspective.

The Committee on Agriculture has for the last 2 months now been struggling with this problem. I think we are all aware, of course, that the administration saw fit to cancel out, under what I consider to be a rather arbitrary use of Executive power, the REA program and end it. The committee has been attempting to see what could be done to try to improve the situation or, at least, to try to restore the REA program.

Mr. Speaker, I want to commend the chairman of the committee, the gentleman from Texas (Mr. Poage), and commend the gentleman from Minnesota (Mr. Nelsen), who just spoke, for the long and rather agonizing efforts that they have made to try to reach a reasonable compromise in connection with this program.

However, I want to say frankly that some of us are beginning to lose patience. I appreciate the fact that my good friend, the gentleman from Michigan (Mr. Gerald R. Ford), the minority leader, is back on the floor, because I noted his remarks.

Mr. Speaker, I simply want to say this: that I had always understood compromise was a two-way street, and I think that basically we have understood that. I believe that all good legislation is the result of compromise, but I understand there had to be a little give on both sides.

Mr. Speaker, it has come down to a point where, in my opinion, the administration has got its feet set in concrete. I have great respect for the gentleman from Minnesota (Mr. Nelsen), as I say, for the work he has done and for the efforts that he has made, but I think there comes a point in time where, if there is in fact going to be any compromise, then for gosh sakes, let us recognize that both sides have to give a little bit.

As far as I am concerned, I think what the committee has done and the Members have done, both Democrats and Republicans, because the vote was overwhelming, as you know, for reporting this bill to the floor, went a long ways and gave a great deal. However, I think there comes a point in time when some of us feel you have to call a halt if we are going to continue to have a program.

As far as I am concerned, if they do not want this compromise we have brought here, I hope that we can get an opportunity simply to vote on the Senate bill that goes back to the original Denholm bill. Maybe that is what we should have come out with. If all you want is an issue, sure the President will veto it, but if all you want is an issue, then I think we should go back to the Senate bill and pass it and send it to the White House.

Apparently the administration has developed an attitude that they will either have their way, period, or there will be no program.

Mr. TEAGUE of California. Will the gentleman yield?

Mr. SISK. I yield to the gentleman.

Mr. TEAGUE of California. I will not attempt at this time, because time is growing short on the rule, to elaborate on this, but I know Mr. Nelsen is prepared to cite many concessions offered and made by the administration when we come to time of debate on the bill.

Mr. SISK. Well, as my colleague knows—and I have great respect for him, because he and I came to the Congress together and worked together for many years here—I respect him, but I think he will agree with me that what we are doing is quibbling over semantics in connection with the so-called difference that exists.

I understand in connection with one question, possibly the gentleman from Minnesota will amend that part out. I appreciate the compromising attitude of the gentleman from Minnesota. I have already paid tribute to him for what he has done, but it does not relieve my feelings one wit over what I think is arbitrary and rather bullheaded positions of some people down at the other end of the avenue. That is what I am talking about.

Let me say that the Committee on Rules is charged with being capricious and taking reprehensible action here. We have acted in the same way on other bills. We have an open rule here, and any amendment that is germane to this bill will be available to be offered on the floor of the House. As far as I know, every change that the gentleman from Minnesota or my friend from California desire to make can be offered as an individual amendment and will not be subject to a point of order, with one possible exception. I understand that has to do with the use of the redevelopment fund.

Very frankly, some of us feel strongly about it. We are dealing here with an REA program, and I think we should put the matter in proper perspective.

As far as the committee has gone in this respect, we have done here what we have done in many cases in bringing a bill here under a completely open rule that gives the committee and the House the opportunity to work its will.

Mr. SISK. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The question is on ordering the previous question.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GERALD R. FORD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 244, nays 170, not voting 19, as follows:

[Roll No. 71]

YEAS—244

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Armstrong
Ashley
Aspin
Barrett
Bergland
Bevill
Biaggi
Bingham
Blatnik
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Breaux
Breckinridge
Brinkley
Brooks
Brotzman
Brown, Calif.
Burke, Calif.
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Burton
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Chamberlain
Chappell
Chisholm
Clark
Clay
Conyers
Corman
Cotter
Culver
Daniel, Dan
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellums
Denholm
Dent
Diggs
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
Eckhardt
Edwards, Calif.
Eilberg
Evans, Colo.
Evins, Tenn.
Fascell
Fisher
Flood
Flowers
Flynt
Foley
Ford, William D.
Fountain
Fraser
Fulton
Fuqua
Gaydos
Gettys
Gibbons
Ginn
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gunter
Hamilton
Hanley
Hanna
Hansen, Wash.
Harrington
Harsha
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Holifield
Holtzman
Howard
Hungate
Ichord
Johnson, Calif.
Johnson, Colo.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Kluczynski
Koch
Kyros
Landrum
Lehman
Litton
Long, La.
Long, Md.
Lujan
McCormack
McDade
McFall
McKay
McSpadden
Macdonald
Madden
Mahon
Mathis, Ga.
Matsunaga
Meeds
Melcher
Metcalfe
Mezvinsky
Milford
Miller
Mills, Ark.
Minish
Mink
Mitchell, Md.
Moakley
Mollohan
Montgomery
Moorhead, Pa.
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nichols
Nix
Obey

O'Hara
Owens
Passman
Patman
Patten
Pepper
Perkins
Pickle
Pike
Poage
Podell
Preyer
Price, Ill.
Randall
Rangel
Rarick
Rees
Reuss
Riegle
Roberts
Rodino
Roe
Roncalio, Wyo.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
St Germain
Sarbanes
Scherle
Schroeder
Seiberling
Shuster
Sisk
Skubitz
Slack
Smith, Iowa
Stanton, James V.
Stark
Steed
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
White
Whitten
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wolff
Wright
Wyatt
Yates
Yatron
Young, Ga.
Young, Tex.
Zablocki
Zwach

NAYS—170

Archer
Arends
Ashbrook
Bafalis
Baker
Beard
Bell
Bennett
Biester
Blackburn
Bray
Broomfield
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Butler
Byron
Camp
Cederberg
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Cohen
Collier
Collins
Conable
Conlan
Conte
Coughlin
Crane
Cronin
Daniel, Robert W., Jr.
Davis, Wis.
Dellenback
Dennis
Derwinski
Devine
Dickinson
Duncan
du Pont
Edwards, Ala.
Erlenborn
Esch
Eshleman
Findley
Fish
Ford, Gerald R.
Forsythe
Frelinghuysen
Frenzel
Frey
Froehlich
Giaimo
Gilman
Goodling
Gross
Grover
Gubser
Guyer
Haley
Hammerschmidt
Hanrahan
Hansen, Idaho
Hastings
Heinz
Hillis
Hinshaw
Holt
Horton
Hosmer
Huber
Hudnut
Hunt
Hutchinson
Jarman
Johnson, Pa.
Keating
Kemp
Ketchum
Kuykendall
Landgrebe
Latta
Leggett
Lent
Lott
McClory
McCloskey
McCollister
McKinney
Madigan
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Mathias, Calif.
Mayne
Mazzoli
Michel
Mills, Md.
Minshall, Ohio
Mitchell, N.Y.
Mizell
Moorhead, Calif.
Mosher
Myers
Nelsen
O'Brien
Parris
Pettis
Peyser
Powell, Ohio
Pritchard
Quie
Quillen
Regula
Rhodes
Rinaldo
Robinson, Va.
Robison, N.Y.
Rogers
Roncallo, N.Y.
Rousselot
Ruth
Sandman
Sarasin
Satterfield
Saylor
Schneebeli
Sebelius
Shoup
Shriver
Smith, N.Y.
Snyder
Spence
Stanton, J. William
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Towell, Nev.
Treen
Veysey
Walsh
Ware
Whalen
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wydler
Wylie
Wyman
Young, Alaska
Young, Fla.
Young, Ill.
Young, S.C.
Zion

NOT VOTING—19

Anderson, Ill.
Badillo
Burke, Mass.
Goldwater
Gude
Harvey
King
McEwen
Martin, N.C.
O'Neill
Price, Tex.
Railsback
Reid
Rooney, N.Y.
Ryan
Shipley
Sikes
Staggers
Teague, Tex.

So the previous question was ordered.

The Clerk announced the following pairs:

Mr. Teague of Texas with Mr. Anderson of Illinois.

Mr. Staggers with Mr. Gude.

Mr. Rooney of New York with Mr. Goldwater.

Mr. Burke of Massachusetts with Mr. King.

Mr. Badillo with Mr. Ryan.

Mr. Reid with Mr. Price of Texas.

Mr. Shipley with Mr. Railsback.

Mr. Sikes with Mr. Martin of North Carolina.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERSONAL ANNOUNCEMENT

(Mr. BURKE of Massachusetts asked and was given permission to address the House for 1 minute.)

Mr. BURKE of Massachusetts. Mr. Speaker, this afternoon, on rollcall No. 71, I was inadvertently detained over at the Rayburn House Office Building where I was attending a meeting of the Council of Churches. I left the meeting in time to vote, but I got on one of those recalcitrant elevators that just would not let me out the door. This kind of spoils my 100-percent attendance record for several years, but this does not bother me too much, because when I was a little boy the most unpopular boy in the neighborhood had a 100-percent attendance in school and, if I recall correctly, he usually was not the brightest one in the class.

Mr. Speaker, I ask unanimous consent that this statement be printed in the Record immediately following rollcall No. 71.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

INSURED LOAN PROGRAM FOR RURAL ELECTRIFICATION ADMINISTRATION

Mr. POAGE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5683) to amend the Rural Electrification Act of 1936, as amended, to establish a rural electrification and telephone revolving fund to provide adequate funds for rural electric and telephone systems through insured and guaranteed loans at interest rates which will allow them to achieve the objectives of the act, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5683, with Mr. Rostenkowski in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. Poage) will be recognized for 1½ hours, and the gentleman from California (Mr. Teague) will be recognized for 1½ hours.

The Chair recognizes the gentleman from Texas (Mr. Poage).

Mr. POAGE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the legislation before us today is a bill to amend the Rural Electrification Act which was necessitated by the present credit dilemma in which REA borrowers now find themselves.

As many of us know, the direct REA loan program was one of those singled out by the President for termination and transfer to the Farmers Home Administration. This very questionable and deplorable exercise of Executive power took the form of a simple two-page press release issued by the Department of Agriculture on December 29, 1972, and was effective on January 1, 1973, without prior consultation with the Congress. I read about it in my hometown newspaper during adjournment, as I am sure many of the Members did.

Almost immediately after the 93d Congress convened, the Senate Agriculture Committee began hearings on this and other affected farm programs. Shortly thereafter, a bipartisan majority of the Senators, under the leadership of Senators Humphrey and Aiken, introduced legislation to reinstate the program. That bill, S. 394, passed the other body on February 21 by a vote of 69 to 20. Similar legislation was offered in the House, H.R. 2276, by Mr. Denholm of our committee and over 100 cosponsors. Our committee held 3 days of public hearings initially on the original Denholm bill. During that time it became apparent to many of us on the committee that the more appropriate legislative course might be to pursue compromise legislation designed to meet the critical policy objections of the administration to this program and at the same time provide a permanent and workable solution for the REA borrowers' continuing needs.

Our colleague, Mr. Nelsen, sought to be helpful and arranged a number of meetings with representatives of the administration, and substantial concessions were made, most of which were to the administration and without, I might add, reaching our goal of obtaining their support, although they have not formally rejected the legislation before us.

Our committee held an additional 2 days of hearings specifically on the so-called compromise proposal and then reported the bill by an overwhelming bipartisan vote of 29 to 6 on March 20.

I believe that this bill represents a good solution to this very critical problem. It effects substantial savings to both the President's budget and to the Treasury and yet provides a continuing credit vehicle to the rural electrification and telephone borrowers of our country.

The bill will cost the Treasury only $816 million for a 5-year period, but it will save the Treasury $2.8 billion for the same period. This will be accomplished through the creation of a revolving fund within the REA consisting primarily of interest on outstanding loan repayments and moneys from the private market through the sale of insured loans. Principal repayments on previous REA loans would flow through the fund back into the Treasury.

The fund would make loans to the REA borrowers as before, but they would now be in the form of "insured" loans, similar to those now made by the Farmer's Loan Administration, and the great bulk would be at interest rates 3 percent higher than they are today.

Two interest rates are authorized under this bill; one at the standard rate of 5 percent and the other at 2 percent, but the lower rate would be available only to a limited number of borrowers who must have this kind of credit to provide a quality service at reasonable rates to their customers.

In addition, a guaranteed loan program is authorized for those systems that can pay the higher going rates of interest.

This bill will reduce the annual budget by approximately ¾ of a billion dollars as compared with the amount budgeted this year, just as the administration has asked. It increases the interest rate to most borrowers, just as the administration has asked. It does not utilize the fiscal year 1973 impounded funds in the amount of $456 million, and it gives the administration exactly what it asks in these aspects.

It does not use the rural development fund as the administration suggested, but establishes a completely separate fund. I suggested to those who wanted to establish a special account within the rural development fund that they write the language to do this, because I wanted to see if it could be done without jeopardizing one or the other of these agencies. I pointed out that I was unable to write it without jeopardizing either the rural development or the rural electrification, and I want to keep them both, as I believe Members do. We were told that there was no problem in writing such language, but so far as I know no one has ever done so up until this good moment. I continue to believe that the Congress should have complete control of this program, which can be assured only under this new fund in REA.

This bill does contain mandatory provisions requiring the Administrator to make available for loans to qualified borrowers such amounts as the Congress may provide. It does not require or authorize any loans to associations which do not qualify or for any unauthorized purposes.

In other words, this bill does not require the expenditure of any unneeded money, but it does make it impossible for us to have a repetition of the kind of arbitrary cancellation of a program as was the case when the existing program was canceled so recently.

Mr. ALBERT. Mr. Chairman, would the gentleman mind being interrupted at this moment?

Mr. POAGE. I will be glad to yield to our distinguished Speaker (Mr. Albert).

Mr. ALBERT. Mr. Chairman, first of all, commenting on what the gentleman from Texas (Mr. Poage) has just said, may I congratulate the gentleman on the leadership he has shown in this matter. The gentleman needs no defense as far as his support of the rural electrification program is concerned. I was on the committee with him when he was the author of the rural telephone bill. He was here when the REA program started, and he supported it through the years, and when the gentleman began to realize that the time had come to modernize this program and to recognize that the coops were not in need of subsidies—some of them were not, at least, many or most of them—were not in need of the subsidies they had in the past, he recognized that fact, even though many coops preferred to keep the old program.

Mr. Chairman, he had before his committee a bill which I would have supported, because I want to keep the rural electrification program. A similar bill came over from the other body, but the gentleman, with the help of the gentleman from Minnesota, and his committee have worked out something that I think the rural electrification co-op movement across the country has agreed to, and I think we owe his committee a debt of gratitude, and the House should go down the line supporting it. Certainly I intend to.

Mr. Chairman, I have listened to what the gentleman has been saying, and I have seen distributed a 13-page pamphlet or memorandum which contains views that I do not understand. I do not think they are honest views; I think they are deliberately distorted views of what this bill intends to do.

On page 13 of that memorandum we read this statement:

> More importantly, the Administration vigorously objects to the mandate contained in the bill to loan all money available to the fund each year. Under an insured loan approach, at least 10 times the available money can be loaned, and since the amount of interest and principal repayments from past loans will be $330 million in 1973, the bill would force total loan outlays of over $3 billion in one year—over 5 times the level of loans made in FY 72. Since the 5 percent interest rate is still a subsidy, in that the long-term Treasury rate is presently over 6 percent, and because some 2 percent loans will still be permitted, the government would be losing at least $40 million a year on REA in interest alone with this level of loans.

Mr. Chairman, I have before me a copy of the bill which the gentleman has presented, and it is clearly evident that this memorandum of views, purportedly of the administration—I do not know whose views they are—but I have here a copy of the bill, and I notice a complete absence of the most important qualification on the very issue which this memorandum is discussing, in which we find this language, quoting from the bill:

> Subject only to limitations as to amounts authorized for loans and advances as may be from time to time imposed by Congress.

It does not say, "have to be made." It says,

> Imposed by the Congress of the United States for loans to be made in any one year, which amounts shall be made available until expended.

Now, Mr. Chairman, the gentleman knows and I know that the Congress is not going to authorize outrageous outlays five times in excess of the level for the fiscal year 1972 or any preceding year thereafter.

This is propaganda; it is false propaganda, and the Members of the House should not be deceived.

Mr. POAGE. Mr. Chairman, I greatly appreciate the comments of the Speaker (Mr. Albert) and I think they are very well taken.

Somebody has either felt that I was completely illiterate or they felt they could not change my views, because I have not been served with a copy of that publication to which the Speaker refers. I have not seen it. But this bill before us specifically provides that loans can be made only on the same terms they are being made today, which is to those associations serving areas that need service.

We have all of those limitations in this bill, just as we have them in the law at the present time. If the Congress wanted to appropriate $2.5 billion this year, they could do it. However, we provide that the REA cannot guarantee or insure any of these loans except to the amount that the Congress authorizes each year. It is the same as we have today.

You have an overall limit today set by the Committee on Appropriations and approved by the Congress, and you still have the same kind of limitation on the total amount that can be made available for loans. We simply say that the Administrator cannot on some dark night come in and file some sort of statement that he is no longer going to make any loans, but we provide that he has to live within the limits fixed by the Congress.

It seems to me to be quite reasonable and it seems to me to be what we should do. I know it was suggested that the Administrator could do a better job if he had a larger degree of discretion. I recognize that. We sought to get an agreement from the administration that we would fix the amount of 2 percent loans within a range and that the Administrator might make loans within that range. We actually talked of $80 million to $120 million and let the Administrator determine to whom the loans would go, but no, the administration said "no" to that; they did not want that kind of discretion.

What they wanted was discretion to wipe out the program. That is the discretion we will not give; that is the discretion, my friends, and it is really the whole crux of the problem here.

Ancher Nelsen and I basically agree on 90 percent of it, but I am not going to come in here and ask you to rewrite a bill that will give the Administrator the same opportunity to doublecross the people of America that he exercised on the 29th day of last December. We are not about to do it. We are going to say, "Mr. Administrator, you are going to carry out this program. We will try to make it as fair as possible and give as much leeway as we can, but we will not say, 'You, Mr. Administrator, rather than the Congress are to determine what the programs of this Government shall be.' "

That is really the whole crux of it, and it is the difference between what this bill says and what we will be asked to vote for in the way of various amendments. They are going to come and try to cut down and say that the Administrator can again wipe out a program. Of course, if you do not believe in having light out on the creek, I want you to vote for those amendments. If you do not want to continue a loan program that will keep the lights on in your section of the country, go ahead and vote for the amendments, because that is what they intend to do.

Of course, I know the Administrator could do a better job if he had more leeway, but, unfortunately, when the discretion we gave has been ruthlessly abused, as it has been in the last few months, we are not going to put ourselves in the position of having it abused again.

When I asked the Secretary of Agriculture before our committee what was his authority for abandoning the existing REA program, what did he say? Some of you fellows who are on that committee heard him. What did he say? He said:

> The law does not require me to make loans; it only authorizes me to make loans.

Now, that is what he told us, that he was only "authorized" to make loans, but now we are going to say, "Mr. Administrator, if this loan meets the requirements of the law then you make it within the amount that the Congress says you may use." That is the crux of this whole thing.

I do not know whether the President will sign this bill or not—he does not usually tell me what he will do. I would like to feel that the President would sign it because it gives him exactly the big things that he seeks. Now, if he wants us to use a circle rather than a dot over an "i", I am not interested in accepting such dictation.

This bill gives him all of the big things that he seeks. To demand more is simply to demonstrate power. I am not interested in helping him put on this exhibition. This bill does raise the interest rate. Just like the President asked.

It adds tremendously to the income of the U.S. Treasury. Just like the President asked. It does take these loans out of the budget. Just like the President asked. It makes the loans private loans rather than Government loans. Those are the things he says are important. We give them to him.

Now, we are not going to be told that we have to cross this "T" from this direction instead of from that direction. But if the President simply wants the big things that he says he wants, then we stand ready to give them to him.

This does involve a compromise where the administration has received practically everything that they ask for. Actually, I do not recall one important thing now that the administration gave in the way of a compromise.

The REA program has traditionally been a program for people, Mr. Chairman, and it will continue so to be under our proposed legislation.

Our committee simply could not sit idly by and watch a great program like this be ruined, a program which has served our rural areas so well, and see it go down the drain, so we are proposing a bill to save it. We hope that the Members of this House will join us in saving the program rather than in trying to put some limiting provision on it.

The CHAIRMAN. The gentleman from Texas has consumed 21 minutes.

The Chair recognizes the gentleman from California (Mr. TEAGUE).

Mr. DENHOLM. Mr. Chairman, the legislation before the House should be approved without amendment for all of the reasons stated by our colleague, Mr. POAGE, the distinguished chairman of the Committee on Agriculture.

Now, at the outset I introduced legislation to mandate the full administration of the Rural Electrification Act of 1936, as amended, because the Secretary of the U.S. Department of Agriculture announced by a news release to the public media on the 29th of December, 1972, that the REA 2 percent loan program was terminated.

The legislation that I first introduced had more than 100 Members of this legislative body as cosponsors (H.R. 2276).

Prior to the commencement of hearings on H.R. 2276, our chairman and our colleague, Mr. ANCHER NELSEN of Minnesota, initiated conferences with officials of the administration in an effort to reconcile apparent differences between the administration and a continuation of present law as compelled by language of H.R. 2276.

Now, admittedly the language of the legislation that I first introduced (H.R. 2276) compelled a continuation of the existing law enacted first by the Congress in 1936, and subsequent amendments thereto. There was nothing new in H.R. 2276, except language that "directed" the administrator to execute the statutory law enacted by the Congress and faithfully executed by six Presidents for the last 37 years. The Nixon administration by a news release sought to terminate that public law as of December 31, 1972. The remaining $367 million appropriated by the 92d Congress for fiscal year 1973 was impounded and pending loan applications of many borrowers including approved loans for projects in progress have been continuously denied since the 29th day of December, 1972.

The administration refused and still refuses to execute in good faith the intent of the existing law with more than 36 years of established precedent. In hearings before our committee the Honorable Earl L. Butz, Secretary of Agriculture, freely admitted that he was authorized to execute the law and that he had ample appropriations to administer the act within the spirit of the law. However, by policy of the administration the Secretary refused and still refuses to execute in good faith the intent and purpose of the Rural Electrification Act of 1936, as amended.

The Secretary of Agriculture appeared before a joint session of the House Committee on Agriculture and the House Committee on Appropriations. The Secretary suggested no constructive alternative in a gesture of conciliation and there has not been an effort to perform the provisions of the Rural Electrification Act of 1936, as amended, since that time. Hours, days, weeks, and months have passed—and the existing public law is still ignored.

In the course of hearings on H.R. 2276, the pending legislation before us today was developed (H.R. 5683). Our colleagues, Mr. POAGE and Mr. NELSEN labored at length and sought many conferences with the officials of the administration in every honest effort of compromise.

Now, if the REA systems program can be perceived of value equal to one yardstick—my original legislation was at 36 and the position of the administration is at 0 of such a rule of measure. The Poage-Nelsen proposal came in at 18 on the yardstick of value as a rule of hypothetical measure. Our committee hearings were extended and conferences continued. All were granted ample opportunity to be heard but slight differences prevailed over patience and tolerance of the full committee. I subsequently introduced the best of compromise and the full committee reported 29–6 the legislation now before the Congress (H.R. 5683).

Mr. Chairman, this is a matter of substantial merit and it is legislation worthy of your favorable consideration. It substantially meets all of the objections of the administration without embarrassment to the President for arbitrary policy decisions contrary to the original intent and purpose of existing law.

The provisions of H.R. 5683 permit the administration to accomplish policy objectives as follows to wit:

The impoundment of $367 million of appropriated funds.

Termination of a direct 2 percent loan program.

The total removal of the future funding from the budget accounting procedures of the Federal Government, and

It assures the continuation of an ample supply of loan funds to borrowers without annual interest subsidy payments from the U.S. Treasury.

I concur with the gentleman from Texas (Mr. POAGE) and the distinguished gentleman from Oklahoma, the Speaker, Mr. ALBERT—this is meritorious legislation that must be enacted. The officials of the National Rural Electric Cooperative Association have conceded much in an effort to compromise in mutual satisfaction for the benefit of all. They began at point 18 on the hypothetical yardstick of measure and conceded on that rule of measure to 17, to 16, to 15, and to 14—but they cannot concede more. The borrowers must have a program and they need it now. They have been cooperative, diligent, reasonable and willing throughout our efforts to achieve a common objective. They cannot do more. They accept this legislation—knowing that it is not perfect. I shall not ask more of them for it is their business, their investments, their labors, their properties, and their futures that ultimately shall fail or prevail.

Mr. Chairman, this Nation is at the threshold of an energy crisis. The failure to act is unacceptable. The action of the administration is intolerable. We must move forward together in an effort to do what is right for our country. I urge each of you to do what is right. I ask no more of you and the people of America expect no less.

Mr. TEAGUE of California. Mr. Chairman, I rise in opposition to H.R. 5683, the REA bill before the House today.

At the outset, I wish to commend the committee's effort and the efforts of our distinguished and able colleague from Minnesota (Mr. Nelsen) to reach a compromise on this bill, but I must point out to you that a true compromise exists only when all the parties concerned share that attitude.

This REA bill in its present form is not a compromise as far as I am concerned. And I think I am speaking accurately for the administration when I say it is not a compromise as far as our friends on the other end of Pennsylvania Avenue are concerned.

In brief, there have been many sincere attempts to reach a compromise but as of this date none has come to fruition.

Having said that, let me point out briefly the key provisions that are still very much in dispute and then express my keen disappointment that the Rules Committee has acted to preclude us from considering the modifications to this bill which could cure it of the handicap of administration disfavor.

The single most disabling provision in this bill is its repeated reference to mandatory spending and compulsory administrative action.

For example, section 305(a) would reverse the broad discretion the Rural Electrification Act now confers upon the REA Administrator by directing him to make loans and at specified interest rates to the full extent of the assets available in the new fund which the bill would create. The exact language reads as follows:

"Sec. 305. Insured Loans; Interest Rates and Lending Levels.—(a) The Administrator is authorized and directed to make insured loans under this title and at the interest rates hereinafter provided to the full extent of the assets available in the fund, subject only to limitations as to amounts authorized for loans and advances as may be from time to time imposed by the Congress of the United States for loans to be made in any one year, which amounts shall remain available until expended: *Provided*, That any such loans and advances shall not be included in the totals of the budget of the United States Government and shall be exempt from any general limitation imposed by statute on expenditures and net lending (budget outlays) of the United States."

Thus it is clear that the bill directs the Administrator to exhaust all moneys available in the fund. Yet it is inconceivable under even the most generous estimates of loan need that the Administrator could ever possibly lend the huge sums of money that would be inviolately locked up in the fund. This is especially evident when it is remembered that under the insured loan approach at least 10 times as such money can be lent as the amount of cash available in the fund. With the fund being fed at the rate of approximately $27 million cash per month—the estimated collections for fiscal year 1973 are $329.5 million—the Administrator would have a mandate to loan at least $270 million each month—or almost $3.3 billion each year. With repayments totaling some $2.2 billion during the current and next 5 fiscal years, it seems fantastic to envision a loan program of $22 billion.

The administration contends, and I certainly agree, that the provision which purports to grant congressional control over these huge sums simply is not practical. Obviously, Congress could not constitutionally set these limits by itself. Of course, Congress will be in session and a future Congress is not bound by a prior one, but the practicality of periodical statutory changes seems most questionable.

It has been argued, that the fund need not retain the principal on outstanding loans. I would only point out that the bill makes the assets of the fund available only for principal repayments—it does not require that principal be repaid to the U.S. Treasury. Thus, the fund could easily build itself up to the enormous size I have described.

The bill also continues a 2-percent loan program on a very liberal basis. The special 2-percent interest rate is made mandatory by section 305(a) for classes of borrowers that are stated in the disjunctive—that is, by using the word "or" rather than the word "and." According to USDA, this series of criteria would result in a mandatory 2-percent loan program in excess of $90 million per year for electric distribution and telephone borrowers alone. I believe the American people, most of whom are paying 6, 7, and 8 percent or more, can rightfully ask: "How long do we need to continue a subsidized 2-percent loan program to borrowers who could jolly well afford to pay much more?"

In addition, this bill creates still another backdoor spending revolving fund, has an adverse impact on the budget, and embraces a whole series of amendments to the rural telephone bank that move it further toward becoming a governmental lending institution. All of these disabilities certainly commend this bill for either rejection by the House or disapproval by the President.

I know the administration proposal was not acceptable to the Agriculture Committee. It was in fact rejected 23 to 12, but it seems to me that simple equity demands that it at least have a chance to be considered—after all, the rule on this bill waives points of order against the committee bill; why then could not the same be done for the administration-backed language?

In summary, Mr. Chairman, I urge the rejection of this bill.

It is being considered in a parliamentary manner that prevents the consideration of the administration alternative and it contains so many disabilities that 3 months of debate would be an insufficient time to try to cure it, much less the 3 hours of narrow debate permitted today.

Mr. WYLIE. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Sixty-seven Members are present, not a quorum. The call will be taken by electronic device.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 72]

Addabbo
Anderson, Ill.
Ashley
Badillo
Broyhill, Va.
Carey, N.Y.
Carney, Ohio
Clark
Conable
Dickinson
Diggs
Dingell
Flowers
Foley
Gettys
Giaimo
Grover
Hansen, Wash.
Harvey
Hastings
Hébert
Henderson
Horton
Jones, Okla.
Karth
King
Kluczynski
McCloskey
McEwen
Melcher
Mitchell, Md.
Moorhead, Pa.
Murphy, N.Y.
O'Neill
Passman
Patman
Pettis
Price, Tex.
Railsback
Rees
Reid
Rooney, N.Y.
Shipley
Shoup
Staggers
Stephens
Symington
Teague, Tex.
Wiggins
Wilson, Bob
Wilson, Charles H., Calif.
Young, Ill.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Rostenkowski, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 5683, and finding itself without a quorum, he had directed the Members to record their presence by electronic device, when 381 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The gentleman from California (Mr. Teague) is recognized.

Mr. WYLIE. Mr. Chairman, will the gentleman yield for a question?

Mr. TEAGUE of California. Yes, I yield to the gentleman from Ohio (Mr. Wylie).

Mr. WYLIE. Mr. Chairman, will the gentleman indicate what the percentage of the Nation's farms is which are now electrified and subsidized through the REA?

Mr. TEAGUE of California. Mr. Chairman, I will state to my colleague, the gentleman from Ohio (Mr. Wylie), that I do not have those figures. The gentleman from Minnesota (Mr. Nelsen), I am sure, who is a former REA administrator, is much more qualified on the technical aspects of this whole matter, and he is better able to answer questions of that nature than I am. I will yield time to the gentleman from Minnesota (Mr. Nelsen) after the next Democratic speaker has been recognized.

Mr. WYDLER. Mr. Chairman, will the gentleman yield?

Mr. TEAGUE of California. I will yield to the gentleman from New York (Mr. Wydler).

Mr. WYDLER. Mr. Chairman, I am trying to reconcile what the gentleman has had to say with what the Speaker had to say earlier with respect to the lending levels under this legislation we have before us.

Mr. TEAGUE of California. Well, I will refer the gentleman to section 305 of the bill. It seems very clear to me that, with all due respect to and for the Speaker, he has been given some misinformation or has drawn the wrong conclusions.

If the gentleman will look at section 305, it seems very clear to me that this is mandatory spending in the clearest sense of the word.

Mr. WYDLER. Mr. Chairman, I agree with the gentleman. As a matter of fact, the language is such that it amounts to the fact that the Administrator is directed to spend the full extent of the assets available in the fund. That is as clear as clear could be, that he has absolutely no discretion, and the only limitation on that spending is some limitation that the Congress may apply.

So, Mr. Chairman, unless the Congress affirmatively sets some limitation on this spending, the Administrator would be forced to spend the full and entire amount.

Mr. TEAGUE of California. Mr. Chairman, in my opinion the gentleman is exactly correct, and I thank the gentleman for once more pointing out this major flaw in this proposed legislation.

Mr. WYDLER. Mr. Chairman, will the gentleman yield further to me?

Mr. TEAGUE of California. I yield to the gentleman from New York (Mr. WYDLER).

Mr. WYDLER. Mr. Chairman, may I ask the gentleman, what form it would take for the Congress to limit the amount of spending? How would the Congress act to limit the amount of spending? Would there have to be a bill passed by the House and Senate and signed by the President?

Mr. TEAGUE of California. I am sure it would. Congress could not do it by itself. It would have to be a bill either from the Committee on Agriculture or the Committee on Appropriations and be signed by the President. The Constitution would require action by both branches of the Government.

Mr. WYDLER. The Speaker, as I remember his remarks, tried to make it sound as though it was obvious to all of us that Congress would never allow the full amount to be expended because it was such a ridiculous amount and so large in nature. I notice when I read the bill there is no attempt to limit that amount at all. I wonder, if it is so obvious that we should limit it, why an attempt to limit the amount available under this bill was not made in the legislation before us.

Mr. TEAGUE of California. It is another reason for opposing the bill.

Mr. SHUSTER. Mr. Chairman, I rise to speak in behalf of H.R. 5683, which I find to be an eminently fair bill to all interests, and one of which the distinguished members who produced it can be justly proud. We have in this situation a conflict between two legitimate and worthy concerns: On the one hand, we have the desire to reestablish fiscal responsibility, to cut Federal spending to reasonable limits thus damping the fires of inflation.

But, on the other hand, we have the equally legitimate claims of rural America. One does not have to be an economist to realize that delivering electricity to an area where the population is more spread out is going to be much less profitable than delivering it to a densely populated area. And a spread out population is precisely what makes an area rural.

I bring up this point to highlight the speciousness of the oft-quoted argument that REA has outlived its usefulness because 98 percent of farms are electrified and that 80 percent of REA's customers are nonfarmers. This is not germaine. The word "farmer" does not even appear in the act. The act was not intended to bring electric power just to farmers; but rather to rural areas.

I have also heard the argument that the rural electric cooperatives no longer need the low-cost money, that they are rich, and fat, and prosperous. In some cases, this is true. But I also took the trouble of looking at the financial statements of quite a number of co-ops, and I can report to this House that there are co-ops that very much need this program. I can understand that, too. When you are providing electric service in an area where you have only four customers per mile of line, there is no question that you are going to make less money than in an area where you have 20 customers per mile. Thus, the program is still needed.

I believe that H.R. 5683 represents an excellent compromise of this conflict. For the sake of fiscal responsibility, supporters of the program have given up the direct loan program and accepted a program of insured and guaranteed loans. For an estimated 80 percent of the co-ops, their loan interest rate will be raised to 5 percent from the former 2 percent, and that is a sacrifice. I believe the targeting of the 2-percent loans on the about 20 percent of the co-ops that truly can be classified as needy is a superior example of fiscal responsibility.

Mr. Chairman, I believe that H.R. 5683 not only is fiscally responsible but also points the way by example toward overall fiscal responsibility. If we can achieve the same kind of compromises, the same kind of precision targeting, the same kind of efficiency in getting the most value for our Federal dollar in the other Federal programs that we will be considering, we will achieve the fiscal responsibility and budgetary leanness that both the President and, I am sure, this Congress urgently desire. For these reasons, Mr. Chairman, I urge the passage of H.R. 5683.

Mr. HUNT. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Eighty Members are present, not a quorum. The call will be taken by electronic device.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 73]

Alexander
Anderson, Ill.
Archer
Badillo
Barrett
Bolling
Carey, N.Y.
Carney, Ohio
Clark
Conyers
Diggs
Dingell
Erlenborn
Foley
Fountain
Fuqua
Gettys
Giaimo
Gray
Hanna
Hansen, Wash.
Harsha
Harvey
Hastings
Holtzman
Horton
Kemp
King
Kluczynski
Landrum
McKay
Melcher
Michel
Mills, Ark.
Mosher
Moss
O'Neill
Patman
Pike
Price, Tex.
Railsback
Rees
Reid
Roncallo, N.Y.
Rooney, N.Y.
Ruth
Schneebeli
Shipley
Sisk
Staggers
Steed
Steiger, Ariz.
Stephens
Symington
Talcott
Teague, Tex.
Thompson, N.J.
Tiernan
Ullman
Vander Jagt
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ROSTENKOWSKI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 5683, and finding itself without a quorum, he had directed the Members to record their presence by electronic device, when 370 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. POAGE. Mr. Chairman, I yield 5 minutes to the gentleman from Tennessee (Mr. JONES).

Mr. JONES of Tennessee. Mr. Chairman, I rise in support of H.R. 5683 but I have a question or two I would like to bring to the attention of the chairman to see if I may obtain an answer.

On page 10, line 14 of the bill it is provided:

> Loans made under this section shall be insured by the Administrator when purchased by a lender.

My question is: Who is eligible to be that lender?

Mr. POAGE. Anybody who will put up the money and risk the money on those notes which are to be guaranteed by the United States, anybody who wants to can be that lender.

Mr. JONES of Tennessee. In other words, any private lender would be eligible?

Mr. POAGE. Yes. It applies to any lender.

Mr. JONES of Tennessee. I thank the chairman.

Then on line 20 on page 10, under section 306, the bill reads:

> The Administrator may provide financial assistance to borrowers for purposes provided in the Rural Electrification Act of 1936, as amended, by guaranteeing loans, in the full amount thereof, made by the Rural Telephone Bank, National Rural Utilities Cooperative Finance Corporation, and any other legally organized lending agency. . . .

My question is: Does this mean that local commercial banks would be eligible to make such guaranteed loans?

Mr. POAGE. Yes, it certainly does.

Mr. JONES of Tennessee. Or banks for cooperatives, or insurance companies?

Mr. POAGE. Yes, I see no reason in the world why those are not also eligible.

Mr. JONES of Tennessee. My last question, Mr. Chairman, is: Are such lenders eligible to benefit from the accommodation or subordination of the mortgage that is mentioned?

Mr. POAGE. Yes, I think the answer is yes there, too.

Mr. JONES of Tennessee. I thank the chairman.

Mr. TEAGUE of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. NELSEN).

Mr. NELSEN. I thank the chairman.

First, may I pay my respects to my colleague, the gentleman from Texas (Mr. POAGE). During the days when I was the administrator of the program, I well remember going down to his big State and dedicating a powerplant. Have the Members any notion what they named it? The Bob Poage plant.

It is doing a good job down there, serving the farms in Texas. I was proud to have had that opportunity.

Now, dealing with the REA program, I have been in it a long time. I was vice president of the system that serves my farm, and I still live on the farm. I was author of the tax bill in Minnesota, one of the best in the Nation. I was the administrator of the program for 3 years, and when I came to Washington it was assumed that a Republican would wreck a program, of course.

But, I inherited the east Kentucky mess, which we worked out; the Georgia power contract, which we worked out; it was in the court for years. Then the Sandy Hook in South Carolina, and we started moving in the direction of partnerships in power. The result of it was that the policies of reducing the power cost got people working together and the costs were reduced. The power costs were reduced. The program worked.

I want to tell the Members of the House that on every one of those policy decisions that had to be initiated and on some of those things that I did, I had to fight a lobby which was supposed to be fighting for REA.

I remember east Kentucky, what a time I had to finally get that thing worked out, but we got the job done.

I only cite this to let the Members know that I have been with this program; I have lived with it; I administered the program and I know its problems. I want to say that I know how dear it is to rural America and what a great program it is.

Imagine going out of the house in the morning and going down to the barn and turning a switch, and there the lights go on; starting a milking machine, which is done by electricity.

Mr. WYLIE. Mr. Chairman, will the gentleman yield for a question?

Mr. NELSEN. I yield to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Does the gentleman know what percentage of the Nation's farms are now electrified?

Mr. NELSEN. It is well around 98 percent of the Nation's farms.

Mr. WYLIE. If the gentleman will yield for a further question, as I understand it, in 1971 REA customers paid approximately $1.75 per kilowatt hour, whereas the rest of the Nation's residential customers had to pay $2.19 per kilowatt hour for electricity.

Now, since 98 percent of our farms are already electrified, how can we justify the continuation of this expensive program in its present form?

Mr. NELSEN. The odds are that the maintenance of the program, looking to the future, will probably cost more than the original construction, because we have to go from single phase to three phase; we have to go from 1½ kilowatt transformers to 5 kilowatts. The cost of rebuilding is always a problem.

Mr. WYLIE. Will the gentleman yield further for another question?

Mr. NELSEN. I yield.

Mr. WYLIE. Does the gentleman think it is appropriate that we should continue the present program until such time as we get the other 2 percent of the Nation's farms electrified? Is that what the gentleman is saying?

Mr. NELSEN. I think the program will continue indefinitely because, really, the purpose of this bank is to get off the 2 percent onto a financing plan of their own, giving it the security. This I think the program needs to serve rural America.

I would hate to see any other approach ever made. It should endure for the future.

Mr. WYLIE. I thank the gentleman. Mr. Chairman, will the gentleman yield for one more question?

Mr. NELSEN. I yield.

Mr. WYLIE. The continuation of the rural electrification and telephone projects, as I understand it, would be mainly to service developing suburban areas rather than farm communities.

Mr. NELSEN. That is not exactly an accurate statement. The REA Act does not provide that they just have to serve farms, but provides for serving rural areas. Many times there is development in rural areas, which have no other access to power. Actually, we used to invite the possibility of sweetening up the load a little bit, so that the whole system would be financially stable.

Mr. WYLIE. I thank the gentleman.

Mr. NELSEN. Mr. Chairman, I should like to call attention to a speech which was made by a gentleman here in the last session of Congress, when the gentleman from Arkansas (Mr. MILLS) the chairman of the Committee on Ways and Means, stood over by his chair and addressed the House of Representatives.

The gentleman from Arkansas Mr. WILBUR MILLS, said that we needed a ceiling on spending. He said:

> We in the Congress have not shown restraint. We have not exercised our responsibilities. We have got to have a ceiling and give the President some authority because we have not exercised ours.

When we look at the wobbly situation of our dollar and see the devastating inflationary trend, to a great degree because of congressional, shall we say deficit spending—that is a contributing factor—I can well understand why the administration sought to look for ways and means whereby the pressure on the budget would be reduced.

I heard the rumor that a change was going to be made. I called even before it was announced, suggesting guaranteed loans, insured loans, hoping it would be in the REA Administration, as the gentleman from Texas (Mr. POAGE), and I wanted it to be. But instead it was put under the Rural Development Act, which in my judgment has presented many, many problems because of the policies and because of the requirements of the act itself.

So when I came back to Washington I made some inquiries in high places, hoping that we could keep this program in REA. I believe I succeeded in convincing certain people of the merits of that.

The next step would be how to work it out with the Rural Development Fund. Already the Rural Development Fund had authority for guaranteed loans and insured loans. Therefore, it was used as a facility to get away from a 2-percent rate up to a sensible rate, and 5 percent is even conservative.

So the gentleman from Texas (Mr. POAGE) and I did a little searching around. We went down to see the Secretary of Agriculture at 7:30 in the morning one day, and we learned that there were certain things the administration wanted, for good reason. One was that impounded funds should stay frozen, not because the dollar amounts were great but because if one starts sliding on one front one may slide on the next and the next and the next.

The next thing offered was to place interest and principal payments into this fund. The gentleman from Texas (Mr. POAGE) looked at me and he said, "That is a better deal than we had even anticipated would happen," because this was a good deal.

But then, in the use of the Rural Development Fund, I had my apprehension about it, because I did not want our dollars coming there and going out to build sewers somewhere. I said, "Will you give us a separate account in the Rural Development Fund?"

The administration agreed that they would do that.

Mr. Chairman, the next point of difference was a generation policy, where the gentleman from Texas (Mr. POAGE) did not want to say that generations should be treated differently than any other loan, and I sort of abide by his point of view.

And so we have been pursuing this, and my amendment will provide that it will be treated just like any other loan.

Mr. Chairman, my amendment will set up a provision in it with a separate fund in the rural development fund. My amendment will not have in it mandatory spending of any kind.

Now, Mr. Chairman, when I say, "mandatory spending," I want to refer to the fact, as I did earlier, that I am glad we have a Budget Bureau. I do not like some of the arbitrary things that sometimes happen. Over in my own committee, the Commerce Committee, I find time after time that mandatory spending creeps in.

The Congress of the United States set up a Budget Bureau because they knew that they needed some kind of an overview as far as the total expenditures of Government are concerned. I think we need to have that kind of an overview, especially in view of the fact that our fiscal policy is in some jeopardy in the United States.

Mr. Chairman, getting to the amendment that I will offer, the amendment that I will offer will keep it in REA; it will not have a mandatory provision. But I think the Congress of the United States ought to set a ceiling, because this program will build and build and build, with billions of dollars in it, and it could go wild unless we have a little overview of it. I think we need it, and the gentleman from Texas (Mr. POAGE) agrees and so stated in the Committee on Rules.

Mr. Chairman, I think the Rural Development Fund could very well be a blessing instead of a hampering of the program, with the proper safeguards that are in it.

I want to refer back over a few years to a great battle that went on, on this floor, one of the first ones I was ever in, where suddenly we had what was known as the Humphrey-Price bill, taking REA out of Agriculture. It had to be taken out because the Trojan Horse was now in the barn. Well, Mr. Chairman, I won that battle that time, but now it seems strange that there are now those who do not even want to use a fund outside of Agriculture for that same program.

Mr. Chairman, I want to say that the program that the gentleman from Texas (Mr. Poage) and I could agree on, I am sure, would be an acceptable one, and I shall offer the amendment.

I hope it will not be ruled out of order.

Mr. Chairman, I realize the rule does not provide for it, but I want to say this: that we are so close at this time, the gentleman from Texas (Mr. Poage) and I, that it would be a shame to have a program like this fall because of the lack of a signature that we need to make it go.

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I will be happy to yield to the gentleman from Ohio (Mr. Wylie).

Mr. WYLIE. Mr. Chairman, I think the gentleman from Minnesota (Mr. Nelsen) is making a very noteworthy and a very impressive statement, and I do appreciate it.

I think we need to have mandatory limits on spending on many otherwise worthwhile programs, but does not this bill do the opposite and require that as to REA loans the Rural Electrification Administration loan all of its moneys and would not this bill force REA to loan more money than maybe actually needed, in view of the fact that 98 percent of the Nation's farms are already electrified?

Now, as I understand the situation, the gentleman's amendment would correct that?

Mr. NELSEN. Mr. Chairman, the amendment that I will offer—and I am sure this is the intention of the gentleman from Texas, Mr. Poage—to provide that the Congress of the United States would have an overview as to the total dollars, and I believe it is the intention of the gentleman from Texas (Mr. Poage) that the loans be made if a criteria of eligibility is in evidence, that a cooperative would get the loan under those circumstances.

As far as I am concerned, my amendment will not have a mandatory provision in it, because I believe the Budget Bureau should have the chance to review all programs in Government, having in mind that the total budget should be looked at as sort of one big package.

Now, I do not know if I gave the gentleman an answer to his question or not.

Mr. WYLIE. I do not think so. Could this bill in its present form force the REA to loan more money than is actually needed to accomplish the legitimate REA purposes to wit: rural electrification?

Mr. NELSEN. I would not like to answer that question in a positive way, because I think I know what the intention of the author is. Maybe the language could be so constructed, but I would question if Mr. Poage intends it to be the result of the language in the bill that there be a forced loaning of money in the pool because of the language in the bill.

Mr. POAGE. Will the gentleman yield?

Mr. NELSEN. Yes.

Mr. POAGE. The bill clearly provides that the Secretary of Agriculture shall make available to qualified prospective borrowers for legal purposes—and all of that is in the general law and we have not changed any of it—such money as may be from time to time provided by the Congress, just as it does with the Farmers Home Administration and as we have been doing for years.

The Committee on Appropriations sets a limit on the amount of loans that can be made so that we can set a continued limit on the amount of loans that can be made here, but within that limit we are saying that you shall make available these loans to everybody who is a qualified borrower for the purposes set out in the law. If we made available $300 million and there were $300 million of qualified applications, then he would have to make those loans. But if there were not but $100 million of qualified applications, he would not make but $100 million of loans.

The reason for that is we had a law for a long time that said the Secretary of Agriculture was authorized to make loans. When we asked the Secretary of Agriculture just 3 weeks ago under what authority he abandoned the REA program, he said that the law authorizes me to make these loans but it does not require me to make them, and I do not have to make them.

Now, if we are going to be faced with that in a few weeks, then we have to says, "Mr. Secretary, we know it would be better if you had more discretion, but you do not want it." We have offered it.

Mr. Nelsen, you will verify, I am sure, that we suggested to the administration's representatives that they take a proposition in which we fixed the lower and upper limits and authorized them to make loans within those limits, but they did not want to take that.

So we have to say right within the limits fixed by the Congress you will continue to have these loans available and make them to all of those who are qualified.

Mr. WYLIE. Will the gentleman yield further?

Mr. NELSEN. Yes. I yield to the gentleman.

Mr. WYLIE. I thank the distinguished chairman for his answers. He refers to the word "authorize" several times, but the language in the bill says that the Administrator is authorized and directed—that is conjunctive and not disjunctive language—to make insured loans under this title and at the interest rate hereinafter provided to the full extent of the assets available in the fund.

Mr. POAGE. Will the gentleman yield further?

Mr. NELSEN. Briefly.

Mr. POAGE. Yes. But he can make it only for the purposes authorized by law, so if we have to change any of the basic law in that respect, he can only make them to those cooperatives or corporations that meet the requirements of the present law as far as it goes.

Mr. WYLIE. If the gentleman will yield further, that is the point I want to make. The Administrator is authorized and directed to make loans for a specific purpose, and that specific purpose is for rural electricity. I thank the gentleman.

Mr. NELSEN. I would say the langauge in my amendment is much better and it is very plain. I sent a letter to Bob sometime back, and I will present it for the Record when we get back in the House. Here is a paragraph I want to read:

> My concern is to get the bill, to get it passed, to get it signed. So I recommend that we in our language of the bill (1) keep the Rural Electric Administration in charge, (2) impounded funds not to be touched, (3) interest payments and principal go to the fund, (4) the RDIF would be used as depository with separate accounts set up for REA, and (5) generation criteria would provide limitation on availability of 2% loan with discretionary authority in the hands of the Secretary to make a determination, but where economic circumstances permit, the range of loans would be from 5% to the interest rates on guaranteed loans.

This is my program, this is a good one, and one that can become law, and my concern in this whole deal has been this: That I want to exercise every effort to be sure that we get a bill that will become law, and not do anything that would sacrifice any of the things that the REA program needs. And this has been a criteria of mine all the while that I administered the program and try to work it out on a standard, long-range basis. I have differed with the administration on practices and policies, and my amendments will coincide with what Bob has suggested. The criteria in the administration bill is to cover the 2-percent criteria. My amendment will later be further amended, if we have the chance, to serve about 80 or 90 borrowers, which is the figure Bob gave me earlier, 80 or 90 of them are in desperate financial condition, and they then would get a 2-percent loan, and the rest would get it at 5 percent or the cost of the money.

I am sorry that we do not have more time to sit down together in a room by ourselves and continue to work on this, because we are so close together that it would be too bad if there is a factor in our legislation here—and mandatory spending is one of them—because I cannot see how any President, any administrator, or any government can operate without a total overall overview of our Bureau of the Budget, which the Congress has set up. I do not think this program is any different than others. I think we have to admit that we have drawn on the 2-percent loan much too long, we are dealing with $6 billion in loans issued on the electric side, and dealing with a nearly billion dollars on the telephone program that has drawn only 2-percent interest, and costing the Government maybe 7 or 8 percent.

Mr. Chairman, the letter I referred to is as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., March 27, 1973.

DEAR COLLEAGUE: I am writing to urge your support of amendments which will be offered on the Floor to H.R. 5683, a bill to amend the Rural Electrification Act of 1936.

My letter is prompted because of a long background in the rural electrification and telephone field—first, as an officer in the system that served my farm, and, also, as a former Administrator of the Rural Electrification Administration (REA) under President Eisenhower.

For years I have contended that a modern and effective financing plan should be established for REA borrowers. When I was Administrator of the REA, we spent a good deal of time trying to design such a plan. More recently, Bob Poage, Chairman of the Committee on Agriculture, and I have held numerous conferences in an effort to develop a sound, long-range plan. Bob, too, has long been associated with the development of the REA program in the United States.

Last week the House Agriculture Committee approved H.R. 5683, and it will come to the Floor soon. *It needs further revision in my judgment, in order to insure that it will be signed into law by the President.*

It is my hope that the necessary amendments will be adopted during the course of Floor debate on the bill. Attached is a copy of a letter I sent to Mr. Poage citing my recommendations.

In conclusion, I strongly urge your support of amendments to make this bill one that is possible of final enactment. I plead that we all search for answers and not issues by adopting the changes that would result in a much needed law for the benefit of the entire nation.

Kindest regards.

Sincerely yours,

ANCHER NELSEN,
Member of Congress.

Attachment.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., March 19, 1973.

Hon. W. R. POAGE,
Chairman, Committee on Agriculture, U.S. House of Representatives, Rayburn House Office Building, Washington, D.C.

DEAR BOB: In our meeting this morning, I agreed to set forth my views and concerns dealing with a hopeful conclusion for the REA program.

I believe that we both agreed that the original bill which we introduced was a vehicle (without doubt some flaws in it), and neither of us assumed that it was perfect in every detail. We did agree that the important objective was a facility for financing of the REA program and also a recognition that the present 2% rate no longer was an acceptable level as provided in the Act we presently operate under. True to our expectations, our vehicle was not totally acceptable, which was understandable. You will recall that I arranged a meeting with Secretary Butz hoping that we could resolve our differences. The Secretary indicated that the present Administration of the Rural Electric Program would continue to be in charge of this important function. Secretary Butz also indicated that the impounded funds presently frozen should not be touched, but instead we would be given the interest payments and principal which would go to a revolving fund for reloaning. It was agreed that this was a very good trade, perhaps more than we expected.

We were next advised that the Administration wished to make use of the so-called Rural Development Insurance Fund, making it the depository for REA principal and interest payments coming in. We then asked that a separate account be set up which would totally protect the REA program. It was agreed that this could be and would be arranged.

The next item of concern to the Administration was generation policy, and the Office of Management and Budget expressed the wish that all generation loans be set at "market rates." We agreed that such an inflexible position could in some cases work a hardship, and I feel that the criteria that you have proposed would give opportunity of some discretion, taking into account economic pressures, fuel costs, etc. I believe that we might follow the pattern of the distribution loans, which provides for discretionary authority at the 2% level, a minimum in other categories at 5%, or not more than the interest rates on guaranteed loans. This is the pattern of the distribution cooperatives and, likewise, it could apply to generation loans. Such criteria would give the Administrator of the program proper needed authority to meet the terms of the REA Act.

Unfortunately, these provisions which I felt were reasonable and acceptable are not contained in H.R. 5683, and this seriously jeopardizes its chances of being enacted into law.

My concern is to get a bill, to get it passed, and get it signed. So I would recommend that we in our language of the bill (1) keep the Rural Electric Administration in charge, (2) impounded funds not to be touched, (3) interest payments and principal to go to the fund, (4) the RDIF would be used as depository with separate accounts set up for REA, and (5) generation criteria would provide limitation on availability of 2% loan with discretionary authority in the hands of the Secretary to make a determination, but where economic circumstances permit, the range of loans would be from 5% to the interest rates on guaranteed loans.

The new Denholm Bill (H.R. 5683) has in it mandatory provisions concerning loans which, as a former Administrator, I would find very difficult to deal with. Many times some discretion is necessary, and no criteria could fit all circumstances. There needs to be some modification dealing with that situation.

This great program has been one of the blessings of rural America, and the great success of it makes it deserving of the protection that legislation of this kind would give. I am desirous of putting together language in a bill that would make it acceptable to the Administration. I would hate to see a situation develop where we wind up with no bill at all, and we are back in the Rural Development Program as presently in operation by order of the Office of Management and Budget.

With best wishes.

Sincerely yours,

ANCHER NELSEN,
Member of Congress.

Mr. MIZELL. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman from North Carolina.

Mr. MIZELL. Mr. Chairman, I thank the gentleman for yielding. Certainly, Mr. Chairman, I appreciate the tremendous effort the gentleman in the well has put forth, along with that of the Chairman of our Committee, in trying to reach some very constructive compromise, and we have come a long ways from the first Denholm bill that we started hearings on in the Committee on Agriculture that relates to REA. But I certainly hope that the House will have a chance to consider the substitute that will be offered by the gentleman from Minnesota (Mr. NELSEN) because I think it removes some of the objectionable factors that are still in the bill that I certainly think will keep this legislation from becoming law if there is no change.

We have a very difficult road ahead. So I certainly hope the House will have a chance to consider the amendment to be offered by the gentleman from Minnesota (Mr. NELSEN). I certainly intend to support the gentleman's substitute, and strongly hope very much that we will have a chance to at least vote on it.

Mr. KEATING. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

One hundred seventeen Members are present, a quorum.

Mr. POAGE. Mr. Chairman, we have no further requests for time.

Mr. TEAGUE of California. Mr. Chairman, I yield 10 minutes to the gentleman from Iowa (Mr. MAYNE).

Mr. MAYNE. Mr. Chairman, as a longtime supporter of the rural electrification program, I was, of course, deeply concerned at the very sudden action of the Department of Agriculture on December 29 when they very abruptly and without any advance warning terminated the program of direct loans. I was almost immediately in close touch with a number of the rural electric cooperatives in my State. These are organizations which, at least as far as Iowa is concerned, have certainly made an outstanding record in bringing electrification and telephone service to rural America.

REC officers and directors in our part of the country are not only very efficient administrators of their cooperatives, but they have also proved themselves as to be responsible, leading citizens in the community and State affairs. When I talked with these rural electric and rural telephone leaders shortly after the December 29 cutoff, they were in a state of great consternation.

They had had the rug pulled out from under them after successfully administering a long established program which had certainly proved its merit. Some of them were relying on loan authority which they had every reason to believe would be granted immediately after the first of the year. They had gone ahead and made commitments for construction, and now suddenly the program under which their loans were to be granted was terminated. This without question created cases of genuine hardship in my own congressional district. In discussions with my REC friends we tried to find a practical solution to the dilemma in which they found themselves. It soon became evident that they were not so concerned about the interest rates that would be charged. They were much more interested in making sure that there would be adequate loan funds available, and they were perfectly willing to pay reasonable interest rates for them.

They themselves volunteered to me the proposition that they did not expect a continuation of 2 percent money for their own cooperatives; they readily conceded that that was no longer necessary for most cooperatives, although there were some real hardship cases and some with a very low density of subscribers that would justify it. But what they all wanted was to have really adequate loan capital available to them on a long term, reliable and dependable basis.

So when I came back to Washington in January, that was what I tried to work to accomplish. Unfortunately, when Congress first convened, there was an attitude of extreme confrontation developing on this. The first bill introduced to meet the situation was one that would have directed complete restoration of the old program with 2-percent money on loans across the board, and this was initially considered at the hearings held by the Committee on Agriculture on the subject.

The administration's response to that bill as expressed in the testimony of Under Secretary Phil Campbell on February 27, was a flat "no," and he did not come back with any other proposal or compromise suggestion at that time. However, he did express a willingness to work with the committee in arriving at some compromise and to consider any proposal made by the committee. Thereafter it was my privilege to work with the gentleman from Minnesota (Mr. NELSEN) and others who were really trying to find some ways of getting money to our cooperatives promptly, some way to evolve a workable program, rather than a campaign issue. We were able to persuade the administration to move from its original position of mere opposition and to make very substantial changes in that position in a good faith effort to arrive at a compromise acceptable to the REC.

The administration did in fact offer and suggest a new source of loan funds which would provide a very generous, even dramatic increase in the amount of loan money to be available. This was entirely an administration initiative although it has now been incorporated in the committee bill, H.R. 5683. It was the administration that first came forward with the idea that all outstanding REA obligations, interest and principal, would be made available for electronic and telephone cooperative loans.

How much money is that? Why every month there is $27 million in cash which becomes due and will be paid in for that purpose, or paid into that, $329 million every year. There is a total of $6.7 billion that is now outstanding that will be payable in cash and available for these loans in the next 35 years. That is far more than has ever been available for loans in the past. And remember, that is the cash figure. In an insured and guaranteed loan program such as the administration proposed and is now in the committee bill, the loan factor is conservatively figured at 10 to 1, so that the amount of loans available which could be obtained in 1 month on the basis of $27 million, would be $270 million, which is far in excess of any need for loans ever experienced or projected?

I will not take time to recite all the other provisions of the administration proposal which was introduced by our distinguished colleague, the gentleman from Minnesota (Mr. NELSEN), as H.R. 5536. I offered it in the committee with some modifications desired by the REA because I thought it would substantially meet their credit needs on reasonable terms. It also had the great virtue that it would have been promptly signed by the President, and could very speedily have become law. We had assurances in negotiations with the administration, in which the distinguished chairman played a prominent part, that within 30 days of the enactment of the administration alternative H.R. 5536, this loan money would be available and in the hands of our co-ops. To my way of thinking it is unfortunate that the committee rejected my amendment, H.R. 5536, which would indeed have substantially met the needs of our rural electric cooperatives.

A number of us continued to try very hard to effect a compromise which would have both legislative and Executive support. It seemed that the gap was very narrow at one time but the negotiations never quite succeeded.

I wish the Rules Committee had made it possible for the House to work its will on the administration substitute, H.R. 5536, today because I feel it would really have been in the interest of our co-ops to have the immediate resources of that bill which we would assuredly be signed by the President. If the administration or Nelsen substitute cannot be adopted today, then all that we will have before us will be the committee bill, HR 5683.

It is apparently extremely objectionable to the administration because of its provision in section 305a for so-called mandatory spending or mandatory lending, which have already been discussed rather thoroughly by both sides. This seems to be the principal obstacle to Executive approval. I still think it would be in the interest of our co-ops for us to make a further effort to get this objectionable provision modified in some way as to meet the administration's objections and get urgently needed loan money on the way without further delay. But if this cannot be accomplished, and the Nelsen substitute does not prevail, then we will have only one choice. If those of us who are supporters of rural electric and telephone co-ops are to accomplish anything for them in the way of legislation at this session, then the only way we can vote our support of REA is to vote for this bill on H.R. 5683 on final passage. It is the only thing which will be available to us. It may not be what some would have preferred as best serving the long time interest of our co-ops, but on final passage it seems to me the friends of rural electric and telephone cooperatives will be confronted with a clear choice. We should on final passage vote aye, and I as one Member of this House certainly urge my colleagues to join me in doing so.

Mr. TEAGUE of California. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Chairman, the bill we are considering would tie the hands of the REA Administrator so as to compel him to make loans, for which there was no need because it mandates, with emphasis on the mandate, that he shall make loans to the full extent of the available funds. Gone would be the wide discretion Congress from the very beginning has entrusted to REA administrators to conduct these complex and important REA programs.

This denial of discretion to meet changing needs in the administration of the programs becomes even more serious when it is combined, as it is in H.R. 5683, with the availability of enormous sums of money which are poured into the new revolving fund by the bill. Originally, I will admit I favored this provision until I learned the impact of this procedure. Here is another glaring example of back door spending which I traditionally oppose.

All of the outstanding assets of the REA programs, over $6.7 billion, become part of the fund. The fund gets another windfall in the form of billions of dollars of interest due on old REA borrowings from the Treasury because the bill excuses such interest payment. Besides there is no safety valve for the fund when the excessive size of the fund becomes so apparent even the blindest REA supporters have to see it. The fund pays the Treasury the principal of these past REA borrowings only when due—and there are long-term 40-year notes. the new loans do not help reduce the excessive size of the fund because they are sold to the public and the proceeds go back into the fund. Defaults woud not reduce the fund unless REA, driven by the mandate to use up the available funds, starts making bad loans and abandons the sound operation which has given it an almost perfect record of no defaulted loans out of the $10 billion loans already made. All agree this is a very commendable record.

Another thing the pressure of this huge fund might induce an REA administrator to do would be to make vast numbers of 2 percent loans under the unlimited discretion the bill, in strange contrast to its mandatory lending provisions gives him to fix 2 percent as the interest note for loans. These discretionary 2-percent loans would be in addition to the automatic 2-percent loans provided in the bill. Even the drain on the fund from this low-interest rate, which would cost the Treasury 5 percent on every dollar so loaned, would not keep the fund from growing enormously, particularly since the bill provides for making up such losses by appropriations to the already swollen fund.

The bill attempts to avoid the severe budget impact of its provisions by the seemingly magic and fictitious formula of declaring that expenditures shall not be considered as expenditures. This is foolish. The magic formula is not reserved by this bill for expenditures in connection with insured loans sold to the public which are quickly replaced by private sector funds from the purchasers of the loans. It is even used for the Rural Telephone Bank expenditures of loans which are not insured or sold to the public, but are financed directly and solely by the Treasury. That whole part of the bill that relates to the Rural Telephone Bank makes basic changes, including the bank interest rate provisions, in a law which has been in operation only a very short time and there is no evidence of any need for these changes at this time.

Two basic changes that should be pointed out are these:

At present a Rural Telephone Bank can borrow up to eight times its assets. Under this bill that ratio will be increased to 20 to 1.

At present, debentures carry no Government guarantees. Under this bill all debentures will be guaranteed by the Government.

These drastic provisions represent overkill in its darkest form. Acceptable alternatives to H.R. 5683 would utilize a fund already in existence, the rural development insurance fund, without creating this enormous new fund. The REA collections which would go into this existing fund would more than generously cover REA program needs if, as proposed by such alternative, they were handled on an insured and guaranteed loan basis. Such acceptable alternative would relieve the budget impact of the REA programs by bringing in private sector funds in amounts to fully match these REA program needs. The administration's announced $200 million increase in the fiscal 1973 programs through the conversion to an insured and guaranteed loan program, shows what can be done through sale of insured loans without pouring unneeded billions into a new revolving fund as this bill proposes.

Mr. POAGE. Mr. Chairman, I yield myself 1 minute, and I yield to the gentleman from Missouri (Mr. ICHORD) for a question.

Mr. ICHORD. Mr. Chairman, I will state to the gentleman from Texas that I have always been a strong champion of the REA program as is the gentleman from Texas. I believe it is one of those Federal programs truly touched with greatness.

I suppose it is impossible to dicuss this legislation without getting into the impoundment issue, without discussing expenditures and revenues.

I will state very frankly to the gentleman from Texas that I strongly believe in this matter of balancing the budget, bringing expenditures in line with revenues—not only the President of the United States has dirty hands, the Congress has dirty hands. I feel very strongly we should set some kind of expenditure limitation.

The CHAIRMAN. The time yielded by the gentleman from Texas has expired.

Mr. POAGE. Mr. Chairman, I yield myself 1 additional minute, and I yield further to the gentleman from Missouri.

Mr. ICHORD. I believe my votes previously have proved that to be my belief.

But here the issue simply is, "Who is going to control the REA program?" as I see it. Is Congress going to control it, or is OMB going to control it? Is that not essentially the issue we are facing today?

Mr. POAGE. That is the issue. This bill provides that the Congress shall control the program. We are told there will be amendments offered which will suggest that the OMB, or the Administrator, or the President, or whoever it is—the gentleman does not know, and I do not know—some impersonal representative will control it.

A Member can take his choice between a bill that leaves discretion to the Congress and one that leaves it to these unknown administrators.

Mr. ICHORD. There is no disagreement over the 2-percent loan program or the 5-percent loan program, is there?

Mr. POAGE. No. The bills are the same.

Mr. PICKLE. Mr. Chairman, two myths stalk the very existence of rural electric cooperatives in this country. Myth No. 1—that rural electric cooperatives are getting an undeserved bargain with the established 2-percent Government loan. Myth No. 2—that rural electric cooperatives are hedging in on private utility business.

Before we can look at this bill objectively and before we can decide what is best for the continued good electric service of this Nation, urban and rural alike, I think we must take a closer look at these two myths.

Myth No. 1—the 2-percent Government loan. It is my understanding only 88 of the 930 distribution cooperatives in this country would have received all 2 percent money before the program was stopped in December. That is to say, less than 10 percent of our rural electric cooperatives were receiving all 2 percent money at that time. Under the pending bill, 178 cooperatives would be eligible for 2 percent loans—and that number could be reduced if the administration would give the committee full information.

The cooperatives have already begun to move out on their own, to get market money through their own organization, the Cooperative Finance Corporation. At this time of the remaining cooperatives which do not receive all 2 percent money about half are getting 30 percent of their loan funds from the open market, from the CFC.

Obviously the cooperatives already are moving toward pulling their own weight.

I think the Congress ought to encourage this trend toward establishing other financing for the cooperatives—but I suggest to this body that the brash, catacylsmic, and illegal discarding of the REA law which has been the practice of the present administration is not the way to go about encouraging the trend toward self-reliance in cooperatives.

If the administration really wants to help the REA program, I believe it must endorse meaningful amounts of seed money for the CFC. There must also be sufficient loan moneys and competitive rates to allow systems to operate with flexibility and not under the strain of day-to-day financing or the threat that support will be cut off again with the stroke of a pen.

And—I have yet to hear of a case where a private utility has lost appreciable business because of a cooperative. I think they work together well.

Let us look at the facts. Nationwide, cooperatives average only 3.7 consumers per mile—investor-owned utilities average 35.5 consumers per mile. Nationwide, cooperatives average $696 in revenue per mile—investor-owned utilities average almost $10,500.

So, in spite of discussions centering on whether the rural electric cooperatives serves farm or urban areas, it is obvious that they and the private urban utility still exist in different worlds—serving different needs.

The Rural Electrification Administration has been one of the most successful Government programs ever devised. When this Congress created it 37 years ago, just over 10 percent of our rural areas had electricity. Now that figure is almost 100 percent.

Our cooperatives have, almost to a man, been good investments and wise, frugal, and honest businesses.

But even so, we would not be right in continuing the REA program if the "job was done."

The message that is clear, however, is that the job is not done.

Rural electric cooperatives must continue to serve areas that would not be profitable for private utilities to enter. A single cooperative in my district expects to add 7,900 new customers this year and next—and those additions will not be anywhere near the 35.5 consumer per mile prospects that face private utilities.

A dramatic cutoff of the REA program such as the administration wants—where cooperatives are forced into the open market too soon, where even a cooperative which would qualify for a Government loan can have that loan revoked at any time—can only have one of two results. It can cause prohibitive rate increases for rural electric consumers, or it can cause a shutdown of rural electric operations.

Moreover, the uncertainty of the financing in an on-going operation like electricity could only work to hinder good management.

I find far more practical and realistic the reasoned and strong approach offered to us in the bill we are now considering.

This bill recognizes the varying needs of different cooperatives and provides adequately for them. It encourages the finding of outside funds without imposing unrealistic conditions on the cooperatives. And it provides for funding that is stable.

More than that we cannot ask. More than that this administration should not ask.

Mr. YOUNG of South Carolina. Mr. Chairman, inasmuch as H.R. 5683 provides for lending to electric cooperatives under the Rural Electrification Act by private institutions, it is my desire to note for the RECORD of this Congress prior to the passage of this bill that the banks for cooperatives under the farm credit system as provided for in Public Law 92-181 of the 92d Congress are private lending institutions in the same context as contemplated in this proposed bill.

Mr. MIZELL. Mr. Chairman, I rise briefly at this time to commend my colleagues on the Committee on Agriculture for their exhaustive efforts to produce sound and responsible legislation for the continuance and improvement of the Rural Electrification Administration program.

I want to express my appreciation as well to the administration for its role in providing many worthwhile suggestions to the committee as we labored to draft a good bill for consideration by the full House today.

I think we have proposed a generally good bill, but I believe further refinement is necessary here today to assure that the President will sign this legislation and that the REA program will continue to provide the service to rural areas it has provided so well over the last 35 years

There has already been a good deal of constructive compromise achieved prior to our reporting this bill, and I am convinced that if this same spirit of compromise prevails today, we can enact a really good piece of legislation that will serve the needs of our rural citizens and pass the test of fiscal responsibility as well.

My distinguished colleague from Minnesota (Mr. Nelsen) who served so admirably and effectively as REA Administrator from 1953 to 1956, has offered a compromise measure that would allow us to meet both those goals.

His compromise would use the Rural Development Insurance Fund to make REA loans, but would retain the integrity of the REA account within the fund.

Insured electric loans would be issued at a 5-percent rate, and telephone loans would range between 5 percent and market rate, depending upon ability to pay.

Generation and transmission loans would generally be at market rates.

Two percent loans could be made for borrowers where the density would be three customers per mile of proposed line, and the borrower had a time interest earned ratio of 1.5 or less or debt service coverage of 1.25 or less.

The time interest earned ratio simply measures the burden of interest repayments on a borrower. It equals the sum of margins—profits—plus interest divided by interest. Thus, a low ratio indicates a high proportion of interest burden as it relates to profits.

The debt service coverage ratio is similar, but it takes into account depreciation and amortization expenses and the total loan repayment burden rather than simply interest. This ratio equals the sum of margins, interest expense, and depreciation divided by total interest and principal repayments.

Finally, Mr. Nelsen's compromise would allow the Secretary of Agriculture to make low interest loans in hardship cases.

With these measures adopted, I believe we will have an effective, responsible bill that the President will sign and that the rural citizen will appreciate.

My main concern is to have enough money for loans to insure a continued successful REA program. Mr. Nelsen has proposed an excellent means of reaching that goal, and I urge my colleagues to support his compromise measure, so that we can have a good REA program now and in the future.

Mr. CULVER. Mr. Chairman, I urge the immediate passage of H.R. 5683, the Rural Electrification Act amendment. Recently, I cosponsored H.R. 4615 whose purpose was to reinstate the REA direct loan program which the administration terminated earlier this year. However, I consider the bill, H.R. 5683, reported by the committee a worthy compromise.

The administration, by terminating the REA program has shown its unfortunate lack of concern for the continuing need for improving living conditions in rural areas. Rural areas contain one-quarter to one-half of our poor people and nearly 60 percent of our substandard housing. Rural electricity demands are doubling every seven years. The termination of the REA loan program would aggravate conditions by causing higher bills for rural electric users and reduced service.

The administration maintains that REA cooperatives no longer need the benefit of special low interest rates. This is true in some cases. There are still, however, many rural electric cooperatives in thinly populated areas. These areas often have a nominal industrial base and will not survive without the REA program. The bill reported by committee recognizes the continued need for low-cost REA financing in these areas.

The REA has a fine service record dating back to its inception in 1936. The REA has financed over 1.7 million miles of electric lines, thousands of substations, and almost 200 generating plants in 46 States. Today, over 7 million consumers receive power from REA lines. Since 1936 there has been an increase of over 80 percent in the number of rural homes which have electric service. It is not surprising the public is alarmed at the administration's termination of this efficient program. A recent poll in my State shows that over 43 percent of the general public is against the elimination of the low interest REA loans.

Additionally, a great number of my constituents are concerned about the method the administration used in terminating this program. The President's impoundment of congressionally appropriated funds raises substantial constitutional questions. When Congress judges a program to be in the public interest, it is beyond the President's constitutional authority to terminate the program by Executive impoundment. Passage of H.R. 5683 will reaffirm the principle that only Congress has the authority to terminate a program created by it.

Therefore, I call for immediate passage of this very worthwhile bill.

Mr. TEAGUE of California. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is hereby declared to be the policy of the Congress that adequate funds should be made available to rural electric and telephone systems through direct, insured and guaranteed loans at interest rates which will allow them to achieve the objectives of the Rural Electrification Act of 1936, as amended, and that such rural electric and telephone systems should be encouraged and assisted to develop their resources and ability to achieve the financial strength needed to enable them to satisfy their credit needs from their own financial organizations and other sources at reasonable rates and terms consistent with the loan applicant's ability to pay and achievement of the Act's objectives. The Rural Electrification Act of 1936, as amended (7 U.S.C. 901–950(b)), is therefore further amended as hereinafter provided.

Sec. 2. Title III of the Rural Electrification Act of 1936, as amended, is amended by striking out all of sections 301 and 302 and inserting in lieu thereof the following new sections:

"Sec. 301. Rural Electrification and Telephone Revolving Fund.—(a) There is hereby established in the Treasury of the United States a fund, to be known as the Rural Electrification and Telephone Revolving Fund (hereinafter referred to as the "fund"), consisting of:

"(1) all notes, bonds, obligations, liens, mortgages, and property delivered or assigned to the Administrator pursuant to loans heretofore or hereafter made under sections 4, 5, and 201 of this Act and under this title, as of the effective date of this title, as revised herein, and all proceeds from the sales hereunder of such notes, bonds, obligations, liens, mortgages, and property, which shall be transferred to and be assets of the fund;

"(2) undisbursed balances of electric and telephone loans made under sections 4, 5, and 201, which as of the effective date of this title, as revised herein, shall be transferred to and be assets of the fund;

"(3) notwithstanding section 3 (a) and (f) of title I, all collections of principal and interest received on and after July 1, 1972, on notes, bonds, judgments, or other obligations made or held under titles I and II of this Act and under this title, except for net collection proceeds previously appropriated for the purchase of class A stock in the Rural Telephone Bank, which shall be paid into and be assets of the fund;

"(4) all appropriations for interest subsidies and losses required under this title which may hereafter be made by the Congress;

"(5) moneys borrowed from the Secretary of the Treasury pursuant to section 304(a); and

"(6) shares of the capital stock of the Rural Telephone Bank purchased by the United States pursuant to section 406(a) of this Act and moneys received from said bank upon retirement of said shares of stock in accordance with the provisions of title IV of this Act, which said shares and moneys shall be assets of the fund.

"Sec. 302. Liabilities and Uses of Fund.—(a) The notes of the Administrator to the Secretary of the Treasury to obtain funds for loans under sections 4, 5, and 201 of this Act, and all other liabilities against the appropriations or assets in the fund in connection with electrification and telephone loan operations shall be liabilities of the fund, and all other obligations against such appropriations or assets in the fund arising out of electrification and telephone loan operations shall be obligations of the fund.

"(b) The assets of the fund shall be available only for the following purposes:

"(1) loans which could be insured under this title, and for advances in connection with such loans and loans previously made, as of the effective date of this title, as revised herein, under sections 4, 5, and 201 of this Act;

"(2) payment of principal when due on outstanding loans to the Administrator from the Secretary of the Treasury for electrification and telephone purposes pursuant to section 3(a) of this Act and payment of principal and interest when due on loans to the Administrator from the Secretary of the Treasury pursuant to section 304(a) of this title;

"(3) payment of amounts to which the holder of notes is entitled on insured loans: *Provided,* That payments other than final payments need not be remitted to the holder until due or until the next agreed annual, semiannual, or quarterly remittance date;

"(4) payment to the holder of insured notes of any defaulted installment or, upon assignment of the note to the Administrator at his request, the entire balance due on the note;

"(5) purchase of notes in accordance with contracts of insurance entered into by the Administrator;

"(6) payment in compliance with contracts of guarantee;

"(7) payment of taxes, insurance, prior liens, expenses necessary to make fiscal adjustments in connection with the application, and transmittal of collections or necessary to obtain credit reports on applicants or borrowers, expenses for necessary services, including construction inspections, commercial appraisals, loan servicing, consulting business advisory or other commercial and technical services, and other program services, and other expenses and advances authorized in section 7 of this Act in connection with insured loans. Such items may be paid in connection with guaranteed loans after or in connection with the acquisition of such loans or security thereof after default, to the extent determined to be necessary to protect the interest of the Government, or in connection with any other activity authorized in this Act;

"(8) payment of the purchase price and any costs and expenses incurred in connection with the purchase, acquisition, or operation of property pursuant to section 7 of this Act.

"Sec. 303. Deposit of Fund Moneys.—Moneys in the fund shall remain on deposit in the Treasury of the United States until disbursed.

"Sec. 304. Financial Transactions of the Fund.—(a) The Administrator is authorized to make and issue interim notes to the Secretary of the Treasury for the purpose of obtaining funds necessary for discharging obligations of the fund and for making loans, advances and authorized expenditures out of the fund. Such notes shall be in such form and denominations and have such maturities and be subject to such terms and conditions as may be agreed upon by the Administrator and the Secretary of the Treasury. Such notes shall bear interest at a rate fixed by the Secretary of the Treasury, taking into consideration the current average market yield of outstanding marketable obligations of the United States having maturities comparable to the notes issued by the Administrator under this section. The Secretary of the Treasury is authorized and directed to purchase any notes of the Administrator issued hereunder, and, for that purpose, the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which such securities may be issued under such Act, as amended, are extended to include the purchase of notes issued by the Administrator. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes shall be treated as public debt transactions of the United States: *Provided, however,* That such interim notes to the Secretary of the Treasury shall not be included in the totals of the budget of the United States Government and shall be exempt from any general limitation imposed by statute on expenditures and net lending (budget outlays) of the United States.

"(b) The Secretary of the Treasury is authorized and directed to purchase for resale obligations insured through the fund when offered by the Administrator. Such resales shall be upon such terms and conditions as the Secretary of the Treasury shall determine. Purchases and resales by the Secretary of the Treasury hereunder shall not be included in the totals of the budget of the United States Government and shall be exempt from any general limitation imposed by statute on expenditures and net lending (budget outlays) of the United States.

"(c) The Administrator may, on an insured basis or otherwise, sell and assign any notes in the fund or sell certificates of beneficial ownership therein to the Secretary of the Treasury or in the private market. Any sale by the Administrator of notes individually or in blocks shall be treated as a sale of assets for the purposes of the Budget and Accounting Act, 1921, nothwithstanding the fact that the Administrator, under an agreement with the purchaser or purchasers, holds the debt instruments evidencing the loans and holds or reinvests payments thereon as trustee and custodian for the purchaser or purchasers of the individual note or of the certificate of beneficial ownership in a number of such notes. Security instruments taken by the Administrator in connection with any notes in the fund may constitute liens running to the United States notwithstanding the fact that such notes may be thereafter held by purchasers thereof.

"Sec. 305. Insured Loans; Interest Rates and Lending Levels.—(a) The Administrator is authorized and directed to make insured loans under this title and at the interest rates hereinafter provided to the full extent of the assets available in the fund, subject only to limitations as to amounts authorized for loans and advances as may be from time to time imposed by the Congress of the United States for loans to be made in any one year, which amounts shall remain available until expended: *Provided,* That any such loans and advances shall not be included in the totals of the budget of the United States Government and shall be exempt from any general limitation imposed by statute on expenditures and net lending (budget outlays) of the United States.

"(b) Insured loans made under this title shall bear interest at either 2 per centum per annum (hereinafter called the 'special rate'), or 5 per centum per annum (hereinafter called 'standard rate'). Loans bearing the special rate shall be reserved for and made by the Administrator to the full extent of the authorities contained herein for any electric or telephone borrower which meets either of the following conditions:

"(1) has an average consumer or subscriber density of two or fewer per mile, or

"(2) has an average gross revenue per mile which is at least $450 below the average gross revenue per mile of REA-financed electric systems, in the case of electric borrowers, or at least $300 below the average gross revenue per mile of REA-financed telephone systems, in the case of telephone borrowers: *Provided, however,* That the Administrator may, in his sole discretion, make a loan at the special rate if he finds that the borrower:

"(A) has experienced extenuating circumstances or extreme hardship;

"(B) cannot, in accordance with generally accepted management and accounting principles, produce net income or margins before interest of at least equal to 150 per centum of its total interest requirements on all outstanding and proposed loans with an interest rate greater than 2 per centum per annum on the entire current loan, and still meet the objectives of the Act, or

"(C) cannot, in accordance with generally accepted management and accounting principles and without an excessive increase in the rates charged by such borrowers to their consumers or subscribers, provide service consistent with the objectives of the Act.

"(c) Loans made under this section shall be insured by the Administrator when purchased by a lender. As used in this Act, an insured loan is one which is made, held, and serviced by the Administrator, and sold and insured by the Administrator hereunder; such loans shall be sold and insured by the Administrator without undue delay.

"Sec. 306. Guaranteed Loans; Accommodation and Subordination of Liens.—The Administrator may provide financial assistance to borrowers for purposes provided in the Rural Electrification Act of 1936, as amended, by guaranteeing loans, in the full amount thereof, made by the Rural Telephone Bank, National Rural Utilities Cooperative Finance Corporation, and any other legally organized lending agency, or by accommodating or subordinating liens or mortgages in the fund held by the Administrator as owner or as trustee or custodian for purchasers of notes from the fund, or by any combination of such guarantee, accommodation, or subordination. No fees or charges shall be assessed for any such guarantee, accommodation, or subordination. *Guaranteed* loans shall bear interest at the rate agreed upon by the borrower and the lender. Guaranteed loans, and accommodation and subordination of liens or mortgages, may be made concurrently with a loan insured at the standard rate. The amount of guaranteed loans shall be subject only to such limitations as to amounts as may be authorized from time to time by the Congress of the United States: *Provided,* That any amounts guaranteed hereunder shall not be included in the totals of the budget of the United States Government and shall be exempt from any general limitation imposed by statute on expenditures and net lending (budget outlays) of the United States. As used in this title a guaranteed loan is one which is made, held, and serviced by a legally organized lending agency and which is guaranteed by the Administrator hereunder.

"Sec. 307. Other Financing.—When it appears to the Administrator that the loan applicant is able to obtain a loan for part of his credit needs from a responsible cooperative or other credit source at reasonable rates and terms consistent with the loan applicant's ability to pay and the achievement of the Act's objectives, he may request the loan applicant to apply for and accept such a loan concurrently with a loan insured at the standard rate, subject, however, to full use being made by the Administrator of the funds made available hereunder for such insured loans under this title.

"Sec. 308. Full Faith and Credit of the United States.—Any contract of insurance or guarantee executed by the Administrator under this title shall be an obligation supported by the full faith and credit of the United States and incontestable except for fraud or misrepresentation of which the holder has actual knowledge.

"Sec. 309. Loan Terms and Conditions.—Loans made from or insured through the fund shall be for the same purposes and on the same terms and conditions as are provided for loans in titles I and II of this Act except as otherwise provided in sections 303 to 308 inclusive.

"Sec. 310. Refinancing of Rural Development Act Loans.—At the request of the borrower, the Administrator is authorized and directed to refinance with loans which may be insured under this Act, any loans made for rural electric and telephone facilities under any provision of the Consolidated Farm and Rural Development Act."

Sec. 3. Section 3(f) of the Rural Electrification Act of 1936, as amended, is amended by striking "Except as otherwise provided in sections 301 and 406(a) of this Act," and by inserting ", *Provided, however,* That notwithstanding subsection (a) of this section, payments of such loans heretofore or hereafter made to the Administrator for use in making loans to borrowers under titles I and II shall not include any interest" immediately before the semicolon.

Sec. 4. Section 405 of the Rural Electrification Act of 1936, as amended, is further amended by striking subsection (e) in its entirety and by inserting in lieu thereof a new subsection (e), as follows:

"(e) Thereafter, the cooperative-type entities and organizations holding class B and class C stock, voting as a separate class, shall elect three directors to represent their class by a majority vote of the stockholders voting in such class; and the commercial-type entities and organizations holding class B and class C stock, voting as a separate class, shall elect three directors to represent their class by a majority vote of the stockholders voting in such class. Limited proxy voting may be permitted, as authorized by the bylaws of the telephone bank. Cumulative voting shall not be permitted."

Sec. 5. The second sentence of section 406 (a) of the Rural Electrification Act of 1936, as amended, is further amended by striking "from net collection proceeds in the rural telephone account created under title III of this Act" immediately after the word "appropriated".

Sec. 6. Subsection (a) of section 407 of the Rural Electrification Act of 1936, as amended, is amended by striking out "eight" in the second sentence and inserting in lieu thereof "twenty", and by striking out all of the third sentence.

Sec. 7. Section 407 of the Rural Electrification Act of 1936, as amended, is amended by adding a new subsection (c) as follows:

"(c) Purchases and resales by the Secretary of the Treasury as authorized in subsection (b) of this section shall not be included in the totals of the budget of the United States Government and shall be exempt from any general limitation imposed by statute on expenditures and net lending (budget outlays) of the United States."

Sec. 8. Subsection (a) of section 408 of the Rural Electrification Act of 1936, as amended, is amended (a) by inserting the words "or which have been certified by the Administrator to be eligible for such a loan or loan commitment," immediately following the term "this Act," where it first appears; and (b) by adding at the end thereof the following sentence: "Loans and advances made under this section shall not be included in the totals of the budget of the United States Government and shall be exempt from any general limitation imposed by statute on expenditures and net lending (budget outlays) of the United States."

Sec. 9. Subsection (b) of section 408 of the Rural Electrification Act of 1936, as amended, is amended by striking out all of paragraph (3) and inserting in lieu thereof a new paragraph (3) reading:

"(3) Loans under this section shall bear interest at the 'cost of money rate.' The cost of money rate is defined as the average cost of moneys to the telephone bank as determined by the Governor, but not less than 5 per centum per annum."

Sec. 10. The right to repeal, alter, or amend this Act is expressly reserved.

Sec. 11. This Act shall take effect upon enactment.

Mr. POAGE (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. NELSEN

Mr. NELSEN. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. Nelsen: page 1, line 3, strike out all after the enacting clause and insert in lieu thereof the following:

That it is hereby declared to be the policy of the Congress that adequate funds should be made available to rural electric and telephone systems through insured or guaranteed loans at interest rates which will allow them to achieve the objectives of the Rural Electrification Act of 1936, as amended, and that such rural electric and telephone systems should be encouraged and assisted to develop their resources and ability to achieve the financial strength needed to enable them to satisfy their credit needs from their own financial organizations and other sources at reasonable rates and terms consistent with the loan applicant's ability to pay and achievement of the Act's objectives. The Rural Electrification Act of 1936, as amended (7 U.S.C. 901–950(b)), is, therefore, further amended as hereinafter provided.

Sec. 2. Title III of the Rural Electrification Act of 1936 is amended by adding at the end thereof the following new sections:

"SEC. 303. INSURED LOANS.

"All loans made pursuant to title I and title II of this Act (hereinafter referred to as 'insured loans') shall be made from and insured through the Rural Development Insurance Fund (hereinafter referred to as the 'fund') established by section 309A of the Consolidated Farm and Rural Development Act (hereinafter referred to as the 'Development Act') and shall be deemed rural development loans for purposes of section 309A of the Development Act. An insured loan is one which is originated, held, and serviced by the Secretary, and ultimately sold and insured in the same manner as provided for rural development loans under the Development Act.

"SEC. 304. GUARANTEED LOANS.

"The Secretary may guarantee loans in the full amount thereof, and use the fund therefor, made by the National Rural Utilities Cooperative Finance Corporation, Banks for Cooperatives, or any legally organized lending institution or agency for purposes for which loans may be made under title I and title II of this Act. The borrower shall pay to the fund as a fee for such guaranteed loan an amount equal to one-quarter of 1 per centum of the loan for the costs of administration and for losses. A guaranteed loan is one which is originated, held, and serviced by a private financial agency or other lender approved by the Secretary.

"SEC. 305. INTEREST RATES ON LOANS.

"(a) Except as provided in subsection (b) of this Section, insured loans for electric and telephone facilities shall bear the rate of interest prescribed by the Secretary equal to the highest rate compatible with the borrower's ability to achieve the objectives of this Act. All loans made under this Section shall bear a rate of interest not in excess of the market rate or less than 5 per centum.

"(b) If an applicant for a loan referred to in section 305(a) demonstrates that it has a consumer or subscriber density of three or less per mile and (i) its earnings or margin coverage of interest is less than 1.50 or (ii) such coverage of debt service is less than 1.25, each determined on the basis of the average of the two highest of the preceding three calendar years, the interest rate shall be 2 per centum: *Provided, however,* That the Secretary may, in his sole discretion, on a case-by-case basis, establish a 2 per centum per annum rate of interest for any loan pursuant to title I or title II, including electric generation and transmission loans, on a finding of extreme hardship or extenuating circumstances in connection with a particular loan.

"(c) Guaranteed loans shall bear interest at such rate as may be agreed upon by the borrower and the lender.

"SEC. 306. COLLECTIONS.

"Notwithstanding section 3(f) of title I and subject to the provisions of section 301 of this title, all collections representing payments of principal and interest on loans, and proceeds from the sale of security for such loans, heretofore or hereafter made pursuant to title I and title II or insured pursuant to this title, shall become part of the fund and may be used for all purposes relating to rural electrification and telephone loans and for the payment to the Secretary of the Treasury of loans made to the Secretary or the Administrator pursuant to section 3(a) of title I of this Act. Notwithstanding any other provision of law, the Secretary of Agriculture shall segregate and keep in two separate accounts all moneys in the fund devoted to all rural electric and telephone programs and (ii) rural development.

"SEC. 307. REFINANCING OF DEVELOPMENT ACT AND ELECTRIFICATION AND TELEPHONE LOANS.

"On request of the borrower, the Secretary is authorized and directed to refinance with loans which may be insured under this Act, any loans made for rural electric and telephone facilities under any provision of the Consolidated Farm and Rural Development Act.

"SEC. 408. FULL FAITH AND CREDIT OF UNITED STATES.

"Any contract of insurance or guarantee of a loan executed by the Secretary under this title shall be an obligation supported by the full faith and credit of the United States and incontestable except for fraud or misrepresentation of which the holder has actual knowledge. The Secretary is authorized to make agreements with respect to the servicing of loans insured or guaranteed under this title and to purchase such loans on such terms and conditions as he may prescribe."

Sec. 3. This shall take effect upon enactment.

Mr. NELSEN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record. I think it has been well explained, and I am sure that the chairman of the committee would agree to this.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. POAGE. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. POAGE. Mr. Chairman, I want to reserve a point of order, and I wish to suggest to the gentleman from Minnesota (Mr. Nelsen) that I will not make a point of order. I think his substitute is subject to a point of order very clearly under the rule, but it is my desire that all the Members have an opportunity to express themselves as thoroughly and as completely as they can, and I want the House to have an opportunity to vote on the Nelsen proposal, although I think it is very bad.

Mr. Chairman, I think it turns the administration of our REA program over to some unknown administrator, some GS–14 downtown in some unknown office, but I think that all of the Members ought to have the right to vote upon it.

Mr. Chairman, I withdraw my point of order.

Mr. NELSEN. Mr. Chairman, I wish to thank the gentleman. It is very generous of him. I appreciate it very much.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. Nelsen) for 5 minutes.

Mr. NELSEN. Mr. Chairman, I have explained the proposition in my earlier discussion, and actually what this amendment would do is what we agreed to do in our meeting with the Secretary of Agriculture. The administration agreed to leave it in the REA Administration or let it continue to be in their charge, which certainly I felt was a necessary thing, because it is a great agency.

Next, the impounded funds would remain frozen, and we would have interest and principal payments into the revolving fund. It would be in a pool in the Rural Development Fund, and amendments are in my proposition that will set it up in a separate account.

Mr. Chairman, the generation policy that the gentleman from Texas (Mr. Poage) is interested in, as well as myself, I will explain as follows: I have changed the provisions that they had in their bill, using almost the identical language that the gentleman from Texas (Mr. Poage) wanted, and I agree with him. And then I will also add that with respect to the criteria that is in the bill of the gentleman from Texas (Mr. Poage) and I am sure he, too, agrees it goes a little too far—the administration is too conservative, and I will have an amendment to my bill that will take a middle road, with about 90 co-ops on the 2-percent loan.

So, Mr. Chairman, I again want to emphasize that this business of having some unknown person downtown waving a wand and making decisions is not in issue. We in the Congress years ago decided we needed a budget bureau. And I think there are many of us who heard the pleadings of the gentleman from Arkansas, (Mr. Mills) and the gentleman from Mississippi (Mr. Colmer) and the gentleman from Texas (Mr. Mahon) in the last session, where they pointed out that we were at the crossroads. The gentleman from Texas (Mr. Mahon) said that we had to have a better method; the gentleman from Arkansas (Mr. Mills) said that we had to have a ceiling.

But the Congress paid no attention; we went on our merry way, going deeper and deeper into debt on the national level, and so I think we have to have an overview.

Mr. Chairman, there may be arbitrary decisions at times—without question, there are—but I believe this amendment is a good one, and what I am trying mainly to do is to get a bill that is going to be signed, because this program needs that kind of evolution.

The CHAIRMAN. Does the gentleman from Texas (Mr. Poage) wish to withdraw his point of order?

Mr. POAGE. Mr. Chairman, I withdraw the point of order, yes.

The CHAIRMAN. The gentleman from Texas (Mr. Poage) is recognized for 5 minutes.

Mr. POAGE. Mr. Chairman and Members of the House, let me state that getting almost together is not adequate. We are almost in agreement, but that "almost" is such a large factor that I think none of us want to accept it. There are two real differences between the proposal that the gentleman from Minnesota (Mr. Nelsen) has presented and the bill that is before us.

Of course, in the first place, the bill that is before us provides a revolving fund in REA, not somewhere else.

The proposed substitute offers a fund in the rural development fund, and you do not know and I do not know and I do not think the author of the bill knows just what it does there. It says—

> Notwithstanding any other provision of the law the Secretary shall segregate and keep in two separate accounts (1) all of the moneys in the fund devoted to rural electric and telephone purposes and (2) to rural development.

You either are going to kill the rural development or the REA and probably are going to kill both by this kind of a proposal. I do not believe in killing either one of them.

The other great difference is that the gentleman would suggest there be no requirement that the Administrator spend any funds whatsoever or make any loans whatsoever. It simply authorizes him to make loans.

The present law authorizes the Secretary to make loans, and the Secretary told us he was not making them because he was not told he had to make them by the Congress. That is in the testimony of the Secretary of Agriculture who testified to the effect that he was not forced by law to make any loans so he was not going to do it. He made use of the Rural Development Fund to make, possibly, 20 loans during the last 3 months, actually he has only approved loans. He has not made a single loan since December and not $1 has actually gone to help the needy REA's for the past 3 months.

I think we have to have something here that will make it necessary for the Administrator to go ahead and finance these people who can meet the requirements of the law.

Those are the differences. If you want to carry out the law and continue the REA program, you want to vote for the committee bill.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Minnesota (Mr. Nelsen).

The question was taken; and on a division (demanded by Mr. Teague of California) there were—ayes 42, noes 45.

RECORDED VOTE

Mr. GERALD R. FORD. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 162, noes 244, not voting 27, as follows:

[Roll No. 74]

AYES—162

Archer
Arends
Armstrong
Ashbrook
Bafalis
Baker
Beard
Bell
Biester
Blackburn
Boland
Bray
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Butler
Byron
Camp
Cederberg
Chamberlain
Clausen, Don H.
Clawson, Del
Cleveland
Cohen
Collier
Collins
Conable
Conte
Coughlin
Crane
Cronin
Daniel, Robert W., Jr.
Davis, Wis.
Dellenback
Dennis
Derwinski
Devine
Dickinson
du Pont
Edwards, Ala.
Erlenborn
Esch
Eshleman
Findley
Fish
Ford, Gerald R.
Forsythe
Frelinghuysen
Frenzel
Froehlich
Gilman
Goldwater
Goodling
Gross
Grover
Gubser
Gude
Haley
Hanley
Hanrahan
Hansen, Idaho
Hastings
Heckler, Mass.
Heinz
Hillis
Hinshaw
Hogan
Holt
Horton
Hosmer
Huber
Hudnut
Hunt
Hutchinson
Jarman
Keating
Kemp
Ketchum
Kuykendall
Landgrebe
Latta
Lent
McClory
McCloskey
McCollister
McEwen
McKinney
Madigan
Mailliard
Mallary
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mayne
Mazzoli
Michel
Minshall, Ohio
Mitchell, N.Y.
Mizell
Moorhead, Calif.
Mosher
Myers
Nelsen
O'Brien
Pettis
Peyser
Powell, Ohio
Pritchard
Quie
Quillen
Regula
Rhodes
Rinaldo
Robinson, Va.
Robison, N.Y.
Rogers
Roncallo, N.Y.
Rousselot
Ruppe
Ruth
Ryan
Sandman
Sarasin
Schneebeli
Sebelius
Shoup
Shriver
Skubitz
Smith, N.Y.
Snyder
Stanton, J. William
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Symms
Talcott
Taylor, Mo.
Teague, Calif.
Towell, Nev.
Treen
Veysey
Walsh
Wampler
Ware
Whalen
Whitehurst
Widnall
Wiggins
Williams
Winn
Wydler
Wylie
Wyman
Young, Ill.
Zion

NOES—244

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
Barrett
Bennett
Bergland
Bevill
Bingham
Blatnik
Boggs
Bolling
Bowen
Brademas
Brasco
Breaux
Breckinridge
Brinkley
Brooks
Brown, Calif.
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Chappell
Chisholm
Clancy
Clark
Clay
Cochran
Conyers
Corman
Cotter
Culver
Daniel, Dan
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellums
Denholm
Dent
Diggs
Donohue
Dorn
Downing
Drinan
Dulski
Duncan
Eckhardt
Eilberg
Evans, Colo.
Evins, Tenn.
Fascell
Fisher
Flood
Flowers
Foley
Ford, William D.
Fountain
Fraser
Frey
Fulton
Fuqua
Gaydos
Gettys
Gibbons
Ginn
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Guyer
Hamilton
Hammerschmidt
Hanna
Hansen, Wash.
Harrington
Harsha
Hawkins
Hays
Hébert
Hechler, W. Va.
Helstoski
Henderson
Hicks
Holifield
Holtzman
Howard
Hungate
Ichord
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Kastenmeier
Kazen
Koch
Kyros
Landrum
Leggett
Lehman
Litton
Long, La.
Long, Md.
Lott
Lujan
McCormack
McDade
McFall
McSpadden
Macdonald
Madden
Mahon
Mann
Mathis, Ga.
Matsunaga
Meeds
Melcher
Metcalfe
Mezvinsky
Milford
Miller
Mills, Ark.
Mills, Md.
Minish
Mink
Mitchell, Md.
Moakley
Mollohan
Montgomery
Moorhead, Pa.
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nichols
Nix
Obey
O'Hara
Owens
Parris
Passman
Patman
Patten
Pepper
Perkins
Pickle
Pike
Poage
Podell
Preyer
Price, Ill.
Randall
Rangel
Rarick
Rees
Reuss
Roberts
Riegle
Rodino
Roe
Roncalio, Wyo.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels

St Germain
Sarbanes
Satterfield
Saylor
Scherle
Schroeder
Seiberling
Shuster
Sikes
Sisk
Slack
Smith, Iowa
Spence
Stanton,
  James V.
Stark
Steed
Stephens
Stokes
Stubblefield
Stuckey
Studds
Sullivan
Taylor, N.C.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
White
Whitten
Wolff
Wright
Wyatt
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, S.C.
Young, Tex.
Zablocki
Zwach

NOT VOTING—27

Anderson, Ill.
Badillo
Biaggi
Conlan
Dingell
Edwards, Calif.
Flynt
Giaimo
Gunter
Harvey
Jones, Ala.
Karth
King
Kluczynski
McKay
O'Neill
Price, Tex.
Railsback
Reid
Rooney, N.Y.
Shipley
Staggers
Stratton
Symington
Wilson, Bob
Wilson,
  Charles H.,
  Calif.
Wilson,
  Charles, Tex.

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BAKER

Mr. BAKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. BAKER: Page 8, line 15, strike out the words "and directed";
>
> Page 8, line 16, insert a period after the word "provided" and strike out the words "to the full extent of" and strike out lines 17 through 24; and
>
> Page 9, line 1, strike out lines 1 and 2.

Mr. BAKER. Mr. Chairman, I have great respect for the chairman of our committee (Mr. POAGE) and the other members of our Committee on Agriculture, who have done a tremendous amount of work trying to perfect legislation which will accommodate the needs of the Rural Electrification Administration.

There is practically no opposition to the REA program. Certainly the contribution of the agency to rural America is most laudable. Tremendous effort on the part of Chairman POAGE and Mr. NELSEN, the gentleman from Minnesota, has been made to reach a compromise which will be acceptable to the administration.

We want legislation which will be signed by the President; legislation which will attend the needs of the REA. There are two major differences in the bill now before us, and a compromise bill which appears to be acceptable to the administration.

One of these differences is the mandatory provision of the bill which directs the Administrator to lend all the funds available in the fund by the end of any year. The estimated collections for fiscal 1973 are $329.5 million. This is currently $27 million per month. If the provision of lending 10 times the amount of the fund is adhered to, then we have a mandate to lend about $270 million per month, or almost $3.3 billion each year.

This will increase with all principle and interest from loan repayments being placed in the trust fund. This certainly creates a strong incentive for all lending to come from the fund rather than using the private sector in any instance. Simply, the amendment reads that the words "and directed" are taken out of the language of the bill; and "to the full extent of" the fund as it applies to the spending provisions.

It is simple. I ask for the adoption of the amendment.

Mr. POAGE. Mr. Chairman, I want to thank the gentleman from Tennessee for his fine comments. I want to express my appreciation to all members of the Committee on Agriculture for the sincere work which they have done on this bill.

I know there are serious differences of opinion. This amendment raises one of the two that were raised in the Nelsen substitute which we have just turned down. Of course, we ought to turn this one down, having turned the Nelsen amendment down just a few minutes ago.

The whole question here is whether we are going to have the Congress or the President determine whether we have an REA program or not. If we give the discretion that the gentleman from Tennessee has suggested, we put the law right back where it is.

I am going to repeat, and I hate to do so, but I must repeat for the Members who were not here, that the Secretary of Agriculture testified before our committee within the last 3 weeks or so that the authority that he was relying upon to wipe out the REA program was the fact that the present law says that he "may"; not that he "shall"; make loans.

He said if it had been "shall" of course he would expect to make the loans.

When we put back the same language that has been used to destroy a program as abruptly as the REA program was destroyed last December 29 then we are just marching up the hill and down again.

If we want to actually assume authority of the Congress to say that we are going to have a program and we are going to have one regardless of whether the OMB wants it or not, then of course we should vote down the amendment.

We are not asking to require the Secretary to spend any particular amount of money. We are not asking him to spend money or make loans which are not needed. We are merely saying, "Mr. Secretary, if there are qualified applicants—and you pass upon the qualifications—for the purposes for which the law provides for loans, then you shall make the loans available so long as the Appropriations Committee of the House says that is within the limits."

We leave it to the Congress to say that REA cannot make loans in excess of that set out by the Congress, but we say that if there are qualified applicants for the purposes for which the law provides for loans, REA will make them up to that point, and they pass upon the qualifications.

That is not tying somebody's hands. That is not saying to spend money they should not spend. That is simply saying: "Carry out the program Congress has enacted."

I ask the Members to vote down the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee (Mr. BAKER).

The question was taken; and on a division (demanded by Mr. TEAGUE of California) there were—ayes 98, noes 141.

So the amendment was rejected.

Mr. RARICK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time to ask several questions of the chairman of the committee, the gentleman from Texas (Mr. POAGE).

Mr. Chairman, during the colloquy earlier today on the rule, the gentleman from Iowa (Mr. GROSS) asked the gentleman from California (Mr. SISK) if there was any money in this bill for aid to North Vietnam. I think the gentleman from California (Mr. SISK) properly replied in the negative, and I believe we all agree that there is no money in the REA specifically earmarked for aid to North Vietnam.

May I ask the gentleman, am I correct?

Mr. POAGE. I would agree with the gentleman's statement. There is absolutely no money in the REA bill for aid to North Vietnam.

Mr. RARICK. Mr. Chairman, would the gentleman tell the Members this:

Is there any prohibition in the bill in its present form which would prohibit any funds being used for aid to North Vietnam?

Mr. POAGE. The existing law provides that loans can only be made to associations in the United States that perform certain purposes, and association as far as North Vietnam is concerned is not one of them.

The existing law says:

> The Administrator is authorized and empowered to make loans in the several States and Territories of the United States for rural electrification and the furnishing of electric energy to persons in rural areas who are not receiving central station services.

Mr. Chairman, that does not make anything in order for North Vietnam.

Mr. RARICK. Mr. Chairman, there is no specific prohibition against any of this money leaving the United States. I am sure my chairman will agree that many times we have seen REA people galloping all over the world. We wonder what law gives them the authority to act as they do.

Mr. POAGE. Mr. Chairman, I think those that the gentleman has been seeing have been having their expenses paid by AID rather than REA. They have been there; REA people have been there, it is true, but they have been carrying out the functions of the AID program rather than those of the REA program.

AMENDMENT OFFERED BY MR. RARICK

Mr. RARICK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. RARICK: Page 15, after line 11 insert:
>
> SEC. 10. No funds provided under the Rural Electrification Act of 1936, as amended, shall be used outside the United States or any of its possessions. (And renumber the remaining paragraphs.)

The CHAIRMAN. For what purpose does the gentleman from Michigan (Mr. GERALD R. FORD) rise?

Mr. GERALD R. FORD. Mr. Chairman,

I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Louisiana (Mr. RARICK) is recognized for 5 minutes.

Mr. RARICK. Mr. Chairman, this is simply a clarification amendment. It is offered to make certain that the money authorized by this bill goes to support REA for the American farmers and American rural citizens. I offer this amendment so there will be no misunderstanding downtown that the fund we are here establishing is to be used to promote rural electrification in the United States or its possessions and are not to be used in North Vietnam or anywhere else outside the United States.

Mr. Chairman, I think the REA should be unmistakably a rural American program. The language of this amendment is very simple. It merely tells the State Department and the people downtown that no funds under this act shall be use outside the United States or any of its possessions.

Mr. POAGE. Mr. Chairman, will the gentleman from Louisiana (Mr. RARICK) yield?

Mr. RARICK. Certainly, I will yield to the distinguished gentleman from Texas (Mr. POAGE).

Mr. POAGE. Mr. Chairman, I wonder if the gentleman would agree to substitute the word "territories," for "possessions," in his amendment?

Mr. RARICK. Mr. Chairman, I would be most happy to do that.

Mr. Chairman, I believe that this amendment expresses the intent of every Member in this House. We are not changing the law; we are merely clarifying the language in it so that the people downtown know what our intent is.

Mr. POAGE. Mr. Chairman, I do not think it changes the law either.

I would request that the gentleman from Louisiana (Mr. RARICK) ask unanimous consent to make the change I suggested.

Mr. RARICK. Mr. Chairman, I ask unanimous consent to change the amendment by substituting the word "territories" for the word "possessions."

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

Mr. BURTON. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. RARICK. Mr. Chairman, this is a very good amendment. We do not want to take a chance of voting for a bill which might send 1 penny to North Vietnam. My amendment would specifically prohibit any such use of REA funds by requiring the money to be used in the United States or its territories.

Mr. Chairman, I ask for a vote on my amendment.

Mr. GERALD R. FORD. Mr. Chairman, I would like to ask the gentleman from Texas several questions before I either renew or withdraw my reservation.

Mr. GROSS. Mr. Chairman, regular order.

The CHAIRMAN. The gentleman has permission to reserve his point of order.

Mr. GROSS. Mr. Chairman, I make the point of order that he must institute his reservation.

The CHAIRMAN. Does the gentleman wish to withdraw his point of order and seek recognition?

Mr. GERALD R. FORD. No. I want to make the point of order. I do not think the amendment is germane to the general purposes of the bill.

I appreciate the gentleman from Iowa giving me an opportunity to ask the gentleman from Texas a question or two.

The CHAIRMAN (Mr. ROSTENKOWSKI). The Chair is ready to rule on the point of order.

It is the opinion of the Chair that the amendment is a restriction on the use of funds authorized under the REA program and is germane to the bill.

The Chair therefore overules the point of order.

Mr. GERALD R. FORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to ask the gentleman from Texas a question or two.

Do I understand the existing law precludes the utilization of any REA funds outside the territorial limits of the United States or territories of the United States?

Mr. POAGE. I would say to the gentleman my interpretation of the law would be it does, because everything is excluded that is not authorized, as I understand the law. But the present law reads that: "The Administrator is authorized and empowered to make loans in the several States and territories of the United States for rural electrification and the furnishing of electric energy to persons in rural areas who are not receiving central station service." I would interpret that to preclude the making of loans anywhere except in the United States and its territories. However, the gentleman from Louisiana feels it does not go far enough and in so many words does not prohibit foreign loans. The gentleman read the law and can interpret it as well as I can.

Mr. GERALD R. FORD. It would appear to me certainly—and I suspect that the gentleman from Texas agrees—that this amendment is totally redundant, unnecessary, and irrelevant.

Mr. POAGE. I suggested to the gentleman from Louisiana that I thought he might be making the same provision about 10 times, but I have no objection to it.

Mr. SNYDER. Mr. Chairman, I move to strike the requisite number of words.

As I understood the way you read the law, Mr. Chairman, the loan had to be made here, but it does not say that the money had to be spent here.

Mr. POAGE. The Administrator is authorized and empowered to make loans in the several States and territories of the United States for rural electrification and the furnishing of electric energy to persons in rural areas who are not receiving central station service.

Mr. SNYDER. I am just a country lawyer, but it sounds to me like the loan has to be made in the United States but it can cover people in rural areas wherever they may be.

Mr. POAGE. It can be made only for certain purposes and can be made only in the United States or its territories. To me that precludes Siberia.

Mr. SNYDER. Mr. RARICK's amendment, then, would not hurt anything, would it?

Mr. POAGE. No. I do not think it would hurt anything.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. RARICK).

The amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ROSTENKOWSKI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 5683) to amend the Rural Electrification Act of 1936, as amended, to establish a rural electrification and telephone revolving fund to provide adequate funds for rural electric and telephone systems through insured and guaranteed loans at interest rates which will allow them to achieve the objectives of the act, and for other purposes, pursuant to House Resolution 337, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 317, nays 92, not voting 24, as follows:

[Roll No. 75]

YEAS—317

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
Bafalis
Baker
Barrett
Beard
Bennett
Bergland
Bevill
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Bray
Breaux
Breckinridge
Brinkley
Brooks
Brotzman
Brown, Calif.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Camp
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chappell
Chisholm
Clark
Clay
Cleveland
Cochran
Cohen
Conyers
Corman
Cotter
Coughlin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dent
Dickinson
Diggs
Donohue
Dorn
Downing
Drinan
du Pont
Dulski
Duncan
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fisher
Flood
Flowers
Foley
Ford, William D.
Fountain
Fraser
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Gilman
Ginn
Gonzalez
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gude
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.

Harrington
Harsha
Hastings
Hawkins
Hays
Hébert
Hechler, W. Va.
Heinz
Helstoski
Henderson
Hicks
Hillis
Holifield
Holt
Holtzman
Howard
Hungate
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Kastenmeier
Kazen
Kluczynski
Koch
Kyros
Landrum
Latta
Leggett
Lehman
Litton
Long, La.
Long, Md.
Lott
Lujan
McCloskey
McCollister
McCormack
McDade
McFall
McSpadden
Macdonald
Madden
Madigan
Mahon
Mallary
Mann
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Milford
Miller
Mills, Ark.
Mills, Md.

Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Brien
O'Hara
Owens
Parris
Passman
Patman
Patten
Pepper
Perkins
Pickle
Poage
Podell
Preyer
Price, Ill.
Quie
Quillen
Randall
Rangel
Rarick
Rees
Regula
Reuss
Riegle
Roberts
Robinson, Va.
Rodino
Roe
Rogers
Roncalio, Wyo.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
Ruth
St Germain
Sarbanes
Satterfield
Saylor
Scherle
Schroeder

Sebelius
Seiberling
Shoup
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Snyder
Spence
Stanton, James V.
Stark
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stubblefield
Stuckey
Studds
Sullivan
Symms
Taylor, Mo.
Taylor, N.C.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
White
Whitehurst
Whitten
Widnall
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wyman
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—92

Archer
Arends
Armstrong
Ashbrook
Bell
Blackburn
Broomfield
Brown, Mich.
Buchanan
Burgener
Chamberlain
Clancy
Clausen, Don H.
Clawson, Del
Collier
Collins
Conable
Conte
Crane
Cronin
Davis, Wis.
Dennis
Derwinski
Devine
Erlenborn
Esch
Eshleman
Fish
Ford, Gerald R.
Forsythe
Frelinghuysen

Gibbons
Goldwater
Goodling
Grasso
Gross
Gubser
Hanrahan
Heckler, Mass.
Hinshaw
Hogan
Horton
Hosmer
Huber
Hudnut
Hunt
Hutchinson
Keating
Kemp
Ketchum
Kuykendall
Landgrebe
Lent
McClory
McEwen
McKinney
Mailliard
Maraziti
Martin, Nebr.
Michel
Minshall, Ohio
Moorhead, Calif.

Pettis
Peyser
Pike
Powell, Ohio
Pritchard
Rhodes
Rinaldo
Robison, N.Y.
Roncallo, N.Y.
Rousselot
Ryan
Sandman
Sarasin
Schneebeli
Smith, N.Y.
Stanton, J. William
Steele
Steelman
Talcott
Teague, Calif.
Towell, Nev.
Veysey
Walsh
Ware
Whalen
Wiggins
Williams
Wydler
Wylie
Young, Ill.

NOT VOTING—24

Anderson, Ill.
Badillo
Biaggi

Conlan
Dingell
Flynt

Giaimo
Gunter
Harvey

Jones, Ala.
Karth
King
McKay
O'Neill
Price, Tex.

Railsback
Reid
Rooney, N.Y.
Shipley
Staggers
Stratton

Symington
Wilson, Bob
Wilson, Charles H., Calif.

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. O'Neill for, with Mr. Giaimo against.

Until further notice:

Mr. Gunter with Mr. Anderson of Illinois.

Mr. Biaggi with Mr. Harvey.

Mr. Rooney of New York with Mr. King.

Mr. Shipley with Mr. Price of Texas.

Mr. Conlan with Mr. Stratton.

Mr. Staggers with Mr. Railsback.

Mr. Charles H. Wilson of California with Mr. Bob Wilson.

Mr. Reid with Mr. Symington.

Mr. Flynt with Mr. McKay.

Mr. Dingell with Mr. Jones of Alabama.

Mr. Karth with Mr. Badillo.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. POAGE. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture be discharged from the further consideration of a similar Senate bill (S. 394) to amend the Rural Electrification Act of 1936, as amended, to reaffirm that such funds made available for each fiscal year to carry out the programs provided for in such act be fully obligated in said year, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate bill as follows:

S. 394

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the purpose of this Act is to reaffirm the original intent of Congress that funds made available under authority of the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.) are to be loaned for the purposes prescribed in such Act during the fiscal year and in the full amount for which such funds are made available.

Sec. 2. Section 2 of the Rural Electrification Act of 1936, as amended (7 U.S.C. 902), is amended to read as follows:

"Sec. 2. The Administrator is authorized and directed to make loans each fiscal year in the full amount determined to be necessary by the Congress or appropriated by the Congress pursuant to section 3 of this Act in the several States and territories of the United States for rural electrification and the furnishing of electric energy to persons in rural areas who are not receiving central station service and for the purpose of furnishing and improving telephone service in rural areas, as hereinafter provided; to make, or cause to be made, studies, investigations, and reports concerning the condition and progress of the electrification of and the furnishing of adequate telephone service in rural areas in the several States and territories; and to publish and disseminate information with respect thereto."

Sec. 3. The first sentence of section 4 of the Rural Electrification Act of 1936, as amended (7 U.S.C. 904, is amended by striking out at the beginning thereof "The Administrator is authorized and empowered, from the sums hereinbefore authorized, to make loans" and inserting in lieu thereof the following: "The Administrator is authorized and directed to make loans each fiscal year in the full amount determined to be necessary by the Congress or appropriated by the Congress pursuant to section 3 of this Act".

Sec. 4. The first sentence of section 201 of the Rural Electrification Act of 1936, as amended (7 U.S.C. 922), is amended to read as follows: "From such sums as are from time to time made available by the Congress to the Administrator for such purpose, pursuant to section 3 of this Act, the Administrator is authorized and directed to make loans each fiscal year in the full amount determined to be necessary by the Congress or appropriated by the Congress pursuant to section 3 of this Act to persons now providing or who may hereafter provide telephone service in rural areas, to public bodies now providing telephone service in rural areas, and to cooperative, nonprofit, limited dividend, or mutual associations."

Sec. 5. Section 306(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926) is amended by inserting immediately after the first sentence thereof a new sentence as follows: "The authority contained herein to make and insure loans shall be in addition to and not in lieu of any authority contained in the Rural Electrification Act of 1936, as amended."

MOTION OFFERED BY MR. POAGE

Mr. POAGE. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Poage moves to strike out all after the enacting clause of the bill S. 394 and insert in lieu thereof the provisions contained in H.R. 5683, as passed, as follows:

That it is hereby declared to be the policy of the Congress that adequate funds should be made available to rural electric and telephone systems through direct, insured and guaranteed loans at interest rates which will allow them to achieve the objectives of the Rural Electrification Act of 1936, as amended, and that such rural electric and telephone systems should be encouraged and assisted to develop their resources and ability to achieve the financial strength needed to enable them to satisfy their credit needs from their own financial organizations and other sources at reasonable rates and terms consistent with the loan applicant's ability to pay and achievement of the Act's objectives. The Rural Electrification Act of 1936, as amended (7 U.S.C. 901–950(b)), is therefore further amended as hereinafter provided.

Sec. 2. Title III of the Rural Electrification Act of 1936, as amended, is amended by striking out all of sections 301 and 302 and inserting in lieu thereof the following new sections:

"Sec. 301. Rural Electrification and Telephone Revolving Fund.—(a) There is hereby established in the Treasury of the United States a fund, to be known as the Rural Electrification and Telephone Revolving Fund (hereinafter referred to as the "fund"), consisting of:

"(1) all notes, bonds, obligations, liens, mortgages, and property delivered or assigned to the Administrator pursuant to loans heretofore or hereafter made under sections 4, 5, and 201 of this Act and under this title, as of the effective date of this title, as revised herein, and all proceeds from the sales hereunder of such notes, bonds, obligations, liens, mortgages, and property, which shall be transferred to and be assets of the fund;

"(2) undisbursed balances of electric and telephone loans made under sections 4, 5, and 201, which as of the effective date of this title, as revised herein, shall be transferred to and be assets of the fund;

"(3) notwithstanding section 3 (a) and (f) of title I, all collections of principal and interest received on and after July 1, 1972, on notes, bonds, judgments, or other obligations made or held under titles I and II of this Act and under this title, except for net collection proceeds previously appropriated for the purchase of class A stock in the Rural Telephone Bank, which shall be paid into and be assets of the fund;

"(4) all appropriations for interest subsidies and losses required under this title which may hereafter be made by the Congress;

"(5) moneys borrowed from the Secretary of the Treasury pursuant to section 304(a); and

"(6) shares of the capital stock of the Rural Telephone Bank purchased by the United States pursuant to section 406(a) of this Act and moneys received from said bank upon retirement of said shares of stock in accordance with the provisions of title IV of this Act, which said shares and moneys shall be assets of the fund.

"Sec. 302. Liabilities and Uses of Fund.—(a) The notes of the Administrator to the Secretary of the Treasury to obtain funds for loans under sections 4, 5, and 201 of this Act, and all other liabilities against the appropriations or assets in the fund in connection with electrification and telephone loan operations shall be liabilities of the fund, and all other obligations against such appropriations or assets in the fund arising out of electrification and telephone loan operations shall be obligations of the fund.

"(b) The assets of the fund shall be available only for the following purposes:

"(1) loans which could be insured under this title, and for advances in connection with such loans and loans previously made, as of the effective date of this title, as revised herein, under sections 4, 5, and 201 of this Act;

"(2) payment of principal when due on outstanding loans to the Administrator from the Secretary of the Treasury for electrification and telephone purposes pursuant to section 3(a) of this Act and payment of principal and interest when due on loans to the Administrator from the Secretary of the Treasury pursuant to section 304(a) of this title;

"(3) payment of amounts to which the holder of notes is entitled on insured loans: *Provided*, That payments other than final payments need not be remitted to the holder until due or until the next agreed annual, semiannual, or quarterly remittance date;

"(4) payment to the holder of insured notes of any defaulted installment or, upon assignment of the note to the Administrator at his request, the entire balance due on the note;

"(5) purchase of notes in accordance with contracts of insurance entered into by the Administrator;

"(6) payment in compliance with contracts of guarantee;

"(7) payment of taxes, insurance, prior liens, expenses necessary to make fiscal adjustments in connection with the application, and transmittal of collections or necessary to obtain credit reports on applicants or borrowers, expenses for necessary services, including construction inspections, commercial appraisals, loan servicing, consulting business advisory or other commercial and technical services, and other program services, and other expenses and advances authorized in section 7 of this Act in connection with insured loans. Such items may be paid in connection with guaranteed loans after or in connection with the acquisition of such loans or security thereof after default, to the extent determined to be necessary to protect the interest of the Government, or in connection with any other activity authorized in this Act;

"(8) payment of the purchase price and any costs and expenses incurred in connection with the purchase, acquisition, or operation of property pursuant to section 7 of this Act.

"Sec. 303. Deposit of Fund Moneys.—Moneys in the fund shall remain on deposit in the Treasury of the United States until disbursed.

"Sec. 304. Financial Transactions of the Fund.—(a) The Administrator is authorized to make and issue interim notes to the Secretary of the Treasury for the purpose of obtaining funds necessary for discharging obligations of the fund and for making loans, advances and authorized expenditures out of the fund. Such notes shall be in such form and denominations and have such maturities and be subject to such terms and conditions as may be agreed upon by the Administrator and the Secretary of the Treasury. Such notes shall bear interest at a rate fixed by the Secretary of the Treasury, taking into consideration the current average market yield of outstanding marketable obligations of the United States having maturities comparable to the notes issued by the Administrator under this section. The Secretary of the Treasury is authorized and directed to purchase any notes of the Administrator issued hereunder, and, for that purpose, the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which such securities may be issued under such Act, as amended, are extended to include the purchase of notes issued by the Administrator. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes shall be treated as public debt transactions of the United States: *Provided, however*, That such interim notes to the Secretary of the Treasury shall not be included in the totals of the budget of the United States Government and shall be exempt from any general limitation imposed by statute on expenditures and net lending (budget outlays) of the United States.

"(b) The Secretary of the Treasury is authorized and directed to purchase for resale obligations insured through the fund when offered by the Administrator. Such resales shall be upon such terms and conditions as the Secretary of the Treasury shall determine. Purchases and resales by the Secretary of the Treasury hereunder shall not be included in the totals of the budget of the United States Government and shall be exempt from any general limitation imposed by statute on expenditures and net lending (budget outlays) of the United States.

"(c) The Administrator may, on an insured basis or otherwise, sell and assign any notes in the fund or sell certificates of beneficial ownership therein to the Secretary of the Treasury or in the private market. Any sale by the Administrator of notes individually or in blocks shall be treated as a sale of assets for the purposes of the Budget and Accounting Act, 1921, notwithstanding the fact that the Administrator, under an agreement with the purchaser or purchasers, holds the debt instruments evidencing the loans and holds or reinvests payments thereon as trustee and custodian for the purchaser or purchasers of the individual note or of the certificate of beneficial ownership in a number of such notes. Security instruments taken by the Adminsitrator in connection with any notes in the fund may constitute liens running to the United States notwithstanding the fact that such notes may be thereafter held by purchasers thereof.

"Sec. 305. Insured Loans; Interest Rates and Lending Levels.—(a) The Administrator is authorized and directed to make insured loans under this title and at the interest rates hereinafter provided to the full extent of the assets available in the fund, subject only to limitations as to amounts authorized for loans and advances as may be from time to time imposed by the Congress of the United States for loans to be made in any one year, which amounts shall remain available until expended: *Provided*, That any such loans and advances shall not be included in the totals of the budget of the United States Government and shall be exempt from any general limitation imposed by statute on expenditures and net lending (budget outlays) of the United States.

"(b) Insured loans made under this title shall bear interest at either 2 per centum per annum (hereinafter called the 'special rate'), or 5 per centum per annum (hereinafter called the 'standard rate'). Loans bearing the special rate shall be reserved for and made by the Administrator to the full extent of the authorities contained herein for any electric or telephone borrower which meets either of the following conditions:

"(1) has an average consumer or subscriber density of two or fewer per mile, or

"(2) has an average gross revenue per mile which is at least $450 below the average gross revenue per mile of REA-financed electric systems, in the case of electric borrowers, or at least $300 below the average gross revenue per mile of REA-financed telephone systems, in the case of telephone borrowers: *Provided, however*, That the Administrator may, in his sole discretion, make a loan at the special rate if he finds that the borrower:

"(A) has experienced extenuating circumstances or extreme hardship;

"(B) cannot, in accordance with generally accepted management and accounting principles, produce net income or margins before interest of at least equal to 150 per centum of its total interest requirements on all outstanding and proposed loans with an interest rate greater than 2 per centum per annum on the entire current loan, and still meet the objectives of the Act, or

"(C) cannot, in accordance with generally accepted management and accounting principles and without an excessive increase in the rates charged by such borrowers to their consumers or subscribers, provide service consistent with the objectives of the Act.

"(c) Loans made under this section shall be insured by the Administrator when purchased by a lender. As used in this Act, an insured loan is one which is made, held, and serviced by the Administrator, and sold and insured by the Administrator hereunder; such loans shall be sold and insured by the Administrator without undue delay.

"Sec. 306. Guaranteed Loans; Accommodation and Subordination of Liens.—The Administrator may provide financial assistance to borrowers for purposes provided in the Rural Electrification Act of 1936, as amended, by guaranteeing loans, in the full amount thereof, made by the Rural Telephone Bank, National Rural Utilities Cooperative Finance Corporation, and any other legally organized lending agency, or by accommodating or subordinating liens or mortgages in the fund held by the Administrator as owner or as trustee or custodian for purchasers of notes from the fund, or by any combination of such guarantee, accommodation, or subordination. No fees or charges shall be assessed for any such guarantee, accommodation, or subordination. Guaranteed loans shall bear interest at the rate agreed upon by the borrower and the lender. Guaranteed loans, and accommodation and subordination of liens or mortgages, may be made concurrently with a loan insured at the standard rate. The amount of guaranteed loans shall be subject only to such limitations as to amounts as may be authorized from time to time by the Congress of the United States: *Provided*, That any amounts guaranteed hereunder shall not be included in the totals of the budget of the United States Government and shall be exempt from any general limitation imposed by statute on expenditures and net lending (budget outlays) of the United States. As used in this title a guaranteed loan is one which is made, held, and serviced by a legally organized lending agency and which is guaranteed by the Administrator hereunder.

"Sec. 307. Other Financing.—When it appears to the Administrator that the loan applicant is able to obtain a loan for part of his credit needs from a responsible cooperative or other credit source at reasonable rates and terms consistent with the loan applicant's ability to pay and the achievement of the Act's objectives, he may request the loan applicant to apply for and accept such a loan concurrently with a loan insured at the standard rate, subject, however, to full use being made by the Administrator of the funds made available hereunder for such insured loans under this title.

"Sec. 308. Full Faith and Credit of the United States.—Any contract of insurance or guarantee executed by the Administrator under this title shall be an obligation supported by the full faith and credit of the United States and incontestable except for fraud or misrepresentation of which the holder has actual knowledge.

"Sec. 309. Loan Terms and Conditions.—Loans made from or insured through the fund shall be for the same purposes and on the same terms and conditions as are provided for loans in titles I and II of this Act except as otherwise provided in sections 303 to 308 inclusive.

"Sec. 310. Refinancing of Rural Development Act Loans.—At the request of the borrower, the Administrator is authorized and directed to refinance with loans which may be insured under this Act, any loans made for rural electric and telephone facilities under any provision of the Consolidated Farm and Rural Development Act."

Sec. 3. Section 3(f) of the Rural Electrification Act of 1936, as amended, is amended by striking "Except as otherwise provided in sections 301 and 406(a) of this Act," and by inserting ", *Provided, however,* That notwithstanding subsection (a) of this section, payments of such loans heretofore or hereafter made to the Administrator for use in making loans to borrowers under titles I and II shall not include any interest" immediately before the semicolon.

Sec. 4. Section 405 of the Rural Electrification Act of 1936, as amended, is further amended by striking subsection (e) in its entirety and by inserting in lieu thereof a new subsection (e), as follows:

"(e) Thereafter, the cooperative-type entities and organizations holding class B and class C stock, voting as a separate class, shall elect three directors to represent their class by a majority vote of the stockholders voting in such class; and the commercial-type entities and organizations holding class B and class C stock, voting as a separate class, shall elect three directors to represent their class by a majority vote of the stockholders voting in such class. Limited proxy voting may be permitted, as authorized by the bylaws of the telephone bank. Cumulative voting shall not be permitted."

Sec. 5. The second sentence of section 406(a) of the Rural Electrification Act of 1936, as amended, is further amended by striking "from net collection proceeds in the rural telephone account created under title III of this Act" immediately after the word "appropriated".

Sec. 6. Subsection (a) of section 407 of the Rural Electrification Act of 1936, as amended, is amended by striking out "eight" in the second sentence and inserting in lieu thereof "twenty", and by striking out all of the third sentence.

Sec. 7. Section 407 of the Rural Electrification Act of 1936, as amended, is amended by adding a new subsection (c) as follows:

"(c) Purchases and resales by the Secretary of the Treasury as authorized in subsection (b) of this section shall not be included in the totals of the budget of the United States Government and shall be exempt from any general limitation imposed by statute on expenditures and net lending (budget outlays) of the United States."

Sec. 8. Subsection (a) of section 408 of the Rural Electrification Act of 1936, as amended, is amended (a) by inserting the words "or which have been certified by the Administrator to be eligible for such a loan or loan commitment," immediately following the term "this Act," where it first appears; and (b) by adding at the end thereof the following sentence: "Loans and advances made under this section shall not be included in the totals of the budget of the United States Government and shall be exempt from any general limitation imposed by statute on expenditures and net lending (budget outlays) of the United States."

Sec. 9. Subsection (b) of section 408 of the Rural Electrification Act of 1936, as amended, is amended by striking out all of paragraph (3) and inserting in lieu thereof a new paragraph (3) reading:

"(3) Loans under this section shall bear interest at the 'cost of money rate.' The cost of money rate is defined as the average cost of moneys to the telephone bank as determined by the Governor, but not less than 5 per centum per annum."

Sec. 10. No funds provided under The Rural Electrification Act of 1936, as amended, shall be used outside the United States or any of its possessions.

Sec. 11. The right to repeal, alter, or amend this Act is expressly reserved.

Sec. 12. This Act shall take effect upon enactment.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "An act to amend the Rural Electrification Act of 1936, as amended, to establish a Rural Electrification and Telephone Revolving Fund to provide adequate funds for rural electric and telephone systems through insured and guaranteed loans at interest rates which will allow them to achieve the objectives of the act, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 5683) was laid on the table.

APPOINTMENT OF CONFEREES

Mr. POAGE. Mr. Speaker, I ask unanimous consent that the House insist on its amendments to the Senate bill (S. 394) and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The Chair appoints the following conferees: Messrs. Poage, Stubblefield, Sisk, Denholm, Teague of California, Wampler, and Goodling.

GENERAL LEAVE

Mr. POAGE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislation days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

ADDITION TO LEGISLATIVE PROGRAM

(Mr. ARENDS asked and was given permission to address the House for 1 minute.)

Mr. ARENDS. Mr. Speaker, I take this time for the purpose of asking the majority whip if there is any other program for the balance of this week and what we may possibly anticipate next week.

Mr. McFALL. Mr. Speaker, in response to the question of the distinguished minority whip, Mr. Arends, I announce that on tomorrow we shall call up House Resolution 340, authorizing additional investigative authority to the Committee on Interior and Insular Affairs.

With regard to the program for next week, I believe the gentleman from Illinois has reference to the possible vote on the veto.

Mr. ARENDS. Yes.

Mr. McFALL. If our information is correct that the President is going to veto the bill today or tomorrow, the veto message will be up here tomorrow. It is our intention that the veto would be acted upon as the first item of business on Tuesday next.

Mr. ARENDS. I thank the gentleman.

PERSONAL ANNOUNCEMENT

Mr. FOUNTAIN. Mr. Speaker, on rollcall No. 63, on Monday, April 2, 1973, following consideration of H.R. 3153, entitled Technical and Conforming Changes in the Social Security Act, I am not recorded as having voted.

I was present, and I inserted my voting card in the proper slot, and I pushed the "yea" button, and removed the card, thinking that I had voted for the bill and had been recorded.

I am advised that I probably did not hold my voting card in the slot long enough to get recorded.

At any rate, even though the bill passed by a vote of 340 yeas to 1 nay, I would like for the Record to show that had my vote been recorded it would have been "yea" in favor of the bill.

CITIZENS FOR CONTROL OF FEDERAL SPENDING

(Mr. FROEHLICH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. FROEHLICH. Mr. Speaker, I can think of no more appropriate time than following yesterday's action by the Senate to sustain the President's first veto of the 93d Congress, to call to the attention of my colleagues an ad which appeared in yesterday morning's Washington Post. Sponsored by the newly formed Citizens for Control of Federal Spending, the ad calls on all citizens to "join the fight to control spending, taxes, and inflation." It wholeheartedly endorses the President's proposed spending limits which "will, unless breached by irresponsible spending, prevent tax increases, curb inflation, and pay for Federal programs which have proved to be effective."

The ad is signed by 81 national business, labor, professional, and civil leaders—a testimony to the favorable response this organization has already received. I know it will strike a responsive chord throughout the country and that it will mobilize the American people to take an activist role in pressuring the Congress to adopt spending limits the country can afford.

In fact, I wonder if it is not more than just coincidence that the Senate's surprising action yesterday followed, by only a few hours, the announcement by this organization of its intent to make known to the Congress the views of the Nation's taxpayers in opposition to irresponsible spending, rising taxes, and inflation.

The spokesman for this group, and one of its cochairmen, is a man who is respected and admired by all of us in the Congress. He has been, for a number of years, the leading Republican spokesman for economy in government and sound fiscal practices. His reputation for intelligence and integrity and just plain hard work serves as an example to be revered and emulated. He is John W. Byrnes.

John Byrnes was my predecessor. He represented the people of northeastern Wisconsin, with courage and dedication, for 28 years. His record is one of accomplishment. I do not mind telling you, he is a hard act to follow.

When John Byrnes speaks, people listen. He is speaking to us now. He is telling us that the time to act against uncontrolled and excessive spending is now.

I intend to listen. The Senate has already listened. I hope they will continue to listen and that all of you will listen to him, too.

The advertisement follows:

[Advertisement from the Washington Post, Apr. 3, 1973]

Keep the Lid on Taxes and Prices—We Support Presidential and Congressional Efforts To Control Federal Spending

Americans have always had the ability to unite in order to accomplish great goals. As we now move to a peacetime economy, our nation needs a strong, viable government free of irresponsible spending and rising taxes and inflation. We can achieve this goal if Americans unite—if we let our representatives in Washington know that this is what we want.

Your elected representatives—your Senators and Congressmen in Washington—depend on you for guidance. They know how you feel only if you tell them. All too often, many of us take the democratic process for granted—we assume that our representatives already know what we think, even though we haven't told them. And when this happens, the voices of a few special interests can have more effect than the will of millions of citizens.

The issue of taxes and inflation affects each of us personally. Uncontrolled federal spending over the next three fiscal years could force a tax increase of as much as fifteen percent, or cause a new wave of crippling inflation. Yet we can have a budget which avoids excessive spending, requires no new taxes, and still provides sufficient funding for necessary programs. The President has proposed one such budget. Supported by responsible members of Congress, it would limit federal spending to $250 billion in fiscal year 1973, $268.7 billion in fiscal 1974 and $288 billion in fiscal 1975. These limits, unless breached by irresponsible spending, will prevent tax increases, curb inflation and pay for federal programs which have proved to be effective.

A responsible spending program does not involve any turning back of the clock. The President's budget, for one example, provides the greatest sum ever committed for human resources. Compared to four years ago, it would spend 71 percent more to assist older Americans, 67 percent more to help the sick, 66 percent more for the poor, and more than twice as much to feed the hungry and undernourished. Four years ago, 41% of the federal budget was spent on Defense, and only 37% for Human Resources. Today the priorities have been reversed: 47% goes to Human Resources and only 30 percent for Defense.

The goal of no new taxes can be reached—without inflation—only if Congress and the Executive cooperate by trimming unnecessary spending and by terminating programs which either aren't working at all or haven't justified their expense. Tax money should only be used for responsible programs that do work.

We can't afford to take the democratic process for granted in this crucial matter. Take a few minutes to let your Congressman and your Senator know how you feel about spending and taxes; ask your friends to help by communicating their views. If you would like more information, write to Citizens for Control of Federal Spending. You owe it to yourself to join the fight—to control spending, taxes and inflation.

CITIZENS FOR CONTROL OF FEDERAL SPENDING

Chairman: David Packard, Chairman, Hewlett-Packard.

Co-Chairmen: John W. Byrnes, former Member of Congress; James Roosevelt, former Member of Congress.

Vice-Chairmen: Max Fisher, Chairman, Fisher-New Center Company; Mrs. Kermit V. Haugan, President, General Federation of Women's Clubs; Donald M. Kendall, Chairman, PepsiCo Inc.; Paul W. McCracken, Former Chairman, President's Council of Economic Advisers; W. Allen Wallis, Economist, Rochester, New York.

T. M. Alexander, Sr., President, Alexander & Associates.

Dr. Martin Anderson, Senior Fellow-Hoover Institution, Stanford University.

R. Anderson, President, Rockwell International Corp.

E. M. Black, Chairman of the Board, United Brands Company.

Roger M. Blough, White & Case.

Fred J. Borch, Retired Chairman, General Electric Company.

Gene E. Bradley, President, Int'l. Management & Development Institute.

Leonard Briscoe, City Councilman, Ft. Worth, Texas.

Robert J. Brown, Chairman of the Board, B & C Associates, Inc.

Yale Brozen, Professor, University of Chicago.

Louis W. Cabot, Chairman, Cabot Corporation.

Norman Cashners, Chairman, Cashners Publishing Company.

Dr. W. Glenn Campbell, Director, Hoover Institution, Stanford University.

Patrick Carr, Commander in Chief, Veterans of Foreign Wars.

George Champion, Chairman and President, Economic Development Council of New York City.

Albert L. Cole, Vice President & Director Reader's Digest.

John Collins, Former Mayor of Boston.

John T. Connor, Chairman of the Board, Allied Chemical Corporation.

C. W. Cook, Chairman, General Foods Corporation.

Edward W. Cook, President, Cook Industries, Inc.

Stewart S. Cort, Chairman, Bethlehem Steel Corporation.

Ellwod F. Curtis, President, Deere & Company.

Dr. Maurice A. Dawkins, Executive Vice Chairman, Opportunities Industrialization Centers of America.

Russell De Young, Chairman of the Board, The Goodyear Tire Rubber Co.

C. Douglas Dillon, Former Secretary of the Treasury.

Roy V. Edwards, Chairman, Wilson & Co., Inc.

Walter A. Fallon, President, Eastman Kodak Company.

Edmund B. Fitzgerald, Chairman, Cutler-Hammer, Inc.

Frank E. Fitzsimmons, General President, Int'l. Brotherhood of Teamsters.

Johnny Ford, Mayor, City of Tuskegee, Alabama.

Henry Rowler, Former Secretary of the Treasury.

W. H. Franklin, Chairman, Caterpillar Tractor Co.

Henry Gadsden, Chairman, Merck & Co., Inc.

A. H. Galloway, Chairman, R. J. Reynolds Industries, Inc.

C. C. Garvin, Jr., President, Exxon Corporation.

Patrick E. Haggerty, Chairman, Texas Instruments Incorporated.

Floyd D. Hall, Chairman & Chief Executive Officer, Eastern Airlines.

John D. Harper, Chairman, Aluminum Company of America.

H. S. Houthakker, Harvard University.

Frederick G. Jaicks, Chairman, Inland Steel Company.

Elaine Jenkins, President, One America, Inc.

Howard Johnson, Chairman of the Corporation, Massachusetts Institute of Technology.

Erik Jonsson, former Mayor of Dallas, Texas.

Thomas V. Jones, Chairman of the Board & President, Northrop Corporation.

Edgar F. Kaiser.

Dr. Asa S. Knowles, President Northeastern University.

Franklin A. Lindsay, President, ITEK Corporation.

Hobart Lewis, President, Reader's Digest.

Henry Lucas, Jr., D.D.S., San Francisco, California.

Winston W. Marsh, President, American Society of Association Executives; Executive Vice President, Natl. Tire Dealers & Retreaders Association.

S. M. McAshan, Jr., Chairman, Anderson, Clayton & Co.

Sanford N. McDonnell, President & Chief Executive Officer, McDonnell Douglas Corporation.

Gordon M. Metcalf, former Chairman, Sears, Roebuck and Company.

Paul L. Miller, President, The First Boston Corporation.

Howard Morgens, Chairman, Procter & Gamble.

Raymond J. Saulnier, Professor of Economics, Barnard College.

Franklin D. Schurz, Sr., President, South Bend Newspapers.

C. A. Scott, Publisher, Atlanta Daily World.

Dr. Frederick Seitz, President, Rockefeller University.

Theodore A. Serrill, Executive Vice President, National Newspaper Association.

Louise Shadduck, President, National Federation of Press Women.

C. D. Siverd, Chairman, American Cyanamid Co.

John F. Small, President, John F. Small, Inc.

Reverend Roland Smith, Citizens Trust Bank of Atlanta.

Charles H. Sommer, Jr., Chairman, Monsanto Company.

Paul Thayer, Chairman, The LTV Corporation.

Charles C. Tillinghast, Jr., Chairman, Trans World Airlines, Inc.

Joseph P. Tonelli, President, United Paperworkers International Union.

Murray L. Weidenbaum, former Assistant Secretary of the Treasury.

Louie Welch, Mayor, City of Houston, Texas.

Samuel D. Winer, President, Jaycees.

R. G. Wingerter, President, Libbey-Owens-Ford Company.

Bryce N. Harlow, Legislative Consultant.

H. Lee Choate, Executive Director, 1629 K Street, N.W., Washington, D.C. 20006.

(Affiliations listed for identification only.)

THE VIETNAM VETERAN—EMPLOYMENT OR UNEMPLOYMENT?

(Mr. DOMINICK V. DANIELS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DOMINICK V. DANIELS. Mr. Speaker, a Washington Post article by Lou Cannon in the March 25 issue quotes President Nixon as saying in Key Biscayne, Fla., on March 24:

> With our men home from Vietnam and with the reductions we have been able to make elsewhere in our armed forces, thousands of young veterans are returning to civilian life. They ask no special privileges or favors but they expect—and they deserve—full respect and full economic opportunity.
>
> Let us give them the warm welcome they deserve. Let us welcome them back not only with open arms but with open opportunities, with sincere respect and with the chance to play important roles in every phase of community life.

The Emergency Employment Act of 1971, Public Law 92–54, set up the public employment program to create jobs providing needed public services during times of high unemployment. Special consideration was given to Korean and Vietnam veterans in filling these jobs.

According to recent Labor Department figures, 61,272 Vietnam-era veterans participated in the public employment program during the period September 1971 through November 30, 1972. This represents 27 percent of the total enrollees. The total number of veterans enrolled in the program during this period is 93,102, which is 41 percent of all enrollees.

The Bureau of Labor Statistics released the following unemployment figures for Vietnam-era veterans for February 1973, which are the latest to date:

Age group 20 to 29: 309,000 unemployed Vietnam veterans.

Age group 30 to 34: 32,040 unemployed Vietnam veterans.

This means that as of February of this year, there were close to 350,000 unemployed Vietnam veterans in our Nation. And, Mr. Speaker, with the cessation of our military involvement in Vietnam, and the return of more of our servicemen and our prisoners of war, this number is bound to increase.

Obviously, this program has worked well for our returning veterans, as well as many other unemployed and underemployed in our country. The act is due to expire on June 30, 1973, and today, the Select Subcommittee on Labor, of which I am chairman, reported H.R. 4204, as amended, to extend this program for an additional 2 years.

In 7 days of hearings held by my subcommittee during February and March, the Emergency Employment Act received the praises of the National League of Cities and the U.S. Conference of Mayors, the AFL–CIO, the National Association of Counties, and many others. All expressed their support of my proposed 2-year extension.

Mr. Speaker, I wholeheartedly agree with the President when he says these Vietnam-era veterans deserve "full respect and full economic opportunity." How better can this be achieved than by assuring them the opportunity of substantial employment? How better can the latter be achieved than by extending the Emergency Employment Act?

BANK CHECKS AND PRIVACY

(Mr. ADDABBO asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ADDABBO. Mr. Speaker, the individual's right to privacy is undergoing another challenge under a Federal law requiring banks to microfilm and store all checks. The Treasury Department has recently issued final regulations under the Foreign Bank Secrecy Act which exempts from the record storing provisions of that law all checks issued in amounts less than $100. That exemption itself is a concession to the danger of invasion of privacy by the Treasury Department and should be considered by this body as a warning signal that this collection of information poses a very real potential for abuse.

The Foreign Bank Secrecy Act was passed by this body without a negative vote. The legislation was supported as a tool in the fight against crime and for the most part it was sound legislation. This one loophole in the law does present a serious threat to personal privacy, however, and it is up to this body to now close that loophole by making it clear that no wholesale license for snooping was intended.

The microfilmed records of personal and corporate checks will multiply and increase each month and I submit to my colleagues in the House that the danger of abuse of privacy will also multiply and increase each month. Under present law a Federal agency, such as the Internal Revenue Service or the Department of Justice may issue an administrative subpena and thereby obtain copies of bank checks. A banking institution may decide to simply cooperate by providing copies to the agency involved without the issuance of a subpena.

I find this procedure and the resulting invasion of privacy most disturbing and I plan to draft and introduce legislation to protect the individual from fishing expedition and unwarranted invasions of privacy. The legislation which I will sponsor would prohibit banks from making copies of checks available to anyone or any agency unless a court-ordered subpena has been obtained based on a preliminary showing that a crime has been committed and reasonable cause to believe the checks in question are pertinent to the investigation of that crime.

The personal financial dealings of millions of Americans are not the proper subject for Government snooping. If that kind of fishing expedition is allowed, the innocent as well as the guilty will suffer an intolerable invasion of privacy.

FOOD COSTS FOR CONSUMERS MATCH FARM COSTS FOR PRODUCERS

(Mr. MELCHER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MELCHER. Mr. Speaker, are agricultural prices a bonanza for farmers and ranchers? The true answer is "no," yet currently some commodities are selling at record prices.

But costs have risen, too, and in almost every item there is a record high for the overhead that goes into the production of grains and livestock for American farmers and ranchers.

Let us trace first the increase in grain prices. This started with mother nature when a very serious drought in Russia brought her to the United States to buy from the United States last year over 400 million bushels of wheat and sizable portions of feed grains. Droughts in China and India and poor grain harvests in Australia and Argentina also were factors in creating a broader demand for U.S. grains. In wheat and feed grains alone we sold $2 billion abroad—$965 million in wheat and $1.1 billion in feed grains. Grain prices responded in upward price trends.

For grain farmers increased prices were a must because prior to 1972 wheat and feed grain prices hovered near or below the actual price of production. Inflation has been especially cruel for agricultural producers because of their narrow cost-price margins prior to 1972. The number of farms and ranches in the United States has been declining because too many operators could not make a living in agriculture and had to seek gainful employment in other occupations. For those who stayed on the land the only out was increased debt. The total agricultural debt in 1950 of $12.4 billion climbed steadily, doubling to $24.8 billion in 1960 and more than doubling again to $66.9 billion in 1972. With that kind of debt, the farmers and ranchers are going to have to have good prices for their raw agricultural commodities in order to keep their operations in the black. Grain prices have reached that point now but we must keep in mind that costs continue to rise, too.

Let us turn to livestock. Meat prices have been particularly singled out by consumers as a real high price culprit forcing up the American food basket cost. Talk about roll back of prices as being desirable for consumers is very misleading because it would work to their detriment within a year or two.

The fact is that world supplies of red meats are not keeping up with demands. The average per capita consumption in the United States of red meat is close to 190 pounds per year.

Here are a few examples of average per capita consumption of red meats including horsemeat in other countries: England, 143 pounds; France, 140 pounds; Italy, 75 pounds; Japan, 27 pounds. These countries are increasingly affluent and the people are increasing their consumption of red meats. Our neighbors to the south such as Mexico with an average consumption of 39 pounds; Costa Rica, 34; and Honduras, 21 are in stark contrast with ourselves and Canada with 164 pounds. It should be obvious to all of us that red meat consumption will increase in all countries as they become more affluent. I point these facts out to demonstrate that red meats are in demand around the world.

Dollar devaluation is another factor in meat prices. It has meant automatic increases in the prices of foreign meat imports into this country. The President has lifted the quotas on fresh beef and mutton for the past several years which means any country can sell us all the meat they want.

Following the U.S. dollar devaluation recently, Australia withdrew all offers of boneless meat and stayed out of the market about 10 days. Then they came back with offers 10 cents and 11 cents a pound higher than before.

We get 1.8 billion pounds of our red meat—or 8 to 10 percent—in imports. Any drop in the imports would make us run very short.

When Australian meat does not come in—or any other foreign meat—the buyers bid for U.S. meat. It goes up until prices get high enough to bring in the imports. To satisfy consumer demand we now have to have the imported stuff. Therefore our prices go up to the level that will bring it in. It is obvious that dollar devaluation has been a factor pushing U.S. meats higher.

There has not been a significant amount of meat products exported from this country but it is certain that with the growing world demand for red meats foreign interests will be more active in purchasing American meat products. For example, Japanese buyers for several weeks have been negotiating for large purchases of pork here in the United States Canadian interests often purchase slaughter cattle from U.S. producers. Dollar devaluation, of course, now makes our pork more attractive to Japan and U.S. cattle cheaper for our Canadian neighbors.

In contrast, the cattle we import from Mexico that end up in American feed lots to be fattened and slaughtered here are costing U.S. buyers considerably more this year than last year. The cost is $8 to $12 higher per hundredweight for these Mexican cattle this year than last year or an increase of about 15 to 20 percent. We imported three-fourths of a million cattle from Mexico in 1971 and almost a million in 1972 and the additional cost involved makes even these cattle eventually cost more for American consumers.

Cattle prices historically move up and down in cycles. One of the high points was 1951, and it is interesting to note that if the price of a slaughter steer had advanced since then as much as first-class postage instead of bringing $42 to $44 per hundredweight as it brings today, that steer would be selling for $72 per hundredweight. If it advanced as much as pay for workers, the steer would bring $80.69 per hundredweight.

If the steer was up as much as the cost of having a baby it would be $119 and it would be $170 per hundredweight if it went up as much as hospital costs have risen.

How much does beef run in other countries? U.S. beef prices are pretty much in the middle. Our beef is more expensive than it is in Australia, Argentina, or Uruguay.

However, in Holland meat from lower grades of cattle brings $46 to $47 per hundredweight and in Italy again with lower grades of cattle beef is $62 per hundredweight, almost twice as much as comparable grade and quality here in this country.

Overall supplies of U.S. beef cannot meet the current domestic demand without imports. But with relaxation of the quotas it is apparent that for the present increased supplies of imported meat are not likely to increase U.S. supplies substantially. All foreign meat plants that are licensed to sell meat in this country are supposed to meet U.S. standards on health and sanitation inspection. The General Accounting Office report last year covering some 80 foreign plants inspected showed that almost one-third of them were delicensed because of gross lack of sanitation. It is apparent that pressure to bring in more imported meat may well result in licensing of inferior and unsanitary plants.

Additional supplies of beef for U.S. consumers are available in time through gradual expansion of domestic livestock herds. At current level of prices producers would be encouraged to increase their livestock numbers.

The freeze announced Thursday night by President Nixon on the price of meat may stabilize the retail costs for consumers but it does nothing to stabilize the costs of producers. As costs of meat processors, retailers and wholesalers climb, with the ceiling on prices, those costs will have to be taken away from the price paid producers for the livestock. The producer simply will be at the bottom of the totem pole and everyone above him in the meat processing ladder from the packer to the chain store will pass their additional costs back to him so that he gets less for his livestock.

But the farmers and ranchers costs are going to increase, too. Not only do their costs increase in labor, transportation, taxes, machinery, but also in the cost of living for their own families just like other consumers in the United States. In addition, the higher prices for grains affects them too and makes the cost of feeding the livestock to slaughter conditions a more costly operation. I mention the increase in corn prices because it is one of the basic feeds for both cattle and hogs. But other feed grains have increased in value, too, and for the cattle or hog feeder this means an increase in his cost of production.

As I described earlier, it was necessary for grain farmers to get an increase in grain prices or they would continue to have gone out of business from lack of income. Yet the very increases in grain prices has added substantially to the increased costs in fattening livestock.

High protein supplements are also used in rations for cattle and feeding—one of the sources is soybean meal. Soybeans this year, because of a limited crop and higher exports are selling currently for $5.63 per bushel—up from last year's $3.47. Soybean meal was selling for $92 per ton last year and is now $182 per ton this year. This is another example of rapidly increasing costs for the producers feeding.

The sensible, sound way of stabilizing meat prices will have to be a gradual increase in livestock numbers. Current prices for livestock, if unhampered by too much Government interference, could encourage producers to expand their numbers. Producers in turn must be assured of stabilizing their costs. The President did not address himself to that problem in his Thursday night speech announcing meat price controls. Phase III is not stabilizing costs for the agricultural producers. The President's actions of freezing meat prices will not be successful unless he in turn has a plan to stabilize production costs.

SUMMARY

To summarize, dollar devaluation has made imported meat higher and imported cattle higher. Both resulted in higher consumer meat prices.

World supplies of red meats are not keeping up with demand. As they become more affluent, countries with low meat protein diets will increase in per capita consumption. Starting from average consumption ranging down as low as 19 pounds those countries will need a greater portion of world supplies.

U.S. supplies of red meats are not sufficient to meet consumer demands without the current level of imported meats. Increases in meat imports of substantial quantities are unlikely since the President has suspended quotas for the past 3 years which has not resulted in great increases of available supplies. Furthermore, based on General Accounting Office investigations it is questionable that all the foreign meat plants licensed to sell meat in this country meet our rigid standards for sanitation and wholesomeness.

Costs for producers have risen and current level prices while at record highs now also must be considered in light of record high costs. Encouragement to increase supplies is stymied by the President's action freezing the prices at this level and forcing processors, wholesalers and retailers to pass any future added costs that they encounter back down to the producer, which will eventually lower the prices they receive without lowering the price to the consumer.

AMNESTY AND THE NATIONAL PSYCHE

The SPEAKER pro tempore (Mr. MATSUNAGA). Under a previous order of the House, the gentleman from New York (Mr. ROBISON) is recognized for 30 minutes.

Mr. ROBISON of New York. Mr. Speaker, it is said that in 1864, during one of the countless informal parleys that occurred between Union and Confederate soldiers during the Civil War, the Yankees and Rebels present got into a political discussion. One of the Southerners asked a Federal whom he was going to vote for in the 1864 Presidential election, and the man said he thought he would vote for Lincoln. "He," said the Confederate, "is a damned abolitionist." Whereupon the two promptly began a fistfight which officers of both sides had to break up. As Civil War historian Bruce Catton has noted, men who could indulge in fistfights over political issues—with their partisan watching—while at war with one another, could scarcely be considered sworn enemies for untold generations to come.

This attitude of underlying national unity was reflected in the Union's reintegration of the defeated Confederacy into American national life. By the savage standards of human history, where the usual punishment for unsuccessful revolt has been, and often still is, mass execution, confinement, confiscation of property, imprisonment, or exile, the American Civil War ended with almost unbelievable reconciliation. The tragic nature of Lincoln's death may have had something to do with this but, by 1868, all restrictions, save the right to hold public office, had been removed from all Confederate military personnel and civil officials, and even this one restriction applied to comparatively few individuals. Americans have always been proud of this: few people regret General Grant's pardon for the Army of Northern Virginia at Appomattox, with his specific provision that former Confederate soldiers be given enough draft animals with which to "work their little farms."

The presence of a common social bond—sensed by Lincoln more than anybody else—indicated the desirability of attempts at reconciliation, for it was recognized that such attempts need not be futile; and, the reconciliation which took place after the Civil War was aided by the constitutional tradition of the American people. The rebellion itself was unconstitutional or, at the very least, extraconstitutional. But once begun, the Confederacy organized itself, and conducted itself, as a democracy, with popularly elected legislators and chief executives. The form of government and the participation of citizens in its administration were not in dispute. The Confederacy did not raise a rallying cry of social revolution; it cut across social and class lines.

Once the right to revolt was denied, and the right to enslave crushed by force of arms, no cultural gaps remained between victors and vanquished. The North and the South worshiped the same God, governed themselves in like fashion, and spoke the same language. Because this was also true of the newly freed blacks, there were no mass pogroms and killings such as those which were frequently inflicted on subjugated minorities. In short, though reconciliation was effected by individuals out of good will, it was made possible only by a framework of social concepts shared by both North and South. Had there been no such framework shared, no amount of good will or leniency on the part of the victors would have placated the defeated Confederacy.

This past weekend's events marked, to all intents and purposes, the end of the Vietnam war—at least for the people of the United States. Will there be a similar period of reconciliation of opposing factions—an effort, to borrow from Lincoln, to "bind up the Nation's wounds?"

Eventually, central to the answer to that question—and whether we like it or not—will be the unresolved issues involved in the debate about something called "amnesty."

The prior question to any amnesty is probably the same: "Do divided groups share enough of a common bond—hawks and doves, in today's context, or draft-dodgers and soldiers, old and young, and majority and minority viewpoints—to allow amnesty for those who resisted a war; and can such amnesty proceed without destroying the legitimacy and intangible authority of our Government and institutions?" If this question is, in fact, an essential criterion, and if it can be answered affirmatively, few Americans will hold that the Nation should be deliberately divided any further; and, with history as a guide, citizens and their leaders will be impelled to look for that common ground of reconciliation. We must then ask: "Can that common ground exist, today?"

First, in terms of numbers, the maximum number of those individuals who could be considered for amnesty, at least on the basis of existing requirements for conscientious objection is not that great. There are here no powerful, armed groups of roughly equal size in contention. This sort of amnesty would, therefore, be primarily a symbolic gesture—even if it involved some form of alternative service—rather than appearing to be a capitulation by a weak government to a powerful mass movement. Second, those individuals who might be considered for such an amnesty have not been involved in the wholesale revolt against the United States. They have taken passive, not active, issue with a particular action of their country. For the most part they fled or evaded for personal, and thus separate, reasons, and they can and should be approached as individuals.

Perhaps the most persuasive evidence that reconciliation within a common framework is possible, however, is evidenced by the present mood of the United States. While far fewer lives have been lost in Vietnam than in the Civil War, there is the same sense, noted to the point of redundancy in public commentary, of "all passions spent". Public discontent and divisiveness reached a peak between 1968 and 1970; since then, the gradual withdrawal of the United States from the theater-of-war in Indochina, coupled with a shift of sentiment in all segments of the population toward supporting the President in completing that withdrawal, has to a great degree reestablished a national consensus that did not exist between 1967 and 1970. The turmoil of the late 1960's enervated all Americans, and produced a willingness to be done with conflict and to be rid of internal moralizing, self-righteousness, and dissension. The number of those people who might be granted amnesty as previously unrecognized conscientious objectors is so comparatively small, and the desire of the American people to forget about Vietnam so great, that the major reaction of the public to such an amnesty is likely to be tranquil and even indifferent, once the initial hue and cry on both sides has subided. Amnesty could, thus, be another step in the process of reconciliation—not a daring stroke taken by a trembling government in the face of a truculent minority that threatens our institutions, but a display of magnanimity and governmental self-confidence. Only a strong and self-assured government can afford to forgive, weak regimes cannot afford to bend an inch.

Mr. Speaker, many Americans and many more of our ancestors came from parts of the world where blood feuds had raged for centuries. Yet in spite of this, or perhaps because of this, we have always tended to look toward the future rather than nurture grudges of the past. We have usually viewed differences of opinion as temporary matters to be set aside when superseded by new problems, or when rendered irrelevant by the course of events. We are only now maturing as a nation and only recently has our history begun to acquire some of the richness of age. I suggest it would be regrettable if we were to begin to display a preoccupation with the past, and put aside a willingness to start anew which marks the process of national and cultural maturity.

Mr. Speaker, with you and others I noted our President's reference, again last Thursday night, to his opposition to "amnesty," as such. I respect his viewpoint and, given the concurrent revelations by former American POW's about their treatment and torture at the hands of the North Vietnamese, there can be little doubt, for now, that the American public will—with equal force—adopt the President's announced position as its own.

In the context of current events, then, one would seem to be swimming upstream against strong political currents flowing in the opposite direction by even venturing into this emotional arena. And, yet, I remain uncertain as to the President's true position. If he means he is flatly opposed to "blanket amnesty," then our viewpoints are joined—for so am I. On the other hand, if he means to be forever opposed to considering each individual case for amnesty on its own merits—and some sort of conditional basis yet to be worked out—then there are differences between us. In time, one can expect this point to be clarified one way or another.

However, despite the obvious hazards involved at this moment in even discussing this issue, I do believe it to be an issue that will not go away. Hence, this is the first in a planned series of what I hope will be an objective and useful attempt to put that issue in a rational perspective.

Mr. FRENZEL. Mr. Speaker, I congratulate my distinguished colleague, the gentleman from New York (Mr. Robison) for his splendid statement on the very difficult subject of amnesty.

Mr. Robison does this Congress and this country a great service by bringing this question into the forefront. It is admitedly a controversial and sensitive subject. Feelings on both sides of the question run very high.

Nevertheless, it is now time to begin a rational discussion and debate on the question of amnesty. Historical precedent and national responsibility would dictate no less.

With the execution of the cease fire and the return of our prisoners, it is now appropriate to bring amnesty discussions, which had formerly been conducted either behind closed doors or by very selective groups within our society, out into the open for all to review.

The Congress may not want to take action on this issue very soon. It may not want to act at all. It is, however, in my judgment, extremely important that we face this issue, examine it thoroughly and then make our decision. If that decision is to do nothing, a position which I do not hold myself, at least we should make it affirmatively rather than pretend there is no decision to make.

Again, I compliment the gentleman from New York on his statement.

GENERAL LEAVE

Mr. ROBISON of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore (Mr. MATSUNAGA). Is there objection to the request of the gentleman from New York?

There was no objection.

SENATE VOTE ON THE PRESIDENTIAL VETO OF S. 7

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. BIAGGI) is recognized for 10 minutes.

Mr. BIAGGI. Mr. Speaker, I rise today to express my great disappointment at the Senate's failure to override the Presidential veto of S. 7—the Vocational Rehabilitation Act Amendments.

No measure ever passed by Congress puts greater emphasis on critically needed vocational rehabilitation programs than does S. 7. This bill concentrates on services for the severely disabled. Congress has traditionally chosen the categorical approach to initiate and place special emphasis on problems of certain target groups. Why should anyone oppose efforts to facilitate the rehabilitation of the elderly blind, the deaf, and victims of spinal injuries or renal disease?

Let us not forget what S. 7 really is—legislation directed toward helping severely disabled youths and adults become employable. This is no hand-out program, but rather one which is designed to allow disabled individuals to re-enter the mainstream of society.

Furthermore, the vocational rehabilitation program has been a model of effective State-Federal relationships, and one of the most cost-effective programs in the human service area. Mr. Speaker, 300,000 individuals were made employable through this program in 1972, and hundreds of thousands more watched on with great concern and disillusionment as the vital rehabilitation amendments were used by the President to confront the Congress over fiscal policy control.

With the failure of S. 7 to become law, this nation has witnessed a tragedy—a tragedy from which the countless thousands of disabled individuals in our homes, hospitals, and clinics will not soon recover.

TAX REFORM AND CHARITABLE GIVING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BLACKBURN) is recognized for 5 minutes.

Mr. BLACKBURN. Mr. Speaker, tax reform has universal appeal. Almost everyone favors tax reform but there are some dangers to traditional American systems and values in a meat-axe approach to it.

One of our great national strengths has been a dual system of higher education where privately-supported schools have added richness, variety, and challenge to American life since the founding of the Republic. These schools have added competition and diversity. They have offered innovation and leadership.

Our private schools and institutions have been under tremendous stress in the past decade as inflation has raised their costs and forced many of them to close their doors. The elimination of tax incentives for gifts to them would be the final blow in many cases.

Our private schools are not the only national resource supported by gifts encouraged by provisions in our tax laws. Many institutions fundamental to American society are dependent on these provisions. Our churches, our museums, our symphony orchestras, many of our hospitals and our various charitable service organizations are dependent on them.

There is not time here to recite the contributions these various privately supported organizations have made to American life, but they are many and they affect the average American every day of his life, in education, health, and general well-being.

If we repeal or reduce these tax incentives and discourage the American citizen from his effective use of the charitable dollar, we are in effect saying that an all-wise Government in Washington can make the better decisions about the needs of various communities in the Nation than can the local citizens themselves.

Every member of the U.S. House of Representatives can list a number of institutions vital to his area that would suffer seriously if we take a reckless approach to tax reform that ignores the importance of individual charity in American life.

In my own Fourth District of Georgia there are dozens of such institutions and agencies. Among private, gift-supported schools in my district are Agnes Scott College, Atlanta Baptist College, Columbia Seminary, Emory University, and Oglethorpe University.

Among private nonprofit hospitals are Elk's Aidmore Hospital for Crippled Children, Emory University Hospital, Henrietta Egleston Hospital for Children, The Scottish Rite Children's Hospital of Georgia.

The list for my district alone could go on and on but I think the point is made. Any member of the House can think of many similar agencies in his district that will be irreparably harmed by elimination from the tax laws of incentives to charitable giving.

One thing that has always distinguished America from other countries has been the vast system of private educational and charitable agencies. It is an aspect of our freedom of choice and of individual initiative we have always sought to encourage. It seems absurd to me that we could even contemplate weakening these private agencies and perhaps forcing them out of existence. The result would be a vast gap in services that would have to be picked up and provided by Government at much greater expense to the taxpayer.

In a time of vast bureaucracies in Government and elsewhere we need to encourage individuals and communities to tend to their own needs through their own efforts. It is the very key to our American system and to our successful history.

As we look at the tax laws we should remember that the public is the beneficiary of charitable contributions, not the donor. We should do nothing to discourage the private personal impulse to charity that has helped make our country great.

The largest private educational institution in my district is Emory University. Emory, among its professional schools, operates one of Georgia's two schools of medicine and has educated a high percentage of the State's physicians as well as its dentists and nurses. The university has schools of medicine, law, theology, dentistry, nursing, and business administration in addition to a college and graduate school. Four-fifths of Atlanta's dentists and half of its physicians are Emory alumni. Four of Georgia's 10 Members in the U.S. House of Representatives are alumni of Emory.

Because of its significance to our area, I obtained some statistics from Emory to show what effect present tax laws have on its programs. In the latest fiscal year Emory officials tell me they received gifts of $36 million in appreciated securities or real property. It is very unlikely that these gifts would have been made in this volume without the incentives in present tax laws. Approximately 77 percent of the gifts Emory received were in appreciated securities or real property. More than 6 percent of the giving this past fiscal year was in the form of bequests, also encouraged by present tax laws.

When Emory conducted a capital funds campaign several years ago it raised $29,050,154 from private sources. The university discovered that 3 percent of its donors—159 persons—gave 95 percent of the total raised. The other 5,048 donors gave 5 percent. I am told that this is fairly typical of such campaigns. Without tax encouragement to major donors, private institutions cannot survive.

What is significant to the American taxpayer is that if private sources do not support institutions such as Emory University, the job still must be done. It would then have to be done by Government at some level and at considerably greater expense to the taxpayer.

I have used Emory as an example because it is the largest such institution in my district. Similar examples could be made for many other institutions.

I urge all Members of the House, as we consider tax reform, to study carefully the many essential gift-supported institutions in your own areas and to be sure that we do nothing that will destroy America's traditional patterns of charitable giving that have so enriched life in this country.

THE FORT WORTH FIVE SHOULD FACE THE RESPONSIBILITIES AND CONSEQUENCES OF THEIR OWN ACTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. KEATING) is recognized for 30 minutes.

Mr. KEATING. Mr. Speaker, the case of the so-called Fort Worth Five has been used to attack not only the Department of Justice but also the grand jury system. So many of the statements directed to this controversy have displayed not only an unawareness of the facts, but have demonstrated a lack of knowledge of the law of grand juries.

An understanding of this case necessitates a brief look at the facts.

Early last year the Treasury Department's Bureau of Alcohol, Tobacco, and Firearms developed information that certain individuals, apparently from New York City were, using aliases, attempting to purchase in Fort Worth, Tex., large numbers of illegal weapons from sources in Mexico for shipment to Ireland.

Believing that the five New York City area residents now known as the Fort Worth Five possessed information helpful to this investigation, the Department of Justice subpenaed them on June 13 of last year to appear before a Fort Worth Federal grand jury which was investigating possible violations of the 1968 Gun Control Act, the Organized Crime Control Act of 1970, the Foreign Agents Registration Act, and the conspiracy statute.

When the five witnesses refused to testify before the grand jury, they were granted immunity by the district court. Upon their continued refusal to answer the questions propounded to them, they were again brought before the district court, adjudged in contempt, and committed to the custody of the U.S. marshal until such time as they should purge themselves of contempt or until the grand jury would be discharged.

An application for bail pending appeal was denied by the trial court, the Fifth Circuit Court of Appeals, and the Supreme Court through Circuit Justice Powell.

On August 5, 1972, the fifth circuit upheld the district court's judgment of contempt, determining that all rights of counsel had been adequately protected; that the witnesses had shown no sufficient possibility of foreign prosecution arising from their grand jury testimony; that the Government's obligations regarding electronic surveillance had been fully discharged; and that the grants of testimonial immunity were in each case properly requested and properly granted following a hearing fully observant of the witness' due process rights.

Following this decision, the applications for bail were renewed pending a petition for a writ of certiorari. Bail was again denied by the circuit court and a second application to the Supreme Court was again rejected through Justice Powell.

However, a special application for bail to Mr. Justice Douglas resulted in bail being set by the district court on September 19. The witnesses appealed this bail determination, the fifth circuit remanded, and bail was reset by the trial court. Although the witnesses were released upon the posting of bail on September 23, 1972, they were required to surrender to Federal custody on January 29, 1973, when the Supreme Court denied their petition for a writ of certiorari. On February 28, 1973, the five men were transferred from the Tarrant County Jail to the Federal Correctional Institution at Seagoville, Tex.

I have detailed the history of this litigation to demonstrate why the question of the Fort Worth Five is now before the Congress. It is clear that the five witnesses have exhausted their judicial remedies. Assistant Attorney General A. William Olson testified before our subcommittee that he knew of no recent case in which the legal issues raised by the defendants had been given a more extensive and thorough review by the district and appellate courts.

Having lost in the courts the five witnesses are now appealing to the Congress.

Mr. Speaker, this country can do little but stand back and watch the carnage taking place in Northern Ireland. Today, after 3½ years of violence, the death toll stands at 761. Because the bloodshed in that troubled land is considered to be the "internal affairs" of the United Kingdom and the Irish Republic, the Congress has to limit itself to anguished statements of concern. However, there is one thing that this country can do and that is to prohibit international terrorism from operating within our borders. If we cannot bring a halt to terrorism in Northern Ireland we can at least attempt to decrease it by limiting the flow of arms into that unfortunate country from our country and our citizens.

By attempting to present evidence to the grand jury the Justice Department is discharging its responsibility to enforce U.S. criminal statutes and the Department has the duty to do so without interference.

On March 7, Subcommittee No. 1 of the House Judiciary Committee held hearings on several House resolutions concerning the Fort Worth Five. These hearings were marked by questionable challenges to the Justice Department to justify decisions which were well within its prosecutorial discretion. These decisions had been repeatedly upheld by the courts.

What are the allegations made by the advocates for the Fort Worth Five?

First, it is pointed out that these five witnesses had no connection with nor had they ever been in the State of Texas. Sympathizers with the five witnesses therefore conclude that the Department of Justice abused the grand jury proceeding when it called the witnesses before a Texas rather than a New York grand jury.

Advocates for the Fort Worth Five fail to mention that at no time during the entire course of the litigation was the authority of the Texas grand jury ever raised. No argument was ever made that the grand jury testimony should have been taken in another judicial district. No claim of hardship on behalf of the New York City witnesses was ever heard.

Federal grand juries by necessity often require witnesses to travel great distances in order to obtain sufficient information to determine whether an indictment should be returned. This is true whether the grand jury is investigating organized crime, civil rights violations, tax matters, antitrust cases, or gunrunning to terrorist organizations. Recognizing this fact, Congress has provided a per diem allowance of $36 in addition to adequate travel expenses to witnesses testifying before grand juries.

Today's air travel has made long distances no obstacle to the convenience of witnesses.

Several members have suggested that the Department demonstrated bad faith by its failure to provide for the witnesses to transmit their grand jury testimony long distance from New York City, presumably by deposition. This suggestion demonstrates a lack of understanding of grand jury proceedings and an overprotective concern for the legal rights of those involved in grand jury investigations. Certainly the rights of anyone subsequently indicated by a grand jury have to be protected and it would appear that one of those protections is the right to have the witnesses who cause a person to be indicted to personally appear before the grand jury.

Another allegation is that because three of the witnesses are aliens, their coerced testimony could be used against them in a United Kingdom prosecution. Without belaboring this body with a legal brief, let me dismiss this allegation with the observation that at no point during the extensive litigation did the witnesses find a court to agree with them. I recommend that this body refuse to litigate a question that has received as much judicial attention as this one.

In connection wth fifth amendment claim, we hear much about "use" as opposed to "transactional" immunity. Indeed, I believe at least one bill has been introduced to amend 18 U.S.C. 6002, enacted by the 91st Congress, so as to convert the present "use" immunity, found to be sufficient to protect a witness' right against self-incrimination in *Kastigar* v. *United States,* 406 U.S. 441 (1972) to a "transactional" immunity.

Regardless of the type of immunity tendered to the recalcitrant witnesses, they could have raised the same claims, and regardless of the immunity in question, these claims would be subject to the same judicial attention, the same opinion already rendered by the fifth circuit on this case.

Another allegation of the advocates of

the Fort Worth Five is that it is unconscionable that these five witnesses should be incarcerated without trial.

After having been granted immunity each witness has obligated to testify before the grand jury, and the willful refusal to obey the court's order to testify made each witness subject to commitment for civil contempt. Civil contempt commitment for recalcitrant witnesses is clearly authorized by 18 U.S.C. 1826. Let me note here that at no time have the five witnesses shown any willingness to cooperate with the grand jury investigation, even refusing to declare the correct pronunciation of their names.

Another argument is made that somehow the Justice Department is abusing the grand jury proceeding by keeping these men in jail after the Department has completed its investigation. First, the Fort Worth investigation is not completed, and according to the Justice Department the grand jury needs the testimony of the Fort Worth Five to continue the investigation. Assistant Attorney General Olson testified that the investigation would continue if possible without the testimony of the silent witnesses and that additional witnesses would probably be summoned.

The second response to the argument that the witnesses should be released because the investigation has ended is that the progress of the investigation is irrelevant. The "contempt" that we speak of is contempt before the district court and that court has ordered the witnesses committed until the witness purges himself of contempt or until the grand jury shall be discharged, whichever occurs first.

Let me conclude by noting that Judge Leo Brewster of the U.S. District Court for the Northern District of Texas stated in his July 3, 1972, opinion that:

> Somebody affected by (the grand jury's) inquiry wants judgment day in this matter put off as long as possible. The lawyers for the witnesses are past masters at stalling and obstructionist tactics.

Mr. Speaker, by continuing to keep the case of the Fort Worth Five in the public eye, the Congress is providing unnecessary notoriety to these recalcitrant witnesses and is also conducting an ad hoc inquiry into a grand jury matter. It is time to allow our legislatively sanctioned criminal procedures to proceed without interruption.

Any review of grand jury proceedings should concern itself with the judicial purpose and functioning of the grand jury system and should not concentrate on one particular case where ethnic emotions run high and political passions dominate any thoughtful oversight.

The duty of each one of us as citizens to participate in legitimate judicial proceedings is important to our society and our entire judicial system.

This particular case represents an abandonment of that duty and I urge my colleagues to allow the Fort Worth Five to face the responsibilities and consequences of their own acts.

A BILL TO ESTABLISH A NATIONAL COUNCIL ON EDUCATIONAL TECHNOLOGY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Idaho (Mr. HANSEN) is recognized for 10 minutes.

Mr. HANSEN of Idaho. Mr. Speaker, today I am reintroducing a bill I originally sponsored last year. This measure would establish a Council on Educational Technology.

The conventional wisdom in the field of educational technology is that we are now in possession of more than enough hardware—computers, projectors, television sets, recorders, overhead projectors, satellites, cable, and the like—and that what is needed for realization of the full potential of educational technology is better software and better preparation and understanding on the part of the educators.

As far as the relative balance between the three categories involved, hardware, software, and personnel is concerned, this analysis is generally valid. But this should by no means be taken to mean that educational technology hardware development is a final, completed accomplishment.

The development of educational technology is still a fast-changing, dynamic field evolving more quickly than educators can digest. This rapid change, while bringing ever greater possibilities and improvements, also creates perplexing problems. Sometimes the needs of the educators and the equipment available in the marketplace get out of step with each other. Often users have no way of assessing how well what is available fits their needs. And sometimes different brands of technology within the same "genre" are incompatible with one another.

As chairman of the House Republican task force on education and training, in the 92d Congress, I had an opportunity to meet with many users of educational technology and manufacturers and distributors. Summing up their comments and insights, I found that three problems were repeatedly cited:

Definitions of needs: Although educators often complain that available technology does not fit their needs, they have thus far successfully resisted providing manufacturers with precise descriptions of the qualities they need in products to facilitate the educational process. Neither have they accurately defined, in many cases, the instructional objectives they nope to reach through use of educational equipment. To give education its due, it must be noted that such a wide variety of settings and purposes are involved, no single description of needs or objectives could possibly suffice. Nevertheless, it appears that greater precision on the part of educators in describing their needs can be achieved and would enhance the ability of manufacturers to respond to those needs. Lacking a clear picture of the requirements of the educational market, manufacturers understandably gear their products to the demands of business and home consumers.

Product assessment and consumer information: Too frequently, educators who purchase educational technology face a serious information gap. Many standards and specifications are now in existence, but they are not known to educators, or more frustrating, cannot be meaningfully related to classroom needs. Thus, much of the acquisition of educational technology is based solely on information supplied by salesmen or advertising literature, hardly a precise way to assess the relative capacities of given products in relationship to one's requirements.

Technical change: In some areas of educational technology, products are still in a rapid development stage, evolving quickly as major and minor improvements and variations are introduced. Often the result of such technological improvements is the obsolescence of similar but older equipment, for which replacement parts and possibly even software can no longer be obtained. For the educational user with the typical impecunious budget, this plays havoc with long-range plans for integrating educational technology into the overall school program. The video tape field provides an example of this phenomenon. Although there are nearly a dozen manufacturers in the market, varying tape widths, speeds, and formats mean that material recorded on one machine can often not be played back on a machine of a different brand. Despite the enormous educational potential of video tape, it is unlikely that it will be generally adopted for classroom use until these differences are resolved.

H.R. 6605 is designed to respond to these problems through the establishment of a Council on Education Technology. This Council, unlike the advisory councils so often established in conjunction with Government programs, would be a functioning, working group with definite goals to be achieved and specific responsibilities.

The Council would have a number of carefully defined tasks. First, it would be charged with coordinating the Federal agencies' actions and policies affecting educational technology, in both in-house and external programs. Second, it would be responsible for bringing together representatives of various educational users of technology for the identification and articulation of common needs and concerns. Finally, it would serve to foster communication between educational technology users and manufacturers and distributors.

Under this bill the Council on Educational Technology would be empowered to:

First, develop precise description of educators' needs with regard to educational technology;

Second, assess the quantity and quality of use of various types of technology in educational settings, including educational consumer reactions and evaluation of this technology;

Third, encourage and support the testing and assessment of technological equipment being marketed for educational purposes and the publication and dissemination of test results;

Fourth, encourage and support the development of prototype models of technological equipment designed to meet specific educational needs when these needs are not met by existing technological equipment on the market and encourage the use of free license arrangements to stimulate more widespread availability of common format equipment;

Fifth, where indicated after thorough study, develop specifications for common formats to assure compatibility and reliability for various types of technological equipment for educational use and continually review these specifications based on assessment of the use and effectiveness of the equipment. Where deemed necessary, adherence to the specifications may be made a condition of the expenditure of Federal funds for equipment used for educational purposes;

Sixth, make an annual report to the Congress and such other reports as it deems appropriate, on its findings, recommendations, and activities including, as appropriate, an assessment of the creation of high quality program materials, evaluation of the supply and demand of specialized personnel for the design and implementation of effective media-based instructional materials and other specialized concerns, which in the opinion of the Council, are of importance to the effective development of an improved and expanded learning system; and

Seventh, consult with such Federal and non-Federal advisory councils, committees, and professional associations, as may have information and competence to assist the Council. All Federal agencies are directed to cooperate with the Council in assisting it in carrying out its functions.

Because this is designed to be an operating Council, it is authorized such sums as may be necessary for expert staff and for consulting with educational users of technology in the field.

I anticipate that we will see a number of specific accomplishments resulting from the Council's efforts. We will have an accurate picture of what kinds of educational technology are being used, how much of this equipment is actually in the schools, and how well it serves educational needs and purposes. We will have established a system for conducting independent and impartial evaluations of educational technology on the market and for making educators aware of the results of those evaluations. We will have established communication between educational users of technology and manufacturers so that both can have a better understanding of the needs of the educational market.

The need for such a coordinating group to deal with the hardware of educational technology has been called for repeatedly. The report of the Commission on Instructional Technology, headed by Sterling McMurrin, recommended—

> An organization representing education and industry . . . [which would] develop and institute improvements in the design, development, maintenance, and utilization of instructional technology.

Herbert E. Farmer, professor of cinema, University of Southern California, speaking in November 1971 before the Educational Media Council's Seminar on Standards for Education Equipment, stated that—

> It would certainly help if a more efficient process could be worked out so that manufacturers and users could get together in the development stages, protecting the proprietary interests of manufacturers but without fear of antitrust charges.

Philip W. Tiemann, of the University of Illinois, speaking at the same seminar, likewise called for "a coordinating organization at the national level—with the functions of developing, field testing and revising techniques, and procedures for continuing evaluation and validation of performance-based standards." Similarly, Edwin G. Cohen, executive director of the National Instructional Television Center called for "a national coordinating council representing education, industry, and government."

Although it would be the function of the council to look into all relevant educational technologies, it is educational television which today seems to be the most active. The Sesame Street program deserves much of the credit for creating public awareness of the potential of television for reaching large numbers of students at a minimal cost. The open university idea, first tried in Great Britain and now being explored here is likewise opening up public understanding of ways in which technology can be used to free education from the traditional constraints of time and space. Burgeoning cable TV systems and the application of satellites to beam educational television into geographically remote and inaccessible areas are further examples of the rapid evolution of the hardware and its applications.

Video tape cassettes and video disks hold the possibility of overshadowing the entire realm of educational technology as we now know it. Because these video technologies are among our newest, I would hope that the Council could initially focus its attentions on some of the problems associated with these emerging educational tools.

Education today is facing what often seems to be two competing challenges: The need to squeeze as much as possible from our educational dollars, and simultaneously the need to provide every student with a high-quality education. The role that educational technology can play in meeting both these challenges of productivity will be strengthened by the industry-education cooperation this bill will foster.

Mr. Speaker, as a part of my remarks, I include the text of H.R. 6605:

H.R. 6605

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established a Council of Educational Technology (hereinafter referred to as the "Council") composed of fifteen members, appointed by the Assistant Secretary for Education of the Department of Health, Education, and Welfare without regard to the proivsions of title 5, United States Code, governing appointment in the competitive service. The membership of the Council shall include persons who are familiar with the educational needs and goals of the Nation; persons with competence in the applications of technology in education; and persons representative of the general public, including representation from government agencies, manufacturers and users of educational technology and media. Persons employed by the Federal Government or by State or local governments are eligible for appointment to the Council. Members shall be appointed for terms of three years except that (1) in the case of initial members, one-third of the members shall be appointed for terms of one year each and one-third of the members shall be appointed for terms of two years each, and (2) appointments to fill the unexpired portion of any term shall be for such portion only. The Chairman of the Council shall be the ranking official in the Department of Health, Education, and Welfare having direct operational responsibility for educational technology activities and shall serve at the pleasure of the Assistant Secretary for Education.

Sec. 2. The Council shall—

(1) develop precise descriptions of educators needs with regard to educational technology;

(2) assess the quantity and quality of use of various types of technology in educational settings, including educational consumer reactions and evaluation of this technology;

(3) encourage and support the testing and assessment of technological equipment being marketed for educational purposes and the publication and dissemination of test results;

(4) encourage and support the development of prototype models of technological equipment designed to meet specific educational needs when these needs are not met by existing technological equipment on the market and encourage the use of free license arrangements to stimulate more widespread availability of common format equipment;

(5) where indicated after thorough study, develop specifications for common formats to assure compatibility, reliability and durability for various types of technological equipment for educational use, and continually review these specifications based on assessment of the use and effectiveness of the equipment. Where deemed necessary, adherence to the specifications may be made a condition of the expenditure of Federal funds for educaiton-use equipment.

(6) make an annual report to the Congress and such other reports as it deems appropriate, on its findings, recommendations, and activities with respect to sections 2 and 3 and including, as appropriate, an assessment of the creation of high quality program materials, evaluation of the supply and demand of specialized personnel for the design and implementation of educational technology including the development of effective media-based instructional materials, and other specialized concerns, which in the opinion of the Council, are of importance to the effective development of an improved and expanded learning system.

(7) consult with such Federal and non-Federal advisory councils, committees and professional associations, as may have information and competence to assist the Council. All Federal agencies are directed to cooperate with the Council in assisting it in carrying out its functions.

Sec. 3. In carrying out its responsibilities under section 2, the Council may—

(1) refer issues and problems of concern to educational technology to other agencies for appropriate resolution. The Council may employ consultants or staff in the development of background case materials for hearings before the various regulatory or administrative agencies on matters of concern to the Council;

(2) employ consultants or staff to evaluate equipment and materials to determine their potential for educational use and may publish consumer information, as needed and appropriate, to provide counsel to educators and administrators in the more effective and efficient utilization of technology for educational purposes;

(3) provide advice and assistance upon its

own initiative or at the request of any government agency to provide said agency with the opportunity to better serve the specific needs of education;

(4) contract for services, as deemed appropriate by the Council chairman, for the development of plans, analysis of issues, evaluation of activities, or assessment of supply and demand statistics pertaining to any aspect of educational technology;

(5) convene conferences, obtain expert and lay testimony through hearings, and conduct other appropriate activities to ascertain the state-of-the-art of educational technology;

(6) participate or provide assistance for United States involvement in selected international standards activities and programs for technological equipment applicable to educational use;

SEC. 4. (a) (1) The Council is authorized to appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, or otherwise obtain the services of, such professional, technical, and clerical personnel as may be necessary to enable them to carry out their functions, as prescribed by law.

(2) Subject to regulations of the Assistant Secretary the Council is authorized to procure temporary and intermittent services of such personnel as are necessary to the extent authorized by section 3109 of title 5, United States Code, but at rates not to exceed the rate specified at the time of such service for grade GS–18 in section 5332 of such title.

(b) The Council shall meet at the call of the chairman thereof but not less than two times each year. Minutes of each meeting of the Council shall be kept and shall contain a record of the persons present, a description of matters discussed and conclusions reached, and copies of all reports received, issued, or approved by the Council. The accuracy of all minutes shall be certified to by the chairman of the Council.

(c) (1) The Council shall be subject to such general regulations as the Assistant Secretary may promulgate and shall keep such records of its activities as will fully disclose the disposition of any funds which may be at its disposal and the nature and extent of its activities in carrying out its functions.

(c) (2) The Comptroller General of the United States, or any of his duly authorized representatives, shall have access, for the purpose of audit and examination, to any books, documents, papers, and records of the Council.

(c) (3) Not more than 25 percent of any annual appropriation pursuant to Sec. 6 may be used for salary and operating expenses for the Council or its staff. All remaining funds will be used on a contractual basis to accomplish the purposes and responsibilities of the Council.

SEC. 5. No provision of this Act shall be construed to authorize any department, agency, officer or employee of the United States (including members of the Council) to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, school, or school system, or over the programs of any Federal or State agency, or over the procurement of technological equipment or materials by any educational institution or school system.

SEC. 6. There are hereby authorized to be appropriated for the purposes of this Act for the fiscal year 1973 and each of the four succeeding fiscal years not to exceed $750,000.

THE PROPOSED CONSTITUTIONAL AMENDMENT ON ABORTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. ICHORD) is recognized for 30 minutes.

Mr. ICHORD. Mr. Speaker, the decision rendered by the U.S. Supreme Court on January 22, 1973, declaring the criminal abortion statutes in the States of Georgia and Texas unconstitutional has created a great deal of controversy throughout the land.

The experts in the field of law, medicine, and religion, like the people in general, are divided over the abortion issue. Some of the recent national polls indicate an increase in the number of people who favor liberalized abortion laws. Yet more than two-thirds of our State legislatures have rejected attempts in the last few years to liberalize their abortion laws. Two recent statewide referendums in North Dakota and Michigan have seen the people reject the liberalization of the abortion laws at the polls by 77 percent and 63 percent of the vote respectively.

On March 15, 1973, the Missouri House of Representatives passed by a lopsided 94 to 33 vote a resolution offered by State Representative Bill Blackwell from my congressional district which calls on the U.S. Congress to enact constitutional amendment declaring that human life exists with legal rights at the time of conception. Hearings on this house-passed resolution are scheduled to begin in the Missouri Senate today, Mr. Speaker. In addition, Missouri is one of the 15 States to join with the State of Connecticut in a petition that the Supreme Court hear its case, which was dismissed after the Georgia and Texas ruling. The petition is based on very interesting legal reasoning. Following the rationale of the Dred Scott decision, which held that slaves were not constitutional persons but that the States could protect their lives because they were human beings, the State of Connecticut is trying to have its case heard by arguing that even if the unborn fetus is not a constitutional person the State can still act to protect the unborn human life.

There can be no doubt that feelings run strong and opinion is divided on the matter. Mr. Speaker, I rise this afternoon not to discuss the merits or demerits of the abortion ruling as such by the U.S. Supreme Court. In all honesty, I must say that I have long felt that some liberalization of many of the State abortion laws was in order. There are several cases where abortion is illegal that I personally believe should be permitted.

My primary concern is the way in which the matter was decided. The Supreme Court has the specific responsibility of interpreting the Constitution. The legislative branch has the constitutional responsibility to make the laws. The Supreme Court has clearly in this decision—as it has done so many times in the past—usurped for itself the right to legislate. If the men who sit on the Supreme Court want to make laws, let them run for public office. The decision made various references to the first, second, and third trimester of the development of the fetus and made different rulings for each of these stages of development. Certainly the Constitution makes no such distinction nor does it even hint at such a distinction.

It has also been one of my strongest convictions during my 13 years in the Congress that we must return major responsibilities for government to the State and local levels. These levels are closer to the people and can be controlled better by the people. The State representatives and senators are responsible for much smaller political areas than national officials and are better situated to keep their fingers on the pulse of the people. Decentralization of governmental power is a must in a society as diverse and heterogeneous as ours.

Therefore, since I do believe strongly in limiting the Supreme Court to its constitutional function and because I also believe in strengthening the State governments I have introduced today a proposed constitutional amendment which will allow the State legislatures to pass their own laws regulating abortions in keeping with the convictions of the people in the given States. The proposed amendment will read simply:

> The States shall have the power to regulate or forbid the voluntary termination of human pregnancy.

FOOD PRICE HEARING

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut (Mrs. GRASSO), is recognized for 15 minutes.

Mrs. GRASSO. Mr. Speaker, the high cost of eating is a nightmare of national dimension. It is a problem which touches every segment of our economy, every person in our midst.

For this reason, on Saturday, March 31, I sponsored a public hearing in food prices in New Britain, Conn. The purpose of the hearing was to provide citizens an opportunity to express their views on the continuing crisis in food prices. It was my view that the voices of the people of the Sixth District must be added to others that are heard in Washington so the worsening plight of the family food shopper would be regarded by the administration and Congress with the urgency the problem demands.

Spokesmen at the hearing ranged from representatives of civic clubs and consumer groups to farmers and poultry breeders, food wholesalers, and retailers. The fish and meat packing industries were also represented. Members of the Connecticut congressional delegation were invited to participate. In all, the 4-hour session was informative and educational. Against a background of common complaint about recent rises in food costs, we heard in detail about the particular problems of consumers as well as those who engage in different aspects of food supply and delivery.

Mr. Speaker, the New Britain hearing indicates that consumers have been forced to take action to correct the problem of soaring food prices because the Government has failed them. The ceiling on meat prices at the highest level in history is cold comfort, indeed, to the family food shopper who may pay $1.50 for a pound of hamburger and astronomical prices for other meats. The smudged ink marks on the cans in the market are silent evidence of the unrestricted rise in other commodities.

Half enough is not good enough. The

current Government meat ceiling policy is inadequate to meet the needs of struggling consumers. The boycott and protests of citizens must be matched by more effective action. The public hearing which I conducted last Saturday in New Britain provided a forum for discussion by all components of the economy—farmer, wholesaler, retailer and consumer. The recommendations and observations of the participants were made available to my colleagues on the Banking and Currency Committee which is now drafting legislation in this area. For the interest and information of all my colleagues in the House, the testimony *submitted* at our hearings and the brief summary of recommendations and observations made will be inserted in the Record during the coming week.

TWELFTH GUAM LEGISLATURE CONGRATULATES DELEGATE WON PAT FOR HIS SERVICE TO THE PEOPLE OF GUAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. Burton) is recognized for 5 minutes.

Mr. BURTON. Mr. Speaker, as a longtime friend of our colleague from the Territory of Guam, Tony Won Pat, I am pleased to call attention to a resolution recently passed by the 12th Guam Legislature commending him for years of outstanding service to his people.

Through the years, Tony Won Pat has shown himself to be a devoted public servant and a dedicated advocate for the causes of more self-government in the American tradition and increased Federal assistance for the people of Guam.

As speaker of the early Advisory Guam Congress, Tony came to Washington in a successful effort to win American citizenship for his fellow Guamanians, and the right to form their own legislature.

Later, as speaker of the First, Second, Fourth, Fifth, Sixth, and Seventh Guam Legislatures, Congressman Won Pat continued his efforts in the Nation's Capital to increase Guam's participation in additional Federal programs.

In 1965, the Guamanians decided that they needed a full-time Washington Representative and wisely elected Tony Won Pat as their official spokesman. In this position, Congressman Won Pat proved so successful in garnering even more Federal support for Guam that he was elected to serve two 4-year terms.

One of the highlights of his service as Washington Representative was the passage by Congress of the Elective Governor Act for Guam.

Last year, Congress gave its consent to a bill which I was proud to introduce, the Guam/Virgin Islands elective delegate bill, which granted congressional representation to our fellow Americans from these two territories for the first time. I do not believe that I would be giving too much credit to Tony Won Pat when I say that one of the principal reasons for the overwelming success of that last year was his close friendship with many Members of Congress, coupled with his intimate knowledge of Guam and his quiet, but effective way of presenting Guam's case before the Congress.

Tony Won Pat has not only won the great majority of victories he set out to win, but has also earned a very large number of friends in Washington.

I wholeheartedly concur with the members of the 12th Guam Legislature in their complimentary assessment of Tony's long record of service, and add that I wish him many more years of success as Guam's delegate in Congress.

At this point, I insert the wording of the resolution passed by the Guam Legislature:

Resolution

Relative to commending and congratulating the Honorable Antonio B. Won Pat, Guam's first elected Delegate to the House of Representatives of the Congress of the United States, an honor richly deserved by Delegate Won Pat and one he has indeed merited by his years of public service both in Guam and in our Nation's capital

Be it resolved by the Legislature of the Territory of Guam:

Whereas, largely as a result of the efforts of our then unofficial Washington representative, the Honorable Antonio B. Won Pat, the United States Congress amended the Organic Act of Guam to give the people of Guam the right for the first time in their history to elect an official delegate to sit as a non-voting member of the House of Representatives, thereby awarding the people of Guam a voice in the halls of Congress, a goal to which they have aspired for many years; and

Whereas, it was therefore entirely appropriate and fitting that in the first election to this new Office of Washington Delegate, the victor was that former unofficial representative, the Honorable Antonio Borja Won Pat, a dedicated public servant who has an unparalleled background of service to the people of Guam, having served not only as Guam's first and only unofficial representative to Washington, but also as Speaker of the Legislature for the First, Second, Fourth, Fifth, Sixth and Seventh Guam Legislatures and having indeed served as one of the founding fathers of the Guam political community; and

Whereas, the people of Guam are certain that in his new role as Delegate to the House of Representatives, Delegate Won Pat will continue to perform wonders on behalf of the territory and will not only obtain for it every benefit available from the Federal Government but will also forcefully and effectively present to our Nation's leaders in Congress assembled the views, hopes, and aspirations of the people of Guam; now therefore be it

Resolved, that the Twelfth Guam Legislature does hereby on behalf of the people of Guam congratulate and felicitate the Honorable Antonio Borja Won Pat, Guam's first elected Delegate to the House of Representatives of the Congress of the United States of America, who well merited his election as the first incumbent of that office by his years of devoted service to the public weal both in Guam and in Washington; and be it further

Resolved, that the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the Chairman, Committee on Interior and Insular Affairs, U.S. House of Representatives, to the Speaker, U.S. House of Representatives, to the Honorable Antonio B. Won Pat, Guam's Washington Delegate, and to the Governor of Guam.

IN MEMORY OF ADAM CLAYTON POWELL, JR.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Rangel) is recognized for 10 minutes.

Mr. RANGEL. Mr. Speaker, 1 year ago, on April 4, Adam Clayton Powell, Jr. passed away. For the Members of this body who had the good fortune to serve with him and for those who did not, the Reverend Powell surely evokes sharp remembrances. For he was a man of sharp yet varied images.

But those who will remember best and for who this day has special meaning, are the people he served. The citizens of Harlem, N.Y. To them, he symbolized hope. As this country practiced massive racism, there was Adam Powell challenging the system, speaking for the oppressed, fighting the good fight for his people. On the picket line and in the committee room, Adam Powell was responsible for historic gains in civil rights. He will be remembered as one of the great legislators of Congress.

I now submit for your attention and the attention of my colleagues, a letter from President Johnson to Adam Clayton Powell, written in 1966:

[From Congressional Record Appendix, Oct. 10, 1966]

The White House,
March 18, 1966.

Dear Adam: The fifth anniversary of your Chairmanship of the House Education and Labor Committee reflects a brilliant record of accomplishment.

It represents the successful reporting to the Congress of 49 pieces of bedrock legislation. And the passage of every one of these bills attest to your ability to get things done.

Even now, these laws which you so effectively guided through the House are finding abundant reward in the lives of our people.

The Poverty program is rapidly paving new pathways to progress for those whom the economic vitality of this land had previously by-passed.

The Education measures are being translated into fuller opportunities for all our citizens to develop their God-given talents to their fullest potential.

Minimum wage, long a guarantee of a fair return for an honest day's work, has been increased and greatly extended.

Only with progressive leadership could so much have been accomplished by one Committee in so short a time. I speak for the millions of Americans who benefit from these laws when I say that I am truly grateful.

Sincerely yours,
Lyndon B. Johnson.

As we were kicked from lunch counters, pushed to the back of the bus, beaten and murdered, we knew one of our people was in Congress, fighting back. I remember something that author Julius Lester wrote about Adam Powell:

> He was not a man for all seasons, but getting through the long, cold winter would have been infinitely more difficult without him.

In this time of Federal retreat from moral and fiscal responsibility to the underprivileged and downtrodden among us, Adam Powell would be the man keeping the optimism and spirit, "keeping the faith" of millions of Americans flickering.

The people of Harlem have declared April 4 as a day of remembrance for Adam Clayton Powell, Jr. Memorial services are being held today throughout the Harlem community, which Adam Powell served so long and so well, and at many other churches and community gathering places.

Adam has been gone from our midst for 1 year now, but his spirit still lives in the hearts and minds of the people of Harlem and of black people throughout the Nation.

I would like to insert in the Congressional Record at this point a proclamation issued in Harlem today proclaiming the day "A Day of Remembrance" for Adam Clayton Powell, Jr.:

A Day of Remembrance

Whereas the late Honorable Adam Clayton Powell, Jr. served the United States of America and the people of Harlem above and beyond the mark of excellence.

Whereas the Honorable Adam Clayton Powell, Jr. was Chairman of the House Committee on Education and Labor and was cited by two great Democratic Presidents (John Fitzgerald Kennedy and Lyondon Baines Johnson) for excellence.

Whereas after years of sacrifice, suffering and eventual death he has been vindicated by the United States Supreme Court, the United States Congress, and the people.

Be it rseolved that April 4, 1973 be a day of remembrance in Harlem and in the Congress of the United States of America on the occasion of the first anniversary of Mr. Powell's departure from our midst.

SOCIAL SERVICES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. Fraser) is recognized for 10 minutes.

Mr. FRASER. Mr. Speaker, the proposed social services regulations issued by the Department of Health, Education, and Welfare on February 16 continue to be a cause of great concern to many of us.

Recently a group of House Members met with Chairman Mills to discuss this effort to impose additional Federal restrictions on the States.

The following letter outlines our proposals for revision of the February 16 regulations:

March 28, 1973.

The Honorable Wilbur Mills,
Chairman, House Ways and Means Committee, House Office Building, Washington, D.C.

Dear Mr. Chairman: As a follow-up to yesterday's meeting, we would like to outline our concerns about the proposed restrictions on the use of social service funds.

In general, we feel that states should be free to allocate these funds as they see fit, subject only to limitations expressly established by Congress.

The proposed regulations issued by the Department of Health, Education and Welfare move beyond the most recent congressional statement on this matter, the State and Local Fiscal Assistance Act, P.L. 92–512.

We understand that regulations are now under review in the Department and that at least one proposed restriction will be dropped; the use of private matching funds. However, unless further revisions are made, the restoration of private matching, in itself, will have little programmatic or fiscal impact.

We urge, therefore, that the following changes be incorporated in any new set of regulations:

1. The definition of services should be broadened so states can provide the broad range of comprehensive services eligible for reimbursement prior to the publication of the February 16 regulations.

The extremely restrictive definition of health, education and nutritional services, for example, will mean the virtual elimination of aid to a number of groups with special social needs. The mentally ill, mentally retarded, alcoholics and drug addicts will be particularly hard hit.

2. States should be permitted to use social service funds to supplement funding available from related categorical programs. The use of service funds for health activities should not be prohibited, as it is in the proposed regulations, for example, merely because Medicaid also provides federal aid for state-run health programs.

Greater flexibility in packaging federal aid programs will enable states to design service systems that most effectively meet local needs.

3. The Department should reinstate the five year definition of a potential recipient and the two year definition of a past recipient. There is no indication that Congress intended to restrict the definition of "past" and "potential" beyond the standards in effect at the time of the passage of P.L. 92–512.

4. States should be permitted to establish their own income eligibility standards as they were able to do in the past. Proposed regulations require targeting of funds on the lowest income groups in each state. But welfare dependency often hinges on factors other than income, such as mental retardation, chemical dependency, and the special needs of children and the aged.

5. States should be allowed to use ongoing state expenditures for the non-federal match. A maintenance of effort requirement should be imposed, however, so federal funds are not used to replace non-federal expenditures.

Thank you for giving us the opportunity to discuss this matter with you. Please call on us if we can assist your Committee in its efforts to improve the effectiveness of the social services program.

With best wishes.

Sincerely,

Phillip Burton,
John Culver,
Donald Fraser,
Ogden Reid,
Patricia Schroeder.

The Washington law firm of Covington & Burling has prepared an analysis of the impact of the regulations on 17 States. At this point, I would like to insert the following excerpt from the Covington & Burling report in the Record:

How the Proposed Regulations Would Force Great Cutbacks in Social Services

1. OVERALL IMPACT OF THE PROPOSALS

The breadth and magnitude of the proposed changes in HEW regulations is so great that any definitive estimate of their impact is probably impossible and, in any case, the inordinately short time permitted for the preparation of comments has prevented a thorough canvass of the effects of the proposed regulations on the states. Within the brief time allowed, however, a limited survey was undertaken by the American Public Welfare Association. Brief questionnaires were mailed to each of the 50 states inquiring how the proposed regulations would affect the social services programs in each state. So far replies have been received from 33 states which together account for approximately 73 percent of the federal social services expenditures and approximately the same percentage of the population served by such programs. In those 33 states it is estimated that the proposed changes would result in a reduction of approximately $774 million in federal matching funds and deny social services to almost 2.8 million recipients during fiscal 1974. On the basis of the responses that were received from 33 states it is projected that, nationwide, the proposed regulations would result in a decline of more than $1 billion in federal matching funds for social services programs, denying more than 3.8 million persons access to such services during fiscal 1974.

The principal impact lies in the radically restricted definition of eligible service recipients and in the sharp cutback in the scope of services permitted. On the basis of the data received from 33 states it is projected that the proposal virtually to eliminate the category of "potential" welfare cases from eligibility for federally supported services would result, nationwide, in a decrease of more than $661 million in federal matching funds and would deprive more than 3.1 million persons of services during fiscal 1974. On the basis of the same data it is projected that the contracted *scope* of available services would result, nationwide, in a decline of more than $686 million in federal matching funds and would deny services to more than 1.5 million persons during fiscal 1974.

These are crucial facts. If almost four million persons not now on welfare but close to it were suddenly denied the services that help to keep them off welfare, a good number will end up on the welfare rolls, at enormous cost to federal and state governments and with heavy added strain on a welfare system that is already stretched virtually to the limit.

Other proposed regulations would also have significant adverse impact on state programs. Again on the basis of data from 33 states it is projected that the prohibition on use of donated funds would result, nationwide, in a decline of more than $179 million in federal matching funds and would deprive more than 1.4 million persons of social services during fiscal 1974.* In addition, the added documentation requirements contained in the new regulations would necessitate additional salary costs for extra administrative personnel ranging from $250,000 in one small state to $5 million in another, larger state. In states where money is unavailable to hire additional administrative personnel, the new requirements would simply result in fewer services being rendered by existing personnel.

2. STATE-BY-STATE IMPACT

Data available so far disclose that individual states and their citizens will suffer in some of the following ways.

a. Texas

The donated funds prohibition alone would require that the Texas Department of Public Welfare terminate contracts with 42 providers of services, delivering services to 32,000 needy individuals. Letter of February 26, 1973, Raymond W. Vowell to Philip J. Rutledge.

b. Missouri

The same prohibition would require the termination, in St. Louis alone, of day care services being provided to 600 children and would require, throughout the state, that eight of the present sixteen contracts for provision of services be terminated. Letter of March 1, 1973, Bert Shulimson to Administrator, SRS. The total dollar loss would be around $10 million. Statement of Bert Shulimson, Director, Missouri Division of Welfare (February 27, 1973).

c. Maryland

Overall the proposed regulations would cost Maryland an estimated $18 to $20 million in federal matching funds. *Washington Post* (March 9, 1973) Among the funds lost would be $1.2 million in legal services funds not be proper to total the impacts of the various individual changes.

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* Because it was impossible, at least in the constricted time period allowed for comments, to eliminate duplication in the impact of the various proposed changes, there is some overlap among the categories for which statistics are reported. Therefore, it would

which have gone to 1,700 lawyers, handling an average of 10,000 cases per year. Letter of February 14, 1973, David E. Betts to Senator J. Glenn Beal, Jr.

d. Minnesota

The state of Minnesota would stand to lose over $34 million as a result of the proposed regulations. Services to approximately 73,000 adults and children would be affected. 119 Cong. Rec., page 7744. Among the programs hit by the regulations would be day care (2 million), detoxification centers ($1.5 million), and mental health services ($1.3 million). 119 Cong. Rec., page 5365.

e. Florida

In Florida most of the state's $8 million per year day care program would have to be terminated if the new regulations were adopted. *Wall Street Journal,* February 16, 1973.

f. Arkansas

In Arkansas at least 60 of the 82 community centers providing services to 2,000 mentally retarded children would be required to close immediately if the new regulations are implemented. Letter of December 23, 1972, Governor Dale Bumpers to President Richard Nixon.

g. Massachusetts

Massachusetts stands to lose nearly $35 million per year in federal matching funds as a result of the proposed regulations. Twelve million of that total is attributable to the proposed prohibition on donated funds. Such a cutback would deny social services to 70,000 persons, including 31,500 children. The regulations would eliminate about one-third of the state's day care programs, $8 million worth of foster care services to 8,000 children, $2 million worth of services for 11,000 elderly persons, and protective services to 3,700 other children. 119 Cong. Rec., pages 7747–7749.

h. Georgia

Georgia would stand to lose approximately $10 million of federal funds presently going for day care centers if the proposed regulations are enacted. *Wall Street Journal,* February 26, 1973.

i. Pennsylvania

Some 12,000 of the 14,000 children served in Pennsylvania's day care centers would be hood Youth Corps, a summertime project providing jobs to keep 50,000 deprived youngruary 26, 1973.

j. Delaware

Delaware faces the loss of $16 million in federal social services reimbursement, if the proposed regulations are implemented. *Wall Street Journal,* February 26, 1973.

k. New York

In New York City alone the proposed regulations would result in a cutback of $155 million, if implemented. Among the projects imperiled by the regulations is the Neighborhool Youth Corps, a summertime project providing jobs to keep 50,000 deprived youngsters off the streets. *Wall Street Journal,* February 26, 1973. Also imperiled is the city's day care program which presently serves 26,289 children through 368 centers; about half of those recipients would be ineligible under the proposed regulations. 119 Cong. Rec., page 7745. Statewide, the proposed regulations would render ineligible for social services 30,000 of the 66,000 elderly persons now receiving such services and more than one-third of the 52,000 children now in day care programs. In addition, the state would lose $27 million of the $32 million it now receives for foster care services. *New York Times,* March 15, 1973.

l. Illinois

In Illinois the proposed regulations would result in a reduction, during fiscal 1974, of $90 to $100 million in federal funds, depriving 140,000 recipients of needed social services. Included in this number would be 20,700 drug addicts and alcoholics, 4,750 of the 6,600 children now receiving day care services, 8,840 children now receiving foster care services, 1,174 elderly persons receiving homemaker services, 14,900 prison inmates and parolees presently in halfway houses, and 56,000 mentally ill persons needing short term, community based care. (Information supplied by state officials.)

These statistics are illustrative of the impact of the proposed regulations in real terms—ways that affect people. And these illustrations assume that the myriad paperwork and administrative burdens of the proposed regulations could not be met. In fact they will not and cannot be met in all cases, and the true impact of the proposals would be much more severe than has been set out in these pages. Several states have already begun to withdraw their support for social service programs in anticipation of the loss of federal support. This unfortunate effect spells disaster for the people affected and can be reversed only if the proposals are withdrawn, as they deserve to be.

LT. BILL BAILEY, A RETURNED PRISONER OF WAR

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. Montgomery) is recognized for 5 minutes.

Mr. **MONTGOMERY**. Mr. Speaker, about a week ago I had the honor and privilege to be principal speaker at ceremonies to officially welcome home a returned prisoner of war who resides in my congressional district. The years Lt. Bill Bailey of the Barnes community spent in North Vietnamese prison camps has not lessened the love and admiration he has for his country and his fellow man. In fact, judging by the remarks he made in response to the tributes paid him, I feel Lieutenant Bailey has an even deeper awareness of the greatness of America and the meaning of democracy. I ask unanimous consent to include Lieutenant Bailey's remarks at this point in the Record and commend them to my colleagues.

Remarks of Lt. Bill Bailey, Returned Prisoner of War, Saturday, March 24, 1973, Kosciusko, Miss.

Congressman Montgomery, Mayors Mulholland and Jackson, distinguished Navy and civilian visitors, and friends: I have been asked to say a few words, and while I have only a few to say, they come from the bottom of my heart!

First, I must pay tribute to my family for the countless hours of heartbreaking and at times seemingly hopeless work they have devoted to the POW family organization.

I'm overwhelmed by today. The salutes, the gifts, the praise. I accept the first two with the greatest of humility, but the praise, gentlemen, does not belong to me.

Long before that last mission, I, along with my fellow servicemen, accepted the responsibility of bringing a determined military effort to the shores of an enemy transgressor of freedom-loving people. This responsibility was no more or no less than that which rested upon those of you sitting in this audience who carried the American flag in Korea, on the shores of Italy, France and Germany in two world wars, and the men of battles who have won freedom for people back to our own revolution in 1776.

This praise, this honor, does not belong to me but to those men who are not here today from all these struggles for freedom—to the unmarked graves in Europe, on the hills of Iwo Jima, and more recently, the jungles of Vietnam or the silent waters of many oceans and brown rivers. I and my fellow POW's gave years, but they made the eternal sacrifice and to them, we and freedom-loving people for decades, will be eternally grateful.

This honor, this praise does not belong to me, but to you here today, and to the millions like you across the country who through your loyalty, determination, faith in God and country, gave us the strength to carry on until that wonderful day of freedom.

Gentlemen, I honor you. I praise you. I salute you.

(Salute audience.)

DISABILITY INSURANCE FOR THE BLIND

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. Burke) is recognized for 15 minutes.

Mr. **BURKE** of Massachusetts. Mr. Speaker, again wishing to assist and benefit many of our blind citizens, I am, today, introducing legislation as I have done in several recent Congresses, to liberalize the social security-based disability insurance program for the blind.

I am sure, Mr. Speaker, I need not say much about this bill in the House, for it is already well known to our colleagues and it has the endorsement and support of a substantial number of them.

Although the disability insurance for the blind bill has passed the other Chamber five separate times, it has failed to receive acceptance in the Committee on Ways and Means and in the House-Senate conferences on social security bills, but I am confident, Mr. Speaker, that in this Congress, that at last, this most necessary legislation for the blind will be approved by both Houses and will be signed into Federal law.

Mr. Speaker, the disability insurance for the blind bill would make two changes in the existing disability insurance law for the benefit of blind people:

It would permit them to establish eligibility to receive disability insurance payments when they have worked a year and one-half in social security-covered work.

Reducing the requirement in law from 5 of the last 10 years to 1½ years is necessary for the blind since, far too often, the employment they are able to obtain is of short and temporary duration, poor pay with little or no future possibilities for improvement and advancement—the blind as employees are far too often examples of the old adage, last hired and first fired.

I want to emphasize, Mr. Speaker, that this unhappy employment situation experienced by the blind does not have to be.

Blind people can be and when given a chance, are capably productive workers.

The problem is that blind people are not believed to have a productive capacity, and so find great difficulty securing any kind of job at all.

The six quarters eligibility requirement would be an acknowledgement in the law of a hard fact of life constantly confronting employable but too often unemployed blind persons.

The other provision of the disability insurance for the blind bill would allow a person who is blind and who has worked the six quarters length of time under social security, to draw benefits so long as he remains blind irregardless of his earnings.

This provision, too, Mr. Speaker, would give legal recognition to one of the hard but unchangeable facts confronting every blind person, that he must live and work and function without sight in a society and in an economy geared to sight.

And because of this, because the blind man must manage in a world surrounded by sight, whatever he endeavors to do, however capable he may be, whatever eminent position he may achieve, he must have sight available to him.

The blind housewife cannot learn of grocery sales without sighted help to read the papers.

The blind lawyer—any blind person—cannot read his mail without sighted help.

The blind schoolteacher or blind college professor cannot correct class papers without sighted help.

Always, of course, depending upon what the blind person does with his life, he has varying degrees of need for sighted help.

He can obtain help from sighted family members, from sighted friends, but every blind person learns of the undependability of this source of help.

Every blind person experiences the sighted family members who are too busy with their own activities to be available to the blind person when he needs their sight and as often as he needs their sight.

Every blind person learns from many disappointments experienced that the friendship of a sighted person is no assurance of the availability of sighted help when it is needed by the blind person, as often as it is needed by the blind person.

No, Mr. Speaker, the blind person should not be compelled to rely upon reluctantly or grudgingly given sighted help.

He should and must be able to arrange for the sighted assistance he needs by hiring it, by paying for it.

And the disability insurance payments offer a continuing source of funds for doing just this, for buying sight.

Mr. Speaker, I do not argue for the Disability Insurance for the Blind bill as a benevolence or kindness or a form of Government charity to blind people.

I argue for it because I believe blind people earn every assistance we can give them.

They refuse to accept helplessness as the normal consequence of blindness, but insist and demand the right to work and earn a living, to manage for themselves, to live self-dependent lives.

The blind could so easily resign themselves to dependence upon others, but proudly they set independence as their goal and courageously strive to achieve it.

The disability insurance for the blind bill as public law would make attainment of this goal possible.

It would greatly help to lessen the social and economic handicapped results of lost sight.

It would be a major help to equalize the disadvantages of blindness and enhance the possibility of achieving a full and worthwhile life, blind.

THE ROLE OF CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. McFALL) is recognized for 5 minutes.

Mr. McFALL. Mr. Speaker, Time, Inc., has rendered an outstanding service these past few months in its sponsorship of a series of symposia on "The Role of Congress." One of its regional meetings occurred in Boston on December 12, chaired by Time, Inc.'s Hedley Donovan. The principal speaker was Dr. Richard F. Fenno, Jr., well-known political science professor from the University of Rochester. He attempts to step back and look at our perceptions of Congress, so that congressional reforms may be better understood. Our esteemed majority leader, THOMAS "TIP" O'NEILL, appeared at the same meeting and offered his views on the subject. Their remarks are inserted in the RECORD below:

Mr. DONOVAN. Ladies and gentlemen, I am Hedley Donovan, the Editor-in-Chief of Time Inc. I want to thank you very much for joining us tonight.

This winter marks the 50th anniversary of the launching of Time Magazine and the incorporation of our company. I realize that 50 years is a mere twinkling of an eye here in Boston. But we did want to give ourselves a birthday party and also toast some of the people like yourselves who have read us, argued with us, prayed over us, been interviewed by us, and generally borne with us over the years.

Along with some celebration, we also thought we should do some work, and we have dedicated our anniversary to a journalistic theme, the modern relationship, 1972–73, and the years just ahead, between the Congress and the President. If the legislative role has been eroded as much as some scholars and journalists think, and indeed as many Congressmen think, then our whole system of government may be moving dangerously out of balance.

We have discussed this question over the past fortnight at meetings like this one in Atlanta, Chicago, Los Angeles; and we are having another dinner in Washington in January. We are going to be publishing articles on this subject in Time and Fortune, and we will be sending all of you in due course a digest of what is said here and at our other meetings.

Our panelists tonight are two Senators, one scholar, one journalist. But we are also delighted to have as guests tonight several other members of the Congress and I hope they will feel free to join in after our panel discussion, and, indeed, we hope as many who wish will likewise join the conversation.

You may feel that it is a little presumptuous of Time Inc. to move in here from New York, come into your city and start acting as though we were entitled to give a party. Fortunately, tonight we do have powerful Massachusetts auspices, the support of one of the most eminent of the long line of legislative leaders this state has sent to Congress; and he has very graciously agreed to join in welcoming you here.

He has just won his 11th term in Congress; and it is quite possible, according to Time's correspondents, that he will be the next Majority Leader of the House. Congressman Thomas P. O'Neill, Jr.

Rep. O'NEILL. Many years ago Sam Rayburn, then Speaker of the House, appointed me to a commission to go to Ireland and represent the Congress of the U.S.; it was at the dedication of the statue of John Barry. My wife and I arrived in Cork where we were met by the State Department.

"What would you like to do and what would you like to see?" I was asked. "I'd like to see as much of Ireland as I could; it is the home of my forebears. I have never been over here before," I replied. So we got in a car and we went up to Blarney Castle and kissed the Blarney Stone and we saw the famous bells of Shannon and the marketplace.

And as we were driving along our driver stopped and said: "That's our local hospital." I said, "What's so unusual about that? Every municipality has a hospital." He told me a very interesting story. In 1929 Henry Ford visited Cork. It was the home and birthplace of his grandmother and his grandfather and he had never been there. He was in the local hotel at about 5 o'clock at night when a knock came at the door. A group of men stood there and Mr. Ford welcomed them in.

They said: "Mr. Ford, we are happy to have you here, one of the world's great inventors, one of the world's great manufacturers, one of the world's great philanthropists; and we thought perhaps in memory of your grandmother and grandfather you'd like to make a donation to the hospital that we are building." And Ford sat down and wrote out a check for $5,000.

The following day the Cork *Courier* came out with a blazing headline, "Henry Ford donates $50,000 to the building the hospital." That afternoon the same group of men knocked at the door again and the door was opened, Mr. Ford invited them in. They said: "Mr. Ford, we are awfully sorry about the mistake that the newspaper made. Tomorrow there will be a correction."

He said: "How much did it cost to build that hospital?" They said $50,000. He sat down, he wrote out a check for $50,000. He said: "Gentlemen, you may have the check for $50,000 on one condition. I want the inscription over the portals of that building to be the inscription that I have in mind." And those Irishmen for $50,000 would put anything there. The inscription reads: "I came among you and you took me in."

Well, as the Congressman from the 8th Congressional District of Massachusetts—and the Harvard Club happens to be in my congressional district—let me welcome all of you from Time, all the panelists of the evening, my colleagues in Government, and the many guests and friends of Time magazine that are here tonight. Some time ago Neil MacNeil asked me if I was going to be in Boston and told me the purpose of these meetings. Personally, I think the purpose of the meetings is magnificent.

I have prided myself as being a bit of an analyst on the Congress of the U.S. and particularly on elections. For 18 years the Democrats have controlled the House, and again they control it this year. And as you study it you analyze many things that happen to give the Democrats victory.

I can recall during the era of '54 or '56 during the Eisenhower Administration, when he was rolling along with the good grace of the people of America, loved and charmed and everything, when Republicans thought they were going to retain the Congress. And lo and behold! one of the cabinet secretaries made a statement that the Administration would come out for a sales tax. The American public rebelled and the new Congress was sent in, I think it was in '54, and it was Democratic.

I look at the Congress and what happened this year. Just prior to adjournment President Nixon, who had enjoyed the most overwhelming victory of any presidential candidate in history, came to Congress, and he wanted the power and the right to tell the Congress of the U.S. where the money should be spent; he wanted to curb the budget to $250 billion and only spend it as he saw fit. He was usurping the powers of the Congress and that seemed to be degrading, degrading all along the line.

Recent polls show you that in the three divisions of Government, the judicial, the administrative, and the Congress, that the Congress is held in the least esteem. There is no question that the American public, and those who are knowledgeable, appreciate the Constitution as one of the great documents of all time; and yet they have seen the power of the Congress weakened all along the line. And they want something done about it.

I honestly believe that for the first time this problem is catching up with America. And so on Time's 50th anniversary, may I extend not only a happy birthday, but sincere congratulations for tackling a problem that really needs to be tackled. Again, welcome to the 8th Congressional District; and I am sure that the panelists are going to be excellent. Thank you.

Mr. Donovan. Thank you very much.

This project we are embarked on in our 50th anniversary year is not an overnight interest of ours. We have been seriously and continuously engaged journalistically with the Congress. We have told something of our present project to the leaders of both parties in both houses. They have been very enthusiastic about our undertaking this and continuing it. And I hope both in print and in other ways we can make something worthwhile come out of these conversations.

So far as our publications are concerned, our interest in this question is not one of spectators at a contest between the Executive and the legislature. We are not rooting for one side or the other for the sake of the game, or trying to keep score in the sense of who is ahead at the moment.

There is a more fundamental question about it. This inquiry is not conceived in any way as an attack on the presidency or the incumbent President, though we don't seek to inhibit any comments on that. The real point as far as we are concerned is whether a democratic society puts some value on collective wisdom as opposed to centralized individual wisdom, and whether the Congress could make a larger and more constructive contribution to our public policy. And our question is whether the minds, talents and experiences that are assembled in the Congress have more to contribute to the public well being than is now being realized. That is our only interest in this subject, and speaking for Time Inc., that's our only ax to grind.

The first panelist on our program is Professor Richard Fenno of the University of Rochester, one of the outstanding scholarly authorities on the workings of Congress. He is the author of a monumental study called *The Power of the Purse*. It is a study of appropriations policies in Congress over the years 1947–56.

Professor Fenno has splendid Massachusetts credentials. He was born in Winchester. He is a graduate of Amherst. And he took his Ph.D. at Harvard. The advance working paper which he prepared for tonight, which he will not read but swiftly summarize, has a very catchy title: *"If, as Ralph Nader Says, Congress Is 'The Broken Branch,' How Come We Love Our Congressmen So Much?"*

I am informed that today is Professor Fenno's birthday. He is younger, as you will see, considerably younger than TIME. But happy birthday, Professor Fenno, and please join me here.

Prof. Fenno. As I have been thinking about coming here over the last week, I have been reading in the newspapers that Senator Mathias has been holding hearings on congressional reorganization. I know Senator Ribicoff has had a lifelong interest in the subject. The same can be said for Neil MacNeil.

Then I viewed tonight's guest list and that made me feel even more uncomfortable. There is a story that has a moral to it that I think applies to me in the situation I now find myself. It is not exactly a Boston story. It appears as though a farm boy was walking in the pasture after a very severe thunderstorm and came upon a badly battered bird.

He picked the bird up, cradled it in his hands, decided he'd have to look after it. He came upon a large pile of manure and he decided that rather than take the bird home, he'd leave the bird in the pile of manure and that would be a great place for the bird to heal and to get well. So he put him in this warm spot.

The bird eventually did heal, did get well, and felt so good about it that he began to sing and sing. And a hawk flying up above, circling around, heard him sing, swooped down, picked him up, carried him off, and ate him.

Now, the moral of that story is that it may be your friends and not your enemies who put you there, and it may be your enemies and not your friends who will take you out of there, but while you are there keep your damn mouth shut.

The paper that I wrote doesn't deal with specific proposals for congressional reform. It is more of an attempt to step back and look at the way we view Congress, to provide a perspective on congressional reform. The puzzle presented in the title that Mr. Donovan read is the great disparity between our favorable judgment of our Representatives and Senators individually and our unfavorable judgment of the Congress collectively.

We re-elect our incumbents with regularity, while at the same time we hold meetings like this one to register our discontent with the institution. I spent the fall alternately reading the Nader group's blast at the Congress and visiting 10 congressional districts where I listened to a variety of Congressmen described invariably as "The best Congressman in the United States." We love our Congressmen, but not our Congress. How come?

Three parts of an answer occur to me. First, we apply different and quite independent standards of judgment. We judge our legislators individually according to their representativeness, their personal style and policy views. We judge our legislature collectively according to its success in solving national problems. And it is much easier to be a good representative than to solve national problems. Besides, the standards we set for Congress are more difficult to meet because we do not know what kind of Congress we want.

Take congressional-Executive relations. In the early and mid-60s we wanted Congress to cooperate and to help pass the Kennedy-Johnson programs. In the late-60s and early-70s we wanted Congress to counterbalance Executive power and to assert its independence. Until we know what we want we aren't likely to be happy with what we get.

A second partial answer to the puzzle lies in the fact that our Representatives in Congress spend so much more of their own time and energy wooing us as individuals than they do soliciting praise for the institution. Their primary concerns are individual, not institutional. Their first concern is, and I think it should be, re-election. But their efforts at winning re-election are highly individualistic efforts.

What is more, in courting favorable judgments about themselves, they simultaneously encourage us to think unfavorably about the institution. For they, at least the 10 or so with whom I traveled, portray themselves as the gallant fighters against the manifest evils of Congress. Thus, they run for Congress by running against Congress. And since most of our education about Congress comes from our Congressmen, it is small wonder that we hold a puzzling pair of judgments.

A third part of the answer is that Congress is such a complex institution internally that we have difficulty understanding it from the outside. Especially, I would argue, we do not understand the degree to which, or the ways in which, the individual Senator or Representative influences the performance of the Congress. If we knew more about this individual-institution relationship, our judgment on the Congressmen might be a little more discriminating, our judgment on the Congress might be a little less simplistic, and our strategy of congressional reform might be a little different.

Take the committee system, the bulwark of the institution, for example, and see how the desires or the goals of the individual members have shaped it. For one thing, the very decentralization and fragmentation of the committee system is the organizational form most congenial to a group of independently elected legislators, each of whom has an equal claim to internal influence, and each of whom wants the resources to press that claim. For another thing, the committee system differs as between the Senate and the House because a committee assignment is much more important to the career of the individual Representative than it is to the career of the individual Senator who has, it seems to me, more varied sources of influence available.

Still further, looking only at the House, committee performance varies widely depending on just what it is that their members want from their committee service. Where most of the committee members want power and prestige, for example, their committee will tend to become expert, independent of the Executive Branch, and influential. Ways and Means, and Appropriations are committees of this type.

But where most of a committee's members want to pursue some nationally controversial policy interest, that committee will tend to be less expert, less independent, less influential, but more responsive to outside groups, such as the Executive Branch, which share their policy interests. Education and Labor, and Foreign Affairs are committees of this type.

If committees are very different from one another, as I think they are, it might just be that an effective strategy of reform would be somewhat more retail and less wholesale than the one we normally employ. Attacks on the senority rule, for example, are typically wholesale attacks that only serve to divert our attention from the great diversity among committees, committee chairmen, committee staffs, and committee members.

So committees differ and to a large degree because the desires of their individual members differ. They are not equally, if at all, "broken branches." If we want a cooperative Congress, the more responsive, less influential type of committee may serve us best. If we want a counter-balancing Congress, the more influential but less responsive committee may serve us best.

We would certainly understand Congress better and we might prescribe for it more effectively if we looked at the way each committee is run, at the relationships between each chairman and his members, and at the way members get sorted onto each committee in the first place. And we would understand Congress better if we stopped letting our broadsides against the seniority rule pass for good institutional analysis. They are not. The seniority rule is not a very important thing if what we want to understand is institutional performance.

Which brings us back to our starting point. If we want to understand and, I suggest, improve the institution, we shall have to do it chamber by chamber, party by party, committee by committee, chairman by chairman, and member by member. Obviously that is not easy. The mass media can help on the first four levels by foregoing wholesale "broken branch" type attacks for retail committee-by-committee analysis, and by foregoing wholesale attacks on the seniority rule for retail chairman-by-chairman analysis.

We as citizens can be most effective by working on the individudal member, forcing him or her to think more institutionally, holding him more responsible for the performance of the institution, of his chamber, his party, his committee, and his chairman, than we do now. More than we realize we get the kinds of Congress our Congressmen want; and the more we understand and act on that assumption, the more our original puzzle may get resolved by itself.

Mr. DONOVAN. Thank you very much, Dr. Fenno. The next member of our panel is Charles Mathias of Maryland, a Republican who served four terms as a Congressman and is now in his fourth year as a Senator. The Washington *Post* recently quoted another Senator as saying that on those quickie votes on amendments where you waltz out on the floor, the first things you ask are what is it and whose is it; and if it is Mathias' that's worth about ten extra votes. Well, for a first-term Senator of the minority party, that's quite a testimonial.

Senator Mathias is such an independent Republican that Averell Harriman is said to have invited him to switch parties, reminding him that he, Harriman, had changed parties a while back—in 1929. I don't know whether Senator Mathias gave him a definite answer or is reserving judgment.

Senator Mathias has recently written that Congress is becoming in many respects an impotent and antiquated institution. Only last week in Washington he began hearings along with Senator Adlai Stevenson to try to do something about that state of affairs; and we are very pleased to have him here tonight, Senator Mathias.

HOW THE PRESIDENT REWARDS THE HANDICAPPED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. RYAN) is recognized for 5 minutes.

Mr. RYAN. Mr. Speaker, tomorrow morning, at 10:30 a.m., the President will single one person out of many in the Federal Government who most typifies the tremendous physical and mental effort necessary to overcome a handicap and to work, as a peer, with those who are whole. I am referring to the Federal policy of giving the Outstanding Handicapped Federal Employee of the Year award, which will be given by the President's daughter, tomorrow at the Department of Commerce Auditorium.

I share with my colleagues and millions of other Americans both joy and pride in seeing a handicapped American being recognized for the work he, or she, has done. And I am certain that this honor serves as an inspiration to those handicapped who have yet to find themselves; those who either by birth or by accident have been deprived of one or another physical or mental ability, and who, in pain and frustration must begin the effort to recover or develop that lost activity.

I do not wish to deminish the moment of pleasure that the recipient will have from winning this award; nor do I wish to dilute or to interfere with the inspiration that this award will mean to the thousands of handicapped Americans who still face this test. But the glimmer of this award is not bright and clear. It is cloudy. It is tainted.

It is the coincidence of which novelists, playwrights, and poets create their dramas when we find that on an early spring afternoon in Washington the President himself turns loose his White House strongmen to push, to bully, to cajole Senators to uphold his veto of a bill which would encourage the handicapped, the crippled, the blind, the paraplegics to be brave, to overcome their physical pain, their emotional needs, and become self-supporting. Two days later, on another early afternoon in spring, the President sends his lovely daughter to give an award to a Federal employee who has accomplished as an individual, what the bill hopes to do for millions of other unfortunate people in our country.

To push the Senators into changing their votes of 86 to 2 in support of the bill on February 28, he sends his strongmen. To recognize the efforts of a single individual citizen, he sends his young daughter.

So the administration will smile and hand out its award. Flashbulbs will pop and thousands of press releases will go out telling of the wonderful things the handicapped are capable of; of the vital role they play in giving hope and inspiration to those who are still restricted to the bottom of a wheelchair; or to a bed, or to a bare room. Where were the administration press releases and photographs when it intervened in the congressional effort to override the President's veto of the Vocational Rehabilitation Act of 1973?

Twenty-four hours ago and 24 hours before the award is to be given for the Outstanding Handicapped Employee of the Year, that same body could only muster 60 votes to override the President's veto. It befuddles my mind to try and imagine the explanation those 26 Members are trying to find to justify their switch. I do not envy them that job.

For in effect, they are saying to the handicapped: "You are on your own. If you make it, we will give you a plaque; if you do not, well, sorry—expect no help from your country."

That is the tarnish in tomorrow's award ceremony. And that is the tarnish not only on this administration, but on this Congress. Hope still shines for the Defense Department for one, in fact, it is $5 billion brighter here. But for the handicapped American, that hope is gone.

Perhaps, though, the Vocational and Rehabilitation Act of 1973 is a dole, a handout. Hardly. This bill was and is designed to encourage helpless people to train themselves to hold jobs—to be able to support themselves by learning to overcome their handicaps.

The vocational potential of an estimated 7 to 12 million handicapped individuals is at stake. With the adoption of this bill, only 2 million of those persons would have been helped. The bill as passed by the House and Senate was far from adequate in terms of helping all those afflicted with a handicap. But in keeping within our budget guidelines, and in an effort to assist the President in his effort to curb spending, we compromised to reach the level of assistance which we felt would not be inflationary.

The costs of assisting the handicapped are obviously high. But as our majority leader, Mr. O'NEILL so clearly pointed out on March 28, the earning of more than a quarter of a million handicapped persons who were rehabilitated amounted to $1 billion. Their taxes brought an estimated $58 million to various Federal, State, and local treasuries. Another $33 million was saved in 1972 by removal of many rehabilitated persons from the public payrolls.

Both Houses of Congress agree with the President with regard to the Federal budget. We must eradicate those programs which are bulging with bureaucratic fat. But how can we justify the destruction of a program which helps people learn to help themselves? Why must the people of this country see the services which help those who have no opportunity sacrificed? So we can send an armada of bombers to Cambodia? I think not.

It is time that we started to care about ourselves. It is time to husband our resources and reorder our priorities. I do not think I am alone in wanting to help Americans with American tax dollars. And I do not think it is wrong to invest some of our hard-earned dollars to help the handicapped. But the clenched fist of the President is clearly visible in the Senate's partisan showing yesterday; and if his slap on the face does not show on the cheeks of our handicapped Americans today, it certainly has left an indelible mark in their minds.

Mr. Speaker, I am confident that the Congress will not let this issue die. To the recipient of the Outstanding Handicapped Federal Employee of the Year award, I add my congratulations to those of the President's daughter and many others. I hope we will not let him be the last handicapped person to reach such a plateau.

IMPOUNDMENT: A PRACTICAL SOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman form California (Mr. DANIELSON) is recognized for 10 minutes.

Mr. DANIELSON. Mr. Speaker, today I testified before the Rules Committee concerning the problem of impoundment of funds by the executive department.

I believe that my approach to the impoundment problem would avoid the pitfalls of legislation which the committee is now studying, and would effectively return the power of formulating national policy to the Congress, where it rightfully belongs.

I am inserting at this point in the

Record my statement, which describes my plan in detail:

Impoundment of Funds by the Executive

(Statement of Hon. George E. Danielson)

Mr. Chairman, and Members of the Rules Committee, I wish to thank you for this opportunity to appear before you and express my thoughts and opinions on the important subject of impoundment by the Executive Branch of funds which heretofore have been appropriated by the laws of the land for the purpose of carrying out our national policies.

At the outset I wish to inform you that I am a cosponsor of one of the pending anti-impoundment bills, H.R. 1873, by Representative Sarbanes, Pickle and others, a bill which is similar in its provisions to S. 373, by Senator Ervin. Although I am a cosponsor of that bill, I have grave misgivings that neither it nor any of the other general anti-impoundment bills would be the correct solution, or even an effective solution, to the impoundment problem.

Based upon such study as I have been able to do, I am convinced that the Executive has no inherent power—no right—to impound or withhold funds which have been appropriated by law. It is my opinion that the Executive has no right of impoundment whatever, except that which has been delegated to him by Act of Congress which the Executive has signed into law. And the only law which the Executive Department has cited as authority for the impoundments which concern us—or for placing those funds "in reserve"—as he prefers to call it, is the Anti-deficiency Act (31 U.S.C. 655). I am sure that all of the members of this Committee are familiar with that Act and I shall not comment on it here except to state that, in my opinion, it does not support or justify the type of impoundment which is producing this constitutional confrontation between the Congress and the Executive. As Mr. Justice Rehnquist said, when he was Assistant Attorney General, in 1969, "Existence of such a broad power is supported neither by reason nor precedent." Yet the Executive has referred to the Anti-deficiency Act as the authority for a substantial amount of his impoundments. (Report of Roy L. Ash, Director, Office of Management and Budget, Feb. 5, 1973, 38 C.F.R. #24, Part IV).

This clearly illustrates one of the reasons why I have misgivings concerning the enactment of any law which even implicitly grants the power of impoundment to the Executive. As time goes by such laws, —such delegations of power, —tend to be stretched and expanded to justify activities far beyond their original purpose. History shows us that once a power is granted it is rarely, if ever, regained. When a power is delegated by law, it would take a second law to repeal the first law, and the passage of the second law requires the approval and signature of the Executive, or passage over his veto. I submit that we would be endangering the trust placed in us by the American people if we were to grant the power of impoundment (and thereby delegate away the power of formulating national policy), and place it beyond our ability to retrieve.

I submit and suggest that if any impoundment bill is reported out by this Committee the very least we must do is insist that it contain specific language to provide that it will expire, by its own terms, within a short period of time. Better yet, no such bill at all!

Earlier I stated that I have grave misgivings that none of the anti-impoundment bills would be the correct or an effective solution to the impoundment problem. Let's examine some of the possibilities, remembering first of all that the funds of which we speak have already been appropriated by Acts of Congress, which have either been approved and signed into law by the President, or passed over his veto. They are the law of the land, and, as we all know, the Constitution provides, in so many words, that the President ". . . shall take care that the laws be faithfully executed."

Suppose we pass one of the anti-impoundment laws. Will the President veto it? If he does, will we pass it over his veto? and if we do, will he still impound,—and what do we do then?

Suppose we pass such an Act, and the President signs it, and it becomes the law of the land. He will then almost certainly increase his impoundment, because he will then have apparent authority to do so which far exceeds his authority under the present Anti-deficiency Act. Suppose he does then impound, and Congress passes a resolution saying, "No, we disapprove!" Will he continue to impound? If he does, what do we do then?

I respectfully submit that there is only one effective way to solve the impoundment problem, and that is to make it impossible to impound, without the prior consent of the Congress. So long as the Executive has the option to impound, selectively, whichever funds he chooses to impound, and has an effective means of doing so, he will continue to do so. And by doing so, and continuing his practice to its logical conclusion, he will become the sole policy maker of our country because by cutting off, providing, or otherwise controlling the flow of funds for those laws which require funds for their implementation, he can and will nullify, modify or carry out national policies in the manner that most suits his own desires.

I submit that the most effective way to make it impossible for the President to impound without the prior consent of the Congress, is by relating appropriations together, by inter-locking them so that the obligation, expenditure or apportionment of one appropriation requires the proportional obligation, expenditure, or apportionment of another appropriation—or others.

Article I, Section 9, Clause 7, of the Constitution provides that "No money shall be drawn from the Treasury but in consequence of appropriations made by law; . . ." The Congress has, by law, provided for carrying the foregoing Constitutional provision into execution, and has directed that all warrants for the disbursement of money from the Treasury be first duly audited and settled and certified by the General Accounting Office and that disbursements shall not be made upon such warrants, *and not otherwise*.

What we need to do is to draft and interrelate our appropriation bills in such a manner that funds cannot be obligated, expended, or apportioned for the implementation of one government policy unless funds are likewise obligated, expended or apportioned for the funding of other government policies. The effect of this would be to prevent the Executive from practicing a selective, cafeteria-style, supplying or withholding of the funds needed to carry out the various activities of our national policy.

At this point I set forth an example of a paragraph which could be included in some, or all, of our appropriation bills in order to achieve the above purpose.

Sec. —. Unless the Congress shall provide otherwise in language expressly made applicable to this section, at any time during the fiscal year 1974, the amount obligated or expended under this Act for any program or activity, expressed as a percentage of the amount appropriated by this Act for the purposes of such program or activity, shall be not more than (—16—) percentage points greater than the amount obligated or expended at that time during such fiscal year for any other program or activity authorized by Act of Congress, expressed as a percentage of the amount appropriated by the Congress for purposes of such other program or activity for the fiscal year 1974.

Under present practices the Executive can, selectively and at will, provide or withhold (impound) the funding of individual national programs, thus, for practical purposes, he can decide which policies will be implemented, and which will not be implemented, and to what extent. Under my suggested language, so long as he uses public monies for some of our programs, he must provide pro-rata funding for all of them, or request a variance from the Congress.

What I would seek to do by this concept is to provide a coherent and orderly interrelationship in the obligation and expenditure of funds appropriated by the several different appropriation bills.

The use of the foregoing concept would not bring about reckless spending, on the contrary, it would both permit and promote economy. I'm sure that we all agree that government spending should be reduced, that savings should be realized, wherever possible.

This language would also promote greater co-operation and harmony between the legislative and executive branches. Whenever the Executive, in the management of the government's business, would determine that money could be saved, all he would have to do is notify the Congress and by resolution the Congress could provide for an appropriate change in the rate of expenditure—or could terminate it altogether. The Congress and the Executive, working together, could economize where an immediate need is removed, or could accelerate expenditure where a need is increased. Changing needs, based on changing circumstances, could be quickly accommodated.

Please note, also, that a reasonable amount of flexibility can be written into the language at the outset in order to fit the anticipated differing needs of the different appropriations.

I submit the foregoing for your consideration as an effective solution to the impoundment problem, and again urge that this Committee exercise the greatest care before reporting a general anti-impoundment bill, so that it cannot be construed as a further delegation of an asserted power to impound.

MARK YAMPOLSKY: MAN OF COURAGE

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Podell) is recognized for 10 minutes.

Mr. **PODELL**. Mr. Speaker, in the last week, a most courageous act has been taking place downtown on 16th Street. Mark Yampolsky, a recent Jewish emigre from the Soviet Union, has been conducting a hunger strike across the street from the Soviet Embassy to protest the refusal of the Soviet authorities to give members of his family permission to emigrate.

Mark is a jazz drummer. He and his wife were given permission last year to emigrate to Israel, and they were here in the United States on a tour to inform people of what conditions are like in Russia for Jews seeking their freedom. Mark's courage was first demonstrated when he sought permission to emigrate from the Soviet Union. He managed to survive the harassment and humiliation which are the routine lot in life for all Jews trying to leave Russia. He and his wife prevailed, but many members of his wife's family were left behind. They were denied permission for no apparent reason.

What touched off Mark Yampolsky's hunger strike was a death. His wife's grandfather passed away in Switzerland while waiting for his family to join them. When the grandfather learned that his family had been absolutely denied permission to emigrate, and that they had been barred from reapplying for permission for a full year, it was more than he could bear at his age. He died, and Mark began his hunger strike as a way of making sure that his wife's grandfather would be heard in death as he was not in life.

The death of one man and the protest of another are not ordinarily events of great note. But this is not an ordinary situation. The grandfather's death and Mark's hunger strike illustrate the importance of our continued support for Russian Jews in their struggle to be free.

It was not easy for Mark to conduct his protest. He suffers from severe ulcers and living only on fruit juices and water has greatly aggravated his condition. He is separated from his wife now: she is in London conducting a similar hunger strike at the Russian embassy there. People always wonder about the sanity of those who choose to express their protest in so uncomfortable a manner. They are regarded as visionaries at best, and as bordering on the verge of madness at the worst.

But Mark Yampolsky is neither a visionary nor a madman. He has seen that protest can work. It was the concerted protests of concerned Americans and the determined actions of this Congress which made it possible for Mark to leave Russia. The quiet determination of the Jews still in Russia, refusing to be intimidated, continuing to demand their freedom, will also bring results, albeit very slowly. But the courage demonstrated by Mark and his brethren still in the Soviet Union should not go unsupported by this body.

I commend Mark Yampolsky on his bravery in speaking out against Russian oppression, knowing the repercussions this may have on the family he left behind. I salute him for his strength in his hunger strike. I offer him my condolences and sympathy on the death of his wife's grandfather. Finally, I offer him my full commitment to the cause of freedom for Soviet Jewry.

VISIT OF PRESIDENT THIEU

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. SEIBERLING) is recognized for 15 minutes.

Mr. SEIBERLING. Mr. Speaker, I read with some dismay in this morning's paper that on Friday of this week it is planned that President Thieu of South Vietnam will be in Washington where he will confer with "congressional leaders." If it was a mistake, and I believe it was, for the President to invite President Thieu to come to this country at this time to confer with him, it seems to me it may be equally a mistake for congressional leaders to entertain President Thieu here either formally or informally, if in fact we do not intend to become militarily reinvolved in Indochina.

When President Johnson embraced Premier Ky in Hawaii in 1966, President Johnson, in the eyes of the world committed this Nation to backing Premier Ky's regime. By doing the same thing for President Thieu at this juncture, it seems to me that President Nixon is, in the eyes of the world, announcing his continued support for the Thieu regime.

When to this is coupled also the fact that in today's paper we read that 60 B–52 bombers have carried out massive bombing attacks in populous areas of Cambodia, without any congressional authority for the part of the President to conduct that kind of operation, without even the excuse that he is doing it to protect our soldiers in Vietnam or to get our prisoners of war back, since they are all back, it does seem to me this is a very disquieting state of affairs.

Also, in this morning's paper was another tragic account by another one of our prisoners of war of the privation and the mental and physical torture that he and other Americans were subjected to, this one a medical officer who first was held by the Vietcong or North Vietnamese in South Vietnam and later was taken to North Vietnam. He said that even though he was imprisoned in North Vietnam it was a relief compared to the terrible circumstances under which he was forced to live in South Vietnam as a prisoner of the Vietcong or North Vietnamese. The American people are rightly indignant over such treatment, violating as it does, ordinary decency as well as international law.

But, before we proclaim our shock and indignation to the world over the terrible treatment accorded to American prisoners of war by the North Vietnamese and the Vietcong, I think we better ask ourselves whether we are meeting our responsibilities for stopping similar and even worse barbarities being inflicted by the Government we are supporting in South Vietnam.

A New York Times article printed on March 3 stated:

> A group of recently released political prisoners, reportedly spirited into Saigon secretly, described today how they were beaten, tortured and ultimately crippled during years of confinement at the government island prison on Con Son.

Further it says:

> According to the former prisoners, they had each spent about five years in custody without being tried or granted a hearing.

It goes on:

> One who said he was neither a Communist nor a supporter of the front was a slightly built, round-faced man aged 23 who described himself as a Buddhist activist. . . .
>
> He said he was picked up by the police along with friends who, like him, had been active in what he called the anti-Government "Buddhist struggle movement."
>
> Asserting that he was unable to walk as a result of his treatment while in custody, he related that after his arrest he was taken to the national police headquarters in Saigon and "beaten and tortured on and off for a whole year."
>
> He described the torture as being beaten with sticks "until I vomited blood or until the blood came out of my eyes or ears," having soapy water forced into his nose and mouth, and being subjected to electric shock.
>
> His torturers accused him of participating in anti-Government activities, he added, and "said they tortured us to punish us."
>
> Another form of torture employed by the police, the young man said, was to manacle prisoners' hands behind their backs, then hang them from the ceiling by the manacles until they lost consciousness.

It sounds very much like the same type of torture that was inflicted upon our own POW's in North Vietnam in certain instances.

> After a year in custody in Saigon, he said, he was taken to the Chi Hoa Prison in Saigon and installed in what was known as "the movie house" because it was "like a big box and it was dark like a movie theater."
>
> "There they chained our feet and attached the chains to a pole," he continued. "There were between 50 and 100 prisoners. We had nothing to lie on, and it was filthy and dirty and cold. Every day they would open the door and send in a bunch of common criminals who would beat us with sticks and kick us."
>
> Describing life in the tiger cages, the young man said that several prisoners died but he could identify only one by name.

This sounds almost parallel to the treatment inflicted on one of our own POW's as described in today's Washington Post.

> A week after the Congressmen went to Con Son, he said, the inmates were put in what he called the stables—a row of structures that had housed water buffalo.
>
> "During the time we were kept in the stables they continued to beat us viciously," he said. "One of my friends, Tran Van Tu, suffered a broken arm. Another man, Nguyen Ngo Thuong, was ferociously beaten on the head."
>
> In December, 1970, the former prisoner related, he and about 80 other sick and disabled prisoners were flown back to Chi Hoa. "I guess I was going crazy at that time," he added, saying that he was also paralyzed.
>
> He remained in Chi Hoa until June, 1971. The treatment there was better at that time, he said, though "once in a while they would beat us just a little."
>
> In June, 1971, he and others at Chi Hoa were informed that they were being returned to Con Son.
>
> "We tried to resist," he said, "saying we were still sick and needed more time to recover. We told them many of us still could not walk and many were still very sick."
>
> But, according to his account, the jailers responded by bringing in the policemen and common criminals who threw tear-gas grenades into the cells. "We all choked and lost consciousness," he said.
>
> They were put on a ship to Con Son. By then the old tiger cages had been replaced by new ones built by an American contractor and paid for by the United States.

Digressing a little, last October the Government Operations Committee of the House of Representatives in an official report stated that $400,000 in AID money was going to an American contractor to build new tiger cages at Con Son.

> The former prisoner said that while the cages were about the same size as the old ones, each cage housed only one person. As a result, he added, "the jailers would not beat us from above but would open the steel bars, jump in and beat us.
>
> ### DIET: RICE AND WATER
>
> Throughout 1972 and in the first two months of this year, he said, his daily food ration consisted of "a few spoonsful of rice and a little water."

> The most recent beating took place last Jan. 6 in Row A and B of the tiger cages," he said. "About 70 prisoners were seriously injured then." He explained that the beatings occurred "because we asked for more food and more water."

I will not read on. We could duplicate this story many times from what has appeared in the press and in the CONGRESSIONAL RECORD. If congressional leaders do meet with President Thieu later this week, then I would like to suggest that they ask him a few questions.

The most important question is whether he is going to see that this type of atrocious behavior by his government which derives a crucial amount of financial support from the United States of America—including AID money specifically earmarked for South Vietnamese police and prisons is going to come to an end.

And if so, when?

And if so, whether representatives of the General Accounting Office will be entitled to go and inspect any prison in South Vietnam to make sure that these commitments are being carried out?

If he is unable to give a clear-cut and explicit answer on that score, then I would suggest that our congressional leaders consider what action they are going to recommend, such as cutting off further aid to the Government of South Vietnam until it cleans up this abominable situation or else provides some basis for justifying the continuation of that aid.

I would hope that our congressional leaders after they meet with President Thieu would also make an official statement to this body as to whether or not they asked such questions of him and what his responses were.

NATIONAL INSTITUTE OF HEALTH CARE DELIVERY

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, I am introducing today for consideration by the House of Representatives a bill to establish the National Institute of Health Care Delivery. The Institute may well be to the delivery of medical care to those who need it what mass production was to American industry. It will make it possible for every American to have available and usable the medical services he needs in everyday life.

I am confident that this session of Congress will mark the beginning of great new advances in the American health system and that problems long neglected will begin to be resolved.

Television programs depicting superhuman doctors and newspaper headlines describing real life miracle operations ranging from organ transplants to open heart surgery have created a distorted impression as to the state of health care in America.

While research and modern techniques have created tremendous possibilities in medical care much of the Nation continues to suffer from inadequate treatment and attention. The attention that the public does receive is often at an exorbitant price. The price is not exorbitant in terms of the human lives saved but in terms of the lives which are inevitably lost because society cannot afford those prices on a mass scale.

The real lesson in TV shows and headlines is the fantastic potential of the American health system. The U.S. Government through its financial support has helped to achieve incomparable advances in the field of medicine. Since World War II we have lavished over $20 billion on biochemical research. Our achievements are the most spectacular the world has ever seen and are unparalleled by other nations. These achievements were accomplished by the sacrifice of resources worthy of such a goal.

But we seem to be in the position of a master chef who can create gourmet dishes for a few hundred people and is placed in charge of food distribution for a nation. The same effort which America has until now lavished on research must be extended to the delivery of health care to all the people. I do not deprecate research; I feel it should be increased. But for too long the bread and butter programs in the health field have been neglected.

The problems with our health care system are numerous. Costs are increasing at a much faster pace than is the general cost of living. Many areas of the country are desperately short of doctors. Millions of Americans do not have access to adequate medical facilities.

The health industry is already enormous, consuming more than $75 billion a year and it will continue to grow. A rational efficient approach is a necessity.

This bill will establish a National Institute To Improve Health Care Delivery and to speed the delivery of the benefits of medical research to the people.

The institute will be a separate agency under the Department of Health, Education, and Welfare of a size and importance in keeping with its great responsibilities. One of these responsibilities will be the development of health care policy on a national level. For too long we have lacked such an overall policy.

HOW ABOUT A BREAK FOR THE TENANTS?

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, the last few years have made people aware of the inequities built into the Federal income tax system. A cry has gone up that the system is weighted to give the most to those who have the most. Without examining every aspect of the income tax system, I would have to say that in a few areas this is certainly true. One of those areas is the deduction of expenses for dwellings.

We all know that homeowners are allowed to deduct the amount of his property tax and the interest that he pays on his mortgage. The owner of a cooperative apartment can deduct the amount of his monthly maintenance charge which represents the interest on his mortgage and the property taxes on his building. But the apartment dweller gets no such tax benefit, even though the rent he pays includes property taxes and interest payments.

Frankly, I can see no rationale for this kind of tax discrimination. These tax breaks for homeowners presumably were first designed to make the burden of owning a home somewhat lighter. Why should not the burden of living in an apartment be equally lightened?

We all know that a decent apartment in a large city today is an expensive proposition. Many people are trapped in substandard dwellings because they cannot afford the higher rents that a better apartment would cost. Giving people a tax break on their apartments similar to that received by home and co-op owners could be just the thing needed to break down the ghetto walls in our cities.

But there is more to the housing crisis in New York and other large cities than can adequately be dealt with by revising the tax laws. Many people are living in apartments for which they pay far too much in rent, considering the level of services they receive from their landlords. And since the untimely end of the phase II controls, rents have begun to rise at an alarming rate. Landlords are often getting away with murder, and a simple tax deduction provision will not end the rent squeeze. For that, we need a freeze on rents.

Too often I hear of incidents in which landlords are literally gouging their tenants, charging exorbitant rents and returning nothing in the way of services. How many tenants in New York City and elsewhere have to do their own repairs or painting? How many tenants are faced with the prospect of paying unconscionable amounts each month because there is nowhere else for them to go?

To be sure, the vast majority of honest landlords should not be penalized for the few rent gougers in their midst. Thus, the freeze should be flexible to allow for reasonable increases when the landlords' maintenance costs go up without placing an undue burden on tenants.

The President has indicated that he thinks there is no economic justification for the recent sharp rises in rents. The Senate has already voted for rent controls. There is currently legislation before this body that would control rent increases, and I would like nothing better than to see this legislation enacted into law. We can no longer ignore the needs of the tenants of this country.

A combined policy of controlling rent increases and permitting tenants to deduct a portions of their annual rentals on the Federal income taxes would make eminent good sense. In a year when tax reform is an issue on everyone's mind, these are proposals which deserve our thoughtful consideration.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. Robert W. Daniel, Jr.) to revise and extend their remarks and include extraneous matter:)

Mr. Blackburn, for 5 minutes, today.

Mr. Miller, for 5 minutes, today.

Mr. Keating, for 30 minutes, today.

Mr. Hansen of Idaho, for 10 minutes, today.

(The following Members (at the request of Mr. Ryan) to revise and extend their remarks and include extraneous matter:)

Mr. Ichord, for 30 minutes, today.

Mrs. Grasso, for 15 minutes, today.

Mr. Gonzalez, for 5 minutes, today.

Mr. Burton, for 5 minutes, today.

Mr. Rangel, for 10 minutes, today.

Mr. Fraser, for 5 minutes, today.

Mr. Montgomery, for 5 minutes, today.

Mr. Burke of Massachusetts, for 15 minutes, today.

Mr. Mezvinsky, for 5 minutes, today.

Mr. McFall, for 5 minutes, today.

Mr. Ryan, for 5 minutes, today.

Mr. Danielson, for 10 minutes, today.

Mr. Podell, for 10 minutes, today.

Mr. Dent, for 5 minutes, today.

Mr. Seiberling, for 15 minutes, today.

Mr. Anderson of California, for 15 minutes, April 5.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Denholm to extend his remarks immediately following the remarks of the gentleman from Texas, Mr. Poage.

(The following Members (at the request of Mr. Robert W. Daniel, Jr.) and to include extraneous matter:)

Mr. Burke of Florida.

Mr. O'Brien in two instances.

Mr. Rinaldo in three instances.

Mr. Frenzel in four instances.

Mr. Winn.

Mr. Heinz.

Mr. Wyatt.

Mr. Keating in two instances.

Mr. McKinney.

Mr. Bell.

Mr. Forsythe.

Mr. Dellenback.

Mr. Wyman in two instances.

Mr. Steiger of Arizona.

Mr. Ruppe.

Mr. Thomson of Wisconsin.

Mr. Butler.

Mr. Huber.

Mr. Frelinghuysen.

Mr. Hunt.

Mr. Symms.

Mr. Steele.

Mr. Kemp.

Mr. Hogan in three instances.

Mr. Hudnut.

Mr. Talcott in two instances.

Mr. Hansen of Idaho.

Mr. Taylor of Missouri.

Mr. Mitchell of New York.

Mr. Cleveland.

Mr. Broyhill of Virginia.

(The following Members (at the request of Mr. Ryan) and to include extraneous matter:)

Mr. Evins of Tennessee in five instances.

Mr. Clark.

Mr. Harrington in 10 instances.

Mr. Gonzalez in three instances.

Mr. Rarick in three instances.

Mr. Howard.

Mr. Reuss in six instances.

Mr. Dan Daniel.

Miss Jordan.

Mr. Hays in two instances.

Mr. Carey of New York.

Mr. Mahon.

Mr. Reid.

Mr. Boland in two instances.

Mr. Yatron.

Mr. Minish.

Mr. Bingham in three instances.

Mr. Roe in two instances.

Mr. Long of Maryland in 10 instances.

Mr. Hawkins.

Mr. William D. Ford.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 800. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for the compensation of innocent victims of violent crime in financial stress; to make grants to the States for the payment of such compensation; to authorize an insurance program and death benefits to dependent survivors of public safety officers; to strengthen the civil remedies available to victims of racketeering activity and theft; and for other purposes; to the Committee on the Judiciary.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3577. An act to provide an extension of the interest equalization tax, and for other purposes.

ADJOURNMENT

Mr. RYAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 16 minutes p.m.) the House adjourned until tomorrow, Thursday, April 5, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

719. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend chapter 5 of title 37, United States Code, to revise the special pay structure relating to members of the uniformed services, and for other purposes; to the Committee on Armed Services.

720. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notice of the location, nature, and estimated cost of a construction project proposed to be undertaken for the Naval Reserve, pursuant to 10 U.S.C. 2233a (1); to the Committee on Armed Services.

721. A letter from the Chairman, Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, transmitting a draft of proposed legislation to increase the authorization for fiscal year 1974 for the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped; to the Committee on Government Operations.

722. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to foster fuller U.S. participation in international trade by the promotion and support of representation of U.S. interest in international voluntary standards activities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

723. A letter from the Associate Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to section 244(a)(1) of the Immigration and Nationality Act, as amended [8 U.S.C. 1254(c)(1)]; to the Committee on the Judiciary.

Received From the Comptroller General

724. A letter from the Comptroller General of the United States, transmitting a report on the need for more effective audit activities of the Office of Economic Opportunity; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BOLLING: Committee on Rules. House Resolution 340. Resolution authorizing additional investigative authority to the Committee on Interior and Insular Affairs (Rept. No. 93–105); referred to the House Calendar.

Mr. HOLIFIELD: Committee on Government Operations. Second report on the Reorganization Plan No. 1 of 1973 (Rept. No. 93–106). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of California:

H.R. 6547. A bill to provide increases in certain annuities payable under chapter 83 of title 5, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ANDREWS of North Dakota:

H.R. 6548. A bill to encourage earlier retirement by permitting Federal employees to purchase into the civil service retirement system benefits unduplicated in any other retirement system based on employment in Federal programs operated by State and local governments under Federal funding and supervision; to the Committee on Post Office and Civil Service.

By Mr. BERGLAND:

H.R. 6549. A bill to encourage earlier retirement by permitting Federal employees to purchase into the civil service retirement system benefits unduplicated in any other retirement system based on employment in Federal programs operated by State and local governments under Federal funding and supervision; to the Committee on Post Office and Civil Service.

By Mr. BIAGGI (for himself, Mr. Brown of California, Mrs. Burke of California, Mrs. Chisholm, Mr. Clark, Mr. Corman, Mr. Davis of South Carolina, Mr. Dent, Mr. Fraser, Mr. Hechler of West Virginia, Mr. Helstoski, Ms. Holtzman, Mr. Nix, Mr. Podell, and Mr. Vanik):

H.R. 6550. A bill to amend the student loan provisions of the National Defense Education Act of 1958 to provide for cancellation of student loans for service in mental hospitals and schools for the handicapped; to the Committee on Education and Labor.

By Mr. BIAGGI (for himself, Mr. Brown of California, Mrs. Burke of California, Mrs. Chisholm, Mr. Clark, Mr. Corman, Mr. Davis of South Carolina, Mr. Dent, Mr. Fraser, Mr. Hechler of West Virginia, Mr. Helstoski, Ms. Holtzman, Mr. Mazzoli, Mr. Nix, Mr. Podell, and Mr. Vanik):

H.R. 6551. A bill to pay grants to students enrolled in psychology, sociology, or social work in institutions of higher education to encourage their part-time employment and clinical training in certain hospitals for mental rehabilitation; to the Committee on Education and Labor.

By Mr. BROYHILL of Virginia:

H.R. 6552. A bill to designate certain lands in the Shenandoah National Park, Va., as wilderness; to the Committee on Interior and Insular Affairs.

H.R. 6553. A bill to amend the Civil Service Act of January 16, 1883, to eliminate the requirement of apportionment of appointments to the competitive civil service; to the Committee on Post Office and Civil Service.

By Mr. BURKE of Massachusetts (for himself and Mr. Mills of Arkansas):

H.R. 6554. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. BURKE of Massachusetts (for himself, Mr. Mills of Arkansas, Mr. O'Neill, Mr. Ullman, Mr. Boland, Mr. Carey of New York, Mr. Corman, Mr. Cotter, Mr. Donohue, Mr. Flood, Mr. Foley, Mr. Fulton, Mr. Gibbons, Mr. Karth, Mr. Landrum, Mr. Moakley, Mr. Murphy of Illinois, Mr. Rostenkowski, Mr. James V. Stanton, Mr. Studds, Mr. Tiernan, Mr. Vanik, Mr. Waggonner, and Mr. Wolff):

H.R. 6555. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income interest on certain special deposits of prisoners of war and other members of the Armed Forces in a missing status during the Vietnam conflict; to the Committee on Ways and Means.

By Mr. COLLINS (for himself and Mr. Shuster):

H.R. 6556. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. DENT (for himself, Mr. Carney of Ohio, Mr. Cronin, Mr. Studds, Mr. Owens, Mr. Helstoski, Mr. Rosenthal, Mr. Young of Alaska, Mr. Fraser, Mr. Leggett, Ms. Holtzman, Mr. Holifield, Mr. Seiberling, Mr. Stokes, Mr. Roe, Mrs. Grasso, Mr. Rangel, Mr. Adams, Mr. Bingham, Mr. Roy, and Mr. McCormack):

H.R. 6557. A bill to improve education by increasing the freedom of the Nation's teachers to change employment across State lines without substantial loss of retirement benefits through establishment of a Federal-State program; to the Committee on Education and Labor.

By Mr. DENT (for himself, Mr. Yatron, Mr. Powell of Ohio, Mr. Harrington, Mr. Won Pat, Mr. Brasco, Mr. Podell, Mr. Moss, Mr. Hanna, Mr. Clay, Mr. Murphy of Illinois, Mr. Annunzio, Mr. Mollohan, Mr. Price of Illinois, Mr. Meeds, Mrs. Hansen of Washington, Mr. Roybal, Mr. Bevill, Mr. William D. Ford, Mr. Rees, and Mr. Riegle):

H.R. 6558. A bill to amend section 210 of increasing the freedom of the Nation's teachers to change employment across State lines without substantial loss of retirement benefits through establishment of a Federal-State program; to the Committee on Education and Labor.

By Mr. DICKINSON:

H.R. 6559. A bill to amend section 210 of the Flood Control Act of 1968; to the Committee on Public Works.

By Mr. ERLENBORN (for himself, Mr. McCollister, and Mr. Frenzel):

H.R. 6560. A bill to amend the Freedom of Information Act to require that all information be made available to Congress except where Executive privilege is invoked; to the Committee on Government Operations.

By Mr. EVANS of Colorado (for himself, Mr. O'Neill, Mr. Hechler of West Virginia, Mr. Harrington, Mr. Vigorito, Mr. Hanley, Mr. Won Pat, Mr. Fauntroy, Mr. Sisk, Mr. Mollohan, Mr. Mitchell of Maryland, Mr. Moss, Mr. de Lugo, Mr. White, Mr. Sarbanes, Mr. Moakley, Mr. Leggett, Mr. Smith of Iowa, Mr. Eckhardt, Mr. Melcher, Mr. Stokes, Ms. Abzug, Mr. Henderson, Mr. Green of Pennsylvania and Mr. Rooney of Pennsylvania):

H.R. 6561. A bill to require the Secretary of Agriculture to carry out all rural housing programs of the Farmers Home Administration; to the Committee on Banking and Currency.

By Mr. FRENZEL:

H.R. 6562. A bill to amend sections 112, 692, 6013, and 7508 of the Internal Revenue Code of 1954 for the relief of certain members of the Armed Forces of the United States returning from the Vietnam conflict combat zone, and for other purposes; to the Committee on Ways and Means.

By Mr. GROSS:

H.R. 6563. A bill to provide equity in the feed grain set aside program by allowing participants in plan B to switch to plan A; to the Committee on Agriculture.

By Mr. GROVER:

H.R. 6564. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. GUNTER:

H.R. 6565. A bill to improve and implement procedures for fiscal controls in the U.S. Government, and for other purposes; to the Committee on Rules.

By Mr. HAWKINS (for himself, Mrs. Chisholm, Mr. Conyers, Mr. Aspin, Mr. Brown of California, Mr. Burton, Mr. Badillo, Mr. Diggs, Mr. Dent, Mr. de Lugo, Mr. Edwards of California, Mr. William D. Ford, Mr. Green of Pennsylvania, Mr. Hanna, Mr. Harrington, Mr. Helstoski, Mr. Lehman, Mr. Moakley, Mr. Moss, Mr. Nix, Mr. O'Neill, Mr. Price of Illinois, Mr. Podell, Mr. Rees, and Mr. Reid):

H.R. 6566. A bill to amend the Economic Opportunity Act of 1964 to require that any plans to reorganize the Office of Economic Opportunity be transmitted to Congress pursuant to the Executive Reorganization Act, and for other purposes; to the Committee on Education and Labor.

By Mr. HAWKINS (for himself, Mr. Rodino, Mr. Rangel, Mr. Rosenthal, Mr. Roybal, Mr. Sarbanes, Mr. Sisk, Mr. Tiernan, and Mr. Charles H. Wilson of California):

H.R. 6567. A bill to amend the Economic Opportunity Act of 1964 to require that any plans to reorganize the Office of Economic Opportunity be transmitted to Congress pursuant to the Executive Reorganization Act, and for other purposes; to the Committee on Education and Labor.

By Mr. KEATING:

H.R. 6568. A bill to provide parking for tourists to the Capitol of the United States; to the Committee on Public Works.

H.R. 6569. A bill to regulate the provisions of parking to certain officers and employees of the Federal Government; to the Committee on Public Works.

By Mr. KOCH (for himself, Ms. Abzug, Mr. Badillo, Mr. Conyers, Mr. Edwards of California, Mr. Harrington, Mr. Podell and Mr. Rangel):

H.R. 6570. A bill to amend certain provisions of the Controlled Substances Act relating to marihuana; to the Committee on Interstate and Foreign Commerce.

By Mr. LATTA:

H.R. 6571. A bill to expand the National Flood Insurance Program by substantially increasing limits of coverage and total amount of insurance authorized to be outstanding and by requiring known flood-prone communities to participate in the program, and for other purposes; to the Committee on Banking and Currency.

By Mr MATSUNAGA (for himself and Mr. Dulski):

H.R. 6572. A bill to authorize the Secretary of the Navy to construct and provide shoreside facilities for the education and convenience of visitors to the United States Ship Arizona Memorial at Pearl Harbor and to transfer responsibility for their operation and maintenance to the National Park Service; to the Committee on Armed Services.

By Mr. MAYNE:

H.R. 6573. A bill to amend section 2254 of title 28, United States Code, with respect to Federal habeas corpus; to the Committee on the Judiciary.

By Mr. MONTGOMERY (for himself, Mr. Dorn, Mr. Hammerschmidt, Mr. Teague of Texas, Mr. Haley, Mr. Dulski, Mr. Roberts, Mr. Helstoski, Mr. Carney of Ohio, Mr. Danielson, Mrs. Grasso, Mr. Wolff, Mr. Brinkley, Mr. Charles Wilson of Texas, Mr. Saylor, Mr. Wylie, Mr. Hillis, Mr. Maraziti, Mr. Abdnor, Mr. Huber, and Mr. Walsh):

H.R. 6574. A bill to amend title 38, United States Codes, to encourage persons to join and remain in the Reserves and National Guard by providing full-time coverage under Servicemen's Group Life Insurance for such members and certain members of the Retired Reserve, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MORGAN:

H.R. 6575. A bill to amend certain provisions of Federal law relating to explosives; to the Committee on the Judiciary.

By Mr. MOSS (for himself, Mr. McFall, Mr. Leggett, and Mr. Johnson of California):

H.R. 6576. A bill to authorize the Secretary of the Interior to engage in feasibility investigation of certain potential water resource developments; to the Committee on Interior and Insular Affairs.

By Mr. NEDZI:

H.R. 6577. A bill to create a national system of health security; to the Committee on Ways and Means.

By Mr. NIX:

H.R. 6578. A bill to require the Secretary of Agriculture to carry out all rural housing programs of the Farmers Home Administration; to the Committee on Banking and Currency.

H.R. 6579. A bill to extend through fiscal year 1974 the expiring appropriations authorizations in the Public Health Service Act, the Community Mental Health Centers Act, and the Developmental Disabilities Services and Facilities Construction Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 6580. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. O'HARA (for himself, Mr. Dellenback, Mr. Conte, and Mr. Rosenthal):

H.R. 6581. A bill to amend the Higher Education Act of 1965 to protect the freedom of student-athletes and their coaches to participate as representatives of the United States in amateur international athletic events, and for other purposes; to the Committee on Education and Labor.

By Mr. PODELL:

H.R. 6582. A bill to establish a National Institute of Health Care Delivery, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. REID:

H.R. 6583. A bill to amend the Public Health Service Act to establish a national program of health research fellowships and traineeships to assure the continued excellence of biomedical research in the United States, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SLACK:

H.R. 6584. A bill to amend the Internal Revenue Code of 1954 to extend certain transitional rules for allowing a charitable contribution deduction for purposes of the estate tax in the case of certain charitable remainder trusts; to the Committee on Ways and Means.

By Mr. STAGGERS:

H.R. 6585. A bill to amend the act of August 4, 1950 (64 Stat. 411), to provide salary increases for members of the police force of the Library of Congress; to the Committee on House Administration.

By Mr. STAGGERS (for himself, and Mr. Devine):

H.R. 6586. A bill to make permanent the authority to conduct national health surveys and studies; to the Committee on Interstate and Foreign Commerce.

H.R. 6587. A bill to amend the Drug Abuse Office and Treatment Act of 1972 to modify the authorization of appropriations for the program of special project grants and contracts, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 6588. A bill to extend for 3 years the programs for comprehensive State and areawide health planning, and for comprehensive public health service and health services development, and to repeal a requirement that at least 15 percent of a State's formula allotment for public health services be available only for mental health services; to the Committee on Interstate and Foreign Commerce.

H.R. 6589. A bill to provide for the extension of the Developmental Disabilities Services and Facilities Construction Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 6590. A bill to make permanent the program of research and demonstrations relating to health facilities and services; to the Committee on Interstate and Foreign Commerce.

By Mr. STAGGERS (for himself and Mr. Devine) (by request):

H.R. 6591. A bill to designate a network of essential rail lines; to require minimum standards of maintenance on such lines; to provide financial assistance for rehabilitation of rail lines; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STEIGER of Wisconsin (for himself, Mr. Anderson of Illinois, Mr. Price of Texas, Mr. Martin of North Carolina, Mr. Steelman, Mr. Conlan, Mr. Abdnor, Mr. Ichord, Mr. Hammerschmidt, and Mr. White):

H.R. 6592. A bill to amend the Occupational Safety and Health Act of 1970 to provide additional assistance to small employers; to the Committee on Education and Labor.

By Mr. SYMINGTON:

H.R. 6593. A bill to amend the State and Local Fiscal Assistance Act of 1972 to require States and local governments to hold public hearings in which interested individuals and neighborhood groups may participate in decisions with respect to the uses to be made of general revenue-sharing funds; to the Committee on Ways and Means.

By Mr. SYMINGTON (for himself, Mr. Rodino, and Mr. Stark):

H.R. 6594. A bill to amend the Internal Revenue Code of 1954 with respect to lobbying by certain types of exempt organizations; to the Committee on Ways and Means.

By Mr. SYMMS:

H.R. 6595. A bill to prohibit the United States from furnishing any assistance to North Vietnam; to the Committee on Foreign Affairs.

By Mr. TEAGUE of Texas:

H.R. 6596. A bill to provide for disclosures designed to inform Congress and the public of the identity of persons who for pay or with funds contributed to them seek to influence the legislative process, the sources of their funds, and their areas of legislative activity and for other purposes; to the Committee on Standards of Official Conduct.

H.R. 6597. A bill to amend Section 203 of the National Aeronautics and Space Act of 1958, and for other purposes; to the Committee on Science and Astronautics.

By Mr. WOLFF (for himself, and Mr. Jones of Tennessee):

H.R. 6598. A bill to amend the Internal Revenue Code of 1954 to provide an additional itemized deduction for individuals who rent their principal residences; to the Committee on Ways and Means.

By Mr. WON PAT (for himself and Mr. Young of Alaska):

H.R. 6599. A bill to amend section 5(c) of the Home Owners Loan Act of 1933 to authorize an increase in the principal amount of mortgages on properties in Alaska, Guam, and Hawaii to compensate for higher prevailing costs; to the Committee on Banking and Currency.

By Mr. BERGLAND:

H.R. 6600. A bill to establish a ceiling on expenditures for the fiscal year 1974 and to provide procedures for congressional approval of action taken by the President to keep expenditures within the ceiling; to the Committee on Government Operations.

By Mr. DELLUMS (for himself, Mr. Leggett, Mr. Mitchell of Maryland and Mr. Waldie):

H.R. 6601. A bill to promote public health and welfare by expanding and improving the family planning services and population research activities of the Federal Government, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FOLEY:

H.R. 6602. A bill to establish a national program for research, development, and demonstration in fuels and energy and for the coordination and financial supplementation of Federal energy research and development; to establish development corporations to demonstrate technologies for shale oil development, coal gasification development, advanced power cycle development, geothermal steam development, and coal liquefaction development; to authorize and direct the Secretary of the Interior to make mineral resources of the public lands available *for said* development corporations; and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 6603. A bill to provide for the cooperation between the Secretary of the Interior and the States with respect to the regulation of surface mining operations, and the acquisition and reclamation of abandoned mines, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HAMMERSCHMIDT:

H.R. 6604. A bill to amend title 5 of the United States Code with respect to the observance of Memorial Day and Veterans Day; to the Committee on the Judiciary.

By Mr. HANSEN of Idaho:

H.R. 6605. A bill to establish a Council on Educational Technology in the Department of Health, Education, and Welfare; to the Committee on Education and Labor.

By Mr. MATSUNAGA (for himself, Mr. Anderson of California, Mr. Cleveland, Mr. Davis of Georgia, Mr. Edwards of California, Mr. Fascell, Mr. Hawkins, Mr. Hicks, Mr. Horton, Mr. Jones of Oklahoma, Mr. Leggett, Mr. Long of Louisiana, Mr. McSpadden, Mr. Madden, Mr. Metcalfe, Mr. Patten, Mr. Roncalio of Wyoming, Mr. Roybal, Mr. Stokes, Mr. Van Deerlin, and Mr. Charles H. Wilson of California):

H.R. 6606. A bill to authorize the Secretary of the Navy to construct and provide shoreside facilities for the education and convenience of visitors to the U.S.S. *Arizona* Memorial at Pearl Harbor and to transfer responsibility for their operation and maintenance to the National Park Service; to the Committee on Armed Services.

By Mr. RODINO (for himself and Mr. Hutchinson):

H.R. 6607. A bill to amend sections 101 and 902 of the Federal Aviation Act of 1958 and chapter 2, title 18, United States Code, to implement the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROONEY of Pennsylvania:

H.R. 6608. A bill to require the Secretary of Agriculture to carry out all rural housing programs of the Farmers Home Administration; to the Committee on Banking and Currency.

H.R. 6609. A bill to amend titles 39 and 5, United States Code, to eliminate certain restrictions on the rights of officers and employees of the Postal Service, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 6610. A bill to amend the Federal Employees Health Benefits Act of 1959 to provide that the entire cost of health benefits under such act shall be paid by the Government; to the Committee on Post Office and Civil Service.

H.R. 6611. A bill to amend the age and service requirements for immediate retirement under subchapter III of chapter 83 of title 5, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 6612. A bill to amend the Postal Reorganization Act of 1970, title 39, United States Code, to provide for uniformity in labor relations; to the Committee on Post Office and Civil Service.

H.R. 6613. A bill to strengthen and improve the private retirement system by establishing minimum standards for participation in and for vesting of benefits under pension and profit-sharing retirement plans, by allowing deductions to individuals for personal savings for retirement, and by increasing contribution limitations for self-employed individuals and shareholder-employees of electing small business corporations; to the Committee on Ways and Means.

By Mr. ROONEY of Pennsylvania (for himself, Mr. Aspin, Mr. Culver, and Mr. Rees):

H.R. 6614. A bill to amend section 1130 of the Social Security Act to repeal the provision presently limiting to 10 percent the portion of the total grants for social services paid to a State which may be paid with respect to individuals not actually recipient of or applicants for aid or assistance, and to amend the public assistance provisions of such act to specify the minimum periods within which an individual (not receiving aid or assistance) must have been or be likely to become an applicant for or recipient of aid or assistance in order for expenditures for services provided to him to qualify for Federal matching; to the Committee on Ways and Means.

By Mr. ROSENTHAL:

H.R. 6615. A bill to provide for improved labor-management relations in the Federal service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. STEELE:

H.R. 6616. A bill "The Drug Traffic Deterrent Act of 1973"; to the Committee on Interstate and Foreign Commerce.

By Mr. STEIGER of Wisconsin:

H.R. 6617. A bill to amend the act of August 13, 1946, relating to Federal participation in the cost of protecting the shores of the United States, its territories, and possessions, to include privately owned property; to the Committee on Public Works.

H.R. 6618. A bill to authorize a program to develop and demonstrate low-cost means of preventing shoreline erosion; to the Committee on Public Works.

H.R. 6619. A bill to amend the Internal Revenue Code of 1954 to provide that certain losses from shoreline erosion shall be deductible for purposes of the individual income tax; to the Committee on Ways and Means.

By Mr. VANDER JAGT:

H.R. 6620. A bill to amend the Disaster Relief Act of 1970 for the purpose of making clear that disaster assistance is available to those communities affected by extraordinary shoreline erosion damage; to the Committee on Public Works.

H.R. 6621. A bill to amend the Internal Revenue Code of 1954 to provide that certain losses from shoreline shall be deductible for purposes of the individual income tax; to the Committee on Ways and Means.

By Mr. WALDIE (for himself, Mr. Badillo, Mr. Brown of California, Mr. Burton, Mrs. Chisholm, Mr. Cronin, Mr. Dellums, Mr. Edwards of California, Mr. Harrington, Mr. Leggett, Mr. Meeds, Mr. Moakley, Mr. Pepper, Mr. Price of Illinois, Mr. Riegle, Mr. Roe, Mr. Rooney of New York, Mr. Rosenthal, Mr. Roybal, Mr. Sarbanes, Mrs. Schroeder, Mr. Seiberling, Mr. Stark, Mr. Studds, and Mr. Thompson of New Jersey):

H.R. 6622. A bill to extend Migrant Health Act and increase appropriation; to the Committee on Interstate and Foreign Commerce.

By Mr. ASPIN:

H.J. Res. 479. Joint resolution to create a select joint committee to conduct an investigation and study into methods of significantly simplifying Federal income tax return forms; to the Committee on Rules.

By Mr. BIAGGI:

H.J. Res. 480. Joint resolution to authorize and request the President of the United States to issue a proclamation designating October 14, 1973, as "German Day"; to the Committee on the Judiciary.

By Mr. BLACKBURN:

H.J. Res. 481. Joint resolution to authorize the President to issue annually a proclamation designating the month of May in each year as "National Arthritis Month"; to the Committee on the Judiciary.

By Mrs. GRASSO:

H.J. Res. 482. Joint resolution to authorize and request the President to proclaim April 29, 1973, as a day of observance of the 30th anniversary of the Warsaw ghetto uprising; to the Committee on the Judiciary.

By Mr. GROVER:

H.J. Res. 483. Joint resolution to atuhorize the President to issue annually a proclamation designating the month of May in each year as "National Arthritis Month"; to the Committee on the Judicary.

By Mr. HOGAN:

H.J. Res. 484. Joint resolution to authorize and request the President of the United States to issue a proclamation designating October 14, 1973, as "German Day"; to the Committee on the Judiciary.

By Mr. ICHORD:

H.J. Res. 485. Joint resolution proposing an amendment to the Constitution to permit the States to regulate or forbid abortion; to the Committee on the Judiciary.

By Mr. McCLOSKEY (for himself, Mr. Ashley, Mr. Aspin, Mr. Badillo, Mrs. Chisholm, Mr. Diggs, Mr. Fraser, Mr. Harrington, Mr. Johnson of Colorado, Mr. Leggett, Mr. Lehman, Mr. Moakley, and Mr. Moorhead of Pennsylvania):

H.J. Res. 486. Joint resolution to terminate American military activity in Laos and Cambodia; to the Committee on Foreign Affairs.

By Mr. McCLOSKEY (for himself, Mr. Mitchell of Maryland, Mr. Rees, Mr. Reuss, Mr. Riegle, Mr. Rooney of Pennsylvania, Mr. Rosenthal, Mrs. Schroeder, Mr. Seiberling, Mr. Stark, Mr. Studds, Mr. Thompson of New Jersey, Mr. Waldie, and Mr. Won Pat):

H.J. Res. 487. Joint resolution to terminate American military activity in Laos and Cambodia; to the Committee on Foreign Affairs.

By Mr. WHITEHURST (for himself, Mr. Abdnor, and Mr. Cleveland):

H.J. Res. 488. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. HAWKINS (for himself, Mr. Price of Illinois, Mr. Rees, Mr. Rangel, Mr. Rodino, Mr. Rosenthal, Mr. Roybal, Mr. Sarbanes, Mrs. Schroeder, Mr. Sisk, Mr. Stark, Mr. Thompson of New Jersey, Mr. Tiernan, Mr. Charles H. Wilson of California, Mr. Wolff, and Mr. Podell):

H. Con. Res. 174. Concurrent resolution, it the sense of the Congress that the President, in accordance with the policy of the United States established by law, should continue the Office of Economic Opportunity, administering and supervising the important activities entrusted to that Office under the provisions of the Economic Opportunity Act of 1964, and submit a revised budget request for such activities for fiscal year 1974; to the Committee on Education and Labor.

By Mr. HAWKINS (for himself, Mr. Steiger of Wisconsin, Mr. Adams, Mr. Aspin, Mr. Badillo, Mr. Blatnik, Mr. Brown of California, Mr. Burton, Mrs. Chisholm, Mr. Clay, Mr. de Lugo, Mr. Diggs, Mr. Edwards of California, Mr. William D. Ford, Mr. Green of Pennsylvania, Mr. Hanna, Mr. Harrington, Mr. Heinz, Mr. Helstoski, Mr. Leggett, Mr. Lehman, Mr. Moakley, Mr. Moss, Mr. Nix, and Mr. O'Neill):

H. Con. Res. 175. Concurrent resolution, it is the sense of Congress that the President, in accordance with the policy of the United States established by law, should continue the Office of Economic Opportunity, administering and supervising the important activities entrusted to that Office under the provisions of the Economic Opportunity Act of 1964, and submit a revised budget request for such activities for fiscal year 1974; to the Committee on Education and Labor.

By Mr. STEIGER of Wisconsin:

H. Con. Res. 176. Concurrent resolution requesting the President to negotiate with the Government of Canada to establish water levels for the Great Lakes; to the Committee on Foreign Affairs.

By Mr. VANIK (for himself, Mr. Ashley, and Mr. Stokes):

H. Con. Res. 177. Concurrent resolution requesting the President to negotiate with the Government of Canada to establish water levels for the Great Lakes; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRASCO:

H.R. 6623. A bill for the relief of Marcia Cohen; to the Committee on the Judiciary.

By Mr. FASCELL:

H.R. 6624. A bill for the relief of Alvin V. Burt, Jr. and the estate of Douglas E. Kennedy, deceased; to the Committee on the Judiciary.

By Mr. PRICE of Illinois:

H.R. 6625. A bill for the relief of James E. Brown and his spouse, Gloria M. Brown, and Max D. Rogier, and Brown Lathing and Plastering, Inc., to the Committee on the Judiciary.

By Mr. WALDIE:

H.R. 6626. A bill for the relief of Donald C. Talkington; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

127. By the SPEAKER: Petition of Alfred Pena, Chicago, Ill., and others, relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

128. Also, petition of the city council, Norwood, Ohio, relative to the regulation of imports; to the Committee on Ways and Means.

SENATE—*Wednesday, April 4, 1973*

The Senate met at 11:30 a.m. and was called to order by Hon. WALTER "DEE" HUDDLESTON, a Senator from the State of Kentucky.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Thou Supreme Ruler, rule over us this day. Control our minds and hearts and wills. May our actions conform to Thy purposes for this Nation and for the world. Grant us patience and magnanimity with one another. Impart Thy grace that we may have clean hands and pure hearts in all our dealings, that we may be serene and peaceable in our attitudes and courageous in upholding that which is right and true. Anoint us with Thy spirit that we may do justly, love mercy and walk humbly in the footsteps of Him who came not to be served but to serve. And when the day is done grant us the peace of those whose minds are stayed on Thee.

We pray in Thy holy name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., April 4, 1973.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. WALTER D. HUDDLESTON, a Senator from the State of Kentucky, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. HUDDLESTON thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, April 3, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PAKISTANI PRISONERS OF WAR

Mr. MANSFIELD. Mr. President, yesterday morning, I met with three wives of Pakistani prisoners of war. It was a touching experience because their husbands are being held captive by the Indian Government and have not been returned to Pakistan since the cessation of hostilities. These 90,000 captives include civilians, as well as soldiers, and women and children.

It would be my hope that this delay—unnecessary, in my opinion—in the release of those Pakistanis being held captive would be quickly ended so that they could join families and use their skills in behalf of their own country.

It is unconscionable that after so many months these Pakistanis are still being held as prisoners of war. It would be my hope that India would recognize the predicament in which these people find themselves and, as long as they are being held in captivity, relations between India, Pakistan, and Bangladesh will remain delicate, at best, and difficult, at worst.

I join the distinguished Republican leader of the Senate, the senior Senator from Pennsylvania (Mr. SCOTT), and the distinguished senior Senator from Illinois (Mr. PERCY) in urging the release of the POW's so that, as a result, better relations will exist between the three countries concerned and a degree of stability brought to the South Asian subcontinent. The time is long past due for their release.

The ACTING PRESIDENT pro tempore. Does the minority leader desire to be heard?

Mr. SCOTT of Pennsylvania. Mr. President, I thank the distinguished majority leader for what he has said and for his mention of my equal interest in the release of these 92,000 prisoners of war who are held away from their wives, their families, their homes, and their occupations by the Government of India. These Pakistanis ought not to be held hostage for political decisions and while we have good relations with the Government of India, I think it ought to be remembered that it was Indian officials who lectured us continually during the Vietnam war on our moral obligations and on our moral responsibility and who lectured us on the whole question of how we could get our prisoners of war back by ending the war according to their views of how it ought to be ended.

I do not know whether lecturing from one country to another does any good, and we ought, perhaps, to tone that sort of aspect down and not be preaching to each other. But I must say that I do not see how world opinion can ever find itself on the side of India in this controversy, when India, without explanation or excuse, continues, long after a war is over, and for no military purpose, to hold 92,000 prisoners of war.

I do hope that the Government of India will realize that not only the United States but also the rest of the world is watching them closely to see whether their actions will conform to moral principles.

I therefore hope that India will consider not only its duty to the prisoners of war but also its obligations to human compassion and moral standards. I would hope that India will not again lecture other nations of the world on their moral attitude until India can say, "We no longer hold any prisoners of war of any other country."

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Michigan is recognized for not to exceed 15 minutes.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the time allotted to me be transferred to the distinguished junior Senator from Oklahoma.

The PRESIDENT pro tempore. Without objection, it is so ordered.

DEREGULATION OF THE PRICE OF GAS

Mr. BARTLETT. Mr. President, I thank the distinguished Senator from the great State of Michigan. I am pleased to present and discuss the subject of gas regulation.

Regulation of the price of interstate gas must stop. The exploration for clean burning, easily transmitted natural gas must be encouraged, not discouraged, by the price structure. Natural gas is too valuable a commodity in these times of energy shortage and environmental concern to preclude its further development by price regulation.

The price of gas was held at such a low level that it artificially stimulated demand and depressed supply. We are now short of gas.

Companies and individuals simply cannot afford to explore for and develop sufficient gas reserves for interstate sale. It is a losing proposition. The American consumer is the loser. The consumer will find that there is a decline in interstate gas. In the long run, the consumer will have to pay for these years of protection given by regulation.

Not long ago, there was an editorial in the Washington Post entitled, "Cockpit Point and the Price of Gas." The editorial pointed out that interstate gas at the wellhead in the Southwest costs Washington Gas Light Co. approximately 20 cents per thousand cubic feet. After transmission by pipeline to the east coast, the total cost to Washington Gas Light Co. has run up to 55 cents per thousand cubic feet. Recognizing that the continuation of this "cheap" gas from the Southwest is threatened by lack of incentives, Washington Gas Light Co. has now planned a synthetic gas plant at Cockpit Point. The cost of this gas will be $1.50 per thousand cubic feet.

The price of natural gas in the Southwest could be five times its current average of 20 cents per thousand cubic feet and after transportation expenses still cost less than the synthetic gas. But Washington Gas Light Co. has no choice. It must provide gas to its customers.

All sources agree that cheaper natural gas does exist in large quantities, but it must be made worth finding and developing. Deregulation will stimulate exploration activity. Recently, as an experiment, the Federal Power Commission did exempt small producers from regulation. The response was a burst in drilling activity in the Southwest. The courts, however, have ruled that the FPC cannot single out for deregulation just a portion of the oil and gas industry. All gas in interstate shipment must be deregulated.

The upcoming Presidential message on energy policy must contain deregulation of interstate gas prices. I am hopeful that it will. But if deregulation is not treated adequately, then Congress must assume the responsibility of making available sufficient quantities of this clean-burning energy—and at a reasonable price—by passing legislation such as Senator Tower's bill, which I cosponsor, that would deregulate the price of natural gas.

We have a simple choice, Mr. President. We either pay more for domestic energy or go bankrupt buying foreign energy.

Mr. President, I ask unanimous consent that the remainder of the time of the Senator from Michigan (Mr. Griffin) be reserved for the Senator from Michigan.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged against my own time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business with statements limited therein to 3 minutes, the period to expire at 12 noon and that the two special orders with respect to the Senator from Michigan (Mr. Griffin) and me be vacated.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

INTERPARLIAMENTARY UNION MEETING—APPOINTMENTS BY THE VICE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. Huddleston). The Chair on behalf of the Vice President, pursuant to Public Law 85–474, appoints the following Senators to attend the Interparliamentary Union Meeting, Abidjan, Ivory Coast, April 22–28, 1973: the Senator from Alabama (Mr. Sparkman), the Senator from New Mexico (Mr. Montoya), the Senator from Louisiana (Mr. Johnston), the Senator from South Dakota (Mr. Abourezk), the Senator from South Carolina (Mr. Thurmond), the Senator from Kentucky (Mr. Cook), and the Senator from Vermont (Mr. Stafford).

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Huddleston) laid before the Senate the following letters, which were referred as indicated:

Proposed Legislation From Department of Defense

A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend chapter 5 of title 37, United States Code, to revise the special pay structure relating to members of the uniformed services, and for other purposes (with accompanying papers). Referred to the Committee on Armed Services.

Report of General Services Administration

A letter from the Acting Administrator, General Services Administration, transmitting, pursuant to law, a report of that Administration covering status of public building projects authorized for construction and alteration, as of December 31, 1972 (with an accompanying report). Referred to the Committee on Public Works.

RESOLUTION OF THE GENERAL COURT OF NEW HAMPSHIRE ON THE CAPITAL GAINS TREATMENT OF TIMBER

Mr. McINTYRE. Mr. President, I ask unanimous consent to have Senate Concurrent Resolution No. 2 of the general court of New Hampshire, March 15, 1973, regarding the retaining of the present capital gains treatment of income in the cutting and disposal of timber, inserted in the Record at this point and referred to the appropriate committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution was referred to the Committee on Finance, as follows:

Senate Concurrent Resolution No. 2

Memorializing Congress to retain the present capital gains treatment of income in the cutting and disposal of timber

Whereas, The State of New Hampshire is eighty-seven percent forested and over eighty-five and eight-tenths percent of the commercial land in New Hampshire is owned by private woodland owners and farmers, and

Whereas, The capital gains treatment of timber has been an incentive to grow timber in spite of the many risks involved such as fire, wind, insects, and disease, and

Whereas, The forest lands of New Hampshire provide many jobs and support many industries and communities in our state.

Now, Therefore, Be It Resolved by the Senate of the General Court of New Hampshire, the House of Representatives concurring:

That the General Court of the State of New Hampshire recommends the retention of the present capital gains treatment of income from the cutting and disposal of timber under Internal Revenue Code 631(a) and 631(b); and

Be It Further Resolved, That a copy of these resolutions be forwarded by the Clerk of the Senate to the congressional delegation from the State of New Hampshire and to the Honorable Wilbur Mills, Chairman of the Committee on Ways and Means of the United States House of Representatives.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CANNON, from the Committee on Rules and Administration, without amendment:

S. Res. 88. A resolution authorizing the printing of the report entitled "Securtiies Industry Study" as a Senate document (Rept. No. 93–101);

S. Res. 92. An original resolution relating to the printing of memorial tributes to deceased former Members of the Senate (Rept. No. 93–102); and

S. Res. 93. An original resolution to pay a gratuity to Nancy S. Pigman.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. TALMADGE, from the Committee on Agriculture and Forestry:

Luther W. Jennejahn, of New York, to be a Member of the Federal Farm Credit Board, Farm Credit Administration.

The above nomination was reported with the recommendation that the nomination be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. PASTORE:

S. 1453. A bill for the relief of Thomas Raymond Pomaski; and

S. 1454. A bill for the relief of the estate of Earl A. Trager. Referred to the Committee on the Judiciary.

S. 1455. A bill to increase the duty on rubber filament. Referred to the Committee on Finance.

By Mr. FONG:

S. 1456. A bill to amend the Internal Revenue Code of 1954 to permit the deduction of all expenses for medical care of a taxpayer and his spouse if either of them attained the age of 65;

S. 1457. A bill to amend the Internal Revenue Code of 1954 to make the retirement income credit more consistent with recent changes in the Social Security laws, and for other purposes; and

S. 1458. A bill to relieve a substantial number of elderly individuals of the necessity of filing a declaration of estimated tax with respect to income from pensions or retirement annuities, or from interest and dividends when it is not in excess of $2,000. Referred to the Committee on Finance.

By Mr. EAGLETON:

S. 1459. A bill to authorize cooperative operation, maintenance, and repair of the Chester Bridge, Missouri and Illinois, and for other purposes. Referred to the Committee on Public Works.

By Mr. METCALF:

S. 1460. A bill to provide for the distribution of motor-vehicle tires, and for other purposes. Referred to the Committee on Commerce.

By Mr. GRAVEL:

S. 1461. A bill to require that competitive bids for Government contracts be submitted and opened in the State in which the property or services involved are to be delivered. Referred to the Committee on Government Operations.

S. 1462. A bill for the relief of Francis I. Hunt. Referred to the Commitee on Interior and Insular Affairs.

By Mr. BURDICK (for himself, Mr. Cook, Mr. Gravel, Mr. Hollings, Mr. Hughes, Mr. Humphrey, Mr. Muskie, Mr. Percy, and Mr. Randolph):

S. 1463. A bill to establish a Parole Commission, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. MATHIAS:

S. 1464. A bill for the relief of Teresa Gina Bisghini; and

S. 1465. A bill for the relief of Lydia Melendez. Referred to the Committee on the Judiciary.

By Mr. BURDICK:

S. 1466. A bill to authorize the establishment of the Fort Buford unit of the Fort Union Trading Post National Historic Site in the State of North Dakota, and for other purposes; and

S. 1467. A bill designating the park established pursuant to the Act of April 25, 1947 (61 Stat. 52), as the "Theodore Roosevelt National Park." Referred to the Committee on Interior and Insular Affairs.

By Mr. BURDICK (for himself and Mr. Young):

S. 1468. A bill to authorize the establishment of the Knife River Indian Villages National Historic Site. Referred to the Committee on Interior and Insular Affairs.

By Mr. RANDOLPH:

S. 1469. A bill for the relief of Captain Kenneth E. Junkins, United States Marine Corps. Referred to the Committee on the Judiciary.

By Mr. HANSEN:

S. 1470. A bill for the relief of Rudolf Eisenberger. Referred to the Committee on the Judiciary.

By Mr. MOSS:

S. 1471. A bill to amend the Internal Revenue Code of 1954 with respect to the limitation on the deduction of certain amounts for business gifts. Referred to the Committee on Finance.

By Mr. JAVITS:

S.J. Res. 88. Joint resolution authorizing the President to proclaim the first Sunday of June of each year as "American Youth Day." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PASTORE:

S. 1455. A bill to increase the duty on rubber filament. Referred to the Committee on Finance.

Mr. PASTORE. Mr. President, the rubber thread industry in the United States is a small but viable business consisting of merely six companies with nine manufacturing plants. Four of these plants are based in Rhode Island, two in Massachusetts, two in North Carolina and one in Virginia.

This industry, which employs approximately 1,800 people, has an annual payroll of $14,500,000 and gross sales of approximately $30,000,000.

The rubber thread industry is currently threatened with extinction by reason of low-priced imports from Italy and Korea. In the case of Italy, the Treasury Department has published antidumping procedure notice on February 22 in the Federal Register. However, in the case of Korea, the problem appears to be strictly because of low-priced labor.

In 1971, Italy exported to the United States less than $100,000 worth of rubber thread. However, in 1972, between January and October, the rate of export had accelerated to approximately $100,000 each month.

The important point is that each 13,600 pounds of thread imported into the United States represents one American job lost.

Korea exports are only just starting to reach this country but exports tell us that this poundage, whatever it may amount to, will sell below the average U.S. cost per pound.

Since the tremendous influx of rubber thread has seriously jeopardized the American market, we believe that the duty on rubber thread should be increased.

In the State of Rhode Island, two companies have already been forced to reduce their work force and working time because of this increase in importation of rubber thread. One company in my State has reduced its selling price in an attempt to meet Italian competition even though this requires operating at a loss. This Rhode Island manufacturer wants to hold his organization together and maintain his market position as well as the jobs involved in the hope that he will get relief by means of the antidumping procedure and long range protection by a higher tariff.

This critical situation requires immediate legislation if we are to protect these American jobs from extinction.

I am, therefore, introducing a bill to increase the duty on rubber filament so that we can protect the jobs we will have left in this essential industry.

I hope that the Senate Finance Committee will take rapid action on this legislation.

By Mr. FONG:

S. 1456. A bill to amend the Internal Revenue Code of 1954 to permit the deduction of all expenses for medical care of a taxpayer and his spouse if either of them attained the age of 65;

S. 1457. A bill to amend the Internal Revenue Code of 1954 to make the retirement income credit more consistent with recent changes in the social security laws, and for other purposes; and

S. 1458. A bill to relieve a substantial number of elderly individuals of the necessity of filing a declaration of estimated tax with respect to income from pensions or retirement annuities, or from interest and dividends when it is not in excess of $2,000. Referred to the Committee on Finance.

Mr. FONG. Mr. President, today I am introducing, for appropriate reference, three bills containing long needed amendments to the Internal Revenue Code of 1954 that will greatly benefit our older Americans.

The first of these amendments will permit the deduction of all unreimbursed medical expenses for medical care of a taxpayer and his spouse if either of them has attained the age of 65. The second amendment updates the retirement income credit provision of the Internal Revenue Code and restores equitable tax benefits to those retirees who are not under social security. The third amendment relieves a substantial number of elderly individuals of the necessity of filing a declaration of estimated tax with respect to income from pensions or retirement annuities, or from interest and dividends when such income is not in excess of $2,000.

The pressing need for the first amendment is revealed in the history of the Social Security Amendments of 1965—Public Law 89–07, H.R. 6675. Prior to the enactment of this bill, Americans over age 65 enjoyed full deductibility of medical and drug expenses. However, with the enactment of the Social Security Amendments of 1965, this benefit was lost.

The reason given for the deletion of this tax benefit at that time was that the full deductibility of medical and drug expenses for older Americans was needed only during the period when there was no broad coverage health insurance plan for older Americans. Having provided for such a broad coverage health insurance plan through the Social Security Amendments of 1965 in the form of medicare Congress reasoned that the justification for continuing the full deductibility of unreimbursed medical expenses and medicines and drugs for older Americans no longer existed.

Therefore, after the advent of medicare, the 3 percent and 1 percent limitation in computing the medical expenses deduction of persons age 65 and over was restored. Since then, only those medical expenses in excess of 3 percent of adjusted gross income have been deductible, and medicines and drugs have been treated as medical expenses only to the extent they exceed 1 percent of this adjusted gross income.

However, medical expenses have remained a major cost to older Americans despite medicare. Much of such expense is related to the cost of supplemental medical insurance programs which do not fill all the gaps of medicare. For instance, the third month in a hospital should cost a medicare patient approximately $540, since a medicare patient has to pay $18 per day for his 61st through his 90th day in a hospital. Also, under part B of medicare the medical insurance program, he would be liable for the first $60 of his doctor's bill, plus at least 20 percent of the remainder.

In addition, his premium cost for medical insurance is also rising, from $5.80 per month to $6.30 per month as of July 1 of this year. As was observed by Social Security Commissioner Robert M. Ball when he testified before our Senate Special Committee on Aging recently, on the average, less than half the medical expenses of persons past 65 are now taken care of by medicare. Because of these reasons, and the fact that medical expenses in general have risen considerably in the past 5 years, older Americans are finding that increasingly larger portions of their retirement incomes are going to medical expenses. One major way of lightening this burden, therefore, would be to reinstate the full deductibility of unreimbursed medical expenses to our older Americans.

My second bill amending the Internal Revenue Code would update the retirement income credit which has remained the same for individuals for more than a decade, a decade that was marked by substantial increases in social security and railroad retirement benefits. Under present law, a single retiree—65 or over—is entitled to a tax credit of 15 percent on up to $1,524 income from private pensions or annuities or interest or dividends. My bill would apply the credit to up to $2,500 income. For a couple—both over 65—the present income ceiling would rise from the current $2,286 to $3,750.

Currently, a retirement income credit of up to $229 is allowed for single persons—based on 15 percent of $1,542—and up to $324.90 for married couples—based on 15 percent of $2,286. Income eligible for the 15 percent tax credit must be reduced by social security and other tax-exempt pension income and by 50 percent of earned income before the tax credit is calculated.

The rationale of the retirement income credit is to provide equitable tax treatment to retirees who receive little or no social security income, in line with retirees receiving social security payments, which are entirely tax-free. The $1,524 base income provided such equity 12 years ago. Since then social security benefits have increased considerably and have continued to be treated as tax-free. As a result, the present maximum amount of nonsocial security income eligible for the credit is considerably below the maximum social security primary benefit of slightly over $2,500 available for a retired worker and the maximum social security primary and supplementary benefit of slightly over $3,750 for a retired worker and his spouse.

Last year a retirement income credit amendment, like the one I propose today was adopted, with minor differences, by both the House and Senate as part of H.R. 1, Social Security Amendments of 1972. But the conference committee dropped it entirely, and it is not in H.R. 1 as that bill became law.

My amendment would be of special interest to retired Federal employees, including military retirees.

Finally, my third bill amending the Internal Revenue Code would exempt a substantial number of persons past 65 from the requirement to file declarations of income tax estimates—with quarterly payments thereon—by exempting "retirement annuities and pensions" as well as wages and salaries from the declaration requirement, and by exempting $2,000 of interest and dividends from the declaration requirements, while still retaining the $200 current exemption for persons under 65.

Prior to retirement many Americans were never required to file a declaration of estimated tax because almost all of their wages were in the form of salaries and subject to withholding. Now all of a sudden after reaching 65 they must file a declaration of estimated tax—form 1040–ES—if their estimated tax is $100 or more, and if their estimated gross income includes more than $500 of earned income not subject to withholding.

My bill would excuse those taxpayers who have attained the age of 65 from filing 1040–ES forms—declarations of estimated tax—if their interest and dividend income did not exceed $2,000 regardless of the amount of their retirement or pension.

Thus, my bill eliminates this new and distressing form from being thrust upon the bewildered low and moderately incomed senior citizen, the very senior citizen who most likely would not be able to cope with or afford a professional tax consultant to file this new additional tax form. This bill, however, will not cost the Government anything since it does not waive the ultimate tax liability of the individual concerned.

It is my hope, Mr. President, that these three bills amending the Internal Revenue Code will go a long way to lightening the tax load on our already overburdened senior citizens of America.

By Mr. EAGLETON:

S. 1459. A bill to authorize cooperative operation, maintenance, and repair of the Chester Bridge, Missouri and Illinois, and for other purposes. Referred to the Committee on Public Works.

CHESTER BRIDGE

Mr. EAGLETON. Mr. President, I send to the desk a bill to provide for a cooperative approach to maintenance and operation of the Chester Bridge and ask that it be referred to the appropriate committee.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. EAGLETON. Mr. President, the purpose of this bill is to authorize the States of Missouri and Illinois, or either of them, to contract with the city of Chester, Ill., for the operation, maintenance, and repair of the Chester Bridge in order to permit the application of toll revenues from the bridge to the retirement of outstanding debt on the bridge.

The Chester Bridge was authorized to be constructed by an act of Congress approved July 18, 1939. The bridge was originally completed in 1942 but was severely damaged by a tornado in 1944. It was reconstructed in 1946.

Further reconstruction and improvement of the Chester Bridge was authorized by an act of Congress approved July 11, 1958, and additional improvements were added to the bridge and approaches in 1961. The bridge is owned and operated by the city of Chester, Ill.

The acts of Congress approving the construction and improvement of Chester Bridge all contained substantially similar terms and conditions relative to the imposition, use, and ultimate removal of tolls from the bridge. In general, these acts provided that tolls should be fixed at rates sufficient to pay the reasonable costs of maintaining, repairing, and operating the bridge and its approaches under economical management and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches as soon as possible, but within a period not to exceed 30 years. These acts further required the bridge to be maintained and operated free of tolls after such time as a sinking fund sufficient for the amortization of debt outstanding on the bridge had been provided.

By section 105 of the Rivers and Harbors Act of 1966 the Congress authorized the city of Chester to transfer a portion of the bridge revenues to the city itself rather than committing such revenues to pay off the debt outstanding on the bridge. Section 105, in effect, mooted proceedings instituted by the Justice Department against Chester in which the Department sought restoration of funds allegedly diverted theretofore by the city of Chester in violation of legislation governing the use of tolls from the bridge and a prohibition of future diversion of toll revenues.

Evidence adopted by the Department of Transportation's hearing examiner in proceedings initiated by a private complainant and the Missouri State Highway Commission in 1970 concerning the reasonableness of tolls collected on the Chester Bridge indicates that between 1958 and 1968, the city of Chester diverted to municipal purposes approximately $924,500 in toll revenues from the bridge.

The hearing examiner further found that on December 31, 1971, outstanding debt on the bridge amounted to $299,000 in serial bonds and $335,000 in term bonds for a total of $625,000. On the same date, there was a cash reserve balance on hand for the bridge totaling $409,000. Gross revenue for the bridge in calendar year 1970 totaled $341,000 and operating expenses totaled $291,199.

Estimates submitted by the Missouri State Highway Department to the hearing examiner, based on financial information then available, indicated that the city of Chester would have to collect $3½ million in tolls above and beyond the approximately $400,000 in existing cash reserve to pay off the bond indebtedness of approximately $625,000.

During the course of the Department of Transportation's proceedings, counsel for the Missouri State Highway Commission suggested that gross toll revenues for the bridge over a relatively short period of time, if accumulated in a sinking fund, would be sufficient to retire or fund the retirement of the outstanding indebtedness and enable the bridge to be made toll free if other arrangements were made to fund the operating costs of the bridge.

This bill would expressly provide for such an arrangement. It would authorize one or both of the States connected by the Chester Bridge to assume operation, maintenance, repair, and other similar costs of the bridge. Such action would permit the accumulation of bridge tolls in a sinking fund to pay off the outstanding indebtedness on the bridge and its approaches at a faster rate than would be possible otherwise.

Mr. President, a bill identical to the one I am introducing today was incorporated by the Senate as part of the 1972 River and Harbor Act. Unfortunately it was lost in conference.

In view of the likelihood now that the Senate Public Works Committee will be holding hearings on the same River and Harbor Act, I am hopeful it will again consider and adopt this measure as an amendment.

I ask unanimous consent that the text of the bill be printed at this point in my remarks together with a letter from Missouri Gov. Christopher S. Bond, endorsing this bill.

There being no objection, the bill and letter were ordered to be printed in the Record, as follows:

S. 1459

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding Section 105 of the Rivers and Harbors Act of 1966 (80 Stat. 1406) or any other provision of the law, the States of Illinois and Missouri, which are connected by the Bridge constructed by the City of Chester, Illinois, pursuant to P.L. 76–751 and P.L. 85–512, are authorized to contract individually or jointly with the City of Chester, Illinois, on or before June 1, 1974, to assume responsibility for the operation, maintenance, and repair of the Chester Bridge and the approaches thereto and lawful expenses incurred in connection therewith (exclusive of principal, interest and financing charges on the outstanding indebtedness on such Bridge and approaches). When either or both States enter into such an agreement, all tolls thereafter charged for transit over such Bridge shall, except as provided in the last two sentences of this Act, be used exclusively (a) to retire outstanding indebtedness (including reasonable interest and financing charges) on the Bridge and approaches thereto and (b) credited into a sinking fund established for such Bridge. No tolls shall be charged for transit over such Bridge after the outstanding indebtedness on the Bridge and approaches (including reasonable interest and financing charges) has been retired, or sufficient funds are available through the sinking fund to pay off all outstanding indebtedness (including reasonable interest and financing charges) on such Bridge and approaches. If a State declines or is unable to participate in the agreement authorized by this Act, the other State may assume the responsibilities such State would have assumed under such an agreement. In that event, the assuming State shall be entitled to receive from toll revenues, after provision is made for principal and interest payments on any indebtedness then outstanding on the Bridge and its approaches, as reimbursement, an amount of money (no less often than annually) which is equal to the nonparticipating State's fair share of the operating, maintenance, repair, and other lawful costs incurred in connection with the Bridge and its approaches.

Executive Office,
Jefferson City, Mo., March 27, 1973.

Hon. Thomas F. Eagleton,
Senate Office Building,
Washington, D.C.

Dear Senator Eagleton: It is with great dismay that I have reviewed the attempts over the past several years to remove the unreasonable tolls at the Mississippi River Bridge between Chester, Illinois, and Perry County, Missouri. I am personally convinced that, with efficient and effective management, the tolls on this bridge could be removed in the near future. But I am also deeply concerned that inaction at this time may well lead to a continuation of the tolls certainly for the next 15 years allowed by federal law and perhaps even beyond the 1989 termination date.

Representative Vernon Bruckerhoff has informed me of your interest in finding a solution to this long standing controversy. We have reviewed the legislation which you introduced in 1972 which would authorize the states of Missouri and Illinois to agree to assume responsibility for the operation, maintenance, and repair of Chester Bridge. This legislation presents a sensible and logical solution, and I encourage you to introduce and seek the enactment of this measure in the current session.

A viable remedy will, of course, depend upon understanding and cooperation between Missouri and the state of Illinois. I am, therefore, contacting Governor Walker so that our states may work together in exploring all possible ways to free Chester Bridge of these intolerable tolls.

I am most hopeful that, through these efforts, we will be able to reach an early solution to this problem.

Sincerely yours,

Christopher S. Bond,
Governor.

By Mr. GRAVEL:

S. 1461. A bill to require that competitive bids for Government contracts be submitted and opened in the State in which the property or services involved are to be delivered. Referred to the Committee on Government Operations.

Mr. GRAVEL. Mr. President, I am today introducing a bill which would require that competitive bids for Government contracts be submitted and opened in the State in which the property or services involved are to be delivered or performed.

This bill seeks to equalize the opportunities for all persons in each of the 50 States who desire to do business with the Federal Government. In the past, Alaskans have been at a disadvantage in bidding on Government contracts for performance within the State of Alaska. This has been particularly true of construction contractors where revised bids are accepted telegraphically.

A recent case, which prompted the introduction of this bill, relates to a contract for the construction of Bureau of Indian Affairs school dormitories to be constructed in Tok and Fort Yukon, Alaska. Because of the unreliability of the telegraphic service, revised bids from all Alaskan contractors were received at the BIA offices in Albuquerque, N. Mex., a few minutes past the deadline of 2 p.m., the time of bid openings. All Alaskan contractors were, thus, declared nonresponsive. The bids of three of the Alaskan contractors were lower than the successful out-of-State bidder. In this particular case—and I am sure there are many others—the Federal Government was required to accept the lowest declared responsive bid which resulted in a higher cost to the American taxpayers.

Requiring that the competitive bids for Government contracts be submitted and opened in the State in which the property or services involved are to be delivered or performed, will, I am convinced, augur to the benefit of all concerned, and most particularly to our Government.

By Mr. GRAVEL:

S. 1462. A bill for the relief of Francis I. Hunt. Referred to the Committee on Interior and Insular Affairs.

Mr. GRAVEL. Mr. President, today, I am introducing a bill which would direct and authorize the Secretary of the Interior to convey to Mr. Francis I. Hunt of Anchorage, Alaska, by patent all right, title, and interest of the United States to a homestead comprising approximately 40 acres.

Mr. Hunt has fulfilled all requirements for acquiring patent to the land but a technicality has appeared relating to a contour projecting into that portion of the land upon which the improvements are located. The Department of the Interior has expressed agreement that a private bill for Mr. Hunt be introduced. Otherwise, Mr. Hunt would lose not only his home but more than 10 years investment of time and work in the homestead.

By Mr. BURDICK (for himself, Mr. Cook, Mr. Gravel, Mr. Hollings, Mr. Hughes, Mr. Humphrey, Mr. Muskie, Mr. Percy, and Mr. Randolph):

S. 1463. A bill to establish a Parole Commission, and for other purposes. Referred to the Committee on the Judiciary.

PAROLE COMMISSION ACT OF 1973

Mr. BURDICK. Mr. President, I introduce today legislation to replace the present Board of Parole with a U.S. Parole Commission equipped to meet the challenges which it faces as part of the Federal correctional complex. Although parole is not a new concept to criminal justice, its role is growing in importance as Americans become more aware of the problems of crime and convicted offenders.

When parole was conceived 150 years ago, it was a type of clemency, to reward prison inmates for good behavior or to mitigate the effects of an unusually harsh sentence.

Parole today, however, is viewed by some as part of a rehabilitation process, or as an extension of sentencing proceedings. Still others see in parole a way to reduce the population of overcrowded prisons, or to remove from prison all inmates for whom further incarceration will not be beneficial. Still more see parole as a means for keeping in prison for as long a time as possible those offenders thought likely to commit new offenses, or to be personally dangerous.

It is not hard to conclude that the present Parole Board does not have the necessary resources to serve all of these conflicting purposes, to follow the principles of due process set out by the Supreme Court in 1972, and at the same time move correction of offenders to the community in as many cases as it can, where it has a better chance for success.

The creation of the Parole Commission envisioned in this legislation is no panacea—it will not provide all of these answers in one package. But this legislation does contain some important and necessary steps which will help the Federal criminal justice complex toward some better answers to most of these problems.

This legislation makes four major changes in the Federal parole system:

First. The Federal parole system would be divided into geographic regions, so that the parole decisionmakers can better know what rehabilitative resources are available in the institutions and the communities of the area they serve, and so that they can better understand the records of the offenders who come before them seeking parole.

Second. Sentenced offenders will be better able to make responsible plans for their own future, and make them realistically by knowing where they stand in the parole system, and by knowing how others evaluate what they need to achieve to live in a lawful manner.

Third. The parole decisionmakers would be better able to evaluate an offender's chances for success by seeing their family, friends, or future employers when they appear before them.

Fourth. A modest increase in the number of people responsible for the overwhelming caseload would permit decisionmakers to be better informed, and increase the chance of making a good decision.

The present Parole Board is responsible for more than 17,000 decisions per year, and even though many of these decisions may be clearcut, many others require the best means possible to bring significant information to the forefront.

It is clear that the paroling agency must have additional means at its command to accomplish this task.

This legislation is, in large measure, similar to legislation which was before the Subcommittee on National Penitentiaries last year. The Board of Parole, and the Department of Justice, clearly indicated their approval of the thrust of this legislation in hearings held last July. They asked, however, that there be no immediate action by the subcommittee, and that some additional time be devoted to study of the legislation before any final action was taken.

At the time this was a reasonable request and, although work has continued on the parole legislation up until today, no attempt was made to hurriedly report the legislation.

However, the mutual interest of the Subcommittee on National Penitentiaries and the Department of Justice to improve the parole decisionmaking process has entered a new era. Although I have received no written word to this effect—it appears now that the administration feels they have sufficient executive powers to effect any necessary changes in parole procedures.

It is possible that the administration has the power to revamp the Federal paroling process, and I am submitting with this legislation a memorandum prepared by the Library of Congress which argues that there is sufficient precedent to justify such an action.

However, I introduce this legislation as a means of raising the question as to whether or not the wisest course is to let this happen without congressional scrutiny.

I am not wedded to every word of the attached legislation, but I believe it sets out several important concepts that will result in better parole decisions being made.

I would remind my colleagues, however, that when we are talking about parole, we are not talking about rehabilitation of first offenders—we are talking by and large about individuals who have been convicted of several criminal acts.

I believe that the process of making decisions as to whether or not people with this kind of criminal behavior in their past should be released on parole is a proper subject for congressional scrutiny. I am introducing this legislation in order that the Subcommittee on National Penitentiaries will have an appropriate basis for the holding of hearings on all aspects of the vitally important process of parole.

I ask that the bill, the analysis, and a memorandum prepared by the Library of Congress be printed at this point in the Record.

There being no objection, the bill and material were ordered to be printed in the Record, as follows:

S. 1463

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Parole Commission Act of 1973".

(b) Section 4201 of title 18, United States Code, is amended to read as follows:

"§ 4201. Parole Commission

"(a) There is hereby created as an independent agency of the Department of Justice a United States Parole Commission (hereinafter referred to in this chapter as the 'Commission'), the members of which shall be appointed by the President, by and with the advice and consent of the Senate, and which shall exercise the powers granted in the manner prescribed by this chapter. The term of office of a member (hereinafter referred to in this chapter as 'Commissioner') shall be six years, except that the term of a person appointed as a Commissioner to fill a vacancy shall expire six years from the date upon which such person was appointed and qualified. Upon the expiration of a term of office of any member, such member shall continue to act until a successor has been appointed and qualified. The President shall from time to time designate from among the Commissioners one to serve as Chairman. The Attorney General shall from time to time designate from among the National Commissioners one to serve as vice chairman, and four to serve as National Commissioners.

"(b) The Commissioners shall meet at least twice annually, and by majority vote shall—

"(1) consider, promulgate and oversee a national parole policy;

"(2) promulgate such regulations, adopted in accordance with the provisions of section 553 of Title I, United States Code, as are necessary to carry out the national parole policy; and

"(3) create such regions as are necessary to carry out the provisions of this chapter, but in no event less than five;

"(4) ratify or deny the appointment by the chairman of the heads of major administrative units; and

"(5) ratify, revise or deny any request for regular, supplemental, or deficiency appropriations, prior to the submission of the requests to the Office of Management and Budget by the chairman, which requests shall be separate from those of any other agency of the Department of Justice.

Each Commissioner shall have equal responsibility and authority in all such decisions and actions, shall have full access to all information relating to the performance of such duties and responsibilities, and shall have one vote.

"(c) The chairman shall—

"(1) preside at meetings of the Commissioners, pursuant to subsection (b) of this section;

"(2) appoint, fix the compensation of, assign, and supervise all personnel employed by the Commission, except such persons which may from time to time be employed in the immediate offices of Commissioners other than the chairman.

"(4) assign duties among units of the Commission so as to balance the workload and provide for orderly administration;

"(5) direct the preparation of requests for appropriations and the use and expenditure of funds;

"(6) provide for research which shall include:

"(A) the systematic collection of the data obtained from studies, research, and the empirical experience of public and private agencies concerning the parole process and parolees;

"(B) the dissemination of pertinent data and studies to individuals, agencies, and organizations concerned with the parole process and parolees;

"(C) the publishing of data concerning parole process and parolees;

"(7) perform such administrative and other duties and responsibilities as are necessary to carry out the provisions of this chapter.

"(d) The National Parole Commissioners, by majority vote, shall—

"(1) have authority to accept, reject, or modify any decision of any region, upon motion of any National Parole Commissioner, if the eligible person to whom such decision applies shall have made application for review;

"(2) have authority to review any decision of any region when the national well-being so requires, and to accept, reject or modify such decision; and

"(3) give reasons in detail for their decision in any appropriate case, including the review of any decision of any region.

"(e) The Vice Chairman shall—

"(1) preside at meetings of the National Commissioners;

"(2) assign cases to National Commissioners so as to balance the workload and provide for orderly administration;

"(3) in the absence of the Chairman, carry out the necessary functions of that office; and

"(4) perform such other duties and responsibilities as are necessary to carry out the purposes of this chapter.

"(f) A Regional Parole Commissioner shall establish panels which shall be authorized to—

"(1) grant or deny any application or recommendation to parole or re-parole any eligible person;

"(2) specify reasonable conditions or any order granting parole;

"(3) modify or revoke, pursuant to section 4207, any order paroling any eligible person;

"(4) establish the maximum length of time which any person whose parole has been revoked shall be required to serve, but in no case shall such time, together with such time as he previously served in connection with the offense for which he was paroled, be longer than the maximum term for which he was sentenced in connection with such offense;

"(5) re-parole any person whose parole has been revoked and who is not otherwise ineligible for parole; and

"(6) discharge any parolee from supervision or release him from one or more of the conditions of parole at any time after the expiration of one year after release on parole, if warranted by the conduct of the parolee and the ends of justice; except, in those cases in which the time remaining to be served is less than one year, in which case, such actions may be taken at anytime.

"Panels shall consist of either commissioners or parole examiners and decisions shall be based upon concurrence of not less than two members of such panel. A Regional Parole Commissioner may review the decision of any panel of examiners, and shall have such other powers as are necessary to carry out the purposes of this chapter.

"(g) (1) The Commission shall have the power to issue subpenas to require the attendance and testimony of witnesses and the production of evidence that directly relates to any matter with respect to which the Commission is empowered to make a determination under this chapter. Any Commissioner or Parole examiner may administer oaths to witnesses appearing before the Commission or before a Regional Parole Panel. Subpenas may be issued under the signature of any Commissioner or any duly designated official of the Commission and may be served by any person designated by the chairman or any commissioner. Witnesses summoned before the Commission as before a Regional Parole Panel shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. Such attendance of witnesses and production of evidence may be required from any place in the United States to any designated place.

"(2) If a person refuses to obey such a subpena, the Commission may petition a court of the United States for the judicial district in which such parole proceeding is being conducted or in which such person resides or carries on business to require such person to attend, testify, and produce evidence. The court may issue an order requiring such person to appear before the Commission, there to produce information or a thing, if so ordered, or to give testimony touching the matter under investigation or in question, when the court finds such information, thing, or testimony directly related to a matter with respect to which the Commission is empowered to make a determination under this chapter. Failure to obey such an order is punishable by such court as a contempt. All process in such a case may be served in the judicial district in which such person resides, does business, or may be found."

SEC. 2. Section 4202 of title 18, United States Code, is amended to read as follows:

"§ 4202. PERSONS ELIGIBLE

"(a) A person committed pursuant to this title, other than a juvenile delinquent or a committed youth offender, wherever confined and serving a definite term or terms of one year or more, may be released on parole after serving one-third of such term or terms or after serving fifteen years of a life sentence or of a sentence of over more than forty-five years, except to the extent otherwise provided in section 4208 of this title. Once a person becomes eligible for parole he must be given a parole appearance and if parole is not granted such additional parole appearances as the Commission deems necessary, but in no case shall there be less than one additional parole appearance every two years.

"(b) If it appears from a report or recommendation by the proper institution officers and upon application by a person eligible for release on parole, that such person has substantially observed the rules of the institution to which he is confined, that there is a reasonable probability that such person will live and remain at liberty without violating the law, and if in the opinion of the Commission such release is not incompatible with the welfare of society, the Commission may authorize release of such person on parole.

"Such person shall remain, while on parole, in the legal custody and under the control of the Attorney General, until the expiration of the maximum term or terms for which he was sentenced.

"(c) In imposing conditions of parole, the Commission shall consider the following—

"(1) there should be a reasonable relationship between the conditions imposed and the person's conduct and present situation;

"(2) the conditions should provide for only such deprivations of liberty as are necessary for the protection of the public welfare; and

"(3) the conditions should be sufficiently specific to serve as a guide to supervision and conduct.

"Upon release on parole, a person shall be given a certificate setting forth the conditions of such parole.

"(d) An order of parole or release may require a parolee or a person released pursuant to section 4164 of this title as conditions of parole or release to reside in or participate in the program of a residential community treatment center, or both, for all or part of the period of such parole or release: *Provided*, That the Attorney General certifies that adequate treatment facilities, personnel, and programs are available. If the Attorney General determines that the person's residence in the center or participation in its program, or both, should be terminated, because the person can derive no further significant benefits from such residence or participation, or both, or because such residence or participation adversely affects the rehabilitation of other residents or participants, the Attorney General shall notify the Regional Parole Commissioner who shall thereupon make such other provision with respect to the person as is deemed appropriate.

"A person residing in a residential community treatment center may be required to pay such costs incident to residence as the Attorney General deems appropriate.

"(e) An order of parole or release may require, a parolee, or a prisoner released pursuant to section 4164 of this title, who is an addict within the meaning of section 4251 (a) of this title, or a drug dependent person within the meaning of section 2(q) of the Public Health Service Act, as amended (42 U.S.C. 201), as a condition of parole or release to participate in the community supervision programs authorized by section 4255 of this title for all or part of the period of parole: *Provided*, That the Attorney General certifies a suitable program is available. If the Attorney General determines that the person's participation in the program should be terminated, because the person can derive no further significant benefits from participation or because his participation adversely affects the rehabilitation of other participants, he shall so notify the Regional Commissioner, which shall thereupon make such other provision with respect to the person as is deemed appropriate."

SEC. 3. Section 4203 of title 18, United States Code, is amended to read as follows:

"§ 4203. PAROLE INTERVIEW PROCEDURES

"(a) Any interview of an eligible person by a Commissioner or parole examiner in connection with the consideration of an application of parole shall be conducted in accordance with the following procedures—

"(1) an eligible person shall be given written notice of the time and place of such interview; and

"(2) an eligible person shall be allowed to select an advocate to aid him in such interview. The advocate may be a member of the institutional staff, or any other person who qualifies under the rules promulgated by the Commission pursuant to this chapter.

"(b) Following notification that a parole interview is pending, an eligible person and his advocate shall have reasonable access to progress reports and such other materials as are prepared for the use of any Commissioner or examiner in making any determination, except that the following materials may be excluded from inspection—

"(1) diagnostic opinions which, if made known to the eligible person, would, in the opinion of the prison administration, lead to a serious disruption of his institutional program of rehabilitation;

"(2) any document which contains information which was obtained by a pledge of confidentiality;

"(3) any part of any presentence report, except upon agreement of the court having jurisdiction to impose sentence; or

"(4) any information that would place any person in jeopardy of life or limb.

"If any document is deemed by either the Commission or the prison administration to fall within the exclusionary provisions of this section, then it shall become the duty of that agency to summarize the basic contents of the material withheld, bearing in mind the need for confidentiality or the impact on the inmate, or both, and furnish such summary to the inmate and his advocate, in no case less than four days prior to the parole interview, except that the appropriate court may retain the discretion to approve any such summary of any presentence report.

"(c) A summary of every interview shall be prepared and included in the record of proceedings.

"(d) An eligible person denied parole shall be given a written list of the reasons for such; and, if possible, a personal conference shall be held between the eligible person and the Commissioners or parole examiners conducting the interview. In the case of a grant of parole on other than general conditions as promulgated pursuant to this chapter, the eligible person shall be given a statement of reasons for each such additional condition."

SEC. 4. Section 4204 of Title 19, United States Code, is amended to read as follows:

"§ 4204. ALIENS

"When an alien prisoner subject to deportation becomes eligible for parole, the Parole Commission may authorize the release of such person on condition that such person be deported and remain outside the United States.

"Such person, when his parole becomes effective, shall be delivered to the duly authorized immigration official for deportation."

SEC. 5. Section 4205 of Title 18, United States Code, is amended to read as follows:

"§ 4205. RETAKING PAROLE VIOLATOR UNDER WARRANT

"(a) A warrant for the retaking of any person who is alleged to have violated his parole may be issued by any Commissioner within the maximum term or terms for which such person was sentenced.

"(b) (1) A person retaken upon a warrant under this section shall be accorded the opportunity to have a preliminary hearing, as soon as possible, except as provided in subsection (c), at a place reasonably near the location where the alleged violation occurred, by an official designated by the Commission (hereinafter referred to as hearing officer) to determine if there is probable cause to believe that he has violated a condition of his parole.

"(2) Such person shall be accorded the opportunity for a revocation hearing at a place reasonably near the location where the alleged violation occurred within 60 days of a finding of probable cause, except that such hearing may be held at the same time and place as the hearing to determine if there is probable cause.

"(3) The procedure of such hearings shall provide:

"(A) *notice of the* conditions of parole alleged to have been violated, and the time, place, date and purposes of the scheduled hearing;

"(B) opportunity for the parolee to appear and testify, and present witnesses and documentary evidence on his own behalf;

"(C) opportunity to be represented by retained counsel, or if he is unable to retain counsel, counsel may be provided pursuant to Section 3006A of Title 18, United States Code; and

"(D) opportunity for the parolee to be apprised of the evidence and if he so requests, to confront and cross-examine adverse witnesses, except in those cases wherein it is determined by the hearing officer that there is substantial risk of harm to any person who would so testify or otherwise be identified.

"Following such hearing, a summary shall be prepared by the hearing officer, setting forth in writing findings and recommendations, stating with particularity the reasons therefor.

"(c) In the case of any parolee retaken by warrant under this section who does not contest any alleged violation of a condition of parole, or who has been convicted of a new offense under any law of the United States or any state, such person shall be accorded the opportunity for an institutional revocation hearing within 90 days. Such hearing will be conducted by a panel appointed pursuant to this chapter and the parolee shall have notice of such hearing and be allowed to appear and testify on his own behalf, and to select an advocate to aid him in such appearance.

"(d) A person retaken pursuant to this section shall be detained pending disposition of such warrant if, subsequent to a finding of probable cause, the hearing officer determines that there is reason to believe that such person will not appear for his disposition hearing, or that he constitutes a danger to himself or to others."

SEC. 6. Section 4206 of title 18, United States Code, is amended to read as follows:

"§ 4206. OFFICER EXECUTING WARRANT TO RETAKE PAROLE VIOLATOR

"Any officer of any Federal penal or correctional institution, or any Federal officer authorized to serve criminal process within the United States, to whom a warrant for the retaking of a parole violator is delivered, shall execute such warrant by taking such parolee and returning him to the custody of the Attorney General."

SEC. 7. Section 4207 of title 18, United States Code, is amended to read as follows:

"§ 4207. PAROLE MODIFICATION AND REVOCATION

"(a) An order of Parole may be modified or revoked in the case of any parolee convicted of a criminal offense, or where otherwise warranted by the frequency or seriousness of the parolee's violation of the conditions of his parole.

"(b) A decision to modify or revoke an order of parole may include—

"(1) a reprimand;

"(2) an alteration of parole conditions;

"(3) referral to a residential community treatment center for all or part of the remainder of the original sentence;

"(4) formal revocation of parole or mandatory release pursuant to this chapter; or

"(5) any other action deemed necessary for successful rehabilitation of the violator, and which promotes the ends of justice."

SEC. 8. Section 4208 of title 18, United States Code, is amended to read as follows:

"§ 4208. FIXING ELIGIBILITY FOR PAROLE AT TIME OF SENTENCING

"(a) Upon entering a judgment of conviction, the court having jurisdiction to impose sentence, when in its opinion the ends of justice and best interests of the public require that the defendant be sentenced to imprisonment for a term exceeding one year, may (1) designate in the sentence of imprisonment imposed a minimum term at the expiration of which the person shall become eligible for parole, which term may be less than but shall not be more than one-third of the maximum sentence imposed by the court, or (2) the court may fix the maximum sentence of imprisonment to be served in which event the court may specify that the person may become eligible for parole at such time as the Commission may determine.

"(b) If the court desires more detailed information as a basis for determining the sentence to be imposed, the court may commit the defendant to the custody of the Attorney General, which commitment shall be deemed to be for the maximum sentence of imprisonment prescribed by law, for a study as described in subsection (c) hereof. The results of such study, together with any recommendations which the Director of the Bureau of Prisons believes would be helpful in determining the disposition of the case, shall be furnished to the court within three months unless the court grants time, not to exceed an additional three months, for further study. After receiving such reports and recommendations, the court may in its discretion—

"(1) place the person on probation as authorized by section 3651 of this title, or

"(2) affirm the sentence of imprisonment originally imposed, or reduce the sentence of imprisonment, and commit the offender under any applicable provision of law. The term of the sentence shall run from date of original commitment under this section.

"(c) Upon commitment of any person sentenced to imprisonment under any law of the United States for a definite term or terms of one year or more, the Director of the Bureau of Prisons, under such regulations as the Attorney General may prescribe, shall cause a complete study to be made of the person and shall furnish to the Commission a summary report, together with any recommendations which in the Director's opinion would be helpful in determining the suitability of the prisoner for parole. Such report may include, but shall not be limited to, data regarding the prisoner's previous delinquency or criminal experience, pertinent circumstances of his social background, his capabilities, his mental and physical health, and such other factors as may be considered pertinent. The Commission may make such other investigation as it may deem necessary. In any case involving a person with respect to whom the court has designated a minimum term in accordance with subsection (a) of this section, such report and recommendations shall be made not less than ninety days prior to the expiration of such minimum term.

"It shall be the duty of the various probation officers and government bureaus and agencies to furnish the Commission information concerning the person and, whenever not incompatible with the public interest, their views and recommendations with respect to the parole disposition of his case.

"(d) The court shall have the authority to reduce any minimum term at any time, upon motion of the Director of the Bureau of Prisons, upon notice to the attorney for the government."

SEC. 9. Section 5002 of title 18, United States Code, is amended to read as follows:

"§ 5002. ADVISORY CORRECTIONS COUNCIL

"(a) There is hereby created an Advisory Corrections Council composed of two United States judges designated by the Chief Justice of the United States and ex officio, the Chairman of the Parole Commission, the Director of the Bureau of Prisons, the Chief of Probation of the Administrative Office of the United States Courts, the Administrator of Law Enforcement Assistance Administration or his designee at a policy level, the Secretary of Health, Education, and Welfare or his designee at a policy level, the Secretary of Labor or his designee at a policy level, the Commissioner of the Civil Service Commission or his designee at a policy level, the Secretary of Housing and Urban Development or his designee at a policy level, the Director of the Office of Economic Opportunity or his designee at a policy level, and the Secretary of Defense or his designee at a policy level. The judges first appointed to the Council shall continue in office for terms of three years from the date of appointment. Their successors shall likewise be appointed for a term of three years, except that any judge appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the unexpired term of such predecessor. The Chairman shall be designated annually by the Attorney General.

"(b) The Council shall meet quarterly and special sessions may be held from time to time upon the call of the Chairman.

"(c) The Council shall consider problems of treatment and correction of all offenders against the United States and shall make such recommendations to the Congress, the President, the Judicial Conference of the United States, and other appropriate officials as may improve the administration of criminal justice and assure the coordination and integration of policies of the Federal agencies, private industry, labor, and local jurisdictions respecting the disposition, treatment, and correction of all persons convicted of crime. It shall also consider measures to promote the prevention of crime and delinquency and suggest appropriate studies in this connection to be undertaken by agencies both public and private. The members of the Council shall serve without compensation but necessary travel and subsistence expenses as authorized by law shall be paid from available appropriations of the Department of Justice.

"(d) (1) The Council shall appoint an Executive Secretary or an Administrative Assistant and such other personnel as may be necessary to carry out its functions. The Executive Secretary or Administrative Assistant shall supervise the activities of persons employed by the Council and shall perform such other duties as the Council may direct.

"(2) The Council may obtain the services of experts and consultants in accordance with section 3109 or title 5, United States Code, but at rates not to exceed $100 per day.

"(e) The Council is authorized to request from any department, agency, or independent instrumentality of the Government any information or records it deems necessary to carry out its functions, and each such department, agency, and instrumentality is authorized to cooperate with the Council and, to the extent permitted by law, to furnish such information and records to the Council, upon request made by the Chairman or by any member when acting as Chairman.

"(f) The first meeting of the Council shall occur not later than thirty days after the enactment of this legislation."

SEC. 10. Section 5005 of title 18, United States Code, is amended to read as follows:

"§ 5005. YOUTH CORRECTION DECISIONS

"The Commission may, in accordance with the provisions of chapter 311 of this title, grant or deny any application or recommendation for parole, modify, or revoke any order of parole, of any person sentenced pursuant to this chapter, and perform such other duties and responsibilities as may be required by law."

SEC. 11. Section 5006 of title 18, United States Code, is amended to read as follows:

"§ 5006. DEFINITIONS

"As used in this chapter—

"(a) 'Bureau' means the Bureau of Prisons;

"(b) 'Director' means the Director of the Bureau;

"(c) 'Youth offender' means a person under the age of twenty-two years at the time of conviction;

"(d) 'Committed youth offender' is one committed for treatment hereunder to the custody of the Attorney General pursuant to sections 5010(b) and 5010(c) of this chapter;

"(c) 'Treatment' means corrective and preventive guidance and training designed to protect the public by correcting the antisocial tendencies of youth offenders;

"(f) 'Conviction' means the judgment on a verdict or finding of guilty, a plea of guilty, or a plea of nolo contendere."

SEC. 12. Section 5010 of title 18, United States Code, is amended to read as follows:

"(a) If the court is of the opinion that the youth offender does not need commitment, it may suspend the imposition or execution of sentence and place the youth offender on probation.

"(b) If the court shall find that a convicted person is a youth offender, and the offense is punishable by imprisonment under applicable provisions of law other than this subsection, the court may, in lieu of the penalty of imprisonment otherwise provided by law, sentence the youth offender to the custody of the Attorney General for treatment and supervision pursuant to this chapter until discharged by the Commission as provided in section 5017(c) of this chapter.

"(c) If the court shall find that the youth offender may not be able to derive maximum benefit from treatment prior to the expiration of six years from the date of conviction it may, in lieu of the penalty of imprisonment otherwise provided by law, sentence the youth offender to the custody of the Attorney General for treatment and supervision pursuant to this chapter for any further period that may be authorized by law for the offense or offenses of which he stands convicted or until discharged by the Commission as provided in section 5017(d) of this chapter.

"(d) If the court shall find that the youth offender will not derive benefit from treatment under subsection (b) or (c), then the court may sentence the youth offender under any other applicable penalty provision.

"(e) If the court desires additional information as to whether a youth offender will derive benefit from treatment under subsection (b) or (c) it may order that he be committed to the custody of the Attorney General for observation and study at an appropriate classification center or agency. Within sixty days from the date of the order, or such additional period as the court may grant, the Bureau shall report to the court its findings."

SEC. 13. Section 5014 of title 18, United States Code, is amended to read as follows:

"§ 5014. CLASSIFICATION STUDIES AND REPORTS

"The Director shall provide classification centers and agencies. Every committed youth offender shall first be sent to a classification center or agency. The classification center or agency shall make a complete study of each committed youth offender, including a mental and physical examination, to ascertain his personal traits, his capabilities, pertinent circumstances of his school, family life, any previous delinquency or criminal experience, and any mental or physical defect or other factor contributing to his delinquency. In the absence of exceptional circumstances, such study shall be completed within a period of thirty days. The agency shall promptly forward to the Director and to the Commission a report of its findings with respect to the youth offender and its recommendations as to his treatment. As soon as practicable after commitment, the youth offender shall receive a parole interview."

SEC. 14. Section 5015 of title 18, United States Code, is amended to read as follows:

"§ 5015. POWERS OF DIRECTOR AS TO PLACEMENT OF YOUTH OFFENDERS

"(a) On receipt of the report and recommendations from the classification agency the Director may—

"(1) recommend to the Commission that the committed youth offender be released conditionally under supervision;

"(2) allocate and direct the transfer of the committed youth offender to an agency or institution for treatment; or

"(3) order the committed youth offender confined and afforded treatment under such conditions as he believes best designed for the protection of the public.

"(b) The Director may transfer at any time a committed youth offender from one agency or institution to any other agency or institution."

SEC. 15. Section 5016 of title 18, United States Code, is amended to read as follows:

"§ 5016. REPORTS CONCERNING OFFENDERS

"The Director shall cause periodic examinations and reexaminations to be made of all committed youth offenders and shall report to the Commission as to each such offender as the Commission may require. United States probation officers and supervisory agents shall likewise report to the Commission respecting youth offenders under their supervision as the Parole Commission may direct."

SEC. 16. Section 5017 of title 18, United State Code, is amended to read as follows:

"§ 5017. RELEASE OF YOUTH OFFENDERS

"(a) The Commission may at any time after reasonable notice to the Director release conditionally under supervision a committed youth offender when it appears that such person has substantially observed the rules of the institution to which he is confined, that there is a reasonable probability that such person will live and remain at liberty without violating the law, and if in the opinion of the Commission such release is not incompatible with the welfare of society. When, in the judgment of the Director, a committed youth offender should be released conditionally under supervision he shall so report and recommend to the Commission.

"(b) The Commission may discharge a committed youth offender unconditionally at the expiration of one year from the date of conditional release.

"(c) A youthful offender committed under section 5010(b) of this chapter shall be released conditionally under supervision on or before the expiration of four years from the date of his conviction and shall be discharged unconditionally on or before six years from the date of his conviction.

"(d) A youth offender committed under section 5010(c) of this chapter shall be released conditionally under supervision not later than two years before the expiration of the term imposed by the court. He may be discharged unconditionally at the expiration of not less than one year from the date of his conditional release. He shall be discharged unconditionally on or before the expiration of the maximum sentence imposed, computed uninterruptedly from the date of conviction.

"(e) Commutation of sentence authorized by any Act of Congress shall not be granted as a matter of right to committed youth offenders but only in accordance with rules prescribed by the Director with the approval of the Commission."

SEC. 17. Section 5018 of title 18, United States Code, is amended to read as follows:

"§ 5018. REVOCATION OF PAROLE COMMISSION ORDERS

"The Commission may revoke or modify any of its previous orders respecting a committed youth offender except an order of unconditional discharge."

SEC. 18. Section 5019 of title 18, United States Code, is amended to read as follows:

"§ 5019. SUPERVISION OF RELEASED YOUTH OFFENDERS

"Committed youth offenders permitted to remain at liberty under supervision or conditionally released shall be under the supervision of United States probation officers, supervisory agents appointed by the Attorney General, and voluntary supervisory agents approved by the Commission. The Commission is authorized to encourage the formation of voluntary organizations composed of members who will serve without compensation as voluntary supervisory agents and sponsors."

SEC. 19. Section 5020 of title 18, United States Code, is amended to read as follows:

"§ 5020. APPREHENSION OF RELEASED OFFENDERS

"If, at any time before the unconditional discharge of a committed youth offender, the Commission is of the opinion that such youth offender will be benefited by further treatment in an institution or other facility any member of the Commission may direct his return to custody or if necessary may issue a warrant for the apprehension and return to custody of such youth offender and cause such warrant to be executed by a United States probation officer, an appointed supervisory agent, a United States marshal, or any officer of a Federal penal or correctional institution. The Commission may revoke parole, dismiss or otherwise modify such warrant as provided in section 4207 of this title."

SEC. 20. Section 5021 of title 18, United States Code, is amended to read as follows:

"§ 5021. CERTIFICATE SETTING ASIDE CONVICTION

"(a) Upon the unconditional discharge by the Commission of a committed youth offender before the expiration of the maximum sentence imposed upon him, the conviction shall be automatically set aside and the Commission shall issue to the youth offender a certificate to that effect. This shall expunge the record for civil purposes although nothing herein shall be construed to prohibit consideration of this information in a subsequent criminal proceeding.

"(b) Where a youth offender has been placed on probation by the court, the court may thereafter, in its discretion, unconditionally discharge such youth offender from probation prior to the expiration of the maximum period of probation theretofore fixed by the court, which discharge shall automatically set aside the conviction, and the court shall issue to the youth offender a certificate to that effect."

SEC. 21. Section 5037 of title 18, United States Code, is amended to read as follows:

"§ 5037. PAROLE OF JUVENILE OFFENDERS

"A juvenile delinquent who has been committed and who, by his conduct, has given sufficient evidence that he has reformed, may be released on parole at any time under such conditions and regulations as the Commission deems proper if it shall appear to the satisfaction of such Commission that there is reasonable probability that the juvenile will remain at liberty without violating the law when it appears that such person has substantially observed the rules of the institution to which he is confined, that there is a reasonable probability that such person will live and remain at liberty without violating the law, and if in the opinion of the Commission such release is not incompatible with the welfare of society."

SEC. 22. (a) The amendments made by this Act shall not be construed as affecting or otherwise altering the provisions of sections 401 and 405 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 relating to special parole terms.

(b) The amendment made by section 2 of this Act shall not apply to any offense for which there is provided a mandatory penalty.

(c) The parole of any person sentenced before June 29, 1932, shall be for the remainder of the term or terms specified in his sentence, less good time allowances provided by law.

SEC. 23. Sections 5007, 5008, and 5009 of title 18, United States Code, are repealed.

SEC. 24. There is hereby authorized to be appropriated such sums as are necessary to carry out the purposes of these amendments.

SEC. 25. Section 3050 of Title 18, United States Code, is amended to read as follows:

"§ 3050. BUREAU OF PRISONS AND PAROLE COMMISSION EMPLOYEES' POWERS

"An officer or employee of the Bureau of Prisons may make arrests without warrant for violations of any of the provisions of sections 751, 752, 1791, or 1792 of this title, if he has reasonable grounds to believe that the arrested person is guilty of such offense, and if there is likelihood of his escaping before a warrant can be obtained for his arrest. If the arrested person is a fugitive from custody, he shall be returned to custody. United States Parole Commissioners and such other employees as are designated by the Commission pursuant to 4201 of this title, may execute any warrant issued by the Commission pursuant to section 4205 of this title. Officers and employees of the Bureau of Prisons, Parole Commissioners, and such employees of the Commission, may carry firearms under such rules and regulations as the Attorney General may prescribe."

SEC. 26. (a) The foregoing amendments made by this Act shall take effect upon the expiration of the ninety-day period following the date of the enactment of this Act.

(b) Upon the effective date of this Act, each person holding office as a member of the Board of Parole on the date immediately preceding such effective date shall be deemed to be a Commissioner and shall be entitled to serve as such for the remainder of the term for which such person was appointed as a member of such Board of Parole.

(c) All powers, duties, and functions of the aforementioned Board of Parole shall, on and after such effective date, be deemed to be vested in the Commission, and shall, on and after such date, be carried out by the Commission in accordance with the provisions of this Act, except that the Commission may make such transitional rules as are necessary to be in effect for not to exceed one year following the effective date.

SEC. 27. The table of sections for chapter 311 of title 18, United States Code, is amended to read as follows:

"Sec.
"4201. Parole Commission.
"4202. Persons eligible.
"4203. Parole interview procedures.
"4204. Aliens.
"4205. Retaking parole violator under warrant.
"4206. Officer executing warrant to retake parole violator.
"4207. Parole modification and revocation.
"4208. Fixing eligibility for parole at time of sentencing.
"4209. Young adult offenders.
"4210. Warrants to retake Canal Zone parole violators."

SEC. 28. The table of sections for chapter 402 of title 18, United States Code, is amended to read as follows:

"Sec.
"5005. Youth correction decisions.
"5006. Definitions.
"5010. Sentence.
"5011. Treatment.
"5012. Certificate as to availability of facilities.
"5013. Provision of facilities.
"5014. Classification studies and reports.
"5015. Powers of Director as to placement of youth offenders.
"5016. Reports concerning offenders.
"5017. Release of youth offenders.
"5018. Revocation of Commission orders.
"5019. Supervision of released youth offenders.
"5020. Apprehension of released offenders.
"5021. Certificate setting aside conviction.
"5022. Applicable date.
"5023. Relationship to Probation and Juvenile Delinquency Acts.
"5024. Where applicable.
"5025. Applicability to the District of Columbia.
"5026. Parole of other offenders not affected."

SEC. 29. The table of sections for chapter 403 of title 18, United States Code, is amended by deleting the item "§ 5037. Parole. "and inserting in lieu thereof the item "§ 5037. Parole of Juvenile Offenders."

SECTION-BY-SECTION ANALYSIS OF PAROLE COMMISSION ACT

SECTION 1. This section amends Section 4201, establishing the organizational scheme for the U.S. Parole Commission, which replaces the U.S. Board of Parole, and setting out the powers and duties of the commissioners, who would be appointed by the President, with the advice and consent of the Senate. The chairman of the Board of Parole would be the administrative head of the agency, and all commissioners would have an equal voice in matters of budget and policy.

The commissioners would have differential, but equal, roles in the grant or denial of parole. At least five commissioners would be designated as regional commissioners, each responsible for the process of granting or denying parole to the federal prisoners in a region of the nation. Regional commissioners would have jurisdiction to review all parole decisions made in their region, and would spend enough time in their regions to become familiar with the needs of that region. The five national parole commissioners would have jurisdiction to review any regional order granting, denying or revoking parole.

The initial parole decision would be made by panels of at least two hearing examiners in most cases, but these decisions would be subject to review and reversal by the Commissioners.

SEC. 2. Section 2 leaves unchanged the present law as to persons being eligible for parole, which comes when a third of regular adult sentence has been served, or at an earlier point in time if the court so determines. Each individual would receive an interview when he becomes eligible for parole, and at least once every two years after that. In each case, the Bureau of Prisons would make a recommendation to the parole commissioners as to how the institutional staff feels the individual should be treated. The conditions of parole which could be imposed are limited to the following: (1) things that are reasonably related to the individual's past conduct, (2) the minimum deprivation of liberty necessary to protect the public welfare, (3) that the conditions be specific, and (4) that one of the conditions can be residence in a community treatment center or participation in a drug treatment program.

SEC. 3. The procedures for an appearance of a person before the Parole authority are changed to provide for: (1) written notice of the time and place of the hearing; (2) that anyone deemed eligible by the prisoner as an advocate to appear with him; (3) that the inmate and his advocate have access to certain information from the file that is used by the parole commission, at least four days before the hearing, except that certain sensitive papers can be withheld; (4) that the presiding parole official prepares a summary of each appearance; and (5) the individual is given reasons in writing and also a personal conference be held if possible, for any decision to deny parole or to grant parole with other than normal conditions.

SEC. 4. Section 4204 is amended and re-enacted to make the language conform.

SEC. 5. Existing language providing for the retaking of a parole violator under warrant is amended and re-enacted to make it conform with other sections.

A parolee convicted of committing a new offense, or not contesting violations of the conditions of parole with which he is charged, would be returned to confinement, and a hearing would be held within 90 days on formal revocation of parole.

A parolee charged with a technical violation who contests the charges, and who is not guilty of a new offense, would be entitled to certain due process protections, as provided in Morrissey v. Brewer 408 U.S. 471 (1972). The proceedings leading to revocation would include hearings to determine probable cause as well as a formal revocation hearing at which the individual charged with a technical violation would be represented by counsel, and could cross-examine adverse witnesses.

SEC. 6. Section 4206 is amended and re-enacted to reflect a change in language.

SEC. 7. Section 4207 provides that an order of parole may be modified or revoked where the parolee is convicted of a new crime or where the parolee frequently or seriously violates parole conditions. A decision under this section can result in any of the following actions: revocation, reprimand, a change in parole conditions, referral to a residential community treatment center, or any other action needed to successfully rehabilitate the violator.

SEC. 8. Section 4208 is amended and re-enacted to conform with the new language.

SEC. 9. Section 5002 of the Youth Corrections Act is amended to make the membership of the Advisory Correction Council more nearly parallel to the present membership of the Inter-Agency Council on Corrections, and to specifically provide that the Council may have staff and may conduct studies in order to carry out its duties.

SECS. 10 thru 21. Amend and re-enact all applicable sections of the Youth Corrections Act to make the language conform, and to provide that all of the procedures provided to adult prisoners are available to persons committed under the Youth Corrections Act.

SEC. 22. This section protects the present special parole language in the drug and other statutes.

SEC. 23. This section repeals three sections of the Youth Corrections Act which would be duplicative.

SEC. 24. Provides authorization for appropriation of funds.

SEC. 25. This section amends Section 3050 of Title 18, giving members and designated employees of the Parole Commission powers to serve arrest warrants on alleged parole violators, and to carry firearms under regulation of the Department of Justice.

SEC. 26. This section provides transitional provisions from the Board of Parole to the Parole Commission.

SECS. 27 thru 29. These sections amend the appropriate tables of sections.

THE LIBRARY OF CONGRESS,
Washington, D.C., March 27, 1973.

To: Senate National Penitentiaries Subcommittee.
From: American Law Division.
Subject: Delegation of Decision-Making Functions of Parole Board Members by Executive Reorganization.

This is in response to your request for information as to the validity of various methods of transfering certain functions of the Parole Board to hearing examiners. Specifically, you inquire whether (1) authority to delegate certain decision-making functions of the Parole Board may be effected by executive reorganization; (2) a reorganization plan could transfer the functions of the Board to the Attorney General with authority to delegate those functions in turn to hearing examiners; (3) the Attorney General could accomplish such a transfer of functions without a reorganization plan under his powers of internal reorganization; (4) the Board, under its present statutory authority, may authorize final decisions to be made by panels consisting of less than the full membership of the Board or may assign Board members specific areas of jurisdictional authority, e.g., over parole matters emanating from defined geographic areas; and (5) the Parole Board, under its present statutory authority, may delegate decision-making functions to hearing examiners, subject to discretionary review.

It may be argued that a reorganization plan containing a provision allowing delegation of the Board's decision-making function in parole matters to hearing examiners would be violative of 5 U.S.C. 905(a)(4). Thus it could be reasoned that since the statutory provision establishing the Parole Board (18 U.S.C. 4203) vests the decision-making power in the members of the Board and contains no explicit authority for delegation of that power, such a reorganization would involve a transfer of "a function which is not expressly authorized by law."

It would appear, however, that such a narrow reading of the limitation of the Reorganization Act is unwarranted. Although obviously it would be necessary to review the precise language of any proposed plan, it would seem that such a plan could either authorize the delegation of decision-making functions currently performed by the Parole Board to hearing examiners or transfer those functions to other government authorities, including the Attorney General, who could then delegate them to examiners.

Section 905(a)(4) of title 5 states:

"Limitations on powers—(a) A reorganization plan may not provide for, and a reorganization under this chapter may not have the effect of—

* * * * *

"(4) Authorizing an agency to exercise a function which is not expressly authorized by law at the time the plan is transmitted to Congress; . . ."

Plainly, this provision precludes only the vesting by reorganization of a new substantive function in an agency. Stated differently, reorganization plans may not be utilized to authorize the delegation of a function which the delegator did not have or to transfer a function which does not exist.

In the instant situation, the Parole Board already has plenary statutory authority in parole matters. Thus allowing the Board to delegate some part of that authority to hearing examiners in no way adds to its substantive function; nor does it conflict with any express limitations in the statute. Indeed, since an apparent purpose of the proposed reorganization is to increase the efficiency of Board operations, such a plan would be totally consonant with the design of the Reorganization Act:

"Section 901. Purposes—(a) The President shall from time to time examine the organization of all agencies and shall determine what changes therein are necessary to accomplish the following purposes:

"(1) to promote the better execution of the laws, the more effective management of the executive branch, and of its agencies and functions, and the expeditious administration of the public business; . . . .

"(3) to increase the efficiency of the operations of the Government to the fullest extent practicable."

Similarly, a transfer by reorganization plan of the Parole Board's functions to the Attorney General would seem lawful since it would not involve the "exercise of a function which is not expressly authorized by law at the time the plan is transmitted to Congress." This would appear to be true notwithstanding the provision 28 U.S.C. 509(4) which vests in the Attorney General the functions of all officers, agencies and employees of the Department of Justice except, among others, the Parole Board. That provision itself is derived from an executive reorganization plan (Reorganization Plan No. 2 of 1950, sec. 1, 64 Stat. 1261) and appears in the United States Code as a result of codification action by Congress in 1966. P.L. 89–554, sec. 4(c), 80 Stat. 612. Thus it is not a substantive congressional prohibition but, rather, a part of the executive organization scheme.

Finally, by the same token, the Attorney General could not, because of section 509(4), effect a transfer of functions within the Board on his own without a further reorganization which vests him with the functions of the Board. To this extent section 509(4) serves as a limitation on the Attorney General's administrative authority.

It may be argued in support of a contrary conclusion the example of the rejection of Reorganization Plan No. 2 of 1961 which involved, among other things, the transfer, with authority to delegate, of powers vested with certain members of the Federal Communications Commission to other Commission employees and hearing officers. But as the Report of the Senate Committee on Commerce (S. Rept. No. 576) clearly indicates, the rejected plan would have amended certain basic substantive provisions of the Communications Act. It was also objected to on the ground that it would concentrate too much power in the Chairman of the Commission. (Extracts from the Report are attached.) Thus the FCC rejection would not appear applicable to the instant situation.

On the other hand, several reorganization plans authorizing the delegation of decision-making functions from similar commissions and boards to hearing examiners have been approved by Congress, e.g., Reorganization Plan No. 3 of 1961 (Civil Aeronautics Board); Reorganization Plan No. 4 of 1961 (Federal Trade Commission); Reorganization Plan No. 7 of 1961 (Federal Maritime Commission). (copies attached) In each instance the underlying statute had no specific prohibitory provision.

With regard to your further inquiry as to whether less than the full membership of the Board may exercise the decision-making authority of the Board, the courts have held that in light of the broad discretion vested by Congress in the Board it has the inherent authority to establish procedures to accomplish its purposes and functions, including delegation of authority to determine parole matters by a panel of members. Thus in *Earnest* v. *Moseley*, 426 F. 2d 466, 469 (10th Cir. 1970), the court stated:

"The appellant's next contention is that the Board of Parole may not delegate two members of the Board the authority to determine whether or not parole or conditional release should be revoked. We disagree.

"Title 18 U.S.C. sec. 4207 provides for a revocation hearing before the Board, a member of the Board, 'or an examiner designated by the Board.' It then provides:

"'The Board may then, or at any time in its discretion, revoke the order of parole and terminate such parole or modify the terms and conditions thereof.'

"We see nothing in this language which would compel the conclusion that the entire Board must decide on every parole revocation. The creation of the Board and Congress' vesting in it a very broad discretion carries with it an inherent authority to establish such procedures as will best effectuate Congress' purpose in establishing the Board and the parole system. The Court in *Hyser* v. *Reed*, 115 U.S. App. D.C. 254, 318 F.2d 225, 242 n. 14, noted that for the fiscal year 1960 the Parole Board held 12,640 hearings of all types and issued 1,016 warrants for the arrest of parole violators and 670 warrants for the arrest of mandatory release violators. To too narrowly circumscribe the authority of the Board to establish its own internal procedures and effectively distribute its work load would impose an undue burden on the Board and, indeed, the entire parole system. As this court said in *Christianson* v. *Zerbst*, 89 F.2d 40 (10th Cir.), the proceedings of the Board in revoking the parole or conditional release are presumptively correct. Unless it is clearly shown that the procedures established by the Board are clearly discriminatory or so lacking in fundamental fairness as to deprive the parolee or releasee of due process, or that those procedures are clearly contrary to the statutes creating and regulating the Board, the court will not attempt to substitute its judgment for that of the Board."

Under the court's rationale, it would also appear proper for the Board in apportioning its workload to assign specific jurisdictional areas to individual members.

Your final inquiry, as to whether the Board currently has authority to delegate certain decision-making functions to hearing examiners, presents a closer legal question. There is no express authority under the present statute regarding delegations of the Board's functions. The absence of such explicit authority, however, obviously does not make all delegations impermissible. As *Earnest* v. *Moseley, supra* holds, final determinations in parole revocation proceedings may be made by two members of the Board. And in *French* v. *Ciccone*, 308 F. Supp. 256 (U.S.D.C.W.D. Mo. 1969), the court upheld the Board's practice (see 28 C.F.R. 2.15) of having hearing officers conduct parole proceedings against a claim that a prisoner has a right to a hearing "before a voting member" of the Board. (It may be noted that the examiners may submit recommendations along with their report to the Board. Both cases turned on the broad discretion vested in the Board.

However, in a leading case in this area, *Cudahy Packing Co.* v. *Holland*, 315 U.S. 357 (1942), the Supreme Court held a delegation of subpoena issuing power, without specific statutory authority, to be unlawful. At issue was the question whether the Administrator of the Wage and Hour Division of the Department of Labor could delegate his power to sign an dissue a subpoena duces tecum. The Administrator argued that his delegation authority stemmed from section 4(c) of the Fair Labor Standards Act and by implication from the structure of the Act and the nature of the duties imposed upon him. Section 4(c) provided: "The principal office of the Administrator shall be in the District of Columbia, but he or his duly authorized representative may exercise any or all his powers in any place." The Court rejected the contention, stating (315 U.S. at pp. 361–362):

"If, as the Administrator contends, the section is to be read as authorizing delegation of the subpoena power, that authority is without limitation. He may confer the power on any employee appointed under § 4(b), whom "he deems neecssary to carry out his functions and duties," or even on those who render the voluntary and uncompensated service which he may accept under that section. Moreover, if so read, § 4(c) likewise gives the Administrator unrestricted authority to delegate every other power which he possesses, and would render meaningless and unnecessary the provisions of § 11 authorizing the Administrator to delegate his power of investigation to designated representatives.

"If such is the meaning of the Act, he could delegate at will his duty to report periodically to Congress (§ 4(d)), to appoint industry committees and their chairmen, to fix their compensation and prescribe their procedure (§ 5), to approve or disapprove their reports by orders whose findings of fact, if supported by substantial evidence, are conclusive (§ 10), to define certain terms used in the Act (§ 13), to provide by regulations or orders for the employment of learners and handicapped workers (§ 14), as well as other duties. A construction of the Act which would thus permit the Administrator to delegate all his duties, including those involving administrative judgment and discretion which the Act has in terms given only to him, can hardly be accepted unless plainly required by its words.

"The Administrator seeks to meet this difficulty by construing § 4(c) as authorizing the delegation of some but not all of his administrative functions. But we cannot read "any or all" as meaning "some." And in any case if only some functions can be delegated, we are afforded no legislative guide for determining which may and which may not be delegated. We think that the words of the section, read in their statutory setting, make it reasonably plain that its only function is to provide that the Administrator and his representatives may exercise either within or without the District of Columbia such powers as each possesses. This construction is fully supported by the legislative history of § 4 (c)."

The Court also noted that specific authority to delegate the subpoena power contained in measures passed by both Houses was eliminated in conference.

More recent decisions appear to have modified *Cudahy*, however. In *N.L.R.B.* v. *Duval Jewelry Co.*, 357 U.S. 1 (1958), the Court held proper the Board's delegation of authority to hearing officers to make preliminary rulings on motions to revoke subpoenas since the Board reserved to itself the right of final decision:

"The limited nature of the delegated authority distinguishes the case from *Cudahy Packing Co.* v. *Holland*, 315 U.S. 357, and *Fleming* v. *Mohawk Wrecking Co.*, 331 U. S. 111, where the person endowed with the power to issue subpoenas delegated the function to another. While there is delegation here, the ultimate decision on a motion to revoke is reserved to the Board, not to a subordinate. All that the Board has delegated is the preliminary ruling on the motion to revoke. It retains the final decision on the merits. One who is aggrieved by the ruling of the regional director or hearing officer can get the Board's ruling. The fact that special permission of the Board is required for the appeal is not important. Motion for leave to appeal is the method of showing that a substantial question is raised concerning the validity of the subordinate's ruling. If the Board denies leave, it has decided that no substantial question is presented. We think that no more is required of it under the statutory system embodied in § 11. No matter how strict or stubborn the statutory requirement may be, the law does not "preclude practicable administrative procedure in obtaining the aid of assistants in the department." See *Morgan* v. *United States*, 298 U. S. 468, 481; *Eagles* v. *Samuels*, 329 U. S. 304, 315, 316. It is not of help to say that on some matters the Board has original jurisdiction, on others appellate jurisdiction. We are dealing with a matter on which the Board has the final say. As in the case of many other matters coming before hearing examiners, it merely delegates the right to make a preliminary ruling. Much of the work of the Board necessarily has to be done through agents."

Similarly, in *Wirtz* v. *Atlantic States Construction Co.*, 357 F. 2d 442, 445 (5th Cir. 1966), the court remarked:

"Unless, as in *Cudahy*, the statutory agent is hemmed in, the 'administrative flexibility necessary for prompt and expeditious action on a multitude of fronts,' Fleming v. Mohawk Wrecking & Lumber Co., supra, 331 U.S. at 122, 67 S.Ct. at 1135, 91 L.Ed. at 1385, points in the direction of allowing more, not less, delegation. To argue for nondelegability in those situations in which Congress has not spoken explicitly and thereby insist upon personal performance by the Executive or the Chief Statutory Administrative Office envisages many unsatisfactory results. It will mean less, not greater, attention to the intrinsic merits of each situation requiring action. It will make governmental bureaucracy more, not less, formidable and frustrating."

If the foregoing cases represent a true modification of *Cudahy*, then a clearly circumscribed delegation of decision-making authority to hearing examiners, which plainly maintains a "final say" with the Board, may be permissible since there appears to be no legislative history evincing a congressional intent to the contrary; the Board is presently vested with the broadest possible discretion in parole matters; and the current workload of the Board is sufficiently large to admit of reasonable administrative solutions for the sake of efficiency, effectiveness and economy in carrying out the congressional purpose. But in view of the absence of such express authority, and particularly taking into account that Congress could have made provision for such delegation, the safest course would appear to be application for new legislation by the Congress or revision of the Board's administrative powers by executive reorganization.

Morton Rosenberg,
Legislative Attorney.

By Mr. MOSS:

S. 1471. A bill to amend the Internal Revenue Code of 1954 with respect to the limitation on the deduction of certain amounts for business gifts. Referred to the Committee on Finance.

SERVICE AWARD DEDUCTION

Mr. MOSS. Mr. President, it has been a custom for many years for business concerns to present awards to employees for milestones in length of service, for retirement, or for safety achievement. The Internal Revenue Code recognizes this tradition by allowing the employer to deduct from his income tax up to $100 for each such gift.

In the 10 years since this provision was put into effect, however, the price of the gifts most often presented have doubled in price. The traditional gift for outstanding service are such items as gold watches, clocks, or sterling silver trays or bowls, and the prices for these products have been increasing at an unusually high rate over the past decade, and many are now priced in the range of $200. It is only fair that these price increases should be reflected in the maximum deduction allowed under the Internal Revenue Code. This bill would increase the maximum deduction to $200. Such an amendment will permit employers to continue to make awards to employees that are of the same quality as the awards of 5 or 10 years ago.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 383

At the request of Mr. Allen, the Senator from Rhode Island (Mr. Pastore) and the Senator from North Carolina (Mr. Helms) were added as cosponsors of S. 383, a bill to encourage persons to join and remain in the Reserves and National Guard by providing full-time coverage under Servicemen's Group Life Insurance for such members and certain members of the Retired Reserve.

S. 645

At the request of Mr. Bayh, the Senator from Ohio (Mr. Taft), the Senator from Florida (Mr. Chiles), and the Senator from New York (Mr. Javits) were added as cosponsors of S. 645, a bill to strengthen interstate reporting and interstate services for parents of runaway children; to conduct research on the size of the runaway youth population; for the establishment, maintenance, and operation of temporary housing and counseling services for transient youth, and for other purposes.

S. 881

At the request of Mr. Bentsen, the Senator from Utah (Mr. Bennett), and the Senator from South Carolina (Mr. Hollings) were added as cosponsors of S. 881, to amend the exclusionary rule of evidence, and for other purposes.

S. 909

At the request of Mr. Hollings, the Senator from Illinois (Mr. Percy), and the Senator from South Carolina (Mr. Thurmond) were added as cosponsors of S. 909, amending the Federal Property and Administrative Services Act of 1949 to permit donations of surplus Federal property to State and local public recreation agencies.

S. 1064

At the request of Mr. Burdick, the Senator from Nevada (Mr. Bible), the Senator from Florida (Mr. Gurney), the Senator from New York (Mr. Javits), the Senator from Montana (Mr. Mansfield), the Senator from South Dakota (Mr. McGovern), the Senator from Montana (Mr. Metcalf), and the Senator from Illinois (Mr. Percy) were added as cosponsors of S. 1064, the judicial disqualification bill.

S. 1094, S. 1095, S. 1096, AND S. 1097

At the request of Mr. Scott of Pennsylvania, the Senator from Tennessee (Mr. Baker) was added as a cosponsor of S. 1094, to improve the regulation of Federal election campaign activities; S. 1095, to amend the Communications Act of 1934 with respect to the application of the equal time provisions to candi-

dates for Federal elective office; S. 1096, to provide for a campaign mail privilege for qualified candidates for Federal office; and S. 1097, to provide that political contributions are not subject to the gift tax.

S. 1142

At the request of Mr. Muskie, the Senator from South Dakota (Mr. McGovern) was added as a cosponsor of S. 1142, a bill to amend the Freedom of Information Act of 1967.

S. 1161

At the request of Mr. Javits, the Senator from Wisconsin (Mr. Nelson), and the Senator from Pennsylvania (Mr. Schweiker) were added as cosponsors of **S. 1161, to amend the act of August 13, 1946, relating to Federal participation in the cost of protecting the shores of the United States, its territories and possessions, to include privately owned property.**

S. 1191

At his own request, Mr. Percy was added as a cosponsor of S. 1191, the Child Abuse Prevention Act.

S. 1199

At the request of Mr. Hollings, the Senator from South Carolina (Mr. Thurmond) was added as a cosponsor of S. 1199, amending the Internal Revenue Code to permit a married couple to deduct certain household and dependent care expenses when one spouse is a full time student to the same extent that a deduction would be allowed were both spouses employed.

S. 1297

At the request of Mr. Biden, the Senator from Montana (Mr. Mansfield), **the Senator from West Virginia (Mr. Randolph), the Senator from Rhode Island (Mr. Pastore), the Senator from Delaware (Mr. Roth), and the Senator from Michigan (Mr. Hart) were added as cosponsors of S. 1297, a bill to provide for disaster assistance in the case of substantial economic loss resulting from other than natural causes.**

S. 1365 AND S. 1366

At the request of Mr. Stevens, the Senator from Alaska (Mr. Gravel) was added as a cosponsor of S. 1365, a bill to amend the act prohibiting certain fishing in U.S. waters in order to revise the penalty for violating the provisions of such act; and S. 1366, a bill to amend the Fishermen's Protective Act of 1967.

SENATE RESOLUTION 90—SUBMISSION OF A RESOLUTION TO REFER THE BILL (S. 1453) TO THE COURT OF CLAIMS

(Referred to the Committee on the Judiciary.)

Mr. PASTORE submitted the following resolution:

S. Res. 90

Resolved, That the bill (S. 1453) entitled "A bill for the relief of Thomas Raymond Pomaski" now pending in the Senate, together with all the accompanying papers, is hereby referred to the Chief Commissioner of the United States Court of Claims; and the Chief Commissioner shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report thereon to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States or a gratuity and the amount, if any, legally or equitably due from the United States to the claimant.

SENATE RESOLUTION 91—SUBMISSION OF A RESOLUTION TO REFER THE BILL (S. 1454) TO THE COURT OF CLAIMS

(Referred to the Committee on the Judiciary.)

Mr. PASTORE submitted the following resolution:

S. Res. 91

Resolved, That the bill (S. 1454) entitled "A bill for the relief of the estate of Earl A. Trager," now pending in the Senate, together with all the accompanying papers, is hereby referred to the Chief Commissioner of the United States Court of Claims; and the Chief Commissioner shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report thereon to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States or a gratuity and the amount, if any, legally or equitably due from the United States to the claimant.

SENATE RESOLUTION 92—ORIGINAL RESOLUTION REPORTED RELATING TO THE PRINTING OF MEMORIAL TRIBUTES OF FORMER SENATORS

(Ordered to be placed on the calendar.)

Mr. CANNON, from the Committee on Rules and Administration, reported the following original resolution:

S. Res. 92

Resolved, That when the Senate orders the printing as a Senate document of the legislative proceedings in the United States Congress relating to the death of a former United States Senator, such document shall be prepared, printed, bound, and distributed, except to the extent otherwise provided by the Joint Committee on Printing under chapter 1 of title 44, United States Code, in the same manner and under the same conditions as memorial addresses on behalf of Members of Congress dying in office are printed under sections 723 and 724 of such title.

SENATE RESOLUTION 93—ORIGINAL RESOLUTION REPORTED TO PAY A GRATUITY

(Ordered to be placed on the calendar.)

Mr. CANNON, from the Committee on Rules and Administration, reported the following original resolution:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Nancy S. Pigman, widow of Wendell H. Pigman, an employee of the Senate at the time of his death, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

NOTICE OF HEARINGS ON IMPROVING CONGRESSIONAL CONTROL OF THE BUDGET

Mr. METCALF. Mr. President, hearings on bills and recommendations to improve congressional control of the budget began Monday, April 2, with testimony from Representative Charles E. Bennett, Republican of Florida, Representative John Conyers, Democrat of Michigan, and Senator Adali E. Stevenson III, Democrat of Illinois.

Hearings will be resumed Monday, April 9. The Subcommittee on Budgeting, Management and Expenditures will conduct morning and afternoon hearings on Wednesday, April 11, and Thursday, April 12, in addition to the morning and afternoon hearings on April 9. The morning sessions will begin at 9:30 a.m., rather than at 10 a.m. as stated when I initially announced the hearings on March 11 7779).

Mr. President, I ask unanimous consent to insert at this point in the Record the press release regarding next Monday's hearings, and my opening statement last Monday.

There being no objection, the release and statement were ordered to be printed in the Record, as follows:

SUBCOMMITTEE ON BUDGETING, MANAGEMENT AND EXPENDITURES PRESS RELEASE

The Senate Subcommittee on Budgeting, Management and Expenditures will conduct three full days of hearings next week on legislation to improve Congressional control of the budget, Chairman Lee Metcalf (D-Mont.) said today.

Sen. Hubert Humphrey (D-Minn.) will testify at 9:30 a.m., Monday, April 9. He will be followed, said Senator Metcalf, by a panel presentation by:

Dr. Charles Schultze, Brookings Institution; formerly director, Bureau of the Budget (predecessor of the Office of Management and Budget);

Robert A. Wallace, vice president, Exchange National Bank, Chicago; formerly administrative assistant to Sen. Paul Douglas (D-Ill.) and Assistant Secretary of the Treasury, and

Dr. Stephen Horn, president, California State College at Long Beach; formerly with the Brookings Institution and legislative assistant to Sen. Thomas H. Kuchel (R-Cal.).

Monday afternoon the Subcommittee will hear from Sen. Alan Cranston (D-Cal.), who formerly served as California's controller. He will be followed by a panel presentation arranged by the Council of State Governments and including the following:

A. Alan Post, Legislative Analyst, California State Legislature;

Sen. John Marchi, New York State Senate, and

Chairman Marshall Harris, House Appropriations Committee, Florida Legislature.

The other witnesses Monday afternoon are:

Professor Lee Auspitz, Harvard University;

Professor Bruce Norton, American University, and

Dr. Byrl Sprinkel, U.S. Chamber of Commerce.

The hearings Monday—and those on Wednesday, 11 April and Thursday, 12 April—will be held in the Government Operations Committee hearing room, 3302 Dirksen Senate Office Building, said Chairman Metcalf. The morning sessions will begin at 9:30 a.m. rather than at 10:00 a.m. as previously announced; the afternoon sessions at 2:00 p.m.

The Subcommittee on Budgeting, Management and Expenditures is a newly-formed (1 March, 1973) legislative subcommittee of the

Committee on Government Operations. The Subcommittee is considering the recommendations of the Joint Study Committee on Budget Control and bills dealing with improved Congressional control of the Budget. A committee print, "Improving Congressional Control Over the Budget," including Joint Committee recommendations, bills and related materials is available from the Subcommittee, phone 225–1474, 161 Russell Senate Office Building.

Members of the Subcommittee, in addition to Chairman Metcalf, are:

Sen. John L. McClellan (D-Ark.)
Sen. Edmund S. Muskie (D-Maine)
Sen. Sam Nunn (D-Ga.)
Sen. Walter D. Huddleston (D-Ky.)
Sen. William B. Saxbe (R-Ohio)
Sen. Bill Brock (R-Tenn.)
Sen. Charles H. Percy (R-Ill.)
Sen. William V. Roth, Jr. (R-Del.)

OPENING STATEMENT BY HON. LEE METCALF

It is appropriate that the first hearings of the new Subcommittee on Budgeting, Management and Expenditures—and indeed the first priority of consideration by its members—concern legislation to improve Congressional control over the federal budget.

There are already ten bills before us. All have the basic objectives of providing the machinery, staffing and information to enable Congress to frame its own legislative budget, set a ceiling on expenditures in relation to revenues and the national debt, set the people's priorities under that ceiling, and take charge of fiscal policy in general. Also before the Subcommittee are the recommendations of the Joint Study Committee on Budget Control, which are contained in the Committee's Interim Report, issued on seven February.

Thus we have a wide spectrum of ideas with which to work, and we have the legislative language. Our task now is to extract the best in these bills, and to expedite action on the legislation while Congress is in a mood for asserting its Constitutional responsibilities.

On reflection, it seems almost incredible that we are still using tools developed over fifty years ago—by the Budget and Accounting Act of Nineteen Twenty-One to arrive at a national budget, particularly when federal expenditures today are one-hundred times greater than they were in the nineteen twenties. The Employment Act of Nineteen Forty-Six commits the federal government to relate its fiscal and monetary actions to the overall needs of the national economy—to avoid high unemployment and slack production on the one hand and excessive inflation on the other. To have a beneficial effect on the economy we must devise a legislative method for relating spending to revenues.

Large budget deficits are harmful in a period of demand inflation because the government would be adding to demand by pumping into the economy much more than it takes out. On the other hand, severe budget cuts will hinder the recovery of an economy marked by high unemployment.

Thus, spending must be controlled, but it is the relationship of spending to revenues that must be considered here. Spending and tax policies must be related.

We face the difficulty of approving funds for a future fiscal year which will not be completed for twelve to eighteen months into the future. Broad economic changes can occur within that time period, which may warrant changes in expenditure levels to meet the overall needs of the economy. Further compounding this situation is the lead time necessary to vary expenditure levels. For example, a decision to cut expenditures now may require nine to twelve months to become fully effective. An increase in expenditures requires more time, because of the necessity of legislating, appropriating, planning and implementing new or expanded activities.

The problems we face also include loss of spending control through our own actions such as—

"Backdoor spending" which commits the government to make funds available without being reviewed in the annual appropriations process;

Obligational authority permitting expenditures far into the future; and

The enactment of programs which commit the federal government to uncontrolled levels of expenditure.

Most of all, Congress must have the information necessary to exert its power of the purse with full knowledge of the consequences of its actions. If our policy is that of approving a program, we need to know how much money is needed to carry out the policy at levels we determine.

We must recognize that creating the tools necessary for us to do the job will not be easy. But it must be done. Otherwise, we shall relinquish vital segments of our responsibilities to the executive branch of the government—a course repugnant to the Constitution and to all Members of Congress as well.

We begin this consideration of methods to improve congressional operations—significantly—at the end of a long and expensive war. History shows us that it is the time immediately after wars when Congress has taken major actions to improve its fiscal responsibilities.

After the Civil War, we created the two appropriations committees. After World War I, we enacted the Budget and Accounting Act of Nineteen Twenty-One. At the close of World War II, we passed the Congressional Reorganization Act of Nineteen Forty-Six and the Employment Act. Now, after Vietnam, we are attempting to reform our control of vital fiscal matters, as the size and complexity of the federal budget has assumed gigantic proportions.

Part of our concern is the need for reform in order to preserve our power and authority from encroachment by the Chief Executive. But the need transcends this particular issue. The plain facts are that regardless of who exercises authority, the budget is in danger of going out of control. In the face of persistent inflation, huge budget deficits, mammoth deficits in our balance of payments and the declining value of the dollar abroad, action is imperative.

ADDITIONAL STATEMENTS

THE FEDERAL FINANCIAL HOUSE MUST BE SET IN ORDER

Mr. ERVIN. Mr. President, the Subcommittee on Separation of Powers, of which I am chairman, in conjunction with an ad hoc subcommittee of the Committee on Government Operations, recently completed hearings on the impoundment of appropriated funds by the President, a practice which poses a problem the resolution of which is integral to the current congressional effort to reestablish the proper constitutional balance between Congress and the Executive.

The power of the purse is the single most important responsibility imposed upon the Congress by our Constitution, and its preservation is essential to maintaining the system of checks and balances which lies at the heart of our governmental structure. The recent impoundment hearings demonstrated that there is heated debate over the proper role of the executive branch in determining national fiscal policy, and over the manner in which the President executes or fails to execute the appropriation statutes enacted by the Congress. That controversy remains to be resolved, and hopefully it will be resolved in a manner consistent with the separation of powers principle. The impoundment hearings were undertaken in order to provide a forum in which all views could be aired, and I feel that the legislation which I propose (S. 373) will provide a satisfactory resolution of the question.

Whatever differences were expressed at the hearing, there was one point upon which everyone agreed; namely, that the fiscal irresponsibility that has characterized our national economic policies for several years must be superceded by fiscal responsibility.

To my mind, both the legislative and the executive branches have long been guilty of fiscal irresponsibility, for Presidents and Congresses for years have aided and abetted each other in setting the Federal financial house in disarray. However, in almost every year of the 18 during which I have served in the Senate, I have seen Presidents send recommended budgets to the Congress requesting more money than the Congress was willing to appropriate. This has been true with the present occupant of the White House as well as his predecessors. President Nixon has substantially increased the national debt during his first 4 years in office, and would have increased it much more had the Congress appropriated as much money as he requested. Yet, he calls the Congress irresponsible, claiming it has appropriated too much money. In so doing he neglects to acknowledge that often Congress has appropriated these huge amounts of money at his insistence. No appropriation bill of Congress can become law unless the President gives it his approval by signing it into law, except when Congress overrides a Presidential veto by a two-thirds vote of both Houses. If the President disapproves of the measure, he should veto it, for the veto is the only constitutional provision allowing him to nullify an act of Congress. There is no basis in the Constitution for the practice of impoundment.

On several occasions I have agreed with the President that certain programs were unwise and too costly or wasteful, and I have voted to sustain the President's veto of those programs when the Congress has attempted to override a veto. However, when the majority of the Congress disagrees with me and overrides the veto, I must accept that decision as the law of the land. Under the Constitution, the President must follow the same course. Although I may have opposed a given program, I cannot support the President's impoundment of funds appropriated by the Congress to carry it out. The impoundment of funds by the President represents a blatant attempt to destroy the congressional power of the purse by exercising what in effect is an item veto—a power which the Constitution denies him. I agree with Mr. Justice Rehnquist, who, as Assistant Attorney

General in 1969, advised the counsel to President Nixon that neither reason nor precedent supports the argument that the President has a broad constitutional power to impound funds appropriated by Congress.

Aside from its unconstitutionality, the practical effect of impoundment has been disastrous for those who have been encouraged to rely on Federal programs for which funds have now been frozen. While I do not support some of these programs, I do believe that American citizens should be able to rely upon the word of their Government and order their affairs accordingly. I deeply regret that the President has taken the meat cleaver and cut off appropriations in the middle of the fiscal year, thereby betraying the citizens who had acted in reliance upon the statutes, and further diminishing their already scant faith in their Government.

It saddens me that the President has sent the Congress another budget asking us to spend approximately $30 billion which we do not have. Deficit spending is a financially irresponsible method of financing the Government, and to my mind, is at the root of most of our economic maladies. Uncontrolled Government spending combined with deficit financing are causes of the inflation which threatens to cripple our economy and which robs our future. Those who work find that their dollar buys less each month, and those who are retired on fixed incomes suffer even more, because their earnings are pegged to a less inflated economy.

Governmental spending is directly related to the deteriorating purchasing power of the dollar and to prices that are rising faster than they have in a generation. While it is exceedingly difficult to comprehend the complexities of Federal spending and borrowing, it requires no degree in economics to ascertain that the consumer is now paying more each month for the items he must purchase.

I would like to see cooperation between the legislative and executive branches in an effort to set our financial house in order. I think too much of our tax money is being consumed by projects of doubtful wisdom or efficacy, and I think that the Congress, whether the President recommends it or not, ought to see that Federal expenditures do not exceed the tax resources of the Nation. Accordingly, on February 21, 1973, I cosponsored Senate Joint Resolution 27, a measure introduced by Senator TALMADGE. That resolution proposes to amend the Constitution by providing that expenditures of the Government may not exceed its revenues during any fiscal year, except during a period of war, or national economic emergency declared by the Congress.

Admittedly, it ought not to be necessary to enact an amendment to the Constitution to require the President and the Congress to act in a fiscally responsible manner, but unfortunately it has become a political way of life in Washington to accede to highly organized pressure groups who seek money from the public treasury. Regrettably, the people, too, have come to accept big spending by their Government so long as they do not have to pay for it all in a given fiscal year. After leveling off briefly in the late 1940's and 1950's, the national debt has now risen to over $457 billion, and interest on that debt will cost the taxpayers more than $24 billion in the coming fiscal year.

Unless something is done to restore fiscal sanity to the Government, we can now expect that debt to rise to $492 billion by June 30, 1974. This economic condition is having a marked effect upon our ability to compete in the world market in the sale of our goods. For the first time since 1893, our trade balance with other nations is running at an overall deficit. The U.S. dollar is losing strength in international trade as the nations lost faith in its value, and recently the dollar was devalued for the second time in 14 months.

Mr. President, sanity and responsibility must be restored to Federal spending. Both the Congress and the President must work to put the Federal financial house in order. The Talmadge amendment would provide a mandate to both the Congress and the President that no more can be spent than is received. The amendment wisely provides for adequate leeway during wartime or periods of national emergency declared by the Congress would provide a simple, clear, and wise means of controlling Federal spending. I believe it should be adopted, and I, therefore, urge every Member of the Congress and every citizen concerned about the financial soundness of the Nation to support its adoption.

THE EDWARD TELLER CENTER AT THE UNIVERSITY OF COLORADO

Mr. DOMINICK. Mr. President, It has come to my attention that the University of Colorado in Boulder has established the Edward Teller Center for the Advancement of Science, Technology, and Politics. The board of regents has recognized the need to urge students and teachers to pursue careers in science and technology in order to maintain our country's technological leadership, and the Edward Teller Center at the University of Colorado has been created to promote the interest of young people in various scientific fields. In addition, the center will insure that research of the highest caliber will be conducted in the fields of science, technology, and human welfare.

Having known Dr. Teller for over a decade and being acquainted with the enthusiasm and energy of this remarkable man, I congratulate the regents on their wisdom and initiative in dedicating this center and to Mr. Spitzer for making it possible. It is also my understanding that Professor Rozek will be director of the center and having known the professor for more than 12 years, knowing of his determination to tell students and adults of the problems we face as a nation from the increasing science and technology and knowing of his own flight to freedom from his native Poland, we can be assured that this center will have dedicated and expert leadership.

Mr. President, I urge that the announcement of the Edward Teller Center at the University of Colorado be printed in the RECORD at this time for the benefit of Senators.

There being no objection, the announcement was ordered to be printed in the RECORD, as follows:

UNIVERSITY OF COLORADO ESTABLISHES EDWARD TELLER SCIENCE, TECHNOLOGY CENTER

BOULDER, COLO., March 28.—The Board of Regents of the University of Colorado have approved the establishment here of the Edward Teller Center for the Advancement of Science, Technology and Politics, it was announced today by Dr. Frederick P. Thieme, the University's president.

The center honors Dr. Teller, noted nuclear physicist who is currently director of the University of California's Lawrence Radiation Laboratory at Livermore, Calif. The center was initiated and made possible by a substantial gift from Arthur Spitzer, Los Angeles philanthropist.

Recently Dr. Teller has been an outspoken critic of the anti-technology trend in the United States. "I feel that young people are inclined to seek increased regulation and control of science and technology instead of trying to develop new ways of solving problems through technology," Dr. Teller said. "This is clearly illustrated by our present energy crisis, in which insufficient use is being made of scientific research to develop new and improved energy sources.

"It is my fervent hope that this new center at the University of Colorado will help reverse the anti-technology trend and therefore help maintain our country's technological leadership."

Mr. Spitzer said that in establishing the center he was motivated "by what I regard as an urgent need to encourage students and teachers to pursue careers in science and technology for the betterment of human needs in general and for development of a better life in the U.S.A. in particular."

The center will be financed primarily by private sources. Grants anticipated from the government and from foundations will help carry out the center's work.

Director of the Teller Center will be Edward J. Rozek, professor of political science at the University of Colorado.

The main purposes of the center are to:

1. Organize summer programs in science, technology and politics for high school and college teachers, school administrators, graduate students and members of the media.
2. Conduct research in the fields of science, technology and human welfare, and to publish the results. Only scholars, scientists and technologists of the highest calibre will be invited to conduct this research.
3. Organize annual conferences on various aspects of science, technology, politics and the relationship of these to human needs and aspirations.

ALABAMA SUCCESS STORY

Mr. ALLEN. Mr. President, in these days of high taxes and tight controls on just about everything; when so many Americans see every new day as darker and more discouraging than the preceding day; when there are increasing pressures for security in jobs, income, retirement and just about every other phase of life; it is refreshing and encouraging to know of or read about an old-fashioned success story with modern trimmings.

Earlier this year, newspapers in my home State of Alabama reported just such a story. Written by Joe Azbell, one of Alabama's finest writers, and published in the Montgomery Independent and the Centreville Press, both award-winning Alabama weekly newspapers, this delightful story relates to the

Horatio Alger-type success of Roy R. Mason. Born the son of a coal miner in West Blocton, Ala., Mr. Mason, in the first 40 years of his life, has used his good mind, his burning ambition and his willingness to work hard to build a multimillion dollar business enterprise.

His success is not based on sleight of hand. It stems from his basic philosophy of serving his customers and his fellow man well, and his abiding belief in America and our way of life.

Mr. President, the real life story of Roy Mason should serve as a living example to America's young people that ours is still the land of opportunity for those with a goal and the determination to gain it.

The story of Roy Mason's success is one which brightens the day and lifts the spirit. I ask unanimous consent that this column be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Local Boy Makes Good

(By Joe Azbell)

When Roy R. Mason was a student at West Blocton High School, members of his class were asked by a teacher what they wanted to do with their lives.

"I want to make a million dollars before I am 40," Mason, the son of a West Blocton coal miner, announced as his classmates snickered.

Embarrassed and red faced, Mason sat down but the goal burned brighter than ever in his young mind. And he promised himself he would reach it.

Last year when Mason turned 40, he had achieved his ambition to be a millionaire at 40—many times over.

In fact, his success story as a young millionaire is so unique that a Montgomery, Ala. bank used his story as a model for an ad in the Alabama Journal.

"It was Christmas, 1957," the Alabama National Bank ad read, "When this bank first knew Roy Mason . . . He came into the bank and asked for $1,000. . . . We let him have it because in his head was a good idea and we were quick to see it. . . . We're proud of his success."

Last week, Mason was singled out by a Montgomery Independent newspaper columnist as a top success story for 1972 in the Capital City. To celebrate his success, Mason made certain that every policeman, fireman and deputy sheriff—numbering about 1,500 people—received a turkey for Christmas as a gift.

His business activities are far-flung. Operating with Montgomery as his headquarters, he is president, owner and general manager of Romaco Incorporated. This petroleum company owns more than 200 service stations and services another 80 in Alabama, Georgia, Tennessee, South Carolina, Florida and Mississippi.

He is president and chief operating officer of Thrifty Gasoline Stations Inc., president and chief operating officer of Quaker Service Stations, Inc., president of Maxwell Inc., and Thrifty Marts Inc. and vice president of Cougar Oil Co.

In the manufacturing field, he is vice president and director of Summit Equipment Co., which is building an 84,000 square foot plant in Montgomery to manufacture commercial refrigeration equipment (anticipated payroll, $1,000,000 a year), and director of Hastings Radio Chemical Works which produces pharmaceutical products for the treatment of dread diseases, such as cancer.

Among other financial activities, he serves on the board of directors of First State Bank of Tuscaloosa. In the real estate and development field, he is managing partner of Landmark Development Group which is constructing condominiums and apartments in Destin, Fla. and Houston, Texas. He also is vice president and director of Pride Terminals which manufacture blended gasoline and operate terminals.

In addition to oil and gas retailing, Thrifty Marts Inc. is a retail convenience store chain that also markets self-service gasoline.

Romaco Inc. owns its own truck fleet located at strategic points. In 1972 more than 80,000,000 gallons of gasoline were sold by Romaco and its affiliates.

In moving from a one-man service station in Mobile to the largest privately held independent petroleum company in Alabama and one of the largest in the South, Mason has worked on a principle to find a need and fill it.

"You can't achieve anything with a negative outlook," Mason says, "You have to look at things in a positive way. When you pick a goal and keep your eye on it, there's no way to stop you."

Mason is a member of the Montgomery Area Chamber of Commerce, Alabama Independent Oilmen's Assn. (director), Society of Independent Gasoline Marketers of America, National Assn. of Convenience Stores, Sertoma International, Masonic Lodge and the Alcazar Shrine Temple.

He is married, has three children, and makes his home in Montgomery.

After a stint in the U.S. Navy, Mason spent five years in Mobile as a service station manager to learn all that I could about the oil and gas business from the tank carrier to the customer's tank".

Later, he was a petroleum jobber for Rebel Oil, Inc. in Montgomery. Then in 1965, he organized Romaco Inc. and began the climb to his present status as a top petroleum distributor in the Southeast.

His first station in Montgomery was on Madison Avenue near Cramton Bowl. He operated the two pump station by himself and did all of the remodelling and sign painting that resulted in the first success. More than 200 stations later, he is on a first name basis with his many operators and keeps in daily contact with them.

"I believe in delegating authority but I also want to know what is going on. I like for my employees and coworkers to have the responsibility and the challenge to grow but I always remember a key to success is proper guidance. Some of his aunts and uncles in the Bibb County area are Mr. and Mrs. Clyde Reach and Mr. and Mrs. Roy Bright. His mother was the late Mary Ethel Watts who was married to his stepfather, W. H. Watts, who worked in the West Blocton mines for many years before he moved to Mobile.

NEW CHICAGO DRUG ABUSE PROGRAM HELPS STEM HEROIN ADDICTION TIDE

Mr. PERCY. Mr. President, a new approach, designed to help prevent the spread of heroin addiction, has been successfully operating in Chicago under the direction of Dr. Patrick Hughes, assistant professor of psychiatry at the University of Chicago. According to a recent editorial appearing in the March 5, 1973, issue of the Journal of the American Medical Association, the Chicago-pioneered project has shown promising results.

The program is sponsored jointly by the Illinois Drug Abuse Program, the Illinois Department of Mental Health, and the University of Chicago.

The new plan, supported by several studies conducted in Chicago, is based on the theory that heroin addiction occurs in epidemics which can be attacked successfully by methods other than coercion. Heroin users are sought out and identified in the new program by friends and relatives on a community "that cares." Rather than being turned over to the police, the heroin abusers are encouraged to seek effective treatment by members of the program and neighborhood peer groups.

I commend the sponsors of this new program and urge other communities to study the encouraging results of the Chicago experiment. I ask unanimous consent to print in the Record at this point an article by Chicago Tribune science editor, Ronald Kotulak, explaining the merits of his approach in controlling heroin addiction.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Chicago Tribune, Mar. 19, 1973]

Chicago's Attack on Heroin Addiction Hailed

(By Ronald Kotulak)

Stiffer penalties against narcotics users may be the wrong way to handle the mushrooming addiction problem, according to the American Medical Association.

A new Chicago-pioneered approach to preventing the spread of heroin addiction appears more promising, the association said in an editorial appearing in the March 5 issue of the Journal of the American Medical Association.

So far the new program has aborted a major heroin outbreak in the Altgeld Gardens housing project and a minor outbreak in an undisclosed white neighborhood, said Dr. Daniel X. Freedman, chairman of psychiatry at the University of Chicago. Dr. Freedman and Dr. Edward C. Senay, director of the Illinois Drug Abuse Program, wrote the editorial.

In the program, heroin users are identified by friends or relatives. But instead of being turned over to police, the names are given to workers in the drug abuse program.

The key to the success of the program is the neighborhood residents, he said. They not only spot new heroin users but encourage them to seek help. Their vigilance, in effect, makes heroin usage socially unacceptable in the user's peer group, he said.

"If the neighborhood cares, the plan works," Dr. Freedman said in an interview. All of the heroin users identified in the Altgeld Gardens and the white neighborhood voluntarily entered the treatment program he said.

The new venture is sponsored by the Illinois Drug Abuse Program, the Illinois Department of Mental Health, and the University of Chicago. The program is headed by Dr. Patrick Hughes, assistant professor of psychiatry at the University.

"This work suggests that heroin addiction can be prevented in many who are at risk," the editorial said. "It further suggests that prevention may be possible by using psychological and social concepts based on humanist principles—without the use of coercion."

A number of studies in Chicago have shown that heroin addiction occurs in epidemics, Dr. Freedman said. Heroin use spreads from friend to friend as the "friendly thing to do," and new users are much more contagious than longtime users, the studies show.

Microepidemics are those in which 5 to 15 new cases of heroin addiction occur over a five-year period, and a macroepidemic is one in which more than 50 cases occur.

The Chicago experiment deserves a broad national trial as an alternative to new stiffer laws, which tend to drive users underground, Dr. Freedman said.

Such proposed coercive measures as compulsory urine testing of school children to see if they are taking drugs and detention of those who are of doubtful value, he said. They may alienate all the students whose help is needed in encouraging users to seek and stay in treatment.

President Nixon recently called for stiffer penalties and Gov. Nelson Rockefeller of New York proposed mandatory life sentences for anyone pushing dangerous drugs.

"Talking tough doesn't do a damn thing," Dr. Freedman said. "We don't really need more legislation. What we need is more community involvement, people drug abusers can trust, and effective treatment."

KATHERINE KOMFALA

Mr. RIBICOFF. Mr. President, no function performed by a Senator or Congressman is more important than the work he does for his constituents resolving their difficulties with a bureaucracy that is often unresponsive to individual problems. During my 10 years in the Senate, I have been fortunate to have one of the most able and informed women in Washington working for me handling problems relating to immigration and social security.

Katherine Komfala joined me in January 1963, and has handled hundreds of the most complicated questions for me flawlessly. After 24 years of work in the Congress, Katherine is retiring to return to Colorado. Her career has been a model of unselfish public service.

The secret of Katherine's success has not only been her keen understanding of the laws and regulations—although no "expert" has known more. Katherine has been a master in her field because constituents never became numbers or cases to her—they were always people—people in trouble looking for help. And help is what Katherine has given thousands of Connecticut residents.

Whether a problem was simply getting a lost social security check located or battling immigration authorities here and abroad to get an adopted child into this country, Katherine gave each matter her closest attention. Her years of experience gave her the judgment to find the heart of a problem and attack it directly.

When I came to the Senate 10 years ago, my earlier years as a Congressman, Governor, and Secretary of Health, Education, and Welfare had made clear the need for people experienced in the ways of the Senate and the complexities of the Federal bureaucracy if I were to serve the people of Connecticut well. When Katherine was brought to my attention, I knew we had found a woman of great experience with a wonderful personality.

Katherine had been an elected county official for 18 years in Colorado before she ventured East in 1949 to join the staff of Congressman John Marsalis of Colorado. Her skills were readily apparent and we, in Washington, had the good sense to keep Katherine here these 24 years for the benefit of all. Katherine's career included service with Congressman Byron Rogers of Colorado, Congresswoman Gracie Pfost of Idaho, the Honorable Ed Johnson, Senator from Colorado, and the Honorable John A. Carroll, Senator from Colorado.

The 10 years Katherine has worked in my office have only reconfirmed our original judgment that she was an exceptional person. Long hours and hard work have been a challenge, not a burden to her. The hustle and bustle of a campaign have excited, not exhausted her. And the pleasure and comfort derived from helping others have always been part of her life.

All of us will miss Katherine—and I include the people of Connecticut in addition to those in our office—but all of us are pleased she will have more time now for her friends and outside interests. Katherine is returning to her native Colorado, but she will never be gone from our thoughts. She has the best wishes of all of us for many years of happiness and our promise that the welcome mat will always be out to her whenever she visits Washington or Connecticut.

IT AIN'T NECESSARILY SO

Mr. BUCKLEY. Mr. President, recent news coming from Vietnam confirms the wisdom of Ira Gershwin, brother of George Gershwin, when he wrote "It ain't necessarily so." The things that we have been told about North Vietnam by some of our most prestigious newspapers and public figures are not necessarily so.

We were told by Mr. Ramsey Clark and others that our prisoners were being treated well. Now we know the truth. Our prisoners of war were treated with a beastliness unprecedented in any American war. Even the Nazis did not surpass the North Vietnamese in the mistreatment of American prisoners of war.

And now we learn that another one of the myths of the left has no basis in fact. We all recall that during the bombing raids against military targets in Hanoi there were voices raised in outrage, not against the North Vietnamese but against the President. We were asked, Where is our compassion? our mercy? our respect for human life? We were asked, How can we possibly justify this descent into pure brutality, this scorched earth policy against North Vietnam? We were told of the daily massacre of innocent noncombatants—referring, of course, to civilians in North Vietnam and not to the tens of thousands who were killed by the Communists in South Vietnam.

The Washington Star-News, on Sunday, April 1, 1973, carried a story for Hanoi by Tammy Arbuckle. I ask unanimous consent that this article be included in the Record at the end of my remarks. Suffice it to say here that this report contradicts the charges of indiscriminate "terror bombing" against the North.

Mr. President, I do not expect those who slandered and maligned the Commander in Chief to retract their remarks. I do not expect Ramsey Clark to admit he was taken in by the Communists. I do not expect Mr. Anthony Lewis of the New York Times to reexamine the reports he made from Hanoi. In short, I do not expect the critics of the war to change their tune. But from now on that tune should be known for what it is—"It ain't necessarily so."

There being no objection, the article was ordered to be printed in the Record, as follows:

Bombing Was Pinpointed

(By Tammy Arbuckle)

Hanoi.—United States air strikes against legitimate military targets in Hanoi seem to have been carried out with almost surgical precision.

The impression after nine hours spent in this city is that Hanoi's people, contrary to some reports, seem to have had an easier war than some.

There are clear examples of the precision bombing in the three-mile drive from Gia Lam Airport to Hanoi.

At the airport itself, direct hits were made on the control tower and other buildings. Only one round seems to have missed, a small bomb or rocket that went into the control tower apron.

The runways and the nearby parking ramp are unscratched. One bomb demolished power lines and there are craters in a bunkered area near the control tower.

Then on the north bank of the Red River between the airport and Hanoi there is utter devastation at the Gia Lam locomotive repair yards.

NEARBY HOUSES INTACT

Scarcely a wall is standing in the vast factory area. The rolling stock sits among piles of iron girders.

At least five locomotives are write-offs.

But just across the main Gia Lam-Hanoi Highway, perhaps 25 yards from the railroad yards, civilian houses are intact.

Then there is the Paul Doumer Bridge linking the north bank of the Red River with Hanoi. Although the bridge is functioning now, it is obvious much of it had been destroyed.

But there is no bomb damage at the Hanoi end of the bridge among the houses and only one crater at the Gia Lam end of the bridge.

The North Vietnamese guides with 28 pressmen, mostly from the U.S. press corps in Saigon who were allowed a surprise, one-day visit to Hanoi for the final POW release, waxed less than eloquent over all this evidence of successful U.S. air power, preferring to concentrate conversation on U.S. bombing of civilian areas in Hanoi.

GUIDES SHOWED DAMAGE

The North Vietnamese cited four examples of bombed civilian areas in Hanoi.

One of these was the Bach Mai Hospital in south Hanoi which, according to recent Western visitors, has a machine factory right beside it. However the visitors were not taken there.

Others include the An Duoung collective housing center near the Red River, Mai Huong in south Hanoi and Kham Tien in the west part of the city.

We were shown Kham Thien. It looked as if about 60 houses had been destroyed and another 20 damaged.

North Vietnamese officials said about 215 people were killed at Kham Thien.

It was difficult to assess what sort of bombing had caused the destruction as makeshift houses have sprung up on the ruins of the old.

A papier mache commemorative spire said bombing here had been on December 26.

Although we did not see any military targets nearby, there was not enough time to make a thorough check of the area.

CITY HARDLY TOUCHED

Pictures and some press reports had given a visitor the impression Hanoi had suffered badly in the war—but in fact the city is hardly touched.

This compares with South Vietnamese, Cambodian and Lao towns that are completely razed.

One of our guides, Mme. Linh Quyen, who spent six years in London and spoke perfect English, tried to raise some sympathy for Hanoi's citizens.

"Its so wonderful to see the children playing again in the parks," she said. Before they lived in the shelters all the time, you know."

Several other potential myths were dispelled in wandering around western Hanoi:

There is no shortage of manpower in the North. We saw many men of military age in the streets throughout the city. Many of them were in uniform but some not, perhaps skilled labor.

A trainload of troops passed us going across the Paul Doumer Bridge.

MANY TRUCKS EVIDENT

Although the ordinary citizen is restricted to the ubiquitous bicycle for transport, Hanoi has plenty of truck transportation available. As we inched slowly through narrow streets in the suburbs with our bus horn blaring to squeze past the hordes of bicycles, many Russian-made trucks went by in the opposite direction, some empty and others with machinery and farm produce.

It is said Hanoi lost a generation in the Indochina war. Without getting into the perennial casualty figure argument, if they have lost a generation it appears they are making up for it fast.

Everywhere we went there were hordes of children, boys predominating, all the way up to age 15. They squeezed on trams, running between the narrow gauge rails around Reunification Lake to squat on the tram's rear edges for a free ride.

As soon as our bus stopped anywhere, they were there again, five or six deep and full of curiousity at the bus door.

They surged forward screaming, shouting and joking near the entrance to Nga Tu So prison where U.S. POWs were held. It was impossible for vehicles to move.

But a shouted command from the elderly policeman and the noise is turned off like a tap.

PEOPLE EVERYWHERE

It is not just the kids. In Hanoi there is an impression of people everywhere and side streets which are just as teeming as those in Saigon.

The people are dressed either in the green of the military with pith helmets or in poor quality black or white cotton.

The streets may be crowded because there are no shops to go to. The nearest thing to shops are odd hole-in-the-wall places that seem to sell only three main articles: pith helmets, Ho Chi Minh rubber sandals and sunglasses.

There are also some gardening implements for sale.

At some points, crowds swirl from darkened warehouses. It's the Vietnamese version of a queue, and they are lining up for rice and fuel oil for cooking stoves.

In one of Hanoi's main—and therefore less crowded streets—there is a state store selling exotic items such as guitars.

Although Hanoi is relatively clean compared to other Asian war capitals, its buildings are rundown and decrepit, the most modern dating back to 1954 when the French left.

After hours without spotting a single car, we came to an imposing building with rows of shiny cars, mostly Russian Zils and Muscovitches, outside.

The government is meeting, our guide tells us.

And these villas, are they all embassies? They belong to the government, our guide says.

Hanoi's leaders seem to have an eye for some of the good things in life after all, it appears.

A place in Hanoi where foreigners tend to congregate is the Hotel Metropole's massive mahogany bar with ceiling fans, high ceilings and tiled floors. But the Legionnaires and their favorite bar, the Golden Cock, across the street, are no longer there.

We rub elbows with Russians and Cubans instead.

An Australian diplomat hurries out to what he calls "another tough session across the street" concerning new diplomatic links between Australia and Hanoi.

Back at Gia Lam Airport, the airport shop is offering Hanoi's few visitors valuable chess boards of lacquer and wood and mother of pearl for only a few dollars and combs with the number of U.S. aircraft shot down by a certain date. Each comb is made of aluminum and is said to have come from the fuselage of a downed U.S. aircraft.

Thimble-sized cups of tea are served, each cup costing one dong, but our money is waved aside with a smile because the effort of converting U.S. coins is too much.

The people of Hanoi seemed friendly, but the officials don't indicate there's any real change in attitude on the war.

Asked about the continued troops and supplies moving down the Ho Chi Minh trail, Madame Quynh replied, "Saigon puts out these reports because they are frightened now. The Americans are gone and they are left alone with us."

NEW YORK POVERTY WORKER FIRED FOR FAILURE TO PARTICIPATE IN OEO-SPONSORED MARCH ON WASHINGTON

Mr. BUCKLEY. Mr. President, a perfect example of OEO abuse of the taxpayers' money, and of the public's trust, is the firing of a New York poverty worker for failing to participate in the OEO-sponsored march on Washington a few months ago.

Mrs. Nancy Reimer of Rockville Center, L.I., was fired by Nassau County Economic Opportunity Director John Kearse for failing to join his group for their trip to Capitol Hill on February 20, 1973. Several other workers were also fired by Mr. Kearse for failing to participate in the march to lobby against the restructuring of OEO.

An article printed in the March 17 issue of Human Events explains the events leading up to Mrs. Reimer's dismissal, and I ask unanimous consent that this article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

New York Poverty Group Fires Nonactivist Staffers

Reporters were badgering Sen. James Buckley (C.-R-N.Y.) the other day to name a "bad" OEO agency in his state, and Buckley, who had been spending his time on other matters, could not name one offhand. But now his office has come across material indicating some of the outrageous activities engaged in by officials of the Nassau County Economic Opportunity Commission.

Executive Director John Kearse of that agency, which led two recent marches on Washington protesting OEO cuts, recently acknowledged that staff firings he ordered could be partially attributed to the failure of certain employees to join in the first demonstration held February 7.

Kearse initially denied a statement made on February 10 by the commission's public information director, Nat Trammell, that some 15 commission staff members "who did not attend the rally and didn't have a prior excuse" suddenly found their jobs "terminated." Kearse had maintained that the Nassau firings were a form of "belt-tightening," but he then admitted that failure to attend the Capitol Hill protest was "one of the factors" and "maybe the final indication" in the firings.

The general counsel of the OEO's regional office in New York City. Joseph Periconi, has stated that no commission employes could legally be ordered to take part in lobbying efforts.

The staff firings came without any warning. "I was never told, 'If you don't go to Washington, you will be fired.'" Mrs. Nancy Reimer of Rockville Center told *Newsday*. She lost her part-time job as a researcher. "A secretary asked if I was going, and I said I couldn't go," Mrs. Reimer continued. "I have three kids and a husband at home who require me. On Friday morning (two days after the march), the rumors started early that those who didn't go would be fired. At 1:30, I was given a check with a termination notice. No advance warning. No two weeks notice."

Mrs. Reimer said the termination note, signed by Kearse, complained she had failed to demonstrate "concurrence and agreement with the agency philosophy." Mrs. Reimer disputed the note, saying she had spent "many hours beyond my 20-hour work week" preparing for the march.

The president of the Glen Cove chapter of the National Association for the Advancement of Colored People. James Davis, said that he will ask the OEO's New York regional office to probe the Nassau firings. Davis, who has crossed swords with Kearse in the past, accused him of assuming "dictatorship power" in the Nassau commission.

Davis also said he would ask for an investigation of whether anti-poverty funds were used to rent the 68 buses that carried Nassau residents to the Washington demonstration. Kearse responded that the buses were paid for "from private sources," but refused to name them. Nassau's OEO commission now receives $1.5 million—80 per cent of it from the federal government—to support Community Action Programs.

CHILD ABUSE PREVENTION ACT

Mr. PERCY. Mr. President, I wish to announce my cosponsorship of the Child Abuse Prevention Act, introduced recently by Senator Walter Mondale. It is not with pleasure that I join Senator Mondale as a cosponsor of S. 1191, for there is no pleasure assocated with this tragic problem. It is, however, with a vast amount of hope that this legislation will make a great difference in the lives of thousands of parents, of children, and of the unborn.

There have up to this time been far too few defenders of children's rights at all levels of government. The Congress has too long neglected this subject; the States and communities have for many years turned ther backs on the problems of child abuse; and parents, neighbors, teachers, and doctors have too often closed their eyes and ears to the plight of battered children.

The time for action against child abuse was decades ago, before the countless children who have been bruised and broken and burned were so needlessly assaulted. The time for action was long before the recent rash of headline horror stories pushed us to the reluctant realization that an alarming number of adults abuse children and that help for both adults and children is desperately needed. Action should have been taken before 7-year-old Johnny Lindquist died of his injuries in Chicago, before 5-year-old Jeffrey Lansdown was beaten to death in California, and his younger sister Jody abandoned on a freeway divider strip.

During the 1960's, every State in the Union undertook to curb child abuse through various types of legislation. Despite this beginning however, child abuse abounds. Interpretation and enforcement of the legislation is uneven; help for the child abuser is often entirely absent; protection of the child's human rights and personal welfare is sporadic. National guidance by the Federal Government in this relatively unrecognized and poorly understood area of criminal behavior is urgently needed.

The State of Illinois has just embarked on an earnest campaign to improve its own child abuse laws. The State Senate passed four bills by unanimous vote on March 28. Yet not all of the States can be expected to follow Illinois' lead in accelerating the crackdown on child abuse. Federal leadership is needed; it is needed desperately, and it is needed now. I hope that with S. 1191, the Child Abuse Prevention Act, we can make significant progress in our national effort to eradicate the terrible problem of child abuse.

THE GENOCIDE CONVENTION'S UNDERSTANDING ON MENTAL HARM

Mr. PROXMIRE. Mr. President, one argument often raised against ratification of the Genocide Convention is the purported vagueness of the phrase "serious mental harm" as used in article II of the convention. Article II includes as an act which constitutes genocide "causing serious mental harm" to members of a national, ethnical, racial, or religious group with intent to destroy it as such, in whole or in part.

The second understanding to the Genocide Convention recommended by the Committee on Foreign Relations further refines the concept of serious mental harm. Although the committee reported that it "had no particular problem with the meaning of these words," it recommended that the words "mental harm" be construed to mean "permanent impairment of mental faculties."

This understanding refutes the charges of those who believe that a liberal construction of the language of the convention could allow a hostile foreign power to dream up supposed examples of American foreign involvement which somehow was alledgedly culturally disadvantageous for a national group and, therefore, caused them "serious mental harm." It should be made clear again, then, that such reservations on the part of opponents of the convention are unfounded. Since such liberal constructions both are refuted by the recommended understanding and are abuses of the convention's purpose, provisions, and intent.

In view of this understanding, enemies of the U.S. Government could not correctly charge a breach of the Genocide Convention because of alleged harassment of minority groups or religious intolerance. Such allegations could not constitute genocide since "permanent impairment of mental faculties" would not have occurred, and since the activities giving rise to the allegations would not have been part of a policy whose intent was to destroy a certain national, ethnical, racial, or religious group.

The Genocide Convention outlaws the deplorable acts of purposeful extinction of identifiable groups. It has nothing to do with such internal and political questions as discrimination. We must reaffirm our commitment to the principles in the Genocide Convention by ratifying it promptly.

UPHOLDING PRESIDENT'S VETO

Mr. DOMENICI. Mr. President, yesterday I voted to uphold the Presidential veto of S. 7, the Rehabilitation Act of 1972.

I did not vote to uphold out of a blind commitment to support the President.

I most definitely did not vote to uphold because I am opposed to vocational rehabilitation.

I voted as I did for these reasons:

While I am in favor of vocational rehabilitation in principle and even support the general thrust of S. 7, I am, I have been, and I shall continue to be in favor of Congress accepting its basic and constitutional responsiblity to budget in a logical, rational, and organized manner.

This bill, although it has the full weight of emotion on its side, is unsatisfactory legislation from a healthy fiscal point of view.

Senator HELMS introduced yesterday a sound vocational rehabilitation act, which I intend to support, cosponsor, which has the full backing of the administration, which will provide funds for vocational rehabilitation in amounts which will exceed current spending and which will not increase inflationary pressures.

Basically, my position on this matter, and many like it, is clear: I shall continue to oppose such bills and/or to support their being vetoed as long as—

First, they are presented in a piecemeal, one-at-a-time manner, with no relationship to an overall spending plan;

Second, they are "sold" only on the basis of their important "social" worth, without reference to the less dramatic but equally important fact that their end result is to continue the erosion of our Nation's economy—which means, in fact, your pocketbook and mine.

I do not value dollars more than humans and human needs. But I do know that, unless our country solves its basic economic problems, there will be no dollars to solve human needs.

This is a difficult and sometimes lonely position to take. It is, however, the one I honestly believe is, in the long run, most to the benefit of all Americans.

INDEPENDENCE IN BROADCASTING

Mr. FULBRIGHT. Mr. President, the dean of the Washington Cathedral, the Very Reverend Francis B. Sayre, Jr., in his sermon at the Cathedral on March 25 said:

> . . . There is but little doubt that all the freedoms of the First Amendment are under considerable attack today. In our tiring democracy the arteries are hardening around the heart of liberty.

Dean Sayre spoke in particular of the threats to freedom and independence in broadcasting, and his remarks were especially directed to the visiting National Association of Broadcasters.

This is a very forthright and significant statement and it deserves widespread attention. I ask unanimous consent, Mr. President, to have Dean Sayre's statement printed in the RECORD.

There being no objection, the sermon was ordered to be printed in the RECORD, as follows:

SERMON BY THE VERY REVEREND FRANCIS B. SAYRE, JR.

INTRODUCTION

This week in Washington, the National Association of Broadcasters is meeting. I think they're a little worried about Washington! A lot of people are. At any rate, a number of these members of the media are here this morning. I welcome them most specially to this "free exercise of religion", which Congress is enjoined by the First Amendment not to make any law prohibiting or respecting the establishment thereof.

It is that self-same sentence which is the charter of the Press' freedom too. Cheek by jowl, they are together in the Constitution; the liberty of a man's faith, and his unfettered right to express it, no matter what that faith may be.

So it is good to worship this morning with colleagues protected by the same guarantee; equally with the Gospel in the business of public proclamations, and under the same responsibility to truth and probity. If one of us is attacked, the other must suffer: therefore it behooves us to stand together, or pray for one another, as we make bold to do in this service.

For there is but little doubt that all the freedoms of the First Amendment are under considerable attack today. In our tiring democracy the arteries are hardening around the heart of liberty. If religious professionals are mildly aggrieved by the domestication, not to say nationalization, of worship on Sunday mornings in the White House, broadcasters are vastly more upset by the subtle challenge of their independence that apparently is being mounted by the Nixon administration day by day. It used to be that oversight of the airwaves was in the hands of a quasi-public government agency, the Federal Communications Commission. But now it would seem, the moving power has been drawn into the White House, in the person of a Presidential aide in charge of "Telecommunications", (whatever that is!) Traceable to this source are many of the feathers that curently threaten to smother the free breathing of those who man the microphones of the nation, particularly newsmen. If they venture a commentary on a Presidential speech, it is "elitist gossip". If they presume to edit and arrange the raw reports of a nation's teeming life, or dig in a "documentary" for the deeper purport beneath the surface, that may be interpreted as "ideological plugola." Woe betide the license of a local station which allows a network to purvey what to one political watchdog may be anathema!

Thus does the witch doctor don his mask, and the bones are rattled, and without any law being passed, or any overt action taken, a freedom is intimidated. The liberty of our broadcasting friends is circumscribed, by the mere threat of exercising the licensing power; by invading the confidentiality of a reporter's sources; by wielding the Common Welfare as if it were a bludgeon to suppress dissent. By such means as these the marvelous diversity of our several liberties is curtailed, as power is drawn more and more to a single console, with a single engineer at the controls.

Little by little the great river of freedom which is America is silted in when there is but a single permissible script: for the making of war, or peace; for the spending of money and the allocation of national resources; and the conduct of every sort of policy, foreign and domestic. Perhaps our friends of radio and television are but the first to feel it when, under the pretext of bands, political guidance is also superimposed.

If so, then must every other freedom that marches under the banner of the First Amendment, tremble at the creeping paralysis which these signs portend. If the wells of knowledge can be poisoned, then who can be free?

II

I'm sure that the meeting this week of the National Association of Broadcasters will be having a lively discussion of how to elaborate their defenses against what some have described as the most insidious threat to a free press since Joe McCarthy, or the sedition laws of World War I, or the paranoid fears of John Adams at the beginning of our history. I have heard a variety of proposals, none of which can I properly evaluate on their practical merits. Some would get the government entirely out of the whole business on the ground that the public good always turns out to be some private politician's benefit. Let the free play of the market-place, they say, insure the integrity of the competitors for public attention. But I'm afraid it's an uneven kind of excellence that issues from that sort of anarchy; I've never noticed in the hurly-burly of private rivalry very much sense of public responsibility, have you?

Others have suggested that the cisterns of public information are best protected by some sort of trade association of broadcasters—a compact of practitioners who will police themselves and insure that the water is pure, and the brewers of it worthy. But such combines in our history have in almost every walk of life sooner or later become obstructive to the universal weal. They become ingrown and fat, and very seldom fearless opponents of monopoly!

There are then the suggestions that Congress should legislate an absolute shield of protections for a newsman's sources, thus guarding by law the gatherings of news from an executive's prying eye. But now you're back into government again, even though a different branch of it; and I must say it's a bit difficult to see how a mere law passable and repealable by the legislature, will serve any better than the Constitution itself, to insure the exercise of a basis right, and to keep it in balance with all the other rights.

III

What is inherent in all this discussion is a very ancient theological insight as to the perversity of mankind. The fact is that no matter how you arrange the scenery, if the actor is bad, the play will be no good. Locate the final lever of power where you will—in the private sector or the public—if the operator of that lever cares for little beyond his own advantage, then how shall the Commonwealth ever be responsive to an alert citizenry?

There is no locus of probity—no arrangement of relationship that will automatically produce fairness and eliminate bias. No model will work unless there be in the humans who run it a passion for truth unvarnished, and freedom unshaded that will lift them beyond themselves so that they aspire to no more holy calling than to be stewards of a sacred thing. One has to believe that in the evolution of things man was lifted off his four paws so that he might see afar—recognize his destiny as it comes to meet him, and make his decision about it, freely and equally, without encumbrance. Blessed be the hand that holds a glass to his eye, to extend his vision even farther, and so widen the knowledge that ultimately must direct the fate of a continent—indeed of the whole world.

So it is the man that needs redeeming, not his table of organization! An electorate in need of arousing from its present confused division—its inner frustration and outer apathy. Let it no longer brook the strident shouts of those on every side who would deny liberty to all but themselves. Or if the man be in the government, then let him play the part of humble trustee, and not some mogul of authority favoring this one, pursuing that one, as if God had entrusted to him alone the reservoirs of truth. And let not the reporters, the station managers and network executives forget that it is not enough simply to have freedom for their press, they must use it too; every day, on every program. We all know how money cloys, how sheer size beguiles, how easy it is for one man to get lost in the crowd and duck his little share of freedom's responsibility.

No one of us is guiltless when the swift-running streams are clogged with refuse and the course of Liberty is silted in, and runs sluggish among the regulations of government or the commercials of private greed, or the carelessness of an unthinking public.

Long ago to just such a people as we, God spake a pungent message. To Jeremiah the prophet he gave his command—what more fitting words for all of us? For they speak of liberty:

"Gird up thy loins and arise, and speak unto them all I command thee: be not dismayed at their faces, lest I confound thee before them.

"For, behold, I have made thee this day a defenced city against the whole land, against the Kings of Judah, against the princes thereof, and against the people of the land.

"And they shall fight against thee; but they not prevail, for I am with thee, saith the Lord, to deliver thee."—Jeremiah 1: 17–19.

TRIBUTE TO MAJ. ROBERT WAGGONER, OF RENO, NEV., FORMER PRISONER OF WAR

Mr. CANNON. Mr. President, recently the city of Reno honored Maj. Robert Waggoner, a released Vietnam prisoner of war. The moving, yet simple, ceremony featured the lighting of a perpetual freedom flame in Reno's Powning Park, honoring all those who served in Vietnam. A story by Bruce Bledsoe in the Reno Evening Gazette, graphically describes the event and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TRIBUTE TO MAJ. ROBERT WAGGONER

Under a mild blue sky today, a "humbled, yet very proud" Maj. Robert Waggoner of Reno dedicated a perpetual freedom flame honoring all those who served in the Vietnam war.

In Powning Park ceremonies, the freed Vietnam prisoner of war said in prepared remarks that the returning POWs must share their "overwhelmingly warm reception" with all Vietnam veterans.

He cited "particularly those who gave so much, the ones who came home with broken bodies—and many of these are still in hospitals—and those who did not come home at all."

Maj. Gen. Dale O. Smith, U.S.A.F.-ret., who introduced Waggoner, told the gathering that the brave Americans "who suffered so grievously" in Vietnam did not suffer in vain.

BLUNDERS

"With all our strategic blunders in Vietnam, our cause was right—to promote freedom," Smith said.

The brief ceremony was scheduled to include presentation of two dozen roses to Mrs. Waggoner, gifts for the two Waggoner sons, and a key to the city for the major. Music was provided by the Reno City Band.

Eleven gold star mothers, whose sons died in Vietnam, were also honored.

The roses were to be given Mrs. Waggoner by Folded Wings. J. E. Martie, chairman of the Freedom Flame Committee, said he understood that Mrs. Waggoner was a retired stewardness and that Folded Wings is an organization of retired stewardesses.

A key to the city was to be presented by Mayor John Chism. The gifts for Kyler Waggoner, 11, and Joe Waggoner, 13, were presented by Col. Jack LaGrange of the Nevada Air Guard.

"In the recent weeks since my release I have felt many, many emotions," said Waggoner, who spent six and one-half years as a prisoner of war.

TWO EMOTIONS

"However, today I feel two emotions that are somewhat contradictory. I am very humbled yet very proud and honored.

"I am humbled because I have come home to so much: the overwhelmingly warm reception of the American people and to a loving, healthy family and with my own health and honor."

He thanked the people of Reno for their tribute on behalf of all Vietnam veterans, as well as on behalf of himself and his family. He noted that he and his family are not native Renoites, his wife having lived here for four years.

But he added, "We now have a home to come home to after I complete my military service. Thank you for being the warm, open-hearted, beautiful people you are.

GREAT NATION

"May God bless each and every one of you," he concluded. "And may God bless this great and beautiful nation in which we live."

Smith said the National Anthem, which opened the ceremony, was written by a prisoner of war, Francis Scott Key.

Key wrote about freedom and bravery, Smith said. 'Too often we talk of freedom without recalling that freedom is purchased and preserved only by the brave. And, thank God, America still has brave men like Maj. Waggoner and these Vietnam veterans here to defend freedom."

Smith said Americans too often think of freedom as something that can be proclaimed. "But no proclamation, no declaration, and yes, no Constitution can assure freedom without brave men ready to turn those noble words into reality."

Mr. CANNON. As part of the ceremonies 11 Gold Star Mothers whose sons died in Vietnam were honored. The mothers were presented flowers by American Legion Post No. 12. Mrs. Florence Churchill, representing the Legion, said it was not possible to have all Reno area Gold Star families represented, "but we have not forgotten."

Gold Star Mothers, all of whose late sons resided in Reno, included the following:

LIST OF GOLD STAR MOTHERS

Mrs. James (Amy) Darrah, mother of Army Sgt. Michael Darrah;

Mrs. Vira Sandman, mother of special forces paratrooper Sgt. Frederick E. Larsen;

Mrs. Don (Lois) Carruthers, mother of Marine Cpl. Edward A. Carruthers;

Mrs. Joe (Molly) Campbell, mother of Army Spec. 4 Donald R. Campbell;

Mrs. Frank (Viola) Shea, mother of Marine Cpl. Michael Shea;

Mrs. Virginia Cantion, mother of Marine PFC Larry L. Lakey;

Mrs. Neil (June) Minetto, mother of Marine Cpl. Robert Minetto;

Mrs. Gertrude P. Wessel, mother of Marine Cpl. Michael D. Wessel.

Mrs. Lucille Clark, mother of Army 1st Lt. James W. Clark;

Mrs. Vira Quartz, mother of Marine PFC John J. Aleck; and

Mrs. Gladys L. Cantor, mother of Navy HM2 Harold Linville.

NATIONAL FOSTER PARENTS WEEK

Mr. PACKWOOD. Mr. President. I rise today to call attention to the fact that Monday marks the beginning of National Foster Parents Week. I think it only fitting that we should pause at this time and give recognition to the positive work foster parents have accomplished throughout our country.

Foster parents are dedicated private citizens. They open their homes to care for youths who for one reason or another, are unable to reside with their natural parents. They work on a day-to-day basis with local and State juvenile agencies to provide the best possible physical and emotional care to the children placed in their homes. Their efforts are often instrumental in resolving the childs family problems so that he or she may return home again. For this time consuming and financially draining labor, they receive a minimal board and room reimbursement and what I am convinced is far too little recognition.

In my own State of Oregon, over 800 families are now serving as foster parents. Last year alone, they opened their doors to more than 1,600 children in need of a home. These part-time parents are providing a full-time public service in Oregon, and every other State as well, that is certain to have a beneficial impact on all concerned.

Despite their superb efforts however, there is a shortage of qualified foster parents. More public spirited individuals are needed to provide this critical service or many young children will not receive the care and attention they require and deserve.

It is my hope, and I am sure the hope of all concerned Americans, that during the week of April 8 to 14, the many diligent foster parents across the country will be given the recognition they so justly deserve. I also am hopeful that our efforts during that week will encourage many new families to become foster parents and offer their services to this extremely worthwhile cause.

Clearly, this program provides a very real and important opportunity for concerned citizens to help the young people of America and their own communities as well.

SUN PROVIDES ELECTRICITY AS WELL AS HEAT TO SOUTHWEST HOME

Mr. GRAVEL. Mr. President, about 30 miles from Albuquerque, N. Mex., is a home for two with television, hi-fi, refrigerator, blender, and other pleasures of modern technology. This home gets all its electric power from the wind and its hot water and heat from the sun. It needs no backup systems or links to the utility corporations. It is an independent energy unit.

An article about this home entitled "Unique Dome Home Harnessees Sun and Wind" appeared in the Los Angeles Times on January 1, 1973. Mr. President, I ask unanimous consent that the article be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRAVEL. Mr. President, the story of this home is the story of young Americans who are not writing voluminous reports about energy problems and environmental injury associated with energy; they are actually contributing some solutions. And the solutions they are helping develop do not require people to sacrifice the comforts and conveniences and communication systems which they enjoy.

PUTTING MONEY WHERE THE MOUTH IS

Robert and Eileen Reines designed and personally built their home and its solar and wind energy systems. Robert, who is the son of a famous physicist, has a background in electrical engineering and a degree in biology; Eileen is a teacher. They gambled all their savings on the experiment.

What next?

If they find some financial help to support their research, Robert and his colleagues will be able to pursue immediately the development of an energy-autonomous housing system which will be cost competitive with mobile homes. Preliminary research indicates that energy-efficient homes powered by the wind and sun could work almost everywhere in the country. The Reines dome has been able to maintain interior temperatures between 65° and 85° through sun and snow and clouds, while outside temperatures ranged up to 103° and down to −5°.

Reines and his colleagues will also continue their work developing energy-efficient refrigerators, lights, cooking equipment, as well as water-use and waste-disposal devices, and enclosed food-production systems which would provide a household with year-round fruits and vegetables.

In addition, funding will enable Reines and his colleagues to continue their work on designs for advanced domes with the solar heat collectors built right into the structure.

To conduct their nonprofit research, they have formed what they call ILS Labs—integrated life-support systems—which is located on Star Route 103, Tijeras, N. Mex. 87059. ILS Labs is an approved project of the John Muir Institute for Environmental Studies, Inc., at 1079 Mills Tower, San Francisco, Calif. 94104; contributions to the institute for their work are tax deductible.

Says Robert:

> My goal is to provide the living situation that is as close to environmentally pure as can be.

EXHIBIT 1

[From the Los Angeles Times, Jan. 1, 1973]

UNIQUE DOME HOME HARNESSES SUN AND WIND: NEW MEXICO HOUSE IS FIRST TOTALLY HEATED, POWERED BY ELEMENTS

(By John Dreyfuss)

Eileen and Bob Reines live near Albuquerque in the world's first home that can be totally heated by the sun and electrified by the wind.

They enjoy a standard of living only a little simpler than that of many middle-income Americans, and just about as comfortable.

They do it in a hemispherical home that is very different from that of the average American—and almost everyone else.

A conventional structure the same size would require about 10 times the heat to maintain the same temperature, and use about five times as much electricity.

Bulbs totaling less than 150 watts brighten the house so one can read comfortably almost anywhere in it.

There are spaces for a kitchen, bathroom, office, bedroom, and living room-dining room.

Building the home and its energy systems cost Reines a promising Air Force career, enormous innovative effort and about $12,000.

"Our home is designed as a system to conserve heat, water and electricity," Reines said. "It needs less of nature's energy than any comparable house in the world because we make such efficient use of the energy we take."

Outside, the Reines house looks like a glistening, white tipped-over teacup, 14 feet 5 inches high and 31 feet 6 inches in diameter at ground level.

Inside, the hemisphere creates an impression of soaring spaciousness seldom found in rectilinear homes.

Eileen and Bob Reines live in that spaciousness with their big Labrador dog, Bruce, their tiny alley cat, Spike, and their television, hi-fi, kitchen blender and other "extras" that have become a part of everyday life for most Americans.

Propellers on three wind-driven generators atop towers near the house hum as they spin, charging 16 high-capacity storage batteries, while simple solar collectors heat 3,000 gallons of water in a hillside storage tank.

Wind-powered generators and solar heat have done for the Reineses what energy experts for years have said could not be done; provided energy for a good standard of living without backup from commercial energy sources.

The key is the hemisphere. It wastes only a small fraction of the heat that escapes from conventional structures through cracks, poor insulation and doors opening and closing.

It is a dome of thin metal panels with insulation and rigidity provided by a 3-inch-thick coat of plastic foam sprayed inside.

An airlock—two doors at opposite ends of a 7-foot-long hallway—keeps the home free of winter cold (which occasionally plummets to lower than 30 degrees below zero) and summer heat (which climbs to more than 100 degrees).

Hot water for radiators flows from a 3,000-gallon tank. It contains a smaller tank for hot running water.

The system is heated by the sun beating down on black copper tubes through which is pumped a water-glycol solution. The tubes are run through the big water tank, heating its contents.

In summer, the temperature in the dome stays at 85 degrees or less, Reines said.

"It could be reduced 10 degrees more by shading the skylight in daytime hours and opening vents at night.

"Next summer we plan to experiment with running the solar system at night to chill the big water tank, and cool the house during the day by running the cold water through the radiator."

The Reines hemispherical home is white, inside and out. Its popcorn-like inside wall surface escapes monotony because the foam insulation tends to show the shape of the panels and supporting rings to which it adheres.

At the top of the hemisphere, a 6-foot,

1-inch skylight contains a dozen separate windows. Eleven windows are circular, ranging in diameter from 3 inches to 3 feet. The 12th is rectangular and opens to provide an air vent.

PORTHOLES IN WALLS

The walls are perforated with 19 irregularly placed portholes, each 8½ inches in diameter.

Enough light streams through the windows and skylight to keep the dome brighter than most homes well into the dusk hours, even on cloudy days.

A large interior volume relative to floor space gives the hemisphere a spaciousness belying its relatively small 655-square-foot ground level area and 200-square-foot sleeping loft.

The ground level, which has a red and black brick floor, is about 60% living room-dining area, with 10% devoted to the kitchen, 10% to the bathroom, 5% to office space and 15% to storage.

Upstairs, a double bed, two dressers and a bedside table furnish an uncluttered sleeping area.

SOME DRAWBACKS

There are some problems: condensation often drips from the skylight and makes the windows opaque, privacy within the home is minimal and the windows are too small for an easy view.

And there is work to be done: the bathroom needs a sink, a built-in stairway has yet to replace the aluminum ladder to the loft, and the loft lacks a carpet. A butane burner (the only energy-consuming item in the house which is not powered by the sun or wind) will give way to an expensive electric microwave oven when the Reineses' bank account swells sufficiently.

Reines is quick to note he can eliminate the condensation with double pane windows and he is working on the other problems.

"But the big questions are already answered," he declared. "We got here from groundbreaking in 10 months—and this house, which we call Prototype I, is already obsolete. Prototype II is on the drawing boards . . .

"By 1974, we'll have developed a wind-solar powered home that anyone good with his hands can build.

"The solar collectors will be part of the hemisphere, the water tank will be out of sight, no longer an eyesore.

"It will be far more efficient home than Prototype I, 20% less expensive, and have much greater window space.

"And if a buyer doesn't want to use wind power, he can hook up to conventional electric lines and watch his use of electricity drop 70% from that of normal home.

STORAGE CAPACITIES

"We're looking hard at the esthetics and land use too. We don't want to drop these hemispheres in domino rows."

Reines is studying the storage capacities of his heat and electric systems to see just how long he can go without sunshine and wind.

"It's a fundamental question," he said. "Under normal energy use conditions we can last a week without wind or sun. Future systems will have vastly more storage capacity—about 20 days. Of course, by cutting back on energy needs, one could do much better than that."

Preliminary research indicates energy-efficient homes powered by the wind and sun could be used virtually anywhere in the nation with the possible exceptions of areas of the extreme Northwest and Northeast, Reines claimed.

Although he is almost totally dedicated to perfecting his hemispherical, energy-efficient house, Reines knows it is not bound for immediate or universal acceptance.

He realizes adding a room can mean adding an entire dome and that hemisphere are limited to essentially single-story structures.

That means domes are not practical in densely populated cities requiring multistory apartment houses. Even in the suburbs, they use more land than rectilinear homes with the same ground-level floor space.

And, domes are "different." People accustomed to box-like living spaces are likely to balk at change simply because they resist any radical departure from the norm in housing.

But the prospect of obstacles does not faze Eileen and Bob Reines, perhaps because they overcame so many just to get where they are today: inside a dome in the New Mexico high desert.

Bob, the son of a UC Irvine physicist and administrator, and Eileen, the daughter of a Lorain, Ohio, pharmacist, met when they were students at Ohio State University.

They were married six years ago, when she was 22 and he a year younger.

Reines' checkered college career included dropping out of Ohio State. He flunked out another time, and earned an associate's degree in electrical engineering from Franklin University in Columbus, Ohio, before finally graduating from Ohio State with a degree in biology and an ROTC commission in the Air Force.

Two years' work on nuclear weapons testing at Kirkland Air Force Weapons Laboratory in Albuquerque, N.M., convinced Reines he could do more for his country by developing solar energy systems than nuclear weapons.

In the summer of 1970, Reines bought 30 acres of land in the high desert near Albuquerque.

For the next year he spent free hours searching for the right materials and methods to build an energy-sufficient home and its wind and solar power sources.

EQUIPMENT PURCHASES

Gradually, his options evolved into decisions and his theories to facts in the form of equipment purchases.

Such diverse items as wind generators, building code manuals and surplus testing equipment bought by the pound all but crowded the Reineses out of their small Albuquerque apartment. In that apartment, Eileen dismantled and rebuilt the top 5 feet 8 inches of a 33-foot wind generator tower. Bob purchased three delapidated wind generators which had been unused for years on New Mexico ranches. He rebuilt them with the aid of a nearly blind electrician.

The first generator was erected on the last day of last February. The other two followed.

Reines broke land for the dome early in February. On March 11, he and Eileen went to the site with a neighbor, an Air Force buddy, two childhood friends and their lawyer and his girlfriend.

By the next morning, the hemisphere was up. None of the eight who constructed it had any previous building experience.

In the next three months, insulation was sprayed inside the dome and the Reineses built partitions (which also act as storage closets) to separate the hemisphere into living spaces. They perfected the wind generator and solar heating system.

MOVING DAY

Early in June, Eileen and Bob Reines moved in.

On the same day, Reines resigned his Air Force commission. In a week he would have been promoted to captain.

Eileen kept her job teaching school in Albuquerque. Bob worked on the new home and began teaching courses in solar energy at the University of New Mexico. He is considering offers to work as a consultant and lecturer on problems of integrating solar and wind energy systems with dwellings.

Bob's concentration on perfecting the home as an energy-efficient system is fierce. The slightest problem receives his immediate and complete attention, regardless of the time of day or night.

"Nothing in the home is custom-made, although I'm not yet ready to reveal just where we get our materials. To do that would be to invite fly-by-night operators to throw up vacation home hemispheres the way mobile homes are thrown up today.

"I am going to perfect an energy-efficient home to undersell any such competition so that what does go up will leave the most superficial possible scar on the environment.

"My object is not to make a lot of money—that's why I'll be able to undersell the competition. My goal is to provide the living situation that is as close to environmentally pure as can be."

MORE DOMES PLANNED

To provide that situation, Reines is planning to construct several more domes in New Mexico about 120 miles from his completed structure.

These are Prototype II and he has gathered a team of half a dozen helpers to aid in their construction.

Reines exhausted his own funds to build Prototype I, so he is looking for financial support. "I have some possible investors lined up," he said. "But I need more."

Beyond Prototype II, Reines envisions building a small city of hemispheres depending for their energy on the sun and the wind.

It would house 200 city planners, designers, architects, attorneys, anthropologists, educators and others who would help promote energy-efficient living.

From such a community, Reines hopes for a proliferation of minimum-energy homes throughout the nation, and then through the world.

It is an ambitious prospect. But so was constructing the world's first home that can be totally powered by the sun and the wind.

SUPPORT FOR THE McCLURE AMENDMENT

Mr. HELMS. Mr. President, I support the amendment of the junior Senator from Idaho. There is a reasoning running through some economic circles that since the demonetization of gold, our stockpile of gold is simply a surplus stockpile that ought to be disposed of like any other surplus commodity. I think that the contrary reasoning is that gold is a strategic commodity, one that is in great demand and short supply. For that very reason, it should not be disposed of, particularly in an international monetary situation that is as volatile as at present. Gold is an important commodity in modern industry and technology, and we should never become dependent upon outside sources for our survival.

But over and beyond its value as a commodity, we must face the fact that gold historically has had an aura of stability about it that wields a very important force over the confidence of the people at large. Sophisticated economists scoff at this confidence and point at the minimal and diminishing role which gold has played in recent years in our monetary system. For that very reason, they urge the burning of our bridges behind demonetization. Once the Treasury's stockpile is gone, they argue, the so-called myth of gold will evaporate. The people will have no other choice.

A recent article in the Numismatic News Weekly stated:

> One other source, a former high Treasury official, indicated that the government's announcement of the disposal of all or at least

part of the bullion stock could come before the end of 1973. This source (who refused to be identified, for obvious reasons) stated that Treasury Undersecretary Paul A. Volcker was the driving force behind this move, the ultimate aim of which would be to free the United States from the "curse of gold."

On the other hand, not everybody in the international money market agrees with this line of thinking. On February 23, the Financial Times—the bible of the London money market—had this to say:

> The Nixon Administration talks endlessly about demonetizing gold whereas the fact is that, to all intents and purposes, it is already demonetized—thanks to the prolonged American retreat from convertibility which culminated in the complete shutting down of the Fort Knox gold window in August of 1971. The real question for some time now has been whether or not the metal would be remonetized in the face of American efforts to perpetuate the present situation. And the message spelled out by the recent spectacular advance in its free market price is that there is a growing feeling in the world at large that one way or another gold is destined to stage a monetary comeback.

The article goes on as follows:

> The U.S. was no doubt hoping that the way in which the crisis was resolved would actually be helpful to the crusade against gold. After all, as the new gold parity it established was only a little less nonsensical than the one it replaced, the settlement offered no prospect of official traffic being resumed.

Despite this, the Financial Times does not agree with this new attitude. Pointing to the double devaluation in 14 months, the Times says:

> It would seem that the realization that the dollar has been twice devalued within the space of little more than a year and that, by general consent, there is no certainty that it won't run into fresh trouble in the foreseeable future is resulting in the emergence of a new attitude to gold. It is one rooted in the belief that the force of circumstances will necessitate a rehabilitation of gold, however hard the Americans may strive to perpetuate its present demonetization . . . the sensible thing for the monetary authorities to do will be to take advantage of this turn in the situation to allow the metal to resume playing the valuable part it can in keeping the international monetary wheels turning.

Mr. President, I ask unanimous consent that the entire article from the Financial Times be printed in the Record at the conclusion of my remarks.

I believe, therefore, that as long as the international money markets see the chance of a return to gold that we should consider our present stock of gold as an untouchable strategic reserve. Fashions in money change like other fashions, and we should not rule out our options for the future.

There being no objection, the article was ordered to be printed in the Record. as follows:

Gold May Be Staging Monetary Comeback

(By C. Gordon Tether)

The Nixon Administration talks endlessly about demonetising gold whereas the fact is that, to all intents and purposes, it is already demonetised—thanks to the prolonged American retreat from convertibility which culminated in the complete shutting-down of the Fort Knox gold window in August of 1971. The real question for some time now has been whether or not the metal would be re-monetised in face of American efforts to perpetuate the present situation. And the message spelled out by the recent spectacular advance in its free market price is that there is a growing feeling in the world at large that one way or another, gold is now destined to stage a monetary come-back.

The gold portion of the world's liquidity stock is not far short of $40,000m. But so completely has official traffic in the metal been immobilised by the suspension of dollar-gold convertibility that the holdings of pretty well all countries are currently standing exactly where they were in the closing months of 1971.

Not surprisingly, there has been almost universal acceptance of the proposition that, if the U.S. was refusing to dip into its gold stocks for settling payments, other countries had every right to do the same. And, needless to say, the fact that the ruling price for official exchanges has been standing at manifestly unrealistic levels has operated as a powerful additional deterrent to central bank transactions.

ANAESTHETISED

During the past eighteen months, therefore, gold has been in a completely anaesthetised state in the monetary sense. And when the Americans ramble on about demonetisation, what they really have in mind is making sure that the sleeping giant does not wake up again. There is, of course, no difficulty in explaining their enthusiasm for this denouement. For if gold's banishment from the scene can be made permanent, there will be nothing left to rival the dollar except, perhaps, a Special Drawing Right so emasculated—if international monetary reform takes the expected course—that it won't constitute a serious challenge.

Broadly speaking, things appeared to be going their way after the final suspension of dollar convertibility in August 1971. The number of countries openly opposing their anti-gold propaganda diminished still further and the demonetisation gospel attracted a lot of "intellectual" support in the World Press. Now, however, it looks as though the tide may be turning—mainly as a result of the effect the latest international monetary upheaval has had on attitudes to the dollar.

The U.S. was no doubt hoping that the way in which the crisis was resolved would actually be helpful to the crusade against gold. After all, as the new gold parity it established was only a little less nonsensical than the one it replaced, the settlement offered no prospect of official traffic being resumed. Moreover, Washington took advantage of the necessary re-casting of partities to deliver another knock at gold—by announcing that it was expressly the dollar's devaluation in terms of Special Drawing Rights.

NEW ATTITUDE

The fact, however, that the open market has responded to the second Smithsonian crisis by raising the price of gold to even higher levels than it had reached during the crisis build-up can mean only one thing. It is that, if these considerations have exerted any influence at all, they have certainly not been the decisive ones.

Rather would it seem that the realisation that the dollar has been twice devalued within the space of little more than a year and that, by general consent, there is no certainty that it won't run into fresh trouble in the foreseeable future is resulting in the emergence of a new attitude to gold. It is one rooted in the belief that the force of circumstances will necessitate a rehabilitation of gold, however hard the Americans may strive to perpetuate its present demonetisation.

If this persists—and it is hard to see what could prevent it doing so, seeing that there are now even more major question marks over the international monetary outlook than there were before the latest crisis began—gold will in due course be established at a realistic level without any official help. And if this happens, the sensible thing for the monetary authorities to do will be to take advantage of this turn in the situation to allow the metal to resume playing the valuable part it can in keeping the international monetary wheels turning.

ROY ASH REFUSES TO TESTIFY

Mr. MUSKIE. Mr. President, on April 10, 11, and 12 the Subcommittee on Separation of Powers of the Judiciary Committee and the Subcommittee on Intergovernmental Relations of the Government Operations Committee, with the participation of the Judiciary Subcommittee on Separation of Powers, will begin hearings on executive privilege and Government secrecy.

Senator Ervin and I had requested that Roy L. Ash, Director of the Office of Management and Budget, who holds a key policy position in the shaping of Government information practices, personally testify at those hearings. Mr. Ash has twice refused our request, deferring to the Justice Department to explain the administration's policy in this vital area. Senator Ervin and I find Mr. Ash's refusal unacceptable.

I request unanimous consent that our joint statement be printed in the Record at this point, along with a list of the witnesses who will appear during the first 3 days of these important hearings and the exchange of correspondence between us and Mr. Ash.

There being no objection, the material was ordered to be printed in the Record, as follows:

Joint Statement of Senators Ervin and Muskie

The refusal of Mr. Ash to give us his testimony on government information policies he helps formulate evidences the same general disdain for the role of Congress that also, marks the Executive Branch's persistent efforts to deny the Legislative Branch the information it needs to perform its duty.

Mr. Ash's position at the center of power over budgetary information is evident. He has already stated his opposition to measures we support that would enable the Congress and the public to see agencies' estimates of their *real* budgetary needs before his Office rewrites those estimates into sanitized fairy tales.

We have discussed that policy with Mr. Ash before, without being able, under pressure of time, to obtain a clear understanding of his preference for secrecy. Now he refuses an invitation to elaborate his arguments, suggesting to us that he prefers secrecy to cooperation.

Our hearings will explore the whole area of policy concerning the handling, protection and disclosure of information controlled by government officials. The issues involved are not narrowly legal ones, but extend, among other things, to practices of setting fees for access to government files.

The Office of Management and Budget plays a major role in shaping such policies. The refusal of its director to discuss those policies with the Congress blocks intelligent analysis of Administration practice and hampers the effort to reform procedures which now, in many instances, go counter to the intent of Congress.

We deeply regret Mr. Ash's refusal to cooperate.

Following are the names of witnesses who will appear at the joint hearings of Senator Ervin's Subcommittee on Separation of

Powers of the Judiciary Committee and Senator Muskie's Subcommittee on Intergovernmental Relations of the Committee on Government Operations. The Judiciary Subcommittee on Administrative Practice and Procedure, chaired by Senator Edward M. Kennedy, D-Mass., will also participate in the hearings.

April 10:

Senator J. William Fulbright (D-Ark.).

The Honorable Richard Kleindienst, U.S. Attorney General.

The Honorable Clark Clifford, former Secretary of Defense.

April 11:

Senator Adlai Stevenson, III (D-Ill.).

David Cohen, Vice President, Common Cause.

Harding Bancroft, The New York Times.

The Honorable Elmer Staats, Comptroller General of the United States.

April 12:

Ralph Nader.

Representative William Moorhead (D-Pa.).

Raoul Berger, Harvard Law School.

MARCH 16, 1973.

Hon. ROY L. ASH,
Director, Office of Management and Budget, Washington, D.C.

DEAR MR. ASH: The Senate Subcommittee on Separation of Powers of the Committee on the Judiciary, jointly with the Subcommittee on Intergovernmental Relations of the Committee on Government Operations, will hold hearings on *Executive Privilege and Government Secrecy* on April 10, 11 and 12, 1973. These hearings, in effect, are a continuation of hearings on *Executive Privilege: the Withholding of Information by the Executive* held by the Subcommittee on Separation of Powers in July and August 1971.

We are writing to request that you personally testify at these hearings on April 12, 1973, concerning Congressional and public access to official information. The subject is dealt with in S. 858, introduced by Senator Fulbright, S.J. Res. 72, introduced by Senator Ervin and S. 1142, introduced by Senator Muskie. Copies of these bills are enclosed. We also request you to submit at least one day before your appearance copies of the written statement or statements you prepare for inclusion in the hearing record.

Rufus L. Edmisten, Chief Counsel and Staff Director of the Subcommittee on Separation of Powers 9225–4434), and Alfred Friendly, Jr., Counsel of the Subcommittee on Intergovernmental Relations (225–4718), will be pleased to furnish additional information.

The hearings will be in Room 2228 Dirksen Building, and will begin at 10 o'clock in the morning on April 12.

Sincerely,

SAM J. ERVIN, Jr.,
Chairman, Subcommittee on Separation of Powers, Committee on the Judiciary.

EDMUND S. MUSKIE,
Chairman, Subcommittee on Intergovernmental Relations, Committee on Government Operations.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., March 27, 1973.

Hon. EDMUND S. MUSKIE,
Chairman, Subcommittee on Intergovernmental Relations, Committee on Government Operations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request, made with Senator Ervin, that I testify before a joint session of your Subcommittees on "Executive Privilege and Government Secrecy."

We understand that at your request, the Department of Justice will present testimony during these hearings on the legal ramifications of the proposed legislation under consideration by your Subcommittees. It is most appropriate for that Department to present the views of the Administration, since the questions raised by the subjects of executive privilege and freedom of information are essentially legal in nature.

While I appreciate your affording me the opportunity to testify, I believe that there is nothing of real substance which I could add to the testimony you will receive from the Department of Justice. For this reason, I believe it would be more constructive for me to defer to that Department on this matter.

One comment, however, is appropriate. As you know, the President reaffirmed on March 12, 1973, his original statement of March 24, 1969, that "the policy of this Administration is to comply to the fullest possible with Congressional requests for information." The Office of Management and Budget will continue to be guided by this statement of policy in working with the Congress.

Sincerely,

ROY L. ASH,
Director.

MARCH 29, 1973.

Hon. ROY L. ASH,
Director, Office of Management and Budget, The White House, Washington, D.C.

DEAR MR. ASH: Your letter of March 27, declining our request that you personally testify on the issues of executive privilege and government secrecy is an unacceptable response to the joint invitation of the Subcommittee on Separation of Powers and the Subcommittee on Intergovernmental Relations. It is particularly surprising in view of the conversations between the Subcommittee staff and your liason officer, Mr. Eberle, and the verbal assurance you personally gave Mr. Rufus Edmisten of your willingness to appear.

Your view that the questions of freedom of information are "essentially legal in nature" is in error. The scope of our hearings goes far beyond narrow legal arguments into the policies and practices which govern both the gathering and the dissemination of official information. The Office of Management and Budget, of course, plays a crucial role in determining such policies, those which affect Congressional access to information about the budget itself but also the procedures which control public access to all official information. We therefore regard your testimony as vital to our inquiry.

You will certainly recall your discussion with us February 7 on the subject of the availability of budgetary information to the Congress. At that time you cited the 1921 Budget and Accounting Act as giving you authority to withhold certain information from the Congress. The subsequent discussion of your position touched on arguments of executive privilege as well and concluded with a direct request from Senator Muskie that you return to explore the subject at the hearings on Executive Privilege and Government Secrecy.

In view of that exchange and in view of the inportant role your office plays in the flow of official information, we most forcefully reconfirm our invitation of March 16 and our request that you appear personally to testify. As Mr. Eberle informed us that an appearance by you April 11, instead of 12 as we originally suggested, presented no scheduling conflict, we await prompt confirmation of your intention to appear on that day.

Sincerely,

SAM J. ERVIN, Jr.,
Chairman, Subcommittee on Separation of Powers, Committee on the Judiciary.

EDMUND S. MUSKIE,
Chairman, Subcommittee on Intergovernmental Relations, Committee on Government Operations.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., April 4, 1973.

Hon. EDMUND S. MUSKIE,
Chairman, Subcommittee on Intergovernmental Relations, Committee on Government Operations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I sincerely regret that you and Senator Ervin consider my response to your request for my testimony before your Subcommittees unacceptable. To begin with, there has obviously been an inadvertent misunderstanding regarding a commitment on my part. Mr. Eberle informs me that he did not intend to make any such commitment on my behalf, and my more general discussion with Mr. Edmisten did not include a specific commitment to appear at any particular hearing.

As you know, your original letter of invitation transmitted three bills: (1) S. 858, Senator Fulbright's bill dealing with the invocation of executive privilege and the furnishing of information to the Congress and the General Accounting Office by agencies of the Government; (2) S.J. Res. 72, Senator Ervin's resolution to require production of requested information to Congress by agency heads, officers and employees of the United States except where the President formally invokes executive privilege; and (3) S. 1142, Senator Muskie's bill to revise the Freedom of Information Act in a number of respects to include a new provision dealing with the furnishing of information by agencies to Congress. An examination of these bills, within the context of the stated purpose of the hearings to cover "Congressional and public access to official information" led me to conclude initially that I could not add to the testimony you will be receiving from the Attorney General.

With full appreciation for your renewed request for my appearance, these bills have been reexamined in light of your most recent letter. I have also studied my testimony of February 7 as reflected in the hearing record to which your letter referred. Having done so with considerable care, I have determined that I could add little to what is already a matter of record and nothing to what you will learn from the Attorney General, who is the Administration's principal authority and spokesman in the area of executive privilege and freedom of information. It is to the Department of Justice that we and all other agencies look for guidance in these areas. Our deferral to the Attorney General for purposes of your hearings is therefore both logical and appropriate, and certainly consistent with my testimony of February 7.

I will continue to honor Congressional requests for my appearance whenever possible, with due regard to the contribution I can make as a witness and consistent with other conflicting demands.

While I will, of course, continue to do my best to cooperate with you and the Congress in future requests for my appearance, as I have tried to do in the past, I must again respectfully decline your invitation in this instance.

Sincerely,

ROY L. ASH,
Director.

THE AWARDING OF AMBASSADORSHIPS

Mr. FULBRIGHT. Mr. President, the New York Times of April 4 carried an editorial commenting upon the customs of awarding ambassadorships to large contributors.

This practice conveys to the peoples of other lands a significant message about the ethics and values of our country and

I hope the Members of this body and the people of this land will also get the message.

I ask unanimous consent to insert the editorial in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

AUCTION

The United States, as most foreigners know, is an extraordinary country with picturesque customs. Every four years, for example, it auctions off its embassies in Western Europe and in a few other agreeable areas to the highest bidders. The cash goes not to the United States Treasury but to the Republicans or Democrats, whichever party is in power. No other country follows this curious custom. But then no other country is as rich as the U.S.A.—and it is well known that the very rich usually practice odd little economies.

As of now, it looks as if Mrs. Ruth L. Farkas of the New York department store family is the top successful spender in the 1972–73 auction. She and her husband contributed $300,000 to President Nixon's campaign. In return, she gets the embassy in Luxembourg. There was a mild ruckus in the Senate Foreign Relations Committee because Mrs. Farkas seemed to be buying her embassy on an easy-payment plan, that is, two-thirds of the money was given after Mr. Nixon was safely re-elected, and the Republican treasury already showed a $4-million surplus.

But this problem has been cleared up, Mrs. Farkas explained she intended to give the money before the election but it took time to sell the necessary stock. Rivals agree that it would have been a shame if she had lost out on her bid because she had already lost once. In the 1968–69 auction season, she thought she had acquired the embassy in Costa Rica. But that fell through because of a court case involving a political contribution to a Democrat in the 1965 New York mayoral primary.

Money alone is not always enough, however, W. Clement Stone, the Chicago insurance man, made a big contribution to Mr. Nixon in 1968 and more than $1 million in 1972. Mr. Stone has delicately told the press that he would be "'honored" to get the embassy in London. So far, Mr. Nixon—or whoever is conducting this year's auction for him—seems to be looking at the other side of the room and not to have caught Mr. Stone's bid. Perhaps $1 million is not enough. If Luxembourg is going for $300,000, should not London be worth a cool $5 million? Or it may be that Walter H. Annenberg, the current Ambassador in London, has been able to renew his lease by giving $254,000 last year.

Like most other items under Phase 3, the cost of embassies seems to be soaring. It may only be that the new campaign finance law has disclosed spending that until last year had been largely concealed. In any event, consider these prices:

Arthur K. Watson was appointed to France in 1970 and resigned last fall. He donated $49,000 to the G.O.P. in 1968, $22,000 in 1970, and $300,000 in 1972. The new Ambassador to France is his brotherin-law, John N. Irwin 2d who gave only $14,000 in 1968, $16,500 in 1970, but $52,500 in 1972. As a former Under Secretary of State, Mr. Irwin is one bidder who might have made it by merit alone.

John Krehbiel just obtained the embassay in Finland. He gave $5,500 in 1968, $1,000 in 1970, and $12,500 in 1972. Alas, not much for Finland.

Anthony D. Marshall bid in Trinidad and Tobago for $25,000 in 1968, a mere $1,000 at midterm, and $49,505 last year.

John P. Humes has Austria for $43,000 in 1968, $13,000 in midterm, and $103,500 last year. (If that seems a little high for Vienna minus the Habsburgs, he may have been bidding discreetly for Rome or even Paris.)

Henry S. Catto Jr. has El Salvador for $10,750 in 1968, $2,000 in midterm, but $26,000 last year.

Vincent de Roulet obtained Jamacia in the 1968–69 auction for $44,500 then and $32,000 last year. But relatives can also bid. Mr. de Roulet's father-in-law is Charles S. Payson who gave $28,000 in 1968, $32,000 in 1970, and $88,000 last year. At first glance, that seems like an awful lot; but then Jamaica really is a gem of an isle.

It is never too late to enter this auction. President Nixon has been re-elected but the Committee to Re-Elect the President is still in business and still accepting bids—or "campaign contributions" as they are sometimes called.

NEWSPAPER REPORTS ATOMIC GOOF

Mr. GRAVEL. Mr. President, more and more people are learning about the unacceptable danger to themselves and this great land from deficiencies in the design, manufacture, construction, and maintenance of atomic powerplants.

I was reminded by a story in the Newark, N.J., Star-Ledger of January 27, 1973, that atomic powerplants would not be safe even if their design, manufacture, construction, and maintenance were constantly perfect—an achievement which has never been observed in the history of any human enterprise. The article is headlined, "Technician's Goof Blamed for Shore A-Plant Foul Up."

Mr. President, I ask unanimous consent that the story be printed here in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Newark (N.J.) Star-Ledger, Jan. 27, 1973]

TECHNICIAN'S GOOF BLAMED FOR SHORE A-PLANT FOULUP

An operator's mistake at the Oyster Creek nuclear power plant last month shut it down for 10 days and caused an internal leak of 50,000 gallons of poisonous, radioactive water, utility officials say.

The officials said the plant, located on the New Jersey shore about 35 miles north of Atlantic City, is now back in service. They said no one was injured and no radioactivity has escaped from the reactor building.

The shutdown Dec. 28 became known Jan. 8 when dead fish were found under the ice near Barnegat Bay. Environmentalists blamed the plant. They said fish, accustomed to warm water flowing out of the plant, were chilled when it was turned off.

However, the Jersey Central Power & Light Co. said there was no proof the shut-down of Oyster Creek caused the fish kill.

Ivan R. Finrock, the utility's vice president for power generation, said the accident was clearly caused by "human error."

He said safety equipment did what it was supposed to do. A safety valve opened to relieve pressure building up in the nuclear reactor core, he said. But, he added, it did not shut afterwards and over a period of two and a half hours, 40,000 gallons of radioactive water from the core leaked into a large, water-filled cavity in the basement of the reactor building.

Finrock said the utility still is trying to figure out how to dispose of the contaminated water.

Finrock said a control room operator mistakenly opened a door to a cabinet containing instruments for the electric plant's transformer systems. This blew a fuse, he said, a safety precaution to protect persons from exposure to the electric currents in the cabinet.

The plant's automatic monitoring instruments mistakenly interpreted this fuse blowing as a signal that the electric generators of the plant had somehow suddenly stopped, Finrock said.

With the generators supposedly no longer using steam energy in the water-filled reactor core, the automatic watch-dog banked the nuclear fires and ordered a valve opened to immediately relieve any excess steam pressure building up in the reactor core.

The valve opened to release what normally would be about 100 gallons of water, Finrock said, then it failed to close properly and kept leaking.

AN "ALMOST UNBELIEVABLE" COMBINATION

Mr. GRAVEL. Mr. President, the human error at Oyster Creek, which was immediately followed by two equipment errors was considered a minor accident; however, workers dealing with the radioactive mess may be exposed to additional radiation, and therefore some may die horribly and early from work-related cancer.

There have been many minor accidents at atomic power plants already; I placed a summary by Dr. Henry Kendall in the CONGRESSIONAL RECORD, volume 118, part 18, pages 9685–9687.

AEC records show that "human error" often combines with equipment failures to produce real accidents whose probability would have been calculated in advance as "exteremly remote" or perhaps statistically "impossible." Such a case occurred in 1970 at the Oak Ridge Research Reactor, as reported in the AEC's journal Nuclear Safety for July–August 1970. The failure involved "an almost unbelievable" combination of three separate human errors, two installation errors, and three design errors.

AHEAD: ONE MAJOR ERROR PER YEAR?

I would like to quote a statement by Dr. John W. Gofman:

Reactor Operating Experiences in the journal *Nuclear Safety* show over and over that a human decision is required on a number of occasions.

When there are enough reactors operating, the total number of occasions requiring a human judgment will increase appreciably.

Let's play with some numbers which I think grossly minimize the danger to be faced.

Suppose you have 500 nuclear power reactors in operation. Let's further suppose that a serious human decision is required once in ten years for each reactor; a study of the literature might show that the frequency is far greater. This means 50 serious decisions requiring human judgment per year.

Suppose further that the judgments are 98 percent right and 2 percent wrong, which is a very optimistic estimate.

This finally gives us one reactor per year suffering the consequences of wrong judgment on a serious matter. Clearly if the judgmental error results in a nuclear melt-down, that's a disastrous event. Even less than melt-down accidents could be very, very serious.

The requirement for a human judgment is a source of immense weakness in nuclear safety. Even if all other safety problems could be solved, the human factor all by itself means that nuclear power makes no sense.

AIRLINE CREWS AND REACTOR TECHNICIANS

Mr. President, for comparison, we might consider the role of human error in airline disasters. According to Dr. F. S. Preston, medical director for BOAC and BEA, 47 percent of the jet crashes which have caused total destruction of the aircraft resulted from human error—misjudgment, incorrect technique, navigational miscalculation—not from failures of equipment.

TRIBUTE TO DR. SIDNEY FARBER

Mr. KENNEDY. Mr. President, I want to take this time to pay tribute to a great American and a dear friend of mine who passed away last Friday evening, Dr. Sidney Farber. Dr. Farber dedicated his life to the conquest of cancer. His greatest legacy, which will live on for generations, is of course the Children's Cancer Research Foundation, which is better known as the Jimmy Fund.

The Jimmy Fund was created by Dr. Farber in 1948 for the purpose of treating children who suffer from cancer. Dr. Farber personally raised more than $1 million per year to sustain this superb program. Since its creation, the Jimmy Fund has been supported by literally hundreds of thousands of Americans. Dr. Farber was also a distinguished biomedical researcher and a superb clinician. He was the first physician to discover a drug which was effective in the treatment of acute leukemia in children. His dedication to his patients was well known among his colleagues. He would frequently be found doing rounds at Childrens Hospital as late as 11:00 P.M.

He is the only person to have been appointed three times to the National Advisory Cancer Council of the NIH.

He was a member of the Committee of Consultants to the Senate on Medical Research in 1959–1960.

And he was chairman of the cancer section of the President's Commission on Heart Disease, Cancer and Stroke in 1964.

Dr. Farber was also the distinguished cochairman of the committee of consultants which advised the Senate Labor Committee in 1970 regarding a national program for the conquest of cancer. That report led to the passage of the National Cancer Act of 1971, Public Law 92–218.

Mr. President, Sidney Farber died in his office last Friday evening. But his work will go on through the efforts of his friends and colleagues. Sidney Farber epitomized those qualities which have made America a great nation—creative genius and compassion.

THE HIGHWAY TRUST FUND

Mr. MUSKIE. Mr. President, efforts to increase the flexibility of use of highway trust funds have been receiving increasing attention recently. In its April issue, the Reader's Digest has published a thoughtful article entitled: "We Should Open the Highway Trust Fund Now." In this article, many of the concerns which I have felt about the highway trust fund are expressed and the necessity of opening the highway trust fund to allow its use for mass transportation is clearly identified.

I ask unanimous consent that a copy of this Reader's Digest article be included in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

We Should Open Up the Highway Trust Fund Now

(By Ann Dear)

A Knoxville, Tenn., widow, who for seven years depended on bus transportation to get to work, recently moved with her three children into a house bought with hard-earned savings. Then a change in the bus schedule left her stranded with no service, and she was forced to sell that home.

A student supporting a wife and child on $3500 a year moved out of Philadelphia because of "high costs and little security." Yet he now pays $1.40 a day, seven percent of his income, for public transportation from his suburban home to the city.

The effects of such deteriorating service and high fares have been dismal: more than 268 mass-transportation companies have gone out of existence since 1954, and 20 more are teetering on the brink of bankruptcy. Companies sustained deficits of a half-billion dollars in 1972 alone. The number of vehicles has declined by 25,000 since 1950 and they provide ten billion fewer passenger rides than they did 20 years ago.

"These passengers aren't lost," says the American Transit Association. "Most are riding in from suburbia, one to a car, and sitting bumper-to-bumper on the most magnificent highways money can buy."

The necessity for an answer to our transportation dilemma is urgent.

The alternatives are clear: We can continue to be plagued by ever-increasing traffic jams, or we can create efficient public transportation—modern subway and bus systems, high-speed commuter trains—to move millions of workers to jobs and assist the one quarter of our population too poor, too old or too handicapped to own a car. As former Secretary of Transportation John Volpe has put it, we may see "our urban-circulatory systems strangled by traffic and choked by smog, rendering even our great highways useless, unless we enable public transportation to carry its fair share of the load."

At the root of the problem is the Highway Trust Fund, established in 1956 chiefly to finance our 42,500-mile interstate-highway system. It collects more than $5.6 billion a year, principally from the four-cent tax on every gallon of gasoline sold.

"Each time a new highway is opened, it produces an increase in highway use, which under the Trust Fund system generates an increase in money available for building yet more highways," wrote Ben Kelley, former public affairs director at the Federal Highway Administration, in his book *The Pavers and the Paved*. "The self-perpetuating circularity of the process may appall economists and transportation planners, but it delights industries dependent on highway construction for profits."

Few dispute that it has been necessary to invest billions in superhighways to carry our vast automobile traffic across the nation, but what concerns a growing number of transportation experts is the enormous imbalance that has resulted. The U.S. government over the past five years has invested a lopsided $10 billion in urban highways but only $1.1 billion for public transportation. This year, the federal transportation budget shows that for every dollar spent on mass transit, $14 will be spent on highways. It is little wonder that scarcely ten percent of the work force now uses mass transit to get to work. Half of the 40 million Americans who drive to work have no public transportation available to them!

Yet all too often cities are forced to use highway funds or lose them. When San Franciscans refused in 1964 to let the double-decked Embarcadero Freeway be extended and spoil their picturesque waterfront, the city thereby lost up to $270 million in Trust Fund money.

San Francisco and nearby communities then began funding, mostly from local property taxes (only 17 percent came from federal grants), the construction of a 75-mile mass-transit rail system, Bay Area Rapid Transit. Opened last year, the $1.4-billion, computer-controlled BART is the nation's first regional rapid-transit system to be constructed in more than half a century.

This is exactly the kind of transportation flexibility that countless other cities desperately need. Last year a dramatic effort was launched in Congress to achieve such a goal. Sen. Edmund Muskie (D., Maine) and former Sen. John Sherman Cooper (R., Ky.) proposed that the Federal Highway Act of 1972 be amended to allow cities to use their share of the $800-million urban-systems portion of the Highway Trust Fund for bus or rail transportation. The remaining allocations for interstates, primary and secondary roads would not have to be reduced.

This new approach was soon under severe attack by the formidable Highway Users Federation for Safety and Mobility, a spearhead of the highway lobby representing more than 600 highway-connected businesses and industries. The organization, with a staff of 50 and a budget of $3 million a year, poured out slick pamphlets and magazines, canned editorials and news releases, all extolling highways and casting doubt on mass transit.

The Road Information Program (TRIP), another arm of the lobby, launched a $500,000 public-relations campaign defending the Trust Fund. When Mobil Oil Corporation, in a notable split with the highway lobby, called for improved mass transit and even Trust Fund abolition, TRIP urged industry groups to protest these ads.

But highway-lobby propagandists now had to contend with a new force, a citizens' lobbe called the Highway Action Coalition (HAC), formed in 1971 by Environmental Action and the Sierra Club to open up the Trust Fund for mass transit. HAC's newsletter, *The Concrete Opposition*, stressed these points:

Highways should be built where they are justified, but cities should have the option of using their interstate funds for transit. Urban freeways often increase rather than relieve congestion, as in the case of the Hollywood, Calif., freeway. Designed to reach a daily capacity of 100,000 vehicles within ten years, it actually was carrying 168,000 vehicles a day in just one year. Congestion is expensive: one study indicated that its annual cost to truckers in New York City alone is more than $100 million.

It is incorrect for the highway interests to maintain that highway taxes going into the Trust Fund are "user taxes," for highway-related purposes only. Under this logic, as Rep. John B. Anderson of Illinois said in a speech to the House, all alcohol taxes should be earmarked for rehabilitating alcoholics.

The automobile-highway system contributes significantly to the nation's increasingly serious energy crisis. Gasoline used in private cars represents one fifth of all energy used in the nation. And, per passenger mile, a car consumes five times as much fuel as a train and six times as much fuel as a bus. If one fourth of urban travel could be shifted from private automobiles to public transportation by 1980, the savings in petroleum consumption would exceed one million barrels a day. In addition, the automobile is responsible for at least 39 percent of our air pollution—and up to 80 percent in some cities.

Largely because of HAC's efforts, the Senate passed the Cooper-Muskie amendment late last September. The battle shifted to the House of Representatives, where the highway lobby is traditionally far stronger. As many as 50 full-time highway lobbyists swarmed through the House office buildings. A contractors' organization, The Committee for Action, parceled out $150,000 in election-year contributions to more than 60 political candidates, and donations also flowed from truckers' groups.

HAC fought back with only 12 volunteer lobbyists and funds so low its staff of three had gone unpaid for two months. It alerted a network of concerned citizens representing 19 organizations from the League of Women Voters to Common Cause to the American Public Health Association to start a messages-to-Congress campaign. No one was more persuasive than Transportation Secretary Volpe, ironically the nation's first highway administrator in 1956, who tirelessly telephoned and buttonholed Congressmen. Soon the ranks of public-transportation supporters in the House swelled to 200. But a series of parliamentary maneuvers engineered by the highway interests kept the issue of opening up the Trust Fund from coming to a vote. A bitter House-Senate conference wrangled to an unsatisfactory compromise, and all highway legislation died in late October when the House failed to muster a quorum.

As the opposing forces clash on the same battleground this year, other schemes, such as a new trust fund for mass transit or massive appropriations from general tax revenues, will be promoted. But flexibility is still vitally needed to make the wisest use of the gigantic Highway Trust Fund where money is *already* available. If we want an end to traffic jams, poor bus service and antiquated rail systems, we can:

1. Try to make certain that our local officials direct their planning to *balanced* transportation needs—and not to highways alone. (Maryland is now the only state with a trust fund under which all transportation-related taxes can be used for various transportation modes on a needs basis.)

2. Write to the Highway Action Coalition, 1346 Connecticut Ave., N.W., Washington, D.C. 20036, to learn how your community can work for balanced transportation.

3. Tell your Senator and Congressman that now is the time to let the Highway Trust Fund be used for public transportation. As Secretary Volpe said during last year's legislative battle: "This isn't a raid on the highway fund—it's a ray of hope for better mobility for all Americans."

EQUIVALENT PAY FOR GENERALS AND ADMIRALS

Mr. PROXMIRE. Mr. President, I recently requested that the Department of Defense update and expand a table that indicates the equivalent pay a general or admiral receives if allowances and other benefits are included in his regular salary.

The results are quite interesting. They show, for example, that full generals and admirals make the equivalent of over $51,000 a year when the various benefits are figured in. At that price, we can no longer afford to keep more generals and admirals than at the height of World War II.

The table provided by the Department of Defense is based on a number of assumptions and should not be read as indicating direct costs to the Government. It does, however, show the relative benefits of military life for high-ranking officers.

BENEFITS ADD UP

This information demonstrates that recent pay raises, when coupled with existing military benefits such as noncontributory retirement, medical services, tax advantages, and commissary privileges, have not only accomplished the purpose of improving the life of the lower ranks but have provided a soft life for the generals and admirals.

For example, a lieutenant general or vice admiral, of which there are 141, receives about $40,000 a year in regular military compensation. This includes basic pay, quarters, subsistence, and Federal tax advantage due to the nontaxable status of his quarters and subsistence allowances.

If one includes the calculations for retirement, medical, and commissary benefits and the added tax advantage, the lieutenant general or vice admiral makes the equivalent of $51,000 a year. This assumes that he will retire, as 98.7 percent of these officers do, and is based on estimates of personal value rather than direct costs to the Government.

ADDITIONAL BENEFITS NOT INCLUDED

In addition to the benefits assumed in this data, the military brass also retain other unique privileges at taxpayer expense. They are often provided with cars to drive to and from work and with military servants to clean the house, run errands, prepare food, and bartend at parties. Certain officers also are granted special entertainment allowances and live in quarters worth as high as over a hundred thousand dollars. If these benefits were added in, the total equivalent compensation would be much higher.

There can be only one conclusion. It is time to prune the officer corps. Big savings are not made by releasing privates. We must cut out more high-ranking officers.

We have more generals, admirals, lieutenant generals, vice admirals, colonels, captains, lieutenant colonels, and commanders than at the height of World War II. But we have about 10 million fewer men in the military. No wonder manpower costs are soaring.

As a result of legislation I introduced, Congress has required the Department of Defense to submit a report and recommendations for legislation on this manpower problem no later than May 31, 1973.

The Army says it recognizes the problem and intends to remove more officers. I urge them to do so and the other services to follow suit.

Mr. President, I ask unanimous consent that the two tables provided by the Department of Defense be included in the RECORD at this point.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE II.—SELECTED EXAMPLES OF ANNUAL COMPENSATION

				Regular military compensation (RMC)[1]								
Pay grade	Title	Years of service[2]	Number of dependents	Basic pay	Quarters	Subsistence	Subtotal basic pay quarters and subsistence	Federal tax advantage	Regular military compensation	Federal income tax[3]	FICA[4]	Take home pay[5]
O-10	General/admiral	26	1	$36,000.00	$3,456.00	$574.56	$40,030.56	$3,106.82	$43,137.38	$8,870.00	$631.80	$30,528.76
O-9	Lieutenant general/vice admiral	26	2	35,938.80	3,456.00	574.56	39,969.36	3,045.60	43,014.96	8,538.63	631.80	30,798.93
O-8	Major general/rear admiral (upper half)	26	2	32,403.60	3,456.00	574.56	36,434.16	2,719.73	39,153.89	7,159.90	631.80	28,642.46
O-7	Brigadier general/rear admiral (lower half)	26	3	28,173.60	3,456.00	574.56	32,204.16	2,285.36	34,489.52	5,395.55	631.80	26,176.81
O-6	Colonel/captain	26	3	24,750.00	3,099.60	574.56	28,424.16	1,785.47	30,209.63	4,310.00	631.80	23,482.36
O-5	Lieutenant colonel/commander	20	3	19,508.40	2,865.60	574.56	22,948.56	1,275.69	24,224.25	2,887.10	631.80	19,429.66
O-4	Major/lieutenant commander	14	3	15,746.40	2,584.80	574.56	18,905.76	1,002.98	19,908.74	1,984.21	631.80	16,289.75
O-3	Captain/lieutenant	6	3	12,438.00	2,347.20	574.56	15,359.76	769.76	16,129.52	1,298.74	631.80	13,429.22
O-2	1st lieutenant/lieutenant (junior grade)	2	2	8,550.00	2,109.60	574.56	11,234.16	520.95	11,755.11	810.00	500.17	9,923.99
O-1	2d lieutenant/ensign	0	1	6,793.20	1,699.20	574.56	9,066.96	501.45	9,568.41	618.84	397.40	8,050.72
W-4	Chief warrant/commissioned warrant	26	3	15,616.80	2,494.80	574.56	18,686.16	967.79	19,653.95	1,955.70	631.80	16,098.66
W-3	do	20	3	12,326.40	2,300.40	574.56	15,201.36	748.19	15,949.55	1,280.71	631.80	13,288.85
W-2	do	16	3	10,386.00	2,084.40	574.56	13,044.96	541.73	13,586.69	967.34	607.58	11,470.04
W-1	Warrant officer/warrant officer	10	3	8,550.00	1,929.60	574.56	11,054.16	486.28	11,540.44	667.50	500.17	9,886.49
E-9	Sergeant major/master chief petty officer	22	3	12,196.80	2,210.40	602.25	15,009.45	720.89	15,730.34	1,259.78	631.80	13,117.87
E-8	Master sergeant/senior chief petty officer	20	3	10,159.20	2,066.40	602.25	12,827.85	527.46	13,355.31	930.71	594.31	11,302.83
E-7	Sergeant, 1st class/chief petty officer	18	3	8,841.60	1,936.80	602.25	11,380.65	489.04	11,869.69	717.92	517.23	10,145.50
E-6	Staff sergeant/petty officer, 1st class	14	3	7,524.00	1,800.00	602.25	9,926.25	483.02	10,405.27	488.08	440.15	8,998.02
E-5	Sergeant/petty officer, 2d class	4	2	5,497.20	1,663.20	602.25	7,762.65	467.07	8,229.72	282.08	321.59	7,158.98
E-4	Corporal/petty officer, 3d class	2	1	4,687.20	1,458.00	602.25	6,747.45	415.97	7,163.42	273.08	274.20	6,200.17
E-3	Private 1st class/seaman	0	0	4,269.60	867.60	602.25	5,739.45	345.65	6,085.10	351.72	249.77	5,137.96
E-2	Private/seaman apprentice	0	0	4,107.60	766.80	602.25	5,476.65	321.14	5,797.79	320.94	240.29	4,915.42
E-1	Recruit/seaman recruit	0	0	3,686.40	720.00	602.25	5,008.65	301.18	5,309.83	248.19	215.65	4,544.81

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[1] Regular military compensation equals basic pay plus cash quarters and subsistence allowances plus tax advantage (at 1973 tax rates) that accrues because the allowances are not taxable. Basic pay and allowances are based on Jan. 1, 1973 pay scales.

[2] Years of service for pay purposes.

[3] Calculated on basic pay using standard deduction or low income allowance and 1973 tax rates.

[4] Unlike the Federal classified employee who contributes a total of 7 percent to retirement, the military member, in addition to the imputed 7 percent shown here, is required by FICA to contribute 5.85 percent of the first $10,800 in basic pay to Social Security.

[5] Take home pay equals regular military compensation minus Federal income tax, FICA, and tax advantage.

TABLE II.—SELECTED EXAMPLES OF ANNUAL COMPENSATION—Continued

				Special analysi s based on House Appropriations Committee assumptions								
Pay grade	Title	Years of service [1]	Number of dependents	Retirements [2] [3]	Medical [4]	Commissary [5]	Adjusted take home pay [6]	New Federal income tax [7]	FICA	New tax advantage [8]	Hypothetical military compensation [9]	Percent expected to retire [10]
0-10	General/admiral	26	1	$3,020.00	$846.00	$231.00	$34,625.76	$12,031.18	$631.80	$3,846.38	$51,135.12	98.7
0-9	Lieutenant general/vice admiral	26	2	3,011.00	846.00	347.00	35,002.93	11,726.14	631.80	3,778.59	51,139.46	98.7
0-8	Major general/rear admiral	26	2	2,741.00	846.00	347.00	32,576.46	9,809.71	631.80	3,344.06	46,362.03	98.7
0-7	Brigadier general/rear admiral	26	3	2,414.00	846.00	462.00	29,898.81	7,483.64	631.80	2,762.67	40,776.92	98.6
0-6	Colonel/captain	26	3	2,115.00	846.00	462.00	26,905.36	5,954.19	631.80	2,192.52	35,683.87	98.1
0-5	Lieutenant colonel/commander	20	3	1,696.00	846.00	462.00	22,433.66	3,993.17	631.80	1,537.63	28,596.26	96.5
0-4	Major/lieutenant commander	14	3	1,394.00	846.00	462.00	18,991.75	2,834.73	631.80	1,157.76	23,616.04	86.0
0-3	Captain/lieutenant	6	3	1,129.00	846.00	462.00	15,866.22	1,931.77	631.80	914.24	19,344.03	51.9
0-2	1st lieutenant/lieutenant (junior grade)	2	2	823.00	846.00	307.00	11,899.99	1,194.55	500.17	617.03	14,211.74	20.0
0-1	2d lieutenant/ensign	0	1	670.00	846.00	205.00	9,771.72	1,013.83	397.40	451.88	11,634.83	18.2
W-4	Chief warrant/commissioned warrant	26	3	1,479.00	846.00	462.00	18,885.66	2,829.37	631.80	1,121.87	23.468.70	97.4
W-3	Chief warrant/commissioned warrant	20	3	1,201.00	846.00	462.00	15,797.85	1,925.65	631.80	897.53	19,252.86	95.9
W-2	Chief warrant/commission warrant	16	3	1,023.00	846.00	462.00	13,801.04	1,423.35	607.58	734.18	16,575.15	82.9
W-1	Warrant officer/warrant officer	10	8	869.00	848.00	409.00	12,010.49	1,080.56	500.17	550.56	14,141.87	47.4
E-9	Sergeant major/master chief petty officer	22	3	1,814.00	846.00	462.00	15,609.87	1,890.24	631.80	870.32	19,002.22	98.3
E-8	Master sergeant/senior chief petty officer	20	3	1,005.00	846.00	462.00	13,615.83	1,376.21	594.31	734.34	16,320.69	97.1
E-7	Sergeant, 1st class/chief petty officer	18	3	893.00	846.00	462.00	12,346.50	1,141.84	517.24	588.95	14,594.53	96.1
E-6	Staff sergeant/petty officer, 1st class	14	3	783.00	846.00	409.00	11,036.02	900.94	440.15	462.69	12,839.70	86.9
E-5	Sergeant/petty officer ,2d class	4	2	619.00	846.00	307.00	8,930.98	633.40	321.59	471.90	10,357.87	48.6
E-4	Corporal/petty officer, 3d class	2	1	539.00	846.00	190.00	7,775.17	580.70	273.20	462.61	9,091.68	17.6
E-3	Private/1st class seaman	0	0	458.00	432.00		6,027.96	560.49	249.77	373.46	7,211.68	12.9
E-2	Private/seaman apprentice	0	0	436.00	432.00		5,783.42	524.55	240.28	341.88	6,890.13	11.2
E-1	Recruit /seaman recruit	0	0	400.00	432.00		5,376.81	434.37	215.66	317.42	6,344.26	8.8

[1] Years of service for pay purposes.

[2] Unlike the Federal classified employee who contributes a total of 7 percent to retirement, the military member, in addition to the imputed 7 percent shown here, is required by FICA to contribute 5.85 *percent of the first $10,800 in* basic pay to Social Security.

[3] This is an arithmetic calculation based on the rationale in Report 92–82, Mar. 25, 1971, pp. 24–25. The result equals the amount military pay has been depressed to account for an imputed 7 percent retirement contribution. This calculation is misleading in that it implies that every military member benefits from the imputed retirement contribution. Only those who retire benefit. The column at the far right shows the percentages in each grade expected to retire. On balance, less than 40 percent of the active duty force benefits from the imputed retirement contributions.

[4] This estimate is based on the cost of High Option Federal Employees Service Benefit Plan and the New York Blue Cross dental care program.

[5] In 1965 the Department of Agriculture conducted a survey to determine the annual expenditure for food by income groups on a nationwide basis. This information updated to December 1972 reveals that on an annual basis individuals with three dependents in the lowest to the highest of five income groups can be expected to spend $1,980 to $2,890 respectively for food. Average commissary savings have been estimated at 20 percent. In the examples shown, the value of these savings has been adjusted by such factors as family size, percent utilization of the commissary (e.g., duty assignment of member, age of dependents, probability of social commitments, consumption preference, life style, etc.). The values shown range from 80 percent for married individuals to 0 percent for single members.

[6] Take home pay necessary if the assumed values for retirement, medical and commissary are paid for by the member.

[7] New Federal income tax deduction is computed on basic pay after the assumed values for retirement, medical and commissary were included in taxable income.

[8] New tax advantage results from the new, higher level of taxable income which results from adding the assumed values for retirement, medical and commissary.

[9] This "Hypothetical Military Compensation" only applies to those members who will actually qualify for military retirement benefits. See column entitled "Percent Expected to Retire" for actuarial experience in this area.

[10] These are estimated percentages of personnel on active duty in each pay grade who can be expected to continue on active duty to retirement.

SOCIAL SERVICE REGULATIONS

Mr. BURDICK. Mr. President, along with several of my colleagues, I have been very concerned about the proposed HEW regulations governing title IV–A and other titles of the Social Security Act.

Last year I supported the $2.5 billion ceiling on the social services program. It was, I believe, a necessary lid for a program that was spiraling in cost. The ceiling was a reasonable and realistic solution to the problem. The Health, Education, and Welfare proposals, however, go far beyond the limitations imposed by Congress last year. What they do not eliminate with outright prohibitions, they would strangle with redtape.

If these regulations go into effect as written, they will all but end social services in North Dakota. In our small, rural State, only 4 percent of the population is on welfare. This is the second lowest percentage in the Nation. The reason we have been able to maintain this low welfare level is that the State has been able to provide good "preventive" services. These services would be eliminated under the Health, Education, and Welfare proposals. The result would be a huge increase in the welfare rolls and greater government costs both on the State and Federal levels.

I have received numerous letters from my constituents expressing their alarm about these regulations. One of the most descriptive, however, was sent to HEW by Mr. T. N. Tangedahl, North Dakota Director of Social Services. His letter describes the impact of the regulations on North Dakota.

I ask unanimous consent that this letter be included at the conclusion of my remarks.

I would also like to include an article from the Jamestown Sun, Jamestown, N. Dak. It puts the impact of these regulations in very human terms.

There being no objection, the letter and article were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF SOCIAL SERVICES,
Bismarck, N. Dak., March 13, 1973.

Mr. PHILIP J. RUTLEDGE,
Acting Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. RUTLEDGE: We have carefully studied the proposed new rules for federally assisted social programs to determine the effect of those rules on social service programs in North Dakota. Knowing that any change generally meets resistance, and that progress is hard to come by in a vast bureaucratic system, we delayed responding to the proposed rules and regulations until we felt compelled to do so.

Although North Dakota is relatively small and rural by metropolitan standards, it has developed a progressive, comprehensive social service program. North Dakota has been one state that resisted the purchase of services which on a national scale proved to be costly and undoubtedly contributed to the problem which both Congress and the Administration has had to resolve.

Because we believe the ceiling on federal social service funding, plus further control on the purchase of services, has or will eliminate abuses in social service funding, we are asking you to modify the proposed rules and regulations. We believe the proposed rules will cripple, if not destroy, worthwhile programs which have been developed and which are serving the people who need help. Specifically the proposed rules which we ask the Administration to consider are:

1. The limitation of social services to public assistance recipients and the extremely poor. In North Dakota the emphasis has been on prevention, and in spite of being a relatively poor state as measured by per capita income, less than 4% of the population is receiving public assistance.

The Department of Health, Education, and Welfare recently indicated this percentage is the second lowest in the nation, and in our opinion reflects one measure of appropriately evaluating the effectiveness of past and current social service programs. Likewise, North Dakota had the lowest percentage of error in the nation in a recent quality control review. We therefore view the proposed income level restrictions on federal social service funding as extremely restrictive, if not discriminatory. In a sparsely settled rural state it is nearly impossible to develop a social service program for less than 4% of the population and at the same time ignore the social service needs of a large proportion of the population. We are particularly concerned about programs to prevent and control juvenile delinquency, drug abuse, and family breakdown. With the proposed restriction it will be extremely difficult to develop a program for the mentally retarded or launch a program of family planning. Furthermore, one must be ever mindful that in a small rural state the majority needed social services are available only through the public program.

2. We ask for a modification of the limited definition of "former" and "potential" for the same reasons as outlined in the preceding paragraph.

3. We should like to be able to accept privately donated funds for matching purposes. In North Dakota limited use of private funds was first permitted by the 1971 Legislative

Assembly and is kept under strict control by the Committee on the Budget.

In conclusion, as a small conservative state we ask that the restrictions on the use of federal social service funds according to the proposed rules and regulations dated February 16, 1973, be liberalized or removed altogether. The enclosed statistical information indicates the projected loss in federal funds that would result from implementation of the proposed regulations. It is our firm belief that these restrictions will eliminate preventive services, thus resulting in greater social problems and continued increase in AFDC rolls. It is also our contention that the proposed restrictions would prevent the development of "allied services" concept endorsed by President Nixon.

Respectfully submitted,

T. N. TANGEDAHL,
ACSW, Executive Director.

NORTH DAKOTA—SOCIAL SERVICE BOARD [1] AND COUNTY WELFARE BOARDS, ESTIMATED LOSS IN FEDERAL FUNDS THAT WOULD RESULT FROM PROPOSED SOCIAL SERVICE REGULATIONS

[Biennium 1973–75]

		AABD and AFDC services					
			Nonexempt services				
				Services to former and potential recipients			
	Total [2]	Exempt services [2]	Services to current recipients	Within limitation of 10 percent of total cost	Not within limitation of 10 percent of total cost	Child welfare services (previously charged to) CWS	Child welfare services (previously charged to) AFDC
1973–74:							
Estimated total expenditures	$6,804,333	$749,870	$3,469,308	$385,479	$1,548,982	$130,498	$520,196
Estimated Federal reimbursement under:							
Present regulations	5,083,675	562,403	2,601,981	289,109	1,161,736	78,299	390,147
Proposed social service regulations	3,695,538	562,403	2,601,981	289,109		78,299	163,746
Estimated loss in Federal funds that would result from proposed social service regulations	1,388,137				1,161,736		226,401
1974–75:							
Estimated total expenditures	8,053,928	968,011	4,089,065	454,341	1,812,349	130,498	599,664
Estimated Federal reimbursement under:							
Present regulations	6,020,872	726,008	3,066,799	340,756	1,359,262	78,299	449,748
Proposed social service regulations	4,375,608	726,008	3,066,799	340,756		78,299	163,746
Estimated loss in Federal funds that would result from proposed social service regulations	1,645,264				1,359,262		286,002
Biennium 1973–75:							
Estimated total expenditures	14,858,261	1,717,881	7,558,373	839,820	3,361,331	260,996	1,119,860
Estimated Federal reimburseme t under:							
Present regulations	11,104,547	1,288,411	5,668,780	629,865	2,520,998	156,598	839,895
Proposed social service regulations	8,071,146	1,288,411	5,668,780	629,865		156,598	327,492
Estimated loss in Federal funds that would result from proposed social service regulations	[3] 3,033,401				2,520,998		512,403

[1] Includes expenditures for State office, area social service centers, Dickinson Badlands Human Service Center, Williston Northwest Human Resource Center.

[2] Excludes $3,207,434 in child care payments and foster care payments included in grants to or for recipients.

[3] This loss in Federal funds would necessitate an estimated additional outlay of $2,033,401 in State funds and $1,000,000 in county funds unless the service program is cut back as to services provided or types of persons eligible for service.

Note: In order not to spend more non-Federal expenditures comparatively than we have in the past, we would have to exclude from our service program 62 percent of our former or potential cases or about 1,400 cases during the year.

JAMESTOWN MOTHER COMMENTS ON CENTER CLOSING: WHERE IS "BARBARA" GOING TO GO FROM HERE?

(By James Smorada)

"When I heard the news, I just shook all over. I kept asking myself 'what are my husband and I going to do with Barbara now'."

Mrs. Joanne Bale, like parents of 20 other children enrolled at the Stutsman County Day Care Center For Retarded Children, heard the news of the federal fund cutoff at a meeting here Tuesday night.

Like many other mothers, Mrs. Bale didn't sleep much that night.

She and her husband had chosen Jamestown as a new home because it had a facility for retarded children.

The Bales' eldest daughter, Barbara, has been at the center for 2½ years.

Barbara is eight years old. For seven of those years, Mrs. Bale hoped. Hoped Barbara would "snap out of it," hoped she'd be a normal little girl, hoped she'd be able to go to school, hoped a new drug would make Barbara different.

For one year now, Mrs. Bale has been fighting to acknowledge the harsh truth: Barbara is a retarded child.

The best she can hope for it that Barbara will adjust to the world she sees, but doesn't understand.

The best Mrs. Bale hopes for now, is not that Barbara will be a normal child. That isn't possible. But that Barbara can live a life free from fear is now a real hope.

It's a real hope because it's beginning to happen since she has been enrolled in the center.

She has more words to say.

She has changed the way she acts. No longer into everything at home, Barbara has become more settled.

And for the first time in her life, Barbara is understanding phrases her parents use. Warnings like "Don't touch that, it's hot . . . it will burn you." And phrases like "We are going to school on Monday . . . but not today."

Something has changed for the little girl. She is learning something about time, and something about the future.

And so is Barbara's mother.

"I'd like to say I'm able to have her around all day. But I'm not. I can't give her the attention she needs. I can't follow her everywhere. At home she's not getting the contact of other people. At the center, she's with children and with people who can teach her how to get along.

Mrs. Bale and her husband have faced another change. For seven years she held in feelings about the child. About herself as a mother. Now she can talk about it.

"I felt guilty. I felt God was punishing us. I kept asking why did it have to happen? I felt resentful. I was angry." Mrs. Bale's voice grows tighter. She begins to cry.

"I kept hoping—hoping for anything—something to make Barbara different. I kept wanting to believe she isn't retarded . . . she'll be all right.

"Last year I knew. . ."

The shock came gradually, she said. Gradually enough to fight it, to learn to live with it, she said.

"I started making plans again . . . for our family, for Barbara. But now, this."

REPORT OF THE NATIONAL ADVISORY COUNCIL ON CHILD NUTRITION

Mr. PERCY. Mr. President, the 1972 annual report of the National Advisory Council on Child Nutrition was recently released. It deserves the attention of all Members of Congress and the executive branch who are interested in promoting good nutrition and good health among our children.

This is the second report to be issued by the Council, which was created in 1970 to help improve our child nutrition efforts. The report underscores once again the importance of reaching the children enrolled in schools without any child nutrition program and the progress we are making in this area.

The Council places emphasis on the need for nutrition education programs not only for children but for teachers, the trainers of teachers, and school administrators. This emphasis confirms my view that the Select Committee on Nutrition and Human Needs has embarked on an extremely important effort in its continuing study this year of all aspects of nutrition education.

In addition, the report points out new concerns which require immediate attention: Increasing student participation in child nutrition programs; involving schools and school food service facilities in the summer feeding programs; and monitoring carefully the use of new food products such as textured vegetable protein in child nutrition programs.

I congratulate the Advisory Council on a timely and thoughtful contribution and I commend the report to the attention of my colleagues.

I ask unanimous consent that the second annual report of the National Advisory Council on Child Nutrition be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

SECOND ANNUAL REPORT OF THE NATIONAL ADVISORY COUNCIL ON CHILD NUTRITION

Public Law 91-248, enacted in 1970, authorized a National Council on Child Nutrition "to make a continuing study of the operation of programs carried out under the National School Lunch Act, the Child Nutrition Act of 1966, and any related Act under which meals are provided for children, with a view to determining how much programs may be improved."

In its first annual report, issued to the President and Congress on March 7, 1972, the Council identified the following five areas of priority concern:

I. Nutrition Education.

II. Reaching Schools without Programs.

III. Upgrading School Food Service Personnel.

IV. Revising Nutritional Standards for Child Nutrition Programs.

V. Implementing Advance Funding Authority.

During its second year of operation, the Council has studied the actions taken by the Department of Agriculture and other Federal and State agencies in these areas of priority concern. These actions are summarized in the Addendum to this report. The Council feels the actions taken are a step in the right direction, and that further emphasis and action will be needed. The Council specifically notes the need for

1. Federal emphasis on training the trainer

Federal funds and emphasis are needed for educating the trainers of teachers and other school personnel in nutritional science, nutrition education, and food service management operation.

2. Informing school administrations

School administrators and policy makers should be informed of the importance of school food service and nutrition education by reaching them through their professional publications and communications media.

3. Utilization of food service personnel as a resource

Educators should more effectively use qualified school food service personnel and other qualified school personnel in fields related to health and nutrition as a resource for both nutrition education and career development education.

4. Federal funds to assist State nutrition education efforts

More Federal funds are needed to assist State Educational Agencies in carrying out nutrition education and training efforts and to provide appropriate nutrition education materials. This need exists in all States, and all schools therein should benefit from these efforts. Special arrangements may be needed and should be made to deliver these benefits to children in those States where programs in private schools are not administered by State agencies but directly by USDA due to legal prohibitions within the States.

In addition to the five priority concerns identified last year, the Council has identified three other concerns (numbered VI, VII, VIII) which they believe should receive immediate action. These concerns are as follows:

VI. INCREASING STUDENT PARTICIPATION IN CHILD NUTRITION PROGRAMS

The Council recommends the Department of Agriculture should explore and pursue means for increasing the current relatively low level of student participation in existing school food service programs, especially programs in secondary schools, since a high degree of student participation is essential if the programs are to be effective.

VII. SCHOOL INVOLVEMENT IN SUMMER FEEDING PROGRAMS

The Council recommends, in line with Congressional intent expressed in Public Law 92-433, that to the maximum extent feasible, school facilities and experience should be used for summer feeding programs under the Special Food Service Program, in view of the value of such programs, and the many problems experienced in delivering program benefits to children by other means.

VIII. NEW FOODS

The Council recommends that the use of new food products, such as textured vegetable protein, in the Child Nutrition Programs be properly monitored and accompanied by necessary nutrition education efforts.

The bases for the Council's concern in these areas are set forth in the second part of the addendum. The addendum also contains sections on selected program statistics and activities of the Council.

The Council has noted with approval the consideration given the recommendations in its first annual report. It hopes that similar consideration and action will be accorded its recommendations in this second annual report.

ADDENDUM—REPORT ON ACTIONS TAKEN ON RECOMMENDATIONS IN THE FIRST ANNUAL REPORT

I. NUTRITION EDUCATION

"The Council recommends that much greater emphasis be given to nutrition education through the Child Nutrition Programs, through classroom instruction, and through innovative means outside the classroom to help close the gap in public knowledge about nutrition. The Council further recommends that the State Departments of Education be encouraged to include nutrition education as a curriculum component for all grades in elementary and secondary schools, and that nutrition courses be required for teacher certification."—First Annual Report

Nutrition education is becoming a matter of increasing national concern. The U.S. Congress has shown increasing interest in nutrition and nutrition education, as revealed in Congressional support of food assistance and nutrition related programs and of national surveys of the nutritional status of Americans.

Nutrition education through the child nutrition programs has become one of the major goals of the Food and Nutrition Service (FNS) of the Department of Agriculture (the Department). Department spokesmen and publications have stressed that everyone connected with the child nutrition programs—educators, school administrators, school food service personnel, and program administrators—should recognize the need for improved nutrition education and should encourage or undertake more nutrition education efforts. The letter transmitting the Council's first annual report to State Governors, Chief State School Officers, State School Food Service and Food Distribution Directors, interested Federal agencies and interested nongovernmental organizations, called attention to the Council's deep concern with nutrition education.

The Department actively sought the Department of Health, Education and Welfare's cooperation in order to have coordination at the Federal level for nutrition education related to child nutrition programs. The Secretary of HEW designated a member of his staff to serve as his representative to the National Advisory Council. The Office of Education of HEW designated a representative to work with FNS in better coordinating the nutrition education activities of OE and FNS.

Amendments to child nutrition legislation in 1970—Public Law 91-248—authorized the use of up to 1 percent of child nutrition program funds "to supplement the nutritional benefits of these (child nutrition) programs through grants to States and other means for nutritional training and education for workers, cooperators, and participants in these programs and for necessary surveys and studies of requirements for food service programs. . . ."—Section 6(3) of the National School Lunch Act.

In order to make effective use of these funds, FNS developed during 1972 a position paper and grid outlining its responsibilities for nutritional training and education, the need to coordinate with other Federal and State resources, and the specific objectives FNS is aiming at through the use of Section 6(3) funds and other means for the various target groups involved, i.e.,—State and local food service personnel; school administrators and teachers; children; and parents and the general community. In addition, FNS has identified specific nutritional training and education needs where priority action is called for.

One such broad priority area is nutritional training for school food service personnel. Such training is needed to make school food service personnel a more valuable resource for nutrition education efforts and to help realize the goal of using the lunchroom as a "laboratory for learning." Such training also is an integral part of efforts to upgrade school food service personnel, a subject which is discussed in more detail in Section III below.

Another broad priority area is nutrition education for children in the classroom and lunchroom. A number of actions were taken or started during 1972 to increase nutrition education for children. For example, a list of all available State curriculum guides for nutrition education was compiled and distributed to all State agencies. Over 1 million nutrition education comic books were distributed to children. Workshops were funded in West Virginia for teachers to develop a nutrition education program for grades K-3. An innovative nutrition education program for Mexican-American migrant children was funded in Washington State. Work continued on developing an educational materials center at the National Agricultural Library, which will be used as a depository and a resource center for nutrition education and training materials. A proposal was developed for the submission of a limited number of projects to evaluate the effectiveness of State level nutrition education specialists in increasing nutrition education activity and emphasis, identifying the most effective methods and techniques, and stimulating coordinated efforts among all concerned State agencies and personnel.

Nutrition education must be a continuing process, and it must have the active support and cooperation of all education and school food service officials at all levels—Federal, State, and local. The activities undertaken in 1972 have seen some movement in this direction, but more remains to be done. There is a great need to make sure that teachers and school food service personnel are trained and qualified to convey nutrition education through classroom teaching and effectively presented lunch programs. This in turn creates a need for instructional personnel to train teachers, food service personnel and other school personel in nutritional science, nutrition education, and food service management and operations. The Council has noted that Federal funds are not currently available to so educate the trainers of teachers and other school personnel. In view of the crucial role such trainers must play in efforts to increase nutrition education, the Council recommends that the Administration and Congress make funds available for this purpose in conjunction with Higher Education Act programs and other appropriate programs.

Another crucial unmet need in the continuing process of nutrition education is the need to make school administrators and policy makers aware of the importance of nutrition education and their responsibility for seeing that such education is an integral part of the school experience. Without the active support of State and local school boards and administrators, even teachers and food service personnel already trained and interested in nutrition education cannot do an effective job in conveying nutrition education. The Council's recommendation to make Federal funds available for educating the trainers of teachers and other school personnel would, if implemented, help in this regard. If school administrators and policy makers are made aware of the importance of nutrition and nutrition education during their formal training, they will be far more willing to support such education for the school children for whom they bear responsibility. Another important way to reach school administrators and policy makers is to communicate with them through their professional contacts and organizations. The Council therefore recommends that the Department of Agriculture make maximum use of the professional publications and communications media of school administrators and policy makers in order to make such officials aware of the importance of school food service and nutrition education.

In this connection, the Council would like to note that many school administrators and teachers have not made effective use of qualified school food service personnel and other qualified school personnel in fields related to health and nutrition, such as school nurses, as a resource not only for nutrition education efforts but also for career development education. The Council recommends that the State Departments of Education encourage fuller use of such personnel for this two-fold purpose.

The stumbling block in nutrition education efforts, as in many other endeavors, is often the lack of funds and staff to carry out activities. The authorization to use Section 6(3) funds certainly was an important step in fulfilling the need in this area. However, the amount of funds appropriated under this authority has not been sufficient to meaningfully assist State Educational Agencies to carry out nutrition education and training efforts. In addition, there continues to be a great need for the development and dissemination of appropriate nutrition materials of varying levels of sophistication that can be effectively used with school personnel and with children at all grade levels.

Therefore, the National Advisory Council recommends that additional Federal funds be made available for these purposes of assisting State Educational Agencies and developing and providing nutrition education materials.

The Council also notes the special problems nonprofit private schools have in sharing in nutrition education and training funds, especially since such funds are available in limited amounts and are normally channeled through State Departments of Education, which in 21 States are restricted by legal prohibitions within the States from administering the child nutrition programs in private schools (in such States the Department of Agriculture directly administers the programs in private schools). The Council believes there is a need to provide nutrition training and education to children and school personnel in private, as well as public schools; and therefore, it recommends that the Department of Agriculture determine means of effectively meeting this need.

In any discussion of specific activities and recommendations for further emphasis on nutrition education, recognition must be given to the many nutrition education efforts already being made by educators and food service personnel at the State and local level. The Council hopes that these efforts will continue and increase and serve as the basis for the type of national concern and emphasis on nutrition education which is needed if the gap in public knowledge about nutrition is ever to be closed.

II. REACHING SCHOOLS WITHOUT PROGRAMS

"The Council recommends that the Department of Agriculture and the State Departments of Education concentrate on extending the Child Nutrition Programs to schools without such programs so that within three years all schools needing a school lunch or breakfast program will be participating and all school children from low-income families will have access to free and reduced-price meals under the programs."—First Annual Report.

The Department of Agriculture has given major attention to the need to reach schools without food service programs. A survey conducted by the States in October 1971 on schools without food service provided information for the first time on the characteristics of the 18,000 no-food-service schools, such as size of school enrollment and whether the schools were public or private, rural or urban, and needy or nonneedy.

In November 1971, USDA and the Office of Education of DHEW sent a joint memorandum to all State School Food Service Directors and State Title I Coordinators urging full cooperation in getting food service programs started in all schools designated as Title I schools under the Elementary and Secondary Education Act of 1965 (Title I schools are designated based on a high percentage of economically needy educationally deprived children attending the schools). The joint memorandum also resulted in a survey showing that as of the previous school year over 4,000 Title I schools did not offer food service. These Title I schools without food service are receiving high priority in expansion efforts.

The National Advisory Council's concern about reaching schools without food service was highlighted in the March 1972 letter transmitting copies of the Council's first report to State Governors, Chief State School Officers, State School Food Service and Food Distribution Directors, interested Federal agencies and nongovernment organizations.

Through such a transmittal letter, the U.S. Catholic Conference's cooperation was sought since many of the schools without food service were parochial schools. As a result, the Conference began working closely with FNS in the Spring of 1972 to reach these schools. By September 1972, a conference was arranged and held in Chicago to discuss program expansion with representatives from no-program parochial schools. Due to these cooperative efforts, a number of such schools are now making plans to start food service programs.

In order to further concentrate Federal Nonfood Assistance (Equipment) funds on reaching schools without food service, the Administration included in its May 1972 child nutrition legislative proposals a provision to reserve half of the Nonfood Assistance funds for exclusive use in schools without food service. Although the Administration's proposals were not fully acted upon, this particular provision was incorporated in H.R. 14896, which was signed on September 26, 1972, as Public Law 92-433. To further facilitate the use of Nonfood Assistance funds for reaching schools without food service, the new law also provided that the 25 percent State and local matching requirement under the program may be waived for especially needy schools without food service.

Public Law 92-433 also incorporated several other provisions of the Administration's proposals which should assist the drive to reach schools without food service. The provisions involve making the school breakfast program available to any school that wants to participate and further improving the funding structure of the school breakfast and lunch programs so that States and schools can count on Federal assistance being made available for expanded program activities. (These provisions are discussed in more detail under Section V below.)

The search for new and simpler ways to start food service programs in schools continues. FNS published a short pamphlet entitled "What's So Hard About Feeding Kids?" (PA-648). The pamphlet is designed to show that with current technical knowledge and Federal funding all schools can start programs, regardless of space, building age, or local financial difficulties.

In June 1972, FNS and the Food Science Department of Rutgers University in New Jersey jointly sponsored a conference for all State School Food Service Directors to present new technological and other developments in reaching schools without food service. In view of Rutgers' work through an OEO-USDA contract on evaluating new fortified and convenience food products, much attention was given to the use of food technological advances in expansion efforts. In addition, techniques such as survey questionnaires and workshops for nonprogram school officials were discussed.

In August 1972, the Department launched a major nationwide effort to reach schools without food service. This project gives attention to all such schools, but it focuses major attention on 11 States which accounted for about 75 percent of the children in schools without food service reported in October 1971. National and Regional Office FNS coordinators are working with State Agency personnel to identify reasons for nonparticipation in the programs, to interest local officials in starting programs, and to assist in getting programs underway. Letter campaigns, surveys, workshops, personal contacts, and technical assistance are being used in these efforts. In addition, the assistance of concerned community organizations is being enlisted. For example, in October 1972, the U.S. Jaycees agreed to encourage their 350,000 members in 6,600 local chapters throughout the country to help marshall local community support for the project.

The results of the many efforts made by FNS can be seen in the results of the survey made by State Agencies in October 1972 on schools without food service.

SCHOOLS WITHOUT FOOD SERVICE[1]

	Schools	Enrollment (in millions)
October 1971 survey:		
Public	10,357	3.3
Private	7,785	2.2
Total	18,142	5.5
October 1972 survey—Preliminary results:		
Public	9,300	2.7
Private	[2] 8,400	2.3
Total	17,700	5.0

[1] The figures do not include schools which are not eligible to participate in the child nutrition programs due to restrictive admissions policies or profitmaking status.

[2] The increase in private schools without food services is primarily a result of increased accuracy in locating and reporting such schools.

III. UPGRADING SCHOOL FOOD SERVICE PERSONNEL

"The Council recommends that the Department of Agriculture provide leadership and coordination with State Departments of Education and professional groups, such as the American School Food Service Association, to upgrade school food service personnel by developing staffing patterns and qualifications for food service personnel and by further encouraging community colleges, universities, and other training institutions to provide training suitable for school food service."—First Annual Report.

The Department recognizes the need to upgrade school food service personnel through training and other means as one of its most important objectives. The effectiveness of the child nutrition programs is measured largely by whether children participate in the programs where they are available, whether they eat the whole meal, and whether in so doing they develop good dietary habits. The capability of food service personnel is a crucial determinant of the effectiveness of the programs. They must be able to present meals that are both nutritious and appealing and serve them in an atmosphere conducive to the development of an interest in nutrition.

In view of the importance of fully developing the capability of school food service personnel, the Department undertook in 1972 a number of activities to train and upgrade such personnel. The Section 6(3) funds discussed under Section I above have been used for this purpose. For example, in cooperation with the State School Food Service Directors and other interested persons in the New England States, a 10-part educational television series with an accompanying study guide has been developed primarily for the purpose of training local school food service workers. The study guide will have one chapter for each program, and the end of each chapter will contain a set of questions for the student to answer and send to a pre-arranged address for correction. The various programs will cover such topics as the history of food and nutrition, basic nutrition facts, food buying and menu planning, nutrition education, and school food service programs. The target audience is school food service personnel, from cooks to managers, but homemakers and others may also learn from watching the series. The series was completed in January 1973 and is now being used in the Northeastern States. It will then be used for training in other parts of the country.

Another important Section 6(3) project is being conducted by the North Carolina State Agency and the University of North Carolina to develop standards for certification for food service workers in North Carolina, to develop contents for educational courses designed to meet such standards, and to conduct seminars for training food service personnel. The experience gained in North Carolina will be made available to other States for their use in developing or modifying their own certification standards.

The Educational Materials Center at the National Agricultural Library mentioned in Section I above will also have an important part in efforts to upgrade school food service personnel. It will serve as a national collecting point and resource center for varied course outlines, audio-visual aids, reference works, and related materials for training food service personnel.

During 1972 FNS has been involved in updating training outlines for school food service personnel which were originally developed and distributed to the States in 1959. The outlines will be accompanied by visual materials and training aids. FNS has also been involved in identifying possible funding resources in the Departments of Labor and Health, Education, and Welfare which may be available to complement USDA funds for the nutritional training of school food service personnel.

During 1972, FNS also worked in close cooperation with the American School Food Service Association, the national professional organization of school food service personnel, on the training needs of individuals employed in school food service. A 3½ day meeting was held in September to discuss cooperative efforts among USDA, the State Departments of Education, and ASFSA on such matters as certification standards, high school equivalency and associate and baccalaureate degree programs, programs for training school foodservice managerial personnel, and use of the various communications media for training efforts.

As is the case with nutrition education, discussions about programs for training and upgrading school food service personnel must recognize the numerous and varied efforts being made at the State and local level. The many workshops, inservice and preservice training programs, and certification programs being used in various States provide valuable experience and a good foundation for efforts to make similar programs and activities available to all school food service personnel in every State.

IV. REVISING NUTRITIONAL STANDARDS FOR CHILD NUTRITION PROGRAMS

"The Council endorses the Department of Agriculture's pilot study to test the feasibility of providing alternative nutritional standards for the Child Nutrition Programs based on nutrient values, and urges the Department to give full consideration to the study."—First Annual Report.

In May 1972, a contract was awarded to Colorado State University to evaluate the feasibility of using a nutrient based standard as an alternative to the Type A lunch pattern for menu planning. The University is developing menu planning methods to be used as a guide for planning and as a tool for monitoring meals designed to achieve a predetermined nutrient level. The nutrient standard is being compared to the Type A pattern in terms of the acceptability of the lunches served, the nutritive contribution of the lunches, management and operational feasibility, and the capability of the menu planner. Thirty-five schools in the Midwest, Southwest and West are involved in the study. Completion date for the study is September 1973.

The Council urges the Department to carefully evaluate the study results to see if a nutrient standard approach should be approved as an alternative to the current required child nutrition program menu patterns. It further urges that the findings of the study be widely disseminated to interested offices and persons.

V. IMPLEMENTING ADVANCE FUNDING AUTHORITY

"The Council recommends that the authority contained in Public Law 91–248 be implemented and that the President direct the Office of Management and Budget and the Department of Agriculture to submit Child Nutrition Program appropriations requests for Congressional approval one year in advance of the beginning of the fiscal year in which the funds will be available, so that the State and local officials will have a firmer base for long-range planning and expansion efforts."—First Annual Report

Considerable progress was made in improving the funding procedure for the Child Nutrition Program and providing a firmer funding base for States and schools. In November 1971, Public Law 92–153 provided for the use of Section 32 funds to supplement funds appropriated under Section 4 and 11 of the National School Lunch Act to provide guaranteed levels of assistance per lunch served as follows: a Statewide average of 6 cents for all lunches served, both to needy and nonneedy children (Section 4), and an additional minimum of 40 cents, or the cost of the lunch, whichever is less, for free and reduced price lunches served to needy children (Section 11). Under this law, States and schools were free for the first time to expand their programs knowing additional Federal cash assistance would be available for all additional lunches served.

This type of guaranteed assistance, or "performance funding" so-called because it is based on performance in providing lunches, was given a further boost in the Administration's child nutrition legislative proposals submitted to Congress in May 1972. The proposals, introduced into Congress as S. 3661 and H.R. 14872, would, among other things, have eliminated the statutory apportionment formulas for both the lunch and breakfast programs and provided all program funds to the States based on the number of meals served. In proposing such funding for the breakfast program as well as the lunch program, the Administration showed its willingness to make the breakfast program available like the lunch program to all schools that want to participate. Under existing law priority in the use of breakfast program funds was given to needy schools.

Although Congress did not act on S. 3661 or H.R. 14872, it did approve H.R. 14896, which incorporated provisions for performance funding for the Section 4 lunch program and the breakfast program starting in fiscal year 1974. It also provided for an 8 cent average rate under Section 4. This bill was signed into law in September 1972 as Public Law 92–433.

In view of the Council's concern about extending program benefits to all children and schools that need them, the Council has viewed with approval these developments on performance funding. The Council urges the Department to continue its efforts to simplify and improve funding procedures so that States and schools will have a firm base for planning their administration and expansion of the programs.

NEW RECOMMENDATIONS OF PRIORITY CONCERN

VI. INCREASING STUDENT PARTICIPATION IN CHILD NUTRITION PROGRAMS

"The Council recommends the Department of Agriculture should explore and pursue means for increasing the current relatively low level of student participation in existing school food service programs, especially programs in secondary schools, since a high degree of student participation is essential if the programs are to be effective."

In recent years, much of the attention and effort of child nutrition program administrators have focussed on the extremely important need to make sure that needy children are receiving free and reduced price meals and that programs are available in all schools. The emphasis on this has resulted in insufficient attention to the very important related need of making school food service programs sufficiently attractive in terms of meal quality and eating arrangements so that children, both needy and nonneedy, will want to participate. It is not enough to have a program available in every school in the Nation if the children will not eat the lunches. At the present time, only about 57 percent of children in schools with the lunch program are participating, and the number of nonneedy children participating appears to be declining slightly.

The Council is very concerned about this situation. In its first annual report, the Council noted its concern on this matter under the upgrading school food service personnel section, and stated that improving the capability of food service personnel should help improve the situation. The efforts being made to upgrade the status and training of school food service personnel should therefore have a substantial impact on increasing participation, and such efforts should be enhanced.

The support of school administrators, teachers, and other school personnel is also extremely important in achieving high participation in school food service programs. The recommendations made under the nutrition education section of this report for making school administrators, teachers, and other school personnel more aware of the importance of school food service and nutrition education should help provide the increased support necessary for effective programs.

In its first annual report, the Council also endorsed the testing of a nutrient standard menu approach as an alternative to the Type A pattern. The Type A pattern is based on selecting specified amounts of foods from different food groups (2 ounces of protein-rich food, ¾ cup of vegetables and/or fruits, etc.), while the nutrient standard would permit schools to use any foods they chose as long as the meals met one-third of the Recommended Dietary Allowance for children. Since the nutrient standard should provide more flexibility in the type of foods served, it should be helpful in designing menus that will be more acceptable to children and which will result in increased participation. The results of the test of the nutrient standard approach will be of great interest to the Council for their impact in this regard.

The Council also endorses the new FNS study to isolate factors causing high or low participation in high schools and to test means of increasing participation. This emphasis on high schools is particularly appropriate since participation in high schools has traditionally been lower than in grade schools, and since the percentage of the total school enrollment attending secondary schools is increasing.

The Council urges that additional attention be given this matter. The Council is especially interested in seeing the Department of Agriculture and State Departments of Education utilize as soon as possible the experience gained from the various studies and projects mentioned above to develop the experience gained from the various studies and projects mentioned above to develop action oriented programs throughout the country aimed at achieving a high degree of student participation in the child nutrition programs.

VII. SCHOOL INVOLVEMENT IN SUMMER FEEDING PROGRAMS

"The Council recommends, in line with Congressional intent expressed in Public Law 92–433, that to the maximum extent feasible school facilities and experience should be used for summer feeding programs under the Special Food Service Program, in view of the value of such programs and the many problems experienced in delivering program benefits to children by other means."

Summer feeding programs under the Special Food Service Program have become very popular in the last 2 years. Participation increased from 460,000 children in the summer of 1970 to 1 million in 1971, to 1.4 million in 1972. The rapid growth of these programs has been accompanied by many problems, some of which were due to late action on the part of the Federal Government in providing funds for the programs and insufficient operational guidelines. However, many of the problems are caused by the nature of summer programs. They are generally sponsored by recreational agencies or local community groups who have had little or no experience with administering food service programs and who have not always fully understood program objectives. Further, the programs have been conducted in many cases in open parks, playgrounds, and in some instances, blocked-off street areas. Since food preparation facilities are not available at such sites, central food preparation and transportation of meals have been necessary, and often local sponsors have turned to commercial companies for meal preparation and delivery. Retaining control of meal service under these circumstances is not an easy task. Evaluations of the program have shown that in many cases meals have not met minimum standards, even in some instances with the expertise of established commercial companies, and the meals have not always reached the needy children for whom they were intended.

In order to correct these types of problems, the Department of Agriculture has undertaken a number of activities: evaluating the programs, discussing needed improvements with representatives of local and State agencies and the food service industry, issuing operational handbooks and training guides, revising program regulations and guidelines, and conducting a demonstration project in Cincinnati, Ohio, to develop improved methods of operation. One of the suggestions frequently made to help improve the programs are one that has been adopted by Congress in Public Law 92–433 is "To the maximum extent feasible . . . special summer programs shall utilize the existing food service facilities of public and nonprofit private schools."

The National Advisory Council has been very interested in summer feeding programs and has looked at such programs in the summer of 1972 in all areas of the country. It believes the programs are worthwhile, not only because of the potential nutritional benefit of the programs, but also because they can be an important way of involving children in meaningful recreational and cultural activities during the summer months. As a result of its own observations and the reports of the evaluations made by others, the Council believes that the use of inadequate and uncontrolled areas is very detrimental to the programs and should be eliminated. The Council further commends the Congressional action in Public Law 92–433 and strongly urges State and local officials to fully utilize school facilities and experience for the programs so that the programs will be effective in reaching children.

VIII. NEW FOODS

"The Council recommends that the use of new food products, such as textured vegetable protein, in the Child Nutrition Programs be properly monitored and accompanied by necessary nutrition education efforts."

Since October 1970, the Department of Agriculture has approved three types of new food products for use in the Child Nutrition Programs. The three are:

1. Textured vegetable protein products, which meet certain nutritional specifications, to be used in combination with meat, poultry, or fish in the school lunch program and in the lunch and supper of the Special Food Service Program for Children (FNS Notice 219, February 22, 1971).

2. Formulated grain-fruit products, for use in the school breakfast program and in breakfast and supplemental between-meal snacks in the Special Food Service Program (FNS Instruction 783–5, March 3, 1972; this replaces FNS Notice 180, Fortified Baked Product, October 19, 1970).

3. Protein-fortified macaroni, to be used in combination with meat, poultry, fish, or cheese in the school lunch program and the lunch and supper of the Special Food Service Program (FNS Notice 218, February 22, 1971).

USDA approval of these new food products has been a subject of continuing controversy. The Department believes that if the programs are to operate as effectively and efficiently as possible, they cannot afford to ignore technological advances in the food industry which offer schools and service institutions advantages such as improved nutrition, acceptability, commercial availability, lower costs, and convenience. The Department also points out that new food products are being offered to, and accepted in increasing volume by, the public in food stores and restaurants and that schools must get involved in helping children and the public learn how to use these new products. Finally, the Department makes clear that the use of such new foods in school food service is completely at the option of local officials.

On the other hand, concerns have been expressed that the Department is moving too fast in this area of new foods. There is concern that there may be insufficient research on the effects of new food products on human development. There is also concern about the effect the use of the new fortified cakes and other sweet products will have on dental problems and children's eating habits. Further, there is concern about whether the new foods will be properly used not only by food service personnel in preparing meals, but also by children and the public in selecting foods for a proper diet.

The National Advisory Council is deeply concerned about the approval and use of new food products in the child nutrition programs. It believes that schools and service institutions should have the opportunity to use such products if they believe they will contribute to the programs. However, the Council strongly urges that the use of such products be accompanied by proper controls of three types. First, the products should be properly inspected and labeled to show whether they meet the nutritional standards the Department of Agriculture has specified for their use in child nutrition programs. Secondly, child nutrition food service personnel must be trained in the purchasing and procurement of such foods and in the preparation of such foods for meals. Thirdly, the use of such foods must be accompanied by appropriate nutrition education efforts in the lunchroom and the classroom so that children and their parents are aware to what they are eating, how the new food products differ from other foods, and how the new products should be used and recognized.

The Council recognizes that agencies other than the Department of Agriculture must also be involved in these efforts. It also believes that the producers of new food items should balance the advertising of these products with proper labeling and nutrition education materials so that school food service personnel and educators will have the necessary knowledge to carry out the nutrition education. The Council urges the Department of Agriculture to provide the necessary stimulus to see that these recommendations are carried out.

SELECTED PROGRAM STATISTICS

Total Appropriations: Fiscal year 1972—$1,231,259,000; fiscal year 1973—$1,518,660,000.

Total Children Enrolled in Schools[1] (United States, Puerto Rico, Virgin Islands, Guam, and American Samoa): 51 million.

Percent of Enrollment in National School Lunch Program Schools—October 1972: 87%.

Percent of Enrollment in Schools Offering No Food Service of Any Kind: 10%.

Percent of Enrollment in Schools Offering[2] Food Service Other Than National School Lunch and/or Breakfast Program: 3%.

PARTICIPATION COMPARISON

	Peak month fiscal year 1971	Peak month fiscal year 1972	Preliminary November 1972
National school lunch program:			
Schools participating	79,924	82,992	84,950
Children participating (million)	24.6	25.4	25.0
Children receiving free and reduced-price lunches (million)	7.3	8.4	8.4
School breakfast program:			
Schools participating	6,551	7,830	8,959
Children participating (million)	1.0	1.2	1.2
Percent breakfasts served free or at reduced prices (percent)	76.3	79.0	83.0
Special milk program:			
Outlets participating	95,750	95,749	94,515
Half-pints of milk (million)	277.6	302.0	269.0

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[1] July 1971.

[2] July 1972.

	Peak month fiscal year 1971	Peak month fiscal year 1972	Preliminary November 1972
Special food service program:			
Outlets participating—Year-round	3,860	4,042	4,205
Children participating—Year-round	182,578	219,678	221,544
Outlets participating—Summer	[1] 4,264		[2] 7,571
Children participating—Summer (million)	[1] 1.0		[2] 1.4

Note: The figures are preliminary from an October 1972 survey and do not include children enrolled in schools which are not eligible to participate in the child nutrition programs due to restrictive admissions policies or profitmaking status. Many of these schools receive donated foods made available under USDA's price support and surplus removal programs (schools which receive such commodities are required by law to meet minimum nutritional standards in their lunches and to adhere to the same requirements on providing free and reduced-price lunches to needy children as national school lunch schools do).

Activities of the National Advisory Council on Child Nutrition During 1972

The following is a list of activities in which all the Council members or certain members representing the Council participated during 1972:

1. Three Council meetings—March, June, and October 1972.

a. The March meeting was held in Washington, D.C., and focussed on the Council members' presentation of their first annual report to the President at the White House on March 7. The meeting also included detailed discussions of training for school food service personnel and nutrition education efforts related to food assistance programs. The Council members were also informed of progress in developing a uniform school food service accounting manual. The Council had previousy endorsed the Department's interest in developing such a manual. (As of this report, the manual has been developed and field-tested and plans are in process for national implementation on a voluntary basis by local school officials.)

b. The June meeting was held at Rutgers University in conjunction with the FNS-Rutgers University jointly sponsored "National School Feeding Conference." The Council members were invited to the Conference along with all State School Food Service Directors and food service industry representatives. The Conference focussed on new food technological advances, expanding child nutrition programs to schools without food service and increasing emphasis on nutrition education.

c. The October meeting was held in Washington, D.C. Discussion centered on summer feeding programs under the Special Food Service Program, new child nutrition legislation—Public Law 92-433, the position paper and grid outlining FNS responsibilities and priorities on nutritional training and education, and the Council's second annual report. The meeting also resulted in consensus that the Council should assume the continuing role of reviewing FNS policies and priorities on the use of Section 6(3) funds for nutrition education and training and studies and surveys of food service program requirements.

2. Visits to summer feeding programs in Colorado, Illinois, Maryland, Massachusetts, Oregon, New York, Washington, and Wisconsin.

3. Attendance at Regional meetings for State School Food Service Directors.

4. Participation in the United Catholic Conference Seminar on Parochial Schools without Food Service held in September.

5. Consultation with Federal, State, and local chid nutrition officials and food service industry representatives at a USDA sponsored meeting in September on improving summer feeding program operations and guidelines.

6. Review of all proposed amendments to child nutrition program regulations.

7. Preparation of second annual report of the National Advisory Council on Child Nutrition.

HEW REGULATIONS—SOCIAL SERVICE

Mr. JAVITS. Mr. President, on March 14, 1973, I joined with Senator WALTER MONDALE and a bipartisan group of 43 other cosponsors in S. 1220, a bill to limit the authority of the Secretary of Health, Education, and Welfare to impose by regulations restrictions on the availability and use of Federal funds authorized for social services under the public assistance programs of the Social Security Act.

The bill would safeguard elements of the existing approach to social services which are threatened by regulations proposed, on February 16, 1973, by the Secretary of Health, Education, and Welfare and which the administration originally intended to take effect on April 1; these affect day care, aid to the elderly, programs to deal with mental retardation, alcoholism, juvenile delinquency, and other social services under titles IV-A and XVI.

Specifically, our bill would preserve: First, State's existing authority to define eligible recipients, including past and potential recipients; second, use of privately contributed funds and in-kind contributions as a part of the State's matching share; third, existing standards for day care; fourth, authority to provide drug and alcohol treatment programs and other services; and fifth, reasonable reporting requirements.

Mr. President, on Tuesday, March 27, 1973, Secretary of Health, Education, and Welfare Caspar Weinberger, issued a statement announcing that he expects the "final version" of the new regulations to be published before May 1, in contrast to the original proposal that they be effective April 1, and notes:

> Many of the comments received have been very constructive and we are reviewing these sympathetically with a view toward making the final regulations as equitable as possible to all concerned.

In a separate statement issued at the same time, dealing particularly with child care, Secretary Weinberger states:

> We are, however, sympathetic to the problem of those whose income is above the standard, but nevertheless depend on day care to retain their jobs; day care for their children often prevents them from going on welfare. This is a complex problem and we are looking at possible alternative solutions to it.
>
> In addition, we are carefully weighing suggestions for a change in the proposed regulations that would permit—subject to safeguards to prevent abuses—the use of donated funds as matching.

These are welcome statements—particularly in respect to child care—and are very gratifying. But they fail as yet to insure that the concerns which we have raised which affect so many areas in so many ways—will be fully met.

It is for that reason that I hope very much that as the administration is reconsidering its regulations, the Congress will, also, consider them in the context of hearings on S. 1220 at the earliest possible date in the Senate Committee on Finance.

Mr. President, to aid further in that consideration, I wish to comment on the effect of the regulations proposed on February 16, 1973, with respect to programs in the State of New York .

In my statement on introduction of S. 1220, I indicated that the proposed regulations are not only inconsistent with the purposes of the act, but "add insult to injury" with respect to States like New York—which has already suffered under the $2.5 billion national ceiling, which became law as part of the State and Local Revenue Act (P.L. 92-512)—whittling away further on funds available.

This conclusion is documented dramatically in materials provided to me at my request by the State Department of Social Services of the State of New York, the New York City Agency for Child Development and the National Assembly for Social Policy and Development, Inc. of New York City.

The principal document, entitled "Estimated Effect of Proposed New Federal Services Regulations—Fiscal 1974," dated March 1973, prepared by the Department of Social Services of the State of New York shows overall that if the proposed regulations were implemented, New York State could lose as much as $55 million or about a quarter of the $220 million in Federal matching funds expected under current law.

This is particularly ironic in that the $2.5 billion national ceiling has already reduced the amount available to New York State from the $800 million requested to the $220 million amount.

The effect of these regulations is documented in terms of each of the major components of the social service effort: day care, foster care, basic literacy education, senior citizens centers, alcoholism, drug, and other programs.

Charts prepared by the department of social services show, for example, that as a result of the proposed change in potential recipients 12,800 persons would have been deprived of day care between April and June of this year and a similar number in the next fiscal year: an additional 3,200 people may lose day care in each year as a result of a change in the definition of services.

The New York State study shows also that the Federal regulations would totally eliminate Federal reimbursement for basic literacy education affecting over 7,000 recipients; 10,000 current recipients will be deprived of eligibility for senior citizens centers; and, an additional 20,000 recipients may be deprived of the centers as a result of the change in the definition of services.

In the area of foster care, reimbursement would no longer be available for services provided to most of the 50,000 children receiving care.

It should be noted that services for drug abuse and alcoholism already are discontinued through administrative action by the State as a result of the ceiling, and they would be completely "read out of the law" under the proposed regulations so that they would no longer be permissible even if funds were generally available.

Mr. President, accordingly, we are not dealing with matters of an academic nature, but with very real life situations.

Most ironically, while these proposals are being taken in the name of economy in Government, just the opposite is likely to happen.

It is estimated that as a result of elimination of child care for 16,000 children of day care and affecting a "saving" of $15 million in fiscal year 1974, gross expenditures for public assistance may increase by $23 million in the same year.

How many other senior citizens, deprived of the services in the senior citizens centers, will be required to be institutionalized as a direct result of boredom or loneliness.

Mr. President, the second document, "Regulations on Social Services Programs," prepared by the New York City Agency for Child Development on March 12, 1973, concluded that the proposed regulations would:

> (1) Reduce the availability of services, (2) reduce the quality of service, (3) increase administrative costs, (4) increase the time span between application for and receipt of service and, (5) have little or no inhibiting effect on abuses.

The report points out that the proposed regulations would set the family income cutoff at one-third of the public assistance grant level. In New York City that would mean a family of four making more than approximately $5,400 a year would not be eligible for federally reimbursed day care services. It is estimated that 50 percent of the New York City children currently being served in day care programs would no longer be eligible for Federal reimbursement.

The report also indicated that the proposed regulations preclude upward mobility for those who are employed; may virtually exclude all families with more than one wage earner and could encourage abuses of the system and family breakup. In addition, the proposed regulations set forth a number of restrictions that will severely limit expansion and quality of services.

The third report, dated March 6, 1973, is prepared by Prof. Elizabeth Wickenden, office of urban policy and programs, the City University of New York, for the National Assembly for Social Policy and Development; it is entitled a "Comment on Proposed Federal Regulations." Professor Wickenden—a very distinguished expert in the social welfare field—points out that regulations would force persons in borderline circumstances to apply for assistance by imposing unrealistic and counterproductive eligibility restrictions—not only in New York, but elsewhere.

She notes that a female family head in Mississippi could not earn more than $71.83 a month and still utilize day care that makes it possible for her to stay off assistance; in Arkansas, retarded children in families with more than $150 a month could not receive the services that will permit them to function independently as they grow older; and in Florida, a retired social security beneficiary, receiving more than $83.73 a month, could not benefit from homemaker service that makes it unnecessary for him to turn to assistance for the far more expensive care in a nursing home.

Mr. President, in light of these facts and the substantial support given to S. 1220, I hope that the Secretary of HEW will abandon the original regulations, and work with the Congress toward any such changes in policy.

I ask unanimous consent that the following be printed in the Record: The March 27 statements by Secretary Weinberger; the documents prepared by the State Department of Social Services of New York, "Impact of New Federal Service Regulations on Day Care," dated March 1973; the New York City Agency for Child Development, "An Analysis of the Effect of the Proposed Federal Regulations on Social Services Programs" dated March 1973; and a "Comment on Proposed Federal Regulations," from the National Assembly for Social Policy and Development, dated March 6, 1973.

There being no objection, the material was ordered to be printed in the Record, as follows:

Statement by Caspar W. Weinberger, Secretary of Health, Education, and Welfare

On February 16, the Department published for comment proposed regulations governing the provision of social services authorized by Title IV–A of the Social Security Act. The revised regulations were proposed to conform more closely to the original intent of the Social Security Act, and to implement section 1130 of the General Revenue Sharing Act (P.L. 92–512), which applied new restrictions to Federal matching for social services under Title IV–A.

A key issue raised by many comments on the proposed regulations is the question of day care for children. It is clear that misconceptions have given rise to many of these comments.

One of the misconceptions is that child day care, as authorized under the social services provisions of the Social Security Act, is a universal service embracing middle income families as well as the poor. We believe that this was not the intention of the Act. Although the Department's earlier regulations undeniably permitted liberal interpretations by State and local governments of eligibility for day care services, we believe that it is clear that services under Title IV–A should be focused on welfare recipients and those just above the welfare assistance level.

The Senate Finance Committee, in its report on the Revenue Sharing Act of 1973, was critical of broad interpretations of eligibility for Federal social services cost matching, particularly in the child day care field. The Committee specified that social services day care should enable a member of the family to work or take work-training, except for child care when the mother was deceased or incapacitated. The Committee also made clear that, in their opinion, massive child care programs on a group or neighborhood eligibility basis were inappropriate under the Social Security Act. The Committee further was critical of the use of donated private funds for matching Federal dollars for social services.

Under the proposed regulations we would refocus title IV day care to those most in need—welfare families and those families closely approaching that level—to enable the mother to take or retain employment. The Federal Government would no longer assume part of the cost of services to those who don't meet this standard. We are, however, sympathetic to the problem of those whose income is above the standard, but nevertheless depends on day care to retain their jobs; day care for their children often prevents them from going on welfare. This is a complex problem and we are looking at possible alternative solutions to it. We are also considering certain exceptions to the work related provisions for children with special handicaps such as mental retardation, who also meet the other categorical requirements.

In addition we are carefully weighing suggestions for a change in the proposed regulations that would permit—subject to safeguards to prevent abuses—the use of donated funds as matching.

We realize that the proposed regulations will require some States to redirect their Federally-financed programs so that a greater number of persons on assistance receive needed services to allow them to become self-supporting. This would particularly affect child care services, since many current families receiving these services have income substantially above the assistance level. As this takes place some children now receiving services would no longer be eligible for Federally supported services. On the other hand, more of the funds will be available for day care for a larger number of poor children.

Although there would be changes in target groups under the proposed regulations, HEW estimates do not support a second widespread misconception: that total day care services will be reduced under the regulations.

In FY 1972, some 292,000 child day-care years were provided under Title IV–A of the Social Security Act and another 252,000 child day-care years were funded under the cash-assistance and Work Incentive (WIN) programs. In FY 1973, social services funds are providing some 411,000 child day-care years and an additional 264,000 day-care years are being furnished under cash-assistance and WIN. We estimate that next year—should the proposed regulations be issued in final form—these figures will rise respectively to 430,000 and 322,000, a new record of 752,000 child day-care years under these provisions of the Social Security Act.

Funds for day care also are rising. Under Title IV–A, Federal costs for day care move from $261 million in FY 1972 to an estimated $397 million in FY 1973 and $415 million in FY 1974; under cash-grant and WIN funding, Federal child care costs will go from $117 million in FY 1972 to an estimated $156 million in FY 1973 and $207 million in FY 1974.

We have received thousands of comments on the proposed regulations, many of them on child care, and we are giving full—and I might say, sympathetic—consideration to them. The proposal is a draft at this time, and after evaluation of comments, changes in the final regulation are quite possible.

In addition to day care programs under the Social Security Act HEW provides other services to young children. One of these programs is Project Head Start, which is operated by the Office of Child Development and which does not fall under the proposed social services regulations. Head Start is a major demonstration effort which is focused on a variety of child development services during the first five years of life. Approximately one-third of the projects last for the entire day, thus enabling the mothers to work. This program is meant to serve children of poor and near-poor families, as is day care under the Social Security Act.

Funding for Head Start has shown a continuous increase, with $416 million requested in the President's budget for FY 1974 compared to $401 million in FY 1973. During FY '74, services will be provided to 379,000 children—270,000 in full year programs, 86,000 in summer programs, and 23,000 children enrolled in such major innovations as Health

Start, Home Start and parent and child centers.

In accordance with the Economic Opportunity Act Amendments of 1972, Head Start is increasing its emphasis on handicapped children, so that 10 percent of the enrollment opportunities will be available to children with significant handicaps. Parent and Child Centers are experimental Head Start projects which are exploring the delivery of services to families with children under three years of age, while the broader Head Start program concentrates on pre-school children from age three until they enter school.

I hope that these clarifications will be helpful to all of those who are concerned with child care.

Secretary of Health, Education, and Welfare Caspar W. Weinberger announced today that he expects the final version of new social services regulations to be published before May 1.

The Secretary noted that proposed new social services regulations published by HEW on February 16 are a draft for public comment and are not a basis for action by State and local governments at this time.

Secretary Weinberger said, "Many of the comments received have been very constructive and we are reviewing these sympathetically with a view toward making the final regulation as equitable as possible to all concerned. The regulations, of course, implement the social services povisions of the Revenue Sharing Act of 1972, and seek to redirect social services to those most in need—the welfare population and those just above this level."

The Secretary pointed out that the ceiling on social services spending was imposed by Congress because the absence of rules forced the program out of control.

"Congress told us to develop rules," Secretary Weinberg said, "and we have responded in a way consistent with the President's philosophy of channeling resources to people who cannot get along without them."

"We have received many thousands of written comments and have had discussions with groups and individuals ranging from the National Governors' Conference to individual mothers using day care," the Secretary said.

The comments center on three main issues: The availability of day care for children of mothers who are not on welfare or in near-welfare status; the ineligibility for social services of people with incomes just over 133 percent of a State's welfare payment level; and the use of private funds to match Federal dollars.

The Social and Rehabilitation Service has been analyzing the comments, a process that will be completed during the week of April 1–6. All aspects of the issues will be carefully reviewed; following this, decisions will be made on revisions to the draft, and final regulations will be published.

ESTIMATED EFFECT OF PROPOSED FEDERAL SOCIAL SERVICES REGULATIONS, FISCAL 1974

[Millions of dollars]

Program	Before: Gross expenditures	Before: Federal aid	After: Federal aid endangered	After: Federal aid left
Day care:				
IV–A matching	84.0	63.0	−15.0	48.0
Services definition—3,200 children	(4.0)		−3.0	
Potential recipient—12,800 children	(16.0)		−12.0	
Foster care:				
IV–A matching for public employees	33.3	25.0	−20.3	4.7
Services definition	(21.6)		−16.2	
Potential recipient	(5.4)		−4.1	
Basic literacy education:				
IV–A matching	3.7	2.8	−2.8	
Restriction of optional services (7,000 persons)				
Senior citizen centers:				
XVI matching	11.0	8.3	−6.7	1.6
Services definition—20,000 aged	(4.4)		−3.3	
Potential recipient—10,000 aged	(2.2)		−1.7	
Restriction of optional services—10,000 aged	(2.2)		−1.7	
Other programs:				
IV–A/XVI matching for homemaker, housekeeper, and direct services	162.0	121.4	−10.7	110.7
Services definition	(7.6)		−5.7	
Potential recipient	(3.8)		−2.9	
Optional services	(2.8)		−2.1	
Total:				
IV–A/XVI matching	294.0	220.5	−55.5	165.0
Services definition	(37.6)		−28.2	
Potential recipient	(27.4)		−20.7	
Optional services	(8.7)		−6.6	

Source: New York State Department of Social Services.

New York State Department of Social Services Impact of New Federal Services Regulations on Day Care

A. ELIGIBILITY REQUIREMENTS

The Day (Child) Care Services Program of the Department will be seriously affected by the new eligibility requirements in the proposed regulations:

1. Federal financial participation will no longer be available to potential recipients at the present approved State income level ($7500 net annual income for a family of four persons) but will be limited to families whose income does not exceed 133⅓% of the State's assistance payment level ($5000 annual income for a family of four persons).

2. Federal financial participation will no longer be available to families who are potential recipients without regard to resources as permitted under the present State plan but will be limited to those families whose *resources* do not exceed the permissible level for public assistance families.

3. Federal financial participation will no longer be available for child welfare cases without regard to income and resources in view of the termination of the provision (so called 85% Rule) which enabled the State to claim Title IV–B (Child Welfare) services expenditures under Title IV–A without a determination of eligibility on a case by case basis.

B. PROGRAM DEFINITION

The new regulations will further limit federal financial participation by the more restricted definition of day care services eligible for federal reimbursement. Coverage under the new regulations will be limited to care for purposes of enabling the caretaker relative to participate in employment, training or needed services. No longer covered is day care provided by reason of the caretakers' absence, illness, disability or for other special reasons as part of a plan of services.

C. IMPACT ON PUBLIC ASSISTANCE ROLES

In addition to the direct impact in the loss of federal financial participation in Day Care Services, the new regulations will have the effect of increasing public assistance roles. Supporting day care services will be withdrawn as soon as the users reach a marginal level of subsistence. This will result in such family's returning to public assistance. Additionally, it will provide a disincentive for families to leave the public assistance roles for purposes of employment and self-support.

ILLUSTRATION

A mother with one child has net earnings (after taxes) of $3500 and her child is in full time day care at a cost of $50 weekly or $2600 annually. Currently, she is eligible for subsidized day care and participates in the cost at 75¢ weekly. Under the revised Federal Regulations, Federal reimbursement would not be available for two person families with a net income in excess of $3300. Since she obviously would not be able to pay the full cost of day care in the amount of $2600 out of a net income of $3500, her only recourse, lacking other day care arrangements, would be to turn to public assistance.

D. FISCAL IMPLICATIONS (MILLIONS OF DOLLARS)

	Gross expenditures	Federal aid
Current program level	84.0	63.0
Losses:		
Eligibility definition (3,200 children)	16.0	12.0
Program definition (12,800 children)	4.0	3.0
Total losses		15.0
Level after Apr. 1, 1973		48.0

An additional increase in the cost of public assistance is expected:

It is estimated that if the proposed federal services regulations are implemented 16,000 children eligible for federal and for day care under the current regulations would no longer be eligible for federal aid and may have to leave the program. It is further estimated that 10,000 of these children are members of 8,400 families whose incomes are such that they are in immediate risk of becoming cash assistance recipients. If all of this group opt for assistance in lieu of self-support, it would increase gross expenditure for public assistance by $23 million in fiscal 1974 (State and local share $12.5).

STATE DEPARTMENT OF SOCIAL SERVICES IMPACT OF NEW FEDERAL REGULATIONS ON FOSTER CARE SERVGICE

The newly proposed Federal Service Regulations to take effect April 1, 1973 will have a significant fiscal impact on the state.

A. PROGRAM DEFINITION

The new federal regulations limit services reimbursement for those children whose placement has been as a result of a judicial determination. Since these children represent only 20% of the children in foster care, reimbursement will no longer be available for services provided to the bulk of the children under care.

Additionally, federal reimbursement will not be available for medical and mental health services as part of a comprehensive service plan and to identify medical problems of children in child care facilities. However, this revision will have limited impact because of the suspension of the State agency purchase of services contracts.

B. ELIGIBILITY DEFINITION

The proposed regulations omit the current provision (so called 85% Rule) enabling states to claim reimbursement for child welfare services provided under Title IV-B under Title IV-A. As a result of this deletion, federal financial participation will no longer be available for children whose family income exceeds the new standard for potential recipients (133⅓% of the public assistance standard or $5000 per annum for a family of four). It should also be noted that the new financial eligibility requirements for potential recipients includes a requirement that permissible family resources be at the public assistance level.

C. FISCAL IMPLICATION (MILLIONS OF DOLLARS)

	Gross expenditures	Federal aid
Current program level	33.3	25.0
Losses:		
Program definition	21.6	16.2
Eligibility definition	5.4	4.1
Total losses	27.0	20.3
Level after Apr. 1, 1973	6.0	4.7

STATE DEPARTMENT OF SOCIAL SERVICES IMPACT OF NEW FEDERAL SERVICES REGULATIONS ON BASIC LITERACY EDUCATION

The proposed federal services regulations to take effect April 1, 1973, will totally eliminate federal reimbursement for Basic Literacy Education.

A. PROGRAM DEFINITION

The new federal regulation no longer include basic literacy education as either a mandatory or optional service. There is a requirement that educational services generally be provided without cost. This will necessitate termination of the present purchase of services contract with the State Education Department.

B. FISCAL IMPLICATION (MILLIONS OF DOLLARS)

	Gross expenditures	Federal aid
Current program level	3.7	2.8
Anticipated loss		−2.8
Level after April 1, 1973		None

STATE DEPARTMENT OF SOCIAL SERVICES IMPACT OF NEW SERVICES REGULATIONS ON SENIOR CITIZENS CENTERS SERVICES

The new federal services regulations will seriously affect Federal reimbursement for senior citizen center services provided by the Department.

A. PROGRAM DEFINITION

A substantial loss of federal financial participation is anticipated under the proposed federal regulations as a result of a major change in program requirements. The new regulations make no explicit provision for senior citizen centers services as a discrete service. Federal financial participation will be captured only for those program elements which are included in the new regulations, e.g., congregate meals, home management and functional education services. The new regulations do not cover the following items now included under the approved State Plan: information and referral, counseling services, transportation to and from center, transportation to other community services, and recreational activities.

B. ELIGIBILITY DEFINITION

1. Federal financial participation will be reduced because of the proposed requirement that potential recipients be limited to those individuals with an income of 133⅓% of the public assistance level ($2,416 per annum for a single person). Under the present State Plan, federal reimbursement is available for an individual with an annual net income of $2,625.

2. Federal financial participation will be limited to individuals whose resources are at the public assistance level. Under the present State Plan, there are no resource requirements.

3. The new regulations eliminate the provision which permits determination of eligibility on the basis of an individual's residence in an identified low-income area. Eligibility will now have to be determined on a case by case basis, thus further excluding individuals from the program. As a consequence, it may be expected that there will be a significant increase in administrative expenses involved in determining eligibility on a case instead of group basis.

C. FISCAL IMPLICATION (MILLIONS OF DOLLARS)

	Gross expenditures	Federal aid
Current program level	11.0	8.3
Losses:		
Eligibility definition (−10,000 persons)	−2.2	−1.7
Program definition (−30,000 persons)	−6.6	−5.0
Total losses		−6.7
Level after Apr. 1, 1973		1.6

STATE DEPARTMENT OF SOCIAL SERVICES, IMPACT OF NEW FEDERAL SERVICES REGULATIONS ON MISCELLANEOUS SERVICES

The Department provides a miscellaneous array of services, exclusive of day (child) care, foster care for children, senior citizen center services and basic literacy education. Predominant among these miscellaneus services are homemaker and housekeeper services and direct services provided by local agency staff. Federal financial participation for these services will be affected by the revision in financial eligibility requirements and the abolition of certain optional services which may no longer be included in the State plan.

A. ELIGIBILITY DEFINITION

Federal financial participation will be limited by the requirement that potential recipients be limited to families with an income level not in excess of 133⅓% of the public assistance level and that family's resources be at the public assistance level.

B. SERVICES DEFINITION

Definition of various services, either mandatory or optional, are now much narrower. Additionally, the range of optional services which may be included has been restricted e.g., elimination of information and referral other than as an integral component of the provision of services.

C. FISCAL IMPLICATION (MILLIONS OF DOLLARS)

	Gross expenditures	Federal aid
Current program level	162.0	121.4
Losses:		
Program definition	−10.4	−7.8
Eligibility definition	−3.8	−2.9
Total losses		−10.7
Program level after Apr. 1, 1973		110.7

QUESTIONNAIRE ON IMPACT OF PROPOSED SOCIAL SERVICES REGULATIONS—NEW YORK

1. Service category	2. Services under present regulation, Mar. 30, 1973		3. Deprived of service, April–June 1973		4. Deprived of service in 1974	
Special	Number of people	Gross expenditures (annual)[3]	Number of people	Gross expenditures	Number of people	Gross expenditure (annual)
PROVISION NO. 1.—DEFINITION OF POTENTIAL RECIPIENT						
Day care	52,000	$81,000-000	12,800	$3,800,000	12,800	$16,000,00
Family planning	NA	8,000,000	0	0	0	0
Mental retardation	(1)	(1)	(1)	(1)	(1)	(1)
Foster care (children and adults)	NA	32,000,000	NA	1,300,000	NA	5,400,000
Alcoholism and drug abuse	(1)	(1)	(1)	(1)	(1)	(1)
Other						
Mental health	(1)	(1)	(1)	(1)	(1)	(1)
Vocational education	7,000	3,700,000	0	0	0	0
Delinquency prevention	(1)	(1)	(1)	(1)	(1)	(1)
Other programs[2]	NA	183,200,000	NA	1,500,000	NA	6,000,000
(Includes senior citizen centers)	66,000	(11,000,000)	10,000	(500,000)	10,000	(2,200,000)
Total		307,900,000		6,600,000		27,400,000
5. Above numbers of people broken down by the following related categories:						
Old age assistance	NA		NA		NA	(5)
Families (IV–A, IV–B)	NA		NA		NA	
Blind and disabled	NA		NA		NA	
Total						

1. Service category	2. Services under present regulation, Mar. 30, 1973		3. Deprived of service, April–June 1973		4. Deprived of service in 1974	
Specia	Number of people	Gross expenditures (annual)[3]	Number of people	Gross expenitures	Number of people	Gross expenditures (annual)
PROVISION NO. 2A—DEFINITION OF SERVICES						
Day care	52,000	$81,000,000	3,200	$960,000	3,200	$4,000,000
Family planning	NA	8,000,000	0	0	0	0
Mental retardation	(1)	(1)	(1)	(1)	(1)	(1)
Foster care (children and adults)	NA	32,000,000	NA	5,100,000	NA	21,600,000
Alcoholism and drug abuse	(1)	(1)	(1)	(1)	(1)	(1)
Other						
Mental health	(1)	(1)	(1)	(1)	(1)	(1)
Vocational education	7,000	3,700,000	0	0	0	0
Delinquency prevention	(1)	(1)	(1)	(1)	(1)	(1)
Other programs[2]	NA	183,200,000	NA	2,800,000	NA	12,000,000
(Includes senior citizen centers)	66,000	(11,000,000)	20,000	(1,000,000)	20,000	(4,400,000)
Totals		307,900,000		8,860,000		37,600,000
5. Above numbers of people broken down by the following related categories:						
Old age assistance	NA		NA		NA	(5)
Families (IV–A, IV–B)	NA		NA		NA	
Blind and disabled	NA		NA		NA	
Total						
PROVISION NO. 2B.—RESTRICTION OF OPTIONAL SERVICES						
Day care	52,000	81,000,000	0	0	0	0
Family planning	NA	8,000,000	0	0	0	0
Mental retardation	(1)	(1)	(1)	(1)	(1)	(1)
Foster care (children and adults)	NA	32,000,000	0	0	0	0
Alcoholism and drug abuse	(1)	(1)	(1)	(1)	(1)	(1)
Other						
Mental health	(1)	(1)	(1)	(1)	(1)	(1)
Vocational education	7,000	3,700,000	1,750	$900,000	7,000	3,700,000
Delinquency prevention	(1)	(1)	(1)	(1)	(1)	(1)
Other programs[2]	NA	183,200,000	NA	1,200,000	NA	5,000,000
(Includes senior citizen centers)	66,000	(11,000,000)	10,000	(500,000)	10,000	(2,200,000)
Total		307,900,000		2,100,000		8,700,000
5. Above numbers of people broken down by the following related categories:						
Old age assistance	NA		NA		NA	(5)
Families (IV–A, IV–B)	NA		NA		NA	
Blind and disabled	NA		NA		NA	
Total						
PROVISION NO. 3.—USE OF PRIVATE FUNDS AS THE NON-FEDERAL SHARE[4]						
Day care						
Family planning						
Mental retardation						
Foster care (children and adults)						
Alcoholism and drug abuse						
Other						
Mental health						
Vocational education						
Delinquency prevention						
Total						
5. Above numbers of people broken down by the following related categories:						
Old age assistance						(5)
Families (IV–A, IV–B)						
Blind and disabled						
Total						

[1] Federal reimbursement under titles IV and XVI for these services was discontinued in New York State effective July 1, 1972, due to the ceiling on services.

[2] These programs include homemaker services, housekeeper services, adoption services, senior citizen center services, and other direct services provided by staff of local welfare agencies.

[3] The annual dollar amount shown here includes 1 quarter (April through June 1972) prior to the Federal ceiling on services expenditures.

[4] The use of private funds as a non-Federal share in New York State is significant, but not as substantially effected as other elements.

[5] Revised Mar. 2, 1972.

4. Administrative Provisions which are either burdensome or unnecessary.

A. The new requirement for a written individual service plan also states that services can only be provided to achieve two specific goals—self-support and self-sufficiency. This raises a very important issue. Does this mean that federal reimbursement is not available unless services remedy the situation to allow achievement of one of the two goals? If so, federal reimbursement will be lost for thousands of dependent older persons, disabled persons, and "hard core" families who cannot be expected to achieve either of these goals regardless of the services provided. If federal reimbursement is not contingent upon the achievement of these two goals, why include them in the regulation? Many states have already adopted the four earlier proposed goals of self-support, self-care, community based care and institutional care. These have been incorporated into State management information systems and they better reflect the actual situations of clients.

B. The redetermination of eligibility for services is required at too frequent intervals. The frequent redeterminations coupled with more rigorous eligibility requirements will greatly increase the administrative burden of services staff. With limited funds for services, this will mean increased clerical and administrative staff at the expense of direct service staff. The result will be less service per unit cost. Less frequent redeterminations would be more preferable.

C. The absence in the regulation of caseload and workload standards for services aggravates an already deteriorating situation where staff is being shifted to income maintenance functions and clerical functions at the expense of services. A federally mandated level of service staff would mitigate against this situation. Such a mandate would be particularly useful to State supervised/local administered systems where the States are precluded from mandating local staffing levels.

5. Impact of federal financial participation exclusions in the new regulations.

A. A wide range of "administrative services" including: the support of Citizen Advisory Committees, training in use of subprofessionals and volunteers, staff development, preparation of reports and evaluation, public information programs, use of bilingual interpretors, information and referral, and community planning are no longer mentioned in the proposed regulations. The absence of federal financial participation for these services, which are an integral part of an effective service delivery, will mean an increased fiscal burden on the State and localities of several million dollars to continue these services. Because most of these services must be continued, complex allocation methods will need to be developed to segregate the cost of these services from those eligible for federal financial participation.

B. The exclusion of information and referral service from federal financial participation will have a deteriorating effect that will permeate almost all specific services. Because of the complex array of public, private, and voluntary services that exist in New York State, an effective method for referral and arrangement for services by other provider agencies is an essential service component of public social services. For that reason, to exclude federal financial participation for information and referral will lead either to a less effective delivery of services in the total service system, or it will lead to an increased financial burden to the states and localities to maintain this service.

C. The exclusion from federal financial participation of medical services, subsistence, and other maintenance assistance items, even when such items are components of a comprehensive program of service delivery, will provide a serious obstacle to the development of multi-purpose service centers decentralized to the neighborhood level. The use of multi-purpose centers is beginning to increase in several areas of New York State, particularly in New York City. The segregation of medical costs and subsistance costs from service costs in such centers will seriously hinder the effectiveness of these approaches.

6. The estimated number of social service positions that would be eliminated because of the impact of the proposed regulations cannot be estimated for New York State at this time. It is believed, however, that there would be considerable reductions in social service staff in both public and voluntary agencies in New York State.

AN ANALYSIS OF THE EFFECT OF THE PROPOSED FEDERAL REGULATIONS ON SOCIAL SERVICES PROGRAMS, SPECIFICALLY DAY-CARE SERVICES

BACKGROUND

In 1967, Congress amended the Social Security Act to provide, under Title IV-A, Federal aid to the States for the reimbursement of 75 percent of the cost of day care services rendered to children of former, current, or potential welfare recipients. The remaining cost of day care services for these children was allocated to the States, with the option of local governmental units or private agencies to share part of this cost. The appropriation for Title IV-A was open-ended.

This recognition by the Federal government of its role in fostering the developmental needs of young children, particularly poor children, marked the beginning of a forward surge in providing day care services to New York City's children. Consider the fact that in 1966, we had 93 publicly-funded day care centers serving about 6,700 and that today, there are 400 centers serving about 30,000 children with another 6,200 children being cared for in Family Day Care homes—all financed, in the main—under Title IV-A.

More than 80 percent of the women using these services are employed, in job training or looking for work. The 1970 census bears out the need for expanding child care programs by figures reporting 5.5 million women in this country who are the heads of families. In New York City alone, the figure is 429,000. And these numbers are growing, not decreasing.

In setting the stage for the discussion which follows, we must also call attention to the role of the States in the funding picture. In order to receive reimbursement for all social services programs funded under the various Titles of the Social Security Act, States are required to submit plans for HEW approval. HEW's present administrative regulations, defining State participation in reimbursable programs, clearly set forth the Federal commitment to strengthen family life and to foster child development. If the proposed regulations are enacted, a new plan would have to be submitted. The new plan, in carrying out the intent of the new regulations, undoubtedly would have a major impact on our ability to continue services at the same level, let alone to expand them.

On February 16, 1973, the Department of Health, Education and Welfare published revised regulations covering social services reimbursed through Titles I, IV, X, XIV, and XVI of the Social Security Act. These regulations will be effective, as stated, thirty days from the date of publication; unless further revised or withdrawn by HEW.

The following analysis done by staff of the Agency for Child Development, summarizes the major changes, points up the policy issues, and predicts some of the social and fiscal effects that these regulations will have if enacted. Our analysis, naturally, has been directed to the effects of the proposed regulations on day care services funded through Title IV–A. Most of the observations, however, hold true for other social services programs funded under the Titles listed above.

First, a brief explanation of the purpose and legal effect of Federal regulations. Congress enacts a law, such as the Social Security Act, very broadly and leaves the Administrative detail to the relevant administering Agency. The Secretary of the Agency, in this case Health, Education and Welfare, has the power to publish regulations, in accordance with the law and the intent of Congress. When enacted, these regulations have the same effect as the law itself.

The current regulations, in keeping with the intent of the Social Security Act that states in part "services to a family or any member thereof for the purpose of preserving, rehabilitating, reuniting or strengthening the family and other such services as will assist members of a family to attain or retain capability for maximum self-support and personal independence," mandates States to provide day care, foster care, family planning and other social services to strenghen the family unit and promote its well-being.

The administrative and program guidelines outlined in the current regulations are designed to enable and motivate States to provide quality services to a maximum number of people. From our analysis, it appears that the proposed regulations will inhibit rather than encourage States to continue to provide supportive social services to poor working families and will, in fact, signal the end of the Federal leadership in developing services to meet human needs.

Many services, including day care, that were previously mandated are now optional. This means that States can choose *not* to provide them. Moreover, they limit Federally-reimbursable services to the very poor—and to them, only until they get off public assistance or until their income reaches one-third more than they would receive on public assistance.

The following is a discussion of the major features of the proposed regulations and an analysis of their fiscal and social impact, if enacted. Also included, is a personalized case history of a typical family using publicly-funded day care services and the cost to the government if these services are withdrawn.

More important, however, than any specific issue raised by the regulations is the philosophy promulgated by the language and intent as described heretofore.

AVAILABILITY OF DAY CARE—ELIGIBILITY

A. *Social eligibility*

Eligibility for services for children is no longer based on the needs of children.

The proposed regulations permit day care only to meet the *parent's* need to work or to enter a training program; or because of the parent's illness, incapacity or absence from the home. Further, the only acceptable goals that may be included in the approved service plan, which would now be required *prior* to service are (1) self-support, and (2) self-sufficiency.

By comparison, the current regulations mandate that a service plan be designed to provide subsidized social services, including child care, for each "family *and child* who require service to maintain and strengthen family life, foster child development", as well as "to achieve permanent and *adequately-compensated* employment". They further mandate that these services "be responsive to the needs of each individual in the family."

One of the most important reasons for providing day care, totally ignored in the proposed regulations, is as a protective or preventive service. The Social Security Act, itself, defines Child Welfare Services that may be provided with Federal funds on a matching basis as services which:

1. "Supplement or substitute for parental care and supervision for the purpose of preventing or remedying or assisting in the neglect, abuse or exploitation or delinquency of children, or

2. "protect and promote the welfare of children, including . . . the provision of adequate care in . . . day care or other child care facilities."

This language is repeated in the current regulations, which permit and encourage States to provide such services. It is *completely missing from the proposed regulations.*

The comprehensive child development program of educational, nutritional and medical services to children and social services to their families available in New York City has often prevented or remedied the conditions that result in neglected or abused children. In this way, day care in New York City has been an effective alternative to the heartbreak and excessive cost of foster care.

The cost of providing institutional foster care, at $25,000 a year per child, is eight or nine times more expensive than the cost of providing day care.

The tragic irony of the proposed regulations is that not even foster care itself can be provided as a preventive service for families receiving AFDC. It can only be provided as a protective service under certain conditions: "as a result of a judicial determination to the effect that continuation of care in the child's own home would be contrary to the welfare of such child", i.e. only as a means of responding to evidence of neglect or abuse. In other words, under the proposed regulations a child may not receive any services until his family has suffered the breakup that could have been prevented with the provision of child welfare services.

B. *Financial eligibility*

Both the current and the proposed regulations limit eligibility to current, former and potential applicants or recipients of financial assistance. The definition of both the former and potential recipients is more restrictive in the proposed regulations than in the current ones.

The proposed regulations define former welfare recipients as those who have received public assistance within the previous three months. Current regulations permit the State to define this in the State plan. New York's State plan defines a former welfare recipient as one who has received public assistance within the past two years.

According to the current regulations, potential welfare recipients may be defined as "those who are likely, within five years, to become recipients of financial assistance." The proposed regulations limit this category to those likely to be on welfare within six months. Neither definition, however, has any real meaning until it is related to specific income criteria. Herein lies the essential difference between the current and proposed regulations.

The current regulations permit States to set income limits in their State Plans. This allows for State by State, individual definition as to what constitutes "need", with subsequent State by State approval from HEW.

The proposed regulations set a specific income definition which must be adhered to by the States and is tied specifically to the public assistance level.

It can be argued that nowhere does the

public assistance level begin to meet minimum income needed for a family to survive. The proposed regulations limit services to an individual whose income is no greater 133⅓ percent of what he would receive on public assistance. In New York State, this income level will be $5,400 for a family of four, compared with a $7,500 income limit for Federal reimbursement under the present State plan. In addition, the proposed regulations require that a family not have liquid assets greater than those allowed for eligibility for public assistance.

The proposed regulations also preclude upward mobility for those who are employed. Because of the income limitations, they virtually exclude all families with two wage earners; they encourage abuses of the System and they abet family breakup. It is not inconceivable that, in order to maintain eligibility, many families will make claims or force the father's absence from the home.

In addition, the current regulations permit *potential welfare recipients* to be defined as "a selected reasonable classification of families and children with common problems or common service needs." This "group eligibility" is not permissible under the proposed regulations. Although day care in New York State has always required determination of financial eligibility on an individual basis, this regulation does have a serious effect on other social services.

Program quality

The language of the proposed regulations makes it clear that program quality is no longer of concern to the Federal Government. Federal legislation currently mandates standards for day care services whereas the proposed regulations make no reference to quality programs. It is clear that HEW does not intend to reimburse local governments, such as New York City, to maintain a high quality program.

All references to standards and to monitoring programs for quality have been deleted. In addition, the Federal Government will no longer reimburse salaries of local Agency staff responsible for setting standards, monitoring and evaluating program quality, and providing technical assistance and consultation to day care centers to assist them in maintaining quality. Monitoring program quality is *required* by the current regulations. The only monitoring required—or even mentioned—in the proposed regulations is for cost.

Current regulations require staff development, education, and training *on a continuing basis* for all staff responsible for the development of services. This includes professional and para-professional staff and volunteers. The proposed regulations do not include training and staff development as a reimbursable item.

Other specific costs not reimbursable under the proposed regulations are health and nutrition services.

These restrictions make it almost impossible for localities to maintain high-quality, comprehensive child development programs.

Parent/consumer involvement

Under the proposed regulations, parents of children in day care services would no longer have any meaningful involvement in policy development and program administration. Consumer involvement is *mandatory* under the current regulations.

Certain regulations mandate advisory committees at the State and local levels. One-third of the membership of these committees *must* consist of consumers of service. The committee is required to "have adequate opportunity for meaningful participation in, policy development and program administration, including the furtherance of recipient participation in the program of the Agency."

The proposed regulations only mandate an advisory committee at the State level. Consumers of service are not even included in the suggested membership of the Committee. All language relating to the power and duties of the Advisory Committee has been deleted; the proposed regulations simply state that the Committee shall "advise the State Agency on the general policy involved in the provision of day care services."

The current regulations also require that Advisory Committees be provided "such staff assistance from within the agency and such independent technical assistance as are needed to enable it to make effective recommendations," and "financial arrangements, where necessary, to make possible the participation of recipients in the work of the Committee structure."

The current Federal regulations recognize the importance of meaningful consumer involvement in policy making and in the provision of services. They acknowledge the right of people to have a voice in decisions which vitally affect their lives, as well as their responsibility to insure that Government agencies providing services remain responsive to the needs of the people they serve.

The Agency for Child Development has long recognized the importance of parent participation in child development programs. Parent participation helps to insure that child development services represent a real support to family life. It also enables parents to participate in and maintain the growth that their children experience in these programs. It avoids the Government "paternalism" and the view of day care as a threat to family life, about which the Nixon Administration has expressed concern on many occasions.

Expansion and enrichment of services

The proposed regulations set forth a number of restrictions that will severely limit expansion and quality of services.

For example, services can not be purchased from other public agencies for services now being funded through sources other than Title IV–A. In addition, privately donated funds can not be used as the State share to be matched by Federal IV–A funds.

Neither of these limitations immediately affect ADC-funded programs. They do, however, affect other services and other geographical areas, and can affect New York City's ability to expand and enrich services in the future. They also substantially reduce the motivation for voluntary participation in social service programs by privately funded agencies, by corporations, and by other individuals in the private sector.

The proposed regulations further require that all purchase-of-service agreements be written, and that the agreements be approved by the Regional Office of HEW. They also provide that reimbursement rates will be set by the States and monitored by HEW. These new requirements will not only be administratively cumbersome, but the participation of HEW in setting reimbursement rates may further limit the availability and the quality of services.

Administrative costs

The administrative procedures set forth in the proposed regulations will require a virtual "army of bureaucrats" to administer. According to HEW, these additional verification procedures are necessary to curb abuses and provide greater management control for the program. The new requirements, none of which exist in the current regulations, are:

1. Service plans are not required *prior to service*, and can only be issued for a period of six months. At the end of the six-month period, the service plan must be *re-authorized* before service can continue. This must be done by the "organizational unit responsible for development of individual service plans."

2. All applications must be *verified* by the local agency administering the service *prior to service*.

3. Applications for current recipients of financial assistance must be *verified* by "the organizational unit responsible for determination of eligibility for financial assistance," i.e., the local social services department. This must also be done *prior to the provision of service*.

4. The *State* agency must also make a determination that each family and individual is eligible for service *prior to the provision of service*.

5. In addition to periodic reviews of income and welfare status performed by local agencies (current practice, although not specified in the current Federal Regulations), the *State* agency must make a redetermination of eligibility of each family and individual receiving services at the following intervals:

(A) *Quarterly* for current recipients of financial assistance. This redetermination may be accomplished by comparing public assistance rolls wtih service eligibility listings.

(B) Within *30 days* of the date that public assistance is terminated.

(C) For "potential" public assistance recipients, within *six months* of initial eligibility determination or subsequent redetermination.

(D) Within *three months of the effective date of this regulation* for families and children currently receiving service on the basis that they are former applicants for or recipients of financial assistance.

These procedures are not only cumbersome and expensive but they will seriously delay the admission of children to vitally needed services. This multi-level review of the application and verification is, in our opinion, totally unnecessary. It is important, of course, to monitor eligibility and to establish audit trails to uncover abuses. The State, at present, together with the localities, designs a monitoring and review procedure to insure responsible control over programs.

Under the current regulations HEW has authority to review these procedures, as well as to monitor and audit programs. This authority would seem sufficient to avoid and eliminate any abuses there might be in the use of Title IV–A funds.

A CASE STUDY OF THE IMPACT ON FAMILIES

To pinpoint the impact of the proposed regulations, let us consider the Jones family, made up of Chris, a widow whose husband died and left her with no resources or life insurance, and two children Jane, age 4 and Dick, age 8.

Inasmuch as Mrs. Jones is employable and eager to become self-reliant, she begins to look for adequate child care arrangements and for a job. Jane will need all day care and Dick, after-school care.

Mrs. Jones is promised a job paying $7,500 a year.

Mrs. Jones decides to place her children in a publicly-funded day care center because, on the basis of her investigation, the children will receive safe, reliable, developmental care. When she looked at unlicensed centers and homes she found hazardous conditions. The one licensed, private day care center in her neighborhood is open only from 9 a.m. to 4 p.m.; and charges $26 a week for the younger child. This arrangement would leave both children without care from 4 p.m. until 6 p.m. The publicly-funded day care center is open from 8 a.m. to 6 p.m., and only charges $3 a week for both children.

When Chris' children are admitted to the day care center, the Family Counselor informs her that she may be eligible for supplementary public assistance because under current regulations part of her income can be disregarded.[1]

She could receive a semi-monthly supplement of $17.83 or $8.29 a week. However, Chris does not want to apply for welfare. First, she finds the whole idea of receiving welfare distasteful and alien to her nature. Second, she does not want to take the time to obtain such a small grant.

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[1] *"Income disregard"* holds that a certain portion of a family's earnings, plus their employment expenses, can be deducted in determining their eligibility for public assistance. Thus, a person could be earning more than 133⅓ percent of the grant level and still be eligible for social services—including day care.

Chris is happy with her work situation and has peace of mind about the children because she knows they are safe and receiving educational training, good food, health services and the affection of caring adults. The children also look forward to going to the day care center every day.

However, one day the Family Counselor calls her in and informs her that there has been a change in eligibility for day care under new Federal Regulations. Much to her dismay, Chris learns that her children must leave the day care center because her income is too high for her continued eligibility for this service. She discusses this with the Family Counselor who advices her that if she applies for supplemental public assistance, she could continue to receive day care services. Although distasteful, Chris evaluates her options.

If Chris does not apply for public assistance, this is her budgetary situation:

Option I

Gross Income	$7,500
Employment expenses:	
Transportation	168
Union dues	90
Child care, $46 a week [2]	2,392
Taxes	1,341
Total employment expenses	(3,991)
Rent	(1,800)
Annual disposable income	1,709

[2] The child care estimate is based on care in the private nursery school at $26 a week, with a neighborhood high-school girl looking after Jane and Dick between 4 and 6 p.m.

This budget allows Chris only $1,709 a year or $32.86 a week to pay for food, clothing, medical care and all other expenses.

Option II

If Chris does apply for public assistance, the employment expenses listed in Option I are covered, in addition to which she receives annually:

Supplemental assistance grant	$428
Medicaid (estimated cash value	168
Food stamps (estimated cash values)	168
Total	764

Most importantly, her children can stay in the day care center.

Reluctantly, Chris applies for supplemental public assistance as this is clearly the only way she and her family can survive.

Now that we have examined Chris's fundamental situation, let us see what the relative costs to the government are under Options I. and II.

Option I—Prior to receiving public assistance

Annual cost to Government:	
Day care for two children, one pre-school, one after-school	$4,500
Offset by Chris paying:	
Day care fees	(150)
Taxes	(1,341)
Annual net cost to Government	3,009

Option II—After receiving public assistance

Annual cost to Government:	
Grant Cost	428
Administrative cost	208
Medicaid	1,863
Food stamps	168
Other costs	168
$2,407 per person (multipled by 3)	7,221
Total	7,649
(Offset by Chris's payment of taxes	(1,341)
Total cost to Government	6,308

It is clear that the net effect of the new regulations will be to cost the government twice as much to maintain Chris and her family.

Six months later, Chris's boss offers her a $1,000 annual increase. She is very pleased, but wonders what will happen to her welfare check and her day care services. She finds that, out of the additional $1,000 a year, she will have to pay:

1. Day care costs	$2,393
2. Medical expenses	616
3. Cash value of food stamps	504
Total	3,512

In addition, she will lose the $428 a year in public assistance. Therefore, her $1,000 raise will cost her $3,940. With great reluctance, Chris declines her raise. The government, therefore, continues to pay the $7,649 outlined previously. If public policy had been arranged to provide incentives, including subsidized day care for Chris and she had accepted the raise, the $7,649 cost to the Government would be reduced to $3,009, in addition to which Chris would pay an additional $180 a year in taxes.

Social and financial impact

Our analysis of the proposed regulations indicates that they will (1) reduce the availability of services, (2) reduce the quality of service, (3) increase administrative costs, (4) increase the time span between application for and receipt of service and, (5) have little or no inhibiting effect on abuses.

We believe this can only add up to an increase in both the real as well as the personal cost of survival for those no longer eligible for publicly-subsidized social services. The taxpayers will ultimately pay both these costs. Our case study shows incontrovertibly that the proposed regulations encourage and reward dependency and discourage self-motivation and upward mobility. Why should a family risk leaving public assistance and its subsidized benefits for the uncertain future of self reliance?

To sustain those families who give up what little measure of economic stability they have gained and retreat to the welfare rolls, the taxpayers will pay almost twice as much as they would for the day care services that would keep the wage earner working. But in any case, it is the children who will pay the highest price for they will be victims not of benign neglect but of deliberate exclusion from a chance for life.

And for those families who continue to try to make it on their own, not only will they pay the price of doing without such basic needs as food, clothing, adequate shelter, medical care but, in the long run, everyone will pay.

For who can measure the damage done to a child whose family cannot give him adequate nourishment; who cannot put shoes on his feet or a coat on his back; who cannot buy him glasses or a hearing aid; who cannot read to him or play with him because there is no time or energy for such luxuries. What happens to the child who never leaves his mean surroundings; never meets children of other backgrounds; never knows the possibility of a better way of life.

We submit that there are already too many such children in this country today and that it will be to our everlasting shame and regret if we permit these inhumane regulations to create a whole new generation of society's outcasts.

COMMENT ON PROPOSED FEDERAL REGULATIONS GOVERNING SERVICE PROGRAMS FOR FAMILIES AND CHILDREN AND FOR AGED, BLIND AND DISABLED

General Goal. In all the contentions and debates surrounding welfare policy one point of agreement stands out: the best way to reduce the incidence and mounting costs of public assistance is to eliminate or alleviate the needs that force people to turn to public assistance for relief. These regulations run counter to this basic principle.

Preventive and Alleviative Role of Services. The original statute and policies governing assistance-related services recognized their preventive function by authorizing services to potential and former as well as current assistance recipients. These proposed regulations compound the difficulties created by the 10% limitation in the General Revenue Act by literally forcing persons in borderline circumstances to apply for assistance by imposing unrealistic and counter productive eligibility restrictions.

The limitation that income may not exceed 133% of the assistance payment level means, to cite a few examples, that—

A mother family head in Mississippi, where the average AFDC family payment was $53.90 in October 1972, could not earn more than $71.83 a month and still utilize the day care that makes it possible for her to stay off assistance.

In Arkansas where the average family benefit was $112.50, retarded children in families with more than $150 a month could not receive the services that will permit them to function independently as they grow older.

In Florida a retired social security beneficiary, receiving more than $85.73 could not benefit from home-maker service that makes it unnecessary for him to turn to assistance for the far more expensive care in a nursing home.

The requirement that services be monitored every three months for demonstrated progress toward predetermined goals is unrealistic for those with chronic conditions and disproportionately expensive in administrative costs. The woman whose ability to work depends on subsidized day care cannot be expected to achieve full self-support and the chronically disabled older person dependent on home-maker service cannot expect to become completely self-sufficient.

(This memorandum has been prepared for The National Assembly for Social Policy and Development by Elizabeth Wickenden, Professor of Urban Studies, Office of Urban Policy and Programs, the Graduate School and University Center, The City University of New York.)

The absence of any standards in such sensitive areas as child care and homemaker service is extremely dangerous for the beneficiary and costly for the federal government. No reference is made to the Interagency Day Care Standards presumably mandated by statute and the recent standards for accrediting established by The National Council for Homemaker Service.

The prohibition on states to use voluntary contributions in cash or kind to help finance their share of the costs of service programs is arbitrary in the extreme and will mean the end of many programs designed to reduce federal assistance costs by preventive and ameliorative services. The questions raised in the Congress by past practices of local United Way organizations can be met by far less drastic measures. It can, for example, be required that the Federal share not replace any money formerly expended in a given community for the same purpose to assure that the Federal money will provide new services.

AIR POLLUTION AND PUBLIC HEALTH

Mr. MUSKIE. Mr. President, recently there has been a good deal of discussion regarding the health effects of air pollution. Recognizing that it was the responsibility of those of us who have advocated air pollution control legislation to continually monitor its impact, I initiated, several months ago, a review of recent studies relating to air pollution and public health with particular emphasis on automotive air pollution.

Today I would like to introduce into the RECORD some of the studies which I have received as a result of this reexamination. These studies will aid all of us to evaluate the claims that are often made regarding the relationship, or nonrelationship, of air pollution to public health. The materials I am introducing today are as follows:

First, a summary of a study done by the California State Department of Public Health indicating that auto accidents occur more frequently in times of higher concentrations of automotive air pollutants.

Second, a summary of results of research on air pollution health effects being conducted by the Environmental Protection Agency. With regard to individual pollutants, this study reaches the following conclusions:

PARTICULATE MATTER

All recent evidence has strengthened the research base upon which the Administrator made his judgment. Thus, the present standards are not deemed unreasonable and it is not recommended that they be changed at this time.

PHOTOCHEMICAL OXIDANTS

In light of old and new evidence to date, the present primary national air quality standard for photochemical oxidants of 160 $\mu g/m^3$ (1.08 ppm) maximum concentration for one hour is reasonable. The evidence does not warrant a different standard.

NITROGEN OXIDES

Based on . . . existing health intelligence, the margin of safety provided by the primary NO_2 standard of 100 $\mu g/m^3$ (0.05 ppm) is adequate . . . Present evidence does not compel us to suggest a change in the existing standard.

CARBON MONOXIDE

In view of [the] relatively small margins between present standards and observed health effects, it does not seem that existing standards are unduly restrictive and it does not seem prudent that they should be raised. Although the margins are relatively small, the carboxyhemoglobin levels that will result from adherence to the standard is sufficiently close to background, that no lowering of the standard is recommended either.

Third, a study done at the Veterans' Administration hospital in Long Beach, Calif., indicating that air pollution in normal rush hour traffic can have severe adverse effects on persons susceptible to angina and other circulatory problems.

Fourth, a document prepared by the Clean Air Now Information Bureau discussing a number of recent studies relating carbon monoxide pollution and human health.

Finally, a report on the status of research on health effects of air pollution which was prepared for the Subcommittee on Air and Water Pollution by the Library of Congress.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

LETHAL GAS LINKED TO ACCIDENT TOLL

Motor vehicle accidents in Los Angeles occur more frequently during periods when carbon monoxide and oxidant levels are highest, according to findings of a California health research team.

Norman Perkins, head of a State Department of Public Health air pollution project, said that recent findings supplement an earlier analysis pointing to a strong statistical link between accidents and oxidant levels, but not carbon monoxide (CO). Oxidants are pollutants in the atmosphere caused by the photochemical reaction of sunlight on motor vehicle exhaust.

Perkins said further analysis of two four-month periods of above-average CO levels in Los Angeles showed that the highest number of auto accidents tended to occur one and two hours after the daily CO peak hours. Peak periods varied seasonally because of different meteorological conditions. The winter CO high points were found between 8 p.m. and midnight; in the summer, peaks occurred from 3 a.m. to 5 p.m., but primarily between 8 and 10 o'clock in the morning.

The association between accidents and pollutant levels is most likely caused, Perkins said, by the effects of oxidants or CO on the "response capacity" of the drivers.

"Pollutants in concentrations that are frequently experienced in Los Angeles can impair vision and affect judgment or performance", he explained, adding that impairment of any physical function may increase the potential for accidents.

Since carbon monoxide builds up slowly in the body, the time lag noted between high atmosphereic levels of CO and peak accident periods is consistent with the gases effects, Perkins said.

He added:

"We need quantitative measurements of carbon monoxide in the expired breath and in the blood of people in highway accidents that can be compared with CO levels in the air. This can be done most effectively at receiving hospitals."

Because oxidant levels in humans cannot be measured, similar studies with this pollutant are not possible, Perkins said. However, experimental studies should be made on the effects of oxidants on human performance, he added.

Perkins said additional statistical studies could be made to determine possible linkages between the type or severity of accidents and high pollution levels. Better estimates of the extra number of accidents that could be expected to occur during heavy pollution periods might also be obtained.

Perkins called for similar investigations of carbon monoxide and oxidants in other parts of the United States and in at least two or three European cities that have serious air pollution problems, in order to make a scientific comparison of findings.

Co-researcher in the project is Dr. John R. Goldsmith, also of the public health department. Hans K. Ury, Ph.D., now with the Permanent Medical Group in Oakland, initiated the study.

THE LIBRARY OF CONGRESS, CONGRESSIONAL RESEARCH SERVICE,
Washington, D.C., January 24, 1973.

To Subcommittee on Air and Water Pollution
Attn: Leon Billings
From James M. McCullough
Specialist, Life Sciences
Via Charles S. Sheldon II
Chief, Science Policy Research Division
Subj. Health effects of air pollution—additional information

We have recently received a summary of the results of reviews and research being conducted under the CHESS program (an acronym for the Community Health and Environmental Surveillance System) at the National Environmental Research Center, Research Triangle Park, North Carolina. Since we did not know whether you had received this informal report, we are enclosing a copy as a matter of interest to you in your considerations.

The enclosed summary, as far as I can tell, provides the results of literature reviews and research under the CHESS program since its establishment. As you will note, the conclusions provided within the summary statements (I have marked the appropriate sections) provide essentially the same information forwarded by our previous memorandum to you; namely, that there is more confidence that the current standards for sulfur dioxides and particulates are readily supportable by medical evidence; that more information is needed with regard to oxides of nitrogen; that the photoxidant levels also seem reasonable; and that the opinions regarding carbon monoxide standards, while supported by some research, still require additional information to substantiate claims regarding low level effects. With regard, to carbon monoxide, the problem still seems to center around the significance of effects being noted at levels of 3 to 5% carboxyhemoglobin. Susceptible groups continue to be individuals with various circulatory disorders (heart deficiencies, etc.) young children and older persons with respiratory disorders, asthmatics, and persons allergic to air pollutants.

We are continuing our efforts to provide you with other information which you have requested.

PARTICULATE MATTER

The present national primary ambient air quality standards for particulate matter are as follows:

(a) 75 micrograms per cubic meter—annual geometric mean.

(b) 260 micrograms per cubic meter—maximum 24-hour concentration not to be exceeded more than once per year.

These standards were promulgated in the Federal Register, Volume 36, No. 84, Part II, pp. 8186–7, April 30, 1971.

I. Evidence upon which the standard was based:

The basis for the development of these standards was "Air Quality Criteria for Particulate Matter," (NAPCA Publication No. AP–49). This monograph critically reviewed all pertinent health studies discussing their individual strengths and weaknesses.

(a) Evidence for the maximum 24-hour concentration not to be exceeded more than once per year

1. Epidemiologic studies of populations exposed 200–300 $\mu g/m^3$ of particulates accompanied by 530–1060 $\mu g/m^3$ (.20–.40 ppm) of sulfur dioxide for 24–48 hours showed that an increase above normal general mortality levels was likely and suggested that rises in infant mortality, increased admissions to hospital clinics for treatment of upper respiratory tract illness and cardiac disease, and aggravation of symptoms in patients with chronic bronchitis would occur.

2. Studies of populations exposed to 150–200 $\mu g/m^3$ of particulate matter accompanied by 265–530 $\mu g/m^3$ (.10–20 ppm) of sulfur dioxide for 24–48 hours suggested that an increase above normal general mortality levels would occur.

3. No data on immediate health effects of exposure to less than 150 $\mu g/m^3$ of particulate matter accompanied by less than 265 $\mu g/m^3$ (.10 ppm) of sulfur dioxide had been reported.

(b) Evidence for the annual geometric mean level:

1. Several epidemiologic studies ascertained the health effects of long-term exposure to average annual particulate concentrations of 125–175 $\mu g/m^3$ accompanied by 90–120 $\mu g/m^3$ (.035–.045 ppm) of sulfur dioxide. At these levels, increased chronic respiratory disease (chronic bronchitis and emphysema) prevalence in adults and excess chronic bronchitis mortality was well documented. Likely health effects resulting from long-term exposure to these average annual levels included an increased frequency of acute lower

respiratory tract disease (pneumonia, chest colds, bronchitis) in children, an increased frequency of common colds and minor respiratory ailments, a diminished pulmonary function (measured by spirometry), and an excess mortality above normal levels. There were suggestive findings of excess mortality from lung cancer at these exposure levels.

2. Studies of populations exposed to average concentrations of 75–125 $\mu g/m^3$ of particulates accompanied by 65–90 $\mu g/m^3$ (.025–.035 ppm) of sulfur dioxide indicated a likely impairment in pulmonary function and suggested both an increased frequency of upper and lower respiratory tract disease in children and an increase above normal levels of mortality.

3. No data on health effects from exposure to average annual concentrations of less than 75 $\mu g/m^3$ of particulates accompanied by less than 65 $\mu g/m^3$ (.025 ppm) of sulfur dioxide had been reported.

(c) Laboratory Evidence:

1. Toxicologic studies in laboratory animals were valuable in delineating adverse health effects of individual components of particulate matter and in determining effects of crude air particulate. Furthermore, some mechanisms of the toxicological action of particulate matter had been determined and interactions with irritant gases were studied. However, most of the toxicologic studies in animals employed concentrations of particulate far in excess of ambient concentrations. Furthermore, many of these studies did not employ natural modes of exposure. Because of these shortcomings, as well as the difficulty in extrapolation from animal exposure to man, toxicologic data was not used directly in recommending the standard for particulates.

2. Toricologic studies of particulates had shown the results of exposure to include (1) pathophysiologic changes in pulmonary mechanics; (2) anatomic pathologic changes in animal tissues including carcinogenesis, fibrogenesis, inflammation, and necrosis; and (3) pathologic changes in pulmonary clearance mechanisms. Moreover, the importance of particle size in producing biologic effects was established.

3. A series of papers by Amdur and her associates utilized an increase in pulmonary air flow resistance of guinea pigs as an assay tool of lung mechanics. Particles of sulfuric acid, ammonium sulfate, zinc sulfate, and zinc amomnium sulfate have been shown to produce a response in this system. However, aerosols of the following alone did not produce a response: spectrographic carbon at 2 and 8 mg/m^3, activated carbon at 8.7 mg/m^3, manganese dioxide at 9.7 mg/m^3, open hearth dust at 7.0 mg/m^3, iron oxide at 11.7 and 21.0 mg/m^3, manganous chloride and ferrous sulfate at 1 mg/m^3, and sodium orthovanadate at 0.7 mg/m^3. The particle sizes were less than 0.7 μm. Ferric sulfate at 1 mg/m^3 produced a 77% increase in flow resistance. In the presence of SO_2, aerosols of soluble salts of ferrous iron, manganese, and vanadium potentiated the irritant response, but aerosols of carbon, iron oxide fume, fly ash, or open hearth dust do not potentiate the irritant effect of SO_2. This work is interpreted to show that SO_2 reacts in some way with low concentrations of metallic particulate and water vapor to form a potent respiratory irritant aerosol.

4. The health effects of carcinogenic ambient particulate matter have been extensively reviewed in a recent separate document.

II. Evidence:

Several foreign studies as well as studies in this country have been published since the particulate criteria document was written. Results of CHESS studies constitute the majority of epidemiologic evidence relating to health effects of particulates since that time, but these studies like most other studies reported to date, generally could not fully distinguish the individual effects of SO_2 and particulates.

(a) Evidence for the maximum 24-hour concentration not to be exceeded more than once a year.

1. Panels of healthy families in Birmingham reported an excess of irritation symptoms during a short-term exposure to 100–269 $\mu g/m^3$ of particulate matter accompanied by low levels of sulfur dioxide (13–16 $\mu g/m^3$) for twenty-four hours. Cough, chest discomfort, and restricted activity were most consistently elevated. Non-smokers had lower baseline reporting rates than smokers, but both were equally affected during the episode.

2. CHESS studies of health effects of short-term exposure are summarized in table 1 and discussed in detail in the monograph *Health Consequences of Sulfur Oxides: A Report from CHESS 1970–1971*. Health studies included panels of patients with pre-existing asthma, chronic respiratory, and/or cardiac disease. All studies suggested health effects at or below the present standard. However, levels of suspended sulfates were more consistently associated with the observed adverse health effects and were generally one to two orders of magnitude lower than those of sulfur dioxide or total suspended particulates.

(b) Evidence for the average annual geometric mean.

New evidence was available from CHESS studies of pulmonary function in children, acute lower respiratory disease in children, and chronic respiratory disease in adults (Table 2).

1. School children exposed to average annual particulate levels of 110 $\mu g/m^3$ accompanied by 230 $\mu g/m^3$ of sulfur dioxide and 10 $\mu g/m^3$ suspended sulfates exhibited subtle decreases in respiratory function.

2. An increase in the frequency and severity of acute lower respiratory disease was reported for school children exposed to average annual concentrations of 100 $\mu g/m^3$ of total suspended particulates accompanied by 91 $\mu g/m^3$ of sulfur dioxide.

3. Increased chronic respiratory disease symptom prevalence in smokers and nonsmokers was reported for adults exposed to average annual concentrations of 100 $\mu g/m^3$ of total suspended particulates accompanied by 95 $\mu g/m^3$ of sulfur dioxide.

(c) New toxicologic evidence:

Two types of toxicologic studies have emerged since the standard was recommended in 1969. First, greater appreciation has developed for the role of individual compounds. These compounds acting alone have been shown to be toxic or carcinogenic and in most cases interactions with biologic systems in the presence of other complex factors of the atmosphere remains to be determined. Second, controlled studies of animals exposed to urban air and filtered air have been done. The animals exposed to urban air tend to show a greater retention of particulate material in the lung, but the short exposure time employed has usually not been adequate to determine long-term effects. Also a study of animals exposed to street atmospheres in Detroit showed an increased in white blood count in the exposed animals as well as an increase in pulmonary emphysema.

III. Recommendation concerning existing standard:

The present primary air quality standards for particulate matter were established on the basis of scientifically defensible evidence. Although the individual health effects of particulate matter and sulfur oxides could not be entirely tested apart, setting separate standards was wholly consistent with the Administrator's legislated obligation to provide adequate safety margins in promulgating ambient air quality standards.

All recent evidence has strengthened the research base upon which the Administrator made his judgement. Thus, the present standards are not deemed unreasonable and it is not recommended that they be changed at this time.

IV. Improving the basis for air quality standards:

(a) Original evidence:

Numerous studies had clearly indicated an association between air pollution as measured by particulate matter accompanied by sulfur dioxide and health effects of varying severity.

Although these epidemiologic studies were the best available at the time their limitations were recognized and Chapter 11 of the Particulate Criteria Document discusses interpretative cautions fully and completely. In brief, the measurement methods were often not directly comparable, the physics of particle size and chemistry of particulate matter had almost always been ignored in field studies, and pollution and health indices were not always measured over the same time periods. Few studies identified or adjusted for all other known or possible morbidity determinants such as cigarette smoking, occupational and other past exposures, past medical history, socio-economic status, residential mobility and indoor pollution exposure. Furthermore, almost no epidemiologic studies had been possible in areas characterized solely by particulate matter. On the other hand, almost no studies of highly susceptible individuals had been done.

(b) New evidence:

All new evidence strengthened and extended the initial observations on health effects. The CHESS studies were able to identify or adjust for the effects of other possible disease determinants in addition to ambient air pollutants. The limitations of the CHESS studies differ for the short-term and long-term health effects studies. For the studies of short-term health effects, the estimates of exposure are very reliable, but the indicators used to measure health effects require further quantitative refinement. For the studies of long-term health effects, previous exposures had to be estimated because of incomplete exposure monitoring data. Hence, the estimates of exposure were somewhat less accurate although the observed health effects were quite consistent.

(c) Additional information which would strengthen the standards:

The inability to differentiate adequately the effects of particulate pollution from those of SO_2 pollution and the indication of the strong association of illness with particulate sulfates and other particulates in the respirable size range suggest the need for the following information:

1. Development of methods to identify specific particulate compounds.

2. Toxicity screening of particulate compounds especially with regard to particle size and chemical characteristics.

3. Additional epidemiologic studies of effects associated with particulate size or specific particulate compounds both in the presence and absence of sulfur dioxide.

4. Epidemiologic studies of particulate matter with known or suspected carcinogenic properties.

5. Inhalation studies on the carcinogenics of low concentrations of both crude particulates and pure compounds in complex atmospheres.

SULFUR OXIDES

National Primary Air Quality Standard
—365 $\mu g/m^3$—24 hr. mean
—80 $\mu g/m^3$—annual mean

I. Adequacy of research base for air quality standards for SO_2:

Many people have studied major air pollution episodes and have shown that adverse health effects result from the very high levels of pollution experienced. Few studies have been designed to determine minimum levels at which adverse effects occur. Information available in 1969 did indicate that increased mortality may be associated with 24-hour mean SO_2 levels in the range of 500 $\mu g/m^3$ (0.19 ppm) with relatively low TSP levels, and increased hospital admissions with respiratory illness may be associated with 24-hour mean SO_2 levels of 300–500 μg/m³ (0.11–0.19 ppm). Long-term exposure to SO_2 concentrations of about 120 μg/m³ (0.046 ppm) appeared to be associated with increased frequency and severity of respiratory disease and with some types of increased mortality.

These studies represented the best information available. They did have limitations, however, that were recognized and acknowledged. Most prominent among these were: the inability to differentiate clearly between the effects of SO_2 and the effects of particulate matter, measurement techniques both for effects and for pollution believed to be less accurate than those now recommended, non-recognition of covariates which might have affected study results and the almost total lack of replication to confirm associations suggested by a single study. In spite of these limitations, the evidence available gave indications of adverse health effects associated with exposure to SO_2 pollution that were believed to be sufficiently strong to warrant immediate control action. Consequently, the standards were established that were believed to be adequate to protect the health of even sensitive segments of our population.

II. Recently developed evidence related to the adverse effects of SO_2 on pollution:

In addition to several foreign studies which have recently been translated, the major quantitative studies published since the time of the SO_2 criteria document have been the results emanating from the CHESS program. Thse studies characterized short-term and long-term exposures to sulfur oxides and related these exposures to adverse health effects through dose response functions (Tables 1 & 2). In the four studies devoted to acute respiratory disease, there was a consistent excess of disease in children (ranging from 14 to 64 percent) among those exposed for 3 years or longer to SO_2 levels of 90–95 μg/m³ in the presence of 80–100 μg TSP/m³. In the area of chronic respiratory disease a significant and consistent excess bronchitis morbidity occurred over an exposure range of 100–350 μg/m³ SO_2 with associated TSP levels of 66–365 μg/m³. These long-term health effects were observed in populations having mean exposure only slightly above the present primary standard for SO_2.

The strongest relationships in the CHESS studies appear to be the short-term effects between the exacerbation of symptoms in respiratory cripples and daily suspended sulfates (Table 1). The levels of suspended sulfates necessary to cause adverse health effects were numerically one to two orders of magnitude lower than the levels of sulfur dioxide or total suspended particulates.

The findings of the CHESS studies with respect to the adverse health effects of suspended sulfates are supported by laboratory findings. Studies conducted in animals have shown that in terms of comparative toxicity sulfuric acid and some metallic sulfate compounds such as zinc ammonium sulfate are the more potent irritants than sulfur dioxide. These studies have also shown that the size of irritant particulate material affects the degree of response and that within the range of 0.3 to 2.5 μ MMD, the smaller the particle size the greater the potency.

III. Recommendation concerning existing standard:

Judgmental decisions made to develop the current air quality standards were based on inadequate but the best available information and there are few criticisms that can be raised now which were not considered previously. More recently collected data have strengthened the available defense of the existing standards for SO_2; but in addition, these same studies have tended to add new and important dimensions to the problem. The support for the standards stems primarily from the consistency of positive results produced in the CHESS program which showed increases in adverse health effects associated with SO_2 levels not exceptionally higher than the standards. The new dimension relates extensively to the stronger associations of adverse effects with suspended particulate sulfate than with SO_2 and the total lack of knowledge about the relationship of SO_2 levels to suspended sulfate levels.

Evidence now available provides adequate support for the position that present air quality standards for sulfur oxides are not too high. In fact, the new sulfate data indicate that the short-term standard may not be low enough to be fully protective. Before reasonable decisions concerning the need to reduce the short-term SO_2 standard can be made, additional data must be obtained relative to the rate at which SO_2 is converted to sulfate, the health significance of sulfate exposure and the relationship of chronic effects to repeated short-term exposures.

When additional data covering these points are obtained it will be necessary to review again the basis for the SO_2 standards and possibly recommend revisions. The fact that adverse health effects may relate more closely to sulfate than to SO_2 indicates that simple control of SO_2 may not be the most efficient way of protecting human health.

IV. Improving the basis for air quality standards:

Major problems remaining to be solved include: determinations of how extensively SO_2 acts as a precursor for suspended particulate sulfates, determination of the relative toxicities of individual sulfates, development of methods for measuring the individual compounds in ambient situations, determination of the atmospheric transformation of SO_2, particularly the significant interactions with other pollutants as hydrocarbons and oxidants, and the carrying out of well-planned, designed and executed health effect studies to determine the adverse health effects associated with the interaction of pollutants rather than individual substances.

The information obtained should indicate the significance of sulfate pollution in addition to SO_2 pollution, and the atmospheric relationships between SO_2 and particulate sulfate. These data must be available to permit a final determination of the adequacy of the present national ambient air quality standards for sulfur oxides.

TABLE I.—SUMMARY OF CHESS STUDIES RELATING POLLUTANT THRESHOLDS FOR ADVERSE HEALTH EFFECTS TO SHORT-TERM AIR QUALITY STANDARDS FOR SULFUR DIOXIDE, TOTAL SUSPENDED PARTICULATES AND SUSPENDED SULFATES

Adverse effect on human health and type of estimate	Minimum 24-hour temperature (degrees Fahrenheit)	24-hour pollutant threshold levels for adverse health effects (μg/m³)			
		National standard	Sulfur dioxide	Total suspended particulates	Suspended sulfates
		Primary air quality standard	365	260	No standard
		Significant harm level	[1] 2,620	1,000 [1]	No standard
Aggravation of chronic heart and lung disease symptoms in the "well":					
Worst case	20–40		Between 81 and 365	No effect below primary standard	0.
Least case			No effect below primary standard	do	No effect.
Best judgment			No proven effect below primary standard	No proven effect below primary standard	8–10.
Worst case	>40		Between 81 and 365	68	2.
Least case			No effect below primary standard	No effect below primary standard	10.
Best judgment			No proven effect below primary standard	80–100	8–10.
Aggravation of cardiorespiratory symptoms in elderly patients with heart disease:					
Worst case	>40		84	Between 76 and 260	3.
Least case			No effect below primary standard	No effect below primary standard	10–20.
Best judgment			No proven effect below primary standard	No proven effect below primary standard	10.
Aggravation of chronic lung disease symptoms in elderly patients with chronic lung disease:					
Worst case	20–40		No effect below primary standard	Between 76 and 260	3.
Least case			do	No effect below primary standard	8–18.
Best judgment			No proven effect below primary standard	No proven effect below primary standard	10.
Aggravation of cardiorespiratory symptoms in elderly patients with combined heart and lung disease:					
Worst case	20–40		180	46	6.
Least case			No effect below primary standard	No effect below primary standard	10.
Best judgment			No proven effect below primary standard	80–100	9–10.
Worst case	>40		16–20	24	6.
Least case			No effect below primary standard	No effect below primary standard	17.
Best judgement			No proven effect below primary standard	80–100	10.
Aggravation of asthma manifest by higher attack rates:					
Worst case	30–50		No effect below primary standard	Between 61 and 75	6.
Least case			do	No effect below primary standard	No effect.
Best judgment			No proven effect below primary standard	107	9–10.
Worst case	>50		23	Between 61 and 75	0–1.
Least case			No effect below primary standard	No effect below primary standard	8.
Best judgment			180–250 [2]	71	6–7.

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[1] Significant harm levels also consider the probable interaction between sulfur dioxide and suspended particulates by setting as a 24-hour significant harm level the following value: Concentration of sulfur dioxide (μg/m³) × concentration of total suspended particulates (μg/m³) × a constant (490 × 10³).

[2] This judgment estimate based on the presently reported studies and on the CHESS study of asthma in New Cumberland, Ohio, which was previously reported.

TABLE 2.—SUMMARY OF CHESS STUDIES RELATING LONG-TERM POLLUTANT EXPOSURES INVOLVING SULFUR DIOXIDE, TOTAL SUSPENDED PARTICULATES AND SUSPENDED SULFATE TO ADVERSE EFFECTS ON HUMAN HEALTH

Adverse effect on human health and type of estimate	Duration of exposure (years)	Annual average levels linked to adverse health effects ($\mu g/m^3$)		
		Sulfur dioxide (80)[1]	Total suspended particulates (75)[1]	Suspended sulfates (no standard)
Subtle decreases in childhood ventilatory function:				
Worst case	1	63	61	9
Least case	9	425	200	28
Best judgment	8-9	230	110	11
Increases in acute lower respiratory tract infections in asthmatics:				
Worst case	[2] NA	32	100	8
Least case	NA	186	([3])	20
Best judgment	NA	91	100	8
Increases in family illness during influenza epidemic:				
Worst case	1	106	126	14
Least case	NA	250	151	18
Best judgment	3	106	151	14
Increase in frequency or severity of acute lower respiratory illness in otherwise healthy families:				
Worst case	1	50	43	9
Least case	3	321	117	23
Best judgment	3	91	100	9
Increase in prevalence of chronic bronchitis in smokers:				
Worst case	3	95	43	9
Least case	10	395	177	20
Best judgment	6	95	100	14
Increase in prevalence of chronic bronchitis in lifetime nonsmokers:				
Worst case	3	95	43	9
Least case	12	395	177	20
Best judgment	4	95	100	14

[1] National primary ambient air quality standard in parentheses. The particulate standard is a geometric mean and the equivalent arithmetic mean would be about 85 $\mu g/m^3$.

[2] Could not be ascertained from limited sample size.

[3] No effect in study areas.

PHOTOCHEMICAL OXIDANTS

The national primary standard for photochemical oxidants is 160 $\mu g/m^3$ (0.08 ppm) maximum one hour concentration not to be exceeded more than once per year (Reference 1).

I. Evidence upon which standard was based:

1. At short-term photochemical oxidant concentrations in excess of 139 $\mu g/m^3$ (0.07 ppm) for one hour, performance of student athletes was impaired (Reference 2).

2. At short-term ozone concentrations of 160 $\mu g/m^3$ (0.08 ppm) for 3 hours, experimental animals (mice) exhibited increased susceptibility to laboratory induced bacterial infections. A firm dose-response relationship was established for this effect (References 3–4).

3. At short-term peak oxidant concentrations of 196 $\mu g/m^3$ (0.10 ppm) and above, humans begin to experience eye irritation. (Reference 5).

4. At short-term ozone concentrations of 392 $\mu g/m^3$ (0.20 ppm) for one-half to one hour, experimental animals had increased sphering of red blood cells (Reference 6). After 6 hours of exposure to 392 $\mu g/m^3$ (0.20 ppm), running activity of experimental mice was decreased (Reference 7).

5. At short-term maximum peak daily oxidant concentrations of 490 $\mu g/m^3$ (0.25 ppm) subjects with asthma begin to experience significantly more attacks. These maximum daily peak values may occur with a maximum hourly average concentration as low as 300 $\mu g/m^3$ (0.15 ppm) (Reference 7).

6. At long-term ozone concentrations of 392 $\mu g/m^3$ (0.20 ppm) for 5 hours daily for 3 weeks structural changes in cell membranes and in the nuclei of heart muscle fibers were produced in mice. These changes reverted to normal one month after exposure (Reference 8).

II. New evidence:

1. At short-term ozone concentrations of 196 $\mu g/m^3$ (0.10 ppm) for 2½ hours, the stability of those cells which protect the deep lung against infection (alveolar macrophages) was reduced in experimental animals (rabbits) (Reference 10).

2. At long-term ozone concentrations of 196 $\mu g/m^3$ (0.10 ppm) for 6 hours per day for 268 exposures, experimental animals exhibited chronic bronchitis and emphysema and a decrease of normal lipid tissue in the adrenal gland (Reference 9).

3. At short-term ozone concentrations of 392 $\mu g/m^3$ (0.20 ppm) for 5 hours, experimental hamsters exhibited mutagenic changes (chromosome breaks in circulating white blood cells) (Reference 11).

III. Recommendation concerning existing standard:

The studies demonstrate that photochemical oxidants, ozone in particular, are primary irritants causing aggravation of asthma and impairment of performance. They alter the body's defenses against infection, cause various structural changes, and can produce mutagenic effects in animals even at ambient concentrations.

In the light of old and new evidence to date, the present primary national air quality standard for photochemical oxidants of 160 $\mu g/m^3$ (0.08 ppm) maximum concentration for one hour is reasonable. The evidence does not warrant a different standard.

IV. Improving the basis for air quality standards:

Air quality standards should be based on complete and reliable dose-response relationships. The great majority of quantitative health intelligence to date has been obtained from animal models. Naturally, direct extrapolation of this research to humans is questionable. Until comprehensive data about acute and chronic human exposures are gathered, the margins of safety will necessarily remain obscure.

Exposures of other vulnerable populations such as infants, pregnant women and persons with heart and lung disease have not been investigated. These groups may well require more stringent air pollution controls than healthy young adults.

Finally, photochemical oxidants occur with other atmospheric pollutants. Nearly all epidemiologic findings to date could possibly reflect interactions between oxidants and other environmental factors like ionizing radiation, sulfur oxides, or nitrogen oxides. These interactions remain to be discovered in the laboratory and in the field. Because interactions have not been characterized either in laboratory or epidemiologic studies, existing evidence can be applied to community exposures only with reservations. Considerable human dose-response data, both under controlled laboratory conditions and in natural community settings, are urgently needed to establish protective air quality standards for photochemical oxidants with adequate but not excessive margins of safety.

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NITROGEN OXIDES

The national primary standard for nitrogen dioxide is 100 $\mu g/m^3$ (0.05 ppm) annual arithmetic mean (Reference 1).

I. Evidence upon which standard was based:

1. In the Chattanooga School Children studies, long-term exposure to ambient NO_2 concentrations between 117 and 205 $\mu g/m^3$ (0.062 and 0.109 ppm) accompanied by suspended nitrate concentrations between 3.8

and 7.2 $\mu g/m^3$ for 6 months and longer was associated with the following effects: (1) an 18.8% excess in acute respiratory illness in families; (2) significantly decreased lung function ($FEV_{0.75}$) in elementary school females; and (3) significantly increased bronchitis morbidity in elementary school children exposed for two and three years (Reference 2–4).

2. At long-term NO_2 concentrations of 470 $\mu g/m^3$ (0.25 ppm) for 4 hours daily for 6 days, changes in the structure of lung tissue (collagen and elastin) were measured in rabbits, when compared with unexposed controls (Reference 5).

3. Long-term exposure to NO_2 for 6 hours daily for 3 months at a concentration of 940 $\mu g/m^3$ (0.5 ppm) produced a significant increase in respiratory infections in mice. This enhancement in mortality was accompanied by a general impairment in pulmonary defenses (clearance, bacteriocidal activity, and phagocytosis) (Reference 6).

4. Long-term NO_2 concentrations of 940 $\mu g/m^3$ (0.05 ppm) for 12 months in mice resulted in structural changes (increase in alveolar size) which resembled lesions found in human emphysema (Reference 7).

5. Rats exposed to a single test to 940 $\mu g/m^3$ (0.5 ppm) for 4 hours had a loss of cellular elements (mast cells and cytoplasmic granules) in lung tissue with a release of protolytic enzymes. These changes may be a factor in the development of emphysema (Reference 8).

Discussion

The existing primary NO_2 standard of 100 $\mu g/m^3$ (0.05 ppm) was based on the Chattanooga School Children studies. Methods used in these studies (Jacobs-Hochheiser technique) to monitor exposure do not provide accurate measurements of NO_2 concentrations. However, NO_2 measurements taken independently by the U.S. Army (continuous Saltzman technique) at the same time and at sites adjacent to the location of monitors used for the health studies confirm the NO_2 levels reported in the Chattanooga School Children study (Reference 9). Additional pollutants emitted by the point source of exposure in Chattanooga have now been identified (Reference 10). Among these pollutants are substantial quantities of nitric acid mist, sulfuric acid mist and suspended nitrates and sulfates. Vegetation injury attributable to acid mist occurred within two miles of the point source (Reference 11). Although no direct measurements of acid mist were taken, measured pollutants other than gaseous NO_2 were closely correlated with observed health effects. These relationships are shown in the following table:

Study area	Average concentrations (ug/m³)			Respiratory illness rate[1]
	NO_2	Nitrates	Sulfates	
High No:				
School 1	203	7.2	13.2	17.7
School 2	145	6.3	11.4	17.5
School 3	115	3.8	10.0	16.3
Control 1	117	2.6	9.8	13.9
Control 2	80	1.6	10.0	15.0

[1] Average biweekly illness rate per 100 persons (all family members) (reference 3).

To the extent that nitric acid and sulfuric acid mist are reflected in suspended nitrate and sulfate measurements respectively, excess respiratory illness rates could be accounted for by acid mist exposures. Furthermore, recent EPA CHESS studies have identified adverse respiratory effects attributable to suspended sulfate concentrations exceeding 10 ug/m^3.

Therefore, health effects observed in the Chattanooga School Children studies could have been produced by NO_2 alone, acid mist alone, nitrates alone, sulfates alone or combinations of these compounds. In view of these uncertainties, the results of the Chattanooga studies do not provide the health intelligence required by EPA to determine what NO_2 level represents the lowest threshold for adverse health effects. Animal studies demonstrate adverse effects, similar to those observed in the Chattanooga studies, at long-term NO_2 levels of 940 ug/m^3 (0.5 ppm). Since animal exposure levels cannot be directly extrapolated to humans, these data do not provide the necessary health intelligence concerning adequate margins of safety for an air quality standard. At the same time, our re-evaluation of the evidence does not suggest that an alternate standard is now indicated.

II. New evidence:

1. In the same Chattanooga areas, as above, exposed to a point source of nitrogen oxides and sulfur oxides, long-term exposure to 94 ug/m^3 (0.05 ppm) for 1 year at concurrent levels and to 117 to 250 ug/m^3 (0.062 to 0.109 ppm) during the previous 2 years was associated with slight but statistically significant reduction of lung function ($FEV_{1.0}$) in adults aged 30–55 years (Reference 12).

2. At long-term NO_2 exposure for 6 months to 564 to 940 ug/m^3 (0.3–0.5 ppm), mice had alterations in lung chemistry (reduced glutathione level). This change was accompanied by similar decrease in liver chemistries (Reference 13).

3. At long-term NO_2 exposures of 40 days at concentration of 940 $\mu g/m^3$ (0.5 ppm), rats exhibited an increased hematocrit and total blood specific gravity (Reference 14).

4. Structural changes were seen in the lungs of mice exposed to 940 $\mu g/m^3$ (0.5 ppm) for 30 days (edematous swelling, hyperplastic foci, proliferation of Clara cells, and damage to cilia) (Reference 15).

5. Preliminary findings indicate that users of gas stoves experience excess acute respiratory illness. Use of gas stoves for cooking results in repeated daily exposures for one and more hours to 940 $\mu g/m^3$ (0.5 ppm) NO_2 accompanied by NO concentrations of 1230 $\mu g/m^3$ (1.0 ppm) (Reference 16).

III. Recommendation concerning existing standard:

Current knowledge concerning the biological consequences, of NO_2 exposure alone demonstrates consistent adverse effects in animals and humans[2] at concentrations of 940 $\mu g/m^3$ (0.5 ppm). The evidence suggests that at lower concentrations, nitrogen dioxide may cause adverse health effects, but these effects may be a result of exposure to other pollutants alone or in combination with NO_2.

Based on these qualifications and existing health intelligence, the margin of safety provided by the primary NO_2 standard of 100 $\mu g/m^3$ (0.05 ppm) is adequate when pollutant mixes similar to those of Chattanooga occur. When isolated exposure to NO_2 alone exists, the standard may represent a generous margin of safety, comparable to safety margins for radiation and other environmental hazards. Existing data reveal that the standard for isolated exposure to NO_2 should be under 940 $\mu g/m^3$ (0.5 ppm) annual average, but the lower threshold for health impairment has yet to be determined. Present evidence does not compel us to suggest a change in the existing standard. At the same time, additional health intelligence is required to determine the most appropriate margin of safety and to define the role of other compounds in producing the adverse health effects attributed to NO_2.

IV. Improving the basis for air quality standards:

The biological consequences of short and long-term animal and human exposures to nitrogen dioxide, suspended nitrates and sulfates, nitric acid mist and combinations of these compounds with other common pollutants must be delineated. The following health effects of nitrogen oxides should be investigated: (1) impaired resistance to infection; (2) impairment of lung function; (3) increased frequency of chronic bronchitis and emphysema; and (4) structural and biochemical changes associated with blood cells and lipid membranes. These effects have already been observed in animal or human studies, but dose-response information required for adequate margins of safety has not been obtained. A substantial effort in this direction is clearly mandated.

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CARBON MONOXIDE

The national primary and secondary ambient air quality standard for carbon monoxide was established at 10 mg/m^3 (9 ppm) for a maximum eight-hour average and 40 mg/m^3 (35 ppm) for a maximum one-hour average, not to be exceeded more than once per year (Reference 1).

I. Evidence upon which standard was based:

A. Background

The most important toxic property of carbon monoxide is its reversible reaction with hemoglobin to form carboxyhemoglobin. Carboxyhemoglobin level is determined by a large number of physiologic and environmental variables, the most important of which are 1) concentration of carbon monoxide in the air, 2) duration of exposure, and 3) level of ventilation, which is related to the level of physical and metabolic activity. Approximate carboxyhemoglobin levels to be expected for varying levels of activity after exposure to those levels of carbon monoxide defined in the standards are:

	Resting	Moderate activity	Heavy work
10 mg/m^3 for 8 hrs	1.3	1.4	1.4
40 mg/m^3 for 1 hr	1.3	2.2	2.9

It is seen that the effect of exercise on resultant carboxyhemoglobin levels is not appreciable for longer, low level exposure conditions, but is quite significant for short-term, higher level exposures.

B. Central nervous system effects

1. Beard and Wertheim (Reference 2) found that university students exposed to a carbon monoxide concentration of 58 mg/m^3 (50 ppm) for only 90 minutes experienced a decrement in their ability to discriminate between time intervals presented to them in the form of an auditory signal. Though direct blood carboxyhemoglobin measurements were unfortunately not available, such levels can be estimated at about 2 per cent from the concentration and duration of exposure and the sedentary activity.

2. Ray and Rockwell (Reference 3) found that young male automobile drivers required increased time to respond to brakelight signals and to adjust to changes in speed during car-following tests when tested at the 10 per cent carboxyhemoglobin level compared with the background exposure level.

3. In a study involving both carbon monoxide and altitude, McFarland and others (Reference 4) showed that visual threshold was increased at carboxyhemoglobin levels as low as 5 per cent. The magnitude of this increase was the same as that experienced at a simulated altitude of 8,000 feet.

4. Schulte (Reference 5) found that healthy male subjects experienced impairment in performance of some psychomotor tests at a 5 per cent carboxyhemoglobin level. Blood measurements were not accurate enough to ascertain effects at lower carboxyhemoglobin levels.

5. Stewart and others (Reference 6) investigated the effects of carbon monoxide on several aspects of human task performance, including time interval discrimination among healthy male subjects, and found virtually no decrement in performance, even at relatively high carboxyhemoglobin levels.

6. Mikulka and colleagues (Reference 7) also investigated carbon monoxide effects on human performance tasks similar to those examined by Beard and Stewart and found no consistent decrement in performance.

C. Cardiovascular system effects

1. Ayres and associates (References 8, 9) found that carboxyhemoglobin levels as low as 5 per cent were associated with some decreases in the ability of the heart, as measured by abnormal left ventricular function and decreased venous oxygen tension.

II. New evidence:

A. Horvath et al. (Reference 10) have seen diminished performance during a test of visual vigilance at carboxyhemoglobin levels of approximately 6 per cent.

B. Aronow and his group (Reference 11) have reported striking changes in electrocardiograms and exercise tolerance of men who have heart disease after they were exposed to 90 minutes of Los Angeles freeway traffic during the morning rush hour. The carboxyhemoglobin levels of these men rose to approximately 5 per cent at the end of this exposure.

C. EPA researchers (Reference 12) have obtained similar results in carefully controlled laboratory exposures of men with heart disease to carbon monoxide. These men had significantly decreased exercise tolerance, as well as electrocardiogram changes, at carboxyhemoglobin levels of 3%. This EPA research is still in progress, but the initial findings have been presented at scientific meetings and will be published soon.

III. Recommendation concerning existing standard:

Research on the effects of carbon monoxide on human behavior and task performance has still not provided a reassuring degree of uniform opinion on this topic. Differences in the method for testing time estimation and differences in conditions under which the test was administered are possible reasons for the apparently contradictory results of these studies. A greater degree of consistency is evident in the results of work on the cardiovascular effects of carbon monoxide exposure.

Although the scientific basis for the present carbon monoxide air quality standard is far from complete, the most recent research results show that a large number of susceptible individuals in our population suffer impairment of their health at carboxyhemoglobin levels as low as 3%. If 3% carboxyhemoglobin is defined as the lowest level at which serious human health effects have been reliably observed, the 2% level cited in the Federal Register affords a relatively small safety margin for these individuals. The standard of 10 mg/m^3 for 8 hours actually gives about a two-fold safety margin at sea level. The standard of 40 mg/m^3 for one hour gives less than a 50% safety margin with moderate activity. In view of these relatively small margins between present standards and observed health effects, it does not seem that existing standards are unduly restrictive and it does not seem prudent that they should be raised. Although the margins are relatively small, the carboxyhemoglobin levels that will result from adherenec to the standard is sufficiently close to background that no lowering of the standard is recommended either.

IV. Improving the basis for air quality standards:

It is evident that research results from EPA laboratories, as well as others, only now becoming available have given a somewhat better estimate of the health consequences of low-level carbon monoxide exposure but that many questions still remain unanswered. The effects of ambient carbon monoxide on normal as well as cardiac disease remain largely unexplored. The lack of agreement on behavioral effects must eventually be resolved. Finally, the effects of chronic exposure—such as city dwellers receive year after year—have been superficially investigated only to the extent that gives rise to real concern. Astrup and his colleagues have found striking changes in the structure of arterial walls and development of arteriosclerosis after only a few weeks exposure (References 13, 14). Since altitude as well as carbon monoxide can cause oxygen deprivation, better quantitation of the altitude effect is needed particularly to clarify the added risk of carbon monoxide exposure to high altitude urban populations. These additional studies suggested here should be carried out and most of the other investigations cited here should be carried out and most of the other investigations cited here must be extended and corroborated by others before one can consider the standards to be based on indisputable scientific evidence.

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EFFECT OF FREEWAY TRAVEL ON ANGINA PECTORIS

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(Ten patients with angina had cardiopulmonary tests done in the control state, after being driven for 90 minutes during heavy morning freeway traffic, and 2 hours after return. The cardiac tests were repeated on a subsequent morning, with the patients breathing compressed, purified air during freeway travel. The expired-air carbon monoxide and arterial carboxyhemoglobin levels significantly increased after breathing freeway air. There was a significant decrease in exercise performance until angina, in systolic blood pressure at angina, in heart rate at angina, in systolic blood pressure times heart rate at angina, and in the FEV_1/FVC (forced expiratory volume in the second/forced vital capacity) after breathing freeway air. Ischemic ST-segment depression occurred in 3 of 10 patients while breathing freeway air. No significant change from control values occurred in the above variables after breathing compressed, purified air. Exposure to heavy freeway traffic increased carboxyhemoglobin levels, causing angina to develop sooner after less cardiac work.)

Smoking cigarettes causes a significant increase in carboxyhemoglobin levels in normal subjects and in patients with angina pectoris caused by coronary heart disease (1–3). The increased carboxyhemoglobin levels caused by smoking nonnicotine cigarettes decreases the rate of oxygen delivery to the myocardium, with angina pectoris developing sooner, after less cardiac work (3). In Los Angeles, an association between atmospheric carbon monoxide pollution and case fatality rates for myocardial infarction has also been observed (4). Carbon monoxide exposure has also been implicated in the pathogenesis of atherosclerosis (5).

A major source of carbon monoxide in urban atmosphere is automobile exhaust. Twenty million pounds of carbon monoxide per day were estimated to have been emitted by motor vehicles in Los Angeles during 1967 (4). Ambient carbon monoxide concentrations increase in the winter because the average inversion level occurs at lower altitudes (4). Therefore this study was performed during the winter, to determine the effects of breathing ambient air, while subjects were being driven in heavy freeway traffic, on the carboxyhemoglobin levels and cardiopulmonary function of patients with normal pulmonary function (6) and with angina pectoris caused by documented coronary artery disease.

SUBJECTS AND METHODS

Ten men, between the ages of 40 and 56 years (mean age, 48 years), with classical exertional angina pectoris were studied. Six men had coronary artery disease documented by previous coronary angiography, with 50% or greater narrowing of the lumen of at least one major vessel. The other four patients had a previously documented transmural myocardial infarction, at least 1 year old. Seven patients were not smokers. Patients 1, 2, and 8 were instructed not to smoke for at least 8 hours before the performance of the study or during the study. Informed consent was obtained from the 10 men who participated in this study.

The patients were brought to the laboratory and familiarized with the equipment and the procedures before the study was done. The patients practiced exercising upright on a Collins bicycle ergometer and practiced having measurements made of their forced vital capacity (FVC) and of their 1-second forced expiratory volume (FEV_1). All patients were hospitalized overnight before each of the two study mornings.

On the first study morning, after 20-sec breath holding (7, 8), an expired-air sample was collected in a rubber-breathing bag and analyzed for carbon monoxide content, using a Beckman IR–215 nondispersive, infrared, carbon monoxide analyzer[1] (7, 8). Then blood was drawn from a brachial artery and analyzed for carboxyhemoglobin and hemoglobin levels with a 182 Co-Oximeter[2] and for arterial Po_2, Pco_2, and pH with a Beckman 160 physiological gas analyzer. All determinations were made in duplicate. Duplicate measurements of the FVC and FEV_1 were next obtained on each subject, with a Collins Respirometer-13 Liter.[3] After this the resting blood pressure was measured with a mercury sphygmomanometer and the resting heart rate with an electrocardiograph, while the patient sat upright on the Collins bicycle ergometer.

Each patient then exercised upright on the constant-load bicycle ergometer, with a progressive work load (9) until the onset of angina, and the duration of exercise was recorded. Blood pressure and heart rate at the onset of angina pectoris were recorded. Electrocardiograms with a modified lead V_5, were made at rest and at the onset of angina. A Holter electrocardiocorder,[4] model 350 G, was then attached to the subject. After this, the patient was then driven in a station wagon with windows open during early-morning, heavy Los Angeles County freeway traffic for 90 minutes. The subjects were dressed warmly to avoid chilling. Periodic blood pressure and heart rate measurements were made by a physician who accompanied the patients during the trip. Immediately after return from the freeway and 2 hours later, the above protocol was repeated.

Approximately 3 weeks later the study was repeated for each patient, with two modifications. Spirometric tests were omitted. During their 90-minutes freeway trip, the patients breathed compressed air from a tank through a mask, using a Bird Mark 8 Respirator[5] with pressure settings and flow rates reduced and a built-in expiratory leak, so that significant positive pressure was not applied. The arterial blood gas determinations from these studies do not indicate hyperventilation effects or changes in PO_2, which would suggest improvement in distribution of ventilation. The time of day and freeway routes were identical for each patient during the two study mornings.

Ambient air measurements for carbon monoxide were made in the laboratory during each control period of this study. On four mornings, while the subjects were breathing compressed, purified air, the ambient air in the moving car during heavy traffic was collected twice, in a sample bag fabricated from Aluminized Scotchpack, and brought back for analysis for carbon monoxide. The study was done during January through March, 1972, in the south coastal area of Los Angeles County. An analysis of variance tests was done to analyze the data (10).

RESULTS

Table 1 shows the expired-air carbon monoxide and arterial carboxyhemoglobin levels for each patient in the control period, after breathing freeway air for 90 minutes, and 2 hours after return from the trip. There was a significant increase in the mean expired-air carbon monoxide level, from the control period to immediately after breathing freeway air (mean difference, 16.2 ppm; critical difference, 3.7 ppm; $P<0.001$). There was also a significant increase in the mean expired-air carbon monoxide level from the control period to 2 hours after breathing freeway air (mean difference, 8.3 ppm; critical difference, 3.7 ppm; $P<0.001$).

There was a significant decrease in the mean expired-air carbon monoxide level immediately after breathing freeway air to 2 hours later (mean difference, 7.9 ppm; critical difference, 3.7 ppm; $P<0.001$). A significant increase was found in the mean arterial carboxyhemoglobin level from the control period to immediately after breathing freeway air (mean difference, 4.96%; critical difference, 1.03%; $P<0.001$). A significant increase was also found in the mean arterial carboxyhemoglobin level, from the control period to 2 hours after breathing freeway air (mean difference, 1.79%; critical difference, 1.03%; $P<0.001$). The mean arterial carboxyhemoglobin level, from immediately after breathing freeway air to 2 hours later, was significantly decreased (mean difference, 2.17%; critical difference, 1.03%; $P<0.001$). All the hemoglobin values were within normal limits and showed no significant change.

Table 2 indicates the expired-air carbon monoxide and arterial carboxyhemoglobin levels for each patient in the control period, immediately after breathing compressed, purified air during a freeway trip for 90 minutes, and 2 hours after return from travel. There was no significant difference between the mean expired-air carbon monoxide levels in the control period, after breathing compressed, purified air during the freeway trip, and 2 hours later. Neither was there a significant difference between the mean arterial carboxyhemoglobin levels in the control period, after breathing compressed purified air during the freeway trip, and 2 hours later.

TABLE 1.—EXPIRED-AIR CARBON MONOXIDE AND ARTERIAL CARBOXYHEMOGLOBIN LEVELS BEFORE AND AFTER BREATHING FREEWAY AIR

	Expired-air carbon monoxide (ppm)			Arterial carboxyhemoglobin (percent)		
Patient	Control	After freeway	2 h after freeway	Control	After freeway	2 h after freeway
1	14.0	32.0	20.0	3.6	8.0	3.8
2	13.0	24.0	14.0	3.4	6.0	3.9
3	3.0	22.0	13.0	.4	4.8	2.7
4	3.0	16.0	11.0	.3	3.8	2.5
5	4.0	15.0	6.0	.6	3.8	.6
6	3.0	20.0	13.0	.4	5.0	2.6
7	3.0	21.0	13.0	.6	4.5	2.6
8	4.0	25.0	17.0	.8	5.8	3.8
9	2.0	18.0	12.0	.4	4.3	3.1
10	4.0	22.0	17.0	.7	4.8	3.5
Mean	5.3	21.5	13.6	1.12	5.08	2.91
1 SP	±4.1	±4.7	±3.6	±1.20	±1.19	±0.93

The ambient carbon monoxide in the laboratory ranged between 1 and 3 ppm in the the control periods. The mean, ambient carbon monoxide in the laboratory was 2±1 ppm for the control period before breathing freeway air and 2±1 ppm for the control period before breathing compressed, purified air. The ambient carbon monoxide in the moving car ranged between 42 and 63 ppm, with a mean of 53±6 ppm, on the four mornings it was sampled while the patients were breating freeway air during peak early-morning traffic. The ambient carbon monoxide in the moving car ranged between 37 and 61 ppm, with a mean of 47±8 ppm, on the five mornings it was sampled while the patients were breathing compressed, purified air during early-morning traffic.

Table 3 illustrates the exercise performance until the onset of angina for each patient in the control periods, after breathing freeway air for 90 minutes, after breathing compressed, purified air for 90 minutes during the freeway trip, and 2 hours after return from the freeway trips. The mean exercise performance, from the control period to after breathing freeway air, was significantly decreased (mean difference, 75.1; critical difference, 63.5; $P<0.001$). The mean exercise performance, from the control period to 2 hours after breathing freeway air, was significantly decreased (mean difference, 39.1; critical difference, 30.1; $P<0.05$). The mean exercise performance, from immediately after breathing freeway air to 2 hours later, was significantly increased (mean difference, 36.5; critical difference, 30.1; $P<005$)

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[1] Beckman Instruments, Inc.

[2] Instrumentation Laboratory, Inc., Lexington, Mass.

[3] Warren E. Collins, Inc., Braintree, Mass.

[4] Avionics Research Products, Los Angeles, Calif.

[5] Bird Corporation, Palm Springs, Calif.

TABLE 2.—EXPIRED-AIR CARBON MONOXIDE AND ARTERIAL CARBOXYHEMOGLOBIN LEVELS BEFORE AND AFTER BREATHING COMPRESSED, PURIFIED AIR DURING FREEWAY TRAFFIC

	Expired-air carbon monoxide (ppm)			Arterial carboxyhemoglobin (percent)		
Patient	Control	After freeway	2 h after freeway	Control	After free way	2 h after freeway
1	6.0	4.0	4.0	1.3	0.8	0.7
2	4.0	3.0	3.0	.9	.6	.7
3	3.0	2.0	3.0	.8	.5	.6
4	5.0	4.0	4.0	1.0	.8	.8
5	4.0	4.0	4.0	.8	.6	.6
6	4.0	4.0	5.0	.9	.8	.9
7	4.0	3.0	4.0	.8	.6	.9
8	2.0	3.0	4.0	.4	.4	.6
9	3.0	3.0	5.0	.7	.8	1.0
10	4.0	4.0	4.0	.7	.6	.7
Mean	3.9	3.4	4.0	.83	.65	.75
1 SD	±1.1	±.7	±.7	±.23	±.14	±.14

TABLE 3.—EXERCISE PERFORMANCE UNTIL ANGINA BEFORE AND AFTER BREATHING FREEWAY AIR AND COMPRESSED, PURIFIED AIR DURING FREEWAY TRAFFIC

	Breathing freeway air (sec)			Breathing compressed purified air (sec)		
Patient	Before freeway	After freeway	2 hours after freeway	Before freeway	After freeway	2 hours after freeway
1	285.0	179.0	269.0	263.0	253.0	248.0
2	262.0	203.0	258.0	290.0	285.0	293.0
3	193.0	59.0	134.0	153.0	181.0	174.0
4	166.0	70.0	111.0	146.0	174.0	167.0
5	372.0	326.0	378.0	393.0	381.0	370.0
6	169.0	127.0	149.0	181.0	176.0	170.0
7	406.0	314.0	369.0	404.0	422.0	419.0
8	279.0	212.0	205.0	252.0	240.0	243.0
9	184.0	135.0	119.0	185.0	196.0	217.0
10	178.0	118.0	116.0	184.0	191.0	181.0
Mean	249.4	174.3	210.8	245.1	249.9	248.2
1 SD	±82.4	±87.1	±97.8	±93.8	±88.4	±88.0

The mean resting systolic blood pressure was 115.8±8.6 mm Hg and 116.6±9.0 mm Hg in the control periods, 119.0±11.8 mm Hg after breathing freeway air for 90 minutes, 118.0±8.3 mm Hg after breathing compressed, purified air for 90 minutes, and 117.4 ±9.6 mm Hg and 119.0±8.3 mm Hg 2 hours after return from the freeway trips. These values were not significantly different.

The mean resting diastolic blood pressure was 79.4±5.7 mm Hg and 79.0±4.3 mm Hg in the control periods, 79.2±6.5 mm Hg after breathing freeway air for 90 minutes, 79.2 ±3.8 mm Hg after breathing compressed, purified air for 90 minutes, and 79.6±4.6 mm Hg and 78.0±3.6 mm Hg 2 hours after return from the freeway trips. These values were not significantly different.

The mean resting heart rate was 80.6±5.0 and 81.8±6.6 in the control periods, 78.4±5.2 after breathing freeway air for 90 minutes, 79.0±5.8 after breathing compressed, purified air for 90 minutes, 77.6±5.6 and 79.0±5.8 2 hours after return from the freeway trips. These values were not significantly different.

The mean product of resting systolic blood pressure times heart rate was 9345±997 and 9565±1325 in the control periods, 9341±1197 after breathing freeway air for 90 minutes, 9322±1013 after breathing compressed, purified air for 90 minutes, and 9130±1147 and 9422±1174 2 hours after return from the freeway trips. These values were not significantly different.

Table 4 indicates the systolic and diastolic blood pressure at the time of angina, the heart rate at the time of angina, and the product of systolic blood pressure times heart rate at the time of angina for each patient in the control period, after breathing freeway air for 90 minutes, and 2 hours after returning from the trip. The following significant differences were observed. There was a significant decrease in the mean systolic blood pressure at the time of angina from the control period to immediately after breathing freeway air (mean difference, 4.8; critical difference, 3.9; P less than 0.01). There was also a significant decrease in the mean heart rate at the time of angina from the control period to immediately after breathing freeway air (mean difference, 19.5; critical difference, 6.9 P less than 0.001); and to 2 hours after breathing freeway air (mean difference, 8.9; critical difference, 6.9; P less than 0.001). The mean heart rate at the time of angina, from immediately after breathing freeway air to 2 hours later, was significantly increased (mean difference, 10.6; critical difference, 6.9; P less than 0.001). The mean product of systolic blood pressure times heart rate at the time of angina, from the control period to after breathing freeway air, was significantly decreased (mean difference, 3122; critical difference, 1205; P less than 0.001). There was also significant decrease in the mean product of systolic blood pressure times heart rate at the time of angina, from the control period to 2 hours after breathing freeway air (mean difference, 1635; critical difference, 1205; P less than 0.001). A significant increase in the mean product of systolic blood pressure times heart rate at the time of angina, from after breathing freeway air to 2 hours later, was found (mean difference, 1687; critical difference, 1205; P less than 0.001).

Table 5 shows the systolic and diastolic blood pressure at the time of angina, the heart rate at the time of angina, and the product of systolic blood pressure times heart rate at the time of angina for each patient in the control period, after breathing compressed, purified air during a freeway trip for 90 minutes, and 2 hours after return from travel. No significant difference was found in the mean systolic and mean diastolic blood pressure at the time of angina, in the mean heart rate at the time of angina, and in the mean product of systolic blood pressure times heart rate at the time of angina in the control period, after breathing compressed, purified air during the freeway trip, and 2 hours later.

Table 6 shows the forced vital capacity (FVC), the forced expiratory volume in 1 second (FEV_1), and $FEV_1 \times 100/FVC$ for each patient in the control period, after breathing freeway air for 90 minutes, and 2 hours later. The following significant difference was found: a significant decrease in the mean $FEV_1 \times 100/FVC$, from 81.5% in the control period to 79.5% after breathing freeway air for 90 minutes (mean difference, 2.0; critical difference, 1.4; $P < 0.05$). This significant difference was due to a marked decrease in $FEV_1 \times 100/FVC$ in Patient 8, from 77 to 67%, from the control period and after breathing freeway air for 90 minutes. No other subject showed a significant change in pulmonary function after breathing freeway air.

The mean aterial Po_2 levels were 89.1 ± 4.2 mm Hg in the control period, 88.3 ± 5.4 mm Hg after breathing freeway air for 90 minutes, and 88.9 ± 3.9 mm Hg 2 hours after returning from the freeway trip; for the second trip the levels were 90.4± 3.0 mm Hg in the control period, 90.7 ± 2.3 mm Hg after breathing compressed, purified air for 90 minutes, and 90.8 ± 2.5 mm Hg 2 hours after return from the freeway trip. These values were not significantly different.

The mean arterial Pco_2 levels were 38.7 ± 0.6 and 38.9 ± 0.8 mm Hg in the control periods, 38.3 ± 1.3 mm Hg after breathing freeway air for 90 minutes, 39.2 ± 0.8 mm Hg after breathing compressed, purified air for 90 minutes, and 38.6 ± 0.9 and 38.8 ± 0.7 mm Hg 2 hours after return from the freeway trips. These values were not significantly different.

The mean arterial pH levels were 7.40± 0.01 in the control periods, after breathing freeway air for 90 minutes, after breathing compressed, purified air for 90 minutes, and 2 hours after return from the freeway trips.

While breathing freeway air, three (Patients 1, 8, and 10) of 10 patients (30%) developed ischemic ST-segment depression of at least 1 mm greater amplitude than in the control Holter electrocardiographic recordings. In other words, significant ST-segment depression occurred only during actual inhalation of freeway air. None of 10 patients developed ischemic ST-segment depression greater than that observed in the control Holter electrocardiographic recordings while breathing the compressed, purified air during the freeway trip. A fourth patient developed very frequent premature ventricular beats while breathing freeway air and again while breathing compressed air during the freeway trip.

Figure 1 illustrates the Holter electrocardiographic recording of Patient 1, with ischemic ST-segment depression while breathing freeway air.

No significant differences were observed in the electrocardiograms at rest and at the onset of angina in the control periods, on return to the laboratory immediately after breathing freeway air for 90 minutes, on return to the laboratory immediately after breathing compressed, purified air during a freeway trip, and 2 hours after return from the freeway trips.

DISCUSSION

Our data show that the mean expired-air carbon monoxide level and mean arterial carboxyhemoglobin level significantly increased after travel in Los Angeles County, heavy, early-morning freeway traffic during winter months. This increase in mean arterial carboxyhemoglobin level was less than that found after heavy cigarette smoking (1–3) but was, nevertheless, of sufficient magnitude to cause angina pectoris to develop sooner after less work in our patients.

TABLE 4.—BLOOD PRESSURE (BP), HEART RATE, AND PRODUCT OF SYSTOLIC BLOOD PRESSURE TIMES HEART RATE AT ANGINA BEFORE AND AFTER BREATHING FREEWAY AIR

	Blood pressure (mm Hg)			Heart rate			Systolic BP × heart rate		
Patient	Control	After freeway	2h after freeway	Control	After freeway	2h after freeway	Control	After freeway	2h after freeway
1	136/78	126/78	132/78	120.0	94.0	116.0	16,320	11,844	15,312
2	132/80	124/88	128/86	125.0	98.0	120.0	16,500	12,152	15,360
3	136/76	124/70	128/74	116.0	98.0	106.0	15,776	12,152	13,568
4	136/80	148/88	138/80	118.0	98.0	108.0	16,048	14,504	14,844
5	134/80	120/76	138/80	118.0	108.0	120.0	15,812	12,960	16,560
6	174/100	170/104	170/102	128.0	114.0	124.0	22,272	19,380	21,080
7	158/84	160/86	160/82	136.0	114.0	122.0	21,488	18,240	19,520
8	128/84	130/86	128/84	126.0	104.0	112.0	16,128	13,520	14,336
9	142/74	132/72	130/80	130.0	116.0	116.0	18,460	15,312	15,080
10	172/90	166/86	168/86	138.0	116.0	122.0	23,736	19,256	20,496
Mean	144.8 82.6	140.0 83.4	142.0 83.2	125.5	106.0	116.6	18,254	14,932	16,619
1 Sd	±16.0 ±7.2	±18.1 ±9.3	±16.2 ±7.1	±7.2	±8.2	±5.9	±2,916	±2,839	±2,580

TABLE 5.—BLOOD PRESSURE (BP), HEART RATE, AND PRODUCT OF SYSTOLIC BLOOD PRESSURE TIMES HEART RATE AT ANGINA BEFORE AND AFTER BREATHING COMPRESSED, PURIFIED AIR DURING FREEWAY TRAFFIC

Patient	Blood pressure (mm Hg)			Heart rate			Systolic BP × heart rate		
	Control	After freeway	2h after freeway	Control	After freeway	2h after freeway	Control	After freeway	2h after freeway
1	134/82	138/82	138/80	122	124.0	120.0	16,348	17,112	16,560
2	130/82	134/84	132/82	128	126.0	128.0	16,640	16,884	16,896
3	132/74	136/74	132/74	114	120.0	120.0	15,048	16,320	15,840
4	142/84	142/84	140/80	116	114.0	116.0	16,472	16,188	16,240
5	132/78	130/82	130/76	122	120.0	118.0	16,104	15,600	15,340
6	168/92	170/94	170/94	130	126.0	128.0	21,840	21,420	21,760
7	156/88	164/88	162/86	134	134.0	136.0	20,904	21,976	22,032
8	136/84	134/80	132/86	122	120.0	124.0	16,592	16,080	16,368
9	144/80	142/80	144/82	138	134.0	134.0	19,872	19,028	19,296
10	176/90	168/88	168/80	134	140.0	138.0	23,584	23,520	23,184
Mean	145.0	145.8	144.8	126	125.8	126.2	18,340	18,413	18,352
1 SD	83.4 ±16.2 ±5.4	83.6 ±15.3 ±5.4	82.0 ±15.8 ±5.6	±8	±8.0	±7.8	±2,942	±2,885	±2,953

Chevalier, Krumholz, and Ross (11) have reported that nonsmokers who inhaled carbon monoxide to raise their carboxyhemoglobin level to the range seen in a control group of smokers developed an increased oxygen debt with exercise. Ayres and his associates (12) have shown that acute elevation of carboxyhemoglobin levels causes an increase in coronary blood flow in patients with noncoronary heart disease but not in patients with coronary heart disease. Myocardial oxygen extraction and extraction ratios signicantly decreased in both groups of patients, but the myocardial lactate extraction ratio significantly changed to production only for the patients with coronary heart disease (12). Ayres and his co-workers (13) have also stated that carbon monoxide decreases myocradial oxygen tension by three mechanisms: (1) decreased oxygen extraction, (2) decreased capillary oxygen tension because of the leftward shift of the oxyhemoglobin dissociation curve, and (3) increased ventricular work oxygen demand owing to stimulation of the adrenergic system.

Since our patients with documented coronary artery disease could not adequately increase their coronary blood flow while exercising and since the elevated carboxyhemoglobin levels caused by freeway exposure made less oxygen deliverable to the myocardium, their myocardial oxygen demand exceeded their myocardial oxygen supply, inducing angina pectoris sooner after equivalent exercise. That the angina-inducing effect was related to carbon monoxide acquisition rather than to the stress of freeway travel is supported by the absence of this effect when compressed, purified air was supplied during the journey. It is also compatible with angina pectoris after equivalent exercise developing sooner after the acquisition of carbon monoxide from smoking nonnicotine cigarettes (3).

TABLE 6.—SOME PULMONARY FUNCTIONS BEFORE AND AFTER BREATHING FREEWAY AIR

Patient	Forced vital capacity (FVC) (ml)			Forced expiratory volume in 1 second (FEV_1) (ml)			$\frac{FEV_1}{FVC}$ × 100 (percent)		
	Control	After freeway	2 hours after freeway	Control	After freeway	2 hours after freeway	Control	After freeway	2 hours after freeway
1	4,120	4,240	4,180	3,300	3,400	3,260	80.0	80.0	78.0
2	3,790	3,700	3,860	2,980	2,940	3,120	79.0	79.0	80.0
3	3,900	4,060	4,180	3,240	3,350	3,510	83.0	83.0	84.0
4	4,660	4,430	5,040	3,915	3,610	4,135	84.0	81.0	82.0
5	4,180	4,340	4,040	3,470	3,570	3,275	83.0	82.0	81.0
6	4,520	4,290	4,360	3,670	3,540	3,605	85.0	83.0	83.0
7	3,720	3,680	3,760	3,020	2,980	3,100	81.0	81.0	82.0
8	3,880	4,085	4,190	2,990	2,755	3,175	77.0	67.0	76.0
9	3,830	3,990	4,065	3,110	3,070	3,175	81.0	77.0	78.0
10	3,975	3,805	3,915	3,260	3,110	3,250	82.0	82.0	83.0
Mean	4,058	4,062	4,159	3,296	3,233	3,361	81.5	79.5	80.7
1 SD	±299	±254	±339	±294	±285	±301	±2.3	±4.5	±2.5

Sarnoff and his associates (14) have shown that the primary hemodynamic determinant of myocardial oxygen consumption is the total tension developed by the myocardium (heart rate times the area under the systolic study shows that the product of systolic blood portion of the aortic pressure curve). Our pressure times heart rate at the time of exercise-induced angina was significantly less after breathing freeway air for 90 minutes than in the control period or after breathing compressed air during a freeway trip. This result strongly suggests that less myocardial work can be done before the onset of exercise-induced angina in patients with elevated carboxyhemoglobin levels because less oxygen is available to the myocardium.

This study was not double-blind, and some unconscious bias may have been introduced by the awareness of the exposure of the investigators and the subjects. But the consistent decrease in exercise performance until the onset of angina in every patient after breathing freeway air and the consistent decrease in product of systolic blood pressure times heart rate at the onset of angina in every patient after exposure to freeway air, associated with a consistent rise in expired-air carbon monoxide and carboxyhemoglobin levels in every patient after breathing freeway air, suggests that unconscious bias did not significantly affect our results.

Only one of our 10 patients (10%) had a significant decrease in the FEV×100/FVC, from 77% in the control period to 67% after being exposed to freeway air for 90 minutes. This patient complained during his freeway trip that the atmosphere that morning was "very smoggy." The airway obstruction he developed was accompanied by a drop in his arterial Po_2 from 92 mm in the control period to 85 mm immediately after his return from freeway travel, which suggests, in the absence of underventilation, a coincident disturbance of ventilation perfusion relationships. Several of the chemical agents known to pollute the Los Angeles County atmosphere—Nonoxidants, SO_2, and some particulates—may have produced the ventilatory abnormalities in this patient. No assessment was made of the possible contribution of these pollutants to the effects on cardiac function observed in our study patients.

The observation that 3 of our 10 patients (30%) developed ischemic ST-segment depression during heavy freeway traffic while breathing freeway air whereas none of our 10 patients developed ischemia ST-segment abnormalities during heavy freeway traffic while breathing compressed, purified air was a disturbing finding. The increased carboxyhemoglobin levels, plus exposure to other pollutants and the stress of being driven during heavy freeway traffic may have precipitated the electrocardiographic abnormalities.

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Of Cars . . . Carbon Monoxide . . . and Human Health

BACKGROUND MEMORANDUM, JUNE 1972

"The new technological man carries strontium-90 in his bones, iodine-131 in his thyroid, DDT in his fat, and asbestos in his lungs."

That was the graphic picture drawn by Dr. Barry Commoner of Washington University in testifying several years ago before a Senate subcommittee holding hearings on the multiple threats to the environment.

It was a vivid enough but, of course, not a complete picture, nor was it meant to be.

Increasingly, in recent years, the public has become concerned over an almost-fantastic morass of environmental pollution problems: the poisoning of lakes, contamination of rivers, mounting accumulations of solid waste, threats from unsafe foods, and, most recently, even electronic pollution as electric gadgets in homes and factories emit stray signals that jam air-to-ground communication at airports.

Not the least of all pollutions is that of the air. It may, in fact, deserve to rank at or very near the top in importance. It is a problem in all large American cities; it is a problem in more and more small towns. Each year over 200 million tons of manmade waste products are released into the air over the U.S.

It is no new knowledge that at levels common in urban areas, air pollution contributes to the incidence of such chronic diseases as emphysema, bronchitis and asthma, which has increased dramatically in recent decades.

But it now appears that air pollution may threaten health in many other ways:

That it may contribute significantly to coronary heart disease and heart attacks;

That it may have undesirable effects on unborn babies;

That it may affect the nervous system and impair mental performance in young and old;

That it may, througn impairing the performance of drivers, contribute to highway fatalities.

Increased understanding of these and other diverse effects of air pollution has been emerging from studies of the subtle effects of one ingredient in such pollution: carbon monoxide. CO has ranked, in terms of sheer weight, as the biggest of air pollutants. Its importance now is growing on the basis of findings about what low-level, long-term exposure to it may provoke.

And if, as the scientific literature increasingly indicates, such exposure can help explain some of our most important health problems, there is a bright side: the availability of the technology to make a deep dent in the CO pall.

CLEOPATRA'S NEEDLE AND OXYGEN BUMPING

On a knoll in Central Park stands a 224-ton granite obelisk called Cleopatra's Needle, carved in 1600 B.C., a gift to New York City by the government of Egypt. Originally, the obelisk had hieroglyphic characters cut into all four of its sides; they were visible when the Needle arrived in New York 90 years ago. Now the markings have been obliterated from—and, in fact several inches of granite have been chewed off—the south and west sides which face prevailing winds and air pollution concentrations. In less than a century in New York more damage has been done to Cleopatra's Needle than in 3½ millenia in Egypt.

It has occurred to some to point out that if polluted air can eat away rock, it can hurt people.

There is much in polluted air that can be injurious: sulphur dioxide which in sufficient quantities can cause men's eyes to sting and women's stockings to disintegrate; nitrogen oxides which help cause smog; particulates, known to laymen as dust, which generally are more nuisance than health menace because for the most part they are too large to get into lung tissues (but some smaller particles, including asbestos fibers have been linked to lung disease and cancer).

But it is carbon monoxide which is the most abundant air pollutant.

Of the more than 200 million tons of toxic materials annually released into U.S. air, 100 million tons are CO—almost as much as the rest, the 33.2 million tons of sulfur oxides, 20.6 million of nitrogen oxides, 32 million of hydrocarbons, and 28.3 million of particulates, combined.

Many sources—factories, power plants, municipal dumps, private incinerators—contribute, but 60% of total pollutants come from internal combustion engines. And, according to the Public Health Service, the 100 million motor vehicles in the country produce two-thirds of the tonnage of carbon monoxide.

CO is dangerous because it hampers delivery of oxygen to body tissues.

The gas combines with hemoglobin in blood, forming carboxyhemoglobin (COHb). Hemoglobin ordinarily carries oxygen from the lungs; COHb cannot. Because hemoglobin's affinity for CO is 210 times greater than for oxygen, a small quantity of CO can inactivate a substantial percentage of oxygen-carrying capacity.

When a normal person breathes air completely devoid of CO, he still has about 0.4% COHb in his blood. This is a background level resulting from the body's own production of small amounts of CO.

When air contains CO, additional COHb is formed in the blood. With a concentration of 30 parts per million (ppm) of CO in air, 5% more COHb will be formed, inactivating that percentage of total hemoglobin. A 60 ppm CO concentration will inactivate 10% of the hemoglobin. If an individual is a smoker, another 5% of his hemoglobin will be inactivated by the CO in cigarette smoke.

CO is taken up rapidly but given off slowly. After exposure to it is ended and pure air breathed again, only 15% of the CO combined with hemoglobin is eliminated in exhaled air per hour. It takes 3 to 4 hours to eliminate one-half of whatever amount of CO may be in the blood.

CO is insidious. It has no warning characteristic, no odor or color.

At increasing concentrations, it does begin to produce warning signs and symptoms of injury, usually in this sequence: headache, dizziness, lassitude, flickering before the eyes, ringing in the ears, nausea, vomiting, palpitations, pressure on the chest, difficulty in breathing, apathy, muscular weakness, collapse, unconsciousness, and death.

Actually, decades ago, when people were exposed to CO from coal-burning heating devices and leaky illuminating-gas fixtures, studies of CO effects showed that a healthy person might survive acute exposure, even of several days, to moderately high levels of the gas producing 20 to 40% of COHb in the blood.

Today the concern is not so much over acute exposure to high levels. It is over the harmful effects of long exposure to low-level CO concentrations in a range that would produce even less than 10% COHb, concentrations increasingly common in the air Americans breathe.

BEHAVIORAL CONSEQUENCES

As far back as World War II, some investigators had found some indications that vision might be affected when COHb concentration reached about 5%.

Much more recently, Drs. Rodney R. Beard and George A. Wertheim of Stanford University School of Medicine, aware of how little was know about the effects of low level CO exposure, undertook intensive studies looking for any subtle behavioral changes. They started with rats, then went on to humans.

Rats can be trained to press levers to obtain food pellets. They can even be trained to work on a fixed-interval schedule under which a food pellet is provided only when a lever is pressed, say, three minutes after a previous pellet has been delivered. The animals learn that pressing any sooner is useless.

Beard and Wertheim trained their rats, then went on to note the effects of introducing increasing concentrations of CO. They soon found that after only 11 minutes of exposure to CO at 100 ppm concentration, the time discrimination of the rats went haywire.

They studied the effects of CO exposure on the ability of healthy young human adults to discriminate short intervals of time. The subjects were presented with pairs of signals. The first tone of the pair was always one second in duration; the second varied between 0.675 and 1.325 seconds. The subjects were supposed to indicate whether the second tone was shorter, identical, or longer than the first. After as little as 90 minutes exposure to 50 ppm CO, there was a marked reduction in the proportion of correct responses.

In vision tests with healthy young adults, it turned out that after 27 minutes exposure to 50 ppm CO, there was a 5½% impairment of visual acuity, and after an hour a 17½% impairment.

As Dr. Beard recently reported: "It appears that a little COHb can cause a significant reduction of oxygen supply to a tissue with high oxygen demand such as the brain (which) only weighs 2–2.5% of total body weight yet gets about 15% of the blood and its need is for about 20% of the oxygen requirement of the whole body."

THE DRIVING BRAIN

As evidence of sensory impairment from low-level CO exposures has begun to accumulate, investigators have begun to think it important to determine whether such effects in motor vehicle drivers could predispose them to accidents.

Actually, during the period 1959 to 1963, one investigator had analyzed blood samples from three population groups: 1,672 from drivers thought to be responsible for accidents, 3,818 from workers sometimes exposed to CO on the job, and 1,518 from individuals suspected of having been exposed to domestic sources of CO. He found that drivers involved in accidents had the highest COHb levels.

More recently, Dr. Thomas H. Rockwell, director of the Ohio State University driving research laboratory, and an associate, A. M. Day, set out to determine under actual road conditions what the influence of CO might be.

They were aware of surveys which had shown that about 4% of highway drivers have vehicle cabin concentrations greater than 100 ppm of CO (some as high as 300), and about 8% have cabin concentrations greater than 50 ppm. Such concentrations would result, if the drivers were non-smokers, in 8% having greater than 7% COHb concentrations and in 4% having greater than 14%. Smokers would have considerably higher COHb levels.

Rockwell and Ray studied drivers operating instrumented vehicles on the highway under known and controlled CO concentration levels. They found effects, at levels of COHb below 10%, that they called "definitely detrimental to driving performance," and they emphasized that "These are at levels found in the driving population and at which drivers are unaware of any symptoms such as headache or other CO warning signals."

Among the effects were reduced ability of a driver to respond to changes in velocity of the car in front of him, reduced ability to detect and respond to taillight intensities, decreases in ability to estimate time.

In view of the results of their exploratory study and the potential benefits for highway safety, Rockwell and Ray urged further research into the effects of CO on driving performance.

THE HEART

Can CO be a significant factor in heart disease? More and more studies now suggest so.

Recently, at Johns Hopkins University, Dr. Thomas J. Preziosi and associates found abnormal electrocardiograms appearing in all dogs exposed to 100 ppm CO concentrations. In another study, when 15 dogs were exposed to 50 ppm CO concentration for six weeks—7 of them exposed for 6 hours a day for 5 days a week, the others continuously—all showed EKG changes and, at autopsy, dilatation of the right side of the heart, with scarring of the heart muscle in some cases and fatty degeneration in others.

Some years ago, a study was made of 3,080 patients with heart attacks admitted to 35 hospitals in Los Angeles County. No significant association could be found between carbon monoxide air pollution and the occurrence of the heart attacks—but there was a significant correlation between fatality rates from the heart attacks and ambient CO levels during the week of admission. Patients admitted to hospitals in areas where the weekly CO concentration ranged from 8 to 14 ppm had markedly greater death rates than others.

Recently, at St. Vincent's Hospital and Medical Center, New York City, Dr. Stephen M. Ayres and associates carried out studies in dogs and humans exposed to various CO concentrations. At concentrations raising COHb levels to between 5 and 10%, they found many changes, including alterations in blood flow through the coronary arteries feeding the heart.

Among 41 patients with heart disease, the hearts of half of them suffered a serious oxygen shortage when 5 to 10% of their hemoglobin was tied up as COHb. For a patient with a heart already deprived of plentiful oxygen because of diseased, fat-choked coronary arteries, Ayres and his group report, even extremely low levels of COHb could make for a critical enough shortage of oxygen to fatally disrupt heart rhythm.

They also considered one of medicine's major mysteries: Why does angina pectoris, the chest pain associated with coronary artery disease, sometimes appear in patients who show no X-ray evidence of coronary artery disease? Lack of enough oxygen to meet the demands of physical activity, with the lack caused by relatively large concentrations of COHb, might well be the answer, they report.

Actually, as the St. Vincent's researchers have noted, the effects of CO inhalation on the heart are similar to the reported effects of tobacco smoking.

And, indeed, recent studies on the previously overlooked importance of CO as one of the most harmful ingredients in cigarette smoke are helping shed new light on the importance of CO from all sources. (The 1972 report of the Surgeon General of the Public Health Service on "The Health Consequences of Smoking" places emphasis on CO in cigarette smoke smoke as a hazard not only for smokers but for nonsmokers exposed to CO in rooms filled with tobacco smoke.)

At a New York Academy of Sciences 3-day meeting in 1970 on CO, Dr. Poul Astrup of the University of Copenhagen reported that he had found high COHb concentrations in young smokers with severe hardening of the arteries. And, spurred by this, he had undertaken animal experiments to determine the significance of CO exposure in artery hardening. He had been able to see injurious effects with small COHb concentrations. With levels of 10 to 20% COHb, cholesterol deposits in rabbits' arteries increased by 3 to 5 times, and there were many injuries to artery walls.

Urging further studies, Dr. Astrup emphasized that "If the results of such studies confirm a role for CO in development of arteriosclerosis in smokers, they will be of interest from a preventive point of view concerning all types of exposure of man to this toxic gas."

At the same meeting, Dr. Lawrence D. Longo of Loma Linda University reported that CO in the blood of women who smoke during pregnancy may explain at least in part why such mothers tend to have smaller babies. It may explain, too, why investigators have been finding that in infants of smoking mothers the onset of crying immediately after birth is delayed and some infants show definite evidence of asphyxia with irregular breathing and blueness. In addition to making less hemoglobin available for oxygen transport, Dr. Longo noted, increased concentration of CO fetal blood may act to inhibit vital enzyme systems.

AN EXTRA-MYSTERIOUS-MECHANISM

In fact many investigators, impressed by the effects of small concentrations of CO, think that the gas must do something more than interfere with oxygen transport.

Says Dr. R. E. Forster of the University of Pennsylvania School of Medicine: "Detectable effects upon certain human mental and bodily processes have been reported at such low concentrations that it is difficult to provide an explanation. We should, therefore, not neglect other possible mechanisms (beyond oxygen transport) by which CO can affect physiological processes."

Forster thinks that inasmuch as investigators have found decreases in visual sensitivity caused by 3 to 5% COHb in blood, with no immediate improvement when the COHb is washed out, it could be that CO may react with some other compound in the central nervous system with even greater affinity than it does with hemoglobin.

Dr. Arthur B. Otis of the University of Florida echoes the need to "remain alert to the possible effects of CO that are not attributable to COHb formation."

Some investigators like Dr. Britton Chance of the University of Pennsylvania believe that CO may have effects at the cell level, producing changes in the mitochondria, small bodies within cells that are involved in cell breathing. That might help explain why when CO levels in the blood diminish after an exposure and more hemoglobin once again becomes available for oxygen transport, visual impairment or other disturbances may persist for long periods.

THE SPECIALLY SUSCEPTIBLE

People who might be expected to be most susceptible to CO include those with severe anemia, chronic lung disease, or impairment of circulation to the heart or other organs; and unborn babies and newborn infants.

Given perfect health, an individual may tolerate some increase of CO concentration in air although at the cost of reserve capacity for oxygen transport. He may adapt through mechanisms such as increased work by the heart to pump the blood more often through the body and by changes in lung ventilation.

But, as a National Academy of Sciences-National Academy of Engineering Environmental Studies Board reported in 1969, the adaptive processes themselves may impose a continuing burden on physical reserves. And if normal people can compensate for some increase in CO levels, those with pre-existing medical conditions might be more susceptible to the effects of even relatively small increases.

A study which may reflect this increased susceptibility was reported in April, 1971 by Drs. Alfred C. Hexter and John R. Goldsmith. Carried out in Los Angeles County over a 4-year period, it showed a significant association between community CO concentrations and overall mortality. As compared with a 7.3 ppm CO concentration, the lowest level observed, when the concentration reached 20.2 ppm, the CO contribution to mortality for that day was 11 deaths.

When, late in 1971, Dr. John J. Hanlon, Assistant Surgeon General, Public Health Service, surveyed the situation in a report in Modern Medicine, he noted that as little as 10 ppm of CO in the atmosphere, "a level common in many cities," had been shown to impair mental performance; that elevated CO levels had been associated with increased probability of motor vehicle accidents and with the ability of individuals to survive heart attacks.

"While admittedly," he wrote, "several other factors are involved, it is notable that death rates from coronary heart disease are 37% higher for men and 46% higher for women in metropolitan areas with high atmospheric pollution levels than they are in non-metropolitan areas. Excessive levels of carbon monoxide have also been associated with decreased ability of patients with cirrhosis of the liver to survive.

"While many other examples might be presented," he wrote, "the seriousness of the situation is perhaps best illustrated by the recent recommendation of the California Department of Health that physicians should be prepared to estimate the contribution air pollution may make to the outcome of a patient's illness and that in areas with high air pollution some patients may benefit from a preoperative period in a clean-air room or chamber before being administered general anesthesia."

HOW MUCH CO DO WE BREATHE?

The exposure to CO in the air is indeed worrisome.

Says Dr. W. H. Forbes of Harvard: "The streets of our big cities vary greatly in the amount of carbon monoxide they contain, but not infrequently may reach peaks of 100 ppm . . . on occasion certain streets may go even higher, and in the region just behind a large, slow moving or stationary truck, it may reach ten times this figure or 1,000 ppm."

Dr. A. J. Haagen-Smit of the California Institute of Technology, using a new carbon monoxide analyzer, set out to determine the CO concentration which a Los Angeles rush hour commuter breathes while driving on freeways. He made eight trips on the Pasadena and Harbor freeway between the Institute and Exposition Park, passing through the congested area in the heart of Los Angeles. In the best trips made, the overall average level of CO measured was 37 ppm. In heavy traffic, moving at less than 20 mph, the level rose to an average of 54 ppm, with peaks up to 120 ppm.

"A commuter spending two hours at the higher exposure levels found in this study," he reported, "would have a CO level in his blood which would be approximately that cited by the Health Department of the State of California for the 'serious' level. A concentration of 30 ppm of the gas will inactivate 5% of a person's hemoglobin and 60 ppm will inactivate 10% of it. If a person is smoking, another 5% of his hemoglobin in inactivated."

According to Dr. John R. Goldsmith of California's Department of Public Health, there is enough CO in Los Angeles air at times to reduce the blood's oxygen carrying capacity by 20%. He also notes that air monitoring in Chicago, Denver, Philadelphia and Washington has found each with an 8-hour average in excess of 30 ppm of CO.

A recent study of commuter CO exposures in 15 large American cities found that in 11 of the 15 people in moving vehicles, particularly those in heavy traffic, are at times exposed to sustained levels of 50 ppm or more, with peaks as high as 147 ppm in Los Angeles arterial traffic and 141 ppm in New York expressway traffic.

New York State guidelines warn that CO levels should not exceed 15 ppm more than 15% of the time during an 8-hour period. But after four months of measurements in midtown Manhattan, according to a Wall Street Journal report in mid-1970, it was determined that CO levels remained above that all day every day. During daytime hours when traffic is heaviest, the CO level in Manhattan often soars to between 25 and 30. In some areas, such as the Lincoln Tunnel and approaches to the George Washington Bridge, the level reaches 100 ppm—nearly seven times the "safe" level. If some authorities are right, it is CO exposure which may account for the reputed surliness of both New York cops and cab drivers.

As might be expected, during periods of air stagnation which occur in most urban communities, the levels of CO and other air pollutants build up. On one such occasion in downtown London, a peak level of 235 ppm CO was measured.

Traffic slowdowns also greatly augment CO emissions from cars. For example, while an average car emits about one-ninth of a pound of CO per mile of travel at 25 mph, it pours out about one-third of a pound at 10 mph.

Adding to the worrisomeness of the automotive CO emission problems is the fact that, as the National Academy of Sciences-National Academy of Engineering Committee has noted, "because of the rapidly growing number of motor vehicles, CO is produced in such large quantities that it is no longer a problem only in the immediate vicinity of traffic, but has become a factor within entire communities."

The spreading nature of the problem is underscored sharply by studies projecting future CO emissions and concentrations from urban traffic data.

In one of them, investigators calculated present and future CO emissions and ambient CO concentrations in Washington, D.C. They found that without emission control the total CO emitted in the city would double by 1985, and would do so in a nonuniform manner. The smallest increases would occur downtown, the greatest in the outskirts. Not only would the total area of the city exposed to high emission densities be increased but in the downwind parts of the area people would be exposed to high concentrations for longer periods of time than previously because cleaner air would have to come from further away.

It's hardly any wonder, then, that the Environmental Protection Agency, as called for under the Clean Air Act Amendments passed by Congress in 1970, has issued stringent standards requiring a 90% reduction in CO emission by 1975 model automobiles. Also for such models, hydrocarbon emissions are to be reduced by 90%.

Is that possible?

THE ANSWER IN THE CATALYSIS PHENOMENON

It's a phenomenon known to anyone who ever had a course in high school chemistry.

Bring together two materials that don't react readily. No reaction. But add a third material of the right kind and the original two now react with each other while the third just sits there, unchanged by the events. The third material is a catalyst.

Catalysts are widely used in industry. They are also vital materials in human physiology, the hundreds upon hundreds of enzymes in the body are catalysts—they make possible all the chemical reactions that go on at the relatively low body temperature (so far as chemical reactions are concerned) of 98.6° F.

Catalysis provides a low energy path for generating or assisting a chemical reaction. In effect, according to one theory, a catalyst takes one reluctant chemical by the hand and leads it to another and, having performed the introduction and urged a mating, bows out of the picture while the two bond. And the catalyst remains intact, ready to repeat its function.

CO is the result of incomplete combustion. In the combustion, carbon unites with only one atom of oxygen to produce the toxic CO. If it unites with a second atom of oxygen, the result is harmless carbon dioxide.

Once carbon monoxide is formed, it won't ordinarily pick up an extra oxygen atom no matter how plentiful such atoms are in the air. But introduce the right catalyst when there is a mix of CO and air and immediately the CO is converted to the harmless CO_2.

That's the principle behind catalytic exhaust purifiers which are expected to provide the means for meeting the government standards for 90% reduction in CO emission—and also for 90% reduction in hydrocarbon emission. For catalysis can further not only the reaction of carbon monoxide with oxygen in the air but also the reaction of hydrocarbons with the oxygen, with the end results being carbon dioxide and water vapor.

One such device is a stainless steel cylinder about 12'' long, somewhat resembling an artillery shell casing. It fits on an auto's exhaust pipe, near the manifold, and funnels the exhaust through a ceramic honeycomb impregnated with a catalyst. The catalyst is platinum. Only a tiny amount of that precious metal, a remarkably effective and durable catalytic agent, is needed.

For more than half a dozen years, the same type of device has been used on fork lift trucks operating in confined spaces such as warehouses, ship holds, and mines. It also is widely used on auxiliary generators located close to air conditioning intakes, on repair equipment in subway systems, and in other situations where purity of exhaust is, beyond esthetics and comfort, a matter of life or death.

But the internal combustion engines on which the device has been used have differed in one critical respect from automobiles. They are fueled by liquid propane gas, natural gas, diesel oil or unleaded gasoline. The device cannot be used effectively on an engine, fueled, as automobiles have been, by leaded gas. The lead rapidly poisons the catalyst and renders it inactive.

Almost from the beginning, Engelhard Minerals & Chemicals Corporation, which developed the device (called PTX® catalytic exhaust purifier) tried to adapt it for automobiles. There were similar efforts by other companies and researchers working with catalytic agents of many types. But the efforts came to nothing because of leaded gasoline.

Then, early in 1970, stimulated by the Congress' obviously serious intent to cut automotive air pollution and by a drive in the automotive and petroleum industry toward producing and using lead-free fuel, Engelhard reactivated a research and development program. Other companies have done the same.

Also in 1970, college students preparing cars for entry in a Clear Air Car Race, a cross-country run under the sponsorship of the Massachusetts Institute of Technology and the California Institute of Technology, sought catalytic purifiers. When the race was run, 26 of the 37 entries which started and finished were equipped with the PTX purifier in various configurations and catalyst loadings, including the overall winner of the 3,600 mile race and the winners in all the internal combustion classes.

The overall winner was a 1971 Ford Capri modified by four students at Wayne State University. It used unleaded gasoline. Upon reaching California tests showed that where an uncontrolled car engine can spew 73 grams of CO and 11.2 of hydrocarbons per mile, the Wayne State car emitted 1.48 of CO and 0.19 of hydrocarbons per mile, more than meeting the 1975 standards.

In announcing the race winners, David Ragone, Dean of the D. Thayer School of Engineering at Dartmouth and chairman of the judging committee, observed: "The public is another of the winners in this race."

Development work has been stepped up since then. Federal standards require that the catalyst remain effective for a minimum of 50,000 miles. In one Automobile Manufacturers Association driving schedule test of a station wagon equipped with PTX, the catalyst was removing 86% of CO and 96% of hydrocarbons at 570 miles and, at 48,300 miles, was removing even more CO (97%) and 82% of hydrocarbons.

A Federal Test Procedure, issued after the first test work began, calls for a maximum emission of 3.4 grams of CO and 0.41 of hydrocarbons per vehicle mile. Data on various PTX catalytic converters designed to meet the standards under the procedure show a range down to 1.2 grams of CO and 0.1 gram of hydrocarbons per vehicle mile. And currently PTX-equipped cars are being driven scores of thousands of miles on New Jersey roads by three shifts of drivers.

The likelihood that a platinum catalyst, given unleaded gasoline, can stand up not only for 50,000 miles but for several times that is strengthened by experience on fork lift trucks. For such vehicles, 2,000 hours of operation is equivalent to 50,000 miles of car use. On fork lift trucks using lead-free fuel the platinum lasts up to 10,000 hours.

At $120 an ounce, platinum is expensive. But because it is so catalytically active, only a very small fraction of an ounce—no more than $15 worth—is needed and it can be recovered through the same commercial channels as lead in a used auto battery is recovered. A platinum catalyst is favored over base metal types because the latter necessarily are much bulkier, difficult to place on a car because of the mess, and difficult if not impractical to recover and recycle.

With mass production, platinum catalytic converters are expected to cost automobile companies less than $50 per car.

As of now, catalytic devices are not available to solve the problem of oxides of nitrogen (NO_x) pollution. The present approach to the NO_x problem involves the recirculation of exhaust gases which is expected to meet standards for 1975 (3.0 grams per vehicle mile). But the much more stringent 1976 standards (0.4 gram per vehicle mile), many researchers believe that a catalyst, most likely a precious metal catalyst, will be required. Such two-step catalysis could make for a compact and less complicated control system.

Cleaning up automobile exhausts is one important part of the total challenge of cleaning up the air we breathe. It's a vast challenge, it requires intensive effort, there are costs. But there are returns to be expected—perhaps more than most of us have fully realized.

Through ill health and related losses alone, according to Dr. Paul Kotin, director of the National Institute of Environmental Health Sciences, man's misuse of the environment is costing Americans $35 billion a year. Of the total national bill of $70 billion a year for health services, $7 billion goes for treating illnesses directly resulting from the environment. Americans lose $25 billion a year more through misused wages and services attributable to environmentally caused illnesses. The rest of the $35 billion consists of costs of compensation and rehabilitation.

Also, notes Dr. Kotin, the remaining life expectancy of a 40-year-old man has increased only moderately since 1900 and very little at all from 1920 to now. The apparent reason is the emergence of such chronic degenerative diseases as heart, lung, and some forms of cancer as major health hazards, but environmental factors, Dr. Kotin suggests, contributes significantly to these illnesses.

Recently, too, Dr. John J. Hanlon, Assistant Surgeon General, told an American Medical Association meeting: "It is frustrating to hear sometimes from fellow professionals that the predominant illnesses of the day—malignancies, cardiovascular diseases, chronic respiratory diseases, and the like—are more prevalent because people live longer and have time to acquire these conditions. This is a gross oversimplification. Chronic and degenerative physical and mental ailments have increased, probably in large part because of environmental changes which have resulted from extensive and ever-increasing industrialization and urbanization."

Dr. Hanlon went on to add:

"Members of the medical profession must become more cognizant of the fact that a very significant proportion of the so-called chronic, noncommunicable diseases, as well as mental illness, have their genesis in the environment, and that not only can more attention to the environment prevent many of these illnesses, but also that the expenditure of money and professional effort merely to treat these clinical conditions without concern for their environmental source is fruitless."

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A BRIEF REPORT ON THE STATUS OF RESEARCH ON THE HEALTH EFFECTS OF AIR POLLUTION

INTRODUCTION

Scope

This report has been prepared in response to a request for a review of current literature (post-1970) to determine whether there have been any significant advancements in knowledge of the effects of air pollution on human health. Of more specific interest, there is a need to determine whether any studies have been published on significant new data which correlate measured levels of air pollution with measurable public health effects. Any additional reports which attempt to evaluate the health cost/benefit effects of reductions of air pollution levels are also of interest. In keeping with the "progress report" nature of this report, only very recent data have been examined. In addition to the limited reports immediately available, several comprehensive reviews have been examined for other data in order to compensate for the lack of time available for the completion of an examination of all original research.

Background

The determination of the health effects of air pollution is an essential but increasingly controversial part of the total process of developing air quality standards. In considering this problem, two categories of health effects are of concern. In the first instance, some pollutants seem to produce no discernable permanent physical deterioration of health but contribute to public reaction because of the immediate unpleasant effects. These are the effects such as eye and nose irritation, odors, and obscuration of vision (smoke).

The more serious health effects are exemplified by air pollution disasters with sudden onset of illness and fatalities or the more insiduous and chronic effect of continuous exposure to lower levels of air pollutants which are believed to contribute to the rising incidence of such diseases as lung cancer, emphysema, bronchitis and asthma. These diseases generally develop over a long period of time and it is very difficult to establish on a scientific basis the direct cause and effect relationship between exposure to the air pollutants and the specific diseases in question (a similar problem has existed for years with regard to the health effects of smoking). While a direct cause and effect relationship is difficult to determine, the collection of epidemiological data, not only within the United States but within the other Nations of the world as well, is leading to the compilation of a rather impressive foundation of knowledge. This knowledge suggests some definite associations between certain chronic disease and continuous exposure to a polluted atmosphere.

The data on health effects are collected in several ways. Direct evidence is difficult to collect since experimental and deliberate long-term exposure of human beings to potentially toxic substances is not a permissible procedure. As with other problems of this nature, the alternative of long term experimentation wtih animals is producing much data on the specific effects of air pollutants. For example, it has been demonstrated in animal experiments that ozone 2.5–4.5 ppm) is harmful to the mammalian lung (1). Unfortunately, it is not possible to make a direct extrapolation from animal experiments to effects on human beings.

The collection of data from occupational exposure to pollutants has been of great value. Clinical studies of human beings have produced data which suggest how the course of a disease proceeds, for example, black lung disease in miners exposed to coal dust has enabled the researchers to gain knowledge about the effects of certain kinds of particulate pollution.

However, the most significant data on health effects of air pollutants has been developed through epidemiological studies. In these types of studies an attempt is made to identify correlations between differences in mortality (and/or morbidity) and differences in air pollution levels for different areas. The areas compared may be different urban areas as well as different urban and rural communities. The studies are very dependent upon accurate health statistics, that is, reliable identification and classification of diseases as well as adequate information concerning patient case history with regard to smoking habits, occupation, place of residence, period of residence in each area, and other data necessary to understand contributing factors for a disease condition which may take years to develop. In addition, there must be available, for the population being studied, reasonably reliable information on the air pollutant levels present at the same (or preceding) time that the mortality and morbidity statistics were being collated. In many instances, air pollution data are very poor. Many studies depend upon measurements taken from a single station within a community. The measurements may have been taken infrequently or may have missed a considerable period of time. Additionally, there may be doubt as to whether a representative location had been used for establishing the station. Further, there may not have been adequate data collected on all pollutants of interest. For example, frequently only smoke index and particulate or sulfur dioxide measurements were taken when in fact a number of other pollutants, such as carbon monoxide or nitrogen oxides, were also of interest. There are inadequate physiological data available on the exact mechanism by which most air pollutants produce the adverse health effects being studied. (This fact adds to the difficulty of establishing accurate dose/response levels essential for the determination of air quality standards).

There are a number of other reasons why data on the health effect of air pollution are scarce or subject to so much criticism. Among the problems in these areas are the following factors:

1. Pollutants are not isolated in effect. The pollutants may be gases or small particles. Mixtures of particles and gases actually occur in an environment and it is extremely difficult to pinpoint the actual individual pollutant effects. Since the levels of pollution are variable from area to area, differences in health effects may actually be due as much to the differences in concentrations of mixtures as due to the total level of any particular substance in the air at a particular time. Synergistic effects, where a combination of two or more pollutants is more injurious than the sum of individual effects, are often observed.

2. Weekly and seasonal activities give rise to mortality and morbidity data which are totally unrelated to air pollution levels. For example, snow storms may increase instances of heart attack or respiratory distress; hospitals may have days for elective surgery which may increase mortality in a cyclic manner; seasonal activities of other types may affect mortality rates at the same time that fluctuations in air pollution are occurring which seem to be related to the changes in mortality rates.

3. There are direct links between meteorological events (weather) and air pollution and between economic activities such as weekend vacations—which in themselves increase morbidity and mortality data.

4. Frequently, air pollution simply seems to aggravate an acute preexisting condition; it has been suggested that increases in mortality, which seem to be related to air pollution, may actually be due to a moving forward to an earlier date of deaths which would have occurred without the air pollution event. It is difficult to separate the deaths from acute episodes from other deaths attributable to chronic exposure to air pollutants.

5. Another argument, particularly with regard to the significant difference between urban and rural death rates is that the urban dweller smokes more, is more overweight, less exercised, more tense, and generally less healthy. Since it is true that various air pollutants do occur in higher concentration in cities, it has been suggested that it may just be an incidental fact that air pollution is linked statistically to mortality and increased morbidity in many epidemiological studies. The real health hazard may be the total effect of urban living habits rather than the differences in air pollution alone.

6. Other factors frequently related to studies of the effects of air pollution are social and economic status, smoking, water borne factors, genetic differences, radiation, employment factors, and all the other variables produced by differences in life style.

In spite of all these arguments, there is a trend which is detectable in all of the research reports and this trend is one which indicates that acute air pollution episodes are positively associated with significant increase in mortality. There also seems to be a strong correlation between air pollution generally and chronic disease of certain types. While it is very desirable from the standpoint of regulation to be able to define the specific point or level or contamination at which health effects will occur, it is not possible at this time to define precisely that point. There have been some efforts to indicate the levels at which certain effects will occur. When the effects are definite and positive, as for the attack rate of asthmatics with increases of pollution or for increases of a specific type of cancer definitely associated with a particular chemical pollutant (for example lung cancer and benzopyrenes) then some degree of reliability between indicated levels of pollutants and increases in morbidity or mortality can be developed. When the diseases are chronic, as with bronchitis or emphysema, or cardiovascular disease, then the health effects/air pollution levels data are not so unquestionable and a determination of the portion of the total morbidity or mortality attributable to the levels of air pollution is difficult. This is particularly true when it is kept in mind that many of these diseases can be induced by a number of factors. For example, the relationship of bronchitis or lung cancer to smoking, industrial gases, genetic factors, cold, or allergenic factors is suspected but not easily quantified. When an attempt is made to explain psychological, behavioral, visual, or psychomotor effects, in terms of increased carbon monoxide, for example, it is even more difficult to attribute air pollution levels to observed effects.

Since so many environmental and genetic factors may be at work in the development of chronic disease, and since the observed data are frequently not near the desired level of accuracy, very complex statistical methods of analysis have evolved for the purpose of attempting to measure not only the presence of a correlation between air pollution levels and health but also the precise contribution of specific levels of air pollutants to the health effects being noted. There are many different methods of statistical analysis. Therefore, it should not be surprising to learn that there are different estimates of the degree of risk associated with specific levels of pollutants. In some instances, the estimates may indicate that no risk to health may be detectable at certain levels of pollution; by other methods, a significant degree of risk may be involved.

Air Quality Standards

As a result of analyses of available data on estimates of health effects versus pollution levels, the Environmental Protection Agency published National Primary Ambient Air Quality Standards. These Standards are associated with Air Quality Criteria and can be compared with data provided by the World Health Organization and Threshold Limit Values developed by industrial hygientists for occupational situations. It may be of some interest at this time to briefly summarize these different values:

TABLE 1.—SUMMARY OF AIR QUALITY STANDARDS

Pollutant	National Standard	WHO	TLV (Occupational)
SO_2	0.03 p/m (80 $\mu g/m^3$) annual mean 0.14 p/m/24-hours (365 $\mu g/m^3$).	100 $\mu g/m^3$ (respiratory symptoms).	5 p/m (13 $\mu g/m^3$ 8 hour day.
CO	9 p/m (10 $\mu g/m^3$) maximum concentration for 8 hours (not to be exceeded more than once a year).	25 p/m produces 4 percent COHb at 24 hours risk to cardiovascular patients.	50 p/m (55 $\mu g/m^3$) per 8 hour day.
Photochemical oxidants	0.08 p/m (160 $\mu g/m^3$) maximum 1 hour	0.03-0.69 p/m threshold leve for respiratory effects.	O_3-0.1 p/m per 8 hour day.
Particulate matter	75 $\mu g/m^3$ annual geometric mean. 260 $\mu g/m^3$-maximum 24 hour concentration.	NA	15 mg/m³.
NO_2	0.05 p/m (100 $\mu g/m^3$) annual arithmetic mean.	Insufficient data	5 p/m (9 mg/m³ absolute ceiling/8 hour day.
Hydrocarbon	0.24 p/m (160 $\mu g/m^3$) maximum 3 hour concentration not to be exceeded more than once a year.	NA	NA.

All of these standards are subject to certain other limiting criteria not presented in the table. These differences depend somewhat upon time period of exposure, simultaneous exposure to multiple insult, and other factors such as number of times it is permissible to exceed standards per year. For the purposes of this report, however, the preceding data provide some order of magnitude for the dangers being estimated so that the more recent literature reports may be examined with some perspective.

BRIEF REVIEW OF CURRENT LITERATURE

Carbon monoxide (CO)

In order to interpret the significance of the reports on health effects of carbon monoxide, it must be understood that varying the concentration of carbon monoxide within the environment results in a variation in the equilibrium concentration of carboxyhemoglobin (COHb) in the blood. (Carboxyhemoglobin is the compound formed by the union of CO with blood hemoglobin. This reaction reduces the availability of hemoglobin for transport of oxygen in the respiratory exchange). The higher the concentration of COHb the greater will be the effect on the human being in terms of adverse health effects. The following table is provided as an indication of the approximate effect of varying the CO concentration:

Atmospheric CO p/m	Half time to equilibrium	COHb at equilibrium (percent)	Symptoms
10,000	5′	95	Death.
1,000	60′	60	Coma.
500	90′	45	Nausea, vomiting, collapse.
250	120′	25	Severe headache and dizziness.
100	120′	12	Moderate headache and dizziness.
50	150′	7	Slight headache.

As lower levels of CO are reached, the data on time of exposure required to read equilibrium concentrations become more controversial. For example, the data presented within the WHO report for 1972 (2), indicate a difference of opinion for CO concentrations of 100 ppm as compared with the preceding table (which was developed by industrial hygienists). The WHO data provided in the following table are of greater interest with regard to air quality standards which deal with very low concentrations of CO.

TABLE 2.—RELATIONSHIP BETWEEN AMBIENT CO CONCENTRATIONS, EXPOSURE TIME, AND LEVELS OF CARBOXYHAEMOGLOBIN (2)

Ambient CO		Carboxyhaemoglobin level (percent) at		
$\mu g/m^3$	p/m	1 hour	8 hours	Equilibrium
117	100	3.6	12.9	16.0
70	60	2.5	8.7	10.0
35	30	1.3	4.0	5.0
23	20	.8	2.8	3.3
12	10	.4	1.4	1.7

Note.—These data assume an average individual engaging in light activity and with an initial "basal" value.

It is also of interest to be aware that smokers frequently have COHb levels in the general range of 4% and may actually have COHb levels higher than this level. As may be noted from the literature, blood levels slightly above 4% COHb are suspected as having some risk for patients with cardiovascular disease. As may also be noted, the level established as a National standard (9 ppm) would produce an equilibrium concentration near 1.7% COHb. Individuals will reach an equilibrium blood COHb level depending upon the environmental conditions. For example, smokers in an environment with less than 10 ppm CO, and without further smoking, will reach an equilibrium level below that which is produced by smoking. A reduction in equilibrium concentration will take longer in smokers than in non-smokers. The higher the concentration of CO the less time will be required to reach a particular COHb level; for example, at 25 ppm about 24 hours are required to reach 4% COHb; this same concentration could be reached in 11 hours at 100 ppm.

The data on carbon monoxide effects as summarized in the National Academy of Sciences study (3), are not conclusive with regard to health effects. The evidence reviewed within the study indicates that there is no doubt that exposure to environmentally encountered levels of carbon monoxide will result in an increase in blood carboxyhemoglobin. Exposure to 10–12 ppm CO for 4–5 hours can add to the normal body burden (depending upon the history of previous exposure). However, their conclusions indicate that there is insufficient evidence to demonstrate that air pollution levels encountered in typical community environments will produce chronic health effects. (For another example, in a recent House report on hearings on the Clear Air Act (4), an industrial representative from Chrysler Corporation reported results of one of their studies in non-smokers for 14 cities which indicated that the average COHb for over 21,000 observations was well below 2% COHb.

However, the Academy report does indicate that there is some evidence associating daily levels of more than 10 ppm with an increase in mortality in hospitalized patients with myocardial infarction. The report also includes a conclusion that there is some evidence that CO exposure "may have some effect on the biochemical processes underlying atherosclerosis, but this evidence at this point is also inconclusive." There is a suggestion in the Academy report, based on reports of limited studies of human drivers and more evidence with laboratory experiments, that as little as 2% COHb may affect visual sensitivity, psychological testing and time interval estimation.

Low levels of carbon monoxide have been associated with mortality in Los Angeles. In this study (5), evidence is presented that carbon monoxide concentrations varying between approximately 10 and 18 ppm produce an increase in mortality. The data indicate that a CO mean concentration of 20.0 ppm as compared with a mean concentration of 7.3 ppm will contribute 11 deaths for each day. In other words, an increase in mortality per day has been correlated with an increased level of CO. An evaluation of oxidants in this same study indicates that these pollutants are not producing a similar effect. The mortality and CO data were evaluated for the years 1961–1965. This report suggests a desirability for maintaining CO concentrations below 10 ppm.

Other reports, as summarized within the 1972 report of the World Health Organization (2), indicate that headache and impaired coordination were noted when COHb concentrations exceed 10% saturation (1970). At a saturation of 7.2%, significant decrease occurred in visual perception, manual dexterity, and ability to learn intellectual tasks (1971). A 1970 study cited in the WHO report indicated no effect on sensitive visual and auditory thresholds after 500 ppm CO for 1 hour (8% saturation). Headache, impaired manual coordination and modification of visual evoked responses were noted when COHb measured in excess of 20% saturation (exposure to more than 100 ppm CO would be required in these test conditions). Coronary arteriovenous oxygen differences increase with COHb above 5–10% saturation (1970); myocardial changes were observed in patients with above 6% saturation (1970); and saturation levels above 4% were reported to be a risk for patients with cardiovascular disease. (Note that many smokers are exposed to levels of this magnitude.)

In another recent study (6), concern was expressed about the potential danger from carbon monoxide concentrations encountered in traffic. It is pointed out in this study that, if it is accepted that a 2% increase in blood carboxyhemoglobin is sufficient to impair psychomotor standards, then the concentrations encountered in traffic may be sufficiently high to impair performance. Groups who regularly drive in the city (bus and truck drivers and police) as well as individuals working in the city (police, inspectors, parking lot attendants, etc.) may be at some risk. These investigators found that final blood COHb concentrations of 3.2% were correlated with atmospheric levels of 20 ppm; COHb levels of 9.7% were produced at 60 ppm concentrations—regularly encountered in their sample survey during traffic hours in Toronto. Their data indicate that a 40 minute drive with CO concentrations at 20 ppm would increase blood COHb by 0.4%; on congested days with CO at 60 ppm a one hour drive would increase COHb by 1.8%. Walking for ten minutes would increase blood COHb from 0.1% to 0.8% depending on CO levels (20–160 ppm). Their conclusion indicates that the city dweller is always close to the point of impaired psychomotor performance and that short term exposure to moderate levels of CO might easily lead to impaired performance. Ury and his coworkers (7) however, were not able to demonstrate a definite correlation between increases in motor vehicle accidents (one evidence of impaired psychomotor performance) and increases in CO concentration. They were able to show a correlation between increases in oxidant levels and increases in motor vehicle accidents.

It has been reported that the Biomedical Research Branch, EPA (Chapel Hill) observed that exposure to CO at 50–100 ppm induced angina after exercise earlier than when "pure" air preceded exercise. At Stanford University, it was observed that CO at 50 ppm for one hour produced about 17 percent impairment of visual acuity in poor light.

In a recent report (17) of results of experiments with monkeys, Eckardt and others describe a two year exposure (22 hours per day, 7 days per week) for two different levels of CO (19.86 ppm and 65.46 ppm). Their conclusions indicate that these levels of CO did not lead to any biologically significant changes in the test monkeys. If these results can be extrapolated to human beings, it would suggest that the current standards of 9 ppm are too stringent, that is, current levels of CO are probably not producing any significant damage. Perhaps it should be kept in mind, however, that no psychological tests were conducted and these were physiologically normal monkeys. This is significant for at the lower levels of CO, psychological impairment and stress on defective systems (cardiovascular deficiencies, for example) have been emphasized in other reports.

Theodore (18) referred to the two other studies which indicated that COHb levels as low as 2–5% caused changes in performance ability. (These are the studies most frequently referred to as indicating a low level CO effect; one by Schulte, a 1963 study, indicated impairment of cognitive and psychomotor performance at 5% COHb, with some slight indication of associated changes at 2% COHb; the other study by Beard and Wertheim, a 1967 study, showed an impairment of auditory discrimination at 4–5% COHb.) In their studies, Theodore and his coworkers studied low level effects in human beings and attempted to measure the same types of effects and reached the conclusion that "no performance decrements were found in humans during three-hour exposures of 50–250 ppm CO".

In one of the few well controlled human experiments, Stewart and others (35) exposed human volunteers to carbon monoxide at concentrations of less than 1, 25, 50, 100, 500 and 1,000 ppm for periods of one-half to 24 hours. They observed "no untoward subjective symptoms or objective signs of illness . . . in the 24-hour period following the exposures to 25, 50 and 100 ppm CO". Hosko, in reporting his work with these volunteers (38), indicated that changes in visual evoked response were noted when COHb levels exceeded 20%. These authors consider the fact that an 8-hour exposure to 100 ppm CO (11–13% COHb levels) produced no impairment in performance of tests to be their most important finding. The tests included evaluations of visual and auditory acuity, coordination, reaction time, manual dexterity, and time estimation. The volunteers were normal. The investigators carefully indicate that the effects of similar levels of CO on persons with cardio-vascular disease, alcohol blood levels from drinking, or individuals using central nervous system depressant drugs remains to be determined.

In a recent British report (37), evidence is reviewed which suggests very strongly that carboxyhemoglobin levels up to 20% exert measurable physiological effects. Reference also is made to the various reports which indicate that 5–10% COHb levels affect the circulatory system. This same report states "It should be stressed, however, that non-icantly raised carboxyhaemoglobin levels icantly raised carboxhaemoglobin levels from car exhaust in the streets, which has been shown in many studies, and clearly demonstrated recently by the findings of carboxyhaemoglobin levels of only 1.4–3.0% in non-smoking taxi drivers in London".

None of these reports seem to provide any significant new information as compared with the data available at the time that the air quality criteria were being developed. Several reports indicate no measurable effects at 5–10% COHb, others continue to cite and support evidence that levels near this concentration will have effects on the circulatory system or produce interference with psychomotor processes. The problem is one of determining the real long term significance of the effects which are being reported for these low levels of COHb (in the range of 25–50 ppm CO). Groups at risk from CO would include smokers, cardiovascular patients, with impaired blood transport systems (anemics, etc.) and individuals on drugs which affect behavior response time.

Sulfur Oxides (SO_2, *etc.*)

Sulfur oxides have been of particular concern in air pollution studies since this is the agent most suspect in acute pollution episodes, particularly where fossil fuels such as coal are being consumed. Glasser and Greenberg (8), in a study relating air pollution to mortality in New York City examined daily SO_2 and smoke levels for the years 1960–1964. They found that at daily mean SO_2 levels of less than 0.10 ppm the mean number of daily deaths decreased; at levels between 0.20 ppm and 0.30 ppm the mean number of daily deaths rose to 1.8; as levels rose to 0.30 ppm to 0.40 ppm deaths increased to about 9.4 deaths per day and at levels of 0.60 ppm and above daily deaths rose to 12.6 deaths per day. Their analysis of these data supports a very strong correlation of SO_2 levels with increase in daily mortality.

In general, the difference in mean number of daily deaths on days with 0.20 ppm SO_2 levels and days with mean levels of 0.40 ppm or more was in the range of 10–20 deaths per day.

A later report by Schimmel and Greenberg (9), related daily pollution to daily mortality rates in New York City for the period 1963–1968. Their purpose in this restrospective study was to try to determine whether well-documented excesses of mortality over a long period of time could be correlated with daily air pollution levels. Although the study admittedly deals with short term levels of pollutions, it is interesting in that the pollution levels considered are less than the levels ordinarily detected in crisis events. These investigators were examining SO_2 concentrations in the general range of 0.17 ppm mean daily levels (still well above standards). The measurements were taken at East 121st Street, Manhattan, an area of high pollution levels.

These authors indicate that approximately 10,000 deaths per year occurred which would not have occurred when they did if there had not been air pollution on the day of death or on immediately preceding days. Their data indicate that about 40% of the respiratory disease deaths were associated with short term pollution effects. Coronary excess deaths were actually twice as great as respiratory deaths associated with pollution although in percentage term excess coronary deaths were only 12% of total deaths examined. Precise data on daily levels of SO_2 and smoke shade pollution levels are not presented in the study although as noted a mean level of SO_2 of 0.17 ppm was cited.

A very limited study of the effect of air pollution on asthmatics was completed in New Cumberland, West Virginia (10). This study showed a very high correlation between increases in air pollution and increased incidence of asthmatic attacks. This correlation was still present after temperature effects were removed (by statistical analysis techniques). It was not possible to determine which of the several pollutants were associated with the attacks. Sulfur dioxide, suspended sulfates, particulate matter, suspended nitrates, and soiling index were all factors evaluated (as well as temperature effects). These pollution effects occurred at concentrations similar to levels measured in many cities. The attack rates noted in this study were: 40–50% attack rates at SO_2 concentrations near 0.12 ppm with suspended particulate matter at 500 $\mu g/m^3$, a soiling index of 1.3 and suspended nitrates at 5.5 $\mu g/m^3$. All concentrations varied somewhat with temperature changes.

In their review of research data so SO_2, Ayres and Buehler state "although statistical changes in pulmonary function are found following inhalation of sulfur dioxide, it is difficult to imagine how community air pollution with average levels of 0.1 to 0.4 ppm of SO_2 and occasional peaks to 1.0 to 1.5 ppm can produce significant health effects suggested by epidemiological studies" (15). The inability to reproduce clinical effects at levels encountered in the urban atmosphere has focused attention on other components—particularly particulate material found in polluted environments. In other sections of their comprehensive review of the literature on epidemiological studies, however, Ayres and Buehler provide conclusions which strengthen the general observations that air pollution and adverse health effects are related.

Winthrop (16) points out that adverse health effects associated with SO_2 have been observed in individuals with disease when SO_2 levels exceed 0.11 ppm for a 24 hour average for periods of 3 to 4 days. These effects also are noted when annual mean levels exceed 0.04 ppm. (Note that in this case, Winthrop's 0.11 ppm 24 hour average is below the National standard of 0.14 ppm for a 24 hour average.)

The recent WHO report indicates that an excess of mortality occurs when the levels of suspended particulates and sulfur oxides have both exceeded 500 $\mu g/m^3$ for 24 hours. This effect has been noted particularly for individuals with cardiac or pulmonary disease. The report refers to unpublished preliminary findings that persons with respiratory disease may exhibit an increase in symptoms with levels of SO_2 of about 250 $\mu g/M^3$. Higher frequencies of respiratory disorders may be found in children in areas where annual average levels for smoke and SO_2 are both above 100 $\mu g/m^3$. A British report incan be detected with 24-hour means of 250 $\mu g/m^3$ smoke together with 500 $\mu g/m^3$ SO_2 (36).

Particulates, polycyclic organic matter, hydrocarbons

The National Academy of Sciences recently published an in-depth review of the state of our knowledge with regard to the health effects of polycyclic organic matter. While the present brief report cannot adequately summarize the comprehensive Academy study, there are certain data within the Academy report which are germane. Selected data from the Academy report are presented in the following paragraphs.

In the report on particulate polycyclic organic matter (POM) (11), such as benzopyrene, it is pointed out that there is convincing evidence that the incidence of lung cancer is about twice as high in urban areas as in rural areas. This difference is not entirely explained by the known epidemiological association of cigarette smoking with lung cancer. The tentative conclusion has been drawn that this higher urban incidence of cancer is due to the presence of particulate polycyclic organic matter where air pollutants are higher—that is, in urban areas and particularly where fossil-fuel products from industrial usage are concentrated in the air. A "working hypothesis" is presented which compares epidemiological data on mortality with the benzopyrene content of the urban atmosphere. This hypothesis suggests that there is a casual relation between air pollution and the lung cancer death rate. It is further suggested in the report that if the hypothesis is valid, there will be a 5% increase in death rate with each increment of 1 microgram of benzopyrene per 1,000 cubic meters of air. This hypothesis is extended to estimate that a reduction in air pollution from 6 μg/ 1,000 m^3 air to 2 μg/ 1,000 m^3 air would reduce the lung cancer death rate by 20%.

The report provides an extensive review of clinical and epidemiological studies which support this summary statement. The authors emphasize that the association between urbanization and lung cancer is not in question; the subject of controversy is the identification of the casual agents. Their review of the literature supports the conclusion that there are twice as many deaths due to lung cancer in urban populations as with non-urban populations. They cite other reports which do not support suggested associations of lung cancer with air pollution. Of particular concern in their evaluation is the possibility that air pollution is actually correlated with some entirely different and unknown factor which is the actual cause of the difference in lung cancer death rates. (If air pollution is correlated closely with some unknown factor which is actually causing the cancer, then air pollution would also show up in the analysis as correlated with cancer; this is one of the dangers with this type of statistical analysis of epidemiological data).

In another study, data on the incidence of lung cancer during the period 1955–1966 were evaluated to determine whether any change in incidence of disease could be noted (12). It was believed that the reduction in the use of fuels, such as coal, which produce large quantities of particulate matter, might be followed by a decrease in lung cancer incidence if indeed there is a correlation between these two events. The data from this study indicate that lung cancer rates are declining in the young, stabilizing in the middle aged, and increasing only in the older age groups. These authors suggest that there is a strong evidence to support a clear relationship of reductions in air pollution with beneficial health effects and "These observations which point strongly to some close relationship between lung cancer and sootborne benzopyrene, as well as the soot per se, provide added impetus to the necessity for speedy implementation of an effective clear air program". No data on measurements of air quality are included in the study.

A report from the Charleston area suggests that the results of reduction in serious air pollution will be immediately apparent. In this report (13), a significant decrease in deaths due to cardiovascular disease was noted during the period 1698–1970. During this time, the imposition of pollution controls reduced particulate matter from an annual average of 227.6 $\mu g/m^3$ in 1968 to 120.5 $\mu g/m^3$ in 1970. Mortality from cardiovascular disease was dramatically reduced from an annual rate of 253.6 per 100,000 population in 1968 to 188.2 per 100,000 in 1970. The Charleston study involved a comparison of two communities, one with a high level of particulate pollution, the other with a low level (74.4 $\mu g/m^3$ annual average in 1968 and 55.3 $\mu g/m^3$ in 1970). The data indicate a significantly higher mortality in the population in the area of higher levels of pollution. Reduction of pollution resulted in a dramatic reduction in differences in death rate; 90 percent of the decrease in deaths was largely due to decreases in deaths due to cardiovascular disease. Although the investigators are exploring several alternate possible explanations for the decrease in deaths it is believed at this time that a reduction in the number of inversions during 1970 combined with a significant reduction in suspended particulate matter as a result of the imposition of pollution controls is probably the most acceptable explanation.

Nitrogen Dioxide (NO_2)

There is very little data available on the health effects of the oxides of nitrogen. As noted elsewhere in this report, the data are generally considered to be insufficient for developing any estimates on health effects due specifically to this agent. There are a number of reports in the literature, however, which have been published in the post-1970 period. Most of these reports are on the results of animal experiments and extrapolation to man is difficult. Stephens and his coworkers (28), for example, found that rat lungs suffered considerable damage when exposed to NO_2 at 17 ppm for 72 hours. Changes in lung tissue continued to occur at 2 ppm levels. In all of the references to studies of NO_2 effects on human beings, the Chattanooga studies by Shy and his associates (29) are cited most frequently. In these studies, the effects on school children of exposure to NO_2 released from a near-by TNT plant are compared with other areas with lower concentrations. These studies, which led to a conclusion that NO_2 adversely affects the ventilatory performance of the children are the subject of some continuing controversy in interpreting the results. The average NO_2 level in the high area of 0.10 ppm was exceeded 40% of the time in measurements taken at one of the stations; this level was only exceeded 17% of the time in the area of lower concentration. In addition, the investigators found what they believed to be a greater incidence of respiratory infections in the population exposed to higher concentrations of NO_2. The EPA standards for oxides of nitrogen are based primarily upon the results of the Chattanooga studies. As pointed out in an EPA study on the oxides of nitrogen (30), there is some concern that the Chattanooga studies are not sufficiently accurate to firmly establish a basis for the standards. The nitrogen studies in Chattanooga were based on emissions from a single source and there are wide variations in the data base utilized for deriving the conclusions regarding effects.

Goldstein (31) reviewed the available literatures on studies of NO_2 effects on human beings, making reference to the Chattanooga studies as well as other studies, and also indicated the inconclusive nature of these studies. According to his review acute exposure to NO_2 does affect respiratory function. Eye and nasal irritation occurs at 15 ppm; pulmonary discomfort occurs at 25 ppm; and bronchiolitis with focal pneumonitis occurs at 25–75 ppm levels (less than one hour duration of exposures). Increased resistance to respiration has been noted after 10 minutes at 4–5 ppm NO_2. One minute at 50 ppm produces significant nasal irritation and pulmonary disruption.

The National Academy of Sciences considered that individuals with asthma, chronic bronchitis, emphysema, and other forms of obstructive disease will be particularly susceptible to high levels of NO_2. Their report (32) indicates that 10 ppm or more NO_2 will produce additive effects with ozone. Guidelines for short term exposure of the public suggest limits of 1 ppm for periods of 10–60 minutes; 0.5 ppm for 5 hours/day, 3–4 days per month; and 1 ppm for 1 hour/day/year. According to their review, persons with chronic bronchitis did not exhibit significant reactions after exposures to 1.5 ppm for 15 minutes. A number of other reports are reviewed within the Academy study.

The WHO report cited previously (2) indicates that "The published data on the effects of nitrogen oxides on human health are limited. While biological activity in animals and plants at low concentrations has been demonstrated, the Committee believes that there is insufficient information upon which to base specific air quality guides at this time.

Cost/Benefit Analysis of Health Effects

The research literature on the subject of cost/benefit analysis of the effects on health of air pollution is quite limited. Among those reports which are cited within the various studies of health effects of air pollutants, those by Lave and Seskin are the most striking in terms of comprehensiveness and currency. Their reports will certainly be a main focus of any arguments about cost/benefit effects with regard to health effects and are summarized very briefly in this report as being of primary interest. Lave has as one of his major goals in this research the estimation of the quantitative effect of air pollution on health.

As pointed out by Lave in one of his most recent papers "it is extremely difficult to prove that 'air pollution causes ill health,' much less to quantify the nature of the relation." Nevertheless, he has examined in great detail the mortality rates for 117 Standard Metropolitan Statistical Areas. In his studies over the past several years, he has responded to criticism of his conclusions by reexamining the data for other possible causal factors for the health effects predicted. He has considered the possible influence of such factors as race, income, population density, age, types of home heating equipment, fuel differences, use of air conditioners, meteorological factors, and occupational mix (21) (22) (23). He still reaches the conclusion that "air pollution has a marked effect on the mortality rate." He has then proceeded on the basis of these studies to project an estimate of the dollar value of this health effect. From these estimates, he has arrived at these conclusions (23):

1. A 25–50% reduction in morbidity and mortality would occur if air pollution in major urban areas were abated by about 50%. Based on an estimated cost for bronchitis of $950 million per year, a savings of $250–$500 million per year would be realized.

2. About 25% mortality from lung cancer could be saved by a 50% reduction in air pollution. This reduction would produce a savings of about $33 million per year.

3. A 25% reduction of morbidity and mortality from all respiratory disease would be achieved by a 50% reduction in air pollution. Based on an annual cost of $4887 million for respiratory disease, a savings of $1222 million would be realized.

4. About 10% reduction in cardiovascular morbidity and mortality could be achieved by a 50% reduction in air pollution. A savings of $468 million would be realized.

5. All mortality from cancer could be reduced by about 15% with a 50% reduction in air pollution for a savings of $390 million.

6. A total annual savings (health effects) of $2080 million would be secured by a 50% reduction in air pollution.

Lave and Seskin's estimates were based upon air pollution levels and mortality data available in 1960–1961. In several of their papers, savings were indicated as being based upon very conservative estimates. In a recent response to a Wall Street Journal editorial criticizing EPA data on health effects savings (as indicated in (24)), Mr. Ruckelshaus wrote that in his opinion (25): "the $6.1 billion estimated for 1968 health costs of air pollution which was singled out in your editorial (of December 4, 1972) is a conservative statement of all health damages of air pollution in 1968, even if linear extrapolation is not assumed. For example, the Lave-Seskin approach estimated a present value of future earnings lost by early death (of) wage earners, but did not estimate the true value of lost services of homemakers, persons over 65, and young children. The medical costs of increased morbidity were not included in the study and, in addition, Barrett-Waddell (26) assumed that health costs remained a constant percentage of GNP although health costs are rising faster than the average price level."

It should also be noted that in neither the Lave-Seskin estimates nor the Barrett-Waddell studies (as summarized in (24)) were the effect of photoxidants, oxides of nitrogen or carbon monoxide included. As noted in the Barrett-Waddell study, the data on these compounds were considered insufficient to prepare any analyses.

As noted in earlier discussions, in the absence of controlled experimental data, complex statistical techniques have been utilized to ascertain whether air pollution factors are producing significant effects on health. The selection of the method of analysis may influence the conclusions to a considerable degree. For example, if meteorological factors are discarded in favor of SO_2 concentrations as a major variable influencing mortality by one technique, the opposite conclusion—or a less conclusive measurement—might be determined if a different technique of analysis is utilized. Criticism of Lave-Seskin method of statistical analysis has appeared (27) which does bring into question the significance of some of the conclusions developed by Lave-Seskin and others by their methods of analysis. An evaluation of the relative merits of these different methods of statistical analysis is not possible within the context of this report but this problem is certainly an important part of any consideration of cost/benefit analysis of the health effects of air pollution, not only the effects upon human beings but in any other analyses as well.

SUMMARY

The status of our knowledge of health effects as supported current research does not seem to have progressed significantly beyond the position challenged in 1971 by Heuss, Nebel and Colucci (33). In this paper, presented at the 64th Annual Meeting of the Air Pollution Control Association, the following criticism were presented:

The carbon monoxide standard is based on a blood carboxyhemoglobin level below that associated with any physical or mental impairment. (a standard of 15 ppm for 120 hour exposure; 50 ppm for a 1 hour exposure is suggested as an alternative).

The nitrogen dioxide standard is based upon a questionable epidemiological study that needs further verification, (the California standard of 0.25 ppm for 1 hour is suggested as an alternative).

The hydrocarbon standard is orders of magnitude below the levels associated with any health effects and is unnecessary. (the suggestion is made that no hydrocarbon standard is necessary since an oxidant standard has been set).

The photochemical oxidant standard is based on a questionable extrapolation of the results of a single study. (a standard of 0.10 ppm average over 1 hour oxidant level is suggeseted as an alternative).

In replying to this criticism the EPA representatives indicated that (33):

"National standards in such an important matter as air pollution must be established at levels that contain a sufficient safety margin to provide reasonable certainty that all sensitive population groups in the United States will be protected. Economic factors must be secondary in this primary consideration".

The estimates of Lave and Seskin seem conservative. If the statistical analysis used by them is valid in attributing the degree of health effect to pollution as they described, then the quantitative data on the benefits (in dollars saved) to be derived from reductions in air pollution are probably quite conservative since so many cost factors in health care were not included in the analysis. It is necessary to observe however, that a determination as to whether these savings are actually being achieved will be dependent upon whether the levels of reduction in pollution are actually occurring. The calculations by Lave were based upon air pollution levels observed in 1960–1961. He estimated the savings based upon a 50% reduction in these levels. He also used cost figures which were based upon earlier studies without updating to account for inflation and other effects on health costs.

As may be noted from the literature review within this report, no really significant or startling breakthroughs in knowledge were identified. There is still considerable uncertainty regarding the validity of health effects noted at the lower levels of carbon monoxide and the data are still considered insufficient with regard to nitrogen dioxide health effects at lower or ambient levels. There does seem to be an increasing agreement regarding the dangers of particulate and sulfur dioxide effects. Most of the investigators still express considerable uncertainty regarding the data on pollution levels—with regard to the position and number of samplers as well as the accuracy and area representation of the samples. Unfortunately, mortality statistics still lag significantly so that current evaluations are slowed Additionally, morbidity data still suffer from a lack of standardization of reporting for many of the chronic diseases. The number of individuals "at risk" to the effects of air pollution is quite large—although not adequately described quantitatively—and are collectively a problem of continuing concern with regard to air pollutant health effects.

SUMMARY OF RESEARCH AND PROBLEM AREAS

Additional information is required with regard to the health effects of photooxidants, nitrogen dioxides, and carbon monoxide (particularly at CO levels below 25 ppm). Although few additional reports are available on the effects of particulates and SO_2, there seems to be less disagreement regarding the effect of these materials even though the specific relationships and physiological mechanisms of the effects caused by these pollutants are not fully understood.

There is a compelling need for more epidemiological studies and long term studies of chronic effects of air pollutants. In this regard, it has been suggested that one obstacle to the completion of these types of studies is a natural reluctance of scientific personnel to become involved in long term (life time) studies. It has been suggested that some consideration might be given to the establishment of an institute or program within an existing institute with the objective of completing these types of life time studies. Scientific personnel could be assigned to the task, replaced as necessary, reassigned, or other personnel changes made, but the program itself would be institutional in nature with personnel continuously maintaining the continuity of the studies. Such long term studies of populations to determine effects of environmental factors would require some assurance of continuous funding and support in order to attract competent investigators willing to invest the time and effort necessary. Investigations of this nature could focus attention upon such problems as perinatal mortality and air pollution; the relationship of cigarette smoking and urbanization (particularly with regard to lung cancer); and the contribution of air pollution to accidents. More accurate statistics on air pollutants by region and on morbidity and mortality data are required.

Studies of the mutagenic effect of airborne chemicals are needed. For example, some evidence is available that SO_2 dissolved in water reacts adversely with genetic compounds. Additionally, more information is needed on the effects of airborne carcinogens. The National Academy of Sciences report on polycyclic organic materials indicates the significant risk from these substances. There is also a need to evaluate the chronic toxic hazard of atmospheric pollutants, particularly the various metals of interest. The data on metals have been mentioned as inadequate for establishing firm air standards. Of specific interest are cadmium, nickel, beryllium and lead.

More studies need to be completed on the health benefits (in dollars saved) to be derived from reductions in air pollution. The data from monitoring changes of levels of air pollutants need to be continuously reexamined in order to determine whether these benefits are actually being realized as the costs are incurred to effect the reduction in pollution. Further, the value of the benefits requires regular updating in order that the validity of the estimates may be assured for cost/benefit analyses necessary when evaluating the need for further modification of standards. Costs and benefits need to be related more directly to specific pollutants rather than to the broad category of air pollution. More information needs to be gathered on the impact of air pollution on susceptible members of the population.

Cost/benefit analyses would benefit from the inclusion of considerations of the nondisease health effects of air pollution. New techniques are evolving which permit sensitive measurements to be taken to predict the onset in changes in ventilatory capacity, for example. It would also be profitable to consider changes associated with increased storage of harmful pollutants in the body. This concept, addressed by John Goldsmith (34), would require the consideration of such reactions as: sensory irritation, odor and reactions to odor, central nervous system reactions, including visual threshold, psychomotor test performance, temporal discrimination, altered response under conditions demanding maximal performance, biochemical changes and blood changes, and effects on aging. Such evaluations would serve to strengthen our understanding of chronic effects as well as improving a capability to prevent the onset of disease caused by air pollution.

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THE MYTHS OF THE BUDGET—II

Mr. FULBRIGHT. Mr. President, in a previous statement I spoke of the continuing dominance, in the President's proposed budget, of military spending. I cited reports from the Congressional Research Service of the Library of Congress and the Joint Economic Committee indicating that military-related spending amounts to almost $120 billion in the President's budget.

Let me mention just a few items from

the military procurement account. There are big allocations for two Navy vessels that bear gigantic price tags: $1.7 billion for the Trident submarine—twice last year's amount; $657 million for another $1 billion nuclear aircraft carrier. There are also big requests for the DD–963 destroyer built by Litton Industries—$591 million—the attack submarines—$922 million—and for 48 more Grumann F–14 fighters—$616 million—even though that plane is already a classic case of cost escalation. Just these few items from the Navy budget total $4.5 billion this year and much more in the years ahead.

In contrast to these massive military expenditures, the President would terminate or drastically reduce, through impoundment and budget cuts, a number of domestic programs. It is certainly possible that some of these programs should be reduced, revised or even eliminated. In some cases the emphasis may need to be shifted. But the means for doing this is through the proper legislative channels and not through the exercise of arbitrary and unconstitutional power by the President.

I think it is appropriate to examine some of the specific programs the Administration plans to cut and to see what the effect of these cuts would be, particularly on the State of Arkansas.

IMPACT ON ARKANSAS: I. HILL-BURTON HOSPITAL CONSTRUCTION FUNDS

The President has said that the Hill-Burton program "continues to pour out funds, regardless of need" and that there is no shortage of hospital beds.

This is a view which is very shortsighted. To begin with, there is a shortage of hospital beds in many places, and secondly, there is a considerable need for hospital modernization and conversion, for which Hill-Burton funds could be used. Anyone who has been faced with hospital bills in recent years knows of tremendous increase in hospital costs. We must make every effort to hold these costs down. If Federal assistance is not available to aid in further construction, expansion and modernization, this could mean even further increases in hospital charges.

As Judith Randall wrote in the Washington Star-News:

> The Hill-Burton program is not the total anachronism the administration has made it out to be. For one thing, there still are places in this country where, if a medical staff could be recruited, the construction of a hospital would serve a need. More important, large numbers of beds are housed in facilities so antiquated that the care rendered in them is both unnecessarily expensive and—because of wiring insufficient for modern electric loads and other hazards—unsafe.

Columnist Marquis Childs has reported:

> Almost every public big city hospital is a slum. The desperate need is for rehabilitation which might have been carried on under Hill-Burton.

The director of the Arkansas State Department of Health, Dr. J. A. Harrel, has informed me that his files contain a backlog of requests for Hill-Burton funds totaling $27.3 million. The State plan for 1973, according to Dr. Harrel, shows a general hospital need of 750 additional new beds and 526 replacement beds. It also shows a need for 822 new long-term care—nursing home—beds and a need to replace 987 such beds. Dr. Harrel adds:

> The need for public health centers and outpatient facilities continues to grow. There is also immediate need for one additional rehabilitation facility project.

According to the most recent figures available, Arkansas has about 11,000 hospital beds, which is only 0.70 percent of the national total, whereas the State has 0.95 percent of the national population. On a strict percentage basis, therefore, there should be 14,800 hospital beds in the State. Thus there is a deficiency of 3,800 beds. Of course statistics do not tell the entire story, and one of the problems with this administration's policies is that they do not give enough consideration to the human consequences. This was notably true in the recent decision—later reversed, after many protests—to cut physical disability payments for Vietnam veterans, including amputees.

The administration appears to have relied heavily on the report that there is no shortage of hospital beds today, without really delving into the question or considering other aspects of hospital and health care needs. For example, there well may be an overabundance of beds in some areas, but this is not generally the case in Arkansas or in many other places. Nor does the administration appear to have given any consideration to the need for modernization or for construction and improvement of outpatient facilities such as rehabilitation units and emergency rooms. With the increasing importance of emergency rooms and the burden placed on them because most doctors no longer make house calls and are not available on weekends or at night, the need for emergency facilities is especially great. As the Star-News article by Judith Randall pointed out:

> Besides being in short supply, these are the very sorts of facilities proprietary (profit-making) hospitals are least inclined to add, since they cannot be counted on to make money.

Reports of the Health Facilities Planning and Construction Service of the Department of Health, Education, and Welfare indicate not only a serious shortage of hospital beds, but the need for modernization of an estimated 40 percent of the Nation's non-Federal general hospitals and long-term care facilities. A recent report said the expansion or modernization was needed of no fewer than 13,390 general hospitals, long-term care facilities, outpatient clinics, public health centers, and rehabilitation units. Even if the need is not as great as these figures imply, they do indicate a considerable need.

In Arkansas, for example, I recently received a letter from the board of directors of Ouachita Memorial Hospital in Hot Springs, who wrote:

> We are now in the process of doing our Long Range Planning Study, and everything has indicated that we will have to go into a major expansion program.
>
> Due to the number of retired people residing in the Hot Springs area, there will be great difficulty in trying to get a bond issue passed of sufficient magnitude—to complete such a program of expansion the Board is anticipating receiving Hill-Burton funds and any other Federal funds which might be awarded in this area.
>
> The entire Board strongly urges you to continue to support some type of Hill-Burton grant.

Mr. President, whereas there are some areas in the Nation and in Arkansas where hospital facilities may be sufficient, there are obviously many places where they are not. There is a clear and continuing need for construction and modernization of hospital facilities. It would appear that the current program should be redirected so as to be better attuned to the future needs I have mentioned. I hope that this year's legislation will reflect that.

II. MEDICARE

As I noted in my earlier budget analysis, with the exception of medicare and medicaid, the proposed increases in health spending are minimal.

Even medicare would be cut back under the administration's plans, which would sharply increase the costs of medicare by requiring the elderly who benefit from the program to increase their payments. Under current law, medicare patients pay an initial $72 for hospitalization and nothing thereafter until the 61st day in the hospital. The administration would require payment of full hospitalization charges for the first day, plus 10 percent of all subsequent costs. Instead of paying the first $60 and 20 percent of all the rest of his doctor bills each year, the medicare patient would be required by the administration to pay the first $85 and 25 percent thereafter.

It is ironic that while military expenditures would be increased, our elderly citizens are the target of an economy move. The administration's proposals would simply aggravate the problems of the elderly, who would be discouraged from seeking adequate medical care because of the increased financial burden.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point an editorial from the Benton, Ark., Courier on the proposed medicare changes:

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

> When it comes time to kick someone in the teeth, the government has a tendency to pick on old people.
>
> A good recent example is the Nixon administration's plans to put the shaft to about 23 million old folks who receive Medicare benefits.
>
> Nixon says he is interested in holding the line on the federal budget. One of his means of doing that, apparently, is to require old people who receive Medicare benefits to pay more of the cost of medical care they receive.
>
> The administration tries to justify this plan by pointing to higher Social Security benefits being paid now, indicating the old folks can afford to pay more.
>
> Really, we think this is just a sneaky way for the Nixon administration to try to eliminate the Social Security increase that was passed last year by Congress.

III. REGIONAL MEDICAL PROGRAM

Mr. FULBRIGHT. Mr. President, the President's budget calls for termination of the regional medical program, which was established to combat heart disease, cancer, and strokes. These regional programs have been responsible for improving access to and strengthening health care delivery systems and for bringing the latest medical advances and techniques to local physicians and medical personnel.

Projects organized and administered by the Arkansas RMP which apparently will be terminated if the program is not restored include:

A joint project with the State health department and the agricultural extension service in consumer education, teaching disease prevention, and how to get health care.

Telelectures from the University of Missouri for education of physicians, nurses, and other health professionals.

An education program for nursing home employees in the care of victims of heart disease, cancer, stroke, and related diseases.

A cardiac rehabilitation center, the only one in the State.

A refresher course at Baptist Medical Center for medical technicians and technologists.

Several small projects, such as neighborhood indigent clinics.

A statewide kidney disease program which has been hailed nationally and included 23 kidney transplants in its first year of operation.

Use of limited financial resources to bring individuals and groups together to solve health care problems such as funding of the Arkansas Health Systems Foundation which was subsequently awarded the contract to develop a statewide Emergency Medical Service System.

I would concur with the remarks of Dr. Charles Silverblatt, coordinator of the RMP in Arkansas, who applauded the President's desire to weed out ineffective programs, but added:

> I think the President is being impulsive; he is not looking at the record.

Likewise I would agree with Tom Roden, projects director at Community Methodist Hospital in Paragould, Ark., who said:

> I feel this program has been helpful. I realize we do need some reorganization, but eliminating RMP altogether is too drastic. I believe the President is probably overstepping his authority in this matter.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point articles from the Arkansas Gazette and the Paragould Daily Press on the Arkansas regional medical program, and a letter from Mr. Thomas Roden.

There being no objection, the articles and letter were ordered to be printed in the RECORD, as follows:

FUTURE DIM AS RMP TOLD FUNDS TO END

Tom S. Frasier, a member of the staff of the Arkansas Regional Medical Program, said Sunday that in addition to eliminating many federally funded programs, the Nixon administration was tightening eligibility requirements for other programs.

"We look for next year to be a gloomy year," Frasier said.

The Regional Medical Program, which has spent $3,344,000 since its inception in Arkansas in February 1969, has been ordered to submit a plan for closing out its programs by June 30.

Frasier said federal officials had indicated that RMP might be able to continue putting money into the state kidney disease control program until February 1974.

RMP is spending about $400,000 on the program this year, and the state adds another $250,000 to that. About 40 kidney transplants have been done under the program, and home dialysis has been made available to anyone in the state needing it.

"You can't just turn off those machines," Frasier said.

RMP officials have considered telling the federal government RMP will just close its doors on June 30 without any plan for "phasing out" its operations, Frasier said.

Frasier, a former director of the state Early Childhood Development Office in the Social and Rehabilitative Services Department, said programs for the retarded would be another casualty of President Nixon's budget cuts.

Presently, he said, more than 1,600 children and adults are enrolled in community programs for the retarded, and 90 per cent of them are eligible for federal assistance.

Such a large number qualifies for aid because present guidelines allow assistance if the presence of the retarded child poses some threat to the family's stability or to the health of the child. Recipients of aid need not be poverty-stricken, Frasier said.

New guidelines being prepared will make economic status the only determining factor.

Also, the guidelines will make it very difficult to use private money to match federal funds for social service grants, Frasier said. He explained that private individuals, civic clubs and other groups had helped match the federal funds being used now to operate community programs for the retarded.

The new guidelines will require that matching money come from public funds, Frasier said, and will not allow "in-kind" contributions such as donated office space or loaned personnel.

Frasier was the speaker Sunday for the Open Dialogue group at the Unitarian Universalist Church at 1818 Reservoir Road.

AREA'S MED PLANS AXED

(By Ted Wagnon)

Under President Nixon's proposed budget cuts, the Paragould branch of the Memphis Regional Medical Program (RMP) will be phased out by June 15, 1974. Tom Roden, projects director at Community Methodist Hospital, is sub-regional director of the RMP for eastern Arkansas.

"We have been operating through the Memphis RMP for five years," Roden said. "Our orders are to submit a phaseout plan by Feb. 15, 1974."

The Arkansas RMP has been given orders to submit plans for termination by March 1; termination of the state program is planned for June 30. Roden said each of the 55 RMP offices would submit individual plans and that termination dates might vary as a result.

Dr. Charles W. Silverblatt, coordinator of the state RMP, applauded Nixon's desire to weed out ineffective programs, but added. "I think the President's being impulsive; he's not looking at the record."

The Arkansas RMP has spent about $3.3 million in federal funds since its inception four years ago. Included in its services have been training health personnel, providing equipment for health services and a statewide program aimed at prevention and treatment of kidney diseases.

Paragould's RMP facilities have received $300,000 in grants, equipment and partial salary payments since 1969. Roden said there is no accurate way of estimating how many employees will be affected by the phase-out, since most work in other areas of health services, as well.

Locally, RMP is involved in the 11th session of a regional cardiac nursing program. Thus far, 110 nurses have completed the program. The home health agency is also supported by RMP funds, as is the regional medical library, a joint project between Dunklin County Hospital and Community Methodist.

"We plan to go ahead with a six-county regional physicians' cardiac program," Roden said. "It's important to understand we will complete approved projects, but we cannot enter any new contracts."

Other projects under the Arkansas RMP which apparently will be terminated are:

A joint project with the state Health Department and the agricultural Extension Service in consumer education, teaching disease prevention and how to get health care.

Tele-lectures from the University of Missouri for education of physicians, nurses and other health professionals.

An education program for nursing home employes in the care of victims of heart disease, cancer, stroke and related diseases.

A cardiac rehabilitation center, the only one in the state.

A refresher course at Baptist Medical Center for medical technicians and technologists.

Several small projects, such as neighborhood indigent clinics.

Roden said the Memphis RMP had intended to enter similar projects, but could no longer do so. There had been rumors leaked two weeks before the President's Jan. 29 budget speech, Roden said, but "we didn't know any abolute facts."

Nixon has allowed $55 million for phasing out the program, Roden claimed.

"I feel this program has been helpful," Roden concluded. "I realize we do need some reorganization, but eliminating RMP altogether is too drastic. I believe the President is probably overstepping his authority in this matter."

COMMUNITY METHODIST HOSPITAL,
Paragould, Ark., February 8, 1973.
Hon. J. WILLIAM FULBRIGHT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FULBRIGHT: Recent news reports have indicated that the President's budget includes the phasing out of the Regional Medical Program Service. While I might agree that some reorganization is needed and, perhaps, new priorities, it is certainly a recognized fact that the Regional Medical Program has provided Northeast Arkansas with benefits which could not have been attained through any other state or federal agency.

St. Bernard's Hospital in Jonesboro—the major referral center for Eastern Arkansas and Southern Missouri—was able to construct a Coronary Care Unit through RMP grant funds. This was the first CCU in this area, and the equipment, nurse training, and salaries were provided through the Memphis Regional Medical Program. St. Bernard's was also able to become a satellite hospital for renal dialysis through an ARMP grant.

Here at Community Methodist Hospital, we have provided a comprehensive training program for cardiac nurses for the past three years because of support from the Memphis RMP. In conjunction with this program, which serves Northeast Arkansas, Southeast Missouri, and Western Tennessee, a similar program is to be initiated soon to serve the West Memphis, Helena, and Forrest City area. These training programs are the only ones available to nurses in this area, and they are quality programs, directed by a Cardiologist and taught by certified cardiac nurses. They will have to be terminated if the Regional Medical Program Service is phased out.

An outstanding achievement for Greene and Clap Counties was the establishment of a hospital-based home health agency. This agency has provided a means whereby many elderly residents are able to circumvent institutionalization and remain productive citizens. This project was funded through the Memphis Regional Medical Program, and gave Arkansas its *first* and *only* hospital-based agency for home health care.

There have been numerous central staff programs in both Memphis and Little Rock which have involved nurse and physician workshops, toll-free library services, and consultative services for a variety of medical disciplines. It is my belief that the providers of medical service in Arkansas will not be able to find alternative sources for these opportunities, and the ultimate result will be decreased quality of care for Arkansas residents.

I would appreciate your using your influence in the Senate to continue appropriations for the Regional Medical Program Service, and also to restore the legislative authority which has been so flagrantly usurped by the President.

Very truly yours,

THOMAS E. RODEN,
Special Projects Director.

IV. OTHER HEALTH PROGRAMS

Mr. FULBRIGHT. Mr. President, I referred earlier to the shortage of health care and rehabilitation facilities in Arkansas. Another problem area for the State is health manpower. Yet the administration has only funded at a token level the Health Manpower Act which President Nixon called the "most important single piece of health legislation" enacted last year.

According to the Arkansas State plan for primary health care, Arkansas has a shortage of primary care personnel plus a maldistribution of existing personnel. The result is that no area of the State can claim to have sufficient personnel to meet the health care needs of all its population and a number of areas have no personnel at all in many critical health occupations.

For instance, one Arkansas county has no full-time general practitioner or family practitioner; 58 counties have no internists; 62 no pediatricians or obstetric/gynecologists; 45 no general surgeon; 17 no medical technologist; 31 no X-ray technician. In counties where such personnel are available, they are overworked. In 23 of the 73 counties with general or family practitioners, the ratio of these personnel to population significantly exceeds the national average. In 16 of the 17 counties with internists, their ratio to population exceeds the national average by an even greater margin. The pattern holds true for all primary care physicians and for the more highly skilled paramedical personnel—such as registered nurses, occupational therapists, physical therapists, medical technologists, X-ray technicians, and so forth.

The shortage of doctors is not confined to Arkansas. According to a recent article in U.S. News & World Report:

> While many cities have more than their numerical share of doctors, residents of both rural areas and city slums have access to far fewer physicians than they need. Even in many prosperous suburban communities, doctors are so swamped with work that they refuse to accept new patients.
>
> Result: Emergency rooms and outpatient departments of hospitals—a large proportion of them heavily staffed by foreign-trained physicians—are being deluged by people who cannot get into a doctor's office.

There are an estimated 346,000 doctors now available, which is one physician for every 636 potential patients—some 69,000 doctors short of meeting the ratio of one doctor for every 500 patients, widely regarded as the desirable ratio.

The administration would also fail to provide money for support for schools of nursing, which will worse the current estimated shortage of 100,000 to 150,000 registered nurses, and would reduce its support for training of optometrists, pharmacists, public health personnel, veterinarians, and others.

Dean Stanley Mittelstaedt of the University of Arkansas Medical Center School of Pharmacy has informed me:

> The loss of Federal support will have a severe financial effect on our School and its overall training aspects.

Further, the administration would cutback some important medical research programs and training for research scientists, which would seriously restrict research efforts in Arkansas and elsewhere.

In addition to the cuts in training and research, the University of Arkansas Medical Center stands to lose $12 million in matching grants for construction.

V. COMMUNITY MENTAL HEALTH CENTERS

The President's budget would phase out the program for community mental health centers. Federal funds account for only a portion of the total funding for these centers, but without Federal funds many of them will be forced to close. According to State officials, at least 75 percent of the community centers in Arkansas that serve the mentally ill, mentally retarded, and other handicapped and needy persons may have to be closed under regulations proposd by the administration.

Currently there are 28 community centers for the mentally ill plus 87 community day care facilities for mentally retarded children in the State. Dr. Roger Bost, Director of the Arkansas Social and Rehabilitative Services Department, said the reduction in Federal aid would also probably mean that the State would be unable to proceed with proposed expansion of the Booneville center for older mentally retarded persons and that it would not be able to open the Jonesboro unit of the Children's Colony, now under construction.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point letters from the chairman of the board of the Texarkana Regional Mental Health-Mental Retardation Center, from the East Arkansas Regional Mental Health Center, and from a citizen in Pine Bluff, Ark.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE TEXARKANA REGIONAL
MENTAL HEALTH-MENTAL
RETARDATION CENTER,
Texarkana, Tex., February 19, 1973.

Hon. WILLIAM FULBRIGHT,
Senate Office Building,
Washington, D.C.

DEAR SENATOR FULBRIGHT: I am writing you about a serious concern of mine and I know it will also concern you. What I am referring to is the Administration's proposal that present legislation (expires June 30, 1973) for continuation of the community mental health center program not be renewed. Our Center serves people from both Texas and Arkansas, and just recently as we went into our 5th year of operation we opened our 4,000th case of helping people. The records show that the last quarter for example, 36.7% of our caseload was for persons whose income was under $50.00 per week. 36.9% had an income between $50.–$99. Clearly this shows that low income groups are receiving help and where would they go if we were not here?

Our Volunteer Board of Directors see a real need to expand professional services to those who are suffering from an alcohol or drug abuse problem but so far the funds just have not been available.

I hope you will take a "hard look" at the Administration's proposed budget cuts and what they will mean in terms of mental health/mental retardation services through the proven system of locally based comprehensive treatment centers that serve children, adults and our older citizens.

Yours sincerely,

MASON ANDRES,
Chairman of the Board.

EAST ARKANSAS REGIONAL
MENTAL HEALTH CENTER,
West Memphis, Ark., March 13, 1973.

Senator J. WILLIAM FULBRIGHT,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR FULBRIGHT: I am inquiring about the recent Social and Rehabilitation Service regulations restricting federal involvement in programs authorized under Titles I, IV–A and XVI of the Social Security Act.

Do you realize the loss would result in $140,000 annually to our Center, and a cut back to necessary services needed by 500 individuals in our surrounding area?

Any help you can give to ease the severity of the proposed limitations would be extremely appreciated. Thank you so much for your time and effort.

Cordially,

ROSEMARY A. STOCKTON.

HARLOW SANDERS & CO., INC.,
Pine Bluff, Ark., February 9, 1973.

Hon. J. WILLIAM FULBRIGHT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FULBRIGHT: It has come to my attention that the proposed budget excludes community mental health centers, and that mental health centers are also expressly excluded in participating in revenue sharing funds. Since I strongly feel that our local mental health center is of vital importance to the well being of the citizens in this area, we would appreciate whatever you can do personally to see that they will continue to receive funding from the government, or that they will be allowed to receive funds from revenue sharing.

I am writing this letter in the belief that you sincerely desire to know the desires of your constituents.

> Thank you for your attention to the above matter.
>
> Sincerely,
>
> Mrs. JOHN D. THARP.

VI. EDUCATION

Mr. FULBRIGHT. Mr. President, as I mentioned in my earlier statement, the proposed budget calls for a cutback in education-manpower funds. A number of important programs would be curtailed or eliminated, although the administration says some of these programs could be funded through a special revenue-sharing program for education it has proposed.

I think it is particularly regrettable that the President proposes to lessen our commitment to education in this country. Here again is a glaring paradox—more money for the military; less money for schools.

As the principal of Sparkman, Ark., High School, Mr. Jim Tarkington, stated in a recent letter to me:

> We are making great strides in achieving the difficult job of educating . . . a new generation of Americans. However, we cannot do the job alone. Local, state and federal funds must all chip in and with this collective financial support we can get the job done.

Among those programs which would be almost completely eliminated under the administration's proposals are adult and vocational education.

Due in significant measure to Federal aid, we have, as Mr. Tarkington said, made great strides in education in Arkansas in recent years. However, we have many citizens who are severely limited in employment opportunities, because of the lack of sufficient education. According to Mr. Luther Black, supervisor of adult education in Arkansas, the State has 693,000 persons 16 years of age and older who have less than a high school education. Of this number, 317,000 have less than an eighth-grade education.

Mr. Black states:

> Employment of these people is understandably limited. Under two programs currently offered in Arkansas, one provides for instruction to improve the basic academic skills of adults with less than an 8th grade education. The other provides an opportunity for adults with a 9th grade but less than a 12th grade education to improve their academic skills to qualify for a high school equivalency certificate.
>
> The two programs are serving more than 11,000 Arkansas adults per year. Three thousand or more of the number complete their high school equivalency and enter employment each year. This improves the economy of the state through increased employment and results in more responsible citizenship of individuals served.

Just as the loss of adult education funds would impair this important program, the drastic cuts in Federal vocational education funds would seriously hamper the program in Arkansas.

I would like to quote from a recent letter I received from Mr. W. C. McKinnon, director of the Oil Belt Vocational Technical School in El Dorado, and from Mr. W. P. Rosenaur, director of finance at the school:

> We know you are aware of the success of our current vocational education programs in our secondary schools and area vocational technical schools throughout our state. These fine programs are performing a vital service to our citizens and your constituency throughout the state of Arkansas. Our state legislature, now in session, is supporting bills that will embark our state on a vocational education program that will be second to none in the nation, but our state appropriations will have to be supplemented with federal vocational funds for this to become a reality. It can become a reality by federal funding of vocational education commensurate with 1971–72 level of expenditures.
>
> Arkansas is on the threshold of excellence in the area of vocational education; therefore, we urge you to support legislation that will keep these supplemental federal funds in the current federal budget.

Several higher education programs would also be terminated, including the National Defense Education Act scholarships, construction of college buildings and libraries and teacher training.

President Dan C. West of Arkansas College in Batesville, Ark., stated:

> As a member of a higher education community in this country I am alarmed and grieved by the unilateral decision of the Nixon Administration to impound funds and seriously cut back federal programs to benefit students and institutions in higher education. And yet this is but one example of proposed tragic neglect in the area of human resources and human development in favor of sustained high spending and even increased expenditures in other areas which I believe to be of lower priority.

Dr. David Mullins, president of the University of Arkansas, said:

> The cutback in Federal funds will severely hamper our operations.

Damaging cuts would also be made in elementary and secondary education programs, including title I funds which are aimed at providing services to disadvantaged youngsters and have been used for remedial reading, math, and a variety of other special programs. Although some of this money possibly would be made up through revenue-sharing funds, the potential loss is considerable. Title I funds have enabled many Arkansas school districts to carry out much-needed projects to expand educational opportunity and to benefit students having special needs.

Mr. Cecil Hall, superintendent of schools at Prattsville, Ark., said his district could not absorb cuts in title I:

> We'll just have to cut the program. No one tells us what the reasons are for the cuts or what the complaints are with the program.

Superintendent Vaughn Wright, of Watson Chapel, expects a loss of $60,000 in title I funds. A loss of this magnitude would necessitate cutting the entire program, he said, and would cause the district to lose the services of a nurse, three health aides, and a teachers' aide.

Wright says the title I program has been a major success in his district:

> Each year we have an evaluation of the Title I project in reading and math. The cold, hard facts show that improvement has been made by students who receive assistance from this project.

Wright told the Pine Bluff Commercial it was difficult to impress the Federal budgetmakers. He said that such things as an improved diet, neater clothing and a display of more interest and enthusiasm for school resulting from title I projects would not necessarily show up on test results.

Among the many successful title I programs in Arkansas have been reading projects at Hope, Russellville, Huntsville, and Delaplaine and a special activities project for the handicapped at Crossett.

A recent article in the Paragould Daily Press described the Delaplaine project:

> Most of the students in the special reading programs have difficulty in reading or comprehending what they have read, and the individualized instruction the reading program provides is helping them. The students also participate in reading sessions in their regular classrooms, and the extra help they get in the special reading program seems to help them follow reading lessons in the regular classrooms better.

The reading program utilizes specially prepared materials and equipment. Mrs. Alleen Harpole, teacher of the Delaplaine program, said the use of the materials have improved the reading skills of her students. However, she points out that it is almost impossible for most schools to provide the funds for such materials and equipment without title I assistance.

Mr. Charles Knight, superintendent of schools at Gould writes:

> If Congress goes through with Mr. Nixon's proposals, education will be set back 50 or more years in our part of the country. Our school employs 5 full-time teachers with Title I funds. If the program is abandoned we will lose a special education class that is needed badly, 3 remedial reading classes, which we feel are essential and last but not least a guidance counselor for our 550 students. These are a few of the major programs we lose if we don't have Title I funds. Some of the smaller programs will be lost also . . . Our district, like most all of the districts in Arkansas, isn't able to provide these programs with local money simply because it takes almost everything we get in local revenue just to operate the plant. If the President or the Congress can show me how cutting off Title I funds is going to help education, I would appreciate it . . .
>
> I'm not saying that it will be impossible to have school without federal aid, but I am saying that in a district such as ours without federal assistance we will be doing a grave injustice to our children and their education.

Superintendent Francis Cate, of Clover Bend, states:

> As the superintendent of a small rural school district in N.E. Arkansas I have supervised over the spending of some $80,000 of the government's money through ESEA and OEO programs and I know from direct and personal experience many children who have been helped and whose lives have been changed . . . and who otherwise would not have been helped by local or state agencies. This information, Mr. Nixon could not possibly have. He does not have the direct experience. Any man so barricaded, so isolated, so far removed from the reality level must as a necessity deal in abstractions and generalities and, if he is not careful, absurdities.

Mr. President, I have received letters from 175 school superintendents and officials in Arkansas, all of them favoring continuation of the title I program. I ask unanimous consent to have a small sampling of letters I have received from Arkansas educators printed in the RECORD at this point. Additionally, I ask unanimous consent to have printed in the RECORD an article from the Pine Bluff Commercial of March 7 by Marion Humphrey detailing the potential losses to southeast Arkansas schools from the proposed cuts in Federal education funds, and an accompanying table indicating the substantial reliance on Federal funds in these districts.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LITTLE ROCK, ARK.,
February 6, 1973.

Hon. J. WILLIAM FULBRIGHT,
U.S. Senate,
Washington, D.C.

DEAR MR. FULBRIGHT: President Nixon's recently proposed budget to Congress to cut back or terminate many of the programs that are helping the masses of people in our State is jolting; as a matter of fact, it is almost unbelievable. I am well aware that you are far more knowledgeable about the status of national affairs than I am, but it is apparent that there is a need for a redirection of our national priorities. The President proposes a substantial increase in our national budget, yet he is determined to cut back or terminate domestic programs that are helping our people.

I am especially interested in the severe cut he proposes for the Elementary and Secondary Education Act, Public Law 89–10. Arkansas needs the full funding of this program. The funding level during fiscal year 1973 is more than 13% less than during fiscal year 1972, as provided under the Continuing Resolution and many local school districts are encountering many serious financial problems because of this unexpected reduction of funds from ESEA.

The future of this nation largely depends upon how well the talents of the nation's youth can be channeled into constructive programs of education. In properly educating our youth of today, we can hope for a shorter welfare line of tomorrow, a reduced crime rate and a more productive society that will contribute to the wealth and welfare of our nation.

Therefore, we earnestly solicit your wholehearted support in:

1. seeing to it that our State receives as much money in fiscal year 1973 as we received in the 1972 fiscal year.

2. and most important, that Public Law 89–10 be re-enacted for fiscal year 1974 at a funding level at least equal to the 1972 fiscal year.

We are encouraging all of the superintendents of our State to join us in this effort of reordering the priorities set by the national administration. We are also contacting our friends in other states who face a similar problem that we face here in Arkansas. We are most sincere in our effort that the progress made in education in the last few years will not be retarded.

If there is any information or service that we can render, please do not hesitate to let us know.

If there is any information or service that we can render, please do not hesitate to let us know.

Respectfully yours,
B. G. WILLIAMS,
Associate Director for Federal Programs.

UNIVERSITY OF ARKANSAS,
Fayetteville, Ark., March 2, 1973.

Hon. J. WILLIAM FULBRIGHT,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR BILL: Although I am sure you will be getting correspondence from Governor Bumpers and from various State Agencies concerning the difficulties Arkansas institutions will encounter due to President Nixon's impoundment of funds, I felt I should give you some idea how the University of Arkansas may be affected. At this early stage, extremely accurate predictions are impossible, but the cut-back in Federal funds will severely hamper our operation. We could lose, or have already lost, for example, the following:

	Fiscal year	
	1973	1974
Bankhead-Jones	$124,000	$160,000
Bankhead-Jones (Pine Bluff campus)	40,000	40,000
Water resources research	40,000	40,000
McIntyre-Stennis	44,000	
Special extension	62,000	
Agricultural research funds		300,000
Medical school (research support, training grants, student assistance, regional medical grants, etc.)	1,289,550	
Nursing, pharmacy and health related professions	487,200	

In addition to the above figures, which at this point have pretty well been cut off already, additional large sums are in danger of being impounded. If Federal matching money for building programs were to be cut off, we stand to lose $12,000,000 in matching grants for the proposed construction on the Medical Center alone. Cut-backs of Federal funds for student financial aid assistance would significantly hamper operations on all campuses. Indications are that those funds will probably be cut back at least to some degree, and since we have received about $800,000 per year in the past for Student Aid, you can see our concern.

Our concern spans many Federal programs that now seem in danger of having funds withdrawn. My purpose in writing you is to give you some idea of the severe problems we will face should the projected cut-backs, in reality, take place. I would ask that you urge the Administration to release the impounded funds for fiscal year 1973, and also make available the fiscal year 1974 funds that will be so sorely needed by the University of Arkansas and other similar institutions.

If I can be of help in bring these problems into sharper focus, please give me the opportunity.

Warm personal regards and all good wishes.

Sincerely,
DAVID W. MULLINS,
President.

NORMAN, ARK.,
March 7, 1973.

Hon. J. W. FULBRIGHT,
Senate Office Building,
Washington, D.C.

DEAR SENATOR FULBRIGHT: I am the superintendent of the Caddo Hills School District in Montgomery County. This district covers an area of 300 square miles in rural Arkansas.

It is a continuing struggle to offer quality education to our students with monies available to operate the schools. It is made much more difficult by the loss of Federal monies such as Public Law 874, NDEA Grants, and etc. Therefore, I would ask these questions:

1. Why is it necessary to send aid to North Vietnam? (I am inalterably opposed to aid to North Vietnam.)

2. Why is it necessary to vote an increased budget for the military at this time?

3. Are the programs that have been cut out for help for the average man and for education going to be reinstated, or can we expect the burden of the loss of these funds to fall directly on those least able to afford it?

Thank you for your time and consideration in this matter.

Sincerely yours,
HOLLIS H. SIMPSON.

FAYETTEVILLE PUBLIC SCHOOLS,
Fayetteville, Ark., February 20, 1973.

Hon. J. WILLIAM FULBRIGHT,
U.S. Senate, Washington, D.C.

DEAR SENATOR FULBRIGHT: Our school district faces the loss of the following funds under the President's implementation of the Continuing Resolution and the further impoundment of appropriations made by the Congress:

Impact Areas Aid	$24,000
Vocational Aid	20,000
Title I ESEA	13,000
Title II ESEA	8,000
MDTA-Health Clerical	11,000
MDTA-Heavy Equipment Operation and Repair	40,000
NDEA	7,000

At least $40,000 of this money was budgeted for this school year in our expected receipts.

Please continue your efforts to change the President's priorities toward helping to educate and retrain our people. I feel it was a serious error to allow the President to have a continuing resolution for HEW Appropriations without some restrictions on which programs were to be eliminated or severely cut.

Thanks for any assistance you can give to educational programs.

Sincerely,
BEN WINBORN,
Assistant Superintendent.

[From the Pine Bluff Commercial, Mar. 7, 1973]

BUDGET CUTS: SCHOOL OFFICIALS WORRY OVER AID LOSSES

(By Marion Humphrey)

School officials in Southeast Arkansas are concerned about budget cuts proposed by the Nixon Administration that will affect federal aid to education.

Already, school districts have lost much of the federal impact aid funds; lost all of the Emergency School Assistance Program funds, although some of that loss will be recovered through the Emergency School Assistance Act; been informed that funds from Title 2 of the 1965 Elementary and Secondary School Education Act, used for library improvements, will not be available next year; and they have been notified to expect about a 14 per cent cut in funds from Title 1 of the same 1964 act for this school year.

Federal funds have been going to school districts in two major categories, maintenance and operation funds, and funds under Title 1 of the education act Under maintenance and operation, school districts received National Defense Education Act funds, which could be used to purchase equipment for science classes; Title 2 funds; and federal impact funds which were used to relieve school districts of some of the additional burden of providing educational opportunities for students who are children of federal employees. There are two types of students within this group. A-students are the children of federal employees who live on federal installations within the school district boundaries. B-students are the children of federal employees who live in the district, but not on a federal installation within the district.

Title 1 funds are aimed at providing services to underprivileged. Among services funded with this money are remedial instruction in reading and mathematics; free clothing; medical and dental care; and counseling from social workers.

The emergency assistance funds were part of a special category of appropriations that were aimed at helping school districts adjust to the desegregation guidelines of the federal Health, Education and Welfare Department. They were cut off as of January 31.

Although several districts that once had these funds have applied for new funds under the Emergency School Assistance Act, only one school district in the state, Little Rock, has been funded at this time, according to officials at the state Education Department.

Superintendent James Hughes of Warren reported that he lost six employees as a result of the emergency assistance cuts in January. He said that the district had an application pending for emergency funds before the federal Office of Education. "The Projects have been approved," he said, "but the money is not under fiscal hold." He said this meant no money was available to fund the authorized project which he submitted.

With these cuts either already in effect or soon anticipated, school officials have been placed in the position of slashing programs that depended on these federal funds or going into surplus balances that the districts have maintained.

All officials interviewed said that the programs supported with federal money deserve to be continued, and that these programs have proved to be effective.

Superintendent Williams Phillips of Grady said that this district will lose about $13,000 in federal funds this year. He said he would have to "cut off teaching aid supplies and duplicative materials for underprivileged children."

Phillips said that federal impact funds for B-students and defense funds had already been cut off.

"I realize that the president's got to cut somewhere, but I don't think that any program should be cut totally without prior notice," Phillips said.

Superintendent Vaughn Wright of Watson Chapel said that his district lost $6,000 in defense funds and received only $3,000 in impact funds for B-students this year, where as, last year the district received $30,000.

He said he expects a loss of $60,000 in Title 1 funds. A loss of this magnitude would necessitate having to cut up the whole program, he said, and would cause the district to lose the services of a nurse, three health aides and a teachers' aide.

Wright said the Title 1 program had been a major success in his district. "Each year we have an evaluation of the Title 1 project in reading and math. The cold, hard facts show that improvement has been made by students who receive assistance from the project."

He said, however, it was difficult to impress bureaucrats at the federal Bureau of the Budget with the full impact of the funds. Wright said that such things as an improved diet, neater clothing and a display of more interest and enthusiasm for school would not necessarily show up on test results which measure cognitive skills in reading and mathematics.

Several school officials said that they had not yet felt the pinch of the actual and proposed cutbacks. Charles Knight, the superintendent at Gould, said that he was not much affected yet because his district did not spend all of its Title 1 funds from last year. As a result, he said Gould has enough of a surplus to meet the commitments planned for this school. He said, however, that next year he would have to start making cuts in certain programs.

"We're not going to cut out anything," J. H. Tidwell, superintendent at Dumas, said. "We're going to go ahead with district funds to fund the programs for the year."

Grady Cathey, superintendent at Rison, said, "I'm going on as if nothing's happened. I've got six teachers hired under Title 1. There is a possibility that Congress will override Nixon."

Cathey said approximately $40,000 of the funds he had budgeted from Title 1 funds go to personnel. "It would be impossible for me to pick-up the tab," he said. "It's definite that I do not have enough funds to pickup the slack that Title 1 cuts would create."

The larger districts have even less of a chance of picking-up where federal cutbacks are made. Dr. Roy Scoggins, superintendent of Pine Bluff schools, estimated that his district would receive about $25,000 less in maintenance and operation funds, and nearly $76,000 less in Title 1 funds, than what he had proposed in his budget at the beginning of the year.

He said that there would probably have to be a cut in the summer school program to make up for the loss in Title 1 money.

One superintendent placed more value on operation and maintenance funds than on Title 1 funds. "We can survive cuts in Title 1 a lot better than the Title 2 funds," according to B. E. Turner, superintendent of the Jefferson County School District. "The Title 2 funds are part of our regular operating expenses and we have no way to replace them."

Norman Greenberg, a spokesman at the federal Office of Education in Washington said this week that the Administration was working on a new special revenue-sharing program for education that would provide sums of money for school districts throughout the country to use according to their own priorities, with due regards to the needs of the underprivileged. But, he said, the proposal has not yet been taken to Congress.

In the meantime, a lot of school superintendents are wondering what will be cut next.

"We can't absorb Title 1," said Cecil Holt, superintendent at Prattsville. "We'll just have to cut the program. No one tells us what the reasons are for the cuts or what the complaints are with the program." He continued:

"Everything has been cut this year, even our commodities. They (the federal Agriculture Department) used to send us frozen pork, turkey, chicken and French fries. We got turkey and chicken only one time each this year. We've had no pork, beef or French fries. We're required to serve one item of meat on the menu five days a week. The price of a pound of hamburger meat just jumped from 70 cents a pound to 80 cents a pound."

FEDERAL FUNDS SUPPLY MOST AREA DISTRICTS

Estimated budget receipts by Southeast Arkansas school districts as of October, 1972, show substantial reliance on federal aid. Column 1 figures are estimated federal revenues for maintenance and operation; Column 2 represents the total estimated receipts and revenues; Column 3 represents the estimated receipts and revenues to be received under Title 1 of the 1965 Elementary and Secondary School Education Act:

	General Federal funds	Grand total receipts [1]	Federal title 1 funds
Arkansas County:			
DeWitt	$21, 052	$1, 204, 167	$81, 434
Gillett	15, 200	539, 000	18, 572
St. Charles	14, 395	471, 161	13, 168
Stuttgart	31, 586	2, 956, 854	174, 225
Bradley County:			
Banks	480	134, 570	271
Hermitage	700	480, 488	30, 000
Warren	4, 100	1, 103, 201	105, 401
Chicot County:			
Dermott	6, 914	1, 247, 251	182, 000
Eudora	0	1, 089, 952	175, 814
Lake Village	4, 555	1, 012, 141	230, 756
Ross Van Ness	0	195, 203	6, 947
Cleveland County:			
Kingsland	29, 251	200, 143	18, 440
New Edinsburg	475	186, 028	17, 968
Rison	2, 500	425, 079	52, 060
Woodlawn	900	186, 535	25, 189
Dallas County:			
Carthage	450	241, 844	24, 356
Fordyce	6, 000	919, 008	4, 725
Sparkman	1, 500	354, 829	31, 904
Desha County:			
Arkansas City	650	190, 955	22, 225
Delta	500	588, 790	94, 492
Dumas	4, 477	2, 605, 546	253, 554
Desha-Drew	1, 350	340, 324	61, 767
McGehee	3, 850	854, 393	162, 860
County District at Snow Lake	8, 250	143, 851	27, 766
Drew County:			
Collins	300	215, 493	7, 853
Drew Central	1, 500	426, 000	43, 059
Monticello	4, 100	1, 020, 893	121, 725
Selma	250	157, 811	16, 327
Wilmar	1, 337	439, 097	31, 852
Grant County:			
Grapevine	250	149, 351	6, 795
Leola	0	115, 911	5, 516
Poyen	550	166, 763	7, 118
Prattsville	0	167, 356	12, 510
Sheridan	22, 900	1, 362, 929	0
Jefferson County:			
Dollarway	$13, 393	$1, 575, 110	$182, 954
Humphrey	0	293, 386	19, 446
Linwood	0	274, 089	36, 832
Pine Bluff	95, 340	5, 854, 521	543, 466
Plum Bayou-Tucker	4, 070	299, 556	22, 326
Sherrill	1, 212	361, 135	801
Wabbaseka	4, 373	342, 986	57, 527
Watson Chapel	40, 450	2, 004, 114	245, 350
White Hall	28, 000	846, 039	78, 510
Jefferson County	4, 524	156, 867	14, 743
Lincoln County:			
Glendale	0	174, 350	29, 380
Gould	1, 800	427, 240	113, 054
Grady	7, 548	433, 243	84, 270
Star City	2, 308	684, 883	148, 452

[1] Includes figures in first column.

Mr. FULBRIGHT. In my next statement, Mr. President, I will continue this analysis of the administration's budgetary policies on the State of Arkansas, including such programs as library services and construction, social services, the Office of Economic Opportunity, Economic Development Administration, Ozarks Regional Council, housing and community development, agriculture and rural programs and Amtrak rail passenger service.

TRIBUTE TO ROBERT M. BALL

Mr. PEARSON. Mr. President, I rise to praise the services of Robert M. Ball, the recently retired Commissioner of Social Security. For over 30 years, he served the American people with distinction and dedication, and his work has had a direct impact on the lives of millions of American people.

He was a superb technician, a man whom Congressman WILBUR MILLS once called a "near genius." He was an outstanding administrator, who overcame enormous organizational and operational tasks with sound and imaginative management techniques. But above all, it was his compassion which marked his administration—he cared about people. He cared about those who depend on social security for the bulk of their income. He cared about those who are presently working and building social security protection for themselves and their families. And he cared about the employees of the Social Security Administration.

During his tenure as Commissioner, many far-reaching improvements and advancements were made in the social security program, including: Medicare for the aged and the disabled; five social security benefit increases totaling more than 80 percent; a cost-of-living mechanism for making social security benefits inflation proof; and, beginning in January of next year, a federally financed and federally administered program of assistance to persons with low incomes.

Mr. President, what Commissioner Ball has done to make the social security program responsive to the people it serves is perhaps one of his most enduring accomplishments. In my judgment, the Social Security Administration is one of the most efficiently operated agencies in the Federal Government. Commissioner Ball recently expressed some of his thoughts about how the program should be administered in a document entitled

"Managing the Social Security Program." I ask unanimous consent to enter in the RECORD an excerpt from the document, outlining his views on the level and type of service to be provided by the organization. The document clearly points out that the Social Security Administration is looking for present and future ways to better meet the needs of its beneficiaries.

Mr. President, I also ask unanimous consent that a speech delivered by Commissioner Ball to the Commonwealth Club of California earlier this year be printed in the RECORD. The speech outlines the important role that social insurance has in our country today and also points out how the contributory social insurance program has succeeded.

There being no objection, the excerpt and speech were ordered to be printed in the RECORD, as follows:

WHAT SHOULD SOCIAL SECURITY BE? THE LEVEL AND TYPE OF SERVICE TO BE PROVIDED BY THE ORGANIZATION

Decisions about the type and level of service to be provided by social security flow from the statute with even less inevitability than the decisions in the area of claims policy. The statute says nothing about the extent to which SSA will make facilities available for the convenience of the public in filing claims, that is, about the location, furnishings, type of space provided, and numbers of field offices; about the way SSA will treat people who come to those offices, the speed with which the organization will attempt to process their claims, the attitude taken toward inquiries concerning services which social security does not provide; and about the many other matters which determine the level and type of service that people will get from the organization. These are all matters for management determination in the light of the goals of the program, costs, and public reaction. In fact, decisions in these areas become part of the definition of the program itself. The areas in which objectives have been set here are numerous indeed. Although none of these objectives can be completely achieved, SSA has moved a long way toward the full achievement of most. Among the most important objectives in this area are:

1. That everyone who comes to a social security district office, or gets a letter or other communication from any part of the organization, will be treated with respect and as deserving of helpful service. Our goals in this area are those of government in a democracy, but they receive special backing from the contributory nature of the system. It is, of course, necessary to be firm about requirements, and the social security interviewer must represent the organization and its policies, not the individual claimant—but within the framework of these policies the goal is to provide a service that is friendly, courteous and humane.

A commitment to this objective, of course, implies a great deal about the type of person who must be sought for employment, his training, and his understanding of the purpose and philosophy of the program. It has implications, too, for what is required in the way of esprit de corps.

Although the attainment of this objective requires constant attention at all levels of supervision, and although the objective can never be attained fully, by and large, and in comparison with most organizations, public or private, the organization is in good shape.

2. The prompt adjudication of initial claims and the accurate and timely payment of continuing claims.

Most people who get a social security check depend on it for the necessities of life. No goal of the organization is more important than seeing that they get that check every month when they expect it and that initial adjudication is as prompt as we can make it. Promptness and accuracy—the right check to the right person at the right address on time—is the very essence of the service to be provided. Improvement is needed in this area, particularly for those cases that involve problems that are out of the ordinary.

3. A helpful referral service to other programs. Nothing ruins an organization more quickly than to lose focus and to neglect its main job while trying to promote all sorts of worthy but secondary objectives. Social security, therefore, has always resisted becoming a center for the *provision* of social services, but it has willingly accepted the responsibility for knowing about community resources, for participating in their development, and for the operation of a referral service. This function has now been assigned to SSA by the President. A considerable upgrading of the service has already taken place, but it will not be possible to fully implement an advertised, indepth service until after the implementation of the recent social security amendments (H.R. 1); the new legislation puts just too many additional demands on SSA offices to make this feasible.

4. A level of field facilities, in terms of type of space, location and number, that will provide convenience and comfort to the public and be representative of a businesslike service. This objective involves the location of offices in relation to population shifts, the establishment of space criteria, a continual examination of itinerant service points, and a policy of locating offices within center-city neighborhoods and locating others with access from rural areas.

At present the Social Security Administration has about 1,000 district and branch offices with full-time staff ranging from 10 to over 100 people. Employees of these offices also serve some 3,500 itinerant service points on a regular basis—for example, once a week or twice a month one or two employees will have office hours at a county seat where there is no full-time office.

Very substantial progress has been made in improving social security field facilities over the last several years. Some 60 offices built from trust fund moneys to social security specifications are now in operation, and more good office space has been leased from private builders. Improvements are still needed, however, in other areas where there is still some space not easily accessible to elderly or disabled people. The policy of smaller offices in suburban and center-city neighborhoods has worked well, both from the standpoint of the public served and in terms of economy and efficiency—the smaller offices seem to result in better employee morale and better production. This policy has by no means been fully implemented, although there are now many neighborhood offices throughout most of our larger cities.

Much improvement can still be made in the type of space used for itinerant service. Here, of course, there is a real problem in securing good space that is not used on a full-time basis.

There are many other commitments under this heading of level of service, such as informing the individual what is expected of him in the reporting of events that affect his benefits, answering inquiries about future rights under the program, and helping to straighten out inaccurate accounts.

OUR NEW SOCIAL SECURITY PROGRAM

(By Robert M. Ball, Commissioner of Social Security)

In the latter part of the 19th century, the governments of Western Europe began to develop a new approach to the problem of poverty. This new approach was social insurance. It was based on the simple notion that while working, wage earners would pay a small proportion of their wages into an insurance fund—with their payments matched by payments from their employers—and then if earnings stopped for any one of several specified reasons, benefits would be paid from the fund to partially make up for the loss of the worker's earnings.

Up until this time governments had frequently taken responsibility for directly relieving the poor by identifying them through a means test and giving them assistance, but the idea of making provision ahead of time by insuring workers against the loss of their wages was a new idea—new, at least, when made compulsory by law and applied on a large scale.

The idea of an insurance against the loss of wages—income insurance—was a *Social invention*, as far reaching in its effect on human lives as the great technological inventions of the nineteenth century. This new institution of social insurance spread across the world until today in every industrial country there are universal or nearly universal systems collecting contributions from workers and their employers and paying out benefits to partially make up for wage loss when workers become unable to continue their work because of old age or disability or when they are temporarily unable to earn because of illness or unemployment. Typically, continuing benefits are also paid to the family in the event of the death of the wage earner and in most countries there is also insurance against the high and unpredictable costs of medical care.

On the whole the approach has worked extremely well because in a money economy it is the right prescription for a large part of the diagnosed problem. In an industrial society most people are dependent on income from a job. If that work income is cut off or greatly reduced, poverty and insecurity result. Thus insurance, through provision ahead of time, prevents what would otherwise be widespread poverty and insecurity among older people, the disabled and orphans and widows.

Although late to start—our first system of general application was enacted by the Congress in 1935—the United States has enthusiastically adopted social insurance, or as we call it, social security. Our system now covers just about everyone in a huge pension and group insurance plan and for many we have supplemented the system with private pensions and other benefits that grow out of work.

I believe the American enthusiasm for social insurance and work-connected protection rests principally on the fact that it fits well with the American tradition of work and self-support. After all, under social security how much one gets and whether one gets a benefit at all is based on the record of lifetime work kept in the Social Security Administration headquarters and is dependent on the payment of earmarked contributions to the insurance program. It is a system of self-help and grows out of a tradition of self-help. This tradition is of great importance in explaining how people feel about social insurance and is the sharp contrast to the tradition of charity and the tradition of the poor law.

Perhaps it is of some importance to review the origins of the tradition. Although in its compulsory application to large groups of people by Government, social insurance, as I indicated, is a social invention of the late 19th century, it grows out of a long history of people getting together to help themselves.

One of the clearest forerunners of modern social insurance were the plans developed by the guilds of the middle ages. We have many records of these guilds which indicate definite and formal benefit plans—plans which provided how much each member was expected to pay while working and how much in turn he would receive should he become disabled or what would be paid his family in the event of his death. Another forerunner was the customary fund found in the mining districts of Austria and other central European countries with some funds dating back to the 15th century. In these funds we got the concept not only of providing for the loss of income ahead of time in the event of disability but we got the principle of employer financial participation. Later, of course, fraternal orders and friendly societies were organized by the hundreds with the central purpose of protecting their members. And trade unions throughout the world developed protection plans for their membership, and commercial insurance, too, became widely available.

In any event, the tradition of social insurance is clear. It grew out of the efforts of workers to insure themselves against the risks that were certain to befall them in a society where they were dependent upon money income for the necessities of life. Modern social insurance follows the same basic ideas but uses the instrument of Government to administer the plan and to make it universal through legal compulsion.

Now where do we stand today in the American social insurance system and what lies immediately ahead?

My own conviction is that with the recent far-reaching changes, social security in America has reached a level of considerable stability, at least as compared with the history of its development up to this point. I just do not see in the near future anything like the continuing benefit increases and the contribution rate increases characteristic of the past. Coverage is just about universal and the benefit levels are now quite respectable for those coming on the rolls in the future when measured in terms of replacement of previous income. The cash benefit program has been made inflation proof and adequate provision has been made for financing both the cash benefit program and the Medicare program. There are, of course, always some improvements to be made but except for the possibility of national health insurance, I do not see in the near term major and far-reaching changes in our social security arrangements.

Just look at where we stand today. This coming year nearly a hundred million people will contribute to the program and one out of every eight Americans will draw monthly benefits under the old-age, disability and survivors insurance social security program. Over 90 percent of all people 65 and older are protected and 95 out of 100 mothers and children in the country would be entitled to monthly benefits in the event of the death of the main breadwinner in the family. In 1974, the first year during which the new social security program is fully operative, total benefit payments by both the cash program and Medicare will be about $70 billion.

In the last 5 years benefits have been increased more than 70 percent. Older widows, whose benefits on the average have been lower than those of any other beneficiary group, will receive still higher increases with the check for this month. Many other changes in the cash benefit program will also affect benefit levels on into the future—benefits for men will be computed on the more favorable basis that has been true in the past for women and higher benefits will be available for persons who work past 65.

One provision that is of major importance both in substance and in public attitude toward the program is the change in the so-called retirement test. This is the provision which has been more frequently under attack and is more misunderstood than perhaps any other provision of the social security law. Its purpose, of course, is to restrict eligibility for income insurance benefits to those who have lost some income. It is really essential to the nature of the system. In its absence everybody would be entitled to a social security benefit when he reached 65, say, even though he continued to work and earn as much as he ever had. There has been one bad feature in the test in the past, however. It was possible for a person who wanted to work after 65 to actually get less in total income by reason of working since the old test provided that above certain amounts for each $1 of earnings a full $1 was deducted from benefits. Under the new social security program this disincentive to work has been eliminated so that now, the more you work and earn, the greater your spendable income will be. The first $2100 of income will not serve to reduce social security benefits at all and above $2100 only half of what you earn would be deducted from social security benefits.

By far the most important parts of the new social security program for cash benefits are the automatic features in the new law. First of all, the program has been made inflation-proof for people on the rolls. Each time the cost of living goes up 3 percent or more, social security benefits for future beneficiaries as well as for those already on the rolls will be brought up to date in relation to the increase in the cost of living.

For those who are still contributing, the automatic benefit provisions work in a way to provide not just for keeping up with, but actually exceeding the increases in cost of living over the years. Not only are future benefits increased each time current benefits are increased according to the cost of living, the automatic provisions guarantee that as wages rise in the future, people will have their higher earnings counted for social security purposs. They will pay on the higher wages, but they will also get bnefits related to the higher wages. In other words, the $12,000 earnings base that goes into effect in 1974 will be kept up to date automatically on into the future as earnings rise. This automatic provision is very important in maintaining the adquacy of the social security program for workers with somewhat above-average earnings and for maintaining the financial base of the total program.

One final point about the cash benefit part of the new social security program—the program is soundly and adequately financed on the basis of the contributions of employers and employees and at a rate that remains approximately level from 1973 until the year 2010. Actually, the cash benefit rate drops slightly after the first 5 years, but for all practical purposes it may be thought of as a level rate until well into the next century. As long as the earnings base goes up as earnings rise as is provided in the law, this rate is sufficient to provide not only for the benefit levels now being paid but for the automatic increases in the law.

The reason that a level rate is sufficient to pay the cost of this program for the next 40 years—the reason why we do not need increasing contribution rates as we have had in the past—is that during this period there will be a more or less constant ratio between the proportion of people employed and the proportion drawing benefits. In other words, the relationship between those paying in and those taking out remains almost the same. In the next century, however, there is a decline in the proportion of those paying in compared to the beneficiaries at that time. This comes about because the large number of children born during World War II will be retired in the next century while the lower birth rates following World War II will be responsible for a relatively smaller number of action workers. This is the reason why the contribution schedule in the new law for cash benefits in social security goes from 4.85 from 1973 through 1977 and then drops slightly 4.80 from 1978 through 2010 and then rises to 5.85 for the next 35 years of the period over which these estimates are made.

Perhaps as good a way as any to summarize the recent changes in the cash benefit part of social security is to compare a few average benefit figures before and after the enactment of the legislation of 1972 and then also show you what benefits are estimated to be for the same groups 5 years from now. Before the amendments of last summer, the average benefit for a retired couple would have been $225 this month. It is now $273 a month and in 5 years it is expected to be about $339 a month. For an aged widow the comparable figures are $115, $156, and $191.

Five years from now without counting the wife's benefit—that is, for a worker alone—the person who has been earning the Federal minimum wage of $3,328 will get about $190 a month or slightly more than two-thirds of what he has been earning in the last year before retirement. The average male worker will have an average of about $9,000 the year before retirement and will get about 40 percent of that wage or $295 and the maximum earner who just before retirement 5 years from now will be earning $14,100 will get something over 30 percent or $368 a month. A wife's benefit, of course, increases the benefit by 50 percent.

But the cash benefit changes are only one part of the new social security program. Medicare has been extended to people who receive social security or railroad retirement cash benefits because of disability for 2 years or more—the first time the Medicare has been extended to people below 65. In addition—if they develop chronic kidney disease and require kidney dialysis or transplantation—working people of all ages who are covered by social security, their dependents, and social security beneficiaries will be covered under Medicare. The 1972 amendments also significantly improved the nursing home or extended care benefit. In all, there are some 60 changes in the Medicare program, including important features that are designed to help control rising costs and make easier increased economy and efficiency in program operations.

Also very important for the Medicare program, recent amendments have restored the financial soundess of the hospital insurance part of the plan. In fact, nearly half of the increase in contributions which take effect this month are for this purpose, since the hospital insurance program was seriously underfinanced under the old law.

Another reason why I believe that the contributory social security program has reached a new level of relative stability is that in the recent amendments one of the persistent difficulties in the program was met head on and dealt with. I refer to the issue of the amount of payment to be made to the worker with only limited attachment to the program. Over the years there has been considerable pressure to continually increase the minimum benefit under social security. This is the benefit that goes not to regularly employed low wage earners but to people who are in and outers under the system and who just barely qualify under liberal insured status provisions which make anyone eligible for at least the minimum benefit if he works under social security a fourth of the time. The effect of pushing up the minimum benefit under a self-financed system is to divert substantial funds to those who have contributed little and, of course, leaves less for the regular contributor to the program.

In the recent legislation the Congress met this issue. First of all they established a special minimum benefit for the long time low wage earner—in effect saying that the social security program ought to take responsibility for seeing that low-paid people who are continually under the program should get benefits that are at least enough to keep them from having to turn to assistance for help. Thus under the new law, after 30 years of coverage a worker is guaranted at least $170 a month.

At the same time a decision was made not to try to make the regular minimum benefit high enough to live on but rather to establish a new program fully financed by the Federal Government and administered by social security but paid for by general revenue that would supplement social security benefits when those benefits plus all other income were below a Federal minimum standard. In other words, a new Federal assistance program for the aged, blind and disabled has been established called supplemental security income which is intended to be the method for meeting the need of the person with very short-term coverage under social security rather than expecting him to be carried under social security by the contributions of others.

All in all it seems to me that our new social security program is in excellent shape. Certainly over the years ahead improvements will be made. A case can certainly be made for the inclusion of prescription drugs under Medicare, and for moving the disability program further toward giving protection for shorter term illness. There will be discussion of the possible partial subsidy of the contributions of the lowest paid wage earners and there will be debates about the treatment of working women as compared wth women not in the paid labor force.

What I hope and expect, though, is that whatever changes are made will be made within the framework of the proven program principles of a work-related contributory insurance system. Social security is not just another Government program raising money through taxes and then separately determining what benefits should be paid out. We need to look at the system of contributions and benefits together as a single system. Radical changes in financing would undoubtedly change the way people look at the program and would have repercussions on the benefit structure as well.

It just is not right in my opinion to attack the program because it is not financed through progressive taxes. If you are going to continue the values of a contributory system, people have to contribute to it. If anything, I would like to see the system in the future have a closer relationship between the protection furnished and the contributions paid rather than less relationship, as would be the case if those who advocate the use of progressive taxation as a way to support this insurance program have their way. In my opinion, we tamper at our peril with the tradition of social insurance based upon work and contributions.

Yes, it is true that the principles of the program are essentially conservative; the protection grows out of the work that people do and the contributions that they pay rather than being a system primarily designed to redistribute income from the wealthy to the poor. Although, to some extent the system redistributes income from those who are relatively well off to those who no longer work, it is designed primarily to redistribute income over the worker's own life cycle so that he has an earned right to income in old age and in disability and so that his family has protection in the event of his death. It is a plan of self-help.

VICTIMS OF CRIME ACT OF 1973

Mr. HUMPHREY. Mr. President, yesterday we considered and adopted a unique crime bill. The Victims of Crime Act of 1973 is designed to compensate the victims of crime. For years our criminal justice system has spent large sums of money to prosecute and imprison the perpetrators of crime. The bill attempts to allocate some of the Nation's resources on behalf of the innocent victims of crime. I have actively supported this position.

Extensive hearings have been held on each section of the bill. Title I of the Victims of Crime Act of 1973 establishes a Violent Crimes Compensation Board to determine the extent of financial compensation the Government will make. Title II authorizes a group life insurance plan for public safety officers. Title III of the act sets a Federal minimum death benefit to dependent survivors of public safety officers. Title IV strengthens the civil remedies available to the victim of racketeering activity and theft. Title V authorizes appropriations for carrying out certain provisions of the act.

Mr. President, despite reports to the contrary the crisis in our Nation's urban centers is not over. Just ask any of the thousands of victims of crime this past year. Recent crime statistics point out that one of three inner-city residents were the victims of a criminal act in the past year. One would like to know if our Nation's policemen and firemen were consulted on the state of the urban crisis. I am sure that they would say that there is a great need for the legislation we are considering today.

Mr. President, I am particularly pleased that the bill we adopted contains provisions to aid public safety officers. These provisions provide a group life insurance program and death benefits for public safety officers. Such measures are long overdue.

On May 25, 1971, I introduced legislation that would have authorized the Attorney General to provide a group life, accidental death, and disability insurance to our law enforcement and firefighting officers throughout America. This bill and similar proposals by other Senators are incorporated in title II of the legislation we are considering today. Title II of the "Victims of Crime Act of 1973" is designed to—

> Promote the public welfare by establishing a means of meeting the financial needs of public safety officers or their surviving dependents through group life, accidental, death, and dismemberment insurance, and to assist State and local governments to provide such insurance.

Through this legislation we acknowledge the pride and respect we have for the police and firemen who serve our communities. We also provide an additional inducement in recruiting and retaining good men and women for our law enforcement and firefighting forces.

Most importantly, this bill provides insurance at a reasonable cost to these public servants. The financial security that group life insurance grants to the policemen, firemen, and his family would enhance their feeling of self-sufficiency and pride. It makes unnecessary the charity dole or the humiliation of welfare for the widow and family of a fallen officer. No longer would an officer have to think of his family being placed in such a position, because of his commitment to public service.

Mr. President, the cost of securing individual life insurance for policemen and firemen is almost prohibitive. The high risk character of their duties in regard to death or injury make them undesirable candidates for insurance policies. Double indemnity in case of accidental death is another family protection difficult to afford.

Mr. President, I believe it is time that we provide some measure of protection to those who protect us. The passage of the Victims of Crime Act of 1973 demonstrates the concern of the Nation for the victims of crime.

A MAN IN MOTION

Mr. PACKWOOD. Mr. President, 2 years ago it was my privilege to be selected as recipient of the 1971 Brotherhood Award given by the Oregon Region of the National Conference of Christians and Jews. I was particularly pleased to have received this award, because of the truly outstanding Oregonians who have been cited over the years to receive this honor. None, however, are more deserving than the 1973 recipient, Ben H. Hazen.

Mr. Hazen is approaching his 83d birthday. He has been a man in motion all his life—a man motivated by high ideals and the belief that what is good for his community is good for his business.

For the record, Ben Hazen was born on August 22, 1890, in Davenport, Iowa. He was graduated from Des Moines, Iowa, High School in 1908 and moved to Oregon. In Oregon, he worked for a lumber company as a lumber piler, timekeeper, and office manager. Two years later, he returned to Iowa and attended Drake University from 1910–12.

Returning to Oregon, Mr. Hazen sold lumber and during his spare time sold portable savings banks to savings and loan institutions. Mr. Hazen remembers that "it was a kind of clock which you had to wind by putting money into it."

From that beginning came a decision in 1925 to form Benjamin Franklin Savings and Loan Association of Portland under a charter issued by the State of Oregon.

Other founders included Frank L. Shull, president; Fred W. German, vice president; Charles F. Berg, Fred L. Boalt, Arthur H. Devers, S. W. Lawrence, O. W. Mielke, and Carl G. Wintler. Hazen was the original secretary-treasurer and manager. Later he was elected president and is now the chairman of the board of the successor association, the Benjamin Franklin Federal Savings and Loan Association which was federally chartered in 1934.

Out of 19 associations in the Portland metropolitan area, the Benjamin Franklin was one of the two that survived the depression years. All savings accounts held by the early association were either paid in full with earnings, or transferred in full to the new Benjamin Franklin Federal Association; thereby receiving the benefit of the then newly provided Federal insurance of savings accounts.

Ben Hazen's business activities from 1925 to the present have always been connected with the Benjamin Franklin Savings and Loan Association. In 1959, he retired from active management but continued as director and succeeded to chairman of the board upon the death of Frank L. Shull.

Ben Hazen was active in civic work in Portland and in the trade associations of the savings and loan business of the State, Pacific Northwest, and national organizations. In the process of becoming a highly successful businessman, Mr. Hazen did not forget his community. In Portland, he served twice as campaign director and 2 years as president of the Portland Community Chest and its successor, the United Good Neighbors. He was director and treasurer of the Campfire Girls, director of the YMCA, chamber of commerce, president of the Portland Rose Festival Association, cofounder of the Portland Kiwanis Club, serving as its president and a Pacific Northwest governor and later an international Kiwanis trustee. He was trustee of the First Unitarian Church and a member of the Multnomah County Selective Service Board during World War II. In 1954, he was named Portland's First Citizen by the Portland Realty Board.

In his active business years, Hazen served as president of the city and State savings and loan business groups and president of the Pacific Coast Savings & Loan Conference, and president of the U.S. Savings & Loan League.

Mr. Hazen founded the local chapter of the American Savings and Loan Institute, the staff educational branch of the savings and loan business. He was named the national second vice president of the Savings & Loan Institute in 1919. Later, when the National Savings & Loan Institute organized the Graduate School of Savings & Loan at Indiana University, Hazen was named instructor in savings and loan management for the graduate year and served as this instructor for 8 successive years.

He assisted in establishing the Federal Home Loan Bank of Portland in 1933, serving as one of its first directors and later as vice chairman.

The Benjamin Franklin Federal Savings & Loan Association, which Hazen founded, has now grown to the largest savings and loan in the State of Oregon, with assets exceeding $600 million and 22 offices. Hazen has always been involved in civic, statewide, and national activities, as his personal philosophy demonstrated that "anything good for our community will be good for our business." The growth and reputation enjoyed by the Benjamin Franklin Federal Savings & Loan Association attests to the capability, dedication, and concern for his fellow citizens of its founder, Ben Hazen.

MEAT ANALOGS

Mr. HUMPHREY. Mr. President, at a time when consumers are alarmed over rising meat costs it seems appropriate to call attention to progress in food technology that will help bring down costs of meat products.

I am referring to use of soybeans in production of meat analogs used as meat extenders without loss of nutritive value.

Perhaps the best explanation I have seen of the "state of the art" on these new products was contained in a paper given by Dr. Frank Horan, director of research for the Archer Daniels Midland Co., at the FAO in Rome for the working group on integrated meat development of FAO's industry cooperative program.

Mr. President, I ask that Dr. Horan's paper be inserted in the CONGRESSIONAL RECORD at this point.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

MEAT ANALOGS[1]

(By F. E. Horan, Ph. D.)

INTRODUCTION

A professor of economics once stated: "It is impossible to run out of anything in economic terms. All that happens is that the price goes up, which encourages greater efforts to produce the goods in question and the use of substitutes." This statement describes quite well the situation of meat as a human food in the world today.

By definition, "meat" means "red meats," produced from cattle, hogs, and sheep. In addition to the red meats there are the poultry items which include primarily chicken and turkeys. If we include fish and shellfish, we find that over 200 types of animal protein foods are available for human consumption. For our present discussion we choose to focus primarily on beef and broilers.

An established fact is that there is a direct correlation between per capita consumption of animal protein and per capita income. In the U.S. as well as in other developed countries, the demand for animal protein foods has been increasing as overall living conditions improve.

Of the nonfarm population in the U.S. the annual disposable personal income per capita has increased from $2,000 in 1960 to over $4,000 at present. During this same period of time the per capita consumption of beef and veal has increased from about 90 pounds to 114 pounds. To meet this demand, steer and heifer beef production has steadily increased, but the price of this beef to the consumer has paralleled this increase in production. As a consequence, the percent of the disposable income expended on foods is likewise increasing.

A somewhat similar situation exists since 1960 in the production and consumption of broilers. The principal difference, however, is that the price of broilers has steadily decreased. Not only in the U.S., but in many other parts of the world, there has been an increase in meat production. For example, from 1963 to 1969 poultry meat production in the E C countries has expanded from 2.1 billion pounds to 3.7 billion—a 73% increase. A very significant change is occurring in Japan where the production of poultry meat has jumped from 240 million pounds in 1963 to 740 million in 1969—a 205% increase.

The forceful impact of higher meat prices upon the percentage of the consumer's disposable income expended on foods in the developed countries, and the clear realization that hunger and malnutrition are basically symptoms of poverty, making it practically impossible to increase immediately the per capita consumption of animal protein foods in the developing countries, have given great impetus to food technologists throughout the world to develop protein foods which might serve as replacements and supplements to the conventional types of protein foods derived from animals. The two areas where the activity has been intense are: (1) vegetable proteins; and (2) single-cell proteins. The present discussion focuses chiefly on the vegetable proteins.

WHAT ARE ANALOGS?

The conversion of vegetable protein materials into food products with meat-like texture has created much conversation, conjecture, and confusion over the last several years. To attempt to equate any one natural product with another, even of the same species, with great exactitude it at best a hazardous undertaking, i.e., a beef steer from one herd to another; or an edible product from a non-meat origin to that from meat. This latter comparison relates to the texturizing of vegetable proteins and the fabricating of meat analogs.

An emphasis on semantics at the beginning may help to delineate the essential characteristics of these new meat-like foods. An analog is something that has an analogy to something else, and "*analogy* calls attention to specific parallels or relation between things that are unlike, whereas "*likeness*" is the state or quality of being alike or nearly identical in appearance or characteristics".

A meat analog might best be considered as an engineered protein food product, fabricated to offer advantages over the natural meat product in one or several ways. These "plus" points may be a lower unit cost for an end-use product of comparable nutritional and palatability characteristics; a designed and controlled composition related to the quantity and quality of facts employed; a uniform product which may be difficult to obtain consistently from the usual natural sources; a system for adding unique colors and flavors; a product with unusually long shelf-stability, eliminating storage under refrigeration; or a product which may offer other conveniences and economics to the food processor and housewife.

Within the scope of the present discussion, the concept of meat analogs encompasses those engineered products which, on the one hand, may be a *complete replacement* of the animal protein food with vegetable protein; on the other hand, they may be a *combination* of meat and vegetable protein. A meat analog is not an exact duplicate for a specific cut of meat, but it is a new protein food product of controllable high quality which is compatible with many of the traditionally accepted meat dishes.

Realistically, it is certain that *primary* meat, which comprises all meat cuts of the animal that are sold at premium prices above the carcass price, will maintain a pre-eminent position as a most highly desired dietary product. Only 40% of the animal consists of primary meat; the remaining 60% is *secondary* meat which is processed into sausages, hamburgers, and other comminuted and ground products, and this is the application where the majority of the vegetable protein products will fit.

Theoretically, it is conceivable that an almost endless number of materials might be the source of protein in textured protein food products. However, from a practical point of view this choice narrows down rapidly to the vegetable class known as oilseeds, the one exception being wheat gluten. Of the oilseeds, the most important one commercially is the soybean because it has the lowest cost of all common sources of protein; it is abundantly available; and the industrial processing of soybeans has reached a high technological level. For years, the soy processing industry has been involved in producing a variety of soy protein products—soy flours and grits, soy protein concentrates, and isolates—for use in many food applications. A logical extension is for soy protein to advance into the "textured" arena.

TYPES OF ANALOGS

Transforming a powdery protein material (a flour) into one which has texture, described as "chewiness" and having a fibrous character, adds attractiveness to it as a food. The most significant development in this area in recent years is that of textured soy protein products, which are finding applications primarily in food systems based on meat. Basically, two processes—fiber spinning and thermoplastic extrusion—are used.

The Spinning Process. The process used today is covered by U.S. Patent 2,682,466 issued to R. A. Boyer (1954), in which isolated soy protein is solubilized in an alkaline medium and passed through a spinneret to form fibers which are coagulated in an acidic bath, and then stretched by means of a series of rolls revolving at increasing speeds. Bundles of fibers are held together with edible binders and treated with other ingredients such as colors, flavors, seasonings, and supplementary nutrients to give fabricated slices, cubes, bits or granules which may simulate many animal type products, such as beef, bacon, ham and chicken. The prices of these products per pound range from 50c–80c on an approximately 60% moisture basis (similar to the natural counterpart).

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[1] Presented at the third meeting of the Working Group on Integrated Meat Development, INDUSTRY COOPERATIVE PROGRAMME, 22 March 1973, Ethiopia Room, FAO Headquarters, Rome.

The versatility of this process points out clearly that the spinning technology makes it possible to manufacture truly engineered foods. Depending on the choice of ingredients other than the spun soy fibrils, there is literally a limitless number of ways in which a protein food can be fabricated for a specific use. New protein powders from algae, single-cell protein, or fish can be included with the soy fibrils as a vehicle to impart textural characteristics into these other sources of *protein*. It has even been suggested that low-cost meat carcass components be finely minced and then incorporated into the spun material to contribute more natural flavors.

It is important to understand that the soy fibers themselves do not constitute a finished meat-like product. On a dry basis such a product might consist of 40% fibers, 10% binder, 20% fat and 30% of supplementary ingredients (wheat gluten, soy flour, sugar, flavorings, coloring).

Owing to the many processing steps involved in the spinning of protein fibers and their fabrication into a finished product, it is understandable that a product of the spun-fiber type is relatively costly. Therefore, it is necessary for it to compete in a higher priced market, i.e. as a meat analog replacing meat completely.

In addition to having a product which is nutritious, palatable, and acceptable to the consumer, two very important critical factors involved in replacing meat completely are *convenience* and *cost*.

One product type which has met with success in the market place is the class of "fried bacon bits". This is a convenience type of food for the housewife, because it can be used directly as a condiment in salads, baked potatoes, scrambled eggs, and similar applications. Selling at about the same retail price as the animal product, also fried and ready-to-use, the vegetable product has the advantage of a longer shelf-life, and does not require refrigeration or expensive packaging. When compared to uncooked bacon, there is some cost advantage to the housewife, in addition to eliminating the chore of frying the bacon.

When considering chicken, the food service operator might pay 30¢ per pound for raw, eviscerated chicken, but after cooking and separating the meat, and including labor costs, the cost per pound increases to $1.45. A spun, textured protein dice with a chicken flavor, selling at 80¢ per pound would yield a savings of 45%.

The Thermoplastic Extrusion Process. The essential characteristic of this process is that soy flours (50% protein) are used as the starting material. This fact gives this process an inherent cost advantage over the spinning process. A cooker-extruder is used to cause the thermoplastic protein material to be forced through a die, which controls the size and shape of the texturized material. The prices of these food materials range from 27¢–45¢ on a dry basis, which after hydration translates into a 9–15¢/lb. meat replacement.

Marketing experiences to date are beginning to show a trend: the thermoplastic extruded products fit well into those areas where they are used in combination with meat.

A protein additive intended for combination with meat should provide the following qualities in the final analog:

1. No significant change in nutritive value.
2. A satisfactory flavor.
3. A normal texture.
4. An appearance essentially the same as that of the reference meat product.
5. Reduced cost.

The extruded textured soy product (TVP) offers an attractive economic advantage in a meat-protein patty. A typical case might be the incorporation of hydrated TVP (34¢/lb., dry) into ground beef (52¢/lb.) at a 26% meat replacement level. On the final cooked patty this results in an ingredient cost savings of 28%, which becomes larger as the price of meat increases.

In addition to the meat patties, other practical applications of the extruded texured protein products are as a partial replacement of meat in spaghetti sauce, pizza, meat balls, sloppy Joes, casserole entrees, as well as numerous Mexican and Chinese food specialties.

NUTRITION

1. Soy Proteins: The excellent nutritive value of the protein in soybeans has been recognized for many years, and has been responsible for the enormous growth of soybean meal in the animal feed industry. Soy protein contains all of the essential amino acids, containing an excess of lysine and having the sulfur-containing methionine as its first limiting amino acid. Rat-feeding studies show that the PER value of soy protein is at least 80% of that of casein, and can be increased to 100% by adding methionine.

2. Spun-Fiber Textured Products: Thorough studies with experimental animals and with children have been made in Guatemala to evaluate the protein quality of a spun-textured food simulating beef. The conclusions were that this type of product had a protein quality at least 80% of that of casein.

3. Extruded Textured Products: The Department of Food and Nutrition, University of Nebraska, conducted a controlled human feeding study with healthy adult males at a Nebraska penal institution. The objective was to compare the nutritive value of a beef-flavored textured protein product, and the same material supplemented with 1% DL-Methionine, with natural cooked beef. The principal criterion was nitrogen-balance measurements. The conclusion was that when adult men are on an average diet (50 g. protein per day) all three sources of protein equaled or exceeded the protein requirements of adult men.

In addition to meeting the requirement that the quality and quantity of the protein in the meat analog must be comparable to that of meat it is essential not to forget that the animal product oftentimes supplies other important nutrients such as vitamins and minerals. Even though the soybean may be lacking or deficient in one or more of the nutrients found in meat, the process of fabricating meat analogs affords the addition of these nutrients to develop satisfactory nutritional profiles. When one compares the nutrient contributions of a textured vegetable protein product with an all-meat cooked hamburger and relates to the Recommended Dietary Allowances, he finds that on all counts the meat analog is at least the nutritional equivalent of meat.

Questions have been raised about the failure of vegetable products to supply certain longer-chain fatty acids found in meat tissues. This is really not a serious problem, in fact, since the most important essential fatty acid in lipid metabolism is linoleic acid, and this is in plentiful supply in normal diets.

MARKETING

1. Accomplishments:

An established success in the retail market are the "bacon bit" products, which can be manufactured by either of the two texturizing processes. This type of product fits into a relatively low-volume category of consumer application.

Preliminary market introductions of spun-fiber products in the form of frozen "ham" and "chicken" diced materials as complete meat analogs have not as yet grown into an appreciable sales volume.

The extruded textured soy protein products are gaining increasing acceptance as important protein extenders to be used in combination with ground meat. A reasonable estimate is that a total of 50 million pounds will be sold this year. The driving force is the increasing price of beef. A significant pronouncement by the USDA Food and Nutrition Service (FNS Notice 219, Feb. 22, 1971) pertaining to school-lunch programs has created an atmosphere conducive to an expanding consumption of these textured products. This USDA Notice states, in part, as follows:

"The vegetable protein product shall be prepared and served in combination with ground or diced meat in the form of meat patties, meat loaves, meat sauces, meat stews, or in similar foods made with poultry or fish. Ratio of hydrated vegetable protein product, moisture content 60 to 65 percent, to uncooked meat, poultry or fish in the combination shall not exceed 30 parts per 70 parts, respectively, on basis of weight".

2. Obstacles:

Realizing that there is still room for improvement in the education of the consumer about these textured products and in technological development of modified and new products, nevertheless the chief hindrances to a more rapid growth in the market place are governmental regulations. The two most prominent and powerful U.S. Government agencies which come into the picture are (a) the Food and Drug Administration (FDA) of the Department of Health, Education, and Welfare (HEW), and (b) the Meat Inspection Services (MIS) of the U.S. Department of Agriculture.

(a) FDA:

As the quality of the textured protein product increases, and as it becomes more like meat, a paradox is born in that the marketing of the product becomes more difficult because of obstacles encountered in labeling. One chief function of the FDA is to protect the consumer with respect to the quality of foods which are purchased for home consumption. When a meat analog product is packaged and is ready for the market, what words are necessary on the label to inform the housewife about the real nature of the food which she is buying? If the engineered food product resembles a particular type of cooked meat and has all of the other essential characteristics of meat, including nutrition, how is the consumer to be informed of this? It is obvious that this situation presents a real stumbling block in the marketing of the meat analog products. In view of the fact that no generic name has been universally accepted for these new products and that no well-defined precedent exists for clarification, it is important to understand that honest and sincere positions on the part of the food manufacturers and the FDA had to be taken, and that the resolution of differences would require patient, painful and persistent negotiations to arrive at a compromise suitable to all concerned.

In an attempt to eliminate some of the obstacles, an industry group prepared and submitted a proposed Standard of Identity to the FDA to serve as a guideline in presenting these products to the consumer. This proposal was published in the Federal Register, December 5, 1970. The essential features of the proposal are:

1. A generic name—"Textured Protein Products".
2. Description of main product characteristic—Identifiable texture which will withstand retorting.
3. Minima for protein, vitamins and minerals—Expressed on a basis of 100 kcal.
4. Quality of protein—PER at least 70% of casein.

If and when the Standard of Identity, with revisions if necessary, is approved by the FDA, it should be possible to have labeling guidelines established and thus ease the way for accelerated marketing of these products.

(b) MIS:

The U.S. Department of Agriculture Consumer and Marketing Service has jurisdiction over meat inspection regulations, and therefore has authorization over those situations where the textured protein products are to be used in conjunction with meat. In processed meat items covered by standards of identity the picture is unclear whether there is a legal allowance for the textured products. For example, in such standard products as cooked sausage, chili con carne, and spaghetti with meat balls, soy flour is permitted at levels of 3.5%, 8%, and 12%, respectively, but this regulation may not always be interpreted to include the textured protein products. In non-standard items, the situation is even more confusing, and all of these obstacles undoubtedly bear a direct relationship to the marketing difficulties encountered in promoting these new products. Labeling of finished products containing meat and textured protein is likewise a very complicated matter, but will probably become less so after a decision is made by the FDA concerning the Standard of Identity proposal.[2]

OTHER SOURCES OF PROTEIN

In considering other sources of protein as the starting material for making textured protein products, several factors need to be considered: (1) cost; (2) nutrition; (3) availability; (4) functionality; (5) organoleptic acceptability. At the present time, soy protein is the least costly of practically all proteins and fares favorably on all of the other counts. Other protein systems in various stages of commercial development are as follows:

(1) *Cottonseed*. Plains Cooperative Oil Mill, Lubbock, Texas, has started construction of the first commercial-scale plant for making food-grade cottonseed protein concentrate. The $1.5 million facility will produce about 25 tons per day of 60–70% protein concentrate, which will be priced at about 25 cents per pound. It is reported that this material can be texturized by a unique process.

(2) *Single-Cell*. The use of algae, bacteria, and yeasts as food for man or feed for animals has been the subject of considerable discussion in recent years. The greatest commercial interest has been concerned with producing yeasts from hydrocarbons—generally known as petroleum proteins.

British Petroleum has been a leader in this field and has recently announced plans to build a plant with a capacity of 100,000 tons a year to produce protein from oil. It will be the world's largest plant of its kind and will be built in partnership with the Italian company ANIC, at Sarroch, in Sardinia, at a cost of about $50 millions. Undoubtedly the finished product (50–60% crude protein) will be sold as animal feed. The cost of the protein certainly cannot compete with soybean meal in the U.S., but specific circumstances in various other parts of the world might make it competitive.

Since these developments are relatively of recent origin some doubts still exist about possible toxic materials appearing in these products. In the March 5, 1973, issue of *Chemical and Engineering News* it is reported that both Dainippon Ink and Chemicals and Kanegafuchi Chemical Industry Co. in Japan have disclosed abandonment of their protein projects—each scheduled to produce 60,000 metric tons a year of yeast, based on fermentation of n-paraffins. The cancellations were made under advice from Japan's Ministry of Health and Welfare concerning the purity of the feedstock. Even though n-paraffins have 98% purity, questions are being raised about the safety of the remaining 2%.

In considering these yeasts for human foods one problem exists which can possibly be eliminated but not without raising costs. This is related to the presence of nucleic acids which eventually are converted to uric acid during digestion in the human body. High levels of uric acid in the blood are undesirable.

Reports indicate that single-cell protein materials may be texturized either by the spinning or extrusion processes, but at present products are not commercially available.

A unique type of microbial protein has been reported by The Lord Rank Research Centre in England, involving the production of a fungal protein from a carbohydrate substance. This fungal protein is reported to be superior in its amino acid profile and to have a structure which makes texturization unnecessary. As yet it is not a commercially accepted product.

(3) *Legumes*. The Lord Rank Research Centre in England also reports an isolated protein product made from a field bean. Courtaulds Limited in England has subjected this bean protein to a spinning process and have developed frozen textured products described as being somewhat similar to the spun-soy products on the market in the U.S. These products are relatively new, and it is too early to state their degree of success in the market place.

(4) *Leaf Protein Concentrate*. A considerable amount of research work is being done to extract proteins from land and water plants that are at present economically unimportant. None of these products is commercially available.

(5) *Fish Protein Concentrate*. The excellent nutritional quality of FPC is well established. Still the distribution and marketing of foods containing FPC is a complex problem with many interrelated factors: regulatory, economic, product functionality, social and cultural.

THE FUTURE

The new textured protein foods will demand a higher price in the market place than the raw commodities from which they are made, but certainly will be less costly than meat. At the start most of these new foods will probably reach that more affluent segment of the population which does not really require them. However, a betterment in the general economy of a country, along with the establishment of acceptability for the new products in the market place, will tend to narrow the gap between animal and plant protein food products with respect to preference and nutrition and will widen the gap in favor of the vegetable products with respect to cost. As this change takes place the meat analogs will contribute significantly to the total world supply of available protein foods.

OUR RETURNING PRISONERS OF WAR

Mr. BEALL. Mr. President, like most Americans, I have deeply admired the tremendous courage and dedication to our country displayed by our prisoners of war. This week, with their return and the knowledge of the conditions under which they lived, this appreciation for their heroism has increased beyond description.

These men who returned—and also the many who did not—are truly American heroes in the highest sense of the word. In spite of the assurances we received from their captors and from various American visitors who saw what they wanted to see, rather than the truth, our men were subjected to almost all forms of mental and physical torture.

Mr. President, on April 1, 1973, Ernest B. Ferguson, a most respected journalist of the Baltimore Sun, published a column entitled "The Dam Breaks, the Truth Comes Out." I found Mr. Ferguson's thoughts extremely pertinent, and I ask unanimous consent that the column be included in the Record so that my colleagues might have the opportunity to examine it.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Dam Breaks, the Truth Comes Out

(By Ernest B. Furgurson)

Washington.—The uncharacteristic silence in your ears comes from those Americans who were jamming the front pages and the airwaves a few months ago, telling us how immoral we all were and how we were condemned to endure war forever unless we converted en masse to their particular brand of religion.

I go into the subject now with a little hesitation, for with the last planeloads of prisoners en route home from Hanoi, and of troops on the way from Saigon, this is a time for thoughtful reflection and a respite from the ill-feelings of the past half decade. Yet I must hope that during the general quiet rejoicing, we include in our reflections the lessons of these past months, when the war was being braked and the cease-fire negotiated.

Particularly, we should file away for future use the accounts our released servicemen are now free to give, of how they were treated during their years as prisoners. We should note how their first-hand accounts, dammed up during the weeks before the delicate transfer operation was completed, compared to the things we were told by certified spokesmen of the anti-war movement less than a year ago. It helps explain their current silence.

Thus I quote Ramsey Clark, the former attorney general who visited Hanoi last August with other members of the Stockholm-based International Commission of Inquiry into alleged U.S. war crimes in Indochina.

About the American prisoners he saw there, Clark said they were "unquestionably humanely treated, well treated." He said in San Francisco on his return that anyone who suggested the prisoners were mistreated was doing so for unstated "other motives," and possibly worried "more about the Thieu government than getting the boys home."

Now it is seven months later, and the boys are home, and they have told some of what they experienced. I cite to you Col. Robinson Risner, who along with others admits that he made statements desired by his captors. In explanation, he said he had been tied up into a ball so that his shoulders were dislocated and his toes jammed into his mouth. He also had had iron bars tied to his ankles so tightly that it gradually cut into his flesh.

Switch back now to Jane Fonda, who also went to Hanoi last summer and saw what she wanted to see, and concluded what she wanted to conclude. In Paris on the way back, she said the American prisoners she talked with asked her to tell their parents and friends to work for the election of Senator George McGovern, because "they fear if Nixon stays in office they will be prisoners forever."

Miss Fonda said the prisoners "assured me they were in good health. When I asked them if they were brainwashed they all laughed. Without exception, they expressed shame at what they had done."

As I said, it is a few months later, McGovern did not win, the prisoners are free, and now we have their own version of what Miss Fonda saw and reported.

They have described the beatings and much more ingenious tortures used to force them to sign statements and make taped broadcasts. Cmdr. Richard A. Stratton is just one of them. He told a being burned with cigarettes, having his fingernails bent back, and being forced at gunpoint to appear before cameras in one of the scenes relayed to this country.

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[2] It would appear to be desirable eventually to have all of these discussions with the governmental agencies in the U.S. coordinated with the decisions which are being made in the FAO/WHO codex committee on Processed Meat Products.

To make these comparisons between the prisoners' own experiences and the propaganda voiced by those Americans carefully chosen for admission into Hanoi to visit them has no corollary political intention. It does not aim to advertise the credibility of the Nixon administration, for example—which would be an overwhelmingly fruitless pursuit in view of the Watergate, Vesco, ITT and myriad other current events working to disprove same.

It does speak rather eloquently, however, to the question of whom to believe when the choice lies between men trained voluntarily to serve their country with dedication yet with professional dispassion, and others politically motivated to deal in hyperbole and outright fiction, to serve their cause by preferring an active enemy's version of events. That is a finding we may wish to refer to again sometime if, God forbid, the situation should repeat itself.

VOCATIONAL REHABILITATION PROGRAM

Mr. MATHIAS. Mr. President, for over 50 years, the vocational rehabilitation program has had broad bipartisan support in the Congress. The most substantial program gains of recent years came as a result of the 1954 Amendments, passed by a Republican Congress and signed by President Dwight D. Eisenhower. The rehabilitation bill had received the same kind of enthusiastic support from members of both parties in 1972 when the Senate and the House passed it unanimously. Only 5 weeks ago, the Senate, by a vote of 86–2, and the House, by a vote of 318–57, passed S. 7 with an appropriations authorization of nearly $900 million below the amount in the 1972 vetoed bill.

The cost effectiveness of the national rehabilitation program is widely recognized by those who have been concerned about the problems of the handicapped. Over 3 million handicapped Americans have been returned to productive and meaningful lives because of assistance from this program. In fiscal year 1972 alone, the estimated annual earnings of the 326,138 individuals rehabilitated totaled $1 billion, a net increase of $750 million in earnings from the time the individuals entered the rehabilitation system. The Federal Government estimates that, in addition to this contribution to the GNP, these individuals, at a minimum, will be contributing approximately 5 percent of their income, or $58 million each year, in taxes, to Federal, State, and local governments. And these figures do not reflect the approximately $33 million in savings to Federal and State governments in 1972 caused by removal of many rehabilitated persons from the welfare rolls. This $91 million figure over 20 years would return more than $3 for every $1 of the $560 million spent in fiscal year 1972. One rehabilitated handicapped individual will save the Federal, State, and local governments an estimated $30,000 to $100,000 in welfare costs and the same individual in a family of four making $8,000 per year will contribute taxes of $42,000 over his lifetime. As HEW Assistant Secretary Stephen Kurzman pointed out in his February 6 testimony before the Handicapped Subcommittee:

> When a handicapped person is helped to become a contributing member of society, he is transformed from a charge on the public into a productive person able to contribute his taxes to helping others.

S. 7 was a bill to establish legislative policy, not to fix dollar levels of expenditure. As each Member of the Senate knows, the figures in the bill were only maximum authorization levels and did not appropriate funds. In point of fact, the administration and the Appropriations Committees, of which I am a member, would control the actual spending in the bill. Moreover, the administration has never recommended nor has the Congress historically appropriated all the money authorized. In order to overcome the objections of the administration to S. 7, I submitted a suggestion yesterday which would have bridged the gap between the position adopted by this Congress and the proposal offered by the Senator from North Carolina, Mr. HELMS, which seems to have Executive support. Yet, Mr. President, it is imperative that we pass new legislation. $50 million appropriated for vocational rehabilitation in 1973 in the supplemental appropriation bill passed by Congress is being held up until the new legislation is passed. Maryland's share of this $50 million is $1.2 million. This money will be lost to the rehabilitation program if new legislation is not passed.

Since many of our States have been spending at the higher rate provided for in the appropriation that was passed, a chaotic condition will exist, if the new legislation is not passed clearing up this matter. Neither this Congress nor the administration can blame the States for the confusion that now exists. We must look to ourselves.

Mr. President, in my own State, I know that thousands of handicapped individuals each year are given opportunities to become independent self-supporting citizens, who never would have had the opportunities were it not for the State-Federal vocational rehabilitation program and the community rehabilitation programs that serve its clients. I for one shall not abandon the hundreds more who also desperately want to become self-reliant. I shall continue in my efforts to enact soundly conceived, and fiscally responsible legislation for the handicapped before June 30 of this year.

Mr. President, at my request, the assistant State superintendent in vocational rehabilitation, Maryland State Department of Education, was kind enough to provide me with a report on the potential effects on Maryland of having to proceed under a "continuing resolution" in the absence of legislation to replace S. 7.

Mr. President, I ask unanimous consent that the report by Mr. J. Leo Delaney, assistant State superintendent in vocational rehabilitation, be inserted in the RECORD as part of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

POTENTIAL EFFECTS OF EXPIRATION OF VOCATIONAL REHABILITATION ACT

With the sustaining of the presidential veto of the Vocational Rehabilitation Act, we anticipate that we will continue to operate on the continuing resolution which calls for federal allocation to the Maryland Division of Vocational Rehabilitation of approximately 8.6 million dollars. The anticipated effects to the program are as follows:

1. An overall reduction in the scope of the program up to ten percent. Although it is impossible to indicate where the overall reductions will occur throughout the State, for your information the following are numbers of cases served and cases rehabilitated for Fiscal Year 1972.

County	Cases served	Cases rehabilitated
Region I:		
Allegany	333	136
Carroll	728	209
Frederick	865	272
Garrett	76	36
Washington	1,228	339
Total	3,230	992
Region II:		
Montgomery	1,877	578
Prince George's	2,690	859
Total	4,567	1,437
Region III: Baltimore City	9,180	3,294
Region IV:		
Baltimore	3,217	917
Harford	493	164
Howard	449	185
Total	4,159	1,266
Region V:		
Caroline	182	80
Cecil	316	110
Dorchester	439	174
Kent	134	57
Queen Anne's	155	58
Somerset	186	67
Talbot	287	105
Wicomico	666	216
Worcester	172	65
Total	2,537	932
Region VI:		
Anne Arundel	1,873	652
Calvert	89	22
Charles	394	75
St. Mary's	313	118
Total	2,669	867
Total	26,342	8,788

2. The recently completed Maryland Rehabilitation Center in Baltimore will be operating at only fifty percent of capacity during the remainder of the current fiscal year. Total capacity of the Center is 454 total clients, including 254 dormitory, 50 in the Intermediate Care Section for the severely disabled, and 150 commuters from the local community into training programs and other service areas. This means that approximately 227 clients from throughout the State will not be receiving services at the Center with resulting fifty percent reduction in the sub-categories of service. Under the present funding, it is anticipated that our optimum utilization of the Center during Fiscal Year 1974 will be two-thirds of capacity which means that approximately 300 severely handicapped citizens of Maryland will not be receiving service in that fiscal year.

3. We anticipate handling or reduction in staff by freezing vacancies as they occur rather than through actual dismissal if at all possible. We shall attempt to shift personnel into areas where they are most needed but it appears that approximately 2,600

people will be turned away when requesting assistance from the Division in 1974. Recent amendments to the Social Security Act call for all applicants for cash payments under the Supplemental Security Income provision are to be evaluated and those who qualify for assistance and appear to have some potential for vocational rehabilitation will be referred to the Division and payment for rehabilitation services for them will be provided as a part of the Act. However, persons who do not qualify for assistance for one reason or another and who are disabled will also be referred with services for this category to be paid for from funds for the regular program. It is anticipated that as many as 2,000 individuals who can benefit from service may be generated by this program and the presidential veto of the Act will make it impossible for the Division to add them to the present caseload.

4. Programs of vocational rehabilitation in the mental hospitals resulted in approximately 5,300 persons being served and 1,700 being rehabilitated in Fiscal 1972. If the overall program is to be curtailed by as much as ten percent, this would mean a lack of service for approximately 540 and a resulting lack of rehabilitation completion for approximately 170.

5. During Fiscal 1972, the Division spent in excess of $350,000 for mentally retarded and severely disabled persons who are enrolled in private workshops. Depending upon the priorities set for the serving of people during Fiscal 1974, it can be anticipated that this expenditure will be substantially reduced.

6. Plans of the Division for Fiscal Year 1974 had included making services more available to citizens throughout the State, one aspect of which was the opening of an office in Garrett County. This action will need to be postponed indefinitely. Federal priorities are being advocated for serving disability groups such as drug abuse, alcoholism, and disabled juvenile offenders. The efforts of the Division to comply with the serving of various priority groups has led to some of our difficulty in serving the overall disabled population of Maryland. Effective movement into serving these additional needy population will need to be curtailed.

WHEAT-SOY BLENDS

Mr. HUMPHREY. Mr. President, recent hearings before the Senate Committee on Agriculture and Forestry have indicated that food donation programs abroad are helping to create new market opportunities through introduction of new low-cost, high protein products created by cereal blends.

One of those products gaining widespread acceptance is WSB, or Wheat-Soy Blend, produced by a growing number of American millers to a USDA-developed formula.

The January issue of Cereal Science today published a paper on Wheat-Soy Blends that had been given by Dr. Frank E. Horan, director of research for the Archer-Daniels Midland Co., at the 57th annual meeting of the American Association of Cereal Chemists in Miami Beach. Because of the growing interest in these cereal-based protein food products, Mr. President, I ask the the article from Cereal Science today be inserted at this point in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHEAT-SOY BLENDS HIGH-QUALITY PROTEIN PRODUCTS[1]

(By F. E. Horan, Director of Research, Archer Daniels Midland Co., Decatur, Ill.)

SUMMARY

Wheat-Soy Blend (WSB) is a mixture of bulgur flour, wheat protein concentrate, defatted soy flour, soy oil, minerals and vitamins. When added to cereal foods it increases protein content and improves amino acid balance, especially by increasing lysine. Great efforts are being made to acquaint people with its nutritive value and to gain its acceptance. These have met considerable success. As a result, other blends have been developed for specific situations.

In recent years the term "empty calories" has become a household saying when matters of everyday nutrition are discussed, and this term is generally understood to be synonymous with high carbohydrate foods, to wit, cereals, sugar, and other starch crops.

To keep a proper perspective, it is important to emphasize that most of the world's population still relies upon these high carbohydrate foods for a high percentage of its diet. Here in the U.S. approximately 40% of the average individual caloric intake consists of high carbohydrate foods. To be sure, this percentage of carbohydrates in the diet varies in different parts of the world, as is shown in Table I(1).

Within the group of high carbohydrate foods, the cereals play a most important role, not only in supplying calories but also in being a major contributor of protein. A consideration of the total supplies of edible protein throughout the world indicates that at least 50% of all the protein available is furnished by cereals, of which wheat, rice, and corn are the most prominent. This is summarized in Table II (2).

Even in areas where animal protein foods are relatively abundant—in the United States, Canada, Oceania, and Northern Europe—the population derives a not insignificant amount of its total protein supply from cereals. It is true that in less-developed countries, a dependence on cereals for protein is more necessary, and this is depicted in Table III (3).

A reasonable prognostication would be that people will continue to rely on cereals for both protein and calories in the foreseeable future, and that wheat, rice, and corn will continue to be staple foods throughout the world. Production figures for 1971 are given in Table IV(4).

To improve the overall protein adequacy of the diet, it is advisable to examine ways in which not only the quantity of protein consumed is increased but also its quality. The most significant quality deficiency in cereal proteins is the amino acid lysine. Thus, in making cereal blends to improve the quantity of protein, it is important to focus likewise on increasing the lysine content. An examination of possible blending components is given in Tables V and VI (5,6,7,8,9), from which one sees that wheat and soy are complementary with the higher lysine content from soy and the higher proportion of sulfur-containing amino acids from wheat.

As a consequence of the work of Bradley (10), Fellers et al. (11), the Millers' National Federation (12), Bulgur Associates[2], and the USDA's Agricultural Research Service, a well-balanced nutritional product resulted, and is known today as Wheat-Soy Blend (WSB). The formula and composition of WSB are given in Tables VII and VIII, and its nutritional improvement over wheat flour alone is pointed out in Table IX.

The development of a new food product in the laboratory and the successful scaling-up of a process for uniform and efficient plant production may bring considerable satisfaction to the professionally trained technical man, and the technical achievements related to WSB were highly commendable. However, a technological success does not necessarily ensure a commercial or marketing sucess, nor does it automatically follow that a highly nutritional product wil solve the malnutrition problems in the world. The new food product must be introduced to those who need it and must be accepted by them in their daily diet. To accomplish this requires, a well-coordinated and cooperative effort on the part of a variety of competent organizations with energetic and capable personnel.

The WSB story exemplifies this type of cooperation very well. At the outset it was necessary to realize that WSB was an entirely new product and could not be regarded as an exact duplicate of any other commercially available food item. Therefore, recipes for its use had to be developed, and the essential functional characteristics of the product including its limitations, had to be evaluated. Under the auspices of Bulgur Associates, Inc. and the Millers' National Federation in cooperation with Foreign Agricultural Service (USDA), a booklet entitled "WSB-Growth Power" was published to promote the many excellent features of this new product. This booklet is now available in English, French, Spanish, Portuguese, and Arabic.

In addition to the close cooperation with the USDA's Agricultural Research Service in developing the technical and nutritional characteristics of WSB, Bulgur Associates sought and received great assistance from the Food for Peace office in Washington, which in turn enlisted the services of its personnel throughout the world in cooperation with many of the U.S. voluntary agencies as well as several multilateral organizations. Sales of WSB are administered through the USDA's Agricultural Stabilization and Conservation Service. A portion of the WSB orders is handled on a government-to-government arrangement through AID, while others are managed by several voluntary agencies, listed in Table X.

Bulgur Associates set out on a determined course to introduce WSB overseas. In August of 1969 (FY–70), an AIRGRAM (Circular A1821) was sent by the Washington Food for Peace office to 42 countries. Personal visits were then scheduled to key countries to explain the value of WSB in upgrading nutrition and in improving the health of the people, particularly children. A summary of the number of these visits is given in Table XI, and the amounts of WSB shipped to various parts of the world from FY–70 through FY–72 are indicated in Table XII. To be sure, it is difficult to correlate exactly the effectiveness of personal visits in terms of the actual acceptance of the product. Nevertheless, the increase of shipments from 12 million lb. to 150 million lb. in 3 years suggests that there is a probable cause-effect relationship.

Though it is nearly impossible to know how all of the WSB shipped overseas is consumed, an estimated breakdown of the usage is given in Tables XIII, XIV, XV, XVI, and XVII, indicating applications as a gruel and beverage, as well as in soups and baking products.

To be sure, the phenomenal success of WSB to date has been that it has qualified for acceptance in the PL-480 Title II programs, i.e., a donation-food. As yet it has not reached the status of a product handled competitively in the commercial retail market.

Likewise, on the domestic scene, marketing methods have not been developed whereby WSB appears for sale in the supermarket. However, many interested groups are desirous of promoting nutritious blended foods for the needy (13). Some would like to see Section 416 of the Agricultural Act of 1949 amended, so that WSB and other blended foods would be available to the needy.

The experiences gained with WSB (and

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[1] Presented at the 57th Annual Meeting, Miami Beach, Oct.-Nov. 1972.

[2] Bulgur Associates, Inc. is now organized as Protein/Cereal Products, Intl.

CSM) in the overseas areas have stimulated the development of other blended products designed for specific situations. The more important ones are listed in Table XVIII, and have satisfied various situations:

Sweetened WSB—Shipped primarily to Bangladesh.

Soy-Fortified Bulgur—In its first year of existence, some 112 million lb. have been shipped, mostly to India, under PL-480 Title II.

Domestically at least one retail product is appearing in the marketplace.[3]

Enriched Macaroni Products with Fortified Protein—These products have received a marketing push by virtue of the USDA's FNS Notice 218, and are to be used in combination with meat or cheese for use in the School Lunch Program. A publication notice appeared in the Federal Register, September 13, 1972, for public comment.

Wheat-Soy Macroni—This type of product follows the specifications of Standard of Identity for wheat-soy combinations. At least one such product is now on the market.[4]

Soy-Fortified Bread Flour—These blends are designed primarily for bread and similar baked products.

It is now clear that nutritionally balanced cereal products have contributed greatly to the salvation of thousands of people in less fortunate circumstances. A family of these types of products is now evolving because of unique and specific requirements, and it is only a matter of time until these products fill a need in commercial channels, as an outgrowth of food-donation programs.

ACKNOWLEDGMENTS

I gratefully acknowledge the assistance given by G. Stoa, A. Cardenas, and R. Jones of ADM Milling Co., Shawnee Mission, Kans., in collecting the marketing data on WSB.

TABLE I.—PERCENTAGE OF CALORIES FROM FOOD GROUPS

Region	Per capita calorie level	High carbohydrate foods[1]	Meat, fish, eggs, and milk products
United States	3,190	40	30
Southern Europe	2,720	60	13
Mexico	2,580	70	11
Brazil	2,710	71	12
India	2,060	74	6
Japan	2,360	78	7
East Africa	2,390	83	6

[1] Cereals, sugar, and other starch crops.

TABLE II.—*SOURCES OF EDIBLE PROTEIN*

Type	Percent of world protein supply
Grains	50
Meat and dairy products	24
Pulses, oilseeds, and nuts	13
Starchy roots	5
Vegetables and fruits	3
Fish	3
Eggs	2

TABLE III.—PERCENTAGE OF PROTEIN SUPPLIED BY CEREALS

Region	Per capita daily protein level (grams)	Percent protein supplied by cereals
Canada (or United States)	95	23 (wheat).
Northern Europe	88	29 (wheat).
U.S.S.R	87	52 (wheat).
Japan	70	47 (rice, wheat).
Mexico	68	53 (corn, wheat).
Brazil	65	36 (wheat, rice, corn).
East Africa	65	63 (corn, rice).
India	56	57 (rice, wheat).

TALBE IV.—PRODUCTION OF MAJOR CEREALS, 1971

Cereal	World production (metric tons)	U.S. production (metric tons)	Percent produced in United States
Wheat	317,640,000	44,620,000	14
Rice	294,207,000	3,820,000	1
Corn	291,258,000	140,728,000	48

TABLE V.—QUANTITY AND RELATIVE QUALITY OF PROTEIN

Food type	Protein (moisture-free basis)	Lysine	
		Mg/g N	Percent FAO reference[1]
Rice	8	235	89
Corn flour	9	180	68
Wheat (bulgur)	12	161	61
Wheat flour (patent)	13	113	43
Wheat protein concentrate	23	248	95
Legumes (chickpea)	23	428	163
Nonfat dry milk	36	496	189
Soy flour (defatted)	52	400	152
Egg white	88	415	158

[1] FAO provision pattern: Lysine, 263 mg/g N.

TABLE VI.—ESSENTIAL AMINO ACIDS IN WHEAT AND SOY PRODUCTS (mg/g N)

Amino acid	Bulgur	Wheat protein concentrate	Soy flour (defatted)	FAO
Isoleucine	253	207	288	263
Leucine	409	381	488	300
Lysine	167	248	400	263
Methionine	94	112	69	138
Methionine+ cystine	265	231	131	263
Phenylalanine	334	240	313	175
Threonine	192	197	244	163
Tryptophan	78		88	88
Valine	272	271	288	263

TABLE VII.—FORMULA FOR WSB

Ingredients	Percent
Wheat fractions, total	73.4
(a) Bulgur flour	53.4
(b) Wheat protein concentrate	20.0
Soy flour, defatted	20.0
Soy oil, refined, stabilized	4.0
Minerals and vitamins	2.6
Total	100.0

TABLE VIII.—FINAL PRODUCT ANALYSIS OF WSB (MOISTURE-FREE BASIS)

	Minimum	Maximum
Protein (N×6.25)	20.0	
Lysine	9.95	
Fat	6.0	
Crude fiber		2.5
Ash		6.6
Moisture		11.0

TABLE IX.—RAT FEEDING STUDIES ON WSB AND OTHER WHEAT PRODUCTS

Protein food	PER (corrected)
Casein	2.50
WSB	2.37
Wheat protein concentrate	1.49
Bulgur	1.45
Blend A	1.01
Straight-grade flour	.77

TABLE X.—ORGANIZATIONS HANDLING WSB OVERSEAS

U.S. voluntary agencies:
  Care, Inc.
  CRS (Catholic Relief Service).
  CWS (Christian World Service).
  LWR (Lutheran World Relief, Inc.).
  SAWS (Seventh Day Adventist Welfare Services, Inc.).
  WRC (World Relief Commission, Inc.).
Multilateral organizations:
  UNICEF (United Nations Children's Fund).
  WFP (United Nations World Food Program).

TABLE XI.—PERSONAL VISITS[1] ON BEHALF OF WSB (FISCAL YEARS 1970-72)

Region	Number of countries	Number of visits		
		Once	Twice	3 or more
Africa	24	12	5	7
Europe	2	1		1
Near East-South Asia	8	2	5	1
East Asia	5	1	2	2
Latin America	20	8	2	10
Total	59	24	14	21

[1] ADM personnel.

TABLE XII.—WSB SHIPMENTS UNDER PUBLIC LAW 480 PROGRAM, TITLE II

Region	Fiscal year 1970		Fiscal year 1971		Fiscal year 1972	
	Million lbs	Percent	Million lbs	Percent	Million lbs	Percent
Africa	6.8	57	9.5	23	6.3	4
Latin America	2.1	17	8.3	20	44.7	30
Near East-South Asia	2.5	21	20.5	50	92.8	62
East Asia	.6	5	2.5	7	5.9	4
Total	12.0	100	40.8	100	149.7	100

TABLE XIII.—TYPES OF FEEDING PROGRAMS EMPLOYING WSB

Type	Percent
Preschool children	40
School lunch	40
Food for work	10
Institutional	5
Family rehabilitation	5

TABLE XIV.—FOOD USES FOR WSB—AFRICA

Country	Gruel	Beverage	Bakery products	Soups
Burundi		×		
Cameroon	×	×		
Gabon	×	×		
Ghana		×		
Kenya		×	×	
Liberia		×		
Morocco			×	
Nigeria	×			×
Tunisia		×	×	
Upper Volta	×			
Zaire (Congo)		×	×	

TABLE XV.—FOOD USES FOR WSB—EAST ASIA

Country	Gruel	Beverage	Bakery products	Soups
Indonesia	×	×		
Laos		×		
Singapore		×		

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[3] "Taboli Salad Mix", Distributed by Steakhouse Products, Bristow, Oklahoma.

[4] "nutric-mac", Gooch Foods, Inc., Lincoln, Nebraska.

TABLE XVI.—FOOD USES FOR WSB—NEAR EAST AND SOUTH ASIA

Country	Gruel	Beverage	Bakery products	Soups
Bangladesh	×			
Ceylon			×	
Gaza			×	
India	×	×	×	
Israel		×	×	
Jordan			×	
Nepal		×		
Pakistan		×		
Turkey		×	×	

TABLE XVII.—FOOD USES FOR WSB—LATIN AMERICA

Country	Gruel	Beverage	Bakery products	Soups
Bolivia	×			
Brazil		×	×	
British Honduras		×	×	
Chile	×	×		
Colombia	×	×	×	
Dominican Republic	×	×		
Ecuador	×	×		
Guatemala	×	×		
Guyana		×		
Haiti	×	×		
Honduras		×		
Jamaica		×		
Nicaragua	×	×		
Panama	×	×		
Peru	×	×		
Uruguay		×		

TABLE XVIII.—SUMMARY OF COMMERCIAL WHEAT-SOY PRODUCT CLASSES

Type	Protein percent (moisture-free basis)	PER (casein: 2.5)
Wheat-soy blend (WSB)	[1] 20.0	2.4
Sweetened WSB (15 percent sugar)	[1] 20.0	2.4
Soy-fortified bulgur	[1] 17.3	2.3
Enriched macaroni products with fortified protein (FNS 218)	[1] 20.0	[1] 2.38
Wheat-soy macaroni (food standard: 12.5 percent soy)	19.0	
Blend A (70 percent flour; 30 percent WPC)	13.5	
Soy-fortified bread flour (6 percent soy)	[1] 14.0	
Blend K	[1] 16.2	

[1] Minimum.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

THE PAR VALUE MODIFICATION ACT—ADDITIONAL COSPONSOR

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the name of the distinguished Senator from Alabama (Mr. Allen) be added as a cosponsor to amendment No. 76 to S. 29.

Mr. President, the amendment reads as follows:

> No funds made available by the Congress to any department or agency of the Government may be obligated or expended for the purpose of providing assistance of any kind, directly or indirectly, to or on behalf of North Vietnam.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. TOWER. Mr. President, I ask unanimous consent that the chief minority counsel for the Banking, Housing and Urban Affairs Committee, Mr. Michael Burns, be accorded the privilege of the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. TAFT. Mr. President, I ask unanimous consent that my staff aide, Mr. Rodney Solomon, be permitted to be present in the Chamber during the consideration and voting on S. 929.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT OF THE PAR VALUE MODIFICATION ACT

The ACTING PRESIDENT pro tempore. Under the previous unanimous-consent agreement, the hour of 12 noon having arrived, the Senate will now resume consideration of the unfinished business, S. 929, which the clerk will state.

The assistant legislative clerk read as follows:

> S. 929, to amend the Par Value Modification Act.

The Senate resumed the consideration of the bill.

Mr. TOWER. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator from Texas will state it.

Mr. TOWER. Mr. President, do I correctly understand that, by unanimous consent, the pending business will be amendment No. 52 of Senators Taft and Bellmon to the bill now under consideration?

The ACTING PRESIDENT pro tempore. That is correct, amendment No. 52, as modified.

Mr. TOWER. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum with the time to be equally charged under the control of the Senator from Alabama and myself on the bill.

Mr. BELLMON. Mr. President, reserving the right to object, could the Senator explain the reason for this, as I am ready to call up the amendment?

Mr. TOWER. Because the Senator from Alabama (Mr. Sparkman) is not on the floor and we are waiting for him to come into the Chamber.

Mr. BELLMON. I thank the Senator from Texas.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BELLMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Bentsen). Without objection, it is so ordered.

Mr. BELLMON. Mr. President, I yield myself 1 minute on the amendment to ask unanimous consent that Charles Walters of my staff be accorded floor privileges during consideration and voting on S. 929.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BELLMON. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time be charged equally against the bill.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. BELLMON. Mr. President, the situation is that the Taft-Bellmon amendment is now the pending business?

The PRESIDING OFFICER. The Senator is correct.

Mr. BELLMON. Mr. President, I ask unanimous consent that the following Senators be added as cosponsors of this amendment: Mr. Bartlett, Mr. Cook, Mr. Fannin, and Mr. Goldwater.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BELLMON. Mr. President, the purpose of this amendment is to provide an interim 1-year mechanism for the Congress to use in holding the line on Federal spending for fiscal year 1974. This amendment is intended to provide the tools needed by Congress to restore a measure of fiscal integrity to the Federal Government. By enacting this amendment, Congress will reestablish its role as a coequal partner in Government, lessen the possibility for a tax increase, stabilize our Nation's economy, and assert its constitutional responsibility for control of the Federal budget.

Many efforts are presently going forward which are aimed at permanently improving the congressional role in management of the Nation's financial affairs. These efforts will take many months—perhaps years. This amendment is intended to give us the tools to assist us in coping with the problems we face now as we develop the budget for 1974.

The financial difficulties which plague this Nation and the current "crisis of public confidence" in the U.S. Congress demand immediate action by this body. We simply cannot afford to wait the many months required for enactment of permanent congressional reforms of the budgetary process. The problem is now and, therefore, an interim measure for fiscal year 1974 is absolutely essential.

Before examining the provisions of this amendment, let us briefly review the problem we face as a nation and as a Congress. In the years 1964 through 1974, the national debt will have risen from $317 billion to an almost unbelievable $50 billion. This national debt has fueled inflation and severely damaged the international stability of the American dollar, as shown by the two devaluations undertaken during the past 18 months. Interest on the national debt has hampered the ability of the Federal Government to cope with the current problems in education, health, housing, and the environment. Interest on the national debt for fiscal year 1974 will amount to more than $26 billion. More than 10 percent of the average American family's taxes go each year just to pay interest on this debt.

Quite clearly, our Federal fiscal policy has had a devastating impact on those persons with fixed income. It has eroded the value of savings and insurance. Excessive Federal spending has accelerated the cost of living for all Americans.

I feel that Congress must join with the executive branch in getting our financial house in order. The American taxpayer is alarmed and properly demands that Congress take swift and decisive action to prevent another massive Federal deficit for fiscal year 1974.

If the Senate fails to act now, there is real danger that the American public will lose confidence and respect for Congress' ability to solve problems and control Federal spending. Congress will lose not only the "battle of the budget" but also the present struggle with the executive branch over the rightful role which Congress should play in the appropriations process, a role which I feel should be reposed in Congress and in Congress alone.

Recent actions indicate that Members of this body are fully aware of this financial and constitutional crisis.

The Joint Study Committee on Budget Control has issued an interim report and is presently engaged in public hearings. Many Senators have introduced proposals outlining extensive fiscal reforms.

Therefore, I am firmly convinced that enactment of this interim measure for fiscal year 1974 is absolutely necessary in order to hold the line of Federal spending, to restore public confidence in the U.S. Congress, and to assert our position as a watchdog over the Federal purse.

There are many reasons for this amendment. In my view, it makes good commonsense for the Senate to enact this proposal now.

Let me analyze the three provisions of this amendment step by step:

First, it establishes a congressional spending ceiling for fiscal year 1974 of $268.7 billion, the exact amount recommended by the President in his budget message.

Second, if, for any reason, expenditures for fiscal year 1974 exceed the congressional spending ceiling, the President would then be authorized to reduce spending amounts proportionately from all programs with the exception of the following relatively uncontrollable budget items: Interest on the national debt; veterans' benefits and services; payments from the social insurance trust fund; medicaid; public assistance maintenance grants; social services grants under title IV of the Social Security Act; food stamps; military retirement pay; and judicial salaries.

Third, if the President impounds or makes spending cuts which are not proportionate in nature to stay within the spending ceiling, or cuts Federal spending for any other purpose, he must notify Congress with his justification. Congress then has 60 days to nullify the President's action by concurrent resolution.

Mr. PEARSON. Mr. President, will the Senator yield?

Mr. BELLMON. I yield.

Mr. PEARSON. The Senator, in describing the amendment, indicates that the President may cut in proportion. Is he indicating that the President must cut in a given percent against all programs?

Mr. BELLMON. All programs, except the noncontrollable items.

Mr. PEARSON. Except the uncontrollable items?

Mr. BELLMON. That is correct.

Mr. PEARSON. So if it is necessary to come to this spending limit and he has cut 6 percent, he has to cut 6 percent from all the controllable items in the budget.

Mr. BELLMON. The Senator is correct. If the President, for any reason, desires to cut in a disproportionate manner, then he must come to Congress with his justifications.

Mr. PEARSON. I understand, and I thank the Senator.

Mr. BELLMON. The idea of a spending ceiling is not unique. Many Senators have gone on record favoring an annual spending ceiling. A congressional spending ceiling was recommended by the President in his January 31 economic report to the Nation.

The interim report of the Joint Committee on Budget Control stated:

> To be effective, ceilings should be established promptly at the outset of the session, prior to consideration of legislative actions which affect the Budget.

Although the President's budget represents a reasonable figure for a spending ceiling, an all-out effort should be made to keep spending well below this level. Approximately 60 percent, or $172 billion, of the total budget will require current congressional action to become available for expenditure in fiscal year 1974. By setting a spending ceiling and exercising restraint, Congress should be able to keep expenditures well within this limit.

The advantages of a proportionate reduction as outlined in this amendment are obvious: If congressional appropriations for fiscal year 1974 result in expenditures exceeding the spending ceiling, then the President would be authorized to reduce expenditures in a manner dictated by Congress.

Executive discretion and temptation to take unilateral action to discontinue programs arbitrarily and without being subjected to congressional approval will be removed.

By passing this amendment we will be telling the American public that we mean business—by providing the means to rigidly adhere to a spending ceiling.

Let me remind the Senate that most Members of this body are on record in support of this approach which was adopted by the Senate last October during the debate on the President's request for congressional approval to cut the budget to $250 billion. After extensive debate, the Senate decided that the Jordan amendment represented the best possible alternative as a means to determine how spending cuts were to be made for fiscal year 1973. Basically this proposal is the same as the Jordan amendment adopted by the Senate last session.

In my view, once Congress has determined the manner in which cuts are to be made then it is absolutely essential to include an anti-impoundment provision in order to guarantee that the congressional mandate regarding expenditures be followed.

I have generally supported the President in his battle to cut Federal spending. The present fiscal crisis demanded immediate action to hold Federal spending at a reasonable level. The President has done this, and I believe the Senate desires to support him. The conditions which led to this state of affairs which must be changed, and this amendment is intended to accomplish that objective.

A temporary measure as contained in this interim proposal, a spending ceiling for control of 1974 spending, needs to be enacted. By doing so Congress can regain control over the establishment of spending priorities.

Adoption of a reasonable spending ceiling, with a clear designation as to how spending cuts should be made if necessary, coupled with an anti-impoundment provision in order to insure that the congressional directive is followed is the best hope that Congress has to reassert its constitutional role and hold the line on Federal spending for fiscal year 1974.

I believe the Senate must act now to control Federal spending for fiscal year 1974 by establishing a spending ceiling.

I believe the Senate must demonstrate to the American public that we mean business by providing a means to insure that our ceiling is rigidly adhered to.

I believe the Congress must reassert its role as the constitutional authority to determine spending priorities.

I feel the Senate must take immediate and decisive action which can be done by enacting this amendment. I urge its adoption.

Mr. TAFT. Mr. President, will the Senator yield to me for 5 minutes?

Mr. BELLMON. I yield to the Senator from Ohio.

Mr. MUSKIE. Mr. President, before the Senator proceeds, will he yield to me briefly for a unanimous-consent request?

Mr. TAFT. I yield.

Mr. MUSKIE. Mr. President, I ask unanimous consent that Jim Hall and Allen From of the committee staff may be allowed the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. Mr. President, will the Senator yield to me for a similar request?

Mr. TAFT. I yield.

Mr. ERVIN. Mr. President, I ask unanimous consent that Robert B. Smith, Jr., Rufus L. Edmisten, W. P. Goodwin, Jr., Eli E. Nobleman, and Walker F. Nolan, Jr., of the staff of the Committee on Government Operations may be permitted on the floor during the debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MONDALE. Mr. President, will the Senator yield for a similar request?

Mr. TAFT. I yield.

Mr. MONDALE. Mr. President, I ask unanimous consent that Bert Carp of the staff may be permitted on the floor during debate on this matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TAFT. Mr. President, the amendment which the senior Senator from

Oklahoma and I am introducing today is a very simple one.

First, it establishes a spending ceiling for fiscal year 1974 of $268.7 billion, the level of spending proposed by the President.

Second, in the event that expenditures would otherwise exceed the spending ceiling, the President is authorized to reduce spending proportionately for fiscal year 1974 in all but the following "uncontrollable" budget items: interest, veterans' benefits and services, payments from the social insurance trust fund, medicaid, public assistance maintenance grants, social services grants under title IV of the Social Security Act, food stamps, military retirement pay, and judicial salaries.

This is the same approach as the Jordan amendment to the debt ceiling bill, which was passed by the Senate on October 13, 1972.

Third, if the President makes any spending cuts which are not proportionate in nature, he must notify Congress of his justifications. Congress then has 60 days to nullify the President's action by concurrent resolution. Resolutions of this type would be expedited, so that the needed action could occur within the 60-day period.

If the President feels it necessary to reserve funds during fiscal 1974, he can either follow the Jordan proportionate approach or give Congress an opportunity to review and possibly override the reservations. No impoundments could be made under any circumstances which would impede the efficient operation of programs at the levels intended by Congress, except for the purpose of effectuating the spending ceiling.

Mr. President, I believe that our amendment will encourage responsible fiscal policy during fiscal 1974 in two ways. First, the spending ceiling will focus congressional attention and efforts on this goal. Second, the amendment's clarification of the procedures and possible justifications for impounding funds will help to prevent a counterproductive shouting match between the Executive and legislative branches of the Government. The losers of this kind of contest would almost certainly be the taxpayers, because the likely result is an irrational budget policy grounded in political expediency rather than economic soundness.

In the late 1960's, we suffered through the results of allowing Government expenditures to exceed substantially even full employment budget receipts. Most economists agree that this type of overstimulation of the economy was the major cause for the upward spiral of wholesale prices between 1967 and 1969. Wholesale prices rose by more than 3 percent in that period.

Unless some measure such as the Bellmon-Taft amendment is quickly adopted, our mistakes could be repeated in the coming fiscal year. The President's proposed budget is a full employment budget, but it is still more than $19 billion below what the budget totals would have been if the programs currently in effect were allowed to grow at an unconstrained rate during fiscal 1973 and fiscal 1974.

There will be great pressures to spend more money in fiscal 1974 than the amount which the President has proposed. This simply cannot be done without inviting more inflation, unless we increase taxes to pay for greater expenditures. In view of the tremendous public opposition to this move, I doubt seriously that such a tax increase is likely to be passed very quickly, if ever.

Under these circumstances, a concentrated congressional effort is necessary to hold down the budget to the level proposed by the President. We may not agree with the President's priorities, but we should stick to the overall spending level which he proposes.

Because it is so crucial to the fight against inflation, the Bellmon-Taft amendment is quite relevant to the devaluation bill. The ability of U.S. industries to compete abroad depends on the costs of production in the United States, while the ability of our foreign competitors to sell their products here depends on the prices of domestic goods. When prices rise the way they did in response to the "Government-pull" inflation of 1967 through 1969, American companies lose ground both at home and abroad. The AFL–CIO and other trade unions have rightfully impressed upon this body the devastating effects which such developments have had recently on the American job situation.

The devaluation bill will help to alleviate this situation by giving American industry a "price break" in domestic and international markets. But to the extent that U.S. price increases exceed those of any one of our trading partners, the effect of the devaluation vis-a-vis that trading partner is nullified.

With a balance-of-trade deficit last year of $6.4 billion and two devaluations within the last 15 months, we cannot afford to sacrifice our newly gained competitive edge in this way. It would be an outrageous irony to let this occur as the result of an irresponsibly high level of Government spending.

I am well aware, however, that Congress rejected a proposed spending ceiling last fall because it would have given the President unlimited authority to make whatever fund reservations he believed were necessary to keep the budget within the limits required by the ceiling. A spending ceiling such as the one proposed last fall is a license for the executive branch to impound funds.

No spending ceiling should be enacted unless it provides safeguards against a further erosion of congressional authority and responsibility. One of Congress' primary duties is to set the Nation's budgetary priorities. A congressional compromise of this function, in the name of controlling inflation or any other cause, would create a serious imbalance between the powers of the legislative and the executive branches.

I believe that the Bellmon-Taft amendment would give Congress a proper participatory role in determining which fund holdbacks will be made. It would do so in a clear manner, which leaves little room for misunderstandings and accusations that one branch or the other of the Government is not acting in good faith.

Yet, the amendment will not lock OMB into an inflexible "meat ax" approach to budget control. OMB could still propose to reserve funds in any manner it deems appropriate for complying with the ceiling, but Congress would have a chance to prevent the implementation of such proposals if it felt that the proposals were unjustified.

At the same time, Congress spending actions would clearly become more visible. As a result, it would assume more responsibility for these actions in the public's eyes.

Mr. President, this is the third time in 2 weeks that I have introduced an amendment along the same lines. I first offered such an amendment to the Economic Stabilization Act, but it was ruled nongermane despite the crucial role it would be likely to play in the anti-inflation effort. Then I offered the same amendment to the legislation mandating the release of rural water and sewer funds. At the urging of the bill's floor manager, the senior Senator from South Dakota, I withdrew the amendment at that time.

In my judgment, it would be a grave mistake for the Senate not to pass this type of amendment today. I realize that the Banking Committee chairman and others have expressed their desire for a clean devaluation bill, so that Congress can take final action upon it quickly and assure those who participate in the international money markets that we consider the devaluation to be sound economic policy. I strongly believe, however, that a devaluation bill with this amendment would be even more desirable than a clean devaluation bill. The amendment would show the world that Congress is determined to live up to its responsibility for combating inflation. It would erase any doubt that we would let our squabbles with the executive branch get in the way of the budget control effort which must comprise an essential part of our stabilization policy.

In any event, the devaluation is no longer "clean" because the Senate has passed the Proxmire amendment dealing with international currency shifts of multinational corporations.

I realize that the Government Operations Committee has now reported legislation which contains a spending ceiling and a mechanism for dealing with impoundments. Of course, I am not wedded to the exact language of the Bellmon-Taft amendment. I do feel strongly, however, that some spending ceiling proposal should be attached to this bill. If a spending ceiling for fiscal 1974 is to have maximum effectiveness, it must be imposed very soon so that all appropriations measures are considered within the context of the ceiling. The only way to accomplish this task is to incorporate such an amendment into legislation of the same type as this bill, which the House of Representatives must consider promptly.

I fully agree with the senior Senator from Oklahoma that the budget ceiling approach should not be the total and permanent answer to Congress's problems with budget control. It is essential that Congress move immediately to enact reform proposals which would end our fragmented method of considering the budget. If Congress would consider the budget as one unified document, it would be in a much better position to make responsible spending decisions than it is at the present time.

Nevertheless, the need to avoid inflationary Government spending is too great now to wait for comprehensive congressional reform. If we are going to do anything effective about this problem as it relates to fiscal 1974, today is the time to do it. I believe that the Bellmon-Taft amendment is the proper action to take, because it involves accepting a commitment to budget responsibility, while maintaining a proper balance between Congress and the Executive. I urge its adoption.

The PRESIDING OFFICER. Who yields time?

Mr. SPARKMAN. Mr. President, I yield such time as the Senator from North Carolina (Mr. ERVIN) may require to offer his amendment, whereupon he will use his own time.

Mr. ERVIN. Mr. President, on behalf of Senators MUSKIE——

The PRESIDING OFFICER. The amendment is not in order at this time. It is not in order until all time on the pending amendment is yielded back or used.

Mr. SPARKMAN. Mr. President, I am going to have to leave the floor temporarily, and I yield all my time to the Senator from Texas (Mr. TOWER).

Mr. TOWER. Mr. President, I yield, from time in opposition to the amendment, to the Senator from North Carolina such time as the Senator may require.

Mr. ERVIN. Mr. President, on behalf of Senators MUSKIE, PERCY, JAVITS, CHILES, NUNN, HUDDLESTON, MONDALE, BENTSEN, CHURCH, BIBLE, RIBICOFF, MATHIAS, CASE, BAYH, PROXMIRE, BURDICK, ROBERT C. BYRD, KENNEDY, NELSON, and myself, I offer a substitute amendment for amendment No. 52.

The PRESIDING OFFICER. The amendment is not in order, except by unanimous consent, until the time is used or yielded back.

Mr. TOWER. Mr. President, may I suggest that the Senator discuss his amendment, without calling it up at this time, and just say he intends to call it up?

The PRESIDING OFFICER. The Senator from North Carolina is recognized for that purpose.

Mr. ERVIN. Mr. President, in behalf of the Senators I have named, I expect to offer at the appropriate time a substitute amendment for the amendment offered by the distinguished Senators from Ohio and Oklahoma.

This amendment, I think, in large measure accomplishes what their amendment seeks to do. It provides a method by which we can bring some order out of chaos. It recognizes that the power of the purse belongs to Congress. It recognizes that the only way under the Constitution that a President can disapprove an act of Congress is by a veto. It recognizes the somewhat cumbersome requirement of a veto of a bill with some 50 programs in it because the President disapproves of only one or two of those programs. And it recognizes that throughout the history of the Nation impoundments have been made by Presidents under varying circumstances.

So it provides, in effect, that whenever the President or any head of a department or agency of the United States or any officer or employee of the Federal Government impounds any obligational authority, the President shall report that action to both Houses of Congress within 10 days after it occurs.

To take care of the contingency that the President may fail to make such a report, it provides that the Comptroller General can make such report to the Congress in the event the President fails to make it.

It provides that in either of these events, the Comptroller General, who is an arm of Congress, shall advise both Houses of Congress as to whether or not, in his judgment, the impoundment is authorized by any statutory authority conferred by Congress upon the executive branch of the Government.

It provides that if the Comptroller General rules that the impoundment is pursuant to the Antideficiency Act, that will end the matter. If he rules it is sustained by any other statutory authority, the matter can still be subject to congressional action under the provisions of the amendment I propose to offer. And of course the amendment covers impounding action which the Comptroller General or the Congress finds to be without statutory authority.

The amendment provides that at any time within 60 days the Congress may pass a resolution ratifying the impoundment in a particular case; that in that event, the impoundment becomes binding on the Congress.

It provides that in the event Congress fails to take affirmative action ratifying the impoundment within the 60-day period, it becomes the duty of the President to expend the funds which have been appropriated.

It provides an expedited procedure for voting on the report of the impoundment of budget obligatory authority, whether made by the President or by the Comptroller General, so as to expedite the consideration and determination of the matter within the 60-day period.

It also provides that in the event Congress is unwilling to wait for 60 days, Congress may, by affirmative vote, adopt a concurrent resolution disapproving of the impoundment.

The distinguished Senator from New York (Mr. JAVITS) proposed several very fine amendments to this amendment. One of them provides that if the President wants to make an impoundment, he does not have to go to the extent of actually making the impoundment; that if he thinks an appropriation is too large or the purpose of an appropriation is unwise, he can come to Congress and ask for the rescinding of the appropriation or the reduction of the appropriation or the elimination of the program by the supplemental appropriation process.

This amendment is a result of the study which the Senate Subcommittee on Separation of Powers of the Judiciary Committee and the Government Operations Committee have made, the former subcommittee having studied this problem for more than 2 years. During this time the Subcommittee on Separation of Powers has taken testimony from knowledgeable persons, and the Ad Hoc Subcommittee on Impoundment of Funds of the Government Operations Committee, sitting together with the Subcommittee on Separation of Powers, has conducted joint hearings. This amendment is the result of the combined minds of the members of both committees.

In addition to that impoundment feature, it contains a spending ceiling for the fiscal year 1974 totaling $268 billion.

It is an entirely workable amendment. And I would like to take this occasion to say that this amendment has received contributions from Prof. Philip B. Kurland, professor of constitutional law at the University of Chicago; Prof. Arthur S. Miller, professor of constitutional law at the George Washington University; Louis Fisher, who has made a great study in this field and is an expert in the field of Government financing. In addition, we have taken the testimony of numerous persons, too numerous to mention, who have made valuable suggestions. For example, former Representative Brooks Hays pointed out that the original bill provided that Congress would have to vote each impoundment up or down in its entirety.

At the instance of former Representatives Hays, the amendment has been changed to provide that Congress can approve or disapprove in whole or in part each impoundment.

Senator RIBICOFF made many fine contributions to our amendment in the form of amendments and in preparing section 1 which sets forth in eloquent fashion the constitutional, legal, and factual foundations underlying the bill.

I would also like to say that the amendment has many contributions made by both the members of the subcommittee and of the Government Operations Committee. If it were in my power, I would designate the distinguished Senator from Maine (Mr. MUSKIE) and the distinguished Senator from Illinois (Mr. PERCY) as the chief cosponsors of the bill. Each of them has made invaluable contributions to it.

I would also like to say that Senators RIBICOFF, METCALF, CHILES, HUDDLESTON, NUNN, and JAVITS made other great contributions to the amendment. And also, although they do not favor the amendment as strongly as I do and are partly opposed to it, we are indebted to Senators GURNEY, ROTH, and BROCK for pointing out deficiencies in the original proposal which have been corrected in this amendment.

This amendment, I think, will signify two things. In the first place, it was establish for the first time in the history of this Nation an orderly procedure whereby the President of the United States can call to the attention of the Congress without resorting to the veto, corrections which he thinks ought to be made in appropriations and in programs. It also provides that the Congress shall retain the power of the purse. It gives an orderly procedure by which the President can apply to the Congress, as a result of the Javits amendment, for a modification of the laws to conform to the ideas of the Executive.

It establishes a spending limit which would indicate that Congress is prepared to do all it can to set the financial house of the Federal Government in order. And every one of us knows that is a consummation devoutly to be wished.

Mr. President, when the time comes that it is appropriate for me under the Senate rules to offer this amendment as a substitute for the amendment of the Senator from Ohio and the Senator from Oklahoma, I will urge that the Senate adopt it.

Mr. BELLMON. Mr. President, I yield myself 2 minutes. I believe the distinguished Senator from North Carolina has made an excellent contribution to the debate on the amendment. I am in agreement with the proposal he has made. I am willing at this time, if it is agreeable with my coauthor, the Senator from Ohio (Mr. TAFT), to yield the remainder of our time on the amendment and accept the amendment of the Senator from North Carolina as a modification of our amendment.

The PRESIDING OFFICER. To accept a modification would not require yielding back all the time.

Mr. BELLMON. It is our desire so to modify our amendment.

The PRESIDING OFFICER. The amendment is so modified.

Mr. ERVIN. If I may have a moment to raise an inquiry, the distinguished Senator from Ohio and the distinguished Senator from Oklahoma have modified their amendment—that is, amendment No. 52—so as to make it conform to the substitute amendment that I propose.

Mr. BELLMON. That is correct.

The PRESIDING OFFICER. The amendment now pending before the Senate is the amendment of the Senator from Ohio (Mr. TAFT) and the Senator from Oklahoma (Mr. BELLMON) as modified by accepting the amendment of the Senator from North Carolina (Mr. ERVIN).

Mr. TAFT. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. TAFT. Would the Senator from North Carolina desire that at this point the names of the sponsors of the substitute be included as original sponsors?

Mr. ERVIN. Yes. I would like to have included the names of the Senators that I gave when I first rose.

Mr. TAFT. That would certainly be agreeable to the Senator from Oklahoma and me.

Mr. ERVIN. Mr. President, I ask unanimous consent that the text of amendment No. 52, as modified, to conform to amendment No. 77 be printed in the RECORD, to be followed by a section-by-section analysis of the amendment as modified by the acceptance of the substitute amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 77, AS MODIFIED AMENDMENT 52, AS MODIFIED

In lieu of the language proposed to be inserted by Amendment No. 52 (as modified), insert the following:

TITLE I—IMPOUNDMENT CONTROL PROCEDURES

SECTION 1. The Congress finds that—

(1) the Congress has the sole authority to enact legislation and appropriate moneys on behalf of the United States;

(2) the Congress has the authority to make all laws necessary and proper for carrying into execution its own powers;

(3) the Executive shall take care that the laws enacted by Congress shall be faithfully executed;

(4) under the Constitution of the United States, the Congress has the authority to require that funds appropriated and obligated by law shall be spent in accordance with such law;

(5) there is on authority expressed or implied under the Constitution of the United States for the Executive to impound budget authority and the only authority for such impoundments by the executive branch is that which Congress has expresely delegated by statute;

(6) by the Anti-Deficiency Act (Rev. Stat. sec. 3679), the Congress delegated to the President authority, in a narrowly defined area, to establish reserves for contingencies or to effect savings through changes in requirements, greater efficiency of operations, or other developments subsequent to the date on which appropriations are made available;

(7) in spite of the lack of constitutional authority for impoundment of budget authority by the executive branch and the narrow area in which reserves by the executive branch have been expressly authorized in the Anti-Deficiency Act, the executive branch has inpounded many billions of dollars of budget authority in a manner contrary to and not authorized by the Anti-Deficiency Act or any other Act of Congress;

(8) impoundments by the executive branch have often been made without a legal basis;

(9) such impoundments have totally nullified the effect of appropriations and obligation authority enacted by the Congress and prevented the Congress from exercising its constitutional authority;

(10) the executive branch, through its presentation to the Congress of a proposed budget, the due respect of the Congress for the views of the executive branch, and the power of the veto, has ample authority to affect the appropriation and obligation process without the unilateral authority to impound budget authority; and

(11) enactment of this legislation is necessary to clarify the limits of the existing legal authority of the executive branch to impound budget authority, to reestablish a proper allocation of authority between the Congress and the executive branch, to confirm the constitutional proscription against the unilateral nullification by the executive branch of duly enacted authorization and appropriation Acts, and to establish efficient and orderly procedures for the reordering of budget authority through joint action by the Executive and the Congress, which shall apply to all impoundments of budget authority, regardless of the legal authority asserted for making such impoundments.

SEC. 2. (a) Whenever the President, the Director of the Office of Management and Budget, the head of any department or agency of the United States, or any officer or employee of the United States, impounds any budget authority made available, or orders, permits, or approves the impounding of any such budget authority by any other officer or employee of the United States, the President shall, within ten days thereafter, transmit to the Senate and the House of Representatives a special message specifying—

(1) the amount of the budget authority impounded;

(2) the date on which the budget authority was ordered to be impounded;

(3) the date the budget authority was impounded;

(4) any account, department, or establishment of the Government to which such impoundment budget authority would have been available for obligation except for such impoundment;

(5) the period of time during which the budget authority is to be impounded, to include not only the legal lapsing of budget authority but also administrative decisions to discontinue or curtail a program;

(6) the reasons for the impoundment, including any legal authority invoked by him to justify the impoundment and, when the justification invoked is a requirement to avoid violating any public law which establishes a debt ceiling or a spending ceiling, the amount by which the ceiling would be exceeded and the reasons for such anticipated excess; and

(7) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the impoundment.

(b) Each special message submitted pursuant to subsection (a) shall be transmitted to the House of Representatives and the Senate on the same day, and shall be delivered to the Clerk of the House of Representatives if the House is not in session, and to the Secretary of the Senate if the Senate is not in session. Each such message may be printed by either House as a document for both Houses as the President of the Senate, and Speaker of the House may determine.

(c) A copy of each special message submitted pursuant to subsection (a) shall be transmitted to the Comptroller General of the United States on the same day as it is transmitted to the Senate and the House of Representatives. The Comptroller General shall review each such message and determine whether, in his judgment, the impoundment was in accordance with existing statutory authority, following which he shall notify both Houses of Congress within fifteen days after the receipt of the message as to his determination thereon. If the Comptroller General determines that the impoundment was in accordance with section 3679 of the Revised Statutes (31 U.S.C. 665), commonly referred to as "The Antideficiency Act", the provisions of section 3 and section 5 shall not apply. In all other cases, the Comptroller General shall advise the Congress whether the impoundment was in accordance with other existing statutory authority and sections 3 and 5 of this Act shall apply.

(d) If any information contained in a special message submitted pursuant to subsection (a) is subsequently revised, the President shall transmit within ten days to the Congress and the Comptroller General a supplementary message stating and explaining each such revision.

(e) Any special or supplementary message transmitted pursuant to this section shall be printed in the first issue of the Federal Register published after that special or supplemental message is so transmitted and may be printed by either House as a document for both Houses, as the President of the Senate, and Speaker of the House may determine.

(f) The President shall publish in the Federal Register each month a list of any budget authority impounded as of the first calendar day of that month. Each list shall be published no later than the tenth calendar day of the month and shall contain the information required to be submitted by special message pursuant to subsection (a).

SEC. 3. The President, the Director of the Office of Management and Budget, the head of any department or agency of the United States, or any officer or employee of the United States shall cease the impounding of any budget authority set forth in each special message within sixty calendar days of continuous session after the message is received by the Congress unless the specific impoundment shall have been ratified by the Congress of a concurrent resolution in accordance with the procedure set out in section 5 of this Act: *Provided, however*, That Congress may by concurrent resolution disapprove any impoundment in whole or in part, at any time prior to the expiration of the sixty-day period, and in the event of such disapproval, the impoundment shall cease immediately to the extent disapproved. The effect of such disapproval, whether by concurrent resolution passed prior to the expiration of the sixty-day period or by the failure to approve by concurrent resolution within the sixty-day period, shall be to make the obligation of the budget authority mandatory, and shall preclude the President or any other Federal officer or employee from reimpounding the specific budget authority set forth in the special message which the Congress by its action or failure to act has thereby rejected.

SEC. 4. For purposes of this Act, the impounding of budget authority includes—

(1) withholding, delaying, deferring, freezing, or otherwise refusing to expend any part of budget authority made available (whether by establishing reserves or otherwise) and the termination or cancellation of authorized projects or activities to the extent that budget authority has been made available.

(2) withholding, delaying, deferring, freezing, or otherwise refusing to make any allocation of any part of budget authority (where such allocation is required in order to permit the budget authority to be expended or obligated),

(3) withholding, delaying, deferring, or otherwise refusing to permit a grantee to obligate any part of budget authority (whether by establishing contract controls, reserves, or otherwise), and

(4) any type of Executive action or inaction which effectively precludes or delays the obligation or expenditure of any part of authorized budget authority.

SEC. 5. The following subsections of this section are enacted by the Congress:

(a) (1) As an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by this section; and they shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) With full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of the House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(b) (1) For purposes of this section, the term "resolution" means only a concurrent resolution of the Senate or House of Representatives, as the case may be, which is introduced and acted upon by both Houses at any time before the end of the first period of sixty calendar days of continuous session of the Congress after the date on which the special message of the President is transmitted to the two Houses.

(2) The matter after the resolving clause of a resolution approving the impounding of budget authority shall be substantially as follows (the blank spaces being appropriately filled): "That the Congress approves the impounding of budget authority as set forth in the special message of the President dated —, Senate (House) Document Numbered —."

(3) The matter after the resolving clause of a resolution disapproving, in whole or in part, the impounding of budget authority shall be substantially as follows (the blank spaces being appropriately filled): "That the Congress disapproves the impounding of budget authority as set forth in the special message of the President dated —, Senate (House) Document Numbered — (in the amount of $—)."

(4) For purposes of this subsection, the continuity of a session is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain shall be excluded in the computation of the sixty-day period.

(c) (1) A resolution introduced, or received from the other House, with respect to a special message shall not be referred to a committee and shall be privileged business for immediate consideration, following the receipt of the report of the Comptroller General referred to in section 2(c). It shall at any time be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. Such motion shall be highly privileged and not debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) If the motion to proceed to the consideration of a resolution is agreed to, debate on the resolution shall be limited to ten hours, which shall be divided equally between those favoring and those opposing the resolution. Debate on any amendment to the resolution (including an amendment substituting approval for disapproval in whole or in part or substituting disapproval in whole or in part for approval) shall be limited to two hours, which shall be divided equally between those favoring and those opposing the amendment.

(3) Motions to postpone, made with respect to the consideration of a resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution shall be decided without debate.

(d) If, prior to the passage by one House of a resolution of that House with respect to a special message, such House receives from the other House a resolution with respect to the same message, then—

(1) If no resolution of the first House with respect to such message has been introduced, no motion to proceed to the consideration of any other resolution with respect to the same message may be made (despite the provisions of subsection (c) (1)).

(2) If a resolution of the first House with respect to such message has been introduced—

(A) the procedure with respect to that or other resolutions of such House with respect to such message shall be the same as if no resolution from the other House with respect to such message had been received; but

(B) on any vote on final passage of a resolution of the first House with respect to such message the resolution from the other House with respect to such message shall be automatically substituted for the resolution of the first House.

(e) If a committee of conference is appointed on the disageeing votes of the two Houses with respect to a resolution, the conference report submitted in each House shall be considered under the rules set forth in subsection (c) for the consideration of a resolution, except that no amendment shall be in order.

(f) Notwithstanding any other provision of this section, it shall not be in order in either House to consider a resolution with respect to a special message after the two Houses have agreed to another resolution with respect to the same message.

(g) As used in this section, the term "special message" means a report of impounding action made by the President pursuant to section 2 or by the Comptroller General pursuant to section 6.

SEC. 6. If the President, the Director of the Office of Management and Budget, the head of any department or agency of the United States, or any officer or employee of the United States takes or approves any impounding action within the purview of this Act, and the President fails to report such impounding action to the Congress as required by this Act, the Comptroller General shall report such impounding action with any available information concerning it to both Houses of Congress, and the provisions of this Act shall apply to such impounding action in like manner and with the same effect as if the report of the Comptroller General had been made by the President: *Provided, however,* That the sixty-day period provided in section 3 of this Act shall be deemed to have commenced at the time at which, in the determination of the Comptroller General, the impoundment action was taken.

SEC. 7. Nothing contained in this Act shall be interpreted by any person or court as constituting a ratification or approval of any impounding of budget authority by the President or any other Federal employee, in the past or in the future, unless done pursuant to statutory authority in effect at the time of such impoundment.

SEC. 8. The Comptroller General is hereby expressly empowered as the representative of the Congress through attorneys of his own selection to sue any department, agency, officer, or employee of the United States in a civil action in the United States District Court for the District of Columbia to enforce the provisions of this Act, and such court is hereby expressly empowered to enter in such civil action any decree, judgment, or order which may be necessary or appropriate to secure compliance with the provisions of this Act by such department, agency, officer, or employee. Within the purview of this section, the Office of Management and Budget shall be construed to be an agency of the United States, and the officers and employees of the Office of Management and Budget shall be construed to be officers or employees of the United States.

SEC. 9. (a) Notwithstanding any other provision of law all funds appropriated by law shall be made available and obligated by the appropriate agencies, departments, and other units of the Government except as may be provided otherwise under this Act.

(b) Should the President desire to impound any appropriation made by the Congress not authorized by this Act or by the Antideficiency Act, he shall seek legislation utilizing the supplemental appropriations process to obtain selective recission of such appropriation by the Congress.

SEC. 10. If any provision of this Act, or the application thereof to any person, impoundment, or circumstance, is held invalid, the validity of the remainder of the Act and the application of such provision to other persons, impoundments, or circumstances shall not be affected thereby.

SEC. 11. The provisions of this Act shall take effect from and after enactment.

TITLE II—CEILING ON FISCAL YEAR 1974 EXPENDITURES

SEC. 201. (a) Except as provided in subsection (b), expenditures and net lending during the fiscal year ending June 30, 1974, under the Budget of the United States Government shall not exceed $268,000,000,000.

(b) If the estimates of revenues which will be received in the Treasury during the fiscal year ending June 30, 1974, as made from time to time, are increased as a result of legislation enacted after the date of the enactment of this Act reforming the Federal tax laws, the limitation specified in subsection (a) shall be reviewed by Congress for purpose of determining whether the additional revenues made available should be applied to essential public services for which adequate funding would not otherwise be provided.

SEC. 202. (a) Notwithstanding the provisions of any other law, the President shall, in accordance with this section, reserve from expenditure and net lending, from appropriations or other obligational authority otherwise made available, such amounts as may be necessary to keep expenditures and net lending during the fiscal year ending June 30, 1974, within the limitation specified in section 201.

(b) In carrying out the provisions of subsection (a) the President shall reserve amounts proportionately from new obligational authority and other obligational authority available for each functional category, and to the extent practicable, subfunctional category (as set out in the United States Budget in Brief), except that no reservations shall be made from amounts available for interest, veterans' benefits and services, payments from social insurance trust funds, public assistance maintenance grants under title IV of the Social Security Act, food stamps, military retirement pay, medicaid, and judicial salaries.

(c) Reservations made to carry out the provisions of subsection (a) shall be subject to the provisions of title I of this Act, except that—

(1) if the Comptroller General determines under section 2(c) with respect to any such reservation that the requirements of proportionate reservations of subsection (b) have been complied with, then sections 3 and 5 shall not apply to such reservation.

(d) The provisions of section 3 of title I of this Act shall not apply to any impoundments or reservations made under title II insofar as they prohibit reimpounding or reservation.

(e) In no event shall the authority conferred by this section be used to impound funds, appropriated or otherwise made available by Congress, for the purpose of eliminating a program the creation or continuation of which has been authorized by Congress.

SEC. 203. In the administration of any program as to which—

(1) the amount of expenditures is limited pursuant to this title, and

(2) the allocation, grant, apportionment, or other distribution of funds among recipients is required to be determined by application of a formula involving the amount appropriated or otherwise made available for distribution, the amount available for expenditure (after the application of this title) shall be substituted for the amount appropriated or otherwise made available in the application of the formula.

Amend the title so as to read: "A bill to amend the Par Value Modification Act, to insure the separation of Federal powers and to protect the legislative function by requiring the President to notify the Congress whenever he, the Director of the Office of Management and Budget, the head of any department or agency of the United States, or any officer or employee of the United States, impounds, orders the impounding, or permits the impounding of budget authority, to provide a procedure under which the Senate and the House of Representatives may approve the impounding action, in whole or in part, or require the President, the Director of the Office of Management and Budget, the department or agency of the United States, or the officer or employee of the United States, to cease such action, in whole or in part, as directed by Congress, and to establish a spending ceiling for one fiscal year 1974."

SECTION-BY-SECTION ANALYSIS OF AMENDMENT NO. 77

SECTION 1

Section 1 states certain findings by the Congress regarding the legal authority under which the President may impound appropriated funds and obligational authority, and the extent to which the practice has been used.

It states that Congress has authority to enact legislation, to appropriate monies, to make all laws necessary and proper for carrying into execution its own powers, and to require that funds appropriated and obligated by law be spent in accordance with such law.

The section states that the only legal authority for the Executive to impound budget authority is that expressly delegated by statute, such as the Antideficiency Act in which Congress delegated to the President authority, in a narrowly defined area, to establish reserves.

In spite of the lack of constitutional or broad statutory authority, the section states that the Executive has impounded many billions of dollars of budget authority in a manner contrary to and not authorized by the Antideficiency Act or any other act of Congress. These impoundments have been made without a legal basis and have totally nullified the effect of appropriations and obligation authority enacted by the Congress and have prevented the Congress from exercising its constitutional authority.

The section further states that the Executive has ample authority to affect the appropriation and obligation process without the unilateral authority to impound budget authority. Therefore, the enactment of this legislation is necessary to clarify the limits of existing legal authority to impound and to establish efficient and orderly procedures for reordering budget priorities through joint action by the Executive and the Congress.

SECTION 2

Subsection 2(a) provides that whenever the President or any other officer or employee of the United States, specifically including the Director of the Office of Management and Budget, impounds or orders, permits, or approves the impounding of budget authority, he shall transmit within 10 days a special message on the impoundment to both Houses of Congress.

The term "budget authority" is a comprehensive term applying not only to funds appropriated but also to other forms of obligation authority. The term is described in *The Budget of the United States Government, Fiscal Year 1974,* at page 315:

Budget authority—Government agencies are permitted to enter into obligations, requiring either immediate or future payment of money, only when they have been granted authority to do so by law. The amounts thus authorized by Congress are called *budget authority* (BA).

Budget authority controls the obligations to be incurred, and for most accounts the amount of the authority is related to the obligations expected to be incurred during the year. In some cases—especially construction (other than water resource projects), research, and procurement—budget authority is requested and granted to finance the full cost of each project at the time it is started, regardless of when obligations are expected to be incurred, and the expected time of completion.

Budget authority usually takes the form of appropriations which permit obligations to be incurred and payments to be made. Some budget authority is in the form of contract authority which permits obligations, but requires an appropriation or receipts "to liquidate" (pay) these obligations. There is also authority to spend debt receipts; such budget authority permits the use of borrowed money to incur obligations and make payments. Where such authority pertains to the use of Treasury borrowing, it is authority to spend public debt receipts; authority for a Government agency to borrow directly from the public or from a Government-administered fund available for investment, is authority to spend agency debt receipts.

The special message of the President shall specify:

(1) the amount of budget authority impounded;

(2) the date on which the budget authority was ordered to be impounded;

(3) the date the budget authority was impounded;

(4) any account, department, or establishment of the Government to which such impounded budget authority would have been available for obligation except for such impoundment;

(5) the period of time during which the budget authority is to be impounded, including not only the legal lapsing of budget authority but also administrative decisions to discontinue or curtail a program;

(6) the reasons for the impoundment, including any legal authority invoked by the President to justify the impoundment and, when the justification invoked is a requirement to avoid violating any public law which established a debt or spending ceiling, the amount by which the ceiling would be exceeded and the reasons for the anticipated excess; and

(7) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the impoundment.

Subsection 2(b) provides that each special message shall be transmitted to the House and Senate on the same day, and shall be delivered to the Clerk of the House or the Secretary of the Senate should the respective House not be in session. The message may be printed as a document for both Houses.

Under subsection 2(c), a copy of each special message shall be transmitted to the Comptroller General on the same day as it is sent to the Congress. The Comptroller General shall review each impoundment and report to Congress within 15 days his determination whether the impoundment was in accordance with existing statutory authority.

If the Comptroller General determines that the impoundment was made in accordance with the Antideficiency Act (31 U.S.C. 665), no further congressional action will be in order and the impoundment will stand. In all other cases, the Comptroller General shall advise the Congress whether the impoundment was in accordance with other statutory authority, and the provisions of sections 3 and 5 shall apply to that impoundment.

Subsection 2(d) provides that the President shall notify Congress and the Comptroller General within 10 days if any information contained in a special impoundment message is subsequently revised.

Subsection 2(e) provides that each special and supplementary message shall be printed in the first issue of the Federal Register published after the message is submitted.

Subsection 2(f) provides that the President shall publish in the *Federal Register* by the tenth of each month a list of any budget authority impounded as of the first of that month.

SECTION 3

Section 3 provides that the Executive shall cease the impounding of budget authority set forth in each message within 60 days of continuous session after the message is received unless Congress ratifies the impoundment by concurrent resolution. Congress may also disapprove any impoundment in whole or in part prior to the expiration of the 60 days, and the impoundment shall cease immediately to the extent disapproved. The effect of either a disapproval or a failure of Congress to act within the 60-day period will be to make the obligation of the budget authority mandatory and shall preclude the reimpounding of the budget authority set forth in the message.

SECTION 4

Section 4 defines impounding of budget authority to include four types of actions:

(1) withholding, delaying, deferring, freezing, or otherwise refusing to expend any part of budget authority made available (whether by establishing reserves or otherwise) and the termination or cancellation of authorized projects or activities to the extent that budget authority has been made available.

(2) withholding, delaying, deferring, freezing, or otherwise refusing to make any allocation of any part of budget authority (where such allocation is required in order to permit the budget authority to be expended or obligated),

(3 withholding, delaying, deferring, or otherwise refusing to permit a grantee to obligate any part of budget authority

(whether by establishing contract controls, reserves, or otherwise), and

(4) any type of Executive action or inaction which effectively precludes or delays the obligation or expenditure of any part of authorized budget authority.

SECTION 5

Section 5 establishes the procedure for consideration of a concurrent resolution either approving or disapproving an impoundment. It prescribes the substantive content of the resolutions and provides that they shall not be referred to a committee and that they shall be privileged business for immediate consideration following the report of the Comptroller General pursuant to section 2(c). Motions to proceed to the consideration of a resolution shall be highly privileged and not debatable, amendments to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion is agreed to or disagreed to. Debate on a resolution shall be limited.

SECTION 6

Section 6 provides that whenever the President, the Director of OMB, agency and department heads, or any other Federal officer or employee, takes or approves any impounding action within the purview of this Act, which the President fails to report to the Congress as required by this Act, the Comptroller General shall report such action to both Houses of the Congress, and it shall have the same effect, under the provisions of the Act, as if the impounding report had been made by the President; but the 60-day period during which the Congress may act and after which impoundments must cease shall be deemed to commence at the time the Comptroller General has determined that the impoundment action was taken.

SECTION 7

Section 7 provides that nothing contained in the Act shall be interpreted by any person or court as constituting a ratification or approval of any impounding of budget authority by the President, or any other Federal employee, in the past or future, unless done pursuant to statutory authority in effect at the time of such impoundment.

SECTION 8

Section 8 expressly empowers the Comptroller General, as a representative of the Congress, through attorneys he chooses, to bring a civil action against any department, agency, officer or employee of the United States in the United States District Court for the District of Columbia to enforce the provisions of this Act, and expressly authorizes the court in such action to enter any decree, judgment or order which may be necessary or appropriate to secure compliance with the provisions of the Act. It provides further that for the purposes of this section, the Office of Management and Budget shall be considered to be an agency of the United States and its officers or employees are to be considered officers or employees of the United States.

SECTION 9

Section 9(a) provides that, notwithstanding any other provisions of law, all funds appropriated by law shall be made available and obligated by the appropriated agencies, departments and other units of the Government, except as may otherwise be prescribed under the Act.

Section 9(b) provides that if the President desires to impound any appropriation made by the Congress, which action is not authorized by the Antideficiency Act, he must seek legislation through the supplemental appropriations process to obtain selective recission of such appropriation by the Congress.

SECTION 10

Section 10 contains a separability clause which provides that if any provision of the Act, or the application thereof to any person, impoundment or circumstance, is held invalid, such holding shall not affect the remainder of the Act and the applicability of such provision to other persons, impoundments, or circumstances.

SECTION 11

Section 11 provides that the provisions of the Act shall take effect upon enactment.

TITLE II

Title II, entitled Ceiling on Fiscal Year 1974 Expenditures, provides a $268 billion ceiling on Federal expenditures for Fiscal Year 1974 and a mechanism by which the Executive Branch can reduce expenditures for that ceiling level if appropriations exceed it.

The purpose of this title is to make the mechanism for reducing expenditures below the spending ceiling consistent with the anti-impoundment procedures outlined in Title I of the legislation.

SECTION 201

Section 201(a) provides that during Fiscal Year 1974 expenditures and net lending under the budget shall not exceed $268 billion.

Section 201(b) provides that in the event that the estimates of revenues that the Treasury Department expects to receive during Fiscal 1974 are increased as the result of tax reform legislation enacted by the Congress after the enactment of this legislation, the spending ceiling shall be reviewed by the Congress for the purpose of determining whether the additional revenues made available shall be applied to essential public services for which adequate funding would not otherwise be provided.

SECTION 202

Section 202(a) gives the President the authority to reserve from expenditures and net lending and from appropriations or other obligational authority such funds as are necessary to keep expenditures and net lending during Fiscal Year 1974 under the spending ceiling.

Section 202(b) provides that the President in reducing expenditures and net lending under the spending ceiling shall cut amounts proportionally from new obligational authority and other obligational authority available for each functional category and to the extent practicable for each subfunctional category (as set out in the *United States Budget in brief for Fiscal Year 1974*) except that he shall not cut from the funds set aside for interest, veterans' benefits and services, payments from social insurance trust funds, public assistance maintenance grants under Title IV of the Social Security Act, food stamps, military retirement pay, Medicaid, and judicial salaries.

Section 202(c) provides that the President in making cuts to bring expenditures and net lending under the spending ceiling shall be subject to the impoundment provisions of Title I of this bill, except if the Comptroller General determines that the cuts proposed by the President to bring expenditures and net lending under the spending ceiling meet the proportionate requirements of Subsection 202(b), then Sections 3 and 5 of title I of this Act shall not apply.

Section 202(d) provides that the provisions of Section 3 of title I which prohibit reimpounding of funds shall not apply to the cuts made by the President in order to bring expenditures and net lending under the spending ceiling.

Section 202(e) provides that in no event shall the authority given to the President under title II be used for the purpose of eliminating a program the creation or continuation of which has been authorized by the Congress.

SECTION 203

Section 203 provides that in the case of formula grant programs which must be reduced in order to meet the spending ceiling requirements, the same formula as authorized in the program shall be applied to the reduced amount.

Mr. TOWER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Texas will state it.

Mr. TOWER. It is now my understanding that the Senator from Oklahoma (Mr. Bellmon) and the Senator from Ohio (Mr. Taft) have accepted the amendment of the Senator from North Carolina as a substitute. In other words, the pending business is the substitute that has been offered by the Senator from North Carolina.

The PRESIDING OFFICER. They have modified their original amendment and have accepted the modification of their original amendment; and that is the pending business.

Mr. ERVIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from North Carolina will state it.

Mr. ERVIN. What is the status of the time allocation?

The PRESIDING OFFICER. The Senator from Ohio has 8 minutes remaining; the Senator from Texas has 16 minutes remaining.

Mr. TOWER. Mr. President, may I suggest that those who support the amendment seek their time from the Senator from Ohio?

Mr. MUSKIE. Mr. President, I wonder if I might be granted some time.

Mr. TAFT. I am glad to yield to the Senator from Maine. I wonder, though, whether he would be willing to defer for a moment to enable me to ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

The yeas and nays were ordered.

Mr. MUSKIE. I shall take but a few moments. I know that the time is limited.

I subscribe completely to the comments of the distinguished Senator from North Carolina. It has been a privilege to work with him in the development of the amendment.

I ask unanimous consent that statement I have prepared and also an analysis of title II be printed at this point in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

IMPOUNDMENT-SPENDING CEILING AMENDMENT

(By Senator Muskie)

I support the amendment offered by Senator Ervin which would provide a procedure for determining illegal impoundments and which would keep Federal expenditures during Fiscal Year 1974 under a ceiling of $268 billion.

The Senator from North Carolina has already explained Title I of his amendment, which deals with the anti-impoundment procedures. I concur wholeheartedly with his statements and, for that reason, I shall not discuss Title I at this time.

Title II of his amendment, which provides for the spending ceiling, is similar to the amendment to the impoundment legislation I introduced yesterday in the Committee on Government Operations. That amendment, after some modification, was adopted by the Committee by an overwhelming majority.

I wish to commend the Senator from Minnesota (Mr. Mondale) for his efforts in seeking a reasonable spending ceiling. Many of the elements in an amendment introduced last week by Senator Mondale have been incorporated into Title II of the amendment we are considering today.

The $268 billion spending ceiling in the Ervin amendment is a reasonable and responsible figure. It is $700 million less than the figure requested by the President in his Fiscal 1974 budget.

It is another illustration that the Congress *is* responsible in its efforts to keep Federal spending under control. A $268 billion budget will insure continued economic growth, but it will prevent Federal spending from reaching a level which would add additional fuel to the fires of inflation.

Enactment of this spending ceiling would be consistent with the efforts of Congress over the past four years to cut the President's budget proposals. Let us not forget that the President has never submitted a balanced budget to Congress. Let us not forget that the accumulated Federal debt in the past five years has been greater than the accumulated Federal debt in the previous 25 years. And let us not forget that Congress has cut every one of the President's budget proposals—for a total savings of $20 billion in appropriations.

Title II of this amendment contains two other important elements.

First, it would allow Congress to review the spending ceiling in the event that tax reform legislation it enacts after the ceiling is set increases the amount of revenue that the Treasury will receive during Fiscal 1974. That legislation would allow the Congress to determine whether the additional revenues made available should be applied to essential public services for which adequate funding would otherwise not be provided.

Second, Title II outlines a procedure for reducing Federal expenditures to the level of the spending ceiling that is consistent with the impoundment procedures in Title I of the amendment.

It requires the President to make proportional cuts from the funds available for controllable expenditures in each functional category and, to the extent practicable, in each subfunctional category of the budget, in order to reduce expenditures beneath the spending ceiling. None of those cuts could come from the funds set aside for interest, veterans' benefits and services, payments for social insurance trust funds, public assistance maintenance grants under Title IV of the Social Security Act, food stamps, military retirement pay, Medicaid, and judicial salaries.

As under the impoundment procedures the President must send a message to Congress detailing his recommended cuts. If the Comptroller General determines that the cuts have been made proportionately across the board, then the President could go ahead and make those cuts. In the event the Comptroller General determines that the President has not proposed cuts that are consistent with the requirement that he make proportionate cuts, then his recommended cuts would be subject to the same procedures as any other impoundment and would have to cease after 60 days unless Congress affirmatively approved the cuts.

This amendment also has specific safeguards to guard against any cuts proposed by the President for the purpose of meeting the spending ceiling being used for the purpose of eliminating a program the creation or continuation of which has been authorized by Congress.

Mr. President, this amendment has been hammered out in an open Committee Meeting of the Government Operations Committee. In it we have sought to meet the questions raised by the Senator from Florida (Mr. Chiles), the Senator from Georgia (Mr. Nunn), the Senator from Delaware (Mr. Roth), and the Senator from Tennessee (Mr. Brock). All of them joined in support of the spending ceiling Title of this amendment.

In its deliberations, the Committee also took note of the outstanding work being done by the Senator from Montana (Mr. Metcalf) in his Subcommittee on Budgeting, Management, and Expenditures which is considering measures to reform the overall budgeting procedures. It was the clear intent of the Committee that the action it took on a one-year spending ceiling amendment should in no way impair the important work of Senator Metcalf's Subcommittee.

The spending ceiling amendment is the product of careful and detailed deliberations by the Committee on Government Operations. It has been carefully drafted so that it complements the impoundment provisions in Title I of this amendment. It reflects the view of the members of the Committee on Government Operations that a spending ceiling amendment should not be enacted by Congress unless it is accompanied by strong anti-impoundment provisions.

This amendment deserves the support of the Senate.

Section-by-Section Analysis of Title II

Title II, entitled Ceiling on Fiscal Year 1974 Expenditures, calls for a $268 Billion ceiling on Federal expenditures for Fiscal Year 1974 and provides a mechanism by which the Executive Branch can reduce expenditures for that ceiling level if appropriations exceed it.

The purpose of this Title is to make the mechanism for reducing expenditures below the spending ceiling consistent with the anti-impoundment procedures outlined in Title I of the legislation.

Section 201(a) provides that during Fiscal Year 1974 expenditures and net lending under the budget shall not exceed $268 Billion.

Section 201(b) provides that in the event that the estimates of revenues that the Treasury Department expects to receive during Fiscal 1974 are increased as the result of tax reform legislation enacted by the Congress after the enactment of this legislation, the spending ceiling shall be reviewed by the Congress for the purpose of determining whether the additional revenues made available shall be applied to essential public services for which adequate funding would not otherwise be provided.

Section 202(a) requires the President to reserve from expenditures and net lending and from appropriations or other obligational authority such funds as are necessary to keep expenditures and net lending during Fiscal Year 1974 udner the spending ceiling.

Section 202(b) provides that the President in reducing expenditures and net lending under the spending ceiling shall cut amounts proportionately from new obligational authority and other obligational authority available for each functional category and, to the extent practicable, for each subfunctional category (as set out in the U.S. Budget in brief for Fiscal Year 1974) except that he shall not cut from the funds set aside for interest, veterans' benefits and services, payments from social insurance trust funds, public assistance maintenance grants under Title IV of the Social Security Act, food stamps, military retirement pay, Medicaid, and judicial salaries.

Section 202(c) provides that the President in making cuts to bring expenditures and net lending under the spending ceiling shall be subject to the impoundment provisions of Title I of this bill, except if the Comptroller General of the United States determines that the cuts proposed by the President to bring expenditures and net lending under the spending ceiling meet the proportionate requirements of Subsection 202(b), then Sections 3 and 5 of Title I of this Act shall not apply.

Section 202(d) provides that the provisions of Section 3 of Title I which prohibit reimpounding of funds shall not apply to the cuts made by the President in order to bring expenditures and net lending under the spending ceiling.

Section 202(e) provides that in no event shall the authority given to the President under the spending ceiling Title be used for the purpose of eliminating a program the creation or continuation of which has been authorized by the Congress.

Section 203 provides that in the case of formula grant programs which must be reduced in order to meet the spending ceiling requirements, the same formula as authorized in the program shall be applied to the reduced amount.

Mr. MUSKIE. I should like to make some brief observations. First of all, I compliment the distinguished Senator from North Carolina, and also the distinguished Senator from Florida (Mr. Chiles) for the outstanding hearings which they held and the contributions which they made to develop title I of the amendment.

For my part, I should like to make these points about title II, which relates to the spending ceiling. Title II is added to the bill as a result of an amendment offered in committee, as the Senator from North Carolina has explained. It would establish a spending ceiling of $268 billion for the fiscal year 1974.

Several provisions in the amendment ought to be called to the attention of the Senate. First of all, it provides for a 1-year spending ceiling. Second, it contains a provision that if additional revenue should be generated by tax reform legislation passed by Congress, Congress would review the spending ceiling for the purpose of determining whether such additional revenue should be made available for beneficial public services which might otherwise not be provided for.

That is not an automatic raising of the ceiling; it simply provides realistically that Congress would look at it.

The next point I would like to make about the amendment is that if by actions taken later this year, after this provision becomes law, Congress should provide for expenditures exceeding the ceiling, the President is then authorized to reserve expenditures, but to do so across the board, so that the thrust of the reservations will not have the effect of killing programs which Congress has approved. There is a provision that the Comptroller General shall review actions taken by the President in this respect and determine whether or not they are consistent. If they are not consistent with the conditions laid down by Congress in title II, then Congress would have the opportunity to review the rescissions by the President.

I think it is a sensible compromise, Mr. President, of the various points of view which were offered in the committee, and so I support title II, and also, of course, title I, which is primarily the work of the subcommittee headed by the Senator from Florida (Mr. Chiles) under Senator Ervin.

So I urge the Senate to adopt the amendment, and I compliment my distinguished friends from Ohio and from Oklahoma for accepting the differences represented by the Ervin bill and, in effect, adopting that amendment.

Mr. ERVIN and Mr. CHILES addressed the chair.

Mr. BELLMON. Mr. President, I yield 2 minutes to the Senator from Florida (Mr. Chiles).

Mr. CHILES. Mr. President, I wish to

join in the remarks made by the distinguished Senator from North Carolina (Mr. ERVIN) and the distinguished Senator from Maine (Mr. MUSKIE).

As chairman of the ad hoc subcommittee on impoundment of funds of the Committee on Government Operations, I want to commend the efforts and leadership of Senator ERVIN, both as chairman of the Government Operations Committee and as chairman of the Judiciary Subcommittee on Separation of Powers, in developing S. 373. I am delighted to join with him as a cosponsor of this bill.

Back in 1971, Senator ERVIN began hearings on executive impoundment of appropriated funds and this examination continued this year on January 30, 31, February 1, 6, and 7, with our cochairing joint hearings on this legislation.

Yesterday the Senate Government Operations Committee reported out, in my judgment, a greatly strengthened bill which strives to offer a congressional response to the so-called battle of the budget.

S. 373 provides that spending during fiscal year 1974 will be limited to $268 billion. This is $700 million below the President's request.

The President would be required to reduce the amount allotted to each budget function by proportional cuts.

Any impoundments other than proportional cuts to stay within the spending ceiling would have to be reported to the Congress.

The funds held in reserve by the President would have to be released in 60 days unless Congress approved withholding the money. Congress could also vote at any time within the 60 days to demand that the funds be released immediately.

I feel it is the duty and constitutional responsibility of the Congress and not the President to create new programs if needed or to abolish them if that is necessary. There is, I feel, no more direct challenge to congressional power than President Nixon's refusal to spend money Congress has appropriated.

When Congress mandates funds for spending and the congressional mandate has been signed into law by the Chief Executive, the dangerous trend of impounding becomes a practice which would eventually destroy public reliance on Congress and seriously damage our tradition of separate powers.

Our Constitution's framers understood best how to avoid tyranny. While conditions in our modern world may well impel us to give the President some additional authority, we must still guard cautiously against the "accumulation of all powers—legislative, executive, and judiciary in the same hands." We must guard carefully our power of the purse as one of the Congress few means for controlling the Federal bureaucracy.

Today the President is impounding funds as never before, using his Executive power to legislate, reshape, and reduce public programs mandated by the Congress. He argues that major portions of congressionally approved programs are so wasteful and ineffective that it is his duty to block expenditures the Congress has said it wants made.

The questions of whether impoundment is justified or not requires close attention to specific cases and the complex interplay of court actions, politics, economics, and legislative procedures. Impoundment seems to be only one element in a tortuous appropriations process in need of reform. And we are perhaps foolish to expect reform in one area unless there is congressional reform in a number of related areas.

Impoundment is a clear instrument of Executive power—and like all instruments of power, subject to abuse. This legislation is being offered, because there is serious concern that Presidents have abused the impoundment power. The current battle between the legislative and executive branches must surely make at least one thing clear: If Congress is really going to "reassert" itself, we are going to have to find some mechanism in the Congress to hold down Federal spending. This bill offers a good first step in that direction. For a fight over impoundment and its legality is one that only the President can win until Congress puts its own house in order and develops the capability of self-imposing a lid on Federal spending. Balking at the President's attempts to cut Federal spending only draws sharper attention to our own budgetary inadequacy.

The best long-range solution to the impoundment problem is going to be one that does not attempt to make the administration a mere spending robot—doling out the dollars when Congress pushes the right button, but rather one that includes a thorough overhaul of the congressional appropriations process. The current financial performance of the Government—executive and legislative branches alike—constitutes a serious breach of faith with the Nation's people. And those involved in this historic struggle between the branches must hold that thought central.

The President last year nearly persuaded Congress to let him reject appropriations in an effort to limit total Federal spending. And in the hectic closing days of the 92d, we did manage to establish a joint committee to recommend procedures for improving congressional control over the budget—a step in the right direction. Even last year Congress cut $20 billion from the President's appropriations request in an effort to significantly limit Federal expenditures. I have offered a bill (S. 373) which deals with recording our budget information and data.

But while reform plans are in the developmental stages, what is to be done? Can we afford to sit back and simply let the President exercise an informal line-item veto of appropriated money which cannot be overridden by the Congress? Can we sit back and allow declared congressional policy to be thwarted? Can we allow the Constitution to be violated in spirit and intent and the very existence and relevance of the Congress to be threatened?

I believe that while power has, in recent years, shifted and legislative direction has come to be expected from the President, some of the lawful powers of Congress have been consistently given up by the branch and thrust upon the Presidency, because Congress has not been willing to carry the responsibility of exercising these powers itself. Congressional power, I am afraid, has been not so much usurped by the Presidency as given up to the Presidency by the Congress. I hope the 93d Congress will begin to reverse this trend by enacting this bill into law.

Mr. HUMPHREY. Mr. President, I had intended to offer an amendment that reads as follows:

> No later than January 1, 1974, the Joint Economic Committee with the Cooperation of the Controller General shall make a thorough study of the Nation's economic conditions, and the factors having a bearing thereon. Upon the completion of such study, and developing conclusion about the prudent growth or reduction of Federal budget outlays, obligations and revenues, taking into consideration the objectives of the Employment Act of 1946, the Joint Economic Committee shall report to the Congress with respect to decreasing, maintaining, or increasing the limitation of expenditures and net lending during the fiscal year ending June 30, 1974 as established in this act.

I shall withhold my amendment, because the JEC can and should fulfill this responsibility as part of its regular activity and responsibility.

Mr. President, through the Ervin amendment, we can establish a congressionally determined spending ceiling and a clear process for resolving any impounding disputes between the Congress and the President.

What we have not done, however, is establish a mechanism for reexamining that spending ceiling as the new fiscal year progresses. We need an opportunity for review, for analysis, and possibly reconsideration of any action we take today to limit expenditures and obligations.

Therefore, I am suggesting that we ask the Joint Economic Committee in cooperation with the General Accounting Office to examine economic conditions, the status of appropriations and obligations enacted—both from past years, and current congressional action—and report to the Congress no later than January 1, 1974, as to whether or not the spending ceiling should be decreased, maintained at enacted levels, or increased.

Mr. President, we do need a strong spending ceiling not just on outlays but also on obligations. But, we also have to be realistic. We must have a review and reconsideration of that ceiling after it has been enacted.

The Joint Study Committee on Budget Control has recommended that while expenditure ceiling and new obligational authorities should occur early in each session, there "should be a procedure for reconsiderations of these ceilings in the latter part of each congressional session."

Mr. President, that is what my amendment would do.

It would provide the Congress with the opportunity to review the operation and effect of the spending ceiling.

The amendment would be a temporary measure—designed as an interim mechanism until Congress passes permanent budget control and review procedures.

The amendment is complimentary to what we are discussing here today—the role of Congress as a coequal branch of our Government.

Congress must retain power over the purse.

Congress must retain decisionmaking authority over legislative priorities.

Congress must bring huge presidential deficit spending to an end.

And Congress must prevent one-man rule and one-man decisionmaking.

Last fall, the Congress took a meaningful step toward reasserting its power and responsibility.

We passed an amendment—the Humphrey impoundment information amendment—that directed the President to report his impoundments to the Congress.

The legislation before the Senate this afternoon strengthens that amendment of last fall.

Today's legislation also establishes a congressionally approved expenditure ceiling. There are careful controls on Presidential discretion under that ceiling. Congress does retain the fundamental decisionmaking power over priorities. This is as it should be and I have repeatedly recommended the same.

Last year, I participated with the recently retired Senator from Idaho—Senator Jordan—in drafting the proportionate cut feature of the legislation before us now.

In addition, I note that the Committee on Government Operations has included in the Ervin amendment a provision that would utilize the General Accounting Office in the determination of the legality of Presidential impoundments.

I have advocated that kind of a structure, and I strongly endorse its inclusion in this legislation.

No matter what action we take today, Mr. President, let us not forget that a constitutional crisis is at hand in our Nation, a crisis arising not from the normal pulls and tugs, checks and balances between the executive and legislative branches, but rather, a crisis due to a deliberate, conscious, and manufactured attempt to concentrate in the Executive power forbidden to it—power over the purse.

And, the purpose of this confrontation is not to protect the public interest, but to sanctify an ideology and protect the special interests.

The political strategy of the White House is clear:

Engineer a confrontation between the legislative and executive branches;

Begin a coordinated high pressure public relations campaign designed to picture the Congress as the "big spenders";

Draw the battle line by presenting a budget that decimates social programs in the name of holding down taxes; and

Illegally impound billions of dollars of congressionally appropriated funds—all in the name of the economy and efficiency.

And, as a result of all four tactics, the intention is to divide and overwhelm an embittered, stalemated Congress.

Article 1, section 1, of the Constitution vests all legislative powers in the Congress of the United States. Section 9 of that same article says that no money shall be drawn from the Treasury, but in consequence of appropriations made by law.

Article 2, section 3, says that the President shall take care that the laws be faithfully executed.

There is a careful delineation of function here—the power of the purse belongs to Congress. The duty of implementation is the responsibility of the Executive.

But reality is hardly that simple. William Howard Taft once remarked:

> Let anyone make the laws of the country, if I can construe them.

There perhaps is no better case in point than the impoundment of congressionally appropriated funds. Impoundment can and does alter, change, or even terminate programs.

It can and does significantly alter, change, or revise declared public policy.

It can and does perform the function of item veto which is prohibited by the Constitution.

But there are different kinds of impoundments. First, funds may be withheld from a program to "effect savings or prevent deficiencies." This is authorized by law.

In 1905 and 1906, the Congress enacted the Antideficiency Acts to prevent executive agencies from hastily spending their complete appropriations and then seeking additional appropriations.

In 1950, a clause was added to the Antideficiency Acts that provided that moneys could be withheld to bring about "greater efficiency of operation," "to take into account "changes in requirements," or "subsequent developments after the approval of the appropriations."

Though these last three phrases are vague—and in my judgment do not represent clear law, they nevertheless were not meant to be vehicles for thwarting the declared policy of Congress. The legislative history is not vague on that point—the Antideficiency Acts are instruments of accounting—not of changing congressional intent or policy.

Nor were they meant to obviate the separation of powers doctrine in the guise of efficiency. Chief Justice Warren, in 1965, declared that separation of powers was "obviously not instituted with the idea that it would promote governmental efficiency. It was, to the contrary, looked to as a bulwark against tyranny."

Congressionally directed impoundment is a second type of fund withholding. In the 1968 Revenue and Expenditure Control Act, Congress fixed a spending ceiling and made about half the mandated budget cuts provided by that act. The President was directed to make the other half of the required reductions.

A third kind of impoundment I refer to as "defense impoundment." There is little question in my mind that the Constitution gives a President broad scope to exercise judgment in his capacity as Commander in Chief.

In fact, Presidents have used impoundment extensively in military matters. President Truman, in 1949, requested funds for only 48 Air Force groups. The Congress provided 58. Truman impounded the funds for the extra 10 groups. But he did so upon an expression of legislative intent. The language of the conference committee report read:

> If the money is appropriated, it may not be used.

President Eisenhower refused to spend money for antiballistic missiles until he was satisfied that the developmental tests would prove fruitful.

There is a fourth type of impoundment—an impoundment I consider to be illegal—that of policy impoundment.

Policy impoundment is practiced by President Nixon. It is the kind of impoundment that terminates programs enacted by Congress, such as the Rural Electrification Act; or significantly alters a program by severe cuts in the funding, such as the Water Pollution Control Act of 1972, where President Nixon's withholding has had a major impact on policy and program objectives.

Policy impoundment has resulted in substantial cuts in programs such as housing, water and sewer grants, and medical facilities and hospital construction—thereby changing legislative intent.

Under policy impoundment, funds are withheld not to effect savings, not as directed by Congress, not as Commander in Chief, but because the President has unilaterally decided to impound money for programs that are not his priorities. It is a method of substituting Executive will for congressional purpose.

Policy impoundment is Executive arrogance.

It encroaches upon the constitutional prerogatives of Congress.

It violates the separation of powers.

And, it gives the President an item veto—neither sanctioned by the Constitution nor granted by Congress.

But, President Nixon claims that he possesses inherent constitutional power to impound, first, to fight inflation, and second, to resolve the meaning of contradictory laws.

Listen to what Justice William Rehnquist—then Assistant Attorney General—said about this assertion:

> With respect to the suggestion that the President has a Constitutional power to decline to spend appropriated funds, we must conclude that existence of such a broad power is supported neither by reason nor precedent.

Those are unequivocal words.

Rehnquist is correct. There is no constitutional authority to impound funds, to terminate programs, or substitute the President's judgment for that of the Congress on domestic policy.

With respect to the inflation control argument, if impoundment is justified on the basis of fighting inflation or protecting the debt limit, then the President has picked a weak tool to combat a serious problem.

The Employment Act of 1946 places responsibility to "promote employment, production, and purchasing power" in the entire Federal Government—not exclusively in the executive branch. In addition, there are other powerful means for fighting inflation. Antitrust actions to increase competition, economic controls, cutting import restriction, increasing trade, and Government fiscal and monetary policy.

But, the President is correct when he notes that Congress has in some instances passed contradictory laws. The way to resolve conflicts over contradictory laws is not to take unilateral Presidential action, but to return to the Congress and ask for a clarification. That is the responsible way—the constitutional way—to make changes in policy.

By policy impoundment, the President is violating the comity that has so characterized executive-legislative relationships for 200 years. And, despite an occasional statement that the President indeed wants to cooperate with Congress, his attitude and actions speak differently.

Instead of hiding behind dubious constitutional arguments, the President and his advisers ought to level with the American people, and tell the people what they are really up to and what they really do not like.

And what they do not like is quite obvious. They do not like the fact that Congress has changed and challenged their priorities.

Congress has cut defense, military procurement, foreign aid, and space spending. It has increased funds for housing, community facilities, water and air pollution, poverty programs, education and health care.

Mr. President, the Ervin amendment we are considering today is a sound first step and I have worked in close cooperation with the Senator from North Carolina.

There are other actions we can and must take.

Later this month or early next month, the Senate will likely consider legislation to create procedures for budget control. The joint study committee on budget control will shortly present its final report; and Senator METCALF's subcommittee has already held hearings on the various budget proposals.

On Monday, I will testify before the Metcalf budget committee on the legislation I have introduced—the Fiscal and Budgetary Reform Act of 1973.

This legislation would establish a congressional office of budget analysis and program evaluation. It would set forth procedures for establishing and reviewing a spending ceiling on both outlays and new obligational authority.

It would open the budget process to greater public scrutiny.

All of these actions are directed toward one goal—reasserting congressional control and will over the power of the purse.

The amendment I would have proposed would further that goal—it would remind the Congress of the Joint Economic Committee's unique role and responsibility in keeping the Congress and the Nation fully informed on the impact of expenditures and revenues and budget outlays and obligations on our economy.

I would hope that even without the amendment, though, that the Congress would continue to exercise a constant vigilance over the total effects of a spending ceiling.

The PRESIDING OFFICER. Who yields time?

Mr. ERVIN. Mr. President, will someone yield me a minute?

Mr. BELLMON. I yield 1 minute to the Senator from North Carolina.

Mr. ERVIN. Mr. President, I just want to say that the Senator from Florida has made great contributions to this amendment, as adopted and modified by the original introducers of amendment No. 52. This amendment contains some very significant ideas he advanced. He presided over the hearings, in which we received many valuable suggestions which have been carried out, and he deserves the thanks of the country for his efforts.

The amendment I offer today is identical to the text of S. 373, the Impoundment Control Procedures Act, as reported by the Committee on Government Operations yesterday afternoon. This legislation is the result of more than 2 years of intensive study and work, first by the Judiciary Subcommittee on Separation of Powers and by the Government Operations Committee, both of which I am honored to serve as chairman.

I introduced S. 373 on January 23, 1973. Fifty-three Senators joined me in sponsoring it, and while I have not been able to contact each of them to ascertain if they wish to cosponsor the committee's substitute language, I want to recognize them for supporting the general concept of the legislation.

The cosponsors of S. 373 as originally introduced were Mr. BAYH, Mr. BENTSEN, Mr. BIBLE, Mr. BROOKE, Mr. BURDICK, Mr. CLARK, Mr. CRANSTON, Mr. ROBERT C. BYRD, Mr. CANNON, Mr. CASE, Mr. CHILES, Mr. CHURCH, Mr. EAGLETON, Mr. EASTLAND, Mr. FULBRIGHT, Mr. GRAVEL, Mr. HART, Mr. HARTKE, Mr. HASKELL, Mr. HATFIELD, Mr. HATHAWAY, Mr. HOLLINGS, Mr. HUDDLESTON, Mr. HUGHES, Mr. HUMPHREY, Mr. INOUYE, Mr. JACKSON, Mr. JAVITS, Mr. KENNEDY, Mr. MCCLELLAN, Mr. MCGEE, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MAGNUSON, Mr. MANSFIELD, Mr. MATHIAS, Mr. METCALF, Mr. MONDALE, Mr. MONTOYA, Mr. MOSS, Mr. MUSKIE, Mr. NELSON, Mr. NUNN, Mr. PELL, Mr. PROXMIRE, Mr. RANDOLPH, Mr. RIBICOFF, Mr. SPARKMAN, Mr. STAFFORD, Mr. SYMINGTON, Mr. TALMADGE, Mr. TUNNEY, Mr. WEICKER, and Mr. WILLIAMS.

I would like to recognize the outstanding staff work that has been done on this amendment, first by the staff and consultants of the Subcommittee on Separation of Powers: Prof. Philip B. Kurland of the University of Chicago School of Law, the chief consultant; Prof. Arthur S. Miller of the George Washington University National Law Center, consultant; Walker F. Nolan, Jr., counsel; and Rufus L. Edmisten, chief counsel and staff director.

For the Government Operations Committee, staff work was done by W. P. Goodwin, Jr., and Eli E. Nobleman, professional staff members, and Robert Bland Smith, Jr., chief counsel and staff director.

In addition, the committee is indebted to Louis Fisher of the Congressional Research Service of the Library of Congress; to Harry Littell, chief legislative counsel to the Senate; and to Thomas Foxwell, the committee's printer, for their valuable assistance in perfecting this legislation.

Also, very important contributions were made by Ralph Nader and two of his assistants, Alan Morrison and Thomas Jacks, and by former Congressman Brooks Hays. These gentlemen made suggestions that were incorporated by the committee in its substitute amendment.

Mr. President, the legislation I introduce today is very much improved over the original version of the impoundment bill, which I first introduced in 1971 and which was reintroduced as S. 373 this year. It is an outstanding example of the legislative process at work, for the committee has devised through its deliberations and hearings what I believe to be the best approach to controlling impoundments and Federal expenditures.

This impoundment legislation is the outgrowth of hearings conducted in March of 1971 by the Subcommittee on Separation of Powers, and many of the improvements are the result of extensive joint hearings conducted this year by the Subcommittee on Separation of Powers and the Ad Hoc Subcommittee on Impoundment of Funds of the Government Operations Committee, which was very ably chaired by Senator CHILES.

It reflects the growing concern in Congress about the use of impoundments by the Executive to nullify or seriously curtail programs that have been enacted into law by the Congress. Impoundment goes to the very heart of the doctrine of separation of powers, for the Constitution very clearly gives to the Congress the power of the purse, which it exercises through appropriation legislation, and to the President the duty to faithfully execute those laws. This is an issue which goes far beyond partisan politics or the merits or demerits of programs enacted by Congress, for it involves the balance of powers established by the Founding Fathers as a check against unbridled power in any branch of the Federal Government.

This amendment will serve to return to Congress the power to make appropriations and to establish national priorities.

The PRESIDING OFFICER. Who yields time?

Mr. MONDALE. Mr. President, may I have 1 minute?

Mr. BELLMON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Oklahoma has 3 minutes remaining.

Mr. BELLMON. I yield 2 minutes to the distinguished senior Senator from Minnesota.

Mr. MONDALE. I thank the Senator from Oklahoma.

I rise in support of the amendment offered by the distinguished Senator from North Carolina (Mr. ERVIN), which I believe represents a most responsible and balanced proposal.

I am deeply pleased that the Committee on Government Operations has adopted the essential elements of amendment No. 59—The Budget Control Act of 1973—which I introduced with the support of Senators SCHWEIKER, MUSKIE, and JAVITS.

Because the Government Operations Committee bill will be offered today by the distinguished chairman of the committee, Mr. ERVIN, I will not raise my amendment.

I wish to congratulate the Senator from North Carolina (Mr. ERVIN) for his leadership in developing the strong committee bill presented in the amendment which he is offering today.

I wish to thank the distinguished Senator from Maine (Mr. MUSKIE) for his work in strengthening our budget ceiling amendment and for sponsoring its adoption in committee.

And I wish to thank the Senator from New York (Mr. JAVITS), the Senator from Florida (Mr. CHILES), the Senator from Georgia (Mr. NUNN), and the Senator from Illinois (Mr. PERCY) for their work in improving the budget ceiling proposal.

The pending Ervin amendment reflects the basic principles which I believe are essential to reestablish full congressional participation in the budget process.

First, the amendment establishes a responsible $268 billion ceiling on Federal expenditures and net lending. This figure—$700 million below the President's budget—would assure a balanced full-employment budget.

This $268 billion ceiling reflects the recommendations of the Joint Economic Committee in its March 26 report. According to the JEC:

> Federal tax and expenditure policy in fiscal 1974 should be designed to produce an approximate balance between full employment receipts and full employment expenditures. Given the revenue potential of the existing tax system, this means that outlays must be held at or close to $268 billion.

Mr. President, I ask unanimous consent that a table comparing the administration's budget ceiling with the committee ceiling may appear at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

BUDGET CEILINGS

	Level	Deficit (billions)	Full employment surplus deficit
Administration	$268.7	$12.7	[1] −$0.7
Government operations committee	268.0	12.0	0
Proxmire amendment	265.0	9.0	+3.0

[1] The administration's budget reflects a $300,000,000 full employment surplus based on the assumption that $1,000,000 in savings from unemployment insurance and public service employment would be withheld rather than reinvested.

Mr. MONDALE. Second, the Ervin amendment provides for congressional reconsideration of the budget ceiling in the event that increased revenues are made available through tax reform. Without such a provision—and with unemployment continuing at the unacceptable rate of 5 percent—increased revenues from tax reform could jeopardize our continuing but incomplete recovery from the recession of 1969.

Third, the amendment provides for pro rata reduction in controllable expenditures across budget functions and, where practicable, budget subfunctions. Mr. President, I ask unanimous consent that an analysis of the budget by function and subfunction may appear at this point in my remarks.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

BUDGET OUTLAYS, BY FUNCTION,[1] 1964-74

[In millions of dollars]

Description	Actual									Estimate	
	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974
National defense	53,591	49,578	56,785	70,081	80,517	81,232	80,295	77,661	78,336	76,435	81,074
International affairs and finance	4,117	4,340	4,490	4,547	4,619	3,785	3,570	3,095	3,726	3,341	3,811
Space research and technology	4,170	5,091	5,933	5,423	4,721	4,247	3,749	3,381	3,422	3,061	3,135
Agriculture and rural development	5,184	4,805	3,676	4,373	5,940	6,218	6,201	5,096	7,063	6,064	5,572
Natural resources and environment	1,966	2,056	2,036	1,878	1,722	2,169	2,568	2,716	3,761	876	3,663
Commerce and transportation	6,511	7,399	7,171	7,594	8,094	7,921	9,310	11,310	11,201	12,543	11,580
Community development and housing	−185	288	2,644	2,616	4,067	1,961	2,965	3,357	4,282	3,957	4,931
Education and manpower	1,751	2,284	4,258	5,853	6,739	6,525	7,289	8,226	9,751	10,500	10,110
Health	1,716	1,704	2,509	6,667	9,608	11,611	12,907	14,463	17,112	17,991	21,730
Income security	25,110	25,702	29,016	31,164	34,108	37,699	43,790	56,140	64,876	75,889	81,967
Veterans benefits and services	5,681	5,722	5,920	6,897	6,882	7,640	8,677	9,776	10,731	11,795	11,732
Interest	9,810	10,357	11,285	12,588	13,744	15,791	18,312	19,609	20,582	22,808	24,672
General government	2,040	2,210	2,292	2,510	2,561	2,866	3,336	3,970	4,891	5,631	6,025
General revenue sharing										6,786	6,035
Allowances for contingencies and civilian agency pay raises										500	1,750
Undistributed intragovernmental transactions	−2,877	−3,109	−3,364	−3,936	−4,499	−5,117	−6,380	−7,376	−7,858	−8,381	−9,130
Total outlays	118,585	118,430	134,652	158,254	178,833	184,548	196,588	211,425	231,876	249,796	268,665

[1] Includes both Federal funds and trust funds.

BUDGET OUTLAYS, BY SUBFUNCTION, 1964-74

[In millions of dollars]

Function and subfunction	Actual									Estimate	
	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974
National defense:											
Department of Defense—Military:[1]											
Military personnel	12,986	13,387	15,162	17,956	19,859	21,374	23,031	22,633	23,036	23,085	22,500
Retired military personnel	1,209	1,384	1,591	1,830	2,095	2,444	2,849	3,386	3,885	4,442	4,706
Operation and maintenance	11,932	12,349	14,710	19,000	20,578	22,227	21,609	20,941	21,675	21,540	21,662
Procurement	15,351	11,839	14,339	19,012	23,283	23,988	21,584	18,858	17,131	15,600	16,490
Research and development	7,021	6,236	6,259	7,160	7,747	7,457	7,166	7,303	7,881	7,622	8,069
Military construction and other	1,236	928	2,279	2,636	3,975	525	1,059	1,552	1,655	1,312	1,684
Allowances[2]										710	3,190
Deductions for offsetting receipts[3]	−159	−150	−160	−138	−164	−143	−148	−126	−113	−111	−101
Subtotal, Department of Defense	49,577	45,973	54,178	67,457	77,373	77,872	77,150	74,546	75,151	74,200	78,200
Military assistance[1]	1,209	1,125	1,003	858	654	789	731	999	806	600	800
Atomic energy[1]	2,764	2,625	2,403	2,264	2,466	2,450	2,453	2,275	2,392	2,194	2,374
Defense-related activities	172	136	−62	−17	139	260	79	−70	95	192	83
Deductions for offsetting receipts[3]	−130	−281	−738	−481	−116	−138	−118	−89	−108	−751	−382
Total, national defense	53,591	49,578	56,785	70,081	80,517	81,232	80,295	77,661	78,336	76,435	81,074
International affairs and finance:											
Conduct of foreign affairs[1]	296	347	315	336	354	371	398	405	452	503	538
Economic and financial assistance	1,756	2,041	2,329	3,057	3,053	2,420	2,231	1,807	2,287	2,273	2,408
Foreign information and exchange activities	207	223	227	245	253	237	235	242	274	294	312
Food for peace	2,049	1,852	1,784	1,452	1,204	975	937	918	993	847	766
Deductions for offsetting receipts[3]	−191	−123	−165	−542	−245	−217	−232	−276	−280	−575	−213
Total, international affairs and finance	4,117	4,340	4,490	4,547	4,619	3,785	3,570	3,095	3,726	3,341	3,811
Space research and technology:											
Manned space flight	2,768	3,538	4,210	3,649	3,096	2,781	2,209	1,885	1,740	1,417	1,450
Space science and applications	754	751	778	796	700	569	656	661	890	943	966
Space technology	432	484	435	440	410	344	328	272	228	156	139
Aeronautical technology	40	58	75	89	128	168	188	210	227	249	269
Supporting space activities	178	262	435	452	390	390	374	365	349	307	313
Deductions for offsetting receipts	−1	−2	−1	−2	−3	−6	−6	−11	−13	−11	−1
Total, space research and technology	4,170	5,091	5,933	5,423	4,721	4,247	3,749	3,381	3,422	3,061	1,335

Footnotes at end of table.

Function and subfunction	Actual									Estimate	
	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974
Agriculture and rural development:											
Farm income stabilization	4,134	3,667	2,536	3,167	4,542	5,000	4,589	3,651	5,156	4,251	3,920
Rural housing and public facilities	513	569	468	511	678	490	754	503	877	657	717
Agricultural land and water resources	325	342	347	353	351	343	344	346	354	394	217
Research and other agricultural services	440	483	528	567	615	642	730	813	916	1,001	971
Deductions for offsetting receipts	−228	−257	−203	−224	−246	−258	−216	−217	−230	−239	−253
Total, agriculture and rural development	5,184	4,805	3,676	4,373	5,940	6,218	6,201	5,096	7,063	6,064	5,572
Natural resources and environment:											
Water resources and power	1,703	1,761	1,940	2,025	2,070	2,042	1,984	2,390	2,664	3,065	2,795
Land management	459	509	556	618	639	643	754	837	892	1,008	929
Mineral resources	46	59	62	73	85	71	94	130	112	151	131
Pollution control and abatement [1]	117	134	158	190	249	303	350	710	763	1,148	2,128
Recreational resources	202	215	241	285	331	372	370	479	524	641	701
Other natural resources programs	70	79	90	93	102	107	122	136	153	174	191
Deductions for offsetting receipts [3]	−632	−701	−1,011	−1,408	−1,754	−1,369	−1,106	−1,959	−1,347	−5,310	−3,214
Total, natural resources and environment	1,966	2,056	2,036	1,878	1,722	2,169	2,586	2,716	3,761	876	3,663
Commerce and transportation:											
Air transportation [1]	835	875	879	945	951	1,042	1,223	1,602	1,685	1,760	1,877
Water transportation	658	728	708	773	852	870	909	1,049	1,107	1,200	1,282
Ground transportation	3,686	4,092	4,043	4,093	4,367	4,413	4,632	5,070	5,210	5,564	5,536
Postal Service	578	805	888	1,141	1,080	920	1,510	2,183	1,772	1,710	1,373
Advancement of business	252	405	351	332	447	152	487	738	645	1,476	548
Area and regional development	538	557	315	318	472	584	590	717	818	901	1,050
Regulation of business	91	98	99	119	99	108	121	181	168	175	168
Deductions for offsetting receipts [3]	−128	−160	−112	−127	−173	−170	−162	−230	−203	−244	−254
Total, commerce and transportation	6,511	7,399	7,171	7,594	8,094	7,921	9,310	11,310	11,201	12,543	11,580
Community development and housing:											
Community planning, management, and development	320	460	721	1,023	1,277	1,509	2,171	2,486	2,878	2,822	2,590
Low- and moderate-income housing aids	37	81	391	478	948	871	1,280	1,243	1,595	1,120	2,009
Maintenance of the housing mortgage market	−511	−237	1,545	1,133	1,863	−406	−487	−319	−191	15	332
Deductions for offsetting receipts	−31	−16	−13	−19	−12	−13	(4)	−53	(4)	(4)	(4)
Total, community development and housing	−185	288	2,644	2,616	4,076	1,961	2,965	3,357	4,282	3,957	4,931
Education and manpower:											
Elementary and secondary education	566	645	1,804	2,441	2,596	2,481	2,968	3,164	3,490	3,262	1,739
Higher education	383	414	705	1,159	1,392	1,231	1,382	1,429	1,434	1,496	1,635
Vocational education	41	132	136	250	265	262	289	415	521	557	308
Education revenue sharing											1,693
Other education aids	110	158	155	264	334	373	429	534	541	749	906
General science	310	309	368	415	449	490	464	522	567	573	586
Manpower training and employment services	299	534	989	1,236	1,587	1,560	1,602	1,95	2,894	3,486	2,847
Other manpower aids	49	100	112	100	132	142	169	233	318	393	411
Deductions for offsetting receipts	−5	−9	−11	−11	−16	−15	−15	−13	−13	−15	−15
Total, education and manpower	1,751	2,284	4,258	5,853	6,739	6,525	7,289	8,226	9,751	10,500	10,110
Health:											
Providing or financing medical services:											
Medicare (HI, SMI)			64	3,411	5,347	6,598	7,149	7,875	8,819	9,573	12,096
Medicaid	210	272	770	1,173	1,806	2,285	2,727	3,362	4,601	4,301	5,236
Other [1]	183	221	331	410	363	533	608	689	824	833	1,027
Subtotal, providing or financing medical services	393	493	1,165	4,994	7,516	9,416	10,484	11,926	14,245	14,707	18,358
Development of health resources	1,163	1,023	1,140	1,424	1,829	1,920	2,122	2,221	2,479	2,688	2,722
Prevention or control of health problems	161	189	204	252	265	277	307	319	391	602	656
Deductions for offsetting receipts [2]	−1	−1	−1	−2	−3	−2	−6	−3	−3	−6	−7
Total health	1,716	1,704	2,509	6,667	9,608	11,611	12,907	14,463	17,112	17,991	21,730
Income security:											
Retirement and social insurance:											
Social security (OASDI) [1]	16,203	17,000	20,237	21,374	23,214	26,791	29,685	35,247	39,409	48,547	54,232
Unemployment insurance	3,530	2,937	2,429	2,567	2,308	2,458	3,190	5,758	6,547	5,731	5,102
Other retirement programs	2,501	2,592	2,897	3,410	4,044	3,291	4,400	5,743	6,772	8,745	8,672
Subtotal retirement and social insurance	22,234	22,530	25,563	27,351	29,566	32,540	37,275	46,749	52,728	63,023	68,006
Public assistance	3,085	3,119	3,151	3,180	3,726	4,272	5,186	7,775	9,313	9,073	10,665
Social and individual services	199	249	410	692	831	888	1,331	1,617	2,838	3,800	3,321
Deductions for offsetting receipts [2]	−409	−196	−109	−59	−16	−1	−1	−1	−3	−6	−16
Total, income security	25,110	25,702	29,016	31,164	34,108	37,699	43,790	56,140	64,876	75,889	81,967
Veterans benefits and services:											
Income security for veterans	4,646	4,710	4,700	5,209	4,997	5,528	6,021	6,448	6,833	7,025	6,814
Veterans education, training, and rehabilitation	77	58	54	305	478	701	1,015	6,659	1,960	2,597	2,521
Veterans housing	44	(4)	169	304	210	102	54	−179	−317	−449	−269
Hospital and medical care for veterans	1,231	1,271	1,320	1,393	1,472	1,566	1,802	2,038	2,428	2,741	2,792
Other veterans benefits and services	185	179	196	195	218	237	260	294	318	363	360
Deductions for offsetting receipts	−502	−497	−518	−509	−492	−493	−477	−484	−491	−483	−486
Total, veterans benefits and services	5,681	5,722	5,920	6,897	6,882	7,640	8,677	9,776	10,731	11,795	11,732
Interest:											
Interest on the public debt	10,666	11,346	12,014	13,391	14,573	16,588	19,304	20,959	21,849	24,200	26,100
Interest on refunds of receipts	88	77	104	102	120	120	113	132	182	175	175
Interest on uninvested funds	11	12	14	13	10	7	6	6	6	5	5
Deductions for offsetting receipts	−955	−1,078	−846	−936	−959	−925	−1,110	−1,487	−1,455	−1,573	−1,608
Total interest	9,810	10,357	11,285	12,588	13,744	15,791	18,312	19,609	20,582	22,808	24,672

Footnotes at end of table.

BUDGET OUTLAYS, BY SUBFUNCTION, 1964–74—Continued

[In millions of dollars]

Function and subfunction	Actual 1964	1965	1966	1967	1968	1969	1970	1971	1972	Estimate 1973	1974
General Government:											
Legislative functions	126	142	159	167	180	192	229	256	311	329	383
Judicial functions	66	76	79	87	94	110	133	146	173	194	206
Executive direction and management	22	23	24	25	27	31	37	45	68	138	148
Central fiscal operations	808	844	886	969	1, 024	1, 094	1, 271	1, 414	1, 647	1, 774	1, 852
General property and records management	576	606	585	658	591	590	619	640	725	902	917
Central personnel management [1]	110	107	107	116	140	146	166	218	275	327	340
Law enforcement and justice	335	366	385	426	452	534	666	959	1, 233	1, 630	1, 877
National Capital region	58	61	73	87	143	205	265	275	450	506	634
Other general government	189	190	192	218	243	268	273	341	345	406	429
Deductions for offsetting receipts [3]	−249	−206	−197	−243	−333	−305	−322	−324	−335	−576	−768
Total, general government	2, 040	2, 210	2, 292	2, 510	2, 561	2, 856	3, 336	3, 970	4, 891	5, 631	6, 025
General revenue sharing										6, 786	6, 035
Allowances for contingencies and civilian agency pay raises										500	1, 750
Undistributed intragovernmental transactions:											
Employer share, employee retirement	−1, 256	−1, 329	−1, 447	−1, 661	−1, 825	−2, 018	−2, 444	−2, 611	−2, 768	−2, 980	−3, 157
Interest received by trust funds	−1, 621	−1, 780	−1, 917	−2, 275	−2, 674	−3, 099	−3, 936	−4, 765	−5, 089	−5, 410	−5-974
Total outlays	118, 584	118, 430	134, 652	158, 254	178, 833	184, 548	196, 588	211, 425	231, 876	249, 769	268, 665
MEMORANDUM											
Federal funds	95, 761	94, 807	106, 512	126, 779	143, 105	148-811	156, 301	163, 651	177, 959	188, 390	199, 107
Trust funds	25, 884	26, 962	31, 708	36, 693	41, 499	43, 284	49, 065	59, 361	67, 073	82, 624	90, 358
Intragovernmental transactions	−3, 601	−3, 339	−3, 568	−5, 218	−5, 771	−7, 547	−8, 778	−11, 586	−13, 156	−21, 218	−20, 794

[1] Entries net of offsetting receipts.

[2] Includes allowances for All-Volunteer Force, retirement systems reform, and civilian and military pay raises for Department of Defense.

[3] Excludes offsetting receipts which have been distributed by subfunction above.

[4] Less than $500,000.

Mr. MONDALE. Mr. President, this approach leaves the President substantial flexibility—more flexibility than I would prefer. But it does assure that major congressional priorities, established through the appropriations process, will be maintained. And the amendment specifically provides that Presidential cuts to reach the ceiling may not be used to cripple or end congressionally-approved programs.

Fourth, the amendment provides for congressional review of pro rata spending reductions to meet the ceiling. All Presidential reductions will be submitted to the Comptroller General. Where he finds that the provisions of title II of the amendment, relating to the budget ceiling, have been met, the Presidential action will be considered approved.

Where the Comptroller General finds that the requirements of title II have not been met, the President's proposals are submitted to the Congress under the expedited procedures provided in title I of the amendment, dealing with general impoundment.

If Congress does not approve within 60 days, the President remains bound by the budget ceiling, and is legally required to submit alternate proposals for expenditure reduction which do meet legal requirements.

Fifth, and most important, the Ervin amendment contains the strong provision developed by the Government Operations Committee under the leadership of Senator ERVIN, to subject the broad and unprecedented power of general impoundment, recently claimed by the President, to congressional control.

Title I of the Ervin amendment is a permanent solution to the problem of general impoundment. Title II, on the other hand, establishes a temporary, 1-year ceiling on Federal spending. Title II is not an effort to resolve all of the complex and difficult questions involved in establishing an ongoing congressional budgetary process.

Those questions will be answered after full congressional debate based on study by the Subcommittee on Budget Control, under the leadership of the distinguished Senator from Montana (Mr. METCALF), and by the Joint Committee on Budget Control.

Title II is designed to establish immediate congressional control for the next fiscal year—while Congress considers the organizational questions involved in a more permanent approach.

And we must act now—or risk becoming a House of Lords, an ornamental advisory board to the Office of Management and Budget.

NEED FOR A SPENDING CEILING

Everyone agrees that a ceiling on expenditures is badly needed. The American people cannot afford to pay in inflation for continued deficits on the record level of recent years.

During the first 4 years of the Nixon administration, the total deficit has exceeded $80 billion—more than all the deficits of Presidents Eisenhower, Kennedy, and Johnson put together. While these deficits may have been useful during our recovery from the recession of 1969, to continue them would contribute to another round of unchecked inflation.

In recent months the need to bring spending under control has become even more urgent. We are now experiencing the worst inflation in 22 years, putting an intolerable burden on our citizens and threatening the stability of the dollar abroad.

Much of this is due to delayed adoption and premature abandonment of wage and price controls and other economic mistakes, but some of it is due to our spiraling deficits.

By acting now to impose a firm ceiling on spending, we can assure American citizens that inflation will not be fueled by more deficit spending, and we can assure our friends abroad that we are doing our part to maintain the stability of the dollar.

We can demonstrate clearly that Congress is prepared to act in a fiscally responsible manner.

But let us set the record straight. Over the past 5 years, the Congress has cut Presidential requests for appropriations by approximately $30 billion. We have increased other forms of Federal spending—for example, through increased social security benefits—by only a little more. And a major share of these increases has come in social security and medicare programs which are fully funded through the payroll tax, and which therefore do not themselves cause deficit spending. Charges that the Congress has spent vast sums over the objections of the administration are simply not true.

The Congress has not outspent the executive branch. And the Congress is on record as favoring a spending ceiling.

Last October, both the House and Senate overwhelmingly agred to the $250 billion ceiling on expenditures proposed by the President for the current 1973 fiscal year.

But when the executive branch refused to tell us where the cuts would be made, the Senate insisted that cuts be made across the board, so as to retain the priorities previously established by the Congress. And we acted last fall under the leadership of the former senior Senator from Idaho, Mr. Jordan—a widely respected member of the President's own party, and certainly an economic conservative. Unfortunately, the President refused to accept these limits on impoundment, and the measure died in Conference with the House.

While the Congress has not outspent the administration, and while the Congress has agreed with the administration on the need for a spending ceiling, the Congress, on a bipartisan basis, has often disagreed with the administration on how funds should be spent. And this is the real root of the present dispute between Congress and the Executive.

IMPOUNDMENT

When the President disagrees with the Congress, the Constitution gives him the right to veto legislation—and the veto in turn may be overridden by a two-thirds majority of both the House and Senate. But in recent months, the President has simply refused to spend—or "impounded"—funds in those areas where he disagrees with congressional judgments.

Just for example, in recent weeks the President has:

Impounded half of the authorization for water pollution control passed last fall over his veto;

Frozen Federal housing programs;

Decreed an end to the public service jobs program;

Without warning, cut off access to the farm emergency disaster loan program, enacted at Presidential request last August;

Ordered the end of 56 regional medical programs and a phase-out of Federal support of over 500 community mental health centers;

Ended most efforts to help farm communities; and

Announced plans to sharply reduce day care and other social service programs designed to help families off the welfare rolls, and to help the elderly avoid institutionalization.

This is only the beginning of a long list. Top Presidential advisers have sworn to disregard congressional actions opposing program termination. And the climate of cooperation, respect and compromise between the executive branch and Congress—so essential to the operation of our constitutional system—threatens to dissolve into bitter infighting from entrenched and inflexible positions.

There is no way under present law to override an illegal impoundment. While this may appear to some in the executive branch to be a more efficient way to manage Government, it also carries us too far down the road to one-man rule. And once we start down that road, we may find it hard to turn back.

Mr. President, figures on current impoundment released by the administration last month reveal a truly fundamental and alarming shift in the relationship between the Congress and the executive branch in determining our national priorities.

According to the administration, only 3.5 percent of available funds are presently impounded. But an analysis by the Congressional Research Service reveals that an incredible 29 percent of controllable funds made available by the Congress for nondefense purposes in the current year have been impounded. And this figure does not include other actions which, according to the Office of Management and Budget, do not fit the technical definition of "impoundment"—including the administration's refusal to allocate $6 billion of the $11 billion enacted by the Congress last fall over the President's veto for water pollution control.

In the words of a Congressional Research Service analyst:

> (This) certainly suggests that the total amount of reserves—from whatever sources—are at a record level.

The issue between the Congress and the President is not the amount of Federal spending, or the amount of the Federal deficit. On those questions I believe we agree. The issue is the unchecked power claimed by the administration to destroy some programs entirely, while spending full-bore for others, with no regard for the requirements of law.

Under our Constitution, the President has the right—even the obligation—to send the Congress his recommendations on what should be done in the Nation's interest. And after the Congress has acted, he has the authority to accept or to reject what we have done. But nowhere does the Constitution give the President the right to substitute his judgment for that of the Congress. He can suggest—he can lobby—he can try to persuade—he can do many things, but he cannot act in our stead.

Yet this is precisely what this President is doing. From every indication, he is attempting on his own—without the consent of the Congress—to repeal the shared, bipartisan commitment to social and economic justice which this Nation has painfully developed over the past 40 years.

THE CHALLENGE OF CONSTITUTIONAL GOVERNMENT

I am convinced that only through compromise between the Congress and the President will our government work as it was intended to work—in the interests of all its citizens.

The question is, will the Congress do what is necessary to make its own judgment felt? Will we act now to reassert our constitutional authority in the budgetary process? Will we come together to preserve the balance between the executive and legislative branches of Government which has served us so well for nearly 200 years?

Or will we, instead, continue to gradually but knowingly relinquish our constitutional authority to the White House?

I for one am more than willing to live within the full employment balance proposed in this amendment. I will work as best I can in the Congress for additional revenues through closing the special interest loopholes which riddle our tax laws. I will work to cut waste in the Pentagon and in social programs as well. And I will work to invest the savings in meeting our urgent domestic needs—for a cleaner environment, decent health care, better education, and urban and rural development.

The Ervin amendment is designed to guarantee the financial responsibility of the Federal Government, to restore the Congress to its proper role in public decisionmaking, and to reestablish the conditions for a full and equal dialog between Congress and the executive branch regarding the future of American domestic policy.

I urge the adoption of the amendment of the Senator from North Carolina.

The PRESIDING OFFICER. Who yields time?

Mr. PERCY. Mr. President, I ask the distinguished Senator from Maine if I might have 2 minutes from him, and the remaining moments from the time of the Senator from Oklahoma.

Mr. HATHAWAY. I yield 2 minutes on the bill to the Senator from Illinois.

Mr. PERCY. And the remaining moment, if I may have that, from the distinguished Senator from Oklahoma?

Mr. BELLMON. Mr. President, I yield my 1 remaining minute to the distinguished Senator from Illinois.

Mr. PERCY. Mr. President, the impoundment and spending ceiling measure—the Ervin substitute—that is being offered now as an amendment to the Par Value Modification Act has two major attributes. It is a response to the immediate need to enact a limit on Federal budget outlays for fiscal 1974; and it is a well-considered effort to limit in a reasonable and proper way the President's ability to impound funds that are authorized and appropriated for expenditure by the Congress, and to create a reasonable procedure whereby the President can obtain speedy congressional approval of impoundments he believes are necessary.

I am pleased to join Senator ERVIN as principal Republican cosponsor of the bill, which was ordered reported by the Committee on Government Operations yesterday. Impoundments legislation has been under consideration for several years. In the 92d Congress the Subcommittee on Separation of Powers held hearings on impoundments. In January and February this year the Ad Hoc Subcommittee on Impoundments of the Government Operations Committee held 5 days of hearings on S. 373. In the Government Operations Committee's first open markup sessions, under our new rule providing for open meetings, the members of the committee participated in a completely candid and very thorough discussion of the merits and problems posed by the bill. Though the committee operated under some pressure to report the bill promptly, and though our discussions were not exhaustive, significant refinements were made and the measure we are now considering is a responsible, careful effort to deal with an extremely important problem.

The central purpose of the bill is to resolve the tangled issue of impoundments. We have done so, I believe, in a way that recognizes the shared responsibilities of both the executive and legislative branches. In the hearings of the Ad Hoc Subcommittee on Impoundments, I expressed my belief that the President should have the ability to impound—that there are instances in which spending, even though expressly mandated by the Congress, would be unwise either because the project itself might be undesirable, or because the spending would have an adverse economic effect.

Our bill recognizes that the President should have recourse from congressional spending decisions. The bill permits the President to continue to impound for purposes expressly authorized by the Anti-Deficiency Act: to provide for contingencies and to effect savings. Such impoundments will not be subject to any requirement for congressional approval. But other impoundments that the President might wish to make must be submitted—under a parliamentary procedure guaranteeing expedited action—for congressional approval. I believe that the bill thus clarifies the intent of the Constitution and provides a method other than the standard recision method, by which the President can obtain reconsideration of a congressional appropriation.

I would like to note an important refinement in the bill. In its draft form S. 373 required that all impoundments, including those made under the Anti-Deficiency Act to provide for contingencies, and to effect savings because of changes in requirements, greater efficiency of operations, or other developments, must be approved by Congress by means of a concurrent resolution. It was argued by the Comptroller General in hearings that:

> The committee might consider amending S. 373 to provide that its provisions shall not apply to funds being withheld in accordance with this and other specific requirements of law.

He said further that:

> We believe that S. 373 now might be unnecessarily burdensome to the Congress and the Executive by requiring reporting of all of the kinds of actions taken under the Anti-Deficiency Act which so far as we know are noncontroversial as we defined them.

This provision of the bill was of considerable concern to me and several other members of the committee. It seemed to me to impose on both the President and the Congress an unnecessary burden. Even though an impoundment might be for the entirely admirable purpose of effecting a budget saving without any detriment to the actual implementation of the congressionally-mandated program, the bill would have required both a special Presidential message notifying Congress of the impoundment, and a concurrent resolution approving the noncontroversial impoundment. Should for some reason Congress not act to approve the impoundment, the unnecessary spending would nonetheless be mandatory.

Senator Ervin accepted amendments to correct this problem. Under the bill as amended, antideficiency types of impoundments are subject to a message by the President, but the Comptroller General, as an agent of Congress, is empowered to determine that such impoundments are legal under the Antideficiency Act, and thus to exempt such impoundments from the necessity for congressional action. Thus a substantial burden is lifted from Congress, and the President can continue to apply the Antideficiency Act with a simple requirement for reports to the General Accounting Office, which already maintains a familiarity with such types of impoundments.

One of the most important questions we discussed in our markup sessions was whether it is appropriate to add this bill—a separate measure that stands on its own and deserves to be debated by the Senate entirely on its own merits apart from any other considerations—to a seemingly nongermane bill like the Par Value Modification Act.

Some members of our committee—of both parties—argued with a great deal of persuasiveness and logic, that this is not the appropriate way to consider this bill. It was argued that it was inappropriate to add a new title II to the bill, which creates a $268 billion spending ceiling for fiscal year 1974 and a special mechanism for handling impoundments or reservations the President might make in order to bring spending within the ceiling. Senator Metcalf, chairman of our new Subcommittee on Budgeting, eloquently made the case for a more thorough, more careful approach to creating a spending ceiling by means of a reformed congressional budget process, which is the immediate, urgent business of his subcommittee, of which I am a member.

I have a great deal of sympathy with these arguments. On balance, however, I believe it is important to demonstrate at the earliest moment the seriousness of the congressional intention to define its position on the issue of impoundments. It is argued that, no matter what Congress might determine, the President will continue to claim inherent constitutional powers as the basis for his impoundment of funds. It is also argued that the court will ultimately determine that this issue is not justifiable, and thus that the current stalemate on this question, one of the major issues of the larger question of the separation of powers, will go unresolved.

It is, regrettably, possible that our efforts could have such an unsatisfactory conclusion. Nonetheless, I think it is of overriding importance for Congress to establish its will now by enacting a reasonable process by which the President can impound, but only with congressional approval.

I think there is equally compelling cause to establish a spending ceiling now, before the coming fiscal year, in the context of the Par Value Modification Act. The addition of the ceiling to this bill will be a clear sign to the international community that at the same time that we are officially devaluing the dollar, we are determined to take action to try to correct the root cause of the inflation that has caused our devaluations.

I have long supported spending ceilings. In 1968, the Congress enacted an expenditure ceiling as part of the 10-percent tax surcharge bill. The bill set a ceiling of $180.1 billion on Federal spending in fiscal year 1969 and directed reductions in the number of Federal employees back to June 1966 levels. It also called for rescinding $8 billion in previously appropriated but unused funds. The budget cuts forced upon the Johnson administration called for in fiscal 1969 amounted to $6 billion. I worked in support of our distinguished former colleague, Senator Williams of Delaware, in his successful effort to control Federal spending in 1968.

That expenditure ceiling was enacted, and even with several exemptions, and as a direct result of our efforts, the end of fiscal 1969 saw the Federal Government with a surplus of $3.1 billion, the first surplus since the fiscal 1960 surplus of $240 million.

The euphoria, however, was short-lived. Early in the Nixon administration I urged ceilings on Federal spending and hiring, and prepared a bill to accomplish this. Secretary Shultz, then Director of the Office of Management and Budget, asked me not to introduce the legislation and regretfully I complied.

Expenditure ceilings were enacted for fiscal 1970 and 1971, but without satisfactory results because of exemptions. The result was a budget deficit of $2.8 billion in fiscal 1970 and a whopping $23 billion deficit in fiscal 1971. The whole concept of an expenditure ceiling was abandoned for fiscal 1972 and we wound up fiscal year 1972 with another deficit of $23 billion. The ceiling over the debt was made of very pliable elastic.

In March 1972, we tried again to impose an expenditure ceiling, but it also would have permitted automatic increases as appropriations and automatic outlays for permanent trust funds and other benefit programs rose. Recognized as just another piece of elastic, it was dropped in conference and the debt limit was simply extended.

Again, last fall, I joined the majority of the Senate in voting for a ceiling of $250 billion on outlays in the context of the debt limit measure.

I think this bill is more responsible than our previous efforts. While there is no particular wisdom to the ceiling of $268 billion—I would clearly prefer a ceiling equal to the budget proposals of the President because that amount is at least justified on the basis of the analyses contained in the budget document and is not pulled out of thin air—we have made a responsible contribution by providing a procedure to be used to cut spending back to the authorized level. This is a recognition and a responsible solution of the problem that has been so troublesome—that by giving the President the power to cut to enforce a ceiling we might be giving him the ability to make line item vetoes.

However, I must note that I regard title II as at best an interim measure. The only really fundamental solution to the budget question is to create a new congressional budget process, by which Congress establishes through a rational process its own budget ceiling and a means of enforcing that ceiling on the spending committees and subcommittees throughout the year.

I regretfully predict that, though we are now creating a spending ceiling that shall govern outlays during the coming fiscal year, that Congress, in its separate, haphazard consideration of separate appropriations measures, will likely exceed, perhaps very substantially, the outlay ceiling we are now establishing. We are thus in a situation of incipient hypocrisy. We will have to use all of our self-discipline to stay within the limit, and heed the very wise advice of the most distinguished chairman of the Appropriations Committee, who has clearly indicated his intention to report spending bills beneath the ceiling. I particularly wish to commend the distinguished chairman of our committee, Senator Ervin, for his willingness to accept modifications of the bill and his diligence over the years in shaping it, and I want also to call attention to and commend the excellent work of the senior Senator from New York for his several important and useful refinements of the bill. Though I have not always concurred with the positions taken on the measure, my dstinguished colleagues, Senator Roth and Senator Brock, they have contributed importantly to the debate on this vital issue both in committee and on the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BELLMON. Mr. President, I ask unanimous consent that the name of the Senator from Vermont (Mr. STAFFORD) be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. HATHAWAY. Mr. President, I would like to ask a question of my colleague from Maine.

On page 17, line 10, the word "program" is used with respect to the proportional cutting back by the President, as explained in that entire section 202.

The question I would like to ask of my colleague is whether or not the President, under section 202, could in making a proportional cut, we will say in OEO, actually cut out an activity within OEO, such as legal services, and still not be in violation of the provisions of section 202; or did the authors of this amendment intend that such a cut could not be made?

Mr. MUSKIE. Mr. President, the committee undertook to avoid that possibility in two ways; one, by the language on page 16 in section 202(b) which requires that "the President shall reserve amounts proportionately from new obligational authority and other obligational authority available for each functional category, and to the extent practicable, subfunctional category (as set out in the United States Budget in Brief)."

Those functional and subfunctional categories are found on pages 63, 64, 65, 66, and 67 of the Budget in Brief.

However, those categories do not specify by name the programs to which the Senator refers, so we added the language on page 17 of the amendment, which states, on line 7.

> In no event shall the authority conferred by this section be used to impound funds, appropriated or otherwise made available by Congress, for the purpose of eliminating a program the creation or continuation of which has been authorized by Congress.

In my judgment, that would cover OEO and the legal services program under OEO. This amendment is not intended to give the President, in effect, a veto over programs of any kind. So the language in those two respects is designed to avoid that possibility. The Comptroller General is given authority to apply that language to any action taken by the President.

Mr. HATHAWAY. I thank my colleague from Maine for his information.

Mr. PERCY. Mr. President, will the Senator from Maine yield for a unanimous-consent request?

Mr. HATHAWAY. I yield.

Mr. PERCY. Mr. President, I ask unanimous consent that Robert Vastine, minority council of the Government Operations Committee, be permitted on the floor.

The PRESIDING OFFICER (Mr. BENTSEN). Without objection, it is so ordered.

Mr. PERCY. I thank the Senator from Maine very much.

The PRESIDING OFFICER. Who yields time?

Mr. TOWER. Mr. President, I yield myself such time on the amendment as I may require.

The amendment would require:

> . . . the President to notify the Congress whenever he, the Director of the Office of Management and Budget, the head of any department or agency . . . , or any officer or employee of the United States, impounds, orders the impounding, or permits the impounding of budget authority, and to provide a procedure under which the Senate and the House of Representatives may approve the impounding action, in whole or in part,

Or require that such impounding action cease, in whole or in part.

Under the amendment, the President would be required to notify the Congress by special message of each impoundment of any funds authorized for a specific purpose or project within 10 days after the action. The amendment further provides that the President shall cease any such impounding of funds within 60 days of continuous session after notification of the "impoundment," unless the Congress, by concurrent resolution, ratifies the specific "impoundment." The Congress may also disapprove any impoundment, in whole or in part, at any time prior to the expiration of the 60-day period. Any disapproval by Congress, or failure to ratify within 60 days, makes the obligation of budget authority mandatory and precludes the reimpoundment of such budget authority.

Mr. President, in my estimation, however, with reference to this amendment, it has many deficiencies. The amendment is of questionable constitutionality.

Deputy Attorney General Sneed testified on February 6, 1973, before the Senate Subcommittee on Separation of Powers concerning the original S. 373. The Deputy Attorney General expressed constitutional objections at that time, which also apply to the present amendment, as follows:

> There is doubt whether Congress can legislate against impoundment . . . when to do so results in substantially increasing the rate of inflation. To admit the existence of such power deprives the President of a substantial portion of the "executive power" vested in him by the Constitution . . . I question whether the Congress has the power to convert the Chief Executive into "Chief Clerk," a position which he has never held under our Constitution.

That was an opinion expressed by Deputy Attorney General Sneed who, incidentally, is a former dean of the law school at Duke University of North Carolina, as I recollect.

The amendment would fundamentally alter the long-established relationships between the legislative and executive branches of the Government, and would constitute a serious infringement upon the Executive's responsibility to "execute" the laws enacted by the Congress. The establishment of reserves, within appropriations, and their release, is an action of an administrative nature, fully consistent with the President's constitutional duty to "take care that the laws be faithfully executed."

Except for appropriations to provide fixed, nondiscretionary payments to identifiable payees, which are not normally subjected to the reserve process, the practice has been for officers of the executive branch to use their discretion in the letting of contracts, the hiring of personnel, and the other actions which result in spending, subject to applicable laws. In fact, officers of the executive branch use such discretion to effect efficiencies, and to increase the effectiveness of programs. The present arrangement is good management. The amendment would make the exercise of these Executive powers subject to ratification by the legislative branch. Even if so approved, the amendment unnecessarily requires substantial and cumbersome workload and paper flows for both the legislative and executive branches. It is estimated that the amendment could produce a flow of up to 1,000 reportable actions in some months.

Because of the broad definition of "impoundment" in the amendment, the result of its enactment would likely be an open invitation to waste—to spend appropriations, wisely or not, fast enough so that an officer could not be accused of having money left over at the end of a fiscal year. Few officials would dare risk the criticism of law violation that might come if they use less than 100 percent of their appropriations.

The failure of Congress to approve certain reserves could create a real problem when spending must be restricted to comply with other statutes, such as the statutory limit on the national debt. Under the amendment, the Congress could require the release of such reserves and, by implication, would require that they be used promptly. The President might thus be forced to substitute other less acceptable impoundments. So long as the Congress continues to avoid limiting the total amount of all appropriations and other budget authority for any fiscal year so that spending thereunder is within available receipts and borrowing under the applicable statutory debt limit, it is illogical and impractical for the Congress to attempt to restrict through such measures as this amendment the Executive's ability to control spending.

Furthermore, the amendment would hamper the President in the exercise of needed flexibility to deal with changing economic conditions. As a minimum, responsible execution of Federal responsibilities calls for Government spending to be accelerated—within available appropriations—in times of economic slack and to be slowed when the economy is getting "overheated." Presidents of both parties have used their Executive power to do this in the last 30 years. Sometimes such a discretionary slowdown may be a postponement of particular spending until later in the year, sometimes until the next year, sometimes indefinitely. The proposed requirement for congressional ratification of impoundments would reduce the ability of the President to respond promptly to economic necessities.

If this amendment became law, more and larger supplemental appropriations would probably be needed. Reserves are now commonly established in the early part of a fiscal year so that the reserved amounts can later be used to meet at least some portion of the added costs for possible pay raises, unexpected expenses, and other cost increases. Enactment of this amendment would greatly diminish the possibility of absorption of such costs.

The definition of "impoundment" used in the amendment is so broad that it appears to cover even the quarterly apportionments now required under the Antideficiency Act. As a result, the discretion needed to attain the objectives of the customary apportionments under that act—namely, avoidance of deficiencies and securing the most effective and economical use of funds—would probably not be exercised, rendering much of the act meaningless. The practical effect of the amendment, therefore, will likely be the freeing of appropriated funds for immediate spending without regard to considerations of commonsense, efficiency, economy, and effectiveness.

Mr. President, just because this amendment contains a spending ceiling, do not let anybody be misled into believing that this amendment is in the interest of Government economy. It is a mandate to spend money. The effect of this amendment, I think, would be to show us up in Congress as fiscally irresponsible.

Yesterday we showed some degree of courage in sustaining the veto of a very popular measure, in the interest of fiscal responsibility. For us to march back down the hill today and adopt this amendment and mandate more profligate expenditure would be to turn back in the wrong direction, and I urge the defeat of this amendment.

The **PRESIDING OFFICER**. Who yields time?

Mr. **PROXMIRE**. I yield myself 2 minutes on the bill.

Mr. President, I enthusiastically and strongly support this amendment. How anybody can argue that this represents fiscal irresponsibility, I do not understand. There is a ceiling on outlays in this amendment—$700 million below that of the President. It does provide that Congress shall set priorities; that is what the impoundment is all about. But so far as the ceiling is concerned, so far as spending is concerned, we are below the President's outlay request, and that is what this provides.

Personally, I would have preferred a still lower ceiling, and I had an amendment which was lower than this.

I commend the Senator from North Carolina for making it possible for us to have a ceiling and an impoundment provision that can be agreed upon. I understand that the Ervin amendment has majority support.

I did not think we had a ghost of a chance of winning this ceiling on last Thursday, when I offered my amendment, which had some impoundment language in it and provided a $265 billion ceiling. I am astonished that Senator ERVIN and his committee have been able to arrive at this kind of strong compromise that clearly gives Congress the right, as it has under the Constitution, to determine priorities on spending, and does provide a ceiling on outlays.

It may be that the administration will not like our spending priorities. It may think we are too high in some areas and too low in others. But the fact is that we are under the President's overall spending ceiling.

There is no way one can interpret this except as meaning at long last the Senate is going to go on record as more fiscally responsible, more anti-inflationary, more anti-tax increase than the President. We have suffered too long under his charge that we in Congress are the spenders. This amendment makes congressional fiscal responsibility a realism.

The overwhelming majority of the people have gotten the idea from very skillful Presidential rhetoric that only the President is fiscally responsible and that he is battling a spendthrift Congress. The ceiling in this amendment makes clear that Congress, itself, wants a lower ceiling than that for which the President of the United States has asked. The impoundment provision asserts that Congress shall determine priorities.

Mr. President, I yield 5 minutes on the bill to the Senator from North Carolina.

Mr. **ERVIN**. Mr. President, I was somewhat surprised to hear Dean Sneed quoted as an authority on the proposition that this bill is unconstitutional. Let us look at the Constitution.

The first section of the first article of the Constitution reads:

> All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Then it provides in section 8 of article I:

> The Congress shall have Power . . .
>
> To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the government of the United States, or in any Department or Officer thereof.

I submit that the President of the United States, the heads of the executive departments, the heads of the executive agencies, and officers of the United States are officers of the United States within the purview of this section; and, therefore, their conduct and their official actions are subject to regulation by Congress.

The Constitution further states in section 8 of article I:

> No money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law.

The notion that the amendment as modified is unconstitutional, is an absurdity. This is true because the amendment as modified undertakes to regulate the financial affairs of the United States and to tell how they shall be managed.

Dean Sneed was dean of the school of law at Duke University and is now Deputy Attorney General. I say to my good friend, the Senator from Texas, that he came to Duke 2 years ago from Texas, and he never found any constitution in North Carolina, at Duke University, or anywhere else that would justify the conclusion that this bill is unconstitutional in any respect. I have a high respect for Dean Sneed, and am glad that he changed his domicile from Texas to North Carolina.

This substitute amendment was penned in part by two of the greatest constitutional lawyers in the United States—Prof. Philip B. Kurland of the University of Chicago and Prof. Arthur S. Miller of the George Washington University.

Dean Sneed appeared before my subcommittee, during the joint hearings on this bill, and made a most astounding statement. He said that if Congress passed a law requiring that a specific sum be paid to a specific person for a specific purpose, the President did not have the power to nullify that law, but he suggested that the President might have the power to impound appropriation made by any other law.

So I asked the Dean:

> Do you agree with me in the proposition that the President has no power to impound any appropriation made by Congress unless that power is to be found in the Constitution of the United States or in some statute passed by Congress?

The dean agreed with me on that proposition. I then asked the dean:

> Please point out in the Constitution where it gives the President any power to impound funds.

He said:

> It is in Article I and Article II.

I said:

> Well, there are a lot of things in Article I and a lot of things in Article II. Please point out any specific provision of either one of those Articles that gives the President the power to impound appropriated funds.

He referred to the provision of article II which states that the President shall take care that the laws be faithfully executed. I asked the dean:

> Dean, the word "execute" is used in several senses. When a State puts a man to death because he has committed a capital crime, we say the State has executed him. You do not attribute any similar meaning to the provision that the law shall be faithfully executed, as used in this constitutional provision?

He conceded that he did not. Then I said:

> Dean, does not the word "execute" as used in this constitutional provision mean simply this and nothing more—that the President shall take care that the laws are carried out according to the intent expressed in them by Congress?

The dean was apparently reluctant to answer that question. He made several interesting obeservations in response to it that did not constitute an answer. So I said:

> I am a rather hardheaded lawyer, and when a witness does not answer my questions, I just keep putting the questions to him until he answers them.

He then conceded that the interpretation I placed on these words—that the President shall take care that the laws be faithfully executed—was correct.

I have high respect for Dean Sneed as a gentleman and a scholar. When we got through his testimony I said to him:

> I asked you to tell me specifically where in the Constitution the President gets power to impound funds appropriated by Congress. I asked you to point it out specifically.

I said:

> You remind me of the preacher in North Carolina who was fired by his congregation, and they gave no reason for firing him. So he went to the Chairman of the Board of Deacons and he asked why he had been expelled from his job as Parson for the church. He asked the Chairman, "Don't I argufy?" The Chairman said, "You sure do argufy." He asked, "Don't I sputify?"" He said, "You sure do sputify." So the preacher said, "Well,

what's the trouble?" The Chairman said, "You don't show wherein."

So I said to him:

> Dean, you have not shown us where in the Constitution or in any statute of Congress the President gets any general power to impound funds or obligational authority authorized by Congress.

The dean said:

> Well, I have done the best I can.

I said:

> I will pay you the same tribute that was paid me by a judge upon an occasion when I was representing a defendant in a criminal case. When the jury went out to deliberate upon the verdict, the judge called me to the bench and said, "You put up the very best defense you could for a guilty client."

I said:

> Dean, I pay you the like tribute, but am compelled to say that, like the preacher, you did not show wherein.

Dean Sneed did not show where the Constitution or any act of Congress gives the President any general power to impound appropriated funds. To be sure, there are many acts of Congress in which we give the President discretionary power to spend or not to spend money, and they would not be affected by this act. With respect to our good friend from Texas (Mr. TOWER) and what he said about the Antideficiency Act, that law says that the executive branch may establish reserves and save money in three instances: first, where there has been a change in the requirements of a project and the project does not require spending of all the funds appropriated; second, where it is possible to carry out the project by increased efficiency which renders it unnecessary to spend all the funds appropriated; and third, where there have been changes in circumstances between the time the appropriation was made and the time for the expenditure.

An illustration of the last instance is found in an act of President Harry S Truman. During the latter part of the Second World War Congress anticipated that the war would last for a considerable time in the future and appropriated funds to expand military hospitals, thinking that there would be many more wounded men to be cared for, and funds to build another aircraft carrier which it was anticipated would be needed for naval operations. The war unexpectedly came to an end. Hence, there was a change of circumstances between the time Congress made that appropriation and the time for the expenditure of appropriated funds, and President Truman, acting under the third category in the antideficiency law, did not expend those funds.

This measure specifically recognizes the antideficiency law. It states that if the Comptroller General advises Congress that any impoundment is consistent with the antideficiency law, then ends the matter and Congress is bound, for all practical intents and purposes, by his ruling.

In that case this amendment would not apply. So instead of being inconsistent with the antideficiency law, it is in complete harmony with it and constitutes the most effective implementation of the antideficiency law. I insist that those in Congress who wish to see the Federal financial house set in order by the imposition of a spending ceiling of $268 billion for fiscal year 1974, and those who want to substitute for a conflict between the President and Congress—and a possible confrontation between the President and Congress—orderly procedures to determine matters of this kind, should support the amendment as modified by the distinguished Senator from Ohio and the distinguished Senator from Oklahoma.

The PRESIDING OFFICER. Who yields time?

Mr. PROXMIRE. Mr. President, I yield 3 minutes to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. CHILES. Mr. President, I am glad the Senator from Texas brought out the legal reasoning by Dean Sneed for suggesting that this amendment would be unconstitutional because it is that very tortured legal reasoning by Dean Sneed and other members of the executive branch that brought about the necessity for this bill.

Mr. President, if one examines that reasoning, and in our joint committee hearings, when we were trying to find out the basis on which they were impounding we did make that examination. We are told several things. First, they claimed they were given the inherent power under the Constitution. That is the same inherent power we had with respect to some wiretapping, which the Supreme Court knocked down; and in addition, the Antideficiency Act was cited, and the term "other events" contained therein.

We were given the tortured reasoning that a change in the economy could give rise to impoundment, and the fact we were violating the debt ceiling or that the President would be violating the debt ceiling if he spent all the funds; and, therefore, if he elected to violate that law he could violate any other law or appropriation, and once he made that determination he could withhold any funds he wanted to. That is the kind of reasoning that brought about the need for this measure and this amendment. For the life of me I cannot understand how one can argue this is not an economy measure on the one hand, that the Treasury has been raided, that we did not have our financial house in order, that we could not control ourselves, and yet in this amendment we put a limit or ceiling on spending so we are controlling ourselves. At the same time we are providing a way in which impoundment can take place. We are providing a way that if the President stays within the Antideficiency Act or title 2 of this amendment Congress would never act.

Under this amendment if the Comptroller General states that if action were taken under the Antideficiency Act, Congress would never find it necessary to act and impoundment would take place, but if we go into other areas and the President decides he wants to, Congress would have to speak to that issue, and that is as it should be because under the Constitution we are given the authority to make the law and determine the funds to be expended.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. TOWER. Mr. President, I yield myself such time on the amendment as I may require.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. TOWER. Mr. President, this ceiling that has been discussed is a rubber ceiling. We find also in legislation we pass in Congress that our ceilings tend to become floors.

On page 15, under title II, it is stated:

> (b) If the estimates of revenues which will be received in the Treasury during the fiscal year ending June 30, 1974, as made from time to time, are increased as a result of legislation enacted after the date of the enactment of this Act reforming the Federal tax laws, the limitation specified in subsection (a) shall be reviewed by Congress for purpose of determining whether the additional revenues made available should be applied to essential public services for which adequate funding would not otherwise be provided.

We are saying that the Government is putting on a ceiling but we are not really serious about it because if there is any increase in receipts we want to go back to see if we can get more. The spending ceiling imposed here would mean we still have the $12 billion deficit if the receipts are what we expect them to be, and if they are greater than I suggest that rather than spend the money we should try to diminish the deficit as much as we can.

So let no one be disillusioned or misled here. This is a mandate to spend money, and the way the bureaucratic processes work, this is going to be a signal to them that they had better get busy and spend money or they might find themselves in violation of the law. So let there be no disillusionment that this is a measure designed to create fiscal responsibility.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. TOWER. Mr. President, I suggest the absence of a quorum and ask that the time be charged against my time.

Mr. PROXMIRE. Mr. President, will the Senator withhold that request?

Mr. TOWER. I withhold it.

Mr. PROXMIRE. Mr. President, I yield myself 1 minute.

I would like to point out that the provisions in the pending bill provide that the ceiling can be breached, all right, but this has to be an action by the Congress itself. We can go over the $268 billion ceiling, which is $700 million below the President's, but the Congress must take that action.

I think this year, the Congress of the United States and the public having been told so often about a Presidential ceiling of $268.7 billion, and now a congressional ceiling of $268 billion, the Congress will be extraordinarily reluctant to go over that ceiling, and I doubt very much that there would be the possibility of getting a majority in either House, let alone both Houses, to breach that ceiling.

Furthermore, if Congress did that, it would be subject to a veto by the President.

I am convinced, or I would not vote for this amendment, that this ceiling will be respected and effective. As I said, I would like to see a $265 billion ceiling. This proposed ceiling is too high. But it takes action by the Congress of the United States to go over the ceiling, concurred in by the President and I think it very unlikely that that will be done.

Mr. BAYH. Mr. President, I have joined in cosponsoring the amendment presently before us because it accomplishes two vital goals in connection with Congress' control of the appropriations process.

First, it sets a ceiling on expenditures that can be breeched if and only if tax reform succeeds in increasing Federal revenues. The concept of a spending ceiling, which I have supported in the past, has become a more urgent requirement today than ever before, for a number of reasons. Foremost among them is the need to damp down inflation and avoid a tax increase by rigorously controlling Federal spending. But in order to control Federal spending, we do not have to adopt the administration strategy of cutting the heart out of programs vital to millions of our citizens. Spending priorities we most certainly must have; but those must be priorities established by the elected representatives of the people and not by the anonymous bureaucrats of the Office of Management and Budget.

So the second vital goal of our amendment is to insure that Congress will retain ultimate control over the appropriations process. This it will do by the impoundment procedures developed by the distinguished senior Senator from North Carolina (Mr. ERVIN) and which are now incorporated in this amendment.

There is no dispute on the need to control Government spending. The President wants to limit it to $268.7 billion for fiscal 1974. We believe that even that figure is too high, that it can be cut by a full $700 million. So the concept of a ceiling is not at issue, and the dollar difference between the President's proposal and ours is less than three-hundredths of 1 percent.

The dispute arises over who shall determine how the money appropriated within that ceiling shall be spent—for what purposes and in what amounts. Both the written Constitution and the unwritten constitutional history of our Nation specify that the legal power to determine how public funds shall be spent rests exclusively with Congress. The President not only can but is required to submit budget recommendations to Congress. But once the decision is reached, once an appropriations measure becomes the law of the land, the only power the President can lawfully exercise is to "take care that the laws be faithfully executed."

Unfortunately, President Nixon has chosen to construe his authority in this area so broadly as to rewrite the Constitution drastically, without benefit of even a hint of a constitutional amendment.

It is the flagrant abuse of authority which the impoundment provisions of our amendment are designed to correct.

This amendment, in total, puts the Congress squarely on record—and in a legally binding fashion—as insisting on the need for economy in Government. It requires us to make hard decisions on spending priorities. We accept that discipline and that constraint.

But it also says that we who were elected by the people must remain answerable to the people. We can no longer permit our own responsibilities to slip away into the hands of an army of bureaucrats who can be called to account—if at all—only by a President who himself never again has to face the electorate.

In short, this amendment we are offering today is politically conservative, fiscally responsible, and vitally necessary to the economic and constitutional health of our Nation. I strongly urge its adoption.

Mr. NELSON. Mr. President, over the years, a dangerous concentration of power has accumulated in the Presidency. This accumulation of Executive control is most readily apparent in the practice of Executive impoundment of congressionally appropriated funds. This exercise of Executive power over the public purse is a direct challenge to basic constitutional principles of the separation and balance of powers between the three coordinate branches of Government. In particular, the exercise of impoundment gives the President an item veto prohibited by the Constitution as an infringement of legislative prerogatives.

There is agreement that the practice of impounding funds has been exercised by both Democratic and Republican Presidents. However, as Prof. Arthur S. Miller of the George Washington University Law School pointed out in a letter to the Washington Post last October 26, this administration has elevated this practice to a favored mechanism of fiscal policy. Thus, Professor Miller shows that 1971 hearings before the Separation of Powers Subcommittee revealed:

> (a) more than $12 billion in appropriated funds were blocked by the White House (a sum far exceeding what *any* previous President had done); (b) that the Executive's spokesman, including the present Associate Justice William Rehnquist and Caspar Weinberger (now head of OMB), could cite no express constitutional or statutory basis for it; and (c) most withholding in the past—which took a big jump under F.D.R.—dealt mainly with national defense appropriations (e.g. President Truman and the proposed 70-wing Air Force).

There is also agreement that the legislative branch of the Federal Government has already ceded a great deal of authority over the national purse strings to the executive branch. In the Antideficiency Acts of 1905 and 1906, the Congress gave the Presidency authority to reserve appropriations in order to reflect savings in authorized programs and to prevent deficiencies from too rapid expenditure of funds. Then, under the pressures of national crisis—the Great Depression of the 1930's and later World War II—the principle of a difference between permissive and mandatory appropriations was asserted. In 1942, President Franklin D. Roosevelt claimed that just because Congress appropriated funds for certain governmental programs, this is only a ceiling on possible expenditures and "is not a mandate that such funds must be fully expended."

In addition to the impoundment of funds under so-called permissive appropriations, recent Presidents have been given express authority to withhold appropriated funds when certain conditions exist. Under title VI of the Civil Rights Act of 1964, the President may refuse to expend funds in areas which practice discrimination.

The one area in which there appears to be a clear constitutional bar to unilateral executive action and impoundment of appropriated funds without congressional approval is where there is a clear congressional "direction to spend." The distinction between "direction" to spend and "authorized" to spend was articulated in the 1962 controversy over the B–70 bomber between President Kennedy and Chairman Carl Vinson of the House Armed Services Committee. The President, opposing the program, requested the latter wording.

The lack of constitutional authority for the President to act contrary to the mandate of Congress and withhold legislatively appropriated funds whenever and wherever he pleases is equally clear. In a memorandum dated December 19, 1969, by then Assistant Attorney General William H. Rehnquist, the Deputy Counsel to President Nixon was advised:

> With respect to the suggestion that the President has a constitutional power to decline to spend appropriated funds, we must conclude that existence of such a broad power is supported by neither reason nor precedent.

Without reason nor precedent, the President tried to force Congress last October in the debt limit ceiling legislation to turn over a legislative grant of fiscal powers when he requested authority to cut the budget wherever he wished without even a token notification—much less consultation—with Congress. What no President is authorized to do under the Constitution, he requested the Congress to trade for a promissory note of confidence. Fortunately, the Senate rose to the occasion and, in a hopeful expression of support which was nonpartisan and spanned the ideological spectrum, said, "No deal." The constitutional power over the purse given to Congress has already wandered too far down Pennsylvania Avenue."

It is time for Congress not only to resist further erosions of constitutional powers, but to reassert itself in the determination of national fiscal policy and priorities and forcefully exercise what are properly Congress' rights, duties and prerogatives.

A particularly striking case is the President's recent action cutting $6 billion in Federal water cleanup funds authorized by Congress over the President's veto in the Water Quality Act Amendments of 1972. These actions are environmentally unwise and economically unsound; they also go far beyond any discretion intended by the Congress when it thoroughly considered this measure, and specifically ignores an express congressional mandate to allocate these funds to the States. Not only is this action an affront to serious efforts throughout the Nation to comply with the national clean water program, it undermines every effort of Congress to set priorities for this country.

In order to regain an important measure of initiative in the determination of legislative policy, and to provide a more representative accounting to the public of the decisionmaking process which enters into such policy, I am a cosponsor of S. 373, the impoundment procedures bill developed by the distinguished Senator from North Carolina, Sam Ervin, and ordered favorably reported by the Government Operations Committee yesterday with a spending ceiling amendment offered by the Senator from Maine (Mr. Muskie).

The exact same provisions of S. 373, as ordered reported yesterday, are being offered as an amendment—No. 77—to S. 929, the dollar devaluation bill that is presently before us. As a proponent of the anti-impoundment section taken from S. 373, and as a sponsor of two amendments to S. 929—amendments No. 65 and 69—that would set an expenditure ceiling and provide a procedure for the President to follow to achieve this spending ceiling, I am today supporting the Ervin-Muskie amendment No. 77.

Basically, the impoundment procedures section of this amendment—title I—would require the President to transmit to the Senate and the House of Representatives a special message whenever the executive branch wishes to impound any funds appropriated by Congress or otherwise obligated for a specific purpose or project. Unless the specific impoundment is approved by Congress through the passage of a resolution within 60 days after the special message is received, the President shall cease such impoundment under this bill.

This is essentially the procedure which was included in part III of my amendment, No. 69, to the present legislation. This provision will certainly permit the appropriate executive actions to reserve funds where economies and saving can be achieved and uncertainties avoided or deficiencies prevented. At the same time, the constitutional obligation for Congress to set legislative policy and be accountable to the citizens of this country for properly fulfilling that obligation will be restored.

Second, amendment No. 77 includes a provision for setting a $268 billion ceiling for Federal spending in fiscal year 1974. This ceiling is some $300 million more than the level which is called for in my amendment No. 69, but it is $700 million less than the President has proposed for fiscal year 1974. Furthermore, title II of amendment No. 77, providing a ceiling on fiscal year 1974 expenditures, sets up a special procedure to be used when the President determines that cuts in programs are necessary to meet the $268 billion congressional ceiling. As in my amendment No. 69, this procedure seeks to insure that any necessary reductions in spending for specific Federal programs shall be proportional.

There is no debate between the President and Congress over the necessity for establishing a spending ceiling. Most representatives realize that failure to control spending within reasonable bounds would add further fuel to a dangerous inflationary situation. The debate then between Congress and the President is not over spending but over priorities. Many Members of Congress feel that the President is proposing excessive spending for military, space, and foreign assistance while making drastic and unnecessary cuts in vital social programs.

The obligation of the Congress of the United States to determine legislative policy for the Nation and make a public accounting to the people of the United States for these decisions was ably stated in the House of Representatives on January 17, 1817. In his statement, Congressman John C. Calhoun of South Carolina expressed an idea that is equally as valid 156 years later:

> But what mainly distinguishes the Legislative and Executive branches, as it regards their *actual* responsibility to the people, is the nature of their operation. It is the duty of the former to enact laws, of the latter to execute them. Every citizen of ordinary information is capable, in a greater or less degree, to form an opinion of the propriety of the law, and consequently whether Congress has or has not done its duty; but of the execution of the laws, they are far less competent to judge. How can the community judge whether the President, in appointing officers to execute the laws, has in all cases been governed by fair and honest motives, or by favor or corruption? How much less competent is it to judge whether the application of the public money has been made with economy and fidelity or with waste and corruption! These are the facts that can be fully investigated and brought before the public by Congress, and Congress only. Hence it is that the Constitution has made the President responsible to Congress. This, then, is the essence of our liberty; Congress is responsible to the people immediately, and the other branches of government are responsible to it.

Mr. President, to add further thoughts and information to this debate on the prime role of Congress in setting legislative and spending priorities for this Nation, I ask unanimous consent that an article by Prof. Arthur S. Miller entitled "The New Constitutional Crisis," which appeared in the March 1973 issue of the Progressive magazine, and a January 15, 1973, press release from Congressman Joe L. Evins of Tennessee which is a partial accounting of the funds appropriated by Congress for fiscal year 1973 and impounded by the Office of Management and Budget, be printed at this point in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

The New Constitutional Crisis

(By Arthur S. Miller)

Last October, when Congress was debating whether the President should be given discretion to hold spending to $250 billion in the current fiscal year ending June 30, 1973, Senator Russell Long, the Louisiana Democrat who is chairman of the Finance Committee, said in an interview that he favored the Chief Executive having limited power to cut the budget even after its enactment into law. Long asserted that such authority "would only make legal what Presidents since Thomas Jefferson have done by "usurpation." He was referring to the Presidential practice of "impounding" appropriated funds—the process by which the President withholds or reduces the amount of an appropriation approved by Congress and signed into law. Saying that it was practically impossible for Congress itself to cut the budget, Long maintained that "maybe the time has come when we need a benevolent dictator, if only temporarily."

The Senator's history of impoundment is dubious—before the Nixon Presidency, impoundments mostly took place in military matters but now the cuts are deep into social and welfare programs—but his remark about the need for a "benevolent dictator" was more prescient than he probably knew. For only a few days after the November election, President Nixon, acting through OMB—the Office of Management and Budget, that little known agency of vast powers—accelerated what he had already been doing. A cut of $6 billion in "clean water" funds was announced, running the total of withheld funds to about $15 billion.

The water pollution bill had been passed overwhelmingly over a Presidential veto, but Mr. Nixon gave in only outwardly. At the first opportunity he ordered William Ruckelshaus, head of the Environmental Protection Agency, to pigeonhole more than half the Congressional appropriation.

That is government by decree, by executive fiat, an arrogant exercise of power by a President who apparently believes that Congress has neither the will nor the staying power nor the institutional capability to counter impoundment and other examples of bald executive power.

In the struggle over the relative strength of the three branches of government, the judiciary is a nonstarter. Despite all the furor about "judicial legislation," the Federal judiciary is, as Alexander Hamilton said, "the least dangerous branch," simply because it has the least power, actual and potential. Congress is another matter—the only hope for checking a rampaging Executive branch that has steadily been aggrandizing its power since the beginnings of the republic and which, starting with President Franklin D. Roosevelt, has become the dominant branch.

The struggle is now reaching classic proportions. Years of debate have convinced the Senate and possibly the House that stringent controls must be placed on the Presidential power to make war without Congressional authorization and on his conduct of war. So, too, with "Executive privilege," that doctrine of dubious parentage and less validity, which is invoked by the President when he wishes to withhold information from Congress or to shield his Cabinet members or administrative aides from Congressional questioning.

But it is in the area of spending powers that the battle most directly concerns the daily lives of most Americans—and where the constitutional confrontation will be resolved. Unless and until Congress, aided perhaps by favorable judicial decisions, halts what Senator Charles Mathias, Maryland Republican, once called an "informal line-item veto" by the President, that official's power will burgeon and Congress will evermore sink, to quote Mr. Nixon out of context, into the status of "a poor, pitiful, helpless giant." Under the Constitution the President has the power to veto a bill only in is entirety. Neither the Constitution nor Congress gives the President express power of impoundment of funds voted for specific purposes by Congress. This means he is doing it "informally."

Last October, Congress tacked on to the debt-ceiling bill (and passed) a requirement that it must be notified of all impoundments, but then found the term difficult to pin down. OMB, displaying the dazzling footwork of professional bureaucrats, has seized upon the informing requirement as a tacit recognition of the legality of impoundment, to the consternation of Senator Hubert Humphrey, author of the requirement, who said, "There is little basis in law or in legislative history of law for the present impoundment practice." Humphrey maintains that President Nixon is violating "the will and intent of Congress" by deliberately thwarting priorities set by Congress.

Usually, appropriations empower the Executive to spend that amount of money in support of programs authorized by Congress, a fact that has led some political scientists to conclude that appropriations are permissive rather than mandatory. That question, however, has never been definitely litigated, although cases now in the judicial pipeline are heading toward the Supreme Court. In one, Judge William Becker of the U.S. District Court in Missouri last year held that some highway trust funds were improperly being withheld, because of mandatory statutory language. His decision, the first to invalidate an impoundment, is now pending decision on appeal before the Eighth Circuit Court of Appeals. Whatever that court decides, the case will surely wind up before the Supreme Court. Significantly, twenty-two Senators, led by Sam Ervin and including most of the chairmen of the standing committees of the Senate, joined Ralph Nader in filing a "friend of the court" brief in the case, urging that Becker's decision be affirmed.

But the Missouri case may not be the real constitutional showdown on Presidential power. Judge Becker's decision was based on statutory, not constitutional, interpretation. A better case is now before a Federal court in Florida, in which Florida is contesting Mr. Nixon's impoundment of funds for a barge canal. The preliminary legal papers indicate that the question of the President's constitutional power to impound is being directly challenged.

Little help in resolving the impoundment question can be gleamed from the spare prose of the Constitution. Article I gives Congress the power to appropriate and the President, under Article II, must take care that the laws are faithfully executed. That, to some, settles the matter in favor of Congress—but in fact it merely restates the question. For Congress has been anything but precise in its appropriations language, and it has been lax in allowing past impoundments to go unchallenged. It is not only Senator Long, but other members of Congress as well, who have informally conceded a power of Presidential impoundment.

The Supreme Court could change the picture—in what way is unpredictable, given the hard core of Nixon appointees there—and Congress has some means of retaliation, such as withholding appropriations for the President's pet projects.

OMB relies on three vaguely worded statutes of a general nature as the legal basis of impoundments, plus the view that appropriations "empower" rather than "mandate" expenditures: the Anti-Deficiency Acts of 1905 and 1906, the Omnibus Appropriation Act of 1950, and the Employment Act of 1946. That simply is not enough. The first two statutes merely allow establishment of reserves to effect savings and to provide for contingencies. To find in the turgid legislative language authority for impoundment takes a mental leap that only Executive branch lawyers have been able to make, lawyers who act not as professionals but as *apparatchiks*.

Even more specious is the reliance on the Employment Act. OMB says that the President can fight inflation by impounding funds and that the Act can be construed to permit it. But neither inflation nor impoundment is mentioned in the Act; it was passed to promote employment, production, and purchasing at a time when post-World War II deflation, not inflation, was feared. All postwar Presidents nonetheless have inferred that they can use it to tackle inflationary pressures, partly through impoundments. It was only when President Nixon began to dismantle social welfare programs that Congressional ire began to boil over.

In the absence of express statutory language authorizing impoundments, as in Title VI of the Civil Rights Act of 1964 (whereby states may be denied educational funds if they persist in discriminating racially in their schools), the President can rely only on some theory of "inherent" Executive power—as head of a co-equal branch of government, and, at times, as Commander in Chief of the Armed Forces. That was President Truman's theory, for example, when he seized the steel mills in 1952, an action speedily invalidated by the Supreme Court. Save perhaps in times of dire emergency, such as a military invasion or similar catastrophe, the President simply does not have inherent powers in domestic matters. Foreign affairs may be a different matter, but even there the legal picture is cloudy. It is relevant to note that the Justice Department dropped its reliance on inherent Executive power to wiretap in domestic subversion cases, after the lower courts had rejected it—wisely, because the Supreme Court voted eight to zero last year against the Executive on the same issue.

But, the argument goes, if there is no statute or constitutional provision, then the President can rely on the fact that since President Jefferson impoundments have occurred. This might be called a theory of customary constitutional law. It, too, is untenable: Past "usurpation" (Senator Long's term) of power can hardly justify present similar practices. To cite a not too-exact analogy, state legislatures were malapportioned for decades, but the Supreme Court abruptly halted that in 1964; past practice there was not only not a justification for current practice, it was *the problem*—just as here impoundment is *the problem*.

It is true that President Jefferson and other Nineteenth Century Executives impounded funds on a relatively small scale. In our own century, Franklin Roosevelt stepped up the practice considerably, and his successors, Harry Truman, Dwight Eisenhower, John Kennedy, and Lyndon Johnson followed suit, in a limited way, and mainly to reduce wasteful military expenditures.

It is President Nixon, however, who has carried the practice to an all-time high. When Senator Sam Ervin's subcommittee held hearings in 1971, OMB conceded that at that time more than $12 billion was being blocked. (It had taken Ervin two years to pry that data out of OMB.) In confirmation hearings in January, however, Caspar Weinberger, Secretary-designate of Health, Education and Welfare, said impoundments approximated $12 billion, disputing Ervin's $15 billion figure.

What OMB does is to sequester all or major parts of Congressional appropriations. This gives the agency a second shot, because all original budget requests by government agencies must funnel through OMB on the way to Congress. Often these departmental and agency requests are sharply reduced or entirely eliminated at this stage. After Congress acts, then OMB gets its second opportunity to pare appropriations or stymie entire programs through the illegal impoundment procedure.

Thus, to take some representative instances concerning the current budget year ending June 30, 1973:

$105 million was chopped off the Model Cities Program (at a time when American cities are deteriorating).

The Bureau of Indian Affairs lost more than $53 million (a few months before Indians stormed the Bureau's Washington office in bitter complaint over lack of adequate treatment).

Howard University, the nearly all-black college in the District of Columbia, had $3.7 million held up (when the need for improved education for blacks was obvious).

The Federal Prison System had $4.3 million chopped off, at a time when even the Chief Justice was speaking out about prison problems.

$20 million for a prototype de-salting plant was impounded, just when the need for new sources of fresh water became acute.

The Defense Department was denied about $1.4 billion in shipbuilding and conversion funds (the ships are not listed), although one might note the pressing need for tankers to haul liquid natural gas from Europe.

$5 million was taken from the Office of Education's budget.

The State Department lost $27,000 in educational exchange funds.

$300 million in urban mass transport money was blocked (at a time when the need was never greater).

The Atomic Energy Commission was denied $370,000 for bio-medical research.

The Veterans Administration was minus more than $8 million slated for grants to states for extended care facilities.

All of these programs were approved by Congress as deliberate legislative choices, but these choices, hammered out in the political arena, were scuttled by Presidential decree.

Of particular interest is the fiscal year 1972 impoundment of $620,000, which, according to outgoing chairman Miles Kirkpatrick, was withheld from the Federal Trade Commission by OMB. Kirkpatrick told Senator Lee Metcalf that this forced him to abolish permanently seventy-two new positions designed to strengthen the protection of consumers.

The FTC legally is an "independent" regulatory commission, supposedly free from both Congressional and Presidential orders. Thus the President cannot dictate a decision by one of the "independent" commissions. But what he can do is screen budget requests on their way to Congress, and now it appears he can hamstring a commission by blocking funds appropriated by Congress.

What, then, can Congress do? Speaking generally, it must display: (a) a determination and a will; (b) a desire to stay in the fight indefinitely; and (c) a new institutional capacity that will at least partially match the Executive's expertise. None of these requirements is present now, although there is great unrest in Congress and a lot of talk.

Senator Ervin has introduced S. 373, a tough bill that would require all impoundments to be referred to Congress—which would then have to approve, *affirmatively*, each one. Failure to secure an affirmative vote would mean a mandatory requirement to spend, something that Justice William Rehnquist, when he was an Assistant Attorney General, conceded would be binding on the Executive. Ervin's bill is about as strong as it could be made; under its terms, even a failure of Congress to act on impoundments would mean a mandate that the appropriations be spent. Whether Ervin's bill will become law is problematical, even though forty-five other Senators joined him in sponsoring it. No one knows what the House will do. Congressional anger at the Executive may be running at a high peak, but it may be more hortatory than real.

The staying power of Congress is even more questionable. Through a supreme effort, one or both houses can rise up and stop the President at times—as when the nominations of Judges Haynsworth and Carswell to the Supreme Court were blocked. But for years no amount of legislative resentment was able to do much about Vietnam, nor has it curbed the exercise of "Executive privilege" by the Administration when it wishes to prevent the appearance of officials before Congressional committees.

On the other hand, in a little noted but important move, Senator Ervin last October got Congress to deny use of funds by the Subversive Activities Control Board to carry out the terms of an Executive order by which Nixon tried to transfer to the SACB the Justice Department's functions of running the blacklist of "subversive" organizations. As a consequence the Board is again all but moribund at this time.

Under Title VI of the Civil Rights Act of 1964, funds must be withheld from state agencies illegally discriminating; that cutoff provision was used by President Johnson, but under President Nixon it has been treated with "benign neglect." In other words, Congressionally-ordered impoundments have been flouted, and Congress has done nothing.

Even if appropriations are expressly mandated or required, there are numerous ways the Executive can avoid or delay them and still stay within the technical letter of the law. Only if Congress, as an institution, improves its ability to receive, assimilate, store, and use vast amounts of data—economic and scientific and military—will it then be in a position to match the Executive in a one-on-one struggle.

Possibly the basic trouble is that there is only one Sam Ervin. It is no exaggeration to say that Ervin is one of the most powerful and most respected members of the Senate. He has excellent relations on both sides of the Senate aisle. Senate Democratic leader Mike Mansfield says that "Sam Ervin is the man to watch this year," but he has so many jobs that he will have to work double time to keep up. In his role as chairman of the Government Operations Committee Ervin stands in the center of the growing confrontation between Congress and the Executive.

Impoundment should be seen as only one skirmish in the continuing political battle between the President and Congress. Thus far, the President has been able to fill a vacuum, for in politics, as in nature, a vacuum is abhorred. If he is halted, it will be by politics. The law, and the courts, can help, but only to shore up political decisions. If there is still validity to the notion of American democracy. then the elected representatives of the people will in time prevail.

Merely knowing the amount of money blocked by OMB is staggering enough, but to study specific programs is to realize that many of the battles for social reform that were so difficult to win during the past forty years must now be fought all over again. The American version of the welfare state is being scuttled by President Nixon. Not all of it, to be sure, but enough to reduce to despair any who care for the poor and the disadvantaged. Constitutionally, that presents the unsavory picture of appointed officials—some little known in Washington (and unknown outside it)—overriding Congress and its allegedly sovereign will.

The dismantling, piece by piece, of the American welfare system—which has always lagged behind the more civilized European nations—means that the need for Congressional reform has never been greater. Attention for the moment by people such as John Gardner of Common Cause seems to center on overturning the seniority system, which institutionalizes a legislative gerontocracy. But bad as that may be, an even more important reform would be for Congress to streamline its appropriations process. It is senseless to make four trips to the legislative well to draw one pail of statutory water. Each house must first authorize a program or project and then each house must appropriate funds to support it, following which a conference committee meets to iron out differences—and then each house votes on the conference report. If a person set out to hamstring Congress, he could think of no better way to make it difficult to act quickly and decisively.

Senator Long's plaintive remark about the need for a "benevolent dictator" is not just the idle chatter of a garrulous politician. Whether he realized it or not, Long was going to the heart of the major crisis confronting the country in the current struggle between the Legislative and Executive branches of our Government: despotism or democracy.

Chairman Evins Releases Partial Listing of Impoundment by Office of Management and Budget of Funds Appropriated by Congress

Representative Joe L. Evins (D-Tenn.), a member of the Committee on Appropriations and Chairman of the Subcommittee on Public Works and Atomic Energy Commission Appropriations, today released a partial listing of funds totaling more than $12 billion appropriated by the Congress for Fiscal Year 1973 and which are being withheld, frozen and impounded by the Office of Management and Budget.

Evins said OMB had refused to release the information and that some Departments and agencies had complied with his request for the amount of funds withheld.

Funds withheld and impounded by OMB include the following:

Department of Agriculture—$1,267,076,900.

Department of Housing and Urban Development—$523,200,000.

Department of Transportation—$2,000,000,000 (for Federal-aid highways, including Interstate).

Department of Defense (Corps of Engineers)—$20,462,000 (for construction and planning on public works projects).

Department of Commerce—$243,000,000 including $109,555,000 for water, sewage and industrial expansion grants by the Economic Development Administration.

Environmental Protection Agency—$6,000,000,000.

Department of Health, Education and Welfare—$57,197,490.

Department of the Treasury—$24,134,197.

Atomic Energy Commission—$15,400,000.

Department of Defense—Military—$1,940,448,924.

Veterans' Administration—$111,786,000 (including $46,786,000 for reduction in apportionment).

Appalachian Regional Commission—$65 million.

(Further details on impoundments are attached to the release.)

Chairman Evins made this comment:

"It is interesting to note that the OMB continued its pattern of cavalier treatment of the Congress by refusing to release public information. I am advised by officials of these Departments and agencies that many of the figures provided will probably have been increased by the time the Fiscal Year 1974 budget is submitted to the Congress.

"The continued freezing, impounding and withholding of funds represents an encroachment on the constitutional powers and prerogatives of the Congress to appropriate funds in the public interest and this challenge must be met with all means available within the structure of the Congress.

"If this trend is not checked, the legislative and appropriations committees of the Congress could well be reduced to exercises in frustration and futility. OMB has usurped Congressional power to the extent that it substitutes its judgment for the legislative intent of the Congress and substitutes its priorities for legislative priorities established by law by Congress.

"The Administration describes its major domestic program objectives as providing more power to the people. In reality the policies of this Administration are centralizing powers in the Bureau of the Budget and other executive offices of the President.

"With one hand the Administration distributes revenue-sharing checks. With the other hand the Administration takes away far more by eliminating or curtailing Federal programs of assistance to our people in laws passed by Congress.

"Revenue-sharing and revenue-freezing call to mind the old shell game—now you see it, now you don't. In my view state and local governments are going to see much less overall Federal assistance under this policy of constant cutbacks.

"These practices of OMB are threatening our constitutional system of check and balances.

"As one who has fought erosion of Congressional power and executive encroachment on the Congress for many years. I am delighted to note the strong statements made by the Majority leadership in both Houses of Congress indicating a determination to regain the lost power and prerogatives of the Congress in the public interest."

Information on impoundments provided by officials of departments and agencies

DEPARTMENT OF AGRICULTURE

Office of Secretary	$500,000
Agricultural Research Service:	
Agricultural Research Service (annual)	8,048,000
Agricultural Research Service (no-year)	1,650,000
Animal and Plant Health Inspection Service	2,046,000
Cooperative State Research Service	1,500,000
Extension Service	$3,000,000
Statistical Reporting Service	50,000
Economic Research Service	275,000
Farmer Cooperative Service	100,000
Agricultural Stabilization and Conservation Service:	
Rural environmental assistance program	210,500,000
Water bank program	10,000,000
Rural Electrification Administration: Loans	456,028,000
Farmers Home Administration:	
Rural water and waste disposal grants	120,000,000
Rural housing for domestic farm labor	3,147,000
Salaries and expenses	500,000
Rural housing insurance fund	367,500,000
Soil Conservation Service:	
Conservation operations	5,000,000
Resource conservation and development	6,000,000
Watershed planning	500,000
Watershed and flood prevention operations	17,412,500
Great Plains conservation program	62,500
Agricultural Marketing Service:	
Marketing services	36,000
Payments to States and possessions	900,000
Total, USDA, excluding Forest Service	1,214,755,000
Forest Service:	
Forest protection and utilization (annual)	21,720,000
Construction and land acquisition	12,601,900
Forest roads and trails	18,000,000
Total, Department of Agriculture	1,267,076,900

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Rental and Cooperative Housing for Lower Income Families (Sec. 236)	25,000,000
Nonprofit Sponsor Loan Fund (Sec. 106a), technical assistance grants	1,000,000
Nonprofit Housing Sponsor Loans (Sec. 106b), planning projects for low and moderate income families	3,600,000
New Community Assistance, supplementary grants for public facilities	7,500,000
Rehabilitation Loan Fund	86,000,000
Water and Sewer Facilities Grants	400,100,000
Total, Department of Housing and Urban Development	523,200,000
Additional funds expected to be impounded before submission of Fiscal Year	

1974 budget for HUD:	
Open space land programs	50,000,000
Public facility loans	20,000,000

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration: Federal-aid highways	2,000,000,000

DEPARTMENT OF DEFENSE—CIVIL

Planning starts	5,040,000
Construction starts	15,422,000
Total, Corps of Engineers	20,462,000

Information on impoundments provided by officials of departments and agencies—Cont.

GENERAL SERVICES ADMINISTRATION

GSA indicated "nothing of significance" is impounded. List has not been made available at this time to Congressman Evins.

DEPARTMENT OF COMMERCE

Economic Development Administration	$109,555,000
Maritime Administration	55,000,000
National Oceanic and Atmospheric Administration	30,000,000
Miscellaneous	48,445,000
Total, Department of Commerce	243,000,000

ENVIRONMENTAL PROTECTION AGENCY

Waste treatment grants (2-year authorization for fiscal years 1973 and 1974)	6,000,000,000
Total, Environmental Protection Agency	6,000,000,000

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Direct Federal construction (apportionment awaits development of approved plans and specifications)	44,892,087
Post secondary innovation	10,000,000
Higher education insured loans	1,905,403
Social and rehabilitation service	200,000
Total, Department of Health, Education, and Welfare	57,197,490

DEPARTMENT OF THE TREASURY

Federal Law Enforcement Training Center, construction	21,517,395
Bureau of the Mint, construction	2,516,802
Total, Department of the Treasury	24,134,197

ATOMIC ENERGY COMMISSION

Operating expenses:	
Thorium utilization	2,000,000
Gas cooled fast breeder reactor	1,000,000
Space propulsion	4,000,000
Plowshare	3,200,000
Assistance payments to Richland, Wash.	200,000
Plant and capital equipment:	
Cascade improvement program	5,000,000
Total, Atomic Energy Commission	15,400,000

APPALACHIAN REGIONAL COMMISSION

Development highway program	25,000,000
Airport program	40,000,000
Total, Appalachian Regional Commission	65,000,000

DEPARTMENT OF STATE

Foreign Buildings Office (not appropriated funds)	2,125,000
Excess currency—New Embassy in Yugoslavia	2,950,000
Radio Free Europe and Radio Liberty	275,000
East-West Center in Hawaii	200,000
Total, Department of State	5,550,000

DEPARTMENT OF JUSTICE

No funds impounded at this time.

DEPARTMENT OF LABOR

No funds impounded at this time.

SMALL BUSINESS ADMINISTRATION

Direct and immediate participation loan funds	$55,000,000
Administrative expenses	2,700,000
Total, Small Business Administration	57,700,000

Mr. TOWER. Mr. President, I suggest the absence of a quorum, and ask that the time be charged against my time.

The PRESIDING OFFICER. It will take unanimous consent since there are only 2 minutes remaining to the Senator.

Mr. TOWER. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged against me on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I yield back the remainder of my time on the amendment, and I move that the amendment be laid on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay the amendment on the table.

Mr. TOWER. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay the Bellmon-Taft amendment, as modified, on the table. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. HARTKE), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Wyoming (Mr. MCGEE), and the Senator from Illinois (Mr. STEVENSON) are necessarily absent.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Wyoming (Mr. MCGEE) and the Senator from Illinois (Mr. STEVENSON) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. BROOKE) is absent by leave of the Senate on official business.

The Senator from Arizona (Mr. FANNIN) is absent on official committee business.

The result was announced—yeas 23, nays 70, as follows:

[No. 82 Leg.]

YEAS—23

Aiken
Baker
Bennett
Brock
Buckley
Cotton
Curtis
Dole
Fong
Griffin
Gurney
Hansen
Helms
Hruska
Packwood
Pearson
Roth
Saxbe
Scott, Pa.
Thurmond
Tower
Weicker
Young

NAYS—70

Abourezk
Allen
Bartlett
Bayh
Beall
Bellmon
Bentsen
Bible
Biden
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cook
Cranston
Domenici
Dominick
Eagleton
Eastland
Ervin
Fulbright
Goldwater
Gravel
Hart
Haskell
Hatfield
Hathaway
Hollings
Huddleston
Hughes
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
Mathias
McClure
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Pastore
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Scott, Va.
Sparkman
Stafford
Stevens
Symington
Taft
Talmadge
Tunney
Williams

NOT VOTING—7

Brooke
Fannin
Hartke
McClellan
McGee
Stennis
Stevenson

So the motion to table the Bellmon-Taft amendment, as modified, was rejected.

Mr. ROTH. Mr. President, I call up my amendment No. 74 and offer it as a modification to amendment No. 52, as modified.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. ROTH. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Regular order, Mr. President.

The PRESIDING OFFICER. The Senate will be in order.

Mr. ROTH. Mr. President, I should point out that the language in the first line of my amendment should be amended to read "Section 3, line 6,".

The PRESIDING OFFICER. The amendment will be so modified.

Mr. ROTH's amendment (No. 74), as modified, is as follows:

AMENDMENT

Perfecting Roth amendment to Senator ERVIN's amendment.

In section 3, line 6, delete all after the word "shall", and all through the end of section 3. In its place, insert "immediately cease the impounding of any budget authority set forth in each special message, or any portion thereof, if, within sixty calendar days of continuous session after the date on which the message is received by the Congress, the specific impoundment, or any portion thereof, shall have been disapproved by a majority vote of both the Senate and the House of Representatives in a joint resolution in accordance with the procedures set out in section 5 of this Act. The effect of such disapproval shall be to make the obligation of that specific budgetary authority mandatory, and shall preclude the President or any other Federal officer or employee from reimpounding the specific budget authority set forth in the special message which the

Congress by its disapproval has thereby rejected."

Mr. ROTH. Mr. President, I ask unanimous consent that Nathan Hayward of my staff be permitted to be present in the Chamber during the consideration of this amendment and the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. ROTH. Mr. President, my amendment is quite direct. It seeks to change the thrust of that section of the Ervin amendment dealing with impoundment. Congress, instead of negating a presidential impoundment by inaction, would be required by my amendment, to expressly overrule an impoundment. If it did not, the impoundment would stand.

Before I discuss this proposal in detail, I would like to point out that I believe two of the most important actions that Congress can take this year are first, adoption of new procedures to obtain better control of the budgetary process and second, prompt action to adopt a spending ceiling.

I am concerned that we continue to handle budgetary matters in a fragmented way, and that we fail to be responsible in exercising our will to enact a spending ceiling for the current year. I can think of no acton more important to the American people, than a meaningful debate and timely passage of a spending ceiling.

So after having introduced spending ceiling language on several occasions last year, I am happy to see that this concept is now gaining great support in Congress. But I am troubled that in seeking congressional reform of the budgetary process, we continue to act on a fragmented or piecemeal basis.

Last year the House of Representatives and the Senate passed legislation that set up a committee to make recommendations to Congress, to suggest just how we should deal with budgetary reform. Budget control should be more than just setting a ceiling, or controlling Presidential impoundments, but it should include the Legislature, in an intelligent fashion, deciding first how much money can be spent during the current year, and secondly what the priorities within that budget should be.

And this is precisely the problem upon which the joint committee is working.

In addition, the distinguished junior Senator from Montana now heads a Subcommittee on Government Operations. I am a member of that group, and after a very meaningful day of hearings, I look forward to additional, careful consideration of the budget control problem. But we should not be hasty now, before both of these committees has had a chance to make their reports.

I think it is important to point out that Senator ERVIN's amendment really breaks down into two parts. One part deals with impoundment, and that legislation is permanent. The second part deals with a spending limitation, and that part is in effect for only 1 year.

I congratulate our distinguished chairman and other members of the Government Operations Committee for fashioning a thoughtful bill. I think it contains a stronger spending limitation than we have had so far this year. But I would like to point out that I agree with the Senator from Texas when he says that if we adopt the Ervin amendment in its present form, we will not be taking truly responsible action.

Title II, the spending limitation provides that if the President makes proportionate cuts in accordance with the criteria set out in the legislation, they will stand with no further action on the part of Congress. I think that is sound.

But the difficulty is that next year no provision is made for a spending limitation, so we end up with what I consider to be an embarrassing and fiscally irresponsible situation: that with no spending limitation the President cannot impound unless Congress affirmatively approves his suggestions. I think that many people at home and throughout the country would be shocked if they realized that Congress is giving serious consideration to this approach.

I feel the American people are interested in a responsible fiscal policy. I think many people agree—and certainly I do—that Congress should set priorities and that the President should establish responsible spending guidelines. I certainly do not feel that the President should be free to act in any manner he wants. But I submit to the Senate that what we are doing is tying the hands of the President.

My amendment would provide that impoundments made by the President will stand unless Congress overrules him. I think this makes only good sense. Let me point out why. Congress adopts, from time to time, a debt ceiling. The President, under the Constitution, has the responsibility and the obligation to abide by that debt ceiling. He cannot spend in a manner that would exceed that ceiling, so long as there is no further action by Congress.

Yet if we passed this legislation, next year will be putting the President in an inflexible position unless Congress chooses to act.

Last fall, Congress adopted a debt ceiling that is consistent with $250 billion in spending during the current fiscal year. Any spending beyond that amount would exceed the debt ceiling and violate it. So if the President is withholding for that purpose, he is merely trying to abide by the ceiling adopted by Congress, and that only makes sense to me.

But what we are saying under the Ervin amenndment is that he could not take such action; he would have to come back to Congress and ask for approval. If Congress disapproved it, we could possibly be in the ambiguous position of not complying with the debt ceiling, and that could raise all kinds of ramifications.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. ROTH. I yield.

Mr. AIKEN. I have been trying for some time to get a little information or an answer to a question which I asked some 2 weeks ago. When does a slowdown become an impoundment? How long can the President slow down the operations of an agency without its becoming an impoundment?

Mr. ROTH. I would say to the distinguished Senator from Vermont that perhaps that question should be addressed to the principal author of the amendment.

As I understand, funds withheld under the Antideficiency Act would not be subject to sections 3 and 5 of the act.

It was also agreed in the committee meeting yesterday that prior impoundments, those on the books today would not be subject to congressional action. This legislation, as I interpret it, would only apply to the future. But the Senator raises a good point. I wonder if anyone here can absolutely determine when the act of impoundment actually takes place, in all cases.

Mr. AIKEN. I have another question which perhaps compares favorably to the one I just asked. Suppose, instead of announcing an impoundment of funds for a particular program, the Federal agency required to approve the projects submitted to it simply fails to approve the projects. Is that an impoundment?

Mr. BROCK. Mr. President, will the Senator from Delaware yield?

Mr. AIKEN. It certainly would be an effective way of stopping expenditures. I think it is difficult to pass legislation that somebody cannot find a way around it.

Mr. ROTH. The Senator raises a valid point.

Mr. BROCK. If I might respond to the Senator from Vermont here, in the latter instance there is simply no way that we can legislate against that kind of action to approve project applications, because we can cite the inadequacy of the data supplied, or we can cite improper criteria in the project application, or any number of other reasons other than the funding restriction. So there is no legislative act——

Mr. AIKEN. The President, as I understand it, under the Constitution, the President carries out programs which are established and financed by Congress, but I do not know that he has any time limit anywhere to carry out these programs. He might let programs go over to the next President so he can carry out the wishes of Congress. I am trying to point out how difficult it is to pass legislation and to prevent anyone so minded from getting around it. That applies to other legislation as well as this.

Mr. BROCK. The Senator has found the part of the amendment that I am personally very much concerned about. I share his fears that the amendment is not and cannot be drawn so as to be all-encompassing. No matter how we try, there can be methods and devices used in order to evade the action.

I would say, in response to the first question of the Senator from Vermont, as to when does a slowdown become an impoundment, that the amendment could be interpreted, as presently written, so that we cannot even slow down.

Mr. AIKEN. That is what is bothering me, that we cannot slow down a program without being accused of impounding the money, whereas we know that there are times when it is essential to slow down a program, as President Johnson found with the interstate highway program a few years ago when he had to slow it down.

Mr. BROCK. Sometimes, under defense contracts, we have to slow down when new technology occurs, and a certain period of time must elapse, so that one has to wait 2 or 3 years.

Mr. ROTH. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. Bartlett). Three minutes remain to the Senator from Delaware.

Mr. ROTH. Mr. President, I yield the floor at this time.

Mr. TOWER. Mr. President, will the Senator yield to me for 1 minute?

Mr. ROTH. I am happy to yield.

Mr. TOWER. The point made by the Senator from Tennessee was earlier made in opposition to the Ervin amendment by the Senator from Texas.

I hope that the amendment of the Senator from Delaware will be agreed to, because I think it cures a rather serious deficiency in the amendment as it now stands by putting, really, the burden on Congress to monitor the President's reservations on funds and then determine whether we want to approve. It seems to me it is an orderly way to do things, the orderly way and the more efficient way of allowing the President to react to the economic necessities of the moment. I certainly hope that the amendment will be adopted.

Mr. TAFT. Mr. President, will the Senator from Texas yield?

Mr. TOWER. I yield 2 minutes to the Senator on the bill.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 2 minutes.

Mr. TAFT. I want to reemphasize the point just made, that we considered this very carefully in the drafting of the Bellmon-Taft amendment. The language of the Bellmon-Taft amendment differs from the Ervin modification in that regard insofar as our anti-impoundment provision is concerned, requiring affirmative action by Congress within 60 days to nullify, rather than the automatic figure in the Ervin amendment. It will work better with the nullification procedure.

As to the timing involved, both the Ervin modification and the Bellmon-Taft amendment use basically the procedures of the Reorganization Act, which gives pretty good assurance that they will go into the facts and give Congress an opportunity to act. There is no way in which we can stall unduly the consideration when it comes to the floor.

The PRESIDING OFFICER. Who yields time?

Mr. JAVITS. Mr. President, I do not know how much time the Senator has.

The PRESIDING OFFICER. The Senator from North Carolina (Mr. Ervin) has 15 minutes.

Mr. ERVIN. I yield 5 minutes on the bill to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mr. JAVITS. Mr. President, I hold with the Ervin amendment. I think it is the only way in which Congress can really assert both its authority and responsibility with complete fairness to the President. I would be less than frank if I did not say that I personally am—and I think all of us on the Government Operations Committee are indebted to the distinguished Senator from Delaware (Mr. Roth) for posing the issue, because it needed to be posed in view of the fact that every thesis must have an antithesis, and this does enable us, in the debate between these two concepts, to make clear to the Congress, and to the Senate in this case specifically, just what is at stake.

Just what is at stake is this: Shall we say to the President, "Under the Constitution, Mr. President, because of your authority to see that the laws are faithfuly executed, you have the power to impound and, therefore, if we do not like what you do, we will veto you. But we do not challenge your power."

Or shall we say, "Mr. President, when we make an appropriation, you do not have the power to impound that appropriation except as provided by law or the Constitution."

The law is the antideficiency act essentially, or the debt ceiling, or a spending limitation such as in contained in this bill also, in respect of the so-called Muskie amendment and, therefore, if the President does whatever he does according to law, depending on what conditions we have written into the law, that is fine, and this amendment of Senator Ervin so states, because if the Comptroller General who is our authority and our agent says that the President's impoundment has been in accordance with the law, that is the end of it. The Ervin amendment and sections 3 and 5 which relate to procedures, do not apply. That finishes it and takes out some of the enormous grist, or modest or small things which pour from the executive department to the Congress. But if the Comptroller General's authority indicates that it does not come within the purview of the law—to wit, the antideficiency act, and if therefore, it moves into the area of discretion, where the President may or may not cut or terminate this, that, or the other thing through the impoundment process, affecting—working out, in effect, as a line item veto, and this question has been greatly argued, then if Congress really believes—and that is what we believe, Senator Ervin and myself and others on the committee—if Congress really believes that that is its Constitutional power, that is the true control of the power of the purse, then our action must be affirmative, and in the absence of our action we cannot give the President the grant of power which the Constitution in our judgment does not give him.

That is the real essence of this debate. We believe that we have worked it out to the maximum efficiency because the small grist matters, or the modest matters, or the matters on which there can be no real argument, will come through merely by the Comptroller General's certification that he has looked it over and it is in accordance with the law. But on the question of policy, with regard to the control of the purse strings, we would say, "Do you want a program taken out? Do you want to cut it partly or have it taken out? Do you want the money withheld, whether for hospitals, health, roads, or for some of the major projects, because we in Congress then must act?"

The President has the right to say to us: "Gentlemen, I want you to take another look. I question this. In my mind, it ought to be impounded."

We say: "OK, Mr. President. We'll give you expedited procedure, and we'll have another look. But we have the power to act affirmatively."

One final thing: Even the whole procedure of the Ervin amendment does not end the question. We point out in an amendment we adopted at the end of the Ervin amendment that the President can always come in and ask us to rescind an appropriation—this is not the sole recourse he has—and we will pay strict attention, and we may do it, as we often do.

The important thing is that the Roth substitute poses the issue, and that issue is this: Does the President have the power to change the spending policy of the country by impoundment, and is the only power we have to say, "No, Mr. President, we veto your exercise of this power"; or is that power under the Constitution so sacred to us that only we may decide affirmatively that it is to be done?

That is the thrust of the Ervin amendment, that is what I believe in, and I hope the Roth substitute will be rejected.

Mr. President, I ask unanimous consent that Brian Conroy may have the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. Mr. President, the amendment of the distinguished Senator from Delaware reminds me of the fisherman who went fishing and carried his frying pan with him. He caught a little fish and wanted to fry the fish while it was fresh. He got out his knife and started to disembowel the fish. The fish kept fighting and resisting, and the fisherman said to the fish:

> I don't see why you're struggling so much against me. All I want to do is to gut you.

That is precisely what the Roth amendment would do to this bill.

Undoubtedly, the Constitution gives Congress the power to legislate. It gives Congress the power of the purse. I would like to show the Senate what the adoption of this amendment would do.

Incidentally, before I go deeply into this proposition, I point out that I introduced a bill on June 9, 1971, containing a similar provision. I submitted it to many knowledgeable men in the field of constitutional law, and they said that it is a very foolish method of procedure. They said:

> When the President wants to impound funds, you should require the President to make out the case for the impoundment and require Congress to take affirmative action ratifying the impoundment, instead of giving the President a second time the power to veto a bill.

Let me tell the Senate how this would operate.

First, Congress passes an appropriation bill by a majority vote of both Houses of Congress. The President can veto that bill and thereby compel Congress to take a second step, and that is to pass that appropriation bill over the President's veto by a two-thirds majority. So we have the first two steps—one where a majority of Congress has expressed its will in passing the bill, and the other step where

Congress has expressed its will by a two-thirds majority in overriding the veto. This amendment does not stop with these two congressional actions.

The President can take a third step, as he took in respect to some of the funds appropriated for pollution purposes. After his veto is overridden by the second action by Congress, he can impound the funds, and then Congress has to take a third step under this amendment by vetoing an impoundment inconsistent with two prior congressional actions.

It should be borne in mind that Congress has already said twice that it wants these funds expended for a congressionally established program. It has said that twice to the President.

This amendment says that the President does not have to pay attention to two actions of Congress—the original passage and the overriding of the veto. This proposal says Congress must act a third time to make effective an appropriation made by Congress twice before and pass a resolution through both Houses of Congress vetoing the Presidential impoundment.

After Congress has taken this third step under this amendment, and vetoed by concurrent resolution the action of the President impounding the funds, then the President can veto the veto of Congress.

Mr. ROTH. Mr. President, will the Senator yield for a question?

Mr. ERVIN. I yield.

Mr. ROTH. Would the distinguished Senator be willing to accept my amendment if we made it a concurrent resolution instead of a joint resolution?

Mr. ERVIN. That would not alter it in the slightest degree, because the resolution still would be subject to a veto by the President. That is as clear as the noonday sun in a cloudless sky.

Mr. ROTH. As I understand it, a concurrent resolution would not be subject to a Presidential veto. I would be happy to ask the Chair for a parliamentary ruling.

Mr. ERVIN. The best way to determine what the Founding Fathers said is the Constitution itself. Section 7 of article I provides that every bill, before it becomes law must be approved by the President, and if disapproved by him must be repassed over his veto by a two-thirds majority of both Houses. Then it makes this provision in respect to resolutions:

> Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

Under the Senator's amendment, the resolution vetoing the President's impoundment would have to be passed by both Houses of Congress in order to become effective; and under this provision of the Constitution, it would have to be submitted to the President, and the President would have the authority, under the Constitution, to veto it. That would be the second veto of something concerning which Congress had already expressed its opinion three times.

What would happen then? Congress would have to override the veto of the resolution by a two-thirds majority of both Houses in order to make effective a matter on which Congress had three times previously stated its position, that is, that it wants the money expended according to the program authorized by the Congress.

This amendment would make it possible to require Congress to act four times to make a simple appropriation bill effective, and it would put in one-third of the membership plus one, of either House of Congress, the power to nullify an act of Congress passed originally by a majority vote of both Houses of Congress, an act approved a second time by two-thirds of each House of Congress, overriding an original veto and an act approved by Congress a third time by a majority vote of both Houses.

Does the Senate want to nullify the power of Congress to that degree by establishing such a cumbersome proceeding? If so, we should submit a constitutional amendment to abolish Congress, and let the President be the dictator of this Nation.

I ask every Member of the Senate who does not believe Congress should have four separate votes to authorize an expenditure of a single penny to vote down this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. ERVIN. I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Delaware has 2 minutes remaining.

Mr. ROTH. Mr. President, I would first point out that I was serious about my suggestion of changing the word joint to concurrent because a concurrent resolution, as I understand it from the Parliamentarian, does not require action on the part of the President.

Mr. President, for that reason, I ask unanimous consent to change the word joint to concurrent.

The PRESIDING OFFICER. Is there objection?

Mr. MANSFIELD. Mr. President——

Mr. ROTH. Mr. President, I ask unanimous consent to change the word joint to concurrent.

Mr. ERVIN. Mr. President, I object. No, I do not object. It does not make any difference. I withdraw the objection. It is the difference between six and half a dozen.

The PRESIDING OFFICER. Is there objection?

Mr. ERVIN. The Constitution says every resolution——

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, I have a a parliamentary inquiry I would like to address to the Parliamentarian. Would this concurrent resolution require presidential action?

Mr. ERVIN. Mr. President, a point of order. The Parliamentarian cannot rule on the meaning of the Constitution.

The PRESIDING OFFICER. The Chair will answer the parliamentary inquiry. A concurrent resolution does not go to the White House for signature.

Mr. ROTH. Mr. President, will the Senator from Texas yield to me?

Mr. TOWER. Mr. President, I yield 5 minutes on the bill to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, I would like to answer several statements that have been made by the distinguished Senator from North Carolina as well as the distinguished Senator from New York. First, I would like to repeat my hope that Congress will make the important reform of establishing a budget, setting the priorities within that budget, and determining where spending can be cut. That is critically important. I submit we are not doing that today. We seem to be taking the easy way out without facing the real problem. Congress is going to have to face up to the issue if it is going to meet its budgetary responsibilities.

Second, I would like to point out that the Ervin amendment imposes a spending ceiling only for 1 year. There would be no spending limit next year unless Congress specifically acts at that time. We can continue to take piecemeal action on appropriation after appropriation, and authorize back door expenditures by various devices, but the President's hands will be tied. He can only suggest reservations, and without affirmative congressional action, these will become null and void.

If we are serious about doing something in this area, we should wait for a report from the joint committee and listen to its recommendations for new legislation on all of the procedures. If we are going to adopt permanent legislation concerning impoundments, the only fiscally responsible thing to do is to require Congress to act, and that is what my amendment would do.

I have changed the amendment to require only a simple majority of the House and the Senate. It is not subject to veto by the President. I also point out that the same basic approach has been proposed in the House by the distinguished chairman of the Committee on Appropriations.

For that reason I strongly urge that we adopt this amendment, and take a step forward toward fiscal responsibility in Congress, where it deserves to be.

Mr. TOWER. Mr. President, I yield 4 minutes to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. BROCK. Mr. President, I think we have before us one of the classics of congressional action which is, Here we go again. We find ourselves in noble indignation at the abrogation of the power of Congress by the President. We propose remedial legislation to reacquire that power, to present ourselves in the full cloth before the American people, and say, "Look what we are going to do for you now." We are going to put a ceiling on that is not a ceiling. We are going to outlaw impoundments by a rather unusual device, a device that eliminates from Congress the responsibility it has to the American people.

What does the impoundment measure before us purport to do? It states that the President shall not make any impoundment, and if he does, that act shall be reported by the Comptroller General to Congress, and wonder of wonders, Congress can veto that impoundment, reservation, or that withholding or slowing down of funds, not by acting, but by refusing to act.

Mr. President, that is why we have a problem in this country today: because Congress for the last decade or so has been passing the buck to the President. It has been easy to vote for every spending bill that would come down the pike, except spending limitations, and then criticize the President. Whichever way he goes it is said he is in violation. If he spends, he is in violation of the spending provision, and if he does not spend, he is in violation of the impoundment provision. Congress, in all sanctity, can spend its time in criticism rather than in constructive action.

What does the Senator from Delaware propose to do? It is not all that difficult. He simply says that if we do not like what the President is doing, we establish a procedure to stop him, a procedure that cannot take more than 60 days, a procedure that requires affirmative action of Congress, but which would require the membership of both bodies to vote yea or nay on the proposal.

Is that not all the American people have been asking us to do? Is that not what they have been asking that we have courage to do? Have they not been asking that we accept the responsibility imposed on us by the Constitution to establish national priorities?

The Senator from Delaware has been a leader in the attempt to bring about congressional reform. I am delighted to join him in a number of those efforts. What kind of reform is it if we prohibit the exercise of responsibility on the part of the President and abdicate responsibility on our part by saying he does not want to face the issue and we are not going to allow the House and the Senate to vote on these measures? Will we effectively outlaw any action on his part by an inaction on our part? That is fraudulent. It is misleading. It tells the American people we are going to do something, but the way we are going to do it is by not doing anything. We are not going to assume the responsibility of having a tough vote up or down. We are simply not going to vote.

The Senator from Delaware says, let us accept our responsibility. Let us accept the responsibility of saying we will vote up or down on these proposals—on cuts, impoundments, reservations, or what have you—and let the issue rise or fall in the legislative branch, the people's branch. Then we can begin to restore the confidence of the people of this country in this body, and I think it is sorely needed.

Mr. ERVIN. Mr. President, I yield myself 3 minutes on the bill.

The Senator from Tennessee asks, "Why not let Congress act?" Congress has already acted in the exercise of its constitutional power when it passes appropriation bills, and instead of performing his constitutional duty to take care that the law be faithfully executed, the President refuses to carry out the act of Congress by impounding action.

What the Roth amendment would do would be not only to require Congress to act originally, but, for the second time, to override the Presidential veto, and for the third time to pass a concurrent resolution, and for the fourth time to override the veto of the concurrent resolution, before a single penny in the appropriation made by the Congress could be required to be spent.

It is true that a very distinguished Congressman from Texas, Mr. MAHON, has introduced a bill that has this provision in it. He introduced that bill on March 6, 1973, and when he did so he copied almost verbatim, except in certain respects, the bill which I had introduced in the Senate on June 9, 1971.

At that time I had not studied this matter sufficiently to know the most effective way in which to secure to Congress that which the Constitution gives Congress—the power of the purse—and to show that the bill in the House is almost a facsimile of the bill I introduced at that time, with the exception of the fact that it provides for referral to committee instead of expedited action. I ask unanimous consent that a copy of the bill I introduced on June 9, 1971, and a copy of the bill introduced by Mr. MAHON in the House on March 6, 1973, be printed in the body of the RECORD at this point.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 2027

A bill to ensure the separation of Federal powers by requiring the President to notify the Congress whenever he impounds funds, or authorizes the impounding of funds, and by providing a procedure under which the Senate and House of Representatives may disapprove the President's action

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) whenever the President impounds any funds appropriated by law out of the Treasury for a specific purpose or project, or approves the impounding of such funds by any officer or employee of the United States, he shall, within ten days thereafter, transmit to the Senate and the House of Representatives a special message specifying—

(1) the amount of funds impounded,

(2) the specific projects or governmental functions affected thereby, and

(3) the reasons for the impounding of such funds.

(b) Each special message submitted pursuant to subsection (a) shall be transmitted to the Senate and the House of Representatives on the same day, and shall be delivered to the Secretary of the Senate if the Senate is not in session, and to the Clerk of the House of Representatives if the House is not in session. Each such message shall be printed as a document of each House.

SEC. 2. For purposes of this Act, the impounding of funds includes—

(a) withholding of funds (whether by establishing reserves or otherwise) appropriated for projects or activities, and the termination of authorized projects or activities for which appropriations have been made, and

(b) delaying the expenditure or obligation of funds beyond the close of the fiscal year in which expenditure or obligation was intended by Congress in appropriating such funds.

SEC. 3. (a) The following subsections of this section are enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolution described by this section; and they shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(b) (1) For purposes of this section, the term "resolution" means only a joint resolution of the Senate or House of Representatives, as the case may be, which is introduced and acted upon by both Houses before the end of the first period of sixty calendar days of continuous session of the Congress after the date on which the President's message is received by that House.

(2) The matter after the resolving clause of each resolution shall read as follows: "That the Senate (House of Representatives) disapproves the impounding of funds as set forth in the special message of the President dated —, Senate (House) Document No. —, and hereby directs the President to cease such impounding and to take care that the appropriations law thereby affected be faithfully executed."

(3) For purposes of this subsection, the continuity of a session is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain shall be excluded in the computation of the sixty-day period.

(c) (1) A resolution introduced with respect to a special message shall not be referred to a committee and shall be privileged business for immediate consideration. It shall at any time be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. Such motion shall be highly privileged and not debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) If the motion to proceed to the consideration of a resolution is agreed to, debate on the resolution shall be limited to ten hours, which shall be divided equally between those favoring and those opposing the resolution. An amendment to the resolution shall not be in order. It shall not be in order to move to reconsider the vote by which the resolution is agreed to or disagreed to, and it shall not be in order to move to consider any other resolution introduced with respect to the same special message.

(3) Motions to postpone, made with respect to the consideration of a resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

(4) Appeals from the decisions of the Chair relating to the application of the rules of the

Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution shall be decided without debate.

H.R. 5193

A bill to require the President to notify the Congress whenever he impounds funds, or authorizes the impounding of funds, and to provide a procedure under which the House of Representatives and the Senate may disapprove the President's action and require him to cease such impounding

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) whenever the President impounds any funds authorized for a specific purpose or project, or approves the impounding of such funds by an officer or employee of the United States, he shall, within ten days thereafter, transmit to the House of Representatives and the Senate a special message specifying—

(1) the amount of funds impounded,

(2) the specific projects or governmental functions affected thereby, and

(3) the reasons for the impounding of such funds.

(b) Each special message submitted pursuant to subsection (a) shall be transmitted to the House of Representatives and the Senate on the same day, and shall be delivered to the Clerk of the House of Representatives if the House is not in session, and to the Secretary of the Senate if the Senate is not in session. Each special message so transmitted shall be referred to the Committee on Appropriations of the House of Representatives and to the Committee on Appropriations of the Senate; and each such message shall be printed as a document for each House.

Sec. 2. The President shall cease any impounding of funds set forth in a special message if within sixty calendar days of continuous session after the date on which the message is received by the Congress the specific impoundment shall have been disapproved by the Congress by passage of a concurrent resolution in accordance with the procedure set out in section 4 of this Act.

Sec. 3. For purposes of this Act, the impounding of funds includes—

(1) withholding or delaying the expenditure or obligation of funds (whether by establishing reserves or otherwise) appropriated for projects or activities, and the termination of authorized projects or activities for which appropriations have been made, and

(2) any other type of executive action which effectively precludes the obligation or expenditure of available funds or the creation of obligations by contract in advance of appropriations as specifically authorized by law.

Sec. 4. (a) The following subsections of this section are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by this section; and they shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(b)(1) For purposes of this section and section 2 the term "resolution" means only a concurrent resolution which expresses the disapproval of the Congress of an impoundment of funds set forth in a special message transmitted by the President under the first section of this Act, and which is introduced and acted upon by both the House of Representatives and the Senate before the end of the first period of sixty calendar days of continuous session of the Congress after the date on which the President's message is received by the Congress. Where a special message specifies more than one impoundment of funds, the resolution may relate to any one or more of such impoundments; and the resolution with respect to any impoundment may express the disapproval of the Congress of any amount thereof and may set forth the basis on which the impoundment is disapproved.

(2) For purposes of this subsection and section 2, the continuity of a session shall be considered as broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain shall be excluded in the computation of the sixty-day period referred to in paragraph (1).

(c) Any resolution introduced with respect to a special message shall be referred to the Committee on Appropriations of the House of Representatives or the Senate, as the case may be.

(d)(1) When the committee has reported a resolution with respect to a special message, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) Debate on the resolution shall be limited to not more than two hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate shall not be debatable. No amendment to, or motion to recommit, the resolution shall be in order, and it shall not be in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

(e) Motions to postpone, made with respect to the consideration of a resolution with respect to a special message, and motions to proceed to the consideration of other business, shall be decided without debate.

(f) All appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to any resolution referred to in section 4 hereof shall be decided without debate.

Mr. ERVIN. Mr. President, as I understand the Senator from Delaware, he has changed his resolution from a joint resolution to a concurrent resolution. I do not concede that the Parliamentarian is the Supreme Court to interpret the Constitution. Any interpretations contrary to what I said do great violence to the words of the Constitution.

Let me read them again. The first part of section 7 of article I sets out how a bill shall become law, and provides for the vetoing of a bill by the President and for the overriding of the veto by the Congress. That does not deal with resolutions. Here is the section that deals with resolutions:

> Every—resolution—to which the concurrence of the Senate and House of Representatives may be necessary—shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

This speaks of a resolution in which the concurrence of both Houses is necessary.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ERVIN. I yield myself 1 more minute.

Under the amendment of the Senator from Delaware, the concurrence of both the House and the Senate is necessary to make the vetoing resolution effective, and so is subject to Presidential veto.

Mr. ROTH. Mr. President, will the Senator yield me 2 minutes?

Mr. TOWER. I yield 3 minutes to the Senator.

Mr. ROTH. Mr. President, I would like to make a couple of observations. I think most of the principal points have already been covered.

First, I should like to reemphasize that at one time, the distinguished principal sponsor of this legislation proposed the use of congressional disapproval, and he supported it at that time.

Second, the chairman of the House Appropriations Committee apparently feels that this is an appropriate method of bringing about some control. So it is hardly a partisan fight. We are all faced with the real, and ever present problem of gaining effective control over our actions.

But I think the most important point to make is that Congress will not be fulfilling its responsibility merely by adopting Senator Ervin's impoundment proposal. We would be making it impossible, really, to bring the budget within control. The House and the Senate do not—I would like to emphasize do not—consider each appropriation in the context of the whole budget.

If we really are going to be fiscally responsible, we ought to adopt a legislative budget, break it down by priorities, and set the limits of each of those categories. We are not doing that. But here we are saying to the President, "You cannot impound unless the Congress decides to consider your action." Experience convinces me we will never take that step. We could get by doing nothing, just sitting on our hands. We would not be required to indicate our vote. I think it should be our obligation, when impoundments are reported, that we stand up and be counted.

At the present time, the President does not have a very effective voice in the final enactment of spending bills. We have 13 regular appropriations, each including many items. They came late in the year. Normally it is impossible for the President to veto them.

I feel that this bill will only continue the fragmented budgetary process; and by passing this measure, we are going to make it more difficult to bring control into the picture.

The President is impounding now because Congress has not been willing to live within a budget and establish difficult priorities. He is acting because there is a vacuum. I think it is our responsibility to adopt procedures to give us the control we now lack. But, if we are going to adopt legislation, in the interim I think we in the Congress should be forced to take a position on every impoundment message referred by the Comptroller. These would be those that do not meet the provisions of Senator ERVIN's language.

Mr. BROCK. Mr. President, will the Senator yield?

Mr. ROTH. I yield.

Mr. BROCK. I think it is important to note that last year——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. TOWER. Mr. President, I yield 2 minutes to the Senator.

Mr. BROCK. When we passed the omnibus housing bill, if I recall correctly, that bill had in it not only housing for the elderly, but for college students, middle-income, mass transit, sewer projects, urban renewal, model cities—I cannot imagine how many different projects. The Senate voted on it as an omnibus bill without regard to the specifics of an individual program, but overall.

The House in its wisdom, thank goodness, said, "We are not going to take legislation like that. It is far too broad in range. We ought to vote on these matters individually." But time and again we have passed omnibus bills and sent them to the President. Let us say that 25 percent of them were absolutely great, or 75 percent, or 90 percent, but there were elements in them that were not, and in those elements the President has exercised his sense of responsibility. And unless the Senate provides for it, we as individual Senators will never have an opportunity to vote on those individual programs or projects. That is what we are providing here.

Mr. ROTH. Mr. President, if we adopt both amendments, we are telling the President he has to live within our debt ceiling.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. TALMADGE. Mr. President, I yield 1 additional minute to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware is recognized for 1 additional minute.

Mr. ROTH. But, Mr. President, he impounds funds for the purpose of complying with the debt ceiling, and Congress refuses to act, will not we really be saying that Congress can raise the debt ceiling without forcing a rollcall vote.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ERVIN. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from North Carolina is recognized for 2 minutes.

Mr. ERVIN. Mr. President, I hate to be so blunt, but I will have to characterize as absurd the statement of my good friend, the Senator from Tennessee, and the statement of my good friend, the Senator from Delaware, that if the President impounds funds, Congress does not have to say anything further on the subject.

This amendment expressly provides that when an impoundment is made, any one Senator or any one Representative in the House of Representatives, can propose a resolution proposing that the impoundment be ratified in whole or in part. And it also provides that that resolution has to be voted on in just a few hours and cannot be sent, as the House bill provides, to a committee to delay it. The Senator or Representative can demand a rollcall vote and put every Member of the Senate, if it is introduced in the Senate, or every Member of the House, if it is introduced in the House of Representatives, on record. And that would be, in substance, a second vote in the Senate or House upon a proposal already approved by a majority vote of both Houses.

So, the Senate has already acted one time in passing whatever bill it is. And this amendment expressly provides that the Senator from Tennessee or the Senator from Delaware or any other Senator may put Members of the Senate on record a second time by proposing a resolution to ratify the President's impoundment in whole or in part.

That is all that I have to say. I am ready to vote.

Mr. NUNN. Mr. President, will the Senator yield?

Mr. ERVIN. Mr. President, I yield 3 minutes to the Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia is recognized for 3 minutes.

Mr. NUNN. Mr. President, first of all I would like to say to the Senator from Delaware and the Senator from Tennessee that they have made an excellent point in criticizing this legislation from an overall point of view. However, I think that it is a temporary measure and the budget ceiling is the only practical method we have at this late stage. We will be dealing with appropriations in the future. We are now in the authorization process. We have no budget ceiling. We have only the President's budget.

I feel very strongly that if legislation is used as an excuse for over-all budgetary control, it would be a matter that we would not pass.

However, I feel that most Members of the Senate agree that this is only a temporary ceiling. And I believe that we would also agree that this is not a proper way to set a budget ceiling. However, it is the only way we have at the present time.

I have legislation, and I know that the Senator from Delaware and the Senator from Tennessee also have legislation, that will comprehensively review the budgetary process. I think it is imperative that we act on that legislation.

I would also like to see that we act on it before we take up appropriation measures.

I would agree, in part, with what the Senators from Tennessee and Delaware have said. However, I believe this is the only alternative we have at this time for establishing a meaningful Congress.

I would like to take issue on one of the points raised by the Senator from Delaware. If the President goes over the ceiling, then the provision that deals with cutbacks would come into play. He would then be required to make pro rata cutbacks under the provisions of the Muskie and the Attorney General said that he did it within the intent of the law and within the intent of the Congress, then sections (d) and (e) on page 15 would obviate the necessity of this cutback or impoundment being brought back before the Senate.

Mr. ROTH. The amendment does call for a spending ceiling in the current year, and that would help correct the weaknesses which I have pointed out. However, if we have no such statute next year, we will be in an entirely different situation. We could, for example, appropriate something like $290 billion, and then set a debt ceiling consistent with only $260 billion in outlays. So, the President has $290 billion in appropriations, but he can only spend $260 billion. He can then suggest cuts to do what is necessary to come within that ceiling.

But suppose we are in an election year or just before an election. Will Congress really take the action necessary to approve its own overspending? I think our current experience argues strongly against it.

Mr. NUNN. Mr. President, the Senator's point is well taken. The only difference I would have is that the Senator is assuming irresponsibility on the part of the Congress. He is assuming that the Congress will not have a ceiling next year. He is assuming that the Senate will not pass the Brock legislation, the Roth legislation, or any other legislation.

I certainly hope that the Senator is not correct in those assumptions.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the Roth amendment as modified. The Clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. BROOKE) is absent by leave of the Senate on official business.

The Senator from Arizona (Mr. FANNIN) is absent on official committee business.

The result was announced—yeas 36, nays 61, as follows:

[No. 83 Leg.]

YEAS—36

Aiken
Allen
Baker
Bartlett
Beall
Bellmon
Bennett
Brock
Buckley
Byrd,
  Harry F., Jr.
Cook
Cotton
Curtis
Dole
Domenici
Dominick
Fong
Goldwater
Griffin
Gurney
Hansen
Helms
Hruska
McClure
Packwood
Roth
Saxbe
Scott, Pa.
Scott, Va.
Stafford
Stevens
Taft
Thurmond
Tower
Weicker
Young

NAYS—61

Abourezk
Bayh
Bentsen
Bible
Biden
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cranston
Eagleton
Eastland
Ervin
Fulbright
Gravel
Hart
Hartke
Haskell
Hatfield
Hathaway
Hollings
Huddleston
Hughes
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern

McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Sparkman
Stevenson
Symington
Talmadge
Tunney
Williams

NOT VOTING—3

Brooke
Fannin
Stennis

So Mr. ROTH's amendment was rejected.

Mr. BELLMON. Mr. President, I have an amendment at the desk and ask that it be stated.

The PRESIDING OFFICER (Mr. BARTLETT). The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. BELLMON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD.

The text of the amendment is as follows:

On page 15, line 17, following the period at the end of the sentence, add the following:

In subsequent years, after the submission of the Budget of the United States Government and upon recommendation of the President for each fiscal year (beginning with the fiscal year ending June 30, 1975), the Congress shall, by law, prescribe a limit on the total amount of expenditures and net lending to be made by the United States Government during such fiscal year.

On page 16, line 8, following the comma after "June 30, 1974," add the following language: "and subsequent fiscal years."

Mr. BELLMON. Mr. President, the purpose of this amendment is very simple. Under the terms of the Bellmon-Taft amendment as modified by Senator ERVIN, we have established a spending limitation for fiscal year 1974. This amendment would have the effect of creating a process whereby Congress would set a spending limitation for each year subsequent to fiscal year 1974.

I have discussed this amendment with the distinguished Senator from North Carolina (Mr. ERVIN) and I believe that he has no objection to it.

Mr. ERVIN. Mr. President, I have no objection myself. I am sorry that the distinguished Senator from Maine (Mr. MUSKIE) is not in the Chamber at the moment. He would have to speak for himself on the matter. However, the amendment seems to carry out the overall objectives we have in mind. It seems to be a wise amendment, at least to me.

Mr. BELLMON. Mr. President, I ask unanimous consent to modfy amendment No. 52 as modified, in accordance with this language.

Mr. CHILES. Mr. President, could the Senator state what the modification is again, before we give unanimous consent?

The PRESIDING OFFICER. The Chair would ask the clerk to restate the amendment.

The legislative clerk read as follows:

On page 15, line 17, following the period at the end of the sentence, add the following:

In subsequent years, after the submission of the Budget of the United States Government and upon recommendation of the President for each fiscal year (beginning with the fiscal year ending June 30, 1975), the Congress shall, by law, prescribe a limit on the total amount of expenditure and net lending to be made by the United States Government during such fiscal year.

On page 16, line 8, following the comma after "June 30, 1974", add the following language: "and subsequent fiscal years."

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Mr. President, reserving the right to object, I shall not object to the modification, but I must say that I hope the Senate understands what this is all about. We cannot bind any future Congress. Yet this amendment uses the words: "the Congress shall, by law, prescribe a limit." That clause is preceded by the words "upon recommendation of the President."

First, I hope we are not undertaking some commitments establishing the President's recommendation of what should be a ceiling.

Second, I am also deeply concerned about the words "and net lending," which are in the amendment. I hope the Senator will take those words out. I would be opposed to them because the fiscal operations of the United States are complicated and are handled by the Secretary of the Treasury. Congress has indirect control through the spending ceiling. But if we are going to set the Senate's policy by net lending, we are in for quite a time.

I do not mean a precatory request, with the understanding that we are not going to accept the principle of a ceiling; that we are going to try this every time it comes, in the light of the President's request for a ceiling. But certainly I do not want to have any specification by Congress as to any net lending.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. JAVITS. I object.

Mr. BELLMON. Mr. President, I believe the Senator from New York makes a valid point. I would be very happy to strike the words "and net lending" from the amendment. I ask unanimous consent that I may make that change.

Mr. TOWER. Mr. President, it is my understanding that the yeas and nays have not been ordered on the amendment. The Senator from Oklahoma may, therefore, modify his amendment.

The PRESIDING OFFICER. That is the understanding of the Chair. The amendment is so modified.

Mr. JAVITS. If the Senator will yield, I do not believe the Senator intends that we should be bound by what the President would say. Instead of "upon recommendation of the President" I suggest "after considering the recommendation of the President," just so that there is no implication that we are giving in and taking the President's ceiling.

Mr. BELLMON. The intent of the Senator from Oklahoma is that the Senate will act on the recommendation of the President, but not take it at its face value. I have no objection to the Senator's proposal.

Mr. JAVITS. I thank the Senator. Other than that, I have no objection.

The PRESIDING OFFICER. Will the Senator from Oklahoma send his last modification to the desk?

The Chair, acting in the Chair's discretion, will ask the clerk to read the amendment as it has now been modified, so that Senators will know what they are voting on.

The legislative clerk read as follows:

On page 15, line 17, following the period at the end of the sentence, add the following:

In subsequent years, after the submission of the Budget of the United States Government and after considering the recommendation of the President for each fiscal year (beginning with the fiscal year ending June 30, 1975), the Congress shall, by law, prescribe a limit on the total amount of expenditures to be made by the United States Government during such fiscal year.

On page 16, line 8, following the comma after "June 30, 1974," add the following language: "and subsequent fiscal years.

The PRESIDING OFFICER. Is there objection to modifying the Taft amendment by the Bellmon amendment? The Chair hears no objection, and it is so modified.

Mr. TUNNEY. Mr. President, will the Senator from Oklahoma yield?

The PRESIDING OFFICER. The Senator from Oklahoma has no time.

Mr. ERVIN. I yield the Senator from California 1 minute.

Mr. TUNNEY. I thank the Senator.

I certainly support the proposition that Congress establish a spending ceiling every year. I was wondering whether the Senator from Oklahoma could tell us how his proposal, if accepted by the Senate, would relate to the activities of the Joint Committee To Review the Operation of the Budget, which is now presently considering procedures to establish such a ceiling and to relate individual appropriation bills to the ceiling and to relate expenditures with revenues.

Mr. BELLMON. It is not the intent of the Senator from Oklahoma to interfere in any way with the activities or the work of the committee. Rather, it is the intent to make the same procedure that applies to 1974 apply in subsequent years in the event the Congress does not adopt a proposal or permanent system for the Senate to use in adopting a spending limitation.

Mr. TUNNEY. So this would in no way interfere with the work of the joint committee; and assuming that the joint committee does come out with a proposal, either in resolution form or in the form of a bill to be enacted into law, it would have no impact upon that resolution or that bill.

Mr. BELLMON. I say to the Senator that this cannot be changed by a single resolution. If the committee has a proposal to make, it would be necessary to amend this law before it could be changed.

Mr. TUNNEY. In other words, that we are doing here is precluding the joint committee——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ERVIN. I yield the Senator 1 additional minute.

Mr. TUNNEY. In other words, what we are doing here is precluding the joint committee, by this amendment, from coming up with a proposal that we have a resolution to establish these procedures.

Mr. BELLMON. Nothing in here precludes the committee from taking any action it wishes to take. Any law we make today can be changed by subsequent action of the Senate. We are only putting on the books a permanent system, which the committee will be free to change when it finishes its work.

Mr. TUNNEY. I wonder whether any Senator in the Chamber serves on the joint committee and can speak to that point.

Mr. ROTH. Mr. President, will the Senator yield?

Mr. TUNNEY. I yield.

Mr. ROTH. I should like to reiterate a statement I made earlier. I think the junior Senator from California is raising a very valid point. I feel that if we adopt this amendment, we will be interfering with the operations of the joint committee.

As the junior Senator from California knows, we have already issued interim recommendations, and it is hoped that within the next 2 or 3 weeks we will issue our final report. We have already touched on the problem of impoundments, and will certainly speak to that issue. It is certainly a very important part of the budgetary process.

I think it is obvious that we are going to recommend the need for a legislative budget each year. As part of that legislative budget, I would hope we recommend a spending ceiling and speak to its components in some meaningful way. We further plan to recommend to prevent the possible abuse of impoundments.

I feel we are rushing ahead of a special committee which we specifically authorized to study the problem. We should wait until we get their recommendations and then act.

Mr. TUNNEY. Would the Senator agree, though, that what this amendment does is to establish a procedure for years ensuing in the future, and it is different from the original proposal which would just apply for 1 year? I sense a substantial difference between the Ervin proposal, which applies for 1 year, and the amendment we are going to be considering now, which would establish procedures that would apply into the future.

Mr. ROTH. The original Ervin amendment dealing with impoundments is permanent legislation. The Muskie amendment is effective only for fiscal year 1974. The major thrust of this proposal, though, is permanent.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. TUNNEY. I yield.

Mr. PASTORE. I think we are becoming a little confused with a great deal of verbiage. The fact is that if this amendment as modified by the distinguished Senator from Oklahoma becomes law, it is the law; and then later, if the Joint Committee on the Budget Review should come out with recommendations which would be adopted by Congress, that would supersede this, and this becomes the law until we change it. It is as simple as that.

Mr. TUNNEY. But it would preclude the joint committee from making a recommendation.

Mr. PASTORE. No. This does not touch the joint committee at all. The joint committee is at liberty to make a recommendation. We do not disturb that. But then, if those recommendations that come back are unsatisfactory——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ERVIN. I yield 5 additional minutes to the Senator.

Mr. PASTORE. If those recommendations are made by that committee and they are not accepted, then it is the law. On the other hand, if the recommendations come back and we subscribe to those recommendations and approve them by joint action of the House and the Senate, then it supersedes this, and the recommendations will then become the law.

This is just a temporary stopgap, in the event that the recommendations of the joint committee are not accepted.

Mr. BELLMON. The distinguished Senator from Rhode Island is quite correct. He states it in his usual eloquent fashion. The statement he makes is entirely the way the Senator from Oklahoma understands the situation.

Mr. PASTORE. I yield back the 4½ minutes, Mr. President.

Mr. BUCKLEY. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

(a) on page 8, insert the following between lines 2 and 3: "Section 4—Section 3 shall not apply with respect to any impoundment of expenditures during a fiscal year as to which the Congress has failed to adopt a ceiling on federal expenditures."

(b) renumber subsequent sections.

Mr. PASTORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PASTORE. Is this an amendment to the amendment to the amendment?

Mr. BUCKLEY. This is an amendment to the amendment.

Mr. PASTORE. This is an amendment to the amendment to the amendment?

Mr. BUCKLEY. This is an amendment to the amendment of the substitute amendment.

Mr. PASTORE. To the amendment of the Senator from Oklahoma?

Mr. BUCKLEY. No.

Mr. PASTORE. We have not acted on that yet.

Mr. BUCKLEY. This is an amendment to the Taft-Bellmon amendment as modified by the Ervin amendment.

The PRESIDING OFFICER. The Chair says to the Senator that the Bellmon amendment was accepted without objection as a modification.

Mr. PASTORE. I thank the Chair.

The PRESIDING OFFICER. This is a new amendment.

Mr. BUCKLEY. Mr. President, I submit this amendment on behalf of the Senator from Tennessee (Mr. BAKER) and myself. Its effect is simple.

First, I do sympathize with the sentiments expressed by the junior Senator from California and the senior Senator from Delaware, that it would be more orderly to deal with all these matters through the joint committee which is now at work on comprehensive recommendations. That is why I voted to table the amendment. However, that motion was defeated, and I think that now we need to move in and correct a defect in the amendment as it now exists.

At the present time, the effect of the amendment will be to impose a ceiling of $268 billion on expenditures during fiscal year 1974 and to adopt procedures as they affect impoundments from this point forward.

It occurs to me that if we allow the amendment to stand in its present form we will find a situation in future years where Congress, despite the Dominick amendment, might delay in actually moving toward a ceiling, leaving a gap in which somebody will have to go in to make sure we do not incur spending in such latitudes as to disrupt our economy.

The effect of my amendment is to suspend action in section 3, which is the mechanism by which Congress can repudiate an impoundment, to suspend its effect until such time as Congress has placed a ceiling on expenditures. This is supplementary to the Bellmon amendment.

Mr. President, I reserve the remainder of my time.

Mr. ERVIN. Mr. President, this amendment, if adopted, might have the effect of nullifying the impoundment features of this bill. The bill has two titles. The first title deals with impoundments and impoundments exclusively. The second title deals with a spending ceiling. There is not necessarily any relation between those two things.

Here we have a good, permanent bill on impounding, a bill that is well thought out. This amendment would, in effect, nullify the impoundment features if at any time between now and the time Gabriel's horn trembles into ultimate silence, Congress fails to impose a debt ceiling. The two things have no connection and I hope the Senate will reject the amendment.

Mr. BUCKLEY. Mr. President, I yield myself such time as I may use.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. BUCKLEY. Mr. President, the Senator from North Carolina and I disagree on the principle of impoundment. I can, of course, sympathize with his objection to the amendment, but I believe the deleterious effect of overspending can be so serious and have such terrible consequences in terms of inflation and in terms of forcing the need for higher taxes on an already overtaxed citizenry that we cannot take the chance of narrowing the gap where, on the one hand through the Ervin amendment we preclude the possibility of the President to move into the void we have allowed, and two, not allow Congress to meet its responsibilities.

Last October this body and the House of Representatives reported that it would be irresponsible to spend more than $250 billion in the current fiscal year and yet appropriated more than $265 billion. Neither body showed self-discipline to trim out the extra fat which we admitted could be ruinous for our economy. It was under these circumstances that the President moved in to avoid fiscal consequences of our irresponsibility.

I merely ask through this amendment that we do not invoke the provisions of section 3 unless and until we have ourselves asserted our responsibility for maintaining spending within responsible limits.

Mr. President, I reserve the remainder of my time.

Mr. ERVIN. Mr. President, if this amendment is agreed to it will absolutely destroy any way in which Congress can get a judicial determination of its power over the purse in any year in which Congress fails to establish a spending ceiling. I respectfully submit we should not take these two things together because they are two different problems.

Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. BUCKLEY. Mr. President, I am ready to yield back the remainder of my time if the Senator from North Carolina is.

Mr. ERVIN. I yield back my time.

Mr. BUCKLEY. I yield back my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senator from New York. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from California (Mr. CRANSTON) and the Senator from Kentucky (Mr. HUDDLESTON) are necessarily absent.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. BROOKE) is absent by leave of the Senate on official business.

The Senator from Arizona (Mr. FANNIN) is absent on official committee business.

The Senator from Arizona (Mr. GOLDWATER) is necessarily absent.

The result was announced—yeas 29, nays 65, as follows:

[No. 84 Leg.]

YEAS—29

Aiken
Allen
Baker
Bartlett
Beall
Bennett
Brock
Buckley
Byrd, Harry F., Jr.
Cook
Cotton
Curtis
Dole
Domenici
Dominick
Fong
Griffin
Gurney
Hansen
Helms
Hruska
McClure
Roth
Saxbe
Scott, Pa.
Scott, Va.
Thurmond
Tower
Young

NAYS—65

Abourezk
Bayh
Bellmon
Bentsen
Bible
Biden
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Eagleton
Eastland
Ervin
Fulbright
Gravel
Hart
Hartke
Haskell
Hatfield
Hathaway
Hollings
Hughes
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Sparkman
Stafford
Stevens
Stevenson
Symington
Taft
Talmadge
Tunney
Weicker
Williams

NOT VOTING—6

Brooke
Cranston
Fannin
Goldwater
Huddleston
Stennis

So Mr. BUCKLEY's amendment was rejected.

Mr. ROTH. Mr. President, I offer another amendment to amendment No. 52, as modified.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

> On page 6, line 4, between the words "Act" and "the" insert the following: "or that impoundments were made to comply with a statutory debt ceiling, provided, however, that the authority hereby conferred shall not be used for the purpose of eliminating a program the creation or continuation of which has been authorized by Congress,".

Mr. ROTH. Mr. President, this modification seeks to correct a very basic defect in the Ervin amendment as presently constituted.

We have had considerable discussion earlier this afternoon on the problem of trying to live within a debt ceiling. If Congress, let us say, appropriates $300 billion and establishes a debt ceiling consistent with spending of $275 billion, the President would be forced to make some $25 billion in cuts.

Then if Congress fails to act, as it can under the Ervin amendment, we would be on the horns of a dilemma. What happens in that particular case? Can the President breach the debt ceiling? I do not think so. But unless Congress had acted to affirm his cuts, the President would be without clear direction.

I now propose that if the Comptroller General finds the impoundments were made to comply with the statutory debt ceiling in addition to the Anti-Deficiency Act, which is already in the legislation, sections 3 and 5 of title I would not apply.

But I do agree with those who say that impoundment should not be used for the purpose of eliminating a program. For that reason I have added a clause to provide that the impoundment authority could not be used to eliminate any program authorized by Congress. We certainly should not write any administration a blank check.

I urge the adoption of this amendment because I think it is necessary to tighten up the legislation. Failing to act could create a deficiency that would place the President on the horns of a potentially serious dilemma.

Mr. ERVIN. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. ERVIN. Mr. President, I yield myself such time as I shall require.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. ERVIN. Mr. President, I urge the Senate to reject the amendment. The amendment was not considered in the committee. The committee spent many hours in marking up the bill.

Nobody knows exactly what the amendment would do except that we do know the danger exists that it will put a monkey wrench into the entire machinery set up by the committee.

The amendment says that the President cannot eliminate a program. While it may prohibit the President from cutting a program's throat, the amendment would permit the cutting off both arms and both legs of a program, and thus cripple it.

I respectfully ask the Senate to reject the amendment. We have had no chance to consider it in committee, and its effect is uncertain. It throws doubt in respect to the consummation of the very things we have tried to bring about, and that is to require that the power to determine priorities is to be exercised by the Congress and not by the Executive.

I hope that the Senate will reject the amendment.

Mr. ROTH. Mr. President, I yield myself such time as I may require. I shall be brief.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, I want to point out that the language which prevents impoundments from being used to destroy a program is exactly the language already in the proposed legislation in title II. So it seems to me that if it is effective with respect to the spending ceiling, it should be effective under the circumstances I urge here.

The Congress should be consistent in its actions.

It seems to me that if we are going to continue to make annual changes to the debt ceiling, we have to make it possible for the President to live within that legislation. If we do not add this modification, we could be putting the President in a position in which it would be impossible for him to comply in good faith with the debt ceiling legislation adopted by Congress.

Mr. ERVIN. Mr. President, I yield back the remainder of my time.

Mr. ROTH. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Delaware as modified. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. BROOKE) is absent by leave of the Senate on official business.

The Senator from Arizona (Mr. FANNIN) is absent on official committee business.

The Senator from Arizona (Mr. GOLDWATER) is necessarily absent.

The result was announced—yeas 31, nays 65, as follows:

[No. 85 Leg.]

YEAS—31

Allen
Baker
Bartlett
Beall
Bennett
Brock
Buckley
Cook
Cotton
Curtis
Dole
Domenici

Dominick
Fong
Griffin
Gurney
Hansen
Helms
Hruska
McClellan
McClure
Nunn
Packwood
Pearson
Roth
Saxbe
Scott, Pa.
Scott, Va.
Stevens
Thurmond
Tower

NAYS—65

Abourezk
Aiken
Bayh
Bellmon
Bentsen
Bible
Biden
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cranston
Eagleton
Eastland
Ervin
Fulbright
Gravel
Hart
Hartke
Haskell
Hatfield
Hathaway
Hollings
Huddleston
Hughes
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
Mathias
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Sparkman
Stafford
Stevenson
Symington
Taft
Talmadge
Tunney
Weicker
Williams
Young

NOT VOTING—4

Brooke
Fannin
Goldwater
Stennis

So Mr. Roth's amendment was rejected.

Mr. TOWER. Mr. President, I yield myself 2 minutes on the bill. I think that for the advice of Senators who have been inquiring, so far as I can determine, there are no more amendments to the Ervin amendment on this side of the aisle. The Senator from North Carolina informs me that he has no knowledge of any on his side of the aisle. I have no desire to pursue the matter further, debatewise, because I think all the points have been covered. I believe that the Senator from North Carolina who, of course, can speak for himself, is of like mind. Therefore, perhaps we can expect to vote on the Ervin amendment momentarily.

First, however, I should like to inquire of the distinguished majority leader, while Senators are present in the Chamber, what he has in mind for the remainder of the day and for tomorrow?

Mr. MANSFIELD. Mr. President, I understand that the distinguished Senator from Idaho (Mr. McClure) has an amendment, of which I should like to be a cosponsor.

Are there any other amendments that will be called up this afternoon? We are trying to find out what amendments are in the offing. It is the intention and the hope of the joint leadership and the manager of the bill to dispose of all amendments today, except the Byrd amendment, and that will be laid down and made the pending business and then taken up first thing tomorrow. So, to the best of our knowledge it appears that, outside of the vote on the pending amendment and the vote on the McClure amendment, that could very well be it for tonight—but, you know how it is. [Laughter.]

Mr. TOWER. Let me say to the distinguished majority leader that I will stay here as long as it is necessary.

Mr. MANSFIELD. I hope that it will not be necessary to stay here too long.

Mr. NUNN. Mr. President, I have one amendment to offer.

Mr. MANSFIELD. Oh, yes, that is one more.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER (Mr. Bartlett). The Chair would inform the Senator from Montana that they have already been ordered.

Mr. MANSFIELD. I thank the Chair.

Mr. HARRY F. BYRD JR. Mr. President, will the Senator from Texas yield to me?

Mr. TOWER. Mr. President, I yield 3 minutes to the distinguished Senator from Virginia (Mr. Harry F. Byrd, Jr.) on the bill.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 3 minutes.

Mr. HARRY F. BYRD, JR. Mr. President, the Bellmon-Taft amendment as modified by the Ervin amendment has two major features. The second feature I have a strong interest in; namely, the importance of Congress' putting a ceiling on expenditures. The ceiling in the amendment is higher than I would like to see it; I prefer a lower figure; but I think it is desirable to put a ceiling on expenditures.

As to the first part of the amendment in regard to Presidential powers of delaying or deferring the expenditure of appropriations, I find it goes too far in staying the President's hand insofar as spending is concerned. I do not believe it logical to contend the President must spend every dollar the Congress appropriates. There are reasonable provisions in it but I am somewhat skeptical that it will help in holding down spending.

On balance, I think I may support the Ervin amendment but I do want to record now some skepticism and want to be in a position at a later date to change my view. In brief, I favor one part of the two-prong proposal and have considerable doubt about the other part.

Mr. President, I yield back the remainder of my time.

Several Senators. Vote! Vote!

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Ohio as modified.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

Mr. MANSFIELD. Mr. President—Mr. President——

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Nunn amendment is called up, there be a time limitation of 20 minutes, to be equally divided between the manager of the bill or whomever he may designate and the sponsor of the amendment; and 30 minutes on the amendment to be offered by the distinguished Senator from Idaho (Mr. McClure), to be under his control and that of the manager of the bill or whomever they may designate.

Also, from now on, I would suggest that there be 10 minutes for rollcall votes.

The PRESIDING OFFICER. Including this one?

Mr. MANSFIELD. Including this one.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

Mr. NUNN. Mr. President, I object.

Mr. GRIFFIN. Mr. President, I think that after this vote, it should be 10 minutes for the vote.

Mr. NUNN. I object. This is a matter that after this vote is taken I should like to bring up and, therefore, I would ask that there not be a time limitation on my amendment at this time.

Mr. MANSFIELD. Why would it not be in order after the vote is taken?

The PRESIDING OFFICER. This is an amendment of the Senator from Georgia (Mr. Nunn) to the Ervin amendment.

Mr. NUNN. Mr. President, my amendment would strike the Bellmon modification in the previous amendment——

Mr. PASTORE. The Senator from Georgia is right on that.

Mr. MANSFIELD. Mr. President, I ask that the rollcall vote be obviated and that the distinguished Senator from Georgia be recognized at this time and that his amendment be stated.

The PRESIDING OFFICER. Inasmuch as the clerk did not proceed to call the roll for the vote, the Senator may proceed.

Mr. NUNN. Mr. President, my amendment to strike the previous adoption of the modification of the previous amendment by the Senator from Oklahoma (Mr. Bellmon). This modification, in effect, says that Congress shall by law prescribe and limit the total amount of expenditures——

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate? The Senator only has 10 minutes.

The PRESIDING OFFICER. The Senate will please be in order. Senators will take their seats.

Will the Senator from Georgia send his amendment to the desk?

The clerk will state the amendment.

The assistant legislative clerk read as follows:

> On page 15, line 17, following the period at the end of the sentence, strike the following: "In subsequent years, after the submission of the Budget of the United States Government and after considering the recommendation of the President for each fiscal year (beginning with the fiscal year ending June 30, 1975), the Congress shall, by law, prescribe a limit on the total amount of expenditures and net lending to be made by the United States Government during such fiscal year."
>
> On page 16, line 8, following the comma after "June 30, 1974," strike the following language: "and subsequent fiscal years."

Mr. TOWER. Mr. President, I yield myself time on the bill.

It is my understanding that the modification of the Senator from Oklahoma was adopted by a voice vote.

Mr. BELLMON. Mr. President, it was adopted by unanimous consent.

The PRESIDING OFFICER. The amendment of the Senator from Oklahoma was a modification.

Mr. TOWER. And was adopted by unanimous consent?

The PRESIDING OFFICER. Unanimous consent was given to modifying the amendment, not to adopting it.

Mr. TOWER. But it is my understanding that technically that was an amendment to the Ervin amendment or the Ervin substitute and, therefore, has been adopted, and a motion to reconsider would be necessary before we could consider the amendment of the Senator.

The PRESIDING OFFICER. It was not an amendment; it was a modification.

Mr. TOWER. And therefore is not subject to a motion to reconsider?

The PRESIDING OFFICER. No, it is not, because it was not adopted as an amendment.

Mr. PASTORE. Regular order, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. NUNN. Mr. President, I think most of us in this body would like——

Mr. PASTORE. Mr. President, may we have order? There is a state of confusion on the floor of the Senate.

The PRESIDING OFFICER. The Senator from Georgia is recognized. The Senate will be in order.

Mr. NUNN. Mr. President, I think most of us in this body would like to see Congress adopt a budgetary ceiling, an appropriations ceiling, and an expenditure ceiling every year. I certainly would, and I have introduced a measure to this effect. There are two reasons why I object to this amendment.

First, the Joint Committee on the Budget is now in the process of considering permanent-type legislation, permanent-type proposals, which would in effect give us an idea of the method we should use in trying to set a reasonable fiscal policy.

One of the measures they are considering is that of a concurrent resolution, whereby we would set the expenditure level each year by concurrent resolution, rather than by law. If the Bellmon amendment is adopted, I feel that this would preclude the option of setting the budgetary ceiling by concurrent resolution.

The second reason why I oppose this amendment is that it has no time limit whatsoever as to when we should adopt an expenditure limitation. We could adopt this limitation at the end of the budgetary process, which would have no meaning whatever. Unless we adopt an expenditure limitation that is, in effect, a restraining influence on Congress in setting its own appropriation measures, it has no meaning.

So I think that this amendment, while it has a very good intention, would have some possible negative influence and I see no positive influence. Therefore, I would like to wait until the Committee on Government Operations, in its due deliberations, which have already begun, and the Joint Committee, which is a committee of the House and the Senate, come back with a reasonable procedure which realistically deals with the way we set the expenditure limitation.

For this reason, I would like to see this language stricken. I think it would be misleading if we in any way construe it to be the fulfillment of our obligation to have a meaningful procedure whereby expenditure limitations are set and whereby appropriation limitations are set.

I know the Senator from Oklahoma has the same intention we all do, and I commend him for that intention, and I will join him in an appropriate measure to set an expenditure limitation and an appropriation limitation. But the pending proposal is no more than confusing, without any positive result, but with possible—and I emphasize the word "possible"—negative implications.

Mr. TUNNEY. Mr. President, will the Senator yield?

Mr. NUNN. I yield.

Mr. TUNNEY. I could not agree more with what the Senator has said.

I think it is a very legitimate possibility that the House and the Senate are going to establish budgetary ceiling procedures by resolution and not by act of Congress, for the simple reason that it is very possible that the House and the Senate will not want to risk a Presidential veto of the housekeeping procedures they establish for setting a congressionally imposed ceiling, for establishing ceilings to relate the appropriation bills to the overall ceiling. I do not think we should preclude the joint committee from recommending a procedure whereby both Houses of Congress act without having to subject that resolution to the President for the possibility of a veto.

Therefore, I completely agree with the thrust of what the Senator from Georgia is trying to do. I think the purpose of the Senator from Oklahoma is good. I think that we want to have a ceiling established by Congress in future years, but it does not seem to me that this is the proper way to proceed at this time, with the joint committee in the midstream of evaluating what the procedure should be.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. NUNN. I yield.

Mr. MAGNUSON. Ceilings have got to be advisory. That is all they can be. Suppose we have set a ceiling for one appropriation bill, and we have looked over all the appropriation bills. We want that particular one under the ceiling. But suppose we come in with an HEW bill ahead of a Public Works bill. Nobody can stop the Senate from saying, "We want a certain amount for mental health." If that carries, we have gone above the overall ceiling of, say, $100 million agreed to by the Appropriations Committee. Suppose that $100 million carries. Then the Public Works bill comes in. We have a ceiling that we have agreed to. We are not going to take that amount out. It is a good appropriation bill. When it comes in it is going to be in good shape. It has got to be in good shape.

But I really believe we should have this guide. I think that will have a tendency to cut the amount down. The Senator from Georgia (Mr. NUNN) has not been on the floor of the Senate when the HEW appropriation bill shows up. Let him sit here and see what kind of ceiling he can get around, even though we in the Appropriations Committee have got to set that appropriation. Then when the bill comes back after a veto, some of the people who tried to get more money in the bill will vote to sustain the veto. The Senator knows who gets the blame.

The PRESIDING OFFICER. Who yields time?

Mr. NUNN. I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. BELLMON. Mr. President, there is evidently a misunderstanding between the Senator from Georgia and the Senator from Oklahoma. I can see nothing in the language added to amendment No. 52 which would affect the judgment of the Joint Committee on the Budget Reform. The fact is that this language establishes a permanent ceiling in the law, which will require the Senate to enact an annual spending limitation. If we take out the language that the Senate accepted earlier this afternoon, then we will have no process at all that will have any effect after fiscal year 1974.

I sincerely hope that the Joint Committee on Budget Reform and the Appropriations Committee will come up with extensive reforms which will receive favorable congressional action. If they do, it will be simple to change the law.

Mr. NUNN. Mr. President, I am in full agreement with the necessity of having Congress set a limitation, but this authority would have no particular sanction whatsoever. There would be no way of making a point of order if expenditures exceeded the limit. It has absolutely no meaning. If it did, I would join the Senator. I think the Government Operations Committee could come up with a method whereby a limitation could be set which could be enforced.

I ask the Senator if there is any way he knows of in the modification that would require Congress to act by itself if it exceeded the limitation.

Mr. BELLMON. Mr. President, the language in the so-called Bellmon amendment would simply extend the effect of title II into the fiscal year beyond fiscal year 1974. The same sanctions and requirements would exist in other fiscal years as will exist in the current fiscal year.

Mr. NUNN. Mr. President, will the Senator yield on that point?

Mr. BELLMON. I yield.

Mr. NUNN. It was made clear yesterday in hearings before the Committee on Government Operations that the way we are going about setting a ceiling is entirely unsatisfactory and, second, this is the lesser of evils, the other being to have no ceiling for 1974. I made the point strongly that this was the lesser of evils, that this was the way to set a ceiling, that the Committee on Appropriations and the Commttee on Finance should make this proposal.

The Muskie amendment is for 1 year, and everyone on the Committee on Government Operations who voted for it did so as a temporary measure. This would compound the complexity of that matter in the future, in connection with congressional fiscal responsibility.

Mr. BELLMON. Mr. President, I wish I had the confidence which the Senator from Georgia displays that the Joint Committee on the Budget will finally agree to a procedure and that the Senate will adopt it. I am trying to get language in the bill which will be operative in the event the joint committee fails to act. I agree this is not a perfect approach, but it gives us a vehicle in case no other action on this matter occurs during the current session of Congress.

Mr. NUNN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from North Carolina has 10 minutes remaining.

Mr. ERVIN. Mr. President, I yield back any time I have.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Georgia. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. BROOKE) is absent by leave of the Senate on official business.

The Senator from Arizona (Mr. FANNIN) is absent on official committee business.

The Senator from Utah (Mr. BENNETT), the Senator from Kentucky (Mr. COOK), and the Senator from Arizona (Mr. GOLDWATER) are necessarily absent.

The result was announced—yeas 21, nays 73, as follows:

[No. 86 Leg.]

YEAS—21

Abourezk
Allen
Biden
Burdick
Chiles
Hart
Hartke
Huddleston
Humphrey
Johnston
Kennedy
Mansfield
McClellan
McClure
Metcalf
Mondale
Nunn
Roth
Stevenson
Talmadge
Tunney

NAYS—73

Aiken
Baker
Bartlett
Bayh
Beall
Bellmon
Bentsen
Bible
Brock
Buckley
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Church
Clark
Cotton
Cranston
Curtis
Dole
Domenici
Dominick
Eagleton
Eastland
Ervin
Fong
Fulbright
Gravel
Griffin
Gurney
Hansen
Haskell
Hatfield
Hathaway
Helms
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Long
Magnuson
Mathias
McGee
McGovern
McIntyre
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott, Pa.
Scott, Va.
Sparkman
Stafford
Stevens
Symington
Taft
Thurmond
Tower
Weicker
Williams
Young

NOT VOTING—6

Bennett
Brooke
Cook
Fannin
Goldwater
Stennis

So Mr. NUNN's amendment was rejected.

Mr. ROTH. Mr. President, if there be no further amendment, I ask for a division of the question.

The PRESIDING OFFICER. The question is divisible. The vote will be on title I.

Mr. ERVIN. Mr. President, I ask for the yeas and nays on the division.

The PRESIDING OFFICER. The yeas and nays are ordered on both parts of the division.

Mr. MANSFIELD. Mr. President, just as a reminder to the Senate, from now on the rollcalls will consume 10 minutes only.

The PRESIDING OFFICER. The question is on agreeing to title I of the Taft-Bellmon-Ervin amendment. The yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. BROOKE) is absent by leave of the Senate on official business.

The Senator from Arizona (Mr. FANNIN) is absent on official committee business.

The Senator from Utah (Mr. BENNETT), the Senator from Kentucky (Mr. COOK), and the Senator from Arizona (Mr. GOLDWATER) are necessarily absent.

If present and voting, the Senator from Kentucky (Mr. COOK) would vote "nay."

The result was announced—yeas 70, nays 24, as follows:

[No. 87 Leg.]

YEAS—70

Abourezk
Bayh
Beall
Bellmon
Bentsen
Bible
Biden
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cranston
Eagleton
Eastland
Ervin
Fong
Fulbright
Gravel
Hart
Hartke
Haskell
Hatfield
Hathaway
Hollings
Huddleston
Hughes
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McClure
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Sparkman
Stafford
Stevens
Stevenson
Symington
Taft
Talmadge
Tunney
Weicker
Williams

NAYS—24

Aiken
Allen
Baker
Bartlett
Brock
Buckley
Byrd, Harry F., Jr.
Cotton
Curtis
Dole
Domenici
Dominick
Griffin
Gurney
Hansen
Helms
Hruska
Roth
Saxbe
Scott, Pa.
Scott, Va.
Thurmond
Tower
Young

NOT VOTING—6

Bennett
Brooke
Cook
Fannin
Goldwater
Stennis

So title I of the amendment was agreed to.

Mr. ERVIN. Mr. President, I move to reconsider the vote by which title I of the amendment was agreed to

Mr. PASTORE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. BARTLETT). The question is on agreeing to title II of the Taft-Bellmon-Ervin amendment. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. BROOKE) is absent by leave of the Senate on official business.

The Senator from Arizona (Mr. FANNIN) is absent on official committee business.

The Senator from Utah (Mr. BENNETT), the Senator from Kentucky (Mr. COOK), and the Senator from Arizona (Mr. GOLDWATER) are necessarily absent.

The result was announced—yeas 88, nays 6, as follows:

[No. 88 Leg.]

YEAS—88

Abourezk
Allen
Baker
Bartlett
Bayh
Beall
Bellmon
Bentsen
Bible
Biden
Brock
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cotton
Cranston
Curtis
Dole
Domenici
Dominick
Eagleton
Eastland
Ervin
Fong
Fulbright
Gravel
Griffin
Gurney
Hansen
Hart
Hartke
Haskell
Hatfield
Hathaway
Helms
Hollings
Hruska
Huddleston
Hughes
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McClure
McGee
McGovern
McIntyre
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Va.
Sparkman
Stafford
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tunney
Williams
Young

NAYS—6

Aiken
Metcalf
Saxbe
Scott, Pa.
Tower
Weicker

NOT VOTING—6

Bennett
Brooke
Cook
Fannin
Goldwater
Stennis

So title II of the amendment was agreed to.

Mr. ERVIN. Mr. President, I move that the vote by which title II was agreed to be reconsidered.

Mr. MUSKIE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PROXMIRE. Mr. President, will the Senator from Alabama yield to me?

Mr. ERVIN. Mr. President, I ask unanimous consent that the title be appropriately amended.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPARKMAN. Mr. President, I yield 1 minute on the bill to the Senator from Wisconsin (Mr. PROXMIRE).

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 1 minute.

Mr. PROXMIRE. Mr. President, I want to note that the U.S. Senate is on record, by a vote of 88 to 6, in favor of a lower ceiling than President Nixon requested. The President has been on television and radio telling the American people over and over again that this is an irresponsible Congress, that it is indulging in runaway spending, which will be inflationary and force a tax increase.

The record is now clear, by an overwhelming and bipartisan majority vote, that Congress has made it clear it wants a ceiling lower than President Nixon. We are at least as fiscally responsible as he is—at least $700 million more.

I hope that the public will take note of this. What we are interested in is different priorities than those of the President. We agree with him that there must be a ceiling on spending. But we think that Congress should determine where that spending should go.

I thank the chairman of the committee for yielding me this time.

Mr. AIKEN. Mr. President, will the Senator from Alabama yield me 1 minute?

Mr. SPARKMAN. I yield 1 minute on the bill to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 1 minute.

Mr. AIKEN. That will be plenty of time. Does the amendment just approved prevent Congress from appropriating an amount which would exceed $268 billion?

Mr. PROXMIRE. I debated that with the distinguished Senator from Texas (Mr. Tower) earlier. There is no question that Congress can always change its mind.

Mr. AIKEN. In case Congress does that, we are directing the President to impound funds and are leaving it up to him where to impound; is that correct?

Mr. PROXMIRE. We can always reverse this legislation in the future, but we are on record now, and I hope that the country will take notice of it.

Mr. AIKEN. We are on record now, though, that we in Congress can appropriate all we want to but if the expenditures are too much, the President is directed to impound the funds.

Mr. PROXMIRE. That is right.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H.R. 3577) to provide an extension of the interest equalization tax, and for other purposes.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H.R. 3577) to provide an extension of the interest equalization tax, and for other purposes.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. Huddleston).

AMENDMENT OF THE PAR VALUE MODIFICATION ACT

The Senate continued with the consideration of the bill (S. 929) to amend the Par Value Modification Act.

AMENDMENT NO. 71

Mr. McCLURE. Mr. President, I have a printed amendment at the desk, No. 71, and I ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> Sec. 2. Sections 3 and 4 of the Gold Reserve Act of 1934 (31 U.S.C. 442 and 443) are repealed.
>
> Sec. 3. No provision of any law in effect on the date of enactment of this Act, and no rule, regulation, or order under authority of any such law, may be construed to prohibit any person from purchasing, holding, selling, or otherwise dealing with gold.

Mr. McCLURE. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. McCLURE. Mr. President, I ask unanimous consent that the following Senators be added as cosponsors of the amendment: Senators Mansfield, Magnuson, Church, Curtis, Stevens, Buckley, Helms, Domenici, Dominick, and Cannon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. Mr. President, I yield 4 minutes to the distinguished Senator from Nebraska (Mr. Curtis).

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 4 minutes.

PRIVATE OWNERSHIP OF GOLD

Mr. CURTIS. Mr. President, I rise today to support an amendment to S. 929, the Par Value Modification Act.

The amendment will restore a right taken away from the American people almost 40 years ago. In 1934 President Roosevelt ordered all Americans holding gold to turn it in to the Treasury. This was clearly an expropriation of private property, and it is time for this act to be corrected.

Roosevelt placed this ban on gold because he wanted to devalue the dollar. He set the rate of reimbursement to be paid at $20.67 per ounce, which was well below the free market price of gold, in an effort to prevent profits from being made on this transaction.

There is no valid reason for allowing this unfortunate decision to nationalize gold of 40 years ago to continue. There is a simple libertarian principle involved here—unnecessary Government restrictions of rights are not to be tolerated. Americans have always had the right to speculate and to try to make a profit, so why should we single out gold as a commodity which this right does not apply to. Gold should be allowed to find its way into the marketplace—just as any other commodity whether it be silver, steel, soybeans or corn.

The unreasonableness of this ban on private ownership has become even more obvious with the actions of the Treasury Department within the past year to "close the gold window" by demonetizing gold. The reduction of the role of gold in monetary affairs has now been completed. Gold reserve requirements for Federal Reserve notes and deposits have been abolished, and attempts to maintain the world market price of gold at $35 an ounce have been abandoned. If there ever were any valid reasons for this prohibition, they certainly do not exist today.

It is interesting to note that the other countries of the world which have adopted similar policies against the ownership of gold are primarily totalitarian dictatorships, such as Albania, Bulgaria, Cuba, East Germany, Hungary, Romania, Red China and Russia. The only non-Communist states with such a prohibition are Ceylon, India, Libya, Mali, and Rhodesia. Even Great Britain, which followed our own policy for years, restored the right to ownership of gold coins last year.

The Milwaukee Sentinel, in an article in June of 1971 had an interesting comment on this situation. They stated that:

> Americans are just as free and surely have as many rights as Canadian, West Germany or Mexican citizens. Right? Not quite. The citizens of these other countries can own gold. Americans can't.

Aside from restoring the basic libertarian principle involved in this issue, allowing American citizens to regain this right would provide them with an economic tool to protect themselves from inflations which governments start, but seem unable to stop. American citizens, who are faced with inflation, deficit spending, and currency devaluation, are for no good reasons denied this safeguard. If this right were restored, it would give our citizens a major way to protect their savings against further erosion in value of an irredeemable dollar.

This denial of rights falls even heavier on those in our society who lack substantial means. Those who can afford to travel can and do get around this prohibition by going to Mexico or Canada banks, paying for gold with certified checks, and keeping the gold in safety deposit boxes in the countries in which they buy it. The rich can also circumvent this prohibition by holding gold overseas in Swiss bank accounts. This inequity could be easily corrected if all our citizens were allotted the same opportunity to this right to own gold.

Another area that would be greatly helped by the restoration of this right would be our mining industry. In 1971, supplies of newly mined gold went down and demand went up. Primary gold produced in the United States supplied less than 25 percent of the U.S. consumption—the remainder was supplied by imports.

In past decades thousands of Americans were employed in the mining industry and the potential for these jobs is still there, if the price of gold reaches a level profitable enough for the mining companies to go back into production. This would certainly help our unemployment problem.

The United States has sufficient gold reserves underground to make this country one of the foremost exporters of gold in the world, and with our current level of balance-of-payments deficit, this would certainly be a welcome development.

The arguments for restoring this right to the American people are strong. Indeed, the only objections seem to be coming from the Treasury Department. Paul Volcker, Undersecretary of the Treasury, testified recently before the Senate Banking Committee that the Treasury Department believes this to be a long-range project which should not be considered until the monetary role of gold has been reformed and settled in the world markets. As we all know, this is exactly what we were told last year when the devaluation bill was before us. International monetary reform, in all probability, will come about—but no one seems to have any idea of what kind of time schedule we are talking about. The Treasury Department has offered no clear reasons why American citizens should have to wait for a group of international money men to reach a decision, before one of their basic rights can be returned to them. The only reasons that they have even alluded to are that private ownership of gold might increase speculation and that they would prefer internal politics not to get mixed up in international monetary affairs. These reasons are, at the least, vague and uncertain and they pale when compared to the logical and reasonable arguments for the return of this expropriated right.

The delegates at the Republican Convention this past summer realized the importance of restoring this right when they included in the Republican platform a plank calling for private ownership of gold. The delegates stated:

> Since the 1930's it has been illegal for U.S. citizens to own gold. We believe it is time to reconsider that policy. The right of American citizens to buy, hold, or sell gold should be reestablished. . . .

I urge my colleagues to heed this advice. The time for action is now—our citizens have already lingered too long under this invalid prohibition.

The PRESIDING OFFICER. The Senator's 4 minutes have expired.

Mr. McCLURE. Mr. President, I yield myself such time as I may consume.

Perhaps it is a little unusual, after having been talking about a par value bill for over a week, to get back to the subject of the bill rather than talking about the budget, deficits, ceilings, and so forth. So perhaps at this late date, after a week's consideration of the bill, many minds may be closed to the question which is being addressed here today; but I want to make a very strong appeal at this late hour for simple justice for the people of our country.

I think it is important for us to note that this action which we are seeking now is not in terms of whether we should have gold backing for our currency, an issue which I would prefer to debate, but the narrower issue dealing with the question of ownership of gold and the right of our citizens to own gold.

Gold is not the only legal tender in the country's history with intrinsic value. Silver, copper, and nickel—even corn, tobacco, and wampum—have at different times been declared by statute to be legal tender. It was precisely because they were available and desirable that they were legal tender. Like gold, some of them were considered impractical for uses as specie and were phased out. But legislation against their ownership would have been regarded as a contradition in terms.

Today gold is not legal tender. Gold does not back currency. Gold is not paid in settlement of debt or accepted therefore by this Nation's creditors, or between its citizens. For purposes of barter, trade, payment, banking, and backing, gold is but a memory.

The only reality gold now has, as a part of our monetary system, is as an arbitrary value standard subject to clumsy adjustments which are forced by definition and left largely to chance or manipulation. Most people, if asked, could not give the theoretical formula which makes up the gold standard dollar. The American citizen thinks of gold in terms of old coins and jewelry. Gold's monetary role has diminished, but its beauty, durability and pliability have not. Why should we hold this against it, or ourselves? The U.S. Treasury can own gold, as can U.S. business; why then, is only the U.S. citizen discriminated against? What evil could citizens do with it? Gold could not affect the workings of a system in which it has no part. We are definitely not suggesting that the gold window be opened—that is, that the Treasury sell its gold reserves—only that private citizens may buy from foreigners or domestic producers.

Let us look at the objections people present against private ownership. Gold will be hoarded, they say. Well, what if it is? The Treasury is constantly telling us that gold does not affect the Nation's economy at all. Presumably, then, the economy would change more if people began to hoard brussels sprouts, which at least constitute a recognizable percentage of the GNP. The only effect gold ownership would have would be a psychological one, that of giving the owner confidence that he owned something of beauty and value. He might feel the same way about a stamp collection.

The Treasury has expressed some objections which seem inimical to its own long-range plans. In February of this year, the General Counsel of the Treasury sent a report to the Senate Banking Committee explaining Treasury's viewpoint on private gold ownership as follows:

> Negotiations are now going forward—with the objective of building a stronger international monetary system more compatible with the realities of the modern world. We believe orderly arrangements must be evolved to facilitate the continuous reduction of the role of gold in international affairs.

He doesn't explain what better way there could be to normalize something than to treat it like everything else. The Treasury went on to say:

> . . . the premature lifting of restraints on the individual ownership of gold would inject a further speculative element into the present international monetary situation.

It is hard to imagine gold in any livelier speculation than the one we have watched these last few months. And again the Treasury is not specific. They do not tell us what they can possibly be afraid of. The report adds:

> As the development toward reduced dependance on gold in the monetary system continues . . . it will be possible to give sympathetic consideration to the elimination of restrictions on private ownership of gold.

There is no explanation of how dependance on gold can go below zero. Arthur Burns, Congressman REUSS and Treasury Undersecretary Voelker have all suggested that they are in philosophical agreement with the principle of private gold ownership. Some have stressed the importance of the upcoming meeting of the Board of Governors of the International Monetary Fund in Nairobi this September. They want any action on gold to come after the international monetary dust has settled. But that dust, after all, must be either gold or paper, and which makes a very little difference. Those who support fiat money have no logical grounds for removing restrictions on gold ownership. If, as they insist, the role of gold is to be minimal, if not eliminated, why should not citizens be able to own such an unimportant commodity? Under a truly convertible currency, restrictions on ownership of gold would oppose the basic concept of the system. Therefore, from either side of the argument, restrictions on purchase and ownership of gold seem indefensible.

Perhaps part of the reluctance to make any change is a desire on the part of those for whom finance is mostly a mystery, not to "rock the boat." But there was encouraging news for the cautious from the monetary conference held in New York by the Committee for Monetary Research and Education, earlier this year. Economists of all types were represented. The Keynesians, those from the Chicago School of Milton Friedman, and proponents of the classic laissez-faire school agreed with near unanimity on only one point. They thought that American citizens should be permitted to own, trade in, and make contracts payable in gold.

For 40 years our policies have been building a flood of pressure against the dollar. For forty years, our Treasury has been stubbornly opposed to the revaluation of gold, saying that it would mean a devaluation of the dollar. Finally, at their insistence, the last gold cover was removed and Treasury officially said "Gold no longer concerns us." Some of us then asked, "Why then, keep the restraints on gold ownership?" The truth was that they were indeed very much concerned about gold, and devaluation finally occurred.

Our official "head-in-the-sand" attitude has led us to stand by proclaiming pride in our policy while our Treasury was systematically raided by those who refused to be misled by our official pronouncements. Our gold reserves dwindled by over two-thirds while official Washington proudly hailed this "achievement" as proof of the strength of the dollar. Some of these same myopic seers would have us sell the remaining gold in another vain effort to shore up the dollar, utterly failing to see that in this action is a confession of the strength of gold and the weakness of our monetary policy.

If, as some of us had suggested, the official price of gold had been increased some years ago, our reserves would have been automatically increased. Even the modest increase now suggested would have meant a $6 billion gain for our Treasury. A more accurate and realistic revaluation of $105 per ounce would have meant an immediate gain of $60 billion in reserves and would have us sell the remaining gold in another vain effort to shore up the dollar.

As I recall, there were those who predicted that demonetizing gold would force the price of gold downward, but that has certainly not been the case. It would be fair to say in retrospect that virtually every official step taken with regard to gold in the past decade has been wrong. Is there any need to continue in this devastating pattern? I urge the Senate to take a final step in redirecting this country's gold policy toward fairness and responsibility.

Mr. BIBLE. Mr. President, will the Senator yield?

Mr. McCLURE. I yield.

Mr. BIBLE. Mr. President, I commend the Senator from Idaho for his very fine statement. I have read it very carefully. I desire to be associated with his statement. I thoroughly concur with his remarks.

I ask unanimous consent that my name be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIBLE. Mr. President, I am strongly opposed to continuing the present prohibition against U.S. citizens holding or trading in gold. The circumstances that originally justified the denial of this right to our citizens are no longer applicable. The administration's action more than a year and a half ago suspending the convertibility of dollars into gold has had the effect of demonetizing the mineral and has placed it in the class of other nonmonetary commodities. The case for continuing the present restriction is no longer supportable, and it would be gross inequity to continue to deny our own citizens the right to hold and trade in gold, while the citizens of some 70 other nations are free to trade in this commodity. Except for the fillings in their teeth, old coins, art objects, and the gold that finds its way into some industrial products, the people of the United States are totally excluded from the worldwide commerce in gold. Present law relegates Americans to the position of second-class citizens of the world in this regard—a condition that demands correction.

As I have in previous Congresses, I introduced legislation earlier this year—S. 741—to repeal sections 3 and 4 of the Gold Reserve Act of 1934 and thereby restore—without qualification—the right of our citizens to purchase, hold, sell, or otherwise deal in gold. The proposal of the distinguished Senator from Idaho (Mr. McClure) is identical to this proposed legislation, and Senators Dominick and Hatfield have taken initiatives in the same direction. I applaud and support their efforts to eliminate the present statutory prohibition, and I feel very strongly that the time is ripe for positive action.

I also want to commend my good friend, the distinguished senior Senator from Missouri (Mr. Symington), for the supplemental views he included in the report of the Foreign Relations Committee on the present bill. Senator Symington's statement is as concise and persuasive an argument against continuation of the present restrictions as I have seen, and I ask unanimous consent that those views be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BIBLE. I am also encouraged to note that according to recent testimony of Under Secretary of the Treasury Paul Volcker the Treasury Department itself is reaching the point where it recognizes the "logic of allowing U.S. citizens to own and hold gold." I say "reaching the point" because the questionable part of the Treasury's present position is that they do not feel now is the time. In its report on the bills introduced by Senators Hatfield, McClure, and myself, the Treasury states that elimination of the prohibition now would be "premature." The problem with their position is that the Treasury gives no firm indication when it thinks the time will be right. They talk in vague terms about needing more time to negotiate more stability into the international monetary situation, but they say nothing that would enable reasonable men to focus firmly on a time frame.

For my part, Mr. President, I think Congress should take this bull by the horns and either end the prohibition against Americans owning gold now, or establish a deadline for the restoration of this right. There has been entirely too much procrastination already by both the administration and Congress.

Exhibit 1

Supplemental Views of Senator Stuart Symington

Nearly 20 months ago, the President announced that the United States no longer would permit dollars to be converted into gold by the foreign central banks, ending a long-standing international monetary policy and further diminishing the importance of gold in measuring U.S. fiscal stability.

At the same time, the United States has devalued the dollar with respect to the price of gold twice in 14 months. The international monetary difficulties which brought about these devaluations have resulted in private gold price increases which in turn have benefited those foreigners who hold supplies of gold, reaching a peak at one time of more than $90 an ounce on the open market.

Under these circumstances, it seems inequitable that the United States should continue to prohibit its citizens from holding or trading in gold, while the citizens of more than 70 other nations are free to purchase this commodity. Since President Franklin D. Roosevelt restricted the possession of gold by U.S. citizens in 1934, purchases have been allowed only for industrial and artistic purposes.

At the time that gold was nationalized—an action which has been compared by economist Milton Friedman to the expropriation of U.S. citizens' property by a foreign country—the expressed purpose was to prevent private individuals from profiting in the rise of the dollar price of gold that the Government had produced. Now, however, the dollar is measured against a symbolic standard—an official price which is much lower than the price at which gold is traded in the international market.

It was long believed that to permit U.S. citizens to purchase gold would invite a raid on the Treasury by those who desired to convert their dollars. Now that gold has been demonetized, however, this contention can no longer stand. In fact, the denial of the right to purchase gold places a premium on its sale in contrast to the Government efforts to diminish its importance in the international economic community.

Finally, the advent of special drawing rights in the International Monetary Fund gives the world a basic reserve asset which is not held in private hands and therefore is free from the private boarding and speculation which have arisen in connection with gold. This only further disestablishes the position of gold as an international monetary standard and brings it back to the level of any other commodity such as silver, copper, or the various agricultural products.

The Treasury Department, for years the opponent of change in our gold purchasing policies, has now recognized "the logic of allowing U.S. citizens to own and hold gold," according to recent testimony by Under Secretary Paul Volcker, but it does not yet feel that this is the time to introduce that change.

I believe, along wih my colleague and fellow Missourian, Congressman William L. Hungate, that whatever arguments there might once have been for prohibiting the private ownership of gold, there are none today.

It is time that we repeal these restrictions and permit Americans to own gold. This could even be accomplished within the cautionary guidelines expressed by Secretary Volcker, by providing for private gold ownership upon the completion of international monetary reforms. To insure that this does not result in an indefinite delay, a specific date for the change in policies could be provided, beyond which private ownership of gold would no longer be prohibited under any circumstances.

Mr. McCLURE. I thank the distinguished Senator from Nevada.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. McCLURE. I yield.

Mr. CHURCH. Mr. President, I am pleased to be associated with my able colleague as a cosponsor of this amendment.

President Nixon, in effect, has already taken the United States off the gold standard. There is no longer any reason why the free market of gold ought to be prohibited by law. That is a policy that has outlived its time and usefulness.

I commend my able colleague for the initiative he has taken in offering this amendment to the bill, and I hope the Senate will approve it.

Mr. McCLURE. I thank the Senator for his support.

Mr. President, I yield to the distinguished Senator from Colorado.

Mr. DOMINICK. Mr. President, as most Senators know, I have introduced a bill to accomplish more or less the same goal as the distinguished Senator from Idaho is now proposing, and I testified in support of it during the hearing on this bill.

It is my understanding—and the reason why I did not push my amendment—that the Senator from Alabama was going to give us hearings on this matter later this month, I believe. For that reason, I told him I would not push it on the floor.

The PRESIDING OFFICER. The time of the Senator from Idaho has expired.

Mr. McCLURE. Mr. President, may I be yielded 5 minutes on the bill?

Mr. TOWER. Mr. President, I yield the Senator 5 minutes on the bill, to dispose of as he sees fit.

Mr. McCLURE. I thank the Senator for yielding, and I yield the Senator from Colorado 1 additional minute.

Mr. DOMINICK. I thank the Senator from Idaho.

Mr. President, I just wish to say that I find myself in a somewhat an embarrassing position because of the statement I made to the Senator from Texas and the Senator from Alabama that I would not bring up my own bill. I will say this. I cannot understand why there is any objection to the amendment of the Senator from Idaho and I can see some changes that should have been made in my measure insofar as the prohibition on the sale of gold at less than 15 percent above the market price. This would have been changed in the process and will be changed if we have hearings and if this amendment is not agreed to.

I am completely behind the Senator's suggestion and I will do whatever I can either here or later to sustain his position.

Mr. McCLURE. I thank the Senator for his contribution.

Mr. President, I reserve the remainder of my time.

Mr. SPARKMAN. Mr. President, I appreciate the statements that have been made. We have set hearings. A month ago we set May 2 and May 3 for 2 days of hearings on this very complicated matter, that cannot be solved with a simple resolution. We have given assurance and we have given notice that there will be hearings. We went into this question in some depth when we were having hearings on this bill. Dr. Burns, Chairman of the Federal Reserve Board, had this to say on what would take place if we would do this:

> Mr. Burns. We would run the risk of doing grave damage to these negotiations because there are some countries in the world which insist on a prominent place for gold in the international monetary system. I don't think we want to rock the boat right now.
>
> There is another factor. If Americans were permitted to buy gold now freely, there is no way of telling what quantity would be purchased. That quantity would have to come from abroad. That would injure our balance of payments at a time when we would or should be bending our energies to improve the balance of payments.
>
> Moreover, our motives, I think, would be questioned. Some foreign governments would feel that we do not care at all about the balance of payments, that what we are seeking is further depreciation of the dollar. That would multiply suspicions, rock exchange markets, and I don't see any good purpose to be served.
>
> Now, if Americans want to hold gold, well, there will be a time for that, but I don't think that time has yet come. I honestly don't think that many Americans will be deprived of anything very precious if there is delay by the Congress in acting on this proposal.
>
> * * * * *
>
> Mr. Burns. Well, it would certainly cause a great deal of excitement on foreign exchange markets. What we want now is tranquility in those markets rather than turbulence.

Mr. President, I do not think anyone knows more about this matter than Dr. Burns, Chairman of the Federal Reserve Board. We have agreed to hold hearings on May 2 and 3 to go into this question.

By the way, I have stated on the floor from time to time that I am in sympathy with this matter. I think we should work out a plan. I said so in connection with the hearings on this bill. But it is not going to be worked out with a simple resolution. There are complications and we need hearings in depth in order to get a suitable plan.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. McCLELLAN. Is it not the intention of the distinguished chairman of the Committee on Banking, Housing and Urban Affairs to hold hearings with a view to reporting this bill?

Mr. SPARKMAN. I certainly hope we can report a bill that the Senate can pass on the floor.

Mr. McCLELLAN. Mr. President, I am in sympathy with the resolution and I want to vote for it, but if we are going to hold hearings, certainly I shall consider not voting against the pending proposal, hoping and expecting there will be appropriate legislation here for the Senate to act on regarding the right of Americans to hold gold.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. TOWER. Mr. President, it is reluctantly that I oppose the amendment because I agree with it philosophically and in principle. But the timing is bad. The distinguished chairman of the committee has already read the testimony of Dr. Burns, which I think states the situation very eloquently.

The fact of the matter is that allowing Americans to purchase gold at this time would have a destabilizing effect on the forces of the international monetary market at this moment. So in the light of the fact that we are in a very delicate monetary situation, I think it would be terribly irresponsible for us to adopt this highly simple amendment without complete hearings and without an understanding of what the impact would be on the international monetary situation.

I might note further that to allow the private ownership of gold for speculative purpose is certainly not going to increase the domestic supply of gold. As a result, we will be purchasing a lot of gold abroad. Certainly I think that there would be nothing more irresponsible than to adopt the amendment at this time, regardless of its merits.

The American people should have the right to own gold, but this is the wrong time. The chairman has promised hearings, and we will report a bill to the Senate. I think the orderly way is to report a bill to the Senate. I think this amendment would have an adverse effect on the international monetary system.

Mr. SPARKMAN. Mr. President, I yield 2 minutes to the distinguished Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I merely want to say to the proponents of the amendment that hearings have been set for May 2 and 3. As a matter of fact, we have already begun to receive requests to appear on the witness list.

I may also say there is a great deal of sympathy in the subcommittee as well as in the full committee for the demonetization of gold. As the chairman has explained, we heard testimony from Dr. Burns on this matter the last time our full committee met. There some complications that can perhaps be worked out, and it is hoped that the committee will report a bill favorably.

It would seem to me, on the basis of time, to be much better to consider the matter at that time rather than to get beaten rather overwhelmingly on the floor of the Senate today.

So, I suggest that the amendment be withdrawn at this time, for consideration later in a more favorable atmosphere. I think it may bode better and have greater success.

Mr. McCLURE. Mr. President, the trouble with the proposal that the Senator from Louisiana makes is as has often been the case in Congress. I have been a Member of Congress for 6 years. I have heard precisely the same arguments made—to continue to postpone; that this is not the time to hold hearings. But the Treasury has never changed its views one iota. They say and reiterate, "We don't think this has any place in the monetary system."

The only way to get a change is to adopt my amendment, and the time to do that is now.

Mr. TOWER. I submit that the way to get Congress to do this is to get a favorable recommendation from the committee, a committee which may well be favorably disposed. So it just seems to me that to take the time to get the amendment adopted in this body at this time would be useless.

Mr. President, I would simply say that the demonetization of gold has to be an orderly process. It is not something we can force overnight here. The apparent concerns of the Treasury Department and the FED with the monetary situation, I think, are well taken. Certainly it is in one of the most delicate situations it has been in. The effect of this amendment would be to create a further dollar hangover in Europe.

I would hope the proponents of the proposal would withdraw it and present it to our committee at such time as we hold hearings on it, and advocate it at that time.

The PRESIDING OFFICER. Does the Senator from Alabama desire to be recognized?

Mr. SPARKMAN. Mr. President, does the Senator want to reply to that?

The PRESIDING OFFICER. Does the Senator yield back his time?

Mr. SPARKMAN. No, not I.

Mr. McCLURE. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. McCLURE. I appreciate the Senator's yielding to me, because the suggestion has been made that this amendment now be withdrawn. I am reluctant to do that, with all due regard, and I certainly admire and respect the chairman of the subcommittee; but we have been dealing with this matter so many years now that when assertions are made that, somehow, we are going to change these matters if we will just hold off for 6 weeks and hold more hearings, they do not appeal to me. I think we ought to attempt to get it done now.

Mr. CURTIS. Mr. President, will the Senator yield me half a minute?

Mr. TOWER. I yield half a minute to the Senator from Nebraska.

Mr. CURTIS. I point out that what adoption of this amendment would do more than anything else is increase the supply of gold in this country. It would rejuvenate and put the mines to work. I do not have any in my State, but certainly we ought to increase the production of gold, and this amendment will bring that about.

Mr. SPARKMAN. Mr. President, I will just say that this proposal does not do that.

Mr. DOMINICK. Mr. President, I am pleased to indicate my strong support for the amendment offered by the distinguished Senator from Idaho (Mr. McClure), which would eliminate a 40-year-old legislative anachronism .

Compared with Treasury's 40-year history of opposition, I am a relative newcomer to this foray, with just 10 years of effort in trying to restore to Americans their right to own gold. Historically, regardless of which party was in control, the mere mention of a change in our gold policy rocked the bureaucratic foundation at Treasury and, consistent with scientific theory, evoked an equal and opposite reaction to change.

Recently, the situation has been changed, where, by Executive order, gold has been demonetized through the suspension of convertability of dollars to gold. I am now unable to fathom a distinction in treatment between gold and scrap steel, pork bellies and silver.

Presently, 70 other nations allow their citizens to own gold, some of whom are our fiercest trading competitors. Included in the group of countries allowing the private ownership of gold are Japan, Taiwan, Hong Kong, France, Canada, Poland, Afghanistan, Laos, Yugoslavia, Brazil, Egypt, and Korea. With the demonetization of gold, I simply cannot understand why Americans cannot be afforded this same right to buy, own, and sell gold. There is no reason today why Americans should be held to second-class status internationally in this regard.

Earlier this year, I introduced a private ownership of gold bill (S. 395), and solicited Treasury's comments, and I ask unanimous consent that the response be printed in the Record at this point in my remarks.

There being no objection, the letter was ordered to be printed in the Record, as follows:

The General Counsel
of the Treasury,
Washington, D.C., February 28, 1973.

Hon. John J. Sparkman,
Chairman, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: Reference is made to your request for the views of this Department on S. 395, "To permit citizens of the United States to buy, hold, and sell gold."

The proposed legislation has three objectives. First, by providing that neither any statute nor regulation shall prohibit or restrict the acquisition, holding or disposition of gold by any citizen of the United States, the proposed bill would remove the present restrictions on the private ownership of gold. Second, the bill would require domestic refiners of new gold to offer for sale to the Treasury 15 percent of their quarterly production at the official price. At current production levels this would amount to roughly 150,000 ounces a year. Finally, the bill would provide that the Treasury could only sell gold at a price at least 15 percent above the current private market price of gold.

In the view of the Treasury Department, enactment of legislation to remove the restrictions on private ownership of gold would not be appropriate at this time. Negotiations are now going forward in the International Monetary Fund Committee of Twenty with the objective of building a stronger international monetary system more compatible with the realities of the modern world. We believe that within the context of these negotiations orderly arrangements must be evolved to facilitate the continuous reduction of the role of gold in international monetary affairs.

In this context, the premature lifting of restraints on the individual ownership of gold would inject a further speculative element into the present international monetary situation, and could delay progress toward basic reform. As the development toward reduced dependence on gold in the monetary system continues, and is incorporated in the structure of the new monetary system, it will be possible to give sympathetic consideration to the elimination of restrictions on the private ownership of gold.

In addition, the Department strongly opposes the provision in the bill which pertains to the sale of gold by the Treasury. Under existing law, the Secretary of the Treasury has authority to sell gold upon such terms and conditions as he may consider to be in the public interest (31 U.S.C. 733). S. 595 would require, however, that any sales of gold by the Treasury—presumably both monetary or non-monetary—be at a price not lower than 15 percent above the current private market price. Since there would obviously be no takers at this premium price, the provision as a practical matter bars any sale of gold by the Treasury. It would in effect sterilize the Treasury's stock of gold and render it useless for either monetary or non-monetary purposes. The objective of this limitation is not clear to the Department, and it is difficult to see how the public interest can be served by it, particularly during a time when the future role of gold is under discussion with other countries in the context of international monetary reform.

The Department has been advised by the Office of Management and Budget that there is no objection from the standpoint of the Administration's program to the submission of this report to your Committee.

Sincerely yours,

—— ——
General Counsel.

Mr. DOMINICK. Mr. President, the common provision between the pending amendment and my bill regarding removal of the restrictions on private ownership is the 1933 Gold Reserve Act fetched a two-paragraph comment from Treasury. I would charitably describe the paragraphs as lacking in substance and utterly without value in considering this legislation. Rather than offering some worthwhile comments regarding Treasury's objections, their testimony before the Banking Committee described the private ownership proposal as "an additional distraction."

Mr. President, the time has come to bring this issue to a vote and given Treasury's disinclination to engage in substantive debate on the issue, I urge my colleagues to act favorably on this proposal.

Mr. HELMS. Mr. President, I wish to support the amendment offered by my distinguished colleague, Senator McClure of Idaho. The United States stands alone among the major industrial nations of the free world in denying to its private citizens the right to own gold.

I can see no valid reason for allowing this situation to continue. When the private ownership of gold was prohibited in 1934, this Nation operated on a gold standard wherein dollars were convertible into gold. We no longer have a real gold standard, but merely a symbolic standard in which the value of the dollar is pegged against the official price, which is lower than the price at which gold is traded in the international market. In addition, the dollar is no longer convertible into gold.

Let me now quote the passage from the Republican platform, adopted by the Republican Party at its convention last summer and upon which the present administration campaigned and was elected:

> Since the 1930's, it has been illegal for United States citizens to own gold. We believe it is time to reconsider that policy. The right of American citizens to buy, hold, or sell gold should be re-established as soon as this is feasible. Review of the present policy should, of course, take account of our basic objective of achieving a strengthened world monetary system.

Under these circumstances, I feel that this amendment is long overdue and I urge its adoption.

Mr. STEVENSON. Mr. President, the amendment of the Senator from Idaho (Mr. McClure) has great merit. But the issue is complex; the timing delicate. I believe it deserves the careful consideration it could soon receive in the Banking Committee and, therefore, intend to vote against it.

Mr. McCLURE. Mr. President, I think I have some time remaining on the amendment.

The PRESIDING OFFICER. There is no time remaining on the amendment of the Senator from Idaho.

Mr. McCLURE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLURE. I was yielded 5 minutes on the bill. Am I to be recognized for that remaining time?

The PRESIDING OFFICER. Three minutes of that time remains. That is on the bill. If the Senator wishes to use it, he will be recognized for that time.

Mr. SPARKMAN. Mr. President, I withhold my time, then.

Mr. McCLURE. Mr. President, I take this time not to delay the vote or to prolong the argument, but I believe we should note what the Senator from Nebraska said in his statement. He stated that countries which prohibit the ownership of gold are totalitarian states. The states that permit it are free states. Only our citizens are restricted in that way. There are some other countries that restrict it, but certainly not countries that cherish freedom the way we do.

If in fact the ownership of gold destabilizes the monetary system, why does not the ownership of gold in other countries destabilize it? Why do we say that if our people own it, it would destabilize the monetary system? I think the time to resolve that issue is now by having the Members of the Senate vote "yes" on this amendment. Let us not delay it any longer.

Mr. TOWER. Mr. President, on behalf of the Senator from Alabama (Mr. SPARKMAN) and myslef, I move to table the amendment offered by the Senator from Idaho.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the motion to table the amendment of the Senator from Idaho. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Arkansas (Mr. FULBRIGHT) is necessarily absent.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. BROOKE) is absent by leave of the Senate on official business.

The Senator from Arizona (Mr. FANNIN) is absent on official committee business.

The Senator from Utah (Mr. BENNETT), the Senator from Kentucky (Mr. COOK), and the Senator from Arizona (Mr. GOLDWATER) are necessarily absent.

Also the Senator from New York (Mr. JAVITS), the Senator from Connecticut (Mr. WEICKER), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

The result was announced—yeas 39, nays 51, as follows:

[No. 89 Leg.]

YEAS—39

Aiken
Allen
Bayh
Beall
Biden
Brock
Case
Chiles
Clark
Cotton
Cranston
Eastland
Ervin
Griffin
Hart
Hartke
Hathaway
Huddleston
Humphrey
Johnston
Kennedy
Long
Magnuson
Mathias
McClellan
McIntyre
Mondale
Muskie
Nelson
Percy
Proxmire
Ribicoff
Sparkman
Stafford
Stevenson
Taft
Tower
Tunney
Williams

NAYS—51

Abourezk
Baker
Bartlett
Bellmon
Bentsen
Bible
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Church
Curtis
Dole
Domenici
Dominick
Eagleton
Fong
Gravel
Gurney
Hansen
Haskell
Hatfield
Helms
Hollings
Hruska
Hughes
Inouye
Jackson
Mansfield
McClure
McGee
McGovern
Metcalf
Montoya
Moss
Nunn
Packwood
Pastore
Pearson
Pell
Randolph
Roth
Saxbe
Schweiker
Scott, Pa.
Scott, Va.
Stevens
Symington
Talmadge
Thurmond

NOT VOTING—10

Bennett
Brooke
Cook
Fannin
Fulbright
Goldwater
Javits
Stennis
Weicker
Young

So Mr. TOWER's motion to lay on the table Mr. MCCLURE's amendment was rejected.

Mr. TOWER. Mr. President, I yield myself time on the bill. How much time do I have remaining on the bill?

The PRESIDING OFFICER (Mr. ABOUREZK). The Senator from Texas has 84 minutes remaining on the bill.

Mr. CURTIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator from Texas yield for a parliamentary inquiry?

Mr. TOWER. I yield.

The PRESIDING OFFICER. The Senator from Nebraska may state his parliamentary inquiry.

Mr. CURTIS. Mr. President, how much time remains under the control of those favoring the agreement?

The PRESIDING OFFICER. There is no time remaining. The only time that can be used on the amendment is that which is left from the time on the bill, if that is desired by those in control of the time on the bill.

Mr. TOWER. Mr. President, I think what we have done here is an example of coming in perhaps and voting with our hearts rather than our heads. I think that we would all like to see ownership of gold relaxed so that private people could own gold and could buy and sell gold. However, again we have the question of timeliness, and I feel constrained to talk about this for a little while.

Therefore, I think that we can expect the vote to take place somewhat later tonight. I think that Senators should make their plans accordingly.

Mr. PASTORE. Mr. President, under these circumstances, may I appeal to the majority leader. There may be a long confrontation on this question. It is now a quarter to 6. We have already had a number of votes. Why do we not let this matter go over until tomorrow when our minds will be clear and calm?

Mr. MANSFIELD. Mr. President, if the Senator will yield, I think our minds are cool and that we are calm and that we knew as mature people what we were voting for when we voted either for or against the motion to table.

May I say that I think the appeal should be made to the distinguished Senator from Texas who made the motion to table.

The membership voted. I forget the total of the vote. However, it was something in excess of 90 Members of the Senate. Therefore, this is not a temporary operation. It means a great deal to those of us who come from certain parts of the country.

I do not see why American citizens should be penalized insofar as the purchase of gold is concerned. It is illegal for us to own gold. It is not illegal for any West European or any Latin American to own gold.

I would think that the fair thing and the proper thing to do would be to let the membership vote on this proposition up or down. However, I do think it would be most unfair—although perfectly within the rights of the Senator from Texas or the Senator from any other State—for us to be kept here from now until doomsday if he desires.

Mr. TOWER. Mr. President, if I may respond to the majority leader, I have already said that I agree in principle that American citizens should be allowed to own gold. However, that is not what the issue is here. The fact is that hearings have been set by the chairman of the Committee on Banking, Housing and Urban Affairs. Some three Senators agreed to withhold amendments addressed to this problem on the strength of that promise. And they have been somewhat embarrassed here tonight, I think.

The fact is that both the Treasury Department and the FED have testified against legalizing the sale of gold at this time, because we are currently in a state of monetary crisis.

I agree that 90 Senators voted. However, certainly 90 Senators did not hear the debate here. Maybe a dozen did. And they are not aware of the complications of the matter.

Mr. MANSFIELD. I would be willing to wager that when the hearings are held later this month, the Federal Reserve Board and the Treasury will again come out in opposition to the proposal before the Senate today.

I think we ought to recognize the fact that the Senator from Colorado (Mr. DOMINICK) and others who have been fighters in this movement should be released from any commitment or promise which has been made in good faith, because they are faced with an issue now, with a fact of life, and I think it would be best if we could vote on it and not spend too much time with delaying tactics involved.

There were certainly more than 12 Senators on the floor when this matter was discussed, because by and large the attendance has been extraordinary for the Senate.

Mr. SPARKMAN. Mr. President, will the Senator from Texas yield me a moment?

Mr. TOWER. I yield.

Mr. SPARKMAN. Let me say that these Senators who had bills and made known their desire to get action on this withheld their amendments and their bills. They are not embarrassed. They are not tied to vote one way or the other. They simply said that in view of the fact that hearings had not been held, they would not present their amendments.

Let me say this: I have always felt that there was nobody who was stronger for committee action in legislation than our majority leader, and we have set this down for hearings. We have not had hearings on it, and I believe that the Senate is entitled to have a committee of Congress hold hearings and come in with a report.

Mr. MANSFIELD. Will the Senator yield at that point?

Mr. SPARKMAN. Yes.

Mr. MANSFIELD. Of course, I believe in the strength and the validity of committees, but as I have said time and time again, the Senate committees are not the final masters; they are the servants of the Senate, and it is here on the Senate floor where the action takes place. It is here where the action counts.

Mr. SPARKMAN. I agree with our majority leader generally; but when a committee has set hearings, has given notice, and the bills—I imagine we have a half dozen bills before the committee—have been assigned to subcommittees, we ought not to break up that normal procedure by an action here on the Senate floor that is not going to do the job that they say it is going to do. The issue is much more complicated than just a simple resolution.

Several Senators addressed the Chair.

Mr. TOWER. I yield to the Senator from Missouri.

Mr. SYMINGTON. Mr. President, several years ago, when in Laos, which is one of the two countries where the Government itself handles the sale of gold, our Ambassador told me that when he was in India, a country to which we have given many billions of dollars of aid, one of the rulers of one of the provinces of that country asked him to look at his wine cellar.

They went to the cellar and noted that instead of bottles of wine in the little bins there were little bars of gold, a hedge against the inflation he felt was coming.

In addition, a CIA representative out there told me that the largest customer for gold in Laos was India, the second largest South Vietnam.

It may have been logical for an American citizen to go to jail for owning gold when we had a governmental $35 buy-or-sell setup, but now that this is no longer true, for the life of me I cannot see why an American citizen should not have the same right as the citizens of every other country in the world.

This matter came up in the Foreign Relations Committee, I agreed not to press it at that time with the distinguished senior Senator from Alabama. As the majority leader now points out, however, it is here tonight on the floor of the Senate, so why should not the Senate decide herewith that an American citizen should not go to jail because he held some gold, the right of every other citizen in every other country.

Several Senators addressed the Chair.

Mr. TOWER. Mr. President, I yield to the Senator from Colorado.

Mr. DOMINICK. Mr. President, I say to the Senator from Texas, in an effort to perhaps bring this matter to a head, that we are dealing here with no more than just the right to purchase, hold, sell, or otherwise deal with gold of citizens of the United States. We do not have in this particular proposal the mechanics for doing it, as has been suggested in Senator HATFIELD's bill, or the question of how much the Treasury might acquire of new production in order to maintain their position in the intermonetary fund.

My suggestion is this: I subscribe to what the Senator from Montana has said, that we go ahead and vote on this proposal, but we can still go ahead with the hearings on May 2 and 3, and develop these other points, which I think will be very important, because I would say with all due respect that we are probably going to have trouble on this bill anyway in the conference committee. We may have some problems with it with the White House. We do not know whether we will or not yet, but with all the amendments that have been tacked onto it we very well may. It would seem to me perfectly all right for us to go ahead with this vote as long as we are restricting impoundments and as long as we are putting a budget ceiling in which is lower than what the President himself has asked for.

Why not go ahead with this and hold the hearings in addition. We will have many points to clarify which are not dealt with in this particular amendment. So I would urge the Senator from Texas to let us go ahead and vote on this and see what the mood of the Senate is on this particular issue.

Mr. TOWER. Mr. President, I think I would have to respond by reiterating what Dr. Burns said in his testimony. As a matter of fact, I will read somewhat more of it than was read by Senator SPARKMAN. I must reiterate the fact that I believe in private ownership of gold, but I do not believe that is the issue. The question is one of timing. With both the Treasury and the Fed opposing it, there is bound to be some reasonably good reason.

Here is what Dr. Burns said in response to a question from Senator BENNETT in the committee.

He was asked:

> Before you came in Senator Dominick presented his arguments for the immediate complete demonetization of gold to the extent at least that we allow American citizens to buy, possess, and sell gold without restriction.
>
> Do you think that is a safe step to take at the present time, at the present state of international monetary reform?

This was Dr. Burns' response:

> No. I wouldn't do it. There is an international agreement on the two-tier gold system at the present time. The different countries which are now consulting about a new monetary system have different ideas about gold.
>
> I think that before the Congress moves on permitting U.S. citizens to hold, buy, and sell gold coins or bullion, before that happens, the gold question should be settled on a multilateral basis. Once that is out of the way I think the Congress might well want to turn to this issue, but I wouldn't do it now.

Senator BENNETT further inquired——

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senate will be in order. The Senator from Texas will suspend until order is restored.

Mr. TOWER. Let me complete this section of his testimony, and then I will yield.

> Senator BENNETT. What damages would we do to those negotiations if it should be done now?
>
> Mr. BURNS. We would run the risk of doing grave damage to these negotiations because there are some countries in the world which insist on a prominent place for gold in the international monetary system. I don't think we want to rock the boat right now.
>
> There is another factor. If Americans were permitted to buy gold now freely, there is no way of telling what quantity would be purchased. That quantity would have to come from abroad. That would injure our balance of payments at a time when we would or should be bending our energies to improve the balance of payments.
>
> Moreover, our motives, I think, would be questioned. Some foreign governments would feel that we do not care at all about the balance of payments, that what we are seeking is further depreciation of the dollar. That would multiply suspicions, rock exchange markets, and I don't see any good purpose to be served.
>
> Now, if Americans want to hold gold, well, there will be a time for that, but I don't think that time has yet come. I honestly don't think that many Americans will be deprived of anything very precious if there is delay by the Congress in acting on this proposal.

Mr. DOMINICK. Mr. President, will the Senator yield at that point?

Mr. TOWER. I yield to the Senator from Colorado.

Mr. DOMINICK. I have been talking with the Senator from Idaho and listening carefully to what the Senator said. Would the Senator be willing to let us go ahead with a vote now, with an additional provision that this would become effective as of October 1, which will be after the international monetary meeting?

Mr. TOWER. I would say at the end of the calendar year.

Mr. DOMINICK. At the end of the calendar year?

Mr. McCLURE. Mr. President, will the Senator from Texas yield?

Mr. TOWER. At the end of the calendar year seems more reasonable.

I yield to the Senator from Idaho.

Mr. McCLURE. I would accept that modification of my amendment, at the end of the calendar year—December 31, 1973.

Mr. TOWER. All right.

Mr. MANSFIELD. Will the Senator from Idaho ask unanimous consent to change his amendment accordingly.

Mr. McCLURE. Mr. President, I ask unanimous consent that my amendment be modified to read at the end thereof, "The foregoing provisions pertaining to gold shall take effect December 31, 1973."

The PRESIDING OFFICER (Mr. ABOUREZK). Is there objection to the request of the Senator from Idaho? Without objection, the amendment is so modified.

Mr. SPARKMAN. Mr. President, in view of that, I wonder whether the Senator from Idaho would agree to withdraw the yea-and-nay vote and have a voice vote on his amendment as modified.

Mr. McCLURE. I would be happy to do that.

Mr. SPARKMAN. That would save some time.

Mr. PASTORE. All right. Let us have a voice vote.

The PRESIDING OFFICER. That would have to be made in the form of a unanimous-consent request.

Mr. TOWER. Mr. President, I ask unanimous consent that the call for the yeas and nays be vacated.

Several Senators objected.

The PRESIDING OFFICER. Objection is heard.

The question is on agreeing to the amendment of the Senator from Idaho (Mr. McClure) as modified.

On this question the yeas and nays have been ordered.

Mr. TOWER. Mr. President, I yield myself time on the bill.

It is still unwise, although I think it is an improvement because it drops us under the gun in terms of the monetary negotiations, but it still could conceivably be further veto bait for the bill. I do not know what will be the fate of this legislation in the House. Hopefully, it is not included in the House bill. But it is an unwise thing for us to pass on matters like this that might have a profound impact on the international monetary situation.

I can expect that the price of gold will go up tomorrow now, as a result of what we have done here tonight.

In any case, the amendment does not have quite the deficiency it had without the modification. I would hope that the vote will probably go unanimously now, or virtually so, and that Senators would entertain the idea of vacating the order for the yeas and nays, and I so propound that unanimous-consent request again.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas?

Mr. CURTIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Nebraska will state it.

Mr. CURTIS. Are we allowed to hear what is going on?

The PRESIDING OFFICER. The question is on whether there is objection to vacating the yeas and nays.

Several Senators objected.

The PRESIDING OFFICER. Objection is heard.

The yeas and nays have been called for on agreeing to the amendment, as modified, of the Senator from Idaho (Mr. McClure), and the clerk will call the roll.

An assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Wyoming (Mr. McGee), and the Senator from Minneapolis (Mr. Mondale) are necessarily absent.

I also announce that the Senator from Mississippi (Mr. Stennis) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. Brooke) is absent by leave of the Senate on official business.

The Senator from Arizona (Mr. Fannin) is absent on official committee business.

The Senator from Utah (Mr. Bennett), the Senator from Kentucky (Mr. Cook), the Senator from New York (Mr. Javits), and the Senator from Arizona (Mr. Goldwater) are necessarily absent.

The result was announced—yeas 68, nays 23, as follows:

[No. 90 Leg.]

YEAS—68

Abourezk
Baker
Bartlett
Bellmon
Bentsen
Bible
Biden
Buckley
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Church
Clark
Cotton
Cranston
Curtis
Dole
Domenici
Dominick
Eagleton
Eastland
Ervin
Fong
Fulbright
Gravel
Gurney
Hansen
Hartke
Haskell
Hatfield
Helms
Hollings
Hruska
Huddleston
Hughes
Humphrey
Inouye
Jackson
Kennedy
Magnuson
Mansfield
McClellan
McClure
McGovern
Metcalf
Montoya
Moss
Muskie
Packwood
Pastore
Pearson
Pell
Percy
Randolph
Saxbe
Schweiker
Scott, Pa.
Scott, Va.
Stevens
Symington
Talmadge
Thurmond
Tunney
Weicker
Williams
Young

NAYS—23

Aiken
Allen
Bayh
Beall
Brock
Case
Griffin
Hart
Hathaway
Johnston
Long
Mathias
McIntyre
Nelson
Nunn
Proxmire
Ribicoff
Roth
Sparkman
Stafford
Stevenson
Taft
Tower

NOT VOTING—9

Bennett
Brooke
Cook
Fannin
Goldwater
Javits
McGee
Mondale
Stennis

So Mr. McClure's amendment, as modified, was agreed to.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCLURE. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical changes to have the amendment conform to the language as amended by the Ervin amendment previously adopted.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. McCLURE. Mr. President, I ask unanimous consent that the name of the Senator from South Carolina (Mr. Thurmond) be listed as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 76

Mr. HARRY F. BYRD, JR. Mr. President, I call up my amendment No. 76 and ask that it be stated and made the pending business.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> No funds made available by the Congress to any department or agency of the Government may be obligated or expended for the purpose of providing assistance of any kind, directly or indirectly, to or on behalf of North Vietnam.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. HARRY F. BYRD, JR. I yield.

Mr. ROBERT C. BYRD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ROBERT C. BYRD. Under the agreement, the amendment which has been proposed by the Senator from Virginia (Mr. Harry F. Byrd, Jr.), although it is nongermane, is allowed to come in because of the extenuating circumstances which were explained on yesterday. However, Mr. President, under the agreement, am I not correct that, although an amendment germane to Mr. Byrd's amendment would be in order, an amendment not germane to the Byrd amendment would not be in order?

Mr. SCOTT of Pennsylvania. Which is not germane to the Byrd amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. An amendment not germane to the Byrd amendment would not be in order. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. I thank the Chair.

Mr. President, will the Senator yield further?

Mr. HARRY F. BYRD, JR. I yield.

ORDER FOR RECESS UNTIL 10:30 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR THE SENATE TO PROCEED TO THE CONSIDERATION OF THE AMENDMENT OF THE PAR VALUE MODIFICATION ACT TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that immediately following the recognition of the two leaders or their designees on tomorrow under the standing order, the Senate resume its consideration of the amendment of the Par Value Modification Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. The pending question at that time would be on the adoption of the amendment by the distinguished Senator from Virginia. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. SCOTT of Pennsylvania. Mr. President, as I understand it, the distinguished Senator from Virginia (Mr. HARRY F. BYRD, Jr.) is in control of the amendment. Have we fixed who is in control of the opposition to the amendment?

Mr. ROBERT C. BYRD. No. There is no time limitation on this amendment.

Mr. SCOTT of Pennsylvania. Therefore, we do not need to designate anyone at this time.

Mr. ROBERT C. BYRD. Exactly.

Mr. SCOTT of Pennsylvania. I want the RECORD to show that, for the benefit of Senators.

AMENDMENT OF THE PAR VALUE MODIFICATION ACT

The Senate continued with the consideration of the bill (S. 929) to amend the Par Value Modification Act.

ADDITIONAL COSPONSORS OF AMENDMENT NO. 76

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the names of the following Senators be listed as cosponsors of amendment No. 76: The Senator from Alabama (Mr. ALLEN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Indiana (Mr. BAYH), and the Senator from Wisconsin (Mr. PROXMIRE).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARRY F. BYRD, JR. Mr. President, the pending amendment reads as follows:

> No funds made available by the Congress to any department or agency of the Government may be obligated or expended for the purpose of providing assistance of any kind, directly or indirectly, to or on behalf of North Vietnam.

Mr. President, the need for such an amendment arises because the United States and North Vietnam have established a Joint Economic Commission to channel postwar American reconstruction aid to North Vietnam. The Commission has begun its work. The Washington Post of Sunday, April 1, quoted a high source in the administration as saying that aid for North Vietnam would be pushed. A similar statement appeared in the news columns of the Washington Post today, Wednesday, April 4, likewise quoting White House sources. No dollar amount has been announced. But the President has spoken of a $7.5 billion aid program for Indochina over 5 years, with up to $2.5 billion for North Vietnam. More recently administration officials have said there is no fixed figure.

Mr. President, I think it is important to emphasize that Dr. Henry Kissinger on January 26, in a discussion with a number of Senators at the Capitol, just outside the Senate Chamber in the caucus room, stated that the United States, in signing the cease-fire agreement made no commitments for economic aid to either North Vietnam or South Vietnam. A commitment for economic aid is not a part of the cease-fire agreement, Dr. Kissinger said. The negotiators did agree, he said, to give consideration in the future to helping the two countries economically.

Dr. Kissinger said it was fully explained to both countries that any such proposal would have to go through the legislative procedures. That is what this amendment does. It makes clear the intent of Congress, assuming the amendment is approved. Two vitally important questions are involved: One, what obligation, if any, does the United States have to pour additional billions of dollars into North Vietnam, or Indochina, namely, Laos, Cambodia, South Vietnam, and North Vietnam?

Two, considering the U.S. deteriorating financial position, its unabated deficit spending, its continued rate of inflation, and the devaluation of the dollar, can the United States afford to embark on a gigantic and costly new program as rebuilding Indochina?

Although no price has yet been set, the cost over a period of years is bound to be tremendous. To get its foot in the door, the administration probably will move cautiously and not set the initial figure too high.

But once the principle is established, once a start has been made, the cost will escalate just as did the use of American troops, which started at a few thousand and ended with a cumulative total of more than 2½ million.

Does the United States have a further obligation to Laos, Cambodia, and South Vietnam? We have spent at least 10 years; we have suffered 50,000 dead and 300,000 wounded; we have spent $200 billion to try to protect those countries from Communist aggression. What further obligation do we have?

With reference to North Vietnam, we spent the same 10 years, plus the same 350,000 Americans killed or wounded, plus the same $200 billion in an effort to stem the tide of North Vietnamese aggression against its neighbors. President Nixon has stated that neither side has won. Premier Van Dong has stated that Hanoi has won.

A cease-fire has been agreed to, but today's peace in Vietnam has been described by President Nixon as "fragile." This I feel, is an accurate description.

Considering the history of Indochina, it would seem to me quite optimistic to expect that the present peace will endure for long.

Do we really believe that the aggressive designs of North Vietnam have been abandoned? Do we believe that the Vietcong, the Pathet Lao, and the Khmer Rouge now will embrace their countrymen in peace? Three American Presidents proclaimed North Vietnam an aggressor seeking to force its will on South Vietnam. Are we now to believe that the dedicated Communist leaders in Hanoi have reversed position?

If we do not believe these things—and I most certainly do not—then what are we proposing with this huge program of aid?

I suggest that we are proposing works of peace which will be wiped out by the engines of war. Before long, it would not surprise me—if we follow this course—if we were to witness a reenactment of the struggles between India and Pakistan, with Asians killing one another with bullets supplied by American money.

Our Government has consistently stated through the years that the only bombing done in North Vietnam has been to military targets. Are we going to rebuild the military potential of North Vietnam?

If we are not going to rebuild the military potential of North Vietnam, what will be the dollars we dish out to them be used for? And why should such dollars be dished out to them?

The argument has been made that this is a case similar to the end of World War II when the United States helped to rebuild Germany, Italy, and Japan. It seems to me that historically the situation there was totally different from what we find in Southeast Asia today.

First, Japan and Germany and Italy had been absolutely defeated and had unconditionally surrendered to the allied forces.

Second, their Governments had been destroyed. Their economies had been destroyed.

Third, we had responsibilities, as the occupying powers, to see that those countries that needed to get on their feet again had a chance to do so.

Fourth, there was a totally new leadership in each of those nations. The aggressive leaders who had brought about the war had been killed or deposed. Nazism had been destroyed. Fascism had been destroyed. The storm troopers had been disbanded. The Japanese war lords had been thrown out.

None of that has occurred in North Vietnam. There is the same aggressive leadership in Hanoi today as there has been through 10 years of war. There is an entirely different and totally different situation facing the United States today in regard to North Vietnam than existed 25 years ago with regard to Germany and Japan and Italy.

Fifth, it was totally clear that there was an abandonment of any ambition on the part of the new leadership in those countries to cause trouble against their neighbors.

There again it is an entirely different situation. North Vietnam has today 230,000 North Vietnamese military troops in South Vietnam. North Vietnam today is the aggressor against its neighbor Cambodia. And we know that American aircraft are being used to bomb North Vietnamese troops in Cambodia.

At a time when we are sending American aircraft over Cambodia to bomb the North Vietnamese, are we at the same time going to send dollars to Hanoi as financial aid to that nation?

I think it is very important, Mr. President, that this Congress—this Senate—make clear its position on aid to North Vietnam. Now is the time to do it, and the bill in question, S. 929, legislation to revalue gold and to devalue the American dollar, is an appropriate vehicle for that purpose. It is an appropriate vehicle because the reason why we have been forced to devalue the American dollar twice in 14 months has been the huge deficit spending by the Federal Government.

Yet we are now talking about going into a new foreign aid program on top of all the other foreign aid programs we have at present, costing $9.5 billion.

I say this is an appropriate bill to which to attach an amendment saying that no American tax dollars shall be used for the benefit or on behalf of North Vietnam.

Aid to North Vietnam, at whose hands we and our allies suffered so much, seems to me difficult to justify at any time, or under any cicumstances, unless we feel—which I do not—that Hanoi is entitled to war reparations. If we were to embark on a major assistance program to North Vietnam, would we not be trying to achieve peace by bribery? What happens when the money runs out?

Aid to the other countries in Indochina is also hard to justify at this time, when there is no assurance that any degree of stability has been achieved in those nations.

In my view, a major aid program in Indochina today would be a structure built on sand. But my amendment deals only with North Vietnam, a country branded by three countries as an aggressor nation, a country which has the same aggressive leadership it has had through the past decade, a country which even today has its troops attacking its neighbor country of Cambodia, and U.S. aircraft are bombing in that country against the North Vietnamese.

Furthermore, our experience in foreign aid since World War II suggests that the United States invariably finds itself in a dilemma. If we go into another country and supervise the assistance program, we become deeply involved and stand rightly accused of intervening in that country's internal affairs; on the other hand, if we do not do this, corrupt officials of the aided government—all too often a dictatorship in fact if not in name—divert to their own pockets funds intended to benefit their own people, or they use the funds to prepare for war.

The United States fought North Vietnam alone—virtually alone. We taxed our people and took their sons and expended their resources in a 10-year war in which no one emerged the victor, unless it be Hanoi, as its president asserts. Must we now tax our people to expend our resources and attempt to accomplish economically what we could not accomplish militarily? We know from bitter experience that in Indochina men and material disappear as if in quicksand. Will not the pit be equally bottomless for American tax dollars?

The American people are a compassionate people. But somewhere along the way we must show a little commonsense along with compassion.

During the current fiscal year, the United States will have the highest Federal funds deficit in its history, with the exception of World War II, when we had 12 million men under arms and were fighting a war in both Europe and the Pacific.

For the 4 fiscal years ending June 30, 1974, the accumulated Federal funds deficit will exceed $100 billion. Now, if we want to reckon the Government's deficit on a unified basis—namely, taking the surplus from the trust funds and applying it against the total deficit—even on that basis, the 4-year accumulated deficit will be $85 billion.

Interest charges on the national debt have reached the point where, of every dollar of personal and corporate income tax paid into the Federal Treasury by the wage earners of this country, 17 cents go for one purpose, namely to pay the interest on the debt.

The continued huge Government deficit is a major cause of the inflation which is eating heavily into every wage earner's check and into every housewife's grocery money.

The dollar is deteriorating in value. This has forced two formal devaluations of the American dollar totaling approximately 20 percent, the first in December of 1971 and the second in February 1973. That is, the devaluation formalized the deterioration in the value of the dollar.

How does the Under Secretary of the Treasury for Monetary Affairs describe this devaluation? He described it in testimony before the Senate Finance Committee as being a radical action. Contrary to Government statements, devaluation does not solve any of the fundamental problems. I say again that devaluation does not solve any of the fundamental problems. Inevitably it will increase the cost to the American consumer and thus further stir the fires of inflation.

The bill, S. 929, which has been pending before the Senate for more than a week now, will cost the American taxpayer some $2 billion in taxes. That is the maximum amount that has been estimated by the financial experts as the potential cost. In addition to that, Dr. Arthur Burns, Chairman of the Federal Reserve Board, says that as a conservative estimate, the cost to the consumers of this Nation of this last devaluation will be $3 billion.

How much longer can we squander American resources? How much longer can we continue these huge foreign aid programs, which now have an annual cost of more than $9 billion?

Is it logical or reasonable to expect the wage earners of this country to finance a new foreign aid program on top of all these others, the new one being to restore Indochina, including North Vietnam?

Sooner or later the American people must accept the fact that the resources of the United States are not without limit. We cannot continue to play the role of a global Santa Claus.

Frankly, I fail to see the justification for any assistance to North Vietnam. I think that it would be unwise. I think it is a program in which there will be no end to the amount of tax dollars that will be required, once we start it.

That is why I think, Mr. President, it is important that the Senate face this issue at the earliest possible time. That is why I introduced this amendment yesterday. I think it is important to face the issue, and I think it is important to let the executive branch of the Government know the thinking of the legislative branch of the Government in this regard.

Yesterday was a rather dramatic day in the Senate. The Senate sustained the President's veto on a very popular and important piece of legislation, legislation for the benefit of handicapped individuals. It was called the Vocational Rehabilitation Act, a program of considerable merit.

When 31 Republican Senators and five Senators from the Democratic side of the aisle voted to sustain the President's veto, none of the Senators who did that did it in a callous disregard for the handicapped. I am sure that every Senator among those 36 has a sincere, sympathetic interest in the plight of the handicapped.

The reason they voted to sustain the President's veto was because the President had convinced them, and the President has been taking his case to the American people and trying to convince the American people, that this Government is in a desperate financial situation.

The President stated that the scope of the vocational rehabilitation program was too broad and the cost was too much. And 31 Republican Senators responded to that plea of President Nixon, and five Senators sitting on the Democratic side of the aisle joined with the 31 Senators.

The President promises other vetoes of other legislation benefiting the American people. He feels that vetoes are necessary to restrain the spending of the Congress.

We come now to a proposal to create a new program of foreign aid dealing with North Vietnam.

I must say frankly, Mr. President, that I do not see how it is logical to say that we are going to reduce the appropriations needed for vocational rehabilitation or for programs affecting other segments of the American economy and simultaneously say that we are going to embark on a new spending program in behalf of North Vietnam.

The results of yesterday's vote in the Senate have been interpreted as an important step toward getting Federal spending under control. I say that if the Senate tomorrow will act affirmatively on amendment No. 76 which I have introduced, which would deny the expenditure of American tax funds for North Vietnam, the Senate would be striking another and a stronger blow for fiscal responsibility.

I saw Secretary Butz on television last evening; I think he spoke to the National Press Club yesterday. He was on television last night, and made a very effective presentation. He is saying that the high cost of meat should be blamed on the spendthrifts in Congress.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. HARRY F. BYRD, JR. I yield.

Mr. ROBERT C. BYRD. If I had seen that television performance before his confirmation came up before the Senate, I would have been one of those Senators who joined in voting against Mr. Butz. I am sorry now that I voted for his nomination. I saw that same speech last night, and if that was not pure demagoguery, I do not know what is.

Mr. HARRY F. BYRD, JR. I thank the Senator from West Virginia. I shall not comment on his statement.

Mr. ROBERT C. BYRD. I do not expect the Senator to comment, but that was my reaction when I saw Mr. Butz last night on television, and I want the RECORD to show how this Senator feels about it.

Mr. HARRY F. BYRD, JR. I am bringing Secretary Butz and his television statement last night into this debate for this reason: He says that the primary cause for high prices of meat is the heavy spending of Congress. If that is the view of the Secretary of Agriculture of the present administration—and I assume it is because he said so on television and in a speech before the National Press Club—if that is the case, I would think that perhaps every Republican Senator in this Chamber ought to be supporting the Byrd amendment tomorrow, because it says we are not going to spend public tax funds for the benefit of North Vietnam.

If we are going to take money out of the pockets of the taxpayers and the wage earners—and that is the only place the Government can get money—and turn that money over to North Vietnam, then, my goodness, we have really opened the floodgates for spending by Congress. If this Congress and this Senate—we will have an opportunity tomorrow to vote one way or the other—are unwilling to say, on the 5th day of April, 1973, that we are not going to spend American tax dollars, in this time of great inflation at home, for the benefit of North Vietnam, if the Senate is not willing to say that, then I do not think there is much chance of getting the Government's financial situation straightened out.

If Senators vote against my proposal to go on record against spending public funds, taking money from the pockets of the wage earners and turning it over to North Vietnam, if they vote against that proposal, how in the world can they vote against many other spending proposals for the benefit of the American people, right here in the United States?

I think the time to face the issue is now. I want to be very frank; I do not wish to mislead anyone: I am opposed to the proposed program of taking tax funds to benefit North Vietnam. I am going to fight that in any way that a single Senator can fight it.

Under the rules of the Senate, there is no germaneness requirement unless by unanimous consent the Senate agrees to put a rule of germaneness on itself. So if the Senate tomorrow is not willing to give me a vote up or down on this proposal, then I propose to utilize the rules in an endeavor, at a subsequent time, to get an up or down vote on a reasonable proposal as to whether tax funds are going to be used for the benefit of North Vietnam.

Mr. President, the vote yesterday as to whether to uphold the President's veto of the vocational rehabilitation program was billed as a watershed in the endeavor to bring spending under control. It was an important vote. It was a very important vote. I might say it was a very difficult vote for many people. I assume that there will be other votes along that line.

But if the Senate is not willing to say to the administration, "We just want to let you know that we are not going along with any proposal to take American tax dollars and shovel them out in Indochina, a bottomless pit," if we are not willing to say that, I do not know what in the world the Senate would be willing to say "no" to.

I think tomorrow's vote will be an extremely important one. My guess is that an effort will be made to table this amendment.

Why do they want to table it? Because they do not want to face the issue. They do not want to vote on it. I am not concerned how any Member of the Senate votes. Each Senator has to judge for himself what is right and fair and proper. But I think it is very important that there be a vote, and I think it is important that the American people know which Senators are willing to say, "No, we are not going to take your tax money and send it over to North Vietnam." I think it is important that the American people know which Senators are not willing to say that. So while the use of the tabling motion is a perfectly proper and appropriate one, and part of the rules of the Senate, I would hope that that would not be utilized tomorrow but, instead, that the Senate might have an opportunity to express itself either way.

I know that this is a controversial matter. It seems that I do not get mixed up in any legislation except controversial legislation. I do not mind controversial legislation.

My main concern for the proposed new program is that we do not have the money—I repeat, we do not have the money—go to into a new, multi-billion-dollar foreign aid program.

Last year, I was forced to vote against a very popular program. Nearly every man from my State came down to see me about revenue sharing. All the Governors from the 50 States came down here advocating a program of revenue sharing. But I had to vote against it not because I wanted to, but I had to vote against it because there is no revenue to share in Washington.

We are in a desperate situation financially. President Nixon has been trying to dramatize that fact and make it clear to the American people. That is why he has vetoed various pieces of legislation and why he says there may be as many as 10 to 12 vetoes to follow.

That is why I am so keenly opposed to going into a new foreign aid program for the benefit of North Vietnam.

I shall continue my opposition to it.

I want to point out, in concluding my remarks, that this amendment, of course, can be superseded at a later date by legislation that anyone wants to present. What this would be saying is that we would be putting the American people on notice, the administration on notice, and North Vietnam on notice that the condition of the Federal Treasury is such that we are not now going into any program of aid to or on behalf of North Vietnam.

Mr. President, I have not even discussed the savage and barbaric way our American prisoners of war were treated by North Vietnam. That is a matter that deserves a great deal of consideration when we are talking about sending American taxpayers' dollars to that country.

I have not discussed that, because I have dealt mainly with the fact that this country should not go into a new foreign aid program.

I have been greatly distressed by the interviews given by the returning prisoners of war and to learn how savagely and how terribly they were treated by the North Vietnamese.

So, Mr. President, to emphasize the gravity of the Nation's financial situation, I ask unanimous consent to have printed in the RECORD three tables which I have prepared, showing just how severe are the deficits of the Government, and I would hope that Members of the Senate, in trying to decide how to vote tomorrow on the amendment I have presented, will give some consideration to the figures which show continued, mounting, and huge Federal deficits which, as the President of the United States has so ably and so well and so frequently pointed out, are the major cause for the inflation we are now undergoing and for the higher prices the American people are now being charged; and also an article printed in Time magazine, headlined "Beyond the Worst Suspicions," showing how some of the prisoners of war were treated by the North Vietnamese.

There being no objection, the tables and the article were ordered to be printed in the RECORD, as follows:

U.S. GOLD HOLDINGS, TOTAL RESERVE ASSETS AND LIQUID LIABILITIES TO FOREIGNERS

[In billions of dollars]

	Gold holdings	Total assets	Liquid liabilities
End of World War II	20.1	20.1	6.6
Dec. 31, 1957	22.8	24.8	15.8
Dec. 31, 1970	10.7	14.5	43.3
Dec. 31, 1971	10.2	12.2	64.2
Dec. 31, 1972	10.5	13.2	79.0

Note.—Prepared By Senator Harry F. Byrd, Jr.

Source: U.S. Treasury Department, March, 1973.

	Fiscal year—						
	1968	1969	1970	1971	1972	[1] 1973	[1] 1974
RECEIPTS IN BILLIONS							
Individual income taxes	$69.0	$87.0	$90.0	$86.0	$95.0	$99.0	$112.0
Corporate income taxes	29.0	37.0	33.0	27.0	32.0	34.0	37.0
Total	98.0	124.0	123.0	113.0	126.0	133.0	149.0
Excise taxes (excluding highway)	10.0	11.0	10.3	10.5	9.1	9.4	9.6
Estate and gift	3.0	3.5	3.6	3.7	5.2	4.6	5.0
Customs	2.0	2.3	2.4	2.6	3.2	3.0	3.3
Miscellaneous	2.5	3.0	3.4	3.9	3.5	4.0	4.1
Total Federal fund receipts	116.0	143.0	143.0	134.0	149.0	154.0	171.0
Trust funds (social security retirement, highway)	$38.0	$44.0	$51.0	$54.0	$60.0	$71.0	$85.0
Total	154.0	188.0	194.0	188.0	209.0	225.0	256.0
EXPENDITURES IN BILLIONS							
Federal funds	143.0	149.0	156.0	164.0	178.0	188.0	199.0
Trust funds	36.0	36.0	40.0	48.0	54.0	62.0	70.0
Total	179.0	185.0	196.0	212.0	232.0	250.0	269.0
Unified budget surplus (+) or deficit (−)	−25.0	+3.1	−2.0	−24.0	−23.0	−25.0	−13.0
Federal funds deficit	−27.0	−6.0	−13.0	−30.0	−29.0	−34.0	−2.80

[1] Estimated figures.

Note.—Prepared by Senator Harry F. Byrd, Jr. of Virginia, Jan. 29, 1973.

DEFICITS IN FEDERAL FUNDS AND INTEREST ON THE NATIONAL DEBT, 1955–74 INCLUSIVE

Prepared by Senator Harry F. Byrd, Jr.,

[Billions of dollars]

	Receipts	Outlays	Surplus (+) or deficit (−)	Debt interest
1955	$58.1	$62.3	$−4.2	$6.4
1956	65.4	63.8	+1.6	6.8
1957	68.8	67.1	+1.7	7.3
1958	66.6	69.7	−3.1	7.8
1959	65.8	77.0	−11.2	7.8
1960	75.7	74.9	+0.8	9.5
1961	75.2	79.3	−4.1	9.3
1962	79.7	86.6	−6.9	9.5
1963	83.6	90.1	−6.5	10.3
1964	87.2	95.8	−8.6	10.7
1965	90.9	94.8	−3.9	10.3
1966	101.4	106.5	−5.1	12.0
1967	111.8	126.8	−15.0	13.4
1968	114.7	143.1	−28.4	14.6
1969	143.3	148.8	−5.5	16.6
1970	143.2	156.3	−13.1	19.3
1971	133.7	163.7	−30.0	21.0
1972	148.8	178.0	−29.2	21.8
1973 [1]	154.3	188.4	−34.1	24.2
1974 [1]	171.3	199.1	−27.8	26.1
20-year total	2,039.5	2,272.1	232.6	264.7

[1] Estimated figures.

Source: Office of Management and Budget and Treasury Department.

[From Time magazine, April 9, 1973]

BEYOND THE WORST SUSPICIONS

(NOTE.—On Aug. 3, 1966 Time's Donald Neff, then a Siagon correspondent, interviewed Air Force Ace Major James Kasler—one of the legendary figures of the Viet Nam War—just after his 72nd mission. The story that went to press that week dubbed Kasler a "one-man Air Force" and perhaps the "hottest" pilot in Southeast Asia. Five days later, Kasler buckled into the cockpit of his F-105 Thunderchief for his 73rd—and last—mission. His plane was hit by ground fire, and he was forced to eject. He was held prisoner until a month ago. Last week Neff again interviewed Kasler, now a full colonel, at his home in Indianapolis, and filed this account of the intervening 6½ years.)

"As soon as I was out, I knew I was hurt," says Kasler. "My right thigh was broken, and a piece of bone about eight inches long had split off and jammed into my groin. I landed near some paddies 50 miles south of Hanoi. About 15 villagers jumped me and tore off all my clothes except my shorts. Then they saw my leg. In about five minutes a medic came, gave me a shot and made a splint out of a banana tree. They put me in a fish net and started carrying me—when the planes came."

Word that he had been shot down had touched off a massive rescue effort by nearly 50 U.S. planes. But for Kasler the Viet Nam War was all over, and he wished that they would go away. He was in intense pain and very thirsty, but because of the presence of U.S. planes overhead his captors laid him in a ditch and hid him under banana leaves.

Once the planes had left, Kasler was lashed to a board and driven north in the back of a pickup truck. At each village, he says, "people would hit me and throw rocks and mud at me, and the guards would hit me in the mouth—I guess to show how tough they were. In one village, they gave a little girl a bayonet and took pictures of her holding it to my throat. Big heroine! When we reached Hoa Lo prison camp [the so-called Hanoi Hilton] they put me on a cement floor, and interrogators told me that I must write a 'confession of crimes against the Vietnamese people.' I refused."

His guards soon began to beat him. "I couldn't believe they would beat an injured prisoner. Later I found out that that was their technique to break you. You're most vulnerable when first captured and injured. I finally wrote something like 'We should seek peace at the peace table.'" His reward was a shot of penicillin.

Kasler's right thighbone had been set with an iron clamp when he reached Hanoi, but the leg continued to swell under his full body cast. The cast was finally removed and the leg lanced, but the infection spread and the leg puffed up to twice its normal size. For most of that first winter he lay in fever, alternately freezing and roasting. His roommate, Air Force Captain John Brodak of St. Louis, gave up his own blanket to keep Kasler warm in the 40° nights. "I'm probably here because of his care," says Kasler. (Brodak, now a major, was released with Kasler.) Often the bandages were not changed for a week and a half. "It was horrible," says Kasler." All the gore was running out, and flies and mosquitoes flocked to the wound. At one point the stench became so bad that we got a piece of oilcloth to wrap around the leg to hold down the smell." His weight dropped from 167 to 125 lbs. When he asked to see a doctor for his draining leg, he was refused.

By mid August 1967, the torturing of prisoners in Kasler's building began in earnest (he had been moved from the Hanoi Hilton to another prison in the capital "the Zoo—that's what it reminded us of"). The Vietnamese had discovered that the Americans were communicating with each other by tapping on the concrete walls, and wanted to know who was guilty. Kasler certainly was. With the prisoners' special tap code, he said, he "could send a message through five rooms and get an answer back in ten minutes. We really got pretty fast at it." The price for being caught was high. Although his leg was still draining, Kasler was subjected to all manner of rope and iron tortures.

"They had these iron manacles with a screw that they could clamp on your wrists or ankles. They'd take your wrists, put them behind you and screw down those manacles to the bone. Then they'd take a rope and pull it through your upper arms and squeeze your arms together or pull them up. They had a lot of tricks."

MAGOO

"Many men had their wrists broken and their arms dislocated. The sessions lasted about 45 minutes and they were always accompanied by beatings with fists, slapping on the ears so hard that eardrums were ruptured. The guards looked for any little infraction so they could beat you. Our guard—we called him 'Magoo' because he looked like the cartoon character, all squinty—was vicious. He used to come in the cell about twice a week and beat John Brodak and me. Sometimes he'd beat us for no cause, just open the door, come in and knock us around."

From the fall of 1967 through the spring of 1968, Kasler was tortured frequently by Magoo and an interrogator called "the Elf," because he was a wizened 75-pounder. Kasler was moved into solitary confinement, where he got little medical attention, even though his leg was still swollen and badly infected. But the worst was yet to come. The violent antiwar reaction in the U.S. that followed the Communist 1968 *Tet* offensive apparently convinced Hanoi that the war could be won by propaganda. A maximum effort was made at the Zoo to get prisoners to appear before various peace delegations and press conferences.

For Kasler, the harshest treatment began on June 25, 1968. He was called before an interrogator nicknamed "Spot" (because he had a white spot on the right side of his head). "He was cordial. He asked me to sit down, gave me a cigarette, asked me about my family—I'd been allowed one letter at that point. He said he was trying to select a man to celebrate the downing of the 3,000th U.S. plane to tell the American people the truth about the war and appear on TV. I said I wasn't the guy. He said I must. The Vietnamese people had saved my life, he said, had fed me. I said I owed him nothing.

"They demanded that I surrender. They hit me on the ears. They gave me the rope-and-irons treatment for 45 minutes, then had me kneel, then the irons again. I finally passed out. The third time they gave me the rope-and-irons treatment, I said, 'I surrender.'

"They just continued torturing me. They pulled my arms until I passed out again. They made me write that I had sabotaged the Geneva Accords—it was the whole Communist line. They had this big deal coming up for the Fourth of July with a delegation from somewhere and they badly wanted me to appear before it." Kasler firmly resisted. At one point during a torture session, yet another interrogator pulled out a bunch of newspaper clippings from the U.S. showing all the peace demonstrations. "In one of the pictures, I saw way in the background two guys with American Legion hats holding a sign that said 'Drop the Bomb.' That really bolstered me."

The next morning the interrogator returned with a Caucasian. He was about 35 and six feet tall, black-haired, brown-eyed, and spoke idiomatic English. He was a specialist in torture. The prisoners called him Fidel because he seemed to be Latin, but no one really had any idea where he came from. He obviously was a high official of some Communist country, because he lorded it over the Vietnamese.

Fidel grabbed Kasler by the shirt and demanded, "Who knows you are resisting?" Kasler answered: "Nobody." "Then why?" asked Fidel. "For myself." Fidel promised treatment for Kasler's leg, better food and conditions if he would go before the July 4 delegation. "I refused. He ordered me back on my knees. My broken leg was still killing me. My arms were in irons behind my back. He worked on them with the rope for a while. Then he got a thin wire and wired my thumbs and hands together. He tortured me, working on the rope and wire and irons. After about 45 minutes I was punchy. But I found I had discovered a way to endure."

SHREDS

"As long as I could concentrate on something else, it seemed as though I could stand the pain. I would start saying the Lord's Prayer, and when I forgot a line I would go back over it and over it. Finally Fidel knocked me over on the floor and asked if I surrendered. I said no."

The torture continued for days. Fidel would beat Kasler across the buttocks with a large white truck fan belt until "he tore my rear end to shreds." At one point Fidel said, "You are going to see a delegation if we have to carry you on a stretcher." For one three-day period, Kasler was beaten with the fan belt every hour from 6 a.m. to 10 p.m., and kept awake at night.

"By noon the third day I couldn't keep control of my mind. I said I surrendered. They kept beating me on the hour until 6 p.m. By this time I had a gash over the eye where my head had hit the edge of the bed during one beating, my leg was throbbing and bleeding, my back was bloody. I signed a statement agreeing to do everything the camp commandant ordered."

Kasler was allowed to sleep that night. His mosquito net, which had been taken away, was given back, thus sparing him at least the torment of insect bites. For the next two days the guards kept asking him if he surrendered and each time he said that he did. But on the third day his strength was partly back and he answered no.

"I think I made a tactical error. It was around 7 a.m. on a Sunday. Four guards came in and put me on my knees. They began slapping me around. Soon they were using their fists, and one of them pulled out a fan belt and began beating me with it. One blow by a fist on the ear ruptured my eardrum. Blood was pouring down my head. A kick popped one of my ribs. They turned into mad dogs. They began smashing my head against the concrete floor, kicking my bad leg. It went on for three hours. I think some other guards finally had to stop them.

"I lay in a stupor for three days. I was in terrible pain. They had dislodged the iron pin in my leg during the beating, and it was shoved three-quarters of an inch up into my hip. My mouth was so bruised that I could not open my teeth for five days."

A week later Fidel asked Kasler if he surrendered. "I decided I'd say yes, and then resist when they asked me to do something." He was put in a room with fresh air, and given cigarettes and chewing gum. Though under threat of death, he communicated once again with his fellow captives. "The guys didn't recognize my old call signal, so I just kept sending my own name. Finally old Norm Wells [Lieut. Colonel Norman Wells had been one of Kasler's wingmen] came up in the next room. Boy, it was good to hear him."

But Kasler's leg continued to get worse, and his morale ebbed. "I started to go downhill rapidly. I lay on my bed all day, dreading when the food came around because I had to get up to get it at the door of my cell." Finally, in the winter of 1968, he was taken back to the hospital. X-rays showed that an operation was necessary. One of the guards told him that his leg had to be amputated. The wound was cleaned out, however, the iron clamp removed and the leg was finally on its way to healing—nearly 2½ years after it had been broken. In early February 1969, Kasler was returned to the Zoo, and got a roommate, Navy Commander Peter Schoeffel, who had been shot down in 1967. He had spent a total of 18 months in solitary confinement since his capture.

KILLED

The torture continued through the spring and summer of 1969. But that July, under threat of more beatings, Kasler wrote one last statement "about the struggle of the great Vietnamese people." He was never tortured again, though others were.

By October 1969, conditions noticeably improved for the prisoners—but were still not good. Kasler and others were moved in December 1969 to the Hanoi Hilton, where there was a room called Heart Break. In it, new captives and men who had cracked mentally under torture were placed in stocks in their beds, unable to move. Three unbalanced Americans were held there. "We could hear them in our room. We pleaded with the guards to let them come to our cell, but were turned down. Two of them just eventually disappeared. We saw the other's name on a list of dead. All told, at least 15 men were either killed during torture or were not accounted for."

Sitting in his comfortable Indianapolis apartment last week with his wife Martha, Kasler, now 47, looked amazingly fit. He wears glasses and his hair is grayer. But he walks without a limp, and he still has a quick smile and a soft chuckle. He had already caught up with the latest fashions and was sporting bright blue bell bottoms. Touching his short hair, he chuckled and said that he planned to let it grow a bit. Despite all his pain, Kasler displayed remarkably little bitterness—except when he mentioned Fidel. "I'd like to meet him some day," he said softly. But for now, Kasler was looking forward to some rest and then spending a year at the Air Force War College. His goal: command of a wing (two squadrons) of fighter aircraft. At heart, he is still very much a fighter pilot.

QUORUM CALL

Mr. HARRY F. BYRD, JR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10:30 a.m., following a recess. After the two leaders or their designees have been recognized under the standing order, the Senate will resume its consideration of S. 929, the bill to amend the Par Value Modification Act.

The question at that time will be on the adoption of the amendment No. 76 sponsored by the able senior Senator from Virginia (Mr. HARRY F. BYRD, JR.).

There is no time limitation on that amendment.

There will be yea-and-nay votes tomorrow. It is hoped that the Senate will complete its action on S. 929 tomorrow, in which event, in view of the sparsity of measures on the calendar, the Senate will then go over until Monday.

RECESS TO 10:30 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 10:30 a.m. tomorrow.

The motion was agreed to; and, at 7:08 p.m., the Senate took a recess until tomorrow, Thursday, April 5, 1973, at 10:30 a.m.

EXTENSIONS OF REMARKS

SENATOR MOSS ISSUES CHALLENGE TO OUR COUNTRY'S ENERGY RESEARCH AND DEVELOPMENT CAPABILITY IN ADDRESS TO THE NATIONAL ENERGY FORUM

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, April 4, 1973

Mr. RANDOLPH. Mr. President, in the history of this country, in times of crisis, we have marshalled our strengths to solve complex challenges. The most recent example of our national capability in this respect is, of course, the rallying of our scientific and technological expertise to launch a successful space program, after 15 years of Federal leadership.

Too often, however, we fail to sustain such efforts beyond the immediate objective to be responsive to the long-term problems. We also often dissipate our strengths in budget cuts and reductions, after an initial flurry of activity.

Economy in Government is a necessary pursuit, and I commend such efforts, where they reflect efficient management practices and recognized national policies. The United States, however, must maintain its international leadership in science and engineering if adequate energy supplies are to be assured and environmental policies successfully implemented. It is vision and courage that will be required to understand and achieve solutions to our country's problems. The energy crisis is no exception, in fact it is a prime example of such a challenge.

This was articulated very clearly by my able colleague, Senator FRANK MOSS, of Utah, in his recent luncheon address before National Energy Forum 2, on March 20, 1973, under the sponsorship of the U.S. National Committee for the

World Energy Conference. I ask unanimouse consent that his speech be printed in the RECORD at this point for the benefit of the Members of the Senate.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

CREATIVE OPTIONS—CHALLENGE TO RESEARCH AND DEVELOPMENT

I begin on the premise that there is an energy crisis. After this winter of our frozen discontent, to say otherwise would belie the facts. How we meet the challenge of the energy crisis is the challenge to me in the course of the next few months.

The United States has long been the world's top energy consumer. With but one-seventeenth of the world's population, we consume one-third of the world's energy. Each American uses seven times the amount of energy consumed by the average citizen in the rest of the world.

This nation's economic growth has been booming along for almost a century, with faster and faster escalation in the last 50 years. You have only to look around you to see what is supported by energy in America; 120 million motor vehicles on the road, 14,000 aircraft flights daily, 12 million factories and office buildings to be heated, cooled, lighted and elevatored, 60 million homes, and thousands of schools, hospitals, shopping centers and shelters of every kind.

Last year we used almost 5 and a half billion barrels of oil, 500 million tons of coal, 22 trillion cubic feet of natural gas and some 1,600 tons of fissionable uranium to fuel this country. Our growth has been so rapid that we are doubling our energy demands every 10 years. Where is it all going to come from? Today 40 percent of all oil used along the Atlantic seaboard is imported. Even more significant, 90 percent of all the residual fuel oil used on our East Coast is shipped in from abroad.

Right there you have the nub of the problem.

Oil import quotas, powerplant siting, and leasing and regulatory policies which affect our production of fossil fuels are very important. At the same time, we must think of the future. And when we do the facts which we find are sobering. Our supplies of fossil fuels are limited. Estimates by experts indicate that mankind can consume them in their entirety within the foreseeable future.

In other words, our traditional sources of energy will be very scarce in the years to come.

These few statistics point to a desperate need for government, industry and the universities to come together in a combined effort of research and development. Knowledge and technology are the hope for a solution to the long term energy crisis.

What is technology, how do we use it and what is the relationship between technology and the Congress?

The Senate Committee on Rules and Administration in a November 1972 publication states that "Technology is the systematic, purposeful application of knowledge, skill and expertise toward a function or service useful to man." Such a definition of "technology" reads like a law maker's creed.

Increasingly, the law making function has been taking on a scientific content. By the very nature of things, the necessity has arisen in our complex society for members of Congress to participate in many decisions relating to science and technology.

The interaction of science and politics has often proved rewarding to mankind. Great periods of science have had direct bearings on political innovation and advance. For example, the scientific achievements of Issac Newton, early in the 18th century, were the primary motivating force in the "age of reason," a period in which, perhaps for the first time, man perceived the possibility of scientifically designing his government to fit his needs on a practical basis. This rational, analytical approach to the political order was one of the main intellectual ingredients of the Constitutional Convention that met in Philadelphia in 1787.

A hasty survey of American science policy from 1945 to about 1968 shows that it could be summed up roughly in the phrase, "more money for research and development". From 1945 until the last year or so, the Congress lavished progressively larger support on science in each annual budget.

About 1968 for a multitude of reasons, the Congress put the brakes on. The pressure for economy, reservations about the secondary effects of many technologies, revolt on the campuses over military research by universities, congressional resistance to the continuation of arrangements by which the Department of Defense provided the principal support for basic research all contributed to our re-examination of the scientific imperative.

Technology has been blamed for many of the ills of our country—what we forget is that public demand for the products has created this if it is a problem.

Everyone wants freeways to make driving easier, everyone wants appliances to make life comfortable; but they forget that land must be cleared for roads and that whenever a light is turned on, an electric generator is running to provide the power, which in turn requires fuel to be burned.

The consumer must share the burden of our technological society.

Problems affecting the quality of life challenge the leadership skills of mankind and require the application of the kind of scientific and technological effort urged upon the nation by President Kennedy and President Johnson, which resulted in the success of Apollo.

It is surely better to put technology to work solving our problems of making a more livable humane world than to go back to our Stone Age past.

But now, in 1973 in a period of doubt about science and technology, we not only face an energy crisis, we face a constitutional and domestic crisis. I refer to the unilateral reordering of our national goals and priorities by the Administration and the impounding of funds.

This is a matter of vital concern to every American, to our global neighbors with whom we share this earth, and certainly to those in the scientific and professional communities who exercise leadership with respect to the utilization of our resources, the advancement of our technology and the economic, cultural, society and military applications of our research and technology.

While I am concerned today primarily with the challenge to the United States in meeting its energy crisis, I believe it important to point out that technological developments have demonstrated the physical irrelevance of national boundaries. Technological developments have led to a requirement for greater international cooperation in order to utilize the technologies, and it is not unlikely that in the relatively near future there will be important new demands upon the international system within which we operate to solve other emergency global problems. The negative side effects of intensive application of technology throughout the world are evident in the pollution which is a global problem. Witness the Stockholm world wide conference on the environment last June. Nuclear energy technology is another obvious example, as is technology for weather modification. On the positive side is the international planning for a global communication satellite system.

Intelsat and the U.S. corporation Comsat represent examples of the cooperation necessary in establishing the commercial criteria under which the system would operate, but also insuring that the developing countries would benefit from the new technology. Using technology to solve shared world-wide problems and establishing the international machinery by which we share such responsibilities await us in the not too distant future.

The energy picture for the United States divides into rather distinct parts. Given time to develop the sophisticated technology required, we can solve our problems; but at the very time when we need science and technology and the vision for creating new options, there are a few ramblings of dissent on the Hill, and the Administration is engaged in a program of hit and miss slashing of on-going programs and abolishing the White House Office of Science and Technology and the 20 member Science Advisory Committee.

If we exercise our options with some vision, we can look forward to new sources of energy such as:

Nuclear power plants. Although they deliver less than one percent of our electricity today, we may expect to get as much as 30 percent of our electrical requirements from nuclear plants by the beginning of the 21st century.

Oil Shale and Tar Sands. Our western states, including my own State of Utah, have immense reserves of this petroleum-bearing materials, but it's an expensive process and needs the application of new technology to solve development and environmental problems and to reduce production costs.

Gasification of coal. The carbon from coal combines with hydrogen from steam to form methane, which can be converted into energy.

Refining of Naphtha into natural gas.

Nuclear stimulation of tight formations such as the Mesa Verde.

Solar and geothermal energy. Geothermal energy is particularly important in the western states. Solar energy is unlimited once we are able to capture and transmit it.

Home heating bills can be reduced drastically or eliminated altogether by harnessing the energy of the sun—air conditioning would work even better than heating. Eventually, mankind will be forced to resort to the sun for energy—These sources of energy will require innovations and creative options and success in our efforts could mean whole new industries.

Who will conduct the research and with whose money? The most important ventures will require very large investments and the very best we have to offer in trained scientists and researchers.

Two years ago in his first energy message, Mr. Nixon committed his administration to a successful demonstration of the fast breeder reactor by 1980 and to stepped up efforts in coal gasification and economically feasible oil shale development. The target dates are now being stretched out, and while Mr. Nixon increases Federal outlays for energy research ($750 million has been proposed) it is too little, and it soon will be too late.

Mr. Nixon is treating symptoms instead of causes and his solutions will result in patchwork engineering.

This is a time when we should be encouraging science and technology with consistent support for research and development not down grading such efforts.

Let me give you some specific examples.

The program of the National Science Foundation for fiscal year 1973 reflects a cutback of $62.4 million from the amount appropriated for NSF programs. NSF science and education improvement activities in fiscal 1973 are being funded at a level of 47 million versus the planned $77.8 million. Funds for graduate student support and institutional science programs totalling $15 million are deferred altogether from the planned fiscal year 1973 programs; and another $11 million has been deferred from some computing and science information activities as well as a number of research equipment and facility items. And so it goes.

My own Committee on Aeronautical and Space Sciences has jurisdiction over NASA, one of the greatest assemblages of talent and scientific expertise in many a moon (if you'll forgive a play on words), but NASA finds itself forced to reduce its programs and to force RIF's on its talented personnel.

NASA is a prime example of the benefits of science and technology. The great accomplishment of land 12 men on the moon will be exceeded in my view by the spinoff benefits to mankind from that effort. For instance:

The foam solution developed for space flight for fire proofing and insulation—a boon to conservation of energy and a direct result of the science and technology from the space program.

Representing one of the largest responses over to a NASA R&D solicitation, over one-hundred organizations in the United States have asked to be issued RFP's by Lewis Research Center for a program to develop and demonstrate a solar energy system designed to heat and cool a home or building.

The solar energy system, which is to utilize proven technology and off-the-shelf equipment to the maximum extent possible, is expected to consist of three units: (1) a solar collection subsystem; (2) a power conversion subsystem; and (3) an output unit.

Ideas are coming in for relaying solar power from satellites and, of course, the fuel cell technique is a product of the space age.

One of the greatest benefits in my view comes from the earth resources technology satellite.

The satellite has taken more than 160,000 pictures of earth, photographed 90 percent of the United States, 75 percent of the world's land mass and accumulated the picture equivalent of eight times the earth's acreage. The pictures include 20 percent of the Soviet Union and the People's Republic of China.

The satellite has found what appears to be the color and contour of nickel deposits in western Canada. Its pictures of Alaska's North Slope show a peculiar alignment of the lakes there that geologists say is a direct link to the huge petroleum deposits along the entire slope.

ERTS has made similar discoveries when it's peered down on other countries. It appears to have spotted huge nickel deposits in South Africa and has seen what mining engineers are 90 percent certain are two large copper ranges in the remote reaches of Pakistan.

In the western part of the United States the pictures from the satellite show us unknown faults in earthquake country, trona beds in Wyoming.

One of the most exciting bits of feed back from satellite observations of Alaska is the occurrence of large linements or structural breaks which show little or no correlation with surface geology which cross cut formations and structural features. This provides geologic inference for further oil and gas development.

Here is a tremendous potential which is cut back by Nixon budget contraints. The second ERTS satellite is now delayed three years, to 1976.

If the United States is to maintain its leadership in education, scientific programs and technology, new directions must be sought to coalesce the drive and dreams of the young. Such a program takes vision and courage.

Technology has contributed mightily to the advancement of this country. Technology must be used to solve the energy crisis.

The Congress must seek better ways to stimulate and support private risk capital investment for innovative research and development activities by industry, the universities and independent research centers. We cannot abandon the search for creative options.

On Friday last, I joined Senator Jackson in co-sponsoring a bill which will over the next 12 years provide $20 billion for research and development to solve the energy crisis.

The economy and well being of America and our global neighbors requires the best we have to give. This is the way to solve the long haul energy crisis.

FREEDOM OF INFORMATION

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Wednesday, April 4, 1973

Mr. GRIFFIN. Mr. President, recently the Muskegon, Mich., Chronicle published a six-part series of articles exploring in depth the current controversy over freedom of the press.

In an additional editorial, which appeared in its March 18 edition, the Chronicle summed up the series and expressed some interesting conclusions.

Mr. President, I ask that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

GOVERNMENT VERSUS THE FIRST AMENDMENT: PRESS SHIELD LAW? WE WILL STAND WITH CONSTITUTION

This newspaper Friday published the final article in a six-part series by Chronicle reporter Mike Skinner on the growing conflict between the federal government and the press over the issues of press freedom and First Amendment rights—a struggle with implications which drive straight to the heart of the democratic system.

The articles covered all aspects of the historic confrontation, and we are confident that many of our readers will join with us in our judgment that the series documents a deliberate and growing erosion of press freedom and of the ability of the press to inform the public.

There is no question that the nation's press has been increasingly faced with government interference and harassment—even including actual imprisonment—in recent years, and the resultant threat to this free society should be a matter of the gravest concern to every citizen.

The public's right to know is under powerful attack, and the burden of defending press freedoms guaranteed in the First Amendment weighs more heavily on the press now than at any time since the adoption of the Bill of Rights.

It is a battle with many fronts, but the toughest fighting at this stage is the struggle by newsmen to protect their confidential news sources from the government. The Nixon Administration has moved far beyond the news management efforts and press feuds of previous administrations to mount a continuing and well-orchestrated drive to intimidate, discredit and legally curb the press.

It has tried to impose prior legal restraint on the publication of the news, as in the Pentagon Press case. It has harassed and threatened the television networks and has encouraged and expanded the use of subpoena power to obtain reporters' notes and tapes, a practice which could not only chill but kill investigative reporting.

And in June of 1972, as the Administration had asked, the Supreme Court ruled, 5–4, that newsmen did not have the constitutional privilege to refuse to provide a court or a grand jury with the name of an unidentified source or withhold confidential information.

However, the high court also held that state legislatures could—with an implication that they should—enact laws to shield reporters from disclosing confidential data. Such bills, ranging from heavily qualified to absolute protection for newsmen, are under consideration in Michigan and a score of other states (many already have them), and since January no fewer than 34 bills have been introduced in Congress to undo the effect of the decision by enacting a statutory privilege for newsmen.

Should newsmen have the right to refuse to provide courts and grand juries with information gathered *in the course of their work?* Our answer is an emphatic "yes"—and it is important that the public understand why.

The First Amendment guarantee of a free press embraces a right to gather, as well as to publish, news. The continuing threat of a subpoena—or other government harassment—requiring a newsman to divulge to a court or to a grand jury *confidential* information he has gathered in the course of his journalistic investigations will shrivel the sources of his information.

Without these sources, the value of his investigations and his reporting to the general public will be substantially diminished. As Supreme Court Justice William O. Douglas forecast in his dissent, "The reporter's main function will be to pass on to the public the press releases which the various departments of government issue."

The fundamental value of a free press is the service it performs in providing the public with a free flow of information. The information is essential to the effective functioning of a democratic government.

Earl Caldwell, a respected black reporter for The New York Times whose knowledge of the Black Panthers Party the government pursued all the way to the Supreme Court (he was jailed for refusing to reveal his sources), put it this way: "Only when we can operate in an atmosphere free of the intimidation of government can we assure the public that we are vigorously investigating all phases of corruption and political chicanery . . . It isn't so that New York Times reporters can move freely . . . it is so that ideas can move freely among a free people, so that we can all make the judgments that we must be able to make if democracy is to remain a living ideal . . . This large and complex society needs the best available information to make sound judgments about public policy."

A reporter is not a prosecutor or an investigator for a prosecutor or a court, although he could be expected, and rightly so, to report a murder or to testify in the case of a robbery or some similar crime. We would not change this, and no such change is being suggested.

The reporter's ultimate responsibility is to the people; he is, in effect, a public servant and therefore responsible to the governed and not to those who govern.

This relationship was recognized by the authors of the First Amendment, in fact, recognition of this relationship was one of the major reasons why the guarantee of a free press was added to the Constitution. All laws are made, or should be made, with the greater good of society as the goal. When the freedom of the press is impinged on, then society is the loser.

That said, be it noted there appears little overt opposition to the idea of a shield law for newsmen. Indeed, recent national polls indicate a clear public majority favors such a shield. The major debate centers on whether the protection should be absolute or qualified.

A number of legislators—and virtually all of the newsmen who have testified before Congress—favor blanket or absolute immuity. But the informed guessing is that what will evolve is a qualified or limited immunity to protect reporters from official "fishing expeditions" or the kind of legal harassment that sent Earl Caldwell and many others to jail.

This sounds fair enough, but we're not alone in worrying over the ultimate effect of such a law. Mindful of the proverbial camel which first stuck his nose in the tent, then took over the tent, we ask whether there can really be such a thing as a "little bit of government regulation" in the area of freedom of the press.

While he might be considered a devil's advocate, inasmuch as he is a government official, we're inclined to agree with Roger C. Cramton, assistant attorney general in the Justice Department, who told a House subcommittee "The more the newsmen are subject to legislative control, the more that will become regulatory control . . . Step by step, once you start down that road, what starts out as a privilege or a favor to the news media ends up wtih some species of regulation."

Much the same warning has been voiced by a respected member of the news fraternity, Vermont C. Royster, former editor of the Wall Street Journal. The very word "immunity" leaves a bad taste in the mouths of many people, even though the law has always accorded such immunity to doctors, lawyers and clergymen.

But to compare reporters with these professions is to get onto shaky ground, says Mr. Royster. Physicians, attorneys and priests don't write newspaper stories on the basis of what their clients tell them.

Even the idea of a limited immunity may be a dubious one. To have any useful application, such a law would have to differentiate between those who are bona fide Journalists and those who are not. This would not be easy—although the total shield bill offered by Sen. Alan Cranston, of California, makes what we consider a workable stab at it.

The problem is that once we let the law decide *who* may write, we will have taken a very long step toward letting the law decide *what* they may write.

We submit that at least this much is clear; that the present wave of pressure against newsmen constitutes a clear and present danger to freedom of the press in America, and to the people's "right to know."

If a shield law is passed, and it appears this is likely, we think that nothing short of the total * * *. Anything less would not only not do the job, but could be extremely dangerous. There can be no such thing as "a little bit" of government legislation in the sphere of press freedoms.

We think the wisest course is to rely on tradition rather than new statutes; on increasing public understanding of the role and the needs of a free press rather than on a law or laws which would attempt to cover every conceivable circumstance.

We'll take our stand with the First Amendment. It says simply, "Congress shall make no law . . . abridging the freedom of speech or of the press." We think there can be little question about the spirit or the intent of that statement.

Both freedom of the press and the profession of journalism, have, after all, flourished for nearly 200 years under that amendment. And while this "shield" may have been pierced a few times lately, and while it is battered and dented in places, it still serves.

We'll be better off in the long run if we fight each case on its merits, as it comes along. We have no real confidence in a statute, no matter how absolute or well-intended. The Constitution should be shield enough.

YATRON SETS LEGISLATIVE GOALS FOR THE ELDERLY

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. YATRON. Mr. Speaker, amidst all the current discussions of inflation, soaring food costs, and meat boycotts, it is my hope that we will not dismiss from our minds a segment of the population which has been boycotting meats and other foods for some time, albeit unwillingly—27 million elderly Americans.

I have discussed with a number of local food merchants and supermarket checkout personnel the types of foods they might have noticed being purchased by the senior citizens who shop in their establishments. The answers are dismaying. Cans of weak soup, macaroni and cheese, and foods that may be filling but are not at all nutritious are among the vast majority of products being bought. That such a situation exists and has continued and been fostered by economic conditions is unconscionable. I am certain that we have all received letters from older persons pleading for help and questioning whether they will, in fact, be able to survive. Americans are told not to buy expensive food; this is nothing new to the retired and elderly living on fixed incomes.

As part of my efforts to develop a legislative program and set goals in this important area of concern, I have sponsored several specific proposals which, if approved, would contribute immeasurably to the well-being of senior citizens. They would: Include certain qualified drugs under medicare, which could mean the difference between illness or improved health and survival; provide that the first $5,000 of any and all retirement income be tax exempt; allow a credit against income taxes or Treasury payment for persons 65 and over, to offset the cost of State and local property taxes; provide reduced or free transportation for persons 65 and over; protect private pension plans; increase retirement benefits; and strengthen and improve the Older Americans Act.

I have again introduced legislation designed to assure elderly persons full payment of all Federal benefits under such programs as veterans' pensions, social security, medicare, and old-age assistance. It makes no sense to raise social security benefits only to withdraw an equal amount from recipients of other Federal payments. In my district alone, nearly 78,000 older persons receive some $106 million each year from social security in Berks, Schuylkill, and part of Northumberland Counties. The last increase was not received by many due to unfair income ceilings.

Certain measures I sponsored in the last Congress were approved such as the social security increase, the inclusion of chiropractic services under medicare, the increase in the earnings limitation, a railroad retirement increase, and others. My bill to provide hot, nutritious meals was, unfortunately, vetoed by the President but I continue to support and advocate such a program. I cannot, however, condone any increase in medicare which would place an additional strain on recipients and I strongly favor full coverage. It is necessary, of course, to continually explore legislative avenues in behalf of the elderly and this I am doing.

Mr. Speaker, I urge my colleagues to join me in indicating our genuine concern for and awareness of the problems of older Americans by taking decisive action on these and other proposals of benefit to them. An administration which takes the position that we cannot afford to help the elderly strains confidence in its ability to understand and deal with human and social problems. No price can be placed on the fulfillment of human need nor on the acquisition of human dignity.

THE NATION SUPPORTS REMOVAL OF TAX DEDUCTIBILITY FOR CIGARETTE ADVERTISING

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 1973

Mr. KASTENMEIER. Mr. Speaker, since cigarette smoking is one of the major contributors to premature death and disease, I introduced, earlier this year, H.R. 4640 which amends the Internal Revenue Code by removing cigarette advertising as a deductible business expense. I do not believe the Government should promote, through advertising tax exemptions, products which sell ill health and early death to the American people.

In this respect, I am pleased to note that the highly respected journal, The Nation, in its April 2, 1973, issue, had editorialized favorably on my effort to disallow tax deductions for cigarette advertising.

CONTINUING CIGARETTE PROBLEM

The Surgeon General keeps warning us that cigarette smoking is a major health hazard, and cigarette sales keep increasing. Per capita consumption appears to have stabilized for some groups, but population increase accounts for the higher sales. Most ominous of all is a sharp rise in cigarette smoking among youths of high school age, both girls and boys. It makes them feel grown up, they see it as a sexual attribute in magazine and newspaper ads, and they are not deterred by the Surgeon General's warnings. Kids as young as 7 and 8 are smoking cigarettes.

Banning cigarette advertising from radio and television has had little effect. "American ingenuity and salesmanship have the reputation of being able to sell anything," remarks Rep. Robert W. Kastenmeier (D., Wis.). The cigarette industry has rechanneled some 75 per cent of the $25 million a year it expended on TV advertising into newspapers, magazines, billboards, etc. The corner caption, "The Surgeon General Has Determined That Cigarette Smoking Is Dangerous To Your Health," is lightly passed over, if it is read at all. As for the young, who should be the principal concern of the antismoking forces, a prominent Canadian physician who has been active in this field sums it up: "Frightening medical statistics bounce right off them. Cancer is something only old people get and, for them, old age is an eternity away." Of course cancer is not the only hazard, and coronary heart disease, emphysema, etc., afflict and kill not only the old but the middle-aged and even the young. However, experience shows that the medical approach has only limited efficacy.

Should we just give up, blaming it all on "human nature"? In that case, why all the uproar about "hard" drugs, and even marijuana? Or should more radical measures be undertaken? Representative Kastenmeier favors the latter course. "While the advertising dollar tax exemption is extended to all businesses in the country," he says in the CONGRESSIONAL RECORD, page 5066 "I feel the harmful and deadly effects of the product which cigarette manufacturers market should prevent these industrialists from enjoying this otherwise universal privilege." Let them advertise if they wish, but at their own expense. Either the advertising will diminish, or the industry's profits will drop, or the cost of cigarettes will rise to still higher levels.

Mr. Kastenmeier has introduced legislation to amend the Internal Revenue Code by removing cigarette advertising as a deductible business expense. Of course there will be an uproar if this legislation seems likely to pass. Alcohol is harmful too, and lobbyists for the liquor interests as well as those of the cigarette industry will rave and roar about do-gooders and health nuts. But isn't it better to brave such onslaughts than to make ourselves ridiculous by issuing official reports on the perils of cigarette smoking, while subsidizing cunningly contrived messages in its favor?

MISS JANE FONDA

HON. PETE V. DOMENICI

OF NEW MEXICO

IN THE SENATE OF THE UNITED STATES

Wednesday, April 4, 1973

Mr. DOMENICI. Mr. President, the activities of a young movie actress would not normally merit the attentions of this body. But when the lady in question happens to be a widely publicized and self-appointed commenator on international affairs, morals and ethics, her observations may merit some brief consideration here.

I refer in this instance to Miss Jane Fonda, who is presently solemnly assuring Americans that our returned prisoners of war are liars—that they did not, in fact, experience what they say they experienced. She further suggests that their testimony would be unworthy of our attention no matter what they told us because they are some species of paid killers—murderers, in short.

I am confident the majority of Americans are by now more than capable of evaluating Miss Fonda's judgment. I doubt if anyone considers her a dispassionate observer.

What strikes me, however, is the paradox of the situation—that it is largely the existence and dedication of the men she vilifies that preserved Miss Fonda's freedom, the freedom she then misuses for her torrential abuse.

If there is any benefit to the Nation in Miss Fonda's offstage performances, it may be this: That she serves as a dramatic reminder to all the world that freedom, which is difficult to achieve and maintain, allows for both responsible and irresponsible use of its privileges.

Now would not it be edifying to us all if the Jane Fondas, who have flourished and grown wealthy under the advantages of freedom, would resolve to show us all how responsibly they can use those freedoms.

NEW FARM PROGRAM REPUDIATED BY ADMINISTRATION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 1973

Mr. RARICK. Mr. Speaker, less than 2 weeks after it was presented, the President has rejected his own proposed agriculture policy. And in the process, he has betrayed the American farmer and consumer alike.

The new farm program outlined by the Secretary of Agriculture proposed to phase out farm income support payments, and to let the farmer receive the market value for his products in the marketplace. This would take the food subsidy off the taxpayer, with the full food costs being borne by the consumer.

In testimony before the House Agriculture Committee on March 20, Secretary Butz said:

> Farmers and the private trade should keep the supply in their hands. They should retain the marketing decision and market at the best prices for them. They should earn the profits for carrying the crop from periods of lower prices to periods of higher prices. Farmers are benefitting from this right now.
>
> * * * * *
>
> In any discussion of legislation and the future of agriculture, we should turn to the question of who should control farming in America. I think we can agree—it should not be government. It should not be non-farm corporations. Farming should be controlled by the men and women and families who farm our land and provide our food.
>
> We have taken a giant step away from domination of agriculture by government. The Agricultural Act of 1970 provided that step. It reversed a trend. The Federal Government is now serving agriculture rather than dominating it. The legislation we finally develop together can and should continue this trend to the undying gratitude of the Nation's farmers and in the best long-time interest of all citizens.
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> * * * * *

Last week Mr. Butz was quoted in the newspaper as refering to those who pressed for price controls on food as "damn fools." Surely his comment was not directed at the President. He added that those who favor ceilings on food prices "have not fully assessed" the effect of such ceilings.

Last Thursday in the face of a meat boycott, however, the President slapped a price ceiling on the cost of beef, in rejection of his own proposed farm program. The same ceiling also limits the prices a farmer can get for food exports to foreign countries. This in practice increases the cost to the American consumer by decreasing the price the farmer can get for his products abroad.

The nationwide boycott should be seen as a repudiation of the administration's proposed market concept of nonsubsidized agriculture.

I include a related newsclipping:

[From the Washington Star-News, Mar. 29, 1973]

BUTZ EASES CONTROLS STAND

(By John Holusha)

Agriculture Secretary Earl Butz today appeared to soften significantly his opposition to food-price controls.

This came amid recurring reports that President Nixon would announce some new form of controls in his televised address tonight.

Butz has been the administration's most outspoken opponent of controls on prices that farmers charge for their produce. Last week, Butz referred to those who are pressing for such controls as "damn fools."

But at a news conference today, Butz tempered the tone of his comments on food price controls even as he held steadfastly to his position that controls on raw agricultural products would tend to dry up supplies in conventional channels and develop black market outlets.

He said he continued to feel that those who favor ceilings on food prices "haven't fully assessed" the effect of such ceilings.

But, asked if he would resign in protest if President Nixon did impose controls, Butz waved off the question with a laugh. "I've lost many battles at the White House," he said. "Even on the Cost of Living Council I've been overruled several times—sometimes I win and sometimes I lose."

Asked if he could support controls if imposed, Butz parried by stating flatly that he supports the President. He went on to say, though, that controls on food prices—if extended for any length of time—would require a system of rationing similar to that used during World War II.

Butz sought to play down threats by farm organizations to withhold their meat animals from market in retaliation to consumer boycotts. He said farmers economically cannot afford to keep hogs and steers for more than two or three weeks past their prime marketing time.

"The price per pound of the animal starts to decline then—they just can't keep them much past the 'bloom'," he said.

He said the boycott "may have a major impact in the short run" on food prices. Lessening of demand via the boycott, he indicated, would simply be an exercise of the classic economic system.

Overall though, he said the only way to hold down food prices was to control inflation.

* * * * *

Plans to withhold hogs, cattle and lambs from the market starting today because of a record drop in hog prices and a decline in cattle prices have been announced by the National Farmers Organization.

The influential farm group took the action last night, claiming, "The price drop on hogs has been so drastic that it requires immediate action." The NFO also called for farmers' meetings in 15 cities tomorrow to determine future action.

The falling prices paid to ranchers came as plans for a nationwide meat boycott next week gained support. In San Francisco yesterday, about 200 persons paraded at the Federal Building plaza and shouted pledges not to eat meat all next week and on Tuesdays and Thursdays thereafter.

The decline in hog prices was blamed on "panic selling and a lack of confidence in what the market will be tomorrow or next week" by a spokesman for the hog market in Des Moines.

"This has to be the impact of what they call consumer resistance," said Ron Jarvis, president of Oppenheimer Industries of Kansas City which operates one of the biggest cattle herds in the nation.

Jarvis and other cattlemen expressed doubt that they could withhold herds even from a declining market. "The cost of holding them gets too prohibitive, and I don't know anybody that isn't trying to raise as much beef as they can," said cattle producer Phil Arnold of Ashland, Kan.

But NFO President Oren Lee Stanley said, "Farmers must stand together now if a serious economic disaster in agriculture is to be avoided." The last time the NFO asked members to withhold their supplies was in 1968.

Meanwhile, Japan, the biggest single customer of the American farmer, has temporarily quit buying U.S. pork. Government experts think sales will resume shortly as present supplies in that country dwindle.

There have been some reports in the meat trade that the curtailment of Japanese pork buying—now in its second week—is a big factor in dramatic declines in Midwest hog prices in recent days.

According to Agriculture Department officials, however, the volume of pork sold to Japan has not been large enough in itself to be an important market factor.

Last year, when U.S. pork sales to Japan soared, shipments amounted to 46 millions pounds or only about 0.3 percent of total U.S. pork output.

HUD ATTACKS DISCRIMINATION IN PLUMBING CODES

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. HAWKINS. Mr. Speaker, discrimination, in any form, is bad. It is immoral, unhealthy, and unlawful. Yet, it persists and its mere presence stifles the rights and expectations of many millions of our citizens who justifiably have come to feel neglected.

Perhaps the most damaging form of discrimination is that which threatens or denies to workers their right to economic security; for if an able and willing worker is stifled at the threshold of employment, his disappointments and frustrations multiply and ultimately threaten the basic fabric of our system of ordered liberty.

It is because of these concerns that I was most pleased with the recent policy position expressed by the Department of Housing and Urban Development—HUD—in directly and frontally assaulting the discriminatory provisions and practices perpetuated by plumbing codes.

The particular vice I am referring to concerns a practice—common to virtually every State, city, and hamlet which has a plumbing code—whereby only "licensed" plumbers are permitted to perform pipework outside of buildings or structures. This outside work—often referred to as "utilities" installation—involves such semiskilled tasks as the digging of ditches and trenches, the unloading and lowering of pipe into the trench, the pushing together of separate lengths of pipe, the making of the joint by screwing or cementing the lengths together, and the filling and tamping of the trench.

These work tasks are typically the kinds which utility contractors and their laborers have historically performed throughout the United States, and hardly require the skills normally associated with the plumber's craft. Yet, by virtue of plumbing code provisions which mandate that pipe work to be installed within property lines be performed only by licensed plumbers, local plumbing officials and plumbing inspectors have precluded utility contractors and their employees from performing such work—and have even gone so far as to invoke the codes' criminal provisions, subjecting them to arrest, fines, and imprisonment.

Mr. Speaker, this invidious practice is nothing less than a monopoly which, under the aegis of local governmental fiat, permits only the special class of licensed contractors and plumbers to do outside utilities work. And while a monopoly of any kind is contrary to national and public interest, it is particularly damaging when its radiations contaminate the jobseeker and taxpayer alike. Thus, these monopolistic practices perpetuate higher contract prices and higher labor costs which are passed on to the consumer, notwithstanding the wealth of evidence that as a matter of national practice, this work can be done by nonlicensed contractors and workmen with even greater efficiency, economy, and competency, and while conforming to the highest performance standards.

While I am deeply concerned with limiting the high costs and spiraling wages involved in construction, I am even more troubled with the crises in the cities and the attendant evils which such crises create. While a depressed economic market knows no partisanship and is felt by all workers alike, its impact is nevertheless more acute for those minority citizens who are further disadvantaged in attempting to gain initial access to employment or training opportunities. If no rational basis exists for precluding minorities from obtaining work experience in utilities construction outside of property lines, why then is there any basis for requiring a license inside such imaginary line?

The U.S. District Court for the Southern District of Indiana, in the case of *White* v. *City of Evansville,* 310 F. Supp. 569 (1970), answered this question by holding that a plumbing code which required a license for work performed within property lines was arbitrary and unreasonable, and in violation of the 14th amendment to the United States Constitution; and further, that where members of minority groups could not gain access to the licensed class, such codes also violated constitutional principles by perpetuating a condition of de facto racial discrimination.

In addition, the Equal Employment Opportunity Commission has noted that because of the drastically low percentage of minority workers who have been able to gain admission to the Plumbers' Union, the EEOC "would look favorably upon any code activity which sought to remove such restrictions and provide wider channels of employment access." It is apparent to me that to the extent a code prevents anyone other than a privileged licensed workman the means of gainful employment, to that extent does the code interfere with every man's right to be judged by his ability to perform.

It is because of the foregoing discriminatory aspects of plumbing code administration that I was encouraged by the recent action and declaration of policy made by the Department of Housing and Urban Development. For a number of years, various trade associations, labor organizations, and public interest groups have brought these grievances to the attention of HUD—with little visible result. At long last, HUD has finally taken the long-awaited and necessary step declaring that communities will no longer be entitled to receive HUD certification and financial assistance if they continue to administer discriminatory plumbing codes. Mr. Speaker, because of its significance as a major breakthrough in a long-neglected area of public concern, I submit in its entirety the March 16, 1973, letter of policy from the Department of Housing and Urban Development to the National Utility Contractors Association:

DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT,
Washington, D.C., March 16, 1973.

Mr. JOSEPH M. STONE,
General Counsel, National Utility Contractors Association, Inc., Washington, D.C.

DEAR MR. STONE: We are pleased, in response to your letter of February 2, 1973, to give you a summary of actions we have taken to overcome problems of provisions in plumbing codes which tend to limit work and contract opportunities regarding plumbing outside of structures and specifically involving outside utilities.

First, we recently prepared a notice to all communities concerned with the Workable Program for Community Improvement that HUD will not accept for certification purposes any plumbing code provisions which establish the property line or other arbitrary point outside of structures as a basis for defining work subject to licensing. The notice points out a court decision which held that use of the property line, when licensing is not required for work beyond that line denies work opportunity and equal protection of the law and so is unconstitutional. The court noted also in the particular case that licensing provisions were so administered as to deny licenses to minority individuals. We will be pleased to send you a copy of the notice as soon as we receive it from the printers. It will take immediate effect upon distribution to communities which will occur shortly.

Second, we have been apprised of several cases of pending litigation which challenge the legality of such arbitrary provisions.

Third, we have received reports, at our request, from the International Association of Plumbing and Mechanical Officials and the Southern Building Code Congress as to specific revision steps these organizations are taking with their Uniform Plumbing Code and Southern Standard Plumbing Code respectively to remove or amend provisions which have used arbitrary points for establishing licensing requirements on plumbing outside of structures.

Fourth, we are instructing our field offices, which have responsibility for certifying Workable Programs, as to our policy and the unacceptability of locally enforced codes, irrespective of source (Model Code, State code or locally developed code), which employ the property line or other arbitrary point in establishing requirements for licensing. As you may know, a HUD-certified Workable Program is a requisite for local participation in renewal, neighborhood development, code enforcement and related renewal-type grant programs.

Upon close reexamination of the issues and technical problems involved, and upon fuller realization of the impact that code provisions can have with respect to work and business rights and opportunities, the Department became convinced of the necessity of these steps.

We are confident that these steps will be effective in reaching our objectives and in meeting concerns you have expressed. We shall be pleased to provide any additional information you may wish. Also we would like you to know that we appreciate your continuing interest in this matter and that this has been helpful in identifying the issues involved and in framing corrective action.

Sincerely,

RICHARD H. BROUN,
Acting Director, Office of Community and Environmental Standards.

TELEVISION'S POW COVERAGE

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. HUNT. Mr. Speaker, all of us, at one time or another, have sought fit to speak out when the broadcast media overstepped its responsibilities. This day however, I want to commend the media particularly NBC for the outstanding coverage they provided of the returning POW's on the "Today" program last Friday morning.

On that particular program NBC devoted its entire 2 hours to the most extensive coverage of the repatriation of prisoners of war given by any network.

During the first hour the returnees were interviewed by "Today" Washington editor Bill Monroe and John Cochran, NBC correspondent at the Pentagon. During the second hour, the final satellite feed from Clark Air Force Base in the Philippines carried films of the last POW's released in Hanoi.

By the time the last serviceman came down the ramp at Clark everyone of the 589 POWs had passed the NBC cameras. And, I might add, each and every one were seen on the "Today" program.

Like myself, I feel that anyone who had the opportunity to view this program, must have been touched deeply.

This poignant portrayal elevated television journalism to new heights. I commend them, and look forward to more of the same. It was indeed, one of television's finest hours.

The letter follows:

NATIONAL BROADCASTING
COMPANY, INC..
Washington, D.C., March 30, 1973.

Hon. JOHN E. HUNT,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN: I know that you have been interested in the coverage that the television networks have given to the return of our POWs; because of your interest I am sending you a release from our News Department indicating the kind of continuing coverage that NBC has undertaken since the first POWs were released in late January.

I certainly enjoyed visiting with you Tuesday night at the NAB cocktail party; the worst part of this job Congressman, is that I'm so busy fighting the forest fires in my own bailiwick that I don't have as much chance as I would like to visit with my friends. One of these days I hope that situation will change but I'm not counting on it.

Best wishes.

Sincerely.

ROBERT D. HYNES, Jr.
Director, Government Relations.

MARCH 29, 1973.

MOST EXTENSIVE TV COVERAGE OF REPATRIATION OF PRISONERS OF WAR TO REACH CLIMAX ON NBC AS "TODAY" DEVOTES 2 HOURS TO SUBJECT

As a climax to the most extensive coverage of the repatriation of prisoners of war given by any network, NBC-TV's "Today" program will devote its entire two hours to the subject *Friday, March 30* (7-9 a. m. NYT).

During the first hour, recently returned POWs will be interviewed in Washington by "Today" Washington editor Bill Monroe and John Cochran, NBC correspondent at the Pentagon. During the second hour, the final satellite feed from Clark Air Force Base in the Philippines will carry films of the last POWs released in Hanoi.

After the last serviceman comes down the ramp at Clark Air Force Base, every one of the 589 POWs who passed the NBC cameras will have been seen on the "Today" program. Additional coverage has included the subsequent arrivals of POWs at air bases close to their homes.

VA HOSPITAL AT PRESCOTT, ARIZ.

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. STEIGER of Arizona. Mr. Speaker, on March 9, 1973, there appeared in the Prescott Courier an excellent account concerning the Veterans' Administration Hospital at Prescott, Ariz. In view of the unfavorable publicity that has been given to VA Hospitals by some groups, I am sure it will be of interest to my colleagues to see this report of activities at our Prescott VA Hospital.

The article follows:

WHIPPLE BETTER OFF—MCINTYRE REFUTES VA HOSPITAL FIND

(By Tom Coat)

Results of a congressional investigation which harshly criticized conditions in the nation's veterans hospitals do not describe the situation at Whipple Veterans Administration Hospital according to center Director Virgil McIntyre.

"Every hospital has a different situation," McIntyre said commenting on the investigation, "but in our situation here we are not finding that the problems exist which are described in the AP story."

The story, which was released yesterday, alleges the congressional investigators found a pattern of neglect in the nation's VA hospitals that endangers the well-being of hundreds of thousands of patients.

The story went on to report that veterans face long waiting periods of from a few weeks to months for admission to one of the 168 VA hospitals.

Once there, the investigators claim, a veteran is likely to receive little attention from undermanned nursing staffs and is also likely to be put in cramped quarters due to shortages of space.

In conclusion, the investigators state, conditions at some hospitals are so bad that a patient may leave in worse shape than when he was admitted.

The investigation was based on interviews with VA officials at 14 VA hospitals throughout the nation and examinations of VA records.

In commenting on the local VA hospital, McIntyre stressed that there is adequate staffing to handle the needs of its approximately 190 patients.

Presently there are 57 registered nurses at the hospital and 15 staff physicians, nine of whom are certified by the American Board in their special area of study.

"Overall," said McIntyre, "our staff to patient ratio is above the national average for VA hospitals."

Part of the reason for the high ratio as well as the advanced study by the majority of the staff physicians is that Whipple Hospital is reportedly in a very favorable recruiting area.

While McIntyre recognized that there are some areas in which veterans cannot get treatment in the Prescott area because of staff limitations, he was quick to point out that the other two state VA hospitals in Phoenix and Tucson work closely with Whipple Hospital.

"If a veteran comes to us for care in a specialty we don't have, such as neurosurgery, we can have him to Phoenix or Tucson in a matter of hours . . ."

BUSING, TRUE OR FALSE—A DIFFERING VIEWPOINT

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. FRENZEL. Mr. Speaker, on March 22, I introduced into the RECORD a column by editorialist William Raspberry in the Washington Post. Subsequent to that editorial, and to my introduction of it into the RECORD, Mr. John Buggs, Staff Director of the U.S. Commission on Civil Rights, wrote a letter to the Washington Post criticizing the editorial. In the interest of fair play and equal time, Mr. Buggs' letter follows:

LETTER FROM JOHN BUGGS, STAFF DIRECTOR, U.S. COMMISSION ON CIVIL RIGHTS TO THE WASHINGTON POST

MARCH 26, 1973.

It would have been serious enough if in his March 16th column, "Busing, True or False," Post columnist William Raspberry had only seriously distorted the conclusions of a recent Civil Rights Commission report of a national poll. However, he also attempted to confuse the issue with an essentially meaningless analogy between housing and school policies. To these two major errors, which any uninitiated person might commit, he added a third—and for an outstanding columnist, unforgivable blunder—Mr. Raspberry suggests that the Commission used two words that are calculated to raise the hackles of most people, "bigotry" and "insincerity" in describing its findings. Nowhere in the entire 26-page report and appendices are those two words found or implied.

Mr. Raspberry believes that the Commission's report distorted the evidence to claim that busing opponents were "bigoted and insincere" rather than motivated by honest opposition to the "economic, social and educational costs" of implementing Court orders requiring busing.

The Commission, however, specifically criticized those who analyze the difference between poll findings of support for integration and opposition to busing as expressions of public hypocrisy. The survey was designed to probe, in unprecedented detail, the reasons for this gap. The Commission did not conclude, as Raspberry implies, that the only thing standing in the way of public enthusiasm for busing was the lack of adequate information. Raspberry has ignored the following passage early in the Commission's report:

"Misinformation is not, of course, a total explanation of the intense public opposition to busing. Even with effective national and local leadership accurately communicating the facts of the situation, there would doubtless be substantial opposition . . .

"The fact remains, nonetheless, that many millions of Americans are very seriously misinformed about vital issues affecting their children. The only reasonable hypothesis is that if they did know and understand the facts then their attitudes would become somewhat more favorable."

Mr. Raspberry finds it "hard to see how informing the ignorant . . . would make the slightest difference in their attitudes toward busing." Surely, Mr. Raspberry cannot think that resistance to busing is not intensified on the part of many millions of Americans who erroneously believe their children are damaged educationally by desegregation and that the Courts have ignored such damage. Can he seriously dispute the implication that public attitudes are affected when most Americans think it costs up to twenty-five times more than it actually does to implement a typical busing plan? Can he ignore the conclusion that part of the opposition to busing grows out of the belief, held by most people, that the courts have already ordered the consolidation of suburban and central city school districts for desegregation purposes? Should we overlook the very real probability that there is a mistaken belief that the courts are ordering unnecessary busing when there are millions of Americans who say they oppose busing but yet are willing—if asked another question—to support busing when there is no other way to desegregate? Is it not important when the survey shows that people who were reasonably well informed were three and a half times more likely than those seriously misinformed to support busing?

Unfortunately, Mr. Raspberry's writing reflects the very kind of misinformation the Commission discussed in its report. He writes of the heavy financial and educational costs of busing and insists that integration not be "the *overriding* goal, to be achieved no matter what the cost." Had he carefully read the Commission report, he would have noted that the cost of busing orders is only about 1 or 2 percent of school district's budget, far less than any significant compensatory program. While the available evidence indicated no massive educational gain for black students, the gains are far more significant than for any existing compensatory programs. In addition, there is no evidence of harm to white children. Mr. Raspberry is among the major figures of the mass media who bear the responsibility for giving widespread public credence to the myths of massive economic and educational costs.

Mr. Raspberry claims that support for court-ordered urban school desegregation plans is the same as "requiring that families residing in neighborhoods that are too white or too black be forcibly relocated to other neighborhoods in order to achieve neighborhood integration."

Mr. Raspberry's analogy does not hold in most housing situations. For most Americans, housing has always been a private market commodity purchased through a private market in which buyers and sellers are free to make their own choices so long as they do not violate the rights of others. Schools, on the other hand, are a basic public responsibility, providing what is probably the most important public service for most citizens. Public programs whether they be schools or housing must comply with the constitutional requirement of "equal protection of the laws" and this Commission supports a requirement against discrimination in any housing subsidized by tax funds. The courts have rightly concluded that equal opportunity cannot be provided within segregated schools in an intentionally segregated school system.

We may have made an error in not providing Mr. Raspberry with the raw data from which our interpretations were drawn—it was sent to his paper and he was advised to call the expert on our staff for any questions he might have. Had he done this it is doubtful that he would have given so much weight to the fact that only 49 percent of the black respondents said they would be willing to send their children into white schools to obtain a better quality education.

On the question of basic support for busing, blacks divided 49 percent favorable, 40 percent opposed and 11 percent undecided. That means that of the blacks expressing an opinion 56 percent favored busing. When follow-up questions were asked, an additional 12 percent of blacks favored rerouting existing school bus service to increase desegregation and another 10 percent favored busing if it were the only available way to overcome unlawful segregation. Thus, black opinion on the question of limited busing, when busing is the only way to desegregate breaks down as follows: 71 percent in favor, 16 percent opposed, and 13 percent with no opinion.

In conclusion, it is, I believe, important to answer another question raised by Mr. Raspberry. He inquires as to whether or not the Commission's staff favors, as a national objective, neighborhood integration. While I cannot speak for all our staff without actually polling them, I believe they would agree with my answer, which is "yes."

NATIONAL NUCLEAR MERCHANT SHIP PROGRAM

HON. FRANK M. CLARK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. CLARK. Mr. Speaker, as chairman of the House Merchant Marine and Fisheries Subcommittee on Merchant Marine I have had a continual interest in the development of a strong and competitive national nuclear merchant ship program. That is why I was happy to read the recent speech by Mr. Howard F. Casey, Deputy Assistant Secretary of Commerce for Maritime Affairs before the 12th annual meeting of the Southern Interstate Nuclear Board in Williamsburg, Va., on March 27, 1973.

I believe the most important statement Mr. Casey made during his speech, and an area I support, is that the Maritime Administration is actively developing a realistic and workable approach on some form of "incentive financing" to assist operators in meeting the initial outlays required to install nuclear propulsion on the first several ships.

I commend this outstanding and informative statement to my colleagues. The remarks follow:

REMARKS BY HOWARD F. CASEY

It is a great pleasure for me to participate in this 12th Annual Meeting of the Southern Interstate Nuclear Board. As you know, Bob Blackwell, the Assistant Secretary for Maritime Affairs, had originally intended to be with you. Unfortunately, the development of a serious scheduling conflict prevented him from doing so.

In preparing to fill in for him, I undertook some research into the history of the nuclear power industry in the United States. I found that since its beginning in the mid-1950's, it has compiled a distinguished record.

The first land-based electrical generator and the first marine propulsion system are only a part of the many historical breakthroughs that have been made in this revolutionary technology.

One characteristic of the industry that particularly impressed me is the excellent cooperation between industry and government that has been maintained throughout its development. In these days when an adversary relationship between the two is so commonplace, it is interesting and encouraging to see that this type of cooperation can be established and how effective it is in operation.

As most of you are aware, this element is particularly important in the maritime industry. Government, business and labor share responsibility for the well-being of he U.S. merchant fleet. Unfortunately, the track record in the maritime industry has not been nearly as impressive as the one that the nuclear industry has compiled.

For most of the post-war period, shipping management, labor and government could not agree on a viable program to assure the future growth of the industry. The government was unwilling to assume its share of responsibility for the industry's health by providing the necessary priorities for a workable program. Industry and labor too frequently put their own parochial interests ahead of those of the fleet as a whole.

Needless to say, the American Merchant Marine suffered greatly as a result of this lack of unity. The once-proud U.S.-flag fleet dwindled steadily over the years, until it was only a shadow of its former greatness.

By 1969, it was apparent that drastic action had to be taken to reverse this downward trend, or the U.S. would soon find itself with no commercial fleet worth speaking of. Recognizing this, President Nixon advanced the most sweeping overhaul of our national maritime policy in over 30 years. He held out to the industry government assurance of a long-term ship construction program to replace the obsolete ships in the present fleet with new and highly productive vessels.

In return, he asked the shipping and shipbuilding industries—management and labor alike—to concentrate their efforts on improving efficiency, thus enhancing their competitiveness in the world market.

This program—which received nearly unanimous support from labor, management, and the Congress—requires management and labor to pull a strong oar and not rely so heavily on the government to shape its destiny. It requires the industry to raise several billion dollars in new capital in this decade. It requires labor and management to become more productive and reduce costs. And it encourages them to construct a new and more cooperative relationship that will enable them to resolve their differences without resorting to the strikes and work stoppages which characterized the industry in the past. I am pleased to report that since the program's enactment in late 1970, substantial progress has been made in achieving its goal of a revitalized American Merchant Marine.

The shipping industry has responded to President Nixon's shipbuilding initiative with orders for 37 new ships to date, along with 16 conversions. These ships have an aggregate value in excess of $1.7 billion.

These new orders represent a major breakthrough for the American Merchant Marine, since they include 24 bulk carriers—the first to be built for U.S. registry and operation in the foreign trades in many years. In the post-war era, an influx of new and economical foreign-flag tankers and dry-bulk carriers virtually ended American participation in these vital trades. Recognizing the growing importance of imported energy supplies and raw materials for the United States, President Nixon's maritime program extended to such ships the operating and construction aids formerly limited only to general-cargo carriers.

Largely as a result of these orders, American shipyards today are enjoying the greatest backlog of merchant-ship construction in their peacetime history. The shipyards, too, are responding to the challenges of the new maritime program which called for them to make major improvements in their productivity by incorporating new equipment and mass-production techniques in their operations. These gains are to be reflected in a steadily declining subsidy rate which will fall from 53 percent in 1969 to 35 percent in 1976. To date, the yards have successfully met this challenge. All shipbuilding contracts to date have been within the subsidy guideline rates. In view of the fact that American shipyards today are spending approximately $100 million a year for improved facilities and equipment, we have every confidence that they will continue to meet the reduced subsidy goal.

The final highlight of the progress made in implementing President Nixon's maritime program that I would like to relate this afternoon concerns research and development. In announcing the program in 1969, President Nixon singled out R and D as an area in which enlargement and redirection were required. Too often in the past the Maritime Administration's research efforts bore little if any relationship to the needs of the maritime industry; yet, effective research and development on a near-term basis is an absolute prerequisite in increasing productivity to compete successfully with lower cost foreign shipbuilders and ship operators.

You will be pleased to know, I'm sure, that nuclear propulsion is high on the list of priorities in our research and development program.

All of you are familiar with the Maritime Administration's initial efforts in this field—the design, construction, and operation of the world's first nuclear-powered merchant ship, the NS *Savannah*. In the ship's 10-year history, the *Savannah* traveled over half a million miles on nuclear power with no casualties, and opened 44 ports around the world to nuclear-propelled ships. The *Savannah* completely fulfilled the mission set out for her—demonstrating the technical feasibility and safety of nuclear propulsion for merchant ships.

This innovative ship, however, did not and could not demonstrate the economic soundness of nuclear power. First, it was not designed as a competitive commercial ship. Second, and more important, fossil fuel in the fifties and sixties, when the *Savannah* was being built and operated, was comparatively cheap, putting nuclear power at a severe disadvantage.

This situation has changed radically. The ships being built today are far larger and faster than their counterparts of even 10 years ago. They consequently require far more power than their predecessors.

At the same time, the cost of fossil fuel has risen dramatically—more than doubling between 1969 and 1971. While future increases in fuel prices will probably not be nearly as spectacular, the upward trend will undoubtedly persist through the end of this century.

In view of these developments, the Maritime Administration two years ago re-evaluated the future of nuclear propulsion for merchant ships. The question to be answered was: Would nuclear power remain a scientific curiosity as far as merchant shipping is concerned, or would it offer an attractive alternative to conventional powering systems?

After intensive analysis, we concluded that atomic power will indeed provide shipowners with an attractive method of propelling their vessels in the near future.

In fact, the recent advent of ships with conventional power plants of more than 100,000 horsepower indicates clearly that the day of nuclear power is near. Together with Babcock & Wilcox's Lynchburg, Virginia, Division, which had developed a consolidated nuclear steam generator system, we initiated a series of research projects aimed at providing shipowners with the powering capability they will need.

This development effort was not geared toward achieving major scientific breakthroughs. Instead, it was focused on extending the technical know-how generated from the NS *Savannah*, and the more recent developments in land-based reactor technology, to produce a technicaly sound, economically feasible marine propulsion system.

In the last three years, we have committed over $6 million to this effort. Just recently, we reached a major milestone in this progress when the preliminary safety analysis report was presented to the concerted federal agencies for their review and comment. We expect to have their reactions in the next few months.

Together with our continuing effort to test and evaluate the critical components in the proposed reactor system, the completion of the safety analysis in the near future will mean that American shipowners will be able to place orders for nuclear propulsion systems within the next year, orders which we fully expect to be received by the U.S. nuclear power industry.

Our analysis to date indicates three areas of shipping where nuclear power appears to be nearing competitiveness. As I mentioned, we have entered the era of high-speed containerships—highly productive vessels that can carry over 1,000 containers at speeds of more than 30 knots. These vessels require power plants producing 100,000 or more shaft horsepower. We estimate that each of these ships will consume $50 to $100 million worth of fuel in its 25-year life. Under these circumstances, nuclear power, despite its higher initial capital cost, appears to be quite competitive with conventional fossil-fueled plants.

Until recently, the speed of the containership itself was not viewed as a major consideration in the establishment of an intermodal shipping system. However, as other phases of intermodalism have reached an advanced stage of development, particularly on the heavily trafficked trade routes, ship speed is more and more being looked upon as an area offering competitive advantage. In my view, we can expect this factor to assume increasing importance in the future.

While increased speed is one of the vessel characteristics that can make nuclear power attractive, growth in size is another. Possibly one of the most dramatic changes in bulk shipping in the last ten years has been the phenomenal growth in vessel capacity. Ten years ago, the 115,000 dwt. *Manhattan* was one of the two or three largest ships in the world; today it is dwarfed by tankers of nearly 500,000 deadweight tons and vessels of up to twice that size are being planned. These mammoth ships require far larger power plants to attain the same speeds as their smaller predecessors. It is likely that nuclear propulsion will offer owners of these vessels the same economies it offers to the high-speed containership operators.

A third potential application for nuclear power in ship propulsion is one that we are just beginning to investigate. This is the growing area of special vessels—drilling ships, ice breakers, and the like.

We have just recently initiated a jointly funded project with one of the leading American drilling ship operators, Global Marine Corporation, for a study of the feasibility of equipping Arctic drilling ships with nuclear power plants. The present offshore drilling season in the Arctic is limited by weather and the high cost of flying in fuel in 50-gallon drums to about 60 days per year. The cost of fuel oil can rise to as much as $10 a gallon under these conditions. Nuclear power has the potential to eliminate this inefficient means of supply and at the same time significantly lengthen the Arctic drilling season.

The increased attention being given to the Arctic as one of the world's greatest storehouses of energy supplies may result in a requirement for high-powered ice-breakers and ice transiting tankers or submarines in the next ten years. Such ships would require up to 250,000 horsepower to operate successfully in Arctic ice. Here again the potential for nuclear power is real and may well be imminent.

In view of these potential uses, the future of nuclear propulsion appears to be extremely bright. But much remains to be done in converting this potential into reality.

The shipping industry, I can tell you from long years of experience, is a hard-headed one with more than its share of skeptics and cynics. Because of the fiercly competitive nature of the world shipping business and the large capital investments required to enter it, shipowners are generally not the type of businessmen to make decisions on faith or promises.

This means that the United States' nuclear power industry must exert the maximum efforts possible to sell nuclear propulsion to the marine industry.

We recognize that some of the questions for which shipowners will demand answers are areas in which the government must take the lead. Such matters as ship licensing, port entry, indemnification against third party liability, and similar issues must be resolved at the international level, and these are subjects that we in the government are pursuing at this time.

Additionally, some form of "incentive financing" to assist operators in meeting the high initial outlays required to install nuclear propulsion may be needed. This also is an area where the Maritime Administration is actively developing a realistic and workable approach.

But in the end, the shipowners' decision to install nuclear propulsion must result from the sales efforts of the nuclear suppliers. Matters such as system performance guarantees and delivery dates can only be resolved by suppliers working with shipowners on a one-to-one basis.

Based on the nuclear power industry's past success in opening new fields of application, I am sure that commercial maritime uses for nuclear reactors will soon be added to the industry's long list of accomplishments.

Thank you.

THE NATIONAL HEALTH RESEARCH FELLOWSHIP AND TRAINEESHIP ACT OF 1973

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. REID. Mr. Speaker, I am today joining Congressman PAUL ROGERS in sponsoring the National Health Research Fellowship and Traineeship Act of 1973.

The purpose of this legislation is to allow for the continuation of graduate training grants and research fellowship programs in the field of biomedical research, through the National Institutes of Health and the National Institute of Mental Health.

Since their inception, these training grants and fellowships have been highly successful. They have provided the bulk of the manpower involved in scientific research and in academic medicine in this country. They have provided substantial faculty funds for medical schools. Most important, many of the breakthroughs in medicine practice during the past 20 years, have occurred as a result of the research carried on under NIH grants.

But this work is not finished. Research into the basic biological processes and mechanisms involved in the physical and mental diseases and impairments must continue. The administration has proposed terminating support for training new biomedical scientists. But the stakes are too great to permit an interruption of biomedical research just when so much progress has been made. Elimination of these programs is truly a false economy.

If we are to maintain continued progress in our fight to improve the health of Americans now and in the years to come, we must continue these valuable programs. I urge all my colleagues to join Congressman ROGERS in support of this legislation.

MR. AND MRS. ROBERT J. HASWELL EXPRESS THE VIEWS OF MANY

HON. GENE TAYLOR

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. TAYLOR of Missouri. Mr. Speaker, I am inserting for the information of my colleagues, a letter I recently received from Mr. and Mrs. Robert J. Haswell of Springfield, Mo. I believe their views are consistent with the feelings of many Americans, and should be given careful consideration by this body.

The letter follows:

SPRINGFIELD, MO.,
March 12, 1973.

DEAR MR. TAYLOR: It has been our observation that for the past several years, many of the laws and methods of carrying out the laws have totally ignored a basic fact. This important fact being overlooked is the human nature of people. It has been well proven that a law cannot change the way people think and in most cases act. To wit: The present welfare law damages the persons image by taking away a desire to improve ones present position. It tends to force a person who must accept welfare to give up their feeling of freedom, responsibility, self respect and the hope of ever improving their position. A point in case: A mother receiving ADC. *IF* she desires to try and get a job to augment her income, she is penalized for doing so by a taking away a part of her welfare check. In addition to this severe penalty, she must also make arrangements for someone to care for the children and to pay for someone to care for the children. She has transportation problems and expense, additional clothing expense, etc., incurred by having an outside job. With these mothers not being able to keep a majority of their extra income, it is no small wonder many of them do not seek outside employment, therefore resulting in larger welfare roles with no end in sight to ever getting this mother off welfare until she can produce no more children.

With the mother having no self respect, no sense of accomplishment, it is no small wonder that many of her children produce citizens that are rebellious to the society who so graciously raise them.

A welfare law that will ever reduce the welfare roles must be responsive to the following human emotions. People do not work or show initiative without reward commensurate with that work. A sense of having earned it yourself brings about a feeling accomplished and a feeling of responsibility. Without these items no law will work successfully. We realize that not everyone receiving welfare would take advantage of this extra income offer. Some provision would need to be made to deal with these people.

I heard the President's message on TV in 1968 dealing with his proposed welfare reform law. I felt that he had sensed what I have been talking about and feel a welfare reform law based on this outline would be good for all the people of the United States because it would provide an end in sight to the people on welfare, thereby reducing the tax load on people presently employed.

I have been hearing much comment as of late, about closing tax loopholes that supposedly are making the rich richer and the poor poorer. I think supposedly what the Representatives in Congress who are proposing these laws are saying, is that a person, or company made up of persons, who are willing to make the extra effort that is necessary and required, who are willing to show responsibility necessary in putting people to work, who are willing to lay in bed at night looking at the ceiling solving the problems necessary in the successful operation of any business endeavor should not be rewarded for this effort. That they should keep proportionately far less than they make after taxes than does the individual who is not willing to make this sacrifice.

It just does not work that way. If laws that accomplish this end are enacted, it will be a detriment to the country as a whole because human nature says, you don't work unless you get paid for it. You don't take a chance without thought of personal reward and the men in Congress must be aware that if these leaders located throughout this great nation of ours cease to take a chance, the people for whom the tax reform laws were supposedly enacted, will be the injured party since there will not be as many jobs, enough oil, enough homes to serve those people you in the Congress are responsible for serving. You must therefore consider the human element when making any law. This has been particularly true with any method our country has followed in the dispensing with the millions of dollars in foreign aid. We have not made extra effort to get these dollars into the hands of common men who need it, who could use them. Instead they have been given to the political leaders whose Bureaucracy has sopped up a large percentage of them.

It is no small wonder that the communists who have put people in the field living and working with the people whom these dollars were intended to help, are able to make these people despise us. Case in point: Egypt.

If our political leaders in Congress are not aware that the doing away with of these human emotions were in a major part responsible for the fall of Rome and do not believe that history repeats itself, then our nation in its present form is not long for this world.

Please consider these thoughts in your future attempts at making laws. I am confident that you will find more uni-lateral support from the people they affect.

Respectfully yours,
Mr. and Mrs. ROBERT J. HASWELL.

IN MEMORIAM: MARTIN LUTHER KING, JR.

HON. BARBARA JORDAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Miss JORDAN. Mr. Speaker, today is the anniversary of the death of the late Dr. Martin Luther King, Jr. Cut down by an assassin's bullet, his life ended before he had achieved the goals and fulfilled the dreams that carried him across this country and won him worldwide recognition. He was a golden-voiced giant among men. He spoke and lived a philosophy of compassion, understanding, and righteousness that both soothed and inspired men and women of all colors and creeds. The force of his reason and the strength of his example helped guide this Nation toward a more just society. His work underlaid the civil rights accomplishments of the 1960's.

His premature death deprived us of one of the foremost leaders of this century. His words and the example of his Christianity are as relevant today as they were 10 years ago. In that sense he is still with us, never to be forgotten. His memory and his beliefs form a permanent part of the spirit of this Nation's people.

REMARKS OF THE HONORABLE JOHN B. ANDERSON CONCERNING THE ENERGY CRISIS

HON. PHILIP E. RUPPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. RUPPE. Mr. Speaker, my good friend and colleague, the Honorable JOHN B. ANDERSON, recently delivered an address at the national symposium on the future status of earth resources in society.

I found his subject one of vital importance to our national economy and to the energy crisis that we face today, and I would like to share his thoughts with my colleagues.

Mr. ANDERSON concludes that, for economic reasons as well as the more publicized environmental concerns, the Congress and the Nation should consider a trans-Alaska-Canada route to deliver the rich reserves of oil and natural gas from Alaska's North Slope to the continental United States. I wholeheartedly concur with his conclusions.

As a Representative of an area of the Midwest that has already acutely felt the effects of petroleum shortages, I believe that Mr. ANDERSON makes a strong and rational case for an all-land oil pipeline which would deliver Alaska's oil reserves to the oil-starved Midwest.

I think all of us who recognize the seriousness of the energy crisis and who can foresee continued shortages of petroleum products, especially in the midwestern and eastern portions of the United States, should review Mr. ANDERSON's remarks carefully.

The address follows:

THE ENERGY CRISIS

Gloomy prophecies of an impending energy shortage in this country abound with such frequency these days that one hesitates to add still another voice to an already clamorous chorus. Nevertheless, as many Illinois and other midwestern communities discovered this winter, we are no longer just speculating about what might happen but are now confronted with a crisis that has already arrived. Within the short span of two years, mere statistical projections of fuel shortages have been transformed into actual facts of life, and formerly hypothetical alternatives for alleviating such conditions have leaped forth as hard, baffling policy choices which must be dealt with—now.

My topic this morning—The Midwest Stake in Alaskan Oil—goes right to the heart of one of this nation's most difficult energy problems: the growing shortfall of domestic petroleum production relative to consumption, and the vexing policy alternatives we will be forced to grapple with as we seek to meet this deficit.

NATIONAL ENERGY OUTLOOK TO 1985

Just as few now question the fact of such shortages or the likelihood that they will become much more severe, there is equally little disagreement about the need to develop the vast reserves discovered on the North Slope in 1968. Some estimates place ultimately recoverable petroleum reserves in this area at more than 40 billion barrels—enough oil to supply the needs of the entire nation for nearly a decade at current rates of consumption.

Of course, there are some environmental purists who are more concerned about potential interferences with the migratory patterns and sex habits of the 340,000 caribou alleged to inhabit the barren plains surrounding the North Slope than with supplying the energy needs of a nation of 200 million people; but for the most part they are confined to the fringes of the current public debate.

And well they should be. A recent authoritative study of the energy outlook for the next 15 years published by the Chase Manhattan Bank showed that energy consumption in the U.S. will increase at a rate of 4.5 percent each year until 1985. That means that the current national energy consumption rate of 32.9 million oil barrel equivalents daily will rise to 64 million barrels daily by 1985—a 92 percent increase. Expressed another way, whereas the average American consumed 60 oil barrel equivalents of energy in 1970, he will consume more than 100 barrels each year by 1985.

If increased domestic energy supplies were expected to be readily forthcoming such projections would not be too troublesome. But the fact is, exclusive of the new Alaskan reserves, domestic supplies of natural gas and petroleum are expected to increase hardly at all during the next fifteen years.

According to the Chase study, fully one-half of the total energy consumption increase I have referred to will have to be met by petroleum. Concretely, this means that U.S. oil consumption will rise from about 15 million barrels daily at present to more than 30 million barrels in 1985. Yet the same Chase projections show that production in the lower 48 states will only increase about 12 percent during the next fifteen years—from about 11.6 million barrels daily in 1970 to 13 million barrels daily in 1985. As a result, where we were dependent on imports for about 20 percent of our petroleum supplies in 1970, we will be dependent upon such sources for almost 60 percent 1985—if the Alaskan fields are not developed.

Now I will not pretend for a moment that Alaskan oil could drastically reduce this growing dependence on foreign supplies, almost 75 percent of which will be derived from politically unstable Middle Eastern sources. At most, output from the Alaskan fields when fully developed will total two million barrels per day. Whether we will like it or not, then, almost fifty percent of our petroleum supplies will be imported for the foreseeable future even under optimal conditions.

Yet the potential two million barrels daily from the North Slope is enormously important despite this fact. For one thing, it would be infinitely more attractive from a national securtiy viewpoint than would be an equivalent amount from the Persian Gulf. Moreover, it would not be subject to the potential price manipulation, not to say extortion, that the increasingly strong Middle East producers' cartel has shown both an interest and ability to engage in.

More importantly, though, development of the Alaskan field would provide a substantial balance of payments savings on an energy account outflow which will otherwise turn into a massive monetary hemorrhage. If we conservatively assume that imported oil prices will rise to about $3.00 per barrel in the 1980's, a decade of Alaskan production at projected rates would save the U.S. almost $22 billion. In light of the current dilemmas we are facing from too many dollars awash in the world already, better that that $22 billion stay here, it would seem, than end up in the private coffers of assorted Arab sheikdoms.

A decision to move ahead with production on the North Slope, however, would open far more new questions and dilemmas than it would solve. Specifically, it raises the overriding question as to the manner in which such new supplies are to be delivered to consumer markets in the lower forty-eight states.

As many of you know, the petroleum companies which did the original exploration around Prudhoe Bay were nearly set to begin construction of a combination trans-Alaska pipeline/West Coast tanker system in 1969 when Congressional passage of the National Environmental Policy Act intervened. The courts shortly thereafter ruled that no construction permit could be issued until the Interior Department had completed the "environmental impact statement" required by that new statute and, as a result, development has been placed in limbo since that time.

In the view of many, especially of the petroleum companies involved, this long delay has been a costly mistake; a futile exercise forced on the nation by a motley band of lichen-lovers that will delay by up to three or four years delivery of desperately needed petroleum supplies to hungry U.S. markets.

I must admit that originally I too was somewhat unsympathetic to delaying tactics of the environmentalists, but from the perspective of hindsight I must confess that their efforts have served an important public purpose. The delay has allowed a far more thorough and detailed public consideration of the alternative routes over which this new oil can be transported, the different markets it can potentially serve, and the varying social benefits that it can provide than would have otherwise been the case.

From the national debate that has thus ensued, I think one very distinct conclusion can be drawn. Namely, that the original decision to build a combination Alaskan-North Pacific transport system may not have been quite so wise after all, and that the environmental, economic, and national security interests of the nation would be far better served if an overland pipeline transport system is constructed through Canada in its stead. Fortunately, the stay on the construction of the trans-Alaska pipeline makes this still a feasible option.

OIL DEMAND AND SUPPLY PROJECTIONS FOR WEST COAST AND MID-WEST MARKETS

If supply and demand conditions were roughly similar in regional U.S. markets and oil could easily be transported from one area to another, the question of where the new Alaskan supplies should be delivered would probably not be too important. But the fact is, there are tremendous imbalances in supply and demand among regional markets and movement of petroleum long distances from one area to another is in many cases so costly as to be prohibitive.

Currently, the West Coast consumes about two million barrels of oil daily, with about 70 percent of this supplied by domestic producers located within the region (PAD V) and the remainder by imports. Moreover, only about one-third of these imports, or 10 percent of total supply, is derived from Persian Gulf sources.

Over the past three or four years domestic production within District V has increased at about 1.3 percent annually. Even if it were conservatively assumed that this rate of domestic production growth would decline to 1 percent annually over the next eight years, by 1980 1.53 million, out of a total demand estimated by the Office of Emergency Preparedness to be 3.1 million barrels daily, would be supplied by domestic producers. If non-Persian Gulf imports maintained their current ratio of 20 percent of total West Coast consumption (and the prospects for this are good) an additional 620,000 barrels daily would be available from these sources. This would leave only about 950,000 barrels to be supplied by Middle Eastern sources, or about 29 percent of the total West Coast market.

But consider now what would happen if the full two million barrels per day from the North Slope were delivered to West Coast markets in 1980 as currently planned. While these things are difficult to predict, the most likely result would be that all foreign oil would be "backed out" of the market. Yet even if that occurred there would still be a *surplus* of more than *400,000 barrels* daily in District V.

Obviously, a surplus of this magnitude would encourage a variety of efforts to re-establish a balance between demand and supply. One possibility, of course, would be a drop in oil prices designed to stimulate additional consumption. But in light of the tremendous shortages which would prevail in other parts of the nation and the drastic steps that will have to be taken to reduce gasoline consumption on the West Coast itself in order to comply with air pollution standards, that does not seem like a very rational solution, to say the least.

Moreover, crude oil prices in the midwest, for example, are already 20 percent higher than those on the West Coast; a price drop in District V sufficient to clear the market of this projected surplus, assuming a price elasticity of demand equal to unity, would widen this differential to 38 percent. As a midwesterner, I find it difficult to detect much equity in that kind of solution.

Another alternative way of dealing with this surplus would be to export a portion of the two million barrel daily Alaskan production. Some oil executives have already gone on public record as indicating that up to 500,000 barrels a day could be shipped by tanker to Japan. But in light of the fact that we will be dependent on foreign imports for at least 50 percent of total national petroleum supply in 1980, much of it from uncertain Middle Eastern sources, it seems more than a bit ludicrous to propose that we export even one barrel of domestic production

Finally, it might be possible to ship some of either the new Alaskan oil landed on the West Coast or District V production to Midwest and Eastern markets. But since additional pipeline and other transportation costs would range from 25¢ to 50¢ a barrel to move surpluses in this roundabout manner, this would not appear to be a very viable solution either, unless the cost of transporting Alaskan oil directly to these markets via a Canadian pipeline would be even greater. As I will attempt to show momentarily, this just is not the case. In short, the surpluses which would be created on the West Coast by the infusion of vast new supplies of Alaskan oil simply could not be disposed of in a manner which would be economically rational or in keeping with broad national interests.

By contrast, consider the 1980 outlook for the Midwest market, referred to as District II in bureaucratic parlance. According to OEP, demand in District II will reach six million barrels per day in 1980, but only 2.25 million barrels of this will be supplied by domestic production. Fully *62 percent* will have to be obtained from foreign sources.

Moreover, because of likely continued Canadian curbs on exports to the U.S. and limited supplies elsewhere in the world, 2.3 million barrels, out of total imports of 3.7 million barrels daily, will be from Middle East sources. That means that without Alaskan oil, the Midwest will be dependent on the whims of Middle Eastern oil producers for exactly 39 percent of its total petroleum supply.

The direct transmission of the expected two million barrels of daily Alaskan production could obviously improve this untenable situation tremendously. Even assuming that one-third of North Slope oil transported directly to the Midwest via an overland pipeline would eventually find its way to East Coast markets, the need for Middle Eastern oil would still be cut in half. Put another way, *with* Alaskan oil the Midwest would be dependent for only about 17 percent of its total supply on the Arab states, roughly within the range of proportion I mentioned earlier for the West Coast (assuming it would receive *no* Alaskan oil).

It seems to me that in terms of simple fairness, it would be far more desirable to distribute the potential risks of Middle Eastern oil dependence evenly among the regions of the country than to create a situation in which the West Coast would be floating in a substantial surplus of secure domestic oil, while the economy of the Midwest would be literally hanging in the balance of developments in the politically volatile Middle East. In addition, while the infusion of Alaskan oil into Midwest markets would not appreciably lower prices there, it would at least prevent the further substantial *widening* of an already significant differential in prices between the two regions.

In terms of the basic U.S. regional supply and demand situations, then, the Canadian alternative makes a lot more sense. Rather than deliver the new Alaskan oil to a market where it is not needed, further increase a price advantage which is already inequitable, or create a situation where precious domestic supplies would be actually exported, it could deliver vast new supplies to a market where it is desperately required and, in the process, remove the threat of political blackmail against the vast industrial heartland of the nation.

CONSTRUCTION COSTS OF THE TWO ROUTES

These supply and demand, price, and national security considerations, of course, do not alone establish an air-tight case for the Canadian pipeline alternative. Conceivably the capital costs of such a route could be so much greater than the Alaskan system as to override all of the foregoing analysis. Indeed, some opponents of the Canadian alternative have attempted to create just this impression by suggesting that it would cost more than $6 billion to construct, an amount roughly twice the projected costs of the Alaskan pipeline and tanker transport system combined.

A closer examination of the economics of the two systems, however, reveals that they would be roughly comparable in cost. Current estimates for the 800-mile Alaskan route suggest a cost of about $1 billion for the construction and acquisition cost of the pipeline itself, or about $1.2 million per mile; another $500 to $750 million expense for interest during construction and the development of access roads in the Alaskan wilderness, and perhaps an equal amount for the storage and transmission facilities at Valdez. Finally, an additional $1 billion plus would be required for the construction of the tanker fleet to ship petroleum from Valdez to various West Coast ports. This brings the total capital cost of the Alaskan system to a range of $3.0 to $3.5 billion in 1971 prices, a figure generally accepted by the petroleum industry.

The Canadian pipeline system would obviously be substantially longer—about 2900 miles—and it is perhaps this fact which has given rise to wild estimates about the capital cost of developing such an alternative route. But before these estimates are accepted at face value, a number of off-setting factors should be given careful consideration.

First, there would obviously be no tanker or port storage and transmission facilities involved in the trans-Canadian route, a fact which provides an initial advantage of at least $2 billion. Secondly, a new pipeline would have to be constructed for only slightly more than one-half of the route—the 1700 miles from Prudhoe Bay through the Mackenzie River Valley to Edmondton. At Edmonton, the current Interprovincial Pipeline which extends down into the U.S. as far as Chicago could be "looped" at a cost equal to only a fraction of that required for new pipeline construction and right-of-way clearance and preparation.

Finally, even the new segment between Prudhoe Bay and Edmonton would be less expensive on a per mile basis than the trans-Alaskan route. This is due to the fact that it could follow the flat Mackenzie River Valley as opposed to the rugged plateaus and mountain ranges of Alaska, and that, over a considerable share of the distance, existing highway systems would preclude the heavy access road construction costs required by the Alaskan route.

Specifically, even if $1.2 million is allowed for the construction of each pipeline mile from Prudhoe Bay to Edmonton (a figure equal to that allowed for the Alaskan route, although the terrain would be considerably less difficult), and an additional $800 million is allowed for interest during the construction period and other costs, such as access roads which would have to be developed along some parts of the route, the total cost of this segment would be $2.9 billion.

As I have already indicated, the remaining 1100 miles of the route to Chicago would be considerably less expensive, because the existing Interprovincial Pipeline could be "looped"—to use industry jargon. Currently, the Interprovincial Pipeline Company is looping its existing line with a new 48 inch pipe over a substantial portion of the Edmonton to Chicago route. It estimates a total capital cost of roughly $450,000 per mile for the project. This, of course, is less than *one-third* of the total cost of laying an entirely new line.

Thus, even a conservative estimate of the lower portion of the trans-Canadian route would entail total capital costs of about $600 million. In combination with the cost of the Prudhoe Bay to Edmonton segment, overall capital costs would be in the neighborhood of $3.5 billion, a figure at the high estimate range for the Alaskan system.

Using these capital cost assumptions, Professor Charles Cicchetti, in a study prepared for Resources for the Future, estimated that the discounted capital and operating costs over the lifetime of the systems would amount to $1.10 per barrel in the case of the Alaskan pipeline/West Coast tanker system and about $1.15 per barrel for the trans-Canadian line. Given the preceding considerations about markets, prices, and national security, that differential seems pretty slight indeed.

ENVIRONMENTAL COMPARISON OF THE TWO ROUTES

The environmental hazards posed by the development of the Alaskan system are well known after more than two years of national debate. While some critics have perhaps exaggerated the importance of alleged threats to the caribou, lichen, and tundra, there are at least three very serious environmental threats that cannot easily be brushed aside.

Perhaps the most notable of these is that the route of the lower *70 percent* of the proposed Alaskan pipeline would pass through literally a thicket of known earthquake epicenters, and within close range of three major transcurrent faults. The potential for pipeline breakage and vast oil spills is underscored by the fact that this area has experienced 23 major earthquakes with a Richter rating of 6 or more during the last 70 years.

A second, equally serious, environmental threat is posed by the danger of earthquakes or tidal waves in Prince William Sound, the site of storage and transmission facilities scheduled to be constructed in the port city of Valdez. As some of you may know, in 1964 the worst recorded earthquake in North American history, and the tidal waves which followed it, literally destroyed the original town on this site. Yet the Alaskan pipeline system would result in the continuous storage of more than 20 million barrels of oil in Valdez, posing a clear and serious threat to the rich fishing resources of the Sound—to say nothing of other aquatic life and literally thousands of miles of Alaskan and Canadian coastline.

Finally, the hazard presented by two million barrels of daily tanker traffic on the route between Valdez, Puget Sound and southern California needs little elaboration. Even the environmental impact statement filed by the Interior Department noted that "the whole coast between Port Valdez and southern California is seismically active—some of the largest historic earthquakes occurred in these areas and the magnitude and frequency of future seismic events are predicted to be high."

The statement also noted that "Prince William Sound is poor climatologically" with frequent presence of highly retricted visibility and violent winds. In all, the Department concluded that up to 140,000 barrels of oil would be unintentionally discharged into the north Pacific each year as a result of these conditions.

By contrast, the Canadian route receives far superior environmental ratings. Less than five percent of the route between Prudhoe Bay and Edmonton would pass through seismically active areas, and, as indicated previously, it would pass through relatively flat terrain as opposed to the rugged Alaskan mountain chains. Obviously, there would also be no threat of marine spills and contamination similar to those associated with the Alaskan route.

Moreover, a gas pipeline must be built through the Mackenzie Valley in any case because of the impracticality of gas liquification at Valdez and Alaskan state laws banning flaring at the well site. Thus, if admittedly some risks to the terrain, wildlife, and ecology of the Canadian Northwest must be run anyway, why not bring both pipelines down the same right-of-way? To do otherwise would simply double or triple the environmental hazards unnecessarily, given the superiority of the Canadian route on other grounds.

CONCLUDING OBSERVATIONS

Let me say in conclusion, then, that from whatever perspective viewed the Canadian pipeline alternative seems to be far superior to the route currently planned. There has been some concern, I must admit, that the Canadians are not eager to cooperate in the development of a new line through the Mackenzie Valley, and that this may be a substantial deterrent to the alternative I am advocating.

I think, however, there is ample evidence on the record to dispel this concern very handily. If anything, the Canadians are highly concerned not about the Mackenzie Valley route but about the Alaskan system because of the hazards it would pose to their North Pacific Coast. In a recent letter to Secretary Morton, for example, Donald S.

MacDonald, the Canadian Minister of Energy, Mines and Resources said:

"In reciting some of the advantages to the United States and Canada of a cooperative relationship between us in the construction of an oil pipeline across Canada, I am mindful, too, that such a measure would avoid the considerable increase in tanker movements of oil on the Pacific Coast and particularly in the inland waters of Alaska, British Columbia, and Washington State, and the resultant significant risk of serious environmental and economic damage. This is an area which, if not solved with reason and wisdom by us today, could produce difficult influences in Canada-United States relations."

Earlier, this key member of the Canadian government had also pledged during a debate on the floor of the House of Commons that "there will be no unnecessary roadblocks (to the Mackenzie Valley pipeline) at the Canadian end and Canadian governmental side." As recently as March, 1972, this same official traveled to Washington at the time the Interior Department's environmental impact statement was released to urge U.S. authorities to reconsider the potential advantages of the Canadian alternative.

But the real key to Canadian attitude on this question is the fact that vast reserves of petroleum are known to be available in the Canadian Arctic; supplies which at some future date would have to be pumped down a pipeline through the Mackenzie Valley if they were to be successfully exploited. Given the known economies of looping a previously existing line, it would hardly be likely that the Canadians would hold up the development of a pipeline that could result in significant savings to them at some date in the not too distant future.

Finally, some concern has been expressed that with the desperate need for new petroleum supplies in this country, the two-year delay acknowledged to be implicit in developing the trans-Canadian pipeline is unacceptable. I would submit that this particular caveat might well have some significance if it were not for one enormously important fact: The surplus situation in West Coast markets means that a full through-put of two million barrels per day could not be attained until 1980 even if the Alaskan system were completed as early as 1976, according to testimony submitted by the petroleum companies themselves. By contrast, sufficient markets already exist in the Midwest so that, as soon as technically feasible after completion, a full two million barrels per day could be pumped down the Canadian line. As a result, cumulative total barrels delivered by both systems would be roughly equal by 1980, despite the fact of a two-year construction lag associated with the Canadian line.

As many of you know, the Alaskan line is once again stalled, this time by a court order on the basis of a technicality in the 1920 Mining Act concerning right-of-way width. Very likely, legislation will soon be offered to amend that law so that construction of the Alaskan system may at last begin.

In light of the obvious environmental, economic and national security advantages of the Canadian alternative, I would hope that such legislation would be written to specify that the Mining Act will be amended only insofar as it would allow for the development of a line across the northeastern portion of Alaska to feed into a Mackenzie Valley pipeline. In that way we would assure that the vast reserves available on the North Slope will ultimately be delivered to Midwestern and Eastern markets in the U.S. where these new supplies are desperately needed. In the meantime it will be up to both the consumers and businessmen of the vast Eastern and Midwestern areas of the country, who stand to benefit substantially from the construction of the Canadian alternative, to mobilize support for a policy which would not only be in their own interest but in the long run interest of the entire nation as well.

EASTERN RAILROAD CRISIS

HON. M. CALDWELL BUTLER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. BUTLER. Mr. Speaker, much has been said recently about the worsening situation of many of our eastern railroads. On February 8, this House passed a resolution to provide for a temporary halt to a strike against the Penn Central Railroad. As was clear to everyone at that time, this action was but a part of what needed to be done to clear up the overall problems facing the railroad companies of the East, and the resolution accordingly directed the Secretary of Transportation to draw up and submit to the Congress a comprehensive plan to preserve rail transportation service in this part of the Nation.

Since it is clear that this matter will be before the Congress again, I would like to draw the attention of my colleagues to a perceptive analysis of the situation contained in a speech by John P. Fishwick, president of the Norfolk & Western Railway Co. As the head of one of the few eastern railroads that are not in financial trouble, Mr. Fishwick can speak with some authority. I am inserting the text of his remarks at this point in the RECORD:

THE EASTERN RAILROAD CRISIS—GUIDELINES FOR ACTION

(An Address by John P. Fishwick)

I want to talk to you today about the Eastern railroad situation. It is not an appealing subject. Since Penn Central went into bankruptcy in 1970, millions of words have been written about that fiasco. Many of you are tired of hearing about it. In fact, most of us have hoped that the problem of the bankrupt Eastern railroads would solve itself or simply go away.

The problem has not gone away, and in the next few months, perhaps within the next few weeks, decisions will have to be made which will have a tremendous impact upon our transportation system. It is time, therefore, that I, as President of a railroad which has substantial trackage in the Northeast, and you, as citizens of the largest railroad terminal in the world and the keystone of our rail transportation system, faced up to this problem.

What is the situation in the Northeast? There are six major Eastern railroads in bankruptcy: Penn Central, Central of New Jersey, Lehigh Valley, Reading, Erie Lackawanna and Boston & Maine. It is impossible to travel or ship by rail between Chicago and New York without passing over a bankrupt railroad. Over 50% of the railroad mileage in the Northeast is in bankruptcy. The bankrupt lines account for 60,000 miles of track (17% of the U.S. total) and 120,000 employees (22% of the U.S. total). Most of these railroads have a negative cash flow and cannot be reorganized under traditional reorganization procedures.

SOLUTION REQUIRED

In fact, the Penn Central Trustees on February 1 announced that, even if they could achieve their goals of massive reductions in mileage, substantial reductions in numbers of employees and increased compensation for providing passenger service, the railroad still cannot be reorganized unless it receives between $600 million and $800 million of government funds over the next four or five years. Penn Central had a one-day strike on February 8 over its proposal to reduce the size of its train crews. To stop this strike, Congress enacted a law which postponed the strike for 90 days and required the Administration to develop a proposed solution to the Northeastern railroad problem within 45 days, or by March 26.

This legislation has formalized the crisis and precipitated action on a number of fronts. The White House and Department of Transportation are reportedly working on plans as directed by Congress. A subcommittee of the Senate Commerce Committee is holding hearings. The ICC has instituted an investigation. The railroad industry has been exploring alternatives. Last Tuesday the federal judge handling the Penn Central reorganization gave the Trustees until July 2 to produce a practicable plan of reorganization or, alternatively, a plan of liquidation. On that same day, the Lehigh Valley petitioned the court to discontinue all operations on October 1 because a feasible reorganization plan could not be formulated.

So far, no one, to my knowledge, has come up with a generally acceptable, politically feasible solution to the Northeastern railroad problem. I want to report to you on some of the approaches which have been advanced and to suggest some guidelines which I feel should be followed in trying to solve the problem. But, first, I want to remind you why the railroads in the Northeast have come upon such hard times. The truth is that for more than a decade the Northeastern lines as a whole, excluding the two Pocahontas lines, C&O and NW, with which I happily am associated, have not made money. They have limped along by making minimal capital expenditures, deferring maintenance, liquidating assets and being supported by nonrail earnings. In this period, industry moved out of the Northeast into the South and West, and highways expanded. I do not say that inadequate management had nothing to do with the financial showing of some of the railroads, but I do not believe the poor management was a major cause of the difficulties of Northeastern rail systems.

INTERSTATE SYSTEM'S IMPACT

There was a sharp decline in the fortunes of the Northeastern railroads beginning about 1966. This decline was caused, I think, by inflation and completion of most of the Interstate Highway System. When we embarked upon building the Interstate Highway System, I doubt that anyone realized the impact it would have upon our nation, especially upon the railroads. It has doubled the competitive range of the trucks already, substantially reduced their costs and dramatically increased the utilization of their equipment. Truck competition has been particularly severe in the East where, unlike in the West, rail hauls are relatively short. It costs truckers about five cents of each revenue dollar to use the highways; it costs the railroads about 25 cents of each revenue dollar to own, maintain and pay taxes on their trackage.

I do not believe the maximum impact of the Interstate Highway System on the railroads has yet been felt. We are rapidly shifting more and more of our freight to the highways. This poses a threat not only to the railroads but also to the common-carrier trucks for private-truck carriage is probably the fastest growing segment of the transportation industry.

The year 1972 set all-time records for the production of trucking units of the sizes which are competitive with railroads. Domestic sales of medium-heavy trucks were up 40%, and heavy-truck sales were up about 27%. The medium and heavy-duty trucks sold in 1972 alone have a capacity under conditions of intensive use for hauling 500 billion ton miles of freight traffic a year. For comparison, total actual ton mile traffic of the railroad industry annually is less than

800 billion ton miles. Thus, one year's truck production has created a potential carrying capacity of about two thirds of the total annual business of the American railroads.

The basic problem for the Northeastern railroads is, therefore, that there is simply not enough present or prospective business to support anywhere near the trackage the railroads now own and operate. We must either permit the railroads to contract their plants to the level of viability or in some way provide government funds to enable the railroads to continue operations. This is the hard choice that we face.

POSITIONS DISCUSSED

There are those in responsible positions in government, I am told, who would treat this in the Adam Smith manner. They say that what rail service is essential for the public interest is what is viable. The test of what is viable is what private enterprise will pay for and operate. The rest should be liquidated. The chief opponents of this view, of course, will be the labor organizations and the states and localities which do not wish to lose their rail service and taxes. It will also be opposed by those who do not accept the Adam Smith view of the public interest.

Even if we accept this view as a basis for determining policy, however, there remains a serious problem as to how it could be implemented. We might consider reorganizing the viable parts of the Penn Central and other bankrupt railroads within a new corporation or corporations formed under reorganization procedures. We might also consider selling off the viable parts of these railroads to connecting lines or interested parties. But no one could determine whether he would be willing to undertake an operation of any part of these bankrupt lines unless he knew in advance what the final price would be, what obligations he would be undertaking with respect to payments to employees whose services would not be necessary and what would be demanded by the affected labor organizations as a condition of their members' operating the acquired property. No satisfactory resolution of these crucial points may be possible without government intervention and probably without a major contribution by the federal government toward the social costs involved in abolishing thousands of railroad jobs.

On the other hand, those who insist upon the continued operation of nonviable rail lines must accept the fact of government participation in some form with whatever threat such participation implies. Nearly all of those who have accepted that premise have tried to find some solution for government intervention short of outright ownership and operation by the federal government. The Trustees of Penn Central, for instance, have suggested a contribution by the federal government as their first choice. Senator Hartke, on the basis of a Senate staff study, has introduced a bill providing for a federal corporation to acquire the rights of way of all of the Eastern bankrupt railroads and permit the owners to operate them at a user charge of 60 cents per 1,000 gross ton miles. Such a plan would provide devastating competition for solvent competitive railroads, which would have to own and maintain their own rights of way at a cost about triple that charged to the bankrupt railroads.

LIMIT GOVERNMENT PARTICIPATION

My own view is that the best possible outcome would be to have the Eastern railroads, or as much of the Eastern trackage as possible, owned and operated by private enterprise and that any intervention by government should be limited. Moreover, any such intervention should have as one of its principal guidelines the preservation of the remaining rail systems in the East as well as those in the South and West as viable transportation companies.

Since we must find a solution which encompasses all the Northeastern railroads, I suggest we look at areas rather than individual bankrupt railroads. One important area includes the corridor tracks between Washington and Boston. These tracks are used largely for passenger operations, and the Metroliner service operated by Amtrak in this corridor has proven popular. I think that the federal government, through some organization such as Amtrak, should own the right of way and operate passenger lines through this corridor. The freight traffic moving through this corridor could easily be moved over other trackage of the Penn Central or other railroads.

For several years the Department of Transportation has been supporting research on air-cushion vehicles. West Germany and Japan are exploring magnetic levitation. We will soon see trains somewhere in the world operating at speeds of 200 to 300 miles per hour over new kinds of "tracks," and the American public will expect such trains to be operated in this country.

The capital costs of providing such trains between, say, New York and Washington or New York and Boston, will run into billions of dollars and will be far beyond the capacity of any existing private transportation company or companies. On the other hand, the cost-benefit ratio may be highly favorable and fully justify government support. If frequent surface transportation could be provided between downtown Washington and downtown New York at speeds of around 300 miles per hour, there would be very little need for air transportation between those cities.

APPROPRIATE PURCHASE TIME

There will never be a better time than now for the federal government to acquire a right of way between Washington, New York and Boston. And the price, based upon net liquidation value, will never be lower. It could be accomplished without troublesome federal budgetary problems either through Amtrak or a new corporation which could issue bonds in payment for the property acquired. Such an undertaking probably could be fully justified quite apart from any collateral effects it would have on the Eastern railroad situation, although undoubtedly the infusion of substantial liquid assets into Penn Central would be helpful.

If the remaining trackage operated by Penn Central and the other Eastern bankrupt lines cannot be combined or broken up so as to form a viable operating unit or units, then, of course, the only alternatives would be further abandonments of line or some form of government support or operation. I would hope that, recognizing the magnitude of the problem and the seriousness of any long-range involvement by the federal government, we could agree upon the first alternative. If that cannot be accomplished, however, and government participation is necessary, the government should think not of support or acquisition of all of the lines of the bankrupt railroads but of only those parts which cannot be made viable and which can be operated or supported by the government with a minimum threat to the viability of the remaining rail system.

TERMINALS IN SUBURBS

For instance, the area extending north of Philadelphia into New York has much railroad trackage, all of which cannot be operated profitably. Much of it could be abandoned without substantial controversy. This area might be cordoned off for government support or operation without serious impact on the privately operated connecting lines. In fact, it might be in the public interest to develop a rail transportation system which does not thread its way through the countless streets of our major metropolitan areas, blocking traffic and blighting the landscape. Rather, it would make sense to have railroads end most of their freight service at major terminals on the outskirts of major metropolitan areas with door-to-door delivery by truck.

Not all rail deliveries could be made by trucks, of course, especially deliveries of bulk materials. And in the New York area, the railroads would have to have port connections, especially at the container ports, to provide for the transfer of goods directly to and from ships. But much of the railway trackage in such areas as northern New Jersey could be cleared away without any noticeable inconvenience to shippers and much land made available for more advantageous usage. The government might make this a model project which could be followed in other highly congested areas.

TIME OF CRISIS

Let me summarize. This is a time of crisis for the Eastern railroads. Unless some action is taken, one or more of them may cease operations before the year's end. They have reached this distressing condition because for a number of years there has been too little rail freight to support all of the Eastern railroad facilities and operations. Because of a continuing shift of freight from rail to truck, there is no real prospect that all of the railroad trackage in the East can be made profitable.

The hard-nosed, economic view is that unprofitable lines should be abandoned and the remainder operated by private enterprise without government support. The opposing view, sometimes based on sentiment or nostalgia, is that most of the present mileage should be operated even though some form of government support is required. The political—and probably the wisest—solution will probably fall somewhere between the two.

In that event, government intervention and support should be so limited and so focused that it will preserve to the maximum extent possible the operation of most of our railroad system under private enterprise. The Eastern railroad problem has festered for generations, and we should attempt to provide a solution not for a few years, but for generations to come.

TRIBUTE TO RICHFIELD HIGH SCHOOL BASKETBALL CHAMPIONS

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. FRENZEL. Mr. Speaker, Richfield High School has recently won the 1973 Minnesota high school basketball tournament. The city of Richfield, in my congressional district, has never been satisfied with less than excellence, and that spirit is manifested in its school system as well as in its community activities. The basketball championship was complemented by an earlier State high school debate championship won earlier this year.

State titles in any activities are the most dramatic indications of the community's continuing quest for excellence. Richfield's debate and basketball teams deserve special congratulations not only for their specific individual achievements, but also for calling the attention of the State and the Nation to the community spirit in the city of Richfield.

GORDON BROWNING OF TENNESSEE: A GREAT STATESMAN HONORED

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. EVINS of Tennessee. Mr. Speaker, the Carroll County Historical Society and other organizations, leaders, officials, and citizens of this great county and Tennessee recently honored Tennessee's highly respected and esteemed Governor-emeritus, Gordon Browning, and his memorable record of public service.

Gordon Browning served three terms as Governor, six terms as U.S. Representative, 7 years as judge of chancery court, and with great distinction in the U.S. Army in World War I and World War II.

He was captain in World War I and colonel in World War II—a Congressman, judge, and Governor in Tennessee—and a military governor in Europe.

The occasion of the recent tribute to Governor Browning was the dedication of the Gordon Browning Room in the McKenzie Memorial Library in McKenzie, Tenn. This room contains—in the words of columnist Joe Hatcher of the Tennessean in Nashville—the "words, deeds, record, and memorabilia" of Governor Browning.

Certainly this is a richly deserved tribute to this courageous stateman who insisted on standing for 2 hours to greet many of his countless friends, although he is 83 years old and suffering from Parkinson's disease. Governor Browning has not permitted the ravages of this disease to affect his great sense of humor and his indomitable courage is a shining example of will power and determination to overcome any handicap.

Governor Browning is a great Tennessean, a great American, and a great Democrat, and the illustrious record of his administrations as Governor will stand as a perpetual monument to growth and progress under his enlightened leadership.

Because of the interest of my colleagues and the American people in the great men of our times, I place in the RECORD the article by Mr. Hatcher in the Tennessean concerning the recent dedication in McKenzie:

MEMORIAL PROUD DAY FOR GORDON BROWNING

(By Joe Hatcher)

MCKENZIE, TENN.—The words, deeds and records, and memorabilia of Gordon Browning, three times governor of Tennessee and much decorated hero of two world wars, were dedicated to the public here yesterday with Gov. Browning himself the center of the ceremonies.

The "Gordon Browning Room" in the McKenzie Memorial Library was dedicated as a permanent memorial to Browning, but plans were made known that the Carroll County Historical Society has aims for a memorial building and memorial to the county's most distinguished citizen later.

Gov. Browning stood proudly in the spacious room in the McKenzie library to welcome hundreds and hundreds of friends, associates and fellow countians who came to pay him tribute.

Dr. J. A. Barksdale, professor of education at Bethel College here, and state commissioner of education under Browning, dedicated the memorial, paying tribute to Browning as a citizen, as governor and his role in two world wars.

Despite his 83 years and the inroads of Parkinson's Disease, Browning arrived early for the ceremonies, stood behind a desk at the end of the big room, greeted the hundreds personally and called most of the visitors by name.

"I am happy on this occasion. I am most humble," he commented.

"I am so pleased with the room and the arrangements, and I am told they plan to build a permanent exhibit hall and memorial for me. I am most proud," the governor told us as we passed through the line.

"Mr. Legislator" Jim Cummings of Woodbury, who managed one of Browning's campaigns for governor and served as his secretary of state, and McAllen Foutch of Smithville, who was a Browning speaker of the House, were among the first to be received by the governor.

There were old buddies from World War I, all too few of whom are left, he observed. Bascom Jones of Nashville was one of those to recall a few incidents that led to Browning's familiar nickname "Cap" to those who served with him in Battery D, 114th Field Artillery.

Secretary of State Joe C. Carr, former Sen. Gerald Stratton, who served during the first Browning administration, Judge Robert L. (Bob) Taylor of Memphis, who was the Browning commissioner of insurance for a time, and many others were in the lines to pay their respects.

Former Rep. Ray Blanton, who occupied the seat in Congress that had been Browning's for 12 years was there. Also former House Speaker Jim McKinney of Nashville, John J. Hooker Jr., Floyd Kephart, Judge James L. England of Decaturville, and others.

The room itself is a tribute to the women of the Carroll County Historical Society who have worked long with volunteers at getting the room ready and arranging the displays of the Browning war decorations, his uniforms from two wars, the records of his administration, his war keepsakes and artifacts, including the last two French 75 shells fired by the 114th Battery before the Nov. 11, 1918, Armstice on the German front.

There's a beloved picture of old "Kaiser," the big German Shepherd dog that Capt. Browning rescued on the German front and brought home with him. "Kaiser" lived until 1939.

There's much of the history of the 114th Field Artillery, pictures of Col. Luke Lea and his captains, Browning, Enoch (Nuck) Brown, Tom Henderson, Larry McPhail, Reece Amis of Franklin, but with the entire battery.

Lacking is a history of the 114th, written by Capt. Reece Amis of Franklin, but which the society hopes to obtain to add to the collection.

To demonstrate the amazing vigor of the man, friends kept insisting that he be seated at the big desk to welcome his visitors. "I would not want to welcome all these beautiful and lovely women sitting down," the governor remarked—and stand he did for most of the two-hour reception.

The large portrait of the governor in the reception hall outside the big room was unveiled for the ceremonies. A souvenir program was given to all carrying a Browning quote that typifies the man:

"Had I my life to live over I would marry the same girl, seek the same office, and be as much service to my fellow man as my strength and ability allowed. As a young man watching my mother raise a family and work in the cotton field all day to help educate the family, I took a vow then that if I came to manhood I would fight for the things that would make it a better world for the people. I have tried to do that."

Browning was governor in 1937–39, and 1949–53. He served in combat in World War I, participating in the St. Mihiel, Argonne Forest, and Louvre sector, with decorations for those battles and from the British, and French governments, and other allies.

In World War II, he served with the military government, aiding in planning for D-Day and was the first U.S. officer to reach Brussels, Belgium, to help restore civilian government. He was later to serve as director of all civilian government in occupied country, and later as governor of Bavaria. Again he was decorated by the British, French, Belgian, Luxembourg, and other allied governments.

All these medals and citations and memorabilia are part of the display in the "Gordon Browning Memorial Room."

TOURIST PARKING

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. KEATING. Mr. Speaker, every Member of Congress is thoroughly familiar with the frustrations's experienced by tourists in the Nation's Capital each year, especially as they drive in the vicinity of Capitol Hill in what must seem like a never-ending search for a place to park.

I believe this intolerable situation should not be permitted to continue any longer, and I am therefore introducing in the House today a bill to require the Administrator of the General Services Administration to establish a system of fringe parking facilities in the District of Columbia. These facilities are to be sufficient in number to accommodate the number of tourists who visit the Capital each year, and the Administrator is authorized to charge a reasonable fee for the use of these parking facilities.

Under this legislation, the GSA Administrator is also required to provide an express bus service from these fringe parking facilities to Capitol Hill, and he would have authority to charge reasonable fees for the use of this bus service.

Based upon information received from the Sergeant at Arms, more than 1 million persons a year take the tour of the rotunda in the Capitol Building. While it might be interesting to speculate on the number of persons who were unable to take that tour because of an inability to park their car, the fact remains that most visitors to Capitol Hill must bear the frustrations of either parking a mile or two from the Capitol Grounds, or accept an inevitable parking citation for parking in an unauthorized area.

The bill I am introducing today will correct what I feel is one of the most glaring deficiencies in the effort to accommodate tourists to the Nation's Capital. To the many families and groups which travel to Washington each year, we owe them the simple privilege of being able to park at a reasonable distance from the Capitol Grounds, and the access to some means of transportation to these grounds from the parking area.

Simple courtesy demands a solution to this problem, and I urge my colleagues to vote favorably on this legislation when it comes before the full House.

EXPORTS AND DOMESTIC PRICES

HON. WAYNE L. HAYS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. HAYS. Mr. Speaker, recently a study issued under the auspices of the Brookings Institution undertook to put a price tag on the cost of tariffs and quotas to the American consumer.

Frankly, I do not know how much measurements can be made in dollars and cents. At best the effort must be very imprecise because many other factors than the tariff or import quotas have an effect on the trend of consumer prices. How one would go about measuring these different effects can best be answered by the academics who try such things.

If the Price Commission could be that sure they could probably be more effective. Perhaps they should hire the Brookings Institution to make a study for them.

In any event, Mr. Speaker, if tariffs and quotas cost the American consumer some $6 billion a year, what do exports cost them? No one knows, but a good case can be made for the claim that exports do have a price-boosting effect. Recently some light was shed on this subject by O. R. Strackbein, who has done much work in the field of tariffs and trade. He points to the price-raising effects of wheat exports to Russia, for example. This is quite definite because of the sudden spurt in prices that took place almost the minute the sales were announced. Various estimates have been placed on the cost of this transaction to the public. In this instance, because of the absence of other price-boosting factors, a fairly definite estimate can be made. If, for example, we consume a billion bushels of wheat in this country, and the price rose by a dollar per bushel, then the cost to the public was in the neighborhood of $1 billion. These are not exact figures, but they can at least be substantiated.

Much the same effect is produced by the heavy export of soybeans. Here the price has doubled in recent months. Exports in 1972 were at a high level. Shall we credit exports with the increased cost to the American consumer? We produce lots of soybeans, or well over a billion bushels in 1971. Prices have risen from $3.13 per bushel in 1971—average for the crop—to $6.50 per bushel this year. This is an increase of over $3 per bushel. Exports, to repeat, rose to a high level in 1972 and may be considered as a heavy contributing factor to the price rise. Shall we say then that soybean exports will cost the American consumer $3 billion in 1973? Or $2 billion or $1 billion? Maybe the Brookings expert could tell us.

Mr. Speaker, as of interest to all who give attention to this subject I include Mr. Strackbein's paper at this point in the Record. He gives attention to a few other products that we export to other markets, and thus cause upward pressure on prices. His article speaks for itself:

Exports and Domestic Prices

(By O. R. Strackbein)

We are constantly told that import quotas result in higher prices to the consumers. That this claim is not borne out by the facts does not in the least temper the unsubstantiated statements.

On the other side of the ledger, there is clear evidence of the effect of heavy exports on domestic prices. We have only to look at our exports of *wheat* to Russia as a striking example.

Coal exports produced upward pressure on the price of coal. In 1960 exports of bituminous coal were 36 million tons. The wholesale price index stood at 95.6, where 1967 equals 100. In 1970 exports had lifted to a high point of 71 million tons, or almost double the 1960 exports. The price index had risen to 150.0 compared with the all-commodity index of 110.4. There is no import quota on coal, and we import very little. Although exports subsided to approximately 55 million tons in 1971 and 1972, the price continued to rise, reaching 205.5 in December 1972. (Statistical Abstract of the United States, 1972, Tables 1088 and 562; Survey of Current Business, January 1973, p. S–8.) The 205.5 level of the coal price index for December 1972 compares with 122.5 for the all-commodity index. Higher energy costs contribute to the rise in the general price level.

The price of *wheat,* No. 2, hard and dark, winter (Kansas City), in June 1972 was $1.53 per bu. After the huge sale to Russia the price escalated above $2 per bu. by September and reached $2.60 in December, 1972.

Such a rise was naturally reflected in the price of bread and other bakery products.

Corn exports also rose sharply in 1972. They went from 511 million bu. in 1971 to approximately 876 million bu. in 1972. The price, No. 3 yellow (Chicago) was $1.21 in December 1971. By the end of 1972 it had risen to $1.53.

Corn is the principal feed on which cattle is fattened for slaughter. The price increase of beef to the housewife is therefore attributable in part to the increase in corn prices. The rising prices of poultry and eggs also reflected to some extent the higher prices of corn and other grains. (See Survey of Current Business, Jan. 1973.)

Soybeans and soybean oil and meal, have come to the fore to the point where they now represent our principal single agricultural export.

In 1971 soybean exports reached $1.325 billion, compared with $1.090 billion wheat exports and $746 million in corn exports, which were the other two leading farm exports, both of them well surpassing exports of tobacco and cotton.

The price of soybeans has soared in recent months. The price has indeed doubled in 1973 over 1972. Exports rose from 294 million bu. in 1969 to 433 million bu. in 1971. (Stat. Abs., 1969, Table 929, p. 612; Ibid; 1972, Table 1004, p. 605). We exported 93.5% of total world exports of soybeans in 1971. In that year we exported 37% of our production. We produced 73% of the world's production. (Ibid; 1972, Table 1004, p. 605.)

A rise in price of soybeans and soybean oil creates an upward pressure on the price of many other consumer products and animal feeds.

The price of *footwear* has risen sharply in recent years, although there is no import quota on footwear imports. The price had risen to an index of 135.0 in July 1969, where 1957–59 equals 100, compared with an index of 115.1 for all commodities at the same date. Since 1970 the wholesale price of footwear rose to 128.7, where 1967 equals 100. The all-commodity index had risen to 122.9 or over 5 points less.

Hides and skins are the principal raw products used in the manufacture of footwear. In 1963 and 1964 we exported only a small number of cattle hides, distinctly less than a million hides each year. In 1965 we exported over 13 million hides. By 1971 the number had reached nearly 16 million hides and in 1972 reached approximately 18 million. (Sur. of Current Bus., January 1973, p. S–30.)

The price index on hides outpaced that on footwear, reaching 142 in December 1972, where 1967 equals 100, compared with 128.7 for footwear and 122.9 for the all-commodity index. Actually the price of hides and skins is very volatile, depending on the demand-supply equation. Style changes in the end-product may also greatly affect the equation. In 1966, for example, the wholesale price index of hides and skins, where 1967 equals 100, was 149.5. In 1968 it was 106.1. In 1969 it went up to 124.1 and dropped to 104.4 in 1970. (Stat. Abs., 1972, Table 562, p. 345.) By the end of 1972, as we have just noted, the index was up to 142.

These examples of the price-raising effects of exports do not, of course, exhaust the list. They do support the expectation that rising foreign demand for domestic products produces a distinctly inflationary effect. The run-away prices, i.e., those that exceed the all-commodity index, can in many instances be traced to a lively export demand.

IMPORT QUOTAS

Import quotas, on the other hand, have not, by comparison, been inflationary. One of the leading import quotas is the one on oil.

Yet the wholesale price index on refined petroleum products had risen to only 112.4 in December 1972, where 1967 equals 100, compared with 122.9 for all commodities. The index for coal, which is a competing fuel, stood at 205.5 at the end of 1972, by contrast. Yet there is no import quota on coal, but we do enjoy a lively export trade in that product.

The wholesale price of wheat, which is protected by a stringent import quota, far more restrictive than the one on petroleum, lagged well below the level prevailing at the time the import quota was first imposed, and also well behind the general wholesale price level. The price per bushel was $1.53 (Kansas City) before the export sale to Russia was made. The price then skyrocketed to $2.60 by the end of 1972. The import quota could hardly be saddled with the cause of this price spurt.

Again, while sugar is protected by an import quota, the price from 1970–73 rose only 1 cent per lb., moving (wholesale) from $.112 in 1970 to $.122 in December 1972. There was no export demand to boost the price. The import quota on its part did not produce an inflationary effect. A strong export demand would be expected to have the same effect on the price of sugar as it did on wheat, hides and skins, coal, etc.

Those who seek to measure the cost to consumers attributable to import quotas, to be fair, should also seek to measure the inflationary effects of exports. No such effort has surfaced to date. All the emphasis, misplaced as it is, has been spent in seeking a consumer indictment of import quotas. Exports, by contrast, are absolved, without investigating, of all liability.

A TRIBUTE TO WILLIAM P. COCHRANE

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 1973

Mr. BRADEMAS. Mr. Speaker, I wish to take this opportunity to join my colleagues in paying tribute to William P. Cochrane, our retiring Assistant Parliamentarian.

Like many other Members of the House of Representatives, I have had the good fortune of becoming personally acquainted during my service here with

Bil Cochrane and I have found him to be unfailingly courteous and conscientious in his dealings with Members of the House.

Knowledgeable and fair, possessed with a warmth of personality and a winning wit, Bil Cochrane will be much missed by us all.

I hope that he will find much happiness in whatever way he chooses to spend his retirement years.

NEW DEVELOPMENTS IN RECYCLING

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. FRENZEL. Mr. Speaker, on February 15, the Minneapolis Star carried a news article which, I believe, will be of considerable interest to Members who are interested in the subject of recycling. The article discusses the activities of the Recyclomatic Co. in developing and operating a recycling process for nylon. Nylon is a nonbiodegradable product. Such materials pose special handling disposal problems, and recycling techniques which apply to them are especially interesting to environmentalists.

The article follows:

PANTY HOSE, NYLONS RUN INTO FIELD OF RECYCLING

(By Beverly Kees)

Don't throw away your old nylons and panty hose. Like bottles and beer cans, panty hose can be recycled.

The world's first panty hose project is starting right here, it was announced today by W. S. Egekvist, president of Sorenco, Inc., a Minneapolis-based consulting firm.

The firm has formed a new division, the Recyclomatic Company, to deal with recycling nylon and related plastics, Egekvist said. The executive director is David H. Carlson, who is resigning as director of the Metropolitan Recycling Center, St. Paul, one of the sheltered work programs operated by the Occupational Training Center, Inc. (OTC), St. Paul.

Sorenco is putting up the money for the equipment to process the nylon and handicapped workers will do the processing. Proceeds from the sale of recycled products will go to support OTC programs.

Women are asked to drop off laundered panty hose and nylons at any of several collection stations around the metropolitan area.

John DuRand, OTC executive director, said several retailers and manufacturers cooperating in the program plan to give coupons worth money or trading stamps as added incentives.

Handicapped workers will snip off the elastic and separate the hose according to type (6 or 66—most American hose is type 66) which is determined by a heat test.

The nylon is shredded, the color is removed and it is melted, then re-extruded into elastic nylon thread. The thread can later be used to make a variety of nylon products, Egekvist explained. He said the company plans to get into other nylon recycling programs later, perhaps using lingerie.

Egekvist said he spent a year in research to start the program because he believes industry must do its part "to conserve our natural resources within industries in which we operate."

If the project is successful here, Egekvist hopes similar projects will be launched around the country.

The project not only reuses otherwise abandoned material but also provides jobs for the physically and mentally handicapped, he said.

Certainly the raw material for the project is available, he said. Hosiery Association data from 1971 shows 2¼ billion pairs of hose are produced annually, a significant share of which is panty hose and nylons.

Laundered hose can be dropped off starting today at Metro-Recycling Center, 666 Pelham Blvd., St. Paul, and its St. Louis Park outlet at 7200 Walker Av.

Carlson Companies are setting up the collection stations at Gold Bond Gift Centers: 1082 University Av., St. Paul; 1102 Nicollet Av.; 12715 B. Hwy, 55; and in Mankato, Minn., at 611 S. Front St.

Also National Brand Distributors catalog showrooms at 6215 Brooklyn Blvd., Brooklyn Center; 1815 N. St. Paul Rd., St. Paul; and in Sheboygan, Wis.

WELFARE SCANDAL—VIII

HON. VERNON W. THOMSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. THOMSON of Wisconsin. Mr. Speaker, our efforts to provide basic services to our needy people through our welfare system have failed. The high cost of administration has not assured efficient or even competent management in the distribution of billions of welfare dollars.

Miss Gene Cunningham and Mr. Stuart Wilk, investigative reporters for the Wilwaukee Sentinel, have completed a 3-month investigation of the Milwaukee County Welfare Department and concluded that one dollar in five is being wasted through fraud or administrative error.

Today I am inserting the eighth segment of this series dealing with provision of housing for welfare recipients. The same story is now being uncovered in Washington and doubtless exists in other parts of the country. Welfare families being forced to live in condemned housing because the buildings were never inspected or "inspected" by telephone. Tax dollars that should have helped needy people obtain a decent place to live were funneled into the pockets of slumlords, a waste of both our human and our financial resources.

The eighth segment follows:

CONDEMNED HOUSES OK'D FOR WELFARE RECIPIENTS

(By Gene Cunningham and Stuart Wilk)

Condemned houses have been approved by the Milwaukee County Welfare Department as fit for habitation by welfare recipients.

And the department has paid the security deposit required and included the monthly rent in the recipient's welfare grant.

The welfare department's housing division has approved as acceptable for recipients:

Houses that have been condemned and scheduled for demolition.

Houses that have been placarded by the city's Building Inspection Department as "unfit for human habitation" because of health and safety hazards.

Houses that have been ordered vacated pending repairs.

The welfare department has a policy that, before any security deposit is paid, an aide from the department's housing division must check the house or apartment and determine that it is acceptable, said John Casey, supervisor of staff resources for the department and the administrator in charge of its housing division.

The aides, Casey said, check to see that all city codes are being met, that the toilet flushes, there is running water, the windows aren't broken—"It's a visual inspection."

"If they (houses and apartments) are not acceptable, then we don't allow the security deposits," Casey said.

Casey also said that the department's housing division commonly checked with the building inspector's office to determine the condition of the property before issuing a security deposit.

Not so, the building inspection office said.

Never, to his knowledge, has anyone from the welfare department ever checked or inquired as to the condition of any property, said George Heider, who handles complaints and inquiries in building inspection.

"They move people into real bad places ... Then later we get complaints," Heider said.

The department recently issued its approval and a $125 security deposit for a house that had been damaged by fire and condemned by the building inspection department.

Asked about the house and his department's approval of it, Casey at first said he knew nothing of the situation. Later, he said that he understood the fire had taken place after the welfare family had moved in.

The welfare department was contacted by the building inspection department last December and told to get the welfare family out of the condemned house.

There was "some dispute over when the fire took place," Casey said.

Any dispute could have been resolved in the time it take to make a telephone call to the Milwaukee Fire Department.

The fire took place Oct. 16, 1971, the fire department told a Sentinel reporter, an answer that matched what city building inspectors had said.

The house—at 1831 N. 16th St.—was ordered vacated when its owner failed to repair it following the fire. It was vacated as ordered, building inspectors said, but then last September, the welfare department approved it for occupancy and paid a $125 deposit to the owner so a welfare family could move in.

The plumbing and wiring were in bad repair, electrical switches were exposed, the toilet had to be flushed with a bucket of water, the baseboards were burned out so you could see through to the basement, the closets were charred and burned out and the house was rat infested, said Robert Kuells, assistant supervisor of the Enforcement Division of the building inspection department.

Kuells erupted when his inspectors notified him that the welfare department had authorized a family to move into the house and had paid a security deposit on it.

The building inspection department immediately ordered the family out and took steps to speed up the demolition of the building.

"The building was condemned before they (the family) were moved in," Kuells declared.

A housing aide from the Welfare department supposedly inspected the house and declared it habitable, Kuells said.

Not all buildings are inspected, even though some aides report they have inspected them.

A local real estate broker told of accompanying one of the department's housing aides when he inspected several of the brokers' buildings to be rented to welfare recipients.

The aide asked if the broker's other buildings were in the same condition as the ones he had just inspected. The broker said he told him that they were and the housing aide approved them sight unseen.

Later, the broker said, the same housing aide telephoned him and "inspected" some of his buildings by telephone.

The broker said the aide told him to ask for him the next time any of his buildings were to be inspected by the department.

A partial check by Sentinel reporters of city building inspection files in December turned up a list of 16 condemned and substandard houses in which welfare recipients were living.

One welfare family, with the approval of the welfare department and with its $150 security deposit, had moved into an apartment building at 1135 N. 20th St.

The building had been placarded months before as unfit for human habitation, building inspectors said.

During much of 1972, the building was on inspection records as having 37 housing code violations plus plumbing, electrical and structural violations. An inspection late last year turned up even more violations, an inspector said.

The same inspector told of another case in which the welfare department approved moving a family into a substandard house and then, within one month, filed a complaint with the building inspection department suggesting that the house was not up to standards and asking that it be inspected.

"The (correction) orders already had been issued on the house when the family moved in, but the welfare department didn't bother to check with building inspection to find out what shape it was in," the inspector said.

"Instead, they move them in and complain later," he said.

This way, he said, the welfare department gets rid of the housing problem and it gets dumped on the city. The Department of City Development's relocation office ends up having to find new housing for the family.

Fifty-eight of the 99 families living in condemned housing for which the city relocation office had to find new housing from May of 1971 through November of 1972 were families on welfare, said Gerald L. Anderson, relocation director for the Department of City Development. That count was as of early December.

A workload count taken at the same time by the relocation office showed that 12 of 19 families in condemned housing were on welfare, Anderson said.

His division, Anderson said, had documented six cases in which the welfare department had approved substandard or condemned housing for welfare recipients.

That, he said, is only the count in the federally subsidized Model Cities area, not citywide. And that also is just the number called to the attention of the relocation division.

Anderson recalled one case in which the welfare department referred a family of 10 persons to a substandard two bedroom home. His division took action to prevent the family from moving into the home, he said.

Another time, Anderson said, the welfare department referred a family to a house in which the toilet didn't work.

As a result of the burned out house case and the welfare department's approval of that house as suitable for a welfare family, an agreement was worked out between the city building inspector and the welfare department, Kuells said.

The department has agreed to furnish the building inspector's office with a list of addresses of dwellings into which it is considering moving welfare recipients, Kuells said.

With the list, the department is asking that the inspector's office notify the department of any outstanding orders pending against those addresses.

This agreement was worked out in December, and it is too early to tell whether it will have any effect, building inspection officials said.

PORTRAIT OF A FAIR MAN

HON. DAN DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. DAN DANIEL. Mr. Speaker, in recent years the judiciary has sustained much criticism for their decisions, conduct of office and overall lack of rapport with the public.

For this reason it is refreshing to see from time to time articles calling attention to outstanding judges who continue to perform their duties in a fair and equitable manner, while still retaining a great deal of public respect.

Such a judge is the Hon. John Dillard Hooker of the Seventh Judicial Circuit of Virginia which is included in the Fifth Congressional District which I have the honor to represent. The Martinsville Bulletin of April 1, contained a splendid article entitled, "Portrait of a Fair Man," which not only pays well-deserved respect to the performance of Judge Hooker but also lays out in considerable detail the general requirements which a judge is customarily expected to fulfill.

Judge Hooker is an outstanding Virginian who has contributed in a magnificent way to the traditions which the Commonwealth has tried to uphold throughout our history. He approaches each case on its own merits, in a fair-minded and practical way, always exemplifying judicial temperament and embodying humanity in dealing with those who come before the court.

We live in a day in which the overall public concept of the judiciary has unfortunately deteriorated but so long as we have jurists of the type which Judge Hooker represents, I feel confident in the fairness and workability of out judicial system. It is an honor for me to count him among my friends and constituents and I am privileged to include the text of the above-mentioned article herein with my remarks. I commend this reading to the Members of the House.

The article follows:

[From the Martinsville (Va.) Bulletin, Apr. 1, 1973]

PORTRAIT OF A FAIR MAN

(By John D. Wilson)

Compassionate without being soft. Dignified without being stuffy. Fair.

Many expressions could be used to describe John Dillard Hooker of Stuart, but these are the ones that keep cropping up when his colleagues are asked to comment on him.

Judge Hooker is judge of the Seventh Judicial Circuit of Virginia, which includes Henry and Patrick counties. He has one of the heaviest, if not the heaviest, caseloads of any circuit judge in Virginia, yet lawyers who practice in his court marvel that he still takes his deliberate time before rendering a judgment in any case.

The judge himself reinforces observation. When asked for a rundown on problems of the world, Judge Hooker said one of the worst is the tendency of people to judge others too quickly.

"It's a human weakness," he said, "and we are all afflicted with it to some degree, but I do think there is a tendency to judge people a little hastily . . . It would be so much better if people would make an honest effort to understand each other better . . ."

Judge Hooker, an astute student of human nature, says that, following all his years on the bench, he believes one of the most indispensable ingredients to his profession is understanding and appreciating human nature. "That's basic," he says, "and utterly indispensable to do a job reasonably well and be an effective judge."

These are not empty words, as evidenced by his concern for young people, and especially young men. He agrees that a spirit of rebellion and resistance to authority flourished during the 1960s, but feels that attention was focused on a boisterous minority. After years of dealing with these and others, however, he's convinced "there are still a lot of fine young people . . ."

One of the things that troubles him most is the frequency with which young people, especially young men between age 16 and 25, repeatedly get involved in serious violations of the law. They are sent away to correctional institutions with the hope that they can be helped in some way. Unfortunately, not all such institutions are properly geared and equipped for rehabiliation.

"We need about 10 Southamptons," he said, referring to the correctional unit there, which tries to train inmates for useful roles in the society they return to.

He admits that more Southamptons would cost the state a lot of money, ". . . but what better investment than in the young men of today? We can't just sweep these youngsters under the rug, or let them go down the drain . . ."

He cited the example of a young man from Patrick County who was sentenced (he's even forgotten for what) to Southampton. Returning on furlough, he visited the judge "all brighted-eyed and bushy-tailed," eager to tell of his training.

Officials were in the process of getting the youth a job with a paving firm, following training in heavy equipment operation. "He's just one of many . . . probably a little above average. He was from a shaky background, raised under adverse circumstances. His father died when he was young and his mother worked in a factory. She had a large family and couldn't possibly cope with raising them . . ."

The judge admits that breakdown of traditional family ties is probably one of the major causes of crime, but warns that "It's easy to point the finger at the home . . . there are many contributing factors . . ."

In some cases family breakups happen almost without anyone involved realizing it. The father works on the third shift, the mother on the first. The children are in school, but there are times when they are not properly supervised. The family seems fragmented, there is no unity. Such situations can lead to disintegration of family ties—and trouble.

The only solution the judge can think of lies in education. Young people not equipped to cope with real-life situations, with no training to earn a livelihood, are ripe for trouble. If they are unfortunate enough to get involved in crime and get sentenced to prison, few institutions are equipped to train them properly.

Thus the judge comes full circle to the thing that bothers him most—young people who get into trouble, again and again.

Judge Hooker has grappled with this and other legal and judicial problems for years, but they haven't dampened his love for the law and the role it plays in maintaining an orderly society.

Love of the law comes naturally to Judge Hooker, who was born into the profession, figuratively speaking. His father, James Murray Hooker, was born and reared in Patrick County and practiced law in Stuart. His uncle, Lester Hooker, was a judge, and his mother, a member of the prominent Dillard family of Patrick County, had two brothers who were lawyers.

Thus there wasn't much hesitation after Judge Hooker graduated from Stuart Elementary School, Hargrave Military Academy and enrolled in the University of Richmond. Four years later he received his BS degree in business administration and in 1933 his law degree from the University of Virginia. His stint at Hargrave came when his father was a U.S. Representative from the Fifth Congressional District (two terms) and the family lived in Washington.

After law school the judge returned to Stuart and practiced with his father in the firm of Hooker and Hooker until his father's death in 1940. In 1934 he was appointed Trial Justice for Patrick County, a position comparable to the present Judge of the County Court.

In 1935 he married Elizabeth Bailey of Portsmouth, a pharmacist's daughter he met while he was a student in Richmond and she was at Westhampton College.

When World War II came along he enlisted in the Navy, was commissioned Lt. (j.g.) and stationed in the 11th Naval District in California with the Office of Naval Intelligence. He was discharged in mid-December 1945.

Meanwhile, his first son, James Murray Hooker, was born in 1944 in California.

The family returned to Stuart in January 1946 where Judge Hooker picked up where he left off—Trial Justice of Patrick County, and private law practice.

A second son, John D. Hooker Jr., was born in 1946. Both sons followed in their father's and grandfather's footsteps. James Murray went to Hampden-Sydney College and T. C. Williams Law School, University of Richmond. Following military service he began practicing law in Richmond. He is married to Lane Martin, daughter of Mr. and Mrs. Charlie Martin of Patrick County.

The youngest son, John Dillard Jr., graduated from Hampden-Sydney and is now a third year law student at Marshall Wythe School of Law, College of William and Mary. He is due to graduate in June and plans to join some colleagues in a law firm in the Virginia Beach area.

As if that weren't enough, Judge Hooker's sister, Mrs. Ann H. Jones of Spencer, also is connected with the judicial system. She's a probation officer with the Regional Juvenile and Domestic Relations Court.

Judge Hooker says he would have liked very much to have had his sons practice in this area, but admits this might have posed an awkward situation. "We felt the wise thing to do was to let them begin practice in some area other than the Seventh Judicial Circuit . . ."

In 1948 Judge Hooker gave up the position of Trial Justice and became Commonwealth Attorney for Patrick County. He served until April 1951, when Gov. John S. Battle appointed him judge of the Seventh Circuit, succeeding Judge Kennon C. Whittle, who was named to the Virginia Supreme Court.

Judge Hooker has served in that capacity since, a total of almost 22 years. Originally, the circuit was composed of Martinsville and the counties of Pittsylvania, Patrick and Henry. In 1956, because of the heavy caseload and rapid growth of the area, Pittsylvania was joined with Franklin County to form the 30th Judicial Circuit. Five or six years ago Martinsville got its own Corporation Court, so this left the judge with only Henry and Patrick counties in his circuit.

The caseload is still heavy, but help will come soon because of a court revision system that will go into effect July 1. Martinsville and the counties of Patrick and Henry then will become the 21st Judicial Circuit, presided over by Judge Hooker and Judge Frank I. Richardson Jr., who is present judge of the Martinsville Corporation Court.

The whole idea of the court revision system, explains Judge Hooker, was to spread the work so caseloads would be more evenly divided, and to introduce more uniform procedures for all courts. "All this," he noted, "is for more efficient administration of justice . . ."

Aside from his professional duties, there are several major facets of his life which provide him cause for satisfaction.

He's very proud of his family. And he's active in the affairs of Stuart Baptist Church. He was the first president of the Stuart Rotary Club and has been a member since 1938, when it was formed. He and his wife also have been active in Boy and Girl Scout work and Mrs. Hooker has done her bit toward civic betterment. She is chairman of the Patrick County Library Board, chairman of the Patrick County Bicentennial Commission, and is a member of the Patrick Historical Society, which is in the process of remodeling a house to house a Patrick County Historical Museum.

Judge Hooker also is proud of his connection with the R. J. Reynolds-Patrick County Memorial Hospital and has been on the board since its foundation. He was instrumental in the drive which obtained money to build the hospital, which was dedicated in 1962.

Ten years ago there was another project in which he was instrumental—that of the establishment of Patrick Henry College as a branch of the University of Virginia. Judge Hooker looked after Patrick interests for the college, which was set up originally to serve basically the two-county area of Patrick and Henry.

Judge Hooker's sincerity is obvious when he speaks of civic endeavors involving the hospital, the college, Scouts, and the like. "I think I would be a pretty dull individual if I hadn't engaged in some of these civic endeavors. I think it has helped me in getting to know and understand people," he says.

Because of his love of the law, there's another facet of his life that has given him much satisfaction: close association with lawyers and others connected with the administration of justice. "I have a high regard for the legal profession and I think highly of the people . . ." connected with it, he says.

Some of the younger lawyers here, especially, concur. One comparative newcomer says he arrived here five or six years ago wondering what kind of reception he would get from the profession and the courts.

"Judge Hooker," he said, "seems to take a real interest in lawyers, and especially the younger ones . . ." adding, "He's always anxious to be helpful."

Another chuckled when he described the judge's demeanor. He runs a dignified court, all right 'but you can sometimes tell how he's reacting to a situation by watching those bushy eyebrows . . . When they get to moving up and down real fast, you'd better be on your toes. . . ."

Another describes the judge as "a gentleman of the old school," emphasizing that there's no slur intended by the old school remark. "He's easy-going, but you can't push him too far. He can be wrathful when the situation calls for it."

TRIBUTE TO BIL COCHRANE

HON. DAVID N. HENDERSON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 1973

Mr. HENDERSON. Mr. Speaker, I am happy to have the opportunity to join my colleagues in expressing our appreciation to Bil Cochrane on the occasion of his retirement as our Assistant Parliamentarian.

A native North Carolinian, he has been a credit to his home State and to those of us who have had the privilege of serving with him over the years.

On many occasions, I have said that the office of Parliamentarian of the House has been one of the most efficiently run anywhere in Government and certainly one of the best here on Capitol Hill.

And along with our longtime Parliamentarian, Lew Deschler, Bil Cochrane has been one of the reasons it has been such a success. I join with other Members in wishing him all the best in his future undertakings.

TWO BROOKLYN HOSPITALS THRIVE UNDER HUSBAND-WIFE MANAGEMENT

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. CAREY of New York. Mr. Speaker, during its annual convention in San Francisco in February, the Federation of American Hospitals elected as its president, Dr. Samuel Berson, who is a distinguished authority in the field of health care.

I would like to congratulate Dr. Berson on his new post and also commend the following article to my colleagues which appeared in the February issue of the FAH Review magazine:

Two Brooklyn Hospitals Thrive Under Husband-Wife Management

This is the story of two investor-owned hospitals in Brooklyn with distinct personalities of their own.

Kings Highway Hospital was conceived at sea—and born in the heart of Brooklyn, New York in 1953.

Flatbush General Hospital came along in 1959.

Both are owned and operated by Dr. and Mrs. Samuel L. Berson. He is the executive medical director, and she is the director of purchasing and executive supervisor of the Housekeeping and Dietary Departments. They form a unique management team in the investor-owned hospital field.

Both facilities were developed at the request of physicians to serve community needs. They are located five miles apart in neighborhoods with slightly different ethnic backgrounds.

The two have a total of—

323 beds—212 at Kings Highway and 111 at Flatbush.

665 employees—450 at Kings Highway and 215 at Flatbush.

255 on the medical staffs—175 at Kings Highway and 90 at Flatbush.

The conception of Kings Highway Hospital is a story in itself. A case of seasickness is part of the plot.

In 1950, Dr. and Mrs. Berson took a voyage to Europe and while in Norway, they visited a combined hospital and nursing home. They talked about the possibility of establishing a similar facility in their home area.

ON THE WAY BACK

During the return voyage to the United States aboard the ship. Queen Elizabeth. Mrs. Berson became ill in the dining room. When she left to go topside, she unconsciously took a menu with her.

She settled into a lounge chair on deck—and to pass the time of day, she sketched on the back of the menu what was to become the design for the Kings Highway Hospital.

The preparation of such sketches was second nature for her since her father was a noted New York architect and builder. As the oldest child in the family, she was closely associated with him during her "growing up" years.

The dream wasn't fulfilled until 1953 because of difficulty in acquiring the property for the hospital site.

"We had to buy several buildings and houses," Mrs. Berson recalled recently. "Purchasing lots in Brooklyn isn't like buying land out West. We had to demolish the buildings to prepare the land. It took us from 1948 to 1953 to get the project done. But we did it together."

The hospital site is in a residential district in the geographical center of Brooklyn. The facility was opened as a hospital with a large physiotheraphy department for rehabilitation which was a new concept in this area.

Dr. Berson said in an interview with the FAH Review Magazine:

"We probably were before our time because this facility was opened before Medicare—and before the general public realized the serious need for beds for rehabilitation. So, Mrs. Berson and I constructed the first proprietary rehabilitation facility of this kind in New York.

FACILITY CONVERTED

"It was a combination rehabilitation center and hospital. After operating this way successfully for about a year, we were approached by a group of physicians who were practicing in the area. They felt there was a more serious need for an acute general hospital. So, we took their advice and converted from the treatment of the chronically ill patients to the more acutely ill patients in 1955."

The Kings Highway Hospital was expanded from 135 beds to 174 beds in 1964—and to 212 beds in 1970. Several special treatment facilities were added over the years, including one of the first formal Intensive Care Coronary Units in Brooklyn.

Kings Highway Hospital serves an area with about 300,000 population. Jewish and Italian residents are predominant.

"Our mix of patients includes about 50 percent Medicare, about 30 percent Blue Cros subscribers, about 3 percent Workmen's Compensation, a small percentage of Medicaid cases, and the remainder are covered by other types of insurance." Dr. Berson explained. "The average age of the patients ranges between 50 and 55."

"At Kings Highway, our services include general surgery and internal medicine. We have a fairly large number of cardiac patients. We are very proud of our treatment of these patients. We also treat many vascular surgical cases. We do not do heart surgery. We do a large number of urological cases. I would say this probably is due to the fact that we are in an older-age area, and these types of patients suffer from ailments of that kind."

Dr. Berson said that Kings Highway Hospital did not handle maternity cases.

"This decision was made voluntarily by us when we started the hospital," he explained. "We are in an older-age area, and we felt that if we introduced this service, it would be only a very minimum service. It is my impression that if there is a minimum service, you could not render high quality care."

"We have not introduced other kinds of procedures which are esoteric or unusual. It always has been our opinion that these procedures should not be done in every hospital because they could not be performed as well as they could be in institutions specializing in this type of care.

EMERGENCY SERVICE

"Kings Highway has an emergency service which is now rendering care to about 10,000 patients annually. We receive many letters commending this service. Patients are admitted regardless of ability to pay.

"Proprietary hospitals often have been criticized for picking and choosing the cream of the cases—or skimming off the top. Personally I am vehemently opposed to this type of criticism. Our hospital takes every case for which we feel we can provide adequate care."

The operations of Kings Highway Hospital and Flatbush General Hospital are similar—but both function as separate entities.

Dr. Berson explained:

"Business and financial records of both institutions are completely independent. However, for purposes of economy, one warehouse is used. There is a centralized purchasing agent. We do not have shared services because we feel this is not feasible. We have separate administrators, nurses and other personnel. The employees are not interchangeable between hospitals. The physicians have courtesy privileges at both hospitals.

Flatbush General is in East Flatbush where the ethnic mix includes Jewish, black and Puerto Rican residents. Coverage of patients includes about 45 percent Medicare; 10 percent Medicaid and the remainder, Blue Cross and other types of insurance, Dr. Berson said.

"The emergency rate at Flatbush General generally does not run high because King's County Hospital, a municipal facility, is about a mile away," he said.

Dr. Berson indicated that the next expansion at both hospitals might be the construction of professional buildings for physicians.

COMMUNITY ORIENTED

He explained that the hospitals conducted numerous activities to help the community.

"We have a community-oriented program and a community advisory board composed of representatives of various endeavors, including the churches, schools and neighborhood organizations. We participate in community programs outside the hospital such as, screening, pap smears for malignancies and community-wide injection programs during times of concern over diseases such as flu.

"We recently had a symposium on coronary diseases which are so prevalent in our neighborhood. We have excellent relationship with the police department."

Dr. Berson noted that he and his wife "have divided our responsibilities so that she is responsible for housekeeping services, and I am responsible for the areas that are related to the professional part. We have two daughters who are involved in the operation of the hospitals."

SETTING AN EXAMPLE

Dr. Berson believes that "the only way the institutions can maintain a high quality of care, high standards and the dedication of employees is by the owners setting an example."

"We feel that it is extremely important to make rounds at the hospitals, not only inspecting the physical plant and the degree of efficiency in the housekeeping, maintenance and dietary departments, but also in personal interviews with patients so that problem areas can be corrected as they arise.

"It is our impression that the only way you can run a successful hospital is by somebody taking a serious personal interest in what goes on."

Dr. Berson is a member of the Comprehensive Health Planning Commission of New York City, and he also served on Mayor John Lindsay's Health Task Force a few years ago. He is a member of the board of directors of the Federation of American Hospitals. He is president emeritus of the Association of Private Hospitals of New York, Inc.

Mrs. Berson said she wanted to be "in a business where my husband and I could communicate with each other." The two have been married more than 32 years.

Mrs. Berson, the former Iola Bee Doorman of New York City, handles the interior decorating of both hospitals.

"We do all the wallpaper to match the draperies and the window shades. Every wallpaper is distinctly different, and everything in the room matches. So, when drapery or chairs are taken out, it is not hard to find which room to return them."

Dr. and Mrs. Berson built a third hospital in 1959 for an osteopathic group in Brooklyn and sold it to them in 1962.

TRIBUTE TO DR. SIDNEY FARBER

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. MOAKLEY. Mr. Speaker, it is with deep sorrow that I bring to the attention of this body and the American people the knowledge that a great benefactor of mankind has died. A truly great man, a healer, a world-renowned cancer researcher—Dr. Sidney Farber of Boston has died—and his passing leaves us all the poorer.

Dr. Farber was best known for his work on behalf of children. He was the guiding force behind the Jimmy Fund and Charles A. Dana Cancer Center. His dream of a hospital devoted exclusively to cancer in children was fulfilled when the Jimmy Fund Center of Roxbury, Mass., was built in 1948. Money for the Jimmy Fund Center was raised through individual and company gifts and the nickels and dimes of millions, to relieve parents of afflicted children of the additional hardship of expensive treatment.

Dr. Farber's major work at the Children's Cancer Center was advancing research into childhood leukemia and other diseases of children. When he first began his work, children afflicted with leukemia could look forward to at best weeks or months of life. When his research ended, children were kept alive for years through chemotherapy and radio therapy developed at his Jimmy Fund Center. As well as being a world authority on cancer, Dr. Farber was the founder of modern pediatric pathology.

Among his major contributions were: his discovery in 1947 that the drug aminopterin and the related chemical methotrevate could bring about temporary but complete remission of symptons in acute leukemia; and his work with the antibiotic actinomycin-D which reduced the size of the Wilm's tumor of the kidney and killed spreading cancer cells. He was the first to describe cystic fibrosis as a generalized disorder, and with his colleagues discovered Eastern Equine Encephalitis.

In addition to nine honorary degrees, he received innumerable honors and awards. In 1953 he was honored with the Judd Award for Cancer Research, and in 1958 with the United Cerebral Palsy-Max Weinstein Award for his stimulus to broad areas of neurological research. In 1959 he won the Gold Medal of the

American Cancer Society, and in the following 2 years was awarded the Great Medal of the University of Ghent and the Modern Medicine Award.

Dr. Farber was president of a number of medical societies: the American Association for Pathologists and Bacteriologists; the Society for Pediatric Research; the New England Pathology Society; the Worcester Foundation for Experimental Biology; and the Boston Pathology Society.

Dr. Farber's service to the Government included membership on the President's Conference on Heart Disease and Cancer, and appointment to the President's Commission on Heart Disease, Cancer, and Stroke in 1964. He was Medical Advisor to the Board of the Federal Food and Drug Administrations, and was a consultant both to the Armed Forces Institute of Pathology, and on the Committee on Consultants on Medical Research of the U.S. Senate.

He appeared before numerous congressional committees to speak on behalf of cancer research. He was active in the work of the National Cancer Institute, and in 1968 served as president of the American Cancer Society.

It was my privilege to know him personally when I worked with him on important social programs as a Massachusetts State legislator. I can only try to share my personal sense of acute loss with this brief tribute; but it was his work on behalf of the children of the world that will serve as his best memorial.

Sidney Farber died on March 30, and we shall not soon see his like again.

ARKANSAS INDUSTRIAL DEVELOPMENT COMMISSION CELEBRATES 18TH YEAR OF SUCCESS

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. ALEXANDER. Mr. Speaker, next month members of the Arkansas Industrial Development Commission will fly to Japan for meetings which they hope will culminate in Japanese industries establishing plant sites in Arkansas. This trip abroad represents the culmination of 18 years of successful work by the AIDC in establishing jobs and industries all over the State of Arkansas.

The AIDC was created in 1955—a time when Arkansas was faced with a postwar job shortage, unemployment and migration of native Arkansas. Because of the work of this commission, Arkansas has seen the appearance of 3,389 new or expanded plants representing 192,430 jobs on plant investments in excess of $1.8 billion. It was this growth that led former Gov. Winthrop Rockfeller, first chairman of the commission to boast in 1970 that—

> Today, Arkansas is currently growing at a rate far exceeding that of the nation as a whole.

In the week of its 18th birthday, I would like to share with my colleagues the story of the Arkansas Industrial Development Commission and what it has meant to Arkansas:

AIDC CELEBRATES 18TH BIRTHDAY WITH AN EYE TOWARD INTERNATIONAL DEVELOPMENT

LITTLE ROCK, April 1.—The Arkansas Industrial Development Commission celebrates its eighteenth birthday today.

And, like many other 18-year-olds, it will soon be drafted to an overseas country to serve in the best interests of the folks back home.

On May 23, AIDC director Joe Dildy and other staff members will fly to Tokyo and Osaka, Japan, for extensive meetings that, they hope, will culminate in some Japanese industries establishing plant sites in Arkansas.

The Japanese trip is a new effort on the part of the AIDC to compete in international markets for new plant locations. Dildy will emphasize Arkansas' industrial benefits as including a highly diversified labor network highlighted by the redeveloped Arkansas River; diversified labor skills with high production rates; natural resources; central location with rapid access to American and international markets, and financing programs to help establish new industry.

For the AIDC, the Japanese trip is a must. It reflects a new but common knowledge, recently expressed by former AIDC director Adrian Williamson, Jr.:

"We see multinational corporations building plants in our country. This is a developing market to which we must sell the State of Arkansas. Arkansas must compete in the market place, and the market place is increasingly becoming worldwide."

The new emphasis on international development also reflects many past successes by the AIDC, which is literally an April Fool's baby, born prematurely as a result of an emergency clause.

Faced with a post-war job shortage, unemployment and migration of native Arkansans, the 1955 Arkansas General Assembly responded with Act 404 to create the Arkansas Industrial Development Commission, charged with bringing in new industry, expanding existing industry, and blending labor, industry and other resources to further Arkansas' standard of living.

Act 404 called for the AIDC to begin operation on July 1, 1955. But a relatively new Arkansan named Winthrop Rockefeller, elected in March, 1955, to serve as the first AIDC chairman, was chomping at the bit to get started. Thus, the legislature passed an emergency clause which allowed the AIDC to begin work three months early—on April Fool's Day, 1955.

Later, Rockefeller was to reminisce that he felt like a man trying to swim upstream when he accepted the AIDC job. He had noticed, while building his farm atop Petit Jean Mountain, that thousands of Arkansans were leaving their farms to find work in cities outside of the state.

"I was convinced of the need to scatter industries in our smaller towns, rather than let them pile up in a handful of urban areas," Rockefeller remarked.

It was a unique concept. And it worked. Rockefeller was able to boast later that, "Today, Arkansas is currently growing at a rate far exceeding that of the nation as a whole. Working under the 'scatter' approach, we have generated some 3,000 new and expanded industries, representing more than 145,000 new jobs."

And that was in 1970. On April 1, 1973, the AIDC has boosted the total to 3,389 new or expanded plants, representing 192,430 new jobs on plant investments in excess of $1.8 billion.

That was a giant step for an agency that began with a budget of only $75,000 per year.

Rockefeller was appointed—largely because of the magic in his name—by a personal friend and future political foe, Governor Orval Faubus. Faubus gave Rockefeller the responsibility to run the AIDC any way he wished to.

First, seven commissioners were appointed—one from each of the six Congessional districts, to provide the representation for the smaller, rural areas, and the seventh was to be the president of the Arkansas Bankers Association, who would serve as an ex-officio member. (The commissioners now number 15.)

The original commissioners were W. W. Campbell of Forrest City, Earl A. Harris of Rogers, Leon Kuhn of Texarkana, William R. Smith of Lake Village, Elmer O. Yancey of Searcy, Winthrop Rockefeller, and the ABA president, Louis E. Turley of El Dorado.

Yancey is still a commissioner, and Hurley is currently chairman.

Bill Rock became the first director of the AIDC, starting on July 1, 1955.

Rockefeller knew that the original budget of $75,000 simply was not enough. He enlisted the help of businessmen throughout the state through the "Committee of 100." Its goal was to raise $200,000 to supplement AIDC operating funds. Hence, the creation of the Arkansas Industrial Development Foundation, which is still used to meet special needs.

In 1957, the legislature boosted the AIDC budget to $575,000, and, like spring, things began busting wide open as the flow of new industries into the state began to take on significance. However, the first year had been a success, resulting in 127 new or expanded plants and 5,000 new jobs.

Rockefeller's idea of bringing new industry into smaller towns was helped along by several community financing methods, some of which were passed into law at his suggestion.

Act 404 of 1955, the same act which created the AIDC and which has since been amended, provides for the issuance by communities of first and second lien bonds to finance up to 80 per cent of the total cost of lands, improvements, buildings and equipment. Act 9 of 1960 authorizes towns or counties to issue special obligation revenue bonds to be used for securing and developing industry. Act 173 of 1967 authorizes guaranty of Act 9 revenue bonds, whereby the AIDC can issue revenue bonds to help marginal industries get set up. And, constitutional amendment 49 of 1958 allows first and second class cities, incorporated towns and counties to issue, with voter approval, ad valorem bonds for the purpose of securing and developing industry.

These financing methods obviously assist smaller towns as well as large cities in bringing in new industries.

A recently developed program is the Industry Training Program, a plan which is nearly unique and which provides for classroom and on-the-job training. Thus, industries entering the state and requiring new skills can be assured that Arkansas labor will have those skills when the new plant is erected. The training program also helps existing industries which require new skills as a result of diversification or new manufacturing techniques.

A major part of the AIDC's budget goes into national advertising, so that industrial prospects will be made aware of Arkansas' industrial benefits. The AIDC prides itself on never having used a "hillbilly" approach in its advertising. Instead, it has chosen to project a quality image for the state, and the advertisements have frequently featured full color photographs and new printing techniques that lend an air of sophistication.

Partly as a result of such an approach, 125 of the Fortune Top 500 companies now have plants in Arkansas.

The work of the AIDC consultants is probably the biggest factor in the agency's success. The consultants used the latest data and computer technology available in providing interested companies with up-to-date, statistically detailed information regarding labor availability, job skills, transportation facilities, wage rates, plant sites and other data.

The consultants are always "on call," making contact by telephone, mail and personal visits. Today, AIDC consultants call on more than 4,000 prospects each year, and travel to national and even international industrial centers. They also maintain close contact with companies after location, assisting in such projects as plant expansion.

The agency consists of seven separate divisions—administration and finance; information services; communications center; transportation; advertising and public information; training; and international.

The "return on investment" from the AIDC's efforts is approximated as follows: $1.4 billion in increased personal income per year for Arkansas residents; 718,000 more residents in the state and $662 million in increased retail sales; the creation of an additional 130,000 non-industrial jobs as a result of the new industries; and $27.6 billion additional taxes furnished to local governments for use in maintaining streets, providing police and fire protection and contributing other community services enjoyed by each community resident.

Other AIDC chairmen since Rockefeller were the late C. Hamilton Moses of Little Rock, who served from 1964 to 1966; L. L. Baxter of Fayetteville, 1966–1967; Herbert H. McAdams of Jonesboro, 1967–1972 and Hurley, 1972 to the present.

AIDC directors who succeeded Rock were Colonel Carl Hinkle, Robert M. Millwee, Jr., Adrian Williamson, Jr., J. Dan Reebuck, and, now, Joe Dildy, the only staff member who has been with the AIDC since its founding.

THE CASE FOR A VOLUNTARY MILITARY

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. FRENZEL. Mr. Speaker, our distinguished and capable colleague, the gentleman from Wisconsin (Mr. Steiger) makes an excellent case for a volunteer military force in the Washington Post of Saturday, March 31, 1973.

Mr. Steiger's article was prepared in response to a Post reprint of Joseph Califano's defense of national conscription.

Congressman Steiger correctly points out that a good deal of the cost which is popularly associated with "the Volunteer Military" has actually been previously built into our system. He also correctly points out that the pay raises which came about particularly as a result of the thrust for a volunteer military force might have occurred anyway and surely were strongly supported by those proponents of national conscription.

I commend our colleague's, Mr. Steiger's, article to all Members. The article follows:

[From the Washington Post, Mar. 31, 1973]

THE CASE FOR A VOLUNTEER MILITARY

(By William A. Steiger)

When I opened The Washington Post on Thursday, March 22, I fully expected to find a story on the victory of Congress in its long battle with the Executive to regain control of the draft authority. To my dismay, I found instead a reprint of Joseph Califano's superficial and out-dated defense of conscription.

Mr. Califano's several miscalculations begin with an error in elementary mathematics. He subtracts the fiscal 68 personnel budget of $32.6 billion from the fiscal 74 budget of $43.9 billion—and comes up with $12.3 billion. This billion dollar error might be excused as a "typo" had it not appeared twice in his original article in The New Republic. More importantly, these figures are irrelevant to an evaluation of the volunteer military, because they include the budget for all civilians employed by the Defense Department, not just the volunteers.

This distortion is compounded by the fallacious assumption that military pay hikes since 1969 can be charged to the volunteer force. In fact, only 23% of the increase in pay is attributable to ending the draft. Fully 77% of the increase results from miscellaneous payments initiated long ago, and from legislation pushed through Congress by one of the most ardent advocates of conscription—the late Rep. L. Mendel Rivers (D-S.C.).

The "Rivers Amendment"—enacted in 1967, before any plans were made for ending the draft—simply gives military personnel cost-of-living increases equivalent to those received by their civil service counterparts. While it has been of value in enabling the military to keep pace with inflation, it has had virtually no role in ending the draft. Witness the effect on entry level compensation: the monthly basic pay of a recruit in 1967 was $95.70, which rose over the next four years to a mere $134.40. It was only in 1971 that competitive pay scales were enacted.

Despite his years in the Defense Department, Mr. Califano displays a serious misunderstanding of the compensation system: he contends that a volunteer force is expensive "since raising pay at the bottom requires increases in higher ranks and retired pay as well." But one becomes eligible for retirement pay (which is geared to basic pay) only after completing 20 years of service. When Congress revised the pay schedule in 1971, no increases in basic pay were given to men with more than two years service above the enlisted grade of Corporal (E–4) or officer grade of 2nd Lieutenant (0–1). Since virtually no one retires at these low ranks, the effect of the volunteer force on retired pay is negligible. Moreover, had he inquired, Mr. Califano would have learned that a major reform has been proposed in conjunction with the volunteer force: it would save billions of dollars in retirement costs while improving the quality of middle management.

After erroneously using end strength rather than average strength to compute the yearly costs of military manpower, and including reserve forces in his active duty calculations, he places the annual cost of the volunteer force at $6 billion. This number is simply pulled out of the air without any reference to specific programs initiated to end the draft.

The total cost for fiscal '74, including the current impact of the 1971 pay increase, the Special Pay Act, and Project Volunteer initiatives is $3.1 billion—or one half of Mr. Califano's estimate. The incremental cost over fiscal 73 is only $400 million, as compared to a $4 billion increase in the Defense budget as a whole.

The bulk of the cost—the $2.3 billion pay increase enacted in 1971—represents an investment backed by *opponents* as well as supporters of the volunteer force. The broad support for this expenditure stemmed from the fact that much of the increase was used to eliminate the disgrace of compelling young men to serve their country for wages below the poverty line. Mr. Califano has forgotten that prior to 1971, thousands of service families were forced to depend on welfare, food stamps, and moonlighting on second and third jobs for survival.

Finally, the author errs in his criticism of the Gates Commission. Their estimate of costs during the transition to a volunteer force of 2.5 million men was $3.24 billion, not the $2.1 billion figure Mr. Califano selected. The latter amount represents the annual estimate for the force on a "stable continuing basis," six to eight years after inductions have ceased. The Gates Commission's projection for the transitional year is remarkably close to the $2.7 billion spent for a 2.3 million man force during this last year of the draft. This investment will rise slightly to about $3.3 billion in fiscal 76. But as savings are derived from reduced training loads and revised capital-labor ratios, the costs will decline sharply to the "stable" levels as predicted by the Gates Commission.

It is not my purpose to defend the high cost of military manpower. Significant savings can be achieved by taking a series of bold steps: change the retirement system, hold down "grade creep," revise the pay schedule, create a visible salary system, use Special Pay Act incentives, and replace personnel with machinery. Comprehensive planning can save the taxpayers billions of dollars. But these issues will never receive serious consideration so long as critics persist in misrepresenting the relatively small portion of the manpower budget which is devoted to ending the draft.

SGT. CARROLL FLORA, JR., RETURNS HOME

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. BYRON. Mr. Speaker, last week Sgt. Carroll E. Flora, Jr., recently returned from captivity in North Vietnam, returned home to Brunswick, Md. Sergeant Flora, joined by his wife, Joanne, was welcomed to his hometown in a moving ceremony, and I would like to join with his many friends and relatives in saying, "Welcome Home" to this young man who endured the ordeal of captivity.

I would like to share with my colleagues the account of the home-coming activities from the Frederick Post:

BRUNSWICK WELCOMES HOME SERGEANT FLORA

(By Nancy Crist)

Sgt. Carroll E. Flora, Jr., was greeted by a standing ovation Tuesday night at the Steadman-Kennan Post, American Legion in Brunswick as approximately 250 persons gathered to welcome him home.

The informal program gave the citizens of Brunswick an opportunity to pay him and his courageous family a tribute. "Eddie's return symbolized the hope for a better understanding with our adversaries and a stepping stone to a lasting peace throughout the world," Richard Bowers said.

"President Nixon stated it well when he described the arrival of our POWs at Clark Field in the Phillipines, 'that when they stepped from the door of the plane and saluted the flag, we all recognized the tremendous pride we felt at that moment for those men, their families and the devotion to their country'," Bowers added.

Sgt. Flora was presented with a number of gifts including a key to the City of Brunswick presented by Mayor Jess Orndorff who, said, "Eddie we hope that you will use this key to the city to open the door and come back here with us." A Brunswick native, Flora's home is now at Discovery near Walkersville.

Post Commander Silas Phillips presented Sgt. Flora with a life membership to the American Legion and Mrs. Lorraine Ferrell presented him with a family Bible on behalf of the Ladies Auxiliary of the Brunswick Volunteer Ambulance Company.

Grover Frye presented him a gift from the neighbors and friends of Sgt. Flora who resided on North Virginia Ave., and he also was given the title of "Honorary Coach of the Slow-Pitch Softball team" which included a hat and green jacket and a description of his duties which brought chuckles from Flora and the crowd. Frye said "We play the game for an hour and a half and then meet back here and replay the same game for another three hours."

Ernest Wineholt representing the Fraternal Order of Eagles presented Sgt. Flora with a $100 savings bond; Mrs. Margaret Moss, a gift certificate at J. C. Penney's from the Pythian Sisters, Century Temple No. 4. The ladies auxiliary, Steadman-Keenan Unit No. 96 president, Mrs. Norma Jean Frye, also presented him with a gift.

Dan Burkhardt, American Legion Department Adjutant gave a few brief comments commending Mrs. Joanne Flora for her courage throughout this ordeal and her help in getting the prisoners released. He cited her trips throughout the country and the many trips she made to Washington, D. C. He ended his remarks with "it's Christmas time again."

Burkhardt then introduced Dolly Eshbaugh who let Sgt. Flora remove his POW bracelet from her arm.

Sgt. Flora said "I was proud to be an American before I went to Vietnam but I am even prouder now."

Mrs. Flora asked that people continue to pray for those whom we do not know of their whereabouts—the ones still missing in action.

The president of the class of 1959, Brunswick High School Joe Baine, welcomed Flora back and said that he would stick by his guns when he said "I am going to do all I can to fight Communism in the future." He added that the people are with him on this commitment. "We always knew that you would make a top rate trooper someday," Baine said.

Other guests included his mother Mrs. Frances Flora, his sisters, Carol Ann Zimmerman and Dixie Longerbeam, his brother, Frank Flora, his grandmother, Mrs. Lucille Anders and the Brunswick City Council which co-sponsored the reception.

CONGRESS JEOPARDIZES VALUABLE PROGRAM

HON. PHILIP E. RUPPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. RUPPE. Mr. Speaker, today I supported the final passage of H.R. 5683, the Rural Electrification Act introduced by Mr. DENHOLM. However, I would like to express my personal reservations about this legislation.

Already this session we have seen the rural environmental assistance program and the Vocational Rehabilitation Act shot down in the crossfire between the President and the Congress. Once again I believe that the Congress has unwisely jeopardized a valuable program in our rural communities in order to challenge the President on purely political grounds.

The message from the White House should be perfectly clear by now. The President is firmly committed to holding the line on taxes and preventing a new round of inflation. He is not about to back away from this commitment by allowing the Congress to enact legislation which would stimulate increased Federal sepnding. The bill we passed today is viewed by the White House as another example of the Congress' fiscal irresponsibility. In trying to force the President's hand again, Congress has not only risked another defeat, but it has flirted with a veto at the expense of the rural communities which depend upon the rural electrification program.

Today we had the opportunity to support Mr. NELSEN's substitute bill—legislation which apparently was an acceptable compromise with the administration. These amendments would not have totally satisfied the rural electric cooperatives around the Nation, but they would have been more palatable than no bill at all.

Mr. Speaker, I supported the final legislation before us today because I wanted to express my strong support for the continuation of a separate REA loan fund. At the same time, I think we have made a serious mistake by refusing to compromise with the White House. I only hope that before this legislation reaches the President's desk, the reasonable proposals which Mr. NELSON offered unsuccessfully will be substituted for the final language we considered today.

PARKING PRIVILEGES FOR CIVILIAN FEDERAL EMPLOYEES

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. KEATING. Mr. Speaker, today I am introducing a bill to require that civilian employees of the Federal Government pay for the privilege of parking, a privilege which up until now has been subsidized by the American taxpayer.

There are many reasons why it would be fair, reasonable, and equitable for civilian employees of the Federal Government to pay for their parking privileges.

First, Congress has recognized over the past few years that it is necessary to reduce the number of automobiles in urban areas by encouraging the use of carpools and other means of transportation. A reduction in the number of such automobiles reduces pollution and reduces traffic congestion as well.

Second, there is no justification for requiring an already overburdened American taxpayer to pay for the parking privileges of civilian Federal employees. Recent pay raises have brought about comparability between compensation for public and private employment, and parking fringe benefits for civilian Federal employees are therefore unnecessary and undesirable.

Third, charging civilian Federal employees for the privilege of parking is reasonable in light of similar charges levied on employees in private industry. A substantial majority of privately employed persons in urban areas of this country pay for their own parking, and these charges usually amount to at least $20 to $30 per month. These persons have no one to subsidize their parking facilities.

Finally, it is therefore equitable and reasonable to charge civilian employees of the Federal Government for the privilege of parking, including Senators, Representatives, and Justices of the U.S. Supreme Court.

To accomplish these objectives, the legislation I am introducing today implements the principal recommendations of a 1971 study conducted by the Public Buildings Service of the General Services Administration. The specific provisions of the bill are as follows:

First, that the Administrator of the General Services Administration shall have exclusive authority to regulate, operate, and maintain all parking facilities and parking arrangements established by the Federal Government for the private cars of civilian employees of the executive branch;

Second, that the GSA Administrator shall have the authority to provide for the imposition of a reasonable fee for the use of these parking facilities, taking into account the cost of operating and maintaining the parking facilities as well as the fees charged for commercial private parking spaces in the area where the space is provided;

Third, the GSA Administrator shall, in providing for the assignment of such parking spaces, give priority first to high officials for whom flexibility of working hours is essential to the efficient performance of the Federal Government—although no more than 15 percent of the spaces available to any one agency or department shall be assigned to such high officials—and then to employees in carpools, with highest priority assigned to those carpools with the greatest number of passengers;

Fourth, that the GSA Administrator shall, in cooperation with local authorities, establish a system of free fringe parking in the District of Columbia in order to further encourage the use of transportation other than automobiles in moving between places of work;

Fifth, that the GSA Administrator shall, upon a finding that the system of free fringe parking in the District of Columbia has sustained the objectives of this act, consider and establish where appropriate free fringe parking facilities in other metropolitan areas of the United States;

Sixth, that the authorities responsible for parking arrangements and facilities for officers and employees of the legislative branch, including Senators and Representatives, shall establish reasonable fees of not less than $1 per day for each day of use of one parking space;

Seventh, that the authorities responsible for parking arrangements and facilities for officers and employees of the legislative branch shall, in providing for the assignment of parking spaces, first give priority to high officials for whom flexibility of working hours is essential to the efficient performance of Government business, and then to carpools of other employees of the legislative branch, with highest priority assigned to carpools with the greatest number of passengers;

Eighth, that the authority responsible for parking arrangements and facilities for officers and employees of the U.S. Supreme Court shall establish reasonable fees of not less than $1 per day for each day of use of one parking space, with priority first given to Justices of the U.S. Supreme Court, and then to carpools of other employees of the Supreme Court, with highest priority going to carpools with the greatest number of passengers.

Mr. Speaker, the American taxpayer expects and deserves that his Government operate efficiently, with a minimum of unnecessary frills and fringe benefits. In fact, there is nothing which irritates the taxpayer more than unnecessary fringe benefits and subsidized extras which the Federal Government picks up at taxpayers' expense.

During the past several years, there have been many changes affecting economical operations on Capitol Hill, due in large part to the efforts of the distinguished chairman of the Committee on House Administration (Mr. HAYES). These changes have been implemented with a view toward charging for the payment of services on the basis of what it costs to provide those services.

I agree that it makes no sense to require the taxpayers to subsidize the cost of haircuts and lunches for Federal employees, and I also believe that it makes no sense to require the taxpayers to subsidize the parking privileges extended to Federal employees.

I sincerely hope that this legislation is also viewed favorably by the House Select Committee on Parking, as few men in the Congress have been as careful and judicious with the taxpayer's dollar as the distinguished banking minority member of that committee (Mr. GROSS).

I believe that enactment of this legislation will also improve significantly the morale of civilian Federal employees, as many of them now suffer from the unavailability of parking facilities.

Mr. Speaker, the General Services Administration currently exercises jurisdiction over more than 117,000 parking spaces. Combined with the more than 7,000 parking spaces on Capitol Hill, and the added spaces available to employees of the U.S. Supreme Court, enactment of this bill should result in a substantial savings to the American taxpayers.

The Department of Transportation has estimated that at least $10 million will be generated annually by civilian Federal employees paying for their parking in the District of Columbia area alone.

Enactment of this legislation would represent a very positive step forward in the effort to conduct the operations of the Federal Government as efficiently and as equitably as possible, and I urge its enactment by the Congress at the earliest practicable date.

FEDERAL CIVILIAN EMPLOYMENT, FEBRUARY 1973

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. MAHON. Mr. Speaker, I include a release highlighting the February 1973 civilian personnel report of the Joint Committee on Reduction of Federal Expenditures:

FEDERAL CIVILIAN EMPLOYMENT, FEBRUARY 1973

Total civilian employment in the Executive, Legislative and Judicial Branches of the Federal Government in the month of February was 2,798,080 as compared with 2,807,389 in the preceding month of January. This was a net decrease of 9,309. Total pay in the month of January, the latest month for which actual expenditures are available, was $2,922,599,000. These figures are from reports certified by the agencies as compiled by the Joint Committee on Reduction of Federal Expenditures.

EXECUTIVE BRANCH

Civilian employment in the Executive Branch in the month of February is compared with the preceding month of January and with February a year ago, as follows:

	Full time in permanent positions	Change	Temporary, part time, etc.	Change	Total employment	Change
Current change:						
January 1973	2,446,048		319,900		2,765,948	
February 1973	2,437,649	—8,399	318,192	—1,708	2,755,841	—10,107
12-month change:						
February 1972	2,550,984		277,284		2,828,268	
February 1973	2,437,649	—113,335	318,192	+40,908	2,755,841	—72,428

Full-time permanent employment in the month of February was reduced by 8,399, reflecting a decrease of 5,852 in Defense agencies and 2,547 in all other agencies. Over the *12 month period* full-time permanent employment was reduced by a net of 113,335, reflecting decreases totaling 132,635, primarily in Defense agencies with 74,641 and Postal Service with 51,268. These decreases were partially offset by increases totaling 19,300, primarily in Veterans with 6,429, Justice with 2,574, HEW with 2,646 and Treasury with 2,307.

TOTAL EMPLOYMENT

Total civilian employment in the Executive Branch in February, as compared with January, is shown for civilian and military agencies, as follows:

	February	January	Change
Civilian agencies	1,690,916	1,685,166	+5,750
Military agencies	1,064,925	1,080,782	−15,857
Total, civilian employment	2,755,841	2,765,948	−10,107

The civilian agencies of the Executive Branch reporting the largest increases in February were Treasury with 6,354 and postal Service with 5,924. The largest decrease was in Agriculture with 3,107. In the Department of Defense the largest decreases were reported by Army with 12,299, Navy with 2,235 and Air Force with 1,326.

Total Executive Branch employment inside the United States in February was 2,607,752, an increase of 233 as compared with January. Total employment outside the United States in February was 148,089, a decreases of 10,340 as compared with January.

FISCAL YEAR 1974 BUDGET PROJECTIONS

Comparison of current full-time permanent employment (February 1973) with the budgeted projections for June 1973 and 1974 follows in next column.

LEGISLATIVE AND JUDICIAL BRANCHES

Employment in the Legislative Branch in February totaled 33,512, an increase of 725 as compared with the preceding month of January. Employment in the Judicial Branch in February totaled 8,727, an increase of 73 as compared with January.

	Civilian agencies	Military agencies	Total
February 1973, actual	1,422,120	1,015,529	2,437,649
June 1973, estimate	1,472,300	1,012,400	2,484,700
(Compared to February 1973)	(+50,180)	(−3,129)	(+47,051)
June 1974, estimate	1,451,800	986,800	2,438,600
(Compared to February 1973)	(+29,680)	(−28,729)	(+951)
(Compared to June 1973, estimate)	(−20,500)	(−25,600)	(−46,100)

In addition, Mr. Speaker, I would like to include a tabulation, excerpted from the joint committee report, on personnel employed full time in permanent positions by executive branch agencies during February 1973, showing comparisons with June 1971, June 1972, and the budget estimates for June 1973.

FULL-TIME PERMANENT EMPLOYMENT [1]

Major agencies	June 1971	June 1972	February 1973	Estimated June 30, 1973 [2]
Agriculture	84, 252	82, 511	82, 729	83, 400
Commerce	28, 435	28, 412	28, 598	28, 200
Defense:				
Civil functions	30, 063	30, 585	30, 067	32, 400
Military functions	1, 062, 741	1, 009, 548	985, 462	[3] 980, 000
Health, Education, and Welfare	104, 283	105, 764	108, 911	[4] 110, 200
Housing and Urban Development	16, 030	15, 200	16, 378	15, 800
Interior	57, 570	56, 892	56, 534	57, 000
Justice	42, 662	45, 446	45, 667	47, 200
Labor	11, 352	12, 339	12, 391	12, 800
State	23, 398	22, 699	22, 401	23, 200
Agency for International Development	13, 477	11, 719	10, 833	10, 800
Transportation	68, 482	67, 232	66, 079	67, 700
Treasury	90, 135	95, 728	97, 256	103, 000
Atomic Energy Commission	6, 920	6, 836	7, 032	7, 000
Civil Service Commission	5, 324	5, 260	5, 735	6, 000
Environmental Protection Agency	5, 959	7, 835	8, 011	8, 900
General Services Administration	38, 076	36, 002	35, 890	38, 100
National Aeronautics and Space Administration	29, 478	27, 428	27, 137	26, 800
Panama Canal	13, 967	13, 777	13, 696	14, 000
Selective Service System	5, 569	5, 791	5, 570	5, 700
Small Business Administration	4, 004	3, 916	4, 021	4, 200
Tennessee Valley Authority	13, 612	14, 001	14, 151	14, 000
U.S. Information Agency	9, 773	9, 255	9, 206	9, 400
Veterans' Administration	158, 635	163, 179	167, 707	171, 600
All other agencies	31, 333	33, 499	33, 966	35, 800
Contingencies				2, 000
Subtotal	1, 955, 530	1, 910, 854	1, 895, 428	1, 915, 200
U.S. Postal Service	564, 782	594, 834	542, 221	569, 500
Total [5]	2, 520, 312	2, 505, 688	2, 437, 649	2, 484, 700

[1] Included in total employment shown on table 1. beginning on p. 2.

[2] Source: As projected in 1974 budget document; figures rounded to nearest hundred.

[3] Excludes increase of 5,000 for civilianization program.

[4] Excludes increase of approximately 9,000 in adult welfare categories to be transferred to the Federal Government under Public Law 92-603.

[5] February figure excludes 2,448 disadvantaged persons in public service careers programs as compared with 2,610 in January.

FOLK CENTER LEADER SEEKS TO CONSERVE

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. ALEXANDER. Mr. Speaker, on May 5 of this year, the Ozark Folk Culture Center will open in Mountain View, Ark. The center represents the fruition of years of work to preserve our cultural and folklore heritage. Its young director, David Newbern of Fayetteville, Ark., is a man of many talents. A lover and composer of folk music he has taught at American University, worked at the Pentagon, and was acting dean at the University of Arkansas Law School. Newbern sums up the purpose of the center in this way:

The whole idea of the Center is to preserve the culture of North-Central Arkansas. The problem is—how do you preserve it by taking it out of its natural setting and putting it into a new modern complex.

At this point I would like to share with my colleagues a recent article which explains a bit more about Newbern and how he may accomplish this.

The article follows:

FOLK CENTER LEADER SEEKS TO CONSERVE

(By Sheila Daniel)

MOUNTAIN VIEW.—W. David Newbern, 35, the first administrator of the Ozark Folk Culture Center here will bring to the job an unusual sense of understanding and caring for the mountain way of life.

This life style is the main attraction now playing to the nation every year here.

Newbern is a multitalented man, raised in the traditions of the Ozark Mountains' song and dance and simple philosophy. Currently a professor at the University of Arkansas Law School at Fayetteville, Newbern plays the banjo and guitar and writes folk songs.

He wants to manage the $3 million Center, play his instruments, write his songs and conserve the quality of Arkansas's mountain style. Another musician and his friend, Charlie Sandage, has been appointed program director at the Center.

"Charlie and I started a group last year that we call the Illinois River Valley String Quartet," he said. "Most people don't think about it, but the Illinois River Valley is just west of Fayetteville, so that's how we got our name."

The group's other members include David Treadway of Little Rock and Ed Ryland of Arkadelphia.

"Charlie, David and Ed had a rock group at Henderson State College a few years ago," he said. "When Charlie and I got into folk music, we introduced it to the others. They took to country (music) just like ducks to water."

Finally, last April Newbern saw Mountain View for the first time when he attended the 10th annual Arkansas Folk Festival and Arts and Crafts Show. Since that time, he has frequently been a guest of the town's Rackensack Folk Society at the group's Friday night musicales.

But the professor doesn't regard himself as a folksinger.

"A folk person is not an entertainer," Newbern said. "He's someone who tells a story just because he wants to. An entertainer, on the other hand, concentrates on the impact of his performance."

Newbern sees the members of his group as entertainers also, not as folk musicians. "For this reason, anything we might do at the Folk Center will be only as guest performers," he said.

Newbern admits that his decision to leave the law profession is a bit unusual.

"This development of a very intense interest in folkways has come late in my life—I'm already 35," he said. "I guess I'm doing this because I feel that there isn't anything more worthwhile for me. Americans live a frustrated sort of life; everybody is looking for roots. Right now, this is the best thing I can do to help."

He plans to finish his teaching at the law school in May, when he will assume his new job on a full-time basis.

The new Center is to be open May 5, although it will be partially opened for the annual festival, which begins April 19. It includes a complex of 59 buildings, constructed with 80 per cent federal funds and 20 per cent locally bonded funds. The state plans to hire 78 employes at the Center, most of them from Stone County.

Newbern is enthusiastic about his new job, but he realizes that he will face problems.

"The whole idea of the Center is to preserve the culture of North-Central Arkansas," he said. "The problem is—how do you preserve it by taking it out of its natural setting and putting it into a new modern complex?"

In the past, activity has been centered at the Mountain View High School gymnasium.

"The atmosphere may be changed by moving it out of the gym," he admitted, "but that's a whole lot better than letting the tradition die. The oldtimers at Mountain View are the last of the oral folk tradition. And if you don't give them a place where they can teach others, then it will certainly die. * * * I also believe that we can preserve a lot of what is there in Stone County without destroying it.

WIFE INTERESTED IN MOUNTAIN CRAFTS

Newbern's wife, the former Carolyn Lewis of Fayetteville, is also looking forward to the move to Mountain View. Her knowledge of folkways complements her husband's, since her interests focus on the crafts tradition. Carolyn holds a master's degree in American Studies from the University of Delaware, and she now works in a Fayetteville arts and crafts shop.

Newbern has been on the faculty of the University of Arkansas Law School since 1970. He served as acting dean of the school from September 1972 until February 1.

Newbern developed an interest in music early in life. When he was 11, he spent a summer singing and touring with a boy's choir at Dallas. Later he was active in the U of A opera workshop as an undergraduate.

Oddly enough, Newbern became enamored of folk music when he was in school at Boston just five years ago.

"I went to hear Lester Flatt and Earl Scruggs at a Boston concert," he says, "and I suddenly realized what I had missed. It's hard to believe, since I grew up right in the middle of the Ozark folk culture."

Soon afterward Newbern bought a new banjo and began to pick it. He had crushed his first one in the back seat of his Volkswagen.

"My grandmother gave me that first banjo when I was only five," he recalled. "It had an 1892 patent on it. My great-grandfather found it in Kansas City where he was selling apples, and he brought it to Fayetteville around the turn of the century."

The loss of his first instrument still saddens Newbern.

The lawyer turned to composing when he was stationed in Korea with the Army in the late 1940s. Although he had been singing all of his life, he had never considered writing songs.

Why did he take up writing songs with a folk flavor when he was so far from the Ozarks?

Newbern isn't exactly sure.

"When I went to the Far East, I was just beginning to take folk music seriously," he said. "I had a lot of time on my hands, and I guess this is why I started writing."

So when he returned to Arkansas after nine years, Newbern was prepared to rediscover the music and arts of the Ozarks. The law professor found a culture that his own great-grandparents had brought into the area from Tennessee and Kentucky, along with many, many other early pioneers.

In fact, Newbern's family goes a long way back in Arkansas history. His maternal grandfather, Dr. A. M. Harding, served on the U of A faculty from 1905 until his death in 1947. As president of the University during World War II, Dr. Harding spent much of his time promoting the U of A and its heritage, emphasizing the college's unique cultural and intellectual offerings.

After Newbern began teaching at the U of A Law School, he began to pursue his musical interests in earnest. He took banjo lessons from a student, and he also bought a guitar. During the last two years music has come to claim more and more of his time.

"I go home every afternoon and sit with my banjo the rest of the day," he said. "And I still have an awfully long way to go toward becoming a really good musician."

He usually plays traditional folk songs, ballads and tunes that he writes himself. He also enjoys bluegrass music.

"Most of my own songs are about Arkansas," he explained. "The lyrics often mention rivers such as the White, the Mulberry, the Ouachita and the Illinois. I like to write about the mountains and the rural life of the state."

In fact, Newbern has written an "Arkansas Trilogy," which he performed recently in concert with the Uarketes, a U of A singing group. The third song in the trilogy is one of the composer's favorites. It's called "Come The Fall," a gentle, smooth-flowing melody about the seasons of the state.

"Some of my other pieces are just mood-type songs, and some make a comment about modern society," he added. Over-all, Newbern's music reflects the styles of his favorite musicians. They include John Denver, The Dillards, The Nitty Gritty Dirt Band and Joan Baez.

He went through the Fayetteville school system, and then earned his bachelor of arts and a law degree from the U of A at Fayetteville. When Newbern finished law school in 1961, he entered the Army Judge Advocate General's Corps. While in the Army, he took advanced degrees from George Washington University of Washington and from the Fletcher School of Law and Diplomacy at Tufts University near Boston.

The young lawyer, also taught at American University and worked in the Pentagon at Washington. He spent time in Germany and Korea before he was discharged with the rank of major in 1970.

STEEL INDUSTRY SHOWS EMPLOYMENT DECLINE FROM 1971 DESPITE BOOMING LEVEL OF OUTPUT

HON. H. JOHN HEINZ III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. HEINZ. Mr. Speaker, I would like to congratulate the American steel industry and the United Steel Workers on their recent adoption of a negotiating process which eliminates a strike threat next year. This is a new policy of conciliation, rather than confrontation over the bargaining table and across picket lines. Both industry and labor have proved conclusively that they have in mind not only the best interests of industry and labor, but also those of the national economy and the American people.

A recent Wall Street Journal article explores the continuing decline in employment in the steel industry despite the strong boom in production. This paradox of shrinking employment—while there is such a heavy demand for steel—calls for bold new action. Now responsible leaders in labor and industry have taken that action.

I hope this is just the beginning of a new and mature relationship between industry and labor. This cooperation in strengthening the steel industry will make this Nation more competitive in world markets, and produce more jobs for American workers.

I include the Wall Street Journal article in the RECORD, as follows:

STEEL INDUSTRY SHOWS EMPLOYMENT DECLINE FROM 1971 DESPITE BOOMING LEVEL OF OUTPUT

(By Michael K. Drapkin)

PITTSBURGH.—The nation's steelmakers are in the process of compiling record first half production of an estimated 76 million tons of crude steel. That's some four million tons more than the first half of 1971, when users were stockpiling heavily against the prospect of an industry strike.

But the industry is pouring the steel with about 40,000 fewer production and maintenance employes, and this is a fact of life the United Steelworkers union and the country's 10 largest steelmakers are trying to alter under the historic agreement signed last week.

The accord to eliminate a strike threat next year and arbitrate unresolved issues is designed to do away with the contract-time hedge buying that has distorted domestic production and spurred import buying over the years and forced domestic production to shrivel after a settlement when users started to use their accumulated supplies.

As import figures suggest, buying from foreign suppliers doesn't decline to prebuildup levels after contract settlements. And U.S. workers called back during normalcy never quite equal the number laid off during slack post-settlement times.

LAST BUILDUP PERIOD

During the first half of 1971, the last buildup period, employment climbed to about 530,000. But the total slumped to a 32-year low of 429,000 in November 1971 as users worked off their bulging inventories and took in huge new tonnages ordered from overseas. And, even with today's record pace, employment has rebounded only part way, to 490,000.

The current productive strength is beyond doubt. Mills say volume continues well in excess of shipping capability, lead times are extending and backlogs are continuing to rise. The strength, moreover, doesn't show signs of abating.

As has been the case for some months, tremendous tonnages of flat-rolled products lead the demand, and mills say plates and structural steels are beginning to move upward. These are signs of renewed strength in the capital goods markets, too. Tin plate shipments also are rising, one mill says, "and everything points toward the industry producing and shipping at capacity over the next few months."

Among specific markets, mill analysts say, machinery production will set records this year, and demand for bar products is said to be "unprecedented." Another positive factor, in part psychological, is domestic inventory building, analysts say. Some customers, whose inventories have proved inadequate in light of record consumption figures in recent months and lengthening lead times, are ordering in excess of their current needs, where possible, to avoid a possible crunch of supplies.

TORRID DEMAND

A top sales official of one of the big mills says overall steel demand remains "torrid." He says the mill has been allocating orders for some time, its backlog has reached a record 80 days and it's turning down orders. "It's especially enjoyable to turn down some heavy users of imported steel," he said.

One big producer says a few of its operations have recalled all available employes from the 1971 layoff and have started to hire new workers, but that overall it hasn't any pressing need for more manpower at most of its plants.

A plant in the Midwest, where the labor supply traditionally is tight because of a fairly high turnover rate, says it "isn't really having trouble finding enough workers." Another mill in that area says it's getting enough "walk-ins" to take care of its normal replacement needs. As a result, this producer says, it has curtailed for the time being recruiting trips for laborers and other less-skilled jobs that it traditionally makes to other states.

The high level of output and shipment of finished products is running afoul of one long-time problem, however—an inadequate supply of rail cars, especially the open-top cars preferred for carrying steel coils. One big mill says that "aside from a continuous shortage of special rail cars for loading sheet steel coils, transportation of one mode or another is generally available, but with virtually no margin, and with spot or temporary gaps as to particular types of rail cars."

Others echo that and point to "the constant battle" for rail cars, which in some locations has spread to include pressure on available trucks beyond the mills' own fleets.

AN "IRRITANT"

Another mill executive says the rail problem "is more of an irritant than a basic problem" and that it isn't expected to curtail any production or shipments.

Mill spokesmen generally agree very little in the way of steelmaking equipment could be brought into production—at least that's worthwhile in economic terms—and even if there was, it's doubtful finishing mills could handle much more of the popular grades and types of steel products. First half shipments appear headed for a record 55 million tons.

A Midwestern steel official said industry shipments "will give people a good bead on what the industry's productive capacity is." He said it's becoming "increasingly clear that 1973 shipments will break 100 million tons by a good margin." His company is lowering hot metal (iron) charges in the open hearths to 25% from 50% in order to keep enough hot metal going to the much faster, more efficient basic oxygen furnaces.

TINY POST OFFICE GOING?

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mrs. GRASSO. Mr. Speaker, a number of residents of Northfield, which is a community in the town of Litchfield in my district, have contacted me concerning their fears that postal services at the Northfield Post Office are about to be terminated.

The Northfield Post Office, which has served this community for the past 100 years, is an integral part of life in the village. Users of the facility would be adversely affected if services were to be terminated. I fully support the citizens of Northfield who want to preserve their post office as a convenience and as a landmark of their community's history. The U.S. Postal Service has been contacted for a full status report on Postal

Service plans regarding the local facility.

The following editorial in the Express of Thomaston, a weekly newspaper, gives some idea of the importance of the post office to the residents of Northfield:

JUST ONE LITTLE POST OFFICE

Rumor has it that Northfield's tiny post office will not be around much longer. Just when it will close and just what will be available in the way of postal service are unsettled questions.

Several residents, concerned over the identity that the post office gives to the village and concerned about the inconvenience a change will mean for the elderly residents of the area, have written to Congresswoman Ella Grasso, asking that she investigate what might be done to keep the post office.

A post office is a little thing. But so is one little school, a road name here and there, a vote here and there. When our identity has been swallowed up by bigger towns, more important issues and somebody else's priorities, we may wish we hadn't given up those little things.

"CAN DO"—A LOST ATTITUDE

HON. PETE V. DOMENICI

OF NEW MEXICO

IN THE SENATE OF THE UNITED STATES

Wednesday, April 4, 1973

Mr. DOMENICI. Mr. President, I rise to commend the fine citizenship that is being displayed by the residents of a community in my State of New Mexico. The citizens of Melrose, a small city in the eastern part of our State, have taken on the task of developing a community center entirely on their own with no outside financial help.

This is self-help at its finest. The citizens realized they needed the community center, and they realized it would cost money. Yet they also knew that the Government is attempting to cut back on Federal spending and is encouraging local governments to do more for themselves.

And that is exactly what Melrose is doing. The citizens are remodeling an old building using a great deal of donated materials and labor.

But they needed $1,800 to pay necessary bills and they are paying this off by hosting a fundraising dinner and a benefit basketball game. Together with donations of residents they have already accumulated $1,000.

Mr. President, I am proud of the residents of Melrose and of the community spirit they have displayed. They should serve as an example to citizens across the country.

They did not say, "We have the right to have a community center and we expect you to build one for us."

They said, instead, "We want a community center and, therefore, we will set about building one for ourselves."

I hope in the future I will be able to report to you that many, many more such fine endeavors are taking place in my good State of New Mexico.

ONCE ROMANIAN, ALWAYS ROMANIAN

HON. GEORGE M. O'BRIEN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. O'BRIEN. Mr. Speaker, the Romanian citizenship laws are cause for concern. The Library of Congress issued a paper explaining the dangers former Romanians have if they return to Romania for a visit. Dumitru Danielopol has used this paper as a basis for a column which appeared in the Aurora, Ill., Beacon-News on March 7, 1973. Mr. Danielopol cogently explains the situation. The column follows:

ONCE ROMANIAN, ALWAYS ROMANIAN

(By Dumitru Danielopol)

WASHINGTON.—A year ago I pointed out in a column that Communist Romania had adopted a bizarre nationality law under which Bucharest claimed the right to designate anyone a Romanian citizen regardless of what legal steps he might have taken to proclaim allegiance to another state.

According to the law, no one—or his descendants—loses Romanian nationality unless Bucharest courts so decide. It makes no difference how long ago a person or his ancestors left Romania.

The law specifically rejects any nationality that a former Romanian or his descendants may have adopted or inherited. Once a Romanian, always a Romanian, unless the Romanian government decides to let him go. And before that can happen he must pledge allegiance to the Communist regime in Romania!

No limit is set on the law's retroactive clauses, so Romanian authorities could implement them as they wish.

When I called attention to this peculiar law, I pointed out the danger it posed for any former Romanians who might venture to visit his homeland in these supposed safe days of detente. Any such visitor can be denied exit. The law says he's still a Romanian subject. He can be tried for alleged past sins. He might even be drafted into the Romanian Army.

A few months ago a Romanian diplomat in Washington challenged my interpretation of the law. He said my article had created fears among former Romanians who might otherwise travel to that country.

The Romanian embassy gave assurances that travelers would suffer no consequences from the new law. My "Danielopol interpretation," they said, was wrong.

I asked the embassy to give me these assurances in an official memorandum. Nothing happened, for good reason.

The Romanian embassy is in no position to contradict my interpretation because it is also the interpretation of the European law division of the Library of Congress. I had checked my facts with them before writing my March 1972 column. I've checked again. The law, we both believe, exposes former Romanians to great potential danger if they enter that country.

At the request of Congress, the Romanian section of the Library of Congress issued a paper explaining these dangers.

"Any foreigner of Romanian descent is considered a Romanian citizen and subject only to Romanian law upon his return to Romania and he may need an exit visa (and a Romanian passport) from the Romanian government in order to leave the country again. He may be tried by Romanian courts for his activities abroad or for violation of the law, i.e. for having been an enemy of the state or anti-Communist. Therefore, foreigners of Romanian descent may enter Romania but there is no assurance that they will be free to return to the United States."

What is more, the lawyers at the Library of Congress warn that "assurances" given by Romanian embassies to would-be travelers to that country are worthless. What is required is nothing less than an "authoritative interpretation or a directive ruling of the Supreme Court (in Romania) in regard to the respective provisions of the 1971 law so that those who desire to return to their country of origin should be able to rely on some legal basis of non-persecution," the library lawyers say.

Until this happens, anyone of Romanian ancestry travels to Romania at his own risk. The Bucharest government, by law, denies that his adopted country has any right to protect him.

I'll be happy to write another column on the "Danielopol Interpretation" whenever the Romanian Supreme Court decides to recognize international rights of citizenship.

ANNIVERSARY OF THE WARSAW GHETTO UPRISING

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mrs. GRASSO. Mr. Speaker, throughout history the Jewish people have struggled to escape the chains of bondage and oppression. The Warsaw ghetto uprising, which began on April 29, 1943, was one more bitter example of the terror and travail that has had too many sad counterparts.

The uprising was an inspirational display of raw courage and perseverance. Not until the conclusion of World War II did the world fully comprehend and realize the terror of that time and the determination displayed by the beleagured and outnumbered Warsaw Jews. For 3 weeks these gallant people withstood hunger and fear in an effort to survive the destruction that was wrought by Nazi men and machines. Despite daily radio broadcasts pleading for help, the Warsaw Jews received no outside assistance. Their valiant effort was doomed and the ghetto was razed by Nazi troops.

The destruction of the Warsaw ghetto was only one episode in a long history of the oppression of the Jewish people. From Moses' search for freedom and a homeland, to discrimination against Jews in the Soviet Union today, the Jewish people have learned that the struggle for freedom is an integral part of their cherished traditions.

It is with profound respect that we honor the memory of the people of the Warsaw ghetto who died to defend their religion, culture, indeed, their very existence.

In commemoration, I am introducing a resolution asking the President to proclaim April 29, 1973, as a day to observe the 30th anniversary of the Warsaw ghetto uprising.

FOOD PRICES AND SECRETARY BUTZ

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. ROSENTHAL. Mr. Speaker, the Nation's food marketing system is incredibly complex. Accordingly, there is no easy solution to the food price emergency now facing millions of our consumers and no single individual or industry group responsible for the crisis.

I do believe though, that the Secretary of Agriculture, Mr. Butz, and his predecessor in office, Mr. Hardin, must assume a major portion of the blame for high food prices. Under Mr. Butz, it has been USDA policy to pay farmers billions of dollars in subsidies not to plant crops; to oppose increased imports of lean beef from foreign nations; to encourage the sale abroad of farm commodities that are scarce here; to cheerlead for higher and higher food prices; to discourage the imposition of price controls on agricultural products; to underestimate, deliberately or by neglect, the growing demand for beef and other food commodities by U.S. consumers; and to permit USDA officials to accept agri-business employment, in apparent violation of the Federal conflict-of-interest laws.

Mr. Speaker, I must reluctantly conclude that Secretary of Agriculture Butz is not only an enemy of the American consumer but is responsible, in a material way, for their inflationary spiral that continues to plague our country. For this, he should have been fired long ago. Instead, Mr. Nixon elevated him to one of his super Cabinet positions.

The March 31, 1973, Business Week has an excellent editorial on Mr. Butz, urging that he be replaced. I include the editorial at this point in the RECORD:

AGRICULTURE NEEDS A CHANGE

There is a sort of rough justice in the fact that the Agriculture Dept. this week drew the painful task of telling the American public that the cost of food to the average family went up 2.4% between January and February. The Administration has blamed bad luck and bad weather for the climb in food prices. But the main reason is bad management. And the Secretary of Agriculture, Earl Butz, has been primarily responsible for the management mistakes.

Under Butz, the Agriculture Dept. has acted as though inflation and wage-price controls were the problems of some other country. It has plugged away single-mindedly with policies designed to limit crops and raise farm incomes by raising farm prices.

It slept quietly through the negotiations with the Russians for huge grain purchases last year. And though it is supposed to employ some of the most expert agricultural forecasters in the world, it did not anticipate the impact of the purchase program on world markets. When the prices of wheat and feed grains skyrocketed, no one was more surprised than Agriculture, which found itself obligated to pay $100-million in export subsidies on the Russian purchases..

Nor has the department shown any capacity to learn from its mistakes. When it set up crop targets last fall, it still was thinking of limiting output. And more recently, it programmed a cutback in turkey production to keep prices up.

Butz's scornful opposition to farm price controls has made it all but impossible for the Administration to give this crucial question serious consideration. And since he ranks as a super-Cabinet official, his public comments have undermined confidence overseas in the willingness of the Administration to do anything effective about inflation.

When the most productive agricultural country in the world finds itself facing runaway prices and food shortages, it needs a new policy and new people to administer the policy. The only way President Nixon can now do what must be done with prices is to overhaul the Agriculture Dept., beginning with the replacement of Secretary Butz.

CONNECTICUTS "DA VINCI OF FINANCE"

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. McKINNEY. Mr. Speaker, for more than 25 years, Carey Cronan has reported the news of Washington to the readers of the Stamford, Conn., Advocate and the Bridgeport, Conn., Post. Because of his long experience, I often look to Mr. Cronan for insight and background, especially as it relates to the emerging history of Connecticut politics.

As you know, Mr. Speaker, last month, a man of significant stature on the Connecticut political scene, former Senator William Benton, passed away. In a recent Post column, Mr. Cronan recalled Senator Benton in life and I would like to share his incisive comments with my colleagues today, as follows.

SELF-MADE MAN

(By Carey Cronan)

WASHINGTON.—The late Senator William Benton was a self-made man, who according to his Washington record, was not as successful in politics as he was in business.

He was, of course, more or less a casualty of the Eisenhower sweep in 1952, but it appeared that he had some difficulty in politics primarily because he was accustomed to doing his own thinking and making his own decisions. In party politics this is not always popular or successful.

FLOOR SPEECH

On one occasion he was discussing a Senate floor speech with a top aide, who suggested they might contact State Chairman John M. Bailey and others in the state for their opinions on whether this particular move should be made.

While the aide was talking on the phone, the Senator arose on the floor and made the speech. It was therefore his decision.

He was an innovator in politics, one of the first to use the helicopter for campaigning for instance, and he did give a lively and imaginative spirit to what had become a musty craft.

One man on his staff described him as a "pollinator who launches ideas and then expects others to carry them out." But in this he was what most public figures are not, an originator.

He carried his love for taking calculated chances because he believed in his own judgment, and his own judgment had been proven correct time and time again.

LISTENED TO ADVICE

On the other hand he was not a man to spurn advice, and he listened patiently to countless advisors with courtesy although he seldom acted on their evaluations.

He had recording machines with him constantly at home, in his car, on planes, and even while playing tennis, his favorite sport. One writer said he brought a recorder to the tennis court but the Senator corrected the report by saying: "It was not on the court but just outside."

He would often dictate verbal notes, letters, etc., on these records or tapes, which some of his less informed employes thought he would perhaps forget.

GOOD MEMORY

Invariably he would ask about a notation for research or a copy of a letter he had recorded days or even weeks before. Bill Benton had a memory anyone would be proud of having.

He was a good friend to many and a good host although he was often preoccupied with other concerns than mere social graces.

Bill Benton took a deep and abiding interest in his party and his vision in this financial field went far beyond that of the average man. While others quibbled, he acted, while some hesitated, he went forward trusting always in his own diagnosis on a situation.

He seldom carried much cash, depending on charge accounts for proper records of his activities.

MANY FRIENDS

He knew and liked people in all walks of life. One friend said he had so many contrasting friends he was like the star of the play of "The Man Who Came to Dinner." The Senator asked what that meant and the commentator replied with an explanation of Sheridan Whiteside.

The Senator retorted: "Never saw it, I have no time for the theater."

The business and the political world as well as the art world and the educational world will miss Bill Benton and his talents.

He was, one might say respectfully, a Leonardo da Vinci of finance.

SOME 350 GUN DEATHS IN 1 WEEK

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. BINGHAM. Mr. Speaker, with legislation to control guns—particularly handguns—which I and other Members have proposed still languishing in the Congress, the Associated Press has come up with new evidence of the increasing cost in human lives of this Nation's gun mania. Following is an Associated Press report which appeared in the March 30 issue of the New York Times entitled "Gun Deaths Rise 70 Percent in U.S. Study," and an editorial commentary on that report from the March 31 issue of the New York Post:

[From the New York Times, Mar. 30, 1973]

GUN DEATHS RISE 70 PERCENT IN U.S. STUDY—350 KILLED IN A 1973 WEEK, UP FROM 206 IN 1969

In one week this month, 350 men, women and children in the United States were shot to death. Some were the victims of armed robbers, some were policemen killed in the line of duty and some were shot during family quarrels.

Other gun deaths were more bizarre. A bartender was machine-gunned as he sat in his car at a Boston intersection, for example, and two teen-agers were executed as they knelt by a sleeping bag in the Arizona desert.

The 350 deaths, counted in an Associated Press survey the week of March 4 to 11, represented a 70 per cent increase over those counted in the last similar survey four years ago.

In each of three previous AP surveys, gunshot deaths totaled about 200. There were 199 from June 16 to 23, 1968; 192 from July 7 to 14, 1968, and 206 from June 15 to 22, 1969.

The dates for the surveys were chosen at random. The first two were taken in the wake of the assassination of Senator Robert F. Kennedy. The third came a year later after passage of a Federal gun control law.

HOMICIDES UP 44.5 PERCENT

In the latest survey, 239 deaths were classified as homicides, 91 as suicides and 20 as accidents. While the total number of gunshot deaths rose 40 per cent since the 1969 survey, homicides climbed 44.5 per cent, suicides 33.7 per cent and accidental deaths 20 per cent.

The weapons included the small, cheap handguns called "Saturday night specials" and often used in holdups, a father's revolver in the hands of a curious infant, and the family shotgun grabbed during a quarrel.

In most states, there are no attempts to compile comprehensive, statewide records of gun deaths until weeks or months after they occur. And, in many cases, the type of weapon is not always listed immediately.

But in the 350 gun deaths counted March 4 to 11, at least 128—or 37.1 per cent—of the weapons used were handguns. Handguns were responsible for at least 41.4 per cent of the homicides, 25.8 per cent of the suicides and 20.5 per cent of the accidental deaths.

Ten persons were killed during holdups, and five robbery suspects were killed by policemen.

SALES DESPITE CURBS

The 1968 Federal gun control law banned interstate mail order sales of rifles, shotguns and all types of ammunition. It also banned most over-the-counter sales to out-of-state residents.

The 1968 law also banned imports of cheap, small-caliber pistols, but a number of United States concerns sell "Saturday night specials" assembled locally from parts shipped in from overseas.

Attempts to get tighter controls have failed in Congress.

Last year, the Senate passed a bill to prohibit the sale of easily concealed handguns, ranging from the cheap specials to expensive, snub-nosed handguns. But the House took no action on the bill, and its chief sponsor, Senator Birch Bayh, Democrat of Indiana, says he sees no point in reintroducing it this year unless there are signs the House will pass it.

One bill re-introduced this year would require registration of all firearms and licensing of owners. The bill, proposed by Senator Edward M. Kennedy, Democrat of Massachusetts, failed 78 to 11 last year.

Another bill re-introduced this year would outlaw private ownership of all handguns. The bill, proposed by Senator Philip A. Hart, Democrat of Michigan, was rejected 87 to 7 last year.

[From the New York Post, Mar. 31, 1973]

HOME-FRONT TRAGEDY: UNCONTROLLED GUNS

There was a disaster early this month in which 345 Americans were suddenly and violently killed. But almost nobody noticed at the time, the probability is that only a few will remember and, to judge from the reactions of the people who might have prevented the tragedy, hardly anybody cares—yet.

A grisly fantasy of some sort? Not at all. There were stories in the newspapers and television news reports at the time, but none of them seem to have made any difference. It was not a series of airline crashes, or a train wreck or a devastating explosion. It was something much more common.

The 345 persons who died, of both sexes and all ages, were gunshot victims during the week of March 4 to 11. There were, of course, individual reports on the deaths—236 of which are listed as homicides. The full dimensions of this national tragedy could not have been measured locally; it remained for the Associated Press to compile the complete figures for the week. It has made three such surveys before—yet really strict gun control is still lacking in America. Perhaps the latest data will stir action, if anything can.

For the new survey shows a 40 per cent increase in gunshot deaths over the results of the last study in June, 1969.

The figures also show that the homicides rose 44.5 per cent and that in 41.4 per cent of the murders handguns were used. New York State ranked fourth among the first five states with the most gun deaths—25 during the week. That information should help to spur the pending legislation in Albany more stringent handgun controls. The full survey demands careful examination in Washington, where essential control legislation is now languishing. There was nothing particularly unusual about the week of March 4–11. The coming week could be just as bad—or worse.

Surely tough gun-control laws are an elementary, minimal weapon for any serious war on crime.

HOME LOAN AMENDMENT BILL

HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. WON PAT. Mr. Speaker, today I am introducing legislation which is designed to free badly needed funds from federally chartered savings and loan associations so that more families in Guam, Hawaii, and Alaska will be able to purchase homes in these areas.

Under present law, an entirely inadequate supply of capital is available to finance new mortgages over $45,000 in the three areas mentioned. This is due to the fact that federally chartered savings and loan associations are required by law to charge any mortgage exceeding $45,000 against its allowable surplus loan fund, which may not exceed 20 percent of its assets. Although savings and loan associations are understandably reluctant to commit large amounts of their surplus funds to long-term mortgages, the net result in Guam, Hawaii and Alaska, where high land and construction costs quite often force house prices well over the $45,000 limitation, has been to limit available housing loans in an already tight money market.

Savings and loan associations have an important place in financing new home construction in the off-shore American areas and in Alaska. To restrict the maximum amount of a loan which they make to $45,000 in areas well-known for high building costs is unreasonable and places a harmful constraint on both the financial institutions and the individuals who want to purchase a home of their own.

The measure which I introduce today would remedy this inequity by amending the Home Owners Loan Act of 1933 to provide for a 50-percent escalator clause beyond the present $45,000 limit for Guam, Hawaii, and Alaska. My good friend Senator DANIEL INOUYE, Democrat of Hawaii, has introduced a similar measure in the Senate regarding this matter.

There exists within the Federal housing policies ample precedent for what I ask. The prime example is in title 12, section 1715(d), which allows the Secretary of Housing and Urban Development to increase the maximum mortgage limits up to 50-percent with respect to Guam, Hawaii, and Alaska. This provision has been applied to increase the FHA insurable limits on single-family housing from $33,000 to $49,000. And, within the Federal savings and loan association charter, special provisions permit larger loans on multifamily dwellings in high-cost areas. Thus, the measure I introduce today would simply extend existing national housing policy with respect to mortgages made by savings and loan associations on single-family homes.

Legislation to increase the amount of money available for home loans would be a welcome stimulus to the local economy and certainly would provide a large number of families with the opportunity to buy the home of their dreams.

I respectfully urge that this measure be given a prompt and favorable consideration by my colleagues in Congress.

Thank you.

CONVINCING POSITIONS ON STUDENT FINANCIAL ASSISTANCE

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. DULSKI. Mr. Speaker, during the past few months I have met with both educators and students to discuss the alarm produced by budget proposals to eliminate some sources of student financial aid.

While the administration has included for fiscal 1974 requests for the basic opportunity grants, authorized by the Congress last year, and for the college work-study program, it has ignored two other existing student-aid programs, the supplemental opportunity grants and the national defense student loan program.

By rejecting the SOG and NDSL assistance, the President has again flouted congressional mandates as well as the needs of the people. The Education Amendments of 1972 required specified amounts to be spent for the SOG, NDSL, and CWS programs as a prerequisite to funding the basic opportunity grants. The budget omissions are a clear violation of both congressional intent and law, and a grave disservice to higher education.

Students at State University College at Buffalo, N.Y., have prepared position papers in support of funding for these four financial aid programs. A group of students assisted Glenn Nellis, assistant to the president of State University College at Buffalo, in the preparation.

The research is scholarly and their case for continuation a convincing one. Mr. Speaker, I commend to my colleagues the following position papers on an urgent issue:

NATIONAL DIRECT (DEFENSE) STUDENT LOANS

For the past fourteen years the National Direct Student Loan program has made loans available to undergraduates and graduate students for the purpose of financing their education. Since it is one of the nations oldest investments in student financial aid it has become a mainstay in the aid picture.

The proposed budget for financial year 1974 would cease federal contributions to the institutionally held funds which operate in a revolving loan fund basis with the previous years repayments and federal capital contributions financing the next years loans.

Although it was the sense of Congress to make NDSL self perpetuating, continued federal contributions, at least of the present, are necessary because of the extensive forgiveness clauses in the National Defense Education Act of 1958 and the Education Amendments of 1965. These forgiveness clauses reduced the number and amounts of repayments. In 1971–1972 State University College at Buffalo loaned out close to 1 million dollars in NDSL loans. Repayment for the same period was 100,000 dollars only one tenth of the money loaned out. Federal contributions must make up the difference for the survival of the program.

The Educational Amendments of 1972 changed the forgiveness clause and reduced the amounts of forgiveness however it will take three to four years for the old clause to work its way out of the system. All loans prior to September 1972 are under the old forgiveness clause. The last of these loans will not come due until September of 1976 and must be forgiven according to the old clauses.

There are weaknesses in the argument that the guaranteed student loan programs can absorb the borrowing needs of the students. One is the actual availability of the loans. Many commercial lenders place certain qualifications on the loans, such as, a specific grade point average or an account relationship. Independent students are especially hurt here with no established roots in any community and lack of residents they must rely on school loan programs.

Another fact that will supposedly help the guaranteed student loan program absorb the NDSL cut off is the Student Loan Marketing Association (Sallie Mae) authorized in the 1972 amendments. The problem with this is that "Sallie Mae" 's marketing operation can not be made functional in time to have any impact on the 1972–1973 season. It has taken six months to get the temporary Directors selected and it is improbable that the technical functions of "Sallie Mae" can be implemented in the next few months.

Another important question is the willingness of the lenders to sell the loans to "Sallie Mae". Although this type of system seems to work well in the area of housing it remains to be seen if the banks will be willing to expand their volume by selling to the association.

Nobody can doubt the commitment that Congress made to Education in the passage of the Education Amendments of 1972. A commitment that does not stop after the bill is passed but one that persists through the budget and on to appropriations. We sincerely hope that you agree with us and push for the necessary funds to continue to give an education to those whom would not be able to afford.

College Work-Study Program

We support the full-funding of the College Work-Study Program for the next academic year. Our reasons for doing so follow:

1. The federal portion of CW-SP currently provides 80% of the wages for more than 500,000 needy students. Most earnings (up to $650/year) must be utilized for educational expenses.

2. The work done during the academic year, vacation periods, or summer, not only aids students financially, but provides work experience frequently related to the student's academic program.

3. The CW-SP assists the employer, as many of the institutions and agencies using work-study students would find it difficult to support the needed manpower to provide essential services without these funds.

4. Many institutions have been receiving only a fraction of the CW-SP funding they could effectively use, resulting in many unmet needs on both the part of the student and the potential employer.

However, the proposal to provide $250 million for the CW-SP in 1973–74 is not quite adequate, even if supplemented with the Basic Opportunity Grant. We would support an increase in the CW-SP funding for the following reasons:

1. Some 500 post-secondary institutions are seeking federal student aid funds for the first time this year. Many of these institutions are requesting CW-SP funds.

2. Even though official tallies are not yet compiled, projected requests for CW-SP funds are 25% above last year's requests.

3. The 1972 Amendments have extended eligibility for CW-SP to half-time students for the first time. This possible increase on student demands may be even more than anticipated by participating institutions when applying for funds.

4. In the event that Congress acts favorably during this session on a new minimum wage bill, overall impact of the proposed appropriation would be further diluted.

5. If the Basic Opportunity Grant is only funded 50%, many more students will be in need of additional financial aid to complete their college education. The CW-SP would be the "homing ground" for those people whose need is greater first; and those less needy, but still lacking funds may not receive aid through CW-SP, if the funds provided are not sufficient.

Students are willing to work (rather than borrow such a large portion of their expenses), the employers are eager to participate, and the benefits are mutual. All that is lacking is adequate funding.

Supplementary Educational Opportunity Grant

We students believe that the Supplementary Educational Opportunity Grant (SEOG) should be funded as authorized by the Higher Education Act Amendments of 1972 because:

1. The SEOG program has proven to be an effective and adequate source for higher education costs for the needy.

The wise decision of Congress to help in the financial aid of the needy has been justified. Since its origin in 1965, the then known Educational Opportunity Grant (EOG) has benefited three quarters of a million students, seventy per-cent of whom have come from families with annual incomes under $6000.

2. In the Amendments to the Higher Education Act, Congress has stipulated that the SEOG, National Direct Student Loan (NDSL) and Work Study programs be funded before the Basic Educational Opportunity Grant (BEOG) program.

We believe Congress recognized some of the dangers of the immediate implementation of the BEOG in substitution for SEOG and NDSL and its impact on the higher education of the needy. We support the follow-up of the intent of Congress in the Higher Educational Amendments,

We also believe that the BEOG would not serve the best interests of students at the present time in its substitution for NDSL and SEOG as the basis for financial aid because:

1. Funding of the SEOG is necessary if the BEOG program is to accurately and adequately reflect Congressional intent in the Higher Education Amendments.

The awarding of the SEOG was to make the attendance of the needy at an institution of higher learning of their choice more accessible. The SEOG was intended to be the supplemental resource over the BEOG for higher educational costs not adequately financed by the BEOG. For example, private education costs are such that even a $1,400 BEOG as the sole source of gift aid, which is the maximum amount if fully funded, does not make the private institution as accessible as the public one. Also, the Administration's proposed budget requests no funding of SEOG. This lack of resources will restrict the disadvantaged student's choice of institution, which appears contrary to Congressional intent as stipulated by the Higher Education Amendments.

2. The Administration's proposed federal budgetary allocations for SEOG and BEOG are contrary to the Higher Education Amendments.

The budget does not allow for full federal funding of BEOG. Instead of the maximum $1,400 per student, incomplete federal funding would place the individual's award from $75 to $800 per academic year. In this situation, it is crucial that adequate SEOG funding exist to supplement the individual BEOG allocation.

Basic Educational Opportunity Grants

We support the concept of the Basic Educational Opportunity Grant Program, but are opposed to the immediate implementation of B.E.O.G. as the primary source of student financial aid, at the expense of the other authorized aid programs.

According to the President's proposal, B.E.O.G. would take effect immediately. However, there are no guidelines available yet and they probably won't be available until July. Also, there have been estimates that the money proposed ($662,000,000) would only be enough for 21% of the college students in the United States.

We feel that the President is acting prematurely in enacting this program. If the National Direct Student Loan Program (NDSL) and the Educational Opportunity Grants (EOG) are eliminated, many students who receive these funds will be forced out of school. In New York State many students on the SEEK Program depend on federal funds to subsidize their education. With the elimination of NDSL and EOG these people would be forced to go to banks to obtain the money. However, by their very status, as SEEK students, they will be considered "high risk" and denied the loan. This shortage of several hundred dollars in funds would be enough to force them to withdraw from college.

In addition to this, under the proposal, Social Security and one half of Veteran's Benefits would now be used in determining family contributions. Many students depend upon this money for part of their support while in college. Very often due to the death of the bread winner, the family is living off these benefits because the student cannot support the family while attending school full-time. Therefore, if students are penalized for receiving Social Security and Veteran's Benefits they would be ineligible for B.E.O.G.

Still another problem is in the calculation of assets. Family contribution will be determined partially by capital property, such as tractors, land, and plows. Students that come from agricultural areas would then be excluded from B.E.O.G. due to the capital property owned by the family even though much of it is owned through mortgage and time payments.

We recommend that NDSL and EOG be maintained at present levels for the 1973–74 fiscal year. During this period adequate guidelines could be established, and a timetable for the gradual phasing out of NDSL and EOG could be established, if so desired. In this manner, those presently receiving aid through NDSL and EOG could not be cut off in midstream and B.E.O.G. could come in fully funded without hurting the other programs.

JOHN J. RICCARDO, THE PERSONIFICATION OF THE AMERICAN DREAM

HON. DONALD J. MITCHELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. MITCHELL of New York. Mr. Speaker, I wish to share with my colleagues an especially incisive editorial that appeared in the March 26 Evening Times of Little Falls, N.Y. It provides testimony to document that the so-called American dream really can and does come true. John J. Riccardo has come a long way from an eager young student in Little Falls to the presidency of one of the Nation's mightiest corporations. The journey was not completed overnight or with little effort; it took time, great ability, keen intelligence, perseverance, courage, and hard work.

It is my privilege to be personally acquainted with Mr. Riccardo. He is a true success story in every way; the personification of the American dream. His story, as mentioned in the following editorial, is a source of real inspiration to all Americans:

Honor For John Riccardo Well-Deserved

> John J. Riccardo, president of Chrysler Corporation and native of Little Falls, has been chosen by the Comity Club of Utica to be the recipient of its first annual award to present or former area residents of Italian descent for outstanding achievement. As stated in a news article in The Times, Mr. Riccardo will receive the award at a dinner on May 18th at Twin Ponds Golf and Country Club, New York Mills.
>
> Selection of Mr. Riccardo for this honor is well-merited. His native Little Falls and the entire Mohawk Valley have reason to take pride in his rise to a position as one of the chief captains of American industry. By a most remarkable coincidence, he is one of two top motor car executives in the country born here in Little Falls, the other being Richard Gerstenberg, chairman of the Board of General Motors Corporation. Both of these men bear personal testimony to the validity of the American pledge of opportunity under our system of free enterprise. In days gone by it was the sons and heirs of the business and factory owners who succeeded them in the positions of wealth and leadership. This system has not completely disappeared but today there is much greater opportunity for men of brains and energy to forge to the top strictly on their merits. Riccardo and Gerstenberg made it on their own.
>
> John Riccardo's father, still living, operated a shoe store here for a number of years and, with his wife's help, raised a fine family and through industrious efforts provided his children with opportunities for education that were lacking for most of the older generation. What the elder Riccardo did not lack, however, was faith in the American dream of a better life. It was this that led him and great numbers of his fellow Italians and people from other countries to seek opportunities on this side of the Atlantic.
>
> Why did they come from the Mediterranean basin, from all parts of Europe, from Ireland, England and Scotland, even from remote Czarist Russia? There was no promise of social security payments, welfare allotments, unemployment insurance or medicare assured them. None of these existed, even in most modest form. They came for a simple reason, to breathe the air of freedom, to have a chance—just a chance—at a better way of life.
>
> The immigrants are among the authentic heroes and real builders of America. They often encountered hostility, prejudice and oppression as new arrivals on these shores. Working long hours at tedious tasks for low pay, they nevertheless accumulated enough modest capital to buy their own homes and sometimes launch their own businesses. They had come to stay.
>
> The immigrants had a rough time of it but they maintained faith in God, belief in freedom and courage in the face of adversity. Their descendants and the country as a whole are the beneficiaries of their devoted adherence to these convictions.

THE ATLANTIC ALLIANCE

Hon. PETER H. B. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. FRELINGHUYSEN. Mr. Speaker, I recently sent a letter to all Members of this body outlining my reasons for opposing House Joint Resolution 205, the Atlantic Union Resolution. In my opinion, a U.S.-sponsored initiative of this kind, and at this time, might well damage efforts already underway to promote closer cooperation and understanding between this country and our Atlantic allies.

In an article which appeared in last Sunday's New York Times, Flora Lewis accurately depicted the malaise currently afflicting the Atlantic alliance. Entitled "U.S./Europe—Old Friends Drifting Apart," the article focused upon the 3-day "Europe-America" conference held last week in Amsterdam and attended by some 300 participants from 10 countries. As the only Member from the House or Senate in attendance at that conference, I can confirm the atmosphere of frustration at times even "dispair" pervading what Miss Lewis calls the "loose but recognizable Atlantic establishment." In particular, I should like to call Members' attention to the following brief quotes from her article:

> But it became all too quickly evident that the Atlantic concept has aged, it was not renewing itself and the dangerous affliction of nostalgia was setting in. 'Where is the succession?' complained a devoted European Atlanticist.
>
> The new generation of leadership had not appeared in Amsterdam to continue the relay. There was no single reason. Partly, not enough new names had been on the list. Why? Partly, because the *younger people who have come to prominence and influence are interested in quite different matters.*

In short, while the old generation of Atlantic Unionists keeps on talking, it is apparent that the new generation is not listening. These new leaders do not seek union with the United States. Many, in fact, have trouble enough at times agreeing with one another.

The search for renewal and reinvigoration of our relationship with Europe will be difficult enough without raising the "bogeyman" of Atlantic Union. To many Europeans this concept will represent—rightly or wrongly—a U.S. attempt to regain "hegemony" on the Continent. Any doubts about European apprenhensions on this score were, in fact, dispelled by Chalmers Roberts, another member of the U.S. delegation to the Amsterdam conference. In a Washington Post story, dated April 1, Mr. Roberts noted that the Americans were "shook up" by a statement by the editor of the West German paper Die Zeit, who warned the Europeans present of the dangers of "Canadianization." "Canadianization," the editor, Theo Sommer, defined as:

> Being pressed into economic subservience to the United States, their (i.e. the Europeans') autonomy and their freedom of choice threatened by ruthless dollar diplomacy . . .

However far-fetched such rhetoric may sound to us, the fact remains that the European fear is a real one—and must be recognized as such.

These are the realities, Mr. Speaker, which we must face—and understand before we vote on House Joint Resolution 205.

Mr. Speaker, I include the full texts of the articles by Miss Lewis and Mr. Roberts in the Record:

[From the New York Times, Apr. 1, 1973]

Old Friends Drifting Apart

(By Flora Lewis)

Amsterdam.—The signs of slip-page along the European-American seam had become uncomfortably visible a year ago. It was no longer the old theme, echoed as often as the mischievous shepherd boy's "wolf," that the alliance was in "disarray."

The growing concern was that the Atlantic partnership was wearing out, that even as the United States was growing less hostile to its Russian and Chinese antagonists, it was growing less friendly toward its friends. Some of the people who had spent much of their adult lives constructing the institutions of a postwar world based on America's newfound strength and Europe's traditional civilization felt that something should be done about the erosion.

So last week they convened the Europe-American Conference here. The purpose was to discuss the problems of a changed international landscape, not to negotiate; so there was little effort to attract officials possessed of the power of decision. But there was hope of developing the kind of high-level intellectual momentum which can influence policy. That meant a reunion of what has come to be the loose but recognizable Atlantic "Establishment."

By and large, the establishmentarians were there—among the Americans, George Ball, Nelson Rockefeller, John McCloy, John Tuthill, Eugene Rostow; among the Europeans, Joseph Luns, Dirk Stikker, Walter Hallstein, Kurt Birrenchbach, Eric Blumental, Roy Jenkins.

But it became all too quickly evident that the Atlantic concept has aged, it was not renewing itself and the dangerous affliction of nostalgia was setting in. "Where is the succession?" complained a devoted European Atlanticist.

The new generation of leadership had not appeared in Amsterdam to continue the relay. There was no single reason. Partly, not enough new names had been on the list. Why? Partly, because the younger people who have come to prominence and influence are interested in quite different matters.

"I don't see why we should bribe them by offering more windy talk about pollution, and minorities, and women, and the Third World," said the European veteran, "The key issues for us are still security, economic and political cooperation, making the Western world work."

There was some despair, some sober fear, and a good deal of frustration among men and women who had knotted the Atlantic ties. The ties were fraying just because they had served so well that they were being taken for granted, it seemed.

"There can be no prosperity without security," NATO's Secretary-General Luns warned, and he appealed to "my fellow Europeans" to remember how much depends on continued close partnership with and military support from the United States. Europe's safety is the American nuclear shield, Mr. Luns reminded, and the presence of American forces in Europe is both a guarantee and a prop for that shield.

Former Under Secretary of State George Ball issued a sharp reminder that isolationism can affect both sides of the Atlantic, that if cooperation is to bring mutual advantage, it must also bring mutual concessions.

But also, there was some recrimination and some edgy argument in the corridors. National positions have shifted and the establishments unwittingly reflected it.

Many Americans complained privately that the Europeans no longer knew what they wanted, that they couldn't expect the United States to indulge them any more. But how could the United States deal with Europe as an equal when Europeans couldn't agree among themselves? For example, the Common Market countries have different positions on the currency issue, reflecting different trends in their domestic economies and political situations.

Many Europeans complained privately that the United States no longer cared so much about Western Europe's fate, that it had come to see Europe more as a rival than a partner and was trying to use its strength now to shift the burden of its mistakes across the Atlantic. The United States insists that a new economic balance should be found through trade, with other countries accepting many more American goods. Europeans feel that the American deficit comes more from capital exports and Vietnam spending, and claim that the United States is essentially trying to meet its domestic inflationary problem by exporting its trouble.

The point wasn't whether some were right and some were wrong. It was the subtle change of assumptions—no longer so much that Europe and America urgently needed each other's support, and more that each must take care to prevent the other from undermining vital interests. The drift was not toward collision, not at this stage and among these people anyway. It was apart, toward new and increasingly separate definitions and these vital interests.

While the speakers groped for something energizing to say, the industrial world's Finance Ministers were meeting in Washington to confront the most immediate issue—the crisis of confidence in the dollar and the need for reform of the world's system of exchanging money. They agreed there to study American proposals: for more automatic exchange rate changes when currencies get too strong as well as too weak; to see why money is so loose it floods the market's dikes in always quicker tides and what can be done about it; to see how the mass of unrooted dollars can be gathered and bundled securely for long enough to replace their role as international reserves.

It was adequately good news, but there was still no tonic in it, just a sense that things hadn't gotten worse.

The one topic that perked ears was petroleum, a warning from oil expert Walter Levy that unless Europe, America and Japan add another major element to their web of common action, their soaring needs for energy will put them at the economic and political mercy of the Arab Middle East. That, Mr. Levy pointed out, could draw the Soviets, who are self-sufficient in fuel, into a new and possibly more dangerous conflict than the cold war. Here was a real and worthy reason for shifting back from competition to cooperation, he said.

[From the Washington Post, Apr. 1, 1973]

THE MANY TRANSATLANTIC DISAGREEMENTS

(By Chalmers M. Roberts)

AMSTERDAM.—Jean Monnet, the father of the dream of a United States of Europe, sent a telegram to the Europe-American Conference which met here recently for three days saying that the group's first task was to "change the climate of confrontation" between the two sides of the Atlantic. The conference certainly failed to do that. What it did do was to demonstrate the depth of the confrontation, not only between the United States and Western Europe, but among the Western Europeans themselves.

The conference raked over the familiar problems of the Atlantic Alliance in the areas of politics, military affairs and economics and trade relationships. Hardly any group could agree about anything except that there are vast disagreements. In the realm of politics there were divisions over the desire for detente and the old cold war suspicions of Russian trickery. In military affairs former Deputy Defense Secretary David Packard disparaged tactical nuclear weaponry in Europe but the Europeans derided the idea of beefing up their conventional forces as a substitute.

In economics, everybody quarreled about how to bring the Japanese into the conversation and they disagreed about floating currencies. Walter Hallstein, who chaired the conference, complained about "nasty surprises" by the Americans. One session was devoted to the energy crisis facing the Western world but oddly no one even mentioned the word "Israel" in discussing the relationship between Arab oil and European and American needs.

Theo Sommer editor of the German paper Die Zeit, shook up the Americans with a paper saying that not only must the European community seek to prevent Finlandization—"being swallowed up, politically, if not militarily, by the Soviet Union with only a semblance of autonomy left to them"—but must also "ward off what might be called 'Canadianization'—being pressed into economic subservience to the United States, their autonomy and their freedom of choice threatened by ruthless dollar diplomacy." The term "Canadianization" seemed to apply in many minds to the problem of the transnational corporations which a lot of people decried but few had any idea of how to control.

Governor Nelson Rockefeller of New York boosted the idea of an Anglo-French nuclear deterrent. His aides said this had been cleared with Henry Kissinger but the governor himself denied that. Such a joint deterrent is an old Kissinger idea from the Kennedy period and it was something of a surprise to hear it raised here, given the current negative French attitude. Packard, who with Rockefeller was the closest thing to a Nixon administration voice at the conference, suggested that the United States could provide its European allies with some of the "smart bombs" used in Vietnam as a substitute for manpower. Most everybody seems to believe that the United States before long will trim the size of its forces stationed in Europe despite President Nixon's assurances to the contrary. There even was talk of "suppressed radiation" from new tactical nuclear weapons, a variant of the "clean bomb." Albert Wohlstetter pointed out, however, that the smallest so-called tactical nuclear weapons are around 100 tons of explosive force whereas the largest conventional bombs used in World War II were ten tons in force.

A good many of the continentals at the conference took the position that the whole thing had been arranged by the Anglo-Americans and one Frenchman stomped out charging just such a "directorate." George Ball was at his most pessimistic, complaining of European isolationism and Mr. Nixon's "new American Gaullism."

The conference ended up in something of a shambles on the final day during a plenary sessions where emotions showed. Young Winston Churchill, a Tory member of Parliament, complained that the proposed communique was a collection of platitudes. But John McCloy, who has been at a host of conferences during the past quarter century, cut him down. Said McCloy: I've seen a lot of platitudes in my day but the biggest collection I remember was put together by two fellows named Franklin Roosevelt and Winston Churchill.

Whether there will be a successor conference, as Eugene Rostow, the leader of the American delegation, clearly wanted, is open to question. Certainly if there is and if it is to have any meaning the various delegations will have to be far more representative of their countries. The German delegation, for example, did not include a single member of Willy Brandt's ruling Social Democratic Party and only a handful of French were on hand.

Probably the most significant thing about this Europe-American conference was the fact that it occurred. All the many trans-Atlantic differences came out in bold relief with a minimal number of ideas on how to do anything about them. Still, some of the conversation at least was useful in clarifying the differing points of view. But if 1973 is to be, as the Nixon administration has proclaimed it, "The Year of Europe," then President Nixon and Henry Kissinger had better get cracking. Events are running very fast and in a very negative fashion for the Atlantic Alliance.

THE 100TH ANNIVERSARY OF THE HOSPITAL CENTER AT ORANGE, N.J.

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. MINISH. Mr. Speaker, I rise to congratulate the hospital center at Orange, N.J., upon the 100th anniversary of its founding.

On April 4, 1873, the hospital center at Orange was formally incorporated as the Memorial Hospital and Dispensary by a special act of the New Jersey Legislature.

I am proud of the hospital center at Orange—proud of the conscientious and thorough way it provides health care for my constituents. Under the expert leadership of Mr. Benjamin W. Wright, its president and administrator, it has become a leading voluntary, nonprofit health care center, with 400 beds in two major units—Orange Memorial Hospital, a general community hospital, and the New Jersey Orthopedic Hospital, a specialty hospital. It provides a broad range of services in 42 clinics, maintains a superior cardiac unit, an advanced radiotherapy institute, and New Jersey's oldest diploma nursing school. It annually admits more than 10,000 patients, treats nearly 25,000 emergency cases, and handles a like number of clinic outpatients. To do all this, it employs nearly 1,000 people—both professional and nonprofessional.

The hospital center at Orange has come a long, fruitful way since it opened its doors as a dispensary in an Orange, N.J., firehouse in 1873. It has followed a course of steady, solid, thoughtful growth to reach its present position of excellence—exhibiting always a strong consciousness of its obligations to those it serves.

A community institution that has faithfully cared for its community for a full century reflects a stability that is the very base of this country. As the representative of the area in which the hospital center at Orange is located, I salute it on this most auspicious milestone.

DEFENSE SECRETARY RICHARDSON DELIVERS TIMELY ADDRESS CONCERNING SECURITY ASSISTANCE

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. FISHER. Mr. Speaker, under leave to extend my remarks I include an excellent address delivered by Secretary of Defense Elliot L. Richardson, given at a luncheon in San Antonio on March 30.

The address follows:

THE CASE FOR SECURITY ASSISTANCE TO OTHER NATIONS

(Address by the Honorable Elliot L. Richardson)

I am delighted to have this opportunity to visit San Antonio, a community with a long record of understanding and suppport for our country's men and women in uniform and for our national security needs.

It is particularly pleasing to know that even as I speak with you here 18 Homecoming returnees are about to arrive at Kelly Field. I know that in the last days and weeks you have marveled as I have at the great courage and patriotic determination of these returnees. I know San Antonio and all their home communities will continue to give these men a hearty welcome.

Today I'd like to talk to you about an important, little understood, much criticized, yet increasingly necessary and productive component of our international security posture. This is our Security Assistance Program by which we provide other countries the means of military self-sufficiency.

This program is a linchpin of the Nixon Doctrine and of President Nixon's foreign policy for the '70s. Tragically it is undergoing direct and continuing attack by some within the Congress, and is poorly understood by the American public. It is my purpose today to shed some light on this difficult but crucial subject, by outlining what security assistance is, showing how it meets important foreign policy and security needs of this country. In so doing, I hope to dispel certain of the misconceptions commonly held about the program. My goal is to gain your understanding and support, as a first step toward broader public and Congressional awareness of the need for security assistance.

THE CONTEXT

Let me begin by describing the foreign policy context for security assistance. Security assistance is not new. It has been with us since the days of lend-lease at the beginning of World War II. The three decades that have passed since then have seen many changes in the program, and in the levels of resources devoted to it. But our purpose has remained constant—to provide those who are willing to help themselves with the wherewithal to do so.

Our efforts to help other nations arm themselves and train their forces were perhaps easier to understand in an age of confrontation and containment. For then we were faced on the one hand by the unremitting hostility of adversaries who had demonstrated their readiness to use force, and on the other by the vulnerability of nations weakened by war and over-burdened by the task of development. In this context the massive military aid we extended was fitting, and but one part of the heavy responsibility and burden that the American people were willing to bear in the cause of peace.

The world is different today—and the better for it. The rigid bipolarity of the past no longer dominates our policies as it once did. We have begun to build a more stable relationship with the Soviet Union and China. Western Europe and Japan are once again able to play roles consistent with their great human and material resources.

Given these changed circumstances, the spur of a long and tragic war, and the growing awareness of our own domestic needs, the American people have come to believe that we must place realistic limits on our world role. And it is proper that they ask how our security assistance programs relate to these changing circumstances. But some have challenged the very need for these programs, arguing that they continue an involvement in the affairs of others that is contrary to our interests or responsibilities. This, I submit, is dangerous counsel, and would turn our nation toward a course that this Administration and the American people have rejected.

We have sought instead a new, realistic yet responsible role for the United States in the international affairs of the 1970's—one consistent with the new conditions and circumstances I have described.

The Nixon Doctrine is in essence a statement of that new role. It is rooted in the conviction that the U.S. must continue to play a major part in world affairs. Our own security and well-being demand it; our sheer weight in the international scheme of things make it unavoidable; and our hopes for a generation of peace and a more stable world order depend upon it.

With this said, the central element of the Nixon Doctrine is a new and more balanced partnership—a more realistic disposition of roles and responsibilities—between ourselves and our friends and allies. The U.S. today cannot, and should not, attempt to do all that it did in the past. This would be inconsistent with our changed circumstances and the strengthened resources of other nations. It would also—and more basically—be inconsistent with the very nature of the international order we are trying to build. For if we assume primary responsibility for the security of others, then they will fail to marshal their own resources and political energy. And they will neither in spirit nor action participate in building a stable international order which can only endure if all have had a hand in its creation and a stake in its maintenance.

Security assistance helps us in our search for stability and peace based on a new, more balanced partnership between us and other nations.

It encourages self-reliance and independence among other nations by providing them the capability to maintain their political independence in the face of military blackmail or threats.

We and those allied with us, have three important and immediate common objectives which are promoted by security assistance.

First, to discourage any effort to impose political control over those nations whose human and economic resources, or geographic location are important to the U.S. or could be used as important levers against us.

Second, to give nations important to us the sense of security and political confidence which they must have if they are to maintain their independence and to marshal their own resources for their own defense.

Third, to maintain political confidence and cooperation between ourselves and our allies and friends.

SECURITY ASSISTANCE PROGRAMS

Now, what sort of programs make up security assistance to other nations? Let me answer this by delineating the different components of security assistance, and citing some specific examples of how they work.

Under the rubic of security assistance, the Department of Defense carries out two distinct programs: The Military Assistance Program, or MAP, provides foreign governments with equipment and services as grant aid—that is, no reimbursement to the U.S. by the recipient. Through Foreign Military Sales, or FMS, the foreign government pays in U.S. dollars for the equipment and services it purchases. A third program, under which we transfer ships to foreign navies, is a combination of no-cost loans and sales at low prices.

Under our grant aid program, we make maximum use of excess defense articles to meet the foreign country's requirements. This equipment was, in most cases, purchased by our Military Departments many years ago. It has served the purposes for which procured, is no longer needed by our own forces and, if not used to meet foreign requirements, would for the most part be disposed of as scrap. This equipment may be obsolescent, and perhaps would cost too much, by U.S. standards, to repair. But to the foreign country, where labor is relatively inexpensive but material relatively scarce, these are valuable defense articles indeed. A good example is the transfer now in progress of several hundred M48 medium tanks to one of our NATO partners. After refurbishing in the foreign country—at its own expense—these tanks will be its principal armor. In terms of original cost, our program for use of excess equipment runs several hundred million dollars annually and, thus, we are able to carry out a major part of our grant aid program without any need for new funding from the Congress.

We cannot, of course, obtain from our excess inventories all of the items that must be provided as grant aid, and for these items we must seek funding annually from the Congress. For example, modern jet fighter aircraft are urgently needed by several of our foreign friends. Thus, of necessity, we are purchasing a number of the new F–5E fighters for them.

During the decade of the 1950's, United States security assistance to our friends and allies took the form of large doses of military grant aid. Today grant aid is down to 10% of its peak. In our efforts to make other nations self-sufficient in their defense efforts, we have encouraged the trend away from grant aid to sales. This trend has seen dramatic results. From a high of forty-five countries receiving grant equipment and training in 1964, we have reduced the number consistently each year and in 1974 we are proposing grant equipment and training in less than half that number.

In 1965, Foreign Military Sales—that is the outright purchase by others of U.S. defense equipment—exceeded military grant aid for the first time since the inception of the program in 1950. Today sales run at about eight times the level of grant aid. With the economic recovery of the free world, notably our European allies, many nations now have the capability to pay either cash on the barrelhead for their purchases from us, or buy with the help of credits annually authorized and appropriated by the Congress. These credits are repaid in dollars by the borrower in full with interest.

During fiscal year 1972 alone, nearly $3.5 billion of U.S. defense equipment and articles were sold to our friends and allies around the world. A little over $500 million of these sales were facilitated by the use of Foreign Military Sales credits, while nearly $3 billion sold for cash.

Because of the growing cost and complexity of defense equipment, it is increasingly difficult and uneconomical for any country, particularly a developing country, to fill all of its legitimate defense requirements from its own design and production base. Thus, when Germany, one of our allies in the North Atlantic Treaty Organization, decided to modernize its tactical aircraft committed and earmarked to the common defense of the Alliance, that country procured nearly 200 of the McDonnell F–4 aircraft for nearly $1 billion in cash. Quite apart from buying a fighter aircraft that is already designed, proven in combat and in a long production run, the benefits to Germany, the U.S. and indeed the entire free world of two major allies having a common first line fighter aircraft and a common logistics system are enormous.

Our ship transfer program enables us to improve the strength of friendly navies. By doing so we help others maintain a naval presence in troubled areas, thus reducing the demands on our own ships and men. For the most part, these are ships no longer needed by our active and reserve naval forces, and which, if not transferred to friendly foreign governments, would be mothballed or perhaps even sold as scrap. In some cases ships, although not needed now by our Navy, cannot be sold because they are required for our mobilization reserves. Under these conditions, we may loan the ship to the foreign government for a fixed price over time, and with the understanding that we may recall it if needed. Wherever practical, however, ships are sold to the foreign government at fair market value—usually a small fraction of their original cost.

We are now, for example, in the process of selling two submarines to one of our NATO allies. These ships will carry out a critically important mission in the NATO area. During this fiscal year we expect to transfer, either through sale or loan, over 50 ships to foreign governments.

SECURITY ASSISTANCE AND U.S. FORCE PLANNING

These diverse components of security assistance are related to our own force capabilities and commitments today in a way that they were not in the past.

For most of the post World War II period the U.S. designed and deployed its forces abroad to meet collective defense needs without full consideration of what others might do. We were inclined, in fact, to treat allied capabilities as little more than supplements to our own. This may have been appropriate when others had little they could contribute to the common defense. But as time passed our allies grew stronger; yet the burden of maintaining an effective deterrent continued to rest largely on our shoulders.

This Administration has moved to change that situation. Today when we design and deploy our forces, we are guided by the Total Force Concept—total because we take into consideration the capabilities and potential not only of the U.S. but also of our allies and friends. In keeping with this Total Concept, military security assistance programs have been integrated into the Defense planning cycle for U.S. forces, as has specific consideration of present and potential allied capabilities. This helps insure continuing focus on the allocation of responsibilities between us and our allies; and it gives practical expression to the Congressional injunction that a dollar spent on military assistance to foreign countries must be as necessary as a dollar spent for the U.S. military establishment.

Today when we plan our forces, and design our security assistance programs, we follow a series of guidelines aimed at assuring the correct balance between what we do and what we expect others to do.

First, in cases where our capablities are integrated with those of other nations' under common defense arrangements, we seek to help our partners do their share through assistance, rather than take up the slack on our own. Thus, our security assistance to Greece and Turkey is designed to provide their forces with the equipment and training necessary to make it possible for them to assume a proper role and responsibility in the defense of NATO's southern flank.

Second, by developing other nations' capabilities, our assistance programs make a contribution to deterrence that U.S. forces alone could not make. An important tenet of the Nixon Doctrine is that the nation directly concerned should have the primary responsibility for providing the manpower for its own defense. This is based not only on the principle of partnership and self-reliance, but also reflects our conviction that aggression is best deterred when the nation directly threatened is doing all that it can to assure its own first-line defense.

Strong national capabilities thus reduce the chance of local conflicts which could threaten U.S. interests and potentially require our military involvement. Our assistance to Israel, for example, has played a vital role in maintaining the military balance required to avoid war and to make an eventual settlement possible.

A third principle which guides our planning is that enhanced local ability to cope with aggression, should it occur, makes it less likely that U.S. military involvement might be required in defense of our own interests. Further, in some cases as we build up the ability of others to defend themselves, we may be able to reduce our own deployments. This, of course, depends very much on the particular threat involved, and the political circumstances surrounding our commitment.

Korea is an important case in point. In 1971 we began a five-year modernization plan for Korea aimed at enhancing the deterrent of its own forces against aggression or pressures from the North. This plan, coupled with our earlier security assistance efforts, has permitted increasing reliance on South Korea's capabilities. Thus, we have been able to withdraw some 20,000 U.S. troops, while South Korean soldiers have assumed responsibility for front-line defense along the entire demilitarized zone. At the same time, South Korea has made great economic progress and shown increasing energy and confidence in dealing with its security problems.

But the job is not yet done. While Korea is far more capable of defending itself today than it was when the decade began, we have not yet reached the day when no U.S. forces are needed. Until that day comes we must be prepared to continue to maintain a presence, both as an earnest signal of our intent to defend a staunch ally, and as a guarantee that the mutual security program that we have, together, so well begun, will be completed.

Our allies and friends are ready to assume primary responsibility for their own defense, and to commit to it a heavy share of their manpower and economic resources. But, for some of them, financial and technical resources are limited, and they cannot make full use of their defense potential without the aid our programs are designed to provide.

Over time the development of their resources will permit them to devote an increasing share to their own defenses. We expect this to lower the requirements for security assistance—and particularly grant aid—in the years ahead. Indeed, the 25 year history of our security assistance program demonstrates precisely this trend. As I described above, some countries have made the transition from grant aid to financial assistance through loans. Several are no longer recipients of security assistance in any form.

SOME MISUNDERSTANDINGS

I have described for you the basic purposes and benefits to this nation of our security assistance to others. Seen in this light, there can be no question that the American people and Congress will support these programs. Yet there are persistent misunderstandings that obscure the contribution they make to this nation's interests and security.

Thus, for example, there seems to be a belief that the Security Assistance Program has a negative effect on the international balance of payments. The truth is exactly the opposite. Over 99% of the funds involved in the security assistance program, both grant and sale, are spent in the United States buying U.S. products from U.S. firms. Orders for defense equipment are expected to total about $4.0 billion this year. In addition $500–600 million worth of direct military sales through commercial channels are consummated each year. The benefits to the United States from these transactions is enormous in assisting to offset the adverse balance of payments and in sustaining U.S. employment.

It has also been falsely claimed that projects in which the foreign country participates in production or assembly of U.S. designed equipment result in the loss of jobs in the U.S. The issue in most cases is not production in the United States or coproduction in the foreign country—the issue is whether or not a United States or foreign firm shall obtain any part of the contract. We have learned through sad experience that where we are not prepared to sell overseas, other countries are.

Finally some believe that our assistance programs force sophisticated and expensive weapons on our friends and allies. We force nothing on other nations. The content of our programs is designed in response to customer requirements, carefully geared to his needs, to his ability to procure, operate and support the weapons and to his decisions on type of equipment and size of purchase.

CONCLUSION

We must set such misunderstandings aside. The issue of whether we should provide security assistance—and, if so, how much—deserves to be debated by the American people and the Congress. But that debate needs to be carried on in the context of an understanding of the purposes and benefits of the program.

I, for one, am convinced that when the debate is ended we will have won support for a realistic security assistance program, for our purpose is to provide others with the tools necessary to defend themselves, and our goal is a partnership in which all our friends and allies bear with us the responsibilities of maintaining the peace.

In sum, what is at stake is whether security assistance will play the role it must as an instrument of transition from an age of confrontation and containment to a new, more stable structure of international relations. As President Nixon said to the Nation last night, "Because of our strength, America has the magnificent opportunity to play the leading role of bringing down the walls of hostility which divide the people of the world; in reducing the burden of armaments in the world; of building a structure of lasting peace in the world." We have that magnificent opportunity of which our President speaks because of our strength. And security assistance is vital to the overall strength of the free world.

TRIBUTE TO COMPOSER AND TEACHER ERIC OSTERLING, JR.

HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. STEELE. Mr. Speaker, today I would like to pay tribute to a fine American and one of Connecticut's great citizens—Eric Osterling, Jr.—for his outstanding contributions to the world of music and musical education.

Eric Osterling, Jr. might best be known for his internationally famous music. He has arranged at least four popular movie themes, including "The River Kwai March," "Picnic," "On a Clear Day," and the theme from "The Summer of '42." All told, he has written or arranged more than 150 pieces of music. These include pop songs, the "Kiss Me Kate" overture, marches, new arrangements of works by Handel, Reinech, Wagner, and Mozart, and his own classical music compositions. In a 1971 poll that listed the 100 most popular marches ever written, four of them were composed by Eric Osterling, making him second only to John Philip Sousa.

Eric Osterling's talent for conducting has led to invitations for guest conducting appearances with orchestras and bands in many sections of the country. He has received four awards from the American Society of Composers, Authors and Publishers, of which he is a member, for his outstanding contributions in concert and stage music. In 1961, he was named man of the year by the junior chamber of commerce and received that organization's distinctive service award. He has also been honored with the presentation of "An Evening with Osterling," a program of his works performed by the University of Connecticut's concert band.

But Eric Osterling's contribution to the musical education of the young also deserves wider recognition. His studies at the Julius Hartt College of Music, Ithaca College, and the University of Connecticut provided him with a sound musical background. At the age of 22 in 1948, when he was fresh out of college, Eric Osterling created the first musical instrumental education program at Portland High School in Portland, Conn., in the Second Congressional District. Within a year, Portland High had a 60-piece band. Because of Eric Osterling's talent and dedication, Portland High and Junior High bands have grown and distinguished themselves over the past 25 years.

During the New England Music Festivals, Portland received six first-place ratings. Its young musicians have played before the National Music Educators' convention in Atlantic City, and the band was invited to play at the Orange Bowl. On Saturday, April 7, the Portland High School Band will celebrate its achievements of the past 25 years under Eric Osterling's direction with a musical concert.

More important than awards, however, is the fact that Eric Osterling's many students, as well as the community, down through these years have been made richer because of his devotion to teaching music to the young.

This is Eric Osterling's greatest honor.

HOLLIS M. DOLE HONORED BY INTERIOR

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. WYATT. Mr. Speaker, I wish to express my warm congratulations to Hollis M. Dole on his willingness to undertake the job of building the Nation's first commercial oil shale plant in Colorado. Typical of his do-it-yourself philosophy, the plant will be built with private funds by private enterprise, on privately owned lands.

Oregon has been fortunate to enjoy Hollis Dole's splendid services for 23 years, 14 of which were spent as Director of its Department of Geology.

The Nation was fortunate to enjoy them from 1969 through 1972 when he was Assistant Secretary of Interior for Mineral Resources. For a testament of his dedication and effectiveness during the 4 years just past, I can summon no better witness than the Secretary of the Interior, the Honorable Rogers C. B. Morton, who recently bestowed on Mr. Dole the highest award the Department of Interior can give for performance of duty: the Interior Honor Award for Outstanding Service.

Mr. Speaker, I offer for the RECORD a copy of the letter accompanying the Honor Award given to Hollis M. Dole at a dinner given by the National Petroleum Council in Washington, on December 10, 1972:

THE SECRETARY OF THE INTERIOR,
Washington.

HON. HOLLIS M. DOLE,
Assistant Secretary, Mineral Resources, Department of the Interior, Washington, D.C.

DEAR HOLLIS: There are times as the Secretary of the Interior when I have pleasurable tasks to perform—and this letter is one of those tasks.

We, in Interior, have few opportunities to publicly recognize outstanding contributions by an Assistant Secretary. So, it is an honor and a pleasure to recognize you, Hollis, before this distinguished National Petroleum Council for your able leadership in the Mineral Resources area.

Besides serving with me as Government Co-Chairman of NPC, you serve as Interior's representative on over thirty other committees and councils concerned with industry, state, national, and international aspects of energy and minerals. For example, in oil activities, you represent Interior on the Interstate Oil Compact Commission, the National Commission on Materials Policy, OECD and, most important, the President's Oil Policy Committee. And, you do an exemplary job on each committee, whether as chairman or as a member.

Under your able leadership since President Nixon nominated you Assistant Secretary for Mineral Resources in 1969, Interior has made giant steps forward. You are a professional—not only in energy and minerals but also in administration of government—in every sense of the word. You were among the first Nixon Administration officials to call attention to the Nation's deteriorating energy situation. Your lecture at Stanford University in January, 1971 certainly will continue to be hailed as one of the most thoughtful, progressive, and concise statements on energy, in its full international context and ramifications, made by a Federal official.

Your basic philosophy is the strength of your actions. You have made available public resources for development under our private enterprise system. And, while increasing availability, you have imposed stringent environmental and health and safety safeguards on mineral producers, which is a proper course of government action. The Mining and Minerals Policy Act and the Geothermal Steam Act were passed by the Congress with your support. The Nixon Administration's expanded efforts on coal research, OCS oil and gas leasing, oil shale and geothermal leasing programs, all represent what you do best—sound administration coupled with responsible incentives.

Perhaps the greatest contribution you have given our Nation—and which also strongly supports this high award by Interior—has been your own words to others. Recently in New Orleans before the National Association of Regulatory Utility Commissioners you stated that the only viable long-term solution to United States energy problems lies in intensive development of domestic resources. Citing the perils of excessive dependence on foreign fuel sources with problems in diplomatic options, military capabilities and foreign exchange pressures, you said, "Both logic and experience caution us that the hard and costly choice of developing our own resources will be the cheapest in the end."

As my effective and hard-driving administrator of minerals and energy, Hollis, you represent what the Nation requires in a dedicated public servant. And so, it is with great honor that I present to you the Department of the Interior Honor Award for Outstanding Service.

Sincerely yours,

ROGERS C. B. MORTON,
Secretary of the Interior.

CALIFORNIA COLLEGES AID MANAGUA

HON. BURT L. TALCOTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. TALCOTT. Mr. Speaker, recently a Managua, Nicaragua, relief fund coordination was organized by the California State University and Colleges Student Presidents Association, which represents 19 campuses and approximately 269,000 students.

I highly commend these students for this most worthy attempt to supply relief to their fellow man. Oftentimes, good individualistic endeavors by students, go unmentioned. I find it very refreshing today, to be able to thank them for their constructive contributions on behalf of us all.

Aid from the United States, to these victims, was noteworthy, but somehow expected. It must be consoling, to the citizens of Managua, to feel that not only the Government, but the individual citizens, of the United States, are concerned about their well-being and future.

The idea originated at Cal Poly College at San Luis Obispo in our congressional district, so I am especially proud of this splendid student project.

I especially commend Mr. Robin Baggett, president of the Associated Students and his outstanding committee headed by Jim Barlow, Ernie Eaves, and Hedy Smith.

CEILING ON MEAT PRICES

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. DERWINSKI. Mr. Speaker, quite properly, the President's imposition of the ceiling on certain meat items has drawn commentary since so many, many questions were raised as a result of the action. An editorial in the Chicago Sun-Times of March 31, 1973, is, in my judgment, an objective and responsible commentary on the question.

The editorial follows:

CEILING ON MEAT PRICES

President Nixon's ceiling on meat prices may give housewives a boost in spirit because it shows that someone in Washington is responding to their complaints. But all Mr. Nixon's edict can do is prevent prices from going even higher. It pegs them at or near their current all-time highs. If prices are to come down there must be an easing of consumer demand or an increase in meat supplies, or both. The ceiling doesn't change that fact.

Mr. Nixon was driven to do something about meat prices because they were soaring far beyond other foods and threatening the President's antiinflation plans. With big-industry negotiations coming up, meat prices could escalate union demands.

It is likely, however, that meat prices already had reached their zenith. As we have said before, they are not due to unconscionable attempts to profiteer. Meat processors were and are under Phase III profit controls. Meat prices went up because the cost of animals went up and because consumers are eating record-breaking amounts of meat. The cost of animals went up because farmers' costs, particularly grain, went up.

This year's anticipated consumption is 192 pounds of beef, lamb and pork per capita. Last year it was 188. If consumer demand would ease off, even to last year's level, so would prices. Selective buying is better than an all-out boycott. A boycott, with its abrupt reduction in demand, disrupts supply lines and could influence farmers to plan less production for 1974 and 1975. And boycotts often are followed by a splurge in buying.

Prices can come down sharply if there is an abundant increase in supplies. Actions taken by the government to encourage production and lift import restrictions should pay off later in the year. The ceiling is a mere holding action and could create more problems than it is worth.

The exigencies of the situation have forced Mr. Nixon to change his view expressed two weeks ago that controls might stop prices "momentarily, but as a result of discouraging increased production, we would reap the consequences of greater upward pressure on prices later."

Although no ceiling was put on live animals in keeping with the view that this would cut incentive and production by farmers, their prices obviously must be affected. By putting a ceiling on the meat that processors, wholesalers and retailers handle. Mr. Nixon controls what they can pay for live animals and stay in business.

There would be pressure on the ceilings if farmers did, indeed, hold animals off the market. There would be ceilings but no meat on the butchers' shelves. On the other hand, farmers can't hold animals off the market interminably; there is an optimum time and weight when animals must be marketed. Animals held back must be fed and feed is, as noted, expensive.

The most optimistic view we can take, therefore, is that the current high prices were due to come down later anyway and Mr. Nixon has merely engaged in a psychological holding action which will keep them no higher than current high levels pending the operation of the law of supply and demand, which alone can bring real relief.

THIEU AND HIS CRITICS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. CRANE. Mr. Speaker, this morning's Wall Street Journal contains a very insightful editorial on the political situation within the Republic of Vietnam, and particularly on the role that its President, Nguyen Van Thieu, has played in preparing that nation for today's world.

The editorial correctly criticizes those who would carp about certain alleged political excesses in South Vietnam, while these same critics apparently ignore the fact that that nation has been torn asunder by war for many years.

Because of the timeliness of this editorial, I include the editorial at this point in the RECORD.

THIEU AND HIS CRITICS

For the first time since he came to power six years ago, South Vietnam President Nguyen Van Thieu is in the United States this week "to express our thanks to the American people." Of course, he is also talking to Mr. Nixon about the next phase in his nation's relationship to the United States.

The two Presidents issued a joint communique yesterday in which Mr. Nixon promised South Vietnam continued "substantial" economic aid. And perhaps Mr. Thieu will try, as R. W. Apple Jr., of The New York Times phrases it, "to change the minds of at least some of those American critics who view the former general as a petty dictator."

On this last score, we doubt Mr. Thieu would have much success if that is indeed his aim. His American critics have for so many years characterized him as a petty dictator, or in Sen. McGovern's words, "a tinhorn dictator," that Mr. Thieu could conceivably visit with us for a year and talk himself blue without changing their minds. Has he not clapped political opponents in jail? Has he not censored Saigon's newspapers with a heavy hand? Has he not suspended various elections and run the country by martial law from time to time? Is this not petty dictatorship?

These are valid debating points, to which Mr. Thieu could only answer defensively if he were of a mind to answer them at all. He could say that Vietnam is not Massachusetts, that war is not peace and that a free press may not be a nation's highest priority at a time when its survival is threatened by subversion from within and attack from without. He could say these things and, in our mind at least, take the edge off the charges raised against his rule. But his most strident critics here have already made allowance for these extenuating circumstances by labeling him no more than a "petty" dictator.

On the other side of the ledger, though, are some valid points that cut against the Thieu critics, which is why they are never mentioned by those politicians and opinion leaders who prefer to keep the Thieu image neat and black. Yet they go a long way toward explaining Mr. Thieu's resilience and political strength, which it would be unwise to underestimate in either the political struggle already underway or in a military clash, should it come.

For one thing, it was the Thieu government that armed the South Vietnamese peasantry. His critics here have used this fact in the past to justify a hasty U.S. withdrawal, yet they sidestep a fascinating contradiction. For Mr. Thieu to hand out modern weapons to one million villagers, who could use them against him as easily as against the Vietcong, is an act unheard of in the annals of dictatorship, petty or otherwise.

And he gave the villagers something to defend. Land. In June 1969, when Mr. Nixon and Mr. Thieu met on Midway Island, there was more to their compact than the inauguration of the Vietnamization program. Mr. Thieu committed himself to a land reform program more ambitious than any the U.S. State Department had advised. Indeed, Mr. Thieu's "Land to the Tiller" program outstripped the land-reform promises being made by the Vietcong—the rough equivalent in U.S. politics of Mr. Nixon leapfrogging his opposition by proposing a guaranteed income.

It took Mr. Thieu almost a year to push the program through the National Assembly, amid predictions here and there of fakery. But in the past three years, 2.3 million acres of land have been purchased by the government with cash and credit and distributed to the 750,000 families—more than 50% of the rural population—who had been farming the land as tenants. Another half million acres are being processed for another 150,000 families.

Those of his American critics who now try to explain Mr. Thieu's durability, his success in holding together his nation even as a half million American troops departed South Vietnam, maintain that his secret was the iron fist, martial law, tyrannical abridgement of civil liberties. It follows that under these conditions he does not deserve any continued U.S. support, and if there is to be any of this at all, he should be required to embrace a social and political agenda that is consistent with American ideals.

Yet even while admitting we don't always understand what Mr. Thieu is up to as he thrusts and parries with the National Liberation Front, we're reluctant to make value judgments on a point-by-point basis. Now is certainly not the time, if there ever was one, for Washington to be counseling Mr. Thieu on how best to win the minds and hearts of his people. Nor do we see much profit in U.S. politicians pressing lists of suggested concessions that he should make to the Communists as the best means of solidifying his government's position.

On the contrary, Mr. Thieu's durability speaks for itself; while his regime is not a model of Western democracy, tyranny is not his secret weapon. If it had been, he would not have lasted six months, let alone six years. He has turned out to be a deceptively shrewd political leader, somehow always staying a jump or two ahead of his enemies at home and his critics abroad. Unless Washington impulsively cuts the ground from under him, as it did with President Diem a decade ago, he could continue to confound his U.S. critics.

DR. SIDNEY FARBER

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. DULSKI. Mr. Speaker, the medical profession and the worldwide effort to find a cure for cancer has suffered a great loss in the passing of Dr. Sidney Farber, a native of my home city of Buffalo, N.Y.

For 41 years, until his retirement in 1970, Dr. Farber had been on the faculty of the Harvard School of Medicine and since had been serving as emeritus professor of pathology at the university.

He was recognized as a worldwide authority on cancer in children and as the founder of the discipline of modern pediatric pathology.

Dr. Farber was president and scientific director of the Children's Cancer Research Foundation, popularly known as the "Jimmy Fund."

He was a frequent witness before congressional committees considering legislation and appropriations for cancer research. He was a pioneer in the chemotherapy technique and his contributions to medical knowledge and research over the years are endless.

Although he had made his headquarters in Cambridge for years, he often came back to Buffalo to visit and participate in the outstanding cancer research work being done at one of the world's oldest and largest cancer research centers, Roswell Park Memorial Institute.

Foremost was Dr. Farber's enthusiasm, his inspiration, and his dogged determination in the multifaceted effort to find an answer to the scourge of cancer.

He will be greatly missed, but he has left behind a great legacy and an example for all of us—researchers, public servants, and laymen alike.

Mr. Speaker, as part of my remarks I include an obituary from the Buffalo Evening News:

DR. SIDNEY FARBER IS DEAD; EXPERT ON CHILDREN'S CANCER

CAMBRIDGE, MASS., March 31.—Dr. Sidney Farber, 69, Buffalo-born world authority on cancer in children, died here Friday night after a short illness.

A former president of the American Cancer Society, he was recognized as the founder of the discipline of modern pediatric pathology.

Dr. Farber, who along with four of his brothers achieved a spot in "Who's Who In America," received his undergraduate degree in biology and psychology from the University of Buffalo in 1923, then studied medicine in Germany and at the Harvard University Medical School.

He served for more than 41 years as a member of the staff and faculty of medicine at Harvard University and was president and scientific director of the Children's Cancer Research Foundation, popularly known as the Jimmy Fund.

Upon his retirement from Harvard in 1970, he was named S. Burt Wolbach emeritus professor of pathology at the university.

His definition more than 30 years ago of the total care of children with cancer and his discoveries in the chemotherapy of cancer are regarded as two of the great milestones in cancer research and care.

Among his brothers, Harold Farber is a Buffalo insurance company executive, Dr. Marvin Farber is philosophy professor at the State University at Buffalo, Dr. Seymour Farber is a chest disease specialist on the faculty of the University of California Medical School in San Francisco and Dr. Eugene Farber is a dermatologist and professor at the Stanford (Calif.) University School of Medicine.

Survivors, in addition to the brothers, include his wife, Norma, whom he married in 1928; two sons, Stephen, assistant to the president of Harvard University, and Thomas; two daughters, Ellen and Miriam, both in the Boston area, and two grandchildren.

Private funeral services will be held in Cambridge.

LAW TO PROTECT POLICE OFFICERS AND FIREMEN

HON. WILLIAM H. HUDNUT III

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. HUDNUT. Mr. Speaker, as a former public safety official, I am proud to be a cosponsor of legislation (H.R. 4001) making it a Federal crime to kill or assault a fireman or law enforcement officer in the line of duty when the perpetrator travels in interstate commerce or employs any facility thereof in furtherance of such reprehensible conduct. During my 2-year tenure as a member of the Indianapolis Board of Public Safety, and later as its interim director, we were confronted all too often by incidents of assault or homicide on such public servants. The board's jurisdiction includes the metropolitan police and fire departments, and extends to all civil disorders, disasters, and day-to-day public emergencies in the city.

Also, in my association with volunteer firemen in Marion County and with the Marion County sheriff and his officers and deputies, I have come to know firsthand the similar threats to personal safety that they face, too.

The intentional injury or killing of peace officers during the commission of a crime or apprehension of the criminal, is as old as it is heinous. This is the preeminent danger the police officer faces when he joins the force. To the extent possible, we train police recruits to protect themselves from the worst when answering runs, investigating crimes, and apprehending suspects.

Occupational safety is a paramount concern of firefighters, also. They also assume special risks when they join the department, and are hopefully taught how to minimize these threats to their personal safety.

What peace officers and firefighters consider workaday tasks, most of the citizenry deem heroic conduct.

These protectors of the public safety can be exposed at any given moment to threats upon their life and limb. Policemen dispatched to answer calls for help, or merely writing traffic tickets, and firemen called to save lives and property while fighting fires in the face of injury from burns, suffocation, and dangerous heights are now subject to summary execution in carefully planned ambushes. Ironically, their assassins rely upon the unselfish response of policemen and firemen in the face of danger to serve as the bait for a despicable trap.

My experience with the Indianapolis Board of Safety has led me to believe that the remedy for this wrong must include a strong Federal mechanism in order to eliminate these archcriminals whether they be ideological extremists, agents of organized crime, or products of a mob psychology. There are certain barriers imposed on State and local action, including jurisdictional limitations, manpower shorages, and the lack of sufficient investigative resources. The legislation which I have sponsored, if enacted, would assist in the apprehension and conviction of these offenders and hopefully would serve as a deterrent.

I urge the passage of this bill, so that the Federal Government can do its part to help stem attacks upon America's policemen and firemen in the performance of their duties.

S. 7 VERSUS FISCAL RESPONSIBILITY

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. BURKE of Florida. Mr. Speaker, the following remarks were prepared in case the House of Representatives was asked to vote on President Nixon's veto of S. 7. Since it was unnecessary to vote, as the matter was resolved in the Senate, I nevertheless would like to share my views with my colleagues. The following is my position with regard to S. 7:

REMARKS IN SUPPORT OF THE PRESIDENT'S VETO OF S. 7

I have always advocated the need for job training for those who have the dexterity and inclination for such training. In addition, I favor and have advocated job training for mentally and physically handicapped people so that they can prepare for jobs and be productive in our society. Despite my strong feeling in this regard I, nevertheless, wish to add my support to the President on his veto of S. 7, the Vocational Rehabilitation Act.

The President rightly stated when he vetoed S. 7, that the sponsors of this bill would have the American people believe this furthers an important social cause which is true, but as the President also stated, the cumulative effect of this and other big spending bills constitute a massive assault on the pocketbooks of the millions of women and men in our country. Certainly the President is right when he stated, that: "simply throwing money at problems does not solve anything; it only creates poor legislation which frequently misses the target."

I feel that the President has taken a courageous course in the public interest by vetoing fiscally irresponsible spending bills passed by the Congress. The American people must begin to look at the problems honestly and fairly. The free wheeling, free spending attitude of the Congress of the United States certainly has been one of the primary causes in the inflationary spiral that has caused so many complaints from the American people. S. 7, for instance, calls for an outlay of over $1 billion above the President's proposed recommendation for fiscal years 1973 thru 1975. This bill when taken into consideration with other bills already before the Congress collectively, can lead to nothing but further inflation. The federal budget, for instance, in the last six years, since I have been in the Congress, has risen from $184.5 billion in FY 69 to $268.7 billion in FY 74. How long can our economy remain safe for all Americans if the Congress continues its present deficit spending spree? The President indicated that the serious reservations which he had respecting substantative defects in S. 7 were:

(1) S. 7 would further divert the Vocational Rehabilitation program from its original purposes by requiring that it provide new medical services. For instance, it would set up a new program for end-stage kidney disease—a worthy concern in itself, but one that can be approached more effectively within the Medicare program, as existing legislation already provides.

(2) Vocational Rehabilitation has worked well for over half a century by focusing on a single objective: training people for meaningful jobs. We should not dilute the resources of that program or distort its objective by turning it toward welfare or medical goals.

(3) S. 7 would create a hodge-podge of seven new categorical grant programs, many of which would overlap and duplicate existing services. Coordination of services would become considerably more difficult and would place the Federal Government back on the path to wasteful, overlapping program disasters.

(4) By rigidly cementing into law the organizational structures of the Rehabilitation Services Administration and by confusing the lines of management responsibility, S. 7 would also prevent the Secretary of Health, Education and Welfare from carrying forward his efforts to manage vocational rehabilitation services more effectively.

(5) Finally, by promising increased Federal spending for this program in such a large amount, S. 7 would cruelly raise the hopes of the handicapped in a way that we could never responsibly hope to fulfill.

Certainly we who are in the Congress owe a responsibility to help, not only our constituents, but all American people. How then can we help if we take the very path that will lead us to even higher spiralling costs, uncontrolled inflation and ultimate economic disaster by such irresponsible Federal spending.

Let me make it clear that I, like all of my colleagues, want to help handicapped people, but we cannot help any Americans if we make promises or attempt to fund programs no matter how good the intentions, which might well, in the future, lead to fiscal disaster.

We Americans have, in the past, enjoyed a high standard of living, but we have done so in the past because our currency was strong, not only at home, but in the markets of all the nations of the world. We should know that in any country where inflation gets out of hand, and the country's currency becomes worthless because of irresponsible overspending, and burdensome government programs that economic chaos is the result and substantial suffering follows. It is my intention to vote to support President Nixon's veto of S. 7, not only for the foregoing reasons which I have set forth, but also because I am sure that the Congress has the ability to come up with a fair and meaningful bill for the Vocational Rehabilitation of those which S. 7 purports to help.

My colleagues, forget the politics of the times. Fiscal responsibility is not a problem for most of us in handling our own budgets—why then should we not practice it when handling the American peoples money?

MEATLESS MENU FIGHTS FOOD PRICES

HON. ANGELO D. RONCALLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. RONCALLO of New York. Mr. Speaker, I wholeheartedly support this week's meat boycott and hope that it produces a meaningful effect on the cost of food. I, my wife and five children will not merely refrain from buying meat, but will not eat it this week, regardless of what we might find in the freezer. In this way we can help reduce overall total demand for meat.

For those families that may not remember the "meatless Tuesdays" of World War II and those who would like to join in the boycott but do not know what to substitute for meat in their diet, I am pleased to share with my colleagues and other readers of the RECORD the meatless menu I am following this week.

The menu and the recipes which follow were prepared for me by a resident of my district, Mr. Tex Eldermire of Glen Cove.

MENU

Monday—Eggplant Parmigiana.
Tuesday—Fishballs.
Wednesday—Tuna Noodle Casserole.
Thursday—Herring Salad.
Friday—Spanish Omelet.
Saturday—Sea Chowder.
Sunday—Spaghettini with Clam Sauce.

RECIPES

Eggplant parmigiana

2 eggplants
½ cup flour
1 or 2 eggs (as needed) slightly beaten
½ teaspoon salt
1 cup olive oil
2 ozs. grated parmesan or romano cheese
¾ lb. mozzarella, sliced thin
1 jar meatless tomato sauce

Pare eggplant, cut into very thin slices. Sprinkle each slice with salt; pile slices on a plate and cover with a weight to draw out juice; let stand for 1 hour. Flour eggplant slices and dip into egg to which salt and pepper have been added and beaten slightly. Fry in olive oil until slices are golden brown on both sides. Sprinkle with grated cheese and cover with a layer of mozzarella. Bake in 400 degree F. oven for 15 minutes and serve hot. Serves 4 to 6.

Fish balls

2 cups codfish cooked and shredded
4 medium sized potatoes
3 eggs
Deep fat for frying

Rinse fish with hot water, then press water out. Boil potatoes and put them through a ricer. Combine freshly boiled potatoes with fish and mix the two, adding eggs; stir as little a possible. Drop mixture from a spoon and fry in deep fat at 350 degrees F. until brown. Serve with vegetables and salad. Serves 4.

Tuna noodle casserole

1 small onion, sliced thin
butter
1 can fried noodles
1 can tuna (13 oz.)
pepper
¼ lb. potato chips, crushed
1 can mushroom soup

Saute onion in butter until it is golden brown. Place half the noodles in greased casserole dish, spread with layer of onion, tuna fish and mushroom soup. Top with remaining noodles and sprinkle top with pepper and potato chips. Bake in 325 degree F. oven for about ½ hour or until thick and brown. Serves 4.

Herring salad

3 cups pickled herring, diced
1½ cups boiled potatoes, diced
1½ cups pickled beets, diced
½ cup apples, diced
¼ cup onion, chopped
¼ cup pickled gherkins, diced
2 tbls. sugar
2 tbls. water
4 tbls. vinegar
white pepper, to taste
1 pt. sour cream, beaten stiff

Thoroughly mix herring, potatoes, beets, apples, onion, and gherkins. Blend vinegar, water, sugar and pepper before adding to herring mixture, toss gently. When ready to serve, pour sour cream over top and garnish with hard boiled egg and parsley.

Spanish omelet

3 tbls. butter
1 tomato, diced
1 chopped onion
1 chopped green pepper
5 chopped mushrooms
6 eggs
3 tbls. milk
½ tbls. salt
dash of red pepper
another tbls. butter

Place 3 tbls. butter in pan and add next four ingredients. Cook slowly for 15 minutes, stirring occasionally. Beat eggs and milk, salt, red pepper. Melt butter in another pan (1 tbls.) and pour in eggs. Fry slowly until eggs are set. Pour part of sauce from first pan over eggs. Fold omelet and turn onto hot-plate, cover with remaining sauce. Serves 6.

Sea chowder

1 can clam chowder
1 can flaked tuna
1 can crabmeat
1 can tomato soup
1½ cups milk
2 tbls. minced onion
1 can peas and carrots
pepper, to taste
chopped parsley

Combine ingredients in large sauce pan. Heat, but do not boil. Serves 4–6.

Spaghettini with clam sauce

¼ cup olive oil
pepper, or red pepper according to taste
4 cloves garlic
1 pint clam juice
1 lb. spaghettini or linguini (cook as directed on package)

Pour oil and garlic in 1-quart sauce pan, cook until garlic is light brown. Add salt, pepper and clam juice. Let simmer, while spaghettini is cooking. Strain spaghettini, add mixture from sauce pan, serve directly from pot.

MR. ANDREW B. BARBER

HON. GEORGE M. O'BRIEN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. O'BRIEN. Mr. Speaker, Mr. Andrew B. Barber of Joliet, Ill., is completing his 25th year of service as Chairman of the U.S. savings bond program in Will County. During that period he has been truly an outstanding county chairman, in the words of Acting National Director Jesse Adams of the U.S. Savings Bond Division, Department of the Treasury.

In further reference to Mr. Barber, the Acting Director said:

> He has been most cooperative and willing to take any assignment to help promote Savings Bonds in Joliet and Will County. According to our records, he was appointed Will County Savings Bond Chairman in April, 1948, and since assuming the chairmanship, the citizens of his county have purchased more than $125 million in Series E and H Savings Bonds.

The patriotic spirit which has guided Mr. Barber's accomplishments over the year is inspirational. Mr. Barber has contributed substantially to the general welfare and progress of our country and is deserving of our commendation.

I am honored to have such an outstanding citizen in my district and extend my congratulations to him on a job well done.

BLOCK AID TO NORTH VIETNAM

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. SYMMS. Mr. Speaker, whenever our country has attempted to placate international bandits by means of bribery, the attempt has failed. Yet today we are attempting to bribe the tyrannical Communist government of North Vietnam, who even at this moment is maurading our ally South Vietnam. The attempt must be halted; war payments to Hanoi must be stopped.

Many arguments for economic aid to Hanoi are cited: All are confused.

Some say that the proposed $2.5 billion that the Nixon administration wants to give Hanoi is no different from moneys we gave to our former enemies, Germany and Japan, after World War II. This view is mistaken. The proposed payments are radically different in nature.

We have never before aided a government with whom we went to war. The dictatorships with whom we fought were removed from office and replaced with free governments. Germany and Japan surrendered and were scheduled to pay reparations to us, which we canceled to help them get on their feet. The North Vietnamese are not asking that their reparations be canceled—they are brazenly demanding that we pay them.

They demand money, and themselves lay down the only conditions under which they will deign to accept it. There must be no strings attached to the money. It must be given bilaterally. Nguyen Thanh Le, North Vietnamese spokesmen at the international conference on Vietnam, refused to accept American money through multinational agencies. Said Le:

> This idea is inappropriate and we do not approve of it. We demand that the United States comply scrupulously with Article 21 of the January 27 cease-fire agreement.

Le explained that "direct aid is more rapid," and that when there is a direct link "between donor and receiver," there can be "complete discussions" about it. This was hardly the attitude of Germany and Japan toward American aid after World War II.

When we gave aid to Germany and Japan, we gave it to prevent the war-ravaged nations from turning Communist. Secretary of State Marshall, in proposing massive aid, said that if we did not support Europe financially, then we must accept the consequences of its collapse into the dictatorships of police states. This time, instead of being used to save people from communism, our money will be used to solidify the power base of a Communist regime.

This time, instead of nourishing the cause of freedom, American aid will be used to crush resistance to tyranny. Our money will be used to stamp out the forces for freedom that still exist in North Vietnam—forces that are strong enough to worry the Communist leadership. According to Nhan Dan, the daily organ of the Communist Party Central Committee in North Vietnam, there are "Counterrevolutionaries in our country," and although "they represent only a very small percentage compared with the great majority of our people, their plotting is very deep and their activities are very dangerous."

Truong Chinh, a high Communist Party official in North Vietnam, has been even more explicit about the danger to the Communist regime from those fighting for their freedom:

> It is absolutely necessary for the people's democratic dictatorship to use violence against counterrevolutionaries and exploiters who refuse to submit to reform. Therefore, we must pay continuous attention to consolidating the repressive apparatus of the people's democratic state, the people's army, the people's police, the people's control institute, the people's tribunal, . . .

Aid to North Vietnam goes against the whole spirit of the Marshall plan. There is no similarity.

The scope of aid this administration is offering North Vietnam is also without precedent. It is far different in scope from aid offered to the defeated nations after World War II. The proposed $2.5 billion is greater than all the aid given to Japan, and then Japan had a population of 73 million compared to North Vietnam's present 21 million. The $2.5 billion figure is three times as much as Red China gave Hanoi in the 4 peak years of the Vietnam war, and half-billion more than the Soviet Union provided in the same period.

Some defenders of war payments to Hanoi say that American money will be spent for humanitarian purposes. They say that it will help the undernourished North Vietnamese peasants. This is not true. Prof. Nguyen Tien Hung of Howard University, in an article published February 25 in the Washington Sunday Star and Daily News, points out:

> After 18 years in power, the Communist regime has left the living standard of nearly 24 million North Vietnamese peasants among the lowest in the world. In all these years Hanoi's Politburo has effectively mobilized the total resources of the country and concentrated them on building the welfare of the state, its international prestige, its armed forces, and some heavy industry.
>
> In 1970, North Vietnamese Premier Pham Van Dong, in a reflective mood, lamented: "During the last 16 years, Vietnam has never been able to truly concentrate its energies on the building of a new life." The premier's remark was very candid indeed. It raises the question of what exactly Hanoi had been concentrating on during all those years.
>
> Since the 1954 cease-fire, North Vietnam has had reconstruction plans and development plans backed up by sizeable foreign aid. Yet the well-being of its people has never truly been the target of economic growth.

Mr. Speaker, historian Henry Fawcett pointed out that—

> War will be rendered less frequent if a whole nation is made to feel its terrible consequences, instead of concentrating all the horrors in the sacrifice of thousands of helpless victims who may be marshalled at the caprice of a despot.

Fawcett recommends that if a peaceful nation would check the vaunting ambition of a marauding nation, the peaceful nation should speak in unmistakable language. The defender should not hesitate to threaten to destroy all the public works upon which the wealth of the invader may depend.

Now the Nixon administration wants to move in a direction that Fawcett may not have been able to imagine. The administration wants to help build an industrial base of a warring nation, even while that nation violates a cease-fire agreement and commits acts of war. The administration wants the American people to donate money that would help create an industrial base in a nation, which, before her acts of war, scarcely had an industrial base. Our proposed gift of $2.5 billion is almost twice the amount of the average annual North Vietnamese gross national product. With this aid, the administration would teach Hanoi that she not only can avoid the consequences of her illegal acts, but that she is better off for having committed them in the first place.

Let us take a look at the economy of North Vietnam, the magnitude of the proposed American aid, and the probable consequences of that aid. I again quote from Professor Hung's study:

> The U.S. economic aid, apparently to amount to about $2.5 billion, may spread over the next four years, averaging $625 million per year. The $625 million figure roughly corresponds to the annual economic assistance to North Vietnam in recent years from Russia and Eastern European countries combined. In addition, China is expected to increase its aid, which already amounts to about $250 million per year. Japan's post-war contribution of perhaps $200 million for North Vietnam out of $750 million projected for all Indochina in 1973 will be added to this.
>
> In sum, Hanoi may now confidently expect the inflow of foreign exchange for the next four or five years at a rate of about $1.7 billion per annum, and amount three times higher than the annual U.S. economic aid to South Vietnam. In terms of the value of North Vietnam's output, $1.7 billion is just about the size of its 1970 Gross National Product, and much higher than the GNP for 1972.
>
> If Hanoi's leaders allocated a substantial part of the aid to building a new life for the people, then foreign assistance will certainly enhance the cause of peace.
>
> If on the other hand, North Vietnam's planners concentrate only on rebuilding the welfare of the state, its army, and war-related materials, then it is uncertain whether peace will be well served.
>
> The pattern of Hanoi's planning in the past led the country in a vicious circle: war (1945–54), reconstruction (1955–57), industrialization (1958–65), war (1965–68), re-

construction (1968–71), war (1971–72), reconstruction (1973 to perhaps 1975), and then, a question mark.

The economic planners in Hanoi today are the same men who authored the first reconstruction plan 18 years ago. The Marxist-Leninist ideological base of their planning also remains unchanged.

In his last will and testament, President Ho Chi Minh imposed two conditions on North Vietnam. He said: "The Americans must be kicked out of Vietnam, and the the country must be unified." In doing so, he added, "our country will have the great honor of being a small nation but capable of courageously defeating two giant powers, France and America; as such, we will have contributed greatly to the cause of the national liberation movement."

The late president also wrote a poem, his last, saying,

"When the Americans are defeated,
We will rebuild our country.
Ten times stronger again."

In a very short time, the Americans will indeed be gone. It will then be up to Ho's successors to undertake the task of building the country 10 times stronger. But whether that strength will be used for peace and prosperity or for continuing the vicious circle of war, reconstruction, development, and more war is a matter for the aid-giving nations to ponder.

Why was there no provision in the cease-fire agreement for Communist China and Russia to give aid to South Vietnam? Both those countries gave vast amounts of financial assistance to the warring North Vietnamese. Why is only the United States held financially responsible for war damage? If we give this aid to North Vietnam we will be in effect announcing to the world that America has been the aggressor and that America, not North Vietnam, is the outlaw. A brief examination of the concept of reparations will bear me out.

In their customary meaning, reparations are levies imposed on a nation defeated in war, forcing it to pay the war costs of the winning nation. The assumption is that the defeated nation bears the guilt for the war. International legal opinion holds that the aggressor in a war is liable to compensate for all losses of lives and property suffered by her victim or by third states if such losses result from acts illegal under international law.

The United States has not been the aggressor in this war. Our role has been to help defend our allies against the incursions of a hostile power; our role has been to stop the invasion of North Vietnam into the sovereign territory of South Vietnam.

The implications of the Nixon administration proposals are clear, however. Either the administration believes we have lost the war and, as the aggressor, must alone accept the responsibility for war payments, or it knows that the so-called "economic aid" is really blackmail. I repudiate that reasoning. If only one American life was worth losing in the Vietnam struggle, we owe not a penny.

It is scandalous to ask a nation that has paid so high a price to fight off invaders to pay blackmail, because it dared to fight. It is grotesque for our leaders to have asked young men to give up their lives in this struggle, and then donate money to the very regime that took their lives.

To those who would argue that it is less costly to pay the North Vietnamese to stay home than to fight them when they invade—I say, look at the record. Even now, before they have received our money, they continue their war acts. The North Vietnamese have not even lived up to the terms of the cease-fire agreement. I quote from Human Events, March 3:

> Far from offering any sign that its troops plan to leave Cambodia, as is strictly required by the ceasefire provisions, Hanoi has urged its forces in that country to fight even harder and entrench themselves even further. In Laos, North Vietnamese regiments are not leaving that country, as Hanoi has promised they would, but occupy two-thirds of that nation's territory and are gulping up new territory each day. So aggressive have the North Vietnamese been in Laos since last week's cease fire there that Souvanna Phouma has been desperately urging us to renew the bombing.
>
> Despite the cease-fire in Vietnam, U.S. intelligence sources last week reported that the North Vietnamese were pouring hundreds of tanks and thousands of fresh troops into the Laotian supply trails in recent weeks, with much of the armor and personnel headed toward South Vietnam.
>
> Intelligence reports say Hanoi has sent more than 250 tanks, many powerful 122mm. and 130 mm. guns, about 50 armored personnel carriers and about 1,300 tons of supplies into southern Laos since early February.
>
> These sources, related an AP dispatch, "also estimated that about 15,000 North Vietamese troops have moved into southern Laos since the cease-fire. Intelligence analysts say about half are headed for the region near Saigon, some into the South Vietnamese Central Highlands, and others into the area below the demilitarized zone."
>
> Meanwhile, a single motor-fuel pipeline which North Vietnam Army engineers laid across the DMZ last spring to support a tank-led invasion is reported undergoing expansion with a second pipeline to increase the flow of oil and gas from North Vietnam.
>
> Dr. Kissinger has said the Vietnam agreement includes a "flat prohibition" against the use of Laos and Cambodia for infiltration of weapons and personnel into South Vietnam. Under the agreement, moreover, Hanoi's troops are required to leave these countries they've invaded and return north. In addition, the agreement forbids the DMZ to be used for military purposes. Unfortunately, however, Hanoi has thus far decided not to live up to these critical provisions and, apparently, is violating them in the most flagrant manner.

The North Vietnamese will not live up to agreements when presumably they might flatter us by good behavior in order to secure their loot. If they break their word before we give them money, what makes the administration think they will keep their word after they get the money?

The U.S. Treasury is broke. We have enormous deficits in our balance of payments. The dollar can scarcely hold its own in the world market. To pay out billions to aid North Vietnam would be fiscally irresponsible, even if it were not a bad idea for so many other reasons.

This is not the first time in our history that America has been forced to deal with demands for tribute. Let us examine two incidents in American history and learn from them.

In the early days of our Republic, American lives and property were under constant threat at the hands of the Barbary pirates. The demands of the despotic rulers of the Barbary States were blunt—pay up, or our pirates will plunder your ships and sell your seamen into slavery. For years the United States did pay up.

In 1800 the Bey of Algiers wanted Commodore Bainbridge to bring gifts from Algiers to Constantinople. Bainbridge said he had no authority to make such a trip, whereupon the Bey of Algiers showed the depth of his understanding of the relationship between Algiers and the United States. He told Bainbridge that no United States authority was needed. He said:

> You pay me tribute—therefore, you are my slaves.

As America continued to pay the pirates off, their demands become more and more exorbitant. The Bey of Tunis actually demanded that we not only bring him supplies of naval stores, but jewelry—diamond-studded rifles and daggers were among his demands. Commenting on the situation, American diplomat Thomas Eaton said:

> It is certain that there is no access to the permanent friendship of these states without paving the way with gold or cannon-balls; and the proper question is, which method is preferable.

But America continued to pay tribute, until the only alternative was cannon balls. In 1815, we were at war with the Barbary States.

During the same period in our history our leaders were asked to pay tribute to another foreign power; on that occasion, the demands were handled in a different fashion.

The foreign power was France. France was unhappy with the United States for its new rapprochement with England, and she also blamed us for a slave rebellion in Saint Dominique. French privateers, privately owned ships authorized by the French Government to attack enemy shipping, made a lucrative business of raiding American ships and stealing our cargoes.

The U.S. Government sent envoys to France to rectify the situation. One of these men, Charles Cotesworth Pickney, was contacted by an agent from Talleyrand. The agent told Pickney that if the United States would have France leave her shipping in peace, the Americans must pay.

"You must pay money, you must pay a great deal of money," said the agent. The agent then warned Pickney of the power and violence of France and what might happen if our envoys did not meet the demands for money. Pickney did not acquiesce.

"You do not speak to the point," demanded the French agent, "It is money, it is expected that you will offer money."

"We have given an answer to that demand," said Pickney.

"No, you have not, what is your answer?" Pickney rose from his chair and insisted:

"It is no, no; not a sixpence, sir."

When the American public heard of the scandalous demands of France, the cry through the country was: "Millions for defense, not one cent for tribute."

Historians note that the firmness and vigor of the United States in refusing the French demands prevented the escalation of this unpleasant situation into all out warfare.

Mr. Speaker, North Vietnam invaded the south. We certainly owe them nothing for that act. If we do not block this administration's proposal to give Hanoi $2.5 billion, we will in fact be rewarding the invaders. We will in fact be endorsing the acts of war they continue to commit even after the cease-fire. Bribery did not work with the Barbary pirates, and it will not work now. Let us prevent one American cent from being used as tribute to Hanoi. I urge support legislation which I am introducing today.

WEST FRONT EXTENSION: ESTHETIC AND ECONOMIC OUTRAGE

HON. JAMES C. CLEVELAND

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. CLEVELAND. Mr. Speaker, I take this opportunity to express my unalterable opposition to extension of the west front of the Capitol as an unmitigated economic and esthetic outrage.

Less than a year ago, in our action in the Legislative Appropriation Act of 1972, we defeated this architectural assault on the Capitol. Now the Commission for Extension of the Capitol and the Architect of the Capitol have again resurrected this discredited proposal in defiance of authoritative consultant findings to the contrary. The measure is scheduled for a closed vote of the Appropriations Committee on tomorrow, Thursday, April 5, and floor action the following week.

The timing could not be worse. As we approach the 200th anniversary of the birth of this Nation, we are being asked to obliterate the sole surviving portion of the original Capitol structure. And at a time of fiscal constraints, we are being asked to indulge ourselves and our leadership to a $60 million extravagance: more office space in the Capitol.

This project is totaly unwarranted on the basis of historical and architectural considerations, as well as being an outrageously expensive way to obtain a limited amount of space.

That the west front is in a deteriorated state and in need of restoration is beyond dispute. George White, Architect of the Capitol, has conceded as recently as this week that were it not for the condition of the west front, there would be no thought of extension. But we need not destroy the west front to save it. It can and should be preserved as a priceless piece of our heritage and can be at far less cost than a bloated extension.

COST

Cost alone should doom the extension. At a $60 million estimated cost, it would run $222 to $368 per square foot, depending on whose figures one accepts. This compares to $15 for a Holiday Inn, $30 for a home, $50 for the Rayburn Building and $58 for the new FBI headquarters, until now the all-time record. The $60 million extension estimate assumes no cost overruns, a hallucinatory expectation in view of our experience with the Rayburn Building.

By contrast, the architectural and engineering consultants commissioned by the Congress to study the restoration problem reported on December 21, 1970, that restoration of the west front wall could be done for $13.7 million to $14.5 million, depending on surfacing materials used. This has since been updated to $17 million. Mr. White feels it might cost $20 million, and could not exceed $30 million. Even if one attributed $20 million of the $60 million extension project to west front restoration costs otherwise needed, the $40 million in added space would work out to $148 per square foot of gross space, three times that of the cost of the most expensive public building to date.

Furthermore, Mr. George Hartman, who testified for the American Institute of Architects before the Subcommittee on the Legislative Branch, House Appropriations Committee, on March 8, has said that restoration costs may well have been overestimated.

Mr. Hartman informed my office today that he has spoken recently with engineers for the consulting firm, Praeger-Kavanagh-Waterbury, and concluded that their recommendations represent—

> The most comprehensive and expensive way to do it . . . It is my opinion and that of the AIA task force (on the Capitol) that less work may well be adequate.

SPACE NEEDS

Yet the extension is allegedly justified on the grounds of space needs. Mr. White personally inventoried space use and needs—concluding in the process that a fourth House Office Building is needed—and based his extension recommendations on an assessment of operations directly related to the operation of the Capitol. These include space for Members so they need not treck to their quarters in the House Office Buildings, a cafeteria, more space for the press, space for visitors—despite the $20 million voted for a visitor's center at Union Station.

In his own words, he took the position of an architect designing bedrooms for a client, offering no advice as to the size of the client's family. In other words, he totted up a wish list. As one member of the client family, I protest. I appreciate the honor, but I would rather walk.

ARCHITECTURAL HERITAGE

The Capitol is more than an office building. It has been aptly described as a working monument. I agree with the position expressed by Archiebald C. Rogers, first vice president, AIA, who said in testimony last month:

> We believe the original sandstone walls of the West Front should remain forever, so that future generations of Americans may read their country's heritage in the face of the Capitol.

I also find merit in the esthetic argument that the extension would tend to obscure the base of the Capitol dome when viewed from the west, diminish its prominence and obliterate the impression of separateness of the House and Senate wings.

ALTERNATIVES

Finally, I feel our space needs should first be met by a better use of existing capacity in the Capitol and the House office buildings. Consideration should then be given to an AIA-proposed alternative, underground space, which could well be provided at far less cost. Significantly, Mr. White has said it is a valid alternative.

But I must confess skepticism over any proposal for increased space based on an estimate calling for the west front extension and another House office building.

Members would do well to recall that the Commission on Extension of the Capitol commissioned the Praeger study to determine if certain standards could be met in restoration relating to cost, feasibility, safety, duration of work and degree of disruption of space while it is in progress. Transmitting his report, E. H. Praeger stated:

> Our studies indicate that while the Capitol is over one hundred and fifty years old and has been exposed to many adverse conditions, it survives in relatively good condition, attesting to the excellence of its builders and to the concern of those responsible for maintaining this, the national monument to our Republic.
>
> Based upon a detailed investigation of the west front walls, we conclude that under conditions indicated in the report, restoration of the west central front of the Capitol is feasible. Further, the restoration can be accomplished within the general guidelines set forth by Congress as a directive to the Commission for Extension of the Capitol.

Mr. Speaker, we must defeat once and for all this recurrent move to extend the Capitol beyond recognition and set about the task of restoring the west front in time for our bicentennial observance.

NATIONAL LIBRARY WEEK

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mrs. GRASSO. Mr. Speaker, expanding horizons are vital to a free people and it is the purpose of National Library Week to provide effective channels for citizens to expand their knowledge and reading skills through the use of libraries.

The National Library Week program is sponsored by the National Book Committee in cooperation with the American Library Association. The first National Library Week, in 1957, was planned as a week of celebrations and publicity for the printed word. The overwhelming response to the first National Library Week led to this annual program.

With library use and reading development as its theme, the National Library Week program emphasizes the importance of libraries in providing free access to all types and forms of public interest. It is the objective of National Library Week to remind the American people of the role that libraries play in helping citizens further their intellectual development.

The National Library Week program is pursued in the firm belief that through expansion of reading skills, and growth in knowledge and education, libraries can aid in our efforts to alleviate the social problems we face. A lifetime of continuing self-education through reading can help us keep abreast of any responsibilities to community and Nation.

National Library Week is also a means of recognizing the conscientious work and diligent efforts of the staffs of our Nation's libraries who provide essential services to assist library patrons.

Mr. Speaker, a salute to libraries is a salute to the storehouses of past and present knowledge. I am pleased to pay tribute to our libraries at this special time.

LEGAL AID SERVICE FUNDING

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. BROWN of California. Mr. Speaker, I am speaking today to show my support of H.R. 5109 to extend legal aid services under OEO at full funding, introduced by Mr. Bell of California.

What I am worried about is time. On June 30, of this year, OEO will cease to be a viable agency. And although the legal services agencies functioning under OEO have had funds authorized through June 30, 1974, there is no present guarantee that they will ever see the money to let them last that long.

Already many agencies have stopped taking new cases, or have put a freeze on present ones. Many of the backup research offices are in danger of closing up shop completely. What Mr. Nixon has told us is that his administration will soon be presenting us with a bill for a Legal Services Corporation that will take over for OEO. But where is the bill, and can he guarantee that when we get it, it will float through Congress, and be in effect by July 1, of this year.

Mr. Bell has admitted this is merely a stopgap measure to make sure these offices can stay open until the Corporation takes over. But I must ask, "What is wrong with that?" It is much preferred I would think, for the Legal Services Corporation to step into the shoes of functioning agencies instead of sifting through the remains of scattered carcasses looking for traces of organization.

In closing I would again like to urge my colleagues' immediate support for this measure.

At the conclusion of my remarks I insert in the Record a petition sent me by Robert Fabian. This petition was circulated at the eighth annual conference of Bar Association Presidents, held at Newport Beach, Calif., on February 18, of this year:

PETITION

Whereas, budgetary commitments by the federal government are uncertain with respect to several legal service programs in California; and

Whereas, because of such budgetary uncertainties, many legal service programs in California are terminating client intake; and

Whereas, the withdrawals of so many attorneys from so many pending cases present grave ethical and practical problems to all members of the bar of the State of California;

Now therefore, the undersigned members of the Bar of California urge the President of the United States and the California representative in Congress to act promptly to maintain existing operations of California's legal service programs, pending legislative action to resolve issues associated with the establishment of a national legal services corporation to fund and administer such programs in the future.

Signed by:

Florence J. Westfall, President, Colusa County Bar Assn.

Dorothy L. Steeves, President, Humboldt County Bar Assn.

Charles L. Convis, President, Shasta-Trinity Counties Bar Assn.

Robert P. Praetzel, Vice President, Marin County Bar Assn.

Leonard Shaw, President, Marin County Bar Assn.

Virginia S. Mueller, member, Women Lawyers' of Sacramento.

Mary Ann Winters, President, Solano County Bar Assn.

John F. Guinee, President, Alameda County Bar Assn.

John Loper, Vice-President, Alameda County Bar Assn.

William A. Johnson, President, Berkeley-Albany Bar Assn.

Burke M. Critchfield, President, Livermore-Amador Valley Bar Assn.

Guy Blase, President, Palo Alto Area Bar Assn.

Richard G. Mansfield, Pres.-elect, Palo Alto Bar Assn.

Conrad L. Rushing, Vice-President, Santa Clara County Bar Assn.

P. Brien Wilson, President, Sunnyvale-Cupertino Bar Assn.

Robert H. Fabian, Pres.-elect, Bar Assn. of San Francisco.

Richard B. Morris, General Counsel, Bar Assn. of San Francisco.

Stephen Barnett, Vice-President, Fresno County Bar Assn.

Harold D. Sandell, President, Fresno County Bar Assn.

Kenneth N. Hastin, President, Kern County Bar Assn.

Charles E. Aguilar, President, Stanislaus County Bar Assn.

Anna White Garlund, President, Tulare County Bar Assn.

Lawrence Shostak, Vice President, Monterey County Bar Assn.

William A. Brace, President, Santa Barbara County Bar Assn.

Orlan S. Friedman, Pres.-elect, Beverly Hills Bar Assn.

Walter L. M. Lorimer, President, Beverly Hills Bar Assn.

Arnold J. Stone, Pres.-elect, Century City Bar Assn.

Dennis Schmitz, President, Harbor Bar Assn.

Marcus O. Tucker, President, John M. Langston Law Club of L.A.

Harold I. Cherness, President, Lawyers' Club of Los Angeles.

Walter J. Desmond, Pres.-elect, Long Beach Bar Assn.

Edwin J. Wilson, President, Long Beach Bar Assn.

Richard M. Darby, President, Pasadena Bar Assn.

LeVone A. Yardum, Vice President, San Fernando Valley Bar Assn.

Betty J. Morris, Vice President, Women Lawyer's Assn. of Los Angeles.

Roberta Ralph, President, Women Lawyers' Assn. of Los Angeles.

Ben Cohn, President, Inyo County Bar Assn.

James W. O'Brien, President, Orange County Bar Assn.

John L. Newburn, President, San Diego County Bar Assn.

Lucy K. McCabe, California Rural Legal Assistance.

Joel S. Primes, Gerald D. Shoaf, Richard J. Ward, William A. Carroll, Michael H. Clepper, James H. Kovacs, Robert D. Raven, William L. Todd, Jr., Shirley A. Schuster, Gerald Winerman, Roger W. Blakely, Jr.

STATE AND LOCAL AUTHORITY VERSUS FEDERAL DOMINATION

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. CRANE. Mr. Speaker, the American people are increasingly being ruled by men and women whom they do not elect and who are not obligated to return to them at stated intervals for their judgment.

One result of this situation is that more and more citizens feel out of control of their own Government. They feel that it is not responsive to their own wants and needs and in many instances, they are correct.

The Federal system established in our Constitution is one of strict checks and balances and division of powers. It was the belief of the Founding Fathers that Government should be kept as close to the people as possible, and that the National Government should do only those few things that could or should not be done at the local level.

Today, the checks and balances and division of powers have seriously eroded. Today, Washington is involved in every aspect of our lives—from agriculture to health care to education—and beyond.

Discussing this unfortunate trend, Prof. Charles S. Hyneman, former president of the American Political Science Association, noted that—

> Elected officials ought to be firmly in charge of the government . . . the men and women we put in charge of the national government are not now maintaining that measure of direction and control.

He predicts that—

> This unacceptable condition is bound to get worse unless we reverse a long-developing trend.

The best answer to this problem, declares Professor Hyneman, is:

> Putting a larger share of governing in our state and local governments. I am convinced that we can do this with rewarding consequences if we make up our minds that we ought to and must . . . . Local self-government was invented so that each community could have its own preferred services and its own preferred regulations. The glory of the American federal system has been its provision that the people of each state should live under their own code of laws.

In addition, Professor Hyneman urges more autonomy and less Government interference in the lives of individuals. He writes that:

> I am a strong believer in variety, in a diversity of policies and opportunities that pro-

vide for you to go your way and me to go my way. This means that I want to preserve the autonomy of businessmen and business firms and encourage free association in social organizations, and so insist that there must be mighty good reason for propelling government into some new area of American life. It means also that I think all government business that can be handled satisfactorily in the state house, city hall, or county courthouse ought to be put there and kept out of Washington.

I wish to share with my colleagues the thoughtful analysis of our current political situation by Prof. Charles Hyneman which appears in the April 1973 issue of the Alternative, and insert it into the Record at this time.

[From the Alternative, April 1973]

STATE AND LOCAL AUTHORITY VS. FEDERAL DOMINATION

(By Charles S. Hyneman)

I believe that the question of where to put the power to govern this nation is of great importance and calls for a most serious re-examination right now. I have been asking questions about it, reading about it, and thinking about it for some time and I shall tell you as simply as I can what I think we are up against and what are some alternatives available to us.

But first, you should know something about the presumptions which guide my thought and the prejudices which may limit what I see and shape my conclusions.

One: I am 100 percent committed to popular self-government. I believe that elected officials ought to be firmly in charge of all important business of government in which there are significantly different judgments as to what ought to be the main lines of public policy. This does not mean that I think judges of the U.S. Supreme Court and superintendents of Army Hospitals ought to be elected, but it does mean that I think we now let administrative bureaucracies fix a lot of policies that ought to be debated and voted on in Congress.

Two: I am a strong believer in variety, in a diversity of policies and opportunities that provide for you to go your way and me to go my way. This means that I want to preserve the autonomy of businessmen and business firms and encourage free association in social organizations, and so insist that there must be mighty good reason for propelling government into some new area of American life. It means also that I think all government business that can be handled satisfactorily in the state house, city hall, or county courthouse ought to be put there and kept out of Washington.

Three: I think the national government now has more business than the elected officials (Congress and president) can adequately look into and look after, and I have no doubt that they will succumb to public demands that result in their taking on additional burdens. Unless the American mind takes a turn which I do not foresee, this assumption of new business will not be balanced by returning an equal amount of old business back to the private sector. Government in the United States is destined to reach further and further into our lives, unless I am a much worse prophet now than I have been in the past.

So we have come to the first question that I want to ask you and express a few opinions of my own about. What can we do to make sure that the persisting and enlarging volume of public business is attended to intelligently, with minimum costs and maximum gains to the American people? It seems to me that our present answer, a policy of continuously delegating power to national bureaucracies, is unacceptable. We have more administrative organizations now than Congress or the president can effectively oversee. Several of them are too big to be manageable even if Congress and the president did try to subject them to strict control. And finally, in my opinion, we are embracing a poor instrument for attaining the answerability to the people which the Founding Fathers had in mind—when we lodge a wide range of choices to fix public policy in officials whose names and reputations for prior achievements are unknown to the people they govern.

So I approach this question with two conclusions and a prophesy. A conclusion of principle—that elected officials ought to be firmly in charge of the government; a conclusion of fact—that the men and women we put in charge of the national government are not now maintaining that measure of direction and control; and a prediction—that this unacceptable condition is bound to get worse unless we reverse a long-developing trend.

What can be done, either to improve the ability of Congress and president to do well what they undertake, or to relieve them—more responsibly—of lesser business that hinders their addressing matters that ought to have first priority? Three possible alternative courses of action must be considered. Stated as questions they are: 1. Can we make the White House and Congress more efficient? 2. Can the congressmen allocate the public business among themselves in some way so that no congressman has to divide his attention among as many things as he does now? 3. Can we raise our state and local officials to a new level of importance by handing over to them sectors of public policy which up to now we have been entrusting to administrative departments of the national government?

I see little promise indeed in the first course of action—increased efficiency. As for greater efficiency in the White House, I think we can dismiss that from our minds altogether. The White House is one of our most revered national monuments. It must be visited by a few hundred thousand persons each year, and I suspect that a full third of the persons who go there are experts from the Bureau of the Budget who are trying to show the president how to use his staff more efficiently.

The Budget Bureau's experts stay away from Congress and no doubt a great deal more inefficiency abounds at that pole of the political planet. Congress took a magnificent step to improve the conduct of its affairs by restructuring committees and making better provision for research aids in 1946, and many congressmen think the time is ripe for another overhaul. But improvements of this order, desirable as they are, offer little promise, in my opinion, of freeing Congress for sufficient time to apply their wisdom to public policies. Far more would be gained if we could capture for more important uses the countless hours of time that congressmen give to constituents who insist on bringing little problems to the mightiest official to whom they have access. I am conservative in estimating promise of improvements in that sector, however, for I am one of those who believe that it is a good thing for a congressman to look a constituent in the face pretty often and be reminded that he was elected to serve the people and that he ought to know what the people are thinking.

The second suggested course of action, relocating within Congress the power to take final action, is one that I have not studied. The members of the lower house are relieved of a considerable amount of study and time in debate by not being required to approve treaties and advise and consent to the president's appointments. The Senate's time is conserved by the fact that it leaves most of the work on appropriation bills to the House of Representatives. It may be that there are other areas that can be turned over entirely to one or the other of the two legislative chambers without loss of wisdom or risk of injustice to any sector of the population.

There may also be some kinds of business that can be turned over entirely to a joint committee of one of the two houses, as I believe was the case with claims against the government at a time when it was thought that the claims ought to be adjudicated by elected officials rather than a court. If public policies of signal importance are to be decided finally within a committee, it will of course be necessary to make sure that the members of the committee are representative of the people whose interests are affected by the committee's decisions. The difficulties I see in identifying publics that need to be represented and apportioning committee memberships among the different public strips me of any hope that much can be gained by this course of action.

So we are led up to the third course of action I mentioned: putting a larger share of governing in our state and local governments. I am convinced that we can do this with rewarding consequences if we make up our minds that we ought to and must. I am well aware that many people are fully convinced that this is not a feasible course of action. I am acquainted with the arguments they offer to support their point of view. I think they are influenced by two great errors in judgment. They put too high a value on equality of condition and uniformity in the application of public policy. And they have too low a regard for the ability of the American people to construct responsible governments, elect honest and intelligent officials, and put brakes on the excesses to which elected officials too often succumb.

It is a fact, and I attach great importance to it, that we are already engaged in a conscientious and persistent effort to improve our state and local governments. And with salutary if indeed not exemplary results in many places. Further, we have at hand a large body of thinking packaged and available for widespread distribution. Much of it comes to a head with precise proposals: formulae for replacing inefficient and haphazard government with efficient and responsible government, redrawing state boundaries, UNI–GOV for every metropolitan area, full-time state legislatures, and so on.

Personally, perhaps more as an incident of temperament that as a consequence of overpowering proof. I distruct formulas that are made to fit unexamined situations. The conditions that give a political jurisdiction its prominent characteristics and its most troublesome problems are various, not uniform and constant. The lesson I think I have learned is that every community presents its own set of problems, its own set of highly developed or underdeveloped resources of leadership and civic virtue, its own strengths upon which it can build and its own weaknesses against which it must guard. The needs of each place and the options available to it are not so peculiar, however, that nothing can be learned from the experience of people in other places. I am a great believer in models as a stimulant to thought and a guide to learning. Surely one of the first things to do in preparing ourselves for more vigorous, more costly, more important government at state and local levels is to spread across the nation succinct but reliable accounts of successes and failures in governmental improvement containing lessons from which people in other places may profit.

Hand in hand with the contention that state and local governments are not fit for further governing responsibilities goes the assertion that they cannot meet the costs involved in a bigger scale of operations. We encounter some difficulties in fitting income to costs, but I think they have been exaggerated. Possibly it will cost the American people more, but I do not see why it should cost them much more to regulate themselves and provide needed services, through state and local authority rather than through the great national bureaucracies we now employ. We must make certain that when governmental responsibilities are moved to another level, the money necessary for the operation is part of the transfer. Congress now delegates enormous areas of authority to the administrative departments and it annually appropriates billions of dollars to pay for their work. It can turn that same delegating and appropriating machinery in another direction. It can devolute governing authority to state and local governments as readily as it can delegate administrative organizations, and it can allocate the money it controls to state and local governments as easily as it appropriates to the bureaucracies it nourishes in Washington.

But there is a hitch here—more than a hitch, a positive danger—and I hope not to underestimate it. Congress can hold the federal administrative department to some measure of accountability for its operations and its performance, and it does so in its annual budgetary review. I do not believe that Congress can hold the state governments accountable for the use of money with any comparable degree of success. The Washington administrative department is expected to have a rationalized program. Each sector of its operations seeks a high measure of uniformity in its impact on people wherever in the nation they happen to live. A veteran of the House Appropriations Committee learns enough about the program to ask sharp questions about the execution. But if we turn a billion dollar operation over to the state and local governments, the uniformity and the homogeneous character of the program ceases. The operation explodes. Diversity becomes the rule rather than the exception. Variation in styles of administration replaces the consistency in style which marked the administration when it was seated in Washington. This transformation from uniformity to diversity is inevitable because this is what we wanted to happen when we said: Get this business out of Washington and put it in the state house or city hall.

Some of Congress' concern to hold the spenders responsible for their use of money can be satisfied by setting up officials in Washington to maintain a watch, but that encourages a prospect that the small reviewing office will transform itself into a bureaucracy that insists on imposing uniformity on the local administrators just so that the bureaucrats can be sure they understand what is going on well enough to report it to Congress. Surely this is just what we are trying to get away from when we endorse devolution to the states and localities where the people live.

Shall we then instruct Congress to give the money to the states without strings attached, to give it without requiring those who spend the money to answer effectively for the way they use it? Or shall we require Congress to limit the amount it extracts from the taxpayers and tell the state and local governments to go directly to the taxpayers for the increased amounts they are bound to need. And if we do the latter, open up the personal if not the corporate income tax as a main source of state and local revenue, will the people back home impose any more or any less accountability upon the legislatures and city councils than they would impose upon Congress if Congress did all the taxing and made gifts to the states.

Judgments differ as to how we can best handle this problem of moving public revenues hand in glove with the transfer of government functions. Good minds are at work on the problem and I am impressed that we are advancing toward a full comprehension of what is involved in assuring that state and local officials will be provided with the money they actually need under conditions that require them to justify the things they do with what they get.

One further point must be made about the obstacles which must be surmounted in bringing about a dispersion of government to the state and local capitals. I speak of a state of mind that has taken hold of the American people with increasing intensity during recent years. Not just our talk but our behavior makes it clear that we have a compelling commitment to equality, and that leads to a fixation on uniformity in the impact of government on individuals. Determined that individuals living side by side as well as far apart who are caught up in competition for something of value shall enjoy equal protection of the law, we leap to the conclusion that Americans living anywhere within the national boundaries must be subjected to identical law. The only way to guarantee that one rule of law will extend over the whole nation is for Congress to enact the legislation, for a monolithic bureaucracy to enforce it, and for a national Supreme Court to review and revise the variant interpretations of each statute.

Local self-government was invented so that each community could have its own preferred services and its own preferred regulations. The glory of the American federal system has been its provision that the people of each state should live under their own code of laws. I recognize the necessity of calling national authority into action when any lesser political jurisdiction withholds elementary justice from any part of the population. If it becomes evident that the only way a black man can be assured of the right to vote in Mississippi is for federal agents to register voters and sit at the polls on election day—if that is the only way they can be assured the right to vote—then I agree that local registration and election officials will have to move over and let the federal officers take charge. The assurance of elementary justice is not what I am talking about when I say we have an over-developed attachment to uniformity in the application of law. I am not talking about the need for the federal government to come into a state or community to make sure that a minority group gets the fair deal in public services which is denied to them by state or local public authorities. I think that redress of local injustice by the national government is imperative.

What I have in mind when I warn against an exaggerated affection for uniform application of laws is a supposition that the surest way to prevent injustice is to have one government govern everybody. What I deplore is the supposition that national rules and regulations must cover, say, the growing of tobacco in order to escape the disadvantage some one might suffer if the rules governing measurement of tobacco fields in Kentucky differ a little bit from the rules governing measurement of tobacco fields across the state line in North Carolina.

The issue now before the Supreme Court relating to the financing of public education invites inspection in this connection. It seems to me to be a sound principle that some of the money stripped off of the wealthier communities of the state by taxation ought to be invested in the improvement of education in the poorer communities of the state. If this is a good rule for education, then it seems to me to be a good rule for health services, care for the aged and the crippled, and a good many other services we expect government to provide. If the judges conclude that the equalizing of services is mandated by the Constitution, inherent in the laws' equal protection requirement, how can the judges escape concluding that the quality of essential services in poverty-ridden West Virginia must be brought up to the level of the same public services in the far wealthier states of Ohio and Pennsylvania? If all the communities of the nation must be brought to the same quality of service, how would you guarantee that result except by a mass of ever-changing regulations of nationwide application enforced by a number of ever-enlarging federal bureaucracies? And if the great swarm of regulators bring all parts of the nation to the same level of public service, who will run ahead of the rest and set models for the less imaginative communities to imitate?

I do not predict that the Supreme Court will immediately project us upon this course of all plains and no mountains, all lock step and no pace setting. I do say that there is a mood hovering over the nation, a sentiment settling heavily upon great numbers of American people, which favors equality of condition and uniformity in the application of law. It is a mood and a sentiment which, if it persists and dominates our political philosophy, will negate any hope you or I may have of returning government of the American people back to the states and the communities where the people live.

LEGITIMATE ACCESS FOR AMERICAN GOODS TO FOREIGN MARKETS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. DERWINSKI. Mr. Speaker, the State of Illinois Senate adopted a resolution introduced by Senator Harber Hall which calls upon the Federal Government and, more specifically, the Congress to take the necessary steps so that American goods have a legitimate access to foreign markets. I believe this is a very timely resolution, and it demonstrates the responsibility and leadership which is reflected in the Illinois State Senate. I insert the resolution into the Record at this point:

Resolution

Whereas, The State of Illinois, the industrial, commercial and agricultural center of the great heartland of the United States, has long been a leader in world trade, with 300,000 of its citizens engaged in employment related to exports; and

Whereas, Illinois ranks second in exports, with 1972 exports amounting to $3.7 billion, with manufactured goods representing about 75 percent, and agricultural products about 25 percent, of the $3.7 billion; and

Whereas, Growth in world trade is threatened by artificial trade barriers, in countries which deny our exports the same access to their markets which we allow their imports to ours; and

Whereas, The failure of some countries to carry out the intent of agreements is preventing the export of our products, and the import of some of theirs, with adverse effect upon some of our industries and their employees; and

Whereas, Open trade promotes the continuation of peaceful interchange between the nations of the world and improves the standard of living of the peoples of all nations; therefore; be it

Resolved, by the Senate of the Seventy-Eighth General Assembly of the State of Illinois, that the State of Illinois, in its position as an international center of manufacturing, agriculture, trade and finance, reaffirms its vital interest in world trade; and be it further

Resolved, That we, the State of Illinois, in the spirit of fair and equitable free international trade and continuing progress, call upon the Government of The United States to take urgent action to assure to all Americans access to the fruits of their labor in foreign markets equal to that which our nation grants to goods produced in foreign lands; and be it further

Resolved, That a copy of this preamble and resolution be transmitted by the Secretary of State of Illinois to each member of the Congress of the United States from Illinois.

LEGALIZING ABORTION

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. HOGAN. Mr. Speaker, ever since the Supreme Court handed down its January 22 decision legalizing abortion there have been numerous articles published around the country on the effect of the ruling and the rights of the unborn.

Today, I would like to call the attention of my colleagues to an article by Philip Nicolaides that I feel is particularly enlightening on the subject:

A MATTER OF LIFE, DEATH: ABORTION RULING AND THE RIGHTS OF THE UNBORN

(By Philip Nicolaides)

Today in America at least two little children are alive and well in adoptive homes because when they were developing in their mothers' wombs the Supreme Court of the United States had not yet concluded that their mothers had the right to have them killed before birth. They are the children of the two women (one in Texas, one in Georgia) whose appeals resulted in the court's Jan. 22 decision overturning the anti-abortion statutes of almost every state in the Union.

This is a fact worth contemplating for a moment. These two children are alive. They would not be alive today if the court's decision had been made a few years earlier. Their being alive reminds us that the court decided on a matter of life or death, the life or death of unborn human beings. And the court professed to discover in the "penumbra" of the Bill of Rights and the 14th Amendment—an amendment which guarantees the right to life—a new right, the 'right' to kill unwanted or inconvenient unborn children.

Much has been said of the arrogant judicial usurpation of legislative function which this decision represents. No one has put it more trenchantly than Justice White in dissenting (along with Justice Rehnquist):

"I find nothing in the language of history of the constitution to support the court's judgment. The court simply fashions and announces a new constitutional right for pregnant mothers and, with scarcely any reason or authority for its action, invests that right with sufficient substance to override most existing state abortion statutes. The upshot is that the people and the legislatures of the 50 states are constitutionally disentitled . . . (The decision) is an improvident and extravagant exercise of the power of judicial review . . ."

It is regrettably true that in this decision the Court has grossly over-reached its proper function. That is an important point. But not the most important point. For we are dealing here with a matter of life and death. And the Court has decided for death on the basis of a "right of privacy" which it admits is nowhere found in the Constitution. It is the substance of the decision, not the legalities, which makes it not just bad law but infamous.

After a rambling and superficial disquisition on the history of abortion law, Christian and pagan views on the subject (the Court candidly favors the latter), and other related subjects, the majority opinion concludes that the Court is incapable of determining when life begins and/or becomes protectable by any state.

It rebukes Texas for basing its law on the theory that life begins at conception and then perversely proceeds to impose on Texas and all the other states the theory that life does not begin at conception but possibly (it is up to the states to decide this) three months before birth.

Even here the states' power to protect the unborn is vitiated by the Court's insistence that the nebulous consent of the "health" of the mother can take precedence over the life of the child. And in the midst of this farrago of contradictions and obfuscations Justice Blackmun, the author of the decision, carelessly lets the cat out of the bag by using the phrase "unborn children."

That's what it's all about, unborn children, and their right to be protected from lethal procedures. The pro-abortionists use every smokescreen, every sophistry imaginable to obscure this fact. But common sense, common speech, medical evidence and even their own unguarded statements betray them.

It is a commonplace of medical parlance to say that when a woman becomes pregnant her doctor has "two patients." Dr. Liley, the father of fetology (medicine practiced on the unborn), writes about "the same baby we are caring for before and after birth, who before birth can be ill and need diagnosis and treatment just like any other patient."

The "Declaration of the Rights of a Child," passed by the United Nations General Assembly in 1959 states clearly: "The child needs safeguards and care, including appropriate legal protection, before as well as after birth."

And in a pamphlet issued in 1963 by Planned Parenthood (an organization that now supports permissive abortion laws) the following revealing sentence appears: "An abortion kills the life of a baby after it has begun."

There are many other aspects to the abortion controversy, but this one is central. It is a matter of life and death. Tragically the Supreme Court by its 7–2 decision has sided with death. By supporting the amendments to overrule this decision, amendments being introduced by Congressman Hogan, Senator Buckley and others, Americans can still side with life.

In the Spring of 1971 President Nixon expressed his strong convictions on the "sanctity of human life—including the life of the yet unborn." We can urge him to speak out again and instruct the Solicitor General of the United States to intervene. It's a matter of life and death.

FEDERAL EMPLOYEE LABOR-MANAGEMENT ACT OF 1973

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. ROSENTHAL. Mr. Speaker, I am today introducing the Federal Employee Labor-Management Act of 1973.

The Federal Government is the Nation's largest employer and there is no reason why the people who work for it should not have the same rights as those who work in the private sector of our economy.

Federal workers must have the right to engage freely in labor union activities, including forming, joining and running these unions, without any fear of reprisal from the Government. This includes negotiating contracts and disputes on behalf of union members.

This bill creates a Federal Labor Relations Authority consisting of three members appointed by the President of the United States. The three would be selected from a list of 10 submitted by the president of the American Arbitration Association.

I believe that enactment of this legislation will not only help protect the interests and rights of Government workers, but it will also make Federal service more attractive to potential employees as a career.

FIRE PREVENTION SEMINAR

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. EILBERG. Mr. Speaker, the Philadelphia Fire Department, the Nation's finest municipal fire department, will conduct its fifth annual Fire Prevention Seminar from June 13 through June 15, at the Philadelphia College of Textiles and Sciences, in Philadelphia.

The 3-day seminar will study fire safety and prevention in industries, institutions, hospitals, and schools, and the role of the fire service in the community today.

The fire department's fire prevention division is sponsoring the seminar in cooperation with the citizens fire prevention and public relations committees, which has formed a subcommittee chaired by Joseph T. Gibbs, safety coordinator, Smith, Kline, and French, to assist in promoting the meeting.

Fire Commissioner Joseph R. Rizzo said that the seminar is designed to improve fire safety and prevention practices in hospitals, schools, industries, and institutions through the exchange of useful and informative data that will promote the implementation of sound safety practices.

He added that it also hopes to be able to enlarge and develop new programs of fire prevention that may be successfully inaugurated throughout the country.

The four previous seminars attracted over 1,000 persons representing some 28 States and 126 cities from as far west as Las Vegas, Nev., and as far south as Tampa, Fla.

Registration fee for the seminar is $50 and covers lectures, demonstrations, breakfast, and lunch all 3 days and a concluding banquet.

Registration for just 1 day of the seminar is $20. The first day of the meeting will cover fire safety in industry, the second day, hospital and nursing home safety, with the final session devoted to fire prevention in schools.

For further information about the 3-day conclave, write Seminar V, Fire Prevention Division, Fire Department, 1328 Race Street, Philadelphia, Pa. 19107.

FINANCING BALANCED TRANSPORTATION

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. FORSYTHE. Mr. Speaker, as the present energy crisis becomes ever more serious, we become more and more aware of the need to find ways of conserving fuel.

In southern New Jersey, we have a fantastically successful rapid transit system called the Lindenwold High Speed Line, which carries over 40,000 people a day between Philadelphia and south Jersey at less than half the cost of driving their cars and with more efficiency and safety.

Louis T. Klauder, who has been selected Engineer of the Year in the Delaware Valley as well as in New Jersey, discusses the high speed line and the need for additional similar facilities throughout the Nation, in an address which he gave at a luncheon in his honor.

Mr. Klauder believes, and I agree, that we have got to shake loose from the philosophy that mass transportation must be entirely self-supporting and that, in the long run, it would be cheaper and more environmentally efficient, to finance, instead, good mass transit systems.

Mr. Klauder's address is significant and important reading, Mr. Speaker, and at this point I wish to share it with my colleagues:

FINANCING BALANCED TRANSPORTATION

(By Louis T. Klauder, P.E.)

I am of course very pleased to be Engineer of the Year in the Delaware Valley, and I am also pleased that the theme of Engineers' Week this year is the promotion of mass transit.

One of the goals of Engineers' Week is to encourage engineers to leave their comfortable shells and provide information and leadership to the community in those areas in which they have special competence. It is appropriate therefore that engineers should speak out and lend their support in solving the second most serious problem affecting metropolitan areas; namely, the problem of mass transportation. A recent Gallup poll found that this problem was second only to crime.

Ever since the depression the public generally, and decisionmakers in particular have recognized that there was a transportation problem, but any reasonable solution to the problem appeared to be so unattainable that they despaired, and did nothing, except build highways.

Suddenly, the situation has changed in a way that would not have appeared possible just a few years ago. Some new words have been added to our vocabularies, such as: pollution, ecology, urban sprawl, and energy crunch. For the first time in 57 years the United States Congress did not appropriate a single cent in 1972 for new highway construction. It is almost certain that in 1973 Congress will appropriate 3 billion dollars for mass transit on the same 90 percent federal funding and 10 percent local funding as is used for highway support. It is also anticipated that in most metropolitan areas, automobile gas taxes will be available to finance the local one-fifth share of *any* transportation project, not merely for highway projects, as has been the situation in the past. A proposal of this type was proposed for Pennsylvania just last week.

The reasons for this very encouraging shift in public opinion are: a new appreciation of the importance to the entire metropolitan area of an economically healthy center city business district; the fact that automobiles hurt rather than help a central business district; the fact that high quality rapid transit is more attractive and less expensive to both the community and the user than equivalent highways; the fact that rapid transit reduces pollution and preserves the ecology; the fact that rapid transit requires only one-fifth the energy that automobiles need; the fact that rapid transit is so much safer than automobiles; and the realization that the public has a responsibility to provide transportation for children, infirm, aged, and those who don't own cars—the same kind of responsibility that it has to provide fire protection, water, sanitation and police.

All of these reasons can be summarized in a single sentence; namely, that "Good mass transit improves the quality of urban life for all the citizens in a metropolitan area."

The reason that it has taken so long for the public to accept these very simple and obvious facts is that in the early nineteen hundreds, the promotion, financing and operation of mass transit systems was a very profitable private business.

The public has finally been forced to accept the fact that no private interests are the least bit interested in financing mass transit systems today. Those private operators who couldn't sell their existing systems to some public body, raised fares as fast as possible and as ridership dropped, reduced the quality and extent of the service, until finally the lines just ceased to exist.

Perhaps the most critical question that can be asked, when considering the building of a new rapid transit system, is: "Do we really care if business leaves the central business district and moves to the suburbs?" In view of the fact that the city and the suburbs compete for new businesses and for the taxes that businesses pay, it can be assumed that the city would care a great deal if it lost any businesses, but that each suburb would hope that businesses would leave the city and relocate in it. Presumably, neither group would be happy if businesses just left Philadelphia for New York or some other major city. What really is happening is that no one wants the center city to deteriorate; the suburbs would just like to receive some of the taxes which center city businesses now pay. As businesses have left the cities there is a real question as to who should pay the taxes in a city if business doesn't. Certainly the suburbs don't want to. But there are a good many indications that city and county boundaries may prove to be very feeble barriers to the flow of taxes if the cities are no longer able to pay their own way. The financial bind in which the Philadelphia School Board finds itself may very well be the trigger which will cause the courts to order the suburbs to help pay the cost of education in Philadelphia. In the face of this threat, I suspect that there isn't a responsible suburban political leader around, who would claim that he had no interest in the future of the central city, or argue against a proposed rapid transit line, for the reason that it would help only the central city.

I live in Burlington County, New Jersey. This is really a distant suburb. I hear no comments that we don't need good rapid transit there, or that a new transit system would help only central Philadelphia. Just the opposite is true. I am constantly being asked when rapid transit will come to Burlington County. My neighbors feel that this will make us more accessible to the city; that it will increase land values; that old houses which have been converted to apartments will be rebuilt into one-family homes; that executives will move to Moorestown and build high priced homes; and that the entire area will be more attractive. As I am sure all of you know, the lack of good public transportation has long impeded the economic growth of South Jersey.

For as long as I can remember we have solved our metropolitan transportation problems by building more highways. Those who still rode the old transit systems switched to automobiles as soon as they could afford it, and often before. The more highways we built the worse the traffic congestion seemed to be. The additional cars put pressure on parking lots. It became profitable to tear down buildings to provide parking space. The city lost taxes, the motorists paid high parking fees. Drivers complained of traffic congestion. Everyone dreamed of the clean air, the traffic-free roads, and the adequate free parking which were available in the suburbs, and the flight of businesses from the center city accelerated. In the center city the new highways created more problems than they solved.

During this struggle to solve urban transportation problems with highways, city after city found that the city taxpayers were subsidizing motorists, to a much greater extent than they had realized. The most recent report from Atlanta states that its taxpayers subsidize motorists to the extent of 13 cents for every gallon of gasoline consumed in the city.

In Philadelphia Mayor Richardson Dilworth persuaded the Delaware River Port Authority to build the Lindenwold Line. Once persuaded, the Port Authority decided that if it was going to have a rapid transit line, it wanted to have a good one. It insisted that it be much faster than a private automobile, 75 miles per hour top speed, and an average of 40; that it be comfortable, quiet and safe; that service be very frequent—even in the off-peak there is a train every 7½ minutes. Trains all night; a seat for everyone; fares no higher than local bus fares; half price transfers to the SEPTA system in Philadelphia; and enough free parking for everyone who wanted to drive to a station. It even insisted on air-conditioned cars, at a time when air conditioning in rapid transit cars was unheard of. In an effort to provide a gracious atmosphere for the riders, they prohibited advertising in the cars.

You all know the result—10,600 people a day who had not previously used any form of mass transit now prefer rapid transit to their own cars. The Line carries over 40,000 riders a day. That is double the ridership on the Paoli local, even though the Paoli local is 50 percent longer and runs through a much more densely populated area.

There of course is a very good reason for this patronage. No driver can possibly get to center city in his car as quickly, as easily, as comfortably, as safely, or as inexpensively as he can go by the Lindenwold Line. Little by little people are learning this, and no matter how much they love their automobiles, if they are going where the Lindenwold Line goes, sooner or later they try the Line, and once they try it, their car loses some of its appeal. Patronage is still growing at the rate of 13 percent per year, in spite of a recent 25 percent fare increase, and apparently it will continue to grow as long as the riders can find free parking spaces at the stations.

Everyone knows that the Lindenwold Line cost almost $100 million, and that the average fare is sixty cents. This fare covers the full operating cost, but not the capital cost. No urban planner would dream of proposing an 8-lane highway and bridge which would have capacity for 8,000 passengers an hour in each direction between Haddonfield and central Philadelphia, but if such facilities were built, they would cost a great deal more than $100 million and at least $650,000 per year in tax support for operation. In addition, the average cost to drive a car in town is $3.00, compared with $1.20 on the Lindenwold Line. Therefore, both the taxpayers and the riders save as a result of the construction of the Lindenwold Line.

Among engineers I need hardly stress the fact that rapid transit eliminates almost all of the automobile pollution and that it requires only one fifth as much energy as a comparable number of automobiles. If and when automobiles are equipped with the new anti-pollution facilities, the energy ratio between automobiles and rapid transit may increase to ten to one.

From the point of view of safety, there is almost no comparison. Highway deaths average 2.3 per 100 million passenger miles. Transit deaths are less than 0.1. This means that transit is 23 times as safe as an automobile. Actually, it is much safer even than that. The automobile figures are for all automobiles and there are more automobile accidents in the cities than there are on freeways. The transit figures include buses, and there are more accidents on buses than on rapid transit.

Rapid transit has another very important advantage that all rail transit riders appreciate, but of which motorists might not be aware. The transit rider looks forward to the ride as an opportunity to read on the way to or from work. For two 15 or 20-minute rides a day, this amounts to one-half to ¾ of an hour a day. Most of us value this extra time very highly.

So everybody gains when a rapid transit line is built. The city which needs people but doesn't want automobiles, the taxpayers who would otherwise pay to build and operate the much more expensive highway alternative, the passengers who save time, money and lives, and finally the suburban communities which become much more attractive places in which to live because of their excellent transportation. After all, that was what made the Main Line so much more attractive than South Jersey for so many years. It had, for its time, excellent transportation.

During the same period that the Lindenwold Line was disproving the old myth that automobile drivers wouldn't ride mass transit even if it were free, new lines in Toronto, Montreal, Mexico City, San Francisco, Stockholm, London, Paris, Tokyo, Munich and Santiago were showing the world just how attractive rapid transit could be.

As a result, 40 cities around the world are now proceeding to build new rapid transit systems.

You may very well ask why we don't have a lot more Lindenwold Lines if they are so popular, save so much money and benefit both the center city and the suburbs. The answer is very simple. It is the problem of financing. Until the passage of the Urban Mass Transportation Act in 1970, all mass transit improvements had to be financed 100 percent with state or local tax money. The competition for these funds is of course very intense, with education, health, welfare and crime prevention having unavailable priorities. It is no wonder that most of the nation's rapid transit lines are relics of the period between 1890 and 1910 when private capital could still make money operating transit systems. Very few cities could afford the luxury of spending tax money on transit projects before there was federal support.

In comparison, most states, including Pennsylvania, had dedicated gas taxes. This means that the money which is raised by state gas taxes can be used only for highways. As a result, highway planners do not need to compete with education, health and the other necessary government services for the money with which to build highways. And, as if that were not sufficient reason for solving all transportation problems by building highways, the Federal government also levies gas taxes which can be used only for highways. The Federal government provides up to 90 percent of the cost of new highways and requires as little as 10 percent to be raised by state and local taxes—usually by state gas taxes.

Transportation is not merely a highway problem. It is also a railroad problem, a transit problem, an airway problem, and to a lesser extent a maritime problem. All are interrelated and should complement each other. None can stand alone and ignore the others. Of course in metropolitan areas the major concern is mass transit.

Unfortunately, the availability of the almost unlimited funds from unseen gas taxes, which can be used only for highways, gave hard-pressed government officials no other option than highways. No matter how desirable a transit project might be, and no matter how much better or less expensively a transit solution might solve a transportation problem, the answer could only be to build more highways.

Over the years however public pressure has steadily mounted for a more rational method of deciding how to solve transportation problems.

In 1963 the Delaware River Port Authority decided to use money from highway vehicle, bridge tolls to finance the Lindenwold Line. In New York the Port of New York Authority decided to do the same thing to finance the acquisition and modernization of the old Hudson Tubes now known as PATH. Chicago taxed automobile parking lots for support of mass transit. In California the legislature authorized the Golden Gate and Bay Bridge Authorities to use automobile tolls to finance transit projects. Then California, Virginia, and Michigan imposed additional gas taxes specifically for transit projects.

In 1970 Congress appropriated one billion dollars a year for five years to finance transit projects on the basis of two-thirds federal money for one-third local money. Unfortunately, the federal and local funding both still came from non gas tax sources.

In 1972 there was a tremendous debate in Congress over the very critical issue of the diversion of gas tax money from highways to transit. A bill was introduced to make three billion dollars of federal gas taxes available for mass transit projects, in those instances in which local governments wanted to use these funds for transit. The basis was four-fifths federal funds to one-fifth local funds. This bill passed the Senate and was supported by the administration in the House. It failed of passage in the final rush for adjournment. To give you some idea of the strength of the transit forces in the House, they prevented passage of any bills for additional highway funds. This was the first time such a thing has happened since 1916.

The bill is being reintroduced and has a very good chance of passage—if for no other reason than that all presently appropriated highway funds will have been exhausted by April of this year. If an accommodation cannot be reached, all existing highway construction activities will grind to a halt at that time.

Of course the amount of the proposed transit appropriation is infinitesimal compared with the federal highway program, but the issue is one of principle. Are gas taxes highway funds or are they transportation funds? The highway forces give lip service to transit, but insist that the people who pay gas taxes expect those taxes to be used for highways. The weakness in their case has been their inability to suggest a source of funds for necessary transit projects.

The transit advocates argue that one dollar spent on transit (in those instances in which transit is the proper solution from an overall point of view)—one dollar spent for transit will do as much to reduce highway congestion as 3 to 5 dollars spent on highways. They insist that each locality should be free to make its own decision in each case, and not be forced to build a highway in those instances in which it believes transit would provide a better solution.

I foresee passage of the bill in about that form, early this year. When that happens, there will be a host of new rapid transit systems. There will also be a concentrated effort to make existing transit facilities so attractive that anyone who could use transit will prefer it to driving his own car, just as 19,000 people in South Jersey do today.

If my crystal ball is correct, and the bill passes, the future for engineers who are involved in mass transportation looks very bright indeed. In fact, there just are not enough experienced rapid transit engineers in the country to do all of this work. I would not be at all surprised that some of you, who have never even ridden on a transit system, may find yourselves working on transit projects. And if that happens, I can guarantee that you will be just as enthusiastic about rapid transit as I am.

GUARANTEE PROTECTION

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. HOGAN. Mr. Speaker, the St. Marys County Commission recently passed a resolution urging Congress to approve a constitutional amendment that would guarantee protection of the unborn from the moment of conception, as well as the retarded, the aged, the infirmed, and others who might be legally defined as nonpersons.

On January 30, I introduced just such an amendment, House Joint Resolution 261 and on April 2, I reintroduced my amendment with seven cosponsors.

The text of the resolution follows:

RESOLUTION

Whereas, the recent Supreme Court decision to legalize abortion has demonstrated the need to speak out against the extermination of unborn children, and

Whereas, We oppose abortion as unjust and immoral in that the right of personal privacy takes precedence over the right of human life, and

Whereas, We further oppose abortion as being contrary to the fundamental principles of morality, and

Whereas, We contend abortion is nothing more than legalized murder and still a criminal action, and

Whereas, We feel that permissiveness in legalized abortion will eventually lead to euthanasia.

Therefore, We, the Board of County Commissioners of St. Mary's County, in order to avert the wholesale slaughter of unborn babies, do hereby urge all citizens to appeal to all U.S. Senators and Representatives and urge the support of the constitutional human life amendment that would guarantee protection not only to the child from the moment of conception, but also the retarded, the aged, the infirmed, the mental and other persons that may be legally defined as a misfit or a non-person, and

We further urge, all citizens to ask support for legislation prohibiting the use of federal funds or tax money for the establishment, maintenance and staffing of abortion centers.

TRIBUTE TO MAYOR F. EDWARD BIERTUEMPFEL

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. RINALDO. Mr. Speaker, today marks a very significant anniversary for my hometown, Union, N.J. April 4 is the 34th anniversary of F. Edward Biertuempfel's assuming the office of mayor.

Mr. Biertuempfel is the dean of the Nation's mayors by virtue of his having held the office longer than any other incumbent in the United States.

He also has indelibly stamped his image on the community that is known widely throughout northern New Jersey as "Biertuempfel's Town."

In a sense F. Edward Biertuempfel has been in politics all his life. Born nearly 79 years ago in Newark—New Jersey's—Ironbound section, Mr. Biertuempfel learned politics at the knee of his uncle Al, a tavernkeeper and an officeholder in the early part of this century.

The future mayor moved to bucolic Union Township with his new bride, the former Christine Arnold, in 1923. Seven years later, he organized the F. Edward Biertuempfel Association and ran for Township Committee as a Republican. During the first of 16 successful autumnal campaigns, he went from street corner to street corner repeating his brief, but effective message—which he also had printed on a card he distributed everywhere he went:

> The name is Biertuempfel (pronounced Beer-temple). I'll do all I can to help the taxpayers.

This proved to be a message that has sounded like sweet music to the ears of Union Township taxpayers for more than four decades.

Once in office, Mr. Biertuempfel became the acknowledged leader of Union Republicans, whom he drew under the banner of his association, the name of which was changed to the Regular Republican Club.

Curiously, he did not reach out initially for the title of mayor, a designation he could have obtained simply by passing the word. Instead, he deferred to Charles Schramm, who held the title. "I somehow didn't think I looked like a Mayor," is the explanation Mr. Biertuempfel once gave for declining to accept an honor that was his for the taking.

But on April 4, 1939, Mr. Schramm resigned because a new job was forcing him to move, and the man who did not think he looked like a mayor began his record run at the helm of Union Township's ship of state.

Mr. Biertuempfel and his fellow township committeemen had the foresight to have the township purchase several hundred acres of land that went on the auctioneer's block for unpaid taxes during the depression. In later years, this land bank provided the township with dividends in the forms of tracts for schools, playgrounds, and many other public building sites.

Until a few years ago, Mr. Biertuempfel's fire-engine red Chevrolet sedan was a familiar predawn sight on Union Township streets. While most of the township was sleeping, Mayor Biertuempfel would be out touring large areas of the township. In this way, he kept his sensitive fingers on the pulse of every neighborhood, noticing potholes requiring repair and checking on work that township employees were supposed to have done the day before.

No matter was too insignificant for him to attend to personally. Newcomers to Union Township learned quickly that the mayor was the man to contact if anything, no matter how trivial, needed doing. Thus it was that distraught pet-owners would call him when their cats were caught in trees. The mayor would personally dispatch a fireman to extricate the animal. In this way, he earned the appreciation of grateful township residents.

An outgoing, gregarious man with an uncanny knock for saying precisely the right thing at the right time, the mayor was in demand as a speaker at various social and fraternal functions in the township. No store opening in Union Township could really be regarded as official until the mayor had cut the ribbon. Sponsors of fundraising drives believed their efforts were doomed to failure unless the local newspaper carried a picture of the mayor signing a proclamation urging support for the effort.

In addition to his strong influence in his home community, Mayor Biertuempfel was a leading Republican in Union County and the State of New Jersey. He served 18 years on the Union County Board of Chosen Freeholders. In 1964, he was a delegate to the Republican National Convention in San Francisco.

Mayor F. Edward Biertuempfel is proud to call himself a politician. He has stated that "politics is my life." And it has been the vehicle of politics that has enabled him to devote his life to public service. Because he has been in politics, he has been in a position to build Union Township into one of the finest residential communities in the State of New Jersey.

And so, Mr. Speaker, I urge you and my fellow Members of the House to join me today in paying a well-deserved tribute to a man who has brought honor to the profession of politics, as we salute the dean of the Nation's mayors, the Honorable F. Edward Biertuempfel, on his 34th anniversary as mayor of Union Township.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. SCHERLE. Mr. Speaker, for more than 3 years, I have reminded my colleagues daily of the plight of our prisoners of war. Now, for most of us, the war is over. Yet despite the cease-fire agreement's provisions for the release of all prisoners, fewer than 600 of the more than 1,900 men who were lost while on active duty in Southeast Asia have been identified by the enemy as alive and captive. The remaining 1,220 men are still missing in action.

A child asks: "Where is Daddy?" A mother asks: "How is my son?" A wife wonders: "Is my husband alive or dead?" How long?

Until those men are accounted for, their families will continue to undergo the special suffering reserved for the relatives of those who simply disappear without a trace, the living lost, the dead with graves unmarked. For their families, peace brings no respite from frustration, anxiety, and uncertainty. Some can look forward to a whole lifetime shadowed by grief.

We must make every effort to alleviate their anguish by redoubling our search for the missing servicemen. Of the incalculable debt owed to them and their families, we can at least pay that minimum. Until I am satisfied, therefore, that we are meeting our obligation, I will continue to ask, "How long?"

TRIBUTE TO CALVIN E. WRIGHT

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. HANSEN of Idaho. Mr. Speaker, on June 30, 1973, our country will lose the services of one of the finest public servants I have ever known. On that day Calvin E. Wright, of Boise, District Director, Internal Revenue Service, will retire from his position and from 33 years in county, State, and Federal government service, the past 22 years in IRS.

The individual who follows Mr. Wright will find the greatest of cooperation and strength from his predecessor. Although Calvin Wright and I belong to different political parties, we have been friends for many years and I have always found his advice to be that of a good American who wanted only to improve service to the public. His integrity is of the highest and he has dealt fairly and honestly with all who took to him their tax problems.

John Corlett, the Idaho Statesman's political editor, has written a tribute to Mr. Wright which I insert into the RECORD.

The tribute follows:

WRIGHT WILL RETIRE AFTER 22 YEARS AS IDAHO IRS CHIEF

(By John Corlett)

"Wright cannot be classed as a politican, as politicians are commonly known. A certain idealism clings to him, but he is always close to reality. He is a perfect gentleman in the vortex of state politics and intrigue. Soft spoken and almost timid, he is yet to be seen in an angry moment. He moves slowly toward the solution of his problems and arrives there with a minimum or no dissention. By keeping himself above 'dirty politics' he stands out as a refreshing example of how not to play the game, yet paradoxically beats them all. . . ."

I wrote the above in my Politically Speaking column in March, 1941, two years and two months after Calvin E. Wright assumed office as state auditor. He was elected to that post in 1938 and again in 1940 and was to be elected to a third term in 1942.

On April 16, Cal Wright will retire as Idaho's district director of Internal Revenue, a job he has held for 22 years. He confesses that it is the pressures of a tax collector's job that has caused him to retire at age 64.

Somehow I doubt that this will be the end of public service for Cal Wright. This gentle man, truly a paradox in Idaho politics, has much yet to offer to Idaho, probably in appointive positions.

Cal Wright is one of the vanishing breed of those who grew up in the hurly burly of Idaho politics in the Great Depression years. His political training began almost immediately after he graduated from Stanford University in 1930.

His political mentor was the late Gov. C. Ben Ross, who was first elected as chief executive in 1930. And from that year until he was appointed Idaho's Internal Revenue Service director in 1951, Cal Wright was in the middle of Idaho politics.

His last entry into the political arena was in 1950 when he was the Democratic candidate for governor. In a Republican year he was defeated by Len B. Jordan in a campaign noted for being almost completely free of acrimony.

This was one campaign, however, that Wright, to use his words, "tip-toed" too much and allowed himself to get on the defensive. Later he told prospective office seekers that "you can never tip-toe into office, you must develop and be positive on the issues with all the conviction at your command."

In retrospect as one who is Wright's contemporary, I marvel at the rapport that existed between C. Ben Ross and Cal Wright because they were so dissimilar. But Ross saw in Wright the makings of a responsible and effective public official and he proved to be correct.

Cal Wright was then a politician through and through. He loved the life, both in the Democratic party and in public service. But his is a personality that belied the "consummate politician." Democrat though he was, he was basically non-partisan.

The late Tom Heath of Preston, a former Republican state chairman and state senator, said about Wright that "he had the full support of his friends and the full respect of his opponents."

Doubtless future historians will agree that Cal Wright is indeed a "refreshing example" of a different type of politician; a type, in fact that did not exist before him and has not existed since he quit trying for elective office after 1950. Such gentleness and idealism that he exhibited in the face of ruthlessness and in rapport with political giants who oftimes represented ruthlessness, deserves to be specially recorded.

Wright served his party as Cassia County chairman. He was a prominent Young Democrat. Before he won his first election as Cassia County auditor in 1934, he taught school and worked for the Bulletin in Burley and the Minidoka News in Rupert.

Wright was recognized by his peers through the years as a "good newspaperman," and always in the back of his mind was a yen that perhaps someday he could afford to buy his own newspaper.

He sought and lost the Democratic nomination as state auditor in 1936 when Ross ran against the great Sen. William E. Borah and lost heavily. But in 1938, Wright at age 29, was elected state auditor and he was "hooked" as far as politics was concerned.

In his six years as state auditor, Wright looks back to two accomplishments. One was his fight against the Republicans to dismantle his authority by creating the office of comptroller. Wright won that battle in the Supreme Court in a landmark suit that is known to just about every law student who has come along since. The constitutionality and authority of the office of state auditor was clearly defined in that suit.

The second accomplishment was his obtaining an appropriation of $50,000 from the legislature, a big sum in those days, to install the state's first general and uniform accounting system designed for computer accounting.

After he left the auditor's office in 1945, there was a private enterprise hiatus in Wright's life. For a year he published the Minidoka County News and spent some time in business in Wallace. For three years he served as manager of the Raymond Hotel and Greyhound Bus Depot in Lewiston, both owned by the late Tom Boise, sometimes described as a ward-healer type Democratic politician. That was not an apt description of Mr. Boise, but he did have control of the Democratic party process in North Idaho.

Wright was called back into the political wars in 1950 and he handily won the Democratic gubernatorial nomination in a field of three. He lost to Jordan in the general election by 10,500 votes.

In 1951, Mr. Truman was literally a lame duck president. The Senate was holding onto his appointments until after the 1952 election when most everyone assumed a Republican president would be elected.

Wright was nominated as Idaho director for internal revenue. The Idaho senators were Republican Herman Welker and Henry Dworshak. Their respect and friendship for Wright was pre-eminent. They joined in sponsoring Wright and his nomination was promptly confirmed in the Senate. So the personal philosophy of a man whom the late Frank Burroughs, the Republic editor of the once-famous Idaho Pioneer, called a "square-shooter," paid off.

That appellation has paid off even more in the last 22 years. Despite the pressures of being a tax collector, Wright has demonstrated his basic "goodness" in talks before numerous civic and service clubs and other organizations about the job of collecting taxes for Uncle Sam.

He tells his audience that "almost everybody is honest about his income tax returns, which is a tribute to the basic loyalty and patriotism of the American people." Or, he says:

"Every year before April 15 millions of good citizens sit down with income tax form 1040, examine their books and records—and their consciences—and square themselves with Uncle Sam for the cost of the blessings and problems of living in America."

After he gets some rest, it might be smart for the Internal Revenue Service to hire their former Idaho director to spread his tax collecting gospel across the land.

His feelings for the basic goodness of people came through in one of his statements about the reason for his retirement:

"It's the pressures of a tax collector's job, particularly after 22 years in the responsibility, although I have appreciated working with dedicated IRS employees in our difficult and sometimes unhappy duties in enforcing the firm and complex laws of our country. Fortunately, most people understand and are conscientious about their tax obligations to the government."

Wright has never shirked his civic duties and he is proud of his five-year service as Idaho federal chairman for Radio Free Europe. He visited the RFW facilities in 1966 as a member of the American delegation.

Wright and Gwen Sathre of Burley were married in 1929. They have a son and a daughter and nine grandchildren.

THE ENERGY CRISIS IN PERSPECTIVE

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. HOWARD. Mr. Speaker, as chairmain of the Subcommittee on Energy of the House Committee on Public Works, I have had the opportunity to review a number of speeches, research materials, and other related data.

Recently, Reginald H. Jones, chairman and chief executive officer of the General Electric Co., spoke on the "Energy Crisis in Perspective" before the Commonwealth and Commercial Clubs in Cincinnati, Ohio.

I found the speech informative and interesting and for that reason commend it to my colleagues:

THE ENERGY CRISIS IN PERSPECTIVE

(By Reginald H. Jones)

There has been a shortage of gas and fuel oil supplies this year, and some electric utilities have had problems in keeping up with the demands on their systems. As a result, a few schools and factories have been obliged to close down temporarily, and some of the consumers of heating fuel and electricity have been asked to restrict their use of these energy sources. To Americans, who have taken abundant low cost energy almost for granted, this has been a startling experience.

Furthermore, responsible spokesmen for the gas and oil industries have stated that shortages could persist for about a decade, and our growing dependence on foreign oil and gas supplies could, by the 1980's, pose some serious balance of payments problems and security risks. At the same time, electric utilities have faced unwarranted delays in bringing power plants on line, particularly nuclear power plants, because of the intervention of environmentalists and a nearly chaotic situation with respect to siting and licensing of power plants.

These events have attracted headlines. Some critics have seized upon the current energy shortages to exclaim that unless we drastically slow down our economic growth and industrial progress, we're going to run out of energy sources and everything will some day run down and come to a halt. This is the way the "energy crisis" is portrayed to the general public.

While most knowledgeable people are aware that there is, in fact, an immediate, short-term energy shortage, the public is being led to believe that the U.S. faces an irreversible doomsday crisis.

Now, such a doomsday view could lead to very damaging policy errors in this country, and it is important that the energy situation be clarified.

My purpose tonight is a simple one. I want to take a closer look at this "energy crisis" and in doing so, provide some new perspectives on our energy requirements, on our energy reserves and resources, and on some of the short-term problems and the longer-term solutions that will help forestall an "energy crisis" either in this century, or the next, or the next after that.

U.S. ENERGY CONSUMPTION

First, the United States is a tremendous user of energy. This country would never have become the world's leading industrial nation, with the world's highest standard of living, if we did not have abundant energy available to us. And to continue in this leadership role we must have abundant energy available and use it wisely and with ever greater efficiency.

It's difficult to visualize just what we mean by "abundant energy," but let's look at the huge quantities of each energy source consumed in the United States in 1970 alone.

Coal—We burned 530 million tons of it. That's the equivalent of a pile of coal one mile long by one mile wide by 900 feet high. The *energy content* of that coal was 1.38 C units. What's a C unit?

In order to compare different energy sources, we need a common measure of their energy content. The British thermal unit or BTU is the amount of energy it takes to heat up a pint of water one degree Fahrenheit. But you can't deal in pints in discussing energy in the quantities we're talking about. So we take 10,000 million million British thermal units and make them equal to one C unit—which happens to be just about the amount of energy it takes to heat up Lake Michigan one degree Fahrenheit. One C unit also expresses the energy generated by burning about 400 million tons of coal. In 1970, coal as an energy source in the U.S. accounted for 1.38 C units of energy produced.

Crude Oil—Nearly five billion barrels consumed in 1970. This is the equivalent of a pool of oil one mile long by one mile wide by 1,000 feet deep. *Energy content:* 2.96 C units.

Natural Gas—At atmospheric pressure as it comes out of a kitchen burner, about 150 cubic miles of natural gas was used in the U.S. in 1970. *Energy Content:* 2.25 C units. This is the equivalent of the energy generated by burning 22 trillion cubic feet of natural gas.

Falling Water—Hydropower as an energy source in 1970 corresponds to 75 cubic miles of water falling 1,000 feet—the height of the Empire State Building. *Energy content:* 0.29 C units. This is the equivalent of the fuel it would have taken in fuel-fired power plants to generate the amount of hydropower used in 1970.

Thus we have an idea of the total energy consumed in the United States, a total of nearly 7 C units in 1970, including only .02 C unit provided by nuclear fuel.

ENERGY SOURCES

Grouped into classes, the fossil fuels (coal, crude oil and natural gas) provided 96% of the energy consumed. A fourth form of fossil fuel—shale oil—is listed because it is a potentially significant energy source of the future.

A second classification of energy source is sunlight which includes hydroelectricity, since waterpower is renewed on a continuous basis by the extractive power of sunlight taking water from the oceans and making it available as rain. As we have seen, hydropower accounted for only 4% of 1970 energy consumption. However, sunlight provides an enormous additional *potential* energy source, much larger than all others combined.

Finally, we have nuclear fuels. Although nuclear energy accounted for less than half of one percent of the nation's energy input for 1970, in 1972 it was up to about 1%. The uranium 235 isotope is currently significant. The much more abundant uranium 238 isotope is potentially so, as is the element thorium—depending upon the course of future nuclear-reactor developments.

Having clearly established the picture of the United States as a tremendously heavy user of energy—and even granting the future energy potential represented by sunlight and nuclear sources—the "energy crisis" theorists usually go on to paint a picture of runaway growth in energy consumption—such that no reserves or resources could hope to accommodate for long. After an energy boom, they see an energy bust.

The public, upset by the current temporary shortages in heating fuels and natural gas, begins to believe these dire prophecies.

But I talked of new perspectives and, for one of these, we must look back, not forward.

HISTORIC TRENDS

Back in 1850 (the countr; ran on sunlight, collected via fuel wood, work animal feed, windmills, and waterwheels. Only 6% of the energy input in 1850 came from coal, the first of the fossil fuels.

The 120-year evolution from solar energy in 1850 to fossil fuel energy in 1970 was characterized by several great substitutions. Coal was substituted for wood in furnaces, fireplaces, and stoves during the last half of the 1800's. By 1900 coal was king. In this century, oil and gas are being substituted for coal. And motor fuel in internal combustion engines has been substituted for hay and oats in horses.

Another great substitution has been underway since shortly before the turn of the century. Electric energy generated in a power plant is being substituted for energy generated by direct combustion of fuel on the user's premises. In the last 40 years, the proportion of the country's energy input converted to electricity prior to use has grown from about 9% to about 25%, and is still on the way up. Where the growth of electricity is a reflection of this substitution, it does not represent *new energy use* so much as it represents a *new energy form.*

FUTURE TRENDS

Now, the doomsday prophets note that the use of fossil fuels, per capita, has increased 35-fold in the past 120 years. And on that basis, they project such enormous increases in per-capita use of energy that they come up with really frightening figures and a plundered planet in very short order.

But such frightening projections are wrong, because they do not recognize that the use of fossil fuels has replaced other fuels—fuel wood and animal feed—by which people kept warm and managed their work and transportation in years past. When you recognize that fossil fuels have been largely replacements of earlier energy sources, then we find that the true growth of per-capita energy consumption has been much less—only a factor of two, not 35, in 120 years, or about one-half a percent per year. Thus, projected out, this indicates that energy consumption per capita will only increase about 50% by the year 2000.

Expressed in C units, U.S. energy consumption will approximately double between 1970 and 2000, rising from 7 C units in 1970 to 14.9 C units per year in 2000. Thus the total quantity of energy required to get through these decades amounts to 330 C units.

U.S. RESERVES AND RESOURCES

Now with this total requirement firmly in mind, let's take a close and realistic look at our national reserves and resources.

First I think we should make very clear the distinction between mineral energy reserves and resources. U.S. energy *reserves* are deposits which have already been identified and are recoverable at current costs using current technology. U.S. energy *resources* include identified but submarginal deposits that cannot be economically recovered at current costs, plus those as yet undiscovered deposits that our geologists and mineralogists have every reason to believe exist. Our energy *resources* should be recoverable with progressively increasing costs or with progressively improving technology.

Looking first at U.S. energy reserves—already identified and recoverable today—we find a total of 985 C, or nearly three times the 330 C needed to get us to the end of the century. With the major reserves lying so heavily in coal, it is clear that the energy problems between now and the end of the century must be defined in terms of potential shortages in reserves of oil, natural gas, and uranium 235—not in coal, which alone could supply our projected energy needs nearly three times over.

But over the longer range, I believe that even this presents too bleak a picture—and an unrealistic one in light of our truly vast energy resources. Here even the C unit—adapted to get rid of all those zeroes in helping us conceive of numbers in the tens of millions of millions—seems almost too small a unit to measure our energy resources.

Fossil Fuels.—Including coal, oil, natural gas, and shale oil, add up to a total of 23,800 C units. Add to that Nuclear Fuels—uranium and thorium adding up to 56 *million* C units. Remember, our total energy consumption in 1970 was 6.9 C units.

Let's put our reserves and resources into the context of future population and consumption estimates. It is our best guess that the U.S. population will stabilize at about a billion people in the next few centuries. Maybe less—who can say? But assume a billion people. In the next few decades we see per capita energy use stabilizing at 500 million BTUs per year, about 50% higher than now. Under these assumptions, energy consumption will rise to about 50 C per year—seven times what it is today—before it levels off.

With these conditions, U.S. fossil fuel *reserves*—the fuel we can get with today's economics and today's technology—are adequate to run the country for about 50 years. The fossil fuel *resources*, which require progressively higher fuel prices as they are developed, will be adequate for about 500 years more. Clearly the U.S. is blessed with bountiful energy reserves and resources, even without nuclear energy for which we have resources for a million years.

I suggest that these are not the dimensions of an "energy crisis" in the doomsday sense—one which would have us stopping growth, halting progress, even turning back the clock in terms of our ability to continue to improve the standard of living and to solve some of the serious social problems which only continued use of energy will permit us to solve.

TEMPORARY SHORTAGES

But the concerns about the decade immediately ahead are real, and we must realize that—despite the abundance of our total energy reserves and resources—we have temporarily gotten ourselves into a very tight energy situation. Utilities and other big users are properly concerned about fuel shortages and rising costs. As the National Petroleum Council has pointed out, some near-term shortages are inescapable.

Why? Why this immediate shortage in the face of such bountiful energy sources?

I believe we can identify four significant contributing factors.

It is my strong belief that if we had not regulated the price of natural gas, if we had not had low-cost foreign oil so readily available, if we did not have a major rise in concern for environmental protection, and if the prospect of nuclear energy had not temporarily diverted our attention from coal technology, there would be no talk of an energy crisis today. Indeed, the U.S. would have developed its fossil fuel reserves and would have made plans for earlier development of its vast resources. Even using current technology, coal refineries can supply a full range of clean hydrocarbon products. The Germans did it during World War II. With such development in place, we might now be paying more for energy and might be using a little less, but we would not be faced with the immediate prospects of shortages and depletion of developed reserves.

GAS PRICE REGULATION

Let's look in a little more detail at each of these contributors to current energy shortages. First are the inevitable effects of anchoring the price of natural gas at a level appropriate to the 1950's, while oil and coal prices are allowed to rise along with the prices of other commodities. By 1970, the owner of a gas well got only about half as much revenue as the owner of an oil well producing the same amount of energy.

He even got less than the owner of a coal mine for the energy in his fuel. Naturally, the motivation, for finding new gas declined while at the same time demand soared as the relative price declined.

Large quantities of cheap gas were used for industrial purposes, including generation of electricity, at a cost so low that it made little economic sense to improve plant efficiency to save fuel. The low price of gas also delayed the development of coal gasification and natural gas liquefication.

LOW COST FOREIGN OIL

The effects of cheap foreign oil were almost as far-reaching as those described for gas. The availability of low-cost foreign oil let Europe, Japan and, to a less extent, the United States save money by importing it. A tremendous world trade was built up for transporting oil from the Mideast to Europe and Japan, and from Venezuela to the U.S. The motivation for developing our domestic petroleum resources simply eroded, while our oil and gas reserves dwindled to the point where we are becoming increasingly dependent upon foreign fuel—with the ratio of reserves to consumption now down to 10 years.

ENVIRONMENTAL CONCERNS

Third is the shift from coal to oil by the electric utilities. The environmental movement has put increasing pressure on industry to burn clean fuel—especially the steel and electric-utility burners of coal and residual oil. These industries must either burn clean fuel or clean their smoke to get rid of sulphur and soot.

Unfortunately, the technology for refining coal is not ready, having—as we have noted—lagged because of the availability of artificially cheap gas and foreign oil. The technology for cleaning up smoke is not ready either, having lagged through failure on the part of nearly everyone to anticipate the seriousness of the environmental movement. Now these technologies are needed in a hurry—and on a time scale that cannot be met without switching temporarily from coal and residual oil to distillate oil.

NUCLEAR DELAYS

Finally there are the continuing effects of delays in starting up nuclear power plants. Partly because of the intervention of environmentalists and partly because of the growing pains of a new technology, the nuclear plants have not come on stream as fast as expected. Gas turbine power plants, which present little, if any, environmental siting problems, are being rushed into place to fill the gap—producing still another unanticipated demand for gas and distillate oil.

Because of the combined effects of all these factors, we now find ourselves in the temporary fix which many are calling "the energy crisis." Less dramatically stated—and more accurately, I believe, given our vast energy reserves and resources—we are faced with an immediate need for more clean, refined fossil fuel than we thought we would need. But, for lack of timely motivation we haven't developed the ability to produce it.

NEEDED: ENERGY POLICY

How do we effectively deal with this immediate situation? The basic need is for a coordinated national energy policy based on a comprehensive, long term look at the nation's energy needs. As many spokesmen have already stated, one path back to non-crisis energy development would be to allow natural gas gradually to seek its competitive (higher) price level. This would reduce demand and spur the development of large-scale coal gasification.

In developing a national energy policy, our government leaders should also consider ways to encourage more rapid development of our indigenous energy resources of coal, oil, gas, and uranium, and certainly not to *reduce* the incentives.

There will have to be something of a trade-off here because we will want to continue to take advantage insofar as possible (and while it lasts) of national savings achievable through low-cost imports of oil and liquified natural gas, paying for them in large part by exports of food and industrial equipment. Much of the cost of imported fuel is the cost of transportation and, insofar as we finance the transportation, payment for this portion of the fuel cost stays with us. Of course, over the span of decades, we expect the price of imports to rise, reinforcing our motivation to develop our own fossil and nuclear resources.

Finally, we will need to move faster in bringing nuclear power plants into commercial operation. We need a more orderly and expeditious procedure for siting and licensing today's nuclear power plants, while pushing ahead with breeder reactor development.

General Electric has a huge stake in the effort to increase the nation's nuclear power capacity, and I have every confidence that we can do it—as a Company and the nation as a whole.

So you can see the energy picture is not a picture of doomsday crisis. We have a temporary shortage of certain clean fuels, the technology of refining coal has lagged for lack of incentives, and we must expect to pay more for energy as the most easily available resources are used up. Over the decades, the availability of cheap foreign petroleum products will come to an end.

ENERGY IN ABUNDANCE

But if we act now to encourage the development of the abundant U.S. energy reserves and resources, and to conserve them through improved energy conversion technology, our nation can return to self-sufficiency through a combination of nuclear and fossil fuel resources.

The best way of all to conserve resources and reduce pollution is to increase the efficiency of energy utilization in all its aspects. We at General Electric view this as a primary responsibility.

In future years still other energy sources may be tapped; we may learn to use solar energy economically on a large scale. But even without that, we need not fear for the future of America on the basis of an energy shortage. The U.S. can run comfortably on its own energy resources for millenia to come.

JOHN HEINZ REPORTS

HON. H. JOHN HEINZ III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. HEINZ. Mr. Speaker, since coming to Congress over a year ago, I have sent regular newsletters to citizens of the 18th District of Pennsylvania and I am now inserting in the RECORD at this point a copy of the April, 1973, newsletter:

JOHN HEINZ REPORTS

DEAR FRIEND: The new 93rd Congress is getting down to business and as I start serving you as your Representative here, I want you to know that 1973 looks like it will be an extremely active year for me as well as an important one for you.

Critical and overdue legislation I hope and expect to see House action on this year includes a trade bill to better protect American jobs, a needed private pension reform and reinsurance measure, action to relieve the present energy crisis facing this nation, and a fight against rising food, rent, and other prices through an improved approach to price and wage controls. Quick congressional action on this last item is a must because of the serious failure of so-called Phase III controls.

Moreover, as your U.S. Representative, I am acutely aware of the battle over whether Congress or the Executive Branch will set this nation's priorities. President Nixon has pointed out that failure to hold the line on his recently unveiled $269 billion budget will result in inflation, higher taxes, and higher interest rates, and I am convinced we must not further penalize either the wage earner or those on fixed incomes. But up to now we in Congress seem unable to agree on how to establish and work within a spending limitation appropriate to available revenues. I personally feel that the Congress must manage its fiscal affairs responsibly, and I have appeared before the Joint Study Committee on Budget Control to testify and present my own bill, H.R. 630, the Government Expenditures Ceiling Act, which establishes a workable spending limitation procedure.

The continued failure of Congress to say "no" to programs that don't work abdicates to the Executive Branch and causes people to lose faith in government and their country. I pledge to continue to work hard to reverse this trend.

MY NEW COMMITTEE HAS BUSY SCHEDULE

I am especially pleased to have been recently appointed to the Interstate and Foreign Commerce Committee. Our 18th Congressional District is a part of a business and commercial center of national and international importance, yet to my knowledge, Southwestern Pennsylvania has never been represented on this important and far-reaching committee.

We will be particularly active in such areas as public health and environment, transportation, communications and power, and commerce concerns such as no-fault auto insurance, securities, and product warranties.

In fact, my subcommittee, Public Health and Environment, has already been active nearly every day in holding hearings on over a dozen vital health measures up for renewal and other controversial and new proposals for cheaper and better health care. The photo on the previous page was taken at a recent subcommittee hearing and shows me with Chairman Paul Rogers (D.-Fla.).

GIVING THE ELDERLY POOR A BREAK

I am trying to ease the hardship imposed last year by an amendment to the Revenue Sharing Act which severely limited social services for the aging, blind and disabled.

That amendment, which was not fully explored in our rush to adjourn, stipulated that in addition to a ceiling of $2.5 billion, for such programs, 90 per cent of those funds would be spent on persons receiving cash welfare benefits and that only 10 per cent of this limited money be spent on the elderly poor or disabled who are not on public assistance.

The impact of that amendment is only now becoming clear. Many of our aging and disabled do not choose to receive public assistance, preferring to get by on Social Security or small pensions. Nevertheless, they depend on services such as transportation, housekeeping help and recreation to stay active and keep living with independence and dignity.

I have introduced legislation which will free the aging and disabled from this restriction and allow states to fund these programs from their total federal allotment.

My mail prompted me to take a first-hand look at one such service that was in jeopardy of being cut. I visited a senior citizen lounge operated by the Neighborhood Center Assn. on Chestnut St., North Side, and came away with the knowledge that this is one service that is vital to the well-being of our elderly. I had the pleasure of talking with Mrs. Margaret McWhorter, pictured here.

I can't believe that a law would be allowed to exist that forced proud, self-sufficient people onto welfare roles in order to qualify for necessary services. I already have 54 other Congressman who have co-sponsored my legislation and I intend to work hard to see that it is passed.

AID TO NORTH VIETNAM? HOW ABOUT HERE?

Americans have every reason to believe that an enduring peace has been brought about in Southeast Asia by President Nixon. Hostilities for the most part have ceased, soldiers are being removed, and, most important, our POW's are coming home. I join with all of you who pray this peace is a lasting one.

But among the important issues that remain is aid to North Vietnam. Atlhough I will ask your opinion on this controversial subject on my questionnaire to you later this year, I have taken a strong position opposing reparations or financial aid to North Vietnam.

There is a case for and I would consider supporting help to the innocent victims of that tragic war in the form of humanitarian aid, much the same as when we and others came to the assistance of earthquake, famine, and flood victims wherever they may be. But as to direct aid to North Vietnam, the fact is we didn't invite Hanoi's expansion into the territories of its neighbors and we cannot reward such tactics. We made a serious mistake involving this nation in Vietnam, but Hanoi was also wrong to use military force as an instrument of its own national policy.

Anyone seriously proposing aid to North Vietnam should be prepared to take it out of the defense and foreign aid budgets after we have met our own domestic needs. I would like to see a minimum of five billion dollars now targeted for the military reserved for domestic programs in such areas as health, pollution, education, housing, and community development. As a supporter of a $269 billion spending ceiling for the 1974 fiscal year starting this July 1, I am convinced that we can live within that figure by taking a hard line on weapons cost-overruns, inflated retirement benefits, and military manpower levels. Our nation has the resources to provide every child a decent education. Perhaps a controversy over aid to North Vietnam will help us see our own needs here at home more clearly and cause us to act on them.

IMPORTANT VISITORS DROP BY OFFICE

We've had some important people visit us lately, namely Miss Barbara Beckman, of Etna, who is this year's Pennsylvania winner in the Voice of Democracy contest sponsored each year by the Veterans of Foreign Wars. Barbara and I had a chance to meet and of course, have the traditional picture taken on the steps of the U.S. Capitol. I'm proud of Barbara and her accomplishment, and after reading her prize-winning essay, I'm convinced this country's future is in good hands.

Also helping convince me of that was Edgar Alan Boone, son of Mr. and Mrs. E. A. Boone, 911 Corbet St., Tarentum, who dropped by the office representing the Presidential Classroom of Young Americans program. These are top students who are selected to come to Washington for a first-hand look at what makes this nation run. Edgar was a fine choice and I commend him.

LET'S MAKE WAR ON CRIME AND DRUGS

The recent shooting of Senator Stennis has stimulated debate on how we can best fight crime and the increasing use of drugs, and the threat they pose to the stability of our society.

Drug abuse and addiction is Public Enemy Number 1 and must be combated with a strong effective enforcement program. Moreover, there is a clear correlation between crime and heroin as well as other dangerous drugs. I support *mandatory* jail sentences for conviction on the second offense for any such drug violation, no pre-trial or pre-sentencing escape from justice through rehabilitation or treatment, a very high maximum penalty for offenders, especially to give the prosecution a chance to better identify the dealers, and I am seriously considering legislation to make it a federal offense for law enforcement officers to fail to enforce that law in dealing with drug-related crimes.

Although most crime in America does not fall under federal jurisdiction, money to local municipalities to expand law enforcement efforts is available under the Law Enforcement Assistance Administration (LEAA) and I have worked recently to keep those funds flowing into Western Pennsylvania.

INTERNS "SHAPING UP" CONGRESSIONAL OFFICE

My Washington staff has had the opportunity recently to work with a great group of young interns. These bright, energetic young people are encouraged by their schools to work in Congressional offices for limited periods of time for on-the-job training.

On board recently, learning and often teaching the regulars have been Susan Curry, 16, of Sewickley, a junior at the Madeira School; Landa Schmitt, 20, 1138 Greentree Road, a student at Georgetown University; Karen Miller, Blairsville, also from Georgetown, and Rachel Cohan, from Baltimore, a political science major at Goucher College.

Susan returned to school recently and the staff and I presented her with a small token of our appreciation for her hard work. Pictured here looking on as I say good-bye to Susan are, from left, Donna Malvey, Donna Barrett, JoAnne Bode and Steve Connolly.

MY STAFF AND I ARE READY AND EAGER TO SERVE YOU

Speaking of the staff, with the start of the new Congress, I think it's time to "introduce" you to all of them here in Washington, who you may know less well than my assistants in the Pittsburgh district office.

They are trained professionals who, like me, are here to serve you. Feel free, whether you have a problem with your Social Security benefits, the military, immigration, or a request for information, to get in contact with us.

Besides those pictured, others working for you here are my Administrative Assistant, Warren Eisenberg, and Jeannie Alexander, Mike Fruitman, Tim Gillespie, Russ Martz, Dolores Senanis, and Connie Wardrop.

"SPECIAL REPORTS" TO BEGIN

If you would like to be placed on our mailing list to receive periodic special reports I will soon start preparing, send me your name and address on a postcard. These reports will be more detailed on legislative matters and other activities I am involved with to better serve my district. I hope you will find them an additional way to keep informed of what's happening in your government.

It's another way I can serve you, and I cannot emphasize too much that that's why I am here. Through my committee work and my votes in the Congress I will continue to act with your best interest in mind. My door is always open, so please don't hesitate to write or call.

Sincerely,

H. JOHN HEINZ III,
Your Congressman.

OEO RECEIVING LITTLE SUPPORT

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. COLLINS. Mr. Speaker, a recent article in the Amarillo, Tex., Globe-Times reports that there is very little support among lawmakers to keep OEO in operation.

Ever since OEO began, it has been riddled with mismanagement, financial scandals, and irresponsible local leadership.

I insert the following article:

OEO Dies, Ending $16 Billion Career

(By Robert S. Allen)

WASHINGTON.—The scandal-splattered Office of Economic Opportunity (OEO) is dead as a dodo—and neither Congress, the courts nor the rancorously protesting leftists, professional bleeding-heart agitators, black activists and hard-core welfare recipients can save it.

The ace cards are in President Nixon's hands, and he is certain to win the clangorous fight to junk this malodorous so-called "anti-poverty" agency on which some $16 bililon of taxpayers' money had been spent since it was created by President Johnson in 1964.

Not only does the President have the necessary congressional votes to block continuation of OEO, but time is playing into his hands.

On June 30, end of the current fiscal year, funding for OEO expires. There isn't a chance the more than $300 million required to keep the furiously controversial Community Action program (crux of the whole uproarious issue) going can be rammed through Congress by that time—or later, for that mater.

The reason is simple. The votes are lacking.

Even if by some parliamentary stratagem or fluke the additional money were approved, the President would be certain to veto it—and that would be the end of that.

The legislation could never be passed over the President's veto. The needed two-thirds votes just aren't there—and even if they were, the President would still have the last word by impounding the money.

Further, there is another important factor operating in his favor—time.

With the fierce opposition that any attempt to preserve OEO is sure to encounter in both the House and the Senate, it's highly improbable new funding could be enacted by the June 30 deadline. The struggle against that would be long and acrimonious both in the Appropriations committees and in the full chambers.

Raiding the Treasury for more hundreds of millions of dollars for the begrimed and widely-assailed Community Action program is the core of the raucous melee over OEO.

Continuance of the Community Action Program (characterized by a leading member of Congress as "the first time in the history of our country the federal government financed the propagating of revolution by subversion and violence") is the sole issue at stake.

The other major OEO programs have been shifted to other agencies and there is no rowing over them. Examples: The generally well regarded Headstart, with a budget of around $400 million, to the Department of Health, Education and Welfare; Manpower, with more than $1 billion for training and related activities, to the Labor Department.

Only Community Action, in which professional poverty workers, inner city activists, career welfare recipients and assorted leftists and other agitators have a direct personal stake in the battleground.

Size and nature of this huge scandal-smeared boondoggle is that in the course of its stormy eight years' existence it has cost taxpayers more than $3 billion.

While OEO's funds (notably for Community Action) run out June 30, its continuance as a statutory agency does not expire for another year—June 30, 1974. That comes about through Congress' enactment last year of a two-year authorization for OEO.

That provision is the basis of the various suits challenging the "constitutionality" of the President's move to rid taxpayers of the costly burden of this overblown, wasteful and trouble-breeding bureaucratic empire.

The assorted OEO beneficiaries and partisans loudly claim the President has no legal authority to junk it, that the agency has a lease on life until June 30, 1974. What the courts will do about that contention remains to be seen. But whatever they do, the President retains one crucial asset.

To keep OEO (meaning Community Action) going after June 30 will require upwards of $300 million. Only Congress can provide that, and even then the President has the final word by veto, and if necessary impoundment.

The judges can't compel Congress to vote the money, and if somehow one-third of a billion dollars is forthcoming, it remains to be seen whether the President can be compelled to allow it to be spent.

Since Howard Phillips, 32, was named acting OEO administrator three months ago, he has already whittled the inflated Washington staff of 1,500 by one-third. Many employes have been shifted to other agencies. So-called "untenured" workers have been let out.

Phillips, able, forceful and tough, is unmoved by the indignant wails and yowls. The President selected him for the specific purpose of dismantling OEO, and Phillips, is executing the job vigorously and efficiently—and with pleasure.

In 1967, a General Accounting office report scathingly assailed OEO on a number of counts—mismanagement, scandals, bungling, excessive costs, waste and corruption. It was particularly critical of Community Action, charging partisan politics and inciting and participating in riots and other violent disturbances and demonstrations.

NATIONAL FHA WEEK

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. WINN. Mr. Speaker, today, I would like to bring to the attention of my colleagues that this week, April 1–7, is National FHA Week. Over one-half million members of the Future Homemakers of America and HERO organizations have chosen as their theme "Explore Roles—Extend Goals."

For over 25 years, the organization, through its FHA and HERO chapters, has provided many meaningful experiences which have enabled young men and women to prepare for their future roles as parents and adult citizens.

Because this organization is integrated into home economics classroom work, it makes learning a tangible experience and affords students the opportunity to make direct contributions to society.

Members of this outstanding group are involved in activities that benefit not only themselves, but also every community member. The organization of Future Homemakers of America effectively bridges the gap between the school, the home, and the community. The FHA program reaches far beyond the "pots and pans" image that many people envision and includes many community action experiences.

In the State of Kansas, there are some 9,500 members in 184 junior and senior high school chapters. This year's national president, Miss Nancy Hodgkinson, comes from Kansas.

Mr. Speaker, I am proud of the contributions these young people have made to their communities over the years. They represent so well the fine ideals we have always honored in American youth.

INNOVATIVE MENTAL HEALTH PROGRAM

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. BELL. Mr. Speaker, I have the pleasure of announcing a new training program for mental health associates at the Veterans' Administration Hospital in Brentwood. I am not only pleased by the structure of this innovative program, but take pride in knowing that it was first implemented in my district.

In the constant search for ways to advance the treatment of the mentally ill, it is refreshing to note the new approach contained in this program. Mr. Speaker, I am, therefore, placing the description of this "friendly" system of treating those in need of psychiatric assistance in the Record for my colleagues' perusal:

VA Provides Leadership in Mental Health Care

The fact that plain friendship, systematically pursued, can often be a key ingredient in the treatment of mental patients is being demonstrated through a still experimental training program for "Mental Health Associates" at the Veterans' Administration Hospital in Brentwood.

The program is desiged to train "therapeutic friends"—non-specialists who can serve as concerned human links between individual patients and the professional treatment team, the hospital at large, other family members and the outside community. Early this year, 11 trainees completed the first half of a two-year cooperative course developed by the Brentwood Hospital and Los Angeles City College. All have been assured positions at the hospital, where four were already employed as nursing assistants and one as a ward secretary. Participants in the course were selected from 180 applicants. Even more hospital employees are to be included in the second group to be chosen.

The need for a non-professional mental health worker has long been recognized, and various training programs have been established to help fill it. The VA's approach, initiated at Brentwood and now being applied in a number of other locations, promises to overcome some of the recurrent difficulties encountered in the use of such workers.

Clinical experience in the hospital, working directly with patients and professional members of the treatment team, is an integral part of the course. This close working relationship, together with emphasis from the outset on the therapeutic value of the new worker's contribution, are said to increase his acceptance by the professionals and permit the effective use.

Throughout the first year, each student worked closely with one patient, serving as his friend and advocate and helping in this relationship both in and out of the hospital. When they join the regular staff, each will assume responsibility for as many as 150 patients.

The results appear to be working out along the lines envisaged when the program was established in late 1971, primarily through the initiative of Dr. Howard Wallach, a VA psychiatrist, and Mrs. Charla Gallo who is in the Education Service at Brentwood.

"We had an idea," said Dr. Wallach, "that there was a person missing in the mental health profession, a person who would be a liaison between the staff and the patient. We saw someone who could be a friend to the patient, who would know what the social worker and the psychologist and the doctor do, a person who could go into the community and insure that the patient's care didn't end in the hospital, a person who would think that the most important thing is the interpersonal relationship with the patient."

Similar views have been expressed by some of the professional team members who have worked most with the trainees. This is how it was put recently by Esther Johnson, head nurse of a ward where several of the trainees did their clinical work, as quoted in the Los Angeles Times:

"The dependent role that the patients in the mental hospital develop makes it difficult for them to step into the independent life outside. They (the trainees) have been able to follow patients into the community and help with problems they have lost contact with, such as getting a driver's license, applying for federal benefits, or enrolling in school."

The present Brentwood program gives the trainees the option of receiving a certificate after completing one year or taking the full two-year Associate of Arts degree course. The eleven at Brentwood appear determined to go the distance. The course includes a full program of academic work, clinical training at the VA hospital, and additional experience in community institutions. Although somewhat different approaches are being tried at the other VA hospitals, in each case the hospital provides clinical training and VA staff members participate in curriculum development and teaching.

According to Mr. John Vallance, Director of the Brentwood Hospital, it is this combination of extensive clinical training and the active involvement of professional hospital staff that has proved to be the program's most promising innovation.

"We believe," he said, "that our staff and these pioneer students, together with their colleagues elsewhere in the VA system, may have made an important advance in the care of mental health. We need much more experience, and thorough evaluation before we can draw firm conclusions. If these new workers can help to smooth the return of mentally ill veterans to a more normal life, it will be a significant gain. There seems to be good reason to believe that they can, and that the gains in patient satisfaction may be applicable to other fields of health care. Surely, we are gratified by the response thus far by patients, trainees and members of the treatment teams."

THE CONTROLLED SUBSTANCES SECURITY ACT OF 1973

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. RANGEL. Mr. Speaker, I will soon be introducing the Controlled Substances Security Act of 1973 in the House of Representatives. For too long, dangerous narcotics have been criminally diverted from proper channels due to faulty security procedures. My proposal would involve the Attorney General in establishing complete and proper security standards for manufacturers in the storage and shipment of schedule II controlled substances. These substances are considered to be highly addictive. Such narcotics as methadone, morphine, and types of amphetamines are listed in schedule II. Methaqualone, while not yet scheduled, will most likely be listed in schedule II. The Attorney General will have the authority to inspect places of manufacture to insure that proper standards are observed. Further, the right to suspend a manufacturer's license upon the loss of narcotics, or upon the failure to observe proper standards will be given the Attorney General.

The fight against drug addiction and illegal drug trafficking should involve us all. I welcome the cosponsorship of my colleagues on this proposal.

APPRAISAL OF CURRENT TRENDS IN BUSINESS AND FINANCE

HON. H. JOHN HEINZ III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. HEINZ. Mr. Speaker, I have come across an interesting article in the Wall Street Journal, which discusses the inflationary pressures which may result from low interest rates. The article analyzes not only several problems relating to rates of interest and capital investment, but also several alternative solutions.

In the past couple of weeks Washington has urged banks to keep their prime interest rate down. But as the article points out, low interest rates may only stimulate businessmen to borrow additional capital for investment, producing further inflationary pressures in an already booming economy.

In order to counter these pressures, economists suggest some kind of restraint of the sort that somewhat higher interest rates might help provide.

With the extension of the Economic Stabilization Act soon to be taken up by the House, I recommend this article to all my colleagues. I believe it will help clarify some of the issues.

The text of the article is printed below:

The Outlook—Appraisal of Current Trends in Business and Finance

(By Lindley H. Clark, Jr.)

"The lower the rate of interest, the more substantial will be the style of building used for the hat-making factories and the homes of the hat-makers; and a fall in the rate of interest will lead to the employment of more capital in the hat-making trade in the form of larger stocks of raw material, and of the finished commodity in the hands of retail dealers."

Alfred Marshall, in his classic "Principles of Economics," thus pointed up the effect of lower interest rates: when credit is cheaper, businessmen tend to use more of it. And, in the past couple of weeks, the government has been trying to persuade the banks to keep down their interest rates on loans to business. Is Washington trying to stimulate a vast increase in the output of hats?

That would be nonsense, of course. Nearly everyone now recognizes that the economy is already booming, moving steadily closer to the limits of its resources. If manufacturers try for further sharp increases in production—of hats or anything else—they soon will be bidding against one another for the available resources, and putting even more upward pressure on prices.

What the economy could use now, in the view of most economists, is a little restraint, of the sort that somewhat higher interest rates might help provide: when credit is costlier, businessmen tend to use less of it. So it wouldn't be reasonable, right at the moment, for the government to be trying to encourage cheap credit for businessmen generally.

But that may not be what the government has in mind. Amid all the discussion of whether a proper prime rate should be 6¼%, 6½% or 6¾%, there was some conversation about a "two-tier" prime rate. (The prime rate used to be the fee the banks charged their highest-rated borrowers; what it is now is still uncertain.)

The idea of a two-tier prime seemed to appeal to Arthur Burns, the man who has the uncomfortable job of heading both the Federal Reserve Board and the administration's Committee on Interest and Dividends. Under such a split-level rate, said Mr. Burns, large companies with access to national money markets could get one prime rate, which would move in line with other market rates.

Another rate would apply to smaller businesses, which rely chiefly on local sources of funds. According to Mr. Burns, banks would observe "special moderation" with respect to rates for smaller firms.

How this would work in practice is anyone's guess. It's true that many small firms now borrow at rates a certain number of percentage points above the prime rate. It's also true, though, that many solidly profitable small companies borrow from their local banks at the prime rate—or below it.

The fact that a business is small should not by itself guarantee easy access to credit. Some small businesses, like some larger ones, may already be over-extended. Some may be badly located or simply badly managed. Neither the Federal Reserve, the CID nor the local bank does anyone any real favor by pushing good money after bad.

Of course, some of the recent confusing conversation involved more than an effort to distinguish between big and small businesses. Some banks thought that the CID might worry a little less about the prime rate if they promised faithfully to hold down their rates on mortgage loans and consumer credit.

From a purely economic point of view, though, it may not be wise to encourage a further large expansion of housing and consumer credit. For some time, economists have been hoping for a little slowdown in housing; the hope is that such a slowdown will moderate the boom and help to keep it from exploding into more inflation.

So far the hope remains unfulfilled. Meanwhile, consumer credit pushes to ever-higher levels, and at least some economists are beginning to wonder whether the public isn't overdoing the buy-now-pay-later notion. Nearly all economists would agree that the nation does not now need a sharp new surge in housing and consumer debt.

But there really was no reason why economists should have understood the recent conversation about interest rates. Participants in the discussions weren't talking economics; they were talking politics.

The political fact is that the administration is trying to get Congress to extend the President's wage-price authority for one year, and to do so in a fairly flexible way. Some critics of the administration, however, have been pushing proposals to freeze all prices—and interest rates. The hope apparently is that a hold-down on the highly visible prime rate will help to head off an interest rate freeze.

An interest rate freeze would be an administrative monstrosity, to say the least. Money markets would cease to function. Some lenders presumably would simply refuse to lend. But no such considerations deter politicians who believe that credit should always be both abundant and cheap.

Alfred Marshall long ago saw the conflict between politics and sound economics—and did his best to steer clear of it. "Economics," he said, "avoids as far as possible the discussion of those exigencies of party organization, and those diplomacies of home and foreign politics of which the statesman is bound to take account. . . ."

Economics, Mr. Marshall said, helps the statesman to determine what is best for his country and also how to achieve it. "But it shuns many political issues, which the practical man cannot ignore: and it is therefore a science, pure and applied, rather than a science and an art."

Perhaps such a division was possible in Mr. Marshall's turn-of-the-century England. But in the U.S. in 1973 economists may need more art than science to persuade politicians to permit interest rates to perform their traditional role in restraining an economy that's in danger of overheating. As the demand for credit pushes against a restricted supply, a free interest rate channels credit to its potentially most productive uses.

If the economists aren't artful enough we may be in danger of drowning in a sea of hats.

H. Clark Jr.

IN MEMORY OF MARTIN LUTHER KING

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. RANGEL. Mr. Speaker, the ideals of brotherhood and justice are as old as civilization itself, but these ideals were never expressed so eloquently, or believed in more deeply, as they were by Dr. Martin Luther King, Jr.

What was extraordinary about Dr. King was not the fact that he possessed these beliefs, for many people do, but rather, the extreme depth and strength of his commitment to insure that someday all men would be able to live in dignity with equal rights and opportunities.

Martin Luther King refused to remain silent when he encountered injustice. His moral conscience would never permit him to compromise his principles and beliefs. Whether it was a boycott of buses in Birmingham, or Dr. King's support for a strike, the people concerned knew that his involvement would not end until their goals had been achieved.

It has now been 5 years since the tragic assassination of Dr. Martin Luther King, Jr. As we commemorate the memory of this man, we should further commit ourselves to the goals that he pursued. It is our responsibility to see that the ideals that Dr. King represented, lived, worked, and ultimately gave his life for are someday a reality.

WOUNDED KNEE

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mrs. GRASSO. Mr. Speaker, the General Assembly of the State of Connecticut has recently issued a proclamation on the situation at Wounded Knee, S. Dak., urging the Congress to take immediate steps toward resolving the crisis. This resolution demonstrates that many people, and not only those in South Dakota, believe that this is an issue of major importance. I would like to bring this proclamation to the attention of my colleagues:

Resolution Memorializing Congress Concerning the Crisis in Wounded Knee, S. Dak.

Resolved by this Assembly:

Whereas, the people of Connecticut and the nation are increasingly disturbed by the worsening situation in Wounded Knee, South Dakota, seized two weeks ago by members of the American Indian Movement; and

Whereas, negotiations between the leaders of the Indians and representatives of the United States Department of Justice and Interior have so far failed to resolve the dispute; and

Whereas, lives and property are in jeopardy as the crisis deepens;

Now, therefore, be it resolved, that the general assembly of the state of Connecticut urges the Congress of the United States to take prompt action to restore peace to the historic hamlet of Wounded Knee and to investigate the claims of the American Indian Movement to determine their validity and the necessity for federal response to these claims; and

Be it further resolved, that the Clerks of the House and Senate cause a copy of this resolution to be sent to the speaker of the United States House of Representatives, the President Pro Tempore of the United States Senate and the members of the United States Congress from Connecticut.

SENATE—*Thursday, April 5, 1973*

(Legislative day of Wednesday, April 4, 1973)

The Senate met at 10:30 a.m. following the recess, and was called to order by Hon. William D. Hathaway, a Senator from the State of Maine.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Lord our God, in whom we trust, put Thy hand upon the Members of this body to guide and strengthen them throughout this day and beyond. Bless them as they think together and work together in committee rooms and in this Chamber. Sustain them in moments of stress and tension. In weakness impart Thy strength, in fatigue give them renewal. Grant to them the moral and spiritual stamina to walk in paths of righteousness that they may fulfill their high calling in service to this Nation and in the advancement of Thy kingdom on earth.

We pray in the name of Him who went about doing good. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Eastland).

The assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., April 5, 1973.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. William D. Hathaway, a Senator from the State of Maine, to perform the duties of the Chair during my absence.

James O. Eastland,
President pro tempore.

Mr. HATHAWAY thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Wednesday, April 4, 1973, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the calendar.

There being no objection, the Senate proceeded to consider executive business.

FARM CREDIT ADMINISTRATION

The ACTING PRESIDENT pro tempore. The clerk will state the nomination.

The second assistant legislative clerk read the nomination of Luther W. Jennejahn, of New York, to be a member of the Federal Farm Credit Board, Farm Credit Administration.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I request that the President be immediately notified of the confirmation of the nomination.

The ACTING PRESIDENT pro tempore. Without objection, the President will be so notified.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

There being no objection, the Senate resumed the consideration of legislative business.

MR. NIXON VERSUS THE CONGRESS

Mr. MANSFIELD. Mr. President, in the Christian Science Monitor of April 4, 1973, there was a very worthwhile, pithy editorial, entitled "Mr. Nixon Versus the Congress." I ask unanimous consent that it be inserted at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Mr. Nixon Versus the Congress

A sentence in yesterday's report in this newspaper from our correspondent at San Clemente jolted us into a new concern about the state of affairs which now exists between the President of the United States and the Congress.

The report was discussing prospects for a continued flow of economic aid from the United States to the government of South Vietnam headed by Nguyen Van Thieu. This, it seems, was the main subject at San Clemente when President Thieu had his first meeting on U.S. soil with President Nixon.

"Administration officials," our correspondent wrote, "acknowledge both Presidents will have to improve their relations with the U.S. Congress first."

Here indeed is a startling change in affairs. Economic aid from the United States to South Vietnam has never before been in slightest serious question. True, Senate doves have long been chanting slogans about bringing the dollar home. And all of us have known for several weeks now that the Nixon program for economic aid to former enemies in North Vietnam was in trouble. It is in obviously greater trouble now that returning POWs have so much to say about torture. But until now economic aid to the people the United States has so long been supporting in South Vietnam has never before been in serious question.

In the past the use of dollars, credits and supplies of all kinds to sustain the non-Communist government in Saigon was just as routine a part of Washington life as the annual rivers and harbors bill, or apple pie. Yet now we are told that if President Thieu is to be assured of a regular and continuing flow of economic aid he himself will have to do his own lobbying with the leaders of the Congress of the United States. That flow is no longer something President Nixon can grant or withold at White House pleasure. It is something that can be had only if President Thieu helps President Nixon persuade the leaders of the Congress to do what both want them to do.

Five months ago Richard Nixon was re-elected President of the United States by one of the great landslides of political history. Yet today—such a short time later—he has less influence over the Congress than he had during the first four years which were built on one of the narrowest of political victories. We are left to ponder the phenomenon of why a landslide is worth less in influence with the Congress than a narrow victory.

A large part of the explanation is probably to be found in the tone of voice used by

White House staff people to members of the Congress since the landslide. A glaring example was Ronald Ziegler, age 34, telling Sen. Sam Ervin, age 77, to "get his own disorganized house in order."

After all, Mr. Ziegler is only a press aide to the President. Senator Ervin is the senior Senator from the sovereign state of North Carolina. Senators don't like being lectured at like that by White House aides half their own age. It seems to us that the landslide induced in junior White House staffers a tone of arrogance toward Congress which is already doing serious harm to the most important projects of this administration. We again urge Mr. Nixon to forget the landslide, change the tone of White House address, and concentrate on mending his relations with the Congress before irreparable damage is done. The White House must remember that in the United States the people are still sovereign. The President is merely the first magistrate, nothing more.

The ACTING PRESIDENT pro tempore. Does the acting minority leader desire to be recognized?

Mr. GRIFFIN. No, Mr. President.

AMENDMENT OF THE PAR VALUE MODIFICATION ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume the consideration of the unfinished business, S. 929, which the clerk will read by title.

The assistant legislative clerk read the bill by title, as follows:

A bill (S. 929) to amend the Par Value Modification Act.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Virginia (Mr. HARRY F. BYRD, JR.).

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum without losing my right to the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HARRY F. BYRD, JR. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HARRY F. BYRD, JR. Mr. President, what is the pending business?

The ACTING PRESIDENT pro tempore. The question is on the adoption of the amendment of the Senator from Virginia, amendment No. 76.

Mr. HARRY F. BYRD, JR. Mr. President, amendment No. 76 would deny the use of American tax funds for the benefit of North Vietnam.

What the amendment does is to prohibit the expenditure of all funds to North Vietnam.

I recognize, of course, that any subsequent proposed legislation which may be submitted to Congress, either by the President or by any Member of Congress, if that proposed subsequent legislation should be enacted, it would take precedence over the proposal we have before us at the moment.

So what the amendment, in essence, does is to say that no funds shall be utilized for the benefit of North Vietnam unless Congress specifically hereafter approves.

As we all know, there is a vast amount of money in the pipelines of the Government, money appropriated but not spent. There are billions of dollars in the foreign aid pipeline. There are billions of dollars in the Department of Defense pipeline.

If this amendment is approved, then no previously appropriated funds could be used for the benefit of North Vietnam, for economic aid to North Vietnam, without the approval of Congress. That is implicit in the amendment now before the Senate. I do not think that anyone familiar with legislative work would contend otherwise. Obviously, this proposal could be vitiated by any subsequent legislation.

However, in order to make the fact completely clear, I shall modify my proposal by striking the period at the end of the amendment and inserting a comma and these words: "unless specifically authorized hereafter by Congress."

Mr. President, I send the modification to the desk and ask that the amendment be so modified.

The ACTING PRESIDENT pro tempore. Without objection, the amendment will be so modified.

Mr. ROBERT C. BYRD. Mr. President, does this modification require unanimous consent?

The ACTING PRESIDENT pro tempore. There is no exact precedent on that point, and there is a question as to whether unanimous consent would be required.

Mr. TOWER. Mr. President, will the Senator from Virginia please repeat his modification?

Mr. HARRY F. BYRD, JR. Yes. At the end of the amendment strike the period and insert a comma and the following language: "unless specifically authorized hereafter by Congress."

I say to the Senator from Texas that I think it is implicit in the amendment as it was originally introduced. However, in the event there is any lack of clarity in the minds of any Member of the Senate, I am willing to modify the amendment to add those words.

Mr. President, I would think that the Senate and the House of Representatives would want to be very careful to see that the United States does not go into a new foreign aid program which would be tremendously costly over a period of time unless Congress specifically approves such a proposal. And that is what amendment No. 76 would do. It would not prevent subsequent aid to North Vietnam if Congress subsequently specifically approves such aid.

Mr. President, I want to be very frank with the Members of the Senate. I personally oppose a huge economic aid program to North Vietnam. However, I am only one Member of the Senate. And when proposals are made, if they are, to the Congress, a majority will decide.

What I am anxious to prevent—and that is the purpose of the amendment—is that none of these huge pipeline funds be used to initiate a new foreign aid program for the benefit of North Vietnam. I realize that there is a different viewpoint on this. However, I think that there are so many reasons why amendment No. 76 should be agreed to that I think the discussion of it today is most desirable.

I want to say again that this amendment does not prevent the President of the United States from submitting such a program to Congress. It does not prevent Congress from subsequently enacting such a program. It does not prevent any Member of the Congress from proposing legislation for economic aid to North Vietnam. And if that legislation is subsequently enacted, it would take the place of amendment No. 76. We all know that legislation enacted subsequent to a previous piece of legislation takes precedence.

However, as the amendment has been modified, it makes it even more clear that no funds can be used to establish a new foreign aid program for North Vietnam unless specifically authorized hereafter by the Congress of the United States.

I would think that those of us who feel that over a period of time the Chief Executive—and I am not speaking on the present Chief Executive or any specific Chief Executive, but I am speaking over a period of time—gather unto themselves as much power as possible.

I would think we would want legislation such as I have proposed and is being considered today, legislation that would say that no new foreign aid program or foreign aid spending so far as North Vietnam is concerned can be established without the specific authorization hereafter granted by the Congress of the United States.

I would hope that the President does not submit such a program. If he does submit such a program, the Congress can then consider the matter and take whatever action it deems wise.

Mr. HASKELL. Mr. President, would the distinguished Senator from Virginia yield?

Mr. HARRY F. BYRD, JR. Mr. President, I yield to the distinguished Senator from Colorado.

Mr. HASKELL. Mr. President, I would like to support very vigorously the amendment of the Senator from Virginia for the reasons given by him. I think that it is vitally important that this country not embark on further foreign aid programs without specific consent and approval of the Congress. However, Mr. President, were it not for the rule of germaneness that is provided for in this debate, I would seek to amend the Senator's amendment by adding the countries of South Vietnam, Cambodia, and Laos.

My reasons for wanting to do this are several. I do not believe that money given to the Government of South Vietnam would ever get the money to the people of South Vietnam. I do not believe the fact that the present ruler of South Vietname is called President of the country makes him any less a dictator than is the Premier of North Vietnam.

As to Cambodia and Laos, I seriously

question the constitutionality of the Chief Executive's decision to send B-52 bombers across Cambodia and blanket bomb areas of that country.

I do not agree with the representative of the State Department who pointed to Mr. Nixon's victory in November as a constitutional justification.

These are all matters which I think should have an orderly consideration in the Senate.

I commend the Senator from Virginia for taking the first step.

Mr. HARRY F. BYRD, JR. Mr. President, I thank my distinguished friend, the Senator from Colorado. I think that his remarks point up the deep concern that future steps in Southeast Asia be taken only with the approval and the authorization of the Congress of the United States. And most certainly, where public funds are involved, we are dealing with the moneys of the wage earners of our Nation. We have huge foreign aid commitments right now.

The new budget calls for the expenditure of $9.5 billion, not including whatever might be recommended for Indochina. The United States is in a very difficult financial position. The President thought it was necessary to veto a number of pieces of legislation dealing with the appropriations of public funds.

He has indicated that he will veto additional legislation appropriating funds for many projects in the United States of interest to the American people.

Taking into consideration all of this, I would think that our country should be very hesitant to go into a gigantic new spending progrm in Indochina.

We know from 10 years of experience—10 long, difficult years of experience—that Indochina is a quicksand for men and materials. We had 2.5 million men involved, over a period of 10 years, in Vietnam.

And if it is a quicksand for men and materials, I submit it will be a bottomless pit for American tax dollars if we ever begin to shovel out those dollars to Indochina.

What the amendment under consideration does is to prevent any tax funds to be used for the benefit of North Vietnam unless specifically authorized hereafter by the Congress of the United States. The decision is in the hands of Congress if this amendment is passed. Congress may approve or disapprove any subsequent programs submitted to us.

But if the amendment is not approved, there are billions of dollars of unspent appropriated funds which probably could be used for the establishment of a new program. So this amendment makes it clear that no American tax dollars shall be used for the benefit of North Vietnam, unless Congress hereafter authorizes such action.

Mr. TOWER. Mr. President, I must stand in opposition to the amendment offered by the distinguished Senator from Virginia, but I am bound to say that I am in very hearty agreement with him more often than I am in disagreement.

I think there are several questions that should be raised about the prudence of considering this amendment at this time. That this is an inappropriate vehicle, I think, is very obvious. This is the kind of matter that should be considered in connection with a military assistance bill or a foreign aid bill of some kind, and not considered in the context of the debate and consideration of the revaluation of the price of gold. But I suppose that the argument of germaneness sounds a little hollow here today, considering the violence that has been done to this legislation already by successive amendments.

However, I think it is unwise, Mr. President, for other reasons as well. We attempt here to establish foreign policy on the Senate floor in the consideration of a measure on which there have been no hearings, on a matter for which there has been no specific proposal emanating from the White House.

I can recall that a few years ago I was the author of an amendment to a foreign assistance bill which denied, precluded. and prohibited the use of any funds for Indonesia. My amendment was agreed to by an overwhelming majority—something like 72 to 26—and it was but a matter of weeks later that the Sukarno government was brought down by the then military junta in Indonesia—a government that since that time has demonstrated its affinitive position toward the United States, and has since that time proven its willingness to be a stabilizing influence in Southeast Asia. If I could, I would today recall my offering of and support of that amendment, but it is too late. Hindsight is always better than foresight.

I think this dramatizes the undesirability of trying to second-guess the administration in its formulation and implementation of foreign policy, or trying to second-guess what international situations are likely to exist even a few weeks hence.

The administration has not come to us with any proposal. We have not held any hearings. This is a matter that should be properly considered by the Committee on Foreign Relations, and perhaps by other committees that would have an interest in the matter. I certainly concur with my friend from Virginia that it is a controversial issue; and my present disposition would not be to extend aid to North Vietnam.

But who knows what might happen in the future? I think we have to consider North Vietnam in context. We have to think in terms of the territorial and political integrity of Thailand. What happens in Indonesia is of critical importance to the security of Thailand. We have no treaty obligations with the nations of Indochina. We do have a treaty obligation with Thailand, and the security of Thailand is very dependent on our ability to bring the war to an end in Indochina, to sanitize Laos and Cambodia or face the very great potential threat of armed aggression against Thailand.

Should such aggression occur, the United States would have two options: We could either send troops into Thailand to assist them, as we are bound to do as a SEATO signatory, or we could say that we are going to treat that commitment as a scrap of paper, we are not going to honor that commitment, and think in terms, if we were compelled to choose that second option, of what the long-range effects would be on the capacity of the United States to maintain its position as the leader of the free world, as the credible first line of defense against military and political aggression on the part of the other great superpower, the Soviet Union.

We might see deterioration of confidence in the United States on the part of our allies and on the part of neutralist nations. We might see a conclusion on the part of our potential adversaries that we have lost our will, that we will not honor our commitments, and then they will begin to mount political offensives against our friends and against the neutral nations that might result in their feeling compelled to make their own individual accommodations with the great super powers, accommodations that would neither work in their long-range benefit nor to our long range benefit. It could ultimately result in the isolation of the United States.

Some say that is the discredited domino theory. I do not know whether the domino theory can be sustained or discredited. It has to be applied to individual situations. But the confidence of the rest of the world in the resolve of the United States is a tremendously important thing.

We have paid a heavy price to maintain the confidence of the world in that resolve. We have paid the price of 55,000 dead Americans. We have paid the price of the loss of our blood and treasure in a nasty war that no one wanted. But we have come away with honor. Our prisoners of war have stepped ashore with their heads held high, and almost to a man have commended the President and the American people for not crawling on their bellies to the north.

I do not think that we should try to prejudge at this moment the wisdom of aid to North Vietnam. If we could be assured that aid to North Vietnam would result in good behavior on their part, could insure a responsible attitude on their part, and could secure decisions on the part of the hierarchy of that country, that they will look to their domestic concerns and no longer maintain their aggressive designs against their neighbors, then I think there might be some great merit in that kind of aid. It would, indeed, I think, be a small price to pay for the preservation of peace and stability in Southeast Asia.

Mr. President, I have received a very interesting letter from the sister of a returning prisoner of war, a young woman who has been very active in the support of our prisoners during the 7½ years that her brother was incarcerated in North Vietnam.

She writes of his feelings about some things. This is what she has to say about his attitude on the rehabilitation of North Vietnam. This is the attitude of a returning prisoner of war, one who went through all of the hell that most of them did:

> As for our contributing to the rehabilitation of North Vietnam, he feels that it is absolutely essential because if we hope to have stabilization of the Southeast Asian

> area, our presence must be maintained. This may be our only recourse toward peace in that area; therefore, so that all will not be lost in the future, we must stay—at least with American money. You had asked his feelings on this matter. I don't know if all POW's feel this way, but I suspect that they do.

Mr. President, I could not say that all POW's feel that way but it is, apparently, the view of one POW. It therefore could be the view of others. It certainly is a matter that could be brought out if we were to have hearings on the matter.

The President has already indicated that there should be no aid to North Vietnam unless there was a congressional authorization. I think it is inappropriate for us to prejudge the matter at this moment without having hearings, without getting all the facts, and without considering the matter in its proper context.

Therefore, I am very hopeful that the Senate will reject the amendment not because it disagrees with the spirit of it, but because, as I said a moment ago, I concur with the spirit of it at this moment, but because this is not the time to act.

Therefore, the responsible thing, I think, for the Senate to do at this moment, would be, regardless of our feelings on the matter, to reject the amendment.

Mr. HARRY F. BYRD, JR. Mr. President, just one word before I yield to the distinguished Senator from Wisconsin (Mr. PROXMIRE).

The Senator from Texas said that he thought now was not the time for this amendment, that he himself feels at the present time that probably aid should not be extended to North Vietnam.

I want to emphasize and make clear that the amendment itself—although I would just as soon have it the other way—does not prevent future action on behalf of aid to North Vietnam.

What the amendment says is that no U.S. tax funds shall be utilized for the benefit of North Vietnam unless specifically authorized thereafter by the Congress.

Now those who feel that the President or the executive branch should have the unilateral right to take tax funds and start a new program in Indochina, would want to oppose the amendment. But those who feel that Congress should keep control of the purse strings in the sense that any new programs must be first approved by Congress, I submit that those Senators would want to support my proposal.

I yield now to the distinguished Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.), in his remarks just made, makes the first point I should like to reiterate, emphasize, and underline, so that we know what the Senate is voting on.

What does the Byrd amendment provide?

It is not a prescription for all time, saying that we will never provide aid to North Vietnam. We can make an argument for that, but I would not suggest that.

Let me read the amendment, it is only one short sentence as presently constituted.

> No funds made available by the Congress to any department or agency of the Government may be obligated or expended for the purpose of providing assistance of any kind, directly or indirectly, to or on behalf of North Vietnam, unless specifically authorized hereafter by the Congress.

Now, Mr. President, a spokesman for the administration has said—and this is one of the most shocking statements I remember hearing in recent weeks, and I have heard a lot of them—that regardless of what Congress will do, whether it opposes or supports aid to North Vietnam, the administration intends to provide it.

Mr. President, if the vote yesterday—70 to 24—to limit impoundment by the President means anything, it means that we insist we will control the priorities on spending.

That is our constitutional right; that is our authority; and we are going to stand up and take responsibility for it. This is what the Byrd amendment does.

One could make a strong argument for no aid to North Vietnam, period, but the Byrd amendment does not do that. It says that if we are going to provide aid, let Congress provide it.

For a few years, I was chairman of the Subcommittee on Foreign Operations of the Appropriations Committee. In that capacity, I learned that if there is one very loose area of control in Congress, it is in foreign aid.

The fact is that when the administration comes up with their foreign aid bill, they do not indicate what countries are going to get the aid, except on an illustrative basis. They come up with what they call an illustrative budget. Under that budget, they can provide that country A is going to get $10 million and country B $1 million. They can decide later that all $11 million will go to country B. That is within their discretion. There is no limitation in the appropriation of how much can go to whatever country we wish it to go to.

For a long time, I have tried to change that, and I think we are making progress toward changing it and are going to provide a country-by-country appropriation within the next year or two.

However, when it comes to a very important policy action such as aid to North Vietnam, the modest proposal by the Senator from Virginia should prevail—that aid should be provided only with specific congressional authorization.

Let us consider the priorities here. All of us, I think, would like to help people who are in trouble. We know that some of the North Vietnamese people are innocent—many of them did not support the war, I am sure—that many were damaged terribly, painfully, and cruelly by American bombs.

We would like to help those people and provide medical attention. We would like to do what we could to provide some kind of limited assistance. I can see myself voting for some assistance of that kind. But what has been suggested is that we provide as much as $2.5 billion of development assistance for North Vietnam. Before I indicate what we are doing when we do that, let us consider our priorities.

The day before yesterday, the Senate voted to sustain a veto of the President. I voted against the prevailing side. At any rate, by sustaining the President's veto, the Senate upheld withholding funds for vocational rehabilitation to aid the handicapped, to aid people who are ill, who are sick, who are hurt, and who need some kind of assistance if they are going to work. This was killed by the administration, and that killing was sustained by the Senate by a 60-to-36 vote. Apparently, this is to have a lesser priority than aid to the North Vietnamese.

I was just sitting at hearings of the Housing Subcommittee of the Committee on Banking, Housing and Urban Affairs, yesterday and today.

Mr. TOWER. Mr. President, will the Senator yield for a question?

Mr. PROXMIRE. I yield.

Mr. TOWER. Has the administration made a specific proposal to Congress to spend $2.5 billion in North Vietnam?

Mr. PROXMIRE. The administration has not made any such proposal, but the indications have been very clear that it is their intention to spend up to $2.5 billion over the next 2 years in aid to North Vietnam.

Mr. TOWER. Has the administration said that it will not spend money for vocational rehabilitation?

Mr. PROXMIRE. Of course, the administration will spend money for vocational rehabilitation. The question is how much, whether it is enough.

Mr. TOWER. The administration said they will accept a proposal that ups the proposed budget of last year, but not a proposal that includes waste and duplication.

Mr. PROXMIRE. I am against duplication and waste just as well as the Senator from Texas is against it. But I think that the program that was before the Senate, which the Senate passed and wanted to pass over the President's veto, was not a wasteful program. It was modest and would provide less money for that purpose than the administration would provide for North Vietnam.

I have an article from San Clemente, dated March 31, indicating that the Nixon administration has no intention of abandoning its commitment for aid to North Vietnam, despite indignation over Hanoi's treatment of prisoners of war. There has been no indication, also, that the administration would scale down the expressions made earlier that aid to North Vietnam would be as much as $2.5 billion.

Mr. TOWER. Is that a direct quotation from a White House source? If so, who was the spokesman in that instance?

Mr. PROXMIRE. So far as the aid to North Vietnam is concerned, it is my understanding that Mr. Ziegler was the author of it. I am not quoting Mr. Ziegler as saying $2.5 billion, however. I am saying that the administration said they will not abandon aid to North Vietnam, in spite of the treatment of U.S. prisoners of war.

Mr. TOWER. But that is not a direct quotation?

Mr. PROXMIRE. I wish the administration would send up a request. The point is that they have not. Also, they have indicated that they are going to provide this aid, regardless of what Congress does. They are going to spend our money aiding North Vietnam, regardless of the position of Congress. Senator BYRD has said this should not be permitted unless specifically authorized hereafter by Congress.

I could go into priorities on vocational rehabilitation, housing, education, and health. In all these areas we are holding down spending, and in many areas we should. There is undoubtedly waste in some of these programs, waste in the education programs, overruns and waste in some of the health programs. But I think one can make a case that we need more health and educational services.

In the housing area, as I started to indicate when Senator TOWER asked me to yield, the administration is on record. Yesterday, Secretary Lynn made clear to our committee that because of a moratorium on low- and moderate-income starts, they are cutting back on 600,000 housing units. In other words, 600,000 fewer houses will be constructed for people with low and moderate income in this country.

At a time when housing costs are increasing and rents are high, this is bound to be a formula for inflation and will mean higher costs and higher rents. It is done because the administration is arguing that we do not have the money. Yet, they are proposing hundreds of millions of dollars—in fact, billions of dollars—of aid to North Vietnam.

The argument is made—and I think this is one of the most widely held illusions on the part of many people—that, after all, America has done this in the past; that after World War II we provided massive assistance to Germany and Japan. The assistance we provided to both Germany and Japan was substantial. On a per capita basis, however, it was less than the $2.5 billion—I will give the source later, when I get the precise source—that is now being provided for North Vietnam. But consider the difference.

In the case of Germany, Germany surrendered unconditionally. Hitler was dead. The Nazi regime was deposed. A democratic regime came into power. Furthermore, assistance to Germany undoubtedly would not have been provided, in my view, except that we recognized that unless we had a reconstructed, reestablished, strong Germany, it would be subject to Communist subversion and Communist control and Communist overrunning from the East. That was one of the big arguments for it.

With respect to Japan, the same situation prevailed. The Japanese Emperor resigned; the Japanese dictatorship was deposed. It was replaced by a model parliamentary democracy.

Under those circumstances, we recognized there was a threat from Communist China. So once again we provided assistance to Japan, far less, however, than the assistance being contemplated now for North Vietnam. What do we have in North Vietnam? Do we have a parliamentary democracy? We have a Communist dictatorship. I know that many Senators propose that we not give aid to any dictatorship even if it is friendly to this country, like the Greek dictatorship. I support that position and I think it is right.

But for us to give aid to a Communist dictatorship when we have been at war with them, when they have won the war, does not make sense at all. It is not analogous to the situation at the end of the World War II with respect to Germany and Japan.

Most taxpayers think we are out of our minds to talk about providing aid to North Vietnam under these circumstances. We are giving aid to a government which is a dictatorship, and many Senators have said they are opposed to any aid of that kind. But this is a Communist dictatorship, hostile to this country, carrying on hostilities right now in Cambodia, and, as we know, in South Vietnam.

Many of us think the foreign aid program should be changed dramatically and very drastically, that it should be multilateral and based on technical assistance, and that we should avoid big development aid programs because they have not worked. But if we are going to have a foreign aid program we should recognize where our responsibilities are and where that foreign aid program could be most effective.

We should have a high priority for South America. That is an area within our own area of responsibility and where, since the Monroe Doctrine, we have recognized that we have a peculiar and a particular interest. It is an area where our economic interests and security interests really lie. South America should come first. We have been reducing, and I think properly reducing, aid to South America; that aid is to be far less than the $2.5 billion proposed for North Vietnam. But South America is in our backyard, it is underdeveloped, it has widespread poverty, and it needs assistance. If we provide aid, and I am skeptical of much of the aid we provide, that area should have a higher priority than Asia, and particularly aid to a Communist dictatorship in Asia.

Mr. President, if we are going to provide priorities on foreign aid, at the very bottom of those priorities should be aid to dictatorships, and aid to Communist dictatorships. Foreign aid cannot be justified geographically, because this is outside of our zone of interest or immediate interest. With respect to the zones throughout the world, South America and the Western Hemisphere would be No. 1, Europe would be close behind it, then Africa, and then Asia would bring up the rear. But also if we are going to provide aid on any rational, documentary basis, unless the aid is to go to every country in the world, all 140 countries or however many countries there are, then at the bottom of that entire list should be a country that is a dictatorship carrying on hostile actions right now against this country.

For all these reasons I hope the Byrd amendment is agreed to and I hope that Senators who had previously considered the likelihood of supporting the majority leader's motion, which would be made later today to table the Byrd amendment, will reconsider, recognizing the very important and vital clause the Senator from Virginia added to his amendment. The amendment states:

> No funds made available—

And these are the important words—

> unless specifically authorized hereafter by the Congress.

How anyone who believes in congressional responsibility, anyone who believes in the division of powers and the authority over the purse by Congress could object to that kind of amendment is beyond me. I thank the Senator from Virginia. I congratulate him on his amendment, and I hope that the tabling motion is resisted and that the amendment is agreed to.

Mr. HARRY F. BYRD, JR. Mr. President, the Senator from Wisconsin made a powerful presentation. I think he has put the amendment in clear focus. I am grateful for his strong support.

The senior Senator from Wisconsin is a cosponsor of the amendment along with the distinguished Senator fom Alabama (Mr. ALLEN), the distinguished Senator from South Carolina (Mr. HOLLINGS), and the distinguished Senator from Indiana (Mr. BAYH).

I yield to the distinguished Senator from Alabama.

Mr. ALLEN. Mr. President, I thank the distinguished senior Senator from Virginia. I congratulate the distinguished senior Senator from Virginia on his amendment and I hope that it will not be tabled, but that it will be added to this bill and be finally enacted by Congress and approved by the President.

Mr. President, I rise in support of the amendment by the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.).

I am unalterably opposed to plans, well on the way to implementation, to reimburse a present enemy which continues to wage war against our allies in Southeast Asia. In the world of reality it matters little by what name we designate the $2.5 billion proposed contribution to North Vietnam. We may call it reimbursement, restitution, reparations, a charitable contribution or an outright gift. The terms are insignificant—the meaning of such action on our part will be determined by what it does, how it does it, and the end result.

From the standpoint of what it does, no one can escape the conclusion that we are called upon to reimburse North Vietnam in the amount of $2.5 billion, presumably, I assume, for damages which that nation incurred in waging an armed invasion of South Vietnam with the purpose and intent of denying to the people of North Vietnam their right to self-determination and for the purpose of subjecting its people to domination and control by a Communist power.

The question of how we accomplish the pay off is also tremendously important. It is a foregone conclusion that barring a miracle, the Congress of the United States is not going to appropriate $2.5 billion to the government of North Vietnam for any purpose whatsoever. That brings up the question of how the transfer of our tax dollars to the government of North Vietnam can take place. The truth is that it is possible for the administration to supply such massive economic aid to rebuild North Vietnam out of unexpended funds in the Department of Defense budget. Unexpected funds have accumulated in the Department for an extended period of time. The exact amount available is hard to come by. We know from the House Appropriations Committee on Foreign Operations that through the end of the fiscal year 1972, there remains $24.9 billion in unexpended funds in the pipeline from prior years, including appropriated funds and borrowing authority. It is true that the full amount could not be used for foreign aid purposes without the consent of Congress. However, much of it can and it is reasonable to expect that a sufficient sum is available to permit the administration to divert $500 million a year for 5 years to finance the rebuilding of North Vietnam.

In this connection, President Nixon stated in a press conference on March 2, 1973:

> As far as any assistance program is concerned, it will be covered by the existing levels for the budget which we have in for national security purposes. It will not come out of the domestic side of the budget.

In short, unless this Congress acts to limit the expenditure of funds authorized and appropriated for national security purposes, we will find the American taxpayer burdened with the financial costs of rebuilding North Vietnam.

Mr. President, we do not owe North Vietnam a thin dime; and if we reward North Vietnam with $2.5 billion we cannot escape facing up to the consequences of what I consider to be a foolish act.

The United States had an obligation to help defend South Vietnam against aggressors.

I assume that is the theory under which we intervened in South Vietnam. The Communist government of North Vietnam, was aware of that obligation. It could have reasonably anticipated that we would meet our treaty obligations. It could have anticipated the consequences. It could have ended the war at any time in its own discretion without the loss of its sovereignty of its territory and without damage to any of its cities. Instead, the Government of North Vietnam and its Communist allies, Russia and China, persisted in its war of aggression. They vigorously pushed the invasion into South Vietnam and destroyed property and killed with wanton abandon innocent citizens of South Vietnam, who wanted only to live in peace and security.

So, Mr. President, I turn again to the question of the ultimate consequences of what I consider to be sheer folly of rewarding the Government of North Vietnam. Is it not true that the proposed aid and assistance will strengthen the economy of North Vietnam? Is it not true that it will increase its capacity for waging wars of conquest against its neighbors in Laos, Thailand, and Cambodia? Is it not true that to the extent that we aid the Government of North Vietnam we relieve China and Russia and permit these nations to divert more funds in pursuit of their design of military conquests against defenseless nations in Southeast Asia? Is not such a consequence an inevitable result of aid to North Vietnam? Only Congress can prevent it.

Mr. President, there is one other consequence to which we must give sober deliberation. There are those who are even now actively agitating and using their farflung influence to marshal support for the proposition that the U.S. Senate should ratify the Genocide Convention. If we pursue the folly of making restitution to North Vietnam would it not be equivalent to an admission that we were legally and morally unjustified in responding to our obligations to a defenseless ally? Is the United States prepared to plead guilty before the court of world opinion that we were guilty of some undefined international offense? If so, is it not reasonable to expect that the Government of North Vietnam will vigorously prosecute its unfounded charges of genocide against members of the Armed Forces of the United States?

Is it not true that the Genocide Convention recognizes no statute of limitations? Is it not true that under the terms of the convention, acts committed in the prosecution of war included? Is it not true that under international precedent, no defense can be based on the fact that the individuals charged with genocide were following the orders of their superior officers?

Mr. President, it is not my purpose at this time to discuss the proposed Genocide Convention—I assume the opportunity will be granted a little later on during this session of Congress to have a full discussion of that convention if an effort is ever made to have that convention ratified by the Senate—but rather to examine the consequences of the ill-conceived plan to pay reparations to the Government of North Vietnam and we cannot avoid the hideous consequences were we to admit guilt and also ratify the Genocide Convention.

Mr. President, is anyone so naive as to believe that $2.5 billion represents the total claims which the Government of North Vietnam will file against the United States or that the United States, if not stopped by Congress, will voluntarily pay in reparations or in outright gift to North Vietnam?

We have been told that the ultimate amount which we are to pay is subject to negotiation but having admitted guilt and agreed to restitution, why should we think that the Government of North Vietnam will limit its demand to $2.5 bililon?

In addition, the proposed aid to North Vietnam and the rest of Indochina has been compared to the Marshall plan in Europe and the aid given to Japan to rebuild. As was pointed out by the Senator from Wisconsin, it is quite different than the Marshall plan and the aid to Japan. Aid given under the Marshall plan and to Japan was in both cases to former enemies who had been defeated decisively, and, in the case of Germany and Japan these countries were under partial or total American occupation with no possibility of continuing the war. The same is obviously not the case with North Vietnam. Additionally, in each case of aid to defeated enemies after World War II the opposing warring government was no longer in power. In short, this argument will not hold water.

Mr. President, let us turn now to a consideration of domestic consequences. I am convinced that the overwhelming sentiment of the people of the United States is strongly against aid to North Vietnam. The vast majority of our people are not prepared to take on another client nation. The taxpayers are not willing to respond to demands upon them to create an Office of Economic Opportunity for Southeast Asia to include the Communist government of North Vietnam. We have tried and miserably failed to buy off the street gangs in some of our major cities. There is no reason to believe that we can buy off international gangsters represented by Communist governments who remain determined to establish Communist governments in Southeast Asia. We simply cannot capitulate to the demands for access to the Treasury of the United States to aid North Vietnam.

Mr. President, the overburdened, hardworking, taxpaying, Godfearing, dedicated, patriotic American citizen will sacrifice and sacrifice again and again to defend the best interests of this great Nation, and to defend it against its enemies, both foreign and domestic.

But I tell you that the average citizen has too much commonsense and too much gumption to permit the Government of the United States to pick his pockets and pay tribute to the government of North Vietnam.

I might say, parenthetically, Mr. President, that the people of Alabama are more united on this subject than on any subject that has faced the Nation in a number of years. They do not want to see the United States pay reparations, pay damages, pay a bribe, pay money by any other name, to the Government of Vietnam. I am hopeful that this Congress will not permit that to be done.

Our youth were called upon to fulfill the highest duty and responsibility of citizenship when they were called upon to defend the right of free people throughout the world to self-determination and to freedom from armed agression from any source. Too many made the supreme sacrifice in defense of these ideals to say now that it was all in vain. We can never forget that they fought an enemy aggressor who destroyed the towns and villages of South Vietnam with reckless abandon—who killed and slaughtered hundreds of thousands of South Vietnamese with callous ferociousness. Countless thousands of our veterans have returned wounded and maimed in mind and body. Some 50,000 lost their lives and some 300,000 were wounded.

Our prisoners of war have been made to suffer torture and indescribable inhumane treatment at the hands of an enemy we now propose to aid and abet in its designs to disrupt the peace and security of Southeast Asia.

Mr. President, this eventuality will come to pass unless Congress acts affirmatively to prevent it. Therefore, I urge with all the conviction at my command that the Senate vote for the amendment offered by my distinguished colleague (Mr. HARRY F. BYRD, JR.).

Mr. President, in February 1972, in a newsletter I sent to the people of Alabama, I discussed this very same question. That was more than a year ago, when this issue was surfacing, and it seemed apparent that an effort would be made on the part of the Government of the United States to pay reparations, to pay money, to the Government of North Vietnam.

Mr. President, in years gone by the great countries of the world received tribute from the smaller nations. The Roman Empire had many vassal states. Many governments paid tribute to it to keep the great Roman government from invading their country and killing off their people, or selling them into slavery. However, never before in history, so far as the junior Senator from Alabama has been able to ascertain, has a great nation such as the United States, one with a population 10 times that of the smaller nation, paid tribute to a smaller nation. That is what is being called for by these plans to pay $2.5 billion to North Vietnam.

Mr. President, we have seen these programs of the Federal Government start out sometimes on a modest basis and in a very short time build up many times over. They snowball and get larger and larger and larger. And when we talk about the payment of $2.5 billion, that would just be the tip of the iceberg. In another year or 2 or 3 or 4 or 5 years, that would be magnified beyond recognition, and the American taxpayers will be called on to foot the bill for rebuilding North Vietnam.

North Vietnam has never disavowed any intention of taking over South Vietnam. It has never disavowed any intention of taking over all of Southeast Asia. However, we would be, after having lost the lives of 50,000 American boys, after having suffered 300,000 wounded, and after having spent $150 billion, starting to provide economic assistance to North Vietnam. It is a very, very foolish procedure in the judgment of the Senator from Alabama.

Mr. President, the little report that I wrote, among other items back to the people of my State in my newsletter, states:

> "Against" bribe to Hanoi—My support of the President's efforts to bring to a close our participation in the Indochina war is a well known fact.

I have supported on every occasion that the issue has come before the Senate the President's position with respect to the conduct of the North Vietnam war.

I continue to read from my newsletter:

> The President's proposals for ending the war are most generous.

That was back before the cease-fire came into being.

I continue to read from my newsletter:

> However, I oppose the plan announced by the State Department to spend $7.5 billion rebuilding Indochina, of which $2.5 billion would be spent in North Vietnam. Doubtless this would be just the start of the spending. Thus, our country would be admitting guilt for the war, and the American taxpayer would be paying reparations, like a defeated nation, to rebuild a country whose armies have killed 50,000 American men, wounded more than a quarter of a million, and which cruelly mistreats American prisoners of war.

The payment of this bribe, for that is what it would be, will have my strong opposition. In the words of a famous toast, usually attributed to Charles Pinckney of South Carolina, at the time when the Barbary pirates were demanding tribute from the United States to refrain from attacking our ships in the Mediterranean and in the Atlantic, "Millions for defense, but not one cent for tribute."

Certainly I believe that that is the issue set forth by the Byrd amendment. Certainly I would side with the position of the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.).

I would be willing to see millions spent for defense—and, of course, we are spending billions for defense, which I approve of—but I do not favor spending one cent for tribute.

I therefore hope that the expected motion to table the Byrd amendment will not carry and that the amendment will be agreed to.

Mr. HARRY F. BYRD, JR. Mr. President, I am very much impressed by the remarks of the distinguished Senator from Alabama. I think he went right to the heart of the problem, right to the heart of the amendment, and right to the heart of the issue which faces the Senate.

The able Senator from Alabama pointed out that there are huge unexpended funds already appropriated by Congress. If Congress fails to adopt this amendment today, stating that no funds shall be used for the benefit of North Vietnam unless specifically hereafter authorized by Congress, then these huge unexpended balances could be available for transfer to North Vietnam. I think it is very important that Congress realize the existence of these unexpended funds, and the able Senator from Alabama brought out so very clearly, in his comments, that very important point.

The Senator from Alabama also brought out the fact that there is a vast difference between the situation existing with North Vietnam today compared with the situation that existed with Germany, Japan, and Italy following World War II. The point has been stated that because of what the United States did with regard to Germany, Japan, and Italy following World War II, something similar should be done with respect to North Vietnam.

But I want to reemphasize, as the Senator from Alabama pointed out, that there is a vast difference. The governments of those countries were destroyed.

The aggressive leadership in each of those countries was eliminated, and the United States took over the occupation of those countries—either the United States alone or the United States in concert with allies.

None of that exists in North Vietnam. As a matter of fact, North Vietnam already, at the present time and under the cease-fire agreement, has 230,000 hard core troops in South Vietnam today.

In addition, I have in my hand a United Press International bulletin that has just come in from Saigon. It reads as follows:

> SAIGON.—Communists launched attacks in all of South Vietnam's four military regions today, touching off the heaviest fighting since the Jan. 28 cease-fire and stirring fears of a new North Vietnam-Viet Cong offensive.
>
> The fighting ranged from the far north, where the Communists pumped 785 rounds of artillery and mortar fire into a South Vietnamese position in a single 20-minute period, to the Mekong Delta in the south, where 16 Communists and 23 South Vietnamese died in a three-hour battle.
>
> One military source said the Communist attacks were probes designed to find a South Vietnamese weak spot and prepare for a major offensive.

I think, Mr. President, that that again is indicative of how different the situation is today from what is was at the end of World War II in regard to Germany, Japan, and Italy.

In a moment I shall yield to the distinguished majority leader, but before doing so, I ask that the clerk read the pending amendment.

The ACTING PRESIDENT pro tempore. The clerk will read the amendment.

The legislative clerk read as follows:

> At the end of the bill, insert the following:
>
> No funds made available by the Congress to any department or agency of the Government may be obligated or expended for the purpose of providing assistance of any kind, directly or indirectly, to or on behalf of North Vietnam, unless specifically authorized hereafter by the Congress.

Mr. HARRY F. BYRD, JR. Mr. President, I yield to the distinguished majority leader.

Mr. MANSFIELD. I thank the distinguished Senator from Virginia.

Mr. President, I shall support the pending amendment, because it is in line with the statement made by Dr. Henry Kissinger when he met with a group of Senators in this building after his return in January, I believe, and it is in line with statements made by the President of the United States, to wit, that before any action was taken, the administration would present to Congress any proposal which had been tentatively agreed to or which was under the most serious consideration at that time.

But, Mr. President, in accepting or rejecting the amendment, we will not dispose of the question of aid to North Vietnam or, indeed, to all of Indochina. That question will arise and arise again in the Senate until it is faced on the merits of the issue. That is as it should be; and that is as it will be. So, I want to set forth my position at this time on the substance of the question.

I have already expressed my full support of the President's negotiating effort which has brought about a tentative cease-fire in Vietnam and Laos, a withdrawal of U.S. Forces from Vietnam, and the return of the prisoners of war. As an essential of the success of those negotiations, the President asked for an investment in peace. A part of that investment, as he made clear, is in the form of aid in the reconstruction of the war's havoc throughout Indochina.

There are those who are against that aid, who would find fault with the President's proposal. There is, in particular, a reluctance to go along with his proposal to provide postwar assistance to North Vietnam. It is an understandable reluctance. Feelings run strong now, as they did with regard to Germany and Japan at the end of World War II and as they do at the end of every war. Feelings aside, the fact remains, Mr. President, that we paid a terrible price, in a futile effort to fight this war to an end: 303,000 Americans wounded in combat, almost 46,000 Americans killed in combat, 10,300 Americans dead as a result of nonhostile action, overall 360,000 American casualties, including more than 25,000 paraplegics, quadriplegics, or disassembled men as they have been called. The monetary cost? We have spent between $130 and $140 billion to date; the eventual full cost may be expected to go to $450 billion and to saddle the people of this Nation with debts well into the next century. Moreover, what of the divisions produced by the war at home? The drug infestation? The inflation? The dwindling value of the dollar? The decline in respect for our political institutions?

Those are some of the costs attributable to the war, and if we can bear them, it seems to me, Mr. President, that we can and should bear part of the more nominal and constructive costs of healing the wounds of Indochina. There, too, in all parts of that war-torn area, the suffering has been real and overwhelming: Hundreds of thousands of men, women and children killed and maimed; vast areas of forest and croplands reduced to deserts; thousands of cities, towns and hamlets leveled; millions made homeless.

Peace is healing. Peace is the putting aside of anger. Peace is reconstructing and building. So on February 27, I expressed the hope and desire to cooperate with the President of the United States in his efforts to embark on a decade of peace, the first step of which would be the negotiated end of the war in Indochina. I indicated at that time that I would support his proposals for peace even though they involved postwar aid to all of Indochina. I offered that support, however, subject to various criteria which I was then trying to delineate in my own mind. One of those criteria, Mr. President, is now clear to me and it is best that it be set forth at this time.

I am inclined to support the President's position on Indochina, provided, in the first place, that a cease-fire is, in fact, reasonably operative throughout Indochina and we are militarily out of that situation lock, stock, and barrel. It is with regret, therefore, that I note that such is not the situation today. Where is the peace? Where is the disengagement? How can we speak of rebuilding when B-52 bombers, day after day, are still making some of the heaviest bombing runs of the war? When we continue to face the prospect of more casualties, more POW's and more MIA's?

Where is this transpiring, Mr. President? In Cambodia, of all places. Cambodia, never was more than vaguely peripheral to the conflict in Vietnam and only by a great stretch of reason could it be connected with the withdrawal of U.S. forces from Vietnam. The ill-fated excursion across the Cambodian borders 3 years ago had no discernible effect on the outcome of the conflict other than to add greatly to our costs and casualties and saddle us with still another dependent government. Cambodia's internal political situation never was and is not now remotely connected with any reasonable interest of the people of the United States.

Yet, here we are at this late date digging ourselves deeper into another tragic military involvement, inflicting one more vast compass of devastation on one more hapless land, in support of one more irrelevant government, in one more obscure region of Indochina. In my judgment, to continue to pursue this vein is to cast into doubt all that has been achieved by way of negotiation in Vietnam.

So, Mr. President, I reiterate my inclination to support the President's position, which is a valid one in my judgment, as a measure of decency, as a share of our responsibility for developing international peace, and as a contribution to the healing of the wounds of a terrible war. But I cannot and I will not vote for funds for reconstruction in North Vietnam or South Vietnam or wherever in Indochina if we continue to put out great sums to pay for continual bombing runs over Cambodia which risk the ruin of more American lives. Unless this last-gasp practice ends forthwith, the war in Indochina will not be ended. In the circumstances, I can see little point in supporting any aid program for any part of Indochina.

Mr. PROXMIRE. Will the Senator from Montana yield briefly?

Mr. MANSFIELD. Yes, indeed.

Mr. PROXMIRE. May I ask the majority leader if, by his speech, in which he places a series of conditions on his support for aid to North Vietnam, if——

Mr. MANSFIELD. To Indochina.

Mr. PROXMIRE. Indochina, that is right—not only North Vietnam, South Vietnam, but any aid to Indochina—if he feels that the Byrd amendment as modified, and as such is dramatically improved, would not receive his support? As the amendment reads now, aid to North Vietnam shall be prohibited unless specifically authorized hereafter by Congress.

Mr. MANSFIELD. I have indicated my full support for the Byrd amendment as modified, because it is strengthening and recognizes the responsibility of Congress. It fits in very well with what Dr. Henry Kissinger told us when he met with Senators in this part of the Capitol in late January, at which time he said that any proposals which would be forthcoming would first be sent to Congress for consideration, discussion, debate, and approval or disapproval. The President of the United States has said the same thing. What we are doing is based on what has been said before, but putting it down in the form of an amendment which will have the effect of law.

Mr. PROXMIRE. If the Senator will yield a little further, let me say I am delighted to hear this. Earlier, I had said—but I was misinformed—that I understood the majority leader would move to table the Byrd amendment. That statement of mine was in error and I am happy that it was. I now understand that the distinguished majority leader will support the Byrd amendment.

Mr. MANSFIELD. Yes indeed.

Mr. TOWER. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. TOWER. I might note that not only did Dr. Kissinger and the President both say they expected to get the authorization of Congress for any such proposals, but they made it clear to North Vietnam at Paris that Congress approval would have to be forthcoming.

Mr. MANSFIELD. Yes. I think the communique by Presidents Thieu and Nixon at San Clemente the evening before last said in effect—I will have to paraphrase it freely—something to the effect that each President would have to take this matter up with their respective congresses.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of the statement I made in the Senate on this subject on February 27, 1973.

There being no objection the statement was ordered to be printed in the RECORD, as follows:

Mr. MANSFIELD. Mr. President, I commend the distinguished Senator from Vermont for the temperate statement he has made today, which fits in with his call for bipartisanship several days ago.

I note that on page 6 of his speech the Senator states:

"The cease-fire is only the bare beginnings of peace in Indochina."

How true. And just how tenuous that cease-fire is, of course, is manifest in the fact that in South Vietnam, in Cambodia, and in Laos the fighting is still going on.

So I commend the distinguished Senator for his remarks, because what he does is to raise a flag of caution. What he is primarily interested in, as I am—and I am sure the entire Senate and the total American population—is three things: One, a cease-fire in fact as well as in being; two, the continued withdrawal of all U.S. military personnel from Vietnam, a process which is in operation at the present time—and it is my understanding that the number remaining at the moment is somewhere between 11,000 and 12,000—and, three, the return of our POW's and the recoverable missing in action.

Those are the three most important factors. When we reach those objectives, then I think we can begin talking about assistance, if any such proposal is made, under article XXI of the agreement. But I think that in the meantime we ought to give the man downtown—the President—a chance to work these things through, following this tentative settlement—and that is all it is at the moment. We must try to make certain that there will not be a return to warfare in which we will become engaged and that there is an opportunity to establish a basis for a peace in that part of the world not only for the indigenous peoples concerned but for this Nation as well.

The distinguished Senator says on page 7 of his speech:

"There will be plenty of room for debate and discussion over the form that the reconstruction presence in Indochina should take."

Again, the Senator is correct. There will be a right time for a proposal to be made, based on the circumstances which exist at that time. Those circumstances, to get back to what originally was said, depend on a cease-fire in fact, depend on the total withdrawal of all U.S. military personnel and the release of all prisoners of war and recoverable missing in action.

As the distinguished Senator says in his speech:

"But the purpose will be to discourage more war and to encourage more peace."

The Senator is right. I hope that his speech has been listened to and will be read by those who are interested in that part of the world and our role in it and that they will be aware of the fact that the war is not over; that there is only a tenuous truce; that we still have POW's and recoverable MIA's in North and South Vietnam, in Cambodia, and in Laos; that we still have between 11,000 and 12,000 military personnel to be withdrawn, and that the truce at the moment is at best delicate; it is far from being a cease-fire, in fact.

I would hope we would follow the advice of the distinguished Senator from Vermont; that we would withhold our own fire for the moment, at least, and give the President a chance, based on the facts as they exist and in accord with what I have stated this afternoon, to present to the Congress a proposal, a proposal which I am sure Congress will disect and go into thoroughly, and a proposal on which Congress itself will have to make a judgment, as well as the President.

I thank the Senator for yielding.

Mr. AIKEN. Mr. President, I take this time to thank the majority leader for the remarks he has made and to state that I do not regard the Paris conference as even being a near approach to Utopia. There will be problems and violations of the agreement which has been reached, but we have made one step and I want to make plain that we cannot consider seriously any expenditures for reconstruction, and so forth, until all of our prisoners of war have been released.

Mr. MANSFIELD. Mr. President, I am in accord with the views just expressed by the distinguished Senator. As he knows, for years I have had three objectives, which I have mentioned and which I cannot reiterate too often. I have sought for years to bring about a ceasefire, not only in Vietnam, but in all of Indochina. I have sought for years to bring about the extrication of our forces from Vietnam and Indochina. I have sought for years to bring about the release of the prisoners of war and the missing in action.

These objectives seem—and I emphasize the word "seem"—to be on the way to a final solution, which may well be contingent on the "investment in peace" in all of Indochina. What the President said about an "investment in peace" may well be part of the price of ending this ghastly war, an objective so much desired by all of us and paid for over such a long period of time by over 303,000 Americans wounded in combat, by almost 46,000 Americans killed in combat, by 10,300 Americans dead as the result of nonhostile action, by an overall total of almost 360,000 American casualties in this war.

Concurrent with that human cost is the monetary cost of between $130 billion and $140 billion to date, a cost which will eventually amount to between $350 billion and $450 billion, and which will saddle the people of this Nation well into the next century.

It is good, indeed, that at long last this longest, most tragic and second most costly war in all our history may be coming to an end. In the words of Dr. Kissinger, in his superb exposition at his press conference in mid-January, it is time that "Together with healing the wounds of Indochina we can begin to heal the wounds of America."

Subject to various criteria which I am working on at the present time, I think we ought to give the President's proposals, when and if they come up, every reasonable consideration, because our chief objective, as I am sure it is his, is to bring about, finally, peace and stability in Indochina. It would be our hope and desire to cooperate with the President of the United States in his efforts to embark on the "decade of peace" which he has stressed so often during this administration.

I thank the distinguished Senator.

Mr. HARRY F. BYRD, JR. Mr. President, I now yield to the distinguished Senator from South Carolina (Mr. HOLLINGS) but before yielding ask unanimous consent that the following Senators may be made cosponsors of my amendment as modified:

Senators CHURCH, CASE, and ROBERT C. BYRD.

The ACTING PRESIDENT pro tempore. Without objection, it is ordered.

Mr. HOLLINGS. Mr. President, I join my distinguished colleague from Virginia (Mr. HARRY F. BYRD, JR.) in the submission of his amendment, and in the addition of the words "unless specifically authorized hereafter by the Congress."

This amendment is a model of Clarity and Foresight. It spells out a policy—a policy that is right and a policy that is necessary.

We read today how the war continues. The guns fire, the enemy invades, the bombers fly. The war is a cancer. It is a poison.

Now, as so many times before in the history of this war, our people are searching for the truth. The American people have never been leveled with on the war. That is the reason for this amendment. That is what makes this amendment necessary.

When 43 Senators met with Dr. Kissinger for his briefing on January 26 in room S. 207—we had read in the news media reports about aid programs to North Vietnam. The actual amount mentioned was around $2½ billion.

On that January 26, Dr. Kissinger's answer was, no, there is no reference in the agreement, directly or indirectly, to any aid to North Vietnam. In fact, he said, in positive and adroit terms, that he will oppose such mention, inference, or reference thereto. He said that that would be reparations, and that the U.S. Government is not going to pay reparations. That was not even discussed, he said. It was not inferred. It was not mentioned, directly or indirectly.

Then, to our amazement we read the terms of the Paris agreement, article 21 of that agreement stated:

> The United States anticipates that this agreement will usher in an era of reconciliation with the Democratic Republic of Vietnam, as with all the peoples of Indochina. In pursuance of its traditional policy, the United States will contribute to healing the wounds of war and to post-war reconstruction of the Democratic Republic of Vietnam and throughout Indochina.

That is the text from the cease-fire agreement. This was pointed out and has been referred to not by the administration, not by Dr. Kissinger, but by the North Vietnamese. So would it not be nice if we could rely on what the leadership—and I am talking about administrative leadership, first Democratic and now Republican, has told us about Indochina?

But the rhetoric and the statements have always been misleading—throughout the course of this long and costly war.

Bombing has been called "protective reaction." Invasion was "an incursion." We have even followed that kind of misleading terminology into our domestic programs with deficit spending becoming a "full employment budget," and now we have aid to Vietnam—in reality, reparations. What the Senator from Alabama characterized as a bribe is now "healing the wounds of war."

Now is the time to bring some clarity and directness into our policy. It is time to make certain that North Vietnam is under no misapprehensions about America's intentions. The world should know our policy. The administration should know that there will be no funds for aiding the North, so that Dr. Kissinger is under no more illusions when he goes to the bargaining table.

I plead genuinely, Mr. President, that if we really want to honor the prisoners of war, if we want to honor the 2½ million who were involved, if we want to honor the 56,241 Americans who lost their lives and the 303,616 who have been maimed, all of us should begin, as best we know, to speak the truth about this war. It has not ended. It has not ended, as the majority leader emphasized, because the North Vietnamese never did think they were ending the war. They never posed as ending the war. They never started down the road toward peace, and they never said anything other than "victory" and "march on."

Earlier this year I visited, along with the distinguished Senator from Alaska and others, some eight countries in the Far East, a somewhat similar visit to that made by the Vice President. Ours was in January. We saw the same things, to our amazement, still going on—the same confusion, the same obscurity of missions.

In 1966 I had visited Laos. We saw the war there, although the Democratic administration tried to hide it just as the Republican administration fails to come clean on Cambodia. In 1966 when we asked what our mission was, we were told the mission was to keep the Chinese out, to contain the Communist hordes. In 1973, I asked what our reaction was going to be to the Chinese-built roads which hook up with Laos, Thailand, and over toward North Vietnam. By the way, the existence of these roads was top secret, we were told. The briefers almost got under the table to tell the Senators. The next morning I read all about it in the Stars and Stripes. One road was built within 10 kilometers of Thailand, another down to the captal of Laos, and another in the direction of North Vietnam.

Why had we not knocked these roads out before now? They would fall into the valley and would take years to rebuild.

The response was, "our orders are not to disturb the Chinese."

In 1966 the mission was to keep the Chinese out, and in 1972–73 the orders had been to give sanctuary to the Chinese, that is why I asked Dr. Kissinger, on January 26, "Have the Chinese joined in the agreement?"

Everybody looked as if to ask, "Where did that fellow come from? How did they get into this war?"

But I am still waiting for an answer to my question.

The mission in Cambodia, we were told, was not to bring about a free Cambodia but a coalition government. But in South Vietnam all the talk was about a free government. No wonder we have been confused. And now we are told that the war is over.

When we got into Vietnam, I found no one in a position of responsibility who really believed the war was ending. That was the one impression I came back with at the end of January, so it surprised me when we all started talking about the end of the war.

The President, himself, made a very dramatic trip to the General Assembly of South Carolina, in February, toward the end of that month. He made an outstanding talk. Among other things, he said:

> Now that we have brought an end to the war—

I had just come back from Indochina and I knew differently. But I had to listen. It was not incumbent upon me, as an individual Senator, to try to raise waves or differ with the Commander in Chief. We were playing the game of "shut your mouth and get the prisoners back."

The President said:

> Now that we have brought an end to the war, let us honor them all, and the way to honor them, I say, is for us to work together to build a lasting peace in the world, a peace that can last not only in Southeast Asia, but a peace that the United States can help to build for this whole world in which we live.

Again, he said:

> Ending a war is not unusual for the United States. After all, in this century we ended World War I, we ended World War II, we ended Korea, and now we have ended the American involvement in Vietnam.

Farther down he said:

> Now, when we consider those great events, combined with the end of the war in Vietnam—

Yet the war goes on. The fighting still rages. And here is our problem—we cannot call a thing as it is. We continually refer to "peace," but I am reminded of the Old Testament and Jeremiah saying "peace, peace, when there is no peace."

I hope for peace. I am working for peace. But when you have going on in South Vietnam what has ensued since the end of January up to the present moment, I say categorically to the distinguished Senator from Idaho that the North Vietnamese, by way of manpower, by way of ammunition, by way of supplies, by way of tanks, by way of 130-millimeter rifles, have built up more strongly this very minute in South Vietnam than they were on March 30 of last year, at the time they launched their last great offensive.

Mr. CHURCH. Would the Senator agree that we have no peace, that we have no cease-fire, that we have, rather, a ceaseless fire in Vietnam, Laos, and Cambodia?

Mr. HOLLINGS. The Senator is correct. As he characterizes it, it is a ceaseless fire that continues.

We were briefed about the armament and artillery. These 130-millimeter guns are moving down; there are more than 400 tanks—all in the last 3 months. Everyone is going around talking about peace, talking about "healing the wounds of war," and hailing the end of the war. I think we ought to tell the truth, because therein is our trouble. We have not really come clean with the American people on this particular mission.

I should like to emphasize one other thing, and that is the language that has just been added by Congress. I think a bit of senatorial history ought to be recalled. I am reminded of one of the greatest legislative and military minds of our time and certainly one of the strongest voices for national security in the history of the United States. His name was Richard Brevard Russell. Unfortunately, we have all been divided as either doves or hawks. We do not like it, but the public and the news media and everybody else use those terms. Let me get into the history of a hawk, the late Senator Richard Brevard Russell of Georgia.

He stated time and again, particularly during our policy committee meetings, that as chairman of the Committee on Armed Services, he would sit there, and President after President would travel all around the world and make all kinds of American commitments. They would bring back camel drivers; they would bring back anything; and they would give you a bill. He said that, sitting there, he wanted to be loyal to the Commander in Chief; he wanted to be supportive of national security and national defense; but it had gotten completely out of hand. He knew something had to be done to limit these open ended commitments.

So the commitments resolution, as submitted by the distinguished Senator from Arkansas (Mr. FULBRIGHT), was at the request of the Senator from Georgia, Mr. Russell, who was chairman of the Committee on Armed Services. The Senator from Georgia did not feel he had the strength at that particular time to propose it, but he supported it strongly.

That is what we are leading into with respect to North Vietnam—the administration playing on words and acting as though those who would oppose it would oppose an investment in peace. That sounds nice—that is nice to send around the land. "The war is over, and it is an investment in peace," but the fact is we have a bigger war than ever and the greatest infiltration into that particular land that we have ever had. So now we cannot rely on words. We have to coordinate. If the President and the administration would take us into their confidence—certainly not junior Senators like myself, but at least the leadership—so they would know what is going on, amendments of this kind would not be necessary. But today they are absolutely necessary under the circumstances where we are calling war "peace," and calling a step-up an "ending." Let us instead call a fact a "fact." And let us call the truth "truth."

The amendment as presented by the distinguished senior Senator from Virginia is clear and to the point. It prohibits aid to North Vietnam unless expressly hereinafter authorized by the Congress. No funds would be made available to provide assistance of any kind, direct or indirect, on behalf of that country.

History and logic both argue against spending American dollars to rebuild North Vietnam. We became involved in Vietnam to keep the North from imposing its government and its ways on the South.—Now after the longest war in our Nation's history—56,241 American deaths—303,616 Americans maimed—and $140 billion—we have provided the South Vietnamese with a fighting chance to survive. If they can hack it on their own, with some American aid, the South Vietnamese can enter a new and better age.

But what chance will they have to succeed if we now turn around and pump American dollars into the homeland of the enemy and at a time when the guns of war still sound and the fighting goes ceaselessly on?

Let me touch on another thing that I do not believe has been touched on with respect to the December 18–28 bombing raid that we were briefed on in Saigon. We were briefed by Gen. John Vogt, who is one of the best military minds I have come in contact with. It looks as if they had to get a Yale man to take care of that West Point crowd. He is one of the few persons who has told it like it was, with candor and without giving people the run-around. We could not find anyone else who was willing to do that. Senators know about the Lavelle hearings.

General Vogt said:

> I am responsible for the B-52 raids; I am responsible for the F-111 raids, I am responsible for the North Vietnamese raids and the South Vietnamese raids. I am the one who is responsible. You ask me.

Mr. President, that was refreshing.

He outlined with meticulous care and precision how the raids were carried out. Rather than downtown bombing of Hanoi it showed, careful bombing aimed at strategic targets. In particular terms, over that 10-day period, with thousands of bombs raining down, there were only three misses. It showed, even according to inflated North Vietnamese figures, 2,600 killed or injured in that massive raid. That was further substantiated by my viewing of the Walter Cronkite news. Liz Trotter did a report from Hanoi which showed that although the city looked rundown, that was normal and primarily it was military targets that were hit.

Therein we see once again the failure of the administration, to come clean and tell the truth. Jerry Friedman of the Defense Department appeared on morning television, and he said, "What hospital?" rather than to admit that a hospital may have been unintentionally hit. Everything that had been told to us by General Vogt could have been told to the American people, completely, candidly, and openly. There was no need to hide any of it. Our facts should have been told by the administration to everyone and then we would have approached the truth of what was going on.

It was the military targets that were hit. So when we talk about healing the wounds of war, we are talking about rebuilding military targets; that is, what generally have been hit in the area of the north.

We have lost many a young American who would have loved to return as a prisoner of war. They spent their duty flying down gun barrels just to hit wheelbarrows over that 10-year period. America's finest were called on to hit nothing when all the while valuable military targets were there. It was not until December of this past year that we finally brought about the proper type raids that we should have had 10 years ago. Had we started out like that, the end result would be more favorable and the war would have been much shorter.

Mr. STEVENS. Mr. President, will the Senator yield for a few questions?

Mr. HOLLINGS. Yes, sir.

The PRESIDING OFFICER. The Senator from Virginia has the floor.

Mr. STEVENS. Mr. President, I ask unanimous consent that I may be able to ask a few questions.

Mr. HARRY F. BYRD, JR. Mr. President, I yield to the distinguished Senator so that he may ask a few questions.

Mr. STEVENS. I wish to address a few questions to my friend, the Senator from South Carolina.

Mr. HARRY F. BYRD, JR. I yield for that purpose.

Mr. STEVENS. I thank the Senator.

The PRESIDING OFFICER. The Senator is recognized.

Mr. STEVENS. My friend, the Senator from South Carolina, said the President has misled the American people and ought to come clean. It is my understanding that both the President and administration spokesmen, and Dr. Kissinger, when he appeared before us, said if any aid was to be given to North Vietnam following the cessation of hostilities that they would come to Congress.

Does the Senator have any information that aid has been given to North Vietnam yet?

Mr. HOLLINGS. The information I have is of the likelihood, without the approval of Congress. The words I pointed out by Dr. Kissinger on January 26 that no reference was made direct or indirect in the agreement concerning aid are contrary to the wording of article 21.

As I emphasized in the beginning, and I believe the distinguished Senator from Alaska was not in the Chamber at the time, I have yet to hear either this administration or the previous administration give me a complete and accurate picture of Vietnam.

Mr. STEVENS. I am worried about this amendment. It states "providing assistance of any kind, directly or indirectly, to or on behalf of North Vietnam."

Mr. HOLLINGS. It does not end there. It has been changed.

Mr. STEVENS. I understand. It has been changed to add "unless specifically approved by Congress." That has been added. But I understand we provided some helicopters to North Vietnam to fly down to meet with our people. Is that assistance of any kind?

Mr. HOLLINGS. Any kind. I would not give them a helicopter. I would not even give a helicopter to our side. That is one of the reasons we have stayed there for 10 years. We would have left sooner if we had not had all of those helicopters whizzing around yak-yaking in a circle, and then going back to the barracks and then coming out and going around again, and if that was not successful, they would napalm the area, and if that was not successful they would bomb it, and then burn it out. Is it any wonder we did not advance?

I believe that one of the real military goofs was the invention of the helicopter. I would get rid of them on both sides. [Laughter]

Mr. ROBERT C. BYRD. Mr. President, may we have order? Will our aides not engage in laughter and noise making.

The PRESIDING OFFICER. The Senate will be in order.

Mr. STEVENS. I understand we are about to embark on a very serious matter of trying to find people who are still missing in North Vietnam. Again, with respect to "providing assistance of any kind, directly or indirectly, to or on behalf of North Vietnam," these investigation teams and our graves registration people, if they would provide transportation for the North Vietnamese—obviously they will have to go to our people in that country—if we provide any assistance to them, financial or otherwise, to assist in the location of our people missing, is that in violation of the amendment?

Mr. HOLLINGS. We can find our graves. The Senator can propose that language as an amendment and we can look at it. But it is a fact that there is a war going on. The enemy is building, he is moving in tanks, guns, and antiaircraft. He is extending the field at Que Son. The North Vietnamese have put in two antiaircraft regiments and SAM sites. Here they are coming down, making war as hard as they can and we naively sit around talking about whether to give them aid. That does not add up in my mind.

Mr. STEVENS. Has there been anything before this Congress to date to indicate that what the Senator said is, in fact, the situation, that the President has misled the Congress or the American people concerning aid to North Vietnam?

He has said that we are exploring it. He has said he will come to Congress and seek authorization for it.

What really is behind this amendment—and I say this with all due respect to my good friend and neighbor from Virginia—is that this is telegraphing the punch that there is going to be no aid.

That is not what the Senator is saying. He is not saying that. He is not saying, "Until you come to Congress there is not going to be any." I say that those who vote for this amendment are going to assure that there is going to be a buildup in South and North Vietnam. They are going to assure that they do not look for our missing in action. They are going to assure that the North Vietnamese will continue the war. The President is trying to maintain peace. Those who vote for this amendment do not want to give him the ability to maintain the peace. They want to assure that there will be no chance whatsoever that there will be a working relationship with North Vietnam.

I have never stated I am for aid for North Vietnam, but I am for giving the President the ability to negotiate the ability to try to work out a lasting peace with North Vietnam, and Laos, and hopefully, eventually, with Cambodia.

This amendment does not seem to be going that way. This is like the amendment that some voted for that said, "Cut off the funds for war in Vietnam." I wanted to get it over, but now that it is over I do not want to start it up again.

It seems to me that what the Senator is saying is, "Let us send them a message"—something I have heard before—"Let us send them a message that there is not going to be any aid to North Vietnam." That is what the amendment really is.

Mr. HOLLINGS. There is nothing misleading in the Senator's amendment. The Senator from Alaska used the expression "maintain peace." He used the other expression, "the war is over." I say, poppycock. The Senator knows that is wrong. The President knows it. That is the kind of misleading and misrepresentation I am talking about.

We have waited since January 1—the doves and the hawks and everybody else. We have said nothing, hoping to encourage the release of the prisoners. But now that we have them back, we have to speak more candidly. And we have to view this proposed aid to North Vietnam for exactly what it is.

Under the Senator's approach, if we do nice things and we look like we are going to give aid, we can maintain the peace. The North Vietnamese have said categorically, "Forget it. We are moving in. We are moving in as fast as we can." Let us face the facts. Being sweet to Hanoi is not going to buy us peace.

I have made the statement that in that brief period from January 1 to today, April 5, they have built up their forces. I will be more particular about it. In the Third Corps region, they are bringing in more men, more tanks, more antiaircraft guns. They were doing this before March 30 and now they are further stepping up the pace. That is the kind of thing I mean. There is no peace. There is nothing to maintain. There has not been any end of the war.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. HOLLINGS. I yield to the Senator from Georgia.

Mr. HARRY F. BYRD, JR. Mr. President, I yield to the Senator from Georgia for the purpose of asking a question.

Mr. TALMADGE. I thank the Senator.

I am sure the Senator from Carolina is acquainted with the distinguished career of a famous South Carolinian, Charles Cotesworth Pinckney.

Mr. HOLLINGS. Yes, the XYZ affair.

Mr. TALMADGE. That distinguished South Carolinian was Ambassador to France during the time when the French were harassing American vessels, and the French sought some tribute as an inducement to stop harassing American vessels. Charles Pinckney's famous reply, which echoes down through the history of this Republic until this day, was, "Millions for defense, but not one damned cent for tribute." Is that correct?

Mr. HOLLINGS. That is correct.

Mr. TOWER. I do not think the word "damned" was in it.

Mr. TALMADGE. Yes, it was in there. The erudite version of it left the word "damned" out. I have had it researched by the Library of Congress.

Mr. TOWER. May I say that a distinguished nephew of his, J. Pinckney Henderson, was a Governor of the State of Texas.

Mr. TALMADGE. Is it not a fact that they haggled and haggled—the North Vietnamese and our representatives—over whether to use the word "reparations" instead of restoration of North Vietnam? Is that not correct?

Mr. HOLLINGS. I understand on one hand it was, but I heard Dr. Kissinger say his negotiating stance was that there would be no payment of reparations and we would not even consider it. Somebody has been misled. And somebody has been doing the misleading. As the distinguished Mendel Rivers used to say, "There is no education in the second kick of a mule"—not to say anything about a fifth kick.

Mr. TALMADGE. I have read all the reports I can get my hands on, not the secret ones, but those which have been published, and I understand the original version had the word "reparations." It is my understanding now that the North Vietnamese claim they won the war and this in fact would be reparations.

I thoroughly agree with the views of the distinguished Senator from Virginia and the views of my distinguished colleague from South Carolina. It would seem to me to be ludicrous to the extreme, at a time when the North Vietnamese continue to send troops and tanks into South Vietnam, to talk about paying reparations to an enemy of 10 years, when we would not fight and would not quit. Now they are demanding assistance from a government that has had to devalue its currency twice in 14 months, a government which is trying to find ways and means to stop spiraling inflation. Under these conditions, I am not in favor of giving foreign aid even to our friends, let alone our foes.

I thank the Senator for yielding.

Mr. CHURCH. Mr. President, will the Senator yield for an observation?

Mr. HARRY F. BYRD, JR. Mr. President, I am glad to yield to the distinguished Senator from Idaho for an observation.

Mr. CHURCH. I thank the Senator.

Mr. President, I commend the Senator from Georgia for his statement. It matters not what we call the money—the world will regard any money paid by the United States to North Vietnam as reparations for the bombing. Our purpose may be to purchase Hanoi's compliance with the terms of the truce, but whether it is ransom to keep the truce or reparations for the bombing, neither fits within my concept of peace with honor.

What the distinguished Senator from South Carolina has said this morning ought to be echoed throughout the land. There is no peace now. There is no ceasefire, but a ceaseless fire. Only this morning the wire services dispatches brought us word of a continuing, massive military buildup on the part of North Vietnam in the South, contrary to the terms of the settlement.

If we are going to assume the responsibility for maintaining this tenuous truce—a pact which settles none of the issues over which the Vietnamese have spoiled for over a generation—then let us recognize that it will become necessary to return to Indochina with the Armed Forces of the United States.

That is the issue. I would hope we make it plain, through the enactment of the Harry F. Byrd, Jr. amendment, that Congress shall insist upon its right to review in advance and then determine what the American course of action shall be in the future.

That is precisely what this amendment does. It does not prejudge the future; it says no aid shall be sent to North Vietnam without the prior consent of Congress. Had we taken that precaution years ago in South Vietnam, we might never have become involved in the longest and least decisive war of our history.

Mr. HOLLINGS. Mr. President, in conclusion let me emphasize that when I use the expression "misleading," I would use another word if I could think of a more diplomatic term. However, I have never been too good at that. Others are more gifted than I am at such wordsmanship.

I am not impugning the integrity of the President. I support the President of the United States, and we are in agreement on many programs before the Congress. However, when it comes to this war, and all the confusion and smokescreens, we must search out the truth. Let us look for a moment at Cambodia. History shows us the statements of the President and the statements of Dr. Kissinger that our 1970 entry into Cambodia was not an invasion. Dr. Kissinger said it was not an invasion. This was a "surgical operation." We were going in to cut away the sanctuaries. We are not invading, and we had no idea of remaining there. There was no authority for us to be in Cambodia. And that was supposedly that.

But where are we this morning? We are still in Cambodia 3 years later. That is what I am talking about when I talk about misleading. I could give the Senate example after example after example of how we talk about peace when there is no peace, and how we talk about ending the war when the enemy is stepping it up at this very moment.

Apparently the administration is hoping that the North Vietnamese will be easier to deal with if they are showered with money. The rationale of Dr. Kissinger is that during all their lives, the North Vietnamese have only been engaged in Communist building and fighting. But now, with democratic aid for the first time, they would immediately turn to democratic ways and the building of peaceful institutions.

I never heard of such outrageous naivete. If that were true, then all we need do is disband our Army and Navy and Air Force and immediately send aid to Moscow and Peking.

While I consider myself as humanitarian as the next person, I believe that our overarching duty today is to get our own house into order. For longer than a generation, the United States of America has carried the burdens of the world. It has disbursed money and manpower to the far corners of the world. It has left no stone unturned to help better the lives of those in other lands who are less fortunate. From 1946 to 1972, the United States disbursed over $140 billion to foreign nations. And when we add in the interest paid on what we have borrowed, the total bill soars about $215 billion. Our aid rebuilt Europe after the Second World War. Germany was put on its feet, and two oceans away, Japan was also rebuilt.

It was obvious to anyone with eyes to see that we could not continue in those ways forever. One day the bill would come due. And we are living today in a situation where the bill has finally been presented. Our balance of trade—for generations a surplus item in our favor—has gone into the red. The balance-of-payments situation is even more ridiculous. In this condition, the best service the United States can render the cause of freedom and security is to put its affairs into order. Without a sound and stable home base, our commitments abroad mean nothing, and our claims to world leadership amount to so much bluster. In the cause of freedom, America must act with more realism and commonsense. And in the cause of freedom, our allies—those whom we have rebuilt—must do more to man the walls against the threats of aggression and subversion.

Just as we are called upon to observe a new realism abroad, so are we summoned to a new responsibility here at home. In order to restore the confidence and stability of the American economy, we must cut down our expenditures. The budget must be put back in balance and it must be soon. There are many new programs that you and I can think of which would solve this problem or that problem, but if we undertake them all we will end by solving nothing—we will end instead by creating chaos and complete economic dislocation.

The administration must come clean with the people. If it asks us to deny the crippled at home, as it did this week, then it must not ask us to turn around and mend the crippled of the enemy.

If it asks us to hold back on local and municipal improvements here at home, then it must not ask that we funnel millions of dollars into villages 10,000 miles away.

If it asks us to abolish programs for rural America, then it must not create some gigantic new Marshall plan for rural North Vietnam.

Our duty to ourselves and to those who come after is clear and compelling. It is to keep America so strong, so stable, so secure, that we can provide the best for our own citizens and at the same time hold forth the example of freedom for others to see and hopefully to follow. We can only meet this summons by living within our means, and by putting American problems at the top of our agenda and North Vietnamese problems at the bottom.

We also have a duty, I submit, to those who fell in the battle. It is not to squander in the peace that which we fought for in the battle. As for me, Mr. President, I was not elected to represent the people of South Carolina by giving money to the North Vietnamese while American pilots are even now being called on to hit the North Vietnamese fighting in Cambodia. I say no aid today. No aid tomorrow.

Mr. President, we are in the short rows of the field and the ox is in the ditch. We must all do our part. The Senate has already this week voted to put a ceiling on spending. We have stated our determination to reduce the $12.7 billion deficit envisioned in the administration's budget. We have set a limit of $268 billion. We will have to pare back, cut down, and deny programs. I will vote for those denials. And we will have to cut back in the foreign assistance field. This means less aid for our friends, not to mention where aiding the enemy should stand on our list of priorities.

We have cut back now by action of the Congress, with pressure from the administration, on those who want rehabilitation. If we are going to deny the cripples of our own land, if we propose to cut $160 million from the veterans' program, if we are going to deny our friends in the foreign fields any assistance, where does the enemy come in the order of priorities? The answer is clear—he comes at the very bottom.

The Congress ought to make no mistake about it. It ought to make it emphatically clear to all concerned that we are not toying around with the dollar. We are going to balance the budget. We are going to take care first of our domestic needs and not of those of North Vietnam whose soldiers continue fighting at this moment while we debate the matter. If they want peace, they can have it. I am with the President and with the majority leader in looking to the future of America and the future of the Far East. However, it is for the North Vietnamese to decide. After they signed the agreement, they acted belligerently and conducted themselves as enemies. They continue to do so. In fact, the violations become more frequent, rather than less. Under these circumstances—circumstances created not by the United States but by the North Vietnamese who continue their aggression—it would be morally and diplomatically unconscionable to hold out the promise of aid to North Vietnam. I thank my colleagues for their attention.

Mr. ROBERT C. BYRD. Mr. President, I have discussed this matter carefully with, I think, about all Senators on the floor, certainly those in charge of the amendment and those who are principally opposed to it, and those others who have amendments to it, and I would assume that the distinguished Senator from Texas would speak for the leadership on that side of the aisle. I ask unanimous consent that a vote occur on the amendment by Mr. HARRY F. BYRD, JR., at 2:30 p.m. today, with the understanding that the time for debate on that amendment between this hour and the hour of 2:30 p.m. would be under the control of the distinguished mover of the amendment, the senior Senator from Virginia (Mr. HARRY F. BYRD, JR.), and the distinguished Senator from Texas (Mr. TOWER), with the further provision that 30 minutes out of that time be under the control of the Senator from South Dakota (Mr. MCGOVERN), if he would allow me to say, rather, 25 minutes under his control and 5 minutes under the control of the Senator from Texas (Mr. TOWER).

Mr. JAVITS. Mr. President, reserving the right to object, this, of course, does not cover any other amendments than the McGovern amendment. In the time parameter, does the Senator not think that we would be better off having a unanimous-consent agreement which allows a short period for debate on any amendment?

I have no objection to voting at 2:30. However, I do not believe in the idea of cutting off Senators from offering amendments.

Mr. TOWER. Mr. President, if the Senator will yield, I believe that under the existing consent agreement any further amendment to the amendment would be in order and would be under the 1-hour time limitation.

Mr. ROBERT C. BYRD. Mr. President, further amendments to the amendment of the Senator from Virginia would be in order provided they were germane. However, only 30 minutes would be allowed on such amendments. And when the hour of 2:30 p.m. arrives under the present request, any amendment germane to the Byrd amendment could come in.

Mr. JAVITS. Mr. President, I have a suggestion to make. After the hour of 2:30 has arrived, if any Senators have amendments, I think there should be 10 minutes to the amendment, 5 minutes to the side.

Mr. ROBERT C. BYRD. That would be agreeable.

Mr. JAVITS. I would like to have 5 minutes yielded to me by the Senator from Virginia.

Mr. ROBERT C. BYRD. Mr. President, I modify my unanimous-consent request in accordance with the suggestion of the Senator from New York (Mr. JAVITS).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARRY F. BYRD, JR. Mr. President, I thank the Senator from South Carolina. I yield to the Senator from West Virginia such time as he might need.

Mr. ROBERT C. BYRD. Mr. President, I thank the Senator for yielding. I suggest that he proceed, if he wishes, with his comments with respect to the comments of the Senator from South Carolina.

Mr. TOWER. Mr. President, will the Senator yield to me on my own time?

Mr. HARRY F. BYRD, JR. Mr. President, I do not like to yield to any one before yielding to the Senator from West Virginia because I promised him that I would yield to him before.

Mr. ROBERT C. BYRD. Mr. President, I wanted the Senator from Virginia to have an opportunity first to comment on the remarks of the Senator from South Carolina if he wished to do so.

Mr. HARRY F. BYRD, JR. Mr. President, if the Senator from West Virginia would proceed, I will ask unanimous consent later that my comments be placed elsewhere in the RECORD.

Mr. ROBERT C. BYRD. Mr. President, I want to congratulate the Senator from Virginia (Mr. HARRY F. BYRD, JR.) on his original amendment and I want to congratulate him further on modifying it as he has done today.

The amendment now reads as follows:

> No funds made available by the Congress to any department or agency of the Government may be obligated or expended for the purpose of providing assistance of any kind, directly or indirectly, to or on behalf of North Vietnam, unless specifically authorized hereafter by the Congress.

Mr. President, reference has been made today to moneys that may be presently unused in foreign assistance programs and which might otherwise be diverted to a program of foreign aid for North Vietnam.

The Senator's amendment, as I understand it, would prevent any such diversion of moneys from other foreign aid programs to any program for aid to North Vietnam.

I also call attention to the fact, Mr. President, that in the budget there is a figure of something like $3.9 billion for increases in military pay which have been enacted by Congress. I am further advised that the administration will attempt to absorb as much of that military pay increase as possible, notwithstanding the fact that there is almost $4 billion in the budget for such pay.

Mr. President, conceivably—I am not sure of my legal ground in saying this—I think it might be possible that such moneys for military pay increases as were absorbed by the administration, could then be diverted from the $4 billion to some other purpose. Whether under the law those moneys could be diverted to a foreign aid program for North Vietnam, I am not at the moment prepared to say.

In any event, Mr. President, I think it is quite possible—and even quite probable—that at least $1 billion or more of the $3.7 billion or $3.9 billion budgeted—whatever the figure is—will be absorbed and will not be needed for military pay increases.

If Congress, therefore, goes ahead to appropriate that $3.9 billion that billion dollars in savings of moneys—that were otherwise included in the $269 billion budget—could be utilized for something else such as foreign aid to Vietnam and the administration could still stay within that $269 billion ceiling.

But the amendment that is offered by the distinguished Senator from Virginia would, beyond any peradventure of a doubt, prevent any such diversion, or any other diversion.

So I congratulate the Senator. I think that his amendment is necessary. The distinguished Senator from Alaska a moment ago said something about sending a message; as far as I am concerned I am perfectly willing, and I think we ought, to send a message to the administration that the Senate is not now prepared to go on record in support of aid to North Vietnam.

The Senator's amendment leaves it open for retraction by Congress if future circumstances should merit. Congress would, of course, make a judgment at a future time; but even without his amendment Congress could at a later date authorize expenditures for aid to North Vietnam.

Mr. President, I supported the President regarding his Vietnamization program. I supported him in his program of gradual and orderly removal of American forces from Vietnam. I commend the President; I think he is entitled to a lot of credit.

But in supporting the Vietnamization program in the South—which by all accounts, we have been told by representatives of the administration, was successful—I was not under the impression that I would later be called upon to vote for a Vietnamization program in the North.

I do not intend to vote for any such aid to North Vietnam. If it is a matter of providing food, or medicine, or things of that kind, yes. But I am not prepared to vote for a foreign aid program to North Vietnam, and I think we ought to send a signal to the administration that is clear and unmistakable, and I am willing to cast my vote today to send that signal.

I commend the distinguished majority leader on his statement of position today. He has also raised a question which I am going to refer to at this time, when he indicated that in his understanding there was to be a cease-fire that was to be reasonably operative—I do not want to misstate him, but I understood it was to be operative before we are under a commitment of any kind to supply aid.

In other words, part of the commitment on all sides was that there would be a cease-fire that was reasonably operative.

I do not think that the cease-fire has really become operative to date. Article 21 makes reference to "postwar construction" aid by our country. But the war is not over yet. We are not in that "postwar" period. The war is still going on. Thousands of violations of the cease-fire have occurred on the part of both the North Vietnamese and the South Vietnamese. So there is no "postwar" period as yet. Therefore, as I view it, by no stretch of the imagination can there be "postwar construction" under present circumstances, or contributions on our part to any "postwar construction" in North Vietnam, because the war is still going on. The North Vietnamese are still moving troops into South Vietnam.

Article 21 contains the so-called commitment on the part of our country; yet, article 20, which precedes article 21, as I recall provides that all foreign powers will desist from further military operations, and that they will remove all troops from Laos and Cambodia and will refrain from the reintroduction of troops into Laos and Cambodia.

In my judgment, it is unthinkable, even, to be discussing aid to North Vietnam in terms of any so-called commitments set forth in article 21—which refers to postwar construction—when article 20 of the peace agreement has not yet been lived up to. The North Vietnamese are still in Cambodia and Laos and have not been withdrawn. It remains to be seen whether the North Vietnamese are ever going to pull their people out of Laos and Cambodia.

Even if I were otherwise inclined to vote for aid to North Vietnam, I could not possibly do so until such time as the North Vietnamese have lived up to this commitment in article 20 of the Paris agreement.

The administration, of course, has not made a firm proposal; but it would seem to me, from all the talk we have heard, that we can expect one. I am glad that the Senate is going to take the position today, as I believe it will, of sending an unmistakably clear signal to the administration that the Senate is opposed to such spending.

I saw Mr. Butz on television earlier this week when he was saying to his audience, "Go up to the Hill and talk to those free spenders." I am sorry, as I stated yesterday, that I ever voted to confirm the nomination of Mr. Butz. Parenthetically, I may say, I have a bill in the Committee on Government Operations which will require the reconfirmation of Cabinet officers every 4 years. I would have hoped to offer that amendment today, had I not locked myself out on the germaneness provision. I think it is about time that we have men such as Mr. Butz come back before Congress every 4 years to render an accounting of their stewardship. It might take some of the arrogance out of them.

As "free spenders," Congress has not appropriated funds for an aid program for North Vietnam. This is the administration's suggestion. Even though it has not been affirmed as a proposal yet, we are given to understand that there will be such a program, notwithstanding the ill treatment of American prisoners of war that we have been hearing about.

So I hope the American people will get this question into proper focus. There is enough blame to go around when there is talk about "free spenders." It was not the U.S. Senate that proposed, for example, the general revenue-sharing program. I did not vote for general revenue sharing. The majority leader did not vote for general revenue sharing. The distinguished senior Senator from Virginia did not vote for general revenue sharing. That program, in my judgment, has proved, in many instances, to be a giveaway program of $30 billion. The American taxpayers are saddled down, at a cost of $6 billion a year for 5 years, with a program about which many of the mayors and many of the communities throughout the country, who initially welcomed the program with open arms at first, are having second thoughts. It is an example of a costly program that I would venture to say is going to prove to be wasteful. That program was not initiated on the Hill by the so-called spenders; it was initiated downtown, it was promoted downtown, and it was presented to Congress from downtown. So I refer to it only in the context of the overall charge that Congress is doing all the "free spending." The administration proposed that program. So far as I am concerned, any program of aid to North Vietnam will also be proposed by the administration—not by Congress. Now I do not know how the administration will explain to the housewives of this country, and I do not know how the administration will explain to the Social Security annuitants, and to the cripples, how the administration consistently opposes humanitarian programs that have been enacted by Congress on the one hand and, on the other hand, proposes to aid a country which has not surrendered, a country whose Communist dictatorship has not been deposed, a country whose military machine has not been destroyed, a country that mistreated American POW's, and a country that to this hour continues to flout the Paris agreement concerning which we all commended the administration.

So, Mr. President, there is enough blame to go around on this business of spending. I want to further pursue that briefly. The "stick in the closet" did not work. I say this with the highest respect for the President, I respect him personally and I respect the Office of the President—but the administration never reminded the housewives of this country the other night during the televised speech in connection with meat prices and growing inflation, that it was the administration that lifted the phase II controls prematurely—controls which the President did not want, controls which the President opposed, but controls which were enacted by Congress over the President's opposition, and controls which the administration delayed entirely too long before finally imposing them in August 1971.

Congress may accept its share of blame for some of the programs which we have provided. I am not saying that some of them have not been unwise. In some of them—from the standpoint of hindsight—have been unwise and some of them have been inefficient and wasteful. But a good many of those same programs have been proposed by Presidents of the United States.

Charity begins at home. I have been against foreign aid programs now for 8 or 10 years. I formerly supported them when I was in the House of Representatives.

A long time ago, however, I came to the conclusion that the American taxpayers were suffering too much under an inordinate burden, and I have been voting against foreign aid programs, therefore, for many years, and I intend to vote against foreign aid this year.

Incidentally, the conventional foreign aid program, which has been supported by this administration and by its predecessors, has had rough going in Congress for the past 2 or 3 years. I am sure that the distinguished Senator from Virginia (Mr. Harry F. Byrd, Jr.) will recall that the foreign aid program in recent years has had to operate under a continuing resolution. The Senate has been unwilling to approve administration budgets for foreign aid. So, the pot can call the kettle black, but the administration, in blaming Congress for inflation, does not do so with clean hands.

I close by commending the Senator from Virginia once again. I support his amendment, and I hope that it will be approved unanimously, although I do not quite see that happening, but I think it will and ought to be accepted overwhelmingly.

Not only will the administration get the message, but also the housewives of America will say, "Hurrah for those so-called free spenders on the Hill. They are not for giving my hard-earned dollars to the Communist dictatorship in North Vietnam."

I thank the Senator from Virginia for yielding to me. He has performed a great service to his country today.

Mr. HARRY F. BYRD, JR. Mr. President, I appreciate the strong support of my close friend from West Virginia (Mr. Robert C. Byrd), and I thoroughly agree with him that it is desirable the Senate today send out a signal. I think it is desirable today that the Senate make clear that it does not want to establish a new program of foreign aid to North Vietnam. Before any such program can be established, it must be authorized by Congress.

I want to make my position clear that I am opposed to the program. I think that this amendment, if agreed to, will go a long way toward eliminating any such foreign aid program.

Now, Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. Nunn). The Senator from Virginia will state it.

Mr. HARRY F. BYRD, JR. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Fourteen minutes remain.

Mr. HARRY F. BYRD, JR. I thank the Chair. I reserve the remainder of my time.

Mr. McGOVERN. Mr. President, will the Senator from Virginia yield?

Mr. HARRY F. BYRD, JR. I yield the floor.

Mr. TOWER. Mr. President, would the Senator from South Dakota withhold just a moment, to let me get in a little legislative history?

Mr. McGOVERN. I yield.

Mr. TOWER. I should like to ask the distinguished Senator from Virginia, on my time: The Senator from Alaska raised a valid point, and one of concern a moment ago, when the question was raised whether this would bar funds which could conceivably be paid to the North Vietnamese, under the amendment, for supervision in the search for the graves of American dead or prisoners who have died.

Mr. HARRY F. BYRD, JR. That would be of benefit to the United States. It would not be done for North Vietnam.

Mr. TOWER. Right. Would it come within the intention or the purview of the amendment?

Mr. HARRY F. BYRD, JR. It would not be for the benefit of North Vietnam but for the benefit of the U.S. citizens whose lives were lost in Indochina.

Mr. TOWER. Right. I thank the Senator from Virginia for making that point clear.

Mr. President, I believe the Senator from South Dakota wants to introduce his amendment and I, therefore, withhold until he has had the opportunity to do that. So, at this time, I yield the floor.

Mr. McGOVERN. Mr. President, I have a substitute amendment at the desk and I ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> In lieu of the language proposed to be inserted by the Senator from Virginia, insert the following:
>
> "Unless there is prior, specific authorization by the Congress, no funds made available by the Congress to any agency of government may be obligated or expended for the purpose of providing assistance of any kind, directly or indirectly, to or on behalf of North Vietnam, nor shall such funds be obligated or expended to finance military or paramilitary operations by personnel of the United States in or over Cambodia, Laos, North Vietnam or South Vietnam."

Mr. McGOVERN. This amendment would make both aid to North Vietnam and any further U.S. military involvement in or over Cambodia or Laos or North or South Vietnam dependent upon explicit congressional authorization. It does not prejudge either the issue of assistance or the issue of American military operations in Indochina.

Mr. President, I think that we should face the fact the reason we are debating this issue at all this afternoon, the issue of aid to North Vietnam, is due to the ill-advised American military intervention that never had the congressional control or congressional scrutiny that a serious matter of that kind should have had.

As a matter of fact, the distinguished Senator from Idaho (Mr. Church) put it very well here a while ago, when he said that the central issue we are really talking about here today is whether the United States will become involved or reinvolved in Indochina without the authorization of the Congress. Certainly that issue extends beyond simply the question of assistance to North Vietnam.

Mr. President, in recent weeks, in spite of the talk about peace with honor, American bombers—B-52's and FB-111's—have been heavily involved in bombing attacks in Cambodia. Whether or not that is a wise policy—and I think it is a most unwise policy—certainly it does not have the slightest authority of constitutional justification.

The Gulf of Tonkin resolution was repealed in January of 1971. So those who have argued over the years that the 1964 resolution was the congressional authority under which American military operations were conducted can no longer cite it as authorization for these incredible bombing raids now going on over Cambodia; nor can the Southeast Asia Treaty Organization be used as authority, because Cambodia has specifically repudiated the SEATO Treaty and has said that the terms of that treaty do not apply to them.

The administration cannot rely on the rationalization they used in the 1970 invasion of Cambodia, that the action was necessary to protect American forces on the ground in South Vietnam, because U.S. forces have been withdrawn from Vietnam.

So on all three counts, Mr. President, there are no actions by Congress that would provide authority for the bombing operations now going on over Cambodia.

The administration, according to press reports, has attempted to come up with a legal memorandum defining the source of authority for these actions, relying on another hazy extension of the President's power as Commander in Chief. According to these press reports, even the administration recognizes that the argument they have developed thus far is so shallow that they have felt that to release it publicly would actually reveal the weakness of their case rather than strengthen it.

Mr. President, if Congress permits continued bombing in Cambodia under these circumstances, it will amount to abandonment of the fight to restore congressional powers over war and peace. Any assertion of those powers can only be enforced by Congress; and any President looking back on a Congress that fails to act in the current situation, given what is going on today in these aerial attacks on Cambodia, would certainly never fear action to enforce congressional prerogatives in a future case of this kind.

Beyond this, the argument certainly may be made that the Senate should not consider proposals of this kind in connection with the bill now before us, S. 929, dealing with the par value of gold. But the agreement to consider the amendment of the Senator from Virginia literally demands that the issue be raised at this point. The request for aid to North Vietnam comes as a direct consequence of the intensive bombing of that country.

In the past few days, we have been sending as many as 60 heavy bombers over Cambodia, inflicting incredible damage on that little country. It is safe to assume that we will some day be debating the question of reconstructing and repairing the damage in Cambodia, just as we are now here this afternoon arguing about whether or not we ought to pay for part of the cost of repairing the bombing destruction in North Vietnam.

We cannot take back the bombs that fell on North Vietnam. There is no way to remove that damage. But certainly we can save some of the cost of rebuilding Cambodia, if we take action today to halt any further aerial attacks over that country without the express approval of Congress.

The PRESIDING OFFICER (Mr. Nunn). The Chair would like to make this observation. Under the unanimous-consent agreement, the Senator from South Dakota was granted 25 minutes to speak, and no permission was granted for his amendment, so the amendment is not in order until all time on the amendment of the Senator from Virginia has expired.

Mr. McGOVERN I ask the Senator from Virginia if he will yield time to me.

The PRESIDING OFFICER. The Senator has a right to time. The Senator has 25 minutes. The Chair just wanted to make the observation about when the amendment of the Senator from South Dakota would be in order.

Mr. McGOVERN. Would the Chair repeat that? I am not sure that I get the point.

The PRESIDING OFFICER. The Senator from South Dakota was granted 25 minutes to speak, but no permission was granted for the amendment to be in order. Therefore, the amendment of the Senator from South Dakota is not in order until all the time of the Senator from Virginia has expired.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield.

Mr. ROBERT C. BYRD. I hope the Chair is not implying by what the Chair has just said that the amendment by Mr. McGovern would even be in order at that time.

The PRESIDING OFFICER. The Chair is making no ruling on that.

Mr. ROBERT C. BYRD. But the Chair said it would not be in order "until" then.

The PRESIDING OFFICER. The Chair is making no ruling as to germaneness at this time.

Mr. TOWER. Mr. President, will the Senator yield, on my time?

Mr. ROBERT C. BYRD. Would the Chair mind saying that the amendment would not be received until then?

The PRESIDING OFFICER. The Chair will say that the amendment will not be received until then.

Mr. ROBERT C. BYRD. I thank the Chair.

Mr. TOWER. Was it not the intention of the Senator from West Virginia to allow the offering of the amendment by the Senator from South Dakota to be in order at any time during that time period?

Mr. ROBERT C. BYRD. No; it was not. My request was that the distinguished Senator from South Dakota be allowed to control 25 minutes of the time within the total time frame until 2:30 p.m. Until 2:30, or until such time as all time had expired, another amendment could not come in. Once that time had expired, the Senator could, if he were so disposed, send his amendment to the desk, and it would be read; and if the hour of 2:30 were at hand, he would be allowed 10 minutes on that amendment. He could then have it read, but a point of order will then be made against the amendment—not that I am opposed to the amendment in substance.

Mr. McGOVERN. May I propound a question to the Senator from West Virginia?

I had thought that his unanimous-consent request provided that the Senator from South Dakota would have 25 minutes to discuss his amendment.

Mr. ROBERT C. BYRD. Yes. That is true.

The PRESIDING OFFICER. The Senator has that time.

Mr. ROBERT C. BYRD. The Senator may use that time to discuss his amendment, which he will send to the desk later.

Mr. McGOVERN. The Chair has already asked that the amendment be read, and it has been read.

Mr. ROBERT C. BYRD. That is all right; I do not mind that. But the Chair was under a misunderstanding as to what my request really meant. The Chair had the impression that my request opened the door for the Senator's nongermane amendment to come in the door, but my request was not so intended.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. TOWER. Would it not probably make matters more orderly if consent were given to the Senator from South Dakota to offer his amendment at this time and to consider it and dispose of it, and then proceed?

My guess is that the Senator from Virginia does not want to wait until all his time has expired.

Mr. ROBERT C. BYRD. That is all right with me. The request would have to be modified. I would be glad to make the request that the Senator be allowed to send his amendment to the desk, that the clerk read it—which has already occurred—and the Senator could speak on it, but with the understanding that such consent does not, ipso facto, render the amendment germane.

Mr. McGOVERN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McGOVERN. Is the amendment of the Senator from South Dakota, under the previous agreement, now germane, in view of the fact that the amendment has been named in the unanimous-consent request?

The PRESIDING OFFICER. An amendment which has been specifically named in the unanimous-consent agreement is not subject to a point of order on germaneness. However, the provision obtained by the Senator from West Virginia was not for the amendment but was for time, and time only.

Mr. McGOVERN. The interpretation of the Chair, then, is that the unanimous-consent agreement, as it presently stands, does not insure the germaneness of the amendment I have offered as a substitute?

The PRESIDING OFFICER. The Senator's interpretation is correct.

Mr. McGOVERN. Under those circumstances I wish the Senator from West Virginia would again repeat the modification of his unanimous-consent request.

Mr. ROBERT C. BYRD. Very well.

The request that has been agreed to by the Senate stands. However, I would like to modify that request in this aspect only: that the distinguished Senator from South Dakota (Mr. McGovern) may now send an amendment to the desk, and that that amendment may be discussed by him in accordance with the time that was to be under his control, pursuant to the previous request, but with the understanding that that action will not in itself render the amendment germane or make it in order under the previous agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGOVERN. Mr. President, since the amendment already has been stated, I ask unanimous consent that we may dispense with further reading of the amendment and move to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGOVERN. Mr. President, I recognize that under the unanimous-consent agreement reached a couple of days ago it is very unlikely that this substitute amendment could be sustained against a point of order, but it is certainly in order at a time when we are talking about whether we ought to repair our bombing of North Vietnam, for us to consider whether Congress should not be moving to prevent additional aerial bombardment in Cambodia and other military operations which some day down the road we know will result in the Senate voting on the question of reconstruction aid to those countries.

The request for aid to North Vietnam comes as a direct consequence of the intensive bombing of that country, and every Senator knows that; it is the repair of the aerial bombardment of North Vietnam that has brought this matter before the Senate today. I regret the fact that we are in a parliamentary situation where we cannot deal with the larger situation of how we prevent this unwise and incredible bombardment that is now going on over Cambodia without congressional authorization at all.

I insist there is no constitutional authority under which we are bombing this little country of Cambodia. It is not to protect our troops in South Vietnam. There are no troops there. It is not under the Gulf of Tonkin resolution. That has been repealed. It is not under the SEATO Treaty. That treaty has been rejected by the Government of Cambodia, by both Prince Sihanouk and Lon Nol, the present ruler of Cambodia. But in the past few days we have been sending our heavy bombers over Cambodia, inflicting the same kind of damage there we are now debating with respect to North Vietnam as to whether we ought to help repair the damage. Is that not the only reason why the issue of American military operations in Indochina are of immediate concern?

The joint communique issued by President Nixon and President Thieu on Tuesday, the day before yesterday, declared that plans for "rigorous reactions" of what they see as violation of the Paris agreement. Nobody knows what "rigorous reactions" means. I assume it means it is very possible that our Government at any moment could undertake renewed military operations against North Vietnam, this, again, apparently without any consultation or approval by the Congress of the United States.

The question in my mind is whether we

have learned anything at all from this tragic experience over the last 15 years in Indochina. Are we going to sit in this Chamber day after day reading reports about American aerial bombardment of Cambodia, reading reports from the President of South Vietnam and our own President that "rigorous reactions" may be taken by our Government at any time against North Vietnam, and then do nothing at all to provide that actions of that kind that could involve us in major military operations again must first be approved by the Congress of the United States?

It seems to me if there is any lesson at all we must learn from this tragedy in Indochina, it is that never again should American forces be committed to conflicts of that kind without full debate and authorization by Congress. How can any reasonable person read the Constitution in any other way than that?

We have the power to authorize American military operations abroad or to terminate those military operations. If we surrender that power and stand idly by while American bombers are going out day after day over Cambodia, I do not know how we can face the American people with a clear conscience.

I remind the Senate again that we are here this afternoon on this issue of aid to North Vietnam, because of precisely that kind of aerial operation over North Vietnam. But at least in that case the administration could point to the Gulf of Tonkin resolution or argue that the lives of our troops were in jeopardy in Vietnam, or that we were carrying out the provisions of the SEATO agreement. None of those arguments has any reference to the situation that now confronts us in Cambodia or other parts of Indochina.

That policy could easily involve the United States in a full-scale war once again, when more billions of dollars would be spent and more American pilots sent back to prisons in Hanoi and elsewhere.

We should be reminded that 2 weeks of heavy bombardment before Christmas last year cost the American taxpayers $500 million to say nothing of the untold suffering and damage to the people of North Vietnam. During that same 2-week period 93 American airmen were captured and taken prisoner, more than in the previous 3 years combined. We are celebrating the return of the prisoners. We need to be reminded that 93 of them were taken in 2 weeks of bombing that took place just prior to Christmas last year. Now, we have indications that our flyers are jeopardized again in operations over Cambodia and the possibility of renewed military operations over North Vietnam.

I think it is safe to assume—indeed, the administration so stated—that the defenses have been rebuilt in North Vietnam and are more sophisticated. More surface-to-air missiles have been put in place, so renewed bombing would place our pilots and crews in a more deadly situation than confronted them before. Should not Congress be consulted before we slip back into that same old trap?

What is wrong with permitting the Congress to determine, first of all, whether the so-called peace agreement has been violated; second, whether the United States should assume an obligation to enforce it; and, third, whether it is in the interest of this country, now that the prisoners and our forces have been returned, to continue a military involvement in Vietnam and in Indochina that most of us see as a tragic mistake from the beginning?

I hope very much, although questions have been raised of a parliamentary nature about the germaneness of this substitute amendment, that the Senate will look at the larger question of whether it is in the interest of our country to permit these continued military operations to go on, especially the bombing of Cambodia, without the Congress examining that very carefully and deciding, for good or ill, whether the bombing should proceed.

There were three articles dealing with this subject which appeared in yesterday's issue of the Washington Post, one under the byline of Mr. Murrey Marder, one under the byline of Mr. Dennis Neeld, and another one authored by Mr. Michael Getler. I ask unanimous consent that these three articles, describing the extent of our aerial bombardment of Cambodia and the unbelievably thin constitutional defense of that bombardment, be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 4, 1973]

BOMBING RATIONALE IS SOUGHT—CEASE-FIRE—AND BOMBING

(By Murrey Marder)

Only a week after the last American troops left South Vietnam, the barricades are rising each day in Congress to challenge President Nixon's authority to continue bombing in Cambodia.

The contest is still in a positioning stage on both sides, hearings in the Senate and House illustrated yesterday. A war-weary Congress, often outmaneuvered by the executive branch in the past over Indochina war powers, is reluctant to launch a new frontal challenge over Cambodia. The national mood is still quiescent about the remnants of war in Indochina that refuse to go away.

But all the prospects are that a confrontation over presidential war powers in Cambodia is coming, and each side is girding for it.

Administration officials privately concede that the hopes they held when the Vietnam cease-fire was signed Jan. 27 for also dissolving the conflict in Laos, plus the more complex tangle in Cambodia, have crumbled considerably since January.

The Nixon administration is far more on the defensive over the use of presidential powers in Cambodia than the United States ever has been for justifying the use of American power in Indochina.

All the older justifications have been stripped away over the years.

The Gulf of Tonkin Resolution of 1964, on which the Johnson administration relied, was repealed Jan. 12, 1971, with the Nixon administration stating that it was not depending on the resolution anyway.

The Southeast Asia Treaty, also invoked by President Johnson, does not apply to Cambodia. The government of Premier Lon Nol disclaimed inclusion in SEATO when it came to power in March, 1970, as ousted Prince Norodom Sihanouk similarly excluded Cambodia from coverage.

In addition, the Vietnam cease-fire accord states that "North and South Vietnam shall not join any military alliance or military bloc," and it also re-pledges respect for "the neutrality of Laos and Cambodia." Thus there are no alliance ties that can apply to Indochina to justify employing U.S. arms, if existing agreements and declarations are honored.

Through the Nixon administration years, the declared constitutional justification for the use of armed forces in Indochina was to protect the withdrawal of U.S. troops. Before and since the troops were all withdrawn from South Vietnam, legal experts searched the statute books seeking rationalizations for continued American bombing of Communist troops in Cambodia.

"There are no easy answers," said one administration source yesterday, echoing a rueful refrain. Several draft rationalizations have been produced in the State Department's legal office, and the most recent version is now reported awaiting White House action—with concern that it might only widen the dispute.

What have been produced are variations on two generalized themes: the President's constitutional authority as Commander-in-Chief to pursue actions in which he has been engaged, and Article 20 of the Vietnam cease-fire accords. This article calls for "an end to all military activities in Cambodia and Laos," plus a withdrawal from those countries of all troops, military advisers, personnel and war material.

Laos, on paper, has a cease-fire, signed Feb. 21 but still awaiting any enforcement provisions.

Cambodia still lacks not only the glimmer of a ceasefire agreement, but even identifiable participants to begin negotiating one. A unilateral cease-fire declared by the Lon Nol government was ignored by the Communists, and while American officials deplore the continued fighting by North Vietnamese troops there, the bulk of the battle actually is conducted by indigenous Red Khmer forces.

This "kind of a lingering corner of the war" in Cambodia, as it has been described by Defense Secretary Elliot L. Richardson, is plaguing U.S. strategists more than they will admit in public. The best evidence is the continued daily bombing by American B–52s. This is what has aroused the congressional challenges to President Nixon's authority to pursue that war, originally justified solely in defense of U.S. troop withdrawals from South Vietnam.

Richardson, before a House subcommittee yesterday, elaborated on the alternative argument that the Nixon administration has sought to develop. It turns on the failure on the Communist side to live up to all the terms of the Vietnam cease-fire, with its cross-references, through Article 20, to Cambodia and Laos.

"If the President had the authority to pursue the cease-fire agreements," said Richardson, "he has the authority to secure adherence with those agreements." Therefore, Richardson contended, "He needs no new grant of authority to continue doing the kinds of things he was doing before the peace agreement was signed," when it is "not being adhered to."

Critics on Capitol Hill, who include increasing numbers of Democrats and Republicans, scoff at this interpretation. "The issue," said Sen. Thomas F. Eagleton (D–Mo.), who joined the outcry yesterday, "is whether the President can legally continue his action without the authorization of Congress. I must answer that question with an emphatic 'no.'"

What makes the Cambodian dispute especially sensitive is that in the intense debate that followed the American thrust into Cambodia in 1970 to attack Communist sanctuaries there, unusual legislative restrictions were placed on U.S. operations there to prevent "another Vietnam."

Not only were American combat troops and military advisers barred from Cambodia, but strict limits were placed on the numbers of Americans who could be in Cambodia at any time—200.

Arthur W. Hummel Jr., deputy assistant secretary of state for East Asian and Pacific affairs, told the Senate Foreign Relations Committee yesterday that it has been necessary to "juggle" Americans in and out of Cambodia to stay within that force level. To do so, said Hummel, sometimes U.S. personnel based in Cambodia have to leave for a few days when "visitors" come in.

U.S. "failure to give air support to the forces of Cambodia," said Hummel, in defense of the administration's new rationale, "could have a deleterious effect on the achievement of an actual cease-fire in Cambodia."

"I strongly disagree with the administration's justification," countered Sen. Claiborne Pell (D.-R.I.), "and see it providing further grounds for entanglement."

What is at issue, Sen. Jacob K. Javits (R.-N.Y.) has said, is not whether U.S. interests are served by bombing in Cambodia, but whether "the President alone" can make such a determination."

The administration is now seeking to invoke a presidential right to enforce an international agreement that was never submitted to Congress for ratification.

Secretary of State William P. Rogers told the Senate Foreign Relations Committee Feb. 21 that there was little "time" to submit the Jan. 27 Vietnam cease-fire accord for ratification, "I do not detect any opposition" to it, and most importantly, it contained amibiguous phrases and clauses and provisions. . . ." To try to spell them out, said Rogers, would have killed any accord.

U.S. Bombers Hit Cambodia Heavily

(By Dennis Neeld)

Saigon, April 3.—American B-52s and F-111 swing-wing fighter bombers pounded insurgent forces Tuesday in some of the heaviest air attacks of the Cambodian war, U.S. sources reported.

Approximately 60 B-52s in Southeast Asia participated in the massive bombings, apparently designed to beat Cambodia's Khmer Rouge rebels and their North Vietnamese allies into accepting a peace settlement, the official American sources added.

The wide-ranging aerial assault was reported to extend beyond tactical support for Cambodian government ground forces and suggested a new turn in the three-year war.

The bombing got under way Monday night and continued until shortly after dawn Tuesday, the sources said. The Pentagon spokesman said in Washington, however, that there has been "no dramatic change in the last few days" in the bombing level.

"We have had a major effort for some time," he added, without disclosing the number of attacks.

Hanoi Radio denounced the attacks as a "criminal act against the innocent Cambodian people" and warned the United States of "dangerous consequences."

The broadcast claimed "America's aerial blitz is being extended to densely populated areas of Cambodia, especially around the capital of Phnom Penh."

Senior U.S. officials in Cambodia expressed belief the Communists think they are on the brink of victory, and consequently see no point in peace negotiations.

"The Communists in Cambodia think time is on their side and that it will bring them complete victory," said one senior U.S. official in Phnom Penh. "Our bombing aims to persuade them that they could be wrong."

The sources compared the massive raids in Cambodia to the bombardment of Hanoi last December. That intense bombing was designed to force the North Vietnamese into accepting a peace agreement in Vietnam.

The United States has about 200 B-52 bombers on Guam and in Thailand. Each of the eight-engine aircraft carries up to 30 tons of bombs.

[In Washington, military sources said the Air Force has never used more than 60 B-52s against Cambodia any day since the stepped-up air campaign began in mid-March. As for tactical fighter-bombers, military sources said the number of their sorties in Cambodia has gone down in recent days, averaging fewer than 140 since last Friday.]

U.S. air attacks have concentrated on Communist forces edging closer to the capital of Phnom Penh and isolating it from the rest of the country by cuting off highways leading into it. Military sources reported some of the B152s and fighters bombers in action Tuesday also supported a rare Cambodian government offensive in the Kirirom Plateau 60 miles southwest of Phnom Penh.

A day after the Vietnam cease-fire Jan. 28, President Lon Nol declared his forces would cease offensive action—something for which they had not made a name for themselves anyway—to permit the withdrawal of North Vietnamese and Vietcong troops from the country. The insurgents replied with their heaviest offensive of the war. It was blunted only by U.S. air power.

Richardson Testifies on Cease-Fire

(By Michael Getler)

Defense Secretary Elliot L. Richardson said yesterday it would take a "flagrant" violation of the cease-fire by Hanoi, such as a massive new invasion of the south, for the United States to "consider" renewed bombing of Vietnam.

"For anything less than an attack on that scale," Richardson said, referring to last year's all-out invasion by Hanoi, "we think there is good reason to believe that a renewal of North Vietnamese aggression could be contained" by Saigon's own ground and air forces.

Questioned in a rare open session of the House Appropriations Subcommittee on Defense, Richardson yesterday appeared more interested in calling attention to the capabilities of the South Vietnamese than to the prospects for a resumption of American bombing in North and South Vietnam.

The Secretary, however, strongly defended the administration's authority to bomb in Vietnam again if necessary, and to continue the bombing in Cambodia, which has never stopped and which is drawing an increasing amount of fire on Capitol Hill.

Asked later by newsmen if he was confident that the United States was not getting involved in another long and continuing air war in Cambodia, Richardson would say only that the situation there is being "looked at on a day to day basis."

He said the U.S. objective is to bring about full compliance by Hanoi with the peace agreements signed in Paris and that it was "perfectly obvious" that the Communist forces in Cambodia could not continue fighting there without Hanoi's aid.

Adm. Thomas H. Moorer, Chairman of the Joint Chiefs of Staff, told the subcommittee that the North Vietnamese are training and advising the Cambodian Communists. They were also using the Cambodian bases to supply their forces in South Vietnam, thus helping to justify, in his view, the heavy aid continuing U.S. bombing raids, which have reportedly been concentrated on those supply areas.

Richardson said the Cambodian bombing campaign "was a sizable operation," though he would not provide any details. He did say it was "nowhere near" the level of the December bombing raids around Hanoi.

Reliable sources report that the United States has been sending about 150 fighter-bombers and 60 B-52 heavy bombers a day to strike Cambodia in recent weeks.

Richardson told the committee "we are undoubtedly in a transition period in which the fabric of the peace could be seriously torn."

On the other hand, he said, the trend in cease-fire violations inside South Vietnam is down, Saigon's forces are greatly improved, and "the odds are something better than even that they will achieve a stable peace" in Indochina.

"We have to keep open the possibility," however, the new Defense Secretary said, "that in the event of a serious crisis brought about by a flagrant violation of the cease-fire . . . if it were critical to the survival of South Vietnam . . . that we might have to provide significant help."

Such help, he said, if it were provided, would be air power, not ground troops.

Richardson said Hanoi was "unlikely in the short or middle-range future" to be able to mount an attack on the scale of last spring's big offensive. "We will know better a year from now," he said, as to the longer-term success of the cease-fire.

On the increasingly controversial issue of whether the President any longer has authority to bomb in Indochina—now that U.S. troops and POW's are home—Richardson said he believed the President's earlier authorities were still in force, but that the re-introduction of U.S. power after a long cease-fire period might in fact require new authorizations.

Richardson called the Cambodian situation one of "winding up a residual aspect of war in which we have been engaged for many years. I would say the President's authority to do this is a lesser included authority embraced by the constitutional powers he had to pursue the war to the point of the peace agreements."

Richardson said he didn't agree that the POWs and protection of U.S. troops was the only reason for bombing. He said the United States is still in a position where Hanoi has not complied with the peace agreements, and that he saw no reason why the government's "mere signature" on the peace terms "should terminate his authority."

Richardson said he thought the President's authority to use force in Indochina if necessary was clear as long as he was following up on the agreements, encouraging compliance with them and trying to bring the war to a close.

While the hearings focused on the lingering U.S. involvement in Southeast Asia, Appropriations Committee Chairman Rep. George H. Mahon (D-Tex.) also chided Richardson on the Pentagon's request for more than $85 billion in new budget authority.

"Why does peace cost more than war?" Mahon asked, citing an end to the war, improved relations with Russia and China and a "nagging" question about priorities in the minds of many, including himself.

Mr. McGOVERN. Mr. President, I yield the floor.

Mr. TOWER. Mr. President, I shall not address myself to the merits of the amendment proposed by the Senator from South Dakota because, in the opinion of the Senator from Texas, a point of order should lie against it in that the matter contained in the amendment offered by the Senator from South Dakota is not authorized within the purview of the consent agreement.

I, therefore, raise the point that the amendment of the Senator from South Dakota is out of order.

The PRESIDING OFFICER. No point of order as to the germaneness of the amendment of the Senator from South

Dakota is in order until the Senator's time has expired. He has 1 minute and 45 seconds remaining.

Mr. McGOVERN. Mr. President, in order to resolve this matter, I yield back the remainder of my time.

Mr. TOWER. Mr. President, I reiterate that I raise the point that the amendment of the distinguished Senator from South Dakota is not germane and is, therefore, out of order.

The PRESIDING OFFICER. When the Senate is operating under a unanimous-consent agreement limiting time for debate and requiring that amendments be germane, an amendment must be germane to the bill. Since the amendment of the Senator from Virginia does not mention Cambodia, Laos, or South Vietnam, the amendment is not germane.

Mr. McGOVERN. Mr. President, I am not going to appeal from the ruling of the Chair.

Mr. TOWER. Mr. President, I yield from my time to the Senator from South Dakota.

Mr. McGOVERN. If the Senator would yield me just a moment, I am not going to appeal from the ruling of the Chair because I do understand the unanimous-consent agreement under which we are operating. I can only say again I regret very much the parliamentary limitations of the agreement that ruled this amendment out of order, but I am encouraged in the knowledge that the Senator from Idaho (Mr. CHURCH) and the Senator from New Jersey (Mr. CASE) have a similar amendment that may be offered at a later time which would prevent American military operations in Indochina without the express approval of Congress. So on that basis, while I hope very much that the Senate will move at the earliest possible time on this proposal, I will not appeal from the ruling of the Chair, and I thank the Senator from Texas for yielding.

Mr. TOWER and Mr. CHILES addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. TOWER. Mr. President, I yield myself such time as I may require.

I would like to again reiterate that I am not at this time in favor of any kind of direct assistance or indirect assistance to or for North Vietnam. I do not believe that they have shown yet a strong enough inclination to abandon the international banditry that they have engaged in now for so many years. I do think we would be foolish if we barred forever the prospect for any assistance to North Vietnam.

I think that certainly we should never offer any assistance to North Vietnam unless they are in total compliance with the agreements and protocols agreed to on January 27 of this year. That would be foolish. But there seems to be a suggestion on the part of a lot of people that the administration, somehow, intends to go ahead and sneak a little assistance over to North Vietnam without informing the Congress or coming to Congress for authority in the absence of total compliance with the agreements and protocols.

I would say that is not the case. The President of the United States has no intention, at a time when North Vietnam is engaged in violations of the cease-fire, of providing them with any kind of assistance, and any suggestion that he has that in mind I think is absurd.

There is bipartisan support for the amendment of the Senator from Virginia, and until this morning there was bipartisan opposition.

My principal objection to it is that it seems to indicate that perhaps we do not trust the President. For the part of this Senator, although I agree with the spirit of the amendment, although I would be very much opposed to giving assistance to North Vietnam without congressional authority, I trust the President when he says he would not proffer any kind of assistance until the administration comes to Congress for authorization. As I mentioned earlier, the President has said to us that that point has been made clear to the North Vietnamese in the Paris talks.

Therefore, I do not think what we do here today is necessary, except perhaps to express our opinion currently about aiding North Vietnam, which I do not think any of us would do at this moment, and this Senator certainly would not, and until such time as I can be assured that North Vietnam is in total compliance, and beyond that, is willing to give up any aggressive designs on any country and contribute to the stability and peace of Southeast Asia, I would oppose the amendment as much as, if not more vigorously than, any Senator here.

I think my record on Vietnam is very clear. I have not been one who has cried out every time a bomb has been dropped on Vietnam. I advocated the bombing of military targets in Hanoi and the mining of the harbor there several years back, going back to 1965. It finally came to pass. The Senator from South Carolina made some mention of how we have proceeded there. I point out that the rules of the game under which we operated had tied our hands and prevented us from bringing the war to a successful end, as was done with the rules of engagement proposed by this administration.

However much I agree with and am in sympathy with the idea expressed in this amendment, I still submit it is not responsible for us to try to make foreign policy in a few hours. I think it is something that we should do as a result of much in the way of hearings and consideration. That is my own view. Others may have a different view. Other intellectually honest men will take a different view of it. But I do not think we should tack foreign policy amendments on to a simple little piece of legislation calling for the revaluation of gold.

Well, we have added so much on here now that I am beginning to wonder if I am going to be able to support the bill when it finally comes to final passage. I wonder if the President really needs the legislation that revalues gold, which seems to be the least important part of it now. As a matter of fact, the passage of this legislation is for cosmetic purposes, anyway.

The President can get along without it if he does not have it. He said here the other day that he does not have to have it.

I have some real doubts about the way we have been legislating on this matter. I wish that the Senate could try to follow the kind of discipline that is followed in some legislative bodies where they only try to cover matters that are germane to major, or even to minor, legislation that comes on the floor of those legislative bodies.

I am not sure that I would be really content with that, because I know that it forges vehicles for matters which could not get to the floor or be considered otherwise. I know that useful legislation has been enacted that originated on the floor of the Senate and was not considered in the committee. I think that this time we have considered things of great importance. I think it is a perfect example. I think, of course, that it is certainly right to talk about South Vietnam and Cambodia and Laos in context with North Vietnam.

That is an example, though, of why we have to split hairs on germaneness when we get in this position of opening up a bill to everything under the shining sun.

I did not want particularly to urge the point of germaneness against the amendment of the Senator from South Dakota. He is an intellectually honest man. He believes in what he has offered. And it is proper to discuss it in connection with North Vietnam and South Vietnam. However, I had to do it because the Senate is going much too far afield in considering matters of such great importance in too short a time. I think that it is appropriate that this amendment was offered to the bill.

I yield such time as he may require to the Senator from Tennessee.

Mr. BAKER. Mr. President, I will not take long. I wish to say that I completely agree with the remarks of the Senator from Texas. And as proof of my agreement I prepared, and had intended to introduce today, an amendment to the Byrd amendment which would have provided that no reconstruction assistance could be provided to Hanoi, "until such time as the President determines the Government of North Vietnam and forces allied with such Government to be in general compliance with the Agreements and Protocols on Ending the War and Restoring Peace in Vietnam signed January 27, 1973."

Those of us in the Senate who support the President's efforts to bring a stable peace to Indochina want to make sure that we are not being dealt with in a cavalier fashion in terms of the recent enemy buildup and threats to the already fragile peace that was recently concluded. However, I will not offer that amendment at this time because it goes far beyond the scope of the matter at hand. It deserves thorough consideration by the proper jurisdictional committees of the Congress and then the full attention of us all before any decision by the Senate regarding aid is reached.

I thank the Senator from Texas for yielding so that I might say that I agree with him. I shall not offer my amendment at this time.

Mr. TOWER. Mr. President, I thank the Senator from Tennessee, and I now yield to the Senator from Alaska.

Mr. STEVENS. Mr. President, I also agree with the Senator from Texas. I want to say that I, too, will not offer any amendment to the pending amendment.

I made my statement before. I think there is an indication on the part of some to have a mistrust of the President which I do not share. I do not think there is anything in the amendment that does not appear in existing law and proper constitutional procedures.

I see no reason, as I have said, to send a message to Hanoi that might be misinterpreted.

It is entirely possible that a program could be worked out which would have the support of all of the American people. I believe that the President should have that flexibility and that we should not prematurely act in a manner that could be misunderstood.

I thank the Senator from Texas. I will not offer any amendment either at this time.

Mr. TOWER. Mr. President, I might say to the Senator from Alaska, since I do not know whether he was present when I engaged in a previous colloquy with the Senator from Virginia on the matter of a search for gravesites, that the Senator from Virginia feels such an activity would be for the benefit of the United States and not for the benefit of North Vietnam, and, therefore, not proscribed by the amendments.

Mr. STEVENS. When the amendment says no assistance of any kind, directly or indirectly, to or on behalf of North Vietnam, I think it could be interpreted in another manner by other authorities and by the court.

As one who supported the efforts to bring about the cessation of hostilities there, I think that we have a special duty now to assure that the President can use every means at his command to maintain peace.

I am highly alarmed that those who criticized the President at the time when he took action to bring about a cessation of hostilities are the people who will not support him in his attempt to maintain the peace.

I do not believe that this body should be taking that position. I cannot support the amendment.

Mr. TOWER. Mr. President, may I say that I am certain a point of order would lie against this amendment in the House and it would not be in the bill. I cannot conceive of a point of order not being raised in the House. Therefore, I am compelled to believe that it is a political exercise we are engaged in today in the consideration of this measure.

Mr. CHILES. Mr. President, will the Senator yield?

Mr. TOWER. Mr. President, is the Senator seeking time in support of the amendment?

Mr. CHILES. I am in support of the amendment. It is my understanding that the Senator from Virginia only has 4 minutes remaining, and he is not on the floor at the present time.

Mr. TOWER. Mr. President, I yield 3 minutes of my time.

Mr. MANSFIELD. Mr. President, I take the liberty of taking 2 minutes of the time from the Senator from Virginia.

Mr. CHILES. Mr. President, I thank the Senator from Texas and the majority leader.

I wish to speak in favor of the amendment of the Senator from Virginia. I think as the amendment has been now modified that it is a good amendment and something that the Senate should consider. Many of us are hearing from our constituents. We know that they are greatly concerned about the possibility of aid being offered to North Vietnam at this time. I am also tremendously concerned about this matter. We talk about rehabilitation. We should just determine where we should be talking about rehabilitation first. I think we only have to visit one of the veterans' hospitals—and there are some in my State—to see the need for an awful lot of rehabilitation for men that have been injured in Vietnam fighting for their country.

I think that is the kind of rehabilitation we should engage in, especially at a time when we have seen that there were some cuts actually made and some that were proposed and then rescinded, concerning aid to amputees and to veterans of the war in Vietnam. It seems to me that that is an area that we should be looking at when it comes to rehabilitation.

We also know the tremendous cost and expense of the war. We know of the funds that we have put into the war, and we know of the losses sustained in many of our cities by reason of the programs that we would like to have financed from the taxpayers' dollars for the rehabilitation that is necessary in those cities.

We know that many of these cities in this country have constantly been seeking aid from the Federal Government. We hear from mayors and other people that they cannot get funds for sewer projects and housing projects and other programs that have been cut.

Those are the areas where we want to look to determine what we will do about rehabilitation in this country before we start spending funds for rehabilitation in another area, when we now pay little or no attention to the peace accords.

In fact, from everything we hear, they have used this time to replenish their troops, to send more troops into the South, more materiel, and more equipment. Nothing would be stranger now, I think, or more foolhardy, than for us to send funds for rehabilitation to North Vietnam, with the action it is taking.

At the same time, I think the amendmen as modified by the Senator from Virginia does not say that Congress is never going to look at that situation. But it says specifically we want to look at a proposal, that we do want to see that it is a proposal that comes to us, that we get a chance to speak on, as constitutionally we should speak on it, and that there will not be any back-door financing or aid that will take place without the knowledge of Congress.

It seems to me there should be no reason now for anyone to be concerned about this amendment, or to have any reason to be against it. It seems to me it should receive a unanimous vote in this body, because unless some Senator is worried that there will be back door financing, or that this will be tying the hands of the executive department, certainly the pronouncement that Congress wants to have this authority should not concern us at all. So I hope the Senate will unanimously agree to the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. HARRY F. BYRD, JR. Mr. President, I yield 5 minutes to the distinguished senior Senator from New York.

Mr. JAVITS. Mr. President, I shall support the Byrd amendment as modified, for the following three reasons:

First, because it represents a justified assertion of power by Congress, which we are making all along the line here, with respect to impoundment, with respect to war powers, and with respect to repairing the ravages of war.

Second, because the Committee on Foreign Relations, in reporting out the Foreign Assistance Act of 1973, took substantially the same position which is taken by the Byrd amendment in adopting an amendment by the Senator from New Jersey (Mr. CASE) which essentially imposed the same prohibition on aid to North Vietnam without prior specific authorization and appropriation by Congress.

Third, because it sharply defines the whole issue of aid to North Vietnam in principle.

I do not, as many Members do, equate aid expenditures of that character as competing in any way with expenditures for domestic purposes of any and all kinds. The President has also made this distinction clear. If that were our criterion, we must apply it to defense, to security, and to other matters which affect our external affairs, including the maintenance of a diplomatic establishment. Mr. President, the purpose of our utilization of money in the world is our participation of people's development and the participation in worldwide human rights so that the climate in which our country exists may be one most prosperous and congenial to it and to our people. Whatever it takes to accomplish that, we must be ready to spend, insofar as we can afford it, in whatever form it is best to be spent.

The virtue of the modification made by the Senator from Virginia is that it does not shut the door to the future. If, in the interests of peace, Congress, which at least must share that responsibility with the President, believes that aid to North Vietnam is necessary, the door remains open. I would hope that multilateral aid will be the channel and such aid ought to be pursued under a plan for the reconstruction of all Indochina. The only criteria for giving such aid is that it contributes to the peace; but if it will not, we should not do it on any count, and obviously now, Mr. President, there is quite a raging war over there, to which North Vietnam is very much a party.

But to me the central point, to paraphrase Senator Vandenberg's words, is that if we are going to be in at the landings, we have to be in at the takeoffs, and the takeoff here is whether or not the conditions in that area of the world will be made more secure for peace through an aid program, in which we have an equal responsibility with that of the President.

If we do provide aid, Congress, therefore, must make it clear that it must be a party to that decision.

That is the historic constitutional struggle we are engaged in. We did it yesterday on impoundments; I hope we will do it tomorrow on war powers; and we must do it today on this very vexing question of aid to North Vietnam.

The matter of interpretation of this amendment is very important, though Senator TOWER feels it will not get anywhere. Perhaps it may not in this bill, but once the Senate expresses its will it has a good chance of getting somewhere, and in the proximate future, because it is badly needed as an injunction to the administration that whatever may have been its past promises, either overt or covert in negotiations, they can only be honored by congressional action through the power of the purse.

Therefore, I ask the author of the amendment this question: As I read the amendment, it is both retrospective and prospective in its application, because it says:

> No funds made available by the Congress to any department or agency of the Government may be obligated or expended.

That is the past. It would also include the future, because our right to act is the future. So the question is, first, will we allow appropriations or authority already given to be used for this purpose by our future actions, or will we give that authority in future actions. In either case, it is not going to be by implication; it is going to be only by express and specific enactment of Congress; is that correct?

Mr. HARRY F. BYRD, JR. The Senator from New York is correct; it must be express and specific action by Congress taken in the future, before any funds can be utilized for that purpose.

Mr. COTTON. Mr. President, will the Senator yield me a minute just to pursue that question?

Mr. HARRY F. BYRD, JR. I yield.

Mr. COTTON. I am still worried about the word "hereafter," as added to the modified amendment.

If it simply read that—

> No funds made available by the Congress to any department or agency of the Government may be obligated or expended for the purpose of providing assistance of any kind, directly or indirectly, to or on behalf of North Vietnam, unless specifically authorized by Congress—

It would be just as clear as day. But "unless specifically authorized hereafter by the Congress," I have been having the feeling that that could lead somebody downtown to the interpretation that promises made before now, promises or agreements made by the President or Kissinger or someone else heretofore, might not require this very specific congressional appropriation and authority. The word "hereafter" bothers me.

Mr. HARRY F. BYRD, JR. I say to the Senator from New Hampshire that it was put in there especially to make it more inclusive, for this reason: In drawing the modification, it was felt that unless we used that word, if we used "unless specifically authorized by Congress," some previous appropriations which have been authorized by Congress might be construed by someone in the executive branch to permit their use in North Vietnam. This amendment says that it will take future action by Congress, after this measure is enacted, before any funds of any type or description, previously authorized or anything else, can be used for the benefit of North Vietnam.

Mr. COTTON. The distinguished Senator from Virginia added that himself, did he not?

Mr. HARRY F. BYRD, JR. Yes.

The PRESIDING OFFICER. The time of the Senator from New Hampshire has expired.

Mr. COTTON. May I have a half minute more?

Mr. HARRY F. BYRD, JR. Yes.

Mr. COTTON. Therefore, we may consider that the legislative history made by this colloquy indicates that any promises, implied or specific, made heretofore by any one representing the United States, for aid to North Vietnam, cannot be honored unless Congress specifically, sometime in the future, confirms it?

Mr. HARRY F. BYRD, JR. The Senator is correct. If this legislation is enacted, no funds can be expended for the benefit of North Vietnam unless at some future date Congress itself authorizes the expenditure of those funds.

Mr. COTTON. I thank the Senator.

Mr. HARRY F. BYRD, JR. Mr. President, I thank the distinguished Senator from New Hampshire. I reserve the remainder of my time.

REINTRODUCTION OF AMERICAN FORCES INTO VIETNAM

Mr. BAYH. Mr. President, I was intending to offer today for the consideration of the Senate an amendment, a copy of which I ask unanimous consent to have printed in the RECORD, which would in addition to denying aid and assistance to our former enemies, the North Vietnamese, also assure that the United States would not reinvolve itself in any continued fighting in this tragic and war-torn country without a congressional declaration of war. Because of the Chair's ruling that the amendment is out of order at this time, I will withhold doing so. There have been disturbing reports in recent days that the President may be on the verge of reintroducing American air power into North and South Vietnam. I hope that these reports are wrong. No war in our history has been longer and more bitterly divisive. I, along with all other Americans, thank God that we have finally been able to end our involvement in it. For the President to now be giving serious consideration to reinvolving our forces in this civil conflict is to me, as to most Americans, unthinkable. Our prisoners are home; we do not want any more boys captured. Over the last two weeks we have heard how inhumanely they were treated by the North Vietnamese. But as soon as the first American airplanes again begin to fly over the skies of Vietnam, we can be sure that there will be more prisoners, and we will be right back where we started.

We have been more than generous with the Government of South Vietnam. We plan to continue to provide them with a limited amount of military aid to provide for their self-defense. But it is their fight now, not ours. If the Government of South Vietnam, with more than a million men under arms, equipped with some of the most modern and sophisticated weapons of ground and air warfare, cannot protect that small nation's security, then the United States cannot and should not either.

Congress has a constitutional obligation to assert its right to decide whether the Nation will again go to war. It is conceivable that circumstances in Southeast Asia could develop which would require such action. In my view it is unlikely. But we must, in view of recent history, take this action now to assure the country that the President will not unilaterally again take the Nation into war. That means aid to North Vietnam and that means American boys fighting there.

There being no objection, the text of the amendment was ordered to be printed in the RECORD, as follows:

> At an appropriate point add the following new section:
>
> SEC. —. Whereas: The United States for many years engaged in armed conflict in North and South Vietnam.
>
> Whereas: The United States Government entered into an agreement with the governments of North Vietnam, South Vietnam and Provisionary Revolutionary Government of Vietnam to terminate hostilities and withdraw all ground combat forces from South Vietnam and to cease all acts of war against the territory of North Vietnam.
>
> Whereas: All American combat personnel have now been repatriated to the United States and all American prisoners of war have been released.
>
> Be it therefore enacted by the Senate and House of Representatives of the United States in Congress assembled, That In the absence of a duly authorized Declaration of War by the Congress of the United States, no United States ground, naval, or air forces shall be introduced into or over the territory of North or South Vietnam.

QUORUM CALL

Mr. TOWER. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum with the time to be charged against my time.

The PRESIDING OFFICER (Mr. NUNN). Without objection, it is so ordered.

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, how much time remains in the control of the distinguished Senator from Virginia, and how much time remains in the control of the Senator from Texas?

The PRESIDING OFFICER (Mr. STAFFORD). The Chair advises the Senator from Texas that he has 19 minutes remaining, and the Senator from Virginia has 2 minutes remaining.

Mr. TOWER. Mr. President, I suggest the absence of a quorum, the time for the quorum call to be charged to my time.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I yield 3 minutes of my time to the distinguished Senator from Virginia to dispose of as he sees fit.

Mr. HARRY F. BYRD, JR. Mr. President, the Senate will vote in a few minutes on amendment No. 76. This amendment would prevent the use of any tax funds for the benefit of North Vietnam unless, by specific action of Congress, the use of such funds is specifically authorized.

I think that to go into a new foreign aid program at this time would be a very unwise step for the American Government to take. This amendment in itself, of course, does not prevent that from being done at some time in the future. But approval of this amendment today by the Senate would, I believe, send a signal that the Senate of the United States is not sympathetic toward providing tax funds for the benefit of North Vietnam.

If this amendment is adopted, it will almost certainly mean that there will be no program of aid to North Vietnam. I am strongly opposed to such a proposal of aid to North Vietnam. It is completely unjustified. It would be in the nature of reparations, and, in my judgment, would not be at all appropriate.

I hope the Senate will support this amendment. It has been debated for several days now. I first began to discuss this subject about 6 weeks ago. I think it is an important subject, because if the amendment is not agreed to, an effort most certainly will be made to create such a program.

Mr. President, before closing, I wish to commend the distinguished junior Senator from South Carolina (Mr. HOLLINGS) for the strong help he has given, both yesterday and today, in the handling of this amendment. He also made a very effective speech today in behalf of it. I am grateful to him.

Mr. President, I ask unanimous consent that the name of the Senator from Georgia (Mr. NUNN) be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. Mr. President, as a cosponsor of the amendment which has been offered by the distinbuished Senator from Virginia (Mr. HARRY F. BYRD). I urge my colleagues to join with us in opposition to financial assistance to North Vietnam. We are all thankful that at long last the American involvement in Vietnam has come to an end, and that our prisoners have been returned to their homes and families. Now, as I have insisted since the idea of aid to North Vietnam was first proposed, we must care for the poor, the veteran, and the disadvantaged at home before we consider sending scarce tax dollars to our former adversary. I for one would rather spend our money rebuilding America than reconstructing North Vietnam. And this view has been strengthened by the recent reports from our POW's of the inhumane treatment they received.

At a time when the national priorities can and should be reordered, at a time that vital domestic programs are being cutback by unilateral executive action, it is inconceivable to me that we should seriously consider sending $2.5 billion to North Vietnam. Some will say that this is the best way to insure peace, and they will point to the successful and mutually advantageous results of assistance to our conquered enemies after World War II. I do not think that the analogy is persuasive. We did not rebuild North Korea though, as in Vietnam, our involvement ended with a cease-fire. In neither Korea nor North Vietnam did we reach a final settlement as we did after World War II. And North Vietnam, unlike the Axis powers, has powerful and wealthy countries to turn to for assistance—her allies, Russia and China. Moreover, I am not persuaded that the case has been made demonstrating that our assistance will discourage North Vietnam from continuing the aggressive policies to which she has been committed for 25 years. Her leadership today, unlike the situation of our World War II enemies, is essentially the same as it was during the conflict.

There is an additional reason that I support this amendment. It effectively prevents the President from disregarding the will of the Congress and the people with respect to aid to North Vietnam. It states in plain language that:

> No funds made available by the Congress to any Department or Agency of the government may be obligated or expended for the purpose of providing assistance of any kind, directly or indirectly, to or on behalf of North Vietnam.

Thus, until and unless the Congress specifically appropriates funds for assistance to North Vietnam, no funds will be diverted from necessary domestic programs or defense programs for North Vietnam. This leaves the power to determine the amount, terms, and advisability of such assistance, if any, where it belongs—in the hands of Congress.

For these reasons Mr. President I fully support the pending amendment. As a matter of national priorities, and considering our efforts to control inflation and limit Federal expenditures in the coming year—and as a matter of the constitutional separation of powers—this amendment deserves wide support.

AID TO NORTH VIETNAM? THE ANSWER IS, NO!

Mr. HELMS. Mr. President, I wish to commend my distinguished colleague and good friend, the senior Senator from Virginia (Mr. HARRY F. BYRD). Once again he has demonstrated his perception and wisdom, and I join in enthusiastic support of his position, so eloquently stated in this Chamber, on the subject of sending the tax dollars of hard-working Americans to North Vietnam.

Rarely are we confronted with a public issue that is at once very controversial and very simple. The matter of U.S. aid for North Vietnam is such an issue.

It is controversial because some people have concocted various arguments that attempt to show that the United States is "obligated" in some way to aid North Vietnam.

But the issue really is simple: Should we use U.S. tax dollars to reward North Vietnam's aggression? The answer is, simply, no.

The answer is not, "No aid unless."

The answer is not, "No aid except under the following conditions."

The answer is not, "No aid except multilateral aid."

The answer to the question, "Should we aid North Vietnam?" is: "No." Period.

Fortunately, in spite of the efforts of some interested parties to make this matter seem very complicated, the American people know that it is very simple.

The American people are not enthusiastic about any foreign aid programs.

The American people are especially unenthusiastic about giving their hard-earned tax dollars to unfriendly nations.

The American people are dead set against giving theird hard-earned tax dollars to a nation that has just recently been killing American men, and using American prisoners as pawns in a cruel game of blackmail.

And the American people will never accept a policy of giving their hard-earned tax dollars to an enemy nation that continues to wage war against our allies in South Vietnam.

We are told that we must aid North Vietnam because during the Paris peace talks someone—Dr. Kissinger, or someone else—promised aid. This is transparent nonsense. I do not care who promised what to whom in Paris. American constitutional government does not allow for American money to be given away by diplomats, without the consent of the Congress, the first branch of Government. Some people operating our foreign policy really seem to believe that Congress will follow docilely behind, like a tame and timid puppy, doing whatever the diplomats command it to do. These diplomats are very much mistaken.

The people of North Carolina did not send me to the Senate merely to passively ratify whatever this or that representative of the executive branch chooses to promise to this or that foreign government. In recent years there has been a great deal of talk in the Congress, and especially in the Senate, about the need to reassert congressional responsibility in the field of foreign policy. If today we just roll over and play dead while the executive branch barters away tax dollars for the North Vietnamese, then we do not deserve to have any role in setting foreign policy.

There is nothing more foolish than the comparison of the proposed aid to North Vietnam and the aid we gave to Japan and Germany at the end of the Second World War.

First, we had used our full military

power against Japan and Germany to get them to surrender unconditionally. As a result, we became an occupying power, and could directly control the use to which our aid was put.

This is not the case in North Vietnam today.

Second, at the end of World War II, the aggressive dictatorships in Japan and Germany were dissolved.

The situation in North Vietnam today is totally different. The North Vietnamese dictatorship is still firmly in control. We have no reason to believe that this dictatorship would use U.S. aid for humanitarian purposes. On the contrary, we have every reason to believe that North Vietnam would use aid for exactly the purposes it uses all its energies—waging or supporting war against its neighbors.

I know that some people say we can devise aid programs that will prevent this. They say that multilateral aid will not be used for this purpose. Or that we can carefully select U.S. aid in such a way that it could not be used to further the aggressive plans of North Vietnam. But this is nonsense. Even if we confined aid to allegedly nonmilitary goods—food, medical supplies, housing—and even if we disbursed aid through a multilateral agency, this would still make warmaking easier for North Vietnam.

Any aid that is useful for anything will make warmaking easier for North Vietnam. Any aid will enable North Vietnam to turn more resources—human and material—away from its pressing domestic needs and to the business of making war.

Those favoring aid for North Vietnam say that it would be humanitarian to aid North Vietnam. But against this, there are two things that must be said.

First, why should American citizens feel "obligated" to be more humane to the North Vietnamese people than the North Vietnamese Government is to its own people? If the North Vietnamese Government cared about the welfare of its own people, it would cease making war outside North Vietnam, and would start making a better society inside North Vietnam.

Second, why should the American Government care more for the welfare of the North Vietnamese people than for the welfare of the American people? I do not know about the rest of the country, but I know that the people of North Carolina think their taxes are already too high. The people of North Carolina think the Federal Government takes too much from their paychecks and spends it in many ways that are foolish. North Carolinians do not think they have even a thin dime to spare for the Government of North Vietnam.

True, the President has assured us that aid for North Vietnam will not come out of the domestic side of the budget, but will come out of the national security side. I find this "assurance" quite disturbing. The President's statement makes it crystal clear that we shall be weakening our national security budget by giving a portion of it to an enemy power. But consider a few facts. The domestic side of the budget is much larger than the national security side. There is much more fat and waste in the domestic side than in the national security side. The pressures in Congress are overwhelmingly against the national security side, and in favor of further inflating the domestic side of the budget. Yet now the President proposes, in effect, to join the raid against the national security budget—and to join it in the name of helping our North Vietnamese enemy.

The final argument for aiding North Vietnam is also the most transparently foolish argument. It is that our aid will strengthen the position of the "doves" in the North Vietnamese Government. The answer to this argument is a question: "What 'doves'?"

The "doves" who ordered the first infiltration of South Vietnam in the 1950's?

The "doves" who ordered the first North Vietnamese troops into the south more than a decade ago?

The "doves" who built the world's most sophisticated antiaircraft defenses around North Vietnam's cities?

The "doves" who ordered the Tet offensive in 1968?

The "doves" who ordered the mass exterminations, in Hue and elsewhere, and whose order filled mass graves with innocent civilian victims?

The "doves" who, we are now learning, mistreated many of our prisoners?

Just where have these so-called "doves" been all these years?

And where are they today? They are in power in Hanoi doing what Hanoi "doves" always do—waging war.

Dr. Kissinger acknowledges that the North Vietnamese leaders are "revolutionaries"—that is his word—and so they will not abandon their goal of unifying Vietnam under their dictatorship. But Dr. Kissinger says he hopes they will rely on "moral example" to do this.

So what are we to believe? The North Vietnamese Government is full of "revolutionary doves"? I doubt it very much. And I know that these so-called doves are not relying on moral example to achieve their revolutionary goal. Our own Government reports that they are relying on much more tangible things.

Today, barely 2 months after the so-called peace agreement, we know all we need to know about the reckless, wanton violation of the so-called peace agreement on the part of the North Vietnamese. The Ho Chi Minh trail once again is as crowded as the Washington Beltway. The traffic is almost bumper to bumper as men and materials—including 300 tanks—are rushed south. This makes two things very clear.

First, if the North Vietnamese Government wanted to aid the North Vietnamese people as much as some Americans want to aid the North Vietnamese people, then the North Vietnamese Government would expend less men and resources on killing the people of South Vietnam.

Second, if there really were as many "doves" in the North Vietnamese Government as some Americans seem to think, then there would be fewer tanks on the Ho Chi Minh trail. Unfortunately the alleged "doves" in North Vietnam are not as powerful as the doves in the United States. The doves here did handicap our efforts to defeat North Vietnam's aggression. The doves in North Vietnam—assuming they exist—have never been able to inhibit North Vietnam's aggression.

When all the silly arguments are stripped away, it becomes apparent that U.S. aid to North Vietnam must seem like reparations. Thus, those who favor U.S. aid seem to accept the doctrine that the United States owes North Vietnam a kind of monetary apology. What are we apologizing for? Evidently for helping our allies resist North Vietnamese aggression. This is absurd, but it is the position that emerges from the small and dwindling bloc of people who want to aid Hanoi.

My position is clear.

I reject every argument advanced for aid to North Vietnam. I pledge not to vote so much as one thin dime to North Vietnam. I am confident that I shall be joined in this position by a comfortable majority in both Houses of Congress.

Mr. BARTLETT. Mr. President, I cannot support assisting a government which has committed the atrocities of North Vietnam and which still governs the North Vietnamese.

The North Vietnamese Government has perpetrated tortures and inhumanities on our POW's for which they must be held accountable.

This same North Vietnamese Government for our assistance committed naked aggression against our ally, South Vietnam.

This same North Vietnamese government continues to occupy South Vietnam and to carry on military operations against the South Vietnamese. Our economic support of North Vietnam would have direct military impact against the South Vietnamese.

The conclusion of this war is far different from World War II. While we do have an honorable peace, the same North Vietnamese Government continues in power. The new governments of Japan and Germany immediately after the war denounced the military aggression and activities of their predecessor governments. Yet North Vietnam continues her same propaganda and military aggression.

We do have an obligation in Indochina to our ally, South Vietnam. The eventual winner in Southeast Asia will not necessarily be the country with the biggest army—but will be the one with the strongest economy. Let us not kid ourselves that North and South Vietnam have an automatically peaceful future. Any aid we would give to North Vietnam would benefit her in her ability to take over South Vietnam—militarily and economically.

Russia and China were perfectly willing to assist North Vietnam in waging war. Now, let them assist her economically to help assure a continuing peace.

Mr. HARRY F. BYRD, JR. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER and Mr. HARRY F. BYRD, JR. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. TOWER. Mr. President, I will yield further time to the Senator from Virginia if he so desires.

The PRESIDING OFFICER. Does the Senator from Virginia wish to be recognized?

Mr. TOWER. Mr. President, I yield 2 minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. HARRY F. BYRD, JR. Mr. President, I think the case has been made for this legislation. I will not detain the Senate longer.

I do want to close by making clear once again my own strong opposition to a program, a new program of foreign assistance to North Vietnam. We must get our own spending under control here in the United States. We have a vast number of foreign aid programs totaling $9.5 billion. It would be most unwise to go into a new program. I think enactment of this amendment will do a great deal toward eliminating any such possibility.

Mr. President, I ask unanimous consent that the name of the distinguished Senator from Delaware (Mr. BIDEN) be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARRY F. BYRD, JR. I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. STEVENS. Mr. President, will the Senator from Texas yield to me for 2 minutes?

Mr. TOWER. I yield 2 minutes to the Senator from Alaska.

THE TRANS-ALASKA PIPELINE

Mr. STEVENS. Mr. President, there has been a significant development in connection with the Trans-Alaska pipeline. I am informed that Rogers C. B. Morton, the Secretary of the Interior, met with the President and that at the President's request he has dispatched to each Member of Congress a letter setting forth once again the position of the administration on the Trans-Alaska pipeline. This letter discusses in depth the views of the administration on the alternative routes that have been suggested for transporting Alaska's North Slope oil to what we call the south 48. Once again, in strong terms the administration has expressed strong support for the Trans-Alaska pipeline.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter from Secretary of Interior Rogers C. B. Morton and a fact sheet relating to the Trans-Alaska versus the Trans-Canada pipeline.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C.

DEAR SENATOR: The President has recently received a number of letters concerning the proposed Trans-Alaska pipeline. He has asked me to share with you our view of some of the issues raised.

Now that the Supreme Court has declined to review the Court of Appeals decision in the *Alaska Pipeline* case, Congress must enact new right-of-way legislation before I can authorize construction of any major pipeline across the public lands. Prompt adoption of such legislation is required by our overall national interest. It is also in our national interest that the Alaska pipeline be built as soon as possible and that the Congress not force a delay of this project while further consideration is given to a pipeline through Canada.

The United States is faced with a serious imbalance between domestic energy supply and demand. Almost every region of our country and every sector of our economy is affected. Last year we imported 1.7 billion barrels of foreign oil at a cost in first-round balance of payments outflows of approximately $6 billion. The President will, in the near future, address a special message to the Congress on the entire question of national energy policy.

Despite all the efforts we can and must make to increase our domestic resource base, by 1980 we will probably have to import about 4 billion barrels of oil with first-round balance of payments outflows of about $16.0 billion, in the absence of oil from the North Slope of Alaska. The Alaska pipeline will not avoid the necessity to purchase foreign oil, but it will reduce the amount we have to buy.

In the past few months, we have witnessed difficulties occasioned by too large an unfavorable balance of payments and too large an accumulation of dollars abroad. Because we must purchase abroad every barrel of oil that we do not get from the North Slope, for the next 10–20 years at least, I am fully convinced that it is in our national interest to get as much Alaska oil as possible delivered to the U.S. market as soon as possible. I am equally convinced that prompt construction of a Trans-Alaskan pipeline is the best available way to accomplish both of these objectives.

Several of the letters we have received advocate that we abandon the Trans-Alaska route in favor of a pipeline through Canada or at least delay the Alaska pipeline until we can conduct further environmental studies of a Canadian route and initiate intensive negotiations with the Canadian government. In support of this position, it is argued that a Trans-Canadian pipeline would be both environmentally and economically superior to a Trans-Alaska route, and that in view of the recent decision in the pipeline case, it is now quite likely that a pipeline could be built more quickly through Canada than through Alaska.

Let me explain why I disagree with these points.

First, a Canadian route would not be superior from an environmental point of view. No Canadian route has been specified. But the environmental impact statement prepared in connection with the Alaska route considered various possible Canadian routes, and from the information available it is possible to make a judgment about the relative environmental merits of the various Canadian routes and the proposed Alaska route. The Alaska and Canada routes are equal in terms of their effect on land based wildlife and on surface and ground water. However, it is clear that any pipeline through Canada would involve more unavoidable environmental damage than the Alaska route. Because the Canadian route is about 4 times as long, it would affect more wilderness, disrupt more wildlife habitat, cross almost twice as much permafrost, and necessitate use of three or four times as much gravel that has to be dug from the earth; and it would obviously use about four times as much land.

The potential environmental damage of these alternatives is more difficult to assess. The two routes are approximately equivalent with respect to risks from slope failure and permafrost. A Canadian route would not cross as much seismically active terrain or require a marine leg. It would however, involve many more crossings of large rivers, which, experience proves, are a major source of pipeline damage and, thus, environmental damage. River crossings present difficult construction problems; and the main hazard during operation comes from floods which scour out the river bed and bank, and if large enough, may expose the pipe to buffeting from boulders and swift currents and, thence, rupture. It is generally the rule that the wider the river, the greater the risks.

The environmental risks involved in the Alaska route are not insurmountable. They can be guarded against. The environmental and technical stipulations that I will attach to the Alaska pipeline permit will assure that this pipeline is designed to withstand the largest earth quake that has ever been experienced in Alaska; it will be designed and constructed more carefully than many buildings in known earthquake zones, such as Los Angeles and San Francisco. Moreover, we are insisting that operation of the maritime leg be safer than any other maritime oil transport system now in operation. If our West Coast markets don't receive their oil from Alaska in U.S. tankers that comply with the requirements we are imposing, their oil will probably be imported in foreign flag tankers that are built and operated to much lower standards.

It is important to recognize that while we can go far to study and control the environmental risks that are involved in an American-owned transportation system located on American soil, we have no jurisdiction to take comparable actions on Canadian soil. I cannot, as requested in some of the letters, "immediately begin comprehensive environmental studies of a Canadian pipeline route" because such an action would encroach on foreign sovereignty. I cannot order the more than 3,000 core samples in Canada of the type that were made of the Alaska route. I cannot even order a simple survey.

Our environmental impact study was based on the best information available about Canada. I believe it would be contrary to our national interests to delay this matter further by seeking additional detailed information about a route that has not been requested or designated by any of the companies or governments involved.

Second, it is clear that from the viewpoint of our national interest, as distinguished from the interest of any single region, the Trans-Alaskan route is economically preferable. The United States Government has had a number of discussions with responsible Canadian officials about a possible pipeline through Canada. Some of these discussions were through the State Department, and one year ago I personally met with Mr. Donald Macdonald, the Canadian Minister of Mines, Energy and Resources. Responsible Canadian officials, at these meetings and in subsequent policy statements, have made it clear that there are certain conditions that the Government of Canada would impose on any pipeline through Canada. These are: (1) a majority of the equity interest in the line would have to be Canadian (in this connection, ownership by a Canadian subsidiary of an American company would not qualify as Canadian ownership); (2) the management would have to be Canadian; (3) a major portion (at least 50%) of the capacity of the line would have to be reserved for the transportation of Canadian-owned oil, with the primary objective being to carry Canadian oil to Canada—not United States—markets; and (4) at all times preference would be given to Canadian-owned and controlled groups during the construction of the project and in supplying materials. Since our meetings with the Canadians, these four requirements have been reiterated by them many times in public statements, and we have never had any indication that their insistence on them has lessened. In fact, recent pronouncements from Canada suggest these four elements are more important than ever to the Canadian Government. The question, then, is not simply whether Canada is willing to have a pipeline built through its territory (although no Canadian official has ever said it is willing), but also whether the four requirements Canada would impose are acceptable in light of the United States National interest.

These four requirements are probably reasonable from the point of view of Canada's national interests. They are unacceptable from the point of view of our national interests when we have the alternative of a pipeline through Alaska that will be built by American labor and will deliver its full capacity of American-owned oil to our markets. The Alaska route would be economically superior from our point of view even if we could be assured of getting for our market all the Canadian oil it would carry, because of the balance of payments costs we would incur by importing additional foreign-owned oil. There is a prospect of even worse consequences from a Canadian pipeline. Recent estimates by the Canadian Energy Board show that Canada's demand for oil from her western provinces will soon equal or exceed production; and, unless major new sources are discovered, the eventual result will be the cessation of Canadian exports of oil to the United States. The seriousness of this developing situation was demonstrated just last month, when Canada imposed controls on the export of crude oil

Third, even though the recent Court of Appeals decision has caused delay and the Supreme Court has refused to review the case, it is clear that a Trans-Alaska pipeline can be built much more quickly than a Trans-Canadian line. The companies who own the North Slope oil have not indicated a desire to build through Canada. Before an application for a Canadian route could be approved a number of time-consuming steps would be necessary that have already been accomplished for the Alaskan route: detailed environmental and engineering investigations, including thousands of core holes, would be required prior to design; a complex, specific project description would have to be developed; following that, another U.S. environmental impact statement would have to be prepared for the portion (at least 200 miles) of the line in Alaska and its extensions in the "lower 48" states; permits from the provincial and National Energy Boards of Canada would have to be requested, reviewed, and approved; and Canadian native claims would probably have to be resolved, a process that took years in the United States. Moreover, specific arrangements between the U.S. and Canadian governments would be necessary to protect U.S. national interest and provide an operating regime for this international pipeline. Finally, the task of arranging the financing of a Trans-Canada line would be extremely difficult. The capital required to meet the condition of majority Canadian equity ownership will strain Canadian financial sources; and finalization of new financial arrangements could take years to complete. Whether all these steps are even possible, however, must be viewed in the context of the political and environmental controversy in Canada about the wisdom and feasibility of a Canada pipeline and the recently repeated position of the Canadian Government that it has "no commitment to a northern pipeline at this stage."

In contrast, the only two remaining steps required to commence construction of the Trans-Alaskan route are for the Congress to grant me authority to issue permits necessary for a pipeline of this size and for the Courts to determine that the environmental impact statement complied with the requirements of the National Environmental Policy Act. Both steps are also required for a pipeline in Canada, because the recent Court of Appeals decision applies to the U.S. portion of any line through Canada.

I sincerely hope that a great deal of oil is discovered in Northern Canada and that these finds together with increased reserves of Alaskan oil soon justify a second pipeline, or other delivery system, to bring oil, natural gas or both through Canada to our Midwest. It is in our interest to increase our secure sources of foreign oil as well as to increase our domestic resource base. However, for all the reasons listed above, I do not believe it is in our interest to delay the Trans-Alaska pipeline any longer than required by the Court of Appeals decision and I do not believe it is now in our interest to request negotiations with the Canadian government for a pipeline route through their country.

By stressing so strongly my belief that a Trans-Alaska pipeline is in our national interest, I do not mean to imply that we are insensitive to the energy requirements of the Midwest. The Administration has taken, and will continue to take, such steps as are necessary to assure that these requirements are met; just last week, for example, oil import restrictions were lifted to bring additional oil to the Midwest.

Moreover, some of the advantages to the Midwest that are claimed for a Trans-Canada pipeline will not, in fact, occur. For example, an oil pipeline through Canada will not affect fuel prices in that area, because price is set by the much greater volume of oil coming north from the Gulf of Mexico; and North Slope oil would provide only a portion of the total Midwest demand. Nor is it true, as some claim, that the West Coast does not need nor cannot use all of the oil delivered by a Trans-Alaska pipeline. In 1972, demand in that area was 2.3 million barrels per day (MMbpd), of which 1.5 million barrels was obtained from domestic sources and 0.8 million barrels was imported (0.3 MMbpd from Canada, 0.1 MMbpd from other Western Hemisphere sources and 0.4 MMbpd from relatively insecure Eastern Hemisphere sources). The best available projections show that by 1980, and for subsequent years, the West Coast demand will exceed domestic production and Canadian exports available in that area by at least the capacity of the Trans-Alaska pipeline.

As much as I would like to assure the Midwest even a marginal increase in the security of its total energy supply, it is more important now to assure that the total economic and energy security interests of all the people of the U.S. are served by getting as much American-owned oil as possible to the U.S. market as soon as possible.

I hope the views expressed in this letter will be helpful to you in your consideration of this issue.

Yours sincerely,

——— ———,

Secretary of the Interior.

Fact Sheet: Trans-Alaska Versus Trans-Canada Pipeline

CHRONOLOGY

Feb. 1968—Major oil discovery announced.

Apr. 1969—Interior establishes task force.

May 1969—President Nixon expands task force to include all concerned Federal agencies.

June 1969—Pipeline application received.

Aug.–Dec. 1969—Public hearings in Alaska and Washington.

Oct. 1969—Preliminary environmental stipulations approved.

Jan. 1970—National Environmental Policy Act takes effect.

Apr. 1970—Preliminary injunction against issuance of permits.

Jan. 1971—Draft environmental impact statement issued.

Feb.–Mar. 1971—Public hearings in Alaska and Washington.

Feb. 1972—Revised technical and environmental stipulations issued.

Mar. 1972—Final environmental impact statement issued.

May 1972—Secretary Morton announces intention to issue permits.

Aug. 1972—District Court dissolves preliminary injunction.

Feb. 1973—Appeals Court reverses; enjoins construction.

Apr. 1973—Supreme Court declined to review the Court of Appeals decision.

POINTS FAVORING DECISION TO GRANT PERMIT FOR ALASKA PIPELINE

Construction of the pipeline in Alaska will produce about 26,000 U.S. construction jobs in Alaska (peak), 73,000 man-years of U.S. tanker construction, 770 man-years of U.S. maritime crews and maintenance, which would be lost if the line went through Canada because the Canadian government has said it will at all times insist on a preference for Canadian labor and materials.

Construction of the line in Alaska will produce much more royalty income, and sooner, for the State of Alaska and for the Alaska natives than a Canada pipeline.

The U.S. needs as much North Slope oil in the U.S. market as soon as possible to meet our energy needs consistently with our economic and security interests. In 1972 the U.S. demand for petroleum was 16.6 mil. barrells per day, of which District V accounted for 2.3 mil, barrels per day. Of this total, 4.7 mil. barrels per day was imported in the total U.S. and .8 mil. barrels per day imported into District V. The projected supply-demand situation, as reflected in the Department's economic and security analysis prepared in conjunction with the enivronmental impact statement is as follows:

	Total United States		District V (West Coast)	
	1980	1985	1980	1985
Demand (thousands of barrels per day)	23, 290	27, 480	3, 315	4, 052
Supply (thousands of barrels per day):				
Domestic production (without north slope)	11, 350	10, 320	1, 278	1, 100
North slope	1, 500	2, 000	1, 500	2, 000
Imports	10, 440	15, 160	537	952
Imports as percent of demand:				
With north slope	45	55	16	23
Without north slope	51	62	61	73

Obviously, all Alaskan oil can be consumed on West Coast, taking place of foreign oil that would have to be imported. There is no indication of any export of Alaska oil.

The Alaska route will deliver oil to the U.S. market sooner than a line through Canada because construction of a Trans-Alaska route can start as soon as legal issues are resolved. Construction of Canadian route cannot begin until these issues are resolved (because over 200 miles will be in Alaska) and until the following additional steps are completed: detailed field study, detailed project description, new corporate arrangements, a U.S. environmental impact statement covering the 200 miles of the line in Alaska, and Canadian approval, which may be delayed by native claims and environmental issues. Moreover, no one has applied to build a Canada line. Canadian conditions will make new financial arrangements difficult and time-consuming.

An Alaska pipeline will deliver more U.S.-owned oil to the U.S. because the Canadian government has said it will insist on majority equity ownership, management of the pipeline, and reservation of up to 50% of pipeline capacity for Canadian oil, which may go to Canadian markets. This last point is of particular concern in view of recent Canadian export controls and Energy Board findings that Canada may have no surplus to export in the near future. Moreover, even if we could get Canadian oil, there will be an adverse impact on our balance of payments from purchasing it rather than Alaskan oil.

POINTS MADE IN FAVOR OF A TRANS-CANADA PIPELINE

A Trans-Canada route would (i) avoid areas of high seismic hazard, (ii) avoid a marine leg, (iii) interfere less with caribou migrations, and (iv) might be combined with a gas line in a single corridor.

A Trans-Canada route would deliver oil to the Midwest, where, some assert, it is needed more than on the West Coast.

The time advantage of the Trans-Alaska rout may be reduced because commencement of construction has been stalled by the Court of Appeals decision and the Supreme Court's refusal to review the case. (Some assert the Court of Appeals opinion removes this time advantage, but, for the reasons listed above, this point is not valid.)

COMPARISON OF ENVIRONMENTAL IMPACTS—CANADIAN VERSUS ALASKAN ROUTES

Unavoidable Impacts:

Canadian route would require approximately 4 times as much land and gravel as Alaskan route.

Canadian route would cross more major rivers and create more drainage diversion than Alaskan route.

Potential Impacts:

Alaskan and Canadian routes are about equal in terms of permafrost risk.

Alaskan route crosses more seismically active terrain than Canadian route.

Alaskan route requires a marine leg.

Canadian route involves greater risk of pipeline break at river crossings, which are high-hazard areas.

Stipulations:

Environmental and technical stipulations in U.S. permit will guard against risks on the Trans-Alaska route; but the U.S. cannot control and supervise construction in Canada.

Mr. TOWER. Mr. President, I suggest to the Senator from Alaska that he tack his proposal in connection with the pipeline onto this bill, which has everything else in it.

Mr. STEVENS. Being aware of what the Senator said about germaneness in the House, I am chary about accepting the Senator's suggestion.

Mr. TOWER. The Senator from Texas was being facetious.

QUORUM CALL

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed the bill (S. 394) to amend the Rural Electrification Act of 1936, as amended, to reaffirm that such funds made available for each fiscal year to carry out the programs provided for in such act be fully obligated in said year, and for other purposes, with amendments, in which it requested the concurrence of the Senate; that the House insisted upon its amendments to the bill; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. POAGE, Mr. STUBBLEFIELD, Mr. SISK, Mr. DENHOLM, Mr. TEAGUE of California, Mr. WAMPLER, and Mr. GOODLING were appointed managers on the part of the House at the conference.

ORDER FOR ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10:30 a.m. tomorrow.

Mr. TOWER. Mr. President, reserving the right to object, in the absence of the minority leader——

Mr. MANSFIELD. We have checked with the distinguished minority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. The calendar is pretty clear. What we are really having tomorrow, unless some Members wish to speak, is something to approach a pro forma meeting.

ORDER FOR ADJOURNMENT FROM TOMORROW UNTIL TUESDAY, APRIL 10, 1973

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow it stand in adjournment until 12 o'clock noon on Tuesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF THE PAR VALUE MODIFICATION ACT

The Senate continued with the consideration of the bill (S. 929) to amend the Par Value Modification Act.

Mr. TOWER. Mr. President, I yield back my time unless someone else wishes to speak.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. MANSFIELD. I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

The PRESIDING OFFICER. The hour of 2:30 p.m. having arrived, by previous order the Senate will proceed to vote on the amendment of the Senator from Virginia, as modified.

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Michigan (Mr. HART), is necessarily absent.

I also announce that the Senator from Mississippi (Mr. STENNIS), is absent because of illness.

Mr. SCOTT of Pennsylvania. I announce that the Senator from Massachusetts (Mr. BROOKE) is absent by leave of the Senate on official business.

The Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. HATFIELD), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

The Senator from Michigan (Mr. GRIFFIN) is detained on official business.

On this vote, the Senator from Oregon (Mr. HATFIELD) is paired with the Senator from Michigan (Mr. GRIFFIN). If present and voting, the Senator from Oregon would vote "yea" and the Senator from Michigan would vote "nay."

The result was announced—yeas 88, nays 3, as follows:

[No. 91 Leg.]

YEAS—88

Abourezk
Aiken
Allen
Baker
Bartlett
Bayh
Beall
Bentsen
Bible
Biden
Brock
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cook
Cotton
Cranston
Curtis
Dole
Domenici
Dominick
Eagleton
Eastland
Ervin
Fannin
Fong
Fulbright
Gravel
Gurney
Hansen
Hartke
Haskell
Hathaway
Helms
Hollings
Hruska
Huddleston
Hughes
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McClure
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott, Pa.
Scott, Va.
Sparkman
Stafford
Stevenson
Symington
Talmadge
Thurmond
Tunney
Weicker
Williams
Young

NAYS—3

McGee
Stevens
Tower

NOT VOTING—9

Bellmon
Bennett
Brooke
Goldwater
Griffin
Hart
Hatfield
Stennis
Taft

So amendment No. 76, as modified, was agreed to.

The PRESIDING OFFICER (Mr. COTTON). The Senator from Wisconsin is recognized.

Mr. PROXMIRE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment. The Senate will be in order, first. The clerk may proceed.

The assistant legislative clerk read as follows:

> Add the following new section:
>
> SEC. 2. Section 2 of the Par Value Modification Act (Public Law 92-268) is amended by adding the following at the end thereof:
>
> "In order to promote confidence in the stability of the par value of the dollar as defined in this section and to help prevent the need for a further change in such value, the President shall, under his existing authority, immediately issue an order stabilizing prices including retail prices, rents, wages, salaries, interest rates, and dividends for a period of one hundred and eighty days from the date of enactment of this section at levels not greater than the highest levels pertaining to a substantial volume of actual transactions by each business enterprise or other person during the thirty-day period ending April 5, 1973, for like or similar commodities, services, or, transfers, or, if no transactions occurred during such period, then the highest applicable level in the nearest preceding thirty-day period. Such order shall also require that price, rent, or interest rate reductions be made when necessary to stabilize profits at the level referred to in the preceding sentence. The President may make such exceptions and variations to such order as may be necessary to prevent gross inequities and hardships."

Mr. PROXMIRE. Mr. President, how much time do I have under the amendment?

The PRESIDING OFFICER. The Senator from Wisconsin has 30 minutes.

Mr. PROXMIRE. Mr. President, I intend to take just part of the time on this amendment. I think that we can have a vote rather promptly.

Mr. President, I yield 1 minute to the Senator from Virginia without losing my right to the floor.

ADDITIONAL COSPONSORS OF AMENDMENT NO. 76

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the names of the distinguished Senator from New York (Mr. BUCKLEY) and the distinguished Senator from West Virginia (Mr. RANDOLPH) be listed as cosponsors of amendment No. 76.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL COSPONSORS OF THE PROXMIRE AMENDMENT

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the names of the distinguished Senator from Washington (Mr. JACKSON) and the distinguished Senator from Illinois (Mr. STEVENSON) be added as cosponsors of my pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

WHOLESALE PRICES GO THROUGH THE ROOF

Mr. PROXMIRE. Mr. President, wholesale prices hit the ceiling in February. In March, they have just gone through the roof. That information just came to our attention at 10 o'clock this morning when the release came through.

We thought last month was bad. But the announcement today of the increases in wholesale prices for March can only be described as incredible, unbelievable, impossible. But, incredible or not, facts are facts. Here is what happened.

THE FACTS

The all commodity index went up on a seasonally adjusted basis by 2.2 percent from February to March.

When it rose by 1.6 percent last month, we found it hard to believe. But this month the increase is 37 percent greater than the month that broke all records. Translated into annual rates, this is a 26.4-percent rise.

Farm products, food, and feed led the list with a 4.7 percent advance. But it was not limited to those noncontrolled items at all. Industrial commodities increased by 1.2 percent in this 1 month, or at a 14.4 percent annual rate.

Mr. President, I would like to call attention to some of the enormous increases, which are not food increases, as I say. The increase, for example, in chemical and allied products was an increase at an annual rate, in the last 2 months, of approximately 8 percent.

The increase in rubber and plastic products was around 10 percent, in pulp and paper 18 percent, metals and metal products 25 percent.

The increase in durable goods was close 17 percent.

The increase in materials supplies and components was 19 percent.

These are all increases that can only be described as highly inflationary.

I think the Senate ought to recognize that wholesale prices have been far more stable than retail prices. Throughout the decades of the 50's and 60's, they proceeded on an extraordinarily stable basis, and on almost all occasions in recent years consumer prices have reflected far more than the increase in wholesale prices.

What happens is that they reflect the full increase in wholesale prices and, on top of that, the increase in retailing and distribution costs, which is very substantial, and has continued to rise substantially.

ANNUAL RATES GO THROUGH ROOF TOO

In recent weeks when we have translated these monthly rise into annual rates by merely multiplying by 12, the administration spokesmen have claimed this is unfair. But today they released some official annual and quarterly figures. Here is what they show.

In the calendar quarter that ended in March, the wholesale price index rose at a seasonally adjusted annual rate of 21.5 percent. That is according to the official U.S. Department of Labor's Bureau of Labor Statistics own release.

The quarterly figure for the annual rate for industrial commodities was 10.3 percent. The index for farm products, processed food and feed was at an annual rate of 53.1 percent in the January–March quarter.

Mr. President, these are astounding figures.

COMPARED WITH PAST FIGURES

These figures are shocking when compared with even the recent past decade. Between 1963 and 1964, the wholesale price index rose by only three-tenths of 1 percent—from an index number of 94.5 to 94.7. From 1966 to 1967, it rose from 100 to 102.5. From 1971 to 1972 it rose from 113.9 to 119.1 or by 5.2 points.

These later figures were thought to be big increases. But in the most recent quarter the figure for the annual rate is 21.5 percent, a terrific escalation, threefold the biggest increase we had had before.

Mr. HANSEN. Mr. President, will the Senator yield for a question?

Mr. PROXMIRE. I am happy to yield to the distinguished Senator from Wyoming.

Mr. HANSEN. Does the distinguished Senator have the figures with respect to milk, butter, and cheese?

Mr. PROXMIRE. I would be happy to get those figures. I do not have them available right now. Milk was very stable for a long time, but I have not seen the figure for March. I would not be surprised, however, if it increased somewhat. In view of the present policy of depressing the prices of substitute products, I would expect that the prices of such products would go up very sharply. That is one reason I think the spot controls system the administration has imposed just is not workable.

PRICES OF THE FUTURE

But the worst aspect of all of this is that the wholesale prices are the prices of the future. The wholesale prices today are the retail or consumer prices tomorrow. We therefore face a dismal future. In the words of the old song, "Baby, you ain't seen nothin' yet."

TIME TO ACT HAS COME

The time to act has arrived. Both Congress and the President must act. It is imperative that we slap on a price, wage, interest rate, rent, dividends, and profit freeze now. That is only the first step, but that must be done and done now.

I offer my amendment to do just that. And incidentally, if this amendment does not pass today, I intend to offer it at the first opportunity next week, and repeat offering it until it is accepted by the Senate, because, as I say, these wholesale prices are bound to snowball and be reflected in the consumer prices. It will get worse and worse. I think the time may come when the consumers will finally put enough pressure on Congress that all of us will recognize only an across-the-board freeze is an answer to the situation we face.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. PROXMIRE. I am happy to yield to the Senator from Washington.

Mr. JACKSON. In view of the fact that the last vote on this amendment—which is similar, not exactly but substantially the same——

Mr. PROXMIRE. It is almost exactly the same amendment.

Mr. JACKSON. Lost by 39 to 37, I would hope the Senate will see fit to adopt the amendment this time. I do not think there is any need on my part to repeat once again that the obvious crisis facing the country is inflation.

If it were inflation alone, as bad as it is, because what I foresee is that we are moving down the road toward a recession. All one has to do is open the financial pages on any day in the week to see that interest rates are going up. I believe that short-term Treasury bills and notes are now at the highest level since 1970. Three hundred and fifty-four day bills have been going at 6.5 percent.

My point is very simple: Not only is there a need to have the kind of freeze here that will provide, I hope, a basis under which the President can work out a hard, tough, effective phase III program, but it is essential if we are going to avoid what could be a boom and a bust; and the recession that would follow could be a serious one.

I commend the Senator from Wisconsin for having initiated this move about 3 weeks ago, and I had the privilege of offering it last week. I am delighted that he is offering it this week, and I think we ought to keep offering it, frankly, until we get some kind of price stability.

Mr. President, what I like about the proposal is that there are no exceptions. It is a real freeze across the board. I believe it is only in this way that we can lay the foundation for wage-price stability and overall economic stability, and I strongly join in supporting my colleague from Wisconsin in this endeavor.

Mr. PROXMIRE. Mr. President, I want especially to thank the Senator from Washington for his stress on interest rates, because the reason that interest rates have been rising is very clear to anyone who has followed interest rates in recent years.

Why do they rise? If you ask Dr. Arthur Burns, or other experts on monetary policy, they would tell you it is very largely because of inflationary expectation. If the lender expects, when he gets his money back, that it will have a lower value, he is going to demand a higher interest rate before he lends that money. Senators will find that in every country with sharp inflation, interest rates are high, and we find the justification by the monetary authorities for high interest rates, over and over again, is "Yes, because we have a high rate of inflation, that has to be reflected in the interest rates."

When you have a wholesale price rise such as we have had in the past few months, every lender is going to insist, before he lends his money out, that he will get at least as much back at the end of the term of his loan as he lent out. So if we are going to hold interest rates down, we need that freeze. If the lender can be assured that in the next 6 months he can have stable prices across the board, then the likelihood that interest rates will remain stable is enormously increased.

WEAK ACTION ON PHASE III

When the administration moved from phase II to phase III, what we needed was better and stronger action.

We needed prenotification by big unions and big businesses of their price increases. But that was not required.

We needed the rollback of prices which went beyond the guidelines. Instead, no rollback was called for. Those who went beyond the guidelines could keep their profits.

We needed stricter enforcement in those areas where the problems were. Instead, the enforcement staff was cut in half.

This was a signal to business, labor, and the national and international financial community that the administration was soft on inflation. And what happened?

The stock market hit the doldrums because the U.S. financial community correctly read the new policy.

The dollar was devalued for the second time, because the international financial community correctly read the new policy.

Businesses of all kinds raised their prices because they saw the writing on the wall and knew that their costs were rising too.

And labor abandoned the 5.5 percent wage increase guideline because they knew that such a standard would not even compensate their members for the rise in the cost of living, let alone give them their rightful share of productivity increases.

Mr. President, we can say that the time is not ready to act on some of these measures. Senators often argue that we should delay and wait and see what will happen. The fact is that we have now, because of the wholesale price index for March which is just available today, we now have the evidence we need to determine the policy we should follow. It makes sense to delegate greater authority to the President. I have disagreed sometimes on military policy and foreign policy, but much of that has to remain within the President's jurisdiction. But in this area of the domestic economy, it is peculiarly subject to congressional determination. Congress should have the sense of responsibility to stand up and do what it should do, especially when we see a program put into effect phase III that all the evidence shows overwhelmingly is not working.

I do not believe there is one economist in a hundred who would say that phase III is working or is doing the job. It is not doing the job. There are even fewer economists who would say that the policy of picking out beef, pork, and lamb, and freezing that at the retail and wholesale level and letting everything else go up, including costs to the farmers who produce the beef, the pork, and the lamb, and including the cost to the wholesalers, the processors, and the retailers, would work. That kind of program simply cannot work. Economists agree overwhelmingly on that, whether conservative or liberal—regardless of their persuasion.

TIME TO ACT

So, Mr. President, I say to the President of the United States and the administration, "It is time to act. If you do not act, Mr. President, we will act." I intend to press my amendment for a freeze at every possible opportunity until it becomes the policy of this Government, either through action by the President or by action by the Congress.

The future of our country is at stake. The lives, incomes, and well-being of the American people are in the balance.

Act, Mr. President. The time is now.

One other word before I yield the floor. I know the leadership may feel that this amendment is not germane. However, I can think of very few other amendments that would be more germane than this one, because if we are going to have a devaluation that will stick, we have to get on top of inflation, we must show that we mean business with inflation. Certainly, all the evidence suggests that one of the major reasons why we have to have this devaluation that we are acting on now is that phase III is too weak.

So the amendment is germane to the subject matter. It is germane to the substance. It does make sense. I urge Senators SPARKMAN and TOWER to permit this amendment to come to a vote on its merits. I know that both Senators have opposed this in the past, but I hope that under the circumstances, in view of the latest information, we would have a chance to vote up or down whether the Senate wants to take this position now.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER (Mr. COTTON). Who yields time?

Mr. SPARKMAN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield back his time?

Mr. PROXMIRE. I would hope to get the yeas and nays on my amendment. I, therefore, ask unanimous consent that I may suggest the absence of a quorum, with the time to come out of my time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Texas will state it.

Mr. TOWER. Is it too late to raise a point of order once the yeas and nays have been ordered?

The PRESIDING OFFICER (Mr. COTTON). It has no effect under the unanimous-consent agreement. A point of order could be placed after the time is yielded back, but the order for the yeas and nays would not preclude it.

Mr. TOWER. I thank the Presiding Officer.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the name of the distinguished Senator from Delaware (Mr. BIDEN) be added as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Texas will state it.

Mr. TOWER. How much time is left to

the distinguished Senator from Wisconsin?

The PRESIDING OFFICER. Eleven minutes remain to the time of the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I understand that the distinguished Senator from Alabama has yielded back his time on the amendment; is that correct?

The PRESIDING OFFICER. The Senator from Alabama has yielded back his time.

Mr. PROXMIRE. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment is now yielded back.

Mr. TOWER. Mr. President, in the opinion of the Senator from Texas, a point of order should lie against the amendment of the Senator from Wisconsin, that the matter contained in the Senator's amendment is not covered by the authorization of the unanimous-consent agreement and is not, therefore, germane.

I make the point of order that the amendment of the Senator from Wisconsin is out of order.

The PRESIDING OFFICER (Mr. Cotton). Under the unanimous-consent agreement, all amendments not excepted must be germane. There is nothing in the bill relative to a price freeze or an order by the President to stabilize prices, including retail prices, rents, wages, salaries, interest rates, and so forth.

This amendment does not meet any of the exceptions set forth in the agreement; for example, it was not printed and at the desk when the agreement was reached.

Therefore, the Chair would rule that the amendment offered by the Senator from Wisconsin is not in order.

Mr. PROXMIRE. Mr. President, may I be heard on that ruling?

The PRESIDING OFFICER. Certainly.

Mr. PROXMIRE. How much time is allowed for debate on the ruling?

The PRESIDING OFFICER. If the Senator appeals from the ruling of the Chair, 30 minutes. Otherwise, it is just a matter of a few minutes, by courtesy of the Chair. The Chair would be glad to listen for a reasonable time, if the Senator desires to appeal from the ruling.

Mr. PROXMIRE. I thank the Chair. I appeal the ruling of the Chair, and I am going to ask for a rollcall on the appeal in a few minutes.

However, before I ask for the rollcall vote, before we proceed to a vote on it, I want to say that I have great respect for the Chair. I think he is a man who understand parliamentary procedure, and I understand the basis on which he has his ruling.

However, Mr. President, I think it should be very obvious to us that if there is any kind of amendment that should be germane to the devaluation bill, it is an amendment that would provide the strongest kind of anti-inflationary medicine that can be provided. This is exactly what the amendment that is pending at the desk would do.

We all know that a freeze on wages and prices was put into effect at the beginning of the new economic policy for 3 months. It worked. It is not a matter of guessing whether it would work. It did work.

I think we all recognize that if any kind of action by Congress is going to stop inflation, this will do it. Is inflation, is the rise in prices, germane to a devaluation bill? Why was the dollar devalued? The dollar was devalued, because in the international market, the value of the dollar dropped. Why? All the evidence indicated—all the economists argued—that it was because of the weakening, inflationary posture of the United States—phase 3, the terrific increase in wholesale prices in December, the accumulating increase in wholesale prices in January. Now we have the worst evidence of all—the wholesale price increase of March, which dwarfs the other increases.

Under these circumstances, as I say, with all due respect to the Presiding Officer and the Parliamentarian, it seems to me that there should be a recognition on the part of the Senate that this amendment to freeze prices, wages, interest rates, profits, rents, and so forth, is germane.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. ALLEN. I say to the distinguished Senator from Wisconsin that I supported the amendment offered by the Senator from Washington (Mr. Jackson) and had planned to support the amendment offered by the distinguished Senator from Wisconsin, but I cannot support his appeal from the ruling of the Chair.

I would hope that at the end of the 30 minutes allotted for that purpose, the Senator would withdraw his appeal, for the reason that I do not believe that the appeal will muster the support that a vote up and down on the amendment would offer. I believe it would put the Senator at a disadvantage.

The PRESIDING OFFICER. Who yields time?

Mr. SPARKMAN. Mr. President, I shall take very little time.

I sympathize with the position of the Senator from Wisconsin because of a similar situation on an amendment that I knew was good, but this rule of germaneness was in the unanimous consent agreement, and all I could do was to sit down, because I knew the Chair had made a correct ruling, even though it went against my desire and my understanding. I do not see how anyone can question the correctness of this ruling, under the rule of germaneness.

There is another aspect to the matter. We have voted on this amendment in different forms, perhaps some of them with a different time limit, some of them with different coverage; but, generally speaking, we have threshed out this subject as amendments at a time they could be decided upon, at a time they could be voted upon, and the Senate has declined to accept any one of them.

It is true that, as the Senator from Wisconsin has stated, one of them failed by a very narrow margin—two or three votes; nevertheless, the Senate acted upon them. I would certainly join in the hope expressed by the Senator from Alabama that the Senator from Wisconsin would withdraw his appeal from the ruling of the Chair, because I simply do not see how it could be agreed to under the rules of the Senate and under the unanimous-consent agreement that was entered into.

Mr. PROXMIRE. Mr. President, I can save the Senator some time. I must say that Alabama is very persuasive. When both Senators from Alabama agree on something of this kind—and I have talked with some of my other Senate colleagues, whose judgment I highly respect—they support me, as does the junior Senator from Alabama on the substance of the amendment—and when the distinguished Parliamentarian and the distinguished Presiding Officer rule as they have, under the circumstances, rather than to jeopardize the amendment, which I think is a practical and an inevitable amendment, I will withdraw my appeal. But let me say that I intend to attach the amendment to subsequent legislation.

I thank the Chair for his ruling. I withdraw my appeal.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. TOWER. Mr. President, I have at the desk an unprinted amendment. I ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> On page 1, strike lines 3 through 8.

Mr. TOWER. Mr. President, this is a very simple amendment. I will read the language that is to be stricken:

> That the first sentence of section 2 of the Par Value Modification Act (Public Law 92–268) is amended by striking the words "one thirty-eighth of a fine troy ounce of gold" and inserting in lieu thereof the following: "0.828948 Special Drawing Right or, the equivalent in terms of gold, of $1 equals 0.023684 of a fine troy ounce of gold".

This is a provision in the bill that is of increasingly diminishing significance. So much has been added into the bill that the original purpose of the bill has been lost sight of. I believe that the original provision of the bill, which my amendment would strike, is no longer very germane to the other things in the bill. It simply has a cosmetic effect anyway, and what the President has done will stand regardless of whether the proposed legislation is passed.

The committee considered the amendment with dispatch and reported it as a clean bill, in order to demonstrate that Congress did support the President in the matter of the revaluation of gold, to try to resolve in the interim period the monetary crisis, the trade balance situation, and all the ancillary difficulties in terms of our international exchange.

I think that we have demonstrated practically to the central bankers in Europe that we considered this to be of relative unimportance; that we treated it cavalierly; that we held up the bill to add other things to it; and, therefore, have given them no impression that it is of great importance.

I should prefer to have it considered as a separate matter that Congress does regard as of some importance. I shall offer it at some other time. Therefore, I feel constrained to offer this amendment.

Mr. President, I do not believe a sufficient number of Senators is present to ask for the yeas and nays; therefore, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I have decided I will not press this matter to a rollcall vote.

Mr. SPARKMAN. Mr. President, as I understand it, the Senator from Texas has simply ruled out the proposed request for a rollcall and still would have a voice vote.

The PRESIDING OFFICER. The Senator is correct.

Mr. SPARKMAN. I would like to exercise my right to debate the amendment before that is done. I am in opposition to the amendment.

The PRESIDING OFFICER. How much time does the Senator yield to himself?

Mr. SPARKMAN. How much time do I have?

The PRESIDING OFFICER. The Senator has 30 minutes.

Mr. SPARKMAN. I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SPARKMAN. Mr. President, I, of course, have a great deal of sympathy with some of the things which the distinguished Senator from Texas has said. But I have always recognized the fact that legislation, at its best, or sometimes at its worst, is a compromise—the best you can work out is compromise.

Amendments have been agreed to that I oppose, amendments that did not have any place in this bill. I was for the bill as a clean bill. Nevertheless, the Senate has expressed its will in adding these amendments, and I think we ought to pass the bill with these amendments included and take it to conference.

We do not know what we may be able to accomplish in conference.

Therefore, I hope the amendment is withdrawn.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. TOWER. I offered this amendment to make a point.

Mr. SPARKMAN. I realize that.

Mr. TOWER. I think the Senator from Alabama also made an important point and that is to take it to conference and see what happens. I am reasonably sure the House is not going to accept what we have done, because of their rigid adherence to the rule of germanity, or germaneness—perhaps it is germanity. In any case, I am hopeful the House will assume a firm position on this to the extent we do not have omnibus legislation of this type that is anchored to little, if anything.

Therefore, because of the lucidity of the arguments of my friend from Alabama and, because I understand his reason, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. SPARKMAN. I congratulate the Senator.

Mr. PROXMIRE. Mr. President, will the Senator yield to me for 2 minutes on the bill?

Mr. SPARKMAN. Do I have time remaining?

The PRESIDING OFFICER. The Senator has time remaining on the bill.

Mr. SPARKMAN. I yield 2 minutes on the bill.

Mr. PROXMIRE. Mr. President, I wish to add my voice to that of the Senator from Alabama in commending the Senator for withdrawing the amendment. The amendment would strike the original bill and would leave the ceiling and the Ervin impoundment measure we passed yesterday, making it very vulnerable to a veto. The purpose of the amendment, if passed, would mean the President could veto the bill, and that is it. We should recognize the Senate did not just pass the Ervin amendment on impoundment, but did so overwhelmingly by a vote of 70 to 24 and by a vote of 88 to 6 in the case of the ceiling.

I hope and pray that the Senate conferees will recognize we have given the clearest mandate to stand firm for both the impoundment provision and the ceiling provision when we go to conference.

I thank the Senator from Alabama.

Mr. TOWER. Mr. President, I yield myself 3 minutes on the bill.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. TOWER. I think that it is very possible that we have perhaps included some veto bait in this bill. The whole idea in attaching all these measures to the gold revaluation or par value modification act was to try to force the President to accept legislation that it was thought he would not otherwise accept. Let us be candid. That was the whole purpose. The Senator from Wisconsin said as much in his remarks the other day; that the President needed this and had to have it and would not veto it; therefore, we put all these matters on it.

I hope the bill is improved somewhat in conference. I have no idea what the House may do. I hear they may consolidate this with the Economic Stabilization Act. That would be a can of worms that the President might feel constrained to veto. As I say, I have no word from the White House that that is the case. But I think the more extraneous matter we include, the more it might be added in consolidation with the other bill in the House, and the likelihood is that the President would feel compelled to veto it as being too restrictive and inflexible enough to deal with the economic contingencies of the country.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator yield to me for 1 minute?

Mr. SPARKMAN. I yield 1 minute to the Senator from Virginia.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the names of the distinguished Senator from North Carolina (Mr. HELMS) and the distinguished Senator from New Mexico (Mr. DOMENICI) be added as cosponsors of amendment No. 76.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the name of the distinguished Senator from Florida (Mr. CHILES) be added as a cosponsor of amendment No. 76.

The PRESIDENT OFFICER. Without objection, it is so ordered.

Mr. SPARKMAN. I yield back all my time.

Mr. TOWER. I yield back my time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Michigan (Mr. HART), and the Senator from Louisiana (Mr. LONG) are necessarily absent.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Michigan (Mr. HART) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. BROOKE) is absent by leave of the Senate on official business.

The Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from Kansas (Mr. DOLE), the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. HATFIELD) and the Senator from Ohio (Mr. TAFT) are necessarily absent.

If present and voting, the Senator from Oregon (Mr. HATFIELD) and the Senator from Ohio (Mr. TAFT) would each vote "yea."

The result was announced—yeas 79, nays 11, as follows:

[No. 92 Leg.]

YEAS—79

Abourezk
Aiken
Allen
Baker
Bartlett
Bayh
Beall
Bentsen
Bible
Biden
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cranston
Curtis
Domenici
Dominick
Eagleton
Eastland
Ervin
Fong
Fulbright
Gravel
Gurney
Hartke
Haskell
Hathaway
Helms
Hollings
Hruska
Huddleston
Hughes
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Magnuson
Mansfield
Mathias
McClellan
McClure
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Scott, Pa.
Scott, Va.
Sparkman
Stafford
Stevens
Stevenson
Symington
Talmadge
Tunney
Williams
Young

NAYS—11

Brock
Cook
Cotton
Fannin
Griffin
Hansen
Roth
Saxbe
Thurmond
Tower
Weicker

NOT VOTING—10

Bellmon
Bennett
Brooke
Dole
Goldwater
Hart
Hatfield
Long
Stennis
Taft

S. 929

An act to amend the Par Value Modification Act, to insure the separation of Federal powers and to protect the legislative function by requiring the President to notify the Congress whenever he, the Director of the Office of Management and Budget, the head of any department or agency of the United States, or any officer or employee of the United States, impounds, orders the impounding, or permits the impounding of budget authority, to provide a procedure under which the Senate and the House of Representatives may approve the impounding action, in whole or in part, or require the President, the Director of the Office of Management and Budget, the department or agency of the United States, or the officer or employee of the United States, to cease such action, in whole or in part, as directed by Congress, and to establish a spending ceiling for one fiscal year 1974.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 2 of the Par Value Modification Act (Public Law 92-268) is amended by striking the words "one thirty-eighth of a fine troy ounce of gold" and inserting in lieu thereof the following: "0.828948 Special Drawing Right or, the equivalent in terms of gold, of $1 equals 0.023684 of a fine troy ounce of gold".

TITLE I—IMPOUNDMENT CONTROL PROCEDURES

SEC. 101. The Congress finds that—

(1) the Congress has the sole authority to enact legislation and appropriate moneys on behalf of the United States;

(2) the Congress has the authority to make all laws necessary and proper for carrying into execution its own powers;

(3) the Executive shall take care that the laws enacted by Congress shall be faithfully executed;

(4) under the Constitution of the United States, the Congress has the authority to require that funds appropriated and obligated by law shall be spent in accordance with such law;

(5) there is no authority expressed or implied under the Constitution of the United States for the Executive to impound budget authority and the only authority for such impoundments by the executive branch is that which Congress has expressly delegated by statute;

(6) by the Anti-Deficiency Act (Rev. Stat. sec. 3679), the Congress delegated to the President authority, in a narrowly defined area, to establish reserves for contingencies or to effect savings through changes in requirements, greater efficiency of operations, or other developments subsequent to the date on which appropriations are made available;

(7) in spite of the lack of constitutional authority for impoundment of budget authority by the executive branch and the narrow area in which reserves by the executive branch have been expressly authorized in the Anti-Deficiency Act, the executive branch has impounded many billions of dollars of budget authority in a manner contrary to and not authorized by the Anti-Deficiency Act or any other Act of Congress;

(8) impoundments by the executive branch have often been made without a legal basis;

(9) such impoundments have totally nullified the effect of appropriations and obligation authority enacted by the Congress and prevented the Congress from exercising its constitutional authority;

(10) the executive branch, through its presentation to the Congress of a proposed budget, the due respect of the Congress for the views of the executive branch, and the power of the veto, has ample authority to affect the appropriation and obligation process without the unilateral authority to impound budget authority; and

(11) enactment of this legislation is necessary to clarify the limits of the existing legal authority of the executive branch to impound budget authority, to reestablish a proper allocation of authority between the Congress and the executive branch, to confirm the constitutional proscription against the unilateral nullification by the executive branch of duly enacted authorization and appropriation Acts, and to establish efficient and orderly procedures for the reordering of budget authority through joint action by the Executive and the Congress, which shall apply to all impoundments of budget authority, regardless of the legal authority asserted for making such impoundments.

SEC. 102. (a) Whenever the President, the Director of the Office of Management and Budget, the head of any department or agency of the United States, or any officer or employee of the United States, impounds any budget authority made available, or orders, permits, or approves the impounding of any such budget authority by any other officer or employee of the United States, the President shall, within ten days thereafter, transmit to the Senate and the House of Representatives a special message specifying—

(1) the amount of the budget authority impounded;

(2) the date on which the budget authority was ordered to be impounded;

(3) the date the budget authority was impounded;

(4) any account, department, or establishment of the Government to which such impounded budget authority would have been available for obligation except for such impoundment;

(5) the period of time during which the budget authority is to be impounded, to include not only the legal lapsing of budget authority but also administrative decisions to discontinue or curtail a program;

(6) the reasons for the impoundment, including any legal authority invoked by him to justify the impoundment and, when the justification invoked is a requirement to avoid violating any public law which establishes a debt ceiling or a spending ceiling, the amount by which the ceiling would be exceeded and the reasons for such anticipated excess; and

(7) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the impoundment.

(b) Each special message submitted pursuant to subsection (a) shall be transmitted to the House of Representatives and the Senate on the same day, and shall be delivered to the Clerk of the House of Representatives if the House is not in session, and to the Secretary of the Senate if the Senate is not in session. Each such message may be printed by either House as a document for both Houses as the President of the Senate, and Speaker of the House may determine.

(c) A copy of each special message submitted pursuant to subsection (a) shall be transmitted to the Comptroller General of the United States on the same day as it is transmitted to the Senate and the House of Representatives. The Comptroller General shall review each such message and determine whether, in his judgment, the impoundment was in accordance with existing statutory authority, following which he shall notify both Houses of Congress within fifteen days after the receipt of the message as to his determination thereon. If the Comptroller General determines that the impoundment was in accordance with section 3679 of the Revised Statutes (31 U.S.C. 665), commonly referred to as "The Anti-Deficiency Act", the provisions of section 103 and section 105 shall not apply. In all other cases, the Comptroller General shall advise the Congress whether the impoundment was in accordance with other existing statutory authority and sections 103 and 105 of this Act shall apply.

(d) If any information contained in a special message submitted pursuant to subsection (a) is subsequently revised, the President shall transmit within ten days to the Congress and the Comptroller General a supplementary message stating and explaining each such revision.

(e) Any special or supplementary message transmitted pursuant to this section shall be printed in the first issue of the Federal Register published after that special or supplemental message is so transmitted and may be printed by either House as a document for both Houses, as the President of the Senate, and Speaker of the House may determine.

(f) The President shall publish in the Federal Register each month a list of any budget authority impounded as of the first calendar day of that month. Each list shall be published no later than the tenth calender day of the month and shall contain the information required to be submitted by special message pursuant to subsection (a).

SEC. 103. The President, the Director of the Office of Management and Budget, the head of any department or agency of the United States, or any officer or employee of the United States shall cease the impounding of any budget authority set forth in each special message within sixty calendar days of continuous session after the message is received by the Congress unless the specific impoundment shall have been ratified by the Congress by passage of a concurrent resolution in accordance with the procedure set out in section 105 of this Act: *Provided, however,* That Congress may by concurrent resolution disapprove any impoundment in whole or in part, at any time prior to the expiration of the sixty-day period, and in the event of such disapproval, the impoundment shall cease immediately to the extent disapproved. The effect of such disapproval, whether by concurrent resolution passed prior to the expiration of the sixty-day period or by the failure to approve by concurrent resolution within the sixty-day period, shall be to make the obligation of the budget authority mandatory, and shall preclude the President or any other Federal officer or employee from reimpounding the specific budget authority set forth in the special message which the Congress by its action or failure to act has thereby rejected.

SEC. 104. For purposes of this Act, the impounding of budget authority includes—

(1) withholding, delaying, deferring, freezing, or otherwise refusing to expend any part of budget authority made available (whether by establishing reserves or otherwise) and the termination or cancellation of authorized projects or activities to the extent that budget authority has been made available,

(2) withholding, delaying, deferring, freezing, or otherwise refusing to make any allocation of any part of budget authority (where such allocation is required in order to permit the budget authority to be expended or obligated),

(3) withholding, delaying, deferring, or otherwise refusing to permit a grantee to obligate any part of budget authority (whether by establishing contract controls, reserves, or otherwise), and

(4) any type of Executive action or inaction which effectively precludes or delays the obligation or expenditure of any part of authorized budget authority.

SEC. 105. The following subsections of this section are enacted by the Congress:

(a) (1) As an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by this section; and they shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) With full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of the House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(b) (1) For purposes of this section, the term "resolution" means only a concurrent resolution of the Senate or House of Representatives, as the case may be, which is introduced and acted upon by both Houses at any time before the end of the first period of sixty calendar days of continuous session of the Congress after the date on which the special message of the President is transmitted to the two Houses.

(2) The matter after the resolving clause of a resolution approving the impounding of budget authority shall be substantially as follows (the blank spaces being appropriately filled): "That the Congress approves the impounding of budget authority as set forth in the special message of the President dated ———, Senate (House) Document Numbered ———."

(3) The matter after the resolving clause of a resolution disapproving, in whole or in part, the impounding of budget authority shall be substantially as follows (the blank spaces being appropriately filled): "That the Congress disapproves the impounding of budget authority as set forth in the special message of the President dated ———, Senate (House) Document Numbered ——— (in the amount of $———)."

(4) For purposes of this subsection, the continuity of a session is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain shall be excluded in the computation of the sixty-day period.

(c) (1) A resolution introduced, or received from the other House, with respect to a special message shall not be referred to a committee and shall be privileged business for immediate consideration, following the receipt of the report of the Comptroller General referred to in section 102(c). It shall at any time be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. Such motion shall be highly privileged and not debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion is agreeing to or disagreed to.

(2) If the motion to proceed to the consideration of a resolution is agreed to, debate on the resolution shall be limited to ten hours, which shall be divided equally between those favoring and those opposing the resolution. Debate on any amendment to the resolution (including an amendment substituting approval for disapproval in whole or in part or substituting disapproval in whole or in part for approval) shall be limited to two hours, which shall be divided equally between those favoring and those opposing the amendment.

(3) Motions to postpone, made with respect to the consideration of a resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

(4) Appeals from the decision of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution shall be decided without debate.

(d) If, prior to the passage by one House of a resolution of that House with respect to a special message, such House receives from the other House a resolution with respect to the same message, then—

(1) If no resolution of the first House with respect to such message has been introduced, no motion to proceed to the consideration of any other resolution with respect to the same message may be made (despite the provisions of subsection (c) (1)).

(2) If a resolution of the first House with respect to such message has been introduced—

(A) the procedure with respect to that or other resolutions of such House with respect to such message shall be the same as if no resolution from the other House with respect to such message had been received; but

(B) on any vote on final passage of a resolution of the first House with respect to such message the resolution from the other House with respect to such message shall be automatically substituted for the resolution of the first House.

(e) If a committee of conference is appointed on the disagreeing votes of the two Houses with respect to a resolution, the conference report submitted in each House shall be considered under the rules set forth in subsection (c) for the consideration of a resolution, except that no amendment shall be in order.

(f) Notwithstanding any other provision of this section, it shall not be in order in either House to consider a resolution with respect to a special message after the two Houses have agreed to another resolution with respect to the same message.

(g) As used in this section, the term "special message" means a report of impounding action made by the President pursuant to section 102 or by the Comptroller General pursuant to section 106.

SEC. 106. If the President, the Director of the Office of Management and Budget, the head of any department or agency of the United States, or any officer or employee of the United States takes or approves any impounding action within the purview of this Act, and the President fails to report such impounding action to the Congress as required by this Act, the Comptroller General shall report such impounding action with any available information concerning it to both Houses of Congress, and the provisions of this Act shall apply to such impounding action in like manner and with the same effect as if the report of the Comptroller General had been made by the President: *Provided, however,* That the sixty-day period provided in section 103 of this Act shall be deemed to have commenced at the time at which, in the determination of the Comptroller General, the impoundment action was taken.

SEC. 107. Nothing contained in this Act shall be interpreted by any person or court as constituting a ratification or approval of any impounding of budget authority by the President or any other Federal employee, in the past or in the future, unless done pursuant to statutory authority in effect at the time of such impoundment.

SEC. 108. The Comptroller General is hereby expressly empowered as the representative of the Congress through attorneys of his own selection to sue any department, agency, officer, or employee of the United States in a civil action in the United States District Court for the District of Columbia to enforce the provisions of this Act, and such court is hereby expressly empowered to enter in such civil action any decree, judgment, or order which may be necessary or appropriate to secure compliance with the provisions of this Act by such department, agency, officer, or employee. Within the purview of this section, the Office of Management and Budget shall be construed to be an agency of the United States, and the officers and employees of the Office of Management and Budget shall be construed to be officers or employees of the United States.

SEC. 109 (a) Notwithstanding any other provision of law all funds appropriated by law shall be made available and obligated by the appropriate agencies, departments, and other units of the Government as may be provided otherwise under this Act.

(b) Should the President desire to impound any appropriation made by the Congress not authorized by this Act or by the Anti-Deficiency Act, he shall seek legislation utilizing the supplemental appropriations process to obtain selective recision of such appropriation by the Congress.

SEC. 110. If any provision of this Act, or the application thereof to any person, impoundment, or circumstance, is held invalid, the validity of the remainder of the Act and the application of such provision to other persons, impoundments, or circumstances shall not be affected thereby.

SEC. 111. The provisions of this Act shall take effect from and after enactment.

TITLE II—CEILING ON FISCAL YEAR 1974 EXPENDITURES

SEC. 201. (a) Except as provided in subsection (b), expenditures and net lending during the fiscal year ending June 30, 1974, under the Budget of the United States Government shall not exceed $268,000,000,000. In subsequent years, after the submission of the Budget of the United States Government and after considering the recommendation of the President for each fiscal year (beginning with the fiscal year ending June 30, 1975), the Congress shall, by law, prescribe a limit on the total amount of expenditures to be made by the United States Government during such fiscal year.

(b) If the estimates of revenues which will be received in the Treasury during the fiscal year ending June 30, 1974, as made from time to time, are increased as a result of legislation enacted after the date of the enactment of this Act reforming the Federal tax laws, the limitation specified in subsection (a) shall be reviewed by Congress for purpose of determining whether the additional revenues made available should be applied to essential public services for which adequate funding would not otherwise be provided.

SEC. 202. (a) Notwithstanding the provisions of any other law, the President shall, in accordance with this section, reserve from expenditure and net lending, from appropriations or other obligational authority otherwise made available, such amounts as may be necessary to keep expenditures and net lending during the fiscal year ending June 30, 1974, and subsequent fiscal years, within the limitation specified in section 201.

(b) In carrying out the provisions of subsection (a) the President shall reserve amounts proportionately from new obligational authority and other obligational authority available for each functional category, and to the extent practicable, subfunctional category (as set out in the United States Budget in Brief, except that no reservations shall be made from amounts available for interest, veterans' benefits and services, payments from social insurance trust funds, public assistance maintenance grants under title IV of the Social Security Act, food stamps, military retirement pay, medicaid, and judicial salaries.

(c) Reservations made to carry out the provisions of subsection (a) shall be subject to the provisions of title I of this Act, except that—

(1) if the Comptroller General determines under section 102(c) with respect to any such reservation that the requirements of proportionate reservations of subsection (b) have been complied with, then sections 103 and 105 shall not apply to such reservation.

(d) The provisions of section 103 of title I of this Act shall not apply to any impoundments or reservations made under title II insofar as they prohibit reimpounding or reservation.

(e) In no event shall the authority conferred by this section be used to impound funds, appropriated or otherwise made available by Congress, for the purpose of eliminating a program the creation or continuation of which has been authorized by Congress.

SEC. 203. In the administration of any program as to which—

(1) the amount of expenditures is limited pursuant to this title, and

(2) the allocation, grant, apportionment, or other distribution of funds among recipients is required to be determined by application of a formula involving the amount appropriated or otherwise made available for distribution, the amount available for expenditure (after the application of this title) shall be substituted for the amount appropriated or otherwise made available in the application of the formula.

TITLE III—FOREIGN CURRENCY REPORTS

STATEMENT OF FINDINGS

SEC. 301. The Congress finds that—

(1) the stability of the international monetary system is threatened by the existence of substantial sums of short-term liquid assets at the disposal of large United States business enterprises and their foreign affiliates;

(2) only a small percentage of United States business enterprises need to engage in speculative foreign exchange transactions in order to trigger an international financial crisis;

(3) the Government of the United States does not receive adequate and timely information on foreign exchange transactions conducted by large United States business enterprises and their foreign affiliates; and

(4) periodic and timely reports on foreign exchange transactions on the part of large United States business enterprises and their foreign affiliates would be useful in deterring the possibility of speculative exchange transactions and in providing the Government of the United States with information needed to deal with international financial crises.

AUTHORITY TO PRESCRIBE REGULATIONS

SEC. 302. (a) The Secretary of the Treasury (hereafter referred to as the "Secretary") is authorized and directed, under the authority of this title and any other authority conferred by law, to prescribe regulations requiring the submission of reports on foreign currency transactions consistent with the statement of findings under section 301. Regulations prescribed under this title shall require that such reports contain such information and be submitted in such manner and at such times, with reasonable exceptions and classifications, as may be necessary to carry out the policy of this title.

(b) Reports required under this title shall cover foreign currency transactions conducted by any United States person and by any foreign person controlled by a United States person as such terms are defined in sections 7(f) (2) (A) and 7(f) (2) (C) of the Securities Exchange Act of 1934.

ENFORCEMENT

SEC. 303. (a) Whoever fails to submit a report required under any rule or regulation issued under this title may be assessed a civil penalty not exceeding $10,000 in a proceeding brought under subsection (b) of this section.

(b) Whenever it appears to the Secretary that any person has failed to submit a report required under any rule or regulation issued under this title or has violated any rule or regulation issued hereunder, the Secretary may in his discretion bring an action, in the proper district court of the United States or the proper United States court of any territory or other place subject to the jurisdiction of the United States, seeking a mandatory injunction commanding such person to comply with such rule or regulation, and upon a proper showing a permanent or temporary injunction or restraining order shall be granted without bond, and additionally the sanction provided for failure to submit a report under subsection (a).

EFFECT ON OTHER LAWS

SEC. 304. Nothing in this title may be construed to alter or affect in any way the authority of the Secretary under any other provision of law.

TITLE IV—REPEAL OF LAWS PROHIBITING THE PURCHASE OF GOLD

SEC. 401. Sections 3 and 4 of the Gold Reserve Act of 1934 (31 U.S.C. 442 and 443) are repealed.

SEC. 402. No provision of any law, and no rule, regulation, or order under authority of any such law, may be construed to prohibit any person from purchasing, holding, selling, or otherwise dealing with gold.

SEC. 403. The provisions of this title, pertaining to gold, shall take effect December 31, 1973.

TITLE V—PROHIBITION OF ASSISTANCE TO NORTH VIETNAM

SEC. 501. No funds made available by the Congress to any department or agency of the Government may be obligated or expended for the purpose of providing assistance of any kind, directly or indirectly, to or on behalf of North Vietnam, unless specifically authorized hereafter by the Congress.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. TOWER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORIZATION FOR THE SECRETARY OF THE SENATE TO MAKE TECHNICAL AND CLERICAL CORRECTIONS IN THE ENGROSSMENT OF S. 929

Mr. TOWER. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make such technical and clerical corrections as necessary in the engrossment of S. 929.

The PRESIDING OFFICER. Without objection, it is so ordered.

URBAN COALITION PROPOSES ALTERNATIVE BUDGET

Mr. PROXMIRE. Mr. President, in the annual hearings on the President's Economic Report conducted by the Joint Economic Committee, I asked Mr. Sol M. Linowitz, chairman of the National Urban Coalition, if he could prepare an alternative budget similar to the counterbudget developed by his organization 2 years ago.

The Urban Coalition's alternative budget for fiscal year 1974 has now been issued and I request unanimous consent to introduce portions of it in today's RECORD in order to bring this most useful document to the attention of all Members of Congress.

The Urban Coalition proposes significant changes in national priorities insofar as they are influenced by the Federal budget, within the President's proposed ceiling of $268.7 billion. As the table shows, the Urban Coalition proposes a $5.1 billion reduction in outlays for defense for fiscal year 1974 and a $1 billion reduction in general revenue sharing. These savings would be used for increased social spending for antipoverty programs, housing, education, manpower, health, and income security, and for a somewhat larger veterans program.

Many persons, including myself, would not agree with all of the Urban Coalition's assumptions and conclusions about how Federal resources are to be allocated. But the Urban Coalition did two things which every reasonable person ought to recognize as significant contributions to improved public-policy decision.

First, the Urban Coalition accepted the challenge of establishing a ceiling on Government spending and allocating funds among competing programs. A lot of organizations—and a lot of Members of Congress—have only given lipservice to the need to limit Federal spending while shying away from the difficult task of deciding which activities and programs need to be cut back. We can never limit Federal spending if we refuse to reduce some programs and prevent others from growing. The Urban Coalition deserves our highest respect and admiration for facing up to this issue.

Second, the Urban Coalition clearly states its rationale for reordering priorities and discusses the individual program changes it proposes in great detail. Again, all of us may not agree totally with the propositions and arguments set forth. But we can all commend and thank Mr. Linowitz and the Urban Coalition for one of the most thoughtful, timely, and well-reasoned analyses of the budget that I have seen.

The Subcommittee on Priorities and Economy in Government, which I chair, plans to invite Mr. Linowitz to appear before it during our annual hearings on national priorities which we expect to begin later this month. At that time we hope to develop a comprehensive dialog with Mr. Linowitz and other experts of the budgetary and economic issues facing Congress this year.

Mr. President, I ask unanimous consent that a summary of the alternative budget I have been discussing be printed in the Record.

There being no objection, the summary was ordered to be printed in the Record, as follows:

An Alternative Budget for Fiscal Year 1974: Summary

In accordance with a request made by the Joint Economic Committee to Sol M. Linowitz, Chairman of the National Urban Coalition, the Coalition staff undertook to evaluate the Administration Budget for Fiscal Year 1974, and to recommend changes in spending priorities.

We limited our objectives. Except where policy issues or longer-range spending priorities are involved, we focus on outlays for FY 1974—the amount of money the Federal government will spend next year—rather than budget authority (appropriations) or obligational authority (funds committed but not spent by the Administration).

We do not address every program in the Budget or even every governmental function.

We do not deal systematically with FY 1973 impoundments and rescissions proposed or made by the Administration; many of these are still unresolved.

We have not taken account of possible tax reform.

We propose no overall increase in Federal spending in FY 1974. Our Alternative Budget reorders priorities within the spending ceiling of $268.7 billion proposed by the President.

Because we are mainly concerned with outlays for the next fiscal year, we do not address in great detail several programs—national health insurance, for example—which we endorse but doubt will be enacted in time to result in any substantial spending in FY 1974.

This is a minimum Alternative Budget, in our view. Further evaluation and reflection would undoubtedly suggest other program areas in which increased or reduced spending could be recommended.

RATIONALE FOR REORDERED PRIORITIES

In deciding how to reorder the spending priorities recommended by the Administration for FY 1974, we were guided by several principles and observations.

First, as the National Urban Coalition has declared before, the United States ought to pursue six goals as a nation:

To achieve full employment with a high level of economic growth and reasonable price stability.

To provide all citizens with an equal opportunity to participate in American society and in the shaping of governmental decisions affecting their lives.

To guarantee that no American will go without the basic necessities: food, clothing shelter, health care, education, a healthy environment, personal safety and an adequate income.

To rectify the imbalance in revenues between the Federal government and state and local governments.

To assure adequate national security against military threats from abroad.

To meet our obligations to assist in the economic development of the world's less-developed nations.

We believe, second, that the Federal government bears a greater responsibility than any other institution of our society to ensure that the basic needs of disadvantaged citizens are met.

Third, we share the belief of the Administration that some Federal programs are so narrowly drawn and exist in such profusion that they could logically be consolidated, resulting in more efficient use of Federal dollars at the local level. But consolidation of programs does not require relinquishing Federal commitments to specific goals. Where grant consolidation seems logical, we generally prefer to move to block grants, under which Federal objectives and purposes are specified with considerable precision, but which allow local governments more latitude than they now possess, in many cases, to decide how these objectives will be carried out.

Fourth, we believe that considerable new social research and experimentation ought to be conducted and supported by the Federal government. Many of the principles on which existing social and economic assistance programs are based have been called into question in recent years. We need to know far more about how a number of social and economic assistance programs actually affect their intended beneficiaries, and to test a variety of new proposals for economic and social aid.

Fifth, and a closely related point, we do not believe that the inadequacies of essential social and economic assistance programs justify abrupt reductions in spending, or termination of programs mandated by law. Neither the real needs of American citizens nor the need for reform and redirection of social and economic assistance are served when expectations and orderly plans are disrupted suddenly.

THE ALTERNATE BUDGET: A SUMMARY

Table 1 compares Administration Budget outlays for FY 1973 and FY 1974 with the outlays recommended by the National Urban Coalition.

In overall terms, we propose shifting $5.1 billion from defense and $1 billion from General Revenue Sharing to eight Federal domestic functions.

In summary, these are our recommendations:

National Defense. Cut military manpower by 300,000 men over the next fifteen months, for a savings of $1.6 billion. Reduce associated operations and maintenance costs by $600 million. Simultaneously, substantially reverse "grade creep" by moving 50 percent of the way toward restoration of the grade distribution of FY 1964, the last "peacetime" year before the manpower buildup for the war in Southeast Asia, for a savings of $600 million. Terminate or stretch out development or procurement of nine strategic and tactical systems, for a savings of $2.3 billion. In sum, reduce defense outlays by $5.1 billion in FY 1974.

Agriculture and Rural Development, Natural Resources and Environment. Increase commitments for water and sewer capital grants in FY 1974, which will result in increased outlays in FY 1975. Sustain the loan subsidy program for rural housing at the FY 1974 level (at no additional outlay cost on the assumption that loan repayments and mortgage sales will equal funds lent).

Commerce and Transportation. As the Administration Budget proposes, open the highway trust fund for mass transit needs, and spend additional direct outlays for mass transit development. No increase in outlays recommended.

Community Development. Reverse the decision to terminate commitments for community development programs. By 1975, consolidate six physical development programs into an urban development block grant program that preserves Federal purposes. Continue Model Cities as a separate Federal aid program. Initiate experiments with Metropolitan Community Development Corporations. Continue funding comprehensive planning grants directly to metropolitan councils of government. Increase outlays from $2.2 billion to $2.7 billion in FY 1974.

Office of Economic Opportunity. Keep OEO intact as a Federal agency and increase its funding to $800 million in FY 1974.

Housing. Reverse the decision to terminate commitments for the four Federal housing subsidy programs. Consider development of a housing block grant program. Initiate additional experiments with alternative ways of subsidizing housing requirements for low- and moderate-income households. Add $300 million to outlays for FY 1974.

Education. Maintain Title I of the Elementary and Secondary Education Act and vocational education programs intact, and increase Title I funding to $2.5 billion. Increase funding for emergency education assistance to $500 million. Keep the library subsidy program as a separate categorical aid program. Double expenditures for bilingual education and increase early childhood education expenditures by 50 percent. Continue the strong support proposed by the Administration for Basic Educational Opportunity Grants but fund supplemental student aid. Add $1.2 billion to outlays for education in FY 1974.

Manpower and Employment. Proceed with the essentially sound Administration proposal for consolidation of manpower training programs, but increase the funding for those programs. Reverse the decision to terminate the public service employment program authorized by the Emergency Employment Act. Add $1.2 billion to manpower and employment outlays in FY 1974.

Health. Substantially increase the funding for health education and training—especially for paramedical training. Restore $75 million for Medicaid and $616 million for Medicare that the Administration proposes to save. Continue the community mental health program and restore funds for it that would be cut. Continue commitments and funding for the construction of health facilities, including Hill-Burton, but redirect the latter program to the upgrading and construction of health facilities in disadvantaged communities. Add $1.1 billion to health outlays for FY 1974.

Income Security. Beginning late in FY 1974, initiate a program of welfare reform—specifically the Ribicoff-Administration compromise plan of last year—that would guarantee a Federal floor of $2,600 for a family of four. In FY 1975, raise the floor to $3,000 and provide wage supplements for the working poor. Provide full funding at the level of $2.5 billion for grants to states for social services for recipients of public assistance. Add a total of $1.1 billion to outlays for income security in FY 1974.

Veterans Benefits. Reverse the proposal to cut over $200 million from veterans' pensions in FY 1974.

Law Enforcement and Justice. Substantially reform the Law Enforcement Assistance Administration by requiring far more emphasis on personnel rather than hardware, on civil rights, on community assistance to law enforcement planning, and on other reforms of the criminal justice system. No increase in outlays is recommended.

Civil Rights and Equal Opportunity. With very sharply increased outlays proposed for next year, no increase in funds is recommended. What is necessary is a sharp escalation in the commitment of the Federal government to enforcement of civil rights laws and provision of equal opportunity.

General Revenue Sharing. Because of the present huge state revenue surpluses, reduce outlays for General Revenue Sharing for one year by $1 billion and apply this amount to the urgent public needs identified elsewhere in the Alternative Budget. Modify General Revenue Sharing to exclude payments for low priority needs, and shift the savings from this reform to more urgent needs.

TABLE 1.—ADMINISTRATION AND ALTERNATIVE BUDGET OUTLAYS FOR ALL FEDERAL FUNCTIONS AND PROGRAMS

[In billions of dollars]

Program or function	Administration estimates Fiscal year 1973	Administration estimates Fiscal year 1974	National Urban Coalition recommendations fiscal year 1974	Difference between administration and NUC outlays fiscal year 1974
National defense	76.4	81.1	76.0	−5.1
International affairs and finance	3.3	3.8	3.8	
Space research and technology	3.1	3.1	3.1	
Agriculture and rural development	6.1	5.6	[1] 5.6	
Natural resources and evnironment	.9	3.7	3.7	
Commerce and transportation	12.5	11.6	11.6	
Community development	2.1	2.2	2.7	.5
OEO	.7	.3	.8	.5
Housing	1.1	2.3	2.6	.3
Education	6.6	6.9	8.1	1.2
Manpower	3.9	3.3	4.5	1.2
Health	18.9	22.5	23.6	1.1
Income security	75.9	82.0	83.1	1.1
Veterans benefits and services	11.8	11.7	11.9	.2
Interest	22.8	24.7	24.7	
Law enforcement	1.6	1.9	1.9	
Other general government functions	4.0	4.1	4.1	
General revenue sharing	6.8	6.0	5.0	−1.0
Allowances for contingencies	.5	1.8	1.8	
Duplications [2]	−.9	−.8	−.8	
Undistributed intragovernmental transactions	−8.4	−9.1	−9.1	
Total	249.8	268.7	268.7	

[1] We recommend a $1,000,000,000 increase in outlays for subsidized rural home loans, which would be offset by loan repayments and mortgage sales of an equal amount.

[2] Certain outlays we included under health duplicate expenditures also included under a number of other budget categories.

Notes.—Numbers may not add to totals due to rounding.

NO MONEY FOR THE TRINITY RIVER PROJECT

Mr. PROXMIRE. Mr. President, last month we had one of the most astonishing referenda results that I have seen. Members of the Congress always assume that the folks back home want whatever pork barrel we can provide in the way of public works. We find that is not always true. However, rarely do we have evidence to prove that. I now have the evidence, and I suppose that if any State is regarded as being in favor of pork barrels, it is that great and remarkable State of Texas.

Mr. President, last month the voters of Texas resoundingly rejected one of the largest public works boondoggles ever proposed. I am referring to the Trinity River project, which would involve the construction of a barge canal from the Dallas-Fort Worth area to the Gulf of Mexico. The cost: A staggering $1.6 billion. Some people said it would be cheaper for us to move the Dallas-Fort Worth area to the Gulf of Mexico.

The canal would be 335 miles long. It will alter the flow and drainage of an area larger than the entire State of Rhode Island. It will involve the construction of 16 navigation dams, 20 locks, and 5 reservoirs.

A project of this nature—apart from its enormous financial costs—will entail substantial environmental costs. It will disrupt the downstream flow of vital nutrients to the coastal marshes where the Trinity River runs into the Gulf of Mexico. It will eliminate plant and animal communites along the river. It will alter fresh-water flows of the river. It will drown 440 square miles of river, forest, and farmland. The first stage of the project—the Wallisville Barrier—would eliminate more than 12,000 acres of estuary which now serve as nursery ground for more than 55 estuarine dependent species. It would also cause an estimated annual loss of 7 million tons of commercial fish.

In light of this, it is no surprise that in January of this year the Texas Parks and Wildlife Department urged that the Trinity River project be halted as soon as possible. The department stated:

> The ecological results of this project would be wholesale devastation of existing aquatic and terrestrial plant and animal communities. This devastation would occur along the entire length of the Trinity River from Dallas to the Gulf of Mexico.

Last year, Professor of Economics Donald Smith of Southern Methodist University undertook a comprehensive cost-benefit analysis of the Trinity River project. He presented his study in testimony before the Senate Public Works Appropriations Subcommittee. His conclusion: The economic costs of the project exceed the economic benefits of the project by $281 million. In addition, the Texas Railroad Association has found that if additional transportation were needed along the proposed canal route, a four-lane highway with a railroad down the middle could be built from Dallas-Fort Worth to Houston for about one-third the cost of the canal and would require only one-tenth the maintenance cost.

Mr. President, from its inception I have been opposed to this gigantic pork barrel boondoggle. I am delighted to see that the voters of Texas agree—and by a margin of more than 21,000 votes in the area involved. By a margin of more than 21,000 votes, they said they opposed the project.

I am delighted also, of course, to see the great amount that that action may very well have saved the taxpayers of this country; $1.4 billion is not peanuts.

Mr. President, I ask unanimous consent that an editorial from last week's Chicago Tribune entitled "Some Texans Save a Billion" be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SOME TEXANS SAVE A BILLION

> Voters in 17 Texas counties in the Trinity River Basin have delivered a heavy blow to a project to canalize that river for barges all the way to Dallas and Fort Worth. By a margin of more than 21,000 votes, they rejected a property tax needed to raise the local contribution to a project that would cost $1.3 billion. Taxpayers throughout the United States—most of whom never have heard of the Trinity River—would have provided most of the money for the 384-mile long canal, locks, dams, etc.
>
> Many public works of doubtful merit are built because they mean a lot of money for a few and only a little money in per capita costs for those who pay. Thus intense, local self-interest [and the project hunger of the Army Corps of Engineers] often prevails over a more diffuse public interest in saving money or conserving the natural environment. But this time local promoters were frustrated by other locals, unpersuaded of the need to canalize the Trinity River deep into the heart of Texas.
>
> The motives of the victorious voters no doubt were mixed. Some disinterestedly hated to see another river canalized. Others voted their pocketbooks no less certainly than did promoters who hoped for big profits from the canal.
>
> When this question, "What's in it for me?" is raised clearly and acted upon by more than 200,000 persons, the public interest fares better than when only a few score or a few hundred persons ask themselves that question. Tho the pro-canal bloc may keep on trying, the 137,000 persons who voted to save themselves $150 million may well have saved the rest of us a billion dollars.
>
> Thanks, Texas voters.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield to the Senator from Texas.

Mr. TOWER. Let me say that what the voters rejected was a particular means of financing the canalization of the Trinity. They did not reject the Trinity River project at all, nor did they reject all the other aspects of the Trinity Valley program.

Mr. PROXMIRE. Well, as I understand the vote on the referendum, the issue as it was presented and the issue as it was voted upon would have a very clear effect in killing the project.

Mr. TOWER. Also on levying the taxes.

Mr. PROXMIRE. And might very well result in ending this project.

Mr. TOWER. It was on levying the tax to finance a specific aspect, that being the canalization of the Trinity. There are other means of financing the canalization of the Trinity being sought, involving local financing, and, knowing the ingenuity of the Trinity River Valley Authority, I am sure they will find it.

Mr. PROXMIRE. I thank the Senator from Texas, but I would hope this decision by the people of Texas not to let that tax be levied—and that is essential if the project is to be completed; it requires the local contribution—their decision not to go ahead in this manner is, I hope, a very effective veto that will, as I say, save over a billion dollars.

Mr. President, I yield the floor.

THE WHOLESALE PRICE INDEX FOR MARCH IS A DANGER SIGNAL

Mr. JAVITS. Mr. President, the wholesale price index report for March is a loud and clear danger signal. Farm products, processed foods and feeds were up 4.7 percent over the February figures. That is an annual rate of more than 50 percent. By any standard, that is runaway inflation.

The figures are equally bleak for another staple of life: housing. Consider this sentence from the Labor Department's report:

> Lumber and wood products and metals together accounted for well over half of the rise in industrial commodities in March.

If this is a Nation on wheels, it may soon grind to a halt; a halt caused by sharply increasing fuel prices, now moving upward at an annual rate of more than 8 percent. At the same time, we face constantly growing shortages of fuel to power our vehicles and heat our homes and businesses. There is a clear need for a crash program to increase the Nation's refinery capacity.

It is equally clear that my misgivings about phase III, voiced when that program was initiated, have been more than confirmed; they have been intensified. Phase III has not worked. It is not working. We must have tough, effective controls to stop the constant, upward surge of prices in virtually every sector of our economy. I strongly urge the President now to go to phase IV and to extend again active controls over prices and wages as in phase II and this time to include agricultural products. Another freeze will not make it as too rigid but a frank recognition that we made a mistake in coming off phase II too soon has a chance.

Mr. PROXMIRE. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. PROXMIRE. I commend the distinguished Senator for his statement. He is one of the outstanding experts on the economy in either body of Congress, and a very valuable Member, the ranking minority member, of the Joint Economic Committee.

I would like to call the Senator's attention to the very sharp increases in nonfood items in the wholesale price index, especially chemicals, rubber products, pulp and paper, metals—all down the line of these basic materials, the figures represent huge increases.

If these figures are projected—at an annual rate, it would be seen they are very shocking, and the phrase the Senator used, "run-away inflation" would apply to a very large number of commodities.

That is why I am very happy to see the distinguished Senator from New York, who speaks with authority as a member of the committee, add his voice to those of us who feel that we need an inflation control system with teeth.

The Senator calls for a return to phase II, and I think that makes a whale of a lot of sense, if we could do that, but I would go farther, as the Senator knows, and return to phase I. The proposal by the Senator from New York, documented as it now is by the latest wholesale consumer price index, which I think is the most devastating inflationary development we have had since last November, when we had a sharp setback, is unanswerable. It demonstrates that unless we do more, the Government is failing the people in this very important economic area.

Mr. JAVITS. It seems to me that one thing sticks out in this whole thing, and that is the difference between wish and performance. I think phase III was instituted because of the wish to get over wage-price controls. This is legitimate and thoroughly American; none of us approves of it. We wish the open market would do the job. That is the course of freedom.

But the only thing that will get over wage and price controls is the necessary productivity to keep pace with the increase in the demand, including the overseas demand, which today is no longer to be considered as a Christmas tree proposition, because we live or die by what we buy abroad in the way of minerals and fuel, and we are going to be doing more rather than less of the same thing.

So it seems to me that, as the exhortation from on high did not work—that is what it was, and it was honest and sincere, and a good try, Mr. President—the conditions which dictated August 15, 1971, and which dictated phase II thereafter, are the conditions which persist. The exhortation did not work, and adult Americans are not so inflexible that we have to perish before we recognize that fact, and take the necessary measures to abate a disastrous situation.

Mr. PROXMIRE. May I say to the Senator that just a few minutes ago, in hearings in the Senate Banking Subcommittee on Economic Stabilization, I asked Secretary Shultz whether he thought phase III was a mistake.

He said "No," he still supports it. Of course, he must take a supportive position as Secretary of the Treasury and top economic adviser to the President of the United States. But I am very happy that the Senator from New York has spoken out in his usual nonpartisan way, to indicate his feeling that it is time for the President and Congress to take another look at this situation.

Phase III has been a dismal, disastrous failure, and unless we take action, the situation is going to get much worse.

The point about our wholesale prices is that they are the consumer prices of the future. When wholesale prices do what they have just done, go not just to the ceiling but through the roof, we just have to act.

I thank the Senator.

Mr. JAVITS. I thank the Senator from Wisconsin.

I would like to conclude, Mr. President, by saying that I realize it is practically impossible to do this in Congress. All the well-aimed resolutions to the contrary notwithstanding, it is likewise impossible to do it only in the Presidency. Because neither can do it alone, Mr. President, does not make either side right.

Therefore, I think we have a right, in the high interests of the country, to make our position very strong to the President, and I hope the President will listen in the same spirit of collaboration that he expects from us.

CONTINUATION OF THE LEGAL SERVICES PROGRAM

Mr. JAVITS. Mr. President, six Senators have joined in a letter advising our colleagues that on the supplemental appropriations bill we intend to seek $71.5 million for the continuation of the legal services program.

Mr. President, the legal services program should not be permitted to fall between the stools, because it is most valuable as one of the few remaining aspects of the war on poverty. It has proved its worth to everyone, including the administration; because it is doubtful that we can get a corporation organized in time to continue the program before it loses its personnel and loses its ability to function effectively. We consider it advisable to seek funding for the current program.

Joining with me in a "Dear Colleague" letter distributed today are Senator Gaylord Nelson, Democrat, of Wisconsin, the chairman of the Subcommittee on Employment, Manpower and Poverty, Senator Robert Taft, Republican, of Ohio, ranking minority member of that subcommittee, and Senators Robert Stafford, Republican, of Vermont, Alan Cranston, Democrat, of California, and Walter Mondale, Democrat, of Minnesota, all members of the Committee on Labor and Public Welfare.

The letter seeks support for an amendment to the second supplemental appropriations bill, soon to be considered in the Senate, to provide $71.5 million for continuation of the legal services program through fiscal 1974. Funds would be appropriated under the authorization and reservations contained in the Economic Opportunity Act Amendments of 1972—Public Law 92-424—signed into law by the President on September 19, 1972, and the "advance funding" provision contained in the Economic Opportunity Act.

The administration has requested funds for fiscal year 1974 but contingent upon the establishment of a new legal services corporation for which it intends to submit authorizing legislation, but has not yet done so.

A proposal to establish a new national legal services program was passed last year by both Houses as a part of the extension of the antipoverty program, but dropped from the conference bill when agreement could not be reached with the administration on the terms of the measure. A previous proposal for a legal services corporation was contained in a bill vetoed by the President in December 1971.

The proposed amendment would provide funds for the current OEO program until such a corporation is established and ongoing. In the event that OEO is unable to carry out the program, provision would be made for administration by the Department of Health, Education, and Welfare until the corporation can be established. For the current fiscal year 1973, $71.5 million has been appropriated for the program.

In our letter, we state:

> We support fully the concept of a national legal services corporation and intend to make every effort toward the early implementation of that concept; however, until that goal can be realized, we believe that the current program should be funded in accordance with Congressional intent.
>
> We consider the legal services effort to be one of the most important and cost-effective of the anti-poverty efforts and believe that it should not be subjected to an uncertain future which can only yield a present diminution in services, personnel problems and loss of faith by the poor in those efforts, if not in our system of justice.

Mr. President, with only a little under 3 months to go before the end of this fiscal year, the legal services program has its back up against the wall as a result of the administration's "take-it-or-leave-it" insistence that the program be conducted by a new corporation—which it has yet to propose—or not at all. Having failed to agree on legislation to establish such a corporation, the Congress enacted and the President signed last September, a bill for the continuation of the existing program. In the absence of such a corporation or hopefully in transition to it, the law must be observed. The current program must not be permitted to be held "hostage" under some ultimatum by the administration as to its own future; it, and the poor it serves so well, are too important and deserving to be subjected to that fate.

The Congress authorized $71.5 million for fiscal year 1974 for the current program; the administration while it would have those funds made available only to a new corporation, does not dispute the amount. We hope to provide it with flexibility as to the question of who will administer the program. There is no reason why the poor should sit on the sidelines—deprived of basic services—while the Congress and the Executive throw that $71.5 million and with it the rights of the poor—back and forth down the field. Instead, they should be put on notice at an early date that it will be made available, however the intramural struggle turns out.

Hopefully, our proposal will not only provide funds necessary to continue the effort but accelerate submission, and consideration of, and final action on legislation to establish a new national legal services corporation, breaking the impasse which has attended that matter for more than 2 years.

Mr. President, the legal services program was established in 1967 as one of the major antipoverty efforts under the Economic Opportunity Act of 1964; since that time the Federal Government has invested about $315.0 million in the program, which provides legal advice and assistance to the poor. The program currently handles annually a caseload of over a million cases through approximately 2,500 lawyers working out of 900 neighborhood offices and 16 support centers in 300 cities throughout the Nation. It has enjoyed the important suppport of the organized bar. It should be continued while the form of its administration in the future is being shaped.

I ask unanimous consent that the material text of the letter, together with a chart showing the current level of funding in each State be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follow:

U.S. Senate,
Washington, D.C., April 4, 1973.

Dear Colleague: When the Second Supplemental Appropriations bill is considered in the Senate, in the next few weeks, we plan to propose an amendment to appropriate $71.5 million for the continuation of the legal services program through fiscal year 1974.

These funds would be appropriated pursuant to the authorization and reservation in that amount and for that purpose contained in the Economic Opportunity Act Amendments of 1972 (P.L. 92–424) and the "advance" funding provisions contained in Section 622 of the Economic Opportunity Act of 1964.

The Economic Opportunity Act Amendments of 1972, signed into law by the President on September 19, 1972, authorizes $840,000,000 for fiscal year 1973 and $870,000,000 for fiscal year 1974 for anti-poverty programs conducted by the Office of Economic Opportunity and provides that of those amounts in each fiscal year, the Director of the Office of Economic Opportunity shall "reserve and make available" not less than $71.5 million for legal services programs. On October 31, 1972, the President signed into law (P.L. 92–607) the Supplemental Appropriations Act appropriating $71.5 million for legal services for the current fiscal year, 1973.

The Administration has requested $71.5 million for legal services efforts in its budget submission for fiscal year 1974, but contingent upon the establishment of a new national legal services corporation for which it indicates it intends to submit authorizing legislation. Despite the clear intent of the Economic Opportunity Act Amendments of 1972, in the absence of a corporation, funds have not been requested for continuation of the current program administered by the Office of Economic Opportunity; at this date, no legislation to establish a corporation has been submitted by the Administration.

We support fully the concept of a national legal service corporation and intend to make every effort toward the early implementation of that concept; however, until that goal can be realized, we believe that the current program should be funded in accordance with Congressional intent. Appropriate provision will be made to take care of the transition.

We consider the legal services effort to be one of the most important and cost-effective of the anti-poverty efforts and believe it should not be subjected to an uncertain future which can only yield a present diminution in services, personnel problems and loss of faith by the poor in those efforts, if not in our system of justice.

Instead, the Congress should give notice at the earliest possible date that the $71.5 million, not disputed in itself, will be made available for continued efforts—including basic programs and supporting centers—whether the program is to be continued by OEO or conducted by a new national legal services corporation, as we hope it will be. If for any reason the Office of Economic Opportunity is unable to make funds available, provision will be made for their administration by the Department of Health, Education and Welfare until the corporation can be established.

Enclosed is information with respect to the legal services program conducted in your State.

Sincerely,

Jacob K. Javits,
Gaylord Nelson,
Robert Taft, Jr.,
Walter F. Mondale,
Alan Cranston,
Robert T. Stafford.

The Legal Service program fiscal year 1973 annualized budget

Region I:	
Connecticut	$1,434,311
Maine	500,892
Massachusetts	2,520,550
New Hampshire	350,000
Rhode Island	460,000
Vermont	294,247
Total	5,565,000
Region II:	
New Jersey	2,879,666
New York	7,370,912
Puerto Rico	956,088
Virgin Islands	96,000
Total	11,302,666
Region III:	
Delaware	96,000
District of Columbia	1,077,000
Maryland	504,000
Pennsylvania	1,977,000
Virginia	329,000
West Virginia	427,000
Total	4,410,000
Region IV:	
Alabama	221,000
Florida	1,497,000
Georgia	1,006,000
Kentucky	344,000
Mississippi	698,000
North Carolina	341,000
South Carolina	377,000
Tennessee	630,000
Total	5,174,000
Region V:	
Illinois	2,670,628
Indiana	733,296
Michigan	2,776,725
Minnesota	401,816
Ohio	2,086,256
Wisconsin	839,341
Total	9,508,062
Region VI:	
Arkansas	136,340
Louisiana	820,526
New Mexico	343,707
Oklahoma	406,300
Texas	2,001,661
Total	3,708,534
Region VII:	
Iowa	509,800
Kansas	297,000
Missouri	980,000
Nebraska	361,000
Total	2,147,800
Region VIII:	
Colorado	1,054,000
Montana	457,000
Utah	261,000
Wyoming	100,500
Total	1,872,500
Region IX:	
Arizona	642,500
California	10,109,500
Hawaii	346,000

The Legal Service program fiscal year 1973 annualized budget—Continued

Region IX—Continued	
Nevada	159, 200
Micronesia	600, 000
Total	11, 857, 200
Region X:	
Alaska	488, 495
Idaho	133, 336
Oregon	517, 140
Washington	503, 164
Total	1, 642, 135
Total operating programs	57, 187, 897
Support and training (see list attached)	5, 655, 000
Other	8, 657, 103
Total legal services budget	71, 500, 000

Note.—These "other" costs include legal services grants and services such as, Reginald Heber Smith Fellowships, Indian programs, research and development, evaluations, and administration of the Office of Legal Services; in fact, these programs and services cost, in fiscal year 1973 annualized figures, $14,926,000.

Center on Social Welfare Policy & Law, 25 West 43rd Street, 12th Floor, New York, New York 10036 (212) 354-7670.

Harvard Center for Law & Education, 61 Kirkland Street, Cambridge, Massachusetts 02138 (617) 495-4666.

Legal Action Support Project, Bureau of Social Science Research, 1990 "M" Street, NW, Washington, D.C. 20036 (202) 223-4300.

Legal Services for the Elderly Poor, 2095 Broadway, New York, New York 10023 (212) 595-1340.

Legal Services Training Program, Columbus School of Law, Catholic University of America, Washington, D.C. 20017 (202) 832-3900.

Migrant Legal Action Program, 1820 Massachusetts Avenue, NW, Washington, D.C. 20036 (202) 785-2475.

National Clearinghouse for Legal Services, Northwestern University School of Law, 710 North Lake Shore Drive-Mezzanine Floor, Chicago, Illinois 60611 (312) 943-2866.

National Consumer Law Center, Inc., One Court Street, Boston, Massachusetts 02108 (617) 523-8010.

National Employment Law Project, 423 West 118th Street, New York, New York 10027 (212) 866-8591.

National Health Law Program, University of California, 2477 Law Building, 405 Hilgard Avenue, Los Angeles, California 90024 (213) 825-7601.

National Housing & Economic Development Law Project, Earl Warren Legal Institute, University of California, Berkeley, California 94720, (415) 642-2826.

National Juvenile Law Center*, St. Louis University School of Law, 3642 Lindell Boulevard, St. Louis, Missouri 63108 (314) 533-8868.

National Paralegal Institute, 2000 "P" Street, NW, Suite 600, Washington D.C. 20036 (202) 872-0655.

National Resource Center on Correctional Law and Legal Services, 1705 DeSales St., NW, Washington, D.C. 20036 (202) 293-1712.

National Senior Citizens Law Center, 1709 West 8th Street, Los Angeles, California 90017 (213) 483-1491.

Native American Rights Fund, 1506 Broadway, Boulder, Colorado 80302 (303) 447-8760.

Technical Assistance Project, National Legal Aid & Defender Association, 1601 Connecticut Avenue, NW, Suite 777, Washington, D.C. 20009 (202) 462-4254.

Youth Law Center*, Western States Project, 795 Turk Street, San Francisco, California 94102 (415) 474-5865.

COALITION ON HUMAN NEEDS AND BUDGET PRIORITIES ANNOUNCES SUPPORT OF HUMPHREY NATIONAL PRIORITIES RESOLUTION

Mr. HUMPHREY. Mr. President, on March 6, 1973, I introduced Senate Concurrent Resolution 14—the resolution on national priorities.

This resolution expresses the sense of the Congress that $5 to $7 billion can be pared from the military budget and another $5 to $7 billion raised from tax reform to be utilized to promote full employment, quality education, and health care, and improved living conditions in our urban and rural areas.

Today, April 5, 1973, a new coalition—the coalition for human needs and budget priorities—was formed to support this resolution in particular and to actively organize at the local level in support of programs dedicated to improving the lives of our people.

I am proud that Senate Concurrent Resolution 14 has the support of the various groups that make up the coalition for human needs and budget priorities.

The coalition represents a diverse constituency—representatives and individuals from the League of Women Voters to the Friends of the Earth to the National Conference of Catholic Charities, the National Farmers Union, the National Council of Senior Citizens, the National Urban League, the Americans for Democratic Action, the United Mine Workers, the United Automobile Workers, the homebuilders and others. This resolution will permit the Congress to establish priorities within the budget ceiling. These priorities are essential to the well-being of our Nation. The issue is not merely how much money Congress shall appropriate, but more significantly for what purposes. That is the issue.

Mr. President, I ask unanimous consent that a listing of the board of directors of the coalition for human needs and budget priorities and the resolution on national priorities, Senate Concurrent Resolution 14, be printed at this point in the Record.

There being no objection, the list and the resolution were ordered to be printed in the Record, as follows:

Directors—Coalition for Human Needs and Budget Priorities

Chairman: Mayor Henry Maier, Mayor of Milwaukee (Former President, U.S. Conference of Mayors), 200 West Wells, Milwaukee, Wisc.; (414) 278-2201.

Vice Chairperson: The Rev. Sterling Cary, President, National Council of Churches, 297 Park Avenue, South, New York, N.Y.; (212) 475-2121.

Albert E. Arent, Esq., 1815 H Street, N.W., Washington, D.C. 20006; 347-8500.

Lucy Benson, President, League of Women Voters of the U.S., 1730 M Street, N.W., Washington, D.C. 20036; 296-1770.

Robert Brauer, Friends of the Earth, 529 Commercial Street, San Francisco, Calif. 94111 (620 C St. SE, Wash. DC 20003); (415) 391-4270.

Hodding Carter, Jr., Publisher, Delta Democratic Times, Greenville, Miss.; (601) 335-1155, (601) 335-4561—newsroom.

Gail Cincotta, National Peoples Action on Housing, 1109 North Ashland, Chicago, Ill.; (312) 486-4111; (312) AR6-0211.

Jack Conway, Common Cause, 2100 M Street, N.W., Washington, D.C.; 833-1200.

Bronson Clark, Exec. Sec'y American Friends Service Committee, 112 South 16th, Philadelphia, Pa.; (215) LO3-9372.

Wilbur Cohen, Former Sec'y, Dept. H.E.W., c/o School of Education, University of Michigan, Ann Arbor, Mich. 41802 (313) 764-1817.

Robert Coles, 816 Mullen Road, N.W., Albuquerque, N. Mex. 87107 (505) 344-1313.

Msgr. Laurence Corcoran, President, National Conference of Catholic Charities, 1346 Conn. Ave. N.W., Washington, D.C. 20036 785-2757.

Sr. Carol Coston, Exec. Dir. Network, 224 D Street, S.E., Washington, D.C. 20003 832-1914.

Bernice Crawley, National Tenants Organization, 437 Rosedale Street, Pittsburgh, Pa. 15221 (425 13th St. NW, Wash., D.C.) (412) 243-5138.

Nelson Cruikshank, President, National Council of Senior Citizens, Inc., 1511 K Street, N.W., Washington, D.C. 20005 783-6850.

Tony Dechant, President, National Farmers Union, 1012 14th Street, N.W., Washington, D.C. 638-9774.

Mrs. Frances T. Farenthold, National Women's Political Caucus, 1302 18th Street, N.W., Washington, D.C. 20036 785-2911.

Marian Edelman, President, Washington Research Project, 1763 R Street, N.W., Washington, D.C. 483-1479.

Elizabeth S. Ginne, President, Young Women's Christian Association of the USA, 600 Lexington Avenue, New York, N.Y. 10022, (212) 753-4700 ext. 216.

Mayor Kenneth Gibson, Mayor of Newark, Newark, N.J. (201) 733-6400.

Fannie Lou Hamer, National Conference of Negro Women, 721 James Street, Ruleville, Miss. 38771 (601) 756-4619.

Clairie Harvey, President, Church Women United, 415 N. Parish Street, Jackson, Miss. 39201 (601) 353-2621.

Fr. Theodore Hesburgh, Chancellor, University of Notre Dame, South Bend, Indiana (219) 283-6011.

Rev. Jesse Jackson, Chairman, Operation Push, 7941 S. Halsted Street, Chicago, Ill. (312) 373-3366.

Vernon Jordan, President, National Urban League, 55 East 52nd Street, New York, N.Y. (212) 751-0300.

Rr. Admiral Gene LaRocque, Ret., Center for Defense Information, 201 Massachusetts Ave. N.W., Washington, D.C., 543-0400.

Allard Lowenstein, Chairman, Americans for Democratic Action, 383 Pearl Street, Brooklyn, N.Y. 11201, (212) 852-8117.

Bill Lucy, Sec'y/Treas. American Federation of State, County & Municipal Employees, 1155 15th Street, N.W., Washington, D.C. 20005, 223-4460.

Burke Marshall, Deputy Dean, Yale Law School, New Haven, Conn. 06500, (203) 436-1191.

Fr. Albert J. McKnight, President, Southern Cooperative Development Fund, Inc., P.O. Box 3005, Lafayette, La. 70501, (318) 232-9206.

Arnold Miller, President, United Mine Workers, 900 15th Street, N.W., Washington, D.C., 638-0530.

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*Juvenile matters for Alaska, Arizona, California, Hawaii, Idaho, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah and Washington are handled by the Youth Law Center. The National Juvenile Law Center serves the remaining states.

The Rt. Rev. Paul Moore, Jr., Episcopal Diocese of New York, 1047 Amsterdam Avenue, New York, N.Y., (212) 749–1100.

Layton Olson, Exec. Dir. National Student Lobby, 413 East Capitol Street, Washington, D.C., 547–5500.

Terry Sanford, President, Duke University, Durham, North Carolina, (919) 684–8111.

David Seldon, American Federation of Teachers, 1012 14th Street, N.W., Washington, D.C., 737–6141.

Rabbi Henry Siegman, Exec. Vice Pres. Synagogue Council of America, 432 Park Avenue South, New York, N.Y. 10016.

John Silard, Rauh & Silard, 1001 Conn. Ave. N.W., Washington, D.C., 737–7795.

Floyd Smith, President, International Association of Machinists (AFL–CIO), 1300 Conn. Ave. N.W., Washington, D.C., 785–2525.

Margery Tabankin, Youth Project, 1000 Wisconsin Avenue, N.W., Washington, D.C. 20007, 338–5721.

Dr. Francisco Trilla, Chairman, Puerto Rican Association for National Affairs, 2121 P Street, N.W., Washington, D.C.

Paul Warnke, 815 Connecticut Ave. N.W., Washington, D.C., 298–8686.

Leon Weiner, Former Chairman, National Home Builders Association, % Leon Weiner & Associates, Inc., 4 Denny Road, Wilmington, Del. 19809, (302) 764–9430.

Dr. Raymond Wheeler, Chairman, Southern Regional Council, 52 Fairlie Street, Atlanta, Ga., (404) 522–8764.

Mayor Kevin White, Mayor of Boston, (Contact is Ira Jackson's office, sec'y is Barbara Weiss with direct and night number 617+722–4555), (617) 722–4100.

George Wiley, National Coordinator, Movement for Economic Justice, 1609 Connecticut Ave. N.W., Washington, D.C., 462–4200.

Leonard Woodcock, President, United Auto Workers, 8000 E. Jefferson Avenue, Detroit, Michigan 48214, (313) 926–5201.

Vicente Ximenes, 304 Monroe Street, N.E., Albuquerque, New Mexico 87108, (505) 265–2183.

General John F. McMahon, Director, Volunteers of America, 340 West 85th Street, New York, N.Y., (212).

Stewart M. Brandborg, Exec. Dir. Wilderness Society, 729 15th Street, N.W., Washington, D.C. 20–05, 347–4132.

[From the Congressional Record, Mar. 6, 1973]

Senate Concurrent Resolution 14—Submission of a Concurrent Resolution Relating to National Priorities

(Referred to the Committee on Government Operations.)

Mr. Humphrey. Mr. President, I am introducing today a resolution on national priorities that I believe will help prevent an era of retrenchment and retreat on the pressing domestic problems in our country.

This resolution would call for a fiscally responsible Federal budget for fiscal 1974 while at the same time placing the Congress clearly on record for reduced military expenditures and a reformed tax system. It would provide a means for meeting our domestic needs in public employment, health care, urban rehabilitation, rural economic development, housing, education, and pollution control.

Mr. President, this resolution squarely challenges the assumption that, in a time of peace, the United States must have a bigger and higher military budget. It certainly is an ominous sign that at the time when the energies so long postponed by the Vietnam war should be turned to the problems at home, the fiscal year 1974 budget ushers in an era of domestic retreat.

We saw the same thing happen after the Korean war in the 1950's. We should have moved ahead then—on our domestic problems. We did not, and in part, the problems of the 1960's resulted from the indifference of the 1950's.

We simply cannot allow that to happen in the 1970's.

Under my resolution, we can take the first step toward meeting the responsibilities of the 1970's.

This resolution expresses the sense of Congress that $5 to $7 billion can be pared from the military budget in such areas as weapons procurement, weapons research and development, and by economizing in foreign assistance and space programs, and that through the elimination of unwarranted tax preferences in the internal revenue code another $5 to $7 billion in revenues can be produced.

We can use these funds to promote full employment, quality education and health care, environmental protection, safe and improved living conditions in urban and rural areas, and equal opportunity for all Americans.

We can do these things while at the same time providing, through a fiscally responsible Federal budget, for the promotion of national security, stable prices, and tax justice. We can place the additional dollars realized through the paring of nonessential defense expenditures and the elimination of unwarranted tax preferences, into programs to meet vital domestic human needs.

In short, through a rearrangement of priorities, we can fund some of the programs that the Nixon administration refuses to fund.

And, we can do so without increasing the Federal deficit.

Mr. President, I am asking for nothing more than that the Congress apply the same standards toward defense, space, military assistance, and tax subsidy budgets that the President has applied to domestic programs.

We have streets that need repair. We have critical air and water pollution problems to solve. We have poverty and racial injustice to overcome. We have massive housing and transportation problems. We have serious health needs and educational needs.

These are the priorities before us. These are the challenges of our time. And we must seize the opportunity now to target Federal funds effectively in serving these vital national interests. That is the purpose of my national priorities resolution.

I ask unanimous consent that a copy of my resolution be printed at this point in the Record.

There being no objection, the concurrent resolution was ordered to be printed in the Record, as follows:

S. Con. Res. 14

Resolved by the Senate (*the House of Representatives concurring*), Expressing the sense of Congress that certain economizing and tax reform measures shall be taken to assure through a fiscally responsible Federal Budget for Fiscal 1974 effective action to promote national security, stable prices, tax justice, full employment, quality education and health care, environmental protection, safe and improved living conditions in urban and rural areas, and equal opportunity for all Americans.

Whereas the Constitution of the United States places the power of the purse in the Congress of the United States and requires the President to "take care that the laws be faithfully executed," and

Whereas it is in the national interest that the Legislative and Executive Branches work in harmony to promote prosperity and opportunity for the American people, and

Whereas the priorities, revenue policies and spending decisions of Federal Government play a critical role in assuring the health of the economy, equal opportunities for all citizens, a secure national defense, and a high quality of public services, and

Whereas control of inflation requires fiscal responsibility, the avoidance of unjustified deficit spending and the most prudent use of taxpayer's dollars, and

Whereas the Federal Budget for Fiscal 1974 and future budget projections call for the expansion of military programs but the elimination or drastic reduction of some $14 billion in domestic programs annually notwithstanding the cessation of hostilities in Vietnam, and

Whereas it is estimated that the Administration's budget requests for military, foreign assistance and space budgets can be reduced by between $5 to $7 billion without danger to our national security and without jeopardizing our international commitments, and

Whereas it is recognized by Treasury Department officials, the appropriate Committees of Congress and recognized experts that minimal, long overdue tax reform can produce $5 to $7 billion in new revenues and without increasing the tax burden of the average taxpayer, and

Whereas unilateral elimination of reduction by the Executive of federal domestic programs, contrary to law, without thorough evaluation of those programs by the Legislative Branch neither serves the national interest nor complies with the spirit or letter of the Constitution: Now, therefore, be it

Resolved by the Senate (*the House of Representatives concurring*), That it is the sense of Congress that (1) equally rigorous economies shall be applied by Congressional review to military, foreign assistance, space programs, and unwarranted tax preferences.

(2) Congress shall set as a target for action by the relevant committees with respect to the proposed Federal Budget for Fiscal 1974.

(a) the realization of savings of $5 to $7 billion by paring unneeded weapons procurement, weapons research and weapons development, by reducing excessive forces in the military, and by economizing in foreign assistance and space programs, and (b) the elimination of unwarranted tax preferences in the Internal Revenue Code, to produce additional revenues of $5 to $7 billion.

(3) These budgetary resources—all within a fiscally responsible and non-inflationary budget ceiling as developed by the Congress—shall be redirected to promote full employment, quality education and health care for citizens, environmental protection, safe and improved living conditions in urban and rural areas, and equal opportunities for all Americans, with particular but not exclusive emphasis given to providing for health care and national insurance coverage of health care costs for all Americans, expanded public service job opportunities, improvements in public assistance and social services programs, increased federal assistance for housing, education, and the rehabilitation of urban areas, adequate law enforcement, the promotion of rural economic development, and new programs designed to improve the living conditions of American working families.

FEDERAL HOUSING PROGRAMS

Mr. PROXMIRE. Mr. President, the Housing Subcommittee of the Senate Banking, Housing and Urban Affairs Committee has begun oversight hearings on the status of the Federal housing programs with particular emphasis on the moratorium on those housing and urban development programs providing assistance for families of low and moderate income. The decision by the administration to provide for a moratorium which may go—in effect, at least—as long as 18 months is one of the most serious decisions made by any administration in a long time.

It comes at a time when we have a

serious shortage of housing for people who have low or moderate incomes, where there are congested conditions in many of our cities, and at the time when the price of housing is escalating very rapidly. It also comes at a time when rents are under great pressure to rise. Without some kind of effective controls, they are likely to rise more sharply.

The committee shares a national concern about the moratorium which the administration has declared on these programs, specifically the section 235 homeownership, section 236 rental housing, the section 502 rural housing, the rent supplement and the public housing programs—all were suspended. On the basis of Mr. Lynn's testimony before the subcommittee yesterday, they are going to be suspended effectively, really, through the coming fiscal year. That is until at least July of 1974. The projections by the administration in the budget on the basis of the testimony yesterday—they did not reveal that until yesterday—shows that this means that 600,000 housing starts are taken out of the inventory for people with low or moderate incomes.

This concern is based upon the fact that that portion of this Nation's families who can least afford to bear the brunt of the administration's so called fiscal fight against inflation is being called upon to bear the heaviest burden by being denied the right to decent and safe housing.

Today our committee was presented with the most cogent and dramatic evidence of the fallacy behind the moratoriums and cutbacks we have yet heard. Mr. George C. Martin testifying as president of the National Association of Home Builders, using HUD's own statistics in a factual and devastating statement, outlined the performance and successes which these programs have achieved to date. His very clear and succinct statement is in sharp contrast to the evasive performance of HUD's Secretary James Lynn in his appearance before the committee yesterday.

Mr. President, we questioned Mr. Lynn again and again to provide us with documentary evidence, with the facts on which the moratorium decision should be based, but we got none of that.

Mr. Martin gave us facts and documented the success of the programs. He pointed out that the administration announced a confusion, that the present HUD programs cannot yield effective results and has since been attempting an evaluation which will support that result.

Mr. President, I should like to read a few excerpts from a statement by Mr. George C. Martin, president of the National Association of Home Builders in his testimony before the committee today.

He points out that—

> The public housing and the rent supplement programs, designed to serve the low income, have reached even further down the income spectrum, serving families with incomes as low or lower than $2,000 per year.
>
> As to whether the programs have been failures in another way, we believe that it is important to note that, as a result of increased incomes, government payments have been reduced in about 60% of all Section 235 cases recertified to date.

What that means is that people coming into the program afford homes although their incomes are modest. This makes sense. As their incomes rise, the subsidy is reduced and cut so that some people go off the subsidy entirely. After it has been working, people gradually work into a position where they are able to buy a home, and as their income is increased, get off the backs of the taxpayers.

He points out that in the homebuilder program, in 60 percent of the cases, they have been extraordinarily successful—that is more than half that the subsidy is reduced.

He points out that—

> Over four percent of the home purchasers under the program have already gone off subsidy completely.

And this is a new program:

> Farmers Home has had somewhat less experience to date with recertifications. However, 36% of those included in their first recertification were no longer eligible for subsidy and an additional 38% had subsidy reductions.

In addition, Mr. Martin points out in this very excellent statement that—

> Under the Section 502 Rural Housing programs, including both subsidized and unsubsidized loans, the situation is even brighter.

So that the argument that this is the reason for suspending, does not add up. Continuing:

> Only 800 out of 660,000 units are currently in foreclosure status. This translates into a success rate for far more than over 99.99%.

The number is 800 out of 660,000 units—in other words, a 99.99 percent literally which have been successful. Foreclosures can be described as insignificant, easily covered by insurance with no economic impact of any significance at all. It is a brilliantly successful program, but one which is done during the moratorium.

Mr. Martin also pointed out that—

> We have serious difficulties with the methods under which this review was conducted. The sample used was an extremely small percentage of the homes built under 235. The deficiencies found were lumped into two broad categories, making it impossible to determine the actual nature and frequency of the problems within each. No estimate was given of the cost or difficulty of repairing the defects reported. Finally, no comparable studies have been made of conventionally financed housing or housing under other HUD programs.

What Mr. Martin is saying is that this decision was made without any convincing analysis whatsoever. It was made, and then an attempt was made to justify it, and the justification has been extraordinarily thin.

Mr. President, I ask unanimous consent that this very fine statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE NATIONAL ASSOCIATION OF HOME BUILDERS

Mr. Chairman and Members of the Subcommittee: My name is George C. Martin and I am a home builder from Louisville, Kentucky. I appear here today as President of the National Association of Home Builders. Our association has more than 67,000 members in 546 associations throughout the 50 states, Puerto Rico and the Virgin Islands. I have with me Carl A. S. Coan, Jr., our Legislative Counsel, and Richard J. Canavan, our Staff Vice President for Builder Services.

We appreciate this opportunity to discuss with you the present distressing state in which we find the Federal housing programs. Just two years ago these programs, designed to assure an opportunity for all American citizens to obtain a decent home at a cost they can afford, were the mainstay of housing, just coming out of a severe recession and tight-money situation. During 1969 and 1970 we saw interest rates rise to previously unthought-of levels and housing starts at one time dip to a level less than one-half of what all authorities believe to be necessary. Yet, if it had not been for the many Federal programs to assist families of all income levels to acquire decent housing, matters would have been much worse.

Without FHA mortgage insurance and VA loan guaranties, thousands of middle-income American families would have found it impossible to obtain housing. For thousands of other middle-income families, and even those with higher incomes, housing would have been unobtainable without the very strong support given the conventional mortgage market by the Federal Home Loan Bank system. To these must, of course, be added the outstanding support provided by FNMA and GNMA through their secondary market activities. Likewise, in the rural areas, the programs of the Farmers Home Administration provided credit resources which did not otherwise exist, and for the first time spurred a significant production of new housing in rural areas. For the low and moderate income family there would have been no decent housing without HUD's 235, 236, rent supplement and public housing programs, and the Farmers Home interest credit program under section 502.

Because of the strong support provided through these programs, the housing industry was able to survive the problem years of 1969 and 1970 reasonably intact and was in a position to move forward vigorously in 1971 and 1972 to new production records. Yet today we find these tried and proven programs under attack, in disarray, and, to some extent, so allegedly discredited that they must be put on the shelf for perhaps as long as 18 months, while new, alternative methods are devised to achieve the same ends which the old programs seemed to have been achieving so well.

We are seriously disturbed about this situation. We question and wonder why programs which worked extremely well two or three years ago, now all of a sudden are inherently unworkable. We look with dismay at the disarray which exists throughout many of the field offices of the Department of Housing and Urban Development, where morale is low and personnel are confused as to their mission and their future. We hope that these hearings, with their announced goal of reviewing in depth the Federal role in housing our citizens, will answer some of the questions that have arisen in recent months and point all of us in the direction, which will assure that we can continue as the best housed nation in the world through the cooperation of industry and government.

This cooperation was first started in 1934 with the establishment of the Federal Housing Administration in the National Housing Act. It has been more successful than the sponsors of that ground-breaking legislation probably ever imagined. With the assistance of the FHA, the VA, the Farmers Home Administration and the many other Federal aids devised since 1934, we have been able, better than any other nation, to fulfill that basic human need—adequate shelter.

This has been most obvious during the past two years, as the United States experienced a rate of housing production unequaled in our history. Total housing starts reached the level of over 2.2 million dwelling units per annum, including an average of over 385,000 dwelling units for those of low and moderate income. This remarkable record has permitted the elimination of much substandard housing. Nevertheless, by even very conservative estimates, 17 million people in our metropolitan areas still live in overcrowded or substandard housing. In rural areas, the situation is even worse. Although only about 30% of the population lives in rural areas, they contain about 50% of our substandard housing. Clearly, we still have a long way to go to meet our country's housing needs.

The simple, but fundamental fact is that there are more American families in need of housing than there is decent, safe and sanitary housing available to accommodate them. Therefore, the obvious and inescapable conclusion is that more housing, including housing for low and moderate income families, must be produced to close this gap between housing supply and housing demand. Of equal importance, however, is the need to provide a means for low and moderate income families to afford the housing thus produced.

FEDERAL HOUSING SUBSIDY PROGRAMS

This need was first recognized over 35 years ago by the Federal Government, when the Congress first authorized Federal construction of housing for low-income families, and, then, in 1937 passed the U.S. Housing Act to provide Federal assistance for low-income housing to local housing authorities across the country. Down through the years, the Congress has increased considerably the Federal Government's role in assisting low and moderate income families obtain decent housing. This was done in recognition of the inescapable fact that only through such assistance would these families be able to afford decent housing.

Despite this long-term involvement of the Federal Government in assisting low and moderate income families obtain housing, it was not until 1968 that the effort was supported and funded to a degree that indicated that it would ever be successful. In 1968, the 1949 national housing goal of a decent home and a suitable living environment for every American family had a number and a time limited linked to it—6 million units for low and moderate income families over the succeeding ten years. Since then, there has been produced over 1.4 million units under the various subsidy programs of HUD and the Farmers Home Administration, more than produced in the previous 30 years.

Ironically, in spite of, or perhaps because of, this great success, we are now confronted with a suspension of these Federal programs and allegations that they have been failures, are inefficient, unworkable, too costly, misdirected, discriminatory and scandal-ridden. The Administration has called for sweeping evaluations of them and the development of alternatives that will apparently take entirely different approaches to the undenied, we believe, need to assist the low and moderate income to obtain adequate housing.

Frankly, we are puzzled. While the present approaches may not be the best, no one has yet devised better ones. While there may be deficiencies in the present programs, their great success to date would certainly not seem to dictate such a drastic action, as the present complete cessation while efforts go forward to correct any deficiencies. While they do cost money, no one has yet devised a means of providing housing without any cost. Furthermore, their projected cost for fiscal year 1974 is less than one percent of the projected Federal Budget and even in future years is not expected to rise much above that level.

In view of these anomalies, we would like to review some of the principal characteristics and criticisms of the present programs, based on the data we have been able to collect and the experiences of our members who have participated in the programs. But first, I would like to comment briefly on two of the principal alternatives that have been advanced. Much of my following commentary is based on information contained in a report prepared last year for us, the National Association of Mutual Savings Banks and the United States Savings and Loan League, by Dr. Anthony Downs of the Real Estate Research Corporation. We have previously sent a copy of this to each of you, but I have extra copies with me.

One alternative advanced for housing lower income families more cheaply is greater reliance on the existing housing stock. This is illusory. As long as there is an overall shortage of housing, the effect of a strong demand, bidding for an inadequate supply, will be to drive up the price of housing for all. To further increase demand by such approaches as a housing allowance, without a concomitant increase in supply, would only add further fuel to the inflationary fires. Indications also are that a housing allowance approach would probably be more expensive than the present approaches.

Another approach that has received considerable attention lately is to look to state and local governments. Although there are many ways in which they can contribute to solving housing problems, state and local governments with few exceptions lack both the financial ability and the technical expertise necessary to operate effective housing assistance programs. It was because of their failure and inability to act in the past that the Federal Government assumed its present role. We believe that decent housing for all citizens is a matter of national concern and that leadership in dealing with it properly belongs in the Federal Government.

The Administration has labeled the present programs as "failures," and the President has stated in his State of the Union message on Community Development that "too often the needy have not been the primary beneficiaries of these programs." A review of the newer housing assistance programs demonstrates their overwhelming success. In just four years under the Section 235, 236 and 502 interest assistance programs, established by the 1968 Housing Act, approximately 923,000 dwelling units have been produced to house an estimated 3.3 million low and moderate income Americans. The average cost per unit in Fiscal Year 1972 was $18,400 under 235, $19,900 under 236, and only $14,500 under Section 502. The median family income for those housed under the 235 program was about $6,400; under 236 it was $5,300; and under 502 it was $5,400.

These three programs have done what they were designed to do—served the moderate income. As anyone who is familiar with today's costs is aware, families at these income levels are not able to acquire adequate housing without an unreasonable expenditure of their limited incomes. The public housing and the rent supplement programs, designed to serve the low income, have reached even further down the income spectrum, serving families with incomes as low or lower than $2,000 per year.

As to whether the programs have been failures in another way, we believe that it is important to note that, as a result of increased incomes, government payments have been reduced in about 60% of all Section 235 cases recertified to date. Over four percent of the home purchasers under the program have already gone off subsidy completely. Attached, as Exhibit "A", are tables on this recertification experience. Farmers Home has had somewhat less experience to date with recertifications. However, 36% of those included in their first recertification were no longer eligible for subsidy and an additional 38% had subsidy reductions.

This very favorable record of self-improvement, by the beneficiaries of these programs further raises doubts about the accuracy of various Administration estimates of the eventual costs of these programs. Since the cost to the Government is determined largely by the rapidity with which the beneficiaries' incomes rise, the failure to take full account of recertification data has substantially exaggerated these estimates.

Many critics would, of course, concede the favorable aspects of these programs which I have reviewed, but base their opposition on alleged faults such as "high foreclosure rates," "shoddy construction," or a general propensity to "scandal."

Let us look first at the foreclosures under these programs. Actually, due to HUD's record-keeping method, the relevant category is "default terminations." "Default Terminations" include foreclosures, but also include assignments of mortgages to HUD. Such assignments avoid foreclosures to the benefit of all parties, especially HUD.

As of December 31, 1972, the last date for which figures are available, default terminations under Section 236 were 1.34% of the insurance in force at the beginning of the year, as compared to .95% for the FHA unsubsidized Section 207 multifamily program.

Under Section 235, default terminations were 6.14,% as compared to .49% for the FHA, unsubsidized 203 program. Unlike the 203 program, however, over 28% of the 235 default terminations for 1972 were assignments not foreclosures, meaning that these families are still in their homes attempting to work out their mortgage difficulties.

The Congress expected higher default rates under these assistance programs and for that reason established the Special Risk Insurance Fund. The actual rate of defaults under these programs has consistently fallen well within the range anticipated, based on HUD's own data.

There may be reason, however, to question the degree to which these data accurately reflect the default situation. The usual figures on defaults are percentages based on all insurance in force as of the beginning of the year under the particular program. A simple comparison of these percentages among programs ignores the fact that the mortgages under the subsidy programs are, on the average, newer than those under the unsubsidized programs with which they are usually compared. Since a mortgage is more likely, for obvious reasons, to fail in its earlier years, it is possible that HUD's reporting methods exaggerate the defaults under the new programs. In fact, a study by HUD of foreclosure rates in which the age of the mortgage was held constant, not only reduced the difference in the rates between the Section 203 and Section 235 programs, it showed that the rate under the unsubsidized 203 program was actually higher for three-year-old mortgages. A table demonstrating this is attached as Exhibit "B".

Under the Section 502 Rural Housing programs, including both subsidized and unsubsidized loans, the situation is even brighter. Only 800 out of 660,000 units are currently in foreclosure status. This translates into a success rate of over 99.99%.

Another charge leveled against the housing assistance programs relates to allegedly "shoddy construction." Such charges are naturally of particularly grave concern to our industry. Of course, most cases, in which the quality of the housing has been an issue, have involved existing units financed under the 235 program. Nevertheless, a team of HUD reviewers reported "defects" in 25% of the newly constructed units under Section 235, including 11% with "significant deficiencies."

We have serious difficulties with the methods under which this review was conducted. The sample used was an extremely small percentage of the homes built under 235. The deficiencies found were lumped into two broad categories, making it impossible to determine the actual nature and frequency of the problems within each. No estimate was given of the cost or difficulty of repairing the defects reported. Finally, no comparable studies have been made of conventionally financed housing or housing under other HUD programs.

These points are important, because, in assembling the thousands of components which go into a house, some imperfections are to be expected. For this reason, responsible builders make one or more "callbacks" to correct any problems which were not apparent at the time of occupancy. It is not clear from their report to what extent the HUD auditors discovered anything which could not be, and was not, dealt with in this routine manner.

We, therefore, reject the implication that new housing under the assistance programs is of inferior quality. Nevertheless, we are deeply interested in sound approaches to assuring a high level of construction quality. As some of you know, we are currently studying several mechanisms to provide further assurance that all purchasers of newly constructed housing will receive the quality to which they are entitled.

I realize that it is difficult to reconcile the true record of the housing assistance programs with the sensational reports of their massive failure. A primary cause of the widespread misapprehension concerning the programs is the tendency of the press to treat isolated problem situations as representative. The second great source of confusion has been the failure to distinguish among programs.

For example, most of the much publicized foreclosures and defaults under HUD programs in Detroit and other major cities did not involve subsidized housing. Similarly, much criticism of the quality of construction under the programs has actually arisen in connection with the quality of existing housing, not new construction.

A disturbing feature of HUD's administration of the 235 program is its failure to request any funding for counseling of home buyers under the program and the refusal to spend for that purpose the $3.25 million provided by the Congress in fiscal 1972. This is a clear example of false economy. Virtually every authority in the field agrees that such counseling would more than offset its costs by further lowering the rate of defaults and other difficulties. The record of the rural housing programs, which provide more support in this regard, and of those cases where counseling has been provided through other means, presents persuasive proof of the value of counseling.

Finally, the greatest confusion exists as to the reasons for program failures in the relatively few cases in which they have occurred. Many have assumed that these problems indicate fundamental flaws in the assistance programs themselves. We believe, however, that the Joint Economic Committee was correct, in the conclusion reached after its recent study of these programs, that the problems that have arisen have been the result of poor administration by HUD, not weakness in basic legislative design.

I would like to bring up one matter at this point which deals with the problems caused by the present suspension, or moratorium, on the housing subsidy programs. As you are well aware, the announcement of the suspension of these programs was made without any previous warning to the users of the programs. As a result many builders, lenders, sponsors and others using these programs found themselves, in early January, holding the bag. On what I believe is a very reasonable basis, these builders and sponsors had made forward commitments to buy land, install site improvements, have detailed architectural plans drawn up, and even, in some cases, start construction. The basis was that the programs were operating, funds were available and many had outstanding moral commitments from government officials that their applications would be approved if all requirements were met.

While there have been many modifications of the original suspension orders, there are many builders and sponsors who still find themselves in serious financial straits because of the unexpected suspension of these programs. Some will go broke, others will survive but will sustain substantial financial losses. In the future few of them will rely on the word of the Federal Government, and even fewer are likely to participate in any type of housing subsidy program. This is a sad state of affairs. We urge that the Subcommittee call upon the Administration to move quickly and fairly to alleviate this situation. Whatever further orders are necessary to take care of the many bona fide hardship cases should be issued at the earliest possible date.

UNSUBSIDIZED FEDERAL PROGRAMS

I would like now to turn to the many unsubsidized housing programs of the Federal Government. As I indicated earlier, these programs were the mainstay of housing during the bleak years of 1969 and 1970. Most of them are still operating well, but one is in trouble. It is the basic one of them all—the FHA unsubsidized mortgage insurance program. The situation has become so serious that FHA business over the past two years has fallen off drastically and continues to decline.

Some have speculated that this has occurred because FHA has about served its purpose, with the private mortgage insurance companies now meeting most of the needs that FHA was originally formed to meet. Others have suggested that now is the time to spin FHA out of HUD into private ownership, or set it up as an independent Federal agency divorced of any responsibility for the subsidy programs. We believe none of these is the correct course of action.

The trouble with FHA is not that it has served its purpose and should now be put out to pasture, or that basic changes in its organizational relationships with HUD are necessary. The trouble is with the way it has been administered. Unlike FHA, the VA and Farmers Home Administraion are not experiencing any sharp fall-off in use. Instead their use has increased. But, also unlike FHA, they have not been going through traumatic reorganizations and experiencing personnel shortages which make it almost impossible to operate efficiently.

Faulty administration by HUD has caused most of the problems which have arisen in connection with both the subsidized and unsubsidized FHA programs. To a large degree this maladministration has resulted, in turn, from a lack of qualified personnel. Over the past several years, the Administration has continually refused to allow HUD to request adequate funds for field office personnel. This presumably has been done for budgetary reasons. As far as the housing programs are concerned, however, this represents both false economy and mythical budget cutting. This is because the operation of the FHA programs is chiefly funded out of fees and insurance premiums and costs the taxpayer nothing.

Even with adequate staffing, the HUD field office would be hard pressed to operate efficiently in view of the many reorganizations of the Department in recent years. As a result of this almost continuous reorganization, field office personnel totally inexperienced in FHA procedures and requirements have found themselves processing FHA applications, and employees experienced in FHA matters have wound up handling urban renewal or other HUD programs for which they have no training. Added to this unhealthy situation has been an even more serious change. The Assistant Secretaries in Washington, who are responsible for establishing program policy, have found themselves with no effective means of assuring that policies and regulations are followed by the field office. As a result, policy interpretations often vary from office to office. The confusion and resultant lessening of morale, from this relentless campaign to decentralize the Department, have finished the job that inadequate staffing began.

We urge the Subcommittee to concern itself with this obviously unhealthy situation. FHA has a definite and valuable role to play in helping to achieve our National Housing Goals, for both those who need subsidy and those who do not. It is a key part of the overall Federal housing strategy and must be preserved and strengthened. We will back strongly all efforts to achieve this. Along this line I have attached, as Exhibit "C", a resolution adopted by our Board of Directors, at our Convention in January, calling for the appropriate corrective actions.

URBAN DEVELOPMENT PROGRAMS

I would like to say a brief word about the urban development programs of HUD which have either been terminated, or are scheduled for termination on July 1. Housing cannot exist in a vacuum. It needs the infrastructure of roads, schools, parks and other governmental facilities which are necessary to establish a suitable environment. Therefore, we are disturbed by the termination of the urban renewal, water and sewer, model cities, open-space land, neighborhood facilities and other development programs of HUD.

We supported the consolidation of these programs into a single block grant program of the type passed by the Senate last year. We will continue to support similar legislation which establishes some priority as to how these substantial, but still limited, Federal funds are spent. However, we do not believe that the present programs should cease operating before the new program is enacted and put into being.

CONCLUSION

Let me reiterate that the home building industry believes that the proper Federal role in housing is the one which was clearly set out under the leadership of this Committee in the 1968 Housing Act. Furthermore, we are confident that on balance they are sound and effective instruments for performing that Federal role.

However, we do not in principle oppose the evaluation which the Administration has proposed. We do dispute the need to suspend operation of the programs pending such a review. We are, furthermore, concerned by recent speeches in which the Administration has stated its view that the "present program structure . . . cannot yield effective results." It scarcely promotes confidence in the objectivity of the proposed evaluation, to be informed that this major conclusion has been reached before the study has commenced.

Our organization has a fundamental commitment to the achievement in this decade of the National Housing Goal of a "decent home and a suitable living environment for every American family." We offer our support to the Congress, as well as to the Administration, in any evaluation or other activity designed to further the achievement of that objective.

Thank you for the opportunity to appear here today to make our views known.

EXTRACT FROM LAST HUD REPORT ON INCOME RECERTIFICATION UNDER SECTION 235

(Analysis of Recertification of Families Receiving Section 235 Benefits—January–March 1972)

This is the fourth study of Section 235 recertifications made in an effort to provide management with information on some of the trends of this program. This study was based on recertifications received by the Division of Research and Statistics during the first quarter of 1972.

The study is based on a sample of 8,555 cases received during the period January–March 1972. Generally these cases represent replies from mortgagors whose mortgages were insured during the early part of 1970.

The salient point of this report is that six out of every 10 mortgagors recertifying income and family composition reported decreases in their subsidy payments, 24% were eligible for higher payments, and the remaining 15% were eligible to continue receiving the amount which was originally approved approximately two years ago. This finding was quite similiar to the data reported in the last report. However, while this appears to be quite favorable, there has been some deterioration in these relationships from prior report periods. For example, in the second report covering recertifications in mid-1971, 66% reported decreases in payment, while only 21% were reported to be eligible for increased subsidies. (Emphasis added).

DISTRIBUTION OF RECERTIFIED FAMILIES BY SUBSIDY AMOUNT FOR SELECTED PERIODS

[In percent]

Monthly subsidy	Date of original application[1] January to March 1970	October to December 1969	May to September 1969	October 1968 to April 1969
Not eligible	3.6	4.9	8.0	10.2
Less than $30	21.3	15.9	18.3	18.1
$30 to $39	13.6	10.2	13.6	14.4
$40 to $49	15.5	16.7	16.0	16.2
$50 to $59	17.3	16.5	16.0	17.7
$60 to $69	14.6	18.8	15.7	14.5
$70 to $79	8.8	11.1	8.2	6.2
$80 to $89	3.7	4.0	2.6	1.6
$90 to $99	1.0	1.1	1.1	.8
$100 or more	.6	.8	.5	.3
Total	100.0	100.0	100.0	100.0

[1] Approximately 2 years prior to recertification.

The Table, shown above, indicates the general trend of the subsidy payment distribution over a period of slightly more than one year. In the earliest report period, 10.2% of the recertifying mortgagors had sufficient income to have their interest subsidy payment discontinued. However, subsequent reports showed that this proportion dipped to 8.0% by mid-year and then to 4.9% and down to 3.6% of the total for the current reporting period. This trend can be partially attributed to the sluggish national economic atmosphere which has involved higher unemployment and fewer opportunities for overtime and secondary or extra income. These conditions have had a greater impact on some of the lower-income classes using Section 235 since the unemployment rate for blue collar workers—heavy participators in this program—was about twice as high as for white collar workers and somewhat higher than the overall rate which has hovered around 6% in the recent past.

However, because it is quite evident from prior reports as well as being noted in this survey that those with relatively small initial subsidies have fairly good prospects of reporting a lower subsidy upon recertification, it is becoming more apparent that there may be an underreporting problem for those mortgagors who are no longer eligible for subsidy. For example, there is a high probability that most of the cases with continuing subsidy payments will be reported correctly because of the benefits accrued; but in the case where a mortgagor is no longer eligible, there may be some laxity in reporting. This indifference may be on the part of the mortgagor, servicer, or the field office in handling, processing and directing these cases into the reporting system. This may be especially true for the mortgagor who may not have any great interest in complying with regulations as he is no longer eligible for assistance at this time. It would be difficult to estimate the degree of underreporting but it should be recognized. Therefore, data shown for those who are no longer eligible should be used with discretion and probably should be considered as a conservative estimate of the true number until the question is resolved.

October 1972.

FORECLOSURE RATES BY AGE OF MORTGAGE

(From a HUD Staff Report)

TABLE I

Age of mortgage	Sec. 203b	Sec. 221(d)(2)	Sec. 235[1]
1	0.40	0.92	0.71
2	1.45	3.34	1.65
3	1.48	2.74	.73
4	1.25	1.81	
5	1.05	1.23	
6	.89	.81	
7	.73	.53	
8	.58	.33	
9	.43	.23	

[1] Excludes relatively large numbers of mortgage assignments.

[Note. Under the provisions of the 1968 Housing Act it is considerably easier to assign sec. 235 mortgages than those under the other single family programs. Under the assignment procedure these families may remain in the home and the opportunity exists for them to cure their defaults.]

The most comprehensive measure of foreclosure activity is not one number, but a series of numbers which relates the number of foreclosures to the age of the mortgage.

What is needed is the constant updating and promulgation of a table which gives the ratio of all foreclosures on mortgages which are one year old, two years old, etc., up to at least half the life of the typical term of the mortgage. This measure, presented by program, provides a more solid base for assessing program performance in terms of foreclosures.

This set of measures has many advantages. It allows for varying volumes of program activity. It incorporates historical activity. It shows comparative trends and exposes risks as they develop in the foreclosure cycle. Changes in these figures over short time spans could be very helpful in assessing program developments of a more sensitive nature.

The figures, as currently developed, only represent annual activity. They could be redesigned to be more sensitive to shorter term fluctuations by more precise and more frequent updating.

Although Table I represents foreclosure rates by age of mortgage annually, it still gives a better perspective for comparison across programs. For example, the table shows that these foreclosure rates for 221 mortgages are substantially higher in the early years than 203(b). At the same time, they are lower in the later years. The table also shows that foreclosures under the 235 program (for the three years it has been operating) are only slightly higher than 203(b).

The significance of this table and the approach it takes will become more important during 1973. The rapid increase in FHA operations during 1969, 1970, and early 1971 will mean that the high foreclosure rates of the early years of a mortgage will begin to operate. This means that the usual foreclosure rates will be distorted in the numerator because of the lagget (sic) effect of mortgage insurance in generating foreclosure.

Simultaneously, the share decrease in activity during 1972 will slow the growth in the denominator of the foreclosure rate, thus distorting that rate further. As a consequence, very high foreclosure rates and inventory buildups are likely to be reported. These figures should be viewed with caution.

HOUSTON, TEX.,
January 7, 1973.

NAHB RESOLUTION—FHA PROGRAMS

Whereas, NAHB recognizes that a viable Federal Housing Administration is necessary to the continued effort to achieve the Nation's housing goals, and

Whereas, after careful review and analysis, NAHB has concluded that there is no justification for recommending that FHA be made a private corporation, and

Whereas, there may be merit in making FHA a completely separate and independent government agency it appears unlikely that this can be accomplished in view of the thrust of the President's proposed reorganization plans, and

Whereas, no institutionalized separation of subsidized and unsubsidized programs is necessary or warranted, and

Whereas, those deficiencies in FHA's programs can be corrected through more efficient management and allocation of personnel and NAHB cooperation with HUD in improving procedures,

Now, therefore, be it resolved that NAHB urge the new Secretary of HUD to consider and implement procedures and policies to improve FHA's operations so that FHA can perform successfully those functions which it has carried out for many years, and among these which would enable it to do so are:

1. Specific definition and delineation of the role of housing in HUD's overall organization;

2. Initiation of a processing program delegating most of FHA's appraisal and underwriting functions to the mortgage orginator, subject to HUD audit, and that NAHB clearly go on record as opposing any proposals which would establish FHA as a private corporation or provide for any institutionalized separation of FHA's subsidized and unsubsidized functions;

3. A change in current policy of decentralization to enable the central office to be responsible for the drafting, implementation, and interpretation of policy, and

4. Recognizing that FHA personnel are paid for in full from funds arising from its own operations, rather than the Federal Budget, FHA must at all times be assured of adequate personnel and that such personnel be deployed in a manner so as to expedite processing, thus avoiding extreme delays in the affirmative marketing, environmental impact procedures, and other processing.

QUORUM CALL

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GRIFFIN). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO 10:30 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM TOMORROW TO TUESDAY, APRIL 10, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in adjournment until 12 o'clock noon on Tuesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR A PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders have been recognized under the standing order, there be a period for the transaction of routine morning business for not to exceed 1 hour with statments therein limited to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, while Senators may speak on tomorrow and introduce bills and resolutions, there will be no transaction of business except by unanimous consent. If there are measures on the calendar that have been cleared on both sides of the aisle, they could be acted upon by unanimous consent, but Senators are advised that there will be no transaction of business tomorrow that will require a yea-and-nay vote.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, has an order previously been entered for the transaction of routine morning business today?

The PRESIDING OFFICER. The answer is "No"; there has not been.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business for not to exceed 1 hour, with statements limited therein to 3 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. HATHAWAY) laid before the Senate the following letters, which were referred as indicated:

REPORT ON PROPOSED CONSTRUCTION PROJECT FOR THE NAVAL RESERVE

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), reporting, pursuant to law, on the proposed construction of a project for the Naval Reserve, at New Orleans, La. Referred to the Committee on Armed Services.

PROPOSED LEGISLATION FROM SECRETARY OF THE TREASURY

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to authorize further adjustments in the amount of silver certificates outstanding, and for other purposes (with accompanying papers). Referred to the Committee on Banking, Housing and Urban Affairs.

PROPOSED LEGISLATION FROM SECRETARY OF THE TREASURY

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to amend section 27 of the Merchant Marine Act of 1920, to provide a monetary penalty for the transportation of merchandise in violation of the coastwise laws (with accompanying papers). Referred to the Committee on Commerce.

PROPOSED LEGISLATION FROM THE SECRETARY OF COMMERCE

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to foster fuller United States participation in international trade by the promotion and support of representation of United States interest in international voluntary standards activities, and for other purposes (with accompanying papers). Referred to the Committee on Commerce.

PROPOSED LEGISLATION FROM SECRETARY OF THE TREASURY

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to amend the Internal Revenue Code of 1954 to permit the authorization of means other than stamps on containers of distilled spirits as evidence of tax payment (with accompanying papers). Referred to the Committee on Finance.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Need For More Effective Audit Activities", Office of Economic Opportunity, dated April 4, 1973 (with an accompanying report). Referred to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Effectiveness of Vocational Rehabilitation in Helping the Handicapped", Social and Rehabilitation Service, Department of Health, Education, and Welfare, dated April 3, 1973 (with an accompanying report). Referred to the Committee on Government Operations.

PROPOSED LEGISLATION FROM GENERAL SERVICES ADMINISTRATION

A letter from the Acting Administrator, General Services Administration, transmitting a draft of proposed legislation to establish a fund for activating authorized agencies, and for other purposes (with an accompanying paper). Referred to the Committee on Government Operations.

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

A letter from the Associate Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders suspending deportation of certain aliens (with accompanying papers). Referred to the Committee on the Judiciary.

REPORT ON HEAD START SERVICES TO HANDICAPPED CHILDREN

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report on head start services to handicapped children, dated March, 1973 (with an accompanying report). Referred to the Committee on Labor and Public Welfare.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. HATHAWAY):

A resolution adopted by the City Council of Norwood, Ohio, praying for the enactment of legislation regulating the importation of foreign-made goods to the country. Referred to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MOSS, from the Committee on Commerce, without amendment:

S. 1165. A bill to amend the Federal Cigarette Labeling and Advertising Act of 1965 as amended by the Public Health Cigarette Smoking Act of 1969 to define the term "little cigar," and for other purposes (Rept. No. 93–103).

By Mr. THURMOND, from the Committee on Armed Services, without amendment:

S. 1493. An original bill to amend title 37, United States Code, relating to promotion of members of the uniformed services who are in a missing status (Rept. No. 93–104).

By Mr. CANNON, from the Committee on Armed Services, without amendment:

S. 1494. An original bill to amend section 236 of the Central Intelligence Agency Retirement Act of 1964 for certain employees to limit the number of employees that may be retired under such act during specified periods (Rept. No. 93–105).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. MAGNUSON, from the Committee on Commerce:

Alfred Towson MacFarland, of Tennessee, to be an Interstate Commerce Commissioner;

Willard Deason, of Texas, to be an Interstate Commerce Commissioner;

A. Daniel O'Neal, Jr., of Washington, to be an Interstate Commerce Commissioner; and

Robert Timothy Monagan, Jr., of California, to be an Assistant Secretary of Transportation.

The above nominations were reported with the recommendation that they be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

Mr. NUNN. Mr. President, as in executive session, from the Committee on Armed Services, I report favorably the nomination of Gen. Lewis Blaine Hershey, USA, to be placed on the retired list in that grade; the nomination of three rear admirals in the Navy to the grade of vice admiral; 42 captains for temporary promotion to rear admiral in the Navy; Vice Adm. John M. Lee, USN, for appointment to grade of vice admiral, when retired; the appointment of four to major general and 15 to brigadier general in the Air Force Reserve; Gen. Carlos M. Talbott, USAF, to be lieutenant general and Col. John P. Flynn, USAF, to temporary grade of brigadier general—to be retroactive to effective date of May 1, 1971—Col. David W. Winn, USAF, to temporary grade of brigadier general and in the Reserve of the Air Force four Air National Guard brigadier generals to be major general and 11 Air National Guard colonels to the grade of brigadier general. I ask that these names be placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to be placed on the Executive Calendar, are as follows:

Brig. Gen. William H. Bauer, and sundry

other officers, for appointment in the Reserve of the Air Force, in the grade of majors general;

Col. William C. Banton II, and sundry other officers of the Air Force Reserve, for appointment in the Reserve of the Air Force, in the grade of brigadiers general;

Brig. Gen. Gordon L. Doolittle, and sundry other Air National Guard officers, for appointment in the Reserve of the Air Force, in the grade of majors general;

Col. John C. Campbell, Jr., and sundry other Air National Guard officers, for appointment in the Reserve of the Air Force, in the grade of brigadiers general;

Maj. Gen. Carlos M. Talbott (major general, Regular Air Force) U.S. Air Force, to be assigned to a position of importance and responsibility designated by the President, to be lieutenant general;

Col. John P. Flynn (colonel, Regular Air Force) U.S. Air Force, for temporary appointment to the grade of brigadier general in the U.S. Air Force;

Col. David W. Winn (colonel Regular Air Force) U.S. Air Force, for appointment to the temporary grade of brigadier general in the U.S. Air Force;

Gen. Lewis Blaine Hershey, Army of the United States (lieutenant colonel, U.S. Army), to be placed on the retired list in the grade of general;

Rear Adm. William R. St. George, U.S. Navy, for commands and other duties of great importance and responsibility determined by the President, for appointment to the grade of vice admiral while so serving;

Rear Adm. Walter D. Gaddis, U.S. Navy, for commands and other duties of great importance and responsibility determined by the President, for appointment to the grade of vice admiral while so serving;

Rear Adm. Robert B. Baldwin, U.S. Navy, for commands and other duties determined by the President, for appointment to the grade of vice admiral while so serving;

Vice Adm. John M. Lee, U.S. Navy, for appointment to the grade of vice admiral, when retired; and

Lando W. Zech, Jr., and sundry other officers, for temporary promotion to the grade of rear admiral in the Navy.

Mr. NUNN. Mr. President, in addition, there are in the Reserve of the Army 929 nominations in the grade of colonel and below—68 of which are Army National Guard; 930 appointments in the Army in the grade of lieutenant colonel and below; in the Navy there are 649 appointments in the grade of captain and below—14 of which are Reserve; and, in the Marine Corps and Marine Corps Reserves there are 526 appointments—temporary and permanent—in the grade of colonel and below. Since these names have appeared previously in the Congressional Record, in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

Kenneth W. Aichang, and sundry other officers, for promotion in the Reserve of the Army of the United States;

John E. Simpson, for reappointment in the active list of the Regular Army of the United States, from temporary disability retired list, to be lieutenant colonel, Regular Army and colonel, Army of the United States;

William O. Gentry, and sundry other persons, for appointment in the Regular Army of the United States;

Cory V. Perkins, and William G. Powell, distinguished military students, for appointment in the Regular Army of the United States;

John Phillip Abizaid, and sundry other cadets, graduating class of 1973, U.S. Military Academy, for appointment in the Regular Army of the United States;

David O. Aldrich, and sundry other Naval Reserve Officers Training Corps Candidates, for permanent assignment in the Navy;

David J. Acker, and sundry other Naval Enlisted Scientific Education Program Candidates, to be permanent ensigns in the Navy;

George P. Graf, and sundry other civilian college graduates, for permanent assignment in the Navy;

James O. Armacost, and sundry other Naval Reserve officers, for permanent assignment in the Navy;

Curtis J. Anderson, and sundry other Naval Reserve Officer Training Corps graduates, for permanent appointment in the Marine Corps;

Gregory M. Anthony, and sundry other U.S. Naval Academy graduates, for permanent appointment in the Marine Corps;

James M. Casey, and sundry other U.S. Air Force Academy graduates, for permanent appointment in the Marine Corps;

Ronald Achten, and sundry other officers, for temporary appointment in the Marine Corps;

Dennis M. Jackson, and sundry other U.S. Military Academy graduates, for permanent appointment in the Marine Corps; and

Robert J. Alfonso, and sundry other officers of the Marine Corps Reserve, for temporary appointment in the Marine Corps.

By Mr. YOUNG, from the Committee on Agriculture and Forestry:

Alfred Underdahl, of North Dakota, to be a Member of the Federal Farm Credit Board, Farm Credit Administration.

The above nomination was reported with the recommendation that the nomination be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

By Mr. ROBERT C. BYRD (for Mr. Magnuson), from the Committee on Commerce:

Henry B. Turner, of California, to be Assistant Secretary of Commerce; and

C. Langhorne Washburn, of Virginia, to be Assistant Secretary of Commerce for Tourism.

The above nominations were reported with the recommendation that they be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

By Mr. WILLIAMS, from the Committee on Labor and Public Welfare:

Michael P. Balzano, Jr., of Virginia, to be Director of ACTION;

Paul J. Fasser, Jr., of Virginia, to be an Assistant Secretary of Labor; and

William Jeffrey Kilberg, of New York, to be Solicitor for the Department of Labor.

The above nominations were reported with the recommendation that they be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. ERVIN (for himself, Mr. Abourezk, Mr. Bayh, Mr. Bible, Mr. Bentsen, Mr. Brooke, Mr. Case, Mr. Clark, Mr. Church, Mr. Fulbright, Mr. Gravel, Mr. Hart, Mr. Hatfield, Mr. Hollings, Mr. Mathias, Mr. McGovern, Mr. Mondale, Mr. Moss, Mr. Pastore, Mr. Randolph, Mr. Ribicoff, Mr. Roth, Mr. Schweiker, and Mr. Talmadge):

S. 1472. A bill to help preserve the separation of powers and to further the constitutional prerogatives of Congress by providing for congressional review of executive agreements. Referred to the Committee on the Judiciary, by unanimous consent, then to the Committee on Foreign Relations, if and when reported.

By Mr. CRANSTON (for himself, Mr. Hollings, Mr. Tunney, Mr. McGee, Mr. Bennett, Mr. Moss, Mr. Gravel, Mr. Hatfield, Mr. Inouye, and Mr. Randolph):

S. 1473. A bill to amend the National Science Foundation Act of 1950 so as to provide for a research program relating to earthquakes. Referred to the Committee on Commerce.

By Mr. CRANSTON (for himself, Mr. Hollings, Mr. Tunney, Mr. McGee, Mr. Metcalf, Mr. Kennedy, Mr. Moss. Mr. Gravel, Mr. Thurmond, Mr. Hatfield, Mr. Inouye, and Mr. Randolph):

S. 1474. A bill to provide a sound physical basis and an operational system for predicting damaging earthquakes in heavily populated areas of California and Nevada. Referred to the Committee on Commerce.

By Mr. PEARSON (for himself, Mr. McGee, Mr. Metcalf, Mr. Fannin, Mr. Allen, Mr. Scott of Pennsylvania, Mr. Bentsen, Mr. Stevens, Mr. Young, Mr. Bible, Mr. Randolph, Mr. Thurmond, Mr. Dominick, Mr. Inouye, Mr. Baker, Mr. Bennett, and Mr. Javits):

S. 1475. A bill to amend the Internal Revenue Code of 1954 to allow a double investment credit for certain property placed in service in rural areas which will assist in providing new employment opportunities. Referred to the Committee on Finance.

By Mr. MOSS:

S. 1476. A bill to amend the Federal Trade Commission Act to prevent unfair competition in interstate commerce, and for other purposes. Referred to the Committee on Commerce.

S. 1477. A bill to provide for the issuance of a commemorative postage stamp in honor of the veterans of the Spanish American War. Referred to the Committee on Post Office and Civil Service.

By Mr. MAGNUSON (by request):

S. 1478. A bill to amend the Communications Act of 1934, as amended, with respect to commissioners and Commission employees. Referred to the Committee on Commerce.

S. 1479. A bill to amend subsection (b) of section 214 and subsection (c) (1) of section 222 of the Communications Act of 1934, as amended, in order to designate the Secretary of Defense (rather than the Secretaries of the Army and the Navy) as the person entitled to receive official notice of the filing of certain applications in the common carrier service and to provide notice to the Secretary of State where under section 214 applications involve service to foreign points. Referred to the Committee on Commerce.

S. 1480. A bill to amend the Communications Act of 1934, as amended, with respect to penalties and forfeitures. Referred to the Committee on Commerce.

S. 1481. A bill to amend section 1(16) of the Interstate Commerce Act authorizing the Interstate Commerce Commission to continue rail transportation services. Referred to the Committee on Commerce.

S. 1482. A bill to authorize appropriations for the Coast Guard for the procurement of vessels and construction of shore and offshore establishments, to authorize appropriations for bridge alterations, to authorize for the Coast Guard an end year strength for active duty personnel, to authorize for the Coast Guard average military student loads, and for other purposes. Referred to the Committee on Commerce.

By Mr. INOUYE (for himself, Mr. Magnuson, Mr. Moss, and Mr. Cannon):

S. 1483. A bill to amend the Export Trade Act. Referred jointly to the Committees on Commerce and the Judiciary by unanimous consent.

By Mr. INOUYE (for himself, Mr. Magnuson, Mr. Moss, and Mr. Cannon):

S. 1484. A bill to increase the recognition in Federal decisionmaking of international economic policy considerations. Referred to the Committee on Commerce.

By Mr. INOUYE (for himself, Mr. Magnuson, Mr. Beall, Mr. Cannon, Mr. Cotton, Mr. Long, and Mr. Moss):

S. 1485. A bill to establish an International Commerce Service within the Department of Commerce. Referred to the Committee on Commerce.

By Mr. INOUYE (for himself, Mr. Magnuson, Mr. Moss, and Mr. Cannon):

S. 1486 A bill to authorize the Secretary of Commerce to engage in certain export expansion activities, and for related purposes;

S. 1487. A bill to establish a Commission on Foreign Procurement Practices; and

S. 1488. A bill to provide for a system of uniform comomdity descriptions and tariffs filed with the Federal Maritime Commission. Referred to the Committee on Commerce.

By Mr. McGOVERN:

S. 1489. A bill to permit officers and employees of the Federal Government to elect coverage under the old-age, survivors, and disability insurance system. Referred to the Committee on Finance.

By Mr. McGOVERN (for himself and Mr. Abourezk):

S. 1490. A bill to expand the membership of the Advisory Commission on Intergovernmental Relations to include elected school board officials. Referred to the Committee on Government Operations.

By Mr. JACKSON (by request):

S. 1491. A bill to amend the Organic Act of Guam. Referred to the Committee on Interior and Insular Affairs.

By Mr. HARTKE:

S. 1492. A bill to create a Senate Tax Reform Commission. Referred to the Committee on Finance.

By Mr. THURMOND:

S. 1493. A bill to amend title 37, United States Code, relating to promotion of members of the uniformed services who are in a missing status. Placed on the calendar.

By Mr. CANNON:

S. 1494. A bill to amend section 236 of the Central Intelligence Agency Retirement Act of 1964 for certain employees to limit the number of employees that may be retired under such act during specified periods. Placed on the calendar.

By Mr. SPARKMAN (for himself, Mr. Tower, and Mr. Williams):

S. 1495. A bill to expand the National Flood Insurance Program by substantially increasing limits of coverage and total amount of insurance authorized to be outstanding and by requiring known flood-prone communities to participate in the program, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. JAVITS (for himself and Mr. Buckley):

S. 1496. A bill to establish the Van Buren-Lindenwald Historic Site at Kinderhood, N.Y., and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. TUNNEY (for himself and Mr. Hart):

S. 1497. A bill to amend the Omnibus Safe Streets Act and to provide for an improved Federal effort to combat crime. Referred to the Committee on the Judiciary.

By Mr. METCALF:

S. 1498. A bill relating to the sale of certain timber, cord wood, and other forest products. Referred to the Committee on Interior and Insular Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ERVIN (for himself, Mr. Abourezk, Mr. Bayh, Mr. Bible, Mr. Bentsen, Mr. Brooke, Mr. Case, Mr. Clark, Mr. Church, Mr. Fulbright, Mr. Gravel, Mr. Hart, Mr. Hatfield, Mr. Hollings, Mr. Mathias, Mr. McGovern, Mr. Mondale, Mr. Moss, Mr. Pastore, Mr. Randolph, Mr. Ribicoff, Mr. Roth, Mr. Schweiker, and Mr. Talmadge):

S. 1472. A bill to help preserve the separation of powers and to further the constitutional prerogatives of Congress by providing for congressional review of executive agreements. Referred to the Committee on the Judiciary, by unanimous consent, then to the Committee on Foreign Relations, if and when reported.

Mr. ERVIN. Mr. President, I introduce for appropriate reference a bill to regulate international agreements, known as executive agreements, made with foreign nations on behalf of the United States.

I ask unanimous consent that the bill be referred, first, to the Committee on the Judiciary, where the Subcommittee on Separation of Powers will have a further opportunity to give a careful and definitive examination of the powers, duties, and prerogatives of the two branches of the Government in the area of international agreements.

After the Judiciary Committee has completed action on the measure, I ask unanimous consent that the bill be referred to the Committee on Foreign Relations.

The PRESIDING OFFICER. Without objection, the bill will be received and appropriately referred, as requested by the Senator from North Carolina.

Mr. ERVIN. I ask unanimous consent that my remarks appear in the Record at a point separate from the debate on the amendment of the Senator from Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ROLE OF THE CONGRESS IN THE MAKING OF EXECUTIVE AGREEMENTS

Mr. ERVIN. Mr. President, today I introduce a bill which will help restore the balance of power between the executive and legislative branches of the Government in the area of international agreements made with foreign nations on behalf of the United States.

Because of the momentous separation of powers issues in this area, I should like to ask unanimous consent that this measure be referred first to the Judiciary Committee, where its Subcommittee on Separation of Powers will be afforded an opportunity to give a careful and definitive examination of the powers, duties, and prerogatives of the two branches of the Government in the area of international agreements. After the Judiciary Committee has completed action on the measure, I should like to request that it be referred to the Committee on Foreign Relations.

In recent years, so-called executive agreements have been utilized time and time again in situations where many legal scholars believe that the treaty provisions of section 2, article II of the Constitution should have been followed. The Founding Fathers were, indeed, wise when they formulated the concept of shared powers between the legislative and executive branches in the making of international agreements. These learned men mentioned only one kind of international agreement in the Constitution: the treaty. From their bitter experience with tyrannical rule, they realized that a system of government serves the people best when its powers are disbursed among various repositories within the Government. They were acutely aware that unrestrained Executive power leads to despotism, and for that reason they attempted to make certain that the Congress, as the most direct representative of the people, would play a role in the making of international agreements. To my mind, this bedrock principle is not less important in this era of rapid change and computerization than it was in the simpler times when our Constitution was written.

The Subcommittee on Separation of Powers held hearings on this problem in April of 1972. Testimony at those hearings revealed that the use of executive agreements has grown both in scope and in number to an astonishing degree in the last few years while the practice of submitting treaties to the Senate for its advice and consent, as the Constitution requires, diminished both in number of treaties submitted, as well as the importance of subject matter of treaties submitted. This problem is more fully stated in the report of the Subcommittee on Congressional Oversight of executive agreements, which was released today. The use of executive agreements to bypass the treaty making provisions of the Constitution is one more example of usurpation of the constitutional powers of the Congress by the Executive.

This bill I introduce today is identical to a bill I introduced during the 2d session of the 92d Congress, S. 3475. The provisions of this bill are simple. It recognizes that the Founding Fathers' concept of shared powers in the area of international agreements has been substantially eroded by the use of so-called executive agreements. In plain language, the measure defines executive agreements and requires that the Secretary of State shall transmit each such agreement to both Houses of Congress. If, in the opinion of the President, the disclosure of any such agreement would be prejudicial to the security of the United States, the bill provides that it shall be transmitted to the Committee on Foreign Relations under an appropriate injunction of secrecy. Under this injunction of secrecy, only the Members of both

Houses of the Congress shall be permitted to inspect the document.

The bill further provides that each executive agreement transmitted to the Congress shall come into force and be made effective after 60 days—or later if the agreement so provides—unless both Houses pass a concurrent resolution expressing disapproval of the executive agreement between the date it is transmitted to the Congress and the end of a 60-day period. In other words, the Congress, in its shared-power role, will have an opportunity to state that it does not approve of an executive agreement during the 60-day period after the agreement is transmitted to the Congress.

To many, this measure may seem rather strict in its provisions; however, it appears to me that the executive branch of the Government would welcome a method whereby the Congress would share the responsibility for making international agreements which affect the international image of our Nation and its people, the allocation of our tax resources, and, in many instances, impinges upon the possibilities of achieving peace in the world.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1472

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, Whereas the Constitution of the United States established a system of shared powers between the legislative and executive branches of the United States Government in the making of international agreements; and whereas, the Congress finds that its powers have been substantially eroded by the use of so-called executive agreements, and the Senate is thereby prevented from performing its duties under section 2, article II, of the Constitution, which provides that the President "shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur", and, whereas, the Congress is often prevented from participating in the conduct of foreign relations by way of prior statute on concurrent resolution, therefore be it enacted as follows:

Section 1. (a) In furtherance of the provisions of the United States Constitution regarding the sharing of powers in the making of international agreements, any executive agreement made on or after the date of enactment of this Act shall be transmitted to the Secretary of State, who shall then transmit such agreement (bearing an identification number) to the Congress. However, any such agreement the immediate disclosure of which would, in the opinion of the President, be prejudicial to the security of the United States shall instead be transmitted by the Secretary to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives under an appropriate written injunction of secrecy to be removed only upon due notice from the President. Each committee shall personally notify the Members of its House that the Secretary has transmitted such an agreement with an injunction of secrecy, and such agreement shall thereafter be available for inspection only by such members.

(b) Except as otherwise provided under subsection (d) of this section, any such executive agreement shall come into force with respect to the United States at the end of the first period of sixty calendar days of continuous session of Congress after the date on which the executive agreement is transmitted to Congress or such committees, as the case may be, unless, between the date of transmittal and the end of the sixty-day period, both Houses agree to pass a concurrent resolution stating in substance that both Houses do not approve the executive agreement.

(c) For the purpose of subsection (b) of this section—

(1) continuity of session is broken only by an adjournment of Congress sine die; and

(2) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the sixty-day period.

(d) Under provisions contained in an executive agreement, the agreement may come into force at a time later than the date on which the agreement comes into force under subsections (b) and (c) of this section.

Sec. 2. For purposes of this Act, the term "Executive agreement" means any bilateral or multilateral international agreement or commitment, other than a treaty, which is binding upon the United States, and which is made by the President or any officer, employee, or representative of the executive branch of the United States Government.

Sec. 3. (a) This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of concurrent resolutions described by subsection (b) of this section; and it supersedes other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(b) For the purposes of this section, "concurrent resolution" means only a concurrent resolution of either House of Congress, the matter after the resolving clause of which is as follows: "That the Congress does not approve the executive agreement numbered—transmitted to (Congress) (the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives) by the President on —, 19—.", the blank spaces therein being appropriately filled, and the appropriate words within one of the parenthetical phrases being used; but does not include a concurrent resolution which specifies more than one executive agreement.

(c) A concurrent resolution with respect to an executive agreement shall be referred to a committee (and all concurrent resolutions with respect to the same executive agreement shall be referred to the same committee) by the President of the Senate or the Speaker of the House of Representatives as the case may be.

(d) (1) If the committee to which a concurrent resolution with respect to an executive agreement has been referred has not reported it at the end of twenty calendar days after its introduction, it is in order to move either to discharge the committee from further consideration of the concurrent resolution or to discharge the committee from further consideration of any other concurrent resolution with respect to the executive agreement which has been referred to the committee.

(2) A motion to discharge may be made only by an individual favoring the concurrent resolution, is highly privileged (except that it may not be made after the committee has reported a concurrent resolution with respect to the same executive agreement), and debate thereon shall be limited to not more than one hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(3) If the motion to discharge is agreed to or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other concurrent resolution with respect to the same executive agreement.

(e) (1) When the committee has reported, or has been discharged from further consideration of, a concurrent resolution with respect to an executive agreement, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) Debate on the concurrent resolution shall be limited to not more than ten hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable. An amendment to, or motion to recommit, the concurrent resolution is not in order, and it is not in order to move to reconsider the vote by which the concurrent resolution is agreed to or disagreed to.

(f) (1) Motions to postpone, made with respect to the discharge from committee, or the consideration of a concurrent resolution with respect to an agreement, and motions to proceed to the consideration of other business, shall be decided without debate.

(2) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a concurrent resolution with respect to an executive agreement shall be decided without debate.

Mr. ROTH. Mr. President, I am pleased to join the distinguished senior Senator from North Carolina in cosponsoring legislation to help preserve the constitutional prerogatives of Congress in foreign policy by providing for congressional review of all executive agreements.

Since World War II, executive agreements have replaced treaties as the principal instrument of obligation in our relations with foreign governments. No doubt the increased use of executive agreements reflects the larger and more active American role in world affairs. At the same time, there have been numerous instances where, in the minds of our most renowned legal scholars, the use of executive agreement rather than treaty has been contrary to the letter and spirit of the Constitution which expressly provided for shared powers in the area of foreign policy. I can think of no one more distinguished and knowledgeable on this than Senator Ervin himself, who has remarked that:

> The most cursory reading of constitutional history reveals the intention of the Founding Fathers that the President was to be precluded from engaging in the making of any substantive foreign policy without the advice and consent of the Senate.

Because executive agreements are generally considered to be as binding as treaties in international law and because they are not now subject to any necessary congressional review, the use of executive agreement has been rightly challenged by those who fear the unfettered accretion of Presidential power. In the mid-1950's this challenge came from the supporters of the Bricker amendment who pointed out that the President could use such agreements to make or modify domestic law. More recently, the challenge has been from those who believe there is a need to curtail the Executive's free hand in foreign policy.

The crux of the problem is that there is a recognized need for executive flexibility and initiative in the foreign policy area, while at the same time there is a need to maintain the system of checks and balances that underly and guarantee our rights and liberties against any form of despotism. There is a need for Congress to have an opportunity to review those executive agreements which may expressly or implicitly contain important national commitments without making it mandatory for Congress to vote its approval of all the hundreds of such agreements made each year, many of which are directly pursuant to legislation or regulate the day-to-day administration of foreign relations without having policy implications.

Senator Ervin's legislation would establish a definite procedure for referring every executive agreement to Congress. Congress would then, in essence, have a veto power over executive agreements. But if there were no challenge, the agreement would go into effect after 60 days in the absence of congressional action.

It seems to me that this is a most valuable and constructive proposal for insuring that the constitutional system of checks and balances is not eroded through the widespread or improper use of executive agreements. I hope that it as well as similar legislation in this area proposed by the distinguished senior Senator from New Jersey will be given thoughtful, careful appraisal by both the Congress and the President.

By Mr. CRANSTON (for himself, Mr. Hollings, Mr. Tunney, Mr. McGee, Mr. Bennett, Mr. Moss, Mr. Gravel, Mr. Hatfield, Mr. Inouye, and Mr. Randolph):

S. 1473. A bill to amend the National Science Foundation Act of 1950 so as to provide for research program relating to earthquakes. Referred to the Committee on Commerce.

By Mr. CRANSTON (for himself, Mr. Hollings, Mr. Tunney, Mr. McGee, Mr. Metcalf, Mr. Kennedy, Mr. Moss, Mr. Gravel, Mr. Thurmond, Mr. Hatfield, Mr. Inouye, and Mr. Randolph):

S.1474. A bill to provide a sound physical basis and an operational system for predicting damaging earthquakes in heavily populated areas of California and Nevada. Referred to the Committee on Commerce.

Mr. CRANSTON. Mr. President, I rise to introduce for appropriate reference two bills to provide for a national earthquake research program. These two bills are identical to S. 3173 and S. 3392, which I sponsored in the 92d Congress.

The first bill, identical to S. 3392, would authorize the National Science Foundation to establish and support a program to advance earthquake engineering research. It provides $30 million over a 3-year period for the development and implementation of such a program.

The second bill, identical to S. 3173, would assign to the U.S. Geological Survey in the Department of the Interior the responsibility for developing and implementing an earthquake prediction program. In addition, the Office of Emergency Preparedness would be authorized to assist in the development of an early warning system. The bill provides a total of $60 million for a 5-year program to develop an earthquake prediction program and $1 million for a 5-year program to develop an early warning system.

Mr. President, California, which is split by the San Andreas Fault, is aptly referred to as "earthquake country." Seismologists at Berkeley and at the Cal Tech Seismological Laboratory have been keeping track of earthquake activity in California for more than 40 years. Both groups have installed arrays of seismometers that telemeter seismic data to their laboratories for processing and dissemination to the appropriate public agencies. During the 36-year period between 1934 and 1969, there were more than 7,300 earthquakes with a Richter magnitude of 4 or greater in southern California and adjacent regions. Many thousands more earthquakes of smaller magnitude are routinely located and reported in the seismological bulletins. Although structural damage associated with earthquakes depends on varying local geological conditions and the nature of the particular earthquake, a rough rule of thumb is that a nearby earthquake of magnitude of 3.5 or greater can cause structural damage. The average annual number of earthquakes of magnitude 3 or greater in southern California recorded since 1934 is 210; the number in any one year has varied from a low of 97 to a high of 391. The strongest earthquake during this period was the 1952 Kern County earthquake which had a magnitude of 7.7.

Experts believe that they are close to being able to predict the time, place, and magnitude of earthquakes. I believe it is absolutely essential to place the highest priority on research programs designed to refine our prediction capability. Hopefully, with increased research dollars and resources, we can refine this capability sufficiently to warn the population of a major population center, such as San Francisco or Los Angeles, before an earthquake strikes. If a strong earthquake were to strike San Francisco during the business day, it is possible that up to 100,000 deaths and injuries could occur. Property damage would be astronomical. If the city were warned in advance, however, steps could be taken to evacuate people from the most hazardous areas and to take action to mitigate fire and other postearthquake hazards. I believe that $60 million over a 5-year period is a small price to pay for the potential savings in lives and property that would result from an earthquake prediction capability.

Scientists at the U.S. Geological Survey's Center for Earthquake Research in Menlo Park, Calif., have recently predicted an earthquake in a rural area south of San Francisco, near Hollister, which straddles the San Andreas Fault. Four moderate earthquakes—magnitude 5.0, 4.7, 4.0, 4.0—have occurred along this segment of the fault since December 1971. Subsequent monitoring of the aftershocks of these moderate earthquakes has shown that a gap exists between the two active sections in this area of the fault, leading the USGS to predict an earthquake of magnitude 4.5 within the next several months.

In addition to developing an earthquake prediction capability, there is much to be done to promote earthquake research. Earthquake engineering is a relatively recent development; the first building code to enforce earthquake-resistant design in the United States was established in California following the destructive Long Beach earthquake in 1933. The original code requirements were rudimentary by present-day standards, and as new knowledge was developed by research and by study of earthquake damage, improvements in the codes have been made over the years. The collapse of a new six-story apartment building in Anchorage during the 1964 earthquake and the collapse of several new school buildings in Japan during the 1968 Tokachi-Oki earthquake provide graphic evidence of the need for further improvements in earthquake engineering.

As the population of the country grows, earthquake hazards increase. This is true not only in the more seismic areas, but also in the central and eastern portions of the country which, contrary to popular belief, also have earthquake problems. The National Science Foundation has estimated that 35 percent of the U.S. population—some 72 million—live in areas throughout the Nation that can expect somewhat regular earthquakes strong enough to cause structural damage. In the future there will be more people to be injured and killed and more works of man to be damaged. It will be important to the welfare of the Nation that new construction, which is currently at a rate exceeding $70 billion a year, be so engineered as to minimize injuries and deaths, to keep monetary losses to acceptable levels, and to avoid serious inconvenience to the public. To achieve these ends will require a program of earthquake engineering research aimed at providing basic information on destructive earthquakes, developing knowledge of the dynamic behavior of structure and soils, obtaining data on the physical properties of materials and developing practical and efficient methods of analysis and design. The socioeconomic problems of earthquakes must also be studied in depth.

Destructive earthquakes range in magnitude from approximately 5.0 to 8.5. Each year, on the average, over 700 shocks of magnitude 5.0 or greater occur in the seismic areas of the world. More than 90 earthquakes of 6.0 or greater occur each year. A magnitude 6.0 shock can give a maximum ground acceleration on the order of 20 percent of gravity, which can be very damaging. Long Beach, Calif., for example, was severely damaged by a magnitude 6.2 shock on March 10, 1933. On the average, 12 earthquakes occur each year with magnitudes of 7.0 or greater. Such large shocks have potential for major disasters, such as San Francisco, 1906; Tokyo, 1923; Chile, 1960; Alaska, 1964; and Niigata, Japan, 1964. Approximately 1 to 2 percent of the world's earthquakes occur in the United States, so that during a 10-year period we can expect about 70 shocks of magnitude 5.0 or greater, 10 shocks of magnitude 6.0 or greater, and 1 shock of magnitude 7.0 or greater.

In view of the potential impact of destructive earthquakes on public safety and welfare, and the expected increase of population and investment in construction, I am convinced that we must embark upon a strong program of research aimed at solving the major problems of safety and economy posed by the occurrence of earthquakes.

In the absence of proper engineering precautions, damage from large earthquakes or even from nearby smaller shocks may be almost total. Such destruction was experienced by the city of Agadir, Morocco, in 1960 with over 10,000 lives lost out of a total of 30,000. Earthquakes in the United States have not been so destructive, because most of them have not been near cities and also because buildings in this country are of better construction. It is the objective of earthquake engineering to minimize deaths, injuries, social disruption, and economic losses that result from earthquakes. The degree to which this can be done depends primarily on the state of knowledge and secondarily on the initiative and degree or organization with which the knowledge is applied.

Mr. President, the two bills I am introducing today offer an opportunity to embark on a substantial research program designed to minimize loss of life and property which would result from an earthquake. Senator Hollings also introduced a bill this week which would establish a national earthquake research program. It is our hope that, on the basis of field hearings in California at the end of April and on the basis of further study of the three bills, that we can together produce legislation to accomplish our mutual goals.

Mr. President, I ask unanimous consent that the text of my bills be printed in the Record at this point.

There being no objection, the bills were ordered to be printed in the Record, as follows:

S. 1473

A bill to amend the National Science Foundation Act of 1950 so as to provide for a research program relating to earthquakes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(a) of the National Science Foundation Act of 1950 is amended (1) by deleting the word "and" at the end of paragraph (6); (2) by deleting the period at the end of paragraph (7) thereof and inserting in lieu thereof a semicolon and the word "and"; and (3) by adding immediately after paragraph (7) thereof the following new paragraph: "(8) (A) to establish and support a program which shall—

"(i) advance earthquake engineering research;

"(ii) develop more accurate and reliable methods of earthquake resistant analysis and design for all types of structures and for a variety of ground conditions;

"(iii) develop improved minimum criteria of earthquake-resistant construction, measuring the cost of protection against the benefit of damage and loss of life prevented, for all types of structures and for a variety of ground conditions, with priority given to dams, hospitals, schools, public utility and public safety structures, high-occupancy buildings necessary to emergency operations, and other structures especially needed in time of disaster; and

"(iv) develop improved methods, based upon the seismological characteristics of the area, of assessing the earthquake risk at all types of locations in populated areas of high seismic risk, and of establishing land use priorities designed to reduce the hazards from earthquakes.

"(B) Such program established pursuant to subparagraph (A) shall include—

"(i) measurement and analysis of ground motion during earthquakes;

"(ii) analysis of soil behavior and influence of local geologic features during earthquakes;

"(iii) measurement and analysis of dynamic properties and behavior of structures during earthquakes;

"(iv) development of instruments useful in such program;

"(v) laboratory and field experiments, analytical techniques, and mathematical and computerized methods of analysis which support such program;

"(vi) analysis of tidal wave action and development of appropriate countermeasures;

"(vii) development of a sufficient number of trained personnel to support such program;

"(viii) development of effective means to disseminate the methods of structural analysis and design, criteria of construction, and methods of assessing earthquake risk developed pursuant to such program to public and private groups engaged in engineering construction, architecture, construction planning, and land use planning; and

"(ix) postearthquake studies and investigations of the effects of earthquakes which are relevant to engineering design, earthquake engineering research, or any other purposes consistent with such program.

"(C) The Foundation is directed to report annually to the President and the Congress on the implementation of the program provided for in this paragraph. The Foundation is directed to make the methods of structural analysis and design, the criteria of construction, and the methods of assessing earthquake risk maps developed pursuant to such program available to the Governors in States in seismic risk areas, the General Services Administration, the Department of Housing and Urban Development, the National Bureau of Standards, the Department of Defense, the Bureau of Reclamation, the Atomic Energy Commission, the National Oceanic and Atmospheric Administration, the Forest Products Laboratory, Geological Survey, and other government and private organizations which have an interest in construction and land use planning."

Sec. 2. Section 16 of the National Science Foundation Act of 1950 is amended by adding at the end thereof the following:

"(c) To enable the Foundation to carry out its powers and duties under section 3(a)(8) of this Act, there is authorized to be appropriated to the Foundation for the fiscal year ending June 30, 1974, the sum of $10,000,000; for the fiscal year ending June 30, 1975, the sum of $10,000,000; and for the fiscal year ending June 30, 1976, the sum of $10,000,000."

S. 1474

A bill to provide a sound physical basis and an operational system for predicting damaging earthquakes in heavily populated areas of California and Nevada

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Earthquake Prediction Act of 1972."

(b) The Congress hereby finds and declares that the San Andreas fault and closely related faults of California and Nevada are areas of high seismic risk, that 9.8 per centum of the population of the United States lives in California, that the highly developed urban areas of San Francisco and Los Angeles and their surroundings are especially vulnerable to the dangers of earthquakes, that Japanese scientists have issued earthquake warnings, and that seismic research in the United States is sufficiently advanced that an earthquake prediction capability can be achieved with an earthquake prediction program. To minimize loss of life and property damage, the Congress hereby declares that it is its purpose to establish a program of instrumentation of the San Andreas and closely related faults of California and Nevada; to provide for the collection, analysis, and interpretation of data from such instrumentation; and to provide supporting field, laboratory, and theoretical studies leading to the goal of predictions of earthquakes along the San Andreas fault zone.

Sec. 2. (a) It shall be the function and duty of the Director of the Geological Survey to develop and carry out an earthquake prediction program which shall include—

(1) heavy instrumentation of the San Andreas fault and closely related faults of California and Nevada to obtain detailed records of data useful in developing an earthquake prediction capability;

(2) establishment of facilities for the collection and computerized reduction, analysis, and interpretation of the data flow from such instruments;

(3) supporting field, laboratory, and theoretical studies; and

(4) development and field-testing of additional instruments which are useful in connection with the foregoing provisions of this section.

In carrying out that part of such program involving or relating to research purposes, and in expending a significant portion of the funds appropriated pursuant to this Act for such program, the Director shall utilize the services of reseach personnel in institutions of higher education and public entities or organizations (other than Geological Survey) and private entities or organizations concerned with seismic research.

(b)(1) There is hereby established an advisory committee for the earthquake prediction program (hereinafter referred to as the "advisory committee"). The advisory committee shall consist of not less than seven nor more than fifteen members who shall be appointed by the Director of the Geological Survey from among individuals recommended by the National Academy of Sciences. The advisory committee shall select a chairman and vice chairman from among its members.

(2) It shall be the function of the advisory committee to advise and assist the Director in developing and carrying out the earthquake prediction program provided for in subsection (a).

Sec. 3. (a) The Director of the Office of Emergency Preparedness is authorized to establish and carry out a program to review and assess the current state of knowledge on earthquake prediction and the warning systems, to identify key problem areas for further research and evaluation, and to determine what additional steps may be needed to reduce primary and secondary losses from earthquakes. Such review and assessment shall include—

(1) a forecast of the problems expected to be associated with the issuance of earthquake warnings to the population residing in high seismic risk areas;

(2) an analysis, prepared prior to the issuance of earthquake warnings, of steps which should be taken to make such warnings effective, and of how to make the decision to issue the warnings;

(3) an analysis, prepared prior to the occurrence of an earthquake, of the physical effect of an earthquake; and

(4) an analysis, prepared prior to the occurrence of an earthquake, of the behavioral and psychological effects of an earthquake.

(b) The Director of the Office of Emergency Preparedness is authorized to enter into contracts, agreements, or other appropriate arrangements with the National Academy of Sciences to provide such necessary scientific advisory services as may be required in carrying out the purposes of this section.

SEC. 4. The President of the National Academy of Sciences and the Director of the Office of Emergency Preparedness shall make information developed pursuant to this Act available to the Office of Science and Technology, the Congress, Governors in States of high seismic risk, and other government and private organizations which are concerned with preparations for or reactions to earthquakes or earthquake warnings.

SEC. 5. (a) For purposes of section 2 of this Act, there is authorized to be appropriated for the fiscal year ending June 30, 1974, and for each of the next following four fiscal years, the sum of $12,000,000.

(b) For purposes of sections 3 and 4 of this Act, there is authorized to be appropriated for the fiscal year ending June 30, 1974, and for each of the next following four fiscal years, the sum of $200,000.

By Mr. PEARSON (for himself, Mr. McGee, Mr. Metcalf, Mr. Fannin, Mr. Allen, Mr. Scott of Pennsylvania, Mr. Bentsen, Mr. Stevens, Mr. Young, Mr. Bible, Mr. Randolph, Mr. Thurmond, Mr. Dominick, Mr. Inouye, Mr. Baker, Mr. Bennett, and Mr. Javits):

S. 1475. A bill to amend the Internal Revenue Code of 1954 to allow a double investment credit for certain property placed in service in rural areas which will assist in providing new employment opportunities. Referred to the Committee on Finance.

RURAL JOB AND BUSINESS DEVELOPMENT ACT

Mr. PEARSON. Mr. President, I introduce today the Rural Job and Business Development Act of 1973. This bill would provide for an additional 7 percent investment credit on certain job-creating enterprises locating in rural areas. Those eligible enterprises under this act in addition to the basic 7 percent investment credit now in effect would receive an additional 7 percent for a total credit of 14 percent.

The objective here is to encourage the further decentralization of business and industrial growth; specifically to encourage the growth of job-creating industries in communities of under 50,000. The additional 7 percent tax credit on new investment would provide such an incentive and would, I believe, contribute to the overall goal of rural development and balanced national growth.

The investment tax credit was reinstated in 1971, because the Congress recognized that investment tax credits do serve to stimulate the economy and encourage the creation of new jobs. The proposal simply extends that principle and says let's use the proven technique to stimulate the creation of new jobs in rural areas and otherwise strengthen the rural sector. This is not, however, simply a rural proposal for we have recognized for some years now that we are suffering from an imbalance in the geographic distribution of people and industry in this country. Too many of our cities are overcrowded, too many of our rural areas are underdeveloped. As a result we suffer economic inefficiency and social inequities at both ends of the population scale.

Congress has recognized the necessity of seeking to promote a more balanced national growth. This commitment is spelled out rather clearly in title IX of the Agricultural Act of 1970 and title IV of the Housing and Urban Development Act of 1970.

The economic and social development of our rural communities is a vital, indeed a fundamental part, of the overall goal of balanced national growth. We must expand economic and social opportunities in rural areas in order to achieve a more sensible distribution of future population and economic growth increments. If we do not do this, the vast majority of our people will become concentrated in a handful of giant megalopolitan corridors. Such concentration does not make good sense either economically or socially. And if public opinion polls have any validity it is apparent that the majority of the people prefer that this not happen. The polls have consistently shown that the majority of our people would prefer to work and rear their families in smaller communities.

Mr. President, the goal of rural development and balanced national growth will not be achieved overnight. We must proceed on many fronts. We urgently need more sophisticated and comprehensive multicounty and regional structures. We need an improved system of available credit in rural areas. We need better programs for rural housing, water and sewer, and other public services. We need better health care facilities in rural areas. We need a new transportation system.

It is also clear that one of the key elements of rural development is the creation of new job opportunities. We need greater capital investment in rural America. Unless we can do this not much else that we can do will have any long-range effect on the development of our rural communities.

The Rural Development Act of 1972 was an extremely important piece of legislation and if fully implemented would do a great deal to help strengthen our rural community infrastructures and also serve to stimulate the development of jobs in rural areas.

But it would seem to me that it is a great mistake to assume that the Rural Development Act of 1972 is all that is needed. This was a strong step forward, but it is only one step of many that must be taken. And, of course, we face the immediate problem now of securing from the administration a strong commitment to implement the Rural Development Act to its fullest degree.

Mr. President, one of the additional steps that it seems to me we should take is the adoption of the Rural Job and Business Development Act which I propose today. This is a rather modest proposal. Its enactment will not initiate an economic revolution, nor result in a massive drain on the Public Treasury. But the additional investment tax credit offered in this bill will serve to encourage the establishment of more job-creating industries in our rural communities, and it will do this without requiring the establishment of a massive bureaucracy or additional Federal intervention in State or local affairs.

The bill, as indicated earlier, would provide an additional 7-percent investment tax credit for job-creating industries and businesses locating in rural communities. The same rural definition as was adopted in the Rural Development Act of 1972, that being communities of under 50,000, with the exception that communities of less than 50,000 which are within an urbanized area adjacent to large metropolitan areas and which have a population density of more than 100 persons per square mile, would be excluded.

The additional tax credit provided by this bill would not be made available to all types of investments, but only in the cases where it can be demonstrated that employment opportunities in the rural community will be improved because of the investment.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1475

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Rural Job and Business Development Tax Act of 1973".

SEC. 2. (a) Section 46(c) of the Internal Revenue Code of 1954 (relating to qualified investment) is amended by adding at the end thereof the following new paragraph:

"(5) Rural job development property.—

"(A) In the case of section 38 property which is rural job development property, the qualified investment shall be twice the amount determined under paragraph (1).

"(B) For purposes of subparagraph (A), the term 'rural job development property' means property which is used predominantly in one or more rural areas and with respect to which the taxpayer establishes, under regulations prescribed by the Secretary or his delegate, that—

"(i) such property will assist in providing new employment opportunities in the rural area or areas in which it is used,

"(ii) such property will be used in the manufacture, processing, assembling, or distribution of personal property (other than in a business consisting primarily of selling or leasing property at retail), or in connection with, or a part of, a facility providing recreation to the public which is not inconsistent with State recreation plans, approved by the Bureau of Outdoor Recreation, and with local economic development plans, and

"(iii) the new employment opportunities in the rural area or areas which will be assisted by such property will not result in a decrease in employment in any other area.

"(C) For purposes of subparagraph (B), the term 'rural area' means any area in the United States that is not within the outer boundary of any city having a population of 50,000 or more and is not within any urbanized or urbanizing area with a population density of more than 100 persons per square mile (determined according to the most recent data available from the Bureau of the Census) which is immediately adjacent to any such city. Such term also means any area comprising an Indian reservation."

(b) The amendment made by subsection (a) shall apply only with respect to property placed in service after the date of the enactment of this Act.

By Mr. MOSS:

S. 1476. A bill to amend the Federal Trade Commission Act to prevent unfair competition in interstate commerce, and for other purposes. Referred to the Committee on Commerce.

UNFAIR COMPETITION ACT

Mr. MOSS. Mr. President, the law of unfair competition deals with the copying, imitation, or other utilization by one businessman of another businessman's product, design, packaging, trade name, or other merchandising practices. It deals also with false or misleading statements made in connection with the sale of goods or services, such as those praising one's own or disparaging a competitor's products.

This is a body of common law, developed primarily by the courts on a case-by-case basis. Prior to the decision of the Supreme Court in *Erie R.R. Co.* v. *Tompkins,* 304 U.S. 604 (1938), the Federal courts followed federally developed rules in this area; but since that decision, the Federal courts have been required to apply the body of State unfair competition law applicable in the place where the Federal court sits. Many have argued that the various State courts have applied different standards of law in this area, so that the result of the Erie decision is that the law of unfair competition has become extremely nonuniform in application, during a period when business activities in our society have tended to become more and more interstate in character. The result is that businessmen are unable to know what law will be applied to their merchandising practices, for goods which they can lawfully sell in one State may subject them to civil liability or even criminal punishment in another. Not only does this result in undesirable lack of certainty in regularity for businessmen, but it brings about a great deal of undesirable forum shopping in litigation. The latter has become a problem of administration of the Federal courts, as well as of the State courts, because unfair competition cases can usually be brought in a Federal court under diversity jurisdiction or under the doctrine of pendent jurisdiction.

The purpose of the proposed Unfair Competition Act is to rescue interstate business firms from this checkerboard of different State regulations, so that they may use the same designs, packages, or other product configurations in all of the States in which they operate. At the same time, a uniform law will bring about a more orderly administration of the Federal court system. The proposed legislation is drafted as an amendment to the Federal Trade Commission Act (15 U.S.C., sections 41–58), which already prohibits unfair methods of competition by making an administrative agency responsible for their prevention when the effect of such practices is substantially injurious to the public. The purpose of this legislation is to supplement the provisions of the Federal Trade Commission Act by creating a uniform private legal remedy against unfairly competitive acts against which injunctive or damages relief is appropriate.

SUMMARY OF BILL

The bill adds a new section 19 to the end of the Federal Trade Commission Act, defining and providing private remedies for unlawful and unfair competition, just as public agency action against unfair methods of competition and unfair acts and practice is the subject matter of the main portion of the Federal Trade Commission Act.

Subsection (a) of section 19 defines unlawful and unfair competition as conduct which, first, results or is likely to result in palming off one person's goods or services for those of another, by deceptively imitative acts or practices; second, materially and falsely disparages other firms' goods or services; or third, misrepresents goods or services.

Subsection (b) provides the applicable remedies. Paragraph 1 permits any businessman injured by unlawful and unfair competition to bring a civil action in any appropriate U.S. District Court. Paragraph 2 permits injunctions to be granted, in accordance with the principles of equity, to prevent intentional violations of the act. This paragraph guarantees, however, that nondeceptive activities shall not be prohibited or otherwise punished and that there shall not be imposed any prior restraint on free speech. Paragraph 3 permits businessmen injured by intentional violations of the act to recover their actual damages. Paragraph 4 provides a 4-year statute of limitations.

Subsection (c) provides that the law and remedies of the Unfair Competition Act shall govern conduct in or affecting commerce so that businessmen will be assured against being subjected to nonuniform regulations in different forums.

The intention of this legislation is to exercise to the fullest constitutional extent the Congress' power under the commerce clause. The bill subjects to the act all unfair competition in or affecting commerce, protects all persons engaged in or whose activities affect commerce against unfair competition, and establishes a uniform law with regard to such conduct.

The legislation would codify the common law of unfair competition as it has previously been developed in the decisions of the Federal courts. To the extent, therefore, that there may be any ambiguity in language or uncertainty as to interpretation, the proposed legislation should be construed in accordance with such decisions. This reflects a recognition that the law of unfair competition has developed on a case-by-case basis and by a process of generalization from previous judicial experience. The law thus reflects the landmark decisions of the Federal courts, such as *Cresscent Tool Co.* v. *Kilborn & Bishop Co.,* 247 Fed. 299 (2 Cir. 1917); *Shredded Wheat Co.* v. *Humphrey Cornell Co.,* 250 Fed. 960 (2 Cir. 1918); *Durable Toy & Novelty Corp.* v. *Achein & Co.,* 133 F. 2d 853 (2 Cir. 1943), *cert. denied,* 320 U.S. 211 (1940); *National Comics Publications, Inc.* v. *Fawcett Publications, Inc.,* 191 F. 2d 594 (2 Cir. 1951); *Application of Deister Concentrator Co.,* 289 F. 2d 496 (C.C.P.A. 1961); *Kellogg* v. *National Biscuit Co.,* 305 U.S. 111 (1938); *Sears, Roebuck & Co.* v. *Stiffel Co.,* 376 U.S. 225 (1964); *Compco Corp.* v. *Day-Brite Lighting, Inc.,* 376 U.S. 234 (1964).

Section 2 of the bill adds a new section 19(a)(1) to the Federal Trade Commission Act, which defines as unlawful and unfair competition any act, practice, or course of conduct, in or affecting commerce, which results or is likely to result, in one businessman's "passing off" his goods or services for those of another. "Passing off" is defined more specifically as conduct involving copying or other imitation or utilization of the appearance of the other businessman's product—such as copying its packaging, design, or other product configuration. Such conduct may also involve similar utilization of the trade name or of another merchandising practice of the other businessman. The claimant must establish by a preponderance of the evidence, however, that the public has come to associate the copied thing with a particular source of goods or services and that the members of the public—or other customers—are likely to buy the goods of the imitator by mistake, because they think they are getting the original article which they actually want. Conduct of this type was generally prohibited by the common law, as reflected by the decisions of both State and Federal courts. See, for example, *Armstrong Paint & Varnish Works* v. *Nu-Enamel Corp.,* 305 U.S. 315, 336 (1938); *William R. Warner & Co.* v. *Eli Lilly & Co.,* 265 U.S. 526, 531–32 (1924).

On the other hand, the courts have also recognized the importance to competition of not interfering with the copying of unpatented and uncopyrighted features of articles, where those features do not cause any deception of the public. When one manufacturer copies another's packaging or product, the copied element may serve any or all of the following functions: First, it may help carry out the purpose to be served by the product in the hands of the consumer or have functional utility; second, it may indicate to the purchaser the nature of the product, as with a descriptive designation such as "thermos bottle" on the label; or third, it may indicate to the customer the source of the product. The last quality is what this provision of the legislation protects by creating a private right of action, but the law also prevents any interference with the public's enjoyment of the first two qualities. There is a well-developed body of common law adjusting these competing interests to secure maximum benefits to the public and the business community, and the proposed legislation seeks to adopt that body of law. The Federal decisions cited above, in the discussions of section 1 of the act, embody this approach.

Section 19(a)(2) prohibits the disparagement of one's competitors' goods or services by a materially false statement. Truthful disparagement, however, is protected by the first amendment and is not prohibited. Moreover, to be actionable, the false disparagement must be shown to have been directed to actual customers or to persons who are prospective customers so that mere injured feelings do not give rise to a Federal case.

Section 19(a)(3) prohibits materially false and misleading statements, or the omission of material information, about one's own or another's goods. Again, the deception must be concretely directed to actual or prospective customers. This provision allows a private party to recover damages for his injuries that are caused by conduct which amounts to a violation of the deceptive practices provisions of section 5 of the Federal Trade Commission Act. However, the requirements of this section are more stringent than those of section 5 of the Federal Trade Commission Act in that they deal only with hard-core deceptive practices and not borderline conduct.

Section 19(b) defines the remedies available under the Unfair Competition Act. Paragraph (1) of section 19(b) permits any businessman who is actually injured by conduct forbidden in section 19(a), or who is likely to be injured by conduct forbidden in section 19(a), or who is likely to be injured by "passing off" conduct, to bring a civil action in the appropriate district court. The appropriate district court is that defined by the venue provisions of the Judicial Code (28 U.S.C. section 1391). Paragraph (2) permits injured businessmen to seek injunctions against intentional violations of the act. Injunctions must be granted in accordance with the principles of equity, however, which is a requirement also of the Patent Code (35 U.S.C. section 283); and the claimant must show that an injunction is necessary to prevent actual damages from occurring to him. As indicated in the decision of the U.S. Supreme Court in the Compco case, supra, nondeceptive copying may not be prohibited; and this legislation requires only that reasonable steps should be taken by the defendant.[1] All nondeceptive copying and other nondeceptive activities are protected by this provision because of their importance to maintaining free competition. Moreover, in accordance with the first amendment, this provision prohibits the imposition of any prior restraint on free speech. Paragraphs (3) and (4) of this subsection permit injured businessmen to recover the actual damages that they have sustained by reason of an intentional violation of the act and establish a 4-year statute of limitations.

Section 19(c) of the new law makes its provisions the uniform and governing law in the field with which it deals. This provision insures businessmen the freedom to market their goods and services with the knowledge that they may carry on their activities on a uniform basis throughout the Nation without being subjected to inconsistent regulatory provisions. If products may lawfully be sold under the Unfair Competition Act in Maine, then the same will be true in California or Alaska. In that way, manufacturers of goods will be enabled to ship them freely in commerce throughout the Nation without fear of being subjected to legal liability or even criminal punishment in some States because of conduct of the type covered by this law, which is perfectly permissible in the other States. There is a proviso in this section, however, that preserves the continuing applicability of the Federal patent, copyright, and trademark laws which also prohibit certain types of copying, imitation, or utilization of competitors' products or merchandising practices and which places outside the protection of the act conduct which is punishable as theft.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1476

Be it enacted by the Senate and House of Representatives of the United tSates of America in Congress assembled, That this Act may be cited as the Unfair Competition Act of 1973.

SEC. 2. The Act entitled "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," approved September 26, 1914, as amended (15 U.S.C., sections 41–58) is hereby amended by adding at the end thereof a new section, to read as follows:

"SEC. 19. (a) Any person shall be deemed to have engaged in unlawful and unfair competition, if he engages in any act, practice, or course of conduct, in or affecting commerce, which—

"(1) results, or is likely to result, in passing off goods or services which he offers as or for those of any other person, by reason of his copying or otherwise imitating or utilizing the product configuration, packaging, trade name, or other merchandising practice of such other person in the following circumstances:

(A) actual or prospective purchasers of such goods or services have come to associate such copied or otherwise imitated or utilized product configuration, packaging, trade name, or other merchandising practice with a particular source, whether or not identifiable to them by a particular name; and

(B) such source association substantially affects the decision of such purchasers to buy such goods or services because they intend to buy those emanating from that source rather than another;

"(2) materially and falsely disparages another person's goods or services to actual or prospective purchasers thereof; or

"(3) by a materially false or misleading statement, or by the omission of material information, misrepresents his or another person's goods or services, to actual or prospective purchasers thereof.

"(b)(1) Any person injured in his business by unlawful and unfair competition as defined in subsection (a) of this section, or likely to be injured by unlawful and unfair competition as defined in subsection (a)(1) of this section, may bring a civil action for relief as provided by paragraphs (2) and (3) of this subsection, in any district court of the United States having jurisdiction of the person who has committed such unlawful and unfair competition.

"(2) Any person who establishes that he has been injured or is likely to be injured, as set forth in paragraph (1) of this subsection, may be granted an injunction, in accordance with the principles of equity, to prevent violation of subsection (a) of this section upon his establishing that such injunction is necessary to prevent actual and continuing damage. Such injunction may require the labeling of goods or the taking of other precautions to prevent the misleading or deception of customers as to the source of goods or services, to the extent that such steps are reasonable and practical. Nondeceptive copying or other nondeceptive activities shall not be prohibited or otherwise punished (except as otherwise prohibited by federal law), nor shall there be imposed any prior restraint on free speech.

"(3) Any person injured in his business by an intentional violation of subsection (a) of this section may recover the actual damages that he has thereby sustained.

"(4) Any action to enforce any claim for damages under this section shall be barred unless commenced within four years after the claim accrued.

"(c) In any proceeding in any court respecting any act, practice, or course of conduct, in or affecting commerce, which involves, or relates to, the copying or other imitation or utilization of any aspect of any product configuration, packaging, trade name, or other merchandising practice, of another person, the law applied and remedies applicable (subject only to laws relating to theft and to the Federal patent, copyright, and trademark laws) shall be those of the preceding subsections of this section."

SEC. 3. No claim barred under existing law on the effective date of this Act shall be revived by this Act.

SEC. 4. Section 1338 of title 28, United States Code, is amended by deleting from the first sentence of subsection (a) thereof the words "copyrights and trademarks" and substituting therefor the words "copyrights, trademarks, and unfair and unlawful competition."

SEC. 5. If any provision of this Act or the application of such provision to any person or circumstance is held invalid, the remainder of this Act shall not be affected thereby.

By Mr. MOSS:

S. 1477. A bill to provide for the issuance of a commemorative postage stamp in honor of the veterans of the Spanish-American War. Referred to the Committee on Post Office and Civil Service.

STAMP COMMEMORATING SPANISH-AMERICAN WAR VETERANS

Mr. MOSS. Mr. President, today I am introducing legislation calling for a stamp honoring and commemorating our Spanish-American War veterans. Not only is a stamp honoring these worthy men long overdue, but in a few years there will be little point in issuing such a stamp, for all the veterans of the Spanish-American War will be gone. Of the 400,000 volunteer Army that went to war in 1898, there are now only about 2,000 left.

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[1] This provision follows the general common law rule that manufacturers should take reasonable steps to inform prospective purchasers of their goods as to the source from which they come, but they are not obliged to take impractical or unduly expensive measures. This approach both furthers competition and protects the legitimate interests of competing businessmen. See *National Biscuit* case, *supra.*

For years, the Post Office has been petitioned to issue a stamp honoring the Spanish War veterans. But year after year, the postal people have put off these petitions by stating that the matter is under consideration. I really fail to see that there is anything left to consider. Surely, there is no more distinguished group of patriots than these remaining veterans. The Post Office has issued stamps on nearly everything under the sun, but for some reason has not seen fit to honor the veterans of the Spanish-American War. It is high time it did so.

I ask unanimous consent to print the text of the bill in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1477

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Postal Service is authorized and directed to issue a special postage stamp in honor of the veterans of the Spanish American War. Such stamp shall have a denomination of 8 cents, shall bear such design as the United States Postal Service shall determine, and shall be first placed on sale on such date and shall be sold thereafter for such period as the United States Postal Service shall determine.

By Mr. MAGNUSON (by request):

S. 1478. A bill to amend the Communications Act of 1934, as amended, with respect to commissioners and Commission employees. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to amend the Communications Act of 1934, as amended, with respect to commissioners and Commission employees, and ask unanimous consent the letter of transmittal and statement of need be printed in the Record with the text of the bill.

There being no objection, the material and bill were ordered to be printed in the Record, as follows:

Federal Communications Commission,
Washington, D.C., March 9, 1973.

The Vice President,
U.S. Senate.
Washington, D.C.

Dear Mr. Vice President: The Commission has adopted as part of its Legislative Program for the 93rd Congress a proposal to amend section 4 of the Communications Act with respect to commissioners and Commission employees.

The bill essentially is designed to permit financial interests in mutual funds and companies who are subject to the licensing provisions of the Communications Act only because they make some incidental use of radio communications as an aid to their business operations. It would prohibit financial interests in broadcast stations, cable television systems, and communications common carriers or mutual funds whose investments are concentrated substantially in those areas.

The Commission's draft bill to accomplish the foregoing objective was submitted to the Office of Management and Budget for its consideration. We have now been advised by that Office that from the standpoint of the Administration's program there would be no objection to the presentation of the draft bill to the Congress for its consideration. Accordingly, there are enclosed six copies of our draft bill and explanatory statement on this subject.

The consideration by the Senate of the proposed amendment to the Communications Act of 1934 would be greatly appreciated. The Commission would be most happy to furnish any additional information that may be desired by the Senate or by the Committee to which this proposal is referred.

Sincerely,

Dean Burch,
Chairman.

Explanation of Bill To Amend Section 4 of the Communications Act of 1934, as Amended, With Respect to Commissioners and Commission Employees

This proposal would amend subsection 4(b) of the Communications Act of 1934, as amended, with respect to commissioners and Commission employees.

Subsection 4(b) of the Communications Act provides as follows:

"(b) Each member of the Commission shall be a citizen of the United States. No member of the Commission or person in its employ shall be financially interested in the manufacture or sale of radio apparatus or of apparatus for wire or radio communication; in communication by wire or radio or in radio transmission of energy; in any company furnishing services or such apparatus to any company engaged in communication by wire or radio or to any company manufacturing or selling apparatus used for communication by wire or radio; or in any company owning stocks, bonds, or other securities of any such company; nor be in the employ of or hold any official relation to any person subject to any of the provisions of this Act, nor own stocks, bonds, or other securities of any corporation subject to any of the provisions of this Act. Such commissioners shall not engage in any other business, vocation, profession, or employment. Any such commissioner serving as such after one year from the date of enactment of the Communications Act Amendments, 1952, shall not for a period of one year following the termination of his service as a commissioner represent any person before the Commission in a professional capacity, except that this restriction shall not apply to any commissioner who has served the full trem for which he was appointed. Not more than four members of the Commission shall be members of the same political party."

Proposed paragraph (1) of subsection (b) includes, without substantive changes, all existing provisions of that subsection concerning commissioners except as to their financial interests. Proposed paragraphs (2) and (3) revise the provisions concerning the financial interests of commissioners and employees. Paragraph (4) explains that the Commission is not restricted by this Act from imposing restrictions in addition to those set forth in Public Law 87–849 and other laws or Executive Orders. Paragraph (5) affords the Commission the opportunity to waive certain provisions of subsection 4(b) to avoid hardships which could arise in exceptional circumstances.

Conflict of interest provisions in the law have the highly salutary purpose of ensuring that Government officials act in the public interest and maintain their affairs so that no actual or apparent personal financial motivations cloud their official decisions. We are in full accord with this objective.

However, subsection 4(b) of the Communications Act, adopted in 1934 under quite different circumstances than prevail today, is far more restrictive than recent Congressional and Administrative pronouncements and is substantially inconsistent with current national policy.

Congress in 1962 extensively revised chapter 11 of Title 18, U.S.C., dealing with bribery, graft, and conflicts of interest (Public Law 87–849, approved October 23, 1962). Section 208 of that revision requires non-participation by officers or employees in matters in which they have financial interests. It reads:

"(a) Except as permitted by subsection (b) hereof, whoever, being an officer or employee of the executive branch of the United States Government, of any independent agency of the United States, or of the District of Columbia, including a special Government employee, participates personally and substantially as a Government officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which, to his knowledge, he, his spouse, minor child, partner, organization in which he is serving as officer, director, trustee, partner or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest—

"Shall be fined not more than $10,000, or imprisoned not more than two years, or both.

"(b) Subsection (a) hereof shall not apply (1) if the officer or employee first advises the Government official responsible for appointment to his position of the nature and circumstances of the judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter and makes full disclosure of the financial interest and receives in advance a written determination made by such official that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect from such officer or employee, or (2) if, by general rule or regulation published in the Federal Register, the financial interest has been exempted from the requirements of clause (1) hereof as being too remote or too inconsequential to affect the integrity of Government officers' or employees' services."

This statute of general applicability is not as restrictive as section 4(b) of the Federal Communications Act. We recognize, however, that in certain highly specialized fields, such as communications, some additional restrictions may be appropriate with respect to, for example, investments of commissioners and employees in companies regulated by the agency. In this respect, the Communications Act, proscribing certain activities and investments of commissioners and Commission employees, is much more restrictive than are the statutes of other regulatory agencies, which as a general rule apply only to commissioners.[1]

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[1] The more liberal provisions of the ICC Act (49 U.S.C. § 305) apply to members, examiners and members of a joint board; the CAB prohiibtion applies only to members of the Board (49 U.S.C. § 1321(b)); restrictions at FAA are on the Administrator and Deputy Administrator but not on employees of the agency (49 U.S.C. §§ 1341(b) and 1342(b)); restrictions against financial interests with respect to the Federal Power Commission apply only to commissioners (16 U.S.C. § 792).

Past announcements of the executive branch and the Congress lend vital support to the view that conflict-of-interest provisions, while they must adequately protect the public interest, need not go beyond what is necessary to ensure that protection. Congress has also expressed its attitude with respect to this general problem in the legislative history of the 1962 amendments to the conflict-of-interest statutes. The House Report (H. Rept. No. 748, 87th Cong., 1st Sess., p. 6) states:

"It is also fundamental to the effectiveness of democratic government, that, to the maximum extent possible, the most qualified individuals in the society serve its government. Accordingly, legal protections against conflicts of interest must be so designed as not unnecessarily or unreasonably to impede the recruitment and retention by the Government of those men and women who are most qualified to serve it. An essential principle underlying the staffing of our governmental structure is that its employees should not be denied the opportunity available to all other citizens, to acquire and retain private economic and other interests, except where actual or potential conflicts with the responsibility of such employees to the public interest cannot be avoided."[2] [footnote added]

Thus, the Commission is not seeking any special treatment in this area. We are endeavoring to have the antiquated provisions of this statute modified to reflect the present general law and to avoid obvious inequities which, through changed circumstances since its enactment, give the Communications Act potentially greater coverage than was either intended or envisioned.

There is no legislative history to explain the meaning Congress attached to section 4(b). Since its enactment, however, far-reaching changes have occurred in the communications art, and the Commission now has more than a million licensees. Thus, every executive's airplane equipped with radio communication must have a license from the FCC. States and municipalities are licensees of police and fire systems. In fact, practically every segment of the American economy (farming, mining, fishing, manufacturing, transportation, public utilities, etc.) uses radio communication as an aid to business operation, and is, therefore, subject to the licensing provisions of the Communications Act. The full import of this vast growth in licensing activity is in itself sufficient to cause a re-evaluation of the inequitable restrictions of section 4(b).

Another factor also tending to broaden the potential coverage of the section's existing language is the increased diversification of activity and financial interests of companies which has occurred in the three decades since this section's enactment. Thus, many companies, through a complex of corporate inter-relationships and business organizations, have remote interests in various licensees of the Commission. Although such an interest might not be readily apparent, stock ownership in these companies could conceivably be violative of section 4(b) of the Act.

The proposed amendment would therefore make clear that section 4(b) is not intended to cover the multitude of companies whose use of radio is incidental or whose relationship to companies subject to the Act is remote.

Even as to companies directly involved in broadcasting or communications common carriers, the effect of mutual fund development must be considered. Thus, almost any mutual fund would likely contain some shares in American Telephone and Telegraph Company, General Electric, Radio Corporation of America, or a similar company. Where the mutual funds' investments are not concentrated substantially in broadcasting companies, communications common carriers, or companies engaged in the manufacturing or sale of apparatus for wire or radio communication, the Communications Act should be clarified to permit commissioners and Commission employees to purchase shares of such mutual funds.

The effects of such wide disparity between the potential reach of section 5(b) of the Communications Act and existing national policy are difficult to evaluate. It is believed that its broad restrictions may tend to discourage some potential applications for employment with the Commission and to limit unfairly the investment opportunities available to Commission employees.[3]

The proposed amendment would continue to prohibit commissioners and Commission employees from having a direct financial interest in, employment by, or any official relation to (i) any person engaged in radio broadcasting; (ii) communications common carriers; (iii) persons a substantial part of whose activities consists of the manufacture or sale of apparatus for wire or radio communication; (iv) mutual funds, holding companies, or other investment companies whose investments are concentrated substantially in the entities included in paragraphs (i), (ii), and (iii). As an additional safeguard, the amendment also specifically states that nothing herein shall limit the authority of the Commission under Public Law 87–849 (87th Congress, approved October 23, 1962) or other law or Executive Order to restrict further the financial interests or official relations of its employees.

The proposal has a provision similar to the one in 18 U.S.C. § 208(b) which would permit the appointing authority to waive the prohibitions in certain cases. This provision would permit the avoidance of injustice or hardship which could arise in exceptional circumstances. For example, if a Commission employee were to be named beneficiary of a trust containing, among other things, a few shares of stock of an interstate communications common carrier, he could be in violation of the Act if he continued in the Commission's employ. Yet he might have no control over the trust and not be able to get the trustees to sell the prohibited shares. Other factual situations, each one unique, could arise and could be remedied under this waiver proviso.

Finally, the proposal would repeal as unnecessary the second sentence of subjection (j) of section 4, which appears redundant in the light of section 208 of Title 18,[4] to which the members and employees of the Commission would continue to be subject.

The Commission agrees that actual or apparent conflicts of interest should be avoided and prohibited. However, as shown, we believe the restrictions of section 4(b) potentially go far beyond what was ever envisioned and the section's prohibitions are certainly more extensive than required in order to avoid actual conflicts of interest or even the "appearance of evil."

The general conflict-of-interest laws as revised in 1962, together with the additional restrictions contained in section 4(b) as proposed, will provide adequate statutory standards to protect the public interest and insure impartial and unbiased conduct.

Adopted: October 5, 1972

Commissioner Johnson not participating; Commissioner Reid absent.

S. 1478

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 4 of the Communications Act of 1934, as amended, is amended to read as follows:

"(b)(1) Each member of the Commission shall be a citizen of the United States. A commisioner shall not engage in any other business, vocation, profession, or employment. He shall not, for a period of one year following the termination of his service as a commissioner, represent any person before the Commission in a professional capacity, except that this restriction shall not apply to any commissioner who has served the full term for which he was appointed. Not more than four members of the Commission shall be members of the same political party.

"(2) No member of the Commission or person in its employ shall be financially interested in, be employed by, or have any official relation to—

"(A) any person engaged in radio broadcasting, or the distribution of programs over wire;

"(B) any person engaged in communication by wire or radio as a common carrier;

"(C) any person a substantial part of whose activities consists of the manufacture or sale of apparatus for wire or radio communication.

"(3) Nothing herein shall preclude investment in mutual funds, holding companies, or other investment companies unless their investments are concentrated substantially in the areas covered by clauses (A) through (C) of paragraph (2).

"(4) Nothing herein shall be construed to limit any authority given to the Commission under Public Law 87–849 or other law or Executive Order to restrict further the financial interests or official relations of its employees.

"(5) Paragraph (2) of subsection (b) of this section shall not apply if the commissioner or employee advises the Government official responsible for appointment to his position of all pertinent circumstances and receives a written determination made by such official that the financial interest, employment, or official relation to a person described in paragraph (2) is not so substantial as to be deemed likely to affect the integrity of the services which the Government may except from such commissioner or employee."

SEC. 2. The second sentence of subsection (j) of section 4 of the Communications Act of 1934, as amended, is hereby repealed.

By Mr. MAGNUSON (by request):

S. 1479. A bill to amend subsection (b) of section 214 and subsection (c)(1) of section 222 of the Communications Act of 1934, as amended, in order to designate the Secretary of Defense (rather than the Secretaries of the Army and the Navy) as the person entitled to receive official notice of the filing of certain applications in the common carrier service and to provide notice to the Secretary of State where under section 214 applications involve service to foreign points. Referred to the Committee on Commerce.

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[2] Senate Report No. 2213, 87th Cong., 2d Sess., notes as the "consensus" of views that some of the conflict-of-interest statutes create wholly unnecessary obstacles to recruiting qualified people for government service.

[3] Unlike the general conflict-of-interest statute (18 U.S.C. § 208), section 4(b) does not presently have a provision for waiver of insubstantial financial interest.

[4] That sentence provides: "* * * No commissioner shall participate in any hearing or proceeding in which he has a pecuniary interest." It would seem that non-participation by a commissioner in any hearing or proceeding in which he has a pecuniary interest [section 4(j) of the Communications Act] is, if anything, not as broad as the non-participation in a wider variety of activities enumerated by 18 U.S.C. § 208 in which, to his knowledge, he, his spouse, minor child, etc., has a financial interest.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to amend subsection (b) of section 214 and subsection (c)(1) of section 222 of the Communications Act of 1934, as amended, in order to designate the Secretary of Defense (rather than the Secretaries of the Army and the Navy) as the person entitled to receive official notice of the filing of certain applications in the common carrier service and to provide notice to the Secretary of State where under section 214 applications involve service to foreign points, and ask unanimous consent that the letter of transmittal and statement of need be printed in the RECORD with the text of the bill.

There being no objection, the material and bill were ordered to be printed in the RECORD, as follows:

FEDERAL COMMUNICATIONS COMMISSION,
Washington, D.C., March 7, 1973.

The VICE PRESIDENT,
U.S. Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: The Commission has adopted as part of its legislative program for the 93d Congress a proposal to amend Sections 214(b) and 222(c)(1) of the Communicaions Act to substitute the Secretary of Defense (rather than the Secretaries instances, the Secretary of State as persons of the Army and Navy) and add, in certain entitled to receive official notice of the filing of certain applications.

Presently, when a common carrier wishes to extend its lines or to discontinue or curtail existing common carrier services, it must file an application for permission to do so. Section 214(b) of the Communications Act provides that among those entitled to receive official notice of the filing of such an application are the Secretaries of the Army and the Navy. A similar provision for official service is contained in section 222(c)(1), in the case of consolidations and mergers. The current version of these sections was enacted prior to the establishment of the Department of Defense. With a view to eliminating unnecessary paper work, the Commission proposes that sections 214(b) and 222(c)(1) be amended to provide for official notice to the Secretary of Defense. Experience has proved that while copies of applications have been sent to the Departments of the Army, Navy and Air Force, as well as the Secretary of Defense, the Department of Defense is the replying agency in the vast majority of cases. In is believed that limiting official notice to the Department of Defense should provide adequate notice to the military and, at the same time, eliminate unnecessary administrative work.

Further, the Department of State has indicated that foreign policy considerations may be involved in certain extensions or discontinuances of common carrier services. As a result, it is proposed that the Department of State be notified where authority is sought to provide service to a foreign point.

The Commission's draft bill to accomplish these revisions and the explanation of the draft bill have been submitted to the Office of Management and Budget for their consideration. We have now been advised that from the standpoint of the Administration's program, there is no objection to our submitting the draft bill to Congress for its consideration.

The Commission would appreciate consideration of the proposed amendments to the Communications Act of 1934 by the Senate. If the Senate or the Committee to which this bill may be referred would like any further information on it, the Commission will be glad to provide it upon request.

Sincerely,

DEAN BURCH,
Chairman.

STATEMENT

Explanation of the proposed amendment to section 214 and section 222 of the Communications Act of 1934, as amended, in order to designate the Secretary of Defense (rather than the Secretaries of the Army and Navy) as the person entitled to receive official notice of the filing of certain applications in the common carrier service and to provide notice to the Secretary of State where under section 214 applications involve service to foreign points

This legislative proposal would amend sections 214(b) and 222(c)(1) of the Communications Act of 1934, as amended, to designate the Secretary of Defense (rather than the Secretaries of the Army and Navy) as the person entitled to receive official notice of the filing of certain applications.

Presently, when a common carrier wishes to extend its lines or to discontinue or curtail existing common carrier services, it must file an application for permission to do so. Section 214(b) of the Communications Act provides that among those entitled to receive official notice of the filing of such an application are the Secretary of the Army and the Secretary of the Navy. A similar provision for official service is contained in section 222(c)(1), in cases of consolidations and mergers.

With a view to eliminating unnecessary paper work, the Commission proposes that sections 214(b) and 222(c)(1) of the Communications Act of 1934, as amended, be amended to provide for official notice to the Secretary of Defense and to delete "Secretary of the Army" and "Secretary of the Navy" where those titles appear in such sections. Experience has proved that while copies of applications have been sent to the Departments of the Army, Navy, and Air Force, as well as the Secretary of Defense, the Department of Defense is the agency that makes the required reply in the vast majority of cases.

Limiting official notice to the Department of Defense in such cases should provide adequate notice to the military and, at the same time, eliminate unnecessary administrative work.

The Department of State has indicated that foreign policy considerations may be involved in certain extensions or discontinuances of common carrier services. While the Commission has customarily provided notice to the Department of State of at least major matters in this area, the proposed amendment would require statutory notification to the Department of State where such applications for certificates involve service to foreign points.

Adopted: Deecmber 20, 1972.

Commissioner Reid concurring in the result.

S. 1479

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 214 of the Communication Act of 1934, as amended (47 U.S.C. 214 (b)), is amended by deleting from the first sentence thereof "the Secretary of the Army, the Secretary of the Navy," and inserting in lieu thereof "the Secretary of Defense, the Secretary of State (with respect to such applications involving service to foreign points),".

SEC. 2. That subsection (c)(1) of section 222 of the Communications Act of 1934, as amended, is amended by deleting from the first sentence thereof "the Secretary of the Army," and "the Secretary of the Navy," and inserting in lieu thereof "the Secretary of Defense," immediately after "Secretary of State," in such sentence.

By Mr. MAGNUSON (by request):

S. 1480. A bill to amend the Communications Act of 1934, as amended, with respect to penalties and forfeitures. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to amend the Communications Act of 1934, as amended, with respect to penalties and forfeitures, and ask unanimous consent that the letter of transmittal and statement of need be printed in the RECORD with the text of the bill.

There being no objection, the material and bill were ordered to be printed in the RECORD, as follows:

FEDERAL COMMUNICATIONS
COMMISSION,
Washington, D.C., March 7, 1973.

THE VICE PRESIDENT,
U.S. Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: The Commission has adopted as part of its Legislative Program for the 93d Congress a proposal to amend the Communications Act of 1934, as amended, with respect to forfeitures.

The proposal would unify and simplify the forfeiture provisions as well as enlarge their scope to cover persons subject to the Act, but not subject to forfeitures, such as community antenna (CATV) systems.

The proposal would also provide for more effective enforcement of the forfiture provisions. The limitation period for issuance of a notice of apparent liability would be extended from ninety days to three years for non-broadcast licensees and from one year for broadcast station licensees to one year or the remainder of the current license term, whichever is greater. All other persons would be subject to a three year statute of limitations. The maximum amount of forfeiture that could be imposed for a single offense would be $2,000, and the maximum for multiple offenses would be $20,000 for broadcast licensees, permittees and common carriers, and, CATV systems. The maximum forfeiture for all other persons would be $5,000.

The Commission's draft bill to accomplish these revisions and the explanation of the draft bill have been submitted to the Office of Management and Budget for their consideration. We have now been advised that from the standpoint of the Administration's program, there is no objection to our submitting the draft bill to Congress for its consideration.

The Commission would appreciate consideration of the proposed amendments to the Communications Act of 1934 by the Senate. If the Senate or the Committee to which this bill may be referred would like any further information on it, the Commission will be glad to provide it upon request.

Sincerely,

DEAN BURCH,
Chairman.

EXPLANATION OF PROPOSED AMENDMENTS TO THE COMMUNICATIONS ACT OF 1934 TO UNIFY AND STRENGTHEN CERTAIN PROVISIONS FOR THE USE OF FORFEITURES AND PENALTIES

The Federal Communications Commission recommends the amendment of the Communications Act of 1934, as amended, to unify, simplify and make more effective the forfeiture provisions of sections 503(b) and 510. Section 503 provides for forfeitures where a broadcast licensee or permittee violates the terms of his license, the Communications Act, a Commission regulation, a cease and desist order issued by the Commission, or specified provisions of title 18 of the United States Code. Section 510 provides separately for forfeitures applicable to non-broadcast radio stations where any one of twelve specified offenses occurs. It also provides for the imposition of a forfeiture upon the operator of the station in particular cases. It is proposed to amend section 503(b) and repeal section 510 to place all of these classes of forfeiture under section 503(b), which would be expanded to apply to all persons (other than where ship or common carrier forfeitures are otherwise provided for) who violate the Communications Act, a Commission rule or order prescribed under the Communications Act or a treaty, the terms of a license permit, certificate, or other instrument of authorization, or the obscenity, lottery, or fraud provisions of title 18 of the United States Code.

The principal objective of the proposed legislation is to unify and simplify the forfeiture provisions; to enlarge their scope to cover persons subject to the Act but not now under the forfeiture provisions—such as cable systems (CATV), users of Part 15 or Part 18 devices, communications equipment manufacturers, and others also subject to Commission regulations who do not hold licenses issued by the Commission; and to provide for more effective enforcement.

Prior to 1960 the Commission was empowered to revoke station licenses or station construction permits and to issue cease and desist orders to any person violating the Communications Act or a Commission rule (see section 312 of the Act) and to suspend operator licenses (see section 303(m) of the Act). There was no provision for a penalty of lesser magnitude than revocation or denial of renewal of station licenses. Because a penalty affecting the license was not warranted for all violations, the Commission needed an alternative for dealing with those who should continue to hold licenses.

Therefore, in 1960 section 503(b), 74 Stat. 889, was enacted to give the Commission the enforcement alternative of imposing forfeitures in the case of broadcast licensees or permittees; and in 1962, section 510, 76 Stat. 68, was added to permit the Commission to impose forfeitures on non-broadcast radio licensees for twelve specific kinds of misconduct. These forfeitures have proved to be useful enforcement tools.

However, after nine years of experience and reevaluation under this enforcement scheme, the Commission has concluded that common procedures with uniform sanctions for common carriers, broadcast entities, and other electronic communications businesses subject to our jurisdiction are required to deal effectively with the many forms of misconduct that impede the policy and purposes of the Communications Act. Moreover, there is a need in addition to make forfeitures applicable to the many forms of non-broadcast radio licensee misconduct that are not now covered by the twelve categories in section 510. In light of these problems, the Commission recommends that non-broadcast radio licensees no longer be governed by section 510, which should be repealed, and that they be governed instead according to the provisions of section 503 (b), which should be expanded. This comprehensive and uniform treatment would mean that the misconduct which is now subject to forfeiture under section 510 would become subject to forfeiture under the proposed section 503(b).

The proposed amendments would make three additional material alterations in the Communications Act's existing forfeiture provisions. First, the forfeiture sanctions would be made available against all persons who have engaged in proscribed conduct. Therefore, the amended section 503(b) would reach not only the broadcast station licensees and permittees now covered by section 503(b) and the other station licensees and operators now covered by section 510, but also any person subject to any provsions of the Communications Act[1] or the Commission's rules as well as those persons operating without a valid station or operator's license, those operators not required to have a license, and those licensed radio operators who are now subject only to suspension under section 303(m).

Second, the limitations period for the issuance of notices of apparent liability would be extended for broadcast station licensees from the present one year to one year or the current license term, whichever is greater, and for non-broadcast radio station licensees from the present ninety days to three years. For all other persons subject to forfeiture under the proposal, the limitations period would be three years.

Third, the maximum amount of forfeiture that could be imposed for the acts or omissions set forth in any single notice of apparent liability would be modified as follows: (1) the maximum forfeiture that could be imposed for a single offense would be $2,000; and (2) the maximum forfeiture that could be imposed for multiple offenses would be (a) $20,000 in the case of a common carrier, a broadcast station licensee or permittee, or a person engaged in distributing to the public broadcast signals by wire or engaged in distributing to the public other program services by wire if such activity is the subject of Commission regulation, and (b) $5,000 in the case of all other persons. Existing section 503(b) provides for a maximum of only $1,000 for single offenses by a broadcast station and $10,000 for multiple offenses. Those persons subject to existing section 510(a) are liable only for $100 for single offenses and a maximum of $500 for multiple offenses.

The proposed amendments to broaden the Commission's forfeiture authority would alleviate the difficulties caused by the lack of forfeiture authority against CATV systems (or other communications businesses that may become subject to our jurisdiction), users of incidental and restricted radiation devices, users of devices which contain radio frequency oscillators[2], communications equipment manufacturers, persons operating without holding a required license, and others subject to Commission regulations. Except for the Commission's cease and desist authority, which is not an effective deterrent to misconduct, enforcement of the Act or Commission rules or orders against such persons now must be by judicial action under section 401 or criminal prosecution under sections 501 and 502.

In extending the forfeiture procedures to licensed operators, the proposed amendment would provide an administrative alternative to the sometimes unduly harsh penalty of license suspension now authorized in section 303(m). License suspension may be unduly harsh if it denies the offender his customary means of livelihood for the suspension period. License suspension may also cost the offender permanent loss of his job, or of his customers if he operates a mobile radio service maintenance business. The proposed extension of the section 503(b) forfeiture provisions to licensed operators would afford the Commission an effective medium for obtaining compliance by operators, but would not cause the secondary detriments which often stem from license suspension. The administrative penalty of forfeiture would also provide a more feasible alternative to cease and desist orders or judicial enforcement under sections 401, 501 or 502, against operators who are not required to hold a license and against whom, therefore, a license suspension is not an available penalty.

Under the proposal, forfeiture liability would arise only after (1) a person has been served personally with or been sent by certified or registered mail to his last known address a notice of apparent liability; (2) he has been given an opportunity to show in writing why he should not be held liable; and (3) if he has submitted a written response, the Commission has considered his response and issued an order of forfeiture liability.

In addition to these procedural protections applicable to all persons subject to our jurisdiction, we have provided special procedural protection for a limited group of individual members of the public at large who may be presumed to be unaware of the Commission's regulation of equipment they may be operating. For example, there may be concern that an individual would be subject to forfeiture for willful maloperation of an electronic device such as a garage door opener, an electronic water heater, or electronic oven, when he may be unaware of the applicability of the Communications Act or the Commission's rules and regulations.[3]

For this limited group, no forfeiture could attach unless prior to the notice of apparent liability the Commission has sent him a notice of the violation and has provided him an opportunity for a personal interview and the individual has thereafter engaged in the conduct for which notice of the violation was sent. The Commission's obligation would be limited first of all to a sole natural person, that is an "individual" as distinct from the more general term "person" as used in section 3(i) of the Communications Act. Moreover, that individual would not be within the special protection provisions if he was engaged in an activity that required the holding of a license, permit, certificate, or other authorization from the Commission or was providing any service by wire subject to the Commission's jurisdiction.

It should be noted that this special procedure would not have to be accorded a second time to an individual who subsequently engaged in the same conduct; and the individual may be liable to a forfeiture not only for the conduct occurring subsequently but also for the conduct for which notice of a violation was sent and opportunity for a personal interview given.

Under existing provisions of the statute, which would not be changed, any person against whom a forfeiture order runs may challenge the order by refusing to pay. If the United States institutes a collection actiin, the issue of forfeiture liability would be reheard in a trial *de novo* in a U.S. District Court.

The second major modification in the Commission's proposal, the extension of the present time limitations for the issuance of notices of apparent liability is necessary if the Commission's forfeiture authority is to be an effective sanction. Because of increasing workloads and personnel shortages the ninety-day limitation in the non-broadcast services and the one-year limitation in the broadcast services are often substantial impediments to the use of the forfeiture sanction in appropriate cases. The Commission proposes that the statute of limitations for all persons holding broadcast radio station licenses under title III be extended to one year or the current license term, whichever is greater; for all other persons, the statute of limitations would be three years.

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[1] A person subject to a forfeiture under title II or parts II or III of title III or section 507 of the Act would not, however, be subject to a forfeiture under the proposed section 503(b) for the same violation. This provision in the proposal is similar to a provision now in section 510.

[2] Part 15 of the Commission's rules governs the use of devices which only incidentally emit radio frequency energy and restricted radio devices such as radio receivers. Part 18 of the Commission's rules governs the use of industrial, scientific and medical equipment, such as industrial heating equipment, all of which incorporate radio frequency oscillators. Such devices are permitted to operate without issuance of an individual license provided that they are operated in accordance with the provisions in the rules designed to minimize interference to regular radio communications services.

[3] Should the maloperation of any such device create hazards to life or property, the Commission would still have authority under section 312 to issue a cease and desist order.

With over 25,000 authorizations in the broadcast services, more than 15,000 authorizations in the common carrier services, and almost 2,000,000 authorizations in the safety and special services, it is impossible for Commission field office personnel to make regular inspections in all these services. Violations of the Communications Act or of the Commission's rules in the non-broadcast services are sometimes detected by station inspection but more generally through our field office monitoring. Monitoring usually requires transcription of tapes which in itself is a time-consuming process. Thereafter, as a matter of practice, the field office issues a notice of violation to the licensee and offers an opportunity to him to comment on or explain the alleged misconduct. In the over-whelming majority of cases, the nature and extent of the violation or the licensee's explanation thereof are such as to require no further action and the matter is closed. However, these notices of violation are also checked through the Commission's office in Washington against licensee records, and in those instances where the licensee has a history of repeated misconduct or where the instant misconduct is willful and sufficiently serious, it may be determined that the imposition of a forfeiture is called for as an appropriate deterrent against future violations.

Our experience since the enactment of the Commisison's forfeiture authority in the non-broadcast services demonstrates that with the imbalance between the number of violation cases and the number of staff personnel to review them, it is often impossible to issue the notice of apparent liability for forfeitures within the ninety-day period provided in the present statute. Considering the very great number of authorizations in the non-broadcast services, plus the great number of persons who are permitted to operate radio frequency equipment in accordance with our regulations but without holding an instrument of authorization, we believe a three-year statute of limitations for notices of apparent liability is entirely reasonable and necessary to enable the Commission to invoke more frequently the forfeiture provisions Congress has provided and thus to secure greater compliance with the Act.

Similarly, a longer statute of limitations is necessary in the broadcast field in order to enable the Commission to reach violations of the Act. The existing one-year limitations period is usually sufficient in cases arising from regular station inspection by field office personnel. However, personnel shortages do not permit more than one inspection during a three-year license term. Although violations may be disclosed and considered by the Commission during its review of license renewal applications, the comparatively minor character of such violations does not warrant denial of renewal and often the one-year period has elapsed before a notice of apparent liability can be issued. Further, in many instances, misconduct by broadcast licensees is not uncovered in regular station inspections by field office personnel, but comes to light as the result of complaints and other information received by the Commission staff in Washington. These complaints and other information may require detailed and time-consuming investigation of station operations before a determination can be made that there may have been misconduct. Subsequent to the investigation the licensee has an opportunity to comment on or explain the alleged misconduct. Thus, it is often impossible for the Commission to consider questions as to apparent culpability and appropriateness of a forfeiture sanction and then to issue the required notice of apparent liability within the one-year limitation period now provided in section 503(b). Here again the legislative objective in vesting forfeiture authority in the Commission is often frustrated by the present time limitations.

Further, the one-year limitation for the issuance of notices of apparent liability in the broadcast field sometimes produces results which are self-defeating. Thus, in one instance the Commission received information that a radio station broadcast an allegedly rigged contest. Field investigation of the station initiating the program was begun as promptly as possible. The intricacies of the alleged misconduct require a time-consuming inquiry. During the course of the inquiry Commission investigators unearthed information revealing an earlier broadcast of another rigged contest concerning which there was extensive and conclusive evidence. However, upon completion of the field investigation, the Commission was able to impose a forfeiture for only the most recent misconduct because the earlier violation had occurred more than one year before. In such a case it is still possible of course to designate the license renewal application for hearing. We stress, nevertheless, that because refusal to renew the license was the only sanction available because of the short statute of limitations, the legislative purpose of section 503(b) of the Act could not be fully implemented. The Commission needs to be able to exercise its forfeiture authority during the entire span of a broadcast license term for minor violations occurring during that license term.

The Commission is therefore proposing for broadcast licensees a statute of limitations of one year or its current license terms, whichever is greater. The proposal would permit the Commission to issue notices of apparent liability to broadcast station licensees (1) for any misconduct which occurs during a current license term and (2) for any misconduct which occurs during the last part of the prior license term if the notice of apparent liability is issued within a year of the time of the alleged misconduct.

The third major amendment the Commission is proposing is an increase in the maximum forfeitures. The currently available forfeitures are unrealistic and inadequate. In many situations the maximums are too low to permit the Commission to fashion an effective deterrent against large communications businesses. For example, the current maximum forfeiture available against a multimillion dollar broadcast licensee is $1,000 for a single violation up to a maximum of $10,000 for multiple violations. The proposal would provide more realistic forfeiture maximums for large broadcast interests, large common carriers, and other large communications businesses. Other persons would be subject to lower maximums. With the proposed maximums, the Commission would still retain the discretion to impose smaller forfeitures for offenses of lesser gravity. The Commission fully recognizes the necessity of tailoring forfeitures to the nature of the offense and the offender and has done so within the present statutory authority. Furthermore, the Commission would still have the authority to mitigate or remit forfeitures after considering a request for such relief.

One relatively minor amendment is also being proposed. By deleting section 510 as proposed, the Commission would be relieved of the obligation to provide a personal interview at the request of a non-broadcast station licensee or operator who receives a notice of apparent liability. Proposed section 503(b)(2), which incorporates much of the substance of section 510, does not include the interview provision. The Commission's experience is that only ten to fifteen percent of the persons to whom a notice of apparent liability has been issued avail themselves of the interview opportunity. Furthermore, seldom does an interview elicit any data which the licensee has not already furnished to the Commission, either in response to the notice of a violation or to the notice of apparent liability.

On the other hand, interviews in only ten to fifteen percent of these instances impose substantial burdens upon field offices. Critical engineering personnel must be diverted from regular pressing duties to interview the suspected violator and must then submit detailed reports to the Commission's main office in Washington, D.C. Commission personnel at the Washington, D.C. office then must coordinate all of the documents relevant to a given notice of apparent liability that may have been accumulated in several field offices and transmit the documents to the field office where the interview is scheduled. On balance, the Commission believes that the public, and the non-broadcast licensees and operators themselves, would best be served by the deletion of the field office interview provision from the forfeiture section.

Furthermore, it would be impossible for the Commission to continue interviews with non-broadcast licensees and at the same time provide personal interviews to members of that group of individuals who would now be subject to forfeitures for the first time and for whom special procedural protections are being proposed in section 503(b)(3). As between the two groups the Commission believes the public interest would be better served by the interviews that would be required under proposed section 503(b)(3).

Lastly, the Commission is seeking authority to mitigate or remit forfeitures imposed under title II of the Communications Act concerning common carriers. The Commission now has no express authority to remit, mitigate, or otherwise reduce a forfeiture imposed under these common carrier provisions, although section 504(b) provides express authority to mitigate or remit forfeitures under parts II and III of title III, and sections 504(b), 507 and 510. Since the Commission has this authority with respect to all other forfeitures which it can summarily impose, there is no reason not to include within this authority the common carrier forfeitures in title II. Moreover, it is reasonable to permit the Commission to exercise its authority to mitigate or remit on its own motion rather than awaiting an application for action. The Commission should be able to exercise its judgment before imposing a fine if the circumstances warrant a reduction or cancellation of a forfeiture.

In conclusion, the more uniform, comprehensive, and higher forfeiture provisions and the related modifications which the Commission now seeks should contribute substantially to greater compliance with the law and better administrative enforcement of the law.

Adopted: October 5, 1972.

Commissioner Johnson not participating; Commissioner Reid absent.

S. 1480

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That

SECTION 1. Section 503(b) of the Communications Act of 1934 as amended (47 U.S.C. 503(b)), is amended to read as follows:

"(b) (1) Any person who—

"(A) willfully or repeatedly fails to operate a radio station substantially as set forth in a license, permit or other instrument or authorization;

"(B) willfully or repeatedly fails to observe any of the provisions of this Act or of any certificate, rule, regulation, or order of the Commission prescribed under authority of this Act or under authority of any agreement, treaty or convention binding on the United States;

"(C) violates section 317(c) or section 509(a) (4) of this Act; or

"(D) violates sections 1304, 1343, or 1464 of title 18 of the United States Code;

shall forfeit to the United States a sum not to exceed $2,000. Each act or omission constituting a violation shall be a separate offense for each day during which such act or omission occurs. Such forfeiture shall be in addition to any other penalty provided by this Act; *provided*, however, that such forfeiture shall not apply to conduct which is subject to forfeiture under title II of this Act; *and provided further*, that such forfeiture shall not apply to conduct which is subject to forfeiture under part II or part III of title III or section 507 of this Act.

"(2) No forfeiture liability under paragraph (1) of this subsection (b) shall attach to any person unless a written notice of apparent liability shall have been issued by the Commission, and such notice has been received by such person or the Commission shall have sent such notice by registered or certified mail to the last known address of such person. A notice issued under this paragraph shall not be valid unless it sets forth the date, facts and nature of the act or omission with which the person is charged, and specifically identifies the particular provision or provisions of the law, rule, regulation, agreement, treaty, convention, license, permit, certificate, other authorization, or order involved. Any person so notified shall be granted an opportunity to show in writing, within such reasonable period as the Commission shall by rule or regulation prescribe, why he should not be held liable.

"(3) No forfeiture liability under paragraph (1) of this subsection (b) shall attach to any individual who does not hold a license, permit, certificate, or other authorization from the Commission unless prior to the written notice of apparent liability required by paragraph (2) above, the individual has been sent a notice of the violation, has been given reasonable opportunity for a personal interview with an official of the Commission at the field office of the Commission nearest to the individual's place of residence and thereafter has engaged in the conduct for which notice of the violation was sent; *provided*, however, that the requirement of this subsection for a notice of the violation and opportunity for a personal interview shall not apply if the individual is engaging in activities for which a license, permit, certificate, or other authorization is required or is providing any service by wire subject to the Commission's jurisdiction; *and provided further*, that any individual who has been sent a notice of the violation, has been given a reasonable opportunity for a personal interview and thereafter engages in the conduct for which the notice was sent shall not be entitled to a further notice for the same conduct and may be subject to forfeiture for the initial and all subsequent violations.

"(4) No forfeiture liability under paragraph (1) of this subsection (b) shall attach for any violation—

"(A) by any person holding a broadcast station license under title III of this Act if the violation occurred (i) more than one year prior to the date of the issuance of the notice of apparent liability or (ii) prior to the date beginning the current license term, whichever date is earlier, or

"(B) by any other person if the violation occurred more than three years prior to the date of issuance of the notice of apparent liability.

"(5) In no event shall the total forfeiture imposed for the acts or omissions set forth in any notice of apparent liability issued hereunder exceed—

"(A) in the case of (i) a common carrier subject to this Act, (ii) a broadcast station licensee or permittee, or (iii) a person engaged in distributing to the public broadcast signals by wire or engaged in distributing to the public other program services by wire if such activity is the subject of Commission regulation, $20,000;

"(B) in the case of any other person, $5,000."

Sec. 2. Section 510 of the Communications Act of 1934, as amended (47 USC § 510), is hereby repealed.

Sec. 3. Section 504(b) of the Communications Act of 1934, as amended (47 USC § 504 (b)), is amended by deleting the words "parts II and III of title III and section 503 (b), section 507, and section 510" and substituting the words "title II and parts II and III of title III and sections 503(b) and 507", and by deleting the phrase ", upon application therefor,".

Sec. 4. Any act or omission which occurs prior to the effective date of this Act and which incurs liability under the provisions of sections 503(b) or 510 as then in effect will continue to be subject to forfeiture under the provisions of sections 503(b) and 510 as then in effect.

Sec. 5. The amendments made by this Act shall take effect on the thirtieth day after the date of its enactment.

By Mr. MAGNUSON (by request):

S. 1481. A bill to amend section 1(16) of the Interstate Commerce Act authorizing the Interstate Commerce Commission to continue rail transportation services. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to amend section 1(16) of the Interstate Commerce Act authorizing the Interstate Commerce Commission to continue rail transportation services, and ask unanimous consent that the letter of transmittal and statement of purpose be printed in the Record with the text of the bill.

There being no objection, the material and bill were ordered to be printed in the Record, as follows:

Interstate Commerce Commission,
Office of the Chairman,
Washington, D.C., March 8, 1973.

Hon. Warren G. Magnuson,
Chairman, Committee on Commerce, U.S. Senate, Washington, D.C.

Hon. Harley O. Staggers,
Chairman, Committee on Interstate and Foreign Commerce, House of Representatives, Washington, D.C.

Gentlemen: The events of the last few weeks have refocused national attention on the urgent need to develop additional methods to deal with the railroad crisis in the Northeast section of our nation.

The Commission visualizes the situation as a community problem warranting resolution on a coordinated basis. We have prepared contingency plans to attempt to preserve essential service if certain railroads shut down. In that context we have encouraged railroads to plan together a more rational rail system in the Northeast.

On February 12, 1973, we embarked upon a major attempt to develop a new program for bringing order out of the economic chaos which has overtaken railroads serving the Northeast. The purpose of the Commission's effort, entitled Ex Parte No. 293, *Northeastern Railroad Investigation*, is to gather information concerning the actual operations of the carriers involved; to identify and plan for the preservation of essential rail services; to provide a vehicle for exploring with the reorganization courts and the trustees of the railroads in reorganization ways in which cooperative endeavors might permit operating efficiencies through the reduction of duplicative services and facilities without impairing service; and to develop recommendations for the consideration of the Congress. The time frame of the proceeding is such that we hope to submit positive, comprehensive recommendations to you concurrently with the Department of Transportation's report required in S.J. Res. 59.

In the interim, however, there is one change in existing law which should be made without delay; it involves an amendment to section 1(16) of the Interstate Commerce Act. That amendment, enclosed herewith, would empower us to direct one railroad to operate over the lines of another when the latter is unable to transport essential tendered traffic.

The enclosed draft bill was introduced into the 92nd Congress as S. 2494 (hearings were held September 16, 1972) and H.R. 9748, but they did not pass either House. With the jurisdiction conferred upon us by this bill, the Commission could foreclose any real or threatened shutdown of necessary rail service. Now, if a close down occurs or is threatened, the Commission can exercise certain emergency powers to alleviate the crisis; but those powers stop short of our ordering one railroad to operate over the lines of another.

As you are aware, the nation's railroads operate as an integrated system, notwithstanding the fact that the system consists of many individual enterprises. The crucial point is that the system is interreliant and that by law each is required to do such things as exchange traffic and rolling stock so that a shipper can tender his traffic to one carrier with the knowledge that it will be delivered at any rail point in accordance with shipping instructions. If one operation terminates because of some crisis, the effect will ripple throughout the entire system. With section 1(16) amended as we propose, at least three important objectives can be achieved. First, the Commission would be able to prevent a cessation of essential service by directing adjacent or other connecting carriers to conduct operations over a defunct carrier's lines. Secondly, by maintaining such service, the Commission can prevent a ripple effect which otherwise could thrust marginal connecting carriers into bankruptcy. And thirdly, the connecting carriers, knowing that they could be subjected to mandatory orders by the Commission to take over temporary operations of some or all the non-operating carrier's services, and knowing that a crisis-caused bargain will not be available to them, would be more apt to enter into constructive negotiations on a timely basis for the preservation of service through participation in the debtor's reorganization.

The urgent situation in the Northeast alone merits that this bill be favorably considered and passed as soon as possible by the Congress; however, beyond that situation other future crises involving service voids will inevitably occur and have to be overcome. With this additional power, we can move to meet those crises if and when they happen.

We, therefore, submit the enclosed draft bill with the hope that it will receive immediate and positive Congressional attention.

Sincerely yours,
George M. Stafford,
Chairman.

STATEMENT OF PURPOSE OF DRAFT BILL

The draft bill would amend section 1(16) of the Interstate Commerce Act so as to give the Interstate Commerce Commission the necessary authority to order one railroad to operate over the lines of another in an emergency situation. Examples of when such a situation could occur are when a carrier ceases operating for lack of funds or when a carrier in reorganization is ordered by the court under section 77 of the Bankruptcy Act to cease operating to preserve assets for its creditors.

S. 1481

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1(16) of the Interstate Commerce Act (49 U.S.C. 1(16)) is amended to read as follows: "Whenever the Commission is of opinion that any carrier by railroad subject to this part is for any reason unable to transport the traffic offered it so as properly to serve the public, it may, upon the same procedure as provided in paragraph (15), make such just and reasonable directions with respect to the handling, routing, and movement of the traffic of such carrier and its distribution over *such carrier's or* other lines of roads, as in the opinion of the Commission will best promote the service in the interest of the public and the commerce of the people, and upon such terms as between the carriers as they may agree upon, or, in the event of their disagreement, as the Commission may after subsequent hearing find to be just and reasonable."

By Mr. MAGNUSON (by request):

S. 1482. A bill to authorize appropriations for the Coast Guard for the procurement of vessels and construction of shore and offshore establishments, to authorize appropriations for bridge alterations, to authorize for the Coast Guard an end year strength for active duty personnel, to authorize for the Coast Guard average military student loads, and for other purposes. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to authorize appropriations for the Coast Guard for the procurement of vessels and construction of shore and offshore establishments, to authorize appropriations for bridge alterations, to authorize for the Coast Guard an end year strength for active duty personnel, to authorize for the Coast Guard average military student loads, and for other purposes and ask unanimous consent that the letter of transmittal be printed in the RECORD with the text of the bill.

There being no objection, the letter and bill were ordered to be printed in the RECORD, as follows:

SECRETARY OF TRANSPORTATION,
Washington, D.C., February 23, 1973.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is transmitted herewith a draft of a bill,

"To authorize appropriations for the Coast Guard for the procurement of vessels and construction of shore and offshore establishments, to authorize appropriations for bridge alterations, to authorize for the Coast Guard an end year strength for active duty personnel, to authorize for the Coast Guard average military student loads, and for other purposes."

This proposal is submitted under the requirements of Public Law 88–45 which provides that no funds can be appropriated to or for the use of the Coast Guard for the procurement of vessels or aircraft or the construction of shore or offshore establishments unless the appropriation of such funds is authorized by legislation. Section 2 of the proposed bill responds to section 302 of Public Law 92–436 which directs that Congress shall authorize for each fiscal year the end strength as of the end of the fiscal year for active duty personnel for each component of the Armed Forces. Section 3 responds to section 604 of the same Public Law which provides that Congress shall authorize for each component the average military training student loads for each fiscal year. Section 4 authorizes funds for the use of the Coast Guard for payments to bridge owners for the cost of alteration of railroad and public highway bridges to permit free navigation of the navigable waters of the United States under the Act of June 21, 1940 (54 Stat. 497), as amended.

The proposal includes, as it has previously, all items of acquisition, construction, and improvement programs for the Coast Guard to be undertaken in fiscal year 1974 even though the provisions of Public Law 88–45 appear to require authorization only for major facilities and construction. Inclusion of all items avoids the necessity for arbitrary separation of these programs into two parts with only one portion requiring authorization.

Not all items, particularly those involving construction, are itemized. For example, those involving pollution abatement, navigational aids, light station automation, public family quarters, and advanced planning projects contain many different particulars the inclusion of which would have unduly lengthened the bill.

In further support of the legislation, the cognizant legislative committees will be furnished detailed information with respect to each program for which fund authorization is being requested in a form identical to that which will be submitted in explanation and justification of the budget request. Additionally, the Department will be prepared to submit any other data that the committees or their staffs may require.

It would be appreciated if you would lay this proposal before the Senate. A similar proposal has been submitted to the Speaker of the House of Representatives.

The Office of Management and Budget has advised that enactment of this proposed legislation is in accord with the President's program.

Sincerely,

CLAUDE S. BRINEGAR.

S. 1482

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That funds are hereby authorized to be appropriated for fiscal year 1974 for the use of the Coast Guard as follows:

Vessels

For procurement and increasing the capability vessels, $23,979,000.

(A) Procurement:

(1) 75 foot inland construction tenders.

(2) small boat replacement program.

(3) design of vessels.

(B) Renovation and increasing capability:

(1) renovate and improve buoy tenders.

(2) re-engine and renovate coastal buoy tenders.

(3) abate pollution by oily waste from Coast Guard vessels.

(4) abate pollution by non-oily waste from Coast Guard vessels.

Construction

For establishment or development of installations and facilities by acquisition, construction, conversion, extension, or installation of permanent or temporary public works, including the preparation of sites and furnishing of appurtenances, utilities, and equipment for the following, $50,521,000.

(1) Portsmouth, Virginia: Construct new Coast Guard Base, Phase IIa.

(2) Portsmouth, Virginia: Construct new Communications Station.

(3) Monterey and Santa Cruz, Calif.: Rebuild Monterey Station, construct Santa Cruz Unmanned Moorings.

(4) Montauk Point, N.Y.: Control erosion at Montauk Point Light Station.

(5) Cape May, N.J.: Construct dining Hall at recruit training center.

(6) Brooklyn, N.Y. and Wildwood, N.J.: Expand interim centralized electronic systems maintenance facilities.

(7) Carolina Beach, N.C.: Construct barracks at Loran C Station.

(8) Fort Lauderdale, Fla.: Increase capability of Ft. Lauderdale Station.

(9) New Orleans, La.: Expand New Orleans Air Station.

(10) San Diego, Calif.: Control erosion at Light Station Pt. Loma.

(11) San Diego, Calif.: Improve San Diego Air Station.

(12) Astoria, Oreg.: Expand Astoria Air Station.

(13) Attu Island, Alaska: Rebuild airstrip bridge.

(14) Kodiak, Alaska: Renovate and consolidate Kodiak Base.

(15) Cheboygan, Mich.: Construct moorings for Coast Guard Cutter *Mackinaw*.

(16) Various locations: Waterways Aids to Navigation Projects.

(17) Various locations: Abate pollution at Coast Guard shore stations.

(18) Various locations: Lighthouse Automation and Modernization Program.

(19) Various locations: Large navigational buoys to replace lightships.

(20) New York, N.Y.: Establish Vessel Traffic System, Phase I.

(21) Puget Sound, Wash.: Vessel Traffic System, Part 1 of Phase III.

(22) New Orleans, La.: Establish Vessel Traffic System, Phase I.

(23) Various locations: Public Family Quarters.

(24) Various locations: Advance planning, survey, design, and architectural services; project administration costs; acquire sites in connection with projects not otherwise authorized by law.

SEC. 2. For fiscal year 1974 the Coast Guard is authorized an end strength for active duty personnel of 37,236; except that the ceiling shall not include members of the Ready Reserve called to active duty under the provisions of Public Law 92–479.

SEC. 3. For fiscal year 1974 military training student loads for the Coast Guard are authorized as follows:

(1) recruit and special training, 3,946 man-years.

(2) flight training, 86 man-years.

(3) professional training in military and civilian institutions, 231 man-years.

(4) officer acquisition training, 1,200 man-years.

SEC. 4. For use of the Coast Guard for payment to bridge owners for the cost of alterations of railroad bridges and public highway bridges to permit free navigation of navigable waters of the United States. $7,000,000 is hereby authorized.

By Mr. INOUYE (for himself, Mr. MAGNUSON, Mr. MOSS, and Mr. CANNON):

S. 1483. A bill to amend the Export Trade Act. Referred jointly to the Committees on Commerce and the Judiciary by unanimous consent.

Mr. INOUYE. Mr. President, in the last Congress, Senator MAGNUSON and I introduced a number of related bills (S.

4113–S. 4120) concerning export expansion. The legislation focused on one central theme, namely, that it was the responsibility—indeed, duty—of the Federal Government to encourage American firms to engage in export sales and to promote vigorously the efforts of American business to sell abroad.

Our belief that strong, immediate action on our trade imbalance is needed has been strengthened recently. There is, perhaps, little that one can add to the commentary about the monetary crisis of the last few weeks. The events have underlined a major feature about international commercial and monetary affairs. The dollar is now viewed as a weak currency whose intrinsic value is subject to serious question.

It is true that we are enjoying an economic recovery. However, this encouraging economic development is counterbalanced, at least in the eyes of corporate treasurers, speculators, and bankers, by our serious merchandise trade and balance of payments deficits. In short, we are pouring out billions of dollars to add to the bulging stockpile of dollars already held by foreigners.

In 1972 we suffered a trade deficit of $6.4 billion f.o.b. This is more than 3 times the imbalance of $2.1 billion in 1971. Reliance on the automatic adjusting mechanism of currency revaluation has proven unduly optimistic. The so-called "Smithsonian Agreement," hailed at one time as "the most significant monetary agreement ever made," has been buried in 14 months. One can hardly be blamed for wondering whether the new agreement will have greater durability.

Figures just released by the Commerce Department confirm the dismal monetary picture. Last year we incurred a $10.1 billion deficit in the official reserve transaction balance, which covers dollar holdings of foreign central banks and other governmental agencies. On a liquidity basis, we had the second biggest deficit ever—$13.8 billion.

President Nixon has announced plans to ask for additional authority from the Congress to deal with excessive imports. His proposals will, I am certain, receive full and sympathetic examination by the Congress. As Americans, we can all agree on the need to obtain a "fair shake" in international commercial dealings.

However, the resolution of the commercial-monetary crisis will require a broad perspective that must encompass more than the currency readjustments and additional tariff authority. As the most recent monetary difficulties graphically demonstrated, tinkering with the monetary mechanism is inadequate. Many items in world trade are price-inelastic and hence do not respond to price changes. Moreover, as the incomes of American consumers rise, they can continue purchasing foreign goods even though they pay more. Finally, the intervention of governments in commercial transactions means that market forces do not operate freely, and the consequent distortions will diminish the benefits of a devaluation.

In 1972 a study by the International Economic Policy Association entitled "The U.S. Balance of Payments: From Crisis to Controversy" concluded that only a limited volume of trade is price sensitive and that even if the United States eliminated its trade deficit we should not expect a large surplus for several years—if at all. The lesson is clear. Nothing short of a major national effort to make the American economy price-competitive and to increase our sales efforts abroad can end the chronic deficits which plague our economy.

The crisis in our balance of payments and foreign trade has led many well-meaning Americans to advocate the establishment of high barriers to imports and to the free flow of capital and technology. Such legislation is ill-considered and dangerous. The passage of such legislation would not only be an admission to the rest of the world that we cannot or will not compete but it would probably also precipitate a massive trade war in which everyone would lose.

The legislation which I am introducing today, with the cosponsorship of Senators MAGNUSON, MOSS, and CANNON approaches our trade problems in a positive manner. The bills are in most respects similar to S. 2754 on which hearings were held in early 1972. As a result of those hearings, I believe that we have an ample legislative record to justify expeditious treatment of much of the program. For jurisdictional reasons, we have decided to separate S. 2754 into six bills, which can be referred more easily to House committees.

A detailed description of the individual bills is given below. I would like to make an additional comment about the bill which would establish an International commerce service within the Department of Commerce. Members of the Service would have the responsibility for representing American commercial interests in American missions abroad as commercial minister, counselor, attaché, officer or any such titles as may be prescribed by the Secretary of Commerce.

The bill was introduced in response to dissatisfaction with the commercial representation that the American business community has been receiving overseas. Studies of business attitudes confirmed that by and large American executives were unhappy with the kind of assistance which American Foreign Service officers afforded them. The indifference shown was in marked contrast to the aggressive, eager help which foreign diplomats extended to their nationals.

We no longer can afford the luxury of ignoring our overseas commercial interests. I am pleased to report that the events of the last 2 years have not been lost on the Department of State. Prodded by the Congress and intradepartmental concern, opportunities for commercial officers in the Department have improved, and the commercial function is being upgraded. Indeed, some individuals have advised me that work within the commercial zone is now considered a prerequisite for advancement within the Foreign Service.

These developments are welcome even if long overdue. However, the changes have lagged far behind actual needs, and they were effected only after unnecessary delay. A decade ago this issue of functional priorities arose. Reforms were promised, only to atrophy as interest in the subject waned. The international economic arena has substantially altered, and our foreign trade needs are more compelling than ever. While I would very much like to believe that the new emphasis on commercial affairs is permanent, the history of previous reform efforts is not encouraging. Without wishing to detract from the achievements of the Department of State, I am reintroducing the bill because of my profound concern that the reordering of priorities is not yet complete.

Mr. President, I realize that the program represented by the bills being introduced today is no panacea for our international economic ills; however, I believe that it is a positive, workable program which represents a major step in strengthening Federal efforts in the export area.

INTERNATIONAL COMMERCE SERVICE

This bill would establish an International Commerce Service within the Department of Commerce. Members of the Service would replace the commercial officers currently serving in American missions abroad and would have diplomatic immunity and a status equivalent to that enjoyed by Foreign Service officers of comparable rank and salary.

EXPORT EXPANSION

This is an omnibus bill which establishes a number of new programs and incentives to promote American exports.

Title I would establish a Trade Development Corps to consist of up to 500 Americans from private industry with master of business administration degrees or other business skills to be assigned on trade development projects of various kinds, including serving abroad, conducting surveys, investigations, and studies, and assisting other Government personnel and the private business community on trade matters.

Title II would authorize the establishment of a program of grants to local, State, and regional governments for projects designed to encourage exporting by small, medium-sized, and inexperienced firms.

Title III would establish a new export training program within the Department of Commerce to train new and potential American exporters.

Title IV would authorize the creation of regional American merchandise centers, which would serve as multipurpose trade centers offering such diverse services as warehousing, distributing, translating, counseling, and so forth. The objective of this program is to provide these services to the new exporter until he is able to sustain himself in the market, at which time he would be expected to make room for a new American firm.

Title V would establish a joint export association program to permit the Government to enter into cost-sharing contracts with private firms and individuals.

Title VI directs the Secretary of Commerce to reduce to the greatest extent possible documentation requirements under this bill.

Title VII would reorganize the Department of Commerce by separating the post of Assistant Secretary for Domestic and International Business into two separate assistant secretaryships. The new International Commerce Administration, headed by an Assistant Secretary for International Business, would be the focus within the Department for international commercial operations. The title would also establish a Domestic Commerce Administration, headed by an Assistant Secretary for Domestic Business. Finally, this title would require biennial authorizations for international business activities within the Department. This new requirement will enable the Congress to examine the budget request for foreign commercial programs every other year apart from other departmental items and to make such changes as may be necessary to improve our export performance.

WEBB-POMERENE ACT AMENDMENTS

Many American businessmen have alleged that the strict application of antitrust laws has inhibited their ability to compete on equal terms with their foreign competitors. S. 2754 contained a title authorizing the establishment of chartered export associations organized purely for exporting. During hearings on the bill, former Chairman of the Federal Trade Commission, Miles Kirkpatrick, testified in opposition to it and suggested that changes in the Export Trade Act of 1918—Webb-Pomerene Act—would be more appropriate. The new bill incorporates the changes suggested by Mr. Kirkpatrick.

The bill also amends the 1918 Act by including the exports of services among those activities which can be exempted. Since our economy is increasingly service-oriented, it is highly important to equalize the treatment accorded to manufactured goods and services.

COMMISSION ON FOREIGN PROCUREMENT PRACTICES

This bill establishes a Commission on Foreign Procurement Practices to study foreign governments procurement procedures and to compare them to American practices. The Commission would issue a report on ways to equalize international procurement practices and, if discriminatory practices against American companies persist, how the United States can respond to foreign firms seeking government business in the United States.

OCEAN FREIGHT RATE DISPARITIES

Currently shipping conference tariffs often set forth a rate two or three times as high as carrying a commodity from a point in the United States to a foreign destination as to carry the identically described commodity between the same two points in the opposite direction. The Export Expansion Act, S. 2754, contained in it a title which was intended to vastly simplify tariffs and to permit meaningful analyses of disparities. Testimony at the hearings from the steamship industry indicated that the provisions as drafted would not be practical, at least at present. However, the matter does not end here since there is ample evidence that existing shipping conference tariffs contain undue proliferations and overlappings of commodity descriptions making a meaningful comparison of rates impossible.

The legislation which is being introduced today is a revision of the original language and would promote uniformity in tariff commodity descriptions. I believe this is a necessary first step in analyzing what disparities exist, if any, and to dealing with them.

GREATER RECOGNITION OF FOREIGN TRADE IMPACT ON FEDERAL DECISIONMAKING

Historically the United States has placed very little emphasis on foreign trade and finance. Although the United States is the world's dominant economic power, the base of this strength has been our continental-sized economy with its large and prosperous markets. The total volume of our foreign trade is less than 9 percent of our GNP. This compares to Germany's 38 percent, United Kingdom's 38 percent, and Japan's 22 percent. It is thus comprehensible that these nations should place the utmost importance on international commerce. For almost the entire post-World War II period, the United States gave far more emphasis to politics and security than to economics and commerce.

Our ability to subordinate economics and commerce to political considerations has ended. In spite of the recent growth of the American economy, most other industrial nations are growing much faster. With the aid of their governments, foreign businesses are investing more in industrial capacity, research and development, and sales promotion. Indifference to these developments is a luxury we can no longer afford.

I believe that we must give more careful consideration to our international economic interests, balance of payments, and balance of trade when we are making Government policy. Also, I believe that more emphasis should be given to coordinating various Government actions that affect our international economic positions. The bill being introduced today would require all Federal agencies to issue a foreign trade impact statement whenever they propose to take action significantly affecting our international economic relations, balance of trade, or balance of payments. In drafting the statement, the agencies will be compelled to consult with other governmental agencies to consider the following: balance of payments; balance of trade; international economic relations; domestic employment; and alternatives to the proposed action.

Enactment of the bill would not result in undue delay of Government actions as a result of litigation arising from the impact statement requirement because the bill provides no cause of action or claim for relief can be sought under its provisions.

I ask unanimous consent that this bill be referred jointly and simultaneously to the Committee on Commerce and the Committee on the Judiciary, that following the reporting of the bill by either committee the other committee shall have 45 calendar days thereafter to report the bill, that following such 45 days the committee not reporting the bill shall be considered to have discharged the bill, and that it be placed on the Senate Calendar of Business.

The PRESIDING OFFICER. Without objection, it is so ordered.

By Mr. McGOVERN (for himself and Mr. ABOUREZK):

S. 1490. A bill to expand the membership of the Advisory Commission on Intergovernmental Relations to include elected school board officials. Referred to the Committee on Government Operations.

Mr. McGOVERN. Mr. President, one of the most critical areas of public service today is education, in both the financial and the social sense. Accordingly, decisions made in education must be made with the participation of those in the field.

Yet the National Advisory Commission on Intergovernmental Relations, which recommends improved public service through better coordination of all areas of government, does not have among its membership representatives from the local school boards.

I feel that important decisions should not be made in this area without the advice and counsel of people whose responsibilities are so much at stake. Therefore, I introduce a bill which will increase membership on the Commission from 26 to 28, the two additional members to be appointed by the President from four elected school board officials from names submitted by the National School Boards Association.

I ask unanimous consent that the proposed legislation be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1490

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 3(a) of the Act entitled "An Act to establish an Advisory Commission on Intergovernmental Relations" approved September 24, 1959 (42 U.S.C. 4271 et seq.), is amended—

(1) by striking out 'twenty-six members" in the matter preceding paragraph (1) and inserting in lieu thereof "twenty-eight members"; and

(2) by striking out "and" at the end of paragraph (6), by striking out the period at the end of paragraph (7) and inserting in lieu thereof "; and"; and by inserting after paragraph (7) the following new paragraph:

"(8) Two appointed by the President from a panel of at least four elected school board officials submitted by the National School Boards Association."

(b) Section 3(b) of such Act is amended by adding at the end thereof the following new sentence: "Of the members appointed under paragraph (8) of subsection (a) of this section not more than one shall be from any one political party and not more than one from any one State."

SEC. 2. (a) Section 4(c) of such Act is amended by striking out "and (7)" and inserting in lieu thereof "(7), and (8)".

(b) Section 4(e) of such Act is amended by striking out "Thirteen" and inserting in lieu thereof "Fourteen".

SEC. 3. Section 7(a) of such Act is amended by inserting "or of school boards" after "county governments".

By Mr. JACKSON (by request):

S. 1491. A bill to amend the Organic Act of Guam. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, by letter of March 13, 1973, Senator G. M. Bamba, legislative secretary of the 12th Guam Legislature, transmitted Resolution No. 43 requesting the Congress to remove section 11 of the Organic Act of Guam. This section of the act prohibits public indebtedness of Guam in excess of 10 percent of the aggregate tax evaluation of property in the territory.

In response to this resolution of the Guam Legislature, I am today introducing legislation, drafted by the Senate legislative counsel's office, to amend the Guam Organic Act in accordance with the request that has been made.

I reserve judgment as to whether this course of action is the proper one to follow in assisting Guam in financing needed capital improvements. However, the introduction of this bill will permit the entire matter to be thoroughly explored.

Mr. President, I ask unanimous consent that Resolution No. 43, together with the letter of transmittal, be included in the RECORD following my remarks.

There being no objection, the letter and resolution were ordered to be printed in the RECORD, as follows:

12TH GUAM LEGISLATURE,
Agana, Territory of Guam, March 13, 1973.

Hon. HENRY M. JACKSON,
Chairman, Senate Committee on Interior and Insular Affairs, Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Transmitted herewith is Resolution No. 43, "Relative to respectfully requesting the Congress of the United States to amend Section 11 of the Organic Act of Guam which prohibits public indebtedness of Guam in excess of ten percent of the aggregate tax evaluation of property in Guam", duly and regulatory adopted by the Legislature.

Sincerely yours,

G. M. BAMBA,
Legislative Secretary.

RESOLUTION NO. 43

Relative to respectfully requesting the Congress of the United States to amend section 11 of the Organic Act of Guam which prohibits public indebtedness of Guam in excess of ten percent of the aggregate tax evaluation of property in Guam

Be it resolved by the Legislature of the Territory of Guam:

Whereas, the government of Guam is facing a fiscal crisis because of the ever-increasing demands for public services and capital improvements by a population increasing at a rate perhaps greater than that of any other American community, the median age of Guam's inhabitants being fourteen, over twelve years younger than that of the United States at large, and the number of immigrants coming to Guam from the surrounding nations of the Far East being so high as to substantially distort upwards the population growth curve, and while tax revenues of the government are increasing, the increase is not great enough to keep up with either the explosive population growth rate or the new demands made by an economy no longer able to depend upon military spending alone; and

Whereas, in casting about for other means of financing capital improvements, particularly for public schools so badly needed in Guam, the Legislature has investigated the issuance of general obligation bonds of the territory but has found that the proviso in Section 11 of the Organic Act of Guam which limits such bonds to ten percent of the aggregate tax valuation of property in Guam effectively prevents the use of these bonds at all since any general obligation bond issue would have to be so small that it would not be worth the trouble and expense of arranging; and

Whereas, since the territory wishes to stand on its own feet insofar as it is able to do so, it is hopeful that Congress will take a second look at this provision of the Organic Act and remove this artificial limitation so as to permit the people of Guam to issue general obligation bonds in reasonable amounts; now therefore be it

Resolved, that the Twelfth Guam Legislature does hereby on behalf of the people of Guam respectfully request, petition and memorialize the Congress of the United States of America to amend Section 11 of the Organic Act of Guam to remove the provision therein that no public indebtedness of Guam shall be authorized in excess of ten percent of the aggregate tax valuation of property in Guam; and be it further

Resolved, that the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the Secretary of the Interior, to the Speaker of the House of Representatives, to the President of the Senate, to the Chairmen of the Committees on Interior and Insular Affairs, U.S. Senate and House of Representatives, to the Washington Delegate and to the Governor of Guam.

Duly and regularly adopted on the 27th day of February, 1973.

By Mr. HARTKE:

S. 1492. A bill to create a Senate Tax Reform Commission. Referred to the Committee on Finance.

Mr. HARTKE. Mr. President, I introduce today, for appropriate reference, a bill which would create a commission to study our tax laws and propose desirable changes. Title 26, the Internal Revenue Code, occupies hundreds of pages of the 1964 edition of the United States Code, and amendments to title 26 occupy an additional hundreds more. Hundreds of amendments to the code are offered to every Congress, yet no completely comprehensive study of our tax laws and their functions has ever been made.

The Federal Government raises some $208 billion in tax revenues annually. The way in which this is done is undoubtedly the single most important factor in the economic life of the Nation, if not in the entire spectrum of goods and activities on which taxes are levied. The rates of taxation of each item, the degree of graduation of rates, the numerous special provisions intended to encourage or discourage specific activities, the loopholes and quirks in the law which sometimes have effects quite different than the original intents; these have an extremely strong, in some cases determining, impact on all phases of American life. Slight changes in one or more provisions can vastly alter for large segments of the economy choices between more consumption or greater saving, among the various possible allocations of investment. By the judicious framing of various provisions, we can provide incentives for greater or lesser spending on housing, on pollution control, on urban renewal, on medical research, or on production of hula hoops.

The time is long overdue for us to examine our tax structure as an integrated whole: to decide what objectives we wish to accomplish, to determine the specific influences of individual provisions with respect to each of these goals, to learn what we can about the interrelationships among various goals and instruments designed to achieve them in order to eliminate counteracting influences, and finally to determine an integrated policy to achieve, or help to achieve, the desired results.

My bill will create a commission which will study the situation in all of its aspects. The commission will submit interim reports as and when it considers advisable, and within 2 years will submit a final report, which will shed light on the aforementioned considerations.

We can no longer afford to deal piecemeal with tax problems as they occur to us or are forcibly impressed upon us. Nor can we continue to consider individual issues in isolation, that is without allowance for the complicated interrelationships that exist. And finally we cannot abdicate our responsibility to consider the far-reaching effects of each provision of our tax system, for whether we change the structure or leave it as it is, it will continue to affect us, and we are therefore making an implicit decision in either case. We must not allow the outcome of that decision to rest purely on the vicissitudes of chance.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1492

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. IN GENERAL.—There is established within the Senate a Tax Reform Commission (hereinafter referred to as the "Commission"), to provide thorough, nonpartisan, and objective analysis and advice to the Senate in the area of taxation generally, and tax reform in particular.

SEC. 2. COMPOSITION.—The Commission shall be composed of twelve members, selected for their professional qualifications, excellence, and experience in finance, public finance, taxation, or related fields, as follows:

(1) five persons, selected by majority vote of the members of the Senate Finance Committee belonging to the majority party;

(2) five persons, selected by majority vote of the members of the Senate Finance Committee belonging to the minority party;

(3) one person appointed by the majority leader of the Senate; and

(4) one person appointed by the minority leader of the Senate.

(b) The Commission shall elect a Chairman and a Vice Chairman from among its members.

(c) Any vacancy occurring in the membership of the Commission shall be filled in the manner in which the original member was appointed. A vacancy in the Commission shall not affect its powers.

(d) (1) Members of the Commission who are otherwise employed by the Federal Government shall serve without compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Commission.

(2) Member of the Commission not otherwise employed by the Federal Government shall receive compensation at the rate of $125 a day (including traveltime) for each day they are engaged in the performance of their

duties as members of the Commission and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Commission.

Sec. 3. Duties.—(a) The Commission shall make a thorough, nonpartisan, and objective study of taxation and tax reform, with particular emphasis upon—

(1) proposed changes in the tax laws of the United States, including tax reform measures, and alternative proposals by the Commission;

(2) the effects of proposed or alternative changes in the tax laws on the revenue, economy, and social structure of the United States; and

(3) the interrelationship of Federal taxes and State and local taxes.

(b) During the course of its study, the Commission may submit to the Senate such reports as the Commission considers advisable. The Commission shall submit a final report with respect to its findings, conclusions, and recommendations no later than two years after the date of enactment of this Act.

(c) The Commission shall terminate within sixty days after submission of its final report.

Sec. 4. Powers.—(a) The Commission, or on the authorization of the Commission, any subcommittee thereof, may, for the purpose of carrying out its duties and powers, hold such hearings and sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses, and the production of such books, records, papers, and documents as the Commission or such subcommittee may deem advisable. Subpenas may be issued under the signature of the Chairman or Vice Chairman, and may be served by any person designated by the Chairman or Vice Chairman.

(b) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman or Vice Chairman, such information as the Commission deems necessary to carry out its duties under this part, and as the department, agency, or instrumenality is permitted by law to disclose.

(c) In order to carry out the provisions of this Act, the Commission is authorized—(1) to appoint and fix the compensation of such personnel as may be necessary;

(2) to obtain the services of experts and consultants, in accordance with the provisions of section 3109 of title 5, United States Code, at rates for individuals not to exceed $125 a day (including traveltime);

(3) to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement; and

(4) to use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(d) Section 2107 of title 5, United States Code, is amended by—

(1) striking out the "and" at the end of paragraph (7);

(2) striking the period at the end of paragraph (8) and inserting in lieu thereof a semicolon and the word "and"; and

(3) adding at the end thereof the following new paragraph:

"(9) the employees of the Senate Tax Reform Commission.".

Sec. 5. Reports and Other Papers.—(a) Such reports as the Commission shall submit to the Senate, including the final report, shall be printed as Senate documents.

(b) The working papers, memorandums, and other written materials of the Commission, including any reports considered but not recommended to the Senate, shall be preserved, inventoried, cataloged, and transferred to the General Services Administration for preservation, subject to the orders of the Senate.

Sec. 6. Authorization of Appropriations.—There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this bill.

By Mr. SPARKMAN (for himself, Mr. Tower, and Mr. Williams):

S. 1495. A bill to expand the National Flood Insurance Program by substantially increasing limits of coverage and total amount of insurance authorized to be outstanding and by requiring known flood-prone communities to participate in the program, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. SPARKMAN. Mr. President, I introduce for myself and Senators Tower and Williams a bill to expand the National Flood Insurance program by substantially increasing limits of coverage and total amount of insurance authorized to be outstanding and by requiring known flood-prone communities to participate in the program, and for other purposes.

I ask unanimous consent that the bill be printed in full in the Record, and I further ask unanimous consent that a section-by-section analysis be printed in the Record following the bill.

There being no objection, the bill and analysis were ordered to be printed in the Record, as follows:

S. 1495

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Flood Disaster Protection Act of 1973."

FINDINGS AND DECLARATION OF PURPOSE

Sec. 2. (a) The Congress finds that (1) annual losses throughout the Nation from floods and mudslides are increasing at an alarming rate, largely as a result of the accelerating development of, and concentration of population in, areas of flood and mudslide hazards; (2) the availability of Federal loans, grants, guaranties, insurance, and other forms of financial assistance are often determining factors in the utilization of lands and the location, and construction of public and of private, industrial, commercial, and residential facilities; (3) property acquired or constructed with grants or other Federal assistance may be exposed to risk of loss through floods, thus frustrating the purpose for which such assistance was extended; (4) Federal instrumentalities insure or otherwise provide financial protection to banking and credit institutions whose assets include a substantial number of mortgage loans and other indebtedness secured by property exposed to loss and damage from floods and mudslides; (5) the Nation cannot afford the tragic losses of life caused annually by flood occurrences, nor the increasing losses of property suffered by flood victims, most of whom are still inadequately compensated despite the provision of costly disaster relief benefits; and (6) it is in the public interest for persons already living in flood-prone areas to have both an opportunity to purchase flood insurance and access to more adequate limits of coverage, so that they will be indemnified for their losses in the event of future flood disasters.

(b) The purpose of this Act, therefore, is to (1) substantially increase the limits of coverage authorized under the National Flood Insurance Program; (2) provide for the expeditious identification of, and the dissemination of information concerning, flood-prone areas; (3) require States or local communities, as a condition of future Federal financial assistance, to participate in the flood insurance program and to adopt adequate flood plain ordinances with effective enforcement provisions consistent with Federal standards to reduce or avoid future flood losses; and (4) require the purchase of flood insurance by property owners who are being assisted by Federal programs or by Federally supervised, regulated, or insured agencies in the acquisition or improvement of land or facilities located or to be located in identified areas having special flood hazards.

DEFINITIONS

Sec. 3. (a) As used in this Act, unless the context otherwise requires, the term—

(1) "Act" means the National Flood Insurance Act of 1968, 42 U.S.C. 4001–4127;

(2) "Community" means a State or a political subdivision thereof which has zoning and building code jurisdiction over a particular area having special flood hazards;

(3) "Federal agency" means any department, agency, corporation, or other entity or instrumentality of the Executive Branch of the Federal Government, and shall include the following Federally-sponsored agencies: Federal National Mortgage Association and Federal Home Loan Mortgage Corporation;

(4) "Financial assistance" means any form of loan, grant, guaranty, insurance, payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal financial assistance, other than general or special revenue sharing or formula grants made to States;

(5) "Financial assistance for acquisition or construction purposes" means any form of financial assistance which is intended in whole or in part for the acquisition, construction, reconstruction, repair, or improvement of any publicly or privately owned building or mobile home, and for any machinery, equipment, fixtures, and furnishings contained or to be contained therein, and shall include the purchase or subsidization of mortgages or mortgage loans but shall exclude assistance for emergency work essential for the protection and preservation of life and property performed pursant to the Disaster Relief Act of 1970.

(6) "Federal instrumentality responsible for the supervision, approval, regulation, or insuring of banks, savings and loan associations, or similar institutions" means the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Comptroller of the Currency, the Federal Home Loan Bank Board, the Federal Savings and Loan Insurance Corporation, and the National Credit Union Administration; and

(7) "Secretary" means the Secretary of Housing and Urban Development.

(b) The Secretary is authorized to define or redefine, by rules and regulations, any scientific or technical term used in this Act, insofar as such definition is not inconsistent with the purposes of this Act.

TITLE I—EXPANSION OF NATIONAL FLOOD INSURANCE PROGRAM

INCREASED LIMITS OF COVERAGE

Sec. 101. (a) Section 1306(b)(1)(A) of the National Flood Insurance Act of 1968 is amended to read as follows:

"(A) in the case of residential properties—

(i) $35,000 aggregate liability for any single-family dwelling, and $100,000 for any residential structure containing more than one dwelling unit, and

(ii) $10,000 aggregate liability per dwelling unit for any contents related to such unit;"

(b) Section 1306(b)(1)(B) of such Act is amended by striking out "$30,000" and "$5,000" wherever they appear and inserting in lieu thereof "$100,000".

(c) Section 1306(b)(1)(C) of such Act is amended to read as follows:

"(C) in the case of church properties and any other properties which may become eligible for flood insurance under section 1305—

(i) $100,000 aggregate liability for any single structure, and

(ii) $100,000 aggregate liability per unit for any contents related to such unit; and".

REQUIREMENT TO PURCHASE FLOOD INSURANCE

SEC. 102. (a) No Federal officer or agency shall approve any financial assistance for acquisition or construction purposes on and after July 1, 1973, for use in any area that has been identified by the Secretary as an area having special flood hazards and in which the sale of flood insurance has been made available under the Act, unless the building or mobile home and any personal property to which such financial assistance relates is, during the anticipated economic or useful life of the project, covered by flood insurance in an amount at least equal to its development or project cost (less estimated land cost) or to the maximum limit of coverage made available with respect to the particular type of property under the Act, whichever is less: *Provided*, That if the financial assistance provided is in the form of a loan or an insurance or guaranty of a loan, the amount of flood insurance required need not exceed the outstanding principal balance of the loan and need not be required beyond the term of the loan.

(b) Each Federal instrumentality responsible for the supervision, approval, regulation, or insuring of banks, savings and loan associations, or similar institutions shall by regulation direct such institutions on and after July 1, 1973, not to make, increase, extend, or renew any loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Secretary as an area having special flood hazards and in which flood insurance has been made available under the Act, unless the building or mobile home and any personal property securing such loan is covered for the term of the loan by flood insurance in an amount at least equal to the outstanding principal balance of the loan or to the maximum limit of coverage made available with respect to the particular type of property under the Act, whichever is less.

FINANCING

SEC. 103. Subsection (a) of section 1309 of the National Flood Insurance Act of 1968 is amended by—

(a) inserting "without the approval of the President" after the words "such authority", and

(b) inserting a period in lieu of the comma after the figure "$250,000,000" and striking out all of the words that follow.

INCREASED LIMITATION ON COVERAGE OUTSTANDING

SEC. 104. Section 1319 of the National Flood Insurance Act of 1968 is amended by striking out "$4,000,000,000" and inserting in lieu thereof "$10,000,000,000".

FLOOD INSURANCE PREMIUM EQUALIZATION PAYMENTS

SEC. 105. Section 1334 of the National Flood Insurance Act of 1968 is amended by deleting subsection (b) and by redesignating subsection "(c)" as subsection "(b)".

TITLE II—DISASTER MITIGATION REQUIREMENTS

NOTIFICATION TO FLOOD-PRONE AREAS

SEC. 201. (a) Not later than six months following the enactment of this title, the Secretary shall publish information in accordance with subsection 1360(1) of the Act, and shall notify the chief executive officer of each known flood-prone community not already participating in the National Flood Insurance Program of its tentative identification as a community containing one or more areas having special flood hazards.

(b) After such notification, each tentatively identified community shall either (1) promptly make proper application to participate in the National Flood Insurance Program or (2) within six months submit technical data sufficient to establish to the satisfaction of the Secretary that the community either is not seriously flood-prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. The Secretary may, in his discretion, grant a public hearing to any community with respect to which conflicting data exist as to the nature and extent of a flood hazard. If the Secretary decides not to hold a hearing, the community shall be given an opportunity to submit written and documentary evidence. Whether or not such hearing is granted, the Secretary's final determination as to the existence or extent of a flood hazard area in a particular community shall be deemed conclusive for the purposes of this Act if supported by substantial evidence in the record considered as a whole.

(c) As information becomes available to the Secretary concerning the existence of flood hazards in communities not known to be flood-prone at the time of the initial notification provided for by subsection (a) of this section he shall provide similar notifications to the chief executive officers of such additional communities, which shall then be subject to the requirements of subsection (b) of this section.

(d) Formally identified flood-prone communities that do not qualify for the National Flood Insurance Program within one year after such notification or by the date specified in section 202, whichever is later, shall thereafter be subject to the provisions of that section relating to flood-prone communities which are not participating in the program.

EFFECT OF NON-PARTICIPATION IN FLOOD INSURANCE PROGRAM

SEC. 202. (a) No Federal officer or agency shall approve any financial assistance for acquisition or construction purposes on and after July 1, 1975, for use in any area that has been identified by the Secretary as an area having special flood hazards unless the community in which such area is situated is then participating in the National Flood Insurance Program.

(b) Each Federal instrumentality responsible for the supervision, approval, regulation, or insuring of banks, savings and loan associations, or similar institutions shall by regulation prohibit such institutions on and after July 1, 1975, from making, increasing, extending, or renewing any loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Secretary as an area having special flood hazards, unless the community in which such area is situated is then participating in the National Flood Insurance Program.

REPEAL OF DISASTER ASSISTANCE PENALTY

SEC. 203. Section 1314 of the National Flood Insurance Act of 1968 is repealed.

ACCELERATED IDENTIFICATION OF FLOOD-RISK ZONES

SEC. 204. (a) Section 1360 of the National Flood Insurance Act of 1968 is amended by inserting the designation "(a)" after "Sec. 1360." and adding new subsections "(b)" and "(c)" at the end thereof to read as follows:

"(b)" The Secretary is directed to accelerate the identification of risk zones within flood-prone and mudslide-prone areas, as provided by subsection (a)(2) of this section, in order to make known the degree of hazard within each such zone at the earliest possible date. To accomplish this objective, the Secretary is authorized, without regard to sections 3648 and 3709 of the Revised Statutes, as amended (31 U.S.C. 529 and 41 U.S.C. 5), to make grants, provide technical assistance, and enter into contracts, cooperative agreements, or other transactions, on such terms as he may deem appropriate, or consent to modifications thereof, and to make advance or progress payments in connection therewith.

"(c)" The Secretary of Defense (through the Army Corps of Engineers), the Secretary of the Interior (through the U.S. Geological Survey), the Secretary of Agriculture (through the Soil Conservation Service), the Secretary of Commerce (through the National Oceanic and Atmospheric Administration), the head of the Tennessee Valley Authority, and the heads of all other Federal agencies engaged in the identification or delineation of flood-risk zones within the several States, shall, in consultation with the Secretary, give the highest practicable priority in the allocation of available manpower and other available resources to the identification and mapping of flood hazard areas and flood-risk zones, in order to assist the Secretary to meet the deadline established by this section.

AUTHORITY TO ISSUE REGULATIONS

SEC. 205. (a) The Secretary is authorized to issue such regulations as may be necessary to carry out the purpose of this Act.

(b) The head of each Federal agency that administers a program of financial assistance relating to the acquisition, construction, reconstruction, repair, or improvement of publicly or privately owned land or facilities, and each Federal instrumentality responsible for the supervision, approval, regulation, or insuring of banks, savings and loan associations, or similar institutions, shall, in cooperation with the Secretary, issue appropriate rules and regulations to govern the carrying out of the agency's responsibilities under this Act.

FLOOD DISASTER PROTECTION ACT OF 1973

SECTION BY SECTION SUMMARY

SEC. 1. Enacting clause.

SEC. 2. *Findings and declaration of purpose.*

SEC. 3. *Definitions.*

SEC. 101. *Increased limits of coverage.* Amends section 1306(b) of the Act to provide increased limits of coverage as follows:

	Subsidized coverage		Total coverage	
	Old limit (1)	New limit (2)	Old limit (3)	New limit (4)
Single family residential	$17,500	$35,000	$35,000	$70,000
Other residential	30,000	100,000	60,000	200,000
Nonresidential	30,000	100,000	60,000	200,000
Contents, residential	5,000	10,000	10,000	20,000
Contents, nonresidential	5,000	100,000	10,000	200,000

SEC. 102. *Requirement to purchase flood insurance.* (a) Prohibits Federal financial assistance for acquisition or construction purposes for projects within special hazard areas previously identified by HUD and made eligible for flood insurance, unless the project will be covered by such insurance for its full development cost (less land cost) or the new limit of coverage (Col. 2 or 4 above), whichever is less. (b) Federal instrumentalities responsible for the supervision of lending institutions must direct such institutions to require flood insurance in connection with their real estate or mobile home and personal property loans in such identified areas, up to the same maximum limit or the balance of the loan, whichever is less. Both subsections would take effect July 1, 1973.

SEC. 103. *Financing.* Restores authority contained in 1956 Flood Insurance Act which permits Treasury borrowing authority to exceed $250 million with the approval of the President.

Sec. 104. *Increased limitation on coverage outstanding*. Amends section 1319 of the Act to raise limit on total amount of coverage outstanding from $4 billion to $10 billion.

Sec. 105. *Flood insurance premium equalization payments*. Would repeal the detailed formula for the sharing of losses between Government and industry and permit the necessary flexibility in loss-sharing to take into account longer-term loss experience trends and to compensate for the lack of precision in actuarial computations.

Sec. 201. *Notification to flood-prone areas*. (a) Requires HUD to publish information on known flood-prone communities and to notify them within six months of their tentative identification as such. (List initially used would probably be Corps of Engineers list, based on 1960 Census data.) (b) Upon notification; community must either (1) promptly apply for participation in flood insurance program or (2) satisfy the Secretary within six months that it is no longer flood prone. A hearing may be granted to resolve disputed cases, but Secretary's decision is final unless arbitrary and capricious. (c) Additional flood-prone communities subsequently notified of their status must then meet the requirements of subsection (b) but are allowed at least one year in which to qualify for the flood insurance program before section 202 applies.

Sec. 202. *Effect of non-participation in flood program*. (a) Prohibits Federal financial assistance for acquisition or construction purposes within the identified flood-prone areas of communities that are not participating in the flood insurance program by July 1, 1975 (in most cases, about 18 months after the identification is made). (b) Directs Federal instrumentalities responsible for the supervision of lending institutions to prohibit such institutions from making real estate or mobile home loans after July 1, 1975, in areas identified as having special flood hazards unless the community in which the area is situated is participating in the flood insurance program.

Sec. 203. Repeals provision of existing Flood Insurance Act that would deny disaster assistance after December 31, 1973, to persons who for a period of a year or more could have purchased flood insurance but did not do so.

Sec. 204. *Accelerated identification of flood-risk zones*. (a) Adds a new subsection (b) to section 1360 of the Act directing HUD to accelerate hazard area identification and rate studies. Specifically authorizes the Secretary to make grants, provide technical assistance, eliminate competitive bidding requirements, and make progress payments, if necessary to accomplish that objective. (b) Directs the agencies doing the technical work for HUD to give highest practicable priority to these studies, in order to assist the Secretary to meet existing August 1, 1973, statutory area identification deadline.

Sec. 205. *Authority to issue regulations*. Authorizes (a) the Secretary, and (b) Federal agencies administering financial assistance programs and those supervising lending institutions, to issue any regulations necessary to carry out the Act.

By Mr. JAVITS (for himself and Mr. Buckley):

S. 1496. A bill to establish the Van Buren-Lindenwald Historic Site at Kinderhook, N.Y., and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. JAVITS. Mr. President, on behalf of myself and my colleague, Senator Buckley, I introduce today a bill to establish the Van Buren-Lindenwald Historic Site at Kinderhook, N.Y. This bill is similar to S. 1426, which we introduced during the 92d Congress, and which was amended and passed by the Senate on March 22, 1972.

I believe that it is important to establish fitting memorials to those who have served as Presidents of the United States whenever we have an appropriate opportunity and such presents itself in the preservation and protection of the property of President Martin Van Buren, the first President born an American citizen and whose public career touched every aspect of government. In 1797 Lindenwald was built by Peter VanNess, a public figure of considerable prominence in the local community, and in 1839 purchased by Martin Van Buren. The property then consisted of a house and 130 acres of land. When his term as President ended in 1841 Van Buren returned to Lindenwald where he resided until his death in 1862.

The Department of the Interior has evaluated the site as to its possibilities for management as a national historic site and has determined that the site should be established as provided in the bill that passed the Senate last year. It is estimated that the national historic site will encompass approximately 42 acres with total development costs estimated to be $2,278,000. Adequate facilities in existing structures on the site will allow the public to have great use and enjoyment of this historic property. Historians would be encouraged to study the site and the proposed collection of Van Buren memorabilia. Comprehensive planning would be coordinated with the appropriate State agencies to insure protection of the setting of Lindenwald.

Since the beginning of the 20th century many efforts have been made to preserve Lindenwald as a public historic site. Numerous attempts on the part of State agencies and private groups have been unsuccessful up to this date. The National Park Service has expressed its interest in Lindenwald as early as 1935 and in 1961 Lindenwald was registered as a national historic landmark in recognition of its exceptional value by way of its association with President Van Buren. It is necessary that the Congress take the final step to establish Lindenwald as a historic site.

Previously bills have been introduced in both Houses of Congress and the bill I am introducing today is similar to the bill the Senate passed last year. I expect that similar legislation will be introduced in the House and I am hopeful that we will finally take action to preserve this historic property.

I ask unanimous consent that the bill be printed in full in the Record at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1496

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of preserving for the education and inspiration of present and future generations the former residence (from 1841 until 1862) and only remaining structure intimately associated with Martin Van Buren, eighth President of the United States, the Secretary of the Interior shall acquire, on behalf of the United States, by gift, exchange, or purchase (with donated or appropriated funds) the real property and improvements thereon known as Lindenwald and located at Kinderhood, New York together with such adjacent or related lands and interests therein as the Secretary determines are necessary for the establishment of a national historic site. The property so acquired shall be known and designated as the Van Buren National Historical Site. The Secretary may also acquire personal property used or to be used in connection with the administration and interpretation of the national historic site.

Sec. 2. The National Park Service, under the direction of the Secretary of the Interior, shall administer, protect, and develop the Van Buren National Historic Site, subject to the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (16 U.S.C. 1 and others), and the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935 (16 U.S.C. 461 and others).

Sec. 3. There are authorized to be appropriated from time to time such sums as may be necessary to carry out the provisions of this Act, not to exceed, however, $225,000 for acquisition of land and $2,278,000 (April 1971 prices) for development of the area, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein.

By Mr. TUNNEY (for himself and Mr. Hart):

S. 1497. A bill to amend the Omnibus Safe Streets Act and to provide for an improved Federal effort to combat crime. Referred to the Committee on the Judiciary.

Mr. TUNNEY. Mr. President, I am pleased to introduce the Law Enforcement and Criminal Justice Act of 1973. This legislation has a simple but critically important purpose: To recognize the Law Enforcement Assistance Administration and to bring increased Federal funds directly into local communities to help them fight crime.

Basically, this legislation would reform LEAA in two fundamental steps: First, it would phase out, over the next year and a half, the present program of grantsmanship and bureaucracy. Second, it would funnel funds directly to larger cities and counties across the Nation.

During the past 2 years, I have met with law enforcement officials and criminal justice personnel throughout California and elsewhere in this Nation. These blunt conversations convinced me that LEAA, while serving some very important purposes, is strangling in its own redtape. Poor administration has led to the intrusion of politics and favoritism.

The most certain guarantee that law enforcement remains impartial and just, it seems to me, is to assure that the major decisions affecting police and our judicial system are made at the local level where the average citizen can most effectively make himself heard.

Essentially, that's what the Law Enforcement and Criminal Justice Act is intended to do.

The act would provide that the bulk of LEAA funds would, after July 1, 1975, go directly to the boards of supervisors and city councils of larger counties and cities. They, on their own, would be able to use those funds in ways best suited to meet their local and individual problems in protecting the lives, the property and the civil rights of all Americans.

The act would go into effect on January 1 of next year, and the period between then and the date in 1975 should provide sufficient transition to phase-out the redtape and to perfect the funding procedures.

Initially, for the first year, the act would duplicate the present appropriation, $850 million, but will provide an additional 5 percent a year over the next 4 years. At the end of 5 years, Congress then could review and, if necessary, revise the program.

There would be a minimum of Federal strings, and those specified in the law principally would be for the purpose of assuring sound auditing of the funds, of improved review and reporting to all agencies of particular local programs of unusual promise and effectiveness, and of improved evaluation of LEAA—assisted programs.

More specifically, here's how the legislation would work.

Phase I, the transitional period, beginning next January, would include the following reforms:

First. Disbursing units within LEAA must act on applications for grants within 60 days. This will eliminate a lot of delay and procrastination. Application forms can be standardized for expeditious action.

Second. Get the National Institute of Law Enforcement and Criminal Justice, the research arm of LEAA, to standardize its evaluation procedures so that local programs can be held to a common measure and the better ones recommended to other communities.

Third. Require the Institute to provide assistance to smaller, local agencies in drafting grant applications.

Fourth. Improve the law enforcement education program by, first, providing direct grants to officers so they can choose the universities that will best serve their professional needs and by, second, providing funds to colleges and universities to encourage curricula in criminal justice planning. The administration, I understand, may try to eliminate LEEP, which to me, would be a senseless setback in efforts to provide better training and background to men and women in law enforcement.

Fifth. Provide Federal credit funding to programs that otherwise are not federally assisted but that prove themselves extraordinarily effective. In other words, States and communities would be repaid for imaginative programs. My legislation would not spell out what these would be, but they could include improved training programs, statewide crackdowns on organized crime, more effective rehabilitation programs, and improved relations between law school and a criminal justice system.

Sixth. Prohibit persons on various LEAA dispursing units from passing on their own grants. This should help eliminate much of the internal politicking in these units.

Seventh. Make it clear that Congress intended that planning could be done at the regional and not exclusively at the State level. This already has been implemented in California, but other States apparently have hesitated, probably because of ambiguities in the law.

These preceding seven reforms would establish a solid and lasting foundation to the more significant phase II that would begin July 1, 1975, and would funnel most LEAA funds directly to local governments.

Here is how phase II would work.

First. Seventy-five percent of all LEAA funds would be given to local jurisdictions of more than 100,000 population and to States for distribution to smaller counties and cities, and for programs subject to the general jurisdiction of the States. Allocations would be proportional to population.

Second. Twenty-five percent of the funds would be retained by LEAA itself to be divided among four vital programs—first, extra money for high-crime areas; second, continuation of credit funding for successful innovative programs; third, continuation of the law enforcement education program; and fourth, for an improved national institute to carry on its review and reporting functions.

Third. In order to assure that Federal funds are used to affect all aspects of law enforcement and the administration of justice, my legislation would require recipients to spend at least 10 percent of their LEAA funds on each of the following—law enforcement, the courts, juvenile justice, corrections and planning; and no more than 40 percent in any one of those fields. If one of those fields weren't administered by a city, then funds would go to the county or the next higher level of government that might have jurisdiction. Corrections might be such a field.

Fourth. Recipients would be required to publish statements on objectives and use of funds.

Fifth. Additionally, recipients would be required to maintain their own level of financing for all enforcement.

Sixth. The legislation, of course, would be placed under title VI of the Civil Rights Act of 1964 so that discriminatory programs are excluded from funding.

Together, phase I and phase II will slice through redtape and give local communities more money to set their own priorities in the fight against crime. It will be up to them—not some towering hierarchy of bureaucracy—to decide whether they will put more men on the beat or more judges on the bench: or improve legal assistance or experiment with work-furlough programs for jail inmates.

I believe local office holders, under the close scrutiny of the local electorate, can best decide their own priorities, and I am confident, from all the meetings with police and others over all these months, that this is the direction LEAA reform should take.

The FBI and the Secret Service are indispensible units in the war against crime, but the major battalions are the local deputies and patrolmen. And it's the local district attorney, judge, probation officer who will be able to give a helping hand to a young offender and assist him to rehabilitate himself.

They are dedicated professionals, and I should like to see their experience, their commitment and concern and their professionalism prevail through the Law Enforcement Criminal Justice Act of 1973.

Mr. President, I ask unanimous consent that a section-by-section analysis of the bill be printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS OF "THE LAW ENFORCEMENT AND CRIMINAL JUSTICE ACT OF 1973"

SECTION 1. Short title.

SEC. 2. Declaration of findings and purpose.

TITLE I—OMNIBUS CRIME CONTROL AMENDMENTS OF 1973

This title authorizes appropriations for L.E.A.A. for fiscal years 1974 and 1975 and amends the current L.E.A.A. legislation, (The Omnibus Crime Control and Safe Streets Act of 1968, P.L. 90–351, as amended) as follows.

AUTHORIZATION OF APPROPRIATIONS

SEC. 101. Authorizes appropriations for L.E.A.A. for fiscal year 1974 in the amount of $850,000,000 and for fiscal year 1975 in the amount of $892,500,000.

REGIONAL PLANNING PROVISIONS

SEC. 102. (a) Encourages regions of states, as well as states and units of general local government to become involved in law enforcement planning. This is already done in some states but is not specifically prescribed by current law.

SIXTY DAY APPROVAL REQUIREMENT

(b) Requires that all grant applications for L.E.A.A. funds must be approved or rejected within sixty days of the application.

FEDERAL CREDIT PLANNING

(c) Provides that, in disbursing "discretionary" funds under Part C, the L.E.A.A. Administration ("Administration") shall reimburse states and local governments for expenditures which they have made without federal assistance and which have demonstrably improved the criminal justice system of that jurisdiction. Frequently, such programs markedly improve a state or local law enforcement or criminal justice effort. In such instances, L.E.A.A. should attempt to reimburse the state or local government. Knowledge of such potential federal reimbursement for successful programs will provide state and local governments with an incentive to develop new and innovative programs. A wide variety of programs will be eligible for federal credit funding. Full-time judges and/or prosecutors, improved pre-trial diversion methods, improved rehabilitation programs, community-based juvenile justice programs, and an improved relationship between a law school and the courts or the police are but a few examples of programs which might be funded under this section. The funding decision will reside with the L.E.A.A. Administration.

IMPROVED EVALUATION AND REVIEW REQUIREMENTS

(d) The National Institute of Law Enforcement and Criminal Justice is authorized to provide increased assistance to recipients of funds under this Act [new subsection 402(b) (6)]; develop a standard form for the evaluation of the success or failure of programs funded under this Act [new subsection 402 (b) (7)]; and develop procedures for the annual review of ongoing programs or grants [new subsection 402(b) (8)].

ASSISTANCE IN CRIMINAL JUSTICE PLANNING

(e) The Administration is authorized to use L.E.A.A. funds to assist an institution of higher education, or a combination of such institutions, in an effort to develop curricula leading to a degree in the field of criminal justice planning.

ASSISTANCE TO INDIVIDUALS THROUGH LEEP FUNDS

(f) The Law Enforcement Education Program is revised by authorizing the Administration to disburse funds directly to individuals (and not merely to institutions, as current law requires) who are enrolled in a program of higher education and who are in law enforcement careers or committed to law enforcement careers. The L.E.A.A. Administration must approve the educational program. The amount of such grants must not exceed $3,000 per academic year and the grant can be cancelled at the rate of twenty five per cent of the annual amount for every year of an individual's service as a full-time officer or employee of a law enforcement agency.

FEDERAL CREDIT FUNDING FOR PART E FUNDS

(g) Provides that, in disbursing "discretionary" funds under Part E the Administration shall reimburse states and local governments for expenditures which they have made without federal assistance and which have demonstrably improved the correctional institutions or facilities of that jurisdiction.

PROHIBITION OF CONFLICT OF INTEREST

(h) Prohibits party from being present and voting upon an application in which he has an interest.

REPEAL OF CURRENT LAW

Section 103. Commencing fiscal year 1976, July 1, 1975, Part B (Planning Grants), Part C (Grants for Law Enforcement Purposes) and Part E (Grants for Correctional Institution and Facilities of the current L.E.A.A. Act are repealed. At that time, Title II of this Act shall become effective and shall supplement Parts B, C, and E of the current Act.

TITLE II—LAW ENFORCEMENT AND CRIMINAL JUSTICE PROGRAM

This title authorizes appropriations for fiscal years 1976, 1977, and 1978 and sets forth the revised structure of the Law Enforcement Assistance Administration commencing in fiscal year 1976, July 1, 1975.

AUTHORIZATION AND ALLOCATION OF FUNDS

SECTION 201. (a) Authorizes appropriations for L.E.A.A. for fiscal year 1976 in the amount of $937,125,000, for fiscal year 1977 in the amount of $983,981,250, and for fiscal year 1978 in the amount of $1,033,180,323.

(b) Allocates the funds authorized as follows:

(1) Ten per cent shall be expended upon the National Institute of Law Enforcement and Criminal Justice and the Law Enforcement Education Program. The Administration will determine how much of the ten per cent will be allocated to the Institute and how much will be allocated to LEEP.

(2) Fifteen per cent shall be expended upon programs at the discretion of the L.E.A.A. Administration. Special emphasis will be given to counties and cities which are identified as high crime areas as well as to federal credit funding, as described in Section 102 (c).

(3) The remaining seventy five per cent shall be allocated directly to states and established units of local government in accordance with the provisions of Section 202 (a). Each of the recipient states and units of local government will be required to spend not less than ten or more than 40 per cent of their funds upon each of the following areas: law enforcement, corrections, courts and judicial administration, juvenile justice, and criminal justice planning. If a unit of government does not exercise jurisdiction over one of the above areas, the minimum funding which must be expended upon that area will be disbursed to the larger governmental unit which exercises jurisdiction over that type of program. For example, if City A is located in County B and City A does not exercise jurisdiction over courts, the ten per cent which must be expended upon courts in City A will be distributed to County B to be expended upon its court system.

DISTRIBUTION OF FUNDS

SEC. 202. (a) Seventy five per centum of funds under this title [described in section 201(b) (3)] shall be allocated directly according to population to established units of local government with a population of 100,000 or more persons and to states, for use in those areas of the state not within the jurisdiction of eligible units of local government as well as for programs and projects subject to the general jurisdiction of the state or a state agency.

(b) The Administrator of L.E.A.A. shall determine how, in contiguous or overlapping units of local government, each unit receives its share of L.E.A.A. funds, but no person is counted more than once, and shall insure that the funds are distributed directly to those units.

(c) Not less than three months prior to the beginning of each fiscal year, the Administrator shall determine which units are eligible and for what amounts and shall publish that determination in the Federal Register. He shall also publish the amount of funds actually appropriated and distributed as soon as practicable after the funds have been appropriated.

(d) If an eligible unit refuses to accept funds under this Act, those funds to which it would have been entitled shall be disbursed to the State in which that unit is located for discretionary use within the State.

(e) If a state refuses to accept funds under this Act, those funds to which it would have been entitled shall be available to the Administrator to be spent at his discretion for purposes of this title.

(f) The Administrator is given authority to prescribe regulations to assure that the application of the provisions of this section carry out the purposes of this title.

PROGRAM STATEMENTS AND OTHER REQUIREMENTS

Requires that, at least two months prior to the beginning of any fiscal year, in order to be eligible to receive L.E.A.A. funds, each state and eligible unit of local government must do the following: make available to the Administrator a statement of program objectives and projected uses of funds; have developed procedures by which all applications for funds will be approved or rejected within sixty days; have established policies and procedures which assure that federal funds will supplement and not substitute for local funds; and, have developed procedures to evaluate the success or failure of programs assisted under this title. The Administration shall publish the program statements and the Institute shall review and comment upon those statements. In so doing, the Institute shall give specific attention to seven factors listed in section 203(b). The Institute shall also provide comments and recommendations to each state and eligible unit of local government concerning possible duplication of programs, coordination and integration with state and local law enforcement and criminal justice programs and activities. At the end of each year, each state and eligible unit of local government shall publish an annual report on the uses of funds during the year then ending.

RECORDS, AUDITS, AND REPORTS

SEC. 204 sets forth standard federal auditing requirements.

RECOVERY OF FUNDS

Section 205 sets forth a procedure whereby the Administrator can recover funds from a state or unit of local government when he has determined that that state or local government unit has failed to comply substantially with the provisions of this Act.

GENERAL PROVISIONS

SEC. 206. (a) Allows the Administration to prescribe rules, regulations, and standards as may be necessary to carry out the purposes and conditions of this title.

(b) Specifies that funds distributed under this title shall be considered as federal financial assistance under Title VI of the Civil Rights Act of 1964 and, therefore, shall be subject to the provisions thereof.

(c) Defines "State" to include the fifty States, the Commonwealth of Puerto Rico, the District of Columbia, Guam or the Virgin Islands and defines "eligible units of general local government" to include an existing unit of local government with a population of 100,000 or more persons.

By Mr. METCALF:

S. 1498. A bill relating to the sale of certain timber, cordwood, and other forest products. Referred to the Committee on Interior and Insular Affairs.

SALE OF MATERIAL ON PUBLIC LANDS

Mr. METCALF. Mr. President, I introduce for appropriate reference a bill to amend chapter 15 of the Mining Lands and Mining Laws, 30 United States Code, sections 601–604, and related laws. This act provides general authority to sell a variety of mineral and vegetative materials from public lands, including such Federal holdings as the national forests. It authorizes large competitive sales, small negotiated sales, and deals also with regulation of vegetative material—everything from ferns to timber.

For a number of reasons these acts need to be modernized and that is one purpose of my bill. Another is to improve the ability of the Bureau of Land Management and the Forest Service to make small sales of forest products, especially on a semicompetitive or on a negotiated basis.

One special area of concern to me is improvement in the sale of salvage forest products on the public lands. For example, the Forest Service has a $2,000 limit on the sale of salvage forest products by other than advertised competitive sales. The authority in title 30 of the United States Code permits the sale of up to 250,000 board feet of timber by other than an advertised sale; however, the law is not clear and the Forest Service cannot use this authority.

On the other hand, there is a wide variation in the value that 250,000 board feet of timber may have in Montana, Washington, or Arizona. My bill seeks to make these authorities consistent. In addition, it seeks to give the land management agencies the opportunity to review the service they ought to be giving to smaller producers of common varieties of materials and minerals, various vegetative products, and timber, to improve resource utilization and better meet their obligation to the small businessman.

Last fall I met with a number of very small forest producers. Because they have severely limited capital they can purchase only small sales.

They described to me the numerous opportunities to comb the forest—either following up after a large timber sale, or picking up small clumps of dead, dying, or diseased trees.

Such sales are now limited by law and regulation, and by procedures which make them more costly to the agencies to process than they ought to be. They also impose burdens on the small gypo logger that reduce his chance to break even.

In the broader and larger picture of timber supply and demand, these sales are not going to change the national picture. However, they could transform the present marginal operator into a taxpaying small businessman while contributing as well to forest improvement.

We need to keep in mind that some trees are affected by a disease that may damage part of them and that other trees die naturally, singly, or in clumps. The salvage sale is thus an important tool in efficient forest management, for it is selection cutting of a sort that ought to be encouraged.

I expect to schedule the bill for early consideration by the Interior Subcommittee on Minerals, Materials, and Fuels. The bill would provide for a $5,000 top limit on small negotiated sales and in the case of forest products, a 250,000 board feet limit, whichever is less. I hope the hearings will develop whether this is the best way to encourage this program, while providing sensible limits. I hope that the Forest Service will be prepared to discuss its current $300 limit on a single green slip sale. The agencies should be prepared to address the issue of proper pricing.

While I have not included in the bill a provision to amend the reporting requirements in 30 United States Code, section 602(b), I would be interested in views on how these can be simplified with adquate protection to the public interest. Finally, agencies can suggest ways to improve the on-the-ground service to small operators while getting the maximum in forest management benefits.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 429

Mr. ROBERT C. BYRD. Mr. President, at the request of the distinguished Senator from Washington (Mr. MAGNUSON), I ask unanimous consent that the distinguished Senator from California (Mr. CRANSTON), and the distinguished Senator from Illinois (Mr. PERCY) be added as cosponsors of the Children's Dental Health Act (S. 429).

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 1079

At the request of Mr. FONG, the Senator from New York (Mr. JAVITS) was added as a cosponsor of S. 1079, to establish an Advisory Commission on the Reconstruction and Redevelopment of Southeast Asia.

S. 1221

At the request of Mr. BIBLE, the Senator from Nevada (Mr. CANNON), the Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. HART), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Rhode Island (Mr. PASTORE), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Illinois (Mr. STEVENSON), and the Senator from North Dakota (Mr. YOUNG) were added as cosponsors of S. 1221, a bill to provide that Federal employees shall be entitled to accumulate annual leave in excess of 30 days, or receive payment therefor, for periods such employees have been in a missing status while serving in Southeast Asia during the Vietnam era.

S. 1431

At the request of Mr. HELMS, the Senator from Virginia (Mr. HARRY F. BYRD, JR.) and the Senator from Arizona (Mr. FANNIN) were added as cosponsors of S. 1431, to provide for the continuation of programs authorized under the Vocational Rehabilitation Act, and for other purposes.

SENATE JOINT RESOLUTION 24

At the request of Mr. MCINTYRE, the Senator from New York (Mr. BUCKLEY), the Senator from North Carolina (Mr. ERVIN), and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of Senate Joint Resolution 24, to declare the fourth Saturday of each September as "National Hunting and Fishing Day."

SENATE JOINT RESOLUTION 74

At the request of Mr. SPARKMAN, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of Senate Joint Resolution 74, to authorize the President to issue a proclamation designating the last full calendar week in April of each year as "National Secretaries Week."

SENATE CONCURRENT RESOLUTION 21—SUBMISSION OF A CONCURRENT RESOLUTION RELATING TO THE PRINCIPLE OF UNIVERSALITY FOR THE UNITED NATIONS

(Referred to the Committee on Foreign Relations.)

DIVIDED NATIONS' ENTRY IN THE UNITED NATIONS

Mr. GRAVEL. Mr. President, in the past several years one of the main thrusts of our foreign policy has been the normalization of relations with many nations which we have previously excluded from the world stage because of their political philosophies. The continued existence of these governments, despite our refusal to deal with them as equals, combined with our Government's desire to ease world tension has made us recognize that the continued isolation of some nations from the various international forums is detrimental to our own long-range policy goals. In pursuing the beginnings of a new policy, the President, last year, made his historic trips to China and the Soviet Union. It will be some time yet before all the results of his trips will be known, but one immediate and positive result has been the People's Republic of China's entry into the United Nations.

It cannot be denied that such action has further legitimized a government whose political philosophy is contrary to that of our Nation. This is more than offset, however, by China's new status which gives her more of a stake in the current world order and less reason to resort to violence for the purpose of being noticed or consulted in matters of world affairs. Such legitimization, therefore, works to the benefit of any nation which desires to lessen tension and reduce the level of violence around the world. The United States is such a nation. In our changing policies toward the Communist nations we have demonstrated our awareness of the benefits to be gained by the world in the normalization of our relations.

In support of this goal of peace and cooperation, I am submitting a resolution for the purpose of expressing the sense of the Senate on the matter of divided-nation entry into the United Nations. Such entry would be a further step down the road on which we have already begun to travel. It is a necessary step along that road because the divided nations are great sources of possible conflict. It is important that every opportunity be provided to them for legitimate complaint, discussion, and debate of their problems in order to forestall any hasty resort to violence.

The admission of the divided nations to membership in the United Nations is clearly in the interests of the United States. It is also clearly within the bounds of our current foreign policy goals as manifest in the words and actions of the President and his advisers. Such being the case, I urge my fellow Members of the Senate to support this resolution.

I ask unanimous consent that the concurrent resolution be printed at this point in the RECORD.

There being no objection, the concurrent resolution was ordered to be printed in the RECORD, as follows:

S. CON. RES. 21

Resolved by the Senate (the House of Representatives concurring), That the Congress hereby finds that to achieve universality of membership in the United Nations would significantly enhance the ability of that body to preserve international peace and to carry out its other responsibilities for promoting and maintaining world cooperation as set forth in the United Nations Charter. Therefore, to that end, it is the sense of the Congress that it should be the policy of the United States actively to support the admission to membership in the United Nations of the Federal Republic of Germany, the German Democratic Republic, the Republic of Korea, the People's Democratic Republic of Korea, the Republic of Vietnam, and the Democratic Republic of Vietnam.

SENATE RESOLUTION 94—SUBMISSION OF A RESOLUTION RELATING TO IMPORTATION OF OIL

(Referred to the Committee on Foreign Relations.)

Mr. STEVENS. Mr. President, today on behalf of myself, the Senator from Maryland (Mr. BEALL), the Senator from Tennessee (Mr. BROCK), the Senator from Kentucky (Mr. COOK), the Senator from Arizona (Mr. GOLDWATER), the Senator from Alaska (Mr. GRAVEL), the Senator from Iowa (Mr. HUGHES), the Senator from New York (Mr. JAVITS), and the Senator from Connecticut (Mr. RIBICOFF), I am introducing a Senate resolution requesting the President to commence negotiations for the convening of a convention of major oil-importing countries to establish an international organization of major oil-importing nations and to establish common practices and policies affecting oil pricing, importation, and consumption.

The oil-consuming nations of the world must stand together and have a common policy to offset that of the Organization of Petroleum Exporting Countries—OPEC. Nations such as the United States, Western Europe, and Japan must combine forces so that Middle East nations supplying most of our oil will not be able to continue to bid up the price of petroleum and impose their international policies on us.

By this country's increased reliance on Arab oil, we have put ourselves in a distressing international situation. Arab nations are utilizing their oil revenues for their maximum economic advantage. They are also using their resources to counter American foreign policy. The United States is, on the one hand, firmly committed to a free and independent State of Israel. On the other, we are continuing to rely on oil from a number of countries in the Middle East who are basically committed to the annihilation of the Jewish State. These countries are utilizing funds from oil royalities in three ways.

First, they are utilizing their tremendous cash reserves to devalue the dollar. One of the most important issues facing the American economy today is the international position of the dollar and its effect on the balance of trade. The dollar's devaluation abroad will have long range effects, not only on the country as a whole, but on each individual citizen and his purchasing power. As the dollar devaluates, the international purchasing power of American citizens also diminishes.

The causes of the devaluation of the dollar are also much more difficult for this country to control. Foreign nations, led by the Arab States, have created a run on the dollar on foreign monetary exchanges. Because of this Nation's support for Israel, these countries have used their wealth to wreak international havoc, not only on the citizens of this country, but on all foreign citizens and foreign governments who have put their trust in the soundness of the dollar.

Because of this international monetary speculation, the dollar has undergone a forced devaluation twice recently.

The second devaluation was caused in large part by Arab oil money. It is estimated that as much as one half of the $6 billion in speculative money that reached Frankfort in mid-February consisted of Arab owned American dollars. Oil revenues formed the source of most of this money. Many of these dollars came from the United States. Because of our reliance on Arab oil, we have inadvertently contributed to the devaluation of our own dollar and a significant loss of purchasing power.

Second, after the 10-percent dollar devaluation, the oil producing countries recently indicated they will raise the price of oil 10 percent. This appears to be the second step in this international money manipulation.

Third, certain Arab countries have called on other Arab States to withhold oil supplies from nations aiding Israel. For example, Iraq has asked for the nationalization of oil and other interests owned by nationals of any country assisting the State of Israel. These same countries also demand that nations aiding Israel and purchasing Arab oil do all in their power to cause Israel to withdraw unconditionally from all territories occupied as a result of the 1967 war. Finally, these same nations demand that other Arab countries utilize their wealth to fight Israel.

These complex international repercussions reflect the difficult situation the United States has placed itself in by becoming reliant on Middle East oil. Financial pressure from these Arab States will continue until the United States develops domestic oil sources. The safest alternative to this untenable situation is to develop our domestic supplies as rapidly as possible. However, even if we begin to develop all our domestic sources now, it will be some time before we can eliminate our dependence on foreign oil. And we have not yet begun to develop all our domestic supplies.

The 11 major oil producing countries already operate as a cartel—OPEC.

As Joseph Kraft stated in his column in the Washington Post on Sunday, March 25, 1973:

> Why couldn't the power of the oil-producing countries, which now coordinate their tactics in a cartel, be constrained by a counter-cartel of the assuming countries that would link the United States and Japan and Western Europe?

Walter Levy, an oil industry consultant, has also suggested this approach. Speaking last week before the European-American Conference in Amsterdam, Levy proposed a 10-point program for such an international organization. I request unanimous consent that an article describing this suggestion be inserted in the CONGRESSIONAL RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Oil Daily, Mar. 28, 1973]

TO PROTECT IMPORTING COMPANIES—OIL ALLIANCE SUGGESTED

AMSTERDAM, HOLLAND.—A veteran independent oil industry consultant suggested the Atlantic oil importing countries and Japan form an alliance to "try to cope with the common problems of the security of oil supplies and the financial issues related to it."

Walter J. Levy, owner of Walter J. Levy Association, New York, spoke at the Europe-America Conference here, sponsored by the European Movement.

He suggested these duties for an oil importing nations' organization:

"(1) Study and review of energy demand and supply including tanker, pipeline, and refining availabilities. A program for optimum diversification of supplies.

"(2) A coordinated and/or joint research program for the development of new energy resources.

"(3) Development of conventional and new energy resources.

"(4) Review of arrangements by importing countries for oil supplies from producing countries and the establishment of broad terms of reference and/or of parameters for arrangements, acceptable to importing countries.

"(5) Arrangements for stockpiling, rationing, and equitable sharing of import availabilities in case of an emergency.

"(6) A program on conservation of energy.

"(7) Review and coordination of programs of economic development and technical assistance for producing countries.

"(8) Review of prices, costs, balance of payments effects of oil imports of member countries and also of developing countries; arrangements for support and adjustment if called for.

"(9) Review of government revenues of major oil producing countries and of their impact on world trade, world capital flows and short-term money markets; and a program of financial cooperation.

"(10) A review of the dependency of Middle East producing countries on the exports of industrial and agricultural goods and of military equipment, on shipping, services, technical know-how, etc., from the free world's oil importing countries and a continuous assessment of mutual interdependence; and also of all the means that might be available to cope with an oil supply, trade or finance emergency."

Levy suggested two possible sources of the energy policy: a special new high level international energy council, with member states and a permanent staff, or restructuring of the present OECD oil committee or its High Level Committee to implement the policy.

Its policy framework should set the limits within which the countries as well as the oil companies would handle their affairs, with some provision for changes, Levy said.

One of the important functions of the energy council would be to see that an oil embargo by producing countries became "difficult, if not practically impossible," Levy remarked.

He explained this would be done through stockpiling, coordination of rationing policy, and "especially through an emergency import-sharing agreement" among the members.

This would allow supply-demand adjustments to be made, provide time to solve any disputes with the oil-producing countries, or, at the worst, allow the importing countries to initiate necessary security measures, he said.

The council would also provide a place for discussion of matters affecting more than one member, such as a supply shortage by one country forcing it to buy up a lot of foreign crude, Levy noted.

It would provide "broad terms of reference" for use when negotiating with the oil producing countries, and reduce the importers' risk of being subject to the producers' unilateral demands, Levy said. The council would provide backing for the oil companies in their negotiations.

The oil producing countries know if their relations with free world countries deteriorate, they will have to depend on Soviet support, which hasn't nearly the benefits to them of western trade, and also involves political risks, Levy said.

Although Levy acknowledged the formation of a council would necessarily involve governments in the oil industry to a considerable extent, he said "there are no realistic alternatives."

Mr. STEVENS. This legislation I am introducing today will establish a countercartel of the major oil-consuming countries.

This resolution by the Senate will urge the President of the United States to enter into negotiations with the major oil-producing countries to do two things:

First. Establish an international organization of oil-importing countries; and

Second. Establish common practices and policies affecting oil pricing, importation, and consumption.

We must act now, or the oil-producing countries will continue to use their natural resources to obtain even greater cash reserves and thus increase their leverage internationally.

I request unanimous consent that three articles describing the international Middle East oil situation be placed in the Congressional Record and followed by my resolution in its entirety. The first article is entitled "Arab Oil Money Hurt Dollar." It appeared in the Washington Post on Monday, March 5, 1973, at page A–20. The second, entitled "Oil Nations Ask Rise for Devaluation," appeared in the Washington Post on Friday, March 23, at page A–26. The third, entitled "Arabs Asked To Stop Oil to Nations Aiding Israel," appeared in the Oil Daily on Wednesday, March 7, 1973, at page 2. Finally, I request that the resolution, Senate Resolution 94, be printed in the Congressional Record in its entirety.

I request unanimous consent that my staff be permitted to orally inform the official reporter of additional cosponsors of the bill until the close of business today.

There being no objection, it was so ordered and the articles and resolution were ordered to be printed in the Record, as follows:

Arab Oil Money Hurt Dollar

(By Ronald Koven and David B. Ottaway)

Arab oil money played a large part in the monetary crisis which forced a second devaluation of the dollar last month, according to both Arab and U.S. officials.

Some well-placed Arab sources claim that as much as half of the $6 billion in speculative money that flowed to Frankfurt in mid-February consisted of Arab-owned Eurodollars. U.S. sources view that as somewhat exaggerated, but they readily concede that Arab money accounted for at least $1 billion.

The last official estimate of the Bank for International Settlements is that the Middle Eastern countries hold $7.5 billion of the $80 billion in the Eurodollar market, made up of dollars circulating in Europe and not repatriated to the United States.

There has been growing concern in the U.S. government that the Arab oil-producing states, whose steadily mounting official bank holdings are now calculated at about $12 billion, might be tempted to use their monetary clout for political ends. Their reserves are expected to double in the next three years.

Private holdings of the Arab ruling families are thought to be roughly equal to the official government reserves in many of the oil states.

Despite urgings by radical Arabs that the oil money be used deliberately to pressure the United States into changing its Middle East policy, it is generally believed that, with the possible exception of Libya, the Arab money was moved in February in response to the normal instinct of monetary self-preservation.

It is widely conceded that the major U.S. oil companies also played a large part in the Frankfurt speculation and that the Arab governments simply followed their lead in their instance.

There is some dispute whether Saudi Arabia, the superpower of the oil exporters and perhaps Washington's closest Arab ally, took part in the attack against the dollar.

Saudi sources insist that they simply took a heavy loss on the devaluation, keeping their $3 billion in reserves where it was bound to suffer in any devaluation. But other knowledgeable Arab sources contend that the Saudis also tried to protect their dollar holdings, along with most of the other Arab governments.

U.S. sources tend to believe that Libya, the most politically motivated of the large Arab fund holders, was one of the most active speculators. The Libyans are known to have attacked the British pound in the past for purely political reasons.

Pinning down the source of such "hot money" flows, however, is very difficult.

If an order to switch from dollars to West German marks comes from an Arab account in Beirut through a corresponding Swiss bank, there is no way for money changers in Frankfurt to know exactly who placed the order. There is hard evidence, however, that Arab officials in Beirut are trying to keep track of who does what, and the Arab League is known to have conducted a detailed study of the subject.

It is far too early even to make an educated guess of who is behind the latest attack on the dollar in which West German central bank was forced on Thursday to buy up almost $3 billion, the record for a single day.

The problem of determining who the speculators are will be a key consideration in a forthcoming Senate Foreign Relations Committee investigation to be conducted by the subcommittee on multinational corporations headed by Sen. Frank Church (D-Idaho).

Sources close to the preparations for that inquiry are expressing shock that the U.S. government has so little hard information on who has been speculating against the dollar.

But banking sources say that, of the major U.S. and foreign corporations operating across national boundaries, the oil companies are the most prone to play the money markets. This is because they must pay huge sums to the Arab oil states, and the companies try to settle their debts in the most advantageous way.

Thus, if there is $100 million to be paid to Kuwait in three months, for example, an oil company might be tempted to buy marks now in anticipation of a dollar devaluation or an upward revaluation of the mark.

If the bet is correct, the company could make a tidy profit, buying back the $100 million it needs to pay Kuwait and pocketing $10 million in marks in addition in a 10 per cent devaluation.

This practice, known as "leads and lags," is a contagious example for the Arab treasuries, whose officials have often been tutored by the Western oil companies.

An Arab League study by Prof. Youssef Sayegh, head of the economics department at the American University of Beirut and a prominent Palestinian, concluded, however, that there are some limitations to the use of oil money as a political weapon.

He cited the case of a huge, politically motivated transfer (more than $1 billion according to one estimate) of Libyan funds from Britain to France in late 1971.

Sayegh said that most of the Libyan money found its way back to British banks within a week because there was essentially nowhere else for it to be absorbed. "The Arabs are prisoners of their own funds," he concluded.

The militant Libyan government, with official reserves now estimated at more than $3 billion, is considered so far to be the only Arab state with both the resources and the inclination to use its money holdings for political purposes.

Equally militant Iraq, a country now in heavy financial difficulties, is potentially more troublesome for the monetary system than Libya, however.

While Libya's oil reserves are limited and its production has been cut back, Iraq is now considered to have the second largest reserves in the Middle East after Saudi Arabia. It plans to expand its production after just settling a nationalization dispute with Western companies. Until recently, non-Arab Iran was traditionally ranked as the Middle East's second largest oil source. But recent official estimates are that Iraq's oil potential far outstrips Iran's.

For the moment, however, Western worries about Arab oil money's place in the international monetary system are largely confined to the manipulations of the coffers of such traditionalist kingdoms and sheikhdoms as Saudi Arabia, Kuwait, Abu Dhabi, Bahrein and Qatar.

Their current monetary tactics are still thought to be purely motivated by profit-taking and self-protection. That, as recent events in Frankfurt have proven, is threat enough to force the burning of the proverbial midnight oil in the chanceries of the West.

It is clear, however, that those traditionalist Arab states are becoming conscious of the leverage they can have on the monetary system at crucial moments.

When the United States had its first devaluation, in December 1971, the Arab states were just beginning to build up their reserves. Since then, official Saudi dollar holdings have nearly tripled. With more to lose than before, the Saudis and others are demanding to know whether their friendship with the United States will continue to cost them money every time there is a devaluation, not to speak of the cost to their position in the Arab world if Washington continues to back Israel against the Arab cause.

Oil Nations Ask Rise for Devaluation

(By Jim Hoagland)

Beirut, March 22.—The major petroleum-exporting countries decided today to seek increased payments from Western oil companies to compensate for last month's 10 per cent devaluation of the dollar.

If successful, the move by the ministerial committee of the 11-member Organization of Petroleum Exporting Countries could add significantly to American balance of payments problems and create new international inflationary pressures, especially in Western Europe and Japan, where most exports of OPEC members are consumed.

The committee voted after meeting briefly here to set up a three-member "negotiating team" that will contact the oil companies immediately to discuss amending an agreement reached in Geneva last year that sets devaluation compensation for the six main Persian Gulf oil producers.

The Geneva agreement, which has set the pattern for similar compensation to all OPEC members, provides for a quarterly review of currency fluctuations. Under this formula the producing companies are due to get a 6 per cent increase to compensate for the latest devaluation.

But the team is empowered to act "with a view to obtaining full compensation as a result of the devaluation," a press release issued after the OPEC meeting said. OPEC sources said the team would open talks with the American, British and European oil companies by mid-April.

With oil prices rising as fears of fuel shortage become more pronounced in industrialized countries, an increase of even a few percentage points will cost consumers tens of millions of dollars this year alone.

The oil companies, which routinely raise their own prices after each new set of demands from the producing countries, may be able to argue to OPEC that many of the more recent contracts call for payments in hard currencies other than dollars in any event.

But the composition of the negotiating team indicates that OPEC intends to press the issue. Iraq, Libya and Kuwait—the three countries said to have pressed hardest for a full 10 per cent claim at the meeting today—form the unit, which is headed by Libya's oil minister, Izzidan Mabrouk.

OPEC countries produce more than 80 per cent of the world's petroleum exports and have helped drive oil prices up sharply over the past two years by demanding higher payments and increased control over production and marketing.

The gulf countries that signed the Geneva agreement are Abu Dhabi, Iran, Iraq, Kuwait, Qatar and Saudi Arabia. Algeria, Indonesia, Venezuela and Nigeria are OPEC's other members.

ARABS ASKED TO STOP OIL TO NATIONS AIDING ISRAEL

BAGHDAD.—Iraq has called on Arab states to withhold oil supplies from countries which fail to heed a demand to halt all military, political and economic aid to Israel, the semi-official daily "All-Thawra" said. It has also called for the nationalization of oil and other interests owned by any country which fails to comply with such a demand, the newspaper added.

"Al-Thawra publishing a summary of a nine-point plan submitted by the Iraq delegation in an Arab defense council meeting in Cairo late last month said the proposals had been opposed by some delegations. Others had shrugged them off or received them with good intentions but asked that Iraq should resort to realism. The plan was referred to a committee of experts for further study.

The proposals said that all countries concerned including the United States and European nations—should be notified that they must stop all military, political and economic aid to Israel and do all in their power to pressure her into unconditionally withdrawing from all occupied Arab territory. Arab states should then withhold oil supplies from countries which failed to comply, and if possible nationalize oil and other interests owned by such states.

The plan also asked Arab states to withdraw their balances from American and European banks and put these in the service of the national battle against Israel.

S. RES. 94

Whereas the world presently faces a serious energy crisis;

Whereas the major oil producing countries in certain parts of the world have combined to utilize their resources for their own economic and political advantage;

Whereas these countries have utilized this advantage to control world oil prices and to force their national policies on the rest of the world;

Whereas the major oil consuming and importing countries have not combined in a similar manner to prevent an energy crisis and to insure the free flow of oil;

Whereas the United States is currently experiencing a major energy crisis; and

Whereas the United States has felt strong political and economic pressures brought by these oil producing countries: Now, therefore, be it

Resolved, That the President is requested to enter into negotiations with the major oil importing countries for the purposes of establishing an international organization of oil importing countries and establishing common practices and policies affecting oil pricing, importation, and consumption.

A NEEDED FIRST STEP TO MEET THE GROWING ENERGY CRISIS

Mr. RIBICOFF. Mr. President, I am pleased to cosponsor the resolution being introduced today by the distinguished senior Senator from Alaska (Mr. STEVENS).

The United States obviously needs a coordinated, farsighted energy policy if we are to avoid empty gasoline tanks this summer and unheated homes next winter.

We have already had a foretaste of the crippling effects of such shortages last winter with schools shut in Denver, workers laid off in Alabama and Louisiana, and shortages and higher prices for heating oil in New England.

But we are not alone in facing the spectre of an energy crisis. The nations of Western Europe and Japan also have an enormous stake in insuring an uninterrupted flow of oil at reasonable prices. Until the United States achieves, or is close to self-sufficiency in energy, we must meet head-on the threats posed to monetary stability and our basic foreign policies by hostile actions on the part of the oil-producing states.

Already there is strong reason to believe that the most recent monetary crisis leading to the devaluation of the dollar was caused by a shifting of currencies by oil-producing states. I am awaiting details of who profited from these shifts based on the questions I posed to CIEP Director, Peter Flanigan, during recent hearings before by Subcommittee on International Trade.

An article last month in the Wall Street Journal entitled "Middle East Oil Funds Play an Increasing Role in Monetary Turmoil," analyzed this new situation. With enormous oil revenues at the disposal of the Arab oil-producing states, and with reserves amounting to hundreds of billions of dollars by 1985, the potential for monetary disaster is apparent.

Unfortunately, our own Government is ill-prepared to effectively deal with the many questions raised by our energy needs. Along with the rest of my Senate colleagues, I am anxiously awaiting the President's forthcoming energy message. But there is something that can be done prior to embarking on costly, long-range programs.

It is obvious by now that we cannot leave negotiations with the cartel of oil-producing countries, OPEC, up to the private oil companies alone. Despite their vast wealth and long experience in the various facets of petroleum production and marketing, these companies are in an unequal contest when faced with the combined bargaining power of the oil-producing states.

Energy resources today are as essential to the well-being of every American as the air we breathe and the water we drink.

An essential first step in meeting the challenge posed by the Arab oil producers is for the oil-importing countries themselves to organize to establish common policies regarding oil prices and the availability of supplies.

The resolution we are introducing today requests the President to begin talks with foreign countries for the purpose of creating such an organization. I urge the President to do so without delay. Each day that we hesitate to take this needed action increases the probability that we will have to pay a much higher price later for failing to deal with oil on a government-to-government basis.

I ask unanimous consent that the front page article from the Wall Street Journal, I alluded to earlier, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LIQUID ASSETS: MIDDLE EAST OIL FUNDS PLAY AN INCREASING ROLE IN MONETARY TURMOIL—DESPITE EARLIER ASSURANCES, ARABS HELPED SINK DOLLAR; IRAQ AIDE: "WE PROFITED"—"HOW CAN YOU BLAME THEM?"

(By Charles N. Stabler and Ray Vicker)

The prospects for any lasting stability in the world's monetary system seem dubious indeed. And a major reason is the role played by Middle Eastern nations in the turmoil in gold and foreign-exchange markets.

This is the gloomy conclusion of some international economists and other analysts, who have watched with alarm as oil money flooded first into Swiss francs, then into German marks and now into gold. How much of this volatile money is involved in the current crisis can't be determined, but, whatever it is, the volume is bound to rise in future years. This means that a major and growing source of instability is being added to an international monetary system already tottering under massive money flows from international corporations and speculators. And, most analysts agree, there isn't much, if anything, that can be done about it.

"The problem poses nearly impossible dilemmas," says Walter J. Levy, a New York petroleum-industry consultant. "Any way you try to sterilize the money (from oil sales) or put rules on (the oil nations') use of these funds will just mean that they won't increase production" to meet the world's growing energy needs.

OIL ON TROUBLED WATERS

The Middle Eastern threat to the world's monetary system had been anticipated by many analysts. But prior to the recent flare-up of money troubles and the devaluation of the dollar Arab leaders had been making soothing statements. They would not, they said, use their funds to disturb the monetary system any more than they would use them for political pressures in the turbulent Middle East.

Just days before the flare-up, for example, Anwar Ali, the governor of Saudi Arabia's monetary agency, said, "We realize it is to our advantage to handle our surplus funds in a manner that doesn't disrupt the system. Stability is as important to us as it is to the Western world."

But with the first breath of doubt over the dollar, official agencies of the oil states took steps to protect themselves, some of them now confirm. And there seems little doubt that their sales of threatened dollars helped bring that currency down, just as their purchases of German marks, Swiss francs and gold are driving those prices up.

CRIME AND PUNISHMENT

"Who can blame them?" a New York banker asks with a sigh. "The head of an Arabian central (government) bank is in the same position as the treasurer of a multinational company, only worse. If the Arab gets caught in a devaluation, they cut off his head."

In London, an official of a major American bank says: "It's common knowledge around the London money market that a considerable volume of Middle Eastern money was getting out of the dollar in the recent monetary crisis. It probably will go back into dollars before long, until the next money crisis."

Like international money managers everywhere, most Arab officials are closemouthed about their operations. But some are willing to talk.

"We profited from the devaluation of the dollar," an Iraqi government official says in Baghdad. In Kuwait, which reportedly threw hundreds of millions of dollars on the market in the days leading up to devaluation, a government agency now says: "Precautions had been taken in anticipation of possible devaluation." Similar reports come from Jedda in Saudi Arabia. In Tripoli, a Libyan source says, "We have been protecting ourselves."

THE ART OF SELF-PROTECTION

In foreign-exchange trading, protection means cutting the risk of loss caused by a reduction in the value of foreign funds held, mostly dollars. When the dollar appears weak, these assets are exchanged for stronger currencies, such as the Swiss franc or mark. Then, if devaluation occurs, the upward revaluation of the strong currencies results in a profit. This profit affects the loss on dollars still on hand or on those sold earlier at low prices.

Kuwait, for example, has the equivalent of $2.5 billion in officially held foreign-exchange assets. But, according to the finance ministry, only about $300 million was "fully exposed" to devaluation of the dollar.

Reserves of Middle East nations are held as deposits with commercial banks, in Eurodollar investments, in gold and in financial instruments of various governments and agencies. Because the U.S. has frowned upon central-bank investments in Eurodollars—that is, dollars on deposit abroad—big European central banks have all but withdrawn from this market. But, central banks of smaller nations have taken their places.

One major American bank recently made a confidential survey of the Eurodollar market. It concluded that as much as $15 billion of the $80 billion total outstanding had come from central banks. A little under half that total may be from Middle Eastern and North African countries, one official of this bank says.

Money in the Eurodollar market may be transferred fast into a strong currency in any money crisis. Because any such money goes through Commercial banks, it is almost impossible for any outsider to evaluate totals. A Middle Eastern nation, for instance, may have funds with a dozen different banks from First National City Bank to Union Bank of Switzerland in Zurich and from Bank of America to Deutsche Bank in Frankfurt.

If there is any dollar dumping, a foreign-exchange dealer may not know the source of it; he is usually dealing with commercial banks. Incoming dollars may be received by the dealer as if they were holdings of the banks rather than of their clients. Moreover, banks, mindful of the huge amounts of business that may be coming their way in the future from the Mideast, fear being connected in any way with discussions of customer habits and inclinations.

When one London branch of an American bank is asked for information, a spokesman pleads, "Don't even call us a New York bank. Say we are in Philadelphia." Then he relents to add: "All right, make it New York, but please don't call us a *big* New York bank."

Central-bank holdings, of course, represent only a part of the money in the Mideast. There are substantial private holdings in the Persian Gulf, in major Saudi Arabian cities and in Lebanon. One estimate, made by the Financial Times of London, places Kuwait's total foreign holdings at about $6.6 billion, for instance.

Middle Eastern money is of special significance because that area can claim to be the world's fastest-growing store of capital. And the outlook for better gains in revenues from oil is staggering.

Economists at New York's Chase Manhattan Bank estimate that crude-oil production from the Middle East will double by 1985, rising to 40 million barrels a day, says John D. Emerson, a bank vice president. Saudi Arabia, probably destined to be the world's largest producer of oil, received about $13 billion in oil revenue between 1960 and 1972. During the next 13 years, from 1973 through 1985, "a conservative estimate of Saudi Arabian receipts from oil is $150 billion," Mr. Emerson says.

PROBLEM: HOW TO SPEND MONEY

Add in Kuwait and the Persian Gulf states including Abu Dhabi and Dubai, and expected oil revenues would rise from $27 billion during the last 12 years to $227 billion this year through 1985, Mr. Emerson calculates.

Some of the revenue being collected by these Middle Eastern oil nations can be spent, of course, on domestic economic development. But Mr. Emerson says, "There are limits to the rate at which a country with a small, poorly educated population can spend money."

If one assumes that these countries can spend, say, 50% of their annual oil income on economic development and investment, their reserves of gold and foreign exchange will rise to well over $100 billion in 1985.

"Entire world reserves currently amount to $150 billion," Mr. Emerson says. He adds that he isn't trying to make an accurate prediction of how much Middle Eastern gold and foreign-exchange reserves will actually amount to but is "only trying to show you the extent to which their power and influence in the world of finance will grow."

And political influence will grow, too, some analysts fear. Already, Japan, which is even more dependent on Middle Eastern oil than the U.S. or Europe, "apparently feels it has to be very cognizant of Arab feelings when its delgates vote in the United Nations," one economist says in New York.

Some efforts are already underway to reduce the world's dependence on the Middle East for oil or somehow corral the financial and political problems this reliance brings. One idea: The U.S. could improve its bargaining position with the Middle East by building enough mammoth tanks or other facilities to store a two-year supply of fuel. The cost of this move would add an estimated 40 cents a barrel to the present $3.50-a-barrel price of oil. Thus, although expensive, the move would allow more effective bargaining on future supplies from Arab countries and would provide time for the development of other energy sources.

More immediately, private and official institutions in the West are trying to tap the Middle Eastern money pool for investments. This move is in line with Arab desires and would remove some capital from the "hot-money" flows that periodically disrupt foreign-exchange markets. However, for various political and economic reasons on both sides, prospects are slim for sopping up a substantial amount of oil money in this way.

WORLD BANK AND THE ARABS

The International Bank for Reconstruction and Development (World Bank) sees the Arab nations as a source of funds for relending to other nations. Robert McNamara, who heads the bank, recently visited several Arab nations to make such a pitch.

Venezuela is urging its partners in the Organization of Petroleum Exporting Countries (OPEC) to join in creating an OPEC bank. "The time has arrived for OPEC members to have a bank of their own for financing economic and oil development in their respective countries," says Hugo Perez la Salva, Venezuela's minister of hydrocarbons.

Bank of America and private Middle East investors have set up the Bank of Credit and Commerce-International in Luxembourg. International Maritime Banking of London has opened a Beirut office to cover the Middle East. Britain's National Westminster Bank recently opened an outlet in Bahrain, in the Persian Gulf, to cover the area. Morgan Guaranty has purchased an interest in a Beirut bank. The second-largest bank in Beirut is Moscow Narodny Bank, the Soviet Union's bid for garnering some of the financial traffic in the Middle East.

In Beirut, a key Mideast banking center, 37 of the country's 73 banks are foreign-owned or affiliated, with several big American banks represented.

Union de Banques Arabes et Francaises—a consortium established with Credit Lyonnais, Paris, and 22 leading Arab banks—has established branches in London and Rome. Shortly it plans to open another in Frankfurt. Recently, this consortium extended a $10 million medium-term loan to the Brazilian state of Rio de Janeiro for highway construction. This was a typical type of deal for putting some of the Mideast money to work. Banque Franco-Arabe—a consortium of Societe General of Paris and several private banks in the Persian Gulf—is promoting trade between Europe and the Mideast.

This month another consortium, Compagnie Arabe et Internationale d'Investissement, was formed at Luxembourg, with European and Arab banks as members. Its prospectus says it intends to "contribute to the solving of financial and investment problems which, on account of their new size, will require broad, diversified and powerful international associations."

NOTICE OF HEARINGS BY DISTRICT OF COLUMBIA COMMITTEE ON HOME RULE FOR THE DISTRICT OF COLUMBIA

Mr. EAGLETON. Mr. President, on Wednesday, April 25, 1973, the District of Columbia Committee will hold public hearings on S. 1435, a bill to provide for home rule for the District of Columbia, in room 6226, New Senate Office Building, at 9:30 a.m. Persons wishing to present testimony at these hearings should contact Mr. Robert Harris, Staff Director of the District Committee, room 6222, New Senate Office Building, by Tuesday, April 17, 1973.

NOTICE OF HEARINGS ON S. 1170

Mr. FULBRIGHT. Mr. President, the Committee on Foreign Relations will hold hearings on legislation to authorize appropriations for the Peace Corps, S. 1170, on April 13 at 10 a.m. The hearings will be chaired by Senator McGovern.

In addition, the committee will hold hearings on legislation to authorize appropriations for the U.S. Information Agency, S. 1317, on May 7 and 8 at 10 a.m. Senator McGovern will chair these hearings also.

Anyone wishing to testify on the above bills should contact Mr. Arthur M. Kuhl, the chief clerk of the committee.

ADDITIONAL STATEMENTS

THE WIT AND WISDOM OF SAM ERVIN

Mr. MANSFIELD. Mr. President, Members of the Senate have always enjoyed the colorful oratory of the senior Senator from North Carolina (Mr. Ervin). His folk stories and homespun humor have enlivened as well as enlightened our Senate debates.

Sam Ervin's rich storehouse of anecdotes has been tapped quite frequently, of late. Apparently, the President's recent statements concerning the scope of executive privilege have inspired Senator Ervin to new heights of rhetorical excellence. A North Carolina newspaper, the Raleigh News and Observer, has taken note of this most recent outburst of wit and storytelling. Mr. President, I ask unanimous consent that this article, entitled, "Ervin Puts on Virtuoso Show," be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

> ### Ervin Puts on Virtuoso Show
>
> Washington.—Sen. Sam J. Ervin, Jr., D-N.C., chairman of the Senate select Watergate Committee, quoted from the Bible, a hymn, a poem, Shakespeare and his own rich legacy Monday in a virtuoso performance for reporters.
>
> Here are some of the things the former North Carolina Supreme Court Justice said at a news conference:
>
> When asked how to plug leaks to reporters about private testimony to the committee—"About all you can do in this kind of a situation is to pray the good Lord to give some people the power of restraint, and whether that prayer is answered is dependent on the Lord, not on me."
>
> On turning down a White House offer to permit presidential aides to confer with committee members in executive session or privately—"I'm not going to let anybody come down like Nicodemus by night and whisper something in my ear that the public can't hear."
>
> Talking about the refusal of White House aides to testify before the Senate committee—"Shakespeare asks in one place, 'What meat doth this our Caesar eat that he's grown so great?' There's a lot of talk about meat these days. I just wonder what meat these White House aides eat that makes them grow so great."
>
> Pressed again about how to keep committee members and staff from revealing what is occurring in closed sessions—"Well, Miss Lewis (Carolyn Lewis, CBS), if you can tell me how to keep a senator or a senator's aide from talking, it would be the most miraculous discovery made since the morning stars sang from glory."
>
> Asked what he will do if White House aides refuse to testify—"I come from the Bible Belt and we sing a hymn down there, 'One Step Enough for Me.' I'll take the next step when that step is taken."

THE WOUNDED KNEE MILITANTS AND THE GENOCIDE CONVENTION

Mr. HELMS. Mr. President, for the past several weeks, the American people have been regaled with tales about a lawless group of Indians at Wounded Knee, S. Dak. These Indians, affiliated with the American Indian Movement, are in no way representative of the Sioux in South Dakota nor of the thousands of other decent, law-abiding American Indians throughout the country.

Nonetheless, these lawless few have made demands and have terrorized local residents.

If a treaty that has been reported to the Senate is ratified, these noisy and law-breaking few may cause many problems for the American Government internationally. The treaty of which I am speaking is, of course, the Genocide Convention. Though it cannot be maintained by rational people that the United States is committing genocide against our Indian population, the ratification of this treaty would give a green light to the troublemakers within the United States and to international busybodies who would delight in falsely accusing the United States of all sorts of wild charges, rather than solve their own internal problems.

It is instructive to note in the report on the Genocide Convention from the Senate Foreign Relations Committee of December 8, 1970, that the Convention makes it possible for all types of propaganda charges to be raised before the International Court of Justice. We have seen all too often that reason does not necessarily prevail in international organizations. It would seem unwise to ratify a convention that even its supporters admit will open us to all types of nuisance propaganda charges. The cause of freedom and peace is not served by the unloosing of international busybodies, or by giving their arrogance a world forum, which they in no way deserve.

To have a stable world, voices of reason must be heard. The Genocide Convention will not help those voices to be heard.

BILL BENTON

Mr. SPARKMAN. Mr. President, Bill Benton had many careers, but his involvement in business was one of his most far reaching. As cofounder of Benton & Bowles, as the force behind the huge expansion of Musak, as publisher of Encyclopaedia Britannica, he showed not only a good businessman's thoroughness and foresight, but a progressive commitment to the human needs which business fulfills.

His greatest achievement in business was his part in the founding of the Committee for Economic Development. Theodore Yntema, former vice president for finance of the Ford Motor Co. has said:

> Bill Benton had a crucial role in the founding of the Committee for Economic Development (CED). His vision, enterprise and enormous efforts were vital to the creation and early growth of CED. He helped bring businessmen and scholars together to work on the economic problems of the country. For this and his other remarkable achievements in education, Benton ranks as one of our Heroic Figures.

Paul Hoffman, cofounder of CED, former chairman of Studebaker, first head of the Marshall plan, president of the Fund for the Republic, and director of the U.N. Development Program and with Senator John Cabot Lodge persuaded General Eisenhower to seek the Republican Presidential nomination in 1952, said:

> As was anticipated, Bill Benton's death has resulted in his receiving a large number of eulogies from many parts of the world from many different people. They have one fault in common: they give great emphasis to Senator Benton's accomplishments as an advertising man, a businessman and a politician, but none stress what to my mind was his most outstanding characteristic, namely, that he was a great human being and was always looking for a chance to help other human beings realize all their abilities. I am one of many hundreds of people Bill Benton helped in a most effective way because of human compassion. This explains the reason why he has so many devoted and intensely loyal friends throughout the world. He would do anything to help a friend to achieve a worthy objective. I hope that in some eulogy in the future this unique characteristic of Bill Benton's will be properly highlighted.
>
> I had an unusual opportunity to know Bill Benton because I was associated with him in Encyclopaedia Britannica and also he was my partner in the organization of the Committee for Economic Development, to which he made enormous contributions.

The fact is that the CED was and is a moving, progressive force in American business and American life. With Paul Hoffman, Benton gathered such men as Thomas B. McCabe, the head of the Scott Paper Co., who would become head of the Federal Reserve Board in 1949; R. R. Deupree, the head of Procter & Gamble, and the Chairman of the Business Advisory Council to the Department of Commerce; Clarence Francis, the head of General Foods and a former advertising client of Benton; Ray Rubicam, the advertising man who had been Benton's principal competitor for General Foods; Beardsley Ruml; Paul Mazur; Marshall Field; and Henry Luce. In addition there was Ralph Flanders, a Republican, a flinty Vermont toolmaker, and a Boston banker. Flanders, in time, would become the first Chairman of the Committee for Economic Development's Research Committee, of which Benton was to be the Vice Chairman as well as the Vice Chairman under Paul Hoffman of the CED as a whole. Later, the Research Division included Chester Davis of the St. Louis Federal Reserve Bank; William L. Batt, of SKF Industries; S. Bayard Colgate, of Colgate-Palmolive-Peet, Chairman of the NAM Committee on Postwar Planning; Donald David, dean of Harvard's Graduate School of Business Administration; Max Epstein, of General American Transportation and a trustee of the University of Chicago; Harry Scherman of the Book-of-the-Month Club; Eric Johnston, the new president of the U.S. Chamber of Commerce; Charles E. Wilson, of General Electric. Hoffman and Benton were ex officio members, with the latter ex officio Vice Chairman.

Part of Bill Benton's great talent was his ability to choose men, and with this group Benton and the CED proceeded to involve the American Economic Community in education, the protection of civil rights, and in full and fair employment. Our debt to his foresight, his sense of justice, his energy and his involvement is enormous.

I am glad that I had the privilege of serving in the Senate with both Bill Benton and Ralph Flanders who were closely associated in many worthy programs. They were both my friends.

SENATOR PELL RECEIVES RECORDING INDUSTRY CULTURAL AWARD

Mr. JAVITS. Mr. President, recently one of our colleagues was honored by an industry that brings much pleasure to all Americans.

Senator Claiborne Pell of Rhode Island, on March 21, received the fifth annual cultural award of the Recording Industry Association of America at a dinner in the Shoreham Hotel. That dinner attracted many Members of the Congress as well as the leaders of the recording industry.

Since the Senator from Rhode Island and I serve together, under his chairmanship, on the Subcommittee on the Arts and Humanities, I am keenly aware of our colleague's deep dedication to the diverse cultural life of our country. He is truly worthy of the honor. I know he will cherish the glass star obelisk award as I have mine and I congratulate him.

Moreover, the recording industry is to be congratulated on its choice for the award as well as for its continuing contributions to the joy of life in America.

I ask unanimous consent for the text of the citation of Senator Pell, the remarks of Recording Industry Association of America President Stanley M. Gortikov, and our colleague's response to be printed at this point in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

RIAA Cultural Award

The Fifth Annual RIAA Cultural Award is proudly presented by The Recording Industry Association of America to Senator Claiborne Pell of Rhode Island in recognition and deep appreciation for his devotion and dedication to America's cultural heritage and its ongoing artistic efforts. Since coming to the Senate 12 years ago, he has become one of the Government's principal proponents for Federal assistance to those activities which enhance the quality of life. As a member of the Senate Committee on Labor and Public Welfare, he was instrumental in the establishment of the Special Subcommittee on the Arts and Humanities and was named its first chairman. He was the author and co-sponsor of the Senate bill which established the National Foundation on the Arts and Humanities and has repeatedly sponsored legislation calling for increased funds for cultural purposes. As chairman of the Subcommittee on the Smithsonian Institution, he introduced legislation which increased the scope and funding authority for the National Museum Act. His efforts led to the recognition of museums as educational institutions under Federal law, a designation which made museums eligible for participation in Federal educational programs. He has authored the bills which led to markedly increased funds being apportioned for elementary and secondary education and was responsible for the Library Services and Construction Amendments of 1970, which granted greater flexibility to the states in assigning Federal funds for library programs. For his total involvement and active interest in fostering and encouraging the cultural and educational climate in our country, the Recording Industry Association of America is proud and delighted to present him with its Fifth Annual Cultural Award.

Remarks by Stanley M. Gortikov

Good Evening Ladies and Gentlemen. I am Stanley Gortikov, President of The Recording Industry Association of America, which comprises our country's principal record and tape manufacturing companies. We are genuinely pleased to welcome you to our Fifth Cultural Award Banquet tonight.

Our companies make round black discs with holes in the middle—450,000,000 of them every year. We also produce and market 100,000,000 tape cartridges and cassettes. But our key commodity, our special pride, is what we deliver within those discs and cartridges. I speak of the entertainment . . . the joy . . . the fun . . . the education . . . and the enrichment that all come from music.

We channel culture and art to America, too, as we carry serious music, great musicianship, and outstanding artistry to many millions far beyond those reached in our concert halls. To foster arts and culture originally impelled our creation of this banquet and our Annual Cultural Award.

Our striving to deliver those recordings to the consumers of America is being seriously challenged and undermined these days. We are now under constant attack by an expanding army of unauthorized duplicators who literally steal the creativity, the efforts, and the money of our record companies, our artists, our musicians, our music publishers, and our composers. These pirates are siphoning more than $200 million a year out of legitimate sales channels, as they drain our life blood. They hit us where it hurts most, because the pirates of America copy only our more successful product, our hits.

Yes, we have a relatively new Federal copyright law which has granted presumed protection on new product. But infractions of this law are only misdemeanors, and it is difficult these days, despite the noble intentions of law enforcers, to gain priority alongside more overt criminal acts. So we have an industry which suffers; we have artists who cry out for protection now theroetically granted them by law; we have union musicians whose income is being grabbed away by ruthless, gypsy-like parasites, many of whom have links to organized crime.

The very goal we symbolize in this event tonight—the growth of culture and music and art in America—is partially threatened by the erosion of our economic base. How strange it is that our culture can produce such musical greats as a Leonard Bernstein, a Sammy Davis, a Neil Diamond, a Burt Bacharach, and a Barbra Streisand. Yet our same culture can also produce thieves who literally poach upon their unique artistry

This seamy underworld is masked from us here tonight as we assemble, as we genuinely welcome you, and as we approach you musically and gastronomically. And we are here for another purpose, too. Once again tonight, for the fifth consecutive year, we honor one of Washington's own contributors to art and culture, the winner of RIAA's Fifth Cultural Award. This award is designed to recognize and encourage those in the Federal Government who have made notable contributions to our culture and who have helped make people more appreciative of the diverse art forms that are a part of our society.

The criteria for our award match precisely with the profile of the man we honor as our winner tonight, Senator Claiborne Pell of Rhode Island. He is a legislative pioneer in the arts, humanities, and education, and truly is a "modern Renaissance man." His peers hold him in high esteem for his innovation and vision in legislative affairs. His understanding of and devotion to the values that produce enlightened government and citizenship are widely known in Washington. He has helped foster a Renaissance spirit in the United States, creating a climate for the encouragement and development of our cultural progress.

Senator Pell's family background is rich in public service and cultural affairs. His father was a member of Congress and the foreign service. Four other ancestors served in Congress. One of them, Pennsylvania Senator George Dallas, became Vice President of the United States in the administration of James Polk. He is an honor graduate of Princeton University and has a master's degree from Columbia. He served seven years as a member of the foreign service. All that . . . and a lovely wife and four children too.

Senator Pell's contributions to the arts and culture are best described in the award "Citation," which acknowledges his role as one of the government's principal proponents for federal assistance to those activities which enhance the quality of life.

He is a member of the Senate Committee on Labor and Public Welfare, was instrumental in establishing the special subcommittee on the arts and humanities, and was named its first chairman. He was the author and co-sponsor of the Senate bill which established the National Foundation on the Arts and Humanities, and has repeatedly sponsored legislation calling for increased funds for cultural opportunities.

As chairman of the subcommittee on the Smithsonian Institution, he introduced legislation which increased the scope and funding authority for the National Museum Act. He has authored bills which led to markedly increased funds for elementary and secondary education, and was responsible for amendments which created greater flexibility to the states in assigning federal funds for library programs.

For his total involvement and active interest in fostering and encouraging the cultural and educational climate in our country, the Recording Industry Association is proud to present him with its Fifth Annual Cultural Award.

Speech by Senator Claiborne Pell

Ladies and Gentlemen: I am deeply honored to be with you this evening at this Fifth Annual Cultural Award Dinner of the Recording Industry Association of America. And I am particularly honored and delighted to be the recipient of this year's award.

I immensely appreciate this citation and its generous reference to my efforts in behalf of cultural programs, in the arts and humanities, in education, in the library and museum fields. These areas have been of deep concern to me since my first years in the Senate.

Often we who have toiled in these cultural vineyards have worked without much political recognition—in a sense sometimes the grapes we have sought to harvest have been treated—if not like the "grapes of wrath"—like the grapes of criticism or scepticism. So it is especially pleasing when we are given recognition, and even more meaningful when the recognition comes from your organization which I hold in highest esteem. I am indeed very grateful to you. This award refers to my past efforts, but it gives me great encouragement to continue to pursue, in these cultural areas, my own personal convictions and beliefs.

A civilized society is judged by the values it places on cultural advancement. How will history eventually judge us as a nation in these terms? Will some group of historians in the future say that somehow the United States faltered—that it became paramount in industry, preeminent in science, expert in the design of weaponry, a genius in mass communication—but that it neglected, or paid too little attention to, the diverse art forms which signal like beacons the imperishable achievements of the human mind and spirit? Together with you I believe we here know how to respond, but our quest needs a constant renewal and vigilance.

In recent joint Congressional hearings on the reauthorization of the arts and humanities program, we asked for justification from the leaders of this growing agency for proposed increases in Federal funding. We received several answers. We heard that progress had been achieved, as indeed it has, and that it should be allowed to continue to broadened accomplishment. We heard that the Bicentennial was involved, and that it was necessary to put our best foot forward for proper celebration of our 200th anniversary. But there is another answer—which is that our cultural advancement relates not just to a moment of time, not to one celebration no matter how significant, not even to our span of life, but to a future time and future horizons toward which we can now only aim.

The target is distant, but unless we direct our thoughts and minds, our sights and efforts toward it, it can disappear.

When I discuss the arts, let me say—in particular—how much I believe the art form represented by the Recording Industry of America means to all of us. Although this art form is specifically designated in the arts and humanities legislation, it had long before made its mark on our cultural scene. We hear, for instance, an old record of Enrico Caruso, and though the quality of sound has been vastly improved since his day, listening to that voice we are suddenly transported into another era and yet aware of the perennial striving for perfection. That striving applies to the world around us, and we think of recordings which not only sharpen our appreciation today, but become the preservers for enjoyment in future tomorrows.

I have noted with great interest that the National Endowment for the Arts, whose creation I sponsored in the Senate, is assisting this year, with more than $5 million, ninety-six orchestras. The Endowment is assisting opera in the United States with almost $4 million. It has initiated a new program for jazz, folk music and ethnic music. This program relates especially to our heritage in Black, Indian and Chicano cultures, as well as to the old songs of former frontiers and the old cowboy songs and the music of our Western plains.

And as these grants are made and as they hopefully increase in scope, we can think of both performers and composers who will benefit, and we can think of both traditional and new sounds and harmonies—in a broad musical range—emerging to be captured in recordings. It is through this means that the widest possible audience is reached.

The whole concept of the arts and humanities program is to encourage increasing quality in these cultural areas and to make this available to all our people; and this is where the recording industry plays such a vital role.

In the past the arts were best appreciated by limited numbers of our citizens. That situation is ever improving. The arts are becoming a common denominator for enjoyment, for entertainment, for education. Our greatest performers are able to reach out to a growing audience—and like the precious manuscripts of Medieval times and the books we treasure, recordings make permanent the achievements of the moment which otherwise would be lost.

So this evening I would like to turn toward you this tribute you have given me by saying that you are immeasurably helping all of us to reach that distant target I have mentioned, and that goal beyond our present horizons.

THE ELOQUENCE AND ERUDITION OF SENATOR ERVIN

Mr. MATHIAS. Mr. President, as we all know, our colleague, the senior Senator from North Carolina, has been putting in long hours recently. In spite of the added pressure he retains a sense of style and a flair for the recondite mot juste, showing us all once again how far we have to go. A typical note from his lyre has been heard by the editors of the Baltimore Sun, and I ask unanimous consent that their reaction be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Nicodemus?

Eloquence and erudition are qualities lamentably short in today's public life, but Senator Sam Ervin of North Carolina possesses something of both, as he has demonstrated anew in his effort to force the White House to come through with what it knows of the Watergate case. Senator Ervin, chairman of a select committee to investigate the conspiracy, declares on the subject of executive reluctance that members of the White House staff are not "nobility and royalty" with an inherent right to remain aloof—which may be news to some of them. As to the White House proposal that something might be forthcoming but not formally under oath, the Senator said: "I'm not going to let anybody come down at night like Nicodemus and whisper something in my ear." (Nicodemus, a "ruler of the Jews," was said to have visited Jesus in secret, in order not to be openly identified with him.) So now Ron Ziegler, the White House press explainer, will have to add to his constant labors a study of the Gospels, if he is to stay in the argument.

CURRENT PROGRESS TOWARD AN ALL-VOLUNTEER FORCE

Mr. CRANSTON. Mr. President, I want to bring the attention of the Senate to a news briefing held by Roger T. Kelley, Assistant Secretary of Defense for Manpower and Reserve Affairs. The subject of his briefing was current progress toward an all-volunteer force.

As you know, Secretary Richardson stated on March 21 that the administration will not ask for an extension of induction authority which is due to expire on June 30. I applaud this announcement and welcome this opportunity to share more details of the transition to an all-volunteer force with my colleagues. I think the transcript of this briefing lays to rest certain apprehensions connected with ending the draft.

Assistant Secretary Kelley makes it clear that recruitment for all the services is doing well. This year, for example, Navy recruitment will exceed by 5,000 the total of its requirements for next year. The Army, the Marine Corps, and especially the Air Force are also doing well in this area.

Discussing the mental ability of new volunteers, Mr. Kelley reports:

> By the best measurements available to us, we think we have a better mix of quality by mental categories today than we had four years ago.

Progress is equally encouraging in the recruitment of women. In the past year the services have opened up virtually every noncombat assignment to women. According to Mr. Kelley, numbers of women will approximately double—from 40,000 to 80,000—by 1977, thus reducing the requirement for a corresponding number of men.

Finally, Mr. Kelley discusses special pay legislation, including special and variable incentive pay for medical officers. In his opinion, the Armed Forces will not be able to maintain strength requirements in the medical area without incentives. It is precisely to meet that need that I have joined with Senators Stafford, Schweiker, Tower, and Bentsen to introduce special pay legislation, the Uniformed Services Special Pay Act of 1973.

Mr. President, I am pleased to present Mr. Kelley's briefing and ask unanimous consent that it be printed in the Record.

There being no objection, the briefing was ordered to be printed in the Record, as follows:

News Briefing With Assistant Secretary of Defense Roger T. Kelley

I think you know that two days ago Secretary Richardson stated from Colorado Springs, on behalf of the Administration, that we have no intention of asking for an extension of the induction authority which, as you know, expires the end of this fiscal year. I'd like to brief you this morning on the status of the end of the draft and the all-volunteer force including some of our many problems. I believe you have handouts which, in part, duplicate the charts that you will be seeing and which I will explain to you.

First, with our active force strength, our ability to wind down reliance on the draft to zero and accomplish the all-volunteer force was eased by the reduction in force strength from a peak 3½ million in fiscal year 1968 to our present baseline strength which is just over 2.3 as indicated. This is about the level that we'd anticipate beyond this fiscal year.

Picture on draft calls, the last calendar year preceding the Nixon Administration draft calls were virtually 300,000. There was no particular drop the following year. That being the year the Gates Commission was at work analyzing the problem and the attainability of the all-volunteer force objective, we were cranking up our capability. It was not until 1970 that the effect of our various actions was felt: 163,000 draft calls then was the lowest level since before the Vietnam buildup. Successfully, we've reduced draft calls to below 100,000 in '71, down to 50,000 and, of course, no draft calls in 1973.

It was all along our plan to stop using the draft months before the induction authority expired. We did not want to be using the draft right up to the final month. We intended instead to demonstrate the capability to operate without the draft with correspondingly low draft pressure for a number of months before the induction authority expired.

The next five charts, starting with this on all-Services, will show you what the trend is on overall enlistments of men. The green shaded portion representing true volunteers; the brown representing those who are draft induced or draft motivated. It's been fairly easy with the random sequence number system to identify those who are true volunteers as distinguished from those who are draft motivated. In addition to what the lowness or the highness of the numbers suggest, we have regularly surveyed new entries during or following basic training to find out why they came in, to find out their attitudes towards various services, what turned them on and what turned them off in the course of their initial military experience. Through those means we have established accurately what proportion of true volunteers are entering the Services.

As you see, the total of true volunteers which will be obtained through this fiscal year is virtually the same total as the total requirements for fiscal 1974.

Now by each Service. The Army numerically has had the biggest job to do. If you follow this trend line on true volunteers as a proportion of total enlistments, it augers well for the Army's ability to meet its requirements relatively easily in Fiscal '74. In actual numbers, the Army will need 11,000 more next year total, male enlistments, than the total of true volunteers this year.

Fiscal '73 has been the biggest test for the Navy by the statistical accident of having had high turnover four years previously—Fiscal Year 1969—and thus a number of people coming in and then in going out this year. The Navy floundered for a while being the slowest of the four Services to respond to the recruiting requirements of the all-volunteer environment. By now the Navy has cranked up its recruiting capability, is doing well, and is making up for some quality deficiencies that developed during the early months of this fiscal year and before.

As shown, the total of true volunteers to be obtained by the Navy this year will exceed by 5,000 the total of its requirements for next year.

The Air Force has consistently done best of the four Services in terms of recruiting. The Air Force started with a high quality recruiting organization and has maintained its quality through the years. The Air Force has the advantage of a high percentage of its total occupations or jobs, representing skills that are transferable to civilian jobs and this has enhanced the attractiveness of Air Force enlistments and careers. The Air Force total true volunteers this year exceeds by *11,000* the total of its requirements for next year.

The Marine Corps, as the old saying goes, needs a few good men and gets them. The Marine Corps has not varied its standards much over the years of transition to an all-volunteer force. It is doing well. There is no question at all of its ability to meet the requirement of 52,000 new Marines in Fiscal '74. You'll note that the number of new entries required in the Marine Corps in relationship to its total size, is high as compared with some of the other Services—like the Air Force. The Marine Corps is a younger man's occupation than the Air Force for example. There is a requirement to retain a much lower percent of those who are infantry Marines and rifle companies, than it's typically the case in the other Services. So the desired retention of the first term Marines is lower than the desired retention of first termers in the other Services.

This is uniquely an Army story but it's a story worth telling because it demonstrated why the Army among other Services has been able to meet the test of being a totally volunteer organization. Back in '69 and 1970 when the big debate was on about whether or not we can have an all-volunteer force, the institution of the Army was saying to us there's no way we could make it because the cutting edge of the Army—infantry, armour, artillery—has a requirement for more than 5,000 new entries each month; against that monthly requirement we are getting only about 200 enlistees in the infantry, armor, artillery. Statistically that was correct, but in looking at the recruiting habits of the Army, one would have found then that the Army was relying wholly upon the draft to produce the people needed to meet its infantry, armor, artillery, requirements.

You will recall back in 1970, '71, the statistics which showed that the draftee was carrying the heavy brunt of combat burden in Vietnam and this is part of the same story. Because the Army wasn't trying to get combat arms enlistees through the recruiting program, we said to the Army in this period, try to get recruits for infantry, armor, artillery and so they did. It was during this same period of time that the Army was beefing-up its recruiting capability, replacing some poor quality recruiters with better quality recruiters. This blip from the level of 200 to almost 1400 in the first half of 1971, is the function of the Army trying to get enlistees in the combat arms.

During that period of time, the Army was developing what proved to be some very successful unit of choice and theatre of choice options for enlistees. By enlisting in the combat arms, for example, one could be assured of membership in prestigious Army units like the 82nd Airborne, the Big Red One, 101st Airborne and others. This proved to be a very strong attraction to combat arms. By signing up in the combat arms, one could be assured of theatre of choice assignments: Europe, Korea; even in some cases Vietnam.

The combination of better recruiting and the attractiveness of these units of choice and theatre of choice caused enlistments to rise in the combat arms to the level of 3,000. It was during this period, November of '71, you will recall, that the Military Pay Act took effect and with that the authority to pay an enlistment bonus of up to $3,000 for at least a three-year enlistment in the combat elements. With that authority, the Army requested its immediate use and we said no, let's test your capability without the bonus for an additional period of time.

So for the next five months, the Army proved its ability to at least maintain its level of 3,000 without using the bonus and starting in June of last year we began the initial test of the combat arms bonus. Instead of going from $3,000 that was authorized, and the three-year enlistment period, we reasoned that the enlistment period requirements should be longer because we were already getting 3,000 people without the bonus. Instead of $3,000, we opted for $1500. The result was that in the last half of calendar '72, the Army obtained a total of more than 3800 per month in the combat arms, roughly two-thirds of those coming in with the bonus the other third opting to sign up for three years without the bonus. You can see from the broken line that this enlistment experience, 3835 monthly average, compares with a monthly requirement in Fiscal '74 and the out-years of 3500.

The Army has by now demonstrated beyond any reasonable question, we think, the ability to meet its combat arms requirements during a period in which there is no draft pressure because there is no induction authority.

A word about the bonus. The best way to use the bonus—the ideal way to use the bonus is not at all. The justification for the bonus, in our mind, is, that being in the national security business, we cannot be placed in a position where when all else fails the bonus isn't available as a means of bringing people into the Services in critically short skills. Critically short skills in post Vietnam are not necessarily limited to combat arms. They could as well be in the nuclear field; they could as well be in the avionics field or in the engineering skills. Wherever they are, we intend to use the bonus only if all the other actions, initiatives, that good managers ought to take have been tried and fall short of meeting requirements.

So far we've been talking numbers and this might suggest that we're really playing a numbers game and not concerned enough about the quality of the people brought into the force. Not so. Our continuing concern has been quality as well as quantity, and I'd like to show you in the next two charts two of the measures used to follow the quality signs.

The mental ability of new entries, classification in the mental categories, is something which derives from Armed Forces qualification test and this as you know goes back to World War II days. Those who are in mental Categories I and II equate roughly with good to excellent college material. These are bright young people who are capable of carrying college work. Category IV is the lowest category of people admitted into military service. Those in lower mental categories would account for between 10 and 15 percent of the national youth population. Category III is, as indicated, the average between these two.

As you see, from '69 through the first half of '73, there has been a modest but not startling decline in the proportion of Categories I and II among the total enlistments. There has been a decline in the proportion of Category IV enlistments; from 24 percent to down to 18, compensating for those two declines a corresponding increase in the percentage of average people.

One might think looking at this the ideal is to obtain as many people in I and II as it's possible to obtain and as few in IV as is possible. This also is not so. The objective is rather to bring into the military services a mixture of people whose learning capacities match the relative difficulty of jobs to be performed. It's been shown that quality mismatches occur when the Services are overrun with people in I and II Categories; who are unchallenged by their jobs. Similarly, a quality mismatch occurs when there is an overrun in Category IV, when they are assigned to jobs over their heads or who have to spend an inordinate period of time in learning the jobs because they're too difficult for the individuals.

By the best measurements available to us, we think we have a better mix of quality by mental categories today than we had four years ago. This is a measure that we watch closely and we will continue to watch it closely. You have perhaps heard that people in mental Category IV are bad news because they account for the highest percentage of disciplinary problems; stockade confinements, Article 15s, court martial convictions and the like. This is a myth. The fact is that those who have dropped out of high school tend to account for the highest rate of disciplinary problems and disorders and not Category IV people. As a matter of fact, the bright ones who drop out of high school have a greater potential for troublemaking than the Category IV's who drop out of high school because the bright ones are not only undisciplined but they can figure out more ways to beat the system and eventually they get themselves crosswise with the authority lines.

We've watched, therefore, the percent of high school graduates closely wishing to maintain a high proportion of high school graduates among total enlistments. You see by this that in the first half of 1973, the Army percent of high school graduates fell off some. The Army has in the early months of Calendar '73 initiated some quality controls on itself and as a result the Army has brought this 52 percent up to virtually 70 percent again.

The Navy is at the acceptable level of 68 percent—it's ranging between 68 and 70 percent. The Marine Corps has historically brought in the lowest percent of high school graduates; the Air Force, historically, the highest rate.

A word about women in the Services; to what extent will we rely on them. As you can see in this Fiscal Year, the end strength for women will be just under 41,000 and by 1977 it will be double that. Why this substantial increase? During the past year, at direction, the Services reexamined all of the occupations eligible to women. Before that examination, they were approximately one-third of the total MOS's or skill occupations available across the four Services. As a result of that examination, virtually every military occupation has been made available to women with the exception of those that are directly combat-related. The plan for 80,000 by 1977 is a modest plan and if the opening up of employment opportunities is a trend, we would forecast that 80,000 will be rather substantially exceeded by 1977, even though this is the present goal. Of course, to the extent we do even this, increase from 40 to 80 the number of women, we reduce by 40,000 the requirement for new entries of men.

Let me talk for a moment about the Guard and Reserve picture. You will recall that prior to mid-year 1971 there were no number shortages in the Guard and Reserve because the draft was taking care of it. Those who wanted to avoid being drafted; those who wanted to avoid Vietnam, lined up in the Guard and Reserve Armories and they didn't lack for numbers even though they lacked substantially for motivation and for people joining the Guard and Reserve for the right reasons.

In June of 1971, or as the fiscal year ended, Congress was still debating whether or not to extend the induction authority which expired then. There was a hiatus of several months in the last half of Calendar '71 during which we did not have induction authority and after Congress reinstated the induction authority, there were additional months in which draft calls were low. The confluence of those two factors caused the draft pressure to, if not disappear, at least substantially decline, with the result that instead of waiting lines there developed in the last half of '71 a shortage.

Up to that point it's worth noting that there was essentially no recruiting capability in the Reserve components except for the draft. There was a buddy system of recruiting, more or less, in the Guard components and to some limited degree in the Reserves, but no recruiting organization as such. As this phenomenon occurred it was necessary for the Guard and the Reserve, particularly the Reserve, to crank-up its recruiting capability in a hurry. It is still cranking and it still has a ways to go; particularly this is true of the Reserves.

Today, we have shortages below the Congressionally mandated strengths of about 50,000. The overall picture is misleading because most of this shortage belongs to the Army Reserve. The Army Reserve is about 9 percent below its authorized strengths. The Army Guard is about 3 percent below its authorized strength. The Air Guard and the Air Reserve are in good shape, up to authorizations. The Navy Reserve and the Marine Reserve are below authorized strengths but not very much. So the biggest piece of the problem belongs to the Army Reserve. The second biggest piece of the problem belongs to the Army Guard.

Are we getting enough officers? The answer is yes, overall. We do anticipate some problems in the medical community. I'll have more to say about that in a minute. We anticipate some problems in the nuclear and the avionics field. As noted in reference to enlisted women, the supply there is plentiful and the quality very good. The same is true in the case of women officers. Women incidentally are competing most effectively with men in the training stages.

Let's talk about Doctors for a moment. First line requirements, from the end of this fiscal year with requirements of 13,500 we will go down to a lower requirement of 11,300, with the ability to use Berry Plan doctors; Berry Plan being the system of deferral of service for Doctors. With the availability of the Berry Plan, we do not anticipate there will be a shortage of Doctors in the next fiscal year but that absent the special pay, scholarships, and incentives, that we've asked for, we will develop shortages in Fiscal '75, and '76. This bottom line is essentially nonapplicable because General Counsel has established that we do have the authority to use Berry Plan Doctors.

The requirement for bringing male enlistees into the Services is not only reduced by the use of women, it's further reduced by the civilianization of certain jobs now held by military. Civilianization has been sort of a dirty word around this building because in some times past civilianization was a method used to sort of double dip the military services; first, reduce the size of the military force, than convert military jobs to civilian and then subsequently reduce the size of the civilian force. In any future civilianization, conversion of military to civilian jobs, we will be credited for the number of jobs so converted. If there was requirement to reduce our civilian force in DoD by 50,000 by the end of Fiscal '74 and we have by that time accomplished this conversion of 31,000 jobs, the remaining requirement for reduction would be 19,000 or the difference between 50 and 31. These two are modest goals. They were goals arrived at by analysis within the Services in collaboration with my office.

Let me talk a moment about the Special Pay Act which Secretary Richardson alluded to in his statement of two days ago. You are familiar with the fact that an almost identical bill was submitted to the 92nd Congress. It passed the House; it failed of action in the Senate. The principal provisions of that bill are five: first, to expand the authority of the enlistment bonus in the active forces, to apply to any shortage skill. When we went to Congress in 1971 on the Military Pay Act, we asked for this authority and said that our first use of the authority, if granted would be in the combat elements. Congress rejoined that * * * we will give you the authority in the combat elements only, and see how you do with it. We predicted then, as we point out now, that while the combat elements represented the tough problem in the Vietnam years, in the post Vietnam years, we can anticipate other kinds of problems than just combat arms. This would give us the authority to use that selectively.

The Selective Reenlistment Bonus is not only a no-cost item, it's over the years a cost-saving item. Every four years we're required to review the effectiveness of our pay system and the last review was concentrated in the areas of special pays which account for well over a billion dollars of DoD expenditures a year. One of the special pays that is not effective is the reenlistment bonus because the reenlistment bonus is given to those who enlist after their first terms whether their occupations are in short supply or not. This costs the taxpayer $60 million a year and two-thirds of it occurs within occupations that are not short in supply. Our scheme therefore is to get out of that business of paying a reenlistment bonus to everyone and pay a selective bonus depending on whether there is a shortage at all and depending on the criticality of the shortage.

The third item, the variable incentive pay for officers; this would authorize payments of up to $4,000 for critical skill areas during the also critical 2 to 11 year period. This would enable us to address such problems as retention of experienced lawyers. We don't anticipate serious problems in attracting the junior lawyers, but we do anticipate a problem and have a problem today in retaining a sufficient number of experienced lawyers.

Enlistment and reenlistment bonuses for Reservists; we are asking for and need the same kind of bonus authority in the Reserve community as we have in the active force community. We will not recommend that that bonus authority be used at the enlistment point until we have come closer to exploiting the capability of our recruiting organization in the Guard and Reserve than we have today. Our first intended use of the bonus authority in the Reserve community would be at the reenlistment point not at the enlistment point.

Finally, medical officers, special and variable incentive pay. Two factors; first, increasing from $150 to $350 a month the special pay received by doctors and then providing the authority to pay to $15,000 a year for doctor critical specialties but the planned average being substantially less than $15,000. This, as I believe you know, is intended to close the gap between the military doctors pay and the civilian doctor pay in the junior years of service. The young doctor who is two or three years out of his medical residency can expect to have built up a full range of practice and whereas the compensation curve of most adults runs something like this, when he's two or three years out of his residency his compensation curve takes a steep jump and there's a sharp disparity between what he receives as a civilian doctor and what the military doctor receives and this is causing mass exodus of doctors from military service.

Costs associated with the all-volunteer force—the 1971 and subsequent pay increases would account for almost $2.4 billion in fiscal 1974 and the remainder as indicated, adding to a total of 2.7. In fiscal 1974, the figures as indicated, the Special Pay Act which I described just a moment ago would account for $225 million of the budget in fiscal 1974 if it was used starting in July and if it was used fully during the entire year. We do not anticipate its full use during the entire year, so the actual cost would be something less than $225.

Q: How does this compare with the Gates Commission recommendations? Do your figures here track with the Gates Commission figures?

A: Not exactly. We had two basic differences with the Gates Commission recommendations. One was a matter of timing. The Gates Commission believed the all-volunteer force could be implemented within a year of the time its recommendations were made. We considered this wholly unrealistic.

Second, the Gates Commission recommendations focused entirely on the matter of attracting new people and ignored or at least paid less attention to the problems of retention. The configuration of pay increase recommendations made by us was some different from the Gates Commission recommendations because of this factor.

Q: Could you very briefly summarize for us what you see is the outlook for the all-volunteer military service with the end of the draft?

A: Yes. First as to the quality of the force, I think the outlook is bright. We are seeing evidence that people who are joining the military services because they want to and not because they are forced to, make better soldiers, marines, airmen, sailors than others do. The forecast as to the size of the force and our ability to attract a sufficient number of volunteers is also a bright forecast and this relates to earlier charts. We do have special supply problems such as in the medical community and in the reserve community. We believe these are solvable problems and that we can safely discontinue the induction authority.

Q: You've heard the criticism that an all-volunteer force will have a poor man's force; the lower classes will be attracted because they will be the only ones that will be tempted by pay increases, pay bonuses, etc. How do you answer that?

A: The right answer to it, I believe, is that people should be eligible for military service if they meet the mental, moral and physical entry standards. They shouldn't have to produce a net worth statement to get in. To the extent that the military forces and an all-volunteer environment attract a number of people from lower economic classes who qualify for entries, so much the better for those individuals and so much the better for the armed forces. The companion charge has also been made that the all-volunteer force will become dominated by certain racial or ethnic strains. This is gratuitous. There is no evidence in our experience to date that would support it. The proportion of racial minority members to the total force is within one or two percent of their proportion of the total population for entry of those age groups.

Q: The Department of Defense speeches, other communications to the public and to Congress, have emphasized that manpower costs are really responsible for the size of the budget—the total DoD budget—for next year. Doesn't this have the effect of focusing attention on the possibility of Congress cutting back manpower programs, and all-volunteer force programs?

A: I think it focuses upon that possibility but to put that subject into perspective, a number of the costs associated with pay increases were costs that should have been incurred over the years but were avoided simply because the draft was there to compensate for things that otherwise should have been done. For example, from 1952 until 1964 the military first-term members received no pay increases at all. The result was that until the pay increase of November 1971 the total compensation of the military first-termer was less by $600 than the federal minimum wage annualized. It was less by $1300 then the Job Corps graduate's pay before he did anything productive. It was less by $2500 to $3,000 than what people get for entry jobs, blue-collar or white-collar in our society. The military person in his first term was paying a form of tax which reflected the inattention of Congress to his pay in relationship to the pay of others in our society over those years. These heavy costs are associated with the catching-up for things that should have been done but weren't and obligations that are not associated with the all-volunteer force. They're just associated with considerations of equity and decency for the individual whether we're moving in the direction of the all-volunteer force, or not.

Q: We're familiar with these arguments, aren't you in effect saying to Congress if you have to cut the budget somewhere, cut it in the personnel area and leave all of our weapons programs alone?

A: No, we're not saying that. It's my personal conviction and prediction that over the years the all-volunteer force will prove to be a more efficient and economical way to run the Armed Forces than if they were partially conscript. I've been told some of you before that this is the experience that the British had in converting from conscript to volunteer starting in 1960. The challenge which we must address, obviously, is that of improving the utilization of the human resource and thus reducing the cost of manpower, but the cost that we addressed in pay increases and in providing a decent living quarters and in the education programs, recruiting and the like, are costs that simply must be addressed if we are going to attract quality people in the armed forces.

Q: Can we go back again to this question of attracting poor people? As I understand your answer, if we do and they're qualified, fine; are you familiar with the article Joe Califano wrote the other day?

A: Yes, I am.

Q: I thought you would be. He said that this was a way of substituting your people in the Armed Forces for the more affluent. Your answer to this question didn't deal directly with that; in effect you said if that's what it does, ok.

A: What I said was if people who don't have much money in the bank are attracted to military service and meet all the qualifications for entry, then so much the better for them and for the armed forces. The Califano charge is a charge without proof. It's an interesting theory that in an all-volunteer environment military service will prove to attract people from the lower economic ranges. Whether it does or not, doesn't concern me. What concerns me is that we attract people to the armed forces who can meet the requirements of service and who will assure a quality performance.

Q: Do you anticipate any resentment in the part of non-doctors, non-specialists, who are not getting these bonuses of $15,000 a year?

A: I suppose no more so than non-doctors in civilian society resent the high earnings of doctors. There's no evidence either that the special kinds of incentives, the variable reenlistment bonus, for example, paid to some because they're in a critical short skill and not paid to others because they're not—have bred resentment within the Services.

Q: Do I understand you to say or infer that if you don't get these further pay incentives from Congress this time, you're still going to meet your manpower requirements, it's going to be tougher, it may be a lot tougher, but you're still going to do it?

A: I don't think that we're going to be able to sustain our strength requirements in the medical community without the form of incentives that we've recommended. As far as the rest of the community, the overall picture is concerned, I think your statement is correct. What we want the incentive and bonus authorities for is to assure that if the need arises in particular areas, we have these incentives and bonuses to use, in order that our strength requirements can be met. In other words, to avoid the necessity of asking for reinstatement of the reduction authority at some later time after it has expired.

Q: Do you anticipate that Congress may not agree with you on this or have you detected any substantial number of Congressmen who will want to continue with the draft and who will refuse to go along with any more manpower expenditures?

A.: My opinion is that the consensus of Congress is strongly pro all-volunteer and against any extension of induction authority and that Congress will go along with the authorities we seek because we have demonstrated already that given these authorities we will not use them to the extreme, we will rather use them judiciously and only on an as necessary basis. I am optimistic.

Q: You said the Special Bay Act proposals are slightly or almost identical to those of last year. How have they been changed?

A: The breakoff period for officer variable and incentive pay was as I recall for 12 or 13 years in the 92d Congress Bill and, reflecting a reaction of the House Armed Services Committee, reduced to eleven. The bill as it went over in the 92d Congress recommended the authority to pay up to 18,000 reflecting House Armed Services Committee reaction that is reduced to 15,000. They are not substantive differences; they are minor differences. There are one or two others; I don't recall what they are.

Q: The medical bonus was 17?

A: Medical bonus was 17 instead of 18. Right.

Q: Do you have any word, Mr. Secretary, when the Senate is going to get around to doing anything about this?

A: No precise word. Before coming here, General Montague and General Benade and I met with the staff of the Senate Armed Services Committee and I am not only hopeful but quite optimistic from their reactions that this will receive high priority and early hearing.

Q: One of the early charts was 350,000 all-service needs for manpower in FY '74; does that approximate figure continue into the out-years?

A: It's approximately the requirement for the out-years but somewhat higher.

Q: OK, that will work out at what, about one out of every six (inaudible) graduates or . . .?

A.: Well, for the active community yes, between the active and the Reserve community, one out of four.

Q.: The Seventh Army in Europe has been repealing a number of inequities that are associated with the all-volunteer army, particularly in terms of barracks conditions, living conditions, in pursuit of the anti-drug campaign, over there, do you foresee that this might cause some problems in our retention reenlistment; problems that were addressed by these reforms in the first place?

A.: I'm not as familiar with Seventh Army recommended reforms as you apparently are, so I can't really comment on them. We are concerned about the drug problem in Europe and elsewhere. Obviously, we must get this under better management and control, or it's going to have an effect on our retention rate.

Q.: In slightly another connection, the Air Force recently did a survey in which, according to the Air Force figures, only 16 percent of the airmen felt that their pay, this was after the big pay raise, was comparable to what they would earn in civilian jobs. This very low figure after the pay raise was supposed to bring them up to comparability, doesn't that indicate some trouble?

A.: It indicates, I think, just exactly what it says, that the pull which keeps them in the Air Force is not pay. The Air Force continues to enjoy a very high and satisfactory rate of first-term and career reenlistment. There is no indication that this trend is turning for the worse. I am wholly optimistic about the Air Force's ability to meet its requirements in an all-volunteer environment.

Q: Could you tell me what the situation is in regard to the draft physicians and dentists; I don't really understand that?

A.: There will be no draft of physicians and dentists after the induction authority expires unless, of courrse, Congress acts on its own to extend the induction authority. Those who have been deferred because they are in their internship or in their medical or dental graduate training, obligated themselves by the contract then signed to serve in the military as physicians, as dentists, when they complete their training. They will be held to that obligation in the same way that an ROTC graduate will be held to the obligation of officer service or that a JAG officer who is in law school will be held to the obligation of service.

FULL FUNDING OF OSHA

Mr. JAVITS. Mr. President, the Occupational Health and Safety Act, enacted in 1970, is one of the most important pieces of Federal labor legislation protecting American workers. Unfortunately, as most of us are aware, a great many problems have developed in the implementation of the new law. Criticism has come from both sides—some believe the act has been enforced too harshly, others believe that the resources committed to the OSHA program have been woefully inadequate.

Last year I sponsored an amendment to permit OSHA to provide on-site consultation services for small businessmen, to remedy one of the worst defects of the present administration of the program. Unfortunately, while the amendment was adopted by the Senate, it never became law. I still believe that OSHA ought to provide these consultation services and I hope very much that the new Secretary of Labor will review the Department's position on this question, and particularly the validity of the legal opinion upon which the Department has refused to provide such services so far.

Later this year the Committee on Labor and Public Welfare will undoubtedly be considering amendments to OSHA, as well as to our mine safety laws dealing with coal mines and other types of mines. Wholly apart from such amendments, however, Congress must act to insure an adequate budget for OSHA and the National Institute for Occupational Safety and Health, which provides all of the basic research upon which a successful OSHA in general, and NIOSH in particular, is very forcefully presented in a statement prepared by John V. Grimaldi, director of the Center for Safety of New York University. I ask unanimous consent that Dr. Grimaldi's statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE FISCAL 1974 FEDERAL BUDGET AND ITS IMPACT ON OCCUPATIONAL SAFETY AND HEALTH ACHIEVEMENT

In the commendable effort to reduce unwarranted federal expenses it has been decided to phase out health training grants and to cut research funds for all N.I.H. institutes and divisions except those devoted to cancer and heart diseases. May I suggest, most respectfully, that it will serve the nation badly if the training and research support for occupational safety and health were to be weakened, especially at this time.

Although Congress in the past few years has enacted many laws designed to assure the minimization of harmful occurrences, none probably will impact on the achievement of hazard control as much as the Williams-Steiger Act of 1970. This law is remarkable for many reasons, but its foresighted requirement that the Secretary of Health, Education and Welfare provide an adequate supply of qualified practitioners—under the aegis of the National Institute for Occupational Safety and Health (NIOSH)—is significant indeed. One reason is that it recognizes and responds to the fact that there are few professionals in the safety-health field who have been trained specifically for their tasks. Another is that it has provided the first opportunity for developing uniformly sound safety-health training programs.

Probably the current progress in safety-health training would not have occurred if the colleges had had to continue to rely on their own resources to furnish this instruction. They simply do not have the fiscal capability for instituting specialized programs in many cases. This is analogous to the development of medical education through federal support, enabling significant advances in medicine and medical service.

An even more important product of NIOSH's grants will be the breakthrough formulation of new understandings and techniques for controlling unnecessary hazards. It will optimize the control of hazards generally. Every major area of public concern about safety including consumer products, air and water pollution and hazards in the streets will benefit when competent practitioners of a reliable hazard control discipline emerge in sufficient numbers.

The capability for preparing skilled safety-health practitioners has not been available despite 60 years of sincere effort to develop it. Many private sources have done their best to initiate and sustain such programs. The inadequacies however are many. They are reflected in the public's alarm over uncontrolled environmental hazards, including those evidenced by an intolerable number of work fatalities each year. Now, under the effective administrative of NIOSH, in the very brief time of its existence, a significant beginning has been made toward formulating, evaluating and implementing the training of specialists for this unique field. The skills they will possess will surpass in effectiveness the dependence on authoritative standards and regulations. And it will optimize their development which, under the circumstances prior to NIOSH, has had to be based largely on desk-logic and rough estimates rather than hard scientific facts.

The NIOSH budget for training and research has been insignificant compared to the substantial sums for training and research in other fields which are considered important to the public's well-being. Nevertheless, the small funds available so far are having a significant influence on the development of safety and health achievement methods at work and in other areas of public safety. In the past, safety precepts have derived mostly from crisis situations, after trouble has arisen. Under such circumstances there is little time for finding optimal solutions. And a reliable discipline for controlling safety and health hazards could not develop. It is expected that this will emerge from the NIOSH training and research programs. However, this promise is seriously threatened by contemplated budgetary cutbacks.

It is my understanding that the original proposal for the 1972–1973 Presidential Budget, concerning NIOSH, was approximately $1.2 million for training and $2.875 million for research projects. Congress in its appropriation would have provided $3.7 million for training, without increasing the amount for projects. Now we find that only $2.275 million is estimated for training and research grants of which just $600,000 is designated for training. And we learn that a total phase-out is planned for Fiscal 1976. The negative effects of this decision may burden the nation fiscally far greater than any benefit obtained from reducing this small sum in the federal budget.

Among the people of the United States, for more than half of their lives, death and disability are far more likely from accidents than from any other cause. In fact, it is not until after their 45th birthday that fearsome heart disease, cancer and stroke effects emerge as a major cause of death.

We are all aware of the humanitarian reasons for safety. There are practical considerations as well. The national loss when present and future wage earners are incapacitated is simply enormous. Many thousands are killed or disabled by preventable accidents annually. In dollar value, the tax loss from lost earnings and the expense for treatment and rehabilitation inevitably totals billions each year. Indeed data now suggest that trauma is a major, if not the greatest, health care problem today. Significantly, it has been estimated that half of our hospital beds, in such short supply, are occupied by victims of trauma.

The combined OSHA and NIOSH fiscal 1974 budgets total $95.4 million. This approximates $6,700 per worker killed last year. If the national number (which there has been no funding to determine) of workers permanently and totally disabled were added, the federal corrective investment per critically injured worker would be far less. Moreover, the fiscal outlay for training and research that is mandated by the Williams-Steiger Act averages less than $1,600 per worker killed. Looked at another way, the OSHA-NIOSH budget calls for an expenditure of about $1 per worker. And in the vital area of grants for training the average per worker is less than 8 mills.

The threat to safety and health advancement is greater than just the peril of inadequate support for the Act's objectives. The primary need in safety-health fulfillment is the development of a sound discipline for its achievement. Workers and all other Americans need desperately the benefit of a professional hazard control discipline that only the NIOSH training and research function can provide. It is the only agency that presently has this capability by virtue of the unique responsibilities given by its mandate.

Although many safety voids now are being filled in the many hazard areas recently entered by government, the outcome probably will not be good enough. The "new" correctives generally are an extension of old approaches and their product usually can be predicted. The Highway Safety Act is an example. It established a new agency (NHTSA) and each year probably will provide more money for motor vehicle safety than was spent altogether for all areas of safety development during the 60 years of the safety movement. It has not reversed yet the awesome accident experience on the nation's highways and is not likely to bring a signi- highways and is not likely to bring a significant improvement unless a breakthrough in hazard control philosophy and methodology occurs first.

The NIOSH funds for training grants, though very small, can provide the needed improvement in safety-health capability. Though the N.I.H. peer review procedure they have enabled the selection of the most promising safety-health faculties and training sites. In addition, at a cost to the government that is far less than what it would be if equivalent screening and advising could be done by federal scientists alone, the first steps have been taken toward establishing uniform curricula for training pre-professional and professional safety and health practitioners. This NIOSH contribution will have a concomitant effect on performance in all safety sectors. May I emphasize that until the Williams-Steiger Act and NIOSH there was no organized means for developing and coordinating safety training. The sparse programs that emerged from the earlier years of the safety movement, simply blossomed from whatever coincidences stimulated them. Their inadequacies are reflected in rising injury rates, mostly in recent years. The consequences have been dreadful, although surely they would have been worse in the absence of existing efforts.

As a result of some previous federal-level attitudes toward training, there has been a constant deterioration of support for it generally. As a consequence we find that the private sector is now showing disinterest. For example, there simply is no substantial private support of traffic safety specialist training programs. At one time it amounted to many hundreds of thousands of dollars annually. Presently some programs are barely able to keep going. It seems that private financial sources have little interest in special programs that may not be supported in Washington. The frustrating effects of such constrictive pressures clearly must restrain the immediate and long-range advancement of safety-health training and research.

Finally it is my observation that some employers are not yet committed to the Occupational Safety and Health Act's total objective. Instead they are questioning the sincerity of the federal demand for better work safety and health programming. Signs of withdrawal by Washington surely will temper the skeptical employer's sense of urgency for meeting OSHA objectives. The result may be a lethargic national posture towards work safety that will be as great as that during the era of the Walsh-Healey Act.

I trust that these observations will be helpful in judging the real significance of the nation's safety-health needs and the effort required to meet them. Any diminution in the resoluteness of our attack on the hazard problem is perilous and I plead earnestly for support in preventing it. Cannot we at least maintain NIOSH's viability as we at least maintain NIOSH's viability as we envisioned it when the Williams-Steiger bill was enacted?

WHY THE SENATE SHOULD NOT RATIFY THE GENOCIDE CONVENTION

Mr. ERVIN. Mr. President, on several occasions, I have stated my opposition to the Senate's ratification of the Convention on the Prevention and Punishment of Genocide. In my opinion, ratification of this treaty would bring about unimaginable chaos to our system of criminal justice.

I am encouraged by growing public sentiment against Senate approval of this convention. Among other newspaper and magazine articles expressing opposition to the convention is an excellent article by Edith Kermit Roosevelt, published in the Catholic News of March 29, 1973.

Mr. President, I ask unanimous consent that this article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

American Soldiers—War Criminals?

(By Edith Kermit Roosevelt)

Washington.—Although disillusionment has set in regarding the United Nations, a sudden interest has been revived in one of its major projects, the Genocide Convention which was reported by the Senate Foreign Relations Committee on March 6.

During the 1940's, UN activists engaged in a strenuous effort to establish, by treaties, laws that would supersede the domestic laws of nations throughout the earth. The Genocide Convention was one of these efforts.

In 1950, after lengthy hearings, the Genocide Convention was turned down by a Senate Foreign Relations Subcommittee composed of eminent legislators. But now the Convention has been suddenly and mysteriously revived, perhaps because some propaganda and lobby groups believe that it would serve their interest.

For example, if the American soldiers who fought in Vietnam can be discredited as war criminals, as they apparently could under the Genocide Convention, the granting of amnesty to Vietnam draft evaders might be made more palatable to the public.

Sen. Sam J. Ervin, Jr. (D-N.C.), who heads the Constitutional Rights Subcommittee of the Senate Judiciary Committee, is among the Constitutional experts who contends that if the Convention is ratified American soldiers could be punished for serving their country in combat. In a Senate speech on March 13, Ervin declared:

"If the Senate should ratify the Genocide Convention, it would make American soldiers fighting under the flag of their country in foreign lands triable and punishable in foreign courts—even in courts of our warring enemy—for killing and seriously wounding members of the military forces of our warring enemy."

This may sound far-fetched but consider some of the vague and all-embracing language contained in the Genocide Convention. For example, Article 11 of the Convention reads:

"In the present convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

(a) Killing members of the group;

(b) Causing serious bodily or mental harm to members of the group;

(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

(d) imposing measures intended to prevent births within the group;

(e) Forcibly transferring children of the group to another group."

According to Ervin, definitions of genocide would apply to U.S. soldiers since Article 1 of the Convention says that this crime is punishable whether it is committed in time of war or time of peace and by the fact that it contains no provision exempting soldiers engaged in hostile nation, they certainly do so with the Genocide Convention."

Furthermore, when soldiers kill or seriously wound members of a detachment of the military forces of a hostile nation, they certainly do so with intent to destroy, in whole or in part, a national group as such. Hence their acts in combat fall clearly within the scope and the Convention.

In such cases, according to article VI of the Convention, soldiers are triable and punishable in the courts of the nation in whose territory their acts are committed, or in such as international penal tribune "as may have jurisdiction with respect to those contracting parties which have accepted its jurisdiction."

"These things being true," Ervin told Senators, "American soldiers who killed or seriously wounded North Vietnamese soldiers or members of the Vietcong, or South Vietnamese civilians in South Vietnam might have been triable and punishable in courts sitting in South Vietnam, and American aviators who killed North Vietnamese soldiers or civilians in bombing raids upon targets in North Vietnam, and who were taken prisoners by the North Vietnamese, might have been triable and punishable in the courts of North Vietnam. No sophistry can erase this obvious interpretation of the Geneva Convention."

Indeed, it can't. The license that the Convention would give to persecute various groups of Americans on a number of grounds explains why the American Bar Association has thus far refused to endorse its ratification by the Senate.

LABOR-MANAGEMENT CONTRACT IN THE STEEL INDUSTRY

Mr. JAVITS. Mr. President, last Thursday, labor and management in the steel industry announced one of the most significant agreements ever negotiated through collective bargaining in America. Under the agreement, the largest U.S. steel companies and the United Steelworkers have agreed to rely on voluntary arbitration, rather than strikes or lockouts, to resolve economic issues upon which the agreement can be reached through voluntary negotiations.

This kind of approach to settling labor-management disputes has been talked about for many years. It has now become a reality in the steel industry. Not only will the agreement bring much-needed stability to one of our most vital industries, but it will also serve as a precedent for serious consideration of similar approaches in other industries.

I want to pay tribute to the farsighted, responsible leadership that exists on both sides of the bargaining table in the steel industry—I. W. Abel for the United Steelworkers and R. Heath Larry for steel management for their vision and courage in negotiating this agreement. Anyone familiar with the history of collective bargaining in this country will understand how difficult it must have been for both labor and management voluntarily to relinquish their freedom of action. Both sides have clearly risked a great deal in entering into this agreement; yet, if it works, we may well have started on the road to a period of more stable and harmonious labor-management relations than this country has known for decades.

I ask unanimous consent that an article from last Friday's New York Times concerning the agreement be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Steel Union, 10 Concerns Bar Strikes for 4 Years

Pittsburgh, March 29.—The United Steelworkers of America approved today an unprecedented agreement that virtually assures labor peace in the basic steel industry through July, 1977, and perhaps longer. The accord, worked out with 10 companies in years of talks, provides for binding arbitration of unresolved issues in 1974 negotiations and prohibits strikes by the union or lockouts by the companies to support their bargaining positions.

I. W. Abel, the union president, disclosed details of the preliminary union-management agreement, which was approved by the 600 local union presidents and officers in the Basic Steel Industry Conference.

Mr. Abel described the plan as "an unprecedented experiment that we think will prove there is a better way for labor and management to negotiate contracts."

Sitting beside the union leader was R. Heath Larry, vice chairman of the United States Steel Corporation and chairman of the negotiating committee for 10 of the nation's major steel producing companies.

IMPORTS MAY DECLINE

"This should work for the benefit of the employes, the company, its customers and the nation," Mr. Larry said.

The concerns agreeing to the pact are Allegheny Ludlum Steel Industries, Inc., Armco Steel Corporation, Bethlehem Steel Corporation, Inland Steel Company, Jones & Laughlin Steel Corporation, National Steel Corporation, Republic Steel Corporation, United States Steel Corporation, Wheeling-Pittsburgh Steel Corporation and Youngstown Sheet and Tube Company.

Both Mr. Abel and Mr. Larry said that the agreement was expected to reduce steel imports that have adversely affected the domestic industry, do away with stockpiling by the industry's customers in anticipation of strikes, and reduce layoffs and unemployment. Imports have been blamed for eliminating 150,000 steelworkers jobs, and layoffs totaled about 100,000 after the 1971 agreement was signed.

Mr. Abel and Mr. Larry said that the pact guaranteed uninterrupted production in the American steel industry for its duration and Mr. Abel voiced the hope that it could continue indefinitely.

The present three-year contract between the union and the 10 steel concerns will expire Aug. 1, 1974. Mr. Abel said the union and industry had begun discussing the new agreement in 1967 and negotiated it over the last several years at meetings in Pittsburgh, New York, Washington and Florida.

In their joint statement, Mr. Abel and Mr. Larry said that deadlocked contract negotiation in the past had resulted in economic hardship for the industry, the employes and the communities in almost every state where steel operations take place.

They said that although the industry had not had a nation-wide strike since 1959, the potential for a shutdown brought about heavy imports of foreign steel that adversely affected the United States balance of payments.

Mr. Abel said the new procedure would provide each side maximum bargaining leverage without interrupting the earnings of employes or the operations of the companies. He said that the collective bargaining relationship between union and management had not only been carefully preserved, but also extended and refined.

Mr. Abel said the 600-member Basic Steel Industry Conference which met here for two days, had the authority to approve the agreement but that the rank and file membership had been acquainted with its details through talks by Mr. Abel and the union publication, Steel Labor.

He conceded, however, that some of the conference members had expressed doubts about the agreement, particularly about binding arbitration.

The agreement, covering 350,000 employes in the basic steel industry, provides a wage increase of at least 3 per cent each on Aug. 1 in 1974, 1975 and 1976. Cost-of-living wage adjustments and incentive wages in the present contract will be continued.

Asked how the parties agreed to a minimum 3 per cent, Mr. Abel laughed and replied:

"We wanted the world and the companies didn't want to give us anything. The 3 per cent is the floor."

The agreement provides for a one-time bonus of $150 for the workers covered. It gives local unions the right to strike over local issues, but both sides said that local strikes would have minimal effect on the industry.

The parties will begin actual negotiations no later than Feb. 1, 1974. After April 15, 1974, they will submit unresolved contract issues, including wages, to an arbitration panel of five members for decision on or before July 10, 1974.

Mr. Abel said that George Meany, president of the American Federation of Labor and Congress of Industrial Organization, was aware of the agreement and that the Seafarers International Union had shown an interest in it. He also suggested that the nation's railroads and railway unions consider it.

"We have wide open negotiations coming up in 1974 with no holds barred," Mr. Abel said. "We haven't said that we have agreed to certain limits. I hope that with this agreement the industry will modernize and provide more jobs."

Mr. Larry said, "We are providing stability of operations but we are not displacing collective bargaining. We will seek to make the agreement work without arbitration. Any agreement providing for continued operations is a major step forward in reducing steel imports. We think this agreement should help us recapture part of the market we have lost."

MISSOURI HIGHWAY IMPOUNDMENTS ILLEGAL

Mr. SYMINGTON. Mr. President, contrary to the position claimed by the executive branch, and in accordance with the recently issued opinion of the U.S. Court of Appeals for the Eighth Circuit, impoundment of Federal highway funds apportioned to the State of Missouri is contrary to law. The decision, issued on Monday, April 2, affirms the judgment of Chief U.S. District Judge William Becker of the Western District of Missouri in the grant of declaratory relief to the State Highway Commission of Missouri.

The Secretary of Transportation and the Director of the Office of Management and Budget are thereby enjoined from continuing present impoundments or imposing future impoundments for alleged inflationary and economic reasons.

This decision should be of great interest to all Americans. Incidentally, when the appeal was taken, I joined with 19 Members of the Senate and 5 Members of the House in submitting an amicus brief on behalf of the State Highway Commission of Missouri.

The court's decision rests on the construction of the statute in question, the Federal-Aid Highway Act. In the majority opinion, written by Circuit Judge Donald P. Lay, joined by Judge Gerald W. Heaney, the court concluded in part:

> We turn then to an analysis of the statute. At the outset we note that in legislating the Federal-Aid Highway Act, Congress was acting under Article I, § 8 wherein it is given its express constitutional authority to establish "post Roads." After granting several additional powers to Congress, Article I, § 8 concludes by setting forth that Congress may "make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Office thereof." It seems reasonable to say that until and unless Congress acted under Article I, neither the Secretary nor anyone else within the Executive branch of the government could build a federally aided highway system. The only branch of government which has the constitutional power to build roads is the only one which has the authority to dictate the terms under which the construction can be carried out. It should require no citation of authority to reaffirm the proposition that the Secretary's authority is limited to carrying out the law according to its terms.
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> As has cogently been observed, "[w]here Congress has consistently made express its delegation of a particular power, its silence is strong evidence that it did not intend to grant the power." To reason that there is implicit authority within the Act to defer approval for reasons totally collateral and remote to the Act itself requires a strained construction which we refuse to make. It is impossible to find from these specific grants of authority discretion in the Secretary to withhold approval on projects Congress has specifically directed because of a system of priorities the Executive chooses to impose on all expenditures. The Congressional intent is that the Secretary may exercise his discretion to insure that the roads are well constructed and safety built at the lowest possible cost, all in furtherance of the Act, but when the impoundment of funds impedes the orderly progress of the federal highway program, this hardly can be said to be favorable to such a program. In fact, it is in derogation of it. It is difficult to perceive that Congress intended such a result.

Other aspects of special interest are questions of the court's authority to decide this question as presented. The Federal Government, appellant in the case, stated that the power of the executive branch to control the rate of expenditure of funds was the real question involved; also that the matter was a political question and not subject to determination by the judicial branch. The eighth circuit disagreed:

> The Secretary asserts the lack of justiciability on the ground that the case presents political questions not appropriate for judicial resolution. Counsel suggests that what is involved is the "[e]xecutive's power to control the rate of expenditure of funds" and that this is a political question. We disagree. The only issue before the district court and this court is the question of statutory construction, i.e., whether the Secretary of Transportation, pursuant to his delegated duties under the Federal-Aid Highway Act, can withhold from the State of Missouri, for the reasons he stated, the authority to obligate funds duly apportioned to the state under the Act. Surely such a determination is within the competence of the courts.
>
> As was recently observed, "[i]n our overall pattern of government the judicial branch has the function of requiring the executive (or administrative) branch to stay within the limits prescribed by the legislative branch."

In this connection, let me draw attention to the observations made in the eighth circuit court view of the Antideficiency Act, a statute on which this administration has so often relied as authority for many impoundment actions:

> Although the applicability of the Antideficiency Act, 34 Stat. 49, as amended, 64 Stat. 765, 31 U.S.C. § 665(c), was not argued on this appeal, the conclusion we reach is not at variance with the provisions of that Act. Section 665(c)(2) allows the Bureau of the Budget (now OMB), when apportioning appropriation funds, to set up reserves (i.e., withhold the funds) in order "to provide for contingencies, or to effect savings whenever savings are made possible by or through changes in requirements, greater efficiency of operations, or other developments subsequent to the date on which such appropriation was made available." However, the Act goes on to point out that the reserves may only be established when the funds *"will not be required to carry out the purposes of the appropriation concerned. . . ."* (Emphasis ours.) The legislative history is emphatic in noting that this power to withhold funds cannot be used if it would jeopardize the policy of the statute.
>
> "It is perfectly justifiable and proper for all possible economies to be effected and savings to be made, *but there is no warrant or justification for the thwarting of a major policy of Congress by the impounding of funds.* If this principle of thwarting the will of Congress by the impounding of funds should be accepted as correct, then Congress would be totally incapable of carrying out its constitutional mandate of providing for the defense of the Nation." (Emphasis ours.) H.R. Rep. No. 1797, 81st Cong., 2d Sess. 311 (1950).
>
> It is thus apparent that any withholding in order to "effect savings" or due to "subsequent events," etc., must be considered in context of not violating the purposes and objectives of the particular appropriation statute. Such purposes and objectives are necessarily violated when one charged with implementing the statute acts beyond his delegated authority.

The thrust of this comment is that the Antideficiency Act provides no authority for impoundment actions which have the effect of destroying the purpose and the policy of the Congress underlying the appropriation made.

This decision is of such current interest that the majority opinion as well as the dissenting view, should be readily available. I, therefore, ask unanimous consent that the decision be printed at this point in the Record.

There being no objection, the decision was ordered to be printed in the Record, as follows:

[U.S. Court of Appeals for the Eighth Circuit]

Appeal From the U.S. District Court for the Western District of Missouri—No. 72–1512

The State Highway Commission of Missouri,[1] Appellee, v. John A. Volpe, Secretary of Transportation of the United States, and Casper W. Weinberger, Director of the Office of Management and Budget of the United States, Appellants.

Submitted: January 10, 1973.

Filed: April 2, 1973.

Before Lay, Heaney, and Stephenson, Circuit Judges.

Lay, Circuit Judge:

The legal issue before us is whether the Secretary of Transportation may defer authority to obligate highway funds previously apportioned to the State of Missouri under the Federal-Aid Highway Act of 1956[2] when the reasons given for the deferment by the Secretary and the Director of the Budget are the status of the economy and the need to control inflationary pressures. It is conceded that the balance of more than five billion dollars in the highway trust fund is adequate to meet all current requirements and that Missouri is qualified in every respect for its apportionment.[3]

On June 30, 1971, the State of Missouri filed an amended complaint against the Secretary and the Director of the Office of Management

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Footnotes at end of article.

and Budget. The complaint alleged that the Secretary had apportioned 115.7 million dollars in highway funds to Missouri in fiscal 1972, but that he imposed contract controls on (impounded) 21.9 million dollars of that sum. Missouri also complained that funds had been impounded in fiscal 1971 for the same reasons.[4]

The district court held that the contract controls were beyond the authority conferred on the Secretary by the Federal-Aid Highway Act. It enjoined further withholdings for Missouri for fiscal year 1973; issued a writ of mandamus ordering that the Secretary revoke any contract controls prohibiting Missouri from obligating its full apportionment for fiscal 1973; and entered a judgment declaring that it was not within the discretion of the Secretary to withhold or to defer obligation of highway funds previously apportioned to the State of Missouri for the reasons advanced by the Secretary.

We hold that the action for mandamus was mooted by the Secretary's removal of the contract controls during the pendency of the action[5] but that the court properly granted plaintiff's declaratory judgment.

On appeal, the Secretary argues: (1) that there is no subject matter jurisdiction, (2) that there is no justiciable issue since the case involves only a political question, and (3) that the Secretary possesses discretion under the statute to withhold funds for the stated reasons.

JURISDICTION

Missouri alleged and the district court so held that it had jurisdiction by virtue of the mandamus statute, 28 U.S.C. § 1361, and by Section 10 of the Administrative Procedure Act, 5 U.S.C. § 701 *et seq.*

The Secretary urges that mandamus is not a proper basis for jurisdiction since the Highway Act is non-mandatory in nature and that mandamus is only applicable where the duty owed is specific, unequivocal and plainly prescribed.[6] The Secretary further contends that the Administrative Procedure Act is not an independent source of jurisdiction[7] but is only applicable when other grounds of statutory jurisdiction exist. Regardless of these contentions we find an ample jurisdictional basis for adjudication under 28 U.S.C. § 1331(a).

Although § 1331(a) was not specifically pleaded in the complaint, a review of the entire complaint demonstrates that a federal question exists. The plaintiffs sought a judicial construction of the Federal-Aid Highway Act and the amount in controversy obviously exceeded $10,000. In *Sikora v. Brenner*, 379 F. 2d 134 (D.C. Cir. 1967), the plaintiff alleged jurisdiction under 35 U.S.C. 145. The district court dismissed for lack of subject matter jurisdiction. However, on appeal, the appellate court found that jurisdiction existed under 5 U.S.C. § 704. The court stated:

> "The District Court's jurisdiction was established by the allegations of operative facts bringing the controversy within the scope of the statute conferring jurisdiction on the court. The court's jurisdiction was neither dependent upon nor removable by any reference to or recitation of a statute in the allegations." 379 F. 2d at 136.

Moreover, since the complaint clearly establishes that federal question jurisdiction did exist, there is no need for this court to remand in order to amend the pleadings to specifically allege 1331(a) as a basis of jurisdiction. See *Norton v. Larney*, 266 U.S. 511, 516 (1925). We can assume that the complaint has been amended to conform to this fact and proceed to review the district court's judgment on the merits. See also *National Farmers Union Property & Casualty Co. v. Fisher*, 284 F. 2d 421, 423 (8 Cir. 1960); *Parker v. Gordon*, 178 F. 2d 888, 890 n. 2 (1 Cir. 1949).

JUSTICIABILITY

In view of our finding as to mootness under the mandamus action, we raise the question of whether the declaratory judgment is likewise moot for purposes of this appeal. We decide it is not. It is recognized that "[w]here one of the several issues presented becomes moot, the remaining live issues supply the constitutional requirement of a case or controversy." *Powell v. McCormack*, 395 U.S. 486, 497(1969). Moreover, a court may grant a declaratory judgment even though it declines to issue an injunction or writ of mandamus. *Id.* at 499. An action for declaratory relief statisfies the requirements of a "case or controversy" when it would have significant consequences in determining the extent of any further relief deemed necessary if the illegal conduct should be expected to resume in the future. *Gautreaux v. Romney*, 448 F.2d 731, 736 (7 Cir. 1971).

It is generally held that the voluntary cessation of allegedly illegal conduct does not make a case moot if there is a "reasonable expectation" that the wrong will be repeated. *United States v. W. T. Grant Co.*, 345 U.S. 633 (1953). See also *United States v. Concentrated Phosphate Export Ass'n., Inc.*, 393 U.S. 199, 203 (1968). However, when the actions questioned are those of the government, the mere probability of recurrence must be coupled with a certainty that the impact will fall on the same objecting litigants. *Committee to Free the Fort Dix 38 v. Collins*, 429 F.2d 807, 812 (3 Cir. 1970); see generally *Mootness on Appeal in the Supreme Court*, 83 Harv. L. Rev. 1672 (1970). In the instant case, it is conceded by the Secretary that further contract controls will be imposed and that Missouri will most certainly be affected. We therefore find sufficient basis to justify appellate review of the district court's declaratory judgment.

The Secretary asserts the lack of justiciability on the ground that the case presents political questions not appropriate for judicial resolution. Counsel suggests that what is involved is the "[e]xecutive's power to control the rate of expenditure of funds" and that this is a political question. We disagree. The only issue before the district court and and this court is the question of statutory construction, i.e., whether the Secretary of Transportation, pursuant to his delegated duties under the Federal-Aid Highway Act, can withhold from the State of Missouri, for the reasons he stated, the authority to obligate funds duly apportioned to the state under the Act. Surely such a determination is within the competence of the courts. Cf. *Barlow v. Collins*, 397 U.S. 159, 166 (1970).

As was recently observed, "[i]n our overall pattern of government the judicial branch has the function of requiring the executive (or administrative) branch to stay within the limits prescribed by the legislative branch." *National Automatic Laundry and Cleaning Council v. Shultz*, 443 F.2d 689, 695 (D.C. Cir. 1971). Resolution of the issue before us does not involve analysis of the Executive's constitutional powers. Nothing in the present record demonstrates that the Secretary of Transportation will continue to exercise controls beyond that which judicial construction finds permissible within the statute. To the contrary, at oral argument counsel for the government stated, "I suppose our brief comes as close as it can to conceding that were Congress to make this mandatory, that would be the end of the case. . . . I would say almost certainly that without tending to give away what the White House might decide in any particular statute, that where it is mandated clearly, the Executive would have to spend that money or would spend the money." The issue before us is not whether the Secretary abused his discretion in imposing contract controls but whether the Secretary has been delegated any discretion to so act in the first place. Cf. *Constructores Civiles de Centroamerica, S.A. v. Hannah*, 459 F.2d 1183, 1192 (D.C. Cir. 1972). It is difficult to frame the Article III duty of the judicial branch of government under these circumstances in any more meaningful terms than did Mr. Justice Reed in *Stark v. Wickard*, 321 U.S. 288, 309–310 (1944):

> "When Congress passes an Act empowering administrative agencies to carry on governmental activities, the power of those agencies is circumscribed by the authority granted. This permits the courts to participate in law enforcement entrusted to administrative bodies only to the extent necessary to protect justiciable individual rights against administrative action fairly beyond the granted powers. The responsibility of determining the limits fo statutory grants of authority in such instances is a judicial function entrusted to the courts by Congress by the statutes establishing courts and marking their jurisdiction. Cf. *United States v. Morgan*, 307 U.S. 183, 190–91. This is very far from assuming that the courts are charged more than administrators or legislators with the protection of the rights of the people. Congress and the Executive superivse the acts of administrative agents. The powers of departments, boards and administrative agencies are subject to expansion, contraction or abolition at the will of the legislative and executive branches of the government. These branches have the resources and personnel to examine into the working of the various establishments to determine the necessary changes of function or management. But under Article III, Congress established courts to adjudicate cases and controversies as to claims of infringement of individual rights whether by unlawful action of private persons or by the exertion of unauthorized administrative power."

Thus, we conclude that the present case presents a justiciable issue capable of judicial resolution.

THE FEDERAL-AID HIGHWAY ACT

This then brings us to the merits of the controversy—the construction of the Federal-Aid Highway Act as it relates to defining the Secretary's delegated authority. A threshold requirement is a rudimentary understanding of the Act.

Congress deemed it within the "national interest to accelerate the construction of the Federal-aid highway systems" to serve local and interstate commerce and to enhance national and civil defense. 23 U.S.C. § 101(b) (1970). The objective of the Act was the creation of a National System of Interstate and Defense Highways. The system was to be completed "as nearly as practicable" over the period of twenty years on an expedited construction basis. *Id.*

Based upon specific formulas set forth within the Act, the Secretary is required to apportion among the several states certain sums authorized to be appropriated for expenditure.[8] 23 U.S.C. § 104(b). After the apportionment, the states, through their respective highway departments, are to submit programs of proposed projects based upon the apportioned funds. The Secretary is instructed in Section 105(a) to "act upon programs submitted to him as soon as practicable after the same have been submitted." Section 106(a) then provides that "as soon as practicable after program approval," specific "surveys, plans, specifications, and estimates for each proposed project" will be submitted to the Secretary for his approval. In this regard, Section 106(a) specifically states that in approving the project plans "the Secretary shall be guided by the provisions of section 109 of this title."[9] It is at this stage that the contract controls are imposed, for once a project is approved by the Secretary it "shall be deemed a contractual obligation of the Federal Government for the payment of its proportional contribution thereto." 23 U.S.C. § 106(a). On the basis of this approval,

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Footnotes at end of article.

states are permitted to obligate the apportioned funds through the letting of construction contracts, etc. Section 118(b) provides that the sums "available for expenditure"[10] shall remain available for expenditure in that state for a period of two years after the close of the fiscal year for which the sums are authorized, and any funds not expended after that time shall lapse, except that unexpended funds apportioned for the Interstate System shall "immediately be reapportioned among the other States. . . ." The final stage of the Act is the appropriation by Congress of money from the Highway Trust Fund to pay the state the proportional federal share of construction costs incurred in the partial of total completion of the highway projects.

In 1966 President Johnson, in transmitting his proposals to Congress, announced that there would be a deferral of lower priority federal expenditures by approximately $3 billion in order to curb inflation and assure the stability of the economy (H.R. No. 492, 89th Cong., 2d Sess. (1966)). Thereafter, on November 23, 1966, the Director of the Bureau of the Budget advised the Department of Treasury that the federal highway program would have to bear its share of such deferrals. Accordingly, the program was limited to $3 billion in total project obligations during fiscal year 1967.[11] This was done notwithstanding provisions in the Highway Act authorizing over $4 billion to be apportioned to the states for highway construction.

In light of this, the Secretary of Transportation sought the opinion of the Attorney General of the United States as to the Secretary's authority to defer obligations under the Highway Act. The opinion of Ramsey Clark, Acting Attorney General of the United States, was issued on February 25, 1967. Attorney General Clark concluded that "the Secretary has the power to defer the availability to the States of those funds authorized and apportioned for highway construction which have not, by the approval of a project, become the subject of a contractual obligation on the part of the Federal Government in favor of a State." 42 Op. Att'y Gen. No. 32 (1967).

The essential theses upon which the Secretary defends his authority to impose contract controls under the Federal-Aid Highway Act turns on three arguments: (1) that appropriation acts are permissive in nature and do not provide a specific mandate that the funds authorized to be apportioned must be expended;[12] (2) that there exists no vested right by the states in the appropriated funds until such time that the Secretary gives his approval; and (3) that the language of Section 101(c) is precatory and although expressing Congress' "desire" and "policy" that highway funds not be impounded, the terms of the statute are not mandatory.

We find these arguments unavailing. The claim that a general appropriation act is deemed permissive in nature as far as it constitutes a mandate to expend funds has not escaped criticism.[13] Nevertheless, assuming the proposition to be true, it still does not provide a bottom on which to premise either a direct or implied authorization within the Federal-Aid Highway Act to administer contract controls. For although a general appropriation act may be viewed as not providing a specific mandate to expend *all* of the funds appropriated, this does not *a fortiori* endow the Secretary with the authority to use unfettered discretion as to when and how the moneys may be used. The Act circumscribes that discretion and only an analysis of the statute itself can dictate the latitude of the questioned discretion. *Civil Aeronautics Board v. Delta Air Lines, Inc.*, 367 U.S. 316, 322 (1961); *Federal Trade Commission v. National Lead Co.*, 352 U.S. 419, 428 (1957); *Stark v. Wickard*, 321 U.S. 288, 309 (1944); *Pentheny, Ltd. v. Government of the Virgin Islands*, 360 F.2d 786, 790 (3 Cir. 1966).

The second contention raised by the Secretary is that the states have no vested interest in the funds at the time the Secretary exercises his contract control. This argument is premised on Section 106(a) of the Act which states that approval of the Secretary is a prerequisite to the contractual obligation of the United States. It is, therefore, urged that the statute is not mandatory and that the Secretary has the authority to withhold his approval up to two years time.[14] Assuming arguendo that the states have no vested right in the funds until such time as the Secretary approves the specific projects we fail to see that this provides a basis for finding that the Secretary has lawful discretion to *withhold his approval* of projects for reasons not contemplated within the Act.[15]

The remaining argument of the Secretary is that Section 101(c) of the Act demonstrates that Congress deems impoundment of funds permissive. Section 101(c) specifically provides:

"(c) It is the sense of Congress that under existing law no part of any sums authorized to be appropriated for expenditure upon any Federal-aid system which has been apportioned pursuant to the provisions of this title shall be impounded or withheld from obligation. . . ."

The Secretary urges that "the sense of Congress" language is precatory and simply expresses the wishes of Congress rather than a specific mandate of proscription. Assuming for the moment that this be corect, we find the argument still not controlling the issue before us. The fundamental issue is whether the Secretary possesses direct or implied authority to exercise contract controls for the reasons advanced here. Such authority, if it exists at all, must be gleamed from the language of the Act itself.

We turn then to an analysis of the statute. At the outset we note that in legislating the Federal-Aid Highway Act, Congress was acting under Article I, § 8 wherein it is given its express constitutional authority to establish "post Roads." After granting several additional powers to Congress, Article I, § 8 concludes by setting forth that Congress may "make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Office thereof." It seems reasonable to say that until and unless Congress acted under Article I, neither the Secretary nor anyone else within the Executive branch of the government could build a federally aided highway system. The only branch of government which has the constitutional power to build roads is the only one which has the authority to dictate the terms under which the construction can be carried out. It should require no citation of authority to reaffirm the proposition that the Secretary's authority is limited to carrying out the law according to its terms.

In construing the statute, we adhere to the basic canon of construction observed in *Richards v. United States:*

"We believe it fundamental that a section of a statute should not be read in isolation from the context of the whole Act, and that in fulfilling our responsibility in interpreting legislation, 'we must not be guided by a single sentence or member of a sentence, but [should] look to the provisions of the whole law, and to its object and policy.' " 369 U.S. 1, 11 (1962).

And as stated in 2 Sutherland, Statutory Construction § 2802, at 215 (3d ed. 1943), "[t]he statute should be construed according to its subject matter and the purpose for which it was enacted." Over a century ago, Lord Campbell noted, "[i]t is the duty of the Courts of Justice to try to get at the real intention of the Legislature by carefully attending to the *Whole scope* of the statute to be construed." (Emphasis ours.) *Liverpool Borough Bank v. Turner*, 45 Eng.Repr. 715, 718 (1860), aff'd, 70 Eng.Repr. 703. See generally *Thompson v. Clifford*, 408 F.2d 154, 158 (D.C. Cir. 1968); *United States v. St. Regis Paper Co.*, 355 F.2d 688, 692 (2 Cir. 1966); *Joanna Western Mills Co. v. United States*, 311 F.Supp. 1328, 1335 (Cust.Ct. 1970).

Under the Federal-Aid Highway Act Congress has provided for a coherent scheme of statutory duties relating to the Secretary of Transportation. While the Secretary is given the discretion to approve or disapprove a state highway program under the statute, nevertheless he must act within *specific* directions relating to efficiency, safety and overall compliance with the Act itself. Within Sections 105(a) and 106(a), the Secretary is given the discretion to approve a state's programs and projects, respectively. However, in both instances the statute sets out detailed considerations designed to guide the Secretary's approval.[16] In this regard, it is clear that Congress did contemplate that the Secretary exercise administrative expertise to see that the apportioned funds are not expended on projects which fail to meet *reasonable* standards of cost. Such administrative stewardship is implicit within Section 106(d) of the Act which reads:

"(d) In such cases as the Secretary determines advisable, plans, specifications, and estimates for proposed projects on any Federal-aid system shall be accompanied by a value engineering or other cost reduction analysis."

Moreover, the Secretary is authorized to oversee the letting of contracts (23 U.S.C. § 112) and to insure that prevailing wage rates are maintained (23 U.S.C. § 113). We find nothing within these provisions of the Act which explicitly or impliedly allows the Secretary to withold approval of construction projects for reasons remote and unrelated to the Act. The statute specifically sets out when the Secretary is justified in withholding funds from the states. This authority generally relates to guarding against the depletion of the Highway Trust Fund. The Secretary is given the express power to withhold obligational authority for a given fiscal year if the Secretary of Treasury determines that "the amounts which will be available in such fund . . . will be insufficient to defray the expenditures which will be required as a result of the apportionment to the States of the amounts authorized . . . ." Section 209(g) of the Federal-Aid Highway Act of 1956, 70 Stat. 400, 23 U.S.C. § 120 note. See also 23 U.S.C. § 101(c).

As has cogently been observed, "[w]here Congress has consistently made express its delegation of a particular power, its silence is strong evidence that it did not intend to grant the power." *Alcoa Steamship Co. v. Federal Maritime Commission*, 348 F.2d 756, 758 (D.C.Cir. 1965). Cf. *Zuber v. Allen*, 396 U.S. 168, 183 (1969); *Addison v. Holly Hill Fruit Products*, Inc., 322 U.S. 607, 617 (1944). To reason that there is implicit authority within the Act to defer approval for reasons totally collateral and remote to the Act itself requires a strained construction which we refuse to make. It is impossible to find from these specific grants of authority discretion in the Secretary to withhold approval on projects Congress has specifically directed because of a system of priorities the Executive chooses to impose on all expenditures. The Congressional intent is that the Secretary may exercise his discretion to insure that the roads are well constructed and safely built at the lowest possible cost, all in furtherance of the Act, but when the impoundment of funds impedes the orderly progress of the federal highway program, this hardly can be said to be favorable to such a

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program. In fact, it is in derogation of it. It is difficult to perceive that Congress intended such a result.

SECTION 118(B)

The Secretary additionally urges that since Section 118(b) provides that the sums are to be available for expenditure for a period of two years before they lapse, it is perfectly legal for him to withhold obligational authority so long as the states receive their full obligational authority within the two-year period. This is not only contradictory of the government's position that the states have no vested interest in the monies authorized, but this misconstrues the intent of Section 118(b) as well. That section provides: "Such sums shall continue available for expenditure *in that state* . . . for a period of two years. . . ." (Our emphasis.) This simply means that the money is to be available for an individual state to use, and if any state does not obligate all their money within the two-year period, then the money will lapse. The statute is not directed at permitting the federal government to withhold the money as it sees fit so long as the states are allowed to obligate the funds within two years. This construction finds support in the legislative history. In the Senate Report to the Federal Aid in the Construction of Rural Post Roads Act, which was the initial federal legislation supporting highway construction, the following appears:

"Section 3 also provides that the unexpended portions of the appropriations at the close of any fiscal year shall be available for expenditure until the close of the succeeding fiscal year. This will prevent both undue haste in the expenditure of the appropriation *to prevent its being turned back into the Federal Treasury and the defeating of the purpose of the act by failure to adequately and wisely expend it for the purpose of road improvement*. In order that *the States* having no highway departments may not be penalized pending the meeting of their State legislatures, *this section allows them until the close of the third fiscal year succeeding the year for which appropriation was made [in order to arrange for expenditure.]*" (Italic ours.) S. Rep. No. 250, 64th Cong., 1st Sess. (1916).

The bracketed language clearly indicates that any expenditures are to be arranged by the states within the two years. Furthermore, in the Conference Report to the Federal-Aid Highway Act of 1956, it is noted that the funds *available* for *expenditure* will lapse if unexpended at the end of the two-year period. In discussing the availability for expenditure, the Committee observed:

"(f) Availability for expenditure.—The language of the House bill (sec. 108(h)) and the conference agreement (sec. 108(f)) are identical in this respect. Th conferees took note of the fact that *some States have not yet obligated* all of the funds previously apportioned to them under the authorizations contained in the Federal-Aid Highway Act of 1954, wherein the matching ratio is 60–40 instead of the more liberal 90–10 ratio provided in the conference agreement. It is intended by the conferees that the Secretary of Commerce will take such steps as may be necessary to insure that *each State shall utilize all 60–40 funds apportioned to it before the lapse period and that no State will be permitted to deliberately lapse* any of the 60–40 funds in order to substitute therefor the more favorable 90–10 funds and thereby increase the total Federal funds going into any State for he Interstate Ssystem." (Italic ours.) H.R. Rept. No. 2436, 84th Cong., 2d Sess., (1956); U.S. CODE, CONG. & ADM. NEWS at 2896 (1956).

Thus, there is a clear indication that Congress intended that the obligation of funds within the lapse period be a continuing duty of the states. Once this premise is recognized, it is not persuasive for the Secretary to argue that the lapse period of 118(a) was intended for the benefit of the Secretary. The government position is similarly weakened by reference to Section 101(b) of the Act where it is declared to be in the national interest to accelerate the construction of the highway system. As noted earlier, this same theme appears throughout the Act wherein Congress directs the states and the Secretary to act "as soon as practicable."

SECTION 101(c)

When the provisions of the Federal-Aid Highway Act are considered as a whole, it is apparent that the Secretary does not have the authority to withhold funds for anti-inflationary purposes. This construction is supported by Section 101(c). After the Attorney General's opinion[17] in 1967 ruled that impoundment of highway funds was permissible under the Highway Act, Congress passed Section 101(c) specifically saying that it "was the sense of Congress that under existing law" the Secretary was not to impound funds under the Federal-Aid Highway Act. Upon subsequent amendment to the Act in 1970, the House Report significantly stated:

"It has been clearly demonstrated that the Federal-aid highway program can operate successfully and efficiently only so long as its planning and programming can be based on an assured comparatively long-term level of financing.

"*The withholding of highway trust funds as an anti-inflationary measure is a clear violation of the intent of the Congress as expressed in section 15 of the Federal-Aid Highway Act of 1968. We again wish to emphasize the clear legislative intent that funds apportioned shall not be impounded or withheld from obligation. . . .*" (Italic ours.) H.R. Rept. No. 91–1554, 91st Cong., 2d Sess. (1970); U.S. CODE, CONG. & ADM. NEWS at 5401 (1970).

However, assuming, as the Secretary contends, that the "sense of Congress" language is precatory and merely reflects a policy statement, nevertheless, such language can be useful in resolving ambiguities in statutory construction. See *Connecticut Light & Power Co.* v. *Federal Power Commission*, 324 U.S. 515, 527 (1945); 2 Sutherland, Statutory Construction § 4820 (3d ed. 1943). Moreover, Section 101(c) takes on an added significance since it is a Congressional interpretation of prior law—for the words used are "it is the sense of Congress that under existing law." And as the most recent pronouncement of the Supreme Court observes: "Subsequent legislation declaring the intent of an earlier statute is entitled to great weight in statutory construction." *Red Lion Broadcasting Co.* v. *FCC*, 395 U.S. 367, 380–381 (1969). Accord, *Federal Housing Administration* v. *The Darlington, Inc.*, 358 U.S. 84, 90 (1958); *Banco Nacional de Cuba* v. *Farr*, 383 F.2d 166, 175 (2 Cir. 1967), cert. denied, 390 U.S. 956 (1968). But see *Waterman Steamship Corp.* v. *United States*, 381 U.S. 252 (1965).

Thus, we find Section 101(c) merely *corroborates* what, as was pointed out earlier, the statute as a whole already provides—that apportioned funds are not to be withheld from obligation for purposes totally unrelated to the highway program.[18]

Finally, the Secretary urges that it is significant that Congress has failed to pass subsequent legislation specifically prohibiting the Secretary from withholding obligational authority. We deem this another straw in the wind.

When attempting to determine the meaning and intent of a particular statute, it is generally held that the rejection by Congress of amendments or other legislation relating to the statute in question is "not conclusive as to the meaning of the bill in the unamended form. . . . It is, however, a circumstance to be weighed along with others when choice is nicely balanced." *Fox* v. *Standard Oil Co.*, 294 U.S. 87, 96 (1935). However, under the facts of the instant case, these rejections by Congress are of even lesser consequence, for the necessary balance is missing. In *Fox* the amendment was debated and rejected by a vote of the entire Senate. In the present case, there were four principal bills introduced which would have prohibited the Secretary from impounding any highway funds—S. 4049, 90th Cong., 2d Sess. (1968); H.R. 1214, 91st Cong., 1st Sess. (1969); S. 3877, 92d Cong., 2d Sess. (1972); and S. 3939, 92d Cong., 2d Sess. (1972). Of these four bills, the first three have never even been reported out of committee.[19] There have been no committee hearings, reports, floor debates, or floor votes on these measures. They simply died in committee for no explained reason. The last bill, S. 3939, contained an alternative procedure which would have precluded the Secretary from withholding obligational authority. Only the Senate Report contained this procedure—it was not part of the House Report.[20] When the Conference Report was submitted the alternative procedure was dropped altogether, with no concomitant explanation. H.R. Rep. No. 92–1619, 92d Cong., 2d Sess. (1972).[21]

Under such circumstances, there is no way of ascertaining why these various bills were not enacted. The Secretary argues that Congress did not want to proscribe the Secretary's alleged authority to withhold obligational authority. But it is equally plausible that Congress felt that the bills were unnecessary—that it was their understanding that the Federal-Aid Highway Act as then existing already precluded any deferral of obligational authority. When the rejection of these bills is viewed in this light, this legislative history is of no assistance in construing the Act. As the Supreme Court noted in *Order of Railway Conductors of America v. Swan*, 329 U.S. 520, 529 (1947):

"Finally, petitioners point out that Congress has failed to amend § 3, First (h), so as specifically to exclude 'yardmasters and other subordinate officers' from the jurisdiction of the First Division, despite the introduction of two bills to that effect in the Senate in 1940 and 1941. *These bills were sent to an appropriate committee, but were never reported out. It does not appear whether the bills died because they were thought to be unnecessary or undesirable. No hearings were held; no committee reports were made. Under such circumstances, the failure of Congress to amend the statute is without meaning for purposes of statutory interpretation.*"[22]

See also *Arnold Tours, Inc. v. Camp*, Nos. 72–1142, 1143 (1 Cir. Dec. 13, 1972); *Miller v. United States*, 180 Ct. Cl. 872, 877 (1967); *Brannan v. Stark*, 185 F.2d 871 883 (D.C. Cir. 1950), aff'd, 342 U.S. 451 (1952); see generally Hart, *Comment on Courts and Lawmaking*, in Paulsen, ed. *Legal Institutions Today And Tomorrow* 45–47 (The Centennial Conference Volume of the Columbia Law School, 1959); Folsom, *Legislative History* 38 (1972).

ANTI-DEFICIENCY ACT

Although the applicability of the Anti-Deficiency Act, 34 Stat. 49, as amended, 64 Stat. 765, 31 U.S.C. § 665(c), was not argued on this appeal, the conclusion we reach is not at variance with the provisions of that Act. Section 665(c)(2) allows the Bureau of the Budget (now OMB), when apportioning appropriation funds, to set up reserves (i.e., withhold the funds) in order "to provide for contingencies, or to effect savings whenever savings are made possible by or through changes in requirements, greater efficiency of operations, or other developments subsequent to the date on which such appropriation was made available." However, the Act goes on to point out that the reserves may

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only be established when the funds *"will not be required to carry out the purposes of the appropriation concerned. . . ."* (Emphasis ours.) The legislative history is emphatic in noting that this power to withhold funds cannot be used if it would jeopardize the policy of the statute.

"It is perfectly justifiable and proper for all possible economies to be effected and savings to be made, *but there is no warrant or justification for the thwarting of a major policy of Congress by the impounding of funds.* If this principle of thwarting the will of Congress by the impounding of funds should be accepted as correct, then Congress would be totally incapable of carrying out its constitutional mandate of providing for the defense of the Nation." (Italic ours.) H.R. Rept. No. 1797, 81st Cong., 2d Sess. 311 (1950). It is thus apparent that any withholding in order to "effect savings" or due to "subseqent events," et cetera, must be considered in context of not violating the purposes and objectives of the particular appropriation statute. Such purposes and objectives are necessarily violated when one charged with implementing the statute acts beyond his delegated authority.

CONCLUSION

We conclude that the statutory provisions of the Federal-Aid Highway Act of 1956, as amended, 23 U.S.C. 101 et seq. (1970), do not expressly or impliedly authorize the Secretary to withhold the authority to obligate apportioned funds where the only reasons are those advanced by the Secretary in this case.

As earlier indicated the issuance of the writ of mandamus is now moot and is hereby ordered vacated. The judgment granting declaratory relief in favor of the plaintiff is affirmed. The defendants are hereby enjoined from withholding from the State of Missouri, now and in the future, the authority to obligate its apportioned funds under the Federal-Aid Highway Act for reasons allegedly relating to the status of the economy and the need to control inflationary pressures.

Judgment affirmed, as modified.

FOOTNOTES

[1] In addition to several states, the following also submitted an amicus curiae brief on behalf of the appellee: Senator Samuel J. Ervin, Jr., Chairman, Government Operations Committee; Senator James O. Eastland, President *Pro Tempore*, Chairman, Judiciary Committee; Senator Michael J. Mansfield, Majority Leader; Senator Robert C. Byrd, Assistant Majority Leader; Senator Jennings Randolph, Chairman, Public Works Committee; Senator John L. McClellan, Chairman, Appropriations Committee; Senator Howard W. Cannon, Chairman, Aeronautical & Space Sciences Committee; Senator Thomas F. Eagleton, Chairman, District of Columbia Committee; Senator J. W. Fulbright, Chairman Foreign Relations Committee; Senator Vance Hartke, Chairman, Veterans' Affairs Committee; Senator Henry M. Jackson, Chairman, Interior & Insular Affairs Committee; Senator Gale W. McGee, Chairman, Post Office & Civil Service Committee; Senator Warren G. Magnuson, Chairman, Commerce Committee; Senator Lee Metcalf, Chairman, Joint Committee on Congressional Organization; Senator John Sparkman, Chairman, Banking, Housing & Urban Affairs Committee; Senator Stuart Symington; Senator Harrison A. Williams, Jr., Chairman, Labor & Public Welfare Committee; Representative J. J. Pickle; Representative Benjamin Rosenthal; Representative Morris K. Udall; Senator John A. Stennis, Chairman, Armed Services Committee; Senator Herman E. Talmadge, Chairman, Agriculture & Forestry Committee; Senator Frank E. Moss, Chairman, Aeronautical & Space Sciences Committee; Senator Hubert H. Humphrey; Senator John V. Tunney; Representative William V. Alexander, Jr.; Representative Robert F. Drinan; and Public Citizen, Inc.

[2] As amended, 23 U.S.C. § 101 et seq. (1970). The act of deferring authority to obligate funds is generally referred to as "contract controls."

[3] Under Section 209 of the Federal-Aid Highway Act of 1956, 23 U.S.C. § 120 note, there is established a Highway Trust Fund. Appropriated into that fund are specified percentages of certain highway user taxes, such as taxes on diesel fuel, gasoline, trucks, tires, etc., which are received into the Treasury. These funds are then used to reimburse the states for expenditures under the Federal-Aid Highway Act.

[4] The district court restricted its issuance of mandamus to fiscal year 1973. The date of the district court's hearing was June 19, 1972, and the record shows that on June 15, 1972, Missouri was informed that it would be entitled to obligate all of the funds originally apportioned for the fiscal year 1973. Thus, on the date of judgment, August 7, 1972, there was no specific duty breached and nothing remained to be ordered for the Secretary to carry out.

[5] The original action was commenced on August 14, 1970, and related to highway funds impounded for the fiscal year ending June 30, 1971. This was dismissed as moot since the court found that at the time of trial the contract controls had been removed and that Missouri had been allowed to obligate all funds which had originally been apportioned for that fiscal year and previous fiscal years. However, the court permitted Missouri to file an amended complaint to pursue its claims for the years after the fiscal year ending June 30, 1972.

[6] The possible difficulty with mandamus is the judicial gloss requiring that the duty sought must be a positive command so plainly defined as to be free from doubt. *Prairie Band of Pottawatomie Tribe of Indians v. Udall*, 355 F. 2d 364 (8 Cir. 1966), cert. denied, 385 U.S. 831. As the Supreme Court has stated, "where the duty . . . depends upon a statute or statutes the construction or application of which is not free from doubt, it is regarded as involving the character of judgment or discretion which cannot be controlled by mandamus." *Wilbur v. United States ex rel. Kadrie*, 281 U.S. 206, 219 (1930). Nevertheless, if the Secretary was not delegated any discretionary power to withhold obligational authority for anti-inflationary purposes, the Secretary would be acting outside the scope of his power and it would appear that mandamus was intended to provide a basis for such relief. See *Peoples v. United States Department of Agriculture*, 427 F. 2d 561, 565 (D.C. Cir. 1970)—"While the statute [1361] is couched in terms of mandamus action, its liberalizing purpose . . . was intended to permit District Courts generally to issue appropriate corrective orders where Federal officials are not acting within the zone of their permissible discretion but are abusing their discretion or otherwise acting contrary to law. . . ." See also *Udall v. Wisconsin, Colorado and Minnesota*, 306 F. 2d 790, 793 (D.C. Cir. 1962), cert. denied, 371 U.S. 969 (1963). See generally Byse and Fiocca, *Section 1361 Of The Mandamus And Venue Act of 1962 And "Nonstatutory" Judicial Review Of Federal Administrative Action*, 81 Harv. L. Rev. 308 (1967). However, it is apparent that any issue concerning a writ of mandamus is moot as far as this appeal is concerned. See note 4 supra.

[7] Federal courts are apparently divided as to whether Section 10 of the APA confers independent jurisdiction (Section 10 generally provides that "[a] person suffering legal wrong because of agency action . . . is entitled to judicial review thereof," and that "final agency action for which there is no other adequate remedy in a court [is] subject to judicial review."). Compare *Brennan v. Udall*, 251 F. Supp. 12 (D. Colo. 1966), aff'd, 379 F. 2d 803 (10 Cir. 1967), cert. denied, 389 U.S. 975, with *Arizona State Department of Public Welfare v. Department of HEW*, 449 F. 2d 456, 464 (9 Cir. 1971), cert. denied, 405 U.S. 919 (1972). For a general review of the problem, see Cramton, *Nonstatutory Review Of Federal Administrative Action: The Need For Statutory Reform Of Sovereign Immunity, Subject Matter Jurisdiction, And Parties Defendant*, 68 Mich. L. Rev. 387, 444 (1970). This court has held that the APA does not confer independent jurisdiction. *Twin Cities Chippewa Tribal Council v. Minnesota Chippewa Tribe*, 370 F. 2d. 529, 532 (8 Cir. 1967). Although the Supreme Court has not spoken directly to the issue, its recent cases tend to look favorably upon construing Section 10 as an affirmative grant of jurisdiction. See, e.g., *Rusk v. Cort*, 369 U.S. 367, 371–372 (1962); *Abbott Laboratories v. Gardner*, 387 U.S. 136, 141 (1967); *Gardner v. Toilet Goods Ass'n.*, 387 U.S. 167, 177 (1967) (opinion of Fortas, J); *Citizens; to Preserve Overton Park v. Volpe*, 401 U.S. 402 (1971). See generally Byse and Fiocca, supra note 6, at 330–331.

[8] In referring to the above-mentioned formula, former Federal Highway Administrator, F. C. Turner, has observed: "There is absolutely no discretion of any kind in our office with respect to how much any State gets in any of these categories of funds [pursuant to the formula]. The apportionment is specified in the law and we distribute it right to the dollar." Testimony reported in Hearings on Executive Impoundment of Appropriated Funds Before the Subcommittee on Separation of Powers of the Committee on the Judiciary, 92nd Cong., 1st Sess. at 80 (1971) [hereinafter cited as Senate Hearings].

[9] In Section 109 Congress sets forth some ten detailed standards which are to guide the Secretary's approval under § 106(a). These standards relate to construction and safety considerations. See note 16 infra.

[10] Under Section 118(b), "expenditure" is defined:

". . . . Such sums for any fiscal year shall be deemed to be expended if a sum equal to the total of the sums apportioned to the State for such fiscal year and previous fiscal years is covered by formal project agreements providing for the expenditure of funds authorized by each Act which contains provisions authorizing the appropriation of funds for Federal-aid highways."

[11] See testimony of F. C. Turner, Senate Hearings, supra note 8, 59.

[12] Although we are not dealing with a general appropriation act, for purposes of discussion we asume that there is no essential difference between a general appropriation and the grant of authority to apportion funds to the respective states under the Federal-Aid Highway Act. The actual appropriation of money under the statute is ministerial. It does not occur until monies are appropriated to be paid from the trust fund to reimburse the states for construction already completed under the Act. See Section 209(f) of the Federal-Aid Highway Act of 1956, 70 Stat. 397, 23 U.S.C. § 120 note.

[13] See generally Stassen, *Separation Of Powers And The Uncommon Defense: The Case Against Impounding Of Weapons System Appropriations*, 57 Geo. L. J. 1159, 1181 n 117 (1969); Ramsey, *Impoundment By the Executive Department Of Funds Which Congress Has Authorized It To Spend Or Obligate*, Legislative Research Service (Library of Congress) at 15 (1968); Davis, *Congressional Power To Require Defense Expenditures*, 33 Ford. L. Rev. 39, 55 (1964).

[14] In this connection, it should be stated that the Secretary urges that his controls ordinarily involve only five months deferral and that impact on the federal highway program is not substantial. The latter fact is disputed. For example, the House Public Works Committee has observed:

"Cutbacks and freezes on the availability of highway trust fund money have been invoked by the executive branch on various occasions during the past few years, allegedly as an anti-inflationary measure, even though funds were and are available in the trust fund to meet expenditure resulting from the obligation of such funds. This curb-against-inflation argument is without merit. The resulting delays in construction inevitably mean that the costs will be greater. This stop-start manipulation of the highway program, with the uncertain position into which contractors, laborers, and State highway programers are put, cannot but help to boost the ultimate cost of the program." H.R. Rep. No. 91–1554 91st Cong., 2d Sess. (1970); U.S. Code, Cong. & Adm. News at 5401 (1970).

Whether it does or does not clearly falls outside our judicial duty here—we look to the statute and not to the result of the Secretary's action in order to determine his lawful authority.

[15] Although we find it unnecessary to decide, a reasonable construction of Section 118(a) is contrary to the Secretary's argument that the states have no inchoate interest whatsoever in the funds so apportioned. Section 118(a) provides:

"§ 118. Availability of sums apportioned.

"(a) On and after the date that the Secretary has certified to each State highway department the sums apportioned to each Federal-aid system or part thereof pursuant to an authorization under this title, or under prior Acts, such sums *shall be available for expenditure under the provisions of this title.*" (Italic ours.)

The phrase "shall be available for expenditure" is indicative of a Congressional intent that the money so apportioned may be fully obligated by the states. This can perhaps best be demonstrated by analogizing to other acts which contain somewhat similar language. For instance, in the Medical Facilities Construction and Modernization Amendments of 1970 (Hill-Burton Act), Congress stated in Section 601:

"TITLE VI—AVAILABILITY OF APPROPRIATIONS

"Sec. 601. Notwithstanding any other provision of law, unless enacted after the enactment of this Act expressly in limitation of the provisions of this section, *funds appropriated for any fiscal year* ending prior to July 1, 1973, to carry out any program for which appropriations are authorized by the Public Health Service Act (Public Law 410, Seventy-eighth Congress, as amended) or the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 (Public Law 88–164, as amended) *shall remain available for obligation and expenditure until the end of such fiscal year.*" (Italic ours.) H.R. 11102, 91st Cong., 2d Sess. (1970).

The Conference Committee Report explained the purpose of section 601:

"AVAILABILITY OF APPROPRIATIONS

"The Senate amendment would have provided that funds appropriated for any fiscal year to carry out any program under the Public Health Service Act, the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, certain acts relating to Indian health programs, the Vocational Rehabilitation Act, the Clean Air Act, the Solid Waste Disposal Act, and title V of the Social Security Act would remain available for obligation and expenditure until the end of the fiscal year for which appropriated.

"The conference substitute is the same as the Senate amendment, except that it is limited to funds appropriated for fiscal years ending before July 1, 1973, and applies only to funds appropriated to carry out programs under the public Health Service Act or the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963. *The purpose of this amendment is to prevent administratively imposed freezes, reductions, and rollbacks from applying to health programs authorized under these acts.* Where a program authorizes availability of appropriations for more than one fiscal year, and funds are appropriated to cover more than one fiscal year, the conferees intend that the amendment shall apply to the entire period covered by the appropriations." (Our emphasis.) H.R. Rep. No. 91–1167, 91st Cong., 2d Sess. (1970). U.S. CODE, CONG. & ADM. NEWS at 3369 (1970).

President Nixon vetoed this bill and in his message to Congress he recognized that the "shall be available for obligation and expenditure" language of Section 601 was mandatory in nature. His veto message stated in pertinent part:

"One of the most unacceptable provisions of the bill is in Section 601. Here, the Congress insists that funds appropriated for any fiscal year through 1973 to carry out the programs involved must be spent. In addition to restricting flexibility in management of Federal expenditures, this provision would interfere with my ability to comply with the limitation on total 1971 spending that has already passed the House of Representatives and has been reported by the Senate Appropriations Committee." Public Papers of the President, Richard Nixon, 1970 at 513–514. Congress subsequently passed this bill over the President's veto. See 42 U.S.C. § 201 note (1970).

In 1968, Congress enacted the Vocational Education Amendments bill. Included in that legislation was the following provision:

"AVAILABILITY OF APPROPRIATIONS

"Sec. 406. Notwithstanding any other provision of law, unless expressly in limitation of the provisions of this title, funds appropriated for any fiscal year to carry out any of the programs to which this title is applicable shall remain available for obligation until the end of such fiscal year." Section 406 of the Vocational Education Amendments of 1968, 82 Stat. 1094, 20 U.S.C. § 1226 (1970).

Although the committee reports do not satisfactorily explain this section, comments during debate on the floor indicate that the language of Section 406 was intended to prevent the withholding of any funds. For example, Senator Morse, the second ranking member of the Committee on Labor and Public Welfare which reported out the bill, stated:

"The language of section 406 simply requires that appropriations for any fiscal year for education programs which constitute a new obligational authority shall remain available for obligation until the end of the fiscal year for which they are appropriated. *This section would override any statutory authority the President might have to prevent by affirmative act the obligation of fiscal year 1969 appropriations,*" 114 Cong. Rec. 29014 (1968). (Italic ours.)

See also the remarks of Representatives Mahon and Perkins, Chairmen of the House Appropriations Committee and the Education and Labor Committee, respectively, at 114 Cong. Rec. 29480–29481 (1968). Thus, other instances where language similar to Section 118 (a)'s "shall be available for expenditure" lend support to the conclusion that once authorization for apportionment was given, Congress intended to mandate that a state's interest in the apportioned funds was at least sufficient to preclude the imposition of any contract controls.

[16] Section 105 provides in pertinent part:

"(b) In approving programs for projects on the Federal-aid secondary system, the Secretary shall require, except in States where all public roads and highways are under the control and supervision of the State highway department, that such project be selected by the State highway department and the appropriate local officials in cooperation with each other.

"(c) In approving programs for projects on the Federal-aid primary system, the Secretary shall give preference to such projects as will expedite the completion of an adequate and connected system of highways interstate in character.

"(d) In approving for projects on the Federal-aid urban system, the Secretary shall require that such projects be selected by the appropriate local officials and the State highway department in cooperation with each other.

"(e) In approving programs for projects under this chapter, the Secretary may give priority of approval to, and expedite the construction of, projects that are recommended as important to the national defense by the Secretary of Defense, or other official authorized by the President to make such recommendation.

"(f) In approving programs for projects on the Federal-aid systems pursuant to chapter 1 of this title, the Secretary shall give priority to those projects which incorporate improved standards and features with safety benefits.

"(g) In preparing programs to submit in accordance with subsection (a) of this section, the State highway departments shall give consideration to projects providing direct and convenient public access to public airports and public ports for water transportation, and in approving such programs the Secretary shall give consideration to such projects."

Section 109 provides:

"(a) The Secretary shall not approve plans and specifications for proposed projects on any Federal-aid system if they fail to provide for a facility (1) that will adequately meet the existing and probable future traffic needs and conditions in a manner conducive to safety, durability, and economy of maintenance; (2) that will be designed and constructed in accordance with standards best suited to accomplish the foregoing objectives and to conform to the particular needs of each locality.

"(b) The geometric and construction standards to be adopted for the Interstate System shall be those approved by the Secretary in cooperation with the State highway departments. Such standards, as applied to each actual construction project, shall be adequate to enable such project to accommodate the types and volumes of traffic anticipated for such project for the twenty-year period commencing on the date of approval by this Secretary, under section 106 of this title, of the plans, specifications, and estimates for actual construction of such title, of the plans, specifications, and estiproject. The right-of-way width of the Interstate System shall be adequate to permit construction of projects on the Interstate System to such standards. Such standards shall in all cases provide for at least four lanes of traffic. The Secretary shall apply such standards uniformly throughout all the States.

"(c) Projects on the Federal-aid secondary system in which Federal funds participate shall be constructed according to specifications that will provide all-weather service and permit maintenance at a reasonable cost.

"(d) On any highway project in which Federal funds hereafter participate, or on any such project constructed since December 20, 1944, the location, form and character of informational, regulatory and warning signs, curb and pavement or other markings, and traffic signals installed or placed by any public authority or other agency, shall be subject to the approval of the State highway department with the concurrence of the Secretary, who is directed to concur only in such installations as will promote the safe and efficient utilization of the highways.

"(e) No funds shall be approved for expenditure on any Federal-aid highway, or highway affected under chapter 2 of this title, unless proper safety protective devices complying with safety standards determined by the Secretary at that time as being adequate shall be installed or be in operation at any highway and railroad grade crossing or drawbridge on that portion of the highway with respect to which such expenditures are to be made.

"(f) The Secretary shall not, as a condition precedent to his approval under section 106 of this title, require any State to acquire title to, or control of, any marginal land along the proposed highway in addition to that reasonably necessary for road surfaces, median strips, gutters, ditches, and side slopes, and of sufficient width to provide service roads for adjacent property to permit safe access at controlled locations in order to expedite traffic, promote safety, and minimize roadside parking.

"(g) The Secretary shall issue within 30 days after the day of enactment of the Federal-Aid Highway Act of 1970 guidelines for minimizing possible soil erosion from highway construction. Such guidelines shall apply to all proposed projects with respect to which plans, specifications, and estimates are approved by the Secretary after the issuance of such guidelines.

"(h) Not later than July 1, 1972, the Secretary, after consultation with appropriate Federal and State officials, shall submit to Congress, and not later than 90 days after such submission, promulgate guidelines designed to assure that possible adverse economic, social, and environmental effects relating to any proposed project on any Federal-aid system have been fully considered in developing such project, and that the final decisions on the project are made in the best overall public interest, taking into consideration the need for fast, safe and efficient transportation, public services, and the costs of eliminating or minimizing such adverse effects and the following:

"(1) air, noise, and water pollution;

"(2) destruction or disruption of man-made and natural resources, aesthetic values, community cohesion and the availability of public facilities and services;

"(3) adverse employment effects, and tax and property values losses;

"(4) injurious displacement of people, businesses and farms; and

"(5) disruption of desirable community and regional growth.

Such guidelines shall apply to all proposed projects with respect to which plans, specifications, and estimates are approved by the Secretary after the issuance of such guidelines.

"(i) The Secretary, after consultation with appropriate Federal, State, and local officials, shall develop and promulgate standards for highway noise levels compatible with different land uses and after July 1, 1972, shall not approve plans and specifications for any proposed project on any Federal-aid system for which location approval has not yet been secured unless he determines that such plans and specifications include adequate measures to implement the appropriate noise level standards.

"(j) The Secretary, after consultation with the Administrator of the Environmental Protection Agency, shall develop and promulgate guidelines to assure that highways constructed pursuant to this title are consistent with any approved plan for the implementation of any ambient air quality standard for any air quality control region designated pursuant to the Clean Air Act, as amended."

See also 23 C.F.R. §§ 1.15–1.30 (1972).

[17] 42 Op. Att'y Gen. No. 32 (1967). The Secretary has to a large extent incorporated the reasoning of the Attorney General's opinion in its brief in this court.

[18] The Secretary also urges that the right to defer funds is implicit in the precatory language of Section 101(c) since Section 101(d), relating to other expenditures under the Act, uses mandatory language and Section 101(c) does not. Section 101(d) provides:

"No funds authorized to be apportioned from the Highway Trust Fund shall be expended by or on behalf of any Federal department, agency, or instrumentality other than the Federal Highway Administration unless funds for such expenditure are identified and included as a line item in an appropriation Act and are to meet obligations of the United States heretofore or hereafter incurred under this title attributable to the construction of Federal-aid highways or highway planning, research, or development, or as otherwise specifically authorized to be appropriated from the Highway Trust Fund by Federal-aid highway legislation."

The simple explanation for the difference in language is that subsection (c) refers to "existing law" whereas subsection (d) does not. No significance was intended by the conferees. See H.R. Rep. No. 91–1780, 91st Cong., 2d Sess. (1970); U.S. Code, Cong. & Adm. news at 5459 (1970). H.R. Rep. No. 91–1554, 91st Cong., 2d Sess (1970); US Code, Cong. & Adm. News at 5401–5402 (1970).

[19] See CCH, *Congressional Index*, for years 1968, 1969 and 1972.

[20] See S. Rep. No. 92–1081, 92nd Cong., 2d Sess. (1972); H.R. Rep. No. 92–1443, 92d Cong., 2d Sess. (1972).

[21] The floor debate on the Conference Report indicates that the most controversial provision of S. 3939 concerned using funds from the Highway Trust Fund for purposes of funding a mass transit program. It is apparent that the inability of the conferees to agree on this point also prevented several other provisions of the bill from being considered on their merits. See 118 Cong. Rec. 36346 *et seq.* (1972); 118 Cong. Rec. 37309 *et seq.* (1972); 118 Cong. Rec. 37132 *et seq.* (1972). Although the Conference Report was reported out, Congress adjourned before completing final action on this bill.

[22] In accord is Chief Justice Warren's observation in *United States v. Wise,* 370 U.S. 405, 411 (1962):

"The appellee seeks succor in the subsequent legislative history accompanying attempts to amend the Sherman Act between 1890 and 1914. He particularly relies upon H.R. 10539, 56th Cong., 1st Sess. (1900). This bill would have expressly included corporate officers and agents in the definition of 'persons' found in § 8. The report accompanying that bill stated that the existing law did not subject agents, officers, and attorneys to penalties. H.R. Rep. No. 1506, 56th Cong., 1st Sess. However, statutes are construed by the courts with reference to the circumstances existing at the time of the passage. *The interpretation placed upon an existing statute by a subsequent group of Congressmen who are promoting legislation and who are unsuccessful has no persuasive significance here . . . Logically, several equally tenable inferences could be drawn from the failure of the Congress to adopt an amendment in the light of the interpretation placed upon the existing law by some of its members, including the inference that the existing legislation already incorporated the offered change.*" (Italic ours.)

STEPHENSON, CIRCUIT JUDGE, DISSENTING

I respectfully dissent. It is my view that the district court erred in holding that the Executive Branch has no discretion to control the rate of obligation of funds apportioned under the Federal-Aid Highway Act. The language of the statute and its historical interpretation clearly demonstrate a deliberate choice by Congress to grant to the Executive discretion in determining the extent to which apportioned funds will be made available for obligation.

The expenditure of funds pursuant to the Federal-Aid Highway Act of 1956 (23 U.S.C. § 101 et seq.) is a step-by-step process. The program involves successive, and distinct, stages of authorizations, apportionments, programs, projects and appropriations. The basic *authorization* for appropriations for the Interstate Highway system is found in section 108(b) of the Federal-Aid Highway Act of 1956. The funds expected to be available with respect to each fiscal year included in these authorizations are then *apportioned* among the states on or before the first day of January preceding the fiscal year for which they are authorized to be appropriated. 23 U.S.C. § 104(a). Funds so apportioned remain available for obligation at any time prior to the close of the second fiscal year after the fiscal year for which they are authorized. 23 U.S.C. § 118(a), (b). After apportionment, however, the states must submit programs for proposed highway projects for approval by the Secretary of Transportation (appellant here) before they may obligate apportioned funds. 23 U.S.C. § 105.[1] Approval of a specific program by the Secretary results in a contractual obligation of the Federal Government. 23 U.S.C. § 106(a). Payments to the states are made pursuant to appropriation acts for reimbursement for work performed. The amount appropriated each year may not exceed the amounts provided for in the authorization act, nor may it exceed the funds available in the Highway Trust Fund.

In the instant case, the Secretary has withheld its approval of proposed projects after authorization and apportionment but before any appropriation has been made by Congress.

While an appropriation act, as contrasted to authorization acts, would seem to be mandatory in its effect, the courts have held that even appropriation acts are permissive in nature and do not in themselves impose an affirmative duty to expend the funds. *McKay v. Central Electric Power Cooperative,* 223 F.2d 623, 625 (C.A.D.C. 1955). Historically, there has been considerable support for this construction. For instance, then Senator Truman said in 1943,

"When the Congress appropriates funds it gives the executive branch an *authority* to incur obligations. Certainly none of us hold that we give a mandate to expend the funds appropriated. We expect the funds to be used only where needed, and not in excess of the amount appropriated, to carry out some phase of the law." 89 Cong. Rec. 10362 (emphasis added).

The legislative branch itself pointed out in a Committee Report concerning the 1951 Appropriations Bill, an "appropriation of a given amount for a particular activity constitutes only a ceiling upon the amount which should be expended for that activity." H. Rep. 1797, 81st Cong., 2d Sess., p. 9. As early as 1943 Congress recognized that *authorizing* legislation does not compel the executive branch to obligate or expend highway funds. *See* House Conf. Rep. 677, 78th Cong., 1st Sess., p. 4 (1943) in regard to § 9 of the Rural Post Roads Act of 1943. The fact is that the presidential practice of withholding authorized and appropriated funds

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Footnotes at end of article.

runs at least as far back as 1942. Presidents Roosevelt, Truman, Eisenhower, Kennedy, Johnson, and now Nixon have all practiced it to varying degrees. Miller, *Presidential Power to Impound Appropriated Funds: An Exercise in Constitutional Decision Making*, 43 North Carolina Law Rev. 502, 513 (1965). Although this practice is not without its critics,[2] it appears to be an established practice, *Id.*, and as Judge Cardozo once stated, "not lightly to be vacated is the verdict of quiescent years." *Coler v. Corn Exchange Bk.*, 250 N.Y. 136, 164 N.E. 882, 884 (1928). *Cf. Contractors Ass'n of Eastern Pa. v. Secretary of Labor*, 442 F.2d 159, 171 (CA3 1971). By implication the practice has received frequent statutory recognition. An example is the Anti-Deficiency Act, 31 U.S.C. § 665 (c)(1) which provides that "authorizations to create obligations by contract in advance of appropriations shall be so apportioned as to achieve the most effective and *economical* use thereof." (Emphasis added). And 31 U.S.C. § 701(a)(2) of the same Act provides for reversion of unobligated appropriated funds to the fund from which they originally were derived. If Congress expected full expenditure of funds, it obviously would appear unnecessary to include such a provision. It is, therefore, my view that in the absence of specific statutory language to the contrary, Congress has given the Executive branch the power to withhold authorized but unobligated funds from expenditure.[3]

I now turn to the specific statutory language of the Federal-Aid Highway Act to determine whether Congress has provided a specific mandate to spend authorized but unobligated funds. 23 U.S.C. § 101(c) provides:

"*It is the sense of Congress* that under existing law no part of any sums authorized to be appropriated for expenditure upon any Federal-Aid system . . . shall be impounded or withheld from obligation, for purposes and projects as provided in this title, by any officer or employee in the executive branch of the Federal Government, ..." (Emphasis added.)

23 U.S.C. § 101(d) provides in clear mandatory terms:

"*No funds* authorized to be appropriated from the Highway trust fund *shall* be expended by or on behalf of any Federal department, agency, or instrumentality other than the Federal Highway Administration unless . . . specifically authorized . . . from the Highway Trust Fund by Federal-aid highway legislation." (Emphasis added.)

Sections (c) and (d) were added to the Federal-Aid Highway Act in 1968. Pub. L. 90-495, § 15.[4] It is interesting to note that section (d) as originally enacted in 1968 started with the "It is the sense of Congress" phrase also found in section (c). However, when 23 U.S.C. § 101 was amended to its present form in 1970, the phrase "No funds authorized to be appropriated" was substituted for the "sense of Congress" phrase in section (d) but not in section (c). Pub. L. 91-605, § 107. By reenacting § 101(c) without pertinent modification but amending 101(d) Congress implicitly accepted the non-mandatory construction placed on § 101(c) by the Secretary after receiving Attorney General Clark's opinion[5] in 1967. *Cf. National Labor Relations Board v. Gullett Gin Co.*, 340 U.S. 361, 366 (1951). In a similar vein the Circuit Court of Appeals for the District of Columbia said in 1961:

"Approval of an administrative interpretation is not lightly to be laid at the door of Congress; but the evidence of awareness by Congress of the . . . interpretation over a very considerable period, during which Congress considered the legislation several times with no change . . . as administratively interpreted cannot be altogether ignored."

Empire State Highway Transp. Ass'n v. Federal Maritime Bd., 291 F.2d 336, 341 (C.A.D.C. 1961). *Accord, Norwegian Nitrogen Products Co. v. United States*, 288 U.S. 294, 313 (1933).

If Congress intends to mandate to the Executive branch, this should be unambiguously stated in the legislation so the President understands clearly when he has been directed and when he has been given discretionary powers. In this regard, I submit that the phrase "sense of Congress" is only precatory in its effect. The phrase has been the subject of interpretation in two opinions of the United States Attorney General, both construing 15 U.S.C. § 616A. The latest, 42 Op. Att'y Gen. 20 (1965) stated:

"'This section, by expressing the 'sense of Congress' that government agencies 'shall' require the exports to be carried exclusively in United States vessels, is not mandatory and does not preclude the Maritime Administration from permitting 50 per cent of the cargoes to be carried in vessels of the recipient country. . . .'"

In 1934 the Attorney General found that the "sense of Congress" language indicated that the statutory requirement of 15 U.S.C. 616A was to be carried out "only if feasible to do so." 37 Op. Att'y Gen. 546 (1934).

In view of the legislative history of this and other statutes and because the expression "sense of Congress" connotates a *policy* rather than a *directory* statement, it is my view that the Secretary of Transportation has the power to defer the availability to the states of those funds authorized and apportioned for highway construction which have not become the subject of a contractual obligation on the part of the Federal Government in favor of a state.

I must therefore dissent.

FOOTNOTES

[1] In an attempt to curtail the Executive's practice of withholding apportioned funds under the Federal-Aid Highway Act, the Senate in 1972 approved a bill S. 3939, 92nd Cong., 2d. Sess. (1972), which would eliminate the project-by-project review of the Secretary. It would, in effect, have created a contractual obligation on the Government immediately after funds were apportioned. The Secretary would not then be able to withhold funds by simply not approving proposed projects. *See* H. Rep. 92-1081, 92nd Cong., 2d Sess. The corresponding House bill containing no such provision. H. Rep. 92-1443, 92nd Cong., 2d Sess. The Conference Committee accepted the House version without the proposed Senate provision. Congress then adjourned prior to final action on the 1972 Federal-Aid Highway Act.

[2] *See generally* Boggs, *Executive Impoundment of Congressionally appropriated Funds*, 24. U. Fla. L. Rev. 221 (1972); Church, *Impoundment of Appropriated Funds: The Decline of Congressional Control over Executive Discretion*, 22 Stanford L. Rev. 1240 (1970).

[3] Other legislative history supports this conclusion. On several occasions Bills have been introduced into Congress which would have made it unlawful to withhold moneys appropriated by Congress from being promptly applied for the purpose designated in the Federal-Aid Highway Act. H.R. 11441, 85th Cong. 2d Sess. (1958), H.R. 11541, 85th Cong., 2d Sess. (1958), H.R. 11682, 85th Cong., 2d Sess. (1958), S. 3578, 85th Cong., 2d Sess. (1958), H.R. 1254, 86th Cong., 1st Sess. (1960), S. 4049, 90th Cong. 2d Sess. (1968) (an attempt to exempt the Federal-Aid Highway Act from the 1968 inflationary cuts imposed by Congress), H.R. 1214, 91st Cong., 1st Sess. (1969), S. 3877, 92nd Cong., 2d Sess. (1972). *See* footnote 1 supra for the most recent action by Congress in this respect.

[4] An examination of the legislative history of §§ (c) and (d) reveals a concern by Congress over the practice of the Executive of impounding or withholding apportioned funds. Apparently in response to a 1967 Attorney General opinion, 42 Op. Att'y Gen. 32 (1967), the House passed a bill which would have amended 23 U.S.C. § 104 to include a mandatory spending provision. H. Rep. No. 1584, 90th Cong., 2nd Sess., p. 11-12. Conf. Rep. No. 1799, 90th Cong., 2nd Sess., (1968), U.S. Code Cong. & Admin. News at 3537. The Senate did not recommend a specific amendment but did state its opposition to reductions in funds made available for obligation under the Federal-aid highway program which relate directly to the "planning and design of highway projects, the acquisition of rights-of-way necessary for such projects, and the assistance to those who are dislocated or displaced by highway construction projects." S. Rep. No. 1340, 90th Cong., 2nd Sess., (1968), U.S. Code Cong. & Admin. News at 3501. The Conference Committee failed to accept the mandatory House language and instead adopted the Senate bill which included the "sense of Congress" phrase. H. Rep. 1799, 90th Cong., 2nd Sess., (1968), U.S. Code Cong. & Admin. News at 3537. This resulted in amendments (c) and (d) to 23 U.S.C. § 101. The Conference Report, *Id.*, describes 23 U.S.C. § 101 as the "general declaration of *policy*" (emphasis added) applicable to Title 23. It is now well established that statements of policy do not add to or alter specific operative provisions of a statute. *Sinclair Refining Co.* v. *Atkinson*, 370 U.S. 195, 202 (1962); 42 Op. Att'y Gen. 32 (1967). Since no provision of the Act gives any state a vested right to the apportioned funds prior to approval by the Secretary, and there is no express mandate to the Secretary to approve proposed projects, it is reasonable to conclude that the Secretary has, in his discretion, the authority to withhold unobligated funds.

[5] DEAR MR. SECRETARY. This is in reply to your letter of February 21, 1967, requesting my opinion as to the legality of a reduction in the amount of Federal aid highway funds which may be obligated during the Fiscal Year ending June 30, 1967.

* * * * *

"An appropriation act thus places an upper and not a lower limit on expenditures. The duty of the President to see that the laws are faithfully executed, under Article II, section 3 of the Constitution, does not require that funds made available must be fully expended. This principle has received statutory recognition in the Anti-Deficiency Act, February 27, 1906, c. 510, sec. 3, 34 Stat. 49 (31 U.S.C. 665(c)), which authorizes the executive branch to effectuate savings of appropriated funds, and in 31 U.S.C. 701, which provides that unexpended appropriated funds shall revert to the Treasury.

"Many factors must be weighed by the Executive in determining the extent to which funds should be expended. Consideration be given not only to legislative authorizations and appropriations but also to such factors as the effect of the authorized expenditures on the national economy and their relation to other programs important to the national welfare.

"A situation analogous to the present one arose in the early 1940's when the economy of the United States shifted first to defense and later to war production. At that time President Franklin Delano Roosevelt directed that projects having a lower priority would have to be postponed or even cancelled in spite of the availability of appropriated funds. In response to complaints about the curtailment by the Bureau of the Budget of certain programs of the Agricultural Marketing Administration, President Roosevelt set forth the powers and responsibilities of the executive branch in this area:

"'It should, of course, be clearly understood that what you refer to as "the practice of the Bureau [of the Budget] of impounding funds duly appropriated by the Congress" is in fact action by the Chief Executive, and has two purposes. The first purpose is compliance with the Anti-Deficiency Act, which requires that appropriated funds be so apportioned over the fiscal year as to insure against deficiency spending. * * * Secondly, the apportionment procedure is used as a positive means of reducing expenditures and saving money wherever and whenever such savings appear possible.

"'While our statutory system of fund apportionment is not a substitute for item or blanket veto power, and should not be used to set aside or nullify the expressed will of Congress, I cannot believe that you or Congress as a whole would take exception to either of these purposes which are common to sound business management everywhere. In other words, the mere fact that Congress, by the appropriation process, has made available specified sums for the various programs and functions of the Government is not a mandate that such funds must be fully expended. Such a premise would take from the Chief Executive every incentive for good management and the practice of common-sense economy. This is particularly true in times of rapid change in general economic conditions and with respect to programs and activities in which exact standards or levels of operation are not and cannot well be prescribed by statute.'" 42 Op. Att'y Gen. 32 (1967).

THE ENERGY CRISIS

Mr. DOMINICK. Mr. President, earlier this month the news media carried a story of enormous significance to our Nation and its people who are only now beginning to feel the relentless grip of the energy crisis. A private consortium, using private funds, announced its intention to proceed with the first commercial oil shale plant in the United States. This development will take place in my home State of Colorado, in the Piceance Basin, which lies northwest of the town of Rifle.

The man chosen to head this trail-blazing enterprise is Hollis M. Dole, until recently the Assistant Secretary of the Interior for Mineral Resources, and a native of Paonia, Colo. Hollis Dole brings to his challenging new assignment a rich background in geology, mining, and public administration. I have had the pleasure of working closely with him on the Committee on Labor and Public Welfare on mine health and safety and I have been astonished time and again by his mastery of the subject under discussion, and deeply impressed by his abiding concern for the mine worker and his well being. He was always an impressive witness for the Department of Interior's aims and programs.

In a time of polarized attitudes between the need for energy resource development and the need to protect our environment, Hollis Dole campaigned resolutely for both. He was one of the earliest, and strongest spokesmen in the administration for the development of our mineral treasures; and he was one of the earliest, and strongest advocates of incorporating the study of environmental protection in the curricula of our mineral science colleges.

My State is fortunate that the new venture to unlock the desperately needed oil of the Green River Shales will be directed by a man who sees so clearly the essential connection between the two imperatives of development and conservation. As he has said time and again, these two values do not constitute an either/or proposition; we must have both; and we can have both.

Mr. President, I have here a copy of the Department of the Interior news release which carried the announcement of Hollis Dole's new venture in turning the rich resources of the earth to the beneficial use of the American people. I ask unanimous consent that it be inserted in its entirety in the Record.

There being no objection, the release was ordered to be printed in the Record, as follows:

Hollis M. Dole Leaves Interior Department to Head Oil Shale Project

Hollis M. Dole, Assistant Secretary of Interior for Mineral Resources, will depart March 12 to become Senior Executive in Chicago of the jointly-sponsored oil shale development program of the Atlantic Richfield Company and The Oil Shale Corporation, with headquarters in Denver, Colorado. He has served in the Interior post since March 21, 1969.

In parting Dole paid high tribute to the Nixon Administration and to his associates in the Department. "I have been honored," he said, "to serve one of the truly great presidents of our nation's history. I have been privileged to enjoy the help and support of the finest group of men and women anywhere. And I have been warmed by the friendship of the two splendid men under whose leadership it was my pleasure to serve—Secretary Morton and Secretaray Hickel." Secretary Morton praised Dole as "the one man who has done more than anyone else in the nation to alert us all to the energy crisis we are now facing."

During his tenure Dole effected significant organizational changes designed to make the agencies under his control more responsive to problems related to mine health and safety and environmental protection. His vigorous enforcement of the Coal Mine Health and Safety Act is credited with the sharply lowered fatality rate for coal mines, which dropped to the lowest level in history in 1971, and to an even lower rate in 1972. He has been a strong advocate of formal instruction in both mine health and safety, and environmental protection as required credits for degree candidates in the mineral sciences.

An outspoken contender for development of the nation's mineral and energy resources, Dole was instrumental in securing the passage of the Mining and Minerals Policy Act and the Geothermal Steam Act. He was also responsible for carrying out significant portions of President Nixon's Clean Energy program, including an expanded effort to convert coal to gaseous and liquid fuels; acceleration of oil and gas leasing on the Outer Continental Shelf, and the development of programs for leasing oil shale and geothermal resources.

A geologist by profession, Dole has strongly supported efforts to increase the number of mining engineers and upgrade the capabilities of mineral science colleges through programs of Federal Assistance. He has been a vigorous advocate of legislation designed to limit adverse environmental effects from both surface and underground mining, and an equally vigorous critic of the actions of extremist groups which threaten continued supplies of energy and minerals.

The Colony development oil shale program, which Dole will head, will process shale from privately-held lands in Western Colorado.

USE OF GOVERNMENT AIRPLANES DURING NATIONAL ELECTION CAMPAIGNS

Mr. PELL. Mr. President, yesterday it was disclosed that the White House has refused to provide to the Congress information on use of Government-owned, taxpayer-financed airplanes during the national election campaign period last fall.

The White House advised the General Accounting Office that the information requested for the use of the Congress was "personal in nature and thus not the proper subject of congressional inquiry."

Mr. President, in my view this is an outrageous abuse of the doctrine of "executive privilege." I, for one, believe that there are indeed occasions when the President can properly refuse to provide information to the Congress. If, for example, the Congress were to inquire into how the President spent his salary, I would agree that information is "personal in nature" and not a proper subject for congressional inquiry.

However, in this case we are not talking about the President's personal business; we are talking about flights by aircraft of the 89th Military Airlift Wing at Andrews Air Force Base. The President is authorized to use aircraft from the wing for official business, but the 89th Airlift Wing is not the President's personal property, not his personal air force. It belongs to the taxpayers of this country.

And the taxpayers of this country have a right to know whether their tax dollars are being properly used. The Congress has a responsibility to see that tax dollars are not improperly used or wasted.

To say that records of flights by the 89th Military Airlift Wing are "personal in nature" is nonsense. The use of executive privilege to deny this information to the Congress raised one big question—"What is the White House trying to hide?"

THE FATE OF THOSE MISSING IN ACTION IN NORTH VIETNAM

Mr. WEICKER. Mr. President, recently I received a resolution of the General Assembly of the State of Connecticut.

This important resolution, "urging the President and Congress to investigate the release of prisoners of war and the fate of those missing in action," expresses clearly the concern of all Americans for an early and complete accounting of our MIA's suffered in the Vietnam conflict. Therefore, I commend this resolution to the serious consideration of my distinguished colleagues in the Senate as we take the necessary action to truly end our military involvement in Southeast Asia.

Mr. President, I ask unanimous consent that the resolution of the Connecticut General Assembly be inserted at this point in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

H.J. Res. 116

Resolution urging the President and Congress to investigate the release of prisoners of war and the fate of those missing in action in Vietnam

Resolved by this House:

Whereas, the citizens of Connecticut join with the rest of our nation in rejoicing at the cease-fire in Vietnam and at the return of so many of our valiant servicemen who have suffered imprisonment at the hands of the North Vietnamese and the Viet Cong; and

Whereas, even while so rejoicing, we are disturbed to see that only one private first class has been returned to the states to date and that no men of lesser rank have been returned; and

Whereas, we are concerned equally with the fate of our captured ground troops as we were with those officers who have been reunited with their families; and

Whereas, we share also the burden of our fellow citizens whose husbands, sons, brothers and fathers are among those missing in action, whose fate is still unknown.

Now, therefore, *be it resolved,* That this General Assembly urge the President and the Congress of the United States to take such measures as will reveal the fate of all these loyal servicemen and expedite their return; and

Be it further resolved, That the clerks of the House and Senate cause a copy of this resolution to be sent to the President of the United States, the President Pro Tempore of the United States Senate, the Speaker of the United States House of Representatives and the Senators and Congressmen from Connecticut.

THE DANGERS IN THE USE OF MARIJUANA

Mr. FONG. Mr. President, a good friend of mine of longstanding recently spoke on a matter of great concern to many of us—the use of marijuana and the need to fully inform the public on the dangers involved.

An excellent report on the talk by my friend, Mr. Sam Pryor of Hawaii, was written for the Maui News by reporter Jeanne B. Johnson.

Sam Pryor, in addition to being a retired vice president of Pan American World Airways, is a recognized authority on narcotics and drugs.

I ask unanimous consent that the news article by Jeanne Johnson be printed in the RECORD so that others also may benefit from the important information Sam Pryor has to give.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DRUGS LEAD GOOD BOYS TO RUIN—EVEN DEATH: PRYOR NOTES

(By Jeanne B. Johnson)

"The files of the Bureau of Narcotics are punctuated with murders and atrocities committed under the influence of marijuana," Samuel F. Pryor of Kipahulu and Greenwich, Connecticut, told members of the Maui Woman's Club at their meeting last week.

Pryor, retired vice president of Pan American World Airways, can speak with authority on the subject of narcotics and drugs. He is a graduate of the United States Treasury Narcotic Agents School in Washington and is an adviser to the Federal Bureau of Narcotics and Dangerous Drugs, as well as having been a delegate to Interpol (the International Criminal Police Organization) for some nine years.

"People cause wars, people cause pollution, and people cause self-destruction, and self-destruction is what I am going to talk to you about today," he began. He explained that he had first become interested "many years ago," because as a Director of the Boy's Club of America, he "saw what was happening to so many good boys because of lacking something interesting to do and lack of guidance turned them to experimenting with narcotics, leading them to ruin—even death.

As a privilege of being able to travel extensively abroad because of his position with the airline, he saw many of the ruins of ancient cities—each of which "in its proper time, stood at the peak of "achievement and accomplishment." Pondering over these ruins caused him to wonder what had caused their downfall.

"At what time in the history of these lost civilizations did the parents begin to neglect the guidance of their children through not educating them to the facts and the dangers of life. At what time did their school teachers fail to alert the pupils to the facts of dangerous narcotics? At what time did their spiritual leaders fail to guide them?

"These thoughts caused me to look for facts. Could this happen to our Country? Are we going the way these other civilizations have gone?"

DRUGS DANGEROUS

Pryor said he was not going to discuss the dangers of heroin and LSD, because "even the most stupid individual, young or old, knows these drugs are dangerous . . . instead, let's talk about the drug we hear so much about also damned with the inaccuracy of many of the articles and reports by the news media. What is it? Let's hear what the United Nations says about marijuana:

" 'The products of the plant Cannabis Sativa L. have been used by millions of people as an intoxicant over the last four or five thousand years. The hemp plant or the crude drug derived from it and folk preparations of the hemp drug are known under almost 200 different names. The best known are Indian hemp, hashish, marijuana and bhang.

" 'Cannabis has become, from the medical point of view, an obsolete remedy. It has therefore been recommended that its use be discontinued in medical practice . . . the possible antibiotic properties of the resinous parts of the plant have recently been studied in some countries, but the World Health Organization has concluded that the case has not been proven for extracting useful drugs from cannabis.' "

Turning to marijuana, specifically, the United Nations report quotes Dr. Haislip, attorney adviser to the Bureau of Narcotics concerning "marijuana and its relationship to crime and insanity."

Haislip said: "The effects of marijuana on the activity of the brain are undoubtedly the most profound and constitute the greatest source of danger to the user and the persons around him. Recent experiments on human subjects have led to the conclusion that sufficient doses of marijuana can cause psychotic reactions in almost any individual. It is in this manner that marijuana has earned its reputation for inducing criminal behavior."

MENTAL CONFUSION

It was pointed out in the Haislip report and quoted by Pryor that "excessive indulgence" in marijuana "is apt to produce in healthy individuals, and more so in susceptible individuals, mental confusion which may lead to delusions with restlessness and disordered movements. Intellectual impairment as well as disorientation may show itself in various ways, such as weakening of moral sense , habit of telling lies, prostitution, theft, pilfering, sex perversions . . . (and) . . . sometimes indulgence may release subconscious impulses and lead to violent crimes."

Pryor called attention to the fact that "the files of the Bureau of Narcotics are punctuated with murders and atrocities committed under the influence of marijuana.

He said that what immediately brought the subject of marijuana to his attention as a pertinent topic for his talk was that "last week one of our leading newspapers here had an editorial on legalizing marijuana saying that it should be legalized. I couldn't believe it. I couldn't believe a member of your Legislature intelligent enough to be elected and could put in a bill for legalization. They tried in California this last year and it was turned down by a tremendous majority, although the editorial failed to mention that."

Pryor said he wrote a letter to the editor of the paper, which was published in the paper, and "they answered with four columns on 'The Law and Marijuana' " saying it should be legalized. I had sent the paper material which I am going to show you, but there was no mention of that side of the story.

He pointed out that the paper had called for a poll as to whether the reader was "for" or "against" legalization of marijuana, but that while it had carried four columns citing the reasons "for" legalization they had carried "non of the material I sent them," and came out with another editorial for legalization, saying that the poll favored it.

"Now, how can a poll be a fair poll if four columns are put in justifying legalization and not one word on the other side except my original letter?"

YOUNG MAN MURDERED

He told the women that the marijuana situation in the United States had come very close to his own family during the past week, with the receipt of a letter about the grandson of a very close friend. The young man, of whom Pryor was very fond, was "murdered in Beacon Hill right outside his apartment house en route to mail a letter. This came close to home, but it is going on all over the United States . . . the two boys who murdered him were stoned on marijuana."

At the latest meeting of Interpol, held in Frankfort, Germany last September, representatives of 114 countries all wanted to serve on the Drug Abuse Committee. "It's not only the United States, but other countries throughout the world—even the 'bad' countries which have allowed so much to go through their country to be sold to the United States—who are worried about their youth. They have changed and are cooperating with all the rest of the countries. The first resolution passed concerned the dangers of marijuana, and it was passed unanimously.

The resolution pointed out that "the consumption of marijuana and its derivatives is growing rapidly and reaching epidemic proportions in some countries," and that "certain propaganda seeks to persuade the general public that such consumption is not harmful, and considering that the last scientific research indicates that on the contrary its consumption is indeed very dangerous, and noting that detailed observations by police forces indicates that the use of marijuana and its derivatives very often leads to the use of more dangerous drugs," the Interpol Assembly went on record to recommend "That measures designed to eliminate the illegal cultivation of cannabis (marijuana) be strengthened (and) large scale publicity campaigns be launched and relaunched aimed not only at young people, but also at parents and the general public designed to show the direct dangers of the consumption of cannabis and its derivatives."

Referring to the part of the resolution which pointed out that certain propaganda seeks to persuade the general public that consumption of marijuana is not harmful, he called attention to the fact that "the dangers of marijuana have been cited by every member of the United Nations, and I don't know how anyone can stand up against what those countries say about marijuana and what the 114 countries of Interpol say."

He stressed education—education as to the dangers of marijuana—as the remedy for the present situation, and pointed out that law enforcement officers do not enjoy throwing the youth of the country in jail for committing no other offense than possessing marijuana.

"I think parents—particularly mothers and grandparents," hold the key to the situation, and "have a tremendous responsibility to educate these young people on facts, he concluded, emphasizing that groups such as the Maui Woman's Club could play a major role in this respect, not only with their own young people, but in public education and organizing to fight the dangers of marijuana.

NORTH CENTRAL AIRLINES RECORD OF SERVICE

Mr. McGOVERN. Mr. President, the United States is well aware of the services offered by major airlines both for travel within the country and abroad. It is less aware of the contribution made by smaller regional lines which perform perhaps even a greater service in terms of their within-region or feeder operations.

North Central Airlines, which is the main air carrier for South Dakota, is one of these. It operates more flights in subzero temperatures than any other in the world. It has the shortest average stage distance and the shortest passenger trip distance of any local line in the country. All these factors involve extraordinary operating costs. Yet, North Central Airlines has shown a profit in 18 of the last 19 years.

I ask unanimous consent that this encouraging story about an exemplary airline, published in the March issue of Air Transport World, be printed in the RECORD.

There being no objection, the story was ordered to be printed in the RECORD, as follows:

HOW TO RUN AN AIRLINE . . . PROFIT STYLE; NORTH CENTRAL SHOWS THE WAY

(By Joseph S. Murphy)

Late last month, North Central Airlines revealed its preliminary unaudited results for 1972: a $7.5-million profit on $120 million in revenues, the tops for the U.S. local airline industry and a record for North Central itself.

At the same time North Central marked the 25th anniversary of its humble origin as a division of Four Wheel Drive Co. in Clintonville, Wisc. And the tone of the 1972 fiscal performance is typical of the phenomenal financial record that chairman Hal Carr and his management have written over that quarter-century period.

For an airline to show a profit in 18 of the last 19 years, one would expect it to be blessed with a few operating advantages here and there to boost its position. One would think so, but that's not the case at North Central. If anything, the opposite is true.

Not only does it operate more flights in costly subzero temperatures than any other airline in the world but it also has the shortest average stage distance and the shortest passenger trip distance of any U.S. local.

The real secret to North Central's success lies in knowing how to run a very lean, tight, cost-conscious airline, says Hal Carr. And if anyone, knows what makes North Central tick, it's Hal Carr.

Actually, Carr seems synonymous with the airline's success. He was there as executive up when it all began in 1948. After two years' of start-up losses and two years of profit, he left to join McKinsey & Co., management consultants.

The next two years, in Carr's absence, North Central dove into the red with $100,000 losses in both 1952 and 1953. In 1954, when he was lured back to run the airline, it already had amassed a $70,000 loss, but Carr turned that around to an $80,000 profit before the year was over.

On the eve of his return, Carr recalls, CAB had told North Central's management that no U.S. airline had ever gone bankrupt, but that it looked like they were about to end that glorious record. CAB also had told North Central that the carrier had exhausted every bit of assistance it could expect from the government to make up for its own managerial deficiencies.

Since 1954, Hal Carr and North Central have shown a profit in every year except 1969—when a major route and equipment expansion combined with a traffic dip to take the airline's results into the red.

From a $700,000 operation in 1948, when 112 employees and a fleet of three Lockheed 10As carried 11,000 passengers, North Central has boomed into a $120-million operation with 3200 employees and a fleet of 16 DC–9 jets and 33 Convair 580 turboprops.

Over the 25-year span since 1948, the airline has carried 33 million passengers some 6.5 billion revenue passenger-miles and has shown a profit of $14.2 million on total operating revenues of $761 million.

Almost throughout the past 19 years, it has been a case of "North Central and somebody else" making a profit among U.S. locals. In 1971 it was North Central and Ozark, the year before NOR and Allegheny. In 1968, North Central was all alone with a $70,000 profit while the rest of the local airline industry was losing $28 million.

If one adds up the retained earnings of all of the U.S. locals, the North Central record stands out. At the end of 1971 it was the only local with a positive retained earnings record. Others showed deficits ranging from $660,000 for Ozark up to $23.5 million for Frontier.

Hal Carr has worked well from the beginning with his board of directors, and in all of his memory he can't recall a board vote that hasn't been unanimous. He tells the board that when times are good North Central will be among the leaders in profit and in bad times North Central will lose the least.

Since Art Mueller passed away in 1966, North Central has become the most publicly owned airline of all locals, with upwards of 34,000 individual stockholders. Carr himself is the biggest single shareholder at about 3%, and the airline has no single "rich uncle," as he calls it, like most other locals.

He operates North Central from a pretty straightforward management philosophy. Everyone in top management has a backup man who can step in at a moment's notice to do the job. He himself has Bernard (Bud) Sweet, now president, who runs the day-to-day airline business while Carr concentrates on policy matters and long-range planning.

How does an airline with an outstanding past financial record look at the airline scene today? How will North Central do in 1973?

It all depends on three or four different factors, notes Bud Sweet. If the economy holds up throughout 1973 as all of the forecasters predict, air traffic should show a growth rate twice the rate of the gross national product growth.

Then there's Phase III. If voluntary controls work, that will be good. Phase II helped the airlines, which earlier were being hit by labor cost rises double those experienced in 1972. Most unions recently have held to one-year contracts in hopes that controls would end, and North Central itself has four new contracts coming up for renewal in the balance of this year. If restraint prevails, the outlook will be good.

Both Carr and Sweet have no doubts about the need for a fare surcharge to offset the new security rules. The proposed $1 per passenger breaks down to 93¢ plus tax. When prorated on interline tickets with the rest of the fare, this would leave just about half of the 93¢ with North Central, and that's about what the carrier needs to cover its costs. It will cost $2 million at North Central alone to do the security job.

Hal Carr thinks the CAB's local airline route-strengthening program has been one of the most enlightened, far-sighted and successful projects ever undertaken by the Board, and states flatly that subsidy today would be fantastically higher without it.

Although the program slowed down when the CAB declared a moratorium on new route authority during the recent recession, Carr is hopeful that renewed financial health among the trunks will encourage the Board to resume the strengthening program.

North Central got its biggest break in route-strengthening with the award of the Milwaukee-New York nonstop. It began the service in September of 1970 and traffic is still building. United which began at the same time and with more frequencies than North Central, cut its service from four flights daily to two, then shifted from LaGuardia to Newark, and finally dropped out of the market.

North Central uses the route to feed traffic on one-plane services from points west and northwest through Milwaukee to New York. It has the advantage of a half-filled airplane on arrival in Milwaukee and thus doesn't depend solely on the fruits of Milwaukee-New York traffic.

North Central is proposing similar treatment of its bids in other route cases. In the Detroit-Atlanta and Cincinnati-Atlanta cases, it proposes a "light touch of competition" as opposed to certifying a full-fledged, big trunk competitor in a market now served exclusively by one airline.

North Central's approach is to schedule its feeder through-flights at times when service is not now available. In its Detroit-Boston and Detroit-New York bids, it would feed traffic from the west and northwest to these destinations, rather than trying to divert traffic from existing services.

The regionals have one advantage competing in such markets: their single-class jets offer a service superior to trunk airline coach service. Some traveling businessmen prefer the regional because their company rules preclude first-class travel and the one-class service averts the prospect of their being embarrassed by meeting competitors or customers in first-class compartments while they themselves are on their way to the back of the airplane.

In addition to its bids in the Atlanta, Boston and New York markets, North Central also seeks Milwaukee-Denver authority and extension of its Detroit-Toronto service to Montreal. The important thing, says Dave Moran, vp-traffic and sales, is that local airline route-strengthening must be continued in order to reduce future subsidy need.

As a measure of how the New York route has helped North Central, Hal Carr points out that break even on that flight is about 32 passengers on a 100-passenger DC–9. North Central's year-round load factor is 57 passengers, meaning that it gets about 8¢ a mile from 25 passengers above break even over the 738-mile segment—a sizeable contribution in offsetting subsidy need.

Although this route has proven to be one of the better awards to locals, North Central still trails other locals in route-strengthening benefits. In 1968, for example, it had an average length of hop of only 99.6 miles, compared to 146.1 miles for Allegheny. Since then, Allegheny has been strengthened to an average of 211 miles in 1972, a 44% improvement, while North Central's average improved only 30% to 130 miles. In average passenger trip distance improvement, North Central comes out about equal to Allegheny, rising from 187 to 232 miles while Allegheny rose from 245 to 300 miles.

One other aspect of North Central's success in which Carr and Sweet take pride is their equipment decisions. Carr says the worst mistake an airline can make is to buy the wrong airplane, noting that more than one local has gone out of business for that reason. Therefore, North Central puts great emphasis on its equipment decisions.

Carr recalls that the only big problem experienced in the past came when the technical side of North Central favored the Rolls-Royce Convair 600, but flight operations wanted the Allison-powered 580. The latter prevailed.

The 580 has turned out to be a winner. North Central now has 33 and expects to fly them until 1978. This year it will begin substituting DC–9s for some 580 services where traffic densities have grown to justify the 100-passenger jet in place of the 48-passenger turboprop. Thus, the first 580s may be retired from the fleet this year.

Instead of the present 33–16 ratio of 580s to DC–9s, the trend will be toward reversing these numbers over the next few years. North Central recently bought, from Greyhound Leasing, two DC–9s operated by the bankrupt West German charter airline Atlantis, and will get three new DC–9s from Douglas this year to raise the number to 19 by year-end.

Carr feels that the twin DC–10 might well be the next new jet type that North Central buys, not as a full-fleet DC–9 replacement but perhaps a fleet of five to handle certain high-density segments on which a 100-passenger capacity will be insufficient.

Carr also sees a future need for a 50-to-60-passenger replacement for the 580, when and if a manufacturer comes up with one that will do the job. In the meantime. North Central won't do badly replacing 580s with DC–9s. The jet shows a maintenance cost of 28.9¢ per mile versus 38.3¢ for the 580, and its dispatch reliability is almost identical. The delay rate for mechanical causes on the DC–9 is 1.39%, against 1.34% for the 580.

North Central maintains both DC–9s and 580s on a progressive schedule under which an aircraft is never out of service for scheduled maintenance for more than eight hours. The airline recently lost its veteran technical vp, Les Keely, to Frontier Airlines; his successor, Robert Gren, is now developing the next stage of computerized maintenance administration, which will include in-flight monitoring of systems to better predict the need for maintenance before a failure occurs.

On the sales side, North Central in the past has been predominantly a business-travel-oriented airline, with roughly 80% business travelers and 20% pleasure. Now it is putting a major new effort into expanding pleasure markets, posing itself as the outdoorsman airline with packages for fishing, hunting, canoeing in Canada and, coming next fall, big ski packages. It has engaged pro ski racer Jake Hoeschler as its advisor on the sport and plans to conduct ski seminars this fall.

A good example of how North Central coped with the recent recession is in its control of employe headcount. From the end of 1969 through 1972, it held employment increases to only 1.3% while passengers rose 35% in numbers and revenues climbed 75%.

Computerized reservations illustrate the automation that permits this kind of expansion to be handled by the same force. Had North Central still had manual reservations, it would have had to hire 225 additional people to cope with recent traffic growth. Instead, it not only needed zero staff increase, but has managed to sell about $300,000 in computer services to 50 local accounts to help get better utilization of the computer staff.

Over the past 25 years, North Central has grown at an average rate of 16% per year. Looking ahead another 15 years, Hal Carr sees a 10%-per-year growth to an airline with revenues approaching $500 million annually.

And he makes no bones about North Central's ambitions. It doesn's aspire to become a trunk airline; it is satisfied to remain a regional airline and to serve small communities as it has in the past.

He also feels that big manufacturing corporations sell goods to the U.S. government and get paid for their wares. By the same token the U.S. locals are selling air service to small communities and should continue to get paid for it.

North Central feels the class rate system has proven far superior to all former approaches to local airline subsidy, and favors the idea that the class rate now in effect should prevail until a new one is developed and adopted by CAB. This eliminates the undesirable open rate situation that destroys an airline's ability to plan its operation.

Whatever the future of subsidy, route-strengthening, or the regional airlines for that matter, it's a good bet that Hal Carr and North Central Airlines will emerge as leaders in profit-management. It's just as good a bet that if all of the airlines of the world were managed the way North Central is, the airline industry today would be making a lot more money.

AN APPRAISAL OF TELEVISION PROGRAMING

Mr. BARTLETT. Mr. President, I ask unanimous consent that the attached resolution, a thoughtful appraisal of television programing passed by the Oklahoma Legislature, be entered in full in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

House Concurrent Resolution No. 1019

A concurrent resolution relating to content of television programs; expressing the sense of the legislature that standards of propriety should be improved to reflect less explicit matters of sex, violence and profanity of language; directing that copies of this resolution be given to each member of the Oklahoma Congressional Delegation and to the Federal Communications Commission; and requesting that each member of the Oklahoma Congressional Delegation urge the Federal Communications Commission to encourage the television networks to require compliance by television programmers in maintaining higher standards of morality in television programs

Whereas, commercial television has become an important part of the lives of Americans, many of whom spend a significant portion of time viewing what is presented by the media; and

Whereas, commercial television has greatly benefited mankind, not only entertaining but informing and edifying by employing the marvels of technology to communicate such historic events as man's exploration of the moon and the visit of an American President to Communist China; and

Whereas, the unparalleled impact of commercial television has the power not only to depict traditional social and cultural manners but also to influence and change them; and

Whereas, there has been a marked shift in the recent past toward more explicit programming by the networks, especially in matters involving sex, violence and profanity; and

Whereas, the right to broadcast over assigned cycles and frequencies is a privilege granted certain organizations in the electronic media on behalf of the entire citizenry; and

Whereas, Americans who do not countenance profligate morality, the use of profane language or ever-heightening levels of violence as a form of entertainment are finding themselves increasingly offended and may, if the trend continues, become effectively deprived of their right to watch substantial portions of commercial television programming.

Now, therefore, be it resolved by the House of Representatives of the 1st session of the 34th Oklahoma Legislature, the Senate concurring therein:

Section 1. The sense of the Legislature is hereby expressed that the nation's commercial television networks and their affiliates should abandon a programming policy, or laxness of control, that depicts profligated morality, the use of profane language and ever-heightening levels of violence as entertainment, and that they return to a practice of abiding by the standards of taste and propriety that prevailed on television screens as recently as two years ago.

Section 2. A copy of this Resolution is to be distributed to each member of the Oklahoma Congressional Delegation and the Federal Communications Commission.

Section 3. The Federal Communications Commission is to be urged by each member of the Oklahoma Congressional Delegation to encourage the nation's television networks to require television programmers to maintain higher standards of morality, taste and propriety in television programs.

Adopted by the House of Representatives the 7th day of March, 1973.

Adopted by the Senate the 13th day of March, 1973.

CONGRESS AND THE PRESIDENCY

Mr. HARTKE. Mr. President, in the opening days of the 93d Congress many issues have already been raised and discussed. But among these issues we are at this moment facing one which makes all others appear insignificant. That issue is the question of the role of the Congress and its relationship with the executive branch of Government.

In the face of a President who is determined to make the Congress subservient to his will, Congress must determine whether it will be a mere ornament of Government—a passive observer of the decline of our Republic—or an active participant in the reconstruction and rescue of our land from a President determined to debase the Constitution and the original principles upon which our Nation was founded. More specifically, the issue is the impoundment by the executive branch of billions of dollars of funds duly appropriated by the Congress.

The Constitution is clear. All legislative power is vested in the Congress, including the power to spend money. Article I, section 9, of the Constitution provides that "no money shall be drawn from the Treasury but in consequence of appropriations made by law." Thus, when Congress authorizes or appropriates money must a President spend it? I say the Constitution demands it, but the President says "No."

Many justifications—both legal and economic—have been propounded by the administration in support of its actions. It is true that over the years laws have been passed by the Congress to give the President some discretion in handling congressional appropriations.

The Antideficiency Acts of 1905 and 1906 permitted the Chief Executive to set aside appropriations, because of "some extraordinary emergency or unusual circumstances." In 1950, the President was granted further power to withhold reserves to provide for contingencies or to make savings when circumstances changed after funds were voted by Congress.

There have been some occasions in recent history when Presidents have gone beyond these statutory limitations concerning impoundment but most of these cases involved funds for national defense, an area where the Executive has widely inherent powers. In 1942, President Roosevelt ordered the Secretary of War to establish monetary reserves by the deferment of construction funds not essential to the war effort. In 1949, President Truman impounded funds appropriated for expanding the Air Forces. In 1959, President Eisenhower impounded funds for initial procurement of missile hardware. In 1967, President Johnson reduced the obligations under the highway trust fund and a variety of domestic programs.

As stated, the vast majority of these precedents involved funds for the national defense. In the first major legal confrontation over the President's alleged right to impound funds, Missouri officials went into court to stop the Nixon administration from illegally delaying payments of Federal highway funds to the States. Myself and the great majority of the Senate committee chairmen, Senate Majority Leader MIKE MANSFIELD, and Ralph Nader, have filed a friend-of-the-court brief in the Missouri case.

At the Federal district court level, the Congress, the people, you and I won. The district court ruled that the Secretary of Transportation does not have the power to impound Federal highway funds indiscriminately and that Missouri was entitled to highway moneys as provided in the statutory language of the 1956 law that set up the Federal highway trust fund. Federal District Court Judge Becker found that impoundment of those funds apportioned to Missouri caused "great and incalculable injury—because of continuing inflation of highway costs and such impoundment interrupted the efficient obligation of those funds." The case is presently being appealed to a higher court.

I believe the Missouri decision, if upheld, my well represent a breakthrough in the effort to reestablish the power and prerogatives of Congress over the Federal pursue strings. Not only may the Missouri case manage to spur additional litigation to free almost $2.5 billion in highway trust funds, but it may well pave the way for a true constitutional test of the issue of impoundment, an area where the President's power as Commander in Chief of the Armed Forces is quite broad.

But President Nixon has gone further than any of his predecessors. He has claimed a right to impound—both to manage the economy and to reject programs or portions of programs he personally feels are ill-advised. While past Presidents have shifted funds for one defense item to another they have rarely attempted to completely control domestic programs.

The administration, to support its position on impoundment, has relied on a number of arguments, most forcefully on the constitutional provision that the President "take care that the laws be faithfully executed." Furthermore, the view at the White House is that Congress has already tacitly recognized the President's right to impound funds. According to their view, Congress did so last October while enacting a bill to raise the national debt ceiling. The bill contained a provision requiring the President to provide Congress promptly with full information on impounded funds. The shortsighted view of the administration is that Congress thus conceded that funds could be impounded, subject only to notification of the legislative branch of such action. Late last month, the new Director of the Office of Management and Budget, Roy Ash, stated that the President's refusal to spend appropriations was consistent with his "constitutional duties." Recently, newly appointed Deputy Attorney General Joseph Sneed, presented the first detailed rationale for the President's refusal to spend almost $12 billion appropriated by the Congress. Sneed contended that if appropriation bills appear to conflict with congressional mandates limiting the national debt, curtailing inflation or seeking full employment, the President was empowered to impound. He also stated boldly that the President's powers allowed him to abolish programs by withholding their total appropriations.

The congressional revulsion at monarchical defiance was strong and swift. One House committee chairman said that he had been in Congress under seven Presidents, both Republicans and Democrats, and that never during this 44-year period have we been closer to one man rule. Senator EDMUND MUSKIE, strongly provoked by the arrogance of the administration's destruction of New Deal, New Frontier, and Great Society programs, talked of possible impeachment. Senator SAM ERVIN called it nothing short of a "constitutional crisis."

The prevalent congressional view was, perhaps, best expressed by a man highly praised by the President. Associate Justice William Rehnquist, in 1969, while serving as an Assistant Attorney General, wrote in a memorandum to the President:

> With respect to the suggestion that the President has a constitutional power to decline to spend appropriated funds, we must conclude that the existence of such a broad power is supported by neither reason nor precedent.

Congressional authority in this field is based on the Constitution. Under the Constitution we find that all legislative power is vested in the Congress, including the power to appropriate money—article I, section 9, provides that "no money shall be drawn from the Treasury but in consequence of appropriations made by law." As one scholar, Leonard White, said in his book, "The Federalists:"

> The Founding Fathers took the utmost care—to insure that public funds would be legally expended, to prevent either misapplication or embezzlement, and to guarantee that the immediate representatives of the people would bear the responsibility for determining how much money should be provided, the sources from which it should be derived, and the purposes to which it would be applied.

The President, on the other hand, is given no role in legislation save for the power provided in article II, section 3 to recommend "such measures as he shall judge necessary and expedient," and the power granted him under article I, section 7, to veto measures passed by the Congress, subject to being overridden by a two-thirds vote of both Houses. The President does have the clear responsibility to "take care that the laws be faithfully executed," but it is a tortured view of the Constitution to interpret article II, section 3 to infer that the President is given discretion to impound funds.

Historical evidence clearly shows that the Founding Fathers intended that the President faithfully execute all laws passed by the Congress irrespective of any personal, political, or philosophical views he might have. The President has no authority under the Constitution to decide which laws will be executed or to what extent they will be enforced. By refusing to follow his constitutional mandate a "law and order" man becomes a "law breaker."

Furthermore, it is evident that the Founding Fathers intended to limit the veto power of the President. By the impounding process the President is not only able to veto measures absolutely as he is now doing in the case of a large number of domestic programs, but the use of impoundment enables the President to effect an item or line veto. Such power clearly is prohibited by the Constitution and contrary to the views of our Founding Fathers. The Constitution provides that the President must accept or reject bills in their entirety. By impounding funds the President is able to modify, reshape, or nullify completely laws passed by the legislative branch, thereby exercising legislative power through Executive fiat and arrogance. The impoundment of funds thus seriously jeopardizes the separation of powers doctrine and places Congress—the representative of the people—in a subservient position.

Accordingly Senator ERVIN and I cosponsored a bill to protect the legislative function by requiring the President to notify the Congress whenever he impounds funds, terminates or authorizes the impounding or termination of a Federal program, and to require that the President shall cease such impounding at the expiration of 60 calendar days unless the Congress approves his action by concurrent resolution.

However, in the last few days the autocratic air of the administration's witnesses in testifying before Senator ERVIN's Subcommittee on Separation of Powers has caused him to move toward an outright ban prohibiting the impoundment of funds. I will support that strengthened bill in the hope that it will restore the Congress to the role of an equal partner in guiding the growth of our Nation.

I also cosponsored with Senator BELLMON, of Oklahoma, legislation which would prohibit the executive branch of Government from impounding funds from the highway trust fund. Senator Bellmon, like myself, believes that the Senate must act to end stop-and-go financing which causes serious periodic unemployment for thousands of construction workers and which by intermittent funding has greatly increased the cost of highway building. The impoundment of highway funds has resulted in construction delays, increased cost to the interstate system and represents a serious encroachment by the Executive upon the power of the legislative branch.

There are, however, inherent dangers in the success of the Bellmon bill or in the success of numerous pending court suits seeking to release the moneys withheld from obligation for our Nation's highways. There is, most assuredly, a substantial need for new roads and highways in the Nation's rural areas. Public transportation in America is in a state of decline. Scores of communities have in recent years lost their main sources of transportation. Rail service in many localities has decreased while at the same time bus operators have cut back services on many marginal routes where they say relatively light patronage and rising costs make the service uneconomical. Airlines also are decreasing service in many areas contending that serving low-volume markets is uneconomical.

In the past, Federal policy has failed to deal adequately with transportation problems. Development of the 42,500-mile Federal interstate highway system and other road projects have put new roads into many sections of our State and other areas of the country, easing their isolation and stimulating economic growth. Vast areas of Indiana and other areas in the Nation are still plagued by poor roads.

The inherent danger I spoke of in the release of impounded funds is this. If the huge amount of funds now impounded from obligation under the Highway Trust Fund Act are freed, there will be a strong impetus to breaking open the trust fund to a broad range of transportation projects, most notable urban mass transit projects. A recent Harris survey revealed the general attitude of the American public in this regard. It found 50 percent of America's citizens opposed to increasing funds to improve highways while only 37 percent favor increased spending. Senator Proxmire has proposed cutting $1 billion dollars a year from highway funds as part of a reordering of priorities. That is not the answer

The appropriate response in twofold: Both to increase highway funds for States like Indiana and increase mass transit funds for the Nation's most urban areas. That formula would involve, however, the complicated task of reevaluating the present formula for expenditures under the Highway Trust Fund Act—which is based on population area, and road mileage; and whether the political climate will favor better highways and roads for Indiana is difficult to foresee. While the President will surely be repudiated in some manner for his impoundment of funds in the rough and tumble of the political arena; the fate of the highway trust fund will be in the same arena. I will fight in that arena for the highway and road needs of Indiana. I will also fight with all my force and wisdom to preserve the constitutional powers of the Congress. I will fight to preserve that power by attempting to attach to every bill or trust fund measure brought to the floor of the Senate, language prohibiting the impoundment of funds in those bills. And, also, I, as a member of the newly created Joint Congressional Committee on the Budget, will fight to reassert congressional authority over the budgetary process.

As I stated on the floor of the U.S. Senate last October concerning the issue of impoundment:

> Ours is the responsibility of establishing programs to meet the needs of the nation and ours is the responsibility to appropriate funds to make those programs work.

That is our constitutional responsibility and we cannot shrink from it. As a Member of the U.S. Senate, I am sworn to uphold the spirit and the letter of the Constitution. You can be certain I will not shrink from my constitutional obligation.

I ask unanimous consent that an article from the Indiana University Law Review concerning recent developments in this area be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

Recent Developments

(Separation of Powers—Impoundment of Funds—Congress attempts to curtail the President's power to impound appropriated funds.—S. 373, 92d Cong., 1st Sess. (1973).)

Each year since first assuming office, President Nixon has, usually through the Office of Management and Budget, impounded 17–20% of controllable funds[1] appropriated by Congress; and it is the President's view that his "constitutional right" to do so is "absolutely clear."[2] On January 19, 1971, the President "permanently impounded" funds which were appropriated to complete the Cross-Florida Barge Canal, which was then one-third completed and on which $50 million had beent spent.[3] Over $70 million of HUD's "312" housing rehabilitation loan program funds have been impounded within the past two years.[4] Hundreds of millions of dollars which were appropriated for urban renewal, public housing, higher education, medical research, and myriad other programs have been impounded.[5] After Congress passed the Water Quality Act Amendments of 1972 over his veto, President Nixon impounded $6 billion which was to be spent for water pollution control.[6] Approximately $6 billion of funds appropriated for the building of highways has also been impounded.[7] Numerous efforts have been made by the Congress to partially ameliorate this problem.[8] Most recently, on January 16, 1973, Senator Ervin of North Carolina and 45 other Senators, including Indiana Senators Bayh and Hartke, introduced S. 373—a bill carefully drafted to insure a proper balance in the separation powers vis-à-vis executive impoundment of appropriated funds.[9]

Believing that use of the funds was unnecessary, in 1803 President Jefferson refused to spend $50,000 appropriated by Congress.[10] Although various Presidents impounded funds in the interim, neither Congress nor the general public thought the matter to be of much concern until the latter part of World War II.[11] The Anti-Deficiency Acts of 1905 and 1906[12] provided a technique to prevent undue expenditures in one portion of a year that could require deficiency or additional appropriations and stipulated that expenditure of appropriated funds could be waived in the event of some extraordinary emergency or circumstances which could not be foreseen at the time appropriations were made. After passage of the Budget and Accounting Act of 1921,[13] the Harding Administration formalized procedures for impounding funds pursuant to the Anti-Deficiency Act; and President Roosevelt withheld expenditure of funds, mainly in order to cope with the emergencies of economic depression and war.[14]

In the early 1940's, however, clamor of some magnitude developed when Budget Director Smith ordered the impoundment of amounts ranging from $1.6 million to $95 million which had been appropriated for civilian pilot training, the CCC's surplus labor force, the Surplus Marketing Corporation, and numerous civil and military efforts which the War Department could not complete because the projects did not have priority ratings to obtain scarce resources; but the public cry and political fighting was greatest when funds appropriated for a flood control reservoir at Markham Ferry, Oklahoma, and a flood control levee on the Arkansas River at Tulsa were impounded.[15] The 1940–41 squeeze on funds appropriated for these public works projects set the stage for first strong congressional opposition to impoundment policies. In mid-1943, Senator McKeller managed to slightly curtail the authority of the Budget Bureau to impound funds;[16] but, on December 16, 1943, a powerfully worded anti-impoundment rider to the First Supplemental National Defense Appropriation Bill[17] was defeated 283–13 in the House after passing the Senate by voice vote eight days earlier.[18]

It is noteworthy that at no time during the congressional debates on Senator McKellar's proposed rider to the Defense Appropriation Bill was it ever suggested that the rider might detract from any alleged inherent constitutional power of the President to impound funds. Objections to section 305 were almost exclusively based on the ground that the provision would interfere with President Roosevelt's power as Commander-in-Chief to develop priorities which would prevent waste and allow the energetic and successful prosecution of war efforts.[19] And when subsequent Presidents refused to spend funds earmarked for military projects, constitutional crises were routinely avoided by Congress.[20] The avoidance of a court challenge has probably been wise: Most authorities tend not to disagree much with the view that the President may, in his capacity as Commander-in-Chief, impound funds which reasonably relate to war efforts.[21] However, as indicated by the recent case of *Missouri Highway Commission v. Volpe*,[22] it is highly doubtful that the President has any other inherent authority to impound funds.[23]

The recently proposed bill S. 373[24] would greatly enhance the "sharing of power;"[25] and, particularly in view of the fact that the last decade has seen impoundment used more often and for more reasons than ever before, the passage of such a measure would seem to be a necessary step toward redressing and safeguarding the system of constitutional checks and balances.

Section 1 of S. 373 sets out disclosure requirements. The section would require the President to submit a special message to both Houses of Congress within ten days after he impounds, or approves another person to impound, any funds appropriated or otherwise obligated. The special message, which must simultaneously be sent to the Comptroller General, is to specify the amount impounded, the date funds were ordered impounded and the date they actually were impounded, and

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Footnotes at end of article.

the account to which the funds would be available except for the impoundment action. Additionally, the first section of S. 373 would require the President to announce the period of time during which the funds would be withheld, the reasons for the action, and the probable fiscal, economic, and budgetary effects of the impoundment.[26]

Indubitably the most important proviso of S. 373 is section 2.[27] This section stipulates that, absent the approval of Congress within 60 calendar days of continuous session[28] after receipt of the special impoundment message, the withholding of funds must cease. The crux of section 2 is to eliminate, or rather limit, what the President was never supposed to have—an item veto.[29] With the passage of S. 373, or a similar impoundment control measure, the President of the United States would no longer be able to completely defeat the will of Congress, *viz.* the President would not have discretionary and absolute authority over controllable appropriations.

S. 373 could not, of course, alter the constitutional powers of either Congress or the President, and it is not designed to have that effect. The measure is merely aimed at restoring a viable sharing of control over expenditures. And the President should welcome this carefully drafted measure: It would afford to the President an opportunity to avoid later, highly probable, head-on collisions with Congress over impoundments[30]—an opportunity of no small consequence since the federal courts might not be persuaded to allow as much deference to presidential inclinations as Congress may be willing to by statute.

FOOTNOTES

[1] The amount impounded at a given time ranged from $9.5 billion to nearly $15 billion. *Compare* OMB figures in *Hearings on Executive Impoundment of Appropriated Funds Before the Subcomm. on Separation of Powers of the Senate Comm. on the Judiciary,* 92d Cong., 1st Sess. 7–13 (1971) [hereinafter cited as *1971 Impoundment Hearings*], *with* Boggs, *Executive Impoundment of Congressionally Appropriated Funds,* 24 U. Fla. Rev. 221, 226 (1972). According to figures released by the White House on February 5, 1973, the "reserve" of appropriated funds totaled $14.7 billion. Indianapolis Star, Feb. 6, 1973, at 3, col. 3.

[2] Indianapolis Star, Feb. 1, 1973, at 1, col. 4. President Nixon asserted that:

"The constitutional right for the President of the United States to impound funds and that is not to spend money, when the spending of money would mean either increasing prices or increasing taxes for all the people, that right is absolutely clear."

N.Y. Times, Feb. 1, 1973, at 20, col. 6 (city ed.). The President's brilliant appointee to the United States Supreme Court, Justice William H. Rehnquist, has clearly disagreed: "With respect to the suggestion that the President has a constitutional power to decline to spend appropriated funds, we must conclude that the existence of such a broad power is supported by neither reason nor precedent." Memorandum from Assistant Attorney General William H. Rehnquist to Edward L. Morgan, Deputy Counsel to the President, Dec. 1, 1969, at 8. *See* note 23 *infra.*

[3] *1971 Impoundment Hearings* 53 (testimony of Representative Bennett).

[4] 119 Cong. Rec. 1754 (Jan. 22, 1973) (remarks of Representative Drinan).

[5] In view of President Nixon's recent Budget Message to the Congress, H.R. Doc. No. 15, 93d Cong., 1st Sess. (1973), it is virtually certain that the amount of funds impounded for the programs noted in the text will reach record heights in 1973 and 1974. *See* Indianapolis Star, Jan. 30, 1973, at 3 cols. 2 & 3; Wall Street Journal, Jan. 30, 1973, at 3, col. 1; *see also* Melloan, *Dr. Nixon's Painful Prescription, id.* at 18, col. 4. Merely indicative of the mounting crisis as to what for, how much, and by whom funds shall be spent are these factors: On Sunday, January 28, 1973, the President told his radio audience that he would propose doubling outlays for major pollution—control programs. *Id.,* Jan. 29, 1973, at 3, col. 3. Before the end of the week, however, the President called for a fiscal 1974 appropriation of $9.5 million for the enforcement of air-pollution control programs, as opposed to $4.3 million for fiscal 1973; but the message further sought to cut solid-waste control programs from a $30 million request for this fiscal year to $5.8 million in fiscal 1974. Of course, the request for additional air-pollution funds made some sense: The President also sought funds to revive the supersonic transport planes, remarkably polluting vehicles which Congress voted down two years ago. *See generally* H. Johnson, Catalytic Reduction of Stratospheric Ozone by Nitrogen Oxides (1971); Dorsey, *A Proposed International Agreement to Anticipate and Avoid Environmental Damage,* 6 Ind. L. Rev. 190 (1972) (a succinct and specific analysis of the SST problem).

[6] See 119 Cong. Rec. 1151 (Jan. 16, 1973) (prepared statement of Senator Nelson); Indianapolis Star, Feb. 6, 1973, at 3, col. 3.

[7] The withholding of funds appropriated for federal aid to interstate highway systems recently gave rise to the first major defeat the executive branch has received in the courts vis-â-vis impoundment. In Missouri Highway Comm'n v. Volpe, 347 F. Supp. 950 (W.D. Mo. 1972), the Department of Transportation and the OMB were enjoined from refusing plaintiffs to obligate funds (over $80 million for fiscal 1973) appropriated and set aside in the Highway Trust Fund. *See* § 209 of the Highway Revenue Act of 1956, Act of June 29, 1956, ch. 462, 70 Stat. 387, 397.

The original Federal-Aid Highway Act of 1956, Act of June 29, 1956, ch. 462, 70 State. 378, did not contain language which could comple the executive branch to expend funds. *See Decision* B–160891 of the Comptroller General, Feb. 24, 1967, *reprinted in 1971 Impoundment Hearings* 65; 42 Op. Att'y Gen., No. 32 (1967). Shortly after these opinions confirmed the President's power to withhold appropriated funds, Congress amended the Federal-Aid Highway Act by adding paragraph (c) to § 101 of 23 U.S.C.:

"It is the sense of Congress that no part of any sums . . . shall be impounded or withheld from obligations . . . by any officer or employee of the executive branch of the Federal Government, except such specific sums as may be determined by the Secretary of the Treasury, after consultation with the Secretary of Treasury, after consultation with the Secretary of Transportation, are necessary to be withheld from obligation for specific periods of time to assure that sufficient expenditures which will be required to be made from such funds."

Accordingly, when Secretary of Transportation Volpe alleged that the law vested in him the authority to withhold authority for Missouri to obligate funds currently available, Chief Judge Becker opined that such action was "unauthorized by law, illegal, in excess of lawful discretion and in violation of the Federal-Aid Highway Act." 347 F. Supp. at 954. The reason for impounding funds was, according to Secretary Volpe, to prevent the inflation of wages and prices in the national economy. Relying on the intent of Congress as expressed in the statute and finding Secretary Volpe's rationale completely without merit, the court granted an injunction, a writ of mandamus, and a declaratory judgment. *See* 5 U.S.C. § 703 (1970); 28 U.S.C. § 1361 (1970). The *Missouri Highway Comm'n* case is now before the Court of Appeals for the Eighth Circuit, where oral argument was heard on January 10, 1973.

[8] *See* notes 15–18 *infra* and accompanying text; S. 2581, 92d Cong., 1st Sess. (1971); H.R. 1254, 86th Cong., 1st Sess. (1959); H.R. 11441 and S. 3578, 85th Cong., 2d Sess (1958).

[9] The term "impoundment" is used in S. 373, 93d Cong., 1st Sess. (1973), and in this analysis, in a generic sense. *Id.* § 3. It can refer to reserving, withholding, freezing, or sequestering appropriated funds or deferring allocation of funds. *See 1971 Impoundment Hearings* (testimony of Senator Ervin); *id.* at 149–50 (testimony of Mr. Weinberger); *id.* at 241 (colloquy among Assistant Attorney General Rehnquist, Professor Stalz, and Senator Ervin); *id.* at 361 (testimony of Representative Ervins) Fisher, *Funds Impounded by the President: The Constitutional Issue,* 38 Geo. Wash. L. Rev. 124 (1969) ("In its broadest context, impoundment occurs whenever the President spends less than Congress appropriates for a given period.")

[10] This appears to have been the first instance of executive impoundment of funds. In his third annual message to Congress, on October 17, 1803, President Jefferson stated that, "The sum of fifty thousand dollars appropriated by Congress for providing gun boats remains unexpended. The favorable and peaceful turn of affairs on the Mississippi rendered immediate execution of that law unnecesary . . ." Annals of Cong. 14 (1803).

[11] *See generally* Church, *Impoundment of Appropriated Funds: The Decline of Congressional Control Over Executive Discretion,* 22 Stan. L. Rev. 1240, 1244-49 (1970).

[12] 31 U.S.C. § 665 (1970); Act of Feb. 27, 1906, ch. 510, § 3, 34 Stat. 48; Act of Mar. 3, 1906, ch. 1484, § 4, 33 Stat. 1257. The Acts were doubtlessly passed due to budget deficits caused by the Spanish-American War, the Panama Canal, and several pension bills and river and harbor projects of the late 1800's and early 1900's.

A rider attached to the Omnibus Appropriations Act of 1951 amended the Anti-Deficiency Acts by adding 31 U.S.C. § 665(c) (2), which has become the main authority cited for by the executive impoundment of funds. Boggs, *supra* note 1, at 224. The amendment states:

"In apportioning any appropriations, reserves may be established to provide for contingencies or to effect savings whenever savings are made possible by or through changes in requirements, greater efficiency of operations, or other developments subsequent to the date on which such apportionment was made available."

31 U.S.C. § 665(c) (2) (1970). In view of this langauge, it is submitted that the intent of the House must be given careful attention:

"It is perfectly justifiable and proper for all possible economies to be effected and savings to be made. But there is no warrant or justification for the thwarting of a major policy of Congress by the impounding of funds. If this principle of thwarting of the will of Congress by the impounding of funds should be accepted as correct, then Congress would be totally incapable of carrying out its constitutional mandate and providing for the defense of the nation."

H. R. Rep. 1797, 81st Cong., 2d Sess. 311 (1950). *See 1971 Impoundment Hearings* 153–54 testimony of Professor Miller and Mr. Cohn); *see also* Act of Aug. 28, 1957, 75 Stat. 426, 440; 33 Comp. Gen. 501, 508 (1959); 36 Comp. Gen. 699 (1957).

[13] Act of June 10, 1921, ch. 18, 4 Stat. 20, *see also* H.R. Doc. No. 1006, 65th Cong., 2d Sess. (1918) (where a national budget was outlined). It has been suggested that the Bureau of the Budget, now the OMB, became "a major device for presidential control" over executive agencies only after 1939 when the Bureau was moved to the Executive Office of the President. N. Polsey, Congress and the Presidency 89 (1964).

[14] Williams, *The Impounding of Funds by the Bureau of the Bureau of the Budget,*

INTER-UNIVERSITY CASE PROGRAM No. 28, at 7–8 (1955). *See* Act of Mar. 3, 1933, ch. 212, § 403, 408, 47 Stat. 1518, 1519; Act of June 30, 1932, ch. 314, §§ 101, 105, 110, 403, 47 Stat. 399, 401, 403, 413. These Economy Acts of 1932 and 1933 authorized the President to make layoffs, reduce the compensation of federal employees, and achieve economy by reorganizing executive departments. The War Appropriation Act for fiscal 1933–34 expressly authorized the impoundment of funds determined unneeded pursuant to an economy survey ordered by the President. Act of Mar. 4, 1933, ch. 281, § 4, 47 Stat. 1602. When, shortly after World War II, several billions of dollars of appropriated monies remained in excess of military needs, President Roosevelt rescinded the excess appropriations and directed the Budget Bureau to put the funds in a nonexpendable status. Fischer, *supra* note 9, at 125; *see Hearings on The Supplemental Appropriation's Bill for 1951 Before a Subcomm. on Department of Defense Appropriations of the House Comm. Appropriations,* 81st Cong., 2d Sess. 47, 120, 233 (1950).

[15] *See generally Williams, supra* note 14 (the best practical commentary on impoundment during the war years).

[16] H.R. 2798, 63d Cong., 1st Sess. § 9 (1943), *enacted as* Act of July 13, 1943, ch. 236, 57 Stat. 560, 563, prohibited any agency or official other than the Commissionary Public Roads from impounding funds appropriated as federal aid for the construction of certain roads. The Act thus by-passed a tight-fisted Budget Bureau Director. *See* 89 CONG. REC. 6309, 6313 (1943) (remarks of Senators McKellar, Hayden, and Vandenberg).

[17] H.R. 3598, 63d Cong., § 305 1st Sess. (1943).

[18] CONG. REC. 10,419 (1943) (Senate approved § 305 *id.* at 10781 (House rejected the rider)).

[19] *E.g., id.* at 10,362 (remarks of Senator Truman); *id.* at 10405, 10419 (remarks of Senator Lodge); *id.* at 10,780–81 (remarks of Representatives Cannon and Tober); *see* Letter from Secretary of War Henry L. Stimson to Senator McKellar, Dec. 7, 1943, *reprinted in id.* at 10,360. "Recognizing that the Bureau's right to stop specific projects during peacetime might be questionable, [Budget Examiner Charles Curran] contended that the President's war power permitted the President to prosecute (the) war in all its ramifications by all the machinery available to him." Williams, *supra* note 14, at 11; *see also* Hirabayashi v. United States, 320 U.S. 81, 93 (1943).

[20] *See* Church. *supra* note 11, at 1243 nn.21 & 22; Fisher *The Policies of Impounded Funds,* 15 AD. SCI. Q. 361, 366–69 (1970); Miller, *Presidential Power to Impound Appropriated Funds: An Exercise in Constitutional Decision-Making,* 43 N.C.L. REV. 502, 513 (1965).

[21] *See, e.g.,* E. CORWIN, THE PRESIDENT: OFFICE AND POWERS, 1787–1957, at 127–28, 137 (1957); *1971 Impoundment Hearings* 95 (testimony of OMB Deputy Director Weinberger); *id.* at 235 (testimony of Assistant Attorney General Rehnquist). *But see* Davis, *Congressional Power to Require Defense Expenditures,* 33 FORDHAM L. REV. 39 (1964); Stassen, *Separation of Powers and the Uncommon Defense: The Case Against Impounding of weapons Ssystems Appropriations,* 57 GEO. L.J. 1159 (1969).

[22] 347 F. Supp. 950 (W.D. Mo. 1972), a case currently before the United States Court of Appeals for the Eighth Circuit.

[23] *See* Boggs, *supra* note 1, at 229; Church, *supra* note 11, at 1249–53; Fisher, *supra* note 9, at 136–37; *1971 Impoundment Hearings* 180 (testimony of Professor Cooper); *id.* at 71, 72, 144–45, 206 *passim* (testimony of Professor Bickel); *id.* at 74, 153, 250 *passim* (testimony of Professor Miller. "If . . . the intent of Congress was to mandate the spending, . . . the President is not at liberty to impound in the case of domestic affairs which have no national defense or foreign policy considerations." *Id.* at 235 (testimony of Assistant Attorney General Rehnquist); C. ROSSITER, THE AMERICAN PRESIDENCY 254–55 (1960).

[24] 93d Cong., 1st Sess. (1973); *see* 119 CONG. REC. 1149–1152 (Jan. 16, 1973).

[25] *See* R. NEUSTADT, PRESIDENTIAL POWER 33 (1960).

[26] The special message, and supplementary messages, which are to contain the information described in the text must be printed in the *Federal Register,* as must be a list of funds impounded as of the first calendar day of each month. S. 373, 93d Cong. 1st Sess. § 1(e) & (f) (1973).

[27] The President shall cease the impounding of funds set forth in each special message within sixty calendar days of continuous session after the message is received by the Congress unless the specific impoundment shall have been ratified by the Congress by Passage of a resolution in accordance with the procedure set out in section 4 of this Act.

Id. § 2.

[28] Pursuant to § 4(b) (1), a concurrent resolution approving impoundment is necessary for the withholding period to last beyond 60 days, excepting that § 4(b) (3) provides that "continuity of a session is broken" by adjournment of Congress *sine die;* and, when either House is adjourned for more than three days to a certain day, those days are excluded from the 60-day period. Modifying Senate and House rules, § 4(c) (1) provides that resolutions pertaining to impoundment are not to be referred to committee and that they "shall be privileged business for immediate consideration" in order at any time, not debatable, and not subject to amendment nor motions to reconsider. In a word, the resolutions vis-a-vis impoundment would be handled more expeditiously than almost any other business.

[29] *See* C. ROSSITER, *supra* note 23, at 254–55. Professor Rossiter elicited legislation which would be similar to S. 373, but the opposite side of the coin, when he suggested "an occasional appropriations bill that authorizes the President to eliminate or reduce specific items subject to congressional reversal by concurrent resolution within a specified number of days." *Id.* at 255; *see 1971 Impoundment Hearings* 92 (testimony of Senator Mathias); *cf.* R. WALLACE, CONGRESSIONAL CONTROL OF FEDERAL SPENDING, 145 (1960); Miller, *supra* note 20, at 509; *see also* C. ROSSITER, *supra,* at 54; Cooper & Cooper, *The Legislative Veto and the Constitution,* 30 GEO. WASH. L. REV. 467 (1962); Forkosch, *The Separation of Powers,* 41 U. COLO. L. REV. 520 (1969).

[30] *See* N.Y. Times, Feb. 1, 1973, at 19, col. 1 (city ed.), which succintly reflects the vehement attitudes which many Senators and Representatives have recently expressed concerning executive impoundments. In his most recent Budget Message, however, the President maintained that there was *"no room for the postponement of the reductions and termintaions proposed in this budget."* 119 CONG. REC. 2370 (Jan. 29, 1973) (President's emphasis). *Cf.* S. 518, 93d Cong., 1st Sess. (1973), a bill which would make appointments of the Director and Deputy Director of the Office of Management and Budget subject to Senate confirmation. See 119 CONG. REC. 3059–3062 (Feb. 1, 1973) (remarks of Senator Metcalf); *id.* at 3182 *passim* (Feb. 2, 1973) (remarks of Senator Ervin).

THE SCARS OF STRIP MINING IN ILLINOIS

Mr. PERCY. Mr. President, on March 15, 1973, two Illinois constituents, John Tierney, of Catlin, and Robert Auler, of Champaign, testified before the Senate Committee on Interior and Insular Affairs. Both men appeared on behalf of the residents of Catlin Township, located in Vermilion County, to express this community's growing concern over the very real possibility of renewed strip-mining operations. Both represent a community-organized, nonprofit, citizen group called the Association for the Preservation of Catlin Township.

Many of the residents of Catlin Township moved to this relatively unblemished area to escape the scars of previous southern Illinois strip mining operations. This area is found just south of Danville, Ill., where strip mining originated. I have visited this section of our State on several recent occasions and have been appalled at the devastation and unsightly landscape which increasingly confronts the eye.

Mr. Tierney and Mr. Auler, president and general counsel of the association, respectively, came here to seek help in their efforts to prevent further uncontrolled strip-mining activity in the area. Specifically, they have outlined very clearly their well-founded fears concerning recent land purchases and planned mining activities by the Amax Coal Corp. of Indianapolis. Ind. The evidence presented by these two gentlemen indicates that Amax Coal may have knowingly violated Catlin Township's zoning ordinances. Amax has purchased several tracts of land located in areas zoned for single residences and apparently has stated its intention to mine on these purchases.

Current Illinois law, considered one of the more stringent, provides for reclamation, but not restoration of stripped lands. If actual mining operations were to commence, population, property values, and aesthetic value may be sacrificed. I have written both Amax and the association urging both groups to negotiate with any necessary assistance from my office in order to reach a mutually satisfactory resolution of their differences.

Since this single situation has parallels in many other areas of the country, I ask unanimous consent to have printed in the RECORD the statements made by Mr. Tierney and Mr. Auler before the Senate Committee on Interior and Insular Affairs.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

DIRECT TESTIMONY OF JOHN M. TIERNEY TO THE SENATE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, MARCH 15, 1973

I am here on behalf of the people of Catlin Township, Vermilion County, Illinois, just south of Danville, Illinois, where strip mining originated, and where its scars have been affecting the human spirit for decades. The people are very much concerned about the Amax Coal Corporation's planned strip mine which would surround the village of Catlin on the north, east and west, leaving it virtually an island surrounded by waste and devastation. The initial mine would comprise 7,000 acres, 5,000 acres of this land is some of the most highly productive farm land in the world, exceeding 140 bushels of corn and 50 bushels of soybeans to the acre. Much of the land sought to be purchased has produced 180 bushels of corn to the acre, according to University of Illinois surveys.

Catlin, as most all other communities in Illinois, has a zoning ordinance, intended to protect property values and it includes a one and one-half (1½) mile radius of the village. Despite the zoning of this area for single family residences only, Amax Coal Corporation during the past year has been buying land up to the village limits and has sought to buy more. At a Vermilion County Regional Planning meeting on January 25, 1973, Mr. Kobler of Amax Coal stated that they intend to mine this land, contrary to zoning. To many people, this would mean coming up to their front or back yards.

The 1970 census showed Catlin Township to have had the greatest percentage of population growth of any township in eastern Illinois.

The mining operation which can be expected to last 20 years or more can only cause a reverse population trend. The quiet surroundings that attracted many people to the area will be replaced by the noise of drag lines operating 24 hours a day, 364 days a year, as well as blasting, heavy equipment, and other disturbances normal to a strip mining operation. Why should the beauty of our natural resources, such as rows of corn, beans and wheat, timber and wildlife native to the area be replaced by the sight of towering booms of drag lines, huge trenches and other equipment incidental to surface mining.

No wonder the people of Catlin and the vicinity feel that the area may turn into a ghost town. Who would want to buy property near a strip mine? Most of the residents work in nearby Danville and move or are transferred on an average of every seven years. Where are the buyers for property going to be found when these people must sell?

Many homes in the area and near Catlin rely on wells for their water supply. Experts tell us that since the water flows toward the excavation site, the water level will likely fall and our water supply lost. How much is a $30,000.00 house worth without water? Amax, at is recent propaganda meeting admitted the water table might be destroyed.

Illinois state law does not require stripped land be restored, only reclaimed. There is no comparison between the words restoration and reclamation.

This farm land reclaimed cannot possibly produce the crop yields we now have. Amax proudly showed slides of its "ideal" reclaimed lands which yield one half of our present bounty. How can anyone justify the sacrifice of a natural resource that will serve mankind, probably for eternity for a resource that would be used for immediate demand and then gone forever. Surely there are ample deposits of coal elsewhere, the mining of which would not destroy as much of the value of our nation and our world.

The village of Catlin is over 100 years old and has a population of about 2,500. Our situation has been compared by a local newspaper reporter as the story of "David and Goliath" in modern times. Any small village such as Catlin is at an unfair advantage against a wealthy corporation such as American Metals Climax Incorporated. How much money can a small town have to pursue legal actions to enforce their zoning laws? The coal company is well aware of their advantage and has not concerned themselves about zoning laws. However, in this instance the citizens are so aroused that many volunteered to help finance legal action. We will expend our own personal funds to pursue legal action to preserve our town.

In my eleven years as an Internal Revenue Service Officer, I have been in contact with many dishonest people. However, this is the first time I have seen a major corporation in pursuit of their business of buying land for mining, practice such deceit, lying and pressuring even to the point of a land buyer pushing a pen in an old woman's hand to get her to sell her land.

This is a prime example of corporate profit first and the public be damned.

DIRECT TESTIMONY OF ROBERT I. AULER TO THE SENATE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, MARCH 15, 1973

My name is Robert Auler and I'm an attorney practicing law in Champaign, Illinois. I'm here today representing the Association for the Preservation of Catlin Township, a not-for-profit corporation composed of persons interested in preserving the rare and unique combination of rural and small town life which exists in Catlin Township, Vermilion County, Illinois.

The threat to the continuation of their way of life is the recently announced plan of the Amax Coal Corporation to create a huge strip mine which would consume more than half of the township as it now exists.

In this small township is one of the few unspoiled areas left in east-central Illinois in which timberlands, farms, and small towns co-exist and give each other the benefit of the unique, but fading little American culture which has produced so much for so many in our state.

The United States Congress should be concerned with this problem because of the immense disparity between huge corporations like Amax which appear to gobble up more subsidiaries every year, and the small, relatively unsophisticated individuals who live in the towns and on the farms where strip mining operations are situated. In the same way the Congress took into account the overwhelming bargaining advantage of huge corporations against individual employees as a basis for justifying labor legislation, so should it establish protective legislation for all the small people who may not have the sophistication or the finances to organize and stop operations of this kind. The village of Catlin has been fortunate in having people who were not afraid of this coal company, and who had organizational talent. There must be hundreds of places in the United States where people are simply intimidated into silence when a huge conglomerate announces that it is about to gobble up the land and then disgorge it relatively undigested.

Current Illinois law, although it is billed as remedial and even "tough" is much weaker than the laws of such states as Kentucky and West Virginia. Our law provides only for reclamation which can include slopes of as much as 15% or up to 30% if the land is to be turned over to forest, recreational, or wildlife use. Moreover, the mine operator does not need to reduce or eliminate the final high wall cut, but can simply submerge it under at least four feet of water. He has to make no attempt to replant until approximately three years after mining has ceased. There is no requirement that the rare and unique central Illinois topsoil be saved and reused. No where in the act is there a requirement that the land be reclaimed for its highest and best use, nor is there any definition as to the goals which should be sought in establishing the ideal reclamation.

For more important, this act received only a $50,000.00 appropriation from the state legislature and it is being enforced in an extremely haphazard fashion. The explanation of one of the mining department investigators, recently, was that testing for compliance was done through blindfolding an official who then pointed to a map. The enforcement officer then went to that location and cast a stone over his shoulder. Wherever the stone landed, there the test was made as to foliage density and grade.

A super important facet in any proper strip mining legislation which could emerge from this Congress would be citizen input. Obviously the problems of central Illinois are different from those of Wyoming. We don't have any pronghorn antelopes to protect, and they don't have to worry about 180 bushels of corn to the acre. Nevertheless, if mining operations were required to appear before a board for licensing, all the peculiar features of each area could be taken into account. This would encourage bargaining with the aroused opponents of the mines, and possibly resolving differences in such a way that mine operators would agree to make different restoration attempts in different parts of the country. Obviously it is more important to consider esthetics when you're mining in a population center than when you are mining in the middle of a desert. Moreover, any board should be authorized to hold hearings in the locality effected rather than requiring citizens to transport themselves to Washington, D.C. to petition their government for relief. Finally, any strip mining should be controlled by the possibility of heavy fines and the necessity of heavy bonds being posted. In the State of Illinois, bonds range from $600 to $1,000 per acre. Considering the vast coal resources of our state, such a sum could be forfeited as easily as the company forfeits paper clips or any other minor office expense.

Another feature of any such legislation should include some access to the courts or to the board for damage to property values to surrounding communities, farms, or for damage to natural resources such as water table and rivers in recreation areas. Any such actions should create a provision whereby any citizen has standing to recover for and on behalf of the general public for damage to public areas, rivers, and the like.

There are many other features which should be incorporated in this legislation, but the most important is citizen input and a definition by proponents and opponents of strip mines of what is technologically possible and what is environmentally desirable regarding reclamation.

If that is done, the problem may not be solved, but will certainly be improved. We cannot allow a situation to exist wherein the residents of places like Catlin must organize virtual vigilante committees to try to protect their property and way of life.

TO SERVE THE PEOPLE—CHALLENGES TO YOUTH IN THE 1970'S

Mr. HUMPHREY. Mr. President, recently it was my privilege to address a graduation banquet hosted by the Presidential Classroom for Young Americans. This highly successful nationwide program, originated under previous administrations in Washington and subsequently operated as a nonprofit and nonpartisan educational endeavor, has provided invaluable opportunities to thousands of young men and women to learn about our Federal Government at first hand in discussions with departmental officials and Congressmen. And these experiences are evaluated in seminars with instructors assigned to the groups during these week-long sessions, for which the students must make in-depth preparations through reading text materials provided under this program.

In my remarks, I focused on the crucial importance of overcoming a knowledge gap about people—the needs of our people at home, and the hopes and aspirations of people of other nations—if our Government is to carry out effectively its responsibilities to promote the general welfare and to promote the causes of peace and international development as a world power.

Mr. President, I ask unanimous consent that excerpts of my remarks delivered to this inspiring assembly of youth in Washington on March 30, 1973, be included at this point in the RECORD.

There being no objection, the excerpts from the speech were ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR HUBERT H. HUMPHREY

It is a distinct pleasure for me to join this graduation banquet for the fifth class of the Presidential Classroom for Young Americans program for 1973.

You are entitled to sit back and enjoy this evening after what I imagine has been a demanding week of intensive seminars with Government officials and Congressmen from early morning until late in the evening. You come to this moment crammed full of impressions that you must try to sort out on your way back home in order to relate effectively to your fellow students and your communities what you have learned in Washington. And I urge you to approach this final classroom assignment with a heavy sense of responsibility, for your first-hand account of the principles, the methods, and the goals under which our government functions today will carry great weight back home.

You have had an unparalleled opportunity to be an eyewitness of America's political power and responsibilities. And you bear a heavy obligation that goes with that opportunity, to present a fair and informed judgment on what you have observed and learned.

I am hopeful, however, that a two-way process of learning has occurred during your week in Washington, for it is incumbent upon those who represent and who serve our people to recognize that they have been meeting with a whole new generation of voters, whose views and concerns demand serious attention.

Now I want to talk about what *should* have been going on in this mutual learning process.

It is stated emphatically that "Presidential Classroom is entirely educational and *non*-partisan." But one of its purposes is that youth at these classrooms should develop "a humanized appreciation of the political relationships and influences that shape our system of government and the conduct of its affairs."

Tonight I want to talk about this *human* factor—the *people* behind what might seem a faceless mask of government, and the people who exist behind that neutral term: The general public.

And what I intend to accomplish this evening is to make you very *partisan* about these people. All of us can readily recall the memorable lines from Lincoln's Gettysburg Address, but it was Senator Daniel Webster who first spoke those immortal words:

"The people's government, made for the people, made by the people, and answerable to the people."

"Politics is people." That phrase, used almost too frequently and too easily, must be given a new and urgent meaning in the decade of the Seventies.

I learned politics at a young age with my father. I went with him to city council meetings, to county democratic gatherings, and to state party conventions. What I learned was that politics offers solid opportunities for public service. It can challenge the best that is in a man or a woman to work to help make this country, this world, a better place in which to live, to work, and to hope in the future.

I enjoy public service. I give it everything I have. Our government faces tremendous responsibilities today at home and abroad. But those responsibilities are going to be carried out by ordinary human beings in public service making decisions on a day-to-day basis, always under pressure, and with the tools that are immediately at hand. So the ability of these people to make the right decisions, and take the right action will be strongly affected by the capabilities, the knowledge, the experience they already possess.

That is why I want to pose some challenges tonight to you who are having your first important experience as spokesmen of and to other people. You may be considering making a career of public service, and I want to give you every encouragement to pursue this vocation.

But representative government in this democracy is no better than the people it represents. We say that this nation is a world power, but are we as a people capable of exercising that power in a world that is undergoing tremendous changes? How much do we really know about this world—especially, about its people?

Today, we are a world power with a half-world knowledge.

We know a great deal about Great Britain and the nations of western Europe, with which we have had long-standing cultural ties and close alliances.

But what do we really know, for example, about the Russian people—the true source of that nation's great power? That knowledge will be vital in the coming years, for the United States is no longer the greatest power in the world—it is just one of them.

So we are going to have to learn new lessons. We are going to have to focus not on the blunt use of power, but on the restraint of power, its gradual employment for what we try to determine is the greatest good for the greatest number of people.

One decisive lesson of the Cuban Missile Crisis that occurred over a decade ago, for example, when the first steps were being taken toward forming what later became established as the Presidential Classroom, was that from that time on—having been threatened with destruction unless they removed their offensive missiles from Cuba—the Russians resolved to become a nuclear superpower. And for years we have had to struggle along with a peace achieved solely through a balance of terror.

But what do we know even today about the U.S.S.R. with whom we will have to continue to develop new working relationships? The real power of the Soviet Union is in the strength, the character, the durability of its people. It is in its scientific resources. When it comes to building the weapons of war—the cutting edge of power—the Soviet Union is second to none.

But international diplomacy—nations resolving conflicting interests—is a process of balancing strengths and needs. The Soviet economy, for example, next to that of the United States, is a small town garage compared to General Motors. There is much that can and must be done in this area, therefore, to strengthen international relations.

But let us assume you are representatives of the people and one of your responsibilities is understanding the developments in other nations, the reasons their actions have the potential for creating international tensions.

As I indicated at the outset, to a great extent you will have to fall back on your own resources—the history you have learned, the abilities you have developed to understand and to analyze what is going on around you, and the processes you have mastered to get at the facts.

How will you analyze actions by the Soviet Union in the Middle East and toward its communist neighbor, China? Do you know the facts of history—that Russia historically has been trying to move into the Arabic states, to break out of the Black Sea? Do you understand the fundamental cultural differences, evolved over countless generations, that really explain the Sino-Soviet Split, the division of the two great powers of communism, where each nation has adapted a political system to more basic, in-bred traditions.

Let me cite just one other area of this Nation's knowledge gap about the world—a knowledge gap that can seriously threaten the effective exercise of power, leaving to your generation another major international tension situation to resolve.

I am referring to the Far East. Did you know that only ten colleges in America had a course on the Far East prior to World War II? And how much did we know about Vietnam when we sent in military advisers over a decade ago, leading to the longest armed conflict in which this nation has been involved in its entire history?

Then look to the *future* in the Far East. Which power will be the focal point there having a major impact on International Relations—China? Japan? India?

The strength of each of these nations is its people, but our first-hand knowledge of them—their heritage, the values and commitments that are central in their lives, their accomplishments and future goals—about all of this we are really ignorant. And there is nothing more dangerous than a little knowledge—especially when it comes to making judgments affecting an entire nation.

So if there is one piece of advice I would give to anyone considering a career in public service, it is that you must have a deep desire to learn and keep learning. You will never really understand the present unless you have a good grasp of history. You will never make the best possible judgment about the truth of a situation if you are content just to take someone else's word for it.

But to those of you who may be considering public service as an elected representative of the people, I would add an extra dimension to this lesson. Those people are not numbers, or statistics, or types—they are individual persons, each with his concerns, his ambitions, his viewpoints, his prejudices, and his needs.

The art of politics—and the thing that makes it one of the best of all possible full-time vocations—is to know these persons; to understand what makes them tick; to communicate with a man at a genuine level because you've both got the same mud on your shoes; and to share a handclasp that says it all.

American history books don't really tell you much about what went into the building of this country. Dates and places and famous names are all fine. But what really explains America is the character of its people. And you don't understand that character until you know their sacrifices, their determination, their hopes for the future.

It's nice to know that on a certain day long ago a Golden Spike was hammered home in a railroad linking East and West for the first time. But the missing paragraph would have told you of the thousands of bodies of Chinese and Irish laborers that littered that trackage.

It's important to know that slavery was an important factor in the causes of a major civil war. But where will you find a history of the contributions of minorities in the building of America?

You can probably recite a list of great names in American private enterprise. But it was working people who built that enterprise; it is their labor which explains a gross national product of over a trillion dollars.

What I am saying is that you cannot preach a sermon about human dignity unless you know what has happened in people's lives. You will not really understand what is meant by justice tempered with mercy, or principles refined by tolerance until you understand people's struggles—the striving after what, in the end, is a better quality of life.

The point of this lesson has an immediate relevance today. A lot of experts are trying to explain the American people—what's happening to them; what they expect of the future.

There are good reasons for concern. What is the real reason that only 55 percent of the electorate voted in the last Presidential election?

And by the way, the "New Generation" of youth showed no real differences from the rest of the populace in its voting patterns—a low rate of participation at the voting booth, with neither political party receiving a substantial advantage from a so-called "bloc vote" that proved to be a myth.

Yet how can we talk about America being a government of, by, and for the people when almost half the people did not bother to register their preference at the ballot box? Compare that with voter turnouts of over 90 percent in West European nations.

We say that an informed electorate is the bedrock of Democracy. But in India, with a high rate of illiteracy, over 70 percent of the voters went to the polls.

We could probably spend the rest of the night listing reasons for all this. But we would be left with one question about which we should be deeply concerned. Let me pose that question bluntly: Can Democracy survive in plenty?

Was Marx right when he said, in effect, that it is the very wealth or self-satisfaction of *capitalism* that will do us in? Have so many people let their self-interests stand in the way of their country's interest?

When I was Mayor of Minneapolis I instituted an open-door policy. Every Saturday afternoon any citizen who had a complaint could walk right in and take it straight to the Mayor himself. But I had one question that usually cut those complaints short. I didn't care about the man's politics, but I just asked him straight out: "Did you vote?" The message was simple: "I have a responsibility to you as a resident and a taxpayer. But you have a responsibility to maintain the free choice of the electorate, that happened to put me here." And he usually got the message.

There is another reason why those of us in public service must focus our attention now on people.

We are going through a revolutionary period. There is a tremendous migration of people in the United States. It is unequalled in all of recorded history. I am talking about a migration from the farm to the city, about deserted areas in the Mid West and increasingly dense populations on the East and West Coasts.

I am talking about rural and small town people finding themselves aliens in a foreign land when they enter urban areas with a totally different culture. As people migrate, it is now clear that they are going through traumatic experiences.

But even more than this, we seem to have gotten everything upside down in this nation on where people live and work, and we're beginning to discover that it is having an extensive psychological impact as well as putting a tremendous strain on our public facilities and resources.

We have simply got to get hold of this situation in the decade of the seventies and begin to plan for balanced national growth and development.

We have to restore to people a free choice on where they will live and work. We have to restore a decent and satisfying living environment. And we have to restore a sense of community.

Look at the situation we've created for ourselves. The factories are moving out into the country, but the workers are in the central city. The Executives and Bankers live in the suburbs, but their jobs are in the central city. And all of them have to commute—and that often means 45 minutes of bumper-to-bumper traffic—one of the best tension-builders that mankind has ever created. What an accomplishment!

Americans have been increasingly separating themselves from the things that make for community. Instead of services close at hand and with which they can identify, they have to put up with a long drive to an anonymous shopping center or to a crowded medical clinic.

They can't find local parks and recreation areas—they're even lucky to squeeze into a national park after several days of tiring travel. Did you know that London has twelve times as much park space as New York? Then consider the fact that London has a much lower rate of crimes of violence.

Now the last example I want to give of the great importance in public service right now of giving the highest priority to people, is the document that has just been presented to Congress—the Federal Budget for Fiscal 1974.

I know there is a good mixture here of intelligent Democrats and misguided Republicans, so I have a responsibility to be non-partisan in my remarks. But I also have a responsibility as a United States Senator to express my deep concern over a budget that reflects a basic decision to reduce the priority of serving the needs of people.

We've heard a great deal about achieving fiscal responsibility in this Budget, and I yield to no man in my adherence to that principle. But let me just point out that Congress has cut budget requests in every year of this Administration—last year reducing them by some $5 billion in defense alone. By contrast, this fiscal '74 budget projects a $12.7 billion deficit.

But after all the haggling over who is really the spendthrift, one harsh fact comes through sharp and clear: In this budget, some $10 billion will be sliced from social programs designed to help the poor and the underprivileged overcome barriers to meaningful participation and hope in American society.

It is a budget of cutbacks in health, in education, in manpower, in housing, in the rehabilitaion of the handicapped, in the war on poverty.

It is a budget that neglects the people.

It is a budget of what I would frankly call, "domestic disengagement," the counterpart of our disengagement from Vietnam.

It is a budget that is dead wrong in its priorities, and this is one Senator who won't stand for it.

Now the Administration says that we can't pay for these people-centered programs without raising taxes. I don't believe that deception will last very long.

First, by cutting back federal help to states and cities, all that is being accomplished is a transfer of the tax burden, while the same taxpayer foots the bill. There are public services and programs that simply cannot be cut back without doing violence both to human decency and to economic good sense. And that means that state taxes and local property taxes will have to pick up the slack.

But second, this budget does not contain a word about tax reform. And it is genuine tax reform, coupled with long-overdue reductions in non-essential defense expenditures, that can produce the added revenues for people-centered programs.

It is genuine tax reform that will at last make it a reality that every American pays his fair share. It is genuine tax reform that will say to the middle-class wage earner that someone else is going to share the burden he has borne for so long of paying for our national priorities.

And it is genuine tax reform that can place a surcharge on preferred income—that category of private wealth that is generally out of the reach of the working families of America.

I believe the time has come to draft a new bill of rights for all Americans:

The right to decent living conditions;

The right to quality education for all our children;

The right of all Americans to good health care, at low cost, and immediately accessible;

The right to a meaningful life, free from poverty;

The right to full and equal protection of the law;

The right of everyone who needs and wants a job to productive and gainful employment; and to advance in that job on the basis of merit alone;

The right to a clean and decent neighborhood;

The right to life free from violence or terror;

The right to privacy, free from official or private invasion;

The right to be free from hunger;

And the right to a clean and wholesome environment, with protection of resources for recreation and leisure.

These rights belong to *all* the American people—yet for too many, such rights are myths. Without these vital rights, without these rights being applicable and accepted, there are no real civil rights.

It is not enough to have laws establishing such rights. There were laws under Hitler and Stalin. It is the *practice* in which these rights are genuinely affirmed that counts. The talk of human dignity on Sunday must not be followed by the practice of human degradation on Monday. We betray our Nation's purpose when we accept the existence of a run-down school in the central city or in a poverty-stricken rural area, when we do nothing about the malnutrition that afflicts children at all income levels, or when we allow a family to live in a rat-infested tenement, and force that family to go miles to find a doctor.

What I am suggesting is that the time has come to establish a new civil rights coalition—a brotherhood of men and women working together to establish as the highest national priority the meeting of the critical needs of our people.

Now, I have only mentioned a few of the items on the priority work agenda of Congress. I mention them to point out the heavy responsibilities that a United States Senator or Representative must be ready to assume, the hard decisions he is going to have to make, the extensive resources he will have to call upon, if he is to fulfill his public service to the people.

Above all, however, he must constantly reach for as much knowledge as he can absorb. He must maintain the broadest and most alert perspective possible about what is happening in America and throughout the world.

But it is you who have the advantage here. You are at an age of life when you can learn more and learn it better. In carrying out your responsibilities and in developing invaluable insights in your first-hand contacts with government officials and elected representatives in Washington, you are gaining a vantage point, a broadened perspective, denied to many others.

I urge you to seize hold of these opportunities and make the most of them—you owe it to yourself; you owe it to other people; and you owe it to your country.

MISSING MILITARY PERSONNEL

Mr. THURMOND. Mr. President, I would like to speak briefly on a bill relating to certain missing military personnel which I have reported today from the Senate Armed Services Committee.

This bill is a highly technical one and

has been reported for the purpose of correcting the inadvertent and unintentional result of a measure enacted in the last Congress. The bill would apply only to certain missing military personnel who later were determined to be dead and who were promoted after October 12, 1972. It insures that the various benefits to their survivors will be based on the grade to which they were promoted even though the date of death may be determined to be prior to the date of promotion. Otherwise, through the inadvertent omission in the law, the families would not receive the benefits for the higher grade to which they were promoted, and this was not the intent of Public Law 92–169 approved November 24, 1971. The technical omission in the law resulted from the failure to properly cross reference a particular provision of law.

Mr. President, I would like to emphasize that this bill is purely technical in nature and would make no substantive change in the law whatsoever. I urge prompt action on this bill so that none of the survivors of our missing men will be penalized as a result of a technical omission in the law.

ADDRESS BY DR. ARTHUR KORNBERG TO NATIONAL CYSTIC FIBROSIS RESEARCH FOUNDATION

Mr. MAGNUSON. Mr. President, Dr. Arthur Kornberg, a Nobel Laureate in Medicine, recently delivered a fine speech to the conference of the National Cystic Fibrosis Research Foundation. His comments discuss the disastrous effects which reduced Federal funding would have for basic medical research. His comments are strong, and well they should be, as I, too, believe any reduced Federal funding would be an unfortunate calamity.

I should like to share Dr. Kornberg's excellent comments with the Senate. I ask unanimous consent that his recent speech be printed into the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Cystic Fibrosis and the Support of Science

(By Arthur Kornberg)

Our purpose here is to do whatever we can to relieve the distress of children with cystic fibrosis and the agonies their parents suffer with them. Because this disease attacks young people, there is a degree of anguish and frustration exceeding that of most other afflictions I know.

I am not directly involved in research on cystic fibrosis and so I have no personal experience or insights to share with the laboratory investigators and clinicians present who are working on the problem. Nor do I have the same emotional involvement. Perhaps because I am more detached, I may be able to analyze the total problem with a different perspective.

Last summer I had an opportunity to attend a special conference in Israel on cystic fibrosis and learn a great deal about it. Among the genetic diseases of which I am aware, cystic fibrosis impresses me by the inherent complexity of the disease and the lack of basic knowledge about the chemistry and physiology of the tissues involved in the disease. I have been impressed by the dedication and intelligence of the investigators working on the disease. I have also been astonished at the incredibly small number of these investigators throughout the world who are working on the problem.

Among the scientific things I heard at the conference in Israel, I was especially intrigued to learn of a protein present in the serum of CF patients but not in normal serum. This protein could be assayed in the oyster by its interference with the rhythmic movement of little hairs, called cilia. Why the oyster? Apparently the function of the cilia in the oyster is to move fluids and mucus as do the cilia in our respiratory tract.

Given this assay, the techniques worked out by biochemists to purify proteins should enable investigators to isolate this CF protein. I was excited to read in the current issue of the Proceedings of the National Academy of Sciences that this effort had been successful. At this Conference you have heard this work described. Drs. Bowman and Barnett at the University of Texas in Galveston, Dr. Matalon at the University of Chicago and Drs. Danes and Bearn at Cornell in New York had collaborated to purify the CF protein. They obtained it from tissue cultures of fibroblasts taken from the skin of CF patients.

This is an important discovery. It will surely have a major use in diagnosis of the disease, hopefully prenatally. This discovery may be a wedge toward understanding the basic defect in the disease and thereby be a first step in a rational effort to *cope* with it.

I wish that we might soon be able to do as much for the child with CF as for the child with diabetes. The diabetic child would be doomed were it not that we understand the nature of insulin and are able to administer it to save the child. But even were that wish granted, we should then want a second wish. This because our success with diabetes as with other genetic diseases is not complete. We do not cure diabetes. We only *cope* with it and *endure* it. The genetic deficiency remains!

Clearly, the second wish we would make is to avoid the genetic disease entirely or if afflicted with it to find a total cure for it. Genetic therapy can take many forms. It is an objective for which we must strive. This is the theme upon which I had intended to speak today but a problem of far greater urgency has overtaken and overwhelmed us.

Those of us who do research in medical science and train young people for research in medical science have witnessed in recent weeks the most calamitous decision a government of the United States could make for the future of medicine and the welfare of our country. Were there an intentional effort to undermine the health and economic welfare of this country for the coming generations, I could imagine nothing more devastating than to stop training our best young people to do research in basic medical science. Yet this is precisely what has been done and the consequences of the decision have not been foreseen.

Why was this decision made? Surely the decision cannot be ascribed to economy. The science training programs cost about 300 million dollars annually. This is less than ½ of 1% of the budget for welfare or for defense. For weapons research and development alone, 20 billions a year is being spent. This to protect us against the *possibility* of attack by a hostile country. But now we have been told we can't afford to spend even 1% of this amount to train young people to fight diseases for which crusades have been proclaimed and that we know for *certain* will kill millions of our citizens each year.

Because the practice and support of science are perplexing problems and of such vital importance, I want to examine them with as much perspective as I can.

The goals and attitudes in research have not changed in any fundamental way for hundreds of years. Achievement in science depends on the same human qualities required in other professions, in art and in business. We find among scientists the same variety of abilities and styles, or strengths and weaknesses, that are found among lawyers, doctors, artists and businessmen. What is different is science itself. Science differs from other human activities in the way it is practiced and the way it progresses. The pattern of science is a stepwise extension of what was done before. How do we judge that a new finding has brought us closer to the truth? What represents scientific proof? These questions are exceedingly hard to answer. As Aristotle expressed it: "The search for truth is in one way hard and in another easy. For it is evident that no one can master it fully nor miss it wholly. But each adds a little to our knowledge of nature, and from all the facts assembled there arises a certain grandeur."

What Aristotle said so poetically is that scientific activity seen with perspective always moves forward. Science is thus unique among human endeavors in the polarity of its movement. We call it progress. I must repeat that it is science that is extraordinary, not the scientist. Because science enables ordinary people to express their creative talents in a global and purposeful way. Their humble probings, so picayune individually, combine to exert irrestible forces in exposing the grand designs of nature.

It has often occurred to me that the flow of science resembles the movement of rivers. Rivers have a fixed direction and continuity as they flow down to the sea. Like rivers, the pace and dimensions of scientific movement vary enormously. But shallow or deep, broad or narrow, sluggish or swift, the movement is inexorably forward.

There may be eddies in science as in rivers; and there may even be apparent reversals of direction. In recent memory, Lysenko and his followers stifled genetics and molecular biology in the Soviet Union for a whole generation and Soviet medical science and agriculture show the scars.

In contrast to the forward movement of science, the support of science by society has no direction. The attitude of society toward its social problems has been likened to the swing of the pendulum. And so also the support of science, rising and falling as it has throughout history, does not resemble a river, but rather the movement of tides.

In my scientific lifetime I have seen a very low tide of science support during the thirties before the war. Then there followed a strong high tide for twenty years after the war. For the past five years, the support of science has been visibly ebbing away. Funds for important research by excellent scientists have been cut at a time when inflation and advanced technology require increases. And now the support for the training of our best young scientists has been abruptly eliminated. This support for research and training cannot be finely regulated. It is not like the adjustment of the sluice gate of a dam to fluctuations in supply of and demand for water. When the flow of science support is turned down, the stream of progress dries up and cannot be restored for years. Why are we reversing the tide of science support?

The answers to this, as for other social questions, are numerous and difficult to assess. But there are three questions to which I can respond. The first is: Did scientists individually or collectively take full advantage of the very generous postwar support by society? The answer is: Emphatically yes.

The results of the massive support of science during the past twenty years have exceeded even the most optimistic predictions. No one imagined that we would acquire so quickly the firm grasp we have today of the basic designs of cellular chemistry and its regulation. The nature of heredity, clouded in abstract genetic language only twenty years ago, can now be described in explicit chemical terms. In the next twenty years the chemistry of genes can become more precise, varied and extensive. The control of genetic functions and the replacement of defective genes will, if we don't sabotage ongoing basic chemical and biologic research, transform the image of health and disease as dramatically as any advance in the history of medicine.

And beyond practical benefits in medicine and agriculture, the new knowledge of gene structure and functions will give us deep esthetic pleasure. We will have new and deeper insights into the evolution of life on earth, a basic appreciation of how man is related to his earthly ancestors and neighbors and a clearer idea of future evolution.

There is a second question about the support of science which may be posed. Were scientists themselves responsible for promoting the generous support of the postwar period? The answer must be equivocal. While some scientists were influential in advising the government, the major force in support of science came from the Congress and citizens testifying before its committees. I am convinced that the support of science, so absolutely vital to our future, has been and must remain the responsibility of society. It is too important and too complex a problem to be left to scientists. However when society is generous in its support, scientists will be found and trained. They will make excellent use of the support and society will be repayed many times over for its investment.

The third question I want to consider is very difficult. Since society pays for the research, should it call the tune? Should society specify how much money and effort should go into basic research and how much into solving specific problems, such as cystic fibrosis or cancer. To this question, there is no simple or emphatic answer. Because the important distinction to be made is not between basic and applied research. Rather the important thing is to identify the creative and motivated scientists and to support them in their work, basic or applied. This point has been illustrated over and over again in the history of science. Let me cite one recent example.

Penicillin was discovered by Alexander Fleming in 1929, while he was doing basic research on bacteria. He noticed one day that a Penicillium mold which had contaminated one of his petri plates had destroyed the bacteria around it.

This accident happens all the time and everyone discards such a plate. But not Fleming on this occasion. It occurred to him that the mold was excreting a substance which could destroy bacteria, but might not be toxic to man. He proved there was such a substance and named it penicillin. Fleming then tried for 10 years to isolate enough material to test it clinically. He was unsuccessful. However, Boris Chain, a chemist, and Howard Florey, a pathologist, came along and within a few months isolated enough penicillin to establish its extraordinary clinical value. Fleming, despite wanting to, could not solve the difficult problem of producing a stable penicillin product in quantity. Chain and Florey who did succeed would never have made the basic discovery.

I want to emphasize by this example that basic research and applied research *are each essential* and *they are interdependent*. Perhaps most important, we must recognize that scientists differ in their talent to do one or the other. It is utter folly to ignore these facts.

Suppose we were to rely solely on the available basic knowledge of the chemistry and biology of human cells and decided to apply all our resources in a crash effort to solve the problems of cystic fibrosis or of cancer. Would we succeed in either? I am certain we would fail because we lack necessary and basic information to solve these complex problems. It would be like planning the moonshot without having Newton's Laws of Mechanics. Even if there were a tiny chance of success, I find the gamble of a premature and total commitment far too risky for such serious problems as these diseases pose.

Solution of the cancer problem may seem to be around the corner. It has seemed that way for many years. It is an exceedingly complex problem and it will not be solved as simply as polio. Polio was a difficult jigsaw puzzle, but we had most of the parts. The cancer puzzle is many times larger and we have very few of the parts. Of course, we must study cancer from every aspect. But we also need a vast amount of basic information that we lack about the chemistry of cellular growth and development. The same must be said for cystic fibrous.

Applying what we *don't know* won't solve the problem or help a single patient.

In the long view, America's strength is not in mineral resources, in hydroelectric power or in agriculture. It is not in the accumulation of a huge weapons arsenal either. America's strength is in the moral and intellectual resources of her people. This is where her power lies.

There are two compelling reasons why we must support basic science. One is substantial: the theoretical physics of yesterday is the nuclear defense of today; the obscure synthetic chemistry of yesterday is curing disease today, studies of ciliary movements in an oyster provide a diagnosis for cystic fibrous. The other reason is cultural. The essence of our civilization is to explore and analyze the nature of man and his surroundings. As proclaimed in the Bible in the Book of Proverbs: "Where there is no vision, the people perish.

Today, lights are going out in laboratories all over America.

NOW IS THE TIME FOR NEGOTIATIONS WITH CANADA FOR A TRANS-CANADIAN PIPELINE

Mr. PROXMIRE. Mr. President, on April 2 the Supreme Court denied certiorari in the Alaskan pipeline case thus letting stand the appeals court's decision to block construction of the pipeline.

It is now clear that the matter must be decided by the Congress. In view of the critical crude oil situation in the United States the Senate should recognize the economic and environmental superiority of the trans-Canadian alternative to the proposed Alaskan pipeline.

The recent court decision strikes down the argument advanced by the Department of the Interior that only the Alaskan line can be built soon enough to meet our demand for crude oil. This gives Congress the opportunity to give full consideration to both proposals strictly on their merits without being sidetracked by arguments that only the Alaskan line can be built quickly enough to meet the needs of national security. The two routes are now on equal footing in this regard.

On March 5, 1973, Congressman Les Aspin, along with 41 Members of the Senate and House, sent a letter to the President asking him to order the Interior Department to begin immediate environmental studies of a Canadian pipeline route and open negotiations with the Canadian Government concerning such a pipeline. As of this time the administration has not responded to this joint request.

Although supporters of the trans-Alaskan route have argued that a trans-Canadian pipeline would encounter lengthy procedural delays, there is every reason to believe that the liberal government of Prime Minister Pierre Trudeau would be favorably disposed to consider a Canadian route for transporting the Alaskan oil reserves into the American market. In February 1971, the then Minister of Energy, Mines, and Resources, J. J. Greene, stated that—

> Failure of the United States to adequately consider the Canadian route for Alaskan oil could render a signal disservice to the growth of the western Canadian oil economy.

There are a number of reasons why a trans-Canadian pipeline might prove beneficial to the Canadian economy. Canada's national energy policy has been to export quantities of oil which are clearly surplus to their domestic needs. However, Canada's known reserves—some 10 billion barrels—are limited and the increase in world energy demands has required the imposition of export controls on Canadian oil. On the other hand, Canada's potential reserves have been estimated at 12 times the present known supply, and much of this amount is thought to be located in the MacKenzie Delta region along the path of the proposed trans-Canadian pipeline. In all likelihood Canadian reserves will require the construction of pipelines in the MacKenzie Valley. Cooperation with the United States in construction of a single pipeline serving both the Alaskan and Canadian Arctic would have the major advantage of providing Canada with an economical system for delivery of oil and gas to its own domestic markets.

Earlier this week, speaking before the Lecture Forum Series of the Chicago Council on Foreign Relations, the Honorable Mitchell Sharp, Canadian Secretary for External Affairs, reiterated his government's opposition to the shipment of oil by tankers off the Canadian coast as envisioned by the trans-Alaskan proposal. With reference to the trans-Canadian alternate route he further stated that:

> A decision would need to be taken by the National Energy Board, and if American oil producers should wish to pursue this possibility, I am sure the National Energy Board would be prepared to give consideration to any such application.

The Interior Department must take the initiative now in pursuing negotiations with the Canadian Government with respect to such a pipeline. Failure to do so will only result in further delaying consideration of a Canadian pipeline which is the best remedy possible for future oil shortages and inflated prices for Midwest and east coast consumers.

RESIGNATION OF SECOR D. BROWNE AS CHAIRMAN OF CIVIL AERONAUTICS BOARD

Mr. MAGNUSON. Mr. President, it is with regret that I advise the Senate that a very capable and dedicated public servant has recently left public life after outstanding service to the Nation and to its transportation needs as Chairman of the Civil Aeronautics Board.

Mr. President, recently President Nixon accepted the resignation of Secor D.

Browne as Chairman of the CAB because Mr. Browne has chosen to return to private life. His tenure as Chairman of the Board was marked by outstanding accomplishments in the regulation of the domestic and international air transportation systems and his departure is a significant loss to the United States whom he has served so ably.

I cannot remember any period in recent history in which the Civil Aeronautics Board has achieved so many important advances and has moved forward so forthrightly to deal with the myriad of problems facing air transportation.

While I have certainly not agreed with all the decisions of the Board under Mr. Browne's chairmanship, I believe he and the majority of members have moved ahead decisively to deal with issues expeditiously and with a paramount concern for the best interests of the public which relies on convenient, timely, safe and economical air transport services. His dedication to the public interest and need as distinct from private needs and goals has distinguished him as a regulator in the finest tradition of public service.

The traveling public and the air transportation industry of the United States and the world are indeed going to miss the presence of Secor Browne. He has not been content to simply sit back and arbitrate industry proposals and ideas—on the contrary he and his able staff have seized the initiative on many occasions and moved forward to explore and embrace new concepts and reject old ones in an attempt to keep abreast of the public's growing need for air transportation services.

He has not been afraid to be innovative and bold on occasion when he believed that the public interest required new ideas to deal with emerging problems. Indeed, Mr. Browne's service to the United States at the Civil Aeronautics Board has been very fruitful and productive and I hope the record of achievement he has left there will serve as a benchmark for his successors now and in the future.

Mr. President, if I may take another moment I should like to outline briefly for the Senate some of the significant achievements of the CAB during the last 3 years under Mr. Browne's leadership.

Within its statutory mandates as an arm of Congress the Board acted to insure the public interest would be served and the financial health of the air carriers would be preserved.

Under Browne, since 1969 the Board has:

First. Stabilized domestic airline fares, and completed almost all phases of the most comprehensive passenger fare case in the Board's history—Domestic Passenger Fare Investigation. For the first time the industry is guided by standards designated to maintain reasonable and nondiscriminatory fares for the public and produce reasonable profits for the carriers.

Second. Established the first regulatory Consumers Affairs Office. This has been a notable step. The new office is an excellent point of contact for passengers who either need information or believe they have been aggrieved. In the few years of its existence the Office has been successful in having hundreds of thousands of dollars in refunds made and claims settled.

Third. Received authority from the Congress to reject schedules of foreign air carriers and—by regulation—to reject on-route charters of foreign air carriers in the interest of maintaining the competitive position of U.S.-flag carriers, and the power to suspend international tariff filings.

Fourth. Issued the experimental new travel group charter regulations to meet the developing needs of the mass travel market, and to meet the Board's statutory obligation to make low-cost transportation generally available. This is a very important new development designed to help insure that public needs will be met.

Fifth. Balanced the route, agreement, acquisition, rate and subsidy functions of the Board in such a way as to create a positive climate for airline managements to provide better services for the public and profitable operating opportunities for the carriers.

Sixth. Developed and implemented a new "active" international aviation policy which places foremost emphasis on insuring U.S.-flag carriers a fair opportunity to compete with foreign flag carriers on reasonably equitable terms.

Seventh. Called national attention to the danger to the United States in general and our air carriers in particular if U.S. leadership in aerospace technology passes to other countries by default.

Eighth. Improved the operating authority of local service carriers mainly through expedited procedures.

Ninth. Released a three-volume staff study analyzing the problem of air services to small communities, and formulated a legislative proposal (S. 3460) of the 92d Congress under which the Congress would authorize and fund a limited 3-year experiment to test the feasibility of providing air service to small communities by means of contracts, between the Board and air carriers, awarded through a competitive bidding process.

Tenth. Instituted the Air Carrier Reorganization Investigation which raises significant issues of whether further regulation and legislation may be needed to assure that there is no impairment of air carriers' services or dilution of their resources when air carriers diversify.

Eleventh. Approved a multicarrier agreement on the establishment of a method of systematic reward for information leading to the arrest and conviction of airline hijackers and extortionists.

Twelfth. Renewed transatlantic charter authority held by six supplemental carriers and instituted a proceeding to determine whether the authority for international charter service—other than transatlantic—and for domestic ITC service held by various supplementals should be renewed.

Thirteenth. Adopted regulations, establishing new class of charter known as overseas military personnel charter. Amended charter rules to try to reduce the incidence of charter passenger strandings abroad. Proposed to establish a new class of nonaffinity charter to be known as travel group charters.

Fourteenth. Expanded its economic regulations to allow air taxi operators or commuter airlines to use aircraft with capacity up to 30 passengers.

Fifteenth. Revitalized the Board's enforcement program through vigorous pursuit of: informal measures against violations of laws and regulations; a more effective legislation program; greater liaison with foreign governments on enforcement matters; and establishing of field offices in New York, Miami, Anchorage, and Los Angeles. This has resulted in the conclusion of 1,099 compliance actions through informal means, institution of 55 formal proceedings, issuance of 13 cease and desist orders, filing of three court cases of precedential importance, and collecting a record of $202,850 in civil penalties for violation principally of the Board's charter regulations and of the tariff provisions of the FA Act.

Sixteenth. Strengthened the Board's equal employment opportunity program in line with the EEO Act of 1972 and the President's stated policy of achieving equality of opportunity in Federal employment.

In the 3½ years of Mr. Browne's chairmanship the carriers went from a serious loss position to a modest, but growing profit position. This was accomplished with only a relatively small fare increase.

These are the more significant achievements of the Board in the past 3 years. There are many others of less significance. In all it is an excellent regulatory record, in which the Congress can proudly join. I offer my congratulations to Mr. Browne on a job well done.

EARTHQUAKES

Mr. CRANSTON. Mr. President, the destruction of life and property due to earthquakes threatens the welfare of 72 million Americans. I have introduced legislation to support research that will make it possible to predict the location and time of an earthquake. It is interesting to note that parallel studies are being made by Russian seismologists whose findings are moving us closer to this goal.

Mr. President, articles appearing in the February 12, 1973, issue of Time magazine, and in the February 17, 1973, New York Times discuss this significant contribution to the field of earthquake research. I ask unanimous consent that these articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

THE TELLTALE WAVES

By detecting slight shifts in the tilt of the ground, or leakage of underground gases, or local changes in the natural magnetic field, scientists can determine that dangerous stresses and strains are building up in the earth. Yet they are still unable to predict reliably when or even where earthquakes will strike. Now, as a result of Russian findings in a remote region of Central Asia and a parallel discovery in New York State, seismologists may well have moved a little closer to a long-sought goal: developing an accurate early warning system for major upheavals of the earth.

That possibility is based upon studies of the two basic types of seismic waves that are given off by all earthquakes: 1) P (or pressure) waves, which alternately compress and expand the earth in the direction of their travel; and 2) S (or shear) waves, which cause motion of the earth in a direction perpendicular to their path. Because a quake's P waves travel through the earth slightly faster than its S waves, they arrive at seismic listening posts ahead of the S waves. While investigating the small tremors that often occur in the Garm region south of the Central Asian city of Tashkent, Russian seismologists were surprised to discover that in the days or weeks before a serious jolt, the relative velocities of the two types of waves changed. The interval between arrival times decreased significantly. Then, just before a big quake, the velocity relationship reverted to normal.

At first, Western seismologists suspected that the change in velocity was peculiar to the geology of Central Asia: it seemed unlikely that the phenomenon could be used as a predicting tool in other quake-prone areas. Yesh Aggarwal, a 30-year-old graduate student of Indian descent at Columbia University's Lamont-Doherty Geological Observatory, did not share the skepticism. As part of his doctoral work, he decided to study the seismic records of the swarms of microquakes that had occurred during 1971 in the Blue Mountain lake region of New York's Adirondack Mountains. Aggarwal's hunch paid off. Writing in *Nature*, he and his associates report that they also found large and significant changes in the relative velocity of P and S waves prior to more serious tremors. Furthermore, they note, the duration and intensity of the effect—which changes the relative velocity of the waves by as much as 13%—was directly proportional to the magnitude of the eventual jolt.

Aggarwal, as well as his mentor, Seismologist Lynn Sykes, thinks the change in wave velocity may be caused by the rapid opening of small cracks in water-saturated underground rock of the fault zone. Because P waves travel swiftly through water, they probably slow down when the voids appear. The S waves seem less affected by the fissuring. Then, as ground water seeps into the cracks, the P waves speed up again Seismologists do not know how widespread the newly discovered phenomenon is, but if it is indeed common to all seismically active areas, it may eventually be used to predict the earth's upheavals—including such disasters as the quake last December that destroyed much of Managua, Nicaragua.

QUAKE-ALERT SYSTEM BY SOVIET CONFIRMED

(By Walter Sullivan)

Soviet observations of a seemingly reliable form of advance earthquake warning for Central Asia have now been found applicable to quakes in the Adirondacks.

The American observations, conducted by a group from the Lamont-Doherty Geological Observatory of Columbia University, have show that the effect recorded by Soviet scientists is not peculiar to the Perm region, north of Afghanistan, as some had suspected.

They have thus raised hopes that the effect, which has been observed three months in advance of a moderate earthquake, will be useful for prediction. However, commenting on the new find, the British journal Nature notes that difficulties and uncertainties remain.

For example, the method depends on the operation of a number of seismic stations in the quake-prone area. And it is not clear to what extent it is applicable to deeper earthquakes.

The method depends on a premonitory change in the relative velocities at which two kinds of earthquake waves travel through crustal rock in the area of an impending quake. The ratio between the two velocities drops, then slowly returns to normal. When it has done so, the quake occurs.

PRESSURE AND SHEAR WAVES

The velocities are those of pressure waves (comparable to sound waves) and shear waves (those producing motion at right angles to the direction of wave travel).

Last spring it was reported, at a symposium on earthquake prediction in Washington, that in the Garm district of Central Asia, Soviet scientists had found that the ratio between pressure wave and shear wave velocities begins to drop three months before a moderate quake and one month before a small one.

The quakes originating beneath Blue Mountain Lake in the Adirondacks were very small, but a similar relationship between intensity and the length of this warning period was the same. From these results, the Columbia team reports in the Jan. 12 issue of Nature, it appears that advance warnings of "months or longer" should be possible for magnitudes greater than 6.

The quake that took 59 lives in the San Fernando area north of Los Angeles in 1971 was rated at magnitude 6.6.

As explained yesterday by Yash P. Aggarwal of the Columbia team, attention was drawn to Blue Mountain Lake by the long-range detection of two small quakes there in May, 1971. Six portable seismographs were set up in the area and began recording thousands of tiny quakes—far too weak to be observable except with instruments.

CHANGES MONITORED

These quakes made it possible to monitor changes in relative velocities of pressure and shear waves through the rock in that area. Quakes of moderate intensity were recorded on June 21, July 10 and July 27, 1971. Before each of them struck, there was the characteristic dip in the ratio between these velocities.

It was suspected that the drop in ratio might be caused by cracking of the deep rock under stress and that the return to a normal ratio might come about as water seeped into the cracks. It is believed that increased water pressure within rock pores makes the rock more amenable to fracture and thus generates earthquakes.

This, for example, is the explanation advanced for the occurrence of quakes east of Denver, Colo., in the Nineteen-sixties as poisonous waste water was pumped down a deep well at the Rocky Mountain Arsenal. It is also believed to account for quakes generated at the Rangely Oil Field in western Colorado, where water is pumped down wells to drive oil up within reach of other drill holes.

The Adirondack quakes originated at depths of two miles or less and those in Central Asia about six miles down. These are relatively shallow quakes. Those along the San Andreas Fault of California tend to occur about 10 miles below the surface.

"PERPLEXING OBSERVATION"

"Perhaps the most perplexing observation," according to the Columbia group, is that the extent of the change in velocity ratio is roughly the same—about 13 per cent—regardless of the magnitude of the impending quake. However this phenomenon should make it possible to study the effect in detail, using small explosions.

Repeated explosions, the authors point out, could also be used for "predicting earthquakes in areas where it is not convenient or possible to use small earthquakes." In addition to Mr. Aggarwal the authors are Dr. Lynn R. Sykes, John Armbruster and Dr. Marc L. Sbar.

In its editorial, Nature notes that earthquake prediction would be of limited value to a city like Managua, Nicaragua, where thousands were killed by a quake last month, if its buildings are so vulnerable to tremors. What use would it be, it says, "if afterwards there is no city to which the temporarily evacuated inhabitants may return."

The editorial therefore emphasized improved quake-proof construction. But others have also expressed concern at the social, economic and political problems that would arise if quake predictions could be made. How does one evacuate a city like San Francisco without producing chaos?

Hence attention has been turned, as well, to the possibility of water injection as a means of causing small quakes and relieving strain to avert a major one. However such a quake prevention is still no more than a distant possibility.

TRIAL OF PERSONS CHARGED WITH GENOCIDE

Mr. PROXMIRE. Mr. President, one of the concerns expressed by opponents of the genocide convention is that American citizens charged with genocide abroad would be subject to extradition from the United States to the accusing country.

Most recently this fear has been expressed by the journalist Dan Smoot in an article which appeared in the March 1973, issue of American Opinion magazine. Mr. Smoot posits the following situation:

> Suppose an American, while on a foreign trip, has business that takes him to a Communist country, or to some country like Sweden, or most of those in Black Africa and the Arab world, where hostility to the United States is almost as virulent as in Communist nations. After he returns home, he is charged in one of those countries with having committed genocide while there. The charge would need be no more specific or substantial than that he had caused "mental harm" to some member of a national, ethnical, racial, or religious group, with intent to destroy that group in whole or in part.

What, then, would happen to such a person who is charged abroad after he has returned to this Nation. Mr. Smoot states that nothing more substantial than mental harm or intent to commit genocide is necessary for extradition. The Senate Committee on Foreign Relations has gone to great lengths to explain the meaning of "mental harm" and "intent." There is nothing unsubstantial or capricious about the understanding which is attached to these words as Mr. Smoot suggests. In any event, fears that ratification of the Genocide Convention will force the United States to extradite its citizens to foreign countries where they will not be protected by our constitutional safeguards are groundless.

Such a concern overlooks several facts. Extradition is a common practice among nations. The United States is party to many extradition treaties. All that the Genocide Convention says is that genocide is to be added to the list of extraditable offenses in the treaties now in force. Thus the United States could not extradite an American to nations with whom we do not have an extradition treaty.

Under the double-jeopardy clause of the Constitution, which is controlling over all treaties, the United States could not extradite anyone who had already been tried in this country. Likewise it is common practice for the United States not to grant extradition if it is felt that the person involved will not be able to receive a fair trial.

These three points provide adequate protection for every American from capricious and unwarranted extradition to a foreign nation.

The Senate Foreign Relations Committee has recommended an understanding of article VI of the Genocide Convention—which provides for trial of persons charged with genocide—that makes clear our position in this matter. This reservation states that nothing in article VI shall affect the right of any State to bring to trial before its own tribunals any of its nationals for acts committed outside the State.

Other nations of the world will respect this understanding because they have the same understanding of article VI. In December 1948 the Legal Committee of the United Nations General Assembly adopted the following resolution:

> The first part of article VI contemplates the obligation of the State in whose territory acts of genocide have been committed. Thus, in particular, it does not affect the right of any State to bring to trial before its own tribunals any of its nationals for acts committed outside the State.

The Genocide Convention is not intended to deny the American people their rights, nor to destroy our Constitution, nor to subject us to any foreign power. It does not do any of these things. The Genocide Convention is to protect the people of the world, and that includes the American people, from the horrors of mass murder. If the Senate ratifies this treaty and if the Congress enacts the implementing legislation, then the United States will have done its share to prevent this crime from occurring.

Mr. President, I call upon the Senate to ratify the Genocide Convention.

DEATH OF ALICE O'LEARY RALLS

Mr. MAGNUSON. Mr. President, recently we of the State of Washington, who have lived in Washington, D.C., for many years, have suffered a great loss due to the untimely death of Alice O'Leary Ralls.

Alice Ralls, who died on March 20, was one of the outstanding civic leaders, one of the outstanding attorneys, and one of the outstanding figures of our State. Born in Wallaceburg, Ontario, Mrs. Ralls came to Seattle as a child, was graduated from Lincoln High School and the University of Washington Law School, and was admitted to the Washington State Bar in 1931.

After distinguished service in the legal department of the Public Utilities Commission, Mrs. Ralls served as deputy prosecuting attorney of King County and director of the newly established family court. As its original director, she served for several years formulating its policy and permanent direction.

She was then made managing director of the Washington State Bar Association, the first attorney to hold that position, and continued in that position until her retirement in June of 1972.

Along with her outstanding work as a member of the bar she became chairman of the King County Commission on Alcoholism and was president of the Washington State Council on Alcoholism, and in 1969 she received an honored citizen's award in recognition of her work on alcoholism.

Mrs. Ralls was a member of the Seattle-King County Bar Association, the Washington State Bar Association, and the American Bar Association, and was vice president of the National Association of Bar Executives. As a tribute to her work in the bar, six past presidents of the association acted as her pallbearers.

Alice and her husabnd, Charles C. Ralls, have been associated with me throughout virtually my entire legislative career. Mr. Ralls served as deputy prosecutor of King County and after two terms of service in the U.S. Marine Corps, was twice national commander of the Veterans of Foreign Wars. More recently, he was regional director of the U.S. Office of Civil Defense and presently is a district judge in King County, Wash.

Almost the entire Washington delegation are members of the Washington State Bar Association, and I am sure they and Senator JACKSON join with me in expressing to Charlie Ralls and his family our sincere condolences and it is with heartfelt sorrow that we mourn Alice's loss.

I ask unanimous consent to have printed in the RECORD an editorial published in the Washington Teamster of March 23, 1973.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ALICE O'LEARY RALLS

The legal profession and public service lost a real champion this week in the death of Alice O'Leary Ralls.

Mrs. Ralls was a lawyer, and had recently retired as executive director of the Washington State Bar Association. She was also the first chairman of the King County Alcoholism Commission.

Whatever Mrs. Ralls did it was with verve and dedication. She would always see a task through, and truly believed in helping others.

The Joint Council of Teamsters had a good friend in Alice O'Leary Ralls. We will miss her.

THE MYTHS OF THE BUDGET—III

Mr. FULBRIGHT. Mr. President, today I continue my analysis of the impact of the administration's budgetary policies and proposals on the State of Arkansas. In my previous statement I examined such programs as Hill-Burton hospital construction funds, medicare, regional medical program and other health programs, and education.

VII. LIBRARIES

It is difficult to believe that anyone could oppose funds for libraries, yet the administration would terminate Federal support for all library programs including those authorized under the Public Library Services and Construction Act, title II of the Elementary and Secondary Education Act and title II of the Higher Education Act. The administration had already moved to kill other library programs. Is this an American form of book burning?

Arkansas is entitled to about $2 million in assistance to public and school libraries under existing programs.

According to Mrs. Karl Neal of the Arkansas Library Commission, the commission's statewide program may be reduced by half if Congress accepts the administration's budget proposal. Among the programs which would be eliminated or curtailed would be services for the blind and handicapped persons and the bookmobile services.

Mrs. Mary Schilling, librarian at the Arkansas Children's Colony, wrote me about some of the programs which would be hurt:

> The State of Arkansas has a rather unique library program, conducted at the Arkansas Children's Colony, for the mentally retarded. Federal aid through the LSCA Fund has enriched the Colony library program immeasurably through the purchase of materials that enable the young people in residence to experience the pleasures of sharing books in a realistic manner—a "normal experience"—not everywhere available to mental retardates.
>
> If LSCA funds are cut off, the state library program will suffer drastically through reduced staff in multicounty libraries, in the processing department of the state library, in reduced maintenance of bookmobiles, reduced services to state institutions, reduced service to the blind and handicapped as well as a resultant reduction of service to the general public . . .

Mr. President, I ask unanimous consent to have printed in the RECORD at this point articles from the Arkansas Gazette of February 10 and 24 the Paragould Daily Press of February 3, and the Arkansas Democrat of March 25.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Paragould (Ark.) Daily Press,
Feb. 24, 1973]

LIBRARY FUND SLASH HURTS AREA SERVICE

(By Ted Wagnon)

"No bookmobile," may become a reality for area library patrons if President Nixon succeeds in killing federal aid to libraries.

Kathleen Sharp, librarian for the Northeast Arkansas Regional Library, said Thursday the budget cut could cost the library "$2,000 in operation expenses for the bookmobile, $7,500 in operating expenses and $12,000 in salaries," per year.

Nixon proposed cutbacks in federal aid to to libraries in his recently-introduced 1974 budget. Other domestic programs have been effectively killed by administrative "impoundment" of congressional appropriations.

"We serve Greene, Clay and Randolph counties through the bookmobile," Miss Sharp noted. "Not only would we face the risk of losing it, we would lose three full-time employees due to salary cuts."

State aid in cataloging, also funded by federal monies, would cease, Miss Sharp said. This means the local library would have to hire someone with training in library science to prepare books for library shelves.

"This could mean an additional $7,500 in salary and materials," Miss Sharp said.

Another library service threatened is the "talking book" machine. Miss Sharp explained that the talking book is actually a slow-speed record player and recordings of famous literature. The machine is designed to aid disabled people who, for whatever physical reason cannot read.

Also affected will be library programs in public schools, Miss Sharp said it was her understanding that the veto included the Elementary and Secondary Education Act (ESEA), which provides a variety of title funds to public schools.

Willis Alderson, Tech superintendent, said he wasn't sure whether ESEA had been affected by the president's move.

"I can tell you what would be the impact, should we lose our ESEA Title II funds," Alderson said. "Last year, we received $2,811 for our library. Most of these funds were used to purchase books and materials."

Alderson said if federal funds were ended, "we could not let the library suffer such a loss. We would have to divert the money from district funds; we just couldn't let the library drop like that."

State schools receive Title II funds on the basis of enrollment, Alderson said, so the exact amount Tech receives could vary each year. State schools were notified in November of a 13.5 percent decrease in Title I funds. Title I funds support programs aimed at disadvantaged children.

The American Library Association this week denounced Nixon's proposal, saying he has "shown he claims the right to dictate educational priorities for the nation . . . this annihilation of needed and effective programs would result in devastating reduction or elimination of services to millions of library users."

A total of $195 million is at stake, library lobbyists claim, due to Nixon's veto of two money bills for the Department of Health, Education and Welfare.

[From the Arkansas Gazette, Feb. 10, 1973]

LIBRARY COMMISSION FACES CUTBACK IN STATE PROGRAM

The Arkansas Library Commission may have to reduce its statewide program by half if Congress accepts a Nixon administration budget proposal to end all aid to libraries in fiscal 1974, according to Mrs. Karl Neal, the Commission's librarian and executive secretary.

The proposal basically would eliminate the Library Services and Construction Act of 1965, which has given more than $1 billion to state libraries.

Mrs. Neal said the Commission received about $580,000 in fiscal 1973, along with $675,000 in state funding. She said that federal funds would run out in June, and unless Congress decides not to follow President Nixon's proposed cut or unless the state can provide additional funds, as many as 25 Commission employes may be released and several programs eliminated or curtailed.

She said these programs would include services for the blind and handicapped, for children, and persons in state institutions who benefit from special library services.

She said Governor Bumpers had asked all state agencies facing federal fund cuts to present their budgets to him to see what programs the state could save, but that she did not think the state would be able to totally match the lost federal money.

Several Commission members and other Arkansas library officials attended the American Library Association meeting in January at Washington, in which the Association adopted a resolution calling for a lobbying effort to restore lost library funding.

In a news letter Mrs. Neal received from Representative John Brademas (Dem., Ind.), Brademas said he was urging Congress to provide sufficient aid for libraries.

Brademas, chairman of the House Education Subcommittee, which has jurisdiction over library programs, said 18,000 school districts and 2,500 colleges would have to curtail their library services and acquisition programs if federal funds were cut.

LIBRARY GROUP RESOLUTION OPPOSES PROPOSED CUTBACKS IN FEDERAL FUNDS

Friends of the Library, a private, nonprofit organization which helps support the Little Rock Public Library, has adopted a resolution opposing proposed cutbacks in federal funds for libraries.

Under President Nixon's 1974 budget proposals, public libraries in Arkansas would lose about $700,000 in federal money used for paying employes, buying books and construction. The Little Rock Public Library would lose about $60,000.

At a press conference Friday at the Library, Mrs. John Reid, president of the Friends of the Library, and Rabbi Ira E. Sanders, president of the Library Board of Trustees, said they were sending copies of their resolution to the Arkansas congressional delegation and to President Nixon.

The resolution says that since libraries make "vital contributions to the literary and cultural life of a community," they should not have their funds cut but instead should "be given a significantly high priority in the realm of federal funding."

The funds which Mr. Nixon proposes to cut are given through the United States Health, Education and Welfare Department. The funding vehicle is the federal Library Services and Construction Act.

The last full year of funding under that Act was the 1971–72 fiscal year, when the Little Rock Public Library was able to use it to purchase $30,000 worth of books through the Arkansas Library Commission. This represented between 35 and 40 per cent of the Library's book purchases in a year.

The Little Rock Library paid $27,000 in salaries to four persons with federal money that year and also spent $2,500 through the Act to operate the bookmobile.

The Act expired last year when Mr. Nixon refused to sign an appropriation that Congress passed. However, funding continued when Congress passed a "continuing resolution." That resolution will expire next Wednesday.

Mrs. Alice Gray, librarian at the Little Rock Library, said the bookmobile program would suffer most by the cut. She said the two operators of the bookmobile are paid with federal funds, as are a resource librarian and secretary. She said the bookmobile was purchasd with federal funds two years ago.

Rabbi Sanders said the Little Rock Library would suffer more than other libraries of comparable size since its budget of $322,000 was about half that of other cities the size of Little Rock. He said an appeal would have to be made for private funds if Mr. Nixon or Congress did not renew the funds.

"From the beginning of our history, our ancestors have regarded libraries as a most important and valuable trust, and nobody will deny the importance of books in the progress of our civilization," Mrs. Reid said.

"We fear that a result of ignoring library needs in the national budget will be, in addition to having fewer books and the necessity of curtailing current programs, the downgrading of the importance of culture in the development of our communities. We find this most regrettable, and appeal to our Congressmen and the President to restore library funds."

[From the Arkansas Democrat, Mar. 25, 1973]

ARKANSAS ATTENDS LIBRARY BRIEFING

Mrs. Karl Neal, librarian at the State Library Commission was among 50 librarians who attended a briefing called by the federal Office of Education March 20 in Washington, to discuss termination of funding of library programs.

Funds which come from the Library Services and Construction Act (LSCA), the Elementary and Secondary Education Act and the Higher Education Act will be terminated June 30, under current administration plans.

Arkansas received more than $700,000 in 1972 from LSCA, which is authorized by law to continue through June 30, 1976, according to Mrs. Neal. The $700,000 was used to provide salaries, books and library materials, bookmobiles and maintenance and to construct a new public library building at Paragould, she said.

The fund cut-off would cause the state Library Commission to lose 30 employes in county and regional public libraries statewide and may put an end to regional bookmobile service if revenue sharing funds are unavailable, Mrs. Neal said.

Staff reductions would mean the loss of five employes at Little Rock, four at Jonesboro, Fayetteville and Dardanelle, three at Paragould and Batesville, two at Helena and Magnolia and one each at Harrison and Hope.

Mrs. Neal reported that the librarians representing the 50 states expressed "unanimous dissatisfaction with peremptory steps to withhold funds appropriated by Congress and moves by the administration to end June 30, 1973, a federal relationship with libraries dating back to 1876."

The librarians taking part in the meeting issued a statement calling the administration's action "appalling" in proceeding with the fund cut-off decision before Congress had time to consider the President's budget recommendation.

VIII. SOCIAL SERVICES AND OEO

Mr. FULBRIGHT. Mr. President, reductions through proposed new regulations for social service programs and through the elimination of many programs heretofore administered through the Office of Economic Opportunity would have a severe impact on Arkansas.

The OEO cuts would mean a loss to the State of at least $6.6 million and seriously endanger another $12 million being spent on poverty and manpower programs.

As for the social service losses, Gov. Dale Bumpers said the amount lost by the State Department of Social and Rehabilative Services alone would equal half the State's general revenue sharing funds. The losses include $1.5 million for mental health, $5.5 million for mental retardation, and $1.6 million for juvenile services.

Governor Bumpers said:

> The facts are that at least 75% of Arkansas' existing social service programs are either closing their doors, or are in the midst of a financial crisis.

In Pulaski County alone the loss in social services projects will be $1.3 million, including funds for child care, residential treatment, services for the handicapped and mentally retarded, rehabilitation and counseling.

Among the OEO programs there are some which probably should not be continued, at least in their present form. However, many of the OEO activities are worthwhile and deserve continuation. Their elimination would have what Arkansas OEO officials have called a "devastating human and economic impact."

Mr. F. M. Holt of Warren, Ark., a banker who has served on the board of the community action program in his area, says

> I think that I am in a position to speak with authority on the fine work that has been accomplished for the poor and low income people not only here but throughout the country and by reason of this, it grieves me very much to know that this is being done away with and nothing being offered to take its place.

Mr. President, I have received a number of letters which testify to the value of some of these programs much better than I can, and I ask unanimous consent to have a small selection of them, including letters from the mayor of Pine Bluff and the secretary of the Trumann Chamber of Commerce, printed in the Record at this point, along with articles from the Arkansas Gazette of February 10, 15, March 3 and 8, and the Paragould Daily Press of February 8.

There being no objection, the letters and articles were ordered to be printed in the Record, as follows:

Pine Bluff, Ark.,
February 13, 1973.

Hon. J. W. Fulbright,
U.S. Senate,
Washington, D.C.

Dear Senator Fulbright: I am very much concerned about the President's intention to discontinue the Office of Economic Opportunity. I think the OEO has certainly been good to Arkansas and especially to Pine Bluff.

Through this office we have been able to provide much needed assistance to people of great need. The OEO has also been of much help to the City. We have obtained use of various federal surplus articles, through OEO assignment, such as dozers, trucks, trailers, tractors, etc., which I hope in the event OEO is discontinued, will become the property of this City. We desperately need this equipment.

I hope you will look into this situation at once.

If further information is needed, please advise me immediately.

Sincerely,

Austin T. Franks,
Mayor.

Trumann Chamber of Commerce,
Trumann, Ark., February 22, 1973.

Senator J. William Fulbright,
Senate Office Building,
Washington, D.C.

Dear Sir: It has come to our attention that recent proposed changes in policy at the national level will affect a local Day Care program. This program is administered by Crowley's Ridge Development Council, a Community Action Agency in Jonesboro, Arkansas.

We feel that this Day Care program is a must in this area, for these reasons; (1) there is no public kindergarten program in Arkansas, though we understand there may be in the distant future; (2) there are three large industries located in Trumann, including the "world famed" Singer Company, one of which, namely, Salant and Salant, Inc. employs almost 90% women, and (3) it is a safe statement that Trumann has more industrial employees per capita than any city anywhere in the country.

For these reasons, along with others too numerous to mention, we respectfully request your cooperation and aid in saving this worthwhile and needed service.

Our thanks and appreciation to you for whatever assistance you may deem advisable.

Yours sincerely,

F. R. Buechner,
Secretary-Manager.

Oaklawn United Methodist Church,
Hot Springs, Ark., February 9, 1973.

Hon. J. William Fulbright,
New Senate Office Building,
Washington, D.C.

Dear Sir: We are very much disturbed at the announcement that the Community Action Program is to be discontinued. This program for the needy has been very helpful to many worthy individuals and we urge that you use your influence to see that such a worthy program reaching so many needy will be continued.

We have written to other Arkansas people in Washington who have our welfare at heart, and we hope something can be done to keep this program going. Please do all that you can in this matter as the need in this area is great.

Thank you for your courtesy and interest.

Sincerely,

The Polk-Potter Circle.

Bono, Ark.

Dear Senator Fulbright: As a voter and taxpayer I would like for you to use your influence to help us keep CRDC and our service centers. Without them our elderly, sick and illiterate have no one to help them. Why should our money be spent to rebuild foreign countries while depriving our needy of the only hope they have of ever climbing out of poverty. How can a man like our President who has never been rained on know the real meaning of poverty, or know what it is like to almost reach the top and have the ladder pulled from under you?

To understand you would have to see the hope when someone has got his first steady job and knows his family will have food every meal and his meager day to day existence is over. The same people who helped put you in office now need your help.

Thank you,

Mrs. Jewel Weaver.

Blytheville, Ark.

Dear Sir: I am 83 years old and I cannot see, so I must get someone to write for me, but I am very concerned about the social services in our community being cut out. It seems that we old people have a hard enough time—I cannot go to town to pay my bills or buy groceries. I was in the hospital three times last year. Without these community servants we will have to do without services that make life normal for us. We do not have decent nursing homes, so there is no place for us in a society of plenty, but there is help for Vietnam. I hope you see fit to fight for us here at home.

Sincerely,

——— ———.

Sweet Home, Ark.

Dear Sir: I live in a little town named Sweet Home, Arkansas, and until such agencies as the OEO, EOA, Vista, Federation of Southern Coops and many others came into existence we had nothing to depend on but small farms. We planted in spring but reaped little at harvest time, and the winters were long, hard and cold.

But today we read and hear that these agencies that have done so much to motivate the people in so many ways and gave jobs to so many people.

We were motivated to the extent that we bought an old delapidated elementary school for our community center in which we have pre-school, study center Bible classes, hot lunch projects for the elderly, ceramic classes and recreation for young and old despite having to move from place to place when it rains.

We hope to get a new building because we need a clinic badly, a place to quilt and other things that we may serve our community better. We want to stay here and we plead with you to give all the support that we can find to help save these agencies we so desperately need for advancing instead of going back where we came from.

May God give you the strength and courage to speak out.

Thanking you in advance, I am

Sincerely yours,

Mrs. Zelma Lee Miller.

Trumann, Ark.

Dear Senator Fulbright: I am a divorcee and am writing you concerning the day care center. I have two children—one five years old and one three years old. I work at the Singer Company and my salary is about $75 a week. I pay $53 a month rent and my utilities. It sure does not leave me much. The day care has helped me to where I didn't have to go to the welfare for aid for the children. I have been in the hospital for surgery and have had to have aid from the welfare. The day care center is the best thing that could have ever happened to the poor people. I feel like my children are getting a chance at life now. Why is everyone trying to take away things that are beneficial to poor people. I've always tried to make a living without having to depend on anyone. But there are a lot of things we just can't do on our own—we have to have help from others. We the people helped you get in office. Will you try to help us, the poor people, in this matter.

Sincerely yours,

——— ———.

University of Arkansas,
Fayetteville, Ark., February 19, 1973.

Hon. J. William Fulbright,
U.S. Senate,
Washington, D.C.

Dear Senator Fulbright: There are many reasons why I cannot support the dismantling of the Office of Economic Opportunity as is proposed by President Nixon. Since the days of the initiation of O.E.O., I have worked directly and/or indirectly with one or more aspects of the Community Action Programs. First in Phillips County, Arkansas; then in Chicago, Ill.; Urbana-Champaign, Illinois; and now in Fayetteville, Arkansas. Though I was never employed by O.E.O., my external vantage view of the operation has afforded many insights into both positive and negative functions of the organization.

Currently, I serve as a member of the Board of Directors of the Washington County Economic Opportunity Agency. The annual report of this agency provides concrete evidence of effective intervention in the lives of local citizens who are handicapped by socio-economic differences. Though there is evidence of less success in some aspects of the operation, the benefits to this segment of the population, (those handicapped by socio-economic differences) which in turn accrue to society as a whole are immeasurable.

I strongly urge you to use your influence in seeing that the Community Action Program continues to be available as a viable means of helping people help themselves.

Sincerely yours,

Reba J. Davis,
Assistant Professor, Home Economics Education.

February 15, 1973.

Hon. J. W. Fulbright,
Senate Office Building,
Washington, D.C.

Dear Senator Fulbright: I have been very disturbed since the President announced a complete "slash" of the Office of Economic Opportunity.

One cannot make decisions to please the whole United States but some consideration should be made when our help for the poor is completely taken away from them.

Here in Greene County, Arkansas the programs operated by Crowley's Ridge Development Council, Inc. which includes Greene, Craighead, Poinsette and Jackson counties through the O.E.O. has assisted the poor, sick, aged, unemployed, disadvantaged children, mentally disturbed and etc.

Through the Emergency Food & Medical Program, last year garden seed was furnished to 487 families for a self-help project so they could grow their own food, can and preserve food or later use. For those who could become eligible for food stamps, help was given in showing the people how to become participants of the program and in extreme emergency, assistance was obtained to secure the purchase cost of the food stamps to enable a family to have food which might not have food because of a disabled parent with small children. In some instances help was needed until employment was found which has also been a part of the services of O.E.O.

Children have been clothed so they could attend school from clothing donated to the Neighborhood Service Centers. The Neighborhood Service Centers have rendered services such as transportation for the poor, sick and aged for medical help.

The Day Care Center has assisted mothers by keeping her children without charge so she might work to enable her family to maintain a standard of living which they could not have otherwise. The Head Start has given the poor child an opportunity to become aware of school so it might have the knowledge or advantage of the more fortunate child when it starts to school.

The Neighborhood Youth Corps has given many boys and girls an opportunity to finish school by helping them obtain employment to enable them to purchase clothing and books or in some instances even help a younger brother or sister to stay in school.

Persons have been helped to get vocational training at Cotton Boll Vocational School at Burdette or Delta Vocational Technical School at Marked Tree so they could secure meaningful employment and not become a participant of Social Services.

The Alcoholic Program has worked with the sick alcoholic to help rehabilitate the man or woman to overcome their problem and be a "breadwinner" for their family which has been neglected because of the alcoholic problem.

The Craft Program enables the low-income to make hand made items to be sold through the Craft Store in Jonesboro. This may be someone confined to the home that can supplement their income to help meet the needs of their family. Also through the Craft Program six rural community ladies are employed to work at a small factory at the Light Neighborhood Service Center. They manufacture golf club covers and golf bags. One worker is a mother of seven children who had never earned wages other than farm labor.

Please sir, keep in mind I have tried to just outline some of the services that have been rendered by O.E.O. in Green County. All these people assisted are *our poor people* who meet a poverty income guideline.

Should we forget our poor people? Will you consider the poor people of Arkansas and the United States who need your help? Please remember the Office of Economic Opportunity has worked for these people.

Yours very truly,

ROSE MARY WHITE.

PARAGOULD, ARK.

CONWAY, ARK.,
March 6, 1973.

Senator J. W. FULBRIGHT,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR FULBRIGHT: Thank you for your response to my letter concerning Presidential impoundment of funds. I feel certain, then, you must share my concern over recent regulations issued by the HEW Secretary that pertain to federal assistance to day care centers, mental health centers, and services to the retarded.

Your visit to the Kramer School in Little Rock no doubt indicated to you how much can be done for preschoolers. We have such a day care center in Conway which provides 10 hours of care a day for about 35 children. Under the proposed HEW restrictions, only *welfare* children can receive federal assistance. We have 12 such children. All the others come from poor families struggling to get ahead, often with both parents working. These are the ones for whom this center makes a real difference in the quality of life they can provide for their children. To force them back into private nurseries would, in most cases, *make working unprofitable* for the mother. Some would probably return to welfare. Surely this is *false economy.*

Please, please use your influence to see that these restrictions on Titles IV–A and B and XVI of the School Security Act do not go into effect. Arkansas depends on this federal assistance for much of its service to the poor. Thank you.

Sincerely yours,

Mrs. GAIL S. MURRAY.

FIRST NATIONAL BANK,
Warren, Ark., February 16, 1973.

Hon. J. W. FULBRIGHT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: I am writing to you with reference to the Office of Economic Opportunity of which the President seems determined to dismantle. I have personally been very much interested in the operations of this agency ever since it started having served on the original Board of Directors of our community action program in this area and also occupied the office of Treasurer for some five years. By reason of this, I think that I am in a position to speak with authority on the fine work that has been accomplished for the poor and low income people not only here but throughout the country and by reason of this, it grieves me very much to know that this is being done away with and nothing being offered to take its place.

I am sure you saw the map of Arkansas in the paper a few days ago which showed how much money was going to be taken from Arkansas if and when this work is discontinued. I am hoping that some pressure can be brought to bear by Congress so that this work can continue. I also trust that you will read the editorial in this morning's Gazette which has to do with the proper way of honoring the memory of President Johnson.

I shall be glad to hear from you on this and with the hope that you will do all that you can to keep this program alive and going.

With kindest regards, I am

Yours truly,

F. M. HOLT,
Chairman Emeritus.

[From the Arkansas Gazette, Feb. 10, 1973]

NIXON OEO CUTS COULD COST STATE $18.6 MILLION, OFFICIALS ESTIMATE

(By Bob Stover)

The state Office of Economic Opportunity announced Friday that President Nixon's proposal to eliminate the OEO would cost the state at least $6.6 million and seriously endanger another $12 million which is being spent on poverty and manpower programs.

Mr. Nixon's proposed 1974 fiscal budget, if adopted by Congress, would have a "devastating human and economic impact" on Arkansas, Robert L. Whitfield, state OEO director, and Bobby Yopp, president of the Arkansas Community Action Agency Directors Association of OEO, said in a joint statement at a press conference.

Whitfield said his office already has received guidelines to close out the program when formal word comes. At least one program, the New Careers program of the Economic Opportunity Agency of Pulaski County, has received formal word that it will not be re-funded. The other programs are basing their chances on Mr. Nixon's budget message, which Yopp said indicated most of the programs would not be re-funded.

He noted that Mr. Nixon said many of the poverty programs would be taken off the federal budget so the state and local governments could pick them up with "special revenue sharing." Yopp said Arkansas would be hurt if this is adopted because revenue sharing funds are given back to state and local governments on a formula related to how much the area paid in taxes.

"Under this system, Beverly Hills, Cal., could have all the poverty programs they want, but they don't need them," Yopp said. "We do." He said that through federally controlled programs, Arkansas has always received several times the money it paid to the federal government in taxes.

He also said local and state governments would not be obligated to use the money for poverty programs.

"There would be categorical grants, but they wouldn't get as specific as saying 'Use this for Head Start,'" Yopp said. "They would give them the revenue sharing in say, education, and the local governments could use it in any form of education."

Yopp also questioned the speed with which the special revenue sharing could be enacted. He said there might be a delay of a year or more between the end of the current fiscal year and the time it takes for the local governments to start programs—if they ever do.

After the press conference, directors of the 19 Community Action Agencies in the state met with Whitfield and appointed a committee to prepare plans in case Mr. Nixon's proposal becomes reality. The plans will be directed toward the state government and what kind of financial help it can provide in taking up OEO programs.

WOULD LOSE 14 PROGRAMS

Under Mr. Nixon's proposal, Arkansas would lose 14 programs founded by OEO and operated by Community Action Agencies. These programs initiated by the Community Action Agencies involve about 160,000 persons, Whitfield said, and represent an economic investment of $6.6 million annually.

In addition, OEO no longer would be able to sponsor programs funded through the Labor and Health, Education and Welfare Departments. Those Departments are funding 10 programs through OEO, making the total budget for the state OEO and its Community Action Agencies about $19 million.

"Some of these programs, such as Neighborhood Youth Corps and Head Start, are expected to continue, but they will not be continued within the framework of the OEO-Community Action Agency framework which makes it possible for communities to determine how they are run," Whitfield and Yopp said.

Whitfield and Yopp urged that Arkansans write their Congressmen expressing support for OEO.

"We don't think Arkansas can afford to abandon the antipoverty effort, which by helping people help themselves provides a substantial contribution to the over-all economy—and we don't think the majority of our citizens, once they become aware of exactly what these massive slashes mean to them and their fellow citizens, want to abandon the effort that simply helps people help themselves," the statement said.

PLAN TRY TO SALVAGE ANTIPOVERTY EFFORT

They said OEO and the Community Action Agencies were going "to do what is possible" to salvage the antipoverty effort in the state. They said Mr. Nixon has indicated the federal government would be backing off from the War on Poverty started by President Lyndon B. Johnson.

Whitfield said Arkansas had 300,000 fewer poverty-level residents in 1970 than it had in 1960. OEO started here in 1965. "We do not claim responsibility for that large reduction, but we believe we can say with confidence that literally thousands of Arkansans have won out in their fight against poverty with opportunities we have produced," the statement said.

The statement said there still were about 500,000 persons below the poverty level in Arkansas.

"It is difficult to measure success in something like this," Whitfield said. "You don't bring people out of poverty like a car on a finishing line, and this has been one of the problems. The people in the Nixon administration want to see something for their money and you can't see relief, hope and that sort of thing

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[From the Arkansas Gazette, Feb. 10, 1973]

Cuts May Affect 24 CAA Programs

There are 24 different programs operated by Community Action Agencies of the state Office of Economic Opportunity.

Robert L. Whitfield, director of the state OEO, and Bobby Yopp, president of the Arkansas Community Action Agency Directors Association, said Friday that all the programs were seriously endangered under President Nixon's proposal to dissolve OEO.

Fourteen of the programs are funded directly through OEO. Ten others are funded through the United States Departments of Labor and Health, Education and Welfare with OEO directing the programs.

None of the 19 state Community Action Agencies operates all of the programs, but at least one agency operates each program.

From a list provided by the state OEO, following is the name and description of each program.

OEO-FUNDED PROGRAMS

Job Development. It entails employment assistance, referral, job development and job expansion, all aimed at getting persons into jobs. It has helped 12,400 persons get jobs this year.

Public Services Careers. Training and employment that helps former unemployables develop job potential. Two agencies have the program and have trained 71 persons.

Economic Development. This entails creating businesses and getting businesses to locate in rural areas. Projects include sorghum mill, cucumber production, cabinetmaking, and plant acquisition. The number of persons it has served was not available.

General Services. This means informing persons of their eligibility in certain programs and helping them qualify for the programs such as food stamps. This service also provides routine transportation to the elderly and isolated, 57,659 persons.

General Community Development. This provides transportation, meeting places for neighborhood groups and recreation, all in poor neighborhoods.

Housing. Includes helping persons repair unlivable houses and buy new houses with low-interest, long-term loans. 2,159 persons. (More than $15 million in housing has been produced during the last year with a budget for this program of $251,364.)

Senior Opportunities Services. This is an income supplement program, which includes helping market crafts handmade by the elderly and teaching the elderly skills—sewing for instance—so they can supplement their income. 6,380 persons.

Co-operatives. Includes vegetable growing co-operatives, the raising of feeder pigs and other food-producing efforts, 500 persons.

Legal Aid. Provides legal assistance to the poor. 17,375 persons.

Health and Medical Services. Provides doctors' fees and pharmaceutical supplies and helps poor persons get into a hospital in certain cases. 11,681 persons.

Emergency Food and Medical Services. Provides food and medical services to protect from possible malnutrition and starvation. 25,569 persons.

VISTA Support. Provides project money for VISTA workers who need the money to get a project started. It has helped many of the 135 state VISTA workers.

College Student Co-ordination. Helps college students become aware of the problems of poverty and encourages them to volunteer for projects like breakfast programs for children. 100 persons.

Administration. Hiring of executive directors of CAAs, deputy directors, bookkeepers, accountants and other administrative positions. 144 persons.

LABOR, HEW PROGRAMS

Operation Mainstream. This program tries to reach the chronically unemployed, 22 years or older, to place persons in employment with a nonprofit agency. 450 persons.

Concentrated Employment Program. Provides training for the unemployed. 450 persons.

New Careers. This program accepts unemployed and underemployed persons and places them in nonprofit institutions where they receive career training. 97 persons.

Summer Neighborhood Youth Corps. This program is aimed at getting 16 and 17-year-old dropouts to re-enroll in school by making money in the summer working for a nonprofit institution at the minimum wage. 1,602 persons.

Out of School NYC. Similar to the above program, but the participants are not in school. 568 persons.

In-School NYC. The students work after school hours to help pay their way through school. 568 persons.

Family Planning Services. Conducts community health projects involving education, counseling, examinations, supplies and instruction in the full range of family planning methods. 17,633 persons.

Alcoholism and Drug abuse. Provides counseling and treatment for persons with alcohol or drug problems. 24,542 persons.

Head Start program. Provides comprehensive child development programs that operate more than six hours a day for eight months. This program is designed for the underprivileged preschooler. 6,768 persons.

College Work Study. Employs students while they are attending college. 83 persons.

[From the Paragould (Ark.) Daily Press, Feb. 8, 1973]

Funding Cuts Threatening Programs

(By Ted Wagnon)

Several county programs in social, economic, health and educational improvement services face termination should President Nixon's proposed budget gain approval.

Crowley's Ridge Development Council. Jonesboro, would lose $193,000 in funds from the Office of Economic Opportunity, Bob Yopp, CRDC executive director, said today. OEO funds constitute approximately 10 per cent of CRDC's budget.

Directly affected would be the five neighborhood service centers located in Greene County. Yopp said he had received no official statement as to termination dates, but had heard "unofficially, of three separate dates."

Curtailment of the NSC program would result in five staff cutbacks in Greene County, Yopp said, as well as three staff members who live in Paragould, but work in Jonesboro.

"This could eventually affect all of our programs," Yopp contended. "We may be seeing a trend toward cutbacks in social services of all kinds. We operate programs ranging in size from four counties to 14. We spend $1½ million to $2 million per year; if this money changes hands three times, this would mean an impact of $4½ million lost to the community."

An additional $500,000 goes to training programs, Yopp said. Most of those funds go to Operation Mainstream in Mississippi County.

The local neighborhood youth corps will not be affected by the presently proposed cuts. Yopp said, NYC provides part-time jobs for students or high school dropouts with economically-deprived backgrounds.

"There was a freeze on accepting new enrollees, but it was lifted in January," Yopp explained. "We do have a freeze on staff positions, and our funds for supplies are limited. This is being done to prevent waste, it is said. However, as a personal opinion, it seems a better method would be an intensive investigation gradual trims in wasteful areas, rather than complete termination."

Child day-care and head start programs would not be terminated, although they were included in two bills vetoed by Nixon. Yopp said a proposed special education bill would actually increase budgets for these two programs. That bill has not been introduced to Congress, however.

Although the Crowley's Ridge Area Folk Trade program at Light does not receive OEO funds, it may be affected slightly.

Yopp said OEO had purchased surplus military equipment and other property which it had loaned to CRDC to teach skills in several trades. Should OEO be disbanded, this equipment would be returned to OEO, then sold to the highest bidders.

There is no VISTA worker in Greene County now, but Yopp said OEO funds had been used in the past to pay such a worker.

"Our alcoholic program could also be killed, the CRDC official said. "Through the Arkansas Service Center, we try to help alcoholics to recover. We encourage those who attend the 28-day session to later join Alcoholics Anonymous."

"We also have one staff member who works a four-county area, helping people who qualify receive loans for housing. Since there is a freeze on housing of this kind, this job will be terminated. During the last quarter, 34 people qualified for such loans; that appears ended."

"We see several billion dollars being cut back in social services of this type; revenue sharing is a good thing, but, locally, we will receive less revenue money than we were under the earlier programs. We are actually losing money, not gaining it."

Other programs in doubt include $120 million for rural water and waste disposal grants, $210 million for rural environmental assistance, $280 million for forest roads and trails, $159 million for the food stamp program and the entire Emergency Employment Act.

Paragould presently employs two people through the Emergency Employment Act; the county employs five. Ben Branch, city planner, said funds had been frozen, so that positions which become vacant could not be filled.

"Paragould had three employes under this act, but the radio operator for the police department quit, and we can't hire a replacement from EEA funds," Branch said. I understand several programs will be cut or frozen locally, such as the mental health service and a 1,800,000 request for a water and sewer project.

"It's important to keep in mind that Congress has power to override Nixon's veto. He has been about as arrogant as he can; I'm amazed that he could cut these domestic programs to help the poor and elderly, yet he asks for billions more in defense and foreign aid.

"Like a great number of the congressmen, I feel Nixon is overstepping his rights. If Congress can't do anything about it, then we ought to bring Congress home."

A request for $251,000 for a neighborhood development program (low-rent housing) was denied in September, and several other local projects have been affected also. Branch said the housing project on Canal Street and the six-story complex downtown would not be affected by cutbacks.

Water improvement projects in five areas of Greene County have been frozen.

Carroll Lowe, parks and recreation director, said cutbacks would not affect construction of the new city park, although it would probably hamper requests for funds to refurbish other parks.

State officials in Little Rock declined comment on the possibility of cutbacks in county social services and the food-stamp program. Tom Skypeck, information director, said no official statements had reached their offices, but would probably do so in a few days.

[From the Arkansas Gazette, Feb. 15, 1973]

JOB PROGRAM FOR LR YOUTHS IN BUDGET

The Little Rock School District has announced that no summer Neighborhood Youth Corps program is planned this year, since President Nixon's budget request made *no provisions* for the federally financed job program.

NYC enrollees were high school students from disadvantaged families who needed to work during the summer in order to have money to attend school. To be eligible, the students must have been from families whose annual income could not be above poverty level criteria established by the soon to be defunct federal Office of Economic Opportunity.

The School District said that last summer with a $445,810 budget, the Little Rock School District, which operated the program for all school districts in Pulaski County, enrolled 523 girls and 615 boys. Of these only 64 did not return to school for the fall term.

Lamar Deal, the School District's public relations director, said, "This large decrease in the number of summer jobs available will have a detrimental effect on the disadvantaged youth's ability to obtain summer employment and will make it extremely difficult for many of them to continue their education."

Deal said the NYC not only provided jobs for needy students, but also provided counseling that helped them improve their self-concepts. "They learn job responsibility and gain valuable work experience so that in a year or two they have the necessary skills and confidence to get a job on their own initiative. In this respect, the Summer NYC program has been a very positive force in the lives of many disadvantaged youth," he said.

The Youth Corps program has been in operation in Pulaski County since 1964.

[From the Arkansas Gazette, Mar. 3, 1973]

JOBS IMPERILED BY SS CHANGES, JENNINGS SAYS

Dalton Jennings, the state commissioner of social services, said Friday that proposed changes in the rules governing Titles 4 and 16 of the Social Security Act could eliminate as many as 1,000 jobs in Arkansas.

The changes would severely restrict services for the aged, blind and disabled, and to children, and Jennings said the persons whose jobs would be eliminated work in various social programs that would be reduced or terminated if the changes become effective.

Jennings explained that, under existing rules, state agencies were required to provide certain services to children and adults if the states sponsored specific programs. Under the changes proposed by the Health, Education and Welfare Department, no services are "mandated" for the elderly and only a few are "mandated" for children. They would "severely restrict" the delivery of services to recipients of public assistance, he added.

The changes would be accomplished by a change in some definitions, Jennings said. One of these would rule out remedial help to prevent children or the elderly from becoming welfare responsibilities until six months before they were to require welfare help. That "lead time" now is five years.

(For example, Jennings said a 13-year-old child who has some disabling handicap or disease might avoid having to go on welfare at age 18 if he received the proper care, treatment and services in the five-year interim, under the present language. That care would have to be provided only in the last six months preceding the child's going on welfare under the proposed new rules.)

WOULD ELIMINATE GROUP ELIGIBILITY

The changes also would eliminate group eligibility for such services as day care for children in Model Cities areas; such care would have to be provided on an individual basis.

Many programs now utilize United Way and other private local funds as part of the state matching funds for a variety of services, including care at community mental health centers. The new rule would prohibit the use of private funds, which has helped to generate local interest and support, Jennings said.

Jennings said that although the cutbacks would directly eliminate some jobs in the state Social and Rehabilitative Services Department, most would be eliminated through the Department's various subcontractors.

He explained that the state paid for services for the mentally retarded and handicapped provided by "a number" of other agencies, such as Model Cities and Health and Welfare Councils, as well as from other state agencies.

The state was the primary purchaser of services from several of the agencies, Jennings said, "and I fear that some of them will have to close their doors entirely." Others, he said, would be forced to drastically cut their staffs without the funds on which they have depended.

He said there were more than 60 day care centers in the state for retarded children that were largely dependent on state and federal monies for their existence. "If we can't find other funding, those employes will lose their jobs," Jennings said.

ESTIMATES LOSS AT $10 MILLION

He estimated the loss at $10 million "at the very least," and said the state had potential of drawing up to $18 million under the programs. "There's no doubt about it, it's a major loss."

Jennings said the Council of State Welfare Administrators had taken a "vigorous stand in opposition" to the proposed regulations. "We do not argue having goal-oriented social services," Jennings said, "and we recognized that there must be fiscal responsibility, but there is no reason to kill the program."

The changes must be published in the Federal Register and a period for protests allowed. They would become effective March 17 unless protests force a change, Jennings said.

The Arkansas Chapter of the National Association of Social Workers has added its objections to those of state social services officials.

The Association met February 20 and voted to express its concern to United States Representative Wilbur D. Mills of Kensett, to whom a letter was sent February 26.

"We as social workers have witnessed vividly on a daily basis benefits which the disadvantaged citizens of our state have realized from programs associated with [titles 4 and 16]," the letter states. "These programs have made the difference in peoples' lives by giving them avenues to overcome disabilities caused by conditions and circumstances beyond their control."

The changes proposed by HEW would have "a disastrous effect," said the letter, which was signed by the Chapter president, C. Ray Tribble, and secretary, Mrs. Veronica Goodloe, both of Little Rock.

[From the Arkansas Gazette, Mar. 8, 1973]

SOCIAL PROJECTS TO LOSE FUNDS—$1.3 MILLION CUT BY NEW HEW RULES

(By Dianne Gage)

New guidelines for the federal Health, Education and Welfare Department that become effective March 19 will cost social service project in Pulaski County at least $1,312,626, according to A. Joe Timmons, executive director of the Health and Welfare Council of Pulaski County.

Included in the loss will be 75 per cent of the $540,000 budget for the Council's Comprehensive Social Service Project in Highland Park, Booker Homes and Sunset Terrace, three low-income housing developments operated by the Little Rock Housing Authority. That project was terminated formally February 28 at the end of its first-year contract.

The regulations prohibit the use of private funds to obtain federal matching money. They also require that nearly all persons served be actual welfare recipients, while eliminating certain purchaseable services and greatly increasing the administrative load, Timmons said.

He said about 12,000 persons in Pulaski County now receiving services through day care, residential treatment, services for the handicapped and mentally retarded, rehabilitation and counseling would be affected. The Comprehensive Social Services Project served 7,200, Timmons said.

The HEW money, transmitted through the state Social and Rehabilitative Services Department, representd 75 per cent of the total cost matched three to one with local private contributions.

Timmons said the one-fourth furnished by local and private contributors still would be available in the individual programs but the problem that faced each agency was how to operate on a fourth of its original budget.

The funding loss will mean a staff cut of 153 persons in the Comprehensive Social Services Project, the Frances Allen Exceptional Children's School, North Hills School for Exceptional Children, Frankie Dennie Handicapped Children's Center, North Little Rock Handicapped Children's Center, Sherman Park Annex, Youth Home, New Life Home, Florence Crittenden Home, University of Arkansas Child Study Center, Pathfinders School, Goodstart Day Care Center, Twin Cities Community Services for Alcoholics, Serenity House, Learning Tree Day Care Center, Tri-Community Child Development Center, North Little Rock Service for Adult Handicapped and Life Enrichment for Handicapped Adults, according to a survey by Timmons.

Timmons said there are other social service agencies affected in the county besides those listed but he had not received information from them on the anticipated results of the new regulations.

Timmons said the Goodstart Day Care Center at Jacksonville was under a funding contract for operation until June 30 but that it probably would have to close before then. He said the Center, for children of working parents with moderate incomes, now has 20 children, but, under the new guidelines, would have only four children that would be eligible.

Timmons noted that County Judge Frank Mackey said he would designate $80,000 to $100,000 of the county's revenue sharing money for agencies conducting programs for the poor and aged.

The Comprehensive Social Services Project for the three housing areas was begun in cooperation with the residents and with the United Way and the state Social Services Department on March 1, 1972. Contracts for delivery of services had been developed with Big Brothers, Boy Scouts, Elizabeth Mitchell Children's Center, Family Service Agency, Girl Scouts, Urban League, YWCA and YMCA.

IX. ECONOMIC DEVELOPMENT ADMINISTRATION AND OZARKS REGIONAL COUNCIL

Mr. FULBRIGHT. Mr. President, two agencies which have been particularly significant in contributing to the development of Arkansas in recent years are the Economic Development Administration and the Ozarks Regional Commission. However, the President proposes to eliminate both of these programs.

Since its inception in 1965, EDA has spent $55.7 million on 228 projects in Arkansas, accounting for some 29,000 jobs.

These projects have been especially important—along with the Farmers Home Administration aid for water and sewer systems, another program which the administration would eliminate—in aiding the development of some of our smaller communities. As I have frequently emphasized over the years, we need to make these communities attractive places to live and provide them with the needed amenities to attract industries and business. In so doing we help alleviate the pressure on our crowded and troubled urban areas.

EDA has played an important role in planning development projects through the regional development districts and then providing funds to assist in carrying out such projects. A major emphasis has been on developing adequate water systems and industrial parks to serve potential industries. This has resulted in the location of industries in many of our communities, but many more could benefit from such assistance. EDA has also aided in the construction of vocational technical schools. In most cases EDA funds have supplemented State or local support.

I ask unanimous consent, Mr. President, to have printed in the RECORD at this point an article from the Pine Bluff Commercial on the Southeast Arkansas Economic Development District.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ORGANIZATION AIMS AT UPGRADING AREA THROUGH BUSINESS, CAPITALISM

(By Kathy Wells)

> Free enterprise and capitalism are popular concepts in this country, and it is not surprising that a government program was established to help out areas that do not enjoy business prosperity.
>
> The program is the federal Economic Development Administration, and its workers here operate through the Southeast Arkansas Economic Development District, Inc., of Pine Bluff.
>
> However, what began in 1967 as an organization devoted to helping communities attract industry has burgeoned into a clearinghouse for numerous federal programs of all kinds. Only school aid is automatically exempt from the district's concern, according to Paul Bates of Pine Bluff, district director, and additional responsibility is added to the staff's concerns on a regular basis.
>
> The future of the entire development administration is in doubt at this time, since President Nixon vetoed its budget last October. It has been continuing on interim authority while supporters of the program rally around, including the Arkansas congressional delegation.
>
> Other social action programs and grants-in-aid to rural communities have also been disrupted in a major maneuver by the Nixon Administration. However, business continues as usual at 1108 Poplar Street here, where the district staff is housed.
>
> Their business is business—and prosperity—and community parks, hospitals, water tanks, airports; those things in demand everywhere that enhance any town. Without the services of the district, Bates said, "a lot of this would never be done."
>
> In the absence of assistance from district planners, he said, cities and counties in Southeast Arkansas would have stood alone in a barrage of federal aid programs initiated in recent years. And alone, Bates said, they would have done without some programs, or scraped together the salary to employ a planner to serve their needs, or contracted with a private grant-application firm, a phenomenon that has grown with the number of federal programs.
>
> "We know which limb of the tree to shake, and where to go to do it," Bates said of his district's dealings with bureaucrats that pass on grant applications.
>
> Members of the district in the 10-county area it serves pay for its services, Bates said, in the form of annual contributions from each city and county budget. Local contributions to the support of the district office and staff totaled $30,000 for this fiscal year, Bates said, which was matched with $30,000 from state funds, and served as a basis for grants from federal agencies, generally on a 75-25 matching formula, with the federal government bearing the large burden.
>
> The development district here serves Arkansas, Jefferson, Grant, Cleveland, Lincoln, Desha, Chicot, Ashley, Drew and Bradley Counties.
>
> The budget for the current fiscal year totals $225,703, which supports a staff of 10 professional planners, including the director, plus two secretaries, an office manager, a bookkeeper (for a total staff of 14) and a $4,800 annual rental on the office space they occupy under a lease from Barco, Inc., a Pine Bluff investment real estate firm.
>
> Bates said the professional salaries ranged from $21,000, his own, to $9,000, and office salaries ranged from $7,000 to $4,800. Purchase of a building is forbidden by federal regulations, he said.
>
> A racial balance is maintained on the staff, Bates said, and currently the office force includes two secretaries, an economic planner and two minority business development workers who are black.
>
> The district is incorporated under state law as a nonprofit organization to funnel federal money to Southeast Arkansas, and maintains separate accounts for funds received from the different agencies, Bates said.
>
> For this fiscal year, which for the district will end April 30, the budget includes $30,000 from cities and counties and $30,000 from the state, both scattered through the different accounts as local matching funds. Those accounts are $81,464 from the Economic Development Administration; $72,818 from the state Business Development Division (itself funded by the federal Office of Minority Business Enterprise); $59,952 from the federal Health, Education and Welfare Department for health planning; $23,469 from the federal Housing and Urban Development Department; and $18,000 from the Industrial Services Association, Inc. (a nonprofit manufacturers association created to acquaint Arkansas businssmen with Arkansas suppliers and markets, now terminated).
>
> In addition, he said, the district is distributing $182,000 to Jefferson County and City of Pine Bluff employees under the federal Emergency Employment Act.
>
> Salaries and office costs are apportioned among the different agencies in accordance with the amount of time spent working on specific projects in those areas, Bates said, while the basic support still comes from the Economic Development Administration, which makes grants aimed at keeping the Pine Bluff office going.

Mr. FULBRIGHT. Mr. President, project funds spent by the Ozarks Regional Commission in Arkansas since 1968 total $11.1 million and have accounted for 4,545 jobs and 2,065 students enrolled in continuing programs, primarily vocational technical schools which have been partially funded by the ORC. The total project costs—a combination of Federal, State, and local money—have been $24.2 million.

In a number of cases ORC funds have been used to supplement local funds when there was not sufficient money within a community to finance a project. A good example of this was $100,000 from the ORC to help construct an airport at Mena. That money represented the amount the community was unable to raise locally or through under Federal agencies. As a result of the airport, the community has acquired one new industry and has become attractive to other propects.

Just a year ago Vice President AGNEW proposed that the ORC be expanded to encompass the entire areas of Arkansas, Missouri, Kansas, and Oklahoma, plus three other States.

The Arkansas Democrat reported on February 24, 1972:

> Agnew described his proposal as "another step in the President's continuing effort to improve the intergovernmental comprehensive planning process and the federal response to regional needs."
>
> Agnew said the commission would "represent a cooperative federal state effort to help solve the economic problems of the region in a manner similar to other regional commissions now in existence."
>
> The commission would operate under Title 5 of the Public Works and Economic Development Act of 1965 until "the passage of the Rural Special Revenue Sharing proposal," Agnew said. If the proposal is accepted, the new commission would operate, as would all other regional commissions, as a part of that program . . .

In view of subsequent events, the Vice President's words are, of course, ironic. And if the administration is truly interested in revenue sharing, it seems to me that the Ozarks Regional Commission is already based on the concept of revenue sharing. Money is sent back to the regional level and after planning and consultation with State and local officials is utilized with local funds for priority projects.

I think it would be unwise to abandon these existing programs in favor of a questionable revenue sharing operation, particularly in view of the decreased funding which would be available.

HOUSING AND COMMUNITY DEVELOPMENT

The proposed budget for the Department of Housing and Urban Development is down 36 percent in new appropriations requested and 26 percent in new program commitments from fiscal year 1973. Freezes and cutbacks will trim or eliminate a number of important programs, although again the President proposes to consolidate some of them into a revenue-sharing program. Among the programs for which the budget requests no new funds are water and sewer facilities grants, model cities, open space grants, and neighborhood facilities grants.

Only 2 years ago the President was saying that "among the accomplishments of this administration of which I am most proud" was a record production of federally subsidized housing for low- and moderate-income families. Now he has repudiated his own claims, suspending all new housing activity despite the plight of millions of ill-housed families and the continuing deterioration of much of our urban environment.

Few would argue that there have not been inadequacies and problems in Federal housing programs, and 2 years ago the Congress asked that a new national urban growth policy be formulated, although this has not yet been done. The President has promised new policy recommendations on housing "within 6 months." I hope these recommendations will reflect a greater commitment to housing and resolution of our urban problems than does the current budget proposal.

The administration's freeze on housing is by no means confined to urban areas, for the Farmers Home Administration rural housing program has also been halted. As Miss Mary Frost of the Central Arkansas Development Council said, these cuts will have a "tremendous impact" on the State. Miss Frost said:

> The housing situation in Arkansas, particularly in rural areas, is critical. The freeze will be extremely destructive to our efforts to help poor people acquire adequate housing which they can afford.

In Arkansas the Farmers Home Administration has made 7,849 housing loans totaling $95.8 million. Of these loans, 4,475 were subsidized low-interest loans totaling $59.8 million.

According to Mr. Carl Knox, executive director of the NAEOA Housing Development Corporation in Rogers, Ark., the Farmers Home Administration programs "have been very successful and have proved a salvation for rural low-income families." Mr. Knox continues:

> This is where our greatest need lies. With the interest subsidy programs we have been able to assist that portion of our low-income, rural population who do not enter within the scope of any other existing housing programs—45.6% of our three country area population have an annual income of less than $4999, and cannot qualify for the $25,000 and up homes that are being built. Our region along with most of Arkansas, is primarily rural, and we feel that FmHA has been most helpful in meeting the needs of rural families. We believe the very low percentage of repossessions, approximately 2½%, is an impressive fact of their effectiveness.

Mr. James Overstreet of Taylor, Ark. writes:

> Surely a nation that spent billions getting men to the moon and back five times can accept the challenge of providing decent housing.
>
> Huge amounts have also been spent for bombs dropped on Vietnam wrecking the country and killing countless innocent people. Surely we can take some of our money and technology and clean up and prevent our people from having to live in third class housing.
>
> Please say "yes" to human decency and "no" to unwise punitive measures against poor people by not allowing the President to curtail funds for rural housing. Your action can help bring a solution rather than create additional problems.

It is difficult for people in Arkansas to understand how the President can continue to promise foreign aid while vitally needed domestic projects remain unfunded. A good example of this was called to my attention by Mr. Ben F. Branch, city planner of the city of Paragould, Ark. Mr. Branch referred to a report in the Arkansas Gazette of February 18 stating that President Nixon planned to approve more than $500 million in additional aid for Israel in the form of loans and credits including $100 million for "new housing in Israel" and $40 million "to alleviate the Israeli budget deficit caused by heavy defense spending."

In contrast to this, Mr. Branch points out:

> Mr. Thomas Barber, the Arkansas Area Director of HUD has informed the Urban Renewal Commissioners of Paragould that his office received only $500,000 for New Neighborhood Development programs to create new housing for your home state in fiscal 1972–73.
>
> Paragould was one of six different Arkansas Cities to apply for this program, this was the 2nd application that Paragould has filed and spent over $10,000 of local businessmen's and city money to prepare applications in an effort to renew certain sections of Paragould's substandard housing.

Mr. Branch notes that Paragould was again denied funds for this program, as were five other Arkansas cities. There were sufficient funds for just one new neighborhood development project in the State.

Mr. Branch continues:

> It is now clear that Mr. Nixon has chosen to forsake the people of the United States in favor of his foreign aid programs. . . . We continue to have severe water, sewer, employment, health and poverty problems that these funds might better be spent for.

Arkansas will also suffer from a lack of funds for sewage treatment facilities. The impoundment—in direct contravention of a congressional override of a Presidential veto—and the planned cutback of funds for sewage treatment means that available money will not come close to funding all of the applications from Arkansas cities. The expected allotment for the State will be $7.1 million for the remainder of this fiscal year and $10.6 million in fiscal 1974. Much of this will go for just one city, Hot Springs, leaving very little for some 30 other communities which have applications approved but unfunded, or still pending.

Rehabilitation of our urban areas will be severely hampered by the loss of low-interest home improvement loans in urban renewal areas. This has already had a considerable impact on the Pike Avenue urban renewal project in North Little Rock.

An example of the loss from cutbacks for urban projects is the city of Fayetteville, where City Manager Don Grimes estimates a loss of $400,000 in water and sewer funds, $200,000 in urban renewal funds, and $60,000 for park projects.

Mr. President, the solution to the weaknesses and inadequacies in existing housing and community development programs does not lie in a meat-ax approach. If existing programs are to be eliminated, there must be workable alternatives ready to be put into effect. We are already far behind in meeting our commitments to provide decent housing for low- and moderate-income families and in rehabilitating our cities. The present freeze on funds and the planned phaseout of programs would mean a serious setback in our efforts to attain these goals.

I ask unanimous consent, Mr. President, to have printed in the RECORD at this point a few of the many letters I have received on this subject, plus articles from the Arkansas Gazette, Pine Bluff Commercial, Fort Smith Southwest Times-Record, and Mountain Home Baxter Bulletin detailing some of the effects of impoundment and proposed cutbacks in housing and community development.

There being no objection, the letters and articles were ordered to be printed in the RECORD, as follows:

[From the Pine Bluff Commerical, Mar. 4, 1973]

URBAN RENEWAL—FIRST REHABILITATION PROJECT COMPLETED

(By James R. Taylor)

Earnestine Parks of 2501 Fluker Street says she thinks her new house is "fantastic." It has been "rehabilitated" under programs administered by the Pine Bluff Urban Renewal Agency.

Mrs. Parks's house is the first to be completed under the agency's rehabilitation loan and grant program. Oddly enough, it may also be one of the last also, according to Lewis Yingling, assistant director of the agency.

Funds for such projects were originally provided under Title 1 of the federal Housing Act of 1949 but are scheduled to be one of several casualties under President Nixon's proposed budget for Fiscal 1974.

Yingling said the agency would complete 15 rehabilitation projects by July 1 and that the continuation of the program beyond that point is "doubtful." He said that a similar program might be continued using "conventional" loans such as those obtained through the Federal Housing Administration.

The rehabilitation work on Mrs. Parks' house took six weeks, she said Friday, when she received the keys from the contractor, Robert F. Davis of the Davis Construction Company.

Yingling said that "everything that is exposed" on the house was "rebuilt." A two-bedroom structure, the house was equipped with new bathroom and kitchen equipment, central heating, and a storage shed, among other things, at a cost of approximately $8,500, according to Yingling. The project was financed with both a loan and a grant under the rehabilitation program, Yingling said.

After an inspection tour of the house, Mrs. Parks said that it represented "a wish come true" for her and that "the good Lord provided this program so my wish could come true."

"I just love it," she said.

According to information provided by the agency, the rehabilitation loans are direct loans from the federal government to rehabilitate or improve properties in an approved urban renewal area or a neighborhood development program area. Mrs. Parks's house lies in the College View Neighborhood Development Project area.

According to the program regulations, the property must not be scheduled for acquisition by the agency.

The interest rate on the loans is 3 per cent, with a loan term of from three to 20 years.

Under the loan program, any property in an approved area is eligible whether it is a home, an apartment building or commercial. The loans may be made to owner-occupants, landlords or to tenants of commercial property.

The maximum amount that may be obtained under the loan program is $12,000 for each living unit or $50,000 on commercial property.

The rehabilitation specialist for the agency (in Pine Bluff, Charles Bell) inspects the property and decides what work needs to be done. The specialist then obtains bids from reliable contractors and any contractors recommended by the person receiving the loan. He then assists the person in choosing the lowest acceptable bid, according to the information.

After approval of the loan, the contract for the work is signed. All work needed to bring the property up to the neighborhood's property rehabilitation standards must be done.

"Loan money may also be used for nonluxury work, which will make the property more livable without making it an over-improvement for the neighborhood," the information states.

The contractor is not paid until the specialist certifies that the work has been done according to the contract and meets the rehabilitation standards. In some cases, the Federal Housing Authority also inspects the work on residential properties, and the federal Small Business Administration sometimes inspects improvements on commercial property.

The grant program differs in several respects from the loan program. The grant is an outright gift from the federal government to rehabilitate owner-occupied homes or duplexes.

The maximum amount that may be obtained under the grant program is $3,500. If that is not enough, the information says the difference must be obtained from another source, such as the loan program.

The procedure for determining what work shall be done and who will do it is the same under both programs.

There is an income limitation on the grant program. If the husband and wife have a combined income of under $3,000 and do not have excessive savings and other assets, the information states, they may be eligible to participate in the program.

After an inspection tour of the house Friday, Yingling turned to Mrs. Parks and said: "I guess you're ready to move back in now."

"Yippee!" she replied.

[From the Arkansas Gazette, Jan. 4, 1973]

Nixon Cuts Hurt Project on Pike, Agency Asserts

(By John Woodruff)

North Little Rock Urban Renewal Agency officials said last week that federal restrictions on low-interest home improvement loans in urban renewal areas have severely hampered progress and the eventual results of the Pike Avenue 1 Urban Renewal Project.

The restrictions became effective in late September but the word has just gotten around to the residents and they are feeling the impact. The restrictions limit the amount of income families may earn in order to qualify for federal Section 312 improvement loans at 3 per cent interest—and the result is that most persons in the Pike Project don't qualify.

The 237-acre Project was announced in 1970 as primarily a rehabilitation project with little acquisition and relocation of residents and a "minimum of demolition." The Project is the largest such project in the state.

Olen Thomas, the agency director, indicated that the project's objective for rehabilitation, rather than the more typical clearance and redevelopment, now may have been thwarted.

Residents, too, are upset over the restrictions. On Thursday, they began a letter-writing campaign to protest the state's congressional delegation. E. L. Matheny, vice chairman of the Pike Avenue Project Citizens Committee, distributed sample copies of letters that residents could follow.

Matheny, who has lived for 29 years at 1118 West Sixteenth Street, said a dozen of his neighbors in the Project have promised to protest.

The Citizens Committee began planning the campaign after Thomas spoke Monday to the group at its request and explained the restrictions. The Committee is a 10-member group appointed as a liaison between project residents and the Agency.

Matheny said in his letter that he was "greatly distressed over the withholding of funds for the [Section 312] home improvement loan progress by the Office of Management and Budget." He said that limiting loans to low-income families "will result in the termination of the Pike Avenue Project Area and its determination to conserve a fine residential area. This is going to be a severe blow to the progress we have been making in this neighborhood * * *."

"We will not be able to complete all the rehabilitation in the projection within the target completion time of March 1976.

"We'll arrest a lot of decay and deteriorating housing but we will not do what we could have done if the 3 per cent loan money had been left alone."

Residents now will have to use their savings and commercial loans for improvements.

The Committee's meeting Monday was its first since the restrictions became effective in September. The residents argued that Thomas should have told them about them so they could have obtained low-income loans earlier. Thomas said he would have warned them if he had known the restrictions were imminent.

The restrictions were announced after the federal Office of Management and Budget impounded at President Nixon's request about $50 million of the $90 million Congress had approved for low-interest rehabilitation loans.

The loans, which the North Little Rock Agency wanted to use to help residents shape their properties into a showcase community, are authorized under the Housing Act of 1948, as amended in 1965 to establish Section 312 for the home improvement loans to persons in urban renewal projects at a 3 per cent interest rate.

Plans for the Project, which received its final approval by the federal Housing and Urban Development Department in April 1971, estimated that $400,000 in Section 312 loans would be issued to 450 families in the Project.

NO LOANS ISSUED SINCE SEPTEMBER

No loans have been issued since September. By then, only 12 Section 312 loans had been issued for $58,000, according to Andy Fierro, the Urban Renewal Agency loan officer. (Direct improvement grants, which will not have to be repaid, however, have been issued to 71 poverty-level property owners for rehabilitation valued at $219,835. This is not part of the $400,000 loan estimate.)

Eight applicants for Section 312 loans were rejected when the income limits became effective although those applications already had been completed.

One of them, a widow, was turned down September 30. Her application, which had undergone a rigorous preparation with extended surveys and on-site inspections, had been completed and submitted to the regional HUD office September 5. The application was rejected because her annual income slightly exceeded the new income guidelines adopted in late September by HUD after the money was impounded. She was incensed.

The new guidelines prohibit issuing Section 312 loans to families with these maximum yearly incomes—one person earning $4,750, two-member families whose total income is $5,850, and three- and four-member families whose total income is $6,700. Previously, there were no income limits for obtaining the loans.

The guidelines eliminate most of the potential applicants in the project, where the average income is about $8,000 a year. Many of the houses are 60 years old and need remodeling.

The Urban Renewal officials contend that persons who would qualify for the loans now would be unable to obtain them, because they could not afford the repayments. An $8,000 loan, for example, for repayment in 20 years would cost $4.40 a month. At the same time that the new restrictions went into effect, the maximum loan amounts were increased from $12,500 to $16,800.

Coincidentally, one of the city's first Section 312 loans, issued July 10, 1966, for $8,450, was completely paid back last week. It was the first in the city to be repaid.

The loan made it possible for Burnis Ervin of 615 West Twenty-fourth Street, in the Military Heights Urban Renewal Project, to remodel inside and out the home occupied by him, his sister and mother.

Ervin paid off the loan early, saving about $1,000 in interest that he would have had to pay if he had used the entire 20-year repayment time.

The repayment took Agency officials by surprise and they were investigating what procedures were necessary to close out the account.

The Military Heights Project, the city's first, has transformed a decayed, flood-prone residential community of mostly shacks into a 140-acre development of attractive homes, a medical center, public buildings and a high-rise apartment building for the elderly.

[From the Arkansas Gazette, Feb. 22, 1973]

Sewer Funds for LR Project Are Impounded

Federal funds to help finance a proposed $4.2 million sewer improvement project in west Little Rock are included in the money for domestic programs that have been impounded by the Nixon administration.

The Little Rock Sewer Committee applied in October to the Environmental Protection Agency for the federal funds, which would pay for 75 per cent, or around $3 million, of the work.

One of the proposed projects is the Rock Creek-Fourche Creek Interceptor with an estimated cost of $884,082, which calls for installing a sewer line from near the intersection of Rock Creek and Coleman Creek to 1,000 feet west of University Avenue. Another project, the Rock Creek Interceptor, calls for installing 19,120 feet of the line at an estimated cost of $2,343,333. The third project, the Grassy Flat Creek Interceptor, would cost $1,043,439 and would involve installing 24,250 feet of sewer lines along Grassy Flat Creek from around west Markham Street to Highway 10.

Sanford Wilbourn, president of Garver and Garver Engineers, suggested Tuesday at the Committee's monthly meeting that it explore the possibility of a two-year funding program with the EPA for the proposed projects, rather than trying to get all the money in fiscal 1973.

Porter L. Pryor, the Department manager Wednesday said it apparently made no difference now how the money request is made since there is no money to be had.

Pryor explained the reason for askng for the money in two installments, if and when it does become available. He said all of Arkansas had stood to get only $10 million in fiscal 1973, and that it would be advantageous to other cities applying for funds if Little Rock sought only $1.5 million rather than the entire $3 million.

Pryor speculated Wednesday, that enough "pressure" would be put on President Nixon to force the impoundment be lifted soon. "I don't think there's any doubt that we'll get the money. The doubt is when we will get the money," Pryor said.

The existing line along Rock Creek, which carries sewage from western Little Rock, already is filled to capacity. The new line would tie into a large trunk line that runs along Fourche Creek and eventually to the sewage treatment plant east of Adams Field.

The Sewer Department last week completed another application to the EPA, that one for money to separate combination storm and sanitary sewer lines in the East End that now permit raw sewage to flow into the Arkansas River.

Pryor said then the Nixon freeze made chances bleak that the application would be approved soon.

[From the Pine Bluff Commercial, Mar. 13, 1973]

LOSS OF FUNDS HERE IS CONFIRMED BY HUD

(By James R. Taylor)

Officials of the area office of the federal Housing and Urban Development Department in Little Rock yesterday confirmed reports that the Pine Bluff Urban Renewal Agency will probably be without funds as of July 1.

The agency was informed last week that its only operative program, the College View Neighborhood Development Project, would not be funded for a second year. The current one-year funding period for the project expires June 30 and the agency received $400,000 in federal funds for the project in that period, according to Dewey Taplin, executive director of the agency.

Administrative funds for the agency are included in grants for specific programs, Taplin said.

"The new (federal) administrative restrictions make it just almost impossible for them (the agency) to do another year," Delbert Beeman, a community development representative of the department's office, said of the Pine Bluff project in a telephone interview yesterday.

"In fact, I'd say it would be impossible if they don't have a land inventory, which they don't have, in an NDP (Neighborhood Development Project). The guidelines require that all on-site improvements relate to land that they own and have to do with its disposal," Beeman said. The Pine Bluff agency owns no land in the College View project area.

Asked if this meant the Pine Bluff agency faced extinction, Beeman replied: "I believe the answer is yes. It seems to me like its almost a certainty that the agency is probably not going to have any programs after July 1."

Thomas E. Barber, director of the department's Little Rock office, said yesterday that he was aware the College View project was the agency's only program, but said he was not aware that "there would be no funding at all" for the agency.

[From the Southwest Times Record, Mar. 15, 1973]

HUD TO CURTAIL LOCAL PROGRAMS

(By Lyndon Finney)

Fort Smith will be formally notified soon to wind down its Neighborhood Development Program toward a July 31 termination date.

That is the latest word from Sterling Cockrill, deputy area director of the Little Rock area office of the Department of Housing and Urban Development.

Cockrill was in the city Tuesday to discuss with officials the Community Development Statement which the city must submit at a prelude to receiving Community Development Special Revenue Sharing money which, it is anticipated, will replace categorical HUD grants.

In an exclusive interview with The Southwest Times Record, Cockrill said the local Urban Renewal Agency, which administers the NDP program, will be told:

(1) To cease acquisition of property for redevlopment.

(2) To cease granting low-interest loans to private property owners when loan authority (meaning that amount of money approved to be used as loans) runs out.

Purchase of property within the program area for resale to developers, extending the low interest loans to property owners in the program area for renovation of property and improvements to such public facilities as streets and gutters in the program area comprise a Neighborhood Development Program.

Cockrill said it was hoped that all property acquired by the agency could be disposed of by the closing date.

He said money allocated for property purchase which hadn't been used would be rechanneled to be used in such areas as street and gutter improvements.

The same orders which will be issued to Fort Smith will go to other cities with Neighborhood Development Programs, which are funded annually, as opposed to long-term funding for conventional Urban Renewal programs.

Cockrill said absolutely no NDP efforts would be refunded.

Asked if any programs will be extended, Cockrill said if a program has advanced to the point that the amount of property acquired can't be resold by a program ending date, HUD will extend funding for administrative purposes while sales are completed.

No new money will be allocated for purchases, loans or improvements, he said.

According to Cockrill, administrative funds for programs which have to be extended will be transferred from other programs which had property money left over (after the order to stop buying is formally issued) and did not want to place that money into improvements such as the street and gutter work.

NDP projects have different anniversary dates, therefore it is possible that programs nationwide could extend to the end of 1973, about one year from the time President Nixon imposed the freeze on HUD categorical money.

[From the Baxter Bulletin, Mar. 23, 1973]

ECONOMY TO SUFFER FROM FHA CUTBACKS

WASHINGTON.—The 18-month moratorium on Farmers Home Administration housing subsidy programs will mean a direct loss of $1.6 billions to the economy of rural areas of the nation and a loss of 133,000 jobs to those areas. The indirect loss to the rural economy would be conservatively two or three times the direct loss.

This estimate of the effect on the rural areas of the nation of the Administration cutback of rural housing subsidy programs accompanied publication of a report of the Second National Rural Housing Conference.

The conference was held here November 28-30, before the announcement cancelling FHA housing subsidy programs. More than 800 rural housing leaders from 46 states attended the meeting.

A tabulation of the effect of the moratorium was made for each state.

For Arkansas, the direct loss to the economy was estimated at $61,178,240 and 5,930 jobs.

The 18-month direct loss is a calculation of the decrease in FHA housing programs for the 18 months beginning January 1, 1973, the funds impounded by the freeze from January 1, 1973 through June 30, 1973 and the decreases proposed by the administration for the fiscal year beginning July 1, 1973 as compared to appropriations for the prior fiscal year.

Potential loss of employment was determined using FHA estimating procedures. The FHA serves rural areas and towns up to 10,000 population.

The national rural housing conference culminated with adoption of an extensive set of resolutions that declared "Every citizen of this nation should have a recognized and enforceable legal right to a home he or she can afford."

The conference demanded a reordering of national priorities, charging that a society which spends four times as much on the private purchase of jewelry and watches ($4 billion in 1970) as it does on publicly subsidized housing, "has a tragically distorted sense of values."

The conference report included the following basic facts concerning rural housing:

Four million occupied housing units in nonmetropolitan areas lack essential plumbing or are overcrowded. These units house 14 million people.

Roughly one house in eight is substandard in these areas, compared to one in 25 in metropolitan areas.

Water and sewer systems are essential to good housing. There is an estimated backlog of $12 billion for these facilities in rural areas.

Roughly one quarter of a million farm worker families live in substandard housing.

McCLURE REALTY CO.,
Malvern, Ark., January 10, 1973.

Senator J. WILLIAM FULBRIGHT,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: It was with a great deal of concern and disappointment that I read today's paper which sets out the fact that the Nixon administration has frozen the rural housing loans. I am particularly concerned about the Farmer's Home Administration loan program which has been so useful and successful in our area. This program has provided many modern homes for rural low income families who could not afford one any other way.

If there is anything that you can do to reverse the current decision by the Nixon administration, I would certainly appreciate your help. I am sure I speak for most of the other citizens of the state of Arkansas.

Thanks very much for your consideration.

Yours very truly,

GEORGE L. McCLURE.

CRAWFORD-SEBASTIAN COMMUNITY,
DEVELOPMENT COUNCIL, INC.,
Van Buren, Ark., January 15, 1973.

Senator J. W. FULBRIGHT,
Committee on Foreign Affairs,
Washington, D.C.

HONORABLE SENATOR FULBRIGHT: The recently imposed moratorium on interest credit housing for low and middle income people will critically effect the very successful housing program of the CAA in attempting to provide housing for this segment of the population. This moratorium effects approximately 60% of the families in Crawford and Sebastian Counties.

The Housing Development Corporation, delegate agency to the CAA, had planned to assist a minimum of 100 families in obtaining safe and sanitary housing during 1973. Through assistance from you office, the Housing Assistance Council has recently approved a loan to assist the Housing Development Corporation in building 54 new homes for low and middle income families at Alma. As a result of the recent action by the President, this loan will very likely not be obtained.

The Farmers Home Administration had planned to make approximately 300 interest credit loans in Crawford and Sebastian Counties during 1973. As Executive Director of CAA I would like to encourage your office to become active in an effort to prevent the moratorium from applying to the Farmers Home Administration Section 502 interest credit loans for rural families.

Sincerely yours,

WILLIAM G. MORSE,
Executive Director.

FLETCHER REAL ESTATE,
Osceola, Ark., January 11, 1973.

Re Subsidized housing.
Senator J. W. FULBRIGHT,
Washington, D.C.

DEAR SENATOR FULBRIGHT: We have been recently advised by the Federal Housing Administration and the Farmers Home Administration that, effective January 5, 1973, all subsidized housing programs have been put on a temporary hold.

This action will have a far more reaching effect on the economy of the Nation as a whole than possibly a great many people realize. The housing industry employs many people who now will be out of work because of the suspension of this very vital program.

The government has been asking that developers such as myself build more housing units for the lower income people for the past several years, and our programs were geared to this endeavor. Now that we are in a position to provide more units for these people (low income, minority, etc.), the program is suddenly stopped.

It seems that the developers and contractors are being used as whipping boys every time the government makes a so called economy move. The developers and builders only have one good year every three years because of government intervention in the housing programs.

There have been numerous developers and builders over the past five years who have been forced into bankruptcy because of the unstable housing programs. It would seem to me that the housing industry should stop being used as a political football by the politicians, and that a more stable housing program be introduced that we could depend on for more than one year at a time.

We would certainly appreciate any help you could give us on this matter.

With kind personal regards, I am,

Very truly yours,

W. F. FLETCHER,
Realtor.

PLEASANT HOMES, INC.,
Little Rock, Ark., January 11, 1973.

Hon. J. WILLIAM FULBRIGHT,
New Senate Office Building,
Washington, D.C.

DEAR SIR: We build exclusively for families with moderate, or low income in rural Arkansas.

A very high percentage of our customers are able to purchase an adequate home only because of the subsidy which has been available through the Farmers Home Administration 502 program.

The curtailment of this, and other housing subsidy programs by the President, will impose significant hardship on many Arkansas families and set back the progress of our state in the area of general development, as well as in the area of housing. It will, of course, cause us to seek new markets.

We strongly urge you to take action, through the proper congressional avenues, to reverse this curtailment of subsidized housing programs.

Sincerely,

ROBERT G. BRAVE,
Vice President.

XI. AGRICULTURE AND RURAL PROGRAMS

Mr. FULBRIGHT. Mr. President, I do not intend to comment at length on the cutbacks in agriculture and rural programs since I discussed the subject in detail in a Senate statement on January 23 and since the Senate has dealt with several of these programs in recent weeks.

I have already made mention today of two of the important rural development programs which are being threatened with termination—the Farmers Home Administration grants for water and sewer systems and the FHA rural housing program.

The water and sewer system program is, in my view, one of the most worthwhile undertakings by the Government. The amounts of money involved are minimal when compared to military expenditures, yet the administration has consistently refused to expend the funds appropriated by Congress and now proposes to end the program altogether. Yet there are pending applications for approximately $250 million in grant funds and there has been a consistent backlog of several million dollars in applications from Arkansas.

According to the 1970 census, there were 672,967 permanent housing units in Arkansas, and 230,377 of these did not have access to public or private water distribution systems, and 317,286 were not connected with a sewer system. Nearly all of these housing units were in rural areas.

Among other rural-agriculture programs which would be eliminated or cut back by the administration are the emergency disaster loans for farmers, REA direct loans, the water bank program, and the rural environmental assistance programs—REAP. I want to say a word about REAP since it has become a whipping boy for certain columnists and editorial writers as well as the administration. Judging from some of their comments you would think that REAP is a vast giveaway program which has no real purpose and meets no real need.

This is not the case, however. As the New York Times reported on March 13.

> Contrary to wide belief, soil erosion has not been stopped in the United States. It has been slowed considerably since the bad times of the 1920s and 30s. But the nation's farms still lose about 2 billion tons of soil each year.
>
> Farmers and conservationists are mulling over this unpleasant fact with new anxiety this winter because the only nationwide effort to control erosion has been abolished, a victim of the Nixon Administration's reordering of Federal spending priorities.

REAP is, in fact, a cost-sharing program in which some 15,000 Arkansas farmers participate with an average Federal payment of only $230 per farmer. Leland DuVall, farm columnist for the Arkansas Gazette, whom I believe is considerably better informed about the program than many of those who have commented in recent weeks, points out that the benefits of REAP flow to everyone "in the form of an improved environment, better water in the Nation's streams, and less expensive food and clothing, to mention only a few of the direct contributions." Mr. DuVall notes that the full REAP appropriation approved by Congress amounted to only nine-tenths of 1 percent of the Federal budget.

An editorial in the Northwest Arkansas Times of February 10 summed it up well:

> One of the better "social" programs of the federal government, it seems to us, is the Rural Environmental Assistance Program. The program has been in effect for 40 years and costs very little in the broad view of things. . . .
>
> We understand the President's concern with inflation and the ogre of a budget deficit. This program, however, is one that pays for itself in more ways than one. It helps support small farm operations for one thing, and it makes a contribution to clean water and air (which is becoming major budget consideration). It also tends to increase property values, which help the tax picture, and to a degree helps at the farm income level, which has an indirect stabilizing effect on food prices at point of origin.
>
> Perhaps the program could be improved or expanded, so as to do more good. It doesn't make much sense to kill a successful program in favor of things like moon shoots, the SST (which Mr. Nixon is reported hoping to resurrect), and assorted war machines that don't work.

XII. AMTRAK RAIL PASSENGER SERVICE

The President has refused to spend funds which were appropriated by Congress and included in a bill which he signed into law to provide rail passenger service through Arkansas. This would have been the first passenger service in Arkansas since the establishment of Amtrak, which is supposed to be a national rail passenger system.

Again it is hard to understand how the President can justify his refusal to allocate these funds in view of his lavish military budget. For example, just one of the scandal-ridden F–14 planes is expected to cost six times as much as the $4 million allocated for the Amtrak route to Mexico through Arkansas.

Perhaps more symbolic is the President's plan to spend some $40 million in various projects associated with the development of the supersonic transport—SST—aircraft. It should be remembered that it was the President who wanted the Government to proceed with this multibillion-dollar project which was neither economically feasible nor environmentally sound. Yet the Congress refused to go along with any further Government spending for the development of the SST.

I have long advocated a balanced transportation system and the importance of sound public transportation. I greatly regret the administration's impoundment of funds for Amtrak service through Arkansas as well as the intended cuts in overall Amtrak funding. Particularly in this time of the much-discussed energy crisis, I think these actions are clearly contrary to the Nation's best interests, for trains make far more efficient use of fuel than most other forms of transportation.

THE PUBLIC INTEREST

Mr. President, in a three-part statement I have discussed a number of what I believe to be misconceptions and myths about the administration's budget proposals. Additionally, I have attempted to analyze in some detail the impact of the administration's budgetary policies on the State of Arkansas. I have not by any means dealt with all aspects of the budget; merely some of those programs most important to my State. From this analysis, I believe it is clear that the people of Arkansas would be adversely affected by the slashes in domestic programs for human and community development.

The President and his spokesmen have accused the Congress of "grandstanding" and "ignoring public opinion" on the budget proposals. The President claims that the Congress represents "special interests" and supports programs which are "sacred cows." Yet I submit that the special interests which those of us in Congress represent are the people of our States and the Nation, and such representation is one of the basic principles of our system of Government.

Not only do polls, such as the Harris Survey of February 28, indicate that he people are not in agreement with the administration's budget recommendations, but the evidence I have cited from Arkansas indicates a disageement with the administration's priorities.

Perhaps nothing symbolizes the administration's misplaced priorities more than the plan to spend almost $100 million for foreign broadcasting—$45 million for Radio Free Europe-Radio Liberty and $49 million for the Voice of America and other USIA broadcasting. Meanwhile, through veto, impoundment and other devices, funding for public broadcasting in this country would be limited to $35 million this year and $45 million in fiscal year 1974.

The President is also lacking credibility in his claims about reductions in Executive Office personnel. There are some reductions in the proposed budget, but they are largely a result of transfers and the abolition of the Office of Economic Opportunity. The fact remains that the Executive Office has experienced by far its greatest growth under this administration. "Executive direction and management" is budgeted for $148 million, four times the 1970 budget.

The Associated Press says no precise accounting of White House expenses is possible, but suggests a "conservative" estimate of $110 mililon, not including the Office of Management and Budget, which is budgeted for 680 employees and $20 million in 1974, up from $12 million in 1970.

One example of the burgeoning White House bureaus is the Office of Telecommunications Policy. Among its primary activities, or so it would appear, is the circumvention of the authority of the Federal Communications Commission. The OTP's 1974 budget will climb to $3.3 million and among its average of 62 employees there will be an average salary of $22,410. Eleven of the OTP staff members will be paid $30,000 or better.

If the President is truly concerned about "special interests" and "sacred cows," then I suggest he begin by considering the subsidies for the maritime, aviation and defense industries which he so strongly favors.

I ask unanimous consent, Mr. President, to have printed in the Record at this point some additional correspondence and newspaper articles concerning the budget and its effect on Arkansas.

There being no objection, the material was ordered to be printed in the Record, as follows:

Town of Hatfield,
Hatfield, Ark., February 27, 1973.

Hon. J. W. Fulbright,
Senator, State of Arkansas, Senate Office Building, Washington, D.C.

Dear Senator Fulbright: I agree with the President that spending should be brought under control. However, if there is not enough money to carry on capital improvements in our country, I cannot see where foreign aid and the rebuilding of North Vietnam should get priority over these projects here at home.

Our part of the state needs sewers, water, fire prevention, etc., and there is just no way that we can obtain them without help from the Federal Government. The Real Estate assessed value is too low to provide the necessary monies by taxation and, therefore, we have to do without these improvements.

We should like to get a few factories in our community to provide jobs for our citizens. Our children get through school and have to leave us to make a living. Those that are strong enough to stay have to drive to Mena, Waldron, Grannis and other towns to get employment when they should be able to work at home. A factory or two here would also enable quite a few people to get off the welfare rolls and would enable us to improve our economic status so that this community would be independent.

We in this community will appreciate anything you can do to see that our tax money is kept at home and spent on useful projects here.

Sincerely yours,
Milburn O. Hines,
Mayor.

Marianna School Cafeterias,
Marianna, Ark., February 21, 1973.

Hon. J. William Fulbright,
U.S. Senate, Washington, D.C.

Dear Senator Fulbright: Your analysis of the budget proposed by the President to the Congress is something I look forward to each year. It was especially welcome this year when there is much discussion of impoundments.

Those of us in small towns and rural communities are beginning to be afraid to read the morning paper. Each day brings news of another program's demise.

The quality of life has been improved greatly in our area in recent years. Progress is slow and often painful, but programs such as food stamps, school lunches, medical care, book mobiles, water and sewer grants, low rent housing etc. are paving the way for progress. I am sure there are programs which need revision and perhaps some which need to be eliminated. However, I shudder to think of how many "people oriented" programs we are losing and of the effects this loss will have.

Sincerely,
Dorothy Caldwell,
Food Service Director.

Pocahontas, Ark.,
February 20, 1973.

Hon. J. W. Fulbright,
U.S. Senator of Arkansas,
U.S. Capitol
Washington, D.C.

Dear Senator: I appreciate your stand on foreign policy and the President's "so called" improved budgets and budget cuts. What happens to the American people when we are told our domestic programs will be cut to take care of matters elsewhere?

I feel the community action agencies will sorely be missed, not only by the poor and unemployed but everyone. Much of the money funded to communities was spent right in those same communities. Everyday living will not be the same for many merchants that were doing so well in Arkansas.

What is the President going to do about the services that were once offered by these agencies? Unemployment and health care are of great concern to us all. Revenue sharing funds are already obligated by our city officials . . . (the timing was perfect on the President's part) . . . It appears nothing will be done by a President who doesn't care for the majority.

Many people are disappointed by our new "king's" budget cuts. Let's hope things will change. Only our congressmen can help. Thank you for your past support of the common man.

Sincerely,
Nancy J. Holloway.

Rogers, Ark.,
February 5, 1973.

Sen. J. William Fulbright,
U.S. Senate,
Washington, D.C.

Dear Sir: Day after day I read about the programs being dropped or refused funds by President Nixon. They all seem to be programs concerned with ecology, the poor, the elderly, the hungry, the retarded. I have yet to read of a penny being trimmed from the defense budget. I agree that our federal budget is too big, but Mr. Nixon's priorities are not the ones most Americans see as coming first.

I urge you to do all in your power to help the Congress regain it's rightful place in government. If it does not we will soon have a dictator. We aren't far from it now.

Sincerely,
Mrs. Loy Brewer.

Benton, Ark.

Senator William Fulbright,
Little Rock, Ark.

Senator Fulbright: President Nixon's recent actions have frightened me tremendously. That he can impound money legally appropriated by Congress, cut back on domestic programs, and then increase spending for defense is wrong.

I, as a taxpayer, do not want to support North Viet Nam at the expense of poor people in Arkansas.

I will be supporting any efforts you might make to control Richard Nixon.

Sincerely,
Richard Watts.

Fund Doubts Hurt State Budget Work

(By Robert Shaw)

Little Rock.—Uncertainty over the continued availability of federal funds for state programs has upset the budget work of the Arkansas Legislature and enhanced the prospect of a special session later this year.

"There are several knowns, but so doggone many unknowns," said Rep. John Miller of Melbourne, House chairman of the Legislative Joint Budget Committee.

Miller said that in all probability a special session will be needed later this year to work on budgets after the legislature learns what the federal government will do. House Speaker Grover W. "Buddy" Turner Jr. of Pine Bluff said there was no question but that the General Assembly would have to return into session.

Turner suggested that the legislature recess at the end of the current 60-day regular session, already more than halfway completed, and come back to finish budgets after getting a better picture of federal funds.

Rep. Wilbur D. Mills, D.-Ark., met with Gov. Dale Bumpers and nine members of the Joint Budget Committee Thursday and Miller said the congressman could not give an optimistic appraisal of the outlook. Miller said Mills cautioned the legislature to budget conservatively, a piece of advice he gave the General Assembly in an address to a joint session Friday, because "the outlook is not good for reinstatement of federal funds."

Numerous state programs would be affected next year by President Nixon's budget recommendations for elimination of federal funding in some cases and sharp cutbacks in others.

In addition, Bumpers' office reported to the Joint Budget Committee last week that President Nixon already had impounded $16.5 million in federal funds earmarked for Arkansas programs in this fiscal year and was expected to hold up at least another $21.8 million before the year is out. Also, provisions of the federal revenue sharing law will cost the state more than $19 million a year in federal matching funds for social services payments.

Bumpers has guessed that the total effect of federal cutbacks on Arkansas would be between $60 million and $80 million.

Miller said doubt about federal funding existed in programs that receive about 90 per cent of the state's general revenues. Included are budgets for the public schools, higher education and medical and social services, he said.

Miller said there was a suggestion at the meeting with Mills Thursday that the legislature recess at the end of the regular 60-day session and come back into session when "we have a better feel of what Congress is going to do."

The legislature is budgeting for the fiscal year starting July 1 and the following year. Miller said he did not think the General Assembly will know much more by the end of the current year about the status of federal funding for the next year than already is known because "Congress works slowly."

For that reason, he said, a suggestion had been made that the legislature might adopt a contingency resolution declaring that state operating budgets will continue at current levels for the first six months of the next fiscal year with a five per cent automatic increase to cover inflationary costs. He said that action would relieve the pressure for enactment of budgets before the fiscal year begins and postpone the necessity of a legislative meeting until after the federal funding picture clears up.

Miller said, however, that this plan would present too many complications. He said he would prefer that the legislature go ahead and finish its budget work before the fiscal year starts, but write a system of priorities and contingency safeguards into the revenue stabilization act. That law, the last major piece of budget work, makes the final determination of how funds are distributed to the state agencies and institutions.

Miller also said the $41 million reserve fund Bumpers and the budget committee have agreed on would be a hedge against problems. The fund has been proposed to meet unanticipated costs and cushion against a possible need for a tax increase in 1975.

The committee will begin work Monday on the capital improvement program that is to be financed from the surplus of general revenues accumulating in the state treasury. Bumpers is to appear before the committee to outline his own program for spending about $91 million of the fund, which may reach $100 or more by the end of the current fiscal year.

Miller said the doubt about the federal funds for operating programs may make the legislature more cautious in spending the surplus.

LITTLE ROCK, ARK.

DEAR SENATOR FULBRIGHT: I want to express my concern to you for the way in which the President has been allowed to change the priorities of the nation, in the curtailment of funds for education, health, mental retardation, and many other programs for social good. It grieves me very much that our government would turn its back on the weak, poor, helpless and hopeless in our society. To me, this is a moral outrage. *Please* do all in your power to make our government responsive to *all* the people—not just the military and large corporations.

I know you are speaking out strongly in bringing Congress back into its rightful position, and I hope you will continue to lead in this important work.

Sincerely,

MRS. HARLAN T. HOLMES.

DARDANELLE, ARK., *February 26, 1973.*

DEAR MR. FULBRIGHT: My name is LaVina Warren. I live in Dardanelle, Arkansas, with my husband and our three children. My husband is the Medical Technologist in Dardanelle Hospital, and I am a Registered Nurse and work part time in the same hospital and the doctor's clinic here.

We pay our share of taxes which I am beginning to resent more and more. That is part of the reason I am writing to you.

The President's budget is utterly ridiculous. His idea to send billions of dollars to Viet Nam and withhold on our needs is really depressing. I don't want our tax money sent anywhere until our own country's needs are cared for

The elderly, the indigent, the sick and the hard working people of America are going to be hurt by this proposed budget.

This plan knocks the props out from under many worthwhile, necessary projects that are already begun and will be left to gather spiderwebs and dust.

Please do everything you can to block this attack on us, the citizens of the United States.

One of the projects to suffer in this area is our library with its bookmobile. This bookmobile reaches people without transportation, invalids, people in rural areas; these people look forward to this—is it right to deprive them?

Charity begins at home. The President is quickly destroying individual initiative through these plans and excessive taxation.

Sincerely,

LAVINA WARREN.

HOW DOES ARKANSAS FARE? THE FEDERAL BUDGET AND CONSERVATION

(By John Fleming)

Natural resources and the environment came up with 1.4 per cent of the federal budget. The two areas of concern for Arkansas conservationists finished dead last. Agriculture and rural development, subjects of vital concern to all the rest of Arkansas either directly or indirectly, came in next to last at 2.1 per cent only seven-tenths off the bottom. National defense got a big slice of the $268.7 billion total with 30.2 per cent.

It is nothing new for natural resources and the environment to run dead last in the budget sweepstakes. Environmentalists, however, have been optimistic that the hue and cry over natural problems would bring at least a slight increase. Instead they got a cut.

What probably will irk the hard-working environmentalists most comes in the fact that outdoor recreation and some resources funds will be slashed while there will be more money for offshore oil and gas and no outright prohibitions against strip mining. Irritation about the offshore oil drilling decision will probably be offset somewhat by the fact that the energy crisis is looming as very real rather than a fabrication of the utility companies.

The Department of the Interior, under the new budget, would suffer a $365,776,000 cut. The Land and Water Conservation fund would get nicked for $244,757,000. This is rather radical in view of the fact that the last budget was $300 million—the slash setting back the funds to $55,233,000. For the moment, the cut is tempered somewhat by the fact that there is $239,600,000 in carryover funds. The obligation program now stands at $263,400,000—only $23,800,000 short.

The Bureau of Sport Fisheries and Wildlife does all right on an overall basis with an increase of $3,241,000. However, one of the cutbacks will have some effect in Arkansas. The wetland acquisition program has been cut back from $14.1 million to $7 million which is the exact amount anticipated from the sale of duck stamps. Nor will BSFW get any money from the Land and Water Conservation fund—a loss of $4,602,000. Getting a raise in areas that might help Arkansas is the migratory bird coordination program and construction funds for refuges, hatcheries and research facilities.

Of primary importance to Arkansas is the fact that $9,800,000 has been allocated for 11 new areas and for additions to three existing areas. The Buffalo National River is included in this category. Overall, the Park Service is tagged for an increase of $54 million but much of this is earmarked for the 1976 Bicentennial observance. However, some of this money could filter into Arkansas since some of the funds can be used by the states to acquire historic sites in connection with the 200th anniversary of the Declaration of Independence.

The Forest Service gets nicked for $104,828,600—down from $561,800,900. The cuts include $23,083,900 from construction and land acquisition which could have a most adverse effect on the public recreation areas run by the Forest Service. Funds for roads and trails are down $71,140,000.

A bright spot for the opponents of channelization comes in a big cut for the Soil Conservation Service but this won't affect the Cache River which is in the Corps of Engineers and for which funds have already been appropriated. The Extension Service gets a $2.5 million increase.

Corps of Engineers figures are down $116 million but this is a small percentage since the total comes to $1,479,000,000.

Another of the few bright spots in the budget is the increase from $3,500,000 to $10 million for the Youth Conservation Corps.

[From the Arkansas Gazette, Feb. 27, 1973]

FEDERAL PARKS AID CUT, JBC TOLD

Only part of the $5 million in federal aid that the state Parks and Tourism Department has anticipated for the next two years, probably will be available, the legislative Joint Budget Committee learned Monday.

William E. Henderson, director of the Parks and Tourism Department, told the Committee it appeared that the Department could expect only about $325,000 from the federal Bureau of Outdoor Recreation rather than the $1,250,000 expected when the Department made its budget request last fall. Cutbacks by the Nixon administration are responsible.

Governor Bumpers had recommended that the legislature spend $4,597,149 from the general revenue surplus for the development of parks and historic sites. Henderson told the Joint Budget Committee that federal developments had raised the governor's request to $4,925,727.

The governor's original program anticipated federal matching funds of $5,047,322. Henderson said after his appearance before the Budget Committee that the outlook now was for no more than $3 million.

[From the Northwest Arkansas Times, Mar. 2, 1973]

LOSS TO EXCEED $1 MILLION: NIXON CUTBACK HITS COUNTY HEAVILY

Washington County stands to lose more than $1 million in federal funds as a result of cutbacks by the Nixon administration, it was revealed Thursday afternoon at a meeting of representatives of social agencies involved.

The representatives met at the Fayetteville Chamber of Commerce to compare notes. The only optimistic note was sounded by County Judge Vol Lester, a Republican.

"We won't know anything until the fight is over in Washington," Lester said. "The president is trying to re-group and re-channel. There is some undue feeling and alarm, but we won't see things cut. There will be some trimming, some services channeled through other methods but the president's purpose is to get rid of bureaucracy.

"I have so many priorities projected for the next five years that $50 million wouldn't take care of the county. We will just have to sit by and see what happens," he said.

Less optimistic were agency staff members who reported cuts already implemented and more anticipated.

The meeting sponsored by United Community Services (UCS), was attended by 11 agency spokesmen, school, city and county officials whose reports indicated the dollar figure but no one was willing to even guess how many lives the cutbacks in social services may affect.

Miss Betty Lighton, president of UCS, said the purpose of the meeting was to compile agency reports to inform the community so it will know what may happen to social services.

John Lewis, co-chairman of the meeting, and president of the Fayetteville United Fund, said the United Fund needs to know where cuts are being made, and how they will affect programs.

"We need to begin to gather information so we know where we stand. Even though an exact total is not known we need this information so we can decide on the next steps," he said.

Fifty-five letters had been mailed to agencies and 12 reported the dollar and cents loss. This was augmented by Don Grimes, Fayetteville city manager, who estimated the city's loss from past grants will be $400,000 in water and sewer funds. $200,000 in Urban Renewal funds and $60,000 in parks projects.

Al Griffee, executive director of Abilities Unlimited, said cuts are unknown except that $1,500 a month will not be funded in the next fiscal year, and funding will continue on a month to month basis and may not last until June. Changes have already been made in the Work Activities Center in that only persons already receiving disability assistance will be eligible.

"This means we have to cut out 11 clients now participating," he said.

Other funding cuts are not known but Griffee said he was to meet in Little Rock March 15 to present an "austere budget" for operation.

"We just don't know what we will have to operate with but expect substantial cuts," he said.

Charles Johnson, executive director of the Washington County Economic Opportunity Agency, said EOA will lose $168,000 and this will remove administration of the program and local initiative programs.

He noted that efforts are being made on a state level to continue the program and that dismantling of the National Office of Economic Opportunity does not necessarily mean dismantling of the local EOA, which is a state corporation and can continue if funding is made available.

Johnson said the summer Neighborhood Youth Corps (NYC) program, which last year had 450 enrollees in Washington and Benton Counties and was funded at $80,000, has been cut out.

Carmen Lierly, director of the Uptown School in Fayetteville, said the proposed cutbacks mean a loss of $73,000 to the public schools. He itemized this as $20,000 for vocational education; $14,000 in Title I funds, which includes the Uptown School, a special program for drop outs; $24,000 in impacted areas, and $15,000 in library funds.

He said much of this has been picked up by the school district for this year as some of the cuts were anticipated and not budgeted.

Walter Jesser of the Arkansas Rehabilitation Service, a state-funded service, said funds have not been appropriated by the state legislature yet but "we understand it will operate at the same level. This means we will not be able to do some things because inflation takes its toll."

LIBRARY HURT

Carol Wright, director of the Ozarks Regional Library, said the library will lose $30,312 in federal funds and the outcome is not known at this time. She said that $15,000 of the money has gone into books and the remainder into three and one-half salaries.

"We will have to cut services and book budgets," she said. She also noted that the state Talking Book Service is expected to be cut by 70 per cent. "This means we will have to cut back our service to local patrons," she said.

Barbara Crook, representing the Washington County Council on Drug Abuse (CODA), said no federal funds are used in the program but efforts are being made to raise $20,000 locally to employ a coordinating staff.

She also said that ADAPT, the drug education program in Fayetteville and Springdale Schools will continue through the end of the year. The grant was for a one-year program.

Thomas Hubbard and Diane Boyd of Arkansas Social Services said a considerable amount will be lost but no dollar amounts are available. Mrs. Boyd explained services will be cut back and unavailable to any one who is not already on public assistance.

Bill Parette, spokesman for the Washington County Public Health Center, said he will not know how public health is affected until after the legislature acts.

[From the Pine Bluff (Ark.) News, Feb. 8, 1973]

THE AGE-OLD BATTLE—CONGRESS HAS POWER

The age-old battle between the executive and legislative branches of the federal government has broken out again in the current dispute between President Nixon and the Congress over spending appropriated federal money.

President Nixon, claiming a determination to hold federal spending to a $250 billion ceiling as approved by the last session of Congress, has ordered extensive cutbacks in many domestic programs, thus incurring the wrath of some Senators and Congressmen who claim he cannot embargo funds already approved by expenditure by Congress.

It's not a new issue. It dates back at least to the time of Andrew Jackson in the 1830's the first really strong, President who claimed a mandate from the people for his actions. He contended not only with the Congress but also with the judiciary, and began the trend towards a strong executive that has continued, with variations according to the occupant at 1600 Pennsylvania Avenue, to the present time.

Sen. William Fulbright, and some others of that elite body, have protested vigorously, and with some justification, that the President is usurping the powers of Congress by refusing to carry out the programs and allocate the funds voted by the legislative houses.

The question of ultimate power among the governing branches as a constitutional question is really pretty academic by now. The Presidency has become so powerful, the bureaucracy he heads (but does not control), has become so gargantuan, that the President can find justification and precedent for just about anything he wants to do.

The ultimate control, however, still resides in the Congress. For the Congress, if it chooses, can do just as Sen. Fulbright is now suggesting: withhold funds for foreign aid, or other projects held dear by the President until he agrees to spend other monies for domestic programs already appropriated by the Congress. And, for a completely recalcitrant President, the Congress, as a final resort, can impeach the President and remove him from office to force its will upon him.

Such a threat has been made only once in the nation's history, when President Andrew Johnson was impeached following the Civil War. The impeachment trial, however, failed to carry the Senate and Johnson was spared. The fact remains, though, that Congress does have ultimate constitutional control over the Executive should it wish to exercise that power.

On the substantive question of President Nixon's budget declarations, and his determination to cut federal spending in a bid to slow inflation, hardly anyone could disagree with the goal of a balanced budget. We'll have to agree with Sen. Fulbright and most other Senators and Congressmen that the cuts should be made in military expenditures and foreign aid rather than in domestic programs, education, and agriculture.

FRANK PERDUE IS CHICKEN

Mr. MATHIAS. Mr. President, an outstanding entrepreneur on Maryland's Eastern Shore has made marketing history by convincing chicken lovers along the east coast that "it takes a tough man to make a tender chicken." Maryland's Eastern Shore with its loyalty to basic principles is about as far as you can get from the superficiality of Madison Avenue, New York, in spirit, if not in miles, but Frank Perdue has taught the advertising men something about their own business. What is more, he has kept the customers that an award-winning advertising campaign has brought him, by providing them with a product they are willing to ask for by name again and again. His achievements have been noted in April 1973 issue of Esquire magazine, in an article by another Marylander, Frank Deford, writing under the name Christian McAdams. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FRANK PERDUE IS CHICKEN!

(By Christian McAdams)

(Eighty million dollars a year's worth, and that ain't chicken feed. In point of fact, some of it actually is.)

Chickens.

This is the story of how one lone bald-headed man from a small town on the Delmarva Peninsula took chickens, millions of chickens, and, attacking through the soft underbelly of Madison Avenue, conquered New York City.

Chickens?

Regrettably, although chicken is one of the most commonplace foods in the world, there has, till now, been little public disposition to stop and contemplate it. As a prime case in point, it is a fact that very few people even know where the Delmarva Peninsula is, but it was there that chicken, as we know it, was invented (and that is precisely the right word). People not in chickens are always asking Frank Perdue exactly what about this Delmarva Peninsula. Most Americans are also under the impression that you need roosters to make eggs. Frank Perdue spends a lot of time clearing that up too. Frank Perdue of Delmarva is fast becoming the single most important man in the history of chickens. "We're creating chicken awareness," he proclaims evenly, but with zeal.

"We're out to humanize the chicken," declares his advertising account executive.

Chickens have a great deal going for them these days, even over and above the remarkable Mr. Perdue. For example, while chicken is the most international of foods, it has recently become a good old-fashioned flag-waving Fourth of July symbol of all the best of that traditional American know-how and business ingenuity. If U.S. appliances now must be planned for obsolescence, if steering wheels may not be altogether attached, if telephone service and mail delivery confound our best minds, there is a solace in learning that American chickens are being made cheaply and more efficiently than ever. We even export chickens to Japan and undersell the homegrown bird. If God had made radios with breasts instead of transistors, the U.S. might still be a first-rate economic power. As it is, chicken is about the last free-enterprise industry in America. Chicken is produced in a no-holds-barred, rags-to-riches, no-control system, at the fascinating confluence of all the commercial strains in the land: the chicken is where the most volatile elements of the assembly line, of the farm and the field, and bid-and-ask all come together.

Frank Perdue is good at making and selling chickens because he is as unique as his industry. In a mobile business world of rootless transients, Perdue still draws strength from the timeless bosoms of family and place. He remains the son of the father and of the sere loam land where he and chickens were raised. Over the last fifteen years, fancy-pants big-time companies like Pillsbury and Ralston Purina have not been altogether successful in the chicken business; Perdue Inc. has never once had a losing year. "Yeah," says Perdue, "and economists in universities have been saying every year since 1930 that the country was saturated with chicken."

Perdue grew up on his father's chicken farm and has been in the work all his life, but he has only been processing his chickens (and selling them under his own name) since 1968. Since then, he has raised his production to 1,500,000 chickens a week. That averages out to 300,000 slaughtered every day, since chickens also work a five-day week. Perdue Incorporated, wholly owned by the family, produces two percent of all chickens in the U.S. and more for New York City than anybody. About one out of every six chickens devoured every day in the nation's largest market is Frank Perdue's.

He has pulled off this blitz with advertising. Frank Perdue is the very first person who has shown that brand-name chickens can be advertised, that consumers can be at least as discriminating about the chickens they eat as they are about hair sprays or toilet paper. He believes that supermarkets must stop treating chickens with contempt, as "loss leaders." He is ready, in fact, to take on the whole "red-meat" gang. "Freeze my chickens?" says Perdue with contempt in one of his commercials. "I'd rather eat beef." At his ad agency—Scali, McCabe, Sloves—people talk about hot dogs as if they were so much snake venom.

Chickens come to the war with some real momentum. Consumption is up better than fifty percent per capita in hardly more than a decade. Obviously, part of the attraction is that chicken is a good buy, but poultry is also very healthy, with low cholesterol content (though it is high in eggs). "Come on folks, shape up. Start eating my chickens!" cries Perdue in one commercial, as the camera focuses on a bunch of obese dolts eyeing the red-meat freezer. Also, chickens are blessed with almost universal acceptance, and that is not just advertising hoopla. The bird was domesticated well over three thousand years ago, and perhaps even long before that inasmuch as legend identifies Gomer as the first chicken man. Gomer was Noah's grandson. Nowhere in the world have there ever been any religious taboos held against chickens, and almost every nationality has found a favorite place for them in its cuisine. Just think of coq au vin, chicken chow mein, arroz con pollo, chicken cacciatore, not to mention drumsticks and the thousands of witless Jewish jokes we must endure featuring chicken soup.

Finally, since the same laying hen could theoretically lay 365 fertilized eggs a year—and does, in fact, lay upwards of 200—chickens are a geneticist's dream. In fact, almost all the chicken we eat today is a modern creation, of about the same vintage as television. It seems absolutely mad to say this today, but before the broiler chicken was conceived in Delmarva around 1930, chicken was a very limited, seasonal food. You could no more just up and go to the market on a Wednesday in January, say, and get a nice tender chicken, than you could order an ear of fresh Iowa corn that day.

In those days, the best eating bird was the so-called "spring chicken." Traditionally, it was served for the big family lunch, and so was also known in the vernacular as the "Sunday fryer." These spring chickens were—as you can probably deduce if you remember the old expression "He ain't no spring chicken"—lively young roosters. Now, if you have been with us since the start of the semester, you will recall that it does not take roosters to make eggs. Roosters are only required in attendance if you want to make baby chicks in the eggs, but even then it only takes one good rooster to service every ten congenial hens. It may come as no great surprise, then, to learn that there is evidence now which suggests that the roosters give out before the hens. All a chicken farmer ever had to save was ten percent of the roosters born. "You might say roosters were virtually offal," Perdue explains. So, the ninety percent unneeded males were killed and ended up on Grandma's table as tender spring chickens. The rest of the year, the hens laid unfertilized eating eggs "table" eggs in the business), and the surviving roosters just roamed around till the next spring when their stud talents would have to be put to use to produce the next generation of laying hens.

The Delmarva broiler changed all this. Otherwise, Colonel Sanders and Shake 'N Bake and Chicken Delight and Chicken Hut wouldn't yet be in the Yellow Pages, because the broiler is, simply put, a spring chicken now available in quantity all year round. The broiler became a reality because somebody decided that advances in the chicken diet made is possible to grow a mature chicken just for eating—and at a profit. The time it takes to grow a chicken gets shorter all the time. "Just twenty years ago," Perdue says, "it took sixteen weeks to grow a three-pound chicken. Now we grow a four-pound chicken in less than half that time. We are producing chickens with bigger breasts and legs—and fast growth means tenderness too."

The prime factor in the whole equation is what is called the "conversion rate," which is: how much chicken food does it take to convert into chicken meat? Not so long ago, it took three pounds of feed to produce a pound of chicken on the hoof. Now it takes hardly two pounds, and further reduction in the rate is casually anticipated. Perdue has Ph.Ds talking to computers, seeking to construct a better diet, at a good price, for his chickens. "See," says one, hunched over a readout. "I'd like to give 'em some crabmeat, but even at minimum prices, the computer rejects it." Whatever, Perdue always makes sure that his chickens get extra doses of xanthophyll, a high-priced ingredient that gives Perdue chickens their golden-yellow color. It is sort of a chicken Man-Tan. Somewhat hopefully, Perdue volunteers that xanthophyll also "adds freshness," but even an expert in his own laboratory dismisses the substance as a harmless cosmetic "gimmick." Nevertheless, Perdue and his admen are convinced that it sells chickens, and his chickens certainly are well-fed enough, whatever their color.

"A chicken is what it eats," Perdue explains in one of his ads. "If you want to start eating as good as my chickens, take a tip from me. [Pause.] Eat my chickens."

This high-priced advertising campaign, featuring Perdue himself as A Tough Man Who Makes A Tender Chicken, has been revolutionary in the business, since it has shown that fresh meat can be peddled. Previously, the only substantial advertising in the meat industry was found in the packaged end, with things like "I wish I were an Oscar Mayer wiener" and "More Parks Sausages, Mom." In chickens, it was customary for an advertising budget to consist of whatever it took to buy the obligatory ads in trade journals and local high-school yearbooks. But once Perdue decided he could sell his product to the shopping-cart trade directly through advertising, he went all out. Trade figures show he spent almost a half-million dollars on TV spots in 1971, and another $50,000 for radio. For 1972, Perdue admits that his ad budget climbed into "the high hundreds of thousands."

All of this discombobulated a previously placid market. "Before, customers never specified anything but Grade A chicken," says Ed Caraluzzi, master butcher at the suburban Redding Ridge, Connecticut, market. "Then, suddenly, they all started coming in asking specifically for Perdue. I even have one lady who wrote him a letter. We're expanding our store over in Bethel, and I want to get Perdue to come to the opening. Do you know another name in the business?" Hills, a large supermarket chain, put Perdue, at thirty-five cents a pound, up side by side against a house brand going for twenty-nine cents. Incredibly, a full forty percent of the customers opted for Perdue at the premium price.

Obviously, such a spectacular sustained response cannot all be attributed to advertising, and Perdue chicken is, by all accounts, a superior product. His Delmarva neighbors—who call him Squeakie behind his back—are the last ones to take it all at face value, though. "Squeakie is really putting on," says one in admiration. "He goes on and on about how nobody freezes his birds, but he's got no control in those little stores. Besides, like they say: chickens is chickens. You couldn't tell any real difference in taste in almost any good bird grown anywhere around here. Squeakie's a smart sonuvabitch, and he's tough, and he's built a great organization, and then he's got all those New York people convinced that that golden-yellow foolishness means something. Hell, the truth is there's sections of this country where people look for white chickens. They think white chickens are supposed to be the tasty ones."

Yet the commercials have been so effective and original that, in New York, the man from Delmarva has become a daytime-TV celebrity, as familiar a part of that strange milieu as Monte Hall, Jan Murray or Rose Marie. Perdue can no longer walk down the streets or reconnoiter butcher shops in New York without people staring at him and exchanging chicken anecdotes.

Flat-out bald, with a prominent nose and a droll nasal screech, Frank Perdue can appear wizened or crotchety on TV, but this impression is misleading. In real life, he is a lean, aggressive man, six feet even, one sixty-five, spare and direct. He comes from an overlooked piece of Atlantic real estate, Delmarva, the name and acreage both tacked together by parts of three contributing states—DELaware, MARyland and VirginiA. Perdue has lived all his life around Salisbury, Maryland (population 15,252), which is the main commercial center on the peninsula. Salisbury is located thirty miles inland from Ocean City, where Perdue's forebears landed two or three hundred years ago from France. They were Huguenots, named Perdeaux. All anglicized their names, and while some fanned out across the land (Purdue University—with a *u*—in Indiana is probably from the same strain), many never departed Delmarva. There are fifty-seven Perdues in the Salisbury phone book, as compared with nine in all of Manhattan.

This is not unusual, for Delmarva is a clannish place. Historically, it has remained a land and a people apart, even though it lies in the very shadow of the greatest megalopolis in the world. Effectively isolated by the Chesapeake Bay on its west, though, Delmarva has been dismissed by neighboring urban sophisticates as "a male teat of land." All around it, a nation was formed, glorious battles fought, huge cities built to the heavens. Delmarva trundled along at its own pace. It is about the size of Connecticut, but with only 425,000 people—fourteen percent of Connecticut's population. Aside from chickens, nobody from the peninsula has ever made much of a splash in the outside world—the exceptions being a couple of old ballplayers, actor Robert Mitchum, and a wild pony named Misty of Chincoteague. Few outsiders visit the Shore except to speed through to the Atlantic beaches or to bivouac on the Chesapeake tributaries and blast ducks out of the sky.

If Frank Perdue were not tremendously shaped by this original environment where he has spent his whole life, then he would be a dull, insensitive man indeed. On the contrary, the Perdues are obviously marked by the place, if attended only by its finer instincts. Frank Perdue and his father, Arthur, are quite different people, though complementary. The bold younger man expanded from the solid base the older, conservative one had laid. "I had the asset of my father's good name," Frank says. "My father was so tight that he'd take the tops off his shoes. He'd take 'em after he'd half-soled them a dozen times, but the tops were still good, so he'd cut 'em up and use them for hinges for the chicken-coop doors. You see, people would lend this man money."

Arthur Perdue, or "Mr. Arthur" as he is known now, is eighty-seven, keen and straight, and with a full head of hair. "Maybe you can't have hair and brains both," he says of his son. Following completion of the twelfth grade, he worked for Railway Express; but in 1920, in his thirty-fifth year, the year his only child was born, the company wanted him to take over an office outside Delmarva and he didn't want to leave. Instead, he built a coop, paid five dollars for fifty leghorn chicks, and entered the chicken business.

Well, of course, he really wasn't in chickens. He was in table eggs. Young Frank, an introverted and reticent boy, had no enthusiasm for the family business, but after a couple of desultory years at the local teachers' college he decided that he was better suited for chickens than scholarship. This was 1939; slowly, from there, the operation began to tilt from table eggs to broilers.

By the 1950's, the Perdues were one of the largest producers of broilers on the Shore. They hatched their own, fed them the Perdues' own mix, and grew them to maturity. They would sell the birds at the Delmarva broiler action on Route 113, just the other side of Selbyville, Delaware. The buyer would slaughter Perdue birds and send them to market under his own name. After 1968, when the Perdue family decided to process its own birds, business moved so fast that Frank Perdue had to build a second and much larger processing plant in Accomac, Virginia. There were four employees in 1940, about 200 in 1960, 400 in 1968, and now over 1800.

"I could sit here and say I planned all this," Perdue says, "but I was just back there with my father and a couple other guys working my ass off every day. I wasn't even sure for a long time that I even liked the chicken business. But my advantage is that I grew up having to know my business in every detail. I dug cesspools, made coops and cleaned them out. I know I'm not very smart, at least from the point of pure I.Q., and that gave me one prime ingredient of success—fear. I mean a man should have enough fear so that he's always second-guessing himself. And then, finally, I adhere to the philosophy of a great man."

He reached into his crowded wallet and pulled out a wrinkled clipping, although it was unnecessary, inasmuch as he knows the quotation by heart and inserts it at regular intervals in his "Straight Talk . . ." column in the company newsletter. The words are Alexander Hamilton's: "Men give me some credit for some genius. All the genius I have lies in this. When I have a subject in hand, I study it profoundly. Day and night it is before me. I explore it in all its bearings. My mind becomes pervaded with it. Then the effort which I have made is what people are pleased to call the fruit of genius. It is the fruit of labor and thought."

Chickens are not very glamorous, but when Madison Avenue learned this man from Delmarva was ready to take a big plunge into advertising, everybody scrambled for the account. So many people were fawning all over Perdue that it made him uncomfortable. He pulled out of the agency search, and went back to Salisbury and cozied up again with Alexander Hamilton. "I just said, 'Perdue, you can't get anywhere with these guys because they're all on their best behavior for you,'" he explains.

To make sure that nobody put him at that disadvantage again, Perdue pervaded himself with advertising, day and night. He devoured great volumes on the subject, and can still drop quotes by people like David Ogilvy and Rosser Reeves the way other people cite the Bible or Shakespeare. He haunted an advertising institute, studying all pamphlets and textbooks. He called up advertising journalists and radio- and TV-station managers in New York, systematically trying to pick brains. Almost nobody knew him, but many helped simply because they were impressed by his inventive industry. Says Alan Pesky, the Account Supervisor for Perdue at Scali, McCabe, Sloves: "We have some pretty large and sophisticated clients, but never have we been examined as carefully as this one man examined us."

By the time he set himself up to be courted again by Madison Avenue, Perdue was an expert. Some of his tips:

Look for a *young* agency. Perdue told one of the top admen in the country that he would not even consider him because he was too old. The man was fifty-one. Perdue's own age. "This sonuvabitch in chickens comes up here from nowhere and tells me I'm too old," the man screamed in anguish.

Try to meet as many creative people as possible in an agency. Don't be snowed by one hotshot, but look for creative depth, where ideas can be bounced around, because even the cleverest copywriter can come up empty for any given campaign, and if it's yours, and there is no one else good in the bullpen, you'll be hurt badly.

For reference, don't just call an agency's present clients. Also call the clients that left.

Be wary of any prospective agency that wants to impress you with a full-scale presentation of the sort of campaign they plan for you. They are borrowing time and creative energy from their paying clients to try and attract new business, and if you hire them, someday they may rob you in the same way.

The total billings an agency has are important, but more revealing is the average of its billings. The higher the average, the more select, the better attention. "An agency with a lot of $50,000 accounts is going to get pecked to death with phone calls," Perdue says.

And above all else, *ignore the president of the agency.*

"I learned that just by being prepared," Perdue says. "I found out what few people on the outside ever do, that most heads of agencies are nothing but front men. Their only job is to go around sweet-talking new business and keeping present business happy. I figured that out just from reading. At one big presentation, I finally had to tell the president: 'Will you please shut up and let your creative people talk?'"

Altogether, Perdue interviewed almost fifty agencies, and while there were some dismal encounters, only once did he feel that he was being put down as a hick. Ironically, this happened at a bright young agency which had conceived a personalized campaign featuring Perdue himself—similar to the concept eventually employed at Scali, McCabe, Sloves. "But there was quite a difference," Perdue says, getting shriller, wrinkling his nose at the memory. "Here was the bit. They were going to put a live chicken under each of my arms. Live chickens! Now let me tell you, there's nothing more revolting than a live chicken. It ain't nothing green and pretty like selling red meat, with a big Holstein grazing quietly by a flowing river with the majestic trees waving in the breeze. No, it's just me standing there holding a couple of squawking chickens. And then they tell me, "We're going to call it *Frank's Friendly Flock!*" I just said, 'Perdue, why don't they put you in a Dan'l Boone cap too?'"

Eventually, Perdue narrowed his list of agencies down to a championship flight of nine. Then he really went on the offensive, grilling, double-checking, interviewing. He called up one very prominent agency and asked them to have lunch with him in the Oak Room of The Plaza Hotel. The whole top executive force trooped over to The Plaza, licking their chops, convinced Perdue was going to tell them that he had selected their agency for his chickens. Instead, as soon as they settled at the table, Perdue informed them that they hadn't even made his final list, but he would appreciate it if they would rank the nine agencies that were still left in the running. Stunned and flabbergasted, the agency boys dived into another round of Martinis and patiently did as he requested.

But the losers were the lucky ones. When Perdue called up Ed McCabe, the baby-faced copy chief at Scali, McCabe, Sloves, for about the eight hundredth time in a week, McCabe finally blew his cork. "You know, Frank," he said, "I'm not even sure that we want your account anymore because you're such a pain in the ass."

McCabe recalls: "You know all he said to that? He just said, 'Yeah, I know I'm a pain in the ass, and now that we've got that settled, here's what I want to ask you this time.'"

Sometime after he picked McCabe's agency, Perdue learned that the campaign would be built around himself. He never cottoned to the idea, and after the first day of filming in Salisbury, he came up to McCabe at the bar and told him he thought he would probably still end up throwing out the whole batch of commercials. McCabe stared back hard at the man who had hired him. "No, you don't intimidate me with that, Frank," he replied. "You don't, because you're not qualified to make this kind of judgment, and you're one man who's too honest not to know that." For once, Frank Perdue lowered his eyes and backed down.

One of the very first commercials they shot won an award. Ed McCabe won more honors for his work on the Perdue campaign than any other copywriter in the nation that year. Frank Perdue became the biggest chicken man in the nation's biggest city, and a celebrity to boot. "I could write a book about advertising," he says, matter-of-factly.

Chicken is a very tricky business because it deals with a perishable item that is mass-produced. This can mean the worst of both worlds. On the one hand, there are all the usual labor problems, machinery problems, assembly-line problems, transportation problems that threaten any big manufacturer. But as bad as things might ever get at, say, the Vega plant in Lordstown, Ohio—sabotage, strike, faulty parts, whatever—at least no one in the office ever has to worry about a foreman calling up and saying, "Listen, I'm sorry but we just had 82,000 transmissions die on us."

The chicken business means big numbers, and small margins for error. There is absolutely no romance in it, not even for Frank Perdue. "The only thing worse than chickens," he declares, "is the dairy business, because there you got to milk the cows every twelve hours."

Perdue's chicken business begins at the breeder farms, where Perdue keeps about 700,000 laying hens and 70,000 escort cockerels. These birds have the best jobs in chickendom and usually live up to fifteen months, at which point they give out. The hens start producing eggs when they are twenty-two weeks old, and reach their peak around thirty weeks, when they attain an 85-percent rate, which means 85 eggs for every 100 hens every day. Then, of the eggs laid, 85 percent have "hatchability." It takes twenty-one days in the huge Chick Master incubator trays for them to hatch, and, it seems, they have a better on-time record than most airlines.

Chickens still possess air sacs, vestiges of a time thouand of years ago when they could really fly. Now, all that the useless air sacs do is fill up with unwanted fluids, making chickens very receptive to respiratory disease. As a consequence, almost the first thing humans do to live chickens is vaccinate them, when they are two weeks old. At the same time, the tips of their beaks are removed to prevent them from pecking each other. By now, the chicks have already been moved to one of the 560 broiler farms on Delmarva that Perdue has under contract.

The broiler farms are mainly mom-and-pop operations. The parent broiler company supplies the chicks and feed, supervises and inspects, then returns for the full-grown broilers after nine weeks. The grower works on guarantee or percentage, and chickens are good to get into now because they don't take much space. Says Perdue: "A man in cotton or tobacco or truck farming, one of them, if he has to go out of business now, he has a choice: he can either go to work in a factory or he can put in chickens."

Many contract farms also raise corn and soybeans and other crops. Chickens are just another crop, that's all. But it doesn't take up much space, and the crop is a wonderfully dependable one. In any given calendar year, the only time that broiler production is not fairly constant is for a brief stretch in the fall, when the growers cut back in deference to the upcoming Thanksgiving and Christmas turkey binges. Perdue does not raise any turkeys although his admen want him to get into them, as well as things like Rock Cornish hens, chicken soup, chicken specialties—the whole poultry rainbow. Turkeys, however, are extremely seasonal, and they are harder to deal with than chickens. Chicken people are very proud of this. "You think chickens are dumb," said Frank Wood, the Perdue personnel head, chortling. "You should see turkeys." Turkeys are so dumb they even have to be coaxed to eat with shiny marbles in their food and other come-ons; in this respect, turkeys resemble people more than they do chickens.

But anyway, chickens. After nine weeks, the broilers weigh four pounds or so and are ready for dining-room tables. At this point the business really comes to a crunch because it is imperative to estimate accurately how many chickens should be killed on a given day (and also, at the same time, how many eggs should be incubated nine weeks hence). You can keep the mature broiler on deck for up to as much as a week, but that can destroy your profit margin inasmuch as chickens are most anxious to keep on eating while they are alive. Worse, big chickens don't sell well these days.

The slightest miscalculation about exactly how anxious people will be for chicken tomorrow (and nine weeks from tomorrow) can cost many thousands of dollars a day. The 300,000 birds Perdue kills on an average day translate into a retail potential of something over $300,000 a day. Great sums are obviously at stake in a bustout business.

The decision is made: so many thousands of eggs to the incubators, so many thousands live broilers to the processing plant. Around midnight, the chicken catchers go out to the farms where today's nine-week-olds are residing. The way you catch chickens if you make a regular living out of it, is you turn out all the lights, sort of herd all the chickens down to one end of the house, and start swooping down. A proficient chicken catcher will come up with three chickens per swoop, grabbing each by a leg. Then he will swoop again with his other hand: three more legs, three more chickens. Four handfuls, twelve chickens, are deposited in a coop; a truckload totals 5400 birds. They are taken to one of the processing plants and wait for the workday to begin.

The largest, most modern Perdue plant, near Accomac, Virginia, is just a lovely place for a daily carnage. It is a handsome, red-brick building, modern in style, with fancy lighting, landscaping and a big American flag flying out front. It gets rid of its waste so that ecology is served and nobody smells a thing either.

Anybody driving by would think it was a very desirable factory making something respectable in the way of *light industry*. Inside, it is just as deceptive, too, being cool, neat and clean. The slaughterhouse is, in fact, a much more orderly and civilized place than that other big building where the chickens have to go: the supermarket.

Almost everything in the processing plant, including the actual butchery, is automated. There are things like the giblet chiller and the automatic gizzard-cleaning machine and they don't seem much removed from the Coke machine and whatnot down the hall in the big, modern cafeteria. It is all much the same, shiny and tubular and moving at a good pace. The employees get a half hour off at ten; lunch is at twelve-thirty. The chickens themselves started going to "receiving" at six-forty-five. There, they are fetched out of their coops on the truck, and hung upside down on the assembly line by their feet, a position they will remain in almost exclusively until they are packed in ice and put on a delivery truck about an hour later. But there are many stops along the way. First, from receiving, the chickens pass quickly through a vat containing an electrically charged saline solution, which shocks almost all of them senseless. Limp but unhurt, the birds move directly to the Kill Room, where a sharp blade automatically slits the throats without ado. It is, in fact, very difficult to perceive exactly at what point on the line the birds are getting theirs unless you are looking specifically for it.

About two or three percent of the assembly-line broilers do escape being sufficiently shocked, and occasionally lurch out of the way of the blade. They are taken care of by a "backup killer", a human being with a knife. Backup killers get paid about half-again more than others on the assembly line, as theirs is supposed to be a more distasteful job. In fact, their task is handled efficiently and requires less wasted motion than the automatic blade.

After their necks are slit, one way or the other, the broilers go down a "bleed tunnel," losing most of their liquid in about fifty seconds. They are passed along next through scalding water, which loosens up the feathers. These come off through the offices of a bunch of revolving, vibrating rubber fingers. There are, alas, no more chicken pluckers. The assembly line then carries them over a flame, where the body hair is singed off. Next, the chickens' heads are sort of jerked off by one device, and their feet are chopped off by another. Then, on to eviscerating, for neck cutting, lung gutting, and inspection by the representatives of the United States Department of Agriculture. They check every bird, and Perdue makes a great to-do about how his own graders reject some chickens the U.S.D.A. passes as Grade A. As he explains in one of his prize-winning commercials: "Besides, if you're not completely satisfied with my chicken, you can always write me—the president of Perdue—and I'll give you your money back. If you buy some government-approved chicken, and you're not completely satisfied, who do you write? The President of the United States? What does he know about chickens?"

Actually, the chickens that do not pass Perdue Grade A muster are not discarded. Hardly any part of every bird is not salvaged in one way or another. The broilers that are somehow lacking the Perdue blessing are tagged with a different Perdue label or carved into various pieces and sold as "cutups." (Suggests a Perdue butcher-shop poster on that subject: "If your husband is a leg or breast man, ask for my chicken parts.") Finally, the chickens or the chicken parts are chilled, tagged, weighed, boxed, iced and put on the next truck out up Route 13. Within less than twenty-four hours they may be delivered, bought, cooked and eaten.

In the end, on the dining-room table, the four-pound feathered bird is down to about three pounds dressed. From conception to consumption, the journey has taken a little more than twelve weeks, though at no point did the chicken ever seem like anything living. It might just as well as have been gum wrappers or ball bearings. Of course, that it never really seems like a chicken is exactly why it can be done so economically and efficiently. "This is no country-club outfit," Perdue said one day. McCabe put that in a commercial too.

THE FISCAL RESPONSIBILITY OF THE CONGRESS

Mr. ABOUREZK. Mr. President, the Congress is being assaulted daily with the charge that it wants to spend the country into bankruptcy. Every Member of this body knows that that charge is false. But the American people do not.

If we are to conduct a responsible debate over the priorities this administration is pursuing we must first dispatch the big spender bogeyman that the administration is using against us.

As one small piece of evidence that may be useful to Members in this battle I would like to insert into the CONGRESSIONAL RECORD at this point a brief study prepared for me by the General Accounting Office. This study shows that the Congress has reduced President Nixon's budget requests in every one of the past 4 years. It shows that our total reductions in his requests since 1969 amount to $20.9 billion. It shows, in short, that the President's spending claim against the Congress is patently false.

I ask unanimous consent that the Government Accounting Office document be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. GENERAL ACCOUNTING OFFICE,
Washington, D.C., February 15, 1973.

The Honorable JAMES ABOUREZK,
U.S. Senate.

DEAR MR. ABOUREZK: In your letter of February 2, 1973, you requested specific information regarding the budget requests of the President and the congressional appropriations during each of the past four years.

The following information is summarized from Table 3, page 18, of the Interim Report of February 7, 1973, which was prepared by the Joint Study Committee on Budget Control.

[Dollar amounts in millions]

Calendar year	Congress session	Budget estimates considered	Amounts enacted	Change
1972	92–2	$185,429	$178,958	–$6,471
1971	92–1	167,875	165,226	–2,649
1970	91–2	147,765	144,274	–3,491
1969	91–1	142,701	134,431	–8,270

The above dollar figures include regular annual, supplemental, and deficiency appropriation bills as considered and enacted by Congress in each of the last four years. These figures do not include the trust funds, interest on the public debt and other budget authority available under existing laws; which are not subject to appropriation process. We have enclosed a copy of the committee's report which provides additional detailed information on the budget estimates.

We hope this information meets your needs and we would provide any additional information upon request.

Sincerely yours,
D. L. SCANTLEBURY, *Director.*

CLOSE OF MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that morning business be closed.

The PRESIDING OFFICER. Without objection, morning business is closed.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10:30 a.m. tomorrow.

The motion was agreed to; and at 4:25 p.m. the Senate adjourned until tomorrow, Friday, April 6, 1973, at 10:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate April 5 (legislative day of April 4), 1973:

FARM CREDIT ADMINISTRATION

Luther W. Jennejahn, of New York, to be a member of the Federal Farm Credit Board, Farm Credit Administration, for a term expiring March 31, 1979.

(The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

HOUSE OF REPRESENTATIVES—*Thursday, April 5, 1973*

The House met at 12 o'clock noon.

Rev. Floyd H. Gayles, St. James Baptist Church, Washington, D.C., offered the following prayer:

Our soul waiteth for the Lord: He is our help and our shield.—Psalms 33:20.

Eternal God, the substainer of life and the Father of all men, in Thy presence we pause in thanksgiving. Knowing that with Thee all our labor is worthwhile. We pray that our lives and the life of our Nation may be built upon the rock of eternal truth and invincible good will. So, Master, we dedicate ourselves anew to Thee, who are the way, the truth, and the life.

We thank Thee for our country, for our glorious heritage, for this challenging hour, and for the faith with which we meet the days that lie ahead. Ask Thou blessings upon our President, give him wisdom, as he leads our people through these troublesome times.

Bless these Representatives and help them to look to Thee who art the fountain of wisdom and the source of all good.

Bless our prisoners of war who are returning home. Strengthen them in every noble endeavor.

Lord, let peace rule in the hearts of all men. Accept our gratitude and make us worthy of Thy blessing: though Jesus Christ our Lord. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Marks, one of his secretaries.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON LEGISLATIVE BRANCH APPROPRIATIONS, 1974

Mr. CASEY of Texas. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the legislative branch appropriation bill for fiscal year 1974.

Mr. WYMAN reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO FILE A REPORT ON H.R. 3932, UNTIL MIDNIGHT, APRIL 6, 1973

Mr. FUQUA. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations may have until midnight, Friday, April 6, 1973, to file a report on H.R. 3932.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

ANNOUNCEMENT OF HEARINGS ON THE EFFECTS OF PROPOSED BUDGETARY CUTBACKS FOR FISCAL YEAR 1974 IN THE COMMUNITY RELATIONS SERVICE

(Mr. EDWARDS of California asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. EDWARDS of California. Mr. Speaker, the Civil Rights Oversight Subcommittee of the House Committee on the Judiciary will continue its series of hearings on proposed cuts in the fiscal year 1974 budget of the Community Relations Service of the Department of Justice.

The hearings will commence on

Wednesday, April 11, 1973, with testimony from the Reverend John Adams, director of the department of law, justice, and community relations of the United Methodist Church. On Thursday, April 12, 1973, we will hear testimony from the Honorable Johnny Ford, mayor of Tuskegee, Ala.

Hearings will begin at 10 a.m. each day in the Judiciary Committee hearing room 2226, Rayburn House Office Building, Washington, D.C.

GASOLINE SHORTAGES

(Mr. VANIK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. VANIK. Mr. Speaker, current developments indicate that the people of America will have to face a gasoline shortage this summer. Conditions are so bad that rationing is almost a certainty.

When rationing comes and before it comes, we must endeavor to learn by whose fault or by whose manipulation does it come. By what circumstances does peacetime America run out of oil, natural gas, meat, wheat, and gasoline in the same day?

How does the Nation fall into this kind of dilemma? Who is responsible for planning to anticipate needs? Who is preparing the country for the adjustments which must be made? Are the shortages real or are they created to develop higher prices, a pipeline to Alaska, a suspension of our environmental standards?

While gasoline shortages are on the horizon—the sales of huge gas-consuming automobiles goes on at an accelerated pace.

The gasoline shortages of this summer—the gasoline shortages further down the road—make the large, gasoline consuming automobile a museum piece, as useless as an overstuffed, air-conditioned dinosaur.

I am preparing legislation to provide for the appointment of a committee to investigate the gasoline shortage, to determine the extent, the cause, and the period of its duration.

The American people must be advised by their Government of what they have to expect.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 1975

Mr. POAGE. Mr. Speaker, I ask unanimous consent that the managers have until midnight tonight to file a conference report on H.R. 1975, the emergency loan program bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

CALL OF THE HOUSE

Mr. RANGEL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 76]

Ashley
Aspin
Badillo
Barrett
Bell
Biaggi
Brademas
Brasco
Broomfield
Carney, Ohio
Chappell
Chisholm
Clark
Conlan
Cotter
Cronin
Dellums
Denholm
Dent
Dickinson
Diggs
Donohue
Dulski
Erlenborn
Eshleman
Fish
Flynt
Ford, William D.
Frey
Gaydos
Goldwater
Grasso
Grover
Gunter
Hammerschmidt
Hanna
Harrington
Harvey
Hawkins
Hébert
Heckler, Mass.
Keating
Kemp
King
Landrum
Latta
McCloskey
McKinney
Mills, Ark.
Minshall, Ohio
Mitchell, Md.
Mollohan
Nichols
Nix
Pepper
Pickle
Price, Tex.
Railsback
Rarick
Rooney, N.Y.
Rosenthal
Ruppe
St Germain
Sarasin
Sebelius
Seiberling
Shipley
Shriver
Sikes
Smith, N.Y.
Staggers
Steiger, Wis.
Stokes
Symington
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Tiernan
Ullman
Walsh
Wilson, Bob
Wilson, Charles H., Calif.
Wolff
Young, Alaska

The SPEAKER. On this rollcall 349 Members have reported their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

RETURN OF PRISONERS OF WAR AND MISSING IN ACTION

(Mr. RANGEL asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. RANGEL. Mr. Speaker, I come before the House under the 1-minute rule to raise some very serious questions which have occurred as all of us have sat before our television sets and watched our prisoners of war return. I particularly felt involved in seeing the long war end and watching the return of our prisoners of war: First, because my brother was wounded in World War II; second, because I was wounded in Korea; and third, because throughout my following the war on television I saw a significant number of black soldiers in combat.

I have waited patiently, recognizing the sensitivity of the negotiations to bring our prisoners back. Now that it has been announced that the last prisoner has been released, I find that our Government has only succeeded in bringing home the officers who flew the bombing missions over North Vietnam, and has not accounted for the hundreds of enlisted men who must have been captured as ground troops in this war.

Each Member here knows that there were many enlisted men who were killed in action. Nearly 46,000 men are recorded as having been killed in action in Vietnam. Over 90 percent of them were enlisted men.

The official figures show that of the 566 prisoners of war released by the enemy, only 69 were enlisted men, and some 497 were officers.

I am submitting that if indeed this was the negotiation of a peace with honor, we must now search our consciences and ask whether, in all of the ground combat with the enemy during 8 years of intense American involvement in South Vietnam, only 69 of those captured by the enemy could possibly be enlisted men.

The Department of Defense cannot give me precise statistics to afford a comparison between the number of enlisted men and the number of officers which comprised the 2½ million soldiers who were involved in the Vietnam war, but somehow they are able to give me the precise number of blacks who were killed in action. I ask the Members to consider if, in fact, 3,093 blacks were killed in action and 3,000 of these were enlisted men, how can I accept the fact that only 16 blacks were captured by the enemy?

I submit that there are two things we have to consider. One, the possibility that the ground forces that were engaging the enemy were not negotiated for at the peace table; or two, that this enemy did not take ground prisoners.

There are many families waiting today to hear the fate of the more than 1,300 men who are listed as missing in action. These families live in some hope that perhaps their men were captured. I submit that the Department of Defense must tell the families of the enlisted men why only officers have been released by the enemy.

(Mr. RANGEL asked and was given permission to revise and extend his remarks.)

PRISONERS OF WAR

(Mr. HAYS asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. HAYS. Mr. Speaker, I listened with great interest to several remarks that have recently been made.

I will just point out one thing. He wondered about the disparity between enlisted men and officers, but I do not think the Vietcong and the North Vietnamese did take very many prisoners on the ground. I do not think they bothered. I think they just shot them and left them, if the Members have been listening to what these returning prisoners had to say about what was going on.

Why were not more enlisted men captured? Most of the people were flyers, and if anyone has even seen anyone flying a U.S. airplane who did not have some kind of title, he is better than I am, because they did not have privates flying.

I think there is the answer.

HOUSE PUBLIC LANDS SUBCOMMITTEE SCHEDULES HEARINGS ON RIGHTS OF WAY FOR OIL AND GAS PIPELINES ON PUBLIC LANDS

(Mr. MELCHER asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. MELCHER. Mr. Speaker, I want to call my colleagues attention to the upcoming hearings on bills relating to rights of way for oil and natural gas pipelines on public lands.

The hearings will open on April 11 with testimony from Members of Congress. Other sessions are scheduled for April 18 and 19 and May 1. They will begin at 10 a.m. each day in room 1324, Longworth House Office Building.

Bills pending before the subcommittee range in scope from construction of the Trans-Alaskan pipeline only to the broader issue of pipeline construction across any public land within the United States.

At this point the bills which have been referred to the subcommittee on this subject include H.R. 1893, H.R. 4651, H.R. 4707, H.R. 4910, H.R. 5441 (title IV only), H.R. 5442 (section 122 only), H.R. 5524, and H.R. 5750.

SPANISH-SPEAKING AMERICANS IN THE ARMED FORCES

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. GONZALEZ. Mr. Speaker, in view of the remarks which have been made here which properly raise some serious questions, I think it is only proper that I speak out with respect to the contribution of one contingent that has not been as visible nationally as perhaps it should be.

In World War II, in the Korean conflict, and in Vietnam one group which provided more volunteers per square inch, if one wishes to break it down ethnically or culturally, was that group which in the Southwest we call the Americans of Mexican descent.

In Texas alone, after World War II, we ended up with close to seven Congressional Medal of Honor winners. Every one of them had been and was an enlisted man.

The first man to fall in the Korean conflict was from San Antonio, Tex., and he was of Mexican descent.

Because this group also has an unusual or an inordinate share of those who are described as being in poverty, they formed a large contingent of those who served as foot soldiers in Vietnam as well, because whether one is black or brown or white or in between we know that on a selection basis, which I believe erroneously we allowed to draft our men, it was those who were disadvantaged who got to serve in Vietnam in the main.

So this group known as the Mexican Americans again provided a very heavy contingent.

They also suffer casualties. In Korea they were captured and languished in Communist prison camps for months and years. But not one of them became a turncoat. There was not one man with a Mexican-American surname who became a turncoat, even though they were fighting in disproportionate numbers and they were captured in disproportionate numbers.

In Vietnam the same record has been written.

I believe the fact is that our country was engaged in a war under very different circumstances from preceding wars, even including the Korean war, and that has naturally been reflected in what we have seen registered here in our own backyard.

But I believe we ought to point with pride to the record of achievement and patriotism of this group and of these groups in general who have answered the call of the country, and who still are. The records will reflect that even up to the time of the demise of the draft the greatest number of volunteers still volunteering to serve come from the area I have the distinction of serving. I believe that this record is one worthy of national attention.

I also believe it is a fact that, as disfranchised and as impoverished as this contingent may have been, they served nobly and patriotically and they did find themselves in prison, but the facts clearly reflect that not one either abdicated or turncoated, and this is a clear reflection on the patriotism and loyalty and service of this continguent in general and in particular to the service of our country.

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GROSS. Has the House embarked upon special orders?

The SPEAKER. Not to the knowledge of the Chair.

THE RIGHT OF AMERICAN CITIZENS TO OWN GOLD

(Mr. SYMMS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SYMMS. Mr. Speaker, during the 6 years that my good friend Jim McClure sat in this House seat, he was an outspoken believer in the right of American citizens to own gold.

That right was violated in the 1930's when this Government moved to unnecessarily restrict individual liberties insofar as gold was concerned. Since that time, we have dillydallied around in our obligations to restore the right to ownership. By failing to act, we have allowed ourselves to be led down the garden path on the real value and importance of gold in the economy.

Yesterday, Jim McClure finally won the first round in his fight. His colleagues in the other body voted 68 to 23 to accept his amendment lifting the ban effective December 31, 1973. It was a great victory for every American citizen, and I congratulate Senator McClure and his colleagues for their action. I urge my colleagues in the House to take similar action at the first opportunity.

MEDIA ATTACK ON FBI AGENTS

(Mr. HUNT asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. HUNT. Mr. Speaker, I never cease to be amazed at the propriety of some of my colleagues who seek to perpetuate their names in the news media by using governmental agencies or some other unsuspecting unit as a whipping boy.

I am a graduate of the FBI National Police Academy, and I take exception to a news release sent out by one of my colleagues 2 days ago calling FBI agents "peeping Tom's." We have sunk to a new level when we castigate a unit of men who have done such a fine job for this country, who are following instructions laid down by this Congress to investigate those persons who might be disaffected from this country or who might be doing something that is contrary to the national security.

Mr. Speaker, if they would read the memorandum that was issued more carefully, perhaps the gentlemen might understand plain ordinary English, but I am certain that no agent would have done what this gentleman had done, that is, offer to sell information to the news media for the amount of $25, as was done some months ago by the colleague referred to. I wonder if the Oregon paper quoted is on the buying list?

Mr. Speaker, I think it is an outrage to discredit such a fine organization as the FBI by name-calling. Some people can compress the most words into the smallest ideas without half trying.

FISCAL CONTROLS

(Mr. YOUNG of Illinois asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. YOUNG of Illinois. Mr. Speaker, today I am introducing the Federal Budgetary Responsibility and Control Act of 1973, a measure designed to improve and implement procedures for fiscal controls in the U.S. Government.

In recent weeks we have heard a great deal on the subject of Presidential impoundment, on the need for fiscal integrity, and on the need for Congress to regain its rightful role as coequal with the executive branch in determining fiscal priorities and allocating available revenues.

My bill is a comprehensive measure designed to deal with all of these problem areas:

First, it establishes a procedure by which a total limit on Federal expenditures is set each fiscal year by the Congress;

Second, it outlines a means by which Congress can approve or disapprove specific Presidential impoundments; and

Third, it establishes a congressional budget review system.

Each of these objectives is important, but I believe the titles dealing with the third objective will carry the greatest benefits to the American people in the long run. My bill calls for the establishment of a Joint Committee on the Budget whose sole function will be to provide Members of Congress and the Senate with the detailed information they need on each and every program for which Federal funds are being expended. This committee will use its expertise to develop a legislative budget reflecting congressional priorities, so that a comparison can be made between this budget and that submitted by the President.

Mr. Speaker, it is only with these tools at our disposal that we can do a more effective job of serving both the American taxpayer and the people of America for whom the Federal Government is supposed to be providing effective and relevant services. I am sure that my colleagues will agree with me that both fiscal responsibility and effective review of priorities are paramount goals of this legislative body.

RURAL WATER AND SEWER GRANT PROGRAM, VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93-77)

The SPEAKER laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning today without my approval H.R. 3298, an act to restore the rural water and sewer grant program which was terminated earlier this year.

My recent budget proposals to the Congress reflect the results of an intensive effort to identify Federal programs that should be reformed, cut back or eliminated. In each case we asked one simple question: would this program justify an increase in taxes in order to pay for it?

The rural water and sewer program, which was launched eight years ago to assist rural communities in constructing water and sewer lines, failed that test. It forced the Federal taxpayer to pay for services that should be locally financed, and it did so in a most uneven and questionable way. We therefore terminated it on January 1, 1973 as part of our determined effort to hold down taxes and combat inflation.

Now the Congress seeks to revive the program. This is a disservice to the taxpayers of this country which I am not prepared to accept.

For many years, local communities have proudly financed and built their own water and sewer facilities. They have recognized that these services are primarily local in nature and should be primarily a local responsibility—just as local communities pay for their own garbage services and fire protection.

Resurrection of the rural water and sewer program would serve only to undercut that tradition, shoving aside local authorities for the increasingly powerful Federal Government.

This program also enlarges the Federal responsibility in a particularly ineffective and insidious way. Experience has shown that water and sewer grants have been distributed in a totally scattershot fashion. Many rural communities, although qualified under the program, have built their own water and sewage systems without waiting for Federal help. They need no incentive from Washington. Yet, in other cases, the water and sewer grants actually delay construction, as communities which would ordinarily finance the facilities on their own, choose instead to wait in line for Federal subsidies. The result has been a very uneven pattern of distribution. It should also come as no surprise that over time the program has attained a distinct flavor of porkbarrel.

Moreover, by singling out a relatively small group of people to receive Federal grants to help build their private water and sewer lines, this program forces the majority of taxpayers, in effect, to pay double taxes: once to build their own facilities and then again to build the sewers in someone else's backyard. This double taxation leads to little national good and deserves to be stopped, especially at a time when we are earnestly seeking to hold the line on Federal spending.

In view of the many defects in this program, I am convinced that it should no longer be inflicted on the American taxpayer. Congressional restoration of water and sewer grants at the appropriated level of H.R. 3298 would increase Federal spending by at least $300 million during fiscal years 1973–75. This would represent a dangerous crack in the fiscal dam that this Administration has constructed to hold back a further flood of inflation or higher taxes, or both.

A grave constitutional question is also raised by H.R. 3298, which purports to mandate the spending of the full amount appropriated by the Congress. The Attorney General has advised me that such a mandate conflicts with the allocation of executive power to the President made by Article II of the Constitution. Thus, H.R. 3298 is objectionable not only in its practical and economic aspects, but on basic legal grounds as well.

In reconsidering this bill, the Congress should bear in mind that my fiscal year 1974 budget already provides $345 million in Rural Development Act loan funds for water supply systems in rural areas which will help local communities borrow at favorable interest rates. In addition, the Environmental Protection Agency will be providing grants of $5 billion in fiscal years 1973 and 1974 for waste disposal facilities across the country. These grants will be awarded in accordance with State-established needs, and may be used in rural areas for high priority projects.

I recognize that despite these programs, some rural communities in need of sewer assistance may still have financing difficulties because of their inability to borrow at reasonable rates. Fortunately, a solution to this problem exists.

If my veto of this bill is sustained, I will use my authority under the Rural Development Act to provide qualified rural communities with loans not only for water facilities but also for the development of sewage facilities. These loans for sewer services will be available in fiscal years 1973 and 1974. This step—taken at a fraction of the cost to the taxpayer required by H.R. 3298—will permit qualified small communities to compete for credit on reasonable terms.

Taken in conjunction with other measures already planned, this loan provision should provide sufficient Federal support to those communities which critically need water and sewage systems without shattering the limits of sound fiscal policy. I therefore urge all thoughtful, responsible Members of the Congress to join with me in preventing this costly, unwise and probably unconstitutional measure from becoming law.

In upholding my veto of the Vocational Rehabilitation Act earlier this week, the Congress demonstrated that it can set aside partisan political considerations in the interest of America's economic well-being. I urge the Members of the Congress to hold to that same resolve in reconsidering this second piece of inflationary, budget-breaking legislation.

Together, we can hold down taxes and inflation for all of the American people. Together, we can also create a climate in which local and State governments will have both the incentive and the means to meet their legitimate responsibilities without undue interference from Washington and without a proliferation of costly and unnecessary Federal programs such as the one which H.R. 3298 would re-establish.

RICHARD NIXON.

THE WHITE HOUSE, *April 5, 1973.*

The SPEAKER. The objections of the President will be spread at large upon the Journal and the message and bill will be printed as a House document.

The question is, will the House on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

MOTION OFFERED BY MR. O'NEILL

Mr. O'NEILL. Mr. Speaker, I move that further consideration of the veto message of the President on the bill (H.R. 3298) be postponed until Tuesday, April 10, 1973.

The SPEAKER. The question is on the motion offered by the gentleman from Massachusetts (Mr. O'NEILL).

The motion was agreed to.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent to proceed for 1 minute for the purpose of asking the distinguished majority leader the program for the remainder of the week, if any, and the schedule for next week.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Massachusetts.

Mr. O'NEILL. There is one resolution still pending before the House today, a travel resolution, and with the conclusion of that, there will be no further business for this week, and I will ask unanimous consent that we go over until Monday next.

The program for the week of April 9, 1973, is as follows:

Monday is District day and there will be two bills:

H.R. 342, Interstate Agreement on Qualification of Educational Personnel; and

H.R. 4586, incorporate the National Inconvenienced Sportsmen's Association.

For Tuesday and the balance of the week we will have:

A vote on the override of the President's veto of H.R. 3298, rural water-sewer grant program, which just arrived from the President;

House Joint Resolution 205, Atlantic Union delegation, subject to a rule being granted;

H.R. 3180, franking privilege for Members of Congress, subject to a rule being granted; and

H.R. 6168, Economic Stabilization Act, subject to a rule being granted.

Conference reports may be brought up at any time.

Any further program will be announced later.

Mr. Speaker, may I say the Economic Stabilization Act was ordered reported by the Banking and Currency Committee last night, giving the minority until Tuesday to write its report. If the Rules Committee grants a special rule on the Economic Stabilization Act, it could well come up Wednesday afternoon.

There is a great possibility we would ask for an early session on Thursday of next week so we could complete the bill Thursday night. If it is not completed on Thursday night, then it would be the will of the majority on this side in order to complete the bill to continue consideration on Friday and complete consideration of that bill on Friday.

Mr. GERALD F. FORD. Let me ask the gentleman from Massachusetts if my understanding is correct. Is the rural water-sewer program the first order of business on Tuesday?

Mr. O'NEILL. It is the first business on Tuesday next; yes.

Mr. GERALD R. FORD. Some question has been raised that the second and fourth Fridays of the month there was to be no business.

Mr. O'NEILL. The announcement earlier this year was that we would meet on the first and third Fridays if business were available. I do not believe we have worked a Friday as yet and we hope we do not have to work Friday of this next week, but if we cannot complete the Economic Stabilization Act consideration on Thursday we would ask the House to meet on Friday.

Mr. GERALD R. FORD. It is my understanding, and this is only my understanding, that even when we announced there would be no business on the second and fourth Fridays of the month, that was done on the understanding that would be true unless there was some urgent business.

Mr. O'NEILL. The gentleman is correct. There was no definite commitment that we would not meet on any second or fourth Friday, but there was an understanding if there was urgent business we would meet.

Mr. BROWN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Michigan.

Mr. BROWN of Michigan. Mr. Speaker, this Member of Congress understood if there was emergency business we would be required to work on the first and third Fridays. However, it was the understanding of this Member of Congress that Members should hold themselves ready to work on the first and third Fridays but that we could make commitments on the second and fourth Fridays. This Member has done so. The Banking and Currency Committee considered the Economic Stabilization Act but it only got organized in early March and there has been ample opportunity to take that matter up and I assure the House I shall object very strenuously if we attempt to bring it up next Friday.

ADJOURNMENT OVER TO MONDAY, APRIL 9, 1973

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday of next week.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO FILE CERTAIN REPORTS

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may have until midnight tonight to file certain reports.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

AUTHORIZING PRESIDENT TO PROCLAIM APRIL 29, 1973, AS DAY OF OBSERVANCE OF 30TH ANNIVERSARY OF WARSAW GHETTO UPRISING

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the joint resolution (H.J. Res. 303) to authorize and request the President to proclaim April 29, 1973, as a day of observance of the 30th anniversary of the Warsaw ghetto uprising, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. GROSS. Mr. Speaker, reserving the right to object, would this resolution require the expenditure of any Federal funds?

Mr. EDWARDS of California. Mr. Speaker, I assure the gentleman from Iowa that it will require no Federal funds.

Mr. GROSS. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the joint resolution as follows:

H.J. Res. 303

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the 29th day of April 1973 is hereby marked in commemoration of the thirtieth anniversary of the uprising against the Nazi occupation forces by the beleaguered and outnumbered Jews of the Warsaw ghetto who, by their heroic struggle, reaffirmed the ineradicable determination of mankind to fight for freedom from oppression and symbolized the indestructible spirit of liberty.

The President is authorized and requested to issue a proclamation inviting the people of the United States to observe such day with appropriate ceremonies and activities.

Mr. PODELL. Mr. Speaker, April 29, 1973, marks the 30th anniversary of the Warsaw Ghetto uprising. The resolution before us today calls on the President of the United States to proclaim an observance of that anniversary.

I would like to address my remarks to the reasons why I think that anniversary deserves a special commemoration.

Many stories of human triumph and human tragedy came out of the ashes of World War II, but there are perhaps none so moving as the story of the Warsaw Ghetto.

Warsaw was once the center of Eastern European Jewry. In the early years of this century, there were over 1 million Jews living there. They contributed to every facet of Polish life, and had a thriving culture of their own. The Jewish theater of Warsaw was one of the greatest theaters in Europe. The rabbis of Warsaw were consulted by Jews all over the world for their wisdom.

One of the first things that the Germans did after invading Poland in 1939 was to establish restrictions on what Jews could and could not do. By 1940 there was a ghetto in which Jews were forced to live under pain of death. This ghetto was nothing more than a holding pen for those to be transported to the death camps being built in Poland and Germany. The Jews in the ghetto were slowly any systematically being starved to death, being allowed to die from the various plagues and diseases that come from overcrowding and undernourishment.

But somehow, life for the Jews in the ghetto continued. Babies were still born and young lovers still got married. They never stopped hoping, although there was all too little they could hope for. A precious few were lucky enough to get work permits that allowed them to leave the ghetto and go to work in the German factories. Those people became adept at smuggling. The contraband they brought back with them was an orange or a potato or perhaps some medicine for a sick child. An underground grew up that managed to maintain tenuous contacts with the Polish partisans. The ghetto Jews never stopped trying to live their lives as best they could, even though the Germans were making it impossible for them to live at all.

Finally, the Germans hit on their "final solution," and the deportations to the death camps began. What was once a community of a million living souls was soon decimated to a few thousand. But these few thousand could stand no more. In their final act of desperation and courage, they determined that if they were to die, they would at least die gloriously and happily in the knowledge that some of their tormentors would die with them. On April 29, 1943, they finally fought back.

A handful of Jews, mostly young men who had escaped the deportations to the death camps because they were strong enough to work for the Germans, held off one of the most powerful armies this world has ever known for nearly a month. They smuggled in weapons, using children to carry them through the sewers of Warsaw. They became proficient in making and using molotov cocktails. All through their fight, they continued to broadcast to the outside world, hoping that someone, somewhere would hear them, but nobody ever did. The Polish partisians ignored them.

Almost every one of the Jews who took part in the uprising died, either in the ruins of Warsaw or in one of the death camps. The story of their incredible bravery did not become known until after World War II was ended. It was nearly lost in the stories of all the other atrocities perpetrated by the Nazis during the war. But it is a story which we should all know and which we should never forget.

The strength and courage demonstrated by the Jews who dared to fight back against the incredible strength of the Nazi army is an example to us all of the heights which human beings can attain. For too long, not only the Nazis but people everywhere thought that Jews would never fight back, that any humiliation could be visited upon them and that the Jews would accept it gladly as their unique lot in life. The Jews of Warsaw who dared fight back showed the world that this was not true. The ghetto warriors showed the world that Jews were not only the People of the Book, but people of tremendous courage.

It is a lesson which we should all bear in mind when we consider what is happening now in the Soviet Union. Just as the remnants of the Jewish community in Warsaw struck back at their oppressors, so too are the Jews in Russia fighting against the official anti-Semitism of the Soviet regime. Remembering what happened on April 29, 1943 in the Warsaw ghetto will give us a greater insight into what is happening in April 1973 in the Soviet Union.

The Warsaw ghetto will continue to live in the memories of Jews and non-Jews alike as a testament to both the best and the worst in the human race. We must remember the ghetto and the uprising, to honor the memory of those who died, and to dedicate ourselves to never letting such a thing happen again anywhere.

Miss HOLTZMAN. Mr. Speaker, I am proud to be a cosponsor of House Joint Resolution 303 and I urge my colleagues to support this resolution proclaiming April 29, 1973, as a day of observance of the 30th anniversary of the Warsaw ghetto uprising.

In that valiant struggle, a few hundred Jews held off the German soldiers and tanks for 3 weeks. The struggle was a lonely one, and in the end 40,000 Jews had been slaughtered, the area razed. Today, 30 years later, their struggle remains a symbol to Jew and gentile alike, of the heroic spirit of the oppressed of the strength of the forces on the side of freedom.

The Warsaw Jews knew they would die when they began their battle against the Nazis, and that makes their efforts all the more heroic. Even in bondage, they chose their deaths freely. They chose to die with honor, in defense of an idea as precious as life itself—the right of people to determine their own destiny, to live their lives in liberty.

There are those who managed to escape the Nazi holocaust to flee to this country, choosing it as their refuge. I know it would be particularly meaningful to these people, many in my own district, to commemorate this day and honor those slain as well as the truths they fought for.

The spirit of the Warsaw ghetto uprising lives on in those Jews seeking to escape from the Soviet Union; this spirit lives on in all those seeking to end discrimination, intolerance, and the hatred it breeds. April 29 is a day of observance that will provide the appropriate occasion for all of us to rededicate ourselves to the principles of humanity and freedom the Warsaw struggle reflected.

Ms. ABZUG. Mr. Speaker, I am very pleased to be a sponsor of House Joint Resolution 303, commemorating the 30th anniversary of the Warsaw ghetto uprising in Poland.

The fight against Fascist Germany was being waged at that time by many brave and gallant men and women in our Armed Forces and in the armies of our Allies. But perhaps nowhere was it waged so gallantly as among the Jews in the Warsaw ghetto who in April 1943 decided to resist the onslaught of the Nazi war machine.

Those brave men and women, numbering only a few thousand, fought while suffering the effects of starvation and disease, in a desperate attempt to save themselves from the concentration camps.

They fought and resisted with stones and homemade weapons against tanks and mortars.

They fought and resisted with no food or water against a standing army.

They fought and resisted for almost 1 month.

But on April 29-30, 1943, that resistance ended.

But those of us that remember the event also remember a Yiddish song that came out of the uprising. It is entitled in English, "The Song of the Jewish Partisan," and it was written by Hirsch Glick, who died within the walls of the Warsaw ghetto. I would like to place into the RECORD the translation of that song, so that my colleagues can understand and appreciate the spirit of those heroic people.

The translation of the song follows:

THE SONG OF THE JEWISH PARTISAN

Don't ever say, "For me this is the final way,"
Now that the clouds above conceal the light of day
Because the day for which we yearn will yet appear
And our footsteps loud proclaim, "We are here."

From the date-palm lands down to the coldest plains
We have arrived with all our torture and our pain
And wherever our life's blood may flow
More courageous yet will grow.
A new morning for our people bright with dawn
Our yesterdays with our oppressors past forlorn
And if we have to wait until the light appears
This song shall be our password through the years.

It is a song we had to write in blood and fire
Not the song of birds that freely soar yet higher
But from behind their falling walls, our people sang
This song, as they clutched fire arm in arm.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolution just passed.

The SPEAKER. Is there objection to the request of the gentleman from California?

Thre was no objection.

AUTHORIZING INVESTIGATIVE AUTHORITY TO COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 340 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 340

Resolved, That the Committee on Interior and Insular Affairs is authorized to send two members of such committee to attend the General Assembly of the International Centre for the Study of the Preservation nad Restoration of Cultural Property in Rome, Italy, during the period April 7 through 12, 1973.

Local currencies owned by the United States shall be made available to the members of the Committee on Interior and Insular Affairs of the House of Representatives engaged in carrying out their official duties pursuant to the authority to travel outside the United States as set forth in this resolution. In addition to any other condition that may be applicable with respect to the use of local currencies owned by the United States by the members of the committee, the following conditions shall apply with respect to their use of such currencies:

(1) No member of such committee shall receive or expend local currencies or subsistence in any country at a rate in excess of the maximum per diem rate set forth in section 502(b) of the Mutual Security Act of 1954 (22 U.S.C. 1754).

(2) No member of such committee shall receive or expend an amount of local currencies for transportation in excess of actual transportation costs.

(3) No appropriated funds shall be expended for the purpose of defraying expenses of members of such committee in any country where local currencies are available for this purpose.

(4) Each member of such committee shall make to the chairman of such committee an itemized report showing the number of days visited in each country whose local currencies were spent, the amount of per diem

furnished, and the cost of transportation if furnished by public carrier, or, if such transportation is furnished by an agency of the United States Government, the cost of such transportation, and the identification of the agency. All such individuals reports shall be filed by the chairman with the Committee on House Administration and shall be open to public inspection.

(5) Amounts of per diem shall not be furnished for a period of time in any country if per diem has been furnished for the same period of time in any other country, irrespective of differences in time zones.

Mr. BOLLING (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The SPEAKER. The gentleman from Missouri is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee (Mr. QUILLEN) pending which I yield myself such time as I may consume.

Mr. Speaker, this resolution is somewhat unusual. The easiest way to explain it is to read from a letter to the chairman of the Committee on Rules from the chairman of the Committee on Interior and Insular Affairs:

> As you undoubtedly know, the Speaker has named two members of the Committee on Interior and Insular Affairs to attend the general assembly of the International Centre for the Study of the Preservation and Restoration of Cultural Property in Rome, Italy. Congressmen Roy A. Taylor and Joe Skubitz, the ranking members of the Subcommittee on National Parks and Recreation, have been named as members of the American delegation. Since the authorizing resolution for the Committee on Interior and Insular Affairs does not include authority for international travel and expenses related thereto, it is necessary for the House to consider a special authorizing resolution.

This is what this is about.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I will be glad to yield to my friend from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding. What is a study of the preservation and restoration of cultural property in Rome? What does that entail?

Mr. BOLLING. Mr. Speaker, the gentleman from Missouri will have to plead entire ignorance. The gentleman from Missouri does not know about that. He understands that it is an international conference of sufficient significance to justify the travel of two members of the Committee on Interior and Insular Affairs. I do not know the details of that meeting.

Mr. GROSS. That would not involve a study of the peasantry in Italy or anything of that kind, would it? It would not involve a study of the way they have been living through the ages in Italy?

Mr. BOLLING. I would assume not, but the gentleman from Missouri wants to be accurate with his friend from Iowa. He simply does not know what the study is about. He just knows that the Committee on Interior and Insular Affairs considers it important enough for two members to go and that the Speaker of the House considers it important enough. I simply do not know what the study is about.

Mr. GROSS. I though we had the cultural center of the world along the Potomac River in Washington. I thought it was possible to study all the culture that was necessary to be studied right here.

For the life of me, I do not understand what these two gentlemen are going to study when they get to Rome.

Mr. BOLLING. I assume that the gentlemen will make a report on their trip, and we can then discover what they discover.

Mr. GROSS. Of course, that comes a little late, after they have returned from their nice junket. What is it, 5 days or something like that?

Incidentally, this resolution is cutting it pretty thin. They are supposed to depart the continental United States on the 7th of April, and this is the 5th.

Mr. BOLLING. My impression is that—I have some additional information which someone has been kind enough to submit to me. I am sure it is accurate.

The Assembly meets April 9 through April 12. There are several items on the agenda of direct concern to American interests. Among these are proposed amendments to the statutes of the Center—that is the International Center for the Study of the Preservation and Restoration of Cultural Property—to permit enlarged representation of the various cultural and geographical areas of the world.

The other item of direct concern to us within the Assembly will be consideration of the scale of membership fees of the various nations.

I am sure the gentleman from Iowa would want the United States represented when they were considering fees.

Mr. GROSS. Considering fees?

Mr. BOLLING. Yes, sir.

Mr. GROSS. If they are going to consider fees, there is only one way the fees will go for the United States, and that is up. That is the story with practically all of these international study groups, whether they be studying art and culture or whatever they happen to study.

Mr. BOLLING. To my friend from Iowa I can only say that I trust the good judgment of the gentleman from North Carolina (Mr. TAYLOR), and of my friend from my neighboring State of Kansas (Mr. SKUBITZ). I believe they will be fine representatives for the United States at this event.

Mr. GROSS. There is a song that extols the virtues of Paris in the springtime. Is there a song that extols the virtues of Rome in the spring, or does the gentleman know?

Mr. BOLLING. The gentleman's range of interest is such that I am unable to answer his question.

Mr. GROSS. I am going to await with a lot of interest the report by the gentleman from the mountains of North Carolina and the gentleman from the wheatfields of Kansas on their study of art and culture in Rome. It should be interesting.

Mr. BOLLING. I think the gentleman is entirely correct.

Mr. Speaker, I reserve the remainder of my time.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may use.

(Mr. QUILLEN asked and was given permission to revise and extend his remarks.)

Mr. QUILLEN. Mr. Speaker, the gentleman from Missouri and the gentleman from Iowa have explained the resolution in detail, so far as the facts are concerned.

Mr. Speaker, House Resolution 340 authorizes travel by two members of the Committee on Interior and Insular Affairs, to attend the General Assembly of the International Center for the Study of the Preservation and Restoration of Cultural Property in Rome, Italy. This trip is scheduled to begin on April 7 and run through April 12.

The ranking members of the Subcommittee on National Parks and Recreation have been named as members of the American delegation.

Mr. Speaker, I urge the adoption of this resolution.

Mr. Speaker, I have no requests for time, and I reserve the remainder of my time.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 281, nays 70, answered "present" 3, not voting 79, as follows:

[Roll No. 77]

YEAS—281

Abdnor
Addabbo
Alexander
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Arends
Bergland
Bevill
Bingham
Blackburn
Blatnik
Boggs
Boland
Bolling
Bowen
Bray
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Burgener
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byron
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clark
Clausen, Don H.
Clay
Cochran
Cohen
Conyers
Corman
Coughlin
Cronin
Culver
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellenback
Dellums
Derwinski
Dickinson
Diggs
Dingell
Dorn
Downing
Drinan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Esch
Evans, Colo.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Fuqua
Gettys
Giaimo
Gibbons
Ginn
Gonzalez
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gubser
Gude
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harsha
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hinshaw
Holifield
Holtzman
Horton
Hosmer
Howard

Hungate
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jordan
Karth
Kastenmeier
Kazen
Ketchum
Kluczynski
Koch
Kyros
Leggett
Lehman
Litton
Long, La.
Long, Md.
Macdonald
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathis, Ga.
Matsunaga
Mazzoli
McClory
McCloskey
McCormack
McDade
McEwen
McFall
McKay
Melcher
Metcalfe
Mezvinsky
Milford
Mills, Ark.
Mills, Md.
Minish
Mink
Mitchell, Md.
Mizell
Moakley
Montgomery
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nichols
Obey
O'Brien
O'Hara
O'Neill
Owens
Parris
Passman
Patten
Pepper
Perkins
Peyser
Pike
Poage
Podell
Price, Ill.
Pritchard
Quie
Quillen
Randall
Rangel
Rees
Regula
Reid
Reuss
Rhodes
Riegle
Rinaldo
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruth
Ryan
Sandman
Sarbanes
Satterfield
Saylor
Schneebeli
Schroeder
Seiberling
Shriver
Slack
Smith, Iowa
Stanton, J. William
Stanton, James V.
Stark
Steele
Steelman
Steiger, Ariz.
Stephens
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Talcott
Teague, Calif.
Thompson, N.J.
Thomson, Wis.
Thornton
Towell, Nev.
Udall
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Ware
Whalen
White
Whitten
Widnall
Wiggins
Williams
Wilson, Charles, Tex.
Winn
Wright
Wyatt
Wydler
Wyman
Yates
Yatron
Young, Ga.
Young, Tex.
Zablocki
Zion

NAYS—70

Archer
Armstrong
Bafalis
Baker
Beard
Bennett
Biester
Broyhill, N.C.
Buchanan
Camp
Clancy
Clawson, Del
Cleveland
Collier
Collins
Conable
Crane
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Wis.
Dennis
Devine
Duncan
Frenzel
Froehlich
Gilman
Goodling
Gross
Guyer
Hanrahan
Hastings
Holt
Huber
Hudnut
Hunt
Johnson, Colo.
Jones, Tenn.
Kemp
Kuykendall
Landgrebe
Lott
Lujan
McCollister
McSpadden
Mayne
Miller
Minshall, Ohio
Mitchell, N.Y.
Moorhead, Calif.
Pettis
Powell, Ohio
Rarick
Roberts
Robinson, Va.
Rose
Rousselot
Scherle
Shoup
Shuster
Snyder
Spence
Taylor, Mo.
Thone
Treen
Veysey
Wampler
Whitehurst
Wylie
Young, Fla.
Zwach

ANSWERED "PRESENT"—3

Skubitz
Symms
Taylor, N.C.

NOT VOTING—79

Abzug
Adams
Anderson, Calif.
Anderson, Ill.
Ashbrook
Ashley
Aspin
Badillo
Barrett
Bell
Biaggi
Brademas
Brasco
Burke, Calif.
Butler
Conlan
Conte
Cotter
Denholm
Dent
Donohue
Dulski
Erlenborn
Eshleman
Evins, Tenn.
Flynt
Frey
Fulton
Gaydos
Goldwater
Grasso
Grover
Gunter
Harrington
Harvey
Hébert
Hillis
Hogan
Keating
King
Landrum
Latta
Lent
McKinney
Mathias, Calif.
Meeds
Michel
Mollohan
Nelsen
Nix
Patman
Pickle
Preyer
Price, Tex.
Railsback
Rooney, N.Y.
Ruppe
St Germain
Sarasin
Sebelius
Shipley
Sikes
Sisk
Smith, N.Y.
Staggers
Steed
Steiger, Wis.
Stokes
Symington
Teague, Tex.
Tiernan
Ullman
Walsh
Wilson, Bob
Wilson, Charles H., Calif.
Wolff
Young, Alaska
Young, Ill.
Young, S.C.

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Anderson of Illinois.

Mr. Rooney of New York with Mr. Conlan.

Mr. Shipley with Mr. Frey.

Mr. Sikes with Mr. Grover.

Mr. Gunter with Mr. Ashbrook.

Mr. Barrett with Mr. Erlenborn.

Mr. Brademas with Mr. Hillis.

Mr. Dulski with Mr. Goldwater.

Mr. Flynt with Mr. Keating.

Mr. Evins of Tennessee with Mr. Hogan.

Mr. Pickle with Mr. Butler.

Mr. Sisk with Mr. Eshleman.

Mr. Staggers with Mr. Harvey.

Mr. Teague of Texas with Mr. Latta.

Mr. Tiernan with Mr. King.

Mr. Charles H. Wilson of California with Mr. Conte.

Mr. Wolff with Mr. Lent.

Mr. Biaggi with Mr. McKinney.

Mr. Badillo with Mr. Price of Texas.

Mr. Adams with Mr. Railsback.

Ms. Abzug with Mr. Sarasin.

Mr. Brasco with Mr. Michel.

Mr. Cotter with Mr. Ruppe.

Mr. Dent with Mr. Mathias of California.

Mr. Denholm with Mr. Sebelius.

Mr. Donohue with Mr. Walsh.

Mr. Fulton with Mr. Bob Wilson.

Mr. Gaydos with Mr. Young of Alaska.

Mrs. Grasso with Mr. Smith of New York.

Mr. Landrum with Mr. Young of Illinois.

Mr. Meeds with Mr. Young of South Carolina.

Mr. Nix with Mr. Preyer.

Mr. Mollahan with Mr. Harrington.

Mr. St Germain with Mr. Nelsen.

Mr. Steed with Mr. Steiger of Wisconsin.

Mr. Symington with Mr. Stokes.

Mr. Anderson of California with Mr. Ullman.

Mr. Ashley with Mr. Aspin.

Mrs. Burke of California with Mr. Patman of Texas.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CARPOOLS—REDUCE POLLUTION AND CONSERVE FUEL

(Mr. FASCELL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FASCELL. Mr. Speaker, the Clean Air Act Amendments of 1970 establish nationwide emission limits of carbon monoxide and hydrocarbons from motor vehicles which must be realized by the model year of 1975. Pursuant to the statute, regulations applicable to such emissions must contain standards which require carbon monoxide and hydrocarbon emission levels in 1975 model year cars to be at least 90 percent less than those allowable under standards applicable to 1970 vehicles and engines. The 1970 amendments further spelled out a requirement that 1976 model light-duty vehicles should emit at least 90 percent less oxides of nitrogen than measured from light-duty vehicles, manufactured during the 1971 model year, which are not subject to any Federal or State emission standard for oxides of nitrogen.

In hearings presently being conducted by the Environmental Protection Agency, spokesmen for the large auto manufacturers are going on record as saying they will not be able—in the light of current exhaust emission technology—to develop in a short period of time exhaust emission devices that will prove economical in price and gasoline consumption and efficient in terms of both meeting the required emission levels and maintaining that level for the life of the motor vehicle.

The portent of all this is clear—we may not have the desired pollution-free motor vehicles by the designated model years, and it is apparent that we will not have such vehicles in the reasonably near future.

This awareness should prompt us to act in the interest of controlling air pollution from motor vehicle exhausts through legislative action directing methods of transportation which will cut into the 43-percent contribution of motor vehicles to the air pollution problem. And indeed, on the local levels, proposals such as parking bans on inner-city streets during certain hours, substantial parking taxes on commuters, and increased availability and use of mass transportation have already been made and recognized as sound deterrents to the ever-increasing influx of motor vehicles into the great metropolitan areas of our Nation which are most seriously affected by the automobile smog problem, and to the ever-increasing consumption of our fixed and rapidly diminishing oil reserves. The unpopularity of these proposals with the voter-commuter wedded to his automobile for reasons for comfort and convenience has understandably but effectively blocked their adoption or serious enforcement. The solution is obvious—transportation control legislation should offer benefits and not impose penalties with respect to motor vehicle uses.

Cognizant of the fact that the overwhelming majority of motor vehicles in use on metropolitan highways, roads, and streets during morning and evening rush hours contain only one passenger—the driver—I am today proposing and introducing legislation that will effectively reduce the number of cars in operation during these periods.

Under my bill, limited tax benefits would be made available to commuters commuting to and from their places of employment in carpools. The benefits would be in the form of deductions actually incurred for unreimbursed automobile operating costs and parking fees.

The automobile operating costs feature of my bill is identical to the present Treasury allowance based on the business mileage traveled during the tax year and available to those taxpayers who are required to use their motor vehicles in their trade or business. This allowance would be 12 cents per mile for the first 15,000 miles of carpool travel and 9 cents per mile for carpool travel over 15,000 miles. The parking fee deduction would be in addition to the mileage deduction and in that respect it differs from the current tax treatment of such fees incurred in business travel in that the deduction therefor is allowed only if the taxpayer itemizes his business travel expenses in lieu of taking the Treasury allowance respecting business mileage.

The enactment of my bill will effect a revenue loss. I am confident, however, that the cost in lost revenue will be far exceeded by the ultimate savings in fuel supply, road maintenance and wear, and in the amounts of pollutants disgorged into the air from the exhaust systems of motor vehicles that are primarily responsible for the unhealthy smogs that envelop our metropolitan areas and cities daily.

Mrs. Alice Wainwright, a Miami constituent long active in south Florida conservation efforts, first suggested this proposal to me primarily as an antipollution incentive. Mrs. Wainwright reasoned, and I feel accurately so, that we could potentially reduce both noise and air pollution by providing an income tax incentive for people to form more carpools and thereby reduce the number of cars on the highways during the daily rush hours.

The impending fuel shortage crisis is an increasingly important factor which also lends substantial support to this proposal. In south Florida just last week, Sears, Roebuck & Co. announced that gasoline would be limited to 10 gallons per customer per day at its stations from Key West to Palm Beach. In announcing its rationing program, Sears officials said it had become obvious that its stations would run completely dry if sales were not restricted. Since October the Sears stations have been on a monthly allotment which did not meet the customer demand. By borrowing on future months' supplies, they were able to maintain full service until last week.

The country faces a similar problem nationwide. There are two ways to approach the fuel shortage. We can increase our supply—by developing new resources and by lifting import restrictions—and we can conserve the existing supply. By encouraging the use of carpools, and reducing the number of cars on the road, we can effectively conserve fuel without resorting to rationing.

The text of my bill and a section-by-section analysis follows:

SECTION-BY-SECTION ANALYSIS

This bill would redesignate the present section 219 of the Internal Revenue Code (26 U.S.C. sec. 219) as section 220 and add a new section 219 to provide additional deductions to qualified persons who itemize deductions on their tax returns:

SECTION 219—OPERATING PASSENGER AUTOMOBILE IN A CARPOOL

(a) (1) provides a travel allowance with respect to carpool mileage at the rate of 12 cents per mile for the first 15,000 miles and 9 cents per mile for each travel mile over 15,000 miles.

(2) provides a deduction for parking fees incurred as the result of operating a carpool.

(b) requires parking fee and mileage deductions to be reduced to the extent of any cash reimbursements received from qualified carpool passengers.

(c) Definitions

(1) Use as part of a carpool—means an arrangement whereby a taxpayer transports himself and two or more qualified persons whether part way or all the way to or from their places of employment.

(2) Qualified passenger—means any person other than the taxpayer, his spouse, or a dependent who qualifies as a dependent deduction on the taxpayer's tax return.

(3) Spouse—means the taxpayer's husband or wife and from whom neither he nor she was separated or divorced during the tax year.

(d) Regulations—requires the promulgation of regulations necessary to carry out the purposes of this Act.

(e) Makes conforming amendments to part 7, subchapter B, chapter 1 of the Internal Revenue Code.

Section 2—makes the Act applicable to the tax year beginning after the date of its enactment.

H.R. —

A bill to amend the Internal Revenue Code of 1954 to provide an additional itemized deduction for the use of a passenger automobile in a carpool

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to additional itemized deductions for individuals) is amended by redesignating section 219 as section 220, and by inserting after section 218 the following new section:

"SEC. 219. OPERATING PASSENGER AUTOMOBILE IN A CARPOOL

"(a) ALLOWANCE OF DEDUCTION.—In the case of an individual who owns a passenger automobile which he uses in a carpool, there shall be allowed as a deduction—

"(1) 12 cents for each of the first 15,000 miles attributable to such use during the taxable year, and 9 cents for each mile in excess of 15,000, and

"(2) an amount equal to the amount paid or accrued by the taxpayer for parking attributable to such use during the taxable year.

"(b) REDUCTION FOR REIMBURSEMENT.—The amount allowable as a deduction under subsection (a) shall be reduced by any amount received or accrued by the taxpayer during the taxable year as reimbursement from any qualified passenger for transportation of such passenger in the carpool. The reciprocal receipt of carpool services shall not be treated as reimbursement for purposes of this subsection.

"(c) DEFINITIONS.—For purposes of this section—

"(1) USE AS PART OF A CARPOOL.—The term 'use in a carpool' means use while transporting two or more qualified passengers as part of an arrangement between the taxpayer and such passengers whereby the taxpayer, in the course of travelling to or from his place of employment, transports such passengers all or part of the way to or from their places of employment.

"(2) QUALIFIED PASSENGER.—The term 'qualified passenger' means any individual other than the taxpayer, the spouse of the taxpayer, or a dependent of the taxpayer as defined in section 152(a).

"(3) SPOUSE.—Determination of marital status shall be made as provided in section 153.

"(d) REGULATIONS.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this section with respect to the determination of amounts allowable as a deduction under this section and the substantiation of such amounts by adequate records."

(b) The table of sections for part VII of subchapter B of chapter 1 of such Code is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 219. Operating passenger automobile in a carpool.
"Sec. 220. Cross references."

SEC. 2. The amendments made by the first section of this Act shall apply with respect to taxable years beginning after the date of the enactment of this Act.

MAJORITY LEADER THOMAS P. O'NEILL, JR., REPORTS ON ADMINISTRATION'S LATEST STEPS TO MALIGN CONGRESS

(Mr. O'NEILL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. O'NEILL. Mr. Speaker, Mike Causey reported in the Washington Post yesterday on the administration's latest steps to malign the Congress and to demean its Members.

The White House has sent to the top public relations men in all departments and agencies a special kit of defamatory materials. These materials are to be used in speeches by Federal officials and in press releases for newspapers and television.

One sample quoted by Mr. Causey was as follows:

> Each day the Congress persists in its efforts to foist on the American public a gaggle of runaway spending schemes * * * and boondoggling programs which fuel inflation and threaten higher taxes.

Mr. Speaker, this is the kind of slander we can expect every time one of the administration's small-bore bureaucrats takes to the stump. The White House is calling out all its tin soldiers for its campaign to discredit the Congress and to push President Nixon's scheme for one-man rule.

In the spirit of the good old American sense of fairplay, I think it only right that Members of Congress should be able to see the kit. Perhaps we should print it in the RECORD for the benefit of all Members. I am not sure I would have much success obtaining one from Mr. Ziegler's office. I wonder if the gentlemen on the other side of the aisle might undertake to obtain a kit for us.

Meanwhile, I submit Mr. Causey's article for printing in the RECORD:

[From the Washington Post, Apr. 4, 1973]

PR MEN GIRD FOR "BATTLE OF BUDGET"

(By Mike Causey)

The Nixon administration is mobilizing the bureaucracy's extensive, and expensive, public relations apparatus for an attack on the "spendthrift" Democratic-controlled Congress.

To make sure voters get the same message, federal writers have been given a detailed set of guidelines by the White House, telling them where, when and how to warn taxpayers of the dangers to their pocketbooks if Congress tampers with the President's budget.

The guidelines, obtained by this column, tell government specialists how to write speeches warning of tax increases, and give lists of 15 federal programs to be hit, anti-Congressional "one liners" to be used by officials on the banquet circuit, and examples of "horror stories" to be used in spotlighting federal programs Mr. Nixon wants to end.

The idea is to rally public pressure against Congress not to tamper with the budget. The approach is not new. It was used by the

Kennedy administration to push anti-poverty programs and civil rights, and by the Johnson administration to build support for our presence in Vietnam. But the scope of the latest operation, and its tight control from the White House, may be unprecedented, and is definitely attack-oriented.

Kits, called "The Battle of the Budget, 1973," were distributed yesterday morning to top agency officials and public relations aides. The kit includes detailed instructions as to how future government press releases, and speeches, are to be written, listing:

"Major Themes."

"Key Facts."

"Sample Speech Material, One-Liners, Sample Speech," and "Anecdotes" that lampoon unsuccessful federal programs, members of Congress and anti-administration newspapers.

Examples of how "Horror Stories Might Be Used" in speech material and "canned" editorials written for newspapers and television stations include the following:

"Each day the Congress persists in its efforts to foist on the American public a gaggle of runaway spending schemes . . . and boondoggling programs which fuel inflation and threaten higher taxes.

"The pat response by the President's critics is that the President is hurting the poor, not responding to the people and has his priorities mixed up."

It then lists the programs Mr. Nixon has "targeted for cutbacks," and the "horror stories" to be used to illustrate they have been a waste of time and taxpayers' money. They include the Concentrated Employment Program in East Harlem that had "the commendable goal of 1,400 enrollees" in a job training, placement system.

"Only 616 persons were actually enrolled," the guideline sheet says, "while 170 of those dropped out. Instead of the hoped-for job placements of 920, the magic figure for the number of persons placed in jobs was 6. That is to say, thousands of dollars were spent for a program whose final results were a one out of 100 ratio of job placement."

In a section called "Support for the President's Stand," speech-writers are told to draw on Mr. Nixon's earlier antispending statements—which are attached—and to use this followup:

"As President Nixon has said, 'The way to hold the line on taxes is to hold the line on federal spending.'" The suggested followup in a speech is "It is as simple as that."

The speech-writers are then given this suggestion for phrases their bosses must use in upcoming speech-making tours. They should tell taxpayer groups:

"But holding that line means doing away with some of the favorite sacred cows that the Congress has funded and refunded again and again for decades." The sample speech continues:

"As far as the public is concerned, these sacred cows stopped giving milk years ago. But each special program has a small but determined band of special beneficiaries—people who have been receiving something for nothing; people who have been getting a free ride at the taxpayers' expense. These free loaders are not going to be evicted without a fight."

STUDENT ASSISTANCE PROGRAMS

(Mr. PERKINS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PERKINS. Mr. Speaker, I take this time to briefly discuss a matter of great importance and urgency. As my colleagues well know, we are dangerously close to a crisis situation with respect to student assistance programs. The well-balanced and far-reaching student aid provisions enacted last year will be nullified unless we move as expeditiously as possible with a student aid appropriations measure.

Colleges and universities—and most importantly, their students and parents—are deeply concerned and troubled over the uncertainty of Federal resources available for the 1973–74 academic year. Normally, colleges are in a position to advise applicants at least on a tentative basis of the assistance they may expect to receive by mid-March or early April—at this very time of the year. In the past, this has been possible because of forward funding mechanisms and the utilization of tentative applications based on budget requests.

It is now April 5 and there are hundreds of thousands of needy students who do not know whether they will be able to enroll or continue their education next year.

This uncertainty exists primarily because of the administration's position and action with regard to the timing and funding for authorized programs. Continuing procrastination has characterized the administration's action—or lack of it—since the enactment of the education amendments last June. They have moved at a snail's pace with regard to the implementation of the new basic opportunity grants program.

Despite our pleas for action in the fall on funding for student aid programs, the administration decided to postpone their request until after the first of the year. Moreover, the situation is compounded by the absence of budget requests for certain authorized programs for which funding is mandated.

Mr. Speaker, we must now take the initiative and move forward as expeditiously as possible. It is incumbent upon the Congress to clear the air and to provide the certainty we worked for so hard last year in the education amendments. Most importantly, the basic opportunity grant program depends on an early appropriation. This program is the major innovation enacted in the 1972 amendments, and it is the Federal program which holds the greatest promise for meeting the oft-stated congressional goal that no student be denied an opportunity for a college education because of financial barriers. The administrative mechanism set forth in the statute and the magnitude and scope of the program requires extensive planning and preparation if it is to effectively meet the purposes and goals the Congress envisioned. And this requires early information on the availability of funds.

Mr. Speaker, in action taken this week within the Committee on Education and Labor, it is clear that there will be no disapproval of the family contribution schedule promulgated by the U.S. Office of Education for the BOG program. This eliminates any complication in the implementation of the BOG program for the coming academic year, if funding is provided in the very near future.

Mr. Speaker, I join the thousands and thousands of students, parents, college financial aid officers, and many of my colleagues on the Committee on Education and Labor in making a plea for a speedy and early resolution of this critical issue.

ADDRESS BY HON. LOUIS STOKES TO FRONTIERS INTERNATIONAL 13TH ANNUAL BANQUET

(Mr. GIBBONS asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. GIBBONS. Mr. Speaker, this past weekend in Tampa, Fla., my distinguished colleague, LOUIS STOKES, made an outstanding address to the members of Frontiers International at its 13th annual banquet.

His comments were so timely and perceptive that I thought others might want to share them with me and those who heard his address in person:

ADDRESS BY HON. LOUIS STOKES

Congressman Gibbons, Mr. Stewart, President Emeritus Blythe Andrews, Officers and Members of Frontiers International, and ladies and gentlemen, it is indeed a pleasure to be with you this evening on the occasion of your 13th annual banquet. I need not tell you, of course, of the long history of dedication to service, progress and equality of Frontiers International. I should point out however, that this organization has earned the respect of millions of Americans since its inception.

The desire to provide service and assistance to needy people which was the catalyst in creating Frontiers International has resulted in international acclaim for your many achievements. As the only service organization to be founded by Black Americans, you have also provided a great deal of inspiration to those of us who seek to help people.

And let me say that on this occasion, we can all be proud of your distinguished honorees. It is certainly fitting for this community to pay tribute on this occasion to these citizens who have by their achievements made your community a little better place in which to live.

I have come here tonight as one who has previously addressed chapters of Frontiers International in other cities around the Nation. I am therefore familiar with your deep concerns about your community and your nation.

As one elected to represent people in this Nation, I share with you these kinds of concerns. This is, of course, a fitting occasion for us to mutually explore some of our common concerns.

A few weeks ago, I attended a preview showing of a new movie entitled "Wattstax." The motion picture was made around the Watts Festival of this past year, commemorating the Watts riots of 1965. The entire movie expresses in an articulate way the mood of black America today.

The significant aspect of the movie for our purposes here tonight had to do with the opening of the festival on this occasion. There were 100,000 black people who attended that festival. As the festival opened with the singing and playing of the Star Spangled Banner, no one stood up out of respect to the National Anthem. Persons attending the festival continued to eat, drink, talk and in all other ways completely ignored the playing of the National Anthem.

Last year at the Munich Olympics, two young black athletes had just won the world's highest award for athletic achievement. As they stood on the award stand in recognition of their winning gold medals, they casually conversed with one another as the Star Splangled Banner was played in tribute to their achievement. Since this had occurred on world-wide television and was disrespectful to America, the Olympic Committee punished them by taking their medals away from them.

Last year, there was a play off-Broadway entitled "Ain't Supposed to Die a Natural Death." Melvin Van Peebles very cleverly opens his play with a small group of musicians playing the Star Spangled Banner. Mr. Van Peebles carefully contrived opening up an all black play with the playing of the National Anthem in order to watch audience reaction.

The results each night were interesting. Some persons stood, some sat, others half stood and half sat. Others looked about them in utter confusion and generally, most appeared relieved when the experience was over.

I don't know how many of you have talked with high school members of your family regarding the Pledge of Allegiance. In high schools around the Nation today many young black students either refuse to stand or if they stand they refuse to recite the Pledge of Allegiance.

When questioned about their attitude they candidly tell you that they refused to be hypocritical. That this is not one Nation, indivisable, with liberty and justice for all. One young man whom I asked for his reasons summed it up best when he said, "Mr. Stokes, I'll stand up for the flag when it stands up for me."

On Tuesday night of this week, according to newspaper accounts, 75 million people viewed Marlon Brando's renunciation of the theatre's most coveted award, that of the Academy Award Oscar for best actor. The following day, the *Washington Post* described audience reaction to Sacheen Littlefeather rejecting the oscar for Brando. The *Post* said the audience gasped, cheered and catcalled. This same article went on to some extent making reference to comments of those present as to whether Brando had chosen the right time and place.

* * * * *

When the American Indian movement seized the Wounded Knee Reservation last month, they cited job and racial discrimination and a succession of broken treaties since 1868. The real question at Wounded Knee is not which set of Indians should the Federal Government recognize and negotiate with. The real question is why it is that, 105 years later, we are still managing the affairs of people who had managed their own affairs for thousands of years before the *Mayflower* arrived here.

We are now in our third year of the decade of the seventies. This means that we are only three years away from our bicentennial celebration—200 years as a Nation.

As we began this decade of the seventies, it was marked by Trauma and unrest in all parts of our country. Much of it, as you know, involved the students of our colleges and universities who were demanding answers to questions and the resolution of problems which society had avoided for too long.

* * * * *

"They see a world of nation-states with the technical brilliance to harness the ultimate energy, but without the common sense to agree on methods of preventing mutual destruction."

The college students of the seventies evidenced very little support for the Vietnam war. They evidenced a strong concern about the fact that we are not facing up to the problems of a racist society—and they did not believe that poverty needed to exist in the most affluent nation in the history of the world.

So intense has been the concern of young people, both black and white, about our society that we have seen disruption, violence and death on college campuses in the seventies. Thus, we have Kent State, Jackson State and Southern University to constantly remind us of the concerns of young people in the seventies. The price they paid can never be repaid.

This then seems to impose upon you and I, the adults in this society, a greater challenge.

If you and I, here tonight, are in truth and fact, concerned about the ills in our society—then we must dedicate ourselves to a greater sense of urgency in the 70's than we had in the 60's.

The 1960's saw this Nation establish itself as the world leader in scientific and technological advancement by its feat of conquering space and placing the footsteps of men on the moon. This Nation took great pride in an achievement wherein the first step on the moon was hailed as the step that divided history.

But sharing time with this achievement in space in the sixties is our under-achievement on earth in the seventies—our joblessness, homelessness, poverty, ignorance, blight, pollution, and a myriad of unsolved domestic problems which make life on earth miserable for many Americans. The late Whitney Young, in describing this era, said that, "We had become technological giants and sociological midgets."

This Nation must be mindful that a nation which has set foot on the moon can no longer explain to the world why some Americans do not have shoes.

How does a nation capable of building satellite stations in space explain to the world why some Americans do not have a home to live in? How does a nation which learned to provide oxygen and water for men to live on a planet where the gravitational change would occasion death within three minutes explain why air and water pollution remain here in our cities?

How does a nation which possesses the engineering, scientific and technological expertise to place men on the moon explain why every American does not have an opportunity to be educated?

It seems to me that our trips to the moon do not settle for once and all time the greatness of America. Our chance at greatness lies here on earth. One does not need months of laboratory testing to determine that our going to the moon in the sixties merely points up our inadequacies in the seventies.

Now that the war in Vietnam is over, we are being told that there will be no peace dividend for our cities. Mr. Kissinger has stated that it will take approximately seven billion dollars for us to restore the little country that we purposely heaped death and destruction upon. Yet two days ago in Washington, D.C., President Nixon vetoed a 2.6 billion dollar vocational education bill. This measure had been passed by Congress to, among other things, provide vocational training for handicapped people. In vetoing the bill, the President denounced Congress as the "big spenders".

The amount of money we had provided for training handicapped people in this country was a billion dollars less than the amount his Mr. Kissinger said would be needed just to restore the city of Hanoi.

Last night, on national TV, the President told the Nation that it would be necessary for us to continue our national defense in order to remain first in the world. This was the manner in which he attempts to justify an increase in defense spending by $4.2 billion dollars in spite of the end of the war.

Interestingly enough, Mr. Nixon did not address himself to nor attempt to explain his impoundment of funds and dismantlement of some 200 social service programs.

Also, our economy-minded President did not tell you that this week he requested from Congress 17 new helicopters for himself, his family and his staff at a cost of 37.7 million dollars. He presently has 11 twin-engine VH–3 choppers and 5 single-engine models which he is giving to the Defense Department. In his letter-writing campaign which he urged upon Congressmen and Senators, he did not mention this to you.

Nor did he tell you that just this week the Air Force announced approval for the first thirty production models of its new F–15 air superiority jet fighters. Total production is eventually expected to reach 749 airplanes at a cost of 7.8 billion dollars. This airplane is advertised by the Air Force as being capable of out-climbing, out-maneuvering and out-speeding "any kind of MIG you might find in the next decade."

The problem I find with this is that the last plane on which we spent several billion dollars, the F–11–B was similarly advertised. It was hailed as being the finest plane ever devised by the mind of man and was capable of doing everything. They got it over in Vietnam and found out that it did do everything—except fly. It wouldn't even get off the ground.

I could go on and on reciting one instance of governmental waste after another. Suffice it to say that while this kind of waste exists, and funds are impounded and budgets cut, that many people in this society will suffer severely.

I wish that I could show you the thousands of letters that I have received from people who—if the President succeeds—will be left with nothing and nowhere to turn. Just this week, I received a letter from a woman in Cleveland who supports her children on $42.00 a month in social security benefits. She was desperate because she could not afford the shoes or clothing to enable her to send her children to school in the wintertime.

That is poverty. Being poor is not just a black experience in this Nation, despite what the administration wants you to believe. Poverty—like the President's budget cuts—does not discriminate on the basis of race.

The Bureau of Labor Statistics sets the urban poverty level at $7,200.00 for a family of four. This means that there are 13 million families living in destitution in our cities—and 10 million of them are white.

On January 20, 1973, President Nixon callously exhorted the American people: "In our own lives, let each of us ask—not just what will Government do for me, but what can I do for myself?" The question is a dangerous one in an era when people's ability to help themselves is dwindling and when a Federal commitment to humanity is needed more than ever before.

People are helpless when they are uneducated; or poor; or sick; when they are at the mercy of drug addicts and pushers; when they are out of work; when living costs spiral upward beyond their reach; when they live in unsanitary and indecent housing; when they are a minority in a racist nation; and when they are victims of a foreign policy that few believe in. Millions of Americans—both black and white—are helpless in this way.

The President's 1974 budget takes 10 billion dollars away from minority, poor and disadvantaged Americans. It then turns around and gives almost half that amount to the defense industry. The budget takes 1.5 billion dollars away from elementary and secondary education and spends it instead on the Trident submarine. It transfers $200 million in child nutrition funds to the purchase of SAM–D missiles. It cuts health training and education programs by 86 million dollars and then allocates that money to the Air Force for research and development. The President takes 34 million dollars out of the budget for libraries in exchange for the helicopters I mentioned earlier.

According to a citizens' organization for a sane world, we are number one in the world for military might. But we are number 8 in our doctor-patient ratio; number 14 in literacy; number 14 in infant mortality; and number 25 in life expectancy.

The 1974 budget gives 19 billion dollars to industry in tax welfare. And as much as industry gets, it keeps coming back for more. Penn Central, which would collapse without buttressing, came to us not long ago and asked for 800 million dollars more.

Presidential Advisor John Ehrlichman recently came out with the ridiculous comment that the only loopholes that he can find in the tax system are in the form of charitable contributions to the church and the Boy Scouts. Apparently, he does not realize that economists have proven that if the tax loopholes were closed, then all of the programs that were cut by the 1974 budget could be restored.

Under this administration, the number of poor people increased for the first time in a decade. At the same time, industry enjoyed a 19 percent upsurge in profits. The net sales of General Motors have surpassed the gross national product of all but 23 nations in the world.

Administration spokesmen tell you that they cannot find tax loopholes to help the poor and they cannot find money in the Treasury. What then does the President propose to do? The answer lies in revenue sharing—which is a code-word for "State's rights."

Revenue sharing, the cornerstone of the administration's domestic policy, could well be the last straw for minorities and poor people. It has already been tried in the field of crime control. It has helped cities purchase helicopters, walkie-talkies and armored tanks. It has done nothing to stop crime, particularly in the inner city where the rate of crime is the highest.

I suppose what I have been talking to you about tonight is a need for our Nation to reassess its national priorities. Last night Mr. Nixon spoke of what he called "peace with honor" and "America's finest hour." Platitudes which ignore the realities of our society do not impress me.

I live in a very real world—with very real problems. Last night Mr. Nixon spoke of the fact that it was four years and two months ago that he came into office. I did not need to be reminded because he and I came into office together.

Over this period of four years and two months I have watched the erosion of civil rights gains of the sixties. I have witnessed oppression and repression as it relates to minorities. I have been particularly mindful of the absence of a single civil rights speech in the period of time he has been in office.

The very real world in which I live is more like the world described by the late President Johnson in a speech in Austin, Texas just before his death. During the course of that speech, he said:

"I believe that the essence of government lies with unceasing concern for the welfare, dignity, decency, and innate integrity of life for every individual, regardless of color, creed, ancestry, sex or age."

In that same speech, President Johnson eloquently stated, "Moreover—and we cannot obscure this blunt fact—the black problem remains what it has always been—the problem of being black in a white society. This is the problem to which our efforts have not yet been addressed. To be black—to one who is black—is to be proud, to be worthy, to be honorable. But to be black in a white society is not to stand on level ground. While the races may stand side by side, whites stand on history's mountain and blacks stand in history's hollow. Until we overcome unequal history, we cannot overcome unequal opportunity."

Those were the words not platitudes, of a great American. Whenever this Nation has set for itself the goal and priority of overcoming unequal history—that, it seems to me, will be America's finest hour.

CALLS FOR NEW INTERNATIONAL CONVENTION ON POW'S

(Mr. YOUNG of Florida asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. YOUNG of Florida. Mr. Speaker, for the past week the American people have listened with shock, disgust, and growing anger as the true story of the inhumane treatment of American prisoners of war unfolds. We also have listened with a soaring sense of pride that our men—after suffering unspeakable physical and mental torture—came off those planes with love in their hearts and "God bless America" on their lips.

The returning prisoners of war remind us of the unrelenting savagery of our Communist enemies, and of the great strengths and character inherent in the American people.

We are prayerfully thankful for the return of our men and for the end of our involvement in the tragic Vietnam conflict.

While my remarks today are limited to the subject of POW's my thoughts go out to all of the men and families of men who fought and returned safely; who fought and returned with injuries; who fought and are missing in action; who fought and survived the ordeal of being prisoners of war; and who fought and gave their lives.

Mr. Speaker, it should be our national prayer that America will never again be required to send men into armed combat—but the price of peace will be our willingless and capability to do so, should it be necessary.

I have asked the chairman of the House Armed Services Committee to conduct an investigation into the treatment of American prisoners of war to determine what can be done, in the event of another conflict, to prevent such barbaric treatment and prepare our men to face the unspeakable ordeals we are learning more and more about each day. My letter to Chairman Hébert will be included in the Record following my remarks.

Communist treatment of the American prisoners of war violated nearly every provision of the Geneva Convention. While this went on, the United Nations stood by pitifully helpless, showing itself unwilling or unable to serve as an effective force in the cause of world peace. The nations that signed the Geneva Convention were equally ineffective in enforcement of the convention's well-intended provisions.

For this reason, I feel strongly that the United States should pursue the convening of another international convention to review the treatment of prisoners of war, and also to provide means to guarantee that the convention's rules are enforced. I have written President Nixon urging him to take the lead in establishing such a convention, and my letter to the President will also be included in the Record.

Mr. Speaker, watching the return of these young Americans from their captivity is an emotional experience difficult to express. Their unashamed statements of love for their God, their families, and their Nation set a beautiful example for us all.

The letter referred to follows:

Hon. F. Edward Hébert,
Chairman, House Armed Services Committee,
Washington, D.C.

Dear Chairman Hébert: All Americans share in the joy that our involvement in Vietnam has been ended and that, at long last, peace with honor has been achieved.

We have shared in the happiness of the families and friends of returning prisoners of war but, in the aftermath of this welcome home celebration, we are now sharing in the tales of horror and atrocities related by these brave men. We must accept our great responsibility to these Americans who, for so many years, withstood the abuse and torture of their captors, and to those who fell victim to the violent and despicable inhumanities of the prison camps and will never return home.

In light of these authenticated reports of the inhumane treatment received by these prisoners of war, I respectfully request that the Armed Services Committee conduct a thorough investigation of the treatment of Americans held prisoner by the Communists. While we are hopeful that America will never again become involved in any military conflict, should we again face such an eventuality, we want to assure that our men are more adequately protected.

Your attention to this matter of vital importance will be deeply appreciated, and with best wishes and warm, personal regards, I am,

Very truly yours,
C. W. Bill Young,
Member of Congress.

The President
The White House
Washington, D.C.

Dear Mr. President: Americans are extremely grateful that our Nation has achieved peace with honor in Vietnam and thank God for the strength and courage you displayed to make it possible.

Recent reports, however, on the abuse and torture of American Prisoners of War held captive during the conflict have focused our attention on the fact that North Vietnam and the Viet Cong flauntingly abused the requirements for treatment of Prisoners of War as set forth in the Geneva Convention. As a consequence, worldwide attention is now being focused on the inexcusable, barbaric and deplorable treatment received by our brave and courageous American fighting men who endured suffering beyond belief.

While we pray that Americans will never again be required to participate in an armed conflict, because of the manner in which the Geneva Convention Accord was flagrantly abused by the Communists and because the United Nations stood by pitifully helpless and because the cosigners did nothing to require the Communists to abide by the terms set forth in the Accord, I propose that the United States take the initiative in convening a new international convention for the purpose of reviewing agreements relating to the treatment of Prisoners of War, and to provide for effective methods to guarantee the enforcement of agreements relative to prisoners of war.

Your kind attention to this matter of vital importance will be deeply appreciated, and with best wishes and warm, personal regards, I am,

Very truly yours,
C. W. Bill Young,
Member of Congress.

FBI INTELLIGENCE LETTER

(Mr. DEVINE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DEVINE. Mr. Speaker, on April 3, 1973, a Member of this body charged the FBI was being used as a "political Peeping Tom" by the administration. This charge was leveled against the FBI on the basis of carefully selected excerpts from a memorandum published in February by the Oregon Times, a memorandum dating back more than 2 years.

As a former FBI agent, charges that the FBI's mission is being perverted for political ends always disturb me. I obtained a copy of the page from the Oregon Times in which the FBI memorandum was published, and I have carefully analyzed it. The full text of the memorandum reveals to me that the FBI is carrying out its traditional role as an investigative and intelligence gathering agency, this and nothing more.

Each Member of this body should have the benefit of the entire memorandum from the special agent in charge of the Portland office to all agents of that office dated January 21, 1971. I will read it for the Record:

> The subject of this memorandum is "FBI Intelligence Letter for the President, Code Name 'Inlet,' Research-Satellite Matter."
>
> "For information of all Agents, the Bureau during 1969 initiated captioned program of furnishing high-level intelligence data in the security field to the President and the Attorney General on a continuing basis. The material to be furnished to the Bureau is not of a routine nature but rather that which has the qualities of importance and timeliness necessary to secure the President's interest and to provide him with meaningful intelligence for his guidance. The Bureau is not interested in mere rumors or nebulous information.
>
> "The Bureau has advised that it will be the responsibility of each Field Office to furnish the Bureau on a continuing basis intelligence items suitable under this program. Each office must, in the course of its normal business and submission of information to the Bureau, be alert to flag specific items for the above purpose. The following, not all inclusive, are the types of information desired:
>
> "(1) Information of national or international significance which is security related;
>
> "(2) Important current or pending developments in major security cases;
>
> "(3) Current information which is representative of or calls attention to a significant developing intelligence trend;
>
> "(4) Material which has a bearing on national security, particularly that from sensitive and/or penetrative coverage of foreign establishments, which could affect American relations with foreign countries, or assist in formulating United States policy.
>
> "(5) 'Inside' information concerning demonstrations, disorders or other civil disruptions which is of more than local significance.
>
> "(6) Items with an unusual twist or concerning prominent personalities which may be of special interest to the President or the Attorney General.
>
> "It is to be noted that the type of information desired in paragraph six may be obtained through investigations not wholly related to the security field.
>
> "The Bureau noted that all information submitted as a result of investigations concerning subversive organizations, new left groups, racial matters, hate groups, and espionage and counter-intelligence matters should be reviewed daily for any items falling in the above category. Communications concerning subject items should be submitted by the most expeditious means warranted and should be flagged with the code name 'Inlet' after the title and character. In those instances where an article or letter is used, an additional copy should be furnished to the Bureau.
>
> "The Bureau has pointed out that it is absolutely essential that a steady flow of quality intelligence data be received from all Field Offices for this program to be a success, and the Bureau is following the matter closely to insure all Offices participate.
>
> "*Action:* All Agents must be alert for appropriate items under this program. Any doubt as to the merit of a particular item should be resolved by contacting SUPV. B. APP JR. or SA EDGAR O. INGALLS, JR. (who is case agent.)"

There are a number of points I would like to call to your attention.

First, let us analyze the supposedly sinister code name—Inlet. The subject of this memorandum indicates it is an FBI intelligence letter for the President, and "Inlet" is obviously nothing more than an abbreviation of intelligence letter—about as sinister as U.S.A.

Our colleague's release to the press quoted the first sentence and one-half of the first paragraph but omitted statements indicating that this program only involved data with the "qualities of importance and timeliness necessary to secure the President's interest and to provide him with meaningful intelligence for his guidance" and also omitted the positive statement that the Bureau was not interested in "mere rumors or nebulous information."

He omitted the entire second paragraph, which is crucial. It includes the statement that the material desired is that developed in the course of the FBI's normal business and indicates that the thrust of "Inlet" is merely to flag those matters of prime importance which should be brought to the President's personal attention.

If there is anything evident in our Government today, it is that there is a communications gap between the people at the top and the lower echelons. All too frequently, data vital to the President and other top officials, data they need for decisionmaking, is buried in massive reports and memorandums.

The results of official FBI investigations have always been furnished other agencies in the executive branch when the results include information necessary for those agencies to do their job. In the fields of intelligence and security in particular, the FBI has always furnished the White House with data developed during its investigations which would assist in decisionmaking and has even summarized the more important information for the President's personal attention. Nor is it unusual for the same information to be furnished the Attorney General who is, after all, the top official in the Department of Justice and a member of the President's Cabinet. It is the Attorney General, after all, to whom the President looks for investigative information, and he should be expected to know and must have the benefit of the same information the FBI furnishes the President.

This FBI memorandum sets forth six categories that would come under the "Inlet" program to be flagged for a summary to the President and the Attorney General. The first five apparently have caused no concern. Indeed, they clearly describe matters that should promptly be brought to the President's attention.

Item No. 6, however, has been focused upon as indicating the FBI is being used as a "Peeping Tom" for the administration. That item requests material with an unusual twist or concerning prominent personalities which may be of special interest to the President or the Attorney General, and it is further noted that information of that type may be obtained through investigations "not wholly related to the security field."

To put this in proper perspective, it must be remembered that this memorandum involves high-level security information which could affect the President's decisions; the instructions exclude rumors and nebulous information; and further that all information in the program is to come from investigations handled in the the course of the FBI's normal business, in other words information developed in the course of the FBI's official investigations. There is not the slightest ground for concluding that the Inlet program is a license for the FBI to dig up gossip and hearsay.

Now, if you will analyze the six items outlined, you will conclude that the first five, omitted by my colleague, could only be derived from investigations in the security field. The very nature of these five items is such that it would be most unusual for pertinent information to be developed by the FBI in any other manner.

However, Item No. 6 deals with people and their activities. Obviously, FBI investigations involve individuals—in criminal cases, in applicant cases, and in connection with intelligence operations in the field of organized crime. It is not unusual for a criminal case to involve a prominent personality whose activities affect our Nation's security.

For instance, Angela Davis was accused of conspiring in criminal acts that resulted in several killings and the attempted escape of several prisoners. This information would not come to the FBI's attention in its security investigations but yet the charges against Angela Davis, and even her subsequent acquittal, would be the type of information which should be brought to the immediate attention of the Nation's top policymakers.

H. Rap Brown, recently convicted in the State of New York, was charged with criminal acts. He is another prominent individual whose activities should be of concern to the FBI since he and his followers obviously could have an effect on our Nation's security.

I can easily imagine many similar examples. The President should know of prominent individuals who have influence in their States and communities or even in the Federal Government who are in frequent contact with known espionage agents. This would usually be developed in a security investigation, of course. But, it would be equally important to our national security if the same type individual were in frequent contact with the top figures of organized crime, and this information would not be developed in the normal course of an FBI security investigation.

This program, as I analyze it, never suggested that an agent do anything other than conduct the official investigations assigned to him. What it did do was instruct him to flag the most important data which could relate to our Nation's security, so that this material could be considered for inclusion in an intelligence letter to be sent to the President and the Attorney General.

As I have already said, the FBI has always furnished this type of information to the President and to the Attorney General. It must do so. Certainly, from time to time the administrative devices used by FBI supervisors to insure that they immediately see pertinent information may change. "Inlet" obviously was just such an administrative device, to help FBI officials perform the reporting obligations imposed upon them.

I do not know whether "Inlet" is still an FBI program. But I am sure it was preceded by other administrative devices to insure that FBI supervisors were alerted to top-level security information. I am equally sure, under whatever program, that the FBI is continuing to fulfill its lawful and very vital function of keeping the President, the Attorney General, and officials of other agencies in the executive branch of Government advised of information arising from the FBI's official investigations when such information is necessary for each to carry out his responsibilities to the Nation.

COST OF MAINTAINING TROOPS ABROAD

(Mr. CARTER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CARTER. Mr. Speaker, the balance-of-trade deficit is increasing. It is my understanding that, at the present time, West European, Middle Eastern, and Japanese Governments and other countries hold 96 billions of American dollars.

For 28 years the cost of maintaining troops abroad has amounted to $9.8 billion a year. The expenditure of $9.8 billion a year for 28 years is much greater than our balance-of-payments deficit. Common sense demands that we start bringing these troops home. It is time for West Germany, Japan, and other countries to assume their own defense.

The economies of the countries in Western Europe, in the Middle East and in Japan are on a much sounder basis than our own. The sums being spent on health, REAP, rural development, and other domestic programs, in relation to the vast amounts being spent for maintenance of troops abroad, compare as the puke of a puny infant to the raging torrents of the great Niagara Falls.

I include the following:

Department of Defense, fiscal year 1972 estimated annual operating costs of maintaining U.S. military forces in foreign countries and areas [1]

[In millions of dollars] [2]

South Vietnam	2,590
Thailand	478
Japan	537
Philippines	260
Ryukyu Islands	625
Korea	584
Taiwan	114
Forces afloat:	
West Pacific	228
Western Europe	338
Belgium	28
Cyprus	3
France	1
Germany	2,900
Greece	37
Greenland	10
Iceland	40
Italy	141
Netherlands	23
Portugal (including Azores)	24
Spain	120
Turkey	84
United Kingdom	260
Forces afloat: Near East/South Asia	10
Ethiopia	16
Iran	7
Saudi Arabia	2
Forces afloat: Other Pacific	41
Australia	11
New Zealand	2
Forces afloat: South America	26
Bahamas	3
Barbados	1
Bermuda	19
Brazil	11
Canada	28
Other	235
Total	9,837

[1] Excludes U.S. Territories and Special Locations, i.e., Alaska, Hawaii, Guam, Canal Zone, Cuba, Puerto Rico, etc.

[2] Department of Defense accounting records are not maintained to reflect total U.S. costs on an area basis. Operating costs for FY 1972, therefore, were estimated by using appropriate factors. Included are the costs of all military and civilian personnel located overseas and the cost of operating and maintaining facilities overseas. These estimates do *not* include indirect logistic and administrative costs for support from outside of the country, nor do they include major procurement or military construction costs.

U.S. military strength outside the United States of Sept. 30, 1972

Total outside the United States	644,000
U.S. territories and possessions	36,000
Foreign countries	608,000
SELECTED AREAS	
Southeast Asia	115,000
South Vietnam	35,000
Thailand	45,000
Afloat	35,000
Western Pacific	160,000
Japan	21,000
Philippines	16,000
Ryukyus Islands	41,000
South Korea	42,000
Taiwan	8,000
Afloat	32,000
Other areas	66,000
Bermuda	1,000
Canada	2,000
Cuba	3,000
Ethiopia	1,000
Guam	11,000
Panama Canal Zone	11,000
Puerto Rico	6,000
Afloat	20,000
Other	11,000
Western Europe and related areas	303,000
Belgium	2,000
Germany	215,000
Iceland	3,000
Italy	10,000
Greece	3,000
Morocco	1,000
Netherlands	2,000
Portugal	2,000
Spain	9,000
Turkey	7,000
United Kingdom	22,000
Afloat	25,000
Other	2,000

Less than 250: Antarctica, Bahamas, Johnston Island, Leeward Islands, Norway, Saudi Arabia.

Less than 1,000: Australia, Brazil, Cyprus, Greenland, Iran, Midway Island, New Zealand.

All other countries: Less than 100 U.S. military personnel.

NATIONAL TEXTILE WEEK 1973

(Mr. DORN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DORN. Mr. Speaker, as secretary of the Informal House Textile Committee it is a special pleasure for me to call attention to the textile industry and the contribution its people make to national security and to the quality of American life.

In South Carolina, Mr. Speaker, the textile industry and its 152,000 employees are truly the backbone of our State's fantastic economic and social progress. The textile industry has been a "gateway industry" for many thousands, without which our State's transition from an agricultural to an industrial economy would not have been possible. The new employment opportunities for women and for black people provided by the textile industry have been unprecedented. Nationally, women constitute 45 percent of all textile employment. Black people constitute 14 percent of the national textile employment, as compared to less than 10 percent for all manufacturing industry. Since 1960 the employment of blacks in the textile industry has increased five times faster than in any other manufacturing industry.

Mr. Speaker, the importance of this contribution to economic and social progress in South Carolina and in the Nation is truly incalculable. It is a positive success story of progress, good citizenship, and good community relations.

In terms of national security, the textile industry is second only to steel. In war and peace the security of the Nation demands a strong and viable textile industry. This industry's contribution to the U.S. defense effort, in Southeast Asia and throughout the world, is one of the great accomplishments in the history of American industry. The American textile industry is the most modern and innovative in the world. Its record of productivity is unexcelled. The recent dollar devaluation should have some beneficial effect on our textile exports, but the growth of imports has so far out-stripped our exports for so many years that it may well be impossible to catch up. The future of the American textile industry is bright and exciting if it has the opportunity to share in the future growth of the Amercan market. This will require that the long neglected textile import problem be brought under control through international negotiation of meaningful quotas.

Mr. Speaker, we commend Phi Psi the national professional textile fraternity, for their sponsorship of National Textile Week 1973 and wish for them every continued success in telling the story of one of America's most vital, historic, and progressive industries.

POLLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. VEYSEY), is recognized for 5 minutes.

Mr. VEYSEY. Mr. Speaker, today I am introducing legislation to place strict emission monitoring and reporting requirements on fossil fuel electric power plants.

My legislation would make mandatory precise measurements of individual emissions. It would require that those measurements be reported in detail and that the reports be made available to the public.

Mr. Speaker, one of the glaring weaknesses in our war on air pollution is an inexcusable void in sophisticated analytical information about smog and its components. We have a wealth of information, but much of it is contradictory and confounding. Further, the credibility gap in air pollution analysis is appalling.

This legislation is aimed at establishing direction and credibility in our system of analyzing smog from stationary electricity producing sources. This is an area where careful monitoring and reporting of emissions can make a significant, immediate contribution to our efforts to better understand and eventually eliminate our smog problem.

Without a better understanding, and without reliable, credible breakdowns of data on the components of smog and their respective evils, we will never make the progress necessary to clean up the air.

BOMBING WAS PINPOINTED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 15 minutes.

Mr. KEMP. Mr. Speaker, there has been a good deal of misinformation surrounding the December bombing of North Vietnam by U.S. B–52's. Aside from the fact that the bombing helped bring about the peace agreement which allowed the United States to obtain the release of our prisoners-of-war, and gave South Vietnam a chance for survival, it is important that we defuse the contention that the United States was engaging in "carpet-bombing" and deliberate attacks on civilian targets. Our President has been much maligned. The record needs to be set straight.

I wish to call to the attention of my colleagues two articles from correspondents in Hanoi whose observations run counter to those who have castigated the United States for indiscriminate bombing of Hanoi. Peter Ward of the Buffalo Evening News, Ottawa Bureau, had an article in the March 24 issue of that paper entitled, "What Hanoi Showed Canadians." In addition, Tammy Arbuckle wrote in the Washington Star on April 1 an article entitled "Bombing Was Pinpointed."

I insert both articles in the RECORD:

BOMBING WAS PINPOINTED

(By Tammy Arbuckle)

HANOI.—United States air strikes against legitimate military targets in Hanoi seem to have been carried out with almost surgical precision.

The impression after nine hours spent in this city is that Hanoi's people, contrary to some reports, seem to have had an easier war than some.

There are clear examples of the precision bombing in the three-mile drive from Gia Lam Airport to Hanoi.

At the airport itself, direct hits were made on the control tower and other buildings. Only one round seems to have missed, a small bomb or rocket that went into the control tower apron.

The runways and the nearby parking ramp are unscratched. One bomb demolished power lines and there are craters in a bunkered area near the control tower.

Then on the north bank of the Red River between the airport and Hanoi there is utter devastation at the Gia Lam locomotive repair yards.

NEARBY HOUSES INTACT

Scarcely a wall is standing in the vast factory area. The rolling stock sits among piles of iron girders.

At least five locomotives are write-offs.

But just across the main Gia Lam-Hanoi Highway, perhaps 25 yards from the railroad yards, civilian houses are intact.

Then there is the Paul Doumer Bridge linking the north bank of the Red River with Hanoi. Although the bridge is functioning now, it is obvious much of it had been destroyed.

But there is no bomb damage at the Hanoi end of the bridge among the houses and only one crater at the Gia Lam end of the bridge. The North Vietnamese guides with 28 pressmen, mostly from the U.S. press corps in Saigon who were allowed a surprise, one-day visit to Hanoi for the final POW release, waxed less than eloquent over all this evidence of successful U.S. air power, preferring to concentrate conversation on U.S. bombing of civilian areas in Hanoi.

GUIDES SHOWED DAMAGE

The North Vietnamese cited four examples of bombed civilian areas in Hanoi.

One of these was the Bach Mai Hospital in south Hanoi which, according to recent Western visitors, has a machine factory right beside it. However the visitors were not taken there.

Others include the An Duoung collective housing center near the Red River, Mai Huong in south Hanoi and Kham Tien in the west part of the city.

We were shown Kham Thien. It looked as if about 60 houses had been destroyed and another 20 damaged.

North Vietnamese officials said about 215 people were killed at Kham Thien.

It was difficult to assess what sort of bombing had caused the destruction as makeshift houses have sprung up on the ruins of the old.

A paper mache commemorative spire said bombings here had been on December 26.

Although we did not see any military targets nearby, there was not enough time to make a thorough check of the area.

CITY HARDLY TOUCHED

Pictures and some press reports had given a visitor the impression Hanoi had suffered badly in the war—but in fact the city is hardly touched.

This compares with South Vietnamese, Cambodian and Lao towns that are completely razed.

One of our guides, Mme. Linh Quyen, who spent six years in London and spoke perfect English, tried to raise some sympathy for Hanoi's citizens.

"Its so wonderful to see the children playing again in the parks," she said. "Before they lived in the shelters all the time, you know."

Several other potential myths were dispelled in wandering around western Hanoi:

There is no shortage of manpower in the North. We saw many men of military age in the streets throughout the city. Many of them were in uniform but some not, perhaps skilled labor.

A trainload of troops passed us going across the Paul Doumer Bridge.

MANY TRUCKS EVIDENT

Although the ordinary citizen is restricted to the ubiquitous bicycle for transport, Hanoi has plenty of truck transportation available. As we inched slowly through narrow streets in the suburbs with out bus horn blaring to squeeze past the hordes of bicycles, many Russian-made trucks went by in the opposite direction, some empty and others with machinery and farm produce.

It is said Hanoi lost a generation in the Indochina war. Without getting into the perennial casualty figure argument, if they have lost a generation it appears they are making up for it fast.

Everywhere we went there were hordes of children, boys predominating, all the way up to age 15. They squeezed on trams, running between the narrow gauge rails around Reunification Lake to squat on the tram's rear edges for a free ride.

As soon as our bus stopped anywhere, they were there again, five of six deep and full of curiosity at the bus door.

They surged forward screaming, shouting and joking near the entrance to Nga Tu So prison where U.S. POWs were held. It was impossible for vehicles to move.

But a shouted command from the elderly policeman and the noise is turned off like a tap.

PEOPLE EVERYWHERE

It is not just the kids. In Hanoi there is an impression of people everywhere and side streets which are just as teeming as those in Saigon.

The people are dressed either in the green of the North Vietnamese military with pith helmets or in poor quality black or white cotton.

The streets may be crowded because there are no shops to go to. The nearest thing to shops are odd hole-in-the-wall places that seem to sell only three main articles: pith helmets, Ho Chi Minh rubber sandals and sunglasses.

There are also some gardening implements for sale.

At some points, crowds swirl from darkened warehouses. It's the Vietnamese version of a queue, and they are lining up for rice and fuel oil for cooking stoves.

In one of Hanoi's main—and therefore less crowded streets—there is a state store selling exotic items such as guitars.

Although Hanoi is relatively clean compared to other Asian war capitals, its buildings are rundown and decrepit, the most modern dating back to 1954 when the French left.

After hours without spotting a single car, we came to an imposing building with rows of shiny cars, mostly Russian Zils and Muscovitches, outside.

The government is meeting, our guide tells us.

And these villas, are they all embassies? They belong to the government, our guide says.

Hanoi's leaders seem to have an eye for some of the good things in life after all, it appears.

A place in Hanoi where foreigners tend to congregate is the Hotel Metropole's massive mahogany bar with ceiling fans, high ceilings and tiled floors. But the Legionnaires and their favorite bar, the Golden Cock, across the street, are no longer there.

We rub elbows with Russians and Cubans instead.

An Australian diplomat hurries out to what he calls "another tough session across the street" concerning new diplomatic links between Australia and Hanoi.

Back at Gia Lam Airport, the airport shop is offering Hanoi's few visitors valuable chess boards of lacquer and wood and mother of pearl for only a few dollars and combs with the number of U.S. aircraft shot down by a certain date. Each comb is made of aluminum and is said to have come from the fuselage of a downed U.S. aircraft.

Thimble-sized cups of tea are served, each cup costing one dong, but our money is waved aside with a smile because the effort of converting U.S. coins is too much.

The people of Hanoi seemed friendly, but the officials don't indicate there's any real change in attitude on the war.

Asked about the continued troops and supplies moving down the Ho Chi Minh trail, Madame Quynh replied, "Saigon puts out these reports because they are frightened now. The Americans are gone and they are left alone with us."

WHAT HANOI SHOWED CANADIANS

(By Peter Ward)

HANOI.—Typical of most large Asian cities is the mixed aroma of open sewers, burning charcoal, and the undefinable whiff of incense. Not so here in Hanoi. The city smells clean and there's a touch of perfume in the air from blossoming trees at this time of year.

A knot of officials led by North Vietnamese Foreign Minister Nguyen Duy Trinh, clustered on the damp tarmac to greet Canadian External Affairs Minister Mitchell Sharp when he arrived March 19. They stood waiting before the bombed-out airport buildings, backed by a line of Russian-made black limousines—the only cars we saw that day.

For the 34 Canadian newsmen with Sharp, there were two buses, still wearing camouflage paint jobs. We went through the shrapnel-pitted buildings, past the demolished main terminal, and listened to the story of how U.S. Phantom jets had knocked out the buildings last December, without dropping one bomb on the runways.

A mile away, outside the tight airport security zone, we met the first of the bicycle traffic which dogged us all day.

Our bus driver had an obvious sense of official importance, and he displayed it with a steady blare of the horn, demanding free passage through the bicycles and occasional trucks, as he hugged the crown of the narrow road.

The first major bomb damage we saw was the city's main railyard, locomotive factory, and marshaling area. The complex stretched about two miles and it was flattened.

Jumbled railcar wheels mixed with twisted steel and overturned engines amid the rubble and little repair work has yet been done.

Several houses on either side of the rail complex had also been destroyed, but houses on the opposite side of the street were undamaged. The destruction, we were told, came from B–52 strikes in December.

A mile or so past the railyard traffic stopped us dead at the approaches to Long Binh Bridge, a three-kilometer ribbon across the Red River. The bridge carried narrow-gauge rail traffic in the center, with a 10-foot strip of roadway on either side for foot, bicycle, and truck traffic. You move across it at the same pace as the bicycles, because there's no room to pass, even for a horn-blaring government bus.

Below in the mud of the Red River, twisted steel girders poked to the surface, evidence of the many times the bridge has been destroyed by bombing. Construction work on new piling was evident, particularly at the approaches to both sides of the bridge. Photographs were forbidden in the bridge zone.

We drove through downtown Hanoi to the Foreign Ministry, where Sharp and the rest of the official Canadian delegation were holding talks over tea with Trinh. We were allowed to look into the room briefly, staring across a plush rope as though peering at a wax museum exhibit.

We were in the government section of Hanoi, a district of wide boulevards and blossoming trees, with spacious villas lining the streets, and of parks sporting statues of Ho Chi Minh. It looked exactly as it must have appeared 20 years ago when Hanoi was still the French colonial capital of Indochina, except now the officials are Vietnamese.

Nowhere in this residential area did we see evidence of bombing.

They took the press party next to a complex of old French barracks. A group of Europeans—Russians we were told—lounged at the gate, staring curiously, and we were escorted to rooms in one of the barrack blocks where beer, tea, cigarettes, and mineral water had been laid out.

The buildings were clean and in good repair, but obviously vintage 1930. I asked the interpreter if the Hanoi government used many of these former French establishments.

"This is not French," he said with a frown. "We built it ourselves six years ago."

I pointed to a tarnished manufacturers trade mark on one of the ancient wall light fixtures, which announced the hardware had come from a French company in Shanghai, but the official was not about to be shaken in his story. He repeated: "We built this six years ago."

Next there was a luncheon for us—six courses, Western style—in a building which may indeed have been about six years old. In beer, fiery rice vodka, and a Vietnamese liqueur, there were toasts to Vietnamese-Canada friendship, and then a press conference with the chief of Hanoi's official party newspaper—Hoang Tung.

We asked about massive North Vietnamese troops movements currently pouring men and equipment into the south. The answer was a complaint about 9,000 tons of munitions moved into Da Nang by the U.S. since the cease-fire, and a categorical denial that North Vietnamese troops had ever fought in the south.

We asked which was more important to Hanoi, reunification of Vietnam, or implementation of the terms of the Paris Peace.

The two things go together, we were told. If the peace terms are followed, reunification will come, and the result will be an all-Communist Vietnam.

There were complaints about U.S. reconnaisance flights over North Vietnam since the cease-fire; failure to clear the mines from Haiphong Harbor; and violations of the truce by the Saigon government.

"The situation is still dangerous," we were told.

Our initial impression of the North Vietnamese was blunted considerably by the unreasoned party hard line of the brief press conference. For many of the newsmen, it was their first contact with "big lie" policies, and it shocked them.

We went next for a bus tour of the city, again thrusting our official bus and its horn through bicycle traffic jams. We stopped briefly at Bach Mai Hospital, where bomb damage during the December raids had provided such a field day for photographers. There wasn't a window left in the three-block-long building, and at the north end, it was almost entirely rubble.

But what we hadn't known before was also evident. Immediately north of the hospital had been a heavy machinery factory of some sort. It was flattened, leaving only twisted metal and masonry, nothing higher than six feet standing.

Three, perhaps four bombs aimed at that factory had gone astray and hit the hospital next door.

A mile further down the street, we were allowed to leave the bus and wander through Reunification Park, with its small lake, strolling lovers, holidayers in rented rowboats, and relaxing fishermen.

The interpreter pointed out several men in uniform with amputated legs and explained they'd been wounded in the fighting in the south. He quickly discovered another subject when he was reminded we had been told there were no North Vietnamese troops fighting in the south.

Wherever we crawled in our bus through the bicycle traffic, the people smiled and waved. Kids followed, laughing and shrieking with delight, hands held out to touch the foreigners.

It was vivid contrast from Saigon, where there are few smiles, and an outstretched hand means a beggar, a pick-pocket, or a pimp purveying his wares.

The people of Hanoi looked happy, clean, but poor. Their mood apparently springs from relief that the war is over, but there could be no doubt of their feeling of solidarity. There were few old people about—mostly young people and kids—thousands and thousands of kids.

The Sunday crowds packed the few rickety street cars we saw, and the city was quiet—against a contrast with Saigon's Honda society, where the air is never free of the snarl of motorcycles until after midnight curfew.

There's a solidarity in the egalitarian poverty of Hanoi which contrasts again with the terribly rich, terribly poor, and predominant corruption of Saigon.

Hanoi has certainly been damaged, but evidence on the ground disproves charges of indiscriminate bombing. Several bomb loads obviously went astray into civilian residential areas, but damage there is minor, compared to the total destruction of selected legitimate targets.

The Paris Peace and the conviction they've won the war is responsible for the holiday mood of the North Vietnamese in Hanoi—that and the universal conviction that it's now just a matter of time until Vietnam is unified under Communist rule.

BELIEVE IT OR NOT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. CRANE), is recognized for 5 minutes.

Mr. CRANE. Mr. Speaker, I rise to commend the other body for their wisdom in upholding the President's decision earlier this week on the Vocational Rehabilitation Act.

Their vote in favor of economy in some areas is most commendable, as the Wall Street Journal points out this morning.

I include the editorial in the RECORD at this time:

Believe It or Not

It's true. The United States Senate, of all bodies, has voted to sustain a presidential veto of a spending bill. Not just any spending bill, but a politically supercharged measure that would normally cow even the most fiscally conservative Senators: The Vocational Rehabilitation Act, which the Senate originally passed in February by a vote of 86 to 2.

That it would now decide, by a four-vote margin, to uphold the Nixon veto is one of the first clear signs that Congress may at last be breaking away from the habits it acquired in the 1960s. Not only has Congress spent money on program after program without serious consideration of the total final cost, but it has too often failed to look closely at the mechanics of the individual programs. Only the motive counted; if the bill purported to help someone needy, pass it first and ask questions later.

The Vocational Rehabilitation Act is supposed to expand existing federal aid to the retarded and disabled. Surely these are worthwhile purposes; few other groups are more entitled to society's sympathy. In fact, the program has undergone a fourfold expansion during the Nixon years and now costs about $650 million annually. The bill he vetoed authorized an extra $1 billion over three years. Most of the extra money would be spent building onto the existing bureaucracy and duplicating existing programs, but no doubt some of it would reach people who need help.

So in a sense even this flawed bill would be nice to have. But the larger point is that there isn't money to pay for all the worthy projects Congress would like to pursue. Some worthy projects will have to be voted down unless we are to inflict further burdens of inflation on the nation in general and the poor in particular. The only alternative is to raise taxes, and certainly there is no majority on Capitol Hill for that. The 36 Senators who supported Mr. Nixon perceived the larger interest at stake. Indeed, we suspect a number of those Senators who voted to override the veto are privately relieved that 36 of their colleagues were brave enough to draw the line.

The 31 Republicans who supported the President on this issue will go on our honor roll. But given the fierce partianship that has marked this battle of the budget, a special commendation goes to those five Democrats who resisted the powerful appeals that were made by their leadership and cast an undiluted vote for the national interest: Byrd of Virginia, Johnston of Louisiana, McClellan of Arkansas, and Nunn and Talmadge of Georgia. The 10 Republicans who deserted the President also belong in a special category.

Of course, this one Senate vote is only a beginning, but it's a solid one. Responsibility can be contagious. It can even feel good once you get used to it. And the House of Representatives, which has shouldered all of the political burdens of what little prudence there has been in the past decade, must feel great relief that the other body may give it some help. We're already looking forward to full recovery of the institution. That is, the day when it decides to stop sending to the White House spending bills that have to be vetoed in the first place.

In addition, I wish to commend the President's leadership in returning to the House the bill H.R. 3298, which would provide rural water and sewer grants.

I voted against this bill when it first came before the House, and I remain opposed to it now. The President's veto message was particularly striking when it talked about the inequities which are inherent in such programs.

The President said:

This program also enlarges the Federal responsibility in a particularly ineffective and insidious way. Experience has shown that water and sewer grants have been distributed in a totally scattershot fashion. Many rural communities, although qualified under the program, have built their own water and sewage systems without waiting for Federal help. They need no incentive from Washington. Yet, in other cases, the water and sewer grants actually delay construction, as communities which would ordinarily finance the facilities on their own, choose instead to wait in line for Federal subsidies. The result has been a very uneven pattern of distribution. It should also come as no surprise that over time the program has attained a distinct flavor of porkbarrel.

Moreover, by singling out a relatively small group of people to receive Federal grants to help build their private water and sewer lines, this program forces the majority of taxpayers, in effect, to pay double taxes: once to build their own facilities and then again to build the sewers in someone else's backyard. This double taxation leads to little national good and deserves to be stopped, especially at a time when we are earnestly seeking to hold the line on Federal spending.

From the mail which I have received, I know that the vast majority of my constituents, and the vast majority of the American people, support the President in his economy moves. Since my first election to the House, I have consistently supported economy measures across the board, and I want the President to know that I will continue to do so in the future.

THE ROLE OF CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. McFall) is recognized for 5 minutes.

Mr. McFALL. Mr. Speaker, during the Time, Inc.-sponsored symposium on "the role of Congress" in Boston recently, Senators Charles Mathias, of Maryland and Abraham Ribicoff, of Connecticut, joined Time correspondent Neil MacNeil and moderator, Hedley Donovan, in a discussion of the ideal approach to our national bicentennial. I am introducing their provocative remarks in the Record:

Sen. Mathias. Thank you very much, Hedley Donovan, for an invitation here tonight. And I want to thank Tip O'Neill for granting me a visa to come. I am very much impressed with this means of celebrating a birthday. One might have envisioned TIME as having employed a group of chorus girls to come out in appropriate costume and do the Charleston and the Shimmy as chronologically accurate evidences of their position in the national scale of things. But I am so glad that they are doing this.

And I have said to Hedley Donovan that I hope that this becomes a pattern, that as we approach the national bicentennial we can adopt this kind of pattern of examining some of the roots of national thought, national ideals, national principles, national philosophy, as worthy of discussion at a birthday celebration, and not some of the more frivolous means of celebrating which I am afraid may otherwise overcome us as we approach 1976.

I wish that I had had the same experience that Dr. Fenno has had in traveling around the country and being introduced as the best member of the Congress. I have had a slightly different experience. As some of you know, I am a Marylander, born and bred, lived all my life in Maryland. But I had the good fortune to marry a girl from Massachusetts; and a part of our nuptial contract is that we should bring our children to New England at least once a year so that they can understand this part of their heritage. And when the Congress permits it, we try to do that in the summertime. We go to a little island off the coast of Maine some of you may know, it is called Isle Au Haut; it is about 30 miles off the coast of Maine.

And when you want to buy anything, you have to come back towards the mainland to another island where there is a fishing village called Stonington, where you can do your shopping. And one day when I was in Stonington, I thought I was pretty well disguised. I had on a turtle-neck sweater with a lot of holes in it and I am afraid my toes were sticking out of my sneakers; and I went into an institution which in that community is known as the Atlantic Avenue Hardware Store.

I was looking at jackknives and fishing hooks and other things that you'd like to have whether you use them or not, and from back in the dust and cobwebs of this institution came a down-East Yankee voice, and a man said, "You're Ann Bradford's huband, aren't you?" And I thought that being Ann Bradford's husband was the highest degree of fame I would gain in that latitude, so I said: "Yes, I am."

He said: "Work in Washington, don't you?" And I said: "Yes, I work in Washington." And he said: "Some right smart fellows down there, aren't there?" So far we are on the same track, Professor Fenno. And I said: "Yes, there are some very bright people in Washington." Then he came around from behind the counter—and this is where we go off the track—and he said: "Some down there are not so smart, aren't there?" And I said: "Well, unfortunately they are not all of that same high caliber."

And then, with those piercing blue eyes coming from a lifetime spent on the water, he looked me in the eye and he said: "Pretty hard to tell the difference, isn't it?" So while I wish it were all as Dr. Fenno said it is, I find great difficulty in establishing that.

We did have some hearings last week in Washington on the subject of what we could do about Congress. Let me say at the outset that these were not designed to demonstrate weaknesses in the congressional system. I asked Senator Adlai Stevenson to join with me in these hearings; we wanted to have a bipartisan committee. We wanted to try to demonstrate that there are enormous strengths in this unique congressional system of ours, which is designed not only to be a legislative body, but to be a vessel of power, of power which in many countries is held solely by an executive, but which in this country we have divided between the Executive and Legislative Branches of government.

And we hope that the hearings will make it possible for us to restore some of the vigor of the Congress, which, without question, has been lost, particularly in the last 30 or 40 years. There are many reasons that power has eroded from the Congress. Some of them are inherent in the kind of history of the world we've seen in the last 30 or 40 years.

Franklin Roosevelt in the depths of the Depression seized upon the Trading with the Enemy Act of 1917 as one of the vehicles by which Congress could grant further powers to the Executive to deal with the financial crisis that was then besetting the country. And under the powers that were granted to him as amendments to that 1917 act, in 1933 he declared a bank holiday, he did various things which would have been unprecedented, undreamed of, on the part of the President of the U.S. a very few years before that.

And then with World War II, with the Korean War, with the Viet Nam War, with all of the problems of the cold war, we have gradually been deliberately granting congressional powers to the Executive, to be exercised by the Executive. And over this period of time it's been a substantial body of law.

In addition, there have been some involuntary kinds of shifts of power. The media is a part of this. The President, by virtue of an electronic media, first Franklin Roosevelt's fireside chats, and now through television, the President can enter every home in America, and he speaks with a single voice. He tells people how it is, he tells them what they ought to know, he lays down the law in the most primary sort of way.

And if the Congress attempts to answer, express any slightly divergent view, the only thing that, I think, breaks upon the conscience of the American people is a babble of voices. Now, it is against this kind of voluntary and involuntary delegation of power from the Congress to the Executive Branch that Senator Stevenson and I convened our hearings. It was a very impressive experience to me, the kind of response that we got.

Members of Congress, Senators and Representatives, representatives of the press, of the general public, former members of Congress, former Government officials, came in to talk about this erosion of the place of the Congress in our national life today. None of them knocked the Congress as an institution, but they wanted to see it regain the kind of balance that makes it possible for us to keep power from falling into a single pair of hands in our Republic.

The budget is perhaps the best example that I can give you briefly. I think President Nixon made a very good case at the end of the last session of Congress, which Tip O'Neill referred to. He made a good case for the fact that there has to be some restraint on Government spending. He made a good case for the fact that even a country as rich as this one cannot continue to print money, as we are doing in this fiscal year, at the rate of $40 billion, a $40 billion deficit, which really means $40 billion worth of greenbacks.

And if you carry that back a little bit, he made a good case against the fact that Congress cannot with the one hand reduce federal taxation by $45 billion, as we have done over the last several years, and increase federal spending by $135 billion, which we have also done in the past several years.

But where I think the President made a poor case was where he suggested that he should take into his own hands—and by his own hands I think we all understand we don't mean the hands of Richard Nixon or the hands of any man sitting in the White House, but into the Executive Branch where there are some several million hands, all of which may sort of anonymously be applied to this task—the job of setting out the whole national fiscal policy and taking from the Congress the constitutional responsibility for the purse.

And on this I couldn't agree with the President. As urgent as the case was, I couldn't agree with the President that we should in the Congress delegate this further power that would really decide what every single appropriation this Government made would ultimately be.

Now, having said that, I think we have to agree that the Congress has got to get on top of this problem. We can't continue to conduct our affairs in the kind of chaotic way we have done in the past. The Congress has got to get some sort of unified look at the federal budgetary problem. We have got to be able to view the whole operation of the Government. We have got to be able to say about what we ought to spend at the beginning of the year, and by the end of the year we ought to have appropriated money somewhere in that neighborhood.

We have got to revise the authorization process and the appropriations process, so that we can look at the U.S. budget as a whole. It is just one example of the ways in which the Congress has got to come up to date. Because if it doesn't, ultimately those of us in Congress will not be able to stand against the demands of either the Executive or the Judiciary, or whatever force is applied to us, to do the job that must be done.

We could stop it this year because of our great respect for the constitutional position of the Congress in our system. But we or our successors some day will not be able to prevail. The power of the purse will slip away, and it will be our fault for not having shaped the work and procedures of the Congress so as to deal with the problems of our time.

And that, I think, Hedley Donovan, is really the purpose of this meeting. Thank you very much.

Mr. DONOVAN. Thank you very much, Senator Mathias. Our next speaker is all that our magazine Sports Illustrated could ask for in a statesman. Senator Ribicoff of Connecticut was once a sandlot baseball player, a high-school football tackle, and he's been a long-distance walker, probably still is, and a low 80s golfer, probably still.

As to our topic tonight, he has had very rich experience at both ends of the legislative-Executive relationship. He was Governor of Connecticut for two terms and Secretary of Health, Education, and Welfare under President Kennedy. He served two terms in the U.S. House of Representatives and is now in his second term as a Senator.

This summer the press reported, and I am sure reliably, that Senator Ribicoff had been offered the Democratic nomination for Vice President twice, both first time around and second time around. The two offers certainly speak very highly for Senator Ribicoff's national prestige and vote-getting reputation. And the two refusals tell us at least a little, I do not mean this cynically, of his very keen judgment. Senator Ribicoff.

Sen. RIBICOFF. Thank you, Hedley Donovan, and my colleague, Senator Mathias, Dr. Fenno. I suppose it is because George McGovern was defeated that we are concerned with the excess power of Richard Nixon. I would guess that the reason that Congress is in low esteem in this nation is due to Congress itself. Congress must assume the blame, for it has surrendered its rightful leadership in the legislative process. Pennsylvania Avenue has become a one-way street; and the legislative process has become a concern of the press, a concern of the public, and a concern of Congress.

Congress too often forgets that there are two ends of Pennsylvania Avenue, one end where the President resides and the other end where Congress resides. Not only is Congress a coequal branch, but basically outside of the office of the presidency, Congress has the power in setting up the judicial system and also the Executive Branch of the Government. I think the problem that has developed in the last 40 years is that Congress has neither the will nor the courage to face up to the tough problems facing this country.

To a certain extent I think Congress is too lazy to do the tough work that has to be done, the work of delving into the great social, economic, and international problems that confront us as a nation. Congress really needs no other tools than those it has. Congress has an overview function; and a congressional committee with its broad overview function can delve into, if it will, all the errors and mistakes and failures of the Executive Branch.

Congress has an oversight function; and a congressional committee with its broad oversight function can delve into, if it will, all the errors and mistakes and failures of the Executive Branch.

But unfortunately under our system, a cozy arrangement has developed between our committees in Congress and the Executive Branch. And we find that the congressional committee becomes the shepherd or guardian of the Executive Branch which it is supposed to oversee. We fail to understand the power of the Executive Branch.

The President and those serving under him use Congress as a tool, and Congress has become a willing tool. Congress is massaged and often seduced by the Executive Branch to get its will. The Executive Branch often lies to the Congress of the U.S., as it does to the people of the U.S. And Congress is too often indifferent to the problems facing the country to go into the details. Time and time again there isn't a Senator or a Congressman who isn't put off when he seeks information, or an understanding of what is happening in the country.

I recall that when I was Secretary of Health, Education, and Welfare how surprised I was to find members of Congress wanting to know what the Administration position was, and how seldom Congress itself initiated legislation. There isn't a committee chairman who doesn't send every bill that is presented to him to the Executive Branch of the Office of Budget and Management to ascertain the position of the Administration.

And unless you have a measure that is as safe as apple pie, a measure introduced by a Congressman or Senator independently seldom sees the light of day or seldom gets a hearing. So we find that the Executive Branch has come to dominate the complete legislative process. And it will be so until the time comes that the members of the Senate and the House have the courage of their convictions, the will and the commitment to delve into the tough problems facing America. Executive Branch dominance will continue until members of Congress are willing to battle the Executive, take the initiative and say: "We are the duly elected representatives of the people too; we have our own ideas of how to solve problems, and we just can't wait to listen to what the President's ideas are."

So it isn't a question of the seniority system, it isn't a question of the committee system. It is a question of Congress assuming the responsibility that the Constitution has given it. And that is to legislate as the Legislative Branch of the Government, and to consider itself at least the equal of the President of the U.S.

When Congress assumes that function, then the Congress will regain the respect of the people of our nation.

Mr. DONOVAN. Thank you very much, Senator Ribicoff. To round out our panel our fourth speaker is my colleague, Neil MacNeil, Time magazine's Senior Congressional Correspondent for the past 15 years. Neil is a very versatile man. He is an expert on Scottish lore, fine wines, old books. I believe he devastated one or two of your local book shops only this morning. In case any of you are hoping to acquire some early 19th century copies of the *Congressional Record,* they are all gone. Neil is taking them back to Washington.

Neil himself has contributed to the literature of Congress. He is the author of a biography of the late Senator Dirksen. He is also the author of a book on the House of Representatives called *The Forge of Democracy.* Neil probably should be a Congressman or Senator himself, but I am glad for our sake and the sake of Time's readers that he works for us instead.

Mr. MACNEIL. Thank you, Hedley. I want you to know, and especially Senator Mathias, that I am a Marylander myself, and that I really didn't have to go to Harvard. I could have gone to West Point, but I was too proud to talk to my Congressman.

In his paper Dr. Fenno has put his finger on what I regard as a critical point of our examination of the present travail and growing impotence of Congress. The members of Congress, confronted with their own problems, tend to think in personal terms as politicians subject to rejection by the voters. They tend not to think in institutional terms as regards Congress. When they think of changing Congress, they normally think in terms of altering the place to give themselves some extra traction, some extra purchase on the inner processes to their own political advantage.

They not only tend to ignore Congress as an institution, but even as Dr. Fenno has said, to damn Congress for its ineffectiveness and worse. As Dr. Fenno said in his paper, it is the Congressmen who run Congress, and that raises another question. Who is going to care about the integrity of Congress as a viable political branch of the Federal Government if the Congressmen don't?

Of course, not all members of Congress are so indifferent, as the hearings held last week by Senator Mathias proved and as you heard from Senator Ribicoff. But it has been the purpose of Time at this meeting and at others to try to find some answers to the dilemma of Congress's flagging powers and purposes.

At our meetings there have been some recurring themes: the problems of seniority, secrecy, of inadequate information, of the failures of Congress to oversee the execution of the laws it enacts. We have discussed Congress's loss of the war power, of its sagging authority over the federal budget, of its inability to set national policies and priorities through the appropriations process. We have discussed the inadequacies and frequent superficialities of the press coverage of Congress, and the media's glorification of the presidency.

There has been considerable agreement that despite the failures, Congress still holds immense constitutional and political powers, even if they are not now effectively used. There has been considerable agreement that Congress is suffering a deep institutional malaise that cannot be readily cured. There has been agreement, too, that not only is Congress worth saving, worth the efforts needed to restore it as a coequal branch of Government, but that on that restoration hangs the success of this country's continuing experiment with representative government.

Dr. Fenno in his paper has suggested in one important sense that the problems of Congress are not as dire as they sometimes seem, that the brains of Congress flow through the committee system, that not all committees are frustrated and paralyzed, that those that are can be rescued. But in another sense he has deepened the feeling we have of the difficulties in restoring Congress to its proper constitutional role as a policy maker.

He has spoken of the immediacy of the views of Congressmen facing the day-to-day issues before Congress. They live, like many people, on the razor edge of right now. They are, as a Harvard professor of government of mine once said, parochial in time. They lack a sense of the past or care for the future. And as a result, some of the most important powers have simply slipped away over the years.

Take the President's veto power. In the first decades of the Republic, Presidents shrank from vetoing any bill passed by Congress unless that President personally believed the bill was unconstitutional and that to sign it would violate his oath to uphold the Constitution. It was President Jackson who so much changed this view. He vetoed bills he just didn't like. Congress protested his vetoes furiously, and those of the Presidents who followed him; and after a generation of protest, Congress acquiesced.

In our time a new form of presidential veto has emerged, and it is a seemingly harmless precedent running back to President Jefferson. In 1803, Jefferson declined to spend some $50,000 Congress had appropriated for gunboats to patrol the Mississippi, then a new acquisition. The anticipated trouble there had not developed and the gunboats were not needed.

In later years other Presidents failed to spend Congressional appropriations, normally because the project specified could be constructed for less than the amount appropriated. But slowly the meaning of this changed. Presidents began to use this impounding of funds as a form of item veto of congressional decisions.

Just a few weeks ago Congress approved a multibillion-dollar water pollution bill. The President vetoed it. And Congress overrode that presidential veto, thus making the bill a law. The President, however, was not to be deterred. He impounded $6 billion of those funds, imposing what in effect is a double veto. The relationship between the President and the Congress on that bill, as on others, was a far cry from the early years and with a far different meaning than early presidential vetoes or Jefferson's understandable decision not to build those gunboats.

Somewhere in the process Congress had lost the power to control and decide where federal moneys should be allocated, and that is a pivotal power to any legislature in any free society. It goes to the heart of what we have been trying to do, to find ways to restore Congress to its policy-making function.

UNEVEN ECONOMIC POLICY WILL NOT WORK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. ALEXANDER) is recognized for 5 minutes.

Mr. ALEXANDER. Mr. Speaker, the President has asked the Congress to extend the authority of the Economic Stabilization Act for another year. I recognize the need for strong action to bring our National economy into a healthier state than presently exists. But, I believe that unless the President makes a firm public commitment to use this authority more effectively than his phase III program indicates that he will, the Congress must take up the challenge directly.

Inflation, according to textbook rules, results from too much demand for too few supplies. As I understand it, the existing inflation stems not from excess demand, but rather is "administered inflation." That is, inflation created by attempts by business managers to widen their profit margins and labor to increase its wages through means other than increased productivity. This appears to be true in all sectors of the economy, except agriculture where increased demands for food are outstripping the supplies available.

While I do not believe long-term sustained restraints on the economy are desirable as a means of fighting inflation, I am convinced constructive application of controls is necessary until there is clear evidence that the economy is moving toward full production and full employment with enough momentum that removing the controls will not result in a downswing and a new cycle of reduced production, increased unemployment and inflation.

Controls which are not equitable applied to all aspects of production and distribution—including interest costs, profit margins, costs of raw and finished products, wages, and retail prices—will not work. They will not work because to be effective cooperation must be forthcoming from all segments of society. When one or more segments—such as the worker or the producer—feel the control is unfair to them while favoring others opposition pressures will develop which will bring about a collapse of the controls.

For instance, if a manufacturer's raw materials, energy, and labor costs are controlled, but not his profit margins, the producer of the raw materials, the supplier of energy and the employee will fight against the controls to obtain fair treatment. Or, if the manufacturer's profits are controlled, but not the interest on the funds he must borrow, the cost of the labor he uses or the raw products he must have, then the businessman will soon find his incentives to keep his money in manufacturing gone.

I support an economic policy which would be directed at obtaining maximum productivity, employment, and purchasing power for our Nation's workers. When this House is asked to approve an extension of the Economic Stabilization Act, I will have to base my decision for or against that proposal on whether the controls authorized will be equitably applied to every aspect of production and distribution—whether they will be fair to all concerned or will favor one segment of the economy over another.

THE IMPACT OF THE SOCIAL SERVICE REGULATIONS ON MINNESOTA COUNTIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. FRASER) is recognized for 5 minutes.

Mr. FRASER. Mr. Speaker, in a March 7 resolution, the Association of Minnesota Counties has outlined its concerns about the Department of Health, Education, and Welfare's proposed social service regulations. The AMC resolution indicates that the regulations could mean the loss of up to $34 million in Federal aid to Minnesota and the termination of services to at least 70,000 State residents.

The text of the resolution is as follows:

RESOLUTION ADOPTED BY THE BOARD OF DIRECTORS OF THE ASSOCIATION OF MINNESOTA COUNTIES, MARCH 7, 1973

Whereas the 87 county governments of Minnesota in cooperation with state and federal officials, have developed needed and effective social service programs; and

Whereas the partial funding of these social service programs through Title I, IV, X, XIV, and XVI of the Social Security Act has permitted the development of comprehensive public services and encouraged the coordinated use of private social service agencies with resulting benefits to both recipients and the tax paying public; and

Whereas the results of the Federal, State, and County partnership has been the development of a social service system in Minnesota that is helping individuals to become or to stay self sufficient and as independent as possible of the need for continuing income maintenance; and

Whereas the Congress of the United States has recognized the human and economic values of social service program reimbursement by appropriating a nation-wide maximum of 2.5 billion dollars with a prorated portion to Minnesota of 46.7 million dollars to reimburse state and federally approved social services; and

Whereas the February 16, 1973 proposed regulations of the federal Department of Health, Education, and Welfare regarding "Service Programs for Families and Children and for Aged, Blind, or Disabled" are contrary to the intent of federal legislation both authorizing social service reimbursement and appropriating funds for the programs; and

Whereas the implementation of the above cited regulations would have the following effects in Minnesota:

a. There would be an annual reduction of 22 to 34 million dollars of funds available for social service reimbursement in the state.

b. That at least 70,000 residents of Minnesota will no longer be eligible for social services.

c. That the number of persons on public assistance will increase.

d. County welfare boards have levied funds for the January 1 to December 31 fiscal year and would in most cases be unable to provide either immediate or long range replacement of these funds.

e. That the movement to community based programs in the state will be thwarted and state institutional costs will increase.

f. That current public and private efforts toward developing a coordinated human service delivery system in the state will be impeded.

g. That there will be greater distrust of governmental actions by social service recipients, private social service agencies, and the public at large.

Now therefore, the Board of Directors of the Association of Minnesota Counties hereby resolve:

That the federal Department of Health, Education and Welfare is requested to immediately reinstate provisions of its proposed regulations regarding "Service Programs for Families and Children, for the Aged, Blind, or Disabled", which will;

a. Permit donated funds to be used as the state's share for claiming federal reimbursement;

b. Reinstate the previously used definitions of former and potential consumers (two and five years respectively) to allow for the provision of prevention services;

c. Expand the definition of services eligible for reimbursement to allow for broader coverage;

d. Allow states to identify additional optional services;

That the United States Senators and Representatives from Minnesota are urged to:

a. Work for the modification of these regulations.

b. Personally visit with affected social service recipients and providers to develop an understanding and awareness of this problem as it affects Minnesota.

c. Fully communicate with state and local organizations on matters concerning these regulations.

That the Minnesota State Legislature is requested to become fully apprised of the conditions that will result from implementation of these proposed regulations and to be prepared to develop alternative methods of continuing the affected social service programs; and

That all responsible state and federal officials are urged to consider the modification of the funding and administration of human service programs only on a reasonable, phased basis and that all purchase of service contracts executed in "good faith" which are in effect on February 16, 1973, be fully honored for the life of the contract.

The following chart shows the fiscal impact of the proposed regulations on Minnesota's 87 counties.

Of the $46.7 million available to Minnesota under the State and Local Fiscal Assistance Act—PL 92-512—the State had expected to allocate roughly $38.1 million to the counties. Under the proposed regulations, however, the counties allocation would be cut back to $12.1 million.

IMPACT OF THE PROPOSED SOCIAL SERVICE REGULATIONS ON MINNESOTA COUNTIES

	Allocation under Public Law 92–512 ($2,500,000,-000 ceiling)	Funding level under new regulations
Aitken	$181, 347	$57, 920
Anoka	623, 000	199, 360
Becker	204, 928	65, 600
Beltrami	265, 538	85, 120
Benton	93, 097	29, 760
Big Stone	59, 276	18, 880
Blue Earth	375, 535	120, 320
Brown	5, 700	1, 920
Carlton	142, 619	45, 760
Carver	191, 300	61, 120
Cass	276, 425	88, 320
Chippewa	136, 661	43, 840
Chisago	129, 782	41, 600
Clay	117, 012	37, 440
Clearwater	130, 017	41, 600
Cook	37, 328	11, 840
Cottonwood	125, 037	40, 000
Crow Wing	351, 893	112, 640
Dakota	297, 000	95, 040
Dodge	63, 713	20, 480
Douglas	104, 175	33, 280
Faribault	107, 624	34, 560
Fillmore	41, 300	13, 120
Freeborn	174, 731	56, 000
Goodhue	158, 809	50, 880
Grant	22, 095	7, 040
Hennepin	17, 312, 700	5, 540, 160
Houston	93, 770	30, 080
Hubbard	53, 205	16, 960
Isanti	102, 398	32, 640
Itasca	319, 619	102, 400
Jackson	124, 965	40, 000
Kanabec	75, 291	24, 000
Kandiyohi	243, 604	78, 080
Kittson	36, 788	11, 840
Koochiching	190, 261	60, 800
Lac Qui Parle	74, 679	24, 000
Lake	96, 175	30, 000
Lake of the Woods	18, 788	6, 080
LeSeuer	111, 537	35, 840
Lincoln	35, 243	11, 200
Lyon	164, 805	52, 800
McLeod	63, 437	43, 520
Mahnomen	37, 949	20, 160
Marshall	55, 177	12, 160
Martin	136, 038	17, 600
Meeker	77, 983	24, 960
Mille Lacs	141, 206	45, 120
Morrison	159, 827	51, 200
Mower	167, 432	53, 440
Murray	79, 051	25, 280
Nicollet	$62, 691	$20, 160
Nobles	113, 517	36, 480
Norman	46, 666	15, 360
Olmsted	683, 795	218, 880
Ottertail	161, 060	51, 520
Pennington	132, 042	42, 240
Pine	153, 992	49, 280
Pipestone	47, 501	15, 360
Polk	332, 337	106, 240
Pope	64, 436	20, 430
Ramsey	6, 047, 300	1, 933, 120
Red Lake	44, 465	14, 080
Redwood	116, 692	37, 440
Renville	58, 807	18, 880
Rice	88, 638	28, 480
Rock	54, 227	17, 280
Roseau	87, 196	27, 840
St. Louis	2, 822, 600	903, 360
Scott	343, 564	110, 080
Sherburne	87, 118	27, 840
Sibley	71, 916	23, 040
Stearns	322, 158	103, 040
Steele	70, 429	22, 400
Stevens	51, 955	16, 640
Swift	68, 092	21, 760
Todd	107, 453	34, 240
Traverse	33, 600	10, 880
Wabasha	42, 021	13, 440
Wadena	118, 028	37, 760
Waseca	19, 900	6, 080
Washington	681, 000	217, 920
Watonwan	80, 105	25, 600
Wilkin	39, 989	12, 800
Winona	227, 870	72, 960
Wright	120, 000	38, 400
Yellow Medicine	114, 402	36, 480
Total [1]	38, 100, 000	12, 100, 000

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[1] May not total exactly due to rounding.

FOUR STUDIES CONDUCTED BY EPA PERSONNEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. MEZVINSKY) is recognized for 5 minutes.

Mr. MEZVINSKY. Mr. Speaker, when Congress enacted the Clean Air Amendments of 1970, we committed ourselves to a timetable for cleaning the Nation's polluted air. With respect to the automobile, the Clean Air Act provides that 1975 model year vehicles have carbon monoxide and hydrocarbon emission characteristics which are 90 percent below 1970 levels. Nitrogen oxide emissions must be similarly reduced for the 1976 model year.

The law provides that the Administrator of the Environmental Protection Agency may grant a 1-year extension beyond those deadlines, and the automobile companies' request for an extension of the 1975 deadline is now before the Administrator. One of the findings that the Administrator must make before granting the extension is that the companies have made a good faith effort to achieve the 1975 standards.

Mr. Speaker, I have written to EPA and to the Department of Justice about four studies conducted by EPA personnel for the Justice Department. The circumstances surrounding the preparation of these studies are explained in the correspondence. I found a great deal of the information contained in these reports very disturbing. The major conclusions of the memoranda are as follows:

Damage to materials and vegetation attributable to automobile air pollution between 1953 and 1970 amounted to $7.35 billion nationally; the direct cost to the Federal Government for this type of damage was $200 million.

Costs incurred by the Federal Government as a result of injury to health from automotive air pollution amounted to nearly $2.5 billion. When losses to the Federal Government from damage to materials and vegetation are added to this figure, total losses to the Federal Government are nearly $2.7 billion.

EPA's review of the technical literature indicates that it may have been possible for the automobile manufacturers to make greater progress toward reducing pollution than they have to date. This review of the technical literature indicates that the companies may have been less than candid with public officials about their capabilities for installing control technology.

There are a number of disturbing inferences that might be drawn from these documents, and we need more information from the Administrator of EPA and the Attorney General. For instance, to what extent can the question of the auto companies' good faith since 1970 be separated from their apparent history of delaying innovation in pollution control before 1970? I also think it is important to know whether the Administrator of EPA has recommended that Justice file a suit for damages against the companies. From the information, it would appear that the Federal Government might have an enforceable claim against the automobile companies for an enormous amount of money; yet no action has been taken by the Department of Justice, despite the fact that the memorandums to which I refer were prepared in 1970 and 1971.

Mr. Speaker, I think that the executive branch officials involved should respond to the questions raised by the reports, and I have requested that they do so.

Mr. Speaker, I submit my letters to the Environmental Protection Agency and to the Department of Justice into the RECORD:

HOUSE OF REPRESENTATIVES,
Washington, D.C., April 2, 1973.

Mr. WILLIAM RUCKELSHAUS,
Administrator, Environmental Protection Agency, Washington, D.C.

DEAR MR. RUCKELSHAUS: At a time when the automobile manufacturers are before you seeking a one-year extension of the 1975 Clean Air Act deadline, I am requesting that the enclosed memoranda be made a part of the official record upon which you base your decision. These memoranda were prepared by EPA personnel in 1970 and 1971 at the request of the Justice Department. At the time these documents were prepared, the Department was considering a damage action against the automobile companies for the losses incurred by the federal government resulting from the manufacturers' alleged conspiracy to delay the installation of pollution control technology.

The major conclusions of these memoranda are as follows:

Damage to materials and vegetation attributable to automotive air pollution between 1953 and 1970 amounted to $7.35 billion nationally; the direct cost to the federal government for this type of damage was $200 million.

Costs incurred by the federal government as a result of injury to health from automotive air pollution amounted to nearly $2.5 billion. When losses to the federal government from damage to materials and vegetation are added to this figure, total losses to the federal government are nearly $2.7 billion.

EPA's review of the technical literature indicates that it may have been possible for the automobile manufacturers to make greater progress toward reducing pollution than they have to date. This review of the technical literature indicates that the companies may have been less than candid with public officials about their capabilities for installing control technology.

Under Section 202 of the Clean Air Act, a one-year extension from the 1975 deadline for 90 percent reductions in carbon monoxide and hydrocarbon emissions may be granted by you if there is a finding that "all good faith efforts have been made" by the companies to meet the 1975 deadline. The dilatory tactics and injury to the public documented in these memoranda would appear to show a history of bad faith which is directly relevant to your determination of whether the companies have acted in good faith since the Clean Air Act Amendments of 1970.

In addition to submitting these materials for your consideration on the question of the one-year extension, I would appreciate knowing whether there were additional documents prepared concerning injury attributable to the alleged conspiracy among the automakers. And finally, I would like to know whether you made a recommendation to the Department of Justice concerning the desirability of initiating a damage action against the companies.

Sincerely,

EDWARD MEZVINSKY.

HOUSE OF REPRESENTATIVES,
Washington, D.C., April 2, 1973.

Hon. RICHARD KLEINDIENST,
Attorney General of the United States, Department of Justice, Washington, D.C.

DEAR ATTORNEY GENERAL KLEINDIENST: As you will recall, in 1969 the Department of Justice entered into a consent decree with General Motors, Ford, Chrysler, American Motors, and the Automobile Manufacturers Association. The decree settled Justice's injunctive action against the defendants' alleged antitrust violations dating back at least to 1953. The original complaint in the case alleged that the manufacturers and the trade association had conspired to delay the installation of automotive pollution control devices. You will also recall that at the time the consent decree was filed, there was a substantial body of opinion to the effect that the automobile companies were being treated charitably in view of the seriousness of the charges and the injury wrought by automotive air pollution.

Documentation of the extent of the injury to the public has recently come to my attention, and I commend it yours in the event that it has escaped your attention until now. I am enclosing four internal memoranda produced in the Environmental Protection Agency at the specific request of the Justice Department in 1970 and 1971. Since settlement of the injunctive action did not necessarily preclude an action for damages, your department requested that technical personnel in EPA compute the dollar costs of automotive air pollution to the general public and to the federal government specifically.

The major conclusions of these memoranda are as follows:

Damage to materials and vegetation attributable to automotive air pollution between 1953 and 1970 amounted to $7.35 billion nationally; the direct cost to the federal government for this type of damage was $200 million.

Costs incurred by the federal government as a result of injury to health from automotive air pollution amounted to nearly $2.5 billion. When losses to the federal government from damage to materials and vegetation are added to this figure, total losses to the federal government are nearly $2.7 billion.

EPA's review of the technical literature indicates that it may have been possible for the automobile manufacturers to make greater progress toward reducing pollution than they have to date. This review of the technical literature indicates that the companies may have been less than candid with public officials about their capabilities for installing control technology.

These memoranda raise certain questions which only your department can answer. Has the Department reviewed this and similar evidence of great cost to the federal government and the general public resulting from apparently deliberate delays? Does the Department plan to bring a damage action against the automobile companies for at least a portion of the nearly $2.7 billion in losses incurred by the federal government and attributable to what might have been conscious collusion among the manufacturers? The memoranda indicate that the automobile companies may owe the nation and the federal government a great debt—a debt which your department is in a position to collect. I would appreciate being informed of the status of this case.

Sincerely,

EDWARD MEZVINSKY.

THE DUTY ON MANGANESE ORE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ROSTENKOWSKI) is recognized for 5 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, today, I am introducing a bill relating to the dutiable status of manganese ore, including ferruginous manganese ore, and manganiferous iron ore.

Three times, each for a 3-year period, starting July 1, 1964, the Congress has suspended the import duty on these commodities. Although manganese minerals are widely distributed throughout the world, North American deposits are of such poor content that domestic shipments are neglible, averaging about 1 percent of our needs. World manganese ore supplies are plentiful in commercial grades with the principal suppliers to the United States being Brazil and Gabon.

Prior to the suspension in 1964, the duty constituted a handicap for U.S. producers of ferromanganese and other manganese-related products. Foreign nations have generally admitted manganese ore duty free forcing American ferroalloy producers into a less competitive position.

In an effort to provide raw materials at the lowest possible cost to our ferroalloy industry so that it may better compete with foreign producers, I am today advocating permanent elimination of manganese ore duties.

NATCHEZ TRACE PARKWAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. FULTON) is recognized for 5 minutes.

Mr. FULTON. Mr. Speaker, for many, many years now, a number of Members have been anxious for the National Park Service to be provided with adequate funding for the completion of the Natchez Trace Parkway which has been almost four decades from conception to current construction.

The northern terminal of the parkway is just outside of Nashville, Tenn., in Tennessee's Fifth Congressional District. For several years, I have joined with interested citizens in our community and other citizens along the parkway to attempt to secure these Federal support funds from the Government. Unfortunately, the flow of funds has been disappointingly slow.

This year, the Tennessee General Assembly, by a joint resolution, has joined in the effort to encourage the Federal government, through the National Park Service of the Department of the Interior, to test for completion of the construction of the Natchez Trace Parkway in Tennessee.

The resolution was offered in the Senate by State Senator Douglas Henry. I include it in the RECORD at this point:

TENNESSEE SENATE JOINT RESOLUTION NO. 21

A resolution to urge the National Park Service, Department of the Interior, to push for completion of the unconstructed sections of the Natchez Trace Parkway in Tennessee

Whereas, the Natchez Trace Parkway, commemorating the historic Indian and pioneer trail from Natchez, Mississippi, to Nashville, Tennessee, has been under construction for approximately thirty (30) years and almost half of the parkway remains to be constructed in Tennessee; and

Whereas, the parkway, when completed in Tennessee, will provide an additional economic boost for our country by attracting tourists from across the nation and by serving the communities in our area with a vitally needed highway for our citizens to reach their jobs and the state capital; and

Whereas, the facilities and services accompanying the parkway will provide outdoor recreation opportunities for this area; and

Whereas, further delays in construction and completion of the Natchez Trace Parkway will delay these economic, transportation and recreation benefits to our country, while at the same time increasing the total costs of the parkway because of rising costs; now, therefore,

Be it resolved by the Senate of the Eighty-Eighth General Assembly of the State of Tennessee, the House of Representatives concurring, That the National Park Service, Department of the Interior is strongly urged to push for completion of the unconstructed sections of the Natchez Trace Parkway in Tennessee.

Be it further resolved, that copies of this resolution be sent to the Tennessee congressional delegation and to Congressman Thad Cochran of Mississippi.

Adopted March 15, 1973.

ERNEST J. MONTILIO AWARDED CITATION OF HONOR FOR THE YEAR OF PEACE 1973–5733

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 5 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, recently I had the great honor to be the guest speaker at the Beth Israel National Brotherhood Week celebration held during the month of February in commemoration of the birthdays of Presidents Washington and Lincoln. At this ceremony, a good friend of mine, Ernest J. Montilio, was awarded the Citation of Honor for the Year of Peace 1973–5733 for "whose deeds and actions radiates excellence in all directions, and thus brought honor to his faith, his country, and to humanity at large." Other dignitaries of the community who joined with the Beth Israel Brotherhood in honoring this outstanding man included Mayor Walter J. Hannon of Quincy, President Morton Arons of the Beth Israel Brotherhood, and President Jack M. Klaver of the Beth Israel Synagogue.

For over 25 years the Beth Israel Brotherhood has been an active participant in the community, and, as part of its interest in community welfare, sponsors intercommunity, interfaith services. Throughout the years, many important civic leaders and notables have been cited and honored. Ernest Montilio is in illustrious company and deservingly so.

Ernie's outstanding achievements in the interest of community relations and for his understanding of people of all faiths have placed him in a prominent place in the community. He has always been a man of great character and honor—a man of remarkable truth, honesty, and faith. These virtues are displayed in his dedication to family. As I remarked at the time of the presentation of the award:

> When a family is strong, your community is strong, and when the community is strong, the nation is strong. That's why we are honoring Ernest Montilio. He recognizes the basic need of life—a good strong family.

Ernie's dedication to family is manifested in his devotion to his family and ecumenical affairs.

Like Washington and Lincoln, Ernie has shown a deep concern and faithful love to his community and Nation. In his efforts to promote understanding between all men on a local scene, he has brought the community together. His persistent efforts have afforded great results and the Quincy community has recognized his activities of peace and goodwill. He is truly a man who has worked toward the brotherhood of all men without regard to race, creed, or nationality.

This is the kind of man our Nation needs, the kind of man our Founding Fathers were—a man of commitment and concern for his fellow man, a man who recognizes the values of truth, honor, and equality in everyday living. Our Nation has seen many problems and faces even more. With devoted, strong, courageous men such as Ernest J. Montilio, we can be assured that peace and understanding among all people will become a reality—both here at home and abroad.

EVER IN HONOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico (Mr. RUNNELS) is recognized for 5 minutes.

Mr. RUNNELS. Mr. Speaker, on March 24, 1973, my good friend and distinguished colleague from the State of New Mexico, Congressman MANUEL LUJAN, JR., delivered the principal address at the launching of U.S.S. *Valdez*, a naval escort ship, at Avondale Shipyards in Westwego, La.

While it is not uncommon for a Member of this body to be accorded this honor, particularly when the ship to be launched is named after one of his prominent constituents, it is indeed uncommon for any speaker to capture the essential spirit of such an occasion as accurately and with such stark simplicity as did Congressman LUJAN.

As a member of the Armed Services Committee and as a fellow New Mexican who is very proud of our State's military hero, PO Phil Valdez, I wish to bring Mr. LUJAN's remarks to the attention of my colleagues not only as a moving tribute to Petty Officer Valdez but as a lasting inspiration to the officers and men who will serve on the ship that bears his name.

I am pleased to insert Congressman LUJAN's remarks in the RECORD at this time, and I commend the final phrase, "Ever in Honor," to the crew of *Valdez* for consideration as a most fitting and appropriate ship's motto.

Congressman LUJAN's speech follows:

EVER IN HONOR

(By Congressman MANUEL LUJAN, Jr.)

It would be very natural and suitable to the occasion for me to open my remarks by saying that Mrs. Lujan and I are honored to be here. But that wouldn't quite be telling it like it is. And this moment is one that calls for the telling of it *exactly* like it is.

All of the honor here today belongs to others, not to us. We are flattered to have been asked to speak at the launching and christening of this fine ship. We are grateful for the opportunity to become a small part of the history of the United States Navy. And all of us share the excitement and suspense as we approach the moment when this beautiful work of the shipbuilders' art slides down the ways to her destiny.

But honored? Not those of us whose lives touch the U.S.S. *Valdez* only for this fleeting moment. Honor is not thus conferred, nor so easily won.

There are those with us today in spirit whose honor will be part of this ship for all time to come; whose lives will be bound up in service of God and country as the *Valdez* takes them down to the sea and to duty.

The names of those men are not yet known to us. They are part of a history yet to be written. But the prologue to that history has already been written, not in words, but in the deeds of the man whose name is emblazoned on the bow of this ship.

No rhetoric, however sincere and well-intentioned, befits this occasion. Any words spoken here will be superfluous and forgotten when the U.S.S. *Valdez* and her men face their moment of truth. At that moment, when all falsehood and unessentials have been stripped away, their actions will be guided by the spirit given to this ship long before her keel was laid. A spirit bequeathed to her by a humble hospital corpsmen named Phil Isadore Valdez whose duty took him to a place called Danang on a bleak January morning in 1967.

Let me just tell it like it was.

Phil Valdez was born on April 13, 1946, in the little village of Dixon, New Mexico, to Carlos and Manuelita Valdez, whose forebears had conquered and settled the valley many centuries before.

Phil grew up among the chili fields and apple orchards of the Espanola Valley and graduated from Espanola High School in 1965. He enlisted in the United States Navy that same year and trained as a hospitalman apprentice at the Naval Hospital Corps School in San Diego.

He was promoted to hospitalman in 1966 and served at the naval hospital in Key West until December, 1966. He was then assigned to the First Battalion, First Marine Division, Fleet Marine Force, in Vietnam.

He was posthumously awarded the Navy Cross for conspicous gallantry in action while serving with Company "B", First Battalion, First Marines, in the vicinity of Danang. His Navy Cross citation reads in part:

"As a corpsman with the Third Platoon, Petty Officer (then Hospitalman) Valdez participated in a helilift with his platoon in support of Company "H" of the Second Battalion.

"Immediately upon landing, the platoon came under heavy enemy fire and sustained several wounded while maneuvering forward. Without hesitation, Petty Officer Valdez ran over seventy-five yards of open terrain, under constant enemy fire, to aid a fallen Marine. He then moved the wounded man to a safe area and, quickly and competently, rendered medical assistance.

"Again exposing himself to enemy fire, Petty Officer Valdez moved across approximately fifty yards of open ground to another marine. While treating the second marine, he positioned himself between the wounded man and the hostile fire. It was at this time that Petty Officer Valdez was mortally wounded by enemy small-arms fire.

"Through his heroic actions and selfless devotion to duty, he was responsible for saving the lives of two marines. His inspiring efforts were in keeping with the highest traditions of the United States naval service."

That's how it was with Phil Valdez in *his* moment of truth.

And that is the nature of the spirit that will sail with the U.S.S. *Valdez* and her men from this day forward. Those of us here today can add nothing to that spirit. Nothing but a prayer. A prayer that *Valdez* and her crew may sail in honor; in peace if God wills it, but whether in peace or battle, ever in honor. Thank you.

TRIBUTE TO MRS. BOBBY ROWAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. Mathis), is recognized for 5 minutes.

Mr. MATHIS of Georgia. Mr. Speaker, the State of Georgia was saddened recently by word of the death of Mrs. Amelia Rowan, wife of State Senator Bobby Rowan. A devoted wife and mother, Mrs. Rowan was also active in civic and educational activities. Since I grew up only a few miles from their home, I have been particularly close to the Rowan family and felt the pain like so many when news came of her death. We have extended our sympathy to the Rowan family and I wanted to submit for the Record two articles of final tribute to Amelia Rowan which appeared in newspapers near her home:

[From the Nashville (Ga.) Berrien Press]

Mrs. Bobby Rowan

Funeral services for Mrs. Amelia Rowan, wife of state Sen. Bobby Rowan were held at 3 p.m. Saturday, March 17, in the Oaky Grove Primitive Baptist Church.

The Rev. Walter E. Brown, the Rev. Martin Wilson and Elder O. V. Marshall conducted the services with burial in the church cemetery.

Mrs. Rowan, 38, was graduated from Enigma High School and attended Abraham Baldwin Agricultural College for two years. She was a member of the basketball team in high school and college. She was also active in the Farmerettes, a dancing organization which performed at special programs in the college. She was an officer with the Baptist Student Union and a member of the student government at Baldwin until she graduated.

Mrs. Rowan graduated from the University of Georgia, where she received her bachelor of science degree in home economics education.

She began teaching at the Omega High School in Tift County and transferred to Berrien County High School after one year. Mrs. Rowan taught home economics at Berrien and then taught at the Enigma Elementary School.

She was a Sunday school teacher at the Enigma Congregational Christian Church and a member of the Berrien Educational Association of Georgia. Mrs. Rowan was also affiliated with the Homemaker's Education Association, the Georgia Vocational Association, the Georgia Education Association and the National Education Association.

She had recently undergone a series of operations at Tift General Hospital. Cause of death has been attributed to complications as the result of the surgery.

Survivors include the widower; a son, Robert Edward Rowan; a daughter, Ferry Marie Rowan, all of Enigma; parents, Mr. and Mrs. Eskell S. McMillan of Enigma; and a brother, J. C. McMillan of Atlanta.

The body was held at Bowen-Donaldson Funeral Home until 9 a.m. Saturday when it was moved to the Enigma Congregational Christian Church, where it remained until noon. The body was then taken to Oaky Grove Primitive Baptist Church at 1 p.m. Saturday.

Many prominent public officials, including Gov. Jimmy Carter and Lt. Gov. Lester Maddox were in attendance.

The family requested that in lieu of flowers, donations be made to the Amelia Rowan Memorial Fund at Tift General Hospital.

[From the Tifton (Ga.) Southern Congregational Christian News]

Faithful Enigma Member and Sunday School Teacher, Mrs. Bobby Rowan, Dies

Mrs. Bobby Rowan (the wife of Senator Bobby Rowan) passed away, after a long illness, March 16, 1973. She was 38 years old—a member of our Enigma Congregational Christian church. Her faithful, loyal and dedicated devotion to the work of the church was an inspiration to all who knew her. She was a Sunday School teacher and president of the Ladies Missionary Society. She is survived by her husband, two children (a boy and girl), her father and mother, one brother and her five sisters, whom she loved so dearly and a multitude of grief stricken friends!

From her pastor, we quote, "I have never seen as many people drawn closer to the Lord, than were by her sweet Christian spirit and courageous example—patiently enduring terrible suffering for so long. Three days before she passed, she revived, giving us hopes of recovery. However, she knew that her time of departure had come. She requested to see her family, parents and others. When they came, she said "I have only three days left," etc., that testimony is just too tender and touching to print, but she concluded by saying "Heaven is my home".

Her pastor, Rev. Walter Brown, was in charge of the services. Her body lay in state, at the Enigma Church, from 9:00 a.m. till 1:00 p.m. The funeral and burial held at Oaky Grove Church. Love and sympathy, from friends everywhere, go to these sorrowing friends.

MARTIN LUTHER KING, JR.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. Abzug) is recognized for 5 minutes.

Ms. ABZUG. Mr. Speaker, as we remember the tragedy and terror of this April week 5 years ago, we are forced to ask ourselves whether our leaders have learned anything at all from the life and the death of Martin Luther King, Jr. He was truly a prophet but his words, often quoted, go unheeded.

He counseled love and nonviolence and reconciliation. Yet in the 5 years since he was struck down, our Nation has continued to inflict violence of the most heinous sort. Even today our bombs burst over the tiny country of Cambodia. We can be sure that if Dr. King were alive, he would be speaking out daily against such crimes.

Our cities, too, are mute evidence of the lack of concern, at the highest levels of Government, for the people about whom Dr. King cared most, the poor and the deprived. Whole blocks of our big cities, gutted by fire during that terrible time, still stand empty and crumbling. President Nixon walked along 14th Street in Washington 4 years ago and promised Federal help to rebuild the devastated area. But the area is not rebuilt, nor are those elsewhere.

On the contrary, money for cities has been cut. Programs that helped people to help themselves, building the kind of self-reliance Dr. King wanted, have been cut or eliminated. Child care, health, housing, education, work and training programs are being demolished with callous unconcern. The young and the old, the sick and the handicapped, are suffering more than ever.

We must constantly remember and work for the values that this great man stood for.

We must listen to the cries of anguish and outrage that come from our districts as people learn that their jobs are ending, their child care centers closing, their medical bills soaring, their diet being dangerously reduced, their rent soaring.

We must find ways to make the White House hear; and we in the Congress must act to prevent the impounding of money we have already appropriated for human needs.

We must listen, too, as the victims of the Thieu regime in South Vietnam make themselves heard from prison—remembering all the days of his life that Martin Luther King spent in prison, struggling against injustice.

We must listen to the Southeast Asians who want the right to determine their own future, without the veto power of American bombs—remembering that human dignity and choice were Dr. King's deep concerns.

If we would truly honor this man, we will pass legislation that cuts off money for death and turns it toward life. We will stop building useless weapons, stockpiled high enough to destroy the world many times over. We will start building cities, and lives, to fulfill human needs.

MINORITY BROADCASTERS OPPOSE CHANGE IN PROCEDURES TO CHALLENGE LICENSE RENEWALS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Rangel), is recognized for 5 minutes.

Mr. RANGEL. Mr. Speaker, this morning the Reverend H. Carl McCall, president of radio station WLIB–AM in New York City and president of the Association of Minority Broadcasters, testified in behalf of the Association of Minority Broadcasters before the communications subcommittee of the Interstate and Foreign Commerce Committee.

Prior to his appearance before the subcommittee there was a press conference in which the Reverend McCall was joined by the Honorable Ralph Metcalfe, the Honorable Shirley Chisholm, and me to announce the opposition of black owners of radio stations to the proposed license renewal legislation introduced by Congressman Broyhill of North Carolina. This legislation, H.R. 3854, which is supported by the National Association of Broadcasters, would extend the license term for the holding of broadcast licenses from the present 3 to 5 years and would provide that the Federal Communications Commission must renew a broadcaster's license upon the showing of a good faith effort to serve the needs of the total community in its broadcast area and the demonstration of the absence of a callous disregard for the law or the Commission's regulations.

These amendments to the present communications law will have the effect of making it much more difficult for community groups and private citizens to challenge the license renewals of television and radio stations that have been unresponsive to community needs. The Broyhill bill will tend to concretize the license of existing broadcasters and make it more difficult for blacks to enter the broadcast industry.

The gains made by blacks and other minorities in participation in the media in recent years are a direct result of television and radio stations responding to pressure brought by local community groups at license renewal time. If it was not for this pressure on television and radio stations to prove that they truly serve the total community, and the fear that stations which did not respond would not have their licenses renewed by the Federal Communication Commission, television, would still be the vast white wasteland it was in the early 1960's. It was when station WMAL in Washington was challenged because of the absence of black-oriented programing that it and other stations began to hire blacks and place them before the cameras. In New York City, a like challenge to station WPIX brought the same result.

Now the broadcasting industry has struck back and we who represent the black community must act to preserve the gains made by our community.

I submit, for the attention and information of my colleagues, the statement prepared by Reverend McCall as his testimony before the Interstate and Foreign Commerce Committee.

Statement of the Reverend H. Carl McCall, President of the Inner City Broadcasting Corporation and Chairman of the Association of Minority Broadcasters Before the Subcommittee on Commerce and Power of the Committee on Interstate and Foreign Commerce of the House of Representatives of the United States, April 5, 1973.

Mr. Chairman and members of the Subcommittee, I am H. Carl McCall, President of the Inner City Broadcasting Corporation which owns and operates WLIB–AM, New York and Chairman of the Association of Minority Broadcasters, which represents the Black-owned stations. I thank you for the opportunity to appear before the Subcommittee to present to you our views on the proposed license renewal legislation.

The views outlined in this statement are supported by radio stations WGRT, Chicago, WTLC, Indianapolis, WILD, Boston, WAMO, Pittsburgh, WUFO, Buffalo, WSOK, Savannah, WHUR, Washington, D.C., WNOV, Milwaukee and WLIB, New York.

Last year, your colleagues in the House, members of the Congressional Black Caucus, summed up its appraisal of the media after a series of hearings on the communications industry. The Caucus stated: "There is a widespread, long-standing, and deeply entrenched racism among the entire mass communications media. . ." There is "a clear pattern of systematic exclusion, distortion and deliberate mishandling" of news of Black people, communities and cultures.

Inner City Broadcasting Corporation came into being to combat the situation. Inner City is a Black company comprised of a cross-section of investors, from doctors and ministers to housewives. Inner City's application for acquisition of WLIB–AM was approved by the Federal Communications Commission on June 23, 1972. Financing for the $1.7 million purchase of the 10,000 watt station came from selling stock to some 50 Black investors and loans from Chemical Bank and the Ban Cap Corporation, a small business development fund. WLIB serves, primarily, the Black community in the New York Metropolitan Area.

The license transfer came at a time when Blacks throughout the country were seeking more control and influence in the communications industry.

We have a very special responsibility to make our station a significant vehicle for informing and educating the community. WLIB provides access to all segments of the community so that they may express their ideas and opinions about important issues. And we do not rest on the assumption that because the facilities are available they will be utilized by the community. Our job is to actively seek out people to use WLIB's facilities and then provide them with the necessary technical assistance.

All radio stations have the responsibility not only to entertain, but to educate and inform its listeners. For so long, the Black population has been alternately denied vitally relevant information or misinformed, perhaps, because there are so few Black owned stations (only 23 of a total 8,000 radio and television stations) to serve the entire Black population of America.

Mr. Chairman, as broadcasters and businessmen, we recognize the need for stability in our industry. We also recognize the need for, and equity in, reasonable assurances that a broadcaster who has done a responsible job will have his license renewed. However, as broadcasters, as businessmen, as responsible citizens, and as Blacks, we also recognize that success in the marketplace should be the handmaiden of success in rendering service to the public. We do not—indeed, cannot—subscribe to a business, regulatory, or legal philosophy that permits success in the marketplace to be achieved at the expense of squandering a valuable social resource—whether the resource be labeled "public airwaves" or private licenses.

And herein we believe lies the infirmity in the proposed legislation. The legislation—which is embodied in H.R. 3854—is in part responsive to the legitimate concerns of all broadcasters, including us. Yet we feel that the bill is deficient in that it virtually frees the broadcaster of any definable or enforceable responsibility to serve his community. We believe this shortchanges not only the public but the industry as well.

INTERESTS TO BE SERVED BY LICENSE RENEWAL LEGISLATION

Any license renewal legislation must accommodate two basic interests. First, the legislation should provide some protection for the broadcaster who has adequately fulfilled his public obligations. A broadcaster who has adequately met his community's needs and otherwise been in substantial conformance with F.C.C. rules should have little to fear from either competing applicants or petitioners to deny. The protection of competent broadcasters advances the interests of both the broadcasters and the public. But neither of those interests is served by protecting a broadcaster who has failed to meet his community's needs. Indeed, all broadcasters have an interest in purging from our ranks such a licensee, for he is a mark against all of us.

The second interest which renewal legislation must accommodate is the public's right to some assurance that its needs will remain the cornerstone of good broadcasting. The most effective and appropriate way to make this assurance is to provide the public with some tools to make a broadcaster both responsive and responsible. Indeed, a broadcaster who is neither responsive nor responsible should be put out of business by the public.

While we have called the public's needs a second interest to be served by renewal legislation, it is in reality a mirror image of our interests as broadcasters. The public too has an interest in stability but not in the expense of entrenching a system of broadcasting which is insensitive to its desires.

Thus, the interests of the broadcaster and the public interest rather than conflict, they interface, move in opposite directions and may even rub against each other. But in an optimal system, these two interests are, in effect, mirror images of each other. Like mirror images, these interests move together even while they stand on opposite sides of the looking glass. One cannot challenge the other, or the looking glass, without challenging itself. The interests must accommodate themselves to each other: the public interests must reflect private interests and *vice-versa*. It is the vice-versa that is ignored by the Bill.

II. THE BILL DOES NOT REFLECT AN ACCOMMODATION OF PRIVATE INTERESTS AND THE PUBLIC INTERESTS

The Bill contains two basic parts. First, the Bill would extend the license term to five years. We support the extension of the license term to five years. We think this is necessary to allow a broadcaster—especially news broadcasters, as most of us are and as any Blacks entering broadcasting will be—adequate opportunity to demonstrate the full value of his services. As such, the extension promotes improved service as well as enhances business opportunities. It allows the two interests to move together.

The second part of the Bill concerns license renewals, the core of stability in the broadcasting industry. The bill provides that the Commission shall renew a broadcaster's license if (1) his "broadcast service during the preceding license period has reflected a *good-faith* effort to serve the needs and interests of its area . . .;" and (2) he "has not demonstrated a callous disregard for law or the Commission's regulations. (Emphasis supplied.)

We cannot support these provisions for at least two reasons. First, these two provisions, considered together, offer virtually no assurance that a broadcaster will be responsive to the needs of his community. Indeed, they would permit a retrogression to the time when most broadcasters ignored large segments of people—especially Blacks and other minorities—in their areas of service.

A broadcaster's "good faith" provides no assurance with respect to the quality of programming. The best of intentions could conceivably result in the worst of performances. We do not believe that any broadcaster's performance should be measured by his intentions. If intentions were the measure of success in public life or in the market place, we would have a far different system. There would be more than a handful of Black broadcasters, and the plight of Black people in broadcasting would be different. When Blacks have sought access to the marketplace, there is talk of qualifications, track records, proven performance, etc. Now that Blacks have begun to establish these credentials, we think these criteria should continue to prevail instead of changing the criteria from "performance" to "intentions."

The difficulty is compounded by the fact that it is almost impossible to establish a licensee's "bad faith". There is practically no means to penetrate a broadcaster's intentions. The broadcasters motivated by racial prejudice, for example, could easily ascribe a lack of Black programming to financial difficulties, employment problems, or similar rationalizations.

The second reason why we cannot support these provisions is that they indiscriminately protect the successful broadcaster as well as the unsuccessful. The broadcaster who has worked diligently to do an adequate or even outstanding job is in no better position than the broadcaster who failed to meet his community's needs. Stated conversely, the broadcaster who has done nothing to be responsive is in no worse position than the broadcaster who has successfully met community needs. It helps neither the industry nor the public to cast diligent licensees in the same mold as those who render little or no service.

Nor can we support insulation of a broadcaster who fails repeatedly to adhere to applicable law or F.C.C. policies but does not cross the threshold of a "callous disregard" for those laws and policies. If a licensee fails to adhere to applicable law and policy—even assuming that that failure did not reflect a "callous disregard"—then very serious questions are raised as to whether that licensee *possesses the* requisite character qualifications to hold a license and as to whether that licensee is actually serving the needs of his community.

Moreover, a "callous disregard" for the law means a hardened practice of ignoring law and policy. It reflects the licensee's *intention* to disobey the law and not mere errors in judgement. In our view, a broadcaster who shows a callous disregard for law and F.C.C. policy is not entitled to have his license renewed under any circumstances. Otherwise, to cite but one example, the law may permit the license renewal of a broadcaster who *consciously* adhered to a policy of racial discrimination in programming and employment. We cannot retreat to that.

The Bill—however well intentioned—does a disservice to the broadcasting industry. It would, in effect, sanction the performance of the most derelict of licensees. And the ultimate result could be not only a deterioration of service to the public but, of equal importance, an erosion of the professional respect which we have worked so hard to develop.

III. THERE ARE REVISIONS TO EXISTING STATUTES WHICH WOULD ACCOMMODATE OUR INTERESTS WITH THE INTERESTS OF THE PUBLIC

The criticisms which we have made of the Bill have prompted us to consider what is a more reasonable alternative. While there is more than one way in which the two interests we have delineated above can be accomodated, we have prepared draft legislation which we find satisfactory.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That Section 307 (d) shall be amended by striking the first two sentences and inserting the following: 'No license granted for the operation of any class of station shall be for a longer term than five years and any license granted may be revoked as herein after provided. Upon the expiration of any license, upon application therefore, a renewal of such license may be granted from time to time for a term not to exceed five years if the Commission finds that public interest, convenience, and necessity would be served thereby: *Provided, however,* that in any comparative hearing for the renewal of a broadcast license, the applicant for renewal who is legally, financially, and technically qualified shall receive a preference if his service during the preceding license period has been substantially attuned to meeting his community's needs and interest, and that if the applicant for renewal receives this preference, and if the operation of the station has not otherwise been characterized by any serious deficiency, then the applicant for renewal shall not lose his license to a competing applicant unless the competitor offers proposals for service which are clearly superior to those of the renewal applicant and the competitor demonstrates a high probability that his proposals can be and will be implemented; and that any applicant applying for renewal for the first time who acquired his license as a result of a comparative hearing involving a renewal applicant shall be held strictly accountable for any deviations from the proposals advanced in this application for a construction permit; And *Provided further* that in any other hearing, an application for renewal shall be granted if the renewal applicant is legally, financially, and technically qualified and if his service during the last license period has been substantially attuned to meeting his community's needs and interests, and if the operation of the station has not otherwise been characterized by any serious deficiency.

A. Security for the broadcaster

Our draft legislation retains the five year license term. Moreover, when facing either petitions to deny or competing applications, the broadcaster who has done his job will be rewarded.

If a broadcaster's service has been substantially attuned to his community's needs and interests, then he will be given a preference in any comparative hearing with a competing applicant. Moreover, in no event can a competitor assume the incumbent's license unless the competitor demonstrates that his proposals for service are better than the incumbent's and that there is a high probability that those better proposals will be implemented. Incumbents are thus provided with a double insulation against "blue sky" applicants. First, the incumbent's own substantial service will include proposals that are difficult to overcome. Second, any competing applicant trying to out-propose the incumbent will bear a heavy burden of proof at the outset *and* will be held strictly accountable for any deviations from his proposals. Thus, a broadcaster who is doing a good job need not fear that his license will be lost because of a competitor's empty proposals.

If a broadcaster's service has been substantially attuned to his community's needs and interest, he would overcome any petition to deny. Broadcasters who have not provided adequate service should not be able to survive a challenge.

B. Service to the public

The measure of licensee's performance will be his actual success in meeting his community's needs and interests. A licensee cannot escape scrutiny—or perhaps even the loss of his license—merely because he acted in "good faith" in the last license period. Results—not intentions—remain the touchstone of good broadcasting. If a petition to deny demonstrates that the broadcaster's service was not substantially attuned to meeting his community's needs and interests, only then is his license in danger.

In addition, competition will not be eliminated entirely. A licensee who has rendered inadequate service would be vulnerable to a competitor who offers better proposals (but only if the competitor demonstrates a high probability of performance). Since the scope of competition is narrow, if introduces little insecurity to the broadcaster who has fulfilled his obligation. The limited competition, however, does help to insure that licensees will render adequate service.

We believe that the draft legislation we have proposed (or something similar to it) is essential if we are to have both stability *and* good service in broadcasting. While we all have vested interests to protect, we should not sacrifice professional respect and the community's needs on the altar of those interests.

We recognize that there exists some amount of tension between the responsibility to serve the community and the task of operating a profitable business. But we are confident that we will realize the way to serve both interests and in doing so, we will have provided a model for the entire industry.

Our share of and influence in the industry is still not great enough for us to forsake those who are still trying to get in. Perhaps, if and when our piece of the pie becomes as large as that of the 8,000 white broadcast station owners, we will be ready to join forces with the industry in making it an exclusive club.

CHILDREN AND YOUTH AND MATERNITY AND INFANT CARE PROJECTS MUST BE SAVED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KOCH) is recognized for 5 minutes.

Mr. KOCH. Mr. Speaker, I wish to bring to your attention, and to the attention of our colleagues, the present situation of the children and youth and maternity and infant care projects. These projects, funded under title V of the 1967 Social Security Act, are now slated to expire on June 30, 1973.

I am pleased to say that on March 21, Chairman WILBUR D. MILLS told national representatives of the projects that he would personally support legislation to guarantee the extension of these directly funded Federal projects for another year.

I have introduced legislation on the House side with over 50 cosponsors to extend these projects. Next week, Senators MONDALE and PERCY will be introducing legislation to provide for a 2-year extension of title V.

It is essential that these projects be continued and that the authority for them be given as soon as possible. Budgetary problems and the lack of legislative action are contributing to a lack of confidence in the Federal commitment to maternal and child health. This must be rectified immediately and can only be done through immediate congressional action to guarantee the life of these projects.

Congressional approval of an extension would insure the continued operation of 59 C. & Y. projects in 28 States, the District of Columbia, Puerto Rico, and the Virgin Islands, and 56 M. & I. projects in 34 States, the District of Columbia, and Puerto Rico. These projects serve over 1 million persons of lower socioeconomic levels in central cities and rural areas. New York City has nine C. & Y. and 14 M. & I. projects currently in operation.

These C. & Y. and M. & I. projects represent one of the major reservoirs of experience in comprehensive health care today, especially to the poor children of the country. They have had extraordinary accomplishments. In the city of New York, the perinatal mortality rate—mortality of the fetus during the last month of pregnancy and the first week of life—is lower for women served by the M. & I. programs than for all the women in the entire city.

This week the American Academy of Pediatrics has sent an information kit to tell the M. & I. and C. & Y. story to all the major papers and TV stations in cities across the country that have such a project. The American Academy of Pediatrics is to be commended for its initiative in seeking to improve the health of children in this country and in alerting the public to the dimensions of the problems which deprive children of their chance for optimum health.

DR. SIDNEY FARBER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BOLAND) is recognized for 5 minutes.

Mr. BOLAND. Mr. Speaker, I rise today to pay tribute to a great man. Dr. Sidney Farber, the internationally known authority on cancer in children, and founder of the Jimmy Fund, passed away last Friday evening in his office at the Children's Cancer Research Foundation in Roxbury.

We will all miss this eminent man. He brought to his work a special zeal and a genius that few men have, and fewer still are able to harness so effectively to help their fellow man. He has made a great contribution to humanity that will long be remembered.

I recall vividly the appearance of Dr. Farber in 1959 when he came before our appropriations subcommittee with other national leaders in medicine to urge strong support of the medical research program being carried out in the Veterans' Administration hospitals.

He appeared as a citizen, deeply interested in the care of patients and medical research. He expressed praise for the high quality of clinical investigation in the various programs of the Veterans' Administration. He told us how chemotherapy was providing new forms of treatment for patients, and that the VA standards of clinical investigation and the quality of their work was second to none.

This encouragement and constructive concern in support of things he believed in are hallmarks of his invaluable contribution to society.

He was one of the finest, one of the best informed, and one of the most effective witnesses ever to come before the Congress. This is a view that was shared by the chairman of our subcommittee at the time, the late Albert Thomas, and by many others.

In the long and terrible struggle against cancer, Dr. Farber stands out as one of the earliest researchers who recognized the great potential of chemicals in treating this dread disease. In 1947 he discovered that the drug Aninopperin and the related chemical Methatrexape could bring a temporary but complete remission of symptoms in accute leukemia.

Before he began his work, a child afflicted with leukemia faced only weeks or months of life. Today, children everywhere enjoy—not weeks—but often many years of useful life through chemotherapy and radiotherapy developed by Dr. Farber and his associates at the Jimmy Fund Center.

So intense was his energy and devotion that his talents spread beyond his work in cancer research. He was the first to describe cystic fibrosis as a generalized disorder and with his colleagues discovered eastern equine encephalitis.

Much of his work on cancer was accomplished at the Jimmy Fund Center and the Charles A. Dana Cancer Center. These centers were his life dreams, and he was the driving force that made them a reality.

At the Jimmy Fund Center, it was Dr. Farber who established the policy that no parents be forced to pay for treatment of their children. This was typical of his generosity and kindness, for he knew from his years of work that there is no sadder sight than a seriously ill child. It was this sight that moved him to devote his life to relieve the suffering of children and give both children and their parents new hope and a new beginning.

An exceptional organizer and administrator, Dr. Farber had that unique ability to cultivate the talents of many men and bring them together in the war against cancer.

Dr. Farber is gone and cancer is still with us, but his work lives on. Many times he has expressed his optimism that a cure to cancer would be found soon because of the factual evidence of progress. Someday the secret will inevitably be unlocked and a cure will be found. His work is one of the keystones in the struggle of many people to find that cure.

While Dr. Farber's death is a loss to the Congress and to the country, it is a very special loss to those of us who have had the rare privilege to know him and to know his work intimately. I want to express my sincere condolences to Dr. Farber's wife and his family, and my prayers are with them in this hour of his passing.

A COMPREHENSIVE PROGRAM FOR SENIOR CITIZENS

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, I am introducing today my comprehensive program for senior citizens. It is a series of 14 bills designed to fill voids in the life of older people caused by inflation and oversight on the part of the lawmakers. Government frequently takes care of the smallest needs of big business while ignoring the greatest needs of a large part of our population—the elderly.

As long as we shirk our responsiiblity to provide an adequate income for our senior citizens there will be a need for the type of legislation I am introducing today. This is a series of bills to assure certain dignities of life for the elderly.

Haggling to provide optometric care or bribing States and municipalities to provide reduced bus fares will continue to be the task of Congress as long as the elderly suffer hardship to buy eyeglasses or must deny themselves when they wish to see a movie because of high priced tickets and transportation fares. Each of these bills will be a partial advance in assuring a full and satisfying life for them.

The first group of bills is addressed to medical problems. Medicare has been a financial boon and an admission that medical treatment is the bedrock of concern at this time of life. The fear that illness will destroy their financial independence, leaving them defenseless, is a psychological burden often as serious as physical impairment. A number of holes remain in the current financing system.

The costs of dental care, eye care, chiropractors' services, and other medical needs are not presently covered. There should be no limitations on the deduction of legitimate medical expenses whether the aged individual is self-supporting or a dependent.

While medical benefits are increased other basic needs must be met. Inflationary pressures on the general public are so severe that the Congress is being forced toward imposing controls on food and rent prices. The elderly are particularly vulnerable to these pressures. There is an especial hardship in rapid rent increases. The elderly are living on an inadequate largely fixed income and are by nature less mobile than the general population. It can be a shattering experience for old people to move from lifelong homes; yet changing neighborhoods and skyrocketing rents often leave them with little choice.

One of my bills, the Senior Citizens Rent Limitations Act, offers a solution. This act would apply to senior citizens whose annual income is less than $6,000 and only for moderate rentals. An individual's rental costs would be limited to 25 percent of his income. Any rental on the apartment over that figure would be subsidized by the Federal Government. This subsidy would have no effects on other social security benefits.

Tenants of federally financed housing already enjoy an effective limit on their rents of 25 percent of their income. For the majority of the elderly poor Federal housing is not obtainable and there is no other protection from constant rent increases.

Legislation on health, income, and rents should not obscure our concern for other aspects of life. A hospital bed and a roof can sustain people, but they cannot provide fulfillment. Many recreational opportunities available to the public and of particular importance to the elderly are too expensive for a limited budget. Three of my bills deal with this problem. They provide free admission to the elderly to all recreation areas administered by agencies of the Federal Government, permit reduced air fares during nonpeak periods of travel, and encourage the use of reduced fares for the elderly on public transportation facilities.

A retired person who cannot go to a movie or a park because of high bus fares, a retired person who can never hope to visit children and grandchildren because of high air fares, is an imprisoned person.

There is also a need for innovative programs providing opportunities for a new life style for the elderly; programs designed to assure their continuing involvement with the community. Our society must realize that a person's value and productivity does not disappear when he or she turns 65.

I am proposing two experimental programs. One is the Older American Community Service Employment Act. This would authorize the Secretary of Labor to establish a program to foster part-time work opportunities in community service activities for people 55 and over. Such a program would bring material benefits to the elderly as well as to the local community receiving their services. Perhaps more important it would assure the elderly of a respected role in the community. Their self-esteem would be heightened in the knowledge that they were making a valuable contribution. The community would benefit as well, not only from the services and experience gained but from the healthier atmosphere which a community enjoys when it does not isolate one segment of the population.

The other program is the Campuses for the Elderly Act. This would provide a residential setting tailor-made to the needs of the elderly. This concept was suggested to me by the Citizens Advisory Committee on Senior Citizens of my district—people directly affected by the many Federal programs in this area.

Campuses for the elderly would unify in one place four basic needs of the elderly; independent living, congregate living areas, rest homes with nursing supervision, and extended care facilities with extensive medical supervision. In essence it would create a community where varying living conditions could be met, both social and medical, based on the varying needs of the participants. It would ease the transition from apartment to hospital to rest home without leaving the community.

All of these bills are essentially identical to legislation I filed in the last session of Congress and a description of each bill under the number it bore in the last session follows:

H.R. 992. To include dental care, eye care, dentures, and hearing aids among the benefits provided under the Social Security Act;

H.R. 993. To provide payment for chiropractor's services under the medicare program;

H.R. 994. To permit payment, in the case of an individual eligible for home health services of the type which may be provided away from home, for the costs of transportation to and from the place where such services may be provided;

H.R. 995. To eliminate the requirement that an individual must first have been admitted to a hospital to qualify for extended care services;

H.R. 8435. To allow individuals age 65 or over to deduct all expenses for their medical care;

H.R. 8574. To permit the full deduction of medical expenses incurred for the care of individuals 65 years of age or over;

H.R. 8338. To permit the payment of benefits to a married couple on their combined earning record when that produces a higher combined benefit.

H.R. 8710. To increase to $750, the amount of the lump-sum death payment under social security;

H.R. 14495. The Senior Citizens Rent Limitation Act to limit the rent of senior citizens by public funding of a part of the central burden of senior citizens;

H.R. 14604. To exempt senior citizens from paying entrance fees;

H.R. 987. To amend the Urban Mass Transportation Act to provide priority funding of cities and public agencies that provide the use of their facilities at reduced fares for the elderly;

H.R. 14310. To amend the Federal Aviation Act to authorize reduced rates transportation for the elderly during nonpeak periods of travel;

H.R. 13874. A Campuses for the Elderly Act for the development of projects to meet the special health care and related needs of elderly persons on a campus setting; and

H.R. 5988. The "Older American Community Service Employment Act" to promote part-time work opportunities in community service activities for unemployed low income persons who are 55 years of age or older.

THE POLISH-AMERICAN CONSULAR TREATY: SOME CLARIFICATION NEEDED?

(Mr. ZABLOCKI asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ZABLOCKI. Mr. Speaker, the Polish-American Consular Convention recently approved by the Senate represents a great step forward in Polish-American relations. As one who has long advocated such improved relations between the people and governments of these two great nations I applaud this positive development.

At the same time, however, it is important to point out a deficiency in the Consular Convention which could have serious consequences for some people. Specifically, I refer to those provisions of the agreement providing protection for American citizens of Polish birth who enter Poland with an American passport and a valid Polish visa. Crucial to this question is the fact that the consular protection as well as the right to leave Poland at will lasts only as long as the entry visa is still valid.

In other words, if by oversight or illness such a person overstays his visa period he loses the protection of the Consular Convention and the Polish People's Republic is again free to enforce the Polish statutes on citizenship.

This and other aspects of the convention have been analyzed in an article by Mr. Joseph C. Gidynski in the summer, 1972 issue of the Polish Review. Because of its significance I am pleased to place it in the Record at this point and recommend it to the attention of my colleagues.

The article follows:

Former Citizens of Poland and the Polish People's Republic

(By Joseph C. Gidynski, LL.M., LL.D., J.D.)

An American-Polish Consular Convention was signed in Warsaw on May 31, 1972, filling a gap that had existed since January 5, 1952, when a former treaty ceased to be effective. That gap, however, was filled only partially by this new convention. To recognize this, it is enough to compare the official titles of the two agreements. The defunct agreement,[1] which was signed on June 15, 1931, was called a Treaty of Friendship, Commerce and Consular Rights, whereas the present agreement was given the modest title of Consular Convention since it is neither a Treaty of Friendship nor a Treaty of Commerce. It consists of the main body and two additional protocols, as well as three diplomatic notes.

The Consular Convention, upon ratification, is equally binding in terms of international law on the United States and the Polish People's Republic. There will, however, be a considerable difference in its practical application within the two countries.

On its effective date, the President of the United States will issue a proclamation that will make known, in both languages, the text of the Consular Convention, the fact that the convention was ratified by both parties, and that the instruments of ratification were exchanged in Washington, to the end that it "be observed and fulfilled with good faith by the United States of America and the citizens thereof." And this quoted intent is no mere formality. It truly expresses the reality. Indeed, the Constitution of the U.S. recognizes international law not only in external relations with other states but also in domestic affairs. Article VI, paragraph 2 of the Constitution provides that "all Treaties made, or which shall be made, under the Authority of the United States, shall be the Supreme Law of the Land, and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the contrary notwithstanding."

Accordingly, it has been well established by Federal and State courts that international law is not an external alien law, but a part of the legal system of the United States. These courts apply ". . . federal law, state law, and international law as exigencies of the particular case may demand . . ."[2]

International law as a part of the United States legal system is also binding directly on all its residents, citizens and aliens alike, and "if a statute contains provisions contrary to international law, international law still subsists. In such a circumstance the defense that the law is domestic and must be administered is unavailable so far as the international relations of the state are concerned."[3]

It could be said that the Convention will have a considerably weaker base in Poland than in the United States. It will not be effective there, by operation of law, as a part of international law; and the courts and other state agencies will not be automatically bound by it. Its binding force will be acquired only by promulgation in the Official Journal of Laws and only as the state law, not as international law. It will not become the Supreme Law of the Land as is the case with international law and the Constitution in the United States. Provisions of statutes contrary to those of the Consular Convention would prevail.

Thus, a substantial difference exists in light of the recognized rules of law, and this difference tends to be accentuated by certain recently enunciated theories which are gaining increasing recognition as an expression of ruling political doctrine.[4]

TASKS OF THE CONVENTION REGARDING DUAL CITIZENSHIP

The Consular Convention deals mainly with the openings of consular offices, appointments of officers and employees of these offices, with their rights, privileges and immunities and the consular functions that might be performed.

However, its main body is supplemented by two protocols and three diplomatic notes. These notes and the second of the two protocols define the mutual situation of the citizens of both countries who have emigrated and who are admitted on entry visas to their native territories. And they clarify—or rather tend to clarify for a fundamental gap exists in the clarification offered—just which former citizens of Poland are to be considered by the Polish People's Republic as unquestionably American citizens. They affect many American citizens of Polish descent and, indirectly, many citizens of other countries. The diplomatic notes and the second additional protocol, together with the provisions dealing with jurisdictional functions of American Consuls and their staffs, form the most interesting part of the Consular Con-

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Footnotes at end of article.

vention. They provide important information about the scope of legal protection American citizens may expect from their Consuls while on the territory of the Polish People's Republic.

RECOGNITION OF AMERICAN CITIZENSHIP ON THE TERRITORY OF THE PPR

A well established rule of international law provides that states should extend to foreigners admitted to their respective territories the same individual guarantees and enjoyment of essential civil rights granted to their own nationals. The principle, however, meets difficulties in cases of dual citizenship, when a person acquires a new citizenship without losing the prior one. Dual citizenship is a product of conflicts of laws on citizenship which exist in various states. Of course, the simple and frequently used way to avoid such difficulties is to refuse an entry visa when the state that receives the application considers the foreign traveler to be its own citizen. It may happen, however, that such a state may grant a visa and, notwithstanding this act, subsequently take advantage of the situation and claim the traveler to be a citizen of that state once he is within its borders.

The Muller case, which was reported in the news several years ago presents a good illustration of difficulties that might arise. Mr. Muller, a citizen of the PPR, escaped from his country and was granted a U.S. immigration visa and, in due course, American citizenship. Subsequently, after the passage of about ten years, he sought to visit his dying father and secured an entry visa to the Polish People's Republic on his American passport. His American passport and Polish entry visa notwithstanding, he was arrested in Warsaw, indicted, convicted of espionage and sentenced to a five-year prison term as a Polish citizen. The affair cast a deep shadow on American-Polish relations. The Government of the United States made a diplomatic interposition in fulfillment of its duty to protect American citizens abroad. It stressed that Mr. Muller had been granted an entry visa by the Consul of the Polish People's Republic on the basis of a decision taken by the Ministry of Foreign Affairs in Warsaw, and that it could have been rightfully assumed that the visa was granted in full knowledge that Mr. Muller had left Poland illegally many years earlier. The case was settled between the two governments. Muller was released from prison a few months after his sentencing and was deported. However, this arrest by the Polish People's Republic of an American citizen traveling on an American passport that had been stamped with a legally granted Polish entry visa, created a great deal of uncertainty and anxiety in the exchange of people between this country and Poland.

Will the new Consular Convention eliminate the source of such uncertainty and anxiety in future?

The Diplomatic Notes exchanged in connection with the signing of the Consular Convention provide that holders of American passports furnished with Polish entry visas will be considered Americans for the duration of the visas, even if the Polish People's Republic may consider them Polish citizens by virtue of its own legislation. In particular, they will be entitled to consular protection and will have the right to leave Poland at will without any hindrance whatsoever from the Polish authorities.

In view of the importance of this provision, its full text is quoted:

"Persons entering the Polish People's Republic for temporary visits on the basis of United States passports containing Polish entry visas will, in the periods for which temporary visitor status has been accorded (in conformity with the visa's validity), be considered by the appropriate Polish authorities for the purpose of ensuring the consular protection provided for in Article 29 of the Convention and the right of departure without further documentation, regardless of whether they may possess the citizenship of the Polish People's Republic."

Of course, full reciprocity is provided for holders of Polish passports stamped with American entry visas.

TIME LIMITATION ON PROTECTION

The protection provided by the Consular Convention marks a great step forward in Polish-American relations. However, the time limitation placed on this protection is important and should be emphasized. The consular protection as well as the right to leave the territory of Poland at will lasts only as long as the entry visa is still valid. After its expiration, the protection disappears and the Polish People's Republic is again free to enforce the Polish statutes on citizenship. There is, it should be pointed out, an important exception to this rigorous rule: the consular protection and the right to leave Poland at will continues in all cases in which the voluntary departure within the time limit was prevented by any judicial or administrative proceedings. Given the great practical importance of this exception, the pertinent provision is quoted in full:

"Persons mentioned in paragraphs 1 and 2 (i.e. holders of passports of one country with visas of another; explanation added) do not lose the right to consular protection and the right of departure without further documentation, if the period for which temporary visitor status has been accorded to these persons expired during judicial or administrative proceedings which prevented their voluntary departure."

DUAL CITIZENSHIP

From this time limitation on the protection of former Polish citizens on PPR territory, it is apparent that the problems arising out of dual citizenship were not really solved in the Consular Convention. The Convention did not even arrive at a satisfactory clarification of just who among Americans of Polish origin may still be considered by the Polish People's Republic as its citizens—great efforts by the Department of State notwithstanding. Indeed, the American note to the Ministry of Foreign Affairs of the Polish People's Republic, dated May 31, 1972, reads in its preamble:

"The Embassy of the United States of America refers to the talks held between representatives of the Embassy and representatives of the Ministry of Foreign Affairs of the Polish People's Republic on the subject of reducing the possibilities of misunderstanding in the application of the citizenship laws of both countries, and has the honor to request that factual data related to the basic provisions of the citizenship law be conveyed and that points of procedural practice be explained."

Detailed questions in paragraph 1 of this note demonstrate further the State Department's efforts to clarify fully the legal issues involved. All these efforts brought no satisfactory results. The answering note of the Polish People's Republic dwells in great detail on aspects that are obvious and that present no difficulties, but avoids the essence of the problem by dismissing it with a few nebulous words. In fact, the Polish note goes to great lengths to emphasize that former Polish citizens who became naturalized *after* January 18, 1951, may continue to be considered as Polish citizens if they have not obtained the consent of the State Council or other delegated agency for a change of citizenship, as provided by the Polish Statutes of January 8, 1951, and February 15, 1962.[5] But what about those former Polish citizens who became naturalized Americans earlier—during the effective life of the first Polish statute on citizenship, dated January 20, 1920,[6] or even before, at any point since the Polish state regained its independence in 1918? Does the Polish People's Republic recognize these persons as American citizens unconditionally and without any reservations?

It might have been expected that the PPR would profess no claim regarding former Polish citizens whose American naturalization occurred more than twenty years before, or even half a century ago. After twenty years, not to speak of half a century, the statute of limitations runs its course for all claims and rights in the Polish People's Republic. Even the right to prosecute felons for the most serious crimes is limited after twenty years by virtue of an explicit provision of the recent Polish Penal Code (art. 105).

It might have been expected also that the Polish People's Republic would take advantage of the Consular Convention negotiations "to reduce the possibilities of misunderstanding in the application of citizenship laws of both countries," as was clearly suggested in the American note.

Unfortunately, the answering note of the Polish People's Republic does not live up to these expectations. Instead of recognizing clearly and unconditionally the American citizenship of these former Poles who became naturalized Americans during the time between the regaining of independence by Poland and January 19, 1951, the note of the Polish People's Repubic leaves the issue totally beclouded. True enough, it recognizes the principle of article 11, paragraph 1, of the first Polish Statute on citizenship, dated January 20, 1920, which reads, "Loss of Polish citizenship shall take place by acquisition of citizenship of another state." However, it qualifies this recognition by this clause: "except in the circumstances described in that law and other provisions related to it."

What is the meaning of this exception which is phrased in such general words? The exception may be given any meaning at the will of the authorities of the Polish People's Republic. Indeed, it would be sufficient, under this exception, for the PPR to cite the very comprehensive terms of universal military service in order to cancel out that accepted principle that Polish citizenship is automatically lost, through the operation of law, by acquisition of citizenship of another state. Furthermore, it might easily be presumed that the very vagueness of the wording of the exception veils lack of agreement as to the scope of its application. Let us consider the problem strictly from the legal point of view. The Polish People's Republic relies on article 11, paragraph 2, of the Statute on Polish citizenship, dated January 20, 1920,[7] which reads:

"Persons liable to *active* military service may acquire the citizenship of a foreign state only after receiving consent from the Minister of Military Affairs; otherwise, they will be still considered as Polish citizens by the Polish State. [translation and emphasis mine]."

The Polish People's Republic implies a very comprehensive meaning for this article by referring to it in broad terms: ". . . except in the circumstances described in that law and other provisions related to it." In doing so, it passes in silence over the obvious fact that the article has lost its actuality and legal applicability and has become a meaningless, dead letter of law. It is meaningless because when the Consular Convention was signed on May 31, 1972, none of the former Polish citizens who had become naturalized Americans (or citizens of any other state) on or before January 18, 1951, could reasonably have been considered as liable to "active military service" within the meaning of article 11, paragraph 2, quoted above, and the Polish People's Repubic has no legal claim whatsoever for fulfillment of such a military duty. These persons acquired American citizenship without any obstructing impediment.

Footnotes at end of article.

SCOPE OF THE EXCEPTION

It is an incontrovertible fact that, under the first Statute on Polish Citizenship, the acquisition of American citizenship (and, for that matter, of any foreign citizenship) was valid even if the consent provided for in article 11, paragraph 2, was not obtained and if the foreign citizenship was questioned by the Polish People's Republic on its territory. Under the law, the generally applicable principle, as stated in article 11, paragraph 1, has been that the loss of Polish citizenship took place solely by acquisition of that of another country. The reservation set forth in paragraph 2, quoted above, is an exception to that principle, and is so recognized by the note of the Polish People's Republic that is attached to the convention.

What is the scope of this exception? The canons of interpretations of statutes stipulate a strict and restraining construction of exceptions. Their scope should be determined by the legal purposes for which they were enacted. A teleological and historical interpretation makes clear beyond the shadow of a doubt that the only legal purpose of the exception was to prevent Polish citizens who were liable to "active military service" from shirking that duty by acquiring citizenship of another state. When the first Statute on Polish Citizenship was about to be adopted, the statute on military service that was in force stipulated clearly that foreigners were excluded from it. Consequently, when the citizenship statute specified that Polish citizens would lose their citizenship automatically "when they acquired citizenship of another state," it became indispensable to eliminate the legal possibility of shirking military service by acquiring citizenship of another state. The subject was addressed explicitly by the following paragraph: [8]

"Persons liable to *active military service* may acquire the citizenship of a foreign state only after the consent of the Minister of Military Affairs is given; otherwise, they will still be considered Polish citizens by the Polish State." [translation and emphasis mine]

The exception was limited to "persons liable to active military service." No other category of persons was subject to it. Thus, there remained outside the scope of its application all women, persons crippled or otherwise disqualified from military service, priests and religious of recognized denominations, people who had not yet reached the age for military service or who had already passed it, and people who were exempt from military service. Briefly, the exception ceased to operate when the obligation of active military service ended—or in cases where it never existed.

As soon as the claim of Polish authorities on "active military service" ceased to exist, American citizenship (or that of any other state) became automatically free of the limitation and regained its effectiveness in the eyes of the Polish State. The principle itself, which became applicable the very moment a Polish citizen "acquired citizenship of a foreign state," could have been limited only temporarily by the exception, and only for as long as and to the extent that an individual was liable to "active military service."

This view of the limited applicability of the exception is corroborated by a comparison of the provisions on loss of citizenship in the first statute and those in the two statutes that were subsequently adopted by the Polish People's Republic. The latter added a totally new element to the principle that a Polish citizen "shall lose his citizenship after he has acquired citizenship of another state." The additional requirement calls for the "consent of a competent Polish agency for a change of citizenship." [9] This new requirement cannot affect the granting of citizenship by the U.S. or any other state without intruding on the sovereignty of foreign states. However, it does affect the *release* from Polish citizenship, which is within the scope of Polish sovereignty and may be governed by Polish law. Thus, loss of Polish citizenship by virtue of the statutes of the Polish People's Republic became contingent on the consent of competent Polish authorities. This represented an important change: the notion of a release from Polish citizenship was as much alien to the first statute, even including the exception described above, as it became basic to the two subsequent statutes.

Furthermore, the release from Polish citizenship became a political act of state of great importance and was reserved to the State Council, the very highest office of the Polish People's Republic, to be issued on a motion of the Minister of Interior.[10] In contrast, jurisdiction for the granting of the consent provided for in the first statute on Polish citizenship, in its article 11, paragraph 2, was vested in the military by all the consecutive statutes on military service. The executive orders delegated it to county recruitment commanders, the lowest military agency which inducted recruits into the regular army.[11] In addition, it was the Minister of Military Affairs who was vested with the power to exempt *ex officio,* without any petition, from "active military service" individuals and groups of persons who had acquired foreign citizenship without having obtained Polish consent.[12] Such a provision would have been senseless if the foreign citizenship were invalid in its incipiency, from the moment it was obtained without the required consent.

Also, it would be a great error to assume that Polish statutes or executive orders would seek to punish persons who shirked their liability to "active military service" by forcing on them Polish citizenship for the rest of their lives. The contrary was true. The statutes governing both citizenship and military service stipulated that such persons might be *deprived* of Polish citizenship.[13] And, in fact, this was done frequently.

NO POLISH CITIZEN HAS BEEN SUBJECT TO THE EXCEPTION IN 1972

At the time the Consular Convention was signed, the Polish People's Republic had no legal claim whatsoever to any American of Polish origin on grounds of "active military service" within the meaning of article 11, paragraph 2, of the first Statute on Polish Citizenship.

It was a series of statutes on universal military service that determined which persons were "liable to active military service" and the duration of their duty. Four such statutes [14] were in force successively during the effective period of the first Polish Statute on Citizenship, between January 31, 1920, through January 18, 1951. But by May 31, 1972 these statutes no longer provided any legal basis for liability had been naturalized on or before January 18, 1951, were concerned. No matter what claims the Polish People's Republic might have had in the past, such claims ceased to have any validity whatsoever in 1972.

Let us have a closer look at each of the four consecutive statutes on universal military service. Each defined in a different way the persons who were "liable to active military service." The essential difference, however, existed only between the first one, the Temporary Statutes on Universal Military Service of October 27, 1918, and the three others: The former identified the liability to "*active* military service" with that to "*universal* military service" instead of confining it to service in the regular army for a limited period of time. History makes the reason clear. It is enough to look at the date of the first statute—October 27, 1918. It was a year that is memorable for Poles. The German troops who had occupied Polish territory were disarmed and expelled from Poland by the National Revolution which broke out at the end of World War I. The regaining of national independence was proclaimed after 123 years of partitions. From its very dawning, however, its existence was threatened by the Soviet Union. The whole nation was called to active military service. Even teenagers left their high schools to join the Volunteer Army. The supreme military effort to the entire nation culminated in the so-called Miracle of the Vistula, when the invading Soviet armies were smashed at the gates of Warsaw and expelled from Polish territory.

STATUTE ON UNIVERSAL MILITARY SERVICE OF OCTOBER 27, 1918 [15]

This was the only statute that defined the term "active military service" in an unusually comprehensive way, including all types of service such as service in the regular army, complementary service, service in the reserve, service in the national defense and service in the mass levy. Of course, "active military service" so broadly conceived was really active only for men who were actually inducted into the regular army; for all others it was merely potential, in case of emergency. It included all men from 20 (sometimes even 18) to 50 years of age.

This statute ceased to be effective on November 18, 1924. Even the youngest of all those subject to service under this statute—those who were 20 years old in 1924—became 68 in 1972 when the Consular Convention was signed. Their liability for "active military service," even so broadly conceived, came to its statutory end 18 years ago, when they were 50.

STATUTE ON UNIVERSAL MILITARY SERVICE OF MAY 23, 1924, AS AMENDED [16]

This law was effective from November 18, 1924, through August 30, 1938, and under it the scope and notion of "active military service" was basically changed. Such service ceased to be the comprehensive type that included all kinds of military service, as was the case under the prior statute, and was limited to service in the regular army for a period ranging from 2 years to 2 years and 3 months, depending on the branch of the armed forces. In addition to "active military service," the new statute introduced service in the reserve and mass levy. Article 75 of the statute stipulated: "Release from active military service and transfer to the reserve shall take place after the lapse of periods of time provided for active military service."

The service started in time of peace, when men completed 21 years of age. The last class liable to "active military service" under this statute consisted of men who were 21 in 1938. These individuals were 55 at the time the Consular Convention was signed. Their liability to active military service ended in 1941 at the latest, more than 25 years ago, even discounting the war years. None of them could be liable to such service now.

STATUTE ON UNIVERSAL MILITARY SERVICE OF APRIL 9, 1938 [17]

The 1924 statute was replaced by another that was in effect between September 1938 and May 27, 1950. In this law, "active military service" was identified with the basic military service, and both expressions were used interchangeably. Universal military service included the following: basic or active military service, reserve service, service in a mass levy, auxiliary and complementary service. The basic or active military service was fixed at 24 to 27 months, depending on the branch of the armed forces, for men who had reached 21 years of age. Ablebodied men who were not inducted into the basic military service were considered surplus conscripts and, before they reached 24 years of age, had to be transferred to the reserve on an equal footing with those who had completed the basic military service. Alternatively such individuals could be assigned to a mass levy or auxiliary service depending on their age, sickness or exemption. Deserters or persons who

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Footnotes at end of article.

induced sickness or injury to evade military service could have been inducted up to 38 years of age, the ultimate statutory limit for induction (Art. 58, item 1).

Men who were 21 or older in 1950, the last year the Statute was in effect, were 42 or older in 1972. Thus they exceeded even that statutory age limit for induction fixed as a penalty for deserters and others who attempted to shirk active military service, not to speak of the regular age limit for induction. In any case, liability to active military service has ceased to exist for all who ever had been liable to it under this Statute.

Of course, the first class of men inducted into the regular army under this Statute shared the tragic fate of the last class inducted under the prior Statute. Induction was suspended following the occupation of Poland by Nazi and Soviet troops. The Polish Government-in-Exile and its underground agencies in occupied Poland used only volunteers. Nevertheless, all Poles, whether or not liable to active military service, went through the ordeals of the war years. Many inmates of Nazi and Soviet camps managed finally to make their way to the West and became Americans or citizens of other states. Could they still reasonably be considered "liable to active military service" within the meaning of article 11, paragraph 2, of the first statute on Polish citizenship which was abrogated more than twenty years ago?

STATUTE OF FEBRUARY 4, 1950, ON UNIVERSAL MILITARY SERVICE [13]

The most recent statute was approved by the Sejm of the Polish People's Republic on February 4, 1950 and became effective on May 28, 1950, eight months before the abrogation of the first statute on Polish citizenship with its article 11, paragraph 2.

Let us consider, from the point of view of dual citizenship, the situation of former Polish citizens who became naturalized Americans or citizens of other states within this eight-month period. Could the Polish People's Republic challenge their foreign citizenship and consider them still citizens of Poland? Are they still liable to "active military service" within the meaning of article 11, paragraph 2, of the first Statute on Polish citizenship? The answer is in the negative. Their status does not differ from that of other groups of former Polish citizens analyzed above. The reasons are as follows.

The Statute of February 4, 1950, does not include the term "active military service." A similar meaning, however, is conveyed by the term "military service in the skeleton army" (kadrowa sluzba wojskowa), which would last two or three years, depending on the branch of the armed forces, for persons 18 years old. Citizens of the Polish People's Republic are bound by its statutes while abroad. Thus, persons who were between 18 and 21 in 1950 were liable to "service in the skeleton army" as an equivalent of "active military duty." These persons, however, reached 40 years of age or more in 1972, and their liability and any corresponding claims of the Polish People's Republic ceased to exist. Furthermore, the validity of the grant of American citizenship (or that of other states) has never depended on the consent of Polish authorities or on fulfillment of liability to "active military service."

"Under Polish statutes on universal military service, lapse of time has made article 11, paragraph 2, of the Statute on Polish Citizenship of January 20, 1920, a dead letter of law, which can no longer justify any claims whatsoever of the Polish People's Republic against former Polish citizens who became naturalized Americans or citizens of other states on or before January 18, 1951."

Such is the conclusion that follows from this analysis of the applicable Polish statutes as well as the events of World War II which caused more than half a million Poles to leave their country.

Of course, the conclusion applies not only to article 11, paragraph 2, of the First Statute on Polish Citizenship, but also, by the same token, to its restatement in the Consular Convention in the words ". . . except in the circumstances described in that law and other provisions related to it." This error in drafting could, however, be made harmless, as the Consular Convention is put into practical use, simply by non-application of the exception quoted.

A solution of the difficulty would seem to be easy. The second Statute on Polish Citizenship introduced, and the present one has continued, a new principle regarding loss of Polish citizenship: instead of automatic loss solely by acquiring citizenship of another state, loss must be by consent of the authorities of the Polish People's Republic. The date January 19, 1951, marks the time limit. Whoever became a citizen of another state before that date should be considered as a foreign national when on Polish territory. On the other hand, whoever became an American or citizen of any other state after that date should apply for the consent of the proper agencies of the Polish People's Republic in order to avoid the serious troubles inherent in dual citizenship.

Any effort to move this frontier of time back to a date prior to January 19, 1951, means an attempt to give retroactive application to the present Statute on Polish citizenship under the legally untenable pretext of liability to "active military service." For this liability and the corresponding claims of the Polish People's Republic expired years ago for all former Polish citizens who might have been subject to it by virtue of the four consecutive statutes on universal military service.

DETENTION OR ARREST OF AMERICAN PASSPORT HOLDERS

Any individual in a foreign country is subject to its laws, including its Penal Code, unless he enjoys the rights of extraterritoriality. Accordingly, a holder of an American passport stamped with a valid Polish visa can be arrested in the Polish People's Republic, but only as an American, never as a Polish citizen, even though he may be considered a Polish citizen by Polish authorities. This has been clearly set out in the stipulations of the Consular Convention and most specifically in the third diplomatic note attached to it. It is expressly stipulated that holders of American passports stamped with valid Polish visas must be treated as American citizens for the duration of the visa. And they are entitled to the protection of American consular officers provided for in Article 29 of the Convention. Such protection includes the following rights, privileges and immunities:

a) Polish authorities have a duty to notify an American consular officer of the detention or arrest of any American citizen immediately, in any case not later than within three days. In the case of an American who was not admitted to permanent residence in the Polish People's Republic, the time is counted as from the time of his detention or arrest. In the case of an American who was admitted to permanent residence, the three-day period begins at the time of the request that the consular officer be notified.

b) Polish authorities are under obligation to forward without delay any correspondence from a detained or arrested American to an American consular officer.

c) Polish authorities are under obligation to inform an American consular officer, upon his request, of the reasons for the detention or arrest of any American.

d) Polish authorities are under obligation to enable an American consular officer, upon his request, to visit any detained or arrested American and to communicate with him in English or Polish for the purpose of safeguarding his interests, observing, however, local laws and regulations. This must be done without delay. "Without delay" is understood to mean within four days from the time of detention, assuming the request is made immediately. If four days pass before any request is made, then permission must be granted for an immediate visit.

e) In case of a trial of an American, the appropriate Polish authorities are under obligation, at the request of an American consular officer, to inform the officer of the charges against such an American and to permit the consular officer to be present during the trial, observing, however, local laws and regulations.

f) Finally, an American consular officer is entitled, subject to local prison regulations, to visit an American who is serving a sentence of imprisonment.

It is important to note that an express provision of the Convention stipulates clearly that no local provisions can prevent a consular officer from visiting an American, communicating with him and obtaining the charges against him.

All these stipulations, of course, are based on the principle of reciprocity.

FOOTNOTES

[1] *Friendship, Commerce and Consular Rights. Treaty between The United States of America and Poland.* U.S. Government Printing Office, Washington, 1933, p. 1.

[2] Kansas v. Colorado, 183 U.S. 125, by Chief Justice Fuller; The Paquete Habana, 175 U.S. 677, 700.

[3] Green Haywood Hackworth, *Digest of International Law*, vol. I, p. 24, U.S. Government Printing Office, Washington, 1940.

[4] See C. Berezowski, *Zagadnienie zwierzchnictwa terytorialnego* (The Problem of Territorial Sovereignty), Warsaw, 1957, p. 48–52.

[5] *Dziennik Ustaw* (Journal of Laws), No. 4, item 25, 1951, and *Dziennik Ustaw*, No. 10, item 49, 1962.

[6] *Dziennik Ustaw*, No. 7, item 44, 1920. The Statute was effective from January 31, 1920 through January 18, 1951.

[7] *Ibid.*

[8] *Ibid.*

[9] Art. 11 of the Statute on Polish Citizenship, dated January 8, 1951, *Dziennik Ustaw*, No. 4, item 25, 1951, and Art. 13 of the Statute of Polish Citizenship, dated February 15, 1962, *Dziennik Ustaw*, No. 10, item 49, 1962.

[10] Art. 10 and Art. 16 of the Statutes cited in footnote 9, respectively.

[11] Executive Order of the Minister of Interior, dated August 8, 1920; Executive Order issued jointly by several Ministers, dated February 7, 1939, *Dziennik Ustaw*, No. 20, item 131, 1939.

[12] Art. 11, item 6 of the Statute, dated April 9, 1938, on Universal Military Service, *Dziennik Ustaw*, No. 25, item 220, 1938; Art. 110, item 1 of the Statute on Universal Military Service, dated February 4, 1950, *Dziennik Ustaw*, No. 6, item 46, 1950.

[13] Art. 12 of the Statute on Polish Citizenship, dated January 8, 1951 (see footnote 9); Art. 15, item 5 of the present Statute on Polish Citizenship dated February 15, 1962, (see footnote 9); Art. 111, paragraph 2, of the Statute on Universal Military Service, dated February 4, 1950 (see footnote 14); also, several Executive Orders, such as that of the Council of National Defense dated August 11, 1920, *Dziennik Ustaw*, No. 81, item 540, 1920. Executive Order of the Ministers of Interior and Defense, October 19, 1920, *Dziennik Ustaw*, No. 103, item 687, 1920.

[14a] Temporary Statute on Universal Military Service, dated October 27, 1918, *Dziennik Ustaw*, No. 13, item 28, effective from October 27, through November 17, 1924;

[b] Statute on Universal Military Service, dated May 23, 1924, as amended by the Decree of the President of the Republic, dated January 11, 1928, the amended text published in *Dziennik Ustaw*, No. 46, item 458, 1928, effective from November 18, 1924, through August 30, 1938;

[c] Statute on Universal Military Service,

dated April 9, 1938, *Dziennik Ustaw*, No. 25, item 220, effective from September 1, 1938, through May 27, 1950;

[d] Statute on Universal Military Service, dated February 4, 1950, *Dziennik Ustaw*, No. 6, item 46, effective from May 28, 1950, beyond January 18, 1951 (the date of effectiveness of the second Statute on Polish Citizenship).

[15] *Ibid.*

[16] *Ibid.*

[17] *Ibid.*

[18] *Ibid.*

CREATE SELECT COMMITTEE ON AGING

(Mr. PODELL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, earlier today I introduced 14 bills dealing with the needs of the elderly. They covered a wide area of concern: innovative programs for community service and residential areas for the elderly, extension of medicare benefits, tax breaks for the elderly and the families supporting them, a ceiling on the percent of income paid for rent, and increased recreational opportunities.

Some of these bills go to relatively small technical questions. Some establish experimental programs which will later be expanded. The experimental programs are particularly important. It is time to stop neglecting experimental approaches because of our concern for solving immediate problems.

While these bills touch on a large number of areas they are far from exhaustive. It is admittedly a scattershot effort. They will be referred to five separate committees of the House of Representatives. I am introducing them as a package only to emphasize the magnitude of the problem and the need for a more comprehensive approach.

Someone must take the lead in planning this approach. The problems of the elderly are of vital concern to the nation but for too long they have suffered from our failure to view them as an integrated whole. Congress must finally assume this responsibility. A Select Committee on Aging of the House of Representatives should be created.

This committee would take the overall view that has been lacking. It would be directed to conduct a full investigation into all matters pertaining to the elderly, including problems of maintaining health, assuring adequate income, finding employment, engaging in productive and rewarding retirement activity, securing proper housing and adequate care.

The committee would report to the House as soon as possible the results of its investigations along with recommendations. The first section of the proposed resolution follows:

Whereas there are now more than nineteen million persons in the United States age sixty-five and over—a group representing more than 9 per centum of our total population and more than 16 per centum of our adult population; and

Whereas this group of senior American citizens is expected to exceed twenty-five million by 1985—thus continuing it as the most rapidly growing segment of our entire adult population; and

Whereas this group is faced with serious and continuing problems, including employment, housing, medical care, education, pensions, and meaningful use of retirement years; and

Whereas these problems have produced and will continue to produce serious strains on the fabric of our national life making it incumbent upon us to discover what social and economic conditions will enable our senior citizens both to contribute to our national productivity and to lead satisfying, independent and productive lives; and

Whereas the problems of our senior citizens, while calling for action by various legislative committees, are themselves highly interrelated, requiring coordinated review and recommendations based on studies in depth of the total field—studies which of necessity must range beyond the jurisdictional boundaries of any existing committee; and

Whereas the problems confronting our senior citizens are of such vital national concern as to require the full-time attention of a select committee of the House of Representatives: Now, therefore, be it

Resolved, That there is hereby created a non-legislative select committee to be composed of fifteen members of the House of Representatives to be appointed by the Speaker, one of whom he shall designate as chairman. Any vacancy occurring in the membership of the committee shall be filled in the same manner in which the original appointment was made.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Sarasin (at the request of Mr. Gerald R. Ford), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Boland, for 5 minutes today.

(The following Members (at the request of Mr. Robert W. Daniel, Jr.) to revise and extend their remarks and include extraneous material:)

Mr. Veysey, for 5 minutes, today.

Mr. Roncallo of New York, for 60 minutes, April 18.

Mr. Kemp, for 15 minutes, today.

Mr. Crane, for 5 minutes, today.

(The following Members (at the request of Mr. Jones of Oklahoma to revise and extend their remarks and include extraneous material:

Mr. McFall, for 5 minutes, today.

Mr. Alexander, for 5 minutes, today.

Mr. Gonzalez, for 5 minutes today.

Mr. Fraser, for 5 minutes, today.

Mr. Mezvinsky, for 5 minutes, today.

Mr. Rostenkowski, for 5 minutes, today.

Mr. Fulton, for 5 minutes, today.

Mr. Burke of Massachusetts, for 5 minutes, today.

Mr. Runnels, for 5 minutes, today.

Mr. Mathis of Georgia, for 5 minutes, today.

Ms. Abzug, for 10 minutes, today.

Mr. Rangel, for 5 minutes,today.

Mr. Koch, for 5 minutes, today.

Mrs. Grasso, for 10 minutes, today.

Mr. Boland, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Zablocki and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the Record and is estimated by the Public Printer to cost $637.50.

Mr. Hansen of Idaho, to extend his remarks in the Record and to include extraneous material notwithstanding the fact that it exceeds two pages and is estimated to cost $2,210.

Mr. Gross, and to include extraneous material.

(The following Members (at the request of Mr. Robert W. Daniel, Jr.), and to include extraneous matter:)

Mr. Findley in two instances.
Mr. Hansen of Idaho in two instances.
Mr. Frelinghuysen.
Mr. Wyman in two instances.
Mr. Hunt in two instances.
Mr. Whitehurst in two instances.
Mr. Gerald R. Ford in two instances.
Mr. Roncallo of New York.
Mr. Kemp in three instances.
Mr. Zwach.
Mr. Robert W. Daniel, Jr.
Mr. Shoup.
Mr. Conte.

(The following Members (at the request of Mr. Jones of Oklahoma) and to include extraneous matter:)

Mr. Roy.
Mr. de la Garza in 10 instances.
Mrs. Schroeder.
Mr. Gonzalez in three instances.
Mr. Rarick in three instances.
Mr. Charles H. Wilson of California.
Mr. Donohue in three instances.
Mr. Sisk.
Mr. McCormack.
Mr. Preyer.
Mr. Bingham.
Mr. Dan Daniel.
Mr. Burke of Massachusetts.
Mr. Obey in four instances.
Mr. Nichols.
Mr. Dorn in four instances.
Mrs. Burke of California.
Mr. Bevill.
Mr. Riegle.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on April 4, 1973, present to the President, for his approval, a bill of the House of the following title:

H.R. 3577. An act to provide an extension of the interest equalization tax, and for other purposes.

ADJOURNMENT

Mr. JONES of Oklahoma. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 29 minutes p.m.), under its previous order, the House adjourned until Monday, April 9, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

725. A letter from the Secretary of Health, Education, and Welfare transmitting the first annual report of the Department of Health, Education, and Welfare on Head Start services to handicapped children, pursuant to Public Law 92–424; to the Committee on Education and Labor.

726. A letter from the Chairman, Federal Communications Commission, transmitting a draft of proposed legislation to amend section 415 of the Communications Act of 1934, as amended, to provide for a 2-year period of limitations in proceedings against carriers for the recovery of overcharges or damages not based on overcharges; to the Committee on Interstate and Foreign Commerce.

727. A letter from the Director, Office of Legislative Affairs, Food and Drug Administration, transmitting a report on the administration of the Fair Packaging and Labeling Act for fiscal year 1972, pursuant to 15 USC 1457, and a prepublication copy of the FDA's annual report for fiscal and calendar years 1972; to the Committee on Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CASEY of Texas: Committee on Appropriations. H.R. 6691. A bill making appropriations for the legislative branch for the fiscal year ending June 30, 1974, and for other purposes) (Rept. No. 93–107). Referred to the Committee of the Whole House on the State of the Union.

Mr. EILBERG: Committee on the Judiciary. H.R. 982. A bill to amend the Immigration and Nationality Act, and for other purposes; with amendment (Rept. No. 93–108). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOLIFIELD: Committee on Government Operations. H.R. 3932. A bill to provide that appointments to the Offices of Director and Deputy Director of the Office of Management and Budget shall be subject to confirmation by the Senate, and for other purposes; with amendment (Rept. No. 93–109). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BIESTER:

H.R. 6627. A bill to amend title 5, United States Code, relating to qualifications for appointment and retention in the civil service; to the Committee on Post Office and Civil Service.

By Mr. FRASER:

H.R. 6628. A bill to amend section 101(b) of the Micronesian Claims Act of 1971 to enlarge the class of persons eligible to receive benefits under the claims program established by that act; to the Committee on Foreign Affairs.

By Mr. FRASER (for himself, Mr. Culver, Mr. Adams, Ms. Abzug, Mr. Addabbo, Mr. Badillo, Mr. Breaux, Mr. Danielson, Mr. Diggs, Mr. Eckhardt, Mr. Evins of Tennessee, Mr. Fauntroy, Mr. William D. Ford, Mr. Fulton, Mr. Harrington, Mr. Hawkins, Ms. Jordan, Mr. Karth, Mr. Mazzoli, Mr. McCormack, Mr. Mezvinsky, Ms. Mink, Mr. Mitchell of Maryland, Mr. Meeds, and Mr. Moorhead of Pennsylvania):

H.R. 6629. A bill to amend the Internal Revenue Code of 1954, to provide that the designation of payments to the Presidential Election Campaign Fund be made on the front page of the taxpayer's income tax return form, and for other purposes; to the Committee on Ways and Means.

By Mr. FRASER (for himself, Mr. Culver, Mr. Hungate, Mr. Morgan, Mr. Murphy of Illinois, Mr. O'Hara, Mr. Rangel, Mr. Rooney of Pennsylvania, Mr. Ryan, Mr. Seiberling, Mrs. Sullivan, and Mr. Udall):

H.R. 6630. A bill to amend the Internal Revenue Code of 1954 to provide that the designation of payments to the Presidential Election Campaign Fund be made on the front page of the taxpayer's income tax return form, and for other purposes; to the Committee on Ways and Means.

By Mr. BIAGGI (for himself and Mrs. Heckler of Massachusetts):

H.R. 6631. A bill to amend the Elementary and Secondary Education Act of 1965 to provide a program of grants to States for the development of child abuse and neglect prevention programs in the areas of treatment, training, case reporting, public education, and information gathering and referral; to the Committee on Education and Labor.

By Mr. BIAGGI (for himself, Mr. Addabbo, Mr. Bowen, Mr. Breaux, Mr. Clancy, Mr. Clark, Mr. Cotter, Mr. Dent, Mr. Gilman, Mrs. Green of Oregon, Mr. Hawkins, Mr. Hays, Mrs. Holt, Mr. Hudnut, Mr. Hunt, Mr. Ketchum, Mr. Lott, Mr. Won Pat, Mr. Rosenthal, Mr. Roy, Mr. Sarbanes, Mr. Shoup, Mr. Sisk, Mr. Stuckey, and Mr. Thone):

H.R. 6632. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a system for the redress of law enforcement officers' grievances and to establish a law enforcement officers' bill of rights in each of the several States, and for other purposes; to the Committee on the Judiciary.

By Mr. BIAGGI (for himself, Mr. Walsh, Mr. Whitehurst, Mr. Williams, Mr. Wright, and Mr. Young of Alaska):

H.R. 6633. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a system for the redress of law enforcement officers' grievances and to establish a law enforcement officers' bill of rights in each of the several States, and for other purposes; to the Committee on the Judiciary.

By Mr. BLATNIK:

H.R. 6634. A bill to amend section 451 of the Tariff Act of 1930 so as to exempt certain private aircraft entering or departing from the United States and Canada at night or on Sunday or a holiday from provisions requiring payment to the United States for overtime services of customs officers and employees and to treat snowmobiles as highway vehicles for the purposes of such section; to the Committee on Ways and Means.

By Mr. CRONIN:

H.R. 6635. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary and secondary education of dependents; to the Committee on Ways and Means.

By Mr. de la GARZA:

H.R. 6636. A bill to authorize a survey of the Palo Blanco Creek and Cibolo Creek in the vicinity of Falfurrias, Tex.; to the Committee on Public Works.

By Mr. DINGELL:

H.R. 6637. A bill to encourage the movement in interstate and foreign commerce of recycled and recyclable materials and to reduce the quantities of solid waste materials in commerce which cannot be recycled or do not contain available recycled materials, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DORN:

H.R. 6638. A bill to expand the membership of the Advisory Commission on Intergovernmental Relations to include elected school board officials; to the Committee on Government Operations.

By Mr. DULSKI:

H.R. 6639. A bill to amend the Public Health Service Act to establish a national program of health research fellowships and traineeships to assure the continued excellence of biomedical research in the United States, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FASCELL:

H.R. 6640. A bill to amend the Internal Revenue Code of 1954 to provide an additional itemized deduction for the use of a passenger automobile in a carpool; to the Committee on Ways and Means.

By Mr. FULTON:

H.R. 6641. A bill to amend the Public Health Service Act to expand the authority of the National Institute of Arthritis, Metabolism, and Digestive Diseases in order to advance the national attack on diabetes; to the Committee on Interstate and Foreign Commerce.

H.R. 6642. A bill to suspend the duties of certain bicycle parts and accessories until the close of December 31, 1976; to the Committee on Ways and Means.

By Mr. GOODLING:

H.R. 6643. A bill to strengthen certain provisions of the Gun Control Act of 1968; to the Committee on the Judiciary.

By Mr. HARRINGTON:

H.R. 6644. A bill to establish a New England Regional Commission, and for related purposes; to the Committee on Public Works.

By Mr. HÉBERT:

H.R. 6645. A bill to grant a Federal Charter to the Pearl Harbor Survivors Association, Inc.; to the Committee on the Judiciary.

By Mr. JONES of North Carolina (for himself and Mr. Mathis of Georgia):

H.R. 6646. A bill to provide that certain changes in the loan and purchase program for the 1973 peanut crop which the Department of Agriculture is contemplating shall not be made; to the Committee on Agriculture.

By Mr. LANDGREBE (for himself, Mr. Chappell, Mr. Clancy, Mr. Collins, Mr. Robert W. Daniel Jr., Mr. Dan Daniel, Mr. Dennis, Mr. Devine, Mr. Flynt, Mrs. Holt, Mr. Huber, Mr. Hunt, Mr. Maraziti, Mr. Mayne, Mr. Mills of Maryland, Mr. Rhodes, Mr. Spence, Mr. Symms, Mr. Treen, Mr. Young of South Carolina, Mr. Miller, Mr. Myers, Mr. Gerald R. Ford, Mr. Arends, and Mr. Scherle):

H.R. 6647. A bill to provide for the continuation of programs authorized under the Vocational Rehabilitation Act, and for other purposes; to the Committee on Education and Labor.

By Mr. McCLOSKEY:

H.R. 6648. A bill to establish a Joint Committee on Intelligence Information, and for other purposes; to the Committee on Rules.

By Mr. MATHIS of Georgia:

H.R. 6649. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER (for himself, Mr. Fascell, Mr. Clark, Mr. Hawkins, and Mr. Rangel):

H.R. 6650. A bill to amend the Internal Revenue Code of 1954 to allow a deduction in computing gross income for theft losses sustained by individuals, for certain amounts paid to protect against theft, for medical expenses caused by criminal conduct, and for funeral expenses of victims of crime; to the Committee on Ways and Means.

By Mr. PODELL:

H.R. 6651. A bill to amend the Urban Mass Transportation Act of 1964 to provide priority in the allocation of funds thereunder to those cities and other public agencies which will permit persons who are at least 65 years of age to use the facilities at specially reduced fares, and for other purposes; to the Committee on Banking and Currency.

H.R. 6652. A bill to authorize the Secretary of Health, Education, and Welfare to encourage and assist in the development on a demonstration basis of several carefully planned projects to meet the special health care and related needs of elderly persons in a campus-type setting; to the Committee on Banking and Currency.

H.R. 6653. A bill to authorize the establishment of an older worker community service program; to the Committee on Education and Labor.

H.R. 6654. A bill to exempt citizens of the United States who are 65 years of age or older from paying entrance or admission fees for certain recreational areas; to the Committee on Interior and Insular Affairs.

H.R. 6655. A bill to amend the Interstate Commerce Act of 1887 and the Federal Aviation Act of 1958 to authorize reduced-rate transportation for individuals aged 65 and older during nonpeak periods of travel; to the Committee on Interstate and Foreign Commerce.

H.R. 6656. A bill, the Senior Citizen's Rent Limitation Act; to the Committee on Ways and Means.

H.R. 6657. A bill to amend the Internal Revenue Code of 1954 to restore to individuals who have attained the age of 65 the right to deduct all expenses for their medical care, and for other purposes; to the Committee on Ways and Means.

H.R. 6658. A bill to amend the Internal Revenue Code of 1954 to permit the full deduction of medical expenses incurred for the care of individuals of 65 years of age and over, without regard to the 3-percent and 1-percent floors; to the Committee on Ways and Means.

H.R. 6659. A bill to amend title II of the Social Security Act to permit the payment of benefits to a married couple on their combined earnings record where that method of computation produces a higher combined benefit; to the Committee on Ways and Means.

H.R. 6660. A bill to amend title II of the Social Security Act to increase to $750 in all cases the amount of the lump-sum death payment thereunder; to the Committee on Ways and Means.

H.R. 6661. A bill to amend title XVIII of the Social Security Act so as to eliminate, in certain cases, the requirement that an insured individual have first been admitted to a hospital in order to qualify under such title for the extended care services provided thereunder; to the Committee on Ways and Means.

H.R. 6662. A bill to amend title XVIII of the Social Security Act to permit payment thereunder, in the case of an individual otherwise eligible for home health services of the type which may be provided away from his home, for the costs of transportation to and from the place where such services are provided; to the Committee on Ways and Means.

H.R. 6663. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

H.R. 6664. A bill to amend title XVIII of the Social Security Act to include dental care, eye care, dentures, eyeglasses, and hearing aids among the benefits provided by the insurance program established by part B of such title; to the Committee on Ways and Means.

By Mr. PRICE of Illinois:

H.R. 6665. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. RHODES:

H.R. 6666. A bill to further the purposes of the Wilderness Act of 1964 by designating certain lands for inclusion in the National Wilderness Preservation System, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. RODINO:

H.R. 6667. A bill to amend the administrative procedure provisions of title 5 of the United States Code to make the rulemaking provisions applicable to matters relating to public property, loans, grants, benefits, and contracts; to provide for payment of expenses incurred in connection with proceedings before agencies; to provide for waiver of sovereign immunity; to provide for the enforcement of standards in grant programs; and for other purposes; to the Committee on the Judiciary.

By Mr. RODINO (for himself, Mr. Widnall, Mr. Dominick V. Daniels, Mr. Frelinghuysen, Mr Helstoski, Mr. Howard, Mr. Minish, Mr. Roe, Mr. Sandman, Mr. Thompson of New Jersey, Mr. Hunt, Mr. Rinaldo, Mr. Maraziti, and Mr. Patten):

H.R. 6668. A bill to amend title 18 of the United States Code to permit the transportation, mailing, and broadcasting of advertising, information, and materials concerning lotteries authorized by law and conducted by a State, and for other purposes; to the Committee on the Judiciary.

By Mr. ROSTENKOWSKI:

H.R. 6669. A bill relating to the dutiable status of manganese ore, including ferruginous manganese ore, and manganiferous iron ore; to the Committee on Ways and Means.

By Mr. ROSTENKOWSKI (for himself, Mr. Annunzio, Mr. Ashley, Mr. Diggs, Mr. Froehlich, Mr. Kemp, Mr. McEwen, Mr. Metcalfe, Mr. Murphy of Illinois, Mr. Obey, Mr. Podell, Mr. Stokes, Mr. Roush, and Mr. Vanik):

H.R. 6670. A bill to amend section 426 of title 33, United States Code, for the purpose of authorizing the Army Corps of Engineers to undertake emergency erosion control projects; to the Committee on Public Works.

By Mr. ROSTENKOWSKI (for himself, Mr. Annunzio, Mr. Ashley, Mr. Froehlich, Mr. Kemp, Mr. Diggs, Mr. Metcalfe, Mr. Murphy of Illinois, Mr. Obey, Mr. Podell, Mr. Roush, Mr. Stokes, and Mr. Vanik):

H.R. 6671. A bill to amend the Disaster Relief Act of 1970 for the purpose of making clear that disaster assistance is available to those communities affected by extraordinary shoreline erosion damage; to the Committee on Public Works.

By Mr. ROSTENKOWSKI (for himself, Mr. Annunzio, Mr. Froehlich, Mr. Kemp, Mr. Diggs, Mr. Metcalfe, Mr. Murphy of Illinois, Mr. Obey, Mr. Podell, Mr. Roush, and Mr. Stokes):

H.R. 6672. A bill to amend section 426 of title 33, United States Code, for the purpose of providing the right of reimbursement to local interests for undertaking repair of shore damages attributable to Federal navigation works pursuant to section 426i; to the Committee on Public Works.

By Mr. ROSTENKOWSKI (for himself and Mr. Froehlich):

H.R. 6673. A bill to authorize the State of Illinois and the Metropolitan Sanitary District of Greater Chicago, under the direction of the Secretary of the Army, to increase the diversion of water from Lake Michigan into the Illinois Waterway in order to control and eliminate water erosion on the shoreline of Lake Michigan and to improve the quality of the water in the Illinois Waterway; to the Committee on Public Works.

By Mr. ROSTENKOWSKI (for himself, Mr. Annunzio, Mr. Froehlich, Mr. Kemp, Mr. Metcalfe, Mr. Murphy of Illinois, Mr. Obey, Mr. Diggs, Mr. Roush, and Mr. Stokes):

H.R. 6674. A bill to amend the Coastal Zone Management Act of 1972 for the purpose of determining the causes and means of preventing shoreline erosion; to the Committee on Merchant Marine and Fisheries.

By Mr. ROUSH:

H.R. 6675. A bill to abolish the library of the House of Representatives, and for other purposes; to the Committee on House Administration.

By Mr. SCHNEEBELI (for himself and Mr. Rostenkowski):

H.R. 6676. A bill relating to the dutiable status of manganese ore, including ferruginous manganese ore, and manganiferous iron ore; to the Committee on Ways and Means.

By Mr. J. WILLIAM STANTON:

H.R. 6677. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

H.R. 6678. A bill to amend title II of the Social Security Act to provide for the payment of child's insurance benefits, without regard to certain requirements otherwise applicable, in the case of adopted children who were born after their adopting parents became entitled to old-age or disability insurance benefits; to the Committee on Ways and Means.

H.R. 6679. A bill to amend title II of the Social Security Act to provide for the payment of child's insurance benefits, without regard to certain requirements otherwise applicable, in the case of adopted children who were born after their adopting parents became entitled to old-age or disability insurance benefits; to the Committee on Ways and Means.

By Mr. TAYLOR of North Carolina:

H.R. 6680. A bill to amend section 2 of the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands; to the Committee on Interior and Insular Affairs.

By Mr. THOMSON of Wisconsin:

H.R. 6681. A bill to improve and implement procedures for fiscal controls in the U.S. Government, and for other purposes; to the Committee on Rules.

By Mr. WHITE:

H.R. 6682. A bill to authorize the Secretary of Agriculture to cooperate with the governments of Central and South America in order to control outbreaks of plant pests and diseases when necessary to protect the agriculture of the United States; to the Committee on Agriculture.

By Mr. WIGGINS (for himself and Mr. Don Edwards):

H.R. 6683. A bill to amend title 28 of the United States Code to provide for prompt destruction of certain contraband, and for other purposes; to the Committee on the Judiciary.

By Mr. WIGGINS (for himself, Mr. Del Clawson, Mr. Hinshaw, and Mr. Burgener):

H.R. 6684. A bill to provide for the U.S. District Court for the Central District of California to hold court at Santa Ana, Calif.; to the Committee on the Judiciary.

By Mr. YATRON:

H.R. 6685. A bill to amend section 5303(a) of title 5, United States Code, to authorize higher minimum pay rates for certain additional Federal positions; to the Committee on Post Office and Civil Service.

By Mr. YOUNG of Illinois:

H.R. 6686. A bill to improve and implement procedures for fiscal controls in the U.S. Government, and for other purposes; to the Committee on Rules.

By Mr. ZWACH:

H.R. 6687. A bill to encourage earlier retirement by permitting Federal employees to purchase into the civil service retirement system benefits unduplicated in any other retirement system based on employment in Federal programs operated by State and local governments under Federal funding and supervision; to the Committee on Post Office and Civil Service.

By Mr. CASEY of Texas:

H.R. 6691. A bill making appropriations for the legislative branch for the fiscal year year ending June 30, 1974, and for other purposes.

By Mr. BIAGGI (for himself and Mr. WALDIE):

H.J. Res. 489. Joint resolution authorizing the Secretary of Health, Education, and Welfare to encourage and assist in the distribution of the "Patient's Bill of Rights" to patients in hospitals and other health care facilities; to the Committee on Interstate and Foreign Commerce.

By Mr. McCLOSKEY (for himself and Mr. BINGHAM):

H.J. Res. 490. Joint resolution to terminate American military activity in Laos and Cambodia; to the Committee on Foreign Affairs.

By Mr. MACDONALD:

H.J. Res. 491. Joint resolution proposing an amendment to the Constitution of the United States to provide that a citizen shall not be ineligible to the Office of the President by reason on not being native born if he has been a U.S. citizen for at least 12 years and a resident within the United States for 14 years; to the Committee on the Judiciary.

By Mr. HAYS:

H. Res. 342. Resolution authorizing additional office allowances for certain officials of the House of Representatives; to the Committee on House Administration.

By Mr. LEHMAN:

H. Res. 343. Resolution to establish a congressional internship program for secondary school teachers of government or social studies in honor of President Lyndon Baines Johnson; to the Committee on House Administration.

By Mr. PODELL:

H. Res. 344. Resolution creating a select committee on aging; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROYHILL of Virginia:

H.R. 6688. A bill for the relief of Patricia Christine Durso; to the Committee on the Judiciary.

H.R. 6689. A bill for the relief of Paul Stanislau Neumann; to the Committee on the Judiciary.

By Mr. YOUNG of Illinois:

H.R. 6690. A bill for the relief of Brush & Weaving Hair Manufacturing Co.; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

OUR NATION SALUTES OUR CITIZENS OF POLISH HERITAGE DURING THE COPERNICAN 500TH ANNIVERSARY YEAR

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. ROE. Mr. Speaker, as scientists throughout the world await the detailed scientific data being collected by the Copernicus probing space satellite launched from the Kennedy Space Center in August 1972, all of us, and particularly our citizens of Polish heritage, take great pride during the Copernican Year—February 1973–74—in celebrating the 500th anniversary of the birth of the esteemed 16th century Polish scientist Nicolaus Copernicus—Mikolaj Kopernik—the founder of modern astronomy, for his oustanding contributions to all of mankind.

During the 92d Congress as a member of the Committee on Science and Astronautics I was especially pleased to join with my colleagues here in the Congress in hailng America's contribution to the Copernican anniversary celebration, dedicated to astronomers throughout the world, in commemorating NASA's orbiting astronomical observatory-C to the memory and honor of this famous Polish astronomer.

The Copernican spacecraft commenced its orbiting around the world for a period of 1 year to study the ultraviolet and X-ray emissions of celestial bodies which contain vital clues to the composition, density, and physical state of the matter from which these rays, which are blocked from the earth by the filtering effects of the atmosphere, originate. This global space venture is a climatic sequel to Copernicus' observations of the planets with the naked eye and his mathematical calculations which convinced him that the sun was the center of the universe and the earth and planets moved around it, a revolutionary theory during his lifetime, which has proven to be the nucleus for all astronomers and other scientists in their observations, calculations, and theoretical interpretations of our solar system.

In further tribute to this distinguished representative of Polish heritage, it gives me great pleasure to know that legislation I had joined with my colleagues here in the Congress in sponsoring during the 92d Congress seeking the issuance of a commemorative postage stamp in recognition and celebration of the 500th anniversary of the birth of Nicolaus Copernicus has been successful. On April 23, 1973, the U.S. Post Office will issue this commemorative postage stamp to released in concert with the opening of a conference on "The Nature of Scientific Discovery" being held in Washington by the National Academy of Sciences and the Smithsonian Institution who are jointly sponsoring the first-day ceremonies in tribute to Nicolaus Copernicus at the Smithsonian's Museum of History and Technology.

It is indeed a great privilege and honor for me to participate in the legislative processes of our Nation's Government and I would like to take this opportunity to call attention to some of the other bills I have sponsored here in the 93d Congress that may be of interest to Polish-Americans of my congressional district, the State of New Jersey, and our Nation, as follows:

H.R. 989, January 3, 1973—Commemorative medal honoring Nicolaus Copernicus: To provide for the striking of medals in commemoration of the 500th anniversary of the birth of Nicolaus Copernicus—Mikolaj Kopernik—the founder of modern astronomy.

H.R. 994, January 3, 1973—Opportunity to study the cultural heritages of the Nation's varied ethnic groups: To provide a program to improve the opportunity of students in elementary and secondary schools to study cultural heritages of the various ethnic groups in the Nation.

H.R. 1043, January 3, 1973—American veterans benefits for Polish aliens: To amend section 109 of title 38, United States Code, to provide benefits for members of the Armed Forces of nations allied with the United States in World War I and World War II.

House Concurrent Resolution 34, January 3, 1973—Congressional condemnation of antinationality films and broadcasts: Concurrent resolution expressing the sense of Congress relating to films and broadcasts which defame, stereotype, ridicule, demean or degrade ethnic, racial and religious groups.

House Resolution 75, January 3, 1973—Polish Constitution Day: Resolution designating May 3 as "Polish Constitution Day."

House Joint Resolution 304, February 6, 1973—Nicolaus Copernicus Week: Joint resolution requesting the President to issue a proclamation designating the week of April 23, 1973 as "Nicolaus Copernicus Week" marking the quinquecentennial of his birth.

H.R. 3917, February 7, 1973—Individual's freedom and right to emigrate to country of his choice: To prohibit most-favored nation treatment and commercial and guarantee agreements with respect to any nonmarket economy country which denies to its citizens the right to emigrate or which imposes more than nominal fees upon its citizens as a condition to emigration.

H.R. 5740, March 15, 1973—Right to vote for citizens with language barriers: To assure the right to vote to citizens whose primary language is other than English.

Mr. Speaker, to understand the present, we must understand the past; to understand the need for historical preservation, we must understand the present and future. We do indeed need for ourselves and future generations a chance to sit and reflect in beauty and culture and gain strength from our heritage. As I join with all of you today in saluting the universally famed scientist Copernicus, may I also take this opportunity to add the deep appreciation and gratitude of all Americans for the wealth of wisdom, standards of excellence, and culural enrichment that the people of Polish heritage have contributed to the quality of our way of life here in America.

"SHIELD" LAWS NO SOLUTION

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, April 5, 1973

Mr. SCOTT of Virginia. Mr. President, since a recent Supreme Court decision regarding information received by newsmen, hearings have been held and a considerable amount of interest generated in a law to make communications between newsmen and their sources privileged. A few days ago, Herman J. Obermayer, editor and publisher of the Northern Virginia Sun, of Arlington, expressed an editor's viewpoint on this issue. I ask unanimous consent that the editorial be inserted in the RECORD for the information of my colleagues.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

"SHIELD" LAWS NO SOLUTION

This column has been gestating a long time. When my beliefs are contrary to those of the country's leading newspaper editors, all of the TV network heads and the deans of all the important journalism schools, I hesitate before committing them to print. But with the passage of time my conviction has firmed.

I believe most newspaper "shield" laws—laws to protect reporters from being compelled by a court or a legislature to disclose confidential news sources—are bad for both the country and newspapers. The "shield" bills currently before Congress would in the long run hamper, rather than enlarge, press freedom in the U.S.

Last June the Supreme Court decided that a grand jury looking into a Black Panther murder plot had the authority to force a New York Times reporter to divulge confidential information he had secured while doing a series on Panther activities in California. Following this decision the radio, TV, newspaper and magazine business joined forces to urge the passage of a Federal "shield" law which would make all communication between newsmen and their sources subpoena proof.

CONSTITUTIONAL CONFLICT

The current Congressional debate over "shield" laws has brought into focus a basic constitutional conflict between the right of the accused to secure all of the evidence he needs for his defense, and the newsman's obligation to protect his sources. The Sixth Amendment specifically gives a criminal defendant the right to use the authority of the courts (subpoena power) to obtain favorable witnesses. The accused must be able to get all pertinent testimony on the record. Both the public and the defendant should feel that justice is being administered on the basis of all available evidence. When a legislature knowingly compromises the right of the accused to defend himself in court all freedom is in jeopardy.

Determining exactly who a "shield" law should protect is difficult. On one hand, it is inconsistent with the First Amendment's general protection of free speech and press to say that only reporters for establishment newspapers would qualify. But profound problems are also posed by granting protection from subpoena to underground editors, unpublished authors, pornographers, newsletter writers and college researchers. The shield could even extend to sham newspapers established by members of the Mafia. The criminal underworld could keep its henchmen from testifying in criminal cases by making potential witnesses into reporters for privately circulated newsletters.

LICENSED REPORTERS?

A limited "shield" which covered certain parts of the press and excluded others might be tantamount to a press licensing law. Reporters in the U.S. are not licensed and no sensitive person suggests that they should be. But that could be one of the byproducts of the "shield" law the Fourth Estate is enthusiastically urging on the Congress.

For 200 years newspapers have been able to perform the role of the public's watchdog and conscience effectively. One reason America's press has been so free and independent is that it has never sought special privileges or unique class legislation from the Congress.

The news media, by asking Congress to grant its members immunity from the citizen's obligation to give his evidence when subpoenaed, are inviting it to interfere in their operations in the future. Congressional involvement in the gathering and disseminating of news over the long term, is a much greater potential threat than the right of courts and legislatures to probe the confidential relationship between the newsman and his source. What one Congress can give, another can take away.

A newsman "shield" law would not advance the cause of either freedom or justice. It would create more new problems than it would solve, and in the long run compromise the independence of America's press, which has been the freest history has ever known.

The First Amendment, with its simple statement, "Congress shall make no law . . . abridging the freedom . . . of speech, or of the press" has nurtured an independent and responsible press. Transitory legislation, however good its intent, can only dilute the clear intent of that declaratory statement.

THE FORT WORTH FIVE

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. BINGHAM. Mr. Speaker, the continued incarceration of five young Irishmen in Fort Worth, Texas., is a judicial outrage. This case of the "Fort Worth Five" reveals the Nixon administration's callous disregard of the rights of all U.S. residents to constitutional safeguards of freedom.

The case involves five Irish immigrants, all residents of the New York metropolitan area, who were hauled before a Federal grand jury in Fort Worth during its investigation of alleged gunrunning between the United States and Northern Ireland. None of the five had ever been in Texas before being summoned by the grand jury. The Justice Department offered them "immunity" from prosecution if they would tell what they supposedly knew about the gunrunning, but that offer of "immunity" was a hollow gesture, for it still left the men exposed to possible prosecution in Northern Ireland and extradition by the United States into the hands of British authorities. The five refused to answer the Government's questions. They were summarily jailed far from home, initially under primitive conditions, without bail, for civil contempt. The Justice Department has steadfastly refused to clarify its basis for calling the men as witnesses before the grand jury, and it appears that the "Fort Worth Five" will continue to languish in prison for the duration of the grand jury's term.

I am greatly disturbed by this imprisonment of five men who have never been convicted of a crime. Along with several other Members of Congress, I cosponsored a resolution of inquiry into the Justice Department's behavior. A hearing on the resolution, at which I testified before subcommittee No. 5 of the House Judiciary Committee, under the distinguished leadership of Subcommittee Chairman JOSHUA EILBERG, strengthened my belief that the treatment shown to these men by the Justice Department and the Federal District Court in Texas was a mockery of justice.

I shall continue to support the protest of the Fort Worth Five and to press for their release from prison. I am attaching an excellent commentary on the case by Pete Hamill which appeared in the New York Post, just before St. Patrick's Day of this year.

The commentary follows:

THE IRISH HEAVYWEIGHT

(By Pete Hamill)

They will go marching forth again on Saturday, with the old bold music of the pipes challenging the walls of Fifth Av., and the Irish tricolor unfurling in the breeze. They will again disperse across the city, erasing the night with the songs of old troubadours, those songs about men who challenged the might of the Castle with pikes and fists, men who became gunmen and exiles and martyrs because they hated slavery. And there will be men and women among them on Saturday who will remain true to that old spirit, that sacred duty of the Irish heart, and one of them will be Paul O'Dwyer.

"St. Patrick's Day symbolizes 1500 years of history," O'Dwyer said yesterday, at a press conference at the Irish Institute on W. 48th St. "The day represents Patrick's slavery some 25 miles from Belfast and it represents his escape from bondage. And through the years in the land in which he labored, it has come to represent peoples' fight for freedom and liberty."

O'Dwyer was there to remind people that on Saturday, when Nelson Rockefeller dons the green tie, and Richard Nixon accepts a hunk of Irish sod from some Dublin Tory, five good Irishmen will still be political prisoners in an American jail in Fort Worth, Texas. Those men are New Yorkers. They were taken to the other side of America, away from the wives and children, and chained—literally *chained*—as they were taken from a federal courtroom and stuck in cages.

"They haven't been charged with a crime," O'Dwyer said. "They just refuse to surrender their Constitutional rights. They refuse to take the offer of immunity, and so they've been sent to jail."

In short, the American government has

told these five New Yorkers—Kenneth Tierney, Thomas Laffey, Mathias Reilly, Paschal Morahan and Daniel Crawford—that to be accepted as Americans they must be prepared to rat. Last June, the men were subpenaed to appear before a federal grand jury investigating the possible shipment of guns to Northern Ireland. The "Fort Worth Five," as they came to be known, refused to testify despite the grant of "use" immunity and were jailed without bail for civil contempt.

For three months, they were in the Tarrant County Jail. During that time, they never saw sunlight and occasionally were even kept from going to mass. Last September, after three months in prison, they were granted bail pending an appeal to the Supreme Court. The man who released them was, of course, Justice Douglas, one of the few men on the court who seems to have bothered to read the Constitution.

The Supreme Court declined to hear the case and last January 29th they were again jailed. They will stay there until the grand jury expires on Nov. 2d. A new grand jury can then be reconvened, and they can be jailed again. Under this set-up, they can spend the rest of their lives in jail without ever being charged with a crime. Unless, of course, they become stool pigeons.

"The New York Congressmen have been great on this issue, and so has Teddy Kennedy," said O'Dwyer, who, with Frank Durkan, is representing the "Fort Worth Five." "But Jack Javits and (Sen. James) Buckley have been of no use at all. Rockefeller has said nothing. And Buckley answers queries by explaining why the men have been arrested."

But Buckley is a Tory and the men in jail are apparently not proper gentlemen: Tierney is a physical therapist, Laffey a real estate salesman, Reilly a busdriver, Morahan a carpenter and Crawford a housepainter. None has ever been in Texas. But all are Irish. And Buckley's leader, Nixon, has consistently sided with the British against the Irish.

But this isn't just an Irish issue. This is about all of us. If the federal government can keep these men in prison (they have now been transferred to a place where Japanese-Americans were interned at the start of World War Two) they can get any of us. They don't tell you what the crime is, they just tell you to talk. If you don't talk, you go away forever for contempt. Union leaders can go, newspapermen can go, Jews and blacks and Poles and Italians can go. Anybody the government wants to get can be gotten, using the star chamber proceedings of the grand jury to do the job. In this case the victims happen to be Irish. And as O'Dwyer said yesterday, when the American cops get away with this, the "memory of Sam Adams, Tom Paine, Thomas Jefferson and Benjamin Franklin will once more be sullied . . ."

On still another St. Patrick's Day, we should celebrate the fact that Paul O'Dwyer is among us, still working with honor at his trade, defending a physical therapist, a real estate salesman, a busdriver, a carpenter and a housepainter. There are prosecutors and defenders, and I can't think of a prosecutor anywhere who could carry Paul's bag to the arena.

ENERGY AND THE ENVIRONMENT

HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE SENATE OF THE UNITED STATES

Thursday, April 5, 1973

Mr. ABOUREZK. Mr. President, the Nation's youngest attorney general, Kermit A. Sande, of South Dakota, has recently joined several other States as friend of the court in a case now pending before the U.S. Supreme Court, the Sierra Club against Ruckelshaus. Mr. Sande outlined the reasons why a clean-air State such as South Dakota has so much to lose unless the policy of the Environmental Protection Agency is reversed. In his speech, Mr. Sande referred to an editorial in the Sioux Falls Argus Leader. Because of their importance, I ask unanimous consent that the text of the speech and the content of the editorial be inserted at this point in the Record.

There being no objection, the speech and editorial were ordered to be printed in the Record, as follows:

Sande Joins Fight in Clean Air Case

A distinguished observer of the world scene once remarked that we are all travelers on the spaceship earth. It is on a dangerous mission and at the present it is following a precarious course.

Our planet is confronted with a shortage of food which results in the death by starvation of 20 to 25 million children a year. Countless millions more have their physical and mental development retarded because of inadequate nutrition. We are in the midst of a grave energy crisis due to the shortage and abuse of fuels. This is of particular importance to us here in the United States because while we have only about 6 per cent of the population, we in the United States use around 35 per cent of the energy generated worldwide. It is clear that we as passengers on spaceship earth are in danger because the course is filled with perils.

As many of you know so well, there are many dangers to our environment which our nation could correct had we the heart and the will. Just recently, I was stunned when I learned that the children of the inner cities of our great urban centers are developing lead poisoning not only from the paint on the ghetto walls but by playing in the sand that collects on the side of the streets. This sand is heavily laden with lead from automotive exhaust. I say we can do something about this when we can easily justify additional billions each year for weapons of death and destruction and crude displays of national chauvinism such as the manned space program.

Tonight, however, I would like to limit my remarks to one topic, one that could easily have more significance than any other to the future of South Dakota's and the nation's environment and ecology and what I would like to call, our quality of life. That is the case of the Sierra Club vs. Ruckelshaus.

As I'm sure most of you know, Mr. Ruckelshaus is the administrator of the United States Environmental Protection Agency—better known as the EPA. You can get an idea of what kind of job he's doing at protecting the environment if the Sierra Club has sued him. And for a time, even that was a problem. You may recall that some time ago, the Justice Department resisted the Sierra Club's and other environmental organizations' right to sue. As far as the Justice Department was concerned, the environment was none of your business. On the other hand, the Justice Department has been strangely silent about so many of the tremendous giveaway programs the present administration has developed for the industrial giants such as the ITT and the grain trade.

But getting back to the subject, when the Clean Air Act of 1970 was passed, most people had the impression it was designed solely to combat the air pollution problems of our country's largest metropolitan centers. Little, if any, attention was focused on areas such as South Dakota where the air quality is better than the most stringent federal standards.

After a thorough research, of the Clean Air Act of 1970 and the Air Quality Act of 1967, I came to the same conclusion that other lawyers who had studied the law did, and what is more, what everyone else assumed the law to mean. That was simply that the pollution of so-called "clean air" areas such as South Dakota and our surrounding states would not be allowed to worsen. At the time this interpretation was pretty much of a common sense approach since both the 1967 and 1970 Acts said the first of four purposes was, and I quote from those Acts, "to protect and enhance the quality of the Nation's air resources . . .". It seemed impossible that the deterioration would "enhance and protect" the nation's air resources.

For a time, there was no dispute on the meaning of the 1967 and 1970 Acts. It was accepted by both the legislative and executive branches. In 1969, the National Air Pollution Control Administration of HEW told the states that the Act prohibited, in its words, "significant deterioration of air quality in any substantial portions of an air quality region." The then secretary of HEW Finch, told the House and Senate:

"One of the express purposes of the Clean Air Act is to protect and enhance the quality of the Nation's air resources. Accordingly, it has been and will continue to be our view that the implementation plans that would permit significant deterioration of air quality in any area would be in conflict with this provision of the Act. We shall continue to expect states to maintain air of good qaulity where it does not exist."

Several hearings conducted by both Senate and House Committees came to roughly the same conclusion of a Senate panel when it said: "determination of air quality should not be permitted except under circumstances where there is no avoidable intention" and the Senate group went on to say "with the various alternative means of preventing and controlling air pollution . . . deterioration need not occur." As late as April 30, 1972 issued its National Primary and Secondary Ambient Air Quality Standards which stated that the "standards shall not be considered in any manner to allow significant deterioration of existing air quality in any portion of any state."

However, there were straws in the wind in 1971. In issuing a document called "Requirements for Administration, Preparation, Adoption and Submittal of Implementation Plans" the EPA said:

"In any region where measured or estimated ambient levels of a pollutant are below the levels specified by an applicable secondary standard, the state implementation plan shall set forth a control strategy which shall be adequate to prevent such ambient pollution levels from exceeding such secondary standards."

What this meant was that the EPA wanted to allow the states to permit pollution levels in clean air areas to rise to the secondary standards. But, when it came to its own national standards, which, as you recall, specifically prohibited significant deterioration of air quality to remain in effect. However, soon after announcing its plan for the state, subcommittees of both the House and Senate denounced the EPA's policy as a violation of the Clean Air Act.

The Act required the EPA to approve or disapprove by May 31, 1972, all state plans.

Shortly before the May 31 deadline, the Sierra Club and three other organizations brought suit in the United States District Court in the District of Columbia to enjoin or prevent the EPA from approving of the state plans which did not prohibit and effectively prevent significant deterioration of air quality in clean air areas. On May 30, 1972, the Court issued an Order calling the EPA to review within four months all the state plans to determine if they effectively prevented significant deterioration of air quality. The EPA was additionally ordered to disapprove all state plans which did not do so, and further, to issue its regulations during the subsequent two months to guarantee that significant deterioration could not take place. In effect, the EPA's approval or disapproval of state plans on May 31 were subject to the review of the Court.

Even though many of the states had plans and statutes which stated that significant deterioration of air quality was not permissible, not a single state had an effective program to prevent air quality deterioration from taking place. Consequently, the EPA rejected every state since they were in violation of the Act as construed by the federal district court.

The Court of Appeals upheld the lower court almost immediately after it was appealed by the EPA. In the meantime, the district court's deadline to the EPA had nearly run out. A delay was obtained from the United States Supreme Court which later decided to hear the case. It is expected to announce a decision in June of this year.

You should know that the EPA's position in this lawsuit is not that the language of the statute, or its legislative history or its administrative interpretation support the EPA's position, but simply that it is good public policy and is in the public interest.

However, the EPA is now claiming that there is legislative sanction for its position. The EPA argues, for instance, that because there is not prohibition of significant deterioration in the criteria for state plans, the guidelines should stand. Furthermore, the EPA contends that the authority the Congress gave it to establish Emission Controls and the provision of the act allowing states to set higher ambient air standards stricter than those adopted by the federal government are the only mechanisms that may be used to protect air quality in the clean air areas.

And, the EPA is saying that when the Congress wrote into the legislation the provisions preventing significant deterioration of clean air areas, it only applied to emission controls. The Sierra Club refutes this line of argument by pointing out that the ambient air standards are the Act's basic method for protecting air quality. The plaintiff says that emission standards are but one of several methods, although a very important one, to protect air quality.

The issues which the Supreme Court will decide are extremely important not only to the nation as a whole, but to every state separately. Not only involved in the case are the clean air areas, but every single area where the level of air pollution is better than the federal standards for any of the pollutants.

It is clear that if the EPA wins this suit, air quality will doubtless deteriorate over most of the large, clean air areas, including South Dakota.

Because South Dakota stands a good chance of losing the clean air most of the rest of the nation looks on us with envy. In my capacity as Attorney General of the state, I have entered the State of South Dakota as amicus curiae or a friend of the court brief which demonstrates the hazards to the low population, clean air states such as ours.

There are some other factors about this case I would like to go over, some more reasons why I think an attorney general should not be afraid or even reluctant to go before the highest court in the land when our environment is threatened.

The federal government has already slowly begun to pollute the clean air areas. It does this, for instance, by deliberatly placing major pollution sources in clean air areas. As a matter of fact, in a statement made to the Supreme Court, the EPA openly states that the air-pollution problems of our urban centers must be solved by relocating the pollution sources in areas where the air is presently clean.

It is quite clear by now that the federal government has plans to fight energy crisis by the construction of huge coal burning power plants in New Mexico, Arizona, Nevada, Colorado, Wyoming and Montana, all states with clean, very clean air.

Present plans for the construction of coal burning electric plants in Wyoming and Montana call for enough power to surpass the energy production of every nation in the world except the United States and the Soviet Union. Pollution from these plants will be greater than that of New York City and Los Angeles combined.

If the EPA wins, soon there will be a relatively equal level of air pollution across the nation, air in our cities will be somewhat improved, but we will increase the pollution level over large areas by as much as 2, 5, or even 10 times.

The result would indeed be catastrophic. The EPA claims that secondary standards are sound enough for health, property, visibility, and any important value.

This is nonsense.

EPA—on another matter, of course, warns that there is no point below which air pollution presents no health danger. Just the reverse is true. The EPA has earlier warned of the risk from pollution, particularly for the old, the very young and the sick. There are many more indications of the menace of pollution, not only by the EPA but from other highly regarded scientists. There are also damages from increased pollution below the secondary standards, particularly from the ravages of sulfur and nitrogen.

Regardless of what the so-called facts are, regardless of what the EPA is trying to palm off on us, it is beyond dispute that air pollution beyond secondary standards is a danger to public health, to the ecology and to the quality of life.

I think we all know out here what will happen if the position of the Sierra Club is not sustained. We are told by the North Central Power Study. It was financed by some of the large fuel companies. It reads like a science fiction horror story, but it is only too real.

It envisions 42 mammoth power plants. These plants would make the gigantic Four Corners power plant look like a popcorn stand. Many of the new plants would be fourteen times as large as that plant at Four Corners. The plants are so huge that they nearly defy description.

To give you an idea in terms easier to understand, Fort Randall produces 320 megawatts, Oahe 420 and Gavins Point 100.

Plans on the drawing board call for the production of 53,000 megawatts to be generated at 42 potential sites in Montana, Wyoming, North Dakota and South Dakota. There would be thirteen 10,000 megawatt plants; twelve 5,000 megawatt plants; three 3,000 megawatt plants and fourteen 1,000 megawatt plants. Ten of the big plants would be located in a 30 by 70 square mile area centered at Gillette, Wyoming.

These plants would produce more electricity than any other nation except the United States. These plants would devour 210 million tons of coal per year from our nation's last remaining reserve. And while the developers promise to fill in the huge ditches and pits left by strip mining, there is considerable doubt if this fragile semi-arid land could ever be reclaimed. 81% of the Tongue-Yellowstone-Powder River Complex would be tied up in dams. Thousands of additional persons would be attracted to the area and quickly become a drain on the already limited resources of that area.

The air pollution problem could easily be, as the saying goes "outa sight". If a non-degration principle is not incorporated, a coal powered generating complex producing 50,000 megawatts of energy could meet federal emission standards and still emit mind boggling amounts of pollution.

Taking the most optimistic outlook for this 50,000 megawatts, there would be 94,000 tons per year of fly-ash; 2,100,000 tons of sulfur dioxide; and 1,226 tons of nitric oxide.

By 1975, the pollution from these plants will be several times that of the Los Angeles Basin, the smog capital of the world—14 to 18 times the nitrogen oxides; 20 times the sulfur oxides and about 8 times the particulates.

And this is of special interest to us in South Dakota because we are right in the direction of the prevailing winds.

The Sioux Falls Argus Leader added considerable perspective to the whole situation when it said editorially September 10: "Why should the West sacrifice land, water, clear skies and other resources for new ugly blotches on the landscape? A better source of power is available. The country should resolve to develop more nuclear power under the proper safeguards."

In conclusion, let me say how proud I am to be the attorney of record for South Dakota in our role in support of the Sierra Club. Having worked as a legislative assistant in the U.S. Senate while in college, I quickly learned that while there are bigger lobbies, none could continually be counted on to present the best in committee testimony for or against the bill. Not everyone agreed then or agrees now with this point of view of the Sierra Club, but it is universally respected.

The current concern for the environment has certainly been one of a great challenge for those of us in public life. To those who say environmental reform will be too costly, I say it is as precious as the air we breathe.

[From the Sioux Falls (S. Dak.) Argus Leader, Sept. 10, 1972]

Close Look Needed at Wyoming Project

The proposed North Central Power Project would put the U.S. Bureau of Reclamation and 35 private utilities into a combine to strip mine coal in northeast Wyoming, burn it to generate electricity and send it over 8,000 miles of transmission lines to such places as St. Louis and Minneapolis-St. Paul.

It would produce 50,000 megawatts—more electricity than is now produced in Japan, Germany or Great Britain.

The Environmental Defense Fund has urged the federal government to assess what it calls the "truly staggering" environmental impact of the proposed project. According to the fund, it would produce more nitrogen oxides, sulfur dioxides and particulate matter than from all sources in New York City and the Los Angeles Air Basin combined.

The power plants near Gillette, Wyo., would consume two-thirds as much coal as all the present power plants in the country. Aqueducts would bring more water than New York City uses and reduce the flow of the Yellowstone River by 81 per cent, the fund said. The project would involve strip mining an area more than half the size of Rhode Island, which has 1,214 square miles. The fund noted the Bureau of Reclamation predicts the population of the area would grow seven-fold.

We ask several questions;

(1) Why should the country tolerate coal-powered plants of this magnitude, when nuclear energy is the power source that can produce vastly more power with less impact on the environment than coal systems? Answer: the coal is available; also, probably because environmentalists have raised so much hell about nuclear plants.

(2) Will the West benefit by scarring the Wyoming landscape, and picking up an in-

crease in population? The wide open spaces of Wyoming have a lot of sagebrush and they're sparse on grass. But we don't like the idea of the earth being gouged to the extent that this project envisions.

(3) Like the adjacent corner of Wyoming, northwestern South Dakota is underlain with lignite. It has been touted as a resource of the future, which, when tapped, will bring new wealth to the state. If strip mining gouges out a big part of South Dakota's range country, will it be worth it? We don't think so. We'd rather see cattle and sheep on those grassy hills.

The call of the Environmental Defense Fund for a government study of the project in Wyoming is very much in order. Government and scientific experts should evaluate the impact of this project on the Wyoming environment. The coal power plants built in the southwestern desert area of Arizona and New Mexico in recent years have fouled the once clear skies there.

Why should the West sacrifice land, water, clear skies and other resources for new, ugly blotches on the landscape? A better source of power is available. The country should resolve to develop more nuclear power under proper safeguards.

JUDGE'S REMARKS ON INDIANAPOLIS LSO

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 1973

Mr. LANDGREBE. Mr. Speaker, I would like to take this opportunity to present a few comments by Judge Joseph Myers, a director of the city-funded Indianapolis Legal Aid Society, concerning the OEO funded Legal Services Organization in Indianapolis.

These remarks give strong evidence to support the complete reevaluation of the entire legal services program as administered by OEO.

I am inserting Judge Myers' remarks in the Record, as follows:

Judge Myer's Remarks

In Saturday's Star there was an article indicating that L.S.O. has closed two offices "almost a month ago" and many of the clients there have been referred to the Legal Aid Society.

L.S.O. still has three offices open with a director, assistant director and about 17 attorneys plus 34 members of the staff—with a budget of around $400,000 for this year from OEO funds—($526,000 last year)—is referring cases to Legal Aid which has one office, a general counsel and three attorneys plus a staff of two—(two secretaries) and a budget of $80,000.00.

In spite of L.S.O.'s pleas to the effect that they spend the majority of their time on clients and not causes, it is felt that their attitude was well stated at a recent meeting when one of their high officials questioned as to what would happen if they did not receive the $202,000.00 additional funding from the City-County Council answered that "we will just have to close up some neighborhood offices, cut back on services to the poor and direct our efforts to impact litigation."

FISCAL FIGURES

Last year (1972) L.S.O. with 19 attorneys actually handled 3,213 cases—that's 169 cases per lawyer at a cost of $163.70 per case based on an L.S.O. budget of $526,000.00.

Last year Legal Aid Society with four attorneys handled 5,455 cases—that's 1,364 cases per lawyer at a cost of $14.60 per case based on a budget of $80,000.00.

The Circuit Court plus all seven Superior Courts in 1972 operated on a total budget of $350,000.00.

In 1972 the 15 Marion County Municipal Courts operating 14 courtrooms handled 220,000 traffic and misdemeanor cases plus 8,000 civil cases affecting approximately 195,000 people plus operating a Probation Department, a traffic school and a bail project with a total of approximately 120 personnel from judges to support personnel on a budegt of approximately $900,000.00.

TEXT OF SUPREME COURT DECISION IN THE HISTORIC RODRIGUEZ SCHOOL FINANCE CASE

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 5, 1973

Mr. HANSEN of Idaho. Mr. Speaker, on March 21, 1973, the Supreme Court of the United States announced its final decision in the landmark school finance case, San Antonio Independent School District et al. against Rodriguez et al. Because of its far-reaching impact on education policy at the Federal, State, and local level, this is undoubtedly the most significant Supreme Court decision involving public education issues in nearly two decades. Unfortunately, the complete text of the Court's opinions in the case is not available to the Congress, school officials, or the general public. Only a very limited number of copies of the opinions were distributed when the decision was announced. Because of its implications for Federal legislation now under consideration to assist elementary and secondary schools and because of the direct effect it will have on State and local school finance policy, I am inserting in the Record the text of the opinions of the Court in this historic case:

[In the Supreme Court of the United States, No. 71-1332. Argued Oct. 12, 1972; decided Mar. 21, 1973]

Appeal From the United States District Court for the Western District of Texas

SYLLABUS

San Antonio Independent School District et al. *v.* Rodriquez et al.

The financing of public elementary and secondary schools in Texas is a product of state and local participation. Almost half of the revenues are derived from a largely state-funded program designed to provide a basic minimum educational offering in every school. Each district supplements state aid through an ad valorem tax on property within its jurisdiction. Appellees brought this class action on behalf of school children said to be members of poor families who reside in school districts having a low property tax base, making the claim that the Texas system's reliance on local property taxation favors the more affluent and violates equal protection requirements because of substantial interdistrict disparities in per-pupil expenditures resulting primarily from differences in the value of assessable property among the districts. The District Court, finding that wealth is a "suspect" classification and that education is a "fundamental" right, concluded that the system could be upheld only upon a showing, which appellants failed to make, that there was a compelling state interest for the system. The court also concluded that appellants failed even to demonstrate a reasonable or rational basis for the State's system.

Held:

1. This is not a proper case in which to examine a State's laws under standards of strict judicial scrutiny, since that test is reserved for cases involving laws that operate to the disadvantage of suspect classes or interfere with the exercise of fundamental rights and liberties explicitly or implicitly protected by the Constitution. Pp. 14–40.

(a) The Texas system does not disadvantage any suspect class. It has not been shown to discriminate against any definable class of "poor" people or to occasion discriminations depending on the relative wealth of the families in any district. And, insofar as the financing system disadvantages those who, disregarding their individual income characteristics, reside in comparatively poor school districts, the resulting class cannot be said to be suspect. Pp. 14–24.

(b) Nor does the Texas school-financing system impermissibly interfere with the exercise of a "fundamental" right or liberty. Though education is one of the most important services performed by the State, it is not within the limited category of rights recognized by this Court as guaranteed by the Constitution. Even if some identifiable quantum of education is arguably entitled to constitutional protection to make meaningful the exercise of other constitutional rights, here there is no showing that the Texas system fails to provide the basic minimal skills necessary for that purpose. Pp. 25–35.

(c) Moreover, this is an inappropriate case in which to invoke strict scrutiny since it involves the most delicate and difficult questions of local taxation, fiscal planning, educational policy, and federalism, considerations counseling a more restrained form of review. Pp. 35–40.

2. The Texas system does not violate the Equal Protection Clause of the Fourteenth Amendment. Though concededly imperfect, the system bears a rational relationship to a legitimate state purpose. While assuring basic education for every child in the State, it permits and encourages participation in and significant control of each district's schools at the local level. Pp. 40–49.

337 F. Supp. 280, reversed.

Powell, J., delivered the opinion of the Court, in which Burger, C. J., and Stewart, Blackmun, and Rehnquist, JJ., joined. Stewart, J., filed a concurring opinion. Brennan, J., filed a dissenting opinion. White, J., filed a dissenting opinion, in which Douglas and Brennan, JJ., joined. Marshall, J., filed a dissenting opinion, in which Douglas, J., joined.

[Supreme Court of the United States, No. 71-1332, Mar. 21, 1973]

On Appeal From the United States District Court for the Western District of Texas

San Antonio Independent School District et al., Appellants, *v.* Demetrio P. Rodriguez et al.

Mr. Justice Powell delivered the opinion of the Court.

This suit attacking the Texas system of financing public education was initiated by Mexican-American parents whose children attend the elementary and secondary schools in the Edgewood Independent School District, an urban school district in San Antonio, Texas.[1] They brought a class action on behalf of school children throughout the State who are members of minority groups or who are poor and reside in school districts having a low property tax base. Named as defendants [2] were the State Board of Education, the Commissioner of Education, the State Attorney General, and the Bexar

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Footnotes at end of article.

County (San Antonio) Board of Trustees. The complaint was filed in the summer of 1968 and a three-judge court was impaneled in January 1969.[3] In December 1974[4] the panel rendered its judgment in a *per curiam* opinion holding the Texas school finance system unconstitutional under the Equal Protection Clause of the Fourteenth Amendment.[5] The State appealed, and we noted probable jurisdiction to consider the far-reaching constitutional questions presented. 406 U.S. 966 (1972). For the reasons stated in this opinion we reverse the decision of the District Court.

I

The first Texas Constitution, promulgated upon Texas' entry into the Union in 1845, provided for the establishment of a system of free schools.[6] Early in its history, Texas *adopted* a dual approach to the financing of its schools, relying on mutual participation by the local school districts and the State. As early as 1883 the state constitution was amended to provide for the creation of local school districts empowered to levy *ad valorem* taxes with the consent of local taxpayers for the "erection of school buildings" and for the "further maintenance of public free schools."[7]

Such local funds as were raised were supplemented by funds distributed to each district from the State's Permanent and Available School Funds.[8] The Permanent School Fund, established in 1854,[9] was endowed with millions of acres of public land set aside to assure a continued source of income for school support.[10] The Available School Fund, which received income from the Permanent School Fund as well as from a state *ad valorem* property tax and other designated taxes,[11] served as the disbursing arm for most state educational funds throughout the late 1800's and first half of this century. Additionally, in 1918 an increase in state property taxes was used to finance a program providing free textbooks throughout the State.[12]

Until recent times Texas was a predominantly rural State and its population and property wealth were spread relatively evenly across the State.[13] Sizable differences in the value of assessable property between local school districts became increasingly evident as the State became more industrialized and as rural-to-urban population shifts became more pronounced.[14] The location of commercial and industrial property began to play a significant role in determining the amount of tax resources available to each school district. These growing disparities in population and taxable property between districts were responsible in part for increasingly notable differences in levels of local expenditure for education.[15]

In due time it became apparent to those concerned with financing public education that contributions from the Available School Fund were not sufficient to ameliorate these disparities.[16] Prior to 1939 the Available School Fund contributed money to every school district at a rate of $17.50 per school-age child.[17] Although the amount was increased several times in the early 1940's,[18] the Fund was providing only $46 per student by 1945."[19]

Recognizing the need for increased state funding to help offset disparities in local spending and to meet Texas' changing educational requirements, the state legislature in the late 1940's undertook a thorough evaluation of public education with an eye toward major reform. In 1947 an 18-member committee, composed of educators and legislators, was appointed to explore alternative systems in other States and to propose a funding scheme that would guarantee a minimum or basic educational offering to each child and that would help overcome interdistrict disparities in taxable resources. The Committee's efforts led to the passage of the Gilmer-Aiken bills, named for the Committee's co-chairmen, establishing the Texas Minimum Foundation School Program.[20] Today this Program accounts for approximately half of the total educational expenditures in Texas.[21]

The Program calls for state and local contributions to a fund earmarked specifically for teachers salaries, operating expenses, and transportation costs. The State, supplying funds from its general revenues, finances approximately 80% of the Program, and the school districts are responsible—as a unit—for providing the remaining 20%. The districts' share, known as the Local Fund Assignment, is apportioned among the school districts under a formula designed to reflect each district's relative taxpaying ability. The Assignment is first divided among Texas' 254 counties pursuant to a complicated economic index that takes into account the relative value of each county's contribution to the State's total income from manufacturing, mining, and agricultural activities. It also considers each county's relative share of all payrolls paid within the State and, to a lesser extent, considers each county's share of all property in the State.[22] Each county's assignment is then divided among its school districts on the basis of each district's share of assessable property within the county.[23] The district, in turn, finances its share of the Assignment out of revenues from local property taxation.

The design of this complex system was twofold. First, it was an attempt to assure that the Foundation Program would have an equalizing influence on expenditure levels between school districts by placing the heaviest burden on the school districts most capable of paying. Second, the Program's architects sought to establish a Local Fund Assignment that would force every school district to contribute to the education of its children[24] but that would not by itself exhaust any district's resources.[25] Today every school district does impose a property tax from which it derives locally expendable funds in excess of the amount necessary to satisfy its Local Fund Assignment under the Foundation Program.

In the years since this program went into operation in 1949, expenditures for education—from State as well as local sources—have increased steadily. Between 1949 and 1967 expenditures increased by approximately 500%.[26] In the last decade alone the total public school budget rose from $750 million to $2.1 billion[27] and these increases have been reflected in consistently rising per pupil expenditures throughout the State.[28] Teacher salaries, by far the largest item in any school's budget, have increased dramatically—the state-supported minimum teacher salary has risen from $2,400 to $6,000 over the last 20 years.[29]

The school district in which appellees reside, the Edgewood Independent School District, has been compared throughout this litigation with the Alamo Heights Independent School District. This comparison between the least and most affluent districts in the San Antonio area serves to illustrate the manner in which the dual system of finance operates and to indicate the extent to which substantial disparities exist despite the State's impressive progress in recent years. Edgewood is one of seven public school districts in the metropolitan area. Approximately 22,000 students are enrolled in its 25 elementary and secondary schools. The district is situated in the core-city sector of San Antonio in a residential neighborhood that has little commercial or industrial property. The residents are predominantly of Mexican-American descent: approximately 90% of the student population is Mexican-American and over 6% is Negro. The average assessed property value per pupil is $5,960—the lowest in the metropolitan area—and the median family income ($4,686) is also the lowest.[30] At an equalized tax rate of $1.05 per $100 of assessed property—the highest in the metropolitan area—the district contributed $26 to the education of each child for the 1967–1968 school year above its Local Fund Assignment for the Minimum Foundation Program. The Foundation Program contributed $222 per pupil for a state-local total of $258.[31] Federal funds added another $108 for a total of $356 per pupil.[32]

Alamo Heights is the most affluent school district in San Antonio. Its six schools, housing approximately 5,000 students, are situated in a residential community quite unlike the Edgewood District. The school population is predominantly Anglo, having only 18% Mexican-Americans and less than 1% Negroes. The assessed property value per pupil exceed $49,000[33] and the median family income is $8,001. In 1967–1968 the local tax rate of $.85 per $100 of valuation yielded $333 per pupil over and above its contribution to the Foundation Program. Coupled with the $225 provided from that Program, the district was able to supply $558 per student. Supplemented by a $36 per pupil grant from federal sources, Alamo Heights spent $594 per pupil.

Although the 1967–1968 school year figures provide the only complete statistical breakdown for each category of aid,[34] more recent partial statistics indicate that the previously noted trend of increasing state aid has been significant. For the 1970–1971 school year, the Foundation School Program allotment for Edgewood was $356 per pupil, a 62% increase over the 1967–1968 school year. Indeed, state aid alone in 1970–1971 equaled Edgewood's entire 1967–1968 school budget from local, state, and federal sources. Alamo Heights enjoyed a similar increase under the Foundation Program, netting $491 per pupil in 1970–1971.[35] These recent figures also reveal the extent to which these two districts' allotments were funded from their own required contributions to the Local Fund Assignment. Alamo Heights, because of its relative wealth, was required to contribute out of its local property tax collections approximately $100 per pupil, or about 20% of its Foundation grant. Edgewood, on the other hand, paid only $8.46 per pupil, which is about 2.4% of its grant.[36] It does appear then that, at least as to these two districts, the Local Fund Assignment does reflect a rough approximation of the relative taxpaying potential of each.[37]

Despite these recent increases, substantial interdistrict disparities in school expenditures found by the District Court to prevail in San Antonio and in varying degrees throughout the State[38] still exist. And it was these disparities, largely attributable to differences in the amounts of money collected through local property taxation, that led the District Court to conclude that Texas' dual system of public school finance violated the Equal Protection Clause. The District Court held that the Texas system discriminates on the basis of wealth in the manner in which education is provided for its people. 337 F. Supp., at 282. Finding that wealth is a "suspect" classification and that education is a "fundamental" interest, the District Court held that the Texas system could be sustained only if the State could show that it was premised upon some compelling state interest. *Id.*, at 282–284. On this issue the court concluded that "[n]ot only are defendants unable to demonstrate compelling state interests . . . they fail even to establish a reasonable basis for these classifications." *Id.*, at 284.

Texas virtually concedes that its historically rooted dual system of financing education could not withstand the strict judicial scrutiny that this Court has found appropriate in reviewing legislative judgments that interfere with fundamental constitutional rights[39] or that involve suspect classifications.[40] If, as previous decisions have indi-

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Footnotes at end of article.

cated, strict scrutiny means that the State's system is not entitled to the usual presumption of validity, that the State rather than the complainants must carry a "heavy burden of justification," that the State must demonstrate that its educational system has been structured with "precision" and is "tailored" narrowly to serve legitimate objectives and that it has selected the "least drastic means" for effectuating its objectives.[41] the Texas financing system and its counterpart in virtually every other State will not pass muster. The State candidly admits that "[n]o one familiar with the Texas system would contend that it has yet achieved perfection."[42] Apart from its concession that educational finance in Texas has "defects"[43] and "imperfections,"[44] the State defends the system's rationality with vigor and disputes the District Court's finding that it lacks a "reasonable basis."

This, then, establishes the framework for our analysis. We must decide, first, whether the Texas system of financing public education operates to the disadvantage of some suspect class or impinges upon a fundamental right explicitly or implicitly protected by the Constitution, thereby requiring strict judicial scrutiny. If so, the judgment of the District Court should be affirmed. If not, the Texas scheme must still be examined to determine whether it rationally furthers some legitimate, articulated state purpose and therefore does not constitute an invidious discrimination in violation of the Equal Protection Clause of the Fourteenth Amendment.

II

The District Court's opinion does not reflect the novelty and complexity of the constitutional questions posed by appellees' challenge to Texas' system of school finance. In concluding that strict judicial scrutiny was required, that court relied on decisions dealing with the rights of indigents to equal treatment in the criminal trial and appellate processes,[45] and on cases disapproving wealth restrictions on the right to vote.[46] Those cases, the District Court concluded, established wealth as a suspect classification. Finding that the local property tax system discriminated on the basis of wealth, it regarded those precedents as controlling. It then reasoned, based on deceisions of this Court affirming the undeniable importance of education,[47] that there is a fundamental right to education and that, absent some compelling state justification, the Texas system could not stand.

We are unable to agree that this case, which in significant aspects is *sui generis*, may be so neatly fitted into the conventional mosaic of constitutional analysis under the Equal Protection Clause. Indeed, for the several reasons that follow, we find neither the suspect classification nor the fundamental interest analysis persuasive.

The wealth discrimination discovered by the District Court in this case, and by several other courts that have recently struck down school financing laws in other States,[48] is quite unlikely any of the forms of wealth discrimination heretofore reviewed by this Court. Rather than focusing on the unique features of the alleged discrimination, the courts in these cases have virtually assumed their findings of a suspect classification through a simplistic process of analysis: since, under the traditional systems of financing public schools, some poorer people receive less expensive educations than other more affluent people, these systems discriminate on the basis of wealth. This approach largely ignores the hard threshold questions, including whether it makes a difference for purposes of consideration under the Constitution that the class of disadvantaged "poor" cannot be identified or defined in customary equal protection terms, and whether the relative—rather than absolute—nature of the asserted deprivation is of significant consequence. Before a State's laws and the justifications for the classifications they create are subjected to strict judicial scrutiny, we think these threshold considerations must be analyzed more closely than they were in the court below.

The case comes to us with no definitive description of the classifying facts or delineation of the disfavored class. Examination of the District Court's opinion and of appellees' complaint, briefs, and contentions at oral argument suggests, however, at least three ways in which the discrimination claimed here might be described. The Texas system of school finance might be regarded as discriminating (1) against "poor" persons whose incomes fall below some identifiable level of poverty or who might be characterized as functionally "indigent,"[49] or (2) against those who are relatively poorer than others,[50] or (3) against all those who, irrespective of their personal incomes, happen to reside in relatively poorer school districts.[51] Our task must be to ascertain whether, in fact, the Texas system has been shown to discriminate on any of these possible bases and, if so, whether the resulting classification may be regarded as suspect.

The precedents of this Court provide the proper starting point. The individuals or groups of individuals who constituted the class discriminated against in our prior cases shared two distinguishing characteristics: because of their impecunity they were completely unable to pay for some desired benefit, and as a consequence, they sustained an absolute deprivation of a meaningful opportunity to enjoy that benefit. In *Griffin* v. *Illinois,* 351 U.S. 12 (1956), and its progeny,[52] the Court invalidated state laws that prevented an indigent criminal defendant from acquiring a transcript, or an adequate substitute for a transcript, for use at several stages of the trial and appeal process. The payment requirements in each case were found to occasion *de facto* discrimination against those who, because of their indigency, were totally unable to pay for transcripts. And, the Court in each case emphasized that no constitutional violation would have been shown if the State had provided some "adequate substitute" for a full stenographic transcript. *Britt* v. *North Carolina,* 404 U.S. 226, 228 (1971); *Gardner* v. *California,* 393 U.S. 367 (1967); *Draper* v. *Washington,* 372 U.S. 487 (1963); *Erskine* v. *Washington Prison Board,* 357 U.S. 214 (1958).

Likewise, in *Douglas* v. *California,* 372 U.S. 353 (1963), a decision establishing an indigent defendant's right to court-appointed counsel on direct appeal, the Court dealt only with defendants who could not pay for counsel from their own resources and who had no other way of gaining representation. *Douglas* provides no relief for those on whom the burdens of paying for a criminal defense are, relatively speaking, great but not insurmountable. Nor does it deal with relative differences in the quality of counsel acquired by the less wealthy.

Williams v. *Illinois,* 399 U.S. 235 (1970), and *Tate* v. *Short,* 401 U.S. 395 (1971), struck down criminal penalties that subjected indigents to incarceration simply because of their inability to pay a fine. Again, the disadvantaged class was composed only of persons who were totally unable to pay the demanded sum. Those cases do not touch on the question whether equal protection is denied to persons with relatively less money on whom designated fines impose heavier burdens. The Court has not held that fines must be structured to reflect each person's ability to pay in order to avoid disproportionate burdens. Sentencing judges may, and often do, consider the defendant's ability to pay, but in such circumstances they are guided by sound judicial discretion rather than by constitutional mandate.

Finally, in *Bullock* v. *Carter,* 405 U.S. 134 (1972), the Court invalidated the Texas filing fee requirement for primary elections. Both of the relevant classifying facts found in the previous cases were present there. The size of the fee, often running into the thousands of dollars and, in at least one case, as high as $8,900, effectively barred all potential candidates who were unable to pay the required fee. As the system provided "no reasonable alternative means of access to the ballot" (*Id.,* at 149), inability to pay occasioned an absolute denial of a position on the primary ballot.

Only appellees' first possible basis for describing the class disadvantaged by the Texas school finance system—discrimination against a class of definably "poor" persons—might arguably meet the criteria established in these piror cases. Even a cursory examination, however, demonstrates that neither of the two distinguishing characteristics of wealth classifications can be found here. First, in support of their charge that the system discriminates against the "poor," appellees have made no effort to demonstrate that it operates to the peculiar disadvantage of any class fairly definable as indigent, or as composed of persons whose incomes are beneath any designated poverty level. Indeed, there is reason to believe that the poorest families are not necessarily clustered in the poorest property districts. A recent and exhaustive study of school districts in Connecticut concluded that "[i]t is clearly incorrect . . . to contend that the 'poor' live in 'poor' districts . . . . Thus, the major factual assumption of *Serrano*—that the educational finance system discriminates against the 'poor'—is simply false in Connecticut"[53] Defining "poor" families as those below the Bureau of the Census "poverty level,"[54] the Connecticut study found, not surprisingly, that the poor were clustered around commercial and industrial areas—those same areas that provide the most attractive sources of property tax income for school districts.[55] Whether a similar pattern would be discovered in Texas is not known, but there is no basis on the record in this case for assuming that the poorest people—defined by reference to any level of absolute impecunity—are concentrated in the poorest districts.

Second, neither appellees nor the District Court addressed the fact that, unlike each of the foregoing cases, lack of personal resources has not occasioned an absoulte deprivation of the desired benefit. The argument here is not that the children in districts having relatively low assessable property values are receiving no public education; rather, it is that they are receiving a proper quality education than that available to children in districts having more assessable wealth. Apart from the unsettled and disputed question whether the quality of education may be determined by the amount of money expended for it,[56] a sufficient answer to appellees' argument is that at least where wealth is involved the Equal Protection Clause does not require absolute equality or precisely equal advantages.[57] Nor, indeed, in view of the infinite variables affecting the educational process, can any system assure equal quality of education except in the most relative sense. Texas asserts that the Minimum Foundation Program provides an "adequate" education for all children in the State. By providing 12 years of free public school education, and by assuring teachers, books, transportation and operating funds, the Texas Legislature has endeavored to "guarantee, for the welfare of the state as a whole, that all people shall have at least an adequate program of education. This is what is meant by 'A Minimum Foundation Program of Education.' "[58] The State repeatedly asserted in its briefs in this Court that it has fulfilled this desire and that it now assures

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Footnotes at end of article.

"every child in every school district an adequate education." [59] No proof was offered at trial persuasively discrediting or refuting the State's assertion.

For these two reasons—the absense of any evidence that the financing system discriminates against any definable category of "poor" people or that it results in the absolute deprivation of education—the disadvantaged class is not susceptible to identification in traditional terms.[60]

As suggested above, appellees and the District Court may have embraced a second or third approach, the second of which might be characterized as a theory of relative or comparative discrimination based on family income. Appellees sought to prove that a direct correlation exists between the wealth of families within each district and the expenditures therein for education. That is, along a continuum, the poorer the family the lower the dollar amount of education received by the family's children.

The principal evidence adduced in support of this comparative discrimination claim is an affidavit submitted by Professor Joele S. Berke of Syracuse University's Educational Finance Policy Institute. The District Court, relying in major part upon this affidavit and apparently accepting the substance of appellees' theory, noted, first, a positive correlation between the wealth of school districts, measured in terms of assessable property per pupil, and their levels of per-pupil expenditures. Second, the court found a correlation between district wealth and the personal wealth of its residents, measured in terms of median family income. 337 F. Supp., at 282, n. 3.

If, in fact, these correlations could be sustained, then it might be argued that expenditures on education—equated by appellees to the quality of education—are dependent on personal wealth. Appellees' comparative discrimination theory would still face serious unanswered questions, including whether a bare positive correlation or some higher degree of correlation [61] is necessary to provide a basis for concluding that the financing system is designed to operate to the peculiar disadvantage of the comparatively poor,[62] and whether a class of this size and diversity could ever claim the special protection accorded "supect" classes. These questions need not be addressed in this case, however, since appellees' proof fails to support their allegations or the District Court's conclusions.

Professor Berke's affidavit is based on a survey of approximately 10% of the school districts in Texas. His findings, set out in the margin,[63] show only that the wealthiest few districts in the sample have the highest median family incomes and spend the most on education, and that the several poorest districts have the lowest family incomes and devote the least amount of money to education. For the remainder of the districts—96 districts comprising almost 90% of the sample the correlation is inverted, *i.e.*, the districts that spend next to the most money on education are pouplated by families having next to the lowest median family incomes while the districts spending the least have the highest median family incomes. It is evident that, even if the conceptual questions were answered favorably to appellees, no factual basis exists upon which to found a claim of comparative wealth discrimination.[64]

This brings us, then, to the third way in which the classification scheme might be defined—*district* wealth discrimination. Since the only correlation indicated by the evidence is between district property wealth and expenditures, it may be argued that discrimination might be found without regard to the individual income characteristics of district residents. Assuming a perfect correlation between district property wealth and expenditures from top to bottom, the disadvantaged class might be viewed as encompassing every child in every district except the district that has the most assessable wealth and spends the most on education.[65] Alternatively, as suggested in Mr. Justice Marshall's dissenting opinion, *post*, at —, the class might be defined more restrictively to include children in districts with assessable property which falls below the statewide average, or median, or below some other artificially defined level.

However described, it is clear that appellees' suit asks this Court to extend its most exacting scrutiny to review a system that allegedly discriminates against a large, diverse, and amorphous class, unified only by the common factor of residence in districts that happen to have less taxable wealth than other districts.[66] The system of alleged discrimination and the class it defines have none of the traditional indicia of suspectness: the class is not saddled with such disabilities, or subjected to such a history of purposeful unequal treatment, or relegated to such a position of political powerlessness as to command extraordinary protection from the majoritarian political process.

We thus conclude that the Texas system does not operate to the peculiar disadvantage of any suspect class. But in recognition of the fact that this Court has never heretofore held that wealth discrimination alone provides an adequate basis for invoking strict scrutiny, appellees have not relied solely on this contention.[67] They also assert that the State's system impermissibly interferes with the exercise of a "fundamental" right and that accordingly the prior decisions of this Court require the application of the strict standard of judicial review. *Graham* v. *Richardson*, 403 U.S. 365, 375–376 (1971); *Kramer* v. *Union Free School District*, 935 U.S. 621 (1969); *Shapiro* v. *Thompson*, 394 U.S. 618 (1969). It is this question—whether education is a fundamental right, in the sense that it is among the rights and liberties protected by the Constitution—which has so consumed the attention of courts and commentators in recent years.[68]

B

In *Brown* v. *Board of Education*, 347 U.S. 483 (1954), a unanimous Court recognized that "education is perhaps the most important function of state and local governments." *Id.*, at 493. What was said there in the context of racial discrimination has lost none of its vitality with the passage of time: "Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic responsibilities, even service in the armed forces. It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms." *Ibid.*

This theme, expressing an abiding respect for the vital role of education in a free society, may be found in numerous opinions of Justices of this Court writing both before and after *Brown* was decided. *Wisconsin* v. *Yoder*, 406 U.S. 205, 213 (The Chief Justice), 237, 238–239 (Mr. Justice White) (1972); *Abington School Dist. v. Schempp*, 374 U.S. 203, 230 (1963) (Mr. Justice Brennan); *McCollum* v. *Bd. of Education*, 333 U.S. 203, 212 (1948) (Mr. Justice Frankfurter); *Pierce* v. *Society of Sisters*, 268 U.S. 510 (1925); *Meyer* v. *Nebraska*, 262 U.S. 390 (1923); *Interstate Consolidated Street Ry.* v. *Massachusetts*, 207 U.S. 79 (1907).

Nothing this Court holds today in any way detracts from our historic dedication to public education. We are in complete agreement with the conclusion of the three-judge panel below that "the grave significance of education both to the individual and to our society" cannot be doubted.[69] But the importance of a service performed by the State does not determine whether it must be regarded as fundamental for purposes of examination under the Equal Protection Clause. Mr. Justice Harlan, dissenting from the Court's application of strict scrutiny to a law impinging upon the right of interstate travel, admonished that "[v]irtually every state statute affects important rights" *Shapiro* v. *Thompson*, 394 U.S. 618, 655, 661 (1969). In his view, if the degree of judicial scrutiny of state legislation fluctuated depending on a majority's view of the importance of the interest affected, we would have gone "far toward making this Court a 'super-legislature.'" *Ibid.* We would indeed then be assuming a legislative role and one for which the Court lacks both authority and competence. But Mr. Justice Stewart's response in *Shapiro* to Mr. Justice Harlan's concern correctly articulates the limits of the fundamental rights rationale employed in the Court's equal protection decisions:

"The Court today does *not* 'pick out particular human activities, characterize them as "fundamental," and give them added protection. . . .' To the contrary, the Court simply recognizes, as it must, an established constitutional right, and gives to that right no less protection than the Constitution itself demands." 394 U.S., at 642. (Emphasis from original.)

Mr. Justice Stewart's statement serves to underline what the opinion of the Court in *Shapiro* makes clear. In subjecting to strict judicial scrutiny state welfare eligibility statutes that imposed a one-year durational residency requirement as a precondition to receiving AFDC benefits, the Court explained: "in moving from State to State . . . appellees were exercising a constitutional right, and any classification which serves to penalize the exercise of that right, unless shown to be necessary to promote a *compelling* governmental interest, is unconstitutional."*Id.*, at 634. (Emphasis from original.) The right to interstate travel had long been recognized as a right of constitutional significance,[70] and the Court's decision therefore did not require an *ad hoc* determination as to the social or economic importance of that right.[71]

Lindsey v. *Normet*, 405 U.S. 56 (1972), decided only last Term, firmly reiterates that social importance is not the critical determinant for subjecting state legislation to strict scrutiny. The complainants in that case, involving a challenge to the procedural limitations imposed on tenants in suits brought by landlords under Oregon's Forcible Entry and Wrongful Detainer Law, urged the Court to examine the operation of the statute under "a more stringent standard than mere rationality." *Id.*, at 73. The tenants argued that the statutory limitations implicated "fundamental interests which are particularly important to the poor," such as the "'need for decent shelter'" and the "'right to retain peaceful possession of one's home.'" *Ibid.* Mr. Justice White's analysis, in his opinion for the Court, is instructive:

"We do not denigrate the importance of decent, safe, and sanitary housing. But the Constitution does not provide judicial remedies for every social and economic ill. We are unable to perceive in that document any constitutional guarantee of access to dwellings of a particular quality or any recognition of the right of a tenant to occupy the real property of his landlord beyond the term of his lease, without the payment of rent. . . . *Absent constitutional mandate*, the assurance of adequate housing and the definition of landlord-tenant relationships are legislative, not judicial, functions." *Id.*, at 74. (Emphasis supplied.)

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Similarly, in *Dandridge* v. *Williams*, 397 U.S. 471 (1970), the Court's explicit recognition of the fact that the "administration of public welfare assistance . . . involves the most basic economic needs of impoverished human beings," *id.*, at 485,[72] provided no basis for departing from the settled mode of constitutional analysis of legislative classifications involving questions of economic and social policy. As in the case of housing, the central importance of welfare benefits to the poor was not an adequate foundation for requiring the State to justify its law by showing some compelling state interest. See also *Jefferson* v. *Hackney*, 406 U.S. 535 (1972); *Richardson* v. *Belcher*, 404 U.S. 78 (1971).

The lesson of these cases in addressing the question now before the Court is plain. It is not the province of this Court to create substantive constitutional rights in the name of guaranteeing equal protection of the laws. Thus the key to discovering whether education is "fundamental" is not to be found in comparisons of the relative societal significance of education as opposed to subsistence or housing. Nor is it to be found by weighing whether education is as important as the right to travel. Rather, the answer lies in assessing whether there is a right to education explicitly or implicitly guaranteed by the Constitution. *Eisenstadt* v. *Baird*, 405 U.S. 438 (1972);[73] *Dunn* v. *Blumstein*, 405 U.S. 330 (1972);[74] *Police Department of the City of Chicago* v. *Mosley*, 408 U.S. 92 (1972);[75] *Skinner* v. *Oklahoma*, 316 U.S. 535 (1942);[76]

Education, of course, is not among the rights afforded explicit protection under our Federal Constitution. Nor do we find any basis for saying it is implicitly so protected. As we have said, the undisputed importance of education will not alone cause this Court to depart from the usual standard for reviewing a State's social and economic legislation. It is appellees' contention, however, that education is distinguishable from other services and benefits provided by the State because it bears a peculiarly close relationship to other rights and liberties accorded protection under the Constitution. Specifically, they insist that education is itself a fundamental personal right because it is essential to the effective exercise of First Amendment freedoms and to intelligent utilization of the right to vote. In asserting a nexus between speech and education, appellees urge that the right to speak is meaningless unless the speaker is capable of articulating his thoughts intelligently and persuasively. The "marketplace of ideas" is an empty forum for those lacking basic communicative tools. Likewise, they argue that the corollary right to receive information[77] becomes little more than a hollow privilege when the recipient has not been taught to read, assimilate, and utilize available knowledge.

A similar line of reasoning is pursued with respect to the right to vote.[78] Exercise of the franchise, it is contended, cannot be divorced from the educational foundation of the voter. The electoral process, if reality is to conform to the democratic ideal, depends on an informed electorate: a voter cannot cast his ballot intelligently unless his reading skills and thought processes have been adequately developed.

We need not dispute any of these propositions. The Court has long afforded zealous protection against unjustifiable governmental interference with the individual's rights to speak and to vote. Yet we have never presumed to possess either the ability or the authority to guarantee to the citizenry the most *effective* speech or the most *informed* electoral choice. That these may be desirable goals of a system of freedom of expression and of a representative form of government is not to be doubted.[79] There are indeed goals to be pursued by a people whose thoughts and beliefs are freed from governmental interference. But they are not values to be implemented by judicial intrusion into otherwise legitimate state activities.

Even it it were conceded that some identifiable quantum of education is a constitutionally protected prerequisite to the meaningful exercise of either right, we have no indication that the present levels of educational expenditure in Texas provide an education that falls short. Whatever merit appellees' argument might have if a State's financing system occasioned an absolute denial of educational opportunities to any of its children, that argument provides no basis for finding an interference with fundamental rights where only relative differences in spending levels are involved and where—as is true in the present case—no charge fairly could be made that the system fails to provide each child with an opportunity to acquire the basic minimal skills necessary for the enjoyment of the rights of speech and of full participation in the political process.

Furthermore, the logical limitations on appellees' nexus theory are difficult to perceive. How, for instance, is education to be distinguished from the significant personal interests in the basics of decent food and shelter? Empirical examination might well buttress an assumption that the ill-fed, ill-clothed, and ill-housed are among the most ineffective participants in the political process and that they derive the least enjoyment from the benefits of the First Amendment.[80] If so appellees' thesis would cast serious doubt on the authority of *Dandridge* v. *Williams, supra*, and *Lindsey* v. *Normet, supra*.

We have carefully considered each of the arguments supportive of the District Court's finding that education is a fundamental right or liberty and have found those arguments unpersuasive. In one further respect we find this a particularly inappropriate case in which to subject state action to strict judicial scrutiny. The present case, in another basic sense, is significantly different from any of the cases in which the Court has applied strict scrutiny to state or federal legislation touching upon constitutionally protected rights. Each of our prior cases involved legislation which "deprived," "infringed," or "interfered" with the free exercise of some such fundamental personal right or liberty. See *Skinner* v. *Oklahoma, supra*, at 536; *Shapiro* v. *Thompson, supra*, at 634; *Dunn* v. *Blumstein, supra*, at 338–343. A critical distinction between those cases and the one now before us lies in what Texas is endeavoring to do with respect to education. MR. JUSTICE BRENAN, writing for the Court in *Katzenbach* v. *Morgan*, 384 U.S. 641 (1966), expresses well the salient point:[81]

"This is not a complaint that Congress . . . has unconstitutionally denied or diluted anyone's right to vote but rather that Congress violated the Constitution by not extending the relief effected [to others similarly situated]. . . .

"[The federal law in question] does not restrict or deny the franchise but in effect extends the franchise to persons who otherwise would be denied it by state law. . . . We need decide only whether the challenged limitation on the relief effected . . . was permissible. In deciding that question, the principle that calls for the closest scrutiny of distinctions in laws *denying* fundamental rights . . . is inapplicable; for the distinction challenged by appellees is presented only as a limitation on a reform measure aimed at eliminating an existing barrier to the exercise of the franchise. Rather, in deciding the constitutional propriety of the limitations in such a reform measure we are guided by the familiar principles that a 'statute is not invalid under the Constitution because it might have gone further than it did,' . . . that a legislature need not 'strike at all evils at the same time,' and that 'reform may take one step at a time, addressing itself to the phase of the problem which seems most acute to the legislative mind. . . .'" *Id.*, at 656–657. (Emphasis from original.)

The Texas system of school finance is not unlike the federal legislation involved in *Katzenbach* in this regard. Every step leading to the establishment of the system Texas utilizes today—including the decisions permitting localities to tax and expend locally, and creating and continuously expanding state aid—was implemented in an effort to *extend* public education and to improve its quality.[82] Of course, every reform that benefits some more than others may be criticized for what it fails to accomplish. But we think it plain that, in substance, the thrust of the Texas system is affirmative and reformatory and, therefore, should be scrutinized under judicial principles sensitive to the nature of the State's efforts and to the rights reserved to the States under the Constitution.[83]

C

It should be clear, for the reasons stated above and in accord with the prior decisions of this Court, that this is not a case in which the challenged state action must be subjected to the searching judicial scrutiny reserved for laws that create suspect classifications or impinge upon constitutionally protected rights.

We need not rest our decision, however, solely on the inappropriateness of the strict scrutiny test. A century of Supreme Court adjudication under the Equal Protection Clause affirmatively supports the application of the traditional standard of review, which requires only that the State's system be shown to bear some rational relationship to legitimate state purposes. This case represents far more than a challenge to the manner in which Texas provides for the education of its children. We have here nothing less than a direct attack on the way in which Texas has chosen to raise and disburse state and local tax revenues. We are asked to condemn the State's judgment in conferring on political subdivisions the power to tax local property to supply revenues for local interests. In so doing, appellees would have the Court intrude in an area in which it has traditionally deferred to state legislatures.[84] This Court has often admonished against such interferences with the State's fiscal policies under the Equal Protection Clause:

"The broad discretion as to classification possessed by a legislature in the field of taxation has long been recognized. . . . [T]he passage of time has only served to underscore the wisdom of that recognition of the large area of discretion which is needed by a legislature in formulating sound tax policies. . . . It has . . . been pointed out that in taxation, even more than in other fields, legislatures possess the greatest freedom in classification. Since the members of a legislature necessarily enjoy a familiarity with local conditions which this Court cannot have, the presumption of constitutionality can be overcome only by the most explicit demonstration that a classification is a hostile and oppressive discrimination against particular persons and classes. . . ." *Madden* v. *Kentucky*, 309 U.S. 83, 87–88 (1940).

See also *Lehnhausen* v. *Lake Shore Auto Parts Co.*, —— U.S. —— (1973); *Wisconsin* v. *J. C. Penney Co.*, 311 U.S. 435, 445 (1940).

Thus we stand on familiar ground when we continue to acknowledge that the Justices of this Court lack both the expertise and the familiarity with local problems so necessary to the making of wise decisions with respect to the raising and disposition of public revenues. Yet we are urged to direct the States either to alter drastically the present system or to throw out the property tax altogether in favor of some other form of taxation. No scheme of taxation, whether the tax is imposed on property, income, or purchases of goods and services, has yet been devised which is free of all discriminatory

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impact. In such a complex arena in which no perfect alternatives exist, the Court does well not to impose too rigorous a standard of scrutiny lest all local fiscal schemes become subjects of criticism under the Equal Protection Clause.[85]

In addition to matters of fiscal policy, this case also involves the most persistent and difficult questions of educational policy, another area in which this Court's lack of specialized knowledge and experience counsels against premature interference with the informed judgments made at the state and local levels. Education, perhaps even more than welfare assistance, presents a myriad of "intractable economic, social, and even philosophical problems." *Dandridge* v. *Williams*, 397 U.S., at 487. The very complexity of the problems of financing and managing a statewide public school system suggest that "there will be more than one constitutionally permissible method of solving them," and that, within the limits of rationality, "the legislature's efforts to tackle the problems" should be entitled to respect. *Jefferson* v. *Hackney*, 406 U.S. 535, 546–547 (1972). On even the most basic questions in this area the scholars and educational experts are divided. Indeed, one of the hottest sources of controversy concerns the extent to which there is a demonstrable correlation between educational expenditures and the quality of education [86]—an assumed correlation underlying virtually every legal conclusion drawn by the District Court in this case.

Related to the questioned relationship between cost and quality is the equally unsettled controversy as to the proper goals of a system of public education.[87] And the question regarding the most effective relationship between state boards of education and local school boards, in terms of their respective responsibilities and degrees of control, is now undergoing searching re-examination. The ultimate wisdom as to these and related problems of education is not likely to be divined for all time even by the scholars who now so earnestly debate the issues. In such circumstances the judiciary is well advised to refrain from interposing on the States inflexible constitutional restraints that could circumscribe or handicap the continued research and experimentation so vital to finding even partial solutions to educational problems and to keeping abreast of ever changing conditions.

It must be remembered also that every claim arising under the Equal Protection Clause has implications for the relationship between national and state power under our federal system. Questions of federalism are always inherent in the process of determining whether a State's laws are to be accorded the traditional presumption of constitutionality, or are to be subjected instead to rigorous judicial scrutiny. While "[t]he maintenance of the principles of federalism is a foremost consideration in interpreting any of the pertinent provisions under which this Court examines state action,"[88] it would be difficult to imagine a case having a greater potential impact on our federal system than the one now before us, in which we are urged to abrogate systems of financing public education presently in existence in virtually every State.

The foregoing considerations buttress our conclusion that Texas' system of public school finance is an inappropriate candidate for strict judicial scrutiny. These same considerations are relevant to the determination whether that system, with its conceded imperfections, nevertheless bears some rational relationship to a legitimate state purpose. It is to this question that we next turn our attention.

III

The basic contours of the Texas school finance system have been traced at the outset of this opinion. We will now describe in more detail that system and how it operates, and these facts bear directly upon the demands of the Equal Protection Clause.

Apart from federal assistance, each Texas school receives its funds from the State and from its local school district. On a statewide average, a roughly comparable amount of funds is derived from each source.[89] The State's contribution, under the Minimum Foundation Program, was designed to provide an adequate minimum educational offering in every school in the State. Funds are distributed to assure that there will be one teacher—compensated at the state-supported minimum salary for every 25 students.[90] Each school dstrict's other supportive personnel are provided for: one principal for every 30 teachers; [91] one "special service" teacher—librarian, nurse, doctor, etc.—for every 20 teachers; [92] superintendents, vocational instructors, counselors, and educators for exceptional children are also provided.[93] Additional funds are earmarked for current operating expenses, for student transportation,[94] and for free textbooks.[95]

The program is administered by the State Board of Education and by the Central Education Agency, which also have responsibility for school accreditation [96] and for monitoring the statutory teacher qualification standards.[97] As reflected by the 62% increase in funds allotted to the Edgewod School District over the last three years,[98] the State's financial contribution to education is steadily increasing. None of Texas' school districts, however, has been content to rely alone on funds from the Foundation Program.

By virtue of the obligation to fulfill its local Fund Assignment, every district must impose an *ad valorem* tax on property located within its borders. The Fund Assignment was designed to remain sufficiently low to assure that each district would have some ability to provide a more enriched educational program.[99] Every district supplements its foundation grant in this manner. In some districts the local property tax contribution is insubstantial, as in Edgewood where the supplement was only $26 per pupil in 1967. In other districts the local share may far exceed even the total Foundation grant. In part, local differences are attributable to differences in the rates of taxation or in the degree to which the market value for any category of property varies from its assessed value.[100] The greatest interdistrict disparities, however, are attributable to differences in the amount of assessable property available within any district. Those districts that have more property, or more valuable property, have a greater capability for supplementing state funds. In large measure, these additional local revenues are devoted to paying higher salaries to more teachers. Therefore, the primary distinguishing attributes of schools in property-affluent districts are lower pupil-teacher ratios and higher salary schedules.[101]

This, then, is the basic outline of the Texas finance structure. Because of differences in expenditure levels occasioned by disparities in property tax income, appellees claim that children in less affluent districts have been made the subject of invidious discrimination. The District Court found that the State had failed even "to establish a reasonable basis" for a system that results in different levels of per pupil expenditure. 337 F.Supp., at 284. We disagree.

In its reliance on state as well as local resources, the Texas system is comparable to the systems employed in virtually every other State.[102] The power to tax local property for educational purposes has been recognized in Texas at least since 1883.[103] When the growth of commercial and industrial centers and accompanying shifts in population began to create disparities in local resources, Texas undertook a program calling for a considerable investment of state funds.

The "foundation grant" theory upon which Texas educators based the Gilmer-Aiken bills, was a product of the pioneering work of two New York educational reformers in the 1920's, George D. Strayer and Robert M. Haig.[104] Their efforts were devoted to establishing a means of guaranteeing a minimum statewide educational program without sacrificing the vital element of local participation. The Strayer-Haig thesis represented an accommodation between these two competing forces. As anticulated by Professor Coleman:

> "The history of education since the industrial revolution shows a continual struggle between two forces: the desire by members of society to have educational opportunity for all children, and the desire of each family to provide the best education it can afford for its own children." [105]

The Texas system of school finance is responsive to these two forces. While assuring a basic education for every child in the State, it permits and encourages a large measure of participation in and control of each district's schools at the local level. In an era that has witnessed a consistent trend toward centralization of the functions of government, local sharing of responsibility for public education has survived. The merit of local control was recognized last Term in both the majority and dissenting opinions in *Wright* v. *Council of the City of Emporia*, 407 U.S. 451 (1972). MR. JUSTICE STEWART stated there that "[d]irect control over decisions vitally affecting the education of one's children is a need that is strongly felt in our society." *Id.*, at 469 THE CHIEF JUSTICE in his dissent, agreed that "[l]ocal control is not only vital to continued public support of the schools, but it is of overriding importance from an educational standpoint as well." *Id.*, at 478.

The persistence of attachment to government at the lowest level where education is concerned reflects the depth of commitment of its supporters. In part, local control means, as Professor Coleman suggests, the freedom to devote more money to the education of one's children. Equally important, however, is the opportunity it offers for participation in the decision-making process that determines how those local tax dollars will be spent. Each locality is free to tailor local programs to local needs. Pluralism also affords some opportunity for experimentation, innovation, and a healthy competition for educational excellence. An analogy to the Nation-State relationship in our federal system seems uniquely appropriate. Mr. Justice Brandeis identified as one of the peculiar strengths of our form of government each State's freedom to "serve as a laboratory . . . and try novel social and economic experiments." [106] No area of social concern stands to profit more from a multiplicity of viewpoints and from a diversity of approaches than does public education.

Appellees do not question the propriety of Texas' dedication to local control of education. To the contrary, they attack the school finance system precisely because, in their view, it does not provide the same level of local control and fiscal flexibility in all districts. Appellees suggest that local control could be preserved and promoted under other financing systems that resulted in more equality in educational expenditures. While it is no doubt true that reliance on local property taxation for school revenues provides less freedom of choice with respect to expenditures for some districts than for others,[107] the existence of "some inequality" in the manner in which the State's rationale is achieved is not alone a sufficient basis for striking down the entire system. *McGowan* v. *Maryland*, 366 U. S. 420, 425–426 (1961).

It may not be condemned simply because it imperfectly effectuates the State's goals. *Dandridge* v. *Williams*, 397 U.S., at 485. Nor

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must the financing system fail because, as appellees suggest, other methods of satisfying the State's interest, which occasion "less drastic" disparities in expenditures, might be conceived. Only where state action impinges on the exercise of fundamental constitutional rights or liberties must it be found to have chosen the least restrictive alternative. Cf. *Dunn* v. *Blumstein*, 405 U.S. 330, 343 (1972); *Shelton* v. *Tucker*, 364 U.S. 479, 488 (1960). It is also well to remember that even those districts that have reduced ability to make free decisions with respect to how much they spend on education still retain under the present system a large measure of authority as to how available funds will be allocated. They further enjoy the power to make numerous other decisions with respect to the operation of the schools.[108] The people of Texas may be justified in believing that other systems of school finance, which place more of the financial responsibility in the hands of the State, will result in a comparable lessening of desired local autonomy. That is, they may believe that along with increased control of the purse strings at the *state level* will go increased control over local policies.[109]

Appellees further urge that the Texas system is unconstitutionally arbitrary because it allows the availability of local taxable resources to turn on "happenstance." They see no justification for a system that allows, as they contend, the quality of education to fluctuate on the basis of the fortuitous positioning of the boundary lines of political subdivisions and the location of valuable commercial and industrial property. But any scheme of local taxation—indeed the very existence of identifiable local governmental units—requires the establishment of jurisdictional boundaries that are inevitably arbitrary. It is equally inevitable that some localities are going to be blessed with more taxable assets than others.[110] Nor is local wealth a static quantity. Changes in the level of taxable wealth within any district may result from any number of events, some of which local residents can and do influence. For instance, commercial and industrial enterprises may be encouraged to locate within a district by various actions—public and private.

Moreover, if local taxation for local expenditure is an unconstitutional method of providing for education then it may be an equally impermissible means of providing other necessary services customarily financed largely from local property taxes, including local police and fire protection, public health and hospitals, and public utility facilities of various kinds. We perceive no justification for such a severe denegration of local property taxation and control as would follow from appellees' contentions. It has simply never been within the constitutional prerogative of this Court to nullify statewide measures for financing public services merely because the burdens or benefits thereof fall unevenly depending upon the relative wealth of the political subdivisions in which citizens live.

In sum, to the extent that the Texas system of school finance results in unequal expenditures between children who happen to reside in different districts, we cannot say that such disparities are the product of a system that are so irrational as to be invidiously discriminatory. Texas has acknowledged its shortcomings and has persistently endeavored—not without some success—to ameliorate the differences in level of expenditures without sacrificing the benefits of local participation. The Texas plan is not the result of hurried, ill-conceived legislation. It certainly is not the product of purposeful discrimination against any group or class. On the contrary, it is rooted in decades of experience in Texas and elsewhere, and in major part is the product of responsible studies by qualified people. In giving substance to the presumption of validity to which the Texas system is entitled, *Lindsey* v. *National Carbonic Gas Co.*, 220 U. S. 61, 78 (1911), it is important to remember that at every stage of its development it has constituted a "rough accommodation" of interests in an effort to arrive at practical and workable solutions. *Metropolis Theatre Co.* v. *City of Chicago*, 228 U. S. 69–70 (1913). One also must remember that the system here challenged is not peculiar to Texas or to any other State. In its essential characteristics the Texas plan for financing public education reflects what many educators for a half century have thought was an enlightened approach to a problem for which there is no perfect solution. We are unwilling to assume for ourselves a level of wisdom superior to that of legislators, scholars, and educational authorities in 49 States, especially where the alternatives proposed are only recently conceived and nowhere yet tested. The constitutional standard under the Equal Protection Clause is whether the challenged state action rationally furthers a legitimate state purpose or interest. *McGinnis* v. *Royster*, — U.S.—, —(1973). We hold that the Texas plan abundantly satisfies this standard.

IV

In light of the considerable attention that has focused on the District Court opinion in this case and on its California predecessor, *Serrano* v. *Priest*, 96 Cal. Rptr. 601, 487 P. 2d 1241, 5 Cal. 3d 584 (1971), a cautionary postscript seems appropriate. It cannot be questioned that the constitutional judgment reached by the District Court and approved by our dissenting brothers today would occasion in Texas and elsewhere an unprecented upheaval in public education. Some commentators have concluded that, whatever the contours of the alternative financing programs that might be devised and approved, the result could not avoid being a beneficial one. But, just as there is nothing simple about the constitutional issues involved in these cases, there is nothing simple or certain about predicting the consequences of massive change in the financing and control of public education. Those who have devoted the most thoughtful attention to the practical ramifications of these cases have found no clear or dependable answers and their scholarship reflects no such unqualified confidence in the desirability of completely uprooting the existing system.

The complexity of these problems is demonstrated by the lack of consensus with respect to whether it may be said with any assurance that the poor, the racial minorities, or the children in overburdened core-city school districts would be benefitted by abrogation of traditional modes of financing education. Unless there is to be a substantial increase in state expenditures on education across the board—an event the likelihood of which is open to considerable question [111]—these groups stand to realize gains in terms of increased per pupil expenditures only if they reside in districts that presently spend at relatively low levels, *i.e.*, in those districts that would benefit from the redistribution of existing resources.

Yet recent studies have indicated that the poorest families are not invariably clustered in the most impecunious school districts.[112] Nor does it now appear that there is any more than random chance that racial minorities are concentrated in property-poor districts.[113] Additionally, several research projects have concluded that any financing alternative designed to achieve a greater equality of expenditures is likely to lead to higher taxation and lower educational expenditures in the major urban centers,[114] a result that would exacerbate rather than ameliorate existing conditions in those areas.

These practical considerations, of course, play no role in the adjudication of the constitutional issues presented here. But they serve to highlight the wisdom of the traditional limitations on this Court's function. The consideration and initiation of fundamental reforms with respect to state taxation and education are matters reserved for the legislative processes of the various States, and we do no violence to the values of federalism and separation of powers by staying our hand. We hardly need add that this Court's action today is not to be viewed as placing its judicial imprimatur on the status quo. The need is apparent for reform in tax systems which may well have relied too long and too heavily on the local property tax. And certainly innovative new thinking as to public education, its methods and its funding, is necessary to assure both a higher level of quality and greater uniformity of opportunity. These matters merit the continued attention of the scholars who already have contributed much by their challenges. But the ultimate solutions must come from the lawmakers and from the democratic pressures of those who elect them.

Reversed.

FOOTNOTES

[1] Not all of the children of these complainants attend public school. One family's children are enrolled in private school "because of the condition of the schools in the Edgewood Independent School District." Third Amended Complaint, App., at 14.

[2] The San Antonio Independent School District, whose name this case still bears, was one of seven school districts in the San Antonio metropolitan area that were originally named as party defendants. After a pretrial conference, the District Court issued an order dismissing the school districts from the case. Subsequently, the San Antonio Independent School District has joined in the plaintiffs' challenge to the State's school finance system and has filed an *amicus curiae* brief in support of that position in this Court.

[3] A three-judge court was properly convened and there are no questions as to the District Court's jurisdiction or the direct appealability of its judgment. 28 U.S.C. §§ 2281, 1253.

[4] The trial was delayed for two years to permit extensive pretrial discovery and to allow completion of a pending Texas legislative investigation concerning the need for reform of its public school finance system. 337 F. Supp. 280, 285 n. 11 (WD Tex. 1971).

[5] 337 F. Supp. 280. The District Court stayed its mandate for two years to provide Texas an opportunity to remedy the inequities found in its financing program. The court, however, retained jurisdiction to fashion its own remedial order if the State failed to offer an acceptable plan. *Id.*, at 286.

[6] Tex. Const., Art. X, § 1 (1845):

"A general diffusion of knowledge being essential to the preservation of the rights and liberties of the people, it shall be the duty of the Legislature of this State to make suitable provision for the support and maintenance of public schools."

Id., § 2:

"The Legislature shall as early as practicable establish free schools throughout the State, and shall furnish means for their support, by taxation on property. . . ."

[7] Tex. Const. 1876, Art. 7, § 3, as amended, Aug. 14, 1883.

[8] Tex. Const., Art. 7, §§ 3, 4, 5.

[9] Gammel's Laws of Texas, p. 1178. See Tex. Const., Art. 7, §§ 1, 2 (interpretive commentaries); I Report of Governor's Committee on Public School Education, The Challenge and the Chance 27 (1969) (hereinafter Governor's Committee Report).

[10] Tex. Const., Art. 7, § 5 (see also the interpretive commentary); V Governor's Committee Report, at 11–12.

[11] The various sources of revenue for the Available School Fund are cataloged in Texas State Bd. of Educ., Texas Statewide School Adequacy Survey 7–15 (1938).

[12] Tex. Const., Art. 7, § 3, as amended, Nov. 5, 1918 (see interpretive commentary).

[13] I Governor's Committee Report, at 35; Texas State Bd. of Educ., *supra*, n. 11, at 5–7; J. Coons, W. Clune, S. Sugarman, Private Wealth and Public Education 48–49 (1970); E. Cubberley, School Funds and Their Apportionment 21–27 (1905).

[14] By 1940 one-half of the State's population was clustered in its metropolitan centers. I Governor's Committee Report, at 35.

[15] Gilmer-Aiken Committee, To Have What We Must 13 (1948).

[16] R. Still, The Gilmer-Aiken Bills 11–12 (1950); Texas State Bd. of Educ., *supra*, n. 11.

[17] R. Still, *supra*, n. 16, at 12. It should be noted that during this period the median per pupil expenditure for all schools with an enrollment of more than 200 was approximately $50 per year. During this same period a survey conducted by the State Board of Education concluded that "in Texas the best educational advantages offered by the State at present may be had for the median cost of $52.67 per year per pupil in average daily attendance." Texas State Bd. of Educ., *supra*, n. 11, at 56.

[18] 1 General Laws of Texas, 46th Legis., Reg. Sess. 1939, at 274 ($22.50 per student); General & Spec. Laws of Texas, 48th Legis., Reg. Sess. 1943, c. 161, at 262 ($25.00 per student).

[19] General & Spec. Laws of Texas, 49th Legis,. Reg. Sess. 1945, c. 53, at 75.

[20] For a complete history of the adoption in Texas of a foundation program, see R. Silas, *supra*, n. 16. See also V Governor's Committee Report, at 14; Texas Research League, Public School Finance Problems in Texas 9 (Interim Report 1972).

[21] For the 1970–1971 school year this state aid program accounted for 48.0% of all public school funds. Local taxation contributed 41.1% and 10.9% was provided in federal funds. Texas Research League, *supra*, n. 20, at 9.

[22] V Governor's Committee Report, at 44–48.

[23] At present there are 1,161 school districts in Texas. Texas Research League, *supra*, n. 20, at 12.

[24] In 1948 the Gilmer-Aiken Committee found that some school districts were not levying any local tax to support education. Gilmer-Aiken Committee, *supra*, n. 15, at 16. The Texas State Board of Education Survey found that over 400 common and independent school districts were levying no local property tax in 1935–1936. Texas State Bd. of Educ., *supra* n. 11, at 39–42.

[25] Gilmer-Aiken Committee, *supra*, n. 15, at 15.

[26] I Governor's Committee Report, at 51–53.

[27] Texas Research League, *supra*, n. 20, at 2.

[28] In the years between 1949 and 1967 the average per pupil expenditure for all current operating expenses increased from $206 to $493. In that same period capital expenditures increased from $44 to $102 per pupil. I Governor's Committee Report, at 53–54.

[29] III Governor's Committee Report, at 113–146; Berke, Carnevale, Morgan & White, The Texas School Finance Case: A Wrong in Search of a Remedy, 1 J. of L. & Educ. 659, 681–682 (1972).

[30] The family income figures are based on 1960 census statistics.

[31] The Available School Fund, technically, provides a second source of state money. That Fund has continued as in years past (see text accompanying nn. 16–19, *supra*) to distribute uniform per pupil grants to every district in the State. In 1968 this Fund allotted $98 per pupil. However, because the Available School Fund contribution is always subtracted from a district's entitlement under the Foundation Program, it plays no significant role, in educational finance today.

[32] While federal assistance has an ameliorating effect on the difference in school budgets between wealthy and poor districts, the District Court rejected an argument made by the State in that court that it should consider the effect of the federal grant in assessing the discrimination claim. 337 F. Supp., at 284. The State has not renewed that contention here.

[33] A map of Bexar County included in the record shows that Edgewood and Alamo Heights are among the smallest districts in the county and are of approximately equal size. Yet, as the figures above indicate, Edgewood's student population is more than four times that of Alamo Heights. This factor obviously accounts for a significant percentage of the differences between the two districts in per pupil property values and expenditures. If Alamo Heights had as many students to educate as Edgewood does (22,000) its per pupil assessed property value would be approximately $11,100 rather than $49,000, and its per pupil expenditures would therefore have been considerably lower.

[34] The figures quoted above vary slightly from those utilized in the District Court opinion. 337 F. Supp., at 282. These trivial differences are apparently a product of that court's reliance on slightly different statistical data than we have relied upon.

[35] Although the Foundation Program has made significantly greater contributions to both school districts over the last several years, it is apparent that Alamo Heights has enjoyed a larger gain. The sizable difference between the Alamo Heights and Edgewood grants is due to the emphasis in the State's allocation formula on the guaranteed minimum salaries for teachers. Higher salaries are guaranteed to teachers having more years of experience and possessing more advanced degrees. Therefore, Alamo Heights, which has a greater percentage of experienced personnel with advanced degrees, receives more State support. In this regard the Texas Program is not unlike that presently in existence in a number of other States. C. Coons, W. Clune, S. Sugarman, *supra*, n. 13, at 63–125. Because more dollars have been given to districts that already spend more per pupil, such Foundation formulas have been described as "anti-equalizing." *Ibid*. The formula, however, is anti-equalizing only if viewed in absolute terms. The percentage disparity between the two Texas districts is diminished substantially by State aid. Alamo Heights derived in 1967–1968 almost 13 times as much money from local taxes as Edgewood did. The State aid grants to each district in 1970–1971 lowered the ratio to approximately two to one, *i.e.*, Alamo Heights had a little more than twice as much money to spend per pupil from its combined State and local resources.

[36] Texas Research League, *supra*, n. 20, at 13.

[37] The Economic Index, which determines each county's share of the total Local Fund Assignment, is based on a complex formula conceived in 1949 when the Foundation Program was instituted. See text, at pp. 5–6 *supra*. It has frequently been suggested by Texas researchers that the formula be altered in several respects to provide a more accurate reflection of local taxpaying ability, especially of urban school districts. V Governor's Committee Report, at 48; Texas Research League, Texas Public School Finance; A Majority of Exceptions 31–32 (2d Interim Report 1972); Berke, Carnevale, Morgan & White, *supra*, n. 29, at 680–681.

[38] The District Court relied on the findings presented in an affidavit submitted by Professor Berke of Syracuse. His sampling of 110 Texas school districts demonstrated a direct correlation between the amount of a district's taxable property and its level of per pupil expenditure. But his study found only a partial correlation between a district's median family income and per pupil expenditures. The study also shows, in the relatively few districts at the extremes, an inverse correlation between percentage of minorities and expenditures.

CATEGORIZED BY EQUALIZED PROPERTY VALUES, MEDIAN FAMILY INCOME, AND STATE-LOCAL REVENUE

Market value of taxable property per pupil	Median family income from 1960	Percent minority pupils	State and local revenues per pupil
Above $100,000 (10 districts)	$5, 900	8	$815
$100,000–$50,000 (26 districts)	4, 425	32	544
$50,000–$30,000 (30 districts)	4, 900	23	483
$30,000–$10,000 (40 districts)	5, 050	31	462
Below $10,000 (4 districts)	3, 325	79	305

Although the correlations with respect to family income and race appear only to exist at the extremes, and although the affiant's methodology has been questioned (see Goldstein, Interdistrict Inequalities in School Financing: A Critical Analysis of *Serrano* v. *Priest* and its Progeny, 120 U. Pa. L. Rev. 504, 523–525 nn. 67 & 71 (1972)), insofar as any of these correlations is relevant to the constitutional thesis presented in this case we may accept its basic thrust. But see pp. 21–23 *infra*. For a defense of the reliability of the affidavit, see Berke, Carnevale, Morgan & White, *supra*, n. 29.

[39] *E. g., Police Dept. of the City of Chicago* v. *Mosley*, 408 U.S. 92 (1972); *Dunn* v. *Blumstein*, 405 U. S. 330 (1972); *Shapiro* v. *Thompson*, 394 U. S. 618 (1969).

[40] *E. g., Graham* v. *Richardson*, 403 U. S. 365 (1971); *Loving* v. *Virginia*, 388 U. S. 1 (1967); *McLaughlin* v. *Florida*, 379 U. S. 184 (1964).

[41] See *Dunn* v. *Blumstein*, 405 U. S. 330, 343 (1972), and the cases collected therein.

[42] Appellants' Brief, at 11.

[43] *Ibid*.

[44] Tr. of Oral Arg., at 3; Appellants' Reply Brief, at 2.

[45] *E. g., Griffin* v. *Illinois*, 351 U. S. 12 (1956); *Douglas* v. *California*, 372 U. S. 353 (1963).

[46] *Harper* v. *Bd. of Elections*, 383 U. S. 663 (1966); *McDonald* v. *Bd. of Election Comm'rs*, 394 U. S. 802 (1969); *Bullock* v. *Carter*, 405 U. S. 134 (1972); *Goosby* v. *Osser*, — U. S. — (1973).

[47] See cases cited in text, at 25–26, *infra*.

[48] *Serrano* v. *Priest*, 96 Cal. Rptr. 487 P. 2d 1241, 5 Cal. 3d 584 (1971); *Van Dusartz* v. *Hatfield*, 334 F. Supp. 870 (Minn. 1971); *Robinson* v. *Cahill*, 118 N.J. Super. 223, 287 A. 2d 187 (1972); *Milliken* v. *Green*, No. 54,-809 (Mich. S.C., Jan. —, 1973)

[49] In their complaint, appellees purported to represent a class composed of persons who are "poor" and who reside in school districts having a "low value of . . . property." Third Amended Complaint, App., at 15. Yet appellees have not defined the term "poor" with reference to any absolute or functional level of impecunity. See text, at 18–19, *infra*. See also Appellees' Brief, at 1, 3; Tr. of Oral Arg., at 20–21.

[50] Appellees' proof at trial focused on comparative differences in family incomes between residents of wealthy and poor districts. They endeavored, apparently, to show that there exists a direct correlation between personal family income and educational expenditures. See text, at 20–23, *infra*. The District Court may have been relying on this notion of relative discrimination based on family wealth. Citing appellees' statistical proof, the court emphasized that "those districts most rich in property also have the highest median family income . . . while the poor property districts are poor in income. . . ." 337 F. Supp., at 282.

[51] At oral argument and in their brief, appellees suggest that description of the per-

sonal status of the residents in districts that spend less on education is not critical to their case. In their view, the Texas system is impermissibly discriminatory even if relatively poor districts do not contain poor people. Appellees' Brief, at 43–44; Tr. of Oral Arg., at 20–21. There are indications in the District Court opinion that it adopted this theory of district discrimination. The opinion repeatedly emphasizes the comparative financial status of districts and early in the opinion it describes appellees' class as being composed of "all . . . children throughout Texas who live in school districts with low property valuations." 337 F. Supp., at 281.

[52] *Mayer* v. *City of Chicago*, 404 U.S. 189 (1971); *Williams* v. *Oklahoma City*, 395 U.S. 458 (1969); *Gardner* v. *California*, 393 U.S. 367 (1969); *Roberts* v. *LaVallee*, 389 U.S. 40 (1967); *Long* v. *District Court of Iowa*, 385 U.S. 192 (1966); *Draper* v. *Washington*, 372 U.S. 487 (1963); *Erskine* v. *Washington Prison Board*, 357 U.S. 214 (1958).

[53] Note, A Statistical Analysis of the School Finance Decisions: On Winning Battles and Losing Wars, 81 Yale L. J. 1303, 1328–1329 (1972).

[54] *Id.*, at 1324 and n. 102.

[55] *Id.*, at 1328.

[56] Each of appellees' possible theories of wealth discrimination is founded on the assumption that the quality of education varies directly with the amount of funds expended on it and that, therefore, the difference in quality between two schools can be determined simplistically by looking at the difference in per pupil expenditures. This is a matter of considerable dispute among educators and commentators. See nn. 86 and 101, *infra*.

[57] *E. g., Bullock* v. *Carter*, 405 U.S. 134, 137, 149 (1972); *Mayer* v. *City of Chicago*, 404 U.S. 189, 194 (1971); *Draper* v. *Washington*, 372 U.S. 487, 495–496 (1963); *Douglas* v. *California*, 372 U.S. 353, 357 (1963).

[58] Gilmer-Aiken Committee, *supra*, n. 15. at 13. Indeed, even though local funding has long been a significant aspect of educational funding, the State has always viewed providing an acceptable education as one of its primary functions. See Texas State Bd. of Educ., *supra*, n. 11, at 1, 7.

[59] Appellants' Brief, at 35; Reply Brief, at 1.

[60] An educational finance system might be hypothesized, however, in which the analogy to the wealth discrimination cases would be considerably closer. If elementary and secondary education were made available by the State only to those able to pay a tuition assessed against each pupil, there would be a clearly defined class of "poor" people—definable in terms of their inability to pay the prescribed sum—who would be absolutely precluded from receiving an education. That case would present a far more compelling set of circumstances for judicial assistance than the case before us today. After all, Texas has undertaken to do a good deal more than provide an education to those who can afford it. It has provided what it considers to be an adequate base education for all children and has attempted, though imperfectly, to ameliorate by state funding and by the local assessment program the disparities in local tax resources.

[61] Also, it should be recognized that median income statistics may not define with any precision the status of individual families within any given district. A more dependable showing of comparative wealth discrimination would also examine factors such as the average income, the mode, and the concentration of poor families in any district.

[62] Cf. *Jefferson* v. *Hackney*, 406 U.S. 535, 547–549 (1972); Ely, Legislative and Administrative Motivation in Constitutional Law, 79 Yale L. J. 1205, 1258–1259 (1970); Simon, The School Finance Decisions: Collective Bargaining and Future Finance Systems, 82 Yale L. J. 409, 439–440 (1973).

[63] See table below:

Market value of taxable property per pupil	Median family income in 1960	State and local expenditures per pupil
Above $100,000 (10 districts)	$5,900	$815
$100,000-$50,000 (26 districts)	4,425	544
$50,000-$30,000 (30 districts)	4,900	483
$30,000-$10,000 (40 districts)	5,050	462
Below $10,000 (4 districts)	3,325	305

[64] Studies in other States have also questioned the existence of any dependable correlation between a district's wealth measured in terms of assessable property and the collective wealth of families residing in the district measured in terms of median family income. Ridenour & Ridenour, *Serrano* v. *Priest:* Wealth and Kansas School Finance, 20 Kan. L. 213, 225 (1972) ("it can be argued that there exists in Kansas almost an inverse correlation: districts with highest income per pupil have low assessed value per pupil, and districts with high assessed value per pupil have low income per pupil"); Davis, Taxpaying Ability: A study of the Relationship Between Wealth and Income in California Counties, in The Challenge of Change in School Finance, 10th Nat'l Educational Assn. Conf. on School Finance 199 (1967). Note, 81 Yale L. J., *supra*, n. 53. See also Goldstein, *supra*, n. 38, at 522–527.

[65] Indeed, this precisely tells how the plaintiffs in *Serrano* v. *Priest* defined the class they purported to represent: "Plaintiff children claim to represent a class consisting of all public school pupils in California, except children in that school district . . . which . . . affords the greatest educational opportunity of all school districts within California.'" 96 Cal Rptr., at 604, 487 P. 2d, at 1244, 5 Cal. 3d, at 589. See also *Van Dusartz* v. *Hatfield*, 334 F. Supp., at 873.

[66] Appellees, however, have avoided describing the Texas system as one resulting merely in discrimination between districts *per se* since this Court has never questioned the State's power to draw reasonable distinctions between political subdivisions within its borders. *Griffin* v. *County School Board of Prince Edward County*, 377 U.S. 218, 230–231 (1964); *McGowan* v. *Maryland*, 366 U.S. 420, 427 (1961); *Salsburg* v. *Maryland*, 346 U.S. 545 552 (1954).

[67] *E. g., Harper* v. *Virginia Bd. of Elections*, 383 U.S. 663 (1966); *United States* v. *Kras*, —— U.S. —— (1972). See MR. JUSTICE MARSHALL'S dissenting opinion, *post*, pp. ——.

[68] See *Serrano* v. *Priest*, 96 Cal. Rptr. 601, 487 P. 2d 1241, 5 Cal. 3d 584 (1971); *Van Dusartz* v. *Hatfield*, 344 F. Supp. 870 (Minn. 1971); *Robinson* v. *Cahill*, 118 N.J. Super. 223, 287 A. 2d 187 (1972); J. Coons, W. Clune, and S. Sugarman, *supra*, n. 13, at 339–394; Goldstein, *supra*, n. 38, at 534–541; Vieira, Unequal Educational Expenditures: Some Minority Views on *Serrano* v. *Priest*, 37 Mo. L Rev. 617, 618–624 (1972); Comment, Educational Financing, Equal Protection of the Laws, and the Supreme Court, 70 Mich. L. Rev. 1324, 1335–1342 (1972); Note, The Public School Financing Cases: Interdistrict Inequalities and Wealth Discrimination, 14 Ariz. L. Rev. 88, 120–124 (1972).

[69] 337 F. Supp., at 283.

[70] *E.g., United States* v. *Guest*, 383 U.S. 745, 757–759 (1966); *Oregon* v. *Mitchell*, 400 U.S. 112, 229, 237–238 (1970) (opinion of JUSTICES BRENNAN, WHITE, and MARSHALL).

[71] After *Dandridge* v. *Williams*, 397 U.S. 471 (1970), there could be no lingering question about the constitutional foundation for the Court's holding in *Shapiro*. In *Dandridge* the Court applied the rational basis test in reviewing Maryland's maximum family grant provision under its AFDC program. A federal district court held the provision unconstitutional, applying a stricter standard of review. In the course of reversing the lower court, the Court distinguished *Shapiro* properly on the ground that in that case "the Court found state interference with the constitutionally protected freedom of interstate travel." *Id.*, at 484 n. 16.

[72] The Court refused to apply the strict scrutiny test despite its contemporaneous recognition in *Goldberg* v. *Kelly* 397 U.S. 254, 264 (1970) that "welfare provides the means to obtain essential food, clothing, housing, and medical care."

[73] In *Eisenstadt*, the Court struck down a Massachusetts statute that prohibited the distribution of contraceptive devices, finding that the law failed "to satisfy even the more lenient equal protection standard." *Id.*, at 447 n. 7. Nevertheless, in *dictum*, the Court recited the correct form of equal protection analysis: "if we were to conclude that the Massachusetts statute impinges upon fundamental freedoms under *Griswold* [v. *Connecticut*, 381 U.S. 479 (1965)], the statutory classification would have to be not merely *rationally related* to a valid public purpose but *necessary* to the achievement of a *compelling* state interest." *Ibid.* (emphasis from original).

[74] *Dunn* fully canvasses this Court's voting rights cases and explains that "this Court has made clear that a citizen has a *constitutionally protected right* to participate in elections on an equal basis with other citizens in the jurisdiction." *Id.*, at 336 (emphasis supplied). The constitutional underpinnings of the right to equal treatment in the voting process can no longer be doubted even though, as the Court noted in *Harper* v. *Virginia Bd. of Elections*, 383 U.S. 663, 665 (1966), "the right to vote in state elections is nowhere expressly mentioned." See *Oregon* v. *Mitchell*, 400 U.S. 112, 135, 138–144 (MR. JUSTICE DOUGLAS), 229 241–242 (Opinion of JUSTICES BRENNAN, WHITE, and MARSHALL) (1970); *Bullock* v. *Carter*, 405 U.S. 134, 140–144 (1972); *Kramer* v. *Union Free School District*, 395 U.S. 621, 625–630 (1969); *Williams* v. *Rhodes*, 393 U.S. 23, 29, 30–31 (1968); *Reynolds* v. *Sims*, 377 U.S. 533, 554–562 (1964): *Gray* v. *Sanders*, 372 U.S. 368, 379–381 (1963).

[75] In *Mosley*, the Court struck down a Chicago antipicketing ordinance that exempted labor picketing from its prohibitions. The ordinance was held invalid under the Equal Protection Clause after subjecting it to careful scrutiny and finding that the ordinance was not narrowly drawn. The stricter standard of review was appropriately applied since the ordinance was one "affecting First Amendment interests." *Id.*, at 101.

[76] *Skinner* applied the standard of close scrutiny to a state law permitting forced sterilization of "habitual criminals." Implicit in the Court's opinion is the recognition that the right of procreation is among the rights of personal privacy protected under the Constitution. See *Roe* v. *Wade*.— U.S.—, — (1973).

[77] See, *e.g., Red Lion Broadcasting Co.* v. *FCC*, 395 U.S. 367, 389–390 (1969); *Stanley* v. *Georgia*, 35 U.S. 557, 564 (1969); *Lamont* v. *Postmaster General*, 381 U.S. 301, 306–307 (1965).

[78] Since the right to vote, *per se*, is not a constitutionally protected right, we assume that appellees' references to that right are simply shorthand references to the protected right, implicit in our constitutional system, to participate in state elections on an equal basis with other qualified voters whenever the State has adopted an elective process for determining who will represent any segment of the State's population. See n. 74, *supra*.

[79] The States have often pursued their entirely legitimate interest in assuring "intelligent exercise of the franchise," *Katzenbach* v. *Morgan*, 384 U.S. 641, 655 (1966), through such devices as literacy tests and age restrictions on the right to vote. See *ibid.*; *Oregon* v. *Mitchell*, 400 U.S. 112 (1970). And, where those restrictions have been found to promote intelligent use of the ballot without

discriminating against those racial and ethnic minorities previously deprived of an equal educational opportunity, this Court has upheld their use. Compare *Lassiter* v. *Northampton County Bd. of Elections*, 360 U.S. 45 (1959), with *Oregon* v. *Mitchell*, 400 U.S., at 133 (Mr. Justice Black), 135, 144–147 (Mr. Justice Douglas), 152, 216–217 (Mr. Justice Harlan), 229, 231–236 (Opinion of Justices Brennan, White, and Marshall), 281, 282–284 (Mr. Justice Stewart), and *Gaston County* v. *United States*, 395 U.S. 285 (1969).

[80] See Schoettle, The Equal Protection Clause in Public Education, 71 Col. L. Rev. 1355, 1389–1390 (1971); Vieira, *supra*, n. 68, at 622–623; Comment, Tenant Interest Representation: Proposal for a National Tenants' Association, 47 Tex. L. Rev. 1160, 1172–1173 n. 61 (1969).

[81] *Katzenbach* v. *Morgan* involved a challenge by registered voters in New York City to a provision of the Voting Rights Act of 1965 that prohibited enforcement of a state law calling for English literacy tests for voting. The law was suspended as to residents from Puerto Rico who had completed at least six years of education at an "American-flag" school in that country even though the language of instruction was other than English. This Court upheld the questioned provision of the 1965 Act over the claim that it discriminated against those with a sixth grade education obtained in non-English-speaking schools other than the ones designated by the federal legislation.

[82] Cf. *Meyer* v. *Nebraska*, 262 U.S. 390 (1923); *Pierce* v. *Society of Sisters*, 268 U.S. 510 (1925); *Hargrove* v. *Kirk*, 313 F. Supp. 944 (MD Fla. 1970), vacated, 401 U.S. 476 (1971).

[83] See *Schilb* v. *Kuebel*, 404 U.S. 357 (1971); *McDonald* v. *Bd. of Election Comm'rs*, 394 U.S. 802 (1969).

[84] See, *e.g.*, *Bell's Gap R. Co.* v. *Pennsylvania*, 134 U.S. 232 (1890); *Carmichael* v. *Southern Coal & Coke Co.*, 301 U.S. 495, 508–509 (1937); *Allied Stores of Ohio, Inc.* v. *Bowers*, 358 U.S. 522 (1959).

[85] Those who urge that the present system be invalidated offer little guidance as to what type of school financing should replace it. The most likely result of rejection of the existing system would be statewide financing of all public education with funds derived from taxation of property or from the adoption or expansion of sales and income taxes. See *Simon*, *supra*, n. 62. The authors of Private Wealth and Public Education, *supra*, n. 13, at 201–242, suggest an alternative scheme, known as "direct power equalizing." In simplest terms, the State would guarantee that at any particular rate of property taxation the district would receive a stated number of dollars regardless of the district's tax base. To finance the subsidies to "poorer" districts, funds would be taken away from the "wealthier" districts that, because of their higher property values, collect more than the stated amount at any given rate. This is not the place to weigh the arguments for and against "district power equalizing," beyond noting that commentators are in disagreement as to whether it is feasible, how it would violate the equal protection theory underlying appellees' case. President's Comm'n on School Finance, Schools, People & Money 32–33 (1972); Bateman & Brown. Some Reflections on *Serrano* v. *Priest*, 49 J. Urban L. 701, 706–708 (1972); Brest, Book Review, 23 Stan. L. Rev. 591, 594–596 (1971); Goldstein, *supra*, n. 38, at 542–543; Wise, School Finance Equalization Lawsuits: A Model Legislative Response, 2 Yale Rev. of L. & Soc. Action 123, 125 (1971); Silard & White, Intrastate Inequalities in Public Education: The Case for Judicial Relief Under the Equal Protection Clause, 1970 Wis. L. Rev. 7, 29–30.

[86] The quality-cost controversy has received considerable attention. Among the notable authorities on both sides are the following: C. Jencks, Inequality (1972); C. Silberman, Crisis in the Classroom (1970); Office of Education, Equality of Educational Opportunity (1966) (The Coleman Report); On Equality of Educational Opportunity (1972) (Moynihan & Mosteller eds.); J. Guthrie, G. Kleindorfer, H. Levin, & R. Stout, Schools and Inequality (1969); President's Comm'n on School Finance, *supra*, n. 85; Swanson, The Cost-Quality Relationship, in The Challenge of Change in School Finance, 10th Nat'l Educational Assn. Conf. on School Finance 151 (1967).

[87] See the results of the Texas Governor's Committee's statewide survey on the goals of education in that State. I Governor's Committee Report, at 59–68. See also Goldstein, *supra*, n. 38, at 519–522; Schoettle, *supra*, n. 80; authorities cited in n. 86, *supra*.

[88] *Allied Stores of Ohio, Inc.* v. *Bowers*, 358 U.S. 522, 530, 532 (1959) (MR. JUSTICE BRENNAN, concurring); *Katzenbach* v. *Morgan*, 384 U.S. 641, 659, 661 (1966) (Mr. Justice Harlan, dissenting).

[89] In 1970 Texas expended approximately 2.1 billion dollars for education and a little over one billion came from the Minimum Foundation Program. Texas Research League, *supra*, n. 20, at 2.

[90] Tex. Educ. Code § 16.13 (1972).

[91] *Id.*, § 16.18.

[92] *Id.*, § 16.15.

[93] *Id.*, §§ 16.16, 16.17, 16.19.

[94] *Id.*, §§ 16.45, 16.51–16.63.

[95] *Id.*, §§ 12.01–12.04.

[96] *Id.*, § 11.26 (5).

[97] *Id.*, § 16.301 *et seq.*

[98] See *ante*, at 9–10.

[99] Gilmer-Aiken Committee, *supra*, n. 15, at 15.

[100] There is no uniform statewide assessment practice in Texas. Commercial property, for example, might be taxed at 30% of market value in one county and at 50% in another. V Governor's Committee Report, at 25–26; Berke, Carnevale, Morgan & White, *supra*, n. 29, at 666–667 n. 16.

[101] Texas Research League, *supra*, n. 20, at 18. Texas, in this regard, is not unlike most other States. One commentator has observed that "disparities in expenditures appear to be largely explained by variations in teacher salaries." Simon, *supra*, n. 62, at 413.

As previously noted, text accompanying n. 86, *supra*, the extent to which the quality of education varies with expenditure per pupil is debated inconclusively by the most thoughtful students of public education. While all would agree that there is a correlation up to the point of providing the recognized essentials in facilities and academic opportunities, the issues of greatest disagreement include the effect on the quality of education of pupil-teacher ratios and of higher teacher salary schedules. *E.g.*, Office of Education, *supra*, n. 86 at 316–319. The state funding in Texas is designed to assure, on the average, one teacher for every 25 students, which is considered to be a favorable ratio by most standards. Whether the minimum salary of $6,000 per year is sufficient in Texas to attract qualified teachers may be more debatable, depending in major part upon the location of the school district. But there appears to be little empirical data that supports the advantage of any particular pupil-teacher ratio or that documents the existence of a dependable correlation between the level of public school teachers' salaries and the quality of their classroom instruction. An intractable problem in dealing with teachers' salaries is the absence, up to this time, of satisfactory techniques for judging their ability or performance. Relatively few school systems have merit plans of any kind, with the result that teachers' salaries are usually increased across the board in a way which tends to reward the least deserving on the same basis as the most deserving. Salaries are usually raised automatically on the basis of length of service and according to predetermined "steps," extending over 10-to-12 year periods.

[102] President's Comm'n on School Finance, *supra*, n. 85, at 9. Until recently, Hawaii was the only State that maintained a purely state-funded educational program. In 1968, however, that State amended its educational finance statute to permit counties to collect additional funds locally and spend those amounts on its schools. The rationale for that recent legislative choice is instructive on the question before the Court today:

> "Under existing law, counties are precluded from doing anything in this area, even to spend their own funds if they so desire. This corrective legislation is urgently needed in order to allow counties to go above and beyond the State's standards and provide educational facilities as good as the people of the counties want and are willing to pay for. Allowing local communities to go above and beyond established minimums provided for their people encourages the best features of democratic government." Haw. Sess. Laws, Art. 38, § 1 (1968).

[103] See text accompanying n. 7, *supra*.

[104] G. Strayer & R. Haig, The Financing of Education in the State of New York (1923). For a thorough analysis of the contribution of these reformers and of the prior and subsequent history of educational finance, see J. Coons, W. Clune & S. Sugarman, *supra*, n. 13, at 39–95.

[105] J. Coons, W. Clune & S. Sugarman, *supra*, n. 13, Foreword by James S. Coleman, at vii.

[106] *New State Ice Co.* v. *Leibmann*, 285 U.S. 262, 280, 311 (1932).

[107] MR. JUSTICE WHITE suggests in his dissent that the Texas system violates the Equal Protection Clause because the means it has selected to effectuate its interest in local autonomy fail to guarantee complete freedom of choice to every district. He places special emphasis on the statutory provision that establishes a maximum rate of $1.50 per $100 valuation at which a local school district may tax for school maintenance. Tex. Educ. Code § 20.04(d) (1972). The maintenance rate in Edgewood when this case was litigated in the District Court was $.55 per $100, barely one-third of the allowable rate. (The tax rate of $1.05 per $100, see p. 7, *supra*, is the equalized rate for maintenance and for the retirement of bonds.) Appellees do not claim that the ceiling presently bars desired tax increases in Edgewood or in any other Texas district. Therefore, the constitutionality of that statutory provision is not before us and must await litigation in a case in which it is properly presented. Cf. *Hargrave* v. *Kirk*, 313 F. Supp. 944 (MD Fla. 1970), vacated, 401 U.S. 476 (1971).

[108] MR. JUSTICE MARSHALL states in his dissenting opinion that the State's asserted interest in local control is a "mere sham," *post*, p. 60, and that it has been offered not as a legitimate justification but "as an excuse . . . for interdistrict inequity." *Id.*, at 56. In addition to asserting that local control would be preserved and possibly better served under other systems—a consideration that we find irrelevant for purpose of deciding whether the system may be said to be supported by a legitimate and reasonable basis—the dissent suggests that Texas' lack of good faith may be demonstrated by examining the extent to which the State already maintains considerable control. The State, we are told, regulates "the most minute details of local public education," *ibid.*, including textbook selection, teacher qualifications, and the length of the school day. This assertion, that genuine local control does not exist in Texas, simply cannot be supported. It is abundantly refuted by the elaborate statutory division of responsibilities set out in the Texas Education Code. Although policy decision-making and supervision in certain areas are reserved to the State, the day-to-day authority over the "management and control" of all public elementary and secondary schools is squarely placed on the local school boards. Tex. Educ.

Code §§ 17.01, 23.36 (1972). Among the innumerable specific powers of the local school authorities are the following; the power of eminent domain to acquire land for the construction of school facilities, *id.*, §§ 17.26, 23.26; the power to hire and terminate teachers and other personnel, *id.*, §§ 13.101–13.103; the power to designate conditions of teacher employment and to establish certain standards of educational policy, *id.*, § 13.901; the power to maintain order and discipline, *id.*, § 21.305, including the prerogative to suspend students for disciplinary reasons, *id.*, § 21.301; the power to decide whether to offer a kindergarten program, *id.*, §§ 21.131–21.135, or a vocational training program, *id.*, § 21.111, or a program of special education for the handicapped, *id.*, § 11.16; the power to control the assignment and transfer of students, *id.*, §§ 21.074–21.080; and the power to operate and maintain a school bus program, *id.*, § 16.52. See also *Pervis* v. *LaMarque Ind. School Dist.*, 328 F. Supp. 638, 642–643 (SD Tex. 1971), reversed, 466 F. 2d 1054 (CA5 1972); *Nichols* v. *Aldine Ind. School Dist.*, 356 S. W. 2d 182 (Tex. Civ. App. 1962). Local school boards also determine attendance zones, location of new schools, closing of old ones, school attendance hours (within limits), grading and promotion policies subject to general guidelines, recreational and athletic policies, and a myriad of other matters in the routine of school administration. It cannot be seriously doubted that in Texas education remains largely a local function, and that the preponderating bulk of all decisions affecting the schools are made and executed at the local level, guaranteeing the greatest participation by those most directly concerned.

[109] This theme—that greater state control over funding will lead to greater state power with respect to local educational programs and policies—is a recurrent one in the literature on financing public education. Professor Simon, in his thoughtful analysis of the political ramifications of this case, states that one of the most likely consequences of the District Court's decision would be an increase in the centralization of school finance and an increase in the extent of collective bargaining by teacher unions at the state level. He suggests that the subjects for bargaining may include many "non-salary" items, such as teaching loads, class size, curricular and program choices, questions of student discipline, and selection of administrative personnel—matters traditionally decided heretofore at the local level. Simon, *supra*, n. 62, at 434–436. See, *e.g.*, Coleman, The Struggle for Control of Education, in Education and Social Policy: Local Control of Education 64, 77–79 (Bowers, Housego & Dyke ed. 1970); J. Conant, The Child, The Parent, and The State 27 (1959) ("Unless a local community, through its school board, has some control over the purse, there can be little real feeling in the community that schools are in fact local schools. . . ."); Howe, Anatomy of a Revolution, in Sat. Rev. 84, 88 (Nov. 20, 1971) ("It is an axiom of American politics that control and power follow money. . . ."); Hutchinson, State-Administered Locally-Shared Taxes 21 (1931) ("[S]tate administration of taxation is the first step toward state control of the functions supported by these taxes. . . ."). Irrespective of whether one regards such prospects as detrimental, or whether he agrees that the consequence is inevitable, it certainly cannot be doubted that there is a rational basis for this concern on the part of parents, educators, and legislators.

[110] This Court has never doubted the propriety of maintaining political subdivisions within the States and has never found in the Equal Protection Clause any *per se* rule of "territorial uniformity." *McGowan* v. *Maryland*, 366 U.S. 420, 427 (1961). See also *Griffin* v. *County School Board of Prince Edward County*, 377 U.S. 218, 230–231 (1964); *Salsburg* v. *Maryland*, 346 U.S. 545 (1954). Cf. *Board of Education of Muskogee* v. *Oklahoma*, 409 F. 2d 665, 668 (CA10 1969).

[111] Any alternative that calls for significant increases in expenditures for education, whether financed through increases in property taxation or through other sources of tax dollars such as income and sales taxes, is certain to encounter political barriers. At a time when nearly every State and locality is suffering from fiscal undernourishment, and with demands for services of all kinds burgeoning and with weary taxpayers already resisting tax increases, there is considerable reason to question whether a decision of this Court nullifying present state taxing systems would result in a marked increase in the financial commitment to education. See Senate Select Comm. on Equal Educational Opportunity, 22d Cong., 2d Sess., Toward Equal Educational Opportunity 339–345 (Comm. Print 1972); Berke & Callahan, *Serrano* v. *Priest*: Milestone or Millstone for School Finance, 21 J. Pub. L. 23, 25–26 (1972); Simon, *supra*, n. 62, at 420–421. In Texas it has been calculated that $2.4 billion of additional school funds would be required to bring all schools in that State up to the present level of expenditure of all but the wealthiest districts—an amount more than double that currently being spent on education. Texas Research League, *supra*, n. 20, at 16–18. An *amicus curiae* brief filed on behalf of almost 30 States, focusing on these practical consequences, claims with some justification that "each of the undersigned states . . . would suffer severe financial stringency." Brief of *Amici Curiae* in Support of Appellants, at 2 (filed by Atty. Gen. of Md. et al.).

[112] See Note, *supra*, n. 53. See also authorities cited n. 114, *infra*.

[113] See Goldstein, *supra*, n. 38, at 526; C. Jencks, *supra*, n. 86, at 27; U.S. Comm'n on Civil Rights, Inequality in School Financing: The Role of the Law 37 (1972). J. Coons, W. Clune & S. Sugarman, *supra*, n. 13, at 356–357 n. 47, have noted that in California, for example, "59% of minority students live in districts above the median average valuation per pupil." In Bexar County by far the largest district—the San Antonio Independent School District—is above the local average in both the amount of taxable wealth per pupil and in median family income. Yet 72% of its students are Mexican-Americans. And, in 1967–1968 it spent only a very few dollars less per pupil than the North East and North Side Independent School Districts, which have only 7% and 18% Mexican-American enrollment respectively. Berke, Carnevale, Morgan & White, *supra*, n. 29, at 673.

[114] See Senate Select Comm. on Equal Educational Opportunity, 92d Cong., 2d Sess., Issues in School Finance 129 (Comm. Print 1972) (monograph entitled "Inequities in School Finance" prepared by Professors Berke and Callahan); U.S. Office of Education, Finances of Large-City School Systems: A Comparative Analysis (1972) (HEW publication); U.S. Comm'n on Civil Rights, *supra*, n. 113, at 33–36; Simon, *supra*, n. 62, at 410–411, 418.

[Supreme Court of the United States, No. 71-1332, Mar. 21, 1973]

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS

San Antonio Independent School District et al., Appellants, *v.* Demetrio P. Rodrigez et al.

Mr. JUSTICE STEWART, concurring.

The method of financing public schools in Texas, as in almost every other State, has resulted in a system of public education that can fairly be described as chaotic and unjust.[1] It does not follow, however, and I cannot find, that this system violates the Constitution of the United States. I join the opinion and judgment of the Court because I am convinced that any other course would mark an extraordinary departure from principled adjudication under the Equal Protection Clause of the Fourteenth Amendment. The uncharted directions of such a departure are suggested, I think, by the imaginative dissenting opinion my Brother MARSHALL has filed today.

Unlike other provisions of the Constitution, the Equal Protection Clause confers no substantive rights and creates no substantive liberties.[2] The function of the Equal Protection Clause, rather, is simply to measure the validity of *classifications* created by state laws.

There is hardly a law on the books that does not affect some people differently from others. But the basic concern of the Equal Protection Clause is with state legislation whose purpose or effect is to create discrete and objectively identifiable classes.[3] And with respect to such legislation, it has long been settled that the Equal Protection Clause is offended only by laws that are invidiously discriminatory—only by classifications that are wholly arbitrary or capricious. See, *e. g.*, *Rinaldi* v. *Yeager*, 384 U. S. 305. This settled principle of constitutional law was compendiously stated in Mr. Chief Justice Warren's opinion for the Court in *McGowan* v. *Maryland*, 366 U. S. 420, 425–426, in the following words:

"Although no precise formula has been developed, the Court has held that the Fourteenth Amendment permits the States a wide scope of discretion in enacting laws which affect some groups of citizens differently than others. The constitutional safeguard is offended only if the classification rests on grounds wholly irrelevant to the achievement of the State's objective. State legislatures are presumed to have acted within their constitutional power despite the fact that, in practice, their laws result in some inequality. A statutory discrimination will not be set aside if any state of facts reasonably may be conceived to justify it."

This doctrine is no more than a specific application of one of the first principles of constitutional adjudication—the basic presumption of the constitutional validity of a duly enacted state or federal law. See Thayer, The Origin and Scope of the American Doctrine of Constitutional Law, 7 Harv. L. Rev. 129 (1893).

Under the Equal Protection Clause, this presumption of constitutional validity disappears when a State has enacted legislation whose purpose or effect is to create classes based upon criteria that, in a constitutional sense, are inherently "suspect." Because of the historic purpose of the Fourteenth Amendment, the prime example of such a "suspect" classification is one that is based upon race. See, *e. g.*, *Brown* v. *Board of Education*, 347 U. S. 483; *McLaughlin* v. *Florida*, 379 U. S. 184. But there are other classifications that, at least in some settings, are also "suspect"—for example, those based upon national origin,[4] alienage,[5] indigency,[6] or illegitimacy.[7]

Moreover, quite apart from the Equal Protection Clause, a state law that impinges upon a substantive right or liberty created or conferred by the Constitution is, of course, presumptively invalid, whether or not the law's purpose or effect is to create any classifications. For example, a law that provided that newspapers could be published only by people who had resided in the State for five years could be superficially viewed as invidiously discriminating against an identifiable class in violation of the Equal Protection Clause. But, more basically, such a law would be invalid simply because it abridged the freedom of the press. Numerous cases in this Court illustrate this principle.[8]

In refusing to invalidate the Texas system of financing its public schools, the Court today applies with thoughtfulness and understanding the basic principles I have so sketchily summarized. First, as the Court

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points out, the Texas system has hardly created the kind of objectively identifiable classes that are cognizable under the Equal Protection Clause.[9] Second, even assuming the existence of such discernible categories, the classifications are in no sense based upon constitutionally "suspect" criteria. Third, the Texas system does not rest "on grounds wholly irrelevant to the achievement of the State's objective." Finally, the Texas system impinges upon no substantive constitutional rights or liberties. It follows, therefore, under the established principle reaffirmed in Mr. Chief Justice Warren's opinion for the Court in *McGowan* v. *Maryland*, *supra*, that the judgment of the District Court must be reversed.

FOOTNOTES

[1] See New York Times, March 11, 1973, p. 1, col. 1.

[2] There is one notable exception to the above statement: It has been established in recent years that the Equal Protection Clause confers the substantive right to participate on an equal basis with other qualified voters whenever the State has adopted an electoral process for determining who will represent any segment of the State's population. See, *e. g.*, *Reynolds* v. *Sims*, 377 U.S. 533; *Kramer* v. *Union School District*, 395 U.S. 621; *Dunn* v. *Blumstein*, 405 U.S. 330, 336. But there is no constitutional right to vote, as such. *Minor* v. *Happersett*, 88 U.S. 162. If there were such a right, both the Fifteenth Amendment and the Nineteenth Amendment would have been wholly unnecessary.

[3] But see *Bullock* v. *Carter*, 405 U.S. 134.

[4] See *Oyama* v. *California*, 332 U.S. 633, 644–646.

[5] See *Graham* v. *Richardson*, 403 U.S. 365, 372.

[6] See *Griffin* v. *Illinois*, 351 U.S. 12. "Indigency" means actual or functional indigency; it does not mean comparative poverty *vis-à-vis* comparative affluence. See *James* v. *Valtierra*, 402 U.S. 137.

[7] See *Gomez* v. *Perez*, — U.S. —; *Weber* v. *Aetna Casualty & Surety Co.*, 406 U.S. 164.

[8] See, *e.g.*, *Mosley* v. *Police Dept. of City of Chicago*, 408 U.S. 92 (free speech); *Shapiro* v. *Thompson*, 394 U.S. 618 (freedom of interstate travel); *Williams* v. *Rhodes*, 393 U.S. 23 (freedom of association); *Skinner* v. *Oklahoma*, 316 U.S. 535 ("liberty" conditionally protected by Due Process Clause of Fourteenth Amendment).

[9] See *Katzenbach* v. *Morgan*, 384 U.S. 641, at 660 (Harlan, J., dissenting).

[Supreme Court of the United States, No. 71–1332, March 21, 1973]

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS

San Antonio Independent School District et al., Appellants, *v.* Demetrio P. Rodriguez et al.

MR. JUSTICE WHITE, with whom MR. JUSTICE DOUGLAS and MR. JUSTICE BRENNAN join, dissenting.

The Texas public schools are financed through a combination of state funding, local property tax revenue, and some federal funds.[1] Concededly, the system yields wide disparity in per-pupil revenue among the various districts. In a typical year, for example, the Alamo Heights district had total revenues of $594 per pupil, while the Edgewood district had only $356 per student.[2] The majority and the State concede, as they must, the existence of major disparities in spendable funds. But the State contends that the disparities do not invidiously discriminate against children and families in districts such as Edgewood, because the Texas scheme is designed "to provide an adequate education for all, with local autonomy to go beyond that as individual school districts desire and are able. . . . It leaves to the people of each district the choice whether to go beyond the minimum and, if so, by how much."[3] The majority advances this rationalization: "While assuring a basic education for every child in the State, it permits and encourages a large measure of participation and control of each district's schools at the local level."

I cannot disagree with the proposition that local control and local decisionmaking play an important part in our democratic system of government. Cf. *James* v. *Valtierra*, 402 U.S. 137 (1971). Much may be left to local option, and this case would be quite different if it were true that the Texas system, while insuring minimum educational expenditures in every district through state funding, extends a meaningful option to all local districts to increase their per-pupil expenditures and so to improve their children's education to the extent that increased funding will achieve that goal. The system would then arguably provide a rational and sensible method of achieving the stated aim of preserving an area for local initiative and decision.

The difficulty with the Texas system, however, is that it provides a meaningful option to Alamo Heights and like school districts but almost none to Edgewood and those other districts with a low per-pupil real estate tax base. In these latter districts, no matter how desirous parents are of supporting their schools with greater revenues, it is impossible to do so through the use of the real estate property tax. In these districts the Texas system utterly fails to extend a realistic choice to parents, because the property tax, which is the only revenue-raising mechanisms extended to school districts, is practically and legally unavailable. That this is the situation may be readily demonstrated.

Local school districts in Texas raise their portion of the Foundation School Program—the Local Fund Assignment—by levying ad valorem taxes on the property located within their boundaries. In addition, the districts are authorized, by the state constitution and by statute, to levy ad valorem property taxes in order to raise revenues to support educational spending over and above the expenditure of Foundation School Program funds.

Both the Edgewood and Alamo Heights districts are located in Bexar County, Texas. Student enrollment in Alamo Heights is 5,432, in Edgewood 22,862. The per-pupil market value of the taxable property in Alamo Heights is $49,078, in Edgewood $5,960. In a typical, relevant year, Alamo Heights had a maintenance tax rate of $1.20 and a debt service (bond) tax rate of 20¢ per $100 assessed evaluation, while Edgewood had a maintenance rate of 52¢ and a bond rate of 67¢. These rates, when applied to the respective tax bases, yielded Alamo Heights $1,433,473 in maintenance dollars and $236,074 in bond dollars, and Edgewood $223,034 in maintenance dollars and $279,023 in bond dollars. As is readily apparent, because of the variance in tax bases between the districts, results, in terms of revenues, do not correlate with effort, in terms of tax rate. Thus, Alamo Heights, with a tax base approximately twice the size of Edgewood's base, realized almost six times as many maintenance dollars as Edgewood by using a tax rate only approximately two and one-half times larger. Similarly, Alamo Heights realized slightly fewer bond dollars by using a bond tax rate less than one-third of that used by Edgewood.

Nor is Edgewood's revenue raising potential only deficient when compared with Alamo Heights. North East District has taxable property with a per-pupil market value of approximatley $31,000, but total taxable property approximately four and one-half times that of Edgewood. Applying a maintenance rate of $1, North East yielded $2,818,148. Thus, because of its superior tax base, North East was able to apply a tax rate slightly less than twice that applied by Edgewood and yield more than 10 times the maintenance dollars. Similarly, North East, with a bond rate of 45¢, yielded $1,249,159—more than four times Edgewood's yield with two-thirds the rate.

Plainly, were Alamo Heights or North East to apply the Edgewood tax rate to its tax base, it would yield far greater revenues than Edgewood is able to yield applying those same rates to its base. Conversely, were Edgewood to apply the Alamo Heights or North East rates to its base, the yield would be far smaller than the Alamo Heights or North East yields. The disparity is, therefore, currently operative and it's impact on Edgewood is undeniably serious. It is evident from statistics in the record that show that, applying an equalized tax rate of 85¢ per $100 assessed valuation, Alamo Heights was able to provide approximately $330 per pupil in local revenues over and above the Local Fund Assignment. In Edgewood, on the other hand, with an equalized tax rate of $1.05 per $100 of asesssed valuation, $26 per pupil was raised beyond the Local Fund Assignment.[4] In Alamo Heights, total per-pupil revenues from local, state, and federal funds was $594 per pupil, in Edgewood $356.[5]

In order to equal the highest yield in any other Bexar County district, Alamo Heights would be required to tax at the rate of 68¢ per $100 of assessed valuation. Edgewood would be required to tax at the prohibitive rate of $5.76 per $100. But state law places a $1.50 per $100 ceiling on the maintenance tax rate, a limit that would surely be reached long before Edgewood attained an equal yield. Edgewood is thus precluded in law, as well as in fact, from achieving a yield even close to that of some other districts.

The Equal Protection Clause permits discriminations between classes but requires that the classification bear some rational relationship to a permissible object sought to be attained by the statute. It is not enough that the Texas system before us seeks to achieve the valid, rational purpose of maximizing local initiative; the means chosen by the State must also be rationally related to the end sought to be achieved. As the Court stated just last Term in *Weber* v. *Aetna Casualty & Surety Co.*, 406 U.S. 164, 172 (1972):

> "The tests to determine the validity of state statutes under the Equal Protection Clause have been variously expressed, but this Court requires, at a minimum, that a statutory classification bear some rational relationship to a legitimate state purpose. *Morey* v. *Doud*, 354 U.S. 457 (1957); *Williamson* v. *Lee Optical Co.*, 348 U.S. 483 (1955); *Gulf, Colorado & Santa Fé R. Co.* v. *Ellis*, 165 U.S. 150 (1897); *Yick Wo* v. *Hopkins*, 118 U.S. 356 (1886)."

Neither Texas nor the majority heeds this rule. If the State aims at maximizing local initiative and local choice, by permitting school districts to resort to the real property tax if they choose to do so, it utterly fails in achieving its purpose in districts with property tax bases so low that there is little if any opportunity for interested parents, rich or poor, to augment school district revenues. Requiring the State to establish only that unequal treatment is in furtherance of a permissible goal, without also requiring the State to show that the means chosen to effectuate that goal are rationally related to its achievement, makes equal protection analysis no more than an empty gesture.[6] In my view, the parents and children in Edgewood, and in like districts, suffer from an invidious discrimination violative of the Equal Protection Clause.

This does not, of course, mean that local control may not be a legitimate goal of a school financing system. Nor does it mean that the State must guarantee each district an equal per-pupil revenue from the state

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Footnotes at end of article.

school financing system. Nor does it mean, as the majority appears to believe, that, by affirming the decision below, this Court would be "interposing on the States inflexible constitutional restraints that could circumscribe or handicap the continued research and experimentation so vital to finding even partial solutions to educational problems and to keeping abreast of ever changing conditions." On the contrary, it would merely mean that the State must fashion a financing scheme which provides a rational basis for the maximization of local control, if local control is to remain a goal of the system, and not a scheme with "different treatment be[ing] accorded to persons placed by a statute into different classes on the basis of criteria wholly unrelated to the objective of that statute." *Reed* v. *Reed*, 404 U.S. 71, 75–76 (1971).

Perhaps the majority belives that the major disparity in revenues provided and permitted by the Texas system is inconsequential. I cannot agree, however, that the difference of the magnitude appearing in this case can sensibly be ignored, particularly since the State *itself* considers it so important to provide opportunities to exceed the minimum state educational expenditures.

There is no difficulty in identifying the class that is subject to the alleged discrimination and that is entitled to the benefits of the Equal Protection Clause. I need go no farther than the parents and children in the Edgewood district, who are plaintiffs here and who assert that they are entitled to the same choice as Alamo Heights to augment local expenditures for schools but are denied that choice by state law. This group constitutes a class sufficiently definite to invoke the protection of the Constitution. They are as entitled to the protection of the Equal Protection Clause as were the voters in allegedly unrepresented counties in the reapportionment cases. See, *e.g., Baker* v. *Carr*, 369 U.S. 186, 204–208 (1962); *Gray* v. *Sanders*, 372 U.S. 368, 375 (1963); *Reynolds* v. *Sims*, 377 U.S. 533, 554–556 (1964). And in *Bullock* v. *Carter*, 405 U.S. 134 (1972), where a challenge to the Texas candidate filing fee on equal protection grounds was upheld, we noted that the victims of alleged discrimination wrought by the filing fee "cannot be described by reference to discrete and precisely defined segments of the community as is typical of inequities challenged under the Equal Protection Clause," but concluded that "we would ignore reality were we not to recognize that this system falls with unequal weight on voters, as well as candidates, according to economic status." *Id.*, at 144. Similarly, in the present case we would blink reality to ignore the fact that school districts, and students in the end, are differentially affected by the Texas school financing scheme with respect to their capability to supplement the Minimum Foundation School Program. At the very least, the law discriminates against those children and their parents who live in districts where the per-pupil tax base is sufficiently low to make impossible the provision of comparable school revenues by resort to the real property tax which is the only device the State extends for this purpose.

FOOTNOTES

[1] The heart of the Texas system is embodied in an intricate series of statutory provisions which make up Chapter 16 of the Texas Education Code, V. T. C. A., Education Code § 16.01 *et seq.* See also V. T. C. A., Education Code § 15.01 *et seq.*, and § 20.10 *et seq.*

[2] The figures discussed are from Plaintiffs' Exhibits 7, 8, and 12. The figures are from the 1967–1968 school year. Because the various exhibits relied upon different attendance totals, the per pupil results do not precisely correspond to the gross figures quoted. The disparity between districts, rather than the actual figures, is the important factor.

[3] Brief for Appellants, pp. 11–13, 35.

[4] Variable assessment practices are also revealed in this record. Apellants do not, however, contend that this factor accounts, even to a small extent, for the interdistrict disparities.

[5] The per pupil funds received from state, federal, and other sources, while not precisely equal, do not account for the large differential and are not directly attacked in the present case.

[6] The State of Texas appears to concede that the choice of whether or not to go beyond the state-provided minimum "is easier for some districts than for others. Those districts with large amounts of taxable property can produce more revenue at a lower tax rate and will provide their children with more expensive education." Brief for Appellants, p. 35. The State nevertheless insists that districts have a choice and that the people in each district have exercised that choice by providing some real property tax money over and above the minimum funds guaranteed by the State. Like the majority, however, the State fails to explain why the Equal Protection Clause is not violated or how its goal of providing local government with realistic choices as to how much money should be expended on education is implemented where the system makes it much more difficult for some than for others to provide additional educational funds and where as a practical and legal matter it is impossible for some districts to provide the educational budgets that other districts can make available from real property tax revenues.

[Supreme Court of the United States, No. 71–1332, Mar. 21, 1973]

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS

San Antonio Independent School District et al., Appellants, *v.* Demetrio P. Rodriguez et al.

MR. JUSTICE BRENNAN, dissenting.

Although I agree with my Brother WHITE that the Texas stautory scheme is devoid of any rational basis, and for that reason is violative of the Equal Protection Clause, I also record my disagreement with the Court's rather distressing assertion that a right may be deemed "fundamental" for the purposes of equal protection analysis only if it is "explicitly or implicitly guaranteed by the Constitution." *Ante*, at ——. As my Brother MARSHALL convincingly demonstrates, our prior cases stand for the proposition that "fundamentality" is, in large measure, a function of the right's importance in terms of the effectuation of those rights which are in fact constitutionally guaranteed. Thus, "[a]s the nexus between the specific constitutional guarantee and the nonconstitutional interest draws closer, the nonconstitutional interest becomes more fundamental and the degree of judicial scrutiny applied when the interest is infringed on a discriminatory basis must be adjusted accordingly." *Post*, at ——.

Here, there can be no doubt that education is inextricably linked to the right to participate in the electoral process and to the rights of free speech and association guaranteed by the First Amendment. See *post*, at ——. This being so, any classification affecting education must be subjected to strict judicial scrutiny, and since even the State concedes that the statutory scheme now before us cannot pass constitutional muster under this stricter standard of review, I can only conclude that the Texas school financing scheme is constitutionally invalid.

[Supreme Court of the United States, No. 71–1332, March 21, 1973]

SAN ANTONIO INDEPENDENT SCHOOL DISTRICT ET AL., APPELLANTS, V. DEMETRIO P. RODRIGUEZ ET AL. ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS

MR. JUSTICE MARSHALL, with whom MR. JUSTICE DOUGLAS concurs, dissenting.

The Court today decides, in effect, that a State may constitutionally vary the quality of education which it offers its children in accordance with the amount of taxable wealth located in the school districts within which they reside. The majority's decision represents an abrupt departure from the mainstream of recent state and federal court decisions concerning the unconstitutionality of state educational financing schemes dependent upon taxable local wealth.[1] More unfortunately, though, the majority's holding can only be seen as a retreat from our historic commitment to equality of educational opportunity and as unsupportable acquiescence in a system which deprives children in their earliest years of the chance to reach their full potential as citizens. The Court does this despite the absence of any substantial justification for a scheme which arbitrarily channels educational resources in accordance with the fortuity of the amount of taxable wealth within each district.

In my judgment, the right of every American to an equal start in life, so far as the provision of a state service as important as education is concerned, is far too vital to permit state discrimination on grounds as tenuous as those presented by this record. Nor can I accept the notion that it is sufficient to remit these appellees to the vagaries of the political process which, contrary to the majority's suggestion, has proven singularly unsuited to the task of providing a remedy for this discrimination.[2] I, for one, am unsatisfied with the hope of an ultimate "political" solution sometime in the indefinite future while, in the meantime, countless children unjustifiably receive inferior educations that "may affect their hearts and minds in a way unlikely ever to be undone." *Brown* v. *Board of Education*, 347 U.S. 483, 494 (1954). I must therefore respectfully dissent.

I

The Court acknowledges that "substantial interdistrict disparities in school expenditures" exist in Texas, *ante*, at —, and that these disparities are "largely attributable to differences in the amounts of money collected through local property taxation," *ante*, at —. But instead of closely examining the seriousness of these disparities and the invidiousness of the Texas financing scheme, the Court undertakes an elaborate exploration of the efforts Texas has purportedly made to close the gaps between its districts in terms of levels of district wealth and resulting educational funding. Yet, however praiseworthy Texas' equalizing efforts, the issue in this case is not whether Texas is doing its best to ameliorate the worst features of a discriminatory scheme, but rather whether the scheme itself is in fact unconstitutionally discriminatory in the face of the Fourteenth Amendment's guarantee of equal protection of the laws. When the Texas financing scheme is taken as a whole, I do not think it can be doubted that it produces a discriminatory impact on substantial numbers of the school-age children of the State of Texas.

A

Funds to support public education in Texas are derived from three sources: local ad valorem property taxes; the Federal Government; and the state government.[3] It is enlightening to consider these in order.

Under Texas law the only mechanism provided the local school district for raising new, unencumbered revenues is the power to tax property located within its boundaries.[4] At the same time, the Texas financing scheme effectively restricts the use of monies raised by local property taxation to the support of public education within the boundaries of the district in which they are raised, since any such taxes must be approved by a majority of the property-taxpaying voters of the district.[5]

Footnotes at end of article.

The significance of the local property tax element of the Texas financing scheme is apparent from the fact that it provides the funds to meet some 40% of the cost of public education for Texas as a whole.[6] Yet the amount of revenue that any particular Texas district can raise is dependent on two factors—its tax rate and its amount of taxable property. The first factor is determined by the property-taxpaying voters of the district.[7] But regardless of the enthusiasm of the local voters for public education, the second factor—the taxable property wealth of the district—necessarily restricts the district's ability to raise funds to support public education.[8] Thus, even though the voters of two Texas districts may be willing to make the same tax effort, the results for the districts will be substantially different if one is property rich while the other is property poor. The necessary effect of the Texas local property tax is, in short, to favor property rich districts and to disfavor property poor ones.

The seriously disparate consequences of the Texas local property tax, when that tax is considered alone, are amply illustrated by data presented to the District Court by appellees. These data included a detailed study of a sample of 110 Texas school districts [9] for the 1967–1968 school year conducted by Professor Joel S. Berke of Syracuse University's Educational Finance Policy Institute. Among other things, this study revealed that the 10 richest districts examined, each of which had more than $100,000 in taxable property per pupil, raised through local effort an average of $610 per pupil, whereas the four poorest districts studied, each of which had less than $10,000 in taxable property per pupil, were able to raise only an average of $63 per pupil.[10] And, as the Court effectively recognizes, *ante,* at —, this correlation between the amount of taxable property per pupil and the amount of local revenues per pupil holds true for the 96 districts in between the richest and the poorest districts.[11]

It is clear, moreover, that the disparity of per pupil revenues cannot be dismissed as the result of lack of local effort—that is, lower tax rates—by property poor districts. To the contrary, the data presented below indictate that the poorest districts tend to have the highest tax rates and the richest districts tend to have the lowest tax rates.[12] Yet, despite the apparent *extra* effort being made by the poorest districts, they are unable even to begin to match the richest districts in terms of the production of local revenues. For example, the 10 richest districts studied by Professor Berke were able to produce $585 per pupil with an equalized tax rate of 31 cents on $100 of equalized valuation, but the four poorest districts studied with an equalized rate of 70 cents on $100 of equalized valuation, were able to produce only $60 per pupil.[13] Without more, this state imposed system of educational funding presents a serious picture of widely varying treatment of Texas school districts, and thereby of Texas school children, in terms of the amount of funds available for public education.

Nor are these funding variations corrected by the other aspects of the Texas financing scheme. The Federal Government provides funds sufficient to cover only some 10% of the total cost of public education in Texas.[14] Furthermore, while these federal funds are not distributed in Texas solely on a per pupil basis, appellants do not here contend that they are used in such a way as to ameliorate significantly the widely varying consequences for Texas school districts and school children of the local property tax element of the state financing scheme.[15]

State funds provide the remaining some 50% of the monies spent on public education in Texas.[16] Technically, they are distributed under two programs. The first is the Available School Fund, for which provision is made in the Texas Constitution.[17] The Available School Fund is comprised of revenues obtained from a number of sources, including receipts from the state ad valorem property tax, one-fourth of all monies collected by the occupation taxes, annual contributions by the legislature from general revenues, and the revenues derived from the Permanent School Fund.[18] For the 1970–1971 school year the Available School Fund contained $296,000,000. The Texas Constitution requires that this money be distributed annually on a per capita basis [19] to the local school districts. Obviously such a flat grant could not alone eradicate the funding differentials attributable to the local property tax. Moreover, today the Available School Fund is in reality simply one facet of the second state financing program, the Minimum Foundation School Program,[20] since each district's annual share of the Fund is deducted from the sum to which the district is entitled under the Foundation Program.[21]

The Minimum Foundation School Program provides funds for three specific purposes: professional salaries, current operating expenses, and transportation expenses.[22] The State pays, on an overall basis, for approximately 80% of the cost of the Program; the remaining 20% is distributed among the local school districts under the Local Fund Assignment.[23] Each district's share of the Local Fund Assignment is determined by a complex "economic index" which is designed to allocate a larger share of the costs to property rich districts than to property poor districts.[24] Each district pays its share with revenues derived from local property taxation.

The stated purpose of the Minimum Foundation School Program is to provide certain basic funding for each local Texas school district.[25] At the same time, the Program was apparently intended to improve, to some degree, the financial position of property poor districts relative to property rich districts, since—through the use of the economic index—an effort is made to charge a disproportionate share of the costs of the Program to rich districts.[26] It bears noting, however, that substantial criticism has been leveled at the practical effectiveness of the economic index system of local cost allocation.[27] In theory, the index is designed to ascertain the relative ability of each district to contribute to the Local Fund Assignment from local property taxes. Yet the index is not developed simply on the basis of each district's taxable wealth. It also takes into account the district's relative income from manufacturing, mining, and agriculture, its payrolls, and its scholastic population.[28] It is difficult to discern precisely how these latter factors are predictive of a district's relative ability to raise revenues through local property taxes. Thus, in 1966; one of the consultants who originally participated in the development of the Texas economic index adopted in 1949 told the Governor's Committee on Public Education: [29] "The Economic Index approach to evaluating local ability offers a little better measure than sheer chance but not much."

Moreover, even putting aside these criticisms of the economic index as a device for achieving meaningful district wealth equalization through cost allocation, poor districts still do not necessarily *receive* more state aid than property rich districts. For the standards which currently determine the amount received from the Foundation Program by any particular district [30] favor property rich districts.[31] Thus, focusing on the same Edgewood Independent and Alamo Heights School Districts which the majority uses for purposes of illustration, we find that in 1967–1968 property rich Alamo Heights, [32] which raised $333 per pupil on an equalized tax rate of 85¢ per $100 valuation, received $225 per pupil from the Foundation Program, while property poor Edgewood, [33] which raised only $26 per pupil with an equalized tax rate of $1.05 per $100 valuation, received only $222 per pupil from the Foundation Program.[34] And, more recent data, which indicates that for the 1970–1971 school year Alamo Heights received $491 per pupil from the Program while Edgewood received only $356 per pupil, hardly suggests that the wealth gap between the districts is being narrowed by the State Program. To the contrary, whereas in 1967–1968 Alamo Heights received only $3 per pupil or about 1%, more than Edgewood in state aid, by 1970–1971 the gap had widened to a difference of $135 per pupil, or about 38%.[35] It was data of this character that prompted the District Court to observe that "the current [state aid] system tends to subsidize the rich at the expense of the poor, rather than the other way around." [36] 337 F. Supp. 280, 282. And even the appellants go no further here than to venture that the Minimum Foundation School Program has "a mildly equalizing effect." [37]

Despite these facts, the majority continually emphasizes how much state aid has, in recent years, been given to property poor Texas school districts. What the Court fails to emphasize is the cruel irony of how much more state aid is being given to property rich Texas school districts on top of their already substantial local property tax revenues.[38] Under any view, then, it is apparent that the state aid provided by the Foundation School Program fails to compensate for the large funding variations attributable to the local property tax element of the Texas financing scheme. And it is these stark differences in the treatment of Texas school districts and school children inherent in the Texas financing scheme, not the absolute amount of state aid provided to any particular school district, that are the crux of this case. There can, moreover, be no escaping the conclusion that the local property tax which is dependent upon taxable district property wealth is an essential feature of the Texas scheme for financing public education.[39]

B

The appellants do not deny the disparities in educational funding caused by variations in taxable district property wealth. They do contend, however, that whatever the differences in per pupil spending among Texas districts, there are no discriminatory consequences for the children of the disadvantaged districts. They recognize that what is at stake in this case is the quality of the public education provided Texas children in the districts in which they live. But appellants reject the suggestion that the quality of education in any particular district is determined by money—beyond some minimal level of funding which they believe to be assured every Texas district by the Minimum Foundation School Program. In their view, there is simply no denial of equal educational opportunity to any Texas school children as a result of the widely varying per pupil spending power provided districts under the current financing scheme.

In my view, though, even an unadorned restatement of this contention is sufficient to reveal its absurdity. Authorities concerned with educational quality no doubt disagree as to the significance of variations in per pupil spending.[40] Indeed, conflicting expert testimony was presented to the District Court in this case concerning the effect of spending variations on educational achievement.[41] We sit, however, not to resolve disputes over educational theory but to enforce our Constitution. It is an inescapable fact that if one district has more funds available per pupil than another district, the former will have greater choice in educational planning than will the latter. In this regard, I believe the question of discrimination in educational quality must be deemed to be an objective one that looks to what the State provides its children, not to what the children are able to do with what they receive. That a child forced to attend an underfunded school with poorer physical facilities,

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Footnotes at end of article.

less experienced teachers, larger classes, and a narrower range of courses than a school with substantially more funds—and thus with greater choice in educational planning—may nevertheless excel is to the credit of the child, not the State, cf. *Missouri ex rel. Gianes* v. *Canada*, 305 U.S. 337, 349 (1938). Indeed, who can ever measure for such a child the opportunities lost and the talents wasted for want of a broader, more enriched education? Discrimination in the opportunity to learn that is afforded a child must be our standard.

Hence, even before this Court recognized its duty to tear down the barriers of state enforced racial segregation in public education, it acknowledged that inequality in the educational facilities provided to students may make for discriminatory state action as contemplated by the Equal Protection Clause. As a basis for striking down state enforced segregation of a law school, the Court in *Sweatt* v. *Painter*, 339 U.S. 629, 633–634 (1950), stated:

> "[W]e cannot find substantial equality in the educational opportunities offered white and Negro law students by the State. In terms of number of faculty, variety of courses and opportunity for specialization, size of the student body, scope of the library, availability of law review and similar activities, the [white only] Law School is superior. . . . It is difficult to believe that one who had a free choice between these law schools would consider the question close."

See also *McLaurin* v. *Oklahoma State Regents for Higher Education*, 339 U.S. 637 (1950). Likewise it is difficult to believe that if the children of Texas had a free choice, they would choose to be educated in districts with fewer resources, and hence with more antiquated plants, less experienced teachers, and a less diversified curriculum. In fact, if financing variations are so insignificant to educational quality, it is difficult to understand why a number of our country's wealthiest school districts, who have no legal obligation to argue in support of the constitutionality of the Texas legislation, have nevertheless zealously pursued its cause before this Court.[42]

The consequences, in terms of objective educational inputs of the variations in district funding caused by the Texas financing scheme are apparent from the data introduced before the District Court. For example, in 1968–1969, 100% of the teachers in the property rich Alamo Heights School District had college degrees.[43] By contrast, during the same school year only 80.02% of the teachers had college degrees in the property poor Edgewood Independent School District.[44] Also, in 1968–1969, approximately 47% of the teachers in the Edgewood District were on emergency teaching permits, whereas only 11% of the teachers in Alamo Heights were on such permits.[45] This is undoubtedly a reflection of the fact that Edgewood's teacher salary scale was approximately 80% of Alamo Heights'.[46] And, not surprisingly, the teacher-student ratio varies significantly between the two districts.[47] In other words, as might be expected, a difference in the funds available to districts results in a difference in educational inputs available for a child's public education in Texas. For constitutional purposes, I believe this situation, which is directly attributable to the Texas financing scheme, raises a grave question of state created discrimination in the provision of public education. Cf. *Gaston County* v. *United States*, 395 U.S. 285, 293–294 (1969).

At the very least, in view of the substantial interdistrict disparities in funding and in resulting educational inputs shown by appellees to exist under the Texas financing scheme, the burden of proving that these disparities do not in fact affect the quality of children's education must fall upon the appellants. Cf. *Hobson* v. *Hansen*, 327 F. Supp. 844, 860–861 (DC 1971). Yet appellants made no effort in the District Court to demonstrate that educational quality is not affected by variations in funding and in resulting inputs. And, in this Court, they have argued no more than that the relationship is ambiguous. This is hardly sufficient to overcome appellees' prima facie showing of state created discrimination between the school children of Texas with respect to objective educational opportunity.

Nor can I accept the appellants' apparent suggestion that the Texas Minimum Foundation School Program effectively eradicates any discriminatory effects otherwise resulting from the local property tax element of the Texas financing scheme. Appellants assert that, despite its imperfections, the Program "does guarantee an adequate education to every child."[48] The majority, in considering the constitutionality of the Texas financing scheme, seems to find substantial merit in this contention, for it tells us that the Foundation Program "was designed to provide an adequate minimum educational offering in every school in the State," *ante*, at ——, and that the Program "assur[es] a basic education for every child," *ante*, at ——. But I fail to understand how the constitutional problems inherent in the financing scheme are eased by the Foundation Program. Indeed, the precise thrust of the appellants' and the Court's remarks are not altogether clear to me.

The suggestion may be that the state aid received via the Foundation Program sufficiently improves the position of property poor districts *vis-à-vis* property rich districts—in terms of educational funds—to eliminate any claim of interdistrict discrimination in available educational resources which might otherwise exist if educational funding were dependent solely upon local property taxation. Certainly the Court has recognized that to demand precise equality of treatment is normally unrealistic, and thus minor differences inherent in any practical context usually will not make out a substantial equal protection claim. *See e. g., Mayer* v. *City of Chicago*, 404 U.S. 189, 194–195 (1971); *Draper v. Washington*, 372 U.S. 487, 495–496 (1963); *Bain Peanut Co.* v. *Pinson*, 282 U.S. 499, 501 (1931). But as has already been seen, we are hardly presented here with some *de minimis* claim of discrimination resulting from the "play" necessary in any functioning system; to the contrary, it is clear that the Foundation Program utterly fails to ameliorate the seriously discriminatory effects of the local property tax.[49]

Alternatively, the appellants and the majority may believe that the Equal Protection Clause cannot be offended by substantially unequal state treatment of persons who are similarly situated so long as the State provides everyone with some unspecified amount of education which evidently is "enough."[50] The basis for such a novel view is far from clear. It is, of course, true that the Constitution does not require precise equality in the treatment of all persons. As Mr. Justice Frankfurter explained:

> "The equality at which the 'equal protection' clause aims is not a disembodied equality. The Fourteenth Amendment enjoins 'the equal protection of the laws,' and laws are not abstract propositions. . . . The Constitution does not require things which are different in fact or opinion to be treated in law as though they were the same." *Tigner* v. *Texas*, 310 U.S. 141, 147 (1940).

See also *Douglas* v. *California*, 372 U. S. 353, 357 (1963); *Goesaert* v. *Cleary*, 335 U. S. 464, 466 (1948). But this Court has never suggested that because some "adequate" level of benefits is provided to all, discrimination in the provision of services is therefore constitutionally excusable. The Equal Protection Clause is not addressed to the minimal sufficiency but rather to the unjustifiable inequalities of state action. It mandates nothing less than that "all persons similarly circumstanced shall be treated alike." *F. S. Royster Guano Co.* v. *Virginia*, 253 U. S. 412, 415 (1920).

Even if the Equal Protection Clause encompassed some theory of constitutional adequacy, discrimination in the provision of educational opportunity would certainly seem to be a poor candidate for its application. Neither the majority nor appellants informs us how judicially manageable standards are to be derived for determining how much education is "enough" to excuse constitutional discrimination. One would think that the majority would heed its own fervent affirmation of judicial self-restraint before undertaking the complex task of determining at large what level of education is constitutionally sufficient. Indeed, the majority's apparent reliance upon the adequacy of the educational opportunity assured by the Texas Minimum Foundation School Program seems fundamentally inconsistent with its own recognition that educational authorities are unable to agree upon what makes for educational quality, see *ante*, at —, — n. 86 and n. 101. If, as the majority stresses, such authorities are uncertain as to the impact of various levels of funding on educational quality, I fail to see where it finds the expertise to divine that the particular levels of funding provided by the Program assure an adequate educational opportunity—much less an education substantially equivalent in quality to that which a higher level of funding might provide. Certainly appellants' mere assertion before this Court of the adequacy of the education guaranteed by the Minimum Foundation School Program cannot obscure the constitutional implications of the discrimination in educational funding and objective educational inputs resulting from the local property tax—particularly since the appellees offered substantial uncontroverted evidence before the District Court impugning the now much touted "adequacy" of the education guaranteed by the Foundation Program.[51]

In my view, then, it is inequality—not some notion of gross inadequacy—of educational opportunity that raises a question of denial of equal protection of the laws. I find any other approach to the issue unintelligible and without directing principle. Here appellees have made a substantial showing of wide variations in educational funding and the resulting educational opportunity afforded to the school children of Texas. This discrimination is, in large measure, attributable to significant disparities in the taxable wealth of local Texas school districts. This is a sufficient showing to raise a substantial question of discriminatory state action in violation of the Equal Protection Clause.[52]

C

Despite the evident discriminatory effect of the Texas financing scheme, both the appellants and the majority raise substantial questions concerning the precise character of the disadvantaged class in this case. The District Court concluded that the Texas financing scheme draws "distinction between groups of citizens depending upon the wealth of the district in which they live" and thus creates a disadvantaged class composed of persons living in property poor districts. See 337 F. Supp., at 282. See also *id.*, at 281. In light of the data introduced before the District Court, the conclusion that the school children of property poor districts constitute a sufficient class for our purposes seems indisputable to me.

Appellants contend, however, that in constitutional terms this case involves nothing more than discrimination against local school districts, not against individuals, since on its face the state scheme is concerned only with the provision of funds to local districts. The result of the Texas financing scheme, appellants suggest, is merely that some local districts have more available revenues for education; others have less. In that respect, they point out, the States have broad discretion in drawing reasonable distinctions between their po-

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Footnotes at end of article.

litical subdivisions. See *Griffin* v. *County School Board of Prince Edward County,* 337 U.S. 218, 231 (1964); *McGowan* v. *Maryland,* 366 U.S. 420, 427 (1961); *Salsburg* v. *Maryland,* 346 U.S. 545, 500–554 (1954).

But this Court has consistently recognized that where there is in fact discrimination against individual interests, the constitutional guarantee of equal protection of the laws is not inapplicable simply because the discrimination is based upon some group characteristic such as geographic location. See *Gordon* v. *Lance,* 403 U.S. 1, 4 (1971); *Reynolds* v. *Sims,* 377 U.S. 533, 565–566 (1964); *Gray* v. *Sanders,* 372 U.S. 368, 379 (1963). Texas has chosen to provide free public education for all its citizens, and it has embodied that decision in its constitution.[53] Yet, having established public education for its citizens, the State, as a direct consequence of the variations in local property wealth endemic to Texas' financing scheme, has provided some Texas school children with substantially less resources for their education than others. Thus, while on its face the Texas scheme may merely discriminate between local districts, the impact of that discrimination falls directly upon the children whose educational opportunity is dependent upon where they happen to live. Consequently, the District Court correctly concluded that the Texas financing scheme discriminates, from a constitutional perspective, between school age children on the basis of the amount of taxable property located within their local districts.

In my Brother STEWART's view, however, such a description of the discrimination inherent in this case is apparently not sufficient, for it fails to define the "kind of objectively identifiable classes" that he evidently perceives to be necessary for a claim to be "cognizable under the Equal Protection Clause," *ante,* at——. He asserts that this is also the view of the majority, but he is unable to cite, nor have I been able to find, any portion of the Court's opinion which remotely suggests that there is no objectively identifiable or definable class in this case. In any case, if he means to suggest that an essential predicate to equal protection analysis is the precise identification of the particular individuals who comprise the disadvantaged class, I fail to find the source from which he derives such a requirement. Certainly such precision is not analytically necessary. So long as the basis of the discrimination is clearly identified, it is possible to test it against the State's purpose for such discrimination—whatever the standard of equal protection analysis employed.[54] This is clear from our decision only last Term in *Bullock* v. *Carter,* 405 U.S. 134 (1972), where the Court, in striking down Texas' primary filing fees as violative of equal protection, found no impediment to equal protection analysis in the fact that the members of the disadvantaged class could not be readily identified. The Court recognized that the filing fee system tended "to deny some voters the opportunity to vote for the candidate of their choosing; at the same time it gives the affluent power to place on the ballot their own names or the names of persons they favor." *Id.,* at 144. The Court also recognized that "[t]his disparity in voting power based on wealth cannot be described by reference to discrete and precisely defined segments of the community as is typical of inequities challenged under the Equal Protection Clause . . . " Ibid. Nevertheless, it concluded that "we would ignore reality were we not to recognize that this system falls with unequal weight on voters . . . according to their economic status." *Ibid.* The nature of the classification in *Bullock* was clear, although the precise membership of the disadvantaged class was not. This was enough in *Bullock* for purposes of equal protection analysis. It is enough here.

It may be, though, that my Brother STEWART is not in fact demanding precise identification of the membership of the disadvantaged class for purposes of equal protection analysis, but is merely unable to discern with sufficient clarity the nature of the discrimination charged in this case. Indeed, the Court itself displays some uncertainty as to the exact nature of the discrimination and the resulting disadvantaged class alleged to exist in this case. See *ante,* at —. It is, of course, essential to equal protection analysis to have a firm grasp upon the nature of the discrimination at issue. In fact, the absence of such a clear, articulatable understanding of the nature of alleged discrimination in a particular instance may well suggest the absence of any real discrimination. But such is hardly the case here.

A number of theories of discrimination have, to be sure, been considered in the course of this litigation. Thus, the District Court found that in Texas the poor and minority group members tend to live in property poor districts, suggesting discrimination on the basis of both personal wealth and race. See 337 F. Supp., at 282 and n. 3. The Court goes to great lengths to discredit the data upon which the District Court relied and thereby its conclusion that poor people live in property poor districts.[55] Although I have serious doubts as to the correctness of the Court's analysis in rejecting the data submitted below,[56] I have no need to join issue on these factual disputes.

I believe it is sufficient that the overarching form of discrimination in this case is between the school children of Texas on the basis of the taxable property wealth of the districts in which they happen to live. To understand both the precise nature of this discrimination and the parameters of the disadvantaged class it is sufficient to consider the constitutional principle which appellees contend is controlling in the context of educational financing. In their complaint appellees asserted that the Constitution does not permit local district wealth to be determinative of educational opportunity.[57] This is simply another way of saying, as the District Court concluded, that consistent with the guarantee of equal protection of the laws, "the quality of public education may not be a function of wealth, other than the wealth of the state as a whole." 337 F. Supp., at 284. Under such a principle, the children of a district are excessively advantaged if that district has more taxable property per pupil than the average amount of taxable property per pupil considering the State as a whole. By contrast, the children of a district are disadvantaged if that district has less taxable property per pupil than the state average. The majority attempts to disparage such a definition of the disadvantaged class as the product of an "artificially defined level" of district wealth. *Ante,* at —. But such is clearly not the case, for this is the definition unmistakably dictated by the constitutional principle for which appellees have argued throughout the course of this litigation. And I do not believe that a clearer definition of either the disadvantaged class of Texas school children or the allegedly unconstitutional discrimination suffered by the members of that class under the present Texas financing scheme could be asked for, much less needed.[58] Whether this discrimination, against the school children of property poor districts, inherent in the Texas financing scheme is violative of the Equal Protection Clause is the question to which we must now turn.

II

In striking down the Texas financing scheme because of the interdistrict variations in taxable property wealth, the District Court determined that it was insufficient for appellants to show merely that the State's scheme was rationally related to some legitimate state purpose; rather, the discrimination inherent in the scheme had to be shown necessary to promote a "compelling state interest" in order to withstand constitutional scrutiny. The basis for this determination was two-fold: first, the financing scheme divides citizens on a wealth basis, a classification which the District Court viewed as highly suspect; and second, the discriminatory scheme directly affects what it considered to be a "fundamental interest," namely, education.

This Court has repeatedly held that state discrimination which either adversely affects a "fundamental interest," see, *e.g., Dunn* v. *Blumstein,* 405 U.S. 330, 336–342 (1972); *Shapiro* v. *Thompson,* 394 U.S. 618, 629–631 (1969), or is based on a distinction of a suspect character, see, *e.g., Graham* v. *Richardson,* 403 U.S. 365, 372 (1971); *McLaughlin* v. *Florida,* 379 U.S. 184, 191–192 (1964), must be carefully scrutinized to ensure that the scheme is necessary to promote a substantial legitimate state interest. See, *e.g., Dunn* v. *Blumstein,* 405 U.S., at 342–343; *Shapiro* v. *Thompson,* 394 U.S., at 634. The majority today concludes, however, that the Texas scheme is not subject to such a strict standard of review under the Equal Protection Clause. Instead, in its view, the Texas scheme must be tested by nothing more than that lenient standard of rationality which we have traditionally applied to discriminatory state action in the context of economic and commercial matters. See *e.g., McGowan* v. *Maryland,* 366 U.S. 420, 425–426 (1961); *Morey* v. *Doud,* 354 U.S. 457, 465–466 (1957); *F. S. Royster Guano Co.* v. *Virginia,* 253 U.S. 412, 415 (1920); *Lindsley* v. *Natural Carbonic Gas Co.,* 220 U.S. 61, 78–79 (1911). By so doing the Court avoids the telling task of searching for a substantial state interest which the Texas financing scheme, with its variations in taxable district property wealth, is necessary to further. I cannot accept such an emasculation of the Equal Protection Clause in the context of this case.

A

To begin with, I must once more voice my disagreement with the Court's rigidified approach to equal protection analysis. See *Dandridge* v. *Williams,* 397 U.S. 471, 519–521 (1970) (dissenting opinion); *Richardson* v. *Belcher,* 404 U.S. 78, 90 (1971) (dissenting opinion). The Court apparently seeks to establish today that equal protection cases fall into one of two neat categories which dictate the appropriate standard of review—strict scrutiny or mere rationality. But this Court's decisions in the field of equal protection defy such easy categorization. A principled reading of what this Court has done reveals that it has applied a spectrum of standards in reviewing discrimination allegedly violative of the Equal Protection Clause. This spectrum clearly comprehends variations in the degree of care with which the Court will scrutinize particular classifications, depending, I believe, on the constitutional and societal importance of the interest adversely affected and the recognized invidiousness of the basis upon which the particular classification is drawn. I find in fact that many of the Court's recent decisions embody the very sort of reasoned approach to equal protection analysis for which I previously argued—that is an approach in which "concentration [is] placed upon the character of the classification in question, the relative importance to the individuals in the class discriminated against of the governmental benefits they do not receive, and the asserted state interests in support of the classification." *Dandridge* v. *Williams,* 397 U.S., at 520–521 (dissenting opinion).

I therefore cannot accept the majority's labored efforts to demonstrate that fundamental interests, which call for strict scrutiny of the challenged classification, encompass only established rights which we are somehow bound to recognize from the

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text of the Constitution itself. To be sure, some interests which the Court has deemed to be fundamental for purposes of equal protection analysis are themselves constitutionally protected rights. Thus, discrimination against the guaranteed right of freedom of speech has called for strict judicial scrutiny. See *Police Department of the City of Chicago* v. *Mosley*, 408 U.S. 92 (1972). Further, every citizen's right to travel interstate, although nowhere expressly mentioned in the Constitution, has long been recognized as implicit in the premises underlying the Document: the right "was conceived from the beginning to be a concomitant of the stronger Union the Constitution created." *United States* v. *Guest*, 383 U.S. 745, 758 (1966). See also *Crandall* v. *Nevada*, 6 Wall. 35, 48 (1867). Consequently, the Court has required that a state classification affecting the constitutionally protected right to travel must be "shown to be necessary to promote a *compelling* governmental interest." *Shapiro* v. *Thompson*, 394 U.S. 618, 634 (1969). But it will not do to suggest that the "answer" to whether an interest is fundamental for purposes of equal protection analysis is *always* determined by whether that interest "is a right . . . explicitly or implicitly guaranteed by the Constitution," *ante*, at ——.[59]

I would like to know where the Constitution guarantees the right to procreate, *Skinner* v. *Oklahoma ex rel. Williamson*, 316 U.S. 535, 541 (1942), or the right to vote in state elections, *e.g.*, *Reynolds* v. *Sims*, 377 U.S. 533 (1964), or the right to an appeal from a criminal conviction, *e.g.*, *Griffin* v. *Illinois*, 351 U.S. 12 (1956). These are instances in which, due to the importance of the interests at stake, the Court has displayed a strong concern with the existence of discriminatory state treatment. But the Court has never said or indicated that these are interests which independently enjoy full-blown constitutional protection.

Thus, in *Buck* v. *Bell*, 274 U.S. 200 (1927), the Court refused to recognize a substantive constitutional guarantee of the right to procreate. Nevertheless, in *Skinner* v. *Oklahoma ex rel. Williamson*, 316 U.S., at 541, the Court, without impugning the continuing vality of *Buck* v. *Bell*, held that "strict scrutiny" of state discrimination affecting procreation "is essential," for "[m]arriage and procreation are fundamental to the very existence and survival of the race." Recently, in *Roe* v. *Wade*, — U.S. —, — (1973), the importance of procreation has indeed been explained on the basis of its intimate relationship with the constitutional right of privacy which we have recognized. Yet the limited stature thereby accorded any "right" to procreate is evident from the fact that at the same time the Court reaffirmed its initial decision in *Buck* v. *Bell*. See *Roe* v. *Wade*, — U.S., at —.

Similarly, the right to vote in state elections has been recognized as a "fundamental political right," because the Court concluded very early that it is "preservative of all rights." *Yick Wo* v. *Hopkins*, 118 U.S. 356, 370 (1886); see, *e.g.*, *Reynolds* v. *Sims*, 377 U.S. 533, 561–562 (1964). For this reason, "this Court has made clear that a citizen has a *constitutionally protected right* to participate in elections *on an equal basis with other citizens in the jurisdiction*." *Dunn* v. *Blumstein*, 405 U.S. 330, 336 (1972) (emphasis added). The final source of such protection from inequality in the provision of the state franchise is, of course, the Equal Protection Clause. Yet it is clear that whatever degree of importance has been attached to the state electoral process when unequally distributed, the right to vote in state elections has itself never been accorded the stature of an independent constitutional guarantee.[60] See *Oregon* v. *Mitchell*, 400 U.S. 112 (1970); *Kramer* v. *Union Free School District No. 15*, 395 U.S. 621, 626–629 (1969); *Harper* v. *Virginia Board of Elections*, 383 U.S. 663, 665 (1966).

Finally, it is likewise "true that a State is not required by the Federal Constitution to provide appellate courts or a right to appellate review at all." *Griffin* v. *Illinois*, 351 U.S., at 18. Nevertheless, discrimination adversely affecting access to an appellate process which a State has chosen to provide has been considered to require close judicial scrutiny. See, *e.g.*, *Griffin* v. *Illinois*, *supra*; *Douglas* v. *California*, 372 U.S. 353 (1963).[61]

The majority is, of course, correct when it suggests that the process of determining which interests are fundamental is a difficult one. But I do not think the problem is insurmountable. And I certainly do not accept the view that the process need necessarily degenerate into an unprincipled, subjective "picking-and-choosing" between various interests or that it must involve this Court in creating "substantive constitutional rights in the name of guaranteeing equal protection of the laws," *ante*, at —. Although not all fundamental interests are constitutionally guaranteed, the determination of which interests are fundamental should be firmly rooted in the text of the Constitution. The task in every case should be to determine the extent to which constitutionally guaranteed rights are dependent on interests not mentioned in the Constitution. As the nexus between the specific constitutional guarantee and the nonconstitutional interest draws closer, the nonconstitutional interest becomes more fundamental and the degree of judicial scrutiny applied when the interest is infringed on a discriminatory basis must be adjusted accordingly. Thus, it cannot be denied that interests such as procreation, the exercise of the state franchise, and access to criminal appellate processes are not fully guaranteed to the citizen by our Constitution. But these interests have nonetheless been afforded special judicial consideration in the face of discrimination because they are, to some extent, interrelated with constitutional guarantees. Procreation is now understood to be important because of its interaction with the established constitutional right of privacy. The exercise of the state franchise is closely tied to basic civil and political rights inherent in the First Amendment. And access to criminal appellate processes enhances the integrity of the range of rights[62] implicit in the Fourteenth Amendment guarantee of due process of law. Only if we closely protect the related interests from state discrimination do we ultimately ensure the integrity of the constitutional guarantee itself. This is the real lesson that must be taken from our previous decisions involving interests deemed to be fundamental.

The effect of the interaction of individual interests with established constitutional guarantees upon the degree of care exercised by this Court in reviewing state discrimination affecting such interests is amply illustrated by our decision last Term in *Eisenstadt* v. *Baird*, 405 U.S. 438 (1972). In *Baird*, the Court struck down as violative of the Equal Protection Clause a state statute which denied unmarried persons access to contraceptive devices on the same basis as married persons. The Court purported to test the statute under its traditional standard whether there is some rational basis for the discrimination effected. *Id.*, at 446–447. In the context of commercial regulation, the Court has indicated that the Equal Protection Clause "is offended only if the classification rests on grounds wholly irrelevant to the achievement of the State's objective. See, *e.g.*, *McGowan* v. *Maryland*, 366 U.S. 420, 425 (1961); *Kotch* v. *Board of River Port Pilot Commissioners*, 330 U.S. 552, 557 (1947). And this lenient standard is further weighted in the State's favor by the fact that "[a] statutory discrimination will not be set aside if any state of facts reasonably may be conceived [by the Court] to justify it." *McGowan* v. *Maryland*, 366 U.S., at 426. But in *Baird* the Court clearly did not adhere to these highly tolerant standards of traditional rational review. For although there were conceivable state interests intended to be advanced by the statute—*e.g.*, deterrence of premarital sexual activity; regulation of the dissemination of potentially dangerous articles—the Court was not prepared to accept these interests on their face, but instead proceeded to test their substantiality by independent analysis. See 405 U.S., at 449–454. Such close scrutiny of the State's interests was hardly characteristic of the deference shown state classifications in the context of economic interests. See, *e.g.*, *Goesaert* v. *Cleary*, 335 U.S. 464 (1948); *Kotch* v. *Board of River Port Pilot Commissioners*, *supra*. Yet I think the Court's action was entirely appropriate for access to and use of contraceptives bears a close relationship to the individual's constitutional right of privacy. See 405 U.S., at 453–454; *id.*, at 463–464 (WHITE, J., concurring). See also *Roe* v. *Wade*, —U.S., at —.

A similar process of analysis with respect to the invidiousness of the basis on which a particular classification is drawn has also influenced the Court as to the appropriate degree of scrutiny to be accorded any particular case. The highly suspect character of classifications based on race,[63] nationality,[64] or alienage[65] is well established. The reasons why such classifications call for close judicial scrutiny are manifold. Certain racial and ethnic groups have frequently been recognized as "discrete and insular minorities" who are relatively powerless to protect their interests in the political process. See *Graham* v. *Richardson*, 403 U.S. 365, 372 (1971); cf. *United States* v. *Carolene Products Co.*, 304 U.S. 144, 152–153 n. 4 (1938). Moreover, race, nationality, or alienage is " 'in most circumstances irrelevant' to any constitutionally acceptable legislative purpose, *Hirabayashi* v. *United States*, 320 U.S. 81, 100." *McLaughlin* v. *Florida*, 379 U.S., at 192. Instead, lines drawn on such bases are frequently the reflection of historic prejudices rather than legislative rationality. It may be that all of these considerations, which make for particular judicial solicitude in the face of discrimination on the basis of race, nationality, or alienage, do not coalesce—or at least not to the same degree—in other forms of discrimination. Nevertheless, these considerations have undoubtedly influenced the care with which the Court has scrutinized other forms of discrimination.

In *James* v. *Strange*, 407 U.S. 128 (1972), the Court held unconstitutional a state statute which provided for recoupment from indigent convicts of legal defense fees paid by the State. The Court found that the statute impermissibly differentiated between indigent criminals in debt to the state and civil judgment debtors, since criminal debtors were denied various protective exemptions afforded civil judgment debtors.[66] The Court suggested that in reviewing the statute under the Equal Protection Clause, it was merely applying the traditional requirement that there be " 'some rationality' " in the line drawn between the different types of debtors. *Id.*, at 140. Yet it then proceeded to scrutinize the statute with less than traditional deference and restraint. Thus the Court recognized "that state recoupment statutes may be token legitmate state interests" in recovering expenses and discouraging fraud. Nevertheless, MR. JUSTICE POWELL, speaking for the Court, concluded that "these interests are not thwarted by requiring more even treatment of indigent criminal defendants with other classes of debtors to whom the statute itself repeatedly makes reference. State recoupment laws, notwithstanding the state interests they may serve, need not blight in such discriminatory fashion the hopes of indigents for self-sufficiency and self-respect." *Id.*, at 141–142.

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The Court, in short, clearly did not consider the problems of fraud and collection that the state legislature might have concluded were peculiar to indigent criminal defendants to be either sufficiently important or at least sufficiently substantiated to justify denial of the protective exemptions afforded to all civil judgment debtors, to a class composed exclusively of indigent criminal debtors..

Similarly, in *Reed* v. *Reed*, 404 U.S. 71 (1971), the Court, in striking down a state statute which gave men preference over women when persons of equal entitlement apply for assignment as an administrator of a particular estate, resorted to a more stringent standard of equal protection review than that employed in cases involving commercial matters. The Court indicated that it was testing the claim of sex discrimination by nothing more than whether the line drawn bore "a rational relationship to a state objective," which it recognized as a legitimate effort to reduce the work of probate courts in choosing between competing applications for letters of administration. *Id.*, at 76. Accepting such a purpose, the Idaho Supreme Court had thought the classification to be sustainable on the basis that the legislature might have reasonably concluded that, as a rule, men have more experience than women in business matters relevant to the administration of estate. 93 Idaho 511, 514, 465 P. 2d 635, 638 (1970). This Court, however, concluded that "[t]o give a mandatory preference to members of either sex over members of the other, merely to accomplish the elimination of hearings on the merits, is to make the very kind of arbitrary legislative choice forbidden by the Equal Protection Clause of the Fourteenth Amendment . . . ." *Id.*, at 76. This Court, in other words, was unwilling to consider a theoretical and unsubstantiated basis for distinction—however reasonable it might appear—sufficient to sustain a statute discriminating on the basis of sex.

James and *Reed* can only be understood as instances in which the particularly invidious character of the classification caused the Court to pause and scrutinize with more than traditional care the rationality of state discrimination. Discrimination on the basis of past criminality and on the basis of sex posed for the Court the spectre of forms of discrimination which it implicitly recognized to have deep social and legal roots without necessarily having any basis in actual differences. Still, the Court's sensitivity to the invidiousness of the basis for discrimination is perhaps most apparent in its decisions protecting the interests of children born out of wedlock from discriminatory state action. See *Weber* v. *Aetna Casualty & Surety Co.*, 406 U.S. 164 (1972); *Levy* v. *Louisiana*, 391 U.S. 68 (1968).

In *Weber*, the Court struck down a portion of a state workmen's compensation statute that relegated unacknowledged illegitimate children of the deceased to a lesser status with respect to benefits than that occupied by legitimate children of the deceased. The Court acknowledged the true nature of its inquiry in cases such as these: "What legitimate state interest does the classification promote? What fundamental personal rights might the classification endanger?" *Id.*, at 173. Embarking upon a determination of the relative substantiality of the State's justifications for the classification, the Court rejected the contention that the classification reflected what might be presumed to have been the deceased's preference of beneficiaries as "not compelling . . . where dependency on the deceased is a prerequisite to anyone's recovery . . ." *Ibid.* Likewise, it deemed the relationship between the State's interest in encouraging legitimate family relationships and the burden placed on the illegitimates too tenuous to permit the classification to stand. *Ibid.* A clear insight into the basis of the Court's action is provided by its conclusion:

"[I]mposing disabilities on the illegitimate child is contrary to the basic concept of our system that legal burdens should bear some relationship to individual responsibility or wrongdoing. Obviously, no child is responsible for his birth and penalizing the illegitimate child is an ineffectual—as well as an unjust—way of deterring the parent. Courts are powerless to prevent the social opprobrium suffered by these hapless children, but the Equal Protection Clause does enable us to strike down discriminatory laws relating to status of birth." 406 U.S., at 175–176 (footnote omitted).

Status of birth, like the color of one's skin, is something which the individual cannot control, and should generally be irrelevant in legislative considerations. Yet illegitimacy has long been stigmatized by our society. Hence, discrimination on the basis of birth—particularly when it affects innocent children—warrants special judicial consideration.

In summary, it seems to me inescapably clear that this Court has consistently adjusted the care with which it will review state discrimination in light of the constitutional significance of the interests affected and the invidiousness of the particular classification. In the context of economic interests, we find that discriminatory state action is almost always sustained for such interests are generally far removed from constitutional guarantees. Moreover, "[t]he extremes to which the Court has gone in dreaming up rational bases for state regulation in that area may in many instances be ascribed to a healthy revulsion from the Court's earlier excesses in using the Constitution to protect interests that have more than enough power to protect themselves in the legislative halls." *Dandridge* v. *Williams*, 397 U.S., at 520 (dissenting opinion). But the situation differs markedly when discrimination against important individual interests with constitutional implications and against particularly disadvantaged or powerless classes is involved. The majority suggests, however, that a variable standard of review would give this Court the appearance of a "super legislature." *Ante*, at ——. I cannot agree. Such an approach seems to me a part of the guarantees of our Constitution and of the historic experiences with oppression of and discrimination against discrete, powerless minorities which underlie that Document. In truth, the Court itself will be open to the criticism raised by the majority so long as it continues on its present course of effectively selecting in private which cases will be afforded special consideration without acknowledging the true basis of its action.[67] Opinions such as those in *Reed* and *James* seem drawn more as efforts to shield rather than to reveal the true basis of the Court's decisions. Such obfuscated action may be appropriate to a political body such as a legislature, but it is not appropriate to this Court. Open debate of the bases for the Court's action is essential to the rationality and consistency of our decisionmaking process. Only in this way can we avoid the label of legislature and ensure the integrity of the judicial process.

Nevertheless, the majority today attempts to force this case into the same category for purposes of equal protection analysis as decisions involving discrimination affecting commercial interests. By so doing, the majority singles this case out for analytic treatment at odds with what seems to me to be the clear trend of recent decisions in this Court, and thereby ignores the constitutional importance of the interest at stake and the invidiousness of the particular classification, factors that call for more than the lenient scrunity of the Texas financing scheme which the majority pursues. Yet if the discrimination inherent in the Texas scheme is scrutinized with the care demanded by the interest and classification present in this case, the unconstitutionality of that scheme is unmistakable.

B

Since the Court now suggests that only interests guaranteed by the Constitution are fundamental for purposes of equal protection analysis and since it rejects the contention that public education is fundamental, it follows that the Court concludes that public education is not constitutionally guaranteed. It is true that this Court has never deemed the provision of free public education to be required by the Constitution. Indeed, it has on occasion suggested that state supported education is a privilege bestowed by a State on its citizens. See *Missouri ex rel. Gaines* v. *Canada*, 305 U.S. 337, 349 (1938). Nevertheless, the fundamental importance of education is amply indicated by the prior decisions of this Court, by the unique status accorded public education by our society, and by the close relationship between education and some of our most basic constitutional values.

The special concern of this Court with the educational process of our country is a matter of common knowledge. Undoubtedly, this Court's most famous statement on the subject is that contained in *Brown* v. *Board of Education*, 347 U.S. 483, 493 (1954):

"Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in armed forces. It is very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values in preparing him for later professional training, and in helping to adjust normally to his environment. . . ."

Only last Term the Court recognized that "[p]roviding public schools ranks at the very apex of the function of a State." *Wisconsin* v. *Yoder*, 406 U.S. 205, 213 (1972). This is clearly borne out by the fact that in 48 of our 50 States the provision of public education is mandated by the state constitution.[68] No other state function is so uniformly recognized [69] as an essential element of our society's well-being. In large measure, the explanation for the special importance attached to education must rest, as the Court recognized in *Yoder*, *id.*, at 221, on the facts that "some degree of education is necessary to prepare citizens to participate effectively and intelligently in our open political system . . .," and that "education prepares individuals to be self-reliant and self-sufficient participants in society." Both facets of this observation are suggestive of the substantial relationship which education bears to guarantees of our Constitution.

Education directly affects the ability of a child to exercise his First Amendment interests both as a source and as a receiver of information and ideas, whatever interests he may pursue in life. This Court's decision in *Sweezy* v. *New Hampshire*, 354 U.S. 234, 250 (1957), speaks of the right of students "to inquire, to study, and to evaluate, to gain new maturity and understanding. . . ." Thus, we have not casually described the classroom as the " 'marketplace of ideas.' " *Keyishian* v. *Board of Regents*, 385 U.S. 589, 603 (1967). The opportunity for formal education may not necessarily be the essential determinant of an individual's ability to enjoy throughout his life the rights of free speech and association guaranteed to him by the First Amendment. But such an opportunity may enhance the individual's enjoyment of those rights, not only during but also following school attendance. Thus, in the final analysis, "the pivotal position of education to success in American society and its essential role in opening up to the individual the central experiences of our cul-

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ture lend it an importance that is undeniable."[70]

Of particular importance is the relationship between education and the political process. "Americans regard the public schools as a most vital civic institution for the preservation of a democratic system of government." *School District of Abington Township* v. *Schempp,* 374 U.S. 203, 230 (1963) (BRENNAN, J., concurring). Education serves the essential function of instilling in our young an understanding of and appreciation for the principles and operation of our governmental processes.[71] Education may instill the interest and provide the tools necessary for political discourse and debate. Indeed, it has frequently been suggested that education is the dominant factor affecting political consciousness and participation.[72] A system of "[c]ompetition in ideas and governmental policies is at the core of our electoral process and of First Amendment freedoms." *Williams* v. *Rhodes,* 393 U.S. 23, 32 (1968). But of most immediate and direct concern must be the demonstrated effect of education on the exercise of the franchise by the electorate. The right to vote in federal elections is conferred by Art. I, § 2, and the Seventeenth Amendment of the Constitution, and access to the state franchise has been afforded special protection because it is "preservative of other basic civil and political rights," *Reynolds* v. *Sims,* 377 U.S. 533, 561–562 (1964). Data from the Presidential Election of 1968 clearly demonstrates a direct relationship between participation in the electoral process and level of educational attainment; [73] and, as this Court recognized in *Gaston* v. *United States,* 395 U.S. 285, 296 (1969), the quality of education offered may influence a child's decision to "enter or remain in school." It is this very sort of intimate relationship between a particular personal interest and specific constitutional guarantees that has heretofore caused the Court to attach special significance, for purposes of equal protection analysis, to individual interests such as procreation and the exercise of the state franchise.[74]

While ultimately disputing little of this, the majority seeks refuge in the fact that the Court has "never presumed to possess either the ability or the authority to guarantee the citizenry the most *effective* speech or the most *informed* electoral choice." *Ante,* at—. This serves only to blur what is in fact at stake. With due respect, the issue is neither provision of the most *effective* speech nor of the most *informed* vote. Appellees do not now seek the best education Texas might provide. They do seek, however, an end to state discrimination resulting from the unequal distribution of taxable district property wealth that directly impairs the ability of some districts to provide the same educational opportunity that other districts can provide with the same or even substantially less tax effort. The issue is, in other words, one of discrimination that affects the quality of the education which Texas has chosen to provide its children; and, the precise question here is what importance should attach to education for purposes of equal protection analysis of that discrimination. As this Court held in *Brown* v. *Board of Education,* 347 U.S., at 493: The opportunity of education, "where the state has undertaken to provide it, is a right which must be made available to all on equal terms." The factors just considered, including the relationship between education and the social and political interests enshrined within the Constitution, compel us to recognize the fundamentality of education and to scrutinize with appropriate care the bases for state discrimination affecting equality of educational opportunity in Texas' school districts[75]—a conclusion which is only strengthened when we consider the character of the classification in this case.

C

The District Court found that in discriminating between Texas school children on the basis of the amount of taxable property wealth located in the district in which they live, the Texas financing scheme created a form of wealth discrimination. This Court has frequently recognized that discrimination on the basis of wealth may create a classification of a suspect character and thereby call for exacting judicial scrutiny. See, *e. g., Griffin* v. *Illinois,* 351 U.S. 12 (1951); *Douglas* v. *California,* 372 U.S. 353 (1963); *McDonald* v. *Board of Election Commissioners of Chicago,* 394 U.S. 802, 807 (1969). The majority, however, considers any wealth classification in this case to lack certain essential characteristics which it contends are common to the instances of wealth discrimination that this Court has heretofore recognized. We are told that in every prior case involving a wealth classification, the members of the disadvantaged class have "shared two distinguishing characteristics: because of their impecunity they were completely unable to pay for some desired benefit, and as a consequence, they sustained an absolute deprivation of a meaningful opportunity to enjoy that benefit." *Ante,* at —. I cannot agree. The Court's distinctions may be sufficient to explain the decisions in *Williams* v. *Illinois,* 399 U.S. 235 (1970); *Tate* v. *Short,* 401 U.S. 395 (1971); and even *Bullock* v. *Carter,* 405 U.S. 134 (1972). But they are not in fact consistent with the decisions in *Harper* v. *Virginia Board of Elections,* 383 U.S. 663 (1966), or *Griffin* v. *Illinois, supra,* or *Douglas* v. *California, supra.*

In *Harper,* the Court struck down as violative of the Equal Protection Clause an annual Virginia poll tax of $1.50, payment of which by persons over the age of 21 was a prerequisite to voting in Virginia elections. In part, the Court relied on the fact that the poll tax interfered with a fundamental interest—the exercise of the state franchise. In addition, though, the Court emphasized that "[l]ines drawn on the basis of wealth or property . . . are traditionally disfavored." *Id.,* at 668. Under the first part of the theory announced by the majority the disadvantaged class in *Harper* in terms of a wealth analysis, should have consisted only of those too poor to afford the $1.50 necessary to vote. But the *Harper* Court did not see it that way. In its view, the Equal Protection Clause "bars a system which excludes [from the franchise] those unable to pay a fee to vote or who *fail to pay.*" *Ibid.* (Emphasis added.) So far as the Court was concerned, the "degree of discrimination [was] irrelevant." *Ibid.* Thus, the Court struck down the poll tax *in toto;* it did not order merely that those too poor to pay the tax be exempted; complete impecunity clearly was not determinative of the limits of the disadvantaged class, nor was it essential to make an equal protection claim.

Similarly, *Griffin* and *Douglas* refute the majority's contention that we have in the past required an absolute deprivation before subjecting wealth classifications to strict scrutiny. The Court characterizes *Griffin* as a case concerned simply with the denial of a transcript or an adequate substitute therefor, and *Douglas* as involving the denial of counsel. But in both cases the question was in fact whether "a State that [grants] *appellate review* can do so in a way that discriminates against some convicted defendants on account of their poverty." *Griffin* v. *Illinois,* 351 U. S., at 18 (emphasis added). In that regard, the Court concluded that inability to purchase a transcript denies "the poor an adequate *appellate review* accorded to all who have money enough to pay the costs in advance," *ibid.* (emphasis added), and that "the type of an *appeal* a person is afforded . . . hinges upon whether or not he can pay for the assistance of counsel," *Douglas* v. *California,* 372 U.S., at 355–356 (emphasis added). The right of appeal itself was not absolutely denied to those too poor to pay; but because of the cost of a transcript and of counsel, the appeal was a substantially less meaningful right for the poor than for the rich.[76] It was on these terms that the Court found a denial of equal protection, and those terms clearly encompassed degrees of discrimination on the basis of wealth which do not amount to outright denial of the affected right or interest.[77]

This is not to say that the form of wealth classification in this case does not differ significantly from those recognized in the previous decisions of this Court. Our prior cases have dealt essentially with discrimination on the basis of personal wealth.[78] Here, by contrast, the children of the disadvantaged Texas school districts are being discriminated against not necessarily because of their personal wealth or the wealth of their families, but because of the taxable property wealth of the residents of the district in which they happen to live. The appropriate question, then, is whether the same degree of judicial solicitude and scrutiny that has previously been afforded wealth classifications is warranted here.

As the Court points out, *ante,* at —, no previous decision has deemed the presence of just a wealth classification to be sufficient basis to call forth "rigorous judicial scrutiny" of allegedly discriminatory state action. Compare, *e.g., Harper* v. *Virginia Board of Elections, supra,* with, *e.g., James* v. *Valtierra,* 402 U.S. 137 (1971). That wealth classifications alone have not necessarily been considered to bear the same high degree of suspectness as have classifications based on, for instance, race or alienage may be explainable on a number of grounds. The "poor" may not be seen as politically powerless as certain discrete and insular minority groups.[79] Personal poverty may entail much the same social stigma as historically attached to certain racial or ethnic groups.[80] But personal poverty is not a permanent disability; its shackles may be escaped. Perhaps, most importantly, though, personal wealth may not necessarily share the general irrelevance as basis for legislative action that race or nationality is recognized to have. While the "poor" have frequently been a legally disadvantaged group,[81] it cannot be ignored that social legislation must frequently take cognizance of the economic status of our citizens. Thus, we have generally gauged the invidiousness of wealth classifications with an awareness of the importance of the interests being affected and the relevance of personal wealth to those interests. See *Harper* v. *Virginia Board of Elections, supra.*

When evaluated with these considerations in mind, it seems to me that discrimination on the basis of group wealth in this case likewise calls for careful judicial scrutiny. First, it must be recognized that while local district wealth may serve other interests,[82] it bears no relationship whatsoever to the interest of Texas school children in the educational opportunity afforded them by the State of Texas. Given the importance of that interest, we must be particularly sensitive to the invidious characteristics of any form of discrimination that is not clearly intended to serve it, as opposed to some other distinct state interest. Discrimination on the basis of group wealth may not, to be sure, reflect the social stigma frequently attached to personal poverty. Nevertheless, insofar as group wealth discrimination involves wealth over which the disadvantaged individual has no significant control,[83] it represents in fact a more serious basis of discrimination than does personal wealth. For such discrimination is no reflection of the individual's characteristics or his abilities. And thus—particularly in the context of a disadvantaged class composed of children—we have previously treated discrimination on a basis which the individual cannot control as constitutionally disfavored. Cf. *Weber* v. *Aetna*

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Casualty & Surety Co., 406 U.S. 164 (1972); *Levy* v. *Louisiana*, 391 U.S. 68 (1968).

The disability of the disadvantaged class in this case extends as well into the political processes upon which we ordinarily rely as adequate for the protection and promotion of all interests. Here legislative reallocation of the State's property wealth must be sought in the face of inevitable opposition from significantly advantaged districts that have a strong vested interest in the preservation of the status quo, a problem not completely dissimilar to that faced by underrepresented districts prior to the Court's intervention in the process of reapportionment,[84] see *Baker* v. *Carr*, 369 U.S. 186, 191–192 (1962).

Nor can we ignore the extent to which, in contrast to our prior decisions, the State is responsible for the wealth discrimination in this instance. *Griffin, Douglas, Williams, Tate*, and our other prior cases have dealt with discrimination on the basis of indigency which was attributable to the operation of the private sector. But we have no such simple *de facto* wealth discrimination here. The means for financing public education in Texas are selected and specified by the State. It is the State that has created local school districts, and tied educational funding to the local property tax and thereby to local district wealth. At the same time, governmentally imposed land use controls have undoubtedly encouraged and rigidified natural trends in the allocation of particular areas for residential or commercial use,[85] and thus determined each district's amount of taxable property wealth. In short, this case, in contrast to the Court's previous wealth discrimination decisions, can only be seen as "unusual in the extent to which governmental action *is* the cause of the wealth classifications." [86]

In the final analysis, then, the invidious characteristics of the group wealth classification present in this case merely serves to emphasize the need for careful judicial scrutiny of the State's justifications for the resulting interdistrict discrimination in the educational opportunity afforded to the school children of Texas.

D

The nature of our inquiry into the justifications for state discrimination is essentially the same in all equal protection cases: We must consider the substantiality of the state interests sought to be served, and we must scrutinize the reasonableness of the means by which the State has sought to advance its interests. See *Police Dept. of the City of Chicago* v. *Mosley*, 408, U.S. 92, 95 (1972). Differences in the application of this test are, in my view, a function of the constitutional importance of the interests at stake and the invidiousness of the particular classification. In terms of the asserted state interests, the Court has indicated that it will require, for instance, a "compelling," *Shapiro* v. *Thompson*, 394 U.S. 618, 634 (1969), or a "substantial" or "important" *Dunn* v. *Blumstein*, 405 U.S. 330, 343 (1972), state interest to justify discrimination affecting individual interests of constitutional significance. Whatever the differences, if any, in these descriptions of the character of the state interest necessary to sustain such discrimination, basic to each is, I believe, a concern with the legitimacy and the reality of the asserted state interests. Thus, when interests of constitutional importance are at stake, the Court does not stand ready to credit the State's classification with any conceivable legitimate purpose,[87] but demands a clear showing that there are legitimate state interests which the classification was in fact intended to serve. Beyond the question of the adequacy of the state's purpose for the classification, the Court traditionally has become increasingly sensitive to the means by which a State chooses to act as its action affects more directly interests of constitutional significance. See, *e.g.*, *United States* v. *Robel*, 389 U.S. 258, 265 (1967); *Shelton* v. *Tucker*, 364 U.S. 479, 488 (1960). Thus, by now, "less restrictive alternatives" analysis is firmly established in equal protection jurisprudence. See *Dunn* v. *Blumstein*, 405 U.S. 330, 343 (1972); *Kramer* v. *Union Free School District No. 15*, 395 U.S. 621, 627 (1969). It seems to me that the range of choice we are willing to accord the State in selecting the means by which it will act and the care with which we scrutinize the effectiveness of the means which the State selects also must reflect the constitutional importance of the interest affected and the invidiousness of the particular classification. Here both the nature of the interest and the classification dictate close judicial scrutiny of the purposes which Texas seeks to serve with its present educational financing scheme and of the means its has selected to serve that purpose.

The only justification offered by appellants to sustain the discrimination in educational opportunity caused by the Texas financing scheme is local educational control. Presented with this justification, the District Court concluded that "[n]ot only are defendants unable to demonstrate compelling state interests for their classification based on wealth, they fail even to establish a reasonable basis for these classifications." 337 F. Supp., at 284. I must agree with this conclusion.

At the outset, I do not question the local control of public education, as an abstract matter, constitutes a very substantial state interest. We observed only last Term that "[d]irect control over decisions vitally affecting the education of one's children is a need strongly felt in our society." *Wright* v. *Council of the City of Emporia*, 407 U.S. 451, 469 (1972). See also *id.*, at 477–478 (BURGER, C. J., dissenting). The State's interest in local educational control—which certainly includes questions of educational funding—has deep roots in the inherent benefits of community support for public education. Consequently, true state dedication to local control would present, I think, a substantial justification to weigh against simply interdistrict variations in the treatment of a State's school children. But I need not now decide how I might ultimately strike the balance were we confronted with a situation where the State's sincere concern for local control inevitably produced educational inequality. For on this record, it is apparent that the State's purported concern with local control is offered primarily as an excuse rather than as a justification for interdistrict inequality.

In Texas statewide laws regulate in fact the most minute details of local public education. For example, the State prescribes required courses.[88] All textbooks must be submitted for state approval,[89] and only approved text books may be used.[90] The State has established the qualifications necessary for teaching in Texas public schools and the procedures for obtaining certification.[91] The State has even legislated on the length of the school day.[92] Texas' own courts have said:

> "As a result of the acts of the Legislature our school system is not of mere local concern but it is statewide. While a school district is local in territorial limits, it is an integral part of the vast school system which is coextensive with the confines of the State of Texas." *Treadway* v. *Whitney Independent School District*, 205 S. W. 2d 97, 99 (Tex. Civil App. 1947).

See also *El Dorado Independent School District* v. *Tisdale*, 3 S. W. 2d 420, 422 (Tex. Comm. App. 1928).

Moreover, even if we accept Texas' general dedication to local control in educational matters, it is difficult to find any evidence of such dedication with respect to fiscal matters. It ignores reality to suggest—as the Court does, *ante*, at —— that the local property tax element of the Texas financing scheme reflects a conscious legislative effort to provide school districts with local fiscal control. If Texas had a system truly dedicated to local fiscal control one would expect the quality of the educational opportunity provided in each district to vary with the decision of the voters in that district as to the level of sacrifice they wish to make for public education. In fact, the Texas scheme produces precisely the opposite result. Local school districts cannot choose to have the best education in the State by imposing the highest tax rate. Instead, the quality of the educational opportunity offered by any particular district is largely determined by the amount of taxable property located in the district—a factor over which local voters can exercise no control.

The study introduced in the District Court showed a direct inverse relationship between equalized taxable district property wealth and district tax effort with the result that the property poor districts making the highest tax effort obtained the lowest per pupil yield.[93] The implications of this situation for local choice are illustrated by again comparing the Edgewood and Alamo Heights School Districts. In 1967–1968, Edgewood, after contributing its share to the Local Fund Assignment, raised only $26 per pupil through its local property tax, whereas Alamo Heights was able to raise $333 per pupil. Since the funds received through the Minimum Foundation School Program are to be used only for minimum professional salaries, transportation costs, and operating expenses, it is not hard to see the lack of local choice—with respect to higher teacher salaries to attract more and better teachers, physical facilities, library books, and facilities, special courses, or participation in special state and federal matching funds programs—under which a property poor district such as Edgewood is forced to labor.[94] In fact, because of the difference in taxable local property wealth, Edgewood would have to tax itself almost nine times as heavily to obtain the same yield as Alamo Heights.[95] At present, then, local control is a myth for many of the local school districts in Texas. As one district court has observed, "rather than reposing in each school district the economic power to fix its own level of per pupil expenditure, the State has so arranged the structure as to guarantee that some districts will spend low (with high taxes) while others will spend high (with low taxes)." *Van Dusartz* v. *Hatfield*, 334 F. Supp. 870, 876 (Minn. 1971).

In my judgment, any substantial degree of scrutiny of the operation of the Texas financing scheme reveals that the State has selected means wholly inappropriate to secure its purported interest in assuring its school districts local fiscal control.[96] At the same time, appellees have pointed out a variety of alternative financing schemes which may serve the State's purported interest in local control as well, if not better, than the present scheme without the current impairment of the educational opportunity of vast numbers of Texas school children.[97] I see no need, however, to explore the practical or constitutional merits of those suggested alternatives at this time, for whatever their positive or negative features, experience with the present financing scheme impugns any suggestion that it constitutes a serious effort to provide local fiscal control. If, for the sake of local education control, this Court is to sustain interdistrict discrimination in the educational opportunity afforded Texas school children, it should require that the State present something more than the mere sham now before us.

III

In conclusion it is essential to recognize that an end to the wide variations in taxable district property wealth inherent in the Texas financing scheme would entail none of

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the untoward consequences suggested by the Court or by the appellants.

First, affirmance of the District Court's decisions would hardly sound the death knell for local control of education. It would mean neither centralized decisionmaking nor federal court intervention in the operation of public schools. Clearly, this suit has nothing to do with local decisionmaking with respect to educational policy or even educational spending. It involves only a narrow aspect of local control—namely, local control over the raising of educational funds. In fact, in striking down interdistrict disparities in taxable local wealth, the District Court took the course which is most likely to make true local control over educational decisionmaking a reality for *all* Texas school districts.

Nor does the District Court's decision even necessarily eliminate local control of educational funding. The District Court struck down nothing more than the continued interdistrict wealth discrimination inherent in the present property tax. Both centralized and decentralized plans for educational funding not involving such interdistrict discrimination have been put forward.[98] The choice among these or other alternatives remains with the State, not with the federal courts. In this regard, it should be evident that the degree of federal intervention in matters of local concern would be substantially less in this context than in previous decisions in which we have been asked effectively to impose a particular scheme upon the States under the guise of the Equal Protection Clause. See, *e.g., Dandridge* v. *Williams,* 397 U.S. 471 (1970); cf. *Richardson* v. *Belcher,* 404 U.S. 78 (1971).

Still, we are told that this case requires us "to condemn the State's judgment in conferring on political subdivisions the power to tax local property to supply revenues for local interests." *Ante,* at ——. Yet no one in the course of this entire litigation has ever questioned the constitutionality of the local property tax as a device for raising educational funds. The District Court's decision, at most, restricts the power of the State to make educational funding dependent exclusively upon local property taxation so long as there exists interdistrict disparities in taxable property wealth. But it hardly eliminates the local property tax as a source of educational funding or as a means of providing local fiscal control.[99]

The Court seeks solace for its action today in the possibility of legislative reform. The Court's suggestions of legislative redress and experimentation will doubtless be of great comfort to the school children of Texas' disadvantaged districts, but considering the vested interests of wealthy school districts in the preservation of the status quo, they are worth little more. The possibility of legislative action is, in all events, no answer to this Court's duty under the Constitution to eliminate unjustified state discrimination. In this case we have been presented with an instance of such discrimination, in a particularly invidious form, against an individual interest of large constitutional and practical importance. To support the demonstrated discrimination in the provision of educational opportunity the State has offered a justification which, on analysis takes on at best an ephemeral character. Thus, I believe that the wide disparities in taxable district property wealth inherent in the local property tax element of the Texas financing scheme render that scheme violative of the Equal Protection Clause.[100]

I would therefore affirm the judgment of the District Court.

FOOTNOTES

[1] See *Van Dusartz* v. *Hatfield,* 334 F. Supp. 870 (Minn. 1971); *Milliken* v. *Green,* — Mich. —,— N. W. 2d — (1972); *Serrano* v. *Priest,* 5. Cal. 3d 584, 487 P. 2d 1241, 96 Cal. Rptr. 601 (1971); *Robinson* v. *Cahill,* 118 N. J. Super 223, 287 A. 2d 187, 119 N. J. Super. 40, 289 A. 2d 569 (1972); *Hollins* v. *Shofstall,* Civil No. C-253652 (Super. Ct. Maricopa Cty., Ariz., July 7, 1972). See also *Sweetwater County Planning Comm. for the Organization of School Districts* v. *Hinkle,* 491 P. 2d 1234 (Wyo. 1971), juris, relinquished, 493 P. 2d 1050 (Wyo. 1972).

[2] The District Court in this case postponed decisions for some two years in the hope that the Texas Legislature would remedy the gross disparities in treatment inherent in the Texas financing scheme. It was only after the legislature failed to act in its 1971 Regular Session that the District Court, apparently recognizing the lack of hope for self-initiated legislative reform, rendered its decision. See Texas Research League, Public School Finance Problems in Texas 13 (Interim Report 1972). The strong vested interest of property rich districts in the existing property tax scheme poses a substantial barrier to self-initiated legislative reform in educational financing. See N. Y. Times, Dec. 19, 1972, at 1, col. 1.

[3] Texas provides its school districts with extensive bonding authority to obtain capital both for the acquisition of school sites and "the construction and equipment of school buildings," Tex. Educ. Code Ann. § 20.01, and for the acquisition, construction, and maintenance of "gymnasia, stadia, and other recreational facilities," *id.,* §§ 20.21–20.22. While such private capital provides a fourth source of revenue, it is, of course, only temporary in nature since the principal and interest of all bonds must ultimately be paid out of the receipts of the local ad valorem property tax, see *id.,* §§ 20.01, 20.04, except to the extent that outside revenues derived from the operation of certain facilities, such as gymnasium, are employed to repay the bonds issued thereon, see *id.,* §§ 20.22, 20.25.

[4] See Tex. Const., Art. 7, § 3; Tex. Educ. Code Ann. § 20.01–.02. As a part of the property tax scheme, bonding authority is conferred upon the local school districts, see n. 3, *supra.*

[5] See Tex. Educ. Code Ann. § 20.04.

[6] For the 1970–1971 school year, the precise figure was 41.1%. See Texas Research League, *supra,* n. 2, at 9.

[7] See Tex. Educ. Code Ann. § 20.04.

Theoretically, Texas law limits the tax rate for public school maintenance, see *id.,* § 20.02, to $1.50 per $100 valuation, see *id.,* § 20.04(d). However, it does not appear that any Texas district presently taxes itself at the highest rate allowable, although some poor districts are approaching it, see App., at 174.

[8] Under Texas law local districts are allowed to employ differing bases of assessment—a fact that introduces a third variable into the local funding. See Tex. Educ. Code Ann. § 20.03. But neither party has suggested that this factor is responsible for the disparities in revenues available to the various districts. Consequently, I believe we must deal with this case on the assumption that differences in local methods of assessment do not meaningfully affect the revenue raising power of local districts relative to one another. The Court apparently admits as much. See *ante,* at —. It should be noted, moreover, that the main set of data introduced before the District Court to establish the disparities at issue here was based upon "equalized taxable property" values which had been adjusted to correct for differing methods of assessment. See Ap. C to Affidavit of Professor Joel S. Berke.

[9] Texas has approximately 1,200 school districts.

[10] See App. I, *infra.*

[11] See *id.* Indeed, appellants acknowledge that the relevant data from Professor Berke's affidavit show "a very positive correlation, 0.973, between market value of taxable property per pupil and state and local revenues per pupil." Reply Brief for Appellants 6, n. 9.

While the Court takes issue with much of Professor Berke's data and conclusions, *ante,* at —, nn. 38 and —, I do not understand its criticisms to run to the basic finding of a correlation between taxable district property per pupil and local revenues per pupil. The critique of Professor Berke's methodology upon which the Court relies, see Goldstein, Interdistrict Inequalities in School Financing: A Critical Analysis of *Serrano* v. *Priest,* and its Progeny, 120 U. Pa. L. Rev. 504, 523–525, nn. 67 and 71 (1972), is directed only at the suggested correlations between family income and taxable district wealth and between race and taxable district wealth. Obviously, the appellants do not question the relationship in Texas between taxable district wealth and per pupil expenditures; and there is no basis for the Court to do so, whatever the criticisms that may be leveled at other aspects of Professor Berke's study, see *infra,* n. 55.

[12] See App. II, *infra.*

[13] See *Ibid.*

[14] For the 1970–1971 school year, the precise figure was 10.9%. See Texas Research League, *supra,* n. 2, at 9.

[15] Appellants made such a contention before the District Court but apparently have abandoned it in this Court. Indeed, data introduced in the District Court simply belies the argument that federal funds have a significant equalizing effect. See App. I, *infra.* And, as the District Court observed, it does not follow that remedial action by the Federal Government would excuse any unconstitutional discrimination effected by the state financing scheme. 337 F. Supp. 280, 284.

[16] For the 1970–1971 school year, the precise figure was 48%. See Texas Research League, *supra,* n. 2, at 9.

[17] See Tex. Const., Art. 7, § 5 (Supp. 1972). See also Tex. Educ. Code Ann. § 15.01 (b).

[18] See Tex. Educ. Code Ann. § 15.01 (b).

The Permanent School Fund is, in essence, a public trust initially endowed with vast quantities of public land, the sale of which has provided an enormous copus that in turn produces substantial annual revenues which are devoted exclusively to public education. See Tex. Const., Art. 7, § 5 (Supp. 1972). See also V Report of the Governor's Committee on Public School Education. The Challenge and the Chance 11 (1969) (hereinafter Texas Governor's Committee Report).

[19] This is determined from the average daily attendance within each district for the preceding year. Tex. Educ. Code Ann. § 15.01(c).

[20] See *id.,* §§ 16.01–16.975.

[21] See *id.,* §§ 16.71 (2), 16.79.

[22] See *id.,* §§ 16.301–16.316, 16.45, 16.51–16.63.

[23] See *id.,* §§ 16.72–16.73, 16.76–16.77.

[24] See *id.,* §§ 16.74–16.76. The formula for calculating each district's share is described in V Texas Governor's Committee Report 44–48.

[25] See Tex. Educ. Code Ann. § 16.01.

[26] See V Texas Governor's Committee Report 40–41.

[27] See *id.,* at 45–67; Texas Research League, Texas Public Schools Under the Minimum Foundation Program—An Evaluation: 1949–1954, 67–68 (1954).

[28] Technically, the economic index involves a two step calculation. First, on the basis of the factors mentioned above, each Texas county's share of the Local Fund Assignment is determined. Then each county's share is divided among its school districts on the basis of their relative shares of the county's assessable wealth. See Tex. Educ. Code Ann. §§ 16.74–16.76; V Texas Governor's Committee Report 43–44; Texas Research League, Texas Public School Finance: A majority of Exceptions 6–8 (2d Interim Report 1972).

[29] V Texas Governor's Committee Report 48, quoting statement of Dr. Edgar Morphet.

[30] The extraordinarily complex standards are summarized in V Texas Governor's Committee Report 41–43.

[31] The key element of the Minimum

Foundation School Program is the provision of funds for professional salaries—more particularly, for teacher salaries. The Program provides each district with funds to pay its professional payroll as determined by certain state standards. See Tex. Educ. Code Ann. §§ 16.301–16.316. If the district fails to pay its teachers at the levels determined by the state standards it receives nothing from the Program. See *id.*, § 16.301 (c). At the same time, districts are free to pay their teachers salaries in excess of the level set by the state standards, using local revenues—that is, property tax revenue—to make up the difference, see *id.*, § 16.301 (a).

The state salary standards focus upon two factors: the educational level and the experience of the district's teachers. See *id.*, §§ 16.301–16.316. The higher these two factors are, the more funds the district will receive from the Foundation Program for professional salaries.

It should be apparent that the net effect of this scheme is to provide more assistance to property rich districts than to property poor ones. For rich districts are able to pay their teachers, out of local funds, salary increments above the state minimum levels. Thus, the rich districts are able to attract the teachers with the best education and the most experience. To complete the circle, this then means, given the state standards, that the rich districts receive more from the Foundation Program for professional salaries than do poor districts. A portion of Professor Berke's study vividly illustrates the impact of the State's standards on districts of varying wealth. See App. III, *infra*.

[32] In 1967–1968, Alamo Heights School District had $49,478 in taxable property per pupil. See Berke Affidavit, Table VII, App., at 216.

[33] In 1967–1968, Edgewood Independent School District had $5,960 in taxable property per pupil. *Ibid.*

[34] I fail to understand the relevance for this case of the Court's suggestion that if Alamo Heights School District, which is approximately the same physical size as Edgewood Independent School District but which has only one-fourth as many students, had the same number of students as Edgewood, the former's per pupil expenditure would be considerably closer to the latter's. *Ante*, at —, n. 3. Obviously, this is true, but it does not alter the simple fact that Edgewood *does* have four times as many students but not four times as much taxable property wealth. From the perspective of Edgewood's school children then—the perspective that ultimately counts here—Edgewood is clearly a much poorer district than Alamo Heights. The question here is not whether districts have equal taxable property wealth in absolute terms, but whether districts have differing taxable wealth given their respective school-age populations.

[35] In the face of these gross disparities in treatment which experience with the Texas financing scheme has revealed, I cannot accept the Court's suggestion that we are dealing here with a remedial scheme to which we should accord substantial deference because of its accomplishments rather than criticize it for its failures. *Ante*, at —. Moreover, Texas' financing scheme is hardly remedial legislation of the type for which we have previously shown substantial tolerance. Such legislation may in fact extend the vote to "persons who otherwise would be denied it by state law," *Katzenbach* v. *Morgan*, 384 U.S. 641, 657 (1966), or it may eliminate the evils of the private bail bondsman, *Schilb* v. *Kuebel*, 404 U.S. 357 (1971). But those are instances in which a legislative body has sought to remedy problems for which it cannot be said to have been directly responsible. By contrast, public education is the function of the State in Texas, and the responsibility for any defect in the financing scheme must ultimately rest with the State. It is the State's own scheme which has caused the funding problem, and, thus viewed, that scheme can hardly be deemed remedial.

[36] Compare App. I, *infra*.

[37] Brief for Appellants 3.

[38] Thus, in 1967–1968, Edgewood had a total of $248 per pupil in state and local funds compared with a total of $558 per pupil for Alamo Heights. See Berke Affidavit, Table X, App., at 219. For 1970–1971, the respective totals were $418 and $913. See Texas Research League, *supra*, n. 2, at 14.

[39] Not only does the local property tax provide approximately 40% of the funds expended on public education, but it is the *only* source of funds for such essential aspects of educational financing as the payment of school bonds, see n. 3, *supra*, and the payment of the district's share of the Local Fund Assignment, as well as for nearly all expenditures above the minimums established by the Foundation Program.

[40] Compare, *e.g.*, J. Coleman, et al., Equality of Educational Opportunity 290–330 (1966), Jencks, The Coleman Report and the Conventional Wisdom, in On Equality of Educational Opportunity 69, 91–104 (F. Mosteller & D. Moynihan, ed. 1972), with *e.g.*, J. Guthrie, G. Kleindorfer, H. Levin, & R. Stout, Schools and Inequality 79–90 (1971); Kiesling, Measuring a Local Government Service: A Study of School Districts in New York State, 49 Rev. Econ. & Statistics 356 (1967).

[41] Compare Berke Deposition, at 10 ("[D]ollar expenditures are probably the best way of measuring the quality of education afforded students . . ."), with Graham Deposition, at 3 ("[I]t is not just necessarily the money, no. It is how wisely you spend it."). It warrants noting that even appellants' witness, Mr. Graham, qualified the importance of money only by the requirement of wise expenditure. Quite obviously, a district which is property poor is powerless to match the education provided by a property rich district assuming each district allocates its funds with equal wisdom.

[42] See Brief of, *inter alia*, San Marino Unified School District; Beverly Hills Unified School District as *amici curiae;* Brief of, *inter alia*, Bloomfield Hills, Michigan, School District; Dearborn City, Michigan, School District; Grosse Pointe, Michigan, Public School System as *amici curiae*.

[43] Answers to Plaintiffs' Interrogatories, App., at 115.

[44] *Ibid.* Moreover, during the same period, 37.17% of the teachers in Alamo Heights had advanced degrees, while only 14.98% of Edgewood's faculty had such degrees. See *id.*, at 116.

[45] *Id.*, at 117.

[46] *Id.*, at 118.

[47] In the 1967–1968 school year, Edgewood had 22,862 students and 864 teachers, a ratio of 26.5 to 1. See *id.*, at 110, 114. In Alamo Heights, for the same school year, there were 5,432 students and 265 teachers for a ratio of 20.5 to 1. See *ibid.*

[48] Reply Brief for Appellants 17. See also, *id.*, at 5, 15–16.

[49] Indeed, even apart from the differential treatment inherent in the local property tax, the significant interdistrict disparities in state aid received under the Minimum Foundation School Program would seem to raise substantial equal protection questions.

[50] I find particularly strong intimations of such a view in the majority's efforts to denigrate the constitutional significance of children in property poor districts "receiving a poorer quality education than that available to children in districts having more assessable wealth" with the assertion "that at least where wealth is involved the Equal Protection Clause does not require absolute equality or precisely equal advantages." *Ante*, at —. The Court, to be sure, restricts its remark to "wealth" discrimination. But the logical basis for such a restriction is not explained by the Court, nor is it otherwise apparent, see pp. ——— and n. 77, *infra*.

[51] See Answers to Interrogatories by Dr. Joel S. Berke, Ans. 17, p. 9; Ans. 48–51, pp. 22–24; Ans. 88–89, pp. 41–42; Deposition of Dr. Daniel C. Morgan, Jr., 52–55; Affidavit of Dr. Daniel C. Morgan, Jr., App., at 242–243.

[52] It is true that in two previous cases this Court has summarily affirmed district court dismissals of constitutional attacks upon other state educational financing schemes. See *McInnis* v. *Shapiro*, 293 F. Supp. 327 (ND Ill. 1968), aff'd *per curiam sub nom. McInnis* v. *Ogilvie*, 394 U.S. 322 (1969); *Burruss* v. *Wilkerson*, 310 F. Supp. 572 (WD Va. 1969), aff'd *per curiam*, 397 U.S. 44 (1970). But those decisions cannot be considered dispositive of this action, for the thrust of those suits differed materially from that of the present case. In *McInnis*, the plaintiffs asserted that "*only* a financing system which apportions public funds according to the educational needs of the students satisfies the Fourteenth Amendment." 293 F. Supp., at 331. The District Court concluded that "(1) the Fourteenth Amendment does not require public school expenditures [to] be made only on the basis of pupils' educational needs, and (2) the lack of judicially manageable standards makes this controversy nonjusticiable." *Id.*, at 329. The *Burress* District Court dismissed that suit essentially in reliance on *McInnis* which it found to be "scarcely distinguishable." 310 F. Supp., at 574. This suit involves no effort to obtain an allocation of school funds that considers only educational need. The District Court ruled only that the State must remedy the discrimination in the distribution of taxable local district wealth which has heretofore prevented many districts from truly exercising local fiscal control. Furthermore, the limited holding of the District Court presents none of the problems of judicial management which would exist if the federal courts were to attempt to ensure the distribution of educational funds solely on the basis of educational need, see *infra*, pp.— – —.

[53] Tex. Const., Art. 7, § 1.

[54] Problems of remedy may be another matter. If provision of the relief sought in a particular case required identification of each member of the affected class, as in the case of monetary relief, the need for clarity in defining the class is apparent. But this involves the procedural problems inherent in class action litigation, not the character of the elements essential to equal protection analysis. We are concerned here only with the latter. Moreover, it is evident that in cases such as this provision of appropriate relief, which takes the injunctive form, is not a serious problem since it is enough to direct the action of appropriate officials. Cf. *Potts* v. *Flak*, 313 F. 2d 284, 288–290 (CA5 1963).

[55] I assume the Court would launch the same criticism against the validity of the finding of a correlation between poor districts and racial minorities.

[56] The Court rejects the District Court's finding of a correlation between poor people and poor districts with the assertion that "there is reason to believe that the poorest families are not necessarily clustered in the poorest districts" in Texas. *Ante*, at —. In support of its conclusion the Court offers absolutely no data—which it cannot on this record—concerning the distribution of poor people in Texas to refute the data introduced below by appellees; it relies instead on a recent law review note concerned solely with the State of Connecticut. Note, A Statistical Analysis of the School Finance Decisions: On Winning Battles and Losing Wars, 81 Yale L. J. 1303 (1972). Common sense suggests that the basis for drawing a demographic conclusion with respect to a geographically

large, urban-rural, industrial-agricultural State such as Texas from a geographically small, densely populated, highly industrialized State such as Connecticut is doubtful at best.

Furthermore, the article upon which the Court relies to discredit the statistical procedures employed by Professor Berke to establish the correlation between poor people and poor districts, see n. 11, *supra*, based its criticism primarily on the fact that only four of the 110 districts studied were in the lowest of the five categories, which were determined by relative taxable property per pupil, and most districts clustered in the middle three groups. See Goldstein, Interdistrict Inequalities in School Financing: A Critical Analysis of *Serrano* v. *Priest* and its Progeny, 120 U. Pa. L. Rev. 504, 524 n. 67 (1972). See also *ante*, at —. But the Court fails to note that the four poorest districts in the sample had over 50,000 students which constituted 10% of the students in the entire sample. It appears, moreover, that even when the richest and the poorest categories are enlarged to include in each category 20% of the students in the sample, the correlation between district and individual wealth holds true. See Brief for the Governors of Minnesota, Maine, South Dakota, Wisconsin, and Michigan as *amici curiae* 17 n. 21.

Finally, it cannot be ignored that the data introduced by appellees went unchallenged in the District Court. The majority's willingness to permit appellants to litigate the correctness of that data for the first time before this tribunal—where effective response by appellees is impossible—is both unfair and judicially unsound.

[57] Third Amended Complaint, App., at 23. Consistent with this theory, appellees purported to represent, among others, a class composed of "all . . . school children in independent school districts . . . who . . . have been deprived of the equal protection of the law under the Fourteenth Amendment with regard to public school education because of the low value of the property lying within the independent school districts in which they reside." *Id.*, at 15.

[58] The degree of judicial scrutiny that this particular classification demands is a distinct issue which I consider in Part II, C, *infra*.

[59] Indeed, the Court's theory would render the established concept of fundamental interests in the context of equal protection analysis superfluous, for the substantive constitutional right itself requires that this Court strictly scrutinize any asserted state interest for restricting or denying access to any particular guaranteed right, see, *e.g.*, *United States* v. *O'Brien*, 391 U.S. 367, 377 (1968); *Cox* v. *Louisiana*, 379 U.S. 536, 545–551 (1965).

[60] It is interesting that in its effort to reconcile the state voting rights cases with its theory of fundamentality the majority can muster nothing more than contention that "[t]he constitutional underpinnings of the *right to equal treatment in the voting process* can no longer be doubted. . . ." *Ante*, at —n. 74 (emphasis added). If, by this, the Court intends to recognize a substantive constitutional "right to equal treatment in the voting process" independent of the Equal Protection Clause, the source of such a right is certainly a mystery to me.

[61] It is true that *Griffin* and *Douglas* also involved discrimination against indigents, that is, wealth discrimination. But, as the majority points out, *ante*, at — n. 67, the Court has never deemed wealth discrimination alone to be sufficient to require strict judicial scrutiny; rather, such review of wealth classifications has been applied only where the discrimination affects an important individual interest, see, *e. g.*, *Harper* v. *Virginia Board of Elections*, 383 U. S. 663 (1966). Thus, I believe *Griffin* and *Douglas* can only be understood as premised on a recognition of the fundamental importance of the criminal appellate process.

[62] See, *e. g.*, *Duncan* v. *Louisiana*, 391 U. S. 145 (1968) (right to jury trial); *Washington* v. *Texas*, 388 U. S. 14 (1967) (right to compulsory process); *Pointer* v. *Texas*, 380 U. S. 400 (1965) (right to confront one's accusers).

[63] See, *e. g.*, *McLaughlin* v. *Florida*, 379 U. S. at 191–192; *Loving* v. *Virginia*, 388 U. S. 1, 9 (1967).

[64] See *Oyama* v. *California*, 332 U. S. 633, 644–646 (1948; *Korematsu* v. *United States*, 323 U. S. 214, 216 (1944).

[65] See *Graham* v. *Richardson*, 403 U. S. 365, 372 (1971).

[66] The Court noted that the challenged "provision strips from indigent defendants the array of protective exemptions Kansas has erected for other civil judgment debtors, including restrictions on the amount of disposable earnings subject to garnishment, protection of the debtor from wage garnishment at times of severe personal or family sickness, and exemption from attachment and execution on a debtor's personal clothing, books, and tools of trade." 407 U. S., at 135.

[67] See generally Gunther, The Supreme Court, 1971 Term: Foreword, In Search of Evolving Doctrine on a Changing Court: A Model for a Newer Equal Protection, 86 Harv. L. Rev. 1 (1972).

[68] See Brief of the National Education Association, et al., as *amicus curiae*, App. A. All 48 of the 50 States which mandate public education also have compulsory attendance laws which require school attendance for eight years or more. *Id.*, at 20–21.

[69] Prior to this Court's decision in *Brown* v. *Board of Education*, 347 U.S. 483 (1954), every State had a constitutional provision directing the establishment of a system of public schools. But after *Brown*, South Carolina repealed its constitutional provision, and Mississippi made its constitutional provision discretionary with the state legislature.

[70] Developments in the Law—Equal Protection, 82 Harv. L. Rev. 1065, 1129 (1969).

[71] The President's Commission on School Finance, Schools, People, and Money; the Need for Educational Reform 11 (1972), concluded that "[l]iterally, we cannot survive as a nation or as individuals without [education]." It further observed that:

"[I]n a democratic society, public understanding of public issues is necessary for public support. Schools generally include in their courses of instruction a wide variety of subjects related to the history, structure and principles of American government at all levels. In so doing, schools provide students with a background of knowledge which is deemed an absolute necessity for responsible citizenship." *Id.*, at 13–14.

[72] See J. Guthrie, G. Kleindorfer, H. Levin, & R. Stout, Schools and Inequality 103–105 (1971); R. Hess & J. Torney, The Development of Political Attitudes in Children 217–218 (1967); Campbell, The Passive Citizen, VI Acta Sociologica, Nos. 1–2, 9, 20–21 (1962).

That education is the dominant factor in influencing political participation and awareness is sufficient. I believe, to dispose of the Court's suggestion that, in all events, there is no indication that Texas is not providing all of its children with a sufficient education to enjoy the right of free speech and to participate fully in the political process. *Ante*, at ——. There is, in short, no limit on the amount of free speech or political participation that the Constitution guarantees. Moreover, it should be obvious that the political process, like most other aspects of social intercourse, is to some degree competitive. It is thus of little benefit to an individual from a property poor district to have "enough" education if those around him have more than "enough." Cf. *Sweatt* v. *Painter*, 399 U.S. 629, 633–634 (1950).

[73] See United States Department of Commerce, Bureau of the Census, Voting and Registration in the Election of November 1968, Current Population Reports, Series P–20, No. 192, Table 4, p. 17 (1968). See also Levin, The Costs to the Nation of Inadequate Education, Committee Print of the Senate Select Committee on Equal Education Opportunity, 92d Cong., 2d Sess., pp. 46–47 (1972).

[74] I believe that the close nexus between education and our established constitutional values with respect to freedom of speech and participation in the political process makes this a different case than our prior decisions concerning discrimination affecting public welfare, see, *e. g.*, *Dandridge* v. *Williams*, 397 U.S. 471 (1970), or housing, see, *e. g.*, *Lindsey* v. *Normet*, 405 U.S. 56 (1972). There can be no question that, as the majority suggests, constitutional rights may be less meaningful for someone without enough to eat or without decent housing. *Ante*, at ——. But the crucial difference lies in the closeness of the relationship. Whatever the severity of the impact of insufficient food or inadequate housing on a person's life, they have never been considered to bear the same direct and immediate relationship to constitutional concerns for free speech and for our political processes as education has long been recognized to bear. Perhaps, the best evidence of this fact is the unique status which has been accorded public education as the single public service nearly unanimously guaranteed in the constitutions of our States, see n. 65, *supra*. Education, in terms of constitutional values, is much more analogous in my judgment, to the right to vote in state elections than to public welfare or public housing. Indeed, it is not without significance that we have long recognized education as an essential step in providing the disadvantaged with the tools necessary to achieve economic self-sufficiency.

[75] The majority's reliance on this Court's traditional deference to legislative bodies in matters of taxation falls wide of the mark in the context of this particular case. See *ante*, at ——. The decisions on which the Court relies were simply taxpayer suits challenging the constitutionality of a tax burden in the face of exemptions or differential taxation afforded to others. See, *e.g.*, *Allied Stores of Ohio, Inc.* v. *Bowers*, 358 U.S. 522 (1959); *Madden* v. *Kentucky*, 309 U.S. 83 (1940); *Carmichael* v. *Southern Coal & Coke Co.*, 301 U.S. 495 (1937); *Bells's Gap R. Co.* v. *Pennsylvania*, 134 U.S. 232 (1890). There is no question that from the perspective of the taxpayer, the Equal Protection Clause "imposes no iron rule of equality, prohibiting the flexibility and variety that are appropriate to reasonable schemes of state taxation. The State may impose different specific taxes upon different trades and professions and may vary the rate of an excise upon various products." *Allied Stores of Ohio, Inc.* v. *Bowers*, 358 U.S., at 526–527. But in this case we are presented with a claim of discrimination of an entirely different nature—a claim that the revenue producing mechanism directly discriminates against the interests of some of the intended beneficiaries; and in contrast to the taxpayer suits, the interest adversely affected is of substantial constitutional and societal importance. Hence, a different standard of equal protection review than has been employed in the taxpayer suits is appropriate here. It is true that affirmance of the District Court decision would to some extent intrude upon the State's taxing power insofar as it would be necessary for the State to at least equalize taxable district wealth. But contrary to the suggestions of the majority, affirmance would

not impose a strait jacket upon the revenue raising powers of the State, and would certainly not spell the end of the local property tax. See *infra*, pp. ——.

[76] This does not mean that the Court has demanded precise equality in the treatment of the indigent and the person of means in the criminal process. We have never suggested, for instance, that the Equal Protection Clause requires the best lawyer money can buy for the indigent. We are hardly equipped with the objective standards which such a judgment would require. But we have pursued the goal of substantial equality of treatment in the fact of clear disparities in the nature of the appellate process afforded rich versus poor. See, *e. g.*, *Draper* v. *Washington*, 372 U.S. 487, 495–496 (1963); cm. *Coppedge* v. *United States*, 369 U.S. 438, 447 (1962).

[77] Even putting aside its misreading of *Griffin* and *Douglas*, the Court fails to offer any reasoned constitutional basis for restricting cases involving wealth discrimination to instances in which there is an absolute deprivation of the interest affected. As I have already discussed, see *supra*, p. —, the Equal Protection Clause guarantees equality of those persons who are similarly situated; it does not merely bar some form of excessive discrimination between such persons. Outside the context of wealth discrimination, the Court's reapportionment decisions clearly indicate that relative discrimination is within the purview of the Equal Protection Clause. Thus, in *Reynolds* v. *Sims*, 377 U.S. 533, 562–563 (1964), the Court recognized:

> "It would appear extraordinary to suggest that a State could be constitutionally permitted to enact a law providing that certain of the State's voters could vote two, five, or 10 times for their legislative representatives, while voters living elsewhere could vote only once. . . . Of course, the effect of state legislative districting schemes which give the same number of representatives to unequal numbers of constituents is identical. Overweighting and overvaluation of the votes of those living here has the certain effect of dilution and undervaluation of the votes of those living there. . . . Their right to vote is simply not the same right to vote as that of those living in a favored part of the State. . . . One must be ever aware that the Constitution forbids 'sophisticated as well as simple-minded modes of discrimination.' "

See also *Gray* v. *Sanders*, 372 U.S. 368, 380–381 (1963). The Court gives no explanation why a case involving wealth discrimination should be treated any differently.

[78] But cf. *Bullock* v. *Carter*, 405 U.S. 134, 144 (1972), where prospective candidates' threatened exclusion from a primary ballot because of their inability to pay a filing fee was seen as discrimination against both the impecunious candidates and the "less affluent segment of the community" that supported such candidates but was also too poor at a group to contribute enough for the filing fees.

[79] But cf. M. Harrington, The Other America 13–17 (Penguin ed. 1963).

[80] See E. Banfield, The Unheavenly City 63, 75–76 (1970); cf. R. Lynd & H. Lynd, Middletown in Transition 450 (1937).

[81] Cf. *City of New York* v. *Miln*, 11 Pet. 102, 143 (1837).

[82] Theoretically, at least, it may provide a mechanism for implementing Texas' asserted interest in local educational control, see *infra*, pp. —— – ——.

[83] True, a family may move to escape a property poor school district, assuming it has the means to do so. But such a view would itself raise a serious constitutional question concerning an impermissible burdening of the right to travel, or, more precisely, the concomitant right to remain where one is. Cf. *Shapiro* v. *Thompson*, 394 U.S. 618, 629–631 (1969).

[84] Indeed, the political difficulties that seriously disadvantaged districts face in securing legislative redress are augmented by the fact that little support is likely to be secured from only mildly disadvantaged districts. Cf. *Gray* v. *Sanders*, 372 U.S. 368 (1963). See also n. 2, *supra*.

[85] See Tex. Cities, Towns, & Villages Code Ann. §§ 1011a–1011j. See also, *e.g.*, *Skinner* v. *Reed*, 265 S. W. 2d 850 (Tex. Civ. App. 1954); *City of Corpus Christi* v. *Jones*, 144 S. W. 2d 388 (Tex. Civ. App. 1940).

[86] *Serrano* v. *Priest*, 5 Cal. 3d 584, 603, 487 P. 2d 1241, 1254, 96 Cal. Rptr. 601, 614 (1971). See also *Van Dusartz* v. *Hatfield*, 334 F. Supp. 870, 875–876 (Minn. 1971).

[87] Cf., *e.g. Two Guys from Harrison-Allentown, Inc.* v. *McGinley*, 366 U.S. 582 (1961); *McGowan* v. *Maryland*, 366 U.S. 420 (1961); *Goesaert* v. *Cleary*, 335 U.S. 464 (1948).

[88] Tex. Educ. Code Ann. §§ 21.101–21.117. Criminal penalties are provided for failure to teach certain required courses. *Id.*, §§ 4.15–4.16.

[89] *Id.*, §§ 12.11–12.35.

[90] *Id.*, § 12.62.

[91] §§ 13.031–13.046.

[92] *Id.*, § 21.004.

[93] See App. II, *infra*.

[94] See Affidavit of Dr. Jose Cardenas, Superintendent of Schools, Edgewood Independent School District, App., at 234–238.

[95] See App. IV, *infra*.

[96] My Brother WHITE, in concluding that the Texas financing scheme runs afoul of the Equal Protection Clause, likewise finds on analysis that the means chosen by Texas—local property taxation dependent upon local taxable wealth—is completely unsuited in its present form to the achievement of the asserted goal of providing local fiscal control. Although my Brother WHITE purports to reach this result by application of that lenient standard of mere rationality traditionally applied in the context of commercial interests, it seems to be that the care with which he scrutinizes the practical effectiveness of the present local property tax as a device for affording local fiscal control reflects the application of a more stringent standard of review, a standard which at the least is influenced by the constitutional significance of the process of public education.

[97] See n. 98, *infra*.

[98] Centralized educational financing is, to be sure, one alternative. On analysis, though, it is clear that even centralized financing would not deprive local school districts of what has been considered to be the essence of local educational control. See *Wright* v. *Council of the City of Emporia*, 407 U.S. 451, 477–478 (1972) (BURGER, C. J., dissenting). Central financing would leave in local hands the entire gamut of local educational policymaking—teachers, curriculum, school sites, the whole process of allocating resources among alternative educational objectives.

A second possibility is the much discussed theory of district power equalization put forth by Professor Coons, Clune, and Sugarman in their seminal work, Private Wealth and Public Education 201–242 (1970). Such a scheme would truly reflect a dedication to local fiscal control. Under their system, each school district would receive a fixed amount of revenue per pupil for any particular level of tax effort regardless of the level of local property tax base. Appellants criticize this scheme on the rather extraordinary ground that it would encourage poorer districts to overtax themselves in order to obtain substantial revenues for education. But under the present discriminatory scheme, it is the poor districts who are already taxing themselves at the highest rates, yet are receiving the lowest returns.

District wealth reapportionment is yet another alternative which would accomplish directly essentially what district power equalization would seek to do artificially. Appellants claim that the calculations concerning state property required by such a scheme would be impossible as a practical matter. Yet Texas is already making far more complex annual calculations—involving not only local property values but also local income and other economic factors—in conjunction with the Local Fund Assignment portion of the Minimum Foundation School Program. See V Texas Governor's Committee Report 43–44.

A fourth possibility would be to remove commercial, industrial, and mineral property from local tax rolls, to tax this property on a state-wide basis, and to return the resulting revenues to the local districts in a fashion that would compensate for remaining variations in the local tax bases.

None of these particular alternatives are necessarily constitutionally compelled; rather they indicate the breadth of choice which remains to the State if the present interdistrict disparities were eliminated.

[99] See n. 98, *supra*.

[100] Of course, nothing in the Court's decision today should inhibit further review of state educational funding schemes under state constitutional provisions. See *Milliken* v. *Green*, — Mich. —, — N.W. 2d — (1972); *Robinson* v. *Cahill*, 118 N. J. Super. 223, 287 A. 2d 187 119 N.J. Super. 40, 289 A. 2d 569 (1972); cf. *Serrano* v. *Priest*, 5 Cal. 3d 584, 487, P. 2d 1241, 96 Cal. Rptr. 601 (1971).

APPENDIX I TO OPINION OF MARSHALL, J., DISSENTING

REVENUES OF TEXAS SCHOOL DISTRICTS CATEGORIZED BY EQUALIZED PROPERTY VALUES AND SOURCE OF FUNDS [1]

Categories [2] market value of taxable property per pupil	Per pupil revenues: Local	State	State and local (cols 1 and 2)	Federal	Total (cols 1, 2, and 4)
Above $100,000 (10 districts)	$610	$205	$815	$41	$856
$100,000–$50,000 (26 districts)	287	257	544	66	610
$50,000–$30,000 (30 districts)	224	260	484	45	529
$30,000–$10,000 (40 districts)	166	295	461	85	546
Below $10,000 (4 districts)	63	243	305	135	441

[1] Source: Policy Institute, Syracuse University Research Corporation, Syracuse, N.Y.

[2] Prepared on the basis of a sample of 110 selected Texas school districts from data for the 1967–68 school year. Based on table V to affidavit of Joel S. Berke, App., at 208.

APPENDIX II TO OPINION OF MARSHALL, J., DISSENTING

TEXAS SCHOOL DISTRICTS CATEGORIZED BY EQUALIZED PROPERTY VALUES, EQUALIZED TAX RATES, AND YIELD OF RATES [1]

Categories [2] market value of taxable property per pupil	Equalized tax rates on $100	Yield per pupil (Equalized rate applied to district market value)
Above $100,000 (10 districts)	$0.31	$585
$100,000–$50,000 (26 districts)	.38	262
$50,000–$30,000 (30 districts)	.55	213
$30,000–$10,000 (40 districts)	.72	162
Below $10,000 (4 districts)	.70	60

[1] Source: Policy Institute, Syracuse University Research Corporation, Syracuse, N.Y.

[2] Prepared on the basis of a sample of 110 selected Texas School Districts from data for the 1967–1968 school year. Based on Table II to affidavit of Joel S. Berke, App., at 205.

APPENDIX III TO OPINION OF MARSHALL, J., DISSENTING

SELECTED BEXAR COUNTY, TEX., SCHOOL DISTRICTS CATEGORIZED BY EQUALIZED PROPERTY VALUATION AND SELECTED INDICATORS OF EDUCATIONAL QUALITY[1]

Selected districts from high to low by market valuation per pupil [2]	Professional salaries per pupil [3] (percent)	Teachers with (percent) [4]		Percent of total staff with emergency permits [5]	A student counselor ratios [6]	Professional personnel per 100 pupils
		College degrees	Master's degrees			
Alamo Heights	$372	100	40	11	645	4.80
North East	288	99	24	7	1,516	4.50
San Antonio	251	98	29	17	2,320	4.00
North Side	258	99	20	17	1,493	4.30
Harlandale	243	94	21	22	1,800	4.00
Edgewood	209	96	15	47	3,098	4.06

[1] Policy Institute, Syracuse University Research Corp., Syracuse, N.Y.

[2] Prepared on the basis of a sample of 6 selected school districts located in Bexar County, Tex., from data for the 1967–68 school year.

[3] Policy Institute, Syracuse University Research Corp., Syracuse, N.Y.

[4] U.S. District Court, Western District of Texas, San Antonio Division, "Answers to Interrogatories," civil action No. 68–175–SA.

[5] Ibid.

[6] Ibid.

Source: Based on table XI to affidavit of Joel S. Berke, app., at 220.

[71–1332—Dissent (A)]

APPENDIX IV TO OPINION OF MARSHALL, J., DISSENTING

Bexar County, Texas, school districts ranked by equalized property value and tax rate required to generate highest yield in all districts*

Districts ranked from high to low market valuation per pupil:†

	Tax rate per $100 needed to equal highest yield
Alamo Heights	$.68
Judson	1.04
East Central	1.17
North East	1.21
Somerset	1.32
San Antonio	1.56
North Side	1.65
South West	2.10
South Side	3.03
Harlandale	3.20
South San Antonio	5.77
Edgewood	5.76

*Policy Institute, Syracuse University Research Corporation, Syracuse, New York.

†Prepared on the basis of the 12 school districts located in Bexar County, Texas, from data from the 1967–1968 school year.

Based on Table IX to Affidavit of Joel S. Berke, App., at 218.

TRIBUTE TO THE POLICE OFFICERS OF AMERICA

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 5, 1973

Mr. NICHOLS. Mr. Speaker, the senseless and wanton killing of America's police officers is continuing. Just a few days ago, the Metropolitan Police Department here in Washington paid tribute to a fallen comrade, 31-year-old G. D. Jones, fatally wounded while trying to quell a domestic fight.

Last October, Officer Israel "Speedy" Gonzalez, of the Arlington County Police Department, was shot to death as he attempted to stop a bank robbery in Crystal City. His death prompted Officer Charles "Tex" DeMoss, of the U.S. Capitol Police, to write a poem in memory of Officer Gonzalez. Although this poem was a tribute to Officer Gonzalez, I am sure Office DeMoss is expressing the feelings of his colleagues throughout the Nation for the 112 law enforcement officers who were killed in the line of duty in 1972 and those others who have paid the supreme sacrifice to protect society and this great Nation.

Mr. Speaker, I would like to place Officer DeMoss' poem in the CONGRESSIONAL RECORD in tribute to the thousands of men who protect our Nation, the police officers of America:

IN MEMORY OF ISRAEL "SPEEDY" GONZALEZ

(By Charles "Tex" DeMoss)

The rains come down, the skies are gray
Another "cop" is buried today.

His young wife mourns; her grief we share
A final tribute to show we care.

He died with honor, he met the test
This man in blue, the Nation's best.

We ask ourselves, why Must this be
And who is next, maybe you or me.

Yes the flowers wilt and lose their beauty
And a young man died in the line of duty.

Still the rains come down, the skies are gray
Another "cop" is dead today.

But the sun must shine, the rains must cease
So we say farewell, May he rest in peace.

THE HUMANITIES OF THE SEA

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 5, 1973

Mr. GERALD R. FORD. Mr. Speaker, in connection with our overwhelming approval earlier this week of House Resolution 330, endorsing the President's oceans policy and the position of the U.S. delegation to the forthcoming United Nations Conference on the Law of the Sea, there has come to my attention a stimulating speech on "The 'Humanities of the Sea'—Antidote for 'Future Shock' " which was given last summer in Columbus, Ohio, by Gilven N. Slonim, vice president of the Oceanic Educational Foundation. I include the speech in the RECORD for the information of the Congress:

THE "HUMANITIES OF THE SEA"—ANTIDOTE FOR "FUTURE SHOCK"

(By Gilven M. Slonim)

How significant it seems for us to foregather at the Ohio State University Center for Tomorrow—to examine the prospect of a new avenue for tomorrow's teaching-learning commitment.

The decision to delve into the new discipline of oceanic education through a "Humanities of the Sea" program at Ohio State this fall is a source of profound gratification for the entire board of the Oceanic Educational Foundation (OEF). The forward looking program you have formulated as a total community-university cooperative pioneering venture, I am confident will provide a pattern for future emulation on campuses throughout the country. Needless to say, the interest of the nation will be served thereby.

Dr. Edgar Shannon, President of the University of Virginia, and also the senior Vice President of OEF has asked me to bring his warm personal regards and best wishes for every success in your oceanic educational undertaking.

Alvin Toffler tell us, "You must teach the future!"

Fresh from hearing this admonition of the newly endoctored author of today's, surprisingly sexless, best seller *Future Shock* at the University of Cincinnati commencement, I found the University of Virginia's announcement of the first summer institute for educators on the "Humanities of the Sea" in our mailbox on my return to Washington. I detected a subtle tangency. Could this, the study of the "Humanities of the Sea" conceivably serve as the antidote to future shock? The idea, needless to say intrigued me.

Indeed, the heretofore much neglected, study of the seas is aimed increasingly at meeting future needs. It is geared to long-term global thinking. It offers new life styles. New modes of modern problem solution, ostensibly, will spin-off from sea-oriented multi-disciplinary research and study. Oceanic education affords an attractive answer to the tensions of today's troubled world. The tranquilizer for future shock? This was, indeed, a new stimulating idea.

Certainly, the concept of utilizing the seven tenths of the earth's surface as a cushion for the ills of over-population, over concentration of people in our cities, and the terrible emotional impact imposed by the pace of the present world seemed psychologically sound, if educationally acceptable. Understandably, there was a long way to go to gain the oceanic interest and understanding of all Americans. But here on our own planet was the built in space to cushion shock. This new frontier for limitless creativity, afforded a new avenue for constructive innovation. The seas could attenuate the impact of revolutionary technology with therapeutic reliability, were we to gain greater oceanic understanding.

At Cincinnati, Toffler luridly described the terrible toll already being suffered from swift change, from the claustrophobia creating megalopolises of tomorrow, from the fossilization of our civilization resulting from the rigidly structured study of the past. Obviously, Toffler is up tight. And so are a lot of Americans. The ills he depicts are real. This is precisely why this new educational approach gives promise of impressive impetus if citizens gain insight as to the meaning of this revolutionary intellectual attack on the environment of the oceans in substantive humanistic terms.

True, our work weeks grow shorter. We retire earlier. Time hangs heavily on our hands. Despite the pacifying wonders of television, there is the ever present threat that we will vegetate in our hard earned leisure. Recognizing boredom can break the will of even a spirited progressive people, the critical consideration is how do we resist growing into a stylish-superficial-strata of senior citizens who are indeed 'vegetables'?

Unquestionably, perplexing problems of every variety confront us all during this last third of our swift spinning century. Toffler's thesis that it takes change to beat change is valid. The oceans afford an instrument for doing precisely this. Some of today's problems, unfortunately, are insoluable. Others, I am certain, we can solve. It will take determination and depth in the pursuit of understanding, and the will "to make the world work" as Buckminster Fuller describes our oceanic effort.

We're an affluent—an opulent—society. Some say we have lost our will to work. Others characterize our ship of state as rudderless—lacking in the long range policies and goals a great nation needs to move toward the future with confidence and vision.

The answer lies in the issues. We must remain vitally interested in what goes on in this world of ours, if we are to continue to grow. Even though the machine is now doing much of our work for us, and the computer more and more of our thinking—the challenge is to learn, to continue our commitment, to cling to our involvement, to retain our lively interest in issues throughout our lifetime.

The crux is indeed education. And oceanic education affording a new dimension in people's thinking can contribute toward zestful thinking and zestful living to a degree heretofore not achieved. Issue-oriented as the new subjects of the sea must be taught, we can count on people's participation in the mainstream of world affairs. The lifetime of learning concept inherent can contribute toward the kind of commitment that makes life meaningful. The aim of the oceanic educational foundation is "advancing mankind through knowledge of the world ocean." What we are seeking in offering studies which encompass the total spectrum of oceanic endeavor is a new depth of understanding.

My students frequently come to me to ask what I want them to learn. What are the facts I want them to master. In each instance, I explain, this isn't that kind of course. What we are really attempting to do is to add a new oceanic dimension to your thinking. Hopefully, you will learn to relate the water world to your thinking in a way that you will probe the ocean potential in seeking solutions for pressing problems. What we like to think is that through creating a keener awareness of the oceans, new channels of opportunity unfold.

At the outset of the course, somehow this doesn't seem to make too much sense for students conditioned to a more structured approach in the teaching-learning process. But, by the end of the term they, invariably, gain a good grasp of where the seas should fit in their thinking. The remarkable thing is the degree to which they are "turned on" by this process of putting them on their own toward finding the true meaning of their intellectual pursuit. Many students tell me at the conclusion of the course that they are excited by the new vistas of thinking unfolding. They tend to feel comfortable in what formerly had been a fearful unknown. Once geared to dealing in global terms, they translate their thinking to the long term to tap the rich resources of what had previously been a no-man's land of experience and inquiry. These results strengthen the evaluation of having found a promising cure for future shock.

As you can surmise, I see much in Toffler's thinking that makes sense. Future shock sales, zooming as they are, show at least a modicum of wisdom in what he has to say. However much he may over-accentuate the negative to dramatize his perspective, as the skyrocketing leadership reveals, it is a timely text. The serious symptoms revealed call for affirmative action. One can hardly question the emotional impact of our super-industralization upon the minds and manners of people.

The unprecedented mobility of our population most assuredly breeds disruptive impermancy. Losses in basic security are felt universally. Some of the signs of deterioration in the fabric of our society stem from what Toffler describes as "a mindless hold-over from the past". That protest has become a way of life in a world that spends ever increasing segments of its resources on welfare which deprive people of their self-respect as well as their ambitions cannot be easily reconciled. Whether the pill or parental permissiveness causes the laxity in modern morality, the deterioration is striking—a serious symptom of future shock. Nevertheless, to continue to concentrate on ills and symptoms is counter-productive. What we need desperately are solutions to the burgeoning problems in every field of human endeavor. This then is the crucial challenge to enlightened leadership.

Here, as I mentioned previously, answers are to be found if we delve deeply into the potential of the oceans. The blockade of Haiphong Harbor affords a case in point.

"Pacem in Maribus" proclaims an ultimate oceanic aim toward man's future quality of life. With weapons of mass destruction threatening to eradicate civilization, the seas take on increased significance toward providing world stability. But whether peace is to prevail, or warfare will remain the historic reality, the oceans increasingly can serve man in his search for a better life.

At the outset of the 70's, this high level Malta convocation, seeking "Peace in the Oceans" observed; "Sea transport has been far and away the major cause that has shaped world history; it is from seaports that moddern civilization has developed." This finding affords insight to the deeper cultural aims sought in man's turn to the sea.

The seas, as a creative force, succor man's highest powers of mind and spirit. During the centuries that man has sailed the seas, the flow of culture, as well as commerce moved along the lines of communications across the world ocean. Exploration followed the sea. Colonization invariable moved in the wake of the seafarer's probing into the perilous real of the unknown.

Today, there is growing realization man's future is dependent on his knowledge of the seas, and his understanding of their dynamic relationship to his society. Through knowledge of the world ocean man increases his capacity to satisfy his needs, to support his growth and fulfillment of self.

As a matter of direct interest to you friends in Columbus, permit me to quote from a lecture to the first University of Virginia course in the "Humanities of the Sea" by Congressman Bill Anderson titled "The Riverine Revolution":

"A moment's reflection tells us that water, too, is a prime source of life, offering food and minerals in abundance, offering the most natural forms of transportation, power, commerce and recreation. One of our central problems as land oriented creatures, is how do we gain a more comprehensive knowledge, how do we achieve the confidence and creativity to enrich man's life, and how do we reverse or transform our thinking to see the oceans, the seabeds, the lakes, rivers and waterways as man's true benefactor?"

The first nuclear submarine skipper to navigate under the ice across the North Pole went on to recommend the creation of centers of Riverine studies at leading universities, such as Ohio State, to capitalize fully from river utilization in the global, portal-to-portal, intermodal oceanic transportation now emerging. I would add my blessing to his broadened concept for oceanic education.

In the nitty-gritty of getting oceanic studies off the deck, we find that a key problem is semantic. At the outset of each class several students invariably come to the classroom and ask "Is this where the oceanography course is being taught?" How perplexing this can become when one realizes 'the block' encountered in expanding the scope of the scientific study of the sea to include the arts and humanities. For this reason, for a comprehensive definition of what we mean by oceanic education we call on Dr. Horace Kallen, the venerable philosopher, who with characteristic insight provides this discerning development:

"Oceanic education should consist of teaching the people from childhood on through the nation's schools of all levels:

What the oceans are.

How, throughout the history of human culture, they have affected human life and growth in civilization as:

Resources for certain kinds of foods, medicines, minerals.

Avenues of transportation in various kinds of vehicles—dugouts to ocean liners.

Requiring knowledge of the heavens for direction and guidance.

Generating the occupations of sailor, fisherman, and various sophisticated vocations which the changes of naval architecture and motor power keep demanding.

Fields for the defense of the land by the exercise of naval police power and battle power, and the like.

Opportunity for the invention of various recreational skills.

What role the oceans play in the religious thinking of the worlds people; in the arts.

The dangers they present and the harm they can do to human life.

The balance sheet of oceanic help and harm.

The dangers to help from the works of man-pollution and the like as they menace the composition, the life, and the land.

Water relationship of the oceans—all ecology.

The insurance of the help by national and international undertakings to keep the oceans as growing and to prevent them from becoming diminishing resources of human survival.

Oceanic education should facilitate adding to this knowledge and rendering it a part of the funded mentality of all our people—an integral element of all liberal education."

Having defined what oceanic education means let us now determine how the "Humanities of the Sea" can contribute towards a fuller future.

The seas have proven themselves a great teacher in engineering, navigation and mathematics. Indeed, the seas forced us to use the full capabilities of the mind in order to survive. The seafarer has given the world many of its industrial breakthroughs. Electric generators were installed aboard ship for a full 20 years before they came into use ashore. Refrigeration was aboard battleships nearly a quarter of a century before being brought into our homes. We produced steel for ships a half century in advance of putting the first steel girder in city buildings.

Buckminster Fuller, the great innovative mind of our age, observes: "The fundamental something I find is the great difference between the ways of thinking about the seas and about the land. It is in no way understood by our world society at large, 99.9 per cent of man being landed." "At sea everything depends on doing more with less, and the doing more with less that came out of the navy has changed the world."

Seeing what is opening up on the oceans, Fuller emphasizes the curve of doing more with less, from which all unexpected is fall-out of the competent long distance thinking that brings the blessings of the sea to mankind. Based on what he calls "closed cycle spherical thinking," Fuller contends, "our survival depends upon the kind of thinking that has come out of the sea."

To unlock the wealth of the world ocean fascinating fields of human endeavor unfold, man in his turn toward the sea, attracted by the might and the mystery of the world of water is already directing mounting effort toward tapping the resources of the oceans while prodding for progress in laboratories ashore and at sea. But beyond the water pikes, the swift chris-craft cabin cruisers, water beds, and nuclear missile firing submarines and catamaran sailboats that are creeping into our lives daily to spell betterment of physical living and security—there will be a whole family of spin-offs from today's oceanic research. Cities under the sea will follow. Under-the-ocean restaurants are being constructed in the Virgin Islands—the first indication of things to come spelling greater enjoyment—a more comfortable existence for future generations through increased understanding and more direct involvement with water.

The visions of the future gleaned here in your strikingly impressive center of tomorrow are symbolic not merely in coming to grips with future shock, but of the better world—for mankind which can be found through profounder knowledge of the dominant dimension of our planet. The "Humanities of the Sea" can, indeed, lead us toward the kind of future in which the higher aspirations of man approach fulfillment. Therefore, in coming to Columbus to emphasize "education as survival" I say: "Let us study together."

In this cooperative, creative, constructive way, I am confident we can perceive a world in which peace and prosperity prevail, and our future is assured.

THE EXECUTIVE AND LEGISLATIVE DEPARTMENTS OF THIS GOVERNMENT MUST WORK TOGETHER IN THE PUBLIC INTEREST

HON. HAROLD D. DONOHUE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 5, 1973

Mr. DONOHUE. Mr. Speaker, the actual and wholesome fact that the President and the Congress are in full agreement on the vital necessity of establishing a national spending ceiling has been largely obscured, of late, because of the more dramatic stories about the different challenges and confrontations currently going on between the executive and legislative branches of the Government.

It is, therefore, emphatically good news to observe the most recent Senate approval of a $268 billion ceiling on Federal expenditures for fiscal year 1974. In taking this step the Senate merely reaffirmed their action of last October when, you will recall, both the House and Senate overwhelmingly agreed to place a ceiling on Federal outlays. However, as I am sure you will further recall, when the executive branch refused to spell out to the Congress where the administration planned to apply funding cuts, the Legislature then insisted that any reductions should be made across the board, thereby guaranteeing that some content and measure of previously established congressional spending priorities in human service programs would be retained. Unfortunately the White House then refused to accept any legislative involvement in the Executive funding impoundments they had projected so any hope of providing a sensible spending ceiling for fiscal 1973 had to be abandoned.

Mr. Speaker, right now the Congress is processing, and there is no doubt that they will approve, again, the establishment of a necessary budget ceiling on Federal spending so the real question, as the public is well aware, between the administration and the Congress, is not the establishment of a spending ceiling, but the power and authority of the legislative branch of Government to separately determine priority programs and the funding of them, in the national interest.

Most authorities acknowledge the separate power of the Congress to declare such priorities and program funding, under our Constitution, but our recent political history too clearly shows that the White House has repeatedly attempted to interfere with and infringe upon such legislative enactment, both directly and indirectly, even after congressional override of a Presidential veto.

Under these circumstances it would seem that the Congress has no alternative but to develop and approve specific measures especially designed to limit Presidential procedures and strategems to thwart the will of the people and the Congress through the undue exercise of impoundment by executive administrative actions.

Because of such happenings many concerned constitutional experts and respected journalists have been impelled to remind us that this country began as a repudiation of "kingly" impositions. Our unique system of government was wisely and judiciously and purposely established by the Founding Fathers to circumvent and reject dictatorships of all and every kind.

Obviously, Mr. Speaker, this country cannot expect to recover its essential unity of purpose or maintain its healthy progress if the executive and legislative departments are too much and too deeply involved in nonproductive and nonessential arguments and disputes over their separate powers. Up to this historical period it was pretty widely held and pretty well accepted that the Congress was established to make the laws of the land and the executive branch of the Government was expressly set up to carry out these laws. The President can certainly and rightfully and dutifully recommend to the Congress, but he cannot and ought not to attempt to rescind and negate the intent and provisions of laws as approved by the majority of the Congress in response to public need and request. This prerogative traditionally belongs, through the elective process, to the people of this country and no one should try to usurp it from them.

On many occasions in the past, Mr. Speaker, I have expressed my very deep conviction that the basic duty of the legislative and executive branches of the Government is to exert their joint effort of action "for the good of all Americans." Through the inspiration of this approaching Easter season, I am hopeful that a new spirit of good-will and compromise cooperation will be accomplished and projected by the legislative and executive branches of our Government so that we can move more speedily and effectively, in united obligation, toward the solution of the large number of great and troublesome problems that are plaguing our people and our country today. In common effort, we can and we will achieve our national objectives and fulfill our highest separate duty of serving our people and our Nation "together."

OEO–AIM

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 5, 1973

Mr. HUNT. Mr. Speaker, contrary to the impression which one gets from the news media, the American Indian Movement—AIM—represents only a very small, extreme, and militant faction among American Indians. AIM's activities at Wounded Knee have brought much of AIM's development and history. Among other things, we have learned that the three most powerful leaders of AIM have all spent time in the Minnesota State Penitentiary.

In order to place the events at Wounded Knee in their proper perspective, I submit the following editorial from the New Mexico Union County Leader in the RECORD.

I believe this editorial will point out the relationship between OEO and AIM and provide another example to support the restructuring of OEO:

THE TYPE WE DO NOT NEED

The American Indian Movement has been prominent in the news since some 200 armed members occupied the small settlement called Wounded Knee, on the Pine Ridge Sioux reservation in South Dakota, took several innocent individuals as hostage, started shooting at airplanes and passenger cars, demanded a full scale investigation of our government treatment of Indians, etc.

This is not the first revolutionary activity involving AIM members.

Just prior to the general election last November, militant Indians, under the direction of AIM occupied the Bureau of Indian Affairs headquarters in Washington, D.C., wrecked the place, hauled off three truckloads of government documents, including Federal Bureau of Investigation files, and stole or destroyed valuable paintings and Indian artifacts. That rampage cost the American Taxpayers an estimated two and one-half million dollars.

This type of confrontations makes one ponder who AIM is and where the necessary finances to support this type of organized hoodlumism came from.

According to information divulged by one national Indian activist the AIM organization was cooked up in the Minnesota penitentiary.

Three of the founders of AIM have fairly long records of lawlessness. These three are Clyde and Vernon Bellecourt and Dennis Banks.

Banks has been convicted on charges of assault, battery or burglary fifteen times.

Vernon Bellecourt was convicted of burglary in 1950 and armed robbery in 1953 for which he received a prison sentence of 5 to 40 years in the Minnesota penitentiary.

Clyde Bellecourt, his brother, was convicted of armed robbery in 1954 and sentenced to 2 to 15 years in prison. He was paroled and in 1960 was convicted again on charges of burglary. Paroled a second time in 1964 he was charged last November with aggravated criminal property damage involving a Minneapolis restaurant.

There is little doubt that the organization has received most of its finances from the American taxpayer by way of the Great White Father in Washington. The office of Economic opportunity has been fueling AIM with U.S. dollars. The organization received a $113,000 grant from O.E.O. in June 1972. Informed observers state that AIM siphoned off an additional $30,000 from O.E.O. funds for the Upper Midwest American Indian Center in Minneapolis. The national administration gave the radicals occupying the BIA headquarters in Washington $66,000 of O.E.O. funds to get them to leave town last November.

Howard Phillips, who was serving as head of O.E.O.'s office of Program Review, opposed the original funding grant for AIM. He filed reports to the effect that the organization was being led by professional agitators with extensive criminal backgrounds prior to O.E.O. funding the revolutionary group with the initial grant. He temporarily halted approval of the O.E.O. funding but was overruled by higher ups apparently with the concurrence of the White House.

Richard Wilson, a tribal chairman of the Sioux Indians, has insisted that the leaders involved in the criminal acts at Wounded Knee be prosecuted to the fullest extent of the law. We suspect most American citizens agree.

Perhaps we should also insist that the dismantling of O.E.O. proceed at a rapid pace. In our humble opinion our nation doesn't need that type of federal agencies.

SUCCESS CONSIDERED A THREAT TO INTERNATIONAL PEACE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 5, 1973

Mr. RARICK. Mr. Speaker, the most recent infringement on the right of the American people to be a free sovereign nation was the President's announcement that he plans to sell materials from strategic stockpiles maintained for national security.

The impact of depleting our stockpiles of strategic materials like tin, rubber, and so forth, is that these supplies are not available in the United States. In case of hostilities, our people would be caught less able to defend themselves.

Mr. Nixon's explanation is that a reduction in the stockpiles would help drive prices down and offer some relief to inflation, at least until after all the Government-owned stockpiles are exhausted.

The President also feels that—

> The stockpile numbers were set up at a time that we were thinking of a very different kind of conflict than we presently might be confronted with in the world.

The announcement of the depletion of strategic materials from our stockpiles has now been followed by a White House report on meat price ceilings where under the heading "Food Outlook" this statement is made:

> The long term solution to the food problem is based primarily on government actions taken to increase food supplies which include: . . . selling its grain stocks with the objective of literally emptying its grain bins.

Selling the materials in our strategic stockpiles, like flooding the market by emptying our food bins, may lower the price for a while. But what happens after they are gone?

Perhaps the attitude of the President's advisers as to the future is presently demonstrated by the phasing out of the Internal Security Division of the Department of Justice. If our leaders feel there is no threat from communism and subversion from outside the country, then likewise, there must be no threat from within our country.

To our new found Communist allies, as to the Socialists and the egalitarians, abundance, peace, and prosperity are repugnant, they are spread over the world and benefit everyone equally. Shutting down our storehouses of food and defensive materials so that we have no internal supplies to fall back on, forces Americans to become dependent on the small, unstable nations of the world rather than look to our own national sovereignty for protection and progress.

We are reminded of the parable of the ant and grasshopper. What our Democratic ants have been putting in storage, our Republican grasshoppers are ready to fiddle away.

I insert a question and answer article from the Weekly Compilation of Presidential Documents, a portion of the White House fact sheet, and several related news clippings:

[From the Weekly Compilation of Presidential Documents, Mar. 19, 1973]

STOCKPILES OF STRATEGIC MATERIALS

Q. Mr. President, have you decided to sell materials from the strategic stockpiles and, if so, what are the safeguards from a security standpoint?

THE PRESIDENT. We have examined the stockpile question over the past 4 years. I have long felt that these stockpiles were really irrelevant to the kind of a world situation we presently confront. The stockpile numbers were set up at a time that we were thinking of a very different kind of conflict than we presently might be confronted with in the world.

Under the circumstances, after very full evaluation and discussion within the Administration, I have found that it will be safe for the United States to very substantially reduce our stockpiles. And we are going to go forward and do that.

Now, there are going to be some squeals, but while the complaints will be made on the basis of national security, let me just say, I have made the decision on the basis of national security. The complaints will be, and I understand this, from those who produce and sell some of the materials in which we are going to sell the stockpiles. But we are going to do this, first, because the Government doesn't need this much for its national security and, second, because in this particular period, we need to take every action we possibly can to drive down prices, or at least to drive down those particular elements that force prices up. And selling the stockpiles in certain areas will help.

THE WHITE HOUSE FACT SHEET: MEAT PRICE CEILINGS

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FOOD OUTLOOK

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The long term solution to the food problem is based primarily on government actions taken to increase food supplies which include:

The Government is selling its grain stocks with the objective of literally emptying its grain bins.

[From the Wall Street Journal, Mar. 15, 1973]

NIXON SETS HUGE COMMODITIES SALES FROM STOCKPILES TO FIGHT INFLATION

(By James P. Gannon)

WASHINGTON.—The White House has decided to begin massive sales of metals and other basic commodities in government stockpiles in a new effort to deflate price pressures.

"The President has decided to dramatically reduce" the $6.5 billion strategic hoard of key industrial materials, a high Nixon administration official disclosed. He said a "substantial" portion of the total stockpile will be sold under existing authority and legislation authorizing lower minimum levels for future strategic needs will soon be sought by the White House.

The official said that a basic change in the government's stockpile policy had been reached by President Nixon in light of inflationary forces building in the economy and in changed strategic conditions. While the previous goal of stockpile sales had been to generate revenue for the government, the new goal is to aid the overall fight against inflation, the official said.

A government stockpile specialist said present law would permit sale of about $1.7 billion of the $6.5 billion total hoard. The $1.7 billion includes large amounts of aluminum, lead and zinc, but doesn't include any amounts of some other key materials such as copper, he said. To go beyond $1.7 billion in sales, the specialist added, the administration would need approval by Congress.

The White House decision to begin dumping stockpiled materials on the market has major implications for prices of a wide variety of commodities. There are some 80 different commodities in the federal stocks, including about 15 highly important industrial materials.

The sales, which the official said would be "across the board" to encompass all the government's hoarded goods, will include large quantities of aluminum, copper, zinc, tin, rubber, lead, nickel, chromium and other important commodities.

PRICES OF METALS

In recent weeks, and especially since the Nixon administration introduced the revised Phase 3 wage-price controls program, prices of many key metals have been rising. Recent price boosts for copper, zinc, aluminum and others were key factors in the decision to begin selling off the stockpiled goods, the official indicated. "We're very well aware of those price increases," he remarked.

"We have the authority to immediately sell a substantial portion of the stockpiles within existing legislation," the administration official said. However, President Nixon will shortly ask Congress to further reduce the minimum levels for various commodities so that the government can reduce stocks of some items below the currently prescribed floors.

The official characterized the stockpile sales as "a peace dividend" resulting from the ending of the Vietnam war and "overall lessening of world tensions."

FURTHER EXTENSION OF STRATEGY

The move marks a further extension of the Nixon administration's strategy to try to deal with price increases by boosting supplies on the market rather than by clamping direct controls on prices. This strategy has been the cornerstone of the administration's attack on food prices through such steps as relaxing crop-planting restrictions and removing meat-import quotas.

Now that industrial-commodity prices appear to be coming under heavier inflationary pressure too, the administration has decided to fight back in the marketplace. Industrial commodities, which had been the most stable element in the price picture over the past year, showed a disturbing rise in February, as the wholesale price index of these items jumped at a seasonally adjusted annual rate of 12%.

The government has massive quantities of materials, especially metals, in its strategic hoard. According to a federal tally as of last Sept. 30, the main stockpiled goods and their values then included:

Nearly 1.3 million tons of primary aluminum, valued at more than $580 million; more than 72 million pounds of cobalt, $150.4 million; about 191,500 tons of copper, $101.5 million; some 1.1 million tons of lead, $316 million; nearly 1.2 million tons of ferromanganese, $220 million; more than 268,000 long tons of rubber, $207.5 million; about 250,000 long tons of tin, $608 million; over 122 million pounds of tungsten ores and concentrates, at $382 million, and 974,309 tons of zinc, $271.3 million.

The stockpiles are managed by the General Services Administration, the government's housekeeping agency, which presumably will handle the new sales program.

It isn't clear what impact, if any, the administration's new plans will have on an agreement reached with the major aluminium companies only three months ago allowing them more time to pay for past purchases of surplus aluminum. In return, the companies agreed to support a Nixon administration recommendation that Congress release for sale 450,000 tons of aluminium currently in government stockpiles. This additional amount then would be added to the aluminum the companies already are obligated to buy under an earlier disposal arrangement.

The rationale for the agreement, negotiated by GSA, was that the aluminum industry was still emerging from a steep sales slump and couldn't afford the $180 million lump-sum payment it otherwise would have faced this year.

[From the Wall Street Journal, Mar. 16, 1973]

NIXON PLAN TO SELL STOCKPILED COMMODITIES COULD BE SLOWED BY MARKET, LEGAL SNAGS

President Nixon said the U.S. plans to reduce its stockpiles of strategic materials "very substantially," but market conditions and legal restraints may prevent any immediate dramatic change in the government's present disposal practices.

Reacting to Mr. Nixon's announced plans, prices of precious-metal and nonferrous-metal commodities contracts declined in U.S. and British markets yesterday, and prices of the common stocks of major aluminum, nickel, zinc and lead producers dropped sharply.

Some metals-industry executives said they were afraid that any large-scale infusion of the stockpiled materials into the open market would cause serious disruptions in some prices.

At the same time, many companies said they doubted the President could attempt any sweeping release without congressional clearance. They also predicted loud objections by legislators to the possibility of reducing backup supplies of strategic materials to practically nothing.

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SPECIFIC DISCLOSURES

However, one official said the Nixon administration will propose legislation "by the end of the month" that will ask for authority to sell large amounts of 70 different stockpiled commodities. The administration's new stockpile plan will call for hoarding only 41 commodities, instead of the present 80, he said.

The administration intends to drastically overhaul the so-called "objectives" or target levels, for various stockpiled items. The total federal stockpile amounts to some $6.5 billion of materials, considerably above the target levels for various commodities that total some $4.7 billion. The administration plan calls for slashing the target level to about $700 million from $4.7 billion. Thus, the plan calls for eventual disposal of all but $700 million of the $6.5 billion hoard. But the disposal of this massive amount will take a long time, officials said.

Specific details of disposal plans on a commodity-by-commodity basis weren't disclosed. Officials said the disposals would vary widely depending on market conditions for the specific material. In general, "we aren't going to offer anything at below market prices," an official said, "but we are going to follow the market down" when prices fall. Previous price floors below which the government wouldn't sell will be abolished, he added.

For some commodities, such as rubber, there is immediate industrial demand, the official said, but for others, such as lead, there isn't any ready demand. "I don't know what we'll do with the lead," he remarked. In the case of copper, all the stockpiled metal to be disposed of will be sold to the U.S. Mint, the official said, so it actually won't reach the open market.

For some materials, such as natural quartz, there is practically no market. "Some of this stuff may be here for 20 years," the official added.

Federal stocks consist of about 80 commodities, including about 15 key industrial materials. The Nixon administration official who disclosed the plan Wednesday said sales will include large amounts of aluminum, copper, zinc, tin, rubber, lead, nickel and chromium.

At the General Services Administration, which manages the stockpiles, an official said the agency is adopting a "more aggressive" sales policy, especially for metals. But he cited factors that make a quick and heavy sell-off unlikely.

The GSA official added that metals-market prices already have slipped because of disclosure of the policy change. And he acknowledged that the administration probably can achieve some of its price-dampening objectives through simply announcing its plans even before any stepped-up selling occurs.

BIGGEST RESTRAINT ON GSA

Perhaps the biggest restraint on the GSA in suddenly switching to a policy of major disposal is a prohibition in the Federal Stockpile Act against selling surpluses in a way that would cause market "disruptions." It isn't known whether the administration will seek a change in this legal restriction when it sends Congress a request for legislation to authorize lower stockpile minimums.

Mr. Nixon raised none of the possible problems in the disposed plans at his news conference. He predicted "some squeals" from producers and sellers of materials involved, but he sounded ready to disregard them. "While the complaints will be made on the basis of national security," Mr. Nixon remarked, "let me just say, I have made the decision on the basis of national security."

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MOST SERIOUSLY AFFECTED

The commodities that will be most seriously affected by the President's disposal plan are those whose stockpiles are large enough to make up large percentages of total U.S. annual consumption. A sudden infusion of sizable amounts of these items could cause prices to nosedive.

In the case of lead and zinc, for instance, the stockpile amounts to nearly two-thirds of annual consumption. The stockpile of silver and platinum are almost equal to total annual consumption of the metals.

By contrast, the copper stockpile of 251,592 tons is tiny in comparison with the country's 2.3-million-ton annual usage. As a result, copper executives said they weren't concerned by the administration action and didn't expect it to have any effect on their prices.

Copper prices and prices of many other metals have risen sharply lately, partly spurred by speculation during the current monetary crisis. Earlier this month, the price of copper rose to 60 cents a pound, the ceiling under administration price controls. The price of zinc, held down under Phase 2, began to rise as soon as restrictions became voluntary. The last boosts took place only last Friday, with St. Joe Minerals Corp. setting a record of 20¼ cents a pound. The price of lead also rose earlier in March, to 16 cents a pound.

Some metals executives had been hoping that price rises would cool on foreign markets as the monetary crisis subsided, thus avoiding a decision to release the U.S. stockpiles.

The domestic lead market would react more violently to a large-scale government release because the metal isn't in as strong demand as zinc. "There isn't any question that dumping 550,000 tons of lead would have a serious effect on the market," said one source. "You'd have a great oversupply of the metal."

LEGAL ROADBLOCKS SEEN

Despite such fears, however, metals companies contended that the administration would face legal roadblocks to massive dumping.

In London, commodities dealers yesterday expressed doubts that the U.S. sale of stockpiled materials would have much impact on world markets. One dealer said that only if the U.S. released "large quantities of metal immediately, certainly in the case of tin, which hasn't been released since 1968, then it would have very serious political consequences."

In Pittsburgh, major aluminum producers said plans to sell the stockpiled items would have no effect on that industry since the companies already have contracted with the government to purchase the entire aluminum stockpile.

Reynolds Metals Co., the nation's No. 2 producer, said that the aluminum companies agreed in 1965 to buy 1,449,000 tons of the 1,899,000-ton stockpile by 1990. This was renegotiated last December when the companies and the GSA agreed to add the remaining 450,000 tons to the commitment.

Reynolds Metals hoped that those 450,000 tons "have not been authorized for disposal by Congress," but added that "the companies have agreed to support such congressional action and to purchase the metal" when it is approved. The company said the stipulation, if cleared, would provide that purchases of the additional metal wouldn't start "until existing purchase obligations are satisfied."

Reynolds also said that "aluminum prices are well below base period prices determined under price control rules, and have been anything but inflationary in recent years."

The pricing of aluminum ingot presents another uncertainty for the stockpile situation. Companies must buy from the supplier at the published price, which currently is 25 cents a pound—several cents above the prevailing market price.

One industry observer said current strong demand for aluminum products is driving the selling price of ingot upward, possibly to the 25-cent level "by July 1." Another, however, said the list price should be reduced before companies agreed to buy more from the hoard.

ALLEGHENY-LUDLUM WOULD BENEFIT

One company that would stand to benefit from price reductions on stockpiled materials, is pleased the President plans to use the stockpile to fight inflation, but has reservations about eliminating much of the stockpile. This is Allegheny-Ludlum Industries Inc., the country's largest producer of specialty steels. Allegheny-Ludlum said it is the world's largest consumer of nickel and chromium, both used in producing stainless steels. The company blamed a 6% price increase it initiated earlier this week on stainless-steel sheet and strip products on increased materials costs.

In Akron, Ohio, a rubber-industry source said privately that releasing of the government's stockpile of natural rubber could cause a sizable price reduction for the commodity. One result could be to hurt demand for synthetic rubber, he added. According to this source, U.S. consumption of natural rubber is expected to be 665,000 long tons this year. A government intention to unload a large amount of natural rubber could represent a potentially large market impact.

[From the Washington Post, Apr. 2, 1973]

TIN, RUBBER AND THOSE STOCKPILES

Times have suddenly become very prosperous for those small countries that live by selling raw commodities to the industrial nations. Until about a year ago the producing countries were suffering grievously, as worldwide inflation pushed up the prices of the manufactured goods they must buy. But now inflation has reached the basic materials with a vengeance. Their prices are now going up much faster than those of finished products, and the positions are reversed. Now it is the rich nations that complain bitterly of the effects of world price increases on their unstable currencies and their internal economic troubles.

The rise or fall of a few cents in the price of copper determines the strength of Zambia's position in its long struggles with Rhodesia. The price of tin in a major influence on the durability of governments in Bolivia. The price of coffee is crucial to standards of living in half a dozen countries throughout Latin America and Africa. All of these prices are moving upward sharply—metals, foodstuffs, fibers.

The political effects of this surge are superbly indiscriminate. It is good for right-wing generals in Brazil, left-wing generals in Peru, the Labor Party in Australia and President Allende in Chile. Conversely, it is a growing embarrassment and threat to a Conservative government in Britain, a Social Democratic government in Germany, a Liberal government in Canada and the Republican administration here. Each commodity moves within its own peculiar market, but they are all responding to the enormous acceleration of the world's economy as the rich nations, led by the United States and Japan, come pounding out of their recent recession. The price increases are evidently being amplified, to some unknown degree, by the currency crisis. People who used to keep their money in U.S. dollars, for security, have now been frightened by two devaluations and are looking for something a bit more tangible to hold.

President Nixon has responded to this wave of inflation by announcing that the United States will now begin to sell off most of its strategic stockpiles. The stockpiles are, at this point, hardly more than an expensive joke. They are part of the government's elaborate and increasingly obsolete preparations for the kind of national emergency that overtook the country in World War II.

Mr. Nixon presented his decision as an attempt to fight inflation, but it appears to be having very little effect on the prices of the stockpiled commodities. As a matter of foreign policy Mr. Nixon has, in fact, successfully chosen a moment when he can dump the stockpiles without hurting friends abroad. The stockpiles have been a matter of the greatest anxiety to many of the small producing countries. Malaysia is a notable example. Malaysia lives by its exports of rubber and tin. The stockpiles hold $100 million worth of rubber, and $1 billion in tin. The chief responsibility of the Malaysian embassy here has been to point out to each successive administration the foreign implications of dumping the stockpiles. In the spring of the year, an American President was frequently tempted to throw some of that stockpiled rubber and tin on the market to bring in a little last-minute cash and help cut a budget deficit. In those seasons the Malaysian diplomats, and their colleagues from the other threatened countries, would rally around to persuade the White House that the cash would be trivial compared with the costs of the political chaos that a sinking market might generate. But currently the commodity markets are strong enough to withstand the American decision to sell. The price of tin was $1.80 a pound a year ago and is now bouncing above $2. The rubber that was 17 cents a pound a year ago is now 29 cents a pound, and the price actually has risen since Mr. Nixon's announcement that he will sell all of the 246,000 tons of it in the stockpile.

The producing countries' grievance against the rich industrial countries is very similar to the 19th century American farmers' grievances against the manufacturers in the cities. A manufacturer could set his own price, but a farmer had to ride up and down with a volatile and uncontrollable market. For the producing countries, at the moment, the ride is upward. As the experience with the American stockpiles suggests, there is not much that even a powerful government can do about it.

PEABODY AWARD TO WHRO-TV

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 5, 1973

Mr. WHITEHURST. Mr. Speaker, the George Foster Peabody Awards for 1972 were recently announced, honoring distinguished public service by radio and television programs and stations. The Second District of Virginia, which I represent and serve, received a double honor in the announcements when WHRO-TV was selected to receive one of the coveted awards; it was the only television station in the Nation winning the award for inschool programing.

WHRO-TV is an educational station headquartered in Norfolk, and serving the communities of Hampton Roads. It is one of the outstanding educational television stations in the country, and this award reflects the skill, experience, and dedication of the entire staff and management of WHRO-TV.

I am inserting an article from the Ledger-Star newspaper of March 26, 1973, which gives additional detail on the station's winning entries:

WHRO GETS TOP TV AWARD

NORFOLK.—Educational television station WHRO (Channel 15) here has been named a recipient of the coveted George Foster Peabody Award for 1972, it was announced today by Dean Warren K. Agee of the University of Georgia School of Journalism, which administers the program.

The Peabody Awards are broadcasting's equivalent of the Pulitzer Prize.

The only television station in Virginia to win the Peabody, Channel 15 was honored for "its overall classroom programing as evidenced by 'Animals and Such,' 'Writing Time,' 'People Puzzle,' and 'Dollar Data.' "

It was the only television station in the nation to win the award for in-school programing.

General Manager Randolph S. Brent gave credit for the award to the entire staff of the public instructional station.

"I am very pleased," he said, "that all of our production efforts for 1972 were accorded this singular honor. The award should be shared by the entire staff for we all are dedicated to producing instructional programs of the highest quality for our classroom pupils."

The Peabody Awards are given each year to honor the most distinguished and meritorious public service by radio and television programs, stations, networks and individuals. They are named in memory of the late George Foster Peabody, a native Georgian who became a successful New York banker and philanthropist.

There were 13 Peabody Awards given, including:

CBS-TV for "The Waltons," NBC-TV for three special programs devoted to 20th Century American music, CBS-TV for "Captain Kangaroo," NBC-TV for "Pensions: The Broken Promise," an investigative documentary about the private pension system, ABC-TV for "XX Olympiad," and Alistair Cooke for his "America" series on NBC.

A SALUTE TO ADMIRAL RICKOVER

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 5, 1973

Mr. KEMP. Mr. Speaker, Adm. Hyman G. Rickover is one of the few living Americans who has firmly etched and rightfully reserved a place in history. I was delighted, therefore, to learn recently of a tribute to Admiral Rickover written by my good friend, Lloyd Graham, which appeared in the Buffalo Courier-Express on March 25. Admiral Rickover's accomplishments, his vision, and his intelligence have profoundly influenced America. Lloyd Graham has rightfully acknowledege those contributions. I recommend it to my colleagues and insert it in the RECORD at this point:

LLOYD GRAHAM'S PERSPECTIVE: A SALUTE TO RICKOVER, A GIFT FROM RUSSIA

This is in the nature of a salute to Hyman George Rickover, probably, in irony, Russia's greatest gift to the defense of America; Czarist Russia, that is.

The gift was not intentional. Call it a twist of fate, but it was still important to our country.

Rickover was born in Makow, Russia, Jan. 27, 1900, the son of a tailor who migrated with family to the United States (Chicago) in 1906.

A bright boy, Hyman George Rickover won an appointment to the United States Naval Academy and graduated at 22. (He also was awarded a master's degree in electrical engineering for work at Columbia University).

During World War II, Rickover headed the electrical section of the Bureau of Ships for the Navy. After this war, he served briefly with the Atomic Energy Commission. All this was prelude, but it was here that he conceived the idea of a submarine powered by atomic energy—a lethal marine weapon that could travel for weeks, even months, thousands of miles, in and under water, without refueling.

Rickover headed a team including four other officers of the Navy. Finally, in 1947, their plan for an atomic submarine was approved, and the first atomic submarine, the USS "Nautilus," went to sea in 1955.

Beginning with the "Nautilus," Rickover has supervised the construction and sea trials of every American submarine sent to sea since that time. He took this personal interest, he writes, "to be sure that their nuclear propulson plants functioned properly and that the officers and men had been well trained."

A hard-driving officer with an enormous capacity for detail, he aroused the ire of some brother officers and was twice passed over for promotion. But friends in Congress took a hand in the matter, whereupon he was advanced to rear admiral in 1953 and to vice admiral in 1959.

The 59th Congress awarded him the Congressional Gold Medal in recognition of his achievements with the nuclear-powered submarine.

(Rickover also helped develop the first large-scale atomic-energy power plant, Shippingport, Pa., 1957).

So as a result of this gift from Russia to these United States, out there in the Atlantic and the Pacific Oceans, probably elsewhere as well, there roam this minute 41 nuclear-powered Polaris submarines. Those submarines stand between you Americans and your potential enemies.

Even this may not seem very dramatic. All right. Try to visualize their importance. Each of these 41 submarines is equipped to fire 16 missiles with nuclear warheads while the submarine is submerged.

Were this country ever attacked, in a matter of minutes any or most of those 41 nuclear submarines would be able to launch an attack that would mean disaster to the aggressor.

There they are out in the wet blue yonder, roaming, waiting, listening.

They represent today probably the greatest single deterrent of possible enemy action that exists in the American arsenal, or in the arsenal of any other country for that matter.

It is obvious that Admiral Rickover was and is a high achiever, a term educators are fond of using; a man who is perceptive, highly motivated, inventive, energetic, and highly innovative, but still just another wearer of the Navy's gold braid.

But Rickover is more than that. He possesses a breadth of interests one rarely finds in personnel of any highly specialized service such as the Navy. He has long been vitally interested in education and is author of several books on the subject. Note them well: "Education and Freedom," "Swiss Schools and Ours: Why Theirs Are Better," and "American Education—A National Failure."

He also possesses a vital interest in American history, this son of Russia, and his latest book, "Eminent Americans," reflects that interest as well as his first love, the Navy.

On launching any of those 41 Polaris submarines, any other admiral would probably have followed routine in choosing a name, permitted some appropriate person to participate in the christening ceremony and that would have been that. There would still be 41 missile-carrying submarines out there, waiting, listening.

But Rickover added another dimension of interest, gave those submersible protectors, so to speak, added significance. From the launching of the "Nautilus," Admiral Rickover formed the habit of writing personally to each of the 80 members of Congress who had taken a personal interest in the project. He described what the sub had been able to do in its first voyage.

When came to the Polaris series, he conceived the idea of naming them after eminent Americans. He named the first "George Washington," and when he sent his letter report to members of Congress on the performance of this first Polaris, he reminded them of some highlights in the life of George Washington.

Rickover followed this practice with each of the 40 Polaris submarines that followed the "George Washington." Most of the original letters were written aboard ship in spare moments during sea trials. They were well received by members of Congress and many were published in the CONGRESSIONAL RECORD.

In fact, they created so much interest that he was urged to put the sketches about the 41 "eminent Americans" into a book. This he finally decided to do, giving credit "to my dear wife, who did most of the research for these essays, I could not possibly have completed this task while carrying out my official duties as a naval officer."

To make the project official, House Concurrent Resolution No. 213, July 27, 1968, authorized the printing of the Rickover letters as a "House document (the Senate concurring) . . . relating to the distinguished Americans in whose honor the United States Navy Polaris nuclear submarines were named."

As a gesture of goodwill and admiration for Admiral Rickover (and his wife), the resolution included a special provision, "notwithstanding any provisions of the copyright laws and regulations with respect to publication in public domain, the letters shall be subject to copyright by the author thereof."

This meant that Admiral Rickover might, if he desires, make a deal with a trade book publisher for publications of the same work in some other form. He might thus acquire several extra dollars.

However, we see an extra dimension in the measure of this man in that he has refused to take advantage of this permission by Congress.

This House document on "Eminent Americans" contains 316 pages in paperback, including eight dramatic illustrations of Polaris submarines in action. In his preface, the author writes:

"To keep the size of this book within reasonable bounds, I was forced merely to suggest rather than fully develop many important themes in our history. Yet these essays will have served their purpose if they reveal something of the amazing diversity of principles and ideals which our forebears had to reconcile in building a nation out of 13 suspicious and jealous colonies."

If you desire a copy of "Eminent Americans" by Rickover, send $1.25 by check or money order to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C., 10402, and ask for it by name and stock number: 5271-00315.

Issued by a trade publisher, this book would easily sell for $5 to $8 a copy in hard cover.

The Government Printing Office is not noted for swiftness in filling orders, but you should receive it in about two months from the time you mail your order.

This is the kind of book that should for several reasons be in every school in the nation, at least as required reading. But probably not one school in 10,000 has or will acquire a copy.

This book contains 41 significant capsule biographies. They are about men who made great contributions to this nation and to a better understanding of American policies and its place in the world.

LEGAL SERVICES FOR THE POOR: WILL THEY BE CONTINUED?

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 5, 1973

Mr. RANGEL. Mr. Speaker, the legal services program, which is a part of the Office of Economic Opportunity that is being dismantled by President Nixon, has long been providing essential services to our Nation's poor. However, unless enabling legislation is enacted by June 30, 1973, legal services will join the long list of OEO programs that appear to be destined for an unfortunate demise.

The usefulness of the legal service program to the poor since it was begun has been immeasureable. There have been a few members of the Nixon administration who have criticized this program on the grounds that it has concentrated most of its efforts on bringing suits against local, State, and Federal agencies. The facts are, however, that over 97 percent of the cases handled by legal services are matters of a routine legal nature—such as divorces and complaints about jobs and housing. These matters, although routine in a legal sense, are mountainous problems in the lives of the poor.

President Nixon seems to have recognized the need for legal services since he included over $70 million in this year's budget for such a program outside of OEO. With this proposed allocation came a promise for the appropriate legislation to accomplish the reorganization of the legal service program.

It is now the first week in April and the administration has still failed to submit the needed legislation to Congress. Many of the neighborhood law offices have already been forced to close.

In 1971, President Nixon said of these neighborhood law offices:

> Here each day the old, underprivileged and the largely forgotten people of our nation may seek help. Perhaps it is an eviction, a marital conflict, repossession of a car, or misunderstanding over a welfare check—each problem may have a legal solution. These are small claims in the nation's eye, but they loom large in the hearts of poor Americans.

The President seems to have forgotten his words. Because of his lack of action, many of these offices have already closed. Unless the President immediately introduces his promised legislation, the fate of the remaining offices will be similar.

I would like to insert into the RECORD for the benefit of my colleagues a WCBS-TV, New York editorial on the future of legal services. Unless the President follows its recommendations, the benefits of the legal services program that he recognized less than 2 years ago will soon be lost:

WCBS-TV EDITORIAL: SAVE LEGAL SERVICE

The Nixon administration, it seems, has declared war on the "war on poverty" and is dismembering many of the anti-poverty programs started in the 1960's. One of the casualties may be the legal services program. The Office of Legal Services has been described as the country's largest law firm. But it's not in one of those fancy Wall Street or Park Avenue offices. It consists of about 2,500 attorneys working out of 900 neighborhood law offices, providing free legal help to some 1.2 million poor people all over this country.

The legal services program has been one of the most successful weapons in the war on poverty—winning an estimated 80 per cent of its cases. Most of its cases deal with personal problems such as divorces and disputes with landlords. But others deal with larger issues such as finding homes for poor people who have been forced to move by urban renewal projects.

Because the legal services program has taken local governments to court over such matters as urban renewal and other problems of common concern to the poor, some high administration figures, like Vice President Agnew, have criticized the program.

They say that the federal government shouldn't be paying for law suits that bring government agencies and elected officials into court. However, many lawyers, with the support of the American Bar Association, argue that many of the problems poor people have are the result of policies made by housing and other agencies of government, and that often these people have little peaceful recourse against the local and state governments that control so much of their lives other than to go to court.

This argument, it seems to us, makes sense. And President Nixon, himself a lawyer, agrees. He has in the past expressed support for the legal services program's efforts to help the poor deal with government institutions. And this year he included over $73 million for continuing the legal services program in another form. But so far, legislation to do so has not been introduced by the administration. Unless this legislation is passed, the whole legal services program is likely to go out of business June 30. Time is runnng out. If legal services is to be saved, the President must act soon.

VISION SCREENING IN DALLAS

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 5, 1973

Mr. COLLINS. Mr. Speaker, during Save Your Vision Week, the first week of March, several groups in the Dallas area sponsored an extremely worthwhile project designed to test vision in area citizens aged 50 or older. Five days of testing, under the auspices of the North Texas Optometric Society, the Dallas chapters of the American Association of Retired Persons and the National Retired Teachers Association, provided vision screening for about 1,000 older Americans. Some of these people traveled 100 miles to take advantage of the free examinations. The oldest person who was screened was 103.

As a person ages, his powers of vision naturally begin to experience some deterioration. Impaired vision is responsible for limiting the activity of 745,000 persons in the United States over the age of 65. In that same bracket, 42 percent have vision that is so impaired that they cannot read the newspaper. Of those in that age group who suffer from a chronic condition, 48 percent suffer from poor vision.

Beyond the problems of vision impairment, is the extreme condition of blindness. There are at least 430,000 legally blind people in the Nation. Glaucoma contributes about 13.5 percent of this, cataracts contribute 15.6 percent.

At three separate locations in various parts of Dallas, 27 optometrists donated their time and services, along with the aid of eight members of their auxiliary, to examine these older citizens and help them preserve one of their most priceless faculties.

The vision care specialists, after noting case histories, checked visual acuity, measurement of intraocular pressure, completed external and internal examinations of the eye, and then explained the results to each person. Based on suspicion of glaucoma, needed cataract evaluation or other pressing reasons, the optometrists referred 113 patients to specialists. Complete visual examinations were recommended for another 357.

I am so proud of these fine optometrists in my home State. The time which they contributed to this screening program relieved many elderly citizens of the problem of paying for an examination. They brought the problem and dangers of various eye diseases to the attention of the entire metropolitan Dallas area.

These 27 optometrists in this one program aided 1,000 of their neighbors. In these days, it is a joy to see such unselfish action. This project illustrates how much a few concerned citizens can accomplish in helping their fellow man. Vision is a precious gift. Few of us fully appreciate the wonder of sight. Our learning, our earning, our very enjoyment of life depend in large measure upon this priceless faculty.

These three groups—the North Texas Optometric Society, the Dallas chapters of the American Association of Retired Persons, and the National Retired Teachers Association—are to be greatly commended for their tremendous efforts in helping so many maintain and preserve their sight. I do not know whether this type of program has been done other places; I would hope so. And I hope that this selfless program will be emulated in many other cities and towns. I cannot say enough good things about the virtues of the profession of optometry and their care about the vision of this country.

CHARLES R. DREW POSTGRADUATE SCHOOL THREATENED BY CUTS IN REGIONAL MEDICAL PROGRAM FUNDS

Hon. Yvonne Brathwaite Burke

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 5, 1973

Mrs. BURKE of California. Mr. Speaker, on Thursday, March 29, 1973, I testified before the Subcommittee on Public Health and Environment of the House Committee on Interstate and Foreign Commerce concerning my support of the Public Health Service Act of 1973.

The Public Health Service Act's regional medical program has led to the creation of greatly needed health services for many people in California. In particular, it has provided the funds necessary to construct the Charles R. Drew Postgraduate Medical School which serves the many health needs of the people in south central Los Angeles in conjunction with the Martin Luther King, Jr., Hospital

In including a copy of my testimony in the CONGRESSIONAL RECORD, I want to call to the attention of my colleagues an effective and innovative program made possible by the regional medical program:

TESTIMONY BY THE HONORABLE YVONNE BRATHWAITE BURKE

Mr. Chairman and Members of the Committee: I am glad to have the opportunity to present to you and your Subcommittee on Public Health and Environment the reasons for my strong support of the Public Health Service Act of 1973. This Act would extend many programs which have directly contributed to the health and welfare of my constituents, and without it, it is safe to say that they would not have access to many vital health services.

One important program with which I am particularly familiar is the Regional Medical Programs, which provided both the stimulus and the initial funds necessary to construct the Charles R. Drew Postgraduate Medical School in Southeast Los Angeles.

While the formulation of the Drew School, which is the educational partner of the new Los Angeles County-Martin Luther King, Jr. General Hospital, was supported almost exclusively by RMP, the School is a superb example of RMP's intent to catalyze other community resources. The original RMP awards totaling $2.6 million since 1968 have succeeded in attracting more than $5 million additional funds, about half of them from Los Angeles County, which provides the basic support for the Drew faculty.

When the Watts Riots subsided in 1965, a decision was made to build a public hospital in South Central Los Angeles. The Drew Medical Society joined with the Schools of Medicine at UCLA and the University of Southern California to create the Drew Postgraduate Medical School. The Hospital was designed to serve all: those thousands—many poor and underemployed—who needed basic health care and the medical community itself, which had provided most of the care.

The Drew Postgraduate Medical School thus quickly became a focal resource. Today, it is the magnet to attract full-time medical and dental educators of all races who are committed to serve local and regional community health needs threatened by heart disease, cancer, stroke, kidney disease and other major diseases. Each Drew faculty member not only has to meet the executive criteria of the Drew School but has to qualify for a joint academic appointment in either UCLA or USC Schools of Medicine (or Dentistry, Public Health), the affiliate institutions.

Although the Drew proposal did not conform to the usual categorical funding requirements, the California Committee on Regional Medical Programs recognized that a genuine impact on specific disease in the South Central area of Los Angeles could only occur with a realignment of many of the community's resources and basic relationships. The first task was to recruit a faculty.

Faculty recruitment, however, was painstaking. When King Hospital opened on medical and dental staff are directing patient care, educational and research activities in this facility. When King Hospital opens all of its 394 beds, a faculty complement of about 120, supervising a like number of intern and resident physicians and dentists, will be assisted by community physicians and dentists who are joining in the teaching-learning process.

Although RMP does not pay for services at King Hospital, RMP did underwrite recruitment of the special faculty and administrative staff needed to meet the peculiar health problems of the poor in South Central Los Angeles. Now approximately 90% of patient care services at King Hospital are provided by Drew School personnel or by house officers and staff under their supervision. In the first eleven months, for example, this staff provided care to 30,344 emergency room visits, 104,073 out-patient visits, and 5,439 hospital admissions.

Much of the RMP support since 1968 (about $250,000 annually) has gone to Drew's Department of Community Medicine, which functions as an education and development service, to serve the following needs:

the assembler of health planning data, the focus for continuing professional and consumer health education, the stimulus for community self-help programs in ecology, buyers' clubs, weight and hypertension control programs, and other health educational endeavors. The Department's sponsored work-study programs for high school and college students have influenced many underprivileged students to pursue health-oriented careers.

Also under the Department of Community Medicine, but funded by other sources, is California's first physician's assistant program. This first class of students, who were trained to work with busy, urban primary care physicians, will graduate in June. It is expected that a significant number of these physician's assistants and many of the house officers now in training at King Hospital will continue to practice in the area. Already, the presence of nearly 80 new full-time physicians has nearly doubled the numbers of medical manpower in the community, in some cases being the only medical specialists within the service area. With physician's assistants and house officers, the community's medical manpower has nearly tripled since 1970—all as a proximate result of the initial RMP funds.

Drew's educational programs are creative and pertinent. They "serve the people." Pediatric residents spend one day each week in public schools, assuming responsibility for the health of students; young children are screened for learning disabilities and their parents and teachers counselled in their continuing management; a community-wide maternal and early childhood health monitoring system, with effective follow-up, is being considered. Foster homes families are being visited and provided with health services never received before. The components of a child care and development center, to help train child care workers while providing services to Hospital employees in need, are being assembled. The Department of Psychiatry is developing a model training program for health workers who will be involved in the complex social and cultural problems of a disadvantaged minority community. Special efforts to screen and educate people about sickle cell anemia are under way. A rational medical plan, within the County-wide plan, for emergency medical services is being developed with RMP support, significant because the principal cause of "persons years lost" in this community is deaths from trauma and violence.

This is but a brief account of the increased manpower and facilities, and the impact of socially committed and dedicated persons working together to elevate the health status of a community. Without the catalysis of RMP support, none of these activities would now be actually operational in the saving of lives and guiding the population at large in ways they can exercise to maintain individual and community health. For many, the services have been direct, in skillful, compassionate care in a new hospital. For others, the impact has been more subtle—in job training, new learning and knowledge, and in creative community programs.

The initial investment is already rewarding. But, without continuation of the Public Health Service Act, RMP funds to support the Department of Community Medicine—truly the pivot around which community-focused health activities occur—will cease on June 30th. No longer will there be funds for Drew to train volunteers to aid the post-stroke victim; no longer will there be funds to educate dental auxiliaries who can function in overworked dental practices; no longer will there be funds to mobilize an emergency medical services system as one thrust in curbing the grim loss of lives. And no longer will there be funds to provide technical expertise in planning, in community organization, in disseminating health information, in mobilizing a community around health. For these reasons, I firmly believe HR 5608 must be reenacted—to continue helping a strengthened community to help itself to health.

The needs in 1973 are as great as in 1965. A spirit of renaissance, of which Drew School is a major contributor and symbol, is quelling the anguish and despair which was expressed in August, 1965.

PROBLEMS WITH THE STUDENT LOAN PROGRAM

HON. B. F. SISK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 5, 1973

Mr. SISK. Mr. Speaker, I believe many of the Members will recall the experience we had last fall with the logjam of student loans that occurred, because a need test had been included in the authorization. That logjam was finally broken by repealing the need test, but not before thousands of students and their families had suffered deep financial distress.

I had hoped that our troubles with this program were over, and that it would run smoothly from now on. I reckoned, however, without the attitude of the administration. I was horrified to read in the Washington Star and News an Associated Press dispatch headlined: "College Loan Picture Fuzzy for 1973 Term." I was further horrified by the much more detailed article written by Eric Wentworth on Sunday, March 18, in the Washington Post, headlined: "Hill Funding Fight Leaves Uncertainity For Students' Aid." These articles make one thing perfectly clear—it is impossible for either the students or the educational institutions to make plans to meet the costs of the upcoming college year with the current confusion over the future of Federal aid programs administered by the U.S. Office of Education.

If I see this matter correctly, the President proposes to hold these student loan and grant programs as pawns in his struggle to control the Federal power of the purse strings. With the same disregard for human considerations he has shown in dismantling other Federal aid programs, the President now is holding the student assistance programs hostage in his continuing attempt to seize congressional powers by impounding appropriated funds.

There is no doubt that the President can create a great deal of hardship to the students, their families, and the colleges in each of our districts. He undoubtedly intends us all to be subjected to considerable pressure from our distressed constituents, who do indeed have a right to expect better treatment from their Government. The President enjoys considerable advantages over us in his ability to command instant television and widespread publication of his views in the newspapers. He is playing over and over the role of the economizer, when the record shows that it was the Congress who held down the President's budgets—to the extent that it was possible to hold them down. Even with the Congress doing the budget cutting, the President was able in 4 years to raise the national budget from $195 to $269 billion—an increase of 40 percent. The budget he proposes for 1974, while sermonizing on the supposed spending tendencies of Congress, is actually $23 billion more than he requested last year.

We all know, of course, that despite his broadax approach to the hard-won social programs of Franklin D. Roosevelt and Lyndon B. Johnson, the President has done little or nothing to cut military spending. In this area of the budget, he is strangely restrained. Let the poor, the ill-housed, the aged, the veterans—let the programs for saving our polluted streams—yes, let the students and the colleges pay for the President's image as the Great Economizer. But do not touch his pet projects for his big business friends.

I am concerned—greatly concerned—over what is going to happen to the plans these students have made for their education, based in good faith on the laws we have passed here in the Congress. You are as aware as I am that there are four student aid programs under the Office of Education—including the new "basic opportunity grants" authorized last year. We protected the three existing programs by writing into the law a requirement that they be funded at specified levels. But the President's budget calls for no money for direct grants or low-interest loans, while calling for $622 million to get the new program started this year, and $959 million to continue it next year.

Now, I hope this confrontation can be avoided. It is, of course, a part of the much larger problem of fund impoundments by the President. The President is simply refusing to recognize the intent of the Congress in passing last year's requirement that funding be maintained on the existing program. He has been trying for several years to target aid to the neediest students and shift the rest to guaranteed bank loans. We certainly want to help those neediest students, but we do not want to see the other programs thrown out the window.

If the President can be persuaded to compromise—to yield a bit on these student loans for education—now is the time to effect some kind of agreement. Now is really the deadline, if not actually yesterday—for this is an area in which time is of the essence. Forward planning has to be done both by the students and the institutions. Neither can afford to wait until the fall semester is imminent. In all practical terms, it is imminent now.

I have, therefore, written to our esteemed colleague, the chairman of the Committee on Education and Labor, as follows:

CONGRESS OF THE UNITED STATES,
Washington, D.C., April 4, 1973.

Hon. CARL D. PERKINS,
Chairman, Committee on Education and Labor, Washington, D.C.

DEAR MR. CHAIRMAN: It is obvious that the budget for Fiscal Year 1974 as concerns the student aid programs administered by the United States Offices of Education is widely at variance with the intent of the 92nd Congress as expressed in the 1972 law.

We are all familiar with the situation that developed last year when the need test was suddenly applied to the student loan and grant programs. Thousands of students and their families suffered severe hardship while they waited for federal assistance. At this time, colleges are admitting students for the fall term. I am sure we do not want to see a prolongation of the confusion that currently exists because colleges cannot advise their applicants what financial assistance will be available.

This is, of course, part of a much larger pattern. It is part of the pressure which the President is putting on each of us to relinquish our power, Constitutionally specified, of controlling the pursestrings. On this matter, the distress of students and their families is being mobilized against us.

It is my sincere hope, Mr. Chairman, that through your good offices some agreement can be worked out which will spare these young people the hardships which are now shaping up. There is simply not time to go through prolonged legislative processes while battling the White House. The students, their families, and the colleges need to know what they can count on. If a reasonable compromise can be worked out that will be acceptable to the House and Senate, and which will have the assurance of the White House that the money will be made available, I most strongly urge upon you the need to act speedily. I cannot but feel that you and the honorable members of your committee will be in accord with that need.

With kind regards,
Sincerely,

B. F. Sisk,
Member of Congress.

Mr. Speaker, I stand firmly upon the principle that the power of the pursestrings is constitutionally vested in the Congress and nowhere else. I would like, however, to see that principle tested in some area where disaster for thousands of our constituents is less imminent. I am sure there are such areas.

ADDRESS BY MR. MAXWELL FIELD

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 5, 1973

Mr. BURKE of Massachusetts. Mr. Speaker, many people have risen in the last few years to detail the continuing plight of the New England shoe industry. I myself have addressed the House of Representatives a number of times concerning this serious situation.

However, in all my years in the Congress, I have seen few statements that are as concise, complete, and comprehensive as that delivered by Mr. Maxwell Field, executive vice president and secretary of the American Footwear Industries Association to the New England chapter of the Robert Morris Associates on January 24, 1973. In his address entitled "The New England Shoe Industry: Past, Present, and Future," Mr. Field "tells it like it is," so to speak. Once the leading manufacturer of shoes in the United States, New England has been dealt a serious blow by the invasion of foreign imported footwear. Mr. Field describes this excellently and makes some observations as to the future of this vital New England industry.

I include his address for the Record and commend it to my colleagues' attention:

The New England Shoe Industry—Past, Present, and Future

(By Maxwell Field, Executive Vice President-Secretary, American Footwear Industries Association)

Mr. Chairman, distinguished guests and friends, it is a pleasure for me to address so illustrious a group of bankers, all vitally interested in the development of New England and the future progress of its great shoe industry.

I am also happy to be back "home" here, having only moved from Boston to Washington this past summer where the shoe association offices have been relocated.

With two speakers on your program to discuss a rather complex industry, beset with many problems but still a major factor in the region's economy, I shall push on in order to complete my talk on schedule. I intend to "say it like it is"—to quote the advice given to me by my good friend—and yours—Henry Allen when he extended the invitation to be your speaker.

THE AMERICAN SHOE MANUFACTURING INDUSTRY

New England has always been the leading region in this industry, although its share of the market has been declining. To understand the reasons why, let's first describe the total industry in the United States.

The American shoe industry is an eight billion dollar industry, based on retail sales in 1972. This total includes sales of about 530 million pairs of American-made shoes plus additional sales of 285 million pairs of imported foreign footwear—valued at over $825 million of dollars! Thus imports accounted for a hefty 35 per cent share of the U.S. market!

It should be noted that these footwear sales are of nonrubber footwear—thus excluding canvas sneakers, rubbers and rubber boots, etc. The rubber footwear industry has been identified by government agencies as a separate industry and it is so recognized by shoemen. Its annual retail volume in 1972 is estimated at $1.2 billions! Furthermore, a score of these plants operate in New England and employ an estimated 10,000 workers.

The American shoe manufacturing industry reported factory sales in 1972 of about $3 billions, with production of about 530 million pairs—of non-rubber footwear. Over 205,000 shoe workers were employed in some 900 shoe plants operated by 520 companies. An additional 45,000 workers are employed in machinery, tanning and other shoe supply companies.

Shoe manufacturing is concentrated in twelve states. Pennsylvania is the largest producing state, having overtaken Massachusetts several years ago. Third in size is New York, followed by Missouri and Tennessee, then Maine and New Hampshire.

Now let's take a hard look at your region.

NEW ENGLAND'S SHOE INDUSTRY: PAST AND PRESENT

The shoe industry, from the birth of our nation, has always played a major role in the economy of New England.

In the home and handicraft stages from 1635 to 1750, in the 100-year period which followed of the ten footer shops and the "putting out" system, and finally, in the factory and mass production stage from Civil War days to the present, New England played the dominant role in this industry. Through every period of history, in years of wars, of depressions and prosperity, New England manufacturers were able to meet all competition in the trade.

Beginning in the Sixties, however, outside influences buffeted this industry—and others like textiles and apparel, steel, etc.—and stopped most of its members from showing real progress. And in truth, caused many to retrench and eventually go out of business.

This influence, of course, was Foreign Imported Footwear!

Let us first put into focus the size of the shoe manufacturing industry in this region.

New England's share of shoe volume in 1972 is estimated at 140,000,000 pairs, or 26% of total U.S. output. In the mid-Sixties, its share was 33–35 per cent with output over 200 million pairs annually!

The factory value of 1972 shoe shipments is estimated at slightly under $800 million—still a very respectable volume.

Some 250 shoe plants are currently operating in the region. Workers number approximately 56,000, with over 50 per cent being women. An additional 21,000 workers are employed in supply companies, whose products are used by shoe manufacturers.

Massachusetts' shoe industry has some 115 plants and currently employs about 20,000 workers. But this is a shocking 35% decline from its level a decade ago!

It is the result of some 70 factory closings since 1967 with a direct loss in employment of over 11,400. These were mostly small to medium size companies, producing women's low priced footwear, and it is this type of footwear that foreign imports have hit the hardest!

Massachusetts has been the worst affected state due to imports. Is it any wonder that current unemployment in the Commonwealth continues to increase and is at over 7%?

The shoe industry in Maine is the Number One employer of all manufacturing industries. Currently, 76 shoe factories employ almost 18,000 workers—and the total for the leather and leather products industry numbers 21,000 workers.

In 1972, Maine's shoe output is estimated at 33 million pairs, valued at $225,000,000.

Maine in the past four years has really been hurt—both by competition from imports of women's and men's sport type shoes, but also by fashion changes which turned the public "off" from buying moccasin types—Maine's greatest production gainers in the Fifties and early Sixties.

In the past 6 years, we've counted 28 factory closings with a loss of 5,560 workers. At the present time, I am pleased to note, there have been completed or are in various building stages, some five *new* plants operating in this state.

New Hampshire's shoe industry is third or fourth largest in this state. It has current employment of over 11,000 in 55 plants. It suffered the loss of 4,800 workers from 22 factory closings from 1967 to 1972.

But enough of bare statistics. It is only because I am addressing a group of bankers, the more intelligent leaders in our business community, who are accustomed to dealing with figures, that I dare throw this barrage of figures at you. But they do tell the story—good or bad!

You've heard, I am sure, the old pun "Figures do not lie, but liars do figure". Well, at a recent Statistical conference, one of the officers declared in a talk: "If all statisticians were laid end to end, they would all be dead!"

Let me briefly describe other important characteristics of the domestic shoe industry.

The shoe industry is made up of a large number of small and medium-sized producers. The Big Four only account for 24 percent of the national gross—with no real increase noted in several decades. In actuality, our largest producers during the Sixties expanded sales and profits by diversification programs—of buying companies in other industries with greater profit potentials. In the same period, major shoe chain operators expanded sales by opening more stores, of course, but veered away from acquiring shoe manufacturers and also diversified by merging with non-shoe retail organizations.

The shoe industry is volatile, marked by a larger number of failures or factory closings, or migrations, than is found in most other manufacturing sectors.

The shoe industry is a wage intensive industry. Labor costs equal 24 to 35 per cent of the wholesale price. Hourly wages average $2.64—with the highest wage of any state being the $2.93 in Massachusetts.

This fact of America having the highest wage rates in the world is the major reason why American shoe manufacturers cannot compete with foreign producers. The average hourly wage rate in the United States, including fringes, is now $3.11. Comparable wage rates, including fringes, are $0.21 in Taiwan, Brazil $0.34, Spain $0.57, Japan $1.09, $1.45 in the United Kingdom and $1.70 in Italy.

Also, the shoe industry has a record for being one of the least profitable industries in our economy. It operates on the very narrow profit return of 2–4 per cent, after taxes, on net dollar sales!

However, as I hardly need explain to a group of bankers, our manufacturers do enjoy a good return on invested capital. With a large number of turns of working capital in a year, therefore, profits can be favorable. And to quote one of your own bankers, recently retired, E. Morton Jennings, Jr. in his excellent book "Bank Loans to Shoe Manufacturers":

"As a general rule, the average men's shoe company turns over its working capital five times a year, and women's shoe factories ten times a year".

Finally, there are a number of very successful shoe manufacturers continuing profitable operations in New England, as well as in other shoe states. They are characterized as "specialty" producers—or by others, as "fashion" leaders. These producers have a track record of making more each year of the "right" shoes better merchandised to their market than their competitors.

I am proud to note that one of the most successful shoe entrepreneurs is your other speaker: Ronald Ansin.

THE NEW ENGLAND SHOE INDUSTRY: THE FUTURE

The future of the New England shoe industry during the Seventies, and beyond—like that of the American Footwear Industry—is directly dependent on the policies and programs of the Federal Government and of the U.S. Congress!

The entire growth of the American shoe industry during the decades of the Fifties and Sixties, thru 1972, was taken over in toto by foreign imports!

Just think of it: To-day, one pair for every three pairs sold is a foreign product. This plain fact spells fewer American factories and fewer jobs here in this country in 1973 and every year in the future that shoe imports remain unrestricted! And the plants and workers in the three New England states: Massachusetts, Maine and New Hampshire, will continue to bear the brunt of these losses!

Our government has approved very low tariff duties, and has no restrictions on foreign footwear imported from such key low wage countries as Spain and Italy, Japan, Taiwan and South Korea, and more recently Brazil. The importers and retailers selling these foreign shoes enjoy a far greater markup than on domestic shoes, thus providing the added incentive for these companies to expand each year their sales—and profits.

Naturally, a number of domestic shoe manufacturers in more recent years have supplemented their sales by importing shoes in order to service their customers' demands for either lower-priced, or shoes with more fashion features, than they can produce in their own plants. With only one or two exceptions, they have not purchased outright any foreign plants—but many, I am sure. have made investments in them to assure delivery of their orders.

Also in recent years, important technical and machinery developments have enabled a group of American producers to expand their operations by "running ahead" of their foreign competitors in the specialty products they have developed and are producing. These processes, primarily, have reduced costs by eliminating or combining jobs. The potential for such developments are great when one realizes that 200 distinct operations are carried on in a single establishment producing such staples as Men's Goodyear Welt shoes.

The Shoe Industry, currently under the leadership of our American Footwear Industries Association, and supported by the major producers and suppliers, is embarked on multi programs to: Improve Marketing and Fashion know-how, develop Manufacturing Standards and improve Productivity; to Sharpen up on Management techniques, and to expand our National Affairs programs!

The balance of my remarks will be devoted to the latter program.

The shoe associations, spearheaded by top industry leaders, have worked hard and long at considerable costs, to secure favorable action by Presidents Kennedy, Johnson and Nixon to control the rate and quantity of foreign footwear imports. We attempted in these years, also, to secure enactment of Orderly Marketing legislation, of the Mills bill, and currently we are on record in favor of the Burke-Hartke bill.

During the past several years also, our Association and Industry leaders have been waiting for the President to reach a decision on action to break a 2–2 Tariff Commission ruling in the Shoe Industry's Escape Clause case. The Commission undertook this Escape Clause investigation under direct orders of the President and its deadlocked decision was issued in January 1971.

Under the Trade Expansion Act of 1962, the Administration can either take favorable action on this Escape Clause ruling by the United States Tariff Commission, and increase tariff duties or declare the industry eligible for adjustment assistance, or it can take a side with the two Commissioners who voted in the negative, and take no action!

More recently, we attempted to secure the same treatment for footwear—in the form of voluntary agreements with key exporting nations—which President Nixon granted to both the steel and textile industries! Our friends in Washintgon tell us that we didn't have enough political clout—which means not enough votes to count in the elections.

We shall never give up on this effort—actually we are redoubling our efforts in this 93rd Congress.

Just so long as exporting nations continue to subsidize their countries' shoe exports to the United States—and these subsidies take various forms and they are substantial . . . Just so long as these foreign nations continue their ban on importing American shoes . . . Then AFIA will stay in this fight!

Personally, I have more confidence than ever in our industry being granted positive action and some measure of import controls on foreign footwear. The 93rd Congress, Democratic controlled, will listen more to labors' claims on loss of jobs due to foreign competition. The Burke-Hartke Act, supported by AFL–CIO and opposed by both the U.S. Chamber of Commerce and the National Associations of Manufacturers, as well as multinational corporations and international bankers, will be extensively amended before it is in its final form for floor consideration, debate and vote. Either this bill, or other trade legislation, or even a new Nixon measare calling for some moderate restraints on international trade, will eventually be enacted.

My optimism is based on these facts:

1. For 1972, the adverse balance of trade of over $6.4 billions points up the need for the Administration to take positive action to stem imports—especially from Japan and Common Market countries. Imports will never go away by themselves. Foreign countries need to "dump" their government-subsidized products on American shores to boost their economies. Also, they represent too much profits for *American retailers!*

2. The Adjustment Assistance program has been insignificant and plans to retrain workers have been a failure. About $10 million dollars to date have been parcelled out to a handful of manufacturers—mostly shoe companies in New England—and a few thousands of unemployed workers.

Not much more can be expected under current laws.

3. Labor union leaders, next to minimum wage legislation, are demanding trade controls to save American jobs and will give all-out support to the Burke-Hartke bill. And our shoe industry, and scores of other trades, will join in this battle in order to survive in the trade wars of the future.

4. Administration leaders are currently working on new trade legislation for enactment in this Congress to give the President the bargaining authority needed to launch a new round of negotiations with the Common Market and other nations. Already, newspaper stories in the "New York Times" and "Washington Post," among others, all trial balloons undoubtedly, have reported on attempts to strengthen the Administration's position by offering concessions to industries hurt by imports. One proposal is to "agree to establish criteria for imposing temporary quotas or other measures to allow time for affected industries to adapt to changing competitive conditions". This is quoted from an editorial "Protectionists Try Again" in Business Week's January 13, 1973, issue.

CONCLUSION

I close this talk by offering some personal opinions on New England's future. As one who has spent his lifetime here—and loved every day of it—as well as worked his lifetime in the most traditional and oldest of all industries in the region, perhaps they will prove helpful. I hope so.

New England has been over-studied: by government agencies who have accomplished nothing, both state and federal; as well as by banks, trade organizations and newspapers.

New England needs better PR. Who needs a headline every month like this one in the Sunday New York Times of January 7, 1973: "New England: System, Creaking With Age, Is Held In Need of Overhaul". And just who is going to overhaul it?

We all believe in better communications. But which agencies, and companies, are taking positive action to get to-gether state leaders, labor leaders, industrialists, and others, to get everyone involved in organizing a program of ACTION. State laws need overhauling, more economy in government is a must, taxes must be lowered.

New England will always need a strong manufacturing base to improve its economy. To say that this region should be mostly a Service economy is nonsense. And one can't keep on depending on government contracts to keep its R&D plants on Route 128—and elsewhere—running.

New England has a good Labor force—with good productive workers. But they are paid wages higher than in the newer regions of the South and Southwest. These costs must be lowered where they are not offset by higher productivity. And the union leaders must be made to believe this and take action to save jobs—and to even expand the number of jobs.

New England is the nation's greatest center for learning for R&D—for training future leaders. The future of all these colleges is tied in with New England's progress—or lack of it. Their collective brainpower should be turned to additional areas—to help rebuild a stronger economy in this region.

Finally, look to yourselves, as every New Englander should, man and woman, to work to-gether for a better place to live and work. If a major industry—like Footwear—has an Imports problem that can only be solved at the National level by the Administration and the Congress, every New Englander should demand of his Senators and Representatives, of his Governor and state representatives, that they take all-out action collectively to represent their constituents. For by protecting the "other guys" jobs, they can be protecting their own in the long run.

There will always be a shoe industry in this country! How large it will be in New England—how many plants will remain operating and how many jobs they provide for shoe workers in Massachusetts, Maine and New Hampshire—will depend on all the factors I've outlined above.

My challenge to New England is a call for Leadership in Action.

We need these leaders now—at home and in Washington—working to-gether to rebuild and revitalize a great region—larger by far, than many nations in the world!

CUTS IN AMPHETAMINE QUOTA

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 5, 1973

Mr. PEPPER. Mr. Speaker, I am gratified to learn that the Federal Government is acting to recall most types of amphetamine diet drugs. The elimination of the injectable form of amphetamines, because it is unsafe and of the combination diet pills, because they are no more effective than amphetamines alone, is another step in the right direction in curtailing the abuse of dangerous drugs, and in reducing production quotas.

This action is especially gratifying in view of the efforts of the Select Committee on Crime to reduce amphetamine and drug abuse. Testimony during our hearings on drug abuse indicated that the abuse of amphetamines was a substantial problem, and it is, therefore, heartening to note that effective action is being taken to eliminate this national menace.

At this point, I insert the following articles from the New York Times of April 2 and April 4, 1973, and the Washington Post of April 4, 1973, describing the action to be taken by the Bureau of Narcotics and Dangerous Drugs and the Food and Drug Administration, in the Record:

[From the New York Times, Apr. 2, 1973]

U.S. Sets Diet Drug Recall in Drive on Amphetamines

(By Harold M. Schmeck, Jr.)

Washington, April 1.—The Bureau of Narcotics and Dangerous Drugs and the Food and Drug Administration have decided to recall diet drugs that contain amphetamines, with the objective of eliminating them from the market by June 30.

The action, described by a spokesman for the bureau as the largest recall of controlled substances ever made, is designed to end the use of all injectable amphetamine, and closely related chemicals, and all combination diet pills that contain amphetamine and other ingredients such as vitamins or a sedative.

Controlled substances are prescription drugs that can be dispensed only with special safeguards such as nonrefillable prescriptions and extra recordkeeping obligations on the part of the doctor.

Current use of the drugs involved in the recall is huge. They make up the bulk of the so-called diet pill market. Yearly retail distribution is estimated at about 480 million dosage units—equivalent to that many 10-milligram pills.

The decision to recall existing stocks of the injectable amphetamines is based on the F.D.A.'s contention that these products have such a great drug abuse potential that they cannot be used safely.

The agency considers the combination drugs, taken by mouth, to be ineffective on the grounds that the amphetamines do little good in obesity control and the other ingredients contribute nothing useful toward this objective.

The narcotics bureau, a unit of the Justice Department, and the drug agency, a part of the Department of Health, Education, and Welfare, have been moving against these drugs for several years, but have met strong opposition from industry and some doctors. The recall will be the climax of the Government agencies effort.

John E. Ingersoll, director of the narcotics bureau, and Sherwin Gardner, acting commissioner of Food and Drugs, are expected to send letters this week to 300 major manufacturers and distributors of the drugs informing them of the recall.

State officials are being asked to work with the two Federal agencies in making sure that the drugs are taken out of circulation. Between 10,000 and 20,000 retail and wholesale outlets will be visited by Federal or state officers during the next three months as part of the nationwide effort, an officer of the narcotics bureau said today.

Because the products are on the Federal controlled substances list, each batch recalled will have to be destroyed in the presence of an official witness, he said.

The basis for the recall was a final notice published in the Federal Register on Friday. This notice makes it unlawful, with few exceptions, to ship any of the combination pills or the injectable amphetamines in interstate commerce. The injectable products to be banned include not only amphetamine itself but also such closely related substances as dextroamphetamine, levamphetamine and methamphetamine.

The recall itself is not mentioned in the notice but it constitutes an effort by the Federal agencies to get the drugs out of circulation with as little delay as possible.

The exceptions to the order banning interstate shipment of the drugs covers several products of five manufacturers who have asked for hearings before the F.D.A. on their drugs.

EXCEPTIONS LISTED

These products are Obetrol-10 and Obetrol-20 tablets, manufactured by a division of Rexer Pharmacal Corporation of Brooklyn; Eskatrol Spansules, Dexamyl tablets, Elixir and Spansules of Smith Kline & French Laboratories, Philadelphia; Bamadex Sequels, of Lederle Laboratories Division of American Cyanamid Company, Pearl River, N.Y., and Delcobese tablets, sustained release tablets, Capsules and sustained release capsules of Delco Chemical Company, Mount Vernon.

All of those products may continue to be marketed pending a ruling on the requests for hearings before the F.D.A. Although some of these, such as Dexamyl, are among the most widely used of the combination drugs, the total impact of these exceptions is small considering that there are about 1,500 products involved altogether.

The combination products are estimated to make up 72 per cent of all the appetite suppressing drugs prescribed by doctors.

The F.D.A. still considers the amphetamines, used alone, to have some legitimate usefulness as a short-term aid to the treatment of obesity. In a drug bulletin sent to doctors last December, however, the agency said the drugs should be prescribed and dispensed sparingly and that they should be used only for a short term for patients for whom other weight reduction programs have been ineffective.

The amphetamines are powerful stimulants and are considered to have a great potential for abuse and for creating drug dependence in the user. In recent years large amounts of amphetamines appear to have entered the illicit drug market.

The narcotics bureau and the drug agency have sought increasingly strict limitations on production and use of the drugs to minimize diversion and misuse. Within the last two years, the narcotics bureau has reduced manufacturers' amphetamine production quotas by about 90 per cent. A further reduction is expected soon.

In addition to their limited use as a help in obesity treatment, the drugs are considered valuable in treating a few relatively rare conditions such as narcolepsy—in which the patient has an overwhelming tendency to sleep—and in a few highly selected patients with some psychiatric or behavioral problems.

They are also used sometimes for fatigue, but a review by the Council on Drugs of the American Medical Association said this use was unjustified except under the most extraordinary circumstances.

[From the New York Times, Apr. 4, 1973]

Sharp Cut Asked in Amphetamine Quota

(By Harold M. Schmeck, Jr.)

Washington, April 3.—The Bureau of Narcotics and Dangerous Drugs proposed today a sharp reduction in manufacturers' production quotas for amphetamine and methamphetamine in a further effort to reduce the illicit use of the powerful stimulants.

The announcement came only a few days after the bureau made public plans for a huge recall of drugs containing the substances. The recall, organized by the bureau and the Food and Drug Administration, was also aimed at cutting the use of the drugs.

"The quota reductions, along with the recall, will remove vast quantities of abusable stimulants from stocks held by manufacturers, wholesalers, hospitals, pharmacies and physicians by the end of 1973," said John E. Ingersoll, director of the bureau, in making the announcement today.

The proposed national production quota for amphetamine is 992 kilograms, a 39 per cent reduction from the 1,564 kilograms granted to manufacturers last year. Industry had asked for 2,159 kilograms as the production quota for this year. A kilogram is about 2.2 pounds.

The methamphetamine quota announced today was 561 kilograms, as compared with 969 granted in 1972. Industry had asked for permission make 2,752 kilograms this year.

Last year there were even sharper quota cuts for both drugs. Added to the earlier cuts, those proposed today reduce legitimate production of the drugs by more than 90 per cent in two years, Mr. Ingersoll said.

The basic reason for the reductions is that the F.D.A. has concluded that the drugs have only limited medical usefulness and great potential for abuse. The main legitimate use in recent years has been in aiding in the treatment of obesity.

Although amphetamines were used widely for this purpose, both alone and in combination with drugs having other ingredients, a major F.D.A. review determined that the chemicals were of only limited use as short term aids to obesity treatment, that the combination drugs should not be used at all, and that injectable amphetamines should also be eliminated from the market.

BIGGER CUT POSSIBLE

Indeed, a major part of the proposed 1973 amphetamine production quota may never be allowed at all. An officer of the bureau said today that 650 kilograms of the total 992 had been authorized only on a contingency basis in case the F.D.A. loses in court in its efforts to remove the combination drugs from the market. The issue has not yet been brought to court, but four manufacturers have asked for hearings on the status of their own products.

If the F.D.A. view prevails, and the 650 kilograms is not needed, the total national production quota for amphetamine will be only 342 kilograms.

The Bureau of Narcotics and Dangerous Drugs estimates that this, together with supplies already on hand, would be enough to treat 5½ million obesity patients for a month. The amount of methamphetamine likely to be available this year would provide diet pills for a total of about 1.6 million patients.

The new production quotas are intended to reduce inventories to a minimum during the current year and thus lessen the chances of theft from drugstores, wholesalers and manufacturers. Such thefts have been a major source of supply for illicit users in recent years.

The announcement today also set proposed production levels for this year for two other major stimulant drugs—methylphenidate, sold under the trade name Ritalin; and phenmetazine, sold as Preludin.

The proposed quota for methylphenidate was raised from the 1,857 kilograms authorized last year to 2,440 this year. Industry has asked for 2,820. Production of this drug, which is used to treat some behavioral disorders in children, was increased because previous reductions had reduced stocks to a low level, an officer of the bureau explained.

The quota for Preludin was reduced from last year's figure of 2,672 to 1,204 kilograms proposed for this year.

This drug is used in obesity control in much the same fashion as the amphetamines themselves.

Both Ritalin and Preludin are considered to have serious potential for abuse, but, to date, they have not become so great a problem in the United States as the amphetamines.

After the announcement today there will be an opportunity for comment to the Bureau of Narcotics and Dangerous Drugs, which is a unit of the Justice Department. The announcement of final quotas will be made after May 1.

[From the Washington Post, Apr. 4, 1973]

UNITED STATES TO CUT PRODUCTION OF "SPEED"

(By William L. Claiborne)

Federal narcotics authorities announced yesterday that they plan to slash national production quotas of amphetamines by 40 per cent from last year in hopes of curbing widespread abuse of the popular stimulant drug.

Manufacturers, according to the new regulations, could eventually be forced to reduce their production of amphetamines—commonly called "speed"—up to 80 per cent from last year's quotas, federal officials said.

If the government adheres to the 80 per cent rollback, the new ceiling may put a serious crimp in the illicit trafficking of "speed," according to the Bureau of Narcotics and Dangerous Drugs (BNDD).

Each year the BNDD tells drug manufacturers how much of controlled drugs they will be permitted to produce.

Last year, 1,654 kilograms of bulk amphetamines were manufactured, resulting in an "epidemic" of abuse of the drug in Washington and several other Eastern Seaboard cities, according to the U.S. Public Health Service's center for communicable diseases in Atlanta.

This year, the manufacturers will be allowed to produce only a maximum of 992 kilograms of amphetamines and could even be held to as low as 342 kilograms. They have requested permission to produce 2,159 kilograms of the drug.

One kilogram of bulk amphetamines produces 100,000 10-milligram capsules.

Whether or not the BNDD will be allowed to enforce the 342-kilogram production ceiling depends, in part, on whether the Food and Drug Administration is upheld during appeals of Monday's decision to recall two types of weight-reducing drugs—injectable amphetamines, and amphetamines combined with sedatives, tranquilizers and vitamins.

Even if the government is not upheld in the recall controversy, production of amphetamines next year will be 90 percent lower than in 1971, federal narcotics officials said.

BNDD Director John Ingersoll said yesterday that the quota reductions "will remove vast quantities of abusable stimulants from stocks held by manufacturers, wholesalers, hospitals, pharmacies and physicians by the end of 1973."

Also affected by yesterday's BNDD order is the production of methamphetamines, a slightly stronger formula of the stimulant drug and the original "speed" capsules which were popularized in the early 1960s.

Legitimate production quotas of methamphetamines has been rolled back from 4,926 kilograms in 1971 to 561 this year, the BNDD said.

William W. Vodra, assistant chief counsel of BNDD, said in an interview yesterday that the new production ceilings stem from sharp annual declines in the number of legitimate prescriptions written for amphetamines.

Last January, for instance, there were 617,000 amphetamine prescriptions, as compared with 1.9 million in May, 1971. Part of the decline resulted from an Oct. 31, 1971, FDA order placing amphetamines under the Controlled Substances Act and prohibiting prescription refills.

The sharp decrease in the legitimate use of amphetamines was accompanied by a barely perceptible increase in the use of non-amphetamine weight-reducing pills, indicating to federal narcotics agents that much of the difference was being absorbed by illicit trading of the drug.

Vodra said the number of firms producing amphetamine capsules has fallen from 60 to 40 in the last year and that the bulk price of the drug has risen from $33 per kilogram last summer to $100 in January.

He attributed both of those developments to the BNDD's efforts to limit the production quotas of the drug and to an awareness by some small manufacturing firms that it is no longer profitable to sell amphetamines to "fat doctors," physicians specializing in weight control.

BNDD sources quoted an official of a society of physicians who specialize in treating obesity as saying that quota controls have pushed amphetamine prices so high that they can no longer give pills to patients undergoing weight control treatment.

Vodra said that two consecutive years of production quota controls here reduced from three to one the number of pharmaceutical firms that produce raw chemicals for amphetamine mixing.

Arenol Chemicals Inc. of Long Island City, N.Y., produces all of the bulk powder for amphetamine production, he said, while two other firms have dropped out of the field. In addition, Vodra said, many other firms have exhausted their dosage quotas and are now advising wholesalers that they can no longer supply certain types of amphetamines.

One of the most promising aspects of the quota limit, he said, is that by the end of the year existing factory stockpiles of amphetamines will have been "soaked up," permitting the BNDD to monitor distribution of the drug more closely.

Vodra said, however, that the new quotas will not affect clandestinely manufactured "kitchen speed" capsules, the smuggling of illicit amphetamines (called "Mini-Bennies") from Mexico, or the theft of amphetamines from drugstores by street dealers.

The most noticeable effect, he said, will be felt by people who depend on legitimate supplies of amphetamines.

BNDD officials predicted that the quota restrictions will have a noticable effect on amphetamine abuse in Washington, because the principal "speed" drug being abused here is Desoxyn, which is manufactured by one of the firms that has been ordered to sharply reduce its output.

WESTCHESTER COUNTY, N.Y.

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 5, 1973

Mr. PEYSER. Mr. Speaker, recently there has appeared in several national periodicals an advertisement encouraging businesses to move their businesses to Westchester County, N.Y. This advertisement, by the Westchester Foundation, extols the multitude of advantages that exist for a company located in Westchester County. The luxury of having corporate headquarters situated in the historic suburban countryside of Westchester is a temptation which is attracting numerous businesses. In fact, the county is now being called the corporate leadership county.

I would like to take this opportunity to congratulate the Westchester Foundation for making such a convincing advertisement for our fine county. A copy of the advertisement follows:

IN THE EAST IT'S WESTCHESTER AND DON KENDALL KNOWS IT!

"When PepsiCo outstripped its space in New York City our search for new quarters led us to a 112-acre site in Purchase, a suburban Westchester community with a rich 300-year history.

"Edward Durell Stone, one of the nation's leading architects, drew plans for a revolutionary seven-building complex. For all its scope the complex would fit unobtrusively into the suburban countryside. Each spring 6,000 daffodils would project a profusion of colors. Three thousand new trees were planted to supplement existing greenery.

"In the fall of 1970, a scant 36 months after the first turning of earth, these buildings sprung alive, working, clattering, humming with active people.

"It has more than fulfilled all our aspirations."

Donald M. Kendall, Chairman, PepsiCo, Inc.

If you would like to know why Westchester County is called the Corporate Leadership County, write for the booklet: In The EAST It's WESTchester. Write The Director: The Westchester Foundation, P.O. Box 125, White Plains, N.Y. 10604.

PASSOVER—1973

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 5, 1973

Mr. ANDERSON of California. Mr. Speaker, on April 17, millions of Jews throughout the world will be observing the Passover. As you are well aware, this is an ancient and a holy occasion, full of meaning, not only for Americans of Jewish descent, but I believe for all mankind.

First of all, may I say that the very fact that Jews have continued to observe this sacred tradition for so many thousands of years is itself worth noting. Living in a time when customs, ideas, values, even ideals, seem to go in and out of fashion like articles of clothing, I find it astonishing that any group of human beings should have created an institution which has nourished so many for so long. When one reflects upon what has happened to the holy days, the traditions, the languages, even the land, of so many ancient peoples, it is all the more remarkable that this particular group has survived. Few of the customs of the religious ancient Greeks, the Romans, the great empire of the Pharaohs survive.

Their modern descendants speak another tongue, practice another faith, observe other rituals and hold different values. Alone among the peoples who once lived in that part of the world which we now call the Middle East and which historians have called "The Cradle of Western Civilization," the Hebrew people have endured.

That fact alone speaks volumes. But when one considers what they have endured, how they have managed to survive so much hatred and persecution, I believe there is a lesson here for all of us. And perhaps more important, a great and inspiring chapter in human history.

For when all over the world Jews assemble in their homes to celebrate the rites of Passover, they will do so in an astonishing variety of climates, situations, and circumstances. Some will observe the ceremony surrounded by symbols of affluence and success, respected and honored not only among Jews, but by the nations to which they have contributed so much. Others, it is sad to say, will gather in fear behind locked doors, lest an ignorant or spiteful neighbor denounce them to the police and they be charged with "cosmopolitanism," "zionism," or some other new name for an old and hideous practice—Jew-baiting. Still others will gather in modest tract houses or apartments.

The astonishing thing is, that regardless of economic circumstance, country, climate, social position, and so forth, the prayers that will be offered, the rituals that will be observed, and even the food that will be consumed, will be very much the same. Now there are countries on this earth where many Jews have achieved a high degree of education, economic well-being, and a respected, indeed, an honored place in the national life. I am proud to say that I believe the United States is one of these.

And there are countries where Jews are still poor and oppressed and despised. But in both of these circumstances Jews will gather as their forefathers have for so many thousands of years to observe the Passover. For the point of these observances is to pay homage to a people, a tradition and a cause—that, which distinguishes the Jewish people from all others and which gives the individual Jew his identity.

The rest of us who live here in America and who do not share this tradition might well take a measure of pleasure and perhaps even a kind of inspiration from this legacy of our fellow citizens. For it offers concrete proof that the idea of an on-going civilization can be a reality. That all that men build and do is not inevitably doomed to disappear and be forgotten. Would it not be a hopeful thing, would it not perhaps even change the whole tone of our national life and the way we relate to one another, if we Americans could believe that thousands of years into the future our descendants would still be speaking our words, clinging to our most sacred traditions, holding fast to our values? But the existence of the Jewish people here among us gives proof that such things are possible. And that where men build wisely upon principles of human life which are truly everlasting, a kind of immortality does, indeed, exist.

What are those principles which have given this people such enormous resiliency? From my own wide experience with the Jewish people here at home, in Israel, indeed all over the world where Jews are free to live the Jewish life, I would cite perhaps two or three.

THE JUST COMMUNITY

One is the idea of justice and the just community. Man is a social animal and his salvation must be won here on this earth, in his relationships with other men. I believe this idea permeates the Bible even as it permeates the thinking of the most modern Jewish thinkers, writers and philosophers. In the words of the old folk saying "Life is with people." Human beings must work out their destinies here on earth with and through other human beings, and these relationships should be governed not by power alone, not wealth, not by passion and prejudice, but by the law. And while the law itself may change due to circumstance and situation, what does not change, what must not change, is the ideal of a just society. Every human being has a right to be treated like a human being—a proud and upright member of the community unless and until by his own acts he cuts himself off from the human family.

EVERY HUMAN BEING

I stress "every human being." This concept itself is singular. For to the ancient Greeks a foreigner was a Barbarian and therefore not entitled to the same rights as a Greek. Roman law, and Roman privileges, were for the Romans. But the ancient Hebrews, perhaps because they believed in a universal God, acknowledged the existence of a universal need to live according to just principles.

This stress upon community and the rights of every member of the community has, I believe, proven a powerful factor in the survival of the Jewish people. For even in times of the greatest calamities, natural or manmade, there was a place, a family of men and women and children, of refuge.

Many scholars and sociologists have noted down through the centuries that on the whole the Jewish people, particularly the young people, have been remarkably law abiding. I believe that is because most Jewish youngsters grow up with an awareness that within the home and the Jewish community, they can expect justice, or at least as close an approximation of it as fallible humans are likely to achieve. And where justice prevails, lawlessness is not simply rebellion against one's parents or the police, it is rebellion against the nature of things—against reason itself.

THE IDEAL OF A HUMAN SOCIETY

Second, I would place the ideal of a human society. I find few among my many Jewish friends who do not also pay homage to the works of the human spirit and the human mind. Publishers will testify that Jews buy books far out of proportion to their numbers in the general population. The same is true of paintings, of music, and of the arts generally. As the boundaries of prejudice and exclusion have been lowered or removed in recent years, Jews increasingly have not only patronized but contributed to the arts in this country in full measure.

This, too, I believe to be a reflection of a traditional value; man is the measure and his works and his faith are one.

There are some who fear this remarkable flowering of talent in one element of our population. And others who seek to exploit that fear. Such fears, it seems to me, betray a profound lack of faith in ourselves and our institutions. For clearly no group, no race, no culture has a monopoly of talent and dedication and wisdom and any work which raises the human condition enhances us all. The plays of an Arthur Miller or the music of a Leonard Bernstein are not "the work of Jewish artists"—they are in the deepest and truest sense American art and American music. And every American is richer for their existence.

THE SURVIVAL OF ISRAEL

I should not like to close these remarks without a reference to a subject that is of the greatest concern to all Americans these days—the struggle of the State of Israel to survive in the shadow of wars and threats of wars. I believe, as I am confident most Americans believe, that the founding and survival of the State of Israel is one of the glorious achievements in this century. While totalitarianism and ignorance prevail over so many unhappy lands, the triumph of this democratic people under the most difficult conditions anyone can imagine constitutes something of a modern miracle. A miracle perhaps as portentious in its way, not merely for the Jewish people, but for all mankind, as the events which led to the first celebration of Passover.

For the Lord God sayeth:

> What mean ye by this service? That ye shall say, It is the sacrifice of the Lord's passover, who passed over the houses of the children of Israel in Egypt, when he smote the Egyptians, and delivered our houses. And the people bowed the head and worshipped. And the children of Israel went away and did as the Lord had commanded Moses and Aaron, so did they.

Once again the Lord has seen fit to deliver the children of Israel and spare their houses. May He continue to do so. And may the people do as Moses and Aaron commanded. For in a world so full of sham and delusions, of fads and fancies, all of us, Jews and Gentile, Israelite and Arab, desperately need the wisdom of the Covenant, and the faith of the people who have preserved it.

WATERGATE BREAK-IN

HON. RICHARDSON PREYER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 5, 1973

Mr. PREYER. Mr. Speaker, I believe most of the Congress—regardless of party membership—finds the Watergate break-in and the resulting revelations of political sabotage disturbing and I believe almost all of us are committed to complete and fair determination of guilt in this matter. We in North Carolina are proud that our distinguished senior U.S. Senator is chairing the inquiry by the other body into this unfortunate incident in our political history. We know that he will be fair and that he will be thorough and we believe the efforts of Senator Ervin and his colleagues will help to renew the faith of those who believe politics can be a noble profession. The press of my State has been almost unanimous in its support of the investigation and its denunciation of the break-in and of any effort to prevent a full inquiry into the facts surrounding it. Typical of this is the following broadcast editorial recently expressed by Mr. William P. Cheshire, editorial director of Television Station WRAL–TV in Raleigh, N.C.:

WRAL Viewpoint

> Nearly every day produces another shocker in the festering Watergate scandal, and every day it becomes clearer than ever that President Nixon himself will have to lay the nation's doubts to rest. Thus far his inclination has been to lie low. It is too late for that. There are too many muddy footprints leading from the Watergate Hotel to the White House steps.
>
> This is not to say the President knew about the Watergate caper beforehand. Of course he didn't. For one thing, no sensible politician would have allowed any such harebrained scheme—loaded with risk and offering only the puniest returns—to get as far as the planning stage. And even Mr. Nixon's most devoted detractors will concede that Mr. Nixon is a sensible politician.
>
> No, what is involved here is not a plot involving the President, but something nearly as bad: a plot involving men so high in the President's esteem that he entrusted his re-election to them. It goes even further than that, according to one of the Watergate defendants, James W. McCord Jr. McCord says two White House higher-ups, including White House counsel John W. Dean, knew about the Watergate break-in well before the Democratic Party's headquarters were burglarized.
>
> The President has responded to this accusation as he has responded to all similar accusations. Last week, when Senate Minority Leader Hugh Scott went to the President with his worries, Mr. Nixon told the Senator to report that the President had "nothing to hide." Just so when Watergate defendant James McCord linked White House counsel Dean to the Watergate plot. The President expressed "total confidence" in Dean, the man who headed the White House investigation of Watergate and for whom the President pleaded executive privilege when inquisitive Senators wanted to ask about his use of FBI files.
>
> There are at least two aspects to this troubling affair: one political and one presidential. On the political side, many a Republican is alarmed at what Watergate may do to the party come election time. That problem chiefly concerns Republicans. But there is also the presidential perspective, and that is a matter for every American to be concerned about. The Watergate affair is damaging the office of the Presidency. It is undermining confidence in the nation's highest and most respected public official. In these circumstances, the President's faith in his lieutenants is not enough—not when the President has invoked executive privilege to keep his aides from being questioned. If this is a mark of his confidence in their innocence, it will not be so interpreted.
>
> Loyalty is a quality to be admired, but the President is carrying personal loyalty too far—and at grave risk to himself and to the office he holds. The Watergate scandal has become too serious for cronyism. If he continues to shield his aides from proper inquiry, the President must be prepared to relinquish public confidence and support.

MAIL SERVICE DECLINING

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 5, 1973

Mr. BEVILL. Mr. Speaker, I am deeply concerned over the declining quality of mail service in this country. Every week I receive countless letters complaining of the inefficiency of the U.S. Postal Service.

I would like to share with my colleagues in the House some of the recent correspondence I have received from my constituents concerning inferior mail service.

Mr. Speaker, these complaints represent only a random sampling of a very thick file. But they clearly point up the need for immediate action to correct the situation.

The letters follow:

Guntersville, Ala.,
March 5, 1973.

Hon. Tom Bevill,
Congress of the United States,
Washington, D.C.

Dear Mr. Bevill: On October 26, 1972, my wife bought two international money orders at the Huntsville Post Office, to send to our son, who was seriously ill in India. We selected this means of sending the money, because we had faith in our postal system as the most reliable agency. To our chagrin, our son never received the money; he would have died for lack of medical attention if it had not been for intervention of friends. Certainly no thanks to the U.S. Postal Service.

Since the money was not delivered, I secured forms for obtaining a refund from the Huntsville Post Office. These forms, a copy of each of which is enclosed for reference, were returned to Huntsville Post Office on December 4, 1972, in accordance with our instructions. We have had no better luck than our son in getting the $200 owed by the governmental agency—we have not even been shown the courtesy of an acknowledgement of the claim.

I would certainly appreciate it if you will stimulate the postal authorities to return my $200, plus the cost of the money orders.

——— ———.

Cedar Bluff, Ala.,
March 10, 1973.

Hon. Tom Bevill,
U.S. Congressman,
Washington, D.C.

Dear Sir: I understand Congress is looking into the present postal service. I do hope you Senators and Congressmen can change the service back as it was before Mr. Blount changed it.

In Centre, an employee who has been with the Centre Postoffice several years and resides in Centre, has been transferred to the Fort Payne postoffice. In Cedar Bluff, one of the employees was cut so short with work hours that she found another position. Letters and packages are late. And no one wants U.S. Postal Service stamped on the envelope. It is nicer to get a letter with the town or city from which it was mailed, stamped on the letter.

Mr. Bevill, when you spoke in Centre at the Area Vocational school's opening, may I apologize for appearing to be writing while you and others were talking. I was taking notes. I am with our local newspaper, the Cherokee County Herald and am correspondent for my county with The Birmingham News. I don't have a recorder, nor do I know short hand, so for fear I forget, I take notes as I find everyone, local people especially like to be included in articles. You made a fine talk.

——— ———.

Hon. Tom Bevill,
House of Representatives,
Washington, D.C.

Dear Congressman Bevill: I am very dissatisfied with the mail service we are receiving at the Alabama City Station. This Post Office closes one-half day on Wednesday, all day on Saturday and Sunday. It has been rumored that they are planning to close this station. Our mail service is bad enough without making it worse. We need this station open at least six days a week.

We will appreciate anything that you can do to help our mail service.

Sincerely,

——— ———.

P.S.—Our pension checks come in on the 3rd, which will be on Saturday this month and we will not be able to get them until Monday because the Post Office will be closed on Saturday and Sunday.

Letter of Complaint About the U.S. Postal Service

To whom it may concern:

One of our Church and Community Workers received a letter on October 20, 1972, a first class letter too, and this letter was postmarked from Morristown, Tennessee on September 29, 1972. This was a full three weeks to receive a first class letter.

We have received a number of letters in our Post Office Box which had another Post Office Box address—three of these in one day in October, 1972—but others on a number of other days. On October 21 we got one addressed to Box 311 and our Box Number is 255.

We have also been dissatisfied with how long it has taken other letters and mail to reach us, especially since August, 1972.

There have also been letters and other mail sent to us which we have yet to receive. It was confirmed by the sender that this particular mail was sent through the U.S. Postal Service, but we did not receive it. One in particular that has proved to be a handicap and inconvenience, was a mailing sent from our Conference Headquarters in Birmingham—in fact this has happened twice within the last month.

We shall appreciate better service from the U.S. Postal Service.

Sincerely,

—— ——.

KENNEDY, ALA.,
December 7, 1972.

DEAR SIR: I have a mail complaint.

Last July about the 9th we mailed out electric bill to R.E.A. To this date it hasn't been delivered. We almost got our power cut off on the account of it.

—— ——.

MARCH 7, 1972.

The LAMAR DEMOCRAT,
Vernon, Ala.

DEAR SIR: I was by the office sometime back and renewed my subscription for 2 more years, I spoke with Mr. Rainwater about my paper getting to me so late, he referred me to the post office, which I did. When my very next copy came in with a postmark of Mulga, Ala. on it. I sent the label and the postmark to the post office. The Postmaster turned my complaint over to the inspector. I received a note last week that my papers were found in the package sent to Jasper, Ala. My paper carries my correct address, so I am really puzzled over the whole thing. I would appreciate getting my paper before the news is history—if it could be managed—we are just out of the city limits of Birmingham and they get their papers on Friday. And mine comes on Monday and Tuesday of the next week. I hope these problems can be solved.

—— ——.

RESPONSIBILITY CAN BE CONTAGIOUS

HON. ROBERT W. DANIEL, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 5, 1973

Mr. ROBERT W. DANIEL, JR. Mr. Speaker, I ask consent to introduce into the RECORD this interesting and objective Wall Street Journal editorial. The editor asserts that responsibility can be contagious. For the sake of our country I hope and pray that the contagion of fiscal responsibility spreads and flourishes throughout our National Government and especially its legislative branch.

The editorial follows:

BELIEVE IT OR NOT

It's true. The United States Senate, of all bodies, has voted to sustain a presidential veto of a spending bill. Not just any spending bill, but a politically supercharged measure that would normally cow even the most fiscally conservative Senators: The Vocational Rehabilitation Act, which the Senate originally passed in February by a vote of 86 to 2.

That it would now decide, by a four-vote margin, to uphold the Nixon veto is one of the first clear signs that Congress may at last be breaking away from the habits it acquired in the 1960s. Not only has Congress spent money on program after program without serious consideration of the total final cost, but it has too often failed to look closely at the mechanics of the individual programs. Only the motive counted; if the bill purported to help someone needy, pass it first and ask questions later.

The Vocational Rehabilitation Act is supposed to expand existing federal aid to the retarded and disabled. Surely these are worthwhile purposes; few other groups are more entitled to society's sympathy. In fact, the program has undergone a fourfold expansion during the Nixon years and now costs about $650 million annually. The bill he vetoed authorized an extra $1 billion over three years. Most of the extra money would be spent building onto the existing bureaucracy and duplicating existing programs, but no doubt some of it would reach people who need help.

So in a sense even this flawed bill would be nice to have. But the larger point is that there isn't money to pay for all the worthy projects Congress would like to pursue. Some worthy projects will have to be voted down unless we are to inflict further burdens of inflation on the nation in general and the poor in particular. The only alternative is to raise taxes, and certainly there is no majority on Capital Hill for that. The 36 Senators who supported Mr. Nixon perceived the larger interest at stake. Indeed, we suspect a number of those Senators who voted to override the veto are privately relieved that 36 of their colleagues were brave enough to draw the line.

The 31 Republicans who supported the President on this issue will go on our honor roll. But given the fierce partisanship that has marked this battle of the budget, a special commendation goes to those five Democrats who resisted the powerful appeals that were made by their leadership and cast an undiluted vote for the national interest: Byrd of Virginia, Johnston of Louisiana, McClellan of Arkansas, and Nunn and Talmadge of Georgia. The 10 Republicans who deserted the President also belong in a special category.

Of course, this one Senate vote is only a beginning, but it's a solid one. Responsibility can be contagious. It can even feel good once you get used to it. And the House of Representatives, which has shouldered all of the political burdens of what little prudence there has been in the past decade, must feel great relief that the other body may give it some help. We're already looking forward to full recovery of the institution. That is, the day when it decides to stop sending to the White House spending bills that have to be vetoed in the first place.

ORGANIZATION OF AMERICAN STATES: A PRIME PROPAGANDA MACHINE

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 5, 1973

Mr. GROSS. Mr. Speaker, among the international mooching societies which flourish largely because Uncle Sap continues to stand still while they pick his pockets, none is better known than the Organization of American States for being a prime anti-American propaganda forum.

The latest session of this outfit opens here this week and you can bet your bottom dollar—if it has not already been taken—that the propaganda machine will be turning full blast.

Syndicated columnist Robert S. Allen has written a perceptive analysis of the state of this organization and I commend it to the attention of every American. I ask unanimous consent to include it in the RECORD at this point:

ORGANIZATION OF AMERICAN STATES: A PRIME PROPAGANDA MACHINE

(By Robert S. Allen)

WASHINGTON.—That little-noticed meeting here of the Organization of American States (OAS) warrants far more attention and public concern than it's getting.

OAS is in difficult straits; wracked on one hand by disruptive internal convulsions, and on the other by deep-seated external disputes and differences that literally seriously jeopardize the future of the 23-nation body.

One possible outcome of the 12-day parley is splitting OAS; with one headquarters remaining in Washington, and another set up in a Latin American capital.

Principal backstage ruckus revolves around a sudden move by Secretary General Galo Plaza Lasso to purge a number of long-time employees—a remarkably high proportion of them U.S. nationals.

This country puts up 66 percent of the approximately $50 million OAS budget. But one-third of the staff people axed by Plaza are U.S. nationals.

Avowed reason for the wholesale firing was cutting expenses.

Some weeks ago, Plaza stunned the OAS staff by announcing an across-the-board cut of 69 jobs to effect a $1.6 million saving in expenses. This was necessary, maintained the Ecuadorean who has been Secretary General for five years, to "stabilize the budget."

In the ensuing internal furor, it developed that a slash of that depth would cost about $600,000 in termination and other charges.

Whereupon, Plaza quickly backtracked.

Instead of eliminating 69 employees, the number was reduced to 18.

Those fired were presumably tagged by an employees' committee set up by Plaza. What criteria, if any, were used to determine selection are unknown. But significantly, of the 18 dropped—

* * * Six are U.S. nationals; two of them with more than 10 years' service, and all with unblemished and satisfactory records. One of these staff men had uncovered some unauthorized "borrowing" from the employees' pension fund and forced return of the money.

* * * Three other discharged staffers, Latin nationals, had won grievance cases against Plaza.

* * * Among the largest bloc of OAS employees are Cubans—although Cuba now is not an OAS member; it was expelled after Castro established a communist regime. The Cuban staffers are refugees, and exercise far-reaching inner influence on personnel, management and policies.

MORE ANTI-UNITED STATES SNIPING

Ringleader of the undercover scheme to split OAS is Panama—ruled by dictator General Omar Torrijos, who engineered the recent week-long meeting of the UN Security Council in Panama City. He and his two main Marxist henchmen, Foreign Minister Juan Tack and UN Ambassador Aquilino Boyd, strenuously sought to put through a virulently anti-U.S. resolution.

This explosive maneuver was blocked by a veto by U.S. Ambassador John Scali—only the third cast by the U.S. in the Security Council.

The Torrijos-Tack-Boyd trio, continuing their extremist vendetta against the U.S. and its control of the Panama Canal, which they are after, will attempt to use the OAS meeting for their ends.

Backing them will be Peru and Ecuador—the former ruled by a "revolutionary" military dictatorship, the latter by an ultra-nationalist regime.

Both countries have strong anti-U.S. bias over fishing rights. They claim sovereignty over waters 200 miles from their shores, vigorously disputed by the U.S. Both Peru and Ecuador have seized a number of U.S. fishing vessels and assessed fines totaling millions of dollars.

Also planned by Panama-Peru-Ecuador is a demand for the re-admission of communist Cuba to the OAS. On that they are confidently counting on the backing of other Latin countries.

It's an open secret in the OAS that the Torrijos-Tack-Boyd combination contemplate establishing formal relations with Cuba and East Germany. Torrijos visited the former, and makes a great show of being on buddy-wuddy terms with dictator Fidel Castro.

Panama has already established relations with Libya, Bulgaria and Algeria, and negotiations are underway to do the same with Russia, China and East Germany.

While the U.S. puts up two-thirds of the approximately $50 million OAS budget, it is definitely on the defensive at this session of the General Assembly. Privately, State Department authorities admit the following are entirely possible:

(1) Two OAS headquarters will be created; one in Washington to deal with political and international matters; another in a Latin capital concerned with economic and social affairs. (2) Communist-ruled Cuba will be re-admitted to the OAS.

While the U.S. pays 66 percent of OAS costs, a number of members are in default—with no impairment of their voting rights.

They include Bolivia, which hasn't contributed for more than 10 years; Haiti, Chile, Paraguay.

It's possible Secretary General Galo Plaza may be replaced.

The Ecuadorean wants to hold on to the job—with good reason. It pays $40,000 a year, with a furnished house, chauffeured limousine and other juicy perquisites and allowances.

Ambassador John Jova, U.S. representative to OAS, a career diplomat, is due to be shifted elsewhere.

FEDERAL PROGRAM SPECIALISTS

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 5, 1973

Mr. WILLIAM D. FORD. Mr. Speaker, during the month of February the Michigan Association of State and Federal Program Specialists visited Washington, D.C., to discuss Federal education programs and legislation with Members of Congress.

This organization of professional educators is comprised of Federal program specialists, superintendents, project directors, principals, and teachers from local, regional, and State levels with representation in virtually every congressional district in Michigan.

Because its membership is characterized by such a diversity in individual roles and levels in education, it brings together a tremendous amount of breadth and depth of insight with respect to Federal, State, and local education programs. For this reason I would like to share with my colleagues the following statements and recommendations which represent the consensus of this fine organization:

POSITION STATEMENT OF THE MICHIGAN ASSOCIATION OF STATE AND FEDERAL PROGRAM SPECIALISTS, ON FEDERAL AID TO EDUCATION

The Michigan Association of State and Federal Program Specialists (MAS/FPS) is an organization of professional educators comprised of federal program specialists, superintendents, project directors, principals, and teachers from local, regional and state levels with representation from every Congressional district in Michigan. Because our membership is characterized by such a diversity of individual roles and levels in education, we bring together a breadth and depth of insight with respect to federal, state, and local educational programs not common to other professional organizations. A goal of our organization for the current year has been to examine critically existing federal legislation and programs as a means of providing input to the Congress as it considers new and revised directions for federal education legislation. The following statements and recommendations represent the consensus of this organization.

INTRODUCTION

Federal aid to education must be a national priority. Such financial support has begun to restore public confidence and credibility in American education and must continue. Federal aid has provided impetus for instructional program improvement, created new trends, and caused critical examination of curricular programs. Federal dollars have helped shift the emphasis from educational programs as ends in themselves to programs designed to meet individual student needs, from education for all to equality of educational opportunity aimed at developing each child's full potential.

Federal funds have caused educators and parents to look critically at children in educational settings. This look is bringing about an evaluation of the local school district's operation and roles of parents in decision making. Federal aid has resulted in increasing the tempo of educational development leading to use of new educational methods, encouraged self-analysis, and significant revision of established programs. It has involved parents in educating their children, communities in instructing their citizens, and the state in identifying and responding to societal needs. The commitment of an increased share of our national resources to the cause of education will provide significant impetus to continued public faith in the educational system.

PHILOSOPHY

Acts of Congress usually are consistent and clear in their statements of intent. It is possible, however, for differing emphases in different acts to create a variety of interpretations of the purpose of such legislation. A greater degree of coordination of purpose among federal education acts should continue to be a legislative goal in this year of change.

ACCOUNTABILITY

Federal education legislation should require fiscal and program accountability. Since responsibility for expending federal funds is a public trust, the utilization of accepted business and accounting practices should be required. Local responsibility for the development and accomplishment of realistic, locally-set objectives should be specified. Unsuccessful programs should be discontinued and those funds redirected toward revised or more promising local educational practices.

FEDERAL SHARE OF EDUCATIONAL DOLLAR

Federal contribution to education should increase to a minimum of one-third of the per pupil expenditures for the state or for all of the states, whichever is higher. Ideally, this should be accomplished by 1980.

THE EQUALIZING ROLE OF FEDERAL DOLLARS

The federal education dollar should be distributed in such a manner as to assure that every child regardless of his place of residence and race will have access to equal educational opportunity. Given the wide disparity of wealth among and within the states, the achievement of this goal is illusory without federal funding.

SHARED RESPONSIBILITY FOR EDUCATION

Local programs should be designed and implemented within the context of goals developed and accepted at the local, state, and national levels. Federal education legislation should continue to encourage parental and community involvement in educational programs. It should, however, define roles, separating the responsibilities of the legally-constituted bodies and the expected functions of parent and/or community groups. In an accountability model the legally-constituted agencies, i.e., state and local, assure the validity of the educational programs while parental and advisory groups will understand, support, reinforce, and monitor them.

PROGRAM EMPHASIS

Educational programs financed by federal funds should endeavor to encourage comprehensive approaches to the solution of problems in education. The importance of a thorough grounding in basic academic skills is recognized and supported. However, it would be short-sighted if such critical areas as affective education were neglected. In addition, funds should be available for the educational community, early intervention, compensatory programs, career education, special programs for the mentally, socially, and physically handicapped.

RESEARCH AND DEVELOPMENT

If education is to meet the needs of a dynamic society, support for experimentation and innovation should be encouraged and augmented. Therefore, federal education legislation should include funds for local, practically-oriented research and development. In addition to locally-initiated and conducted research there is also a need for funding at the regional and state levels. The creation of research and development funding carries with it the responsibility for ongoing evaluation, program decision-making in terms of evaluation, and the dissemination of results.

FLEXIBLE USE OF FUNDS

Because of the unique needs of local school districts throughout the nation, funds should be available for a variety of programs. Maximum impact can be achieved when flexibility is permitted in accordance with the objectives of local programs, e.g., planning, administration, construction, retraining.

INVOLVEMENT OF UNIVERSITY, BUSINESS, LABOR, AND OTHER CULTURAL RESOURCES

The participation of university, business, labor and other cultural resources in the planning and implementation of educational programs can result in more effective approaches. The joint application by such agencies and local districts for funds for specific programs should be encouraged.

FEDERAL FUNDS FOR NON-PUBLIC SCHOOL

Educational services funded by federal dollars should be available for all children with similar needs related to specific program funding and should be distributed through a public education agency.

FUNDING FORMULA

Many categorical programs have been proven successful in meeting the identified needs of children. As implementers of federal education legislation, we urge as a first priority maintenance and expansion of the current categorical programs which meet positive evaluation standards and criteria. We further recommend, as a second priority, expeimentation and demonstration funds to be provided to local education agencies on a non-competitive basis. A percentage of these funds should be designated for staff development to assure trained personnel to implement innovations and to continue proven programs. Our third priority is for general Federal aid designed to contribute toward equalization of resources based on a minimum of one-third of the per pupil expenditures for the state or for all states, whichever is higher.

Within the foregoing three priorities we strongly recommend the following elements: advance funding, flexible periods of funding with a minimum of three years, funds for diffusion of successful programs, and the possibility of joint applications from various cultural resources.

WATCH ON THE POTOMAC

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 5, 1973

Mr. BROYHILL of Virginia. Mr. Speaker, a constituent recently called my attention to an article which appeared in the Reader's Digest last month which he believed should receive the wide attention of all American citizens.

The article, "Watch on the Potomac," by Kenneth Y. Tomlinson, carried a subtitle "Consider these examples of blatant disregard for how taxpayer dollars are spent," and cited several examples of fiscal irresponsibility on the part of Government officials.

As I agree with my constituent that many of these practices should be eliminated, I insert the text of Mr. Tomlinson's article at this point in the RECORD:

WATCH ON THE POTOMAC: CONSIDER THESE EXAMPLES OF BLATANT DISREGARD FOR HOW TAXPAYER DOLLARS ARE SPENT

(By Kenneth Y. Tomlinson)

An all-out campaign to reduce waste in government is long overdue. Foolish federal spending drives up taxes and fuels inflation. Yet hardly a day passes without some new disclosure of blatant waste. Here are eight ideas for helping us taxpayers get our money's worth:

1. *End costly rivalries.* Government agencies often engage in ludicrous games of bureaucratic oneupmanship, with the taxpayer picking up the tab. One example: The Department of Housing and Urban Development had a single 45-foot flagpole in front of its Washington headquarters. The neighboring Department of Transportation had a pair of 75-foot flagpoles. Peeved HUD bureaucrats spent $26,500 to erect two 80-foot poles so they could have the highest ones on the block.

2. *Eliminate self-serving propaganda.* Agencies frequently embark on ridiculous propaganda campaigns to seek support for controversial projects. The Department of Transportation, for instance, spent $12,800 to publish a children's comic book extolling the Supersonic Transport (SST) project, subsequently rejected by Congress. Featuring "The Supersonic Pussycat," a lucky pet which flies to Paris in 2½ hours, the book was mailed to public and private schools across the country.

3. *Defeather lame ducks' nests.* Congress devours tens of thousands of dollars each year sending members who have been defeated for reelection on worldwide junkets. Last October, for example, Rep. James Byrne (D., Pa.), his wife, and a military escort went on a lavish three-week tour of Paris, Nice, Athens, Istanbul, and Vienna, ostensibly to study U.S. military problems overseas. Six months earlier, Byrne had been defeated in his party's primary, Sen. Gordon Allott (R., Col.), journeyed to Bonn, Belgrade, Bucharest and Prague after Colorado voters rejected his bid for re-election.

4. *Cut silly frills.* If you live in Washington, D.C., and have a sick plant, the National Capital Parks Green Scene Service will, upon request, send a specialist to your home to examine the greenery. Cost to taxpayers for this "plant ambulance service": about $15,000 a year.

5. *Make military officers pay for servants.* Public funds are not supposed to be used in the operations of military service clubs. Yet the Air Force assigned 24 enlisted men to full-time duty as servants in an Alaska chateau operated for officers. These cooks, waiters, and steambath attendants cost taxpayers $179,000 in 1971.

6. *End research boondoggles.* This year's "research" budget of the Department of Health, Education and Welfare is $1.7 billion, up 50 percent from 1967. And what are the taxpayers getting for their money? Often very little, according to the Los Angeles *Times*. Look at the performance of a task force commissioned to study the Career Education Program, a new educational concept designed to ensure that students are prepared for either advanced schooling or a job at the end of high school. After spending $19.9 million in more than one year's research, the group could not decide on a working definition of what "career education" should be. Asserts education specialist Rep. Edith Green (D., Ore.): "Over and over again we have found educational organizations taking money for work not done, for studies not performed, for analyses not prepared, for results not produced."

7. *Relay information by mail.* Postmaster General Klassen spent $27,000 last year on a color film and taped speech that were carried by hand to top postal officials around the country. Klassen's message: The Postal Service must cut costs to avoid rate increases. "Why not put the directive in letters and use the U.S. mail?" demanded Rep. William Scherle (R., Iowa).

8. *Derail the Congressional gravy train.* For years, members of the House of Representatives have been permitted to pocket unused portions of their $3500-a-year stationery allowance. Former Sen. John J. Williams (R., Del.) was responsible for ending this practice in the Senate in 1968. In the closing days of the last Congress, the House Administration Committee finally met (behind closed doors) and discussed the controversial practice. Result: the allowance was raised to $4250.

Behind every example cited here are officials who apparently couldn't care less about fiscal responsibility. They should be replaced with public servants who view the elimination of irresponsible spending as a top priority of government. We taxpayers can spur this effort by communicating with our elected officials and insisting that they act today.

SPEECH SALUTED

HON. STANFORD E. PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 5, 1973

Mr. PARRIS. Mr. Speaker, recently at a meeting of the Virginia Trial Lawyers Association in Hot Springs, Va., the Honorable WILLIAM L. SCOTT delivered a speech praising President Nixon for taking steps to improve crime control in America.

In the speech, the junior Senator from the Commonwealth said the President's actions will greatly strengthen the cause of justice in this Nation and will justify the faith which law-abiding people have always had in the American system.

I believe that many of my colleagues will appreciate the remarks made by Senator SCOTT and for that reason I would like to include his speech in the RECORD.

ADDRESS BY WILLIAM L. SCOTT

Mr. President, ladies and gentlemen, of course it is good to be with the Virginia trial lawyers tonight and I appreciate very much having my former colleague and longtime friend, Watt Abbitt, introduce me. Watt served from the 80th through the 92nd Congress, a total of twenty-four years, and since he announced his retirement, groups throughout his district and beyond, have been honoring him for his distinguished service. Certainly I would like to add my high regards, for even though Watt was one of the first to leave when the final vote was taken at the end of the week's business so that he could go hunting, he was always present at crucial times representing the best interests of our State.

You know, serving in the Senate does afford an opportunity to make quite a few talks, and we receive various responses. One evening a listener told me that my speech was not very good, in fact, he said, it was terrible, but the program chairman attempted to reassure me and said, "Don't pay any attention to him Senator, he's the village halfwit. He just goes around repeating everything he hears."

During last fall's campaign, we traveled throughout Virginia and received cordial welcomes. People are generally kind to candidates, but we did go into some areas where where they were straight-line Democrats. I noticed one gentleman who seemed a bit reserved, but a candidate attempts to shake every hand and I said, "I am Bill Scott," to which he replied, "You are a Republican aren't you?" I said, "Yes, of course I am." He extended his hand rather limply and said, "Just press it lightly."

Now I believe we obtain better government by having the competition provided by our two major parties. Yet, people seem to be paying more attention to an individual's qualifications for office and his philosophy than they do to party labels. The straight party vote is becoming less and less popular. Perhaps we can go too far in either direction.

Let me talk with you tonight first about some pocketbook issues and then a few legal matters pending in the Congress. There's no doubt in my mind that the major issues confronting the Congress are fiscal matters. People are concerned about the high cost of living, about the high cost of government, about deficit spending and inflation. Members of the Congress recognize this. Last year both Houses adopted different measures setting a $250 billion spending ceiling, but they were not able to get this included in the same bill and no law was enacted on the subject. However, the President has indicated his intention to hold spending for the fiscal year ending June 30 to this $250 billion figure. He has refused to spend some of the funds appropriated by the Congress. This had lead to charges of illegal impoundment by the more liberal element in Congress. Let me add that the liberals at this time do appear to be in control of both Houses.

With little or no hearings, Congress is repassing bills pocket vetoed by the President after the adjournment of the 92d Congress and also measures which died in the closing days because of differences between House and Senate versions. They are also changing the wording so that rather than say the Secretary or the head of an executive department is "authorized to expend" they are using the phrase the Secretary "shall expend." I believe there are 17 such bills which the President has indicated he will veto. The first veto, the Vocational Rehabilitation Act, is scheduled to be voted on Tuesday afternoon.

In this connection, 33 of the 43 Republican Senators have agreed to a policy of voting to sustain Presidential vetoes which they feel are essential for fiscal responsibility. If substantially all of these Republicans hold to the principle they have agreed upon, only a few Democratic votes will be needed to sustain the President.

No doubt this audience would be in substantial agreement on the need to put our fiscal house in order and to reduce government spending. The President is criticized for not spending enough, yet, the budget he submitted to the Congress is $268.7 billion, almost $19 billion higher than last year's budget, the largest expenditure in our history. With contemplated receipts of $256 billion, this leaves a deficit of $12.7 billion. Among the items included in the budget is $26.1 billion as interest on the national debt, a debt which now totals approximately $460 billion. This is the money we pay because of deficit spending in past years. If we had not had deficit spending in the past and could eliminate this payment of interest on the national debt, we could spend everything programed in the President's budget and still have a surplus of $13.4 billion. Therefore, it seems reasonable that we make every effort to return to the concept of a balanced budget.

It is difficult for us to contemplate a billion dollars, much less a $460 billion debt. I am told that a billion $1.00 bills placed end to end would extend four times around the world. If we carried this a step further and converted the entire national debt into $1 bills, they would form piles end to end, 1,840 bills deep, stretched around the entire world. That illustrates the vastness of our national debt.

We pay as debt service more than $50,000 per minute without reducing the debt. So, if you hear that one of your Senators or Congresmen has voted against a spending proposal which you feel has some merit, you might think of this overall situation. Almost every bill introduced in the Congress has merit. We have special interest groups asking that we spend money in almost every conceivable manner, if we attempt to respond favorably to all of these groups, we will have far greater monetary problems than exist today, therefore, we must have an overall spending limit and reasonable priorities within that limit.

I believe the general public is aware of this problem but it would be helpful if members of the bar would continue to plug for fiscal sanity.

Turning to legal matters, the Senate Judiciary Committee is considering a proposal to create fifty-one additional judgeships. This was recommended by the judicial conference and endorsed by the American Bar Association, I might add that it includes three additional judges for Virginia, two in the Eastern District and one in the Western. The senior judges from both districts and Judge Turk have testified before the subcommittee in support of the new judges for Virginia. I have discussed the matter informally with the subcommittee chairman and it does appear that we will obtain at least two of the three.

Many members of the bar are concerned about proposals of the Department of Housing and Urban Development establishing ceilings on fees for legal work relating to land settlements. These proposals are made under the Emergency Home Finances Act of 1970. I believe the Veterans Administration has also been considering the proposal.

Our office became aware of it last summer and has been in communication, by letter and telephone, with these agencies many times. In fact, it seems that practically every lawyer in northern Virginia has written to us about this proposal, which includes a maximum attorney's fee of $180 for title examination, preparation of papers and closing real estate transactions. Now, as you know, these were merely proposals published in the Federal Register; but oftentimes it is just a short step between proposals and an accomplished Federal regulation. I am told that HUD is presently evaluating public comments, having received over eight hundred suggestions, and that with the new secretary in office, all controversial proposals are being re-examined. I like to think that the regulation of the practice of law is still a State function and that the Federal Government should not invade this field. The interested agencies are aware of my position and that of other members of Congress. But having said this, let me urge that the organized bar concern itself with any abuses in charges for title work so that we will not invite Federal regulation.

As you may know, the President did not deliver a State of the Union message in person to the Congress this year, but submitted his message in several parts in writing.

The sixth portion, dated March 14, concerns the Federal system of criminal justice. It talks about the break-down of law and order during the sixties as constituting a threat to the integrity of our free insitutions; discusses the reduction in the serious crime rate within the District of Columbia by more than half. More recently we have learned from the FBI crime index that serious crime throughout the country decreased last year by approximately 3%. Of course, we know the only part of the country over which the Federal Government has exclusive jurisdiction is the District of Columbia, and that the control of crime in other parts of the country is primarily a State or local responsibility.

Recognizing this, considerable financial assistance has been given to State and local law enforcement authorities through the law enforcement assistance administration within the Department of Justice. The recent FBI statistics, indicating an overall decrease in crime throughout the country, may well be some of the fruits of this Federal assistance to State and local law enforcement officials.

I was privileged just yesterday to introduce the President's nominee for Director of the L.E.A.A. to the Judiciary Committee, which is considering his nomination. Many of you may know Mr. Donald E. Santarelli, since he is a graduate of the University of Virginia law school and a resident of the city of Alexandria. He has served in a responsible position within the Department of Justice for a number of years.

The President, in his message to the Congress, recommends an overall revision in the Federal criminal code. He feels that many offenses can be consolidated, and that the penalty for violation of crimes of a similar nature can be more uniform.

Perhaps the most publicized provision of the March 14 message is the recommendation that the death penalty be restored. Let me quote his exact language:

"I do not contend that the death penalty is a panacea that will cure crime. Crime is the product of a variety of different circumstances—sometimes social, sometimes psychological—but it is committed by human beings and at the point of commission it is the product of that individual's motivation. If the incentive not to commit crime is stronger than the incentive to commit it, then logic suggests that crime will be reduced. It is in part the entirely justified feeling of the prospective criminal that he will not suffer for his deed which, in the present circumstances, helps allow those deeds to take place."

The President further suggests that in making their plans, criminals should have to consider the fact that if a death results from their crime, they, too, may die, and adds that we must return to a greater concern with protecting those who might otherwise be the innocent victims of violent crime than with protecting those who have committed those crimes.

A reading of the *Furman* v. *Georgia* decision of last June indicates that not all of the five-member majority see the death penalty to be unconstitutional under all circumstances. At least two of the justices who joined with the majority so indicate in concurring opinions.

I gather from a reading of this opinion and from the President's message that the legislature can authorize the automatic imposition of the death penalty when guilt is found and death results in the commission of such serious offenses as treason, kidnaping or aircraft piracy.

Let me add that proposals similar to the President's crime message are included in Senate bill 1, introduced at the beginning of the Congress. They are similar to proposals coming from a crime commission in which a former colleague in the House and now Mr. Justice Poff of our State Supreme Court, played an important part and those developed from a study made by the Department of Justice.

I am co-sponsoring the death penalty bill, which should receive reasonably prompt and favorable action in the Congress.

The President's message is an excellent one. In it, he concludes it is time for the Government to justify the faith of the law-abiding American people in the law, by assuring them that our system of criminal justice works, both as responsible citizens and as officers of the court, we too have an obligation to see that our system of justice works.

Let me now mention a few measures I have sponsored, one would reduce the size of juries in Federal courts from twelve to six members, we have little knowledge of the origin of the twelve-man jury. Some feel it is an outgrowth of the twelve tribes of Israel, but in any event, it grew into our system without logical reason and it would seem that a six-man jury would be just as effective, would reduce the costs, and would result in speedier trials.

Now I know that Lou Koutoulakos and a few other criminal lawyers would argue that prospects of acquittal would be lessened. Yet this jury would still constitute a group of lay peers between the accused and the State, functioning as the conscience of the community. Some Federal districts have already adopted the six-man jury by rule of court but I would prefer that it be uniformly enacted through Federal legislation.

We have a number of legislative proposals relating to the busing of children, one by legislative act would prohibit assignment of children to public schools based on race, creed, or color, but, because this might be declared contrary to the Constitution, a second would preserve the neighborhood school through a constitutional amendment. I have co-sponsored both measures and I am the principal sponsor of a bill to transfer jurisdiction over all issues and controversies involving the public schools from the federal to the state courts.

Public schools are an extension of the training received in the home. I believe children should go to school as near their home as possible and that judges familiar with local conditions should determine questions relating to public schools. Under this bill the Circuit Courts of Virginia would be the trial courts with right of appeal to our Supreme Court of Appeals and thereafter on certiorari to the Supreme Court of the U.S. This would retain federal supremacy and would mean that constitutional questions could be decided in the final analysis by our highest court. Nevertheless, the court of original jurisdiction would be the court most familiar with local conditions and local problems.

I have talked briefly with the chairman of our Senate Judiciary Committee, Mr. Eastland, and he appears to agree with this concept. It also fits in with the expressed desire of the President to return decision making to the States and the localities.

In the March 14 crime message we discussed a few minutes ago, the President said, "sometimes it seems that as fast as we bail water out of the boat through law enforcement and rehabilitation, it runs right back in through the holes in our judicial system."

Perhaps one way we can improve our judicial system is by amending the Constitution to provide for tenure of judges. My own bill provides for ten-year terms. Senator Byrd has one for eight years. As you know our own Virginia Circuit Court Judges have eight-year terms whereas Court of Appeal judges serve for twelve years. Frankly, I believe the choice of eight, ten or twelve years would make little difference, but all public officials, legislative, executive or judicial in my opinion should at one time or another have to account for their stewardship, either to the people directliy, or to their elected representatives. Life tenure does away with accountability.

There does appear to be an increasing interest in tenure for Federal judges but until such a proposal is adopted, at least my own office will not recommend a lawyer for appointment to the Federal bench unless he is known as a strict constructionist who will recognize the legislative duty to make the laws and the judicial duty to interpret them as enacted by the Congress.

Perhaps I should say in closing that it is a great honor to represent the people of Virginia in the United States Senate. It might even be called a credit to our system that an average citizen can be elected to the highest legislative body in the country, in discharging the obligations of public service, I believe one needs confidence and faith—having and keeping faith in our country, in our fellowman, in our God and in ourselves. Be assured that I want to do the very best possible job and will, of course, always welcome the suggestions and the ideas of my colleagues from the Virginia bar.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 5, 1973

Mr. SCHERLE. Mr. Speaker, for more than 3 years, I have reminded my colleagues daily of the plight of our prisoners of war. Now, for most of us, the war is over. Yet despite the cease-fire agreement's provisions for the release of all prisoners, fewer than 600 of the more than 1,900 men who were lost while on active duty in Southeast Asia have been identified by the enemy as alive and captive. The remaining 1,220 men are still missing in action.

A child asks: "Where is daddy?" A mother asks: "How is my son?" A wife wonders: "Is my husband alive or dead?" How long?

Until those men are accounted for, their families will continue to undergo the special suffering reserved for the relatives of those who simply disappear without a trace, the living lost, the dead with graves unmarked. For their families, peace brings no respite from frustration, anxiety, and uncertainty. Some can look forward to a whole lifetime shadowed by grief.

We must make every effort to alleviate their anguish by redoubling our search for the missing servicemen. Of the incalculable debt owed to them and their families, we can at least pay that minimum. Until I am satisfied, therefore, that we are meeting our obligation, I will continue to ask, "How long?"

"SHIELD LAW"

HON. MIKE McCORMACK

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 5, 1973

Mr. McCORMACK. Mr. Speaker, in recent months an across-the-board attack has been launched by the administration against public access to a free flow of information. I have watched with alarm as the President's appointees to the Corporation for Public Broadcasting Board attempted to wrest control of programing and scheduling public television programs from the Public Broadcast Service. Atlhough it now appears that attempt may fail, the future of public affairs programming remains in jeopardy.

I was further incensed by the January speech of the President's television policy advisor, Clay Whitehead, in which he threatened the introduction of legislation which would make local station managers accountable at license renewal time for the content and balance of network news carried by their stations. No President in modern history has used such a blatent form of intimidation to attempt to insure that the content of news reflects the administration line.

I believe, however, that the most potentially threatening attack on free press and an informed public is the denial of the right of newsmen to hold confidential their sources of information. When reporters go to jail for withholding confidential sources, those and other traditionally confidential sources of information will surely dry up. These are sources which many times provide information to which the public should have access, information beyond what an official public relations news release might have us know.

Mr. Speaker, in February, Mr. Hu Blonk, managing editor of the Wenatchee Daily World, made the case most forcefully in testimony at a hearing before the Joint House and Senate Judiciary Committee of the Washington State Legislature. Mr. Blonk is freedom of information chairman of the Associated Press Newspapers in Washington State, and national vice chairman of the Freedom of Information Committee of the Associated Press Managing Editors Association in charge of bench-bar press relations.

Before the matter of a "shield law" comes before the House for action, I would like my colleagues to have the benefit of Mr. Blonk's thinking:

TESTIMONY OF MR. BLONK, MANAGING EDITOR OF THE WENATCHEE DAILY WORLD, BEFORE THE JOINT HOUSE AND SENATE JUDICIARY COMMITTEE OF THE WASHINGTON STATE LEGISLATURE

The principle of newspapermen keeping confidential the names of people who give them information leading to exposure of activities detrimental to the public interest and to other stories is as much part of American journalism as the typewriter we pound out the news on.

Any ruling preventing protection of news sources provides the quickest way to make limp the good right arm of the press working on behalf of the people's right to know—which is fundamental to our form of government.

No one but the press continually watches the city council, the school board, the legislature, the Congress. What it finds behind the scene talking to public officials and others in quotable form or in confidence assures that the public interest is safeguarded and that the democratic function is carried on as it should be—openly and honestly.

The protected news source provides the avenue leading to exposure of governmental messes, of bribery, and of malfeasance in office. The good citizen often can't afford to speak up openly and have his name revealed—for fear of loss of job, of ridicule, or abuse or pressure.

It was the protection that editors and reporters could give news sources that led to the exposure of Billy Sol Estes, the Teapot Dome scandal, corruption in Dave Beck's union, and the Watergate incident.

With minor exceptions, research shows that every major scandal in public office in the past 20 years was uncovered by the press.

In a true sense, to force reporters to reveal news sources is to slip a tranquilizer to an alert watchdog—for that's what the press is: a watchdog protecting the public welfare.

The confidential relationship between reporter and news source ought to be shielded by law, federal and state, in the same manner that the relationship in the court between lawyer and client, doctor and patient, and pastor and parishioner is assured secrecy.

The publication of exposes involving information obtained from sources the press needs to keep confidential is not something that a newspaper undertakes lightly. The decision as to whether or not to print an article based on facts so gathered is one of the most important ones I face in operation of the newspaper.

I ask myself these questions: 1. Is the story fair; have we given both sides; has any bias crept in? 2. Is the story based on solid facts; has the reporter thoroughly checked and rechecked the accuracy of what he is saying? 3. Is the story potentially libelous, because of malice or sloppy reporting?

In any story in which a public figure or agency is held up to public view in an adverse light, there are involved numerous conferences between editors like myself and the men writing the story. Each bit of new information as dug up by the reporter is discussed between editor and reporter. We editors demand full disclosure where the reporter got the facts as each additional set of facts becomes available. Step by step we keep a rigid check of how the story is developing.

Then, when the story is actually written, we editors and the reporter confer at length again in the editing. As changes are made, these are checked and when the final version of the story has been typed we give it a final check. A mistake can mean hundreds of thousands of dollars, and equally bad, damage the reputation of a public official unjustly.

I bring this out to eliminate any impression anyone may have that a reporter cashes out to interview, a questionable figure in some isolated dark place in the middle of the night, comes in next morning, pounds wildly on the typewriter, throws the story on the editor's desk, who then rushes it into print.

Stories that *disclose* corruption or malfeasance take endless hours to prepare. We just ran an article charging a municipal judge with conflict of interest because he sat in judgment of a driver charged with drunken driving, who five times previously had been convicted of drunken driving, a man the judge had represented as a lawyer at various times over a period of 20 years. The tip on the hanky-panky came from a confidential source.

The reporter put in 200 hours of work. We had at least a couple dozen conferences in my private office as the story developed. Then satisfied we had the facts, the story was sent down to the composing room enroute to the press.

I think that the press' finest role is being "watchdog" over the public's business.

It is a costly role in man-hours. For oftentimes an investigation reveals there is no hanky-panky going on.

We just this week finished checking out a story—the tip on which came to us from a confidential course—that would have revealed a crime at municipal level. We find at this time we do not have the basis of a story. In this case we devoted 150 hours of a reporter's time, from which the newspaper gets no benefit at all—not an inch of type. Yet newspapers are glad to contribute this time and cost in the public interest.

I checked with the shield laws of some 12 or 13 states several years ago. To find out how they worked, I wrote to editors in each of the states. I particularly wanted to find out 1. if the privilege had been abused by irresponsible newspapers or radio stations, and 2. whether the public was antagonistic about the newspapers being given what some call a special privilege.

The answer in each instance was that there had been no abuse and no adverse public reaction. No one is crying for abolishment of confidence laws already on the books because of abuses.

Sometimes criticism is heard that confidence laws would lead to opening up news columns to rampant gossiping. This has not been the case. The laws are no protection against libel.

Some critics of the press feel that confidence laws give a special privilege to the press.

I feel such laws are not privilege of the press, but the right of the people. It is the refuge of the citizens against corruption at every level of our society.

The public needs an ombudsman and the press is the only one it has. And such an ombudsman must be one who can protect his sources, who isn't required to spend a lot of time in court, who, being human, does not begin to get cautious about saying anything so that there will be an increasing number of things you won't hear about in the future.

MONKEY ON OUR BACKS

HON. DAN DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 5, 1973

Mr. DAN DANIEL. Mr. Speaker, the guarantees of the first amendment—freedom of religion, of speech, and of the press, the right to peaceful assembly and the privilege of petitioning the Government for a redress of grievances—are among our most cherished democratic principles.

None of these is more zealously guarded—and rightly so—than freedom of the press.

All of us are frequently made aware that much unresponsible reporting and unobjective commentary is brought forth in the name of press freedom, but in most cases we would far rather suffer the irritations than tamper with the inherent rights involved.

The press—both written and over the air waves—seems to do a creditable job of opposing outside efforts to impose censorship and as long as this trend continues, neither the press nor the public at large has much to fear from that source. But what of the censorship of the press from sources within its basic establishment? Is there not a greater threat from those who would downgrade certain points of view and stifle expression of those views?

The Constitution, after all, does not require that the press be objective or intellectually honest—only that it be free, but what an enormous responsibility it has for objectivity. The reader or the listener does not have at his disposal all the facts or background that the reporter, the editor or the commentator may have. He may know only that which comes to his attention in the newspaper, the magazine, the book or the leaflet; and, indeed on the radio or over television. Yet, that limited access may be the basis on which he forms his opinion, makes his decisions or guides his personal activities.

This two-part role of censorship is the subject of a splendid editorial which appeared in the April 4 edition of the News, of Lynchburg, Va., under the title "Monkey on Our Backs." The writer voices legitimate concern and his words are worthy of note—particularly among those elements of the press where vigilance in their own operations may not measure up to the concern shown for outside censorship.

I would like to include the editorial and the accompanying article in the Record with my remarks and commend it to the reading of the Members of the House:

Monkey on Our Backs

There are two kinds of press censorships. One is the censorship resulting from pressure brought upon the press from outside sources. The other is censorship by the press itself resulting from the suppression or downgrading of certain viewpoints and facts and the propagandizing of others. The press must be protected against the first kind and the people must be protected against the second.

The First Amendment to the U.S. Constitution affords ample protection against outside censorship—AS LONG as the press itself refuses to compromise that protection.

And, as long as the press is protected against the first kind of censorship, only the press itself can protect the people against the second. Clearly there is no remedy in law against press suppression or downgrading viewpoints or ideas or stories to which a newspaper or an individual reporter, editor or commentator may object. The press must clean its own house.

The press, in short, must be committed to nothing but the honest presentation of the truth. It cannot afford to commit itself to ideologies, or philosophies, or persons or parties. To do so is to propagandize, to advocate. Commitment in this sense compromises the primary duty of the press, to the detriment of the people——AND the First Amendment.

Attacks from the outside take various forms. Judge Harold Medina discusses one of these in his article on this page. While we're on the subject, we'd like to discuss another. It is a more insidious form of attack, for it seeks to worm inside the press, to influence its overall presentation of the news. It takes the form of so-called "press councils."

Press councils are composed of people who watch over the press and—with the cooperation of the victim—seek to influence the presentation of the news. These councils, simply put, seek to substitute their opinions and viewpoints for those of the newspaper—and they propose to do it by resorting to the very kind of pressure which they charge newspapers with misusing—publicity! Moreover, they want the press to cooperate and provide that publicity . . .

To succeed, press councils must have the cooperation of the press. Without that cooperation, they would be voices shouting in a barrel.

Any newspaper which consents to being called before an outside pressure group to explain why it handled a story in a certain way, or why it didn't print a certain story, or why it did print it, obviously surrenders its own freedom. Such newspapers would be continually defending and explaining their actions before these councils. The day-by-day judgments of the editors and reporters would have to take into consideration the views of the watchdog council . . .

An organization called The Twentieth Century Fund recently published the results of its study of the press council plan in a book entitled "A Free and Responsive Press." The conclusion: press councils are a good thing and should be set up at the national and state and community levels.

Note, particularly, the word "responsive." Not "responsible," but "responsive." It means responsive to the views of press councils. Since the membership of these councils can be easily manipulated to reflect pressure groups, newspapers which consent to press council censorship ignore their first responsibility to the people.

The Twentieth Century Fund is a textbook example of such manipulation. It is a liberal-leftwing organization. Its views, therefore, are doctrinaire liberal-left and do not include opposing views. Nor would the press councils as it conceives them. There might be a "house conservative included" but the liberal viewpoint would prevail.

Significantly, the Fund recommends that a "national press council" be established "to receive, to examine, and to report on complaints concerning the accuracy and fairness of news coverage in the United States" as well as "to study and report on issues involving freedom of the press. Such a national council would be, according to the Fund, limited to reviewing news reporting by the "principal national suppliers of news"—the nationwide news wire service, national weekly news magazines, national newspaper syndicates, national daily newspapers and nationwide commercial and non-commercial broadcast networks. Since the vast majority of newspapers rely on the wire services and syndicates for their national and international news and commentary, making these primary sources of news "responsive" to a national press council would be to organize the primary source of news even more along liberal-leftist lines than they are now. It's a right good way to gain control of the press, even that part of it antagonistic to liberalism, without investing a cent!

If the press lets this monkey on its back—if it allows such people a voice in its management—it will be surrendering its First Amendment freedom and weakening that freedom for everyone else. Our responsibility is to defend that freedom against any and all intrusions, not only for ourselves, but for every American.

PRESS COUNCILS: HOW THE MONKEY WORKS

Press councils already have been established in some states. To demonstrate how one works, consider the resolution adopted by the Honolulu, Hawaii, Community-Media Council urging all national media to avoid certain terms and to substitute others in connection with the war in Vietnam.

The resolution took note that the media had decreased its use of such terms as "Communist" or "red" in reference to China and said: "More accurate reporting has led to the use of such terms as 'mainland' and/or 'People's Republic.' "

(By all means don't remind the American public that these are Communists!)

The Council expressed concern over the use of such terms as "Communist" or "enemy" to describe political or military groups or forces in Indochina. It went on to say:

"These terms should be avoided as much as possible in favor of more descriptive terms which accurately designate the people or organizations to which they refer. In this regard we recommend the following questions as guidelines:

"a. When opposing forces meet, who actually makes up the opposing forces? What organizations are involved? Does the word 'Communist' accurately describe who they are? Can everyone who is fighting against the South Vietnamese government be described as a 'Communist'?

"b. When death tolls are announced, who actually has been killed? Are the military personnel, or are they civilians? Can everyone who is killed be accurately described as an 'enemy'? Is a person an 'enemy' simply because he has been killed by the South Vietnamese? See Senator Kennedy's subcommittee report on refugees and civilian casualties."

The pro-Communist bias of the Honolulu Council is obvious. It objects to depicting the Communists as "enemies" of the United States, even in a shooting war such as was going on when its resolution was passed.

This is the kind of attitude we can expect from such councils—a bias on the left or a bias on the right—depending who appoints the members. In either case, the objectivity, or attempts at it, of the press is compromised and the press subjected to prejudiced pressures.

We repeat: any newspaper which cooperates with these councils surrenders its freedom and ignores its responsibility to its readers. If people want to express their views to newspapers, they can write letters to the editor or submit news releases. They will be used, and the incidents treated as the news stories they are.

BIKE AID BREAKTHROUGH

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 5, 1973

Mr. KOCH. Mr. Speaker, as you know, on April 4, the House Public Works Committee approved an amendment providing for the construction of exclusive bicycle lanes and shelters using moneys from the highway trust fund in conjunction with primary, secondary and urban road systems. This is a significant milestone for the 85 million cyclists in this country.

John Auerbach, the executive director of the Bicycle Institute of America, has pedaled long and hard in support of this proposal. With the thought that it might be of interest to my colleagues, I am appending the testimony which he gave before the committee:

TESTIMONY BEFORE THE COMMITTEE ON PUBLIC WORKS, U.S. HOUSE OF REPRESENTATIVES, BY JOHN AUERBACH, EXECUTIVE DIRECTOR, BICYCLE INSTITUTE OF AMERICA

Mr. Chairman, and honorable members of this Committee. My name is John Auerbach. I am here to testify in favor of the language and intent of Section 145 of Senate Bill S–502 as it concerns this committee's deliberations on the Federal Highway Act of 1973. I have been Executive Director of the Bicycle Institute of America for more than 25 years. During that quarter of a century, the bicycle industry and our country have undergone dramatic changes, both individually, and in relationship to one another.

The bicycle industry has grown in size and stature. It has changed from being a small supplier of children's toys, and grown into the largest supplier of bicycles for people of all ages in the entire world. Many of the American bicycle companies make more bicycles today than did the entire industry 25 years ago; and there are more kinds, styles, types and varieties of bicycles manufactured in America than in any other nation. America has become the Bike Capital of the world.

Let me, at the outset, commend the Honorable Congressmen Koch, Conti and their co-sponsors, the members of this great Committee and, indeed, the entire leadership of the Congress for recognizing this fact, and for putting that recognition into practice, by planing, as it is now doing, to include the construction of bicycle facilities in our nation's future road-building program.

Should there be, however, some among your colleagues who do not share your wisdom and far-sightedness, allow me to cite a few statistics.

In 1971, Americans bought nearly 9 million bikes . . . 30% more than the preceding year. In 1972, industry sales reached an all-time record high of 13.8 million bikes . . . roughly 45% more than in 1971 . . . a 45% increase on top of a 30% increase.

Today, gentlemen, industry sales for the 1st quarter of 1973 are running 23% ahead of last year!

This is no fad . . . no flash in the pan.

America is becoming a nation on two wheels. In 1972, for the first time since World War I, Americans bought more bicycles than automobiles. In 1972, for the first time since the turn of the Century, sales to adults represented half of total production. In 1972, for the first time in history, nearly 80 million Americans rode bicycles. If sales increase only 10% a year, that figure will reach 100 million by mid-1974.

One hundred million bicycle-riding Americans . . . every other American on a bike.

Where are we going to put the hundreds of thousands of urban commuter cyclists, who use their bikes daily for quick, efficient, and pollution-free short haul transportation? Where are we going to put hundreds of thousands of physical fitness enthusiasts who are cycling for good health? Where are we going to put the millions of parents and children who cycle just for fun, and have made cycling the nation's leading outdoor recreation activity? Where are we going to put the millions of school children who ride their bikes to school each day, or the growing millions of ecology-minded adults who see cycling as their personal contribution to a healthier environment, or a lessening of the energy crisis?

If we do not consider their legitimate needs right now, we are going to put them in jeopardy.

Gentlemen, the so-called "bicycle lobby" is no small, special interest group, seeking to acquire or preserve some narrowly-defined privilege. It is 100 million people . . . *half* of America, half—if you will—of your constituency, demanding a legitimate share of the nation's road space.

I have used the word legitimate advisedly. For the benefit of any of your colleagues in this great House of Representatives who are less sensitive to this pressing need, allow me to quote from Webster's New World Dictionary:

"highway: noun, 1. any road, freely open to everyone; a public road; 2. a main road or thoroughfare; 3. a main route; and 4. a direct route to some objective."

That's it . . . the whole definition, with nothing left out. Not one word about automobiles, nothing about exclusive use, nothing about restrictions of any kind . . . just "any road, open to everyone".

So let us be wise enough to end the confusion about who the highways of America belong to . . . they belong to everyone, to be used freely by whatever means of transportation each man, woman or child finds best suited to his needs.

Increasingly, the bicycle is suiting those needs . . . and these are ever more sophisticated cyclists, taking longer trips, touring and camping by bike, taking family vacations by bike, and seeing America first by bike. It is no longer feasible to suggest that a simple ride around the block is enough to satisfy their needs. There are millions and millions of cyclists with almost as many different places to go as there are roads to use to get there.

Recognizing the fact that there *are* millions of bikes on the roads, and millions more coming every year, many states have already accepted the proposition that a bicycle *is* a road vehicle, and that a bicycle path adjacent to a newly-constructed road is—de facto—a highway project.

To provide for a smooth, safe flow of traffic, and the development of sensible statewide bike route systems, as wall as for the prudent use of available money, many states have developed long-range feasibility studies and Master Plans for bike routes. Excellent examples are those conducted by California, Oregon and Arizona.

More importantly, California, Oregon and now Michigan have still further recognized the legitimacy of the bicycle as a road user, and have voted to include bike paths in their overall road budget to the tune of 1% or more of their state gas-tax revenues.

There is a great legislative ferment for bicycles in state capitols across the country. Right now, 71 bicycle trail bills have been introduced into the legislatures of 24 states since January 1 of this year. Not less than 31 of those bills make the bicycle trail building function the responsibility of the state Highway Department, and directed that funds shall be made available out of highway tax revenues.

Shall I list a few of them? Arizona—HCR–

2016, to amend the Arizona constitution designating the use of vehicle tax receipts for the construction of bicycle paths . . . Connecticut—S-974, the State Bike Act to allocate a portion of gasoline taxes to finance bike paths . . . Florida—H.B.-1 . . . Hawaii—H.B.-251 . . . Illinois—S-83, and on and on it goes.

Thus the precedents have been set; the examples well established, and we are looking at the wave of the future. Highway building funds are no longer conceived to have the narrow purpose of satisfying automotive needs alone. They are no longer so conceived by 24 of our states, or by the people, and I respectfully submit that they should no longer be so conceived by the Congress of the United States.

This Congress can take a leadership role in providing for those 100 million road users on bikes. Bicycles simply must be included in all federal highway planning so that matching funds can be made available to the states, who cannot carry the burden alone.

There must be programming and federal funding available for separate paths alongside or near highways where that is necessary, for separate lanes on existing roads where that is practical, for marking and signing devices, for engineering studies, for the increasingly necessary traffic safety education, for parking facilities, and for massive bicycle registration and licensing programs to help prevent theft.

If it were necessary to impose new taxes to provide a financial base for such programs, justifiably a great hue and cry would be raised across the land. But as this great committee is well aware, no new taxes are necessary. It is only necessary to recognize the fact that bicycles are here to stay; they are a fact of life in America for all the reasons I have already mentioned, and they are an increasingly important factor on the nation's roads and highways.

Bicycles are growing more popular every day. If we ignore them, they will not go away. If we bury our heads in the sand, we will not solve our problems, but will only create new ones.

It is obviously not the intention of this committee to avoid seeing this reality. The very wording, intention and spirit of the bill it is now considering give unmistakable evidence of that fact.

And so we commend the Committee for its forceful leadership, for its vision, for its knowledge of the facts of road use as they are, and for its acuteness in recognizing the needs of a very sizeable group of legitimate road users as it ponders the wording, intent and eventual fate of this bill.

May I close then by summarizing for the record a few of the reasons why we support such a bill, and this Committee's favorable report on it, so that any of your colleagues in the House who are not quite so visionary, not quite so knowledgeable, or not quite so acute, may chance to come upon them before they cast their votes.

1. Bicycling is the nation's leading outdoor recreation activity.

2. The growing popularity of bicycling for fast, economical and pollution-free transportation in and around our major urban centers is a well-documented national phenomenon.

3. Today's 80 million American cyclists will reach a staggering 100 million by mid-1974.

4. Bicycles, recognized as legal vehicles in all 50 states, are legitimate users of our nation's roads. Their needs must be considered in all future highway planning.

5. Three states, California, Oregon and Michigan, have already acknowledged this fact, and are appropriating a portion of state highway tax revenues for bike facilities construction.

6. 24 other states have introduced bicycle trail legislation, almost all of it calling for funding through state highway funds.

7. No new funding is required by this bill. No new taxes are proposed. The nation's bicyclists are merely asking for equal rights . . . for their share, as legal and legitimate users of the roads, of the monies already provided for road development.

The Bicycle Institute of America most earnestly urges your favorable consideration of this forward-looking legislation.

Mr. Chairman, members of the Committee, thank you for your courtesy in allowing me to testify today.

FOOD PRICES SHOULD BE CONTROLLED

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 5, 1973

Mr. HARRINGTON. Mr. Speaker, we are all aware of the fact that food prices are skyrocketing practically without limit. The administration has put a ceiling on the price of beef, veal, and pork, but this is not enough. All food prices should be frozen for 60 days. Although this may not be desirable philosophically, there is no other practical solution.

The administration has asked the Nation for patience while agricultural production adjusts to market forces. The consumer, however, is already paying too much for food and any delay will simply mean that they will pay still more. The consumer is not to blame for rising food prices and should not bear the cost. The administration itself must accept its share of blame for its policy failures and must accept the responsibility of protecting consumers.

Two columns by Hobart Rowen in the Washington Post place the blame where it belongs and as we deliberate the rising price of food, his comments deserve the attention of all Members. Therefore, I would like to insert these articles in the RECORD at this time:

[From the Washington Post, Apr. 1, 1973]

NIXON MISSES CHANCE TO STRENGTHEN CONTROLS

(By Hobart Rowen)

President Nixon's ceiling on beef, pork and lamb prices is merely a faltering step in the right direction. What the current inflation cries out for is a comprehensive controls system on wages, prices, dividends and some interest rates.

The attempt to forestall a kick in the teeth from George Meany seems to have been abortive. What the administration doesn't seem to realize is that Meany has little influence over the collective bargaining policies of the many strong AFL-CIO unions. They just won't take 5.5 per cent wage increases when the consumer cost of living for January-February rose at an annual rate of almost 8 per cent with food bought in the grocery stores up 28 per cent.

It's too much to expect Meany to keep union presidents in line when the score-card reads that way; even if the presidents wanted to play ball, the rank-and-file wouldn't.

Mr. Nixon is also losing old political supporters like economist Pierre Rinfret, who said: "The President used a pea-shooter to try to kill an elephant."

Twelve weeks ago, on Jan. 11, the President abandoned a moderately successful, mandatory Phase II for a "voluntary" Phase III, a decision which has been a near disaster for the economy. Since then, all hell has broken loose, including the second devaluation of the dollar in 14 months.

Phase III, for all of the PR pretense that it is just as tough as Phase II, has actually kicked off a new round of inflation of which skyrocketing meat prices were merely the most obvious and most politically sensitive reflection.

The business community interpreted Phase III to mean that prices were decontrolled, and that union leaders would be fairly free to bargain for wages substantially higher than the old 5.5 per cent guidepost. There was no good reason for the business community to figure it any other way.

Thus, in February, the annual rate of increase in the wholesale industrial commodity price index was a sensational 12 per cent, the biggest one-month jump since the Korean war. Gone was the effective requirement of Phase II that demanded prior approval of major wage and price increases, replaced with one that would tinker with after-the-fact adjustments. And the enforcement authority, cleverly associated in Phase II with the Internal Revenue Service, was reduced to a token.

Wholesale prices were rising so rapidly in mid-January that abandonment of Phase II was also an abandonment of elementary good sense. It was close to being irresponsible, as the Joint Economic Committee majority report said, to get to over-all price stability, there should be very little increase in wholesale industrial prices, so as to offset ballooning prices of services.

Leaving out food entirely, wholesale prices in the three-month period November, 1972, to February, 1973, rose at a seasonally adjusted rate of 5.9 per cent, and the rise was spread over 12 of the 13 major industrial categories.

The following table from the Joint Committee Report tells a dramatic story:

WHOLESALE PRICES (PERCENT CHANGE)

	November 1972 to February 1973 (seasonally adjusted compound annual rate)	February 1972 to February 1973
All commodities	18.6	8.2
Farm products, processed foods and feeds	56.0	19.1
Consumer foods	32.1	11.2
Consumer goods, excluding food	6.8	3.1
Industrial commodities	5.9	4.1
Textile products and apparel	8.2	4.8
Hides, skins, leather, and related goods	2.5	21.7
Fuel and related products and power	15.3	8.5
Chemical and allied products	3.1	2.0
Rubber and plastic products [1]	2.6	.8
Lumber and wood products	20.5	16.9
Pulp, paper, and allied products	3.2	4.4
Metals and metal products	6.6	3.5
Machinery and equipment	2.0	2.0
Furniture and household durables	1.1	2.1
Nonmetallic mineral products	−0.9	3.0
Transportation equipment	4.3	.5
Miscellaneous products [1]	8.2	2.7

[1] Not seasonally adjusted.

Source: Bureau of Labor Statistics.

In the facet of this record, what President Nixon should have done Thursday night was to establish a 90-day freeze on all prices and wages—in effect, returning to Phase I of Aug. 15, 1971—with a promise that a new and effective enforcement system would be set up once again, leading to a new Phase II. Congress, which on its own pressing for stronger legislation, could have done nothing but extend the basic stabilization authority past April 30.

The ceilings on meat are but a half-hearted gesture that should be useful in puncturing bloated food prices, but which may have to be supplemented eventually with export controls to prevent leakage of supplies abroad.

Not the least of the compelling reasons for a tougher controls program is the now clear pattern of tighter money emerging as Federal Reserve Board policy. Chairman Arthur F. Burns is deliberately slowing the growth of the money supply precisely because inflation threatens to run rampant, and because Phase III is at best a questionable ally in controlling a wage-price push.

And that emerging Federal Reserve policy—to put it mildly—scares the living daylights out of financial markets. For them, that policy spells a credit crunch on recession.

The history of the Nixon administration is that it is bull-headed about changing its economic policies. It took from January, 1969, until Aug. 15, 1971, to get the first "game plan" junked, although it brought only recession and higher inflation. (In his radio-TV address, the President misspoke when he implied that he acted four years ago to cut the rate of inflation in half).

In January, it dumped Phase II in the mistaken notion that it could assuage George Meany, forgetting that Meany's constituency is more responsive to food prices than any other symbol of inflation.

It has taken these 12 weeks for the administration to recognize that it had to do something about food, rather than pray for relief by the end of the year by reversing Secretary Butz' policy of scarcity.

The danger now is that it will again wait too long for comprehensive controls—until, that is, a recession seems inevitable.

Perhaps the most ironic part of the whole story is that the rest of the world was truly envious of the U.S. down-hold on inflation during Phase II and was—and remains—bewildered when it was scrapped. Now, there is wonderment abroad whether this huge economy is capable of reasonable self-management. That's the kind of thinking that shakes confidence and leads to speculation against paper money.

[From the Washington Post, Mar. 29, 1973]

Food Prices: Paying Now for Past Mistakes

(By Hobart Rowen)

Secretary of Agriculture Earl Butz and others who oppose price controls on food products argue that it's all a question of supply and demand. The artificiality of controls, they suggest, will merely bring about shortages and black markets.

We must suffer the thing through, they say, until the good old free market system, stimulated by high prices, increases producers' incentive to put more food on the table.

Well, where were Mr. Butz and Co. a year or two ago?

The real answer, and it was supplied with great candor by none other than Economic Council Chairman Herbert Stein, is that they had forgotten all about the free enterprise system, and were concentrating on getting the farmer to the polling place where he would vote Republican.

Before the White House mafia descends on Mr. Stein, let me hasten to say that he didn't put it in just that language.

But in briefing the press on the worst cost of living data in 22 years, Stein conceded that "one or two years ago," the Administration had not foreseen the extent of demand for agricultural products.

"Now," he said—referring to the desperate attempts to boost farm output—"we have a policy more conducive to the production of farm products than we had (then). . . . I would sound silly if I said we had forecast the situation correctly."

It is true that unfavorable weather conditions, including a corn blight in 1972, and the extraordinary demand from abroad have contributed to the rise in farm prices.

At the same time, the rise reflects the earlier policy of the Nixon Administration. Net farm income declined in 1970 after reaching the highest level in 20 years in 1969. Looking ahead to the 1972 election, the administration became anxious about the farm vote.

The 1971 Economic Report of the President, at a time when the President was saying that "free prices and wages are the heart of our economic system," was duty bound to report the following:

"To some extent, the rise in these (crop) prices was a consequence of Federal cropland adjustment programs, which had diverted substantial acreage from production in the past two years, and the large stocks of commodities built up earlier were thus somewhat diminished."

By early August, 1972, Butz knew the dimensions of the Soviet grain purchase. But as farm expert John A. Schnittker (a former Agriculture department Under Secretary in the Johnson Administration) pointed out in recent Congressional testimony, Butz as late as October wanted a conservative corn crop target. Then, in December, he announced a restrictive program for feed grains that had to be junked in January.

So the Nixon Administration record in the whole area runs from poor to dismal, and one is entitled to view with a jaundiced eye the bland assurances that everything that should be done is now being done, and that price controls would only mess things up.

Reasonable persons can differ about the long run impact of price controls. But there just can't be any doubt that controls would put an end to the present unacceptable level of skyrocketing food prices and put more meat in the supermarkets.

That much is conceded by David Stroud of the National Meat Board. But he contends that pig farmers and cattle breeeders who have been urged lately by the administration to stimulate their production and who will—he insists—deliver more meat by the end of 1973, would quit under price controls and return to the old scarcity policy.

No one ever explains why this should be so. The attitude of the authorized spokesmen for the meat industry, such as Mr. Stroud, seems to be that the livestock farmers has gotten a bum rap in the distribution of national income since the end of World War II, and no one should interfere now, because for the first time, he is getting what's coming to him.

There is no reason why the livestock producers should not get a reasonable price for their meat, with controls in effect. If rising demand is there—and this is the element on which Mr. Butz puts most of the blame—it should be able to sustain good prices for heavy marketings over a long period of time, assuring a prosperous time for farmers.

Price controls now, for three to four months, with encouragements rather than discouragements to production, are needed to shoot down the soaring price balloon.

MILWAUKEE ROAD, RAILROAD SERVING MONTANA

HON. DICK SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 5, 1973

Mr. SHOUP. Mr. Speaker, recently one of the railroads serving Montana, the Milwaukee Road, announced its decision to convert the electrified rail lines between Harlowton, Mont., and Avery, Idaho to 100 percent diesel power. In view of the energy crisis facing the Nation and pollution and environmental considerations, I have asked the Milwaukee Road to reconsider its decision and in addition have alerted various concerned Federal agencies to this problem. One of my constituents has made some valid points on this subject, and I include this letter in full at this point:

Missoula, Mont., *March 29, 1973.*

Dear Mr. Shoup: I am employed by the Milwaukee Road as Chief Maintainer of Substations, Rocky Mountain Division. I want to thank you for your efforts to keep the electrics in Montana and Washington.

Our letter dated February 15, 1973 from the president of the Milwaukee Road stated it was not economically feasible to continue electrification, yet the Muskingum Electric in Ohio is an impressive example of efficient transportation; American Electric Power Corporation states with no refueling, less terminal service, fewer and shorter major overhauls, and regular maintenance, electrification is 30 to 50% less than comparable diesel costwise; Modern Railroad Magazine writes, with 1000 miles of track evaluation, the railroad studied would recover, in a 30 year period, its investment in electrification 84 times over.

Mr. Kello, who made the decision and put it before the board, admitted at our meeting in Missoula that electrification would pay off better in the long run. Another Milwaukee official, who was envolved in the Milwaukee electrification evaluation, told me at the meeting that the diesels would give a return on the investment sooner than the electrics; and of course, the fast dollar is what they are thinking of. Also, most of us would have made ecology a factor if we had known of their intentions before the decision was so bluntly stated.

Our substations' equipment on the Rocky Mountain Division is at least as good as, and in most cases better than when originally installed. The trolley is also in good condition.

If I can be of any help in promoting electrification, please let me know. Otherwise, this letter is a matter of information, and no reply is necessary.

Sincerely,

Chuck Rafferty.

NEW SOVIET CARRIER

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 5, 1973

Mrs. SCHROEDER. Mr. Speaker, in the U.S. Military Posture for fiscal year 1974, Admiral Moorer mentioned the new Soviet carrier *Kiev*—CV. In the interest of providing Congress and the people with information vital to our understanding of defense postures. I would like to include in the RECORD at this point some facts and figures on the new carrier. This factual study was compiled by the Center for Defense Information, directed by Rear Adm. Gene La Rocque, retired:

CENTER FACT SHEET—NEW SOVIET CARRIER

	U.S. attack carrier Enterprise	U.S. amphibious assault carrier-Tarawa (LHA)	Soviet new carrier Kiev (CV)
Displacement	89,600 tons	39,300 tons	45,000 tons.
Length	1,123 ft	820 ft	900+ ft.
Flight deck	1,123 ft	820 ft	560+ ft. (estimate).
Aircraft	90 multiple purpose	48 helicopters V/STOL	36 V/STOL (estimate).
Speed	35 kn	24 kn	30 kn (estimate).
Crew	5,500	1,825	1200 (estimate).
Range	Unlimited	15,000 mi	15,000 mi (estimate).
Defensive weapons	24 surface-to-air launchers	16 surface-to-air launchers 3 5 in. guns.	6 surface-to-air launchers. 14 57 mm guns.

The United States has 14 attack aircraft carriers (CVA), 2 anti-submarine warfare carriers (CVS) and 7 amphibious landing aircraft carriers (LPH). The United States is building 2 large (90,000 tons) nuclear powered (CVAN) aircraft carriers (*Nimitz* and *Eisenhower*) and 5 amphibious assault landing aircraft carriers (LHA). The U.S. Navy is also requesting additional funds for a fourth nuclear powered aircraft carrier CVN–70 this year.

The British have 1 50,000 ton attack carrier and 3 helicopter assault aircraft carriers. The French have 2 32,000 ton attack carriers and 2 helicopter assault carriers.

Two Soviet helicopter cruisers (*Moscow* and *Leningrad*) (16,000 tons) are used for anti-submarine warfare duties.

Over a year ago the U.S. Navy announced that the USSR was constructing a large ship in Nikolayev on the Black Sea. Although first thought to be a tanker, ten days before the defense budget was presented to Congress in January 1973, the Navy released an artist's concept of the Soviet ship now identified as an aircraft carrier.

The new ship, the *Kiev*, will probably begin sea trials by the end of this year and be operational in 1975. Unlike western aircraft carriers, it has no catapults for launching heavy attack aircraft and will initially be restricted to Vertical Take Off and Landing (VTOL) or Short Take Off and Landing (STOL) aircraft. The *Kiev* and its aircraft will give elements of the Soviet Navy limited air-to-air defenses.

SENATE—*Friday, April 6, 1973*

The Senate met at 10:30 a.m. and was called to order by Hon. J. BENNETT JOHNSTON, JR., a Senator from the State of Louisiana.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal God, our Father, since man cannot live by bread alone or find fulfillment solely in material things, help all who serve in the Government of this Nation to minister to the moral and spiritual needs of humanity. May we ever bear witness to the divine image walking and working with the dignity and grace of the Great Galilean. We beseech Thee, O Lord, to preserve this Nation as a beacon of light to all who aspire to freedom and justice.

Grant that we may ever live and move and have our being as a people whose trust is in Thee. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., April 6, 1973.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. J. BENNETT JOHNSTON, JR., a Senator from the State of Louisiana, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. JOHNSTON thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, April 5, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the calendar.

There being no objection, the Senate proceeded to consider executive business.

DEPARTMENT OF TRANSPORTATION

The second assistant legislative clerk read the nomination of Robert Timothy Monagan, Jr., of California, to be an Assistant Secretary of Transportation.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

DEPARTMENT OF COMMERCE

The second assistant legislative clerk proceeded to read nominations in the Department of Commerce.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that those nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

INTERSTATE COMMERCE COMMISSION

The second assistant legislative clerk proceeded to read sundry nominations in the Interstate Commerce Commission.

Mr. MANSFIELD. Mr. President, I make the same request.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

FARM CREDIT ADMINISTRATION

The second assistant legislative clerk read the nomination of Alfred Underdahl, of North Dakota, to be a member of the Federal Farm Credit Board, Farm Credit Administration.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

DEPARTMENT OF LABOR

The second assistant legislative clerk proceeded to read nominations in the Department of Labor.

Mr. MANSFIELD. Mr. President, I ask that those two nominations be considered and confirmed en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

ACTION

The second assistant legislative clerk read the nomination of Michael P. Balzano, Jr., of Virginia, to be Director of ACTION.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

U.S. AIR FORCE

The second assistant legislative clerk proceeded to read sundry nominations in the U.S. Air Force.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

U.S. ARMY

The second assistant legislative clerk read the nomination of Gen. Lewis Blaine Hershey to be general.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

U.S. NAVY

The second assistant legislative clerk proceeded to read sundry nominations in the U.S. Navy.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that those nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

The second assistant legislative clerk proceeded to read nominations placed on the Secretary's desk in the Army, in the Navy, and in the Marine Corps.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I request that the President be immediately notified of the confirmation of the nominations.

The ACTING PRESIDENT pro tempore. Without objection, the President will be so notified.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

There being no objection, the Senate resumed the consideration of legislative business.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar Nos. 95, 96, and 97.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NANCY S. PIGMAN

The resolution (S. Res. 93) to pay a gratuity to Nancy S. Pigman, was considered and agreed to, as follows:

S. RES. 93

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Nancy S. Pigman, widow of Wendell H. Pigman, an employee of the Senate at the time of his death, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

SECURITIES INDUSTRY STUDY

The resolution (S. Res. 88) authorizing the printing of the report entitled "Securities Industry Study" as a Senate document, was considered and agreed to, as follows:

S. RES. 88

Resolved, That the report of the Subcommittee on Securities of the Committee on Banking, Housing and Urban Affairs entitled "Securities Industry Study" be printed as a Senate document, and that there be printed two thousand additional copies of such document for the use of that committee.

MEMORIAL TRIBUTES TO DECEASED FORMER MEMBERS OF THE SENATE

The resolution (S. Res. 92) relating to the printing of memorial tributes to deceased former Members of the Senate, was considered and agreed to, as follows:

S. RES. 92

Resolved, That when the Senate orders the printing as a Senate document of the legislative proceedings in the United States Congress relating to the death of a former United States Senator, such document shall be prepared, printed, bound, and distributed, except to the extent otherwise provided by the Joint Committee on Printing under chapter 1 of title 44, United States Code, in the same manner and under the same conditions as memorial addresses on behalf of Members of Congress dying in office are printed under sections 723 and 724 of such title.

VOTER REGISTRATION ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 92, S. 352; that it be laid before the Senate and made the pending business. I will say, before the Chair rules, that it will not be taken up until after morning business Tuesday next.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read the bill by title, as follows:

A bill (S. 352) to amend Title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Administration for the purpose of administering a voter registration program through the Postal Service.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Post Office and Civil Service with amendments. On page 2, line 8, after the word "State", insert a comma and "the Commonwealth of Puerto Rico, the Virgin Islands, Guam,"; in line 12, after the words "Vice President", insert a comma and "an elector for President and Vice President,"; in line 15, after the word "any", insert "biennial or quadrennial primary or general"; in line 16, after the amendment just started, strike out "primary, special, general, or other"; in line 17, after the word "election", insert "and any special election"; on page 4, at the beginning of line 5, strike out "elections and, when requested by the States, for State"; in line 13, after the word "concerning", strike out "the" and insert "voter"; in the same line, after the words "registration-by-mail", strike out "program"; on page 5, line 1, after "(6)", insert "provide the Congress with such information as the Congress may from time to time request, and"; in line 11, after the word "who", strike out "is eligible to vote" and insert "fulfills the requirements to be a qualified voter"; in line 14, after the word "that", strike out "State." and insert "State, except that each State shall provide for the registration or other means of qualification of all residents of such States who apply, not later than thirty days immediately prior to any Federal election, for registration or qualification to vote in such election."; in line 24, after the word "assist", insert "State officials"; on page 6, line 7, after the word "registering", strike out "by mail to vote." and insert "to vote by mail."; in line 11, after the word "this", strike out "chapter" and insert "chapter, to provide for the return delivery of the completed registration form to the appropriate State official,"; in line 19, after the word "deliverable", insert "as addressed,"; on page 7, line 1 after the word "forms", strike out "shall" and insert "may"; in line 2, after the word "English", strike out "when a substantial number of the residents of a post office delivery area use another language"; in line 14, after the word "deliver", insert "a sufficient quantity of"; in line 15, after the word "to", strike out "each"; in the same line, after the word "postal", strike out "address" and insert "addresses and residences"; in line 16, after "United States", strike out "for the number of indivduals at that address who may be qualified electors"; in line 22, after the word "addresses", insert "and residences at least once every two years"; at the beginning of line 25, strike out "biennial general"; in the same line, after the word "each", strike out "political jurisdiction in any"; on page 8, line 20, after "(b)", insert "(1)"; on page 9, line 5, after the word "to", strike out "prevent" and insert "enjoin"; in the same line, after the word "fraudulent", strike out "registration." and insert "registration, and any other appropriate order."; after line 6, insert:

(2) The district court of the United States or the United States District Court of the District of Columbia shall have jurisdiction without regard to any amount in controversy, of proceedings instituted pursuant to this section.

On page 10, line 24, after the word "this", strike out "chapter." and insert "chapter. Such regulations may exclude a State from the provisions of this chapter if that State does not require a qualified applicant to register prior to the date of a Federal election."; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Voter Registration Act".

SEC. 2. (a) Title 13, United States Code, is amended by adding at the end thereof the following new chapter:

"Chapter II—VOTER REGISTRATION ADMINISTRATION

"Sec.
"401. Definitions.
"402. Establishment.

"403. Duties and powers.
"404. Qualifications and procedure.
"405. Registration forms.
"406. Distribution of registration forms.
"407. Prevention of fraudulent registration.
"408. Penalties.
"409. Financial assistance.
"410. Regulations.

"§ 401. Definitions

"As used in this chapter—

"(1) 'Administration' means the Voter Registration Administration;

"(2) 'State' means each State of the United States, the political subdivisions of each State, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and the District of Columbia;

"(3) 'Federal office' means the office of the President, the Vice President, an elector for President and Vice President, a Senator, a Representative, or the Delegate to the Congress;

"(4) 'Federal election' means any biennial or quadrennial primary or general election and any special election held for the purpose of nominating or electing candidates for any Federal office, including any election held for the purpose of expressing voter preference for the nomination of individuals for election to the office of President and any election held for the purpose of selecting delegates to a national political party nominating convention or to a caucus held for the purpose of selecting delegates to such a convention;

"(5) 'State election' means any election other than a Federal election; and

"(6) 'State official' means any individual who acts as an official or agent of a government of a State or political subdivision thereof to register qualified electors, or to conduct or supervise any Federal election in a State.

"§ 402. Establishment

"(a) There is established within the Bureau of the Census, Department of Commerce, the Voter Registration Administration.

"(b) The President shall appoint, by and with the advice and consent of the Senate, an Administrator and two Associate Administrators for terms of four years each, who may continue in office until a successor is qualified. An individual appointed to fill a vacancy shall serve the remainder of the term to which his predecessor was appointed. The Associate Administrators shall not be adherents of the same political party. The Administrator shall be the chief executive officer of the Administration.

"§ 403. Duties and Powers

"The Administration shall—

"(1) establish and administer a voter registration program in accordance with this chapter for all Federal elections;

"(2) collect, analyze, and arrange for the publication and sale by the Government Printing Office of information concerning elections in the United States (but this publication shall not disclose any information which permits the identification of individual voters);

"(3) provide assistance to State officials concerning voter registration-by-mail and election problems generally;

"(4) obtain facilities and supplies and appoint and fix the pay of officers and employees, as may be necessary to permit the Administration to carry out its duties and powers under this chapter, and such officers and employees shall be in the competitive service under title 5, United States Code;

"(5) appoint and fix the pay of officers and employees for temporary services as authorized under subchapter II of chapter 1 of this title for temporary employees of the Bureau of the Census;

"(6) provide the Congress with such information as the Congress may from time to time request, and prepare and submit to the President and the Congress a report on its activities, and on voter registration and elections generally in the United States, immediately following each biennial general Federal election; and

"(7) take such other action as it deems necessary and proper to carry out it duties and powers under this chapter.

"§ 404. Qualifications and Procedure

"(a) An individual who is eligible to vote fulfills the requirements to be a qualified voter under State law and who is registered to vote under the provisions of this chapter shall be entitled to vote in Federal elections in that State, except that each State shall provide for the registration or other means of qualification of all residents of such States who apply, not later than thirty days immediately prior to any Federal election, for registration or qualification to vote in such election.

"(b) Whenever a Federal election is held in any State, the Administration may, upon the request of any State official, furnish officers and employees and such other assistance as the Administration and the State official may agree upon to assist State officials in the registration of individuals applying to register in that State under the provisions of this chapter.

"§ 405. Registration Forms

"(a) The Administration shall prepare voter registration forms in accordance with the provisions of this section.

"(b) Printed registration forms shall be designed to provide a simple method of registering to vote by mail. Registration forms shall include matter as State law requires and as the Administration determines appropriate to ascertain the qualifications of an individual applying to register under the provisions of this chapter, to provide for the return delivery of the completed registration form to the appropriate State official, and to prevent fraudulent registration.

"(c) A registration notification form advising the applicant of the acceptance or rejection of his registration shall be completed and promptly mailed by the State official to the applicant. If any registration notification form is undeliverable as addressed, it shall not be forwarded to another address but shall be returned to the State official mailing the form. The possession of a registration notification form indicating that the individual is entitled to vote in an election shall be prima facie evidence that the individual is a qualified and registered elector entitled to vote in any such election but presentation of the form shall not be required to cast his ballot.

"(d) Registration forms may be prepared in a language other than English.

"§ 406. Distribution of Registration Forms

"(a) The Administration is authorized to enter into agreements wtih the Postal Service, with departments and agencies of the Federal Government, and with State officials for the distribution of registration forms in accordance with the provisions of this section.

"(b) Any agreement made between the Administration and the Postal Service shall provide for the preparation by the Administration of sufficient quantities of registration forms so that the Postal Service can deliver a sufficient quantity of registration forms to postal addresses and residences in the United States and for the preparation of an ample quantity of such forms for public distribution at any post office, postal substation, postal contract station, or on any rural or star route.

"(c) The Postal Service shall distribute the registration forms to postal addresses and residences at least once every two years not earlier than forty-five days or later than thirty days prior to the close of registration for the next Federal election in each State.

"(d) The Administration is authorized to enter into agreements with the Secretary of each Military Department of the Armed Forces of the United States for the distribution of registration forms at military installations.

"(e) This section shall not be construed to place any time limit upon the general availability of registration forms in post offices and appropriate Federal, State, and local government offices pursuant to agreements made under this section.

"§ 407. Prevention of Fraudulent Registration

"(a) In addition to taking any appropriate action under State law, whenever a State official has reason to believe that individuals who are not qualified electors are attempting to register to vote under the provisions of this chapter, he may notify the Administration and request its assistance to prevent fraudulent registration. The Administration shall give such reasonable and expeditious assistance as it deems appropriate in such cases, and shall issue a report on its findings.

"(b)(1) Whenever the Administration or a State official determines that there is a pattern of fraudulent registration, attempted fraudulent registration, or any activity on the part of any individuals or groups of individuals to register individuals to vote who are not qualified electors, the Administration or a State official may request the Attorney General to bring action under this section. The Attorney General is authorized to bring a civil action in any appropriate district court of the United States or the United States District Court for the District of Columbia to secure an order to enjoin fraudulent registration, and any other appropriate order.

"(2) The district court of the United States or the United States District Court of the District of Columbia shall have jurisdiction without regard to any amount in controversy, of proceedings instituted pursuant to this section.

"§ 408. Penalties

"(a) Whoever knowingly or willfully gives false information as to his name, address, residence, age, or other information for the purposes of establishing his eligibility to register or vote under this chapter, or conspires with another individual for the purpose of encouraging his false registration to vote or illegal voting, or pays or offers to pay or accepts or offers to accept payment either for registration to vote or for voting shall be fined not more than $10,000, or imprisoned not more than five years, or both.

"(b) Any person who deprives, or attempts to deprive, any other person of any right under this chapter shall be fined not more than $5,000, or imprisoned not more than five years, or both.

"(c) The provisions of section 1001 of title 18, United State Code, are applicable to the registration form prepared under section 405 of this chapter.

"§ 409. Financial Assistance

"(a) The Administration shall determine the fair and reasonable cost of processing registration forms prescribed under this chapter, and shall pay to each appropriate State an amount equal to such cost per card multiplied by the number of registration cards processed under this chapter in that State.

"(b) The Administration is authorized to pay any State which adopts the registration form and system prescribed by this chapter as a form and system of registration to be a qualified and registered elector for State elections in that State. Payments made to a State under this subsection may not exceed 30 per centum of the amount paid that State under subsection (a) of this section for the most recent general Federal election in that State.

"(c) Payments under this section may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

"§ 410. Regulations

"The Administration is authorized to issue rules and regulations for the administration of this chapter. Such regulations may exclude a State from the provisions of this chapter if that State does not require a qualified applicant to register prior to the date of a Federal election."

(b) The table of chapters of title 13, United States Code, is amended by adding at the end thereof the following:

"11. Voter Registration Administration 401"

SEC. 3. (a) Section 3202(a) of title 39, United States Code, is amended—

(1) by striking out "and" at the end of clause (4);

(2) by striking out the period at the end of clause (5) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof;

"(6) mail relating to voter registration pursuant to sections 405 and 406 of title 13."

(b) Section 3206 of title 39, United States Code, is amended by adding the following new subsection:

"(d) The Voter Registration Administration shall transfer to the Postal Service as postal revenues out of any appropriations made to the Administration for that purpose the equivalent amount of postage, as determined by the Postal Service, for penalty mailings under clause (6) of section 3202(a) of this title."

(c) Section 404 of title 39, United States Code, is amended—

(1) by striking out "and" at the end of clause (8);

(2) by striking out the period at the end of clause (9) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new clause:

"(10) to enter into arrangements with the Voter Registration Administration, Bureau of the Census, for the collection, delivery, and return delivery of voter registration forms."

SEC. 4. Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(132) Administrator and Associate Administrators (2), Voter Registration Administration, Bureau of the Census."

SEC. 5. There are authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

Mr. MANSFIELD. Mr. President, the bill will be the pending business.

The ACTING PRESIDENT pro tempore. Very well.

OGLALA SIOUX INDIANS AT WOUNDED KNEE, S. DAK.

Mr. MANSFIELD. Mr. President, I wish to take this means to commend the administration, especially the Department of Justice and the Department of the Interior, for being able to arrive at a tentative agreement with the Oglala Sioux Indians at Wounded Knee, on the Pine Ridge Reservation, S. Dak. I think the administration has shown the right kind of patience and has been able to avoid bloodshed and has been able to bring the matter to a head temporarily. For that, the administration deserves the thanks of the people.

It is my understanding that there will be a meeting in Washington tomorrow and that, depending on the outcome of the meeting, it will be determined whether the tentative agreement reached may perhaps become permanent. But I am glad that this incident has been kept within a small area. I hope that the legitimate requests of the Indians will be given consideration.

I would hope, further, that for the Indian Americans as a whole—the first Americans—a new day and a better era will dawn and that justice, which is their due, and has been long overdue, will be forthcoming.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McGOVERN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF RURAL ELECTRIFICATION ACT OF 1936

Mr. McGOVERN. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 394.

The ACTING PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 394) to amend the Rural Electrification Act of 1936, as amended, to reaffirm that such funds made available for each fiscal year to carry out the programs provided for in such Act be fully obligated in said year, and for other purposes, which were to strike out all after the enacting clause, and insert:

That it is hereby declared to be the policy of the Congress that adequate funds should be made available to rural electric and telephone systems through direct, insured and guaranteed loans at interest rates which will allow them to achieve the objectives of the Rural Electrification Act of 1936, as amended, and that such rural electric and telephone systems should be encouraged and assisted to develop their resources and ability to achieve the financial strength needed to enable them to satisfy their credit needs from their own financial organizations and other sources at reasonable rates and terms consistent with the loan applicant's ability to pay and achievement of the Act's objectives. The Rural Electrification Act of 1936, as amended (7 U.S.C. 901–950(b)), is therefore further amended as hereinafter provided.

SEC. 2. Title III of the Rural Electrification Act of 1936, as amended, is amended by striking out all of sections 301 and 302 and inserting in lieu thereof the following new sections:

"SEC. 301. RURAL ELECTRIFICATION AND TELEPHONE REVOLVING FUND.—(a) There is hereby established in the Treasury of the United States a fund, to be known as the Rural Electrification and Telephone Revolving Fund (hereinafter referred to as the "fund"), consisting of:

"(1) all notes, bonds, obligations, liens, mortgages, and property delivered or assigned to the Administrator pursuant to loans heretofore or hereafter made under sections 4, 5, and 201 of this Act and under this title, as of the effective date of this title, as revised herein, and all proceeds from the sales hereunder of such notes, bonds, obligations, liens, mortgages, and property, which shall be transferred to and be assets of the fund;

"(2) undisbursed balances of electric and telephone loans made under sections 4, 5, and 201, which as of the effective date of this title, as revised herein, shall be transferred to and be assets of the fund;

"(3) notwithstanding section 3 (a) and (f) of title I, all collections of principal and interest received on and after July 1, 1972, on notes, bonds, judgments, or other obligations made or held under titles I and II of this Act and under this title, except for net collection proceeds previously appropriated for the purchase of class A stock in the Rural Telephone Bank, which shall be paid into and be assets of the fund;

"(4) all appropriations for interest subsidies and losses required under this title which may hereafter be made by the Congress;

"(5) moneys borrowed from the Secretary of the Treasury pursuant to section 304(a); and

"(6) shares of the capital stock of the Rural Telephone Bank purchased by the United States pursuant to section 406(a) of this Act and moneys received from said bank upon retirement of said shares of stock in accordance with the provisions of title IV of this Act, which said shares and moneys shall be assets of the fund.

"SEC. 302. LIABILITIES AND USES OF FUND.—(a) The notes of the Administrator to the Secretary of the Treasury to obtain funds for loans under sections 4, 5, and 201 of this Act, and all other liabilities against the appropriations or assets in the fund in connection with electrification and telephone loan operations shall be liabilities of the fund, and all other obligations against such appropriations or assets in the fund arising out of electrification and telephone loan operations shall be obligations of the fund.

"(b) The assets of the funds shall be available only for the following purposes:

"(1) loans which could be insured under this title, and for advances in connection with such loans and loans previously made, as of the effective date of this title, as revised herein, under sections 4, 5, and 201 of this Act;

"(2) payment of principal when due on outstanding loans to the Administrator from the Secretary of the Treasury for electrification and telephone purposes pursuant to section 3(a) of this Act and payment of principal and interest when due on loans to the Administrator from the Secretary of the Treasury pursuant to section 304(a) of this title;

"(3) payment of amounts to which the holder of notes is entitled on insured loans: *Provided,* That payments other than final payments need not be remitted to the holder until due or until the next agreed annual, semiannual, or quarterly remittance date;

"(4) payment to the holder of insured notes of any defaulted installment or, upon assignment of the note to the Administrator at his request, the entire balance due on the note;

"(5) purchase of notes in accordance with contracts of insurance entered into by the Administrator;

"(6) payment in compliance with contracts of guarantee;

"(7) payment of taxes, insurance, prior liens, expenses necessary to make fiscal adjustments in connection with the application, and transmittal of collections or necessary to obtain credit reports on applicants or borrowers, expenses for necessary services, including construction inspections, commercial appraisals, loan servicing, consulting business advisory or other commercial and technical services, and other program services, and other expenses and advances authorized in section 7 of this Act in connection with insured loans. Such items may be paid in connection with guaranteed loans after or in connection with the acquisition of such loans or security thereof after default, to the extent determined to be necessary to protect the interest of the Government, or in connection with any other activity authorized in this Act;

"(8) payment of the purchase price and any costs and expenses incurred in connection with the purchase, acquisition, or operation of property pursuant to section 7 of this Act.

"Sec. 303. Deposit of Fund Moneys.—Moneys in the fund shall remain on deposit in the Treasury of the United States until disbursed.

"Sec. 304. Financial Transactions of the Fund.—(a) The Administrator is authorized to make and issue interim notes to the Secretary of the Treasury for the purpose of obtaining funds necessary for discharging obligations of the fund and for making loans, advances and authorized expenditures out of the fund. Such notes shall be in such form and denominations and have such maturities and be subject to such terms and conditions as may be agreed upon by the Administrator and the Secretary of the Treasury. Such notes shall bear interest at a rate fixed by the Secretary of the Treasury, taking into consideration the current average market yield of outstanding marketable obligations of the United States having maturities comparable to the notes issued by the Administrator under this section. The Secretary of the Treasury is authorized and directed to purchase any notes of the Administrator issued hereunder, and, for that purpose, the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which such securities may be issued under such Act, as amended, are extended to include the purchase of notes issued by the Administrator. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes shall be treated as public debt transactions of the United States: Provided, however, That such interim notes to the Secretary of the Treasury shall not be included in the totals of the budget of the United States Government and shall be exempt from any general limitation imposed by statute on expenditures and net lending (budget outlays) of the United States.

"(b) The Secretary of the Treasury is authorized and directed to purchase for resale obligations insured through the fund when offered by the Administrator. Such resales shall be upon such terms and conditions as the Secretary of the Treasury shall determine. Purchases and resales by the Secretary of the Treasury hereunder shall not be included in the totals of the budget of the United States Government and shall be exempt from any general limitation imposed by statute on expenditures and net lending (budget outlays) of the United States.

"(c) The Administrator may, on an insured basis or otherwise, sell and assign any notes in the fund or sell certificates of beneficial ownership therein to the Secretary of the Treasury or in the private market. Any sale by the Administrator for notes individually or in blocks shall be treated as a sale of assets for the purposes of the Budget and Accounting Act, 1921, notwithstanding the fact that the Administrator, under the agreement with the purchaser or purchasers, holds the debt instruments evidencing the loans and holds or reinvests payments thereon as trustee and custodian for the purchaser or purchasers of the individual note or of the certificate of beneficial ownership in a number of such notes. Security instruments taken by the Administrator in connection with any notes in the fund may constitute liens running to the United States notwithstanding the fact that such notes may be thereafter held by purchasers thereof.

"Sec. 305. Insured Loans; Interest Rates and Lending Levels.—(a) The Administrator is authorized and directed to make insured loans under this title and at the interest rates hereinafter provided to the full extent of the assets available in the fund, subject only to limitations as to amounts authorized for loans and advances as may be from time to time imposed by the Congress of the United States for loans to be made in any one year, which amounts shall remain available until expended: *Provided,* That any such loans and advances shall not be included in the totals of the budget of the United States Government and shall be exempt from any general limitation imposed by statute on expenditures and net lending (budget outlays) of the United States.

"(b) Insured loans made under this title shall bear interest at either 2 per centum per annum (hereinafter called the 'special rate') or 5 per centum per annum (hereinafter called the 'standard rate'). Loans bearing the special rate shall be reserved for and made by the Administrator to the full extent of the authorities contained herein for any electric or telephone borrower which meets either of the following conditions:

"(1) has an average consumer or subscriber density of two or fewer per mile, or

"(2) has an average gross revenue per mile which is at least $450 below the average gross revenue per mile of REA-financed electric systems, in the case of electric borrowers, or at least $300 below the average gross revenue per mile of REA-financed telephone systems, in the case of telephone borrowers: *Provided, however,* That the Administrator may, in his sole discretion, make a loan at the special rate if he finds that the borrower:

"(A) has experienced extenuating circumstances or extreme hardship;

"(B) cannot, in accordance with generally accepted management and accounting principles, produce net income or margins before interest of at least equal to 150 per centum of its total interest requirements on all outstanding and proposed loans with an interest rate greater than 2 per centum per annum on the entire current loan, and still meet the objectives of the Act, or

"(C) cannot, in accordance with generally accepted management and accounting principles and without an excessive increase in the rates charged by such borrowers to their consumers or subscribers, provide service consistent with the objectives of the Act.

"(c) Loans made under this section shall be insured by the Administrator when purchased by a lender. As used in this Act, an insured loan is one which is made, held, and serviced by the Administrator, and sold and insured by the Administrator hereunder; such loans shall be sold and insured by the Administrator without undue delay.

"Sec. 306. Guaranteed Loans; Accommodation and Subordination of Liens.—The Administrator may provide financial assistance to borrowers for purposes provided in the Rural Electrification Act of 1936, as amended, by guaranteeing loans, in the full amount thereof, made by the Rural Telephone Bank, National Rural Utilities Cooperative Finance Corporation, and any other legally organized lending agency, or by accommodating or subordinating liens or mortgages in the fund held by the Administrator as owner or as trustee or custodian for purchases of notes from the fund, or by any combination of such guarantee, accommodation, or subordination. No fees or charges shall be assessed for any such guarantee, accommodation, or subordination. Guaranteed loans shall bear interest at the rate agreed upon by the borrower and the lender. Guaranteed loans, and accommodation and subordination of liens or mortgages, may be made concurrently with a loan insured at the standard rate. The amount of guaranteed loans shall be subject only to such limitations as to amounts as may be authorized from time to time by the Congress of the United States: *Provided,* That any amounts guaranteed hereunder shall not be included in the totals of the budget of the United States Government and shall be exempt from any general limitation imposed by statute on expenditures and net lending (budget outlays) of the United States. As used in this title a guaranteed loan is one which is made, held, and serviced by a legally organized lending agency and which is guaranteed by the Administrator hereunder.

"Sec. 307. Other Financing.—When it appears to the Administrator that the loan applicant is able to obtain a loan for part of his credit needs from a responsible cooperative or other credit source at reasonable rates and terms consistent with the loan applicant's ability to pay and the achievement of the Act's objectives, he may request the loan applicant to apply for and accept such a loan concurrently with a loan insured at the standard rate, subject, however, to full use being made by the Administrator of the funds made available hereunder for such insured loans under this title.

"Sec. 308. Full Faith and Credit of the United States.—Any contract of insurance or guarantee executed by the Administrator under this title shall be obligation supported by the full faith and credit of the United States and incontestable except for fraud or misrepresentation of which the holder has actual knowledge.

"Sec. 309. Loan Terms and Conditions.—Loans made from or insured through the fund shall be for the same purposes and on the same terms and conditions as are provided for loans in titles I and II of this Act except as otherwise provided in sections 303 to 308 inclusive.

"Sec. 310. Refinancing of Rural Development Act Loans.—At the request of the borrower, the Administrator is authorized and directed to refinance with loans which may be insured under this Act, any loans made for rural electric and telephone facilities under any provision of the Consolidated Farm and Rural Development Act."

Sec. 3. Section 3(f) of the Rural Electrification Act of 1936, as amended, is amended by striking "Except as otherwise provided in sections 301 and 406(a) of this Act," and by inserting ", *Provided, however,* That notwithstanding subsection (a) of this section, payments of such loans heretofore or hereafter made to the Administrator for use in making loans to borrowers under titles I and II shall not include any interest" immediately before the semicolon.

Sec. 4. Section 405 of the Rural Electrification Act of 1936, as amended, is further amended by striking subsection (e) in its entirety and by inserting in lieu thereof a new subsection (a), as follows:

"(e) Thereafter, the cooperative-type entities and organizations holding class B and class C stock, voting as a separate class, shall elect three directors to represent their class by a majority vote of the stockholders voting in such class; and the commercial-type entities and organizations holding class B and class C stock, voting as a separate class, shall elect three directors to represent their class by a majority vote of the stockholders voting in such class. Limited proxy voting may be permitted, as authorized by the bylaws of the telephone bank. Cumulative voting shall not be permitted."

Sec. 5. The second sentence of section 406 (a) of the Rural Electrification Act of 1936, as amended, is further amended by striking "from net collection proceeds in the rural telephone account created under title III of this Act" immediately after the word "appropriated".

Sec. 6. Subsection (a) of section 407 of the Rural Electrification Act of 1936, as amended is amended by striking out "eight" in the second sentence and inserting in lieu thereof "twenty", and by striking out all of the third sentence.

Sec. 7. Section 407 of the Rural Electrification Act of 1936, as amended, is amended by adding a new subsection (c) as follows:

"(c) Purchases and resales by the Secretary of the Treasury as authorized in subsection (b) of this section shall not be included in the totals of the budget of the United States Government and shall be exempt from any general limitation imposed by statute on expenditures and net lending (budget outlays) of the United States."

Sec. 8. Subsection (a) of section 408 of the Rural Electrification Act of 1936, as amended, is amended (a) by inserting the words "or which have been certified by the Administrator to be eligible for such a loan or loan commitment," immediately following the term "this Act," where it first appears; and (b) by adding at the end thereof the following sentence: "Loans and advances made under this section shall not be included in the totals of the budget of the United States Government and shall be exempt from any general limitation imposed by statute on expenditures and net lending (budget outlays) of the United States."

Sec. 9. Subsection (b) of section 408 of the Rural Electrification Act of 1936, as amended, is amended by striking out all of paragraph (3) and inserting in lieu thereof a new paragraph (3) reading:

"(3) Loans under this section shall bear interest at the 'cost of money rate.' The cost of money rate is defined as the average cost of moneys to the telephone bank as determined by the Governor, but not less than 5 per centum per annum."

Sec. 10. No funds provided under the Rural Electrification Act of 1936, as amended, shall be used outside the United States or any of its possessions.

Sec. 11. The right to repeal, alter, or amend this Act is expressly reserved.

Sec. 12. This Act shall take effect upon enactment.

And amend the title so as to read: "An Act to amend the Rural Electrification Act of 1936, as amended, to establish a Rural Electrification and Telephone Revolving Fund to provide adequate funds for rural electric and telephone systems through insured and guaranteed loans at interest rates which will allow them to achieve the objectives of the Act, and for other purposes."

The ACTING PRESIDENT pro tempore laid before the Senate a message from the House of Representatives announcing its insistence upon its amendments to the bill (S. 394) to amend the Rural Electrification Act of 1936, as amended, to reaffirm that such funds made available for each fiscal year to carry out the programs provided for in such act to be fully obligated in said year, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McGOVERN. I move that the Senate disagree to the amendments of the House, and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Acting President pro tempore appointed Mr. McGovern, Mr. Allen, Mr. Humphrey, Mr. Aiken, and Mr. Dole conferees on the part of the Senate.

Mr. MANSFIELD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ERVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 1 hour with statements therein limited to 5 minutes.

ESTABLISHMENT OF SELECT COMMITTEF TO INVESTIGATE PRESIDENTIAL CAMPAIGN ACTIVITIES

Mr. ERVIN. Mr. President, I send to the desk a resolution amending Senate Resolution 60, which called for the establishment of a Senate Select Committee To Investigate the Presidential Campaign Activities and ask that it be stated.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution.

The assistant legislative clerk read as follows:

S. Res. 95

Resolved, That Senate Resolution 60, 93d Congress be amended as follows:

"In section 3(a):

"'1. Renumber subsection (12) as subsection (13).

"'2. Insert the following between the ";" at the end of subsection (11) and renumbered subsection (13): "(12) to procure either through assignment by the Rules Committee or by renting such offices and other space as may be necessary to enable it and its staff to make and conduct the investigation and study authorized and directed by this resolution;'"

Mr. ERVIN. Mr. President, the Senate established a Select Committee on Presidential Campaign Activities and gave it a rather broad assignment of duties. It has developed since the committee was created that the Old Senate Office Building and the New Senate Office Building and other facilities available under the jurisdiction of the Committee on Rules and Administration are insufficient to afford the Select Commitee office space in which to carry on the activities entrusted to it by the Senate.

The purpose and the effect of the proposed amendment is to permit the Select Committee to rent quarters outside the jurisdiction of the Committee on Rules and Administration.

I have consulted the chairman of the Committee on Rules and Administration, the Senator from Nevada (Mr. Cannon), in respect to this matter. He has authorized me to state to the Senate that he has no objection to the adoption of this amendment provided I state on the floor in his behalf that the adoption of the amendment permitting the renting of quarters outside the jurisdiction of the Committee on Rules and Administration is not a precedent for future action.

The Senator from Nevada recognizes that there are not sufficient quarters available under the jurisdiction of his committee. I am advised that the distinguished acting minority leader, the Senator from Vermont (Mr. Stafford), has consulted with the ranking Republican member, or vice chairman of the select committee, with respect to the proposed amendment, and the vice chairman of the select committee has said that he is not opposed to the amendment.

Mr. STAFFORD. The Senator is correct. That is the situation.

The ACTING PRESIDENT pro tempore. Without objection, Senate Resolution 95 is agreed to.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. The Senator from West Virginia is recognized.

(The remarks Senator Robert C. Byrd made on the introduction of S. 1500, to establish the Federal Bureau of Investigation as an independent agency of the executive branch of the Government, are printed in the Record under Statements on Introduced Bills and Joint Resolutions.)

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. Johnston):

A resolution of the Senate of the State of Hawaii. Referred to the Committee on Labor and Public Welfare:

"S. Res. 5

"Senate resolution requesting the U.S. Congress, and specifically the Department of Health, Education, and Welfare, to increase Federal grants to Hawaii for public assistance payments

"Whereas, during the past ten years, the following public welfare trends have transpired in Hawaii:

"(1) *Increase in public assistance payments*—the total monetary and medical payments for needy recipients have risen dramatically from $9.7 million in 1961–62 to $60.6 million in 1970–71, an increase of $50 million or 552 per cent;

"(2) *Increase in number of cases*—the average monthly number of cases or families served has moved upward from 6,559 in 1961–62 to 20,540 in 1970–71, an increase of 13,941 cases or 211 per cent; and

"(3) *Increase in number of recipients*—the average monthly number of individual recipients assisted has sharply upturned from 16,217 in 1961–62 to 49,393 in 1970–71, an increase of 33,176 recipients or 204 per cent; and

"Whereas, the alarming rate of growth in expenditures, cases, and recipients becomes even more disturbing when consideration is given to the fact that the 56 per cent Federal participation in public assistance payments during 1961–62 decreased to 40.9 per cent in 1970–71; and

"Whereas, while the present welfare crisis is not just a Hawaii phenomenon, but a source of grave concern in many cities and States across the Nation, the public asssitance statistics published by the Department of Health, Education, and Welfare for July 1972, emphasize the severity of the problem in the State by ranking Hawaii as the ninth State in the Nation with the largest number of recipients per thousand people; and

"Whereas, it should also be noted that at the present time, Hawaii has approximately eighty recipients per thousand people which is substantially higher than the national average of seventy recipients per thousand people; and

"Whereas, although the distribution of federal funds for public assistance payments to the states is computed on a formula basis, it should be pointed out that this formula does not take into account the per capita income level of or the cost of living in each state; and

"Whereas, Hawaii is at a distinct disadvantage under the present method of distributing federal funds when review is given due to the following factors existing in the State:

"(1) *Rise in unemployment*—since FY 1967–68, the unemployment rate in Hawaii has doubled as of late 1971;

"(2) *Rise in population*—over the past ten years from 1961 to 1971, the population of Hawaii has increased by 22 per cent;

"(3) *Rise in cost of living*—over the past ten years from 1961 to 1971, the cost of living in Hawaii has increased by 35 per cent;

"(4) *Rise in the number of new programs*—food stamps and medicaid are new programs that have increased the number of people eligible for assistance; and

"(5) *Rise in the cost of medical vendor payments*; now, therefore,

"Be it resolved by the Senate of the Seventh Legislature of the State of Hawaii, Regular Session of 1973, that the United States Congress, and specifically the Department of Health, Education, and Welfare, be requested to increase federal grants to Hawaii for public assistance payments in order to help the State curtail some of its spiralling assistance costs; and

"Be it further resolved that certified copies of this Resolution be transmitted to the President Pro Tempore of the Senate and the Speaker of the House of Representatives of the United States Congress, each member of the Hawaii Congressional Delegation, and the Secretary of Health, Education, and Welfare.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BENTSEN, from the Committee on Public Works, with amendments:

S. 893. A bill to authorize appropriations for certain highway safety projects, to extend and improve the Federal highway safety program, and for other purposes (Rept. No. 93–106).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. ROBERT C. BYRD (for Mr. MAGNUSON), from the Committee on Commerce:

Betsy Anker-Johnson, of Washington, to be an Assistant Secretary of Commerce.

The above nomination was reported with the recommendation that the nomination be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. RIBICOFF:

S. 1499. A bill for the relief of Kathleen A. Levy. Referred to the Committee on the Judiciary.

By Mr. ROBERT C. BYRD (on behalf of himself, Mr. MANSFIELD, and Mr. BENTSEN):

S. 1500. A bill to establish the Federal Bureau of Investigation as an independent agency of the executive branch of the Government. Referred to the Committee on the Judiciary.

By Mr. JACKSON (for himself and Mr. FANNIN) (by request):

S. 1501. A bill to amend the Water Resources Planning Act to provide for continuing authorization for appropriations. Referred to the Committee on Interior and Insular Affairs.

By Mr. JACKSON:

S. 1502. A bill to promote, preserve, protect, and guarantee the independent professionalism of the Federal Bureau of Investigation by making organizational changes in the Office of Director; by requiring that the Office of Director be filled only by qualified persons having professional law enforcement experience; by establishing a 15-year term for the Office of Director; by setting forth conditions for removal of the Director from office; by limiting the term of any person nominated and confirmed as Director before the passage of this act; and by requiring the Director to submit an annual report to Congress to be referred to the Government Operations Committees of the House and Senate for consideration and appropriate legislative recommendations. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROBERT C. BYRD (on behalf of himself, Mr. MANSFIELD, and Mr. BENTSEN):

S. 1500. A bill to establish the Federal Bureau of Investiation as an independent agency of the executive branch of the Government. Referred to the Committee on the Judiciary.

Mr. ROBERT C. BYRD. Mr. President, the distinguished majority leader and I are today introducing a bill, cosponsored by the distinguished Senator from Texas (Mr. BENTSEN) and other Senators, to establish the Federal Bureau of Investigation as an independent agency of the executive branch.

The Director and Deputy Director would be appointed by the President, by and with the advice and consent of the Senate, and their terms would run 7 years.

Mr. President, the term of 7 years is not necessarily a magic figure, but at least it is a starting point for consideration in committee. Instead, the committee may decide that it should be a term of 9 years or 11 years or 12 or 15 years.

That would be left to the collective judgment of the committee which would have jurisdiction over this legislation; but the bill as it is written provides for a term of 7 years. The Director and Deputy Director could be renominated and would then come again before the Senate for confirmation.

Here again, Mr. President, it might be that the Senate, in its collective judgment, would want to provide for a longer tenure of office without possibility of reappointment and reconfirmation. I do not pretend to have all the answers to all the questions. But this bill at least would allow the Director and the Deputy Director to be renominated.

As I say, I have mixed feelings on this matter. I sometimes think it would be better to have a term of, say, 12 or 15 years, without the possibility of reappointment, but I leave that to the committee and to the Senate.

Reconfirmation every 7 years would assure the Congress of additional protection against politicization of the Bureau. The Deputy Director would assume the position of Acting Director in the event of a vacancy in the office of the Director, This would insure that the Bureau would have a professional leader until the Senate had the opportunity to confirm the nominee to be Director.

This bill would grant all functions now carried out by the Federal Bureau of Investigation, Department of Justice, to the Independent Federal Bureau of Investigation.

In this area, it might very well be that a committee, perhaps the Judiciary Committee, would wish to determine through extensive hearings what the future role of the FBI ought to be. I am not positive that the FBI should continue in its role both as the top law enforcement agency and as the agency responsible for guarding the internal security interests of the country. I am not sure about that. It may well be that its role should or should not continue in both those vast areas of responsibility.

The time has come when a committee of the Senate and the Senate ought to make this determination. The key issue really has not been, nor is it now, the selection of a Director of the FBI. The key issue here to be decided at this critical juncture—following the death of J. Edgar Hoover and prior to, or certainly shortly after, the appointment of a new Director—ought to be a determination of just what the role of the FBI will be in the future, the purpose being to maintain a check on the powers of that agency, assist the agency in determining the direction in which it should move, and to assure that the agency will never become the political arm of any administration, regardless of what party may be in power at a given time in the White House.

Here we have an agency that has such potential for good in carrying out its functions of protecting the American public against organized crime, but which, at the same time, presents such a potential for danger to the constitutional liberties of all Americans, that I feel that now is the time for Congress to make a determination of what the FBI's true role should be, what its functions ought to be, and how those functions should be implemented.

At bottom, this bill would provide that the functions which the FBI now has to carry out would be continued under the FBI, but as an independent agency, including assistance in the protection of the President. The FBI assists now, though of course the primary responsibility at the present time rests with the Secret Service; but the FBI does assist. Whether or not this should be continued I am not prepared to say, but the bill, as a starting point, would continue such functions, and continue such other investigations pertaining to such matters under the Department of Justice and the Department of State, as the President may direct.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MANSFIELD. Mr. President, I yield my 3 minutes to the Senator from West Virginia.

Mr. ROBERT C. BYRD. This legislation would free the Federal Bureau of Investigation from being responsible directly to the Justice Department. Past experience—and I think that this was evident during the course of the hearings on the nomination of Mr. Pat Gray—has shown that very clearly the Attorney General is in fact a politically responsive Cabinet officer. I do not say this as a reflection on the present Attorney General Mr. Kleindienst. I am not talking in terms of personalities. Past experience shows that any Attorney General under either of the two great political parties is a politically oriented animal, and is politically responsive in his activities.

For the Director of the largest investigation and law enforcement agency in the world to remain responsible to a politically oriented Cabinet officer is to leave wide open the door for the Federal Bureau of Investigation to become an investigative and enforcement arm of a politically motivated Attorney General. No matter which party is in power, such a potentially dangerous situation ought not to be allowed to remain available as a temptation to be used to control the political processes of the country.

While there remains a serious need for extended hearings as to the future role of the Federal Bureau of Investigation—and the need remains for a permanent congressional oversight committee or subcommittee with jurisdiction over the Bureau—the legislation which is being introduced today would be a first step toward a truly nonpolitical Federal Bureau of Investigation.

Just the other day, Mr. President, I stated on the floor of the Senate that I thought it wise for a committee or subcommittee to be established whose sole responsibility would be oversight over the functions and activities of the Federal Bureau of Investigation. I am not prepared to state what the solution would be in that regard. Perhaps it should be a subcommittee of the Committee on the Judiciary. It could be a joint committee between the two Houses. It could be a special committee or a select committee. It could even be a committee made up of the chairmen and ranking members of the Judiciary Committee, the Government Operations Committee, and the Appropriations Committee.

The CIA's budget, for example, is always heard in closed session by the Special Subcommittee on Intelligence Operations of the Appropriations Committee. This is composed of five members—the three top Democrats and the two top Republicans. The subcommittee also has three ex officio members assigned to it by the Armed Services Committee. That subcommittee has been created by practice, and not by statute.

Action is needed now which will insure to all Americans that their constitutional liberties will not be infringed upon by an agency intended to be their protector and which, at the same time, will be an effective organization in protecting the American public against organized crime.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1500

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Bureau of Investigation Improvement Act".

ESTABLISHMENT

SEC. 2. (a) There is established as an independent establishment of the executive branch of the United States Government, the Federal Bureau of Investigation (referred to in this Act as the "Bureau").

(b) The Bureau shall be headed by a Director who shall be appointed by the President, by and with the advice and consent of the Senate, for a term of seven years. There shall be in the Bureau a Deputy Director who shall be appointed by the President, by and with the advice and consent of the Senate, for a term of seven years. The Deputy Director shall perform such functions as the Director may prescribe and shall be the acting Director during the absence or disability of the Director or in the event of a vacancy in the position of Director. Upon the expiration of his term, the Director shall continue to serve until his successor has been appointed and has qualified, except that the Director may not serve under the authority of this sentence for a period longer than one year after the expiration of that term.

(c) The President, by and with the advice and consent of the Senate, is authorized to appoint within the Bureau not to exceed eleven Assistant Directors.

FUNCTIONS

SEC. 3. There are transferred to the Bureau and the Bureau shall perform all functions carried out by the Federal Bureau of Investigation, Department of Justice.

(b) There are transferred to the Bureau, and the Bureau shall perform, all functions of the Attorney General, with respect to, and being administered through, the Federal Bureau of Investigation, Department of Justice.

(c) The Bureau is authorized to—

(1) detect and prosecute crimes against the United States;

(2) assist in the protection of the President; and

(3) upon the request of the President, conduct such other investigations regarding official matters under the control of the Department of Justice and the Department of State as he may direct.

This subsection does not limit the authority of departments and agencies to investigate crimes against the United States when investigative jurisdiction has been assigned by law to such departments and agencies.

(d) The Director shall—

(1) acquire, collect, classify, and preserve identification, criminal identification, crime, and other records; and

(2) exchange these records with, and for the official use of authorized officials of the Federal Government, the States, cities, and penal and other institutions.

The exchange of records authorized by clause (2) of this subsection is subject to cancellation if dissemination is made outside the receiving departments or related agencies.

(c)(1) The Director and the Bureau may investigate any violation of title 18, United States Code, involving Government officers and employees—

(A) notwithstanding any other provision of law; and

(B) without limiting the authority to investigate any matter which is conferred on them or on a department or agency of the Government.

(2) Any information, allegation, or complaint received in a department or agency of the executive branch of the Government relating to violations of such title 18 involving Government officers and employees shall be expeditiously reported to the Director by the head of the department or agency, unless—

(A) the responsibility to perform an investigation with respect thereto is specifically assigned otherwise by any other provision of law; or

(B) as to any department or agency of the Government, the Director directs otherwise with respect to a specified class of information, allegation, or complaint.

(3) This section does not limit—

(A) the authority of the military departments to investigate persons or offenses over which the armed forces have jurisdiction under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice); or

(B) the primary authority of the United States Postal Service to investigate postal offenses.

PERSONNEL OF THE BUREAU

SEC. 4. (a) The Director may appoint such personnel as may be necessary to carry out the provisions of this Act without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

(b)(1) Section 5313 of title 5, United States Code, relating to level II of the Executive Schedule, is amended by adding at the end thereof the following new paragraph:

"(22) Director, Federal Bureau of Investigation."

(2) Section 5314 of such title, relating to level III of the Executive Schedule, is amended by adding at the end thereof the following new paragraph:

"(60) Deputy Director, Federal Bureau of Investigation."

(3) Section 5315 of such title, relating to level IV of the Executive Schedule, is amended by adding at the end thereof the following new paragraph:

"(98) Assistant Director, Federal Bureau of Investigation (11)."

(c) The Director is authorized to fix the compensation of the personnel of the Bureau and to prescribe their functions and duties.

(d) The Director may obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code.

TRANSFERS

SEC. 5. (a) All personnel, assets, liabilities, contracts, property, and records as are determined by the Director of the Office of Management and Budget to be employed, held, or used primarily in connection with any function transferred under the provisions of section 3, are transferred to the Bureau.

(b) All personnel transferred by this Act shall remain in the excepted service.

ADMINISTRATIVE PROVISIONS

SEC. 6. (a) The Director may, in addition to the authority to delegate and redelegate contained in any other Act in the exercise of the functions transferred to the Bureau by this Act, delegate any of his functions to such officers and employees of the Bureau as the Director may designate, and may authorize such successive redelegations of such functions as he may deem desirable.

(b) In order to carry out the provisions of this Act, the Bureau is authorized—

(1) to adopt, alter, and use a seal;

(2) to adopt, amend, and repeal rules and regulations governing the manner of its operations, organization, and personnel, and the performance of the powers and duties granted to or imposed upon it by law;

(3) to accept gifts or donations of services, money, or property, real, personal, or mixed, tangible, or intangible;

(4) to enter into contracts or other arrangements or modifications thereof, with any agency or department of the United States, or with any State or political subdivision thereof, or with any person, firm, association, or corporation, and such contracts or other arrangements, or modifications thereof, may be entered into without legal consideration, without performance or other bonds, and without regard to section 3709 of the Revised Statutes (41 U.S.C. 5);

(5) to make advance, progress, and other payments which the Director deems necessary under this Act without regard to the provisions of section 3648 of the Revised Statutes (31 U.S.C. 529);

(6) to utilize, with their consent, the services, equipment, personnel, and facilities of any other department or agency of the United States, with or without reimbursement;

(7) to accept and utilize the services of voluntary and uncompensated personnel and reimburse them for travel expenses including per diem, as authorized by section 5703 of title 5, United States Code;

(8) to make other necessary expenditures; and

(9) to take such other action as may be necessary to carry out the provisions of this Act.

(c) Upon request made by the Director each Federal department and agency is authorized and directed to make its services, equipment, personnel, facilities, and information (including suggestions, estimates, and statistics) available to the greatest practicable extent consistent with the laws to the Bureau in the performance of its functions.

EXPENSES OF UNFORESEEN EMERGENCIES OF A CONFIDENTIAL CHARACTER

SEC. 7. Appropriations for the Bureau are available for expenses of unforeseen emergencies of a confidential character, when so specified in the appropriation concerned, to be spent under the direction of the Director. The Director shall certify the amount spent that he considers advisable not to specify, and his certification is a sufficient voucher for the amount therein expressed to have been spent.

ANNUAL REPORT

SEC. 8. The Director shall, as soon as practicable after the end of each fiscal year, make a report in writing to the President for submission to the Congress on the activities of the Bureau during the preceding fiscal year.

SAVINGS PROVISIONS

SEC. 9. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective in the exercise of functions which are transferred under this Act, by (A) any department or agency, any functions of which are transferred by this Act, or (B) any court of competent jurisdiction; and

(2) which are in effect at the time this Act takes effect,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Director, by any court of competent jurisdiction, or by operation of law.

(b) The provisions of this Act shall not affect any proceedings pending at the time this section takes effect before any department or agency, or part thereof, functions of which are transferred by this Act, except that such proceedings, to the extent that they relate to functions so transferred, shall be continued before the Bureau. Such proceedings, to the extent they do not relate to functions so transferred, shall be continued before the department or agency, or part thereof, before which they were pending at the time of such transfer. In either case orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or repealed by the Bureau, by a court of competent jurisdiction, or by operation of law.

(c)(1) Except as provided in paragraph (2)—

(A) the provisions of this Act shall not affect suits commenced prior to the date this section takes effect; and

(B) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this Act had not been enacted.

No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of any department or agency, or part thereof, functions of which are transferred by this Act, shall abate by reason of the enactment of this Act. No cause of action by or against any department or agency, or part thereof, functions of which are transferred by this Act, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this Act. Causes of actions, suits, or other proceedings may be asserted by or against the United States or such official of the Bureau as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this subsection.

(2) If before the date on which this Act takes effect, any department or agency, or officer thereof in his official capacity, is a party to a suit, and under this Act—

(A) such department or agency, or any part thereof, is transferred to the Bureau; or

(B) any function of such department or agency, or part thereof, or officer is transferred to the Bureau,

then such suit shall be continued by the Bureau.

(d) With respect to any function transferred by this Act and exercised after the effective date of this Act, reference in any other Federal law to any department or agency, or part thereof, or officer so transferred or functions of which are so transferred shall be deemed to mean the Bureau or the officer in which such function is vested pursuant to this Act.

(e) This Act shall not have the effect of releasing or extinguishing any criminal prosecution, penalty, forfeiture, or liability incurred as a result of any function transferred under this Act.

(f) Orders and actions of the Bureau in the exercise of functions transferred under this Act shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the department or agency, or part thereof, exercising such functions, immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by this Act shall apply to the exercise of such function by the Bureau.

(g) In the exercise of the functions transferred under this Act, the Bureau shall have the same authority as that vested in the department or agency, or part thereof, exercising such functions immediately preceding their transfer, and actions of the Bureau in exercising such functions shall have the same force and effect as when exercised by such department or agency.

REPEALER

SEC. 10. (a)(1) Chapter 33 of title 28 United States Code, is repealed.

(2) The table of chapters of part II of such title is amended by striking out "33. Federal Bureau of Investigation__ 531".

(b) Title VI of the Omnibus Crime Control and Safe Streets Act of 1968 is repealed.

EFFECTIVE DATE: INITIAL APPOINTMENT OF OFFICERS

SEC. 11. (a) This Act, and amendments made by this Act, other than this section, shall take effect 90 days after the enactment of this Act, or on such prior date after enactment of this Act as the President shall prescribe and publish in the Federal Register.

(b) Notwithstanding subsection (a) of this section, any of the officers provided for in section 2 of this Act may be appointed in the manner provided for in this Act, at any time after the date of enactment of this Act. Such officers shall be compensated from the date they first take office, at the appropriate rates provided for in this Act or amendments made by this Act. Such compensation and related expenses of such officers shall be paid from funds available for the functions to be transferred to the Bureau under this Act.

By Mr. JACKSON (for himself and Mr. FANNIN) (by request):

S. 1501. A bill to amend the Water Resources Planning Act to provide for continuing authorization for appropriations. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, by request, I send to the desk on behalf of myself and the Senator from Arizona (Mr. FANNIN) a bill to amend the Water Resources Planning Act to provide for continuing authorization for appropriations.

Mr. President, this draft legislation was submitted and recommended by the U.S. Water Resources Council, and I ask unanimous consent that the executive communication accompanying the proposal be printed in the RECORD at this point in my remarks.

There being no objection, the communication was ordered to be printed in the RECORD, as follows:

U.S. WATER RESOURCES COUNCIL,
Washington, D.C., March 14, 1973.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft bill "to amend the Water Resources Planning Act to provide for continuing authorization for appropriations."

An amendment to Section 401 of the Water Resources Planning Act is necessary to provide for authorization of appropriations requested in the Council's Fiscal Year 1974 budget submission. The language of the most recent amendment (P.L. 92-396, August 20, 1972) limits authorization of appropriations for preparation of assessments and for directing and coordinating the preparation of regional or river basin plans to $3,500,000 for 1973 only, with subsequent authorizations to be established "by subsequent acts."

This proposed amendment would delete the limiting language, providing for the continuation of the authority granted by the previous amendment. No change is proposed in the present ceilings for any of the Act's separate categories.

The Office of Management and Budget advises that the enactment of this bill would be consistent with the Administration's objectives.

Sincerely yours,

ROGERS C. B. MORTON,
Chairman.

By Mr. JACKSON:

S. 1502. A bill to promote, preserve, protect, and guarantee the independent professionalism of the Federal Bureau of Investigation by making organizational changes in the Office of Director; by requiring that the Office of Director be filled only by qualified persons having professional law enforcement experience; by establishing a 15-year term for the Office of Director; by setting forth conditions for removal of the Director from office; by limiting the term of any person nominated and confirmed as Director before the passage of this act; and by requiring the Director to submit an annual report to Congress to be referred to the Government Operations Committees of the House and Senate for consideration and appropriate legislative recommendations. Referred to the Committee on the Judiciary.

Mr. JACKSON. Mr. President, I rise to introduce legislation entitled "The FBI Reorganization and Reform Act of 1973." The purpose of this legislation is to reestablish the independence of the Federal Bureau of Investigation and to free the Director of the Bureau from political pressures and influence. This legislation will have three principal features.

First, my bill will establish standards of professional qualification for the office of FBI Director, including extensive professional experience in the field of law enforcement and at least 10 years of experience in a responsible position within the FBI itself.

Second, this measure will provide for a fixed term of 15 years for the Director of the Federal Bureau of Investigation without the possibility of reappointment after the expiration of his term.

And third, this bill will provide that the Director may only be removed from office for good and sufficient causes related to the ability of the Director to properly perform the duties and responsibilities of his office.

Mr. President, I believe that the need for the measure I am introducing is obvious. The Office of Director of the FBI is a uniquely sensitive one and it must be insulated from the political pressures which have surrounded the Office since the death of J. Edgar Hoover. It is at the heart of our democratic tradition of government that the enforcement of the criminal law be performed with a scrupulous adherence to the principle of equality. There can be no special favors when it comes to justice; it must be equally applied to all if it is to mean anything at all.

Mr. President, I believe that we are at a historic crossroad. Behind us we have a tradition of 50 years in which the FBI has been the preeminent law enforcement agency in the world; the Bureau has been an efficient and incorruptible agency. Many who formerly critized Mr. Hoover now understand the contribution he made and fondly look back to the days when the Bureau served the Nation with distinction. The same cannot be said since the death of Mr. Hoover. It is simply essential that the Congress act to reestablish the independent professionalism of the FBI before the tradition is lost.

The Director of the FBI should be insulated from Presidential pressure in the same way that the Comptroller General of the Government Accounting Office is. While there are legal distinctions between the status of the GAO and the FBI, there is a common ground. GAO is a kind of financial FBI, and the same need for freedom from improper political pressure and influence is crucial to the ability of each agency to perform its delegated duties.

By establishing professional standards and qualification, by providing for a fixed term without possibility of reappointment, and by providing that the Director may only be removed for good cause, I believe that it is possible to insulate the Director from the kind of undesirable political pressures which have made this legislation necessary.

Mr. President, I believe that the time is right for the Congress to act decisively to protect and preserve the integrity of law enforcement at the national level. It is my hope that the Senate will give prompt attention to the measure I am proposing.

I ask unanimous consent to have the text of the bill printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 1502

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The FBI Reorganization and Reform Act of 1973."

SEC. 2. The Congress declares that it is a matter of utmost national importance that the Federal Bureau of Investigation perform its appointed law enforcement functions in a manner characterized by the highest degree of independent professionalism. The Congress further declares that it is a matter of utmost national importance that the Federal Bureau of Investigation perform its functions free from any influence, political or otherwise, that would tend to impair, impede, or compromise the independent professionalism of the Federal Bureau of Investigation. Further, it is the express policy and intent of the Congress that the President of the United States in appointing an individual to be Director of the Federal Bureau of Investigation shall observe the purposes and provisions of this Act.

SEC. 3. The Director of the Federal Bureau of Investigation shall be appointed by the President of the United States by and with the advice and consent of the Senate. The President of the United States shall make a nomination for Director of the Federal Bureau of Investigation within sixty days after a vacancy occurs in that office. The President of the United States shall also have the power to name an interim Director of the Federal Bureau of Investigation who shall serve until the permanent Director of the Federal Bureau of Investigation is confirmed by the Senate.

SEC. 4. No person shall be qualified or eligible to be appointed by the President of the United States to serve as interim Director of the Federal Bureau of Investigation, or nominated by the President of the United States to be Director of the Federal Bureau of Investigation unless that person has at least fifteen years experience in the field of law enforcement, of which at least the last ten years of this experience shall have been in a responsible position in the Federal Bureau of Investigation.

SEC. 5. The Director of the Federal Bureau of Investigation shall hold office for a term beginning upon his confirmation by the Senate and expiring fifteen years after the date upon which he was confirmed. A person holding the Office of Director of the Federal Bureau of Investigation shall not be eligible for reappointment after the expiration of his term, nor shall a Director of the Federal Bureau of Investigation be eligible for reappointment if his tenure in office expired by resignation, or by removal for cause, as hereinafter provided by this Act.

SEC. 6. The Director of the Federal Bureau of Investigation may be removed from office for only the following reasons:

(1) permanent incapacity,
(2) neglect of duty,
(3) malfeasance in office,
(4) any felony or conduct involving moral turpitude.

SEC. 7. Upon attaining seventy years of age, the Director of the Federal Bureau of Investigation shall be retired.

SEC. 8. The term of office of any person nominated and confirmed by the Senate to be Director of the Federal Bureau of Investigation prior to the enactment of this Act shall not extend beyond January 1, 1974. Nothing in this Act shall be interpreted to prevent the renomination of the person who is the incumbent Director of the Federal Bureau of Investigation on the date of enactment of this Act, if he meets the criterion of eligibility established by this Act.

SEC. 9. The Director of the Federal Bureau of Investigation shall prepare and transmit on January 1 of every year an annual report to Congress. The report shall be referred to the Committees on Government Operations of the House and Senate for review, and for the submission of such recommendations to the House and Senate as the Committees deem necessary and desirable.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. JACKSON. I am happy to yield.

Mr. ROBERT C. BYRD. Mr. President, I compliment my distinguished colleague and friend from the State of Washington on his having introduced this legislation.

I, as a member of the Judiciary Committee, having sat through the hearings on the nomination of Mr. Gray for the directorship of the FBI, have become convinced of the need for some kind of such legislation now, or certainly during this period following the death of Mr. Hoover, who was a man unique, a Director sui generis of the FBI.

As we look forward into the future, I think there needs to be a very close look given by the Congress to this matter, so as to reduce the possibility of a director who would be subservient to the White House politically, under any administration, be it a Democratic or Republican administration.

Earlier this year, I introduced a bill which would provide for a 4-year term for the Director of the FBI. The hearings, which I attended as often as I could attend, on the nomination of Mr. Gray convinced me that that was the wrong approach; that a 4-year term for the head of the FBI would provide a situation——

Mr. JACKSON. Would coincide with the political term of Presidents.

Mr. ROBERT C. BYRD. Exactly, and I am afraid we would be going in the opposite direction from that in which we ought to go. It would contribute to a politicalization of the FBI. So I do not support that proposal any more.

I think the Senator's suggestion with respect to a 15-year term has much merit. I introduced legislation also today—cosponsored by Mr. Mansfield and Mr. Bentsen—which would provide for a 7-year term for the Director and Deputy Director, with the possibility of reappointment.

As I indicated in my statement earlier today, I am not wedded to a term of 7 years. It could be 9 years, 11, 12, 15 years, or some such. I am not particularly wedded, moreover, to the idea to reappoint. Perhaps a longer term than 7 years with no opportunity for reappointment would be the appropriate step. I do not say.

In any event, now is the time for Congress to exercise its collective, considered judgment in connection with this important issue.

I was not able to hear the Senator's speech in its entirely, but I applaud him. I am glad to see the distinguished Senator from Washington, who has been in the Senate a long time, longer than I have been here, bring his talents to bear on this vital issue. I hope that other Senators will evidence a concern about the possible politicalization of this greatest law enforcement agency in the free world, and certainly the greatest intelligence gathering network in the free world—an agency which could potentially be harmful to the constitutional liberties of Americans.

I think now is the time for Congress to get a sure hold of this matter, so that the Congress can have some input into the direction, into the role, into the functions of the FBI, and the Senator is helping to lead in that direction.

Mr. JACKSON. Mr. President, first of all, I want to take this opportunity to compliment and commend the able Senator from West Virginia for his early recognition of what was——

The PRESIDING OFFICER (Mr. Haskell). The Senators' 5 minutes have expired.

Mr. STAFFORD. Mr. President, I may not necessarily agree with what the distinguished Senator is saying, but for the next 3 minutes I will defend his right to say it. I will yield my 3 minutes to the distinguished Senator.

Mr. JACKSON. Mr. President, I thank the Senator for honoring an ancient tradition.

Mr. President, the distinguished Senator from West Virginia was one of the first to speak out on the real threat to the Federal Bureau of Investigation, and that was the politicalization of the FBI. He was the first to warn of that development. And, Mr. President, I think this goes to the heart of the problem. What both of us are trying to do, I think, with our respective bills is to protect the integrity of the FBI from any manipulation on the part of any President, Republican or Democrat.

As a young man just out of law school, and having been elected prosecuting attorney in my home county, I had the privilege of working with the FBI in one of the famous kidnaping cases which has yet to be solved. The Matson kidnaping case is one of the unsolved cases. I must say that my experience firsthand in dealing with the FBI on a day-to-day basis was indeed a most refreshing experience. The professionalism, the honesty, the integrity that existed in that organization was something that made me proud.

There have been differences about Mr. Hoover over the past, and that is in the American tradition. I must say that we all are proud of the fact that, despite the controversy that raged from time to time over the FBI, not once was the finger of corruption ever pointed at the FBI.

I think this is the important consideration that we as Senators must face up to in connection with the successor to Mr. Hoover, and I believe that we need to provide some legislative standards that will achieve the twin objectives of maintaining control over the FBI, but build around the FBI a wall of integrity and the highest degree of professionalism.

This is what I am trying to do. This is what the Senator from West Virginia is trying to do. And I hope that, before we act on another nomination, it will be pursuant to these new standards—standards that will make the FBI what it always has been, especially during the long tenure of Mr. Hoover—an incorruptible organization that has been respected by all Americans. This is our goal and this is our objective.

Mr. ROBERT C. BYRD. Mr. President, I again thank the distinguished Senator from Washington and congratulate him. I have now looked over his speech, and he certainly has proposed some very worthwhile suggestions. I join with the Senator, feeling that these bills, will at least stimulate activity and thinking on the part of the appropriate committees and the Congress toward developing a system which will guarantee insulation of the FBI Director from political pressures and political activity.

Mr. JACKSON. I look forward to working with the Senator in attempting to achieve that goal.

Mr. ROBERT C. BYRD. I thank the Senator.

Mr. JACKSON. Mr. President, I yield the floor.

ADDITIONAL COSPONSORS OF A BILL

S. 920

At the request of Mr. Jackson, the Senator from New Jersey (Mr. Case) was added as a cosponsor of S. 920, to authorize the acquisition of the Big Cypress National Fresh Water Reserve in the State of Florida, and for other purposes.

NOTICE OF HEARING ON S. 1385

Mr. JACKSON. Mr. President, for the information of Members of the Senate and others, I wish to announce that the Subcommittee on Territories of the Committee on Interior and Insular Affairs has scheduled a hearing for Wednesday, April 11, to consider S. 1385, to amend section 2 of the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands.

The hearing will begin at 10 a.m. in room 3110, Dirksen Senate Office Building. Anyone who wishes to be heard in connection with the legislation should contact the committee staff in order that a witness list may be prepared.

NOTICE OF HEARINGS ON EXECUTIVE PRIVILEGE AND GOVERNMENT SECRECY

Mr. ERVIN. Mr. President, Senator Muskie has already anounced the joint hearings on executive privilege and secrecy in government which will be held by the Subcommittee on Separation of Powers of the Committee on the Judiciary and the Subcommittee on Intergovernmental Relations of the Committee on Government Operations on April 10, 11, and 12.

My purpose now is to inform the Members of a change in the location of the hearings from that originally announced.

The hearings will be held in room 6202, Dirksen Building, and will begin at 10 a.m. each day, on April 10, 11, and 12.

Mr. President, these are very important hearings, which may determine the kind of government the country will have have. I urge my colleagues to support this effort.

ANNOUNCEMENT OF HEARING ON FEDERAL CONSTITUTIONAL CONVENTION PROCEDURES BILL

Mr. ERVIN. Mr. President, on April 12, 1973, the Subcommittee on Separation of Powers will hold a brief hearing concerning S. 1272, the Federal Constitution Convention Procedures bill. This hearing has been called at the behest of representatives of 33 States that have petitioned, or may be contemplating petitioning, the Congress to call a constitutional convention for proposing an amendment to the Constitution of the United States.

The purpose of the hearing is to discuss what might transpire if a constitutional convention were to be called and to explain how the bill, if enacted, would provide orderly rules and procedures to be followed. It is not the purpose of the hearing to discuss any particular constitutional amendment that has been proposed or that may be contemplated.

The hearing, which is scheduled to last only 1 hour, will begin at 9 a.m., Thursday, April 12, 1973, in room 4200, Dirksen Building.

Interested persons are invited to be present.

NOTICE OF FIELD HEARING IN NEWARK, N.J., ON S. 6, "EDUCATION OF ALL HANDICAPPED CHILDREN ACT"

Mr. RANDOLPH. Mr. President, may I announce that the Senate Subcommittee on the Handicapped has scheduled a hearing in Newark, N.J., on S. 6, the "Education for all Handicapped Children Act."

The hearing will be held on Monday, April 9, at the Mount Carmel Guild Diagnostic Center, 17 Mulberry Street, Newark, N.J. This is the first of a series of hearings on this legislation.

Anyone wishing to express his views on this bill may contact the professional staff member of the subcommittee, Mrs. Patria Forsythe, at 225-9077.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed a joint resolution (H.J. Res. 303) to authorize and request the President to proclaim April 29, 1973, as a day of observance of the 30th anniversary of the Warsaw ghetto uprising, in which it requested the concurrence of the Senate.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H.J. Res. 303) to authorize and request the President to proclaim April 29, 1973, as a day of observance of the 30th anniversary of the Warsaw ghetto uprising, was read twice by its title and referred to the Committee on the Judiciary.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States, submitting a nomination, was communicated to the Senate by Mr. Marks, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Acting President pro tempore (Mr. JOHNSTON) laid before the Senate a message from the President of the United States submitting the nomination of Fred Charles Ikle, of California, to be Director of the U.S. Arms Control and Disarmament Agency, which was referred to the Committee on Foreign Relations.

QUORUM CALL

The ACTING PRESIDENT pro tempore. Is there further morning business?

Mr. STAFFORD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AUTHORIZATION FOR SECRETARY OF THE SENATE TO RECEIVE MESSAGES FROM THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during the adjournment of the Senate over until Tuesday next, the Secretary of the Senate be authorized to receive messages from the House of Representatives and from the President of the United States, and that any such messages may be appropriately referred.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AUTHORIZATION FOR THE VICE PRESIDENT, THE PRESIDENT PRO TEMPORE, AND THE ACTING PRESIDENT PRO TEMPORE TO SIGN DULY ENROLLED BILLS AND JOINT RESOLUTIONS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during the adjournment of the Senate over until Tuesday next, the Vice President, the President pro tempore and the Acting President pro tempore may be authorized to sign duly enrolled bills and joint resolutions.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AUTHORIZATION FOR COMMITTEES TO FILE REPORTS UNTIL TUESDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during the adjournment of the Senate over until Tuesday next, committees may be authorized to file reports.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS DOMINICK, GRIFFIN, AND ROBERT C. BYRD ON TUESDAY, APRIL 10

Mr. ROBERT C. BYRD. Mr. President I ask unanimous consent that on Tuesday next, following the recognition of the two leaders or their designees under the standing order, the distinguished Senator from Colorado (Mr. DOMINICK) be recognized for not to exceed 15 minutes; to be followed by the distinguished Senator from Michigan (Mr. GRIFFIN), for not to exceed 15 minutes; to be followed by the junior Senator from West Virginia (Mr. ROBERT C. BYRD), for not to exceed 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON TUESDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Tuesday next, following the recognition of Senators under orders previously entered, there be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

(The remarks Senator JACKSON made on the introduction of S1502, the FBI Reorganization and Reform Act of 1973, and the remarks thereon by Senator ROBERT C. BYRD are printed earlier in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

ABC-PEABODY AWARDS—WILLOWBROOK

Mr. JAVITS. Mr. President, Willowbrook State School should conjure up images of learning set in an atmosphere of pastoral serenity. However, the investigative reporting by Geraldo Rivera on WABC-TV in New York focused public attention on the unusually tragic conditions which existed at the Willowbrook State School for the Mentally Retarded.

We were all shocked and troubled and at the request of Governor Rockefeller, I asked the Federal Government to do everything in its power to assist the State of New York in improving the situation at Willowbrook and any other New York State institutions with similar difficulties. A special action Federal team was formed, investigated and offered assistance. However, the experience has convinced me that legislation at the Federal level, setting strict standards for quality care and treatment of the mentally retarded, is needed to assure elimination of many of the abuses uncovered.

I introduced the "bill of rights for the mentally retarded" to overcome the dehumanizing conditions. The Handicapped Subcommittee of the Committee on Labor and Public Welfare—of which I am ranking minority member—has completed hearings on the measure and I believe it can be enacted into law this year.

WABC–TV—the ABC-owned television station in New York—award-winning presentation, "Willowbrook: the Last Great Disgrace," written and narrated by Geraldo Rivera, which in great measure contributed to the executive and congressional response, recently won the highly coveted Peabody Award. All New Yorkers should be proud of Geraldo Rivera and WABC–TV for receiving the Peabody Award which honors the most distinguished and meritorious public service broadcast.

I ask unanimous consent that the recent release describing ABC's Peabody Award accomplishments—which include not only the cited local investigative reporting program, but also its accomplishments in children's programing and Olympic coverage—be printed in the Record:

There being no objection, the release was ordered to be printed in the Record, as follows:

ABC Wins Peabody Awards for Children's Programing, Olympic Coverage, and Local Investigative Reporting, March 26, 1973

The American Broadcasting Company has won three George Foster Peabody Awards for 1972 for its coverage of the 1972 Olympic Games in Munich, the "ABC Afterschool Specials" children's series and for a documentary on conditions at an institution for mentally retarded children by WABC–TV, the ABC Owned Television Station in New York.

The Peabody Awards, administered by the University of Georgia School of Journalism, are given annually to honor the most distinguished and meritorious public service by broadcasters. Presentation of the medallions and certificates will take place in New York City May 2.

The comprehensive ABC Sports coverage of the summer Olympic games suddenly and tragically became coverage of an international news event with the Arab terrorist attack on the Israeli Olympic delegation September 5. An ABC camera was the only free-moving camera on the scene that provided live coverage of the area to the entire world. The burden of reporting the violent attack fell to ABC sportscasters Jim McKay and Chris Schenkel, joined by ABC News Correspondent Peter Jennings. Jim McKay was recently honored with a Polk Award for his coverage of the events.

ABC provided over 64 hours of satellite coverage from August 26 to September 10. Roone Arledge, President of ABC Sports, was executive producer of the Olympics coverage, which received broad, critical acclaim, including praise from President Richard M. Nixon.

This is the second consecutive year ABC has won a Peabody for children's programing. "Make A Wish" was the award winner in 1971. It is also the second time the ABC Sports' coverage of the Olympics has won a Peabody. The presentation of the summer and winter Games was also honored in 1968.

The "ABC Afterschool Specials," hour-long ABC Entertainment specials for children, are telecast on the ABC Television Network the first Wednesday of each month (4:30 p.m., NYT). The series premiered in October, 1972.

Programs in the series include: "The Last of the Curlews," an animated story of a threatened series (October 4); "Follow the North Star," a drama about two young boys involved in the pre-Civil War underground railroad (November 1); "Santiago's Ark," the story of a boy who inspires his Spanish Harlem neighborhood with his imagination and ambition (December 6); also, "William," a music, comedy and drama presentation of Shakespeare's works (January 6), and "The Incredible, Indelible, Magical, Physical, Mystery Trip," a musical fantasy taking two children through their uncle's body (February 7).

Upcoming on April 4 will be "Alexander," the story of a whimsical old gentleman who captivates children, starring Red Buttons. "The Last of the Curlews" was repeated by popular demand on March 7.

The "ABC Afterschool Specials" were previously honored by Action for Children's Television.

The WABC–TV award-winning presentation, "Willowbrook: The Last Great Disgrace," was a half-hour special report written and narrated by Geraldo Rivera on conditions at Willowbrook State School for the Mentally Retarded in Staten Island, N.Y. and broadcast February 2, 1972. Al Primo was the executive producer and Steve Skinner was the producer.

The special was based on investigative reporting by Mr. Rivera for early and late-evening "Eyewitness News" programs in January.

The Peabody Awards were established in 1940 to perpetuate the memory of the late George Foster Peabody, a native of Columbus, Ga., who became a successful New York banker and philanthropist.

FOOD PRICES

Mr. RIBICOFF. Mr. President, the news on food prices continues to be grim. Yesterday the Labor Department revealed that the wholesale price index on all products increased 2.2 percent in the last month. Food alone rose by 4.6 percent. Fully one-third of the price increases—the largest 1-month rise in 22 years—was attributable to an increase in the prices of live cattle, hogs, and wholesale cuts of meat.

This runaway spiral in food prices must be stopped. A long range and comprehensive program is needed to control these costs.

My program to eliminate the multibillion dollar agricultural subsidy program, to suspend or eliminate tariffs and quotas on foreign food commodities in short supply, and to roll back and freeze prices at a lower level would provide an answer to the skyrocketing cost of food.

The American shopper cannot endure the continuation of this inflationary spiral in food costs much longer. It is time for Congress to take the steps necessary to remove the increasing burden on the shoppers of this country.

I ask unanimous consent that the following article be inserted at this point in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the New York Times, Apr. 5, 1973]

Wholesale Rise in Prices of 2.2 Percent Biggest Since 1951—Index Up at 21.5 Percent Annual Rate for First Quarter of Year—Farm Costs Key Factor

(By Edwin L. Dale, Jr.)

Washington, April 15.—The nation's rate of inflation in the last three months, as measured by the closely watched wholesale price index, was the highest since the Korean war and well above the worst inflation rate of the Vietnam war years, new Government statistics showed today.

The Labor Department said that the wholesale price index for March rose 2.2 per cent, both before and after adjustment for seasonal price changes. This was the largest monthly increase since 1951 and reflected big increases in both farm products and industrial products.

EXPORT CURB STUDIES

With varying time lags and in varying degrees, the wholesale price increases will be reflected in consumer prices. They have already been reflected in many consumer food prices.

Government officials, both publicly and privately, gave no indication that the new price figures would lead to tougher controls. They indicated only that they were considering one further tool, controls over exports of some products so as to increase domestic supply.

The report today by the Bureau of Labor Statistics said that the whole sale price index rose at an annual rate of 21.5 per cent in the first three months of this year, a big climb from the already high annual rate of 9.6 per cent in the final quarter of 1972.

While farm and food prices played a big part, the key index of industrial commodities, which is normally less volatile, rose at an annual rate of 10.3 per cent in the January–March quarter. This was far above the quarterly rates of increase in 1972, which were in the range of 2 to 5 per cent.

For March alone, the industrial commodities index rose by 1.2 per cent, both before and after seasonal adjustment. This was even larger than the unusually big increase of 1 per cent in February.

The index for farm products and processed foods and feeds rose 4.6 per cent last month, or 4.7 per cent after seasonal adjustment. The report said that the rise at the farm level was widespread, including livestock, fruits and vegetables, eggs, poultry, oilseeds, plant and animal fibers, such as cotton and wool, and fluid milk.

SOME DECLINE DISCERNED

The index contains a separate category of wholesale prices of finished consumer food products. This rose 4.6 per cent in March, the largest increase for any month since this statistical series began in 1947.

Herbert Stein, chairman of President Nixon's Council of Economic Advisers, said, "The price rises in the farm sector reflected the same forces that have been at work for several months." But he added, "There is evidence that prices of several key farm products have leveled off or declined since mid-March, when the wholesale price index was sampled."

Mr. Stein said, "The controls system will be adapted as necessary to play its most useful role in restraining inflation. But he stressed "the fundamental fact that the controls system can only be effective in an environment where demand is not generally excessive."

"The key to success in this," he said, "and therefore in the whole anti-inflation program, is to hold the Federal budget under prudent restraint, as proposed by the President."

George Meany, president of the American Federation of Labor and Congress of Industrial Organizations, commented, "The figures are proof positive that all food prices must be controlled stringently and at once."

Citing such food increases as a rise of 20.3 per cent in poultry prices last month, Mr. Meany said:

"No wage increases in the past month caused these increases, or the 25 per cent increase in edible fats and oils, the 18.3 per cent increase in plywood, the 7.4 per cent increase in lumber and the 7.1 per cent increase in wool fabrics."

Mr. Meany urged Congress to pass the version of the economic controls legislation approved yesterday by the House Banking Committee. This would roll prices back to the level of Jan. 10, when, Mr. Meany said, "they were already high enough."

Of industrial commodities, the report today said that "lumber and wood products and metals together accounted for well over half of the rise" in the index, though there were increases in 14 of the 15 product categories.

These rises have not yet had much effect on consumer nonfood finished goods, though this category did rise four-tenths of 1 per cent in March.

[From the New York Times, Apr. 6, 1973]

PRICE SKYROCKET

The error of President Nixon's premature decision to relax mandatory price-wage controls is no longer open to serious debate. The astronomic rise of wholesale prices in the second full month of Phase 3—even sharper than their alarming jump in the first month—betokens imminent collapse of the anti-inflation offensive the President initiated so effectively twenty months ago.

Self-help measures, such as the virtually spontaneous meat boycott which millions of angry consumers all over the country are pursuing this week, cannot by themselves end the danger of a new price runaway. Despite the boycott-induced cuts in meat prices announced by one big supermarket chain, it is certain that the wholesale boosts will soon be reflected in markedly higher retail prices for thousands of items.

Maintenance of the current rate of climb could cut a quarter out of the purchasing power of the dollar in the course of a year. The rise is still most staggering in food, processed as well as raw; but the latest wholesale index erases any lingering doubt that the inflationary virus now has a strong foothold in the cost of industrial commodities, including factory products for home use.

The Cost of Living Council is already encountering its first serious difficulties in attempting to hold the amorphous Phase 3 line on wage increases. The pressure for boosts well above the old Pay Board guidepost of 5.5 per cent a year is bound to be increasingly insistent in major negotiations now under way. It will be no less insistent in thousands of smaller negotiations with a direct bearing on local living costs, such as those on the PATH and Long Island commuter lines.

Congress is demonstrating its consciousness of the mounting restiveness shown by consumers and workers and also of the many-faceted perils involved in a new take-off of the price-wage spiral. The latest expression of legislative concern was the vote of the House Banking Committee to recommend—unwisely, we think—a rollback of prices and interest rates to their Jan. 10 level.

We share the White House reservations about the wisdom of putting the President in a statutory straitjacket on the rules governing economic stabilization after the present law expires at the end of this month But Congress will have to set rules in the national interest if Mr. Nixon fails to move at once with the same decisiveness that he displayed in enunciating his New Economic Policy in August 1971.

The abrupt deterioration that has occurred since Phase 3 began in January makes it imperative that the President do more than merely turn the clock back to Phase 2. The mandatory controls in effect then should be broadened to cover all types of food. The ceilings belatedly fixed for meat at the highest level in history can hardly stand as the only curb on raw food prices.

If across-the-board restraints are established, consumers can help make them work by exercising a modified version of the pocketbook discipline underlying the present meat boycott, plus the moral discipline essential to ward off black markets and other abuses. But the need today is for the President to resume the leadership role he played admirably in Phases 1 and 2.

PRICES UP 2.2 PERCENT IN MARCH—WHOLESALE GAIN MOST FOR MONTH IN 22 YEARS

(By Peter Milius and James L. Rowe, Jr.)

The government's wholesale price index continued upward last month, with a 2.2 per cent increase that will spill over into retail prices in the months ahead.

The rise was the greatest in any one month in 22 years.

A third of it stemmed from an increase in the prices of live cattle, hogs and wholesale cuts of meat. The index is based on prices as of March 13, two weeks before President Nixon imposed the current price ceilings.

Another third of the rise came from all other farm and food prices.

For the second month in a row, however, prices also soared in the industrial sector of the economy. Industrial commodities prices, the heart of the wholesale index and the part most economists consider the best reflection of inflation, went up 1.2 per cent—the most in any month since January, 1951. Lumber and nonferrous metals were the big offenders.

The Labor Department, which published the statistics yesterday, said the wholesale index stood at 129.7 in March, which means it cost $129.70 last month to buy what cost $100 in 1967. Wholesale prices in general were 10.5 per cent higher than in March, 1972, and industrial commodities prices, 5.1 per cent higher.

The new price index figures brought predictable and prompt reactions from Democrats in Congress and AFL–CIO President George Meany. Their view is that Phase III of price control, in effect since January, has been too weak.

Meany renewed his call for a price rollback and freeze of the sort the House Banking and Currency Committee approved Wednesday night. He also repeated his warning that labor will not accept government wage limitations without equal restraint on prices. "America's housewives, consumers and workers can't take any more," he said.

Sen. William Proxime (D-Wis.) said he will reintroduce a measure freezing wages and prices. It failed to pass the Senate by only two votes earlier this week.

The March figures, Proxmire said, prove that the country is no longer faced with "just a food question," but with "inflation that is really taking hold."

The White House, for its part, continued to oppose a legislated freeze or rollback. Treasury Secretary George P. Shultz told a Senate subcommittee that the House rollback-freeze bill would be "a catastrophe for the American economy," and renewed his warning that the President might veto it.

The administration's view is that rigid price controls are not the answer. The commodities whose prices are rising most—meat and other key farm products, lumber, fuel, various metals—it says are commodities for which world demand is simply greater than world supply.

The White House says the only way to reduce the prices of these items is to increase their supply. It argues that price ceilings would have the opposite effect, because they would discourage production.

Shultz said yesterday that 90 per cent of U.S. inflation since November is "accounted for by (these) items traded in international markets," and warned that "ceilings will not work without curtailing supply."

At the same time, Herbert Stein, chairman of the Council of Economic Advisers, said in a statement issued through his office that "the controls system will be adapted as necessary to play its most useful role in restraining inflation." He did not elaborate.

The President's statutory power to impose controls will expire April 30 unless he and Congress can agree in the meantime on legislation to extend it.

The House Banking and Currency Committee's bill would not affect wages. It would roll back all prices, interest rates and rents to their level as of Jan. 10 and freeze them there until the President could come up with an alternative to Phase III, which began Jan. 11.

Under Phase III, companies and unions are expected to abide by the government's anti-inflation standards on their own, with the government intervening only when pay or price increases are considered excessive.

The President's stated goal is to have inflation down to an annual rate of 2.5 per cent by the end of this year.

According to yesterday's compilation, wholesale prices rose at a seasonally adjusted annual rate of 21.5 per cent in the first three months of the year. Industrial commodities prices rose at a 10.3 per cent rate. For farm and food prices, the pace was 53.1 per cent.

The administration has said that the "annualizing" of price increases for any one month is misleading, but the Labor Department regularly annualizes them on a quarterly basis.

The March increase in all wholesale prices was 2.2 per cent before and after seasonal adjustment. The same was true of the 1.2 per cent increase in industrial commodities prices. Farm and food prices rose 4.6 per cent before and 4.7 per cent after adjustment.

The department said wholesale prices of consumer finished goods—those at the consumer end of the wholesale chain—rose an adjusted 2.2 per cent for the month. For finished goods other than food, the increase was 0.5 per cent. For food heading into supermarkets, the increase was 4.6 per cent, the largest in any month since the department began keeping track of such prices in 1947.

The administration has said it expects farm prices to start falling after midyear, as production starts catching up with demand, and Stein said "there is evidence . . . prices of several key farm products have leveled off or declined since mid-March," the time prices were sampled.

He acknowledged, however, that the "substantial" increase in industrial commodities prices was "disappointing news." He noted that hearings are now being held on lumber price controls and that the government plans to sell off some of the commodities in its strategic stockpiles, which would help bring down their prices.

[From the Washington Star-News, Apr. 5, 1973]

FOOD PRICE RISE SETS RECORD

(By Lee M. Cohn)

Wholesale prices soared 2.2 percent last month, the biggest rise in 22 years, with food prices surging a record 4.6 percent, the Labor Department reported today.

Herbert Stein, chairman of the Council of Economic Advisers, hinted in a statement after the figures were released that the administration may tighten controls to curb the galloping inflation.

The huge increases in wholesale prices will continue their upward spiral for several months, at least.

Accelerating inflation has pushed President Nixon into clamping price ceilings on meat, but there is a strong movement in Congress to crack down harder by rolling all prices and interest rates back to January levels.

Wholesale prices of livestock rose 9.3 percent from February to March, putting them 42.2 percent higher than in March 1972.

At the next stage, wholesale prices of meats, poultry and fish increased 7.8 percent last month to a level 29.7 percent above a year earlier.

The over-all wholesale price index rose 2.2 percent last month, both in absolute terms and adjusted for seasonal influences. That was an acceleration from an increase of 1.6 percent seasonally adjusted and 1.9 percent unadjusted in February.

The 2.2 percent rise last month, the sharpest increase since January 1951, at the height of the Korean war inflation, works out to an annual rate of 26.4 percent, meaning prices a year from now would be up 26.4 percent if increases continued at the March pace.

Stein in his statement said, "The controls system will be adapted as necessary to play its most useful role in restraining inflation." But he emphasized that controls can work only if the federal budget is kept "under prudent restraint."

The wholesale price index rose at a seasonally adjusted annual rate of 21.5 percent in the first quarter of this year, following a 9.6 percent rate of increase in the last quarter of 1972.

The public's attention centers on farm and food prices, but price increases accelerated almost across the board.

Industrial prices increased 1.2 percent last month, actually and seasonally adjusted, following an increase in February of 1.1 percent, or 1 percent unadjusted.

Last month's rise in industrial prices also was the sharpest since January 1951. These prices rose at a seasonally adjusted annual rate of 10.3 percent in the first quarter of this year, following a 2 percent rate of increase in the last quarter of 1972.

Farm and food prices are erratic, but industrial prices are considered a basic gauge of underlying inflationary pressures.

Near stability of industrial prices and a sharply curtailed food price increases would be necessary if the administration is to come near its goal of cutting the inflation rate at the consumer level to 2.5 percent by the end of this year.

President Nixon has been criticized for shifting in January from the mandatory price and wage controls of Phase II to the largely voluntary guidelines of Phase III. Stein's statement indicated the administration may yield to demands for a return to a control program along the lines of Phase II.

Within the over-all wholesale price index, wholesale prices of consumer foods—essentially the prices paid by retail markets—surged 4.6 percent seasonally adjusted and 4.5 percent unadjusted last month, following an increase of 1.6 adjusted or 1.7 percent unadjusted in February.

The 4.6 percent rise, which works out to an annual rate of 55.2 percent, was the biggest increase since the department started keeping figures in 1947.

Wholesale prices on consumer foods rose at an annual rate of 45 percent in the first quarter of this year, and last month were 17.4 percent above March 1972.

Wholesale prices of consumer goods other than food rose 0.5 percent seasonally adjusted and 0.4 unadjusted last month, down from a 1 percent increase on both bases in February. These prices rose at an annual rate of 7.5 percent in the latest quarter, and are 3.4 percent above a year ago.

Prices of Farm products increased 6.1 percent seasonally adjusted and 6.6 percent unadjusted from February to March, reaching a level 34.4 percent above March 1972. That seasonally adjusted increase was the biggest since December 1947.

In the broader category of farm products and processed foods and feeds, wholesale prices last month rose 4.7 percent seasonally adjusted and 4.6 percent unadjusted, following increases of 3.2 and 3.9 percent, respectively, in February.

These prices increased at a seasonally adjusted annual rate of 53.1 percent in the January-March quarter, after rising at a 30.1 percent rate in the preceding quarter. They were 25.1 percent above March 1972.

Wholesale prices of consumer goods, including food and other products, rose 2.2 percent seasonally adjusted and 2.1 unadjusted last month, following increases of 1.3 and 1.4 percent, respectively, in February. They rose at an annual rate of 21.7 percent in the first quarter of this year, up from 5.9 percent in the fourth quarter of last year, and were 8.9 percent over March 1972 prices.

The over-all wholesale index last month, which was 10.5 percent above March 1972, stood at 129.7, meaning that a broad range of goods that could have been purchased for $100 in the 1967 base year cost $129.70 last month.

THE REDUCTION OF DRUG USE AND GUN CRIMES

Mr. STEVENSON. Mr. President, on April 3, the Senator from Georgia (Mr. TALMADGE) offered amendments to the Omnibus Victims of Crime Act imposing mandatory minimum sentences for certain narcotics and gun offenses. I want to explain my votes against both amendments.

Like all Members, I fully support the purposes of those amendments, the reduction of drug use and gun crimes. In the absence of hearings we were, however, legislating in ignorance and at the risk of encouraging crime and the acquittal of drug and gun offenders.

The craving of addicts for hard drugs is so strong and uncontrollable that they are willing to pay a high price for a daily fix. If the pusher faces a higher penalty, he may raise his prices because of the increased risk. And the addict would then commit more crimes to buy the same amount of drugs. If that were to happen, the drug offense amendment could make the streets of our cities even less safe than they are today.

In the case of the amendment imposing mandatory sentences for certain gun crimes, a similar uncertainty exists. Will the proposed amendment reduce gun crimes or will the criminal be more likely to use his gun to eliminate witnesses? Of one thing we can be certain. That amendment would establish a peculiar governmental preference for crime by knife or other lethal weapon less commonplace than the gun. To the victim it makes little difference. The end result of gun, poison, the straight edge razor, are the same. I would have thought it would make little difference to the Senate, too, and that the punishment for the crime by one weapon might fit the other. As it is under this amendment the Senate seems to express a distinct preference for killing by anything but gun.

I recognize that the handgun is the crime gun in America. Most violent crimes, and they are now rising at an appalling rate, are committed with a handgun. About 75 percent of all policemen killed in the line of duty are killed at the point of a pistol.

If more of us were ready to stand up to the gun lobby, and strike a true blow for law and order, we would enact handgun controls. We would act to take handguns from the hands of those who misuse them. This mandatory sentence amendment is a tired, old gun lobby amendment with which I am long familiar. It is trotted out regularly in State capitols also to distract government from its duty to control access to handguns. Intimidated and distracted, government reacts in righteous indignation to such instruments of possible injury as firecrackers, automobiles, and dogs, but not to the principal instrument of crime—the handgun.

There are no cheap and easy answers. Mandatory sentences do not deter crime. The criminal does not open the statute books or hire a lawyer to discover the penalty before committing the crime. He does not expect to be caught. The certainty of being caught and punished deters. We would be wiser to increase the risks of being apprehended by aiding the law enforcement agencies. Most violent crimes are committed in moments of passion—in the bedroom or barroom.

The Chicago Tribune reported last June that of the nearly 10,000 Americans who had been slain by handguns in 1971 and the first half of 1972, about 7,000 were shot down "in domestic spats, tavern brawls, or in disputes over card games." Violent crimes are also committed by people in need of a fix—and in all such cases with no thought to the consequences. That is why it is important to limit accessibility to the handguns. Their ready accessibility makes the crimes of passion more possible and more destructive.

Most authoritative criminologists and judicial experts oppose mandatory sentences. Such rigid sentences are necessarily imposed for an offense committed in an infinite variety of different circumstances. The Congress cannot justly impose the sentence to fit every circumstance. Only the judge is in a position to weigh all of the factors and impose a sentence which fits the circumstances of the particular offense. While many judges have been too lenient, they are in the main in the State judicial systems. We, in the Senate, are dealing with Federal offenses in the Federal courts.

Federal judges are appointed for life. They are insulated from pressure and temptation. In the main, they are conscientious and able men, and they deserve our confidence. They are in a better position to impose the sentences than are we. What is more, they already have the authority to impose severe sentences for these offenses. They can impose up to 30 years imprisonment for the second offense drug pusher now. I believe that long penitentiary sentences are in order for those who feed upon the flesh of the weak by pushing hard drugs. Such sentences can be imposed now—and they are being imposed now by Federal judges. This amendment will in some cases cause no sentence at all to be imposed because courts will at times be reluctant to convict if the sentence is automatically 30 years in the penitentiary.

As for the gun offenses, extra mandatory sentences are already required. They have been since 1968, and since then violent crimes have increased by about 37 percent. On the basis of such empirical evidence alone one might logically conclude that such sentences are more likely to incite than to deter crime.

In addition to the other peculiarities of these amendments, a difference of 1 milligram in the weight of the drugs sold by an offender could make a difference of 30 or more years in the penitentiary, assuming the court convicted the overweight pusher. And since the mandatory sentence is applicable only to nonaddict pushers, a sure way to escape is to get hooked. It offers a possible incentive to addiction.

The Judiciary Committee has before it the most comprehensive proposals on the Federal criminal code ever assembled. Mandatory minimum sentencing is among those proposals. We will soon have an opportunity to consider the question again and in a more informed fashion than we could on April 3. I would prefer not to run the real risk of enacting counterproductive legislation, and I voted against both amendments, quite prepared to take a fresh look at the issue with the benefit of any additional evidence.

Mr. President, I voted for the Omnibus Victims of Crime Act, with the Talmadge amendments included, upon final passage. But I respectfully suggest to the Senate that it would be wrong now to content ourselves with paying the widows of law enforcement officers, instead of saving their husbands' lives. The Eisenhower Commission staff report on firearms estimated that the U.S. rate of gun homicides is about 40 times higher than in England and Wales where there is much stricter gun control, and the U.S. gun robbery rate may be over 60 times higher. Even when the greater incidence of homicide and robbery in the United States is eliminated from the comparison, statistics show that when homicide occurs in the United States, guns are used three times as often as in England and Wales, and in robberies, guns are used six times as often in the United States.

The fear in our streets will not be relieved by this act any more than it has been by varnished FBI statistics or the self-serving statements of the President and Attorney General. It will not be ended by mandatory sentences, the death penalty, castration or any of the other simplistic suggestions we have received lately. With crime rampant in the streets, the people are due some straight talk and moral leadership.

Permit me, Mr. President, to share with my colleagues the straight talk of a constitutent on crime, law and justice. I do not know this individual and will respect his anonymity. He asks, eloquently and forceably, for commonsense and a new political morality.

It would be well for us to listen to the people more, and so I ask unanimous consent that this letter from an unknown constituent to printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

March 27, 1973.

Hon. Adlai E. Stevenson III,
U.S. Senate,
Senate Office Building,
Washington, D.C.

Dear Senator Stevenson: From the White House comes a call to re-institute the death penalty. From South Africa, perhaps an appropriate citadel for the purpose, the White House's resident religious presence issues a call for castration.

One can suppose that the desire might be strong, if unspoken at this point, to chop the hands from shoplifters, to gouge the eyes of peeping toms, to slice the tongues of slanderers. And indeed, a considerable portion of the electorate might very well assent to these proposals in any currently held referendum. If nothing else, the likelihood of the passage of the newly proposed revisions in the criminal code is probably quite high.

How long will it take us to face up to the responsibilities of our society on a rational, compassionate basis? At what point will we finally realize that the "hard line" approach has always been counterproductive? That a healthy, orderly community is not incompatible with a high degree of individual freedom? That the Law can be effective and just without being oppressive? That moral questions simply do not lend themselves to legislative fiat?

Basically I am a middle-age male of typical lethargic tendencies. I like order and routine. I am distressed by chaos and conflict. I am content to leave and to be left alone, undisturbed. Why, then, do I feel this rage and frustration? Why do I bombard my legislators in the manner of a common scold? Whence comes this rising rebelliousness?

It is, I think, because of the affront to everything for which we supposedly stand. I cry out in this way because to remain silent in the face of this barrage seems to me to run the danger of giving tacit approval to that which ought to be exposed for what it is: a series of gross insults to the individual, and thus, because we are a nation of individuals, to our national purposes.

I have come, reluctantly, to feel that our Executive leadership has, over the past quarter of a century, been disastrous. For various reasons which in retrospect seem to have been considered only in the most shallow way, we have had a chronic cold war, two hot ones, a bully-boy invasion of one Caribbean state, a near miss or two in another, and heaven knows how many minor incidents of muscle flexing—the upshot of which has been to leave us with a bloated military machine calling most of the shots in economics and in foreign relations, a thoroughly distorted set of social goals, near runaway inflation, utterly alienated minority groups of all persuasions, crime- and drug-ridden communities of all sizes, and a general sense that we are demonstrably less secure in our persons and in our futures than when it all began.

And the answers proposed? The shoddiest banalities. I am appalled at the pandering to fear, prejudice and the desire for vengeance. I am dismayed at the shallow appeal to a dubious "morality." I am disheartened by the knowledge that, at this late date, the only leadership given us is back toward long discredited repressions which never, never can do the job that must be done in a free society.

Make no mistake. We *do* have a job to do. We *do* have problems—serious ones of crime and poverty and addiction. We *do* need answers. We *do* need ways to cope with dilemmas which have no answers. But we do *not* need to extend an already overlong victory of know-nothingism in high places. We just *can't* go in the direction proposed. It offends every decency we supposedly stand for, and verifies the worst charges made against us.

Think for a moment of the months and years spent by thoughtful men and women trying to find out those things we need to know about our society and ourselves. Think of the reports which have been turned out at the bidding of Presidents: on poverty, on our cities, on civil disorder, on racial and ethnic interrelationships, on obscenity, on drugs, on more subjects than I can now readily bring to mind.

And, uniformly, these same Presidents have "rejected" the findings of the study group members—not to mention the wealth of independent research data available in any good library. Instead, we plunge ahead with proposals for increased doses of the same medicines which have proved so utterly without merit that the problems they are touted to ameliorate only grow worse with their application.

And so we have now the same old, tired, "get tough" proposals all gimmicked up and presented with the pompous moralizing deemed essential for the occasion. We are asked to re-institute the death penalty in the face of all reputable findings that it deters no one, and only adds a dimension of brutality to the State's method of coping with its problems. We are asked to stiffen penalties for drug usage and abuse in the face of overwhelming evidence that such an approach will not work—that it is probably in great part just such strictures which make dealing in drugs a highly prrofitable challenge, thereby accentuating the problem.

We are asked seriously to accept a newly proposed criminal code which, among other things, deals in moral areas best left out of any statutes, and which, in other areas needing attention, seems designed more to repress than to protect, to quash disagreement rather than to let fresh air in. Thanks to the 1968 crime bill's misuse, we are now laying, thanks to the LEAA, a foundation which could easily, under slogans of law and order, bring us to "1984" several year ahead of schedule. Now we are asked to back up the overblown hardware with statutory imprimatur.

Senator, whether I ever see an issue of "Playboy" or "Penthouse" again is of little distress to me. Whether "adult" bookstores and film houses disappear is of little concern. Yet in a real sense I know that a "crackdown" on "obscenity" would deprive me of my right to exercise a judgment, even of a comparative for instructional purposes for my children. And I would, I fear, to that extent be less able to insist on my right to possess and read anything which dealt in words, ideas or descriptions offensive to the regnant authority.

I would look with joy upon a world in which, at any hour, in any place, my loved ones could walk without fear of personal violence. Yet we avoid dealing with root causes and ways to maintain order with minimum force, refuse to attack the outrageous use of firearms with effective controls, and preach more weaponry, more stop-and-frisk, more preventive detention, while leaving our court and prison system to decay even further. True, in an armed camp, the streets are often safe—except perhaps from the street patrols.

It would not disturb me if I never again hear the names Ellsberg, Anderson, Seale, "Yippie", etc., etc. Nor do I consider Sander Vanoucur or William Buckley the source from whom all wisdom flows. For reasons having to do with the way I would *like* to feel about my government, I fervently wish I had never heard of he Watergate, or at least that it would not leap at me from the papers each day.

And yet. If contrary opinions are given no platform, don't we also insulate ourselves from the healthy growth that can come from vigorous give and take? It is true that dissent may sometimes breed rather uncomfortable discussion—but it also affords redress from oppression. And if I don't know how my government has wounded me, am I really better off? Surely I will come to be aware that it is to be trusted simply by my own experiences. But it may then be too late.

It may even now be too late for painless solutions. But isn't it time to listen to those who have immersed themselves in the study of cause and effect? Isn't it time to take to heart the reports of men and women who have been commissioned to tell us how our social disruptions have come about—and what can be done about them? Isn't it time to seek out the *best* counsel, rather than that which accentuates the worst in return for some unthinking votes?

There must be—there surely is—a better way than the path down which it is proposed we travel. But I fear that the appeal to the emotions is so strong that we may be led that way to our long term detriment—unless strong voices are heard to the contrary—unless good men now stand up and reaffirm our national purposes in the spirit of the best that is in us.

I am, in all candor, weary of writing letters like this which sound more and more querulous even to me. But I shall continue to write, if only to let you and my other representatives in Congress know that there are those of us who are as disturbed about our problems as any of the "hard-liners." We feel strongly, however, that reason and the results of empirical testing point toward a far, far different prescription for relief. We are certain that the Administration's proposals would do violence to our system, while missing their supposed target by a wide margin.

Please, Senator Stevenson, your voice is needed.

Sincerely,

——— ———.

ON NATIONAL TEXTILE WEEK

Mr. ERVIN. Mr. President, from the earliest days of recorded history, man has twisted plant and animal fibers into yarns for baskets, nets, and fabrics which have given him the clothing and shelter necessary for survival.

The making of yarn, fabric, and clothing has been an integral part of all cultures as far back as anyone can determine. We know, for example, that in ancient India, people spun yarn from cotton they called "vegetable lamb" and wove cloth from it even before the time of the ancient Egyptians. For thousands of years, flax was cultivated in Mesopotamia, Assyria, and Egypt and its fibers were spun into yarn. In China, silk manufacture began sometime around 2640 B.C. when the people experimented with the culture of silkworms and tested the practicability of using the thread from the cocoon for yarn which would be woven into fabric.

Here in the United States, an infant textile industry was spawned during the Industrial Revoluntion, and ever since then, it has served us well as a provider of jobs and the clothing and shelter which has contributed to our high standard of living.

Today, textile manufacturing is one of our most basic and essential industries, providing employment for nearly 1 million people, directly, and another 2.4 million in apparel and related industries. Textile and apparel manufacturing today account for one of every eight manufacturing jobs in this country and provide an annual payroll of $10 billion.

The textile industry is the major customer for our 675,000 cotton farms and the sole customer for 200,000 wool growers. In addition, 112,000 jobs in the manmade fiber industry depend on textiles.

The textile industry has helped make our Armed Forces the best clothed, housed, and protected in the world. The industry has been called second only to steel in military importance.

While many of our textile mills are concentrated in the Southeast and New England States, textiles, is, in a very real sense, a national industry. There are some 7,000 textile manufacturing plants in 42 States turning out annually some 17 billion square yards of fabric for use by industry and consumers.

While the textile manufacture is steeped in tradition, it is one of the most modern of our American industries, contributing significantly to our exploration of outer space and a higher standard of living throughout the world.

It is, therefore, most appropriate that our Nation during National Textile Week, April 1–7, honors this industry and the contribution to a better way of life it is making day in and day out.

All Americans should join in paying tribute to an industry which has throughout our history contributed so much to the betterment of mankind and his comfort, convenience, and prosperity.

COST OF LIVING COUNCIL PUBLIC HEARINGS ON LUMBER PRICES

Mr. McCLURE. Mr. President, the Cost of Living Council is in the final day of public hearings on the subject of recent rapid increases in lumber and plywood prices. Some of my remarks call attention to the responsibility of Congress in dealing with this situation. In view of this, I ask unanimous consent that this statement be printed into the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR JAMES A. MCCLURE TO COST OF LIVING COUNCIL PUBLIC HEARINGS ON LUMBER PRICES, APRIL 5, 1973

In 1968 Congress established housing goals of 2.6 million new and rehabilitated units per year for a ten year period. The year 1969 produced only 1.5 million starts and only in 1972 have we begun to come close to that commitment for home construction with 2.38 million housing starts. We are here today to face up to a serious problem of lumber and plywood supply and price in the present heavy demand situation. Congress will not back away from the commitment made in 1968 for a level of housing starts to provide decent housing for Americans as a possible solution to easing the pressure on lumber demand.

Congress has made the commitment for housing goals; it is also incumbent on Congress to make the commitment for providing the raw materials for this housing, in those areas where it has the power to act. Wood construction items come from manufacturing timber harvest from public lands, private lands, and from lumber imports. On those public and private forest lands that are responsive to intensive forest management, there needs to be the commitment and funding for long-range availability of sustained yield production for our needs.

Price ceilings and press announcements of crash programs as an approach to lumber price stabilization can only be described as a short-term band-aid effort, *unless* serious effort is made to insure appropriate intensive forestry on productive forest lands, and that the full allowable cut under the concept of sustained yield and multiple use be made available for harvest.

The Forest Service standard land use classification has many designations under the total Gross National Forest Area. These reflect the capability of the land to serve a variety of uses. The commercial forest lands are those lands that can grow timber on a sustained yield level for our needs. All those lands so designated must be available to contribute to the allowable cut, recognizing full attention to the protection of the environment. It needs to be emphasized that this word *environment* includes our social, economic, as well as natural, parts of the picture.

Funding, manpower, and timber access are all key targets to accomplish the job. Since timber growing is a long-term project, the commitment must be made on a long term basis. Recent increased attention to the natural environment in planning timber harvest activities has resulted in more money necessary to prepare a timber sale. Last year's suit on National Forest roadless areas has created an impact in reducing the Forest Service ability to develop new areas of commercial forest land for timber harvest without greatly increased costs, time and manpower.

Forest Service Permanent Personnel Ceilings for the following years are:

1974	18, 810
1973	20, 400
1972	20, 575
1971	21, 515

This is hardly a full commitment to a long term solution of the problem of timber supply!

Trees that can make softwood lumber are dying at a level of 11.35 billion board feet per year, according to the draft 1970 Timber Review published by the Forest Service; part of the increased supply answer must lie in recovering more of this volume.

Total softwood log exports from the United States rose by 33 percent in the past four years to the 1972 level of 2.8 billion board feet. Our Canadian lumber imports jumped 53 percent in the same period to 8.87 billion board feet. Hardly a net gain in balance of payments.

The above statistics suggest we need to get to work at home and realize the wood growing capability that our forest lands can contribute under sound intensive forest management.

Part of the problem with regard to lumber prices and supply has to do with the supply of raw material available to saw mills and plywood manufacturers, particularly from the Forest Service, and other government agencies selling timber. These sales are appraised on a "residual value concept" based generally on a lumber sales index which tends to lag behind the current market up to several months. I cite this as background to illustrate that in a highly volatile market, either upward or downward, the cost of raw materials is not responsive to the same degree as the market change. If it is the objective to establish a ceiling on prices, a look at recent history might tell us it is just as fair to consider establishing a "floor under losses", as a "ceiling on profits". For example, the Western Wood Products Association Dry Douglas Fir-larch Index (1957 to 1960 basis) reached a high in April 1969 of 130.23, and dropped off in January 1971 to 78.32. In December 1972, it was back to 132.05 and for February 1973, it rose to 150.04, and the March index will be still higher. All of these factors must receive careful consideration in structuring any effective and equitable price and supply stabilization program. The money supply situation, projected housing starts for 1974, and many other factors may change the lumber and plywood economic picture as drastically as the 1969–1971 change cited above.

We are only kidding ourselves if we think a sophisticated program of price regulation is going to solve the problem. Price controls without a fully funded program directed to forest management, on those lands so designated for timber production, will lead us to going around in circles getting nowhere.

Adequate funding for growing and managing timber, forest access, and manpower to do the job may create the situation where the Law of Supply and Demand (which has not been repealed or amended), can come into play, and this present situation may have the opportunity to resolve itself without resorting to price controls.

All of us involved—Congress, the Administration, and the Public—need to have a hand in getting the show on the road.

LAND USE

Mr. NELSON. Mr. President, a most revealing survey has just been completed by the Christian Science Monitor. In the final part of a six-part series, "Land in Jeopardy," the Monitor printed a questionnaire for readers of the series to fill out and send in, if they so desired.

A total of 1,449 readers did so. And, overwhelmingly, they said there was a need for both more environmental regulation and better consumer protection. Seventy-two percent of those answering agreed with a suggestion similar to an amendment that Mr. JACKSON, Mr. HATFIELD, and I have cosponsored as title VI of the Land Use Policy and Planning Act of 1973.

In the Monitor questionnaire, 72 percent of the readers said that:

> Developers should not be allowed to sell any land until all pollution control and land-use permits required for lakes, canals, sewage, or solid-waste disposal have been authorized by public agencies.

I ask unanimous consent that Mr. Cahn's report in the Christian Science Monitor on the results of this survey be printed at this point in the CONGRESSIONAL RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, April 6, 1973]

LAND USE

(By Robert Cahn)

WASHINGTON.—"Land developers have failed to control themselves. Therefore, controls must be applied."

This comment from a Stamford, Conn., reader typifies many of the 1,449 replies received by March 1 to a questionnaire published with the final installment of the recent six-part series on the abuses of the installment land-sales industry.

A total of 1,015 individuals (70 percent) would tighten regulation of the industry. Only 18 people (less than 1 percent) would decrease regulation.

Readers of the series were also overwhelmingly in favor of increased environmental protection for the land. Seventy-two percent indicated that developers should not be allowed to sell any land until all pollution control and land-use permits required for lakes, canals, sewage, or solid-waste disposal have been authorized by federal agencies.

Only 2 percent said that no new regulations are needed to preserve the land.

A majority also favored:

(58 percent) requiring developers to post performance bonds to guarantee installation of promised facilities.

(61 percent) requiring developers to advertise only those facilities which already exist or whose provision is guaranteed.

(56 percent) requiring written warning from developers that they do not resell land for the buyer when this is indeed the case.

(58 percent) requiring developers to conform with state land use planning before selling any lots.

All but 17 of those answering indicated they would extend the present federal 48-hour "cooling-off" period in which a buyer can revoke his sales contract and would make it irrevocable (the right can now be waived). Fifty-five percent said they favored a two-week cooling-off period.

SURVEY CALLED HELPFUL

"The Christian Science Monitor survey shows that, once again, the American public is far ahead of our institutions in its awareness of a serious environmental problem and in its willingness to have something effective done about it," commented Sen. Gaylord Nelson (D) of Wisconsin. Senator Nelson has introduced the second home and subdivision regulation bill which would require developers, before any lots are sold, to acquire a permit from a state land use planning agency and to conform with environmental safeguards.

Rep. Morris K. Udall (D) of Arizona, sponsor in the House of both consumer and environmental legislation, said the Monitor readers' response would help in corroborating the need for new laws.

"The number and character of the responses to the Monitor survey show that the people are simply fed up with the poorly planned and underfinanced developments as well as with shoddy land-sales practices," said Mr. Udall.

"In addition," he said, "I am hopeful that this significant response to the Monitor's questionnaire will demonstrate the need for passage of the bill strengthening the disclosure provisions of the Interstate Land Sales Act. Congress must move on these two fronts to save the remaining land and protect the consumer."

Administrator George K. Bernstein of the Office of Interstate Land Sale Registration (OILSR) of the federal Department of Housing and Urban Development (HUD) believes that the current act requires some changes to better protect the public. He says amendments now are being drafted.

"The conclusions of the Monitor readers certainly reflect the general tenor of consumer complaints we have received," Mr. Bernstein said.

"It will be difficult to argue against the need for some greater federal regulatory role if states do not very significantly increase their efforts to regulate developers," he added.

Replies to the Monitor questionnaire came from every states, from Canada, and from service men overseas. Many of the readers gave comments and signed their names, although this was not provided for in the question form. Some comments extended to several extra pages.

FEDERAL REGULATION OPPOSED

Although the majority of replies advocated increased regulation, many readers opposed federal regulation, or expressed philosophical doubts.

"The federal government already has too much to do with our lives as it is," commented a man from San Juan Capistrano, Calif. "We are utterly tired of being taken care of. The American people should act like big boys and girls and think and look before they buy."

Manuel S. Klausner of Los Angeles said he believed the series "has been strongly biased in favor of stronger government controls, and accordingly I would expect the response to your questionnaire to be highly distorted in support of the 'knee-jerk' pass-more-laws approach.

"I hate to see increasing government involvement and controls in areas where the individual should accept some responsibilities. However, I do think that government controls are necessary to protect the environment."

"All reports show that land developers have failed to control themselves," wrote Shirley Haner of Consumer Information Services, Stamford, Conn. "Therefore, controls must be applied."

Eighty-one percent of the replies indicated the readers had been solicited to buy land in remote subdivisions, and 73 percent of the people said they had been promised gifts or free trips. About one fourth of those replying said they had purchased land in remote subdivisions, and 61 percent of the buyers said they had seen the land before buying it. The purchasers were exactly evenly divided as to whether they felt "generally dissatisfied" or "generally happy" with their transactions.

OILSR Chief of Enforcement Richard H. Heidermann said that testimony received at public hearings and complaints received by mail indicate that the dissatisfaction frequently does not occur until several years after purchase.

"Buyers continually confuse the developer's selling price with the true market value," Mr. Heidermann said. "And some developers periodically notify purchasers that prices of similar lots or the value of their land has increased. When the purchasers complete their contract they often find that promised improvements have not been made and that the resale value is considerably less than the price they have paid."

"SECOND HOME" CONCEPT

Several readers complained about the philosophy of the "second home" concept.

"Ecological damage is related to too many people. And to multiply that by having two houses is absurd," commented a woman from Emigrant, Mont. "If people's own sense of responsibility cannot lead them to reduce their luxuries, then the government must."

A reply from a woman in Burnaby, B.C., noted that simpler living style is needed. "I think one home is enough in most cases, in view of environmental warnings," she wrote.

"Very few people can afford a second home," noted a reader in Santa Rosa, Calif. "A person who considers a second home should consult his banker and be told if his income warrants such an investment."

Many questionnaires asked for advice on where and how to resell lots, something neither this newspaper nor the federal government is able to give.

A particularly difficult decision for many people is whether or not to continue paying on installment contracts.

"A land sales contract is like having a tiger by the tail," commented a man on Orlando, Fla. "We bought land and can't afford to forfeit the money, and can't afford to keep paying $59 a month. And it has no resale value compared to what I have in it."

A Wisconsin couple wrote that they bought three lots under pressure and now have "too much money invested to let them go. There is no way we can find to resell, and we badly need this money now."

"We did not really need this property" wrote a woman in St. Joseph, Mich. A reader who described himself as a "senior citizen" said all his money "is in these lots and I am forced to live near poverty to pay the exorbitant real estate taxes."

A number of replies place the blame on salesmen. They advocated strict licensing laws and more developer responsibility for salesmen's tactics.

LACK OF QUALITY, ETHICS

An El Paso, Texas, man wrote that he had worked for four land developers and resigned each position for the same reason: "lack of quality and ethics in operation." I regret my own sales tactics and wish I could return all monies collected from my customers," he said. "Installment land sales is truly a national disgrace. Would that every citizen could read this series, then do something to ameliorate the deplorable situation."

Another reader said: "The tap root of the whole problem is the salesman and his endless lies. Salesmen should by federal law be held directly responsible for their tactics."

But another reader who identified himself as a salesman said a licensing law was not the answer. "As a salesman, I can assure you that requiring licenses will not improve the morality of the sales force. The employers have the real control over the way they want their land marketed."

Several people called attention to the need for better education at home and in schools.

"Begin showing parents and teachers they must teach the young that one never gets something for nothing," commented a Denver woman. "Apparently it is too late for adults to learn now."

Mr. Dean C. Armstrong of Carmel, Calif. commented that from 40 years experience in the consumer credit field he had found few people read the fine print in a contract. "A mandatory course in high schools stressing the importance of 'read before you sign' would help reduce the present unwise practice," he wrote.

Mrs. William A. Cole from Salt Lake City, who forfeited the down payment on a lot, commented that: "I learned a lesson of 'sales resistance' at the age of 21. It was worth the price to me."

Not all are taken in by high-pressure sales tactics though. In answer to the question about free gifts, a St. Louis man commented: "Five years ago I received a free transistor radio from a land sales company, but never bought any land. The firm went bankrupt. However, the radio still works."

Support for honest developers was registered by a number of people. "Some companies are no doubt on the up and up and should not be penalized for what the others have done," said a New York State woman.

Many of those responding felt strongly that the most important factor was protection of the land.

"I own land that could be subdivided," wrote a woman from Seattle, Wash. "But I would be willing to submit to any good legislation—our earth must come first."

THE QUESTIONS THAT WERE ASKED

Recently this newspaper published a six-part report on the billion-dollar business of installment land sales. The report found that while some companies have done a good job, others have gypped the public and ruined the environment. Today's page analyzes reader response to a questionnaire (reprinted below) which accompanied the final article in the Jan. 17–24 Monitor series.

1. PROMISED FACILITIES

Many people buy land on the basis of what the development will be like in the future, expecting lakes, ski slopes, roads, and adequate utility services. These facilities will only become a reality if the seller has the money or takes the action to install them. Complaints from numerous buyers indicate that facilities promised are not delivered. To solve this problem, federal law should:

(A) Require developers to post performance bonds prior to making sales, to guarantee the installation of promised facilities, 59 percent.

(B) Require the sales contract to list all promised facilities and legally bind the seller to complete them. 54 percent.

(C) Require that the improvements and facilities be completed before allowing any sales in the development. 28 percent.

(D) Leave the situation as it is. Anything that requires bonds or pre-completion money would hamper development and would raise the price of lots. 1 percent.

2. COOLING-OFF PERIOD

Some people sign installment sales land contracts hastily without thorough consideration. Most buyers who send complaints to federal and state agencies say they never would have bought if they had "thought it over." Most land companies admit that the vast majority of sales are made the first time they meet a buyer. To solve this problem, federal law should:

(A) Provide the following specific period of time during which the buyer may revoke his contract for any reason whatsoever and get his money back. 2 days 1 percent, 3 days 3 percent, 1 week 17 percent, 2 weeks 55 percent.

(B) Provide a cancellation period which cannot be waived by the buyer despite offers he may get from a developer. 35 percent.

(C) Allow no cancellations except for fraudulent sales practices. It is not up to the government to protect buyers as long as the developer has made full disclosure in a property report. A deal is a deal and people should live up to obligations. 18 percent.

3. SOLICITATION

Many prospects for land sales are lured into signing contracts by elaborate advertising sent through the mail or by sales pitches made by telephone, at free dinner parties, or in conjunction with free gifts or vacations. Later, they may find that the land is not as it was represented. To solve this problem, developers should:

(A) Be required to submit all advertising to the government for approval before use. 21 percent.

(B) Be required to advertise only those facilities which already exist or whose provision is guaranteed by bonding. 61 percent.

(C) Be required to perform everything advertised. 38 percent.

(D) Be required to incorporate all advertised promises in the sales contract. 53 percent.

(E) Not be interfered with. The government should not act as a censor. Federal Trade Commission laws now cover fraudulent advertising adequately. 3 percent.

4. SALES PRACTICES

Some people are induced to buy land by exaggerated statements about potential profits, by promises made by salesmen, money-back guarantees, offers to resell property for the buyer at any time, or by verbal asurances that the contract only makes a "reservation" for a lot and not a commitment to buy it. To solve this problem:

(A) The government should appraise the land to reveal its present and projected value. It should require this information to be used in advertising and property reports. 37 percent.

(B) All salesmen for installment subdividers should be required to obtain a federal license. 28 percent.

(C) Developers should be required to advise all purchasers in writing that they do not buy back or resell the land for buyers unless they actually do provide this service. 56 percent.

(D) All that is needed is better enforcement of the present federal Land Sales Act and the Federal Trade Commission's regulations which prohibit unfair, deceptive, or fraudulent sales practices. No new legislation is needed. 23 percent.

5. ENVIRONMENT

Premature subdivision of land before adequate state land planning has taken place may harm natural areas that should be preserved for future generations. Development activities such as building roads, destroying trees, digging canals, and making artificial lakes may lead to pollution or other environmental problems. I believe that:

(A) States should require all remote subdivisions to conform to a land-use plan prepared by a public agency as a prerequisite for selling any lots. 58 percent.

(B) Developers should not be allowed to sell any land until all pollution control and and-use permits required for lakes, canals, sewage, or solid-waste disposal have been authorized by public agencies. 72 percent.

(C) Bonds should be required of developers to compensate for damage to the environment. 31 percent.

(D) Resort-land developments for vacation homes should provide recreational open space more ample than in ordinary subdivisions. 34 percent.

(E) State and local authorities already adequately provide for prior environmental control of such developments. No new regulations are needed. 2 percent.

6. FEDERAL REGULATION

Many observers feel that the federal law regulating the developers is not strong enough and that there are loopholes in the law. The industry itself is opposed to strict regulation. The government should:

(A) Increase regulation of the industry. 70 percent.

(B) Decrease it. 1 percent.

(C) Be allowed to represent complaining buyers in civil class action suits for damages. 48 percent.

7. PERSONAL EXPERIENCE

Have you:

(A) Ever been solicited to buy remote land? 81 percent.

(B) Been promised gifts or free vacation trips to buy land? 73 percent.

(C) Ever purchased land in remote subdivisions? 24 percent.

8. IF YOU BOUGHT LAND, DID YOU:

(A) See the land before you bought it? 61 percent.

(B) See a lawyer before buying it? 8 percent.

(C) Build a house and live in it? 10 percent.

(D) Cancel your contract and forfeit your money? 9 percent.

(E) Cancel your contract and get your money back? 13 percent.

(F) Make a profit from selling it? 6 percent.

(G) Take a loss in selling it? 8 percent.

(H) Feel generally dissatisfied with your deal? 43 percent.

(I) Feel generally happy with your deal? 43 percent.

(EDITOR'S NOTE.—Percentages may total more than 100 since many people checked more than one option per question.)

ARBITRARY CHANGES IN FEED GRAIN PROGRAM

Mr. BAYH. Mr. President, on March 26 the Department of Agriculture announced a belated adjustment in the set-aside requirements for participation in the feed grain program this year. The post sign-up adjustment—unprecedented in its timing—reportedly was necessary because the March planting intentions report indicated that there would be a shortage of corn this year unless adjustments were made.

I am sympathetic to the need to insure adequate supplies of feed grains this year. However, I strongly protest the nature of the chosen adjustment. Those farmers who had signed up for the set-aside program have suddenly been handed a large windfall. On the short end of the exchange are those farmers who had cooperated with the Department's request to plant their farm's full capacity; these farmers are now locked into the less profitable plan and have no chance to change on the basis of the new information.

Specifically, this year farmers were allowed to choose between two plans under the feed grain program. Under plan A, 25 percent of the corn or feed grains base was to be set aside, and relatively high payments would then be made to the farmer—based on his yield and allotment—to justify the fact that 25 percent of the feed grains base had been idled. Under plan B, a farmer did not have to set aside any land but agreed not to plant more corn than he had planted before. Theoretically, the Federal payments to the farmer B together with the extra profits provided by his fully operating farm would have produced an income equal to that of the farmer who had set aside 25 percent of his land. Sign-ups for these programs ended on March 16.

Suddenly last week, after farmers had made their decisions based on the original information, the Department changed a basic element in plan A by allowing farmer A to still qualify for the high Federal payments, while only setting aside 10 percent of his land. High Government payments on top of the profits which farmer A will realize by planting 15 percent more of his land means that plan A is far more lucrative than plan B. It is fairly clear that if the present terms of the farm program had been known during sign-ups, almost no farmers would have chosen plan B. However, farmers who sign up for plan B on the basis of earlier information have not been allowed to switch to plan A.

Mr. President, I have informally urged the Department to allow farmers under plan B to switch to plan A if they wish to do so at this point. The Department has pointed out that if zero set-aside farmers—plan B—switched to a 10-percent set-aside plan—plan A—as much land would be taken out of production as was just released by the change in regulations. I then requested that all sign-ups be reopened on whatever revised terms the Department felt were adequate to insure adequate supplies of corn and soybeans. The Department has indicated that it cannot revise the financial terms of the original sign-ups, since the contracts have already been signed. I am sympathetic to these two considerations. However, I am also sympathetic to those farmers who feel they have received discriminatory treatment because of the Department's belated realization that their programs for corn and soybeans had not been tuned finely enough to insure a proper balance between the two crops.

One fact is clear, Mr. President. The Department's desire to move away from a crop-by-crop supply adjustment program is premature. Our present problem indicates that, in fact, we need to focus even more attention on crop-by-crop supply adjustment; if the Department had delayed the close of sign-ups until the implications of the March 1 Planting Intentions Report were clear, it could have revised the terms of the programs without breaking contracts, or helping some farmers at the expense of others.

Mr. President, our small farmers rely on the supply and demand predictions provided by the Government. I believe that Indiana farmers are willing to make small sacrifices which will help provide adequate supplies of essential feed grains. But farmers cannot be asked to bear the brunt of the Government's hasty market projections, or to sit quietly while some farmers are given a windfall and others are told that they cannot have a crack at the same benefits.

In light of the situation, I believe the Department, at a minimum, should allow those farmers under the less profitable plan to plant a larger percentage of corn this year. I would also urge that price support loan levels be increased in case the export demand is not as large as the Department is presently anticipating. Most important, I hope the Department will take adequate precautions to see that the cooperation of farmers participating in the feed grains program will not be stretched like this again.

THE WAR POWERS CRISIS

Mr. JAVITS. Mr. President, at the request of the New England Law Review, I have prepared an article entitled "The War Powers Crisis" which embodies a full exposition of my view on this crucial constitutional issue which has now reached crisis proportions. As the war powers issue is of such importance to the Senate and the Nation, I felt it would be useful to have the text of my article appear in the Record. Mr. President, I accordingly ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The War Powers Crisis

(By Senator Jacob K. Javits)

There is no longer any serious argument as to the existence of a constitutional crisis over the exercise of the Nation's war powers. The pertinent question is: What will the Congress—and the President—do about this crisis? The *de facto* concentration of plenipotentiary war powers in the hands of the President has subverted the letter and the spirit of the Constitution and has placed an almost intolerable strain on our national life as the deep wounds of the Vietnam experience so inescapably remind us.

In the decisive field of national security the awesome strength and vigor of the Presidency, in contrast to the comparative weakness and lack of cohesiveness of the Congress, is a cause for deep concern and even chagrin. For, the now almost unlimited power of the Presidency with respect to matters of war is a unilateral power not only to defend our nation wisely but also a unilateral power to involve us as in the quagmire of a Vietnam or in a thermonuclear holocaust.

The severe imbalance which has developed between the power of the President and that of Congress has evoked many charges of "usurpation." While "usurpation" is a heady word which may help to assuage our feelings, a review of the record of the past thirty years leading up to our present predicament does not, in my judgment, allow us the solace of attributing the result to Presidential usurpation. The Congress has given away its authority—not only by default and acts of omission—but even more importantly in an endless series of loosely-worded and broadly drawn delegations of authority to the President. To cite only one example, but they are numerous, how many of us—including myself—who voted for the Tonkin Gulf Resolution in 1965 do not feel uncomfortable today in rereading its extraordinary language: "the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force . . ."

No legislation can guarantee national wisdom, but the fundamental premise of the Constitution, with its deliberate system of checks and balances and separation of powers, is that important decisions must be national decisions, shared in by the people's representatives in Congress as well as the President. By enumerating the war powers of Congress so explicitly and extensively in article I, section 8, the framers of the Constitution took spacial care to assure the Congress of a concurring role in any measures that would commit the Nation to war. Modern practice, culminating in the Vietnam war and the result of a long history of Executive action employing the warmaking power which weaves in and out of our national history, has upset the balance of the Constitution in this respect.

The War Powers Act, of which I am the principal author, is a bill to end the practice of Presidential war and thus to prevent future Vietnams. It is an effort to learn from the lessons of the last tragic decade of war which has cost our Nation so heavily in blood, treasure, and morale. The War Powers Act would assure that any future decision to commit the United States to any warmaking must be shared in by the Congress to be lawful.

Our experience of the last five years or more has demonstrated how much harder it is to get out of an undeclared war than it is to get into one. In dealing with this situation, Congress has been forced back into relying solely on its "power of the purse" over appropriations. We have seen how difficult and unsatisfactory it is for Congress to try to get a meaningful hold on the Vietnam war through the funds-cutoff route.

Yet there is a group of pundits, historians, and commentators who would have us fly directly in the face of this tortuous experience and confine ourselves to the funds-cutoff route. Those who would so advise us are either too timid or too conservative to try institutional reform. They would have us face the Presidential war power so often used as a fine tuned, subtle, and decisive instrument with a clumsy, blunt, and obsolescent tool. The fund-cutoff remedy is there now and will be there when the war powers bill becomes law. It can then be an excellent sanction, but it is not a substitute.

The obvious course for Congress is to devise ways to bring to bear its extensive, policy making powers respecting war at the outset, so that it is not left to fumble later in an after-the-fact attempt to use its appropriations power. This is what the War Powers Act seeks to do.

If James Madison had pressed his point on September 7, 1787, during the debate in the Constitutional Convention, we might not be faced with our current agonizing dilemma. Madison proposed then that two-thirds of the Senate be authorized to make treaties of peace without the concurrence of the President. "The President," he said, "would necessarily derive so much power and importance from a state of war that he might be tempted, if authorized, to impede a treaty of peace." However, Madison withdrew his proposal without putting it to a vote.

It is not clear whether Madison was speaking seriously or facetiously. It is clear, however, that Presidents have tended to see their role, as Commander in Chief conducting a war, as the decisive power of the Presidency. President Nixon articulated this view very precisely, when he said last April:

"Each of us in his way tries to leave [the Presidency] with as much respect and with as much strength in the world as he possibly can—that is his responsibility—and to do it the best way that he possibly can. . . . But if the United States at this time leaves Vietnam and allows a Communist takeover, the office of President of the United States will lose respect and I am not going to let that happen."

The effort embodied in the War Powers Act is the fulcrum, in my judgment, of the broader attempt of the Congress to redress the dangerous constitutional imbalance which has developed in the relationship between the President and the Congress. Unless Congress succeeds in reasserting its war powers, I do not think it can succeed in reasserting its powers of the purse which have grown so weak in comparison with the Executive branch.

The publicists and the lawyers of Presidents have been busy for years now in advancing a new constitutional doctrine. According to this novel doctrine the President has inherent powers, in his role as Commander in Chief, to override any other powers conferred anywhere else in the Constitution.

We have reached a point where proponents of the Presidency seem to be claiming that the power of the Commander in Chief is what he himself definies it to be in any given circumstance. This is the challenge that must be met by the Congress. If this challenge is not met successfully by the Congress, I do not see how it can prevent the further erosion of its powers and jeopardize freedom itself.

I wish to emphasize my view that the Congress itself is on trial in the eyes of the people. The issue addressed by the War Powers Act is a fundamental constitutional issue.

It rejects the premise that the issue of "Presidential war" can be handled by making distinctions between "good" Presidents and "bad" Presidents. We could never arrive at an agreed criteria for making such judgments and there is no way such distinctions could be applied to Presidential wars on an *ad hoc* basis.

The need is for legislation which will assure Congressional involvement and the exercise by Congress of its equal share of the responsibility at the outset of all wars. Our constitutional system requires confidence that the Congress will act as responsibly as any President in the national interest. Even more significantly, it assumes that the national interest can best be defined and acted upon when both the President and the Congress are required to come to an understanding as to what is that national interest.

THE WAR POWERS ACT (S. 440)

Thus, in my judgment, the War Powers Act (S. 440) is one of the most important pieces of legislation in the national security field that has come before the Senate in this century. The bill's various sections are carefully interrelated and interdependent. I will concentrate on an explanation of the bill and how it is intended to work, and I shall try to dispel the allegations which have been made against it by the State Department and other critics.

I shall begin by dealing with the constitutionality of S. 440, as well as its historical background and then proceed to a detailed explanation of the bill.

In this connection we should begin with the words of the Constitution itself because from what many critics have said, it almost seems as if they have neglected to read what the Constitution in fact does say about the war powers.

WAR POWERS OF CONGRESS

Article I, section 8 of the Constitution enumerates the war powers of Congress. The list of these powers is both detailed and comprehensive:

"provide for the common defense."

"to define and punish . . . offenses against the law of nations."

"to declare war."

"to raise and support armies."

"to make rules for the government and regulation of the land and naval forces."

"to provide for calling forth the militia to execute the laws . . . and repel invasions."

"to provide for organizing, arming, and disciplining, the militia, and for governing such part of them as may be employed in the service of the United States."

The powers of Congress which I have just listed are extensive and specific, but the Founding Fathers went even further to buttress the power of Congress in this field. They did this by concluding article I, section 8 with an all-inclusive power—the "necessary and proper" clause, which empowers Congress: "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and *all other powers vested by this constituition in the government of the United States, or in any department or officer thereof* (italics added.)

THE PRESIDENT AS COMMANDER IN CHIEF

And, compared with the war powers of Congress so specifically enumerated in the Constitution, let us examine the war powers actually granted to the President in the Constitution. These powers at best can be described as sparse and cryptic. Article II, section 1 states: "The executive power shall be vested in a president of the United States of America."

Article II, section 2, states, without further elaboration:

"The President shall be Commander in Chief of the army and navy of the United States, and of the militia of the several states, when called into the actual service of the United States."

It would be useful at this point to take a look at the "legislative history" of the Commander in Chief concept as it is used in the Constitution. There was no doubt in the minds of the drafters of the Constitution about who would be the first President of the United States. George Washington was elected unanimously to the office less than two years after completion of the Constitutional Convention. Twelve years earlier, in June 1775, the Continental Congress had appointed George Washington to be "Commander in Chief" of the colonial forces. Washington held this post as Commander in Chief until his formal resignation and return of his commission in December 1783. He was the only Commander in Chief the United States had ever had when in 1787 the Constitution was drafted and the phrase "Commander in Chief" was written into it.

Clearly, the drafters of the Constitution had the experience of the Continental Congress with George Washington in mind when they designated the President as "Commander in Chief" in article II, section 2. Thus, the "legislative history" of the constitutional concept of a Commander in Chief was the relationship of George Washington as colonial Commander in Chief to the Continental Congress.

That relationship is clearly defined in the Commission as Commander in Chief which was given to Washington on June 19, 1775, and which was formally returned by him to the Continental Congress on December 23, 1783.

I would like to quote the final clause of this Commander in Chief's Commission, because it establishes the relationship of the Congress to the Commander in Chief in unmistakable terms:

"And you are to regulate your conduct in every respect by the rules and discipline of war (as herewith given you) and punctually to observe and follow such orders and directions from time to time as you shall receive from this or a future Congress of the said United Colonies or a committee of Congress for that purpose appointed."

THE PRESIDENT'S EXPANDING POWERS

I have dwelt at some length on this question of the Congress' war powers, and the relationship of those powers to the President's function as Commander in Chief, because critics of the War Powers Act so often choose to ignore what the Constitution says. Moreover, out of the sparse and cryptic language of article II, section 2 of the Constitution there has grown up an extraordinarily overblown doctrine of so-called Commander in Chief powers. The outer limits of this doctrine as cited as a barrier against even the exercise by Congress of its own clearly enumerated war powers. For instance, in his testimony before the Senate Foreign Relations Committee, Secretary of State Rogers approvingly quoted the following assertion of the Truman Administration: ". . . the President, as Commander in Chief of the Armed Forces of the United States, has full control over the use thereof."

To this ever expanding doctrine of exclusive Commander in Chief powers, Secretary Rogers added a new dimension of his own, in telling the Foreign Relations Committee:

"I would think that his powers as Commander in Chief would authorize him to take whatever action he felt necessary to try to protect the safety and the lives of our prisoners of war."

Presumably this could include authority on his own to invade North Vietnam, Laos, Cambodia and perhaps even the People's Republic of China. I doubt that there are many Americans who would go this far even to agree with Secretary Rogers.

HISTORICAL AND CONSTITUTIONAL PERSPECTIVES OF THE WAR POWERS ACT

The constitutional aspects of the War Powers Act were investigated in a most authoritative way in the hearings conducted by the Foreign Relations Committee. The record of those hearings is already coming to be recognized as the most comprehensive and authoritative examination in existence of the constitutional war powers issue. I command the hearings to all interested in this subject.

The question has been asked, quite rightly, why—after all these years—do we need a war powers bill now? It is clear that the Administration opposes any legislation in the war powers field and is apparently quite happy with the present situation. Secretary Rogers said that the War Powers Act: ". . . reflects an approach not consistent with our constitutional tradition." The Secretary further felt that the "respective roles and capabilities" of the Executive and the Congress should be "left to the political process."

It is the failure of this approach which necessitates a war powers bill. The golden days of Senator Vandenburg have been obliterated by the Vietnam war.

The constitutional imbalance, which has reached such dangerous proportions and which is the prime factor behind this bill, is a recent development growing out of the last few decades. The United States emerged from World War II as the dominant world power—a role alien to all our previous national experience. The unique challenges arising from this new role were such that we slipped into a practice which ran counter to the genius of our Constitution and the underlying structure of our political system. This practice has concentrated the essential war power in the institution of the Presidency and left

Congress little more than an appropriations and confirmatory role. It has proved to be a most costly failure which has dangerously strained the fabric of our whole society.

Throughout our history it has been recognized that the essential conduct of foreign policy was a prerogative of the President. But until the United States emerged from World War II as the dominant power of the world, the President's foreign policy portfolio was a relatively modest one, evolving only slowly in our history from the traditions established by President George Washington's admonition to beware of "foreign entanglements."

The Founding Fathers were deeply distrustful of "standing armies. At the times of the ratification of the Constitution, the United States Army consisted of a total of 719 officers and men. On the eve of the Civil War it was only 28,000 and in 1890 it was only 38,000. Even in 1915, the Army numbered less than 175,000. However, since 1951 the size of our "standing" armed forces rarely has dipped below 3,000,000 men. These forces under the President's command are equipped with nuclear weapons and submarines, intercontinental missiles, supersonic jets and they are deployed all over the world. A budget of more than $87 billion has been requested to support these forces in FY 1974.

It is the convergence of the President's role of conducting the foreign policy with his role as Commander in Chief of the most potent "standing army" the world has ever seen that has tilted the relationship between the President and Congress so far out of balance in the war powers field. It is this convergence which has created the new situation requiring countervailing action by Congress to restore the Constitutional balance.

EXPLANATION OF THE BILL

It is important to note that the provisions of this bill govern the use of the armed forces: *"In the absence of a declaration of war by the Congress."* In this bill we are dealing with *undeclared wars*—wars which have come to be called Presidential wars because the constitutional process of obtaining Congressional authorization has been short-circuited.

Undeclared wars are not a new phenomenon in our history. Our armed forces have been introduced in hostilities many more times in the absence of a declaration of war than have been pursuant to a declaration of war. The key problem for the Congress and our Nation, particularly in contemporary circumstances, is undeclared war, or Presidential war, as epitomized by Vietnam. It is to this urgent, contemporary problem that S. 440 addresses itself.

Section 1 of the bill contains its short title—the "War Powers Act."

Section 2 is a self-explanatory short statement of "Purposes and Policy," stressing its intention to ". . . insure that the collective judgment of both the Congress and the President will apply to the introduction of the Armed Forces of the United States in hostilities, or in situations where imminent involvement in hostilities in clearly indicated by the circumstances . . ."

Section 3 (along with section 5) is the core of the bill. Section 3 consists of four clauses which define the conditions or circumstances under which, in the absence of a Congressional declaration of war, the Armed Forces of the United States "may be introduced in hostilities, or in situations where imminent involvement in hostilities is clearly indicated by the circumstances."

The first three categories are codifications of the emergency powers of the President, as intended by the Founding Fathers and as confirmed by subsequent historical practice and judicial precedent. Thus, subsections (1), (2), and (3) of section 3 delineate by statute the implied power of the President in his concurrent role as Commander in Chief.

The authority of Congress to make this statutory delineation is contained in the enumerated war powers of Congress in article I, section 8 of the Constitution, which I cited above. Most importantly, the authority of Congress to make this statutory delineation is contained in the final clause of article I, section 8, granting to Congress the authority:

"To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof."

REPELLING ARMED ATTACK ON THE UNITED STATES

Subsection (1) of section 3 confirms the emergency authority of the Commander in Chief to: "repel an armed attack upon the United States, its territories and possessions; to take necessary and appropriate retaliatory actions in the event of such an attack; and to forestall the direct and imminent threat of such an attack;"

It should be noted that this subsection authorizes the President not only to repel an attack upon the United States and to retaliate but also *"to forestall the direct and imminent threat of such an attack."* The inclusion of these words grants a crucial element of judgment and discretion to the President. While it was thought by some that the power to "forestall" was inherent in the power to "repel," it was decided to expressly include the forestalling power to avoid any ambiguity domestically or in the eyes of any potential aggressor. Its inclusion belies the allegation of critics that the bill is "inflexible."

Nonetheless, while the President clearly must apply his discretion and judgment to the implementation of this authority, it is by no means a "blank check." For the President to take forestalling action, the threat of attack must be "direct and imminent." Moreover, he must justify his judgment on this point under the mandatory reporting provisions contained in section 4. But, and this is the point to be emphasized, the judgment is his.

REPELLING ATTACK ON U.S. ARMED FORCES

Subsection (2) further defines the emergency power of the President: "to repel an armed attack against the Armed Forces of the United States located outside of the United States, its territories and possessions, and to forestall the direct and imminent threat of such an attack;"

The authority contained in this subsection recognizes the right, and duty, of the Commander in Chief to protect his troops. Like subsection (1) it includes the authority to forestall a direct and imminent threat of attack, as well as to repel an attack. Clearly, just as the President would not have to wait until the bombs actually started landing on our soil to act against an attack upon the United States, similarly our forces would not have to wait until enemy bullets and mortars hit before they could react.

Nonetheless, it will be noted that the power to repel attacks upon the armed forces located outside the United States is less comprehensive in one respect than the power to repel attacks upon the United States itself. While the subsection contains the authority to repel and forestall, it does not include the separate and broader power to retaliate.

There are good reasons for this. First, it should be emphasized that the President could of course take retaliatory action if an attack upon our armed forces abroad was integral to an attack upon the United States. And he could do this respecting our NATO forces as part of his forestalling powers relating to an attack upon the United States. Nonetheless, the wording of this provision is meant to retain safeguards against wider embroilment resulting from incidental attacks upon U.S. forces, or attacks resulting from provocative actions by local U.S. commanders. Thus, for instance, an attack upon a Marine Guard at our Embassy in Nepal would not trigger an authority to retaliate by seizing the country. Likewise, for instance, a sneak attack on security guards at one of our airbases in Thailand would not trigger an authority to retaliate by launching search and destroy missions.

PROTECTING U.S. CITIZENS ABROAD

Subsection (3) codifies that the authority of the President to rescue United States citizens and nationals abroad and on the high seas. By defining the circumstance and procedures to be followed, this subsection is a conscious movement away from some of the excesses of nineteenth century gunboat diplomacy. The language of this subsection is as follows: "to protect while evacuating citizens and nationals of the United States, as rapidly as possible, from (A) any situation on the high seas involving a direct and imminent threat to the lives of such citizens and nationals, or (B) any country in which such citizens and nationals are present with the express or tacit consent of the government of such country and are being subjected to a direct and imminent threat to their lives, either sponsored by such government or beyond the power of such government to control; but the President shall make every effort to terminate such a threat without using the Armed Forces of the United States, and shall, where possible, obtain the consent of the government of such country before using the Armed Forces of the United States to protect citizens and nationals of the United States being evacuated from such country;"

NATIONAL COMMITMENTS

Subsection (4) is perhaps the most significant part of the bill. For, while subsections (1), (2), and (3) codify emergency powers which are inherent in the independent constitutional authority of the President as Commander in Chief, section 3(4) deals with the delegation by the Congress of additional authorities which would accrue to the President as a result of statutory action by the Congress and which he does not, or would not, possess in the absence of such statutory action.

The language of section 3(4) reads as follows: "pursuant to specific statutory authorization, but authority to introduce the Armed Forces of the United States in hostilities or in any such situation shall not be inferred (A) from any provision of law hereafter enacted, including any provision contained in any appropriation Act, unless such provision specifically authorizes the introduction of such Armed Forces in hostilities or in such situation and specifically exempts the introduction of such Armed Forces from compliance with the provisions of this Act, or (B) from any treaty hereafter ratified unless such treaty is implemented by legislation specifically authorizing the introduction of the Armed Forces of the United States in hostilities or in such situation and specifically exempting the introduction of such Armed Forces from compliance with the provisions of this Act. Specific statutory authorization is required for the assignment of members of the Armed Forces of the United States to command, coordinate, participate in the movement of, or accompany the regular or irregular military forces of any foreign country or government when such Armed Forces are engaged, or there exists an imminent threat that such forces will become engaged, in hostilities. No treaty in force at the time of the enactment of this Act shall be construed as specific statutory authorization for, or a specific exemption permitting, the introduction of the Armed Forces of the United States in hostilities or in any such situation, within the meaning of this clause (4); and no provision of law in force at the time of the enactment of this

Act shall be so construed unless such provision specifically authorizes the introduction of such Armed Forces in hostilities or in any such situation."

The key phrase in this subsection is contained in its initial five words: "pursuant to specific statutory authorization." The rest of the subsection is an explanation, elaboration and definition of the meaning (for the purposes of the bill) of the words "pursuant to specific statutory authorization." In an important sense, this subsection gives legislative effect to S. Res. 85, the National Commitments Resolution adopted by the Senate on June 25, 1969 by a vote of 70 to 16 which states: "that a national commitment by the United States to a foreign power necessarily and exclusively results from affirmative action taken by the executive and legislative branches of the United States Government through means of a treaty, convention, or other legislative instrumentality specifically intended to give effect to such a commitment."

The significance of subsection (4) is multiple. First, it establishes a mechanism by which the President and the Congress *together* can act to meet any contingency which the Nation might face.

There is no way to legislate national wisdom but subsection (4) does provide important protection to the American people by requiring that the Congress as well as the President must participate in the critical decision to authorize the use of the Armed Forces of the United States in hostilities, other than hostilities arising from such "defensive" emergencies as an attack upon the United States, our armed forces abroad, or upon U.S. citizens abroad in defined circumstances. It provides as much flexibility in the national security field as the wit and ingenuity of the President and Congress may be jointly capable of constructing.

Subsection (4) places a big responsibility upon the President as well as the Congress. The initiative in generating specific statutory authorization to meet contingencies and developing crises may in most instances come from the President. As the conductor of foreign policy, with all the information and intelligence resources at his command, it will be incumbent upon him to present the case to the Congress and the Nation.

There is a clear precedent for the action anticipated in subsection (4)—the "area resolution." Over the past two decades, the Congress and the President have had considerable experience with area resolutions—some of it good and some quite unsatisfactory. In its mark-up of the War Powers Act, the Foreign Relations Committee considered this experience carefully in approving the language of subsection (4). The intent of the final clause of subsection (4) is to uphold the validity of three area resolutions currently on the statute books. These are: the "Formosa Resolution" (H.J. Res. 159 of January 29, 1955); the "Middle East Resolution" (H.J. Res. 117 of March 9, 1957, as amended); and the "Cuban Resolution" (S.J. Res. 230 of October 3, 1962).

The best known—and most controversial—of the area resolutions, the Tonkin Gulf Resolution (H.J. Res. 1145 of August 10, 1964), was repealed as of January 12, 1971.

The question may be asked: What is to guard against the passage of another resolution of the Tonkin Gulf type?

The answer is that any future area resolutions, to qualify under this bill as a grant of authority to introduce the armed forces in hostilities or in situations where imminent involvement in hostilities is clearly indicated by the circumstances, must meet certain carefully drawn criteria—as spelled out in the language of subsection (4). The pertinent language is

". . . unless such provision specifically authorizes the introduction of such Armed Forces in hostilities or in such situation and specifically exempts the introduction of such Armed Forces from compliance with the provisions of this Act . . ."

In other words, any future area resolution must be a specific grant of authority which would contain a direct reference to the bill now under discussion. The phrase "exempts . . . from compliance with the provisions of this Act" is included to insure that the precise intention of the grant of authority is clearly established with reference to the War Powers Act. The exemption could of course establish other procedures—or it could reaffirm all, or part, of the provisions of S. 440. The bill thus allows for as much flexibility with respect to handling of any developing crisis or sudden emergency as the Congress and the President may jointly deem prudent.

Clearly, both the President and the Congress will have much to do, following the passage of this bill. First, Congress will have to review closely the three area resolutions which are left standing by the provision of subsection (4).

As a first step in the mental attitude of partnership which will be brought about by this bill, the Administration should review the world situation carefully and take the initiative in coming to the Congress with recommendations respecting the existing area resolutions—as well as recommendations for any new ones which the President may feel are needed for our national security.

As regards the three existing area resolutions which continue to qualify under subsection (4), the Nixon Administration, in another context, has said it did not rely on the resolutions and has taken the following position: ". . . as a functional matter, [the area] Resolutions have no continuing signifiance in the foreign policy formulation process, and it is for Congress to determine whether they should be terminated or simply allowed to fade away."

With the new situation that would allow the adoption of the War Powers Act, a new approach would be required of the Executive.

At this point, I should draw attention to the fact that requests for new authority, pursuant to subsection (4), do *not* qualify for the "Congressional Priority Provisions" contained in section 7. However, it is contemplated that Congressional consideration of new subsection (4) grants of authority can generally be undertaken in the absence of an imminent threat or emergency in a deliberative way, including Committee hearings. The point here is to obviate a repetition of the unfortunate experience of the Congress with the Tonkin Gulf Resolution, which it was later realized went through the Congress without enough inquiry in the respective Committees and in the related floor debate, for it was confirmatory not plenary; and more a gesture of solidarity with the President than a decision on war by the Congress.

RENEWING CLOSE CONSULTATION

Not only must the Congress be prepared to play its role in the war powers area with wisdom and foresight—but with great responsibility.

And, an important new responsibility is also placed on the Executive branch. Last minute "crunches" can be avoided by a renewal of the earlier practice of continuing close consultation between the Executive branch and the relevant committees of Congress. The Executive will be obliged to make the Congress, again, its partner in shaping the broad, basic national security and foreign policy of the Nation well in advance of the exercise of the war power.

CONGRESSIONAL AUTHORITY AND PRESIDENTIAL FLEXIBILITY

Some have argued that seeking Congressional authority to use the armed forces with respect to developing crisis situations would deprive the President of flexibility—or introduce ambiguity—in the conduct of foreign policy during crisis situations. It is said that the President would have to "telegraph his punches" and thus remove surprise from his diplomatic arsenal.

This charge does not stand up under scrutiny. First, the President would not be compelled or obliged to use the armed forces just because the Congress granted him the authority to do so. This could be made clear to the entire world through the public media facilities at the President's command, as well as through the diplomatic channels at his command.

Moreover, it is just not true, as some critics of the bill have alleged, that the passage of this legislation would inhibit the President's capacity to move elements of the fleet anywhere on the high seas. To give a specific example, there is nothing in the bill which would have affected the President's decision to move elements of the Sixth Fleet into the eastern Mediterranean during the 1971 Jordanian crisis. The right of United States naval forces to operate freely anywhere in international waters would not be abridged by this bill. Moreover, the capacity of our armed forces to rescue U.S. citizens stranded or threatened on the high seas would not be restricted by the bill.

An important provision of subsection (4) is contained in its first qualifying clause (A). As stated in the Committee Report, the purpose of this clause is to overrule the Orlando vs. Laird decision of the Second Circuit Court, which held that passage of defense appropriations bills, and extension of the Selective Service Act, constituted implied Congressional authorization for the Vietnam war.

TREATIES

One of the most far-reaching aspects of subsection (4) is its provisions respecting treaties. Throughout the past two decades there has been continuing confusion, debate and controversy respecting a crucial phrase that is standard in our Nation's collective and bilateral security treaties; that phrase is that implementation of such treaties, as to involvement of U.S. forces in hostilities, will be in accordance with the "constitutional processes" of the signatories.

In an important sense, subsection (4) defines "constitutional processes" for the first time, as it relates to treaty implementation by the Untied States. The definition of "constitutional processes" respecting treaty implementation is both negative and positive.

Subsection (4) makes a finding in law that no U.S. security treaties can be considered self-executing in their own terms. With respect to existing treaties the bill states:

"No treaty in force at the time of the enactment of this Act shall be construed as specific statutory authorization for, or a specific exemption permitting, the introduction of the Armed Forces of the United States in hostilities or in any such situation . . ."

Additionally, the subsection states that authorization for introducing the armed forces in hostilities shall not be inferred: ". . . from any treaty hereafter ratified unless such treaty is implemented by legislation specifically authorizing the introduction of the Armed Forces of the United States in hostilities or in such situation and specifically exempting the introduction of such Armed Forces from compliance with the provisions of this Act."

It is important to bear in mind that these negative findings with respect to treaties must be considered in conjunction with the authority of the President in subsections (1), (2), and (3). The authority contained in those subsections is in no way abridged or diminished by the negative finding on treaties *per se*.

Moreover, as the language of the subsection makes clear, the bill envisages the adoption of treaty implementation legislation, as deemed appropriate and desirably by the Congress and the President. Such implementing legislation would constitute the authority "pursuant to specific statutory authorization" called for by subsection (4).

There are two principal reasons for including these provisions with respect to our collective and bilateral security treaties. First, is to ensure that both Houses of Congress must be affirmatively involved in any decision of the United States to engage in hostilities pursuant to a treaty. Treaties are ratified by and with the consent of the Senate. But the war powers of Congress in article I, section 8 of the Constitution are vested in both Houses of Congress and not in the Senate (and President) alone. A decision to make war must be a national decision. Consequently, to be truly a national decision, and, most importantly, to be consonant with the Constitution, it must be a decision involving the President and both Houses of Congress.

Second, the negative findings with respect to treaties is important so as to remove the possibility of a future issue of bitter contention such as arose with respect to the SEATO Treaty and the Vietnam war.

Treaties are not self-executing. They do not contain authority within the meaning of section 3(4) to go to war. Thus, by requiring statutory action, in the form of implementing legislation or an area resolution of the familiar type, the War Powers Act performs the important function of defining that elusive and controversial phrase—"constitutional processes"—which is contained in our security treaties.

Subsection (4) contains one additional important provision. It states:

"Specific statutory authorization is required for the assignment of members of the Armed Forces of the United States to command, coordinate, participate in the movement of, or accompany the regular or irregular military forces of any foreign country or government when such forces are engaged, or there exists an imminent threat that such forces will become engaged, in hostilities."

As explained in the Committee report, the purpose of this provision is "to prevent secret, unauthorized military support activities." Senators conversant with the major debates of the past five years will recognize that this provision is designed to prevent a repetition of many of the most controversial and regrettable actions of the past two administrations in Indochina. For, we know that the ever deepening ground combat involvement of the United States in South Vietnam began with the assignment of U.S. "advisors" to accompany South Vietnamese units on combat patrols. Soon, such U.S. advisors were authorized to shoot, first in self-defense, and later, without restriction. And, in Laos, secretly and without Congressional authorization, U.S. "advisors"—frequently members of the Armed Forces on "loan" to the CIA—were deeply engaged in the war in northern Laos.

CONGRESSIONAL AUTHORITY FOR PRESIDENTIAL WARS

The approach taken in the War Powers Act places the burden on the Executive to come to Congress for specific authority. The sponsors of the bill believe that this provision will provide an important national safeguard against creeping involvement in future Vietnam-style wars. The danger of U.S. involvement in wars over the next decade at least would appear to be greater as regards small, "limited" brushfire, undeclared wars of obscure beginnings—such as the ones which have wracked Southeast Asia for the past several decades—than the danger of a big conventional war.

The State Department has raised the charge that S. 440 would require the disbandment of NATO's unified command. This is a faulty and distorted reading of the legislation. It is certainly a reading which is in direct contradiction of the legislative purpose of the authors and sponsors of the bill, and in normal operation it contradicts the plain text for the bill, as stated in section 9 which reads as follows:

"Nothing in section 3(4) of this Act shall be construed to require any further specific statutory authorization to permit members of the Armed Forces of the United States to participate jointly with members of the armed forces of one or more foreign countries in the headquarters operations of high-level military commands which were established prior to the date of enactment of this Act and pursuant to the United Nations Charter or any treaty ratified by the United States prior to such date."

Section 4 of S. 440 requires the President to report "promptly" in writing to both Houses of Congress any use of the Armed Forces covered by section 3 of the bill. The provisions of this section are clear and simple. In his report to Congress, the President is required to include "a full account of the circumstances under which . . . [he has acted] . . . the estimated scope of such hostilities or situation, and the consistency of the introduction of such forces in such hostilities or situation with the provisions of section 3 of this Act."

In addition, the President is required to make periodic, additional reports so long as the Armed Forces are engaged in circumstances governed by section 3. Such additional reports shall be submitted at least every six months.

It will be noted that the President is required to report "promptly." This word has been used in preference to "immediately" or a possible specific time limit such as 24 hours. The important thing is that the report must be prompt but it must also be comprehensive. It might take a few days for the Executive branch to assemble all the facts and reports from the field, as well as to assemble the various intelligence reports and, most importantly, to prepare an informed judgment on the "estimated scope of such hostilities."

What we are looking for here is a full and accurate report of events, combined with an authoritative statement by the President of his judgment about the direction in which the situation is likely to develop. The Congress can act intelligently and responsibly only when it has the necessary information at hand. We cannot allow a repetition of the experience we had with respect to the Tonkin Gulf Resolution, where we later learned that we were provided with incomplete, even misleading and inaccurate, reports of what had actually occurred.

It is important to bear in mind that the reporting requirements of the bill apply independently of the provisions of sections 5, 6, and 7. There are several reasons for this, despite the fact that there inevitably will be a close *de facto* operational connection between the President's report under Section 4 and the subsequent actions of Congress under sections 5, 6, and 7.

First, it should be clear that the President's mandatory report is not to be considered a request for an extension of authority as might be granted subsequently under section 5. Such a request can only be introduced by a member of Congress.

Second, it is entirely possible that even a majority of the actions taken under the President's direction pursuant to section 3 will be shortlived, one-shot actions completed well within the thirty-day time period, and thus requiring no extension in time of the authority spelled out in section 3.

30-DAY AUTHORIZATION PERIOD

The Committee Report characterizes section 5 as "the heart and core of the bill."

Taken in conjunction with section 3, it is just that. It is the crucial embodiment of Congressional authority in the war powers field, based on the mandate of Congress enumerated so comprehensively in article I, section 8 of the Constitution. Section 5 rests squarely and securely on the words, meaning and intent of section 8, article I and thus represents, in an historic sense, a restoration of the constitutional balance which has been distorted by the practice of recent decades.

Section 5 provides that actions taken under the provisions of section 3: "shall not be sustained beyond thirty days from the date of the introduction of such Armed Forces in hostilities or in any such situation unless (1) the President determines and certifies to the Congress in writing that unavoidable military necessity respecting the safety of Armed Forces of the United States engaged pursuant to section 3(1) or 3(2) of this Act requires the continued use of such Armed Forces in the course of bringing about a prompt disengagement from such hostilities; or (2) Congress is physically unable to meet as a result of an armed attack upon the United States; or (3) the continued use of such Armed Forces in such hostilities or in such situation has been authorized in specific legislation enacted for that purpose by the Congress and pursuant to the provisions thereof."

Section 5 resolves the modern dilemma of reconciling the need of speedy and emergency action by the President in this age of instantaneous communications and of intercontinental ballistic missiles with the urgent necessity for Congress to exercise its constitutional mandate and duty with respect to the great questions of war and peace.

The choice of thirty days, in a sense, is arbitrary. However, it clearly appears to be an optimal length of time with respect to balancing two vital considerations. First, it is an important objective of this bill to bring the Congress, in the exercise of its constitutional war powers, into any situation involving U.S. forces in hostilities at an early enough moment so that its (Congress') actions can be meaningful and decisive in terms of a national decision respecting the carrying on of war. Second, recognizing the need for emergency action, and the crucial need of Congress to act with sufficient deliberation and to act on the basis of full information, thirty days is a time period which strikes a balance enabling Congress to act meaningfully as well as independently.

It should be noted further, that the thirty-day provision can be extended as Congress sees fit—or it can be foreshortened under section 6. The way the bill is constructed, however, the burden for obtaining an extension under section 5 rests on the President. He must obtain specific, affirmative, statutory action by the Congress in this respect. On the other hand, the burden for any effort to foreshorten the thirty-day period rests with the Congress, which would have to pass an act or joint resolution to do so. Any such measures to foreshorten the thirty-day period would have to reckon with the possibility of a Presidential veto, as his signature is required, unless there is sufficient Congressional support to override a veto with a two-thirds majority.

The issue has been raised, quite properly, as to what would happen if our forces were still engaged in hot combat at the end of the thirtieth day—and there had been no Congressional extension of the thirty-day time limit.

The answer is that, as specified by clause (1), the President, in his capacity as Commander in Chief and in accordance with his duty as Commander in Chief to protect his troops, would not be required or expected to order the troops to lay down their arms.

The President would, however, be under statutory compulsion to begin to disengage in full good faith to meet the thirty-day time limit. He would be under the injunction placed upon him by the Constitution, which requires of the President that: "he shall take care that the laws be faithfully executed."

The thirty-day provision contained in section 5 thus assumes that the President will act according to law. No other assumption is possible unless we are to discard our whole constitutional system. So long as the President is acting in good faith in acting to disengage, there would be no constitutional confrontation over fighting by our forces after the thirty-day period (or any other period established by statute.)

Section 6 of the bill establishes that Congress may, through statutory action, foreshorten the thirty-day provisions of section 5. Clearly, such action could only happen in most extraordinary circumstances wherein a President might act in blatant opposition to the national will or the national interest.

ANTIFILIBUSTER SAFEGUARD

Section 7 is an important provision of the bill which establishes strict procedures to assure priority Congressional action to extend, or foreshorten, the thirty-day time period as provided in sections 5 and 6. The provisions of section 7 are included to remove the possibility that action in this regard could be prevented or delayed through filibuster or committee pigeon-holing.

It is important to note again that requests for authority under procedures established in section 7. In other words, a Presidential request for an area resolution of the type contemplated in section 3, subsection (4) would not trigger the provisions of section 7. Such requests would be considered by Congress under normal procedures. Section 7 would apply only with respect to measures which would extend (or foreshorten) measures already previously made statutory under section 3.

To give an example, the Tonkin Gulf Resolution could not have been shoved through the Congress under the priority consideration procedures of section 7. On the other hand, hypothetically, if United States Armed Forces were fighting in Mexico, pursuant to specific statutory authorization under section 3, to resist an invasion by the Soviet Union or Cuba, a resolution to extend the thirty-day authorization period would qualify for the priority consideration procedures, if sponsored or cosponsored by one-third of the membership of the House in which it was introduced.

Finally, it should be noted that an important measure of flexibility has nonetheless been retained in section 7. Its strict, almost instant, provisions can be modified in any particular instance by a majority vote of the members of the House in which it is being considered. This is the meaning of the phrase "unless such House shall otherwise determine by yeas or nays." The significance of this "escape clause" is that in situations which clearly do not constitute a national emergency, the Congress can proceed as it may decide to, upon majority vote.

Section 8 contains a standard separability clause which simply provides that if any provision of the bill should be held invalid, this would not effect the validity of the rest of the bill.

Section 9 provides, in part, that:

"This Act shall take effect on the date of its enactment but shall not apply to hostilities in which the Armed Forces of the United States are involved on the effective date of this Act."

The bill, at the time of introduction, was not intended to apply retroactively to the Vietnam war. However, after the total withdrawal of U.S. Armed Forces from Vietnam on March 28, as provided by the "Agreement on Ending the War and Restoring the Peace in Vietnam," signed in Paris on January 27, U.S. forces will no longer be involved in any hostilities in North or South Vietnam, and the provisions of the War Powers Act will be applicable to any possible resurgence of that tragic conflict. We also now have a cease-fire in Laos, and, when the initial cease-fire period of 60 days is complete and American involvement is terminated, the provisions of the War Powers Act shall apply to that country also. A Cambodian cease-fire is also expected shortly. Hopefully, there will be an effective cease-fire throughout Indochina by the time the War Powers Act is enacted and the War Powers Act would apply to the reintroduction of forces throughout Indochina. The principal sponsors of S. 440, including myself, Senator Eagleton and Senator Stennis are united in this interpretation.

CONCLUSION

The real question—and the State Department has posed it—is, independently of Congress, "to what extent the President has the power to use the armed forces by virture of his role as Chief Executive, as Commander in Chief, and in the conduct of foreign relations." In practice, the question has been answered over the past several decades, in effect, by no limits being placed on this alleged power of the Commander in Chief so that the President has been able to commit the people to extended war. In effect all he has asked from Congress is that it provide the money and the men. But this was almost an imperial doctrine, not that any American President so intends it, but he is driven to it by some awful logic if this claim of power by the Executive is acquiesced in by Congress and the Nation as valid under the Constitution. It is not valid if the Congress chooses to exercise its power under the "necessary and proper" clause to define by law the President's and its own role in making war. And when the President's authority is so defined, as it will be if the War Powers Act becomes law, then the issue of authority is determined in an authoritative way, and, I have little doubt, will be carried out to the best of his ability in good faith by any American President.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, for Tuesday next the program is as follows:

The Senate will convene at 12 o'clock meridian. After the two leaders, or their designees, have been recognized under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes and in the order stated: Senators Dominick, Griffin, and Robert C. Byrd.

After the recognition of Senators under the orders previously entered and aforementioned, the Senate will transact routine morning business for not to exceed 15 minutes with statements limited therein to 3 minutes; at the conclusion of which the Senate will resume its consideration of the unfinished business, Calendar Order No. 92, S. 352, a bill to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Administration for the purpose of administering a voter registration program through the Postal Service.

Yea-and-nay votes could occur.

Mr. President, I hope that the delectable, delightful, and beautiful weather which we see through the doors will continue throughout the weekend and that the Members of the Senate, members of the fourth estate, members of the gallery, and all citizens in the area may enjoy a delightful, sunny Saturday and Sunday. However, I add the postscript that I am not a very good weather prognosticator.

ADJOURNMENT TO APRIL 10, 1973

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move that the Senate stand in adjournment until 12 o'clock meridian Tuesday next.

The motion was agreed to; and at 11:45 a.m. the Senate adjourned until Tuesday, April 10, 1973, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate, April 6, 1973:

U.S. Arms Control and Disarmament Agency

Fred Charles Ikle, of California, to be Director of the United States Arms Control and Disarmament Agency, vice Gerard C. Smith.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 6, 1973:

Department of Transportation

Robert Timothy Monagan, Jr., of California, to be an Assistant Secretary of Transportation.

Interstate Commerce Commerce

Alfred Towson MacFarland, of Tennessee, to be an Interstate Commerce Commissioner for the term of 7 years expiring December 31, 1978.

Willard Deason, of Texas, to be an interstate Commerce Commissioner for a term of 7 years expiring December 31, 1979.

A. Daniel O'Neal, Jr., of Washington, to be an Interstate Commerce Commissioner for a term of 7 years expiring December 31, 1979.

Department of Labor

Paul J. Fasser, Jr., of Virginia, to be an Assistant Secretary of Labor.

William Jeffrey Kilberg, of New York, to be Solicitor for the Department of Labor.

Farm Credit Administration

Alfred Underdahl, of North Dakota, to be a member of the Federal Farm Credit Board, Farm Credit Administration, for a term expiring March 31, 1979.

Department of Commerce

Henry B. Turner, of California, to be an Assistant Secretary of Commerce.

C. Langhorne Washburn, of Virginia, to be Assistant Secretary of Commerce for Tourism.

ACTION

Michael P. Balzano, Jr., of Virginia, to be Director of ACTION.

(The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

U.S. Air Force

The following officers for appointment in the Reserve of the Air Force to the grade indicated, under the provisions of chapters 35 and 837, title 10, United States Code:

To be major general

Brig. Gen. William H. Bauer, [redacted] FV, Air Force Reserve.

Brig. Gen. Stuart G. Haynsworth, [redacted] FV, Air Force Reserve.

Brig. Gen. Howard T. Markey, [redacted] FV, Air Force Reserve.

Brig. Gen. Alfred J. Wood, Jr., [redacted] FV, Air Force Reserve.

To be brigadier general

Col. William C. Banton II, [redacted] FV, Air Force Reserve.

Col. Francis N. Clemens, [redacted] FV, Air Force Reserve.

Col. Michael Collins, [redacted] FV, Air Force Reserve.

Col. Bruce H. Cooke, [redacted] FV, Air Force Reserve.

Col. Roger M. Dreyer, [redacted] FV, Air Force Reserve.

Col. John W. Huston, [redacted] FV, Air Force Reserve.

Col. Cecil T. Jenkins, [redacted] FV, Air Force Reserve.

Col. Stephen T. Keefe, Jr., [redacted] FV, Air Force Reserve.

Col. Leonard Marks, Jr., [redacted] FV, Air Force Reserve.

Col. Roy M. Marshall, [redacted] FV, Air Force Reserve.

Col. Robert M. Martin, Jr., [redacted] FV, Air Force Reserve.

Col. Sidney S. Novaresi, [redacted] FV, Air Force Reserve.

Col. Pat Sheehan, [redacted] FV, Air Force Reserve.

Col. Ted W. Sorensen, [redacted] FV, Air Force Reserve.

Col. Edwin F. Wenglar, [redacted] FV, Air Force Reserve.

The following officers for appointment in the Reserve of the Air Force to the grade indicated, under the provisions of chapters 35, 831, and 837, title 10, United States Code:

To be major general

Brig. Gen. Gordon L. Doolittle, [redacted] FG, Air National Guard.

Brig. Gen. Raymond L. George, [redacted] FG, Air National Guard.

Brig. Gen. George M. McWilliams, [redacted] FG, Air National Guard.

Brig. Gen. Robert S. Peterson, [redacted] FG, Air National Guard.

To be brigadier general

Col. John C. Campbell, Jr., [redacted] FG, Air National Guard.

Col. Winett A. Coomer, [redacted] FG, Air National Guard.

Col. William D. Flaskamp, [redacted] FG, Air National Guard.

Col. Leo C. Goodrich, [redacted] FG, Air National Guard.

Col. Cecil I. Grimes, [redacted] FG, Air National Guard.

Col. Ronald S. Huey, [redacted] FG, Air National Guard.

Col. Paul J. Hughes, [redacted] FG, Air National Guard.

Col. Grover J. Isbell, [redacted] FG, Air National Guard.

Col. Billy M. Jones, [redacted] FG, Air National Guard.

Col. Raymond A. Matera, [redacted] FG, Air National Guard.

Col. Patrick E. O'Grady, [redacted] FG, Air National Guard.

The following officer under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 8066, in grade as follows:

To be lieutenant general

Maj. Gen. Carlos M. Talbott, [redacted] FR (major general, Regular Air Force) U.S. Air Force.

Col. John P. Flynn, [redacted] FR (colonel, Regular Air Force) U.S. Air Force, for appointment to the temporary grade of brigadier general in the U.S. Air Force to be retroactive to the effective date of May 1, 1971.

Col. David W. Winn, [redacted] FR, (colonel, Regular Air Force) U.S. Air Force, for appointment to the temporary grade of brigadier general in the U.S. Air Force.

U.S. ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be general

Gen. Lewis Blaine Hershey, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

U.S. NAVY

Rear Adm. William R. St. George, U.S. Navy, having been designated for commands and other duties of great importance and responsibility determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

Rear Adm. Walter D. Gaddis, U.S. Navy, having been designated for commands and other duties of great importance and responsibility determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

Rear Adm. Robert B. Baldwin, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

Vice Adm. John M. Lee, U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

The following named captains of the line of the Navy for temporary promotion to the grade of rear admiral, subject to qualifications therefor as provided by law:

Lando W. Zech, Jr.
Reuben G. Rogerson
Cyril T. Faulders, Jr.
Robert P. McKenzie
Henry P. Glindeman, Jr.
James R. Sanderson
Gordon R. Nagler
Robert F. Schoultz
Robert H. Blount
Harold G. Rich
George P. March
Jeremiah A. Denton, Jr.
Donald P. Harvey
John D. Johnson, Jr.
Robert K. Geiger
Kenneth G. Haynes
Kenneth M. Carr
Paul A. Peck
Ralph M. Ghormley
John T. Coughlin
Carlisle A. Trost
John B. Berude
Thomas B. Russell, Jr.
Elmer T. Westfall
Paul C. Boyd
Charles S. Williams, Jr.
Edward P. Travers
William H. Ellis
Ralph H. Carnahan
James B. Stockdale
William J. Crowe, Jr.
Robert S. Smith
Richard A. Paddock
Roy F. Hoffmann
William H. Harris
Robert H. Gormley
James H. Foxgrover
Ernest E. Tissot, Jr.
Gerald E. Synhorst
Carl T. Hanson
William J. Cowhill
Albert L. Kelln

IN THE ARMY

Army nominations beginning Kenneth W. Aichang, to be colonel, and ending Lawrence A. Trivieri, to be lieutenant colonel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on March 20, 1973; and

Army nominations beginning John E. Simpson, to be lieutenant colonel, Regular Army, and colonel, Army of the United States, and ending Bruce Edward Zukauskas, to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on March 27, 1973.

IN THE NAVY

Navy nominations beginning David O. Aldrich, to be ensign, and ending Marsden E. Blois, to be commander, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on March 27, 1973.

IN THE MARINE CORPS

Marine Corps nominations beginning Curtis J. Anderson, to be second lieutenant, and ending David W. Lutz, to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on March 20, 1973;

Marine Corps nominations beginning Ronald Achten, to be first lieutenant, and ending William E. Short, Jr., to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on March 20, 1973; and

Marine Corps nominations beginning Vivian B. Bulger, to be colonel, and ending William D. Young, Jr., to be lieutenant colonel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on March 27, 1973.

EXTENSIONS OF REMARKS

WEST VIRGINIA'S NEW RIVER GORGE—AN AREA OF WONDROUS BEAUTY, SCENIC SPLENDOR, AND HISTORIC SIGNIFICANCE

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, April 6, 1973

Mr. RANDOLPH. Mr. President, tomorrow I travel to the "Grand Canyon of the East," the New River Gorge area in Fayette County, W. Va., to address the Fayette Plateau Chamber of Commerce's third annual banquet. This beautiful area is located in the heart of the magnificent Appalachians, about a 1-hour drive southeast of Charleston.

Fayette Plateau Chamber of Commerce, West Virginia Department of Natural Resources, and various organizations in southern West Virginia are actively working toward the development of the New River Gorge area as a national park.

New River Gorge is one of the oldest gorges in North America. This gorge, which has many locations that are over a thousand feet deep, is abundant in scenic and recreational advantages.

West Virginia prides itself in the distribution of modern parks in this region which emphasize the unspoiled outdoors. Rugged beauty is everywhere. At Babcock State Park flows a stream jumping with trout. The canyon tramway at Hawks Nest State Park sweeps down from the main lodge to the bottom of the 585-foot deep New River Gorge. Pipestem State Park's restaurant features a panoramic view of the gorge. The famed Horseshoe Bend of the New River Canyon can be seen from atop the Grandview Park's amphitheater, which, during the summer, hosts "Hatfields and McCoys" and "Honey in the Rock," both musical drama depicting the Mountain State's history. Near the small town of Talcott is Big Bend Tunnel, immortalized by John Henry, the ballad of the giant Negro who "beat the steam drill 'till he died." These attractive and historic places are only some of the areas that abound in this section of our wonderful West Virginia.

In this part of the New River Gorge construction will start soon on one of our country's largest bridges—River Canyon Bridge. The proposed four-lane, 3,000-foot structure will be the highest bridge built above water east of the Mississippi towering 873 feet over the New River. It will be the longest steel arch bridge in the world.

Mr. President, I commend the alert and active members of the Fayette Plateau Chamber of Commerce, the diligent officials of the West Virginia Department of Natural Resources, the able Senators and delegates of the West Virginia State Legislature, and many other dedicated citizens in their efforts to establish the gorge as a national facility. It has been a privilege for me to cooperate in this important endeavor. West Virginia contains a charm and an alluring atmosphere that is yet to be discovered by millions of people throughout the Nation. We are working to have our "house in order" when they come in increasing numbers. Our hospitality is genuine to homefolk and visitors from afar.

Mr. President, I ask unanimous consent that an article and editorial from the Fayette Tribune and two concurrent resolutions adopted unanimously by the West Virginia State Legislature be inserted in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Fayette Tribune, Mar. 15, 1973]

LEGISLATURE ASKS CONGRESS FOR GORGE NATIONAL PARK

Two concurrent resolutions urging Congress to provide funds for development of the New River Gorge into a national park and directing the W. Va. Department of Natural Resources to make a study of recreational prospects in the gorge were adopted unanimously by the House of Delegates and the State Senate, it is being announced today by Del. T. E. Myles, majority leader of the House.

The House actually passed the resolutions twice. Del. Carroll Bemgarner and Del. Myles were outspoken in support of resolutions, introduced by Del. Mary Martha Merritt, Raleigh county, pertaining to the New River Gorge, and these measures passed without any opposition on March 8.

However, in deference to State Sen. Pat. R. Hamilton, according to Del Myles, the House of Delegates consented to allow the Hamilton-sponsored resolutions to pass, even though normally it is customary to pass a measure reaching the other body first.

When Robert K. Holliday was in the House of Delegates, he sponsored a resolution which called to the attention of Pres. John F. Kennedy the need for establishing the New River Gorge Country project, and it eventually helped lend to many improvements at Hawks Nest State Park, Babcock State Park, Grandview State Park and the establishment of Pipestem. Del. Myles also was a member of the House when that resolution passed.

The House Concurrent Resolutions were numbered 10 and 11, and actually Senate concurrent resolutions 3 and 4 passed both houses.

J. B. Hess, executive director of the Fayette Plateau Chamber of Commerce, said today that "I am delighted to hear the splendid news that our state legislature has passed two concurrent resolutions calling for federal and state participation toward establishing a national park serving especially Fayette and Raleigh counties and the whole state. These resolutions are important, they mean something, and they are the kind of measures which we need to promote from our state legislature which will bring the benefits of ecology and bring about a better economy for our state."

Hess continued, "By the very nature of the resolutions, the West Virginia Department of Natural Resources will become involved, and we hope that it will follow the request of the legislature and move the national park proposition to the top of its program. I think it is one of the best programs which the state could be working towards."

"Furthermore, we do express our personal appreciation to Sen. Hamilton and Del. Myles for their special efforts in getting these resolutions passed and we know that all our legislators in this area will follow up and encourage the Department of Natural Resources to become engaged in this promotion and work."

Hess pointed out that since Grandview State Park in Raleigh is involved, "I hope that Del. Jackie Withrow and Speaker Lewis McManus and others will be using their full influence in helping move the project along."

"I want to see all the work which we can do speeded up so that the application can be made soon, and I am continuing to follow up on the proposition through contacts with U.S. Sen. Jennings Randolph's office," he concluded.

"Directing the Department of Natural Resources to study the New River Gorge for purposes of dedicating it to public recreational use.

"Whereas, The New River, historical in its own right as one of the world's oldest rivers, flows through the majestic New River Gorge; and

"Whereas, The New River Gorge is surrounded by many historical places; and

"Whereas, This whole area should be preserved for the enjoyment of all West Virginians, including generations yet unborn; and

"Whereas, A thorough evaluation should be made of its potential for recreational use, including such aspects as land acquisition, preservation of historical places, acquisition of old railroads, roads and other rights-of-way and kinds of improvements that may be made; therefore, be it

"Resolved by the Legislature of West Virginia;

"That the Department of Natural Resources is hereby directed to thoroughly review, examine and study the New River Gorge with a view toward recreational development and include therein evaluations of land acquisition, preservation of historical places, acquisition of old railroads, roads and other rights-of-way and kinds of improvements that may be made."

THE SENATE OF WEST VIRGINIA,
Charleston, W. Va., March 22, 1973.

HON. JENNINGS RANDOLPH,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR RANDOLPH: I enclose to you herewith a copy of Senate Concurrent Resolution No. 3, adopted by the West Virginia Senate on March 12, 1973, and by the House of Delegates on March 15, 1973, expressing the sentiments of the West Virginia Legislature that the Federal Congress should preserve and take the necessary steps to promote the preservation of the New River Gorge area in West Virginia as a National Park.

With very kindest good wishes, I am

Sincerely,

HOWARD W. CARSON,
Clerk.

SENATE CONCURRENT RESOLUTION NO. 3

(By Mr. Hamilton)

Memorializing the Congress of the United States to recognize the natural beauty, scenic splendor and historical significance of the New River and the New River Gorge and expressing the sentiments of the West Virginia Legislature that Congress should, by appropriate legislation, preserve the area in its natural state for posterity and provide the necessary funds to develop it as a national park

Whereas, The New River and the New River Gorge abound in natural beauty, scenic splendor and historical significance; and

Whereas, This is an area which should be preserved in its natural state for all posterity and made available for recreational use for people from throughout the country; and

Whereas, The Federal Government is possessed with the resources to develop this area as a national park, thereby preserving its natural beauty, scenic splendor and historical significance for posterity and enable people from throughout the country to enjoy recreational uses of this area with the people of West Virginia: therefore, be it

Resolved by the Legislature of West Virginia: That it memorialize the Congress of the United States to recognize the natural beauty, scenic splendor and historical significance of the New River and New River Gorge and expresses its sentiments that the Congress, by appropriate legislation, preserve the area in its natural state for posterity and provide the necessary funds to develop it as a national park; and, be it

Resolved further, That certified copies of this resolution be sent to the Clerk of the United States Senate and Clerk of the House of Representatives and to members of the West Virginia congressional delegation.

[From the Fayette Tribune, Mar. 15, 1973]

RESOLUTIONS FOR NATIONAL PARK

Since 1964, national parks acreage has swelled by more than 2½ million acres and 78 new parks have been created in the United States. We call upon the Nixon administration to establish a national park in the New River Gorge area of Fayette and Raleigh counties.

We call upon the Congress of the United States to recognize the natural beauty, scenic splendor and historical significance of the New River and the New River Gorge. Congress should by legislation preserve the area in its natural state for posterity and provide the necessary funds to develop it into a national park.

This newspaper with all its editorial strength endorses the concept of a national park for our area and will continue to work with Fayette Plateau Chamber of Commerce Executive Director Jim Hess to bring about the idea to a reality.

We congratulate all our representatives in the state legislature for their work in seeing to it that two concurrent resolutions could pass both houses of the legislature officially starting the governmental mechanics for gaining a national park in this area and providing additional recreational facilities on the New River Gorge. We especially want to thank Del. T. E. Myles, majority leader of the House, for pushing these measures through.

It is this kind of legislative action that gives us confidence in our public servants, and we salute them!

SENATOR DICK CLARK, OF IOWA—SOME SERIOUS QUESTIONS

HON. DICK CLARK

OF IOWA

IN THE SENATE OF THE UNITED STATES

Friday, April 6, 1973

Mr. CLARK. Mr. President, articles appeared in the Washington Post and New York Times yesterday concerning the past record of John W. Dean III, now chief legal counsel to President Nixon.

I believe the allegations raised in these articles, taken in the context of the record of the Judiciary Committee, Mr. Dean's handling of FBI files in connection with the "Watergate" case, and his turning over of letters on the Fitzgerald matter to the Air Force, raise serious questions as to the wisdom of Mr. Dean's continuing in his present post.

Mr. President, I ask unanimous consent to insert these articles into the RECORD for the benefit of Senators.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 5, 1973]

DEAN HELD FIRED FROM FIRST JOB

Jack Anderson, in a column published today, says that John W. Dean III, chief legal counsel to President Nixon apparently was forced to leave his first job as an attorney in 1966 for what the head of his law firm termed "unethical conduct." Anderson cited a confidential 1967 Civil Service Commission form in which the charge was made.

Dean would make no comment but the White House, yesterday released a letter by an attorney, written in 1969, that defended Dean.

The unethical conduct charge was made by Vincent B. Welch, senior partner in the Washington law firm of Welch and Morgan. Anderson noted that two years after making the charge, Welch wrote that it was perhaps "an overstatement."

Dean's departure from the firm followed an apparent dispute with Welch over applications for TV station licenses in St. Louis. Welch and Morgan were partners in one UHF venture there and Dean was discussing with others the possibility of taking part in a rival TV station.

Welch said only "no comment" when contacted yesterday about Dean's departure from the firm in February, 1966, after working there six months.

The letter in defense of Dean was written by an attorney involved in the TV license applications, Earl R. Stanley, and was sent to a friend of Dean's, attorney Edward P. Taptich. It was written in January, 1969, a month before Dean was appointed associate deputy attorney general.

In the letter, Stanley said Dean and a television management expert at Welch and Morgan had discussed with him setting up a UHF–TV station in St. Louis, which would be a rival to a UHF (channel 24) station Welch and Morgan were attempting to establish there. The management expert, Boyd Fellows, who had assisted in the channel 24 venture, left Welch and Morgan abruptly at the same time as Dean, according to former attorneys with the firm.

Stanley wrote that such discussions were not unethical and that both Dean and Fellows had planned to leave the Welch and Morgan firm before taking active roles in the rival station. He praised Dean as an "extremely honorable, conscientious, careful and able man."

A former member of the Welch-Morgan firm said yesterday that "somehow Welch became aware of their plans . . . and was annoyed at not being told by John (Dean) what he was planning to do . . . There was an argument, bitterness . . . and Dean left the firm. I'm not sure you would characterize John's leaving as a mutually-agreeable resignation or an outright dismissal."

In recalling the 1966 dispute, the attorney said, "We were young lawyers at the time (Dean had graduated from Georgetown University Law School the previous June), and his ideas of what was expected of him were not completely formed yet."

Welch himself, in a late 1968 letter to the Civil Service Commission, recharacterized Dean's departure "as having resulted from a basic disagreement over law firm policies regarding the nature and scope of an associate's activities." He said he was writing the letter "cognizant of the implications for Mr. Dean which my (original) characterization may have . . ."

Another former attorney with the Welch-Morgan firm said "all departures from Welch-Morgan are hasty . . . mine was hasty and I quit. And then it's not uncommon for Welch to get mad at someone."

Late yesterday Anderson's associate, Les Whitten, said that, in addition to what was printed in the column, "It is our understanding that Mr. Dean was working on a rival application while actually an associate of the Welch and Morgan firm—without informing other members of the firm.

"Former members said the partners actually considered taking the matter before a grievance committee for disbarment purposes. The firm members said there was a dramatic confrontation after Dean was caught with the application for himself and his friends."

As for the TV stations, the Welch-Morgan venture struggled through six years of changes and postponements and finally died in 1971, without ever having gone on the air.

[From the Washington Post, Apr. 5, 1973]

DEAN WAS FIRED FROM FIRST LAW JOB

(By Jack Anderson)

White House counsel John Wesley Dean III, who prepares all President Nixon's legal opinions, was fired from his first law job for "unethical conduct."

Civil Service Commission files contain a form, dated Aug. 30, 1967, and marked "Inquiry For United States Government Use Only," which gives a report on Dean's dismissal from the prestigious Washington law firm of Welch and Morgan.

The form is signed by Vincent B. Welch, senior partner, who checked "Yes" after the question: "To your knowledge has (Dean) ever been discharged or has he resigned from any employment after being told his conduct or work was not satisfactory?"

Under "reason for discharge or resignation," Welch wrote: "Unethical conduct." Asked to "please explain fully," he added "While employed by this firm, applicant undertook work unbeknownst to us at the time, in direct conflict with the interests of the firm and a client thereof."

The handsome, blond, 34-year-old Dean has provided the legal support for President Nixon's battle with Congress, including the blanket claim of executive privilege, the broad use of the pocket veto and the impoundment of appropriated funds.

The President also assigned Dean to investigate the Watergate mess, although Dean personally had brought one of the Watergate ringleaders, G. Gordon Liddy, into the White House. Not surprisingly, Dean produced a white-wash report exonerating all present White House employees.

The FBI, conducting its own investigation, asked Dean whether E. Howard Hunt, the other Watergate ringleader, had an office in the White House executive office building, Dean claimed not to know, although three days earlier, he had sent aides to search Hunt's office, drill open his safe and clear out any incriminating documents. Even L. Patrick Gray, the acting FBI director, was compelled under oath to admit that Dean "probably lied" to the FBI. This happens to be a federal offense.

DEAN FIRED

Dean was fired from the Welch and Morgan firm, according to the Civil Service files, on Feb. 4, 1966. He wangled a political appointment as minority counsel to the House Judiciary Committee, under auspices of Rep. William McCulloch (R-Ohio). The following year, Dean was appointed associate director of the National Commission on Reform of Criminal Laws.

Among his duties, he directed a study of "conflict of interest"—the very offense that brought his discharge from the Welch and Morgan firm. A spokesman of the firm refused to confirm or deny that Dean had been fired.

However, attorneys formerly associated with the firm told us Dean was kicked out of the office after he was caught in a conflict over a St. Louis television application. One attorney described his exit as a "forced departure." Another reported more explicitly that Dean wasn't even allowed to pick up his belongings, which were returned to him by mail.

SECRET APPLICATION

According to this source, Dean had been assigned by the firm to prepare an application for a television license for the Continental Summit Television Corp. At the same time, he allegedly filed a secret, rival application for himself and some friends. Our source said this was grounds for disbarment, but out of compassion, the firm merely fired him. Another former member of the firm, while agreeing on the circumstances, questioned whether Dean could have been disbarred.

We checked the files at the Federal Communications Commission and found, curiously, that the paperwork handled by Dean is missing from the file. Of course, this may be inadvertent.

We spoke to several attorneys who have worked with Dean. Some describe his work as mediocre at best; others say he is both charming and intelligent. He has used self-hypnosis, says one source, to improve his concentration.

Increasingly, however, the embattled Dean appears to be a weak pillar for the President to rest his bold legal doctrines on. Yet only last week, the President phoned Dean from Key Biscayne, Fla., to express his full support. Press secretary Ron Ziegler made a point of of emphasizing this to newsmen. "The President," said Ziegler, "has complete confidence in Mr. Dean and wanted me again, here this morning to specifically express President Nixon's absolute, total confidence in Mr. Dean in this regard."

Footnote: Civil Service Commission files show that two and a half years later Welch watered down the unethical conduct charge. Former firm members explained that he acted on appeal from Dean's political friends. The files show he wrote a letter, dated Oct. 29, 1968, to the Civil Service Commission declaring the unethical conduct charge "may have been an overstatement." Welch added rather vaguely: "A more apt characterization of Mr. Dean's departure would be to describe it as having resulted from a basic disagreement over law firm policies regarding the nature and scope of an associate's activities."

[From the New York Times, Apr. 5, 1973]

DEAN, NIXON'S COUNSEL, WAS DISMISSED FROM FIRST LAW JOB IN 1966 IN "DISAGREEMENT"

(By John M. Crewdson)

WASHINGTON, April 4.—President Nixon's chief legal counsel, John W. Dean 3d, was dismissed from his first job with a Washington law firm in 1966 for what his employer first termed "unethical conduct" but later described as a "basic disagreement" over the firm's policies.

The circumstances under which the 28-year-old Mr. Dean lost the job as an associate with the firm, now Welch & Morgan, were disclosed by Jack Anderson in a syndicated newspaper column to be released tomorrow.

The White House replied today that the incident described by Mr. Anderson might "have more properly been characterized as a basic disagreement over law firm policies" and did not make a black-and-white case as far as Mr. Dean's conduct was concerned.

According to Mr. Anderson's account, Mr. Dean was assigned in late 1965 by the Welch firm, where he began work soon after graduating from the Georgetown University Law School, to help prepare an application for a new television station in St. Louis.

"At the same time," the Anderson report says, "he allegedly filed a secret, rival application for himself and some friends" in the same city.

"UNETHICAL CONDUCT"

Vince B. Welch, the firm's senior partner, subsequently told the Civil Service Commission, which was considering Mr. Dean for a position with a Federal commission, that Mr. Dean had been discharged for "unethical conduct."

Mr. Welch asserted, in response to a commission inquiry, that Mr. Dean, "while employed by this firm, undertook work unbeknownst to us at the time, in direct conflict with the interests of the firm and a client thereof."

Mr. Anderson quoted unidentified sources as suggesting that Mr. Dean's actions in working on competing applications at the same time constituted "grounds for disbarment" but that "out of compassion, the firm merely fired him."

On October 29, 1968, more than a year after Mr. Welch submitted his original assessment to the commission, he wrote in a follow-up letter that his description of Mr. Dean's conduct as unethical might have been an "overstatement."

"A more apt characterization of Mr. Dean's departure," he wrote, "would be to describe it as having resulted from a basic disagreement over . . . the nature and scope of an associate's activities."

APPEAL ALLEGED

In his column, Mr. Anderson said he had learned that Mr. Welch had "watered down" the charge after receiving "an appeal from Dean's political friends."

Gerald L. Warren, the deputy White House press secretary, told newsmen today at San Clemente, Calif., that Mr. Dean learned in 1968 of Mr. Welch's assertion and asked Mr. Welch, "through an intermediary," to correct it. Neither Mr. Anderson nor Mr. Warren identified the intermediary.

Mr. Warren added that the episode occurred when Mr. Dean was fresh out of law school and that it had "no relevance whatsoever to what he is doing now."

In Washington, the White House released a letter, dated Jan. 10, 1969, from a lawyer who represented Mr. Dean and his organization during the filing of the application.

In the letter, the lawyer, Earl R. Stanley, said he had advised at the time that "in my opinion, it would not be unethical or improper in any respect for Mr. Dean to become a part of the group" as long as he recognized his duty to resign from Welch and Morgan when the application was filed.

Mr. Dean has served Mr. Nixon as his chief legal counsel since July, 1970. Since then, he has advised the President on his authority for the impoundment of funds appropriated by Congress and the use of the pocket veto and has investigated the involvement of White House personnel in the Watergate case.

Neither Mr. Welch, in his remarks to the Civil Service Commission, nor Mr. Anderson mentioned the following facts:

The broadcasting application on which Mr. Dean had been asked to work, which involved an ultra-high frequency television station in the St. Louis area, had been submitted by a corporation listing Mr. Welch as president, director and a major stockholder.

Federal Communications Commission records show that that corporation, which eventually became known as the Continental Summit Broadcasting Corporation, was granted permission to broadcast on Channel 30 in St. Louis on Sept. 30, 1964, nearly a year before Mr. Dean joined the firm.

On Aug. 6, 1965, five days after Mr. Dean began work at Welch & Morgan, Continental Summit asked the F.C.C. to change its assigned frequency to Channel 24. The request was approved by the commission on Dec. 17 of that year.

The "rival application" to which Mr. Anderson referred, was filed by the greater St. Louis Television Corporation, of which Mr. Dean and his wife were both stockholders. It was filed March 18, 1966, more than a month after Mr. Dean had left the Welch firm.

The application by the Greater St. Louis Corporation, which was approved by the commission, was for permission to broadcast on Channel 30.

On the incorporation papers filed with the commission, Mr. Dean listed his net worth as of February, 1966, at more than $900,000, although his salary at Welch & Morgan was $7,500 a year.

"John was in it as a passive investor * * * explained a former associate of Mr. Dean at the firm.

The associate said Mr. Dean and Boyd Fellows, who was employed as a television management expert at Welch & Morgan, decided soon after they met that they would apply for a license of their own.

"Boyd wanted his own station," the friend said of Mr. Fellows, who appears in F.C.C. records as the president of the Greater St. Louis Television Corporation. Another backer was Mrs. Thomas C. Hennings Jr., the wife of the late Democratic Senator from Missouri, who was the mother of Mr. Dean's first wife, Karla. The company was sold to a Manhattan concern in 1968.

The couple was divorced about three years ago, and Mr. Dean remarried last fall.

Mr. Fellows left the Welch firm at about the same time that Mr. Dean departed, but it could not be learned whether he, too, was discharged.

Mr. Anderson quoted lawyer who was present at the time as having said that Mr. Dean "wasn't even allowed to pick up his belongings, which were returned to him by mail."

According to the friend, Mr. Welch became incensed when he learned of the plan by Mr. Dean and Mr. Fellows to enter into competition with his own station, which never went into operation.

He said that Mr. Welch had discharged Mr. Dean after learning that he was "in likely competition with an employe of his own office." Mr. Welch declined today to comment on any aspect of the matter.

Mr. Dean's friend, also a lawyer, added: "I don't know what canons of professional responsibility Johns alleged to have violated. Essentially, it was a disagreement over a business matter."

Mr. Anderson was out of Washington on a speaking engagement and unavailable for comment. Leslie Whitten, his associate, when asked to clarify the assertions of impropriety of Mr. Dean's part, said they stemmed from the fact that Mr. Dean had gone ahead with the second application "without informing other members of the firm."

MAJOR SMITH RETURNS TO ROODHOUSE

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 5, 1973

Mr. FINDLEY. Mr. Speaker, last weekend was one of the high points of my congressional career. I helped welcome Maj. Philip E. Smith back to Roodhouse, Ill., after his long imprisonment in Peking, China.

More than 7 years ago, on September 20, 1965, then Capt. Philip Smith was shot down by Chinese aircraft after his plane strayed from its North Vietnamese mission and flew over Hainan Island. Until March 15, 1973, he was held captive, without trial, by Chinese.

During those years, I tried every conceivable way I could think of to make contact with my constituent Philip Smith to ease the burden of his confinement, and to help free him. I enlisted the aid of prominent authors and political leaders who traveled to China; I visited Chinese embassies in Paris and Ottawa; and I arranged for a member of President Nixon's party and later minority leader, Gerald R. Ford, to take extra food packages to Philip Smith when they visited China last year.

Finally, of course, it took a personal initiative by the President of the United States to bring him home to his family and friends in Roodhouse.

To give you some idea of the kind of man Phil Smith is, when I related what I knew of his imprisonment and the efforts which had been made on his behalf by the President and Jerry Ford, his reaction was one of deep humility. He said that his words could not express his gratitude and that he was surprised and grateful that so many people had never given up hope for his return. Most of all, I am sure, his gratitude went out to his family and President Nixon.

While in Roodhouse last Saturday, Major Smith dedicated a bronze plaque and a tree to each of the four men from this little farming community who were killed in the Vietnam war. His remarks brought tears to the eyes of many and will serve to inspire the Nation.

Here is what he said:

> Friends, neighbors, and fellow Americans. I said on my arrival at Scott Field, when I saw all of my friends there to greet me, that it was the greatest moment of my life. I consider today equal to that day because you are allowing me to dedicate these four trees and plaques to those men who not only served their nation, but gave their last full measure of devotion that this nation might remain free.
>
> On February 27, 1967, Sp. 4 Teddy W. Steelman of R.R. 3 died.
>
> On December 20, 1967, Sp. 4 Daniel L. Havens of R.R. 1 died.
>
> On June 14, 1968, Sgt. Jesse V. Hawk III died.
>
> On June 23, 1969, Sgt. George C. Peters died.
>
> These men, together with 46,000 other Americans, are the ones whom we are honoring this day. I am confident that they will be long remembered by the people of this community and this nation.
>
> Over half a million Americans served in Vietnam during this past decade, and re-

gardless of the conditions under which we served, we who have returned are the fortunate ones. We shall never forget that it was the sacrifice made by these four men, together with the other 46,000, that has made it possible for the rest of us to return to our friends and loved ones at home.

A war is always terrible, and it is my prayer, and I am sure it is also your prayer, that this nation shall not be called upon to make this terrible sacrifice again.

I wish to compliment you people for honoring these four men and letting their families and friends know that you remember them with these living memorials.

Therefore I am honored, in behalf of the people of this community, to present these trees and plaques to the city of Roodhouse.

NATIONAL FHA WEEK, APRIL 1–7

HON. WILLIAM R. ROY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 5, 1973

Mr. ROY. Mr. Speaker, I received a letter a short time ago from a young woman in my district, Miss Brenda Newman of Holton, Kans.

I am pleased to oblige her request and call the attention of my colleagues to the fact that April 1–7 is National FHA Week.

As many of you know, FHA stands for Future Homemakers of America, one of the outstanding nationwide organizations for American high school boys and girls.

There are currently more than one-half million FHA members in almost 11,000 chapters in every State, the District of Columbia, Puerto Rico, the Virgin Islands, and American schools overseas.

Membership in FHA is open to all junior or senior high school students who have taken a home economics course or an occupational training class related to home economics. The purpose of the organization is to provide opportunities for developing individual and group initiative in planning and carrying out activities related to the dual role of homemaker and wage earner.

A recent extension of FHA, the HERO—Home Economics Related Occupations—organization, is designed to help young men and women explore the world of work in areas related to home economics.

The overall goal of FHA members is to help individuals improve personal, family and community living.

Kansas has a very active FHA organization, with 9,600 FHA and HERO members in 200 chapters. The current National FHA president is a Kansan, Miss Nancy Hodgkinson of Garden City.

The Kansas Association of FHA held its annual convention in Topeka last Friday, March 30. Mr. Speaker, I would like to recognize the young ladies who were elected to State offices at this meeting.

The new president is Sue Harrison, Sterling; vice-president of membership—Susan Kimball, Richmond; secretary—Marcia Bruce, Arkansas City; vice-president of committees—Cherrie Harris, Pittsburgh; vice-president of program of works—Patty Bruey, Anthony; treasurer—Sandra Stenzel, Wa Keeney; vice-president of projects—Jan Dugan, Osborne; historian—Pam Meier, Lincoln; vice-president of recreation—Dee Ebert, Westmoreland; songleader — Suzanne Baker, Hiawatha; and vice-president of public relations—Janet Huff, Ness City.

I extend my congratulations to each of these young women.

The theme of National FHA Week is "Explore Roles—Extend Goals." Working within this theme, each chapter in Kansas is carrying out its own activities.

FHA members are already making plans to play a large role in the American Bicentennial Celebration. FHA student leaders, in cooperation with the leaders of other vocational youth groups, have developed general themes to guide FHA activities in the years leading to our anniversary as a nation on July 4, 1976.

I am sure that my colleagues join me in wishing all FHA members great success in their ventures.

And I would like to thank Brenda Newman, the outgoing Kansas vice-president of recreation, for renewing my awareness of this outstanding organization.

H.R. 69

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 5, 1973

Mr. STARK. Mr. Speaker, this morning I submitted testimony to the House Committee on Education and Labor supporting H.R. 69. This bill would insure that Federal funding covered under the Elementary and Secondary Education, Impact Aid, and Adult Education Acts is continued.

I would like to include that testimony in the Record.

Testimony of Congressman Fortney H. (Pete) Stark, Jr.

Mr. Chairman, members of the Committee, I thank you for allowing me to come before you this morning and voice my concerns for the educational path this country is to follow. And make no mistake, the decision of which path may very well depend on how H.R. 69 is reported out of this Committee. There is a clear and definite choice to be made between H.R. 69 and the Administration's approach. I hope that the choice will be H.R. 69.

You are more than familiar with the choice before you; you have heard from many witnesses urging you to support the extension of the laws covered in H.R. 69.

The principal laws extended by H.R. 69, the Elementary and Secondary Education Act, the Adult Education Act, and the Impact Act laws are worthwhile approaches to improving education for all members of society. Thy have a proven track record of bringing a better chance to people who would, without this federal assistance, be denied their right to fully explore and use the educational systems.

A case in point is the Livermore Valley School District, in California. Livermore is a town of 37,703. Livermore has no major industry to support the School District. Many Livermore residents work at the Lawrence Livermore Radiation Laboratory, a federal installation. Because of the presence of the lab, and because so many students' parents are connected with the lab, the Livermore School District has qualified for aid from the federal government under the Impact Aid Law (P.L. 81–874, Title 3, A and B).

In Fiscal Year 1966, Livermore's entitlement was $707,603. They received $698,403, or 98% of entitlement. This fulfilled the letter and intent of the law in that the support equalled 50% of the cost of educating an affected student. The cost per student for that year was $604.00, and the federal support was $302.00 for every federally connected student.

In Fiscal Year 1972, the support for federally connected students was down to 9%. The federal government funded $94.00 of the total cost per student of $899.00. In that year, the entitlement for Livermore was $1,038,213, but they received only $758,660, or 73% of entitlement.

Livermore was able to adjust to the 73% of entitlement. Although their programs suffered, they continued to give their students a decent education.

But then Fiscal Year 1973 came upon them. Livermore was entitled to $1,064,477. They will receive only $203,596 this year. And of that, $146,000 came only after "hardship" status was established. This represents a difference of $860,878 between what they were entitled to and what they will actually receive. Impact aid now represents only 1.4% of the school district's total budget. In 1966, the federal support level was 12.2%.

And unless H.R. 69 is passed, next year will be even worse for Livermore. There will be no "hardship" money available; there will be no money for 3–B civilians, and Livermore can expect to receive a grand total of $56,700. If only 3–A's and 3–B's military receive support next year, the total loss over the two years will be $1,911,000.

There are two more points pertinent to Livermore. The citizens of Livermore pay school taxes at a level that puts them in the top 3% in the State of California, but their current expenditures per student, principally because of the drastic reduction in federal support, is the third lowest in Alameda County, and one of the lowest in the State. If they only receive $56,700 next year, they will have the lowest expenditure in the county, some $400-$600 below the mean.

As I mentioned, there is no major industry in Livermore. The School District itself is the second largest "industry" in the area—second only to the Lawrence Radiation Laboratory. There simply are no other tax bases from which to draw this money.

Without P. L. 81–874 money next year, the children will suffer. The expenditure per student may well be lower next year than it is this year. The programs of the school district will suffer at least a 5% to 6% reduction across the board.

There will be no funds to hire additional help, even though attendance is expected to increase by 500 students. The classrooms will become more crowded and the quality of instruction will suffer even more.

I'm sure that Livermore is not an isolated example. If H.R. 69 is not passed, if the support that the federal government has provided is suddenly and drastically removed, if the school districts are forced to look elsewhere for the support and assistance which have been programmed in their budgets, then our children will suffer.

It will be the children who see their programs and projects cut back. It will be the children who we will have to face and say, I'm sorry, but you will not have the opportunities we used to make available. And it will be the children who ask, why not? And I, for one, will not have a decent or fair answer.

Actually, we don't have to wait for the questions; they are already before us. I would like to place in the record a letter I received from the Principal, Student Body President, a teacher and a concerned parent of Castlemont High School in Oakland. Their plea is both eloquent and tragic. They are in the center of the dilemma that has already struck our schools. I would like to quote briefly from the letter:

"Castlemont High School, located in East Oakland has an enrollment of 2500 student. 92% are Black and the others are Indian, Chicano and White. At Castlemont 51% of the students come from AFDC families and we have a high transiency and truancy rate.

"At the present time there are approximately 550 students that read below the 4th grade level, and a total of 1500 who read below the 8th grade level in the entire school. Despite this fact, we have only two reading teachers and they can work with no more than 150 students who read below the 4th grade level. This year five English teachers volunteered to teach reading to the 150 Tenth grade students who read between the 4th and 8th grade level. We are attempting to see if we can bring them closer to their grade level in order for them to succeed in school. The establishment of this limited program meant that the other teachers had to voluntarily accept a higher class size. The school district does not have the funds to hire additional reading teachers. At present the district faces a deficit of $1,500,000 because of a loss of ADA and Public Law 874 funds . . .

"It is inconceivable to us that any society would allow this kind of situation to exist. During the last ten years we have spent more than one hundred thirty seven billion in Vietnam, and we will have to spend billions more in years to come to rebuild Vietnam . . . (and yet there) is a surplus of people who want to teach, and the students at Castlemont need a few of those people . . . (and we aren't getting them.)"

Sincerely,

Richard F. Arthur,
Principal.
Milton Hadden, *Chairman,*
Citizens Advisory Council.
Jerald Luzar, *Chairman,*
Faculty Council.
Robin Gillis,
Student Body President.

We must not ignore their plea. We must not allow our desire for economizing to start with our children's education. If we are to economize, and I believe we must, then let us begin with excessive and unnecessary expenditures. Let's cut back the military monster, let's shave the bureaucracy, but for the children's sake, let's not remove their right to a full and complete education.

BILL REQUIRING IRS TO PAY 6-PERCENT INTEREST ON CERTAIN TAX REFUNDS

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 5, 1973

Mr. OBEY. Mr. Speaker, to perk up the Internal Revenue Service, so that it responds promptly to taxpayers who act promptly, I am introducing legislation to require the IRS to pay a 6-percent interest penalty if it fails to issue a refund within 30 days to a taxpayer who files a valid claim for refund on or before March 1.

Literally millions of taxpayers will check their mailboxes today and find the refund check they are looking for is not there. It should be there, but it is overdue. This is especially true of taxpayers whose returns are being processed at the newest IRS service center, at Brookhaven, N.Y., and at the 2-year-old centers at Memphis, Tenn., and Fresno, Calif.

The IRS says that, on the average, it takes 6 weeks to issue a refund check. I think that is too much time to process returns that are filed by March 1. And the delay is more painful this year, because the average refund as of March 21 was $345.25—up from $251.72 for the comparable period last year.

Under existing law, the IRS has 45 days from the April 15 filing deadline to process a return and issue a refund check without incurring an interest penalty. That means that if a taxpayer files by March 1, the automation wizards at IRS can fiddle with his return for a full 90 days before they start owing him 6 percent on what he was coming back.

Mr. Speaker, the IRS is keen on collecting interest when a taxpayer files late. They are so keen on it at IRS that they will even demand an interest payment from a taxpayer on money refunded to him in error.

That is right. In fact, a taxpayer singled out for an erroneous refund has been cursed. He is stuck with the check. IRS computers are not geared to recognize a taxpayer's complaint that he received a refund he was not entitled to. He will just have to wait until the IRS comes to its automated senses, realizes its mistake, and asks for the money back. The catch is that IRS expects this hapless taxpayer to fork over 6 percent interest for the period that check was erroneously in his possession.

If the IRS wants to play that way on collecting interest, it should be told to pay that way, too. Not incidentially, my bill also requires the IRS to inform a taxpayer why a refund is being made. That may not seem like much of a problem to an individual taxpayer who knows painfully well how much he owes or has leftover each year, but it certainly is to the businessman. He may receive a refund check at an address where he has not lived or done business for years, for a reason that is not stated, and for a tax year that is not specified.

Mr. Speaker, my bill would also act as a deterrent should the Federal Government ever decide to slow the pace of refunds as a matter of economic policy. While I have no evidence whatsoever that such is the case this year, I do recall an expression of concern that the extra billions to be refunded this spring—because of massive overwithholding least year—might tend to overheat the economy, and a suggestion from some quarter that a refund stretchout might be a wise precaution. The prospect of paying even a small interest penalty to millions of taxpayers would make short work of such a cynical practice.

I think this bill can achieve a measure of taxpayer justice. If the working man wants to allow his paycheck to be overwithheld during the year, as a savings device or just because he likes to receive a sizable lumpsum refund the next spring, that is up to him. All this bill says—and remember that his employer has until the end of January to send out W-2 forms—is that if he then quickly and correctly signifies his readiness to have the excess amount refunded, the IRS will either have to oblige him or pay the penalty.

The text of my bill follows:

H.R. —

A bill to amend the Internal Revenue Code of 1954 to provide that interest shall be paid to individual taxpayers on the calendar-year basis who file their returns before March 1, if the refund check is not mailed out within 30 days after the return is filed, and to require the Internal Revenue Service to give certain information when making refunds

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6611 of the Internal Revenue Code of 1954 (relating to interest on overpayments) is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

"(h) Calendar Year Individual Returns Filed Before March 1.—In the case of any individual who files his return of any tax imposed by chapter 1 or 2 on a calendar-year basis, if such individual files his return for a taxable year before the March 1 immediately following the close of such taxable year and if refund of any overpayment of such tax is not made within 30 days after the date he files such return, then, notwithstanding any other provision of law, interest shall be allowed under subsection (a) on such overpayment for the period beginning on the date he filed such return and ending on whichever of the following is the earlier—

"(1) the date the refund check is mailed, or

"(2) the first date on which interest on such overpayment is allowed under subsection (a) (determined wtihout regard to this subsection).

In determining the date on which any overpayment exists for purposes of this subsection, amounts shall be deemed paid on the day actually paid or credited, but not earlier than the date on which the individual filed his return."

Sec. 2. Section 6402 of the Internal Revenue Code of 1954 (relating to authority to make credits or refunds) is amended by adding at the end thereof the following new subsection:

"(c) Notice to Taxpayer.—Whenever the Secretary or his delegate makes any refund to a taxpayer, he shall notify the taxpayer of—

"(1) the tax and the taxable period to which such refund is attributable, and

"(2) the reason for making such refund."

Sec. 3. The amendments made by this Act shall apply with respect to amounts refunded after the date of the enactment of this Act.

URHO SAARI: EL SEGUNDO'S PRIDE

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 5, 1973

Mr. CHARLES H. WILSON of California. Mr. Speaker, California's Mark Spitz brought glory and glamour to the art of swimming last year. But it is Mr. Urho Saari, retiring coach at El Segundo High School, who has given this city the benefit of his athletic agility by compiling one of the greatest records in the history of California high school aquatics.

Since 1946, his water polo team has earned a record 376 wins and only 92 losses. The El Segundo Swim Club under his leadership has produced 18 U.S. representatives to the swimming and water polo competitions in the Olympic and Pan American Games. These fine athletes have earned more than 40 team and individual national titles in water polo and swimming.

Mr. Saari's expertise in water polo has qualified him to coach the U.S. team in the 1951 Pan American games as well as the 1952, 1960, and 1964 Olympic games. And, widely recognized for his achievements, Urho Saari was voted "National Water Polo Coach of the Year" in 1964 and "Water Polo Coach of the Year" in 1965 by the Southern California Swimming, Water Polo and Officials Associations.

A community-minded individual, Mr. Saari has helped to train several hundred lifeguards, including more than one-third of the permanent lifeguard staff of the Los Angeles County Department of Beaches.

The city of El Segundo has proclaimed May 24, 1973, as Urho Saari Day in Tribute to his outstanding achievements in aquatics and dedicated service to the community. I join with them in adding my personal commendations to Mr. Saari for a job well done. He has brought honor to the city of El Segundo and inspiration to our youth.

WATERGATE

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 5, 1973

Mr. SCHERLE. Mr. Speaker, when news of the "Watergate caper" first reached the press, most people were frankly incredulous. The whole operation seemed so pointless, the elaborate espionage techniques so childish. It was implausible that the top officials of one of the country's two major political parties would countenance such shenanigans, as silly as they were sinister. The public seemed inclined to accept the arguments of the defendants who were caught redhanded in the Democratic Party headquarters, to believe that they were acting independently, and to forget the whole unsavory mess.

It is difficult to pinpoint exactly when the Watergate caper became the Watergate scandal, or when public indifference turned to indignation. Probably it was a gradual transformation, born of accumulated evidence rather than any single fact. To date, the Watergate case has incriminated or implicated not only some unimportant employees of the Committee To Reelect the President, but its finance chief and campaign manager, as well as Mr. Nixon's chief aide, his personal lawyer, his appointments secretary, two White House counsels, and the President's personal choice for Director of the FBI. Far more than the reputation of any single administration or party, Watergate has challenged the integrity of the Government as a whole and crippled its effectiveness.

The cloud of complicity hanging over the White House is compounded by the administration's insistence on invoking the traditional executive privilege to shield its staff from a public investigation. They are not, as Senator ERVIN, chairman of the select committee to investigate the conspiracy, remarked drily, "nobility or royalty." They are responsible for illegal actions undertaken, financed, or directed by them just like any ordinary citizen. The cloak of executive privilege should never be used to shelter wrongdoers, no matter how highly placed. And clearly someone very highly placed is hiding behind the skirts of immunity, an arrant egotist, drunk with power but lacking in the most elementary political judgment. Only a Madison Avenue huckster, intrigued by 007 sensationalism, could have conceived such a foolhardy scheme. As Tallyrand said to Napoleon: "It is worse than a crime; it is an idiotic mistake."

If the President does not wish himself and his entire government to be tarred with the same brush, he must immediately direct his entire staff to cooperate fully with the congressional committee as well as the grand jury investigating the case. He must also demand the resignation of anyone convicted by the evidence. Nothing less will satisfy the aroused conscience of the people and their Congress.

AUSCHWITZ REVISITED

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 5, 1973

Mr. DULSKI. Mr. Speaker, it is now some 30 years since the atrocities of Auschwitz occurred during World War II.

But the imprint in memory is indelible. The victims have not been forgotten, as is evidenced by the daily visits of Poles and others to pay their respects, often in the form of wreaths and bouquets.

Mr. Speaker, the story of Auschwitz has been told in very vivid and sympathetic manner by a Chicago Daily News correspondent, Raymond R. Coffey. I am including his text as part of my remarks:

[From the Buffalo (N.Y.) Evening News, Mar. 7, 1973]

Auschwitz Stands as a Memorial to 4 Million Victims of Nazi Inhumanity

(By Raymond R. Coffey)

Auschwitz, Poland, March 7.—"Every inch of this ground is soaked in blood," the old Pole in the black beret said as we passed the still-standing barbed wire fence and entered the camp.

He was solemn, and still bitter, and still moved by the grief that comes easily in a country where one in every five persons was killed in World War II, where virtually every family lost close relatives.

But now, 30 years later, neither he nor anyone else really can put into adequate words the enormous and still palpable horror of Auschwitz.

The Auschwitz-Birkenau complex here in southern Poland near the Czech border was the Nazis' biggest "death factory."

More than 4 million people—4 million people—were killed here, according to the International Military Tribunal at Nuremberg.

Most of them were Jews. But their were many non-Jewish Poles here, too. The victims of Auschwitz included citizens of more than 20 countries.

Mostly they died in the gas chambers, their bodies then burned in the crematoria which were operated on an assembly-line basis.

Auschwitz-Birkenau is preserved as a museum, a reminder and a memorial to the victims.

EXPERIENCE WITH IMPACT

To walk through it, even now, is an experience that can produce some sleepless nights.

Part of the reason for its stunning impact is that it is so well preserved. Parts of it look like they could be put back into operation tomorrow.

Over the main gate still hangs the sign the Nazi SS put there: "Arbeit macht frei" (work brings freedom), which was the first vicious mockery.

The prisoners soon came to know that, as camp officers told them, the only real way to freedom was through the chimneys of the body ovens.

From outside, the red brick camp buildings look pleasant enough, almost like a slightly rundown boarding school.

But inside is something else.

In one building is an exhibit of more than 2 tons of human hair shorn from the victims after they were gassed and before their bodies were burned.

When the Russians liberated the camp in 1945 they found more than 7 tons of hair in warehouses—hair the Nazis had not yet managed to ship off to factories to be made into mattresses and other items.

In another room is a huge pile of shaving brushes, combs, clothing brushes taken from the victims; in another a gruesome collection of artificial arms, legs and other orthopedic devices stripped from the victims.

In still another is a vast collection of the suitcases the victims arrive with, not knowing how very soon their stay at Auschwitz was going to end in the gas chambers.

On many of the suitcases the names of the victims can still be read—Marta Oppenheim, Sara Bunzel of Vienna, Helene Lewandowski, Olga Kornfeld, Marie Jellinek, Thomas Fischer.

Rusting Empty Cans

Then there is the pile of rusting empty cans that contained the "Cyclon B" gas which was dumped through ceiling vents to kill the people herded into the gas chambers.

In "Block 10" is where SS doctor Carl Clauberg conducted sterilization experiments on women prisoners aimed at finding a speedy way of biologically exterminating the Slavic people.

Across the way in "Block 11" is where prisoners were held for special punishment and torture, many of them dying in the tiny bricked-up "standing cells" where men could only stand, for days on end, and often died of suffoction or starvation.

Just outside this building is the black "wall of death" where thousands of prisoners were executed by being shot in the back of the head.

A little distance away stands the gallows on which men were hanged, sometimes four at a time. The Nazis erected the gallows just outside the camp kitchen where prisoners had to look at the still dangling victims as they lined up for food.

Still intact are "Crematoria" chamber-oven complexes built at Auschwitz-Birkenau.

And outside this crematorium stands another gallows—this one built and used to execute Rudolph Hess, the SS officer who founded Auschwitz and commanded it for its first 3 years.

Hess was hanged at the scene of his crimes on April 16, 1947.

In one building is a large urn containing a bit of the ash from the ovens—a monument that symbolizes all the victims of Auschwitz.

Bus loads of Poles still come here every day to see the camp and place wreaths and bouquets of flowers at the urn.

They haven't forgotten.

No one who comes here could.

ATLANTIC RELATIONS

Hon. PETER H. B. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 5, 1973

Mr. FRELINGHUYSEN. Mr. Speaker, following up my remarks yesterday on the lack of wisdom in approving an Atlantic Union resolution, I should like to submit an article written for the Christian Science Monitor by a participant at the Amsterdam Conference last week. Dr. Bowie is a member of the Harvard Center for International Affairs and of the Harvard faculty.

In particular, I would like to call the attention of the Members to Dr. Bowie's point that—

> The Europeans do not want or expect the U.S. to push Europe to unity. Yet U.S. actions inevitably do help or hinder the process of European integration. And as the members seek to unite, some fear the U.S. may exploit their differences in ways which split them and undermine their progress.

The full text of the article follows:

ATLANTIC RELATIONS

(By Robert R. Bowie)

Europeans are uncertain and deeply troubled about the outlook for their relations with the United States. That concern was apparent in discussions at a large European-American meeting held in Amsterdam last week, and in private talks with officials and others in London, Bonn, Brussels.

Leading Europeans consider close cooperation with the U.S. essential for mutual security and prosperity. While anti-American and neutralist sentiment has grown, especially among young people, largely as a result of Vietnam and detente, it is still not a major political influence. For the most part the Europeans aspire to a form of partnership in which Europe would have its own voice and define its own interests, but would concert its policies and actions closely with the U.S. The obstacles to that aim are serious and arise for both sides of the Atlantic.

Basically the Europeans are far from sure that the U.S. now shares that goal or gives it high priority. They are baffled and worried by many aspects of U.S. policy and unclear about its premises.

Take security and NATO, for example. The Europeans are satisfied that Mr. Nixon continues to consider Europe's security as a major U.S. interest and they appreciate his resistance to the Mansfield effort to reduce U.S. forces in Europe. For them nuclear parity with the Soviet Union has enhanced the significance of such forces, despite detente. Their presence reinforces the deterrent, but even more, it counters Soviet political pressure which would grow if the U.S. commitment were thought to be declining. Despite Mr. Nixon's attitude, however, Europeans are uneasy as to whether political pressure and defense cuts will eventually force substantial troop reductions.

In the economic field, the situation is also unsettling. Does the U.S. view the European Community and Japan primarily as adversaries in monetary and trade affairs, with each side looking out only for its own advantage? Much of the U.S. rhetoric and action since Aug. 15, 1971, might tend to suggest this. And hints by high officials of linking economic concessions to security issues are hardly reassuring.

Finally, in East-West affairs, there is the shadow of U.S.-Soviet bilateralism. While SALT I was generally approved, there are nagging concerns about the current negotiations in SALT II, on mutual and balanced force reductions, and in the conference on security. In these, Europe's interests could be directly prejudiced by some outcomes, such as restraints on forward-based weapons technology, or on indigenous forces in Central Europe. Such restrictions could hamper or block future European defense efforts, or give the Soviet Union handles for impeding the progress toward European unity.

Underlying these specific concerns is a more fundamental one. Mr. Nixon's style and approach to foreign affairs remind some Europeans more of de Gaulle than of earlier U.S. leaders. He appears more inclined to unilateral action and to resist being constrained by allied ties, tendencies which are encouraged by Europe's inability to assert itself more effectively.

Indeed that is the other half of the European predicament. In its members' eyes, the Community has regained momentum since its enlargement and the Paris summit of last fall. They consider its program of studies, reports, and measures, which are intended to produce "European union" by 1980, as a serious agenda even if ambitious. And in recent months they have worked together more closely on monetary issues and in pursuing joint policies in the security conference in Helsinki.

Yet they are keenly aware how far they are from political and economic union which would make them an effective entity for real partnership. To achieve that quantum jump will require substantial transfers of authority to central institutions of the community. Where are the political leadership and will required to do that rapidly? The machinery of the community is now extremely cumbersome, and national leaders are heavily preoccupied with domestic problems and pressures.

The Europeans do not want or expect the U.S. to push Europe to unity. Yet U.S. actions inevitably do help or hinder the process of European integration. And as the members seek to unite, some fear the U.S. may exploit their differences in ways which split them and undermine their progress.

With all the difficulties and divergences it is easy to be pessimistic about the prospects for creating the Community and the Atlantic partnership. The task is far harder in this period than it would have been under earlier conditions. A decade was lost first through British hesitation in the '50's, and then from de Gaulle in the '60's. Meanwhile the U.S. position has been eroded by the frustrations of Vietnam and its economic and political consequences.

But, if the task is more difficult, it is still just as essetnial. Interdependence is a fact of life. In view of the stakes, the hope must be that leaders in all the advanced nations will judge the necessities correctly and rise to meet them.

OBSERVANCE OF THE 30TH ANNIVERSARY OF THE WARSAW GHETTO UPRISING

HON. ANGELO D. RONCALLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 5, 1973

Mr. RONCALLO of New York. Mr. Speaker, I am most pleased to support and cosponsor House Joint Resolution 303 authorizing the President to proclaim April 29, 1973 as a Day of Observance of the 30th Anniversary of the Warsaw Ghetto Uprising.

This proclamation shall serve to remind our Nation of the boundless limits of the human spirit. From the depths of despair and murder of the most calculating and degrading nature, the Jews of Warsaw rose up in a struggle which shall forever serve as a light upon mankind's determination for freedom and dignity.

We today are witness to this indestructible spirit through the persons who have created and sustain the living State of Israel. It will serve us all well to take a few moments from our day-to-day activities and reflect upon the Warsaw Ghetto Uprising and our own love of liberty.

TO CREATE MORE JOBS

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 5, 1973

Ms. ABZUG. Mr. Speaker, in support of expanding and improving the Emergency Employment Act of 1971, I recently had the privilege of presenting testimony to the Select Subcommittee on Labor. I would like to insert that testimony into the RECORD at this point:

TESTIMONY OF BELLA S. ABZUG, SELECT SUBCOMMITTEE ON LABOR, APRIL 3, 1973

Mr. Chairman, one of the most persistent themes of the Nixon Administration has been that we are a healthy nation in all respects—that the current inflationary and high unemployment trend is an anomoly and will subside in a short time.

No matter what rhetoric the Administration uses, however, it cannot hide the facts. The nationwide unemployment rate is at 5.2%. More vivid are the figures of the jobless rate for nonwhites—a whopping 9.6%, unchanged from a year ago, and unemployment among the teenlabor force, 16%.

The Administration's response to these figures has been to use traditional indirect methods which reveal the staleness of President Nixon's thinking and his lack of concern for the working man—tax breaks for business investments in the hope that they will "trickle down" and create jobs.

This strategy has failed in the past—witness the unemployment figures. It will certainly fail in the future. We must wait no longer to find a resolution to the ever growing and ever-present problem of joblessness in this country. We must get to the root of the problem and do so quickly. And the solution is to create jobs where there are none, and where the need is.

The Emergency Employment Act of 1971 must be expanded and improved. I am a sponsor of the Hawkins bill, H.R. 3984. If pending legislation is passed, at least 500,000 public service positions will be created. When this occurs, unemployment will be reduced almost immediately by more than one-tenth. In addition, the multiplier effect of these jobs, which will trigger an increase in spending and investment, should create another one to two million jobs.

And these public service jobs would not be in "dead end" projects, as the President contemptuously calls them. They would be created in fields such as environmental quality, health care, education, public safety, crime prevention, crime control, prison rehabilitation, neighborhood improvements, rural development, park maintenance and general community improvement.

The need for these social services grows every day. As our urban population expands, the Federal and local governments should and must provide services which will make our cities pleasant and habitable for people of all incomes. As our environment changes, we will need people to work on solving the problems attendant to such changes. Our elderly and ill citizens need expanded health care facilities and services which are not coming from the private sector.

We must not fail our own citizens. There are 4,500,000 men and women able to work and unemployed today. We must act immediately to bring them back into the economic mainstream.

CAMPAIGN FINANCING

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 5, 1973

Mr. RIEGLE. Mr. Speaker, the issue of campaign financing is a critical one for our country and the American people. Robert Lewis has written a very useful article on this subject, and I am inserting it for the attention of my colleagues:

[From the Flint (Mich.) Journal,
Mar. 18, 1973]

REGRETS GROW OVER CAMPAIGN-FUND LAW

(By Robert Lewis)

WASHINGTON.—A story making the rounds has one congressman saying to another, "You can bet prison reform will get action this session."

"How do you figure?" his companion asked.

"After the changes we made in the campaign finance law, that's where we're all going to be."

Politicians are jittery over the campaign finance reforms they passed last year in a moment of weakness, and they should be.

The federal election campaign law provided, for the first time, a fairly good picture of who finances elections and, in some instances, why.

Although most donors are motivated by honest conviction, others contribute for favors past and future.

"One can rarely nail down a casual relationship between campaign gifts and later political acts," says John Gardner of Common Cause, the citizens lobby. "But the patterns of political giving create a cloud of suspicion that can only deepen the cynicism of the average citizen."

A study by Common Cause showed a correlation between $110,000 in dairy-industry contributions to congressional candidates last year and support for dairy legislation by the recipients.

Similarly, labor unions showered known supporters of national health insurance with $210,000, while the American Medical Association gave $253,500 to backers of its medicredit health bill.

President Nixon's re-election committee returned $705,000 in tainted donations, including $250,000-mostly in $100 bills—from Robert L. Vesco, the central figure in a security fraud investigation.

The committee has $4.7 million in the bank, and all election bills are paid, yet the contributions continue. The committee received $246,000 in January and February, including $100,000 from Mrs. Ruth L. Farkas who has been nominated to be ambassador to Luxembourg.

Mrs. Farkas, wife of a New York City department store owner, said the money is part of a $300,000 pledge she and her husband made before the election. Because of the unusual timing, the Senate Foreign Relations Committee delayed her confirmation pending an investigation.

Also benefitting from post-election contributions was Sen. Robert P. Griffin, R-Mich., who received more than $50,000 after the ballots were counted.

Post-election gifts aren't illegal but they raise the question of whether the candidate would have received the money had he lost.

Although it is against the law for corporations and labor unions to contribute, "voluntary" giving by executives and union members is standard practice. And unions contribute staff time, office space and other services that are worth additional millions.

"There is nothing in our political system today that creates more mischief, more corruption and more alienation and distrust on the part of the public than does our system of financing elections," says Gardner.

"It allows individuals and groups which seek preferential treatment from government to give unlimited sums of money to public officials who can provide such treatment.

"Both candidates and givers (willingly or not) are prisoners of a system which exposes them to suspicion and pressure, and legitimizes the exchange of money for political favors."

The new campaign finance law required full disclosure of contributions above $100 and individual gifts of any amount. It was thought that the disclosure provision would work to hold down huge contributions but it hasn't. Nixon's top 10 donors gave more than $4 million, and the top 100 gave $14 million.

The new law sets partial limits on overall campaign spending and it was thought this would keep election costs within reason. But it hasn't.

Spending for all elections in 1972 totaled an estimated $400 million compared to $300 million in 1968. Nixon spent an estimated $45 million and Sen. George McGovern spent $30 million.

Griffin raised $1.4 million to win a job that pays $42,500 a year, and another senate candidate spent $2.5 million.

After one election under the new law, it is apparent that full disclosure and spending ceilings will not eliminate the abuses of private campaign financing. As long as candidates are forced to depend on donations from special interests to win elections, there will be abuses.

The answer may lie in public financing of federal elections, administered by an independent elections commission with strong enforcement powers.

Until basic changes are made, former Maryland Congressman Edward Garmatz's creed will prevail. Garmatz, chairman of the House Merchant Marine Committee, was asked why he received most of his election money from the maritime industry.

"Who in the hell did they expect me to get it from—the post office people, the bankers?" he replied. "You get it from the people you work with, who you helped in some way or another. It's only natural."

MEAT BOYCOTT

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 5, 1973

Mr. CONTE. Mr. Speaker, this week's meat boycott around the country has been characterized as a "Housewives Rebellion." I would like to call to the attention of my colleagues the fact that other segments of our population are also concerned about the high price of meat and other foodstuffs. To illustrate this, I would like to tell you what the youngsters at the Clarksburg Elementary School in the First District of Massachusetts are eating for school lunch today.

The entree is a toasted cheese sandwich, with side dishes consisting of french fries, peas, and carrots. For dessert, the menu calls for chocolate cream pudding and, of course, milk will be served. The meal, as you can readily see, is meatless.

After careful consideration and consultation with the school's cafeteria manager and the Massachusetts State school lunch director, the superintendent of the Clarksburg school system, Joseph J. Joseph recommended that the meatless school lunch program for the week of April 2 through 6 be instituted. The plan was discussed with all of the youngsters and the permission of parents was requested before the child could participate.

Mr. Joseph reports that the response has been "tremendous." In fact, the Clarksburg school, which regularly serves 200 school lunches a day, has seen an increase in the school lunch count during the meatless days.

I noted at the beginning that the current manifestation of concern over the high price of food is not only a "Housewives Rebellion"—it is also not only a "Children's Crusade." We are all affected by high prices and we are all concerned, school child, parent, teacher, retiree.

I commend the action of the Clarksburg Elementary School and submit the full school menu for this week for my colleagues who may be looking for suggestions for low cost, nutritional, meatless lunches:

MENUS

April 2: Tuna-macaroni salad, green and yellow beans, Vienna bread, peaches.

April 3: Vegetable soup, peanut butter sandwiches, saltines, cheese, Knobby apple cake.

April 4: Pizza (tomato sauce-cheese), buttered spinach, snickerdoodle, fruit cocktail.

April 5: Toasted cheese sandwiches, French fries, peas and carrots, chocolate cream pudding with nut sprinkle.

April 6: Fish sticks, spaghetti, tomato sauce, corn, bread and butter, butterscotch pecan squares.

THE NEED FOR CONTINUED BIOMEDICAL RESEARCH

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 5, 1973

Mr. FRASER. Mr. Speaker, I would like to stress the level of excellence the United States has achieved in biomedical research through the national program of health research fellowships and traineeships.

The following statement by the Mayo Foundation in Minnesota articulately points out the likely impact of the administration's plan to phase out this program which is vital in improving the health of our Nation.

I hope my colleagues will give thoughtful study to legislation now under consideration by the Public Health and Environment Subcommittee that will assure uninterrupted progress in conquering the many diseases for which there is still no treatment or cure.

The statement follows:

Impact of the Federal Administration's Budget Proposals on Research Training Programs of Mayo Foundation

The NIH research training programs are integral to the nation's biomedical research resources and its health care programs.

During the past three decades, American biomedical science has achieved international preeminence. The ever-increasing complexity of that science requires the talents of gifted individuals highly and specifically trained to conduct biomedical research.

Upon the products of that research, both basic and applied, the already established advances in treatment of disease have been based, and future progress in such treatment will depend. Upon those scientists also has rested a major component of the responsibility for teaching medical students and medical house officers (residents) the medical science so essential to their competence as practicing physicians.

A decision to curtail training of medical scientists today carries unfavorable implications for future advances in medical research and for improved medical care.

The research training grants programs, postdoctoral fellowships, and career development awards of the NIH have provided financial support essential to producing biomedical scientists and teachers. The extent of future support of those programs should be determined by careful assessment of national needs, present and future, for those scientists and teachers. Since, as a group, they constitute a unique national resource, financial support of their production is a national responsibility appropriately held at high priority.

No reasonable and acceptable alternative to the NIH funded training programs has been proposed. To suggest that the young M.D. or Ph.D., oftentimes already in debt for his predoctoral training, borrow additional funds to support himself and his family while he secures two to seven essential years of postdoctoral research training, is not, in our judgment, a reasonable alternative to training grant support, postdoctoral fellowships, and career development awards.

In summary, Mayo Foundation, while acknowledging the importance of federal fiscal responsibility and the imperative of a practical limit to federal spending, urges continued fiscal support, at high priority, of the NIH Research Training Grant Programs, Research Fellowships, and Career Development Awards.

The level of that support should be assessed carefully, identified abuses in past practices should be eliminated, and a new level of support determined. That new level should be one deemed prudent and essential to continued excellence and productivity of medical research, to proper teaching of students of medicine, and to progressive improvement in medical care.

MAYO FOUNDATION,
Education Committee.

ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL ASSOCIATION OF CREDIT MANAGEMENT

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 5, 1973

Mr. GERALD R. FORD. Mr. Speaker, last week the National Association of Credit Management held their second annual legislative conference here in Washington. Serving as president for the association this year is Mr. C. William Bruder from the congressional district that I represent. I feel the members of the National Association of Credit Management are to be congratulated for taking the time from their busy schedules and coming to Washington in an effort to better understand the congressional process.

At their luncheon honoring Members of Congress and their staffs, the executive vice president, Mr. Robert Goodwin, made a few remarks pointing out the objectives of the meeting and a thumbnail sketch of the association. I include these remarks in the RECORD for the benefit of my colleagues who were unable to attend:

Remarks of Mr. Robert Goodwin

I would like to welcome you to this congressional luncheon of our second Washington legislative conference of the National Association of Credit Management. And I would like to extend a special welcome to the Members of Congress who have joined us here today.

As concerned and vitally interested citizens, we have spent this morning on visits to your offices and with your staffs, and in the chambers of the Senate and House, to learn more about the legislative process and to witness the dynamic forces of our national government in action.

Yesterday in our sessions downtown, we had as our guests representative members of the legislative and executive departments who recounted for us some of the current activities and concerns of their various offices; and gave us new insight into a number of matters of concern to us as Americans and as business credit executives.

Today, while this luncheon is an informal affair designed as an extension and climax of our activities of the past two days, I would like to take a few brief minutes to tell you something about us and the important and responsible role we play in the economic life of our country.

The National Association of Credit Management is an organization of over 36,000 company members who are concerned with the granting of business credit by one commercial identity to another—as opposed to consumer credit, granted to an individual for personal or family purposes.

Our members are manufacturers, wholesalers, financial institutions, and business firms which are engaged in rendering services of various sorts to other business firms.

These members are responsible for watching over business assets totaling billions of dollars. In many cases these assets represent the company's largest single asset.

The National Association of Credit Management was founded 77 years ago in 1896 by 82 business credit executives meeting in Toledo, Ohio. Growth from 600 members at the end of 1896 to over 36,000 members today, surely makes us one of the major membership organizations in the business world today.

I might just say that the heart, or thrust, of our organization's service activities centers around some 100 member-owned and member-operated affiliated associations of business credit executives at the local and state level. These NACM affiliated associations are located throughout the country in every major business center.

Every day businessmen in these communities look to their NACM organization to provide them with services which are vital to the smooth functioning of our economic system.

One of these key services is a fair and honest exchange of business credit information. Through the NACM National Credit Interchange System, businessmen exchange factual, complete and concise ledger experience on which to make sound business decisions.

We are concerned from a legislative standpoint that lawmaking bodies at both national and State level recognize the indispensable need for the free and unimpeded exchange of this kind of business credit information. The viability and growth of our economy depend on it.

In another area, many of our NACM-affiliated groups render an all-important collection service to their members. Again, this is a vital part of our service to our member companies and the business community. NACM's professional collection service renders benefits to both the creditor and debtor company. It offers the debtor company faced with delinquency in its obligations, the means of returning to dignity through an orderly process of honoring its commitments. It offers the creditor the means of insuring a return of much needed operating or expansion capital. In some cases, it may represent the margin that enables a creditor to carry on his enterprise, to continue to serve the business community at the most economical level, and to continue to provide employment in the community.

Another major activity of the National Association of Credit Management member-owned and member-operated affiliates is the assistance they offer their members in dealing with bankrupt or financially distressed companies.

In many cases they are able to work out arrangements which forestall a bankruptcy to the satisfaction of both the creditors and the company that is having difficulty.

When the situation has reached a point beyond this solution, our local affiliated association, through its good offices and expert staff, provides the catalyst for working out a settlement that is most fair and equitable to all parties.

These are just a few highlights touching on who we are and what we are and what our interests are.

I hope that each of the honored legislators here today will remember this occasion and the individuals of the business credit community who are serving as your hosts at this luncheon.

Each of them is an expert in this field of business credit. He knows its unique contribution, concerns, and characteristics.

We hope that this brief introduction today will lead to a permanent avenue of communication between you both. We want to keep in touch with you as members of your constituency. Certainly the business credit executives here in this room, as well as others who could not be with us today, are available to you for consultation—particularly on matters that might bear on the highly specialized field of business credit.

To our congressional guests, on behalf of everyone here, we thank you for sharing your valuable time with us. This has been a rewarding experience.

WARD QUAAL RECEIVES DISTINGUISHED SERVICE AWARD

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 5, 1973

Mr. ANNUNZIO. Mr. Speaker, it is a pleasure to join the legions of friends of Ward L. Quaal, president of WGN Continental Broadcasting Co., in congratulating him on meriting the National Association of Broadcaster' 1973 Distinguished Service Award.

Mr. Quaal, who is nationally recognized as an eminent leader in the broadcasting industry, received this award on

March 27 at the Sheraton Park Hotel in Washington, D.C. He is also the recipient of the Illinois Broadcasters Association IBA Broadcaster of the Year Award.

Ward Quaal has been a tower of strength in Chicago for he has worked long and hard on countless civic projects, and his many contributions to our city will be long remembered.

As the Congressman for the 11th District of Illinois, where the offices of WGN are located, I am glad to call to the attention of my colleagues an article which appeared about Ward Quaal in the March 27 Leader Newspapers, one of the outstanding community newspaper chains in *the* Northwest Side of Chicago. The article follows:

Quaal Earns Top TV Award

> Ward L. Quaal, president of WGN Continental Broadcasting company, received the National Association of Broadcasters' 1973 distinguished service award Monday in Washington, D.C.
>
> The award goes annually to individuals who make significant and lasting contributions to the American system of broadcasting in any of its phases.
>
> Quaal was honored for his work in the expansion of the broadcast company's world, including now radio and television stations in Duluth and Denver, a community television antenna subsidiary in Michigan and another in California, and subsidiaries to handle domestic and international syndication of programs and production of TV commercials.
>
> Starting in 1934, Quaal's career has included being an announcer, writer and salesman for WDMJ, Marquette, Michigan, and then working at WGN after his graduation from the University of Michigan in 1937. He later was director of the Clear Channel Broadcasting service in Washington and an official with Crosley Broadcasting corporation before returning to WGN in 1956 as vice president and general manager.

CONGRESS CANNOT REPEAL LAW OF SUPPLY AND DEMAND

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 5, 1973

Mr. ZWACH. Mr. Speaker, as we are in the middle of our housewives' meat boycott week, I would like, with your permission, to insert in the CONGRESSIONAL RECORD, a very pertinent expression of opinion on the whole matter of meat prices by James J. Kilpatrick, well-known newspaper columnist.

This is an excerpt from Mr. Kilpatrick's statement on CBS Point-Counterpoint program on Sunday evening, April 1.

I highly recommend its reading to my colleagues:

> For just about the first time since World War II, the two million livestock producers—all but three hundred thousand of them pretty small producers—have begun to make a decent living for themselves and a fair return on their investment. They're finally getting a modest share of the higher personal incomes that most Americans are enjoying, and high time! In the whole of our economy, no group has lagged further behind than the farmers—and I mean the working farmers, not the fat-cat landowners who get stabilization payments for doing nothing. I'm talking about the guy who works seven days a week, in-season and out, looking after hogs and chickens and beef cattle, because that's all he knows how to do or wants to do. As a group, they've been taking good care of America—we're the best fed nation in the world—but America hasn't been taking good care of them.
>
> What the housewives are proposing is that Congress enact an Act entitled an Act to Repeal the Law of Supply and Demand. It can't be done. Meat prices are high simply because demand is high, and supply hasn't yet caught up with the situation. A lot of other prices also are high, on clothing, housing, TV sets, auto repairs and medical care. Relatively speaking, food has increased less than other things, partly because the farmers, unlike the housewives, aren't organized. They don't deserve to be hurt, Nick, and I wish the gals would go out and economize somewhere else.

PUBLIC LAW 480: THE INTERNATIONAL FOOD STAMP PROGRAM

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 5, 1973

Mr. RARICK. Mr. Speaker, groceries on credit went out of style in my part of the country years ago, when the grocers learned the hard way that sons and grandchildren do not pay the food bill for mom and dad and the grandparents. But, one of our antiquated foreign aid bills, Public Law 480, called "Food for Peace," continues groceries on easy credit the world over.

The arrangements resemble the old shell game. The U.S. taxpayer pays the farmer. The giveaway experts in Washington then enter into credit food sales to foreign countries on terms of up to 20 years at 2 percent interest. Under local currency credit sales, credit can be extended up to 40 years with an additional 10 year extension possible at an interest rate of only 3 percent. These terms only apply to agreements other than "humanitarian gifts" under title II. In the name of humanity all of the food and in most instances the transportation costs are directly paid by the U.S. taxpayers.

The farmer feels something has been accomplished since he has been able to sell his goods. The American people are led to believe that these sales are helping offset the balance-of-payments deficits. And some Americans even achieve a good feeling that we are sharing our abundance with the hungry people of the world.

But the collection of Public Law 480 groceries on credit is perhaps the most astounding aspect of the program. What moneys we eventually should receive on these foreign credit sales are mostly left in the recipient country to be spent in that country for various community and economic development projects.

So, under Public Law 480, the foreigners get our food and then also get our money. It is little wonder that our dollar is now up for an additional 10 percent devaluation—which means a 20-percent drop since 15 months ago.

Sales are sales and gifts are gifts. Certainly the American people are entitled to a more accurate description of our international food stamp program than to have it repeatedly dubbed as "sales."

I include the following excerpts from "Foreign Agriculture Economic Report No. 65," prepared by the Foreign Development and Trade Division, Economic Research Service, U.S.D.A., concerning "Public Law 480 Concessional Sales":

Excerpts

> There are four titles to the act, and in general the titles cover the following aspects:
>
> Title I.—Concessional sales.
>
> Title II.—Donations and disaster relief.
>
> Title III.—Barter.
>
> Title IV.—General provisions and requirements.
>
> Title I is by far the most important in terms of commodities exported under P.L. 480. Just over 70 percent of all commodities shipped have been under this title. This includes (1) local currency (LC) sales, (2) long-term DC sales to foreign governments and private trade entities, and (3) CLCC sales. The various requirements and limitations placed upon the President in exercising the authorities given him in Title I are discussed more fully in subsequent sections of this report.
>
> Under Title II, agricultural commodities can be donated to (1) meet famine or other ordinary relief requirements, (2) combat malnutrition, especially in children, (3) promote economic and community development in friendly developing areas outside of the United States, and (4) for needy persons and nonprofit school lunch and preschool programs outside the United States.
>
> Title II states that commodities may be furnished through such friendly governments and such private or public agencies (including the United Nations World Food Program) as the President deems appropriate. Whenever practicable, however, nonprofit voluntary agencies which have been registered with, and approved by, the Advisory Committee on Voluntary Foreign Aid are used. All commodities furnished are clearly identified as a gift from the people of the United States. Under this title, the Commodity Credit Corporation (CCC) can pay for—in addition to the cost of acquisition—the packaging, enrichment, preservation, processing, transportation, and other incidental costs of the commodities supplied.
>
> Title III provides for the barter or exchange of CCC owned agricultural commodities for (1) strategic or other materials which are not produced by the United States in sufficient quantities to meet U.S. needs, (2) materials, goods, or equipment required in connection with foreign economic and military aid and assistance programs, and (3) materials or equipment required in substantial quantities for off-shore construction programs. As much as is practicable, transactions under Title III are carried out through usual private trade channels.
>
> Title IV covers a number of general aspects of P.L. 480. For example, it states that the programs of assistance undertaken pursuant to P.L. 480 are intended to serve both humanitarian objectives and the national interest of the United States. Such assistance shall be used in a manner to assist friendly nations that are determined to help themselves toward a greater degree of self-sufficiency in food production and in resolving their problems relative to population growth. Title IV further states that no agricultural commodity can be made available for export under P.L. 480 if the disposition would reduce the U.S. supply of that commodity below that needed to meet (1) domestic needs, (2) adequate carryover, and (3) anticipated commercial export requirements. Title IV defines "agricultural commodities" as used in the act to include any agricultural com-

modity produced in the United States or product manufactured in the United States from an agricultural commodity. However, this does not include alcholic beverages, and for the purposes of Title II, tobacco or tobacco products. For the purpose of P.L. 480, domestically produced fishery products are also defined as "agricultural commodities."

Under Title IV the United States has authorized a farmer-to-farmer assistance program to help farmers in the recipient country increase the effectiveness of their farming and marketing operations. Further provisions enable farm youth and farm leaders from the recipient country to be brought to the United States for training and enables the United States to conduct research for the purpose of improving the production and distribution of tropical and subtropical agricultural products. As much as $33 million per fiscal year can be appropriated for these activities. However, these provisions have not yet been implemented.

The act, as amended on December 31, 1966, established under Title IV an advisory committee to survey general policies relating to the administration of P.L. 480. The committee surveys (1) the manner of implementing self-help provisions, (2) the use of foreign currencies accruing from foreign currency agreements, (3) the currencies reserved for loans to private industry, (4) the exchange and interest rates used, and (5) the terms applied to credit sales.

Local currency sales.—P.L. 480 as passed in 1954 provided only for local currency sales. Under this arrangement the United States receives, as payment, the currencies of the recipient country and reaches an agreement with that country on their use.

Normally, these currencies can only be spent in the recipient country and are not accepted as a medium of exchange in international transactions. This being so, these currencies do not help the United States improve its balance of payments except when they are used to meet U.S. obligations in the recipient country which would have been met with dollars. Therefore, the law now requires that limited amounts of local currencies be convertible to dollars.

* * * * *

The bulk of the local currencies the United States receives as payment are used in the recipient country, but the particular use to be made of these currencies becomes a matter of negotiation. In short, currencies may be used to benefit the United States, or the recipient country, or sometimes both.

Dollar credit sales, government to government.—In 1959, a provision was added to P.L. 480 whereby sales could be made on credit, with payment of principal and interest in dollars. There are now two kinds of dollar credit sales agreements, government-to-government and private trade credit sales; each type of agreement has its own set of terms and conditions. Government-to-government trade agreements have been permissible since dollar credit sales were authorized in 1959.

Government-to-government agreements have been by far the most common. The maximum credit period allowed under the arrangement is 20 years. The United States is permitted to allow the recipient government to go a maximum of 2 years before making the first principal installment.

Private trade credit sales agreements.—Agreements between the U.S. Government and private trade entities (PTE's) are commonly referred to as private trade agreements (PTA's). Any private trade entity of the United States or of a foreign country friendly to the United States may participate in this program.

The PTE obtains commodities from the open market and CCC provides a line of credit through a commercial bank. The PTE uses this to pay the U.S. supplier of the commodities and for ocean transportation. At the same time, it incurs a debt obligation in dollars with the CCC. The maximum grace period is 2 years and the maximum credit period to 20 years. Whenever practicable, the PTE is required to pay 5 percent of the purchase price of the commodity on delivery. Although the repayment period of agreements signed thus far has ranged from 2 years to 19 years, most range from 6 to 15 years. As with government-to-government programs, the credit and grace periods begin on the date of last delivery in any calendar year.

When the PTE sells the commodities in the specified country he of course receives payment in local currencies. The proceeds from the sale must be used to develop and execute projects in the recipient country as specified in the agreement. These projects must result in the establishment of facilities designed to improve the storage or marketing of agricultural commodities, or which will otherwise stimulate and expand private economic enterprise.

Convertible local currency credit sales.—In the 1966 amendments to the law, Congress directed that a transition be made from local currency sales to dollar credit sales by the end of 1971. It specified that to the extent a transition to dollar credit sales was not possible, a transition could be made to credit sales for foreign currencies which could be converted into dollars. Thus came into being the fourth type of agreement, convertible local currency credit (CLCC) sales.

The law specifies that CLCC sales be made on credit terms no less favorable to the United States than those for development loans made under the Foreign Assistance Act of 1961, as amended. Currently, loans made under this act are for a maximum credit period of 40 years, with a grace period not to exceed 10 years. As with DC sales a minimum interest rate of 2 percent applies during the grace period and a rate of 3 percent during the remainder of the credit period.

In government-to-government DC or CLCC agreements, the foreign government acquires local currency through the resale of the commodity within the country. The local currency value is usually equivalent to the dollar value of the commodities acquired under the agreement. The law specifies that each agreement provide that these currencies are used for economic development purposes that are mutually agreed upon by the two governments.

Ocean transportation.—The Cargo Preference Act (Public Law 664, 83d Congress, which amended the Merchant Marine Act of 1936) requires that at least 50 percent of the quantity of all products exported under certain U.S. Government programs be shipped on U.S.-flag vessels to the extent that these vessels are available at fair and reasonable rates for commercial U.S. flag vessels. This requirement applies to concessional sales and donations under P.L. 480.

Most freight rates on U.S.-flag vessels on some trade routes are higher than rates charged by other vessels on the same route. CCC reimburses the importer for all the amount by which the freight bill for the portion required to be carried in U.S.-flag vessels exceeds the dollar equivalent of the freight bill for an equal quantity carried in foreign-flag vessels.

PRISONERS AND PRAYER

HON. HAROLD D. DONOHUE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 5, 1973

Mr. DONOHUE. Mr. Speaker, I am pleased to include in the Record the very timely and thought-provoking article, about the testimony of our returning Vietnam war prisoners on the vital importance of prayer in surviving their captive experience, written by the Reverend Robert G. Howes, the national coordinator of the Citizens for Public Prayer. The article follows:

Our Prisoners Prayed in North Vietnam and It Meant a Lot to Them, Yet Our Children Are Still Forbidden To Pray in Public Classrooms

Seldom has the sheer absurdity of the Supreme Court's prayer-ban decisions been more evident than it is now. Repeatedly our returning POW's speak of God, of the importance of prayer and Bible reading in their captive experience. The "Christian Science Monitor" in its 5 March 1973 front page article entitled "POWs share their secrets of survival" lists "faith in God" as the number one factor! It is simply incredible that the brotherhood of prayer which made Communist prison camps bearable continues to be denied the children in our public schools! It is simply incredible that so many of us have been silent for so long about something which our POW's now testify to as of central importance to both sanity and strength.

The absurdity of the Supreme Court's prayer-ban illogic is further compounded when one reflects that each POW is publicly paid, was publicly transported and publicly housed and fed. Yet, on public time, again and again men said, "God bless America, I thank God. It was prayer that kept me going." Thank what would happen to students in any of our public schools who likewise asked the civil right to say exactly the same words at the start of the school day!

The "Monitor" cites Colonel Robinson Risner as stating:

"We found by talking about patriotism and talking about God that we were only revealing our true feelings. So we learned to do these things. Our faith in God, our faith in our country were two of the things that brought us out alive and brought us out sound of mind and body."

Captain Mark Z. Smith is quoted as saying that he had originally figured religion to be a personal thing:

"But in the camp I found that it was a great help to the other people if I expressed my beliefs to them."

There is a way of course, to put right what is so obviously wrong with the prayer-ban decisions. This way is to write a carefully worded constitutional amendment which will restore the First Amendment to its original and common sense meaning. On the House side the key bill is Chalmers Wylie's H.J. Res. 333, on the Senate side Richard Schweiker's S.J. Res. 10. Those who share our incredulity as the contrast between what the prisoners did and what our school children cannot do must now become part of the growing national noise demanding immediate Congressional action on these bills.

WHERE ARE THE ENLISTED POW'S

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 5, 1973

Mr. RANGEL. Mr. Speaker, I have today demanded an accounting of enlisted servicemen who were captured by the enemy or declared missing in action in Vietnam.

I am asking for an explanation of the reasons why the great majority of the prisoners released by North Vietnam and the Vietcong have been officers. All of us in the black community have been aware that throughout the Vietnam conflict black soldiers have been disproportionately represented on the ground combat frontlines. Because of the racism which pervades our society and the military, blacks were placed in the position of being the shock troops who bore the brunt of the heaviest fighting in Vietnam.

From my experience as a combat infantryman in Korea, I know that it is the frontline troops, predominantly enlisted men, who are most subject to capture by the enemy. Why then have there been so few blacks and so few enlisted men among the returning POW's?

Defense Department figures show that of the 566 prisoners of war returned to date, only 69, or barely 12 percent were enlisted men. Given the fact that in Vietnam, as in every other war, enlisted men in the Armed Forces predominated, especially as ground combat troops, this low percentage of enlisted returnees is incredible.

It seems as if the Defense Department has been concerned only with Air Force officers shot down while bombing North Vietnam and has neglected the fate of those soldiers, mostly foot soldiers, mostly enlisted men, and to a great extent black, who were captured or otherwise disappeared while involved in ground combat in the South.

I am convinced that we cannot in good conscience close the books on the Vietnam war until we receive a full accounting of the fate of our brothers who have been so conveniently forgotten by the U.S. military.

I submit for the attention of my colleagues, a copy of the letter I sent to Secretary Richardson raising these important questions:

April 4, 1973.

Hon. Elliot L. Richardson,
Secretary, Department of Defense,
The Pentagon,
Washington, D.C.

Dear Mr. Secretary: As I have watched the return of American prisoners of war from Vietnam I have been struck by the fact that the overwhelming majority of these returning prisoners are officers and that an even greater majority are white.

As a Black American I have asked why there have been so few Black prisoners in the returning group. I have been particularly disturbed by the absence of Black faces in the happy scenes of welcome portrayed on the television sets because during the course of the Vietnam war I was aware of the disproportionate percentage of Blacks who were serving as infantry men in the front lines of combat in the jungles of Vietnam. You will recall I am sure the protest which arose from the Black community over Blacks having to fight and die in disproportionate numbers for a society which refuses to give them full respect and opportunity here at home.

From my experience as a combat infantry man in Korea I know that it is the front line troops, predominantly enlisted men who are most subject to capture by the enemy. Why then have there been so few Blacks and so few enlisted men among the returning prisoners of war? Figures given me by the Department of Defense show that of the 566 prisoners of war returned to date, only 69, or barely 12%, were enlisted men. Given the fact that in Vietnam, as in every other war, enlisted men in the armed forces predominated, especially as ground combat troops, this low percentage of enlisted returnees is incredible.

I have attempted to obtain statistical information from responsible officials in the Department of Defense in response to the questions I have raised, but the information I have received does not answer the central question: where are the ground troops, the enlisted men, who were captured by the enemy during more then eight years of involvement by American ground forces in Vietnam?

The impression I have received from public utterances by Department of Defense officials and from the difficulty I have encountered in obtaining the information I have sought is that the Defense Department has been concerned only with white officers who were shot down while on bombing missions over North Vietnam and has neglected the fate of those soldiers, mostly foot soldiers, mostly enlisted men, and to a great extent Blacks, who were captured or otherwise disappeared while involved in ground combat in the South.

Is the Defense Department prepared to say that the Vietnam war was solely an air war and that the only American soldiers taken prisoner by the enemy were those pilots who flew over the North? In Korea ground combat invariably meant the capture of infantry men most of whom were enlisted. We had eight years of ground combat in Vietnam and I cannot believe that in this period the enemy was able to capture only 69 enlisted men.

My experience in Korea and the experience of previous wars indicates to me that the full story of our prisoners of war and missing in action has not been told. I therfore call upon you to undertake an immediate investigation of the fate of those soldiers who have not yet been accounted for and who appear to have been conveniently forgotten by the United States military.

Sincerely,

Charles B. Rangel,
Member of Congress.

A PLEA FOR DON LYON AND OTHER AMERICANS MISSING IN SOUTHEAST ASIA

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 5, 1973

Mr. KEMP. Mr. Speaker, Don Lyon is an American serviceman missing in Laos. He was a college football star and teammate of mine at Occidental College. He is a close friend and a great American. His wife, Janice, and their children, have sent me a letter which I want brought to the attention of each Member of this Congress. It serves to focus attention on one of the most vital and compelling tasks facing this Nation, that is, the complete and expeditious accounting of Americans still missing in action in Southeast Asia.

A Plea for the Missing Men

Like other American families, we watched with great pride and joy as the first of our Prisoners of War recently were returned to us. The high spirit of these men reflects their awareness that their fellow Americans cared and did not forget them during the years of their captivity.

We are the family of Donavan Lyon, Major USAF, who was shot down in a F-4 aircraft over Laos on his very first mission March 22, 1968. He is one of more than 300 Americans Missing in Action in Laos. To us he is more than a statistic. He is a fine person who deserves to have his fate known. As the wife of an Air Force pilot, I know that sacrifices of young lives are sometimes required in combat. We can understand and accept that. It is another matter, however, to never know what has happened to someone you love.

The Pathet Lao have announced a tiny list of only seven (7) names of men held captive in Laos. They give no word as to the whereabouts of more than 300 other men who are in the anxiety producing status of Missing in Action. Even allowing for deaths due to aircraft injuries and poor conditions in POW camps in Laos, it is beyond belief that only seven men survived and are being held prisoners in Laos.

Past response by the American people in supporting our Prisoners of War and Missing in Action men has been sincere and outstanding. Now we ask for help again—the help that only you can give. Please walk with us an extra mile to help these missing brothers of our Prisoners of War.

A practical and realistic way in which you can help is to send a short note or write your individual U.S. Congressman and Senators, as well as to President Nixon. Ask them to continue their efforts in searching for the whereabouts and/or condition of these Missing in Action men.

The children and I are hoping that you will help us.

Sincerely,

Janice Lyon.
Suzanne, age 13.
Scott, age 10.
Donna, age 8.

As Members of Congress, and as Americans, we must continue to insist on a full and complete accounting of all our missing in action. For the sake of our collective and individual conscience, we cannot afford to do less.

For those of us in Congress, or for the administration to even consider supplying reconstruction aid to North Vietnam, without a good faith effort by the North Vietnamese in helping account for our missing, would be a great tragedy; and one for which I will not be responsible.

I ask my colleagues and the administration to step up the pressure on North Vietnam to aid us in this humanitarian task.

FOOD PRICES IN PERSPECTIVE

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 5, 1973

Mr. HANSEN of Idaho. Mr. Speaker, because of the public attention that has recently been centered on food prices, it is helpful to put the matter in proper perspective by comparing changes in the price of food with changes in the price of other goods and services over the past several years. While we have seen sharp increases in the price of some food items recently, the fact is that over the past 20 years increases in food prices have been far less than the cost of almost everything else that makes up the cost of living. Price rises in housing, transportation, clothing, medical services, home furnishings, and many other items have far outstripped the increases in the cost of food. Through the low food prices that have generally prevailed over the last two decades, the American farmer has been subsidizing the rest of the population. Now he is finally getting a fair break, although overall farm prices are still less than parity.

Mr. Speaker, Jean Esplin, an enterprising reporter for the Blackfoot, Idaho, News has made an excellent analysis of trends in food prices over the past two decades. She cites facts to support her assertions that food is still a bargain. In order to bring the results of this study to the attention of my colleagues, I include as a part of my remarks the newspaper article by Jean Esplin. I also include another excellent article on the same subject appearing in the Idaho Falls Post-Register by Dr. G. Alvin Carpenter, professor of agricultural economics at Brigham Young University.

The articles follow:

[From the Blackfoot (Idaho) News, Mar. 10, 1973]

Looking Glass—Food Prices

(By Jean Esplin)

Let us suppose that you and I are employed by an active business firm.

Our employer has stated that we will be paid annually and we have agreed to the arrangement. At the end of the year he calls us into his office, invites us to be seated and then "lowers the boom." The Company has not made a profit during the past year and there are no funds to pay our salaries. He then makes a strange request. He likes our work and wishes to employ us for another year. "But how are we to take care of our financial obligations?" we ask. He replies that we should obtain a loan until the end of next year and then do all in our power to improve the financial condition of the company.

Sounds a little ridiculous, doesn't it? And yet that is what sometimes happens to many of our farmer friends. They invest an entire year's work plus a great amount of money in growing their particular crops and then due to frost, hail, death of animals, poor farm prices, etc., they end the year in the red. There are outstanding farmers who are able to make a profit even in low price years, but many farmers do not and struggle to keep farming, dreaming of better prices next year. When a good price year, like this one, comes along and with it the opportunity to recoup losses, John Q. Public begins to cry that food prices are much too high.

Food prices may be too high, but so is everything else. Food is still a bargain. Twenty years ago, consumers spent 23 per cent of their disposable income for food; in 1972, it went below 16 per cent. In the last 20 years farm prices of food products have risen less than 11 per cent while retail food prices have risen 46 per cent. Eight and seven tenths per cent of the increase in farm price of food occurred in the last year; however farm prices have been very low in recent years and this is only a partial recovery.

We must realize that much of the cost of food results from our demand for more prepared, packaged food. Grain which the farmer sells for two cents a pound, costs 10 cents a lb. in flour and a pound loaf of bread costs from 25 to 33 cents.

Let's compare the increase in the farm price of food with other increases in the last 20 years. Average hourly earnings of industrial workers went up 129 per cent. Health and recreation costs increased 75 per cent, housing 63 per cent, transportation 54 per cent and semi-private hospital rooms 370 per cent. (These figures are national averages.)

The farmer is just as much a victim of inflation as you are, and his wife buys almost everything from the grocery store that your wife does. Everything that he must purchase to produce a crop has gone up, up, up. Three hundred twenty acres of land with 216 cultivated acres and a five room modern home plus a 26 stall dairy barn sold for $27,000 in 1950. Today such a farm would cost over $100,000 or nearly 300 per cent more. In 1953 a 40 horsepower tractor sold for about $3,000; today a 60 horsepower tractor from the same company sells for $7,500. Some tractors cost $18,000 or more. Farm labor costs have increased 141 per cent and machinery 100 per cent in the last 20 years.

It might be interesting to compare some food prices in 1950 with those in Blackfoot stores today. I checked ads in the 1950 editions of the Daily Bulletin (ancestor to the Blackfoot News) and found the following prices. The 1950 price is listed first and then the current price. Prices are for the same store and the same brand or a like brand.

In 1950 eggs were 45 cents a dozen—today 61 cents; 25-pound sack of flour was $2.98—now $2.64; butter 71 cents—83 cents; 3 pound can shortening was 44 cents—91 cents; 10 pounds of sugar $1.04—today $1.30; cheese 43 cents a pound—today 95 cents; Grade A Fryers 75 cents for whole chicken—today $1.33; oranges 7 cents a pound—compared to 10 to 13 cents; milk 18 cents a quart—today 35 cents; pot roast top grade 49 cents a pound—today $1.09; bacon 37 cents a pound—today 83 cents; 1½ pound loaf of bread was 19 cents; now it sells for 37 cents; 10 pound bags of potatoes were 43 cents—now 68 cents. Remember, farm food prices have increased just 11 percent.

You might be interested in other 1950 prices—it was possible to buy a full course luncheon in Blackfoot for 50 cents and a roast prime rib dinner for $1.25. An all wool topcoat could be purchased for $25.00; ladies permanents began at $5.00; bath towels could be purchased for 63 cents; famous brand men's suits for $60.00 and a well known brand of men's shoes for $9.95. Eighty-six acres adjoining the city limits could be purchased for $29,500 (I wish I had purchased that); a Buick Super for $2,437.00. You could buy a seven-room new home with bath, full basement, tile floors, fully insulated (the furnace was coal) for $9,250.00. A comparable home would cost about $25,000 today.

One should not forget, in calculating the cost of food, the many items that find their way into grocery carts that cannot be eaten. It might be interesting to take two carts next time you shop and separate items that you do not eat into one cart. You will find . . . wax paper, paper towels, toilet tissue, aluminum foil, hand soap, dishwashing soap, laundry soap, shampoo, cleansers, waxes, deodorants, shaving soaps, hand lotions. The list goes on and on.

It has been suggested that the government clamp ceilings on farm products, import more food or take other measures to lower food costs. If we wish to have adequate supplies of food later we may have to pay the price for food now. We cannot expect farmers to farm in the red year after year.

[From the Idaho Falls Post-Register, Mar. 20, 1973]

Says BYU Professor—Food Today Actually Costs Housewife Less

Provo, Utah.—Despite recent increases in food costs, prices for the family food items are less today than in the previous 40 years when one considers that wages have risen faster than food prices.

This is the observation of Dr. G. Alvin Carpenter, professor of agricultural economics at Brigham Young University, who has made careful studies of prices and wages since 1930.

"Based upon the industrial average hourly wage of 55c per hour in 1930 compared to $3.50 an hour in 1972, today's hourly wage will buy more food than the hourly wage in 1930.

"For instance, in 1930 an hourly wage would buy 5½ loaves of bread compared to 10 today; or 3½ quarts of milk compared to 12 quarts today; 1½ pounds of round steak compared to 2 pounds today; 1½ pounds of chicken compared with 7 pounds today; 3½ cans of tomatoes compared with 10 cans today; and 1½ pounds of turkey compared with 8 pounds today," Dr. Carpenter pointed out.

The reason for better food buys today stem from improved agricultural technology. A farmer in 1930 could produce enough for himself and 10 other people, whereas today a farmer can produce enough for himself and 48 other people. And all this is done on less acreage harvested.

Improved technology in farming includes new varieties of seeds, improved fertilization practices, better pest control, more automation and mechanization, reduction of waste and spoilage between farms and retail stores, and faster and improved transportation systems for delivery of food items.

"Housewives should also remember that many of today's foods have a built-in maid service which reduces preparation and cooking time. For instance, meat pies, frozen TV dinners, frozen vegetables of all kinds, as well as ready-to-cook chicken and other meats are readily available to housewives across the country," Dr. Carpenter said.

In the old days, he pointed out, someone in the family had to clean the chicken and prepare it for the Sunday dinner.

During the past 20 years, the broiler business had improved efficiency to the point wherein the modern poultryman can produce a 3½ pound broiler in 52 days using two pounds of feed per pound of chicken.

His counterpart in 1947 required 89 days to produce a bird to the same marketable weight using 3½ pounds of feed to produce one pound of chicken. Similar achievements have been made in other segments of agriculture throughout the United States, benefiting the consumer with lower prices.

"It is obvious that beef prices have risen considerably during the past few weeks nationwide. A basic reason for the increase is that the demand exceeds the current supply even though the supply has been increasing from year to year.

"For example, beef production in the U.S. increased steadily from 8.8 million pounds in 1951 to 22 billion pounds in 1972. Per person consumption of beef during the same period increased from 56 pounds to 115 pounds annually. This merely shows that as incomes increased, people exercised their preference for buying more beef even though the prices are higher," Dr. Carpenter said.

The agricultural economist also pointed out that housewives today, buying their food items at much larger markets, spend only $68.60 out of $100 for food; $8.43 for alcoholic beverages, soft drinks, candy and chewing gum; and $22.97 for non-food products such as household supplies, pet foods, tobacco products, and general merchandise.

These non-food products, according to Supermarketing Magazine's 1971 survey, accounted for a total of 30 per cent of the so-called "food" costs to American families.

And out of each $100 spent for food at retail prices, approximately 50 per cent of that is for labor costs involved in handling, processing, and selling that food to the consumer. It is a well-known fact that wage rates have increased much faster than retail food prices.

"Americans are still the best fed people in the world in terms of their percentage of disposable income spent for food," Dr. Carpenter reported. "For example, the average American consumer spends only 16 per cent of his income after taxes on food items. In England people spend 24 per cent for food; West Germany 31 per cent; Japan 35 per cent; Poland 43 per cent; and Soviet Union 45 per cent.

"What this story boils down to is that agriculture is the key to this nation's affluence. If there is any doubt about that, look at any country whose farmers are unproductive. Instead of having a 'poverty problem,' they are poor indeed," Dr. Carpenter concluded.

NEWS BULLETIN OF THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 5, 1973

Mr. WHITEHURST. Mr. Speaker, I am inserting the April 2, 1973, edition of the Bicentennial Bulletin of the American Revolution Bicentennial Commission into the RECORD. I take this action to help my colleagues be informed of action being taken around the country in preparation for the Nation's 200th anniversary in 1976. The bulletin is compiled and written by the news staff of the ARBC Communications Committee. The bulletin follows:

AMERICAN REVOLUTION
BICENTENNIAL COMMISSION,
Washington, D.C., April 2, 1973.

The Bicentennial Rural Planning Conference will be held in Racine, Wisconsin on Thursday and Friday—April 19 and 20—Planning Sessions and discussions will be held during the two day conclave to recommend specific programs for rural Bicentennial needs and meaningful projects aimed at America's rural audience.

Rear Admiral Robert W. Goehring, New England District Commander for the Coast Guard, reports that the five military services—Army, Navy, Air Force, Coast Guard and National Guard—have formed a joint committee to cooperate with the Massachusetts communities of Lexington and Concord to help them celebrate, in the spring of 1975, the battle of Lexington Green and the "shot heard 'round the world" at Concord bridge. Admiral Goehring noted also that 1975 will be the centennial year of the Coast Guard Academy at New London, fitting in nicely with the Bicentennial observance, at the Academy's plans for which are in charge of Librarian Paul Johnson.

On the evening of March 27th, the 20 Fairfax County, Virginia high school marching bands which made up the 1976-piece unit featured in the Inaugural Parade, received awards from the county, the Inaugural Committee and the Bicentennial Commission. After a 50 minute seranade by the Naval Academy Band, each group of young musicians were presented with an Inaugural Flag, a Bicentennial Flag, a plaque from the county and a certificate of appreciation from the Bicentennial Commission.

The USS Constitution, one of Boston's prime tourist attractions, will be dry-docked for two years beginning in April, according to Commander William North, Navy public affairs officer. It will not, therefore, be possible to go aboard the ship, but a viewing platform is to be erected from which visitors will be able to watch her undergoing repairs. (The Constitution is NOT a Revolutionary War vessel. She was built in 1797.)

A special Bicentennial Horizons '76 Newsletter will be featured next month as well as a Johnny Horizon '76 Supplement.

A "Fairfax County Bicentennial Cherry Blossom Concert" composed of musicians representing the four Fairfax County administrative regions is scheduled for 2:00 p.m. Sunday, April 8, on the steps of the Jefferson Memorial, overlooking the Tidal Basin. The National Park Service and the American Revolution Bicentennial Commission have joined in support.

The Burndy Library writes, "You will be interested in our present plans to help celebrate the 1976 Bicentennial in the following way: Ours is a library devoted to the history of science and technology. Among our precious possessions is the first United States Census for 1790. This was made under the direction of Thomas Jefferson and includes some vital statistics and facts that illustrate the human structure of the new Nation. Our copy is of special interest in that it was presented by Alexander Graham Bell to the Hon. S. N. D. North in 1908. The letter of transmittal indicates that this copy was one of three such copies then known. It is our plan to put this Census in its proper historical setting through an introduction and essay." The Burndy Library is located in Norwalk, Conn.

Florida universities get the Spirit of '76. Three state universities, Florida State University, University of Florida, and Florida Atlantic University, have announced the formation of committees to organize activities and plan projects for the American Revolution Bicentennial. The basic theme of their projects will be to improve their communities along the same guidelines established for the Action '76 community participation program.

"The American Experience" will be the theme of a three-part Bicentennial series planned by Alverno College. The series will take place over three years, starting in the 1973–74 academic year. Each year will have its own emphasis. Plans are being made for seminars in November of 1973 on "Revolution as Process." Well known speakers will be sought to participate in the campus seminars. The committee hopes to obtain grants to fund the speakers. A campus awareness campaign will begin this semester in preparation for the series. Since this year's freshman class will be the graduating class of '76, special efforts are being made to involve them in the project.

Professor I. George Blake, Department of History and Government, Franklin College, on March 11, spoke to the Indiana Museum Society on the topic: "Indiana's Role in the American Revolution."

Post 24, American Legion, in Alexandria, Va., initiated its observance of the Bicentennial era on March 12, 1973. The event was a commemoration of the creation of the first Provincial Committee of Correspondence by the Virginia House of Burgesses on March 12, 1773. Within a year all but one of the original colonies had Provincial Committees of Correspondence, forming a network through which leaders and the people communicated their grievances and plans leading to the American Revolution. The commemoration March 12, 1973 took the form of sending Bicentennial letters to all American Legion posts in Virginia and to Department Commanders in the 50 states. This work was done by a Post Committee of Correspondence chaired by Col. William M. Glasgow, Jr.

The NSDAR will hold its USA Bicentennial Committee meeting during the 82nd Continental Congress on Monday, April 16. This special event will include presentation of awards and honors, recognition of outstanding accomplishments and Pre-View of 1973–74 Bicentennial Action program.

The Rhode Island Bicentennial Foundation has announced that it will make available up to $1,000 to each city and town with a local Bicentennial committee in operation by July 1, 1973. The money will be distributed on a one-to-one basis. The Foundation prefers that the funds used to match the grant be appropriated by the community. The only restriction on the use of the money is that it is to be used for Bicentennial purposes. The funds for the program, about $40,000 were made available to the Bicentennial Foundation by the federal government through money it had collected as royalties from the sale of Commemorative medals. The federal grant specified that the money must be matched, at least on a dollar-for-dollar basis, and that other federal funds could not be used to match the grant.

Over a century ago Yankton was a small, bustling river community, the capital of Dakota Territory. From 1861 to 1883 the city hosted those who held the reins of government in that vast area. Between now and 1976, this former capital will be celebrating its past as a "Historic City" in South Dakota's state-wide Bicentennial celebration. Utilizing the theme "The Mother City of the Dakotas," Yankton citizens have initiated a wide array of projects which will culminate in 1976. According to the Yankton Bicentennial Committee, each project relates the past to the present to increase today's understanding of the state's territorial heritage.

END OEO

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 5, 1973

Mr. HUNT. Mr. Speaker, during the past month there have been many emotional pleas to save OEO and to maintain the programs which some say have provided many beneficial services for the poor. These pleas have been very compassionate, yet they have not been based on the factual history of OEO.

After investigating the activities of OEO, one must conclude that the most compassionate action will be the restructuring of OEO in the manner in which the President has directed.

I believe the following article from the Oklahoma Daily Times in Okmulgee, Okla., presents a good summary in support of the present restructuring of OEO. I submit it to the attention of my colleagues:

OEO CUT MAY BE JUSTIFIED

(By Karen Schwartz)

WASHINGTON.—Much hostility has greeted President Nixon's recent abolition of the Office of Economic Opportunity (OEO), but according to an OEO-initiated report, many of the poverty programs were not benefitting the poor anyway.

Lack of agressiveness and poor local management appear to be the major sore spots in the 591 Community Action Agencies (CAA's) covered by the survey.

Acting Associate Director for OEO Program Evaluation, Morgan Doughton, says that not only have CAA efforts been sparse in raising private funds to augment federal outlays, but results in the stated purpose of aiding the poor have been negligible.

Doughton's report covers a just-ended four-year period, and shows that for every federal dollar given to CAA's, the local administrators have raised 80 cents in private money.

"A dynamic rate of mobilization," Doughton says, would be "not 80 cents for each seed dollar, but $10 to $20 per seed dollar."

The problem apparently lies in bureaucratic over-staffing and inefficient use of resources. Excessive staffing, Doughton points out, leads to conflicts over money allocation. Money better used in program execution, often finds itself paying for staff costs.

In the past seven to eight years, CAA's claim to have "influenced 1,743 institutions to adopt new priorities and 1,593 employers to change their policies and hire the poor."

When these figures are broken down to include all CAA's, each is shown to have influenced new priority adoption in three organizations, and changed hiring policies of two-and-a-half employers during a period of four years.

"This scale of activity is miniscule," Doughton says, and "is hardly praiseworthy. If that's all, the poor themselves should rise up in anger and fire the CAA's as their agent."

Complex and large staff structures have stifled innovation and closed channels of citizen participation, by dominating "the development of roles, responsibilities, and challenges," Doughton said.

One effect of this lack of innovation is shown by the small amount of private support. Over the four-year period, the 591 CAA's received $165-million in private funds, only .3-per cent of all American philanthropic donations during the same period.

"Quite clearly, foundations and other philanthropic entities have found more creative and results-oriented programs and people outside the CAA structure," Doughton says.

To be effective, poverty programs should be designed not only for, but also by, the poor, thus giving them the skills and capabilities to further escape poverty.

According to Doughton, this goal is exactly what the CAA's are not doing, showing an "appalling lack of perception regarding what it takes to move a community in a positive, meaningful direction."

CAA anti-poverty programs have become merely a means of "showing the poor that society cares," while not working to help them.

Consistent with the overall theme of the Nixon budget, Doughton concludes, "It now properly rests with the States and cities to decide how to best utilize available funds on the local level where the problems exist."

LEAD-BASED PAINT POISONING

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 5, 1973

Mr. PEYSER. Mr. Speaker, on March 27, 1973, the Yonkers City Council adopted a resolution supporting all efforts at eliminating the problem of lead-based paint poisoning. This resolution specifically endorsed a bill which I introduced this session, H.R. 906, which would appropriate the maximum amount of money available for the Lead-Based Paint Poisoning Act, Public Law 91–695.

This resolution is a clear indication of the very real concern that exists in our cities over this problem. The incidence of lead-based paint poisoning has increased in recent years. Almost all the victims of this poisoning are children under the age of 7, particularly those who live in tenements.

It is imperative that this program receive the adequate funding which it requires, and I thank Councilman Goldman of Yonkers, who introduced this resolution. He is to be commended for his activity in this area. The resolution follows:

RESOLUTION NO. 158

Whereas, some Yonkers Citizens are affected in their daily lives by the problems directly connected with lead poisoning, and

Whereas, a committee of local citizens is very interested and active at this time, in researching the various need priorities of the Yonkers community in the areas of this problem of lead poisoning, now, therefore,

Be it resolved, that this City Council expresses its understanding and awareness of this existing health problem within the City of Yonkers and recognizes the group that is presently exploring various avenues for resolving the problem, and

Further resolved, that this City Council will be most interested in the final determination of steps which may be taken to ameliorate or completely abolish this health condition for our citizens, and

Be it further resolved, that Congressman Peter Peyser be sent a copy of this Resolution to show our support of his Bill H.R. 906.

TESTIMONY ON IMPOUNDMENT BILLS

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 5, 1973

Ms. ABZUG. Mr. Speaker, the current debate over the President's refusal to spend appropriated funds is one of the most important issues in years. Recently I had the privilege of presenting testimony to the House Rules Committee. I would like to insert that testimony into the RECORD at this point:

TESTIMONY ON IMPOUNDMENT BILLS

Mr. Chairman, the time has come to put an end to the debate over impoundment; to assert unequivocally that it is the duty of the Congress to appropriate funds, and the responsibility of the President to spend them as Congress has directed. After funds are impounded, it is too late for effective protest; the damage is done—as we have seen in the last few weeks—when projects approved by Congress are left without money to operate.

I have introduced a bill, H.R. 6206, to prohibit impounding for the following reasons: 1) the Constitution gives the Congress authority to act; 2) the public is demanding that we act; and 3) it is necessary that we act to prevent further disruption and dismay in communities throughout the country.

I feel sure that your constituents, like mine, are deluging you with mail and visits, imploring you to "do something." The combined effect of misuse of revenue sharing, new regulations on such services as child care, and the impoundment of funds already appropriated, is cumulative. Hundreds of thousands of citizens are being reduced to economic dependency, including thousands who had just begun to be able to make their way on their own. Every day they tell us of projects already started, projects that have raised hope and faith and self-reliance in people who had felt helpless—projects now being terminated abruptly.

Recently rallies were held in Washington to protest the dismantling of the Office of Economic Opportunity and the refusal to spend allocated funds. Hundreds of citizens came to my office, from all over the country as well as from my own 20th District in New York. They were young and old, black and white, but they told similar stories of neighborhood projects—obtaining better housing, improving schools, helping young people get education and training. Now these projects are ending, though the necessary money has already been appropriated. These individual human tragedies mount into a crescendo of bitterness and hope betrayed. The people look to us for help.

It is not only the poor who are affected when funds are impounded. Control of water pollution, for example, affects the millionaire on his yacht, the surf-rider, the skin diver. It affects every citizen, for the health of the nation depends upon control of pollution. Yet the President proposes to cut water pollution control funds from $11 billion to $5 billion.

Our constituents are knowledgeable people; they constantly remind us that we *can* "do something" if we have the will. But we must seize back the power that has slipped away from us.

The framers of our Constitution designed it to provide balance among the Executive, Legislative and Judicial branches of government. The House of Representatives, elected every two years, is supposed to be especially close to the people—as indeed we are. Thus the House along with the Senate has "the power of the purse" to impose taxes and appropriate revenues.

The Executive is supposed to execute the will of the people—and I use the verb to mean "carry out", implement, the will of the people.

The Founding Fathers, however, could have anticipated neither the computer age nor its manner of decision-making. They could hardly have imagined the vast bureaucracy that government has become. They could hardly have guessed that the very technology which makes possible our complex society, would serve to draw more and more power into the vortex of the Presidency.

We are all weary of being told that, over the years, Congress has abdicated its responsibility—but we must admit that it is true. When a President can for a decade conduct a war that Congress did not declare, spending billions of tax dollars that Congress dared not refuse, even after the public had long since rejected the war, then I'm afraid we must sadly agree that Congress has abdicated its responsibility.

When a President can with impunity refuse to spend billions of dollars that the Congress has allocated for specific social purposes, then again we must agree that Congress has abdicated.

To reassert our prerogatives, we must look with some urgency at our own institution. First we find an appalling lack of modernity, some of which we have started to remedy with the reforms begun by Speaker Albert and others. But in addition to reforms of our rules and procedures, much more is needed.

Our $500 million annual legislative budget, for example, is *less than three days'* expenditure for the Pentagon!

We finally have a computer to record our votes—but compare that if you will to the hundreds of computers in the Department of Defense, the State Department, and other channels of input to Executive decision-making. If we are to put the Congress back in balance with the White House and the Supreme Court, we are going to have to bring ourselves up to date.

Because we have allowed power to trickle away from this House, we have made it easy for the Executive to initiate legislation, which we then either approve, delay, or obstruct, but seldom disapprove. It has been considered somehow impolite, impolitic, even impudent, to assert our own responsible authority in opposition to Executive authority. Yet we are supposed to initiate legislation, which the President then carries out. At this moment we are allowing the President to withhold funds from programs judged vital to our communities.

This is far from the original purpose of the Congress and far from any concept its early members held, of their proud role.

Under these circumstances, Congress has been said to be "withering away." Emergency Presidential powers are coming to be regarded as Divine Rights of Presidents.

In particular, the right to decide how funds are spent has been usurped by the incumbent President. We must reclaim this right as the Constitution indicates.

There is no specific provision in the Constitution authorizing the President to refuse to spend monies appropriated by the Congress. The intent was obvious: the Congress decides where tax dollars are to go, and the President sees that they go there.

The Executive was given limited power to veto legislation, but only whole pieces of legislation. He was not given the right to pick and choose pieces of legislation to veto. Yet by holding up funds for a particular program, the President in effect exercises an "item veto."

Legislation proposed to date does not cope with these basic problems. It requires Congressional permission to impound funds, but gives the Executive sixty days' time to do as he pleases, *before* obtaining Congressional consent. If consent is refused, he can try again—with another sixty days' time. Many good programs can be destroyed in sixty days; many already have been destroyed.

Every supplemental increase in funds must be approved; there is no reason that a supplemental decrease in funds should not be requested by the Executive and considered by the Congress in the same way.

Bills such as S. 373 seem to imply that there is nothing unlawful about Executive impounding, whereas it is in fact an unlawful *extension* of Presidential powers. We should make this explicit in our bill.

I have introduced a bill, H.R. 6206, which expressly forbids the President, the Director of the Office of Management and Budget, and all other Executive branch officials from impounding funds, except as authorized by the Anti-Deficiency Act, to control the national economy or overall Federal spending. This again is the province of the Congress. The incumbent President's tactics substitute the judgment of one man for that of 535 Members of Congress.

Under my bill, the department or agency requesting the reduction would include in its request to Congress the following information:

(1) The amount of the proposed reduction;

(2) The agency and account whose funds are proposed to be reduced;

(3) The effect of the reduction on each affected program;

(4) The proposed duration of the reduction;

(5) The reasons for the reduction; and

(6) The fiscal, economic and budgetary effects of the reduction on overall Federal spending and on the nation as a whole.

The reduction requests would be published in the Federal Register, so that all citizens would have an opportunity to comment on it to their Representatives and Senators, and the request would be acted upon by Congress in the same manner as appropriation legislation.

Members of Congress would be authorized to sue to prevent impounding, and in such suits the Federal government would have 20 days, not 60 days, to reply. I am including the text of the Bill at the end of this statement.

Finally, we must set up our own Congressional office for budgetary review, so that each year's expenditures may be considered in their entirety rather than piece-meal as at present. The Office of Management and Budget claims that it is the only agency in the Federal government that is equipped for such review. If this is true, we must move to correct the situation.

The people, in continuing to give us "the power of the purse", expect us to know what's in that purse and to spend it wisely, as they direct.

H.R. 6206

A bill to prohibit the impounding of funds, establish a procedure for the reduction of funds available to the executive branch, and to authorize suits by Members of Congress to prevent the impounding of funds, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Anti-Impounding Act of 1973."

TITLE I—IMPOUNDING OF FUNDS

SEC. 101. For purposes of this Act, the impounding of funds includes—

(1) the withholding, delaying, deferring, freezing, or otherwise refusing to expand or obligate funds appropriated or otherwise authorized to be granted, obligated, or contracted for (whether by establishing reserves or otherwise);

(2) the delaying, deferring, or refusing to allot funds appropriated or otherwise authorized to be granted, obligated, or contracted for, where such allotment is required in order to permit such funds to be expended obligated, granted, or contracted for;

(3) the delaying, deferring, or refusing to permit a potential grantee to obligate funds (whether by establishing contract controls reserves, or otherwise);

(4) the cancellation or termination of any authorized project or activity for which funds have been appropriated or otherwise authorized to be granted, obligated, or contracted for; and

(5) any other action which effectively precludes or delays the obligation or expenditure of funds appropriated or otherwise authorized to be granted, obligated, or contracted for.

SEC. 102. Except as provided in section 3679 of the Revised Statutes (31 U.S.C. 665), as last amended by section 103 of this Act, neither the President, the Director of the Office of Management and Budget, nor any other official or employee in the executive branch shall impound funds or shall order, cause, or permit the impounding of funds.

SEC. 103. (a) Subsection (c)(2) of section 3679 of the Revised Statutes (31 U.S.C. 665) is amended by adding at the end thereof the following: "The phrase 'whenever savings are made possible' contained in this subsection shall be strictly construed to include only those instances in which the programs, projects, or other purposes for which the appropriation or funds available for obligation concerned was made can be fully achieved or carried out with the expenditure or obligation of the full sum appropriated or available for obligation. The phrase 'other developments subsequent to the date on which such appropriation was made available' contained in this subsection shall not be construed to authorize the impounding of funds, as defined in section 101 of the Anti-Impounding Act of 1973, for reasons related to the control of the national economy, the reduction of overall Federal spending, or any other reason not specifically and expressly authorized by this subsection or by the laws providing for the expenditure or obligation in question."

(b) Section 3679 of the Revised Statutes (31 U.S.C. 665) is amended by adding at the end thereof the following new subsection:

"(j) Except as specifically and expressly provided for by subsection (c)(2) of this section or by the laws providing for the expenditure or obligation in question, nothing in this section shall be construed to authorize any officer or employee of the executive branch to expend, obligate, or otherwise commit within a fiscal year less than the full sum appropriated or made available for obligation by the Congress for that fiscal year."

SEC. 104. (a) Nothing in this Act shall be construed to require any person to approve, order, or make the expenditure or obligation of funds not otherwise permitted by law.

(b) Nothing in this Act shall be construed to constitute ratification or approval of any impounding of funds made prior to its enactment.

TITLE II—REDUCTION OF FUNDS

SEC. 201. (a) If the President, Director of the Office of Management and Budget, or any other executive officer or agency head desires to reduce the funds appropriated or otherwise authorized to be granted, obligated, or contracted for for any Federal program, activity, or purpose, where such reduction is prohibited by section 102 of this Act, he shall transmit to the Senate and the House of Representatives a request for legislation of such reduction, including in such request—

(1) the amount of the proposed reduction of funds;

(2) the account, department, agency, or establishment for which the funds are proposed to be reduced;

(3) the effect and extent of the reduction with respect to each program which would be affected by the proposed reduction;

(4) the proposed duration of the proposed reduction;

(5) the reasons for the proposed reduction; and

(6) the estimated fiscal, economic, and budgetary effects of the proposed reduction on overall Federal spending and on the Nation as a whole.

(b) A copy of any request made pursuant to subsection (a) of this section shall be transmitted to the Office of the Federal Register at the same time that it is transmitted to the Senate and the House of Representatives, and it shall be published in the Federal Register within five days thereafter.

(c) The Senate and the House of Representatives shall act on a request made pursuant to subsection (a) of this section in the same manner as they act on general appropriations legislation.

TITLE III—PROVISIONS RELATING TO LITIGATION

SEC. 301. Any Member of Congress may bring an action to enforce the provisions of title I or II of this Act or section 3679 of the Revised Statutes (31 U.S.C. 665), or otherwise to prevent the impounding of funds other than as expressly permitted by law. Such an action shall be brought in the United States District Court for the District of Columbia without regard to the amount in controversy.

SEC. 302. The defendant in any action brought to prevent the impounding of funds, including an action brought pursuant to section 301 of this Act, shall have twenty days within which to answer or move with respect to the complaint in such action. No extension of such period shall be granted except upon reasonable notice to all parties and upon a showing of extraordinary and compelling need. Any such action, whether commenced before or after the enactment of this Act, shall be entitled to priority in the courts.

SEC. 303. No bond shall be required in any action brought to prevent the impounding of funds, including an action brought pursuant to section 301 of this Act.

SEC. 304. In any action brought to prevent the impounding of funds, including an action brought pursuant to section 301 of this Act, the court may allow the prevailing party, other than the United States or any officer, employee, department, agency or establishment of the executive branch thereof, a reasonable attorney's fee as part of the costs, and the United States or any officer, employee, department, agency, or establishment of the executive branch thereof shall be liable for costs the same as a private person.

SEC. 305. In any action brought to prevent the impounding of funds, including an action brought pursuant to section 301 of this Act, any Member of Congress shall have the right to file a brief amicus curiae in the United States Supreme Court or in a court of appeals at any time prior to oral argument or the decision of the court, whichever occurs first. In a district court, any Member of Congress shall have the right to file a brief amicus curiae unless the court determines that the filing thereof will unduly delay the action.

SEC. 306. Nothing in this Act shall be construed to imply the absence of standing of a Member of Congress to bring any action in any court of the United States, whether as a Member of Congress or as a citizen, prior to its enactment.

TITLE IV—SEPARABILITY PROVISION

SEC. 401. If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this Act, shall not be affected thereby.

SECTION-BY-SECTION ANALYSIS OF ABZUG IMPOUNDING BILL

TITLE I—IMPOUNDING OF FUNDS

Section 101 defines the impounding of funds to include the refusal to spend funds appropriated or otherwise made available, the refusal to allot funds where allotment is a necessary precondition of expenditure (e.g., Water Pollution Control Act funds), the refusal to permit a grantee to obligate funds (e.g., under the Highway Act, States due funds may commit the Federal government to their expenditure without actually having the funds in hand), the termination of any project for which funds have been appropriated or otherwise made available, and any other action which precludes the expenditure of funds appropriated or otherwise made available.

Section 102 forbids the President, the Director of the Office of Management and Budget, and all other Executive branch officials from impounding funds, except as authorized by the Anti-Deficiency Act, as tightened by section 103 of this Act.

Section 103 tightens existing provisions of law (the Anti-Deficiency Act) which permit impounding of funds in certain instances such as the completion of a program for less than was appropriated for it and expressly prohibits withholding of funds to control the national economy or overall Federal spending.

Section 104(a) makes clear that this Act does not require anyone to spend funds not properly made available for expenditure. Section 104(b) states that this Act in no way ratifies or approves impounding of funds occurring prior to its enactment.

TITLE II—REDUCTION OF FUNDS

Section 201 provides a mechanism by which the funds appropriated or otherwise made available to the Executive branch may be reduced. Under this mechanism, any reduction would have to be enacted by Congress, just as it is Congress which must enact any *additional* funds requested during a fiscal year for an agency or department. The department or agency requesting the reduction would include in its request to Congress the following information:

(1) the amount of the proposed reduction;

(2) the agency and account whose funds are proposed to be reduced;

(3) the effect of the reduction on each affected program;

(4) the proposed duration of the reduction;

(5) the reasons for the reduction; and

(6) the fiscal, economic and bugetary effects of the reduction on overall Federal spending and on the nation as a whole.

The reduction request would be published in the Federal Register, so that all citizens would have an opportunity to comment on it to their Representatives and Senators, and the request would be acted upon by Congress in the same manner as appropriation legislation.

TITLE III—PROVISIONS RELATING TO LITIGATION

Section 301 authorizes any Member of Congress to sue to prevent the impounding of funds. Such suits would be brought in the U.S. District Court in Washington, D.C., and could be brought without regard to the amount of money involved.

Section 302 provides that in any lawsuit brought to prevent the impounding of funds, the Federal government must reply within 20 days, instead of the usual 60, with extensions of time granted only in cases of extraordinary and compelling need. Impounding suits would receive priority in the courts under this section.

Section 303 prevents the court from requiring an individual challenging an impounding of funds to post a security bond.

Section 304 permtis a court to award attorney's fees to an individual successfully challenging an impounding of funds.

Section 305 authorizes Members of Congress to file *amicus curiae* (friend of the court) briefs in impounding cases, and requires the courts to accept such briefs if submitted at the proper time.

Section 306 states that nothing in this Act implies the absence of standing of any Member of Congress to bring impounding suits prior to its enactment.

TITLE IV—SEPARABILITY PROVISION

Section 401 provides that if any portion of the Act, or the application of any portion of the Act to a particular circumstance, is held inavlid, the remainder of the Act and its applicability to other circumstances shall not be affected.

VOCATIONAL REHABILITATION ACT

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 5, 1973

Mr. OWENS. Mr. Speaker, I wish to convey my deep concern regarding the President's recent veto of the Vocational Rehabilitation Act and the Senate's failure to overturn the veto last Tuesday. My office has been notified of the harmful effects which this action will have in Utah.

One specific example is Federal funding for Social Rehabilitation Service training programs will be terminated as of July 1, 1974. In recent years, SRS training grants have provided educational opportunities for a number of Utah's white, chicano, black, and Indian population to attain the necessary skills for careers in social work. These grants have been for 5-year periods and both students and faculty have made their academic plans contingent upon these Federal funds. Now, the grants are being quickly eliminated—leaving a chaotic predicament for schools of social work throughout the country.

The administration's budget for fiscal year 1974 slashes such grants for schools of social work, which means a 50-percent reduction in current funding will occur this June. This precipitous action means that the University of Utah, in addition to all other universities and colleges engaged in social welfare, must now terminate professors with little warning; the University of Utah must discharge three professors with less than 30 days notice. In addition, deserving students with poverty backgrounds suddenly find themselves no longer able to remain in college.

It has been the intent of the Social Rehabilitation Service training grants to educate a number of America's intelligent, but disadvantaged young people for occupations where they can make a considerable contribution to this Nation. Such programs have also significantly alleviated the degree of frustration and anger felt by these previously alienated segments of our society.

The President has demonstrated an insensitivity, I believe, for the plight of poor people with his veto. His decision to "phase out" all manpower training programs, which includes SRS grants, will be another blow to those disadvantaged citizens who are struggling to attain a more meaningful life. And I fear that the Senate's refusal to override the President's veto indicates that the administration's insensitivity is shared by an effecive minority in the Congress.

THE ENERGY DEVELOPMENT AND SUPPLY TRUST FUND ACT OF 1973

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 5, 1973

Mr. VANIK. Mr. Speaker, due to the great interest that has been expressed in the tax provisions of my proposal to establish an energy development and supply trust fund, I would like to enter that portion of the legislation dealing with the energy use excise tax in the RECORD at this point:

ENERGY USE EXCISE TAX

SEC. 11. (a) Chapter 36 of the Internal Revenue Code of 1954 (relating to certain excise taxes) is amended by inserting immediately before subchapter B the following new subchapter:

"SUBCHAPTER A—TAX ON CERTAIN ENERGY SOURCES

"Sec. 4451. Imposition of tax.

"Sec. 4452. Notification to consumer of taxes paid.

"SEC. 4451. IMPOSITION OF TAX.

"(a) GENERAL RULE.—

"(1) ELECTRICITY.—There is imposed a tax of 1/10 of 1 cent per kilowatt of electricity—

"(A) sold or otherwise transferred to any person for his own consumption or use as an energy source; or

"(B) consumed or used by any person as an energy source unless there was a sale or other transfer taxable under subparagraph (A).

"(2) NATURAL GAS.—There is imposed a tax of 10 cents per thousand cubic feet of natural gas—

"(A) sold or otherwise transferred to any person for his own consumption or use as an energy source; or

"(B) consumed or used by any person as an energy source unless there was a sale or other transfer taxable under subparagraph (A).

"(3) SPECIAL DISTILLATE AND RESIDUAL FUEL.—There is imposed a tax of ½ cent per gallon of special distillate and residual fuel—

"(A) sold or otherwise transferred to any person for his own consumption or use as an energy source; or

"(B) consumed or used by any person as an energy source unless there was a sale or other transfer taxable under subparagraph (A).

"(b) DEFINITION OF SPECIAL DISTILLATE AND RESIDUAL FUEL.—For purposes of this subchapter, the term 'special distillate and residual fuel' means diesel fuel (other than diesel fuel taxable under section 4041(a)), kerosene, fuel oil, and gas oil.

"(c) LIABILITY FOR PAYMENT.—The tax imposed by this section shall be paid at such times and in such manner as the Secretary shall prescribe—

"(1) by the seller or transferor with respect to the tax imposed by subsections (a) (1) (A), (a) (2) (A), and (a) (3) (A); and

"(2) by the consumer or user with respect to the tax imposed by subsections (a) (1) (B), (a) (2) (B), and (a) (3) (B).

"(d) EXEMPTION.—Under such regulations as the Secretary shall prescribe, no person shall be required to pay the tax imposed—

"(1) under subsection (a) (1) (B) if the total electricity consumed or used by any person during a calendar year as an energy source is less than 30,000 kilowatts;

"(2) under subsection (a) (2) (B) if the total natural gas consumed or used by any person during a calendar year as an energy source is less than 200,000 cubic feet; or

"(3) under subsection (a) (3) (B) if the total amount of special distillate and residual fuel consumed or used by any person during a calendar year as an energy source is less than 2,500 gallons.

"(c) CROSS REFERENCES.—

"For allowance of credit against the tax imposed by subtitle A in the case of limited consumption or use of energy sources, see section 2.

"SEC. 4452. NOTIFICATION TO CONSUMER OF TAXES PAID

"(a) GENERAL REQUIREMENT.—Every person required to pay the tax imposed by section 4451(a) (1) (A), (a) (2) (A), or (a) (3) (A) shall furnish a written statement on or before January 31 to the person to whom electricity, natural gas, or special distillate and residual fuel was sold or otherwise transferred during the preceding calendar year indicating—

"(1) the name of such person;

"(2) the total amount of electricity, natural gas, or special distillate and residual fuel sold or otherwise transferred from the seller or transferor to such person during the year, and the total taxes paid under this section with respect to such amount; and

"(3) whether the amount indicated under paragraph (2) might qualify such person to receive a credit under section 42.

"(b) EXCEPTIONS.—The Secretary may provide, with respect to the requirement of subsection (a), such alternative reporting requirements, or exceptions, as he deems necessary where sales or other transfers occur in a nonrecurring or irregular manner."

(b) The table of subchapters for such chapter 36 is amended by inserting immediately before the item relating to subchapter B the following new item—

"SUBCHAPTER A. Tax on certain energy sources."

(c) Subpart A of part IV of chapter 1 of the Internal Revenue Code of 1954 (relating to credits against tax) is amended by redesignating section 42 as section 43 and inserting immediately after section 41 the following new section:

"SEC. 42. REBATABLE USAGE OF CERTAIN ENERGY SOURCES.

"There shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the sum of the taxes paid under section 4451 by any person with respect to—

"(1) electricity sold or otherwise transferred during the calendar year to the taxpayer for his own consumption or use as an energy source if the total quantity sold was less than 30,000 kilowatts, or

"(2) natural gas sold or otherwise transferred during the calendar year to the taxpayer for his own consumption or use as an energy source if the total quantity sold was less than 200,000 cubic feet, or

"(3) special distillate and residual fuel (as such term is defined in section 4451(b)) sold or otherwise transferred during the calendar year to the taxpayer for his own consumption or use as an energy source if the total quantity sold was less than 2,500 gallons."

(d) The table of sections for such subpart A is amended by striking out the item relating to section 42 and inserting in lieu thereof the following new items:

"Sec. 42. Rebatable usage of certain energy sources.

"Sec. 43. Overpayments of tax."

(e) Section 6401(b) of the Internal Revenue Code of 1954 (relating to the treatment of excess credits) is amended by inserting ", 42 (relating to rebatable usage of certain energy sources)" immediately after "and lubricating oil)".

(f) The amendments made by this section shall take effect on July 1, 1973.

ADDITIONAL PETROLEUM AND NATURAL GAS DUTIES

SEC. 12. (a) Schedule 4, part 10, of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by adding after headnote 3 the following new headnote—

"4. (a) In addition to any other duty imposed under this part, there is a duty imposed on any article listed in item 475.05, 475.10, 475.15, or 475.25, which is the product of any foreign country (except Canada and Mexico). Such duty shall be in an amount per article equal to 90 percent of the amount by which the standard domestic price of such article exceeds the standard foreign price of such article.

"(b) For the purpose of this headnote—

"(i) the term 'standard domestic price' means the average wholesale price of the article for a calendar quarter in the region of the United States in which such article is to be ultimately consumed.

"(ii) the term 'standard foreign price' means the average wholesale price of the article for a calendar quarter in the foreign country of origin combined with the average cost of shipping such article (in normal quantities) during such quarter from the foreign country of origin to the port of entry for the region in which it is to be ultimately consumed.

"(c) The Energy Development and Supply Commission (with the assistance of the National Academy of Science and the National Academy of Engineering) shall prescribe, by rule, regions, standard domestic prices, and standard foreign prices (including shipping costs) for each article for use in determining the duty imposed under this headnote Such commission shall establish—

"(1) during each calendar quarter, such standard prices for the following calendar quarter by utilizing the average prices and costs for the previous calendar quarter; and

"(2) such regions for each article with a view toward equalizing the retail price of each such article between such regions."

(b) (1) Items 475.05, 475.10, and 475.25 of such schedule are amended by adding "+ additional duty (see headnote 4)" immediately after "per gal." each time it appears.

(2) Item 475.15 of such schedule is amended by striking out "free" both times it appears and inserting in lieu thereof "A duty upon the excess of domestic price over foreign price (see headnote 4)."

(c) The amendments made by subsection (a) and (b) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the first day of the second calendar quarter following the date of the enactment of this Act.

REPEAL OF AUTHORITY FOR OIL IMPORT QUOTAS

SEC. 13. (a) Subsection (b) of section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862) is amended by adding at the end thereof the following sentence: "However, no action shall be taken with respect to petroleum or petroleum products, nor shall any action taken before the effective date of this sentence with respect to such petroleum or petroleum products have effect on or after such date."

(b) The amendment made by subsection (a) of this section shall take effect on the first day of the second calendar quarter beginning after the date of the enactment of this Act.

ENERGY DEVELOPMENT AND SUPPLY TRUST FUND

SEC. 14. (a) There is established in the Treasury a trust fund to be known as the energy development and supply trust fund, hereinafter referred to as the trust fund.

(b) There are appropriated to the trust fund, out of any money in the Treasury not otherwise appropriated, amounts equal to the following taxes and duties received in the Treasury before July 1, 1985, which are attributable to liability for taxes and duties:

(1) taxes received under section 4451 of the Internal Revenue Code of 1954 (taxes on certain energy sources); and

(2) duties received under headnote 4, schedule 4, part 10, of the Tariff Schedules of the United States (19 U.S.C. 1202).

(c) Amounts appropriated under this section shall be transferred monthly to the Trust Fund on the basis of estimates of such amounts made by the Secretary. Adjustments shall be made in the amounts subsequently transferred—

(1) to the extent prior estimates are in excess of or less than the amounts required to be transferred; and

(2) to provide for reduction of such amounts by an amount equal to the credits allowed under section 42 of the Internal Revenue Code of 1954 (relating to rebatable usage of certain energy sources).

ADDITIONAL APPROPRIATIONS TO TRUST FUND

SEC. 15. There are authorized to be appropriated to the Trust Fund, in addition to amounts otherwise appropriated, such additional sums as may be necessary to carry out the purposes of this Act.

MANAGEMENT OF TRUST FUND

SEC. 16. (a) The Secretary shall hold the Trust Fund and (after consultation with the Commission) shall transmit to the Congress—

(1) not later than the first day of March in each fiscal year through the fiscal year ending June 30, 1984, a report on the financial condition and operations of the Trust Fund with respect to—

(A) the last complete fiscal year;

(B) the current fiscal year; and

(C) the next ensuing fiscal year; and

(2) not later than September 30, 1985, a report on the financial condition and operations of the Trust Fund for the period from July 1, 1984, through August 31, 1985.

Reports under this subsection shall be printed as House documents of the session of the Congress to which they are made.

(b) The Secretary shall invest such portion of the Trust Fund as is not required in his judgment to meet current withdrawals. Any such investment may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose any such obligation may be acquired—

(1) on original issue at issue price; or

(2) by purchase of outstanding obligations at the market price.

Purposes for which any obligation of the United States may be issued under the Second Liberty Bond Act (31 U.S.C. 745 et seq.) are hereby extended to authorize the issuance at par of special obligations exclusively to the Trust Fund. Such special obligations shall bear interest at a rate determined by the Secretary, taking into consideration the current average yield, during the month preceding the date of its issue, on marketable interest-bearing obligations of the United States of comparable maturity then forming a part of the public debt. Such special obligations shall be issued only if the Secretary determines that the purchase of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States on original issue or at the market price, is not in the public interest.

(c) Any obligation acquired by the Trust Fund (except any special obligation issued exclusively to the Trust Fund) may be sold by the Secretary at the market price. Any special obligation may be redeemed at par plus accrued interest.

(d) The interest on, and the proceeds from the sale or redemption of, any obligation held in the Trust Fund shall be credited to and form a part of the Trust Fund.

EXPENDITURES FROM TRUST FUND

SEC. 17. Amounts in the Trust Fund shall be available as provided in appropriation Acts, for making any expenditures to meet any obligation incurred after June 30, 1973, and before July 1, 1985, under this Act.

DEFINITIONS

SEC. 18. For the purposes of this Act—

(1) "public lands of the United States" means all Federal land administered by the Bureau of Land Management, any land beneath navigable waters subject to the jurisdiction and control of the United States, and the Outer Continental Shelf;

(2) "Secretary" means the Secretary of the Treasury;

(3) "Treasury" means the Treasury of the United States;

(4) "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States;

(5) "United States", when such term is used in a geographical sense, means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States;

(6) "land beneath navigable waters" has the same meaning as such term has under section 2(a) of the Submerged Lands Act (43 U.S.C. 1301(a));

(7) "Outer Continental Shelf" has the same meaning as such term has under section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)); and

(8) "local government" means any local unit of government created under State law, including a county, municipality, city, town, or township.

TERMINATION DATE

SEC. 19. Unless otherwise provided by law, the provisions of this Act shall cease to have effect on September 30, 1985.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 5, 1973

Mr. SCHERLE. Mr. Speaker, for more than 3 years, I have reminded my colleagues daily of the plight of our prisoners of war. Now, for most of us, the war is over. Yet despite the cease-fire agreement's provisions for the release of all prisoners, fewer than 600 of the more than 1,900 men who were lost while on active duty in Southeast Asia have been identified by the enemy as alive and captive. The remaining 1,220 men are still missing in action.

A child asks: "Where is daddy?" A mother asks: "How is my son?" A wife wonders: "Is my husband alive or dead?" How long?

Until those men are accounted for, their families will continue to undergo the special suffering reserved for the relatives of those who simply disappear without a trace, the living lost, the dead with graves unmarked. For their families, peace brings no respite from frustation, anxiety, and uncertainty. Some can look forward to a whole lifetime shadowed by grief.

We must make every effort to alleviate their anguish by redoubling our search for the missing servicemen. Of the incalculable debt owed to them and their families, we can at least pay that minimum. Until I am satisfied, therefore, that we are meeting our obligation, I will continue to ask, "How long?"

TUITION TAX CREDIT—A MUST

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 5, 1973

Mr. DULSKI. Mr. Speaker, all of us are aware of the plight of nonpublic schools and the need for some type of assistance if we are to keep them from tossing their entire financial and physical plant burden upon all the taxpayers.

In the last Congress and again this year, I have sponsored legislation to provide a tax credit to parents and guardians to help offset their tuition burden.

Members of the House Committee on Ways and Means are sympathetic to the problem and supported similar legislation in the last Congress.

I am hopeful that the committee soon will act favorably on this subject. There are a number of variations on the proposal and I hope sincerely that we will not get bogged down on details. What we need is action in the best possible form.

Mr. Speaker, some 400 parents and school administrators gathered in Bishop Turner High School in Buffalo, N.Y., to discuss this problem. As part of my remarks, I include most of the story which appeared in the Magnificat, weekly publication of the Roman Catholic diocese of Buffalo:

TAX CREDIT PLAN SEEN BEST WAY TO BOLSTER NONPUBLIC SCHOOLS

(By Cecelia Viggo)

"The problem of aid to non-public schools is not a Catholic, Protestant or Jewish problem, it's an American problem . . . concerning the preservation of freedom of choice in education," Ivan Zylstra, executive director of C.R.E.D.I.T. (Citizens for Education by Income Tax Credit), told an audience of about 400 parents and administrators Tuesday, March 20 at Bishop Turner High School.

Zylstra, a member of President Nixon's Commission on School Finance and the White House Panel on Non-public Schools and Administrator of Government Relations for the National Union of Christian Schools, was principal speaker at a conference on federal tax credit legislation, sponsored by the Federation of Home School Associations, with the cooperation of the Parents' Council for Independent Schools and the Lutheran Church Schools, Missouri Synod.

"The two-year old organization of C.R.E.D.I.T. marks the first time we have had a coalition of multi-faith and independent school leaders interested in working for one goal—the continuance of pluralism in education," Zylstra said. The director commented that the issue of aid to non-public schools did not concern the merits of private versus public education but "the right of parents to decide what is best for his child in the area of education."

"There must be a realistic freedom of choice," Zylstra maintained, "in the areas of jobs, churches, neighborhoods and schools. If federal aid is denied non-public schools, I believe non-public education in this country will continue. But without aid, the schools will become more and more exclusive. Choice with economic sanctions is no longer choice."

TAX CREDIT IS ANSWER

He pointed to Federal tax-credit legislation as "the one form of aid around which non-public schools have rallied," and "one of the few viable options open for securing federal aid" because funds go directly to the parents, not the non-public schools. Other laws providing aid to non-public schools have been declared unconstitutional by the Supreme Court.

Zylstra urged parents to write their congressmen and senators to ask for their support of H.R. 49, a federal tax-credit bill currently under consideration by Congress. H.R. 49, is identical to the bill which received the support of a majority of members on the House Ways and Means Committee last year.

It would permit parents of children in grades 1–12 of non-public schools to substract one-half of the tuition paid (up to $200 per child) from the amount of federal tax owed. There is no limit on the number of eligible dependents for whom credits can be claimed, but a student must attend a school which conforms to the compulsory education laws of the state, and which meets the nondiscrimination requirements of the federal civil rights act (no discrimination on the basis of race, color and national origin). H.R. 49 also includes a provision that gradually phases out the amount of tax credit, once a family's adjusted gross income exceeds $18,000.

"Leaders and supporters of non-public schools should continue their fight for government support," Zylstra insisted. "We are an interest group, and in a democracy, interest groups work for their interests," he emphasized. "We must help our government and public officials understand what our non-public schools are. We are the only ones able to do it."

LOOPHOLES AND LITTLE GUYS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 5, 1973

Mr. FRASER. Mr. Speaker, there is little doubt the 93d Congress will spend a lot of time on the interfacing issues of tax reform and tax loopholes.

Hobart Rowen in his March 5, 1973, Washington Post article writes about loopholes and little guys. I think the membership may find it interesting:

Loopholes and Little Guys

(By Hobart Rowen)

On ABC's "Issues and Answers" last Sunday, presidential aide John D. Ehrlichman said that "there is a lot of misinformation around in this business of tax loopholes," and then he did his best to spread some more of it around.

The basic point that Ehrlichman was trying to make is that it's not possible to raise a great deal of money by tax reforms, "unless you start digging into the average taxpayer's exemptions, or charitable deductions, or mortgage credits, or something of that kind."

That, as Mr. Ehrlichman must know, is simply not true. He was just trying the usual scare tactics that have been this administration's old reliable weapon against tax reform.

What is true is that the exemptions or loopholes he mentions account for a considerable part of the erosion of the tax base. But there is plenty more that he didn't choose to mention.

Could it be that Ehrlichman failed to point to other loopholes because the chief beneficiaries are businesses and the most affluent taxpayers?

For example, the exhaustive analysis of erosion of the individual income tax base by Brookings Institution economists Joseph A. Pechman and Benjamin A. Okner in January, 1972, for the Joint Economic Committee of Congress shows that under a comprehensive tax system, the Treasury would pick up $55.7 bililon in revenue it now loses to the leaky tax structure.

Of this total, $13.7 billion would come from taxing all capital gains, and gains transferred by gift or bequest: $2.4 billion from "preference income" such as tax exempt interest, exclusion of dividends, and oil depletion; $2.7 billion from life insurance interest; $9.6 billion from owner's preferences; $13 billion from transfer payments (welfare, unemployment compensation, etc.); $7.1 billion for the percentage standard deduction; $2.9 billion for deductions to the aged and blind; and $4.2 billion for other itemized deductions.

On the corporate side, Ehrlichman made no mention of the $2.5 billion in reduced tax burden that business will get this year through accelerated depreciation schedules (ADR); and another $3.9 billion via the investment credit. From 1971 through 1980, ADR will be worth $30.4 billion and the tax credit $45.2 billion (all U.S. Treasury calculations). And in that span of time, there will also be some $3 billion in give-aways through DISC—a tax shelter for export sales profits just created by the revenue act of 1971.

Another tax reform target Ehrlichman appears unable to see is income-splitting, which Pechman and Okner estimate causes a revenue loss of at least $21.6 billion annually, almost half of which is a benefit to a relative handful of taxpayers in the $25,000-$100,000 income brackets.

But there's more to it than that Ehrlichman pretends to be concerned about that "average householder" who would be hit if he couldn't take his mortgage interest as a deduction. But of the $9.6 billion that Pechman-Okner show lost to homeowners' preferences, defined as deductions for mortgage interest and real estate taxes, $5.3 billion goes to the tiny 5 percent of taxpayers with reportable adjusted gross income of $20,000 or more.

And how about Ehrlichman's warning that Uncle Sam can't raise tax-reform money in significant amounts "if you don't let the average householder . . . deduct charitable contributions to his church or to the Boy Scouts . . ."? Is he really worried about the little guy?

The Tax Reform Research Group (one of Ralph Nader's operations) showed last year that when you divided the number of taxpayers in each income group into the total tax preference benefits of charitable deductions, other than education, you find this:

Among taxpayers in the $7,000 to $10,000 income bracket, the average tax benefit for charitable contributions was $17.44; for those in the $10,000 to $15,000 bracket, $33.11; for those in the $20,000 to $50,000 bracket, $199.-09; for those in the $50,000 to $100,000 bracket, $1,211.16; and for those making $100,000 and over, a whopping $11,373.56.

So who is Ehrlichman trying to kid? If the administration doesn't have a decent tax reform program, it's not because it could wring the money only out of the little guy, nor because there aren't outrageous loopholes waiting to be plugged. It's just because Mr. Nixon must believe that his constituency likes the inequitable tax system pretty much the way it is.

FOOD PRICES MUST BE REDUCED—OUR ECONOMY MUST BE STABILIZED

HON. HAROLD D. DONOHUE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 5, 1973

Mr. DONOHUE. Mr. Speaker, last January 11 when the President, for whatever reasons, saw fit to end phase 2 of the economy control program he had so reluctantly imposed, some very respected economists, together with a great number of those of us who lay technical claim only to the practice of studying history and the possession of commonsense, expressed grave fears that the sudden termination of this program was premature, inequitable, and injudicious.

Unhappily and unfortunately the worst of all the doubts and fears that we registered last January are now proved to have been forerunners of the facts, according to the currently released Government figures themselves. These figures show that the abandonment of the reasonably effective mandatory restrictions of phase II for a "voluntary" system has obviously resulted in a near disaster for our economy, which has suffered the second devaluation of the American dollar within a period of 14 months.

The very recent U.S. Labor Department statistics reveal that wholesale prices rose 2.2 percent during March, the biggest increase in 22 years and food prices climbed a record 4.6 percent. According to our knowledgeable economists, these tremendous increases in wholesale prices make it virtually inevitable that retail prices will persist in their continuing upward spiral for at least the next several months. The 2.2-percent wholesale price rise during this past month adds up to a projected annual rate of 26.4 percent, clearly indicating that a year from now prices will be further advanced by 26.4 percent if the March increase rate continues to prevail.

In executive response to the growing and rightful public outcry against this renewed and most startling inflationary price surge the President has placed a ceiling on beef, pork and lamb, which action is felt by a great many authorities to be too little and too late, especially if the administration is really sincere and earnest in their pledge to achieve the goal of reducing the inflationary rate at the consumer's level to 2.5 percent by the end of 1973.

Mr. Speaker in the face of all these distressing economic developments that surround us many economists believe that what the President should have done last Thursday night was to announce his establishment of a 90-day freeze on all prices, wages, interest rates and other significant inflationary factors, during which administrative attention would be diligently devoted to the creation and temporary imposition of a far more comprehensive economic control system specifically designed to sensibly restrain and roll back the very dangerous run-away inflationary fever that is causing such frightening inequities and imbalances in our staggering economic system. However it is somewhat comforting to find, in more recent hours, a few very highly placed administration officials indicating that the White House is at least thinking about the necessity of much firmer control action to calm the obviously heightening concern of the vociferous American majority.

In its own separate responsibility there is further and more encouraging assurance of the deepest concern and prompt action in the Congress where legislative action is now scheduled to take place, in resolution of this paramount problem, in the very near future. On this score, I, with many others, have urged the leadership, on both sides, to exert every cooperative initiative to present this issue to the Congress as speedily as it is procedurally possible.

Let me additionally suggest and recommend, Mr. Speaker, that this is no time to engage in any partisan provocative blame-placing by the Congress or the administration. Rather, let us, each and all, concentrate our attention and our diligence upon the absolute urgency of stopping the destructive plague of persistently rising inflation that is actually threatening to suffocate our entire economic system and that is actually thrusting intolerable financial hardships and suffering upon the poor, the aged and the low- and moderate-income workers and families throughout this country. To preserve our national integrity it is imperative that cooperative Government action be quickly taken to equitably return the costs of the necessities of modern American life to a level that is within the reasonable reach of the ordinary individual and family unit in this Nation.

Let us, therefore, put aside any further indulgence, within our executive and legislative branches, in useless and time-consuming competitive confrontations and unite the effectiveness of our separate governmental powers and resources in approving and applying whatever measures are necessary for whatever time may be required to return our collapsing economic system to its traditional operation realm of right, reason, and just standards, in order to restore the confidence of the American people in the ability of the executive and legislative branches of this Government to work together in service to the common good. Any other course will only disastrously reflect a retreat from our separate responsibilities and joint duty.

UNITED FARM WORKERS UNION

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 5, 1973

Mr. ROYBAL. Mr. Speaker, my sympathy and support for the farmworker and the United Farm Workers union are well known to the Members of this body. Many times I have come before you in an effort to publicize their plight and to elicit support in gaining labor rights and adequate wages for them commensurate with other American workers.

For nearly 100 years the farmworkers have been unorganized and powerless. They have worked long hours at physically exhausting labor for very low wages. In their struggle against oppression by the farm industry, they have encountered many setbacks and suffered many defeats. Indeed, they have faced formidable opposition—better organized, more wealthy and more powerful. Even some friends of the movement have thought that the odds against the UFW were too great, that they could not possibly win their nonviolent struggle for survival. But the followers of Cesar Chavez say, "Yes, it can be done."

I would like to take this opportunity to share with my colleagues in the House the following account of the farmworkers' most recent victory in their seemingly hopeless contest with agribusiness and the Teamsters' Union.

[From America magazine, Mar. 17, 1973]

CHAVEZ AND THE TEAMSTERS: DAVID VERSUS GOLIATH?

(By James L. Vizzard)

"Chattel" seems to be Frank Fitzsimmons' favorite term when he talks about farm workers. Fitzsimmons, president of the scandal-ridden International Brotherhood of Teamsters, has been using the term often these days. While piously and indignantly asserting that farm workers should not be treated as chattel, Fitzsimmons carefully tries to conceal the Teamsters' sordid history and current practice of consistently doing just that.

By no strange coincidence, big farm employers think about farm workers in the same terms. In his famed 1960 TV documentary, "Harvest of Shame," the late Edward R. Murrow quoted a Southern grower as contemptuously spitting out: "We used to own slaves. Now we rent them." Ten years later Chet Huntley concluded his 1970 documentary, "Migrant," with the observation that that attitude hadn't changed in the ensuing decade. It hasn't to this day.

It's hardly a great surprise, then, to hear of the marriage of convenience, consummated just before Christmas, 1972, that brings together on a loveless bed the Teamsters' feudal leaders and the big growers' American Farm Bureau Federation. The alliance has but one purpose: to destroy a common enemy. That enemy, it turns out is the upstart United Farm Workers, AFL-CIO, which dares to assert that farm workers are not slaves or chattel, that they have dignity and rights for which the union is willing to fight.

The announced Teamsters-Farm Bureau strategy is an all-out effort, with the assured support of their political allies, to bring farm workers under the National Labor Relations Act, including, of course, the harshly restrictive Taft-Hartley and Landrum-Griffin amendments. With their entrenched power, the Teamsters know they can live and even prosper under the amended NLRA. They and the Farm Bureau are quite certain, however, that the United Farm Workers are not strong enough to survive the NLRA's present provisions, the legislative history and actual experience of which demonstrate their repressive intent and effect on weaker unions.

This Teamsters-Bureau coalition defies the longstanding traditional "hands-off" or even hostile relations between big agriculture and big labor. But with long histories of crushing opposition, both organizations are deeply frustrated by their inability in separate attempts to bring about the United Farm Workers' demise. Having found through bitter and costly experience that the fledgling UFW is unexpectedly too difficult for either of them to handle alone, they hope by joint effort to build enough political and economic—and even physical—muscle to do the job.

Meanwhile, farm workers, whose well-being is most intimately involved in the outcome of this power play, obviously haven't been asked whether they would welcome such strong-arm outside intervention into their lives and hopes. The Teamsters and the Bureau clearly feel that when you own chattel or rent slaves you don't ask them anything.

The Farm Bureau's interest in keeping farm workers "in their place," i.e., deprived of the organized power that Cesar Chavez and the United Farm Workers first demonstrated in the successful Delano grape boycott, is perhaps more obvious than that of the Teamsters. After all, the FB's slave-labor mentality has been notorious for generations. John Steinbeck's *Grapes of Wrath* made that clear, as have countless studies and reports. The Bureau's grower members and their allies in Congress thought it quite appropriate that for many years the House Agriculture Committee's group that dealt with farm labor was called the Subcommittee on Equipment, Supplies and Manpower. If that didn't make their attitude clear, nothing could.

Now the United Farm Workers' militant demand for an effective voice in determining the conditions of their own life and labor seems to growers like lese majesty. They feel that their sovereign power to control and command everything and everyone in their agricultural domain is being challenged by "revolutionaries" who would overturn the God-given (read: "grower-imposed") order of things.

In that regard, oddly enough, they are right. The Farm Workers are indeed in revolt against the system the Farm Bureau represents and supports, a system which oppresses the poor, which always attempts to enslave the weak and to build empires on the backbreaking work of others. The Union is equally in revolt against the Farm Bureau's multibillion-dollar government welfare programs for giant agribusiness, voracious raids on the public treasury and—most of all—their 18th-century mentality toward farm workers.

The Farm Bureau knows as well as everyone else that the Farm Workers' revolution is nonviolent, that they will not strike the first blow, or the second, or any. The growers, nonetheless, fear the union, fear the time when they will be forced to recognize the union's right to sit with them as equals at a bargaining table to negotiate binding contracts that will assure basic standards of decency in wages, working conditions and benefits for farm workers. When that day comes, the growers know they will no longer be absolute monarchs. They are ready, therefore, as they always have been, to do everything in their considerable power, or better, to cancel that day.

History records that the growers have used every direct-action weapon they could command, not even hesitating at situations where bloodletting or violent deaths resulted, to suppress farm workers' organizing efforts. So too, over many decades, they have manipulated political power, from the county level to the Congress, to block every attempt to legislate social and economic benefits for farm workers such as are guaranteed to all other Americans. During the 15 years in which this writer testified before Congress scores of times on farm labor legislation, the Farm Bureau appeared in opposition every time without exception—and almost always successfully.

On the other hand, leaders of the Farm Bureau have used that same power to force through punitive laws or executive department decisions intended to destroy farm workers' ability to organize in their own self-defense and legitimate self-interest. In 1972, for instance, legislatures in three states—Arizona, Idaho and Kansas—capitulated to Farm Bureau pressures and passed repressive anti-United Farm Workers laws.

But last year was not an unqualified success for them. In fact, it was the year of their greatest and costliest defeat. After having repeatedly failed to power anti-union proposals through the California legislature, the Farm Bureau strategists decided to try the initiative route. Through the lavish use of both money and deceit—Secretary of State Jerry Brown called it "the greatest election fraud in California history"—they secured enough voters' signatures to qualify an Arizona-type law for the November ballot. Buried in its many thousands of murky words, Proposition 22, as it was designated, contained at least a dozen provisions, any one of which would have achieved its objective of killing the United Farm Workers and guaranteeing that no other legitimate worker-controlled union would ever survive. Through highpowered public relations firms a media blitz was launched with the arrogant expectation that the FB could deceive the voters into believing that Proposition 22 would *benefit* farm workers, would protect and promote their rights. To no avail. The voters saw through the fraud and on November 7 resoundingly repudiated the agribusiness barons and their savage proposal.

It was that humiliating setback which finally propelled the Farm Bureau into the Teamsters' waiting arms. Like the Farm Bureau, the Teamsters' leaders are both scared of and infuriated at the United Farm Workers.

That the powerful Teamsters should be scared of the youngest and smallest union in the country may sound strange, even unbelievable. The Teamsters, of course, outweigh the Farm Workers by more than 20 to 1 in members, in income and in traditional power. Moreover, since the squalid election-campaign deal that delivered the Teamsters' endorsement to an anti-union President, they hope to count on the political clout even of the White House. Why, then, should they be scared of the UFW?

Well, if Goliath had had a second chance, he surely would have been properly scared of David. Not once, but many times in the past dozen years, the Teamsters' leadership scornfully swiped at the UFW and each time they were scorched. Licking their wounds and nursing their damaged pride, they drew back to regroup for another try. Frustratingly, they never have found enough skill or brute power to finish off the Farm Workers. And each time they failed, they became more infuriated and, finally, scared.

There was, for instance, the DiGiorgio fiasco. In 1966, after refusing for a year their field workers' demand for UFW recognition, this $200,000,000 agribusiness conglomerate with a bloody history of farm labor suppression painfully discovered the power of the boycott. Hurting in their sensitive pocketbook and pridefully determined not to capitulate to the despised UFW, the DiGiorgio executives invited in the Teamsters' executives. If they had to accept a union, they infinitely preferred to deal with the "business-like" Teamsters who would understand and make allowances for the corporation's views and needs (i.e., sign sweetheart contracts?). Of course, there was also the matter of the Teamsters' known muscle power that would be useful in keeping the United Farm Workers out.

As usual, neither DiGiorgio nor the Teamsters' leaders cared one whit for the workers' rights, needs or desires. Why should they, when to them the workers were mere chattel or hired slaves? All that was necessary was to tell the workers that if they wanted jobs, they had to have Teamsters' dues deducted from their already meager wages.

Characteristically, the Teamsters' leadership was delighted to get this gravy, and moved in to claim it. They failed, however, to calculate the UFW's capacity to make life miserable for conspirators. The Farm Workers escalated the DiGiorgio boycott and aroused public opinion against the Teamsters' crooked deal.

Eventually, under great financial and social pressure, the corporation agreed to union representational elections; but then, in collusion with the Teamsters, it arranged a rigged ballot that only the Teamsters could win—and, of course, they did. Another round of intense UFW pressure led to that election's being thrown out and a new one scheduled under outside supervision. Both DiGiorgio and the Teamsters ended up in spluttering defeat. The United Farm Workers won the election hands down.

Soon after came Perelli-Minetti. P-M, a leader of the grape, wine and brandy industry, invited the Teamsters to a similarly grotesque pas de deux. After a whole series of tangled steps, the Teamsters were run off the stage, and once again the UFW took over.

The greatest confrontation by far, however, has been centered on Salinas, Calif., the home base of scores of huge corporations which operate in many crops and many areas but whose biggest and most profitable business is in lettuce. That is the struggle that was heralded to the nation by last year's Democratic National Convention in Miami. "Fellow lettuce boycotters," Sen. Edward M. Kennedy greeted the roaring crowd and millions of TV viewers.

The Salinas battle began in July of 1970, just days after the Delano growers, whose scorn had turned to panic at the effectiveness of the five-year grape boycott, finally gave in. Their begrudging recognition of the United Farm Workers flashed a clear signal to the Salinas growers that they were next. The latter already knew that UFW organizers had been working in their area, laying the groundwork for the demand for union recognition.

If the Delano growers were big and tough, their Salinas counterparts were giants, and much tougher. But they proved to be no smarter. They could think of nothing more innovative than to leap enmasse into the much-used bed of the ever-willing teamsters.

Almost literally overnight and in total secrecy, the Salinas growers signed five-year sweetheart contracts that gave their ally an exclusive "union shop" recognition. In exchange, the Teamsters agreed to substandard wages, hours and working conditions for the field workers. The growers thought they got what they desperately wanted: insulation and protection from the feared United Farm Workers; the Teamsters, without any cost or effort, picked up what they expected to be the treasury-fattening dues of some 30,000 farm workers in California and Arizona.

Satisfactory though this arrangement seemed to be to both parties, it wasn't the culmination of any long courtship. For almost a decade the Salinas growers had been ostracizing one of their own maverick associates, the Bud Antle corporation, for signing just such an agreement with the same Teamsters. That deal had come about when Antle in his hungry reach to be known as the "biggest lettuce grower-shipper in the world" ran short of cash. The Teamsters obligingly bailed him out with a million-dollar loan, but, as their pound of flesh, demanded and got jurisdiction over Antle's field workers. Though they knew the deal was fraudulent, the rest of the Salinas growers despised Antle for recognizing any union for farm workers, even the Teamsters. Still, in 1970 the past acrimony was forgotten in the glow of mutual advantage.

Forgotten also, as usual, were the farm workers. Neither side made any attempt whatever to find out what the workers might want, whether they had any desire to be represented by the Teamsters, whether the terms of the contract were acceptable. No elections, of course, secret or otherwise, were offered or allowed. The white grower executives and the white Teamsters' officials again casually dealt with the mostly brown farm workers' jobs and lives as though they were mere chattel or hired slaves.

It didn't take long though, for the conspirators to find out what the workers, already committed to the UFW, really thought. When presented with the cynical *fait accompli* and told they must sign up with the Teamsters or lose their jobs, the workers voted with their feet. In what the Los Angeles *Times* headlined as "The Largest Farm Strike in U.S. History," some 7,000 farm workers walked out of the Salinas fields. "Harvest, Shipping," said another *Times* article, "Near Standstill in 'Salad Bowl' Strike."

By conventional standards the battle should have been brief. The power of the Salinas growers and their various allies and friends—including, of course, the Farm Bureau—combined with the Teamsters, the nation's strongest union, should have been able to make short shrift of the outmanned and outdollared United Farm Workers. But Vietnam is not the only proof that overwhelming might can't conquer a small people who are fighting for a cause for which they are willing to struggle for years and for which they are ready, quite literally, to die.

Certainly, one consistent lesson of history has been that an idea whose time has come can't be killed by money, press releases, strikebreakers, clubs, bullets, courts, legislatures or prison bars. In the past two and a half years, the Salinas growers, the Farm Bureau and the Teamsters have used all of these weapons and more, yet they could not prevail. The United Farm Workers' nonviolent response has been peaceful but determined strikes, boycotts, picket lines, demonstrations and appeals to people of conscience for support.

Most particularly, the UFW has pushed the lettuce boycott. Scores of farm workers, whose previous experience had been limited almost exclusively to remote rural areas, venturesomely set out in family-filled cars and buses for distant cities to carry their story and their plea to the nation's shoppers: "Your simple decision not to buy or eat non-UFW lettuce will help to bring us justice." Joined by hundreds of volunteers from all walks of life, the boycott committees are bringing the field struggle of the farm workers right to the supermarket door and the dining room table. Tens of thousands of concerned citizens have signed the lettuce boycott pledge, including, interestingly enough, Jimmy Hoffa, Fitzsimmons' predecessor as Teamsters' president. When reminded of that, Fitzsimmons shouted in anger: "I'm the president of the Teamsters Union, and I'm the only one who is. I don't care what Hoffa says."

The battle has also been fought in the press and in the courts. Although that part of the press which the growers own or control has acted as their house propaganda machine, the major media, on balance, have been fair and objective in reporting both sides of the struggle. The courts, however, have been something else. With an occasional honorable exception, poor people, working people, minority people find themselves handicapped at the bar of justice. Thus it has been in the Salinas battle. At the growers' bidding, compliant courts throughout California's agricultural valleys served up a blizzard of injunctions prohibiting almost every UFW activity. Hundreds of farm workers were thrown into jail, both for violating these unfair, unwarranted restrictions, and for almost any other specious reason a police or court official could conjure up.

The most damaging injunctions of all were based on a Salinas (Monterey County) court's declaration that the UFW's strike was in violation of the California law against jurisdictional strikes. The UFW, of course, immediately appealed the finding and injunctions to a higher court and continued to insist that the conflict legally was not between two unions but between the employers and the one union that legitimately represented the workers. The growers and the Teamsters, however, exultantly worked their propaganda machine overtime, proclaiming that the United Farm Workers were engaged in illegal jurisdictional strikes, that the issue had been settled by the court.

Not quite. To the growers' and Teamsters' enormous dismay, on Dec. 29, 1972, the California State Supreme Court announced its 6 to 1 decision that the Monterey court had erred, that there was no jurisdictional strike under the clear meaning of the law and that the injunctions, therefore, were dissolved.

But the court didn't leave it at that. It seemed to go out of its way to lecture the miscreants: ". . . from a practical point of view," it said, "an employer's grant of exclusive bargaining status to a nonrepresentative union must be considered the ultimate form of favoritism, completely substituting the employer's choice of unions for his employee's desires." The court further declared: "There is no suggestion in the record that the Growers, before taking such a step, attempted to ascertain whether their respective field workers desired to be represented by the Teamsters, or indeed, that the question of their field workers' preference was even raised as a relevant consideration."

Driving the point home, the court also found that the workers had not, in fact, been represented by the Teamsters, did not want representation by the Teamsters and never had been given an opportunity to examine the terms of the contract. Clearly understood, if not declared, was the fact that neither the growers nor the Teamsters ever contemplated allowing the workers any kind of election to determine their desires.

The Teamsters and the Growers, of course, were staggered by that blow. The cloak of pseudo-respectability was stripped from their relationship; it was exposed as nothing more than sinful cohabitation. Both of them, though, are accustomed to brazening out even desperately embarrassing episodes. Publicly, they castigated the court's decision, calling it, as did Teamster organizer William Grami, "shoddy" and "prejudiced." Privately, they huddled once again in conspiratorial urgency. The door that the court had opened for the United Farm Workers had to be slammed immediately in the enemy's face.

After days of tense haggling, the two parties merged on Jan. 16, 1973, to announce defiantly that the Teamsters' contract with the 170 major growers, most of them Salinas-based, had been renegotiated with purportedly improved pay and benefits for the covered

30,000 field workers. With supreme contempt, Les Hubbard, a spokesman for the growers' negotiating committee, observed to the press: "We demanded no more evidence of Teamster support than we did on the original contract." No court, the growers and the Teamsters made clear, was going to force them to change their attitudes toward farm workers.

Neither the court's decision nor the Farm Bureau-Teamsters' reaction was a great surprise to the United Farm Workers. During the two and a half years from the strike's beginning, they had suffered injunctions, jailings, bombings, beatings and all kinds of violence with the strong confidence that once the matter had been taken out of the growers' captive local courts into the State Supreme Court, they could expect and receive vindication. Their only question was why they had to wait so long to get a full hearing.

As to the latest Farm Bureau-Teamsters' contract ploy, the UFW is undaunted. "Our first task," said Cesar Chavez, "is to go and let the whole country know that our cause is just, that there never was a jurisdictional dispute and that the contracts between the growers and Teamsters are a sham. We are going to take full advantage of the supreme court's emphasis on our right to boycott and strike. We are starting right this minute."

So, while calling on the federal and state legislatures to block the Teamsters-Farm Bureau punitive legal proposals, the UFW's continued strategy is to boycott and strike, strike and boycott, until scab lettuce is off the supermarket shelves and scab workers are out of the fields.

Many people, even some friends, think that the odds against the United Farm Workers are too great, that they can't possibly win their nonviolent struggle for survival. But with a confidence and courage that comes only to those who have lived with great hardships and who have overcome in many a seemingly hopeless contest, the Farm Workers reply to doubters, *Si, se puede*. "Yes, it *can* be done."

QUALITY GROWTH FOR WYOMING

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 5, 1973

Mr. RONCALIO of Wyoming. Mr. Speaker, in its first issue, Executive West magazine featured an article on Wyoming's unique opportunity to "grow" its own industries, learning from the mistakes of its neighbors.

The article, "A Wyoming View of Economic Development," was written by Bill Burnett, economist in the Wyoming Department of Economic Planning and Development.

In it, he describes why Wyoming views its 49th ranking among the States in population as an opportunity and not a problem and why it has a welcome, but wary attitude toward new industry.

I recommend it to my colleagues as an insight into how a State whose beauty attracts some 7 million visitors annually is viewing economic development:

A WYOMING VIEW OF ECONOMIC DEVELOPMENT

(By Bill Burnett)

When the Governor of Oregon made his famous statement, which in essence said, "Visit us, but don't stay," many other leaders and people vitally concerned with the Western states were comforted because they were being faced with the same decision and were coming to the same conclusion.

No longer is the promotion of growth as popular a goal as it once was, particularly if the growth would mean more people. Today, the mass of humanity is a real source of consternation.

This antipathy to population growth does not mean that the states have developed no-growth policies. Although most states no longer engage in some of the more apparent promotion that was once popular, they still are not turning away industries interested in establishing or relocating facilities within their jurisdictions. In Wyoming, any business interested in establishing there still gets an enthusiastic welcome and probably more professional assistance than ever before. But there is no more hoopla, no more delegations to the large industrial areas to attempt to entice companies to relocate or build facilities in Wyoming.

However, Wyoming still needs and is vitally interested in expanding its manufacturing sector for two very good reasons. First, employment opportunities in agriculture have continued to decline fairly steadily over the past two or three decades. This is, of course, true throughout the nation, but the trend came later to Wyoming because of the nature of its agriculture. In addition, the new surge in mineral developments is much more capital intensive than it once was and even with a lot of activity there just is not a lot of employment. In short, Wyoming needs more employment opportunities, particularly for its young people.

A second reason can be seen in the per capita personal income graph. Wyoming has fallen below the national rate in this important economic indicator. As long as the statistics have been collected, Wyoming has had higher average income than the rest of the region. Until 1960, when Colorado took the lead, Wyoming had the highest per capita income in the region and was normally higher than the national rate until 1963.

The Rocky Mountain states and their per capita incomes in 1971 were:

United States	$4,156
Colorado	4,153
Wyoming	3,929
Arizona	3,913
Montana	3,629
Utah	3,442
Idaho	3,409
New Mexico	3,298

Naturally this income gap is of much concern throughout the Mountain states. In Wyoming, thanks to minerals activities and cattle-price improvements, there has been a narrowing of the gap in the past 3 or 4 years. But to get back on a par with the nation and to sustain this equilibrium, Wyoming needs to broaden its economic base by expanding its manufacturing sector.

However, in their development strategy, Wyoming and most other Mountain states have an interesting problem. That is, the average educational attainment here is of the highest in the nation. As a consequence, one of the major problems facing the region is *under utilization of the capabilities* of those who stay and outmigration of those looking for jobs commensurate with their abilities. The education many young people receive today prepares them for jobs that are technical, managerial, clerical, scientific and professional.

As a consequence, Wyoming not only needs to increase the number of manufacturing plants, but also needs somehow to increase the number of home offices plus research and development facilities. Because of constraints resulting from geography and the dispersion of populations, there will not likely be a great rush by companies to establish these types of facilities in Wyoming in the very near future. Therefore, if Wyoming wishes to provide the job opportunities commensurate with the abilities of an important segment of its population, it will have to "grow" its own industries. In other words, it needs to create an environment conducive to companies being created and "started-up" within the State.

Such a strategy is, obviously, quite ambitious and there is no certainty of success, but with the activities in minerals, tourism and an increasingly healthy agricultural sector, Wyoming has been given some time to develop toward what Governor Stan Hathaway calls "Quality Growth." This approach will, of course, take a lot of time. Meanwhile, Wyoming will continue to welcome and encourage most out-of-state companies wishing to build facilities there. Wyoming still has room to grow before it needs to "close its gates."

Being the second least populated state might have at one time been an embarrassment to the people of Wyoming, but now there is developing a strong belief that this is a real asset. There is still the desire for development, but it is tempered by the demand that it be of high quality. And now the need for growth is to improve the social and economic environment of the State and not simply to provide evidence that living in Wyoming is a good decision. The 7 million visitors to the State each year provide ample proof of that.

PROS AND CONS: SHOULD OLD FOLKS PAY MORE FOR MEDICARE?

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 5, 1973

Mr. FRASER. Mr. Speaker, the Nixon proposal to increase the medicare charges paid out-of-pocket by the elderly should be contested by the Congress.

The administration says this will save $1 billion the first year. They assert this is part of their effort to hold down Government spending.

The present projections indicate a medicare intake of $16 billion—derived from the payroll tax—and an outflow of $13 billion. The surplus of $3 billion would be further increased by the $1 billion in revenues extracted from the elderly through increased medicare charges being pushed by the Nixon administration.

In fact, the surplus should permit a substantial reduction in the payroll tax that finances medicare, hospital, and doctor coverage. But nowhere in the administration's proposal is such an adjustment planned.

The Wall Street Journal, March 23, 1973, edition, makes the point that the administration is also counting on higher costs to the elderly to result in reduced use of medicare—thus helping to further reduce the budget deficit. The elderly are going to pay more and get less.

The article follows:

[From the Wall Street Journal, March 23, 1973]

PROS AND CONS: SHOULD OLD FOLKS PAY MORE FOR MEDICARE? WOULD THAT CURB THE MISUSE OF SERVICES?

(By Jonathan Spivak)

WASHINGTON.—Mary W., 75 years old, entered Washington Hospital Center here last November with diabetes and cancer. Though her seven-day stay cost $903.35, she paid only $72; medicare took care of the rest.

But, under a Nixon administration proposal, she would have to pay nearly twice as much, or $142.13, for the same care.

That is a fair sample of the dollar-and-cents effect of one of President Nixon's most hotly disputed economy plans—one that proposes the elderly foot more of their health bills while the government pay less. The biggest change: Starting next January, the aged would have to pay 10% of their hospital bills. Their contributions now total far less than that. And though a few medicare beneficiaries would gain by the change, many would find their pocketbook burden doubled.

Against these presidential intentions, the elderly and their liberal friends in Washington are employing strong language. "Savage cutbacks proposed for the medicare health insurance program . . . represent a shameful repudiation of a pledge made older Americans by the President," charges Nelson Cruikshank, 70, president of the National Council of Senior Citizens.

But Nixon spokesmen, denying any breach of promise, are pouring forth soothing reassurances. Caspar Weinberger, Health, Education, and Welfare Secretary, says: "We believe that the medicare reforms . . . won't impose financial hardship on the program's beneficiaries."

EMOTIONAL DEBATE

In the often emotional debate, serious economic issues are being thrashed out. The administration, backed by congressional conservatives, believes the rapid escalation of medicare costs must be halted. The proposed changes would mean a cut of 10%, saving an estimated $1.3 billion annually at the start and much more later on.

The advocates of the cutback argue, too, that the tightening-up would eliminate wasteful use of health services, make physicians more cost-conscious and tie medicare patients' payments closer to the actual cost of care.

"It seems clear that someone with a pension or even Social Security income can and should pay a small percentage of his income if he is going to stay in a hospital bed that is going to cost other people as much as $50 to $100 a day," insists Nixon aide John Ehrlichman.

Critics complain that the changes would impose a financial burden on the aged, prevent them from getting necessary medical care, produce a medicare fund surplus without passing the savings along to taxpaying workers and do nothing to solve the problem of rising medical costs. One Democrat, Sen. Edmund Muskie of Maine, even suggests "this plan could in fact increase costs for all concerned—the elderly, the government and the health industry."

The critics do concede one point: Charges paid by patients would be more closely related to actual hospital costs. Currently the aged must pay the national average cost for their first day of hospital care, regardless of what the hospital charges and what the illness is. They then get 59 days of free hospitalization. For the 30 days following they pay 25% of the average daily cost and for the 60 days following that they pay 50%. This arrangement plainly puts a burden on patients who are more seriously ill and stay in the hospital longer, and it ignores wide cost variations among individual institutions in different parts of the country.

Instead, the administration approach would have patients pay the actual charges for the first day of care. These range from $15 in small hospitals to $100 in big-city institutions. The national average is $72 a day. After the first day, patients would pay 10% of all hospital charges.

Some patients, particularly the 1% hospitalized for more than 60 days, would save money by the change. But most patients would pay more than at present, since the average hospital stay for medicare beneficiaries is only about 12 days. Secretary Weinberger concedes that the patient's payment for the average stay would rise to $189 from $84.

Other burdens for medicare beneficiaries would also rise. Under the program's separate coverage of doctor bills, patients would have to pay a higher "deductible" amount before the government would start shelling out. These payments would increase in the future by the same percentage that Social Security benefits rose.

COUNTING ON MEDICARE

The savings resulting from the proposed changes would permit a reduction of 6% to 7% in the payroll tax that finances medicare and would allow a cut of 30 cents from the $6.30 monthly premium for doctor-bill coverage. But the administration isn't proposing such adjustments. Instead, it is counting on the medicare cutbacks to help reduce the budget deficit.

Nixon men argue, moreover, that reducing medicare outlays would allow them to maintain spending for other health programs. But Congress likes to look on medicare and Social Security as a separate compartment of the budget and balance the tax revenue taken in and the benefits handed out.

Beyond that, Congress simply doesn't like the notion of curtailing basic benefits that so many voters count on. And this is one Nixon economy plan that would clearly require legislation to enact. Last year a much milder proposal to increase patients' hospital payments came to grief in the Senate Finance Committee. This year's tougher plan seems sure to meet even stiffer resistance, as Secretary Weinberger's stalwarts themselves concede. "There's a one-in-twenty chance to get the legislation," one HEW official says.

The clashing assessments of the Nixon proposal spring partly from conflicting views of medicare priorities. To those who see lowering of financial barriers to medical care as the overriding aim, any increase in payments to the elderly is a step backward. Certainly when medicare was adopted in 1965, Congress was more intent on increasing the aged's access to health care than on holding down the cost.

"The whole principle of medicare was that the elderly weren't getting the care they need because they couldn't afford to pay for it," insists Bert Seidman, Social Security director for the AFL–CIO.

To those more concerned about costs, the view is different. Since 1965 the price of medical care has skyrocketed, and the government has already imposed limits on physicians' fees and the length of hospital stays it will pay for. The proportion of the aged's total health expense covered by medicare has fallen to 42% from a peak of 45% in 1969. And by some estimates, the new Nixon plan would reduce the share to 35%.

Those eying medicare costs look also at the elderly's income and find it has risen sharply. Since 1965 Social Security benefits have increased 70%. The administration argues this rise should permit an increase of 70%, to $85 from $50, in the payment that a patient must make for doctor bills before the government pays. Thus, the aged wouldn't be any worse off financially under this part of the program than when it started in 1966, the economizers reason.

The proposed increase in patients' payments for hospital care is defended on the broad ground of promoting economy and efficiency in health care. Proponents contend that making patients share in the cost would deter needless treatment and increase price competition in the medical marketplace.

STOP-AND-LOOK ATTITUDE

Imposing a 10% patient payment for hospital care would act as "a reminder that these resources aren't free, and for a fair fraction of the aged it's probably a meaningful enough amount," Martin Feldstein, a Harvard economist, says.

"It achieves a stop-and-look attitude: Do I need to be in the hospital an extra day? Do I need this test?" argues Peter Fox, a HEW health expert.

Mr. Fox and colleagues contend that patients facing larger bills would seek to be admitted to lower-priced hospitals, to avoid costly tests and to shorten lengthy hospital stays. Admittedly the decisions are made by doctors, but proponents reason that patient pressure would make the medical men more cost-conscious and would minimize intervention by Washington. "My personal preference is to let doctors and patients make the decision, not the federal government," says Stuart Altman, a deputy assistant secretary at HEW.

There is little doubt that increasing charges to patients decreases their use of medical care. When a 25% patient payment was imposed by a Palo Alto, Calif., medical clinic, use by Stanford University employes covered by a university health plan dropped 24%. Studies of other health plans show similar effects. "If you put in a big enough financial barrier, you will have a diminution in use," concludes Howard West, director of the Social Security administration's division of health insurance studies.

Unfortunately, it is difficult to determine whether essential or nonessential medical services are cut back in such cases. Statistics are sparse and subject to differing interpretations. Moreover, there isn't any agreement on what is a proper amount of care for the aged or any other population group. Medicare enthusiasts tend to measure progress in dollars spent, but dollar amounts can't express the quality of care.

When medicare began paying the bills for the elderly, their use of health services jumped 25%. At the same time, use of health services by younger people fell, presumably because medical-care costs were vaulting. But since 1969, hospitalization rates for the elderly have declined; the average length of stay has dropped sharply under pressure from medicare's managers. "I don't see any evidence there is overutilization or underutilization now," says Herman Somers, a Princeton University health insurance specialist.

The idea of making the medical marketplace more responsive to price competition is appealing, but skeptics detect several drawbacks. How hard-headed can a worried, impoverished and medically unsophisticated patient be? Does a sick person want his doctor to skimp on the costs of his medical care?

Moreover, there are many of the aged who can hardly become more cost-conscious because of the administration's proposal. Some are so poor that medical-welfare programs take care of any payments they incur that medicare doesn't cover. Others are wealthy enough to buy supplementary private insurance to fill medicare's gaps. The existence of these groups weaken the case for the cutbacks.

The underlying question of how much individual patients should pay for their health care is an issue sure to arise in any future broad national health insurance program. Congress is already considering possibiilties that range in generosity from an AFL–CIO proposal for paying the full cost of most care to an American Medical Association plan for providing limited financial help to low-income patients. The medicare outcome will show which way politics points.

HOUSE OF REPRESENTATIVES—*Monday, April 9, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Let your light so shine before men, that they may see your good works, and glorify your Father who is in heaven.—Matthew 5: 16.

Dear Lord and Father of mankind, breathe through the heats of our desires Thy coolness and Thy balm as we face the demands and the duties of another day. Lift the burden from our heavy hearts, calm the anxieties of our baffled minds, renew our faith in the goodness of life and the greatness of our country that we may meet with fortitude whatever this day may bring.

Bless our President, guide our Speaker, direct our Representatives, that with wisdom and courage, they may be great enough to master the gigantic forces which are endeavoring to change the face of the globe. Help them and all of us to join hands with persons of good will anywhere and everywhere that peace and justice and freedom may come to all the people on this planet.

In the spirit of Him who is the light of the world we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Marks, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate disagrees to the amendments of the House to the bill (S. 394) entitled "An act to amend the Rural Electrification Act of 1936, as amended, to reaffirm that such funds made available for each fiscal year to carry out the programs provided for in such act be fully obligated in said year, and for other purposes," agrees to a conference requested by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. McGovern, Mr. Allen, Mr. Humphrey, Mr. Aiken, and Mr. Dole to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 929. A act to amend the Par Value Modification Act, to insure the separation of Federal powers and to protect the legislative function by requiring the President to notify the Congress whenever he, the Director of the Office of Management and Budget, the head of any department or agency of the United States, or any officer or employee of the United States, impounds, orders the impounding, or permits the impounding of budget authority, to provide a procedure under which the Senate and the House of Representatives may approve the impounding action, in whole or in part, or require the President, the Director of the Office of Management and Budget, the department or agency of the United States, or the officer or employee of the United States, to cease such action, in whole or in part, as directed by Congress, and to establish a spending ceiling for one fiscal year 1974.

The message also announced that the Vice President, pursuant to Public Law 85-474, appointed Mr. Sparkman, Mr. Montoya. Mr. Johnston, Mr. Abourezk, Mr. Thurmond, Mr. Cook, and Mr. Stafford to attend, on the part of the Senate, the Interparliamentary Union Meeting to be held at Abidjan, Ivory Coast, April 22 to 28, 1973.

RESIGNATION AS MEMBER OF FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

The SPEAKER laid before the House the following resignation:

April 6, 1973.

Hon. Carl Albert,
Speaker of the House,
Washington, D.C.

Dear Mr. Speaker: I respectfully request that you accept my resignation as a member of the FDR Memorial Commission.

I have served on the Commission for many years and regret my inability to continue. My Subcommittee duties and my intention to devote a lot of time to my new position as a member of the Steering Committee make it impossible for me to continue the FDR Commission responsibilities.

Respectfully yours,
Frank Thompson, Jr.

APPOINTMENT AS MEMBER OF FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

The SPEAKER. Pursuant to the provisions of section 1, Public Law 372, 84th Congress, as amended, the Chair appoints as a member of the Franklin Delano Roosevelt Memorial Commission the gentleman from New Jersey, Mr. Howard, to fill the existing vacancy thereon.

PERMISSION FOR SUBCOMMITTEE ON INDIAN AFFAIRS TO MEET ON MONDAY, TUESDAY, AND WEDNESDAY DURING HOUSE SESSIONS

Mr. LUJAN. Mr. Speaker, the Subcommittee on Indian Affairs of the Committee on Interior and Insular Affairs is holding hearings today, tomorrow, and Wednesday on the situation at Wounded Knee. We will have some out-of-town witnesses scheduled to testify on those 3 days. I ask unanimous consent that the subcommittee be permitted to meet during sessions of the House on those 3 days.

The SPEAKER. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

THE $76,000 TOWNHOUSES FOR "POOR"

(Mr. GROSS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GROSS. Mr. Speaker, a year ago I asked the General Accounting Office to take a look at certain so-called urban renewal projects in the District of Columbia.

These projects included the Shaw urban renewal area where the taxpayers are being forced to construct townhouses for the poor that a year ago were estimated to cost $76,000 each and now—because of continuing inflation—may well cost far more.

Included was a block of land known as square 515, site of what was once the Wax Museum, on which the urban planners want to build a high-rise apartment which will have a maximum of 30 percent of its units allotted to low rent, subsidized public housing, while the remaining 70 percent of the units can be as luxurious as the traffic will bear.

The District of Columbia Redevelopment Land Agency, with the full blessing of spendthrift bureaucrats in the Department of Housing and Development, paid $8.2 million of the public's money for property in square 515, with the knowledge that they could resell it for no more than $2.5 million.

These sordid and irresponsible deals, and the urban renewal legislation and regulations that permitted them to be made, should make every American taxpayer's blood hit the boiling point.

The GAO has just issued its report and it confirms the information I presented to the House last year.

The report is evidence enough that the monumental urban renewal boondoggle should be halted and the entire program drastically changed to force the bureaucrats who make decisions in this area to employ some plain, old-fashioned commonsense.

Because I believe every Member of Congress should have an opportunity to read the GAO report, I have asked Comptroller General Staats to provide a copy to each of the Members of the House and to the Members of the Senate.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. YOUNG of Texas. Mr. Speaker, I asked unanimous consent that the Committee on Rules have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

ANNUAL REPORT ON OPERATIONS OF THE INTERNATIONAL COFFEE AGREEMENT IN 1972—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Ways and Means:

To the Congress of the United States:

In accordance with the International Coffee Agreement Act, as extended and amended, I transmit herewith the annual report on the operations of the International Coffee Agreement in 1972.

RICHARD NIXON.

THE WHITE HOUSE, *April 9, 1973.*

ANNUAL REPORT ON ARMS CONTROL AND DISARMAMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs:

To the Congress of the United States:

Pursuant to the Arms Control and Disarmament Act as amended (P.L. 87-297), I herewith transmit the Annual Report of the United States Arms Control and Disarmament Agency.

The year covered by this report has been the most rewarding in the twelve-year history of the agency. Agreements reached with the Soviet Union in the Strategic Arms Limitation Talks testify to the determination of this Administration to move away from the dangers and burdens of unrestrained arms competition and toward a stable and constructive international relationship.

The negotiations have resulted not in concessions by the two parties, one to the other, but in mutual arrangements to insure mutual security. For the first time, the United States and the Soviet Union have been substantial steps in concert to reduce the threat of nuclear war. The current round of SALT negotiations will concentrate on achieving a definitive treaty on the limitation of offensive weapons systems.

The past year has also seen continued progress in other areas of arms control.

Four years after the initial NATO proposal, positive planning has begun for a conference on Mutual and Balanced Force Reductions in Central Europe. The Convention banning biological weapons and calling for the destruction of existing stockpiles was opened for signature on April 10, 1972. At the Conference of the Committee on Disarmament in Geneva, the problems associated with control of chemical warfare through international law were subjected to patient and careful examination. The number of nations adhering to the Nonproliferation Treaty has now reached 76 and successful negotiations on safeguard arrangements have paved the way for ratification by key European countries.

Much has been accomplished, but much remains to be done. With the beginning of my second term in office, I rededicate my Administration to the goal of bringing the instruments of warfare under effective and verifiable control.

RICHARD NIXON.

THE WHITE HOUSE, *April 9, 1973.*

CALL OF THE HOUSE

Mr. MINSHALL of Ohio. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McFALL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 78]

Addabbo
Alexander
Andrews, N.C.
Archer
Ashbrook
Ashley
Aspin
Badillo
Barrett
Bell
Biaggi
Bingham
Blatnik
Bolling
Brademas
Buchanan
Burke, Calif.
Carey, N.Y.
Chisholm
Clark
Conyers
Crane
Davis, Wis.
Delaney
Denholm
Dennis
Dent
Derwinski
Diggs
Dingell
Drinan
Dulski
du Pont
Eckhardt
Edwards, Calif.
Eshleman
Fish
Flynt
Ford,
William D.
Frey
Gilman
Goldwater
Grasso
Gray
Green, Oreg.
Griffiths
Grover
Hanley
Hanrahan
Hansen, Idaho
Harrington
Harvey
Hawkins
Hays
Hébert
Helstoski
Holifield
Hudnut
Ichord
Jones, Ala.
Jones, Tenn.
Karth
Kemp
King
Koch
Landrum
Lent
Litton
McCloskey
McEwen
McKay
McKinney
Macdonald
Mailliard
Maraziti
Mills, Md.
Minish
Mitchell, N.Y.
Mizell
Moorhead, Pa.
Nix
O'Neill
Owens
Parris
Passman
Patten
Pettis
Pickle
Price, Tex.
Pritchard
Rarick
Riegle
Rogers
Roncallo, N.Y.
Rooney, N.Y.
Rostenkowski
Roy
Ryan
Shipley
Steiger, Wis.
Taylor, Mo.
Teague, Tex.
Thompson, N.J.
Tiernan
Ullman
Waggonner
Walsh
Ware
Wilson, Bob
Wolff
Wydler
Young, S.C.

Mr. SPEAKER. On this rollcall 321 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

DISTRICT OF COLUMBIA BUSINESS

The SPEAKER. This is District of Columbia Day.

The Chair recognizes the gentleman from Minnesota (Mr. FRASER).

TO INCORPORATE THE NATIONAL INCONVENIENCED SPORTSMEN'S ASSOCIATION

Mr. FRASER. Mr. Speaker, I call up the bill (H.R. 4586) to incorporate in the District of Columbia the National Inconvenienced Sportsmen's Association, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The Clerk read the bill as follows:

H.R. 4586

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Douglas Pringle, Daniel McPherson, and Jim Winthers, the present directors and officers of the National Inconvenienced Sportsmen's Association (a nonprofit corporation organized under the laws of the State of California), and their associates and successors, are created in the District of Columbia a body corporate by the name of the National Inconvenienced Sportsmen's Association (hereinafter referred to as the "corporation"), and by such name shall be known and have perpetual succession and the powers and limitations contained in this Act.

COMPLETION OF ORGANIZATION

SEC. 2. The persons named in the first section of this Act, acting in person or by written proxy, are authorized to do whatever acts as may be necessary to complete the organization of the corporation.

PURPOSES OF THE CORPORATION

SEC. 3. (a) The purposes of the corporation shall be—

(1) to provide veterans and others who are inconvenienced persons an opportunity to experience sports as a recreational activity in which they may participate;

(2) to afford a frequent natural sports environment for inconvenienced persons which has positive psychological and therapeutic results; and

(3) to develop a nucleus of sports programs and competent instructors to carry the program throughout the Nation.

(b) As used in this section the term "inconvenienced persons" includes amputees, blind persons, and persons who are neurologically damaged.

POWERS OF THE CORPORATION

SEC. 4. (a) Subject to all applicable laws of the United States, and of any State in which the corporation operates, the corporation shall have power—

(1) to sue and be sued, complain, and defend in any court of competent jurisdiction;

(2) to adopt, alter, and use a corporate seal for the sole and exclusive use of the corporation;

(3) to adopt, alter, or amend bylaws not inconsistent with this charter;

(4) to contract and be contracted with;

(5) to acquire, control, hold, lease, and dispose of such real, personal, or mixed property as may be necessary to carry out the corporate purposes;

(6) to choose such officers, managers, agents, and employees as may be necessary to carry out the corporate purposes; and

(7) to do any and all acts and things necessary and proper to carry out the corporate purposes.

(b) For the purposes of this section, the term "State" includes the District of Columbia and the Commonwealth of Puerto Rico.

MEMBERSHIP

SEC. 5. Eligibility for membership in the corporation and the rights and privileges of members shall, except as provided in this Act, be set forth in the bylaws of the corporation.

GOVERNING AUTHORITY OF THE CORPORATION

SEC. 6. (a) The corporation shall have a national board of directors as may be provided for in the bylaws of the corporation.

(b) Qualifications of directors on any national board of directors created for the corporation, the manner of selection of such directors, terms of office of directors on the board, and the powers and responsibilities of the board and its directors shall be set forth in the bylaws of the corporation.

OFFICERS OF THE CORPORATION

SEC. 7. The officers of the corporation shall be those provided for in the bylaws of the corporation. Such officers shall be elected in such manner, for such terms, and with such powers and responsibilities, as may be prescribed in the bylaws of the corporation.

PRINCIPAL OFFICE; SCOPE OF ACTIVITIES; DISTRICT OF COLUMBIA AGENT

SEC. 8. (a) The principal office of the corporation shall be in Sacramento, California, or in such other place as may later be determined by the corporation, but the activities of the corporation shall not be confined to that place, but may be conducted throughout the United States and all other locations as may be necessary to carry out the corporate purposes.

(b) The corporation shall maintain at all times in the District of Columbia a designated agent authorized to accept services of process for the corporation. Service upon, or notice mailed to the business address of, such agent shall be deemed notice to or service upon the corporation.

USE OF INCOME; LOANS TO OFFICERS, DIRECTORS, OR EMPLOYEES

SEC. 9. (a) No part of the assets or income of the corporation shall inure to any member, officer, or director or be distributable to any such person during the life of the corporation or upon its dissolution or final liquidation. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(b) The corporation shall not make loans to its members, officers, directors, or employees.

NONPOLITICAL NATURE OF CORPORATION

SEC. 10. The corporation and its officers and directors as such shall not contribute to, support, or otherwise participate in any political activity or in any manner attempt to influence legislation.

LIABILITY FOR ACTS OF OFFICERS AND AGENTS

SEC. 11. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

PROHIBITION AGAINST THE ISSUANCE OF STOCK OR PAYMENT OF DIVIDENDS

SEC. 12. The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

BOOKS AND RECORDS; INSPECTION

SEC. 13 The corporation shall keep correct and complete books and records of account and shall keep minutes of proceedings of its members, board of directors, and committees having authority under the board of directors, and it shall also keep at its principal office a record of the names and addresses of its members entitled to vote. All books and records of the corporation may be inspected by any member entitled to vote, or his agent or attorney, for any proper purpose, at any reasonable time.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 14. The provisions of sections 2 and 3 of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law" approved August 30, 1964 (36 U.S.C. 1102, 1103), shall apply with respect to the corporation.

USE OF ASSETS ON DISSOLUTION OR LIQUIDATION

SEC. 15. Upon dissolution or final liquidation of the corporation, after discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets of the corporation may be distributed in accordance with the determination of the board of directors of the corporation and in compliance with this Act, the bylaws of the corporation, and all other Federal and State laws, and the laws of the District of Columbia applicable thereto.

TRANSFER OF ASSETS

SEC. 16. The corporation may acquire the assets of the existing organization of the National Inconvenienced Sportsmen's Association, a nonprofit corporation chartered in the State of California upon discharging or satisfactorily providing for the payment and discharge of all the liabilities of such corporation and upon complying with all laws of the State of California applicable thereto.

RESERVATION OF THE RIGHT TO AMEND OR REPEAL CHARTER

SEC. 17. The right to alter, amend, or repeal this Act is expressly reserved.

Mr. FAUNTROY. Mr. Speaker, I move to strike the last word.

The purpose of the bill H.R. 4586, as set forth in House Report No. 93-100, is to incorporate in the District of Columbia the National Inconvenienced Sportsmen's Association.

The following are the principal provisions of this bill:

Declares that there shall be a body corporate in the District of Columbia by the name of the National Inconvenienced Sportsmen's Association.

Authorizes certain persons to complete the organization of the corporation.

States that the purposes of the corporation shall be: First, to provide veterans and other inconvenienced persons an opportunity to participate in sports as a recreational activity; second, to afford such persons a frequent natural sports environment which has positive psychological and therapeutic results; and third, to develop a nucleus of sports programs and competent instructors to carry the program throughout the Nation.

Defines the term "inconvenienced persons" to include amputees, blind persons, and persons who are neurologically damaged.

Sets forth the powers of the corporation, including the powers to: First, sue and be sued; second, adopt and use a corporate seal; third, adopt and amend bylaws not inconsistent with this charter; fourth, contract and be contracted with; fifth, acquire, control, and dispose of such real and personal property as may be necessary to carry out the corporate purposes; sixth, choose officers, agents, and employees as may be necessary; and seventh, do any and all acts necessary and proper to carry out the corporate purposes.

In addition, the bill provides the usual requirements for incorporating, membership and the like, as set forth in detail in the bill and in the committee report.

NEED FOR THIS LEGISLATION

There is no question as to the need for this work done by the associates. The committee is informed that about 10,800,000 American citizens suffer disabling injuries every year. Of this number, at least 400,000 result in some degree of permanent impairment, ranging from partial loss of the use of limbs to blindness or complete crippling. In addition, the Korean and Vietnam wars have produced approximately 35,000 amputees; 4,500 blind; 3,000 deaf; and 3,000 neurologically damaged.

At this time, while substantial effort is expended in hospitals and Government agencies to get the amputee or other inconvenienced person physically well enough to leave the hospital, once that man or woman is discharged, there is no real coordinated program to continue the crucial therapeutic process toward incorporating that person back into the mainstream of life, into a life style approaching normalcy. There are varied programs emerging across the country designed to help inconvenienced people experience sports, but they are generally fragmented and all lack the kind of national coordination crucial to bringing sports activities to all those who could benefit. Such a nationally recognized organization alone could substantially widen and further develop the life styles of what heretofore has been basically a wasteland of humanity, several million people who have been captivated by their inconvenience and who need the help of their fellows to escape its bonds.

The National Inconvenienced Sportsmen's Association has been useful to the U.S. Army as a valuable adjunct to their program of rehabilitating those servicemen who are severely wounded or injured as a result of military service. The Army thus is interested in this organization, and will continue to support to the extent of the law those functions of the organization as they are applied to members of the military service who are still on active duty but are undergoing programs of rehabilitation. A spokesman for the Army advised our committee that in the event a congressional charter is granted the National Inconvenienced Sportsmen's Association, the support of the Army and of the other services will assume a much greater potential, in that facilities, equipment, and other forms of support will become permissible under the law.

There are also practical and economic reasons why a national effort in this direction is needed. It is evident that if we are to continue to grow as a nation, we must maximize the potential of all our people. Thus, we can ill afford to allow members of our society who have become handicapped for any reason to be lost to the Nation from the standpoint of full productivity.

Because of the magnitude of this problem, there is a great need for the National Inconvenienced Sportsmen's Association to grow and to remain viable, and to this end national recognition is necessary. A congressional charter for this organization will reflect the interest of the Congress as the local legislator for the District in helping restore handicapped persons to useful pursuits, and will allow not only Government agencies but also private organizations and well-known sports personalities to support the National Inconvenienced Sportsmen's Association actively.

HISTORY

Legislation identical to H.R. 4586 was reported unanimously by the committee to the House in the 92d Congress (H.R. 15453, H. Rept. 92-1495) and passed the House by unanimous consent on October 14, 1972. However, it was not reached for consideration by the other body before adjournment.

A public hearing was held on this proposed legislation on March 26, 1973, by the Judiciary Subcommittee, at which time testimony in favor thereof was submitted by Members of Congress, and spokesmen on behalf of the President's Council on Physical Fitness and Sports; the National Inconvenienced Sportsmen's Association; the Department of the Army; and from the Walter Reed Army Medical Center. No opposition was expressed to the legislation.

COST

No cost to the Federal or District of Columbia Government will result from the enactment of this legislation.

COMMITTEE VOTE

The pending bill, H.R. 4586, was ordered reported by voice vote of the committee members present.

Mr. NELSEN. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I wish to make a short statment on behalf of my bill, H.R. 4586, to incorporate in the District of Columbia the National Inconvenienced Sportsmen's Association.

The need for a nationwide therapeutic sportsmen's program to help rehabilitate persons who suffer from various handicaps is a great one. There is no Federal funding related to this bill, yet the National Inconvenienced Sportsmen's Association needs the kind of national coordination that the chartering by Congress provided for in this bill will give it.

I have a young lady from my own congressional district in Windom, Minn., Mrs. James S. Thompson, who is a member of the National Amputee Skiers Association. This young lady was handicapped by reason of an airplane accident. Theretofore, she was a fine skier, and since the onset of her handicap, she has continued to be an enthusiastic member of the National Amputee Skiers Association.

Turning for the moment to the background and history of the National Inconvenienced Sportsmen's Association.

The program to which this organization is devoted originated in 1953, when one man decided to help some of his friends from the 10th Mountain Division develop techniques so that they could ski again, despite their loss of limbs. From that humble beginning on a remote ski hill in the Sierra Nevadas, the group grew to include six other chapters around the country. In 1967, the organization was chartered as a nonprofit corporation in the State of California, under the name of The National Amputee Skiers Association. In 1969, the organization enlarged its scope and added a summer program, thus providing a year-round program of recreation and rehabilitation. Simultaneously, this group began working with other types of handicapped persons, and postpolio victims and blind students begin to join their ranks.

Last spring, three other similar organizations combined to form the National Inconvenienced Sportsmen's Association. This has brought the total number of chapters to nine, and the membership to several thousand people.

The purposes for which the National Inconvenienced Sportsmen's Association was formed are to provide handicapped veterans and other persons an opportunity to experience sports as recreation activity in which they may participate, to afford a natural environment which has psychological, therapeutic, and positive results, and to develop a nucleus of competent instructors to carry this program throughout the Nation.

Aside from all emotional factors, there are practical and economic reasons why a national effort in this direction is needed. It is evident that if we are to continue to grow as a nation, we must maximize the potential of all our people. Thus, we can ill afford to allow members of our society who have become handicapped for any reason to be lost to the nation from the standpoint of full productivity. For no matter how great a disability may be, there is always some remaining ability which can contribute in some measure to the well-being of this Nation. The motivation must be stimulated, however, if this remaining potential is to be developed and utilized.

The National Inconvenienced Sportsmen's Association can provide a portion of this stimulation, as can no other existing organization, by making recreational programs available to persons who otherwise would fail to achieve total rehabilitation.

Because of the magnitude of this problem, there is a great need for the National Inconvenienced Sportsmen's Association to grow and to remain viable, and to this end congressional recognition is necessary. A District of Columbia charter for this organization will reflect the interest of the Congress in helping restore handicapped persons to useful pursuits.

Mr. GROSS. Mr. Speaker, I move to strike the next to the last word.

Mr. Speaker, I note on page 5 of the report that there would be no cost to the Federal Government or the District of Columbia government which would result from the enactment of this legislation. I would like to ask the Delegate from the District of Columbia if this language means precisely what it says?

Mr. FAUNTROY. Mr. Speaker, if the gentleman will yield, without question it means exactly what it says, as the distinguished gentleman from Minnesota reported also.

Mr. GROSS. And the Delegate from the District of Columbia will not be back here in a year or so, or at anytime in the future asking for funds for this organization.

Mr. FAUNTROY. Not for this, sir.

Mr. GROSS. I would only add the comment that this is a red letter day in the history of the Congress when a District bill passes the House that does not try to chisel out some money for the District of Columbia.

Mr. FAUNTROY. I thank the gentleman for commenting on this.

Mr. WIGGINS. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I am not going to disappoint my friend, the gentleman from Minnesota, and vote against this legislation, but I do think it is important that the House know what it is doing. This is a very miserable procedure under which we are considering, once again, the chartering of a national corporation.

Under the customary procedures, Mr. Speaker, the requests for charters are referred to the Judiciary Committee. The Judiciary Committee has not acted favorably on any of these requests for nearly 6 or 7 years, following a Presidential veto in 1965. At that time President Johnson called to the attention of the Congress the most unsatisfactory procedure for the chartering of these so-called national corporations.

The vice, Mr. Speaker, is that there is no body of national law regulating Federal corporations. There is in the States, and the corporations there are subject to appropriate regulation, but there is no Federal corporate law to supervise these corporations. What we do instead is require that they file an annual report. They file an annual report of their income and expenses with the Speaker. We all have great respect for the Speaker but let me say the Speaker is not equipped to supervise the conduct of these corporations. He in turn passes the report to the Judiciary Committee. The Judiciary Committee is not equipped to supervise them. The procedure is a bad one.

Mr. Speaker, this matter of chartering Federal corporations ought to be dealt with by general law. If we are going to charter them on the Federal level, then we ought to have a body of Federal law supervising these corporations. In the District of Columbia they are relatively unregulated.

The National Inconvenienced Sportsmen's Association, Mr. Speaker, is an ongoing corporation which is chartered in the State of California. It is subject to all the controls, which are rather extensive and I think enlightened, dealing with nonprofit corporations in the State of California; but this corporation seeks to remove itself from these laws and get itself a Federal charter. Many of the corporations seeking national charters in the past have said their motive for doing so is just to escape State regulation.

Let me say I do not wish to make an issue out of the National Inconvenienced Sportsmen's Association. It is obviously a desirable corporation, but the Congress should address itself to the general problem of incorporating national corporations. We should not continue to deal with them on an ad hoc basis.

Mr. FAUNTROY. Mr. Speaker, if the gentleman will yield, certainly first of all we understand the gentleman's position, but let me make clear this is not a Federal charter. It is a congressional authorization for a District of Columbia charter. There is a slight difference there.

Mr. WIGGINS. I will say that this corporation can come into the District of Columbia without going to Congress and qualify as a nonprofit corporation if it wishes to do so, but it does not wish to do so.

I am advised by the people downtown in the District that if we respond by approving this congressional authorization, thereafter they lose control of this corporation. That is not in the national interest.

Mr. FAUNTROY. Mr. Speaker, I assure the gentleman that the Committee on the Judiciary has studied that question for that reason. Our subcommittee is, in fact, right now studying this whole question of private incorporation. I hope that we make recommendations to the full committee in the very near future as to how and where we should handle it.

However, as I indicated, it is a congressionally authorized District charter. I long for the day when the Congress will not have to deal with matters that will be in the jurisdiction of local authorities, but this bill was brought up even though we are in the process of reviewing this question ourselves because of the high merit of the organizations, particularly since the Congress of the United States perhaps is not as concerned about the handicapped as the Members feel that we are.

Mr. WIGGINS. I appreciate the interest of the gentleman and of his committee. I commend them for that.

I would hope that he would exercise great restraint in approving these charters in the future.

In this legislation today we are creating by act of Congress a corporation, and it is going to be very difficult, if not legally impossible, for a State to regulate the activities of that corporation by reason of its national charter.

One of these days, I might say to the gentleman from the District of Columbia, as a result of that absence of regulation, there will be a national scandal.

Mr. SYMMS. Mr. Speaker, I move to strike the last word. Mr. Speaker, I rise in support of H.R. 4586, and I wish to identify myself with the remarks of Congressman Ancher Nelsen, the ranking minority member of the House District Committee, of which I am a member.

I, myself, introduced a bill, H.R. 3770, that would grant a District of Columbia charter to the National Inconvenienced Sportsmen's Association, and I wish to take this opportunity to point out some reasons why I believe this bill should be passed by the House today.

The basic philosophy and spirit of this organization is reflected by their motto. "If I can do this, I can do anything." Their spokesmen contend that many of the so-called handicapped, such as amputees, postpolio victims, and the neurologically damaged, are in truth only physchologically handicapped, and that their physical problems are better characterized by the term "inconvenienced," rather than "handicapped." Basically, this organization seeks to open the way for such persons to a fuller and more active life through experiencing sports.

There is no question as to the need for this work done by the associates. The District of Columbia Committee is informed that about 10,800,000 American citizens suffer disabling injuries every year. Of this number, at least 400,000 result in some degree of permanent impairment, ranging from partial loss of the use of limbs to blindness or complete crippling. In addition, the Korean and Vietnam wars have produced approximately 35,000 amputees; 4,500 blind; 3,000 deaf; and 3,000 neurologically damaged.

As much as 20 years ago, there was no organization whose sole purpose was to help the disabled to overcome their disabilities in that aspect of their lives which was not directly associated with economic security and social acceptance. Yet those areas encompass only about one-half of a person's life, and unless he finds some way to fulfill the other half, he must necessarily lead only a partial life. Participation in sports is a vitally important key to the enjoyment of a full life by those with physical handicaps.

Today, the National Inconvenienced Sportsmen's Association is both the catalyst and the means by which handicapped young men and women need not be denied the world of sports participation; and this is particularly true for those who have suffered as a result of military service. For many such veterans and other handicapped persons, it's the road back, for theirs is a hard path indeed to follow. They must overcome not only the physical disability, but also the mental disability which results from the realization of their burden.

Mr. SHOUP. Mr. Speaker, I introduced H.R. 2538 to incorporate the National Inconvenienced Sportsmen's Association in the District of Columbia because we badly need a nationally coordinated effort to help develop the skills, abilities, and life fulfillment of persons who are disabled by mental or physical problems. Today we are considering an identical bill, H.R. 4586, which I support and ask my colleagues to support. A large number of organizations are currently working with small segments of the total disabled population, mostly staging one-time-only athletic events or serving to get together people with like disabilities. Few really go out to get disabled persons into the mainsteam of American life. As a consequence a substantial segment of our society is not living up to its potential.

I would like to pass along to you some comments by Jim Redmond, my former press aide. Jim is an ardent skier, a member of the Professional Ski Instructors of America, a former ski school director and an active member of the NISA. He has had the rewarding experience of having taught amputees the joy of skiing and has a thorough understanding of the problems of the inconvenienced:

> For all of us there is an inconvenience. It may be mental or physical, a drinking problem or a bad temper, but it is there. If we are strong enough we do not let it rule our lives. When a serious inconvenience is present we need the strength and understanding of others to keep us on the right track.
>
> Substantial efforts are being expended in hospitals and government agencies to get the amputee or otherwise inconvenienced person physically well enough to leave the hospital. Once discharged, however, the individual has no coordinated process that would provide him with needed therapy. There are varied programs designed to help the inconvenienced to experience sports but they are fragmented and lack national coordination. The result is very often a hodgepodge of effort, often confused and terribly frustrating to both participants and instructors alike.
>
> I urge that this bill be passed by the House for one essential reason. It will greatly simplify our efforts to help the millions of people in this country who would greatly improve their daily lives through sports activity, but for whom there is no real national coordination to accomplish the special organizational and instructional activities necessary.
>
> T. S. Eliot, in one of his works, said:
>
> > I moaned because my shoes
> > were too small. . .
> > And then I met a man
> > who had no feet.
>
> When we meet a man with no feet in this country of ours, we must make some feet for him and then show him how to use them. They will not be as fine a pair of feet as God could have made, but they can at least help him stand and bring him some degree of joy by making it possible for that man to get up, and to walk, and to appreciate the world we live in rather than wasting in a well of depression.

My colleagues, the support I ask for today is not financial. Your affirmative vote will lend support to the efforts of this most worthwhile volunteer organization.

Thank you, Mr. Speaker.

GENERAL LEAVE

Mr. FRASER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill (H.R. 4586) to incorporate in the District of Columbia the National Inconvenienced Sportsmen's Association.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. FAUNTROY. Mr. Speaker, I move the previous question on the bill.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MATHIS of Georgia. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 328, nays 0, not voting 105, as follows:

[Roll No. 79]

YEAS—328

Abdnor
Abzug
Adams
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Bafalis
Baker
Beard
Bennett
Bergland
Bevill
Biester
Blackburn
Boggs
Boland
Bowen
Brasco
Bray
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burgener
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Camp
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Collier
Collins
Conable
Conlan
Conte
Corman
Cotter
Coughlin
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, S.C.
de la Garza
Dellenback
Dellums
Devine
Dickinson
Donohue
Dorn
Downing
Duncan
Eckhardt
Edwards, Ala.
Eilberg
Erlenborn
Esch
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Fountain
Fraser
Frelinghuysen
Frenzel
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Ginn
Gonzalez
Goodling
Green, Pa.
Griffiths
Gross
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanna
Hansen, Wash.
Harsha
Hastings
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holt
Holtzman
Horton
Hosmer
Howard
Huber
Hungate
Hunt
Hutchinson
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Jones, Okla.
Jordan
Karth
Kastenmeier
Kazen
Keating
Ketchum
Kluczynski
Kuykendall
Kyros
Landgrebe
Latta
Leggett
Lehman
Long, La.

Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McFall
McSpadden
Macdonald
Madden
Madigan
Mahon
Mallary
Mann
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Milford
Miller
Mills, Ark.
Minish
Mink
Mitchell, Md.
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Brien
O'Hara
Patman
Perkins
Peyser
Pike
Poage
Podell
Powell, Ohio
Preyer
Price, Ill.
Quie
Quillen
Railsback
Randall
Rangel
Rarick
Rees
Regula
Reid
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Roush
Rousselot
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Satterfield
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shoup
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Steelman
Steiger, Ariz.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Symms
Talcott
Taylor, N.C.
Teague, Calif.
Thomson, Wis.
Thone
Thornton
Towell, Nev.
Treen
Udall
Van Deerlin
Vanik
Veysey
Vigorito
Waldie
Wampler
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wright
Wyatt
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—0

NOT VOTING—105

Addabbo
Alexander
Andrews, N.C.
Ashbrook
Ashley
Aspin
Badillo
Barrett
Bell
Biaggi
Bingham
Blatnik
Bolling
Brademas
Buchanan
Burke, Calif.
Chisholm
Conyers
Crane
Davis, Ga.
Davis, Wis.
Delaney
Denholm
Dennis
Dent
Derwinski
Diggs
Dingell
Drinan
Dulski
du Pont
Edwards, Calif.
Eshleman
Fish
Flynt
Ford, William D.
Forsythe
Frey
Gilman
Goldwater
Grasso
Gray
Green, Oreg.
Grover
Hanley
Hanrahan
Hansen, Idaho
Harrington
Harvey
Hawkins
Hays
Hébert
Holifield
Hudnut
Ichord
Jones, Ala.
Jones, Tenn.
Kemp
King
Koch
Landrum
Lent
Litton
McEwen
McKay
McKinney
Mailliard
Maraziti
Michel
Mills, Md.
Minshall, Ohio
Mitchell, N.Y.
Mizell
Moorhead, Pa.
Nix
O'Neill
Owens
Parris
Passman
Patten
Pepper
Pettis
Pickle
Price, Tex.
Pritchard
Rogers
Rooney, N.Y.
Rostenkowski
Roy
Saylor
Shipley
Steiger, Wis.
Taylor, Mo.
Teague, Tex.
Thompson, N.J.
Tiernan
Ullman
Vander Jagt
Waggonner
Walsh
Ware
Wilson, Bob
Wolff
Wydler
Young, S.C.

So the bill was passed.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. Pettis.

Mr. Hays with Mr. Minshall of Ohio.

Mr. Hébert with Mr. Goldwater.

Mr. Addabbo with Mr. Grover.

Mr. O'Neill with Mr. Mitchell of New York.

Mr. Barrett with Mr. Mills of Maryland.

Mr. Blatnik with Mr. Eshleman.

Mr. Flynt with Mr. Andrews of North Carolina.

Mr. Dulski with Mr. King.

Mrs. Grasso with Mr. Lent.

Mr. Delaney with Mr. Crane.

Mr. Patten with Mr. Maraziti.

Mr. Harrington with Mr. du Pont.

Mr. Diggs with Mr. Koch.

Mr. Pickle with Mr. Hanrahan.

Mr. Landrum with Mr. Ashbrook.

Mr. Brademas with Mr. Derwinski.

Mr. McKay with Mr. Hansen of Idaho.

Mr. Hawkins with Mr. Moorhead of Pennsylvania.

Mr. Gray with Mr. Harvey.

Mr. Denholm with Mr. Bell.

Mr. Jones of Tennessee with Mr. Frey.

Mr. Litton with Mr. Davis of Wisconsin.

Mrs. Green of Oregon with Mr. Mizell.

Mr. Ashley with Mr. Parris.

Mr. Nix with Mr. Owens.

Mr. Dingell with Mr. McEwen.

Mr. Jones of Alabama with Mr. Buchanan.

Mrs. Chisholm with Mr. Edwards of California.

Mr. Ichord with Mr. Dennis.

Mr. Aspin with Mr. McKinney.

Mr. Passman with Mr. Kemp.

Mr. Drinan with Mr. William D. Ford.

Mr. Holifield with Mr. Mailliard.

Mr. Biaggi with Mr. Gilman.

Mr. Hanley with Mr. Fish.

Mr. Rogers with Mr. Pritchard.

Mr. Rooney of New York with Mr. Steiger of Wisconsin.

Mr. Teague of Texas with Mr. Taylor of Missouri.

Mr. Waggonner with Mr. Walsh.

Mr. Shipley with Mr. Ware.

Mr. Ullman with Mr. Bob Wilson.

Mr. Rotenkowski with Mr. Young of South Carolina.

Mr. Tiernan with Mr. Bingham.

Mr. Wolff with Mr. Wydler.

Mr. Roy with Mrs. Burke of California.

Mr. Badillo with Mr. Conyers.

Mr. Alexander with Mr. Davis of Georgia.

Mr. Dent with Mr. Forsythe.

Mr. Pepper with Mr. Hudnut.

Mr. Price of Texas with Mr. Michel.

Mr. Saylor with Mr. Vander Jagt.

The result of the vote was announced as above recorded. A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. SAYLOR. Mr. Speaker, on rollcall No. 79, on H.R. 4586, to incorporate the National Inconvenienced Sportsmen's Association, I was unavoidably detained; I was at the time taking care of a problem for a constituent downtown. If I had been present, I would have voted "yea." I would like to have the RECORD so show.

PERSONAL EXPLANATION

Mr. HUDNUT. Mr. Speaker, I was unavoidably detained on rollcall No. 79, on H.R. 4586, to incorporate the National Inconvenienced Sportsmen's Association. I would like to have the RECORD show that had I been present I would have voted "yea." I ask that this personal explanation be printed in the RECORD after the vote on the bill, H.R. 4586

INTERSTATE AGREEMENT ON THE QUALIFICATION OF EDUCATIONAL PERSONNEL

Mr. FRASER. Mr. Speaker, by direction of the Committee on the District of Columbia. I call up the bill (H.R. 342) to authorize the District of Columbia to enter into the Interstate Agreement on Qualification of Educational Personnel, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The Clerk read the bill as follows:

H.R. 342

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of the District of Columbia is authorized to enter into and execute on behalf of the District of Columbia an agreement with any State or States legally joining therein in the form substantially as follows:

"THE INTERSTATE AGREEMENT ON QUALIFICATION OF EDUCATIONAL PERSONNEL

"ARTICLE I—Purpose, Findings, and Policy

"1. The States party to this Agreement, desiring by common action to improve their respective school systems by utilizing the teacher or other professional educational person wherever educated, declare that it is the policy of each of them, on the basis of cooperation with one another, to take advantage of the preparation and experience of such persons wherever gained, thereby serving the best interests of society, of education, and of the teaching profession. It is the purpose of this Agreement to provide for the development and execution of such programs of cooperation as will facilitate the movement of teachers and other professional educational personnel among the States party to it, and to authorize specific interstate educational personnel contracts to achieve that end.

"2. The party States find that included in the large movement of population among all sections of the Nation are many qualified educational personnel who move for family and other personal reasons but who are hindered in using their professional skill and experience in their new locations. Variations from State to State in requirements for qualifying educational personnel discourage such personnel from taking the steps necessary to qualify in other States. As a consequence, a significant number of professionally prepared and experienced educators is lost to our school systems. Facilitating the employment of qualified educational personnel, without reference to their States of origin, can increase the available educational resources. Participation in this Agreement can increase the availability of educational manpower.

"ARTICLE II—Definitions

"As used in this Agreement and contract made pursuant to it, unless the context clearly requires otherwise:

"1. 'Educational personnel' means persons who must meet requirements pursuant to State law as a condition of employment in educational programs.

"2. 'Designated State official' means the education official of a State selected by that State to negotiate and enter into, on behalf of his State, contracts pursuant to this Agreement.

"3. 'Accept', or any variant thereof, means to recognize and give effect to one or more determinations of another State relating to the qualifications of educational personnel in lieu of making or requiring a like determination that would otherwise be required by or pursuant to the laws of a receiving State.

"4. 'State' means a State, territory, or possession of the United States; the District of Columbia; or the Commonwealth of Puerto Rico.

"5. 'Originating State' means a State (and the subdivision thereof, if any) whose determination that certain educational personnel are qualified to be employed for specific duties in schools is acceptable in accordance with the terms of a contract made pursuant to Article III.

"6. 'Receiving State' means a State (and the subdivisions thereof) which accept educational personnel in accordance with the terms of a contract made pursuant to Article III.

"ARTICLE III—Interstate Educational Personnel Contracts

"1. The designated State official of a party State may make one or more contracts in behalf of his State with one or more other party States providing for the acceptance of educational personnel. Any such contract for the period of its duration shall be applicable to and binding on the States whose designated State officials enter into it, and the subdivisions of those States, with the same force and effect as if incorporated in this Agreement. A designated State official may enter into a contract pursuant to this Article only with States in which he finds that there are programs of education, certification standards or other acceptable qualifications that assure preparation or qualification of educational personnel on basis sufficiently comparable, even though not identical to that prevailing in his own State.

"2. Any such contract shall provide for:

"(a) Its duration.

"(b) The criteria to be applied by an originating State in qualifying educational personnel for acceptance by a receiving State.

(c) Such waivers, substitutions, and conditional acceptances as shall aid the practical effectuation of the contract without sacrifice of basic educational standards.

(d) Any other necessary matters.

"3. No contract made pursuant to this Agreement shall be for a term longer than five years by any such contract may be renewed for like or lesser periods.

"4. Any contract dealing with acceptance of educational personnel on the basis of their having completed an educational program shall specify the earliest date or dates on which originating State approval of the program or programs involved can have occurred. No contract made pursuant to this Agreement shall require acceptance by a receiving State of any person qualified because of successful completion of a program prior to January 1, 1954.

"5. The certification or other acceptance of a person who has been accepted pursuant to the terms of a contract shall not be revoked or otherwise impaired because the contract has expired or been terminated. However, any certificate or other qualifying document may be revoked or suspended on any ground which would be sufficient for revocation or suspension of a certificate or other qualifying document initially granted or approved in the receiving State.

"6. A contract committee composed of the designated State officials of the contracting States or their representatives shall keep the contract under continuous review, study means of improving its administration, and report no less frequently than once a year to the heads of the appropriate education agencies of the contracting States.

"ARTICLE IV—Approved and Accepted Programs

"1. Nothing in this Agreement shall be construed to repeal or otherwise modify any law or regulation of a party State relating to the approval of programs of educational preparation having effect solely on the qualification of educational personnel within that State.

"2. To the extent that contracts made pursuant to this Agreement deal with the educational requirements for the proper qualification of educational personnel, acceptance of a program of educational preparation shall be in accordance with such procedures and requirements as may be provided in the applicable contract.

"ARTICLE V—Interstate Cooperation

"The party States agree that:

"1. They will, so far as practicable, prefer the making of multi-lateral contracts pursuant to Article III of this Agreement.

"2. They will facilitate and strengthen cooperation in interstate certification and other elements of educational personnel qualification and for this purpose shall cooperate with agencies, organizations, and associations interested in certification and other elements of educational personnel qualification.

"ARTICLE VI—Agreement Evaluation

"The designated State officials of any party States may meet from time to time as a group to evaluate progress under the Agreement, and to formulate recommendations for changes.

"ARTICLE VII—Other Arrangements

"Nothing in this Agreement shall be construed to prevent or inhibit other arrangements or practices of any party State or States to facilitate the interchange of educational personnel.

"ARTICLE VIII—Effect and Withdrawal

"1. This Agreement shall become effective when enacted into law by two States. Thereafter it shall become effective as to any State upon its enactment of this Agreement.

"2. Any party State may withdraw from this Agreement by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the Governor of the withdrawing State has given notice in writing of the withdrawal to the Governors of all other party States.

"3. No withdrawal shall relieve the withdrawing State of any obligation imposed upon it by a contract to which it is a party. The duration of contracts and the methods and conditions of withdrawal therefrom shall be those specified in their terms.

"ARTICLE IX—Construction and Severability

"This Agreement shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Agreement shall be severable and if any phrase, clause, sentence, or provision of this Agreement is declared to be contrary to the constitution of any State or of the United States, or the application thereof to any Government, agency, person, or circumstance is held invalid, the validity of the remainder of this Agreement and the applicability thereof to any Government, agency, person, or circumstance shall not be affected thereby. If this Agreement shall be held contrary to the constitution of any State participating therein, the Agreement shall remain in full force and effect as to the State affected as to all severable matters."

SEC. 2. The "designated State Official" for the District of Columbia shall be the Superintendent of Schools of the District of Columbia. The Superintendent shall enter into contracts pursuant to Article III of the Agreement only with the approval of the specific text thereof by the Board of Education of the District of Columbia.

SEC. 3. True copies of all contracts made on behalf of the District of Columbia pursuant to the Agreement shall be kept on file in the office of the Board of Education of the District of Columbia and in the office of the Commissioner of the District of Columbia. The Superintendent of Schools shall publish all such contracts in convenient form.

SEC. 4. As used in the Interstate Agreement on Qualification of Educational Personnel, the term "Governor" when used with reference to the District of Columbia shall mean the Commissioner of the District of Columbia.

GENERAL LEAVE

Mr. FRASER. Mr. Speaker, I ask unanimous consent that all Members may be permitted to revise and extend their remarks in explanation of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. FRASER. Mr. Speaker, I move to strike the last word.

I yield to the gentleman from California (Mr. DELLUMS).

Mr. DELLUMS. Mr. Speaker, the purpose of this legislation—which is requested by the Government of the District of Columbia—is to authorize the District of Columbia to enter into the Interstate Agreement on Qualification of Educational Personnel, which has already been adopted by 29 States.

This will allow the District to enter into contracts with such member States, which will reduce or eliminate the duplication of administrative effort in checking teacher qualification records that have already been evaluated by competent authorities in other States, in connection with teachers and other educational personnel who are licensed in these other States and who apply for employment in the District of Columbia public school system, or vice versa. Consequently, faster processing of such teacher applications and more rapid identification of qualified applicants will result, thus increasing the available supply of qualified educational personnel. As many of the District's educational personnel come from other jurisdictions, this bill will facilitate the certification process and thereby improve as well as expedite the city's recruitment procedures.

NEED FOR LEGISLATION

As the committee report (H. Rept. 93-99) states, certification and licensing of teachers already licensed or certified in other jurisdictions has always been a time-consuming, complicated, and cumbersome process both for the teacher and the certification officer. The reevaluation of teacher records which have been evaluated already by competent authorities in other jurisdictions with similar standards is wasteful of the administrator's and teacher's time, energies, and skills.

Each State has its own system of laws and administrative practices governing the training, licensing, and certification of school personnel. As a result, all too often an experienced, fully certified teacher upon moving to another State will find that he or she fails to meet some technical certification specification in the new State. For example, the course taken in State A's teachers college entitled "Teaching in the Elementary Schools" may not meet State B's requirement of a course in "Methods of Teaching in the Elementary Schools," or the course may be only a 3-hour instead of a 4-hour course.

In concentrating on minor technicalities, a school system's officials frequently must overlook the larger picture. The fact that the teacher applicant may have 10 years of successful experience and a master's degree in her field from a fully accredited teachers' college all too often cannot be considered. This is utterly unrealistic, in view of the fact that, generally speaking, the teaching of mathematics in California or New York requires substantially the same skills as teaching mathematics in Pennsylvania or the District of Columbia; and a properly trained school librarian in Nebraska is able to function just as ably in Idaho or Wisconsin. In short, the fact is that with only very limited exceptions, a person who is adequately prepared as a teacher or other school professional in one State should be capable of meeting the minimum skills and training required in another State.

INTERSTATE AGREEMENT ON QUALIFICATION OF EDUCATIONAL PERSONNEL

In 1966, a nationwide interstate certification project was begun, and a national plan was developed which would allow States, pursuant to enabling legislation, to enter into mutual agreements with other States regarding the acceptance of license or certification of educational personnel.

After intensive study and consultation among officials from State departments of education and other policymaking State officials, including substantial representation from various State legislatures, the interstate agreement was developed in its present form. This developmental process took 2 years to accomplish, and the first States enacted this interstate agreement in 1968. Today, 29 States are parties to this agreement, and many others have it under active consideration. Even though the benefits of this interstate agreement are nationwide as well as regional, it is important to note that all the District of Columbia's neighboring jurisdictions have enacted the measure.

The 29 States which have adopted the interstate agreement are the following: Alaska, California, Connecticut, Delaware, Florida, Hawaii, Idaho, Indiana, Kentucky, Maine, Maryland, Massachusetts, Minnesota, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Virginia, Washington, West Virginia, and Wisconsin.

PROVISIONS OF THE BILL

The bill is patterned directly from the interstate agreement. It is legally similar to many other enabling statutes allowing interstate agreements in other fields of State government responsibility. However, the provisions of H.R. 342 are less elaborate than those of many other interstate compacts. It sets up no new administrative body and requires no additional appropriation of funds to become effective. Its sole function is to provide the necessary legal authority for District of Columbia officials to contract with other State public education agencies regarding the mutual acceptance of out-of-State certification and licensing decisions regarding educational personnel.

The interstate agreement includes safeguards to insure that it will not produce interstate acceptance of substandard educational personnel. Section 1 of article 3 of the agreement states that:

> A designated State official may enter into a contract pursuant to this article only with States in which he finds that there are programs of education, certification standards, or other acceptable qualifications that assure preparation or qualification of education personnel on a basis sufficiently comparable, even though not identical, to that prevailing in his own State.

The contracts entered into under the agreement have the weight of law, and prescribe the methods under which the teacher qualifications of a signatory State can be accepted by other party States without the necessity for reexamination of such qualifications. The agreement specifies the minimum contents of such contracts in such a way as to assure the contracting States that standards employed for passing on such qualifications will remain at a high professional level.

HISTORY

Legislation identical to H.R. 342 was reported by this committee to the House in the 92d Congress (H.R. 8407, H. Rept. 92–332), and passed the House by vote of 324 to 4 on July 12, 1971.

This legislation was thereafter included in an omnibus bill, S. 1998, (S. Rept. 92–245), which passed the Senate on April 13, 1972, but the entire Senate package was not approved by your committee; and no hearings were held on the new Senate provisions added to the House provisions.

COSTS

No cost to the District of Columbia government will accrue as a result of the enactment of this legislation.

COMMITTEE VOTE

H.R. 342 was approved and ordered favorably reported to the House by voice vote of the committee members present.

HEARINGS

A public hearing on H.R. 342 was conducted on March 22, 1973, by the Subcommittee on Education, at which time testimony in favor of the legislation was submitted by spokesmen for the District of Columbia government, the District of Columbia public school system, and the Washington Teachers' Union. No opposition to the measure was expressed.

Mr. BROYHILL of Virginia. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I wish to commend to my colleagues the bill H.R. 342, of which I am the author, and which will be of material assistance to the District of Columbia Board of Education in the matter of certifying and licensing teachers and other educational personnel who are licensed in other school jurisdictions and who wish to be employed in the District of Columbia public school system.

At present, in evaluating the qualifications of an applicant from another school system for certification and licensing in the District of Columbia public schools, the District of Columbia school administration must pursue a lengthy tedious, and somewhat costly process wherein the applicant's entire educational background must be measured against the District's requirements for certification, in detail. This procedure includes an examination of detailed descriptions of academic course requirements which are part of teacher training programs, as well as a miscellaneous list of other statutory and administrative requirements. As a matter of fact, until about 5 years ago this long and laborious process was used in all State educational systems in evaluating teacher applicants from other State systems.

While the requirements for teacher certification and licensing in the various States and the District of Columbia do vary in some details, the main body of principles utilized in such evaluation is generally agreed upon by all school systems in determinating teacher qualification. For this reason, it is a fact that with only a very few and limited exceptions, a person who is properly trained and adequately prepared as a teacher or other school professional employee in one State is equally qualified to perform satisfactorily in any other State system as well.

In recognition of this fact, a nationwide project was started in 1966, with a view toward developing a national plan of teacher certification which would allow the States, subject to enabling legislation, to enter into agreements with other States with respect to the mutual acceptance of certification of teachers and other educational personnel. After a developmental process which took 2 years of intensive study and consultation involving officials of many State departments of education and also other policymaking State officials, the Interstate Agreement on Qualification of Educational Personnel was completed in its present form.

The first States entered into this agreement in 1968, and today 29 States have subscribed to this pact, including my own State of Virginia and the neighboring State of Maryland.

The contracts which this agreement authorizes between the member States have the force of law, and are required to spell out the methods and conditions under which teacher qualification standards of one State may be accepted by another State without the necessity of a reexamination and evaluation of such qualifications.

It is important to note that the agreement specifies the minimum contents of these interstate compacts so as to assure that the standards of mutual acceptance will be such as to assure the maintenance of high standards of teacher qualification in all member States.

H.R. 342 is simply enabling legislation, which will permit the District of Columbia to enter into contracts with the member States through the interstate agreement, and thus enable the District of Columbia Board of Education for the first time to recognize decisions on teacher qualification which have already been made by competent educational authorities in the party States. And, at the same time, as I have pointed out, safeguards are provided which will assure that such procedures will not lead the District to accept substandard educational personnel.

This legislation will involve no additional expense to the District of Columbia government. On the contrary, some saving will undoubtedly result from the elimination of the present detailed and lengthy procedure with respect to evaluating teacher applicants who are licensed in other school systems.

I sponsored an identical bill in the last Congress (H.R. 8407), which was approved by this body on December 22, 1971, by a rollcall vote of 324 to 4. However, this measure was incorporated into an omnibus Senate bill subsequent to that time, which our committee did not have time to consider properly prior to adjournment.

Mr. Speaker, I urge favorable action on this proposed legislation, which will provide the means by which the District of Columbia public school system may join this nationwide movement to standardize the procedure of evaluating teacher applicants who are licensed elsewhere, to the benefit of all concerned.

Mr. GROSS. Mr. Speaker, I move to strike the last six words.

Mr. Speaker, I would like to ask the gentleman from California (Mr. DELLUMS) a question, but first let me give a little background.

In the past it has been represented to the House of Representatives that some 35 to 37 percent of the teachers of the District of Columbia were teaching with temporary certificates.

Will this bill have anything to do with altering that situation, which appears to me to be a rather sad one? In other words, will this bill change the number of teachers who are teaching in the District of Columbia on temporary certificates?

Mr. DELLUMS. I would only suggest to my distinguished colleague from Iowa that all this would do, if the District of Columbia entered into these agreements, would speed up the licensing and certification process; but with respect to the direct question the gentleman asked, the answer is "No."

Mr. BROYHILL of Virginia. Mr. Speaker, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from Virginia.

Mr. BROYHILL of Virginia. The gentleman from California is correct that this bill does not change the standards one iota. It does not require the District government to enter into these agreements, but does permit them to enter into the agreements if the standards of the other systems are at least equivalent to those of the District of Columbia; so it makes no change whatsoever insofar as the qualifications of the teachers are concerned.

Mr. GROSS. This would not mean, then, that the teachers in the District of Columbia, in the numbers that have been teaching on temporary certificates, unable to qualify for permanent certificates, could be unloaded on the State of Virginia? It would not mean that; would it?

Mr. BROYHILL of Virginia. That would be up to the State of Virginia if they wanted to enter into an agreement with the District of Columbia to accept the qualifications of their educational system as being the minimum qualifications for the State of Virginia.

The SPEAKER. Without objection, the previous question is ordered on the bill.

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DAVIS of South Carolina. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 331, nays 1, not voting 101, as follows:

[Roll No. 80]

YEAS—331

Abdnor
Abzug
Adams
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Arends
Armstrong
Bafalis
Baker
Beard
Bennett
Bergland
Bevill
Biester
Blackburn
Boggs
Boland
Bowen
Brasco
Bray
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burgener
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Camp
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Collier
Collins
Conable
Conlan
Conte
Corman
Cotter
Coughlin
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Dellenback
Dellums
Dent
Devine
Dickinson
Donohue
Dorn
Downing
Duncan
Eckhardt
Edwards, Ala.
Eilberg
Erlenborn
Esch
Evans, Colo.
Fascell
Findley
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Ginn
Gonzalez
Goodling
Green, Pa.
Griffiths
Gross
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanna
Hansen, Wash.
Harsha
Hastings
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holt
Holtzman
Horton
Hosmer
Howard
Huber
Hudnut
Hungate
Hunt
Hutchinson
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Jones, Okla.
Jordan
Karth
Kastenmeier
Kazen
Keating
Ketchum
Kluczynski
Kuykendall
Kyros
Landgrebe
Latta
Leggett
Lehman
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McFall
McSpadden
Macdonald
Madden
Madigan
Mahon
Mann
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Miller
Mills, Ark.
Minish
Mink
Mitchell, Md.
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Brien
O'Hara
Patman
Pepper
Perkins
Peyser
Pike
Poage
Podell
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Quie
Quillen
Railsback
Randall
Rangel
Rees
Regula
Reid
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Roush
Rousselot
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Satterfield
Saylor
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shoup
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steele
Steelman
Steiger, Ariz.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Symms
Talcott
Taylor, N.C.
Teague, Calif.
Thomson, Wis.
Thone
Thornton
Towell, Nev.
Treen
Udall
Vander Jagt
Vanik
Veysey
Vigorito
Waldie
Wampler
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wright
Wyatt
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—1

Rarick

NOT VOTING—101

Addabbo
Andrews, N.C.
Archer
Ashbrook
Ashley
Aspin
Badillo
Barrett
Bell
Biaggi
Bingham
Blatnik
Bolling
Brademas
Buchanan
Burke, Calif.
Chisholm
Conyers
Crane
Daniels, Dominick V.
Davis, Wis.
Delaney
Denholm
Dennis
Derwinski
Diggs
Dingell
Drinan
Dulski
du Pont
Edwards, Calif.
Eshleman
Evins, Tenn.
Fish
Flynt
Ford, William D.
Frey
Gilman
Goldwater
Grasso
Gray
Green, Oreg.
Grover
Hanley
Hanrahan
Hansen, Idaho
Harrington
Harvey
Hawkins
Hays
Hébert
Holifield
Ichord
Jones, Ala.
Jones, Tenn.
Kemp
King
Koch
Landrum
Lent
Litton
McEwen
McKay
McKinney
Mailliard
Mallary
Maraziti
Mills, Md.
Minshall, Ohio
Mitchell, N.Y.
Mizell
Moorhead, Pa.
Nix
O'Neill
Owens
Parris
Passman
Patten
Pettis
Pickle
Pritchard
Rogers
Rooney, N.Y.
Rostenkowski
Roy
Shipley
Steed
Steiger, Wis.
Taylor, Mo.
Teague, Tex.
Thompson, N.J.
Tiernan
Ullman
Van Deerlin
Waggonner
Walsh
Ware
Wilson, Bob
Wolff
Wydler
Young, S.C.

So the bill was passed.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. Pettis.

Mr. Hays with Mr. Minshall of Ohio.

Mr. Hébert with Mr. Goldwater.

Mr. Addabbo with Mr. Grover.

Mr. O'Neill with Mr. Mitchell of New York.

Mr. Barrett with Mr. Mills of Maryland.

Mr. Blatnik with Mr. Eshleman.

Mr. Flynt with Mr. Andrews of North Carolina.

Mr. Dulski with Mr. King.

Mrs. Grasso with Mr. Lent.

Mr. Delaney with Mr. Crane.

Mr. Patten with Mr. Maraziti.
Mr. Harrington with Mr. du Pont.
Mr. Diggs with Mr. Koch.
Mr. Pickle with Mr. Hanrahan.
Mr. Landrum with Mr. Ashbrook.
Mr. Brademas with Mr. Derwinski.
Mr. McKay with Mr. Hansen of Idaho.
Mr. Hawkins with Mr. Moorhead of Pennsylvania.
Mr. Gray with Mr. Harvey.
Mr. Denholm with Mr. Bell.
Mr. Jones of Tennessee with Mr. Frey.
Mr. Litton with Mr. Davis of Wisconsin.
Mrs. Green of Oregon with Mr. Mizell.
Mr. Ashley with Mr. Parris.
Mr. Nix with Mr. Owens.
Mr. Dingell with Mr. McEwen.
Mr. Jones of Alabama with Mr. Buchanan.
Mrs. Chisholm with Mr. Edwards of California.
Mr. Ichord with Mr. Dennis.
Mr. Aspin with Mr. McKinney.
Mr. Passman with Mr. Kemp.
Mr. Drinan with Mr. William D. Ford.
Mr. Holifield with Mr. Mailliard.
Mr. Biaggi with Mr. Gilman.
Mr. Hanley with Mr. Fish.
Mr. Rogers with Mr. Pritchard.
Mr. Rooney of New York with Mr. Steiger of Wisconsin.
Mr. Teague of Texas with Mr. Taylor of Missouri.
Mr. Waggonner with Mr. Walsh.
Mr. Shipley with Mr. Ware.
Mr. Ullman with Mr. Bob Wilson.
Mr. Rostenkowski with Mr. Young of South Carolina.
Mr. Tiernan with Mr. Bingham.
Mr. Wolff with Mr. Wydler.
Mr. Roy with Mrs. Burke of California.
Mr. Badillo with Mr. Conyers.
Mr. Dominick V. Daniels with Mr. Archer.
Mr. Evins of Tennessee with Mr. Mallary.
Mr. Steed with Mr. Van Deerlin.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SECRETARY ROGERS ADDRESSES OAS GENERAL ASSEMBLY

(Mr. FASCELL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FASCELL. Mr. Speaker, the Organization of American States is presently holding its third regular general assembly session here in Washington. As a congressional member of the U.S. delegation, I was pleased to be present Friday to hear the head of the U.S. delegation, Secretary of State William P. Rogers, speak on behalf of the United States.

As many in Congress are aware, there is increasing concern in Latin America over U.S. policy toward the area and over the future of the OAS. In his speech, Secretary Rogers spoke forcefully and candidly of this Nation's hopes and concerns for future hemisphere cooperation.

Because of the importance of Secretary Rogers' remarks, I want to call the speech to the attention of the House of Representatives:

Statement of Hon. William P. Rogers, Secretary of State of the United States Before the General Assembly of the Organization of American States, April 6, 1973

Mr. President, Distinguished Ministers, Mr. Secretary General, members of delegations, observers and advisers: On behalf of President Nixon, the members of my delegation and myself, I wish to extend to you, Mr. President, our sincerest congratulations on your election as President of this Assembly. We are fortunate to have a man of your experience and wisdom to guide our efforts, and I join all of my colleagues in underscoring what they said about how fortunate we are to have you as our President at this important meeting.

This year marks the twenty-fifth anniversary of the signing of the Charter of the Organization of American States. Twenty-five years is perhaps a short period in the life of nations which have enjoyed over a century and a half of productive relations.

We all are aware, nevertheless, as has been mentioned here this morning and yesterday, of how profoundly the world has changed in those twenty-five years. The hostilities and rigidities that characterized international relations then are being left behind. The restructuring of world politics has been accompanied by an even more profound change in the world economy. Europe and Japan have recovered economicaly and are very strong now. Many nations in the developing world, including nations in Latin America, have achieved both substantial economic growth and self-confidence.

These are changes which have an effect on all members of this Organization. My nation has been deeply involved in many of them. The nations of Latin America have broadened their global economic and political involvement. Today, more than ever, we are all influenced by the broad currents of world development.

It was in this context that in 1969 President Nixon enunciated a new United States policy for Latin America. That policy reflected, we believe, the changes in global and hemispheric relations which had already begun. It anticipated other changes in global economics and politics to come. As the President described it in his Foreign Policy Report last year, the Policy reflected four positive themes. They are:

"A wider sharing of ideas and responsibility in hemispheric collaboration;

"A mature United States response to political diversity and Nationalism;

"A practical and concrete United States contribution to economic and social development; and

"A humanitarian concern for the quality of life in the hemisphere."

And, as President Nixon said in his letter to the President of the General Assembly the other day, we are moving away, we have moved away, from a policy of paternalism. Now, it is inevitable, I suppose, that in this change of policy—which we think is desirable, and which I believe all of you think is desirable—it may seem to some that we are less interested in the affairs of the hemisphere. That is not the case. We remain just as interested as ever, but we are trying to be sure that we do not overstate what we can do; because, as has been said here this morning and on several other occasions, it is undoubtedly true that we did represent that we could do more than we were able to do.

Secondly, as the nations of Latin America become more interested in global affiairs, it is only natural that there will be differences among us.

The policy that we are speaking of is in keeping with our desire for continued close association with the hemisphere and with the less intrusive international role we have adopted and that the people of the United States have endorsed. It is a policy which reflects Latin America's claim and capacity to a greater voice in hemispheric affairs, and I think it is very healthy to have the discussion we have been having here the last two days, to see the initiatives that are being taken by member states about how we can improve this Organization. We welcome that.

It is a policy, we are convinced, that outlines a constructive approach to sound relations. With progress made toward a more peaceful world generally, we are now in a position to give our relations with you more constant attention, more consistent attention.

Over the next four years we will continue to work closely with you on the many issues before the global community in which the United States and Latin America might develop convergent interests; we will concentrate within the hemisphere on building upon areas of cooperation; we will maintain our support of your efforts to bring a better life to your citizens, channeling the bulk of our assistance through multilateral institutions while at the same time seeking to expand Latin America's access to trade and investment opportunities; we will approach our bilateral relations on the basis of how you conduct your relations with us—that is maturity in international affairs—and not on how you structure your societies internally. We fully accept that proposition, but we also point out that nations naturally react to how other nations treat them. That is maturity in international affairs.

Close cooperation between us on global issues could be particularly constructive. Many of the opportunities and challenges before us can no longer be met in the hemisphere alone. Solutions must be found in the world community. On many such issues, United States and Latin American interests tend to converge; on some they coincide.

Latin America and the United States, can, in particular, be of assistance to each other in improving the world monetary system—that has been mentioned here—and trading systems, to assure that trade and capital move with a minimum of restrictions and that all nations share equitably in an expanding world economy.

President Nixon will shortly be proposing to the Congress broad new trade legislation which will include the authority we need to carry out a policy of expanded and more equitable world trade in the talks which start this fall.

During those talks, we believe that United States and Latin American delegations should establish a system of liaison, for we believe we share a number of common purposes which we can promote together. We should, for example, be able to cooperate on a number of concrete issues:

We both will want to reduce barriers to agricultural trade. Latin America relies on agriculture for over half of its export earnings. The United States, unique among the industrialized nations, exports 31 per cent of its crop. The removal of restrictive practices against agricultural exports would benefit us all.

We share an interest in the elimination of preferential arrangements which discriminate against one group of developing countries in favor of another or in favor of a few industrialized countries. Such exclusive arrangements have already prejudiced some exports from this hemisphere. Their extension will prejudice others. Neither Latin America nor the United States wants a Western Hemisphere trading bloc, nor have we ever found any bloc system to be a beneficial approach to our roles in international trade.

We would all benefit from a reduction or an elimination of administrative barriers—trade barriers, non-tariff barriers, if you will—which are used to impede artificially the growth of imports.

I should add that it is important that the GATT session be a time of serious negotiation and not of confrontation. We will approach it in that way, and will seek to ensure that the needs of developing countries are taken fully into account. We recognize, of course, that the countries of Latin America will share many trade interests in these talks with other developing nations—and of you and of us—will diverge at some points. We will have differences on those points. But it is essential that these differences not be allowed to deteriorate into the kind of sterile disputes that characterized the last meeting of UNCTAD. Latin American countries could provide leadership at the GATT session by encouraging all states to concentrate upon the achievement of concrete economic results and to avoid political issues more appropriate to other forums.

The trade negotiations must, of course, take place in a single forum—the GATT. But we believe that joint participation there could be made more effective through further discussion among us on trade issues in the Special Committee for Consultation and Negotiation.

In other words, we believe that there is a great opportunity to work together on matters of trade, because in most areas our interests are the same. We will have some differences, as all of you will have differences among yourselves, but we have many common interests, and these negotiations on trade this fall therefore provide us with a real, practical way of improving trade which will benefit this hemisphere.

Let me talk for a minute about monetary matters.

As the recent meeting of the Finance Ministers of the Committee of Twenty has shown, the United States and the States of Latin America also share a number of convergent interests in world monetary talks. We worked closely with Argentina, Brazil, and Mexico in those talks, and we expect to continue to work with the nations of Latin America to seek a monetary system that will: foster balance-of-payments adjustments by all countries, surplus and deficit, large and small; make Special Drawing Rights the principal reserve instrument and the common denominator in the system; and recognize the interdependence of domestic and international economic policies, including the critical role of inflation control. And we are pleased, as you undoubtedly know, that we have been able to keep our inflation at the lowest rate of any of the industrialized nations.

The law of the sea is another international issue where we can cooperate to achieve concrete and constructive results. Speaking in 1970 on the law of the sea, President Nixon said that if it is not modernized by common action, unilateral actions and international conflict are inevitable. Three years have further confirmed that we must reach an international agreement.

Nations in Latin America, as elsewhere in the world, have adopted diverse stands on many of the issues involved. This diversity reflects such factors as whether or not they are coastal states, whether they have a large or small continental shelf, whether they possess significant maritime interests, whether they have extensive or limited resources adjacent to their coasts. That is natural. But while interests are diverse, we earnestly hope that all the nations of the world, including most especially those of this hemisphere, can concur that each nation's interests ultimately can be protected only by international agreement. And we hope that we all will be prepared to make the accommodations necessary to build a broadly-based international agreement.

In our opinion, an international, consensus is emerging on many of the issues involved. Certainly it is our hope that most states would be able at an early date to agree on:

(1) A broad, coastal-state economic jurisdiction, beyond a twelve-mile territorial sea, in which freedom of navigation and overflight would continue;

(2) The right of free transit through and over international straits;

(3) An international agreement, including machinery for the deep-seabed area; and international standards, together with compulsory settlement of disputes, for areas under coastal-state economic jurisdiction.

Some states of the hemisphere favor a territorial sea broader than twelve miles. However, we hope that the common interest in freedom of navigation and a common recognition of the economic and security needs of coastal states and the international community would lead all of us to agreement on a twelve-mile territorial sea. We then could concentrate on the extent and nature of a coastal-state economic jurisdiction which would accommodate the interests of all states. In other words, we believe that is the area where a settlement can be achieved that will certainly take into account the interests of the states around this table.

If this is the case, we believe that it should be possible for the nations of this hemisphere to make a major contribution to an agreement which can be widely accepted, which will benefit us all, and which will eliminate present and potential conflicts. As we approach the Law of the Sea Conference we would hope to intensify our consultations with each of you to help advance the international consensus we believe is emerging.

Let me turn now to the subject of terrorism. The Inter-American System has often led the international community in devising agreed approaches to common problems. The OAS Convention on acts of terrorism of international significance was the first important international development or effort to prevent and punish crimes of violence against the representatives of states and international organizations. The United States Senate has approved the Convention, and we will be in a position to deposit our instrument of ratification as soon as the implementing legislation is passed by our Congress. We hope other signatory nations will act promptly to ratify it and that the OAS members which have not yet signed will be able to give their support.

Having led the way as we did in arriving at an international approach to confronting terrorism, the Americas, we hope, can now actively cooperate in similar efforts to provide a broader international consensus. We see three areas where we can exert constructive leadership together:

By making civil aviation safer by agreeing at this summer's Civil Aviation Conference to deny refuge to those who commit terrorist acts against international civil aviation;

By protecting diplomats through opening for signature at the next United Nations General Assembly a convention based on the draft articles submitted by the International Law Commission; and

By thwarting the spread of terrorism through assuring that the *ad hoc* United Nations Committee recommends to the next United Nations General Assembly an international convention providing for extradition or punishment in cases of international terrorism.

I hope that our delegations can all be instructed to work together toward these important objectives.

I would like to turn now to two areas in which cooperation within the hemisphere itself remains important. I refer to inter-American cooperation for development and to the status of inter-American institutions.

We are all aware of how central economic relationships are to the health of our cooperation. In programs directed to the hemisphere we will continue our support for efforts to bring a better life to the citizens of your countries.

In recent years, I believe we all have come to the conclusion that development demands a comprehensive approach which includes dimensions other than official assistance. We now are specifically directing our own efforts to ensure that all aspects of the development process are taken into account. Thus, I have asked our new Under Secretary for Economic Affairs to coordinate a comprehensive development policy—including development assistance, international investment, debt relief, trade expansion and population growth—so that the United States may better support a more rapid *per capita* economic growth in the developing world.

We concur in the view expressed in the recent meeting of the Inter-American Economic and Special Council, that expanded trade can be the most important element in this process. In fact, the document that emerged from the Bogotá meeting contained many important ideas which we support.

Particularly because of our support for accelerated development in Latin America, we will also include in the trade bill we are submitting to the Congress next week a request for authority to extend generalized tariff preferences for developing countries. It is important for us to note that, while it was necessary for us to delay action on generalized tariff preferences, our imports from Latin America nevertheless have been growing substantially for a number of years and last year rose 18 per cent.

I am not today in a position to tell you the details of the trade bill until it is presented to our Congress next week. However, I will be pleased to make myself available to any of you who would like to talk about it, and I will have our Under Secretary for Economic Affairs available to describe to you all aspects of this legislative proposal.

Foreign private investment can also make a major contribution to development. The United States benefited from it during our own development, and we expect increasing European and Japanese investment in our economy over the next few years. Today, as never before, other countries in this hemisphere which seek such investment can also draw it not only from the United States but also from Europe and Japan. We welcome that trend.

Countries must, of course, decide for themselves whether they want to attract such investment and how much, and in what forms; and of course you will set for yourselves the rules under which the investor operates. I have heard of many statements here that sounded to me a bit as if you felt that we had some reservations about that. We have none at all. Obviously, that is the way it should be. Every sovereign nation should decide for itself whether it wants foreign investments, how much, and in what manner, and what rules should be applied to the foreign investments. We fully accept that. We think it is highly desirable for everybody to understand it. Because we believe private capital can be a major contribution to development and because we know it will move freely only if there is confidence that the agreements will be observed. We hope that when rules are established they will be lived up to. That is why we continue to insist on just compensation in cases of nationalization in accordance with the policy announced last January. At the same time, the United States government is committed to the pacific settlement of disputes by the procedures set forth in Article 24 of the Charter and will cooperate fully with any government that wishes to solve a problem on fair terms that respect the interests of both sides. In most cases, various procedures are possible, but the point of departure for any solution is good-faith negotiation in a spirit of compromise.

Grant and loan assistance also continues to have an important role in development. We intend to carry out our bilateral and multilateral assistance commitments. Thus, we are proceeding this spring with a request to our Congress for the next installment of $693 million in our contribution to the replenishment of the Inter-American Development Bank. Though it is unrealistic to project increases, we will make every effort to maintain our total assistance flows to Latin America at their present levels. It is often overlooked that total development assistance commitments to Latin America from the United States bilateral programs, the Inter-American Development Bank and the World Bank have increased from $900 million in 1964 to $1.8 billion in 1972. I would like to say that again, we have doubled assistance in eight years.

Perhaps the most easily controlled variable in accelerating the growth of per capita income is the rate of population increase. Latin America's population is still expanding at approximately 2.8 per cent a year, the highest rate in the world. Thus, despite the fact that the area's gross product has recently been expanding at over 6 per cent a year, increases in population have cut the per capita gains to just over 3 per cent. This is an area where we believe more rapid progress can be made.

Not all nations of the hemisphere share our deep concern for the effects of too rapid population growth. But we can all be pleased that the former Foreign Secretary of Mexico, Dr. Carrillo Flores, will be the executive director of the United Nations World Population Year in 1974. And we were encouraged to see that at the recent meeting of the Latin American Ministers of Health, agreement was reached that governments should provide family-planning services and information wherever national policies permit.

The changes that have taken place in global economics and politics have also brought us to a new period in inter-American relations. In the immediate future we will all be reassessing the multilateral structures through which they are conducted.

In this connection, some of you see an anomaly in the static nature of our relations with Cuba at a time when we are moving in such positive directions with Moscow and Peking. There is an anomaly, but we believe it lies in Cuba's attitudes, not in United States policy. The dramatic progress in our relations with China and the dramatic progress in our relations with the Soviet Union could not have come about except as a result of mutuality. Thus far, we perceive no change in Cuba's basic position. At a time when the world is putting enmity behind it, Cuba continues to place an antagonistic and interventionist attitude at the center of its policy. Its military ties remain.

Though there have been shifts in Cuba's behavior in the hemisphere, the changes do not seem to us now to reflect a modification of its basic policies towards other American states. We are aware that while many in this organization take a similar view, others have different opinions. But we have so far seen no evidence of change in Cuban policies sufficient to convince us that the OAS economic and diplomatic measures toward Cuba should be altered.

For all these reasons, our policy toward Cuba remains unchanged, as does our commitment to act only in concert with other members of the OAS.

Indeed, our intention is to work in concert with the OAS whenever possible. That is why we attach significance to the important items 9 and 10 on our agenda. Those items, proposed by the Secretary General of this Organization and by the distinguished Foreign Minister of Venezuela, reflect a desire to move away from the unproductive atmosphere which has recently been too frequent and to move toward means of working for common purposes. This is also evident in the mission undertaken by the President of CIAP.

As we seek together to expand our collaboration and minimize contention between us, we are prepared to work with all member states to improve the OAS: We will study any suggestions made here or in the committee which may be established, and we will have some suggestions of our own.

But ultimately, the success of this or any other organization will be defined not by its structure but by the attitudes brought to it by its membership. Thus, in examining the OAS we will in fact be studying the "spirit of the hemisphere". The United States does not believe that this spirit implies an obligation to agree to all issues. But it does believe that the spirit must take into account certain realities: the reality that many issues cannot be resolved within the Inter-American framework; the reality that there are practical limits to new United States commitments; the reality that most problems within a country must be solved by the country itself; that a beneficial, cooperative relationship among nations requires mutual respect. We will work cooperatively with each nation in this Organization on the basis of mutuality; I promise you that. The United States believes that the spirit that brings us together in this room must rest on the proposition that honest differences can and should be negotiated. It is the attitude of cooperation, accommodation and reciprocal adjustment that has made our association fruitful in the past; it is an attitude that can enable us to reap new benefits in the future.

The United States thus welcomes the opportunity to enter into a constructive review of hemispheric relations. We see 1973 as a year of building. Now that the world is a safer place, there are energies, talents, and resources that can be turned to other purposes. Latin America will have a high place on our agenda. I will participate personally in this effort and expect in the next few months to fulfill my long-standing desire to visit Latin America, and to exchange points of view with many of you in your own capitals. In taking that trip I will be motivated by a constructive desire to make our association as firm, as realistic, and as equitable as friends can make it.

This meeting of the OAS General Assembly could have a decisive influence on the future of our community. If that influence is to be constructive, we should concentrate on areas where our interests converge. If we do so we will find it easier to resolve those issues on which we have differences. Over the years, our community has shown both flexibility and imagination in meeting the changed demands of changing times. It is the hope of my government that this meeting and what follows it will reaffirm and strengthen the ties between us so that we can continue to realize the benefits that derive from our association in this significant Organization of American States.

WELFARE BENEFITS

(Mr. BLACKBURN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BLACKBURN. Mr. Speaker, in the Sunday, April 1, edition of the Washington Post, the Parade magazine intelligence report carried an article entitled "The Truth About Welfare." This article was based upon information supplied by COPE—Committee on Political Education of the AFL–CIO. I was quite surprised to see that a national publication would base an article about the welfare system on a source whose ideological and political inclination has always been toward the expansion of the welfare system.

In examining the article, I readily ascertained that the figures were based upon erroneous information which had been issued by the Department of Health, Education, and Welfare during 1971. On December 1, 1971, I wrote to the Comptroller General of the United States, Elmer Staats, requesting that he review the information as found in HEW's publication "Welfare Myths Versus Facts." The information carried in the pamphlet is similar, if not identical, to that in Parade's article.

At this time, I would like to point out several inaccuracies and flaws found in the article.

First. The article stated that—

> Less than 1 percent—about 150,000—of the welfare recipients are able-bodied employable males.

GAO reported to me:

> HEW stated in the pamphlet that the terms "welfare" referred to the Aid to Families with Dependent Children (AFDC) program. The 13-million figure, however, refers to recipients of all types of public assistance authorized by the Social Security Act—aid to the aged, blind, and disabled, as well as AFDC. If only the April 1971 AFDC figure (10.2 million) were used, the percentage of able-bodied unemployed males would be 1.2 percent. According to HEW estimates the 126,000 able-bodied unemployed males represent about 38.8 percent of the total number of males (323,000) who received federally supported AFDC public assistance in April 1971. In HEW's opinion the remaining males (197,000) were incapacitated and were not fit for work. We believe that this information gives the reader a better perspective to judge the employment problem of male welfare recipients.

Second. The article stated:

> Cheating and fraud in welfare are minimal. . . . But the U.S. Department of Health, Education, and Welfare estimates there is cheating among fewer than one percent of welfare cases. Add to this another two to three percent on the rolls due to misunderstanding or technical-bureaucratic error, and there is an upper range of four to five percent receiving benefits who are either completely or partially ineligible.

With regard to fraud or misrepresentation, GAO stated:

> The HEW rate of four-tenths of 1 percent applies to all public assistance programs—not just to AFDC. HEW's percentage rate for fraud for the AFDC program was six-tenths of 1 percent during fiscal year 1970 the six-tenths of 1 percent represented cases that not only were suspected of fraud but also were supported by facts sufficient to raise questions of fraud. In addition, eight-tenths of 1 percent of the cases were suspected of fraud but the facts were insufficient to pursue fraud proceedings. Since the pamphlet uses the words "suspected incidents," it appears that it would have been appropriate to combine the two percentage rates and to state that the suspected fraud rate for the AFDC program was 1.4 percent.

They went on to state:

> Although we did not evaluate the data used by HEW to arrive at the 1 to 2 percent cited in the pamphlet, HEW experience has indicated that State reports on ineligibility have not represented valid statistical findings regarding total case-load ineligibility. Therefore HEW was not able to accurately project nationwide ineligibility rates. Data released by HEW on January 3, 1972, indicate that approximately 5.6 percent of the Nation's AFDC families and 4.9 percent of the aged, blind, and disabled were ineligible for the payments they received in April 1971. Although HEW did not have this information available at the time the pamphlet was prepared, we believe that these data present a more accurate picture of the ineligibility rates existing today than do the percentage rates cited in the pamphlet.

Third. The article stated:

> A government study shows more than 80 percent want to work, rather than draw welfare.

GAO stated:

> The HEW statement clearly implies that 80 percent of all able-bodied unemployed males in the Nation who receive public as-

> sistance want to work. The supporting data, however, were taken from a statistical study of only three metropolitan areas—Camden, New Jersey; Los Angeles, California; and Milwaukee, Wisconsin—and should not be used to imply nationwide attitudes. The HEW statement therefore may convey an incorrect impression.

Fourth. The article stated:

> More than 48 percent of welfare families are white; about 43 percent are black.

The GAO statement said:

> According to HEW data the correct percentage of white AFDC families is 48, rather than 49 percent. We believe that the general impression conveyed by the HEW statement is that the majority of AFDC recipients are white. According to the 1969 data, however, 46.6 percent of all AFDC recipients were black, 46.2 percent were white, and 7.2 percent were of other races or their races were not shown. We believe that the reader would have a better understanding of the racial composition of the AFDC case load if HEW had used the statistics for *recipients* and for families. (Emphasis supplied).

Fifth. The article stated:

> There is no evidence to sustain the belief that welfare is necessarily habit-forming, that is that "once on welfare, always on welfare." Half the families on welfare have been on the rolls 20 months or less; two thirds have been on the rolls less than three years.

GAO stated:

> The term "about two years" can be misleading. The 2-year figure is a median—meaning that as many families were on welfare for more than 2 years as were on welfare for less than 2 years—and is not an appropriate average. If a weighted mean—in our opinion a more typical average—were used, the average AFDC family would be on welfare for 42 months from the time that it last began receiving assistance. Many recipients, however, have received assistance for longer periods of time. HEW statistics show that about 40 percent of all AFDC recipients had been on welfare prior to their most recent return to the rolls. Statistics are not available to indicate how long these recipients were on welfare prior to their most recent receipt of assistance. Thus we believe that the statement "about two years" tends to mislead an uninformed reader. HEW officials advised us that the pamphlet would be revised to clarify the statement regarding the number of months a recipient was on welfare.

Then went on to state:

> The term "23 months" can be misleading because the 23-month figure is a median. Our earlier discussion concerning the use of a median, rather than the use of a weighted mean, applies also to this HEW statement. This should be clarified.

Sixth. The article stated:

> Nearly 70 percent of all children in welfare families are legitimate.

With regard to legitimate children, the GAO report stated:

> According to the data used in the 1969 AFDC study, the 68-percent figure is correct. The same data, however, show that 55 percent of all AFDC families have no illegitimate children. We believe that the reader would have gained a better perspective of the illegitimacy issue if, in addition to pointing out the number of children, the pamphlet had mentioned the number of AFDC families that had no illegitimate children. HEW data also indicates that there were about 5 million children in welfare families in 1969—when the illegitimacy rate used in the pamphlet was developed. The 7-million figure in the pamphlet is an April 1971 figure. HEW officials advised us that the 7-million figure had been used to convey a more up-to-date picture of the case load. Since the legitimacy percentage (68 percent) was based on 1969 data, we believe that it would have been more correct to use the 5-million figure and to point out that it represented the situation in 1969.

Seventh. The article stated:

> Maximum payments for a family of four range from $700 a year in Mississippi to $3,600+ in New York, New Jersey, Massachusetts, and Connecticut.

Recent studies by Congresswoman MARTHA GRIFFITHS, chairman of the Subcommittee on Fiscal Policy of the Joint Economic Committee, show that the figures are misleading. When computing the total welfare benefits one should include the fact that welfare families receive their food at approximately one-tenth of the cost paid by an average family and their housing at about one-fourth of the cost paid by an average family. Considering that the average American family spends about 45 percent of its income for food and shelter, this fact in itself is significant. Furthermore, many welfare families receive free medical care, free breakfasts and lunches for their children, and compensation for uniforms and travel to and from work.

Some States distribute even more benefits than this. An excellent example is reported by the Subcommittee on Fiscal Policy of the Joint Economic Committee: A couple in an eastern city supporting a young child and the wife's teenaged brother receive benefits from six sources: $21 per month AFDC, $83 per month general assistance, $34 per month in food stamps, $123 per month medicaid, $106 per month for public housing, $18 per month for neighborhood youth corps. These benefits total to $385 per month, and with the family's earning for the month of $429, we obtain a grand total for this family on welfare of $814 per month.

The article in the Washington Post implies that welfare recipients receive meager allotments from the States and many can barely make ends meet. However, a study prepared by the Union County Welfare Board of New Jersey shows what a welfare family can receive. This study stated:

> Under the "Financial Assistance Manual" which provides for the monetary standards and rates in the public assistance categorical programs, the allowances are based on family size; therefore, the allowance for one adult and ten children is $627. This is an all-inclusive figure which covers shelter and utilities as well as the basic and personal items. In addition thereto, this particular family, in participating in the Food Stamp Program, has a purchase requirement of $130 per month. They receive $212 a month in food stamps which grants them a bonus of $82 per month. The public assistance figure of $627 times 12 equals $7,524 and with the bonus of $82 a month for food stamps times 12 months, we arrive at a figure of $984; therefore, the total for both these items is $8,508. In addition, medical services are provided to all recipients of public assistance through the Division of Medical Assistance and Health Services (Medicaid). It is difficult to approximate on each individual case exactly what the medical costs are monthly or even annually, but I would assume it is a safe guess that at least $2,000 a year are spent when you have a family size of eleven.

I might also point out that those welfare families that have some form of income still receive a very generous amount from the welfare agencies. The welfare inspector general of the State of New York has recently compiled figures on various cases showing the amount received by these welfare families. Let me bring to your attention a few:

Case A: Family composition—family is composed of client and her two children. Client's basic needs are: Flat grant for mother and two children—$161; Shelter—$165; and adding child care which amounts to $110, this amounts to $436.

Following are the exemptions from earned income computed on monthly basis:

Gross earned income	$455.00
Allowable exemption under ADC	171.00
(First 30 plus ⅓ of remainder)	
Deductions, social security, taxes	144.36
Lunch	21.66
Total expenses relating to employment	425.82
Net income	29.18
Basic needs	326.00
Support	65.00
Net income	29.18
Total income	231.82
Gross earned income	455.00
Monthly grant	231.82
Support	65.00
Child care (per month)	110.00
Total	861.82
Total yearly income	10,508.00

Case B: Family composition—family is composed of client and four children. Client's basic needs are: Flat grant for mother and four children—$256; Shelter—$150; Fuel for heating—$16; Water and garbage—$7.20; and adding child care which amounts to $195, this amounts to $624.80. Following are the exemptions from earned income computed on a monthly basis:

Gross earned income	$367.12
Allowable exemption under ADC	142.37
(First 30 plus ⅓ of remander) Deductions, social Security, taxes	21.40
Union dues	6.00
Transportation at 12 cents a mile	40.32
Lunch	21.67
Total expenses related to employment	231.76
Net Income	135.36
Basic needs	429.80
Earned income (−135.36)	135.36
Grant	294.44
Monthly income:	
Gross earned income	367.12
Child Care	195.00
DSS grant	294.44
Total	856.56
Total yearly income	10,278.72

In conclusion, I think the American people should not be misled regarding the scope of welfare in this country and I certainly hope Parade magazine will immediately print a correction of this article.

PRESIDENTIAL VETO OF RURAL WATER AND SEWER SYSTEMS

(Mr. POAGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POAGE. Mr. Speaker, on tomorrow we will be called upon to vote for or against the President's veto of any aid for our rural water and sewer systems.

During my more than 36 years in this Congress, it has been my honor and privilege to serve under six Presidents. Never have I agreed with all the policies nor on all the issues of any of these men, but I have always respected their office, their opinions, their intentions, and, in most cases, their ultimate goals. I have always tried, as my record will indicate, to place partisan politics in its proper perspective when the interests of all our people was involved. I hope I can review the present situation fairly and impassionately.

Even the President in his veto message of H.R. 3298 says that a "grave constitutional question" is involved. On that point I agree with him, but certainly not from the same point of view. He contends that the provisions of the bill which mandate a restoration of the water and sewer program conflicts with the Executive powers allocated him by the Constitution. To me this is an erroneous interpretation of the Constitution, which I believe clearly vests in the legislative branch of Government the responsibility for enactment of laws and determination of priorities in expenditures.

What we have here, from a practical point of view, is the decision whether to continue a program that has raised the standard of living of millions of Americans since it went into effect in 1966, bringing them running water and flush toilets—conveniences that most of us have taken for granted for so long that we have forgotten there are still communities in this country which do not have them.

Since the beginning of this program, the Farmers Home Administration—which carries it out, has made 8,544 loans totaling $1.6 billion, and 3,363 grants totaling $243 million. These funds have aided projects giving service to 1,250,000 families.

As I am sure most everyone of you know, this program has been of a bipartisan character from its beginning. The law authorizing it dates back to 1965 and is sometimes called the Poage-Aiken Act because the esteemed Vermont Senator joined with me in sponsoring its passage.

Ever since that time it has had bipartisan support, and I hardly need to remind you that only last year our Republican colleague, Congressman DELBERT LATTA, offered the amendment to the Rural Development Act to increase the old authorization of $100 million annually to $500 million. The House approved his amendment, but in conference with the Senate the amount was reduced to $300 million, and that is the figure which stayed in the law. The actual appropriation was only $150 million or about what the President is now asking that we provide for international organizations and conferences.

Now the President himself must have thought that was pretty good legislation. He signed it. What could have happened in just a few months time to cause him to change his mind? His speech writers, I think, must have been listening only to uninformed or ill-informed budget officials when they put down certain words in that veto message. In it the President refers to the recently terminated water and sewer program, and say, and I quote:

> For many years, local communities have proudly financed and built their own water and sewer facilities.

Then adds:

> Resurrection of the rural water and sewer program would serve only to undercut that tradition.

I think that this gives an unfair picture, but I ask, Was this not just as true last summer when the President praised and approved the bill as it is today?

As I read the veto message, it saddens me to think that we may have reached a time in our history when representative government is so casually repudiated; a time when the President's unidentified advisers seem to think that it is fashionable to insult the intelligence and integrity of not only this great body, but also of the American people; a time when a handful of men, no matter how intelligent or capable—but unknown to and unelected by the people—act as if they alone were ordained to determine the priorities of our Republic; and that, really, is what we are talking about—that is the real issue. Shall ours continue to be a representative democracy, or shall it be possibly a more efficient, but completely totalitarian government?

It is totally inconceivable to me that an administration which ran up a greater deficit in 5 years than the 4 preceding administrations did in 25 years, could come to this Congress and talk about fiscal responsibility as if the meaning of the phrase had just been discovered. Fiscal responsibility is not a concept discovered by the Nixon administration. Oh, I admit that if you look at the President's last four budget requests, you can readily understand that maybe it is a new concept for them, but many of us have been preaching fiscal responsibility in these Chambers before Richard Nixon was ever elected to the Congress. This Congress, or at least a great preponderance of it that has been here since 1968, has itself denied the President some $30,000,000,000 in his four previous budget requests. But now, when it is time to pay the piper, when even the most simple-minded should know that there is not enough existing tax revenue to finance all our needs, this administration is working day and night to sell the American people on the totally erroneous premise that it is the Congress who is at fault; it is the Congress that has been irresponsible; it is the Congress that will cause an increase in taxes; and that it is the Congress who is playing partisan politics. This bill of goods, my friends, is a hoax—it is simply not the truth. I have often felt that I and my colleagues might be spending money unwisely. But that is not the question. The people can change their Representatives at the end of 2 years if they do not like the way we handle their business. They know who we are. They can see how we vote. They do not know who is making decisions in the Office of Management and Budget, and neither do I and neither do you. This, my friends, is not representative government.

The President says, in this veto message, that he asks one simple question in considering this bill:

> Would this program justify an increase in taxes in order to pay for it?

Now this sounds like a noble yardstick, but did the administration ask this same question on the $6 billion revenue sharing bill that is already proving to be the hoax that many of us predicted it would be? Did the President use this same yardstick when he obviously committed several billion dollars of our hard-earned tax dollars to the North Vietnamese Communists? Did he use the same yardstick when he authorized the purchase of 17 new helicopters at a cost of $34,000,000 to replace a fleet of 18-month-old copters for his staff to flit around in? Would not money spent on Presidential helicopters have the same effect on the need for taxes that money for rural water systems will have?

I submit to you, my friends, that these are only a few of the glaring examples of hypocrisy. It is high time that we expose completely to the American people the real truth; and that, plainly and simply is—Who is going to determine priorities in this Government—the Congress or the President? The President's veto message has much to say about constitutional authority, and I speak to that question as I have to that of fiscal responsibility—I do not believe that this Congress needs to be told what the Constitution charges it to do—I believe we know to the individual, what that charge is, and if the President will stop using every roadblock in the book to hinder the deliberations of this body, we will discharge this responsibility; and, I think, discharge it well.

I can't help but wonder if there is some kind of double standard invoked in this veto. In the same period that the Department of Agriculture was allocating $243 million in grants under this program, the Department of Housing and Urban Development allocated a total of $1.1 billion to our cities for water and sewer grants. Surely I have no objection to help for our cities. I voted for it. But why apply a different standard?

Now in this controversy, as in the others caused by the Presidential orders terminating or drastically curtailing some long-standing and truly worthwhile farm programs—such as REAP and REA—I wonder what kind of sense of values prevails these days down at the White House.

Here, while issuing an order depriving millions of Americans a chance to improve their living conditions, the President's budget recommendations for 1974 come up to us with a requested increase in appropriations for the cultural accoutrements of our society. Here are figures taken right out of the fiscal 1974 budget: For the sport fisheries and wildlife $163 million. That is $43 million more than is involved in this vote. Certainly, I am not suggesting that we should be denied sporting opportunities, but will not this expenditure have the same effect on the need for taxes as will a similar expenditure for sanitary sewers in Smalltown, Ohio?

I feel I must now refer to one other rather minor point which I think should not go unchallenged.

The veto said this program singles out a "relatively small group of people to receive Federal grants" to help build water and sewer lines.

Is it such a small group of people who are affected by this legislation?

The act authorizes aid to communities of up to 10,000 population. Do you know how many Americans live in rural America as defined by the Library of Congress—that is, on farms and in towns of up to 10,000. The total, as recorded by the 1970 census, is 68,146,764—or a third of our national population. But regardless of their number, these rural and small town people are entitled to the same opportunities and the same aid which we accord to other people. This veto denies them this equal treatment.

Mr. Speaker, I have said on many occasions, many of you have said; and yes, Richard Nixon has said that we cannot begin to solve our urban problems until we first give rural America a chance to retain population. If we fail to recognize this, my friends, we have failed not only rural America, but all Americans of all ages, all races, and all social levels. We have been guilty of using hypocritical reasoning to save them money by compounding their already insurmountable problems.

I have to believe; in fact, I must believe that the President himself has been totally misinformed about the absolute basic needs of rural America. I simply cannot believe that he is as completely insensitive as this veto message indicates. Furthermore, I cannot possibly conceive that this Congress, for purely partisan political reasons, or any other reasons, could turn its back on these needs or, for that matter, turn its back on its own recorded views of just a few days ago. The time has come for the Congress to exert its own will—as evidenced by our previous vote in this House of 5½ to 1 in favor of this program. The time has come to stop playing a game of tainted rhetoric and face up to our responsibilities. Yes, the time has come for this Congress to affirm, loud and clear, to the people and to the administration that it is the people's elected Representatives who will control the purposes for which the tax dollars of this country shall be spent.

There are scores of problems in our Nation today that need the immediate attention of this Congress; yet, we have spent the first quarter of this session trying to reassert what we, with the specific approval of the President, have already legally done in prior sessions. Our people cannot afford this kind of inefficiency—this kind of childish game.

If the President feels he should veto acts of Congress, he has that right, but his veto should be within the time specified by the Constitution, and under no circumstances should he praise and sign a bill, before the election, as he did, in this case, and then after the election excoriate and repudiate the very program he had so recently endorsed.

INTERNATIONAL CONVENTION FOR CONSERVATION OF ATLANTIC TUNAS

(Mr. FRASER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. FRASER. Mr. Speaker, I am today introducing a bill, at the request of the administration, which gives effect to the International Convention for the Conservation of Atlantic Tunas. A draft of this bill came with an executive communication from the State Department which the chairman of the Committee on Foreign Affairs referred to the subcommittee I chair, the Subcommittee on International Organizations and Movements.

I place into the Record the executive communication from the State Department dated March 16, 1973, along with the text of the bill I am introducing. The Subcommittee on International Organizations and Movements has scheduled a public hearing to consider this bill on Tuesday, April 17. The material follows:

Department of State,
Washington, D.C., March 16, 1973.

Hon. Carl Albert,
Speaker, House of Representatives,
Washington, D.C.

Dear Mr. Speaker: There is enclosed a draft of a proposed bill, "To give effect to the International Convention for the Conservation of Atlantic Tunas, signed at Rio de Janeiro May 14, 1966, by the United States of America and Other Countries, and for other purposes". We recommend that it be enacted.

The International Convention for the Conservation of Atlantic Tunas, signed at Rio de Janeiro May 14, 1966, and hereinafter referred to as "the Convention", entered into force March 21, 1969, after being ratified or adhered to by seven countries, including the United States. The countries now party to the Convention are Brazil, Canada, France, Ghana, Japan, Korea, Morocco, Portugal, Senegal, South Africa, Spain and the United States. The Dominican Republic, Gabon and Venezuela have signed the Convention but have not yet ratified it. The Convention remains open to adherence by any Government which is a member of the United Nations or of any of its specialized agencies.

The Convention was a response to the rapidly increasing exploitation of Atlantic Ocean tuna resources by fishermen of a large number of nations of Europe, Africa, the Americas and Asia. It reflects the conviction of the fishery experts of those nations that there is danger of overfishing and a decline in the productivity of the stocks of tunas and tuna-like fishes unless an effective program of international cooperation in research and conservation is implemented.

The Convention establishes an International Commission for Conservation of the Atlantic Tunas to coordinate, and if necessary carry out, scientific research on the Atlantic tunas and recommend joint measures to maintain the populations at levels which will permit the maximum sustainable catch. The Convention obliges the Contracting Parties to be represented by Delegates on the Commission, to furnish statistical and biological information for the Commission's use, to apply the duly adopted recommendations of the Commission, and to take necessary action to enforce the Convention, including collaboration in setting up an international enforcement system. Since its first meeting in December 1969, the Commission has been in its organizational stages. This process is now essentially completed, and the Commission has made its first regulatory recommendations in November 1972.

Although the United States has ratified the Convention, new legislation is required to carry out its provisions. In addition to authorization for appointment of Commissioners to represent it on the Commission and authorization for the Commissioners to appoint an advisory committee, legislation is required to receive and accept or object to conservation recommendations made by the Commission under the Convention, promulgate and enforce such regulations as may be necessary to ensure compliance by U.S. fishermen with the duly accepted conservation measures recommended by the Commission, and cooperate in carrying out the scientific and other programs of the Commission. The proposed bill provides the specific legislative authority needed for the discharge of these treaty obligation by the United States. Many of these provisions are substantially similar to like provisions in other statutes implementing fishery agreements, such as the Northwest Atlantic Fisheries Act of 1950, as amended, and the Tuna Conventions Act of 1950, as amended.

Section 1 of the bill gives a short title for the proposed legislation.

Section 2 defines certain terms used in the bill.

Section 3 authorizes the President to appoint three Commissioners, the maximum number of representatives permitted each country by the Convention, stipulates that they shall receive no compensation for their services, and establishes certain criteria for their selection to ensure that they will be representative of the interested public and Government sectors.

Section 4 authorizes the Commissioners to appoint an advisory committee of from five to twenty persons representative of the various groups concerned with Atlantic tuna fisheries, to serve without compensation. The rights and functions of the advisers are prescribed and are the same as those of members of similar advisory committees provided by statute for other international fishery commissions.

The classification of Commissioners and members of the advisory committee as special or regular government employees, and their relationship to the conflict of interest laws, is covered under existing law, at 18 USC 202–209.

Subsection 5(a) authorizes the Secretary of State, on behalf of the United States, to receive and deal appropriately with communications from the Commission, with the concurrence of the Secretary of Commerce and, with respect to enforcement, the concurrence of the Secretary of the Department of Transportation. The purpose of the procedure authorized is to ensure that conservation measures recommended by the Commission shall not be applied to U.S. fishermen if their rejection by another Contracting Party or other Parties would make their application ineffective for accomplishing the purposes of the Convention.

Subsection 5(b) authorizes the Secretary of State, in consultation with the Secretary of Commerce and the Secretary of the Department in which the Coast Guard is operating, to enter into international agreements for the purpose of implementing regulations binding on the Parties. Such implementation may include enforcement which could involve inspection of U.S. vessels and catches by foreign enforcement officers as well as by U.S. enforcement officers. This provision relates specifically to Article IX, paragraph 3 of the Convention, which calls the international collaboration for the implementation and enforcement of Convention provisions.

Subsection 6(a) prescribes the procedures for promulgation of regulations by the Secretary of Commerce for the purpose of carrying out recommendations of the Commission that are effective for the United States. This subsection also empowers the Secretary of Commerce to designate officers and employees of the States and the Commonwealth of Puerto Rico and authorize them to function as Federal law enforcement agents for the purpose of carrying out enforcement activities under the Act. The enforcement activities of such State officers in regard to foreign flag vessels will be limited to the fisheries zone. Subsection 6(b) places enforcement responsibility primarily with the Coast Guard, and authorizes regulations for procedures and methods of enforcement. Publication of proposed regulations in the Federal Register and a public hearing are provided for generally under the requirements of 5 U.S.C. 553. This Section does not contain an import embargo provision similar to that in subsection 6(c) of the Tuna Conventions Act of 1950. The Fishermen's Protective Act of 1967 as amended by Public Law 92–219 contains a general embargo provision which is applicable to situations arising under the Convention.

Subsection 7(a) makes it unlawful for any person in charge of a fishing vessel of the United States to fish in violation of any regulation adopted pursuant to this Act or for any person knowingly to deal in or be in possession of fish taken in violation of such regulations.

Subsections 7(b) and 7(c) make it unlawful for persons aboard any fishing vessel of the United States to fail to keep records and make reports required by regulations adopted pursuant to this Act or to refuse to stop and show such records, catch, equipment to a duly authorized official and permit interrogation of persons on board the vessel.

Subsections 7(d) and 7(e) prescribe maximum fines of $25,000 for a first violation and $50,000 for subsequent violation of subsection (a), and $5,000 for a first violation and $15,000 for subsequent violations of subsection (b). Subsection 7(f) prescribes maximum penalties of $5,000 fine and six months imprisonment for a first violation, and $15,000 fine and one year imprisonment for subsequent violations of subsection (c). Subsection 7(g) provides that all fish taken or retained in violation of subsection (a) or the monetary value of such fish may be forfeited.

Subsection 7(h) makes all provisions of law relating to seizure, judicial forfeiture and condemnation of a cargo for violation of the customs law applicable to seizures and forfeitures under the provisions of this Act.

Subsection 8(a) prescribes how enforcement shall be carried out. It states that any person authorized to carry out enforcement activities under the Act may board and inspect any vessel and its catch in the waters of the Convention area; arrest, with or without a warrant, any person who violates the provisions of the Act or regulations issued thereunder; execute warrants and processes; and seize any fish found aboard a vessel in violation of the Act or regulations issued under the Act. Subsection 8(b) provides authority for duly authorized officials of either the United States or another Contracting Party to carry out enforcement activities with respect to persons or vessels subject to the jurisdiction of the other party to the extent authorized under the Convention or by agreements concluded pursuant to subsection 5(b). This provision insures that the United States can participate in systems of international enforcement established in accord with Article IX, paragraph 3, of the Convention, which calls for international collaboration for the implementation and enforcement of Convention provisions. Subsection 8(c) provides that execution of any warrant or process or seizure of any fish under the provisions of the Act shall be stayed upon posting of a sufficient bond by the accused.

Subsection 9(a) authorizes the United States Commissioners through the Secretary of State, to arrange for the cooperation of agencies of Federal, State and private institutions and organizations in carrying out the research function of the Commission under Article IV of the Convention. Subsection 9(b) authorizes all agencies of the Federal Government to cooperate in scientific and other programs upon request of the Commission. Subsection (c) provides that none of the prohibitions deriving from the Act, or those contained in the laws or regulations of any State, shall prevent the Commission from carrying out or authorizing fishing operations and biological experiments for purposes of its scientific investigations or discharging any other duties prescribed by the Convention. Subsection 9(d) states that the Act does not alter the existing sovereignty of the several States within their presently defined territorial waters.

Section 10 authorizes appropriation of the sums necessary for carrying out the purposes and provisions of the Act, including necessary travel expenses of the Commissioners and the United States share of the joint expenses of the Commission, as provided in Article X of the Convention.

Section 11 is a standard separability clause.

The Office of Management and Budget has advised that there is no objection to the presentation of the proposed legislation from the standpoint of the Administration's program.

A letter similar in content is being sent to the President of the Senate.

Yours sincerely,

MARSHALL WRIGHT,
Acting Assistant Secretary for Congressional Relations.

WHY DID IT COST $300 MILLION TO SELL WHEAT ABROAD WHEN UNITED STATES HAD CORNER ON WORLD WHEAT MARKET?

(Mr. MELCHER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. MELCHER. The United States had a corner on the world wheat market last summer, but it still cost the American taxpayer $300 million to sell American wheat abroad. Although no dishonesty has been demonstrated, there was unbelievable mismanagement by the U.S. Department of Agriculture.

The United States has used an export subsidy for wheat to promote foreign sales when our domestic price is above the world price. Was that the situation last summer? No, it was not. The Canadian Wheat Board let it be known that they had no more wheat to sell after transacting sales with the Russians in March. By July, after a severe drought in Russia, and droughts in India and China, and with poor crop prospects in Australia and Argentina, the United States held only available stocks of wheat. Our domestic market therefore became the focal point to establish the world price for any foreign sales. If demand developed, a normal market would respond with increased prices and therefore no need for the export subsidy—the purchaser pays and the U.S. taxpayer saves.

The Australian and Canadian Wheat Boards were concerned with the USDA's continuation of its export subsidy policy and alarmed that the Department sought to maintain a low world wheat price. The Australian Wheat Board on July 24 advised the USDA in strong language:

> It is our positive and unequivocal view that because of the marked, albeit, unexpected change in the world demand and world supply situation there is no longer any justification or logical reason why prices should not be advanced.

The Australians noted the Russian demand for wheat, their own poor crops, the Canadian situation of no wheat to sell and protested the upward trend in U.S. export subsidy to maintain net prices at about unchanged levels. The Australian Wheat Board continued:

> Frankly, we cannot envision any more propitious circumstances than exist at present for an increase in world price levels.

The Canadian Wheat Board agreed, writing to the USDA:

> We urge you, therefore, to reflect your market strength under export price rather than counteracting the market increase through additional subsidy.

They said let the world price seek its own level—do not subsidize it.

Nevertheless, the USDA persisted in raising the export subsidy until the first of September when it peaked at 47 cents per bushel, and only abandoned it on September 22, 1972, by which time the Treasury was obligated to pay to grain exporting companies $300 million. Despite Canadian and Australian warnings, and urging by the European Common Market Community to let the world price of wheat seek its own level at a more realistic price, the Department continually assured grain exporting firms during June, July, and August that the export subsidy would be raised when needed, promising them that any foreign wheat sales would be guaranteed at $1.63 per bushel. Of course, this gave the Russians and any other foreign purchasers a bargain price below what would be the normal market price and the U.S. taxpayer made up the difference through the U.S. export subsidy.

The subsidy went to the grain exporting companies and the foreign country benefited. Later when dollar devaluations followed, the Russians on two-thirds of their purchase received another 10-percent windfall.

This single-minded attitude on the part of Department officials led them into a series of goofs.

First. Although agricultural attaché representatives' reports to the Department portrayed the drastic Russian drought, little publicity, and even less evaluation was given by the Department to the strong position of U.S. foreign wheat sales. It is also notable that the warnings from the Australian and Canadian Wheat Boards were not revealed and were kept secret as if they were subject to diplomatic immunity rather than significant documents of market conditions which wheat producers and all the grain trade as well as the public were entitled to know.

Second. When the world's record sale of wheat was made on July 5 by Continental Grain Co. to Russia—146 million bushels—no public announcement was made. The Department claimed they had no knowledge of the sale at that time, but Continental later told me they had informed the Department of the sale and the amount prior to signing the contract to make certain the export subsidy would be allowed to increase as necessary to assure that the $1.63 per bushel, Russian contract price, would be protected for them.

Third. Pronouncements from the Department during this period continued to hold that the world price of wheat was $1.63 despite all evidence to the contrary. Their August 1 price and demand situation report told farmers they should expect about the same price for their wheat as the year before when it was apparent to USDA officials and other insiders that when the knowledge of the huge Russian sales became public the wheat market would boom. It advanced 50 percent within 30 days.

Fourth. While sales by grain companies in addition to Continental were being made to Russia in July and early August, the Department continued to assure exporting companies that the U.S. subsidy would be increased as needed, and it was. By late August, after warnings by other administration officials that the export subsidy could not be justified, the Department called a meeting of the grain exporting firms and announced an unprecedented weeklong period of increasing export subsidy allowances to protect the $1.63 per bushel price. They rose to a peak of 47 cents per bushel that week.

This all set in motion a series of transactions provided by USDA regulations that permit grain exporting firms other consideration for foreign wheat sales. During the past several years changes in export regulations seem to have been beneficial to the grain firms. For instance, it is not necessary to make a sale to register for the export subsidy. As an example, here is the effect in five cases where the cost of export subsidy totaled $581,632. Had exporters been required to register on the date of the sales, cost of the export subsidy would have been $225,576 or $326,056 less.

Grain companies can and do trade in the subsidy contracts by giving waivers of subsidy entitlement from one company to another, a type of speculation which may provide a neat margin of profit to a grain company without increasing sales.

In addition to the basic subsidy, the Department's Commodity Credit Corporation pays exporters a carrying charge increment to cover the estimated costs of owning wheat for delivery in future periods. CCC pays 1/20 of a cent per bushel per day for winter wheat, and two exporting companies estimate they gained additional revenues of about 5 cents per bushel through this means for the wheat they sold to Russia.

On August 31, 1972, the Department's CCC sold 60 million bushels of wheat to Continental Grain Co. at $2.08 per bushel delivered to the gulf on the same day that the Department's Export Marketing Service set a domestic price for subsidy compensation at $2.11¾ per bushel. There is, Department officials state, additional costs for the exporting company to load the wheat on a ship at the gulf. However, I do not believe it takes up all of the difference between the two prices. There are other similar sales from CCC stocks with this type of arrangement, one of which on the same date CCC sold 7 million bushels at $2.07 providing an additional 1-cent margin than that was granted for Continental's 60 million bushels.

The Department's export subsidy policy early last July only slightly fractured the Treasury. Having made commitments to guarantee the exporting companies increases in the export subsidy, they found themselves in a rapidly developing web and they were reluctant to cut themselves free.

But the fractures became serious as the subsidy, despite all the objections of the Australian and Canadian Wheat Boards, was raised in denial of Yankee commonsense giving Russia a bargain and American taxpayers a gouge. This Treasury fracture was compounded by carrying charge increments and other allowances made for grain exporting firms under circumstances that were supposed to help them. However, this all occurred when our domestic price was the world price and, therefore, did not require the export subsidy nor the other fringe benefits to encourage foreign sales.

The Department has not evaluated the operation and effectiveness of the wheat export subsidy program for 24 years. Who runs it? A group of chefs has their spoons in the soup stirring and tasting and at times there is a great lack of coordination. It may be happenstance, but the number of USDA grain officials acquired from private grain firms or leaving the Department to become grain company officials reflects a compatibility that leads to an extremely friendly understanding.

There are a great number of loose ends that need to be sorted out. Apologists for the policies of the Department claim that while erratic and uncoordinated, they only look bad now from the advantage of hindsight. A fair, objective assessment would cite the events leading up to the July warnings by the Australian and Canadian Wheat Boards and the previous reports of agricultural attachés, and then conclude that the Department's bullheaded persistence in increasing the export subsidy was peculiar policy.

For continued unraveling and for evaluation of deeper motivations than just "erratic" or "peculiar policy" on the part of Department officials, an in-depth study by an appropriate congressional committee is clearly in order.

While the same set of circumstances may not face us now, the mismanagement of $300 million cannot be shrugged off as highjinks finance that taxpayers appreciate.

PRICE ROLLBACK MUST BE DEFEATED

(Mr. MAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MAYNE. Mr. Speaker, last week the House Banking and Currency Committee voted to roll back all prices, rents, and interest rates to the level of January 10, the day phase II ended. The vote was 26 to 12 with 22 of 23 Democrats supporting the rollback. This drastic proposal has received wide publicity and caused deep concern among citizens who fear the House might, just might be irresponsible and ill-informed enough to let it stand.

I want to appeal to my colleagues on both sides of the aisle, but particularly to those Democratic Members who have an awareness of the problems of agriculture and a knowledge of economics not to let this ill-conceived and ruinous proposal move any further through the legislative process. The country has a right to expect us to turn from the headline hunting and sensationalism of recent days and again tackle the problems of inflation with a little reasonableness and commonsense.

A rollback to January 10 would be counter to every sound economic principle and would seriously jeopardize our urgent efforts to correct the present imbalance between supply and demand. I will leave it to others to discuss the damaging impact of such a rollback on those in other walks of life. But as far as the Nation's livestock industry is concerned, it is no exaggeration to say that it would be a terrible disaster. It would also be a complete breach of faith with farmers who have been urged not only by the legislative and executive branches of their Government, but also by organized labor and consumer groups to do everything in their power to increase production.

Livestock feeders have in good faith taken up this challenge by maintaining and expanding the number of cattle on feed, even though the price of replacement feeder cattle to them have gone up sharply since January 10, like all other costs of livestock production. To make it impossible for them to recover their actual costs through a rollback would not only stifle all incentive to increase production but would in fact provoke sharp cutbacks. It would also have a crippling effect on the livestock industry's long-range capability to feed the American people by forcing many smaller producers out of business.

Since the committee's action I have talked with many independent farmers who run small- and medium-sized livestock feeding operations in my State of Iowa. They tell me a January 10 rollback would inflict such heavy losses upon them that many would have to withdraw from livestock feeding and perhaps from farming altogether. After 20 years of low prices they simply have been unable to build sufficient financial reserves to withstand such losses.

Now that they are finally beginning to get an adequate return, the Banking and Currency Committee would not only deny them the fruits of their labor and investment, but hit them with staggering losses to boot. Surely we will not let this gross injustice be perpetrated on livestock farmers who, after struggling along for so many years at submarginal prices, have recently demonstrated their ability to move increased supplies to market if given reasonable price incentives.

I can think of nothing better calculated to drive our family farmers from the livestock business than a rollback which would block them from recovering increased costs and, of course, any chance for profit. They at present provide healthy competition for the big producers which is very definitely in the consumer's interest. If you think meat prices are high now, just wait until independent, family-sized operators are squeezed out and the consuming public is left to the tender mercies of the giant corporate-owned feedlots.

I appeal to my colleagues on both sides of the aisle not to let this happen to the American people. Let us unite in making sure the rollback proposed by the committee is promptly and decisively defeated.

THE GAMBLING CRAZE—AN IRRESPONSIBLE APPROACH TO REVENUE RAISING

The SPEAKER pro tempore (Mr. DANIELSON). Under a previous order of the House, the gentleman from Texas (Mr. PATMAN) is recognized for 30 minutes.

Mr. PATMAN. Mr. Speaker, today, the craze of gambling as an easy road to enrich the public coffers is gaining favor throughout the Nation.

This is a tragic development.

The Nation's leaders—both in and out of government—have been negligent in their failure to speak up and denounce this move to place legal sanctions behind a variety of gambling schemes.

These schemes—whether they provide for betting on horses, numbers, lotteries, or sports events—are being packaged in typical Madison Avenue style. We are told that a little gambling—backed by the State—will help educate children and provide other social benefits. We are led to believe that education and social services will go by the boards if we do not promote lotteries and State-operated gambling parlors.

This is the purest form of hogwash. Gambling and education have nothing in common and it is sad indeed to see State officials hide these gambling operations behind the legitimate needs of schoolchildren.

Mr. Speaker, I am quite happy to stand here and say that I am morally opposed to gambling whether it has the imprint of the State or whether it is operated by some gangster element. I do not believe that we have sunk to the point where gambling is our only resort when additional funds are needed to provide State and local governmental services.

We are told that these schemes should be allowed because we already have—in many areas—illegal gambling. Yes, I am sure that there is a great deal of illegal gambling in many of our States. But this seems a poor—a pitifully weak—argument for State-operated gaming institutions. Surely we are not saying that the State should start operating—for the purpose of raising revenue—those things which now flourish illegally under organized crime.

If we are to take this criteria, then we are going to hear suggestions for the legalization of prostitution which undoubtedly would raise additional revenue for the States and I suppose there are some who would tell us that this activity—if run by the State—would benefit schoolchildren. We are well aware that a great deal of illegal drug traffic exists in our major cities and I hope we are not approaching the day where someone suggests that we raise revenue through State-operated drug dispensaries.

No, my colleagues, we cannot use the fact that there is a great deal of illegal gambling existing in this country as an excuse for the State entering into the activity. This makes no sense—common, book, or horse.

But my objections, Mr. Speaker, go well beyond the question of morality. Gambling as a means of raising revenue is a "cop-out" of great magnitude.

Actually, these gambling schemes are designed to pick the pockets of the poor and the unsuspecting while the big boys—the rich—continue to enjoy low tax rates and a multitude of tax loopholes. It is easier to devise a scheme for a little legal gambling operation than to face up to the huge lobbies which protect and maintain the tax loopholes for the banks, the corporations, and the wealthy.

These State-operated lotteries are a regressive form of taxation. We do not see the big sleek Cadillacs pulling up to the front doors of these government-operated betting parlors. It is the little man who hopes that he can convert his weekly grocery money into some grandiose sweepstakes winning that will put him on easy street for the rest of his life.

Week after week, it is this little guy who shells out the money which keeps the lottery—the off-track betting parlors—the parimutuel horseracing—going. Meanwhile, the wealthy go about their business while the State exacts this additional toll on the less well-to-do.

Gambling is of course very appealing to many people who exist on limited means and who have little to brighten their daily lives. They hope that somehow their bets can change their entire life. But the odds—as the States well know—are heavily weighted against them and many of these people sink large percentages of their wages into these long-shot wagers.

It often means that families do without food and clothing because these State-operated and city-operated gambling institutions have drained away their funds.

Mr. Speaker, this is not a theoretical possibility. Take the example which recently came to light in New York City where a grand jury returned an indictment for grand larceny against a man who had been charged with stealing $81,000 from his employer to make bets—not with some illegal bookie—but with the city-operated off-track betting parlors.

The newspapers have also carried stories in recent months of a Government official who lost his position because of huge gambling losses apparently incurred in parimutuel betting at racetracks operated under the sanction of the State of Maryland.

There are many cases, of course, which never receive the glare of publicity. These involve the great masses of silent losers who gamble away their wages and savings in search of some pie-in-the-sky. This something-for-nothing philosophy plays on basic human weaknesses and it is highly regrettable that any government—Federal, State, or local—trades on this weakness.

We are often told that gambling—if operated by the local or State governments—will be clean and aboveboard and will drive away the bookies and other illegal types who traditionally feed on this human desire to gamble. But what has happened is that members of bookmaking syndicates have moved right in and have been benefited by illegal gambling operations.

Earlier this year, nine members of a bookmaking syndicate were arrested in New York and charged with taking illegal bets on horseracing and other sports from customers at off-track betting parlors—betting parlors operated by the city of New York.

Howard Samuels, chairman of the Off-Track Betting Corp., described the situation in this manner:

> They have been approaching our customers in our offices, telling them they don't have to wait in line to bet with them and offering quick service in placing and collecting wagers.
>
> They have also taken bets from them on football, basketball, and hockey—sports action which we are not permitted to handle. They have also offered credit.

So in the words of the man who operates New York City's gambling operations, the bookies have been moving right in with their old customers.

No one knows how widespread this situation is, but it is the height of absurdity to think that the simple legalization of gambling will eliminate its draw for organized crime. In my opinion, organized crime is helped when the State puts its stamp of approval on gambling.

These betting parlors apparently are something less than garden spots in the community. There have been reports of debris piling up in the shops while winos, panhandlers, and derelicts wander through the parlors.

One guard in a New York off-track betting parlor described his work situation in this manner:

> Every day, I have to throw out a few winos or guys using bad language. Sometimes I have to break up a fight, and once I had to call the cops to get a drug addict out. He said he was playing horses but all he was doing was nodding.

Mr. Speaker, the Kefauver Committee debunked the idea that legalized gambling would drive out the gangster element. In a report filed in the 81st Congress, Senator Kefauver stated:

> The legalization of gambling would not terminate the widespread predatory activities of criminal gangs and syndicates. The history of legalized gambling in Nevada and in other parts of the country gives no assurance that mobsters and racketeers can be converted into responsible businessmen through the simple process of obtaining State and local licenses for their gambling enterprises. Gambling, moreover, historically has been associated with cheating and corruption.
>
> The Committee has not seen any workable proposal for controlled gambling which would eliminate the gangster or the corruption.

The Christian Science Monitor surveyed Great Britain and called attention to the gangster element that has moved in with the legalizing of gambling in that nation.

In an April 11, 1970, edition, the Monitor said:

> In 1960 that was changed. Gaming was legalized, betting (it was hoped) reformed. The wheel of the giddy permissive society was set spinning.
>
> It was a gamble that did not pay off. Britain was left wide open to the gangster.

Organized sport has been very concerned—and rightfully so—about gambling. The leaders of professional sports have traditionally taken strong measures to keep gambling as far away from the sporting events as possible. They have been successful and they have been extremely prompt in applying severe penalties to anyone with even the remotest connection with gambling.

But the proposals to legalize gambling threaten the fine record of professional sport. Bowie Kuhn, the commissioner of baseball, is a strong opponent of gambling in all forms—legalized or otherwise.

Mr. Kuhn, writing in the Prosecutor, the national journal of the District Attorneys Association, had this to say:

> With respect to organized crime it is my very strong conviction that legalization would lead to greatly increased gambling on baseball both in terms of the dollar volume and the number of bettors. As I will discuss later, I believe this because in my judgment legalization with the attendant government sanction it implies would open up the avenues of gambling to the scores of millions of team sports' fans who presently have no interest in gambling. *Remember that most people in this country do not gamble.* That is the fallacy of the oft heard argument that you might as well legalize gambling because people are going to do it anyway. Maybe a small percentage will but not the vast majority who are not gamblers.
>
> Under the circumstances it is naive to think that legalization would eliminate or even substantially diminish the substantial volume of illegal gambling on baseball. By introducing gambling to the non-gambling majority, legalization would open the doors for organized crime to a vast array of people they could not otherwise have interested.

The National District Attorneys Association is made up of prosecutors from jurisdictions in the 50 States. This association, like Mr. Kuhn, has firmly denounced the legalization of gambling. They are the people who are engaged in law enforcement efforts on a day-to-day basis. They are right on the firing line and their opinions certainly ought to be given the greatest weight.

Mr. Speaker, I quote from part of a resolution adopted by the National District Attorneys Association last summer:

> Whereas, it is believed that the extension and further legalization of gambling on the outcome of sporting events will be detrimental both to the sport involved and to the public ethic.
>
> Now therefore, be it resolved by the National District Attorneys Association . . . that said Association oppose the extension and legalization of gambling on the outcome of sporting events . . .

Mr. Speaker, many of our church leaders have spoken out against the social and moral problems created by gambling. These are church leaders from many differing religious groups. For example, Mr. Speaker, the Reverend Billy Graham recently wrote in his newspaper column about the problems of gambling as viewed by a national religious leader:

> [From the Shreveport Times, Dec. 28, 1972]
>
> DISAPPROVAL IS DESERVED BY GAMBLING
>
> (By Billy Graham)
>
> In New York City, legalized betting (OTB) is spreading. What do you think of gambling as a bonus for the individual, and simultaneously, a source of revenue for the state?—E.R.T.
>
> There are now four states (Connecticut is the last) that have legalized gambling, and more are looking at the matter with a green gleam in their eye.
>
> New York magazine, with obvious tongue in cheek, said of the New York situation, "Now you can lose your money in any one of 42 local off-track-betting parlors. By the end of 1972, another 60 are planned." Such is man's propensity for getting something for nothing. In this, of course, he never really succeeds.
>
> The whole business of lotteries is not new. Even the famous Washington monument was funded through lotteries, but it cost the public seven times the actual construction costs.
>
> I think the National Observer last year put it well when it said "legalized gambling is, in truth, a monumental cop-out."
>
> The crux of the matter is that the believer in Christ doesn't have to regard life as a gamble. He has a heavenly Father who, as Jesus said, knew when the sparrow fell, and hence certainly knew of and provided for the needs of His children. Matthew 6:26. Faith and lady luck have nothing in common.
>
> When you also recognize the crime that attends gambling and the economic disservice it brings, gambling deserves our disapproval in any form.

Mr. Speaker, I also want to place in the RECORD a copy of a very thoughtful letter which I received from the Reverend Thomas G. Wilbanks, pastor of the First Presbyterian Church of Mesquite, Tex.:

> FIRST PRESBYTERIAN CHURCH,
> *Mesquite, Tex., February 28, 1972.*
>
> Congressman WRIGHT PATMAN,
> *U.S. House of Representatives,*
> *Washington, D.C.*
>
> DEAR MR. PATMAN: For several months I have intended to write you and express appreciation and support for your comments in the House about "legalized gambling schemes." It does seem unfortunate that so many people—and a number of states—are falling for the old cliche that a vice suddenly becomes all right as long as it is legalized and tax revenue is received from it—regardless of how many people suffer or are affected adversely because of it.
>
> I appreciate your comments that increased legalized gambling is "a dangerous trend" which "Congress must carefully watch" and that "If necessary, Congress should consider legislation which will control—if not stop—some of the more outlandish schemes to raise public monies through gambling."
>
> One of the best books on the problems of gambling that I ever read was "A Two Dollar Bet Means Murder," by Fred J. Cook. In the book he makes this telling indictment. He says that the well-documented history of "America's disastrous experience with gambling in all its forms is a record that says that gambling is essentially a racket—a falsely alluring 'something-for-nothing' business" and "that every oasis of legal gambling inevitably becomes fouled in a mire of rackets, destitution, and corruption."
>
> I was interested in a recent statement by a member of Gamblers Anonymous who indicated that more than six million Americans are "gambling away their lives and their wives and their fortunes and their families." Even aside from the corruption involved, it does seem unfortunate that gambling takes money from the weak who can neither resist its lure, nor afford the losses. And it seems to me to be a poor commentary that a number of states have gone this route and in essence are preying on the weakness of their citizens in order to finance state programs. It seems hard to get around the fact that gambling is a system for distributing money which almost uniformly makes the poor poorer and the professionals happier.
>
> Thank you again for your concern on this matter.
>
> Sincerely,
>
> THOMAS G. WILBANKS.

I have also received a letter from Pastor Earl E. Hosea of the First Baptist Church of Omaha, Tex., who agrees with my stand that the poor will suffer the most from Government-supported gambling.

> FIRST BAPTIST CHURCH,
> *Omaha, Tex.*
>
> The Honorable WRIGHT PATMAN,
> *Rayburn House Office Building,*
> *Washington, D.C.*
>
> DEAR SIR: I wish to commend you for your stand on the gambling issue. It is a sad day indeed when governments must prey on the weaknesses of men to secure finances to support itself. I heartily agree that it will be the poor who will suffer the most.
>
> You have my prayerful support as you take your stand for right and righteousness in the government of our nation.
>
> Sincerely,
>
> EARL E. HOSEA.

In New York City, where gambling has become an integral part of the State and municipal governments, religious leaders continue to have the courage to speak out against this form of revenue raising. The Reverend William H. Hudnut, Jr., interim pastor of the Brick Presbyterian Church recently wrote the New York Times and in his letter he noted:

> Gambling is a predatory rather than a productive business. It becomes an addiction with many, preys on people's pocketbooks and on legitimate business, makes poor consumers, and erodes prosperity instead of creating it.

Mr. Speaker, regardless of one's opinions about the moral issues involved in legalizing gambling, the fact is it is a poor source of revenue. The total overhead costs—including the prizes which must be passed out—are extremely high, much higher than they would be on any straight taxation program.

In fact, it appears that most jurisdictions do extremely well if they are able to use as much as 50 percent of the gambling take for education or other public purposes. The other half goes to the gamblers and to administrative costs.

For example, in the last fiscal year, the New York State lottery brought in $77 million. Initially, $4.5 million was paid in commissions to sales agents, leaving $72.5 million. Then the State subtracted $7 million for administration, and followed this by chopping off $30.5 million for the lottery prize account. After all of these payouts, education the purpose for which the lottery was created—got $34.5 million—well under half of what the State had exacted from its people in the lottery.

In New Hampshire, which has the questionable distinction of starting the new wave of lotteries 8 years ago, only $15.6 million has been earned for the State.

In New Jersey, the State lottery took

away $210 million from the people in the first 18 months of operation—through last June 30—and allocated only $102 million to State institutions and educational institutions.

Mr. Speaker, today more than half of the States permit parimutuel betting on horse and/or dog racing. A number of States have legalized bingo and similar games of chance. New York and Nevada are the only States which permit off-track betting, but a number of other States are thinking about moving into this area. Nevada remains the only State which legally operates gambling casinos, but with the new craze underway, I would not be surprised to see others joining in this effort.

At the present time, seven States are operating lotteries and this seems to be the most widespread and popular new form of legalized gambling. New Hampshire's lottery is the oldest, having started in 1964, followed by New York in 1967 and New Jersey in 1971. Connecticut, Massachusetts and Pennsylvania all began early last year and Michigan began in November of 1972.

Maryland and the State of Washington are scheduled to begin their lotteries sometime this year.

In short, legalized gambling is spreading and spreading rapidly. Mr. Speaker, I sincerely hope that the voters in the other States take a hard look before they jump into what seems to be a soft and easy method of raising revenue.

I hope that none of them fall for the tired, old cliche that legalizing gambling will make it clean.

The role of government is to fight crime, not to accommodate it.

THE AMSTERDAM CONFERENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. FRELINGHUYSEN) is recognized for 15 minutes.

Mr. FRELINGHUYSEN. Mr. Speaker, just 2 weeks ago today a most interesting 3-day meeting began in Amsterdam. As I indicated in my letter to all members of the House last week, more than 300 prominent Americans, Canadians, and Europeans were in attendance. I was the only member of the House or Senate actually to attend, though invitations were extended to several other Members.

Because of the likelihood of an imminent debate in the House on House Joint Resolution 205, the "Atlantic Union" resolution, I am making an initial report on the Amsterdam meeting to the entire House membership, rather than to the chairman of the House Foreign Affairs Committee, as would be customary.

Mr. Speaker, the basic themes of the Amsterdam meeting were the present—and future—relationships between North America and Western Europe. Sponsors of the meeting were the International European Movement, in response to a proposal by the British European movement. The American delegation was organized by, and had as its chairman, Eugene Rostow, presently a professor of law at Yale University and formerly Under Secretary of State for Political Affairs under President Johnson. Four private American organizations cooperated in setting up the meeting—the Atlantic Council of the United States, the National Planning Association, the AFL–CIO, and the National Security Information Center.

The American delegation had many experienced and well-known public figures, though there was no one now involved actively in the executive branch of our Government—and as I have said, I was the only legislator. One prominent elected official did appear briefly, Gov. Nelson Rockefeller. He spoke at the plenary session the first morning, urging Western Europeans to unite politically, and then left.

There were over 90 Americans in Amsterdam. The exact number was difficult to determine, as some who accepted did not come—Senator JAVITS of New York, for example—and others were apparently invited too late to be included on the official list of delegates. Among those present were David Packard, former Secretary of Defense; George Ball, former Under Secretary of State; Robert Ellsworth, our former colleague in the House and former U.S. Ambassador to NATO; W. Randolph Burgess, also a former Ambassador to NATO and former Under Secretary of the Treasury; Henry Fowler, former Secretary of the Treasury; Lane Kirkland, vice president of the AFL–CIO; Prof. Z. Brzezinski of Columbia University; Harvey Brooks, dean of engineering and applied physics at Harvard, as well as many other eminent citizens. Dean Rusk, former Secretary of State, was scheduled to make a major speech but unfortunately he could not attend because of illness.

There was no shortage of prominent Europeans—though the French delegation had few "big names." The conference was welcomed by Prince Bernhardt of the Netherlands. It was presided over by Prof. Walter Hallstein. It was addressed by Dr. Sicco Mansholt, former president of the European Commission; by M. Raymond Aron, the French journalist; and by Roy Jenkins, a Labor Member of Parliament. The former Danish Prime Minister, Jens Otto Krag, was a participant, as was the Right Honorable Michael Stewart, former British Foreign Secretary. The Secretary General of NATO, Mr. Joseph Luns, gave a moving address at one of the lunch sessions.

Mr. Speaker, some may ask how so many participants spent the 3 days. In reply, let me say that we met in plenary sessions, at the beginning and at the end of the conference; during lunch hours we were also all together. More detailed discussions were held in three groups—military-security, political and economic. The common theme was how to cope with the rapid changes in all these areas, and the probable shape of things to come. There was broad recognition of the fact of growing interdependence between the Atlantic nations, and between other nations, too, such as Japan, Australia and New Zealand, Israel and Iran.

Perhaps of more interest than the format of the discussion in Amsterdam, Mr. Speaker, was the reason for the conference, and the extent to which what was said and done measured up to expectations. Its goal was to review American and European relationships in the light of rapidly changing conditions, to develop understanding of different points of view, but not to seek solutions. Above all, as it was pointed out to me when I was invited to participate, the hope was to "help renew the political determination of our governments and peoples to cooperate in fulfilling shared goals which can only be achieved together."

This theme—the need for increased cooperation and collaboration, of better communication between our peoples—was indeed heard repeatedly throughout the conference. There was considerable discussion of the ties—and the problems—which bind us together. Security and trade, energy, the environment, and the importance of more formal mechanisms to help us more easily to exchange views and to resolve problems—all these were discussed.

However, perhaps the most significant aspect of this meeting, Mr. Speaker, was what was not discussed. No one proposed "Atlantic union" as a feasible, or even possible, contribution to the goal of greater understanding and closer cooperation. Since many American participants had long supported the concept of "Atlantic union," I was expecting the subject at least would be broached.

Frequently, it is true, the importance of "institution building" was emphasized. One speaker, for example, spoke of the importance of "institutions for interdependence," but the Europeans made it clear that the basic institution which they had in mind was the European community, not union with the United States and Canada.

Not only did no participant advocate a federal union, but many spoke of the deterioration in relations between Europe and America. Max Kohnstamm, director of the European Community Institute for University Studies in Brussels, for instance, declared that—

> The prevailing mood in the Atlantic world is one of growing unease and recrimination.

Former Under Secretary of State George Ball was even more forthright, and more pessimistic. He detects in Europe today "a growing resentment" of America. As he puts it, "Europe is eyeing America with a jaundiced eye." Even more serious, Mr. Ball believes, is the growing preoccupation of Europeans with their own affairs. Europe is becoming "parochial," in his opinion, and "exerts little more than a regional influence."

Many speakers were concerned also about the change in attitudes in the United States toward Europe. Mr. Ball spoke of growing mistrust and disenchantment in the United States, and a "trend toward unilateralism" which could be dangerous.

The mood of the conference, in brief, was somber. It was full of "elder statesmen," somewhat nostalgic of the "good old days." Most speakers recognized the dangers of emerging centrifugal forces, and the threat which a weakening of transatlantic ties would represent. Virtually everybody recommended that we all, on both sides of the Atlantic, "mend our fences." While most felt that further economic, and eventual political, integration of Europe would be a helpful development in this respect, no one—I repeat, no one—spoke of a single federal government as a goal for the Atlantic nations.

About the only flareup during the entire 3 days, Mr. Speaker, occurred during the final plenary session. The steering committee had labored mightily to develop a resolution summing up the significance of the meeting. Optimists had originally suggested such a resolution might be called the Declaration of Amsterdam. In the minds of some, in other words, was the hope that the meeting in Amsterdam might merit a niche in the history of international relations.

What was finally agreed upon was a masterpiece in its own way—so full of platitudes, according to one delegate, that it would be better for the conference to pass no formal resolution at all. Others objected strenuously to the language proposed—including especially several British Members of Parliament—because the importance of Japan was not recognized, even inferentially.

The resolution agreed upon described why the conference had met—to exchange views and express common concern—pointed out that the world is changing, and emphasized the importance of cooperation and of open and continuing discussions.

Because of the importance of continuing dialog—both private and between the official organs of the countries concerned—the resolution "invites" the European movement and the Atlantic Councils of the United States and Canada "to determine the most suitable structure" for such a dialog between both sides of the Atlantic.

The exact meaning of this suggestion, Mr. Speaker, may be clearer in the French translation than in English. Whatever its meaning, I doubt if it should give much heart to "Atlantic Unionists." No one will argue that old friends should find ways to see each other frequently, and to talk, if the ties of friendship are to remain strong. But discussions of union and federation can only distract us from the serious problems which lie ahead.

DECREASE IN SERIOUS CRIME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 15 minutes.

Mr. HOGAN. Mr. Speaker, recently the Department of Justice announced the first decrease in serious crime in the United States in 17 years.

This, of course, was welcome news to all of us. Hopefully this will mark a turning point in the fight against rising crime and we can look forward to a period of greater success in our efforts.

Certainly this reduction is due in no small part to the strong efforts of law enforcement officers throughout the Nation.

At this point I would like to include in the RECORD the figures released by the Department of Justice and a statement by the President regarding the report:

RELEASE

Serious crime in the United States declined 3 percent in 1972, the first actual decrease in crime in 17 years, Attorney General Richard G. Kleindienst announced today.

The downturn in the volume of crime was disclosed in preliminary year-end statistics tabulated by the FBI and released today.

"This is a day that we have been looking forward to for many years," the Attorney General said. "It is an important milestone in the fight to reduce crime and is directly attributable to the strong efforts of law enforcement officers throughout the nation to turn back the wave of crime that rolled upward in the 1960's."

During 1972, 94 major cities reported actual decreases in serious crime, Mr. Kleindienst said, compared with 53 cities in 1971, 22 cities in 1970, and 17 cities in 1969.

Nationally, serious crime declined 8 percent in the final quarter of the year, after registering a 1 percent increase through the first nine months of 1972.

The last measurable decrease in serious crime—2 percent—was recorded in 1955, according to FBI crime records.

The crime spiral peaked in 1968 when serious crime rose 17 percent above the previous year. In 1969 and 1970, serious crime increased 11 percent, while in 1971, the increase was 6 percent.

"We enter this new period with an acute awareness that crime is still unacceptably high," Mr. Kleindienst said. "We pledge to renew our determination and efforts to make our communities safer places in which to live."

The preliminary figures are contained in the FBI's Uniform Crime Reports, a collection of nationwide police statistics supplied voluntarily by local, county, and state law enforcement agencies. The figures were released today by FBI Acting Director L. Patrick Gray, III.

Violent crime increased by 1 percent in 1972, compared with a 9 percent increase the year before. Robberies, however, which make up the largest number of crimes in the violent category, showed a 4 percent decrease in 1972. Murder was up 4 percent in 1972, aggravated assault increased 6 percent, and forcible rape increased 11 percent over the previous year.

Property crime decreased 3 percent, compared with a 6 percent increase in 1971. Auto theft declined 7 percent, larceny $50 and over dropped 3 percent, and burglary was down 2 percent.

Cities over 100,000 population reported an average decrease of 7 percent in the volume of Crime Index offenses. Crime in suburban areas increased 2 percent, compared to an 11 percent increase in 1971, while crime in rural areas went up 4 percent compared to a 6 percent rise in the previous period.

Serious crime in Washington, D.C., continued to decline. The 1972 decrease was 26.9 percent, compared with the 1971 decrease of 13 percent.

The nation's capital registered fewer crimes in every category, except for a 16 percent increase in rape. Auto theft decreased 33 percent, burglary decreased 32 percent, robbery decreased 31 percent, larceny $50 and over decreased 18 percent, murder decreased 11 percent, and aggravated assault decreased 2 percent.

A copy of the preliminary crime figures for 1972 is attached. Final crime figures and crime rates per unit of population will be available in the detailed Uniform Crime Reports scheduled for release this summer.

Also attached is a list of the 94 major cities reporting crime decreases.

Cities with decrease in crime index, January to December 1972 against 1971

Agency	*Index percent decrease*
Akron, Ohio	9.5
Albany, N.Y	23.8
Alexandria, Va	2.1
Allentown, Pa	15.4
Arlington, Va	15.4
Austin, Tex	3.7
Baltimore, Md	6.5
Beaumont, Tex	1.6
Berkeley, Calif	2.7
Boston, Mass	8.8
Bridgeport, Conn	14.6
Buffalo, N.Y	6.7
Cambridge, Mass	7.7
Cedar Rapids, Iowa	3.8
Charlotte, N.C	11.8
Chicago, Ill	4.1
Cincinnati, Ohio	5.0
Cleveland, Ohio	11.3
Columbia, S.C	16.6
Columbus, Ga	3.0
Columbus, Ohio	9.5
Corpus Christi, Tex	.8
Dallas, Tex	2.6
Dearborn, Mich	8.8
Des Moines, Iowa	9.1
Detroit, Mich	15.8
Duluth, Minn	6.8
Elizabeth, N.J	4.2
El Paso, Tex	16.5
Erie, Pa	.1
Evansville, Ind	13.4
Fall River, Mass	14.2
Fort Lauderdale, Fla	4.2
Fort Worth, Tex	5.6
Gary, Ind	3.7
Glendale, Calif	5.8
Hammond, Ind	2.3
Hampton, Va	6.9
Hartford, Conn	19.8
Hialeah, Fla	8.2
Hollywood, Fla	7.5
Honolulu, Hawaii	15.3
Huntsville, Ala	19.9
Indianapolis, Ind	16.0
Jacksonville, Fla	4.9
Jersey City, N.J	8.3
Kansas City, Mo	13.2
Lansing, Mich	6.3
Lexington, Ky	6.5
Los Angeles, Calif	3.8
Louisville, Ky	11.3
Lubbock, Tex	11.0
Macon, Ga	3.1
Miami, Fla	9.9
Milwaukee, Wis	3.9
Mobile, Ala	15.2
Montgomery, Ala	3.2
Nashville, Tenn	18.0
Newark, N.J	10.2
New Bedford, Mass	20.3
New Haven, Conn	9.7
New Orleans, La	15.2
New York, N.Y	18.0
Norfolk, Va	18.1
Oakland, Calif	3.4
Orlando, Fla	10.7
Parma, Ohio	9.7
Pasadena, Calif	1.6
Philadelphia, Pa	4.5
Pittsburgh, Pa	11.0
Portsmouth, Va	2.0
Providence, R.I	13.5
Raleigh, N.C	5.0
Richmond, Va	11.8
Rochester, N.Y	8.6
St. Louis, Mo	4.1
Salt Lake City, Utah	10.0
San Francisco, Calif	19.0
Savannah, Ga	13.8
Scranton, Pa	27.0
Seattle, Wash	3.8
Shreveport, La	8.4
Spokane, Wash	2.3
Stamford, Conn	27.6
Syracuse, N.Y	11.1
Topeka, Kans	15.2
Torrance, Calif	5.2
Trenton, N.J	7.7

Warren, Mich	2.8
Washington, D.C	26.9
Waterbury, Conn	7.7
Wichita, Kans	.7
Yonkers, N.Y	11.7
Youngstown, Ohio	11.9

UNIFORM CRIME REPORTING—1972 PRELIMINARY ANNUAL RELEASE

Crime in the United States, as measured by the Crime Index offenses, declined three percent during calendar year 1972 over 1971. The violent crimes as a group increased one percent. Forcible rape was up eleven percent, aggravated assault six percent, and murder four percent, while the crime of robbery declined four percent. The property crimes of burglary, larceny $50 and over, and auto theft decreased three percent as a group. Auto theft decreased seven percent, larceny $50 and over three percent, and burglary two percent. Cities with 250,000 or more inhabitants reported an average decrease of eight percent in the volume of Crime Index offenses. Cities with over 100,000 inhabitants reported an average decrease of seven percent. The suburban areas surrounding large core cities reported an increase of two percent and the rural areas were up four percent (Table 1).

Geographically, the Western States reported a two percent rise in the volume of Crime Index offense. The Southern States reported a decrease of two percent, the North Central States three percent, and the Northeastern States eight percent (Table 2).

TABLE 1.—CRIME INDEX TRENDS

[Percent change 1972 over 1971, offenses known to the police'

Population group and area	Number of agencies	Population in thousands	Tota	Violent	Property	Murder	Forcible rape	Robbery	Aggravated assault	Burglary	Larceny $50 and over	Auto theft
Total all agencies	5, 821	164, 859	−3	+1	−3	+4	+11	−4	+6	−2	−3	−7
Cities over 25,000	841	89, 497	−5	−1	−6	+4	+10	−5	+4	−4	−6	−9
Suburban area	2, 295	52, 857	+2	+13	+1	+11	+19	+9	+14	+2	+1	−1
Rura area	1, 221	18, 953	+4	+9	+4	−2	+1	+10	+11	+4	+5	−3
Over 1,000,000	6	18, 805	−12	−4	−14	+4	+12	−9	+4	−11	−19	−14
500,000 to 1,000,000	21	13, 728	−7	−6	−7	+2	+3	−10	−2	−6	−7	−11
250,000 to 500,000	31	10, 788	−2	+2	−3	+4	+12	+3	−1	−1	−3	−4
100,000 to 250,000	93	13, 418	−2	+3	−3	+5	+4	+2	+4	−2	−3	−5
50,000 to 100,000	240	16, 937	+1	+ 9	----------	+8	+14	+7	+11	+1	-----	−2
25,000 to 50,000	450	15, 822	+1	+13	----------	+3	+26	+8	+17	+2	−1	−2
10,000 to 25,000	1, 104	17, 636	+4	+9	+4	+4	+21	+10	+8	+4	+4	−1
Under 10,000	2, 357	11, 069	+5	+4	+5	−9	+19	+11	+2	+3	+6	+2

TABLE 2.—CRIME INDEX TRENDS BY GEOGRAPHIC REGION (1972 OVER 1971)

Region	Total	Violent	Property	Murder	Forcible rape	Robbery	Aggravated assault	Burglary	Larceny $50 and over	Auto theft
Northeastern States	−8	−1	−10	+6	+19	−8	+9	−8	−11	−10
North Central States	−3	−1	−3	−2	+7	−5	+5	−3	−1	−7
Southern States	−2	+1	−2	+4	+6	----------	+1	+1	−2	−8
Western States	+2	+7	+1	+11	+13	+3	+9	+3	----------	−3

TABLE 3.—CRIME INDEX TRENDS

[Percent change 1966–71, each year over previous year]

Years	Total	Violent	Property	Murder	Forcible rape	Robbery	Aggravated assault	Burglary	Larceny $50 and over	Auto theft
1967/1966	+16	+15	+16	+13	+8	+27	+8	+16	+16	+17
1968/1967	+17	+19	+17	+14	+ 15	+30	+11	+13	+21	+18
1969/1968	+11	+11	+11	+7	+16	+13	+8	+6	+21	+12
1970/1969	+11	+12	+10	+8	+2	+17	+7	+10	+14	+5
1971/1970	+6	+9	+6	+10	+9	+10	+8	+8	+5	+1

Note: Issued by L. Patrick Gray, III, Acting Director, Federal Bureau of Investigation, United States Department of Justice, Washington, D.C. 20535. Advisory: Committee on Uniform Crime Records International Association of Chiefs of Police.

TABLE 4.—OFFENSES KNOWN TO THE POLICE, 1971 AND 1972

[Cities over 100,000 population]

	Crime Index total	Murder, non-negligent man-slaughter	Forcible rape	Robbery	Aggravated assault	Burglary, breaking or entering	Larceny, $50 and over	Auto theft
Akron, Ohio:								
1971	12, 670	38	100	772	362	4, 386	4, 102	2, 910
1972	11, 472	31	105	758	400	4, 136	3, 608	2, 434
Albany, N.Y.:								
1971	3, 678	6	17	282	111	2, 012	390	860
1972	2, 803	6	17	223	97	1, 377	445	638
Albuquerque, N. Mex.:								
1971	16, 540	31	103	667	988	6, 232	6, 531	1, 988
1972	17, 475	23	154	857	1, 159	7, 023	6, 554	1, 705
Alexandria, Va.:								
1971	5, 899	9	51	490	424	1, 864	2, 186	875
1972	5, 777	17	30	435	483	1, 861	2, 309	642
Allentown, Pa.:								
1971	3, 134	5	22	137	178	1, 238	1, 252	302
1972	2, 652	4	17	162	106	1, 036	986	341
Amarillo, Tex.:								
1971	4, 129	9	18	91	174	1, 664	1, 752	421
1972	4, 197	9	18	65	200	1, 638	1, 860	407
Anaheim Calif.:								
1971	8, 519	5	56	223	165	4, 118	3, 097	855
1972	9, 772	14	78	249	321	4, 661	3, 589	860
Arlington, Va.:								
1971	5, 127	7	45	245	101	1, 468	2, 431	830
1972	4, 336	2	30	181	89	1, 230	2, 124	680
Atlanta, Ga.:								
1971	30, 056	230	268	2, 207	1, 935	13, 726	7, 656	4, 034
1972	33, 213	255	256	3, 074	2, 143	14, 676	8, 659	4, 150
Austin, Tex.:								
1971	8, 307	27	66	372	1, 119	4, 334	1, 336	1, 053
1972	8, 003	38	62	285	966	4, 046	1, 625	981
Baltimore, Md.:								
1971	54, 449	323	537	9, 480	6, 556	18, 481	10, 134	8, 938
1972	50, 937	330	465	9, 584	6, 365	16, 986	8, 857	8, 350
Baton Rouge, La:								
1971	9, 054	22	46	301	767	3, 769	2, 692	1, 457
1972	10, 486	21	74	411	948	4, 535	3, 190	1, 307
Beaumont, Tex.:								
1971	4, 042	20	6	207	617	1, 886	1, 018	288
1972	3, 979	17	13	164	654	1, 765	1, 065	301
Berkeley, Calif.:								
1971	7, 138	11	78	528	256	4, 147	886	1, 232
1972	6, 946	10	104	567	251	3, 896	1, 080	1, 038
Birmingham, Ala.:								
1971	14, 152	82	98	465	1, 470	4, 857	4, 286	2, 894
1972	14, 178	76	103	757	1, 310	5, 189	4, 334	2, 409
Boston, Mass.:								
1971	42, 514	116	235	4, 735	1, 907	12, 439	7, 055	16, 027
1972	38, 763	104	262	5, 037	2, 015	10, 173	5, 609	15, 563
Bridgeport, Conn.:								
1971	11, 154	18	20	572	207	3, 494	3, 101	3, 742
1972	9, 525	18	13	512	155	2, 720	2, 995	3, 112
Buffalo, N.Y.:								
1971	20, 226	76	134	2, 207	812	6, 287	6, 016	4, 694
1972	18, 881	62	176	1, 991	712	6, 156	5, 390	4, 394

Footnotes at end of table.

TABLE 4.—OFFENSES KNOWN TO THE POLICE, 1971 AND 1972—Continued

[Cities over 100,000 population]

	Crime Index total	Murder, nonnegligent manslaughter	Forcible rape	Robbery	Aggravated assault	Burglary, breaking or enterina	Larceny, $50 and over	Auto theft
Cambridge, Mass.:								
1971	7, 177	5	42	355	243	1, 978	1, 315	3, 239
1972	6, 624	13	32	329	238	1, 711	1, 039	3, 262
Camden, N.J.:								
1971	7, 233	15	57	682	413	2, 958	986	2, 122
1972	8, 157	26	48	695	551	3, 457	1, 102	2, 278
Canton, Ohio:								
1971	3, 902	11	15	327	137	1, 265	1, 582	565
1972	4, 000	14	24	297	240	1, 288	1, 522	615
Cedar Rapids, Iowa:								
1971	1, 932	5	10	34	15	683	842	343
1972	1, 859	3	8	31	22	625	769	401
Charlotte, N.C.:								
1971	11, 271	54	98	573	1, 246	4, 938	3, 276	1, 086
1972	9, 945	60	78	603	1, 172	4, 324	2, 811	897
Chattanooga,[1] Tenn.:								
1971								
1972	6, 805	35	55	421	575	2, 670	1, 643	1, 406
Chicago, Ill.:								
1971	126, 854	824	1, 549	24, 012	11, 285	38, 385	15, 593	35, 206
1972	121, 707	711	1, 529	23, 531	11, 154	36, 630	15, 853	32, 299
Cincinnati, Ohio:								
1971	21, 880	79	189	1, 749	819	9, 751	6, 144	3, 149
1972	20, 783	69	239	1, 733	761	9, 729	5, 272	2, 980
Cleveland, Ohio:								
1971	46, 295	270	428	5, 987	2, 004	11, 780	5, 971	19, 855
1972	41, 055	307	462	5, 639	1, 988	10, 446	4, 687	17, 526
Colorado Springs, Colo.:								
1971	5, 895	9	70	183	198	2, 183	2, 558	694
1972	6, 879	18	103	342	209	2, 633	2, 751	823
Columbia, S.C.:								
1971	5, 456	32	37	264	353	2, 650	1, 490	630
1972	4, 551	17	48	149	288	2, 347	1, 130	572
Columbus, Ga.:								
1971	4, 025	22	14	200	158	1, 779	1, 167	685
1972	3, 906	29	22	245	182	1, 808	969	651
Columbus, Ohio:								
1971	26, 579	69	269	1, 873	943	10, 023	8, 176	5, 226
1972	24, 049	59	292	1, 464	890	9, 641	7, 647	4, 056
Corpus Christi, Tex.:								
1971	9, 653	33	59	256	872	3, 970	3, 355	1, 108
1972	9, 573	29	71	324	765	4, 462	2, 998	924
Dallas, Tex.:								
1971	46, 400	207	585	2, 861	5, 282	18, 322	12, 229	6, 914
1972	45, 213	192	533	2, 616	4, 529	21, 475	10, 481	5, 387
Dearborn, Mich.:								
1971	3, 360	8	13	148	73	1, 090	1, 310	718
1972	3, 066	6	7	175	55	1, 009	1, 109	705
Denver, Colo.:								
1971	37, 706	82	434	2, 167	2, 050	15, 228	10, 657	7, 088
1972	38, 945	89	368	2, 014	1, 927	16, 750	10, 136	7, 661
Des Moines, Iowa:								
1971	6, 561	11	66	361	159	1, 885	3, 301	778
1972	5, 961	14	44	277	98	1, 920	2, 848	760
Detroit, Mich.:								
1971	127, 245	577	853	20, 753	5, 400	51, 531	25, 361	22, 770
1972	107, 199	601	818	17, 170	6, 120	42, 563	19, 405	20, 522
Duluth, Minn.:								
1971	2, 765	3	14	40	24	1, 090	1, 081	513
1972	2, 578	2	13	68	29	1, 120	948	398
Elizabeth, N.J.:								
1971	5, 530	10	28	475	314	2, 067	1, 113	1, 523
1972	5, 296	12	32	542	348	2, 107	921	1, 334
El Paso, Tex.:								
1971	13, 074	16	75	398	588	7, 621	2, 240	2, 136
1972	10, 911	11	91	514	655	4, 994	2, 067	2, 579
Erie, Pa.:								
1971	3, 248	7	21	273	141	1, 400	939	467
1972	3, 246	11	26	325	137	1, 500	763	484
Evansville, Ind.:								
1971	5, 459	9	59	261	565	1, 980	1, 881	704
1972	4, 726	8	54	187	599	1, 471	1, 970	437
Fall Fiver, Mass.:								
1971	6, 454	3	16	129	108	3, 052	1, 395	1, 751
1972	5, 535	8	11	203	149	2, 321	1, 356	1, 487
Flint, Mich.:								
1971	11, 068	33	81	635	1, 258	4, 214	3, 517	1, 330
1972	11, 321	45	101	820	1, 232	4, 519	3, 467	1, 137
Fort Lauderdale, Fla.:								
1971	8, 515	13	53	412	263	3, 643	2, 902	1, 229
1972	8, 155	28	61	385	260	3, 712	2, 694	1, 015
Fort Wayne, Ind.:								
1971	7, 383	6	46	343	102	2, 391	3, 876	619
1972	7, 508	9	46	413	75	2, 304	3, 889	772
Fort Worth, Tex.:								
1971	13, 948	102	88	917	549	6, 615	2, 816	2, 861
1972	13, 161	99	66	791	516	6, 557	2, 564	2, 568
Fremont, Calif.:								
1971	3, 936	1	26	56	98	1, 942	1, 370	443
1972	4, 944	2	31	64	155	2, 015	2, 249	428
Fresno, Calif.:								
1971	11, 568	19	35	386	226	4, 562	4, 152	2, 188
1972	12, 282	20	41	425	229	4, 647	4, 420	2, 500
Garden Grove, Calif.:								
1971	5, 504	3	29	153	113	2, 044	2, 756	397
1972	5, 711	12	43	143	147	2, 586	2, 356	424
Gary, Ind.:								
1971	11, 716	52	87	1, 396	436	4, 723	2, 040	2, 982
1972	11, 284	81	90	1, 253	519	4, 673	1, 909	2, 759
Glendale, Calif.:								
1971	4, 546	1	19	169	116	1, 905	1, 532	804
1972	4, 283	5	11	108	98	1, 851	1, 530	680
Grand Rapids, Mich.:								
1971	6, 663	17	71	262	510	3, 601	1, 610	592
1972	6, 992	9	61	393	499	3, 313	2, 183	534
Greensboro, N.C.:								
1971	4, 980	14	24	166	1, 134	1, 527	1, 642	473
1972	5, 563	17	40	270	1, 239	1, 822	1, 714	461
Hammond, Ind.:								
1971	4, 986	7	49	298	172	1, 044	1, 947	1, 469
1972	4, 872	8	28	271	146	1, 285	2, 160	974
Hampton, Va.:								
1971	2, 698	6	20	78	120	1, 232	1, 004	238
1972	2, 512	13	29	88	94	1, 258	780	250
Hartford, Conn.:								
1971	8, 225	23	40	574	662	2, 507	1, 777	2, 642
1972	6, 597	15	27	423	573	2, 280	1, 649	1, 630
Hialeah, Fla.:								
1971	4, 669	8	12	190	199	1, 484	2, 126	650
1972	4, 287	5	17	178	214	1, 221	1, 943	709
Hollywood, Fla.:								
1971	5, 686	2	23	232	249	2, 204	2, 105	871
1972	5, 260	7	33	242	243	1, 950	1, 978	807
Honolulu, Hawaii:								
1971	24, 530	31	124	715	381	9, 599	9, 426	4, 254
1972	20, 782	44	149	428	366	8, 998	7, 792	3, 005
Houston, Tex.:								
1971	58, 819	303	530	5, 127	2, 877	26, 219	10, 993	12, 770
1972	60, 366	294	483	5, 117	2, 169	29, 411	11, 801	11, 091
Huntington Beach, Calif.:								
1971	4, 933	7	47	83	156	1, 867	2, 349	424
1972	5, 034	4	49	86	179	1, 915	2, 327	474
Huntsville, Ala.:								
1971	5, 195	21	27	106	267	2, 159	2, 007	608
1972	4, 160	4	32	103	236	1, 542	1, 718	525
Independence, Mo.:								
1971	2, 018	4	15	50	155	868	713	213
1972	2, 232	3	27	42	230	860	784	286
Indianapolis, Ind.:								
1971	22, 874	60	264	2, 109	927	9, 480	5, 537	4, 497
1972	19, 207	66	275	1, 398	726	8, 267	4, 817	3, 658
Jackson, Miss.:								
1971	4, 635	29	68	185	280	1, 998	1, 435	640
1972	5, 011	42	20	169	168	2, 022	1, 808	782
Jacksonville, Fla.:								
1971	24, 171	82	254	1, 264	1, 941	12, 035	6, 048	2, 547
1972	22, 975	96	293	1, 426	2, 474	10, 619	6, 099	1, 968
Jersey City, N.J.:								
1971	11, 214	40	51	1, 629	442	3, 146	803	5, 103
1972	10, 281	47	67	1, 373	464	2, 865	925	4, 540
Kansas City, Kans.:								
1971	7, 330	34	85	461	572	3, 618	923	1, 637
1972	7, 374	21	83	571	457	3, 712	1, 015	1, 515
Kansas City, Mo.:								
1971	27, 864	103	371	2, 473	1, 805	11, 550	6, 154	5, 408
1972	24, 188	71	344	2, 092	1, 961	9, 472	6, 327	3, 921
Knoxville,[1] Tenn.:								
1971								
1972	5, 044	20	18	182	254	2, 242	787	1, 541
Lansing, Mich.:								
1971	8, 278	4	33	274	270	3, 977	3, 074	646
1972	7, 759	7	46	422	299	3, 405	2, 843	737
Las Vegas, Nev.:								
1971	4, 697	21	23	326	195	2, 140	1, 064	928
1972	5, 139	29	47	389	145	2, 312	1, 293	924
Lexington, Ky.:								
1971	5, 412	16	28	158	293	1, 925	2, 498	494
1972	5, 059	19	29	206	208	1, 809	2, 318	470
Lincoln, Nebr.:								
1971	2, 878	3	26	24	198	782	1, 576	269
1972	3, 195	5	17	49	238	912	1, 720	254
Little Rock, Ark.:								
1971	6, 778	36	60	368	634	2, 460	2, 722	498
1972	7, 056	25	61	434	662	2, 757	2, 588	529
Livonia, Mich.:								
1971	3, 071	2	11	76	108	1, 569	1, 016	289
1972	3, 215	1	17	81	108	1, 606	1, 068	334
Long Beach, Calif.:								
1971	17, 084	31	130	1, 480	697	7, 223	4, 071	3, 452
1972	18, 628	55	176	1, 700	711	8, 016	4, 584	3, 386
Los Angeles, Calif.:								
1971	183, 857	427	2, 062	14, 147	14, 674	74, 812	41, 506	36, 239
1972	176, 916	499	2, 205	14, 241	15, 056	72, 458	38, 737	33, 720
Louisville, Ky.:								
1971	17, 567	84	85	1, 453	527	5, 035	4, 804	5, 579
1972	15, 583	81	119	1, 496	535	4, 303	4, 326	4, 723
Lubbock, Tex.:								
1971	6, 201	28	55	141	565	2, 506	2, 542	364
1972	5, 521	31	44	103	459	2, 169	2, 359	356
Macon, Ga.:								
1971	5, 996	20	31	299	211	2, 653	1, 758	1, 024
1972	5, 808	20	39	299	177	2, 711	1, 547	1, 015
Madison, Wis.:								
1971	5, 720	5	31	60	34	2, 302	2, 724	564
1972	5, 864	3	55	83	24	2, 466	2, 552	681
Memphis, Tenn.:								
1971	23, 697	91	273	1, 151	1, 528	10, 498	7, 126	3, 030
1972	29, 097	127	373	1, 676	1, 539	12, 913	9, 250	3, 219
Miami, Fla.:								
1971	24, 895	100	137	2, 829	3, 014	9, 258	6, 299	3, 258
1972	22, 429	78	99	2, 555	2, 656	8, 294	5, 949	2, 798
Milwaukee, Wis.:								
1971	22, 025	52	104	661	652	4, 636	9, 908	6, 012
1972	21, 162	56	87	748	694	4, 981	9, 202	5, 394

	Crime Index total	Murder, non-negligent man-slaughter	Forcible rape	Robbery	Aggravated assault	Burglary, breaking or entering	Larceny, $50 and over	Auto theft
Minneapolis, Minn.:								
1971	23,865	35	228	1,646	1,037	10,039	5,884	4,996
1972	24,294	39	308	1,908	1,358	10,495	4,960	5,226
Mobile, Ala.:								
1971	8,852	37	85	456	441	5,158	1,604	1,071
1972	7,508	26	81	360	443	4,299	1,537	762
Montgomery, Ala.:								
1971	4,458	34	40	211	99	1,715	1,821	538
1972	4,316	28	47	146	74	1,806	1,636	579
Nashville, Tenn.:								
1971	20,746	73	157	1,176	2,174	8,216	5,525	3,425
1972	17,017	68	104	1,097	1,616	6,569	4,877	2,686
Newark, N.J.:								
1971	34,762	131	312	5,529	2,641	13,466	5,754	6,929
1972	31,213	148	325	4,788	2,583	11,040	4,274	8,055
New Bedford, Mass.:								
1971	5,603	2	12	169	119	2,566	1,488	1,247
1972	4,468	3	21	214	150	1,926	1,130	1,024
New Haven, Conn.:								
1971	7,934	18	52	251	334	2,977	1,835	2,467
1972	7,166	9	47	248	327	2,332	1,718	2,485
New Orleans, La.:								
1971	35,375	116	325	3,391	2,109	10,705	10,381	8,348
1972	30,000	163	261	3,001	2,040	8,428	8,984	7,123
Newport News, Va.:								
1971	3,693	12	28	216	427	1,332	1,372	306
1972	4,277	22	28	238	538	1,465	1,530	456
New York, N.Y.:								
1971	529,447	1,466	2,415	88,994	33,865	181,331	124,752	96,624
1972	434,303	1,691	3,271	78,202	37,130	148,046	90,098	75,865
Norfolk, Va.:								
1971	13,939	35	122	821	1,229	4,912	5,217	1,603
1972	11,411	46	144	823	1,251	3,983	3,870	1,294
Oakland, Calif.:								
1971	25,664	89	220	2,932	1,224	14,311	1,493	5,395
1972	24,804	78	261	2,907	1,646	13,080	1,413	5,419
Oklahoma City, Okla.:								
1971	12,959	45	144	521	1,142	6,314	2,136	2,657
1972	13,201	43	133	671	787	7,220	1,629	2,718
Omaha, Nebr.:								
1971	11,408	24	122	482	1,085	3,706	3,097	2,892
1972	13,234	24	125	692	1,092	4,064	4,237	3,000
Orlando, Fla.:								
1971	6,127	21	30	301	989	2,389	1,941	456
1972	5,469	19	37	325	414	2,283	1,892	499
Parma, Ohio:								
1971	1,605	3	4	25	59	513	616	385
1972	1,449	----------	3	27	64	613	446	296
Pasadena, Calif.:								
1971	8,078	11	111	527	458	3,677	2,117	1,177
1972	7,949	18	89	524	386	3,765	1,673	1,494
Paterson, N.J.:								
1971	8,521	20	41	918	977	3,177	936	2,452
1972	9,453	23	23	1,110	1,018	3,657	1,097	2,525
Philadelphia, Pa.:								
1971	61,340	435	546	9,243	4,970	20,914	7,387	17,845
1972	58,584	413	588	9,710	4,603	21,182	6,048	16,040
Phoenix, Ariz.:								
1971	30,546	55	216	1,304	2,326	13,348	8,965	4,332
1972	33,365	83	256	1,292	2,643	15,359	9,621	4,111
Pittsburgh, Pa.:								
1971	26,467	65	279	2,556	1,910	9,489	5,636	6,532
1972	23,550	49	298	2,646	1,827	7,824	4,778	6,128
Portland, Oreg.:								
1971	26,459	15	144	1,797	1,127	10,794	8,845	3,737
1972	26,530	37	169	1,715	1,344	11,034	8,673	3,558
Portsmouth, Va.:								
1971	5,079	21	52	489	269	2,276	1,329	643
1972	4,978	23	48	487	360	2,286	1,006	768
Providence, R.I.:								
1971	11,977	12	21	625	525	4,176	894	5,724
1972	10,355	6	21	534	443	3,793	758	4,800
Raleigh, N.C.:								
1971	4,956	12	22	191	452	1,308	2,638	333
1972	4,707	25	31	135	583	1,446	2,085	402
Richmond, Va.:								
1971	15,306	72	131	1,286	786	6,191	4,143	2,697
1972	13,507	87	164	1,453	812	5,152	3,655	2,184
Riverside, Calif.:								
1971	8,713	14	63	255	465	4,036	3,056	824
1972	8,943	8	52	247	641	4,270	2,993	732
Rochester, N.Y.:								
1971	11,160	31	54	728	458	4,664	3,927	1,298
1972	10,196	29	55	726	389	4,651	3,001	1,345
Rockford, Ill.:								
1971	3,525	13	8	149	187	1,353	1,349	466
1972	3,825	9	27	128	229	1,645	1,328	459
Sacramento, Calif.:								
1971	13,410	33	84	783	565	5,509	3,745	2,691
1972	15,314	51	110	886	634	6,889	4,102	2,642
St. Louis, Mo.:								
1971	44,409	220	498	4,956	3,231	18,876	4,763	11,865
1972	42,580	205	512	4,844	3,216	17,577	4,947	11,279
St. Paul, Minn.:								
1971	14,417	20	79	892	498	5,919	3,998	3,011
1972	14,773	16	90	838	558	6,693	3,746	2,832
St. Petersburg, Fla.:								
1971	8,661	29	52	633	671	4,487	2,337	452
1972	9,578	21	60	652	580	5,231	2,566	468
Salt Lake City, Utah:								
1971	11,179	16	64	409	292	4,159	4,387	1,852
1972	10,057	12	79	446	350	3,935	4,035	1,200
San Antonio, Tex.:								
1971	26,703	96	217	911	2,091	10,579	8,008	4,801
1972	27,492	104	256	1,200	1,854	12,038	7,820	4,220
San Bernardino, Calif.:								
1971	7,204	7	34	400	278	3,040	2,391	1,054
1972	7,323	14	56	447	355	2,675	2,670	1,106
San Diego, Calif.:								
1971	25,495	37	142	1,106	806	8,670	11,050	3,684
1972	28,039	31	165	1,225	992	9,957	11,629	4,040
San Francisco, Calif.:								
1971	57,538	102	512	6,584	3,101	18,264	16,130	12,845
1972	46,620	81	505	4,573	2,665	14,519	13,201	11,076
San Jose, Calif.:								
1971	17,880	16	170	497	743	8,190	4,643	3,621
1972	20,230	27	173	687	822	9,603	4,738	4,180
Santa Ana, Calif.:								
1971	6,716	4	83	276	282	3,719	1,508	844
1972	7,291	8	81	260	366	4,267	1,528	781
Savannah, Ga.:								
1971	7,109	22	86	393	414	3,372	2,106	716
1972	6,127	27	68	424	696	2,629	1,644	639
Scranton, Pa.:								
1971	2,237	1	7	68	144	795	770	452
1972	1,632	----------	9	37	162	609	568	247
Seattle, Wash.:								
1971	26,967	42	208	1,801	1,093	12,455	7,858	3,510
1972	25,952	42	278	1,564	949	11,339	8,340	3,440
Shreveport, La.:								
1971	5,472	40	25	186	585	2,595	1,272	769
1972	5,014	31	23	188	495	2,288	1,429	560
South Bend, Ind.:								
1971	4,793	17	26	463	132	1,843	1,466	846
1972	5,750	15	27	470	143	2,141	1,874	1,080
Spokane, Wash.:								
1971	5,977	9	18	181	168	2,645	2,208	748
1972	5,840	6	10	173	203	2,686	1,885	877
Springfield, Mass:								
1971	10,273	12	10	407	325	4,358	2,011	3,150
1972	11,504	8	30	430	791	4,565	3,051	2,629
Springfield, Mo.:								
1971	3,963	4	5	64	77	1,831	1,665	317
1972	4,148	6	19	78	119	1,860	1,725	341
Stamford, Conn.:								
1971	3,815	1	16	150	91	2,331	522	704
1972	2,762	5	13	137	83	1,553	460	511
Stockton, Calif.:								
1971	7,546	20	34	474	256	3,452	1,973	1,337
1972	8,635	21	28	559	327	3,831	2,364	1,505
Syracuse, N.Y.:								
1971	6,869	5	38	528	284	2,968	2,382	664
1972	6,109	10	24	374	299	2,825	2,050	527
Tacoma, Wash.:								
1971	6,005	10	44	310	297	2,493	1,930	921
1972	6,226	12	47	325	315	2,571	2,207	749
Tampa, Fla.:								
1971	13,824	54	68	951	1,143	6,346	3,893	1,369
1972	14,699	62	77	996	1,138	6,713	4,145	1,568
Toledo, Ohio:								
1971	13,821	29	118	1,081	457	5,227	5,149	1,760
1972	14,703	34	131	1,180	500	5,327	6,093	1,438
Topeka, Kans.:								
1971	4,586	7	40	202	442	1,583	1,956	356
1972	3,889	9	41	144	347	1,421	1,721	206
Torrance, Calif.:								
1971	6,059	6	39	155	121	2,459	2,372	907
1972	5,744	2	32	214	145	2,017	2,398	936
Trenton, N.J.:								
1971	7,085	16	22	913	300	3,378	1,816	1,316
1972	7,204	21	34	912	548	2,957	1,240	1,492
Tucson, Ariz.:								
1971	8,465	19	91	383	465	3,704	2,450	1,353
1972	9,622	12	102	481	412	4,324	2,882	1,409
Tulsa, Okla.:								
1971	12,432	33	73	459	838	5,113	3,922	1,994
1972	12,611	31	118	463	831	5,334	4,242	1,592
Virginia Beach, Va.:								
1971	4,194	5	28	63	192	1,205	2,495	206
1972	4,368	5	31	71	174	1,419	2,394	274
Warren, Mich.:								
1971	5,874	2	37	241	199	1,902	2,644	849
1972	5,709	5	34	215	252	1,829	2,517	857
Washington, D.C.:								
1971	51,256	275	615	11,222	3,972	18,818	7,622	8,732
1972	37,446	245	714	7,751	3,897	12,801	6,217	5,821
Waterbury, Conn.:								
1971	3,887	5	10	175	128	1,499	960	1,110
1972	3,589	8	4	223	135	1,453	823	943
Wichita, Kans.:								
1971	10,689	14	57	374	400	4,388	3,829	1,627
1972	10,616	17	46	343	391	4,347	3,745	1,727
Winston-Salem, N.C.:								
1971	5,403	33	43	199	1,019	2,242	1,459	408
1972	5,679	33	40	230	1,129	2,379	1,358	510
Worcester, Mass.:								
1971	12,559	12	33	452	207	5,110	2,356	4,389
1972	12,894	7	32	501	275	5,179	1,827	5,073
Yonkers, N.Y.:								
1971	7,252	11	9	485	196	2,507	2,287	1,757
1972	6,407	8	15	425	198	2,330	1,823	1,608
Youngstown, Ohio:								
1971	5,105	23	36	354	300	2,700	691	1,001
1972	4,497	27	34	369	333	2,071	530	1,133

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[1] 1971 figures not comparable with 1972, and are not used in trend tabulations. All 1972 crime figures from reporting units are preliminary. Final figures and crime rates per unit of population are not available until the annual publication scheduled for release in the summer of 1973. Trends in this report are based on the volume of crime reported by comparable units. Agency reports which are determined to be influenced by a change in reporting practices, for all or specific offenses, are removed from trend tables.

STATEMENT BY THE PRESIDENT

The crime figures released today by the Department of Justice are very heartening.

The FBI's Uniform Crime Reports indicate that for the first time in 17 years, America has experienced an absolute decrease in serious crime.

In 1972, serious crime decreased by 3 percent over 1971. In the last quarter of 1972, there was a full 8 percent decrease.

Reflected in these figures is a pattern of steady progress over the past four years. In 1968, serious crime increased by 17 percent, the largest rate of increase in the last quarter century. Gradually that rate of increase has been reduced, coming down to 11 percent in 1970, 6 percent in 1971, and finally to this complete reversal in 1972.

These results are a tribute to the men and women in the front lines of the war against crime—our law enforcement officers. Public opinion is untying their hands and they are once again being given the public support they deserve in their efforts to insure that we match public support with all the financial, legislative, and judicial support our police need.

We can turn the tide of crime in America. These statistics demonstrate that we are well on our way. Now we must have the tools we need to finish the job. I call upon the Congress to act quickly on this Administration's proposals for law enforcement legislation so that we can advance the work of providing the safe and secure country our citizens want and deserve so much.

RURAL WATER AND SEWER ACT SHOULD NOT BE VETOED

The SPEAKER pro tempore (Mr. DANIELSON). Under a previous order of the House, the gentleman from Kansas (Mr. SKUBITZ) is recognized for 30 minutes.

Mr. SKUBITZ. Mr. Speaker, I shall vote to override the President's veto of H.R. 3298, an act to restore the rural water and sewer grant program. I shall do so regretfully because as a Republican representing a Republican congressional district in a State that has been staunchly Republican, it is no easy matter to not support my Republican President. I do so not out of malice or spite, nor in a spirit of confrontation.

I do so, Mr. Speaker, because this latest veto simply proves that those who advise our President, those who sit in places of power today are out of touch with reality. They have never faced an electorate; they have no sense of human kinship; they deal in statistics and computers are their gods. The idols before which they cast themselves are Madison Avenue dogma and cost per thousand.

Mr. Speaker, I suggest that when this Congress passed the Consolidated Farm and Rural Development Act 8 years ago, it sought to deal with a critical problem that faced the smaller rural communities—a situation that had become increasingly impossible due to an eroding tax base, higher interest rates, and inability to float their own bond issues.

Today, after 8 years of operation, and with only $150 million having been appropriated in fiscal 1973 for the program, 1,685 small rural communities throughout this land await action on their applications for matching grants. Many of these communities, with faith that the Federal Government will not let them down, already have voted bonds to meet their obligations under the law.

But on January 10 of this year, with scarcely 20 percent of the $150 million expended, the Department of Agriculture announced peremptorily that it was "terminating" planning and development grants for water and waste disposal programs in rural small towns because such termination would, forsooth, contribute to the success of the administration's plan to reduce Federal spending.

Regard at whose expense we are asked to reduce Federal spending. We are not asked to reduce Federal spending at the expense of North Vietnam. We are not asked to save a half billion dollars that this administration has promised the head of state of South Vietnam who recently graced us with his presence. We are not asked to save the $3 to $4 billion that it costs our taxpayers annually to maintain a military presence in Europe. We are not asked to cut back on the near $1 billion we spend in Korea to maintain 40,000 American troops and for economic aid and military assistance.

I divert here to point out that we are bamboozled with the threat that unilateral withdrawal in Europe is dangerous; it will leave us with no bargaining weapon with our newfound friends in Soviet Russia. Are not Germany and France and Holland and Belgium and the others able to finance this military presence? Certainly their coinage is stronger and their fiscal and economic situation is better than our own at this moment. Where is it written that we must continue to bear a responsibility for some 13 nations in Europe whose combined populations and wealth far exceed our own. If they fear the Russian bear, let them equip themselves to meet the burden of that fear. Obviously our own Government no longer clings to the philosophy that its most articulate spokesmen not so long ago held about international communism.

Mr. Speaker, we are asked to sustain a veto of an authorization bill whose proposed total cost for the 1973 fiscal year was less than the cost of a single new bomber now being planned. We are being told that $150 million will break the line and compel new taxes. We are being sold a Madison Avenue line of propaganda that will not stand analysis.

Many local communities for many years, the veto message tells us, have proudly financed their own water and sewer facilities. Of course they have. The question is—can they continue to do so today? The answer is "No."

A large percentage of such rural communities are shells of what they were years ago as farming became more and more a corporate business, as the young people moved to the cities, as homes decayed and tax revenues barely met the absolute necessities of community life. Wall Street, the securities houses, would not even rate most of their proposed bond offerings, much less buy and attempt to distribute them.

Meanwhile, water systems a century old and sewer systems inadequate to begin with, deteriorated. I know of small rural communities where sewage flowed in open streams in the street and into an adjacent river. No wonder sickness prevails. Indeed we are fortunate that we have not experienced typhoid and smallpox epidemics in some of these areas.

Of course these communities would be proud to build their own facilities. I know of many in my own congressional district that would like nothing better than to avoid Federal largesse. They despise the bowing and scraping and hat-in-hand kowtowing that has become a part and parcel of dealing with the Federal Government. But they have no choice, unfortunately. If they are to continue to exist as communities, if they are to afford their residents even the minimum amenities, they need help from other sources.

They are the victims of a changing economic way of life, a changing society, that has left so many small rural towns in a backwash. They struggle desperately to hang on; their mayors and county commissioners eagerly seek some small enterprise to move in and bring a few new job opportunities. Their residents believe, as do I, that they have something to offer America, something deeply and uniquely American that we should not give up.

The veto message admits, Mr. Speaker, that despite the promised help through other programs, and here I quote:

> Some rural communities in need of sewer assistance may still have financing difficulties because of their inability to borrow at reasonable rates.

What mathematical wizard, what financial expert, I ask, composed that sentence? What is "some" rural communities? A hundred, 500, a thousand? How meaningful is the phrase "reasonable interest rates" when in many cases a bond is not marketable at any interest cost because the existing property tax is already so burdensome that the residents cannot defray any additional tax rate?

Note also that the quoted sentence conveniently omits any reference to water requirements. Where existing water supplies are brackish, or are so heavily polluted from ancient cesspools, or where the water table has dropped so that a supply is no longer available; in these circumstances what are the people to do for water? Of course, those who write these veto messages know nothing of such facts. They glibly explain that in these few cases we have other programs that will do the job.

They point to the 1974 budget where $345 million has been provided in loan funds through the Rural Development Act. This will permit, the message assures us, borrowing at favorable rates. What good is a loan program when a community simply cannot afford to borrow the full cost of a water and sewer project? I am high in praise of the Rural Development Act and the great job that has been done in Kansas and in my congressional district by its administrator. But I know, and every Member here knows full well, that when the allocation of the $345 million in that program is over, precious little will be left for disbursement to 1,500 to 1,600 truly rural communities whose applications are now pending for matching grants.

The veto message also raises a constitutional question. The lawyers in the Justice Department have advised the President, he says, that the Congress has no right to write into law a requirement that he must expend the funds specifically appropriated for a program.

I part company with those constitutional experts who insist that only the

Executive has the right, the duty, the constitutional power to impose a spending limit by fiat. I disagree that the Executive has the authority to order the expenditure of appropriated funds at his discretion. When the Congress grants the President discretion in a spending bill, when it uses a "may" clause instead of a "shall" clause, he has the clear and unequivocal right to impound such funds as he deems fit.

But when the Congress by law declares that the funds it appropriates "shall" be expended as the law directs, impoundment by the Executive becomes, in my judgment, an unconstitutional act. To charge, as the President's lawyers do in his veto message, that a mandate by the Congress violates article II stretches the credulity of any reasonable legal scholar, I believe.

Of course, Mr. Speaker, I would not want to suggest that a poor country lawyer from Kansas could begin to match learning with those Harvard and Yale and Duke law school graduates who today try to tell the Congress what is constitutional and what is not.

But I have a strong feeling that all too frequently these interpretations furnished our President are matters of convenience; when it suits the administration purpose, it is constitutional; when it conflicts with an administration aim, it is unconstitutonal.

As a fiscal conservative, I have voted against giveaway programs and wasteful spending. I did this long before the present occupant at the White House moved in. I have regretted the spending policies of his predecessors and have opposed many of them. I have continued that policy these past 4 years.

In my judgment this country cannot long withstand $30 billion annual deficits nor indeed the promised $12 to $15 billion deficit in fiscal 1974. I do not believe we can go on with $12 billion imbalances in foreign trade. I do not believe that we should be proud that it has been necessary to devalue our dollar twice in short span. I am unhappy that we have been unable to halt the inflationary spiral, that the Consumer Price Index has jumped at the greatest rate in more than 20 years; that the wholesale commodity index continues to rise forecasting even higher retail costs later on.

I cite these facts and their ominous forebodings to emphasize that I am acutely conscious of the evil of Federal overspending. I agree that a prudent spending ceiling is essential. I subscribe to the fiscal 1974 spending ceiling of $268 billion the President has suggested. Indeed I wish it could be lower because it forecasts another substantial deficit.

But I want the Congress to set that spending ceiling. More important, I insist that it is the prerogative of the Congress to establish the priorities of spending within that budget framework. Simply because Congress modifies, changes, or shifts the priorities in spending does not warrant a cry of alarm that spending has gone amok, or that the ceiling has blown off.

Mr. Speaker, I disagree that the Constitution vests in the President the power to arrogate to himself the imposition of taxes and the spending thereof. I cling to the belief that the Congress enjoys these powers by constitutional right and that it, and only it, may determine by law how much money shall be spent and for what purposes. If its Members take fiscally irresponsible actions, the people of this land have the power to remove them from office.

We tread on dangerous ground, Mr. Speaker, when the people are led to believe that their only hope of fiscal sanity lies in a surrender of the purpose to one man—be he Republican or Democrat. Unfortunately, no one man has the knowledge or the wisdom to make such decisions. He must reply on his chosen assistants—men who have never been elected to office, and therefore are not responsible to the people. When all power vests in one man and his chosen assistants, the people will have lost their Republic. That way lies chaos and the end of constitutional government.

Mr. Speaker, I shall vote to override the veto on H.R. 3298.

EMISSION MONITORING AND REPORTING REQUIREMENTS ON FOSSIL FUEL ELECTRIC POWERPLANTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. VEYSEY) is recognized for 10 minutes.

Mr. VEYSEY. Mr. Speaker, today I am introducing legislation to place strict emission monitoring and reporting requirements on fossil fuel electric powerplants.

My legislation would make mandatory precise measurements of individual emissions. It would require that those measurements be reported in detail and that the reports be made available to the public.

Mr. Speaker, one of the glaring weaknesses in our war on air pollution is an inexcusable void in sophisticated, analytical information about smog and its components. We have a wealth of information, but much of it is contradictory and confounding. Further, the credibility gap in air pollution analysis is appalling.

This legislation is aimed at establishing direction and credibility in our system of analyzing smog from stationary electricity producing sources. This is an area where careful monitoring and reporting of emissions can make a significant, immediate contribution to our efforts to better understand and eventually eliminate our smog problem.

Without a better understanding, and without reliable, credible breakdowns of data on the components of smog and their respective evils, we will never make the progress necessary to clean up the air.

BUDGET CUT HEARINGS IN STATE OF MASSACHUSETTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. O'NEILL) is recognized for 5 minutes.

Mr. O'NEILL. Mr. Speaker, my colleague from Massachusetts, MICHAEL HARRINGTON, recently held hearings on the effect of the proposed budget cuts on his congressional district. He will, as chairman of the Ad Hoc Committee on the Budget of the Massachusetts Delegation, be holding hearings across the entire State. We are deeply grateful to him for his efforts in Massachusetts.

Mr. HARRINGTON has been generous enough to make available in the RECORD (February 28, pp. 1417–8; March 19, pp. 1633–4) for the use of all Members his analysis and a description of the methodology he used in preparing the statistics on the local impact of the budget.

Mr. Speaker, because of the considerable interest demonstrated by other Members, I am inserting today, on behalf of Mr. HARRINGTON, the following questionnaire he used to gather detailed information from State and local officials:

QUESTIONNAIRE SUBMITTED BY CONGRESSMAN MICHAEL HARRINGTON

If we are to explain the real effects of the budget cuts to the public, we must have detailed information on what these proposed cuts would mean to every city and town in the Commonwealth. The people must know that the President's budget does not hurt only a small minority of people, but will damage the economy of their cities and towns and of the entire region. We must illustrate that the programs terminated and cut back by the Nixon Budget are programs that serve every person in the state.

In order to obtain information we need volunteers to go into the cities and towns, talk with municipal officials, and find out what the cuts will mean in local areas.

For this purpose we have prepared a list of programs terminated by the Nixon Budget programs that have been utilized in the Commonwealth during the past. We hope to illustrate that the loss of these programs will endanger the progress we have made thus far in serving the people and in providing basic and necessary services.

We have also prepared a questionnaire to assist the volunteer in finding these programs on the local level.

We need to know how many people are served by each program, the amount of funding that has been received in the past and was anticipated in the future, and what local officials see as the impact of the loss of these programs and funds.

Of course, we would like as much supplementary information as possible—what effect these cuts will have on the tax rate, the future growth of the localities, the basic services provided by the government—but the questionnaire should provide us with the basic information we need.

If we are to gain support for the continuation or reinstatement of vital programs, we must illustrate their worth to the great majority of people, those who do not now feel directly affected by the budget cuts. We must show that the cuts in education, health, environmental improvement, housing and other programs, will adversely affect all people.

This description list and questionnaire are meant to aid you in your work. They are not complete in themselves; only inquiry and follow-up can provide us with the necessary information without which we can not hope to save these vital programs.

The superintendent of schools in your city or town is usually the best source of information on federal funding under education. In most cases he will be able to give you hard figures, people figures, and give you worthwhile comments on effects, etc. In some cases he may lead you to other people and groups that can help you. For example, under Environmental Education he may have knowledge of a local ecology club which takes advantage of federal funds. Please do not hesitate to ask him for leads and then follow them up.

The following questions should be asked of the superintendent of the school system:

1. What is the total student enrollment of your school?

2. What is the total number of full time/part time teachers?

TITLE I—EDUCATIONALLY DEPRIVED CHILDREN

1. How much in federal monies did your school/s receive under E.S.E.A. Title I (Educationally deprived children) in F.Y. 1973?

2. If there is no termination, how much do you anticipate in federal funds to continue this program in F.Y. 1974?

3. How many children were served under this program in F.Y. 1973?

4. Can you estimate the income of families of children served by Title I?

5. How many people were employed under Title I in F.Y. 1973? Full time? Part time?

6. What effects will the termination of this program have on these children and the community?

TITLE II—LIBRARY RESOURCES

1. How much in federal monies did your school(s) receive under E.S.E.A. Title II (Library Resources) in F.Y. 1973?

2. If there is no termination, how much do you anticipate in federal funds to continue this program in F.Y. 1974?

3. Are there any special groups or special students served under this program aside from the general student body?

4. How many new books and/or other library materials did your school receive in F.Y. 1973?

5. How many new books and/or other library materials will your school receive in F.Y. 1974?

6. What effects will the termination of this program have on these students?

TITLE III—AID TO INNOVATIVE EDUCATION

1. How much in federal monies did your school(s) receive under E.S.E.A. Title III (Aid to Innovative Education) in F.Y. 1973?

2. If there is no termination, how much do you anticipate in federal funds to continue this program in F.Y. 1974?

3. What is the total number of people or groups supplemented by Title III?

4. How many people are employed under Title III?

5. What effects will the termination of this program have on these students or groups?

TITLE IV—EDUCATION RESEARCH AND DEMONSTRATION

1. How much in federal monies did your school(s) receive under E.S.E.A. Title IV (Education Research and Demonstration) in F.Y. 1973?

2. If there is no termination, how much do you anticipate in federal funds to continue this program in F.Y. 1974?

3. What effects will the termination of this program have on the school(s), students and the community?

TITLE VI—HANDICAPPED RESEARCH AND DEMONSTRATION

1. How much did your school(s) receive under E.S.E.C. Title VI (Handicapped Research and Demonstration) in F.Y. 1973)?

2. If there is no termination, how much do you anticipate in federal funds to continue this program in F.Y. 1974?

3. How many children were served under this program in F.Y. 1973?

4. How many people are employed under Title IV? Full time? Part time?

5. What effects will the termination of this program have on these children?

TITLE VII—BILINGUAL EDUCATION

Please list languages used:

1. How much in federal monies did your school(s) receive under E.S.E.A. Title VII (Bilingual Education) in F.Y. 1973?

2. If there is no termination, how much do you anticipate in federal funds to continue this program in F.Y. 1974?

3. How many students were served under this program in F.Y. 1973?

4. How many people are employed under Title VII? Full Time? Part Time?

5. What effects will the termination of this program have on these students and the community?

TITLE VIII—DROPOUT PREVENTION

1. How much in federal monies did your school(s) receive under E.S.E.A. Title VIII (Dropout Prevention) in F.Y. 1973?

2. If there is no termination, how much do you anticipate in federal funds to continue this program in F.Y. 1974?

3. How many students were served under this title in F.Y. 1973?

4. How many people are employed under this title? Full time? Part time?

5. What effects will the termination of this program have on these students?

ENVIRONMENTAL EDUCATION

1. How much in federal monies did your school(s) receive under the environmental education program in F.Y. 1973?

2. If there is no termination, how much do you anticipate in federal funds to continue this program in F.Y. 1974?

3. How many students/people were served under this program in F.Y. 1973?

4. How many people were employed under this program in F.Y. 1973?

5. What effect will the termination of this program have on these students/people?

NUTRITION AND HEALTH

1. How much in federal monies did your school(s) receive under Nutrition and Health in F.Y. 1973?

2. If there is no termination, how much do you anticipate in federal funds to continue this program in F.Y. 1974?

3. How many students were served under this program in F.Y. 1973?

4. How many people were employed under this program in F.Y. 1973? Full time? Part time?

5. What effects will the termination of this program have on these students?

DRUG ABUSE EDUCATION

1. How much in federal monies did your school(s) receive under drug abuse education in F.Y. 1973?

2. If there is no termination, how much do you anticipate in federal funds to continue this program in F.Y. 1974?

3. How many people/students were served under this program in F.Y. 1973?

4. How many people were employed under this program in F.Y. 1973? Full time? Part time?

5. What effects will the termination of this program have on the students and the community?

FOLLOW THROUGH

1. How much in federal monies did your school(s) receive under the Follow Through program in F.Y. 1973?

2. If there is no termination, how much do you anticipate in federal funds to continue this program in F.Y. 1974?

3. How many students were served under this program in F.Y. 1973?

4. How many people were employed under this program in F.Y. 1973? Full time? Part time?

5. What effects will the termination of this program have on these students and the community?

OCCUPATIONAL, VOCATIONAL AND ADULT EDUCATION

These educational programs can exist in either secondary or vocational schools. The superintendent of the secondary school system will have information on vocational education in secondary schools and/or the programs in vocational schools. If information for vocational programs is not available, contact the principal/director of the local vocational school.

TITLE I—PART B, VOCATIONAL EDUCATION—SPECIAL NEEDS

1. How much in federal monies did your school(s) receive under the Vocational Education Special Needs program in F.Y. 1973?

2. If there is no termination, how much do you anticipate in federal funds to continue this program in F.Y. 1974?

3. How many students were served under this program in F.Y. 1973?

4. How many people were employed under this program in F.Y. 1973? Full time? Part time?

5. Can you describe the financial profile of these students' families?

6. What effects will the termination of this program have on these students and the community?

TITLE I—PART F, VOCATIONAL EDUCATION—CONSUMER AND HOMEMAKER

1. How much in federal monies did your school(s) receive under the Vocational Education-Consumer and Homemaking Program in F.Y. 1973?

2. If there is no termination, how much do you anticipate in federal funds to continue this program in F.Y. 1974?

3. How many students were served under this program in F.Y. 1973?

4. How many people were employed under this program in F.Y. 1973? Full time? Part time?

5. What effects will the termination of this program have on these students and the community?

TITLE I—PART H, VOCATIONAL EDUCATION—WORK STUDY

1. How much in federal monies did your school(s) receive under the Vocational Education—Work Study Program in F.Y. 1973?

2. If there is no termination, how much do you anticipate in federal funds to continue this program in F.Y. 1974?

3. How many students were served under this program in F.Y. 1973?

4. How many people were employed under this program in F.Y. 1973? Full time? Part time?

5. Can you describe the financial situation of these students' families?

6. What effects will the termination of this program have on these students and the community?

TITLE I—PART G, VOCATIONAL EDUCATION CO-OPERATIVE EDUCATION

1. How much in federal monies did your school(s) receive under Vocational Education—Co-operative Education in F.Y. 1973?

2. If there is no termination, how much do you anticipate in federal funds to continue this program in F.Y. 1974?

3. How much students were served under this program in F.Y. 1973?

4. How many people were employed under this program in F.Y. 1973? Full time? Part time?

5. What effects will the termination of this program have on these students and the community?

TITLE III—ADULT EDUCATION-GRANTS TO STATES

1. How much in federal monies did your school(s) receive under Title III Adult Education-Grants to States in F.Y. 1973?

2. If there is no termination, how much do you anticipate in federal funds to continue this program in F.Y. 1974?

3. How many students were served under this program in F.Y. 1973?

4. How many people were employed under this program in F.Y. 1973? Full time? Part time?

5. What effects will the termination of this program have on these students and the community?

SCHOOL ASSISTANCE IN FEDERALLY IMPACTED AREAS

1. How much in federal monies did your school(s) receive under the School Assistance in Federally Impacted Areas Program in F.Y. 1973?

2. If there is no termination, how much do you anticipate in federal funds to continue this program in F.Y. 1974?

3. How many students were served under this program in F.Y. 1973?

4. How many people were employed under

this program in F.Y. 1973? Full time? Part time?

5. What effects will the termination of this program have on these students and the community?

SPECIAL MILK PROGRAM (DEPARTMENT OF AGRICULTURE)

1. How much in federal monies did your schools(s) receive under the Special Milk Program in F.Y. 1973?

2. If there is no termination, how much do you anticipate in federal funds to continue this program in F.Y. 1974?

3. How many students were served under this program in F.Y. 1973?

4. How many people were employed under this program in F.Y. 1973? Full time? Part time?

5. What effects will the termination of this program have on these students and the community?

6. Do/Does your school(s) have a breakfast and/or hot lunch program? Yes? No? Both?

EDUCATION FOR THE HANDICAPPED

1. How much in federal monies did your school(s) receive under the Education for the Handicapped Program in F.Y. 1973?

2. If there is no termination, how much do you anticipate in federal funds to continue this program in F.Y. 1974?

3. How many students were served under this program in F.Y. 1973?

4. How many people were employed under this program in F.Y. 1973. Full time? Part time?

5. What effects will the termination of this program have on the handicapped in the community?

NATIONAL DEFENSE EDUCATION ACT TITLE III AUDIOVISUAL EQUIPMENT

1. How much in federal monies did your school(s) receive under the National Defense Education Act, Title III Audio-Visual Equipment Program in F.Y. 1973?

2. If there is no termination, how much do you anticipate in federal funds to continue this program in F.Y. 1974?

3. How many students were served under this program in F.Y. 1973?

4. How many people were employed under this program in F.Y. 1973?

5. What effects will the termination of this program have on the students and the community?

TITLE 5A—GUIDANCE

1. How much in federal monies did your school(s) receive under the Guidance Program in F.Y. 1973?

2. If there is no termination, how much do you anticipate in federal funds to continue this program in F.Y. 1974?

3. How many students were served under this program in F.Y. 1973?

4. How many people were employed under this program in F.Y. 1973? Full time? Part time?

5. What effects will the termination of this program have on these students and the community?

H.U.D.—See Housing Authority or other appropriate official.

RENT SUPPLEMENTS

1. How much federal monies did your city/town receive in F.Y. 1973 under this program?

2. If there is no termination, how much do you anticipate in federal funds to continue this program in F.Y. 1974?

3. How many people were served in F.Y. 1973?

4. Were you planning on federal funds in F.Y. 1974 or near future? If yes, please explain.

5. Was an application ever filed in serious or final stages; in initial planning stages, or discussion? If yes, please explain.

6. What effects will the termination of this program have on the community?

LOW-RENT PUBLIC HOUSING

1. How much federal monies did your city/town receive in F.Y. 1973 under this program?

2. If there is no termination, how much do you anticipate in federal funds to continue this program in F.Y. 1974?

3. How many people were served in F.Y. 1973?

4. Were you planning on federal funds in F.Y. 1974 or near future? If yes, please explain.

5. Was an application ever filed in serious or final stages; in initial planning stages, or discussion? If yes, please explain.

6. What effects will the termination of this program have on the community?

NONPROFIT SPONSOR ASSISTANCE

1. How much federal monies did your city/town receive in F.Y. 1973 under this program?

2. If there is no termination, how much do you anticipate in federal funds to continue this program in F.Y. 1974?

3. How many people were served in F.Y. 1973?

4. Were you planning on federal funds in F.Y. 1974 or near future?

5. Was an application ever filed in serious or final stages; in initial planning stages, or discussion? If yes, please explain.

6. What effects will the termination of this program have on the community?

COMMUNITY DEVELOPMENT PROGRAMS

Urban Renewal

1. How much federal monies did your city/town receive in F.Y. 1973 under this program?

2. If there is no termination, how much do you anticipate in federal funds to continue this program in F.Y. 1974?

3. How many people were served in F.Y. 1973?

4. Were you planning on federal funds in F.Y. 1974 or near future?

5. Was an application ever filed in serious or final stages; in initial planning stages, or discussion? If yes, please explain.

6. What effects will the termination of this program have on the community?

BASIC WATER AND SEWER

1. How much federal monies did your city/town receive in F.Y. 1973 under this program?

2. If there is no termination, how much do you anticipate in federal funds to continue this program in F.Y. 1974?

3. How many people were served in F.Y. 1973?

4. Were you planning on federal funds in F.Y. 1974 or near future?

5. Was an application ever filed in serious or final stages; in initial planning stages, or discussion? If yes, please explain.

6. What effects will the termination of this program have on the community?

OPEN SPACE

1. How much federal monies did your city/town receive in F.Y. 1973 under this program?

2. If there is no termination, how much do you anticipate in federal funds to continue this program in F.Y. 1974?

3. How many people were served in F.Y. 1973?

4. Were you planning on federal funds in F.Y. 1974 or near future?

5. Was an application ever filed in serious or final stages; in initial planning stages, or discussion? If yes, please explain.

6. What effects will be termination of this program have on the community?

NEIGHBORHOOD FACILITIES

1. How much federal monies did your city/town receive in F.Y. 1973 under this program?

2. If there is no termination, how much do you anticipate in federal funds to continue this program in F.Y. 1974?

3. How many people were served in F.Y. 1973?

4. Were you planning on federal funds in F.Y. 1974 or near future?

5. Was an application ever filed in serious or final stages; in initial planning stages, or discussion? If yes, please explain.

6. What effects will the termination of this program have on the community?

REHABILITATION LOANS

1. How much federal monies did your city/town receive in F.Y. 1973 under this program?

2. If there is no termination, how much do you anticipate in federal funds to continue this program in F.Y. 1974?

3. How many people were served in F.Y. 1973?

4. Were you planning on federal funds in F.Y. 1974 or near future?

5. Was an application ever filed in serious or final stages; in initial planning stages, or discussion? If yes, please explain.

6. What effects will the termination of this program have on the community?

PUBLIC FACILITY LOANS

1. How much federal monies did your city town receive in F.Y. 1973 under this program?

2. If there is no termination, how much do you anticipate in federal funds to continue this prorgam in F.Y. 1974?

3. How many people were served in F.Y. 1973?

4. Were you planning on federal funds in F.Y. 1974 or near future?

5. Was an application ever filed in serious or final stages; in initial planning stages, or discussion? If yes, please explain.

6. What effects will the termination of this program have on the community?

COLLEGE HOUSING

1. How much federal monies did your city/town receive in F.Y. 1973 under this program?

2. If there is no termination, how much do you anticipate in federal funds to continue this program in F.Y. 1974?

3. How many people were served in F.Y. 1973?

4. Were you planning on federal funds in F.Y. 1974 or near future?

5. Was an application ever filed in serious or final stages; in initial planning stages, or discussion? If yes, please explain.

6. What effects will the termination of this program have on the community?

MODEL CITIES

1. How much federal monies did your city/town receive in F.Y. 1973 under this program?

2. If there is no termination, how much do you anticipate in federal funds to continue this program in F.Y. 1974?

3. How many people were served in F.Y. 1973?

4. Were you planning on federal funds in F.Y. 1974 or near future?

5. Was an application ever filed in serious or final stages; in initial planning stages, or discussion? If yes, please explain.

6. What effects will the termination of this program have on the community?

NEW COMMUNITIES ASSISTANCE

1. How much federal monies did your city/town receive in F.Y. 1973 under this program?

2. If there is no termination, how much do you anticipate in federal funds to continue this program in F.Y. 1974?

3. How many people were served in F.Y. 1973?

4. Were you planning on federal funds in F.Y. 1974 or near future?

5. Was an application ever filed in serious or final stages; in initial planning stages, or discussion? If yes, please explain.

6. What effects will the termination of this program have on the community?

COMMUNITY DEVELOPMENT TRAINING AND URBAN FELLOWSHIPS

1. How much federal monies did your city/town receive in F.Y. 1973 under this program?

2. If there is no termination, how much do you anticipate in federal funds to continue this program in F.Y. 1974?

3. How many people were served in F.Y. 1973?

4. Were you planning on federal funds in F.Y. 1974 or near future?

5. Was an application ever filed in serious or final stages; in initial planning stages, or discussion? If yes, please explain.

6. What effects will the termination of this program have on the community?

NATIONAL DEFENSE STUDENT LOANS-DIRECT LOAN CONTRIBUTIONS—P.L. 85-864

1. How much in federal monies did your school(s) receive under this program in F.Y. 1973?

2. If there is no termination, how much do you anticipate in federal funds to continue this program in F.Y. 1974?

3. How many students were served under this program in F.Y. 1973?

4. What effects will the termination of this program have on the students and the college/university community?

WORK STUDY PROGRAM—P.L. 88-452

1. How much in federal monies did your school(s) receive under this program in F.Y. 1973?

2. If there is no termination, how much do you anticipate in federal funds to continue this program in F.Y. 1974?

3. How many students were served under this program in F.Y. 1973?

4. How many students were employed under this program in F.Y. 1973? Full time? Part time?

5. What effects will the termination of this program have on the students and the college/university community?

HIGHER EDUCATION-LAND GRANT COLLEGES AND UNIVERSITIES—P.L. 132

1. How much in federal monies did your school(s) receive under this program in F.Y. 1973?

2. If there is no termination, how much do you anticipate in federal funds to continue this program in F.Y. 1974?

3. How many students were served under this program in F.Y. 1973?

4. How many people were employed under this program in F.Y. 1973? Full time? Part time?

5. What effects will the termination of this program have on the students and the college/university community?

EDUCATIONAL OPPORTUNITY GRANTS, P.L. 89-329

1. How much in federal monies did your school(s) receive under this program in F.Y. 1973?

2. If there is no termination, how much in federal funds to continue this program in F.Y. 1974?

3. How many students were served under this program in F.Y. 1973?

4. What effects will the termination of this program have on the students and the college/university community?

HIGHER EDUCATION ACADEMIC FACILITIES CONSTRUCTION—PUBLIC AND PRIVATE COLLEGES AND UNIVERSITIES

1. How much in federal monies did your school(s) receive under this program in F.Y. 1973?

2. If there is no termination, how much do you anticipate in federal funds to continue this program in F.Y. 1974?

3. How many students were served under this program in F.Y. 1973?

4. How many people were employed under this program in F.Y. 1973? Full time? Part time?

5. What effects will the termination of this program have on the students and the college/university community?

UNIVERSITY COMMUNITY SERVICE-GRANTS TO STATES—P.L. 92-820

1. How much in federal monies did your school(s) receive under this program in F.Y. 1973?

2. If there is no termination of this program, how much do you anticipate in federal funds to continue this program in F.Y. 1974?

3. How many students were served under this program in F.Y. 1973?

4. How many people were employed under this program in F.Y. 1973? Full time? Part time?

5. What effects will the termination of this program have on the students and the college/university community?

PUBLIC HEALTH AND MENTAL HEALTH

Hospital Administrators are the best source of information for health care and services and mental health information.

Hill-Burton program (hospital construction)

1. Did your hospital receive any money under Hill-Burton for hospital construction in F.Y. 73? How much? For what purpose?

2. Were you planning on federal funds in F.Y. 74 or near future? How much? For what purpose?

3. Was an application ever filed; in serious or final stages; in initial planning stages, or discussion? If yes, please explain.

4. What effect will the termination of Hill-Burton Construction aid have on the hospital and the community?

Nursing capitation grants

1. Do you have a nursing school or program? Yes? No?

2. How much in federal funds from nursing capitation grants did your hospital receive in F.Y. 73?

3. How many students received grants in F.Y. 73?

4. How much in federal funds, if there is no termination, do you anticipate in F.Y. 74?

5. How many students, if there were no termination, would receive grants in F.Y. 74?

6. What effects will a termination of this program have on the hospital, the students, or the community?

Advance funds to hospitals or medicare clients

(Must be returned by July 1)

1. Does your hospital take advantage of these advanced funds?

2. How much will you have to return to the federal government?

Mental health

1. Did you have plans for construction or staffing federal grants for a community mental health center? How much?

2. Was an application ever filed; in serious or final stages; in intial planning stages, or discussion? If yes, please explain.

3. What effect will the termination of mental health staffing and construction grants have on the hospital and the community?

Are there any other areas where you will have problems, lose money, and be adversely affected because of cuts in the federal budget?

THE CHIEF LIBRARIAN IN THE LOCAL LIBRARY IS THE BEST SOURCE OF INFORMATION FOR THE LIBRARY SERVICES AND CONSTRUCTION ACT

Title I—(Grants for public libraries)

1. How much in federal monies did your library receive under Title I LSCA (Grants for Public Libraries) in F.Y. 73?

2. If there is no termination, how much do you anticipate in federal funds in F.Y. 74?

3. How many people were served in F.Y. 73?

4. Was an application ever filed, in serious or final planning stages; in initial planning stage, or discussion, If yes, please explain.

5. What effects will the termination of this program have in the community?

Title II—(Construction of public libraries)

1. How much in federal monies did your library receive under Title II (Construction of Public Libraries) in F.Y. 73?

2. If there is no termination, how much do you anticipate in federal funds in F.Y. 74?

3. Was an allocation ever filed; in serious or final stages, in initial planning stages, or discussion. If yes, please explain.

4. What effect will the termination of this program have on the community?

PROTECTION OF THE U.S. SUGAR QUOTAS OF FRIENDLY COUNTRIES: AN URGENT NEED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. MATHIS) is recognized for 10 minutes.

Mr. MATHIS of Georgia. Mr. Speaker, the recent antihijacking agreement concluded between the United States and Cuba has raised the possibility of the reestablishment of diplomatic relations between the United States and Havana in the relatively near future. There are two schools of thought on this subject. One asserts that such a move would be a natural part of the current trend toward normalization of relations with the Communist world. The other maintains that recognition of Castro Cuba is a special case because of the potentially damaging effects on the political and social infrastructures of other Latin American countries which could result from conferring diplomatic recognition to Castro prior to the establishment of a democratic system in Cuba. The relative merits of the arguments of these two schools of thought should be subjected to widespread rational debate.

Neither school of thought has yet put into proper perspective one of the most important aspects of the problem, the U.S. sugar quota. This aspect has global implications for U.S. foreign policy.

Until 1961 Cuba was the major supplier of cane sugar to the U.S. market. In 1960 the Cuban sugar quota was 2,419,655 tons, representing 48.08 percent of U.S. sugar imports. Since 1961 this quota has been reapportioned among many other countries. A consequence of this reapportionment has been an impetus to the growth of the sugar industry in these countries.

If the United States should reestablish diplomatic relations with Cuba, the rationale of normalization of relations would imply the ultimate restoration of Cuba's sugar quota. The prospect of this could lead to drastic dislocations in the economies of the diverse nations presently sharing a part of the former Cuban sugar quota. These economic dislocations in turn could prove so politically disruptive that the United States, in normalizing relations with one country, could as a consequence contribute to the creation of diplomatic and economic complications with, and in some cases grave difficulties for, nearly 30 countries. Prudence would dictate that the United States should act responsibly toward the friendly countries concerned before, rather than after, problems should arise.

The following tables from the Department of Agriculture showing the 1960 and 1972 sugar quotas in tonnage and percentage of the total U.S. sugar quota indicate the countries which could be damaged by the restoration of Cuba's sugar quota.

Firm assurances to these friendly countries from both the executive and legislative branches of the United States Government that any possible reestablishment of diplomatic relations with Castro Cuba would in no way lead to a reduction of their present sugar quotas is an urgent need.

Country	1960		1972	
	Quota (tons)	Percent	Quota (tons)	Percent
Philippines	1, 156, 426	22. 98	1, 431, 761	26. 31
Argentina	0	0	87, 908	1. 62
Australia	0	0	210, 896	3. 88
Brazil	100, 347	1. 99	635, 498	11. 68
British Honduras	0	0	39, 144	.72
British West Indies	90, 765	1. 84	177, 288	3. 26

Country	1960 quota		1972 quota	
	Tons	Percent	Tons	Percent
Cuba	2, 419, 655	48. 08	0	0
Philippines	1, 156, 426	22. 98	1, 431, 761	26. 31
Argentina	0	0	87, 908	1. 62
Australia	0	0	210, 896	3. 88
Brazil	100, 347	1. 99	635, 498	11. 68
British Honduras	0	0	39, 144	.72
British West Indies	90, 765	1. 84	177, 288	3. 26
China (Republic of)	10, 476	.21	87, 804	1. 61
Colombia	0	0	78. 287	1. 44
Costa Rica	10, 469	.21	101, 597	1. 86
Dominican Republic	452, 814	9. 00	736. 807	13. 54
Ecuador	0	0	93, 827	1. 72
El Salvador	6, 000	.12	49, 723	.91
Fiji Islands	0	0	46, 212	.85
Guatemala	6, 000	.12	85, 707	1. 53
Honduras	0	0	17, 495	0. 32
India	0	0	84, 168	1. 55
Ireland	0	0	5, 551	.10
Malagasy Republic	0	0	12, 603	.23
Mauritius	0	0	31, 089	.57
Mexico	400, 437	7. 96	651, 615	11. 98
Nicaragua	41, 766	.83	74, 586	1. 37
Panama	10, 476	.21	41, 933	.77
Paraguay	0	0	7, 484	.14
Peru	273, 807	5. 44	449, 662	8 26
South Africa	0	0	59, 656	1. 10
Swaziland	0	0	31, 089	.57
Thailand	0	0	19, 325	.36
Venezuela	0	0	70, 210	1. 29

Source: Prepared by Quota and Allotment Branch, Sugar Division, ASCS—USDA.

BILL TO EXPEDITE CLEANUP OF PRIVATE PROPERTY AFTER OIL SPILLS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. HARRINGTON) is recognized for 10 minutes.

Mr. HARRINGTON. Mr. Speaker, in less than 2 years, my district has suffered three major oil spills. This problem is not a local problem, but one which affects every coastal district in the United States. As the United States' need for oil grows and its need for imported oil grows even faster, additional and more serious oil spills are inevitable.

Under the Federal Water Pollution Control Act, the Coast Guard has the primary responsibility for cleaning up oil spills. I have found that the Coast Guard generally does a commendable job in quickly removing free-floating oil from the water, and oil from public lands. However, the Water Pollution Control Act does not authorize the Coast Guard, or any other Federal agency, to assist the owners of private beachfronts, boats, floats, docks, and other items of private property in the case of a spill. The private party has to work out his problems with the party who is responsible for the spill.

While private property owners often have no problems in arranging for the removal of oil from their property, and getting compensation from the negligent party for their losses, this is not always the case.

The legislation I am introducing today will assure that the removal of oil from private property will proceed expeditiously.

It authorizes the Coast Guard to prescribe standards for the removal of discharged oil from private property. When a spill occurs, the Coast Guard must draw up a timetable for the cleanup of private property by the party responsible for the spill.

If the party does not remove the oil from private property within the time frame deemed reasonable by the Coast Guard, the Coast Guard then is authorized to arrange for the removal of the oil, and to assess all clean up costs against the negligent party.

In addition, the negligent party becomes liable for fines of up to $1,000 a day for not cleaning up private property within the time frame specified by the Coast Guard.

Finally, the bill contains a provision which makes the owner, and operator, of an oil tanker or facility equally liable in the case of an accident. Often, a facility is owned by one corporation, and leased to another. If a spill occurs, and each party disavows negligence, then the case must be settled in court, to the detriment of the owners of damaged property who may have to wait years before receiving compensation for their damages. The equal liability provision not only will expedite cleanup and compensation, but also should act as a self-policing mechanism to minimize the chance of spills.

If a company knows in advance that it will be held liable for any damage incurred by equipment or facilities it leases or rents—regardless of who is to blame for the failure of the equipment—it will have a built-in incentive to rent or lease equipment in top operating condition. Likewise, a company is unlikely to lease its tankers or facilities to an unqualified operator if it knows that it will be held liable for the mistakes of its lessee.

As this country's need for energy grows, so will the number of accidents and spills. Beachfront property and boat owners should be protected from negligent polluters. My bill strengthens the Federal Water Pollution Control Act to permit the government to offer that protection.

Mr. Speaker, I ask unanimous consent to reprint below the text of the bill.

H.R. 6718

A bill to amend the Federal Water Pollution Control Act to impose an additional liability upon owners and operators of vessels, on-shore facilities, and offshore facilities for the discharge oil onto private property, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 311 of the Federal Water Pollution Control Act (Public Law 92-500; 86 Stat. 816 et seq.) is amended by adding at the end thereof the following new subsection:

"(q) (1) It shall be the duty of the Secretary of the department in which the Coast Guard is operating (hereafter in this subsection referred to as the "Secretary") to prescribe standards for the removal of discharged oil from private property consistent with the National Contingency Plan required by subsection (c) (2) of this section and regulations issued under subsection (j) (1) of this section.

"(2) In the case of oil discharged from a vessel, onshore facility, or offshore facility into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone which, as a result of such discharge, affects private property (including, but not limited to shorelines, beaches, boats, moorings, floats and docks), the Secretary shall notify the persons owning or operating any such vessel, onshore facility, or offshore facility from which oil is discharged, to remove such oil in accordance with standards prescribed under paragraph (1) of this subsection and shall prescribe in such notification a reasonable period of time (beginning with the date of the discharge) within which the oil should be removed.

"(3) In any case where an owner or operator of a vessel, of an onshore facility or of an offshore facility from which oil is discharged into or upon the navigable waters of the United States, adjoining shorelines or into or upon the waters of the contiguous zone, which discharge affects private property and such owner or operator fails to remove such oil in violation of this subsection, the Secretary is authorized to act to remove or arrange for the removal of such oil. Except as provided by paragraph (5), all cleanup costs incurred pursuant to this paragraph shall be assessed against such owner.

"(4) If at the end of the time so specified in the Secretary's notification the removal so required has not been completed, the persons owning or operating such vessel, onshore facility, or offshore facility shall be liable to the United States for a civil penalty established by such Secretary of not more than $1,000 for any oil discharge of 100,000 barrels or more and $500 for any oil discharge under 100,000 barrels. In addition such persons shall be liable to the United States for a civil penalty established by the Secretary of not more than $1,000 per day in the case of an oil discharge of 100,000 barrels or more and $500 per day in the case of an oil discharge under 100,000 barrels, for each day after the expiration of the time period, such oil is not removed.

"(5) In any case where the owner and operator are two separate persons bound by a contractual agreement (rental or lease), the owner shall be liable for 50 percent of all cleanup costs and penalties under this subsection and the operator shall be liable for 50 percent of all cleanup costs and penalties under this subsection.

"(6) No civil penalty shall be assessed under this subsection unless the owner or operator alleged to have violated this subsection shall have been given notice and opportunity for a hearing. Any such penalty may be compromised by the Secretary. In determining the amount of the penalty, or the amount agreed upon in the compromise, the appropriateness of such penalty to the size of the business of the owner or operator charged, the effect on the owner or operator's ability to continue in business, and the gravity of the violation shall be considered by such Secretary. The Secretary of the Treasury shall withhold, at the request of the Secretary, the clearance required by section 4197 of the Revised Statute of the United States, as amended (46 U.S.C. 91), of any vessel the owner or operator of which is subject to the foregoing penalty. Clearance may be granted in such cases upon the filing of a bond or other surety satisfactory to the Secretary.

"(7) In any case where an owner or operator of a vessel, of an offshore facility, or of an offshore facility, from which oil is discharged can prove that a discharge was caused solely by (A) and act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator shall not be liable for any civil penalty or cleanup cost under this subsection.

"(8) Nothing in this subsection shall affect or modify in any way the obligations of any owner or operator of any onshore facility or offshore facility to any person or agency under any provision of law for damages to any publicly-owned or privately-owned property resulting from a discharge of any oil or from the removal of any such oil."

THE "DELTA QUEEN," A LIVING MUSEUM, MUST BE PRESERVED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. Alexander) is recognized for 5 minutes.

Mr. ALEXANDER. Mr. Speaker, as the country approaches its bicentennial celebration, and the Mississippi River nears its tricentennial birthday, organizations and citizens across the Nation scramble to prepare pageants, monuments and other suitable historical tributes to a great land and her greatest river.

However, just as the river was important in bringing together two segments of a vast continent, the riverboat was responsible for tying together the towns along the river. Yet, at the same time we are working so diligently to preserve in museums and memorials bits end pieces of our culture and heritage, we are preparing to let die one of the last operating reminders of our river heritage in this Nation. The *Delta Queen*, the last remaining operating member of that family of colorful and infamous riverboats that carried their cargo, gamblers and riverboat queens up and down the rivers of our country, will be banished from the Mississippi and her tributaries unless we in the Congress act soon.

The *Delta Queen* is a living museum of fine riverboat design and engineering—impossible to duplicate in our day and age. For this reason, I, along with other Representatives, have sponsored legislation in the past which granted this vessel temporary reprieves from her fate. Her latest reprieve expires on November 1, 1973.

I think we should again adopt legislation which would exempt the *Delta Queen* from the fire standards established for deep-water vessels and today I am introducing legislation to this effect. The *Queen* does not have the steel superstructure required of deep sea vessels. However, she is not an ocean-going vessel and is never more than 4 minutes from land. And, since the enactment of the Safety at Sea Regulations, her owners have spent more than $1.5 million in safety equipment.

I think Los Angeles Times writer Jenkin Lloyd Jones aptly summed up the situation in this way:

> To knock off the *Delta Queen* because of a law designed for ocean liners would be like pulling down the Tower of London because it doesn't meet city fire escape regulations for public places.

The exemption we ask for is not a permanent one. In 5 years a new $15.5 million passenger riverboat is scheduled for completion by the owners of the *Delta Queen*. It is financially vital to the building of this new vessel that the *Delta Queen* be allowed to continue operation until her replacement is ready.

Although editorial writers from all over the country have written reams on why the *Delta Queen* should be saved, I think a letter which I received from a young boy, Mark Rogers, from West Helena, Ark., most eloquently expresses the sentiment of river lovers everywhere. I would like to share Mark's letter with you at this point. After all, it is for the future generations that we preserve such history.

April 9, 1973.

Bill Alexander,
Member of Congress,

Dear Sir: I am a boy 15 years old and am writing in behalf of the Delta Queen. I have grown up on the river in Helena, Arkansas and have become very interested in "Steamboats" mainly the Delta Queen. I have been keeping up with her since she was here last year, this time on tour. I have collected information and have filled a scrapbook of mine to the edges. I've had the privilege to tour the Queen and from then on I have wanted to ride her. Some day my ambition to fill is to pilot a towboat on the Mississippi River and would give anything to ride the Queen, but it is very costly. It is supposed to be halted from its cruises in November 1973 and now there is no possible way I can ever ride her. Even though my dreams are broken, I would like other kids to see the beauty in a lone steamboat plying down the river at sunset or hear the lonely moanful whistle echoing round the bend or the excitement of a close steamboat race. If you were one who voted her off the river, I challenge you to tour her, ride her, you could never have a more historic remembrance. She's a living monument of all the steamboats that built our country to the greatness it is today. If she's put away so many people'll never see a steamboat. They can never relive, ride, remember the great steamboats' era's last segment.

Sincerely,

Mark Rogers.

ISAAC SHKOLNIK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. Burton), is recognized for 5 minutes.

Mr. BURTON. Mr. Speaker, the trial of Isaac Shkolnik, a Soviet Jew, will conclude this week in Vinnitsa, Ukraine S.S.R. Mr. Shkolnik has been charged with anti-Soviet propaganda and industrial sabotage. These offenses were alleged to have been committed in 1966 and 1967 but it was not until after Mr. Shkolnik applied for permission to immigrate to Israel that he was arrested in July 1972.

Mr. Shkolnik's trial is a closed military tribunal. His state-appointed defense counsel has less than a good reputation in his handling of similar cases.

At a time, Mr. Speaker, when there are discernible thaws in Soviet-American relations, when we are discussing freer trade between our two nations, trials such as the Shkolnik trial do nothing to foster this good will. In fact, they hamper progress toward freer trade relations.

The Shkolnik trial is but a focal point for the broader issue of the treatment of Soviet Jews who wish to immigrate to Israel. For 5 years, Mr. Shkolnik followed his trade as a mechanic after the alleged violations of Soviet law took place. He was not charged until after he had made his desires to go to Israel known to Soviet officials.

I take this opportunity to make known to the Members of the House and to those who will read this Record that this one Member of the House feels that the Soviet policy toward its Jewish citizens, and the Shkolnik trial in particular, aggravates the possibility of trade between the United States and the Soviet Union.

THE ROLE OF CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. McFall) is recognized for 5 minutes.

Mr. McFALL. Mr. Speaker, several distinguished Members of the Congress and astute observers of our National Legislature tackled the budgetary issues facing Congress in a panel discussion sponsored by Time, Inc., in its "The Role of Congress" symposia series. Mr. Hedley Donovan, Time, Inc., served as moderator. Their discussion follows in today's Record:

To start the discussion with the panel, I'd like to ask both Senators to respond, if they will, to a key point in Dr. Fenno's paper, which is how do you make a Congressman concerned and to act on that concern about the institutional integrity of Congress. Senator Ribicoff?

Senator Ribicoff. There is no way you can make him do so as long as the voters are indifferent as to what kind of Congressmen you have. Dr. Fenno claims that all a Congressman has to do is to do the local errands for his constituents. This is an important part of his job; and if he works hard at it, he can succeed.

But I believe that if you get a Congressman or a Senator who is willing to take care of his chores and still is willing to tackle the tough issues, to become an educator in his constituency, this type of Congressman and Senator can have support and can achieve re-election too. How do you get a Congressman to do so? I pass the buck right back to the people.

People get the type of Congressman or Senator they deserve. So it becomes very important to make the voter aware of the various elements of a Congressman's duties and to let the public demand that a Congressman fulfill all of them.

Senator Mathias. Well, I would agree with Senator Ribicoff that the ultimate test of how a Congressman has got to behave is probably the kind of test that is imposed on him by the people who send him to Washington. In the 19th century there were some political philosophers who speculated on how you affect Congressional behavior; and one of the most famous of these said the way you affect the Congressman, the way you change a Congressman's judgment, is to hit him on the snout. And this was illustrated when appropriate cartoons in *Harper's*, or whatever predecessor of TIME carried this particular political philosophy, hit him on the snout.

Well, I don't think it is quite that bad here in the latter two-thirds of the 20th century, I don't think you have to hit Congressmen on the snout. I'd like to say one word for the bona fides of Congress. I think most members of Congress want to do the right thing, both by their constituents and by the country. They want to do the right thing by the Congress as one of the constitutional instruments for governing the country.

The problem is that many specific cases that are brought to them for decision are sometimes not set in the kind of dramatic background where they can view this as a great constitutional watershed. Now, there is an element of leadership. It is an element of leadership on the part of the Executive, which may have a sort of hostile interest, and it is an element of leadership on the part of other members of the Congress. And it is one of the elements of national life that I think we ought to start examining very closely.

This is good place and a good time to do it because you do need that kind of leadership that helps to underscore when you have reached a watershed, when you are at a Rubicon, when you are making a decision that is going to be of enormous constitutional importance.

Now, I think clearly the decision that the Senate made a month of two ago—when it said to the President: "We are not going to give you the power to make every appropriation, to decide the size of every appropriation, to in effect become the appropriating power notwithstanding the constitution,"—that was one of those watershed decisions. But the House of Representatives passed it as if it was an ordinary housekeeping item that wasn't important.

This is one of the ways in which I think Congress can address itself to those institutionalized questions that make the difference.

Professor Fenno. I might just comment on the last item Neil MacNeil and Senator Mathias and Senator Ribicoff talked about, the spending ceiling. I just want to use this as an example of something that I heard when I traveled around this fall. Half the Congressmen I traveled with berated the House of Representatives for being so spineless that they gave away the purse strings to the President. The other half berated the Congress for being so spineless in exercising the power of the purse strings in the first place that the President had to act.

These are two different positions both taken before very supportive audiences, both in a way illustrating the point I was making that sometimes the Congressman runs against the Congress. Now, the answer to one person is, well, once the President threw down the gauntlet why didn't the House of Representatives stand up and defend the purse strings? Another answer is to the other fellow. If most people agree that a spending ceiling was desirable, why didn't Congress take the bull by the horns in the first place and cut the necessary appropriations itself?

I think there are two answers. There is one answer to each side of the puzzle. One answer is that the Congress does not have, as Senator Mathias pointed out, the institutional machinery for taking an overview of the budget; and that is why they didn't go ahead and decide on what spending level ought to be arrived at and then do some cutting of their own, setting priorities of their own. The other answer to the other side is that it looked like the election was awful close and instead of reacting as an institution, House members acted as individuals and broke along somewhat philosophical or partisan lines with each man trying to secure re-election for himself.

And the problem in both cases is to get these people to think institutionally, on the basis of machinery for every day, and on the basis of the institution when, in fact, it is threatened.

Senator Ribicoff. Along that line, if I may remark, Neil, the action of the Senate in turning down the President's request was one of the most significant in modern times. What was meaningful to me is that Senators—North, South, East, and West—Republicans and Democrats, liberals and conservatives, middle of the roaders, all were of one mind, that this was a basic challenge to the institution of Congress. And the quality of the debate in the Senate of the U.S. was as high as you could find in a great constitutional crisis.

The next constitutional crisis of similar impact will come if the President, as he has indicated he will do, seeks to reorganize the Federal Government by Executive action. The Congress of the U.S. has the power and authority to set up what the Executive Branch should be and how it should be constituted. The President has a right to make changes within a department, but once you change the structure and form of the Executive Branch, this is within the power of the Congress of the U.S.

And should the President try to reorganize the Federal Government by Executive action, you will then have the next confrontation between the Executive Branch and the Congress.

Mr. MacNeil. One point I noticed in reference to what Dr. Fenno has said, that on this vote, as on so many votes, there is always within the Congress a confusion of the actual issues; and the confusion comes in two terms. One is on a party basis. Democrats v. Republicans, and the other is on ideology. The decision in the Senate differed from the decision of the House. The House went along.

A great part of the House vote. I think, was because the House is a more conservative body. The members were concerned about the size of the national budget, and they saw no other way to reduce spending except by going along with this extraordinary request by the President. In the Senate those who supported the President—it was not a unanimous vote in the Senate by any means—those who supported the President in essence supported the kind of cuts they anticipated from him.

Senator Mondale said recently that he talked to some of the men who supported the President on this issue to allow the President this unprecedented power. Mondale asked them how they would have voted if they could have assumed that George McGovern would be President. The only thing they could say was in that case they would have had to repeal that particular law because he would have had other criteria. And this to me has always been a problem: the problem in Congress of members winking at the constitutional incursions of the President of their own party.

I think it applies to both Democrats and Republicans. There is a famous story about a Congressman from New York many years ago approaching President Cleveland on a minor bill which President Cleveland believed, in the traditional sense of vetoing a bill, that it was unconstitutional. He put his arm around the President's shoulder and he said: "What's the Constitution between friends?"

Mr Donovan Neil, I wonder if we might not open this up to general conversation, questioning and argument from the floor. Dr. George Kistiakowsky told me before dinner he might have something to say. Would you like to?

Dr. Kistiakowsky. Thank you very much Mr. Donovan. It is really quite unfair because after all of these really high-level, overall issues that were discussed by the members of the panel, I'd like to bring up an issue which is of a very difinitely lower level

It is that we are today very much a technological society. An overwhelming fraction of the legislation that comes before Congress involves very complex technological issues. And yet I feel that Congress has not organized itself to understand these issues. I submit that there has to be a mechanism within Congress to explain to the legislators what these technological issues are, and they very seldom are black or white.

I would submit that an infusion of new blood, new sources of information are necessary. I think that the new Office of Technology Assessment will be very helpful. But something more than that is needed. The staffs of the Senate and House committees must have expert knowledge on technological matters so that the legislators themselves can get a much more balanced view of what is involved in these complex matters.

Senator Mathias. Let me say that I agree completely that the Congress needs to equip itself with a kind of technical advice that we don't have today. And to do that we don't have to attempt to duplicate the six million people who are now on the Executive Branch payroll. We can have small, highly educated, highly qualified, highly analytical and critical staffs, and we need to do this.

The reason we haven't done it in my judgment is because we are too lily-livered. And to this extent I am in Dr. Fenno's camp because I think we haven't really had the courage to go out and recruit the people and pay the price to get the kind of expert advice that we need. Now, we are moving in that direction and I think we are going to do better than we have before. But heretofore we have been a little sensitive to public criticism about the size of the congressional budget, the size of our staffs, and what we are spending on Capitol Hill.

I hope that through this kind of meeting we can make people understand that these are not moneys that are spent for our own aggrandizement, for our own prestige, for our own social status, but it is really in order to do the job.

Senator RIBICOFF. May I comment. Doctor, I agree with you, and to this end I held a series of hearings as chairman of the Committee on Executive Reorganization. As a result of those hearings we drafted, passed in committee, and in the U.S. Senate a proposal to give to the General Accounting Office, which is really an arm of the Congress, the authority to employ the necessary staff and to hold the responsibility for evaluating proposals coming to us from the Executive Branch. The evaluation would be available not only to committee chairmen, but to every member of Congress. It would be available on the highly technical, complex problem facing a modern society, and on matters which Congress itself does not now have the technical competence to handle.

Recognizing that we did not want to create a staff as large as the staffs in the Executive Branch, we gave authority to the GAO to hire consultants and experts on highly technical problems on a case by case basis, paying them the going fee. Unfortunately, like a lot of good legislation that passes the Senate, it died in the House.

So I am glad that we have with us the next majority leader of the House of Representatives. And I am willing to undertake with Senator Mathias' help to try to pass that GAO authorization bill again to enlarge the authority of the GAO, in order to give us the knowledge that we need. I am positive that we can pass this in the Senate, so will you see your Congressman, Mr. O'Neill, and see if you can get some help from him in the House?

Mr. DONOVAN. I wonder if I could ask a question of both the Senators and perhaps any of the Representatives who would be willing to comment, a question which, I suppose, comes under the general chapter heading of "Presidents I Have Known." I am struck, as this subject and problem has developed, by the fact that of the last five Presidents starting with Harry Truman, all but one of whom—General Eisenhower—had experience in one or both houses of Congress.

Yet in each of these presidencies, we seem to come sooner or later to this problem of the apparent isolation of the President from congressional advice, the feeling on the part of many members of Congress that the presidency is growing at their expense, that the Congress is not sufficiently listened to, taken heed of.

What is the dynamic at work in the presidency that seems to bring Presidents of such different backgrounds, temperaments, of both parties and all previous conditions of experience, to this state of relationship with the Congress? Senator Mathias, do you have any views on that?

Senator MATHIAS. Senator Ribicoff with his experience as a member of the Cabinet probably has a greater depth of insight here. But it does seem to me you have to go back beyond Harry Truman. You have to go back really to Theodore Roosevelt, who is one of my heroes as an American statesman. But he is the first man who began to invade the congressional area with his legislative program, the Fair Deal.

He began for the first time to state a legislative blueprint that he expected the Congress to adopt. This was the first time that the President became a lawmaker instead of simply an administrator. And from that time on it's been downhill, really, for the Congress. First it was very low key, the Fair Deal was just an idea. But by the time you got around to the New Deal, you had an executory scheme in which you enlisted congressional agents to help put it across.

And, of course, by the time you got to President Kennedy you had not only legislative agents, but you had people publicly acknowledged on the payroll as the President's lobbyists. And we have them today. So you have a long slide here. Now, to answer your question specifically, Hedley, I think it is really because Presidents are conscientious men who perceive things that have to be done and they feel that Congress is not equipped to get those things done.

And I think that's the whole purpose of what we have to do now, which is to equip the Congress to do the things that make it an equal partner, not just for some theoretical historical balance, but an equal partner in getting the things done that the nation has to perform.

Senator RIBICOFF. May I make a comment. I have served in various ways with Presidents Truman, Kennedy, Johnson, and Nixon. I was Governor when President Eisenhower was President. If I can be blunt, to all the Presidents I have known Congress has been a pain in the neck. They haven't respected Congress too much.

The reason they haven't respected Congress too much is because they are very well aware of the fact that Pennsylvania Avenue has become a one-way street. And the legislative process has become completely the orbit of the Executive Branch. All that Congress did and still does is basically to react one way or another to a legislative program of the President.

So the presidency has assumed almost the entire burden of the legislative process. The press and Congress keep a box score of presidential successes and failures, as to what bills a President proposes and are passed, are basically altered or rejected. So TIME magazine and the New York *Times* and the Boston *Globe* will say that the President proposed 30 pieces of legislation, 10 were adopted; therefore, the President was batting .300% and isn't this awful.

Consequently, the President feels that the burden of the legislative process and the failure of Congress to react is a frustration because the press, the country, and Congress expects the President to come up with proposals, fight for them, and see that they are passed.

My feeling is that if Congress assumed its basic burden and responsibility in the legislative process given to it by the Constitution, the relationship between the presidency and the Congress would be one of mutual respect. They would have an opportunity to work together. The President would feel that the Congress was assuming part of the burden and responsibility in solving the basic problems facing this nation. And if we did that, we would have a happy Government and a more constructive Government.

And this, Hedley, is what I think the basic problem is. Until Congress assumes its responsibility, the Presidency will soar and grow and become all the more powerful, and Congress will deteriorate to a mere sounding board.

Representative O'NEILL. Let me give you a bit of review of actually what happened last year when the President came in and asked for the $250 billion spending ceiling and the right to spend that money where he saw fit. It was approved by the Ways and Means Committee with, I believe, all of the Republicans and a few of the Democrats favoring it.

I remember Charlie Vanek came to the Democratic whip organization and explained the legislation. It was a unanimous vote by the whip organization that we would oppose it as a party because the President was usurping the constitutional right of the Congress.

The whip organization then met with Wilbur Mills and the leadership, and it was agreed we were going to drop it. Now, tremendous pressure came from the White House. particularly from Mr. Walker, who was Under Secretary of the Treasury; from Dick Cook, who is the modern Larry O'Brien, and, lo and behold!, instead of dropping it, the committee brought it forth. And when we made whip counts, it looked as though we were going to overwhelmingly defeat this piece of legislation. But the pressure of the White House was put on the conservative bloc of the Democratic side and on the bloc of 18 to 25 Republican liberals that we normally can depend upon. They stayed with the Republicans. So the White House used a tremendous amount of pressure.

Now. I must admit, Senator Mathias and Senator Ribicoff, that Senate rejection of the proposal was one of the few stable acts I have seen the Senate of the U.S. do in the last couple of years.

I can give you, however, an example of the Senate not acting responsibly. It was on the environmental bill that passed the Senate this year. It was written by committee staff members. The only Senators on the floor were Muskie and Church, there was nobody else. They offered amendment after amendment passed to them by the staff members who wanted to clean up all the streams, all air pollution and everything else at once. And the figure was that it was going to cost by 1985, $3 trillion. And that is what the Senate passed. Now, how ridiculous can you be? You Senators add everything that comes along until finally, when we get the bill in joint Senate-House conference, it is the stability of the House conferees that saves the nation. Perhaps it would be in the best interests of the nation, if Senators reported to the voters every two years just like the House does.

Now, the truth of the matter is that the White House sends tons and tons of legislation to the Congress. It comes from the Office of Management and Budget. I am of the opinion that we should have some kind of joint House-Senate committee before which the Office of Management and Budget would have to justify everything in the budget, instead of Congress just acting on budget matters because the White House sends it over.

A REGRETTABLE TURN FOR THE FBI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California, (Mr. DANIELSON) is recognized for 10 minutes.

Mr. DANIELSON. Mr. Speaker, it was with a feeling of sadness and regret that I received the news of the withdrawal of L. Patrick Gray III, from nomination for Director of the Federal Bureau of Investigation.

I am convinced that my feeling was shared by millions of Americans throughout the land, although, doubtlessly, the fact that I spent more than 5 years as special agent in the FBI intensified my personal emotion.

For me, there was the feeling that the FBI has been somehow diminished—and that I have been diminished along with it. There was also the uneasy sensation that America has lost something important.

The sad thing is that the spectacle which we have watched during the past several weeks need never have happened and should never have happened. It was caused by the manner in which the President selected an Acting Director to succeed J. Edgar Hoover, and then proceeded to misuse his nominee's sense of loyalty and the facilities of the FBI during the months that followed.

As a person who has a deep and intimate affection for the Bureau, I can state that there is no place in the FBI for partisan politics and there is no place in partisan politics for the FBI. Those were basic principles of the FBI during the nearly 50 years that it was directed by J. Edgar Hoover. They were never spoken but always understood.

America badly needs an organization such as the FBI always was until last summer. An investigative branch of the Government should perform its duties in a professional manner—thoroughly, and without compromising any of its principles for political expedience.

I also regret that the President selected L. Patrick Gray as the Acting Director and proposed Director. I met and talked with Mr. Gray on a few occasions and I am satisfied that he is a very able man as well as a good and decent man. But he was not the type of person who should have been selected for the very special and difficult job of Director of the FBI.

A professional Navy officer, Gray has been indoctrinated with and has lived by the military principle of following the chain of command—without question. That is an admirable quality in a military officer, but does not fit at all as a qualification for the Director of the FBI.

Even in his parting words the other night, Mr. Gray referred to the FBI as "a great and unique American institution of vital service to the President and to the American people."

Even after weeks of hearings before the Senate committee, and comment in the press, he apparently still felt that the FBI was an arm of the President. That is not true at all—and it should never be true. The FBI is an agency which must serve all of the American people, impartially, fairly, and with a fine disregard for whatever political implications might arise. The Watergate burglary was doubtfully a delicate matter for the Director of the FBI, but the confidence of investigative reports should not be breached, even at the cost of not following the chain of command—especially if some of the links in that chain tend to be suspect.

I hope sincerely that when the President selects a new nominee for that office, he will select someone who has a true understanding and abiding faith in our basic Government principles of separation of powers and divided responsibilities. He must be someone who will not feel that any one branch of the Government is superior to any other branch. He must be someone who will realize that his duties can be fulfilled only if they are discharged with total impartiality and free from partisan involvement.

INTERNATIONAL SECURITY PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Morgan) is recognized for 5 minutes.

Mr. MORGAN. Mr. Speaker, I am today introducing a bill to provide fiscal year 1974 authorizations for the international security program.

The bill is based entirely on the President's budget proposals for the coming fiscal year. As such, it deals only with authorization levels, not with program content.

My action this day should not be interpreted as an endorsement of the President's budget request. I shall reserve my opinion about the amounts to be authorized until after the Committee on Foreign Affairs has full opportunity to study this legislation.

I have notified the President last week of my readiness to meet with executive branch officials to discuss final arrangements for hearings. I also urged him to expedite the submission of program details and draft legislation.

Mr. Speaker, the leadership has stressed the need for examining the full scope of legislation involving obligations for the coming year. International security assistance plays a major role in the field of foreign policy. As such, it must be considered by our committee together with all other foreign policy undertakings on which we must act before the end of the current fiscal year.

THE BANK HOLDING COMPANY ACT AND THE SMALL INDEPENDENT BANKS

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, there has been growing concern since the passage of the Bank Holding Company Act Amendments of 1970 about the rapid growth of large statewide banking systems which are put together through holding company acquisitions of small independent banks. This trend has almost reached alarming proportions in many States of the Union and threatens the very existence of community-minded independent banks.

This problem is very forcefully and clearly set forth in an article by Donald M. Carlson, present of the Elmhurst National Bank, Elmhurst, Ill. Mr. Carlson is also immediate past president of the Independent Bankers Association of America. This article, entitled "Hunting License for the Giants," appears in the January 1973 issues of the Independent Bankers magazine.

I believe the article raises some very serious fundamental questions about the changing structure of banking in this country and should be read most carefully. I include this article in the Record at this point:

A 1970 Bank Holding Company Law: Hunting License for the Giants

(By Donald M. Carlson)

As an "independent" banker, I find the current trend of Federal Reserve Board actions threatening to accomplish through agency action what Congress thought it had stopped by law. The climate in which independent banking finds itself today tolerable. I would go so far as to say that unless some drastic changes take place, the environment created for independent banking by the Federal Reserve Board's interpretation of the new act is going to be unlivable.

Traditionally the small, independent, grass-roots banks have been the financial institutions that helped build this nation and are still the financial backbone of most U.S. communities. But, Washington sees it differently. Although misdirected, the Washington concept is gathering strength every day. Washington administrators do not see American communities, their financial needs and their future as we do. They believe banking at a community level is a thing of the past. I do not.

HOLDING COMPANIES TODAY

The Bank Holding Company act of 1970 was designed as restrictive legislation. It was aimed at preventing the growth of giant concentrations of economic power reaching into every facet of our national life. But, the Federal Reserve Board has chosen to view the legislation as a licensing mechanism opening the way to development of the very cartels that are unwanted by Congress, by you and me, and by all thoughtful Americans.

The Fed recently provided us with some numbers that we can use to sketch a pretty complete profile of the Bigs. It is a profile that causes me grave concern. These figures are based on registration statements required by the 1970 amendments to the Holding Company Act. Prior to this, only those companies with two or more banks were required to register with the Fed.

Only 121 bank holding companies met their requirements to register in 1970, but in 1971, 1,567 bank holding companies registered. These 1,500-odd bank holding companies owned 2,420 banks and controlled considerably more than half of all the deposits in the commercial banking system.

Since the end of last year, the Fed approved formation of 38 additional bank holding companies, bringing the current total to slightly over 1,600. Bank holding company affiliates at the end of last year had assets of $362 billion and operated 10,832 branches.

MORE TO COME

As part of its profile, the Fed has released a 170-page computer printout which lists all banking affiliates of the holding companies. The agency is currently working on a similar list which also will show the nonbanking affiliates of the nation's bank holding companies.

When released, a really full-faced image of bank holding company expansion and power is going to emerge, and I think that it is going to frighten some people into taking another long, hard look at the wisdom of permitting giant bank holding companies to step from the metropolitan limits of their home offices to smaller communities.

We have to keep in mind, also, that in assessing these statistics, many of these holding companies are family trusts and similar vehicles designed to make life a little easier for the small town banker. If we take the several hundred or so of these out of Fed figures, the concentration of dollar assets in the hands of a few hundred big banks would prove to be even more alarming.

We have yet to be told what the total is in assets of mortgage companies, leasing companies, finance companies, data processing firms and the like—all protected under the umbrella of the Bigs. Be assured their assets run into the billions—many billions of dollars. And, 1971 was only the beginning. The big boys have only been testing the water. Wait until they jump in with both feet—a lot of people are going to get badly splashed, and a lot of people are going to have to get out of the pool, whether they like it or not.

Holding company spread beyond state boundaries means that states no longer have control of their own financial structures. The ownership of major financial institutions—the mortgage, leasing, data processing and factoring firms—by major out-of-state holding companies will mean decisions taken out of the community and made in New York, San Francisco, Chicago and wherever the Bigs make their home.

Allowing holding companies to spread beyond their state boundaries means that wherever they touch down, business is going to be done on the basis of what is best for the company and all its widely dispersed offices and not what's best for the community.

Local businessmen will be subject to subtle pressures to shift their business to the affiliates of giant holding companies, rather than continue dealing with established community firms. More and more services will be tied up by the Bigs at the local level, and they will grow bigger through the absorption.

Section 4(c) (12) of the Bank Holding Company Act is designed to eliminate this kind of pressure, but we cannot underestimate the Bigs, can we? Look at their growth. Look at their power. Look at their ability to reach across state boundaries and laws that were initially designed to contain such encroachment. Power feeds on power; that is how it gains strength.

PERFORMANCE AND THE PUBLIC INTEREST

Of paramount importance to me is the public interest. I believe as strongly as you that the interests of our depositors—our borrowers—our communities—our employees—are just as important as our stockholders. My personal economic well-being is tied to the future of the Elmhurst National Bank. Each of the "public" interests named is of great importance to our stockholders. Proper attention to these interests will help to perpetuate my bank and your bank.

Advocates of holding company expansion in the banking system talk as though they believe this corporate device is the greatest invention since money. Here are some citations on this point that I hope you will find interesting and informative.

Samuel H. Talley, staff member of the Board of Governors, said in his paper entitled, "The Effect of Holding Company Acquisitions on Bank Performance":

Holding company acquisitions, however, did not result in statistically significant changes in the capital prices, expenses or profitability of acquired banks. Therefore, it appears that holding company acquisitions do not have a broad impact on the performance of acquired banks.

Robert J. Lawrence, while an economist on the staff of the Board of Governors, Division of Research and Statistics, found no significant difference in the average interest rate charged on loans and the average interest rate paid on time deposits between holding company affiliates and independent competitor banks. However, he did find holding company affiliates imposed significantly higher service charges on demand deposits.

We can all be sure that managements of viable, aggressive, competitive, independent community banks will do more for their communities, their depositors, their borrowers than will those institutions controlled by an organization many miles distant.

Both Talley and Lawrence state that net earnings of holding company subsidiaries show no significant difference from independent banks. Dividends are a matter of director policy, so we need not discuss that. I admit that prices of holding company stock are selling at a higher multiple of earnings than smaller independent banks. Yet in the stock market crunch some holding company stocks lost all the profit that a merging banker acquired, but most independent bank stocks and prices did not even waver.

Of course there are very "good" reasons for a bank or other approved business firm to become acquired by a holding company. There is a tax break for merging shareholders, and a tax break for the holding company. What is the tax break? Merging shareholders pay no tax on the new shares received until they sell them, and they pay then only if there is a profit. Holding companies, if they own 85 per cent of the stock of the merging bank, receive their dividends completely tax free. Aged management or lack of qualified successor management might dictate such a move. Also, some "problem" banks have been acquired by holding companies.

There are other reasons also, but like these they are primarily "pocketbook" or selfish reasons and not necessarily those in the public interest. Banks are service organizations. Let's not forget that. Their reason for being is to serve the general public, to safeguard their funds, to lend them money in times of need, to support local business and help it to grow. A great deal of attention must be paid to that *local* business, not the interests of a bank or other business firm far removed from the local scene.

The inroad of bank holding company expansion on competition is already evident. Just take a look at Fed statistics: New York State—which had only one holding company several years ago—now has the largest amount of bank deposits in holding companies. Forty-seven holding companies control $85.8 billion in deposits or about 90 per cent of all commercial bank deposits in the state.

NEW DANGERS AHEAD

Sometime soon those Federal Reserve Board members who are so smitten with expansionary powers will have found out that they have gotten as much mileage as possible out of the Bank Holding Company Act. Fortunately for them—and adding to our distress—the new vehicle they will be seeking is ready to roll onto the Congressional assembly line.

This year's model is the work of the President's Commission on Financial Structure and Regulation, known as the Hunt Commission after its chairman, Reed O. Hunt. Instead of what we were told would be an objective look at the way money moves in our economy, what we got from this supposedly "Blue Ribbon" panel as a collection of proposals so blatantly self-serving that they give the appearance of a conscious effort to "divvy up" the financial business with a little bit for everybody.

Excuse me—that's a little bit for everybody except the small commercial bankers. For example, to most of the members of our association, agriculture is a significant component of their business. Yet, the Presidential Commission discussing the credit structure of our nation did not deem agriculture worthy of a single word in its voluminous report.

Despite the obvious bias of the Commission's recommendations, the Administration is going ahead full tilt with plans to get these proposals enacted into law. What would it mean? It would mean new powers for everyone who competes with small commercial banks. It would mean an easing of the restrictions on the international business of the biggest banks and it would permit them to get right into the mutual fund business. But the smaller banks which serve the communities of America would receive nothing but another reduction in their business.

It is my opinion that the Hunt Commission report offers a blueprint for weakening and perhaps the eventual demise of state-chartered banks.

For a number of years now, top officials of the federal government have made numerous statements about their objective of keeping decision-making power closer to the people. My estimate is that the exact opposite is happening, and I see in the Hunt Commission report another example of the push for more power in Washington.

WHAT WE MUST DO

To prevent this encroachment will require concerted action on the part of bankers in unit banking states, or in states like Louisiana which has sensible statutes restricting branching to local areas. We have to demonstrate that community banking actually works—demonstrate it to Congress and to the federal agencies which have joined with the big banks in chipping away at the state's rights to determine the structure of banking within its domains.

While the job is national in scope, we have to start at the state level. Statewide organizations of association members working together are going to be our frontline. Once we have fought the good fight at the state level, then we can go to Washington and press our case to the regulatory authorities there.

We cannot afford to repeal some of the mistakes that we have made in the past in our attitudes toward holding companies and their potential threat. We no longer can afford to play the ostrich and hide our heads in the sand. But we cannot afford to make *any* mistakes in our role as independent bankers dealing with this threat. If we do, independent banking will be in a weaker, more vulnerable position in regard to encroachment of the "Bigs" than ever before.

We are going to have to work, and work hard to prevent this threat to our independent banking system. It is a threat that can be met successfully, but it is up to us whether we want to meet the challenge. How much you are willing to commit of your time, talent and resources to fight is up to your own conscience.

GOOD MORNING, MR. PRESIDENT, WHAT IS TODAY'S GAME PLAN?

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, the massive inflationary conditions and high unemployment that beset the people of this Nation are largely if not entirely due to the confused and confusing economic policies of President Nixon and his whirling circle of advisers.

Some of the basic items that have produced what can only be viewed as our ongoing economic crisis are described in a brief article, "Nixonomics, the Jumbled Science," written by Samuel Bristol of Vista, Calif.

Mr. Speaker, I think that all Members of Congress—for that matter all interested persons—should have the opportunity to read this article in order to view President Nixon and his administration in the proper if perplexing prospective. For this reason, I include the article at this point in the RECORD:

NIXONOMICS, THE JUMBLED SCIENCE

How free is American "Free Enterprise"? Is the business establishment of the USA, with its administered pricing by monopolists, the authentic heir apparent of the laissez faire doctrines of Adam Smith? Or are these newcomers mere opportunists claiming kinship with the free enterprise doctrines which they constantly thwart and undermine? Inasmuch as business seems to hold the balance of power in Washington today, maybe a closer look at that brand of free enterprise is in order.

In chapter 10 of his monumental work "An Inquiry Into The Nature and Causes of the Wealth of Nations", Adam Smith, best known of the classical economists, made a very significant and timely statement—"People of the same trade seldom meet together, even for merriment and diversion, but the conversation ends in a conspiracy against the public or in some contrivance to raise prices."

This was written in 1776, nearly 200 years ago. Yet today the same tendency is evident in the annual meetings of the plumbers, the electricians, the carpenters, the steel workers, the longshoremen and even the medical men. Corporate stockholders reveal similar tendencies. The central theme at these gatherings is always higher prices and more profits.

Following this sage comment Smith pointed out the inherent danger in such conspiracies. He showed how any interference with free competition would make it difficult to maintain fair prices. Since buying power lies almost entirely within the bounds of the prime costs of production, any collusion among competitors would create a price structure based upon pure profits and one that would not be matched with purchasing power in the market. What Adam Smith believed and what has been confirmed by later economists was simply this—that pure profits should not be permitted and would not be created in a system that remained competitive, and allowed the play of the market to determine prices.

This, in the opinion of reputable economists, is the cardinal principle of the free economy and its moral justification. Yet any examination of American economic history will show how this principle has been persistently defied. American business has from the beginning been supported by tariffs, patents, embargoes and other devices all devised to maintain high prices. One of the first acts of the congress of 1789 was a ten percent import tariff designed to "protect our infant industries."

Administered pricing has now become standard practice among most basic industries of the United States. Through corporate mergers and new stock issues American corporations have been dominating business. They have been aided by an ill-controlled flow of fractional reserve checkbook money, usually available in abundance to wealthy borrowers.

New money to facilitate the growth of the nation's economy is not created by congress, as the constitution provides. It is created by some 14,000 stout-hearted bankers, each armed with a 12 or 14 percent reserve privilege and a fountain pen. Each dollar may thus expand into seven or eight new checkbook dollars for the customer's use. Furthermore, by the Glass-Steagall Act, the banks now purchase U.S. securities with this kind of "money" and immediately transfer them into the cash account. Thus the operation, like blowing bubbles, can continue ad infinitum. The greedly and inept direction of this limitless flow of credit money by bankers is one of the main factors in the destruction of the free, competitive economy envisioned by the classical economists.

Even our tax laws favor the rich, thus taking buying power away from those most in need of it. How the wealthy folk rail against the graduated income tax, the most inequitable tax ever devised. How they love the sales tax, one of the most regressive and inequitable of all taxes. They also hate and fear the cooperatives, the credit unions and all state municipal enterprises—in a word all those which seek to maintain competitive or yardstick pricing. President Nixon was recently sending out feelers on the possibility of enacting a federal transactions tax, the final step in creating wild, uncontrolled inflation. Yet these same affluent people all claim sponsorship of "The American Way", which with total lack of humor they call "Free Enterprise." Some even try to identify this savage creed with Christianity, which in a Christian nation seems almost sacrilegious.

Against this brief background let us consider that set of ideological obsessions held by Richard Nixon, which have come to be known among scholars and news media as "Nixonomics." The President has not acknowledged the existence of this creed, but the elements of his beliefs have appeared in his executive orders, his "game plans", his vetoes and his rare news conferences.

It is no accident that Richard Nixon early became enamored of the American business system which is dominated by corporate monopolies, joined with the privately operated Federal Reserve Banking System, creators of the nation's money supply. The bankers, especially the group which operated in the old 12th congressional district of California, are the men who put Nixon where he is today and are still among his chief supporters. It is a reasonable assumption that the banking group who picked him as their candidate in 1945, a year before the congressional elections hired his public relations men and paid for his lavish smear campaign against Jerry Voorhis in 1946, represent his most enduring loyalty. He will not abandon them because he dares not do so. They know too much. As one Whittier banker, commenting on the $18,000 secret fund scandal of 1952, remarked, "That was only peanuts compared with the money we shelled out for his campaign."

An opportunity to test this banker tieup came a little more than a year ago, after the country had suffered through two years of Nixon's high-interest depression. The congress authorized the president to order a reduction in the Federal Reserve's prime interest rate, which at one time had reached 8½ percent (the highest rate in the history of that institution). This, Nixon declared, he would never do. He accompanied his statement with another outburst of Nixonomics theology and a declaration of his unalterable devotion to private banking. Does anyone now doubt where Dick Nixon's heart lies?

Nixon early pledged a balanced national budget, but during his last two years in office, 1971 and 1972, his budgets had deficits of 25 billions and 28 billions. The current '72–'73 budget will undoubtedly be higher with further deficits. Incidentally current spending has been skilfully distributed with an eye on the votes of defense workers.

Nixon was against inflation but his usury-loving friends, William McChesney Martin and later Dr. Arthur Burns of the F.R. board of governors, by setting exorbitant interest rates, created the phenomenon of national unemployment and uncontrolled inflation simultaneously. Nixon put the wage clamps on working people, while corporate profits in many cases soared to new highs. He became positively niggardly in reducing welfare funds to needy unemployed and school lunch money for hungry children, as well as social security increases for the aged. It was noted however that the next social security checks bore the significant statement that the 20 percent increase (which Nixon had vigorously opposed) had just been signed into law by President Nixon.

The president's response to defense department requests was entirely different. Whenever the Pentagon men wanted more billions for "national defense" in southeast Asia—more money for planes, bombs, napalm or missiles to lay waste the countryside—the generosity of the president knew no bounds.

President Nixon has offered the American radio and TV audiences his quaint homily about his "work ethic" and the "welfare ethic", the latter term invented to express his opinion of welfare recipients. If I might break in on this bit of presidential sophistry, I would like to ask Mr. Nixon to explain the increase in the nation's unemployment rate from three percent to nearly six percent during his administration.

Nixon's economic convictions, if he ever had any, have changed during the past two years from orthodox to extremely heterodox. Early in 1971 this disciple of frugal laissez faire orthodoxy had apparently become a follower of the tax-and-spend philosophy of David Cushman Coyle. Nobody seems to know where he will eventually land.

I believe the most accurate assessment of Nixon's behavior was made by Jerry Voorhis in his recent book "The Strange Case of Richard Milhous Nixon". Voorhis' quotation follows:

"To one practice Richard Milhous Nixon has been faithful. He has done whatever at any given time would advance his political fortunes. This alone explains the strange gyrations of his strange case."

It is important to remember that America's economic plight is in an area in which Richard Nixon's talents are not notably evident. This nation does not lack productive capacity, a fact which apparently has not been recognized by the president's economic advisers. We suffer from a breakdown of distribution, where deprivation and even hunger exist alongside vast concentrations of wealth. It is becoming increasingly evident that President Nixon has no answers to this problem. He has lost his way. Ending the war in southeast Asia—if indeed the peace endures—will not solve this problem. It may grow worse.

Maldistribution in America is mainly the result of administered pricing by monopolists and the creation of an unscientific and ill-controlled flow of bank credit money through the privately operated Federal Reserve System. Working together in unholy collusion these two giants of American business increase inflation, perpetuate deficit financing and are mainly responsible for an almost incalculable debt. This debt and the accompaying over-capitalization of business have become an increasing burden on the economy, both at home and abroad.

The tragic part of this situation is that it has become almost endemic in the American economy, like a cancerous growth that feeds on its host. The staggering debt of the American people—national, state, and local government, as well as institutional and private debt—constitute a continuing drain on production. Every householder knows that his interest on the home or the business must be paid before he fills that cart at the super market or buys shoes or clothing for the children. Most small businesses expand and grow with borrowed capital. Increased interest charges must be added to their costs and the cycle of inflation rolls on, with sales resistance at home and loss of export sales abroad.

As a result of these forces American producers are faced with a hopeless dilemma. Without monopoly pricing they can scarcely carry the overhead of debt and high taxes needed to continue welfare for the victims of our folly. If they try to maintain monopoly prices they are automatically priced out of the export market. This is the dilemma of the richest and most powerful nation on earth. Are we going to be content in this situation to be led by politicians who repeat the foolish, outworn cliches of the 18th or 19th century?

This is the paramount issue in the present governmental struggle. Mr. Nixon is disliked by many who regard him as a political delinquent or an scarupulous partisan. But these are personal judgments often considerably tinged with politics. The real issue with President Nixon, it seems to this writer, is his combination of ruthless, self-seeking power, coupled with Nixonomics, a complex of outdated economic mythology that spells total confusion in the business world of 1973.

DOLLAR OUTFLOWS AND DEVALUATION: U.S. BANKS PROFIT AT EXPENSE OF THE UNITED STATES

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, I would like to call attention to a recent speech delivered by Andrew F. Brimmer, a member of the Federal Reserve Board. Governor Brimmer has performed a valuable service in pointing out the failure of the voluntary foreign credit restraint program during both the recent international dollar crisis and the crisis of August 1971 which he discussed in a speech in March 1972. In describing the outflows of dollars through the U.S. banking system and their role in the two devaluations which have occurred, he provides an implicit warning of what will happen if the current controls, inadequate though they may be, are removed altogether in December 1974 as the administration proposes.

The proposal to phase out foreign lending restraints casts additional light on the administration's opposition to the provision adopted by the Banking and Currency Committee to impose ceilings on interest rates. Without such restraints, interest rates must rise—and rise very high—to prevent even more massive outflows of dollars. Interest rate levels imposed by international events will have far more draconic effects on the American economy, as I think Governor Brimmer realizes, than does foreign lending restraints on the international operations of U.S. banks. The result of freeing the banks from these restraints was anticipated in an article last month in the London Economist. The article predicts:

> It is very probable that the boom industry of the next two decades will be a new sort of international banking: the devising of ways of transferring both managerial and technological knowhow to areas where lower wage rates and more willing manufacturing labour forces mean that they can be most profitably used . . .

American labor leaders have already discovered the cynicism in the code which couples "lower wage rates" and "more willing manufacturing labor forces." It is clear that very few Americans will benefit from such a "boom industry." Further, a policy of high interest rates and increased dollar outflows will literally gut the American economy, creating at once unemployment and inflation on a scale not yet experienced in our history.

But what I would like to point out here is that this development is not just a distant prospect. It has already occurred. The three largest banks in the United States—Bank of America, Chase Manhattan, and First National City—already have a combined total of 667 offices overseas and, if the overseas offices of foreign banks with which they are affiliated are included, the total rises to 2,829. The total amount of deposits at their own foreign offices was more than $30 billion in June 1972. The annual report of First National City Corp. for 1972 states:

> For the first time in our history, more than half of our net income—54 percent, to be exact—came from overseas operations. In total, we earned $110 million from this source, more than the entire corporation earned as recently as five years ago.

But it is not only the top three U.S. banks—or the top 20, with $60 billion in deposits overseas and one-fifth to one-third of net operating income derived from overseas operations—that contributed to our recent international financial problems. As of December 31, 1971, there were 57 U.S. banks that had only one overseas branch located in Nassau. When Dr. Burns appeared before the Joint Economic Committee on February 20, I asked him to comment on this phenomenon. Given the fact that the Federal Reserve Act specifically authorizes the establishment of overseas branches "for the furtherance of the foreign commerce of the United States," I asked Dr. Burns to explain why the Federal Reserve Board of Governors had approved so many branches in a country with which there is so little trade.

He replied, in effect, that these "shell" branches have been approved to permit more banks to participate in the lucrative Eurodollar market. In other words, it is a form of democracy for banks, to give the little fellows who cannot afford the outlay necessary to establish a full-fledged branch in London, Paris, or Tokyo a piece of the action. Governor Brimmer adds that the rapid expansion of branches in the Bahamas and the Cayman Islands in recent years "has been motivated more by a quest for a tax haven than because of the presence of economic and financial connections normally expected in principal banking centers."

I submit that such a policy on the part of the Board of Governors of the Federal Reserve System has made a mockery of the concept of regulatory authority. It has put bank profits before the public interest and seriously eroded the principles of commercial banking embodied in American law. It has created a monster—the multinational financial institution—whose operations are beyond the control not only of the Board but of any Government agency, domestic or foreign. Nevertheless, these institutions command resources which, if not controlled, can undermine and negate the financial and economic policies of any government.

Mr. Speaker, I insert in the RECORD an account of Governor Brimmer's speech from the April 3 edition of the New York Times and an editorial of the same date from the Wall Street Journal which provides additional information and support for the views of those conconcerned about the implications of U.S. bank operations overseas:

[From the New York Times, Apr. 3, 1973]

DOLLAR OUTFLOW CALLED "SERIOUS"—BRIMMER SAYS TOTAL DURING MONETARY TURMOIL THIS YEAR WAS $2.5 BILLION

(By Edwin L. Dale, Jr.)

WASHINGTON, April 2.—The outflow of dollars from United States banks during international monetary turmoil this year was about $2.5-billion, but the bulk of it was in loans to foreign banks that drew on existing lines of credit, a member of the Federal Reserve Board reported today.

Andrew F. Brimmer, the board member, said there was only a "modest" outflow of dollars over which the United States banks had control—their balances with foreign banks. And even these increases, he said, were "primarily in dollars," not in foreign currencies.

Nonetheless, Mr. Brimmer concluded that there was a "serious problem" of large capital outflows from this country through the banking system, even though it stemmed mainly from "influences originating abroad."

PRESENTED IN FLORIDA

Mr. Brimmer touched on this and other issues connected with United States international banking in a lengthy paper presented at the Bankers' Association for Foreign Trade in Boca Raton, Fla. The text was made available here.

Mr. Brimmer's figures showed that from Jan. 3 to March 14 foreign banks drew $1.8-billion on their United States lines of credit. There was also a $500-million increase in this period in loans to foreign businesses, which can include foreign subsidiaries of United States corporations. But Mr. Brimmer said this figure "cannot cast much light" on the issue of whether these corporations engaged in heavy currency speculation.

The sharp increase in foreign lending carried some banks briefly over their ceilings under the Federal Reserve's foreign-lending restraint program, Mr. Brimmer said. This program is to be dropped by the end of next year.

Apart from the $2.5-billion outflow from United States banks, Mr. Brimmer said there was an outflow of $1.2-billion in February from foreign banks' agencies and branches in the United States. He called this "an even more striking picture of outflows than that relating to United States banks" because proportionately it was much larger.

GUIDELINES UNDER REVIEW

Setting foreign lending guidelines for these United States agencies and branches of foreign banks "has been especially troublesome," Mr. Brimmer said, and remains "under review."

Mr. Brimmer proposed no controls or other measures to check the rise in United States bank loans to foreign banks and corporations in connection with the currency crisis. He called the outflow this year "quite reminiscent of the outflows which occurred during May and August of 1971" and that led up to the first devaluation of the dollar.

Speaking of drawing by foreign banks on their lines of credit at United States banks, Mr. Brimmer said, "It seems clear" that much of this was done "in order to place the funds in the Eurodollar market," where interest rates shot higher during the monetary crisis. He added:

"Moreover, these relative rate spreads still favor holding such funds in the Eurodollar market, and that may explain the failure of a reflow to develop to date."

TAX HAVENS CITED

In his paper, Mr. Brimmer recited the rapid growth of foreign banking by United States banks in the last decade, including a rapid expansion in the last few years in the Bahamas and the Cayman Islands, which, he said, "has been motivated more by a quest for a tax haven than because of the presence of economic and financial connections normally expected in principal banking centers."

A major conclusion drawn by Mr. Brimmer was "the rate of profit which the banks can earn on the resources of their foreign branches appears to be remarkably thin."

He said, "These low profit margins seem to be one of the basic reasons [that] one encounters such persistent concern about the prospects for some of the United States banks currently operating foreign branches."

He expects to see "a winnowing out of individual participants as the currents of competition in the provision of international banking services strain managerial talent and erode profit margins," he said, adding that he found the future of American banking abroad "by no means pessimistic—but neither is it aglow with promises of universal prosperity."

COMPETITIVE EDGE SEEN

It is likely that "the competitive edge in this unfolding rivalry will be held by the largest banks," he said.

As a result of the present review by the Federal Reserve of overseas banking, he said, he hopes "the range of opportunities open to United States banks will be broadened considerably."

"I also hope," Mr. Brimmer said, "that the prospective changes will yield substantial equality of treatment in this country of domestic and foreign-headquartered banks operating here—since the latter currently have a number of advantages over United States institutions."

In another speech, Walter H. Page, president of the Morgan Guaranty Trust Company, urged the removal of Federal Reserve regulations that, he said, hinder efforts by American banks to attract foreign deposits.

Specifically, Mr. Page would do away with Regulations D, Q and M—rules that impose reserve requirements on foreign-source deposits and on banks here that take deposits from their branches abroad, and that place ceilings on interest rates paid on foreigners' deposits.

TO REDUCE OVERHANG

Removing these regulations, Mr. Page said, "would strengthen the dollar by reducing the huge overhang of dollars" in what he called the "Euro pool."

According to Mr. Page, the removal of controls on foreign lending by American banks "will not in itself free the domestic offices of United States banks to take over all the business now being done by their foreign branches."

Mr. Page noted that these voluntary credit restraints, which he described as "President Johnson's draconian measures on behalf of the balance of payments," shifted to overseas offices a large part of the international business of American banks. The credit restraints were imposed eight years ago and are scheduled to be lifted at Dec. 31, 1974.

WIDE OPTIONS FAVORED

"An international bank," Mr. Page contended, "in order to compete effectively, needs to have the widest possible options as to where to do a particular piece of business—at its head office, in an overseas branch, or through a subsidiary or affiliate."

Besides urging the removal of Regulations D, M and Q, Mr. Page also spoke out against imposing a Federal withholding tax on interest paid to foreigners by United States banks. Legislation now on the books calls for such taxation to begin in 1976.

"In the competitive banking environment of the 1970's our United States institutions can't afford such disadvantages," Mr. Page said.

[From the Wall Street Journal, Apr. 3, 1973]

A Nice Piece of Change

We see that the foreign exchange operations of major New York banks came through the international currency crisis unscathed and even picked up a nice piece of change in the process. Several of them, including Chase Manhattan, First National City and Chemical New York have announced that their first quarter earnings include net trading profits made in the foreign exchange markets. Andrew F. Brimmer, a governor of the Federal Reserve System, yesterday said U.S. commercial banks in this period "contributed on balance some $2.5 billion to the volume of funds which moved abroad in connection with the exchange rate speculation."

Similarly, the financial officers of the U.S. multinational corporations apparently protested themselves nicely during the crisis by getting out of dollars and into stronger currencies. Both the multinational banks and the MNC's, incidentally, also enjoyed a surge in the dollar value of their capital employed in foreign branches, subsidiaries, and affiliates. That won't look bad on the balance sheets either.

Was all this proper? George Stahl, publisher of Green's Market Commodity Comments, observes that the banks could only have made money in foreign exchange in the first quarter by betting against the dollar with dollars deposited with their banks, "thereby causing a loss to the international value as well as domestic purchasing power of their customers' dollars."

Donald C. Platten, Chemical's chairman, argued recently that it was unfair to accuse banks of speculating in the foreign exchange markets, that "We have a large foreign exchange trading department" to serve the needs of the bank's customers. In other words, whatever profits the banks made in the recent period derived from the legitimate accommodation of their customers.

To the extent the banks limited their trading to serving their customers' needs, and refrained from trading on their own hook, Mr. Platten's defense is of course impeccable. So too is the rationale of the MNCs in betting against the dollar, that because they have made purchases or sales of goods abroad they are forced to hedge in order to avoid a currency risk. To the extent they limited their hedging to cover legitimate commercial transactions, they are of course on solid footing.

A question of propriety is genuinely raised, though, in the report from London last week by our Richard F. Janssen, who finds that "American corporations no longer look on their 'cash managers' as mere custodians of foreign exchange. 'They consider them to be profit centers now,' one banker reports. So when a currency starts moving up on the market, cash managers are under home office pressure not only to switch existing funds but to tap their lines of credit at banks so they can buy more and make bigger gains."

It's only natural, considering the billions of dollars to be made on foreign exchanges these past three years. A corporate financial officer would not have lasted if he failed to cash in on the "sure things" that occurred in the foreign exchange markets. And his bank would risk losing a good customer if it quibbled about the uses to which lines of credit were being put.

Obviously, though, the situation has not been a healthy one. The dollar has lost international value and purchasing power, partly as a direct result of this form of cash management by U.S. multinationals. And while U.S. banks and multinationals regularly declaim against government controls on capital movements, this kind of private cash management may produce economic distortions just as perverse.

When an MNC taps its credit line at home, for example, doesn't this dry up lendable funds for domestic purposes? When it's done for legitimate purposes, we defend the system as the most efficient means of allocating international credit and capital. When it's done merely for quick speculative profits, though, the credit and capital may wind up being channeled into loans abroad that are less desirable and chancier than those available domestically. How many of the dollars that flowed abroad for speculative gains, in other words, resulted in relatively marginal foreign loans? The Fed's Mr. Brimmer also claims there has been a "relaxation of credit terms and a shaving of lending margins" in the activities of U.S. banks overseas. Tsk, tsk.

In a world of floating currencies, a large part of this problem may disappear, there being far fewer "sure things" on the foreign exchange markets. But while the principle of floating rates is a sound one, it is not yet certain that monetary authorities will refrain from unneeded and excessive tinkering with the markets, through further capital movement restrictions and other forms of intervention.

It is then with more than academic interest that we await the findings of a small army of Federal Reserve Board examiners tracking down the dollar flows that precipitated the latest monetary turmoil. If they find that the multinational banks and corporations did in fact contribute heavily to the turmoil—by chasing a fast buck, not just hedging, the news will do little to further the cause of liberal national policies toward capital movements. Over the long pull, that nice piece of change could end up in the debit column.

HANOI TOURISTS

(Mr. GROSS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. GROSS. Mr. Speaker, columnist Smith Hempstone had some well chosen words in Saturday's edition of the Washington Star-News concerning those steadfast friends and admirers of Hanoi, Jane Fonda and Ramsey Clark, and I include his column for insertion in the Record at this point:

The Hanoi Tourists, POW's and Reality

(By Smith Hempstone)

Over the long years during which this nation was involved in conflict with North Vietnam, America's self-proclaimed best and brightest made their guilt-laden pilgrimage to Hanoi, the New Jerusalem of the New Left.

They were all there: Ramsey Clark, Jane Fonda, Tom Hayden, Dr. Eugene Carson Blake, Joan Baez, Telford Taylor, Michael Allen, Barry Romo. Even Pierre Salinger got into the act obliquely by conferring with a couple of North Vietnamese representatives in Paris.

One recalls the braless Ms. Fonda (or is it Ms. Hayden, now that she and the anti-war activist are linked in some sort of matrimonial coalition?), posturing in a steel helmet beside the crew of North Vietnamese antiaircraft missile. One also recalls what Ms. Fonda, who evidently picked up her method-acting from Tokyo Rose, had to say about the treatment of American prisoners of war by Hanoi.

The prisoners, she said, "assured me they were in good health. When I asked them if they were brainwashed, they all laughed. Without exception, they expressed shame at what they had done."

Now one can—and must—make allowances for Jane Fonda: Her mother was a suicide, she has one broken marriage behind her, she became a radical at age 32 after five years on a psychiatrist's couch. If an element of fantasy and make-believe intrudes on her life and words, one can understand it. Truth, as perceived by Ms. Fonda, necessarily can have only a fortuitous relationship to reality.

But comes now upon the scene Ramsey Clark, lawyer, author and former attorney general of the United States. How did Clark evaluate the treatment of American prisoners of war when he was in Hanoi last August?

Clark described the POW camp which he visited as having windows in every bedroom (with no bars), a movie theater, bridge tournaments, basketball court and paperback books. The POWs' health, he said, was "better than mine, and I am a healthy man." Clark, playing Lord Haw-Haw to Ms. Fonda's Tokyo Rose, said he was "particularly touched" by the hygienic conditions at the POW camp.

Did it ever occur to Clark, who was in Hanoi under the auspices of the Communist-infiltrated Stockholm-based International Committee of Inquiry into U.S. War Crimes in Indochina, that he might have been duped? Apparently it did not, although it did occur to him to cast aspersions on the motives of those who suggested it was just possible that, as some of the prisoners released earlier had testified, the POWs were being brutally treated.

Now the prisoners of war, freed at last, are having their say. And there is precious little talk of unbarred windows, movies and bridge tournaments. Instead, there are tales of torture, beatings, starvation and months—sometimes years—in shackled solitary confinement. In contrast to the hygienic conditions which so touched Clark, many report having had to lie in chains in their own filth for weeks on end.

Each of the former POWs has made it clear that he can speak only of his own experience, that he cannot generalize. But the mosaic that their individual testimonies forms is one of both casual and calculated brutality on the part of their North Vietnamese captors. The principal purpose of this, aside from humiliating and degrading the Americans, was to wring from them statements which could be used for propaganda purposes to the anti-war movement in the United States.

That the North Vietnamese Communists should employ torture against helpless prisoners of war should come as no surprise to anyone with more than a fourth-grade education. There is not a single Communist state in the world that does not use physical torture, psychosurgery and forcibly induced drugs against those it considers its enemies. Testimony to this effect reaches the West from the underground every day.

But the Fondas and the Clarks will believe what they want to believe and say what they want to say, no matter what the burden of evidence. And it is too much to expect any of them to admit now that they might have been wrong, that they might have been used by Hanoi, that their prattling had the net effect of prolonging the war, not shortening it.

No, they have to find, a rationale for what they said and did. And Hayden has come up with the most logical one (to his warped mind): The freed POWs are "liars, hypocrites and pawns of President Nixon."

Hayden lacks the decency and common sense to understand the disgust a statement like that induces among decent men and women. He, like Fonda, Clark and some of the others, probably could be prosecuted under the Logan Act (Section 953 of Title 18, U.S. Criminal Code) of 1799, which prohibits any citizen from "correspondence or intercourse" with any foreign government in dispute with the U.S. But it is doubtful if that would serve any useful purpose.

The most fitting punishment is that they should have to live with their own bad consciences for the rest of their lives, and that they should never be taken seriously again.

MISMANAGEMENT OF PETROLEUM RESOURCES

(Mr. VANIK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. VANIK. Mr. Speaker, we have been facing severe disruptions in the supply of refined petroleum products. Last winter it was fuel oil. This spring and summer it will be gasoline as well. The common denominator of these shortages is the gross mismanagement of our petroleum resources arising from poor judgment in both Government and industry.

Today we are on the verge of seeing another instance in which the public interest is trampled by insensitive, callous policy. According to the Oil Daily of April 4, 1973, the White House has "buttoned up" its new import policy toward petroleum. The primary architect of this new policy has been the Oil Policy Committee, a cabinet-level advisory group headed by Deputy Secretary of the Treasury, William Simons.

A new import policy is long overdue. The American consumers have been paying an estimated $5 to $7 billion in inflated fuel costs annually due to quota restrictions on cheaper foreign crude. The Presidential task force on oil import control recommended the abolition of the quota system, but up to now the President has ignored these recommendations. The fact that the administration is finally showing some movement in this area is encouraging, but I am concerned by the direction of what appears to be the new policy and by the way in which it is being formulated.

For the past several months, the OPC and its subsidiary working group has been working on a new mechanism to control the importation of petroleum. These deliberations have been off the record and not open to the public. The March 23 Oil Daily reported that the committee's recommendations had been submitted to the White House. Subsequent reports have provided revealing detail into the proposed alternative.

Under the OPC proposal the present quota system would, in theory, be abolished and a tariff system would be substituted. The present volume of imports would be maintained, however, with imports up to that level subject to present duty rates. Imports above that level would have to pay "national security fees." These "fees" would be high tariffs which would have the impact of limiting importation above the present quota level. In short, under the OPC proposed plan the quota system—with all its inequities—would be reimposed under the guise of a tariff system.

Inland refiners suffered last winter for a lack of crude oil. For over a decade import controls have inflated domestic prices and made a wealthy welfare case out of the petroleum industry. The present proposal before the President does nothing to remove these imbalances. Policy made behind closed doors away from the light of public scrutiny is too often poisoned by entrenched special interests.

I have today forwarded the following letter to Mr. William Simons, Deputy Secretary, Department of Treasury, chairman of the administration's oil policy committee:

APRIL 9, 1973.

Mr. WILLIAM SIMONS,
Deputy Secretary, Department of the Treasury, Washington, D.C.

DEAR MR. SIMONS: As chairman of the Oil Policy Committee, you have direct responsibility for the formulation of a new import control system for petroleum. The abolition of our present system is essential to the formulation of a national energy policy which truly reflects the needs of the consuming public.

I am concerned, however, by the way in which the new import policy is being formulated. Within the OPC and its subsidiary working group, deliberations are off the record and closed to the public. However, industry representatives have been providing significant input in the formulation of policy.

The policy your committee has recommended to the President would maintain the present quota system—with all of its inequities—under the guise of a tariff. A ceiling on imports will be maintained. Beyond that ceiling "national security fees" would be imposed. Although there is some flexibility in this arrangement, a high license fee could effectively discourage imports above the quota. Moreover, the system which allocates imports to the refiners would, I understand, be continued.

With your committee recommendations, the President will soon issue a proclamation to alter import policy under the provisions of the Trade Expansion Act of 1962. In other words, there is no stage in this process at which the public interest has been or will be represented.

The privileged access of special interests to those who establish policy destroys public confidence and sacrifices the public welfare. For too long, petroleum policy has been formulated in the back rooms of government, hidden from the public welfare.

I urge you as chairman of the OPC to seek a wider representation of the American consumer. It is the consumer that has had to pay the annual bill of 5 to 7 billion dollars for our present, ill-conceived import quota system. It is the consumer that has had to pay for the shortages of fuel oil, natural gas, and gasoline that have been brought about by gross mismanagement of our Nation's petroleum resources.

I hope that you can assure that consumer interests are not trampled again by insensitive policies which do not truly reflect the public interest.

Sincerely yours,
CHARLES A. VANIK,
Member of Congress.

TRANS-ALASKA PIPELINE

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Speaker, today I am introducing a bill on behalf of myself that will permit the construction of the trans-Alaska pipeline. This extremely important project for the Nation will require congressional authoriaztion if it is to be started this year.

Unfortunately, the project has been mired in litigation for several years. The project has been pending before the executive branch since 1969. Over $400 million has been expended on it thus far. The environmental impact statement alone has cost the American taxpayers $9 million.

The adverse ruling by the U.S. Court of Appeals for the District of Columbia Circuit will have disastrous effects on the project unless Congress acts now. Because that decision was based on the narrowest technical grounds of section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), the earliest a final decision could be reached by the courts is probably over a year away. And that is over a year after Congress acts to satisfy the technical portion of the decision. Additionally, construction on the pipeline will take 3 years. If construction is begun this year, the cost will be approximately $3 billion. The annual rise in cost will be $200 to $300 million per year for each year the project is delayed.

These costs, as most such costs, must unfortunately be borne by consumers across the country. The demand for energy is projected to increase nationwide twofold by 1985. Consumers in many States are already feeling the pinch. Several States have already experienced serious fuel oil shortages. States governments across the country have called on Congress to solve the crisis.

Our bill will do that. Section 3 of the Trans-Alaska Pipeline Authorization Act of 1973, which we are introducing, will authorize the construction of the pipeline and all related facilities. It declares all permit application and related documents to be in accordance with applicable Federal laws. It further authorizes and directs the Secretary of the Interior to issue all the necessary documents and grant the necessary real property interests for the pipeline and related facilities.

Section 4 of the bill declares that the environmental impact statement is in accord with the National Environmental Policy Act of 1969.

Section 5 declares that any Federal administrative decision on actions under this legislation shall not be subject to judicial review. The Federal courts would be divested of jurisdiction over the trans-Alaska pipeline.

Mr. Speaker, the critical shortage of petroleum today, coupled with the uncertainty of foreign supplies, and the fact that other power sources, such as nuclear power and oil shale are possibilities only in the distant future, make congressional approval of the pipeline an immediate necessity. I intend to urge congressional enactment of this bill as quickly as possible.

Mr. Speaker, we realize full well that this is a bill which goes to the extreme. It goes to the extreme to meet an extreme necessity—one that will bring to the United States domestic oil for domestic markets, and eliminate the problem of the continual deficit in our balance of payments caused by purchasing ever-increasing amounts of foreign oil.

I ask unanimous consent that the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

H.R. 6756

A bill to deal with the current energy crisis and the serious shortages of petroleum products facing the Nation and to authorize construction of the trans-Alaska pipeline

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Trans-Alaskan Pipeline Authorization Act of 1973".

SEC. 2. The Congress hereby finds that—

(a) the United States is currently experiencing a critical shortage of petroleum supplies;

(b) this shortage has resulted in the closure of schools and factories, created unemployment in many regions of the country, and disrupted truck, rail, and air transportation systems;

(c) reliance upon imported oil products to fill the growing gap between domestic supply and increasing demand is not in best interests of the United States and is creating a critical imbalance in the Nation's balance of payments;

(d) the action of Canada in restricting crude oil imports into the United States and the announced policy of other exporting nations to limit oil production makes clear that the United States must take immediate action to increase domestic petroleum sources and provide the necessary transportation systems to bring domestic oil to the American consumer.

SEC. 3. Notwithstanding any other provision of law, the trans-Alaska pipeline (as set forth in the right-of-way permit application or applications submitted to the Secretary of the Interior by Alyeska Pipeline Corporation and all related documents) is hereby authorized, and such permit application and related documents are deemed to be in accordance with applicable Federal law. The Secretary of the Interior is authorized and directed to issue, in accordance with such permit application or applications, a right-of-way permit granting such easements, rights, and interests as are necessary for the construction of the trans-Alaska pipeline.

SEC. 4. The Congress finds and declares that the statement prepared by the Secretary of the Interior pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 with respect to the granting of a permit for the trans-Alaska pipeline meets the requirements of such Act.

SEC. 5. Any finding, determination, or decision of the Secretary of the Interior, or any other Federal official of any agency, with respect to the legal authority to permit the construction of the trans-Alaska pipeline, shall be final and shall not be subject to review in any court of the United States.

SEC. 6. The Secretary of the Interior is authorized to issue such regulations as he may determine necessary to enable him to carry out the provisions of this Act.

IMPACT OF THE NIXON BUDGET ON OUR COMMUNITIES AND HOW TO DEAL WITH IT

(Mr. DELLUMS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DELLUMS. Mr. Speaker, the attack launched by President Nixon upon the poor and working families of America represents a completely distorted view of the priorities faced by this Nation today and clearly indicates the narrow and absurd direction being taken by this administration.

The President has opened a full-scale campaign against the majority of American families, and I believe it imperative that we here in the Congress—and more importantly, for the millions of persons in communities all across America—to know fully the real and total impact of what Nixon asks for and how the Nixon proposals can be defeated.

I believe we can defeat the President—because he and his whole notion of where our country is and is going is wrong.

Because information on the impact of Nixon's budget and how to combat it is not readily available, over the past weeks I have compiled a number of important studies and analyses. I think these are critical studies and, for that reason, I now submit them for the RECORD:

I.—THE FEDERAL BUDGET 1974 PERCENTAGE CUTS

Program	1974 percent cut outlays	1974 percent change budget authority
Department of Agriculture:		
Animal and plant inspection service	9.0	[1]11.6
Agriculture stabilization and conservation, S+E	10.2	10.2
Cropland adjustment program	1.1	1.1
Conservation reserve	100.0	100.0
Dairy and beekeeper indemnity	62.5	100.0
Watershed and flood prevention operations	20.6	43.4
Resource conservation and development	7.8	69.1
Agriculture Land and Water Resources Fund	1.6	(2)
Special school milk	59.6	74.3
Forest protection and utilization	18.9	14.7
Department of Commerce:		
EDA	13.7	100.0
Promote and develop fishery products	6.7	32.9
HEW:		
NIH: Arthritis	3.9	6.5
NIH: Allergy	1.5	3.9
NIH: General medical science	7.4	10.1
Eye institute	20.9	6.7
General research grants	100.0	(3)
Health manpower—Health professions	46.6	46.6
Health manpower—Nursing	59.1	59.1
Service and supply fund	100.0	(3)
Office of Education:		
Elementary and secondary education	70.2	95.7
SAFA	72.0	86.0
Education for the handicapped	21.0	28.5
Occupational, vocational, and adult education	44.9	93.0
Social and Rehabilitation Service:		
Public assistance	9.9	17.2
Social and individual services	22.7	23.8
Benefits: Disabled coal miners	35.0	36.6
Assistance to refugees in United States	28.1	37.9
HUD:		
Low- and moderate-income housing aid	9.0	(3)
Sewer facilities	5.6	100.0
Department of the Interior:		
Migratory bird conservation	33.3	100.0
Saline water research	47.0	90.6
Department of Labor:		
S+E, labor and management	3.3	3.9
EEA	47.2	100.0
Federal unemployment benefits	23.1	23.2
Department of State:		
Buildings abroad	18.7	21.6
Working capital fund	100.0	110.0
Department of Transportation:		
Natural gas pipelines	8.6	(3)
FAA: A/A Trust Fund	100.0	100.0
FAA: Operations A/A Trust Fund	83.6	85.0
R.R. research	2.4	25.6
Department of Treasury:		
Bureau of Engraving and Printing Fund	83.9	100.0
IRS: S+E	.8	.1
Secret Service: S+E	.8	.5
INDEPENDENT AGENCIES		
EDA: Operations, research and facilities	39.4	100.0
GSA:		
Sites and expenses, public building projects	26.8	92.1
Building management fund	231.0	(3)
Trust fund: National Archives	165.2	(3)
Automatic data processing	31.2	(3)
VA:		
Veterans insurance benefits	30.5	100.0
General operating expenses	1.8	1.8
Construction of hospitals and domiciliary	51.2	(3)
Construction of State extended care facilities	10.0	100.0
Readjustment benefits	.8	.6
OTHER INDEPENDENT AGENCIES		
ACTION: Peace Corps	6.8	4.8
CRS:		
S+E	3.8	0
Intergovernmental personal assistance	3.7	33.3
Farm credit administration: Revolving fund for administrative expenses	100.0	100.0
Federal Home Bank Board:		
Interest adjustment and payment	12.4	(3)
Revolving fund	42.1	(3)
Selective Service: S+E	40.4	34.0
SBA: Disaster loans	87.4	100.0
TVA: TVA fund	18.2	33.1
USIA: International exhibitions	11.1	18.0
HEW Health-regional medical program		100.0
Education: ESEA:		
Education deprived children		100.0
Library resources		100.0
Equipment and minor remodeling		100.0
Planning and evaluation		100.0
HUD:		
Urban renewal		90.5
Model cities		100.0
Open space programs		100.0
DOL:		
Advances for extended unemployment	100.0	100.0
Executive offices	56.6	100.0
OEO		

[1] Up.
[2] No change.
[3] No figures.

II. EFFECT OF PROPOSED BUDGET CUTS ON THE WORKING AND MIDDLE INCOME

Although the major emphasis of the cuts in the budget have been on programs designed to serve the poor and disadvantaged, many programs also will effect the working and middle class.

Health Services—The Regional Medical Programs, Hill Burton C Hospital Construction, Community Mental Health Clinics—all serve middle class as well as the poor. The sharp cutback in medical research (NIH funds) effects all people equally, disease being no respecter of economic class.

Funds for *Open Spaces* in urban areas and *Outdoor Recreation* in rural areas will reduce facilities used traditionally by middle class groups.

The freezing of funds for HUD *Water and Sewer Projects* will most acutely effect suburban communities, particularly in new developments. If these communities are unable to obtain federal funds, it may require that the cost of new housing be raised because the developers will have to pay the costs, or taxes will have to be raised in order for the community to pay the costs.

The cutback on *Housing* will eliminate at least as many new middle income as low income housing and in addition will seriously effect the workers employed in the construction industry, already suffering from a 9.7% unemployment rate, one of the highest rates of unemployment nationally. The impact of construction workers unemployment will in turn effect employment in the service industries in residential areas with a high concentration of construction workers. Such areas are frequently middle income areas of cities or middle income suburbs. Anywhere from 1 to 2 million man years of work will be removed from the local economy. Cut backs in *professional training programs*—Health Manpower and the Education Professional Development Act (EPDA)—will decrease opportunities for the children of families in the middle income brackets from obtaining a professional education. *Student Assistant loans* offer no substitute since they are designed mainly for low income students, leave a residue of debt to be paid off, and have maximum levels not adequate to cover the cost of a long term educational investment.

The emphasis on student assistance without the corollary of funds available to colleges and universities will increase the tuition of *all* students attending college. The increased cost of higher education will have to be borne either by the state (more taxes?) or by the individual student.

One third of those employed by the *Emergency Employment Act* (EEA) are disadvantaged but two thirds are middle income people many of whom were only temporarily unemployed.

The cut backs to the *Environmental Protection Agency* to eliminate water pollution, air and noise pollution, and the handling of solid waste effects everyone equally; however, if the cities are to conform to the new standards established by the Environmental Quality Control Act without being able to obtain federal funds to build new treatment plants the source of money is likely to be new local taxes effecting middle income home owners (property taxes) or consumers (sales taxes).

Funds available through the *Economic Development Act* (EDA) have provided capital to *depressed areas*, not necessarily depressed people. Most of the jobs created by EDA have gone to middle income people.

Although Urban Renewal was designed as a program to benefit the poor, in actual practice it has benefitted the investors who have built in the industrial parks on the cleared properties, and the middle and upper income apartment dwellers who have occupied the apartment units that have replaced the slum dwellings.

OMBE has served minority business, but those served have been middle class minority members and although OMBE has an increase in funds, if OEO-Economic Development funds are added to fiscal year 1973 OMBE funds, the total amount of funds available for minority business firms is less than fiscal year 1974 than in fiscal year 1973. The lack of funds authorized under the Rural Development Act, intended to be available for industrial parks and similar developments, will hurt the businessmen who would have occupied the industrial parks, more than the poor who may or may not find jobs in them. Lack of funds for rural waste disposal and water and sewer in rural areas hurt everyone certainly not just the poor.

Although funds for *Medicare* are up, these are for increased numbers who can now qualify, and all persons over 65 will be required to pay a share of all medical services, a burden on the aged whether they be poor or middle income. Although the elderly will be required to pay more, there is no efforts to reduce the benefits to the rich—the doctors and the hospital administrators.

III. YOUR FAIR SHARE OF REVENUE SHARING: A COMMUNITY GUIDE TO GENERAL REVENUE SHARING: FACTS, IMPLICATIONS, ACTION

Movement for Economic Justice, 1609 Connecticut Avenue, NW., Washington, D.C. 20009, Phone: (202) 462-4200)

INTRODUCTION

On October 20, 1972 the State and Local Fiscal Assistance Act of 1972, more commonly known as *General Revenue Sharing*, became law. The Revenue Sharing Act provides for a total of $30.2 billion to be divided automatically among state and local governments over the next five years, beginning with 1972. The chart below indicates the amount to be distributed each year:

	Billions
1972	$5.3
1973	6.0
1974	6.1
1975	6.3
1976	6.4

The first checks, covering the period from January through June 1972 were sent out in December. During January 1973, checks covering the second half of 1972 were mailed. The first quarterly payments for 1973 will go out soon. This means that state and local governments will actually have two years worth of General Revenue Sharing allotments this year. Some states have already spent or budgeted substantial portions of their share, but most have not. They have two years to spend the money but not much time to plan the spending of it. Neither do you have much time to plan how you can affect the spending.

The Revenue Sharing Law and the Treasury Department regulations governing its implementation don't require any citizen participation in deciding how the money will be spent. (Neither do they prohibit citizen participation.) So, it is up to you to make your needs, issues, and priorities heard and acted upon.

First you must educate yourselves about revenue sharing in general, and particularly about revenue sharing in your city or town, county and state. Then you can begin to make a plan based on your own situation.

What follows is a discussion of some of the major components and issues around revenue sharing. The information is divided into facts about General Revenue Sharing, implications for community groups, and suggested actions for community groups. The order in which the topics are discussed coincides with the order of topics outlined on the enclosed general revenue sharing checklist so that you can see topic-by-topic how to use the checklist.

I. GENERAL REVENUE SHARING (GRS) ALLOCATIONS

Facts

The amount of general revenue sharing funds received by a state is based on either of two formulas—whichever produces the greater amount of funds. These formulas are:

The five factor formula which takes into account population, urban population, inverse capita income, general tax effort, and the existence of a local income tax.

The three factor formula which only considers population, relative per capita income, and general tax effort.

The reason there are two formulas is because in designing the bill, the House/Senate Conference could not reach a compromise between the more urban oriented House's five factors and the Senate's three factors.

The state government receives one-third of the total allocation for the state. Local governments receive the remaining two-thirds.

The two-thirds for local governments is divided among the units of local government within the state in this way:

Allocations for each county are determined on the basis of population, inverse per capita income and tax effort.

Finally funds are divided among the towns and cities and other localities within the county on the basis of population, inverse per capita income and tax effort.

Implications

Knowing how money is distributed under the GRS act and knowing how much money your state and local governments receive is not very important by itself. But with this knowledge you'll begin to get an overall picture of general revenue sharing in your area which is essential if you are going to proceed with a local general revenue sharing strategy.

Facts

After one and a half years, any state may change the weight of any of the three factors considered in the allocation formula. This change must be made through a single piece of legislation and will remain in effect for the full five years of the GRS Act. The change in the allocation formula must not decrease the allotment of any particular local government by more than 25% or increase it by more than 40%.

Implications

Changing the allotment formula may be either harmful or beneficial to you. You should determine what change would increase your locality's share and what changes would decrease it.

Action

Find out what, if any, proposals to change the formula are coming up in the state legislature. Lobby against any formula that would decrease your locality's share of the funds and work to have the formula changed to your advantage.

Facts

The allocation formula depends on the Census Bureau for population and per capita income statistics. Also, starting with 1972, a special section on the federal income tax return will be used to count heads for revenue sharing purposes.

Implications

Census statistics generally undercount the poor and the new tax return method of counting totally ignores the poor who aren't required to file returns.

Action

You can contest your state, county or locality's allotment on the basis of inaccurate population or income statistics. This requires very thorough documentation, however, and may not in fact provide any direct benefit to you since any extra money your work might obtain would still be in the hands of your local officials.

II. OTHER ALLOCATIONS RELATED TO THE USE AND IMPACT OF GRS FUNDS

Facts

Title III of the revenue sharing act set a ceiling of $25 billion on HEW's formerly open-minded social services programs. The $25 billion is distributed among the states on the basis of population. Twenty-three states and DC will receive fewer federal dollars under the new disbursement formula than they had previously estimated spending in fiscal 1973.

The Nixon budget for fiscal year 1974 calls for substantial cuts in many areas of federal spending and already, as you know only too well, funding for OEO and other programs has been eliminated or curtailed.

Implications

There won't be much more money available to the states than there was before general revenue sharing was enacted.

Action

Start analyzing and documenting the impact of both the social services ceiling and the Nixon budget cuts in your area. The Movement for Economic Justice along with other organizations, is now formulating a nationwide, but localized, strategy to combat the budget cuts and you'll be hearing more about it very soon. Right NOW start working on the other specifically revenue sharing ACTIONS suggested in this pamphlet.

III. LOCAL EXPENDITURES FROM GRS FUNDS

Facts

Local governments must submit to the Secretary of the Treasury, at the beginning of each entitlement period a report indicating what amounts of their GRS funds will be spent for what purposes. These reports must be made public by publishing them in a local newspaper with general circulation and by making it available to the news media and the public-at-large.

Local governments must also submit a report to the Secretary of the Treasury at the end of each entitlement period indicating the amounts and purposes for which general revenue sharing funds were actually spent. These reports must be made public as indicated above.

Implications

None of these reports need be extensive and they needn't show the effectiveness of the programs nor the beneficiaries. And there is only a very vague system for periodic audits. Therefore, it is up to citizens to demand more thorough reporting and to do the monitoring.

Action

Insist on ready public access to all reports. Insist that these reports be comprehensive—that they analyze who benefits from the expenditures, etc.

Also do your own analyses using the Revenue Sharing Checklist as a guide to the kinds of questions that must be addressed.

Facts

State governments can spend their share of the general revenue sharing funds virtually without restriction. Two exceptions are that GRS funds cannot be used as the matching grant necessary to obtain other federal grants and GRS funds cannot be used to reduce current state assistance or state revenue sharing with local governments.

Local governments must spend their GRS funds in certain "priority areas". These are:

1. Ordinary and necessary maintenance and operating expenses for:

Public safety (police, fire departments, building code protection).

Environmental safety (waste disposal, pollution abatement, sanitation).

Libraries.

Public transportation.

Health.

Recreation.

Social services for poor or aged.

Financial administration.

2. Ordinary and necessary capital expenditures authorized by law.

The general response to a survey of mayors of cities with population over 10,000, conducted by Senator Muskie's Senate Subcommittee on Intergovernmental Relations, indicated that local governments planned to use their GRS funds for capital improvements, public safety, and salary adjustments, including hiring new personnel. Somewhat less frequently mentioned were various forms of tax relief and environmental improvement. Only a small minority indicated they would use any General Revenue Sharing money for social services to poor and aged.

Implications

Given the priority areas as listed above, local officials will choose the ones they think are most politically important—most often, sewers for the suburbs, law and order, and tax relief. It should be noted however that the Muskie survey was conducted before Nixon's budget for fiscal year 1974 was announced and before local officials had any indication that they were expected to use Revenue Sharing funds to replace federal money cut from social programs. Now they may reconsider how to allocate the funds—it is up to you to *make* them reconsider. You must convince your local officials that community groups are to be taken seriously—that *you* are politically important.

Action

See the next section on Priority-Setting for an Action plan.

Facts

Local officials will be tempted to use bookkeeping tricks to shift revenue sharing funds into areas not included on the "priority areas" list.

Implications

If revenue sharing money is spent on things that aren't included on the list of allowable "priority areas," it simply means less money to spend on those areas that are listed—including your community programs.

Action

Examine your local government's budget very closely. Look for sharp increases in nonpriority areas and find out how they are being financed. See if comparable amounts of revenue sharing funds have been put into general administrative funds. If you come across such discrepancies, publicly demand an explanation from your local officials.

IV. PRIORITY-SETTING PROCESS FOR THE USE OF GRS FUNDS

Facts

There is absolutely no requirement in either the Revenue Sharing law or the Treasury Department regulations for citizen participation in deciding how revenue sharing money will be spent. (Neither is citizen participation prohibited.)

Implications

The implications of this fact are all too obvious—citizens are left out of the priority-setting process. This means that your needs and priorities are not taken into consideration.

Action

Demand citizen involvement!

Demand a clear policy of citizen involvement that includes representation of all sectors of the community.

Demand public hearings as a forum for all interested members of the community to raise issues and make their priorities known.

Demand that the process of citizen participation be widely publicized so that no one is excluded.

Demand a real voice and a concrete role for the community-at-large in determining how its revenue sharing money should be spent.

Be sure to make use of your general revenue sharing checklist in planning the details of your strategy for citizen participation. Be armed with the facts about how your local government planned to set priorities without consulting you.

Don't mount the fight alone. Contact other interested community groups and build a strong coalition committed to common priorities and needs.

Also many towns and cities have old, little-known regulations on the books that require citizen participation in such decision-making through hearings or town meetings or referendums. Have your lawyer investigate this possibility. With such a statute on your side your fight for citizen-participation will be won.

V. EQUAL OPPORTUNITY AND CIVIL RIGHTS PROVISIONS

Facts

"No person in the United States shall, on ground of race, color, national origin, or sex, be excluded from participation in or be denied the benefits of or be subjected to discrimination under any program or activity funded in whole or in part" with General Revenue Sharing funds.

If a recipient government does not comply with this civil rights provision the Secretary of the Treasury will request compliance. If, within a reasonable amount of time, not to exceed 60 days, the locality does not comply, the Secretary of the Treasury may refer the matter to the Attorney General or exercise the provisions of Title VI of the Civil Rights Act of 1964 or bring civil action in a U.S. Court. (All attempts are made to persuade the government to comply before a penalty is imposed.)

Implications

The Civil Rights provisions have been improved in the new Treasury Department regulations issued February 22, 1973 but are still weak in enforcement. There is no strong or reliable auditing procedure to detect non-compliance. Thus, it is up to you to monitor revenue sharing expenditures with an eye toward civil rights and equal employment.

Action

In monitoring expenditures for non-compliance with the civil rights provisions don't just look for cases of job discrimination. Look for exclusion from benefits. For instance, revenue sharing funds being spent on sewers in an all white section of town may constitute discriminatory spending. Pursue with your lawyer the possibility of stopping such expenditures through litigation on the basis of denial of benefits due to race (or national origin or sex).

VI. LOCAL TAXATION AND EFFECTIVENESS OF GRS FUNDS

Facts

Many local governments look forward to revenue sharing as a way to hold down local taxes. (This is allowed under the area of financial administration.)

Implications

At first it may seem that using revenue sharing to reduce taxes is contrary to the interests of poor and low income people. But who benefits depends on how the taxes are changed. Current systems of taxation are most unjust for poor and low income people. The combination of federal, state and local income taxes, sales taxes and other taxes means that low income people are generally taxed at a rate of 50%! If state and local governments use revenue sharing money to hold down taxes and take advantage of the breathing space to make some substantive reforms of the tax system, poor and low income people will benefit.

Most often revenue sharing money will be used to hold down property taxes. Although poor people don't usually pay much property tax this could still be a beneficial use of the funds. For example, if while holding down property taxes your local government finds new ways of financing education which equalize educational opportunity, you will benefit.

Action

If you decide that it is to your advantage to raise the issue of taxes or if your state or local government or other groups are moving to hold down taxes by using revenue sharing funds—push for real and comprehensive tax reform.

The Movement for Economic Justice's Tax Justice Project will help you with technical information and strategies and put you in touch with other people working on state and local tax reform.

VII. ASSESSMENT OF IMPACT AND EFFECTIVENESS OF GRS FUNDS

Facts

State and local governments must report to the Secretary of the Treasury on how they spent their revenue sharing funds. These reports must be published and made available to the public. But these reports needn't be very thorough. They needn't analyze the impact or effectiveness of the programs.

Implication

Since the governments are not required to assess the impact and effectiveness of GRS funds, they won't bother to do it.

Action

Demand that your state and local governments prepare and make available substantive analyses of the benefits and shortcomings of programs or projects funded by revenue sharing money.

But also prepare and make public your own assessment. The General Revenue Sharing Checklist will give you an idea of what factors to consider in your analysis. In doing the assessment you might uncover new issues to raise to the community and to organize around.

VIII. YOUR CITY OR TOWN'S NEEDS AND PRIORITIES

Facts

Revenue Sharing funds and expenditures are just a small part of your city or town's budget. There is obviously a relationship between budget priorities as a whole and priorities for Revenue Sharing funds.

Implications

Your chances of getting funds for community programs will be better if you understand your city or town's entire budget and become involved in setting budget priorities.

Action

Take the same kind of action for opening budget priorities to the community as you do for opening revenue sharing priorities to the community. Devise your own counter-budget and present it at a public meeting of members of the community who also want a part in setting the budget's priorities.

CONCLUSION

The actions outlined here are by no means guaranteed to get your community group an immediate piece of the revenue sharing money. But we do know of groups that have succeeded.

However, even if you don't get a program grant right away your activities will be very important. By analyzing and publicizing the shortcomings of general revenue sharing you can affect the way funds are spent in the future. You will gain visibility and prove to your local officials that community groups must be taken seriously in the debate over how priorities are set and how money is spent.

Keep in mind that there is widespread ignorance among local officials about revenue sharing and its implementation. Remember that the Treasury Department's Office of Revenue Sharing will have a maximum staff of only sixty people. At full strength it will have no more than twenty auditors to examine the reports and accounts of some 38,000 units of government. This means that no one will be holding public officials accountable if you don't.

Recognize the fact that revenue sharing means that state and local officials will increasingly be responsible for the financing of your areas of concern. Nixon's budget for Fiscal Year 1974 calls for the consolidation of seventy federal categorical programs, in the areas of education, manpower training, urban renewal, and Model Cities; under a new Special Revenue Sharing. It is time to start building new relationships with state and local officials and to make them the primary target of your actions.

Revenue Sharing has been billed as the great cure for urban problems and as the way to return control to the people. But we are skeptical of revenue sharing's ability to solve these problems, especially problems which are national in scope.

Remember that although the President would have us believe that revenue sharing is here to stay, if we can prove to Congress that revenue sharing does not work for poor and low income people—that community programs are being eliminated or cut as a result of revenue sharing—and that community people are not going to stand for it—revenue sharing can be stopped or redesigned to directly benefit you.

Good luck with your actions. Keep in touch with the Movement for Economic Justice and let us know of your successes or problems. We will help you in any way we can.

GENERAL REVENUE SHARING CHECKLIST

A preliminary checklist of information needed for monitoring and evaluating general revenue sharing funds in your city/town:

I. GENERAL REVENUE—GRS—ALLOCATIONS

1. How much money was directly allocated to your city or town?

2. How much additional money does your city or town get from your state's share of GRS funds?

II. OTHER ALLOCATIONS RELATED TO THE USE AND IMPACT OF GRS FUNDS

1. How much money did your city or town receive for Social Services (under amendment of Title X of the Social Security Act)?

2. Was this amount more or less than last year's funds for social services?

3. Did this amount meet the minimum need for social services in your city/town?

4. Were any federal categorical program grants to your city or town cut or eliminated this year?

5. If there were cuts, how much was the reduction and in what areas?

6. Are any federal categorical program grants scheduled for cuts or elimination?

7. If so, how much will be cut and in what general areas?

III. LOCAL EXPENDITURES FROM GRS FUNDS

(a) Use of Funds:

1. What plans were announced for the use of GRS funds?

2. How have GRS funds actually been spent?

3. To what extent did the actual use of funds match the announced plans?

(b) Types of Expenditures:

1. How much GRS money was spent on capital expenditures?—Where was construction located?—Are locations accessible to various constituencies?

2. How much GRS money was spent on recurring operational expenses?

3. How much GRS money was spent on programs and projects—such as public safety, environmental protection, recreation, or social services?—How much was spent on social services in particular?—how much was spent on each program or project?

(c) Non-GRS expenditures potentially related to GRS expenditures:

1. Were there or will there be any sizable increases in your city or town's expenditures in areas not considered priority for the allocation of GRS funds (such as education)?

2. What areas or projects were or will be increased? By how much?

3. How were or will these increases be financed?

IV. PRIORITY-SETTING PROCESS FOR THE USE OF GRS FUNDS

(a) The Present Situation:

1. Have GRS funds already been budgeted and spent? How were priorities, if any, established?

2. If GRS funds have not yet been budgeted or spent, at what stage is the priority-setting process for the use of these funds?

3. Is the priority-setting process being publicized?

(b) Community Involvement:

1. What is the extent of community involvement in the priority-setting process?

2. Is this involvement at the invitation of your local government or the result of community pressure?

3. What community groups are most interested and involved?

4. What is the process or means of community involvement—public hearings, testimony in City Council meetings?

(c) Priority-Setting Process within your Local Government:

1. What is the extent of debate and deliberation within your local government?

2. What is the timetable for setting priorities?

3. What department or individuals are responsible for coordinating the priority-setting process?

(d) Role of the Media:

1. How much attention is paid to local government reports on the planned and actual use of GRS funds by the media?

2. To what degree does the media encourage public debate about priorities?

3. What editorial positions have the media taken?

V. EQUAL OPPORTUNITY AND CIVIL RIGHTS PROVISIONS

(a) Equal Employment Opportunities:

1. Have women and minorities been discriminated against in hiring for programs or projects funded by GRS funds?

2. Have women and minorities been discriminated against in top and middle administrative positions?

(b) Capital Expenditures:

Have minority contractors and workers been utilized for these projects?

VI. LOCAL TAXATION EFFORT AND GRS FUNDS

1. Has there been any reduction of local tax effort as a result of GRS? What specific taxes have been reduced? By how much?

2. Have any planned increases in local taxes been eliminated as a result of GRS? Which taxes were to have been increased?

3. Who benefits from the reduced local tax efforts?

4. Have any efforts been made by the state legislature to alter the tax effort factor in the GRS formula for allocating state GRS funds to cities and towns?

VII. ASSESSMENT OF IMPACT AND EFFECTIVENESS OF GRS FUNDS

(a) Beneficiaries:

1. What constituencies benefitted most from GRS program and capital expenditures?

2. What constituencies benefitted least from program and capital expenditures?

3. What specific benefits were there for poor, near poor and minorities from the major categories of expenditures?

4. Compare the benefits for poor, near poor and minorities with the benefits for other constituencies. (For instance, if additional policemen were hired, were they hired for inner city or suburban fringe areas?)

(b) Program Effectiveness:

1. What quantitative and qualitative improvements have there been in programs receiving GRS money?

2. Were there any priority areas that received GRS funds but did not reveal any real increased level of effort, activity or performance?

3. Were funds channelled to meet the greatest needs . . . bringing greatest good

to the greatest number or resources to the neediest?

4. Has there been any scandal, corruption or illegality in the use of GRS funds?

(c) Jobs Created:

1. How many professional and non-professional jobs were created and at what levels?

2. What new career opportunities were created?

3. How many administrative jobs (typists, clerks, accountants, etc.) were created versus direct social services jobs (bus drivers, garbage collectors, social aids, policemen, etc.)?

(d) Evaluation of GRS Expenditures:

1. Has your local government evaluated its GRS expenditures? What mechanisms and personnel were involved in the evaluation?

2. What private community groups have evaluated the GRS expenditures?

3. What public process has been used in evaluating GRS expenditures—public hearings, media publicity, none?

VIII. YOUR CITY OR TOWN'S NEEDS AND PRIORITIES

(a) Community Assessment of city needs and priorities:

1. What analyses of your city or town's needs or *Counterbudgets* are planned or underway: Who is doing it?

2. What analyses of the city or town's budget processes in relation to setting priorities for the use of GRS funds are planned or underway? Who is doing it?

(b) Comparison of Existing Budget Priorities with Priorities Determined by Community Groups:

1. Do GRS funds reinforce existing priorities?

2. Are GRS funds enabling your local government to begin to move into new priority areas?

3. Can GRS funds be better used to meet community-determined priorities and needs?

(c) Local Budget-Setting Processes:

1. What is the process by which the budget is set in your city or town?

2. What is the extent of community participation in the process?

3. Is the process publicized?

REVENUE SHARING AND THE STATES

The table below shows the amount or GRS money that will flow to each state in 1973. In each case, the state govt. keeps ⅓ of the amount and ⅔ is divided among the counties and localities within the state:

	Amount of GRS funds	Percent of total GRS funds	State population	Revenue sharing dollars, per capita
Alabama	$116,100,000	2.2	3,444,165	$33.70
Alaska	6,300,000	.1	300,382	20.97
Arizona	50,200,000	.9	1,770,900	28.35
Arkansas	55,000,000	1.0	1,923,295	28.59
California	556,100,000	10.5	19,953,134	27.87
Colorado	54,600,000	1.0	2,207,259	24.73
Connecticut	66,200,000	1.2	3,031,709	21.84
Delaware	15,800,000	.3	548,104	28.59
District of Columbia	23,600,000	.4	765,510	31.26
Florida	146,000,000	2.8	6,789,443	21.50
Georgia	109,900,000	2.1	4,589,575	23.94
Hawaii	23,800,000	.4	768,561	30.96
Idaho	19,900,000	.4	712,567	27.92
Illinois	274,700,000	5.2	11,113,976	24.71
Indiana	104,300,000	2.0	5,193,669	20.08
Iowa	77,000,000	1.5	2,824,376	27.26
Kansas	52,800,000	1.0	2,246,578	23.50
Kentucky	87,300,000	1.6	3,218,706	27.12
Louisiana	113,600,000	2.1	3,641,306	31.19
Maine	31,100,000	.6	992,048	31.34
Maryland	107,000,000	2.0	3,922,399	27.27
Massachusetts	163,000,000	3.1	5,689,170	28.65
Michigan	221,900,000	4.2	8,875,083	25.00
Minnesota	103,900,000	2.0	3,804,971	27.30
Mississippi	90,700,000	1.7	2,216,912	40.91
Missouri	98,800,000	1.9	4,467,501	21.12
Montana	$20,600,000	0.4	694,409	$29.66
Nebraska	42,900,000	.8	1,483,493	28.91
Nevada	11,100,000	.2	488,783	22.71
New Hampshire	15,200,000	.3	737,681	20.60
New Jersey	163,600,000	3.1	7,168,164	22.82
New Mexico	33,200,000	.6	1,016,000	32.67
New York	591,400,000	11.2	18,236,967	32.42
North Carolina	135,500,000	2.6	5,082,059	26.66
North Dakota	19,700,000	.4	617,761	31.88
Ohio	207,000,000	3.9	10,652,017	19.43
Oklahoma	59,200,000	1.1	2,559,229	23.21
Oregon	56,200,000	1.1	2,091,385	26.87
Pennsylvania	274,000,000	5.2	11,793,909	23.23
Rhode Island	23,600,000	.4	946,725	24.92
South Carolina	81,500,000	1.5	2,590,516	31.46
South Dakota	25,100,000	.5	665,507	37.71
Tennessee	98,400,000	1.9	3,923,687	25.07
Texas	244,500,000	4.6	11,196,730	21.83
Utah	31,400,000	.6	1,059,273	29.64
Vermont	14,800,000	.3	444,330	33.30
Virginia	105,200,000	2.0	4,648,494	22.63
Washington	84,100,000	1.6	3,409,169	24.66
West Virginia	52,300,000	.9	1,744,237	29.98
Wisconsin	133,900,000	2.5	4,417,731	30.30
Wyoming	9,700,000	.2	332,416	29.18

Source: Joint Committee on Internal Revenue Taxation; Census Bureau.

IV. JOINT CENTER FOR POLITICAL STUDIES PUBLIC POLICY SERIES: THE BLACK COMMUNITY AND REVENUE SHARING, JANUARY, 1973

This study was prepared for the Joint Center for Political Studies by Dorothy Williamson, Kenneth S. Colburn and Dr. Pamela Kacser.

The Joint Center for Political Studies is a private, non-partisan organization, funded by the Ford Foundation. It provides research, technical assistance, and educational services for black and other minority group elected officials, and other groups and individuals representing minority group interests.

The Center also publishes reports and studies on topics related to minority group interests and political involvement of minorities. For a publications list, see the inside back cover.

Additional copies of this paper may be ordered for 50 cents each, or 35 cents per copy on orders of ten or more. Address requests to:

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PREFACE

This is the third in a series of occasional background papers on public policy issues of special interest to minority elected officials and others concerned with minority groups.

The first background paper, entitled "Federal Drug Abuse Programs" was published by the Joint Center, in cooperation with U.S. Representative Charles B. Rangel, in December, 1972. The second, also published in December, was "Children and Lead Poisoning".

These occasional papers briefly summarize and analyze relevant issues on contemporary problems. They also suggest additional resources to aid the reader in developing more extensive knowledge. With this knowledge, the reader will be better prepared to take appropriate action on these issues.

With the inauguration of this new series, the Joint Center is expanding its services to its constituents.

EDDIE N. WILLIAMS,
President.

JANUARY 1973.

REVENUE SHARING

On October 20, 1972, the State and Local Fiscal Assistance Act of 1972, more commonly known as revenue sharing, was signed into law. Its basic purpose is to return federal funds directly to state and local governments with few strings attached. While the concept is simple, the implications of this measure are enormous. The Joint Center has prepared this booklet to describe the essentials of revenue sharing and to begin to look at its implications for minority elected officials and their constituents.

I. What is revenue sharing?

The Revenue Sharing Act provides for a total of $30.2 billion to be distributed automatically to state and local governments during the next five years. Funds are being sent out to these governments under a formula based on population, tax effort, and relative per capita income, adopted by the U.S. Congress. Allocations to each state and locality were computed automatically based on the formula.[1]

The first checks, sent out in December 1972 covered the period January 1–June 30, 1972. During the first week of January 1973, checks covering the last half of 1972 were mailed by the U.S. Treasury Department. Then, beginning in April 1973, checks will be mailed on a quarterly basis (July, October, January and April) through January of 1977.

The philosophy behind revenue sharing is that local governments are more knowledgeable about and more responsive to the needs of their residents. This means a radical shift in who determines spending priorities. Traditionally, federal categorical grants and block grants are made for specific purposes with specific restrictions laid down by Congress and enforced by federal agencies. Under revenue sharing the governors, state legislatures, mayors, county executives and city and county councilmen will determine how federal revenue sharing funds will be used.

As of January 1973, the Treasury Department was operating under interim regulations for the first two payments. Interim regulations are the more detailed rules under which a program is operated until a federal agency issues permanent regulations. It was expected that proposed permanent regulations will be issued early in 1973. At that time there is to be an opportunity for individuals, organizations and governmental bodies to comment to the Treasury Department before the regulations are made final.

The Revenue Sharing Act also places a limit of $2.5 billion on federal outlays for social services, and permits the federal government, at each state's discretion, to collect state individual income taxes and return them to each respective state. In 1972, some Congressmen expressed concern when they found that, in an apparent loophole, social services funds under the Social Security Act were available to states on an open-ended basis. The $2.5 billion ceiling on the categorical grants authorized in that Act was inserted in the revenue sharing bill as a tactical maneuver to assist passage. The facts which follow are based on the law and on the preliminary regulations.

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[1] A five-factor formula was used for 16 states under a compromise between the House and Senate. Calculations were done automatically by computer.

II. How the funds are distributed

The allocation of funds to the states and localities is determined on the basis of a formula set forth in the law as passed by the Congress. The total sum available for the period is first broken down by the basis of the formula.

One third of the allocation for each state goes to the state government. The remaining two thirds is then divided by county according to the basic three-factor formula.

The county share, in turn, is then divided into three parts: for the county government, for the municipal governments as a group, and for the townships as a group in proportion to the taxes each collects.

Finally, the municipalities and the townships subdivide the money allocated to them as a group. The share of each is determined by the basic formula, population times tax effort times inverse relative per capita income. The basic formula for subdividing shares to the county is the product of each county's population times its tax effort times the inverse of its relative per capita income. In the application of this formula, population is based on the 1970 census. Tax effort as used in the formula is the relationship between the taxes ("adjusted taxes")[2] collected by a jurisdiction and the aggregate of the jurisdiction's income. The purpose of this element in the formula is to benefit those jurisdictions that are taxing themselves heavily, that is, using a large portion of their taxable capacity. Localities that use revenue sharing payments to reduce taxes may also cut their tax effort, and hence their future revenue sharing payments.

Inverse relative per capita income is included in the formula to benefit the poorer jurisdictions, though, as noted later, it remains to be seen how effective this factor will be for that purpose. As calculated for municipalities the factor would be:

Per capita income of county/per capita income of individual municipality.

If the particular municipality has a below average per capita income, this factor will be greater than one, leading to an increased share.

The funds going to each unit of government are based on a predetermined formula and calculations are made by the Treasury's computer. The only factor that can affect the amount of these initial allocations is the data from each locality which is put into the formula.

Chart I illustrates how funds are distributed within each state. Note the limitations on amounts a government may receive, listed on the bottom of Chart I (not reproduced in the RECORD).

Changes in Formula

An important provision of the law gives each state legislature *once* during the five-year period the opportunity to change the weights given to each of the factors in the formula for distribution of funds within the state.

That is, a change may be made which will affect the relative amounts communities within a state will receive.

An alternative state formula will be based on relative weight, from zero per cent to 100 per cent, given to each of two factors:

(1) Population x tax effort.

(2) Population x inverse relative per capita income.

Thus, population times tax effort may be given a weight of 20 per cent and population x relative per capita income 80 per cent or any combination adding to 100 per cent.

The per capita income factor would seem to be the best indicator of a local government's relative poverty. However, this factor may cause the difference in poverty among medium and larger sized cities to be obscured if the richer areas in a city balance out the poorer. It may be that the tax effort factor will be a more precise criterion. Minority elected officials will have to study the particulars of their state's situation carefully before determining whether to favor a change in the allocation formula.

III. How the funds can be used

Despite the general absence of federal requirements for revenue sharing fund use, several limitations do exist.

Local Share

Revenue Sharing Funds received directly by local governments (⅔ of the total amount going to a state) must be used within one of the following areas:

(1) Ordinary and necessary maintenance and operating expenses for:

(a) Public safety (including law enforcement, fire protection, and building code enforcement).

(b) Environmental protection (including sewage disposal, sanitation, and pollution abatement).

(c) Public transportation (including transit systems and streets and roads).

(d) Health.

(e) Recreation.

(f) Libraries.

(g) Social services for the poor and aged.

(h) Financial administration.

(2) Ordinary and necessary capital expenditures authorized by law:

State Share

Revenue sharing funds which go directly to the states (the remaining ⅓ of a state's allocation) are not restricted to the eight categories listed above. However, there is a limitation which applies to the states only: state governments are required to maintain the same level of aid to local governments as they have during fiscal year 1972. Under this "maintenance of effort" provision, if a state reduces its aid to localities below that level, the Treasury Department will reduce the state's share of revenue sharing funds by the same amount.

Both Local and State Shares

Both revenue sharing funds going directly to localities and those going to the states may not be used, directly or indirectly, to meet the matching requirements of federal grant-in-aid programs. However, revenue sharing funds can be used to supplement other federal funds.

Within these broad categories are many uses which minority elected officials will find to benefit to their constituents. As expressed earlier, decision-making in the state and local appropriations process will be of crucial importance in determining the actual revenue sharing fund use.

It is worthwhile keeping in mind that, at the moment, revenue sharing is only a five-year program. It may be prudent to invest these funds in non-recurring projects—for instance capital expenditures where other funds are available for maintenance—in order to guard against the possible end of revenue sharing in 1976. In other cases operating expenses may be so overwhelming as to demand use of revenue sharing funds for that purpose.

IV. Special requirements

To see that revenue sharing operates fairly and effectively, certain special protections have been written into the law. These special protections are not self-enforcing, and require the vigilance of local officials and citizens to be effective.

The Plan

Perhaps the most important lever for minority elected officials in seeing that revenue sharing is used for the benefit of minorities is "The Plan" for use of revenue sharing funds. Under the law, each state and locality which expects to receive the funds must submit a report to the Secretary of the Treasury which spells out the amounts and purposes for which the funds will be used. The plan must be submitted for each entitlement period (each fiscal year after the first three payments). The chief executive of the state, county, city or township is responsible for preparing the plan.

The preparation of this plan is an opportunity for minority elected officials to have uses of benefit to their constituents written into the plan.

However, there is at this time no provision for open hearings or submission by the community as to uses they desire. By calling for such hearings or forums, the elected official may better be able to see his community's views represented.

Assurances to the Secretary

In order to be eligible for revenue sharing funds, a unit of government must submit to the Secretary of the Treasury certain assurances that the requirements of the law will be met. Localities must also submit these assurances to the governor. These assurances are that:

(1) Revenue sharing funds that are not immediately spent will be kept in a trust fund, and interest from the account will be deposited;

(2) The funds will be used within two years from the time of issuance;

(3) Funds will be used only for purposes permitted by the act;

(4) Expenditures will be made in accordance with state and local laws and procedures;

(5) Fiscal, accounting and audit procedures will follow Treasury Department guidelines;

(6) The Secretary of the Treasury and Comptroller General shall have access to relevant books and records;

(7) Annual and interim reports required by the Secretary shall be made;

(8) Employees will be paid wages out of general revenue sharing funds (if 25 per cent or more of an occupational group is paid from these funds) at the same rates paid other employees in similar occupations, and

(9) Laborers and mechanics employed by contractors or subcontractors on a project funded in part (25 per cent or more) with general revenue sharing funds will be paid according to the provisions of the Davis-Bacon Act.

Reports to the Secretary

At the end of each entitlement period, each governmental unit receiving funds must submit a report to the Secretary of the Treasury detailing actual use of funds.

Publication of Reports

Both the report showing planned use of revenue sharing funds and that showing actual use of revenue sharing funds must be published in a newspaper of general circulation within the governmental unit.

V. Civil rights

Of major concern to minority elected officials is the extent to which revenue sharing may lessen the civil rights protections which have been built into the federal grants system. There is the possibility that without the detailed federal civil rights protections, states and localities will be unwilling or unable to avoid racial discrimination where revenue sharing funds are involved.

The Revenue Sharing Act has a single civil rights provision, a repetition of Title

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[2] Adjusted taxes is defined as the compulsory taxes collected by the municipality (other than employee assessments and contributions) to finance retirement and social insurance systems, and other than special assessments, utility fees and user charges minus that portion of the taxes which is properly allocable to school facilities.

VI of the Civil Rights Act of 1964. Title VI is a broad prohibition on use of federal funds for projects in which racial discrimination is practiced. The revenue sharing act extends the prohibition to sexual discrimination as well.

Absent are the detailed laws and administration enforcement procedures applicable under other federal civil rights laws, such as the Fair Housing Act and the Equal Employment Opportunities Act. The details of enforcement now fall largely to the states and localities which generally have fewer laws, less effective enforcement mechanisms, and in some cases a lack of will to avoid racial discrimination.

Further, under revenue sharing, discrimination can be accomplished by the nature of fund uses as well as by outright discrimination in programs. For instance, a municipality may apply its funds to beautifying a golf course used almost exclusively by whites rather than for paving roads in low-income areas. A local government might also use revenue sharing funds for a non-discriminatory purpose, but the effect will be to free funds for a discriminatory program such as funding local housing in a locality with no local fair housing law.

These potential loopholes have been of concern to a number of individuals and groups. A task force of the Leadership Conference on Civil Rights has submitted a letter to the Treasury Department calling for certain provisions in the permanent regulations to be used. That letter suggests:

(1) The recipient must give an assurance that non-discrimination requirements have been complied with;

(2) The recipient must set forth facts showing the planned use does not and will not result in racial discrimination;

(3) There should be language defining the equal opportunity responsibility and explaining the standard of performance expected;

(4) The revenue sharing regulations should incorporate by reference all appropriate Title VI regulations;

(5) Detailed explanation should be given of compliance procedures to be used, including a requirement of data submission on race, ethnicity and sex of program beneficiaries;

(6) The governor, who has initial responsibility for enforcing the non-discrimination clause, should submit a plan for enforcement to the Treasury Department;

(7) The Secretary of the Treasury should have sanctions, including fund termination, for non-compliance with civil rights provisions, and

(8) All plans should be distributed widely in each community before they are forwarded to the Treasury Department.

Regulations changes may serve to strengthen the act's civil rights provisions, but only monitoring by local individuals and national groups can see that there is no discrimination. The National Urban Coalition and the Brookings Institution, among others, will be doing revenue sharing monitoring generally.

VI. Implications of revenue sharing for minority communities

Revenue sharing as a new form of federal funding to states and localities may produce a major change in the workings of government and its effect on various groups of citizens. There has been little experience with revenue sharing and its potential effects are not yet clear But some preliminary observations and cautions may be pointed out.

Changes in Federal Funding

While revenue sharing represents additional funds for localities, there is the possibility that it will be followed by cutbacks in categorical grant programs, initiated either by the Congress or by the Executive Branch. Elected officials will want to guard against the possibility that such cutbacks will result in a net loss for minority communities This might happen, for instance, if revenue sharing funds were used for libraries throughout a city, while soon afterwards manpower funds going mainly to the minority community were cut back. The check list prepared by the National Urban Coalition, included as Appendix B, is useful in monitoring such changes.

Changes in the Levers of Power

As outlined earlier, revenue sharing will change the key point of decisionmaking for these federal funds from various federal agency officials to state and local chief executives and legislators. Elected officials must become totally familiar with the appropriations at the state and local levels, looking not only at the specific use of revenue sharing proceeds but at resulting changes in the use of other funds as well.

Use of Funds

Greater attention will have to be given to new ways in which uses of public funds will be helpful or harmful to minority communities. For instance, property tax, as a local matter, could be affected by decisions made at the local level. The effect of lowering property taxes with revenue sharing funds may well be to the benefit of property owners. Similarly, substituting revenue sharing or other funds for federal programs where federal civil rights laws have been effective and state or local civil rights laws have been absent or ineffective could result in greater discrimination.

Civil Rights

In addition to monitoring or seeking to strengthen the weak civil rights provisions of the revenue sharing regulations, minority groups should take a closer look at state and local civil rights laws and enforcement procedures.

Investment of Local Funds

Some states and localities are unable to use revenue sharing funds immediately and may put them in banks or invest them, possibly in bonds. Investments must be made in accordance with local laws and procedures. Minority officials will want to watch whether such funds are placed in minority-owned banks and assess the extent to which they are invested in areas which benefit minorities.

Incorporation

Because revenue sharing funds can only go to general purpose governments, local officials, particularly in the South, may want to consider the advisability of creating general purpose incorporated governments in areas that are now without municipal or township governments.

Change in State Formula

A change in the state formula, as described earlier, may affect the extent of funds going to minority communities. Such a change can be made by the state legislature. Minority eelcted officials will want to be alert to proposed formula changes, to study the benefits of the alternatives, and make their views known.

Community Participation

The plan for use of revenue sharing funds is the crucial point at which a community can make input into revenue fund use. The focus of citizen participation efforts will have to be changed, to some extent, to have a direct effect on the plan and the local appropriations process.

Data Collection in Black Communities

In the past, some question has been raised as to the accuracy of data about black communities, particularly in the Census. Revenue sharing funds will be distributed on the basis of data obtained from the 1970 Census, special Census Bureau surveys, and Internal Revenue Service records. Officials will want to see that such data is accurate, to obtain the fullest benefit for their communities.

Congressional Oversight

Finally, revenue sharing is an experimental program, which could be vastly expanded or scrapped entirely. The Congress will be watching to see how the program works, how funds are used, whether discrimination and fraud occur, or whether local communities are moved to help their residents, particularly those who need it most. Monitoring, documentation, discussion and public exposure of shortcomings by minority community leaders will help to accomplish the purpose. Elected officials can play a key role in monitoring by keeping accurate records of revenue sharing fund use.

In the 93rd Congress (1973–1974), Special Revenue Sharing, which is distinct from General Revenue Sharing discussed in this pamphlet, will most likely be under renewed consideration. Special revenue sharing would give additional federal funds, again with few limitations, to states and localities for more specific subject areas, indirectly substituting for existing federal grant programs. Special Revenue Sharing is likely to be proposed for such areas as community development and manpower. This and other changes will be the subjects of future Joint Center publications.

For further information contact Research Department, Joint Center for Political Studies, 1426 H Street, N.W., Washington, D.C. 20005.

APPENDIX: GENERAL REVENUE SHARING

A preliminary checklist of information needed for the monitoring and evaluation of these funds, prepared by Pablo Eisenberg, National Urban Coalition:

I. GENERAL REVENUE SHARING (GRS) ALLOCATIONS

A. Amount of money allocated directly to cities and/or other localities.

B. Additional funds diverted to cities and/or other localities by the states from the states' share of GRS.

II. OTHER ALLOCATIONS RELATED TO THE USE AND IMPACT OF GRS FUNDS

A. Allocations for Social Services (Amendment of Title XI of Social Security Act):

1. Amount received by city and/or other localities.

2. Amount by which this year's allocations exceeded or was less than last year's funds for social services.

3. Did this year's allocations for social services meet the minimum need for such services?

B. Federal categorical programs:

1. Were there any federal categorical program grants eliminated or cut this year?

(a) How much was the reduction?

(b) In which general areas?

2. Are any federal categorical program grants scheduled for elimination or reduction?

(a) How much will the reduction be?

(b) In which general areas?

III. LOCAL EXPENDITURES FROM GRS FUNDS

A. Use of funds:

1. Announced plans for the use of GRS funds.

2. Actual use of GRS funds.

3. Extent to which actual use matched announced planned use of GRS funds.

B. Types of expenditures:

1. Amount spent on capital expenditures:

(a) Location of construction

(b) Accessibility to locations by various constituencies

2. Amount spent on recurring, operational expenditures.

C. Programs areas and projects on which GRS funds spent:

1. Look into police, social services, fire stations, etc.

2. Specific amounts spent.

D. Non-GRS local expenditures potentially related to GRS expenditures:

1. Were there or will there be any sizeable increases in local expenditures in areas not considered priority for the allocation of GRS funds, e.g., education?

(a) What areas or projects?

(b) How much was the increase?

2. How were these increased expenditures financed?

3. Were there any priority areas that received GRS funds but did not reveal any real increased level of effort, activity or performance?

IV. PRIORITY-SETTING PROCESS FOR USE OF GRS FUNDS

A. Have GRS funds already been budgeted and spent?:

1. How were priorities, if any, established?

2. If GRS funds have not yet been budgeted or spent, at what stage is the priority-setting process for the use of these funds?

3. Is the priority-setting process being publicized?

B. Community involvement:

1. Extent of community involvement.

2. Community groups most interested and involved.

3. Process of community involvement:

(a) Public hearings.

(b) Testimony in City Council meetings.

(c) Other.

C. Within local government:

1. Extent of debate and deliberation within local government.

2. Time involved in setting priorities.

3. Department or individuals responsible for coordinating process within local government.

D. Role of the media:

1. Attention paid to local government reports on the planned and actual use of GRS funds.

2. Degree of encouragement of public debate by the media.

3. Editorial policies.

V. EQUAL OPPORTUNITY AND CIVIL RIGHTS PROVISIONS

A. Equal employment opportunity:

1. Minorities and women.

2. Top and middle echelon administrative positions.

B. Capital expenditures:

1. Utilization of minority contractors and workers.

VI. LOCAL TAXATION EFFORT AND GENERAL REVENUE SHARING FUNDS

A. Any reduction of local tax effort as result of GRS?:

1. Specific taxes.

B. Elimination of planned increases in local tax effort as a result of GRS?

1. Specific taxes.

C. Primary beneficiaries of reduced local tax efforts.

D. Any efforts by Stae legislatures to alter tax effort factor in GRS formula allocating funds to localities?

VII. ASSESSMENT OF IMPACT AND EFFECTIVENESS OF GRS FUNDS

A. Beneficiaries:

1. What constituencies benefitted most from program and capital expenditures?

2. What constituencies benefitted least from program and capital expenditures?

C. Within local government:

1. Extent of debate and deliberation within local government.

2. Time involved in setting priorities.

3. Department or individuals responsible for coordinating process within local government.

D. Role of the media:

1. Attention paid to local government reports on the planned and actual use of GRS funds.

2. Degree of encouragement of public debate by the media.

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D. Any efforts by State legislatures to alter tax effort factor in GRS formula allocating funds to localities?

VII. ASSESSMENT OF IMPACT AND EFFECTIVENESS OF GRS FUNDS

A. Beneficiaries:

1. What constituencies benefitted most from program and capital expenditures?

2. What constituencies benefitted least from program and capital expenditures?

C. Local budget-setting processes:

1. Extent of community participation.

2. Information and publicity about process.

JCPS PUBLICATIONS

OCCASIONAL PAPERS

No. 1. *Federal Drug Abuse Programs.* December, 1972. 75 cents; 60 cents per copy on orders of 10 or more.

No. 2. *Children and Lead Poisoning: A Guide for Local Action:* December, 1972. 50 cents; 35 cents per copy or orders of 10 or more.

No. 3. *The Black Community and Revenue Sharing.* January, 1973. 50 cents; 35 cents per copy on orders of 10 or more.

PAMPHLETS

Baltimore's Failure to Elect a Black Mayor in 1971, by G. James Fleming. March, 1972. 50 cents per copy.

Black Politics in Gary: Problems and Prospects, by William E. Nelson, Jr. March, 1972. 60 cents per copy.

The Construction Industry: A Black Perspective, by Dennis Derryck. May, 1972. 50 cents per copy.

Implications, Impact and Prospects of Nixon's New Economic Policy, by Thaddeus H. Spratlen and Robert S. Browne. September, 1971. 50 cents per copy.

The Making of a Black Mayor: A Study of Campaign Organization, Strategies and Techniques in Prichard, Alabama, by John Dean. January, 1973. $2.50 per copy.

Metropolitan Government: A Black Analytical Perspective, by Tobe Johnson. May, 1972. 50 cents per copy.

REPRINTS

Blacks and Metro Politics. Contains "The Black Role in Urban Politics," by Richard Hatcher, and "Black Rule in the Urban South", by Lee Sloan and Robert French, No charge.

DIRECTORIES

National Roster of Black Officials, March 1971, and *Supplement,* March, 1972. $2.50 for each volume.

SPECIAL PROJECTS

Guide to Black Politics '72—Part I: The Democratic National Convention, and *Part II: The Republican National Convention.* No charge.

To order, write: Publications, Joint Center for Political Studies, 1426 H Street, NW., Suite 926, Washington, D.C. 20005.

V. STRATEGY TO COUNTER THE NIXON BUDGET CUTS/IMPOUNDMENTS

The following is a local action plan for fighting the Nixon budget cuts and impoundments. It has been discussed with the Congressional Black Caucus and many other people and groups. It has been adopted as an action plan by a coalition of more than 80 National Organizations which met on March 5th. It is designed to be a majority strategy in which blacks and other minorities work in coalition with whites who are adversely affected by the budget cuts.

The strategy relies heavily on local organizing and local action in congressional districts, coupled with a well-thought out, well-organized legislative strategy on Capitol Hill.

ELEMENTS OF A LEGISLATIVE STRATEGY

The legislative strategy must be simple in its basic design and bold and sweeping in its purpose. It must transcend the day-to-day intricacies of the normal legislative process if local constituencies are to effectively participate. The National strategy must have a clear focus, such as a major bill or congressional resolution whose progress can be easily followed by local constituencies. (It could be more than one bill but the fewer the better.) There must be adequate lead time between the initiation of the legislative strategy and the local actions to allow citizens to be identified, informed and mobilized to lobby on the issue. There should be a predictable time when the bill or resolution will come to a vote to facilitate local planning and organizing around it. And, it must be of a nature that will allow the broadest possible constituency to coalesce around it.

LOCAL ACTION PLAN

The local strategy would have three focal points:

Fact-finding hearings would be held by members of Congress in their home districts during the Easter Congressional Recess. In cases where Congresspersons are unwilling to hold hearings, local coalitions might use petition drives or other forms of citizen actions to persuade or pressure their attendance. If a Congressperson refuses to hold the hearing, the local coalition should sponsor its own. The hearings would be important in beginning to develop the coalition but their major importance would be in airing the specific impact that the budget has had (or will have) on people in Congressional districts across the country.

Town meetings would be held the last week in May or the first week in June. Sponsored by a more fully organized coalition of local groups and individuals, these meetings would be designed to rally the broadest public interest and support for the congressional initiative against the budget cuts/impoundments. Ideally, these would be timed to fall a week or two before the major legislative initiative would be acted upon by the House.

A series of rallies and/or actions would be scheduled for June 30th and July 1st at federal buildings or other key sites in local districts to usher in the new fiscal year. The rallies could take the form of victory celebrations, or planning for further coalition action if the congressional initiatives have been successful against Nixon's cuts, or could feature heavier forms of direct action and escalated confrontation if Nixon's cuts and impoundments have not been reversed.

These proposals are meant to form a framework and general time table. A variety of other actions could be fitted into it.

The Movement for Economic Justice is willing to provide coordination and assistance to local groups that are interested in participating.

GEORGE A. WILEY,
National Coordinator.

VI. NATIONAL PRIORITIES VOTING CHECKLIST BY "THE MARCH FIFTH COALITION"

Over the past two years, Members of the House of Representatives voted on many questions concerning budget priorities and programs designed to aid lower income and disadvantaged citizens. From those many votes, we have selected 38 which we believe present an adequate perspective for the judgment of how any one Member of the House is likely to vote in the future on similar issues.

The following list of those 38 votes includes the issue in question, date of the vote, which page it can found in the Congressional Record, and the position on that vote which favors re-adjusting national priorities towards those Americans most in need and away from the corporate-military complex.

Since every Member of Congress can cite a myriad of reasons why they "could not" vote for a specific bill or amendment, we do not suggest that any one percentage of voting "right" separates the good from the bad; however, if the Member you are researching votes "right" less than 75% of the time, there is need for intense local lobbying pressure to insure that that Member will support proposals to retain and increase social programs.

For your information, Congressional Records are maintained by most library systems and by what are termed Federal Depository Libraries and every congressional district is entitled to two such libraries; your Congressman's office will tell you where they are in your District.

(NOTE.—Because of the technical nature of congressional procedure, what is termed the "right" position on some of these votes may not agree with the description of the issue being considered; however, the position shown is, indeed, the correct position.)

Rollcall No. and issue	Right position	Date	Page No.
Teller 31: Cut funds for the supersonic transport	Y	Mar. 18, 1971	H1748
Teller 52: *Increase* appropriations for education	Y	Apr. 7, 1971	H2588
Rollcall 66: Eliminate public works programs in areas of high unemployment.	N	Apr. 22, 1971	H2711
Rollcall 98: Allow substitution of a weaker emergency employment program.	N	May 18, 1971	H4059
Teller 113: Substitution of weaker emergency employment bill.	N	June 2, 1971	H4539
Teller 140: 10 percent cut in defense budget	Y	June 16, 1971	H5300
Rollcall 142: Increase appropriations for education	N	June 17, 1971	H5440
Teller 159: Limit farm payments to $20,000	Y	June 23, 1971	H5774
Teller 207: Increase health funds	Y	July 27, 1971	H7246
Teller 208: Increase rehabilitation program funds	Y	do	H7254
Teller 209: Increase child welfare services funds	Y	do	H7259
Rollcall 227: Loan *guarantees* for Lockheed Corp	N	July 30, 1971	H7519
Teller 273: Extension of Federal child care programs	Y	Sept. 30, 1971	H8903
Teller 275: Eliminate Legal Services Corporation	N	do	H8921
Rollcall 277: Restrict day care services	N	do	H8939
Rollcall 278: Extension of Economic Opportunity Act	Y	do	H8939
Teller 401: Cut defense budget by 2 percent	Y	Nov. 17, 1971	H11201
Rollcall 438: Conference report on OEO Act	Y	Dec. 7, 1971	H11940
Rollcall 27: Food programs for the elderly	Y	Feb. 27, 1972	H784
Rollcall 37: Increase public debt limit level	Y	Feb. 9, 1972	H986
Rollcall 46: Extend poverty programs 2 years	Y	Feb. 17, 1972	H1235
Rollcall 45: Substitute weaker poverty program	N	do	H1221
Teller 271: Limit emergency community facilities programs	N	July 19, 1972	H6694
Rollcall 273: Passage of emergency community facilities bill.	Y	do	H6699
Rollcall 285: Expansion of rural development programs	Y	July 27, 1972	H6979
Rollcall 290: Minimum wage increase	Y	Aug. 1, 1972	H7036
Rollcall 309: Increase health and education funds	Y	Aug. 9, 1972	H7413
Teller 330: Lower unemployment benefits	N	Aug. 16, 1972	H7733
Rollcall 333: Override President veto on Labor/HEW funds	Y	do	H7743
Teller 339: Increase funds for poor schools	Y	Aug. 17, 1972	H7846
Rollcall 351: Compromise poverty program bill	Y	Sept. 5, 1972	H8068
Teller 371: Increase funds for bilingual education	Y	Sept. 19, 1972	H8547
Rollcall 398: Emergency medical services act	Y	Oct. 2, 1972	H8980
Rollcall 404: Minimum wage increase	Y	Oct. 3, 1972	H9061
Teller 420: Allow President alone to cut spending	Y	Oct. 10, 1972	H9401
Rollcall 433: Limit social services expenditures	N	Oct. 12, 1972	H9769
Rollcall 440: Labor/HEW funds	Y	Oct. 13, 1972	H9844
Rollcall 456: Spending level limit	N	Oct. 17, 1972	H10232

MORE BACKGROUND ON THE WEST FRONT EXTENSION

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, already we are beginning to see in the press and to read in our daily mail expressions of grassroots sentiment on the historic issue of extending the west front of the Capitol at the fantastic cost of $368 per square foot for hideaway office space, almost seven times the cost of space in the Rayburn Office Building, until now the most costly office space ever constructed.

Surely, Mr. Speaker, it behooves us to listen to these grassroots voices. Surely, Mr. Speaker, at a time of grave budget crisis, at a time when milk is being cut off for children in schools, when hospital care is being denied our senior citizens, when Congress is being challenged on all sides to reassert its leadership in the control of the purse strings and in the setting of national spending priorities, surely, Mr. Speaker, we in the House cannot possibly, in our first official action on the vital spending priorities of the 1974 budget, vote to spend $60 million for a few hideaway offices for our own personal convenience, and at the staggering alltime cost of $368 a square foot.

Here is a sample of some of that grassroots sentiment: An editorial from today's Washington Post; an editorial from the Schenectady, N.Y., Gazette of March 23, 1973; and a syndicated article by Virginia Payette which also appeared in the Schenectady Gazette of the same date.

I am sure that all of my colleagues who sincerely believe that a dollar saved is a dollar earned will find these editorials and this article of great interest:

[From the Washington Post, Apr. 9, 1973]

CAPITOL PHANTASMAGORIA

The House Appropriations Committee voted in closed session last Thursday to spend $58 million for an extension of the historic west front of the U.S. Capitol. Closing the session to the public (by a 32 to 13 vote) is contrary to the recent legislative reforms which limit secret congressional deliberations to matters of national defense and personnel. The proposed $58 milllion expenditure is contrary to prudent use of public funds.

The congressional leadership's extension phantasmagoria, secret sessions and all, has been around for over a decade. As Rep. Samuel S. Stratton (D-N.Y.) has put it, "The action of the House Appropriations Committee was completely expected. They are in the same rut and will stay there until the House and Senate membership forcibly eject them from it."

The House, according to present plans, will have its chance to do just that in another week. The issue is relatively simple: The central sandstone portion of the west front, built in the days of President George Washington, has been allowed to deteriorate and is in need of repair. A congressionally commissioned engineering study (the Praegar Report) has found that restoration is entirely feasible and would cost $15 million. It would have the advantage of preserving the historic integrity of the building.

The congressional leadership (represented in toto on the Commission for the Extension of the Capitol) rejects restoration, however, and wants the building extended by as much as 80 feet. This would drastically alter the building, hide the historic facade, destroy the magnificent terraces and stairway down to the Mall and cost $58 million. Like all phantasmagoria, it has no plausible advantage at all.

The arguments in favor of extension, faithfully supported by successive Architects of the Capitol, have shifted over the years. At first we were told that repair of the original facade was not feasible. This was refuted by the engineering study. Next we were told that additional space was essentially needed for tourist facilities. This is obviated by the conversion of Union Station into a visitor's center. Now the extension is to be justified by "an urgent need for space."

But the space needs, however urgent, have never been specified. There is no public plan for the arrangement and purposes of the proposed offices and other spaces. Capitol Architect George White has testified that it is inappropriate to call them "hide-away" offices. What he has in mind, he said, are spaces where legislators can escape the pressure and tension on Capitol Hill—"some place where we can close the door, not have a phone and just sit there and think."

Mr. White, we agree, needs a place where he can escape the pressure and think about precisely what he is going to offer Congress for $58 million besides a new marble facade. And the House and Senate should at least insist that before they approve this expenditure, the Architect submit the same kind of masterplan Congress demands before funds are granted for interstate highways, model cities and other development programs. The plan should include an inventory of space utilization of present buildings and proposals for the long-range development of Capitol Hill. If such a study finds that additional space for thought is indeed needed in the Capitol itself, it could, as the American Institute of Architects has pointed out, be more cheaply and easily provided by building invisible underground facilities into the slope on the south and north side of the building.

First and foremost, however, it is time for Congress to get out of the extension rut and vote for restoration rather than alteration of the national Capitol.

[From the Schenectady (N.Y.) Gazette, Mar. 23, 1973]

THE WEST FRONT STORY

On several occasions in the past, we have commented on the persistence of some veteran legislators on Capitol Hill in seeking congressional approval of a project that, at last estimation, would cost $60 million to renovate and extend the west front of the Capitol.

We have also commended the efforts and equal persistence of Congressman Sam Stratton in leading the seven-year fight against the plan on the basis that it is totally unnecessary, would cost entirely too much in taxpayer dollars and, more importantly, that the money could be put to much wiser use elsewhere.

On this page today, we heartily recommend to our readers the column by Virginia Payette, who delves into the West Front Story with her usual vim and directness. She makes an especially pointed observation that perhaps the best answer to the constant cry for more office space in the Capitol is to "get rid of a few of those thousands of boards, commissions and advisory councils" which occupy so many offices and spend so much money.

Shoring up any weakened walls and properly maintaining our nation's historic Capitol is a responsibility not to be confused with renovation projects designed to build plush new offices for bureaucrats.

[From the Schenectady (N.Y.) Gazette, Mar. 23, 1973]

West Front of the Capitol

(By Virginia Payette)

If Congress is really serious about not spending all our money (that's what they keep telling the President, anyway), let us encourage them in that noble purpose by offering to get along without $60 million worth of new toilets, restaurants and offices in the Capitol.

It may be only a drop in the bucket to the spending machine in Washington, but it's a lot of money to tourists, who also happen to be taxpayers. To save that much we'd be willing to suffer a little.

Forget about more office space, gentlemen, and we'll promise to take care of the other matter before we line up to tour your building. We don't need two new tourist restaurants, either. We can always pack a lunch or something.

This sacrificial offer is made directly to the commission that wants to spend $60 million to rebuild and extend the west front of the Capitol.

It's falling down, say commission members. And instead of simply restoring it, they might as well go ahead and enlarge the Capitol to provide more tourist facilities and (this is not an afterthought) more private offices.

We've been down this road before. Every year or two somebody decides it's time to expand. And each time architects and conservationists set up a howl over knocking down the only remaining section of the original building.

But the latest gimmick is that the hundreds of thousands of tourists who swarm to Washington every year need more rest rooms. "What," argues one of the backers, "is a mother to tell her little boy?"

She can do what mothers do in similar situations everywhere. Congressman. She can tell him to hold it. She can also limit his intake of soft drinks, which is one more reason we don't need two fancy new restaurants.

Besides, says Rep. Samuel Stratton, who has fought the plan since 1966, that argument about needing more space is a lot of bunk, "a wasteful, extravangant, destructive boondoggle."

Rep. Andrew Jacobs agrees. "If we extend the Capitol on the basis that tourists need more facilities," he comments, "it will be the most expensive pay toilet in the history of the world."

Nevertheless, House Speaker Carl Albert is all for going ahead. There just aren't, he says, enough offices to go around anymore.

Which brings up another possibility. Instead of spending $60 million to take care of all the Congressmen and their staffs and boards and commissions and advisory councils, why not tackle the problem a different way? Let's get rid of a few of those thousands of boards, commissions and advisory councils.

Fewer bureaucrats mean fewer salaries, right? And if they empty out enough offices they won't need an expensive new office wing. We might even, in the long run, save more than $60 million.

Obviously, that's too simple. Because Congress is already going ahead to reactivate bills that will not only cost billions of dollars; they will also create new boards, commissions, advisory councis, etc.

Several of them (the Older Americans Act, the Vocational Rehabilitation Act, and the Rural Water and Waste Disposal Plant Program) also duplicate programs already being run by commissions in Health, Education and Welfare, Labor and the Environmental Protection Agency.

And it's already too late to do anything about that $1.5 million the Senate is spending to build itself a national shrine by restoring the old Senate chamber and the 100-year-old Supreme Court room where Thomas Jefferson was twice sworn in as President.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Teague of Texas (at the request of Mr. Burleson of Texas), from April 9 through April 15, on account of health.

Mr. Pettis (at the request of Mr. Gerald R. Ford), from April 9 through April 12, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Patman, for 30 minutes, today; and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Froehlich) to revise and extend their remarks and include extraneous matter:)

Mr. Hogan, for 15 minutes, today.

Mr. Frelinghuysen, for 15 minutes, today.

Mr. Skubitz, for 30 minutes, today.

Mr. Veysey, for 10 minutes, today.

(The following Members (at the request of Mr. Gunter) and to revise and extend their remarks and include extraneous matter:)

Mr. O'Neill, for 5 minutes, today.

Mr. Mathis of Georgia, for 10 minutes, today.

Mr. Harrington, for 10 minutes, today.

Mr. Gonzalez, for 5 minutes, today.

Mr. Alexander, for 5 minutes, today.

Mr. Burton, for 5 minutes, today.

Mr. McFall, for 5 minutes, today.

Mr. Danielson, for 10 minutes, today.

Mr. Morgan, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Dellums, and to include extraneous matter notwithstanding the fact that it exceeds 7½ pages of the Congressional Record and is estimated by the Public Printer to cost $1,275.

(The following Members (at the request of Mr. Froehlich) and to include extraneous matter:)

Mr. Quie in two instances.

Mr. Carter in two instances.

Mr. Young of Alaska.

Mr. Derwinski in two instances.

Mr. McClory.

Mr. Whitehurst.

Mr. Findley in three instances.

Mr. Shoup.

Mr. Thomson of Wisconsin.

Mr. Spence.

Mr. Scherle in 10 instances.

Mr. Railsback.

Mr. Huber.

Mr. Gerald R. Ford.

Mr. Burke of Florida.

Mr. Brown of Michigan.

Mr. Goldwater in three instances.

Mr. Zwach.

Mr. Chamberlain.

Mr. Abdnor.

Mr. Martin of Nebraska.

Mr. Wyman in two instances.

The following Members (at the request of Mr. Gunter) and to include extraneous matter:

Mr. Moss.

Mr. Mathis of Georgia.

Mr. Badillo.

Mr. Bingham in three instances.

Mr. Flood in two instances.

Mr. Won Pat.

Mr. Gonzalez in three instances.

Mr. Rarick in three instances.

Mr. Harrington in three instances.

Mrs. Chisholm in five instances.

Mr. Roybal in 10 instances.

Mr. Hanna in five instances.

Mr. Hawkins.

Mr. Evins of Tennessee in two instances.

Mr. Young of Georgia in six instances.

Mr. Hungate in two instances.

Mr. Lehman.

Mr. Chappell.

Mr. Hamilton in 10 instances.

Mr. Zablocki in two instances.

Mr. Waldie.

Mr. Charles Wilson of Texas.

Mr. Dominick V. Daniels.

Mr. Fascell in two instances.

Mr. Vanik in two instances.

ADJOURNMENT

Mr. GUNTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 39 minutes p.m.), the House adjourned until tomorrow, Tuesday, April 10, 1972, at 12 o'clock noon.

CONTRACTUAL ACTIONS, CALENDAR YEAR 1972, TO FACILITATE NATIONAL DEFENSE

The Clerk of the House of Representatives submits the following report for printing in the Conngressional Record pursuant to section 4(b) of Public Law 85–804:

National Aeronautics and
Space Administration,
Washington, D.C., April 5, 1973.

Hon. Carl Albert,
Speaker of the House of Representatives,
Washington, D.C.

Dear Mr. Speaker: This is a report to the Congress pursuant to Section 4 of the Act of August 28, 1958 (72 Stat. 972; 50 U.S.C.

1431-35), submitted to the Speaker of the House of Representatives pursuant to Rule XL of that House.

During calendar year 1972, the National Aeronautics and Space Administration, acting through its Contract Adjustment Board, utilized the authority of the above-cited statute as follows:

a. Under date of February 29, 1972, the Board authorized the adjustment of a contract with Aero-Spacelines, Inc., for providing an airlift capability for outsized cargoes to NASA for a 12-month period. The adjustment was granted on the basis that the Company incurred a loss as a result of the Government's action in delaying the effective date of the contract for one month, while at the same time, the Government kept the Company in a position whereby it had to maintain its capability to furnish the services called for by the contract. The amount of the adjustment was $149,284.

b. Under date of October 30, 1972, the Board authorized a partial adjustment of a fixed-price contract with J. A. Maurer, Inc., calling for a 16 mm sequential camera for Project Gemini. The adjustment was granted on the basis that the contract required the use of a specified connector on the camera power cable which was not available commercially. The exact amount of adjustment, which will be the difference between the cost of the specified connector (if available) and the cost of the connector used, has not yet been determined by the Contracting Officer.

c. Under date of December 27, 1972, the Board authorized the adjustment of a contract with Thiokol Chemical Corp., calling for the production of TX-354-5 rocket motors. The adjustment was granted on the basis that Thiokol was entitled to receive the royalties that would have been payable if the Government procuring agency for the motors had not been changed from the Air Force to NASA. The change in the procuring agency was a Government action over which Thiokol had no control. The amount of the adjustment was $69,266.88.

Sincerely,

JAMES C. FLETCHER,
Administrator.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

728. A communication from the President of the United States, transmitting proposed supplemental appropriations for fiscal year 1973 (H. Doc. No. 93-79); to the Committee on Appropriations and ordered to be printed.

729. A letter from the Acting Assistant Secretary of Defense (Comptroller), transmitting a report of receipts and disbursements pertaining to the disposal of surplus military supplies, equipment, and material, and for expenses involving the production of lumber and timber products, covering the second quarter of fiscal year 1973, pursuant to section 712 of Public Law 92-570; to the Committee on Appropriations.

730. A letter from the Acting Assistant Secretary of Defense (Comptroller), transmitting a report that no use was made of funds appropriated in the 1973 Department of Defense or Military Construction Appropriation Acts during the 6 months ended December 31, 1972, to make payments under contracts for any program, project, or activity in a foreign country except where, after consultation with a designee of the Secretary of the Treasury, it was determined that no excess foreign currencies of the country involved were available, pursuant to sections 736 and 109 of Public Laws 92-570 and 92-547, respectively; to the Committee on Appropriations.

731. A letter from the Acting Assistant Secretary of Defense (Installations and Logistics), transmitting the 25th Annual Report on the National Industrial Reserve, pursuant to section 12 of Public Law 80-883; to the Committee on Armed Services.

732. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notice of the location, nature, and estimated cost of various construction projects proposed to be undertaken for the Army National Guard, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

733. A letter from the Assistant Secretary of transportation for Administration, transmitting a report on Coast Guard purchases and contracts negotiated under the authority of 10 U.S.C. 2304(a)(11) during the period October 31, 1972, through March 31, 1973, and a statement that no contracts were negotiated under section 2304(a)(16) during that period, pursuant to section 2304(e) of that title; to the Committee on Armed Services.

734. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to authorize further adjustments in the amount of silver certificates outstanding, and for other purposes; to the Committee on Banking and Currency.

735. A letter from the Acting Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to repeal section 411(b)(4) of the Higher Education Act of 1965; to the Committee on Education and Labor.

736. A letter from the Acting Assistant Secretary of State for Congressional Relations, transmitting a draft of proposed legislation to authorize the U.S. Postal Service to continue to receive the fee of $2 for execution of an application for a passport; to the Committee on Foreign Affairs.

737. A letter from the Secretary of State, transmitting the 20th Annual Report of the Department of State on its activities under the Federal Property and Administrative Services Act of 1949, covering calendar year 1972, pursuant to section 404(d) of the Act (Public Law 81-152), and the 1972 report of the Department on its lend-lease activities; to the Committee on Government Operations.

738. A letter from the Acting Administrator of General Services, transmitting a draft of proposed legislation to establish a fund for activating authorized agencies, and for other purposes; to the Committee on Government Operations.

739. A letter from the Secretary of the Interior, transmitting a report covering calendar year 1972 on the anthracite mine water control and mine sealing and filling program, pursuant to 30 U.S.C. 575; to the Committee on Interior and Insular Affairs.

740. A letter from the Director, Bureau of Land Management, Department of the Interior, transmitting a report on negotiated sales contracts for the disposal of materials during the 6 months ended December 31, 1972, under Public K Law 87-689 (79 Stat. 587); to the Committee on Interior and Insular Affairs.

741. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to amend section 27 of the Merchant Marine Act of 1920, to provide a monetary penalty for the transportation of merchandise in violation of the coastwise laws; to the Committee on Merchant Marine and Fisheries.

742. A letter from the Administrator, National Aeronautics and Space Administration; transmitting a report on adjustments to national defense contracts during calendar year 1972 by NASA, pursuant to 50 U.S.C. 1434; to the Committee on Science and Astronautics.

743. A letter from the Secretary of the Treasury transmitting a draft of proposed legislation to amend the Internal Revenue Code of 1954 to permit the authorization of means other than stamps on containers of distilled spirits as evidence of tax payment; to the Committee on Ways and Means.

Received From the Comptroller General

744. A letter from the Comptroller General of the United States, transmitting a report on how the Federal Government participates in activities affecting the energy resources of the United States; to the Committee on Government Operations.

745. A letter from the Comptroller General of the United States, transmitting a report on economies available through improved management of Navy shipboard inventories; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PEPPER: Select Committee on Crime. A report on conversion of worthless securities into cash (Rept. No. 93-110). Referred to the Committee of the Whole House on the State of the Union.

Mr. MEEDS: Committee on Interior and Insular Affairs. H.R. 3867. A bill to amend the act terminating Federal supervision over the Klamath Indian Tribe by providing for Federal acquisition of that part of the tribal lands described herein, and for other purposes; with amendment (Rept. No. 93-111). Referred to the Committee of the Whole House on the State of the Union.

Mr. MEEDS: Committee on Interior and Insular Affairs. H.R. 4967. A bill to authorize appropriations for the Indian Claims Commission for fiscal year 1974, and for other purposes; with amendment (Rept. 93-112). Referred to the Committee of the Whole House on the State of the Union.

Mr. PEPPER: Committee on Rules. House Resolution 348. Resolution providing for the consideration of House Joint Resolution 205. Joint resolution to create an Atlantic Union delegation (Rept. No. 93-113); Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER:

H.R. 6692. A bill authorizing the Secretary of Agriculture to carry out a program providing for the inspection of fish produced on fish farms in the United States; to the Committee on Agriculture.

H.R. 6693. A bill to extend until November 1, 1978, the existing exemption of the steamboat *Delta Queen* from certain vessel laws; to the Committee on Merchant Marine and Fisheries.

By Mr. ASPIN (for himself, Mr.

Andrews of North Dakota, Mr. Badillo, Mr. Dingell, Mr. Drinan, Mr. Fraser, Mr. Frenzel, Mr. Harrington, Mr. Heinz, Mr. Helstoski, Mr. Lehman, Mr. Moakley, Mr. Moss, Mr. Rangel, Mr. Reuss, Mr. Rodino, Mr. Seiberling, Mr. Stark, Mr. Studds, Mr. Vander Jagt, Mr. Wolff, Mr. Yates, and Mr. Young of Georgia):

H.R. 6694. A bill to authorize the Secretary of the Interior to issue rights-of-way and special land use permits for the construction of pipelines in the State of Alaska under certain circumstances, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BADILLO (for himself, Mr. Matsunaga, Mrs. Hansen of Washington, and Mr. Hawkins):

H.R. 6695. A bill to amend the Food Stamp Act of 1964 to provide food stamps to certain narcotics addicts and certain organizations and institutions conducting drug treatment and rehabilitation programs for narcotics addicts, and to authorize certain narcotics addicts to purchase meals with food stamps; to the Committee on Agriculture.

By Mr. BRAY:

H.R. 6696. A bill to incorporate the 82d Airborne Division Association; to the Committee on the Judiciary.

By Mr. BROWN of Michigan:

H.R. 6697. A bill to promote development and expansion of community schools throughout the United States; to the Committee on Education and Labor.

By Mr. BURLISON of Missouri:

H.R. 6698. A bill to amend the Communication Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. BURTON:

H.R. 6699. A bill to establish the Cabinet Committee for Asian American Affairs, and for other purposes; to the Committee on Government Operations.

H.R. 6700. A bill to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Administration to carry out a program of financial assistance to encourage and assist the States and local governments in registering voters; to the Committee on House Administration.

H.R. 6701. A bill to amend the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

H.R. 6702. A bill to amend the Immigration and Nationality Act to provide for waiver of excludability for certain aliens, and for other purposes; to the Committee on the Judiciary.

H.R. 6703. A bill to amend the Immigration and Nationality Act to provide visas for parents of permanent resident aliens; to the Committee on the Judiciary.

H.R. 6704. A bill to amend title 5, United States Code, to eliminate U.S. citizenship requirements with respect to employment of personnel by the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CLARK:

H.R. 6705. A bill to repeal the bread tax on 1973 wheat crop; to the Committee on Agriculture.

H.R. 6706. A bill to improve education by increasing the freedom of the Nation's teachers to change employment across State lines without substantial loss of retirement benefits through establishment of a Federal-State program; to the Committee on Education and Labor.

By Mr. CORMAN:

H.R. 6707. A bill to amend section 451 of the Internal Revenue Code of 1954 to provide for a special rule for the inclusion in income of magazine sales for display purposes; to the Committee on Ways and Means.

By Mr. DICKINSON (for himself, Mr. Eshleman, Mr. Sebelius, Mr. Collins, Mr. Baker, Mr. Crane, Mr. Steiger of Arizona, Mr. Archer, Mr. Scherle, Mr. Ketchum, and Mr. Bafalis):

H.R. 6708. A bill to amend the Food Stamp Act of 1964, to exclude from coverage by the act every household which has a member who is on strike, and for other purposes; to the Commitee on Agriculture.

By Mr. DINGELL:

H.R. 6709. A bill to provide for the environmental regulation by the Environmental Protection Agency of mining activities, for the restoration by the Corps of Engineers of abandoned mined areas, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ESCH:

H.R. 6710. A bill to assure an opportunity for employment to every American seeking work and to make available the education and training needed by any person to qualify for employment consistent with his highest potential and capability, and for other purposes; to the Committee on Education and Labor.

H.R. 6711. A bill to improve quality of child development programs by attracting and training personnel for those programs; to the Committee on Education and Labor.

By Mr. ESCH (for himself, Mr. Robison of New York, Mr. Broyhill of North Carolina, Mr. Anderson of Illinois, Mr. Erlenborn, Mr. Armstrong, Mr. Carter, Mr. Dan Daniel, Mr. Duncan, Mr. du Pont, Mr. Hinshaw, Mr. Mathias of California, Mr. McCloskey, Mr. McKinney, Mr. Moorhead of California, Mr. Pettis, Mr. Railsback, Mr. Shriver, Mr. Steele, Mr. Steelman, and Mr. Waggonner):

H.R. 6712. A bill to amend the Vocational Rehabilitation Act to extend and revise the authorization of grants to States for vocational rehabilitation services, to authorize grants for rehabilitation services to those with severe disabilities, and for other purposes; to the Committee on Education and Labor.

By Mr. FAUNTROY (by request):

H.R. 6713. A bill to amend the District of Columbia Election Act regarding the times for filing certain petitions, regulating the primary election for Delegate from the District of Columbia, and for other purposes; to the Committee on District of Columbia.

By Mr. FRASER:

H.R. 6714. A bill to give effect to the Internation Convention for the Conservation of Atlantic Tunas, signed at Rio de Janeiro May 14, 1966, by the United States of America and other countries, and for other purposes; to the Committee on Foreign Affairs.

By Mr. GINN:

H.R. 6715. A bill to provide that certain changes in the loan and purchase program for the 1973 peanut crop which the Department of Agriculture is contemplating shall not be made; to the Committee on Agriculture.

By Mr. GRAY:

H.R. 6716. A bill to authorize bank protection works along the Ohio River, and for other purposes; to the Committee on Public Works.

By Mr. HAMMERSCHMIDT (for himself, Mr. Roberts, Mr. Archer, Mr. Bevill, Mr. Burleson of Texas, Mr. Danielson, Mr. Davis of Georgia, Mr. Foley, Mr. Johnson of Pennsylvania, Mr. Jones of Oklahoma, Mr. Martin of North Carolina, Mr. Pickle, Mr. Powell of Ohio, Mr. Satterfield, Mr. Sebelius, Mr. Shuster, Mr. Stephens, Mr. Taylor of Missouri, Mr. Thornton, Mr. Wampler, Mr. Whitehurst, Mr. Charles Wilson of Texas, and Mr. Young of Alaska):

H.R. 6717. A bill to amend section 210 of the Flood Control Act of 1968; to the Committee on Public Works.

By Mr. HARRINGTON:

H.R. 6718. A bill to amend the Federal Water Pollution Control Act to impose an additional liability upon owners and operators of vessels, onshore facilities, and offshore facilities for the discharge of oil onto private property, and for other purposes; to the Committee on Public Works.

H.R. 6719. A bill to require the President to notify the Congress of any impoundment of funds ordered authorized, or approved by the Executive, to provide a procedure for congressional review of the President's action; and to establish an expenditure ceiling for the fiscal year 1974; to the Committee on Rules.

By Mr. HASTINGS:

H.R. 6720. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. HASTINGS (for himself, Mr. Teague of California, Mr. Thomson of Wisconsin, Mrs. Schroeder, Mr. Murphy of Illinois, Mr. Diggs, Mr. Stuckey, Mr. St Germain, Mr. Pritchard, Mr. Biaggi, Mr. Railsback, Mr. Metcalfe, Mr. Roush, Mr. Minish, Mr. Guyer, Mr. Biester, Mr. Esch, and Mr. Hicks):

H.R. 6721. A bill to extend through fiscal year 1974 the expiring appropriations authorizations in the Public Health Service Act, the Community Mental Health Centers Act, and the Developmental Disabilities Services and Facilities Construction Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HÉBERT (for himself and Mr. Bray) (by request):

H.R. 6722. A bill to authorize appropriations during the fiscal year 1974 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve components of the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. HICKS:

H.R. 6723. A bill to amend title 10 of the United States Code in order to make more equitable the manner in which deductions for readjustment pay are made from retired pay; to the Committee on Armed Services.

By Mr. HORTON:

H.R. 6724. A bill to establish a joint Committee on National Security; to the Committee on Rules.

H.R. 6725. A bill to provide a procedure for the exercise of congressional and executive powers over the use of any Armed Forces of the United States in military hostilities and for other purposes; to the Committee on Rules.

By Mr. HOWARD:

H.R. 6726. A bill to amend the Federal, Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KASTENMEIER (for himself and Mr. Biester):

H.R. 6727. A bill to authorize the President, through the temporary Vietnam Children's Care Agency, to enter into arrangements with the Government of South Vietnam to provide assistance in improving the welfare of children in South Vietnam and to facilitate the adoption of orphaned or abandoned Vietnamese children, particularly children of U.S. fathers; to the Committee on Foreign Affairs.

By Mr. LONG of Maryland:

H.R. 6728. A bill to amend certain provisions of Federal law relating to explosives; to the Committee on the Judiciary.

By Mr. MINISH:

H.R. 6729. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of certain public safety officers who die in the performance of duty; to the Committee on the Judiciary.

H.R. 6730. A bill to extend benefits under section 8191 of title 5, United States Code, to law enforcement officers and firemen not employed by the United States who are killed or totally disabled in the line of duty; to the Committee on the Judiciary.

By Mr. MOAKLEY:

H.R. 6731. A bill to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes; to the Committee on the District of Columbia.

By Mr. MORGAN:

H.R. 6732. A bill to amend the Foreign Assistance Act of 1961, and for other purposes; to the Committee on Foreign Affairs.

By Mr. OBEY:

H.R. 6733. A bill to amend the Internal Revenue Code of 1954 to provide that interest shall be paid to individual taxpayers on the calendar-year basis who file their returns before March 1, if the refund check is not mailed out within 30 days after the return is filed, and to require the Internal Revenue Service to give certain information when making refunds; to the Committee on Ways and Means.

By Mr. PERKINS:

H.R. 6734. A bill to encourage earlier retirement by permitting Federal employees to purchase into the civil service retirement system benefits unduplicated in any other retirement system based on employment in Federal programs operated by State and local governments under Federal funding and supervision; to the Committee on Post Office and Civil Service.

By Mr. QUIE:

H.R. 6735. A bill to repeal section 411(b) (4) of the Higher Education Act of 1965; to the Committee on Education and Labor.

By Mr. RANGEL:

H.R. 6736. A bill to amend title 18 of the United States Code to prohibit bribery of State and local law enforcement officers and other elected or appointed officials; to the Committee on the Judiciary.

By Mr. REID:

H.R. 6737. A bill to amend the Internal Revenue Code of 1954, as amended, to allow a deduction to tenants of houses, apartments, or other dwelling units used as their principal residence; to the Committee on Ways and Means.

By Mr. REID (for himself, Ms. Abzug, Mr. Brown of California, Mr. Drinan, Mr. Fraser, Mr. Ketchum, Mr. McCloskey, Mr. Owens, and Mr. Stark):

H.R. 6738. A bill to implement the constitutional prerogatives and responsibilities of the legislative branch; to the Committee on Government Operations.

By Mr. REID (for himself and Mr. Seiberling):

H.R. 6739. A bill to provide for first amendment protection of the free press; to the Committee on the Judiciary.

By Mr. RINALDO:

H.R. 6740. A bill to amend section 922 of title 18 of the United States Code to permit policemen under 21 years of age to purchase handguns; to the Committee on the Judiciary.

By Mr. ROE:

H.R. 6741. A bill to amend the Economic Stabilization Act of 1970, to direct the President to establish a Rent Control Board which, through the establishment of a cost justification formula, will control the level of rent with respect to residential real property, and for other purposes; to the Committee on Banking and Currency.

H.R. 6742. A bill to strengthen and improve the protections and interests of participants and beneficiaries of employee pension and welfare benefit plans; to the Committee on Education and Labor.

By Mr. ROSENTHAL:

H.R. 6743. A bill to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 6744. A bill to establish a national program of Federal insurance against natural disaster; to the Committee on Banking and Currency.

H.R. 6745. A bill to provide that persons who are confined in Federal, State, and local correctional and mental health institutions and who are employed while so confined shall be paid for their employment at wages not less than the highest minimum wage rate in effect under the Fair Labor Standards Act of 1938; to the Committee on Education and Labor.

H.R. 6746. A bill to amend title 5, United States Code, to provide for civil service retirement annuity increases for retired former employees based on increases in pay rates of employees in active service; to the Committee on Post Office and Civil Services.

H.R. 6747. A bill to amend title II of the Social Security Act to authorize coverage under the old-age, survivors, and disability insurance program (through State agreements) of certain services performed by inmates of State and local penal and mental institutions; to the Committee on Ways and Means.

By Mr. SHOUP (for himself, Mr. Veysey, Mr. Won Pat, Mr. Ketchum, Mr. Blackburn, Mr. Hosmer, Mr. Stuckey, and Mr. Mollohan):

H.R. 6748. A bill to amend chapter 44 of title 18 of the United States Code (respecting firearms) to lower certain age limits from 21 to 18; to the Committee on the Judiciary.

By Mr. SKUBITZ:

H.R. 6749. A bill to amend the act of August 4, 1950 (64 Stat. 411), to provide salary increases for members of the police force of the Library of Congress; to the Committee on House Administration.

By Mr. SNYDER:

H.R. 6750. A bill authorizing the Secretary of Defense to utilize the Department of Defense resources for the purpose of providing helicopter medical emergency transportation services to civilians; to the Committee on Armed Services.

By Mr. SPENCE:

H.R. 6751. A bill to amend the Consolidated Farm and Rural Development Act to modify the provisions relating to emergency loans, and for other purposes; to the Committee on Agriculture.

By Mr. JAMES V. STANTON (for himself, Mr. Eilberg, Mr. Lehman, Mr. Podell, Mr. Price of Illinois, and Ms. Abzug):

H.R. 6752. A bill to amend the Public Works and Economic Development Act of 1965 to establish a program to assist municipalities and businesses in urban industrial development, and for other purposes; to the Committee on Public Works.

By Mr. THOMPSON of New Jersey:

H.R. 6753. A bill to amend title 5, United States Code, to require the heads of the respective executive agencies to provide the Congress with advance notice of certain planned organizational and other changes or actions which would affect Federal civilian employment, and other purposes; to the Committee on Post Office and Civil Service.

By Mr. TOWELL of Nevada:

H.R. 6754. A bill to amend title 38 of the United States Code to make certain that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

By Mr. VEYSEY:

H.R. 6755. A bill to amend the Clean Air Act to require monitoring of emissions of certain air pollutants emitted by fossil fuel steam generators operated by public utilities; to the Committee on Interstate and Foreign Commerce.

By Mr. YOUNG of Alaska:

H.R. 6756. A bill to deal with the current energy crisis and the serious shortages of petroleum products facing the Nation and to authorize construction of the trans-Alaska pipeline; to the Committee on Interior and Insular Affairs.

By Mr. ZWACH:

H.R. 6757. A bill to provide equity in the feed grain set-aside program by allowing participants in plan B to switch to plan A; to the Committee on Agriculture.

By Mr. FAUNTROY (for himself, Mr. Harrington, Mr. Howard, Mr. Eckhardt, Mr. Bolling, Mr. Badillo, Mr. Moss, Mr. Pepper, Mr. Breckinridge, Mr. Fraser, Mr. Rooney of Pennsylvania, Mr. Studds, Mr. Rees, Mr. Koch, Ms. Abzug, Mr. Riegle, Mr. Burton, Mr. Owens, Mr. Sarbanes, Mr. Kyros, Mr. Moakley, Mr. Tiernan, and Mr. Stokes):

H.J. Res. 492. Joint resolution to amend the Constitution to provide for representation of the District of Columbia in the Congress; to the Committee on the Judiciary.

By Mr. FAUNTROY (for himself, Mr. Brown of California, Mr. Buchanan, Mr. Conyers, Mr. de Lugo, Mr. Drinan, Mr. Edwards of California, Mr. Reuss, Mr. Rosenthal, Mr. Roybal, and Mrs. Schroeder):

H.J. Res. 493. Joint resolution to amend the Constitution to provide for representation of the District of Columbia in the Congress; to the Committee on the Judiciary.

By Mr. FINDLEY (for himself and Mr. Frenzel):

H.J. Res. 494. Joint resolution to create an Atlantic Union delegation; to the Committee on Foreign Affairs.

By Mr. ST GERMAIN:

H.J. Res. 495. Joint resolution to amend title 5, United States Code, in order to designate November 11 of each year as Veterans Day; to the Committee on the Judiciary.

By Mr. ANDERSON of Illinois (for himself, Mr. Fascell, Mr. Pepper, Ms. Chisholm, Mr. Carter, Mr. Kemp, Mr. Hastings, Mr. Blackburn, Mr. Hosmer, Mr. Leggett, Mr. Thompson of Wisconsin, Mr. Gunter, Mr. Lehman, Mr. Steiger of Wisconsin, Mr. Whitehurst, Mr. Forsythe, Mr.

Hanna, Mr. Bingham, Mr. Lujan, Mr. Vander Jagt, Mr. Martin of North Carolina, Mr. Frenzel, Mr. Dominick V. Daniels, Mr. Maraziti, and Mr. Hinshaw):

H. Con. Res. 178. Concurrent resolution authorizing and directing the Joint Study Committee on Budget Control to report legislation to the Congress no later than June 1, 1973, providing procedures for improving congressional control of budgetary outlay and receipt totals, the operation of a limitation on expenditures and net lending commencing with the fiscal year beginning July 1, 1973, and for limiting the authority of the President to impound or otherwise withhold funds authorized and appropriated by the Congress; to the Committee on Rules.

By Mr. ANDERSON of Illinois (for himself, Mr. Fascell, Mr. Pepper, Mr. Froehlich, Mr. Rees, Mr. Dennis, Mr. Johnson of Pennsylvania, Mr. Railsback, Mr. Quie, Ms. Heckler of Massachusetts, Mr. Roncallo of New York, Mr. McCollister, Mr. Eilberg, Mr. de Lugo, Mr. Rhodes, and Mr. O'Brien):

H. Con. Res. 179. Concurrent resolution authorizing and directing the Joint Study Committee on Budget Control to report legislation to the Congress no later than June 1, 1973, providing procedures for improving congressional control of budgetary outlay and receipt totals, the operation of a limitation on expenditures and net lending commencing with the fiscal year beginning July 1, 1973, and for limiting the authority of the President to impound or otherwise withhold funds authorized and appropriated by the Congress; to the Committee on Rules.

By Mr. SHOUP:

H. Con. Res. 180. Concurrent resolution requesting the President to proclaim June 21 through 24, 1973, as "National Jeep Search and Rescue Days"; to the Committee on the Judiciary.

By Mr. LEHMAN (for himself, Mr. Benitez, Mr. Burton, Mrs. Chisholm, Mr. Drinan, Mr. Fraser, Mr. Gibbons, Mrs. Grasso, Mr. Gunter, Mr. Harrington, Mr. Hungate, Mr. Hechler of West Virginia, Mr. McCormack, Mr. Mitchell of Maryland, Mr. O'Hara, Mr. Owens, Mr. Pepper, Mr. Pickle, Mr. Podell, Mr. Rooney of Pennsylvania, Mr. Stark, Mr. Stuckey, and Mr. Won Pat):

H. Res. 345. Resolution to establish a congressional internship program for secondary school teachers of government or social studies in honor of President Lyndon Baines Johnson; to the Committee on House Administration.

By Mr. REID:

H. Res. 346. Resolution requiring certain information on social service regulations from the Secretary of Health, Education, and Welfare; to the Committee on Ways and Means.

By Mr. THOMPSON of New Jersey:

H. Res. 347. Resolution providing pay comparability adjustments for certain House employees whose pay rates are specifically fixed by House resolutions; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

130. By the SPEAKER: A memorial of the Legislature of the Territory of Guam, relative to the transfer of lands not necessary to the national defense to the Government of Guam; to the Committee on Armed Services.

131. Also, memorial of the Senate of the Commonwealth of Massachusetts, relative to the meat boycott; to the Committee on Banking and Currency.

132. Also, memorial of the House of Representatives of the State of Oklahoma, relative to assistance to North Vietnam; to the Committee on Foreign Affairs.

133. Also, memorial of the Legislature of the State of South Carolina, relative to no-fault insurance; to the Committee on Interstate and Foreign Commerce.

134. Also, memorial of the Legislature of the State of New Jersey, requesting Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States permitting the offering of voluntary prayer in the public school system; to the Committee on the Judiciary.

135. Also, memorial of the Legislature of the State of Texas, requesting Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States concerning the assignment of students to public schools on the basis of race, religion, color, or national origin; to the Committee on the Judiciary.

136. Also, memorial of the Legislature of the State of South Carolina, relative to assistance to North Vietnam and to veterans of the Vietnam conflict; to the Committee on Veterans' Affairs.

137. Also, memorial of the Legislature of the State of California, relative to East-West trade relations; to the Committee on Ways and Means.

138. Also, memorial of the Senate of the State of Hawaii, relative to Federal grants to Hawaii for public assistance payments; to the Committee on Ways and Means.

139. Also, memorial of the Legislature of the State of Nevada, relative to inadequacies in grants of social security and supplemental benefits; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GUDE:

H.R. 6758. A bill to permit the Capital Yacht Club of the District of Columbia to borrow money without regard to the usury laws of the District of Columbia; to the Committee on the District of Columbia.

By Mr. SEIBERLING:

H.R. 6759. A bill for the relief of Michael A. Korhonen; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

129. By the SPEAKER: Petition of the Suffolk County Legislature, Riverhead, N.Y., relative to the Suffolk County Soil and Water Conservation District; to the Committee on Agriculture.

130. Also, petition of the city council, Seward, Alaska, relative to leasing offshore tracts in the Gulf of Alaska for oil and gas exploration; to the Committee on Interior and Insular Affairs.

131. Also, petition of the legislature of Erie County, Buffalo, N.Y., relative to continuing the community mental health centers program; to the Committee on Interstate and Foreign Commerce.

132. Also, petition of Clarence Johnson, Coolidge, Ariz., and others, relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

133. Also, petition of John D. Baggett, and others, Tucson, Ariz., relative to protection for law enforcement officers against nusiance suits; to the Committee on the Judiciary.

134. Also, petition of Louis Mira, San Luis Obispo, Calif., relative to redress of grievances; to the Committee on the Judiciary.

135. Also, petition of Clarence Mortion, Washington, D.C., relative to redress of grievances; to the Committee on the Judiciary.

136. Also, petition of Robert Reichs, and others, Alpena, Mich., relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

137. Also, petition of George W. Andrews, Harvey Cedars, N.J., relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

138. Also, petition of Harry H. Michalis, Trenton, N.J., and others, relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

139. Also, petition of Alfred M. Martens, Baldwin, N.Y., and others, relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

140. Also, petition of Ralph Boryszewski, Rochester, N.Y., relative to direct petitioning of Federal grand juries; to the Committee on the Judiciary.

141. Also, petition of Herman Stiles, Jackson, Ohio, and others, relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

142. Also, petition of Ronald R. Soto, and others, Lorain, Ohio, relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

143. Also, petition of Barbara Schmider, and others, Carnegie, Pa., relative to protection for the law enforcement officers against nuisance suits; to the Committee on the Judiciary.

144. Also, petition of William L. Eckart, Aspinwall, Pa., and others, relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

145. Also, petition of Gerald M. Reardon, Coatesville, Pa., and others, relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

146. Also, petition of Ralph J. Rizzo, North Hills, Pa., relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

147. Also, petition of Samuel L. Kulp, Northampton, Pa., and others, relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

148. Also, petition of Nelda D. Boetcher, Rhinelander, Wis., and others, relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

MICHIGAN FARMER ON FARM CREDIT BOARD

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 9, 1973

Mr. GERALD R. FORD. Mr. Speaker, I had the pleasure the other day to be present at the installation of Elton R. Smith, a distinguished citizen of my district, as a member of the Federal Farm Credit Board.

This was a significant occasion. It placed an outstanding Michigan farmer on the 13-member Board which sets the policies for the Farm Credit System and its supervising Federal agency, the Farm Credit Administration. I take pride in that fact. Elton Smith's appointment underscores again the farmer-ownership aspects of the Farm Credit System which today provides nearly one-fourth of all credit used by American farmers and ranchers and almost two-thirds of the credit used by their cooperatives.

Mr. Smith was appointed to the Board, effective March 7, by Secretary of Agriculture Earl L. Butz, to serve as his representative.

Mr. Smith operates a 600-acre farm near Caledonia. He is currently serving his eighth term as president of the Michigan Farm Bureau and is active in his community, including in several farmer cooperatives.

In addition to the presidency of the Michigan Farm Bureau, Mr. Smith also heads its affiliate companies—Michigan Agricultural Cooperative Marketing Association and Farm Bureau Services, Inc. He is also a member of the board of directors of the National Council of Farmer Cooperatives.

A Gurnsey breeder, Mr. Smith has received a Dairyman-of-the-Year Award and holds a Distinguished Service Agricultural Award from Michigan State University. He is a trustee of the Michigan 4-H Foundation and was a member of USDA's National Agricultural Research Advisory Committee until his appointment expired at the end of last year.

He graduated from public schools in Caledonia and attended a 2-year concentrated agricultural course at Michigan State University.

With this record and this experience, Mr. Smith illustrates the wisdom of President Dwight D. Eisenhower when he signed into law the act by which the Federal Farm Credit Board was established.

That law, which President Eisenhower put into effect provided for the extension of borrower control of the Farm Credit System from the local to the national levels and paved the way for the banks and associations to retire the seed capital which the Government had invested in them.

The cooperative Farm Credit System is now completely owned by its borrowers. Guided by those borrowers—as in this case through the Federal Farm Credit Board—the banks and associations of the system have set the pace in agricultural finance.

This is important since American farmers and their cooperatives are continuing to increase their borrowings. This is indicated by the records of the Farm Credit System lending units during the last calendar year. The amount of loans made during the year totaled $16.8 billion, a 16.7-percent increase over the $14.4 billion made in 1971. Loans outstanding at yearend stood at $18.3 billion, a 12.3-percent increase from the $16.2 billion outstanding a year earlier.

A point that is very significant, Mr. Speaker, is this: this credit program is an entirely self-sustaining, nongovernment lending operation, although it started out years ago with Government help.

The securities from which they obtain their loan funds have earned a reputation among investors second only to those issued by the United States, helping to assure agriculture of a continuing source of adequate credit.

Built on the legislation President Eisenhower signed in 1953 and on the subsequent legislation put into effect in 1971 by President Richard M. Nixon to update the Farm Credit charter, the farmer-character of the Federal Board today is as follows: T. Carroll Atkinson, Jr., general crop farmer of South Carolina; James H. Dean, farmer cooperative executive of Kansas; Luther W. Jennejahn, fruit and dairy farmer of New York State; E. Riddell Lage, fruit grower of Oregon; Kenneth N. Probasco, farmer cooperative executive of Ohio; J. Homer Remsberg, dairy farmer of Maryland; E. G. Schuhart II, cattle and grain operator of Texas; Melvin E. Sims, grain and livestock farmer of Illinois; Elton R. Smith, dairy farmer of Michigan; Earl S. Smittcamp, fruit grower of California; C. Everett Spangler, grain and livestock farmer of Nebraska; Ernest G. Spivey, farmer cooperative official of Mississippi; and Alfred Underdahl, grain and livestock farmer of North Dakota.

From this record it is evident that the Congress and the successive Presidents have had, and still have, faith in the agricultural producers of this Nation—a faith that has proven justified many times over.

KEEPING UP WITH FORMER CONGRESSMAN THOMAS B. CURTIS

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 9, 1973

Mr. SPENCE. Mr. Speaker, I know that my colleagues are always interested in the activities of former Members of this House, especially when they may be devoting themselves to other forms of public service.

I refer to Thomas B. Curtis, former Congressman from Missouri and presently chairman of the board of the Corporation for Public Broadcasting. As many of my colleagues may know, Tom Curtis is also vice president and general counsel for Encyclopaedia Britannica and the Encyclopaedia Britannica Educational Corp.

In his work in public broadcasting, aside from his duties as chairman of the board, Mr. Curtis devotes many arduous hours to visiting local public broadcasting stations, both to get a better sensing of the public's views of, and hopes for, public broadcasting, and to explain some of its present problems. He recently visited South Carolina at the invitation of Henry Cauthen, general manager of the South Carolina Educational Television Commission, to speak at a dinner given by the commission for members of the South Carolina General Assembly.

The State and the Columbia Record devoted some of their space on March 8 to Mr. Curtis' comments, in which he complimented the South Carolina Educational Television Commission on its leadership in public broadcasting and called it "a true pioneer in providing a tremendously impressive range of services to the citizens of South Carolina."

So that his former friends and colleagues here can keep up with Mr. Curtis' activities and learn more about our excellent public broadcasting system in South Carolina, I insert both of these newspaper articles in the RECORD at this point·

[From the Columbia (S.C.) Record, Mar. 8, 1973]

SPEAKER URGES STRONG LOCAL TV PRODUCTION SUPPORT

(By Walter Putnam)

Thomas B. Curtis, chairman of the Corporation of Public Broadcasting, in Columbia last night urged strong local support for local program production throughout the nation's public broadcasting facilities.

Curtis, speaking at a S.C. Educational Television Commission banquet, also said the country is "on the verge of great things" in visual communication.

He predicated that soon messages like calling home from the office or placing a grocery order will be made via visual telecommunication devices.

In making his plea for local support of public broadcasting, Curtis praised achievements of the S. C. T. V. system, saying it has demonstrated that it "can meet the needs of the people."

Curtis said the future of public broadcasting calls for local program production, primarily to fulfill local needs. But he indicated that many local programs could be of national benefit.

Curtis, a former U.S. Representative from Missouri who made his last political race against Sen. Thomas Eagleton, also made a pitch for resources for public radio.

He said public radio is well suited to broadcast important hearings, meetings, public speeches and drama.

Actor Cameron Mitchell, who is co-starring in a movie being made at Clemson, was a special guest for the banquet.

[From the Columbia (S.C.) State, Mar. 8, 1973]

CURTIS: PUBLIC TV VITAL

The chairman of the board of directors of the Corporation for Public Broadcasting

Wednesday night said the development of strong local public television stations was crucial to the development of public television nationally.

Thomas B. Curtis, speaking to the S.C. Legislature, called for the development of local public television programs which could then be made available to other parts of the nation.

"President Nixon has specifically called for public broadcasting to strengthen itself on the local level, for the benefit of the whole system, and you in South Carolina have shown how this can be done," he said.

The occasion was a special dinner session of the legislature held by the South Carolina Educational Television Commision.

"Your own state system is a true pioneer in providing a tremendously impressive range of services to the citizens of South Carolina," Curtis told the legislators, public television officials and guests.

He went on to say that all segments of public broadcasting must do more, and he promised the support of CPB to such organizations as the South Carolina ETV Commission . . .

The CPB chairman said that too often in the past, public broadcasting had proceeded on a hit or miss fashion in determining programming.

He said that in the future, he would look to each public broadcasting licensee to develop a plan for service of their local communities, and that armed with these, CPB would have a firm mandate for providing the kind of support that would be most effective on a national scale.

"These needs are going to be different from place to place," he said.

"I believe we should encourage this local option for method of service."

Curtis reported to the audience that the CPB Board had voted to seek $10 million more in federal funds than the level recommended by President Nixon. The President's budget asks $45 million in 1974, but Curtis said that the Board felt that this was not enough, and that a concerted effort would be made to increase next year's sum, and that for 1975.

"It is sometimes difficult to translate one dollar spent to one dollar of value given," Curtis said, "but I think that public broadcasting is able to do this better than most enterprises.

"When we consider that 'Sesame Street' costs about one penny a day per child, we can have some idea of what can be accomplished by the pooling of funds for the good of everyone."

The Corporation for Public Broadcasting is a non-profit, private corporation created by the Congress, but independent from it, and charged with the task of developing a strong public broadcasting system for the nation.

THE COMMUNITY SCHOOL CENTER DEVELOPMENT ACT

HON. GARRY BROWN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 9, 1973

Mr. BROWN of Michigan. Mr. Speaker, today I have reintroduced my version of a measure entitled the "Community School Center Development Act."

As I said when I introduced this bill in the 92d Congress, I am deeply indebted to Dr. John Sandberg, dean of the College of Education at Western Michigan University and his staff for the assistance they provided in drafting this proposal.

In addition, I would like to thank Mr. Gerald C. Martin for his interest in this legislation. Mr. Martin is the director of the Community School Development Center at Western Michigan University, which is precisely the kind of institution that this bill is contemplating. I am informed by Mr. Martin that there are presently some 50 school systems in southwest Michigan which have community education programs in existence. The Western Michigan Community School Development Center played a major part in the initiation of most of these programs and continues to provide in-service education to the directors of the community programs.

I trust that the good work of the Western Michigan effort will serve as a testimonial to the great possibilities of this concept.

Turning briefly, then, to the bill itself, its fundamental purpose is to focus local attention on community schools as centers of community action of all kinds. Such attention would be engendered, it is hoped, through the use of grants to institutions of higher education for the purpose of development programs in community education which will train people as community school directors. Grants would also be available to local educational agencies for their particular community school programs. Finally, an advisory council and a research and development center would be created at the national level, within HEW, to formulate national policy and to accumulate and disseminate information to the local educational authorities.

Let me conclude by saying that this bill, in my opinion, is precisely the type of legislation that is most needed at this time in our history—it encourages maximum local initiative in allocating the use of existing local resources while reserving to the Federal Government only those functions for which a type of national "economy of scale" exists. In short, it is a limited remedy for a real problem, and yet one that I think will work and I urge favorable consideration of this measure by the Congress.

TRIBUTE TO THE ROTARY CLUB OF DIBOLL, TEX.

HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 9, 1973

Mr. CHARLES WILSON of Texas. Mr. Speaker, this evening in the Piney Woods of east Texas, in the city of Diboll, an important event will occur, once again drawing attention to this great city. Tonight the Diboll Rotary Club will receive its charter from Governor Jerry K. Johnson of Nacogdoches, Tex. The principle address of the evening will be given by Dr. Charles L. Allen, pastor of the First Methodist Church, Houston, Tex.

On this important occasion the object of Rotary should be noted. That object is to encourage and foster the ideal of service as a basis of worthy enterprise and, in particular, to encourage and foster: First, the development of acquaintance as an opportunity for service; second, high ethical standards in business and profession; the recognition of the worthiness of all useful occupations; and the dignifying by each Rotarian of his occupation as an opportunity to serve society; third, the application of the ideal of service by every rotarian to his personal, business, and community life; fourth, the advancement of international understanding, goodwill, and peace through a world fellowship of business and professional men united in the ideal of service.

On this occasion of a tribute to the charter members of the Diboll Rotary Club, I include the list of charter members in the RECORD of April 12, 1973:

Mr. Vernon Burkhalter, Mr. Perry Carter, Mr. Howard E. Daniel, Mr. Paul Durham, Mr. Joe W. Elliott, Mr. David G. Foster, Mr. Burl K. Griffin, Mr. Richard G. Hendrick, Dr. C. M. Harbordt, Dr. Russell W. (Woody) Ingram, Mr. Frederick William Kanke, Jr., Mr. Spencer Knutson, Mr. Bert D. Lindsey, Mr. Ray G. Lloyd, Mr. James L. Love, Mr. Jimmy L. Lovelady, Mr. Robert G. Luttrell, Mr. W. J. (Bill) Oates, Mr. Ray Paulsey, Mr. C. A. (Neal) Pickett, Mr. Kelsie O. Roach, Mr. Charles J. Schmidt, Mr. Arthur Temple III, Mr. Arnold G. Tompkins, Mr. Arthur F. Walton, Mr. Herb White, Jr., Mr. Ben Hite Wichersham.

MEAT BOYCOTT AND FARMERS

HON. DAVE MARTIN

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 9, 1973

Mr. MARTIN of Nebraska. Mr. Speaker, the misguided women who are conducting the meat boycott have little or no idea of the problems confronting agriculture.

Agriculture is the most important and the largest industry in America today. Total agriculture assets in 1971 equals two-thirds of the value of the assets of all corporations in the United States. Farmers spend over $40 billion per year, for goods and services to produce crops and livestock, and these costs are at an all time high; another $16 billion per year for the same things that city people buy; $4.2 billion per year on fuels, lubricants, and machinery maintenance—using more petroleum than any single industry; agriculture uses 32 billion kilowatt hours of electricity per year; or more than is used annually by the following cities: Baltimore, Chicago, Austin, Detroit, and Washington, D.C.

Farmers also use 6½ million tons of steel each year in the form of machinery, trucks, cars, fencing, and building materials—this is two-thirds as much as the entire auto industry uses. Three out of every 10 jobs in private industry are related to agriculture; 1 hour of farm labor produces nearly seven times as much food and other crops as it did in 1919–21; farmers paid real estate taxes totaling $2.5 billion in 1970 and personal property taxes of $446 million; Federal and State income taxes of $1.9 billion, and sales taxes of approximately $350 million.

Continuation of the meat boycott and a proposed rollback in prices to January 10, 1973, will create economic chaos in the Nation resulting in bankruptcy for hundreds and thousands of cattle and hog producers and create shortages and black markets in meat.

The housewife should have some understanding and tolerance of the farm situation.

STUDENT AID

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 9, 1973

Mr. QUIE. Mr. Speaker, much confusion has been generated about student assistance appropriations for next fall under the Higher Education Act. Today, I am introducing a bill to remove some of that confusion. Last year, as part of the compromise necessary for a conference report on the Education Amendments of 1972, we agreed to certain levels of appropriations which must be made before students may receive payments under the new basic education opportunity grant program—BOG.

Specifically, section 411(b)(4) of the Higher Education Act requires the Congress to appropriate at least the following "threshold" amounts prior to making payments under the BOG program: $130,093,000 for the supplemental education opportunity grants—SEOG—$237,400,000 for the college work study program—CWS—and $286,000,000 for national direct student loans—NDSL. This forces the Appropriations Committee to recommend no less than $653,493,000 before it can recommend anything for the very important new BOG program.

The President's budget request asked for $622 million for BOG and $250 million for work study, but nothing for SEOG or NDSL. This might be subject to a point of order in the House if the Appropriations Committee followed the budget recommendation.

Several members of the conference committee, including myself, opposed tying the hands of the Appropriations Committee and the Congress instead of allowing each year's experience with these programs to guide us in putting together the proper mix of Federal student aid. Because SEOG and CWS have been advance funded, but NDSL has not, there is confusion as to exactly what section 411(b)(4) requires in any one appropriations act. Students and college officials are naturally confused about the discrepancy between this provision and the budget request.

Soon after the budget was received, several Members felt the administration should seek to change the law through the Education and Labor Committee rather than the Appropriations Committee. Last week the administration did just that and transmitted to the Congress a simple one-sentence repealer of section 411(b)(4). That is what I am introducing today.

Of course, this bill does nothing to the basic authorizations of the SEOG, CWS, and NDSL programs. They remain unchanged in the law. Congress can still appropriate money—as it should—for any or all of these programs. But the bill would allow the Appropriations Committee and the Congress the flexibility to evaluate the progress of these programs and the new Basic Education Opportunity Grant program and to determine freely the best level of funding for each one.

Mr. Speaker, while this bill would eliminate some of the confusion down the road, it is unlikely to help the student assistance funding crisis that is immediately before us. Colleges are right now having to make aid commitments to students applying for enrollment next fall. Unlike previous years—because of the budget request and the existence of a major new grant program—the colleges do not have even estimates of funds in these programs upon which they can make tentative commitments.

It is imperative, in my judgment, that the Congress pass a 1973 supplemental bill for student assistance before the end of this month. If need be, we should pass a separate supplemental dealing only with student assistance. To delay longer will seriously jeopardize the implementation of the BOG for next fall and make much more difficult wise planning on the part of our colleges, let alone the tremendous anxiety this would cause hundreds of thousands of students and their parents.

I believe the President should be commended for his strong commitment to increasing the student assistance budget. My first priority is the same as his—to fund the Basic Education Opportunity Grant program at a substantial level. Given the confusion that exists and the lateness in the year, it also seems prudent to fund the existing programs for next fall as well.

Then, Mr. Speaker, I hope we can make wise judgments about the 1974–75 school year without the constraints of specific forced levels of funding of certain of these good programs. The bill I am introducing today will allow just that.

ONLY SIGNS OF FONDNESS—"DIXIE" AND THE CONFEDERATE FLAG

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 9, 1973

Mr. CHAPPELL. Mr. Speaker, just recently, a U.S. district judge banned the use of the Confederate flag; as well as the name "Rebels" for a high school nickname; and a group of citizens protested the playing of the song: "Dixie" in a high school.

What absurdity. It seems to me that groups are having to reach pretty far to find something to protest about when they attack these symbols. It appears that the protesters and judge have preconceived notions about what is in the hearts of those who cherish these symbols. All the Southerners I know think of "Dixie" and the Confederate flag as typifying our home. It is ridiculous to think that our affection for this song and flag have anything to do with race, slavery, or discrimination; it is purely and simply our expression of attachment and hope for a section of the country that we dearly love.

Mr. Speaker, at a time when more people than ever before are trying to live in brotherhood and peace, it is a chance for the court or groups of people to latch on to songs or flags to cause more dissention. If the real concern is about this country and its future, they could have banned the parading of the enemy flag or the burning of our own American flag. It all seems such nonsense at a time when we need to be turning our thoughts to the preservation of a great nation and the solution to many of the real problems that confront us.

MINORITY VIEWS OPPOSING CREATING AN ATLANTIC UNION DELEGATION

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 9, 1973

Mr. BURKE of Florida. Mr. Speaker, I ask that all Members carefully read the minority views opposing creating an Atlantic Union delegation. House Joint Resolution 205, as stated in the minority views, "is by no means as innocuous as its sponsors would have us believe." The minority views forthrightly state the principal pitfalls and dangers inherent in such a resolution:

MINORITY VIEWS—HOUSE JOINT RESOLUTION 205

Our opposition to H.J. Res. 205—as to H.J. Res. 900 (its predecessor in the 92d Congress—is based largely on practical considerations. Although we support the concept of Atlantic cooperation and such worthy objectives as "strengthening common defense, while cutting its cost", "facilitating commerce of all kinds", and "enhancing the welfare of the people of the member nations"—we fail to see how adoption of this far-reaching proposal could contribute toward the attainment of these goals.

There is, in fact, no higher priority at this stage in American-European relations than the effort to reach a mutually beneficial accommodation with the nations of Western Europe—especially with the European Economic Community which the United Kingdom has now joined. President Nixon has said that 1973 will be the "year of Europe", and it is apparent that much difficulty, painstaking negotiation lies ahead for both sides.

Atlantic cooperation is indeed essential if continued crises in the monetary field are to be avoided in the future. It is also very much in the interest of the United States to reach an agreement with the EEC nations on trade—an agreement which is equitable—which grants fair access to the European market for American products and at the same time safeguards legitimate European interests. However, even the most optimistic leaders on both sides of the Atlantic agree that the search for a viable compromise on these difficult and complex issues will not be easy.

The prospect of extending such collaboration—if it can be realized at all—to include some form of "federal union" is quite obviously remote. The development is simply "not in the cards." In fact, an *attempt* now to form such a union or even to *explore the possibility* could very well boomerang to the disadvantage of all concerned.

This is a point worth emphasizing. Proponents of H.J. Res. 205 have consistently argued that what is being proposed here is merely a tentative, exploratory effort to ascertain whether, in fact, there is any interest in the proposal to transform NATO into "a more perfect Union". No commitment is being made at this stage, they assert, and *only* if sufficient interest is shared by those participating and if agreement can be reached on specific proposals, will further authorization be sought from the appropriate national legislative bodies. *At worst*, they contend, nothing will come of the idea, and therefore the resolution is *harmless*. It is this very line of reasoning, however, which we consider to be of questionable validity. For years, it may be recalled, the French balked at the prospect of British entry into the European Community—in part because of fears that the United States might thereby increase its economic influence in Europe. The United Kingdom, it was argued by traditional opponents of British membership in the EEC, represented the U.S. "Trojan Horse" on the European Continent.

Such fears have been at last assuaged and British membership has become a reality. But passage of H.J. Res. 205 would offer those critics a new opening and a new opportunity. Once again, the charge may be heard that the United States by sponsoring this proposal has developed an ill-conceived device for re-establishing U.S. "hegemony" in Western Europe . . . via the "backdoor." We seriously question whether an attitude by the U.S. of this kind and at this time would promote the cause of Atlantic unity and cooperation. It might well lead instead to Atlantic discord and recrimination.

Our misgivings include especially the semiofficial character of the proposed Atlantic Union "delegation". The eighteen "eminent citizens" composing such a delegation, are to be appointed by the Speaker of the House, the President of the Senate, and the President of the United States. This gives them the formal sanction of the U.S. government.

So much for our primary objection to this Atlantic Union proposal. We fell that H.J. Res. 205 represents a *noble, early post-war idea whose time has long since passed*—a utopian concept *which is long on idealism and short on realism* . . . More importanly, this resolution also contains elements of real danger. H.J. Res. 205 is by no means as innocuous as its sponsors would have us believe.

Let us examine some of the specifics: The European nations which are to be asked to send delegates to an Atlantic Union convention do not include all the Members of NATO, but only such "parliamentary democracies as desire to join in the enterprise." Greece, presumably, is not presently qualified to join because of the nature of its present government. "Other parliamentary democracies" may however, be invited to participate from outside the "Atlantic" area. One can only surmise about which "other countries" might receive invitations—Japan? Australia? New Zealand? Mexico? Any democratic country in Africa or Latin America?

Despite this vagueness in language and haziness as to its purpose, the resolution nevertheless indicates that what is sought, eventually at least, is the development of a federal union to replace existing ties between friendly nations, most especially those in the North Atlantic Treaty alliance. What is sought is a "common defense" policy . . . a single "stable" currency, a single policy regarding international trade, and an agreement as to how this new federal union might increase its aid to developing nations. These decisions, it should be emphasized, are to be made by the union. They will be binding on all members of the Union, regardless of the feelings of individual member nations. In other words, adherence to such a union necessarily involves an impairment of national autonomy.

How feasible are such goals? How desirable are they? At this stage in world affairs, it is likely that friendly nations would recognize their growing interdependence by opting for a formal union?

Assuming a decision could be reached that a federal union should be established, how would that goal be clearly defined? And what is meant by the search for agreement on a "timetable" to achieve that end?

Would all delegates be "free from official instructions" or only the American delegation? Would voting be by individuals or by delegations? And what is meant by a commission to facilitate "advancement by stages" to a federal union?

The sponsors of H.J. Res. 205 may argue that all of these questions can be answered in due course, during the convention's deliberations. However, *before* authorizing an American initiative of this character and magnitude, such questions need to be thoroughly discussed. Furthermore, we are highly skeptical that such a convention would *ever* become a reality, even if Congress were incautious enough to suggest that the United States should take the lead in promoting it.

L. H. Fountain, Lee H. Hamilton, Abraham Kazen, Jr., Roy A. Taylor, William S. Mailliard, Peter H. B. Frelinghuysen, H. R. Gross, Edward J. Derwinski, Vernon W. Thomson, John H. Buchanan, Jr., J. Herbert Burke.

LIBRARY OF CONGRESS POLICE SALARIES

HON. JOE SKUBITZ

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 9, 1973

Mr. SKUBITZ. Mr. Speaker, I am today introducing a bill whose enactment will correct a longstanding wrong and undo an injustice.

I refer to the pay schedules for policemen operating under the control of the Library of Congress as compared to the salaries of police officers who work for us here in the U.S. Capitol, those who work under the General Services Administration, and those who work for the National Zoological Park.

For example, the starting salary for a Library of Congress policeman is $8,722 and no matter how long he may be employed, that remains his salary level. By contrast, a Capitol policeman starts at $9,520 and may move up eventually to $13,600 per annum. A GSA police officer starts at $7,951 and his maximum salary can become $10,264. A National Zoo policeman begins with a salary of $9,520 and may reach $10,788. This same inequity and unfairness obtains in the pay scales in all the ranks from sergeant through captain for the Library of Congress officers.

In my judgment, no basis exists in law or in the scope of duty for this discrimination. I believe it should be remedied promptly. I hope that the measure I am introducing will be considered promptly by the House Committee on Administration, who has responsibility in this field.

A table of comparison follows:

COMPARISON OF STARTING AND ENDING SALARIES OF LIBRARY OF CONGRESS AND OTHER POLICE AS OF FEB. 20, 1973

Rank	Library of Congress		GSA		U.S. Capitol		National Zoological Park	
	Starting	Ending	Starting	Ending	Starting	Ending	Starting	Ending
Private	$8, 722	$8, 722	$7, 951	$10, 264	$9, 520	$13, 600	$9, 520	$10, 788
Sergeant	9, 716	9, 716	9, 520	12, 373	12, 784	16, 864	10, 528	11, 932
Lieutenant	10, 788	10, 788	11, 614	15, 097	15, 504	19, 584	11, 614	13, 162
Senior Lieutenant	12, 775	13, 162						
Captain	12, 775	14, 479	13, 996	18, 190	18, 496	22, 576	12, 775	14, 479
Major			16, 682	21, 686				

WELFARE SCANDAL—IX

HON. VERNON W. THOMSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 9, 1973

Mr. THOMSON of Wisconsin. Mr. Speaker, examples of the inefficiency and waste of our present welfare system continue to mount. The truly needy aided by these programs are just as united as concerned taxpayers in the conviction that the system must be tightened up and public confidence in its humanitarian mission restored.

Miss Gene Cunningham and Mr. Stuart Wilk, investigative reporters for the Milwaukee Sentinel, have completed a 3-month investigation of the Milwaukee County Welfare Department. The results of their study is shocking. They estimate that $28 million was lost in Milwaukee last year due to fraud and mismanagement implicit perhaps in the present welfare system.

Today I am inserting the ninth segment of this series. The article deals with sloppy accounting procedures by which recipients are paid, and paid again, for items authorized by the welfare department. This type of noncontrol clearly indicates, to me, that a greater measure of accountability must be built in to our welfare system.

BILLS PAID—AND PAID AGAIN

(By Gene Cunningham and Stuart Wilk)

If a welfare client doesn't pay his bills, the Milwaukee County Welfare Department sometimes pays them—even though the department has already given the client money to pay the bills.

As a result, some clients have run up gas bills of several hundred dollars—knowing the department will end up paying them.

Some have received grants for as many as three refrigerators in less than four months—knowing that if they don't use the money for a refrigerator, if they use it for some other purpose, such as vacation money, the department will simply issue another grant.

Some buy new furniture and appliances "on time"—knowing that if they don't keep up with the payments, the department will pay them if the cost is less than buying the client another bed or another washing machine.

[The department has a policy of buying only used appliances for clients.]

And some take out loans—putting up furniture or other items as collateral—knowing that the department will pay off the loan rather than buy the client another house full of furniture.

A former accountant with the welfare department confirmed that clients run up big gas bills that the department eventually pays.

He said he has seen gas bills as high as $1,200—for a single client—and has seen numerous gas bills in the $500 to $1,000 range.

The department, he said, routinely pays these bills.

How do they get so high?

The Wisconsin Gas Co. and the welfare department have an "agreement" whereby the gas company will not cut off service for any welfare client.

Clients know this and some take advantage of it. If they don't feel like paying their bills, they don't.

Under this system, they have nothing to lose. In fact, they have something to gain—extra pocket money.

As the system stands, clients can use the department as their personal financier. And the department uses county tax dollars to oblige them.

Department employes told reporters of a woman who was given $590 to pay an overdue gas bill and then spent the money for something else.

DATA GOES TO SQUAD

The matter was referred to the Sheriff's Department Fraud Squad, which subsequently discovered that the woman was receiving aid under two different names.

Employes also told of gas bills that ran as high as $1,300 and turned over to reporters a client gas bill for $967.45.

If a client has not paid a gas bill for two months, the department will automatically pay the arrearage and start making voucher payments directly to the gas company instead of to the client. At least that's what the department says.

But some cases, slip through and don't get put on vouchers.

[The gas company refused to give out any information concerning welfare clients' gas bills or the agreement the company has with the welfare department for the payment of bills.]

Asked about the $500 to $1,000 gas bills, James Schiller, the welfare department's assistant business manager, admitted, "Those kind of animals are missed" and aren't put on voucher.

He acknowledged that he had "heard there are some (bills) that size."

Last year, he said, the department paid out $88,133 for 1,587 unpaid gas bills.

That's money that the department has paid twice—once to the client and once to the gas company.

There is no state or federal sharing on the second payments. Its 100% county money.

In addition, Schiller said, the department paid $544,112 for 4,091 bills with "excess charges" in 1972.

The state and federal governments share these costs, however.

"AVERAGE" PAYMENT

The excess charges come about because the department includes an "average" anticipated gas payment in the monthly welfare grant of some of the clients. If the client uses more than the average amount of gas, the department pays the excess.

Welfare Director Arthur Silverman said the excesses develop in extremely cold winters, when more gas is used than expected.

But caseworkers and aides told reporters that some welfare clients are careless about the gas they use because they know they won't be penalized.

A caseworker said he made a visit to one family and noticed that the gas stove burner was on, although nothing was cooking at the time. When he asked why, he was told that a member of the household smoked cigarettes and "we haven't got any matches."

The family kept the stove burning "12 hours a day," the caseworker said.

HELPED HEAT HOME

In another case, a family kept a stove burning full blast to help heat the upstairs of the ramshackle, poorly insulated home in which they lived.

Silverman told reporters that the $1,000 gas bills might exist at the time that a person was applying for welfare but denied that bills run that high while a person is a welfare client.

If a client has a large bill at the time he applies for welfare, "we negotiate with the company" for payment, he said.

According to Silverman, the Wisconsin Gas Co. refuses service unless payment is made on prior arrearages—even if the company is assured of full payment once the client becomes a welfare recipient.

If the client is to get heat, the department is forced to pay off the prior debts.

WATER BILLS TOO

Apparently, water bills also reach large amounts for some welfare clients.

"Ever see a $500 water bill?" asked a deputy with the Sheriff's Department Fraud Squad. "I've seen it on a receipt."

He said the receipt was for the bill of a welfare client.

In addition, thousands of dollars are spent on multiple grants.

One client received grants for 10 refrigerators, 10 stoves and 7 washing machines in just over three years.

She received grants for two refrigerators in less than one month and for 10 beds in less than three months.

In six months, she received grants for 14 beds, which by no stretch of floor space could have fit into her apartment.

She didn't buy all of the items for which the department gave her special grants, but the department continued to issue grants, a caseworker said.

She took almost $500 in grant money and used it for a vacation, he said.

SOUGHT SITTERS

And, he said, she even applied to the department for babysitters to take care of her children while she was vacationing.

The welfare department, he said, will not refuse to give a client a grant even if it knows that previous grants have been given for the same purpose and spent for something else.

But a state official said that the "county has discretion on how they handle these cases."

The official is Lowell D. Trewartha, director of the Bureau of Program Planning and Development, Division of Family Services, State Department of Health and Social Services.

Trewartha said that if a client does not buy a refrigerator or other designated item the "first time" he is given a grant, "it could be fraud."

Asst. Dist. Atty. Allan Love agreed.

Love said that if a person is given multiple grants for appliances and doesn't buy them he can be prosecuted for fraud. Love handles welfare fraud and nonsupport for the district attorney's office.

HARD TO PROVE

He further pointed out that the "prosecution is a damn expensive procedure. It's difficult to prove a fraud beyond a reasonable doubt."

Another way to beat the system is to use a grant as a down payment on a more expensive item.

One client, a welfare worker said, received a $100 grant for a washer and a $50 grant for a stove. The client bought a washer for $113 and used the remaining money as a down-payment on a $279 stove.

When the store complained about the balance due on the stove, the department paid the balance, the worker said.

The department spends about $60,000 a year for washers and dryers, according to the sheriff's fraud squad.

There are numerous instances of clients buying furniture and appliances on time, not making payments and having the department pick up the tab.

Some furniture stores, workers said, do the bulk of their business in such transactions.

RARE CASE

Silverman said that "in rare instances, to avoid repossession" the department will pay amounts due on appliances and furniture if that amount is equal to or less than the replacement cost.

But Frank Pokorny, financial assistance supervisor for the department, said:

"One policy I've firmed up is that no way will we pay off payments for clients" on time purchases.

"I said no way are we going to pay off the repossession type stuff," Pokorny declared. "This used to go on before I came—in quantity."

Pokorny has held his present post for about two years.

Clients who take out loans can also get the department to make payments for them.

Some clients take out loans from finance companies using their household goods as collateral, case aides said. The department pays the companies rather than having clients' furniture repossessed.

Silverman acknowledged that "we will pay a loan company if it is necessary to prevent repossession."

He added that "it's a rarity."

COUSINO HIGH SCHOOL SURVEY

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 9, 1973

Mr. HUBER. Mr. Speaker, the American history class of Cousino High School in Warren, Mich., recently conducted a survey on the issue of Presidential impoundment of funds. Those polled were asked about President Nixon's impoundment of some of the funds for the Clean Water Act of 1972. The respondents, therefore, were questioned about the subject of impoundment only insofar as it relates to the Clean Water Act. This fact should not be overlooked when one takes into account the result of the survey.

Nevertheless, the students have done a considerable amount of work on the poll; they interviewed 462 people and invested a great amount of time in the project. They are to be commended for their concern and involvement with such an important governmental issue. I am, therefore, including for the consideration of my colleagues, the results of the poll conducted by the students at Cousino High School.

THE CLEAN WATER BILL OF 1972

QUESTIONNAIRE

Earlier this year Congress approved a national $5 billion water pollution appropriation. But President Nixon has said he would release only $2 billion of that money to the Nation's cities.

We would appreciate your cooperation by checking one of the following:

Yes, I feel that President Nixon should release the other 3 billion dollars to help clean up our waters.

No, I do not feel that President Nixon should release the other 3 billion to help clean up our waters.

I have no feelings toward this subject.

Open to any comments that you may have.

Thank you.

ANSWERS

As students of American History at Cousino High School in Warren, Michigan, we conducted a survey concerning Public Law 500 of the 92nd Congress, which is the Clean Water Bill of 1972. We are concerned about the use of Presidential power to over-rule Congress. Here are the results of the survey out of 462 taken:

	Yes	No	No feeling	Void
Students	326	43	37	17
Teachers	17	6	1	0
Residents	24	1	0	0

As you can see by the results of our surveys, the majority of people feel that President Nixon should release the other three billion dollars to aid on the cleaning of our waters.

We would like you, as Representative of Michigan, to make the results of our survey known. We have worked a considerable length of time conducting this survey, and we feel that it represents a good cross-section of the people who live in Warren, Michigan.

I. F. STONE ON WAR POWERS LEGISLATION

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 9, 1973

Mr. ZABLOCKI. Mr. Speaker, I. F. Stone, an able and respected journalist observer and commentator of the Washington scene, has written a probing and intelligent analysis of the war powers issue. The entire article appeared in the New York Review of Books, a publication for which Mr. Stone is now a contributing editor. However, the Sunday Star and Daily News reprinted an excerpt from that article in its edition of April 8.

Because it analyzes so clearly the complex issues involved in this important subject I place his article in the RECORD at this point and recommend it to the careful reading of my colleagues:

[From the Washington Star and Daily News, Apr. 8, 1973]

ALL WAR POWER TO THE WHITE HOUSE

(By I. F. Stone)

In a landmark case during the Korean war, a liberal majority of the U.S. Supreme Court refused to allow Truman to seize the nation's steel mills. The court rejected the White House claim that such action was constitutional under the so-called war powers of the President. "Power to legislate for emergencies," Justice Jackson then wrote in one of those brilliant concurring opinions for which he is famous, "belongs in the hands of Congress, but only Congress itself can prevent power from slipping through its hands."

This case was the first to deal squarely with presidential claims of "inherent" war powers in the sweeping form that still plagues us in the skies over Indochina.

As a result of the long agony over Vietnam, the longest and most costly "undeclared war" in our history, Congress has been trying for three years to frame new legislation which would restrict the war powers of the Presidential and restore those of Congress. The course of the long debate in Congress has reflected a widespread desire in both parties to curb presidential powers and yet a curious reluctance to grapple with the problem where it is most urgent in the Indochinese war itself.

Two kinds of war powers legislation await final action in the Senate and the House. One would establish strict limits on the President's power to take the country into war without specific authorization by Congress, in pursuance of the power to "declare war" given to the Congress by the Constitution. The other, more urgent, would use congressional power to prevent the Executive from taking us into a third Indochinese war. Almost all attention has been focused on the former. The latter has been shelved even while the danger of resumed bombing and intervention has grown.

The dispute over presidential war powers has been classed with impoundment, executive privilege, and freedom of the press as one of the four major questions on which a constitutional crisis has been developing between the White House and the Congress. But this may understate the complexities of the war powers problem. It may run deeper than the Constitution into the mores of the American Republic and people, and this may explain the reluctance of a frustrated Congress really to face the problem, especially where action is most immediately needed.

"Abuse of power by Presidents," said the historian Henry Steele Commager in his perceptive testimony at the opening of the Senate Foreign Relations Committee hearings on war powers legislation in March, 1971, "is a reflection, and perhaps a consequence of abuse of power by the American people and nation." Certain political "four-letter words" have been avoided in the long debate. The "not nice" terms are "imperialism" and militarism." Yet they need to be plainly uttered if we are to begin to understand the full dimensions of the problem subsumed under the war powers of the President.

To begin with, the President's war powers fall into two quite separate categories, one constitutional, the other physical. Attention has been focused on the former. The distinction may be illustrated by the case of Iceland. So far as I know the President of Iceland may have the most sweeping power to take his little country into war whenever he sees fit. But since Iceland has neither an army nor a navy, the war powers of its president remain an abstract problem for its constitutional scholars. Even if he became intensely concerned about Allende's violation of ITT's property rights in Chile or the crushing of free enterprise by Castro in Cuba, his ability to do anything about it is limited by the fact that the only force at his disposal is a fleet of six armed fishery protection vessels.

The form taken by the war powers controversy in our country is constitutional. But its roots lie in the enormous growth since World War II in the physical means of war-making at the President's disposal. It is the swift expansion of the American military establishment and of U.S. imperial pretensions since the cold war began under Truman that has made the problem acute. It is not difficult to find instances of brief military or naval actions which can be termed "undeclared presidential wars" almost as far back as the earliest days of the Republic. But these were no more than brief forays and a minor problem so long as American ambitions and military power were limited.

Presidential war-making powers did not become a substantial threat to the congressional power to declare war until this century with the appearance of what used to be called "gunboat" or "dollar diplomacy" in our relations with our neighbors in Central America and the Caribbean. They termed it Yanqui imperialism. Then, too, as with the undeclared war in Vietnam, this was a bipartisan phenomenon. As summed up three years ago in an eloquent but futile report of the Senate Foreign Relations Committee, that earlier experience looks like a dress rehearsal for our involvement in Indochina.

In that earlier period, too, we made and unmade governments to enforce "respect," Godfather and Nixon fashion. The Foreign Relations Committee report recalled:

"President Theodore Roosevelt used the Navy to prevent Colombian forces from suppressing insurrection (which we had arranged, the committee might have added, in order to seize the Canal Zone in the province of Panama) and intervened militarily in Cuba and the Dominican Republic. Presidents Taft and Wilson also sent armed forces to the Caribbean and Central America without Congressional authorization. . . . President Wilson seized the Mexican port of Vera Cruz in 1914 as an act of reprisal, in order, he said, to 'enforce respect' for the government of the United States."

Where earlier presidents used gunboats, Nixon used and still uses B–52s. The problem has become chronic with the emergence of the United States after World War II as the biggest military power of all time, claiming—in "the free world"—to be the protector and policeman of virtually the whole globe outside the Soviet bloc and China.

As the means, the secret commitments, and the occasions for intervention have grown, the power of Congress to make the final decisions of war and peace has dwindled. Until the problem is attacked as a function of imperialism and militarism, constitutional and statutory tinkerings with war powers are likely to prove ineffective. Here and there, in the voluminous hearings, reports, and debates on the pending legislation, this truth occasionally surfaces. The Senate Foreign Relations Committee said some of this when it reported out the Javits-Stennis-Eagleton war powers bill last year.

If the United States, the committee report said, "is to be continually at war, or in crisis, or on the verge of war, or in small-scale, partial or surrogate war, the force of events must lead inevitably toward Executive domination despite any legislative roadblocks that may be placed in the Executive's way." Senator Javits also touched on the more fundamental factors when Senate debate on the measure began last year:

"The Founding Fathers were deeply distrustful of 'standing armies'. At the time of the ratification of the Constitution, the United States Army consisted of a total of 719 officers and men. On the eve of the Civil War it was only 28,000 and in 1890 it was only 38,000. Even in 1915, the Army numbered less than 175,000. However, since 1951 (the Korean War) the size of our 'standing' armed forces rarely has dipped below 3,000,000 men. These forces under the President's command are equipped with nuclear weapons . . . and they are deployed all over the world. . . . It is the convergence of the President's role of conducting foreign policy with his role as Commander-in-Chief of the most potent 'standing army' the world has ever seen that has tilted the relationship between the President and Congress so far out of balance. . . ."

The imbalance will be tilted even further by the completion of the new all-volunteer army, which puts all the Armed Forces on a professional basis and relieves the President and the Pentagon from the need to rely on the draft except in the case of a major war. The army will no longer be a citizens' army but a professional force largely enlisted from among the poor and desperate.

The character and course of the war powers legislation in Congress show the same weaknesses that have allowed presidential power to grow so strong in the past. One difficulty is that of foreseeing the contingencies under which war may arise. When the Constitution was being written, Congress was first given the power to "make" war, but this was changed to "declare." The purpose of this change was twofold: to allow the President to repel sudden attacks and to free him as commander in chief from interference by Congress in the day-to-day operations of the armed forces once war had been declared. Too specific a spelling out of presidential powers would either restrict his powers too greatly or give him a blank check in advance for actions that might go far beyond legitimate limits.

Last year both houses of Congress passed war powers bill, but they died with the session when the differences between them could not be reconciled. Each passed with majorities big enough to override a veto. The Javits-Stennis-Eagleton bill passed the Senate by a vote of 68 to 16 on April 13, 1972. The Zablocki bill passed the House 344 to 13 last August 14.

The lopsided votes testify to the wide discontent in Congress. It is not often that Democrats as different as Stennis and Eagleton can agree with a Republican like Javits to merge their respective bills. In the House there are more than a dozen bills to limit the President's war-making powers. Their sponsors range from Ronald Dellums, the black militant Democrat from California, to John Rarick of Louisiana, who has been described as a Birchite with a Southern accent. But the coming legislative battle will be between revised versions of the Javits-Stennis-Eagleton bill in the Senate and the new Zablocki bill in the House, as they emerge from committee shortly. The contest will be over which bill will prevail in a showdown or fare best in a compromise.

Both bills were extremely cautious in their draftsmanship, though in quite different ways. The House bill in its original form won such wide support because it sought to do so little. It merely required the President promptly to inform Congress whenever he committed U.S. military forces to armed conflict abroad "without specific prior authorization by Congress." A salutary provision of the bill is that it applied not only to the commitment of troops to actual hostilities but also to their deployment abroad, though with a loophole: "except . . . for humanitarian or other peaceful purposes." Our purposes are always peaceful. As we shall see, this House bill has been strengthened.

The Senate bill sought to disarm White House opposition by exempting the Indochina war; it does not apply to "hostilities in which the Armed Forces of the United States are involved on the effective date of this act." Whether it would apply after the Vietnam cease-fire and troop withdrawal remains a cloudy question. The bill contains enough loopholes to allow a wide range of future "undeclared" presidential wars. The President is allowed to use troops abroad without a declaration of war in order to repel an attack upon the United States outside the United States, or "to forestall the direct and imminent threat of such an attack," or to evacuate citizens from an area in which they are endangered. The last was the excuse for the invasion of the Dominican Republic by Lyndon Johnson.

Such "undeclared" presidential wars are limited to 30 days unless authorized by Congress and may be terminated sooner by act or joint resolution (the latter is not subject to veto) unless the President certified in writing that "unavoidable military necessity respecting the safety" of these armed forces requires their continued use "in the course of bringing about a prompt disengagement." Nixon's disengagement from Indochina is still incomplete after four years.

These loopholes could make the situation worse by giving advance congressional authority to presidential actions of dubious constitutional validity or even patent usurpations. When the bill was reported by the Senate Foreign Relations Committee, Senator Fulbright noted in his "Additional Views" that the provisions authorizing the President "to forestall the direct and imminent threat" of an attack could have been used to justify the Cambodian invasion of 1970 and the Laotian invasion of 1971, "both of which were explained as necessary to forestall attacks on American forces." Fulbright feared that under these provisions a future President might cite secret or classified data "to justify almost any conceivable military initiative."

He warned that this authority could be construed "as sanctioning a preemptive, or first, attack solely on the President's own judgment." Since such a first strike might be nuclear, Fulbright suggested that the bill be amended (in accordance with a proposal advocated by the Federation of American Scientists) to forbid a nuclear first strike under any circumstances "without the prior explicit authorization of Congress." But this was not accepted by the Senate.

Another weakness in the Javits-Stennis-Eagleton bill is that it does not automatically provide for calling Congress into session once an "undeclared" war begins. The bill says that such "undeclared" wars shall not continue for more than 30 days without specific authorization by Congress. This could prove quite a loophole. Twenty-nine days of sustained bombing would be enough to cripple many a small country which had provoked the chief executive's ire. Congress could terminate hostilities sooner than 30 days by bill or joint resolution (the latter not subject to presidential veto) unless the President had certified that "military safety for prompt disengagement" made continued fighting necessary. That is another big loophole.

Sen. John Sherman Cooper would have substituted for all these elaborate 35-day procedures a simple joint resolution requiring the President to notify Congress whenever he used the Armed Forces abroad in an undeclared war or "believes" that such use is "imminent." Congress, if not already in session, would convene itself within 24 hours and proceed immediately to decide whether to authorize such use of the Armed Forces "and the expenditure of funds for purposes relating to these hostilities or imminent hostilities." This would avoid the labyrinthine booby-traps and loopholes of the Javits-Stennis-Eagleton bill and confront Congress immediately with the question of whether it concurred or disapproved.

Cooper said there was doubt whether Congress could constitutionally limit hostilities to 30 days "or any period of time, except by the denial of funds." But he said there was no question that "a prompt meeting and consideration by the Congress of any involvement in hostilities is the power and the duty of the Congress." The Cooper approach would avoid many constitutional problems and also the danger of providing new loopholes for undeclared presidential wars.

Cooper's suggestions are not in the Senate bill, but roughly the same approach is taken in the newly revised version of the Zablocki bill, the main bill in the House. This is a far stronger bill than last year's version and may be preferable to the complicated Rube Goldberg contraptions of the Javits-Stennis-Eagleton bill. It reaffirms the congressional right to declare war, recognizes that the President has "in certain extraordinary and emergency circumstances" authority to defend the country and its citizens, but limits the exercise of this authority to two kinds of cases. One is to "respond to any act or situation that endangers" the United States or its citizens (but not their property) abroad when the necessity to respond does not allow time for advance congressional authorization. The word "endangers" may be far too broad. The other class of cases is pursuant to specific prior authorization by Congress.

"But at the same time," the Zablocki bill says, "nothing in this resolution should be construed to represent Congressional acceptance of the proposition that executive action alone can satisfy the constitutional process requirement contained in the provisions of mutual security treaties to which the United States is a party." Since these treaties cover some 43 separate nations it is important to make clear—it is dangerously vague now—that they cannot be used to authorize war without specific congressional authorization. Otherwise they become blank checks for undeclared presidential wars.

A similar provision (Sec. 3141) of the Senate bill would in effect recall the many blank checks outstanding in existing treaties by requiring specific congressional authorization for the use of troops under them. But both bills leave untouched the special blank checks for war in the Formosa, Middle East, and Cuba resolutions, leftovers from the Eisenhower and Kennedy Administrations.

The new Zablocki bill requires the President to report to Congress and ask its approval not only when he commits armed forces to conflict but when he "commits military forces equipped for combat to the territory, airspace or waters of a foreign nation" or "substantially enlarges military forces already located in a foreign nation." These contingencies are not covered by the Javits-Stennis-Eagleton bill.

If Congress is not in session, the President under the Zablocki bill must convene it. This differs from the Cooper proposal in that the latter would have the President pro tempore of the Senate and the Speaker of the House reconvene Congress if it were not in session. A President in time of undeclared war might refuse to reconvene Congress on the claim that this provision was unconstitutional or on some other pretext.

Lest this be thought far-fetched we call attention to the war powers testimony of Charles N. Brower, acting legal adviser of the Department of State, before the House Foreign Affairs Committee on March 13. He objected to any legislation that would require the President to reconvene Congress in the event of undeclared war. "A decision to convene Congress," Mr. Brower told the House committee, "constitutionally lies within the discretion * * * circumstances prevailing at the time." The Framers would have been startled to hear it argued that the President has a constitutional right not to reconvene Congress under circumstances nullifying its constitutional power to declare war.

The reconvening of Congress to deal with an undeclared war would merely be the beginning of the battle. No legislation restricting "undeclared wars" can be any better than the will of Congress to stop them. It is the will that has been lacking in the past.

Generally speaking Congress has been alert in preventing the last war and slack in dealing with the next one. None of these war powers bills, if enacted, will make much difference if Congress is as supine as it has been in the past.

Sen. Cooper, in his "individual views" appended to last year's Senate Foreign Relations Committee report, recalled that as early as 1954, when the Korean Defense Treaty was under consideration, Sen. Stennis, former Senator Watkins, and himself warned that the Senate should make clear in all these so-called mutual defense treaties that the term "constitutional processes" used in them should not be used to send troops into combat without a declaration of war by Congress. These misgivings were brushed aside by the Senate Foreign Relations Committee and the Senate. Later as the blank check war resolutions came up on Formosa, the Middle East, Berlin, Cuba, and Tonkin Gulf, reservations to the same effect were offered in committee and on the Senate floor and rejected. The record showed that Congress had consistently voted away its own constitutional war powers.

The record was put into longer perspective and in a cynical but more searching light by Secretary of State Rogers during the Senate Foreign Relations Committee hearings on the war powers bills in 1971. Rogers recounted with smug satisfaction the "undeclared" presidential actions as far back as the Mexican war, which triggered American imperial expansion at the expense of our Latin neighbors. He paused especially to savor the undeclared war in which the U.S. Marines occupied and governed Nicaragua from 1926 to 1933. This history, Rogers said, shows an increasing use of presidential powers, "and yet," he observed, "there was remarkably little complaint from the Congress."

"It is interesting to speculate," the secretary went on, "why this is so. It seems to me there may have been several possible factors. In the first place, I suppose that Presidents were acting in the context of a generally popular consensus in the country that the United States should assume a posture consistent with its emerging power, particularly in the Western Hemisphere." Indeed "big stick" tactics toward our weaker neighbors have been generally popular in our history, and attacks upon this attitude have been a lonely exercise as far back as Lincoln's opposition, while a congressman, to the Mexican war.

"Secondly," Rogers said, "a large majority of the nineteenth, and early twentieth-century presidential actions occurred in the Caribbean, where this country's power was so predominant that there was little or no chance of forcible response to our action."

Tough tactics were applauded, so long as we dealt with nations too weak to hit back. A third element, on which the secretary did not touch, is that almost all of these actions in the Caribbean and Central America were designed to collect debts for American banks and enforce the will of American sugar, fruit, and other interests to which Congress is sensitive (and beholden) both at home and abroad.

In every generation there have been Americans to protest imperialism but they have been in a minority. Henry Steele Commager at the same hearings showed that presidential "undeclared wars" have almost always been used against "small backward and distraught peoples. He asked, "Does it really comport with the honor and dignity of a great nation to indulge its chief executive in one standard of conduct for the strong and another for the weak?" The answer seems to be that the country rather enjoys it, unless—as in Korea and Indochina—the victim shows an unexpected capacity to resist.

There is no reason to believe that under any of the pending war powers bills—had they then been on the statute books—Truman could not have obtained congressional authorization for the Korean War or Johnson for the Vietnam war. As Arthur Schlesinger, Jr., told the House Foreign Affairs Committee the other day, "All wars are popular the first 30 days."

Javits, the principal sponsor of the Senate war powers bill, still accepts conventional cliches about the Vietnam war and only turned against it when it became too expensive. As recently as last May 1, in a speech in Chicago, he said:

"It is not in the interest of the United States to allow the ARVIN to be overrun, and the Thieu government to be overthrown by this current North Vietnamese offensive. But we have already done in Vietnam all that any nation could ever do for an ally in terms of our own casualties and treasure spent . . . . If the South Vietnamese people want a country, they can have it, because we have equipped them for the purpose. But . . . we cannot continue for the indefinite future to underwrite the survival and security of South Vietnam."

This embodies the conventional and propagandistic view which identifies the Thieu dictatorship with the people of South Vietnam, and paints our purpose there as one of benevolent concern for their self-determination. It is only the cost that separates Javits from Nixon.

In fact, the more one studies the record the more one feels that it is neither lack of power nor lack of information that has led Congress to acquiesce in the war powers of the President but the fact that it usually shares much the same outlook.

CONGRESSMAN DOMINICK V. DANIELS HAILS BAYONNE JEWISH COMMUNITY CENTER, NATIONAL BASKETBALL CHAMPIONS—KRUPP AND GALLAGHER LEAD JEWISH FIVE TO VICTORY

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 9, 1973

Mr. DOMINICK V. DANIELS. Mr. Speaker, Sunday, April 1, 1973 was a great day for the members of the Bayonne, N.J., Jewish Community Center varsity basketball team. On that day, they defeated the team from New Haven, Conn., by a score of 56 to 47, in the final round of competition. Earlier they had defeated Newburgh, N.Y., by a score of 47 to 43.

I would like to take this opportunity to commend Coach William Broderick and his assistant Jeffrey Rothman for their outstanding dedication and coaching ability, which motivated the team to victory.

I extend my congratulations to the fine athletes on the team for the courage and stamina they displayed under such great pressure. These players include: Gerry Dubin, Jay Eckhaus, Connie Gallagher, Mark Gilbert, Marc Jacobs, Steven Krupp, Jay Piskin, William Paster, Jeffrey Payton, David Rosenthal, Marc Tillis, and Barry Tuman.

I wish to commend Kenneth Eisler and Steven Cutler, team managers, for their efforts in helping to bring the National Championship to Bayonne.

Mr. Speaker, at this time, I would like to insert in the Record an article from the April 2 issue of the Jersey Journal, a leading newspaper from the 14th district:

Bayonne JCC Wins National JWB Title

(By Tom Lauenstein)

New Haven, Conn.—Bayonne's jet propelled Jewish Community Center cagers are the proud possessors of their second National Jewish Welfare Board Tournament championship.

Coach Bill Broderick's basketeers nailed down the title by toppling the host J.C.C. team, 56–47, yesterday on the loser's court after outlasting Newburgh, N.Y., J.C.C.C. by a 47–43 count Saturday night in the semifinals at Quinnipiac College.

Bayonne was led by tournament MVP and all-star squad selection Steve Krupp, and Connie Gallagher, who also gained a berth on the tourney's dream team.

The Bayonne Centermen, who had won national laurels here in 1955, made its return to the scene of its glory a memorable one by capturing the crown in a pressure packed final quarter.

Bayonne maintained a slim 39–37 edge entering the fourth period. Then Gallagher pocketed two field goals and Mark Gilbert scored on a tap-in to open the stanza and give Bayonne a more tenable eight-point advantage.

Gilbert pumped in seven markers and Gallagher six in the decisive stanza as Bayonne finished off New Haven with a 17–10 burst. Bayonne led, 11–10, after one period and 24–23 at halftime.

Krupp was Bayonne's top pointmaker with 16, while Gallagher dumped in 15. Krupp also notched 10 assists and hauled down six rebounds to make him a solid MVP choice.

Broderick's combine hit the bullseye on only 23 of 72 floor shots and was .500 from the charity stripe with eight singletons. Five of them resulting from 11 shots in the fourth quarter. Krupp and Gallagher were six for 14 each from the field.

Bayonne's board game glittered against a taller New Haven quintet with a 40–30 supremacy. Gerry Dubin grabbed 11 caroms, Gilbert had 10, and Mark Jacobs six.

Dave Zied netted 12 points, Gary Smirnoff 11 and Ross Brownstein 10 for New Haven, who gained the final round with a 72–50 rout of Allentown Saturday night.

Dubin spearheaded Bayonne's scorers in the semifinal win by potting 16 points. Jacobs sifted in 12 and Gallagher 11.

Bayonne zoomed to an 18–6 bulge in the first quarter but Newburgh cut that gap to 11 markers by intermission. Newburgh was behind, 37–27, after three chapters and dominated the fourth period, 16–10, only to fall short.

Tourney tidbits—Broderick was thoroughly doused in the showers by his jubilant team, but Bill beamed through the traditional ceremony . . . Broderick was ecstatic over Krupp's three-game performance. "He was unbelievable," the elated skipper professed. "Steve's floor play, leadership and hustle made him a clear choice for MVP." . . . Bayonne was honored at the tournament banquet following the championship game . . . Broderick was lofty in praise of his team. "It was a long season and they showed they had what it takes." . . . The Bayonne Centerman compiled an overall 20–2 mark, including the national tournament action, and finished with a 10-game win skein.

The box scores:

BAYONNE

G	P	
11	4	Gallagher
0	0	Gilbert
4	12	Jacobs
2	6	Payton
6	16	Dubin
1	2	Krupp
0	0	Eckhaus
0	0	Newell
0	0	Paster
0	0	Piskin
0	0	Rosenthal
0	0	Tillis
0	0	Tuman
17	47	

NEWBURGH

	G	P
R. Reigier	6	12
M. Reigler	2	4
Marks	0	0
Spiritos	1	2
Thompson	3	7
McMahon	7	14
Norvell	2	4
	21	43

Bayonne	18	10	9	10	47
Newburgh	6	11	10	16	43

BAYONNE G	P	
6	15	Gallagher
4	9	Gilbert
4	8	Jacobs
1	2	Payton
3	6	Dubin
6	16	Krupp
0	0	Eckhaus
0	0	Newell
0	0	Paster
0	0	Piskin
0	0	Rosenthal
0	0	Tillis
?	?	Toman
24	56	

NEW HAVEN	G	P
Smirnoff	4	11
Herzgog	2	5
Zeid	6	12
Brownstein	5	10
Kroup	4	9
	21	47

New Haven	10	13	14	10	47
Bayonne	11	13	15	17	56

REMARKS BY DICK WILSON, TRIBAL CHAIRMAN OF THE OGLALA SIOUX TRIBE ON WOUNDED KNEE

HON. JAMES ABDNOR

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 9, 1973

Mr. ABDNOR. Mr. Speaker, I have spoken in behalf of Mr. Dick Wilson, chairman of the Oglala Sioux Tribe in South Dakota, in the recent controversy at Wounded Knee. I did so because the media was not giving Mr. Wilson, the elected representative of nearly 11,000 Sioux on the Pine Ridge Reservation, the opportunity to speak for himself.

At last Mr. Wilson has been given the opportunity to state his position and his reasons for opposing the American Indian Movement on his reservation. I ask that his remarks, printed in the Todd County Tribune be reprinted in the CONGRESSIONAL RECORD for the benefit of my distinguished colleagues.

The article follows:

WILSON STATES POSITION TO TRIBAL CHAIRMEN

Dick Wilson, chairman of the Oglala Sioux Tribe, Pine Ridge, read a press release to a gathering at Pine Ridge which included tribal chairmen from the Upper Midwest and other Indian affairs officials.

Included in the group were Marvin Franklin, assistant to the Secretary of Interior in charge of Indian Affairs; Harlington Wood, Assistant U.S. Attorney General; Sioux Tribes and the Cheyenne River tribe; Jim Henry, president of both the Aberdeen Area of National Tribal Chairmen's Assn. and the Turtle Mountain Reservation in North Dakota; Leon Cook, National Congress of American Indians chairman; Webster Two Hawk, chairman of both the National Tribal Chairmen's Assn. and the Rosebud Sioux Tribe; Wyman Babby, Aberdeen Area Director of the Bureau of Indian Affairs and Chairmen of tribes from Ft. Berthold, N. Dak.; Lower Brule; Sisseton-Wahpeton; Standing Rock and Winnebago, Nebr.

Attending the session from Rosebud along with Two Hawk were Leo Cordier, Rosebud tribal secretary, and Sherman Wright, Rosebud tribal information specialist.

Following is the text of Wilson's speech:

First, I want to say I appreciate this opportunity to address this national audience personally. I feel that there are many issues involved in this so-called Wounded Knee crisis that have not been made public, although the National Press has been on our reservation for nearly three weeks.

I cannot conduct a course in Oglala Sioux history on this broadcast, but it is important to state at the beginning that no one who is not familiar with the history of my people can fully understand what is happening here.

Over one hundred years ago our land was invaded by the white people of this country. Our warriors fought a series of bloody and expensive wars with the United States Army. And both sides lost; lost in terms of money and in lives and human suffering and in compassion for the other race. In 1877 our people negotiated for peace with the United States. And for more than half a century my people were ruled by an occupation government. That outside rule lasted for a long time—until 1934 when the United States Congress passed a law which gave the Indian tribes the right to set up their own tribal governments. There was much opposition to that move. Men and women who were over 50 years old had lived all their lives without being allowed to make any decisions for themselves. Because at that time, the Agency Superintendent was the mayor, the city council, the governor, the chief judge, and the chief of police—all rolled into one man. Many of my people at that time were fearful of making any changes. They had never made a decision in their lives, and they were afraid to make that one.

But the majority of the Oglala Sioux people wanted self-government; they wanted to be able to control their own lives. The vote was close, but the important point is that the Tribe voted, and the decision of the majority ruled. 1,348 Oglala Sioux Indians voted for self-government and 1,041 voted against.

That was in 1935. In January of 1936, the Oglala Sioux Tribe adopted a constitution that was approved by the United States Government. For 37 years the Oglala Sioux Tribe has governed itself under its own constitution and by-laws, under its own laws and its own courts.

There is no royalty here. And in spite of what you have heard in the news and read in the papers for the past three weeks, Dick Wilson is no king. I was recently elected by the majority of the people on this reservation to serve the Tribe for two years as the president of this tribal council. One year is up. In less than a year, I will have to run again for this office. And I will run on my record. Each member of the council will also have to run for his office again. There are no political parties. Each candidate runs on his own, from his district on the reservation.

That is the background of my position in tribal government (this so-called Wounded Knee crisis). Now let's take a look at what has happened at Wounded Knee, and what is happening.

You all know that I am not fond of AIM, the American Indian Movement. The press has made sure you know that. But I would like to express my reasons tonight for my dislike of AIM.

The leaders of AIM are a group of grown men who do not work, who will not work, but who always have plenty of money. They have not grown up on reservations; they do not know anything about life on this reservation, and they do not want to learn. They just want to come in with guns and take over. When these same men took over the headquarters of the Bureau of Indian Affairs in Washington, they stood before the cameras and said they were prepared to die. But when the government offered them 67 thousand dollars to leave town, they were suddenly ready to live again, at least as long as the money lasted. They say they want to improve conditions for Indian people, but I cannot help wondering if that 67 thousand dollars improved anyone but them.

From Washington they traveled to South Dakota, where they disrupted the entire town of Custer, South Dakota. They burned the Chamber of Commerce to the ground and tried to burn down the courthouse. They created a riot in Rapid City, South Dakota and tore up five drinking places in that city.

They do not live in Washington, D.C., or in Custer, South Dakota or in Rapid City. But thousands of other Indian people do. And those Indians who must live in the cities and towns that AIM vandalizes must suffer the embarrassment and the humiliation and the resentment of those communities. The leaders of AIM say they represent a Trail of Broken Treaties. All I see is a Trail of Ruined Buildings and Broken Beer Bottles.

And now they have come onto this reservation and taken over an entire town and they claim to speak for the Oglala Sioux people. They brought in women and children and put them out of sight while they wave their guns before the cameras and say they are prepared to die. I assure you that they do not speak for the people on this reservation. The Oglala Sioux never used women and children as a shield for their actions.

The entire nation, and maybe the world, is watching the activity at Wounded Knee and hoping it will be settled without loss of life. No one is more concerned than I am that women and children may be needlessly injured in this childish wild west drama. Because, remember, the people of this reservation elected me to be their president. I am responsible to the people of this reservation to protect their lives and their property.

But who are those people at Wounded Knee? They are not even members of this tribe. None of the leaders was born here and none ever lived here. One of them is Oglala, but he never lived on this reservation. He never returned to ask what he could do for his people. He never returned at all until he came back with a gun to take it over. The other leaders are from different states. And their followers come from all over the country. I have no doubt that, of all the 200 men, women and children in Wounded Knee, less than 15 are members of the Oglala Sioux Tribe.

That raises the question of: What right do they have to be here? And answer is that they have no right to be here. Everyone knows what they are demanding, but not many know what their actions are costing the people of this reservation. I want to tell you about only a few of those costs.

The Oglala Sioux Tribe is losing almost 15 thousand dollars a day as a result of AIM's activities at Wounded Knee. The AIM group and the federal roadblocks surrounding them are cutting off one of the main roads across the reservation. The school buses cannot go through and 40 percent of the school children on this reservation are being deprived of their education by AIM's activity here. In July, when they should be playing ball and fishing, those children will still be in school, making up this lost time. The Oglala Sioux Tribe is acting as a general contractor for a 387-unit housing development program on the reservation. Because of this thing at Wounded Knee, the program is completely shut down. The tribe is losing $3600 per day in interest on that program as long as it is closed. And this winter there will be hundreds of Indian families on this reservation without the adequate housing they would have had if this program had not been disrupted. Over ¾ of the tribal employees are on administrative leave because they cannot get to work or because their job sites are unsafe as long as an armed camp is allowed to remain in rebellion on this reservation. The cost for keeping federal marshals here is about $13,500 per day, and the F.B.I. presence costs almost $15,000 per day. We who live here are worried that those expenses will come from the Bureau of Indian Affairs budget for the Pine Ridge Reservation next year.

Then there is the cost that cannot be measured in terms of money. The human suffering that this is causing cannot be calculated. Before this armed invasion, there were 65 families living peacefully in the village of Wounded Knee. They cannot go into or out of their homes until this is over. Over 40 of those families are now living in Pine Ridge with their families and friends.

A young woman came into my office yesterday and asked me if she could go home yet. She lives in Wounded Knee. I had to tell her I don't know. It depends on the federal marshals if they want to let her in. She said she is tired of this. She has a home and she wants to go home. She does not want to have to live off her relatives. But now she has to because AIM, this movement that says it is helping Indians, has taken over her home. And the homes of 64 other families as well.

That brings up the question of why isn't something done about it? And that is the question I have. When AIM first took over the town, I requested law enforcement assistance from the United States Marshals' service. Then the FBI and the Justice Department came in. I thought they were coming in to restore order and to protect the lives and property of the people who live here. But, instead, they chose to negotiate with them.

Sometimes I am sure that Indians are smarter than white people. Indians learn from their mistakes. The federal government negotiated with AIM in Washington and let them go after they ruined a government building. Then AIM terrorized two cities in South Dakota, and the state of South Dakota negotiated with them and let them go. Now they have taken over a town on this reservation and forced hundreds of people to leave their homes for three weeks. They have closed schools, destroyed property, and cost an already poor people hundreds of thousands of dollars. And the Federal Government is negotiating with them.

I have said before and I say now there is nothing to negotiate with these people. They have come in here with guns in violation of our laws; they have looted homes, closed churches and schools, and I say they should be arrested for breaking the law and prosecuted to the fullest extent of the law.

I do not understand why the federal government refuses to fulfill its responsibility to the people of this tribe and this reservation. Warrants have been issued for the arrest of the leaders of AIM, but they have not been arrested. Tonight, one of the leaders of AIM is going on a nationwide television talk show to tell the audience about his criminal exploits while the federal government sits on a warrant for his arrest.

Much is heard about the civil rights of those occupying Wounded Knee. I am concerned about the civil rights of those who have been kept out of school, out of work, and out of their homes while this group of armed insurrectionists is allowed to totally disregard the laws of this country, this tribe, and the rights of others. The only conclusion I can make is that AIM is once again blackmailing the United States and this entire tribe is being held as the hostage.

The government of the United States has a solemn trust responsibility to protect the rights, lives and property of the American Indian Tribes. And I demand that they fulfill that responsibility. The federal responsibility here is to the Indian tribe that lives here and not to a bunch of armed bandits who have openly declared their hostility to all constituted law and order in this country.

The federal law enforcement officers here have conducted themselves with enormous restraint, and I am most grateful that no one, Indian or White, has been killed in this confrontation. But this has gone on too long already. The people who live in the village of Wounded Knee have a right to return to their homes. The children on this reservation have a right to attend school. The employees of this tribe have a right to get to their jobs. And the federal government has a responsibility to protect those rights. I call upon and demand that the federal government either fulfill its responsibility and move with whatever force is necessary to evict the armed intruders from the village of Wounded Knee—or—that it leave this reservation and let the Indian people who live here handle this problem themselves.

You have all heard about the claims of a sovereign state of Wounded Knee. There is a sovereign Oglala Sioux nation, and its laws and the decisions of its courts have been upheld by the Supreme Court of the United States. But the small band of hoodlums from all over the country who have taken over a village at gunpoint does not represent the Oglala Sioux nation. They do not speak for the Oglala Sioux people. They do not even belong to the Oglala Sioux Tribe.

The Oglala Sioux Tribe is a sovereign nation, recognized by the United States, and governing its own affairs. We have laws and we have regulations, and we abide by them. According to the constitution of the Oglala Sioux Tribe, the Tribal Council, elected by the people of the Tribe, has the power to negotiate on behalf of the Tribe. The negotiations you hear about on the news every day do not involve the Oglala Sioux Tribe. These negotiations are between a federal government that apparently prefers to abdicate its responsibility to the lawful and law-abiding inhabitants of this reservation and a group of militant dissidents who have never learned any responsibility and take what they can get at the point of a gun while hiding behind women and children.

The tribal council is the duly elected, lawful representative of the Oglala Sioux. And the council is ignored in these so-called negotiations. Consequently, the members of this tribe cannot and will not be bound by any agreement reached between the federal government and members of AIM.

The tribal council has not been consulted by the federal law enforcement officers or by the justice officials. We have been simply ignored while two groups of outsiders have sealed off a large part of our reservation and exchange idle threats and ultimatums. Those negotiations are meaningless and any attempt to recognize AIM as a legitimate organization is and will be considered by the tribe as ridiculous.

This situation is no different than if a group of Black Panthers took over a village in the Congo and declared themselves a sovereign African state.

What is really happening at Wounded Knee is a group of unemployed Indians from cities all over the country are trying to create a reservation by sealing off part of the land that belongs to this tribe and holding it by threat of force. It is absurd and would be considered ridiculous if they had not dispossessed dozens of law-abiding citizens.

HOW CAN YOU KEEP THE LADS ON THE FARM?

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 9, 1973

Mr. ZWACH. Mr. Speaker, there has developed a substantial trend of migration into our big cities leaving our countryside behind.

In the Congress the need for rural development has been recognized, but the going is slow. Presently, rules and regulations are being developed by the Department of Agriculture, and the House Appropriations Committee is working on the needed funding.

Mrs. Madonna Kellar, editor of the Heron Lake News, a weekly newspaper in my sixth district of Minnesota, writes about why rural America is the place to be. Her description provides yet another argument for reversing the migration to the cities and provides incentive to keep the lads on the farm.

Mr. Speaker, I would like to insert Mrs. Kellar's editorial into the Record and commend its reading to all my colleagues:

How Can You Keep the Lads on the Farm?

While traveling the highways in the natural business of newspapering, one is reminded of the author who wrote "The House With Nobody In It." Nothing looks worse and more depressing than empty farm houses void of windows, porches falling off and perhaps a torn shade at a window which has once housed a happy family.

High weeds grow rampant in the spring and summer and each year the building deteriorates more. This doesn't contribute very much to our environmental picture. It would seem that owners of such property would raze such buildings to make way for new structures or just well-mowed grass.

Each empty farm house designates another family who has given up the struggle for economic success as tillers of the soil. They have either been too small an operator to survive or have found the going too rough because big enterprise has made it so. What a pity that a family is deprived of a decent subsistence in an area of independence and natural life!

What a joy for children to live where they can have pets, belong to 4-H, build tree houses without complaints of neighbors, build dams across the farmstead creek, build snow huts in the winter time and whatever other pursuits the liberty of farm living will allow.

There doesn't seem to be any way to stem the tide of migration from the farms and hope for a reversal in present trends is very dim. However, with the great 4-H and FFA programs becoming more progressive every year, perhaps there are more young people becoming interested in following agricultural pursuits than there were a few years ago.

If there was a way of keeping the sons of today's progressive farmers on the farm it would build the forces of young farmers to a great extent. Making agriculture as attractive as can be will cause the young man just out of high school to consider farming ahead of moving to a metropolitan area. The lure of high wages is hard to combat with the promise of long and grueling hours of working with livestock and gambling against the odds of bad weather, but the amount of satisfaction and personal freedom weighs heavy in the balance.

THE CRIME COMMITTEE

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 9, 1973

Mr. LEHMAN. Mr. Speaker, an article appeared in the April 7 issue of the New Republic regarding the Select Committee on Crime. The article points up the excellent record of the select committee and does not neglect to mention the jurisdictional problems that the creation of the select committee sought to overcome.

I commend this article to the attention of my colleagues:

The Crime Committee

The House Select Committee on Crime, formed in May 1969, was charged to look into "all aspects and elements of crime" in the United States and to present the House "such recommendations as it deems advisable."

The House went outside its standing committee structure in large measure because of the widespread feeling that the Judiciary Committee, then chaired by Representative Emanuel Celler (D, NY), had failed to use its investigatory powers to probe criminal activities. The select committee mechanism also had the virtue of by-passing the jurisdictional dilemma almost sure to result had one of the standing committees sought to preempt the field. Although "crime" might appear to be a natural for Judiciary, crime in the schools lies in the province of Education and Labor, and heroin trafficking would belong to Interstate and Foreign Commerce. The Select Committee on Crime, a temporary body initially given a two-year mandate, thus provided the House with a means to investigate what Americans had defined as our number one problem without provoking the sort of border war which could have been started had jurisdictional lines been crossed by a standing committee. In 1971 Chairman Claude Pepper (D, Fla.) won for his committee a second—and, as it turned out, final—two-year mandate.

Because a select committee cannot frame legislation, its principal function is informative. But Congress is so glutted with paper from its own committees, the executive branch and private groups its does not have the time to read, let alone digest, all of it. So information and recommendations by themselves must be regarded as ineffective vehicles for change, as the dust gathering on the reports of so many presidential commissions will attest. Precluded by charter from wielding legislative power, the crime committee chose to present Congress and the American public with a close-up look at crime in the United States, in the hope that factual and dramatic inquiries and reports would create a public demand for changes in law and its enforcement. To this end the committee succeeded, perhaps too well.

Following hearings in San Francisco and Washington in 1969, the committee issued its report on amphetamines. Because controls on the drug were so lax, American pharmaceutical houses and wholesalers were selling about eight billion doses a year when the legitimate medical need for this drug could be measured in thousands of doses. Export controls were essentially nonexistent. The committee found that Bates Laboratories of Chicago had shipped about 15 million doses of amphetamine to the post office box of a fictious drug store in Tijuana, Mexico. Elsewhere millions of doses of the drug seized by federal officers in the United States still bore the brand name of the Mexican subsidiary of Pennwalt Corporation's Strasenburgh Prescription Products division. Because of such incidents Pepper sought to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to require that the drug be manufactured and sold under the strict security and recordkeeping controls of Schedule II of the act. Drug lobbyists and their congressional allies teamed up to kill the amendment. Two years later the Nixon administration put amphetamines under Schedule II and cut annual production quotas 82 percent; this year they were cut 60 percent from last year's level.

In its report on the heroin trade, the committee examined the records of corporations and retail outlets which sold products used to dilute and package heroin. Committee investigators found one drug store in Harlem which over a three-year period had sold four tons of mannite (a laxative compound often used to cut heroin), 40,000 ounces of quinine hydrochloride (another heroin diluent), 47 million small "glassine" envelopes (heroin "bags") and 55 million small gelatin capsules. Under questioning by committee members and counsel, the wholesalers and retailers were disingenuous: if the products were themselves "legal," they asked, why shouldn't they sell them? Today 34 states have laws controlling heroin paraphernalia which were patterned after the committee's model law.

The committee held hearings in seven cities to learn about drugs in the elementary and secondary schools and found that barbiturates were as easy to buy at some schools as notepaper. Because virtually all such drugs originate in American pharmaceutical houses, the committee recommended that the nine fast-acting barbiturates, which are the ones most prone to abuse, be put under the strict controls of Schedule II of the 1970 drug law. These hearings also led the committee to conclude that TV advertising glorifying the magic of legitimate drugs could have harmful psychological effects on children. When it became known that the committee would recommend banning all TV drug advertising during the hours children would be most likely to see them, the networks, which would stand to lose hundreds of millions of dollars in painkiller ads, arrayed their guns against the committee.

The committee investigated two cases involving the conversion of worthless securities into cash and found that two of the nation's greatest business firms had, through their negligence, misled the investing public. The firm of Dun & Bradstreet, for example, had verified the nonexistent assets claimed by the fraudulent Baptist Foundation of America: an imaginary $19 million. In the other case, the committee learned that the accounting firm of Peat, Marwick, Mitchell and Company had accepted, without scrutiny, an outside auditor's report on Dumont Datacomp Inc. The auditor was later found to have been in collusion with the company in its illegal stock manipulation.

The House Select Committee on Crime collected powerful enemies. The lobbyists, of course, needed help on the inside to do the committee in, and they found no dearth of willing allies. Petty jealousies over the publicity the committee received, the ambition of the new Judiciary Committee chairman, Rep. Peter Rodino (D, NJ), and heavy axwielding by the House leadership combined to produce the not-so-clean kill.

NATIONAL JEEP SEARCH AND RESCUE WEEK JUNE 21–24, 1973, IN MISSOULA, MONT.

HON. DICK SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 9, 1973

Mr. SHOUP. Mr. Speaker, I am pleased to announce Missoula, Mont., which is in my First Congressional District, has been chosen the site for the 13th annual National Jeep Search and Rescue convention.

The National Jeep Search and Rescue Association is a national organization dedicated to the support of law enforcement and distinguished service to the community. The association is equipped to handle almost any emergency, whether it is a lost child, downed aircraft, military or civilian, traffic control or riots.

Because of our increased use of leisure time the people of our great Nation have become more mobile than ever before in our history. Thousands of people each year are visiting our great outdoors and consequently emergencies often occur resulting in immediate action of professional rescue teams. The association was founded in 1960 for the purpose of providing professional assistance in searching for lost individuals or other emergencies requiring their expertise.

The members of the association receive no compensatory reward, and purchase their own supplies and equipment. These dedicated men are well trained in their work and are prepared to respond for any emergency, any time of day or night. Many times lives depend on the speed in which they respond. With their professional training and experiences, one may assume, without reservation, they are the most efficient search and rescue organization in the world—dedicated to the conservation of human lives.

The aims and objectives of the National Jeep Search and Rescue Association are:

First. To associate jeep posses or patrols, loyal to the United States and interested in recreation and public service.

Second. To serve the public welfare in any disaster, catastrophe or emergency.

Third. To render aid when called upon, to local governmental law enforcement and governing agencies.

Fourth. To render aid and assistance to all persons in difficulties or in distress when met on the road or in the field.

Fifth. To coordinate local jeep posses or patrols to the end that techniques and applications are exchanged and/or consolidated to strengthen the local as well as the national association.

Because of the very nature of the dedicated service to others in time of need, it is strongly recommended that the members of this professional association be recognized, in that they shall be able to continue their excellent efforts on a high qualitative level in the future as they have in the past.

Therefore, I would like to take this opportunity to propose the concurrent resolution proclaiming the week of June 21–24, 1973, as National Jeep Search and Rescue Week.

I have been advised by the White House that the President would be interested in acting on this resolution once it is passed. So I urge my colleagues to act favorably and swiftly on this important resolution.

The resolution follows:

H. CON. RES. 180

Concurrent resolution requesting the President to proclaim June 21 through 24, 1973, as "National Jeep Search and Rescue Days"

Resolved by the House of Representatives (the Senate concurring), That the President is requested to issue a proclamation designating the days of June 21 through 24, 1973, as "National Jeep Search and Rescue Days," and calling upon the people of the United States to observe such days with appropriate ceremonies and activities.

SEND OUR WIVES TO WASHINGTON

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 9, 1973

Mr. DERWINSKI. Mr. Speaker, a recent column in the Palos Regional of March 22, a publication serving the growing communities in southwest suburban Cook County, is noteworthy because of the imaginative, delightful, yet practical commentary on the subject of international currency strength. The column was written by Vic Thorton, a civic leader who lends his talents to this unique column. I insert it into the RECORD for the enlightment of the Members:

SEND OUR WIVES TO WASHINGTON

(By Vic Thorton)

The American dollar is down. The Dutch guilder is up. And the Japanese yen is floating. It is all very bewildering to those of us unschooled in international finance.

Such things as "tariff cuts", "revaluation", "trade deficits" and "balance of payments" are way over our heads. As for the "classicist theory" versus the "monetarist theory", well, don't ask us about that, either.

And we scarcely know much more about "devaluation", although it must be the thing to do, because President Nixon—as we read it—has twice devalued the dollar in 14 months.

But if devaluation of the dollar is going to be our country's course, then we say we ought to have someone making the decisions who really knows something about devaluation.

We mean, people like Professor Shultz and the other three guys who make up the White House economic quadriad are O.K., but what do they really know about devaluation, say, compared to a woman?

Furthermore, in this day and age of women's lib and equal rights, why shouldn't there be a female on the council?

There should, of course, and that brings us to our nominee: the wife.

Now, here is a gal who, as long as we've known her, has held the dollar in utter contempt. To her, dollars are just dirty pieces of green paper that should be disposed of as fast as possible. And if this isn't devaluation, what is?

And she not only devaluates them, she demeans them, dismembers them, denudes them, decimates them, desecrates them, dissipates them and disowns them. She is, in the jargon of the economics, "a class devaluator"; and we contend she should be attending those high-level monetary meetings in Washington these days.

And not only attending the meetings and helping make fiduciary policy at a salary of 40,000 devalued dollars a year, but also winning that top medal the President occasionally awards to some of the nation's outstanding civilians.

And why not?

Here is a trendsetter—an American citizen who was advocating devaluation of the dollar long, long before the president got around to doing it. She has to be by all monetary measures some kind of super patriot!

Hopefully, the medal she so much deserves is one of solid gold. For with gold going at $90 an ounce these days, the melting down of the medal and selling it in Switzerland when she isn't looking, would go a ways—at least—toward replenishing some of those family greenbacks she has been banishing so mercilessly all these years.

PROTECTION OF DOLPHIN AND PORPOISE NEEDED NOW

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 9, 1973

Mr. WHITEHURST. Mr. Speaker, an article in the April 1973 Sports Afield magazine has come to my attention which reveals the immediate need for congressional action to extend protection to the dolphin and porpoise. Literally hundreds of thousands of these ocean mammals are needlessly slaughtered and dumped overboard at sea. Indeed, techniques apparently are being used which maximize the number of these animals killed while harvesting fish.

Such action is hardly the shining point of the tuna industry. The porpoise, one of the most intelligent creatures on earth and a record of friendship toward man, is becoming fearful of man's activities. And well he should. Boats are used to force porpoises into large nets in an effort to increase the catch of tuna. The porpoise, unable to surface and breathe, is drowned.

The tuna industry, faced with a need to increase productivity, has turned to the use of huge nets. But I believe action can be taken to substantially reduce these needless deaths, and possibly eliminate them altogether.

I have introduced a bill, H.R. 5753, which could provide help to both the porpoise and dolphin, and the fishing industry. The bill has been referred to the Merchant Marine and Fisheries Committee, 1334 Longworth Building. Section 2 of the bill calls for an immediate moratorium on the killing of these animals in all territorial waters of the United States. The moratorium would be in effect until a study of the dolphin and porpoise is completed and appropriate legislation implemented.

The study would be made by the Secretary of the Interior, in cooperation with the States. It would take into consideration, among other things, the distribution, migrations, and population of these mammals and the effects of hunting, fishing, disease, pesticides and other chemicals, and food shortages on them, for the purpose of developing adequate and effective measures, including appropriate laws, regulations, and international agreements, to conserve the mammals, and insure humane treatment.

The fishing industry would also benefit from the results of the study, gaining a better understanding of the mammals and their function in the ocean.

Recommendations from the Department of the Interior, including suggested legislation, are to be submitted to Congress by January 1, 1977.

I ask those interested in protecting these intelligent creatures of the ocean to voice their views to industry and government.

I insert the Sports Afield article at this point in the RECORD.

PORPOISES

In our December *Sports Afield* Almanac, we called attention to the fact that commercial tuna fishermen in the Pacific Ocean had killed so many porpoises that this once-friendly animal is now avoiding humans for the first time in the memory of man.

The most reliable figures from the Department of the Interior and from the tuna industry itself, indicate that the porpoise mortality rate is in excess of 200,000 annually. They are not, however, being hacked to death to free them from nets, as was reported.

Instead, they are drowned because they become entrapped in huge purse seines. Unable to breathe as they are hauled in with a catch of tuna, they die and are tossed overboard at the rate of about 60 in each set of the seine.

According to an article in *Christian Science Monitor*, the porpoise mortality rate in recent years was an estimated 315,000 in 1970, and more than 200,000 in 1971. Further, an item in *Science News* pointed out that the problem arose in the early 1960s when the tuna fleet converted from pole-and-line fishing to the massive seines.

So, it is not illogical to assume that upwards of a million have died in the nets of commercial tuna boats since they discovered that porpoises and tuna tend to travel together because they feed on the same fish. To augment the catch of tuna, with an accompanying higher mortality of porpoises, seiners employ high-speed motorboats to herd the porpoises into the seines knowing the tuna will follow.

It is not the intent of *Sports Afield* to unfairly indict the tuna industry. Through educational programs, uses of a special release net and a "backing down" maneuver to assist porpoises to escape, the industry is taking steps to reduce porpoise mortality.

It is, however, the intent of *Sports Afield* to call public attention to the fact that the Marine Mammal Protection Act allows the continued killing of porpoises while a study is being made to see what can be done to reduce the mortality.

Also, we would like to point out that the nation's tuna industry is a powerful segment of our economy with retail sales of over $600 million annually, and a fleet valued at some $400 million.

It comes down to the question of what value we place on the porpoise—possibly the world's most highly-intelligent creature—and historically a friendly ally of man.

The porpoise has no multi-million dollar lobby to speak for it in Washington, so we choose to speak out for it in *Sports Afield*. We contend that the world could easily find a substitute for a can of tuna, but it would be a much smaller, colder, calloused planet if the porpoise were decimated.

If you agree, write to your representatives in Washington. Tell them you'd like to see the killings of porpoises stopped *now*, not after interminable studies are being made and pondered in committee rooms.

VA PROMOTES VOCATIONAL TRAINING FOR YOUTH

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 9, 1973

Mr. GOLDWATER. Mr. Speaker, every now and then there occurs a fortuitous coincidence of events, which, when brought together in the right manner, will not only provide solutions to problems at hand, but will create benefits even beyond those solutions.

One of these events has just started to happen in Los Angeles. There the VA has entered into an agreement with the William S. Hart High School to help with the vocational training of young men. The project got underway on March 13.

This new project resembles another earlier venture where the VA, in cooperation with several other Federal and State agencies, and a San Jose high school district had a program of training young men and women of the Neighborhood Youth Corps in repairing and renovating single family residential properties. The San Jose project was remarkably successful.

The new project will afford a sheltered work experience format for young men and, perhaps later on, young women, selected from socially and economically disadvantaged backgrounds. VA makes available properties acquired from defaulted GI loans, and the young men, working under skilled supervision, learn how to paint, fix floors, and make minor repairs. VA also pays for all the equipment and materials. Any other expenses are being borne by the school district. The participating students are volunteers.

Based on earlier experience, the new project should soon become a beehive of activity, with the participating students learning basic skills and the care and use of tools. The young men can be expected to work enthusiastically and learn quickly.

In the San Jose project, the efforts and energy displayed by the young people was infectious and the neighborhood soon saw clean up, painting and other chores being performed by the owners and occupants of nearby homes. In short, the project was successful in all respects and there should be no need to expound upon the implications of social gains. The self esteem gained by the students, the useful skills acquired, the learning to cooperate with others in a useful endeavor, and the instilling of pride in the neighborhood added up to an exercise in good citizenship.

The VA anticipates expanding the program to other school districts as arrangements can be made. This latest project has every chance of success, and, having no small importance in such prospect is the fact that skilled supervision will always be present. Mr. Gordon Elliott, Director of the Los Angeles VA Regional Office, has had first hand knowledge in overseeing such programs, having been associated with the San Francisco VA Regional Office, at the time of the San Jose project.

The VA is highly enthused about the potential afforded by such projects which afford the opportunity of being a participant in activities providing for public needs.

MAN CANNOT LIVE BY BREAD ALONE

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, April 9, 1973

Mr. HUNGATE. Mr. Speaker, the meat boycott has inspired Art Buchwald, who suggests a means of lowering costs of telephones, gasoline, and electricity. I am sure one suggestion is just as sensible and/or ridiculous as the other.

The article follows:

MAN CANNOT LIVE BY BREAD ALONE

(By Art Buchwald)

It was the fifth day of our meat boycott and the family was sitting around the dining room table wiping up the gravy from the cheese and turnip casserole that my wife had prepared for us. You could see the pride in the children's faces. They had survived almost a week without meat—and they knew they had struck a great blow for lower food prices.

"I don't even miss meat," my daughter Jennifer said.

"I don't even miss chicken," my daughter Connie agreed.

My son Joel said, "The voice of the consumer has been heard in the land."

"Then you all agree," I asked, "that boycotts are the best way of showing our discontent over high prices?"

Everyone agreed.

"The reason I raise the question," I said "is that the telephone company is thinking of doubling the price of a call from 10 to 20 cents. This would be an increase of 100 per cent and I think if they do it we should boycott the telephone system."

The family looked at me as if I had gone mad.

"Boycott the telephone company?" Jennifer said. "But how could I talk to my friends?"

"You could write them letters," I suggested.

"No one writes anyone letters anymore," Connie said.

"Even if they did," Joel said, "they'd never be delivered."

My wife, who never knows when I'm kidding, said, "Are you serious about boycotting the phone company?"

"Dead serious," I said. "We've got to bring them to their knees. We've got to bring the cost of a telephone call down, down, down."

"I won't do it," Jennifer shouted. "I won't give up the telephone."

"You gave up meat," I said.

"Meat is just food," she shouted. "The telephone is my life."

Connie yelled, "We'd die without the telephone."

Joel agreed. "Man has to communicate by phone or his ear will wither away."

My wife said, "I'll give up one or the other but I won't give up both meat and the telephone."

"Nevertheless," I said, "if we're going to stick by our principles we will have to boycott the telephone company, just as we will have to boycott the gasoline stations when they raise the price of gas."

"Raise the price of gas?" Joel said. "What am I going to do with my car?"

"Keep it in the garage until the gasoline companies see the error of their ways."

"How do I get to school?" Connie said.

"Take the bus."

"What's a bus?" Connie demanded.

"Don't be smart," I said. "If we're going to give up meat because they raised the prices on us, we're going to give up the telephone and gasoline. And if they raise electricity we'll give up airconditioning."

"But we have to have airconditioning," Jennifer said.

"Look, prices are going up on everything. Why should we just sock it to the farmer? If we really want our voices heard we've got to sock the phone company, the gasoline companies, the power companies and anyone else who thinks they can horse around with our household budget. I say we're either in the boycott business for real or we get out of it altogether. Now what do you say?"

My wife sighed, "I'll order a pork roast from the butcher tomorrow morning."

SOVIET JEWRY

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 9, 1973

Mr. WALDIE. Mr. Speaker, Soviet Jewry remains under constant attack and harassment.

At present, a trial is taking place in Russia involving a Soviet Jew.

The circumstances surrounding the trial are not pleasant nor do they indicate a relaxation of the policy of harassment of Soviet Jews.

The information follows:

SOVIET JEWRY

Isaac Shkolnik is a Soviet Jew. He sought to emigrate to Israel under his rights guaranteed by article 13(2) of the Universal Declaration of Human Rights to which the Soviet Union is a signatory and which states, "Every person has the right to leave any country, including his own, and to return to his country."

Today, Isaac Shkolnik is standing trial in the Soviet Union for the charge of treason under Article 64 of the Soviet criminal code. It is a charge punishable by death or by 10 to 15 years imprisonment with confiscation of property and with or without additional exile for 2 to 5 years. A man stands condemned possibly to die or to face long years imprisonment with his people in Israel. His trial began on March 29.

Isaac Shkolnik is a 36 year old mechanic from the Ukrainian city of Vinnitsa. He is married and has one daughter. In 1966–1967 Shkolnik made friends with a group of Englishmen who were working at a neighboring chemical plant in Vinnitsa installing some equipment that the Soviets had purchased in England. The Soviet secret police (the KGB) warned him not to become too friendly with the foreigners. The crime of treason was eventually based on the claim that the visiting card of one of the British businessmen was found in Shkolnik's apartment and thus he was accused of "Industrial sabotage."

Suspiciously, it was not until July 17, 1972 that Isaac Shkolnik was arrested . . . five years after the alleged crimes, and only after he stated his desire to emigrate to Israel. Originally, he was charged with Article 190 (slandering the Soviet state and Social order). Later, the charges were changed to Article 64 (Treason), and Article 70 (anti-Soviet agitation and propaganda) for which Shkolnik faces an additional sentence of up to 7 years with or without exile of two to five years. Jewish sources in the Soviet Union pointed out that Shkolnik, working as a mechanic, did not possess either the training or the opportunity to commit the offense with which he was charged. Additionally, his wife asserts that her husband always met the Englishmen in completely open places.

There are many strange circumstances surrounding the trial. As evidence of his "crime", the KGB confiscated a transistor radio which they claimed was tuned into a "hostile station", the Voice of America. Additionally, they cited his invitation from his relatives in Israel to join them as evidence of his being guilty of the "crimes". Shkolnik, never received his invitation because it was confiscated by the state. Witnesses were called and pressured by the KGB to give evidence of the accused "anti-Soviet activities"; many were threatened with dismissal from work or charges of refusing to give evidence or of giving false evidence, if they did not cooperate with investigators. When he was first arrested, an attempt was made to place him in a mental hospital for these "crimes". When he was first charged, he was accused of spying for the British. Now that has evidently been changed to spying for the Israelis. The trial is actually being held in the form of a military tribunal. It is a closed trial with his own family being barred from the courtroom. The attorney Mrs. Shkolnik found for her husband was rejected for "not having appropriate credentials". The court appointed an attorney for her husband's defense a man who formerly served as a prosecutor. His attorney has been complaining bitterly that it is difficult to defend Shkolnik because he refuses to cooperate and admit his guilt. This is the defense of a man on trial for his life.

In view of the facts of this case, one has to rethink the question of increased trade benefits for the Soviets very seriously. Can we remain silent when a nation is guilty of such a miscarriage of justice.

INTRODUCTION OF LEGISLATION TO ESTABLISH A NEW ENGLAND REGIONAL COMMISSION AND FOR RELATED PURPOSES

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 9, 1973

Mr. HARRINGTON. Mr. Speaker, I feel that the extension of the Public Works and Economic Development Act is especially essential to economic growth since general revenue sharing is only in its test period, special revenue sharing legislation is uncertain, and the Rural Development Act cannot be fully implemented for a number of months.

The section of the Public Works and Economic Development Act that is of special importance to me is title V, which established the New England Regional Commission.

Yet it has become clear that the New England Regional Commission has failed totally to accomplish any of its objectives.

High unemployment, aging industries and astronomical energy costs are only a few examples of the problems that have not been solved. The Commission is riddled with overpaid employees who were appointed to its staff with no thought given to their experience or competence. The Commission has become a convenient vehicle for the handing out of expensive rewards for political favors.

However, I feel that regionalism is an excellent and viable concept in eliminating the economic difficulties which face us today.

The problems of New England are not restricted to any one State. They are unique to the region as a whole. Therefore, I believe the New England Regional Commission can solve this fundamental crisis which confronts us if the following changes are made:

First. The Executive Committee should be required to approve all grants and programs of the Commission and all executive staff appointments—$10,000 or more and salary;

Second. Monthly meetings of the Executive Committee and quarterly meetings of the Commission should be mandated;

Third. All staff appointees must pass appropriate civil service examinations and shall be paid in accordance with civil service salaries; and

Fourth. The programs approved by the Commission must be geared specifically to improve the economic development of the region and must be chosen on a priority rating system.

Fifth. Congressmen from New England must become more involved in the activities of the Commission.

I would now like to present the background of the Commission, why it failed, and expand on what can be done to improve the situation.

BACKGROUND

The New England Regional Commission—NERC—was established under title V of the 1965 Public Works and Economic Development Act. The regional commissions are charged with developing long range comprehensive programs for the region, coordinating Federal and State economic activity, and increasing private investment. Action is required by law in two areas—legislation and planning. According to the NERC 1972 annual report, programs are chosen on the basis of three main concepts:

First, preference is given to programs that are regional in nature and respond to the common problems of the six States;

Second, programs are stressed which have a direct impact on employment and income of New England residents, and which make significant improvements in the services and facilities to support development; and

Finally, the Commission tries to use its resources as a catalyst for new ideas and programs.

They have failed in all three areas.

WHY THE FAILURE?

As of last November, NERC had the largest staff—38—and paid the highest salaries—the average is $19,000—of all the regional commissions. Yet the Commission is a failure. It has failed totally in two areas where action is required by law—legislation and planning.

We owe a debt of gratitude to the Boston Globe Spotlight Team for uncovering some of the glaring failures of NERC and expanding our knowledge of the problem.

According to the Globe, the Commission has spent less than one percent of its Federal funds on business development and this program called the New England Industrial Resource Development—NEIRD—had failed by October of 1972 to produce one new company or job.

Most of the money has gone to ongoing programs which are initiated by other agencies and have little or no regional impact. For example, the publication of "Venture Capital" by the New England Industrial Resource Development. The publication costs $59,000 and contains information on 100 firms which are in the business of lending money to prospective entrepreneurs. There was a similar book by a Chicago firm called "Guide to Venture Capital Sources" which had listed 86 of the 100 firms in "Venture Capital."

Until recently, the Commission has been run sporadically by the six Governors of New England. They have not exercised any real control over the Commission. Referring to the lack of oversight, Governor Licth of Rhode Island said, "I have a feeling that many things are being studied to death"—Providence Journal account of a meeting held July 7 at Mystic, Conn. This situation has been corrected, but we must be watchful and make sure past problems do not recur.

There are only three staff members with backgrounds in economics or planning.

All technical problems and research are done by highly priced outside consultants. There is no civil service exam requirement with the result that there is no staff expertise. The Commission had to spend $100,000 to have its long overdue 5-year economic plan drawn up by four outside consultants. A review of the Commission prepared for the U.S. Commerce Department by A. D. Little, Inc., found uniform negative results stemming from token Federal funding, rapid staff turnover, blurred lines of authority and mutual indifference between Commission and Federal funding agencies. The review found that the Commission's programs have little or no followup.

Of all the regional economic development plans in the country, NERC was the last one completed. This long overdue economic plan is filled with inaccuracies and inconsistencies. The plan called for 127,000 new workers which must be immigrated into New England before economic development can begin and then later in the report said that labor force is sufficient to handle any economic expansion.

The plan asks for $1.5 billion for the next 5 years. This is an increase of 5,000 percent.

WHAT CAN BE DONE?

Blame for the failure of the Commission lies in two places. One is with the executive branches of both the Federal and State governments. NERC has never been taken seriously by either of these groups. It is just a high level political payoff, a sophisticated pork barrel. NERC, it seems to me, was never considered an important tool to use in solving the major problems of the region.

Responsibility for NERC's failure also rests with Congress, especially with the members of our New England delegation. We offered little leadership or guidance—set no priorities. By ignoring the Commission, we allowed it to deteriorate into the kind of organization it became.

It would be a mistake to simply abandon NERC. New England's problems call for the kind of regional solutions that NERC can help coordinate. In my view, one of the most important functions for the Commission is to encourage the attraction of growth industries to New England. The First National Bank of Boston has already laid the groundwork by identifying the kinds of industries that would contribute to the region's economic health. The Commission should work toward creating an economic climate that would encourage the attraction of these industries.

This effort should include programs designed to make the cost of energy in the region more competitive with other regions of the country; and a job bank with job placement and manpower training programs to coordinate and provide the kinds of skills needed by new industries. Other ideas the Commission might concern itself with would include a regional development bank, equalizing rail rates as compared to other areas of the country, strengthening the New England Energy Policy Staff, and legislation to offer tax breaks for firms which locate in severely depressed areas.

A second equally important area the Commission should devote its resources to is a regionwide land use policy, especially a coastal zone management policy. One of New England's greatest assets, both from an aesthetic and economic viewpoint, is its seacoast. Any program of economic expansion must go hand-in-hand with an equally well-developed program of environmental protection and land managment.

Last March, I testified before your committee on the New England economy. At that time, I stressed the need for an agency—like NERC—one that could coordinate the activities of numerous Federal, State, local, and private groups toward the attainment of specific goals.

I still believe we need that kind of agency in New England. New England's economic problems are unique. We are at a natural economic disadvantage in such areas as climate, location and lack of resources.

For example, all States shared in the Nixon recession of 1970 and most are now recovering rapidly. New England's economic recovery, however, is proving laggardly at best. Although the national unemployment rate in December declined to around 5 percent, it was 5.7 percent in Connecticut, 6.4 in Maine, 4.3 in New Hampshire, 5.8 in Rhode Island, and 6.1 in Vermont. Massachusetts had the highest of the New England States at a 7.1 unemployment rate.

New England has the highest electrical costs in the country. Our area is making gains in new durable industries—that is, electrical machinery, scientific instruments—at a rate only one-half as much as the rest of the country and most of these are on the precarious base of Federal purchases.

But New England can and must be helped. A recent study by the First National Bank of Boston pointed out that right now New England enjoys a comparative advantage in the fields of pollution control devices, biomedical technology, and the computer peripheral industry.

These industries have one thing in common—they are unlike traditional manufacturing industries which manufacture goods primarily bought by the individual consumer for their individual needs. The products they help produce are called social goods in that they benefit the whole society rather than an individual consumer.

New England is an ideal candidate for regional development. It is a microcosm of the United States. Three States are heavily metropolitan, three States are characterized by small towns in a rural setting. The region suffers from all of the problems that affect the Nation as a whole. Its air and water are polluted in many areas. Its infrastructure is growing obsolete—new roads, rapid transit systems, port facilities, electric generating units, all are badly needed. There is room available for the creation of new towns to relieve urban congestion. And most important, there is a highly skilled labor force that can adopt to meet these new priorities.

Only an intergovernmental body, operating with a broad and flexible mandate, will be able to coordinate the activities of many diverse agencies, governments, and industries, to achieve meaningful results.

However, I believe that it is necessary to make certain structural changes in the management and operation of the Commission for it to be truly worthwhile. The principle fault with the NERC has been a lack of supervision and direction from the New England governors and the congressional delegation. These groups must play a more active role in the day-to-day operations of NERC.

We must devise a mechanism to permit and encourage congressional input into Commission policy; this would have the effect of strengthening the Commission's position with the committees of Congress responsible for its authority and appropriation.

Finally, all staff appointees must pass appropriate civil service exams and shall be paid in accordance with civil service salaries. This reform should increase the technical qualifications of the staff and make their pay more reasonable and more in line with the pay of similar professionals elsewhere in society—thus making the Commission staff a less appealing political payoff.

The reforms I have suggested will not solve the problems of the Commission in and of themselves. To reserve the downward trend of New England's economy it is necessary that the public, political, and business communities become aware of and accept the basic concepts on which the Commission was formed. But the reforms I offer will create the opportunity of a more productive Regional Commission which we all recognize as something that is sorely needed.

A SHOT OF PENICILLIN FOR OUR SCHOOLS

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 9, 1973

Mr. QUIE. Mr. Speaker, this morning Dr. Dale Parnell, Oregon State superintendent of public instruction, testified before the General Education Subcommittee of the Committee on Education and Labor in support of H.R. 5163, a bill I introduced March 5, 1973, to amend title I of the Elementary and Secondary Education Act of 1965. Dr. Parnell's statement is clear, concise, and easily readable. I commend it to your attention:

STATEMENT BY DR. DALE PARNELL

Mr. Chairman, Ladies and Gentlemen of the Committee, and Distinguished Guests:

This opportunity to comment upon H.R. 5163 at the invitation of your chairman is much appreciated. I am happy to explain my reasons for strongly supporting these amendments to Title I of the Elementary and Secondary Education Act of 1965. My remarks are based upon my experiences and observations as a father of five, a first grade teacher, teacher and administrator at other levels, community college president, state superintendent, and chairman of the National Advisory Council on Equality of Educational Opportunity. (I should note that I am not speaking on behalf of the Council, but in my capacity as an individual who was recently appointed chairman of the Council.)

The introduction to Congressman Quie's bill has a self-contained rationale for supporting this measure; it really says it all: H.R. 5163 would "provide for a more concerted and *individualized* attack on educational disadvantage based upon *assessments* of educational proficiency." (Emphasis mine.)

This bill would do for educational problems what penicillin does for medical problems: it would strike directly at the source of the infection of nonachievement in the specific and absolutely crucial areas of reading and mathematics. The original Title I of ESEA was more similar to aspirin in its approach to student nonachievement. It diffused medicine in terms of doses of dollars about the same unspecific way in which aspirin "works"—sometimes it gets to the source of the pain and sometimes it doesn't, and nobody really knows why or how.

No one underrates the value of aspirin, and in no way am I underestimating the value of Title I, ESEA, as it has developed over the past 18 years. However, I want to state at the outset that I believe this nation now has reached the point when pencillin is indicated in the form of H.R. 5163.

Title I monies have brought about some noteworthy, even startling, improvements in public and private schools. The record shows that students did make grade level gains in reading and language arts in many projects. Varying degrees of success in improving student self-concepts and attitudes toward learning are reported. Title I staff can cite case history after case history of individual students who have moved from stagnant educational backwaters to clear streams of academic success. One spectacular success story in our own state involves a Title I remedial reading program in a big-city high school wherein students who were entering high school with fourth-grade reading ability in September gained four years in six weeks. For many this is the first academic success of their lives and has changed their whole attitude toward schooling. According to a University of Oregon expert * who has visited 200 programs in the United States, Europe, and other parts of the world, this one at Roosevelt High School in Portland is "the only successful high school remedial reading program I have seen." The rarity of such successful programs is in itself an indictment of the educational system's tolerance for nonachievement in the lower grades followed by frequent inability to remediate the problems in the upper grades. Remediation is the consequence of prior failure; instruction should be preventive so remediation as a technique is not needed. H.R. 5163 provides the tools for both prevention and remediation, as I will show later on in this discussion.

Besides the individual student benefits derived from Title I projects (whose value in human terms is incalculable), we can cite some other benefits that have accrued to the educational system as a whole. Through use of ESEA funds there have been noticeable changes for the better in teaching practices within many schools in our state. Programs, techniques, materials, and staffing patterns which had been developed in Title I projects have been adapted or adopted by the school districts. These changes include more individualized instruction, diagnosis and prescriptive teaching, experience approach to learning, use of teacher aides and other paraprofessionals, and additional curricular activities. Therefore, we salute the imaginative pioneers in Congress, in education, and among the American public who created and supported the Elementary and Secondary

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* Dr. Barbara Bateman, University of Oregon Department of Special Education, quoted in *The Oregonian*, Portland, March 13, 1972.

Education Act and all its ramifications. But, granting the gratifying improvements Title I has brought about, let us now discuss the logical next step: the further improvements that H.R. 5163 promises to bring about.

One of the important things we have learned from our experience with Title I programs and compensatory education generally is that the scatter-gun approach to complex problems is not enough. This approach was taken because the performance objectives were fuzzy and, therefore, the results were fuzzy. Congress never really gave clear signals as to what was expected. A Boy Scout in the woods knows where he's headed. If he doesn't, he's lost. Accountability was not built into the Elementary and Secondary Education Act to the degree possible.

What is accountability? Accountability, in education is, among other things, an attempt to build responsibility into the system so that it cannot be avoided. It means that educators should be answerable to parents for how effectively their children are being taught and answerable to taxpayers for how usefully their money is being spent. It means an end to passing the buck. Some educators fear that accountability simply means pressure for more effort on everybody's part to produce results—heavier workloads, tighter controls, and the like.

Actually, accountability means working smarter, not harder. How do we mobilize resources for most effective use? How do we reorder priorities to focus what we have on the big problems? How do we pick the right problems so that we don't go rushing off to costly solutions or gimmicks that don't really fit the problem? Most of the pitfalls center on the misunderstanding and misapplication of measurement and evaluation. This can be avoided by carefully matching the available measurement tools to the objective desired. Measurement is the handmaiden of instruction. Without measurement there cannot be evaluation. Without evaluation there cannot be feedback. Without feedback there cannot be good knowledge of results. Without knowledge of results there cannot be systematic improvement in learning. To make schools accountable, educators must determine not only to whom they are accountable, but for what they are accountable. It is easy to determine to whom schools are accountable: students, parents, taxpayers, the community, local, state, and federal governments. It is somewhat more difficult to determine exactly for what schools are accountable, and still more difficult to determine whether they are succeeding.

This one reason why I support H.R. 5163. This bill enables Congress to give clear signals to educators as to those areas for which schools will be held accountable. It will require us to zero-in on some specific targets. It has built-in provisions for measurement, evaluation, feedback, and improvement in learning—all factors that make accountability possible.

A most significant requirement in H.R. 5163 is testing of children between the ages of five and seventeen, in a scientifically valid cross-section of the school-age population, to measure their performance in reading and mathematics in terms of specific criteria. This is the measurement necessary to diagnosis. I look forward with great anticipation to the hard facts, heretofore only guessed at, which such measurement will produce and which we must have before we can be held accountable for needed improvements in the teaching-learning business. The National Assessment of Educational Progress now is involved in the first large-scale effort to develop a whole series of criterion-based test items of individual knowledge.

I am sure that passage of H.R. 5163 will stimulate great progress in the whole field of criterion-referenced testing. This will enable us to get away from the old IQ stereotypes rightfully resented by many groups in our population. I would caution that the kinds of criteria used in the testing will be of utmost importance; the success of the whole concept of H.R. 5163 hinges on this. Perhaps this bill could be strengthened by requiring each state to include in the state level implementation plan an outline of evaluation procedures. The U.S. Office of Education or the National Commission on Educational Disadvantage should also be required to provide technical assistance to the states in developing appropriate evaluation instruments and procedures. In evaluation of programs, as in testing of individual achievement, the state of the art may not be completely refined but that is little reason, in my opinion, to do nothing. Surely, if we had taken the negative ("it can't be done") approach to space exploration we would still be shoveling sand on Cape Kennedy. No, to get to the moon we had clear signals and we put our national resources behind the effort. The same can be done to remedy educational deprivation.

I particularly want to commend the authors of this bill for Part C, Section 131(4) requiring an individual diagnosis for each student and an individualized written plan including goals and objectives. Let me tell you why I am so enthusiastic about measurement and diagnosis as early as possible in every child's preschool or school experience.

After I took office as state superintendent of public instruction, I decided to fill a gap in my own educational preparation and work experience. My commitment as a teacher is to the teaching-learning process. I had never taught in a primary classroom and wanted to find out what really goes on there. After all, this is where the foundation for all subsequent learning is laid. How firm that foundation determines to a large extent what will happen to each individual. And we must always keep in mind that the individual student is what education is all about—not school systems, not budgets, bonds, and buses. So I spent a full month as a first grade classroom teacher in a small Oregon town.

My experience in that job reinforces everything I have always believed about the importance of primary education. The way we have downgraded the lower grades indicates our upside-down priorities. My compensation for teaching at the graduate level was far more than I would have received (had I been paid) for teaching first grade. Yet my work with first graders was harder and more demanding. The attitude that anything goes in a primary classroom contradicts everything we know about early childhood education. We must upgrade the "down" grades! Values and basic habit patterns are usually acquired by the time a child is eight years old. An experienced teacher can quickly identify students who will probably have difficulty in school and in their lives. But is our public education system able and willing to do something about these potential difficulties? Or are we like the doctor who, after diagnosing a patient, remarked, "You are very ill. I hope you can find help somewhere in this country."

I feel so strongly that positive action must be taken to give top priority to preschool and primary education that I recommend to this committee that H.R. 5163 be amended to earmark 75 percent of the appropriation for preschool and elementary school programs with the stress on prevention rather than remediation.

If we are ever to have zero rejects in our school systems, we must zero-in on prevention measures at the primary level. We need a system in every elementary school to provide diagnosis for each student, as is envisioned in this bill. The review of his learning abilities and accomplishments then becomes the basis for prescription for individualized instruction. We also need school staff members specifically assigned to keeping track of each student's progress in the skill-getting process and for seeing that each student has access to whatever special materials or help he needs to assure that there are no gaps in the learning process. Many learning problems arise because of two simple facts: family mobility means that some students are not physically in a class long enough to learn and, secondly, mobility creates tremendous continuity problems and gaps in the learning cycle. Perhaps another amendment is needed to require school districts to identify the individual responsible for assuring continuity and gap-filling efforts in the skill-getting process for each student as part of the ongoing diagnostic work.

My approach is that each child wants to succeed and can succeed. If any child fails, the school has failed to be imaginative enough, creative enough, or resourceful enough to meet the child's needs. With systematic diagnosis and prescriptive education there are no legitimate reasons for failure—only excuses.

This emphasis on prevention, by getting at the roots of a problem, also leads to a focus on those activities that will avoid later costly headaches. This means greater emphasis on early childhood programs, reading, and basic arithmetic. Properly implemented, such programs will avoid the enormous inefficiencies created at later stages as students try to catch up through expensive compensatory programs. Success at earlier stages in basic skills will drastically cut the waste involved in millions of students sitting in classes and learning little or nothing because they haven't mastered the prerequisites or of students going through material several times that they already have clearly mastered. The diagnostic emphasis of accountability will ensure these results.

Critics say accountability systems put too much stress on basic skills that are easily measured. Not so. We emphasize basic skills because students who master them develop pride and a positive self-image, and because they're prerequisites to all other learning. Those who don't master them are doomed to failure and the destructive self-image that goes with their awareness of failure. The basic skills are essential to survival in our society—it is as starkly simple as that. I have long held that a basic aim of education is to provide students the skills and knowledges necessary to survive in the main roles each will have in life: the role of a wage earner, citizen, consumer, family member, and lifelong learner as an individual.

I want to point out here that teachers did not invent the notion of failure. Teachers did not create (in fact, usually oppose) policies that permit students to advance without mastering skills they need for subsequent steps. The responsibility for these problems rests with all segments of society, including Congress.

Now, with H.R. 5163, Congress can give us a handle on one of the major problems in education: identifying those students who have not mastered the basic skills of reading and mathematics at levels to be determined as provided in this legislation.

The second major reason why I support this legislation is that, for the first time in the nation's history, all disadvantaged students will be included under the terms of H.R. 5163. Equality of educational opportunity to develop each individual's full potential is a noble ideal. But, under the provisions of Title I, ESEA, many disadvantaged students were not counted when a school district's eligibility for Title I funds was determined. This is because income level of families as indicated by census data was the determinant in allocation of funds for programs designed to correct conditions which prevent disadvantaged students from learning at their full potential. The emphasis was on economic poverty rather than on poor educational achievement. Perhaps the awkward fact is that it is easier to measure income than to measure achievement. But we are educators, not accountants; our concern is the educational development of the individual child, not the parent's wage scale. I have never been convinced that data showing the correlation of family income to student performance provides sufficient basis for the expenditures of billions of dollars. Our own experiences in the classroom give us prima facie evidence that rich middle-income children can be as disadvantaged educationally as children from poverty-level homes. This is simply a matter of human observation which has been true before and since the prophet said in Proverbs: "Better is a poor and a wise child than an old and foolish king." If our goal is helping every child achieve, the unfairness of depriving the middle-income students with disadvantages other than financial is as inequitable as depriving the poor because they are poor.

A recent study of schools in poor neighborhoods, interestingly enough, told how these schools raised reading levels substantially in spite of all the external handicaps. The study said these schools succeed because—

They have strong academic leadership;

They expect their students to do well;

They operate in a purposeful atmosphere and make learning pleasurable;

They emphasize reading and related diagnosis; and

They individualize instruction and evaluate student progress carefully.

All these characteristics, by the way, should be stressed throughout any accountability system.

At any rate, we should not be confusing the issue by taking it for granted that money alone is the solution to better education for economically-deprived students or, in fact, for racial minority students. It is true that economic deprivation may be one cause of a student's lack of sufficient environmental learning experiences to enable him to do well in school, of course, but again we should not confuse race with different kinds of deprivation.

Really, the beauty of H.R. 5163 is that the parent-income factor, the race factor, the cultural heritage factor, and the home environment factor are all left out of the picture and need not add any complications or confusions to the clean simplicity of this legislation. Essentially, all the bill does is provide the machinery and the money to find out which of our students are educationally disadvantaged in terms of their abilities to read and compute and to provide programs to improve those abilities. It provides for preventive measures by testing students in the early grades and giving them what they need, and it provides remediation for students tested and found wanting in the upper grades. The only qualification for students to be tested is that they be between the ages of five and seventeen, inclusive. They can be any race or color, any income-level, and in public or private schools. The program will include migrant, non-English speaking, mentally handicapped, physically handicapped, seriously emotionally disturbed, institutionalized neglected or delinquent students.

What a tremendous leap forward this will be toward America's dream of universal education! For a long time, America's educational system was largely the captive of the academically elite with everyone else getting second best. Lately, we have been spending a great deal of money to try to enable some segments of the population to "catch up"—the poor, the migrant, the Black. With H.R. 5163 we will be making the first-ever nationwide attempt to reach all educationally disadvantaged students and give them a chance to acquire those basic skills needed for survival.

Meanwhile, I want to state again my support, with the amendments I have suggested, for H.R. 5163. Finally, instead of dispensing another bottle of aspirin for America's major educational problem—the child who cannot read or compute adequately—Congress has the shining opportunity to prescribe a healing shot of penicillin right when it will do the most good.

ENERGY CRISIS CAN BE ALLEVIATED—BUT ONLY IF INCENTIVES ARE ADEQUATE TO ENCOURAGE MORE PRODUCTION OF OIL AND GAS

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 9, 1973

Mr. FISHER. Mr. Speaker, emotional outbursts and the search for scapegoats will not and cannot solve the developing energy crisis. We have arrived at that point where we must face up to realities, examine the facts, remove the roadblocks, and take those steps which can be expected to cause more oil and gas to be produced in this country.

Energy is the basis for all man's economic—and much of his social—progress. This is particularly true here in the United States. The availability of "cheap" energy has created the industrial growth and affluence that has made this country the greatest power in the world. And, at least partly, that energy availability has enabled this Nation to progress within the framework of a competitive, free enterprise society—a society which, for all of its shortcomings—represents the freest expression of modern man's right to economic independence.

Today, however, the very structure of our society is threatened—not by an outside force attacking our borders—but by a lack of planning in the development of our energy resources. We are facing a serious—indeed, a possibly catastrophic energy crisis.

Visualize, if you will, this Nation without energy—factories closed, hundreds of thousands of people without employment, produce going to waste on our farms for lack of transportation, hospitals and schools dark. It is a frightening picture—and, hopefully, it will never become a reality. But is it possible that such a disaster could happen? I ask you to judge for yourselves.

Certainly many of our people are concerned—genuinely concerned—that this possibility does exist. Letters from constituents are coming into my office in increasing numbers. They express fear that—unless prompt action is taken—they will not have the gasoline to run their cars, trucks, and tractors; that their homes may have to go unheated; or that their income may be cut off, because of work stoppages resulting from fuel shortages. These are not crank letters. They are pleas from responsible businessmen and fellow citizens for their Government to take decisive action, before such a catastrophe does become a reality.

For years now, I—and a number of my colleagues in Congress—have been warning that just such a crisis could occur. But our warnings have gone unheeded.

Nor have the warnings of responsible spokesmen in the energy industries been heard—or, when they were, their concern was attributed to selfish reasons, not to sincere interest in preventing fuel shortages. The results have been both predictable and inevitable.

Our national energy policy—if the conflicting actions taken by some Government agencies could be construed as a "policy" at all—has increased the possibility of a serious energy crisis. The hodgepodge of conflicting governmental decisions affecting America's energy industries and their ability to meet energy demands is nowhere more apparent than in the petroleum industry.

WHEN OUR TROUBLES BEGAN

Where did it all begin? It is hard to pinpoint an exact date but, certainly, the historic—and highly controversial—judgment reached by the Supreme Court in the Phillips' case was a major contributor to the present energy shortfall. As I stated at the time, the decision requiring the Federal Power Commission to regulate natural gas producers by setting the wellhead price of gas in interstate commerce, would have an exceedingly adverse effect on gas production in the United States. It was logical then—and it is logical today—that restricting the profits of the gas producers to an unreasonably low level would discourage investment in natural gas operations from exploration through marketing. You can see the results.

In 1954, the year of the landmark ruling, domestic proved gas reserves were equal to almost 23 times production. By the end of 1972, proved gas reserves—exclusive of Alaska's North Slope—were down to eight times last year's production. When the price/cost squeeze began to be felt 2 years after that ill-advised decision, exploratory drilling was at its peak in the United States. In 1956, 16,200 such wells were drilled here. Beginning with the following year, the number of wells drilled began to fall off; and, in 1971, only 6,900 exploratory wells were drilled. No one needs to be told that there is a critical shortage of natural gas—it was felt even in parts of Texas, where oil and gas production is a major industry. But, apparently, some people still do not—or will not try to—understand that the artificially low wellhead price of gas is the major reason for these shortages. The evidence is there, for everyone who will take the time to look at it. Last year, in anticipation of a rise in wellhead prices of gas by the FPC, there was a slight increase in the number of exploratory wells drilled, but the total in 1972 was still well below 50 percent of the record 1956 number.

Now you would think that the Government—and I mean by that all three branches—executive, legislative, and judicial—could arrive at a sound and direct conclusion from the decline in reserves and drilling. That conclusion could only be: we need to encourage the petroleum industry in its search for and production of the oil and gas our citizens desperately need. Right? Well let us see what did happen.

In 1969, in the face of a growing energy shortfall, the Congress slashed the percentage depletion rate for oil and gas from 27½ to 22 percent. In addition, the so-called minimum tax on tax preferences became law, and—with other changes in the tax structure—Congress added $500 million annually to the petroleum industry's Federal tax burden. That is about the cost of 5,000 exploratory wells.

I was appalled by that action. It was clearly not in the interest of the public. At a time when we should have been working hard with the oil and gas industries to help them meet consumer needs, Congress took—instead—actions to discourage investment in petroleum activities. It seems to me ironic that, in an age when we can "take a giant step forward for mankind" on the Moon, we took a giant step backward for our fellow Americans on earth.

PRECISELY WHAT CAN BE DONE

Fortunately, that step backwards is not irreversible. We can act now—and I emphasize now, for time is quickly running out—to correct the errors of the past. It will mean, however, that all of us—in Congress, the administration, the courts, industry, and in private life—must reevaluate our thinking in national interest terms. There is no longer time for provincial thinking.

Government, for its part, must establish coherent, coordinated, and comprehensive national energy policies. And these policies must be designed to encourage private enterprise to search for additional conventional energy reserves, and to develop the new energy forms we will need in the years to come. It means that Government must remove the roadblocks that are slowing—and, in some cases, preventing—our energy industries from meeting consumer demands. For example, such policies should:

Balance the protection of our environment and the energy needs of America. This does not mean we have to sacrifice one for the other. But it does call for air, water and land conservation standards which are realistic. It would not do us much good, if we were to "save" the ecology, and destroy our ability to meet economic, social and environmental goals. Both energy and the environment are important—and we need people who recognize that, and will speak out. But, we must not let the few environmental extremists dominate the dialog.

Get our energy industries out of the stalemate that the dead hand of government control has created. Let us get on with actions that permit the construction of the trans-Alaska pipeline; open up the great potential of our offshore resources to systematic and substantial development; adopt policies allowing multiple use of our lands, where the public benefit warrants; and open our coastal and inland areas for needed construction of vital deepwater ports, storage areas, pipelines, and refineries.

Deregulate the wellhead price of natural gas. I take no satisfaction in having my warnings about the outcome of Federal pricing of natural gas come true. The American people have suffered too long already from the shortsightedness of such pricing. Congress must act now to correct this most unfortunate situation.

Reevaluate our tax structure in the light of energy needs, to include tax policies which make investment in our energy industries attractive to capital markets, and which permit profit levels that encourage expansion of exploration and development activities by energy industry companies.

Encourage and assist in research and development of nonconventional energy sources, in cooperation with—but not preempting—the work of the private sector.

And the public, for its part, should strive to use our limited energy resources wisely and efficiently—in their homes, by proper insulation; in their use of personal vehicles, by developing better driving habits, and keeping their vehicles correctly tuned; and in using public transportation, where mass transit is feasible. Other economies could be achieved in agriculture, business, and Government. And all of these are important. But make no mistake about it, these economies—commendable as they are—cannot be considered a substitute to development of potential energy resources.

It will take more—much more—oil and gas to meet the demands of our people in the years ahead. Right now, we are using daily—on the average—3 gallons of oil and 300 cubic feet of natural gas for every man, woman, and child in these United States. As we strive to improve the lot of the disadvantaged in this Nation, and to meet our environmental goals, that use will necessarily increase.

If we are to avoid overdependence on foreign sources of supply—imports which could be interrupted for military or political reasons, imports which will result in an even greater deficit in our balance of trade—we must undertake an immediate and extensive program of energy development here at home. We have waited long enough to recognize this need. Now let us get on with the job.

PROPOSED EDUCATION CUTBACKS WILL SEVERELY HURT GUAM

HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, April 9, 1973

Mr. WON PAT. Mr. Speaker, on behalf of the American citizens of Guam, I rise to voice my disapproval of the Department of Health, Education, and Welfare's proposed plans to eliminate many vital programs from the Elementary and Secondary Education Act and to severely lower funding for others, including the Aid to Federally Impacted School Districts Act. Should HEW's efforts take place, Guam's ability to provide an acceptable level of education for our over 26,000 students would be gravely endangered. In light of the increasing complexity of our society, this country cannot afford to be spending less on our children's education. Accordingly, I recently was pleased to testify in support of Chairman CARL PERKINS' bill, H.R. 69, which authorizes the Secretary of Health, Education, and Welfare to continue all ESEA programs at their present level of funding which Congress ordered in earlier measures. At this time, I would like to submit the text of my statement in support of H.R. 69 before the House Committee on Education and Labor for inclusion in the RECORD:

IN SUPPORT OF H.R. 69, ESEA AMENDMENT AND EXTENSION ACT

(BY ANTONIO B. WON PAT)

Mr. Chairman and members of this Committee, as the Territory of Guam's first Delegate to the United States House of Representatives, I am honored to have the privilege of testifying today in support of H.R. 69, a bill to amend and extend the Elementary and Secondary Education Act.

As I know that other Members of Congress wish to testify on this measure, and as I know most of you are familiar with the geography of Guam, I will not take your time with a detailed explanation of our history. It is sufficient to say that Guam is proud to have been a part of this great country since 1898, and that the American citizens of Guam share a common concern with parents everywhere that our children will receive a decent education. It is this concern over the future of our public school systems that brings us here today, of course. In past years, the legislation which came from this Committee has assured many students across the nation of a quality education. As a former teacher and principal on Guam, I speak from first-hand knowledge when I say that without substantial Federal aid our schools on Guam would still be woefully lacking in many areas.

Now it seems, however, that there are some within the present Administration who feel that Congress has been too free with educational funds—too quick, as it were, to allocate funds to improve the education of that most cherished asset—our children.

Personally, I cannot imagine a more important national priority than providing future generations with the best education possible. But a glance at the Federal education budget proposals for Fiscal 1974 reveals that many programs which have done so much to improve education in this country are going to be eliminated unless Congress acts soon. As this Committee knows, the Department of Health, Education and Welfare has proposed to reduce funding or entirely eliminate a number of excellent programs in elementary education. Among these are aid to libraries, aid to strengthen State Departments of Education, for public school equipment, ESEA Title V, aid to State educational management, and many others. HEW has also issued new regulations which will greatly decrease Federal payments under the Impacted School Districts program.

My friends, I am frankly concerned over the potentially destructive impact that the proposed cuts might have in Guam's future education budgets. Because of our unique status as a Territory, rather than a State of the Union, Guam's share of Federal funds has always been on the minimal side. Most legislation allocates the Territories a set percentage of the overall funding, and this amount is usually dispensed at the discretion of the Secretary of Education.

In some instances, Guam's smaller population does not generate funding requirements greater than that which we would receive. In many other programs, however, Guam's problem is identical with larger urban areas: we just do not have enough Federal funds coming in and there is not sufficient local revenue to do the job. Any additional cutback in the scale proposed by HEW could well be disastrous for us.

There are several other factors which compound Guam's difficulties in the area of education. First, we are still in the process of building a modern school system. For many years, the Territory was not eligible for Federal aid to education. Although this problem has largely been eliminated in recent years, it will take time and money for Guam and other outlying American areas to catch up with mainland school systems.

Another stumbling block to establishing a comprehensive school system in the Island is the large percentage of our students who are dependents of military or civil service personnel associated with Guam's military bases. At present, these students number over one-third of our approximately 26,000 students. For years, Guam has been receiving substantial sums for these students under the Federal Impacted School Districts program. In Fiscal 1972, for example, Guam's total share was $2.35 million.

Then, last year, HEW issued new regulations with regard to certain type "B" category students, that is, those whose parents live off-base, and Guam's allotment fell to $1.8 million for FY 1973. Under the Administration's Education Revenue Sharing program, I am told by HEW officials that "B" category aid would be entirely eliminated, thus driving Territorial funding down to $1.6 million or lower for Fiscal 1974! At the same time, the number of military dependents entering our school system continues to waiver.

Although these funds help us provide decent schooling for these young people, the Federal Impact Aid still does not meet the entire cost of educating them, I am told by Government of Guam officials. And since Guam must meet mainland standards of education if these students, as well as our local young people, are to continue on with their education, a significant decrease in Impact Aid would certainly create fiscal havoc with our Territorial education plans. Simply stated, unless these funds are restored, the Governor of Guam said in a telegram to me, and I quote,

"It will be impossible for our Territorial Government to provide continued educational support for these students at acceptable maintenance level standards."

The Governor goes on to say that the decrease in funding "will necessitate fewer teachers, instructional materials, and the capital improvements necessary to meet school enrollment increases."

The same danger is evident with the possibility of cuts in other ESEA programs. Dr. Katherine Aguon, our Director of Education, and I might add Guam's first woman Ph. D., wrote in her letter to me that "the programs engendered have had an irreversible impact on strengthening both the 'kind and quality' of education within our system. No doubt," she adds, "to suspend and/or terminate this assistance at this time would only frustrate our search for relevant education for our children."

The exact amount Guam stands to lose is difficult to ascertain. As I mentioned previously, our funding under formula grant programs is not constant; the amounts vary, depending on overall program allocations and our success in convincing Federal officials of our requirements. Some indication is evident, however, in a table of statistics regarding HEW's FY 1974 budget as it applies to Guam. For the information of the Committee, I now present a copy of the budget tables. As you will see, Guam's funding in many programs will be ended starting next year. For example, in the category of grants to strengthen State departments, we received during the current year $79,000 under part A of the program, and $17,000 for Comprehensive Planning and Evaluation. During Fiscal 1974, we will receive nothing. Equally distressing is the stifling of library funds. Guam received a total of $131,000 during the current fiscal period for all phases of the ESEA Title II Library Resources program. Next year, our total will again be zero. Where we shall obtain the money to purchase books for our students is hard to imagine.

Of those programs which the Department has scheduled to be included in Education Revenue Sharing, here, too, Guam's level of funding is in doubt. Although I have asked HEW to provide me with accurate figures for the Territory, none were forthcoming. My staff was told that our allocations were not yet calculated. But with a bill that requests funding for fewer programs, I believe that our fear for the future is well-founded.

To summarize, then: the factors which I have just mentioned, together with the higher cost of doing almost anything on Guam due to our considerable distance from the mainland, make it imperative for this Committee and the Congress to prevent any further reductions in Federal aid to education. I therefore urge you to support H.R. 69 for the welfare of our school system on Guam and for the future of all our children.

Thank you.

OPIC DENIES ITT CLAIM

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 9, 1973

Mr. FASCELL. Mr. Speaker, the Overseas Private Investment Corporation today denied a $92.5 million insurance claim by the International Telephone and Telegraph Co. resulting from the expropriation of its properties in Chile. OPIC denied the claim because of an alleged failure on the part of the company to fully comply with provisions of its insurance contracts. Under the terms of the insurance contracts ITT has the right to submit the denial to arbitration.

The full text of OPIC's press release on this decision follows:

OPIC Denies $92.5 Million ITT Chilean Claim

Washington, D.C., April 9.—The Overseas Private Investment Corporation (OPIC) announced today that, because of non-compliance with contractual obligations, it has denied the International Telephone and Telegraph Company (ITT) insurance claim of $92.5 million in connection with the expropriation of the Chile Telephone Company. This decision was made today by the OPIC Board of Directors. It is understood that ITT will exercise its contractual right to submit the matter to arbitration.

Bradford Mills, president of OPIC, the U.S. Government Corporation which insures against political risks of investment in developing countries, said that OPIC had advised ITT today of the decision in the case, Mills said, "ITT failed to comply with its obligation under the OPIC contracts to disclose material information to OPIC. In addition, ITT increased OPIC's risk of loss by failing to preserve administrative remedies as required by the contracts, and by failing to protect OPIC's interest as a potential successor to ITT's rights."

Since the matter will be submitted to arbitration, Mr. Mills said that OPIC will make no further public comment on the issues in the case.

Mr. Mills emphasized that OPIC's decision results from ITT's non-compliance with specific contractual obligations, and does not in any way affect the international legal right of ITT to receive prompt, adequate and effective compensation from the Government of Chile for its interest in the Chile Telephone Company. "If OPIC is ultimately required to pay any compensation to ITT," Mills said, "OPIC will then succeed to an appropriate portion of ITT's rights of recovery from the Government of Chile, and OPIC will pursue those rights vigorously."

Describing OPIC's handling of claims by U.S. investors in Chile, Mr. Mills noted that during the last 2½ years, 18 claims have been filed with OPIC, 14 for expropriation and four for the inability of the investor to convert local currency into dollars. Investors insured by OPIC have received more than $80 million to date resolving five of these claims, and two other claims involving approximately $26 million have been satisfactorily settled between the investors and the Chilean Government with the assistance of OPIC guaranties. Nine claims are still being processed. One claim other than ITT's is in dispute.

URGENT NEED FOR PURE FOOD LEGISLATION

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 9, 1973

Mr. BINGHAM. Mr. Speaker, the pressing need for pure food legislation has again been brought out by two recent incidents of contamination in canned foods.

In the first incident, contaminated tunafish packed by the Star Kist Co. caused food poisoning for at least 232 consumers. Although Star Kist's advertising would have consumers believe that "only the finest tuna can be considered by Star Kist," this case demonstrates an enormous gap between the company's public relations image and its food processing realities. According to the Food and Drug Administration, the fish was so badly spoiled at the time it was canned that a trained inspector could have smelled the decomposition. Apparently, the inferior "Charlie Tuna" who is continually rejected for canning in Star Kist's advertisements finally made it onto the Nation's supermarket shelves.

The second incident took place in New York State, when botulism contamination was discovered in a shipment of canned mushrooms which had been prepared for use by the U.S. military. Mushrooms prepared for the civilian market by that company were shipped throughout New York State, including the Bronx, and they have been the subject of an intensive recall procedure.

Mr. Speaker, on the first day of the 93d Congress I introduced H.R. 323, a bill which would increase the powers of the Food and Drug Administration and require strict licensing and inspection procedures for food processors in an effort to upgrade the level of sanitation in the American food-processing industry.

The House Interstate and Foreign Commerce Committee's Subcommittee on Public Health, under the leadership of the distinguished and highly capable gentleman from Florida, Mr. Paul Rogers, is presently confronted with a packed schedule of legislation and hearings in other areas of national health. However, I hope that at the earliest opportunity Mr. Rogers' subcommittee will hold hearings on the subject of legislative imperatives for the food-processing industry and the Food and Drug Administration in an effort to provide increased consumer protection.

Two articles from the New York Post describing the recent food contamination incidents follow:

TUNA FOUND TAINTED IN CANNING

(By G. DAVID WALLACE)

WASHINGTON.—Two lots of Star Kist tuna that sickened more than 200 persons before it was recalled were rotten at the time they were canned, a government investigation has disclosed.

The Food and Drug Administration said yesterday that Star Kist packed the fish at its American Samoa plant.

Cesar Roy of the FDA's office of compliance said in an interview that the fish was so decomposed that a trained inspector would have been able to smell it.

Asked about the results of the investigation, Thomas Virgil, manager of marketing for Star Kist, said: "We have all kinds of quality control. How that occurred we don't know."

Star Kist, a subsidiary of H. J. Heinz Co., recalled nearly 173,000 cans of tuna fish coded GD417 and 419 in February after consumers who ate it reported that it made them sick.

The National Communicable Disease Center, which keeps track of food-borne illness, counted 232 instances of what it considers confirmed food poisoning due to the tuna.

The NCDC said none of the victims required hospitalization and most reported their sickness lasted a few hours.

The reports forwarded to NCDC listed common reaction to the poison scrombotoxin—a burning sensation in the mouth, hive-like skin eruptions, cramps and headache.

Scrombotoxin is produced by bacteria which multiply in the fish once decomposition begins. Cooking during the canning process kills the bacteria but does not destroy the toxin.

MUSHROOMS RECALLED—FIND BOTULISM

An upstate packing company is recalling hundreds of cases of mushrooms distributed to supermarkets and food wholesalers throughout the metropolitan area. The recall began after federal inspectors discovered botulism contamination in a mushroom shipment destined for military use.

The Fran Mushroom Co. of Ravenna, whose products are marketed under the Frangella, White Top and J & N labels and also distributed by 14 other brand-name firms, including Grand Union, Daitch-Shopwell and Shop-Rite, said it was acting voluntarily, "in the public interest."

A spokesman for the firm said all varieties of mushrooms packed, in all can sizes, were being recalled.

There have been no reports of any illness connected with the mushrooms. The Food and Drug Administration reported Thursday that botulism toxin had been found in one can of mushrooms tested at an Army base.

A company spokesman said 95 percent of the mushrooms being recalled had been shipped to warehouses in New York state. It was not known whether the mushrooms had already been placed on sale in markets.

The FDA indicated that its experts believed the problem may be limited to the firm's production on one particular day. All 800 cases of mushrooms involved on that day had been shipped to Defense Dept. supply outlets, and were ordered recalled by the government.

The private labels under which Fran mushrooms were sold and the firms to which they were shipped were identified in Washington as: Daitch—Daitch-Shopwell, the Bronx; Met—Met Food Corp., Farmingdale, L. I.; Hills—Hills Supermarkets, Brentwood, L. I.; Grand Union, East Paterson and Carlstadt, N. J., and Mt. Kisco, Waverly and Waterford, N. Y.

Shop-rite—Wakefern Food Corp., Carlstadt, N. J.; Coop-Middle Eastern Coop. Inc., Carlstadt, N. J.; Scalmafini—J. L. Scalafina Inc., Brooklyn; Krum's—S. Krum's Co., Inc., Brooklyn; Lucky Boy—Embassy Grocers Corp., Maspeth, L. I. Sassone—Sassone Wholesale Grocery, the Bronx.

Middlesex—Middlesex Foods, Inc., Highland Park, N. J.; Sweet Life—Golub Corp., Schenectady; Price Chopper—Golub Corp., Schenectady; Albany—Albany Public Market, Albany.

Two recalls of mushrooms packed by firms in Ohio brought in hundreds of thousands of cans in February and March of this year. Other food products that contained mushrooms from those lots, such as frozen pizzas and frozen vegetable casseroles, also were recalled, but no cases of illness were reported.

This year's federal recalls due to botulism contamination were the first since 1971, federal officials said.

STUDENTS CONCERNED ABOUT PRESERVING BALANCE OF NATURE

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 9, 1973

Mr. ALEXANDER. Mr. Speaker, the youth of America are becoming increasingly more concerned with the problem of cleaning up the environment and preserving our balance of nature. I believe it is most important that each generation stop and think about the earth it is passing along to the generation that is to follow. Biology students in one Arkansas school have looked beyond the boundaries of our State at a problem which exists in South Dakota. Perhaps more of us should share their interest in similar problems which may exist around our country.

I insert at this point their letter for my colleagues to read:

DEAR REPRESENTATIVE ALEXANDER: The purpose of this letter is to inform you of the "Dutch Duck Plague" in southeastern South Dakota. The "Dutch Duck Plague" is a virus that has been destroying Mallard ducks at a rate of approximately 1,000 each day, at the Lake Andes National Wildlife Refuge. The disease is called Duck Virus, Enteritis, or DVE. DVE causes internal bleeding and severe diarrhea. It is reported that this virus is highly contagious and affects not only ducks, but swans and geese as well. The most serious concern is that the virus will spread through migrating flocks and to the areas of breeding. These Mallard ducks were fed during the winter months to attempt to keep them from migrating to the south. This action has upset the balance of nature.

The breeding of the water fowl is in polluted, stagnant ponds and waterways. The wastes of the ducks is a big cause of pollution to the lake.

As concerned students, we feel something should be done about this tragedy. We hope by this letter you may be concerned with the preservation of our Mallard ducks and take some kind of action, because we feel that you can get the attention and cooperation of those who can help in our fight against this disease.

BENIGN NEGLECT IN A TIME OF EDUCATIONAL CRISIS

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 9, 1973

Mr. MOSS. Mr. Speaker, I was one of 33 Representatives who originally voted against the so-called revenue sharing plan of this administration and I shall continue to oppose it. The legislative body which levies a tax must accept the duty of fully accounting for its wise expenditure. It is not appropriate that Congress tax to raise revenues for other governmental entities.

At a time when the Federal Government should be expanding its commitments to education, the President's budget represents a retreat from virtually all the advances made under Presidents Eisenhower, Kennedy, and Johnson. If adopted, it will share too little revenue with too many incompetent and inefficient State governments.

The President's plan to convert, for example, 30 separate and specific education-aid programs into a system of five block grants would shortchange school districts by reducing the total amount of funds available and by revising the formula for distribution of the overall amount. Such "consolidation" would, among other things, eliminate entirely programs for library services and for strengthening State departments of education. The category B impact-aid program would be reduced by $146 million. Although the President pledged $1.5 billion in special aid to help end segregation, the new budget proposes a mere $202 million to help schools in the process of desegregation. Title I funds, which in my opinion should be expanded to cover all students in all schools, would be eliminated.

Under the so-called Better Schools Act of 1973 (H.R. 5823) California alone would lose nearly $40 million for disadvantaged students. Yet, we need to spend more money for education, not less. For the harsh reality is that our education system is not working as well as it should. It is not working for the increasing number of students who drop out of school in our large cities, or for the high school graduates who can read only at a ninth-grade level. It is not working for the children who are forced to attend double sessions or for the teachers who are forced to teach in dilapidated overcrowded classrooms using antiquated textbooks.

The consequences of the President's neglect are frightening. A recent study published by the Senate Select Committee on Equal Education Opportunity concludes that America loses $77 billion annually in tax revenue, welfare, and crime because of the inadequate education of children and young adults. Yet, the fiscal 1974 budget for education revenue sharing is only $2.77 billion, which is $200 million lower than the original fiscal 1973 budget for similar legislation.

I question such distorted priorites. For in spite of the President's trip to China and the signing of a peace settlement in

Vietnam, President Nixon continues to spend 35 times as much money for the military as for elementary and secondary education combined. Indeed, America's commitment to education—in terms of percentage of national wealth—is smaller than any other major country in the world.

Thomas Jefferson once said that—

> If a nation expects to be ignorant and free, it expects what never was and never will be.

Every American citizen should have the right to develop his or her talents to the fullest—from preschool to college. Yet, this proposed revenue-sharing plan represents neither the economic nor moral commitment necessary to guarantee such a right. The education of our children is too important to be left with those who would substitute "local control" for national commitment and advocate "benign neglect" in a time of educational crisis.

IMPOUNDMENT LEGISLATION

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 9, 1973

Mr. HARRINGTON. Mr. Speaker, on January 3, I introduced H.R. 622, a bill to require the President to notify the Congress of any impoundment and to provide a procedure by which the Congress could review and approve or disapprove that impoundment. The bill, originally drafted by Senator ERVIN during the 92d Congress, subsequently attracted the cosponsorship of over 100 Members of this House. In the welter of proposals now before Congress, it had more support than any other single version, including the proposal advanced by Chairman MAHON.

Now, the Senate has passed, as an amendment to the Par Value Modification Act, a modified and more sophisticated version of the same legislation. Today, I am introducing that bill as it was reported by the Senate Government Operations Committee. It bears the title "Impoundment Control Act of 1973," to reflect its purpose. I want to stress that it has been the subject of extensive hearings before that committee, and has been carefully drafted by experts to deal with the principal criticisms directed at the original bill. As I stated in a "Dear Colleague" letter circulated today, this legislation is the most effective anti-impoundment bill yet proposed. Legislation without the controls it proposes would be worse than no legislation at all.

The bill should be considered in its own right apart from the Par Value Modification Act, which was the vehicle for bringing the bill to the floor of the Senate. The Rules Committee, which will continue hearings on anti-impoundment bills, hopefully will focus on this bill as a major contribution to the issue. Indeed, Senator ERVIN graciously appeared before the Rules Committee and made a strong statement explaining and supporting the bill.

The Impoundment Control Act has two main sections: First, impoundment notification and review procedures; and second, an expenditure ceiling on Federal outlays for fiscal 1974 of $268 billion.

First. Impoundment. The anti-impoundment provisions are basically the same as in the original bill. Thus, the President would be required to cease an impoundment after 60 days unless the Congress approved the impoundment by concurrent resolution within that 60-day time period. The legislation presumes that impoundments are illegal and must cease unless the Congress determines that they are justified by some prior statute or unless it specifically approves. In the latter case, the Congress must, in effect, amend the appropriations law to permit the impoundment to continue.

Resolutions with respect to an impoundment may be raised directly on the floor of either House as privileged matters. The bill now makes absolutely clear that these measures are not to be referred to committee. There ought to be no need for committee referral since impoundments involve appropriated funds which have been considered by both the legislative committee which recommended the authorization and the Appropriations Committee. Hence, a simple and direct procedure for raising the matter on the floor is all that is necessary, and that is precisely what this bill would provide. Of course, somewhat more extensive debate than usual will permit a full discussion of the problem in the open, where all Members may participate. And, the resolution may be amended to provide flexibility in handling any impoundment message.

The most significant change in the new bill gives a greatly expanded role to the Comptroller General. He must review each special message transmitted by the President to the Congress, notifying it of one or more impoundments, and he must report to the Congress within 15 days whether any of the impoundments reported in a special message are justified by existing law. If he finds that the Antideficiency Act applies, then the impoundment may continue. In all other cases, the Congress must approve continuation of the impoundment under the procedures set forth in the act.

As has been made clear, a procedure somewhat like that described above will be needed to deal effectively with the myriad number of minor spending deferrals which take place regularly in the interest of good management. That is what the Antideficiency Act was meant to cover, and as to those no further congressional action should be required. Screening out those spending actions which do not reflect any policy differences between the Executive and Congress ought not to be particularly difficult.

The purpose of the act is to focus congressional attention on those refusals by the Executive to implement programs mandated by law. Those are the impoundments which have generated the current dispute and, therefore, those are the actions which ought to be debated on the floor. GAO is Congress' agent, and should be equipped to perform the functions needed to make the act work. One major point is that the act increases the flow of information about fiscal decisionmaking. It creates the opportunity for congressional review of that crucial area of Government activity. As we create the opportunity to better inform ourselves, we should likewise be prepared to use whatever tools may be necessary to handle the implications of that better information.

The Comptroller General is given other functions. He may notify the Congress of impoundments overlooked by the Executive. He may enforce the provisions of the act against an officer of the Executive. The sanction is entirely new, and makes clear that disobedience is a personal matter as far as the particular Federal officer is concerned.

There is no special magic in designating the Comptroller General as the agent of Congress for purposes of the act. His is an office that already exists. It is becoming clearer that one outcome of legislation designed to increase congressional capacity to deal with the budgetary situation, including expenditure review and impoundment control, will be establishing greater information capacity in some agent of Congress. Why not the GAO? The sooner we get started in considering what tools we need to do the job, the sooner we will be able to find answers to the problems which now perplex and divide us.

Many other changes have been made in the act. Impoundments are more broadly defined to make certain that the act applies to Executive action not specifically ordered by the President but subsequently approved by him. Reimpoundments are prohibited. Publication of impoundment actions is required. And so forth. Obviously, the new version is more comprehensive than the older bill. It may not yet be the best legislation, but it is a substantial improvement.

Second. Expenditure ceiling: Many of us have argued that the natural effect of impoundment control legislation would be to drive up expenditures. I have never agreed with that argument since I believe that the basic issue here is one of priorities. If Congress does not approve of the President's choice of programs to be eliminated, it must have the means to reverse that decision and set its own priorities. If the votes are there to do that, then they should also be there to cut spending in some other areas, such as defense; assuming we, as a legislative body, are willing to take the responsibility for making that decision.

Nevertheless, I recognize the concern that Congress will be unable to behave responsibly when it comes time to determine priorities. To quiet that concern, the act mandates a spending ceiling for the fiscal year 1974 which is actually less than the spending proposed by the President's budget. If funds appropriated for 1974 exceed the ceiling, the President is authorized to reduce spending for all Federal programs proportionately. Programs involving benefit payments to individuals such as social security would not be affected. A reduction of spending under this provision would not be subject to the impoundment control procedures.

In the Senate debate, it was made very clear that the President would not have the authority he now claims to eliminate those specific programs with which he disagrees. In effect, then, excessive appropriation means less money for all programs, not selective destruction of a few programs. Moreover, the reduction would apply to programs funded by "backdoor" methods, not subject to the jurisdiction of the Appropriations Committees. In this way, total spending, so heavily emphasized by the President, will not be increased while, at the same time, congressional control over priorities is retained.

I want to make clear that I am not particularly enthusiastic about a spending ceiling mandated in this way. The act so provides to quiet widespread criticism that impoundment control means fiscal irresponsibility. It most assuredly does not, and all of us ought to realize that impoundment control is but the first step toward reestablishing fiscal responsibility in the Congress.

The Joint Committee on the Budget is working on extensive procedures by which Congress will be able to deal with expenditure control, and to set legislative priorities in open debate. Those procedures can be considered and acted upon in time for the 1975 budget, but will not be ready by the time we must make decisions about 1974. Consequently, I have concluded that the spending ceiling, which has been approved by the Senate, is a proper part of impoundment control legislation. However, in view of the ongoing efforts by the joint committee to develop budget procedures, I did not think the act should provide a bald requirement that future spending ceilings be enacted without any indication of the procedures to be followed in setting that ceiling. Thus, the act does not include the Bellmon amendment, added on the floor of the Senate.

I am here urging legislation to curb Presidential power to adjust spending for Federal programs. This act is aimed solely at abuse of powers given for fiscal management purposes. The President's power to readjust priorities has very shaky legal foundations, and may very well be contrary to those statutes on which it purports to rest. Congressional consideration of proposals to curb impoundment abuses by the Executive, even if none of them are ever enacted, tend to give credibility to Presidential claims of legal authority to behave as policy overlord.

Yet, the practice of impoundment has gone so far that many valuable Federal programs will be irretrievably lost. To wait for action by the courts will be to wait too long. It is necessary to act now and to act in a decisive way. Moveover, the issue posed by control over the setting of priorities is fraught with political overtones which may pressure the courts not to decide the question, which is, after all, fundamental to the constitution scheme of Government. Hence, despite the doubtful legality of many of these impoundments, I think enacting effective legislation now is worth the risk of lending support to the practice.

Moreover, I continue to press for strong anti-impoundment legislation since we may have gone far enough down the road already to create the legislative history which courts may think legitimizes impoundment for policy reasons. If so, prompt action is a necessity. Furthermore, we only delude ourselves if we pass legislation which, in effect, legitimizes impoundments by permitting them to stand unless Congress disapproves. That would be worse than no legislation at all, because it would preclude any chance for effective court action.

For all these reasons, I think it is imperative that we, as a body, reject the notion that the Executive is not accountable for its spending decisions and enact legislation refuting the position that impoundments must be specifically disapproved. I urge your support for the Impoundment Control Act of 1973.

In addition, I am inserting an editorial, printed today by the Washington Post. The editorial is a clear, concise statement of the implications of impoundment legislation. It has been very difficult to make the public understand the problem, freed of political gestures which obscure the real substance of the issue. As the matter is considered, I hope the news media will print more statements as clear as this:

THE POWER AND THE PURSE

It is all too easy to summarize the "battle of the budget" in scorecard terms. Last week, for instance, President Nixon tallied his second veto of a "spending" bill and chalked up his first victory when the Senate failed to override his veto of the vocational rehabilitation act. The Congress won a different round when the Eighth Circuit Court of Appeals ruled that grants from the highway trust fund may not legally be impounded to fight inflation. Meanwhile, the Senate passed a fiscal 1974 spending ceiling of $268 billion; since Mr. Nixon's budget total is $268.7 billion, many senators may now start to claim that they are $700 million more economy-minded than the President.

But such arithmetic obscures the much larger calculation at stake. That is whether federal spending policies will be made primarily by majorities in Congress—or by the President, backed in showdowns by one-third plus one of either house. In the context of this political and institutional struggle, the most significant event of the past week was the Senate's coupling of its spending ceiling with the strong anti-impoundment measure initiated by Senator Sam J. Ervin. The premise of this tough and timely provision is that, as a general rule, money appropriated by Congress should be spent in accordance with the laws. Presidential discretion would be minimized. If the total outlays approved by Congress should exceed a legislated spending ceiling for a given year, the chief executive would not be at liberty to cut wherever he wished, but would have to make proportionate reductions across the board. Funds could be withheld for the limited purposes set forth in the Anti-Deficiency Act, strictly construed, but the kinds of impoundments most treasured by Mr. Nixon would be limited to 60 days unless specifically approved by Congress.

This is drastic medicine—but Mr. Nixon has not exactly been modest or tentative in asserting his unprecedented claim of authority to impound funds systematically to carry out his economic policies and to cut or kill programs which he dislikes. Nor has the President shown any signs of tempering his actions or his tone. For instance, in his veto message on the bill to prohibit impoundment of rural water and sewer grants, Mr. Nixon declared that the measure is not only bad policy, which it is, but also "probably unconstitutional," which it probably is not.

A frontal congressional challenge to this arrogation of power is doubly important because scattershot attempts to have individual programs are not likely to promote either the programs or the principles involved. The sequence of thrusts and parries is becoming drearily familiar Congress appropriates. The President impounds. Congress passes a bill to mandate spending. Mr. Nixon vetoes the bill. It is a match which the administration will usually win, for the advocates of a program must muster two-thirds in both the House and Senate, which Mr. Nixon requires only one-third plus one in either house. Nor can the campaign of dismemberment be halted in the courts, for court action is slow and likely to turn on statutory nuances. The Eighth Circuit appellate court, for instance, expressly did not reach the constitutional issues in its decision in the highway case last week.

Against this scene of squabbles, the Ervin amendment stands out as an ambitious move in congressional self-defense. From a constitutional standpoint such an initiative is overdue. From a political perspective, it has the defects of its merits, for it implies that Congress is prepared to face the hard spending decisions which the legislative branch has ducked so often in the past. As an approach to fiscal policy, it will work only if Congress manages to practice greater economic sense and deal with the budget far more coherently. This underscores the importance of the long-range reforms in congressional handling of the budget which are now being weighed by a prestigious joint committee. If the spirit of reform and reassertion persists on Capitol Hill, Mr. Nixon may well find that, in the course of winning a few budget skirmishes, he has called into being a far more capable and resourceful Congress—and a less compliant one.

RUSSELL WYCOFF AND THE SUBURBAN NEWS

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 9, 1973

Mr. RINALDO. Mr. Speaker, yesterday, April 8, was an important milestone for many residents of the 12th Congressional District of New Jersey and in particular for Mr. Russell Wycoff, of Westfield. For today marks the 25th anniversary of the Suburban News.

A quarter of a century ago, Russell Wycoff decided to start a new kind of weekly newspaper. He called his fledging publication the Westfield Shopper.

Basically, it began as a publication that would serve the buying and selling needs of the residents of Westfield. The want-ad concept caught on quickly, and the number of ads increased dramatically. As they did, regular commercial advertisers began buying space in Mr. Wycoff's paper.

The success it enjoyed prompted Mr. Wycoff to expand his horizons. Now, 25 years later, his news and value-filled paper reaches some 30,000 homes in the heart of Union County, serving not only Westfield, but Clark, Scotch Plains, Cranford, Garwood, Fanwood, and Mountainside as well.

I think it is only appropriate that we pause to salute Russell Wycoff and the Suburban News for the tremendous contribution they have made to the reading public and the advertisers of Union County over the past 25 years.

BIG BUSINESS, BIG OIL, BIG WEALTH ASSURED TAX LOOPHOLES WILL CONTINUE

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, April 9, 1973

Mr. EVINS of Tennessee. Mr. Speaker, the Washington Post on Sunday published an article by our distinguished colleague, Congressman Henry Reuss, concerning a recent book written by Mr. Philip M. Stern and entitled "The Rape of the Taxpayer".

Mr. Stern in his latest book on tax avoidance points out that it is difficult to close major loopholes because the big business interests that benefit from loopholes are the major campaign contributors to candidates for President and other public offices.

The article continues:

The Nixon Administration remain hostile to the idea of loophole-plugging. Its position is unchanged from a year ago, when the President assured a group from Big Business, Big Oil, Big Wealth and Big Banking at the Texas ranch of John Connally, the Secretary of the Treasury, that the rapid depreciation and mineral depletion loopholes, far from being plugged, should be enlarged.

The book by Mr. Stern includes classic examples of tax avoidance by the wealthy which, the author estimates, cost the U.S. Treasury $77 billion annually.

Because of the interest of my colleagues and the American people in this most important subject, I place the article from the Post in the Record herewith:

[From the Washington Post, Apr. 8, 1973]

"The Rape of the Taxpayer," by Philip M. Stern, and "The April Games Secrets of an Internal Revenue Agent" by Diogenes

(By Henry Reuss)

This year, more than ever, and this time of year in particular, the federal tax system is seen by most Americans as inequitable, and yet incapable of producing enough revenues to meet the needs of government.

Philip Stern's book, on "Why you pay more while the rich pay less," updates his *The Great Treasury Raid* of 10 years ago. With solid scholarship and sprightly prose, he tells the tale of how auto heiress Mrs. Horace Dodge had an income of $5 million, but did not ever have to file a tax return on her tax-exempt bond interest; how Gulf Oil Company used the depletion and similar loopholes to pay a tax of only 2.3 per cent on almost a billion dollars of profits; how Jean Paul Getty avoided paying $70 million of taxes because of loopholes; how three families got $2.5 million of corporate dividends and paid no tax.

All of this is classified as "tax avoidance"—the legal way to avoid paying taxes. This is the high road, and it costs the Treasury some $77 billion a year.

The low road, of course, is "tax evasion," or just plain cheating. An Internal Revenue agent, calling himself Giogenes writes in *The April Game* about the cheats who also cost us billions. Diogenes tells of Detective Joe, who kept a stable of indigent old folks so that he could split his income among them, with each receiving a modest $100 stipend for his services; of Half-a-Business Harry, who dreamed up an astrology business out of the blue to give him a depreciation deduction on the costs of his large home; or the childless taxpayer who invented children to fatten his exemptions.

More professionalism and more personnel in the Internal Revenue Service can help reduce the evasions that Diogenes writes about. Curing the avoidances that Stern documents is far more difficult.

Heir to a merchandise fortune, Stern is himself one of the privileged few for whom loopholes were tailored. But he willingly does battle for the ordinary wage-earner or professional who is taxed in almost every penny he earns. Stern sees the average taxpayer much as Taine saw the French peasant in the *ancien régime*: "I am miserable because they take too much from me. They take too much from me because they do not take enough from the privileged classes."

There is a latent taxpayers' revolt in the United States, as there was in France for years before the Revolution. George Wallace played upon this sentiment so skillfully last spring that millions began "sending a message" to Washington. George McGovern appealed to the same discontent less successfully. But the indignation is still there. Why, then, is revolt little more than a gleam in a few reformers' eyes?

As Stern points out, loophole-plugging tax reform is hard to come by because the interests that benefit from loopholes are the biggest contributors to candidates for President and Congress. Over 90 per cent of political donations are made by 1 per cent of the population, he says; and, "While the figures are heavily weighted toward Republicans, the unhappy fact is that both parties depend greatly on rich givers." It is a self-perpetuating process; campaign contributions lead to loophole benefits for the givers, who make greater contributions, which lead to greater benefits, and so on.

The Nixon administration remains hostile to the idea of loophole-plugging. Its position is unchanged from a year ago, when the President assured a group from big business, big oil, big wealth and big banking at the Texas ranch of John Connally, then Secretary of the Treasury, that the rapid depreciation and mineral depletion loopholes, far from being plugged, should be enlarged.

Stern points out that Congress is scarcely more hospitable to reform, citing the secrecy with which tax bills are constructed in committee, and the closed rule which prevents any amendment on the floor of the House.

But recent events give rise to some optimism. Secrecy and the closed rule in the House have been severely limited. A Democratic steering and policy committee has been set up with power to demand action from recalcitrant legislative committees. A number of new public tax-reform organizations are beginning to flex their muscles.

Legislators in both houses may begin to look on tax reform with greater enthusiasm as a weapon in the spending struggle with the President, since only loophole-plugging can provide the revenues needed to carry on essential and popular programs in health, education, housing and the environment without an immediate general tax increase.

But public awareness of tax injustice may prove the straightest road to change. The reading of these books will hasten the day of tax reform.

RUINATION BY RENEWAL

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 9, 1973

Mr. ASPIN. Mr. Speaker, the National Review of February 16, 1973, contains a timely and important editorial entitled "Ruination by Renewal."

The National Review notes that in the name of urban renewal much has been done to damage the beauty and livability of our Nation's Capital. The overall urban health of this city is so important to all of us. I wish to include this short article in the Record for the benefit of my colleagues:

Ruination by "Renewal"

The capital of these United States rapidly is being converted into one of the least livable cities in the world. In the name of "renewal," many hundreds of small businesses are being destroyed, large neighborhoods are being being broken up, architectural monstrosities are replacing the charm of what remains of old Washington, traffic problems are doubled, social discontent is stimulated, the rights of property owners are trampled underfoot—and enormous profits are made by "developers," land speculators, and big corporations.

President Nixon knows that what has been done throughout this land under pretext of urban renewal is a ghastly failure. Mr. George Romney, while he was Secretary of HUD, so declared in public. The Nixon Administration, indeed, has slowed down such renewal (and its partner, federal highway building) somewhat nationally, allowing more hearings for those vitally affected by such projects, and scrutinizing more closely new grandiose schemes proposed. But the renewal boondoggle is so strongly entrenched that disintegration by bulldozer continues in many cities, and nowadays Washington itself suffers from the worst sort of unimaginative demolition and virtual confiscation of real property.

Federal courts afford little or no relief to those plaintiffs against local or federal authorities who uproot them. In one or two instances, out of hundreds of cases, inferior federal courts have sustained a property owner; but the Supreme Court, so far, consistently has evaded rulings on the constitutionality of renewal cases.

Late last year, the Supreme Court refused to hear the plea of BYSAP, Inc. (a non-profit association of small businessmen affected by Washington renewal), and others. The Court, so much concerned for due process for persons accused of felonies, ignored BYSAP's brief claiming that Washington's renewal schemes flagrantly violate due process of law for property owners. One passage from BYSAP's brief must suffice to suggest the case:

"There is nothing in the record to show that the public, at least those members of the public who are the small businessmen most adversely affected by the proposed project, ever had a clear or real or direct access to the decision-making process. . . . The record before the district court reveals absolutely no record of what transpired at the few informational meetings held prior to announcement of the plan—no transcripts, no abstracts, no speakers' notes, nothing insofar as the small businessmen petitioners are concerned. Only Downtown Progress, a coalition of large business interests, hostile to the interests of the small businessmen, played any part in the decision-making process. There was no provision for the effective presentation of the views of the small businessmen, and when they requested such an opportunity, the Secretary denied it on the ground that the state contained no provision for a hearing."

It would be pleasant to think that even though the rights of small businessmen and of many thousands of residents of Washington are virtually ignored, still substantial improvement comes to Washington by such projects. But actually the rebuilding of Washington is socially stupid, and often shoddy. Take the Southwest Urban Renewal Area, two decades old. Mrs. Henry Reuss, wife of the congressman from Milwaukee, wrote to the Washington Post at the end of November: "All of us who live in the Southwest Urban Renewal Area know the drawbacks of a neighborhood with no small stores or restaurants. A neighborhood of some sixteen thousand has been dependent on one supermarket, one drugstore, and a few large tourist restaurants. In the twilight, we hurry home along walled residential streets. There is nothing to attract us out of our lairs at night—our sidewalks are deserted except for dog-walkers. We are paying the price of exclusively residential zoning."

Most of this dehumanizing of Washington neighborhoods could have been averted by intelligent restoration—for which provision was made, theoretically, in the Housing Act of 1964. But the big profits for speculators, developers, contractors, the building trades, and the large commercial firms lie in virtual confiscation by the renewal authorities, devastation by federal bulldozer, and costly, ugly, monotonous rebuilding on the sites. In the process, much good architecture and the character of whole quarters of the nation's capital are affected forever.

Washington's urban planners seem to have learned nothing from the failures of the past. The new Office of Planning and Management (part of Washington's municipal government) has some ninety planners, most of them highly paid. What sort of advice do they give? Why, the city council has voted to approve the erection of office-buildings 20 to 25 stories high in the Downtown Urban Renewal Project Area, which amounts to some 616 acres. The resulting congestion, dislocation of businesses and residents, and melancholy alteration of Washington's face must be left to the imagination. Various new projects, including the Pennsylvania Avenue Plan, may cost half a billion dollars. The cost in urban disruption is harder to express in figures.

Washington's numerous little parks, you may recall, were designed by the architect Pierre Charles L'Enfant for military use, as well as ornament: He had in mind European capitals so often tormented by revolutionary mobs. A few pieces of artillery in those parks could prove the whiff of grapeshot needed to keep a government in power.

L'Enfant's foresight may be appreciated in the last quarter of the twentieth century. When Mr. George Romney left the governship of Michigan to become Secretary of HUD, he remarked publicly that the great Detroit riots, during his administration in Lansing, had been brought on chiefly by urban renewal and federal highway construction, which destroyed vast neighborhoods and created slums, rather than renewing the city's vitality. Make a city one enormous renewal boondoggle, regardless of what happens to the people who live there, and—well, keep your powder dry.

NEW AIRPORT IN PHILADELPHIA

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 9, 1973

Mr. EILBERG. Mr. Speaker, it has long been recognized that a city which does not continue to change and improve, is a city that is dying.

Several years ago the planners of my city, Philadelphia, realized that the airport would have to be enlarged and modernized if it was going to meet the demands of ever-growing numbers of air travelers and freight shippers.

Recently a major portion of this $150 million improvement program, the Overseas Passenger Terminal, was completed and will begin operation in the near future.

The new flight facility will enable the airport to provide improved convenience and service to its steadily increasing international passenger business and air cargo deliveries.

William T. Burns, the city's deputy director of commerce for aviation, has stated that the new terminal will offer a tenfold increase over the airport's former accommodations for international operations. It will service 10 overseas carriers and supplemental charter flights compared with 6 of the old terminal. The facility will also feature ample parking, a duty-free shop, restaurant, bar, and 22 baggage inspection counters.

A RESPONSIBLE APPROACH TO THE IMPOUNDMENT-SPENDING PROBLEMS

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 9, 1973

Mr. ANDERSON of Illinois. Mr. Speaker, today I am introducing on behalf of myself and the gentleman from Florida (Mr. FASCELL) and a bipartisan group of 34 cosponsors, a house concurrent resolution authorizing and directing the Joint Study Committee on Budget Control to report by June 1 of this year a comprehensive budget control bill which shall include procedures for maintaining an annual overview of budgetary outlay and receipts totals, for operating and annual spending ceiling beginning with fiscal 1974, and for limiting the impoundment authority of the President.

We are offering this measure as a substitute for the various impoundment control bills currently pending before the House Rules Committee of which I am a member; and I am pleased that my good friend and colleague on the Rules Committee, the gentleman from Florida (Mr. PEPPER) is one of the cosponsors of this resolution.

It has become evident over the last 2 weeks in the course of our hearings on these anti-impoundment measures, that there is a wide diversity of views on how to deal legislatively with the impoundment problem. Our main focus of attention has been on H.R. 5193 as introduced by the distinguished chairman of the House Appropriations Committee (Mr. MAHON). That bill would enable the Congress to cancel an impoundment by a resolution of disapproval passed by both Houses. Others have testified in support of the so-called Ervin bill which provides that an impoundment must cease unless both Houses pass a resolution of approval. Still others favor modified versions of one of these two bills.

Some have maintained that impoundments are unconstitutional; and others have maintained that the proposed legislative remedies are unconstitutional. On Thursday, Senator ERVIN testified before our committee and conceded in response to a question that a concurrent resolution would not have the force of law and therefore, the President would not be bound by these.

These are just a few of the problems we have encountered during the course of these hearings. Unfortunately, the narrow focus of these hearings has been primarily on how to limit impoundments and not on the underlying problem which has prompted these in the first place—our failure to hold spending within a defined and responsible limit. I am convinced, especially after listening to the testimony of Office of Management and Budget Director Ash, that the need for impoundments would be obviated if only we, in the Congress, would adopt and comply with a responsible spending ceiling in each fiscal year. And if the present problem has been caused in part by the fragmented approach we take to the budgetary process, does it make any sense to approach the solution to the problem in a fragmented fashion? I think not, and yet that is precisely what we will be doing if we act now on only holding down impoundments without doing anything about holding down spending.

The resolution we are offering today is therefore especially designed to move on both of those fronts simultaneously which we feel is the most responsible approach. Last fall, as part of the debt limit extension act, we established a joint committee to make recommendations on reforming the congressional budget process. It was originally mandated by law to report its final recommendations by February 15 of this year, in time for our fiscal 1974 decisions and activities. Yet, on February 27, this deadline was extended to the end of this year by concurrent resolution. I recently expressed concern that this would be far too late to have any bearing on the new fiscal year which begins on July 1.

I was therefore pleased when the cochairman of the Joint Study Committee on Budget Control informed the Rules Committee on Thursday that final recommendations would be forthcoming in the next few days. I commend the joint committee on its work and especially on this acceleration of its final reporting timetable. This development, it seems to me, lends added weight and argument to the feasibility and wisdom of our proposal. For our resolution gives the joint committee the authority to turn these final recommendations into legislation and the added responsibility of providing for impoundment control mechanisms. All we are saying in this resolution is that if we want to hold down impoundments, we must also demonstrate at the same time our willingness and resolve to hold down spending; and comprehensive congressional budgetary reform is the best way to achieve these twin objectives.

I am aware of the action taken in the other body last week to provide for a fiscal 1974 spending ceiling as well as impoundment control, though it was adopted as an amendment to the devaluation bill. While this is certainly a step in the right direction, it must be recognized that this will be considered a nongermane amendment from the standpoint of this body, and furthermore that it does not provide a continuing mechanism for the operation of an enforceable spending ceiling beyond fiscal 1974. The resolution we are offering, on the other hand, will insure the permanent estbalishment of this necessary machinery, beginning with this fiscal year. I think we can and should act on such a comprehensive mechanism now rather than stumble along with temporary, stopgap procedures. Another advantage of our comprehensive as opposed to the temporary approach is that it would enable the Congress to set its own priorities within a ceiling rather than depending on the President to make across-the-board reductions as provided in the amendment adopted by the other body if spending should exceed the ceiling. Should it later appear impossible to set the machinery we envision in motion in time for our fiscal 1974 activities, then something along the lines of what the other body has done would obviously be better than what we now have. But I think we do have the ability and the determination to make the necessary comprehensive reforms operable in fiscal 1974.

On behalf of myself and the gentleman from Florida (Mr. FASCELL) and our cosponsors, I urge the Rules Committee to report our resolution instead of or as a substitute for any legislation which deals solely with impoundment. Let us instead permit our Joint Budget Committee to convert its recommendations into legislation which will include procedures for the operation of a spending ceiling and for limiting the President's impoundment authority. I think if we do this we can present the President and the country with a most responsible and reasonable reform which will at the same time resolve the dual crises of impoundment and spending. Then, instead of dissipating our energies on confrontations or constitutional crises and agonizing over the prospect of increased taxes and inflation, we can concentrate our energies on setting national spending priorities within a responsible limit. This is as it should be and I think this is what the people expect of us.

At this point in the RECORD, Mr. Speaker, I include a full listing of the cosponsors of our resolution and the text of that resolution. I am also inserting an editorial from this morning's Washington Post which commends the other body on adopting the Ervin spending ceiling-impoundment amendment, but also takes note of its defects and underscores the need for what we are aiming at in our resolution. Quoting from that editorial:

> Against this scene of squabbles, the Ervin amendment stands out as an ambitious move in congressional self-defense. From a constitutional standpoint such an initiative is overdue. From a political perspective, it has the defects of its merits for it implies that Congress is prepared to face the hard spending decisions which the legislative branch has ducked so often in the past. As an approach to fiscal policy, it will work only if Congress manages to practice greater economic sense and deal with the budget far more coherently. This underscores the importance of the long-range reforms in congressional handling of the budget which are now being weighed by a prestigious joint committee.

COSPONSORS OF H. CON. RES. 178

Mr. ANDERSON of Illinois (for himself and Mr. FASCELL, Mr. PEPPER, Ms. CHISHOLM, Mr. CARTER, Mr. KEMP, Mr. HASTINGS, Mr. BLACKBURN, Mr. HOSMER, Mr. LEGGETT, Mr. THOMSON, Mr. GUNTER, Mr. LEHMAN, Mr. STEIGER of Wisconsin, Mr. WHITEHURST, Mr. FORSYTHE, Mr. HANNA, Mr. BINGHAM, Mr. LUJAN, Mr. VANDER JAGT, Mr. MARTIN of North Carolina, Mr. FRENZEL, Mr. DANIELS of New Jersey, Mr. MARAZITI, Mr. HINSHAW, Mr. FROEHLICH, Mr. REES, Mr. DENNIS, Mr. JOHNSON of Pennsylvania, Mr. RAILSBACK, Mr. QUIE, Ms. HECKLER, Mr. RONCALLO, Mr. McCOLLISTER, Mr. EILBERG, Mr. DE LUGO, Mr. RHODES and Mr. O'BRIEN).

H. CON. RES. 178

Resolved by the House of Representatives (the Senate concurring), That the Joint Study Committee on Budget Control is authorized and directed to report to the Congress, by bill or resolution, no later than June 1, 1973, its final recommendations with respect to any matters covered under its jurisdiction: *Provided,* That such report shall include, but shall not be limited to (1) procedures for improving congressional control of budgetary outlay and receipt totals, including procedures for establishing and maintaining an overall view of each year's budgetary outlays which is fully coordinated with an overall view of the anticipated revenues for that year; (2) procedures for the operation of a limitation on expenditures and net lending commencing with the fiscal year beginning July 1, 1973; and (3) procedures for limiting the authority of the President to impound or otherwise withhold funds authorized and appropriated by the Congress.

[From the Washington Post, Apr. 9, 1973]

THE POWER AND THE PURSE

It is all too easy to summarize the "battle of the budget" in scorecard terms. Last week, for instance, President Nixon tallied his second veto of a "spending" bill and chalked up his first victory when the Senate failed to override his veto of the vocational rehabilitation act. The Congress won a different round when the Eighth Circuit Court of Appeals ruled that grants from the highway trust fund may not legally be impounded to fight inflation. Meanwhile, the Senate passed a fiscal 1974 spending ceiling of $268 billion; since Mr. Nixon's budget total is $268.7 billion, many senators may now start to claim that they are $700 million more economy-minded than the President.

But such arithmetic obscures the much larger calculation at stake. That is whether federal spending policies will be made primarily by majorities in Congress—or by the President, backed in showdowns by one-third plus one of either house. In the context of this political and institutional struggle, the most significant event of the past week was the Senate's coupling of its spending ceiling with the strong anti-impoundment measure initiated by Senator Sam J. Ervin. The premise of this tough and timely provision is that, as a general rule, money appropriated by Congress should be spent in accordance with the laws. Presidential discretion would be minimized. If the total outlays approved by Congress should exceed a legislated spending ceiling for a given year, the chief executive would not be at liberty to cut wherever he wished, but would have to make proportionate reductions across the board. Funds could be withheld for the limited purposes set forth in the Anti-Deficiency Act, strictly construed, but the kinds of impoundments most treasured by Mr. Nixon would be limited to 60 days unless specifically approved by Congress.

This is drastic medicine—but Mr. Nixon has not exactly been modest or tentative in asserting his unprecedented claim of authority to impound funds systematically to carry out his economic policies and to cut or kill programs which he dislikes. Nor has the President shown any signs of tempering his actions or his tone. For instance, in his veto message on the bill to prohibit impoundment of rural water and sewer grants, Mr. Nixon declared that the measure is not only bad policy, which it is, but also "probably unconstitutional," which it probably is not.

A frontal congressional challenge to this arrogation of power is doubly important because scattershot attempts to have individual programs are not likely to promote either the programs or the principles involved. The sequence of thrusts and parries is becoming drearily familiar. Congress appropriates. The President impounds. Congress passes a bill to mandate spending. Mr. Nixon vetoes the bill. It is a match which the administration will usually win, for the advocates of a program must muster two-thirds in both the House and Senate, while Mr. Nixon requires only one-third plus one in either house. Nor can the campaign of dismemberment be halted in the courts, for court action is slow and likely to turn on statutory nuances. The Eighth Circuit apellate court, for instance, expressly did not reach the constitutional issues in its decision in the highway case last week.

Against this scene of squabbles, the Ervin amendment stands out as an ambitious move in congressional self-defense. From a constitutional standpoint such an initiative is overdue. From a political perspective, it has the defects of its merits, for it implies that Congress is prepared to face the hard spending decisions which the legislative branch has ducked so often in the past. As an approach to fiscal policy, it will work only if Congress manages to practice greater economic sense and deal with the budget far more coherently. This underscores the importance of the long-range reforms in congressional handling of the budget which are now being weighed by a prestigious joint committee. If the spirit of reform and reassertion persists on Capitol Hill, Mr. Nixon may well find that, in the course of winning a few budget skirmishes, he has called into being a far more capable and resourceful Congress—and a less compliant one.

ASSISTANT PARLIAMENTARIAN BIL COCHRANE'S RETIREMENT

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 1973

Mr. FINDLEY. Mr. Speaker, few events in recent years have caused me such deep disappointment as the news that Bil Cochrane, Assistant Parliamentarian, is retiring from his duties because of ill health.

He has become one of my closest friends on Capitol Hill and in addition to being a great help to me professionally, I have looked to him for counsel and inspiration on many day-by-day problems. In fact, I assumed that I would have the good fortune to continue this close relationship for years to come.

It is difficult to imagine how the House of Representatives will be without his patience, consideration, good humor, and fairmindedness. I join in the fervent hope that his health will soon be completely restored so that he in turn can be restored to all of us.

WASHINGTON AVENGES GENERAL BRADDOCK'S DEFEAT

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 9, 1973

Mr. GAYDOS. Mr. Speaker, the world of sports is filled with stories of Cinderella teams which, possessed with some special quality, enables them to accomplish feats the professional pundits never dreamed possible. So it was this year with a class A basketball team from southwestern Pennsylvania.

Chuck Airhart, a sports writer, described the happening this way:

> Back in 1755 George Washington tried to save Gen. Braddock from the Redskins and failed . . . Two hundred and 18 years later . . . Daryl Washington saved General Braddock from the Red Knights of Reading High School and the Pennsylvania State Class A Basketball Championship was won by a score of 63–62.

Mr. Airhart writes for the Free Press of Braddock, Pa., one of several communities which make up the General Braddock School District.

The victorious Washington referred to in his article is a young high school senior, who stood at the foul line in the championship game with the score tied and no time remaining on the clock. Young Washington stretched the tension, which already gripped the crowd, by missing the first of two free shots awarded him on a foul. But, he shut his ears to the roar of the crowd and calmly sank the second shot to give the high-flying Falcons of General Braddock High School the State class A crown.

Norm Vargo, sports writer for the Daily News of McKeesport, Pa., described Washington as a "Super Sub," who told himself after missing the first shot:

> I figured I better make this one or they'll say I choked. I didn't want anyone to think that way so I just got the feel of the ball better and put it up.

His attitude was typical of a team that had been making believers out of skeptics all year.

However, there is something far more important to be realized from General Braddock's basketball victory than a trophy. The team won more than a championship; they won the respect and admiration of the people in the communities which make up the new school district. And, in turn, they gave those people something to be proud of, a common bond to unite them in a new venture which requires them to give up old loyalties and past ideas. These 12 young men, who won a State championship for a new school after just 47 games, well deserve the banquet being planned in their honor by school authorities as well as officials and residents of the communities of Braddock, North Braddock, and Rankin.

Mr. Speaker, it is with great pride I present to my colleagues the Falcons of General Braddock High School, class A basketball champions in the State of Pennsylvania: Daryl Washington, James Smith, Alan Richardson, Ron Johnson, Hosea Champine, Robert Shipman, Gary Anderson, Grady Grant, Gene Rice, Zebbie Gibson, Leon Quick, and Butch Stewart, along with Head Coach Paul Birch and his assistants, Greg Smith and Matt Furjanic, Jr.

"CULTURAL PRIZE OF TELEVISION" AWARDED TO MARIFE HERNANDEZ

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 9, 1973

Mr. BADILLO. Mr. Speaker, I would like to take this opportunity to recognize the outstanding contribution made by a member of the New York Puerto Rican community toward improving understanding between this particular ethnic group and the other diverse elements which combine to make up our city.

Marife Hernandez was born in Toa Alta, Puerto Rico, and came to New York at the age of 13. She is a graduate of Wellesley College and Columbia University's School of International Affairs, and has done additional work at the American Academy of Dramatic Arts and Actors Studio. In 1969 she approached WPIX–TV with the idea of doing a special show on Puerto Ricans in the city. The station bought the idea, and for nearly 4 years now Ms. Hernandez, through her television program, "The Puerto Rican New Yorker," has been working to promote the identity of our Latin population. For her efforts she was recently awarded the "Cultural Prize of Television" by the Institute of Puerto Rico. The following news item, released by WPIX–TV in New York, further describes Ms. Hernandez's achievements:

> Marife Hernandez Awarded "Cultural Prize of Television" by the Institute of Puerto Rico
>
> Marife Hernandez, a producer of WPIX–TV's community affairs series, "The Puerto Rican New Yorker," has been honored by the Institute of Puerto Rico for her valuable contribution to the Hispanic community of New York.
>
> Resident Commissioner Jaime Benitz traveled from Puerto Rico to personally present the 1973 "Cultural Prize of Television," unanimously awarded to Miss Hernandez on February 18, for her efforts in widening community activities and interests of Spanish-speaking people in the area.
>
> On her program, Miss Hernandez underscores the Puerto Rican identity in New York City, which now has in excess of one-million residents of Puerto Rican background. The program also focuses on the needs and interests of the Puerto Rican community and its many contributions to the cultural, social and civic development of the Metropolitan-New York area.
>
> "The Puerto Rican New Yorker" is seen on Channel 11 Sundays at 8:30 PM and repeated on Tuesday at 10:30 PM.

SOUTH VIETNAMESE CIVILIAN PRISONERS

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 9, 1973

Mr. HARRINGTON. Mr. Speaker, last Monday, on the first day of consultations between President Nixon and South Vietnamese President Thieu, several Members of Congress, myself included, spoke out on the tragic situation of the South Vietnamese civilian prisoners. It is my hope that this is only the beginning of a successful campaign by the Congress and the American public to set aright these conditions.

An article by Anthony Lewis, of the New York Times from last week, puts the visit of President Thieu in human perspective—the misery and torture that underlines Mr. Thieu's regime. It is ironic to note that Mr. Lewis' article appears 5 years to the day that Lyndon Johnson announced that, because of this destructive war and paralyzing alliance, he would not seek reelection.

After these 5 long years, it is time to think seriously about this country's relationship in the future with the present Saigon regime. Mr. Lewis' article is worthy of serious thought. For this reason, I now insert his article in the Record:

> Whom We Welcome
>
> (By Anthony Lewis)
>
> London.—Those with weak stomachs for the unpleasant should stop reading now.
>
> "It is not really proper to call them men any more. 'Shapes' is a better word—grotesque sculptures of scarred flesh and gnarled limbs . . . years of being shackled in the tiger cages have forced them into a permanent pretzel-like croch. They move like crabs, skittering across the floor on buttocks and palms."
>
> That was a description in Time magazine recently of an exceptional group of beings: former political prisoners in South Vietnam. They are exceptional because they exist. Those who go to South Vietnam's prison island, Con Son, rarely emerge in any living form.
>
> The Time report, filed by David DeVoss, quoted one of the men as saying he had been arrested one day in a park, with his wife and children. "The police attached electrodes to my genitals," he said, "broke my fingers and hung me from the ceiling by my feet. They did these things to my wife, too, and forced my children to watch."
>
> In the tiger-cage cells on Con Son, the report said, "water was limited to three swallows a day, forcing prisoners to drink urine. Those who pleaded for more food were splashed with lye or poked with long bamboo poles."
>
> That picture of what happens to those arrested by the Saigon Government on political suspicion is the same as many other conscientious and unhysterical observers have given. Some of the evidence is so much more horrible that no paper would want to print it; reading it, no one could doubt that a large number of prisoners in South Vietnam suffer systematic torture and starvation.
>
> But why mention it now? Americans are trying to forget Vietnam, and they have never shown much interest in the torments of the political prisoners anyway. Well, the answer is that an occasion makes remembering a duty. That is the forthcoming visit to President Nixon in San Clemente by the

South Vietnamese President, Nguyen Van Thieu.

Delicacy of feeling is a luxury that governments seldom feel they can afford in international relations. If we restricted our relations to those regimes whose standards of justice and decency we approve, it might be rather a limited list. Realism requires us to do business with all sorts of governments, Communist dictatorships and rightist tyrannies among them.

But doing business is quite a different matter from giving a symbolic stamp of approval. There are credible arguments for keeping up links with South Africa and Greece, for example, but it would be another thing to invite Prime Minister Vorster or Premier Papadopoulos to the United States.

In the case of President Thieu, it is easy to understand the reason for his visit. He has proved a much stronger, more durable leader than most of us who have been his critics expected. His determination made it possible for Mr. Nixon to get American forces out of Vietnam as he wanted to, without a final political settlement.

But even within the scope of the Nixon policy, it is questionable wisdom to give Thieu the accolade of an American trip. The interest of the United States now is to encourage an indigenous political process in South Vietnam, a peaceful evolution away from the polarization of the war. Our direct military role is about over, now we want to move toward a period of political benign neglect.

President Thieu is of course a polarizing figure par excellence. Neutralism is a crime in his universe. To show a continued American investment in his pre-eminence must inhibit any process of peaceful change—and, once again, unnecessarily commit American prestige. We link our destiny to his.

That is the commonsense political argument against welcoming Nguyen Van Thieu to the United States. But there is also, inescapably, the argument of feeling. The world is full of cruelties, and we cannot cure them, but it is not necessary to proclaim our insensitivity by such a symbolic act.

Estimates of the number of political prisoners in South Vietnam range up to 300,000. The leading American authority, Don Luce, puts the figure at 200,000. Half that, 100,000, is the equivalent in population terms of more than 1 million political prisoners in the United States.

A Frenchman who spent more than two years in South Vietnamese prisons, Jean-Pierre Debris, spoke recently of the apparent American indifference to the problem. He said:

"If they could bring one Vietnamese from the tiger cages of Con Son to the United States, and people could just look at him, that would be enough. He would not have to speak English. There would be no need of press conferences, articles, speeches. If the American people could just see that one man half-blind, unable to walk, tubercular, scarred, it would be enough."

AMERICAN ASSOCIATION OF DENTAL SCHOOLS OBSERVES 50TH ANNIVERSARY

HON. DANIEL J. FLOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 9, 1973

Mr. FLOOD. Mr. Speaker, from April 8 to 11, 1973, the American Association of Dental Schools will be holding its 50th annual session here in Washington, D.C.

This association includes every U.S. dental school in its membership and represents many other institutions and has over 2,000 individual members. It is most appropriate that it is celebrating its 50th anniversary in the Nation's Capital, for it recently moved its headquarters office to Washington in order to improve liaison with Congress and agencies of the Federal Government and other health and education organizations.

Over half of the total operating support of the country's dental schools is provided by the Federal Government. Realizing this fact, we note with satisfaction that this association has joined us in Washington, and we look forward to an effective liaison between the Congress and the American Association of Dental Schools in order to effect optimum dental health care for the public.

I request that my colleagues in the Congress join me in expressing congratulations to the American Association of Dental Schools on its 50th anniversary, and to welcoming it to Washington.

ADMINICIDE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 9, 1973

Mr. RANGEL. Mr. Speaker, the Education and Labor Committee of the House of Representatives recently held hearings in New York City to consider the impact of President Nixon's proposed budget on the urban environment.

The word that was used to describe this impact was "adminicide." How well this term applies. For President Nixon is seeking to conceal his distaste for underprivileged and minority people through administrative transfers, freezes, and cutbacks. This trickery has not succeeded. Concerned citizens of all economic backgrounds, and races and political affiliations have joined together to say "no" to the President's policies of "adminicide."

I submit a New York Times editorial of April 2 entitled "Urban Adminicide" for this body's consideration:

URBAN ADMINICIDE

A word was used at a recent public hearing in New York City to describe the impact of Federal spending cutbacks in antipoverty programs. The word was "adminicide." It was used in reference to the killing of some programs by administrative fiat without concurrence of the Congress. While there have been numerous announcements of freezes, curtailments and cutbacks throughout the Federal budget, hearings in this city and elsewhere have revealed a special relationship among them all.

The programs being curtailed include those for the construction of subsidized housing, the upgrading of blighted neighborhoods, the provision of day care and senior citizen services as well as job training and public service employment. Each curtailment has its ripple effect; thus, to trim summer job programs for teenagers means the loss of day camp counselors for grade-school youngsters. To cut out community action programs would throw out of work several thousand New Yorkers who, when on the job, provide outreach services for hundreds of thousands of low-income residents.

According to New York City Human Resources Administrator Jule Sugarman, there is no validity in the charge by some critics that money appropriated for this antipoverty effort fails to reach the poor. He points out that one-third of those employed by community action programs were themselves on welfare prior to their employment and that another one-third were working for poverty-level wages or less. The Neighborhood Youth Corps summer program, now threatened, last year employed 50,000 city youths in the 14-to-21 age group. To shift funds to this agency from the emergency employment program for adults is no real solution; as has been suggested, it would at best mean robbing father Peter to pay son Paul.

Still other Federal actions jeopardize a whole spectrum of social service programs. In the absence of special revenue-sharing money, there is grave uncertainty over continued Federal funding for day care centers, foster care programs, adoption services and senior citizen centers. Under one pending Federal regulation, persons with incomes that exceed the welfare level by one-third or more will no longer be eligible to send their children to federally subsidized day care centers. This absurdly counter-productive rule could force many mothers to give up their jobs and return to the welfare rolls.

These separate administrative decisions, each perhaps small in its own way, flow into a single current that sweeps toward an irresistible conclusion. They come in the context of other efforts by the Nixon Administration to dismantle the Office of Economic Opportunity; to tuck some of its functions elsewhere in the vast bureaucracy, thus downgrading them; to discontinue others like the community action program altogether.

The loss of Model Cities funds, the freeze on housing construction, the cutbacks in antipoverty programs—all this seems aimed at the poor and the weak and the helpless, the minority Americans who have come to live in increasing numbers in inner-city areas. This is urban "adminicide."

RETIREMENT OF WILLIAM P. COCHRANE

HON. RICHARDSON PREYER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 1973

Mr. PREYER. Mr. Speaker, those of us from North Carolina are especially sorry to see Bil Cochrane retire but we take particular pride in the accomplishments of our native son. We are equally proud of his lovely wife Peggy who is also a native Tar Heel.

Bil has held a Government job and therefore qualifies as a "bureaucrat", I guess. If so, he has done more to humanize bureaucracy than anyone I know. Aside from his complete competence, his friendliness, his courtesy, his smile and tremendous sense of humor make "bureaucrat" a beautiful word rather than one of scorn.

We will wish Peggy and Bil a happy future on their beloved boat, *Sundown*. We hope *Sundown* will often find her way up the North Carolina Coast and even up the Inland Waterway to the Chesapeake Bay on occasion. Bil is one of those people who always gives you a lift when he greets you and we hope that he will drop in on us regularly in the future to give us that lift.

GEN. LEWIS B. HERSHEY

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 9, 1973

Mr. BRAY. Mr. Speaker, it was just a small notation required by law on page 11369 of the CONGRESSIONAL RECORD for April 6, 1973. The casual reader probably overlooked it:

> U.S. ARMY
>
> The following-named officer to be placed on the retired list in grade indicated under the provisions of Title 10, United States Code, section 3962:
>
> TO BE GENERAL
>
> Gen. Lewis Blaine Hershey, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Without that entry, the career of service to his country by the Hoosier farm boy from Steuben County, Ind., came to an end. He was 79 years old, the oldest military man on active duty. At his retirement ceremonies in front of the Pentagon, the man who oversaw the drafting of 14.5 million Amercans in three wars heard himself fittingly described by Secretary of Defense Elliot Richardson as the man "who marshaled two generations of Americans in defense of freedom."

When he enlisted in the Indiana National Guard in 1911, he had not the slightest inkling that his career would see him serve longer than any other figure in world military history in the most unpopular, controversial, and abused post conceivable in any nation's or state's defense establishment: conscription of men for the armed services.

The problems he bore were as old as the concept of an army itself. Gibbon, in his "Decline and Fall of the Roman Empire," commented on them:

> In the various states of society armies are recruited from very different motives. Barbarians are urged by their love of war; the citizens of a free republic may be prompted by a principle of duty; the subjects, or at least the nobles, of a monarchy are animated by a sentiment of honour; but the timid and luxurious inhabitants of a declining empire must be allured into the service by the hopes of profit, or compelled by the dread of punishment. . . .

Gibbon was writing for the period 300–500 A.D. It was not always thus, nor will it always be. There will always be those who enter, because they feel it their duty, or wish to make a career of wearing their country's uniform. Put quite simply, yes, the word is patriotism. I realize it is unfashionable to use it in the sense General Hershey believed in it, but it is still with us, and I believe always will be.

Our problems began with the founding of the Republic. On November 19, 1775, George Washington glumly wrote the President of the Continental Congress:

> There must be some other stimulus, besides love for their country, to make men fond of the service.

The concept of a draft has never been popular countrywide for our Republic, at any time in our entire history. But what is necessary is never measured by what is popular. Our Republic must always have men who realize this and who are willing to bear on their own shoulders the weight of scorn and abuse that their task will call forth from the petty and the carping and the small-minded.

Gen. Lewis B. Hershey was such a man. This descendant of pacifist Swiss Mennonites was fated to channel the manpower of the American Republic into formation of the greatest military power the world has ever seen. This is not without its own small touch of irony, to be sure. I do not know if General Hershey ever reflected on this. Knowing him to be a kind, thoughtful, generous, and compassionate man, I am sure he did.

He was named Director of Selective Service on August 18, 1941, and his career saw him serve under six Presidents. He retired once in 1947, but was recalled immediately. I dare say this record of service, demonstrating the trust and confidence held in him by the administrations of both political parties that he served, is surpassed by only one other such career in our history: That of J. Edgar Hoover.

And, in another comparison, General Hershey's Selective Service, like Hoover's FBI, was never once touched with the taint of scandal or corruption.

Perhaps some day someone will write the full story of this man's career, and in so doing will set the record straight on his last years as Director of Selective Service.

His position against antidraft protesters brought him a setback. On October 26, 1967, he urged the 4,000 local draft boards—mark well, here, the word is urged, because he could not order them; regardless of what his detractors said, his power to order anything was quite small—to reclassify and draft demonstrators who had violated the law.

This action brought accusations against him that he was using the draft to punish dissent. This emotional and groundless charge was typical of those he had hurled at him over the years. But to him, attacks on the draft were direct attacks on national security. Given the fact that at the time the draft was still very much in force and was felt by the administration to be essential to national security, General Hershey was absolutely correct.

In spite of his age and his near-blindness, General Hershey was not one to yield to the cries that he resign. He said later:

> I would have felt I was running away.

Perhaps he had in mind the remark attributed to Dr. Samuel Johnson:

> Exert your talents and distinguish yourself, and don't think of retiring from the world until the world will be sorry that you retire. I hate a fellow whom pride or cowardice or laziness drives into a corner, and who does nothing when he is there but sit and growl. Let him come out as I do, and bark.

Perhaps we will never need a military draft again. Many hope; some doubt this; no one can really say.

But we needed it before. When we did, the Republic was fortunate to have Gen. Lewis B. Hershey to direct it. Whether it is for the draft or not, let us hope we do see his like again.

As he is now in retirement, he can—and I hope he will—reflect to himself Othello's words:

> I have done the state some service, and they know't.

And also this, from John Bunyan's "Pilgrim's Progress":

> My sword I give to him that shall succeed me in my pilgrimage, and my courage and skill to him that can get it. My marks and scars I carry with me, to be a witness for me, that I have fought his battles who now will be my reward.

SUPPRESSION OF POLITICAL LIBERTIES IN SOUTH VIETNAM

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 9, 1973

Mr. MOAKLEY. Mr. Speaker, first, I would like to commend Congressman DRINAN for providing this forum so we might better inform ourselves and the American people on the implications of our massive aid to the Thieu regime in South Vietnam.

I was recently privileged to conduct a special hearing with Congressman DRINAN at Boston's Faneuil Hall on the urgent situation of South Vietnamese political prisoners. More than a thousand people learned of the terrors and brutality practiced by the Saigon regime against its civilian prisoners. We heard the testimony of two young Frenchmen, M. Andre Menras and M. Jean Pierre Debris, who for 2½ years experienced themselves the brutalizing prison treatment, and on the desperate fate of Saigon's 200,000 political prisoners. These are civilian prisoners from every walk of life, including women and children, whose crime, for the most part, is criticism of President Thieu and his repressive government.

I came away from the hearings horrified at the unspeakable treatment and torture these prisoners received; and convinced that I could not personally countenance continued U.S. funding of this despotic regime. Now with the visit of President Thieu to this country, I must publicly protest the use of American money to supply and construct the "tiger cages" in which so many hundreds of thousands of South Vietnamese are confined. I publicly protest the suppression of political liberties in South Vietnam. The Paris agreements, particularly article II provide that:

> Immediately after the cease-fire the two South Vietnamese parties will . . . ensure the democratic liberties of the people; personal freedom, freedom of speech; freedom of political activities, freedom of belief, freedom of movement, freedom of residence, etc."

It is our responsibility as U.S. Congressmen that the political requirements of the Paris agreements are not ignored.

It is our responsibility as U.S. Congressmen to refuse to authorize continued massive aid—$2.4 billion for fiscal year 1974—until the torture and inhuman treatment of the political prisoners is stopped.

And, it is our responsibility to inform the American taxpayer that his money is going to support a corrupt police state—at a time when so many of our own vital domestic programs are being cut and crippled.

I should like to call to the attention of my colleagues and the American public the Boston Globe editorial of Tuesday, April 3, which dramatizes vividly the meaning of President Thieu's celebrated visit.

Courtesies Can Be Overdone

The diplomatic courtesies paid to South Vietnamese President Nguyen Van Thieu by President Nixon at the San Clemente White House are about par for such visits, even though the participation of the celebrated Army herald trumpeters laid it on a bit thick. But it is not likely that Mr. Thieu's welcome will be quite so warm when he and his diplomatic aides begin lobbying disenchanted congressmen in Washingtin tomorrow. Nor should it be.

In a speech taped in Honolulu for broadcast here, Mr. Thieu said his American visit was for the purpose of thanking his "dear American friends" for their help in the war. He underestimated the amount of aid by some 5000 American deaths, incidentally, putting the figure at 50,000 instead of 55,000, and not mentioning the money cost of more than $100 billion.

The help he now wants from his "dear American friends," and the help Mr. Nixon appears to have promised him, is a bit much. His meeting with Mr. Nixon was arranged to shape new political, military and economic relationships between Washington and Saigon. But such aid is already budgeted at $2.4 billion for 1974, more than twice the proposed annual outlay in the domestic rehabilitation bill which Mr. Nixon vetoed last week as "irresponsible." There is little likelihood that senators and congressmen, who view the Thieu government as corrupt and oppressive, will look with favor on this expenditure, let alone more.

Congressmen of both parties are already up in arms over the Administration's unauthorized continuation of the war in Cambodia. And what both Mr. Nixon and Mr. Thieu now face is congressional support, which appears to grow by the day, for the Church-Case bill which prohibits the use of any funds for the reintroduction of any US military force in any part of Indochina.

President Nixon was threatening Hanoi when he said last week that his actions of the last four years are an indication of what he can do again if he deems it necessary to punish Hanoi for reported infractions of the cease-fire. But there are those in Congress and the nation who view the President's pronouncement as a threat not only to Hanoi but to the antiwar forces in the US as well.

Secretary of Defense Elliot L. Richardson allayed none of the mistrust when he refused, in a TV interview in Sunday, to rule out the possibility of the reintroduction of American troops and made some point of emphasizing that what Mr. Nixon might order in the future "could include any of the things that have been done in the past," Mr. Richardson may or may not have intended the ominous note, but it was there all the same.

Aside from military aid, there probably would not normally be many congressmen nor many other Americans either who, in reflection would deny reconstruction funds to both South and North Vietnam, which, after all, are one nation, not two. It was our bombs, napalm and defoliation techniques which devastated both parts.

But Mr. Nixon himself has diminished, for now, at least, the chances for reconstruction. He has done it by orchestrating the flood of torture stories told by American POWs, by insisting upon cutbacks in funds for domestic social purposes, and by proceeding with reconstruction negotiations all on his own before Congress has even considered them.

Even if Mr. Thieu were the best loved foreign leader who ever set foot in Washington, his work there would be cut out for him. One has the feeling, indeed, that he is wasting his time—and ours.

LOS ANGELES CITY COUNCILMAN TOM BRADLEY ON MASS TRANSIT

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 9, 1973

Mr. ANDERSON of California. Mr. Speaker, in the midst of the current controversy over Federal funding on mass transit systems, it is refreshing to hear a lucid, enlightening statement on one city's transportation problems and proposed solutions from a prominent city official.

One such statement was recently presented by Los Angeles City Councilman Tom Bradley to the Subcommittee on Transportation of the Public Works Committee.

Mr. Bradley presented his rationale in support of funding mass rapid transit in Los Angeles by the way of opening the highway trust fund.

Mr. Speaker, because Mr. Bradley's remarks are so timely and informative, I would like to share them with all of my colleagues:

Statement of Councilman Tom Bradley

Mr. Chairman, members of the Committee, I would like to address myself today to the need for mass rapid transit in Los Angeles and the assistance Congress and the Administration could render by opening the Federal Highway Trust Fund.

Southern California, particularly Los Angeles, has been known as the automobile capital of the country. In 1972 the South Coast Air Basin, of which Los Angeles is a part, contained over 10 million people and nearly 6 million motor vehicles. The Basin is still growing at about 1.7 percent increase per year. However, the automobile population grows more rapidly, at 3 percent to 4 percent per year, and gasoline consumption grows even more quickly.

The automobile has degraded our quality of life in Los Angeles; it causes 70% of our air pollution; it accounted for 48,000 deaths or injuries in 1971; 22% of the City's land use is devoted to the auto—65% in the Central City, and it increases noise pollution in the City by one decibel per year. Autos are inefficient: to transport a typical passenger, a car requires 50 times as much room as a rail rapid transit line doing the same job. Automobiles waste money: it costs the average Los Angeles resident $3,700 per year to operate a car in the City. Freeways to accommodate our autos have "divided and conquered" our city with ribbons of concrete—separating people from their job and from each other, destroying the integrity of neighborhoods, and encouraging urban spread and destruction of needed open space. Automobiles effectively utilize only 5% of the potential energy from the approximately 4 billion gallons of gas we consume in the Los Angeles basin. In light of an impending energy and fuel crisis, this waste is totally unacceptable; but as long as automobiles remain our principal more of transportation, the reckless consumption of dwindling supplies of fuel will continue unchecked.

We in Los Angeles can no longer afford to throw more and more cars on our already congested streets and freeways. We can no longer afford the luxury of a hit-or-miss piecemeal transportation plan—or worse, no real plan at all. We in Los Angeles need a creative transportation system that recognizes the intimate relationship between transit, job training and employment opportunities, adequate housing, and accessible recreation facilities. Good transportation to places of work which induces development of industries committed to employing local residents and benefiting the entire community. Good transportation will go far to relieve the social pollution of ghetto conditions. An effective and available transit system will rectify the long-neglected transportation needs of 40% of the City's population who are too old, too young, too poor or too handicapped to own and operate an automobile.

The lack of a clean and effective mass rapid transit system in Los Angeles has brought us face to face with an Environmental Protection Agency proposal to ration gasoline. This proposal was prompted by the fact that Los Angeles will not be able to meet the Federal Clean Air Standards by 1977. I believe these are realistic standards, and should be met so that Los Angeles can maintain a healthy environment. It is clear that meeting the Clear Air Standards and providing mass transit go hand-in-hand. I think the Congress was not only clear in its intent to clean up the nation's air when it enacted the Clean Air Act Amendments in 1970, but also actions necessary to comply with the federal law. In fact, a report of the Senate Public Works Committee on the act forecast the trends of change the new law would require:

"As much as 70% of the traffic may have to be restricted in certain large metropolitan areas if health standards are to be achieved within the time required by this bill."

The report warned that:

"Construction of urban highways and freeways may be required to take a second place to rapid and mass transit and other public transportation systems. Central City use of motor vehicles may have to be restricted."

It is unfortunate, but both state and local governments, including Los Angeles, have not accepted the need for such action. Indeed, state and local governments have adopted a posture of "who cares" about this vital legislation.

Two years have come and gone since the warnings by the Congress. And what has happened since then? First, the auto companies, who have been aware of the threat posed by motor vehicle emission in the Los Angeles area for over 20 years, have continued to refuse to develop or even consider alternatives to the internal combustion engine. Their lack of concern and action in developing a smog-free engine is directly responsible for Los Angeles' air pollution crisis.

Second, we know that even if all cars in the Los Angeles Basin meet the 1975–76 emission standard, motor vehicle related pollution levels would still exceed the levels necessary to protect public health. I believe the auto companies are leading an effort to undermine even those standards—a ploy which, if it succeeds, will only force upon more communities the kind of crisis faced by Los Angeles.

Thirdly, the irresponsible actions of a number of corporate oil companies in 1970 here in California were responsible for the defeat of Proposition 18. This Proposition would have permitted the use of funds from the State Highway Trust to be used for public transportation programs. The oil companies mounted an unprecedented assault on this measure—solely out of greed and corporate irresponsibility.

Finally, Congress has tried twice to redirect our transportation policies and priorities by expanding the uses of money from the highway trust fund to include support for public transportation projects. And twice failed.

That brings us to the situation we face today.

I believe viable alternatives to E.P.A.'s proposal for gas rationing are available and should center around a comprehensive mass transit program and better land use controls aimed at redirecting and restricting the City's urban growth.

Let's be candid, if Los Angeles has any hope of avoiding the catastrophic consequences of gas rationing, people must not have to reply exclusively on the auto for transportation. For this to happen, Los Angeles' mass transit system must be drastically increased. This can only become a reality if massive funding is available from the Federal government.

It is imperative then that Congress open up the Federal Highway Trust Fund as provided for in legislation such as H.R. 101 and a companion measure, H.R. 3343, to channel funds now used for highway construction to public transportation improvement. I was pleased to observe the Senate's passage of legislation, last week, to accomplish this. Enactment of provisions contained in H.R. 101 and H.R. 3343 will assist local governments, in a flexible manner, to develop a balanced transportation system. Additionally, it can provide cities such as Los Angeles, with funds needed to expand their mass transit system, to get people out of their autos, and thus reduce air pollution. Even if the provisions of H.R. 101 and H.R. 3343 are enacted, there still may not be sufficient funding priority given to those cities having difficulty meeting the Clean Air standards. For this reason, I additionally support H.R. 3905 which will provide 10% of the Highway Trust Fund monies be allocated for emergency transit funds for cities such as Los Angeles, who are failing to comply with the Clean Air Act.

While enactment of H.R. 3905 would be the most desirable course for providing these emergency funds, passage of the bill is somewhat in question. So I would propose that any mass transit funds provided for under H.R. 101 and H.R. 3343 be allocated on a priority basis, to those cities which E.P.A. has certified as unable to achieve by 1977, levels of air quality required by Section 109 of the Clean Air Act. The priority funding would be in the form of emergency assistance to enable the cities to comply with the congressionally mandated air quality standards.

Such emergency assistance could be used in Los Angeles to: drastically increase the size of the Southern California Rapid Transit District's bus fleet; initiate a major program to construct exclusive bus lanes, utilizing existing freeway lanes and improved rights-of-way; and expanded use of the "mini-bus" system, to provide low cost transportation within major activity areas—to connect the areas with outlying parking lots and express bus stops.

I believe such priority funding would greatly assist Los Angeles in meeting the national air quality goals, as well as assisting in expanding the City's mass transit system.

It is mandatory that Los Angeles act now on the construction of a mass rapid transit system. A system which will be an efficient and attractive alternative to the auto.

We in Los Angeles will soon be ready to embark on the construction of such a system. For the system to be initiated, support must come from Washington. I believe this will require the appropriation of more transit funds, not less. The Federal Highway Trust Fund is an appropriate and reasonable source to be tapped, to meet this urgent need.

I believe it is long overdue for Los Angeles to join with Federal agencies and build an efficient rapid transit system. As a City official and First Vice President of the National League of Cities, I am commited to working with Congress and the Administration to accomplish this task.

JUVENILE JUSTICE: A CITY CRISIS

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 9, 1973

Mr. RAILSBACK. Mr. Speaker, I have long been concerned about the many young people who collide with our juvenile justice system. The series presented in the New York Times this month provides some valuable insight into our efforts and into our failures. "Juvenile Justice: A City Crisis"—the first article in the four-part series—is depressing, but certainly points out the need for more attention to be focused upon those young people who have run afoul of the law. I am certain this will be interesting and of concern to all my colleagues.

The article follows:

JUVENILE JUSTICE: A CITY CRISIS WHERE SYSTEM IS HARMING, NOT HELPING, CHILDREN

(By Lesley Oelsner)

The juvenile justice system of New York City has slipped into confusion and despair, caught in a crisis so severe that judges and jailers alike often say they are harming more children than they are helping.

A five-week study by The New York Times, involving visits to courtrooms and jails and interviews with scores of judges, lawyers, probation workers and others, found that the system is marked by high recidivism, inefficiency, muddled policies, inadequate resources, and almost total inability to rehabilitate.

Judges treat children illegally and admit it.

Children who are not accused of crime are jailed.

Eight-year-old boys get police records for playing ball on the street, girls for being raped.

Children are placed in institutions that, according to the officials in charge of the institutions, are "irrelevant" and "damaging."

The justice system loses track of children in its care and doesn't know how many have been lost.

Into the beleaguered system come thousands of boys and girls accused of everything from minor trouble-making to robbing, raping, killing. Many of them—all under the age of 16—are sent back to the streets they came from, only to reappear, short periods later, on new charges.

Youngsters commit acts as serious and shocking as those of adults—throwing a little girl from a rooftop to her death, for instance; raping a girl and then setting her afire; hacking a boy with machetes.

"It scares the hell out of me," says Judge William Berman of Brooklyn Family Court. "Fourteen and 15-year-olds who are vicious people—they're criminal elements."

The juvenile justice system is the children's equivalent of the adult criminal justice system—an amalgam of the police and courts and probation officers and lawyers, geared to dealing with essentially criminal behavior such as assault and robbery.

But it is also much more: Unlike the adult system, the juvenile system has jurisdiction over a whole range of noncriminal behavior which society, in the form of its legislature and judges, has deemed unacceptable or troublesome in its young. Behavior such as skipping school, or staying out late or being drunk.

The Family Court is at the heart of the system, dealing with both the criminal and the non-criminal types of misbehavior; it is at the heart of the crisis as well, its courtrooms and records replete with tale after tale of children gone—or sent—astray.

But thousands of children become enmeshed in the system without going to Family Court: The police simply record their misdeeds in department files and send the youngsters home; or they bring the children to court and the case is "adjusted" (in effect, thrown out) by the probation authorities who must process each case before it is filed.

"What we've done to kids is just disgraceful," says Judge Philip D. Roache of Brooklyn Family Court. "We send them direct to the [adult] criminal courts, by our inadequacies and our inability to stop them when they start."

The law denies children many of the rights it provides adults. Children do not get jury trials, for example. And children, unlike adults, are subject to "preventive detention"—keeping someone in jail pending trial for fear that if released, he would commit another crime.

But sometimes, children are denied their rights by the judge rather than the law—the constitutional right, for instance, to be presumed innocent until proven guilty.

A 15-year-old youth charged with robbing and trying to sodomize a 9-year-old boy has just been brought to Brooklyn Family Court. It is the "intake part," the first stage in the court process, and the accused's mother is speaking to the judge.

"My son goes to work after school," she tells him. So, she says, her son could not have been in the place where the attack occurred, and the case should be dismissed.

Judge Richards W. Hannah peers down at the written charges; then, the presumption of innocence notwithstanding, he looks up at the mother and tells her that her son "seems to have gotten to" the 9-year-old. The judge then sets a date for a hearing on the charges.

Judges also often violate specific statutes and orders, explaining either that they do it "in the child's best interest" or that they have no alternative. One type of illegality is what they call "therapeutic remand"—sending a child to jail for a spell to jolt him into good behavior. "You sort of shock him to his feet, like electric shock treatment," explains a judge in Queens Family Court who did not want his name used.

Florence M. Kelley, administrative judge of the Family Court, says that she has told her judges not to do this and that she has even had a psychiatrist tell the judges that the concept of "therapeutic remand" is false. But some of the judges persist.

"In selected cases," says the Queens judge, "it works very well."

Another law often flouted by the judges is the one that spells out how long a child can be kept in detention.

Held as long as is legally permissible, a youth is brought before Queens Judge Saul Moskoff for a hearing. But things are not ready for the hearing, and it seems too risky to send the boy home.

"I'll stretch the statute for a day," announces Judge Moskoff, and the boy is led off, back to jail. Sometimes the statute is stretched for a week, or more.

Because the juvenile system has such broad jurisdiction, children can land in jail without committing—or being accused of committing—a crime.

It is 1:37 a.m. at Spofford, the city's main children's jail, in the ravaged Hunts Point section of the Bronx. A police car roars into the driveway; two officers alight, go to the back door, and take out their prisoners.

The prisoners: two girls, a sixth-grader and a seventh-grader, handcuffed together. The charges: staying away from home overnight. Or, as the sixth-grader tells it, "I ran away—three times," each time for a day or two.

The girls, like two others brought to the jail a few minutes later, also in handcuffs, are "PINS cases"—PINS being the courthouse acronym for "persons in need of supervision." The law gives Family Court jurisdiction over PINS children, defining PINS as a boy or girl under 16 who doesn't go to school as required or who is "incorrigible, ungovernable, or habitually disobedient and beyond the lawful control of parent or other lawful authority."

In the 1971-1972 court year, the Judicial Conference reports, of more than 4,000 PINS cases processed through the New York City courts, at least 1,150 boys and girls were jailed for such things as running away or truancy.

The other type of youthful behavior that comes to court is termed "juvenile delinquency," with a delinquent defined as "a person over seven and less than 16 years of age who does any act which, if done by an adult, would constitute a crime."

More than 5,000 J.D. petitions were actually filed with the court in the 1971-1972 court year; at least as many additional J.D. accusations were made but, instead of being formally filed, were disposed of in the "adjustment" stage that precedes filing. Figures here as throughout the system are sketchy, but at least 1,400 children accused of delinquency were jailed in that period.

To get rid of their unwanted children, parents often dump them into the juvenile system by filing PINS petitions. Many times judges reject such petitions; sometimes they even order neglect petitions filed against the parents. But not always.

And case after case shows the "stepfather syndrome," in which the mother's new boyfriend either tells the mother to get rid of the daughter, or rapes the girl (after which she runs away), or the mother fears that the child is an obstacle to the romance.

"I thought you were going home," Elsie Ponder, a Spofford official, says as she starts to frisk a 13-year-old girl whom the Brooklyn Family Court has just sent back to jail.

"I thought I was going home too," the girl replies. "But you know what my mama said? 'If you come home, you regret the day.' "

Some judges and lawyers say it is unfair to jail or penalize children for the misdeeds of their parents. And Jerry McCarty, an admissions officer at Spofford, said he felt that way too when he started in his job. But his attitude has changed.

"When you find out what their home life is," he says of the children, "you're not detaining them, you're protecting them."

Dozens of children collide with the juvenile justice system each day. And in the process some get lost.

"Patrica is still missing." reads the Judicial Conference's file on a 16-year-old girl who had been sent to Bellevue Hospital after repeated court appearances on a variety of charges, ranging from prostitution to neglect of her own child.

"Absconded," is the penciled-in notation in another file, that of a 15-year-old boy named Roger who is considered "both psychotic and dangerous" and who has assaulted and robbed.

No one knows how many Patricias and Rogers there are, for the Family Court is often not notified when a child flees a reform school or hospital or other institution, and there is no central registry in the system.

The economic status of a family often determines what happens to a child in trouble. Wealthy parents can send their offspring to psychiatrists or boarding schools; low-income parents are more likely to resort to the police and the courts.

Besides, the Family Court is required to make up best "disposition" possible for each child. For the child of wealthy parents, this frequently means he will be returned to his family for medical or educational care that the system can't afford but that his parents can. In a similar case involving a poor child, the court may place him in a public institution.

"It's prejudicial against the poor child," says Judge Kelley, "because the services we want for children aren't available on a nonpaying basis."

The system also treats children in a way that some lawyers and even a few judges deem racist. The vast majority of children who appear in Family Court are black or Puerto Rican, but fewer than a quarter of the court's 39 judges are. And partly as a result, some of those judges say, their court is racially biased.

"I don't think it's an active bias," says Judge Joseph D. DiCarlo of the Bronx Court when asked about the racism, "but you will constantly hear some [judges and court personnel] say, 'they're all black,' 'they're all Puerto Rican,' 'what are we coming to?' "

Throughout the juvenile system, records are supposed to be confidential. But it is widely agreed that the policy is not always followed. Of the Family Court records, for instance, Judge Gilbert Ramirez of Brooklyn says this: "The shroud is very porous."

Then there are the police records—the so-called "juvenile reports" or "Y.D. cards" (Y.D. standing for Youth Division of the Police Department), which are filled out for minor violations such as riding the subways without paying and for such misdeeds as playing ball in the street and being "rowdy" or drunk. A girl can get a card being the victim of a rape. In 1971 the police filled out 60,384 of them, according to the department, up from 31,928 in 1961 and 45,473 in 1966.

As a result of a recent court ruling, the Police Department agreed to destroy most of these records when the child in question reaches 17, and to otherwise tighten up security procedures. Yet at least one high-ranking member of the Youth Division, who requested that his name be withheld, still questions the constitutionality of the cards.

Most of the people in the system who were interviewed saw myriad reasons for the myriad signs of failure in the city's juvenile justice system. But generally, the reasons fall into three main areas: lack of resources, including services for children and trained personnel; the fragmentation of the system, with its plethora of private and public agencies and its lack of over-all accountability; and confusion over what rights a juvenile should have and what a juvenile justice system should be.

It is the first—the lack of money, staff facilities, training, knowledge—that the people in the system complain of the most. And of all the things missing, they say, the most crucial is sufficient programs, both residential and non-residential, for the children.

A 14-year-old girl is brought to court by her grandmother; the girl has been staying out too late, the grandmother complains, and is otherwise "uncontrollable." So the court places the child in a "temporary shelter"—a non-secure institution in which children live while going into the community for shopping, say, or sometimes school—promising to transfer her soon to an appropriate home or program.

At 16 the girl is still in the shelter, the court having failed to find any person or any agency willing to take her. She is in the shelter, pregnant now, about to give birth to an illegitimate child.

Judge Kelley explains: "You can have the fairest hearing in the whole world, Law Guardians [as Legal Aid lawyers in Family Court are called], Corporation Counsel, a very fair tolerant judge, a marvelous probation report (which we don't always have)—you can have all that, and you determine based on that, and you know what the child needs, and you look around and it's not there.

"So, what difference does it make, whether there is a Corporation Counsel there or not?"

While children can be placed in a variety of programs—some run by the city's Human Resources Administration and a larger number run by private agencies (with the H.R.A. footing much of the bill)—there are still nowhere near enough. Beyond that, the selection policies of some of the private agencies tends to reject some of the most difficult children.

According to people in the system, other things are missing, too; adequate training for staff in reform schools and shelters and probation (as officials in each area concede); programs for homosexual children; adequate statistics and other information; efficient management techniques.

In the last fiscal year, the financially pressed Family Court returned $31,000 in unspent funds to the city, a "human error" that Judge Kelley says would not have happened if the court were run in a more businesslike fashion.

People in the system don't talk quite as openly about the proliferation of agencies and governmental units with little over-all accountability—but, when asked, many agree that it is one of their biggest problems.

The juvenile justice system here includes the police, the Family Court, the Judicial Conference, the New York City Office of Probation, the H.R.A. (division of Special Services for Children), the state's Division for Youth, the Legal Aid Society, the Corporation Counsel (which acts as prosecutor for children), the State Board of Social Welfare (which is supposed to investigate and set standards for institutions), and dozens of private agencies.

The Judicial Conference recently created an Office of Children's Services to gather information and foster cooperations between the various parts, but the office, one of the few recent improvements in the system, lacks much power.

"It's a non-system," says John A. Wallace, director of the city's Office of Probation. "The only thing that ties the thing together is the kid."

Yet of all the causes of the system's present troubles, the most crucial, perhaps, is the confusion over how the law should treat the child.

The concept of a separate type of justice for children took hold about the turn of the century, and it was, in the beginning, a reasonable and humanitarian concept: Children who misbehaved would not be treated like adult criminals; instead, they would be "helped" by a paternalistic court and given special services and treatment to "rehabilitate" them.

Because they were not being treated as criminals (nor even termed "defendants"), it was thought, the children would not need, and thus would not have, the rights which are accorded to adults charged with crime. As Judge Leo Glasser of the Brooklyn court puts it, it was in effect "a contract" between children and society—children giving up their rights in return for special service.

But after a while, it became apparent that the contract was not being kept; Children were not getting much, or sometimes anything, in the way of special services. The United States Supreme Court started giving children back some of their rights—the right to a lawyer, the right to be adjudicated "beyond a reasonable doubt" rather than simply by a "preponderance of the evidence."

New York's children, in fact, often get more rights than the children of other states, due in large part to the efforts of the Legal Aid Society's Family Courts bureau under Charles Schinitsky.

Yet the desire to treat children in a special way continues. And as a result, so does the debate: Is Family Court a criminal court? A civil court? A court at all, or a social work agency?

In New York, the debate focuses on two areas: the role of the Legal Aid lawyers, or "Law Guardians," who represent nearly all the children in PINS and J.D. cases; and the justification for having PINS cases in court.

Legal Aid perceives its role in the traditional attorney-client relationship; many judges and others think the lawyers should see themselves more as "guardians" and helpers of the court in its social-work role.

As for PINS cases, both Legal Aid and the New York Civil Liberties Union—as well as some of the judges themselves—argue that PINS cases do not belong in court at all. The child is accused of no crime, the argument goes; why should he be sent through what is essentially a criminal procedure?

Most judges argue otherwise, saying that the PINS children are often "J.D.'s who haven't been caught." And where else can PINS children go for help? they ask.

"That's the big thing in the Family Court—is it a law court or is it sociology?" asks Mary Bass, director of the Corporation Counsel's Family Court operation. "I think there has to be recognition that this is a court. After all, what's happening is that these kids, in the last analysis, are being deprived of rights."

Says Milton Luger, director of the Division for Youth: "This should all be thought through again."

PAT GRAY ESTABLISHED EXEMPLARY RECORD AS HEAD OF THE FBI

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 9, 1973

Mr. McCLORY. Mr. Speaker, while the President has felt impelled to withdraw the name of L. Patrick Gray III, for further consideration as Director of the Federal Bureau of Investigation, it seems appropriate to comment on the excellent qualifications and outstanding talents of Pat Gray in this sensitive and highly professional Office.

A very thoughtful commentary on Pat Gray's special attributes and his early service as Acting Director are the subject of a column by the distinguished and outspoken Chicago Tribune columnist, Bob Wiedrich. This strikes me as a more significant analysis of Pat Gray's qualifications as Director of the FBI than I have been able to gather in most of the accounts disseminated by the media.

Mr. Speaker, I realize this is kind of a post mortem, in view of the President's decision to withdraw Pat Gray's name from further consideration. However, a man possessing these outstanding qualities merits the kind of fair judgment which Bob Wiedrich has expressed—sentiments with which I concur.

PATRICK GRAY HAS LET AIR INTO FBI

(By Bob Wiedrich)

Were Acting Director L. Patrick Gray inclined to dispatch a note in a bottle to the White House, its contents probably would read:

"Help! Save me! Being held hostage on Capitol Hill."

For that, in substance, is the pickle in which Gray finds himself as fallout from the controversial Watergate case cascades upon his head at Senate hearings on his confirmation as the late J. Edgar Hoover's successor.

Sadly, Gray has been caught in the switches of good old fashioned partisan politics and doesn't deserve it.

But as a pawn, Gray may go down the drain. The Democrats have latched on to a sterling political issue and you can't blame them for not letting go.

Now, we won't attempt to pass judgment on the electronic bugging of Democratic Headquarters last year except to observe the affair qualifies as one of the most inept, stupid, and pointless efforts in the history of American politics.

Those responsible should have been indicted for idiocy, if for no other reason.

Unfortunately, Gray may have to pay the price of that idiotic conduct. And the FBI and the American people will be the ultimate losers.

During his 11 months as acting FBI chief, Gray has come a long way in turning around the agency without hurting either its effectivess or its integrity. He has won the hearts of field commanders and improved the lot of working stiffs.

And he has done all these things without diluting the image of Hoover's spotless 48-year stewardship as the first and only director of the FBI. In effect, Gray has humanized an organization that had become too set in its ways.

That statement is no reflection on Hoover. His methods served the country well for nearly half a century. But there is no system devised by man that cannot be improved. And that is what Gray set out to do after his appointment by President Nixon last May.

In those 11 months, Gray has taken the time to visit all but one of the FBI field offices, meeting personally with the bosses and agents and clerical staff to discuss his ideas about streamlining the bureau, something Hoover was rarely known to do.

From the standpoint of the men in the field, Gray's brief tenure has been like a breath of fresh air.

Across the board, Gray has eliminated a lot of what agents and bosses alike characterize as "chicken" paperwork, leaving more time for police work on the streets which, after all, is what the FBI is all about.

For the younger bucks, Gray has relaxed personnel rules to conform more to today's dress and hair styles. And thus far, it has not been recorded that longer sideburns or flared trousers have interfered with an investigation.

Meanwhile, the old-timers in positions of responsibility have found their lot bettered, too.

Special agents in charge of field offices have more freedom to make independent decisions without having to constantly get on the horn to a superior in Washington, a change reflecting Gray's belief the man on the scene is the best judge of a situation.

Agents find it easier to get a transfer to a post closer to their original homes instead of waiting as much as a decade for that nirvana. And those who get in a jam find they may be given another chance instead of being summarily fired.

Meanwhile, Gray has brought joy to some of the veterans on the firing line of the war against crime by chasing a bevy of hidebound bosses from furlined foxholes in Washington, an act that has spawned a rash of anonymous criticism planted in friendly journals.

In short, if you value the judgment of the men who should know best, Gray has proven himself an able administrator and leader. He has imbued the FBI with his own style while preserving its reputation and record of accomplishment.

Gray ordered one of the most intensive investigations in FBI history when the Watergate incident arose; As a result, people have been convicted. And, as far as the record goes, Gray's personal conduct has not been off base. His dealings with the White House have been thru the proper chain of command, Atty. Gen. Richard Kleindienst.

So now it's up to President Nixon to take the heat off the Gray appointment by shaking loose the White House staff people Congress wishes to question in the Watergate case. Otherwise, the FBI will have lost a competent new leader.

ON THE VETO OF THE RURAL WATER AND SEWAGE BILL

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 9, 1973

Mr. RARICK. Mr. Speaker, President Nixon has vetoed H.R. 3298, an act to restore rural water and sewer grant programs which he had terminated by impoundment of funds on January 1.

The President bases his veto on sound fiscal policy, the fear of inflation, and the threat of higher taxes.

I most certainly support the President on his announced intent of controlling spending and reducing inflation by living within our Federal income. But, it just does not make sense to deny our people their own tax dollars and then funnel the money to foreigners around the world.

The vote on the veto tomorrow will be to sustain or override the President in denying water and sewer grants to rural America—a program costing about $120 million. Yet at the same time he would deny help for clean water and pollution control to Americans, $20 million was authorized under the further continuing appropriations resolution for a water treatment and prototype desalting plant in Israel. Other interesting programs around the world include the $35 million grant for the disaster victims of Nicaragua, $157 million over 2 years for continuation of the Peace Corps, $100 million grant for refugee relief assistance in Bangladesh, and the recently announced release of $31 million of the appropriated $50 million to voluntary Jewish organizations to provide assistance to Soviet Jews immigrating to Israel.

The President's urging of fiscal responsibility and noninflationary budgetary controls clearly has a double standard. When budgets must be cut and prorgams eliminated, it is always the Americans who are asked to tighten their belts.

And then we are all reminded of the latest Presidential commitment to aid North Vietnam in rebuilding that country.

I intend to cast my people's vote to override the President's veto and shall continue to so vote until he abandons his "commitment" to North Vietnam and starts impounding and eliminating the waste of the American people's money by scattering it to the four winds of the world.

I insert the following news clippings:

[From the Washington Post, Apr. 7, 1973]

JEWISH MIGRANTS GET $31 MILLION U.S. AID

The United States extended $31 million in aid yesterday to voluntary Jewish organizations that provide assistance to Soviet Jews emigrating to Israel. The move represents the first expenditure from $50 million Congress appropriated last year to aid Soviet Jewish emigrants.

The funds will be used for the care of Soviet Jews in transit to Israel, including the expansion of a transit center in Austria and absorption centers in Israel where the immigrants are received.

More than 32,000 Soviet Jews emigrated to Israel during the past year. The exodus has continued through this year with more than 1,000 Jews leaving the Soviet Union each month.

Expenditures of the $31 million will be administered by the Jewish Agency of Israel under a contract signed here yesterday between the State Department and the United Israel Appeal.

REMARKS OF MAJ. ORSON G. SWINDLE, FORMER POW

HON. DAWSON MATHIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 9, 1973

Mr. MATHIS of Georgia. Mr. Speaker, last Saturday morning in Camilla, Ga., which is in the district I am privileged to represent, more than 800 citizens packed the auditorium of the Mitchell County High School, with many more standing outside in the hallways, to pay their respects and demonstrate their appreciation to native sons of Mitchell County who have served in Vietnam.

Many important persons were in attendance, including Judge Robert Culpepper and Represenative Marcus Collins. Joe Morris Palmer, a veteran himself, served as master of ceremonies, and Camilla Mayor Lewis Campbell presented a proclamation. I was privileged to speak to the assembly, but the highlight of the day came when Maj. Orson G. Swindle, who spent 6 years and 4 months in the Communist prisons of North Vietnam, responded to the days proceedings. Major Swindle made a moving and inspiring talk, one that I sincerely wish every American could have been present to hear. I am submitting the full text of Major Swindle's remarks in the RECORD at this point, and I hope every Member of this distinguished House will take a few minutes to study these remarks carefully. They were made by a remarkable man, who, along with many other remarkable men, have undergone agony that few humans ever know.

The remarks follows:

REMARKS OF MAJ. ORSON S. SWINDLE

Congressman Mathis, Col. Roeder, Capt. Munday, Mayor Campbell, Distinguished guests and fellow Americans.

On occasions such as this I am once again reminded of the limitations of my ability to use our language to fully express the depth of my feelings. All expressions seem totally inadequate. I have been overwhelmed by the warmth and love extended toward me and my companions from Communist prisons as we have made this wonderful re-entry into the greatest country on earth—the United States of America. To all of those beautiful, smiling and often times teary-eyed Americans I have encountered from Clark Air Force Base in the Philippines to Jacksonville, Florida and especially to all of you folks here at home. I would like to say simply—thank you so very much for your thoughts, our prayers, your heartaches and most of all for those beautiful smiles. May God always bless you! It's good to be home with you again.

A few days ago prior to the recent release of information concerning the treatment of P.O.W.'s an old friend of mine here in Camilla made the statement to me that I looked great, sounded great and that he didn't think we had suffered too badly during our incarceration. Of course, my friend did not have all the facts, although I am quite sure our government, on numerous occasions, had informed the American people of our brutal treatment.

First of all I want to assure each of you that the accounts of the brutality we suffered that you are reading and hearing are the truth and not exaggerated. In fact, some aspects of the emotional and psychological stress of those days is impossible to explain in news releases. The men telling these stories are, in many cases, close friends of mine. They are without a doubt the finest Americans and the finest men I have ever known. Their love of country, courage, faith, loyalty and devotion to duty are beyond reproach. I hope you are as proud of them as I! Secondly, we have in no way been told what to say by anyone. The expressions of love for our country, faith, patriotism, belief in our cause and respect for our President are honest, sincere and straight from our hearts and minds. The questioning of our sincerity and integrity concerning these statements by some of the press media and some individuals is perhaps the greatest disappointment I have experienced since my return. I pity such individuals for they must be totally void of substance. I can only ask—*What do they believe in??*

Our eagerness, our spirit and our appearance are the results of our intentions. Our intentions were to come out of North Vietnam, with honor, as healthy in body, mind and spirit as possible for a number of reasons. Number One—we are Americans—that is something special! We wanted to show the world that we withstood the best efforts by Communists, both mental and physical, and came home with our honor and self-respect. This is not to say that we had no fear, for only fools know no fear but we learned to cope with fear and carried out our duties and responsibilities to the best of our abilities. It is not to say we are supermen for indeed we were not. We were broken physically and submitted many times but the Communists never broke our spirit and we bounced back and that to me is the true measure of a man. Our condition stems from a strong desire to be ready to serve our country in both military and civilian life for many years to come. Men broken in spirit, mind and body can't do that. We wanted to pursue life to its fullest with our families and friends. Broken men can't do that. Lastly, just plain old fashion self-respect and pride. We knew we would have to look ourselves in the face each morning and if you didn't do your best, that face-to-face confrontation would be a living hell.

We stand before you today proud to be an American, happy to have returned home with honor, eager to serve you and eternally grateful to the brave men who fought in our absence. How has this all come about? We had a motto in our organization—three simple words but words of tremendous meaning—unity over self. Or in other words keep faith in each other, always try to help your fellow American and be willing to put aside selfish goals for the success of our mission and our group. All for one and one for all.

Or perhaps Gen. MacArthur phrased it so much better: "Duty, Honor, Country."

With this motto and the American fighting man's Code of Conduct we lived day by day. There was no easy way out for any American with honor so it was necessary to muster courage to overcome fear and pain and in many cases just "to hang on." Our day to day problems—the Communists—could not be simply ignored or put aside. We had to face reality in its rawest form and cope with it. Faith in God—and many came to know God in a more personal way. I personally believed God would never open those cell doors for me, nor loosen those ropes cutting into my flesh and nerves, nor end this war, nor bring us victory. And I did not feel God owed that to me in any way in response to my prayers.

Those were acts of man. God has given us intelligence, the ability to reason and to create means to achieve victory. The war was a product of man so man would have to solve that himself. But I was confident that God would give me the patience, the serenity and the strength to endure! This cup of bitterness would surely pass from my lips—and it did. We stand before you in this condition today because of you and your efforts. Our treatment changed dramatically in the fall of 1969—a product of the wrath of an indignant American and world people toward the barbaric practices of the Vietnamese Communists in handling P.O.W.'s. Your letter writing campaign saved the lives of many Americans. I truly believe that. Lastly but not least, we stand here today because of the courage and determination of one man—Richard M. Nixon, President of these United States of America. I regret Mr. Nixon did not enjoy the support of every American and the entire Congress. I am absolutely convinced that this dissension prolonged the war for years. I praise him for holding fast to his convictions, his courage and most of all for being a real man. I pray to God no President of our beloved land will ever yield to the frenzied despair and apathy of weaklings in the face of the enemy and that no President of our great Nation will disgrace the dignity of our country and his office by begging on bended knee before the enemy for mercy of any form. God Bless Richard Nixon.

Many men have died in this war and today we honor some of our own who made the supreme sacrifice. What a tragedy if it has all been in vain. We cannot know whether the results of their sacrifices will endure but we can look to the future with the conviction that the spirit of these men and the tradition which our living and dead have written in the jungles of Vietnam will endure and serve us well through time to come. I do not believe it has been in vain. I feel had we not responded to the Communist aggression in 1965 all of southeast Asia would be Communist today. I think we have prevented that. I have been asked if I felt my personal sacrifice was worth it. To you the American people I say—"That is entirely up to you. Much more has been at stake in this war than just South Vietnam. We Americans someday must realize that we are the only force on this earth that can prevent total Communist domination. The respect for the dignity and individuality of man is worth immeasurable sacrifice. We must be vigilant and be willing to make that sacrifice. It will take courage, faith, loyalty, a willingness to accept reality and its challenge and most important of all unity.

Mr. Thomas Paine of Revolutionary Days in our country spoke of "Now being the time for all good men to come to the aid of his country" and "These are the times that try men's souls" and of "Summer soldiers and sunshine patriots failing to answer the call to service of their country." How profound these statements are—and so appropriate for this land of ours today. It's so easy to be patriotic and loyal when there is no crisis.

The time has come for blacks and whites, Republicans and Democrats, the rich and the poor—all of us to fully comprehend what a fantastic blessing we have. The time has come for us to realize not only our rights and privileges as guaranteed by our Constitution but most important of all—our responsibilities. The time has come for us to fully comprehend one most important thing—we are first and foremost one thing—we are Americans. I pray to God that we will all soon realize this to the fullest degree and that we shall never forget it again.

We have seen great unity within our country surrounding the plight of the P.O.W.'s and their return—a unity that was tragically absent in previous years in many respects. You should now realize the power of this unity. I hope that in the next crisis—and surely there will be others—that we will see the same powerful and most wonderful unity that seems to be with us today. That would be the most beautiful manifestation of your appreciation, respect and admiration toward those men who have given so much for this country and you. God bless you and God bless America.

EDITORIALS SUPPORT ATLANTIC UNION

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 9, 1973

Mr. FINDLEY. Mr. Speaker, tomorrow the Atlantic Union resolution is scheduled to be taken up on the floor of the House. In recent days, several newspapers have editorialized in support of the resolution.

The editor of the Oregonian, pointing to the endorsement of Atlantic Union by the President and State Department, writes:

> The United States must find some reasonable vehicle to resolve the monetary threat and restore the U.S. balance vis-a-vis the nations of the European Common Market and Japan. NATO, the western military alliance, does not have the capacity to do the job.

The Topeka Daily Capital realistically states that—

> It is agreed the time is far from right today for the formation of an Atlantic Union to govern all of the NATO nations, and it may not be in this generation, but there is an obvious need for closer relations among the nations.

The paper concludes:

> If the Atlantic Union, even in its initial stages, holds hope of aiding the cause of peace, it is worth the time and energy it will require.

The full text of the editorials follow:

[From the Oregonian, Apr. 2, 1973]

WESTERN PACT NEARER

After a quarter-century of hesitant progress and setbacks, the resolution for the United States to join with its North Atlantic Treaty allies in exploring possibilities of a federal union has taken life in Congress and could get final approval this week.

The reasons are obvious. Atlantic Union, whose foremost advocate for more than a quarter-century has been Clarence K. Streit, may not be essential at this point in history to prevent another world war. But it could be immensely valuable in resolving the fiscal and trade problems besetting the western world which could lead to an international depression or worse.

The United States must find some reasonable vehicle to resolve the monetary threat and restore the U.S. balance vis a vis the nations of the European Common Market and Japan. NATO, the western military alliance, does not have the capability or authority to do the job.

The Atlantic Union proposal, which in its first stage calls merely for a conference to discuss a federal union, was adopted unanimously in the Senate, after a new endorsement by President Nixon. The House Foreign Affairs Committee approved it last week, 21 to 8, and today the House Rules Committee is expected to send it to the floor for a vote Wednesday.

The State Department, long reluctant to endorse the resolution, now has recommended a study of Atlantic Union "as consonant with the goals of this Administration in transatlantic relationships." Democratic leaders of the House and Senate also have approved. The resolution should, by all means be adopted.

[From the Topeka Daily Capital, Mar. 31, 1973]

ATLANTIC UNION A GOAL

A joint resolution to create an Atlantic Union Delegation now has been recommended for adoption by the Foreign Affairs committees of both the U.S. House of Representatives and Senate.

The delegation, to be comprised of 18 members, is empowered by the resolution to meet with other members of the North Atlantic Treaty Organization to attempt to form a more stable federal union.

This is interpreted as an effort to transform NATO into a more effective union, based on federal principles, and to attempt to ensure greater continuity of American policy with respect to NATO members.

Some subjects which would be ripe for discussion at any meeting of the NATO nations concerning formation of an Atlantic Union would be the possible withdrawal of American troops from Europe, the current money problems and trade relations.

Eventual goal of the Atlantic Union is formation of a government encompassing all of the NATO nations, but its backers concede at once no nation is ready today for this far-reaching step.

It is agreed the time is far from right today for the formation of an Atlantic Union to govern all of the NATO nations, and it may not be in this generation, but there is an obvious need for closer relations among the nations.

Disagreements too easily can be fanned into worldwide conflagrations. If the Atlantic Union, even in its initial stages, holds hope of aiding the cause of peace, it is worth the time and energy it will require.

FEDERALIZING NATO COUNTRIES

(By William N. Findley)

An item of great significance apparently has escaped either reporting or editorial comment in The Journal. It deserves both. I understand that just before adjournment of Congress last fall, the Senate passed without dissent the Atlantic Union Delegation resolution, but the House failed to act. This resolution calls for a convention of North Atlantic Treaty Organizations (NATO) nations to explore the possibility of transforming NATO into a federal union—possibly with a common citizenship, common currency and common defense force. The resolution has just been reintroduced in the present Congress.

I understand that the resolution now has behind it all four leaders of Congress, including the administration's Senate spokesman, Minority Leader Hugh Scott and House Majority Leader Thomas O'Neill Jr. of Massachusetts. The 19 Senate cosponsors on Jan. 18, 1973, included Claiborne Pell of Rhode Island and Edward Brooke of Massachusetts. It was supported in the past and presumably still is by both Rhode Island Congressmen, St Germain and Tiernan. Supporters form a majority in both the Senate foreign relations committee and House foreign affairs committee.

I believe the forming of a federal union of NATO countries would be of great benefit to the people of Rhode Island and the rest of the U.S. It, therefore, seems to me desirable that The Journal keep Rhode Island fully informed on this important development by news reporting, editorial and background articles.

THE PRESIDENT VERSUS THE PEOPLE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 9, 1973

Mr. RANGEL. Mr. Speaker, as the budget conflict between the President and Congress intensifies, another more compelling conflict is burgeoning. It is an encounter between Mr. Nixon and the American people. Recent public opinion polls have shown the electorate in disagreement with the President's proposed budget and its antihumanitarianism characteristics. Recent weeks have seen thousands upon thousands of Americans in Washington, D.C., protesting the cuts in worthwhile social programs. Let Mr. Nixon contemplate this mandate. The American people simply will not accept an administration that places guns over schools, and missiles over homes.

I now submit for your attention and the attention of my colleagues an editorial that appeared in a recent Americans for Democratic Action—ADA—newspaper entitled: "The President v. the People," written by Leon Shull.

[From the ADA World, February 1973]

THE PRESIDENT VERSUS THE PEOPLE

(NOTE.—"It makes no sense for a nation with a median family income close to $11,000 to pretend that it cannot take care of its poor in a dignified way, improve its education system, remove some of the blight from its cities, and support other public services adequately, because it has reached the limits of its taxable capacity." Dr. Joseph A. Pechman, Brookings Institution economist).

The war on poverty has become a war on people—the poor, the wage earner, the young and the old.

Not for 40 years has any U.S. president proposed a national budget so callous in attitude toward the people of the United States as has President Nixon in his fiscal 1974 budget.

This President"s budget is more than a budget; it is a call to arms against landmark social programs, initiated by Presidents Truman, Eisenhower, Kennedy and Johnson, and a return to a pre-New Deal public policy.

The President's proposals mean, in brief:

an end to federal programs designed to help the poor become self-sufficient.

an end to federal programs designed to give compensatory help to disadvantaged children.

an end to federal subsidies for people unable to house themselves and their families in the inflated housing market of the 70s.

reduced public library services—for all.

fewer doctors, fewer nurses—for all.

an end to new hospital construction and old hospital updating—programs designed to produce more rational, efficient institutions for all.

less health and medical research.

sharp reductions in community mental health services; services for alcoholics; and community birth control services.

less help for the elderly.

An indefinite suspension of the federal housing subsidy programs, which aid two and a half million families, already had been announced and no alternative program proposed. The moratorium on federal housing projects signals an abandonment of all effort to save the cities; without federal help new housing for the urban poor will not be built.

A spokesman for the American Public Health Association—a venerable and widely respected outfit—said he regarded the President's budget proposals in the health area "with abject horror." He said budget cuts in research, for example, will have an impact for decades; "It's the kind of budget that will hurt the country for a long time."

How many—young and old—will be dead too soon because the research and services that could have kept them quick were cut out of the federal budget by a President intent on saving pennies?

How many babies will grow up in the filth and congestion of slums, because—in 1973 and '74 and '75—the President of the United States sought both to balance his books and to placate special monied interests?

How many children will be caught in the trap of poverty, twisted into lives of crime or the chronic sickness of malnutrition or mental illness or economic dependency? And how much—ultimately—will their crime and sickness and dependency cost the nation?

There is plenty of evidence to indicate that the rising costs of Medicare are due not to overuse by patients but to over-charges by physicians. In other words, the fee-for-service delivery system is at fault. Nevertheless, 23 million Americans eligible for Medicare benefits will have to pay an additional $1 billion out of their own pockets each year under this budget. (A humane Administration might have chosen, for example, to close the oil depletion tax loophole as a way of finding this money instead of taking it from the most defenseless people in America.)

The President's Medicare budget is in fact a subversion of intent; Medicare was not intended to be solely a defense against catastrophic illness or injury, but that is the way the Administration sees it. Translated into the day-to-day lives of the elderly, the Administration's proposals mean less preventive care and more medical calamities, as pensioners delay seeking care in the early (and cheaper) stages of illness. And nothing, meanwhile, will have been done to improve the *delivery* of health care.

This budget kills—after two years—the Emergency Employment Assistance Program, under which 280,000 people in high-unemployment areas are performing *useful* public service jobs—a program which helps both the unemployed and their communities, a program which this Administration might be expected to favor. As of January, 44 major areas and 826 smaller areas were suffering either substantial or "persistent" unemployment, according to the Labor Department; what is the value of a work ethic if no jobs are available?

Remember how long we in the liberal and labor movements fought for federal aid to education? In education, virtually every advance since 1965 in the form of federal aid will be gutted by this and future Nixon budgets. The President proposes the elimination of dozens of popular education programs, including the justly famed Elementary and Secondary Education Act of 1965. Most of the money grants under this legislation, which is the basic aid measure, will be supplanted by a $2.5 billion education revenue sharing program. But among the programs to be eliminated will be Title I of the Act, which guaranteed that most of the money—$1.5 billion annually in recent years—would be spent on compensatory education for disadvantaged children.

Federal aid to U.S. public education developed precisely because local and state governments, for a variety of reasons, neglected poor children. The President's revenue sharing plan means that we will return control of school monies to the very people who previously would not or could not meet the needs of urban children—and no persuasive evidence that any change is taking place in the thinking or direction of state and local education departments has been advanced.

The President intends to "return to the people"—that is, to states and local communities—a good many other programs. Unfortunately, categorical relief programs are more likely to aid the people they are intended to aid than are programs which funnel money into cities and states with no requirements—or only general requirements—and no standards. The rich and powerful have their advocates on every level, but the federal government is the only effective advocate which the poor ever have had.

The Administration's true purpose and philosophy emerge most clearly in its decision to end the Office of Economic Opportunity. OEO, with all its faults, nevertheless signaled this nation's commitment to assist those most hurt by our economy, customs, and culture. Now OEO is to be buried, and Howard Phillips has been appointed acting director and undertaker.

This destruction of OEO and its most important component, the community action agencies, comes at the same time that an OEO evaluation—based on a study of 591 of the 907 agencies—celebrated them for their "effectiveness in mobilizing local resources to help the poor become self-sufficient." Here again, one would think that an Administration so devoted to the work ethic would leap to the assistance and not to the destruction of the community action programs, but Phillips, who had been working inside OEO as an Administration saboteur, tried to prevent distribution of the evaluation.

And so, for the first time in decades, federal spending for the poor may level off and then decrease.

Even the promised "no tax increase" turns out to be a distortion of truth. Social Security taxes, for example, which stood at $61.7 billion in fiscal 1972, will rise to $87.6 billion in fiscal 1975—and every cent of this enormous increase will come from highly regressive payroll taxes, hitting hardest the working poor and both blue and white collar wage earners. Nor does the Administration propose to plug the tax loopholes which disgrace our tax system—rendering a supposedly progressive system far more inequitable than is generally realized—despite recent tax cuts, generally favoring affluent individuals and corporations, which have lowered taxes by $35 billion a year

Make no mistake. This presidential budget attacks imperfect, half-starved programs for *people*—wage earners and the poor and near-poor—and preserves intact the Administration's costly services to the rich and to industry and its costly commitments to the Defense Department and the defense establishment.

For example, *all* the health and education cuts added together equal the proposed merchant marine subsidies.

The budget is generous, in fact, in the area of defense. The United States already has achieved maximum defense potential, and in the face of an end to the Vietnam war, one might well expect reductions in the Pentagon budget. Instead we find increases, and while the Pentagon claims that pay raises and inflation will account for most of the rising costs, nevertheless a substantial increase is sought for research and development of strategic and conventional weapons—bad enough at present—which are designed to reach staggering proportions within a few years. Imagine, for example, submarines costing $1 billion *each*. The Pentagon thinks big, and the Administration acquiesces.

Fortunately, the story is not over. But the battle ahead will be a tough one.

To begin, we must reject the blanket charge that these programs have failed. Some programs were experimental; others were pilot programs, but the massive programs which they were intended to advance never were launched. Still others have been starved systematically by the very forces which now charge them with failure. Certainly any program can be improved, and some programs *have* failed. Of course. But it is simply a lie that the great steps in public policy which the nation has taken since the New Deal have made no significant difference to its people. One has only to extrapolate the trends and philosophy of President Hoover's Administration to recognize the values which President Nixon and the Chamber of Commerce scorn. And perhaps some of these programs are being ended precisely because they *did* work; they have cut into profits, they have reduced the great pool of cheap labor which hopelessly poor people create.

How do we meet the Administration's challenge?

1. We must fight, first, for genuine tax reform, to end privilege for the rich, for industry, and for the corporations. A more progressive system would place much heavier burdens on corporations and affluent individuals.

2. We must achieve a sizable cut in the defense budget—where the fat is.

3. We must defend with all our energy, with all the resources we can command, at home and on Capitol Hill, the useful social programs which the President would starve or destroy.

4. We must support needed new programs—in the areas of health, a guaranteed income, and child development, for starters.

In short, we urge a gradual increase in public spending, so that in a few years approximately 27 percent of the gross national product is allocated to federal spending. This would mean approximately seventy billion additional dollars, raised through progressive personal and corporate income taxes, a closing of income tax loopholes, and a return to the income taxation level of ten years ago.

With leadership to inspire its citizens and the imagination and compassion to conceive new problem-solving approaches, the United States now could end her poverty and fragment her injustices.

That leadership is lacking.

The President has forgotten—if indeed he ever knew—that the measure of a nation's civilization is the treatment it accords its most helpless citizens—its infants, its aged, its poor and handicapped, disadvantaged, even unpopular people.

CONGRESSMAN ROGERS, SENATOR JAVITS HONORED FOR DIGESTIVE DISEASE WORK

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 9, 1973

Mr. CARTER. Mr. Speaker, on May 18, at the National Institutes of Health, a national conference on digestive diseases as a national problem will be held.

This conference has come about largely as a result of congressional action last year, which renamed an institute at NIH the National Institute of Arthritis, Metabolism and Digestive Diseases. The law also provided for increased emphasis on digestive disease research, the naming of an Assistant Director for digestive disease research and a subcouncil. I am pleased to say that I coauthorized this bill, participated in the subsequent hearings, and supported the bill on the floor.

I am personally disappointed that the reforms called for by the Congress have not all taken place—especially as to the increased emphasis in research and the naming of a subcouncil. I am gratified to see the remarkable movement on the part of nongovernmental lay and medical groups to organize themselves to push hard for research and education in this area.

I have examined the lists of those participating in the preconference workshop at Airlie House, Va., on April 23–25, and find that they constitute a remarkable group of prominent Americans.

The workshop and conference could not come at a better time. First, we will be examining appropriations at that time. Second, we are all going through a reevaluation of health priorities. Third, the conference precedes "National Digestive Disease Week," during which an international meeting of the best of our scientific and lay leaders will take place to examine the research and educational programs of the past year and to plan for the next year.

I understand that on May 18 a benefit will be held at the Kennedy Center for the newly founded American Digestive Disease Society—ADDS—at which Rudolf Nureyev will perform. The purpose of the benefit is to raise funds for research and training in digestive diseases.

I would like to commend all those who are participating in these conferences—their work is invaluable. Fred Kern, Jr., M.D., conference chairman, who comes from the University of Colorado medical center, has worked hard and long in putting this program together.

In this connection, I take note of the fact that at the first organizational benefit for the American Digestive Disease Society in New York on December 5, 1972, two of my friends and colleagues were honored for the work they undertook to get the law passed.

Mr. Irwin Rosenthal, president pro tem of ADDS, and president of the National Ileitis-Colitis Foundation, who was an excellent witness before our subcommittee when the bill was being considered, made the National Humanitarian Award to my friend and colleague, Paul Rogers of Florida, and to my good friend, Senator Jacob K. Javits of New York. The citations for their work, and the remarks for their acceptances, appear below:

Citation Honoring Congressman Paul G. Rogers

Representative Paul G. Rogers is hereby presented the National Humanitarian Award in recognition of his energetic leadership during the 92nd Congress in the field of digestive diseases legislation. As Chairman of the Subcommittee on Public Health and Environment of the House of Representatives, Mr. Rogers conducted hearings on digestive disease problems, introduced H.R. 13591 to deal with these problems, and secured passage of the legislation by the whole House of Representatives. The bill became law on May 19, 1972.

Remarks of Congressman Paul Rogers in Acceptance of National Humanitarian Award of National Foundation for Ileitis and Colitis, New York Hilton Hotel, New York, December 5, 1972

Ladies and gentlemen: It is a great pleasure to accept this award. I am truly honored.

It is an even greater pleasure just to be with you tonight and to join your celebration of the birth of the American Digestive Disease Society.

While working on digestive disease legislation over the past year or so, I had the welcome opportunity to meet frequently with many outstanding people in this field. These meetings allowed me to watch the concept of a national society concerned with digestive diseases grow into the reality that we see here tonight. It is genuinely edifying.

You who are gathered here to offer your support to the American Digestive Disease Society and to the National Foundation for Ileitis & Colitis are to be commended, for you are engaged in a truly noble effort: the struggle to improve the health of the American people. It would be hard to imagine a better cause for your resources and energies.

"The National Health Crisis" is perhaps an overworked expression, and yet we are all aware that this country has some very serious health problems. Millions of Americans have grossly inadequate access to quality health care, due to a lack of facilities and personnel. Millions more are simply unable to afford the increasingly high cost of quality health care. And all of us either suffer from, or are threatened by, serious diseases for which no cures or satisfactory treatment procedures are known.

In the Congress we are fighting an uphill battle to remedy some of these problems through government action. In the House of Representatives, our Subcommittee on Public Health and Environment devotes its full time and attention to health matters. During the recently-concluded 92nd Congress alone we developed contructive legislation dealing with such diverse subjects as: cancer, heart and lung disease, sickle cell anemia, health professions training, nurse training, drug abuse, communicable disease control, problems of the aged, multiple sclerosis, Cooley's anemia, and last—but certainly not least important—digestive diseases. With the constructive cooperation of Senator Javits and his colleagues on the Senate Labor and Public Welfare Committee, these measures have been enacted into law.

Public Law 92–305, signed into law on May 19 of this year, is of special interest to this assembly. In November of 1971 our subcommittee held hearings on the subject of digestive disease research and training needs. In early 1972 I introduced a bill, H.R. 13591, which was subsequently approved by our subcommittee, by the full Interstate and Foreign Commerce Committee, and by the whole House of Representatives. With Senator Javits' crucial help in the Senate, H.R. 13591 was also passed by that body, and was signed into law by President Nixon.

This new law will enhance the Federal government's role in digestive disease research and training in three ways. First, the unit of the National Institutes of Health which has primary responsibility for digestive diseases programs has been renamed to include digestive diseases in its organizational title: the National Institute of Arthritis, Metabolism, and Digestive Diseases. Secondly, the position of Associate Director for Digestive Diseases has been established in the Institute. Finally, a Committee of the Institute's Advisory Council has been established to deal exclusively with the question of digestive disease programs.

I said earlier that we are fighting an uphill battle in the Congress. A principal problem is that, while we have passed appropriate authorizing legislation like Public Law 92–305, the appropriations to fund these laws have been inadequate. The current Administration, faced with budget deficits and inflation problems, has not seen fit to request anywhere near full funding of authorized health programs. When adequate HEW appropriations bills have been approved by the Congress, the President has frequently seen fit to veto them.

While a good case can be made for fighting inflation, one fact is clear: as a government and as a Nation, we are not placing an adequate emphasis on our health problems. To remedy this situation, I have proposed the creation of a separate cabinet-level Department of Health. I feel it is absolutely vital to have a Secretary of Health who will coordinate programs, propose ideas, and advise the President on health care matters. The young people like to speak of "getting it together". I suggest we urgently need to "get it all together" in the health field.

We also need the continuing efforts of groups such as the American Digestive Disease Society and the National Foundation for Ileitis & Colitis. You would do well to support increased Federal appropriations for digestive disease programs at NIH. Your organizations would also be well advised to look into the health programs of other government agencies—such as the Veterans' Administration and the Defense Department—to see how those agencies are handling digestive disease problems.

The struggle to enhance the Nation's health is a difficult, time-consuming job. Let me assure you, however, that the results will be worth every bit of the effort you and I put forth.

Citation Honoring Senator Jacob K. Javits

Senator Jacob K. Javits is hereby presented the National Humanitarian Award in recognition of his valuable efforts in the United States Senate to promote better health care for all Americans, especially in regard to digestive disease legislation. As the ranking minority member of the Senate Committee on Labor and Public Welfare, Senator Javits worked during 1972 to assure speedy passage of H.R. 13591, the bill to rename and reorganize one of the National Institutes of Health so as to enhance the Federal role in digestive disease research and training.

Remarks of Senator Jacob K. Javits in Acceptance of National Humanitarian Award of National Foundation for Ileitis and Colitis, New York Hilton Hotel, New York City, December 5, 1972

We share a mutual concern about a health problem of great magnitude: that nearly 13 million Americans have chronic digestive diseases and it is the number one reason for hospitalization in our country.

The impact of the digestive diseases health problem measured in economic terms have been calculated to presently approach 10 billion dollars per year, ranking it third among all categories of diseases as a cause of economic loss. This includes not only the cost of medical care—high in part because of the costs of surgical operations for conditions not now curable by medical means, e.g., the cost of gall bladder surgery alone runs to over half a billion dollars a year—but also the loss of income due to death and absence from work.

We also share a mutual concern about whether there are adequate resources to attack the problem. As you know, the $30 million level of Federal expenditures for digestive diseases research and training support was, until now, available through the National Institute of Arthritis and Metabolic Diseases, which encompasses a total of 10 separate fields of study, as well as gastroenterology (digestive diseases), and greater focus and attention was needed.

I believe the bill I supported in the Senate which was enacted into law—P. L. 92–305—will, in great measure, stimulate adequate funding to launch an appropriate national attack on digestive diseases.

The name and structure of the National Institute of Arthritis and Metabolic Diseases has been changed to the National Institute of Arthritis, Metabolism, and Digestive Diseases. In addition, the law established the position of an Associate Director for Digestive Diseases within the Institute, and a special permanent committee of the Institute's Advisory Council to handle digestive disease research and training problems.

The Federal Government cannot, however, do everything in seeking a solution to our *national* digestive diseases health problem. We must also have the active participation and leadership of the private sector of our economy.

For this reason, I am delighted to applaud the accomplishments of the National Foundation for Ileitis and Colitis and to note the recent establishment of the American Digestive Disease Society.

I would urge you not only to continue your fine efforts, but to expand them. So much more needs to be done. You should continue to urge adequate governmental appropriations and privately-supported biomedical research must be able to take up the slack if the threat of governmental budgetary constraints become a reality. Now that the National Institute of Arthritis, Metabolism, and Digestive Diseases has been properly organized, it is vital that adequate appropriations be secured to carry out the functions of the Institute, especially as they relate to digestive diseases. Support for such appropriations is a perfectly appropriate function of Foundations and Societies such as yours.

In closing, let me again thank you for this Award, and allow me to urge your continued efforts on behalf of the victims of digestive diseases.

GREEN THUMB SUCCESS STORY

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 9, 1973

Mr. QUIE. Mr. Speaker, the following article by William Hakala appeared in the February issue of Lutheran Brotherhood magazine. It is a heart-warming success story of the Green Thumb program started in 1965.

The article follows:

GREEN THUMB SUCCESS STORY

MOUNTAIN VIEW, ARK.—Willy Morrison's amphitheatre will seat 800 people without crowding. Its rock-hewn tiers rise upward and outward from a center stage that is set against a wooded hillside. Cedar and dogwood trees shade the terraced benches and line the banks of the creek which separates stage from audiences, then gently courses out of view beneath an arched stone bridge. The men from Green Thumb built it. Their average age—69.

"Boy, they've got a pride, I'm telling you." Job foreman Willy Morrison likes to boast about his Green Thumb crew and talk about what this project has meant to them. "They're back in society again, back living again," he explains. "They're doing something that will be around after they are gone."

Green Thumb was launched in 1965 by the federal government as a work program to alleviate poverty among the nation's rural elderly poor, many of whom subsist on pittances of $60 a month. The average income per couple is $900 a year. Now, some 3,500 of these retired low-income Americans are finding new hope and a measure of prosperity through Green Thumb. The program operates in 25 states and would undoubtedly expand to others if more funds became available.

Green Thumbers work three 8-hour days per week. At $1.60 an hour they can earn up to $1,600 in a year. This is an annual income level that does not disqualify them from Social Security benefits. Many Green Thumbers receive only the minimum retirement benefit, which at age 65 is $84.50 a month; $67.60 if claimed at 62. Farmers are especially hard pressed in their "golden years" since they did not come under Social Security until the 1950s.

Green Thumb is sponsored by the National Farmers Union, a membership organization of farm families, and operates under a grant by the U.S. Department of Labor as part of its "Operation Mainstream." Currently $9 million is annually budgeted for Green Thumb and two other Mainstream programs. (Green Light, a work program for rural older women, is one of them; On-the-Job Training for young people is the other.)

To qualify for Green Thumb work, a man must be 55 or older, of rural background, in good health, and have a yearly income under $2,500 per couple. Although job applicants must pass a physical examination, there is no top limit on the age requirement. A good many of the men are in their eighties; the oldest Green Thumber is 96.

THE GRIT TO BE USEFUL

Willy Morrison is foreman of a Green Thumb crew at Mountain View, Ark., and the man who planned the amphitheatre project. The outdoor arena will get a lot of use the third week of April when 60,000 people from around the country come to town for the annual doings of the Hackensack Folklore Society. Hoedowns are held regularly here on Friday nights throughout the year. Morrison, whose formal schooling stopped after the sixth grade, "saw" the amphitheatre in his mind when the hillside was a tangled thicket, and knew instinctively how to shape it into the sculptured landscape that it is. "If you live all your life out in nature, it comes natural," Morrison explains.

Sixty-five years old, Morrison is a medium-sized man, trim and loosely put together. He shades his square, tanned face with a white cowboy hat. An expert rock worker, he also is a gifted musician and once played his fiddle on the Senate floor in Washington as a Green Thumb promotional stunt. Now, looking out over the amphitheatre his men built, Morrison talks about the accomplishment with a kind of country eloquence. "There's an unlimited stockpile of skills stacked in those old boys."

Working in seven-man crews, Green Thumbers clear roadside recreation sites, build picnic tables and toilets, cut nature trails, plant trees, pull debris out of rivers, and construct ball park bleachers and dugouts. It is work requiring building skills, patience and plenty of stamina. These are qualities Green Thumbers seem to have in abundance.

If it can be said of anyone that he thrives on work, it can be said of the Green Thumber. Most of them have spent their lives doing hard physical labor, and it has become a habit. According to one of the program's regional directors, "Rural people have the work ethic built into them so strong they will starve before they take a relief check." Crew foremen are instructed to enforce ten minute rest periods every hour of the work day, especially during hot weather. Usually the crews have to be told to take a breather.

AN INDEPENDENT SPIRIT

"Let me ask you something," one Green Thumber queried, his head reared back and eyes narrowed to a rifle sight squint. "Weren't you rather us old bucks was working out here than on food stamps?" Bee Slape belongs to a crew that works near the town of Jasper in northwestern Arkansas, completing a roadside rest area for mortorists. The site his crew has slashed, sawed and chipped from this Ozark mountainside is one of rugged beauty, looking out upon mile after mile of wooded flintrock hills. It might be what cartoonist Al Capp had in mind when he created "Dogpatch." Here, real-life hamlets have names like Booger Hollow, Hog Skald Hollow, and Yellville, the site each year of a national turkey-calling contest.

It is hard, densely thicketed terrain and to develop the roadside areas with hand tools is a test for the sturdiest and most patient of men. Walter Haddock, 72, the sinewy foreman of the Jasper crew, takes special pride in the works his "boys" have accomplished. "Did it all with crosscut saws and axes," he points out. "Wouldn't let us use chain saws because they thought we might hurt ourselves."

Haddock's comment hints at a sore spot among Green Thumbers, and that is the prevailing attitude in our culture toward the abilities of anyone "over the hill." Like old railroad ties, old people have been upbedded, they feel, and thrown to one side to weather into dust. These men, independent of spirit and proud of their ability to work harder than the average man, don't like it a bit.

The old-timers prove their worth wherever they go. "We'll work 'em down," challenged one testy Green Thumber when a group of disadvantaged youngsters was hired by a boys' club organization in Hot Springs to assist the Green Thumb crew on a summer work project. And work them down they did. "Those rascals work," said the boys' club director of his Green Thumb help. "But the kids, you have to stand right there or it doesn't get done."

The Green Thumb project in Hot Springs offers a typical example of how the program operates. Green Thumb is funded exclusively to provide labor. Materials needed for any job must come from local sources—private donors, fund raising proceeds or government agencies. In the case of the boys' club project in Hot Springs, lumber for renovating its crumbling headquarters was donated by the Weyerhaeuser organization. Lockers, which the men straightened and painted, were received free from one of the many bath houses for which Hot Springs is famous; bleachers for gym came from an old Jack Dempsey training center.

Almost any group or organization can get Green Thumb help if crews and materials are available—provided the project is for the public good. State directors of Green Thumb make this determination.

MORE THAN PICKING UP BEER CANS

"A lot of people think that Green Thumb is for cutting weeds and picking up beer cans," observes But Witter, a Green Thumb supervisor who formerly was with the Arkansas Highway Department. Perhaps the image arises in some areas of the country because highway departments were among the first to recognize the value of Green Thumb. The Arkansas State Forest Service was another early sponsor of the program. In the Ouachita National Forest, Green Thumb crews have been busy throughout the state. Down in Arkansas City they renovated an old opera house; at Murfreesboro they built a swinging foot bridge; in Polk County they constructed an 8-unit camp facility; at Russelville they created a Little League ball park complete with bleachers and concrete dugouts. In Montgomery County, 56 timber bridges had washed out during spring floods and Green Thumbers replaced them with reinforced concrete bridges. At Blanchard Cave, not far from Mountain View, a Green Thumb crew built a half-mile long rock-walled path leading up to the cave entrance. Down in the delta region of the state, Green Thumbers built a wooden walkway out over a mangrove swamp to a store survey marker commemorating the Louisiana Purchase.

THE VIGOR OF AGE

An important characteristic of Green Thumb is the quality and quantity of work that is performed. Green Thumbers put something special into their efforts. That "something special" is pride. Workers who had come to believe that life was over for them join a Green Thumb crew and discover in themselves long forgotten abilities, and sometimes unsuspected talents.

One of the most heartening results of Green Thumb is that doctors report that the health of the workers usually improves after working for Green Thumb. The Green Thumbers themselves report they feel better after going to work for Green Thumb.

One man told about being unemployed for five years because of poor blood circulation. But after joining a Green Thumb crew in cutting brush and planting trees along roadsides, his health improved so much he was able to take a job as a year-round worker in a town park. Another man, told by the examining physician that he could take a Green Thumb job only if he agreed to take a stomach medicine the doctor prescribed, soon found that he didn't need the medicine anymore.

The wife of a Green Thumb worker credits the program for changing her husband's attitude toward life. In retirement, he had grown grumpy, quarrelsome and hard to live with. Now there is spring in his step as he walks out the gate three mornings a week to his Green Thumb job, lunch pail in hand. "It's just like old times," she says, almost tearfully.

From all indications, Green Thumb is one of the government's most successful programs. It is providing older people with useful, rewarding work, plus the extra income many of them desperately need. Communities, too, benefit from the program when Green Thumb crews come in to tackle jobs for which there simply is no budget.

If Green Thumb did nothing more than give older people a dash of their former independence and a relief from boredom it would still measure up as a valuable program. Said one Green Thumber, age 87, with a wink of an eye, "Only reason I'm working is to save money for my old age."

IS THERE A COMPUTER IN THE HOUSE?

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, April 9, 1973

Mr. HUNGATE. Mr. Speaker, the computer's role in society has again been described in a recent article by Patrick Ryan in the March 28, 1973, issue of Punch:

Is There a Computer in the House?

The green light flashed and a metal voice commanded, "Next, please."

I went in and found behind the desk, not the healing, fag-ash stained figure of Doctor Aloysius Tablet, but some twenty-five cubic feet of grey, stove-enamelled computer.

"Good evening," it said, "Please sit down. And when you're sitting comfortably, tell me about your trouble."

"Thank you kindly," I said. "But before getting down to the agonising details of my latest malady which I bear so stoically, I would like to record a short complimentary message to the Minister of Health and Social Security."

"And what is that, please?"

"I want him to know, as one of his longest-serving customers, how pleased I am to find he's made a much overdue start on mechanising the medical profession. There's not much, believe you me, in the daily grind of the local GP that couldn't be done by the average, five O-levels computer."

"I've noted that," said solid-state Finlay. "Anything more."

"Plenty," I assured it. "For a start, it's reckoned that fifty per cent of the patients in any doctor's waiting-room are only suffering psychosomatically. It's all in their minds, and what they've really come for is a bit of a chat and a medicated cheer-up. And that tape-recorder down in your diaphragm is just as capable as any M.D. of making encouraging remarks whenever they pause for breath. Like telling them to take a holiday or get the wife to bed earlier, and assuring them that you die if you worry, you die if you don't, so why worry at all?"

"Most interesting. And is that all?"

"Not by a long chalk. Now take the other half of the queue out there—those who may have a physical ailment. All most of them have come for is a bottle and a certificate. And the degree of decision-making employed by old Doctor Tablet in issuing medicine wouldn't mentally extend a ten year old pitch-and-toss player. If the pain's above the rib-cage, you get a prescription for the thick brown mixture. And if it's below, you get one for the thin white stuff. And when he'd had a heavy lunchtime, his flock just got a brown or a white bottle alternately as they came in."

"I have recorded that appropriately. Have you any further observations?"

"And his system of longer term diagnosis was fairly standard among modern GPs. On your first attendance without any visible injury, he'd tell you that you were perfectly all right. If you came back a second time with the same complaint, he'd give you a chit for examination at the hospital. And if you returned for a third time, he gave you the address of a good undertaker."

"Thank you for all you have told me," said the chrome-cuffed Aesculapius, sparks of testiness developing in its many red eyes. "And if there's nothing more, I think . . ."

"In conformity with medical etiquette," I continued, "he always wore a regulation stethoscope around his neck. I'm a bit surprised they haven't built one into your bodywork for identification purposes. He never used this instrument on anybody, partly because it was bunged up stonedeaf with forty years of surgical fluff. But he used to wave it about mystically, like a witch-doctor's voodoo rattle, at any body who doubted his diagnosis. And, like most of his British healing colleagues, he used his stethoscope mainly for dashboard display when his car was parked outside pubs, thus deterring wardens from dropping too many parking tickets."

"I quite understand and I don't want to hurry you, but . . ."

"And that's a definite advantage you electronic chest-tappers have over your corporeal counterparts. You've got programmed patience. You don't start getting restive and trying to get on with your paperwork if anybody like me with complex distempers needs more time than egg-boiling to enumerate his symptoms. Simply because, with your intestinal typewriters and automatic printouts, you can get through all that vital medical work of filling in returns, signing passport forms, and providing references in a tenth of the time taken by your human competitors. Never mind the boon to us patients of having our ailments typed legibly on the certificate so that we don't spend sleepless nights wondering whether the hieroglyphs signify that we've been struck with biliousness or the Black Death."

"Which leads me to enquire," said my clinical interlocutor, sarcastic rust getting into its accent, "Just what do you think your symptoms are this time?"

"I'm glad you asked me, doctor," I replied, wincing bravely, "because I get this throb-throbbing in my head, combined with a feeling as if somebody's tightening a red-hot band around my chest, and accompanied after every meal by the gushing of hot, sulphuric acid geysers all over my poor duodenum. And sometimes, when I get up suddenly, my knees give way."

"I see. And what medicine were you given for it last time?"

"I got a jumbo bottle of the thick brown mixture."

"Then this time," said the computer, spewing a prescription form from a slot abaft the right nipple. "We'll try you on the thin, white stuff. And I would also advise you to take a holiday, get the wife to bed earlier, and ponder on the truism that you die if you worry, you die if you don't, so why worry at all?"

"But what about my certificate? I usually get a sick note for seven days off."

"The certificate-issuing machine is now in the waiting room." A punched card shot out from the slot. "Place this card in the aperture marked 'Card' and insert ten pence in the opening marked 'Money'. And good day to you, sir or madam . . . And next please."

I left the computerised consulting room and applied myself to the certificate machine. It hummed and hawed electrically and expelled the standard form down into its open-fronted stomach. Already halfway into convalescence, I pulled out my safe-conduct to layabout. The aforesaid patient, it read, is suffering from "Galloping Hypochondria" but he is "Fit for Work", and should be restricted to duties involving "Continual Standing, Irregular Meals, and Incessant Lifting of Heavy Weights".

OFFICIAL CORRUPTION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 9, 1973

Mr. RANGEL. Mr. Speaker, the never-too-smooth relations between our local police and inner-city residents of our largest urban centers have gotten even worse from the common knowledge that when the man on the street does something wrong, he gets the regular treatment, but when a wrong is committed by a police officer, it is usually covered up. What I am speaking about is police corruption. It has never been a particularly popular term. When it is mentioned in the street both the police and inner-city resident bristle with their own brand of invective.

When police corruption is mentioned in the Halls of Congress or in the corridors of State capitols, legislators are quick to question one's patriotism and to defend the police without inquiry into the actual facts. Many of these legislators, of course, are pushed on by their own constituents. It is the popular thing to do. They decry crime in the street and propose saturating the cities with police and the police with Federal money, chiefly LEAA—Law Enforcement Assistance Administration—funds.

Among policemen themselves, corruption upsets the strong bond of comradery, the solid front of law and order. Their job is difficult, each situation requiring a judgment about human nature in a unique set of circumstances. Understandably, the police are flustered and distressed when outside groups such as the Knapp Commission nose around, apparently out to discredit all police with a single stroke of the brush.

Crime fighting is a dangerous business policemen say, and the patrolman cannot really be expected to turn down that occasional free cup of coffee from a grateful diner owner. Crime is also a dirty business and when the job deals constantly with trouble, one cannot expect all police to always keep clean all the time, or so I am told.

Well, I am not worried about that cup of coffee and I am not suggesting that the man in blue wear a clergy collar, too. What I am worried about are things such as accepting payoffs from gamblers, keeping some of the goods stolen by a suspect who has been apprehended, and allowing the drug trade to flourish.

The fact of the matter is that today if corruption wears the badge of law and order, it is not pursued. Protocol in the ranks demands that the incident be hushed up and, at most, that the officer be discretely transferred to another unit, another job, another precinct.

The explanation I have been given for this behavior is that: After all, how can policemen fight crime if you are going against the very men who are trying to protect you?

Therein lies the twisted rationale which employs the sanctity of the law as a franchise for breaking the law. It is a strange kind of logic which allows the enormous complicity I have seen in pushing drugs in black neighborhoods such as Bedford-Stuyvesant and Harlem. How can we be grateful to police whose actions give us the idea that they are an agency of exploitation allied for their own personal profit with the worst elements in our community?

Only when a sincere effort is made to root out corruption can we begin to believe that "law and order" means what the dictionary says it is supposed to mean. Only when corruption is rooted out can we believe that law enforcement agencies are not on the enemy's side but on our side. Right now that possibility of changing our beliefs looks extremely dim.

Police corruption has recently been uncovered in police departments and sheriffs' offices in no less than 23 States and the District of Columbia.

In Newburgh, N.Y., 10 of the town's 70 policemen were recently indicted for burglaries and larcenies involving 7 different stores and businesses in that riverside city which has been termed a "cesspool of crime."

In Washington, D.C., the sixth policemen in the last 2 years was recently arrested on charges of selling drugs. Ironically, he worked in the narcotics section.

In Chicago, eight policemen, two of them lieutenants, have been indicted on extortion charges by a Federal grand jury after an investigation of police involvement in a protection racket for tavern owners on Chicago's west side. The grand jury has records from crime syndicates, gamblers payoffs, and the names of at least 35 Chicago policemen. Businessmen holding liquor licenses there have testified that they must make regular payments to district or downtown police to stay in business. The payments get larger the greater the number of violations: Serving minors, handling gambling bets, or staying open after legal closing hours.

In Tucson, Ariz., a sheriff, five deputy sheriffs, and a process server resigned rather than face prosecution on charges of bribery, job-selling, and conspiracy.

In Philadelphia, half a dozen policemen have been arrested as a result of allegations of widespread corruption under investigation by the city district attorney's office and the State crime commission. The commission in a recent report of its investigation concluded that:

First, patterns of corruption exist within the Philadelphia Police Department;

Second, these patterns of corruption are not random or isolated, but systematic and they exist citywide.

Third, these patterns are not restricted to low-ranking officers.

These conclusions are far from being unsupported. For one thing, Philadelphia policemen have been observed systematically visiting known gambling locations at predictable times. For another, there is often a discrepancy between the quantity of stolen goods or narcotics seized and the amounts turned in. Finally, in an unprecedented move, the Philadelphia Police Commissioner transferred 19 of 22 police district commanders and all 7 division inspectors—but only after newspaper stories on police corruption sprouted.

Los Angeles is another example. There a police intelligence officer was arrested for possession of pure heroin with a street value of $320,000. This arrest prompted the police department to begin an intensive investigation which a few months ago led to the suspension of a detective on charges of cooperating with burglars and to an ongoing review of the department's internal affairs.

In Little Rock, Ark., the police chief of a northern suburb was recently indicted for procuring women to work as prostitutes.

In Louisiana, Federal grand juries in recent years have indicted county sheriffs on more than a few occasions for protecting local gambling and prostitution operations.

In Detroit, 15 policemen and a police inspector were indicted on Federal gambling charges.

In Reno, Nev., the head of the vice squad was found by a county grand jury to have accepted a large number of bribes and a vice squad lieutenant was found to have taken a $4,000 "loan" from a businessman who operated a host of bars.

In New York City, the problem is well known. To cite just a few instances, three city detectives, all of whom served at least 14 years on the police force, were convicted a year ago February after extorting $1,300 in cash and 105 decks of heroin and not arresting the suspects. In April of last year, the commanding officer of the police precinct covering Greenwich Village was removed and eight of his patrolmen were suspended on charges of stealing $25,000 worth of meat in cartons from a packing plant at 3 o'clock in the morning.

That same month, the New York State Commission of Investigation charged that police corruption had corroded the enforcement of narcotics laws so much that the department's fight to curb the flow of heroin was a total failure. In June, a city patrolman and his brother, an officer of the State narcotics addiction control commission, were indicted on charges of attempting to extort $650 from a patron of an afterhours club by threatening the patron with a drug charge. In August, it was revealed that plainclothesmen in the 16th division were paid $1,500 a month to allow a major operator to continue his numbers game racket. And that month, a police sergeant with 20 years on the force was charged with bribery after he tried to shake down the operator of a social club in the Bedford-Stuyvesant section of Brooklyn.

In November, the chief of the anticorruption unit reported that complaints about police corruption were flooding in at about three times the rate of the previous year, primarily because of the widespread attention the problem has received from the Knapp Commission. In December, two Queens policemen were arrested on charges of taking $200 to release some burglary suspects. In January, it was announced that 59 city policemen had been dismissed and 162 suspended during 1971, a jump of over 50 percent from the previous year. Many were dismissed or suspended for serious misconduct involving corruption. And on May 2, 23 policemen and 1 policewoman were indicted in connection with a huge gambling protection racket that netted some police officers $10,000 a year each as their share of the loot.

I mention these incidents to indicate a few examples of police corruption that have actually been uncovered. Many of these have been uncovered as a result of the publicity the Knapp Commission has put on corruption. Every time a cops-turned-robbers scandal is uncovered a few policemen are thrown to the wolves and a few more are shuffled around. The fact of the matter is that most corruption, however, goes unreported, or if reported, goes unresolved.

According to Dr. Albert Reiss, Yale University sociologist, who has been studying police behavior for more than 10 years, the level of criminality among policemen is a great deal higher than most of us would like to believe. There is extensive corruption in almost every major and many medium size police departments, he states.

In other words, the rotten apple theory of police corruption has got to be tossed out in favor of the rotten barrel theory. Because of the way our vice laws are enforced and because of the way most police departments are organized and led, he is convinced that current investigations are really a poor index of the actual size of the corruption.

How then does one measure police corruption if most of its goes unreported? In a Government-sponsored survey, Dr. Reiss had 36 trained observers ride with 597 patrolmen in 3 cities: Chicago, Boston, and Washington. The results of that study, done in 1966, revealed that one out of four policemen committed a crime even though he knew he was being observed. One out of four was seen assaulting a citizen, stealing from an already burglarized establishment, accepting a bribe to alter testimony, shaking down deviates or traffic violators, or accepting cash payoffs from businessmen. Such gratuities as free meals, drinks, small gifts, and handsome discounts on merchandise were not counted.

One of the main problems is that police have the hairsplitting task of deciding whom to take in and whom to let off. Gambling in New York, for example, is legal if the bookie is the Off-Track Betting Corp. but illegal if the bookie is a smalltime, independent numbers man. In my Harlem alone, it has been estimated that over $250 million changes hands annually on numbers. Liquor is legal if it is served at a certain place at a certain time to a person over a certain age but it is illegal if it violates one of myriad regulations. Everyone uses liquor but the law places all kinds of complicated and stiff regulations on its use, and then expects a man with a high school education and a badge to make sure things run smoothly. He is expected to enforce senseless regulations and yet turn down any benefits offered for going easy.

The rookie is in a particularly difficult position. As soon as he graduates from the police academy and hits the streets in his assigned precinct, he is shorn of any glories. "Forget what you were told in your training sessions," is the standard advice of the veterans. The rookie is given tips ranging from tricks to hoodwink headquarters to how to blackmail a prostitute. As he grapples with trying to apply his academic training with the reality of the beat, he quickly becomes cynical. He is told that he must carefully balance the equities for everybody else and yet there seems to be endless restrictions on his own freedom such as when he can and cannot draw his gun or frisk a suspect. And finally when he figures he has an airtight case, he finds, after waiting in court for days to testify, that the criminal is to be released to the streets again by a grey-haired, old judge who administers turnstile justice.

He soon learns that since the system does not really work fairly, he might as well make the system work for him. He can enforce a city ordinance or traffic law or overlook it just like the vice squad detective can raid a place or omit it from the list. Each discretionary act can carry a price tag on it. While he never joined the force to use the badge for profit, he soon finds in his frustration that this opportunity is hard to resist, especially if he has overdue car payments or a big mortgage on the house.

Although police rules forbid accepting presents, he knows that a big discount on clothes from a grateful storekeeper and a television set in return for cracking a warehouse burglary are common among his peers. He also learns that just the presence of uniformed officers in a pool hall, a hamburger joint, a dirty bookstore, or a pinball amusement center will drive off patronage. This helps persuade balky businessmen who cater to undersirable elements to voluntarily contribute to the man on the beat.

Most police know the difference between clean money and dirty money. The numbers game may be illegal but it is not immoral and their small cut is clean, almost as clean as getting a gratuity from a thankful storeowner. But then there is dirty money, money connected with narcotics or prostitution. Once a policeman has taken a bribe or a payoff, he is hooked just as surely as the narcotics addict. He gets in deeper and deeper to the point where he cannot possibly extricate himself.

I would be the first person to admit that it is impossible to legislate a panacea to the disease of police corruption. The problem defies simplistic solutions. However, I think it is possible to remove the two main obstacles to attacking the problem: No mandate and no money.

There has never been a forceful suggestion by the Federal Government that local law enforcement agencies receiving huge amounts of Federal money make an effort to establish special intelligence units to investigate local corruption or to set up outside commissions to examine the problem and produce recommendations. The time-honored way of handling police corruption has always been: There are a few rotten apples in every barrel and departments will do their own housecleaning as the need arises. This theory has never worked. What is needed is to have the Federal Government add momentum to the pioneer efforts of the Knapp Commission and the actions of New York Police Commissioner Patrick Murphy to probe deeply and to stop the corruption.

I am introducing legislation to amend title 18 of the United States Code to prohibit bribery of State and local law enforcement officers, including judges and prosecutors. My bill would expand Federal jurisdiction in cases where an individual carries into effect, attempts to carry into effect, or conspires to carry into effect any scheme in interstate commerce to influence in any way the official conduct of any State or local policeman, judge, sheriff or prosecuting attorney with knowledge that the purpose of such a scheme is to influence the law enforcement officer by bribery. It would also make it a Federal offense for the law enforcement officer to accept the bribe or to fail to report an attempted bribe to the U.S. Department of Justice. Conviction would subject the guilty party to a term of up to 5 years in prison and a $10,000 fine.

The disease of police corruption corrodes the badge, undermines respect for the man in blue and sets race relations back. By destroying the pride of the individual officer, corruption can act as a catalyst for improper use of police discretion. The first victims of police corruption are the urban poor. They live in areas which have the highest potential—the greatest opportunity—for official corruption.

But the victims of police corruption are also the patrolmen themselves. Corruption by a few kills the hope of many and squashes their own dreams of pride and excellence in a noble profession. To combat this disease effectively we need a coalescence of public outrage and official courage, a dual effort from both within and outside the ranks.

THE FDA DILEMMA

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 9, 1973

Mr. CRANE. Mr. Speaker, there are many problems connected with the operation of the Food and Drug Administration.

Originally meant to protect Americans from impure foods and drugs, the FDA, in recent years, has been guilty of preventing many new drugs from reaching the marketplace. In fact, many drugs developed in the United States by American companies are available in Europe, but not in our own country.

Bureaucracy has proven as inefficient in the food and drug field as in other fields. Part of the reason is that the legislation guiding the Food and Drug Administration was an overreaction to certain drug problems which arose in the early 1960's.

The medically indefinable term "safety," has produced such decisions as that in Merritt Corp. against Folsom in which the Court declared that—

> A genuine difference of opinion among medical experts as to whether a drug is generally recognized as safe for treatment of a particular disease requires conclusion that drug is not . . . safe for use. . . .

Beyond this are the archaic and, in many cases, senseless rules which state that any drug which produces cancer in animals may not be used for humans. This was the basis of removing cyclamates from the market. In the cyclamate studies, rats were fed a daily diet in which 20 percent by weight contained the sweetener. The diet was continued for 2 years, the equivalent to a human intake of 875 bottles of an artificially sweetened soft drink every day for a period of 35 to 50 years.

Discussing the manner in which FDA has impeded rather than assisted progress, Dr. Hans G. Engel, writing in the

February 1973 issue of Private Practice, the journal of the Congress of County Medical Societies, notes that—

> The United States has always been in the forefront of drug research. Even today, American physicians are prevented from using a large number of drugs proven effective and relatively safe in other countries—and many of these drugs were developed in the United States.

Dr. Engel notes that, as a result of current regulations:

> Many products have been withheld or removed from the market by the FDA or withdrawn by the manufacturer.

One example he cites is that of Phisohex which was discontinued for routine nursery use because mice, dipped daily into a full-strength 3-percent hexachlorophene solution, and not rinsed, contained brain damage. He notes that—

> No nursery ever used such a technique on babies and no public mention was made of the comparison of body surface area/brain volume ratio of mice and men. Since the introduction of Phisohex, the curse of nursery staph epidemics has been all but eliminated. In the two week period following the FDA edict, 23 hospitals reported staph outbreaks in their nurseries.

It is high time that we carefully review the activities of the FDA—and make it help and not hinder the health of the American people.

I wish to share with my colleagues this important article by Dr. Hans Engel in Private Practice magazine, and insert it into the RECORD at this time:

THE FDA DILEMMA

(By Hans G. Engel, M.D.)

As we have watched the Food and Drug Administration remove product after product from the market, individual physician reactions have run the gamut from applause to indifference to rage. The majority of us in private practice probably have reacted with graduations from annoyance to anger.

However, while decisions of the FDA have, in some cases, been arbitrary and politically expedient, the agency is often not the villain, but the victim, because many of the department's investigations and decisions are decreed by law.

It is certainly not my wish to denigrate the efforts of legislators to make our lives as safe as possible, but we, as physicians, are aware, as legislators are not, that absolute drug safety is an unreachable nirvana. In almost every modality in the practice of medicine, there is a certain benefit-to-risk ratio. The only way to eliminate all risk to the patient would be to return to medieval medicine, eliminating all surgery and all drugs except for foodstuffs. Governmental decree can never assure absolute safety and the greater the effort to accomplish this goal, the more hampered will be any progress in advancing medical knowledge.

The "Food Additives Amendment of 1962" to the Federal Food, Drug and Cosmetic Act (the "Delaney Amendment") states:

"That no additive shall be deemed to be safe if it is found, after tests which are appropriate for the evaluation of the safety of food additives, to induce cancer in man or animal . . ."

This amendment was responsible for the removal of cyclamates, and for the threatened removal of saccharine, from the American market. Yet Jesse Steinfeld, MD, then Deputy Assistant Secretary for Health and Scientific Affairs of the Department of Health, Education and Welfare stated in a press conference on October 18, 1969: "There is absolutely no evidence to demonstrate in any way that the use of cyclamates has caused cancer in man. There is no evidence that the use of cyclamates has caused malformations in children or any other abnormality in humans, other than a rare skin sensitivity."

The removal of these two sweeteners represents an incalculable inconvenience, if not a threat to the health of millions of diabetic, hyperlipidemic and obese Americans.

In the cyclamate and saccharine studies, rats were fed a daily diet in which 20 percent by weight consisted of one of the two sweeteners. The diet was continued for two years—equivalent to a human intake of 875 bottles of an artificially sweetened soft drink every day for a period of 35 to 50 years.

In another study, bladder cancer occurred in some of the rats that were fed cyclamates in the amount of 2,500 milligrams per kilogram per day which is equivalent to 175 grams for an adult man—or 16 pounds of sugar daily, for life.

In a third study, pellets containing 80 percent cholesterol and 20 percent cyclamate, were implanted in the bladders of Swiss mice, a species subject to bladder cancer. Not surprisingly, there was "a significant increase in the incidence of this disorder."

Another law which has had a tremendous impact on American medicine is the so-called "Kefauver-Harris Amendment":

"Defining the term 'new drug', is amended by (A) inserting therein, immediately after the words 'to evaluate the safety', the words 'and effectiveness' and (B) inserting therein, immediately after the words 'as safe', the words 'and effective'."

The Food and Drug Administration charged the National Academy of Sciences-National Research Council (NAS-NRC) with the responsibility of evaluating drug effectiveness. At the same time, safety on most drugs was re-evaluated in greater depth than ever before. This has involved not only the review of all "New Drug Applications" since 1962, but also retroactive reviews of NDA's accepted since the original law was passed in 1938, and a review of the safety of drugs which came on the market prior to that date.

This medically indefinable "safety", has produced such anomalies as a legal decision, which stated, in summary:

"A genuine difference of opinion among medical experts as to whether a drug is generally recognized as safe for treatment of a particular disease requires conclusion that drug is not generally recognized as safe for use in treatment of such disease within meaning of this section regulating introduction of any new drug into interstate commerce." (Merritt Corp. v. Folsom, D.C.D.C. 1958, 165 F. Supp. 418).

The United States has always been in the forefront of drug research. Even today, American physicians are prevented from using a large number of drugs proven effective and relatively safe in many other countries—and many of these drugs were developed in the United States.

On the basis of this law, many products have been withheld or removed from the market by the FDA, or withdrawn by the manufacturer. To cite a couple of examples, Upjohn voluntarily withdrew its birth control pill Provest because it produced breast nodules in beagles, a species known to be subject to this benign disorder. Phisohex was discontinued for routine nursery use because mice, dipped daily into a full-strength 3 percent hexachlorophene solution, and not rinsed, developed brain damage. No nursery used such a technique on babies and no public mention was made of the comparison of body surface area/brain volume ratio of mice and men. Since the introduction of Phisohex, the curse of nursery staph epidemics has been all but eliminated. In the two week period following the FDA edict, 23 hospitals reported staph outbreaks in their nurseries.

FDA decisions are sometimes arbitrary or politically expedient. Let me demonstrate by means of an abbreviated, fictitious drug information abstract (the "package insert"), which, however, describes a genuine product.

TRADE NAME "X"

Composition: Each tablet contains 300 milligrams of monomethyl ester of orthodibenzoic acid.

Indications: (omitted for sake of brevity).

Precautions: (partial) "X" is the commonest intoxicant in one specific population group, resulting in a great number of deaths each year. It is the second most common drug used in suicide atempts.

Side Effects: (partial) Hemolytic anemia, hypoprothrombinemis, interference with platelet aggulutination, respiratory alkalosis, vomiting, gastric hemorrhage, albuminuria.

Warning: (partial) "X" may produce idiosyncratic reactions in up to 10 percent of patients taking this drug. The most common reaction is asthma, but urticaria, erythema multiforme and purpura may occur, as well as arrhythmias and anaphylaxis.

In view of other actions taken, the FDA has of course removed "X", this highly dangerous drug, from the market; or has it? Of course not! "X", as you know, is asprin.

Can you imagine the hue and cry from the voting public if aspirin were taken off the market? There would be no delay in getting the law changed!

No greater harm could be done to medicine than to remove all drugs known to be deleterious to man from our armamentarium. Would you like to practice medicine without narcotics, hypnotics, cardiac glycosides, anticoagulants, anticonvulsants, steroids, hormones and anticholinergics, to mention just a few groups? These are all known to be toxic to man.

But this is not enough to satisfy the law, were it followed to the letter. One of the popular drugs for the treatment of nausea of pregnancy, meclizine, has never been demonstrated to be teratogenic in humans; yet it is so in several animal species, and must, therefore, according to the letter of the law, be discontinued.

This same law also needs to be changed, insofar as it permits interminable delays prior to approval of an NDA. At present, the FDA has nine months in which to review an NDA, during which time it may return the application for further studies. When these are completed, another nine months may go by before further information is requested. This process may continue almost indefinitely. A 30-day limit should be imposed on the FDA for review of NDA's and all incomplete or unsatisfactory research should be identified before the end of this time interval. When the required studies are completed, only review or revision of such new information should be reevaluated, without authority to demand further studies from the researcher or manufacturer involving material previously found acceptable.

A revised version of the law should indicate that a product may be removed from the market only if it meets certain criteria. (1) It must be of proven harm to humans. (2) Such harmful effects must, in the opinion of the majority of clinical researchers entrusted with the drug's evaluation, outweigh the drug's beneficial effects in clinical significance (i.e. cytotoxic drugs, cardiac glycosides and anticoagulants, in excessive dose, are universally lethal, yet no physician would recommend their elimination). (3) More effective or safer drugs exist for the treatment of the same disease process.

If anything is accomplished in changing these statutes, it must be up to us—the practicing physicians. The university researcher and the pharmaceutical company chemist is effectively silenced, since his NDA is not likely to be accepted if he is highly vocal about FDA inaction or overzealousness.

Unenforced and unenforceable laws plague many facets of our society today. Let us do everything in our power to change laws which hold a threat of crippling medicine in the United States.

PIONEER II LAUNCHED

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 9, 1973

Mr. GOLDWATER. Mr. Speaker, Pioneer II, the second of two National Aeronautics and Space Administration's missions to observe and photograph the solar system's largest planet, is now on its way to Jupiter. Although it is traveling at a speed of 32,000 miles an hour, it will still take almost 2 years for Pioneer II to reach Jupiter, which is 1,000 times larger than our planet Earth, we can anticipate that tremendous advances in planetary astronomy will result.

I have personal interest in the Pioneer II mission. With this launch, the Rocketdyne Division of Rockwell International Corp., which is located at Canoga Park, Calif., in my congressional district, established an astounding, commendable record that attests to the company's professional expertise.

Pioneer II was the 1,001st launch powered by engines produced by Rocketdyne, the Nation's leading producer of large liquid rocket engines.

A Rocketdyne Redstone engine launched the first U.S. space shot in January 1958. Later that same year Rocketdyne engines launched Score, the Nation's first communications satellite.

Explorer 6, powered by a Rocketdyne Thor engine, took the first photos of Earth in mid-1969. Tiros I, another Thor-boosted launch, was the first meteorological satellite. It sent back from space almost 23,000 photos during a 2-month period in 1960.

Alan Shepard, the first man to fly in space, was launched by a Rocketdyne-powered Redstone on a suborbital flight on May 5, 1961. This was the first manned Mercury shot and marked the birth of manned space flight. The following year Rocketdyne Atlas engines boosted John Glenn, the first American in orbit, on his pioneering space journey.

In July 1962, a Rocketdyne-powered Thor/Delta vehicle launched Telestar I, the world's first international communications satellite which made possible the first direct television connection between continents. More sophisticated Intelsat satellites have been launched by Rocketdyne engines in more recent times, permitting us to sit in our living rooms and watch history being made through such events as President Nixon's trips to Peking and Moscow and our prisoners being released in Hanoi.

I would be remiss if I did not call attention to the fact that Rocketdyne engines powered all of the Apollo launches, climaxed last December 7 with the launch of Apollo 17. Indeed, 75 percent of all U.S. space launches have been powered by Rocketdyne engines.

As I have said, Rocketdyne is in my congressional district and I have visited the facility numerous times. Each visit is an occasion to witness first hand the skill and dedication of the great Rocketdyne technology teams which has made such a significant contribution to our national space effort.

The president of Rocketdyne is William J. Brennan, Jr., who has progressed through the engineering ranks to the top position in that division over the last 25 years and who has been instrumental in the development of all of the Rocketdyne family of large liquid rocket engines.

I recommend him and his organization for their outstanding achievements in the field of liquid rocket propulsion, whose technology is now beginning to find its way into the civilian sector.

I was not surprised that Rocketdyne has been selected by the National Aeronautics and Space Administration to develop the main engines for America's next great advance in space flight—the reusable space shuttle orbiter.

I am confident that the men and women of Rocketdyne will perform as outstandingly on the space shuttle main engine program as they have on all the space programs in which they have been involved thus far.

I am proud to represent these people in the Congress of the United States.

ATLANTIC UNION AND FEDERAL PRINCIPLES

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 9, 1973

Mr. FINDLEY. Mr. Speaker, tomorrow the House of Representatives will consider House Joint Resolution 205, a resolution to establish an Atlantic Union delegation. An identical resolution has passed the Senate. President Nixon has assured me personally that he will sign the bill.

The vote in the House tomorrow, therefore, takes on special importance. If the vote is affirmative, as I hope and expect, an important first step will have been completed toward the consideration on a trans-Atlantic basis of applying federal principles to our common problems and opportunities.

Just what is meant by Atlantic Union and federal principles?

Federation is based upon concern for the individual, his freedom, and his dignity. It is based upon recognition that in a true democracy, sovereignty lies in the people, not in any institution of government.

The federal idea is a concept of government by which a sovereign people, for their greater progress and protection, vest the responsibilities of government in a political system that has more than one center of authority. Power to deal with local problems is vested in local authorities. Power to deal with problems which cannot be handled locally is vested in broader authorities. Power to deal with still larger, with national problems, is vested in national authorities.

Today many problems are beyond the power of any one nation to handle alone. As President Eisenhower said in his farewell message to NATO:

> Together we must build a community which will best safeguard the individual freedom and national values of our respective peoples and at the same time enable us to deal effectively with those problems with which no nation, alone, can deal adequately.

The federal principle is at all times responsible to the needs and will of the people in whom sovereignty ultimately resides. It is probably the supreme American contribution to the struggle of all self-governing peoples to build political structures strong enough to assure their freedom and an orderly society. Whether we like it or not, the world is becoming constantly more closely interdependent. In more and more matters common interests among kindred people far outweigh individual national interests. Only by harmonized policy and concerted action on matters of common concern can any nation today fulfill its basic responsibilities to its sovereign people.

It was President Kennedy who said:

> Acting on our own by ourselves, we cannot establish justice throughout the world. We cannot insure its domestic tranquility, or provide for its common defense, or promote its general welfare, or secure the blessings of liberty to ourselves and our posterity. But joined with other free nations, we can do all this and more. We can assist the developing nations to throw off the yoke of poverty. We can balance our worldwide trade and payments at the highest possible level of growth. We can mount a deterrent powerful enough to deter any aggression and ultimately we can help achieve a world of law and free choice, banishing the world of war and coercion.

The free world today is grappling with these problems of establishing justice, assuring tranquility, security, the general welfare, and liberty. It is groping for the answers, for a framework of order and unity which can cope with them. They all require the joint and cooperative action of many levels of government.

Is the free world ready for the application of these principles today? It is not. But more and more people on both sides of the Atlantic are recognizing the need for something new, something different, some better way of dealing with these problems with which no nation can deal adequately alone.

Shortly before his death, former Secretary of State Christian A. Herter declared:

> I am convinced that in the long run, neither military alliances nor customs unions will survive without the cement of political institutions. This does not necessarily mean the exact type of union which we created here in the United States. It may well be something new. It must be realistically based upon the needs of today's and tomorrow's world and, I believe, it will have to be based upon some form of federal principles. The ties may be looser and more flexible as between different nations. The roots of unity may have to grow slowly and deeply before the tree grows to full height, but we must never

lose sight of our objective or tire in our pursuit of it.

The road may be long, but federal principles provide a goal, a direction in which free men can begin to think and act and, in the case of the United States, to lead.

Do Europeans want to meet in an Atlantic convention to explore the possibility of agreement upon Federal principles as a means of dealing with trans-Atlantic problems? Several answers can be given.

In 1960, the House passed a similar resolution, and the convention which was held in Paris was willingly attended by delegations from every NATO country. So we have that practical experience which leads me to believe that they will again willingly attend a similar convention.

In addition, over 200 European parliamentarians are members of two international organizations which promote Atlantic union. These parliamentarians can be expected to be enthusiastic.

Dr. Arthur Burns, of course, is in regular communication with central bankers from all of the European countries. He informs me that they will welcome such an Atlantic convention.

Finally, at a recent conference in Amsterdam many Europeans expressed the need for great cooperation with the United States. This prompted one U.S. delegate to the Amsterdam conference, W. Randolph Burgess, to comment that—

> Passage of the Atlantic Union Resolution would be one form of demonstrating to official and public opinion in Europe that the U.S. Congress, far from being isolationist, is prepared to explore with its allies the possibility of moving towards more effective unity.

Mr. Burgess formerly was the U.S. Ambassador to NATO and is currently Vice Chairman of the Atlantic Council. He is an experienced and sensitive diplomat well in tune with European thinking. Following is the complete text of his letter to me outlining what happened at the Amsterdam conference:

APRIL 6, 1973.

DEAR MR. FINDLEY: This letter is in response to your request for my views as to European attitudes toward more effective Atlantic unity, perhaps ultimately based on federal principles, in the light of the Europe-America Conference at Amsterdam from which I have just returned.

The Conference was held under the auspices of the European Movement and naturally most of the European delegates were primarily interested in European unity. Nevertheless there was very wide recognition of the need for coordinated policies on both sides of the Atlantic to deal with common problems. The American delegation made very clear that it in no sense regarded Atlantic unity as a competitor of European unity but rather as complementary to it.

The Conference dealt with numerous specific problems in the fields of defense, political, economic and monetary affairs on some of which there were obviously wide differences of opinion, among Europeans as well as between Europeans and Americans. Speaker after speaker however stressed the pressing need to develop closer cooperation to deal with them.

There was very little discussion of any particular overall form of long-range unity, but there were proposals for more effective specific forms of cooperation such as giving the International Monetary Fund wider powers.

The Conference also recognized the need for, and advocated, a continuing trans-Atlantic dialogue "on all problems of substance and method concerning their relations." It urged that this dialogue take place between "the official organs of the countries concerned and of the European Community" and between private organizations concerned with public opinion. A copy of the final resolution adopted by the Conference is attached.

There was no discussion of federalism, either European or Atlantic, other than an exchange of views between two Americans, one of whom merely reported passage by the Senate of S.J. Res. 21 and the other maintaining that that Resolution in no way represented the sense of the Congress. I may say that the idea of possible Atlantic federation has never in the past been seriously considered in Europe, largely because of the widespread impression that the U.S. Congress would never agree to any far-reaching measures of unity.

While passage of one of these Resolutions now before our Congress would not be expected to lead to any early "Atlantic federation," that is not really the point. It would, in my opinion, be one form of demonstrating to official and public opinion in Europe that the U.S. Congress, far from being isolationist, is prepared to explore with its allies the possibility of moving towards more effective unity.

Naturally there will be some vocal opposition in European countries, as there is in Congress, to the proposed convention. It will come largely from those opposed to any form of close cooperation with the United States. It will be endorsed by our true friends in Europe, particularly if we continue to make clear that we regard progress toward Atlantic unity as complementary to rather than as competitive with progress toward European unity.

The development of effective unity must inevitably be a long process dependent upon concrete steps toward harmonization of policy and common action in matters of common concern, but it will be far easier to take them if they are recognized as steps toward a long-term objective.

I would add one further thought. It seemed to me that the meetings in Amsterdam of the Committee on economic and monetary problems, with which I was personally most concerned, attacted significantly more interest and concrete discussion than those concerned with security or political ones. The forthcoming negotiations on monetary and trade problems will be of great importance to this country and indications of Congressional recognition of the importance of closer Atlantic unity in all fields will be most helpful.

Sincerely yours,

W. RANDOLPH BURGESS.

The text of the resolution follows:

H.J. RES. 205

Joint resolution to create an Atlantic Union delegation

Whereas a more perfect union of the Atlantic community consistent with the Charter of the United Nations gives promise of strengthening common defense, while cutting its cost, providing a stable currency for world trade, facilitating commerce of all kinds, enhancing the welfare of the people of the members nations, and increasing their capacity to aid the people of developing nations: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) The Congress hereby creates an Atlantic Union delegation, composed of eighteen eminent citizens, and authorized to organize and participate in a convention made up of similar delegations from such North Atlantic Treaty parliamentary democracies as desire to join in the enterprise, and other parliamentary democracies the convention may invite, to explore the possibility of agreement on—

(a) a declaration that the goal of their peoples is to transform their present relationship into a more effective unity based on Federal principles;

(b) a timetable for the transition by stages to this goal; and

(c) a commission to facilitate advancement toward such stages.

(2) The convention's recommendations shall be submitted to the Congress.

(3) Not more than half of the delegation's members shall be from one political party.

(4) (a) Six of the delegates shall be appointed by the Speaker of the House of Representatives, after consultation with the House Committee on Foreign Affairs and the leadership, six by the President of the Senate, after consultation with the Senate Committee on Foreign Relations and the leadership, and six by the President of the United States.

(b) Vacancies shall not affect its powers and shall be filled in the same manner as the original selection.

(c) The delegation shall elect a Chairman and Vice Chairman from among its members.

(d) All members of the delegation shall be free from official instructions, and free to speak and vote individually in the convention.

(5) To promote the purposes set forth in section (1), the delegation is hereby authorized—

(a) to seek to arrange an international convention and such other meetings and conferences as it may deem necessary;

(b) to employ and fix the compensation of such temporary professional and clerical staff as it deems necessary: *Provided,* That the number shall not exceed ten: *And provided further,* That compensation shall not exceed the maximum rates authorized for committees of the Congress; and

(c) to pay not in excess of $100,000 toward such expenses as may be involved as a consequence of holding any meetings or conferences authorized by subparagraph (a) above.

(6) Members of the delegation, who shall serve without compensation, shall be reimbursed for, or shall be furnished, travel, subsistence, and other necessary expenses incurred by them in the performance of their duties under this joint resolution, upon vouchers approved by the Chairman of said delegation.

(7) Not to exceed $200,000 is hereby authorized to be appropriated to the Department of State to carry out the purposes of this resolution, payments to be made upon vouchers approved by the Chairman of the delegation subject to the laws, rules, and regulations applicable to the obligation and expenditure of appropriated funds. The delegation shall make semiannual reports to Congress accounting for all expenditures and such other information as it deems appropriate.

(8) The delegation shall cease to exist at the expiration of the three-year period beginning on the date of the approval of this resolution.

WAR POWERS

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 9, 1973

Mr. DULSKI. Mr. Speaker, for more than 2 years I have been pressing for legislative action to clarify the roles of Congress and the Chief Executive with respect to war powers.

I introduced appropriate legislation 2 years ago and introduced House Joint Resolution 71 on the opening day of the 93d Congress. I also have cosponsored legislation specifically barring reinvolvement in Indochina.

While we were immersed in the Vietnam war, there was hesitation upon the part of some to deal with this subject. We are now out of Vietnam and that no longer can be used as an excuse to delay action. In fact, the manner in which we got mixed up with Vietnam is clear evidence of the need to clarify the respective powers of the two arms of Government.

At the same time, while the ink is hardly dry on the cease-fire agreement, there is talk of possible further involvement if violations continue.

Mr. Speaker, time is of the essence, apparently, to deal now—not wait another day—with the matter of war powers.

On his point, I quite agree with the editorial position of the Buffalo, N.Y., Evening News in an April 5 editorial which I include as a part of my remarks:

TIME TO CLARIFY WAR POWER

Does President Nixon alone have the right to order renewed bombing in Vietnam to enforce the cease-fire? The controversy now surrounding that question in Washington strikingly illustrates the timeliness of an effort in Congress to clarify the roles of the President and Congress when the country goes to war.

The communique issued on the conclusion of the visit of South Vietnamese President Thieu with Mr. Nixon stated that serious violations of the peace agreement "would call for appropriately vigorous reactions." Defense Secretary Elliott Richardson went even further when he said recently that the United States would consider resumption of the bombing in Vietnam if the truce violations became too serious.

It is reassuring that Mr. Richardson did not think this would be necessary in the near future. Such a course—involving as it would the creation of new prisoners of war—would in fact be very hard for most Americans to swallow, after thinking they had just celebrated the completion of our withdrawal from the war. It would raise at once the question of whether it was an act necessarily related to the conclusion of the old war, or a response to a new provocation and thus a potential start-up of a new war. In either case, it would be a matter on which the President should certainly act in close consultation with Congress: and the fact that the administration even mentions the possibility points up the murky state of the constitutional issue.

A clear guideline that would help cut through this legal tangle is provided in a war-powers bill introduced earlier this year by Sen. Javits (R., N.Y.) with broad, bipartisan support. It would allow the President to commit troops in an emergency without advance consultation of Congress, but it would bar his continuing hostilities for more than 30 days without specific congressional approval.

The purpose of the bill is not to stake out any new congressional power, but to restore the role of Congress as seen by the Founding Fathers who explicitly declared the right to declare war should be reserved for Congress.

Sen. Javits' bill was designed to prevent new Vietnams, not to get us out of the old one. But now, with all our troops out of Vietnam, seems as good a time as any for a new war-powers rule-book to take effect. If anything occurs from now on, for example, which causes the President to feel it necessary to send American troops or air power back into direct combat, we see no good reason why such a response should not come under the 30-day rule of the bill.

We think the constitutional sharing of the war power should be cleared up in this way, so that any future conflict anywhere would be undertaken with our eyes open—with full presidential awareness at the outset that full congressional participation and support would be needed for any prolonged use of American power in any foreign trouble spot. Having such a rule on the books should lessen the chance of creeping involvements and of the consequent divisiveness and bitterness the nation has experienced over Vietnam.

OPENING AMERICA'S DOOR

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 9, 1973

Mr. ROSENTHAL. Mr. Speaker, today I am introducing legislation which amends the Immigration and Nationality Act to make visas more accessible to immigrants from the Eastern Hemisphere. Nations most directly affected would be Germany, Great Britain, Ireland, and Poland.

The purpose of this bill is to correct an inequity which has existed since the enactment of the 1965 amendments to the Immigration and Nationality Act. The amendments of October 3, 1965, repealed the national origins quota concept as the system for admitting immigrants to the United States and substituted for it a one-figure ceiling on all Eastern Hemisphere immigration. This simply means that visas no longer would be allocated separately for each country of origin but that they would now be handled en masse for the Eastern Hemisphere on a first-come, first-served basis.

While the 1965 bill headed us toward a more just immigration policy, it did not complete the work because the Congress at that time dropped provisions in the committee-approved bill which would have insured that no former most-favored nation would suffer undue hardships during the transition period. These provisions included a 5-year phaseout period with a "pooling" of unused quota numbers to be reallocated in future years and Presidential authorization to reserve up to 10 percent for refugees and up to 30 percent for national security problems from the enlarged quota. The transition period was cut to 3 years, while the Presidential authority was deleted from the 1965 measure entirely.

Once enacted, severe repercussions became evident. Following the 3-year phaseout, which ended in 1968, backlogs in some countries' oversubscribed preferences remained. This means that there were more people who wanted visas than were able to obtain them. In former high quota nations, such as Ireland, this problem was acute. Immigration, here and elsewhere, was stopped to a mere trickle.

This bill provides the means to correct this situation. It will add 7,500 visas a year from each of these individual nations or 75 percent of their 1955–65 average of total immigrant visas issued—whichever is higher. Actual demand is not expected to exceed 35,000 immigrants a year from the Eastern Hemisphere. In fiscal year 1971, approximately 73,000 immigrants from the Eastern Hemisphere were admitted to the United States.

This legislation would suspend the labor certification requirement for 4 years. Although this would allow entry of persons who do not have jobs waiting for them, they must still be able to meet the qualification of guaranteeing economic stability, thus assuring that they will not become public charges.

Last year, the House passed an identical measure, only to see it die in a Senate committee during the closing days of the 92d Congress. I am hopeful, however, that the 93d Congress will act promptly to correct this injustice. Members in both Chambers are cognizant of this bill's urgency and of the public support behind it.

Therefore, I introduce this bill in the interest of removing the inequities left by the 1965 amendments as well as completing the work begun by our late colleague Bill Ryan. This measure, when passed, will stand as a tribute to this man whose legislative efforts were instrumental in providing a just solution to our immigration dilemma. By easing the backlog of immigrants and by admitting persons who previously were ineligible, Congress will have made great strides toward completing a fair and workable immigration policy.

COSTS SOAR, PRICES LAG

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 9, 1973

Mr. DERWINSKI. Mr. Speaker, a relatively new feature is the daily column by Bill Anderson which covers subjects of international, domestic, as well as Washington vantage points in the Chicago Tribune. In a very timely column of March 31, Mr. Anderson discusses, in a very thorough, objective fashion, the cost-price viewpoint of a farm wife. I consider this an especially pertinent column and, therefore, insert it into the RECORD:

COSTS SOAR, PRICES LAG: FARM WIFE

(By Bill Anderson)

WASHINGTON.—Mrs. Wilbert Zimmerlein, whose husband farms near LaMille, Ill., wrote to this column the other day to say, among other things, how much a tractor cost her husband in 1950. Her point was excellent; her timing was, too.

The morning her letter arrived, the Washington newspapers carried ads from the Consumers Supermarkets chain advising that it would close its stores today to protest high food prices and to support the consumer movement's April 1–7 meat boycott week.

President Nixon was so disturbed by the food situation that he used part of an other wise triumphant speech marking the end of American involvement in the Viet Nam war to announce a ceiling on meat prices. The supermarket chain quickly cancelled its planned closing, but the boycott leaders said they would go ahead with their plans.

It can safely be assumed that Secretary of Agriculture Earl Butz and other White House advisers will be closely watching the ceiling's impact on farmers. They also will be gauging rural reaction to the move. That brings us to Mrs. Zimmerlein's tractor comments.

Noting the hue and cry over cost of food to the housewife, Mrs. Zimmerlein pleaded. "Now take a look at our costs. We purchased a new tractor in 1950 for $2,600. Today you can spend $10,000 to $20,000 (for the same tractor). In 1952 we purchased a new combine for $5,700. A new combine today costs $35,000 plus 5 percent sales tax."

She requested us to compare those spiraling cost figures with how much farmers were paid for the beef they raised, both in 1951 and in 1972. "In 1951 the average price farmers received for beef cattle was $29.69 per hundredweight," she wrote. "In 1972 [they received] $33.40 per hundredweight."

Mrs. Zimmerlein had some personal figures to offer as well. "In 1948 we received $2.48½ a bushel for corn. In February, 1972, we received $1.04 a bushel for part of our corn crop; the rest of our corn we sold in September for $1.22—less than half of what we received 24 years ago."

Stated quickly, Mrs. Zimmerlein's point is that farmers' income isn't much different today than it was two decades ago. But since farmers also are consumers their costs have gone up like those for everybody else.

A neighbor of the Zimmerleins, R. C. Coddington, recently became so unhappy about the beating which he believes farmers are taking that he allowed the local newspaper to publish his tax figures for 1947 and for 1971. Coddington's taxes have gone up 1,000 per cent since 1947, Mrs. Zimmerlein said.

She said that his taxes on 25 acres were $418.60 in 1947. In 1971 his bill was $4,123.96. In 1947 he sold his corn at $1.90 a bushel. In 1971 his corn went for $1.30 a bushel, Mrs. Zimmerlein said.

"Why are you [consumers] screaming so at the rising cost of food?" asks Mrs. Zimmerlein.

Perhaps one answer to her question was supplied by Calvin Beal, an Agriculture Department population expert. "In 1951, 11.2 per cent of the population derived its primary income from farming," he said. "By 1972 that figure had dropped way down to 4.2 per cent," Beal explained.

Thus, farmers find themselves pitted against 95.8 per cent of Americans when the housewife pushes her shopping cart down the aisle, and it isn't hard to guess who is going to get the most attention.

As an afterthought, when she had finished her letter, Mrs. Zimmerlein wrote across the top, "Please read this letter from a farmer's view on food prices." That's what we've tried to do.

It might be worthwhile also to quote from the full-page ad used by the Consumers Supermarkets chain in announcing its now-discarded plan to close. Markets have some common ground with Mrs. Zimmerlein because they also are blamed for today's soaring food costs. The chain's public relations experts put it this way:

"All fault doesn't lie with the farmer, any more than with labor. It's not the packer. Or the processor. Not the wholesaler. Or the supermarket. It's not any one of us. It's all of us. It's not anybody's fault. But it's everybody's problem. . . .

FOOD STAMPS FOR THERAPEUTIC COMMUNITIES

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 9, 1973

Mr. BADILLO. Mr. Speaker, I am pleased to reintroduce today for myself and the gentleman from Hawaii (Mr. MATSUNAGA), the gentlewoman from Washington (Mrs. HANSEN), and the gentleman from California (Mr. HAWKINS), a bill to amend the Food Stamp Act to extend its benefits to rehabilitation and treatment programs run by private, nonprofit organizations. A slightly different version of this bill was introduced by me in the last Congress and received bipartisan support.

Our society is paying a tremendous price because of drug addiction and drug abuse. We have learned, all too painfully, that addiction knows no neighborhood lines, no country or State boundaries, and no racial or ethnic distinctions. We see every day the toll the drug culture is exacting in ravaged lives and demoralized neighborhoods.

In my city of New York alone, the experts estimate that there are more than 100,000 addicts. About one-fifth of them are participating in publicly supported programs. But these programs are having a difficult time in making ends meet. Although much has been said lately about the necessity of freeing our society from the scourge of drug abuse and particular emphasis has been placed on the need to curtail traffic in drugs, our national commitment to a program of treatment and rehabilitation for those suffering from drug addiction leaves much to be desired. Funds are scarce and restrictions placed on them make it difficult even for State agencies to make full use of the moneys available. While this state of affairs is causing difficulties to all rehabilitation efforts, it is proving to be of particular hardship to the community-based programs. These are very hard-pressed for funds and, to add to their worries, frequently must divert hard-won administrative funds for the purpose of feeding their participants, many of whom simply cannot contribute toward their own support. Yet a large number of them have outstanding rehabilitation rates and their continuance and expansion would prove a boon to the Nation in eliminating and reducing addiction.

For such programs, and the National Institute of Mental Health estimates there are about 2,000 of them nationwide, this legislation would provide assistance by making it possible for them to furnish nutritious meals at moderate cost. Both residential and nonresidential type facilities would benefit since, while the main provision of the bill calls for a redefinition of the term "household" to include carefully defined therapeutic communities, it also follows addicts who are members of eligible households to use their stamps to purchase food prepared for them while they are participating in ambulatory programs.

Hearings are presently underway on the Food Stamp Act and for this reason this is an excellent time for us to take another look at this measure. I have been hearing from programs throughout the Nation who express support for and want additional information on this measure. I have that Members from both sides of the aisle will support it and thereby demonstrate their willingness to help those addicts who are anxious and willing to help themselves.

For the information of my colleagues, I am inserting here in the RECORD the text of the bill:

H.R. 6695

A bill to amend the Food Stamp Act of 1964 to provide food stamps for certain narcotics addicts and certain organizations and institutions conducting drug treatment and rehabilitation programs for narcotics addicts, and to authorize certain narcotics addicts to purchase meals with food stamps

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the second sentence of section 3(e) of the Food Stamp Act of 1964 (7 U.S.C. 2012(e)) is amended—

(1) by striking out "or"; and

(2) by inserting before the period at the end thereof the following: ", or (3) any group of narcotics addicts who live together under the supervision of a private nonprofit organization or institution for the purpose of regular participation in a drug treatment and rehabilitation program".

(b) Section 3 of the Food Stamp Act of 1964 (7 U.S.C. 2012) is amended by adding at the end thereof the following new subsection:

"(n) The term 'drug addiction treatment and rehabilitation program' means any drug addiction treatment and rehabilitation program conducted by a private nonprofit organization or institution and (1) certified by any State or local government, or (2) approved pursuant to regulations prescribed by the Secretary of Health, Education, and Welfare."

(c) Section 5 of the Food Stamp Act of 1964 (7 U.S.C. 2014) is amended by adding at the end thereof the following new subsection:

"(d) The Secretary shall establish uniform national standards of eligibility for households described in section 3(e)(3) of this Act."

(d) Section 5(c) of the Food Stamp Act of 1964 (7 U.S.C. 2014(c)) is amended by adding at the end thereof the following: "For the purposes of this section, the term 'able-bodied adult person' shall not include any narcotics addict who regularly participates, as a resident or nonresident, in any drug addiction treatment and rehabilitation program."

(e) Section 9 of the Food Stamp Act of 1964 (7 U.S.C. 2018) is amended by adding at the end thereof the following: "Regulations issued pursuant to this Act shall provide for the redemption, through approved wholesale food concerns or through banks, of coupons accepted by any drug treatment or rehabilitation program pursuant to section 10(i) of this Act."

(f) Section 10 of the Food Stamp Act of 1964 (7 U.S.C. 2019) is amended by inserting at the end thereof the following new subsection:

"(i) Members of an eligible household who are narcotics addicts and regularly participate in any drug addiction treatment and rehabilitation program may use coupons issued to them to purchase food prepared for or served to them during the course of such program."

WARNER BROTHERS GOLDEN ANNIVERSARY

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 9, 1973

Mr. GOLDWATER. Mr. Speaker, this year marks the 50th anniversary of one of the most successful entertainment enterprises in the United States—Warner Brothers, located in the San Fernando Valley of California.

The accomplishments of Warner Brothers are many and distinguished, and I join with the entertainment world in saluting Warner Brothers on an excellent record in service to the American public.

Ted Ashley, chairman of the board of Warner Brothers, Inc., recently addressed himself to this auspicious occasion, and I would like to present his remarks for my colleagues interest:

WARNER BROTHERS GOLDEN ANNIVERARY

This half-century milestone is an event of importance not only to our company but to millions of people in our own country and in nations around the world, whose leisure-time needs and desires are constantly growing.

The Warner brothers were pioneers who saw the great opportunities made possible by motion pictures to bring vast numbers of people the entertainment and enlightment previously available only to the privileged few. For more than 15 years, they sought the ways and means to produce, distribute and exhibit films on a mass scale. Then, in 1923, they formed Warner Bros. Pictures, Inc., a company that was to gain world renown for its leadership in both the artistic and commercial aspects of films.

What distinguished Warner Bros. was its courage, its boldness, its restlessness, its unending search for new and better ways to entertain and enlighten. Always searching for new means of communication, the company encouraged every potential advance in technology that would improve and broaden the cultural product available to the public. The result was the breakthrough achievement that gave the screen a voice and gave the public "talking pictures." In its never-ending quest, the company, from an early date, engaged actively in recordings, music publishing, radio and, subsequently, television.

Over the years, the Warner name has been imprinted on many of the unforgettable works of the film and musical arts that have come to represent three generations of American life The list is enormous, stretching from "The Jazz Singer" to "Woodstock" and beyond. The works may vary in style and content but they never fail to reach out and touch millions of Americans and millions more around the world.

This Golden Anniversary Year provides us with a vantage point. We are able to look back with admiration at the achievements of so many artists, craftsmen and technicians whose combined efforts have brought the world so much to enjoy and to remember. We are able to look forward with excitement and anticipation to the remarkable new shape of the entertainment world to come.

That's why we hope that artists and audiences alike will join with our company in celebrating this Warner Bros. Golden Anniversary. We think that together we will make 1973, like 1923, a year to remember.

The Golden Anniversary celebration will take a variety of forms, the announcement stated. Included will be 50-year retrospectives in film, music, records and books; special film and music festivals of past and present offerings; observances of specific historic dates, such as the presentation of the first "talkie," and a look into the entertainment-communications future in cable-television and other technological developments.

Steven J. Ross, Chairman and chief executive officer of the parent, Warner Communications Inc., said all of the subsidiaries and divisions of the Company will participate in the celebration. Among them are Warner Bros. Inc. Films, Warner Bros. Television, Warner/Reprise Records, Atlantic Records, Elektra Records, Warner Bros. Music, Licensing Corporation of America, Warner Bros. Entertainment, Warner Cable Corp., Warner Paperback Library, Sterling Group, National Periodical Publications and Independent News Company.

Warner Bros. Pictures, Inc. was incorporated in the state of Delaware on April 4, 1923. The Warner brothers had entered the film business as early as 1906 with a nickelodeon in a remodeled store in New Castle, Pa. Subsequently, they distributed films in the East and Midwest. In 1917, they produced their first hit feature film, "My Four Years in Germany," and opened studios in Hollywood. But it was the formation of the 1923 corporation that marked the beginning of the Warner Bros. organization that has been doing business uninterruptedly for 50 years.

The first president of Warner Bros. Pictues, Inc. was Harry M. Warner. The firm's vice-presidents were his brothers, Albert, Samuel and Jack L. Of the four, only Jack survives. He sold his interest in the company in 1966.

During the past half-century, the company has gone through several major changes. In 1953, the assets of Warner Bros. Pictures, Inc. were sold to another Delaware corporation of the same name. In 1967, the company was acquired by Seven Arts, which, in turn, was acquired two years later by the corporation now called Warner Communications, Inc.

More than 1,500 motion pictures have been released by the Warner organization in the past 50 years. They include many milestones films, such as the first with sound, "Don Juan"; the first with speech, "The Jazz Singer"; the first "all-talking" film, "Lights of New York"; three Academy Award winners, "The Life of Emile Zola," "Casablanca" and "My Fair Lady" and many more that have left indelible impressions. Within the past two years, under its current leadership, the company has enjoyed a resurgence to the forefront of the film industry with such productions as "Woodstock," "Summer of '42," "Klute," "A Clockwork Orange," "Dirty Harry," "What's Up, Doc?", "Super Fly," "The Candidate" and "Deliverance."

Among Warner Bros, films scheduled for release in 1973 are "Jeremiah Johnson," starring Robert Redford; "The Train Robbers," starring John Wayne and Ann-Margret; "Steelyward Blues," starring Jane Fonda, Donald Sutherland and Peter Boyle; "The Thief Who Came to Dinner," starring Ryan O'Neal, Jacqueline Bisset and Warren Oates; "Class of '44," a sequel to "Summer of '42"; "Scarecrow" starring Cene Hackman and Al Pacino; "Super Fly II," starring Ron O'Neal; "Wednesday Morning" starring John Wayne and George Kennedy; "The Last of Sheila," starring Richard Benjamin, Dyan Cannon, James Coburn, Joan Hackett, James Mason, Ian McShane and Raquel Welch: "Blume in Love," starring George Segal and Susan Anspach; "The Mackintosh Man," starring Paul Newman, and "The Exorcist" starring Ellen Burstyn, Max von Sydow, Lee J. Cobb, Kitty Winn, Jason Miller and 12-year-old Linda Blair.

Because of its pioneering interest in sound, Warner Bros was early involved in the recording industry. At first, the company issued Vitaphone Records. In 1930, it acquired Brunswick Records. At one time, it was interested in Decca Records. But its greatest successes have come in the last 15 years, since the founding of Warner Bros. Records in 1958. Today the Warner Communications record labels include Warner Bros., Reprise, Atlantic, Atco, Cotillion, Asylum, Elektra and Nonsuch. The Warner-Elektra-Atlantic Distributing Corp., another Warner Communications subsidiary, now handles domestic distribution for all labels.

Artists now recording for the various Warner Communications labels include James Taylor, Aretha Franklin, Jethro Tull, Neil Young, Roberta Flack, Joni Mitchell, Led Zeppelin, America, Judy Collins, Carly Simon, Donny Hathaway and the Rolling Stones.

Warner Bros. Music, long a potent influence in contemporary music, is the largest music publishing company in the United States. Its huge roster of composers and lyricists ranges from Victor Herbert, Richard Rodgers, Oscar Hammerstein II, Cole Porter, George Gershwin and Leonard Bernstein to Bob Dylan, Peter, Paul and Mary, Van Morrison, John Sebastian, Elton John, Paul McCartney, John Lennon, and many more.

In television, as in radio before, the Warner organization is an active and growing force. With prime-time weekly series on both ABC–TV and NBC–TV, the company is the industry's second largest supplier of nighttime programs. Feature films distributed by Warner Bros. TV were chosen by CBS–TV to fill one-third of the "Late Movie" period opposite its talk-show rivals.

Warner Bros. also has popularized such cartoon characters as Bugs Bunny, The Road Runner, Wile E. Coyote and the rest who have been favorites of several generations around the world—on film, TV, through more than 500 products and, now, in live shows and at the Warner Bros. Jungle Habitat, the latest expansion in the company's efforts to provide total family entertainment.

PRESIDENT NIXON'S TREATMENT OF THE ELDERLY

HON. SHIRLEY CHISHOLM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 9, 1973

Mrs. CHISHOLM. Mr. Speaker, I wish to bring to your attention today the predicament of the elderly in our Nation. It is now apparent that the elderly must be added to the list of groups abandoned by the Nixon administration. My judgment is based on what I have seen the President do, not on what I have heard him say. The proposed increases in medicare cost-sharing, the suggested new regulations for social security services, and the threatened veto of the Older Americans Act amendments, are all indicative of the present administration's disregard for the needs of our senior citizens.

The present disregard for the elderly should hardly come as a surprise to anyone. If President Nixon ignored in 1972 the recommendations of the 1971 White House Conference on Aging, then it is not surprising that he is ignoring them again in 1973. If President Nixon never pursued any of his promises to the elderly during his past administration, then it should be no great shock that his second-term promises are also empty. And if President Nixon vetoed the much needed, and overwhelmingly desired, older Americans legislation in 1972, then we should hardly be amazed that he is threatening to veto it again in 1973. I bring this to your attention, Mr. Speaker, so that we can prepare ourselves for the resistance we are going to meet during the next 4 years.

The administration's fiscal 1974 budget presents an immediate crisis to senior citizens. One of the most serious cutbacks is the reduction in medicare coverage. This change would increase the medical expenses of 23 million aged and disabled Americans, according to the Senate Special Committee on Aging. Is this the group—the aged and the disabled—that we want to burden with an added load? Hardly. The medicare cutbacks desired by the President blatantly ignore the recommendations of the 1971 White House Conference on Aging which stressed the need for increased medical care at no extra cost to the elderly.

Under the current law, medicare beneficiaries pay $72 and nothing thereafter for their first 60 days in the hospital. Under President Nixon's proposal, though, the elderly would have to pay for the actual room and board costs for the first day of hospital care plus 10 percent of all subsequent charges. The New York City Office for the Aging did a study of "the impact of the President's proposed changes in medicare on out-of-pocket expenses for a typical hospital stay in New York City." The study showed that an average stay of 21 days in a voluntary hospital at $110 daily for room and board would cost a medicare patient $72 under present provisions. With the proposed changes, the same stay would cost the aged person $330—a 358-percent increase. The President's proposal is so totally insensitive to the great majority of senior citizens that it mocks his 1971 address to the White House Conference on Aging, in which he said:

> We need a new national attitude toward aging in this country—one which fully recognizes what America must do for its older citizens, and one which fully appreciates what our older citizens can do for America.

Nor does the President have any qualms about ignoring his campaign pledges to the elderly. During his campaign, he promised the elderly the chance to be independent and self-supporting to the greatest extent possible, but his proposed new regulations for social services, authorized by the Social Security Act, greatly limit the alternatives to institutional care available to the aged. By making the eligibility requirements more stringent and by reducing the Federal financial participation, the Nixon guidelines will severely reduce the opportunity for senior citizens to take care of themselves in their own homes. Recreation councils for the elderly, mental health services for the aging, senior citizens centers, companionship services, money management services, education programs, health and homemaker services, nutrition programs, transportation services, housing improvement programs, and referral services—these are only some of the services for the elderly that will cut back unless we stop the administration from enacting its new social services regulations.

Perhaps the most flagrant disregard for the wishes of the American people in this area, Mr. Speaker, has been the administration's attitude toward the older Americans legislation. In 1972, I joined 18 of my colleagues to cosponsor a bill to amend the Older Americans Act. This bill would have greatly expanded services to the elderly and greatly strengthened their position at the Federal level through administrative reorganization. This legislation had overwhelming support—it passed the Senate by 89 to 0 and the House by 351 to 3. As incredible as it seems, President Nixon vetoed the bill, and because we had adjourned for the session, the veto remained. I realize that the President's priorities are confused, but is it possible, Mr. Speaker, that the President interpreted his election victory as a mandate to ignore the nearly universal wishes of the American people?

Already this session the Older Americans Act Amendments have passed both Houses—this time by 82 to 9 and 329 to 69—and again the President has threatened a veto. But I am confident that my colleagues and I—we who are responsive to the people of this Nation—will override his veto, if that is the course the President takes.

Mr. Speaker, I have taken the time to air my views on this situation because it is imperative that we confront an undeniable fact: President Nixon has refused to accept his responsibility to our elderly. Therefore, it is up to us in Congress to fill that void, to accept that responsibility. If we are not to get leadership from the White House in this matter, then we must continue to provide our own.

THE FREEDOM TO VOTE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 9, 1973

Mr. RANGEL. Mr. Speaker, in July, 1969 the Freedom To Vote Task Force was established by the Democratic National Committee. In November of 1970 the task force published its final report entitled "Registration and Voting in the States."

In considering proposals of voter registration reforms, I hope that my colleagues in Congress will carefully consider such reports as the one I now submit excerpts from:

REGISTRATION AND VOTING IN THE STATES

PREFACE

This is the second and final report of the Freedom to Vote Task Force. The Task Force was appointed in July, 1969, by Senator Fred R. Harris, then Chairman of the Democratic National Committee. The Task Force was charged with reviewing present barriers to voting and recommending ways to insure fuller participation of the electorate.

Members of the Task Force are:

Ramsey Clark, Chairman; former U.S. Attorney General.

Mildred Robbins, Vice Chairman; Honorary President, National Council of Women.

Francis J. Aluisi, Chairman of the Board, Prince Georges County Commissioners, Prince Georges County, Maryland.

Hannah D. Atkins, State Representative, Oklahoma.

H. S. Hank Brown, Texas AFL–CIO President.

Mary Lou Burg, Vice Chairman, Democratic National Committee; National Committeewoman, Wisconsin.

Hazel Talley Evans, National Committeewoman, Florida.

Lloyd Graham, National Committeeman, Washington.

Virginia Harris, National Committeewoman, Canal Zone.

U.S. Senator Daniel Inouye, Hawaii.

Mildred Jeffrey, National Committeewoman, Michigan.

Professor Doris Kearns, Harvard University.

J. C. Kennedy, Democratic State Chairman, Oklahoma.

J. R. Miller, Democratic State Chairman, Kentucky.

Clarence Mitchell, Jr., N.A.A.C.P., Baltimore, Maryland.

U.S. Representative John Moss, California.

Richard Neustadt, Jr., Graduate Student, Harvard University.

Rudy Ortiz, Democratic County Chairman, Bernalillo County, New Mexico.

Professor Nelson Polsby, University of California, Berkeley.

U.S. Representative Louis Stokes, Ohio.

Marjorie Thurman, National Committeewoman, Georgia.

J. D. Williams, Attorney, Washington, D.C.

William J. Crotty, Executive Director.

Barbara Hight, Research Coordinator.

Fleurette Le Bow, Research Staff.

Patricia Fogarty, Research Staff.

The first Task Force report, "That All May Vote," proposed:

A Universal Voter Enrollment Plan that provides for a door to door canvass of every residence in presidential elections years to enroll all eligible voters. The plan also includes a simplified means of absentee voting.

A National Election Commission to supervise the enrollment and to maintain complete and accurate records of all election returns, as well as all laws pertaining to election jurisdictions. There is no such agency at the present.

A National Election Holiday in order that all may have the opportunity to vote.

This report reviews state registration requirements and recommends a minimal set of qualifications applicable to each of the states.

The Task Force wishes to acknowledge with gratitude the strong support given its work by the Democratic National Committee and, in particular, its Chairman, Lawrence F. O'Brien.

INTRODUCTION

American government is based on the assumption that it represents the will of the people. Individuals elect their public officials and shape the broad outlines of governmental policy through the vote, the single most critical individual act in a democracy. Any devices that prohibit people from voting should be subjected to the most intensive, continuing scrutiny. They can be justified only by the most persuasive of arguments as to their need and the inability to find meaningful substitutes to accomplish the same objectives.

The more people that vote, the better able the government is to reflect their wishes and to satisfy their needs. All benefit. A truly representative democracy makes for a highly stable and vigorous nation.

Yet in a voting population of 120 million in 1968, only 73 million voted. The chief obstacle to the vote in 1968 as in previous elections years was the cumbersome registration demands made upon citizens. Those registered voted. Eighty-nine percent (89.4%) of the 82 million registered Americans cast their ballots in the 1968 presidential election. (See Table 1.)

The following reviews the evolution of registration systems, the requirements presently in effect and their effect on voter turnout, and presents the recommendations of the Task Force for a more reasonable approach to qualifying voters for elections.

BACKGROUND

The original justification for the introduction of registration requirements was the attempt to insure the integrity of elections. The intention was to free them from fraudulent manipulation.

A 1929 work on the subject, and the only major study to date, presented the rationale used to justify registration limitations. The author, Joseph Harris, noted that:

"Our elections have been marked by irregularities, slip-shod work, antiquated procedures, obsolete records, inaccuracies and many varieties of downright fraud. In only a few cities is the administration of elections conducted with a modicum of efficiency." (Joseph Harris, *Registration of Voters in the United States* (1929), pp. 3-4).

The answer to such abuses according to Harris and those of like mind was a registration system:

"The requirement that all voters shall be registered prior to the day of the election is one of the most important safeguards of the purity of the ballot box. It constitutes the very foundation upon which an honest election system must rest, and if properly administered, prevents many of the more serious frauds which have marked the conduct of elections in the past." (*Ibid.*)

Harris' argument is interesting from a number of perspectives. First, it gives the rationale for supporting registration limitations during the era of their greatest expansion, the mid to late nineteenth and early twentieth century. Second, it represents the thinking of civic reformers who felt, somewhat naively in retrospect, that such checks would purify the elections of many, if not most, of their objectionable features. Third, the statement suggests that registration systems were intended primarily for urban areas.

There were a number of reasons for the selectivity. In rural areas, election officials knew most of the voters and thus argued that there was no need for a prior listing of eligible citizens. The population concentrations in the urban areas, however, did not encourage any easy familiarity with all prospective voters, hence the need for a registration system.

Another factor was the maturation of the urban machine. The machine depended upon a controlled vote to maintain its position of power. Such a system encouraged abuse.

For example, in one Chicago precinct (20th Ward, 24th Precinct) during one primary election in 1926, the Citizens' Association of Chicago reported that the bogus votes outnumbered the valid ones. Of the 566 votes cast, 352 were described as fraudulent, that is, the ballot cast was not done so by a bona fide resident of the precinct. The argument could be made that the same officials who controlled the polls on election days, resulting in a fraudulent vote count, would control the registration procedures, thus insuring no fundamental changes. Nonetheless, those favoring registration emphasized such cases as these to argue the need for the pre-election listing of eligible voters.

Until this day, registration systems have been centered in cities and have spread only gradually to smaller towns and rural areas. Ohio, for example, has registration only in urban areas of 50,000 or more. A rural state North Dakota, that boasts of no city over 55,000 population, has no registration procedures at all. Alaska, a state of only 294,000 inhabitants, has relaxed registration procedures which, similar to many areas of sparse population, allows the registrar leeway in adding to the rolls at his discretion people he knows to be eligible to vote.

Registration procedures do have an effect on voting turnout. The U.S. Census publication shows that of the 32 percent of the electorate not claiming to vote in the 1968 elections, 72 percent were barred because of failure to meet registration qualifications. A study was made by Professor Stanley Kelley, Jr., and associates of Princeton University on registration and voting in the 104 largest cities in the United States during the 1960 presidential election. They studied the effect of socioeconomic factors (age, sex, race, education, income and length of residence); party competition; and registration requirements (residency and literacy tests, permanent or periodic registration systems, the time and place for registration, and the closing dates for registration) on voter participation. The study concluded that "registration requirements are a more effective deterrent to voting than anything that normally operates to deter citizens from voting once they have registered." (S. Kelley *et al.*, "Registration and Voting: Putting First Things First," *American Political Science Review* (1967), p. 362.) The authors found, for example, that better than three-fourths (or 80%) of the variations found between the number of people voting and those of voting age was accounted for by registration demands. There was almost a perfect correlation between the number of people registered and those voting; that is, on the average, for each percentage increase in registration between cities there was a percentage increase in voter turnout. The mean percentage of those of voting age who registered was 73.3 percent with a standard deviation of 14.3. The mean percentage of those registered who voted was 81.6 percent with a standard deviation of 11.7. As the authors noted, the latter set of figures was both higher and varied less than those between voting age population and those registering, thus supporting their contention that the critical hurdle to voting is registration. The authors therefore demonstrate an explicit relationship between registration and voting: for almost every new person registered, a new voter went to the polls. Also, the figures indicate that those registered vote in high numbers, with relatively little deviation from one city to the next.

In the midwest, some counties still have no registration requirements while others, usually the more urban ones, do. Consistently, the turnout is higher in the countries with no registration qualifications. For example, in Missouri the discrepancy in voter turnout between the urban counties (Jackson, St. Louis City, St. Louis County) with registration qualifications and the counties without registration, representing 80 percent of the state's land area, averages between 10 percent and 12 percent. The experience of Pennsylvania for the period between 1920 and 1936 and prior to the introduction of statewide registration procedures and of Ohio for the period 1932–1960, when a variety of practices were in effect ranging from no registration through a partial listing of qualifications to a full-fledged registration system, illustrates the depressing effect of those requirements on voter participation. For the Pennsylvania counties, there is a six percent to ten percent difference in turnout. The Ohio returns illustrate the same phenomena, a decline in the vote that correlates with the severity of the requirements.

* * * * *

REGISTRATION AND NONVOTING

The foregoing introduces state registration qualifications and provides some indication of their effects. In an attempt to establish the causes of non-voting and the groups within the population most seriously affected, the U.S. Bureau of the Census has analyzed the results of recent elections and notably that of 1968. In analyzing the 1968 vote, the Census reported that:

". . . higher voter participation was found among men, persons 45 to 65 years old, whites, people living outside the South, those with larger family incomes, and persons in white-collar occupations, particularly professionals and managers. Lower participation was more likely among women, persons under 35 years of age and to a lesser degree those 65 and older, Negroes, residents of the South, those of low educational level, those with small family incomes, and persons in unskilled occupations, such as laborers (both industrial and agricultural) and private household workers." (*Voting and Registration in the Election of 1968*, (1969), p. 1.)

In exploring the contribution of registration systems to non-voting the Census found that 67.8 percent of the total voting age population participated in the elections. Most impressively, of all those who claimed to be registered, a striking 91 percent (91.2%) also claimed to have voted.

The Census report is based on a person's response as to whether he voted or registered and thus, by the Census' own admission, overestimates both voting and registration. The figures should be valid as to relative trends and proportional relationships. If this is the case, then the earlier contention that registration systems provide the greatest hurdle to voting has substantial merit.

The 27 million people not registered were asked why they had failed to take this initial step to qualify themselves to participate in elections. The largest group, 53 percent (53.3%) said they were not interested in either politics, the election or political processes more generally; ten percent (9.9%) reported that they did not register because they were not citizens; eleven percent (11.2%) did not meet residency requirements; thirteen percent (13.4%) were barred from registering because of illness, lack of transportation, inability to take time off from work, and related reasons; ten percent (9.5%) gave other reasons for not registering but ones that the interviewers were not able to place in the major categorizations provided; and three percent (2.6%) either did not know why they did not register or the interviewer reported no reasons.

Residency qualifications were given as a reason for not qualifying with increasing frequency as one climbed the educational ladder; for example, approximately 16 times as many people with five years or more of college offered this explanation than did those with nine years or less of total schooling. Disinterest was given as a reason for not registered proportionately more often by those with the least education, declining in importance with the formal educational achievements of the respondents. Residency was a greater barrier to younger potential voters than to those middle-aged or older. Six percent more blacks offered election disinterest or physical barriers to registration as major reasons for their failure to enroll than did whites. The latter reason was of even greater importance for Negro families, averaging nine percent of the norm for all groups.

Overall, the evidence indicates that a reasonable set of limited registration requirements, coupled with a universal enrollment system, would greatly increase voter turnout, bringing into the electorate groups badly in need of representation, while at the same time making allowance for those who would normally vote but are excluded by physical inconvenience from registering.

Professor Andrews' study mentioned earlier adds an interesting perspective to this analysis. Andrews made a detailed analysis of registration and voting in the 1960 election. He estimates that legal restrictions on the vote disqualified approximately 15 million people from participation. In addition, another eight million did not vote because of problems in getting to the polls, traveling, or the like. These factors result in the elimination of between 20 and 25 million people from the electorate. Of those remaining in what he refers to as the "eligible, able" electorate, 83.2 percent voted.

If these figures or those of the U.S. Census are close to being accurate, a modification of registration procedures would have two major results: a) it would substantially increase the number of eligible voters; and b) it would stimulate a considerably higher voter turnout.

REVOLVING AROUND COPERNICUS

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 9, 1973

Mr. DULSKI. Mr. Speaker, this past weekend saw the opening at the Smithsonian Institution of an interesting exhibit in connection with the commemoration of the 500th birthday anniversary of the renowned Polish scientist, Nicolaus Copernicus.

The exhibit was opened 2 weeks in advance of the U.S. observance of Nicolaus Copernicus Week. The reasoning was sound—in order to give more people a chance to see the Polish treasurers of Copernicus' day which have been loaned to the Smithsonian.

The Smithsonian and the National Academy of Sciences are going all-out to mark the anniversary of Copernicus. His theory is the theme of the scientific seminar being conducted by the Smithsonian for scientists from all over the world.

The seminar begins on April 23, the opening day of Nicolaus Copernicus Week. On the same day, the U.S. Postal Service will hold its first day of issue ceremony for its Copernicus stamp. The ceremony will be at the Smithsonian.

At a preview of the Copernicus exhibit Friday evening, Robert A. Brooks, assistant secretary of the Smithsonian, presided and introduced Silvio Bedini, deputy director of the National Museum of History and Technology.

Also participating were: Witold Trampczynski, Polish Ambassador to the United States; Dr. Karol Estreicher, professor of history at the University of Krakow in Poland and Edward J. Piszek, founder of the Copernicus Society of America.

Mr. Speaker, a reporter for the Washington Post has written an excellent review of the Copernican exhibit, the text of which I include with my remarks:

REVOLVING AROUND COPERNICUS

(By Henry Mitchell)

After modestly moving the sun and rerouting the planets, Copernicus died in his bed amid requiems with a copy of his incredible book in his hands.

Today an exhibition opens at the Museum of History and Technology commemorating the 500th anniversary of the great astronomer's birth (in a Polish town of scant consequence) and honoring his 70-year life during which the world was ushered from the astrology of the Middle Ages to the astronomy of the Renaissance. His masterpiece "De Revolutionibus" set the sun in the center of our planetary system, and persuaded the earth to revolve on its own axis about the sun once a year.

So neat was the reasoning that the sun has not moved since, in a manner of speaking, and so quietly was the great book issued that it was 80 years after publication before the Christian church awoke to ban it. (The Roman Catholic Church removed it from the list of banned books as recently as 1830).

Copernicus was not the first man to believe the sun, not the earth, was the center of the solar system, but by the time of his birth the Church had frozen false science into a unarguable mold in order to fit its notions of truth.

The exhibit dazzles the eye with gilt bronze astronomical instruments from Krakow—these were sent there in 1494 while Copernicus was a student. They had been used before then by Martin Bulica, court astrologer to the king at Buda (a copy of the great "Nurnberg Chronicle" published in 1493 with its hundreds of famous woodcuts is open to a double-page view of the city of Budapest).

ARABIC ASTROLABE

The exhibit also includes a remarkable Arabic astrolabe from Cordoba which predates Copernicus—a useful reminder that Arabic mathematicians, physicians and astronomers did much to preserve Greek thought and develop it during the centuries when Europe cared little for science.

A treasure from Krakow (which also sent along a couple of maces used by its university officials in the 15th and 16th centuries) is the gilt bronze Jagellonian Globe (about 1510, though it is not known if Copernicus ever saw it) which is an amazing, complicated clock inside an armillary sphere. The gilt globe is a map of the earth indicating America vaguely, but then Columbus had barely finished discovering it.

Besides the exhibit, the Smithsonian Institution will hold a symposium later in the month, consisting of various papers by scholars on the general theme of the nature of scientific discovery.

Last night there was a reception for guests of the Smithsonian enlivened by 15th-century dances.

These were guaranteed authentic by Dr. Ingrid Brainard, who teaches 15th-century court dances as an avocation ("I don't charge for lessons, and I eat, as you put it, thanks to my husband, who is professor of musicology at Brandeis").

FIFTEENTH CENTURY CHOREOGRAPHY

She has unearthed 15th-century choreography guides, along with contemporary music, and six amateur dancers from Cambridge plus five musicians (all puristically genuine in everything they do) came down with only their air fare paid. They all have jobs and one of them is proud to be a blue-collar fellow. Dr. Brainard made the costumes (all correct in every respect, she reassured the press). The instruments were shawns, recorder, vielle, lute and krummhorn.

"If I saw that picture in a paper," said Dr. Brainard severely as photographer was grouping the artists, "I'd say now that's a newspaper picture. No court dancer would dream of dancing *behind* a musician. No musician would dream of sitting on the floor. They had them in a little box." There being no boxes handy at the Smithsonian, however . . .

The exhibits, which were shown last month in Paris, The Copernican Society arranged the show here, and it will travel on to Detroit and Chicago.

FACSIMILE OF "THE FACT"

On hand yesterday was Dr. Karol Estreicher, professor of history of art at Krakow (the fifth generation of his family to hold a chair at the university) who pointed out a facsimile of "De Revolutionibus," open to the page in which Copernicus shows the sun, not the earth, at the center of the universe. This is one of a university press facsimile of 2,000 copies. You'd have to be the sun itself to get the original out of Poland.

Copernicus, through his work ran into trouble with the Church, was himself a priest, a canon at the cathedral in Frombork where he was buried. Smithsonian magazine, which has run two articles on the astronomer, is reprinting several thousand copies of them.

While the Germans claim Copernicus, the Poles can prove he was born in a Polish town, Torun, was educated in the capital and was canon in a Polish cathedral.

The Italians are keenly aware he spent 10 years studying in Italy (Greek was introduced in the curriculum of Padua the year he left to study there) and Latin was, of course, his intellectual language.

It seems especially pointless, in the case of a Renaissance man, to argue over such things.

As Dr. Estreicher observed in the Smithsonian's magazine: "He was a typical modern man of science. He had no real care for politics. He was timid—even weak—with the weakness of a man who wants to be alone and not to be involved. Not brutal. Not seeking influence and power. There are not many people like this."

WINSTON CHURCHILL AND ATLANTIC UNION

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 9, 1973

Mr. FINDLEY. Mr. Speaker, today is the 10th anniversary of a unique event. On that day, in 1963, the President of the United States signed a bill, which had been passed by both Houses of Congress, conferring honorary U.S. citizenship on a foreigner. This honor, accorded to Sir Winston Churchill, was one which the Congress has never bestowed before or since.

Although by birth one-half American, and 100-percent British in the finest British tradition, Winston Churchill believed deeply in the unity of the Atlantic community. He once told a friend who lives in Washington:

> We will hang together or we'll hang separately. Indeed, there is nothing we cannot do together, if we have the will.

This reminds me of a July 4 speech President Kennedy delivered at Constitution Hall in Philadelphia in which he said:

> Acting on our own by ourselves, we cannot establish justice throughout the world. We cannot insure its domestic tranquility, or provide for its common defense or promote its general welfare, or secure the blessings of liberty to ourselves and our posterity. But joined with other free nations, we can do all this and more . . . and ultimately we can help achieve a world of law and free choice, banishing the world of war and coercion.

President Nixon rightly stated in 1967:

> It is fitting that the United States, the world's first truly federal government, should be a main force behind the effort to find a basis for a broad federation of free Atlantic nations.

And less than a month ago he reaffirmed his support for Atlantic union in a letter to me stating:

> I want you to know that my longstanding position on the concept which you are seeking to achieve through this resolution has not changed.

The Atlantic union resolution has now passed the Senate and is before the House of Representatives. President Nixon has told me he will sign it if it reaches his desk. It is not an overstatement to say that the fate of the Western World, and the liberty of its peoples, may well depend upon the unity of the Atlantic community for which Churchill, Kennedy, and Nixon have worked so long.

SENATE—*Tuesday, April 10, 1973*

The Senate met at 12 o'clock meridian and was called to order by Hon. William D. Hathaway, a Senator from the State of Maine.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, by whose providence our forefathers brought forth this Nation, conceived in liberty and dedicated to equal justice for all, vouchsafe the same spirit to Thy servants in this place that they may strive for that better world and that more perfect order which is yet to be. Forgive all that blemishes our personal lives. Pardon whatever corrupts our common life or obstructs the coming of Thy kingdom. May our small successes prompt larger undertakings for human betterment.

O Lord, make us to know the constancy of Thy presence, to be aware of the certainty of Thy judgment, to give primacy to prayer and to worship as we work. Guide us by Thy higher wisdom and bring us to the end of this day with our hearts at peace with Thee.

Through Jesus Christ, our Lord. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Eastland).

The assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., April 10, 1973.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. William D. Hathaway, a Senator from the State of Maine, to perform the duties of the Chair during my absence.

James O. Eastland,
President pro tempore.

Mr. HATHAWAY thereupon took the chair as Acting President pro tempore.

EXECUTIVE MESSAGES RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of April 6, 1973, the Secretary of the Senate, on April 9, 1973, received the following messages from the President of the United States.

REPORT ON OPERATIONS OF THE INTERNATIONAL COFFEE AGREEMENT IN 1972—MESSAGE FROM THE PRESIDENT

A message from the President of the United States, which, with the accompanying report, was referred to the Committee on Finance. The message is as follows:

To the Congress of the United States:

In accordance with the International Coffee Agreement Act, as extended and amended, I transmit herewith the annual report on the operations of the International Coffee Agreement in 1972.

Richard Nixon.

The White House, *April 9, 1973.*

REPORT OF THE U.S. ARMS CONTROL AND DISARMAMENT AGENCY—MESSAGE FROM THE PRESIDENT

A message from the President of the United States, which, with the accompanying report, was referred to the Committee on Foreign Relations. The message is as follows:

To the Congress of the United States:

Pursuant to the Arms Control and Disarmament Act as amended (P.L. 87–297), I herewith transmit the Annual Report of the United States Arms Control and Disarmament Agency.

The year covered by this report has been the most rewarding in the 12-year history of the agency. Agreements reached with the Soviet Union in the Strategic Arms Limitation Talks testify to the determination of this Administration to move away from the dangers and burdens of unrestrained arms competition and toward a stable and constructive international relationship.

The negotiations have resulted not in concessions by the two parties, one to the other, but in mutual arrangements to insure mutual security. For the first time, the United States and the Soviet Union have taken substantial steps in concert to reduce the threat of nuclear war. The current round of SALT negotiations will concentrate on achieving a definitive treaty on the limitation of offensive weapons systems.

The past year has also seen continued progress in other areas of arms control.

Four years after the initial NATO proposal, positive planning has begun for a conference on Mutual and Balanced Force Reductions in Central Europe. The Convention banning biological weapons and calling for the destruction of existing stockpiles was opened for signature on April 10, 1972. At the Conference of the Committee on Disarmament in Geneva, the problems associated with control of chemical warfare through international law were subjected to patient and careful examination. The number of nations adhering to the Nonproliferation Treaty has now reached 76 and successful negotiations on safeguard arrangements have paved the way for ratification by key European countries.

Much has been accomplished, but much remains to be done. With the beginning of my second term in office, I rededicate my Administration to the goal of bringing the instruments of warfare under effective and verifiable control.

Richard M. Nixon.

The White House, *April 9, 1973.*

EXECUTIVE MESSAGES REFERRED

Under authority of the order of the Senate of April 6, 1973, the Secretary of the Senate, on April 9, 1973, received messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received on April 9, 1973, are printed at the end of the Senate proceedings of today.)

REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of April 6, 1973, Mr. Jackson, from the Committee on Interior and Insular Affairs, reported favorably, without amendment, on April 6, 1973, the joint resolution (S.J. Res. 45) to provide for the erection of a memorial to those who served in the Armed Forces of the United States in the Vietnam war, and submitted a report (No. 93–107) thereon, which was printed.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, April 6, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, informed the Senate that, pursuant to the provisions of section 1, Public Law 372, 84th Congress, as amended, the Speaker had appointed Mr. Howard as a member of the Franklin Delano Roosevelt Memorial Commission, to fill the existing vacancy thereon.

The message announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 342. An act to authorize the District of Columbia to enter into the Interstate Agreement on Qualification of Educational Personnel; and

H.R. 4586. An act to incorporate in the District of Columbia the National Inconvenienced Sportsmen's Association.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred to the Committee on the District of Columbia:

H.R. 342. An act to authorize the District of Columbia to enter into the Interstate

Agreement on Qualification of Educational Personnel; and

H.R. 4586. An act to incorporate in the District of Columbia the National Inconvenienced Sportsmen's Association.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nomination on the Executive Calendar will be stated.

DEPARTMENT OF COMMERCE

The second assistant legislative clerk read the nomination of Betsy Ancker-Johnson, of Washington, to be an Assistant Secretary of Commerce.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 98, 99, and 100.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LITTLE CIGAR ACT OF 1973

The bill, S. 1165, to amend the Federal Cigarette Labeling and Advertising Act of 1965 as amended by the Public Health Cigarette Smoking Act of 1969 to define the term "little cigar," and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Little Cigar Act of 1973".

Sec. 2. Section 3 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1331–1340) as amended by the Public Health Cigarette Smoking Act of 1969 is amended by inserting the following new subsection:

"(7) The term 'little cigar' means any roll of tobacco wrapped in leaf tobacco or any substance containing tobacco (other than any roll of tobacco which is a cigarette within the meaning of subsection (1)) and as to which one thousand units weigh not more than three pounds."

Sec. 3. Section 6 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1331–1340) as amended by the Public Health Cigarette Smoking Act of 1969 is amended by inserting the words "and little cigars" after the word "cigarettes".

Sec. 4. The amendment made by this Act shall become effective thirty days after the date of enactment.

MOTION TO RECONSIDER

Mr. COOK subsequently said: Mr. President, on behalf of myself and the Senator from Washington (Mr. Magnuson), I enter a motion to reconsider the vote by which S. 1165 was passed earlier today.

The PRESIDING OFFICER. The motion will be entered and placed on the calendar.

PROMOTION OF MEMBERS OF THE UNIFORMED SERVICES WHO ARE IN A MISSING STATUS

The bill, S. 1493, to amend title 37, United States Code, relating to promotion of members of the uniformed services who are in a missing status, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 552(a) of title 37, United States Code, is amended by adding the following sentence at the end thereof: "Notwithstanding section 1523 of title 10 or any other provision of law, the promotion of a member while he is in a missing status in fully effective for all purposes, even though the Secretary concerned determines under section 556(b) of this title that the member died before the promotion was made."

Sec. 2. For the purposes of chapter 13 of title 38, United States Code, this Act becomes effective as of November 24, 1971. For all other purposes this Act becomes effective as of February 28, 1961.

AMENDMENT OF CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT OF 1964

The bill, S. 1494, to amend section 236 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees to limit the number of employees that may be retired under such act during specified periods, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 236 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended (78 Stat. 1043; 50 U.S.C. 403 note), is amended by (1) striking out "eight hundred" and inserting in lieu thereof "twenty-one hundred", and (2) striking out the period at the end of such section and inserting in lieu thereof a comma and the following: "nor a total of fifteen hundred during the period beginning on July 1, 1974, and ending on June 30, 1979."

THE POLITICS OF EAST ASIA

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record a speech delivered by the distinguished senior Senator from Vermont (Mr. Aiken) at Norwich University, Northfield, Vt., on April 7, 1973, entitled "The Politics of East Asia," which I believe is truly worthy of consideration by the Senate and I urge all Senators to study this particular statement.

There being no objection, the speech was ordered to be printed in the Record, as follows:

The Politics of East Asia

(By Senator George D. Aiken)

I suppose that because you are students of the politics of East Asia that you assume our country has a serious interest and responsibility in those politics.

I agree with you, but I want to assure you that not everybody in Congress agrees with such an assumption.

It is a very big assumption also for most of the American people to accept.

The politics of East Asia were closely identified with the near nervous breakdown this country suffered in the 1960's.

The Viet Nam War was probably a symptom rather than a cause of our troubles, but in any event something very important happened to us all in the 1960's, and it coincided with, and was made much more serious because of our involvement in a very unpopular war.

The term "nervous breakdown" was used by a distinguished writer in the Wall Street Journal some weeks ago.

He was Mr. Irving Kristol of New York University, and some of you may have read what he had to say.

He wasn't able to put his finger on exactly what happened.

He argued that our troubles were not triggered by any single event, not even the Viet Nam War.

The cause, Mr. Kristol argued, was "our whole national life" up to the moment of the 1960's.

A sizeable minority of Americans, especially young, college-educated Americans, found the American way of life "so utterly inadequate as to be intolerable".

These young people made moral and material demands on our society which we were neither very willing nor very able to accept.

And, they acted out their demands against the backdrop of what they firmly believed was a thoroughly immoral involvement in a thoroughly immoral war.

Some implied that morality was on the side of Ho Chi Minh and that United States' support for the other side was automatically immoral.

Others implied that the succession of South Vietnamese leaders, from Diem to Minh to Ky to Thieu, with a few designated pinch-hitters in between, were simply the agents of American policy.

That the United States engaged in the making of Presidents in South Viet Nam to an unwise degree is a matter of record, but to say that our policy in support of these men was completely immoral is unwarranted since we did have a responsibility toward nearly one million refugees whom we helped to escape the wrath of Hanoi following the defeat of the French in 1954.

If we exaggerated our national interest in Viet Nam in tragic ways, we nonetheless had an interest.

We may have pursued that interest in often awkward and often self-defeating ways, but I am not persuaded that we would have been better off ignoring that interest altogether.

However, I am not here to argue the past.

I am here to talk about the future and your role in it.

It is you, not me, who will have to deal with the fact that in the 1960's the politics of East Asia, and our involvement therein, was seen in the eyes of the critics as the root of all evil.

It is you who are going to have to help articulate anew some legitimate interest on the part of the United States in this part of of the world.

I say it is a very big assumption now to believe that this country has a serious interest in those politics.

Part of recovering from the near nervous breakdown of the 1960's involves putting these and related matters into some rational perspective, rediscovering, that is, the real interests of the United States in foreign policy.

You have a special burden, for when it comes to foreign policy the United States cannot treat other countries either as subjects for cloistered research or as objects to be ignored.

We have to ask ourselves what our real interests are and how best we can serve those interests.

This requires not only professional and thoroughly objective research, but also what we might call vocal leadership from those who have done the research.

In the 1960's, the role of scholars and scholarship in the formation and implementation of foreign policy was not a very distinguished one.

Students and professors alike seemed to prefer partisanship and participation in the political process to the time-honored, disinterested search for the truth that is supposed to be the scholar's role.

And, too, many professors, I fear, tended to meet their students on their knees, rather than on their feet.

The universities, indeed, seemed to be that part of our national nervous system that came closest to breaking down.

Like many others in public life, I look to the universities to provide professional guidance, even provocative ideas.

I look to them to be reminded of how the past is reflected in the present, of how our traditions came into being and which of those traditions have stood the test of time well and which have not.

Nothing has changed the basic purposes of universities—to preserve traditions and to train leaders as well as scholars.

I would not like a completely silent spring on the campus any more than I would welcome a completely silent spring in the woods.

I don't even object to revolutionary thoughts coming out of our universities.

We could use a few to our national advantage.

But, when our universities become simply the camp of rebels and demonstrators, something is seriously wrong.

And what came out of the universities in the 1960's was less revolutionary talk than simply rebellious talk.

In foreign policy particularly the contributions of the universities is vitally important.

This is because nations speak to nations usually through those who have had the most educational opportunities.

We sometimes pretend that people-to-people contacts can take the place of diplomacy.

With the enormous increase in the speed of communications and of transportation in recent years, with the millions more that are travelling, trading and investing in countries other than our own, or their own, this belief in the worth of people-to-people contacts increases.

I certainly favor a world of open communications, travel and trade.

However, this is no substitute for diplomacy and provides no escape from the need for realistic policy.

Travel is broadening, even for students and professors, but it is no substitute for scholarship and scholarly guidance in the realm of foreign policy.

Also, I fear the new ease of travel and communication in the 1950's and early 1960's induced in too many prominent Americans, politicians as well as professors, a heady expansiveness that ill-served the real interests of our country.

Something seemed to have happened to many Americans who lived and worked and travelled outside of their country in those years.

Mark Twain's old image of "The Innocent Abroad" was replaced with the image of the Benefactor Abroad.

Professors draw up plans for the "development" of whole countries, while Presidents invited camel drivers home for dinner.

As a Nation, we made moral and material demands on others—backed up, to be sure, with generous offers to help—but moral and material demands that others were neither very willing nor very able to meet.

And, when the same kinds of demands were made at home, then we suffered that near nervous breakdown.

Should we be surprised that countries like Viet Nam really did break down?

Possibly, the 1970's won't seem to be as much fun for students, such as yourselves, as were the 1950's and 1960's.

They may not seem to be as much fun for any of us concerned with foreign policy.

Yet, I believe that the United States is more needed now as an active participant in world affairs—even in the politics of East Asia—than ever before.

For example, the Chinese authorities in Peking want very much a continued U.S. presence, not just in South Viet Nam, but even in Hanoi.

In diplomacy, as in our personal lives, misery loves company, and the Chinese have so many problems with the Russians and the Japanese that they seem to want us around.

The Japanese want us around, too, although we are having a particularly difficult time seeing our interests in common these days.

The United States still provides the Japanese some time in which to work out the kind of world power Japan will be.

This is easiest to see in the matters of defense and nuclear weapons.

But, it is just as true of Japan's relations with the nations of Southeast Asia.

Japan's great economic strength inevitably brings back memories of Japanese tyranny in the past—memories that I believe are just as embarrassing to the present generation in Japan as they are to the leaders of the nations that are Japan's neighbors.

If these nations cannot turn to their own advantage the thrust of Japanese trade and investment, Japan will likely become again the great troublemaker in that part of the world.

I don't think the Japanese want this.

They want time to work out a new role and again a United States presence helps buy that time.

Even the North Vietnamese may come to want a United States presence in Southeast Asia, though they may not seem to be acting that way now.

Some no doubt want our aid to pursue their military and political aims in South Viet Nam, Laos and Cambodia, and both the President and the Congress must make absolutely sure they don't get that kind of aid.

Some no doubt want to exact as much in the form of reparations from us as they can, and I, for one, have no intention of voting reparations or conscience money.

But others, and possibly the majority of them, may come to want us around, even in Hanoi, to preserve their independence from too much subservience to China or Russia, or perhaps, to Japan in the future.

Here it may be worthwhile making a deal.

If North Viet Nam shows a willingness to respect the independence of South Viet Nam, Laos and Cambodia, it would be very much in our interest to offer help in reconstruction and development.

On the other hand, if they persist in continuing the war, they must expect a reactiviation of some U.S. military activity.

That, President Nixon has made clear.

Southeast Asia is a trigger-happy part of the world.

The fact that the Russians, Chinese and Japanese may think an investment in peace is in their interest strongly suggests that it may be in our interest, too.

What concerns most Americans, apparently, is the possibility that the President today or in the future, wittingly or unwittingly, might try to restore the status quo ante 1960, when we saw ourselves as the leaders of a crusade and the self-appointed guides for nations struggling to escape what we still arrogantly call "underdevelopment."

Any President who tried to turn the clock back that way would probably induce another near nervous breakdown in our society.

But where there is need, there is opportunity; and where there is opportunity to "invest in peace" as the President says, the United States, in its own national interest, must weigh the opportunity most seriously.

And the weighing of such opportunities must have priority over all of domestic politics, for a nation as powerful as ours that does not give first consideration to its national security and to keeping the peace in the world is in serious trouble.

Here is where you come in.

In weighing these opportunities, we have to understand much better than we ever did in the 1960's the politics of East Asia.

Then the absence of experienced specialists on Indochina had tragic results.

Far too many lives were lost because our leaders simply did not understand the aims and motivations of the leaders of North Viet Nam or other nations of Southeast Asia.

As a nation, we have to find what I once called a "half-way house" between the innocence of isolationism and the exuberance that comes with notions of a world policeman's role.

The students of today must be among the pathfinders looking for that half-way house.

If you choose to be partisans, you will probably fail as miserably as did some of your "concerned" predecessors.

If you choose instead to cultivate competence and a detached concern for the truth, your contribution in the 1970's could be vital for your country's security and well-being.

Protests and demonstrations may not be as much fun in the 1970's as in the 1960's, but your work can be a lot more important and a lot more worthwhile.

The Congress right now desperately needs cool, professional guidance as to the kind of presence the United States can and should try to maintain in East Asia.

To be sure, the President will offer such guidance, and it will carry great weight.

But if the President acts alone in these matters, his actions will be interpreted as partisan whether they are or are not.

And what American foreign policy most desperately needs now is to be purged of partisanship.

It is not just a question of voting funds for reconstruction in Indochina, though that is an immediate problem.

More fundamentally, we need to fashion a policy on which we can hope to protect our real interests for years ahead, not just from one session of Congress to the next.

I wish I could say that we in the Senate were going about this task in a serious and orderly manner, but, as of now, we are not, and I have said so more than once on the Senate floor itself.

We are swinging our arms in frustration over the powers that the President has and in the process adding to those powers with our own displays of weakness.

The Senate is still recovering slowly from the near nervous breakdown of the 1960's and not doing so very well.

Here again is where you come in.

If you can help to analyze and identify the real opportunities open to the United States—not in a spirit of partisanship, but in a spirit of scholarship—you can materially help to bring about a rational resolution of our policy problems.

You can't do it by pretending that the universities are an alternate source of political power to those who are elected by the people.

In the 1960's many distinguished scholars became so partisan that they appeared much more interested in gaining political power for themselves than in exerting any important influence on policy.

If you want the joys of participation, by all means enter the political game, run for office, or help a candidate of your choice to win.

But, if you want to influence policy in a professional way, I suggest that you master your disciplines and show that you understand the politics of East Asia and other parts of the world as well.

You will find that you have a wider audience than you think, even in the Congress.

You can help materially to bring about in the Senate and the House of Representatives a purge of partisanship in foreign policy debate and a new orderliness in the way these questions are considered.

You can, that is, if you cultivate competence rather than showmanship.

Leave the latter to the galloping candidates for higher office, of whom there are always more than enough.

I am convinced that the United States must go on "investing in peace", not just in East Asia, but in the Middle East, in Europe and in Latin America as well.

I am also convinced that a constructive role for the United States, a peace-keeping presence, is needed now more than ever before, for we cannot divorce our own sense of security from the fact that so many others say they need us for their protection.

No one can say exactly what kind of presence is best or which are the real opportunities before us.

The complexities of our security, political and economic relationships with the world demand competent and dispassionate analysis as never before.

If such help is not forthcoming from the universities, the bureaucracy will be left in sole charge.

That is not the traditional American way.

That is not the safe way.

That is the way that leads to national nervous breakdowns.

Perhaps, I am asking too much of you who have chosen to study the politics of East Asia and of other areas of the world, and I cannot promise you much in the way of personal glory or fame.

But the world of work you are entering is a much more serious world than it used to be.

To be safe for the future it will also have to be a wiser world.

If you can be among the wise men and women of tomorrow, you will have given to your country that which it needs most.

MOST-FAVORED-NATION TREATMENT FOR CHINA

Mr. MANSFIELLD. Mr. President, in a speech at the Johns Hopkins School of Advanced International Studies on March 15, I urged that Congress take action to allow extension of most-favored-nation tariff treatment for Chinese goods. I said:

Such an arrangement could be consummated notwithstanding the absence of formal diplomatic relations.

In a symposium on trade with China on March 17, Mr. Eugene A. Theroux, who accompanied the Boggs-Ford mission to China in 1972, delivered a paper dealing with the most-favored-nation question. Mr. Theroux's paper is an excellent analysis of the issue. I ask unanimous consent that it be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

A Long March To Expanded China Trade?

(By Eugene A. Theroux[1])

It is my thesis that despite improved political relations, a major obstacle remains to increased Sino-U.S. trade—namely continuation of Cold War-era discriminatory tariffs on China's exports to the U.S.

Before China can begin to redress the serious imbalance which already exists in her trade with the U.S., she must have effective access to the U.S. market. Without most-favored-nation tariff treatment, China will continue to be denied the dollars necessary to purchase the many goods U.S. entrepreneurs are urging upon her.

MFN for China can come only with Congressional approval, and there are serious impediments to that on the horizon:

Protectionist labor and industry fearing that likely Chinese exports will jeopardize U.S. jobs or markets.

Ideological opponents, such as the "Committee for a Free China," which have not yet had a direct opportunity to influence Congress away from improved Sino-U.S. relations.

Pending but stalemated efforts to grant MFN to other state-trading countries, notably the U.S.S.R. and Romania.

Confusion over the best way to extend MFN to China, and to what extent concessions should be sought.

After the first American vessel, *The Empress of China,* anchored at Canton in 1784, the ship reported to the Continental Congress of Chinese enthusiasm at the prospect of trade, concluding that "[t]o every lover of his country, as well as those more immediately concerned in commerce, it must be a pleasing reflection that a communication is thus happily opened between us and the eastern extreme of the globe." The second law enacted by the first United States Congress, the Tariff Act of 1789, sought among other things, to protect American commerce with China by imposing a discriminatory duty on tea and other goods imported in non-U.S. vessels, and American merchants petitioned Congress for aid in expansion and protection of that trade.

The first American treaty with China was negotiated for the United States by Caleb Cushing, a former Member of Congress from Massachusetts.

The Congress still merits special attention in any historical or prospective assessment of U.S. trade with China. Not only was the American embargo on trade with China, only recently relaxed, based on Acts of Congress, but removal of a principal remaining impediment to normal trade relations—lack of most-favored-nation treatment for China's exports to the U.S.—requires Congressional action.

China's early experience with the "preferred" or "most-favored-nation" principle was bitter. The clause in the Treaty of 1844 gave the U.S. equal access to the same "treaty ports" and other concessions the British had won in the Treaty of Nanking two years earlier. By its terms, the clause also guaranteed to the U.S. automatically the same rights or privileges China might thereafter extend to any nation. The provision was unilateral. Benefits extended by China to the United States were not only not reciprocated by the U.S., but American "exclusion laws" of a later period were, in a sense, to accord "least favored" status on Chinese.

As Great Britain, France, Germany, Russia, Portugal and Japan forceably wrested concessions from a hapless and weakened China, all benefited from a similar provision. China's ability to resist extending further privileges declined rapidly as one nation after another wrung from her benefits thus secured by all others. The MFN concessions granted by China in 1842, almost as much as the military superiority of her adversaries, sapped her power and will to resist the foreign predators.

Victimized by unequal treaties, bewildered by mercantilism, behind in military tactics and naval armaments, infected by opium, corrupted with bribes and demoralized over foreign encroachment in her cities and over her commerce, China in the 19th century virtually surrendered her sovereignty to her "most-favored-nations."

The most-favored-nation clause is intended to eliminate discriminatory treatment in the international exchange of goods. The clause obligates a country to extend to its contracting party all concessions which are accorded the goods of any other state. In this respect, the clause is an important tool in the fostering of international trade.

In 1934, the Congress voted to give the equivalent or MFN treatment to all countries with respect to duties and other import restrictions on foreign goods. While the President was given authority to suspend the benefit in the event of discrimination against American commerce, the United States adopted the MFN measure unilaterally, as a gesture of good will and in the expectation that increased foreign commerce would benefit the domestic economy. In 1948, the United States joined the General Agreement on Tariffs and Trade (GATT), thereby obligating itself to grant to all Contracting Parties "any advantage, favor, privilege or immunity" which had been given to any one of the parties, a broader commitment than that contained in the 1934 Act.

With the advent of Korea and the Cold War, Congress fashioned the most-favored-nation clause into a political tool. Section 5 of the Trade Agreements Extension Act of 1951 provided in part that:

"As soon as practicable, the President shall take such action as is necessary to suspend, withdraw or prevent the application of any reduction in any rate of duty . . . or other concession . . . to imports from the Union of Soviet Socialist Republics and to imports from any nation or area dominated or controlled by the foreign government or foreign organization controlling the world Communist movement."

A Senate amendment directed the President to take measures to prevent the importation of certain Chinese-produced furs.

Major trade legislation enacted in 1962 continued the policy of the 1951 Act, though section 5 of the 1951 Act was repealed and superceded. While section 251 of the Trade Expansion Act of 1962 generally provided most-favored-nation tariff treatment "to the products of all foreign countries," section 231 of that Act continued the political use of MFN with respect to Communist countries by directing the President "as soon as practicable" to:

"Suspend, withdraw or prevent the application of the reduction, elimination or continuance . . . of any existing duty-free or excise treatment . . . to products, whether imported directly or indirectly, of any country or area dominated or controlled by Communism."

As a result of the 1962 Trade Act, any part of China "which may be under Communist domination or control" is explicity subject to the non-MFN U.S. duty rates.

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[1] Mr. Theroux, counsel to the law firm of Baker & McKenzie in Washington, D.C. visited the People's Republic of China as an aide to the Boggs-Ford mission in 1972.

CONGRESSIONAL RECOMMENDATIONS FOR CHANGE

Since 1966, there have been a number of bills introduced in both the Senate and the House seeking either to grant the President discretionary authority to extend MFN or to secure MFN treatment directly for a particular country.

Just prior to the President's Peking trip a year ago, in fact, Senator Abraham Ribicoff of Connecticut recommended passage of a statute permitting the extension of MFN to China in particular. Such legislation, he said, would be "particularly timely in that it could give the President actual authority to conclude a commercial agreement when he visits China." Ribicoff emphasized that the "bill is so drafted that formal diplomatic relations between the two countries need not precede such agreement."

The 92nd Congress adjourned without taking any action which would have permitted the extension of MFN to any Communist country, and no such legislation has yet been considered in the 93rd. As an indication of changing U.S. policy on the subject, however, the U.S. and the U.S.S.R. entered into a comprehensive trade agreement in October, 1972, which, subject to Congressional approval, extended most-favored-nation tariff treatment to Soviet exports to the United States.

DOES CHINA WANT MFN TREATMENT FROM THE UNITED STATES?

While she has not formally sought MFN treatment for her exports to the United States, it seems evident that China regards MFN status as both politically and economically desirable. A most-favored-nation clause is ordinarily included in China's foreign trade agreements, for the PRC can hardly be expected to have the capital necessary for the purchase of foreign goods if she is denied fair and meaningful opportunities to earn foreign exchange through the sale of her own exports. Moreover, the Chinese must view U.S. denial of effective market access—particularly now that MFN has become part of a U.S.-U.S.S.R. trade agreement—is an unwarranted political discrimination hampering further normalization of relations and inconsistent with the agreement by the U.S. in the Shanghai Communique to "facilitate the progressive development of trade between the two countries."

Without MFN status from the U.S., China (but not Taiwan) is effectively barred from the world's largest market, a market from which she could expect to earn some of the dollars necessary to purchase the U.S. goods American entrepreneurs are so assiduously promoting. If allowed to compete fairly with other exporters to the U.S., it has been estimated that with improvements in styling, quality control and marketing techniques, China could generate $300 to $500 million in export earnings from sale to the U.S. of labor intensive manufactures. This is a measurable increase from the currently estimated level of some $50 million.

STATE TRADING AND THE RECIPROCITY PROBLEM

The *quid pro quo* which a country ordinarily receives for extending MFN treatment—the return of equivalent treatment by its trading partner—poses a special problem in trade with state trading economies. While the MFN principle proposes equal access for all foreign exporters to a domestic market, subject only to the forces of competition, nonmarket economies lack the element of private market forces. Exporters to state economies confront but one consumer—the government. In the case of China, the Ministry of Trade may make its purchases on strictly political rather than economic considerations, and rarely will the decision-making process be made public.

Consideration of MFN for China as with any state economy, must take into account the very real question of what the United States might obtain by way of *quid pro quo*. China's assurance of MFN treatment for U.S. exports, and related arrangements designed to secure fair market access for U.S. goods, are not the sole benefits which should be sought by the U.S. in a trade agreement with China. As a practical matter, the U.S. should have something more than marketing opportunities on a par with third countries since, as a nonmarket economy, China cannot grant foreign goods the same benefits as those enjoyed by her own. In addition. China is not a consumer society and thus the range of U.S. exports marketable in China is limited.

This is not to say the U.S. should return to the predatory ways of a 19th century foreign trading nation, seeking reciprocity all out of proportion to what is granted. Longstanding political and economic isolation affords ample opportunities for reciprocal nontariff benefits which could and should form a part of any trade agreement in which the U.S. extends MFN to China. Among these could be the settlement of financial and property claims, both public and private; establishment of trade and tourist promotion facilities and opportunities; exchange of trade missions and expanded travel for commercial representatives; arrangements for the settlement of commercial disputes, and for the protection of trademarks and industrial rights and processes; arrangements for the credit-financing of trade; among others.

The October, 1972, trade agreement with the Soviet Union has introduced several items related to the reciprocity question. It provides that each country may take appropriate measures to protect against dumping, guarantees that all currency payments will be made in dollars or another freely convertible currency, states that there will be no governmental immunity from suit or execution of judgment with respect to commercial matters, and also assures the availability of U.S. business facilities in the U.S.S.R.

THE MFN CLAUSE AND A SINO-AMERICAN TRADE AGREEMENT

While the United States would be concerned with securing appropriate concessions for extending MFN status, it is likely that Peking, too, may be unwilling simply to exchange assurances of MFN treatment.

China bases its commercial arrangements, like its political relations, on the principle of "equality and mutual benefit." By this is meant an exchange on terms which will be equally beneficial to both countries, or nearly so; an exchange of what one has for what one lacks without undue economic advantage to either. This policy helps explain China's general practice of importing only that which she is able to finance through exports.

METHODS OF EXTENDING MFN TO CHINA

There are essentially four ways in which the United States might provide for most-favored-nation tariff treatment on Chinese exports to the U.S. All require Congressional action. These are (a) amendment of existing inhibiting legislation to permit the President to extend MFN to China in his discretion, such as by the simple repeal of section 231 of the 1962 Trade Expansion Act; (b) enactment of legislation granting the President to extend MFN to countries currently denied such treatment, including China, such as by passage of a bill similar to the "East-West Trade Relations Act of 1971" which died in the 92nd Congress.

(c) enactment of a statute tailored for China alone and permitting the President, upon the observance of certain statutory guidelines, to extend MFN to China under the terms of a "China Trade Relations Act"; or (d) Executive negotiation of a U.S.-China trade agreement embracing an MFN clause and subject to Congressional approval, as with the 1972 trade agreement between the U.S. and U.S.S.R.

Of these alternatives, only (b) and (d) would seem at all possible of achievement during the 93d Congress. Repeal of section 231 is most unlikely in the absence of more comprehensive trade policy changes. There has never been any serious evident sentiment in Congress for repeal of that provision by itself, nor would bare repeal provide the kind of guidance to the President in determining the conditions for extending MFN which even the most liberal trade legislators have felt important to include in such bills.

Similarly, a "China Trade Relations Act" would doubtless encounter at least as many obstacles as a similarly conceived Romanian proposal, which languished and died without hearings or debate in the 92d Congress despite support from the Administration and sponsorship by a majority of Ways and Means Committee Members. The cause of China trade has no constituency in the United States which can remotely match a determined opposition of organized labor, protectionist industry and aroused anti-Communists.

In view of the most recent progress in U.S.-China relations, the best prospects for moving toward most-favored-nation status for China, as far as U.S. initiatives are concerned, appears to be passage of legislation designed to give the President authority to conclude trade agreements with nations, including China, with which we lack State relations. This would encourage more productive dialogue with the Chinese preparatory to negotiation of a trade agreement. So long as the President lacks such authority, and the prospect of Congressional undoing of Executive initiatives exists, the Chinese and the U.S. are deprived of the incentive to seek a trade policy of meaningful scope.

For the Congress to grant the President conditional authority to extend MFN does not, of course, require its extension to China. It does permit, within the guidelines of the legislation proposed, trade negotiation unhampered with the potential of non-trade perils not uncommon in Congressional consideration.

One of these, already mentioned, is the refusal of the Ways and Means Committee to consider MFN for Romania despite the fact that most Committee Members and the Administration favored passage and that Romania is a GATT member, with growing trade with the U.S. which is chronically unbalanced, pursuing a policy of friendship with the U.S. and independence of the Soviet Union. Another example is the troublesome non-trade issue of the Soviet tax on emigrating Jews which has obscured the merits of the 1972 U.S.-U.S.S.R. trade agreement and delayed its effective operation. Senate Majority Leader Mansfield, in a speech on March 16, 1973 at Johns Hopkins, suggested that MFN for China shall not be delayed pending resolution of the Soviet emigration tax dilemma.

Congress does have a legitimate and important interest in the terms of any foreign trade agreement, particularly so where the other party is a nonmarket country unable to reciprocate in kind trade benefits the U.S. can assure with MFN. The Congressional interest can be safeguarded by providing in the statute enabling the President to extend MFN certain guidelines and conditions on the exercise of that authority. These could include, for example, a limitation on the duration of the agreement, a suggestion of benefits to be obtained, provisions for suspension or termination of the agreement, and requirements with respect to Congressional review of the agreements concluded by the President.

SHOULD THE UNITED STATES EXTEND MFN TO CHINA?

Assuming meaningful concessions can be secured in exchange, there is no good reason to withhold most-favored-nation tariff treatment from China's exports. To deny MFN to China would be to repeat the unjustified continuation of the U.S. trade embargo which lasted nearly two decades beyond the point at which it ought to have been ended.

Why should China be considered for MFN treatment? The short answer is that there is really no sound basis upon which to exclude China from such consideration. MFN was withdrawn in 1951, at the height of the Cold War, as U.S. and Chinese troops faced each other in active combat in Korea, and even then the grounds for excluding China from trade benefits were more economic than strategic or political. That this policy was continued without a new rationale by the Trade Expansion Act in 1962 is no good reason for its perpetuation. Indeed, the U.S. has conceded the political discrimination involved in the denial of MFN in connection with the 1972 trade agreement with the U.S.S.R.

Concern has been expressed in the Congress that improved trade relations with China would bring about dumping or other unfair trade practices, but protection against such abuses is afforded by other means than denial to China of access to U.S. markets enjoyed by most countries of the world. Canada, which has encouraged Chinese exports, has had no dumping problem and, more importantly, China and the U.S. would be certain in any trade agreement to exchange substantially the same pledges against market disruption as are included in the 1972 U.S.-Soviet agreement.

Another answer to those who fear a flooding of U.S. markets with Chinese goods is that it would be foolhardy for China to breach any pledge against market disruption, or to violate any voluntary export restraints or U.S. dumping laws. To do so would risk the most-favored-nation benefit after making costly investments in market research, capital and plant necessary to compete with other, more experienced exporters to the U.S. Likewise, it would jeopardize political gains of equal or even greater importance.

MFN for China is consistent with the commendable policy of treating Peking and Moscow even-handedly, which suggests that U.S. foreign policy objectives are badly served should China be singled out for discriminatory tariff treatment. A good case could be made in fact that China, objectively less militarily dangerous to the United States, should receive more liberal concessions than the Soviet Union.

In a report to the House of Representatives on his return from Peking, Majority Leader Hale Boggs said he favored appointment of a "Sino-American Commercial Commission" charged with improving U.S.-China trade relations, acknowledging that this raised the question of MFN for China.

In considering the type and volume of trade in the foreseeable future, there is little likelihood of the United States suffering from political manipulation of trade by China, simply because there is no risk of the United States becoming dependent upon China either as a supplier or purchaser. Nor, for the same reason, need China fear political manipulation of United States trade policy.

THE PROSPECTS FOR MFN FOR CHINA

It is ironic in view of the extent to which a policy of communist containment has shaped U.S. economic policy toward China since 1949 that the more serious opponents to normalized U.S. trade relations with Peking are likely to argue not that Sino-American trade will menace international peace or U.S. security, but that it will jeopardize American jobs. An example of this sentiment is the protectionist Hartke-Burke legislation re-introduced in the 93rd Congress.

With strong support from organized labor, Hartke-Burke or legislation similarly conceived could play havoc with consideration of trade legislation, particularly with legislation embodying the possibility of increased imports from China. The adverse effect of foreign competition on labor-intensive sectors of the U.S. economy has greatly sensitized Congress to appeals for protection of American industries and jobs. The danger to legislation designed to authorize Presidential granting of MFN is not only that it may be supplanted with more restrictive legislation, but that, even if passed, it may be fatally encumbered with inhibiting amendments.

In addition to opposition on economic grounds, there of course remains potential opposition to improved trade relations with China on political and ideological grounds. Pressure on Congress by groups traditionally hostile to Peking is likely to occur whenever Congress takes up legislation permitting the extension of MFN to China, though such efforts have lost their bite.

Despite likely opposition, however, encouragement might be taken from the fact that Senate Minority Leader Scott, on his return from a visit to China, suggested in June, 1972 that most-favored-nation status for China was premature only because it ought first to be extended with better reason to other nations and that its extension to China might follow conclusion of the war in Vietnam. With the end of the war, and the 1972 agreement to extend MFN to the U.S.S.R., it appears time for MFN for China to enjoy Congressional support.

In the end, it will be national self-interest which determines U.S. trade policy toward China and, for a nation seeking new markets and recognizing that concessions will be required to obtain them, MFN for China will be both logical and necessary. Senator James Pearson, a Republican of Kansas, expressed this awakened interest in China trade in the closing days of the 92nd Congress: "I don't want to be cynical of my constituency," he said, "but I notice my wheat farmers become much more tolerant of national philosophies and ideologies when there is a chance to sell more wheat."

EXTENSION OF IMMUNITY TO MEMBERS OF LIAISON OFFICE OF PEOPLE'S REPUBLIC OF CHINA

Mr. SCOTT of Pennsylvania. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I am glad to yield.

Mr. SCOTT of Pennsylvania. I should like to inquire as to the status of proposed legislation having to do with the extension of immunity to the members of a liaison office of the People's Republic of China.

Mr. MANSFIELD. I may say to the distinguished minority leader, that I cannot answer definitively, but he will recall that he and I addressed a joint letter to the chairman of the Committee on Foreign Relations, early last week, I believe, and I would anticipate that in view of the urgency of the matter, hearings would be held in the near future—at least, we hope so.

Mr. SCOTT of Pennsylvania. I did want to stress the urgency, since our delegation, or a part of it—has already left for Peking, and we want to be certain that all courtesies are extended to them.

Mr. MANSFIELD. I know the distinguished minority leader joins me in this statement. We anticipate little or no difficulty in assuring for the representatives of the People's Republic here the courtesies and considerations which would be accorded to Ambassador Bruce in Peking.

Mr. SCOTT of Pennsylvania. Yes; I understand. I thank the Senator from Montana.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from Colorado is recognized for not to exceed 15 minutes.

(The remarks Senator DOMINICK made at this point on the introduction of S. 1506 dealing with the Presidential election campaign fund, are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Michigan (Mr. GRIFFIN) is recognized for not to exceed 15 minutes.

Mr. GRIFFIN. Mr. President, I wish to yield part of my time to the distinguished Senator from New York (Mr. JAVITS) as soon as he arrives in the Chamber. In the meantime, I suggest the absence of a quorum, and I ask unanimous consent that it be charged against the time allotted to me.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, I yield to the distinguished Senator from New York.

The ACTING PRESIDENT pro tempore. The Senator from New York is recognized.

THE PRESIDENT'S TRADE BILL

Mr. JAVITS. Mr. President, the embargo on the President's trade bill is noon today and this hour now passed, I wish to comment upon it.

In my judgment, this is one of the most important messages which has come to Congress or which is likely to come to Congress this session. The President's trade bill, if enacted, in substance would allow the United States to meet the new international ecomomic realities of the 1970's.

It is my expectation that Congress will want a bill to provide a check on the great powers, which will be vested in the President under this bill, to wit, a veto, especially in those areas of the bill which accord the President unusual new authority. It is also my expectation this legislation will be hotly debated by both Houses of Congress. I consider the attitude of organized labor, the AFL-CIO, to be of critical importance toward this legislation and three companion matters, to wit, private pension reform legislation, proposed administration changes in the tax treatment of American firms operating overseas which export to the United States, as well as the reform of our unemployment compensation laws looking toward Federal standards. This indeed represents a package approach of which the trade legislation is the centerpiece.

I see no reason why Congress should not be able to complete action on the trade bill this year. Now, to screen out what is proposed, I consider the provisions in the administration proposal to be excellent as they relate to the following:

First. The 5-year negotiating authority to raise, reduce, or eliminate tariffs and nontariff barriers to trade. In regard to nontariff barriers I think the veto is very likely and very properly to be imposed by Congress; that is, the right to veto the President's action.

Second. Authority to establish generalized preferences with developing countries. That is long overdue and if the Congress failed to enact this provision of the bill, this would represent a highly regressive stance on the part of the United States in respect of the so-called third world. We should have done that years ago as most of the industrialized trading nations already have.

Third. Reasonable authority to safeguard American workers and industry from catastrophic and sudden impact of imports while retaining the basic advantage of broader international trade. Here is where the combination of the Presidential power to raise or reduce tariffs and here in my judgment a veto authority over that rather broad grant of Presidential power should come in. This particularly should be the case if the President chooses to take unilateral U.S. action breaking with the MFN principle.

Now, Mr. President, Congress will want to look carefully at other aspects of the trade bill and the proposed phasing out of adjustment assistance in connection with the alleged tradeoff in private pension legislation and Federal standards for unemployment compensation in the 50 States. Incidentally, the Senator from New Jersey (Mr. WILLIAMS) and I sponsored the principal bill on private pension legislation which has been reported by the Committee on Labor and Public Welfare.

Another matter requiring very careful scrutiny by us is the provision which would establish most-favored-nation treatment with the Soviet Union. That must be examined by the rigorous standard demanded by the overwhelming support in this body and the other body for the Jackson amendment which proposes such most-favored-nation treatment should not be granted unless the Soviet Union shows clearly it proposes to abandon its discriminatory laws violating the United Nations Declaration of Human Rights in the United Nations Charter respecting emigration of Soviet Jewry from the Soviet Union.

In summary, Mr. President, it is not an overstatement to say that this trade bill is perhaps the most important foreign policy issue that will face our country and the world in 1973. This bill will clearly impact, importantly, upon relations with every country of the world as well as upon the North Atlantic Treaty Organization and our other security alliances; and I cannot emphasize too much the relationship of trade to the security and military alliance relationships of the United States.

This trade bill will be a decisive factor in the international monetary reform negotiations which look toward correction of the serious imbalance in our international balance of payments. These will be aggravated in upcoming years by our growing energy shortages, which threaten to more than triple the amount of dollars which we will be paying, largely to Middle Eastern rulers, in the period between now and 1980.

The trade bill proposed by the President will allow the United States to enter into meaningful multilateral trade negotiations in the context of the General Agreement on Tariffs and Trade this September. That, of course, follows the timetable put forward in communique of last fall's summit meeting of the heads of government of the nine members of the European Economic Community.

Finally—not on the side of what we ought to be for, but on the side of what we ought to oppose—even at this time it is possible, in my judgment, to make a clear judgment that this administration bill, as compared with the Burke-Hartke bill, represents a moderate course which looks toward the maintenance of an outward-looking trading posture by the United States. If the Burke-Hartke bill were enacted into law, the United States would be "condemned" to trade wars, protectionism, and isolationism.

I hope very much that this proposal of the President, which is very much in the character of American Chief Executives in the postwar period, who have had at heart the peace and economic development of our own country and the world, will deserve and receive the most profound consideration by the great AFL–CIO federation, with a view toward utilizing its tremendous influence and authority to lend itself to a constructive solution of the trade and balance-of-payments problems of the United States.

Mr. President, I respect the AFL–CIO attitude toward the Burke-Hartke bill, but labor has always been distinguished by its capability for listening to reason with all others who have the same general objectives at heart for our country.

I hope very much, therefore, that it will not be fixed in concrete on the Burke-Hartke bill, which I think is highly inimical to the future of our country and the world, but will endeavor to meet the President's views in a way which will be most helpful to the future U.S. role in its position of leadership toward the high objectives of world peace, world tranquility, and world development through expanding international economic ties.

I wish to thank the Senator from Michigan (Mr. GRIFFIN) very much for yielding me at this time.

The ACTING PRESIDENT pro tempore. The Senator from Michigan has 5 minutes remaining.

Mr. JAVITS. Mr. President, will the Senator yield me 1 more minute?

Mr. GRIFFIN. I yield 1 minute to the Senator from New York.

(The remarks Senator JAVITS made at this point on the introduction of S. 1510, dealing with deductions for certain charitable contributions, are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

ORDER OF BUSINESS

Mr. GRIFFIN. Mr. President, I yield back my time.

The ACTING PRESIDENT pro tempore. Under the previous order the Senator from West Virginia is recognized for not to exceed 15 minutes.

Mr. ROBERT C. BYRD. Mr. President, I yield to the Senator from Wisconsin (Mr. PROXMIRE) such time as he may require of the time allotted to me under the order.

Mr. PROXMIRE. Mr. President, I thank the distinguished majority whip very much.

THE ROLE OF THE U.S. INTELLIGENCE COMMUNITY

Mr. PROXMIRE. Mr. President, the role of the U.S. intelligence community is one of the most important and, due to its nature, least known aspects of our Government. Here is an arm of our Government that consumes by rough esitmate some $6 billion a year and employs 150,000 people. And yet, it is essentially free from public inspection or congressional restraint.

It is time that there be a sensible discussion of intelligence collection and operations.

Mr. President, these remarks are made with the intent of provoking just this kind of urgently needed inspection and restraint for the intelligence community. I hope that others in the Senate will join with me in exploring how intelligence is collected, evaluated, disseminated, and how intelligence operations are generated. None of what I will say is based on classified information. I have no unique sources. Everything is available in previously published materials.

The need for accurate intelligence is as old as the origins of warfare. In the modern age, however, nations have erected barriers to the free flow of information and thus have forced potential adversaries to obtain data by whatever means they could for their own self-protection. Modern technology has heightened the need for intelligence by creating fears that technological breakthroughs might adversely affect national security.

In reaction to this secrecy, nations have formed intelligence institutions. They exist in nations of widely different political and economic philosophies, in developing countries and advanced industrialized states.

Once such an intelligence organization is formed, there is a tendency to put it to maximum use by assigning it activities that would not easily or unobtrusively be done by an official Government department. It is an easy and even natural step, given the existing organizations, that intelligence collection soon expands into other activities.

THE 1947 NATIONAL SECURITY ACT

Under the provisions of the 1947 National Security Act which established the National Security Council, the Central Intelligence Agency was formed, headed by a Director of Central Intelligence.

The CIA was placed under the direction of the National Security Council and was given several responsibilities: of advising the NSC and making recommendations to the NSC about the coordination of intelligence activities of other Government departments and agencies;

of correlating, evaluating, and disseminating intelligence; of providing services of "common concern"; and of performing "such other functions and duties related to intelligence affecting the national security as the National Security Council may from time to time direct." The Director of Central Intelligence, the DCI, was given access to the intelligence of other Government agencies and departments, but was not provided police, subpena, law-enforcement or internal security powers.

CENTRAL INTELLIGENCE AGENCY ACT OF 1949

The Central Intelligence Agency Act of 1949 filled out some important bureaucratic privileges for the CIA. It allowed the Agency to engage in contracts, hire and fire without regard to the Civil Service, protect information about itself, bypass normal expenditure requirements, provide for travel and allowances outside of the United States, permit the entry of certain aliens, and transfer funds between Government departments for Agency use.

Mr. President, it is quite clear from the original wording of both acts that the CIA was established to perform a clearinghouse function and to coordinate the flow of intelligence.

In succeeding years, however, the functions of the CIA have been greatly expanded, based on an interpretation of the 1947 National Security Act, section 102(d) (4) and (5).

The means for expanding the functions and responsibilities of the CIA was a series of National Security Council Intelligence Directives known as NSCID's. At least one of these, NSCID 10/2, has been referred to in public sources. Apparently this particular NSCID first established the principle of covert operations.

The justification for these interpretations of the National Security Act comes as a result of rather ambiguous and open-ended language in section (d) (4) and (5). These sections state that the CIA, under the direction of the NSC, has the duty to "perform for the benefit of the existing intelligence agencies such additional services of common concern as the National Security Council determines can be more efficiently accomplished centrally" and to "perform such other functions and duties related to intelligence affecting the national security as the National Security Council may from time to time direct."

Two points should be noted about this language. First, the phrase "other functions and duties" is linked to the word "intelligence" and as such does not appear to permit cloak-and-dagger type activities unless the definition of intelligence" is stretched a great deal. Therefore, it would seem that any interpretation of this section not based on the meaning of the word "intelligence" as then understood, would be contrary to the intent of the law.

Second, the controlling time element in this law is stated as "from time to time." In common use then as well as now, from time to time means something less frequent than day to day, and cannot in good conscience be defined as establishing a policy in force continuously. Therefore, it appears that any interpretations of this law that permit activities of a permanent or even extended nature would also be contrary to the original intent of the legislation.

These two points are important, because the role of the CIA and other intelligence organizations has evolved into something much different than Congress intended.

It is not necessary to recount here the types of activities the U.S. intelligence community engages in overseas. It is enough to say that upon direction, they carry out clandestine projects of many different kinds ranging from support of friendly organizations to specific acts of sabotage. They can call upon resources anywhere in the world including those seemingly legitimate companies formed by the CIA to supply transportation or other services. Close cooperation with the Department of Defense puts additional power in the hands of the intelligence community.

THE "SPILL-OVER EFFECT"

Leaving aside for a minute the question of the propriety of such foreign operations, another equally important point must be addressed. Not all the undesirable consequences of these operations need be strictly international. There are domestic ramifications as well.

While each foreign operation may be harmless in itself, the cumulative impact of years of such activity might have disturbing implications domestically. I call this the "spill-over effect."

For example, what happens to men who have spent a lifetime in CIA operations overseas when they retire or are forced to seek new employment? They cannot tell about their prior employment. They cannot give references with any specifics. They may not have any skills that are useful to the business world or Government. Good jobs could be hard to come by.

As a result, these men might return to the profession they know so well. They might turn their skills to use here at home. This could range from engaging in political subterfuge to exploitation of their skills by organized crime, or engaging in Watergate type activity to downgrade our own Democratic system.

The intelligence community would not be directly involved. But the indirect linkage is still there.

The same holds true for the technical devices invented to acquire intelligence by covert means. These listening devices and other exotic pieces of equipment will eventually become available domestically for use by unscrupulous elements.

Another "spill-over" occurs when intelligence agencies make contact with domestic organizations in an apparently harmless search for information. Though it might not happen with any frequency, private business concerns could exploit these channels of communication for their own use, or conversely the intelligence community hight some day seek to influence these same domestic firms.

The operations of numerous front organizations that pose as legitimate enterprises, but really provide support for intelligence operations is another example of the "spill-over" effect. It may be that other businesses simply do not know that when they contract with the "Big Eagle" airline, or some such name, they are in reality dealing with an intelligence branch of the U.S. Government.

There is also a moral consideration to ponder. When our Government decides to carry out an intelligence operation in some foreign country, it establishes a pattern of thought which, over time, could lead to similar decisions being considered for use in the United States. When operations become easy due to available resources and committed personnel, it is only a moral constraint that prohibits the transfer of overseas capabilities to the United States. And as we all know, moral scruples may change as time goes by.

The intelligence community also controls the data on which the national defense budget is justified. Intelligence drives the defense budget. If there is political pressure brought to bear or a distorted view of world affairs fostered so that assessments of enemy intentions and capabilities are readjusted, then the national defense will suffer. We will pay more for less real defense.

And finally there is the question of the ominous effect of the cooperation between Government agencies and the intelligence community. The intelligence budget is hidden in other Government accounts. Appropriations are moved back and forth. Intelligence slots are opened in many Government agencies and frequently forgotten after years go by. Liaison personnel work their way into positions of responsibility in Government, industry, and the academic world.

These indirect domestic consequences of intelligence operations may be even more dangerous than all the embarrassment of former operational disasters combined.

COMPOSITION OF THE INTELLIGENCE COMMUNITY

The intelligence business is a community. There are nine organizations involved including the Central Intelligence Agency, the Defense Intelligence Agency, the National Security Agency, the Federal Bureau of Investigation, the Atomic Energy Commission, the Intelligence and Reports Bureau of the State Department, and the intelligence components of the Army, Navy, and Air Force. On occasion, other Government agencies might become involved. For example, the Secretary of the Treasury has a representative on the U.S. Intelligence Board—USIB. The Attorney General has a post on the National Security Council Intelligence Committee and at times the Department of Commerce has played a role in intelligence matters.

The President's reorganization of the intelligence community on November 5, 1971, reflected a degree of dissatisfaction with the way the community was operating. Improvements were suggested to enhance the leadership role of the Director of Central Intelligence, consolidate redundant operations, and provide better overall guidance from a policy level.

These were sound steps but, in my opinion, far too weak. They did not come to grips with the widespread autonomy that still exists in budgetary and operational matters. As with any normal bureaucracy, the intelligence community has been bogged down in jurisdictional disputes, and the resulting competition for funds. Although some cuts have been made in the Defense Intelligence Agency, the basic criticisms remain.

After considering the available facts, I believe that sizable cuts still can be made in the budget of the intelligence community without any sacrifice of capability—except for some clandestine operations that should not be conducted anyway.

Before I offer these recommendations, however, there is one more point to be made.

CONTROL OVER INTELLIGENCE

Who has effective control over the intelligence community? By law, the intelligence agencies and departments are controlled by the National Security Council. But what happens when an administration comes along that downgrades the role of the NSC? President Eisenhower made considerable use of the NSC. President Kennedy did not, preferring to rely more on the advice of close advisers.

With the NSC fluctuating in power, it is quite possible that an ongoing Agency with the influence of the CIA might be the constant factor.

The checks against this happening rest with the President, his Special Assistant for National Security Affairs, and the leadership of the intelligence community. The President is too far removed. His national security adviser is usually quite busy. Congress only gives a quick over-the-shoulder look at the intelligence community. In effect, therefore, while there are controls, there is a tendency for these controls to erode over time.

RECOMMENDATIONS FOR CUTBACKS

In view of the problems I have just cited, I must ask, why can not a billion dollars and the integrity of our foreign policy be saved by selectively cutting back the huge intelligence apparatus now in existence?

Our foreign intelligence operations have brought little, but embarrassment abroad and confusion at home. In the day of sophisticated electronic devices, we need to take a long hard look at the efficiency and indeed the justification of some of our intelligence techniques, particularly involvement in foreign governments.

One element of the U.S. intelligence community has gradually switched from collecting intelligence to becoming involved in the domestic affairs of foreign countries. In too many cases we are substituting clandestine operations for sound foreign policy.

Furthermore, due to the "spill-over" effect, these operations could lead to similar domestic operations .

The U.S. intelligence community can be trimmed by returning to the basics of intelligence and the concepts put forward in the 1947 National Security Act. Analysis and coordination should take precedence over classical cloak-and-dagger operations and information over espionage type programs.

The intelligence community has expanded by self-generated requirements in the face of lax executive department controls. The basic responsibilities of the Central Intelligence Agency have been broadened by secret interpretive directives never seen by Congress.

In a typical bureaucratic ploy, the individual intelligence organizations of the Army, Navy, and Air Force have continued even after the composite Defense Intelligence Agency was formed. The National Security Agency has grown into a giant operation that consumes endless man-hours and dollars in activities that are sometimes futile.

It is time that order be brought into the intelligence community. First, the strategic intelligence elements of the Army, Navy, and Air Force should be disbanded.

Second, the Defense Intelligence Agency should be cut back by 10 percent.

Third, the National Security Agency should be placed under civilian control and cut back by 20 percent.

Fourth, the Directorate of Operations of the Central Intelligence Agency should be reduced by at least 40 percent to reflect the deemphasized role of human resources as opposed to technical collection techniques. Too many espionage type operations provide no useful intelligence.

Fifth, Congress should increase the size of the intelligence oversight committees of both Houses, provide funds for an adequate fulltime staff, and require periodic reports from the 40 committees regarding the potential impact on national security of covert operations, including damage reports and postmortems. Regular finished intelligence products should be provided to the oversight committees, the Armed Services Committees, and the Foreign Relations Committees on a regular basis.

Although the full amount of the annual intelligence budget has never been confirmed in public, most estimates have been in the $4 to $6 billion range with some as high as $8 billion. I think that the $6 billion figure is most probably correct. The combined effect of my recommendations could result in a savings of from $500 million to $1 billion, depending on the exact size of that budget.

Mr. President, what I have said should not be construed to mean that I am philosophically opposed to having a first-rate intelligence capability. Actually, intelligences that allows us to know what kind of military power is being developed by our potential military adversaries is critically important. Furthermore, I know there are many dedicated people in the intelligence community and that they have served with the best interests of our country at heart.

On several occasions, I have noted that it is a healthy situation to have an independent intelligence agency like the CIA, which is not involved in the weapons business, in order to preclude biases from intelligence estimates. The CIA has performed this obligation well.

Furthermore, I think that it is critical that the CIA remain the principal coordinating agency of the National Intelligence estimates. Any move to place the DIA or military services in charge of estimating the threat on an exclusive basis, as suggested by a recent article in Army magazine by Maj. Gen. Daniel O. Graham should be resisted. There still is no reason to believe that the military can separate their strong conflict of interest in the weaponry field from the intelligence process.

The point to be remembered, however, is that changing times demand changing attitudes. Our own national interests have been modified since the 1950's. It is time to bring our intelligence apparatus into line with our outlook of the world in the 1970's.

Although estimates of the budgets of the intelligence agencies and departments must be necessarily vague, I have compiled the following figures representing personnel involved and yearly budgets. These figures are not without error. They are, however, in the ballpark.

I call on the new Director of Central Intelligence to make the total budget figures available to the American public. Budget data does not compromise national security when it is presented in the aggregate. The Department of Defense budget, for example, is broken down into great detail for the public and yet it constitutes no threat to our security. Why can not the same be done with the intelligence budget?

There would be no security problem by telling the American public that we are spending $4, $5, or $8 billion on intelligence each year. It would not provide any clues to the Soviet Union or Peoples Republic of China that they do not know anyway.

Until such accounting is made, only estimates can be made and by their nature these estimates are inherently variable. Nonetheless, the following information appears to be roughly accurate:

ESTIMATES OF THE INTELLIGENCE COMMUNITY BUDGET AND MANPOWER

Name	Manpower	Budget (in millions)
CIA	15,000	$750
NSA	20,000	1,000
DIA	5,016	105
Army	38,500	770
Navy	10,000	775
Air Force	60,000	2,800
State (I. & R.)	335	8
FBI, AEC, Treasury	[1]	[1]
Total	148,851	6,208

[1] Not available.

This clearly points out that the CIA is smaller than several other intelligence organizations both in manpower and money. These figures do not reflect, however, the coordination that is involved from one organization to another. The Air Force, for example, supplies the launch boosters and satellites for the highly successful reconnaissance program and this is one reason its budget is so high. President Johnson once remarked that the photographs he had of the Soviet Union were worth billions.

The President's reorganization of the intelligence community in 1971 was a significant step in the right direction. Mr. Schlesinger, who helped author that reorganization, apparently is carrying through with the original plans. I applaud the initiative of the President and Director Schlesinger in this.

Overall, U.S. intelligence must remain a strong element in our defense posture. It is essential to have prompt and accurate information about the action and intentions of potential adversaries. No American wants to be caught by surprise. This should not be used as an excuse, however, for allowing the intelligence community to continue without proper restraint and oversight. It is a role that Congress must become more involved in. If money can be saved and the intelligence flow improved, then firm steps must be taken.

Mr. President, I do not have any special information on this subject. There are many aspects that remain unknown. I welcome any suggestions that might help clarify the role and responsibilities of the intelligence community. This is a subject that must be taken seriously. But the very importance of it also demands that we begin to talk about and analyze the proper role for U.S. intelligence. For too long Congress has looked the other way.

THE BIG SEX DISCRIMINATION: AT THE TOP IN AMERICAN BUSINESS

Mr. PROXMIRE. Mr. President, the case for equal opportunity for both sexes is overwhelming. And it is widely accepted.

But in one vital phase of American life discrimination against women is clear, emphatic, and cruel. That phase of American life is right at the quintessence of the American dream.

Throughout our history success in American business has been a prime social standard for judging worth. We may or may not enrich our scientists, artists, statesmen, philosophers, but we do without fail enrich our successful businessmen.

The current issue of Fortune magazine carries an article on women in business. And it is enough to enrage anyone—male or female who believes in equality of opportunity.

If there is proof anywhere that women do not get a fair shake, this article provides what to me is the most convincing.

Fortune selected a simple criteria of success in big business. They took the 1,000 largest corporations in the country. They consulted the files of the Securities and Exchange Commission that require the names and salaries of the three highest paid executives of each corporation provided they earned at least $30,000 a year, and the name and compensation of any director making more than $30,000 per year from the corporation.

They found some 6,500 corporate officers on this list of those best paid executives. And how many were women? Would you guess one-third or about 2,000? If so you guessed wrong. It was lower. Do you guess one-tenth or about 600? You are wrong again. You guess one one-hundredths or a bare 1-percent? No. You are still wrong. It was worse than that.

A bare 11 of the 6,500 corporate officers or less than 1 out of 600 were women.

Mr. President this is not only cruelly unfair, it is stupid. We are wasting half of the ability and intelligence of this country by not using it.

Women can be every bit as good business managers and executives as men. Other countries do better. In Israel, the Prime Minister is one of the most remarkable persons in the world, a woman—Golda Meir.

In India, the skillful and wise Prime Minister is another astonishingly able person, a woman, Indira Ghandi.

In Russia, a large proportion of doctors, engineers, scientists are women. In this country women are pitifully underrepresented in all of these great professions.

Recently the Council of Economic Advisers released a useful study on the economic status of women. They found that women made up 40 percent of the work force. They do almost all the typing, much of the clerking, bookkeeping, teaching and waiting on tables, but at the top in American business, the door is tightly shut.

Finally, Mr. President, let us take a look at those 11 remarkable women who are listed as the only members of their sex to have reached top positions among the 6,500 men in American big business.

Almost all of those women came to their position of power and distinction, because they were married to the boss or the daughter of the boss or both, or were cofounders of the corporation along with their husband.

It is sometimes said that for a women to work her way to the top of a modern corporation she has to be better than a man. Mr. President, that is a vast understatement. For a woman to work her way to the top she must be some kind of rare genius. Consider: Only 2 of the 11 women who are among the 6,500 top corporation officers were able to work their way up to it. They are Catherine Cleary, of the First Wisconsin Trust Corp., and Stella Russell, of Norton Simon.

Mr. President, look around this Chamber. We have 100 men in this body that some still consider the greatest legislative body in the world and no women, none, not one. Women occupy none of the Cabinet offices, none sit now or ever has set on the Supreme Court. The American Government has done very badly indeed by women. But the great power wielded by big business also virtually excludes women, and that is bad for big business. It is bad for our economy. It is bad for our society as well as being bad for men as well as women.

In conclusion, Mr. President, let me say how very proud I am of Mrs. Catherine Cleary, of Milwaukee, and the First Wisconsin Trust Co. Mrs. Cleary graduated from the University of Chicago. She graduated from the University of Wisconsin Law School where she was No. 1 in her class. And incidentally she is the only one of these 11 successful women to hold an advanced degree. She has sharply improved the earnings of the company she heads. She is also a director of A.T. & T., General Motors, Kraftco and Northwest Mutual Life Insurance Co. She has been a great force for good in Milwaukee and in our State in many ways, but perhaps most significantly in fighting successfully to provide more high-level jobs with authority and significance for able women in her company.

I ask unanimous consent that the Fortune article, page 87, by Wyndham Robertson on the 10 highest ranking women in business be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE 10 HIGHEST-RANKING WOMEN IN BIG BUSINESS

(By Wyndham Robertson)

If women make up almost 40 percent of the labor force, as the Bureau of Labor Statistics says they do, then, one wonders, where in blazes *are* they? According to the 1973 Economic Report of the President, they are typing (12 percent), cooking and cleaning or working in private homes (6 percent), clerking in stores (5 percent), keeping books (4 percent), teaching elementary school (4 percent), and waiting on tables (3 percent). Smaller percentages work at a host of other jobs, most of which don't lead to anything bigger. In jobs where visibility is greatest—i.e., in corporate management—women are seldom seen.

According to the figures in the Economic Report, which were taken from the 1970 Census, only about 3 percent of all women in the labor force were "managers and administrators." In those jobs, men outnumbered them by more than five to one, a ratio that has improved only slightly since 1950. And far rarer, even, than the male registered nurse is the woman who has made it to a very high position in a large American corporation. At that altitude, according to a survey made by Fortune, men outnumber women by about 600 to one.

Many recent attempts to single out businesswomen have been rather impressionistic, yielding up lists of women whose executive titles are more important than their functions and women directors with no operating responsibilities. To apply a rigorous set of standards, FORTUNE surveyed the companies in its 1972 directory of large American corporations—the 1,000 largest industrial companies and the fifty largest in each of six non-industrial businesses. Of the 1,300 companies, some 1,220 were required by the Securities and Exchange Commission to file proxy statements last year and to provide certain information about payments made to officers and directors during the previous fiscal year (i.e., calendar 1971 or the fiscal year ending in 1972). Specifically, the companies were required to list the names and salaries of the three highest-paid officers of the company, provided they earned more than $30,000 each, and to report on any director earning over $30,000. Of some 6,500 officers and directors whose names showed up, only eleven were women.

The list of eleven names leaves out some important businesswomen whose companies are not included in the directory—the most obvious omission being Mary Wells Lawrence, chairman of Wells, Rich, Greene and thought to be the highest-paid woman in American business (at $384,000 last year). Ten of the women who made the list are pictured on these pages. The eleventh is Rose Cook Small, vice president of Bluebird Inc., a Philadelphia meatpacking concern run by her son. A company spokesman said she did not want to be interviewed. When Mrs. Small could not be reached through the company's switchboard, an employee explained that "she spends the winter months in Florida."

IT HELPS TO OWN STOCK

The other ten are highly capable and hardworking executives. Most of them began their careers thirty to forty years ago and—with only two exceptions—were helped along by a family connection, by marriage, or by the fact that they helped to create the organizations they now preside over. In short, most of them did not have to deal with at least two problems that have over the years held back even the most able and qualified women: they did not start out in their companies in jobs with limited futures, and they did not have to work their way through a corporate hierarchy that discriminated against them.

Three were cofounders of corporations, together with their husbands. They are Olive Ann Beech, chairman of Beech Aircraft; Ruth Handler, president of Mattel; and Vera Neumann, president of the Vera Companies, now a subsidiary of Manhattan Industries. A fourth, Tillie Lewis, founded, virtually single-handedly, a tomato-canning company that is now a subsidiary of Ogden Corp.

Four others are members of families owning big blocks of stock in the companies where they work. Dorothy Chandler, director and assistant to the chairman of the Times Mirror Co. in Los Angeles, and Katherine Graham, the president of the Washington Post Co., are two of the most powerful figures in publishing. Bernice Lavin, secretary-treasurer of Alberto-Culver, is married to Leonard Lavin, president of the company and the owner of 28 percent of its stock. Mala Rubinstein, an executive vice president of Helena Rubinstein, Inc., is the late Mrs. Rubinstein's niece.

None of these women, obviously, *has* to work, and in fact some of them wouldn't have—or wouldn't have had careers—without the family tie-in. Yet each of them plays an effective and important role within her corporation—an impressive bit of evidence that other female executive talent is going to waste.

The only women who made it to the top the way most men do—i.e., by moving up in an existing corporate hierarchy without family sponsorship—are Stella Russell and Catherine Cleary. Mrs. Russell is vice president and director of Norton Simon, and Miss Cleary is president of First Wisconsin Trust Co. The trust company is owned by a bank-holding company, First Wisconsin Bankshares, of which Miss Cleary is a director.

SUCCESSFUL AT MARRIAGE, TOO

Most of the women were able to combine careers with families. Six of them are married, and three are widows. Seven of those nine are mothers. The tenth, Catherine Cleary, has never been married. For the nine who married, careers apparently did not prove incompatible with husbands; only Tillie Lewis has ever been divorced (from a man she married in her teens). She's been happily remarried since 1948.

The average age of the ten is sixty, and the average salary, $76,700. Only Miss Cleary and Mrs. Graham are college graduates, both from the University of Chicago (class of '37 and '38, respectively). And only Miss Cleary, the standout in many respects, has an advanced degree. She graduated, first in her class, from the University of Wisconsin Law School.

Only one of the ten has ever had to deal with a situation that can have a devastating effect on a woman's career—having to give up her job when her husband is transferred, or, conversely, having to pass up a job opportunity in another city in deference to her husband's job. Seven of the nine married women have had careers with the same company as their husbands. As for the only single woman, Miss Cleary's career got a boost in 1953 when she was offered, and was able to accept, a job in Washington as Assistant Treasurer of the United States (under Ivy Baker Priest). On the other stand, Stella Russel, whose husband is an executive with a Los Angeles truck-leasing company, says she "didn't even consider" going to New York when Norton Simon moved its headquarters there in 1970. For that reason, among others, Mrs. Russel's influence in the company is not nearly so great as before.

KIDDING IS BETTER THAN CONFRONTATION

Although several of these women have recently begun to concern themselves with helping other women to get ahead, only Miss Cleary seems to have devoted much attention to it over a long period of years. Women have promising jobs at just about every level at First Wisconsin Trust. Four, including Miss Cleary, are officers (out of a total of forty). And an increasing number of young college-educated women are working in jobs with bright futures, such as portfolio management and security analysis. "We've gone beyond the point where we're looking for women just because they are women," says Miss Cleary, describing a point that some companies seem just to be reaching. But she is neither gloating nor critical. "You can overdo viewing past discrimination as a deliberate attempt to keep women down," she says. "It's more a social and cultural thing that you can't hang just on the employer." Her prescription for effecting change: "I think you have to do this by kidding people along. I don't believe in confrontation—or not for myself, anyway. The greatest thing is example."

Katharine Graham, whose company owns both the Washington Post and Newsweek, has been working to recruit and promote more women recently, but has concluded that the job is "harder than people looking at it from the outside believe." The problem, as she views it, is two-sided. On the one hand, she says, "Women aren't a minority, but they are in the business world. Their expectations haven't been there for as long as men's have." As for management, she says, "There is still prejudice on the part of men, everywhere. It's in our society, in ourselves—in women themselves. You can't break this up overnight, particularly because of the first problem: how many trained, able women are there now?"

AN ASSISTANT RECRUITS HER BOSS

At the Times Mirror Co., Mrs. Chandler says that she has recently been going to bat for women. At a meeting of the board last year, she made a point of reminding the other directors that she was the only woman in the group. When she discovered she was also the only woman among some 150 people in the company who could "sign a chit" in a dining room for top employees, she hit on a way of changing things without ruffling feathers. Since she is in charge of plans for a new $18-million corporate headquarters, she ordered that the new dining room be made large enough to accommodate a number of women she thinks have been unjustly excluded.

Yet Mrs. Chander is vociferously pessimistic about women's chances for success, and she points to her own case history as an example. "I think I've proven my worth here, but even I have never been compensated the way a man would be. I resent my title, assistant to the chairman. It's a nonentity! Here I am with a title that's a nonentity, and compensation below the men. I admit my thing is different, but it deserves compensation."

Mrs. Chandler's salary is $35,000, her title certainly understates her power in the company, and her "thing" is somewhat difficult to define. Over the years she has played a major role in important decisions at the Times Mirror Co., including the hiring and firing of some key executives. She recruited her own boss, Chairman Franklin Murphy, who was chancellor of the University of California at Los Angeles. One prominent Los Angeles businessman describes her as "the strongest individual who's been at the Times Mirror in the last twenty to twenty-five years."

Mrs. Chandler agrees with Mrs. Graham that discrimination is not all that's holding women back. "When you look for able, well-qualified women to accept a major role in business or civic life, you find they're not there. They have not developed a sense of their own potential." Unlike Mrs. Graham, she is not at all certain that women will ever make the very top rank in more than token numbers.

For his part, Franklin Murphy declares that he is determined to bring more women onto the Los Angeles Times and is going to involve himself personally in the recruiting—"to demonstrate to all hands that I consider it important." But Murphy has apparently not shucked off some of those social and cultural attitudes Miss Cleary was talking about. One of the recruiting problems he foresees: "The ordinary reporter is at the beck and call of the paper. If it's a forest fire, or a murder, he has to get out of bed at 2:00 A.M. . . . There are just a whole range of activities where a woman is endangered."

MRS. HANDLER TAKES A HAND

Another Los Angeles businesswoman, Ruth Handler, offered a surprising confession from her office adjacent to the Mattel toy factory. "It took me many years to work up the courage to speak up for women in this company. I've only done it in the last couple of years." Since Mrs. Handler *is* the president of Mattel, and has never been known for timidity, this requires some explanation. She explains: "If you hold an individual responsible for getting a job done, for the bottom line, then you have to allow him to choose his own people." Lately, however, Mrs. Handler has been more involved in decisions about promotions. A while back, she decided that "the female touch was needed in marketing management." Today the marketing director for dolls, a product line with over $100 million in sales, is a young woman Mrs. Handler steered through the ranks. "I took a hand in it," she says. "In fact, I forced it."

Among these highly successful businesswomen there is general agreement that women's aspirations are still far too low. "Women may get to the top of the heap at some low level, but they don't try to move up to the next plateau," says Tillie Lewis. "Somehow they're not *inspired*. Maybe they will be, now with women's lib. *That* part of women's lib I think is good!" Mrs. Lavin has observed that some of the thirty-odd women in the Alberto-Culver sales force "do much better than the men." But she finds lots more women unwilling to take on responsibility and unduly fearful of making mistakes. She says, "A lot of girls want to be secretaries, and that's it."

THE WRONG KIND OF TRAINING

As women's prospects in business improve, aspirations may rise to meet them. Just within the last couple of years the prospects have improved dramatically, in part because of the legal assault on discrimination (see "How 'Equal Opportunity' Turned into Employment Quotas," Fortune, March). Corporate recruiters visiting college campuses in search of future managers are interviewing qualified men and women for the same jobs, and many are candidly searching for women and members of minority groups. A recent survey of the hiring intentions of over 100 corporations planning to recruit on campuses this year showed that they planned to hire 19 percent more male college graduates this year than last year, and 35 percent more women.

But as attitudes change, women will continue to be hampered by the kind of education they are getting. Less than a third of all college graduates in the labor force are women. And many of those female graduates are in teaching, not in business. Those companies reporting that they planned to hire 35 percent more women expected that almost half of them would be women who had majored in either accounting or business. Yet in 1971, the latest year for which figures are available, only 2.8 percent of all women got degrees in those fields (as compared with 22 percent of all male graduates). Business is the most popular single major for men, but for women the most common is education (36 percent of all women graduates, less than 10 percent of all men).

It must be said that the prospects for all those new teachers are not especially bright; elementary-school enrollments, which rose rapidly in the Fifties and the first half of the Sixties, are projected to drop by 5 percent between 1970 and 1980. Accordingly, the proportion of education majors among women graduates has fallen ten percentage points in ten years. But the switch appears to be toward the social sciences rather than business.

At the graduate-school level, there is undeniable evidence that more women have very recently been choosing the kind of education that has helped to pave the way for men in business. The trend is particularly striking in law schools; 12 percent of all law students currently enrolled are women (versus less than 4 percent ten years ago and only 4.5 percent five years ago). These women have not necessarily set business careers as a goal, but then neither did many of the male law students of earlier years who now find themselves in the upper levels of large American companies.

Precise enrollment figures for graduate schools of business administration are not available, but the percentage of women is rising dramatically. The number of women taking the admissions test administered by the Educational Testing Service for graduate study in business has risen from 3.3 percent of the total in the 1966–67 school year to an estimated 8 percent during the term ended last June. Seven percent of the first-year students at Harvard Business School are women (versus 4 percent of the class of 1972). Harvard, it should be remembered, did not even accept women into its two-year M.B.A. program until the fall of 1963. At Columbia University Graduate School of Business, which has always been open to women and has made efforts recently to recruit them, the proportion of women entering fall classes has risen from 5 percent in 1968 to 13 percent last September.

STICKING WITH THE JOB

Because women are far more apt than men to drop out of the labor force, the recruiters have traditionally viewed them as more of a gamble. In this respect, one of the most striking trends of the last few years has been the increasing percentage of mothers who are working or looking for work. In 1960, 18.6 percent of all married women with children under six were in the labor force; by last year the figure had risen to 30.1 percent. And last year, for the first time ever, over half of all married women with children between six and seventeen were in the labor force. However, highly educated women are the ones who most frequently quit their jobs during the rearing of preschool children—and they are presumably the women whose chances of advancement would otherwise be greatest.

SEPARATE TABLES

Despite women's efforts, and an abundance of supportive rhetoric from businessmen, some rather appalling forms of discrimination remain. For example, incredible as it may seem, the Milwaukee Estate Planning Council has never seen fit to open its doors to women, thereby depriving of membership Catherine Cleary, the chief executive officer of the largest trust company in Milwaukee, and indeed in all of Wisconsin.

Just as absurd is the continued refusal of the prestigious Economic Club of New York to permit women either to become members or to be invited as guests to its dinners, which feature prominent speakers from government and industry. (Women are permitted to arrive after dinner to listen to the speeches, though even then they may not sit at the table with their business colleagues. Last year the female president of a Wall Street brokerage firm availed herself of that opportunity to hear a speech by the Chairman of the SEC. While she sat in a sequestered section of the Waldorf-Astoria Hotel ballroom with a small group of women willing to endure the insult, one of her employees, a trader, sat sipping his coffee at a table for members and guests.) So far, New York's business leaders—the members of the Economic Club—have not organized to strike the policy from the books.

Women entering business today should recognize that subtle forms of discrimination will not be easily overcome, and, even more important, should not have any illusions that being both a businesswoman and a mother is easy. Recently Mrs. Handler's husband, Elliot, who is chairman and chief executive officer of Mattel, was asked if he ever missed coming home to the kind of wife who, not having to share his business problems, could cheer him up after a hard day at the office. He laughed and said that when he and Mrs. Handler got home after a bad day, "We just sit and look at each other like this." Then he cupped his chin in his hands, and took on a glum expression.

Mrs. Handler, far more intense than her husband, gave a different description of her double role. "A man can go to the office during the day and be tired and tense and uptight. When he comes home, he can relax, withdraw from the family . . . watch a football game. A woman under the same circumstances really needs to be with her children. . . . She has to shed the other world and be the homemaker and the happy mother. And even though she has help, she still has to worry about getting the food into the house and on the table." Then she added, in a rare moment of introspection, "I've had almost no time to myself, ever. Maybe that's good."

DOUBLE STANDARDS

In the past, while assuming greater responsibility at home than men, women have all too often had to be "twice as good" as men to reach the same level in business. The unexceptional woman, unlike the unexceptional man, never seems to make it. Several years ago a New York lawyer sat listening to some thoughtful feminists sound off against business, and when the session was over, he summed up their complaints this way: "Women want their share of mediocre managers at the top."

From the business manager's point of view, the proper concern is to get rid of the mediocrity, period. That job will be a lot easier as more qualified, highly motivated women decide they are willing to compete head-to-head with men on the way up. Managers willing to encourage that sort of environment will surely find it is worth the extra effort.

Mr. ROBERT C. BYRD. Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator from West Virginia has 2 minutes remaining.

Mr. ROBERT C. BYRD. Mr. President, I yield my remaining 2 minutes to the Senator from Missouri.

SECRETARY OF STATE REFUSES TO TESTIFY

Mr. EAGLETON. Mr. President, the Foreign Relations Committee will open hearings tomorrow on one of the most important legislative efforts that Congress has undertaken—to delineate the respective war powers of Congress and the President.

Extensive hearings on war powers legislation were held during the 92d Congress. During those hearings, a number of proposals were considered, including a suggestion by the State Department that Congress take no action at all. Fortunately, the Senate ignored that advice and passed the Javits-Stennis-Eagleton War Powers Act on April 13, 1972, by a 68 to 16 vote.

The hearings that will be held this week were scheduled to update the extensive record on this legislation and to give the administration an opportunity, now that a Vietnam cease-fire agreement has been signed, to reconsider its previous intransigent position.

I have been informed that the Foreign Relations Committee would have held these hearings earlier in the year, but that the Secretary of State requested that his appearance be delayed until after the March 28 deadline for the removal of all American Forces and POW's from Indochina. The Foreign Relations Committee has now been informed, however, that the Secretary's schedule will not permit him to testify before the committee on one of the 3 days set aside for hearings.

In opposing any form of war powers legislation, the Department of State has instead offered to improve consultation procedures and has suggested establishment of a joint committee for this purpose. But if the Secretary's current reluctance to testify is any indication, this improved consultation is likely to add up to the same type of arrogant condescension that has characterized this administrtaion's relations with Congress for the past 4 years.

We are told that Secretary Rogers has scheduling problems—that it would be inconvenient to testify this week—or even this month. What the Secretary is really saying is that it would be inconvenient to testify so long as troublesome questions are being asked by Congress about the President's authority to conduct military operations over Cambodia.

On March 28, 1973, the chairman of the Foreign Relations Committee, Senator FULBRIGHT, requested that the Secretary of State furnish Congress with the administration's legal justification for its Cambodian bombing policy. To date, despite a number of speeches by Senators and Congressmen and constant requests for information by the press, the State Department has managed to avoid any comment whatsoever as to the constitutional authority for the President's actions.

I have been informed that the silence on Cambodia may finally be broken. It is reported that the Secretary of State will soon communicate with Congress by letter to Senator FULBRIGHT—a very safe method of communicating what is likely to be an unpopular response.

It has taken almost 3 weeks for an administration that operates on the "loophole" philosophy of government to come up with a justification for our military activity in Cambodia. In light of the rare flurry of interest in the State Department's response to an issue, I can only assume that the prolonged preparation period itself is a strong indictment of the administration's position.

Mr. President, I had hoped that the withdrawal of American forces from Indochina would have created an atmosphere wherein Congress and the President could have worked together to correct the institutional deficiencies that led us into Vietnam. But the apparently characteristic Presidential desire to protect and increase the White House power base is obviously stronger than the desire to reconcile our differences.

Mr. President, I ask unanimous consent that a pair of excellent articles entitled "Who Has the Power To Make War," by Merlo J. Pusey which appeared in the April 9 and 10 editions of the Washington Post be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

WHO HAS THE POWER TO MAKE WAR?

(By Merlo J. Pusey)

The biggest question remaining about the United States' withdrawal from Vietnam is whether it will bring an end of presidential wars. At the moment, the country feels a profound sense of relief that both our troops and our prisoners of war are home at last. The rejoicing over this successful liquidation of our traumatic venture is dampened, however, by the absence of any safeguards against a recurrence.

The tidal wave of public opinion which finally brought the war to a close had two basic objectives: (1) to end the useless blood-letting in Vietnam; (2) to close the gaping loophole in our government system which has allowed the President to commit the nation to war without the approval of Congress. The second objective is still far from being accomplished.

The disappointments that are now coming to the surface are largely a result of the President's unwillingness to let go of one-man war-making power. Not only has the administration continued the bombing in Cambodia, after the last vestige of pretense that it was related to the safety of our troops in Vietnam had been removed; in his speech recently the President also seemed to threaten a resumption of bombing in North Vietnam if Hanoi fails to carry out the terms of the ceasefire. Despite the official explanation that the military is merely trying to clean up a "lingering corner of the war," we have here the possibility of new wars for which the Nixon administration would be wholly responsible.

The distinction is not an arbitrary one. So long as the President was liquidating the war which had been unconstitutionally started by his predecessors, he had a powerful argument to justify continued military operations. As Commander-in-Chief he has a solemn obligation to protect American troops in the field. Even in the case of a war started by the President without congressional authorization, this obligation remains, as the corrective legislation passed by the Senate last year recognizes. But when the war in Vietnam is over, the President has no shadow of authority, as Senators Javits, Mathias and Hatfield have pointed out, to drop bombs in Indochina.

It must be obvious to any objective mind that the request of the Lon Nol government in Cambodia for continued American bombing until a cease-fire is reached in that country has no bearing whatsoever on the President's authority. To say that the President is free to engage in military activities in another country merely on the request of its leader is to argue that he is free to make war at his own discretion regardless of how remote our interests in the outcome may be. This crass disregard of constitutional limitations is stiffening the demand on Capitol Hill for enactment of a comprehensive war-powers bill at the present session.

There are some who argue that Vietnam itself is the cure for presidential war-making. The country has learned its lesson, it is said, and will not again venture upon a costly military project that does not have the support of Congress or the country. But that flimsy hopefulness flies into the face of recent history.

Even our participation in World War II began without congressional authorization, and war was declared only after Pearl Harbor. The conflict in Korea was solely a presidential war even though President Truman succeeded in covering it with the sanction of the United Nations. In the case of Vietnam, President Johnson induced Congress to delegate its war-making power to him in the now infamous Tonkin Gulf resolution. Congress was so ashamed of that performance that it ultimately repealed the resolution.

If Congress had succeeded in stopping the war, the clamor for a new war-powers law would not now be so loud. That experience might serve to guide the future. Congress did limit the use of American ground forces in Laos and Cambodia, but all its efforts to halt the war through legislative action came to naught. Congressional control of the purse, which is often cited as a potential weapon against presidential wars, proved to be useless for the simple reason that Congress would never risk potential disaster by denying our forces the weapons and supplies essential to protect their lives.

Vietnam has demonstrated, therefore, that Congress cannot, or will not stop presidential wars, once they have begun, with the crude means now at hand. This aspect of the Vietnam experience might even encourage future Presidents to embark upon reckless military ventures on the assumption that, however disillusioned it might become, Congress could do nothing about a presidential war.

The appalling fact is that ever since World War I and its aftermath Congress has left a power vacuum in regard to the use of American military force. By the very nature of his office, the President has filled that vacuum and will continue to do so until Congress finds a way to reasserting its unquestioned constitutional right to determine whether or not the country should participate in any war.

Supreme Court Justice Robert H. Jackson summarized the problem adroitly in his concurring opinion in the steel seizure case. "In matters of war and peace," he wrote, "a succession of Presidents—well-intentioned and patriotic to be sure—have indeed come close to canceling the effectiveness of Congress. The result is a dangerous contradiction of the principles of democratic government, which I believe ought to be set right."

The Supreme Court slapped down the attempt of the Truman administration to extend controls over the domestic economy to support a presidential war. But most constitutional authorities agree that the court is not likely to intervene in the controversy between the President and Congress over the war power.

As matters stand, therefore, most of the currents are running in the direction of further presidential wars unless Congress finds a way of reasserting its authority. It is one of the most ironic facts of our age. Nearly two centuries ago the founding fathers wrote into the Constitution powerful and explicit provisions that the war powers should be lodged in Congress (except that the Commander-in-Chief might respond to sudden attacks) with firm determination to break away from the British practice, which had permitted the king to decide the issues of war and peace. In recent years, American Presidents have come to exercise most of those kingly powers.

In explaining his vote against allowing the President to make war, George Mason of Virginia told the Constitutional Convention of 1787 that he was "for clogging rather than facilitating war; but for facilitating peace." Professor Alexander M. Bickel of Yale picked up this remark in the hearings before the Senate Foreign Relations Committee on the war-power bills and remarked that, by our practice of recent years, "we have managed to clog peace and facilitate war. I think it is time," he added, "we got back on course."

One other comment by Professor Bickel is worthy of serious thought as the country settles down to think about the second great lesson from Vietnam. Continued relinquishment of the war power in the hands of the President, for want of congressional action to restore the constitutional balance, the Professor said, would take us "as near to a long-term catastrophe as this country can contemplate."

PRESIDENTIAL WAR POWERS

(By Merlo J. Pusey)

Is the effort of Congress to pass a war-powers bill a threat to strong executive leadership in this age of superpowers and nuclear weapons? Some sincere citizens undoubtedly think so. The cult of the strong President has taken firm root in American soil. For several decades historians, politicians and journalists have been lauding Presidents who have outrun their constitutional authority, while consigning Presidents who have refused to make war without the consent of Congress to a lesser category as "weak executives."

Conscious of his place in history, every President tends therefore to broaden the powers of the office—to associate his name with glamorous events that history will remember. President Nixon is certainly no exception to this rule. "Each of us," he has said, "in his own way tries to leave [the Presidency] with as much respect and with as much strength in the world as he possibly can—that is his responsibility—and to do it the best way that he possibly can."

To support this view of their role, recent Presidents and their spokesmen have developed the doctrine of inherent powers, usually associated with the President's role as commander-in-chief. In his defense of the presidential war in Korea in the 1950s, Secretary of State Dean Acheson went so far as to say:

"Not only has the President the authority to use the armed forces in carrying out the broad foreign policy of the United States and implementing treaties, but it is equally clear that this authority may not be interfered with by the Congress in the exercise of powers which it has under the Constitution."

Before President Johnson stepped up the fighting in Vietnam to the level of large-scale warfare, he did make a gesture of getting a blank check from Congress. But he stoutly contended that the Tonkin Gulf resolution was not necessary to what he was doing in Southeast Asia. The Nixon administration has been more guarded in its verbiage. Secretary of State William P. Rogers has repeatedly acknowledged before congressional committees that the President should seek legislative authority before initiating a new war, except in case of meeting an emergency, although he insisted that the invasions of Cambodia and Laos be regarded as exceptions on the ground that they were part of an ongoing war. His reasoning seems to leave no excuse, however, for the current bombing of Cambodia after the war in Vietnam has been terminated. In any event, the claim of inherent power in the presidency to make war is being as flagrantly asserted in practice as ever before.

The basic issue that the country must now face is whether acceptance of this claim is essential to our national security and our position as a great power. Actually the risks that are involved in a broader role for Congress in this area of policy-making are grossly exaggerated. No one is proposing to cripple the President in his direction of international policy or to tie his hands in meeting an emergency. Most of the people who are now demanding corrective war-powers legislation want the President to continue exercising powerful leadership. It is a matter of fitting his leadership into the constitutional mold so as to curb the dangers of one-man decisions and to arrest the evolution toward tyranny.

Undoubtedly war-powers legislation would cause the White House some inconvenience. One-man decisions are always easier than democratic debate and justification of every step taken before the Congress and the people. But this is true of popular government in all of its aspects. It is far more complex than dictatorship and requires a much greater skill for the shaping and application of national policies. Human experience has left no doubt among free peoples, however, as to which process produces the best results.

The present posture of the administration favors a sharing of the war power in theory while denying it in practice. Secretary Rogers told the Senate Foreign Relations Committee: "There are few significant matters which can be accomplished by presidential order alone . . . the fact that even a minor skirmish could lead to a confrontation of the major powers and raise the specter of nuclear war, serves to emphasize the desirability of appropriate congressional participation in decisions which risk involving the United States in hostilities . . . We must be sure that such decisions [involving war or the risk of war] reflect the effective exercise by the Congress and the President of their respective constitutional responsibilities."

Mr. Rogers went so far as to tell the sponsors of the war-powers bill that their objectives "are the same as the objectives of this administration." He offered to explore with Congress the possibility of improving its information in regard to issues of war and peace and to talk about a joint congressional committee that could serve as a consultative body with the President. These suggestions have more recently been reiterated by the State Department's acting legal adviser, Charles N. Brower, but they are a lame response to the national demand for a checkrein on the President's power to make war.

The administrations negative view of the problem has been coupled with active opposition to the Javits bill passed by the Senate last year. The President likes the flexibility resulting from the absence of any meaningful legislation in this sphere and is loath to face any curtailment of his freedom of action. His strategy is obviously designed to thwart congressional action if possible or to keep the legislation innocuous if Congress insists on some action. In the background is an unquestioned threat of a veto if any meaningful war-powers bill is passed.

While the reluctance of all Presidents to be restrained can be readily understood, this attitude involves a fundamental inconsistency for the Nixon administration. The President's strongest bid for a place in history is as a man of peace. It is the subject that he loves most of all to talk about, and he has made enormous contributions to a peaceful world by his withdrawal from Vietnam and his reapprochements with China and the Soviet Union. Why, then, should he continue to chip away at the image he is trying to build for history by refusing to cooperate in the restoration of the war-making power to its constitutional dimensions and by continuing to function under the discredited inherent-powers theory?

It is no answer to say that the President is trying to keep all the power to make war in his own hands in order to safeguard the national security. Regard for the national security and the public welfare is precisely what led the founding fathers to fear one-man rule in this sphere. They knew that a democracy could not be secure with its power concentrated in a few hands.

Perhaps it would be too much to expect the President to take the lead in righting the imbalance that has crept into our system. But he could at least cooperate with the constructive effort that Congress is making. There is much work yet to be done, especially in the House of Representatives. It would be helpful if the administration would merely drop the pretense that the status quo is satisfactory. Secretary Rogers shocked the Senate by arguing for continued reliance on the present arrangement "that has worked so well for he most part, for 200 years." He could have intended to exempt Vietnam, but he did not do so, and in any event it is a rather frightening description of a system that involved the country in useless war for 12 years, at a cost of nearly 46,000 combat deaths and 303,000 wounded, without the sanction of our national policy-making body.

However benevolent the intentions of any administration in power, mere drifting along with a legal vacuum which produces such results is a dismal outlook for a dynamic democracy. Fortunately there is an alternative, which will be the subject of another article in this space.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore (Mr. Hathaway). Under the previous order, there will now be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 3 minutes.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS THURMOND, SCOTT OF PENNSYLVANIA, GRIFFIN, EAGLETON, AND ROBERT C. BYRD TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, following the recognition of the two leaders or their designees under the standing order, the following Senators be recognized, each for not to exceed 15 minutes and in the order stated: Mr. Thurmond, Mr. Scott of Pennsylvania, Mr. Griffin, Mr. Eagleton, and Mr. Robert C. Byrd.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECESS

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess until the hour of 1:15 p.m. today.

The motion was agreed to; and at 12:56 p.m. the Senate took a recess until 1:15 p.m.; whereupon the Senate reassembled when called to order by the Presiding Officer (Mr. Biden).

The PRESIDING OFFICER. The Senate will come to order.

The Senate will receive a message from the President of the United States.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Marks, one of his secretaries.

PROPOSED TRADE REFORM ACT OF 1973—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. Biden) laid before the Senate a message from the President of the United States, which, with the accompanying paper, was referred to the Committee on Finance. The message is as follows:

To the Congress of the United States:

The Trade Reform Act of 1973, which I am today proposing to the Congress, calls for the most important changes in more than a decade in America's approach to world trade.

This legislation can mean more and better jobs for American workers.

It can help American consumers get more for their money.

It can mean expanding trade and expanding prosperity, for the United States and for our trading partners alike.

Most importantly, these proposals can help us reduce international tensions and strengthen the structure of peace.

The need for trade reform is urgent. The task of trade reform requires an effective, working partnership between the executive and legislative branches. The legislation I submit today has been developed in close consultation with the Congress and it envisions continuing cooperation after it is enacted. I urge the Congress to examine these proposals in a spirit of constructive partnership and to give them prompt and favorable consideration.

This legislation would help us to:

- —Negotiate for a more open and equitable world trading system;
- —Deal effectively with rapid increases in imports that disrupt domestic markets and displace American workers;
- —Strengthen our ability to meet unfair competitive practices;
- —Manage our trade policy more efficiently and use it more effectively to deal with special needs such as our balance of payments and inflation problems; and
- —Take advantage of new trade opportunities while enhancing the contribution trade can make to the development of poorer countries.

STRENGTHENING THE STRUCTURE OF PEACE

The world is embarked today on a profound and historic movement away from confrontation and toward negotiation in resolving international differences. Increasingly in recent years, countries have come to see that the best way of advancing their own interests is by expanding peaceful contacts with other peoples. We have thus begun to erect a durable structure of peace in the world from which all nations can benefit and in which all nations have a stake.

This structure of peace cannot be strong, however, unless it encompasses international economic affairs. Our progress toward world peace and stability can be significantly undermined by economic conflicts which breed political tensions and weaken security ties. It is imperative, therefore, that we promptly turn our negotiating efforts to the task of resolving problems in the economic arena.

My trade reform proposals would equip

us to meet this challenge. They would help us in creating a new economic order which both reflects and reinforces the progress we have made in political affairs. As I said to the Governors of the International Monetary Fund last September, our common goal should be to "set in place an economic structure that will help and not hinder the world's historic movement toward peace."

TOWARD A NEW INTERNATIONAL ECONOMIC ORDER

The principal institutions which now govern the world economy date from the close of World War II. At that time, the United States enjoyed a dominant position. Our industrial and agricultural systems had emerged from the war virtually intact. Our substantial reserves enabled us to finance a major share of international reconstruction. We gave generously of our resources and our leadership in helping the world economy get back on track.

The result has been a quarter century of remarkable economic achievement—and profound economic change. In place of a splintered and shattered Europe stands a new and vibrant European Community. In place of a prostrate Japan stands one of the free world's strongest economies. In all parts of the world new economic patterns have developed and new economic energies have been released.

These successes have now brought the world into a very different period. America is no longer the sole, dominating economic power. The new era is one of growing economic interdependence, shared economic leadership, and dramatic economic change.

These sweeping transformations, however, have not been matched by sufficient change in our trading and monetary systems. The approaches which served us so well in the years following World War II have now become outmoded; they are simply no longer equal to the challenges of our time.

The result has been a growing sense of strain and stress in the international economy and even a resurgence of economic isolationism as some have sought to insulate themselves from change. If we are to make our new economic era a time of progress and prosperity for all the world's peoples, we must resist the impulse to turn inward and instead do all we can to see that our international economic arrangements are substantially improved.

MOMENTUM FOR CHANGE

The United States has already taken a number of actions to help build a new international economic order and to advance our interests within it.

—Our New Economic Policy, announced on August 15, 1971, has helped to improve the performance of our domestic economy, reducing unemployment and inflation and thereby enhancing our competitive position.

—The realignment of currencies achieved under the Smithsonian Agreement of December 18, 1971, and by the adjustments of recent weeks have also made American goods more competitive with foreign products in markets at home and abroad.

—Building on the Smithsonian Agreement, we have advanced far-reaching proposals for lasting reform in the world's monetary system.

—We have concluded a trade agreement with the Soviet Union that promises to strengthen the fabric of prosperity and peace.

—Opportunities for mutually beneficial trade are developing with the People's Republic of China.

—We have opened negotiations with the enlarged European Community and several of the countries with which it has concluded special trading agreements concerning compensation due us as a result of their new arrangements.

But despite all these efforts, underlying problems remain. We need basic trade reform, and we need it now. Our efforts to improve the world's monetary system, for example, will never meet with lasting success unless basic improvements are also achieved in the field of international trade.

BUILDING A FAIR AND OPEN TRADING WORLD

A wide variety of barriers to trade still distort the world's economic relations, harming our own interests and those of other countries.

—Quantitative barriers hamper trade in many commodities, including some of our potentially most profitable exports.

—Agricultural barriers limit and distort trade in farm products, with special damage to the American economy because of our comparative advantage in the agricultural field.

—Preferential trading arrangements have spread to include most of Western Europe, Africa and other countries bordering on the Mediterranean Sea.

—Non-tariff barriers have greatly proliferated as tariffs have declined.

These barriers to trade, in other countries and in ours, presently cost the United States several billion dollars a year in the form of higher consumer prices and the inefficient use of our resources. Even an economy as strong as ours can ill afford such losses.

Fortunately, our major trading partners have joined us in a commitment to broad, multilateral trade negotiations beginning this fall. These negotiations will provide a unique opportunity for reducing trading barriers and expanding world trade.

It is in the best interest of every nation to sell to others the goods it produces more efficiently and to purchase the goods which other nations produce more efficiently. If we can operate on this basis, then both the earnings of our workers and the buying power of our dollars can be significantly increased.

But while trade should be more open, it should also be more fair. This means first, that the rules and practices of trade should be fair to all nations. Secondly, it means that the benefits of trade should be fairly distributed among American workers, farmers, businessmen and consumers alike and that trade should create no undue burdens for any of these groups.

I am confident that our free and vigorous American economy can more than hold its own in open world competition. But we must always insist that such competition take place under equitable rules.

THE URGENT NEED FOR ACTION

The key to success in our coming trade negotiations will be the negotiating authority the United States brings to the bargaining table. Unless our negotiators can speak for this country with sufficient authority, other nations will undoubtedly be cautious and noncommittal—and the opportunity for change will be lost.

We must move promptly to provide our negotiators with the authority their task requires. Delay can only aggravate the strains we have already experienced. Disruptions in world financial markets, deficits in our trading balance, inflation in the international marketplace, and tensions in the diplomatic arena all argue for prompt and decisive action. So does the plight of those American workers and businesses who are damaged by rapidly rising imports or whose products face barriers in foreign markets.

For all of these reasons, I urge the Congress to act on my recommendations as expeditiously as possible. We face pressing problems here and now. We cannot wait until tomorrow to solve them.

PROVIDING NEW NEGOTIATING AUTHORITIES

Negotiators from other countries will bring to the coming round of trade discussions broad authority to alter their barriers to trade. Such authority makes them more effective bargainers; without such authority the hands of any negotiator would be severely tied.

Unfortunately, the President of the United States and those who negotiate at his direction do not now possess authorities comparable to those which other countries will bring to these bargaining sessions. Unless these authorities are provided, we will be badly hampered in our efforts to advance American interests and improve our trading system.

My proposed legislation therefore calls upon the Congress to delegate significant new negotiating authorities to the executive branch. For several decades now, both the Congress and the President have recognized that trade policy is one field in which such delegations are indispensable. This concept is clearly established; the questions which remain concern the degree of delegation which is appropriate and the conditions under which it should be carried out.

The legislation I submit today spells out only that degree of delegation which I believe is necessary and proper to advance the national interest. And just as we have consulted closely with the Congress in shaping this legislation, so the executive branch will consult closely with the Congress in exercising any negotiating authorities it receives. I invite the Congress to set up whatever mechanism it deems best for closer consultation and cooperation to insure that its views are properly represented as trade negotiations go forward.

It is important that America speak authoritatively and with a single voice at the international bargaining table. But it is also important that many voices contribute as the American position is being shaped.

The proposed Trade Reform Act of 1973 would provide for the following new authorities:

First, I request authority to eliminate, reduce, or increase customs duties in the context of negotiated agreements. Although this authority is requested for a period of 5 years, it is my intention and my expectation that agreements can be concluded in a much shorter time. Last October, the member governments of the European Community expressed their hope that the coming round of trade negotiations will be concluded by 1975. I endorse this timetable and our negotiators will cooperate fully in striving to meet it.

Secondly, I request a Congressional declaration favoring negotiations and agreements on non-tariff barriers. I am also asking that a new, optional procedure be created for obtaining the approval of the Congress for such agreements when that is appropriate. Currently both Houses of the Congress must take positive action before any such agreement requiring changes in domestic law becomes effective—a process which makes it difficult to achieve agreements since our trading partners know it is subject to much uncertainty and delay. Under the new arrangement, the President would give notice to the Congress of his intention to use the procedure at least 90 days in advance of concluding an agreement in order to provide time for appropriate House and Senate Committees to consider the issues involved and to make their views known. After an agreement was negotiated, the President would submit that agreement and proposed implementing orders to the Congress. If neither House rejects them by a majority vote of all members within a period of 90 days, the agreement and implementing orders would then enter into effect.

Thirdly, I request advance authority to carry out mutually beneficial agreements concerning specific customs matters primarily involving valuation and the marking of goods by country of origin.

The authorities I outline in my proposed legislation would give our negotiators the leverage and the flexibility they need to reduce or eliminate foreign barriers to American products. These proposals would significantly strengthen America's bargaining position in the coming trade negotiations.

OBJECTIVES IN AGRICULTURAL TRADE

I am not requesting specific negotiating authority relating to agricultural trade. Barriers to such trade are either tariff or nontariff in nature and can be dealt with under the general authorities I am requesting.

One of our major objectives in the coming negotiations is to provide for expansion in agricultural trade. The strength of American agriculture depends on the continued expansion of our world markets—especially for the major bulk commodities our farmers produce so efficiently. Even as we have been moving toward a great reliance on free market forces here at home under the Agricultural Act of 1970, so we seek to broaden the role of market forces on the international level by reducing and removing barriers to trade in farm products.

I am convinced that the concerns which all nations have for their farmers and consumers can be met most effectively if the market plays a far greater role in determining patterns of agricultural production and consumption. Movement in this direction can do much to help insure adequate supplies of food and relieve pressure on consumer prices.

PROVIDING FOR IMPORT RELIEF

As other countries agree to reduce their trading barriers, we expect to reduce ours. The result will be expanding trade, creating more and better jobs for the American people and providing them with greater access to a wider variety of products from other countries.

It is true, of course, that reducing import barriers has on some occasions led to sudden surges in imports which have had disruptive effects on the domestic economy. It is important to note, however, that most severe problems caused by surging imports have not been related to the reduction of import barriers. Steps toward a more open trading order generally have a favorable rather than an unfavorable impact on domestic jobs.

Nevertheless, damaging import surges, whatever their cause, should be a matter of great concern to our people and our Government. I believe we should have effective instruments readily available to help avoid serious injury from imports and give American industries and workers time to adjust to increased imports in an orderly way. My proposed legislation outlines new measures for achieving these goals.

To begin with, I recommend a less restrictive test for invoking import restraints. Today, restraints are authorized only when the Tariff Commission finds that imports are the "major cause" of serious injury or threat thereof to a domestic industry, meaning that their impact must be larger than that of all other causes combined. Under my proposal, restraints would be authorized when import competition was the "primary cause" of such injury, meaning that it must only be the largest single cause. In addition, the present requirement that injury must result from a previous tariff concession would be dropped.

I also recommend a new method for determining whether imports actually are the primary cause of serious injury to domestic producers. Under my proposal, a finding of "market disruption" would constitute *prima facie* evidence of that fact. Market disruption would be defined as occurring when imports are substantial, are rising rapidly both absolutely and as a percentage of total domestic consumption, and are offered at prices substantially below those of competing domestic products.

My proposed legislation would give the President greater flexibility in providing appropriate relief from import problems—including orderly marketing agreements or higher tariffs or quotas. Restraints could be imposed for an initial period of five years and, at the discretion of the President, could be extended for an additional period of two years. In exceptional cases, restrictions could be extended even further after a two-year period and following a new investigation by the Tariff Commission.

IMPROVING ADJUSTMENT ASSISTANCE

Our responsibilities for easing the problems of displaced workers are not limited to those whose unemployment can be traced to imports. All displaced workers are entitled to adequate assistance while they seek new employment. Only if all workers believe they are getting a fair break can our economy adjust effectively to change.

I will therefore propose in a separate message to the Congress new legislation to improve our systems of unemployment insurance and compensation. My proposals would set minimum Federal standards for benefit levels in State programs, ensuring that all workers covered by such programs are treated equitably, whatever the cause of their involuntary unemployment.

In the meantime, until these standards become effective, I am recommending as a part of my trade reform proposals that we immediately establish benefit levels which meet these proposed general standards for workers displaced because of imports.

I further propose that until the new standards for unemployment insurance are in place, we make assistance for workers more readily available by dropping the present requirement that their unemployment must have been caused by prior tariff concessions and that imports must have been the "major cause" of injury. Instead, such assistance would be authorized if the Secretary of Labor determined that unemployment was substantially due to import-related causes. Workers unemployed because of imports would also have job training, job search allowances, employment services and relocation assistance available to them as permanent features of trade adjustment assistance.

In addition, I will submit to the Congress comprehensive pension reform legislation which would help protect workers who lose their jobs against loss of pension benefits. This legislation will contain a mandatory vesting requirement which has been developed with older workers particularly in mind.

The proposed Trade Reform Act of 1973 would terminate the present program of adjustment assistance to individual firms. I recommend this action because I believe this program has been largely ineffective, discriminates among firms within a given industry and has needlessly subsidized some firms at the taxpayer's expense. Changing competitive conditions, after all, typically act not upon particular firms but upon an industry as a whole and I have provided for entire industries under my import relief proposals.

DEALING WITH UNFAIR TRADE PRACTICES

The President of the United States possesses a variety of authorities to deal with unfair trade practices. Many of these authorities must now be modernized if we are to respond effectively and even-handedly to unfair import competition at home and to practices which unfairly prejudice our export opportunities abroad.

To cope with unfair competitive practices in our own markets, my proposed legislation would amend our antidumping and countervailing duty laws to provide for more expeditious investigations and decisions. It would make a number of procedural and other changes in these laws to guarantee their effective operation. The bill would also amend the current statute concerning patent infringement by subjecting cases involving imports to judicial proceedings similar to those which involve domestic infringement, and by providing for fair processes and effective action in the event of court delays. I also propose that the Federal Trade Commission Act be amended to strengthen our abiltiy to deal with foreign producers whose cartel or monopoly practices raise prices in our market or otherwise harm our interest by restraining trade.

In addition, I ask for a revision and extension of my authority to raise barriers against countries which unreasonably or unjustifiably restrict our exports. Existing law provides such authority only under a complex array of conditions which vary according to the practices or exports involved. My proposed bill would simplify the authority and its use. I would prefer, of course, that other countries agree to remove such restrictions on their own, so that we should not have to use this authority. But I will consider using it whenever it becomes clear that our trading partners are unwilling to remove unreasonable or unjustifiable restrictions against our exports.

OTHER MAJOR PROVISIONS

Most-Favored-Nation Authority. My proposed legislation would grant the President authority to extend most-favored-nation treatment to any country when he deemed it in the national interest to do so. Under my proposal, however, any such extension to countries not now receiving most-favored-nation treatment could be vetoed by a majority vote of either the House or the Senate within a three-month period.

This new authority would enable us to carry out the trade agreement we have negotiated with the Soviet Union and thereby ensure that country's repayment of its lend-lease debt. It would also enable us to fulfill our commitment to Romania and to take advantage of opportunities to conclude beneficial agreements with other countries which do not now receive most-favored-nation treatment.

In the case of the Soviet Union, I recognize the deep concern which many in the Congress have expressed over the tax levied on Soviet citizens wishing to emigrate to new countries. However, I do not believe that a policy of denying most-favored-nation treatment to Soviet exports is a proper or even an effective way of dealing with this problem.

One of the most important elements of our trade agreement with the Soviet Union is the clause which calls upon each party to reduce exports of products which cause market disruptions in the other country. While I have no reason to doubt that the Soviet Union will meet its obligations under this clause if the need arises, we should still have authority to take unilateral action to prevent disruption if such action is warranted.

Because of the special way in which state-trading countries market their products abroad, I would recommend two modifications in the way we take such action. First, the Tariff Commission should only have to find "material injury" rather than "serious injury" from imports in order to impose appropriate restraints. Secondly, such restraints should apply only to exports from the offending country. These recommendations can simplify our laws relating to dumping actions by state-trading countries, eliminating the difficult and time-consuming problems associated with trying to reach a constructed value for their exports.

Balance of Payments Authority. Though it should only be used in exceptional circumstances, trade policy can sometimes be an effective supplementary tool for dealing with our international payments imbalances. I therefore request more flexible authority to raise or lower import restrictions on a temporary basis to help correct deficits or surpluses in our payments position. Such restraints could be applied to imports from all countries across the board or only to those countries which fail to correct a persistent and excessive surplus in their global payments position.

Anti-Inflation Authority. My trade recommendations also include a proposal I made on March 30th as a part of this Administration's effort to curb the rising cost of living. I asked the Congress at that time to give the President new, permanent authority to reduce certain import barriers temporarily and to a limited extent when he determined that such action was necessary to relieve inflationary pressures within the United States. I again urge prompt approval for this important weapon in our war against inflation.

Generalized Tariff Preferences. Another significant provision of my proposed bill would permit the United States to join with other developed countries, including Japan and the members of the European Community, in helping to improve the access of poorer nations to the markets of developed countries. Under this arrangement, certain products of developing nations would benefit from preferential treatment for a ten-year period, creating new export opportunities for such countries, raising their foreign exchange earnings, and permitting them to finance those higher levels of imports that are essential for more rapid economic growth.

This legislation would allow duty-free treatment for a broad range of manufactured and semi-manufactured products and for a selected list of agricultural and primary products which are now regulated only by tariffs. It is our intention to exclude certain import-sensitive products such as textile products, footwear, watches and certain steel products from such preferential treatment, along with products which are now subject to outstanding orders restricting imports. As in the case for the multilateral negotiations authority, public hearing procedures would be held before such preferences were granted and preferential imports would be subject to the import relief provisions which I have recommended above. Once a particular product from a given country became fully competitive, however, it would no longer qualify for special treatment.

The United States would grant such tariff preferences on the basis of international fair play. We would take into account the actions of other preference-granting countries and we would not grant preferences to countries which discriminate against our products in favor of goods from other industrialized nations unless those countries agreed to end such discrimination.

Permanent Management Authorities. To permit more efficient and more flexible management of American trade policy, I request permanent authority to make limited reductions in our tariffs as a form of compensation to other countries. Such compensation could be necessary in cases where we have raised certain barriers under the new import restraints discussed above and would provide an alternative in such cases to increased barriers against our exports.

I also request permanent authority to offer reductions in particular United States barriers as a means of obtaining significant advantages for American exports. These reductions would be strictly limited; they would involve tariff cuts of no more than 20 percent covering no more than two percent of total United States imports in any one year.

REFORMING INTERNATIONAL TRADING RULES

The coming multilateral trade negotiations will give us an excellent opportunity to reform and update the rules of international trade. There are several areas where we will seek such changes.

One important need concerns the use of trade policy in promoting equilibrium in the international payments system. We will seek rule changes to permit nations, in those exceptional cases where such measures are necessary, to increase or decrease trade barriers across the board as one means of helping to correct their payments imbalances. We will also seek a new rule allowing nations to impose import restrictions against individual countries which fail to take effective action to correct an excessive surplus in their balance of payments. This rule would parallel the authority I have requested to use American import restrictions to meet our own balance of payments problem.

A second area of concern is the need for a multilateral system for limiting imports to protect against disruptions caused by rapidly changing patterns of international trade. As I emphasized earlier, we need a more effective domestic procedure to meet such problems. But it is also important that new arrangements be developed at the international level to cope with disruptions caused by the accelerating pace of change in world trade.

We will therefore seek new international rules which would allow countries to gain time for adjustment by imposing import restrictions, without having to compensate their trading partners by simultaneously reducing barriers to other products. At the same time, the interests of exporting countries should be protected by providing that such safeguards will be phased out over a reasonable period of time.

PROMOTING EXPORT EXPANSION

As trade barriers are reduced around the world, American exports will increase substantially, enhancing the health of our entire economy.

Already our efforts to expand American exports have moved forward on many fronts. We have made our exports more competitive by realigning exchange rates. Since 1971, our new law permitting the establishment of Domestic International Sales Corporations has been helping American companies organize their export activities more effectively. The lending, guaranty and insurance authorities of the Export-Import Bank have been increased and operations have been extended to include a short-term discount loan facility. The Department of Commerce has reorganized its facilities for promoting exports and has expanded its services for exporters. The Department of State, in cooperation with the Department of Commerce, is giving increased emphasis to commercial service programs in our missions abroad.

In addition, I am today submitting separate legislation which would amend the Export Trade Act in order to clarify the legal framework in which associations of exporters can function. One amendment would make it clear that the act applies not only to the export of goods but also to certain kinds of services—architecture, construction, engineering, training and management consulting, for example. Another amendment would clarify the exemption of export associations from our domestic antitrust laws, while setting up clear information, disclosure and regulatory requirements to ensure that the public interest is fully protected.

In an era when more countries are seeking foreign contracts for entire industrial projects—including steps ranging from engineering studies through the supply of equipment and the construction of plants—it is essential that our laws concerning joint export activities allow us to meet our foreign competition on a fair and equal basis.

THE GROWTH OF INTERNATIONAL INVESTMENT

The rapid growth of international investment in recent years has raised new questions and new challenges for businesses and governments. In our own country, for example, some people have feared that American investment abroad will result in a loss of American jobs. Our studies show, however, that such investment on balance has meant more and better jobs for American workers, has improved our balance of trade and our overall balance of payments, and has generally strengthened our economy. Moreover, I strongly believe that an open system for international investment, one which eliminates artificial incentives or impediments here and abroad, offers great promise for improved prosperity throughout the world.

It may well be that new rules and new mechanisms will be needed for international investment activities. It will take time, however, to develop them. And it is important that they be developed as much as possible on an international scale. If we restrict the ability of American firms to take advantage of investment opportunities abroad, we can only expect that foreign firms will seize these opportunities and prosper at our expense.

I therefore urge the Congress to refrain from enacting broad new changes in our laws governing direct foreign investment until we see what possibilities for multilateral agreements emerge.

It is in this context that we must also shape our system for taxing the foreign profits of American business. Our existing system permits American-controlled businesses in foreign countries to operate under the same tax burdens which apply to its foreign competitors in that country. I believe that system is fundamentally sound. We should not penalize American business by placing it at a disadvantage with respect to its foreign competitors.

American enterprises abroad now pay substantial foreign income taxes. In most cases, in fact, Americans do not invest abroad because of an attractive tax situation but because of attractive business opportunities. Our income taxes are not the cause of our trade problems and tax changes will not solve them.

The Congress exhaustively reviewed this entire matter in 1962 and the conclusion it reached then is still fundamentally sound: there is no reason that our tax credit and deferral provisions relating to overseas investment should be subjected to drastic surgery.

On the other hand, ten years of experience have demonstrated that in certain specialized cases American investment abroad can be subject to abuse. Some artificial incentives for such investment still exist, distorting the flow of capital and producing unnecessary hardship. In those cases where unusual tax advantages are offered to induce investment that might not otherwise occur, we should move to eliminate that inducement.

A number of foreign countries presently grant major tax inducements such as extended "holidays" from local taxes in order to attract investment from outside their borders. To curb such practices, I will ask the Congress to amend our tax laws so that earnings from new American investments which take advantage of such incentives will be taxed by the United States at the time they are earned—even though the earnings are not returned to this country. The only exception to this provision would come in cases where a bilateral tax treaty provided for such an exception under mutually advantageous conditions.

American companies sometimes make foreign investments specifically for the purpose of re-exporting products to the United States. This is the classic "runaway plant" situation. In cases where foreign subsidiaries of American companies have receipts from exports to the United States which exceed 25 percent of the subsidiaries' total receipts, I recommend that the earnings of those subsidiaries also be taxed at current American rates. This new rule would only apply, however, to new investments and to situations where lower taxes in the foreign country are a factor in the decision to invest. The rule would also provide for exceptions in those unusual cases where our national interest required a different result.

There are other situations in which American companies so design their foreign operations that the United States treasury bears the burden when they lose money and deduct it from their taxes. Yet when that same company makes money, a foreign treasury receives the benefit of taxes on its profits. I will ask the Congress to make appropriate changes in the rules which now allow this inequity to occur.

We have also found that taxing of mineral imports by United States companies from their foreign affiliates is subject to lengthy delays. I am therefore instructing the Department of the Treasury, in consultation with the Department of Justice and the companies concerned, to institute a procedure for determining inter-company prices and tax payments in advance. If a compliance program cannot be developed voluntarily, I shall ask for legislative authority to create one.

THE CHALLENGE OF CHANGE

Over the past year, this Administration has repeatedly emphasized the importance of bringing about a more equitable and open world trading system. We have encouraged other nations to join in negotiations to achieve this goal. The declaration of European leaders at their summit meeting last October demonstrates their dedication to the success of this effort. Japan, Canada and other nations share this dedication.

The momentum is there. Now we—in this country—must seize the moment if that momentum is to be sustained.

When the history of our time is written, this era will surely be described as one of profound change. That change has been particularly dramatic in the international economic arena.

The magnitude and pace of economic change confronts us today with policy questions of immense and immediate significance. Chance can mean increased disruption and suffering, or it can mean increased well-being. It can bring new forms of deprivation and discrimination, or it can bring wider sharing of the benefits of progress. It can mean conflict between men and nations, or it can mean growing opportunities for fair and peaceful competition in which all parties can ultimately gain.

My proposed Trade Reform Act of 1973 is designed to ensure that the inevitable changes of our time are beneficial changes—for our people and for people everywhere.

I urge the Congress to enact these proposals, so that we can help move our country and our world away from trade confrontation and toward trade negotiation, away from a period in which trade has been a source of international and domestic friction and into a new era in which trade among nations helps us to build a peaceful, more prosperous world.

Richard Nixon.

The White House, *April 10, 1973.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. Biden) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of of Senate proceedings.)

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Hathaway) laid before the Senate the following letters, which were referred as indicated:

Report on Use of Certain Foreign Currencies

A letter from the Acting Assistant Secretary of Defense, reporting, pursuant to law, on use of certain foreign currencies to make payment under contracts for any program, project, or activity in a foreign country. Referred to the Committee on Appropriations.

Loan for Central Iowa Power Cooperative, Marion, Iowa

A letter from the Administrator, Rural Electrification Administration, Department of Agriculture, transmitting, pursuant to law, a report on a loan to Central Iowa Power Cooperative of Marion, Iowa, for financing of certain generation and transmission facilities (with an accompanying report). Referred to the Committee on Appropriations. Referred to the Committee on Appropriations.

Report on Disposal of Surplus Military Supplies

A letter from the Acting Assistant Secretary of Defense (Comptroller), transmitting, pursuant to law, a report of receipts and disbursements pertaining to the disposal of surplus military supplies, equipment, and material, and for expenses involving the production of lumber and timber products for the second quarter, fiscal year 1973 (with an accompanying report). Referred to the Committee on Appropriations.

Report on Proposed Army National Guard Construction Projects

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting, pursuant to law, a report on twenty-one construction projects proposed to be undertaken for the Army National Guard (with an accompanying report). Referred to the Committee on Armed Services.

Report on the National Industrial Reserve

A letter from the Acting Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, the twenty-fifth annual report on the National Industrial Reserve (with an accompanying report). Referred to the Committee on Armed Services.

Report on Certain Coast Guard Contracts

A letter from the Secretary of Transportation, transmitting, pursuant to law, a report on certain purchases and contracts made by the U.S. Coast Guard during the period October 1, 1972 through March 31, 1973 (with an accompanying report). Referred to the Committee on Commerce.

Proposed Legislation by the Department of State

A letter from the Acting Assistant Secretary for Congressional Relations, Department of State, transmitting a draft of proposed legislation to authorize the United States Postal Service to continue to receive the fee of $2 for execution of an application for a passport (with an accompanying paper). Referred to the Committee on Foreign Relations.

Report of the Department of State

A letter from the Secretary of State, transmitting, pursuant to law, a report on its activities under the Federal Property and Administrative Services Act of 1949, for calendar year 1972 (with an accompanying report). Referred to the Committee on Government Operations.

Reports of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Cost Growth in Major Weapon Systems", Department of Defense, dated March 26, 1973 (with an accompanying report). Referred to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on "How the Federal Government Participates in Activities Affecting the Energy Resources of the United States," dated April 6, 1973 (with an accompanying report). Referred to the Committee on Government Operations.

Report on Anthracite Mine Water Control and Mine Sealing and Filling Program

A letter from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, a report on the Anthracite Mine Water Control and Mine Sealing and Filling Program," for calendar year 1973 (with an accompanying report). Referred to the Committee on Interior and Insular Affairs.

Report of Negotiated Sales Contracts for Disposal of Materials

A letter from the Director, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, a report of negotiated sales contracts made for disposal of materials during the period July 1 through December 31, 1973 (with an accompanying report). Referred to the Committee on Interior and Insular Affairs.

Report of National Aeronautics and Space Administration

A letter from the Administrator, National Aeronautics and Space Administration, reporting, pursuant to law, on adjustments of certain contracts, for calendar year 1972. Referred to the Committee on the Judiciary.

Report of Secretary of Labor on Penn Central Labor Dispute

A letter from the Secretary of Labor, transmitting, pursuant to law, a report dealing with the dispute between the Penn Central Transportation Company and its employees represented by the United Transportation Union, dated April 9, 1973 (with an accompanying report). Referred to the Committee on Labor and Public Welfare.

Proposed Legislation by Department of Health, Education, and Welfare

A letter from the Acting Secretary, Department of Health, Education, and Welfare, transmitting a draft of proposed legislation to repeal section 411(b)(4) of the Higher Education Act of 1965 (with an accompanying paper). Referred to the Committee on Labor and Public Welfare.

Proposed Legislation by Department of Labor

A letter from the Secretary of Labor, transmitting a draft of proposed legislation to extend the Manpower Development and Training Act of 1962, as amended (with accompanying papers). Referred to the Committee on Labor and Public Welfare.

Report of National Advisory Council on the Education of Disadvantaged Children

A letter from the Chairman, National Advisory Council On The Education Of Disadvantaged Children, transmitting, pursuant to law, its 1973 annual report (with an accompanying report). Referred to the Committe on Labor and Public Welfare.

Financial Statements for the Uranium Enrichment Activity

A letter from the Controller, United States Atomic Energy Commission, transmitting, for the information of the Senate, financial statements for the Uranium Enrichment Activity, for the year 1972 (with accompanying papers). Referred to the Joint Committee on Atomic Energy.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. Hathaway):

A concurrent resolution of the Legislature of the State of Arkansas. Referred to the Committee on Commerce:

"Senate Concurrent Resolution 52

"Urging the United States Congress to take appropriate action to avert possible nationwide shortages in gasoline and other motor fuels

"Whereas, there has recently been considerable publicity regarding the possibility of a shortage in gasoline and other motor fuels in the near future; and

"Whereas, many inland refineries are presently operating far below capacity due to the inability to obtain sufficient crude oil to maintain a full capacity operation; and

"Whereas, many of these inland refineries that are operating below capacity are located at or near inland crude oil sources while crude oil recovered from such inland sources is being transported to the coastal refineries; and

"Whereas, under the present system, coastal refineries are using a substantial part of the inland crude oil supply rather than obtaining imported crude oil while inland refineries located near the inland source of crude oil are forced to operate far below capacity due to the lack of a sufficient supply of crude oil; and

"Whereas, the Congress could adopt appropriate legislation or policies whereby the coastal refineries would be required to use more imported crude oil thereby leaving the inland source of crude oil for inland refineries and permitting such refineries to operate more near their full capacity; and

"Whereas, it is impracticable for governmental agencies to encourage the construction of new refineries when the independent inland refineries located in the very middle of oil country are operating well below capacity at a time when there is a shortage of fuel oil and gasoline; and

"Whereas, appropriate action should be taken to require coastal refineries to spread the use of their tickets rateably throughout the year 1973 so that exchanges with the inland refiners will take place concurrently rather than being postponed to late 1973; and

"Whereas, the United States Congress or appropriate governmental agencies should adopt a policy that no additional tickets will be issued in 1973 to coastal refiners so long as a substantial number of inland refiners' tickets are outstanding, now therefore,

"Be it resolved by the Senate of the Sixty-ninth General Assembly of the State of Arkansas, the Senate concurring therein:

"That the General Assembly hereby respectfully urges and requests the United States Congress:

"(1) To take appropriate action to require coastal refiners to spread the use of their tickets rateably throughout the year 1973 in order that exchanges with inland refiners will be spread throughout the year rather than being postponed to late 1973;

"(2) To establish a governmental policy that no additional tickets will be issued in

1973 so long as a substantial number of inland refiners' tickets are outstanding; and

"Be it further resolved that upon adoption of this Resolution the Secretary of State shall transmit an appropriate copy hereof to the Speaker of the House of Representatives and to the President Pro Tempore of the United States Congress and to each member of the Arkansas Congressional Delegation."

A concurrent resolution of the Legislature of the State of South Carolina. Referred to the Committee on Foreign Relations:

"A CONCURRENT RESOLUTION

"Memorializing Congress not to enact legislation appropriating funds to aid North Vietnam and instead to aid the veterans of the North Vietnam conflict and other destitute citizens

"Whereas, an honorable settlement has concluded America's participation in the Vietnam Conflict; and

"Whereas, the logical concomitant of such settlement is a substantial reduction of funds and expenditures; and

"Whereas, the moneys applied to the Vietnam Conflict should now be directed toward shoring up such critical domestic needs as housing, day care centers, hunger, education, etc.; and

"Whereas, the conclusion of such conflict releases funds and creates opportunities of unparalleled dimensions to combat and eradicate poverty, fear and despair; and

"Whereas, our servicemen returning from the Vietnam Conflict have made their contribution to keep this nation strong, free and prosperous; and

"Whereas, employment is at a precariously low level. Now, therefore,

"Be it resolved by the House of Representatives, the Senate concurring:

"That Congress be memorialized not to enact legislation appropriating funds to aid North Vietnam and instead to enact such legislation and appropriation as will remedy the plight of the Veterans of the Vietnam Conflict and relieve the hopelessness of destitute citizens.

"Be it further resolved that copies of this resolution be forwarded to the President of the United States, to each United States Senator from South Carolina, each member of the House of Representatives of Congress from South Carolina, the Senate of the United States and the House of Representatives of the United States."

A concurrent resolution of the Legislature of the State of Texas. Referred to the Committee on the Judiciary:

"HOUSE CONCURRENT RESOLUTION

"Resolved by the House of Representatives of the State of Texas, the Senate concurring:

"That the Legislature of the State of Texas, pursuant to Article V of the Constitution of the United States, hereby makes application to the Congress of the United States to call a convention for proposing the following amendment to the Constitution of the United States:

"No student shall be assigned to nor compelled to attend any particular public school on account of race, religion, color or national origin; and, be it further

"Resolved, That this application constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the legislatures of the several states have made similar applications pursuant to Article V. If Congress proposes an amendment to the Constitution identical with that contained in this resolution before January 1, 1974, this application for a state application shall no longer be of any force or effect; and, be it further

"Resolved, That since this method of proposing amendments to the Constitution has never been completed to the point of calling a convention and no interpretation of the power of the states in the exercise of this right has ever been made by any court or any qualified tribunal, if there be such and since the exercise of the power is a matter of basic sovereign rights and the interpretation thereof is primarily in the sovereign government making such exercise and since the power to use such right in full also carries the power to use such right in part the Legislature of the State of Texas interprets Article V to mean that if two-thirds of the states make application for a convention to propose an identical amendment to the Constitution for ratification with a limitation that such amendment be the only matter before it, that such convention would have power only to propose the specified amendment and would be limited to such proposal and would not have power to vary the text thereof nor would it have power to propose other amendments on the same or different propositions; and, be it further

"Resolved, That copies of this Resolution be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Texas delegation to the United States Congress."

A resolution adopted by the County Legislature of Suffolk County, N.Y., praying for the enactment of legislation relating to the makeup of the Board of Directors of the Suffolk County Soil and Water Conservation District. Referred to the Commitee on Agriculture and Forestry.

A resolution adopted by the Common Council of the City of Sturgeon Bay, Wis., praying for the continuation of the Upper Great Lakes Regional Commission. Referred to the Committee on Interior and Insular Affairs.

A petition, signed by sundry citizens of the State of Florida, praying for the enactment of legislation to protect the lives of all human beings. Referred to the Committee on the Judiciary.

A resolution adopted by the Board of Supervisors, El Dorado County, Calif., praying for the continuation of Office of Economic Opportunity programs. Referred to the Committee on Labor and Public Welfare.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HRUSKA, from the Committee on the Judiciary, without amendment:

S.J. Res. 51. Joint resolution to authorize and request the President to issue a proclamation designating the calendar week beginning May 6, 1973, as "National Historic Preservation Week" (Rept. No. 93–109);

S.J. Res. 73. Joint resolution to authorize the President to proclaim April 16, 1973, as "Jim Thorpe Day" (Rept. No. 93–110);

H.J. Res. 210. Joint resolution asking the President of the United States to declare the fourth Saturday of September 1973 "National Hunting and Fishing Day" (Rept. No. 93–111);

H.J. Res. 275. Joint resolution to authorize the President to issue a proclamation designating the month of May 1973 as "National Arthritis Month" (Rept. No. 93–112); and

H.J. Res. 437. Joint resolution to authorize the President to designate the period beginning April 15, 1973, as "National Clean Water Week" (Rept. No. 93–113).

By Mr. SYMINGTON, from the Committee on Armed Services, without amendment, and without recommendation:

S. 590. A bill to require that future appointments of certain officers in the Executive Office of the President be subject to confirmation by the Senate (Rept. No. 93–108).

By Mr. MAGNUSON, from the Committee on Commerce, with an amendment:

S. 70. A bill to promote commerce and establish a Council on Energy Policy, and for other purposes (Rept. No. 93–114).

Mr. MAGNUSON. Mr. President, today I am submitting the report to accompany S. 70, the Energy Policy Act of 1973. S. 70 would establish a three-member Council on Energy Policy similar to the Council of Economic Advisors and the Council on Environmental Quality. It would centralize the collection and analysis of energy information, coordinate the energy activities of the Federal Government and prepare a long range, comprehensive plan for energy production, utilization, and conservation. This proposal would provide a single place for the Congress and the President to seek energy information and policy recommendations. It would assure that a single, prestigious entity has responsibility for examining the Nation's overall energy picture.

I am pleased to report that in developing this legislation, the Commerce Committee worked closely with the members of the national fuels and energy poilcy study established pursuant to Senate Resolution 45. The hearings last session on the predecessor to S. 70 were joint hearings conducted by the Commerce Committee, the Interior and Insular Affairs Committee and the members of the Senate Resolution 45 study. This session it was my pleasure to invite the members of the study to again participate in the hearings on S. 70. Throughout this period the staffs of the two committees have been in close consultation. I am sure that this close cooperation contributed to the unanimous reporting of S. 70 by the Commerce Committee and the cosponsorship of the bill by the four committee chairmen who are represented on the Senate Resolution 45 national fuels and energy policy study.

In this spirit of further cooperation between the various committees of the Senate on energy legislation, I will request that floor consideration of S. 70 occur after April 25, 1973, to afford additional opportunity for the National Fuels and Energy Policy Study members to examine this proposal and submit any comments prior to floor debate.

I urge the Senate, as soon as possible after April 25 to act favorably on this important measure. The creation of a Council on Energy Policy would bring focus and direction to the energy efforts of the Federal Government. This is a necessary first step for alleviating the Nation's energy difficulties before they reach crisis proportions.

Mr. President, before we proceed further, I want to draw the Senate's attention to the remarkable contribution of our colleague from South Carolina (Mr. HOLLINGS), who has been without question the driving force and creative genius behind this legislation. Last year as the ominous clouds gathered over the Nation's energy picture, I, as chairman of the Senate Commerce Committee—a committee with major responsibility for the Nation's energy policy, sought out the distinguished Senator from South Carolina and asked him to undertake the responsibility of chairing hearings and shepherding the committee's efforts in this area. I did so because of his background in facing energy problems with boldness and understanding as Governor of South Carolina and the insight which he brought to earlier legislation affecting energy before our committee. But more importantly, I know of no one else in the Senate whose ability and judgment are better matched to the enormous task of finding solutions to the Nation's impending energy crisis. For many months he has spearheaded the committee's effort in seeking the counsel of a wide range of experts in this area and he has enlightened other members of the committee of the results of his investigations. The legislation before you now is the product of that process.

Mr. HOLLINGS. Mr. President, I am pleased that the report on S. 70 was filed today. The Paley Commission report was filed in 1952 and it stated in part:

> In the past, government has dealt with energy problems largely on a piecemeal basis with separate programs for coal, gas, for petroleum, for electricity, and for atomic energy, with each usually handled by one or more separate agencies operating under one or more separate legislative authorizations.
>
> The Commission is strongly of the opinion that the Nation's energy problem must be viewed in its entirety and not as a loose collection of independent pieces involving different sources and forms of energy. So numerous and vital are the interrelations among all sectors of the energy field, that problems in any one sector must be dealt with always in full consideration of the effects on all other sectors. The aim must be to achieve a constant pattern of policies and programs throughout the entire energy field.

This report illustrates that 20 years ago we first saw the need for a Council on Energy Policy and if it was needed then it is desperately needed today. We now have a situation where no one is in charge of energy policy. No one is really responsible. It is true that the President has appointed an energy troika consisting of Treasury Secretary George Shultz, Foreign Affairs Adviser Henry Kissinger, and Domestic Affairs Adviser John Erlichman. But this group has no visibility, it does not have a statutory mandate and it is not accountable to Congress. In addition, each of these men have other responsibilities which mean that they can devote little time to a comprehensive and on-going examination of energy difficulties.

It is time that we established a single agency responsible for formulating energy policy recommendations and coordinating the energy activities of the Federal Government. This is a necessary first step toward establishing a comprehensive and coherent energy policy to meet the future needs of the Nation.

Mr. COOK. Mr. President, I rise to voice my suport of S. 70 to establish a council on energy policy as an independent agency charged with the responsibility of providing a sophisticated analysis of policy alternatives so that the Nation can marshal its energy potential to meet its requirements. I am pleased to be a cosponsor of this bill because I believe that it addresses the fundamental problem underlying much of the energy questions we face today. I refer to the absence of a stated national energy policy. I submit that without such guidance that regardless of effort expended, we face an almost impossible task of solving our Nation's most critical domestic problem.

As more and more information becomes available it becomes even more evident that this Nation has identified sufficient recoverable energy reserves to meet our needs for hundreds of years. If this is true, and this Senator believes it to be true, then it is understandable that many of the people of this Nation question the existence of an energy crisis.

Speaking as one Senator who has devoted considerable time and effort to this issue since arriving in the Senate, I am convinced that we are faced with an unacceptable imbalance between recoverable resources and the planned development of these resources. This imbalance has indeed precipitated an energy crisis—a crisis which I hope will be only temporary in nature but one which is real and which must be dealt with.

The whole Nation has become accustomed to cheap energy. The regulated price of natural gas along with low cost imported oil has diverted our attention from any requirement to improve our technology for the use of our coal. The requirement for this technology seemed even more unnecessary when we were told that within this decade nuclear power would be providing us with sufficient energy to meet our needs. As there was no national policy concerning energy and as there are some 19 agencies involved in regulating electricity alone, it is no small wonder that we were looking for trouble—and we found it.

Unfortunately our house of cards has now fallen—we now find that our energy base is built on quicksand. Foreign oil is no longer in unlimited supply and is becoming more expensive every day. There is not enough domestic natural gas being produced to meet our needs and nuclear powerplants have not developed as anticipated. Only our coal has lived up to its promise. Now even this promise is threatened, as I stated in a speech on this floor on March 1, of this year, we are finding it more difficult every day to use this abundant natural resource.

It matters not how we got where we are. What does matter is that we can no longer engage in wishful thinking. We must accept that we have a problem and we must deal with this problem. To do so I know of no better way than to begin at the beginning. To me the beginning is the establishment of a national energy policy. Mr. President, I believe that the approval of S. 70 and the subsequent establishment of a council on energy policy will enable us to develop this national policy and I urge that it be adopted.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

Vincent P. Biunno, of New Jersey, to be a U.S. district judge for the District of New Jersey;

Daniel J. Snyder, Jr., of Pennsylvania, to be a U.S. District Judge for the Western District of Pennsylvania;

J. Foy Guin, Jr., of Alabama, to be a U.S. District Judge for the Northern District of Alabama; and

James H. Hancock, of Alabama, to be U.S. District Judge for the Northern District of Alabama;

James N. Gabriel, of Massachusetts, to be U.S. Attorney for the District of Massachusetts;

James F. Companion, of West Virginia, to be U.S. Attorney for the Northern District of West Virginia;

Donald E. Santarelli, of Virginia, to be Administrator of Law Enforcement Assistance; and

Wallace H. Johnson, Jr., of Virginia, to be an Assistant Attorney General.

The above four nominations, beginning with James N. Gabriel, were reported with the recommendation that they be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. SCOTT of Pennsylvania:

S. 1503. A bill for the relief of Lt. John F. Hudak, Capitol Police. Referred to the Committee on Post Office and Civil Service.

By Mr. GRIFFIN:

S. 1504. A bill to provide that the Federal district court for the Western District of Michigan may be held in Muskegon, Mich.; and

S. 1505. A bill to provide one additional permanent district judgeship for each of the Eastern and Western Districts of Michigan. Referred to the Committee on the Judiciary.

By Mr. DOMINICK (for himself, Mr. BAKER, Mr. BENNETT, Mr. COOK, Mr. CURTIS, Mr. FANNIN, Mr. HANSEN, and Mr. SCOTT of Pennsylvania):

S. 1506. A bill to repeal subtitle h of the Internal Revenue Code of 1954. Referred to the Committee on Finance.

By Mr. GURNEY:

S. 1507. A bill to amend the Export Administration Act of 1969 to manage the export of timber from the United States. Referred to the Commission on Banking, Housing and Urban Affairs.

By Mr. TAFT:

S. 1508. A bill to provide for the transfer to the Federal Power Commission of all functions and administrative authority now vested in the Securities and Exchange Commission under the Public Utility Holding Company Act of 1935. Referred to the Committee on Commerce.

By Mr. CHURCH:

S. 1509. A bill to provide equitable treatment of veterans enrolled in vocational educational courses. Referred to the Committee on Veterans' Affairs.

By Mr. JAVITS:

S. 1510. A bill to amend the Internal Revenue Code of 1954 to modify the restrictions contained in section 170(e) in the case of certain charitable contributions of ordinary income property. Referred to the Committee on Finance.

By Mr. MOSS (for himself and Mr. GOLDWATER) (by request):

S. 1511. A bill to amend section 203 of the National Aeronautics and Space Act of 1958, and for other purposes. Referred to the Committee on Aeronautical and Space Sciences.

By Mr. MOSS (for himself and Mr. MCGOVERN):

S. 1512. A bill to require the furnishing of documentation of claims concerning safety, performance, efficacy, characteristics, and comparative price of advertised products and services. Referred to he Committee on Commerce.

By Mr. CURTIS (for himself and Mr. HRUSKA):

S. 1513. A bill to amend title 18 and title 28 of the United States Code with respect to the trial and review of criminal actions involving obscenity, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. JAVITS (by request):

S. 1514. A bill to delete the termination date for title II of the Manpower Development and Training Act of 1962, as amended. Referred to the Committee on Labor and Public Welfare.

S. 1515. A bill to make permanent the authority to conduct national health surveys and studies. Referred to the Committee on Labor and Public Welfare.

By Mr. TUNNEY (for himself and Mr. Buckley):

S. 1516. A bill to establish procedures for the Congress to determine the amount and priorities of expenditures by the Federal Government, and for other purposes. Referred to the Committee on Government Operations.

By Mr. RANDOLPH (for himself, Mr. Mondale, and Mr. Stafford):

S. 1517. A bill to establish a national adoption information exchange system. Referred to the Committee on Labor and Public Welfare.

By Mr. GOLDWATER:

S. 1518. A bill to amend title 10, United States Code, to authorize the detail of commissioned officers of the military departments as students at law schools. Referred to the Committee on Armed Services.

By Mr. BROCK:

S. 1519. A bill to amend title VI of the Omnibus Crime Control and Safe Streets Act of 1968 to provide for a 6-year term for the appointment of the Director of the Federal Bureau of Investigation. Referred to the Committee on the Judiciary.

By Mr. ROTH (for himself and Mr. Ervin, Mr. Abourezk, Mr. Bayh, Mr. Brock, Mr. Clark, Mr. Cranston, Mr. Hart, Mr. McIntyre, Mr. Mondale, Mr. Pastore, Mr. Pell, Mr. Sparkman, Mr. Stevenson, and Mr. Williams):

S. 1520. A bill to establish a commission to study all laws, and executive branch rules, regulations, orders, and procedures, relating to the classification and protection of information for the purpose of determining their consistency with the efficient operation of the Government, including the proper performance of its duties by the Congress, and for other purposes. Referred to the Committee on Government Operations.

By Mr. TOWER:

S. 1521. A bill for the relief of Cruz Sanchez-Garcia, his wife, Marie Benilda Leal de Sanchez, and their children, Daniel Sanchez-Leal and Adela Sanchez-Leal. Referred to the Committee on the Judiciary.

S. 1522. A bill to amend title 10, United States Code, to remove the restriction on the use of certain private institutions under the dependents' medical care program. Referred to the Committee on Armed Services.

By Mr. TOWER (for himself and Mr. Fannin):

S. 1523. A bill to amend the Internal Revenue Code of 1954 with respect to the tax treatment of social clubs and certain other membership organizations. Referred to the Committee on Finance.

By Mr. THURMOND:

S. 1524. A bill to provide one additional permanent district judgeship for the district of South Carolina. Referred to the Committee on the Judiciary.

By Mr. FULBRIGHT (by request):

S. 1525. A bill to remove certain limitations on annual operation and maintenance expenditures applicable to the U.S. section of the International Boundary and Water Commission, United States and Mexico, and for other purposes. Referred to the Committee on Foreign Relations.

S. 1526. A bill to amend the International Organizations Immunities Act to authorize the President to extend certain privileges and immunities to the Organization of African Unity. Referred to the Committee on Foreign Relations.

By Mr. WEICKER (for himself and Mr. Beall, Mr. Biden, Mr. Cotton, Mr. Hathaway, Mr. Javits, Mr. Kennedy, Mr. Muskie, Mr. Pastore, Mr. Pell, Mr. Ribicoff, Mr. Roth, Mr. Stevens, and Mr. Taft):

S. 1527. A bill to amend the act protecting the fishery resources of the continental shelf of the United States in order to include the American lobster in such resources. Referred to the Committee on Commerce.

By Mr. CHURCH (for himself and Mr. McClure):

S. 1528. A bill to authorize the Secretary of the Interior to construct, operate and maintain a replacement dam for the existing American Falls Dam of the Upper Snake River basin project, Idaho, and for other purposes; and

S. 1529. A bill to authorize the Secretary of the Interior to enter into agreements with non-Federal agencies for the replacement of the existing American Falls Dam, Upper Snake River project, Idaho, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. SPARKMAN (for himself and Mr. Tower) (by request):

S. 1530. A bill to authorize further adjustments in the amount of silver certificates outstanding, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMINICK (for himself, Mr. Baker, Mr. Bennett, Mr. Cook, Mr. Curtis, Mr. Dole, Mr. Fannin, Mr. Hansen, and Mr. Scott of Pennsylvania):

S. 1506. A bill to repeal subtitle h of the Internal Revenue Code of 1954. Referred to the Committee on Finance.

Mr. DOMINICK. Mr. President, on behalf of myself and Senators Baker, Bennett, Cook, Curtis, Dole, Fannin, Hansen, and Scott of Pennsylvania—and on behalf of any other Senators who may like to cosponsor this bill—I introduce, for appropriate reference, a bill to repeal subtitle h of the Internal Revenue Code of 1954, and to transfer any amounts in the Presidential Election Campaign Fund established under section 9006 of such Code to the General Fund of the Treasury.

The Presidential Election Campaign Fund was established pursuant to passage of Title VIII of the Revenue Act of 1971, which provided for a so-called tax checkoff plan for financing presidential election campaigns. On returns filed after January 1, 1973, an individual taxpayer can specify that $1 of his tax liability be set aside in a special account in the presidential campaign fund for the candidates of whatever political party he designates. Or, he can specify that the $1 be set aside in a nonpartisan general account in the fund. Moneys will accumulate in the fund for 4 years preceding each presidential election, and then will be distributed by formula to party nominees for postprimary campaign expenses.

Title VIII passed the Senate by a narrow margin, 52 to 47. I opposed it then, and I feel that the tax checkoff plan it established should be repealed now. I oppose for reasons going to its merits, the concept of financing presidential elections with tax revenues, and will state those reasons in a moment. But, first, aside from the merits, I think that to state the background of this tax checkoff plan is to state the strongest argument for its immediate repeal.

A similar tax checkoff plan for financing presidential campaigns was adopted by Congress in 1966 after only cursory hearings and little debate. It was repealed the following year. It has not been considered in congressional hearings since then.

When Senator Pastore held hearings in March of 1971, on S. 382, the Election Reform Act, he rejected the inclusion of a pubic financing system for presidential elections, saying it was "10 years ahead of its time." Yet, less than 8 months later, and still without hearings, he proposed such a system as an amendment to the Revenue Act of 1971. Why? The answer is clear. The Democratic Party was going into a presidential election year with a $9-million debt carried over from the 1968 campaign. In short, the tax checkoff was a scheme to shift to the American taxpayers a $9 million debt incurred by the Democratic Party in 1968. That this was the primary motivation is not open to serious question.

I do not think anyone can deny that Lawrence O'Brien, then chairman of the Democratic National Committee, initiated the amendment as a solution to the considerable financial problems facing the Democratic Party. His strategy, with the concurrence of the Democratic leadership, was to attach it to the tax bill which, because of its crucial importance to the economy, would be difficult to veto.

The tax checkoff plan did pass the Senate—by a close vote divided along party lines. As passed by the Senate, it would have been effective in time to raise an estimated $20.4 million for each of the two major parties, and $6.3 million for George Wallace as an independent candidate for the Presidency in 1972. But, after it became apparent that the President would not succumb to blackmail when he indicated that he would veto the tax bill if title VIII remained unchanged, and head counts showed approval of the conference report to be doubtful in the House, the conferees agreed to postpone its effective date until January 1, 1973. It was enacted with that and other minor changes.

So, to summarize, the tax checkoff plan was proposed by the chairman of the Democratic National Committee and passed by the Democratic-controlled Senate as an emergency financial measure for the debt ridden Democratic Party's 1972 Presidential campaign effort. This primary motivation for the plan was removed when its effective date was postponed until after the 1972 election. There were no congressional hearings on the plan, and have been none since a similar plan was repealed by Congress in 1967.

Such an unquestionably radical change should not be made without further study. To preserve whatever public faith remains in the integrity and credibility of the legislative process, the tax checkoff plan should be immediately repealed and reconsidered on its merits in full congressional hearings and debate in both Houses.

I believe the arguments on the merits

against any system of financing Presidential elections with tax revenues, and this plan in particular, far outweigh the arguments in favor.

A good starting point for a discussion of the tax checkoff system of financing Presidential elections is to ask the question: Who will pay for it, and how much? The answer to the first is, of course—all American taxpayers. Since the $1 checkoff comes out of a taxpayer's tax liability, the effect is to divert money from other Federal programs which are funded with tax revenues. By permitting a portion of the taxes owed the Government every year to be set aside for use in Presidential campaigns, the act would result in a proportionate reduction in Government services available to all American citizens, including the poor. The only possible way to avoid this, short of raising taxes, would be through increased deficit spending by the Government. I am not sure this is a reasonable alternative—particularly at a time when the national debt is about $457 billion, and Congress is considering massive and expensive new programs to deal with a variety of complex problems and needs which become more critical as our population expands.

The answer to the second question, based on rough estimates furnished by the Treasury Department, is that it will reduce tax revenues by more than $60 million in 1976. The $60 million total figure would increase if additional parties are eligible in 1976, as seems likely due to incentives the act provides for new parties. This diversion of tax revenues to political campaigns is in addition to an even greater new Federal subsidy under title VII of the Revenue Act of 1971, which permits tax credits or deductions for political contributions to all candidates. The projected revenue losses for tax years 1972 through 1976, based again on rough estimates by the Treasury Department, total $327 million. That approach will encourage active involvement in politics, and will result in substantially increased private contributions to campaigns at all levels. Why do we need to go any further? No satisfactory answer to that question can be found in the debate on title VIII.

Proponents of the tax checkoff plan have argued that it would reduce overall campaign spending and would free presidential candidates from postelection obligations to "fat cat" contributors. These thin arguments are easily penetrated. Since funds are available under the act only for postprimary spending, the act will cause no reduction whatever in campaign spending through the primaries. It will, in fact, have the opposite effect.

If there is a publicly funded "pot of gold" awaiting successful primary candidates, will they not be encouraged to increase spending in the primaries? Of course they will. And there is no reason to believe they will be any less dependent on strings-attached contributions from fat cats. Moreover, it is unlikely that even the limit on postprimary spending for party nominees who opt for public financing will be effective. There is no way to control the number of "unauthorized" committees which can spend up to $1,000 for a candidate. Admittedly, reductions in campaign spending and in the disproportionate influence of wealthy contributors are laudable goals. But this legislation clearly does not move in that direction. Senator Scott saw this for what it really is, and called a spade a spade when, during the floor debate he commented:

> This has even brought back all the Presidential candidates because the click, click, click and the dong, dong, dong of the cash register has been heard in every Senatorial district in America. I do not wonder that they are here. They are here to vote for a program without having to demean themselves. No longer will they have to lower themselves to their constituents and say, "Please support me." All they have to say is "Slip this thing through, get us money from the taxpayers, and we will not have any trouble at all. We will use the money that normally comes in to pay our abject deficit and then we will take the rest and finance our campaign at the expense of the taxpayers."

The tax checkoff plan will result in undesirable party centralization. The national committees work to a large extent through the Senate and local party organizations to raise postprimary campaign funds. This requires the parties to accommodate a broad range of viewpoints and to be attentive to diverse local interests. Once the national committees are relieved of the necessity of raising such funds, they will become largely independent of the State and local organizations. As a result, the parties and the candidates will ultimately be less responsive to local issues and concerns. Any movement in that direction should be strongly resisted. The late Senator Robert Kennedy analyzed this issue very well when he argued for repeal of the Presidential Election Campaign Fund Act of 1966:

> But first the Long Act must be repealed. It places funds where they are relatively less needed and, more important, it does so by giving massive amounts of funds in a dangerous and unrestricted way to the national leadership of the two major political parties.
>
> The Long Act has the potential of changing our whole political system. Our national political parties have always been coalitions of State parties, which in turn are coalitions of local parties. Our ideal and our working rule have been that political decisions and policies will be made from the bottom up, not from the top down.
>
> Unrestricted public financing of national political campaigns is a revolutionary overturn of principles which have served our Republic for 175 years. The national parties would be divorced to a large extent from local control, and given immense power to reward or punish local candidates. By this power to decide where to concentrate, and where to refrain from, presidential campaign efforts, the national chairman would wield enormous leverage over the prospects and policies and, indeed, over the very process of selection of local candidates all over the country. The national leadership of the two parties could thereby dominate State and local elections all over the country.
>
> Control of local parties by the national committees, moreover, would lead, perhaps irrevocably, to national parties rigidly organized along lines of class and ideology. If the history of the past century has any lesson for us, it is that governments based on such political divisions cannot preserve either freedom or stability for their people.
>
> Now the Senator from Louisiana has proposed to amend the law so that each party will have to choose whether it will have its Presidential campaign expenditures paid out of public funds or by private contributions. He did so presumably, to meet the objection of the Senator from Tennessee—

That would be Senator Gore—

> and others that the law as enacted last year would allow the commingling of public and private funds, and could have the unfortunate result of just adding public funds to an already acquired private treasury. Senator Long's new proposal, however, in many ways creates more difficulties. The assumption is that the parties will choose public funding. But forcing them to reject all private contributions will only insulate them even further from control by their membership around the country than did last year's law. The result will be an even greater departure from the goal of broadening the base of our political parties than was implicit in last year's law.

I think we should also be asking ourselves whether we want the Federal Government to have complete control over Presidential elections, and eventually congressional elections. I have never subscribed to the philosophy, which seems to be increasingly popular these days, that problems are most easily solved with Federal money. It has been my experience that the money does indeed get spent, but the problems do not get solved. Even worse, Federal controls follow Federal dollars. And, Federal control, like rigor mortis, is difficult to reverse. Presidential election campaigns are one area of the body politic to which this creeping cancer has not yet spread, but it is in grave danger if the tax checkoff plan is not repealed.

It is no answer to suggest that candidates are not obligated to opt for public financing. There will be enormous pressures to do so. Public financing for the general election will free substantial funds for concentration on the primaries and other preconvention efforts. A candidate who rejected public financing would be open to accusations that he was going to the "fat cats" and would be controlled by them after the election. Further, it would be difficult to raise private funds for the general election after "wasting" the opportunity to use public funds.

The act will subject the candidates and their parties to the close scrutiny and supervision of a Federal official—the Comptroller General. He will have the power to determine what candidates are eligible to share in the campaign fund, how much they entitled to receive, and how they can spend it. Instead of raising money and running campaigns, the party organizations will spend the bulk of their time reporting to the Comptroller General. Do we want political candidates to be primarily responsible to their constituencies or to Federal bureaucrats?

The opportunities for abuse—particularly in favor of an incumbent President—are obvious. Maybe the present system has imperfections, but would it not make sense to take time to analyze some of the problems inherent in the system replacing it? Congress certainly did not do that last session.

I think the tax checkoff plan will encourage sectional and "spoiler" candidacies, and the formation of splinter parties. I am not opposed to new parties for constituencies who feel their views and interests are not being adequately represented. But I believe the two-party system is one of the major strengths of our form of government, which has been the most stable in the history of the free world. One reason for this stability is that heretofore, in order to raise necessary campaign funds, and to capture enough electoral votes to win, it has been necessary for each party to accommodate a wide variety of interests. To the extent that funds are available without this broad accommodation, stability is lessened. Since under the act the two major parties need only get 25 percent of the vote to qualify for a maximum share of the campaign fund, there is no incentive to attempt to accommodate the widest possible range of interests. The inevitable result is a narrowing of the bases of the two major parties.

Conversely, there is no incentive for sectional, ethnic, and other special constituencies to work with the major parties to insure that their interests are represented. A sectional candidate would be guaranteed public financing for a campaign in 1980 merely by polling 5 percent of the vote in 1976. The checkoff system almost compels him to run, rather than work with the major parties. Likewise, a new party has nothing to lose by fielding a candidate, since general election expenses will be reimbursed out of public funds if he gets 5 percent of the vote.

That party's candidate will then be guaranteed advance funds out of the campaign fund in the following election. This encourages "spoiler" candidacies aimed, not at winning the election, but at denying an electoral majority to either major party and throwing the election into the House, thus presenting the opportunity for high stakes bargaining on the strength of their "swing" votes. If we leave the tax checkoff plan on the books, we can look forward to a wide array of new parties, all bristling with militant, little axes to grind. I do not think the possible consequences require further elaboration. Suffice it to say that the two-party system will be weakened and along with it, the stability of our form of government.

The tax checkoff system of financing Presidential elections is of questionable constitutionality. New York Times columnist, Tom Wicker, described it as "thick" with constitutional question marks." The most obvious question is how it effects the first amendment rights of those who desire to contribute more than $1 to the candidate of their choice. Should not a citizen have the right to contribute up to the maximum permitted by statute, if he is so inclined? Also, does not the checkoff system ignore the rights of approximately 10 million young and elderly who cannot contribute because they incur no tax liability?

The reason that comes up is that once a Presidential candidate determines he is going to go for public financing, he is prohibited from taking any private contributions. So, the people who would like to contribute are not allowed to do so.

Another serious constitutional question is whether the tax checkoff system is an improper exercise of Congress power to spend tax funds. Article I, Section 8, gives Congress power to spend for several enumerated purposes, including the general welfare. The question is whether an appropriation for the purpose of financing Presidential election campaigns is for the general welfare. The case law is inconclusive. A 1909 Colorado law appropriating campaign money directly to political parties was held unconstitutional by the Colorado Supreme Court. A similar Massachusetts law was held unconstitutional by the Massachusetts Supreme Court because it was not spending for a public purpose. The U.S. Supreme Court has never dealt with this question. But assuming title VIII had been effective in time for last year's election, so that its immediate effect was to transfer, as its proponents intended, $9 million in Democratic Party debts to the American taxpayers, I think I know what the Court's answer would be.

A good argument can also be made that the tax checkoff, by permitting taxpayers to earmark tax funds for use in political campaigns, is an unconstitutional delegation of Congress' exclusive power to spend. Again, the case law is not clear, but aside from the strict constitutional aspect, it is clear that it sets a dangerous precedent. If taxpayers are here allowed to earmark a portion of their tax liability for use in political campaigns, why should not they be allowed to earmark for other uses in the future? Where will it end? Senator Gore voiced this concern when arguing for repeal of the 1966 tax checkoff act:

> This unique procedure is one which has never been followed before. True, Congress has in the past levied taxes, and then provided that the revenue from that tax or a portion of it would be earmarked for a special purpose. Today, for example, revenue from certain highway-user taxes is earmarked for highway construction. But it is Congress that earmarks the revenue or a portion thereof. So far as I can ascertain the law passed last year, which I now seek to repeal, is the first time the Congress has ever undertaken to authorize the individual taxpayer to decide on a year-to-year basis the purpose for which a portion of the money he pays in taxes shall be used. If it is a sound practice for the taxpayer to say for what it shall be used, it would be equally sound for him to say for what it shall not be used; and to the extent that a taxpayer directs that tax funds shall be used for a particular purpose, he automatically thereby says it shall not be used for other purposes . . .
>
> If we start down the road of allowing each individual taxpayer to decide for what purpose his tax funds may or may not be spent, we may well find that Congress has abdicated its constitutional responsibility of making appropriation of public funds. If a taxpayer has that right, if it is constitutional and if this precedent should be followed, perhaps there are taxpayers who would like an opportunity to decide whether their tax money shall be spent or not be spent for the war in Vietnam, or a war on poverty, or education, or public works projects, or agriculture programs, or urban redevelopment, or support for agricultural commodities, such as milk. Where do we stop with this process? Is this a wise precedent? We have made a mistake, Mr. President. Let us erase that mistake, and the quicker the better.

Well, Congress did erase its mistake in 1967, but incredibly, repeated it last year. I hope this mistake too, will be erased.

Finally, Mr. President, if the tax checkoff is thick with constitutional questions, it is even thicker with administrative problems, many of which seem to me to be insoluble. What happens when a taxpayer designates a $1 contribution to a candidate who later turns out to be ineligible for public financing? This is bound to happen on a lot of returns. That money has to go back into the Treasury. In the meantime, the taxpayer withholds a private contribution to his candidate, thinking he has already contributed. Also, why are not minor parties represented on the Presidential Election Campaign Fund Advisory Board, which assists the Comptroller General in enforcing the act? The composition of the Board, under the act, is four members from each party and three members from the general public. The act encourages new and minor parties to utilize the checkoff system of financing, yet gives them no voice in seeing that it is administered properly.

Then, there is the additional time and expense of auditing an estimated 75 to 80 million returns every year to determine the total number of checkoffs. Under existing IRS procedure, only about 10 percent of the returns are audited But, under the tax checkoff, each return would have to be audited, including those indicating no tax liability. I am advised that total figures would not be available from IRS until June of each year.

This presents another problem. The first convention is in early July, after which the nominee must make an immediate decision whether to opt for public financing or depend on private contributions. He would not know until June how much money will be available to him from the campaign fund. If he decides such funds are inadequate, he will not have sufficient time to raise private contributions. Fundraising takes considerable time, and I do not think a Presidential candidate can wait until June to start raising funds for the general election campaign.

In order to protect themselves all candidates will go full steam ahead with private fund raising from the outset. If a candidate opts for public financing, the act limits the total amount he can spend in the general election. If his share of the campaign fund is less, he can retain private contributions necessary to bring his total finances up to that limit. The act requires that all other private contributions be returned. On the other hand, if he spends more than the maximum entitlement during the general election, he is required to repay it to the Treasury after the election. The same is true of expenses incurred for purposes not authorized under the act. This sounds fine on paper, but I think the repayment provisions of the act will be unenforceable in practice. The stakes are high in a Presidential election. The practical effect of this act will be merely to heap public tax funds on top of campaign funds gathered from private sources. Rather than reducing campaign expenditures and the influence of private contributors, it will increase both.

Moreover, what good will it do to require a President to repay funds he used to get elected? Is this not closing the barn door after the horse is out? Worse than the futility of this, is the fact that postelection complaints regarding illegal contributions and expenditures can only serve to jeopardize the stability of the Government. All of this seems to me to be an expensive and almost dishonest hoax on the American public.

Mr. President, I would summarize by suggesting that the so-called Presidential tax checkoff plan should be repealed for several basic reasons. First, it was initiated for a purpose which can no longer be achieved—to bail the Democratic Party out of its financial problems going into the 1972 election by transferring $9 million in debts to the American taxpayers. Second, because its proponents were motivated by the foregoing purely political reasons, it was enacted without adequate consideration of the arguments on its merits. Third, it is indefensible on its merits. It would not do what its proponents say it will, and will have consequences damaging to our political system and the stability of our Government. While the tax checkoff plan is the result of a strictly partisan effort, its adverse effects will be felt by all of us. I hope, therefore, that with an objective bipartisain effort, it will be repealed.

By Mr. GURNEY:

S. 1507. A bill to amend the export Administration Act of 1969 to manage the export of timber from the United States. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. GURNEY. Mr. President, over the past years the increase in log exports coincided with the demand from the housing industry for lumber has resulted in escalating lumber prices and acute lumber shortages. Today, I am introducing legislation which will stabilize rising lumber prices and increase the amount of lumber for domestic use.

SUMMARY OF THE BILL

Mr. President, here is what my legislation would do:

First. In general, it directs the Secretary of Commerce—Secretary—to restrict exports of softwood timber and products to a percentage of imports of such items according to a formula discussed below. This legislation deals in terms of softwood timber and products because, as I also discuss below, the lumber industry crisis is primarily, although not exclusively, a softwood crisis. I have chosen to target my suggested remedy to the primary element of lumber market disequilibrium.

Second. The goal of this formula for export restrictions is to increase domestic softwood supplies so that the domestic market will return to normal supply and price levels. When the market reaches that point—which will occur when the average domestic price of softwood, over a 6-month period, reaches or falls below 115 percent of the 1967 average price for domestic softwood, the Secretary shall suspend export restrictions.

The year 1967 was the year when all economic forces and levels in the softwood market were in relative equilibrium. The 15 percent tacked onto the 1967 price takes into account general inflationary trends in the economy. Therefore, 115 percent of the 1967 price represents a reasonable equilibrium target for domestic softwood prices in today's economy.

Third. The Secretary shall also suspend export restrictions if foreign demand for our domestic softwood no longer threatens to distort our domestic market price. This provision is primarily directed at providing an incentive to Japan, the principal foreign buyer of our domestic softwood, to follow through on general promises she has made to us to seek alternative sources of supply to help us out of our lumber crisis. Japan's great demand for our softwood, and the high prices she has been willing to pay because of her housing boom and lumber shortage, is the principle reason why our domestic supply of softwood has been drained and prices have soared.

Fourth. If either House of Congress disagrees with the Secretary's suspension of export restrictions for either of the reasons in two or three above, it can rescind it.

Fifth. The formula for the export restrictions is as follows:

a. For the balance of 1973, the Secretary uses, as the import base from which to calculate export restrictions, the average volume of board feet of softwood imports in 1971 and 1972. Then, for each month left in 1973 after passage of this legislation, he restricts exports of softwood by 22 percent of one-twelfth of the average of the 1971 and 1972 volume of imports. Twenty-two percent is used because it represents the percentage of imports which were needed in 1972 to make up for the export drain.

b. To calculate 1974 export restrictions, the Secretary estimates, by December 1, 1973, the volume of board feet of softwood imports which will be needed in of all 1974 to supplement domestic supply. He restricts 1974 exports to 22 percent of that estimate. Twenty-two percent used again is in 1974 because it is not likely that softwood market forces will have by that time changed substantially. Japan's boom and our domestic needs will continue to affect each other adversely.

c. For each succeeding 6-month period, the Secretary makes similar estimates of import needs just before the beginning of each new half year. He has discretion at this point in time to apply export restrictions from 10 percent to 22 percent estimated import needs. The 6-month period and the discretionary percentages are used because market forces may by this time have lessened pressure on domestic softwood supply or prices. The Secretary may need to "fine tune" domestic supply. In order to select a particular percentage the Secretary uses the ultimate goal of the restrictions: which export restriction level will encourage domestic prices to average, over a 6-month period, 115 percent of the 1967 average domestic price, or less.

THE CURRENT TIMBER CRISIS

Mr. President, I would like to take this opportunity to address myself to the various circumstances which have led to inflationary lumber prices and a shortage of lumber for domestic use.

Presently, our Nation is experiencing a high rate of construction activity primarily in residential construction. New housing sites have reached record levels, increasing from 2.1 million housing units in 1971 to a little over 2.4 million housing units in 1972 (see table 1), and, in all likelihood, in 1973, we will again exceed the 2 million unit level.

In the process of meeting this housing demand, the United States in 1972 consumed some 40.9 billion board feet, importing more than 8.9 billion board feet to make up a deficit in our lumber supply. This 8.9 billion board feet represents about 22 percent of U.S. lumber consumption.

Thus, all in all, the United States is a growing lumber importer. For the foreseeable future it will continue to be a net importer of lumber—the United States will have to supplement its domestic supply with imports. Furthermore, the department of Agriculture, in preparing its report on the "Outlook for Timber in the U.S., a Report of the Findings of the 1970 Timber Review" issued December 1972, shows that our Nation can look forward only to further problems in meeting domestic demands. Its projections of future supply indicate substantial shortages in timber supplies in the forthcoming years, and increasingly heavy reliance on imports of lumber.

However, in light of this information, our country continues to increase its exportation of softwood logs and lumber. Average annual exports of softwood lumber were 1 billion board feet between 1968 and 1971, but suddenly jumped to 1.2 billion board feet in 1972. This amount of lumber, added to the 3.05 billion board feet of softwood logs exported in 1972, would have increased the amount of lumber, available for domestic purposes by 5 billion board feet.

Why do domestic producers export lumber when our Nation has to import lumber to meet domestic needs?

The answer is that Japan, the principal foreign buyer of U.S. logs, has been experiencing such a building boom that it has outbid U.S. purchasers of logs. Sometimes she has outbid us 2 to 1. (See table II and table III.) The result has been that Japan has received 83 percent of all American log exports. Japan's buying activity this year clearly demonstrates that her demand for our logs will continue. In the month of January of this year, exports to Japan were nearly 67 million feet of lumber, or about 46 percent above Japan's level for the same month in 1972.

The problem then is that Japan, with her huge demand for logs, has been willing to pay exorbitant prices. And as we know, much of Japan's money is derived from sales of her products in the United States—such as Toyotas and Sonys. It is now our own dollars in a sense, that seeks to purchase our U.S. logs and timber to meet Japan's housing problems. Thus, domestic lumber is diverted from the domestic market to the foreign market. The net result is a shortage of lumber and higher prices for existing lumber which is ultimately passed on to the American consumer.

As testimony before the Senate Banking, Housing and Urban Affairs Committee in March of this year clearly points out, the U.S. housing starts increased more than 60 percent between the year-end total of 1.4 million in 1970 to 2.4 million in 1972, and that this increase in new housing construction, caused a 30-percent increase in the total demand for lumber. Presently, 43 percent of the softwood lumber and 49 percent of the softwood plywood is consumed for residential construction (see table IV).

As a nation, our goal has long been to secure the best of everything for our people. This has long held true in providing housing at a reasonable price. However, these goals have been shaken by the substantial increase in housing costs brought about by rising lumber prices. (See table V.)

In January 1971, the price indexes for all construction materials was almost identical. In January of this year, however, whereas the prices over a 2-year period for all construction materials increased about 14 percent, lumber during this same 2-year period, increased by 49.5 percent.

Thus, as illustrated in table VI, the medium price for single family homes increased from a range of $24,700–$27,000 to an alltime high of $29,500. This can be directly attributed to the cost of lumber and plywood.

In 1973, it has been estimated that the construction cost of an average house has increased at least $1,200 as a result of lumber price increases. Since this estimate came out in January, prices have continued to rise and as of April 1973, the cost has been estimated to have gone up another $280, bringing the increased total price up to $1,480. This is a 10-percent increase in the total construction cost in less than 9 months. Part of this increase is due to the fact that accelerating price increases encouraged producers to withhold timber from sale in anticipation of even higher prices to come.

Increases of this magnitude can quickly destroy the prospects for home ownership, particularly if such price increases mean that the home buyer will have to pay increased sums toward principal on a mortgage, interest and increased taxes and insurance payments.

Thus, by permitting a limited natural resource, timber, to be siphoned away by exports, we have depleted our country's domestic supplies and increased construction costs. Some action must be taken.

TABLE I.—NEW PRIVATE AND PUBLIC HOUSING STARTS 1960–72

[In thousands of units]

Period	Single family	Multi-family	Total	Percent single family	Seasonally adjusted annual rate	Mobile home shipments
1960	1,008.7	287.3	1,296.0	77.8		103.7
1961	988.9	376.1	1,365.0	72.5		90.2
1962	996.0	496.4	1,492.4	66.7		118.0
1963	1,021.6	620.4	1,642.0	62.2		150.8
1964	971.9	589.1	1,561.0	62.3		191.3
1965	965.0	544.6	1,509.6	63.9		216.5
1966	779.5	416.4	1,195.9	65.2		217.3
1967	844.9	477.0	1,321.9	63.9		240.4
1968	900.5	746.0	1,545.5	58.3		318.0
1969	811.2	688.4	1,499.6	54.1		412.7
1970	815.1	653.9	1,469.0	55.5		401.2
1971	1,152.9	931.6	2,084.5	55.3		496.6
1972:						
January	76.4	74.5	150.9		2,487	33.3
February	76.4	77.2	153.6		2,682	39.7
March	111.5	94.3	205.8		2,369	48.8
April	120.1	93.1	213.2		2,109	53.4
May	135.4	92.5	227.9		2,350	51.5
June	131.9	94.3	226.2		2,330	54.7
July	117.7	87.3	205.0		2,218	48.2
August	131.3	97.4	230.9		2,484	51.7
September	119.5	80.9	201.8		2,366	48.8
October	117.0	101.2	218.2		2,462	54.1
November	97.4	89.7	187.1		2,395	50.4
December	73.2	79.4	152.6		2,369	37.7
Total	1,309.2	1,069.2	2,378.5	55.1		572.4
1973:						
January	76.9	70.3	147.2		2,496	40.7
February	73.1	65.6	138.8		2,444	(1)

[1] Not available.

Source: U.S. Department of Commerce, Bureau of Census

TABLE II.—*Softwood logs exports, 1972*

[In thousand board feet]

Country	*Quantity*
Canada	461,700
Mexico	453
Bahamas	156
LW WW I	13
N. Antil	48
Peru	2,264
Brazil	96
Sweden	11
Nethl.	56
W. Germ	1,579
Switz	67
Portgl	15
Greece	41
S. Arab	13
Kor Rep	53,754
Japan	2,522,669
T. Pac Is	6
Miquel	1,378
Bermuda	7
Jamaica	7
Trinidad	11
FW Ind	25
Chile	9
Argent.	38
Finland	10
France	616
Austria	34
Spain	1,596
Italy	1,261
Iran	3
Bahrain	20
Hg Kong	20
Austral	170
Rep Saf	14
Total	3,048,120

Source: U.S. Commerce Department.

Table III.—Softwood logs exported to Japan, 1972

[In thousand board feet]

Month:	*Quantity*
January	143,784
February	80,074
March	307,701
April	246,496
May	239,798
June	163,868
July	184,116
August	297,652
September	200,135
October	261,627
November	216,958
December	180,460
Total 1972	2,522,669
January, 1973	210,527

Source.—U.S. Department of Commerce.

TABLE IV.—ESTIMATE OF HOUSING REQUIREMENTS FOR THE 1970'S

[In thousands of units]

	Demand							Supply				Surplus or deficit	
Year	Net increase in households (1)	Net removals (2)	Net removal of mobile homes (3)	Change in vacancy (4)	Demand for second homes (5)	Total annual housing demand (6)	3-year moving average (7)	Housing starts (8)	Mobile home shipments (9)	Total new units (10)	3-year moving average (11)	Annual (12)	Accumulation (13)
1959	1,364	490	60	30	35	1,979		1,554	120	1,674		−305	−305
1960	665	510	63	30	40	1,308	1,722	1,296	104	1,400	1,510	+92	−213
1961	1,188	530	66	51	45	1,880	1,480	1,365	90	1,455	1,488	−425	−638
1962	537	550	66	49	50	1,252	1,563	1,492	118	1,610	1,619	+358	−280
1963	807	570	67	58	55	1,557	1,739	1,642	150	1,792	1,718	+235	−45
1964	1,255	590	67	56	60	2,028	1,739	1,562	191	1,753	1,757	−275	−320
1965	841	610	70	51	65	1,637	1,745	1,510	217	1,727	1,631	+90	−230
1966	753	630	80	36	70	1,569	1,883	1,196	217	1,413	1,567	−156	−386
1967	1,599	650	85	34	75	2,443	2,033	1,322	240	1,562	1,614	−881	−1,267
1968	1,206	670	92	39	80	2,087	2,230	1,548	318	1,866	1,769	−221	−1,488
1969	1,250	680	105	41	85	2,161	2,136	1,500	380	1,880	1,870	−281	−1,769
1970	1,222	690	120	38	90	2,160	2,110	1,464	400	1,864	2,105	−296	−2,065
1971	1,041	700	130	43	95	2,009	2,225	2,080	490	2,570	2,398	+561	−1,504

TABLE IV.—ESTIMATE OF HOUSING REQUIREMENTS FOR THE 1970'S—Continued

[In thousands of units]

Year	Demand							Supply				Surplus or deficit	
	Net increase in households (1)	Net removals (2)	Net removal of mobile homes (3)	Change in vacancy (4)	Demand for second homes (5)	Total annual housing demand (6)	3-year moving average (7)	Housing starts (8)	Mobile home shipments (9)	Total new units (10)	3-year moving average (11)	Annual (12)	Accumulation (13)
1972	1,505	718	142	50	100	2,507	2,298	2,225	545	2,770	2,615	+263	−1,241
1973	1,338	720	155	54	110	2,377	2,451	2,000	535	2,535	2,661	+158	−1,083
1974	1,383	740	165	60	120	2,468	2,465	2,150	530	2,680	2,663	+212	−871
1975	1,430	750	180	61	130	2,551	2,553	2,200	525	2,725	2,727	+174	−697
1976	1,478	770	190	62	140	2,640	2,637	2,250	525	2,775	2,776	+135	−562
1977	1,530	780	200	60	150	2,720	2,684	2,300	525	2,825	2,825	+105	−457
1978	1,480	790	200	61	160	2,691	2,669	2,350	525	2,875	2,873	+184	−273
1979	1,450	810	205	62	170	2,697	2,655	2,400	520	2,920	2,915	+223	−50
1980	1,413	820	210	64	180	2,687	------------	2,430	520	2,950	------------	+263	+213

SOURCES

(1) Derived by using persons per household from the current population reports, P–25–394, p. 18, series D–1, 1976–80, estimated by NAHB Economics Department and population projections as reported in the current population reports, series P–25, No. 448, pp. 28–29, series D.

(2) Annual estimates based on "Demolitions and Other Factors in Housing Replacement Demand," M. Sumichrase and N. Farquhar, Homebuilding Press, 1967.

(3) Based upon an unpublished "scrap-out ratio" developed by Mr. Richard A. Drickey, marketing research manager, Research and Engineering Center, Whirlpool Corp.; 1970 and 1980 estimated by NAHB Economics Department.

(4) Estimated by NAHB Economics Department based upon continuation of current vacancy levels throughout the 1970's as reported in the current housing reports, series H–111 quarterly.

(5) Based upon current estimate of Bureau of Census and Forest Service in "Second Homes in the United States," current housing reports, H–121, No. 16; 1968 to 1980 estimated by NAHB Economics Department.

(6) Sum of cols. (1) through (5).

(7) 3 year moving average of col. (6) centered on 2d year.

(8) 1959–69, Bureau of Census, C–20, housing starts report; 1970–80, NAHB Economics Department estimate.

(9) 1959–69, Mobile Home Manufacturers Association; 1970–80, NAHB Economics Department estimate.

(10) Sum of cols. (8) and (9).

(11) 3 year moving average of col. (10) centered on the 2d year.

(12) Col. (10) minus col. (6).

(13) Accumulation of the difference shown in col. (12).

TABLE V.—AVERAGE MATERIAL[1] COSTS IN A SINGLE FAMILY HOME[2] 1972

Cost item	Cost	Percent of total
Excavation	$243.30	1.7
Masonry	948.30	6.7
Concrete	1,123.47	8.0
Lumber	2,193.23	15.6
Wood flooring	438.78	3.1
Millwork	1,455.41	10.3
Carpentry labor	1,686.75	12.0
Roofing	337.12	2.4
Gutters	104.54	.7
Lath and plaster	829.38	5.9
Tile work	277.00	2.0
Linoleum	288.94	2.1
Electric wiring	517.54	3.7
Lighting	109.41	.8
Plumbing	1,314.98	9.3
Heating	650.37	4.6
Painting	678.30	4.8
Insulation	132.38	.9
Finish hardware	112.97	.8
Rough hardware	127.64	0.9
Incidental cost	280.41	2.0
Appliances	232.92	1.7
Total cost	14,083.14	100.0

[1] This excludes all hard costs; that is, cost of land, financing cost, overhead, and profit.

[2] Approximate sales price: $25,000.

Source: Based on cost data covering 70 cities compiled by NAHB Economics Department.

TABLE VI—*New one-family homes sold, by sales price—not seasonally adjusted*

Period	*Median sales price*
1963	$18,000
1964	18,900
1965	20,000
1966	21,400
1967	22,700
1968	24,700
1969	25,600
1970	23,400
1971	
January	$23,900
February	24,500
March	24,300
April	25,800
May	25,500
June	26,100
July	25,200
August	25,300
September	25,400
October	25,600
November	25,700
December	25,300
1972	
January	24,700
February	26,500
March	27,400
April	26,700
May	27,000
June	26,800
July	27,700
August	28,100
September	28,000
October	28,900
November	28,900
December	29,700

NOTE.—September through December figures preliminary.

SOURCE.—U.S. Census Bureau Construction Report C25-11, table 5.

THE SEARCH FOR A REMEDY

In studying the lumber industry in search of a legislative solution to the lumber crisis, I came to the conclusion that moderation should characterize the remedy. The industry is an agricultural one, beset by the same delicate, fluctuating economic factors and the same whims of nature which beset other agricultural industries. Government intervention which is too confining might severely distort the myriad economic factors at work in the industry.

First. Phase II controls not the answer.

Some people, in fact, think that Government controls in phase II had a lot to do with the lumber industry's current problems. They view the industry as going through the pains of rapid growth as it surges forward in search of equilibrium in the relative economic freedom of phase III. I am not totally persuaded by that argument, but enough of it makes sense to keep me from recommending anything like phase II controls for this industry.

Furthermore, the Director of the Cost of Living Council, Dr. John T. Dunlop, recently declared his belief that the lumber industry is plagued by distribution inefficiencies. If the Director is correct, Government controls of this industry might do two things: First, exacerbate the effects of such inefficiencies, or second make it difficult to identify and remedy them.

I believe that Congress should provide the machinery by which the industry can right itself without rigidly dictating what the stabilized levels should be.

Therefore, I propose that we boldly attack the problem of an adequate domestic supply of softwood by restricting to a certain per centum, the amount of exports of this material.

I wish to emphasize that I realize this is not the only remedy needed. For instance:

First. Congress must increase the fiscal year 1974 appropriations for the forest service of the Department of Agriculture. A total of $457 million for the operation of the Forest Service has been requested in the President's budget for fiscal year 1974. This represents a decrease of $105 million. This reduction has a drastic effect on various programs which are needed to secure a maximum forest and timber yield.

Second. The shortage of freight cars further restricts lumber products availability in many areas. The interstate commerce commission has the authority under existing regulatory acts to impose controls on boxcar movement, thus allowing for the maximum utilization of existing boxcars. Therefore, Congress must act by stressing to the ICC the importance of imposing and enforcing these regulations.

Third. Negotiations with Japan and other foreign countries which are recipients of our export softwood lumber and logs, must be immediately undertaken by the administration. These negotiations must stress the seriousness of our domestic problem and encourage these foreign countries to satisfy a portion of their own lumber and log demands from other sources.

Fourth. An immediate plan by the Forest Service which would outline actions for the sale of logs and lumber from Federal forest lands for 1974 and 1975.

In summary, export restrictions to increase supplies are not the only answer. While we must do more to solve the lumber crisis, we must at least begin with what I have proposed.

Mr. President, the percentage export restrictions in my legislation are designed first, to quickly make lumber available by approximately the same amount of net loss we have suffered as a result of recent surges in exports.

Upon passage of this legislation, I estimate that monthly exports of softwood for the balance of 1973 will be approximately 150 million board feet. This contrasts with monthly exports in 1972 of some 410 million board feet.

All of the percentages are tied to the estimated amounts of imports which will be needed to supplement the domestic supply. The levels and increases of imports are an indices of our domestic need. Remember, we are a net importer; we have to import, under even the best of market conditions, in order to meet domestic needs. We have been exporting not because foreign buyers have been willing to pay more than domestic purchasers for our logs.

COMPLETE EMBARGO NOT THE ANSWER

Second. The percentage restrictions I have proposed are also supposed to jolt the current market situation, but not distort it. I do not propose higher percentages or a complete embargo of exports, now or in the future, for the following reasons:

First. Some members of the industry with whom I have spoken believe that the market price for lumber is at or near its peak. They believe that there may soon occur a leveling or falling off. If this is so, we must jolt the market into self-balance, not clobber it.

Second. A complete embargo of log exports would suddenly glut a geographically small area of the Northwestern United States with logs which were formerly exported. Sixty-two percent of the logs I am talking about come from the State of Washington; 24 percent from the State of Oregon. Logs cannot be economically transported further than approximately 150 miles for milling purposes. There is some evidence that there is not enough milling capacity in the northwest to mill all of the logs now exported. The immediate impact of this glut of logs would be to inflate the price of lumber, the very thing we are trying to counter.

Third. A complete embargo at some time in the future, announced, now or viewed as a reasonable probability now, would prompt foreign buyers and domestic sellers to move logs before the embargo took effect, exacerbate the export drain which is the target of our concern.

Fourth. Another reason not to call for a total export embargo is that the impact of an embargo upon Japan might adversely affect us. First of all, Japan would suddenly have a substantial amount of her supplies cut off right in the midst of her housing boom. Not only is this unnecessarily harsh to Japan, but it might dissuade her from voluntarily seeking alternative sources of supply as a means of assisting us out of our lumber crisis. It appears likely that she might be willing to assist us in this fashion. In his March 26, 1973, testimony before the subcommittee on housing of the Senate Committee on Banking and Housing, Cost of Living Director Dr. Dunlop Stated:

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>
> At the request of the Cost of Living Council, the U.S. Embassy in Tokyo has discussed with Japanese Government officials and importers the price pressures in the United States on softwood logs and lumber and the relationship between these price pressures and U.S. softwood log exports to Japan. Japanese officials indicated that they are aware of the problem and are taking and will be taking a series of actions to ease these pressures. *Japan is seeking increased imports of softwood logs from other sources, such as Canada and the Soviet Union.* It is now contacting these other sources and may send trade missions to those countries in the near future to accelerate imports. The Japanese Government believes its log import situation has stabilized from the peak month of October, 1972. Finally, the Japanese Government will give strong guidance to Japanese importers "to ensure that Japan's log imports do not inconvenience the United States." Japan will set a specific goal to achieve this objective after further discussion within the Japanese Government. (Emphasis supplied.)

This is encouraging but it does not solve our crisis beginning today.

My legislation, however, provides an incentive to Japan's cooperation. If, as a result of her actions or agreements, the foreign demand for our softwood is such that it does not threaten to distort our domestic prices, the Secretary can suspend the export restrictions and export trade can continue in an unfettered manner.

I should observe that Director Dunlop has also testified against any export restrictions. To me, however, his reasoning is not persuasive:

> Artificial controls to obtain any specific log export level are not the desired solution *since controls are not consistent with the administration's policy to move toward freer world trade conditions.* (Emphasis supplied.)

However, in my view, Mr. President, any long-term policy of moving toward freer trade must take second priority to the solving of our current lumber crisis.

I ask my colleagues to join with me in urging that the legislation I have introduced today be made the subject of hearings at the earliest possible date so that we may move swiftly to restore a vital part of our economy to balanced levels of supply and demand and to tolerable domestic prices.

I ask unanimous consent that a copy of the legislation which I have proposed be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1507

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Export Administration Act of 1969 is amended by—

(1) inserting before section 1 the following:

"TITLE I—GENERAL PROVISIONS";

(2) redesignating sections 1 through 14, and all cross references thereto, as sections 101 through 114, respectively;

(3) striking "this Act" wherever it appears in sections 101 through 114 (as redesignated by subsection (b)) and inserting in lieu thereof "this title";

(4) striking "This Act" in section 113(a) (as redesignated) and inserting "This title"; and

(5) by adding at the end thereof the following new title:

"TITLE II—TIMBER EXPORT MANAGEMENT

"FINDINGS

"Sec. 202. The Congress finds that—

"(1) it is the interest of the people of the United States that there be an adequate supply of forest products continuously available for their use;

"(2) the United States is abundantly blessed with land capable of growing forests that can produce the range of values that the living forest provides for man's economic, social, and spiritual well-being;

"(3) during the past century and in this century, the forest lands of the United States have been viewed as a limitless resource;

"(4) these forests were subjected to heavy cutting and a low level of management and protection;

"(5) there are still significant opportunities and needs to further intensify and improve the management of both private and public forests;

"(6) there are still substantial forest areas that have not been restored to their optimum level of economic and environmental utility;

"(7) it is both feasible and wise to sustain the flow of benefits from the forests;

"(8) on larger private and public forests it is practical to maintain a continuous annual flow of forest products, while on smaller forest units the flow of products may be intermittent yet under a high order of forest stewardship, all to the end that the total amount of forest products and other benefits regionally and nationally will be sustained and amplified in future decades;

"(9) to help attain these goals the wastage of portions of the bole of each tree cut should be kept at as low a level as possible and all reasonable efforts to secure the full utilization of the tree bole should be encouraged to secure the economic and environmental benefits of our forest resources;

"(10) the United States has become a substantial importer of softwood logs and products, principally from Canada, and we also import certain hardwoods indigenous to the United States;

"(11) the importation of logs and forest products from other nations should be encouraged provided this trade does not exploit another nation's forest resources to their disadvantage;

"(12) the United States has, especially in the past decade, become a substantial exporter of softwood logs; and

"(13) there is concern that unless this trade is properly managed it will contribute to supply instability, rises in the cost of forest products, and depletion of the forest resources of the United States in a manner disadvantageous to the national need and interest.

"EXPORT CONTROL AUTHORITY

"Sec. 203. (a) The Secretary of Commerce (hereinafter referred to as the 'Secretary') shall manage the export of softwood from the United States by limiting the volume of board feet of softwood exports in accordance with the provisions of this section. As used in this section, the term 'softwood' means categories or classifications of timber and timber products which are generally used for domestic purposes, as determined by the Secretary.

"(b) During each month of calendar year 1973 after the date of enactment of this title, the Secretary shall limit the volume of exports of softwood to a level not to exceed 22 per centum of one-twelfth of the average annual level of imports of softwood during the two preceding calendar years.

"(c) During calendar years beginning after 1973, the Secretary shall limit the volume of exports of softwood as follows:

"(1) For calendar year 1974, the level of such exports shall be limited to not more than 22 per centum of the level of imports of softwood during calendar year 1973.

"(2) Beginning on January 1, 1975, the Secretary shall limit exports for each successive six-month period beginning on or after such date to not more than 22 per centum but not less than 10 per centum of his estimate of the level of imports during such period which would be required, when added to domestic production during such period, to meet domestic softwood demand during that period.

For the purpose of paragraph (2), the Secretary shall make his estimates of imports levels not later than June 1 and December 1 of each year for the respective succeeding six-month periods, and on the basis of such estimates, he shall allocate export authority for the succeeding six-month period among applicants for the authority to export softwood on a ratable basis.

"(d) Notwithstanding any other provision of this section, the Secretary shall permit exports in excess of levels referred to in subsection (b) or (c) when he determines:

"(1) that the average domestic market price for softwood during any six month period, does not exceed 115 per centum of the average annual price of softwood during calendar year 1967; or

"(2) that foreign demand for domestic softwood will not unreasonably distort the domestic price for softwood:

unless either House of Congress passes a resolution stating in substance that such House does not approve of such suspension.

"(e) The Secretary is authorized to prescribe such rules and regulations as may be necessary to carry out his functions under this title, including such rules of procedure as he determines to be necessary to insure the equitable allocation of export authority within the limits set forth herein.

"(f) The provisions of section 104(e) of the Export Administration Act of 1969 do not apply to the Secretary's functions under this section.

"ACCESS TO RECORDS

"SEC. 204. Any person who exports softwood during the two years prior to the date of enactment of this title or who applies for the authority under this title to export softwood, shall permit access to related books, records, and accounts, and softwood storage areas by the Secretary.

"PENALTY

"SEC. 205. Whoever knowingly and willfully exports any softwood in violation of this title, or in violation of any rule or regulation hereunder, or knowingly and fraudulently files a false report, or fails to permit the Secretary access to his books, records, and accounts, and softwood storage areas shall be fined not more than $10,000 or imprisoned for not more than one year or both for each such violation and shall not thereafter be permitted to export softwood for a period of not to exceed five years.

"FEES

"SEC. 206. The Secretary is authorized to charge reasonable fees to those engaged in the export of softwood or seeking to export softwood, to defray the cost of processing and approving applications and carrying out his functions under this title. In any case where it appears to the satisfaction of the Secretary that any person has made a payment under this title which is not required, or has made a payment in excess of the amount required, the Secretary may, upon application or otherwise, cause a refund to be made. Moneys received hereunder shall be credited to a separate account in the Treasury, and are hereby appropriated and made available until expended, as the Secretary may direct, for payment of expenses incident to his function under this title and for refunds as provided herein.

"AUTHORIZATION

"SEC. 207. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this title."

By Mr. TAFT:

S. 1508. A bill to provide for the transfer to the Federal Power Commission of all functions and administrative authority now vested in the Securities and Exchange Commission under the Public Utility Holding Company Act of 1935. Referred to the Committee on Commerce.

Mr. TAFT. Mr. President, today I am introducing legislation which would transfer to the Federal Power Commission the regulatory functions over public utility holding companies which are now exercised by the Securities and Exchange Commission under the Public Utility Holding Company Act of 1935. Such regulatory functions relate to the issuance of securities, reorganizations and mergers by public utility holding companies.

This legislation has been supported consistently by both the Securities and Exchange Commission and the Federal Power Commission. Ex-Chairman Casey of the SEC explained in some detail the rationale for it in a letter to Congress, which I will have printed below. I am introducing the bill today because I believe that his arguments are cogent enough to warrant immediate and detailed consideration by Congress.

In brief, Chairman Casey's letter indicated that the principal mission entrusted to the SEC under the Public Utility Holding Company Act, that of eliminating or reorganizing the complex, unwieldy and unsound utility holding company structures which had been built up in the 1920's, was accomplished years ago. He believes that to a great degree, the problems in the regulation of today's public utility holding companies have become technical, rather than financial.

Therefore, it follows that the Federal Power Commission, rather than the Securities and Exchange Commission, is the proper agency to regulate these companies. In addition, Chairman Casey is counting on the centralization of responsibility for public utility holding company regulation in one agency to result in greater efficiency and better coordination of regulatory policy.

I believe that the major issues raised in recent litigation relating to public utility holding companies, provide evidence that the Federal Power Commission rather than the Securities and Exchange Commission is the agency which should be passing judgment upon many financial matters concerning these companies. It should be noted, however, that this legislation does not necessarily affect pending cases, since the SEC could retain jurisdiction over such cases if it deems such action to be in the public interest.

I ask unanimous consent that a copy of ex-SEC Chairman Casey's letter accompanying the submission of this bill to the 92d Congress; a copy of an excerpt from the confirmation hearings of present SEC Chairman G. Bradford Cook, in which he declared his agreement with the premise behind this legislation; a section-by-section summary of the legislation; and a copy of the bill itself; be printed in the RECORD at this point.

There being no objection, the material and bill were ordered to be printed in the RECORD, as follows:

SECURITIES AND EXCHANGE COMMISSION,
Washington, D.C., July 19, 1972.
The President of the Senate.
The Speaker of the House of Representatives.

SIR: I have the honor to transmit to the Congress a draft of a proposed bill to transfer to the Federal Power Commission those regulatory functions over public utility holding companies which are now exercised by the Securities and Exchange Commission under the Public Utility Holding Company Act of 1935 [15 U.S.C. 79a et seq.].

While the proposed legislation would transfer the special regulatory functions of this Commission under the Public Utility Holding Company Act, it would retain in the Commission, with respect to such public utility holding companies, the type of responsibility which it now exercises with respect to publicly owned corporations generally, e.g., proxy solicitations, insider trading restrictions, and reports to investors. In order to accomplish this purpose, it is necessary to amend the Public Utility Holding Company Act in various ways, due to the existence of special provisions therein on these subjects which duplicate provisions of the Securities Exchange Act of 1934 as amended in 1964 [15 U.S.C. 78a et seq.]. These proposed amendments are described in the Explanatory Statement of the Draft Bill which is attached.

In connection with this proposed legislation, attention is called to the existence of certain provisions in the Internal Revenue Code relating to the tax impact on changes in corporate structures required by this Commission pursuant to the Public Utility Holding Company Act. If the proposed bill is enacted, technical modifications of those provisions of the Internal Revenue Code will be required. However, such modifications have not been included in the proposed bill, since the Commission does not believe it to be appropriate for it to undertake the drafting of amendments to the Internal Revenue Code. Nevertheless, this matter will have to be taken into account in the consideration of the proposed legislation.

There are two primary reasons for the proposed transfer of functions. First, the principal mission entrusted to the Commission by the Congress through enactment of the Public Utility Holding Company Act was largely accomplished during the first twenty years of the Act's history. This was to eliminate or reorganize the complex, unwieldly and unsound utility holding companies' structures which had been built up during the 1920's and which Congress determined to be contrary to the public interest. The Committee on Independent Regulatory Commissions of the first (1949) Hoover Commission suggested that the Commission's functions under the Act should probably be transferred to the Federal Power Commission once the Securities and Exchange Commission had accomplished the primary mission of the Act. This primary mission was substantially accomplished by the middle 1950's. Thereafter, the Commission's functions under the Act were, for a considerable period, largely with securities issuance and minor acquisitions by those companies which continued as registered holding companies. During that period, the attention of the Commission and of its staff was therefore largely focused on other areas of the Commission's responsibilities, in view of the tremendous growth of the securities markets in general and of the investment company industry in particular during the postwar period. More recently, the Report on Selected Independent Regulatory Agencies by The President's Advisory Council on Executive Reorganization (the "Ash Council Report") dated January 1971 also states that the Commission has achieved its primary goal under the Act to protect the investor in subordinate public utilities from excesses of holding companies, and the regulatory functions under the Public Utility Holding Company Act should be transferred to the Federal Power Agency.

Second, as the Commission has pointed out in testimony before the appropriations committees of Congress, there has recently been a considerable revival of activity and interest in the public utility holding company area, and this appears likely to increase. The nature and motivation of this development is, however, quite different from that which existed in the 1920's. Then, holding company empires were built up primarily as promotional ventures accomplished by the manipulation of corporate structures for the profit of those who engaged in these activities. The current interest is more a response to technological developments in the utility industry, such as the increasing importance of atomic energy in the generation of electricity, and the economies available through the use of very large electric generating plants which have become feasible, particularly when accompanied by transmission facilities capable of transmitting large amounts of power over long distances. The holding company device is viewed by some as one means of facilitating the best use of those technological advances.

The regulatory problems and opportunities which are presented by these developments are therefore quite different from those which existed in the 1930's. While these problems include corporate structure and financial aspects, they are more a matter of industry technology. This Commission in recent years has had a rather limited exposure to these types of problems, while the Federal Power Commission has, of course, been deeply involved in such matters for many years and has been concerning itself recently with the impact of the new technology. For example, Section 30 of the Public Utility Holding Company Act calls essentially for economic studies of developments in the public utility field and the making of recommendations as to the type and size of geographically and economically integrated public utility systems which can best serve the public interest. The Commission has never been in a position to mount such a study, since during the early years of the Act, it had more important tasks and thereafter it did not have the available resources. The Federal Power Commission, on the other hand, has for some time been making studies relating to interconnections and coordination of electric facilities and national power requirements.

Consequently, it appears that this would be an appropriate time to centralize in one agency Federal responsibilities for public-utility regulation, and that the Federal Power Commission is the appropriate agency for this purpose. Such centralization should produce greater efficiency, economy and coordination of regulatory policy. As pointed out above, the special conditions which led Congress to vest administration of the Public Utility Holding Company Act in this Commission rather than in the Federal Power Commission, i.e., the fact that the problems in the public-utility holding company area were largely corporate and financial rather than economic and technical, have been very substantially modified by the events of the past thirty years.

It is recognized that the transfer of the Holding Company Act to the Federal Power Commission will give that Commission a greater degree of responsibility in the area of corporate finance and perhaps also investor protection than it has heretofore had. This Commission is confident, however, that the Federal Power Commission has or can develop the capacity to assume those responsibilities, particularly if its efforts are adequately funded, and that the transfer should, as mentioned above, promote efficiency and economy in the Federal Government.

The Office of Management and Budget has advised that there is no objection to the submission of this bill from the standpoint of the program of the Administration.

By direction of the Commission.

WILLIAM J. CASEY,
Chairman.

EXCERPT FROM HEARING BEFORE THE BANKING, HOUSING AND URBAN AFFAIRS COMMITTEE ON THE NOMINATION OF G. BRADFORD COOK (FEBRUARY 21, 1973)

Senator TAFT. Let me ask you specifically about the *American Electric Power* case. Do you feel that the Commission ought to stay in this field, an area in which the decisions of the Commission must be based on the best kinds of technical knowledge and considerations that can be applied to this kind of a case?

Mr. COOK. The public utility aspect?

Senator TAFT. Yes.

Mr. COOK. I would have to check the record, but my memory, if it serves me correctly, indicates we have at least not taken a negative stand on that. I believe an affirmative stand—saying that that Division of the Commission should be transferred to the Federal Power Commission—would be preferable, as I believe it is a very technical field.

I think a lot of the securities problems that arose during the 1930's that caused the act to be adopted are dated, and today it is more of a technical field than it is a securities field.

Senator TAFT. I agree with you. I think, the more I take a look at that particular case and other similar ones.

EXPLANATORY STATEMENT OF LEGISLATION TRANSFERRING FUNCTIONS OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935 TO THE FEDERAL POWER COMMISSION

The first 4 sections of the bill are self-explanatory and merely relate to the transfer of the Public Utility Holding Company Act functions to the Federal Power Commission (FPC).

Section 5 of the bill substitutes the words "Federal Power Commission" for "Securities and Exchange Commission" in Section 2(a)(6) of the Holding Company Act. As a consequence, any reference in that Act to "Commission" means the Federal Power Commission.

Section 6 of the bill deletes Section 12(e) of the Holding Company Act. Section 12(e) relates to proxy statements. By its deletion the FPC will have no jurisdiction in this area. The Securities and Exchange Commission (the SEC) will have such jurisdiction as is contained in the Securities Exchange Act. Since many of the registered holding companies have their securities listed on a national securities exchange, and since the other companies are within the standards of Section 12(g) of that Act, the SEC will have sole, and the same type of, jurisdiction as to proxy statements as it now has under the Public Utility Holding Company Act.

Section 7 of the bill amends Section 15(e) of the Public Utility Holding Company Act by adding the indicated proviso. This proviso has the effect of requiring persons subject to the Public Utility Holding Company Act to comply with any requirement under any Act administered by the SEC with respect to accounting procedures.

Section 8 of the bill is a technical amendment necessitated by the amendment of Section 17 of the Public Utility Holding Company Act discussed below.

Section 9 of the bill deletes subsections (a) and (b) of Section 17 of the Public Utility Holding Company Act. Those subsections relate to the "6-month insider trading" provision. By the deletion of those subsections, the FPC will have no jurisdiction in this area. The SEC will have sole jurisdiction in this area by reason of Sections 16(a) and 16(b) of the Securities Exchange Act. Those provisions of the Securities Exchange Act are broad enough to cover the same classes of persons as are now encompassed within Sections 17(a) and 17(b) of the Public Utility Holding Company Act.

Section 10 of the bill does two things. First, it deletes the first sentence of subsection 20(d) of the Public Utility Holding Company Act. This sentence authorizes the SEC to permit any information required to be filed under the Public Utility Holding Company Act, the Securities Act of 1933, or the Securities Exchange Act of 1934 to be incorporated by reference in any filing required to be submitted under any of the other two Acts. Secondly, Section 10 of the bill adds a new subsection, (e), to Section 20 of the Public Utility Holding Company Act. This new subsection authorizes the SEC to permit companies subject to the Public Utility Holding Company Act to file with the SEC, in compliance with the requirements of the Securities Act, the Securities Exchange Act or the Trust Indenture Act of 1939, duplicate copies of the information filed with the FPC.

Section 11 of the bill amends Section 21 of the Public Utility Holding Company Act. It is a technical amendment which makes it clear that the jurisdiction of the SEC under the other statutes administered by it will not be affected by the transfer of the administration of the Public Utility Holding Company Act to the FPC.

Section 12 of the bill repeals the last sentence of Section 30 of the Public Utility Holding Act, which is obsolete. It directs the Securities and Exchange Commission to make a study of the functions and activities of investment trusts and investment companies and to report the results and its recommendations to the Congress on or before January 4, 1937. Such a report was filed and it served as a basis for the introduction of a bill which became the Investment Company Act of 1940.

Section 13 of the bill amends Section 318 of the Federal Power Act by deleting the words "Securities and Exchange" from that section. As a consequence, so far as there may be any inconsistency between the provisions of the Public Utility Holding Company Act and the Federal Power Act, the provisions of the Public Utility Holding Company Act will prevail.

Section 14 of the bill grants the SEC authorization to retain jurisdiction of any proceeding that may be pending at the effective date of the Act.

Sections 15 and 16 are self-explanatory, and Section 17 provides that the effective date of the Act is 90 days after its enactment.

S. 1508

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. All functions and administrative authority vested in the Securities and Exchange Commission under the provisions of the Public Utility Holding Company Act of 1935, and under the provisions of Reorganization Plan Numbered 10 of 1950 and Public Law 87–592, approved August 20, 1962 (76 Stat. 394; 15 U.S.C.A. 78d–1 and 78d–2), insofar as said reorganization plan and Public Law 87–592 relate to the administration of the Public Utility Holding Company Act of 1935, are hereby transferred to the Federal Power Commission.

SEC. 2. Such transfer shall include all personnel, property, records, and unexpended balances of appropriations, allocations, and other funds, employed, held, used, available, or to be made available, which the Director of the Office of Management and Budget, subject to the approval of the Chairman of the

Federal Power Commission and of the Securities and Exchange Commission, shall determine relate primarily to the functions transferred to the Federal Power Commission. Any employees transferred in accordance with the provisions of this Act shall be deemed to be employees of the Federal Power Commission and their reappointment shall not be required by reason of the enactment of this Act.

SEC. 3. The Federal Power Commission, with the consent of the Chairman of the Securities and Exchange Commission, is authorized to utilize the services of such officials, officers, and other personnel of the Securities and Exchange Commission for such period of time as may reasonably be needed to facilitate the orderly transfer of functions under the provisions of this Act.

SEC. 4. Except for the substitution of the Federal Power Commission for the Securities and Exchange Commission as the regulatory agency, all rules, regulations, orders, policies, and procedures prescribed or issued by the Securities and Exchange Commission which relate to any function transferred to the Federal Power Commission under the provisions of this Act and which are in effect upon the effective date of this Act shall remain in full force and effect unless and until superseded or amended by the Federal Power Commission.

SEC. 5. Section 2(a)(6) of the Public Utility Holding Company Act of 1935 is amended by deleting the words "Securities and Exchange Commission" and substituting the words "Federal Power Commission" in lieu thereof so that this section as amended will then read: "Commission" means the Federal Power Commission.

SEC. 6. Section 12(e) of the Public Utility Holding Company Act of 1935 is repealed and subsections (f), (g), (h), and (i) of section 12 are redesignated as subsections (e), (f), (g), and (h), respectively; and subsection (h) as redesignated herein is amended to delete therefrom the words "or Federal Power Commission,", and the words therein reading "or employee of either such Commission" are amended to read: "or employee of the Commission,".

SEC. 7. Subsection (e) of section 15 of the Public Utility Holding Company Act of 1935 is amended by changing the period at the end thereof to a colon and adding thereafter the following words: *Provided, however,* That nothing in this title shall limit the right or duty of any person to take any action necessary to comply with any applicable requirement under any Act administered by the Securities and Exchange Commission or any rule, regulation, or order of that Commission pursuant to any such Act."

SEC. 8. Subsection (b) of section 16 of the Public Utility Holding Company Act of 1935 is amended to delete therefrom the words "except as provided in section 17(b)" and the commas which precede and follow these words.

SEC. 9. Subsections (a) and (b) of section 17 of the Public Utility Holding Company Act of 1935 are repealed and subsection (c) thereof is redesignated as section 17.

SEC. 10. Section 20 of the Public Utility Holding Company Act of 1935 is amended by deleting the first, sentence of subsection (d) thereof and adding a new subsection (e). Sections 20 (d) and (e) as amended will then read:

"(d) No provision of this title imposing any liability shall apply to any act done or omitted in good faith in conformity with any rule, regulation, or order thereunder of the Commission or the Securities and Exchange Commission, notwithstanding that such rule, regulation, or order may, after such act or omission, be amended or rescinded or be determined by judicial or other authority to be invalid for any reason.

"(e) Duplicate copies of any information or documents required to be filed with the Commission under this title may also be filed with the Securities and Exchange Commission in compliance with the requirements of the Securities Act of 1933, the Securities Exchange Act of 1934, or the Trust Indenture Act of 1939 to the extent specified in such rules and regulations or orders as the Securities and Exchange Commission may deem necessary or appropriate in the public interest or for the protection of investors."

SEC. 11. Section 21 of the Public Utility Holding Company Act of 1935 is amended to read as follows:

"SEC. 21. Nothing in this title shall affect (1) the jurisdiction of the Securities and Exchange Commission under the Securities Act of 1933, the Securities Exchange Act of 1934, the Trust Indenture Act of 1939, the Investment Company Act of 1940, or chapter X of the Bankruptcy Act, over any person, security, or contract, or (2) the rights, obligations, duties, or liabilities of any person under such Acts; nor shall anything in this title affect the jurisdiction of any other commission, board, agency, or officer of the United States or of any State or political subdivision of any State, over any persons, security, or contract, insofar as such jurisdiction does not conflict with any provision of this title or any rule, regulation, or order thereunder.

SEC. 12. The last sentence of section 30 of the Public Utility Holding Company Act of 1935 is repealed.

SEC. 13. Section 318 of the Federal Power Act (16 U.S.C. 825q) is amended by deleting therefrom the words "Securities and Exchange".

SEC. 14. The Securities and Exchange Commission is authorized, in its discretion, by rule or regulation or order, to retain jurisdiction over any proceeding that may be pending at the effective date of this Act as it deems necessary or appropriate in the public interest and the orderly transition of functions under this Act.

SEC. 15. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

SEC. 16. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

SEC. 17. This Act shall become effective on the ninetieth day after enactment.

By Mr. JAVITS:

S. 1510. A bill to amend the Internal Revenue Code of 1954 to modify the restrictions contained in section 170(e) in the case of certain charitable contributions of ordinary income property. Referred to the Committee on Finance.

Mr. JAVITS. Mr. President, I introduce legislation to correct certain inequities created by the 1969 Tax Reform Act which disallowed tax deductions for the full market value of charitable contributions of art works by the original artist. As you know, the 1969 reform law was aimed at cutting off tax deductions to politicans who donated their public papers to nonprofit institutions, and to donations of merchandise by large companies. Artists, however, were caught in the broad sweep of the reform act and lost a previously held ability to deduct from their income tax the full market value of work contributed to nonprofit organizations like museums, universities, and libraries.

It is significant, I believe, that prior to 1969 nearly all the works received as gifts by the National Collection of Fine Arts were donated by the original artists; as a result of the 1969 act, contributions by the original artist have virtually ceased, with the additional handicap that gifts promised prior to the act have not been donated. It is well known that the late Igor Stravinsky decided against giving his manuscripts to the Library of Congress as previously intended, and instead put the manuscripts, valued at $3.5 million, up for public sale largely as a result of the change in the tax law.

The bill I offer today also resolves another anomoly created by the Tax Reform Act of 1969. Under that law, patrons of the arts continue to be able to deduct the full market value of art works they donated to nonprofit organizations while artists may not. I believe that artist-donors should have a similar privilege. My bill, which incorporates safeguards to insure against abuse of the provision by nonartists, would allow artists to deduct 75 percent of the market value of their work, and would require that these deductions be taken only to the extent the artist had art-related income. That last provision will insure that full-time artists are encouraged to donate their work and that others will not be able to take advantage of the provision.

I believe that the value of important contributions of major works of art to our museums, libraries, universities, and other cultural institutions will far outweigh the modest revenue lost—estimated at under $10 million per year—to the Federal Government.

Congressman BRADEMAS is today introducing a companion bill in the House and I ask unanimous consent that the full text of the bill be printed in the RECORD at the conclusion of my remarks, together with an article from the Washington Star-News of April 8, 1973, discussing the subject.

There being no objection, the bill and article were ordered to be printed in the RECORD, as follows:

S. 1510

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 170(e) of the Internal Revenue Code of 1954 (relating to certain contributions of ordinary income and capital gain property) is amended by adding at the end thereof the following new paragraph:

"(3) Special rule for certain contributions of copyrights, papers, etc.—

"(A) 75 percent decrease in amount of reduction under paragraph (1)(A).—In the case of a charitable contribution of a copyright, a literary, musical, or artistic composition, a letter of memorandum, or similiar property by taxpayer described in paragraph (3) of section 1221 to an organization described in clause (ii), (v), or (vi) of subsection (b)(1)(A), the reduction under subparagraph (A) of paragraph (1) shall be decreased by 75 percent of the amount computed under such subparagraph (without regard to this paragraph) but only if the taxpayer receives from the donee a written statement that the donated property represents material of historical or artistic significance and that the use by the donee will be related to the purpose or function constituting the basis for its exemption under section 501 (or, in the case of a governmental unit, to any purpose or function described in subsection (c)(2)(B).

"(B) Limitation on deduction to which this paragraph applies.—For any taxable year, the aggregate deduction under this section attributable to contribution to which subparagraph (A) applies shall not exceed the taxpayer's gross income for such year from the sale or exchange of copyrights, literary, musical, or artistic compositions, letters, memorandums, and similar property.

"(C) Decrease not applicable to certain contributions.—The amount of any reduction under subparagraph (A) of paragraph (1) shall not be decreased under subparagraph (A) of this paragraph in the case of charitable contribution of any letter, memorandum, or similiar property which was written, prepared, or produced by or for an individual while he held an office under the Government of the United States or of any State or political subdivision thereof if the writing, preparations, or production of such property was related to, or arose out of, the performance of the duties of such office."

(b) The amendments made by this Act shall be applicable to charitable contributions made in taxable years beginning after the date of the enactment of this Act.

[From the Washington Star and News, Apr. 8, 1973]

ARTISTS, TAXES AND THE LAW

(By Jo Ann Lewis)

Between 1964 and 1969, nearly all the contemporary works received as gifts by the National Collection of Fine Arts were given by the artists themselves. These included sculpture by Noguchi, Calder and Chaim Gross, and paintings by Jimmy Ernst, Paul Jenkins, Adja Yunkers and Alexander Liberman, among others.

Since 1969, however, gifts from living artists to the National Collection have virtually ceased. Other works promised by the artists before 1969 have not been donated.

In 1968, 20 authors and artists made gifts of their own manuscripts, illustrations and cartoons to the manuscript collections of the Library of Congress. By 1971 such gifts had stopped entirely. In addition, the library learned that 36 prominent figures, journalists, novelists and poets who frequently had donated very desirable items to the library in the past, with the promise of more to come, abruptly stopped making gifts after 1969.

What happened to dry up this source of creative art contributions to American museums and libraries—institutions that had become supreme in the world for their contemporary collections through just such gifts from artists and collectors? As any artist, author or composer will tell you, in language that is largely unprintable, it was the Tax Reform Act of 1969.

Before 1969, private collectors and artists alike were allowed to deduct from their income tax 100 percent of the current market value of works of art (or manuscripts, musical compositions, etc.) contributed to charitable institutions, such as public museums of libraries. After the Act of 1969 was passed, collectors could still take that deduction, but the artist could not.

This peculiar inequity developed in large part because of the overreaction of Congress to the discovery that a former President and other high government officials (Lyndon Johnson and Hubert Humphrey and others of both parties were cited at the time) stood to reap huge financial benefits from tax laws which permitted them to give their personal documents, assembled while they held public office, to Presidential libraries or university libraries, and take large tax deductions.

In what seems, to retrospect, to have been a kneejerk reaction, the Internal Revenue Code was amended to say that letters, memoranda and also copyright, literary, musical or artistic composition, were no longer "capital assets," but rather "ordinary income property" if held by the creator. Thereafter, an artist or writer or composer could deduct only the cost of his materials and supplies, meaning paint and canvas, or pencil and paper, an obviously meaningless deduction.

The gifts from artists, quite understandably stopped, some of them finding their way onto the public market, instead. The unhappy story of the Igor Stravinsky manuscripts, valued at $3.5 million, which were destined for the Library of Congress but were put up for sale as a result of this 1969 law, is well known. The Congress had, in effect, thrown out the baby with the bath water.

"This has been a tremendous handicap to all museums that collect the work of living artists," says Adelyn Breeskin, curator of contemporary art at the National Collection of Fine Arts. "We feel the pinch very much."

Other Washington institutions have voiced similar concern, though it is the non-government supported museums of contemporary art elsewhere, such as those in Boston, New York, Chicago and Cleveland, that have been hit the hardest. The same is true of libraries. "We're wounded, but we're not bleeding to death," said one Library of Congress official. "It is the smaller university libraries that really get it in the neck."

"The tax laws in America are stacked against the artist," says Washington tax attorney Ira Lowe. "They are written to give the artist no help at all when he's alive, and to go after the estate when he dies. While he lives, he can only deduct materials and supplies. The minute he dies, his estate is taxed at 100 percent of the current market value. It is a most inequitable system." Lowe was attorney for the heirs of sculptor David Smith.

Wednesday's hearing by the House Ways and Means Committee will be held in the main hearing room of the Longworth House Office Building at 10 a.m., and representatives of Artists Equity, the American Association of Museums, the Art Dealers' Association, the Associated Councils of the Arts, the Authors League of America, the National Trust for Historic Preservation and the Council of Creative Artists, Libraries and Muesums, an ad hoc committee, will testify.

Pending amendments vary from the proposal of Ogden Reid, D-N.Y., to restore the artist-donor's deduction for gifts to the pre-1969 level of 100 percent of current market value, to bills introduced by Rep. Wilbur Mills, D-Ark., and Sen. Frank Church, D-Idaho, in the Senate, which would permit the artist to deduce 50 percent of the current market value for gifts to charitable institutions. Rep. John Brademas, D-Ind., is working on a compromise bill which will ask 75 percent.

In each case deductions for donations of political papers or writings generated while holding public office have been expressly forbidden, and other potential loopholes have been closed.

What are the prospects? "If the Ways and Means Committee decides to go over the whole tax situation, it could take a couple of years," says one source close to the committee, "but if they decide to deal with certain aspects now, and do the rest later, it could be done in a matter of days.

"The important thing is that the Treasury Department seems to be willing to ease up on what are called the 'heart issues,' if abuses can be prevented. Missionaries, he added, for example, as well as museums, have been hard hit because free medicine and medical supplies formerly given by drug companies can no longer be deducted at full market value. It is, oddly enough, all part of the same bag."

So now it remains for the artists, notoriously bad organizers, to mobile themselves on their own behalf. "Artists always fail at rhetoric," says one Washington art official. "They couldn't convince a sex maniac to attack a pretty girl."

Libby Newman, National vice president, Artists Equity, retorts that the artists are ready to battle. But the fact remains that the national climate has never been more sympathetic to the arts, from the White House on down. If the artists fail here they might well have only themselves to blame. Back in 1969, when museums were in danger of losing all their donors because of proposed changes in laws governing charitable deductions, the American Association of Museums, a dinosaur of an organization, managed to pull its membership together and rescued, just in time, the 100 percent deduction for donor-collectors, without which museums could not survive. Where were the artists then?

Artists Equity should take a page from the AAM's notebook, and would do well to enlist AAM support while they're at it.

By Mr. MOSS (for himself and Mr. McGovern):

S. 1512. A bill to require the furnishing of documentation of claims concerning safety, performance, efficacy, characteristics, and comparative price of advertised products and services. Referred to the Committee on Commerce.

TRUTH IN ADVERTISING ACT

Mr. MOSS. Mr. President, I introduce for myself and Mr. McGovern, for appropriate reference, the Truth in Advertising Act.

> If people lose confidence in advertising—to the point it ceases to be an important and vital cog in our economy—the marketplace can only become an arena for predatory price wars that often precipitate a serious deterioration in the quality and value of both goods and services.

This warning, enunciated by Robert D. Nelson, executive vice president and general manager of the Los Angeles Times, is but one of the many expressions of foreboding being heard throughout the United States today coming from the advertising industry, legislators, economists, and consumers alike. These warnings emphasize the particular interests of those persons from whom they originate but all concur on a common aim—the ending of deceptive advertising.

The Truth in Advertising Act does not question the validity of the role that advertising fills in the economy of America. It would be a fruitless task to attempt to disprove the necessity of the presence of advertising in the American market economy. Billions of dollars are spent on advertising. The Standard Directory of Advertising Agencies lists over 4,000 ad agencies, 20 of which bill more than $100 million annually.

The problems in advertising are not a temporary crisis dreamed up by the consumer movement. Advertisements are so numerous that they are often negligently perused. To gain attention, the promise and eloquence, sometimes sublime and sometimes pathetic, are used. Promise is the soul of an advertisement.

It cannot be over emphasized that the advertising industry does provide a legitimate service. Historical economists tracing America's development point out the important role advertising played. Advertising is a critical factor in educating potential customers about the endless variety of products and services developed to satisfy every want and need.

In theory the advertising industry should be complimented for its dedicated contribution to the American marketplace. But deceptive advertising has become an idiom of our times. The advent of modern persuasive advertising is a thriving breeding ground for deceptive advertising in comparison to purely informational advertising. The Truth in Advertising Act has as a comprehensive objective the shifting of advertising from the anticompetitive promotional type by which a product is sold through disguising its functional identity with its competitors, to informative advertising by which a product is sold by giving consumers a valid reason for preferring them. This is essential to assist intelligent conumer decisions.

The eradication of deceptive advertising and promotion of informational advertising is a recognized objective of the advertising industry itself. At a California meeting of the American Association of Advertising Agencies a recent study was cited disclosing that public opinion ranks ad agencies at the bottom of a list of 19 types of businesses in ethical and moral practices. At the same meeting John Emmerling, vice president and creative director of New York's Richard K. Manoff, Inc., aptly expressed the current crisis in saying—

> For quite a few years we've been able to get away with half-truths and occasional lies. As long as no one made us tell the truth, the economics of the marketplace forced us to get into fact-finding battles with the competitor.

Although not specifically commenting on the Truth in Advertising Act, Mr. Emmerling did express a need for some remedial action to curb deceptive advertising. He said:

> Regulation means ads must be truthful, after a few years, the consumers are going to catch on. They'll start really believing ads. By that time the liars will be out of business. And the truth-tellers will have—in their advertising—the potent, effective sales tool they've always dreamed of.

The advertising industry has expressed its preference vociferously. Self-regulation is their magic formula as exemplified in the creation of the National Advertising Review Board.

NARB can be an aid in curbing deceptive advertising. This answer dates as far back as 1911 when the truth in advertising movement was originated by the Associated Advertising Clubs of the World. In the next 60 years, associations, model codes, standards committee, et cetera, have all preached self-regulation with the result—deceptive advertising is still with us.

The second remedy relied upon is Government regulation, specifically that of the Federal Trade Commission. The AAAA appearing before the Consumer Subcommittee stated that—

> Our reason for opposing S. 1461 (The Truth in Advertising Act) is first that it is unecessary, because of substantiation procedures recently inaugurated by the Federal Trade Commission.

But in general the results of the substantiation data thus received by FTC have been appalling. Chevrolet Chevelle's "109 advantages to keep it from becoming old before its time" consisted of a nine-page list encompassing such items as body by Fisher, keyless door locking, and 13 new exterior colors. Chrysler's "extra safety, extra strength, extra quiet" claim was based on a torsion bar suspension in use for more than a decade and supported by an in-house research report prepared in 1957.

The FTC advertisement substantiation program is plagued by procedural problems resulting in delays between requests for documentation and its being made public. And the FTC is not capable of interpreting the huge amount of data received from the industry they are investigating. In fact some of the justification material submitted to the FTC was in foreign languages or in such volume as to make the pertinent facts impossible to find.

The FTC budget makes it impossible for them to adequately analyze the data they now have and the staff is encouraging consumer groups to come forward and help out. The problem is accessibility. Consumer education and action are needed, however, to win the battle against deceptive advertising.

The Truth in Advertising Act makes it unlawful for any person to advertise concerning the safety, performance, efficacy, characteristics, or comparative price of any product without having substantiating documentation available from the advertiser for public inspection upon request.

The Truth in Advertising Act is aimed directly at the consumer public and assumes they will act to help themselves. They have long complained about the inefficiency of the FTC and the misrepresentation of the ad industry. The bill puts the advertiser and consumer on the same battlefield and alleviates the middleman.

Surely the advertiser can handle his role. With the sophistication of modern business today the task of substantiating its claims regarding advertising should be a simple one. The expense is far from being prohibitive considering that Procter & Gamble Co. could spend $24 million to introduce a new laundry detergent.

It is incomprehensible that every consumer will write to check up on each advertisement he sees. The United States is a prosperous Nation with a long history of technology and its consumers are pretty well educated to make independent decisions as to purchases. The fact that bad word spreads fast may be the jolt needed to keep advertisers in line and still allow each buyer to make his own free choice.

This bill is in no way meant to interfere with or supersede FTC action in deceptive advertising. The Commission should continue to check industries and bring actions for deceptive practices. And the Truth in Advertising Act would avoid overburdening the FTC with more work and increasing its bureaucracy. It is time to let the consumers represent themselves by taking an active part in something which directly affects their pocketbooks instead of just sitting back and complaining that the Government does not know how to do a job.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1512

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Truth in Advertising Act".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress hereby finds that informed consumers are essential to the fair and efficient functioning of the free market economy; that the individual has the right to know and the right to obtain for his personal consideration, the documentation advertisers use in support of claims for the products and services he is asked to purchase; and that this information, which frequently is unavailable through the advertising itself, is needed by the individual to make intelligent and informed choices in today's highly competitive and complex marketplace.

(b) It is the purpose of this Act (1) to ensure that individuals will be able to exercise their right to know, to protect themselves from unsubstantiated claims and to act directly to promote fairness in advertising, and (2) to ensure that no advertisement can be disseminated if substantiating documentation is not available to the public.

DEFINITIONS

SEC. 3. As used in this Act—

(a) The term "advertisement" means all forms of promotion for products and services conveyed through, but not limited to, radio television, cable television, cinema, newspapers, magazines, billboards, posters, direct mail material and point of sale display material.

(b) The term "Commission" means the Federal Trade Commission.

(c) The term "commerce" means commerce between any State, or possession of the United States, or the District of Columbia, and any place outside thereof; or between points within the same State, possession, or the District of Columbia, but through any place outside thereof; or within the District of Columbia or any possession of the United States.

(d) The term "documentation" means—

(1) in the case of any advertisement containing claims concerning the safety, performance, efficacy, or characteristics of a product or service including testimonials thereto—

(A) a layman's language summary of all tests, in support of any claim in the advertisement, including the name and address of any testing organization or agency, the date, duration, procedures, methods, and results of any tests, the brand names of products or services tested, and the technical names of any ingredients tested;

(B) when specifically requested by the Federal Trade Commission, full disclosure of all material research, tests, and other data contained in the description and summary referred to in clause (A) of this paragraph. Nothing in this subsection shall require disclosure comprises a trade secret; (2) in the case of an advertisement with respect to comparative price, a substantial representative listing of prices of products or services sold in the marketing area served by the advertisement which form the basis for the comparison.

(e) The term "person" means an individual, corporation, partnership, association, or any organized group, including local, State, or Federal Government agencies.

(f) The term "principal office" means the headquarters, corporate or otherwise, of the person disseminating the advertising; however, in the case of regional or local advertising, the principal office shall mean an office located within the regional or local marketing area in which the advertising is disseminated.

UNLAWFUL ADVERTISING WITHOUT FURNISHING DOCUMENTATION

SEC. 4. (a) It shall be unlawful for any person to disseminate, or cause to be disseminated, by the United States mails, or in commerce by the use of, but not limited to, radio, television, cable television, cinema, newspapers, magazines, billboards, posters, and point of sale display material, any advertisement concerning the safety, performance, efficacy, characteristics, or comparative price of any product or service unless documentation is available at the principal office of such person in the United States for public inspection, including the furnishing of copies of such documentation to any person requesting such documentation by mail, telephone, or otherwise. The cost of duplication may be charged to the person requesting such copies, but in no case shall the charge exceed the actual cost of duplication.

(b) The publisher, radio, or television broadcast station, or agency or medium for the dissemination or advertising, except the person making the claims subject to this Act in such advertisement, shall not be liable under this section by reason of the dissemination of such advertising, unless he refuses, on the verbal or written request of any person, to furnish the name and address of the person who caused him to disseminate such advertisement.

(c) The dissemination or the causing to be disseminated of any advertisement in violation of subsections (a) and (b) shall be an unfair or deceptive act or practice in commerce within the meaning of section 5 of the Federal Trade Commission Act.

ADMINISTRATION

Sec. 5. (a) This Act shall be enforced by the Commission under rules, regulations, and procedure provided for in the Federal Trade Commission Act.

(b) The Commission is authorized and directed to prevent any person from violating the provisions of this Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this Act. Any such person violating the provisions of this Act shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act, in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though the applicable terms and provisions of such Act were incorporated into and made a part of this Act: *Provided*, That persons excepted by section 5(a)(6) thereof shall not thereby be exempted from Federal Trade Commission enforcement of the provisions of this Act.

(c) The Commission is authorized to prescribe such substantive and procedural rules and regulations as may be necessary or proper in carrying out the provisions of this Act.

EFFECTIVE DATE

Sec. 6. The provisions of this Act shall take effect upon the expiration of one hundred and eighty days after the date of its enactment, except that subsection 5(c) shall take effect immediately.

By Mr. JAVITS (by request):

S. 1514. A bill to delete the termination date for title II of the Manpower Development and Training Act of 1962, as amended. Referred to the Committee on Labor and Public Welfare.

Mr. JAVITS. Mr. President, on behalf of the administration I introduce a bill to extend the Manpower Development and Training Act of 1962, as amended and ask unanimous consent that the bill, an explanation thereof, and a letter from the Secretary of Labor be printed at this point in the Record.

There being no objection, the bill and material were ordered to be printed in the Record, as follows:

S. 1514

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Manpower Development and Training Act of 1962, as amended, is further amended by striking out Section 310.

U.S. Department of Labor,
Washington, D.C., April 9, 1973.

Hon. Spiro T. Agnew,
President of the Senate,
Washington, D.C.

Dear Mr. President: I am transmitting draft legislation "To extend the Manpower Development and Training Act of 1962, as amended." I am also including an explanatory statement of the bill.

The purpose of the bill is to extend Title II of the Manpower Development and Training Act beyond the current expiration date of June 30, 1973, and to convert Title II into a permanent program with ongoing authority.

I urge that early and favorable consideration be given to enactment of this bill.

The Office of Management and Budget advises that there is no objection to the submission of this legislation to the Congress and that its enactment would be in accord with the program of the President.

Sincerely,

Peter J. Brennan,
Secretary of Labor.

Explanatory Statement—Manpower Development and Training Act of 1962, Amendment To Delete the Termination Date for Title II

The attached bill amends the Manpower Development and Training Act of 1962, as amended, by striking all of Section 310. This amendment removes the June 30, 1973 cutoff of Title II, MDTA authority and transforms Title II, MDTA into a permanent, ongoing program.

By Mr. JAVITS (by request):

S. 1515. A bill to make permanent the authority to conduct national health surveys and studies. Referred to the Committee on Labor and Public Welfare.

Mr. JAVITS. Mr. President, on behalf of the administration, I introduce a bill to amend the Public Health Service Act and ask unanimous consent that the bill and a letter from the Secretary of Health, Education, and Welfare be printed at this point in the Record.

There being no objection, the bill and letter were ordered to be printed in the Record, as follows:

S. 1515

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 305(d) of the Public Health Service Act is amended by striking out "and" before "$25,000,000", and by inserting ", and such sums as may be necessary for each succeeding fiscal year" after "June 30, 1973".

Department of Health,
Education, and Welfare,
March 29, 1973.

Hon. Spiro T. Agnew,
President of the Senate,
Washington, D.C.

Dear Mr. President: We enclose for the consideration of the Congress a draft bill "To make permanent the authority to conduct national health surveys and studies."

The draft bill would make permanent the authority contained in section 305 of the Public Health Service Act for the conduct of national health surveys and studies. This authority is administered by the National Center for Health Statistics within the Health Services and Mental Health Administration. The Center is responsible, at the Federal level, for collecting, analyzing, and disseminating reliable and timely statistical information on the status of the Nation's health and for maintaining its official vital statistics. The efforts of the Department to improve the organization and delivery of health services in the country depend in part upon the statistical information that the Center provides.

Currently, an effort is under way to decentralize many of the Center's activities through the establishment of what is known as the Cooperative Federal-State-Local Health Statistics System. This system expands the cooperative arrangements into which the Center has customarily entered with States and localities for the acquisition of health data. As so expanded, these arrangements would constitute a national network of integrated or coordinated subsystems of data collection, processing, and analysis covering a wide range of health topics. The information so generated would serve users at all governmental levels, and in the private sector. The Cooperative System will be a more economical and effective mode for producing data than now exists. Consistent with current national priorities, it will particularly focus on obtaining data needed for the planning, operation, management, and evaluation of health services delivery.

We therefore urge that the Congress give prompt and favorable consideration to the enclosed draft bill.

The Office of Management and Budget advises that enactment of this proposed legislation would be in accord with the program of the President.

Sincerely,

Caspar W. Weinberger,
Secretary.

By Mr. TUNNEY (for himself and Mr. Buckley):

S. 1516. A bill to establish procedures for the Congress to determine the amount and priorities of expenditures by the Federal Government, and for other purposes. Referred to the Committee on Government Operations.

Mr. TUNNEY. Mr. President, I am introducing today the Legislative Priorities and Budget Reform Act of 1973.

This legislation provides mechanisms and procedures through which Congress can systematically review major spending programs, determine and enforce firm annual outlay ceilings, and establish explicit budgetary priorities. It provides that these difficult and demanding tasks be performed by broadly representative House and Senate Budget Committees with memberships which regularly rotate so as to maximize congressional participation.

It is apparent to anyone who has followed the polls, the press or congressional debate that Congress must move as soon as humanly possible to establish effective budgetary controls. If the constitutionally mandated separation of powers is to be preserved, we must have equally speedy action on congressional procedures to set financial priorities. Congress, of course, is constitutionally coequal with the Executive. Congress cannot, however, properly exercise its review and oversight responsibilities with inadequate resources. Part and parcel of budgetary reform, therefore, must be the creation of a fully equipped professional staff of program and budget analysts capable of functioning with the same precision and scope as its executive counterpart, the Office of Management and Budget.

Other Members of this distinguished body have and will introduce budget review and control legislation. I should like to emphasize that the bill I am introducing differs from other proposed legislation in a fundamental respect—it vests authority to make committee recommendations on outlay ceilings and financial priorities in the hands of two committees whose memberships faithfully reflect the full compositions of the House of Congress that each serves. Rather than delegating these responsibilities to existing standing committees which, by their very nature, tend to overrepresent particular political and economic philosophies, this bill creates House and Senate Budget Committees. Membership on these committees must be distributed so as to provide maximal representation of all interests and philosophies and maximal opportunity for all Members to serve. The decisions of the Budget Committees, when approved by Congress and enforced via the mechanism embodied in this bill, will be among the most important of all determinations made each session. They will determine the magnitude and direction of Federal economic impact for the indefinite future. They will set the tone for the entire Federal Establishment.

Mr. President, the work of setting budget ceilings and priorities is so critical that it must be performed by committees that are truly representative of the Congress. The bill I am introducing today provides for such representation. These and other provisions are explained in the section-by-section analysis which follows.

I ask that the bill and the section-by-section analysis be printed at this point in the RECORD.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

S. 1516

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Legislative Priorities and Budget Reform Act of 1973".

DEFINITIONS

SEC. 2. For purposes of this Act—

(1) The term "Budget" means the Budget of the United States Government transmitted by the President to the Congress pursuant to section 201(a) of the Budget and Accounting Act, 1921 (31 U.S.C. 11).

(2) The terms "budget authority", "outlays", and "uncontrollable outlays" have the same meanings as when used in the Budget.

EXERCISE OF RULE-MAKING POWER

SEC. 3. Section 101, section 102, title III, title IV, section 501, and section 503 (except subsection (a) thereof) of this Act are enacted by the Congress—

(1) as an exercise of the rule-making powers of the Senate and the House of Representatives, respectively, or of that House to which they specifically apply; and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner and to the same extent as in the case of any other rule of such House.

EFFECTIVE DATES

SEC. 4. The provisions of this Act shall take effect on the date of its enactment, except that titles II, III, IV, and section 501 shall apply only with respect to the fiscal year ending June 30, 1975, and succeeding fiscal years.

TITLE I—SENATE AND HOUSE COMMITTEES ON THE BUDGET

ESTABLISHMENT OF SENATE COMMITTEE

SEC. 101. (a) There is established a special standing committee of the Senate to be known as the Committee on the Budget (hereinafter in this section referred to as the "committee").

(b) The committee shall consist of 21 members who shall be selected in the same manner as other standing committees of the Senate. At least one member of the committee shall also serve on each of the following standing committees of the Senate:

(1) Committee on Aeronautical and Space Services,

(2) Committee on Agriculture and Forestry,

(3) Committee on Appropriations,

(4) Committee on Armed Services,

(5) Committee on Banking, Housing and Urban Affairs,

(6) Committee on Commerce,

(7) Committee on Finance,

(8) Committee on Interior and Insular Affairs,

(9) Committee on Labor and Public Welfare, and

(10) Committee on Public Works.

Members of the committee shall be selected so as to give representation on the committee proportionately to Members of the Senate based on their years of service in the Senate, the geographic areas of the country in which are located the States which they represent, and the political parties to which they belong.

(c) (1) Except as otherwise provided in this Act, all laws and rules of the Senate relating to standing committees of the Senate shall apply to the committee.

(2) No member of the Committee shall serve on the Committee for any continuous period in excess of six years, except as provided in subsection (5) of this section. A period of not less than six years shall elapse after the termination of any member's period of service with the Committee, regardless of the length of such service, before any such member shall be eligible to serve with the Committee again.

(3) The terms of seven members of the Committee shall expire at the end of each Congress, and seven members of the Committee shall be promptly selected at the beginning of the succeeding Congress to fill the vacancies created. The expiration and selection process shall rotate among the twenty-one positions so that the term of service for all such positions shall be equal and so that no member shall serve for any continuous period in excess of six years, except as provided in subsection (5) of this section.

(4) Twenty-one members of the Committee shall be promptly selected. The terms of all twenty-one such members shall expire at the end of the Ninety-Third Congress, and the vacancies created by such expirations shall be promptly filled at the beginning of the Ninety-Fourth Congress in 1975. The terms of seven members selected at the beginning of the Ninety-Fourth Congress shall expire at the end of the Ninety-Fourth Congress, and the seven positions vacated by such expiration shall be promptly filled at the beginning of the Ninety-fifth Congress in 1977. The terms of seven other members selected at the beginning of the Ninety-fourth Congress shall expire at the end of the Ninety-fifth Congress, and the seven positions created by such expiration shall be promptly filled at the beginning of the Ninety-sixth Congress in 1979. The terms of the remaining seven members selected at the beginning of the Ninety-fourth Congress shall expire at the end of the Ninety-sixth Congress, and the vacancies created by such expiration shall be promptly filled at the beginning of the Ninety-seventh Congress in 1981.

(5) The provisions of subsection (2) of this section shall not be applied by reason of service with the committee during the Ninety-third Congress to those members of the committee whose term of service with the committee shall expire at the end of the Ninety-third Congress pursuant to the requirements of subsection (4) of this section.

(d) The committee shall establish six standing subcommittees as follows:

(1) Subcommittee on Human Resources,

(2) Subcommittee on Military Affairs,

(3) Subcommittee on Economic Affairs,

(4) Subcommittee on Natural Resources,

(5) Subcommittee on General Governmental Administration, and

(6) Subcommittee on Uncontrollable Outlays.

The committee shall prescribe the functions, programs, and activities of the Government which shall constitute the jurisdiction of each subcommittee, and, for such purpose, shall act in coordination with the Committee on the Budget of the House of Representatives so that the corresponding subcommittees on both committees have identical jurisdiction. In assigning members of the committee to the various subcommittees, consideration shall be given to the other standing committees of the Senate on which such members serve, and otherwise assignments shall be made so as to give representation on each subcommittee on the basis of the same factors as prescribed in subsection (b) for selection of members of the committee.

(e) For purposes of paragraph 6 of rule XXV of the Standing Rules of the Senate, service of a Senator as a member of the committee, or as chairman of the committee, shall not be taken into account.

(f) Neither the committee nor any subcommittee thereof shall have a professional staff.

ESTABLISHMENT OF HOUSE COMMITTEE

SEC. 102. (a) There is established a special standing committee of the House of Representatives to be known as the Committee on the Budget (hereafter in this section referred to as the "committee").

(b) The committee shall consist of 21 members who shall be selected in the same manner as other standing committees of the House. At least one member of the committee shall also serve on each of the following standing committees of the House:

(1) Committee on Agriculture,

(2) Committee on Appropriations,

(3) Committee on Armed Services,

(4) Committee on Banking and Currency,

(5) Committee on Education and Labor,

(6) Committee on Interior and Insular Affairs,

(7) Committee on Interstate and Foreign Commerce,

(8) Committee on Public Works,

(9) Committee on Science and Astronautics, and

(10) Committee on Ways and Means.

Members of the committee shall be selected so as to give representation on the committee proportionately to Members of the House based on their years of service in the House, the geographic areas of the country in which are located the districts which they represent, and the political parties to which they belong.

(c) (1) Except as otherwise provided in this Act, all laws and rules of the House of Representatives relating to standing committees of the House shall apply to the committee.

(2) No member of the Committee shall serve on the Committee for any continuous period in excess of six years, except as provided in subsection (5) of this section. A period of not less than six years shall elapse after the termination of any member's period of service with the Committee, regardless of the length of such service, before any such member shall be eligible to serve with the Committee again.

(3) Twenty-one members of the Committee shall be promptly selected.

(4) Twenty-one members of the Committee shall be promptly selected at the beginning of the Ninety-Fourth Congress in 1975. Upon the expiration of the terms of seven such members at the end of the Ninety-Fourth Congress, those members shall be ineligible for further service with the Committee until a period of not less than six years has elapsed following the expiration of their terms of service. Upon the expiration at the end of the Ninety-Fifth Congress of the terms of seven other members whose term of service with the Committee began with the beginning of the Ninety-Fourth Congress, those members shall be ineligible for further service with the Committee until a period of not less than six years has elapsed following the expiration of their terms of service.

(d) The committee shall establish six standing subcommittees as follows:

(1) Subcommittee on Human Resources,

(2) Subcommittee on Military Affairs,

(3) Subcommittee on Economic Affairs,

(4) Subcommittee on Natural Resources,

(5) Subcommittee on General Governmental Administration, and

(6) Subcommittee on Uncontrollable Outlays. The committee shall prescribe the functions, programs, and activities of the Government which shall constitute the jurisdiction of each subcommittee, and, for such purpose, shall act in coordination with the Committee on the Budget of the Senate so that the corresponding subcommittees of both committees have identical jurisdiction. In assigning members of the committee to the various subcommittees, consideration shall be given to the other standing committees of the House on which such members serve, and otherwise assignments shall be made so as to give representation on each subcommittee on the basis of the same factors as prescribed in subsection (b) for selection of members of the committee.

(e) Members of the committee who have been reelected to the House of Representatives may continue to serve as members of the committee notwithstanding the expiration of the Congress.

(f) Neither the committee nor any subcommittee thereof shall have a professional staff.

JOINT PROFESSIONAL STAFF

SEC. 103. (a) The Committees on the Budget of the Senate and the House of Representatives shall be served by a joint staff consisting of such number of professional, technical, and other employees as may be necessary to enable such Committees to carry out the duties and functions imposed on them by this Act and to enable the joint staff to carry out the additional duties and functions imposed on it by this Act.

(b) The joint staff shall be headed by a Staff Director who shall be appointed by the Committees on the Budget of the Senate and the House of Representatives, acting jointly, and who shall receive compensation at such rate as may be prescribed by such Committees, acting jointly. The Staff Director shall be appointed without regard to political affiliation and solely on the basis of his fitness to perform his duties. All other members of the joint staff shall be appointed, and their rates of compensation shall be fixed, by the Staff Director. All such personnel shall be appointed without regard to political affiliation and solely on the basis of their fitness to perform their duties.

(c) The Staff Director is authorized to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, to make studies or otherwise assist the joint staff in carrying out its duties and functions. Such services in the case of individuals or organizations may be procured by contract as independent contractors, or in the case of individuals by employment at daily rates of compensation not in excess of the per diem equivalent of the highest gross rate of compensation which may be paid to a regular employee of the committee. Such contracts shall not be subject to the provisions of section 3709 of the Revised Statutes (41 U.S.C. 5) or any other provision of law requiring advertising.

(d) The Staff Director is authorized to make such expenditures as may be necessary to enable the joint staff to carry out the duties and functions imposed on it, including expenditures for the most modern available technological assistance and equipment.

(e) There are authorized to be appropriated such sums as may be necessary to enable the joint staff to carry out its duties and functions. Expenses of the joint staff shall be paid by the Secretary of the Senate, from sums appropriated therefor, on vouchers approved by the Staff Director.

ADDITIONAL DUTIES AND FUNCTIONS

SEC. 104. (a) In addition to providing assistance and service to the Committees on the Budget of the Senate and the House of Representatives, the joint staff shall, under the supervision and direction of the Staff Director, perform the duties and functions set forth in the succeeding subsections of this section or otherwise imposed on it by this Act.

(b) The joint staff shall provide long-term analyses of programs, activities, and functions of the Government, including the future cost directions and implications of program changes on future costs. It shall conduct, on a rotating basis but not less often than every four years, an in-depth review of each continuing program which involves major outlays.

(c) The joint staff shall conduct professional economic studies to improve knowledge of the ways in which Federal taxes and spending, and changes in Federal taxes and spending, affect the state of the economy and of the means by which the budget decisionmaking process can be changed so as to make it a more efficient tool of economic stabilization.

(d) The joint staff shall conduct studies so as to determine whether or not the fiscal year should be changed so as to make the budget decisionmaking process more efficient.

(e) The joint staff shall conduct studies to analyze the structure of the appropriation process, the number of appropriation bills, and the programs included in each appropriation bill to determine whether or not changes should be made in the appropriation process that will make the budget decisionmaking process more efficient.

(f) The joint staff shall conduct econometric, statistical, and other studies to determine the expected size in future fiscal years of outlay programs which have a legal commitment for such years or which are otherwise considered mandatory or uncontrollable.

(g) The joint staff shall periodically conduct studies to determine the desirability of terminating or retaining provisions of law which permanently appropriate moneys out of the Treasury (including trust funds), which permanently authorize appropriations, and which permanently authorize the conduct of programs, activities, and projects.

(h) The joint staff shall make the results of any study conducted by it available to all committees of the Senate and House of Representatives, and joint committees of the Congress, and may publish such studies or portions thereof which the Staff Director determines to be of general interest.

ACCESS TO INFORMATION

SEC. 105. (a) Not later than October 1 of each year, each department, agency, and establishment of the Government shall submit to the Committees on the Budget of the Senate and the House of Representatives—

(1) the request of such department, agency, or establishment for new budget authority for the ensuing fiscal year and for authority to make outlays during the ensuing fiscal year, together with justifications therefor, and

(2) estimates of the amounts of new budget authority and authority to make outlays which such department, agency, or establishment estimates will be requested for each of the four fiscal years following the ensuing fiscal year, together with justifications therefor and explanations of proposed changes in current programs.

(b) Whenever any department, agency, or establishment of the Government submits any request for budget authority or authority to make outlays, or any other information relating to the Budget, to the President or the Office of Management and Budget, it shall submit copies thereof to the Committees on the Budget of the Senate and the House of Representatives.

TITLE II—TRANSMISSION OF BUDGET; RECOMMENDATIONS OF JOINT ECONOMIC COMMITTEE

TRANSMISSION OF BUDGET BY JANUARY 1

SEC. 201. Section 201 of the Budget and Accounting Act, 1921 (31 U.S.C. 11), is amended—

(1) by striking out "during the first fifteen days of each regular session," in subsection (a) and inserting in lieu thereof ", on or before January 1 of each year,"; and

(2) by adding at the end thereof the following new subsection:

"(d) If the Senate or the House of Representatives, or both, are not in session on the day on which the President transmits the Budget under subsection (a) for any fiscal year, the Budget shall be delivered to the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be."

RECOMMENDATIONS OF JOINT ECONOMIC COMMITTEE

SEC. 202. On or before January 15 of each year, the Joint Economic Committee shall report to the Senate and the House of Representatives—

(1) its recommendation with respect to the total amount of new budget authority which should be made available for the ensuing fiscal year,

(2) its recommendation with respect to the total amount of outlays which should be made during the ensuing fiscal year, and

(3) its estimate of the total amount of revenues which will be received by the Government during the ensuing fiscal year.

TITLE III—CEILINGS ON BUDGET AUTHORITY AND OUTLAYS

OVERALL CEILINGS

SEC. 301. (a) After the transmission of the Budget by the President for each fiscal year, the Committees on the Budget of the Senate and the House of Representatives shall review the total amount of new budget authority and the total amount of outlays proposed in the Budget for the fiscal year. The two committees shall meet jointly for the purpose of determining—

(1) the total amount of new budget authority which should be made available for the fiscal year, and

(2) the total amount of outlays which should be made during the fiscal year.

Each committee shall, not later than February 1 of each year, by concurrent resolution reported to its House specify the total amounts which the two committees have jointly determined. In specifying such total amounts, the two committees shall have as their objective the production of full employment without inflation.

(b) The concurrent resolution reported for a fiscal year pursuant to subsection (a) and any conference report thereon shall be considered in each House under the rules set forth in section 304.

(c) If the two Houses have not agreed, on or before February 15, to a concurrent resolution for a fiscal year reported pursuant to subsection (a), then the amounts described in paragraphs (1) and (2) of section 202 recommended by the Joint Economic Committee in its report submitted under such section for the fiscal year shall, for purposes of the remaining provisions of this Act, be treated as if they were the amounts specified in a concurrent resolution for the fiscal year reported pursuant to subsection (a) and agreed to by the two Houses.

SUBCOMMITTEE CEILINGS

SEC. 302. (a) After the Senate and the House of Representatives have agreed to a concurrent resolution under section 301 specifying the total amount of new budget authority to be made available for a fiscal year, and the total amount of outlays to be made during a fiscal year, the corresponding subcommittees of the Committees on the Budget of each House shall meet jointly to review the programs, activities, and functions under their jurisdiction. Each of the subcommittees shall report to its committee the amount of new budget authority and the amount of outlays which it and the corresponding subcommittee of the other House have determined should be made available for the fiscal year for programs, activities, and functions under its jurisdiction.

(b) The Committees on the Budget of the two Houses shall meet jointly to consider the recommendations of their subcommittees and to determine the amount of new budget authority to be made available for the fiscal year, and the amount of outlays to be made during the fiscal year, for the programs, activities, and functions under the jurisdiction of each subcommittee. Each committee shall, not later than March 15, by concurrent resolution reported to its House, specify the amounts for each subcommittee which the two committees have jointly determined. The sum of the amounts of new budget authority shall equal the total amount of new budget authority to be made available for the fiscal year and the sum of the amounts of outlays shall equal the total amount of outlays to be made during the fiscal year.

(c) A concurrent resolution reported for a fiscal year pursuant to subsection (b) shall be considered in each House under the rules set forth in section 304.

(d) If the two Houses have not agreed, on or before March 31, to a concurrent resolution reported pursuant to subsection (b) (including a concurrent resolution reported subsequent to the first concurrent resolution reported), then the concurrent resolution first reported by the Committees on the Budget of the two Houses shall, for the remaining provisions of this Act, be treated as having been agreed to by the two Houses.

ACTION ON CERTAIN LEGISLATION PROHIBITED

SEC. 303. It shall not be in order to consider in either the Senate or the House of Representatives any bill or joint resolution providing or authorizing new budget authority for any fiscal year until the two Houses have agreed to (or are treated as having agreed to) a concurrent resolution reported pursuant to section 301 and a concurrent resolution reported pursuant to section 302 for the fiscal year.

CONSIDERATION OF CONCURRENT RESOLUTIONS

SEC. 304. (a) This section shall apply to the consideration of concurrent resolutions reported by the Committees on the Budget pursuant to sections 301 and 302 and to the consideration of conference reports on concurrent resolutions reported pursuant to section 301.

(b)(1) A concurrent resolution reported pursuant to section 301 or 302 shall be highly privileged in each House. It shall be in order at any time after the third day following the day on which such a resolution is reported to move to proceed to the consideration of the resolution (even though a previous motion to the same effect has been disagreed to). Such a motion shall be highly privileged and shall not be debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) Debate on the concurrent resolution (including, in the case of a concurrent resolution reported pursuant to section 301, all amendments thereto) shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate shall not be debatable. A motion to recommit the resolution shall not be in order, and it shall not be in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

(3) Motions to postpone, made with respect to the consideration of such a concurrent resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a concurrent resolution shall be decided without debate.

(c) If, prior to the passage by one House of a concurrent resolution of that House, such House receives from the other House a concurrent resolution of such other House—

(1) the procedure with respect to the concurrent resolution of the first House shall be the same as if no resolution from the other House had been received; but

(2) on any vote on final passage of the concurrent resolution of the first House the resolution from the other House shall be automatically substituted for the resolution of the first House.

TITLE IV—REVIEW OF CEILINGS ON BUDGET AUTHORITY AND OUTLAYS

REVIEW BY BUDGET COMMITTEES

SEC. 401. (a) Not later than the second day after Labor Day of each year, the Committees on the Budget of the Senate and the House of Representatives, and their subcommittees, shall commence a review of the amounts specified in each of the concurrent resolutions agreed to (or treated as having been agreed to) under title III for that year. In the course of such review, the two Committees and their subcommittees shall take into consideration—

(1) changes in economic forecasts by the Joint Economic Committee or the Council of Economic Advisers,

(2) changes in any of such specified amounts recommended by the Joint Economic Committee or the Council of Economic Advisers,

(3) changes in estimates of revenues to be received by the Government,

(4) analyses by the joint staff (established by section 103) of the effect of emergencies and other unforeseen contingencies on outlays, and

(5) requests by committees and Members of the Senate and the House of Representatives, or joint committees of the Congress, for changes in any of such specified amounts.

(b) If the Committees on the Budget of the Senate and the House of Representatives determine that any amount specified with respect to the fiscal year in a concurrent resolution agreed to (or treated as having been agreed to) under title III should be increased or decreased, they shall report to their respective Houses, by concurrent resolution, the new amount to which they have agreed. The rules set forth in section 304 shall apply with respect to the consideration in each House of any concurrent resolution reported pursuant to this subsection.

TITLE V—MISCELLANEOUS PROVISIONS

COMMITTEE REPORTS

SEC. 501. (a) The report accompanying each bill and joint resolution reported by any committee of the Senate or the House of Representatives shall set forth—

(1) the amount and category of new budget authority provided, or which would be required under a program budget authority for which is considered mandatory, by such bill or joint resolution, if enacted.

(2) the amount and category of outlays to be made, or which would be required to be made under a program outlays for which are considered mandatory, under such bill or joint resolution, if enacted,

(3) the amount of new budget authority for the same category provided for the same fiscal year, or which would be required under programs budget authority for which is considered mandatory, by all bills and joint resolutions previously passed by that House,

(4) the amount of outlays in the same category for the same fiscal year, or which would be required under programs outlays for which are considered mandatory, under all bills and joint resolutions previously passed by that House, and

(5) the amount of budget authority and outlay authority for that category for the fiscal year specified in the applicable concurrent resolution agreed to (or treated as having been agreed to) under title III which would remain if such bill or joint resolution is enacted.

(b) The Parliamentarian of each House shall, for each fiscal year, maintain a record by categories of all new budget authority provided in bills and joint resolutions passed by his House and of all outlays to be made under bills and joint resolutions passed by his House. Whenever any bill or joint resolution, or any amendment thereto, under consideration by his House would (if enacted or adopted) cause any applicable amount specified in a concurrent resolution agreed to (or treated as having been agreed to) under title III for that fiscal year (taking into account any changes made by concurrent resolutions reported pursuant to section 401(b) which have been agreed to) to be exceeded, he shall so advise the Presiding Officer of his House. Such bill or joint resolution may be passed, or such amendment may be adopted, by such House only by an affirmative vote, taken on a roll call, of two-thirds of the Members of such House present and voting.

(c) For purposes of this section, the members of the Joint Committee on Atomic Energy who are Members of the House of Representatives shall be deemed to be a committee of the House, and the members of such Joint Committee who are Members of the Senate shall be deemed to be a committee of the Senate.

REPORT ON TAX EXPENDITURES

SEC. 502. Between April 1 and April 15 of each year, the joint staff (established by section 103) shall publish—

(1) the estimated loss in revenues, for the fiscal year in progress and the ensuing fiscal year, attributable to each credit (other than the credit for tax withheld at source), exclusion, deduction, or other special treatment provided by subtitle A of the Internal Revenue Code of 1954 which is estimated to result in a revenue loss of $100,000,000 or more for either of such fiscal years, and

(2) by categories of average taxpayers, the amount by which the taxes imposed by such subtitle on their incomes for the last taxable year ending prior to such April 1 would have been reduced if each credit, exclusion, deduction, or other special treatment described in paragraph (1) had separately been repealed before the beginning of such taxable year.

FIVE-YEAR BUDGET PROJECTIONS

SEC. 503. (a) Section 201 of the Budget and Accounting Act, 1921 (31 U.S.C. 11) is amended—

(1) by striking out "four" in subsections (a)(12)(B) and (c)(1) and inserting in lieu thereof "five"; and

(2) by inserting after "estimated expenditures" in subsection (c)(1) "and apportions expected to be proposed".

(b) The committee report accompanying each bill or joint resolution of a public character reported by any committee of the Senate or the House of Representatives (except the Committee on Appropriations of each House) shall contain—

(1) an estimate, made by such committee, of the costs which would be incurred in carrying out such bill of joint resolution in the fiscal year in which it is to become effective and in each of the five fiscal years following such fiscal year, together with the basis for each such estimate; and

(2) a comparison of the estimate of costs described in paragraph (1) made by such committee with estimate of costs made by any Federal agency.

(c) It shall not be in order in either the Senate or the House of Representatives to consider any bill or joint resolution if such bill or joint resolution is reported in the Senate or House, as the case may be, after the effective date of this section and the committee report accompanying such bill or joint resolution does not comply with the provisions of subsection (b) of this section.

(d) For purposes of this section, the members of the Joint Committee on Atomic Energy who are Members of the House of Representatives shall be deemed to be a committee of the House, and the members of such Joint Committee who are Members of the Senate shall be deemed to be a committee of the Senate.

(e) Section 252 of the Legislative Reorganization Act of 1970 is repealed.

Section-by-Section Analysis of the Legislative Priorities and Budget Reform Act of 1973

Title I establishes special standing Senate and House Budget Committees. Each Committee will have 21 members, at least ten of whom also serve on other specified standing committees. The memberships must be selected to ensure roughly proportionate representation of the Senate and House according to years of service, geographic origin and political party. Committee membership is limited with certain temporary exceptions, to a maximum of six years of continuous service. Each Budget Committee will establish six standing subcommittees whose combined jurisdictions are co-extensive with that of the parent committees. Subcommittees of both Committees will have parallel jurisdiction in the areas of Human Resources, Military Affairs, Economic Affairs, Natural Resources, General Governmental Administration and Uncontrollable Outlays.

Both Committees will be served by a joint professional staff. The staff director is authorized to employ, whenever necessary, the services of consultants or consulting organizations and to acquire and operate computers and all other modern technological tools useful in serving the Committees' needs. The joint staff shall provide long-term review and analyses of major continuing spending programs. It is also responsible for studying and recommending ways to increase the efficiency of the appropriations process and the budget decision-making process as a whole. The joint staff is further directed to conduct studies which produce long-term forecasts of "uncontrollable" program costs, which determine the feasibility of changing permanent appropriations and which determine whether and how to change the current fiscal year.

No later than October 1 of each year, all Federal departments and agencies must send to the Budget Committees their budget requests for the ensuing fiscal year, the justifications for the requests and estimates of and justifications for any new budget authority that are expected to be requested in any of the following four fiscal years. Any budget-relevant information sent by a department or agency to the President or the Office of Management and Budget must also be concurrently sent to the Senate and House Budget Committees.

Title II requires that the President's annual budget request be delivered to Congress on or before January 1 of each year. It also provides that, on or before January 15 of each year, the Joint Economic Committee shall recommend budget authority and outlay ceilings for the ensuing fiscal year.

Title III provides that, no later than February 1 of each year, the Budget Committees shall report identical concurrent resolutions specifying the maximum amount of new budget authority which should be made available for the ensuing fiscal year and the maximum amount of outlays which should be made in the ensuing fiscal year. If the House and Senate fail to approve the identical concurrent resolutions or to agree upon alternative ceilings for new budget authority and outlays by February 15, the ceilings recommended by the Joint Economic Committee automatically become binding as though they had been agreed to by identical concurrent resolutions.

After establishment of new budget authority and outlay ceilings, the parallel Subcommittees of the Budget Committees will meet to jointly review the programs under their jurisdiction. Each Subcommittee reports to its parent Committee the recommended levels of new budget authority and outlays which it and its counterpart Subcommittee determined are necessary for the coming fiscal year. The full Committees then jointly consider these recommendations and report out identical concurrent resolutions specifying ceilings on new budget authority and outlays covering the programs within the jurisdiction of each of the six subcommittees. The six new budget authority ceilings must total the maximum amount of new budget authority established by concurrent resolution or by adoption of Joint Economic Committee recommendations. The sum of the six outlay ceilings must equal the aggregate outlay ceiling established earlier. If the House and Senate fail to approve these concurrent resolutions or to agree upon a substitute set of ceilings which are consistent with the established aggregate ceilings by April 1, the original concurrent resolutions automatically become binding as though they had been agreed to by both Houses.

No legislation which provides or authorizes new budget authority shall be in order in either the Senate or House until new budget authority and outlay ceilings are established for each of the Subcommittee jurisdictions.

Title IV provides for an annual mid-session review after Labor Day each year. After reviewing the latest available information on the state of the economy, on the rate of tax revenue receipt and on the effect of unforeseen contingencies, the House and Senate Budget Committees may report by identical concurrent resolutions any changes in previously established ceilings to their respective Houses. To become effective, any recommended changes must be agreed to by both Houses.

Title V provides that the Committee Reports accompanying all bills and joint resolutions reported by any committee set forth the amounts and subcommittee category of new budget authority provided and of outlays approved. The parliamentarians of both Houses shall maintain running totals of new budget authority and outlays approved in each Subcommittee's jurisdiction. Whenever a bill or joint resolution would, if approved, cause any established ceiling to be exceeded, a two-thirds roll call vote will be required for its passage.

This Title also contains several miscellaneous provisions. One requires the joint staff to publish each year between April 1 and April 15 a report showing the revenue loss associated with and the cost to average taxpayers of each tax credit, exclusion, deduction or other special tax treatment which produces an estimated revenue loss of $100 million per year or more. Another provision requires that all Executive Budget requests and all committee reports accompanying bills or joint resolutions reported by any committee contain five-year projections of future costs. No bill or joint resolution may be in order in either the Senate or House if the accompanying report does not comply with this requirement.

By Mr. RANDOLPH (for himself, Mr. Mondale, and Mr. Stafford):

S. 1517. A bill to establish a national adoption information exchange system. Referred to the Committee on Labor and Public Welfare.

Mr. RANDOLPH. Mr. President, there are thousands of homeless children throughout the Nation who are awaiting adoption. I am today introducing legislation which would establish a national adoption information exchange system in hopes that we can better realize the placement of these children into homes.

This legislation provides the Secretary of Health, Education, and Welfare with the authority to coordinate and provide information through the national adoption information exchange system to assist in finding homes for children without families or who may have been separated from their families by the courts. Representative Marvin L. Esch of Michigan has introduced this legislation in the House of Representatives with 21 cosponsors.

The Subcommittee on Children and Youth of the Committee of Labor and Public Welfare, under the able leadership of Senator Mondale, is now studying the shocking problem of child abuse. The subcommittee has learned through the testimony of experts in this field that there are many instances where abused children must be separated from their families. In such cases it is important in the rehabilitation process of the child that an adequate loving home be provided as soon as possible. Yet in many areas, it takes months before foster families can be found for these battered children. Often the result is an extended stay in hospital or institutionalization. Children who have suffered abuse at home should be placed into a loving home-like atmosphere not left in a hospital or placed into some form of institution for an extended period to await placement.

Another problem that often arises, one which all too often we do not realize exists, is the placement of orphaned or unwanted children who are handicapped. Because of their special problems and needs and the additional costs for the care of the handicapped, it is often more difficult to find homes for these handicapped children.

Under this legislation a central data bank would be kept on all adoptable children throughout the country. A registry would be available to families who are seeking to adopt a child. There are many families wanting to adopt a child who cannot find children awaiting adoption in their area. They need only to contact the registry to find where children are available for adoption. There may be large numbers of homeless children in one area while a neighboring region may not have any children awaiting adoption.

The bill also contains a provision for

coordination with similar programs in foreign countries, thereby facilitating the adoption of foreign born children.

This legislation is a necessary step in the direction of providing better care for our homeless children. It would aid in the placement of additional thousands of children into the proper loving atmosphere of a home. It is imperative that our children are given the benefits of parental guidance and a loving family life.

By Mr. GOLDWATER:

S. 1518. A bill to amend title 10, United States Code, to authorize the detail of commissioned officers of the military departments as students at law schools. Referred to the Committee on Armed Services.

CREATING A CAREER MILITARY LAWYER CORPS

Mr. GOLDWATER. Mr. President, I am today introducing legislation which will allow the military services to send regular line officers to law school. The need for this legislation is unquestionable. The Armed Forces must have a basic source of career military lawyers to draw upon now that the compulsory draft has ended. At a time when the legal workload of the Judge Advocates of the military services is peaking as a result of new responsibilities under the Uniformed Military Justice Act of 1968, the ratio of career officers in the JAG Corps is substantially declining. For example, the Army JAG Corps presently has a total authorized strength of 1,560, but of that number only 431 officers are in the "career force." The corps is actually short 53 percent of its authorized field grade officers. Similar problems exist in the other military services.

Mr. President, my legislation is aimed at helping solve the legal mission problem of the Armed Forces over the long run. Under its provisions, regular line officers with from 2 to 6 years of service behind them could be detailed to studies at law schools leading to a standard law degree. The bill puts an overall ceiling on each of the Armed Forces of 25 officers from each service who could enter the program in any one year.

To be eligible for participation in the program, an officer selected would have to be then serving in a grade not above lieutenant in the Navy or captain in the Army, Air Force, or Marine Corps, and as I have described, would have to have completed not less than 2 nor more than 6 years of service. For each year of training received, the bill provides that the officer would be obligated to serve a minimum of 1 year in legal duties in his military service.

This approach would put an effective cost ceiling on the program of about $450,000 a year when fully operative and if it were used to the maximum by each military service. There could be no more than 100 military lawyers beginning law school in any 1 year under the program and thus there could never be any more than 300 military lawyers at any one time attending the first, second, and third years of law school from the four military services combined.

Mr. President, the reason special authority is needed to establish a new military lawyer program is the existence of a legislative rider which has been placed on the defense appropriations measures prohibiting the use of defense funds for the training in any legal profession of military personnel. This Appropriations Act rider has been routinely reenacted since 1953 and it simply has become outmoded in a volunteer military situation and a period when the legal mission of all the Armed Forces has multiplied immensely.

Mr. President, if I might draw upon the experience of one legal shop with which I am personally familiar, because of my position as a member of the Board of Visitors of the U.S. Military Academy at West Point, I can verify the tremendous current workload of military lawyers in the Judge Advocate General's Corps. During the fiscal year ending June 1972, the staff Judge Advocate lawyers of the Department of Law at West Point handled, among many other functions, the preparation of approximately 300 written legal opinions, the processing of nearly 500 military justice cases brought before the U.S. magistrate's court, the provision of legal assistance in some 5,900 cases involving such matters as adoption, citizenship, civil rights, domestic relations, powers of attorney, and wills and estates, and the acting as counsel in more than 1,200 claims cases and 250 procurement law matters.

Workloads of this size and the elimination of the military draft were simply not foreseen back in 1953 when the first legislative rider was passed blocking the operation of a career military lawyer's educational program and I think it is high time that this overlooked and outdated technicality is stricken from the law. I believe a program along the lines of the one which I am proposing contains ample limits on its size and costs, while providing for an urgently needed source of military lawyers who would be service motivated and be likely to remain in their service as part of a basic corps of career legal officers. The career lawyers coming out of this program would provide the services with the very kind of experienced and balanced officer structure which is so necessary to the success of the Armed Forces legal missions.

Mr. President, I ask unanimous consent that the bill which I am introducing be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1518

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) title 10, United States Code, is amended by adding the following new section at the end of chapter 101:

"§ 2004. Detail of commissioned officers of the military departments as students at law schools.

"(a) The Secretary of each military department may, under regulations prescribed by the Secretary of Defense, detail commissioned officers of the armed forces as students at accredited law schools, located in the United States, for a period of training leading to the degree of bachelor of laws or juris doctor. No more than 25 officers from each military department may commence such training in any single fiscal year.

"(b) To be eligible for detail under subsection (a), an officer must be a citizen of the United States and must—

"(1) have served on active duty for a period of not less than two nor more than six years and be in the pay grade 0–3 or below as of the time training is to begin; and

"(2) sign an agreement that unless sooner separated he will—

"(A) complete the educational course of legal training;

"(B) accept transfer or detail as a judge advocate or law specialist within the department concerned when his legal training is completed; and

"(C) agree to serve on active duty following completion or other termination of training for a period which shall be determined under regulations prescribed by the Secretary of Defense and which shall not be less than one year for each year or part thereof of his legal training under subsection (a).

"(c) Officers detailed for legal training under subsection (a) shall be selected on a competitive basis by the Secretary of the military department concerned, under regulations prescribed by the Secretary of Defense.

"(d) Expenses incident to the detail of officers under this section shall be paid from any funds appropriated for the military department concerned.

"(e) An officer who, under regulations prescribed by the Secretary of Defense, is dropped from the program of legal training authorized by subsection (a) for deficiency in conduct or studies, or for other reasons, may be required to perform active duty in an appropriate military capacity in accordance with the active duty obligation imposed by regulations issued under clause (C) of subsection (b)."

(b) The table of contents of chapter 101 of title 10, United States Code, is amended by adding the following new item at the end thereof:

"2004. Detail of commissioned officers of the military departments as students at law schools."

By Mr. ROTH (for himself and Mr. Ervin, Mr. Abourezk, Mr. Bayh, Mr. Brock, Mr. Clark, Mr. Cranston, Mr. Hart, Mr. McIntyre, Mr. Mondale, Mr. Pastore, Mr. Pell, Mr. Sparkman, Mr. Stevenson, and Mr. Williams):

S. 1520. A bill to establish a commission to study all laws, and executive branch rules, regulations, orders, and procedures, relating to the classification and protection of information for the purpose of determining their consistency with the efficient operation of the Government, including the proper performance of its duties by the Congress, and for other purposes. Referred to the Committee on Government Operations.

Mr. ROTH. Mr. President, on behalf of the senior Senator from North Carolina, Senator Sam Ervin, and myself and other Senators, I am today introducing legislation designed to be responsive to the serious problem of overprotection of information by the executive branch. Our bill would create a special, temporary commission to examine all aspects of executive secrecy to determine what changes are needed to insure the maximum disclosure of information consistent with our national security requirements. This bill is a direct successor to the bill we introduced last year, S. 3787.

The events of the past 2 years have convinced me that a reexamination of our secrecy laws and practices is needed more than ever. There is widespread public doubt that the electorate and the Congress is receiving the information that is needed to make wise choices about public policy. This doubt is reflected in the continuing currency of the term "credibility gap" and in the willingness of certain segments of the press to disregard classification labels on information they have received on the grounds that it ought to be made available to the public.

What is needed, it seems to me, is a more careful, more discriminatory system of classifying and disclosing information that will effectively protect the information that needs—for compelling reasons—to be protected and disclose everything else. Such a system should restore the faith of the public and the Congress in the information processes of the executive branch, and it should also increase respect for and enhance the protection of information which must, in the public interest, be classified.

In saying that a review of present laws and practices is needed, I do not mean to belittle the progress that has been made in the past few years in rationalizing executive branch classification and declassification practices. The publication of the Department of State's Foreign Relations series has been accelerated, a more progressive and up-to-date Executive order has been promulgated, and an interagency committee has released, pursuant to requests under the Freedom of Information Act, documents that were previously classified, overruling earlier departmental decisions not to release.

These steps, however, have not reversed deep-seated bureaucratic attitudes against releasing information. The intention of the Freedom of Information Act, for example, has been undermined by bureaucratic redtape and administrative delays and fees that effectively prevent the ordinary citizen from getting information to which he is rightfully entitled. There also continues to be very critical informational problems for the Congress. I find it extremely disturbing when the Comptroller General reports that he is unable to obtain access to information needed in order to make investigations and evaluations required by the Congress.

In practical terms, our problem may be less one of the drafting of new laws and regulations regarding secrecy than one of insuring compliance with the present injunctions against overclassification. In classifying, many gray areas arise, and there are strong temptations to protect when revelation is embarrassing, potentially embarrassing, or just plain inconvenient. In the absence of strong contrary pressures, it is probably easier and safer to classify than not to classify. Unfortunately, there is an inherent tendency in bureaucracies to protect simply as a matter of promoting the bureaucracy's own interests. In this, I think, there is a tendency for our bureaucrats to forget that they are the servants of the public will rather than its master.

A number of concerned Congressmen have made proposals designed to deal with these problems. Congressmen MOORHEAD and Senator MUSKIE, in separate bills in the last session, both suggested the creation of an independent classification review commission with powers to enforce appropriate secrecy laws and ensure the maximum disclosure of information. I also have drafted legislation along this line, but in the process of doing so, I have become convinced that the Congress is not yet in a position to impose any particular solution nor would the executive branch accept one until a more definitive assessment of current problems and the best solutions is available.

The bill we are introducing today will provide such an assessment. Because we are dealing with such a broad problem—the balance between the public's right to know and the need to classify certain information to protect the public interest—a Commission representing both Houses of Congress, the media, and experts appointed by the President is appropriate. As part of its responsibilities, the Commission would study the desirability of establishing an independent agency to ensure the fullest possible disclosure of information and make specific proposals on the composition, duties, and powers of such an agency.

I would hope that this bill gets early and favorable consideration. It is important that we move rapidly to ensure a free flow of information to the public and to Congress. As James Madison once wrote:

> A popular government without popular information or the means of acquiring it, is but a prolog to a farce or a tragedy or perhaps both.

Popular information, I submit, is conducive to a knowledgeable electorate to prudent and enlightened legislation, and to a responsible, responsive, and incorruptible bureaucracy. In short, public business contributes to a better and more perfect democracy. I ask unanimous consent that the bill be printed immediately after these remarks in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1520

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

ESTABLISHMENT OF COMMISSION

SECTION 1. There is hereby established the National Commission on Executive Secrecy (hereinafter referred to as the "Commission").

MEMBERSHIP

SEC. 2. The Commission shall be composed of seven members appointed as follows:

(1) two appointed by the President of the Senate from Members of the Senate;

(2) two appointed by the Speaker of the House of Representatives from Members of the House of Representatives; and

(3) three appointed by the President of the United States from private life, not less than one of whom shall be a representative of the press.

Members of the Commission shall be appointed within 30 days following the date of enactment of this Act.

ADMINISTRATIVE PROVISIONS

SEC. 3. The Chairman of the Commission shall be elected from the membership by the members of the Commission. Any vacancy in the Commission shall not affect its powers but shall be filled in the same manner in which the original appointment was made. Four members of the Commission shall constitute a quorum for the transaction of business.

DUTIES

SEC. 4. (a) The Commission shall—

(1) conduct a study of all laws, and of all rules, regulations, and orders, relating to the classification and protection of information, and the practices and procedures of Federal agencies with respect to such matters for the purpose of determining what reorganization, if any, of the executive branch needs to be made to insure full disclosure of information, consistent with the security of the United States;

(2) determine which such laws, rules, regulations, orders, and procedures are necessary, appropriate, and consistent with (A) the freedoms of speech, press, and assembly guaranteed by the first amendment to the Constitution, (B) the provisions of section 552 of title 5, United States Code, relating to freedom of information, and (C) the efficient and equitable operation of Government, including the proper performance of legislative duties by the Congress of the United States, with due regard to the protection of the security of the United States;

(3) determine what, if any, modifications of existing laws, rules, regulations, orders, and procedures are required to insure a more efficient, equitable, and uniform system for maximum possible disclosure of information, consistent with the security of the United States;

(4) make specific proposals for legislation or other governmental action to preserve and protect the security of the United States in a manner consistent with the right of the people of the United States to full disclosure of information relating to their Government;

(5) make specific proposals for legislation or other governmental action to insure that the Congress receives all information necessary for the proper performance of its legislative responsibilities; and

(6) determine whether an independent agency should be established to insure the maximum disclosure of such information in a manner consistent with the national security, and present specific proposals relating to the composition, duties, and powers of such an agency, if the Commission determines that such an agency should be established.

(b) The Commission shall make such interim reports of its findings and recommendations as it deems advisable, and it shall make a final and complete report of its findings and recommendations to the Congress and the President not later than March 1, 1974. Sixty days after the submission of its final report, the Commission shall cease to exist.

POWERS

SEC. 5. (a) Subject to such rules and regulations as may be adopted by the Commission, the Chairman shall have the power to—

(1) appoint and fix the compensation of an Executive Director, and such additional staff personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum daily rate of basic pay then currently being paid under the General Schedule under section 5332 of such title;

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals; and

(3) hold such hearings, sit and act at such times and places, administer such oaths, and require by subpena or otherwise the attendance and testimony of such witnesses and the production of such books, records, correspondence memorandums, papers, and documents as the Commission may deem advisable. Any such books, records, correspondence, memorandums, papers,

or documents which are classified or protected for any reason by any agency of the Executive branch shall be transmitted to the Commission upon its request unless such books, records, correspondence, memorandums, papers, or documents were initially classified top secret and were prepared within one year preceding the date of the receipt of the request for such information from the Commission.

(b) In the case of contumacy or refusal to obey a subpena issued under subsection (a) (3) by any person who resides, is found or transacts business within the jurisdiction of any district court of the United States, the district court, at the request of the Chairman of the Commission, shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission, there to produce evidence if so ordered, or there to give testimony touching the matter under inquiry. Any failure of any such person to obey any such order of the court may be punished by the court as a contempt thereof.

(c) The Commission shall be "an agency of the United States" under section 6001 of title 18, United States Code for the purpose of granting immunity to witnesses.

(d) The Commission shall prescribe rules and regulations relating to the protection of classified information in its custody. Each member of the Commission and any employee of the Commission who is so authorized by a majority vote of the members of the Commission may inspect any classified or other information relevant to the duties of the Commission.

(e) In making appointments and procuring services under subsection (a), the Chairman shall include individuals who are competent lawyers, members of the press, and such other persons who may be qualified to assist the Commission in the performance of its duties.

COMPENSATION

Sec. 6. (a) A member of the Commission who is a Member of Congress shall serve without additional compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of duties vested in the Commission.

(b) A member of the Commission from private life shall receive $125 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties.

ASSISTANCE OF GOVERNMENT AGENCIES

Sec. 7. Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman, such data, reports, and other information as the Commission deems necessary to carry out its functions under this Act.

AUTHORIZATION OF APPROPRIATIONS

Sec. 8. There are authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

By Mr. TOWER:

S. 1522. A bill to amend title 10, United States Code, to remove the restriction on the use of certain private institutions under the dependents' medical care program. Referred to the Committee on Armed Services.

Mr. TOWER. Mr. President, I introduce a bill to remove a restriction in the civilian health and medical program of the uniformed services—CHAMPUS—which excludes private profit institutions from qualifying as accredited institutions for the care of military children. The existing act states that military dependents may only be placed in "private nonprofit, public and State institutions and facilities" for institutional care.

It is my feeling that private institutions should not be excluded from participating in any Government supported program where there is no reasonable basis for limiting participating to nonprofit institutions. The choice of an institution for child care is a parental decision and parents should be able to select from among institutions which qualify under various local, State or Federal regulations and licenses, as the case may be. The various prices, qualities, locations and other characteristics of each available institution, private or public, are the functional criteria for making this choice. There is no reason to exclude the class of profit institutions from the program since this class can compete with nonprofit institutions in all of the aspects relating to selection and should have the opportunity to do so.

This legislation is identical to legislation which I introduced last year. At that time, it received a favorable review by the Department of Defense. The House of Representatives passed similar legislation during the 92d Congress (H.R. 1409); however, the Senate did not act on it. I am most hopeful that the Congress will act expediently to improve the CHAMPUS program.

Mr. President, I ask unanimous consent that the text of my bill be printed in the Record at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1522

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1079(d)(4) of title 10, United States Code, is amended by striking out the word "nonprofit".

Sec. 2. No payments shall be made to any person by virtue of the amendment made by the first section of this Act for any period prior to the date of enactment of this Act.

By Mr. FULBRIGHT (by request):

S. 1525. A bill to remove certain limitations on annual operation and maintenance expenditures applicable to the United States section of the International Boundary and Water Commission, United States and Mexico, and for other purposes. Referred to the Committee on Foreign Relations.

Mr. FULBRIGHT. Mr. President, by request, I introduce for appropriate reference a bill to remove certain limitations on annual operation and maintenance expenditures applicable to the U.S. section of the International Boundary and Water Commission, United States and Mexico, and for other purposes.

The bill has been requested by the Department of State and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the Record at this point, together with the letter from the Acting Assistant Secretary of State to the Vice President dated March 30, 1973.

There being no objection, the bill and letter were ordered to be printed in the Record, as follows:

S. 1525

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (2) of section 2 of the Act of September 19, 1966 (22 U.S.C. 277d-31), is amended by striking out "not to exceed $20,000 annually for costs of operation and maintenance" and inserting in lieu thereof "such sums as may be necessary annually for costs of operation and maintenance."

Sec. 2. Section 3 of the Act of August 10, 1964 (22 USC 277d-28), is amended by striking out "and not to exceed $20,000 annually thereafter for necessary maintenance" and inserting in lieu thereof "and such sums as may be necessary annually thereafter for maintenance"

Sec. 3. The last paragraph of the Act of September 18, 1964 (22 USC 277d-29), is amended by striking out "not in excess of $23,000 per annum for contributions to maintenance" and inserting in lieu thereof "such sums as may be necessary annually for contributions to maintenance"

Department of State,
Washington, D.C., March 20, 1973.

Hon. Spiro T. Agnew,
President of the Senate,
Washington, D.C.

Dear Mr. President: There is transmitted herewith a draft of bill which the Department of State recommends be introduced for the consideration of the Congress.

In three separate instances in authorizing the U.S. Section of the International Boundary and Water Commission to participate in the operation and maintenance of projects on the border with Mexico, the Congress limited the amounts that the Federal Government might pay. Because of rising costs, the amounts authorized are no longer adequate to meet the operation and maintenance expenses. Unless the limitations are removed or modified, the U.S. Section will not be able to perform its proper part in the three projects. The proposed bill would remove the limitations and thereby leave the amounts to be expended annually for operation and maintenance largely to the discretion of the Congressional Committees on Appropriations. Three acts of Congress would be amended.

Section I of the bill would amend Section 2 of the Act of September 19, 1966 entitled "An Act To authorize conclusion of an agreement with Mexico for joint measures for solution of the Lower Rio Grande salinity problem." That act authorized an agreement with the Government of Mexico for the construction, operation, and maintenance of a drainage conveyance canal through Mexican territory for the discharge of highly saline drainage into the Gulf of Mexico. It limited the expenditure for operation and maintenance to $20,000 annually for the United States.

Section 2 of the bill would amend Section 3 of the act of August 10, 1964, entitled "An Act To authorize the conclusion of agreements with Mexico for joint construction, operation and maintenance of emergency flood control works on the lower Colorado River, in accordance with the provisions of article 13 of the 1944 Water Treaty with Mexico, and for other purposes." That act limited the cost for necessary maintenance to $20,000 annually for the United States.

Section 3 of the bill would amend the last paragraph of the act of September 18, 1964 entitled "An Act Authorizing maintenance of flood and arroyo sediment control dams and related works to facilitate Rio Grande canalization project and authorizing appropriations for that purpose." That act authorized agreements whereby the U.S. Section would contribute funds or actual work for maintenance to the degree that it derived benefits from such U.S. dams and related works, and limited the amount the United States might contribute to $23,000 per annum.

The proposed bill is identical with H.R. 15462 of the 92d Congress. It was the subject of House Report No. 92–1304, and was passed by the House on October 11, 1972. The Senate did not act on the bill.

Particularly because of the international significance of the first two acts mentioned, the Department hopes that this bill will receive the early attention of the Congress.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this recommendation.

Sincerely yours,

MARSHALL WRIGHT,
Acting Assistant Secretary for Congressional Relations.

By Mr. FULBRIGHT (by request):

S. 1526. A bill to amend the International Organizations Immunities Act to authorize the President to extend certain privileges and immunities to the Organization of African Unity. Referred to the Committee on Foreign Relations.

Mr. FULBRIGHT. Mr. President, by request, I introduce for appropriate reference a bill to amend the International Organizations Immunities Act to authorize the President to extend certain privileges and immunities to the Organization of African Unity.

The bill has been requested by the Department of State and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the Acting Assistant Secretary of State to the Vice President dated March 28, 1973.

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

S. 1526

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the International Organizations Immunities Act (22 U.S.C. sec. 288–288f) is amended by adding at the end thereof the following new section:

"SEC. 12. The provisions of this title may be extended to the Organization for African Unity in the same manner, to the same extent, and subject to the same conditions, as they may be extended to a public international organization in which the United States participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation."

DEPARTMENT OF STATE,
Washington, D.C., March 28, 1973.

Hon. SPIRO T. AGNEW,
President of the Senate,
U.S. Senate.

DEAR MR. PRESIDENT: I have the honor to transmit herewith for the consideration of the United States Senate a bill "To Amend the International Organizations Immunities Act to Authorize the President to Extend Certain Privileges and Immunities to the Organization of African Unity".

The purpose of the bill is to provide the President with the authority to extend to the Organization of African Unity and its office, officials and employees in the United States the privileges and immunities provided in the International Organizations Immunities Act (22 U.S.C. § 288–288f). The Organization of African Unity is composed of 41 member states—all the independent African nations (except the Republic of South Africa) and acts to further the goals of political and economic development of Africa. The principal achievements of the OAU have involved the settlement or prevention of international disputes; it has recently been involved in mediating disputes between Uganda and Tanzania and between Equatorial Guinea and Gabon. Its role in promoting the pacific settlement of regional disputes, and thus preventing them from escalating into Security Council issues, properly serves the purposes encouraged for this type of organization by Chapter VIII of the United Nations Charter.

The primary beneficiary of the bill would be the small OAU Mission in New York and its officers and employees. The OAU Mission serves as the Secretariat to the African group at the United Nations, the OAU's principal source of information on U.N. activities relevant to Africa, and a source of OUA liaison with the U.N. on African issues. It has represented the OAU as an observer in many U.N. proceedings (e.g., ECOSOC, UNCTAD). The present staff of the Mission includes an Executive Secretary, an Assistant Executive Secretary, three administrative, and one service personnel; all of the staff are nationals of African countries.

This bill results from the Administration's desire to develop a closer working relationship with the OAU and to be responsive to repeated resolutions at annual OAU conferences requesting some form of official acknowledgment of the status of its Mission in New York, as well as to specific discussions with OAU representatives in New York concerning their desires for certain privileges and immunities. The bill would serve three principal United States objectives: it would improve the ability of the U.S. to obtain the cooperation and support of the OAU and its 41 members at the U.N., enhance our bilateral relations with OAU members, and demonstrate concretely the Administration's expressed concern about the problems of African countries. The President has noted the importance of the OAU to U.S.-African relations, most specifically in his message to the Sixth Annual Assembly of the OAU on September 6, 1969. The positive role of the OAU was also highlighted by the Secretary of State in his report to the President, "U.S. and Africa in the 70's". The Department of State considers that enactment of the proposed bill would be consistent with important foreign policy interests of the U.S. Government.

At present, OAU representatives in New York receive no privileges and immunities from our Government. In the United States alien representatives of foreign governments to certain international organizations of which the United States is a member and which have been so designated by Executive Order may enjoy certain specified privileges and "official acts" immunities under the International Organization Immunities Act (22 U.S.C. § 288). That Act authorizes the President to extend, withhold or withdraw from those organizations or their officers or employees the following privileges, exemptions and immunities. International organizations are recognized as possessing the capacity to contract, acquire and dispose of real and personal property, and to institute legal proceedings; immunity from suit and other judicial process for themselves, their property and assets equivalent to that enjoyed by foreign governments; immunity from search and confiscation of their property and assets, as well as inviolability of their archives; and the same privileges and immunities regarding import duties and procedures, official communications and the registration of foreign agents as are accorded foreign governments. The Act authorizes duty free importation of baggage and effects for alien officers and employees upon their arrival. It also extends an exemption from Federal income tax respecting income of international organizations, as well as the salaries of their alien employees and such employees of foreign governments represented therein, and from Federal or District of Columbia property taxes. Finally, the Act authorizes the President to extend to officers and employees of and representatives to international organizations immunity from suit and legal process for acts performed by them in their official capacity and within their functions as an officer, employee or representative in or to the organization. Besides these material benefits, organizations may regard the extension of the Act to them as a positive acknowledgement of their status by the United States Government.

The provisions of that Act have been extended by legislation to the European Space Research Organization, of which the United States is not a member. (22 U.S.C. § 288f–1.) We believe that equivalent legislation would be the most appropriate vehicle for authorizing the President to extend similar privileges and immunities to the OAU Mission in New York and its officers and employees.

The Department has been advised by the Office of Management and Budget that from the standpoint of the Administration's program there is no objection to the submission of this legislation to the Congress for its consideration.

Sincerely yours,

MARSHALL WRIGHT,
Acting Assistant Secretary for Congressional Relations.

By Mr. WEICKER (for himself, Mr. BEALL, Mr. BIDEN, Mr. COTTON, Mr. HATHAWAY, Mr. JAVITS, Mr. KENNEDY, Mr. MUSKIE, Mr. PASTORE, Mr. PELL, Mr. RIBICOFF, Mr. ROTH, Mr. STEVENS, and Mr. TAFT):

S. 1527. A bill to amend the act protecting the fishery resources of the continental shelf of the United States in order to include the American lobster in such resources. Referred to the Committee on Commerce.

LOBSTER CONSERVATION AND CONTROL ACT OF 1973

Mr. WEICKER. Mr. President, today, I am introducing a bill along with Senators BEALL, BIDEN, COTTON, HATHAWAY, JAVITS, KENNEDY, MUSKIE, PASTORE, PELL, RIBICOFF, ROTH, STEVENS, and TAFT, that will extend to the North American lobster the protections from foreign fishing now being granted to other continental shelf fishery resources. This proposal, entitled the "Lobster Conservation and Control Act of 1973," will prohibit foreign fishing fleets from harvesting the lobster—Homarus Americanus—except in conformity with management and conservation standards established by the Federal Government.

Mr. President, the lobster is fast disappearing from the seafood menu. Increasing evidence indicates that the Nation's fifth most valuable fishery resource is being dangerously overfished, and this in turn is jeopardizing the very survival of a $35 million a year industry. The continental depletion of lobster stocks is threatening to make the harvesting of lobsters uneconomical for American fisherman. For example, 42 years ago, 70 million pounds of fish and shell fish were landed in New London County, Conn. Last year only one-tenth that amount was landed in the entire State of Connecticut. The lobster is presently being excessively fished in inshore waters, the lobster resources in offshore water are being increasingly taxed. The National Oceanic and Atmospheric Administration has indicated that there's been a five-fold increase in the number of vessels actively harvesting our fishery resources along the continental shelf. Clearly, an effective lobster management program must be instituted now, to insure that the lobster will remain a substantial and self-perpetuating stock.

There is general consensus among scientists, as well as State and Federal officials, that the fate of the inshore lobster is in doubt. While less is known about offshore fishing, the enormous growth in offshore fishing effort would indicate the need for conservation measures to be introduced. There are estimates that foreign fishing fleets "incidentally catch" some 16 to 22 million pounds a year from a lobster stock whose sustainable yield has been estimated at 25 million pounds a year.

The legislation that I am introducing will provide an international mechanism for the United States to protect this important natural resource. Obviously, for an effective management program to evolve, a joint effort must be made by both Federal and State officials. Last August, a State-Federal Lobster Policy Committee was formed between members of the industry and the States and Federal Government. That committee, recognizing the need for uniform standards and conservation policies by the North Atlantic States, also recognized that the Federal Government, on its part, must make a positive commitment in this area by declaring the lobster a creature of the Continental Shelf, thereby securing for the United States exclusive control over this resource. Given the increased fishing effort in waters beyond the individual States jurisdiction, the Policy Committee stressed the importance of such action by the Federal Government.

I ask unanimous consent, at this time, that a letter outlining some of the considerations in this issue, by Mr. Frank Grice, chairman of the State Members of the Lobster Management Policy Committee be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

March 8, 1973.

Dr. Robert M. White,
Administrator, National Oceanic and Atmospheric Administration, Department of Commerce, Rockville, Md.

Dear Dr. White: The state members of the Policy Committee of the State-Federal Management Program have requested that I write you following our ad hoc meeting on February 21, 1973.

I am sure you are aware that your decision of January 3, 1973 not to declare the American lobster a "Creature of the Shelf" has left this Committee in a quandary with regard to future actions. It is the consensus of the state participants that the lobster management program is a worthwhile attempt to bring about reasonable management with the exception of one, is currently supporting legislative or regulatory changes which would implement one or more of the recommendations agreed to by the Technical and Policy Committees. We believe this constitutes real progress and is unique as a cooperative attempt by the states to address a common fisheries problem.

Unfortunately, some or all of the states have now been placed in an awkward position of advocating further conservation restrictions on their domestic lobster fishermen without any assurance that similar restrictions would apply to foreign nationals in the offshore fisheries. For some of the states south of New England, this problem is particularly acute because the fishery is almost entirely beyond the contiguous zone.

Furthermore, it is our understanding that the bilateral agreement recently achieved with Japan does not include such basic conservation measures as the release of immature or short lobsters or egg-bearing lobsters taken incidentally in the course of their fishing operations. We also believe that their agreement to avoid incidental catches of lobsters is not consistent with their recent increase in fishing activities in some of the most prolific lobster areas near the canyons on the edge of the continental shelf.

We feel compelled to point out that the hoped-for Soviet agreements broke down in Moscow in January and thus did not result in any conservation controls with regard to lobsters.

We are aware that the admirable attempt by our ICNAF delegation to get agreement on a reduction of the excessive total fishing pressure in the area off New England was unsuccessful in Rome earlier this year. And, we are aware that the Law of the Sea Convention will not provide any protection for at least several years. We also believe that those nations such as Japan, West Germany and East Germany, who do not now subscribe to the 1958 Geneva Convention on the Continental Shelf, will not ratify any Law of the Sea agreement developed in 1974 or 1975 which extends coastal state control of fishery stocks beyond present limits.

We are not impressed with the argument that spiny lobster or shrimp interests in this country may be seriously jeopardized by "Shelf" status for the American lobster which is an entirely different crustacea as are the East and West Coast crabs now afforded this status. Neither are we impressed by the illogical arguments which were presented in 1958 and 1960 in deference to our distant water shrimp interests which would imply that lobsters are not ecologically dependent upon the shelf or bottom. We are, however, impressed with the fact that one of the highest placed Soviet fisheries officials has publicly stated that the American lobster is a creature of the shelf even though our Government does not recognize it as such.

In conclusion then, we do not feel your decision provides for the "effective" control of the lobster resource we have all agreed is so necessary. We further contend that the application of additional laws by the states which are invoked and enforced only on our own domestic fishermen is discriminatory. Lobster industry leaders have recently shown a genuine interests in national resource management, but they are justifiably suspicious of any regime which inhibits their immediate economic gains without providing substantive long term resource benefits.

In view of the above considerations, we unanimously request that you reconsider your decision not to provide "shelf status". We believe that, as yet, incomplete lobster landing statistics for 1972 from the offshore fishery may be a disastrous portend of what lies ahead unless prompt action is taken. For those unfortunate fishermen who have already succumbed to heavy financial losses, it is now too late.

The Policy Committee would be most anxious to meet with you at your earliest convenience and discuss this crucial issue. In the interim, we will hold in abeyance the recent recommendations of the Technical Committee with regard to further federal participation in this program. We in the state agencies are determined to make every effort to fulfill our responsibilities as resource managers. We hope and trust that the full partnership which we envisioned last summer for the Lobster Management Program will not founder in a sea of indecision and indifference.

Sincerely yours,

Frank Grice,
Massachusetts Chairman of State Members of the Lobster Management Policy Committee.

Spencer Apollonio, Maine; Bernard W. Corson, New Hampshire; John Cronan, Rhode Island; Theodore Bampton, Connecticut; Albert Jensen, New York; Russell A. Cookingham, New Jersey; Darrell Louder, Delaware; Robert Rubelmann, Maryland; James E. Douglas, Jr., Virginia; and Dr. Thomas L. Linton, North Carolina.

Mr. WEICKER. Mr. President, as a result of concerns that Federal action at this time may affect international fishing rights negotiations, I have provided in this legislation that—

> It is therefore the purpose of this Act to provide for effective control of lobster fisheries on the continental shelf of the United States until such time as the United States can enter into an appropriate treaty or treaties providing for such control.

The issue before the Congress is very clear. There is agreement by those involved in the lobster management problem that effective control over the harvesting of lobster resources must be instituted. The question is how to achieve this objective.

In advocating this interim species-by-species approach, I recognize the effect of such an action on present international negotiations. However, informed sources suggest that any agreement of the Law of the Sea Conference will not evolve until, at the earliest, mid-1975. Meanwhile, the lobster will continue to be fished with the same reckless abandonment by all parties, causing a dangerous depletion in the stock. We all have noticed the disappearance of the lobster from the menus of our favorite restaurants. Unless we take strong and effective action now, the lobster quickly will become a rare gourmet's delicacy for the chosen few.

We have seen what has happened to the haddock and herring fisheries, as a result of foreign fishing activity. Presently, foreign fishing fleets, as they methodically harvest our seabed, keep the lobster that they incidentally drag up, regardless of size or egg-bearing capacity. The States, as Mr. Grice notes, are put in the "awkward" position of advocating strict conservation standards for the U.S. fishermen, while foreign fishermen operate free from any restraint. The sentiment of the native lobsterman expressed very well by Mr. Ernest G. Abbott, a lobster dealer in Noank, Conn., in testimony before the House Merchant Marine and Fisheries Committee on October 7, 1972:

> What we need is for the Federal government to combine its efforts with those of the states, to protect the crustaceans right to the shelf. If you want to allow these foreign vessels to fish the lobster, make them live under the same rules my boats have to live under. You can't expect my men to throw over short lobsters, and allow the Japanese and the Russians right next to them to pick them up.

The Congress must begin to take some positive steps to protect the lobster industry—a $35 million a year industry. Any overall policy agreement concerning fishing rights among nations must evolve at the international level. However, during the interim period, before an agreement is finalized, the United States must take action of a limited nature to insure the economic and biological future of the lobster.

Rather than having an adverse effect on international negotiations, I believe the action that I am calling for in this legislation would signal a strong commitment by the United States to the preservation of the North American lobster and create a position of strength in our international bargaining posture.

There is a growing sentiment among my constituents, in addition to members of the lobster industry, for the United States to begin to protect our fishery resources from foreign fishing fleets. This legislation seeks, in a prudent and responsible manner, to achieve this end and I hope the Senate Commerce Committee will act favorably on this proposal. A similar bill has been introduced in the House, H.R. 5447, by Congressman Steele and Congressman Kyros and I commend them for their initiative in this area.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the Record at this time.

Mr. President, I further ask unanimous consent that the special section of February's issue of Fish Boat magazine concerning the North American lobster be printed in the Record. This article provides valuable background and insight into the industry, its problems, culture and future, and helps to create a better understanding of the issue that this legislation speaks to.

There being no objection, the bill and article were ordered to be printed in the Record, as follows:

S. 1527

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Lobster Conservation and Control Act of 1973".

FINDINGS AND INTENT

Sec. 2(a). The Congress finds that the lobster (Homarus Americanus), which is found in waters off the coast of the United States, is in need of the protection granted to continental shelf fishery resources under Federal law which prohibits foreign vessels from harvesting such resources except in conformity with conditions prescribed by the United States or as expressly provided by an international agreement to which the United States is a party.

(b) It is therefore the purpose of this Act to provide for effective control of lobster fisheries on the continental shelf of the United States until such time as the United States can enter into an appropriate treaty or treaties providing for such control.

AMENDMENT

Sec. 3. Section 5(a) of the Act entitled "An Act to prohibit fishing in the territorial waters of the United States and in certain other areas by vessels other than vessels of the United States and by persons in charge of such vessels.", approved May 20, 1964 (16 U.S.C. 1085 (a)) is amended by inserting before the period at the end thereof the following: "and includes lobsters (Homarus Americanus)".

Homarus Americanus—The American Lobster: From Gaffing to Offshore Harvesting, It Has Played a Major Role in the U.S. Fishery

Nobody knows how long that wonderfully odd-looking and wonderfully good-tasting bug we know as the lobster has been fished off American coasts—Indians had long discovered its delicacy before the Europeans arrived.

What is known, is that lobster fishing has been carried on as long as the white man has been in North America. The lobster has always been a gourment delight. History records the colonists taking lobsters in the early part of the 17th century.

However, like most of our fishing industries, the commercial development of the lobster industry had to await the development of suitable transportation. As the eastern seaboard became more populated around the beginning of the 19th century, fishing for lobster increased in intensity, and by 1812 the citizens of Provincetown, Massachusetts, either from fear of depleting the stocks of lobster or from a desire to maintain a monopoly for local residents, succeeded in having a protective law enacted in the state legislature. Thus the competition for the stocks of lobster on the North Atlantic Coast of the United States reached legal status, and legal questions continue to be of paramount importance to the industry today.

SPIDER/FLEA

Our discussion here is limited to the northern or American lobster (*Homarus Americanus*) as distinguished from the so-called spiny lobster. For those with a bent for esoterica, the word "lobster" comes from the Saxon words *lobbe* (spider) and *loppe* (flea).

The fishery for northern lobsters extends from the Chesapeake area up through the Middle Atlantic states and New England into the Canadian Maritime Provinces.

MAINE OUT FRONT

The U.S. lobster fishery, with Maine as the biggest producing state, is the fifth most valuable fishery in the nation. Maine's catch alone is worth nearly $20 million a year. In value, lobstering is surpassed only by shrimp, salmon, tuna and crabs. In the North Atlantic region, it is the most valuable fishery resource. The catching of this delicacy in armor employs annually approximately 10,100 fishermen, using 8,800 boats and vessels. The development of fast transportation and packages suitable for transporting the crustacean makes it possible to purchase lobster in almost any metropolitan area in the United States.

The northern lobster is taken in commercial quantities from the offshore waters of North Carolina to the coast of Labrador and in the bays and coastal waters along its more northerly range. In the United States, it is confined to the Atlantic Coast, although attempts to transplant it on the upper Pacific Coast have been tried several times—apparently without success.

In colonial times lobsters were taken by means of spears or were gaffed. There was doubtless much damage to the animal and it could not be transported over a great distance. Early writings report as many as 150 lobsters being taken by this method in one morning by a single fisherman. From gaffing and spearing, the lobster gear evolved to a drop dip or life net which consisted of webbing fitted around an iron ring and forming a bag. A lift line tied to the ring permitted lifting. These were baited and dropped to the bottom but had to be watched and lifted before the lobster could crawl away.

THE LOBSTER POT

The next step was the lobster pot, a type of trap. The basic principle remains with us but little changed to this day.

Nearly all morern pots consist of one or two webbing funnels (heads) through which a lobster enters the chamber compartment (called "the kitchen") in search of the bait. Once the lobster finishes the bait, it apparently can see no other easy way out and moves through a second funnel into a compartment called "the parlor," which, if properly constructed, will hold it permanently.

Pot construction is normally of wood, but plastic coated wire, plastic and aluminum are also used.

Some metal and plastic pots are collapsible and can be transported aboard boats in greater numbers in comparison to rigid types.

Three basic types of wood lobster pots are recognized by their general geometric shapes: semicylindrical, rectangular and square. The most common type is still the semicylindrical, the base being about 32 inches long, 27 inches wide and 18 inches high. It is constructed of wooden laths 1⅛ inches wide by ⅜ inch thick. They are spaced about 1⅛ inches apart. These sizes are approximate, for some traps are about 48 inches long. Maine has been the center of the pot fishery since before the turn of the century primarily because the lobsters were more numerous in the coastal waters of this state and could be taken with comparative ease and with less investment.

LOOKING FARTHER OUT

At first, lobstering was a good thing for the individual fisherman with limited capital. He could buy a boat, build and/or buy some gear and make a decent living. But all good things attract attention and the inshore pot fisheries by individual fishermen in small boats inevitably became crowded.

Then some people started looking farther out, particularly the draggers who were bringing up lobster incidental to their fin fish catches.

Prior to World War II, only nominal quantities of lobsters were landed from otter trawl catches. Statistics of the Bureau of Fisheries for 1940 show a total of only about 23,000 pounds landed by this type of gear. There were no draggers working specifically for lobster at that time. Catches, however, may have been somewhat higher since the crewmen many times reserved these for themselves or their families or they sold them for "shack money," a transaction that seldom got into fish landing records. By 1950 landings by otter trawl vessels had jumped to more than a quarter of a million pounds, still all taken incidental to trawling for fish. The increased landings were possibly the result of increased prices for lobsters plus the declining catches of the choicer fish. In any event the potential of this offshore fishery was being recognized.

Fishery literature on the development of this valuable fishery is all but non-existent. If its potential was recognized during this period, scientists and administrators made little or no mention of it, but more enterprising fishermen were taking notice.

In the spring of 1952, Capt. Albert Dahl with his vessel *Soyna* out of New Bedford was dragging for fluke in the 100-fathom area around Block Canyon. Fluke fishing was fair to good, but the captain was also catching considerable quantities of lobster. The alert captain realized that here was a potentially new fishery. On his next trip he took the necessary material to construct a holding tank, which was hastily put together while under way. Capt. Dahl caught 5,000 pounds of lobster on that trip and lost a considerable number as well. These first trips were fraught with problems, each of which Capt. Dahl had to overcome. There was the question of how to keep them alive in the tanks that had been constructed on the *Soyna*. There was a difference in temperature on the bottom where the lobsters were caught and the surface water pumped into the holding tanks. Then there was the problem of breakage when a cod end full of lobster was raised.

There was also prejudice against the first landings, for buyers said they would be tough and fit only for newburg, etc. They got only 25 to 30 cents per pound for those first trips. Capt. Dahl was forced to halt fishing with the advent of winter because the *Soyna* was not seaworthy for offshore fishing in winter with the lobster tanks on her decks.

The following spring, the *R. W. Griffin* entered the fishery. She landed her catches at Portland, Maine. The lobsters were landed in sealed boxes; it is illegal to land large lobsters at Maine ports. The *R. W. Griffin* operation was short-lived, because the vessel was cut in two by a freighter, with the loss of several lives, while dragging for lobsters.

Catches for the first year of operation by Capt. Dahl were very good, and it was often necessary to split the bag in order to avoid crushing many of the lobsters.

From this meager beginning, the fishery developed to the extent that there were 75 draggers operating in New England, with another 20 to 25 in the Middle Atlantic and Chesapeake Bay areas. In addition there were several fin fish draggers fishing for lobsters a part of the season.

Consumer demand for this delectable crustacean continued to increase, imports declined considerably and prices rose accordingly.

POTS OFFSHORE

"If these animals can be caught by dragging, why wouldn't the pot do an even better job?" fishermen wondered. Thus it was that in 1966, William Whipple constructed the *Prelude*, the first pot fishing vessel for offshore operation in the history of the lobster fishery, and formed the Prelude Corp. in Westport, Mass. The *Prelude* was designed for speed—the ability to get to the grounds, get the pots raised and the lobsters back to port in the best possible condition.

The initial experiment with the *Prelude* was a huge success, despite the fact that the vessel was only about 45 feet long. As in the case of the offshore lobster dragger, the pot fishing vessel encountered problems from the beginning. The best potting grounds lay astride some of the best dragging grounds and there was always a loss of gear and, of course, fishing time resulting from draggers crossing the lines of pots, destroying pots, buoys and all traces of the sets.

Despite the problems, the fishery was profitable and the company expanded its operations. Soon others were in the business and by the early summer of 1972, about 95 vessels were fishing lobster pots, with the possibility that more would enter the fishery. Each vessel fishes from 250 to 800 pots depending on its capacity and resourcefulness. These are strung together with ⅜- to ½-inch rope with a buoy or float on either end.

HUDSON TO CORSAIR CANYONS

The fishery grew up along a stretch of water south and east of the New England coast. The area extends from Hudson Canyon to Corsair Canyon eastward of Georges Bank. This is still the area of heaviest fishing pressure and includes Block, Atlantis, Veatch, Hydrographer. Welker, Oceanographer, Gilbert and Lydonia Canyons. The distance is roughly about 300 miles in length.

Veatch and Hydrographer Canyons have been the most productive, according to reliable reports. During the warm months, fishing is largely concentrated in the shallow areas of from 20 to 60 fathoms nearer the shore, but as the temperature drops, fishermen move to the deeper areas generally around 100 to 250 fathoms.

The area south of Hudson Canyon has not been as productive as the area to the north. Some of the area is considered non-productive, but then who would have guessed 25 years ago that the area to the north would have been so productive? Therefore, it can only be classed as unknown at present. While the area may be somewhat unknown, it has not gone unnoticed—fishing is already being done in offshore areas from New Jersey to North Carolina. Important producing canyons are Baltimore, Washington, Norfolk and Wilmington. Interest is increasing in this fishery simply because the demand for the product is increasing.

What's Happening in the Lobster Fishery?

The American lobster fishery has shown an impressive growth over the last few decades, but the generally upward production trend of the past few years is haunted by the spectre of maximum sustainable yield.

The 11.8 million pounds landed in 1940 had almost doubled, to 22.7 million pounds, by 1945. Production passed the 30-million-pound mark in 1957, and it has been in that neighborhood ever since, reaching the high water mark in 1970 with 34.2 million pounds. Production declined by about a million pounds in 1971. Figures for 1972 are not yet available, but the National Marine Fisheries Service estimates that January-October landings were down about 10 per cent from the same period in 1971.

UP AND UP WITH VALUE

It's a different story with value, however; here the yearly increase is always up, and substantially, regardless of whether production dips. The 31.2 million pounds of 1960 were valued at $14.3 million, whereas 1971's 33.3 million pounds were valued at $35 million.

The growth of the lobster fleet parallels that of production. In 1940 there were 3,820 boats using lobster pots, a figure which increased to almost 7,000 by 1950, and has fluctuated around that number since. It passed the 8,000 mark in 1960 and 1961 and then fell back (to as low as 6,698 in 1963) and did not return to that peak until 1970, when the count stood at 8,658 boats.

ENTER THE OTTER TRAWL

Meanwhile, the mid-60's brought significant activity to the otter trawl lobster fishery. By then, 98 boats were trawling, and that figure grew to 138 in 1970.

The growth of the otter trawl fishery has been remarkable. For example, just a decade ago the total landings of draggers amounted to a mere 1.7 million pounds valued at about $600,000 (earlier data are too insignificant to report). By 1970 dragger landings were 7.1 million pounds valued at $6.8 million.

Pot boats, of course, still account for by far most of the production of American lobsters, but the per-boat landings of the larger, more sophisticated, farther ranging trawlers are a great deal more. The annual averages in 1970 came to less than 3,500 pounds per pot boat, compared to a little over 51,000 pounds per trawler.

Of the 33,347,000 pounds of U.S. landings in 1971, 22,526,000 pounds were caught within the three-mile area, and another 2,354,000 pounds in waters from three to 12 miles offshore, leaving 8,467,000 pounds landed beyond 12 miles. (The year 1971 is the first for which production figures are available broken down by distance from U.S. shores.)

The increasing emphasis on offshore lobstering has brought radical changes to the historic lobster boat-building pattern. No longer is building confined to New England and mid-Atlantic yards.

GULF BUILDING

Yards traditionally building for the lobster fishery, such as Gladding-Hearn Shipbuilding Corp., in Somerset, Massachusetts, Holgates Boat Shop in Wakefield, New Jersey, and Essex Boat Works in Essex, New York, continue to build boats of varying sizes and degrees of sophistication for the fishery, but in recent years Gulf and South Atlantic yards have come into the picture.

Among them are Rockport Yacht & Supply Company of Rockport, Texas, which has supplied the fishery with some of its biggest boats, Rockport has so far built two 100-footers, the *Wily Fox* and *Prelude III* for Prelude, Inc. of Westport, Massachusetts, and a four-boat fleet of 87-foot, twin-screw vessels (the "Matco" series) for Marine Atlantic Corporation, Hampton, Virginia, for fishing as much as 100 miles offshore in as much as 200 fathoms.

Atlantic Marine, Inc. of Fort George Island, Florida, has built an 82-footer for Trawler Alliance, Inc. of Point Judith, Rhode Island, and two lobster trawlers, one 74 and the other 79 feet in length, for Baker's Lobster Marine, Inc. of Point Pleasant, New Jersey. The highly sophisticated 75-foot *Lobsta I* was build by Bender Shipbuilding Company, Mobile, for Lobsta I, Inc. of Rhode Island.

Furthermore, the lobster fishery has been the recipient of boats of the newer construction materials. Hatteras Yacht of High Point, North Carolina, built two 74-foot fiberglass boats for Smart Aleck Fisheries of Long Island, New York, and the Essex Boat Works boats are also fiberglass (recent deliveries have been 34-footers.) And Teledyn Stewart Seacraft of Berwick, Louisiana, built a 50-foot aluminum combination crab and lobster boat for Nick Rosa of New York.

U.S. PRODUCTION AND VALUE OF AMERICAN LOBSTERS 1960–1971

Year	Thousands of pounds	Amount (thousands)
1960	31, 168	$14, 251
1961	27, 998	14, 572
1962	29, 497	14, 953
1963	30, 274	16, 769
1964	30, 958	19, 856
1965	30, 246	21, 957
1966	29, 541	22, 266
1967	26, 745	22, 389
1968	32, 300	25, 200
1969	31, 600	26, 600
1970	34, 152	33, 463
1971	33, 347	35, 066

AMERICAN LOBSTER LANDINGS BY POTS, 1960-70

[In thousands of pounds]

	Maine	New Hampshire	Mass.	Rhode Island	Connecticut	New York	New Jersey	Maryland	Virginia	Total
1960	24, 005	935	3, 300	454	237	234	178			29, 343
1961	20, 910	823	2, 852	387	206	253	187			25, 618
1962	22, 075	725	3, 131	260	249	175	109			26, 724
1963	22, 804	747	3, 046	227	252	144	45			27, 265
1964	21, 414	850	3, 754	200	290	247	59			26, 814
1965	18, 861	765	3, 833	386	468	318	101	1	3	24, 736
1966	19, 916	807	3, 175	521	561	459	153	5	8	25, 605
1967	16, 489	718	2, 941	518	735	594	200	2	1	22, 198
1968	20, 502	755	3, 455	720	696	630	256			27, 014
1969	19, 835	732	3, 455	896	804	883	334	5		26, 944
1970	18, 172	20	4, 206	1, 621	671	944	750	7		26, 391

WHAT TYPES OF BOATS MAKE UP THE LOBSTER FLEET?

	1965	1966	1967	1968	1969	1970
Unregistered boats (under 5 net tons) using lobster pots:						
Maine	5, 416	5, 294	5, 066	5, 158	5, 669	6, 289
New Hamsphire	170	166	169	164	193	237
Massachusetts	1, 309	850	943	1, 089	1, 021	1, 092
Rhode Island	145	208	129	140	185	211
Connecticut	160	244	307	325	364	535
New York	45	92	98	139	193	266
New Jersey	7	4	8	12	24	28
Total	7, 252	6, 858	6, 720	7, 027	7, 649	8, 658
Registered vessels using lobster pots:						
Maine	39	36	33	37	35	35
Massachusetts				3	7	7
Rhode Island	1	1	2	2	3	5
Connecticut	11	3	8	11	9	9
New York	12	12	10	17	17	25
New Jersey	6	4	5	8	8	17
Total	69	56	58	78	79	98
Registered vessels using otter trawls:						
Massachusetts	22	26	32	39	24	16
Rhode Island	32	29	38	49	41	38
Connecticut	4	4	3	3	3	
New York	9	11	13	12	18	21
New Jersey	31	26	38	43	47	52
Maryland			2			2
Virginia			9	4	7	9
Total	98	96	135	150	140	138

AMERICAN LOBSTER LANDINGS BY OTTER TRAWLS, 1960-67

[In thousands of pounds]

Year	Maine	Massachusetts	Rhode Island	Connecticut	New York	New Jersey	Maryland	Virginia	Total
1960	9	170	113	1	253	1, 192	2	14	1, 754
1961	8	410	293		245	1, 363	2	23	2, 344
1962		1, 106	316	379	139	762	2	22	2, 726
1963		1, 407	425	200	235	705	4	28	3, 004
1964		1, 711	786	280	299	936	4	44	4, 110
1965		2, 493	1, 414	275	330	918	2	37	5, 469
1966		1, 632	1, 151	221	270	612	4	25	3, 915
1967		1, 734	1, 433	166	285	680	17	196	4, 511
1968		1, 308	2, 353	190	536	955	4	112	5, 458
1969		1, 469	3, 354	129	530	1, 100	22	181	6, 785
1970		1, 437	3, 575	2	705	1, 085	14	235	7, 052

LOBSTER CULTURE

How many juvenile lobsters would you have left if you put 32 of them in about six-and-a-half quarts of seawater, fed them regularly and waited two months?

Answer: one.

How many lobsters would you have left if you put 16 or eight or four or two in the same quantity of water for two months?

Answer: one.

Scientists at the University of Rhode Island actually performed that experiment and their results indicate one of the main problems involved in raising lobsters in captivity—cannibalism. The remaining lobster in each case was the most successful predator.

Dr. Akella N. Sastry at the URI Graduate School of Oceanography is trying to learn how to overcome the problem of cannibalism in the process of developing an economical way to culture lobsters commercially.

Under natural conditions, said Dr. Sastry, lobsters are probably not cannibalistic. But the tiny experimental lobsters, pent up in an abnormally small area, encounter one another and rear up and defend themselves an unusually large number of times.

"Once a fellow is injured in one of these encounters—for example, if he loses a crusher claw—he is a weakling. He has no chance in the next encounter. If he is killed, he is eaten," Dr. Sastry said. Lobsters that are molting, shedding their protective shell in the process of growth, are also highly vulnerable in these encounters, he added.

DIET

Cannibalism and the related problem of aggression in lobsters are not the only impediments to growing lobsters under controlled conditions. Another problem is determining a diet for the lobsters to ensure a high correlation between the amount of nutrients they are fed and the amount of protein produced in the animals. Lobsters eat practically everything, including crabs, small fish, clams and a variety of dead organisms.

A further biological problem is molting. The first lobster in a group to molt apparently excretes a substance in the water that inhibits the molting and the growth of the other lobsters, Dr. Sastry said.

In their project, which is funded by the Sea Grant program of the National Oceanic and Atmospheric Administration, Dr. Sastry and his assistants are attempting to deal with these and other problems by altering the environmental conditions to produce the maximum number of animals in a unit area while maintaining the growth rate of the lobster.

As part of that project, Dr. Sastry is constructing a pilot system to grow American lobsters from the time they are hatched to the time they reach marketable size of one pound, a process that takes about two years.

Initially, 900 juvenile lobsters will be placed in individual, two-inch square containers. As they grow, different lobsters will be subjected to different environmental conditions, including different diets, water, and temperature. By mixing some lobsters together, the researchers will also attempt to learn their dominance patterns to minimize the random aggressive encounters that presently make culturing the animals unfeasible.

As they grow, the lobsters will have to be transferred to larger and larger containers, Dr. Sastry said.

Dr. Sastry explained that other researchers have already established that it is possible to raise a few marketable lobsters in about a two-year period.

COST FACTOR

But, he added, no one has as yet established how to cut the cost of culturing lobsters to a level where it would be commercially feasible. The pilot system should give some indication of how to minimize the loss of lobsters from biological factors, giving a preliminary idea of the economics of lobster production, he said. The economic evaluation is being done by Dr. John M. Gates of the URI department of resource economics.

The project should also provide a basis for engineers to design the most efficient system for culturing lobsters, he said.

"In short," said Dr. Sastry, "we are trying to find how to grow the maximum number of lobsters in the minimum amount of space for the maximum market size and the best survival rate possible.

"Culturing lobsters may never feed the hungry masses," Dr. Sastry said. "But lobsters can be grown to market size, and we know there is a market for them in America. If we are able to eliminate the problems in growing lobsters in our pilot-scale system, we feel we will have provided the basic information needed for commercial scale production in the United States."

What About Resource Management?

It is already the nation's fifth most valuable fishery, and demand for the succulent northern lobster continues to expand almost minute by minute. But with greater demand comes greater exploitation—and many problems, the foremost of which is fear of depletion.

The pressing need for management of the resource was emphasized last August when the first of a series of meetings between members of the industry and federal and state government agencies was held by the newly created state-federal Lobster Policy Planning Committee.

In announcing the organization of the committee, Peter G. Peterson, then Secretary of Commerce, said that heretofore we have tended to study and restudy a problem with the result that the resource was gone before we decided how to save it. "We are determined to avoid the error in this fishery," he said.

He explained that the fishery cannot afford the luxury of awaiting continued refinements in new data that would come to light from the requirements of management. "If we do, the proliferation of effort and sheer fishing power that are currently being attracted into this fishery will overwhelm it, bringing low fishing incomes, inevitable resource depletion, and loss of jobs and social stability in hundreds of fishing communities.

UNIFORMITY

The meetings, made up of officials from 11 lobster producing states, have been concerned with drawing up recommendations for uniform state laws.

Traditional lobster producing states like Maine already have laws conforming to many of the proposals, but North Carolina, for instance, has no regulations governing the landing of lobsters.

On the other hand, the committee feels that some regulations are unnecessary—Maine's maximum size law, for instance. It has been found biologically unsound, and furthermore prevents Maine boats from participating in the larger offshore lobster fishery.

The group also advised discontinuing the practice of notching egg-bearing females and returning them to the water (notched lobsters cannot be landed), on the grounds that notching does more harm than good since notched lobsters are susceptible to disease and infection.

The committee has come up with some definite ideas about minimum size limits, more general ideas about limited entry.

It wants to see the size limit gradually increased to 3½ inches. Most states now have minimum size limits, ranging from 3⅛ to 3$\frac{1}{16}$ inches.

Thus far the committee has discussed limited entry, a potentially explosive issue, only in general terms. Spencer Appolonio, commissioner of the Maine Department of Sea and Shore Fisheries, feels that management regulations of the lobster fishery will come about but that they will not be universally accepted to begin with in the fishery. "But I am inclined to think that once we get over the agony of imposing them through legislation, they will come to be accepted in a reasonably short period of time."

OFFSHORE POT FISHING

One thing is certain; fishing effort is increasing, and by leaps and bounds. Offshore vessels formerly placed about 75 pots, whereas the newer vessels place from 300 to 500—and vessels involved in offshore pot fishing since 1971 or earlier have begun placing from 800 to 1,000 pots. At Point Judith, Rhode Island, alone the number of offshore lobstering boats rose from eight in 1971 to 26 in 1972.

Offshore lobstering is described as "one of the few encouraging developments in New England fishing communities in many years" by James A. McCauley, an assistant professor in the University of Rhode Island department of fisheries and marine technology, but he feels that though it looks like a promising new fishing industry in the short run, it has a dim long term future.

In his opinion the combination of large foreign lobstering fleets and domestic pot fishermen will turn offshore lobsters into a drastically depleted resource.

McCauley, himself the owner of a Point Judith fishing vessel, warns that "the fisherman is an opportunist, like most others in business, and the combination of high prices and a new and untouched source of supply exerts a strong attraction that could lead to over-exploitation."

He said last winter's dragging efforts for offshore lobsters by United States boats indicated a drop of more than 50 per cent in landings with about the same number of draggers participating.

YIELD PREDICTION

Two University of Rhode Island marine scientists believe they now could predict the in-shore lobster yield along any part of the New England coast if they knew the local bottom water temperature of the first three months of the year.

They say the mathematical formula they have developed might, in the future, indicate whether the intensive lobster fishing effort is actually reducing the take by lobster fishermen.

But the problem now is that no one is monitoring bottom water temperature along the New England coastline on a day-to-day basis, they said. The scientists are John M. Flowers, a research associate, and Saul B. Saila, a professor in the Graduate School of Oceanography.

The *Lurcher Lightship*, formerly anchored off Nova Scotia, kept daily records on bottom water temperatures and that information has been used by the scientists. But the lightship was removed in 1969 and now the scientists are unable to make further prediction for Nova Scotia. Predictions based on information already available have been made up to 1975, they said.

The formula was developed by knowing the past yields and surface and bottom water temperatures of lobster fisheries off Nova Scotia and Maine.

The scientists said the formula seems to work quite well. By using bottom water temperatures for January, February and March, the yield predicted from the formula is close to the known yield for that year, they said.

The formula was developed under the assumption that increased fishing effort has not affected lobster yield in Maine and Nova Scotia fisheries since 1945. Lobster yield has not changed appreciably in that area over the past two and one-half decades even though the fishing effort has just about tripled, they said.

If the future yield estimates are consistently higher than observed yields, this may indicate that "effort as a factor contributing to the yield of the fishery may be such that its only effect is detrimental to the fisheries," they said.

They speculate that winter bottom water temperatures may affect lobster yield by increasing natural mortality. Another possibility may be higher predation of lobsters from codfish or other predators when water temperatures are lower.

Flowers has his own opinions of how New England fishermen might be able to increase their catch of lobster and take more large lobsters.

"If the lobster fishing effort was cut substantially—perhaps by half or more—both yield and average size of lobster might increase," he said.

"If you look back in time, from 1947 to now, the yield of lobster due to effort did not increase appreciably, even though fishing effort off the Maine coast increased from 400,000 pots to the over 1.2 milion pots now," Flowers said.

"Right now about 90 per cent of the catch consists of one pound chicks. If fewer pots were set, in two years more large lobsters would be caught, and in six years, the yield in numbers would probably improve," Flowers said.

If fewer pots were set now, more female lobsters would survive to bear young, he said, But it would take at least six years before the greater numbers of young lobsters could grow to a catchable size. There would be a six year lag before the yield in number would be affected, Flowers explained.

RESEARCH

Research efforts in recent years have been directed toward studying biological, economic, and technological problems. In Canada, biological and technological studies have been in progress for several decades.

In Maine, recent investigations have been concerned with the development and improvement of recirculating seawater systems for keeping lobsters alive; improved management of lobster-holding pounds and other storage systems; study and control of diseases and toxins that affect lobsters; and study of some of the environmental, biological, and economic factors influencing the supply and sustainable yield of the stock of lobsters.

In Massachusetts, research on age, growth, and feeding habits of reared lobsters has been in progress for the past 15 years. More recently, studies have been commenced on the identification of lobster stock, and on population dynamics (physical, chemical, and biological limitations on supply and availability).

Massachusetts has had a special interest in the relationship between the inshore stocks of lobsters harvested by pot fishermen and the offshore stocks that otter trawlers use.

MIGRATORY?

Because of big differences in catches of lobsters from day to day and at different seasons, many fishermen believe that lobsters are migratory. However, since understanding of the lobster's movement is basic to good management, this question has been studied thoroughly, and it has been learned that the lobster is generally non-migratory except for a few stragglers and an isolated population near Cape Cod, where a significant migration has been demonstrated.

In the studies, marked or tagged lobsters were recaptured very close to the spot where they were released—moving less than two miles on the average.

Incidentally, recapture of commercial-size tagged lobsters spread over fishing grounds has run as high as 50 per cent in some areas, which indicates that fishermen in these areas are catching at least half of the commercial-size lobsters on these grounds, since tagged lobsters are no easier to catch than untagged ones. And furthermore, most are caught when they are only slightly larger than the minimum size.

A 13-Point Lobster Management Program

The State-Federal Lobster Policy Planning Committee has come up with 13 recommendations for managing the lobster resource. They call for

1. Declaring the American lobster a creature of the Continental Shelf.
2. Developing a program to effectively control total fishing effort.
3. Reciprocal enforcement between states.
4. All states to establish uniformly a minimum legal carapace length of 3½ inches.
5. Imposing no maximum size limit on the lobster fishery.
6. All states to enact uniform laws prohibiting the possession of egg-bearing or scrubbed lobsters.
7. All states to enact uniform laws prohibiting the landing of lobster meat.
8. All states to enact uniform laws prohibiting the notching of female lobsters.
9. All states to enact uniform laws prohibiting the possesion of detached tails, claws or parts of lobster (mutilated lobsters).

10. All lobster traps to incorporate an escape vent of a size adequate to minimize retention of sublegal lobsters.

11. All fisherman and primary dealers to keep daily records of their activities on farms provided by the state.

12. No legislation to require pot design that will limit period of fishing effectiveness because it cannot be supported by present information.

13. Licensing of fisherman and primary buyers as a basic first step in the rational management of the American lobster resource. Nine of the eleven States agreed with this position, with the States of Delaware and Rhode Island not in favor. Delaware didn't consider licensing essential because of limited number of fisherman (15) while Rhode Island was averse to imposing a licensing requirement on little dealers (big primary dealers now licensed).

An Occupational Hazard: Loss of Lobster Gear Offshore

As if the New England lobster fishery did not have enough problems, it is plagued by gear losses from both U.S. and foreign vessels trawling through fixed gear.

The U.S. Coast Guard investigated 54 incidents involving 35 boats in 1972 and 56 incidents involving 21 boats in 1971.

The unenviable distinction of being the most often plagued goes to the *Wily Fox*, which reported 14 incidents in 1971 and three in 1972. The *Pat San Marie* reported six incidents in 1971 and four in 1972. In 1972 nine boats reported more than one incident, and 12 reported more than one incident in 1971.

The Russian fleet is by far the worst offender, its vessels being named in 11 of the 1972 incidents (the offending vessels were unidentified in 22 of the 54 cases reported), followed by the Japanese fleet, whose vessels were named in seven cases. Soviet vessels were named in 12 of the 1971 cases, but the Japanese were named only twice. In 12 of the 1971 cases the identity of the offending vessels was unknown.

In 1971 ten of the cases named U.S. vessels, but only one incident involving a U.S. vessel was reported in 1972.

Other nations involved in the two-year period were Germany, Poland, Romania, Spain, France, and Germany.

The much put-upon *Wily Fox* did, however, collect reparations from Russia in a settlement hailed as a precedent in commercial relations between the United States and Russia.

The Soviet fishing fleet SoyRybFlot paid $89,000 to the owner of the *Wily Fox*, the Prelude Corp. of Westport, Massachusetts, for damage done to its fishing gear in the spring of 1971.

Prelude had originally asked for $177,000 in actual damages plus $200,000 in punitive damages, but Prelude president Joseph S. Gaziano accepted the $89,000 settlement "in the interest of mutual respect and good will among fishermen."

Previously government officials dealt with disputes between U.S. and Russian fishermen; in the *Wily Fox* case SoyRybFlot president Amenak S. Babaev, who stressed his legal position as head of a commercial enterprise in Russia that is not an arm of the Soviet Government, hailed the settlement as an example of the way such disputes should be handled.

Mr. MUSKIE. Mr. President, I am pleased to join with my colleagues today in introducing the Lobster Conservation and Control Act of 1973. This bill will provide for effective control of lobster fisheries on the Continental Shelf of the United States by amending existent legislation to make the lobster a creature of the shelf. Under present Federal law, foreign vessels are prohibited from harvesting Continental Shelf fishery resources except in conformity with conditions prescribed by the United States or as expressly provided by an international agreement to which the United States is a party.

The legislation is badly needed and long overdue. In recent years, foreign fishing fleets—particularly Russian, Japanese and Polish—have been lobster-catching with relative abandon off the U.S. coast. In my own State of Maine, in the last 11 years, the lobster yield has dropped by more than 30 percent while the number of lobstermen has increased by more than 25 percent. It is not that the lobster is becoming more intelligent. It is that there is too much lobster-catching off the Maine coast, particularly by foreign fishermen.

This legislation will help remedy this situation. At the same time, making the lobster a creature of the Continental Shelf will not prejudice the conclusion of a comprehensive international fishing agreement. Indeed, the passage of this legislation by the Congress should stimulate serious negotiation.

At this time, I ask unanimous consent that a recent article from the Bath-Brunswick Times Record on our declining lobster supply be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Bath-Brunswick (Maine) Times Record, Jan. 25, 1973]

Lobster Supply Dropping, But What's To Be Done

(By Vern Warren)

Lobster, for years the most important Maine seafood in terms of dollars as well as taste, is getting scarce. Decline of the lobster population off the Maine coast has reached a point where officials and lobstermen alike are saying something has to be done about the problem. The question is, what can be done?

It is often a difficult thing to get Maine coast lobster-catchers to agree on anything—even if they are the best of friends. But they are beginning to be concerned about the decline in the lobster population and most will agree the lobster industry is having problems.

"There just aren't as many as there used to be," said Robert Green of Bailey's Island in a recent interview. "There's no question about it."

Green says he has been lobstering for 20 years. After his return from military service about 1955, he set a string of about 120 traps and in the next few years increased his gear until he was running about double that number.

"Back then, 250 traps was a respectable gang of gear," he recalls.

Now Green is working "about 600 traps." He says he has to have that many out to make a living.

Maybe Green is lucky. There are lobstermen around Casco Bay who have 2,000 traps and claim they need that many to earn a living.

Green says that many traps was unheared of just a few years ago. In the late 1950s, he said, there were a few "highliners" who started working with 800 or so traps. "We thought that was terrible at the time—still do—but look at them now."

Despite a tremendous increase in the price of lobster over the past few years, lobster-catchers have had to increase the number of traps they tend in order to make a living.

Green is at the point now where he says, "there has to be something done—no question about that. If something isn't done the industry is in real serious trouble."

Lobster-catchers talk in terms of their ability to earn a living from the sea. Biologists and researchers talk in terms of statistics, but the conclusion is the same: the lobster is getting scarcer.

Figures provided by Robert Dow of Maine's Department of Sea and Shore Fisheries indicate a decline in the available lobster population over the past few years.

In 1962 there were 22 million pounds of lobster landed in Maine. In 1963 the figure was 23 million; in 1964, 21 million; in 1965, 19 million; 1966, 20 million; 1967, 16 million; 1968, 21 million; 1969, 20 million; 1970, 18 million; and 1971, 18 million.

All the figures aren't in yet, but Dow, head of research for the department, says the catch will total no more than 15.2 million pounds.

The decline from yields of over 20 million pounds during the 1960s to a projected 15.2 million this year is dramatic in itself, but added to the increase in effort expended to catch lobster of the same period, the statistics become alarming.

In 1962, there were 5,658 licensed lobster-catchers on the Maine coast. Dow says they were using a total of 767,000 lobster traps at the time.

In 1972, there were 7,117 licensed lobstermen using 1,247,000, Dow said.

In other words, in 11 years, the lobster yield dropped by 31 per cent while the number of lobstermen increased by 25.8 per cent and the number of traps used increased by 62 per cent.

Depsite a tremendous increase in efforts to catch lobster, the yield declined by nearly one-third. Dow says that is not because the lobster is getting smarter.

"It is a typical overfishing situation," he said, "The curve could be used to illustrate a textbook."

With state officials, biologists, other researchers, and lobstermen agreeing something has to be done, it would seem a solution could be found. That may not be easy, however.

After talking with four lobster-catchers on Bailey's Island for a couple hours recently, this reporter was asked, "See how we are? You can't get even one of us to agree to anything even for a little while—and we're all friends."

The four, Green, Carl Johnson, Carl Clark and Martin Wyman, are all veteran lobster-catchers. As Green put it, "These boys cut their teeth on a bait box."

They all said catching lobster is getting more difficult because the crustacean is getting scarcer. All four agreed: "Somebody has to do something." But all four also agreed there is wide disagreement about what should be done.

A legislative study committee headed by GOP Senate Majority Leader Richard N. Berry of Cape Elizabeth recently made recommendations for limits on the number of traps a man can set, restrictions on the number of licenses to be issued, and local zone management of the lobster industry under the direction of the Department of Sea and Shore Fisheries.

If the few lobstermen contacted recently are any indication, a majority of them would at least accept some kind of trap limit and some would welcome the idea—up to a point.

Their main concern is how any trap limit would be imposed. As Green put it, "You'd have to limit licenses at the same time. Otherwise, two men with licenses could work the same boat and have twice as many traps. If licenses aren't controlled, you'd all of a sudden see twice as many licenses issued."

But there are reservations about a freeze on licenses. "How about the young fellows coming up?" Johnson said. "You have to give them a chance, too."

The study committee recommends setting

a 600-trap limit the end of this year; a 450-trap limit the end of next year; and a 300-trap limit at the end of 1975.

Green had reservations about that. "A 600-trap limit is reasonable but cutting it in half after two years—I don't know about that. That's a pretty hard thing to swallow."

Green and others are quick to point out there are many who will oppose any trap limit. "How about those working 1,200 or 2,000 traps?" Green asks. "They have all that gear and want to work it. You can't really blame a man for going after all he can get."

Green said there may be some men working 1,200 traps or more who "really know how to fish."

"You take Charlie Johnson. He's one of the few men in my own mind that can really work that amount of gear. He does it. Take most of them though, they have to run that much gear just because they don't know how to fish with less.

"I think the real bonafide fishermen are the ones who fish a few traps and really fish them well," he said. "But of course you know that's just my idea of it. Everybody has their own ideas."

What it amounts to, Green said, is "You can't please everybody. Whatever is done, somebody will be hurt and they'll say everyone else is being selfish."

The local zone management control idea is a big question to the lobster-catchers. Several asked this reporter what the proposal is all about and indicated they would have to know more about it before commenting one way or another.

Several lobstermen came up with suggestions they said could help the industry.

Green suggested eliminating "part timers." He said, "The part timers are killing us," and said licenses should go only to those who earn a living from the sea.

One man, who asked his name not be used, said the state should begin a program to increase the number of lobsters through aquaculture. "Then all of us could work however many traps we want to," he said. Millions of lobsters are born each year but most are eaten by predators or die from other causes, he said. The state, he reasoned, could help the industry by starting programs to get more young lobsters which would in turn make more mature lobsters available.

One suggestion by some researchers meets with considerable resistance from lobstermen.

Some researchers say if the minimum legal carapace length of lobsters is increased from three and three-sixteenths to three and one-half inches, the change would produce a sizable increase in the lobster population. Carapace length is what determines whether a lobster is a legal or not.

Reason for the idea is sexual maturity in lobsters is not reached until almost the legal minimum. That means very few lobsters reproduce before being caught, according to researchers. In fact, Dow says lobstermen are now catching 90 to 92 per cent of the lobsters reaching the minimum legal size.

Increasing the minimum size would result in more lobsters reproducing before they are caught, the researchers say, and the lobster population would increase.

Most lobstermen contacted oppose the idea Green explained it this way. "People want pound or pound and a quarter lobsters. At $2 a pound, bigger lobsters are priced right out of sight. Folks just can't afford them."

And, he says, the minimum size still allows plenty of reproduction. "I've thrown back as much as 200 pounds of lobsters in one day because they were punched. That's just in one day. They were punched for a reason. They were punched because they are seeders."

While lobstermen disagree about what should be done, more and more recognize someone has to do something soon.

As William Ganske Sr. of Cundy's Harbor put it, "I think you'll find out most every lobsterman on the Maine Coast knows something has to be done. It's just that no one can agree on anything. Those that don't know it now will soon realize soon enough."

Ganske, a lobster-catcher in the area for 27 years, says he has been here such a short time "most people still call be an outsider." But he says he has seen the increasing problems in the industry and is "quite concerned about it."

"If the state doesn't do anything soon the feds will," he said, "and that will mean it will be all over for the little guy. The feds will favor big operations and that's the way it will be. I know they say it can't happen, but it will.

"It will either come to the point where it will be all big lobstermen or there will be a limit and everyone will have an equal chance," he said.

Ganske says failing health in the past year has forced him to put his gear up for sale. "But I can still growl about the problem, can't I?" he said.

Despite the declined lobster population and increasing problems in catching them, lobstermen have continued to make money because prices have gone up so much. It is a kind of vicious circle, some point out.

More people want more lobsters and are willing to pay for them. As the price rises, more people put more effort into lobstering. As the effort increases the lobster population decreases and prices go up more. As Dow points out, even though the annual catch is decreasing, total value is increasing.

Even with a substantial drop in the catch this year, the industry was still worth well over $20 million.

More and more lobstermen are saying "it has to stop somewhere."

Martin Wyman, asked what solution he could suggest, said jokingly, "It's simple really. The state should issue just one license—to me."

LEGISLATION TO DESIGNATE LOBSTERS CREATURES OF THE SHELF

Mr. KENNEDY. Mr. President, I am delighted to cosponsor legislation today to designate lobsters as creatures of the Continental Shelf. This legislation will afford protection and control for this dwindling marine resource which is vital to the New England fishing industry.

For many Americans the lobster fishing industry provides a source of pleasure and recreation. New England coastal residents and summer visitors during the summer months catch lobsters and consume their own catch. The New England coastline is dotted with the small boats, colorful buoys, and stacks of lobster pots belonging to groups of lobstermen in nearly every port. The lobster fishery provides a colorful and pleasurable atmosphere as a backdrop to the enormous recreational and aesthetic advantages of New England in the summer.

But the lobster fishery is much more than that to the fishermen of New England. Lobster produces more revenue than any other single species of North Atlantic fish or shellfish. To over 8,000 commercial lobstermen in New England lobster resources are the basis of their livelihoods for themselves and their families. And the New England fishermen, alert, and vigilant, are the first to recognize the importance of protecting and conserving this precious resource.

From 1952 when the offshore northeast United States lobstery fishery began, to the present when over 20,000 lobster pots are being fished on the high seas off New England, our lobstermen have been faced with problems of increased foreign fishing effort, foreign vessel destruction of their lobster gear, and a dwindling resource in need of effective conservation measures. I ask unanimous consent to insert in the Record at this point, the history of some of these difficulties from an article in the "Journal of Maritime Law and Commerce."

There being no objection, the material was ordered to be printed in the Record, as follows:

Issues Raised by the Attachment of the Suleyman Stalskiy: Sovereign Immunity of Socialist Fishing Vessels and Liability for Damage to Fixed Fishing Gear by Vessels Fishing Mobile Gear

(By David W. Windley* and Carmen J. Blondin**)

INTRODUCTION

The succulence of the American lobster, *Homarus Americanus*, is well known, as attested by the high prices the limited supply of the creatures bring. The demand for lobsters, together with the relatively static supply available from the areas close to shore where lobsters traditionally have been fished—usually within 3 miles of shore, where States control fishing—have induced fishermen to go further out to sea in their search for new lobster grounds.

The offshore northeast United States lobster fishery began in 1952 with the New Bedford trawler *Sonya* fishing lobster and fluke along the 100 fathom contour.[1] Although other trawlers followed the lead of the *Sonya* with as many as 75 trawlers fishing for lobster for much of the year, it was not until 1962 and 1963 that pot fishing for lobster on the high seas began, from a 45-foot vessel especially designed for the fishery. At present, perhaps 20,000 lobster pots are being fished on the high seas off New England by approximately 36 vessels. The pots are fished as far as 100 miles at sea, at the eastern edges of Georges Bank. The fishing areas in 1971 alone increased from 500 square miles in May to over 1,600 square miles in late October. As of summer 1972, the fishing was being conducted as far south as Cape Hatteras, and six Canadian vessels had entered the fishery in competition with U.S. fishermen (swordfishing vessels rendered useless because of the mercury scare).

The rise in the offshore lobster fishery has not been without its problems. First, the lobsters taken in the offshore fishery are larger than the lobsters taken inshore, and were thought for many years to be the brood stocks for the lobsters which occurred inshore, it being generally believed that the larger lobsters moved offshore in winter while the smaller, younger onces hibernated. Second, the lobster pots rests on bottom and are easily damaged by trawlers, whose large nets drag along the bottom. The great demand for lobster, plus recent scientific evidence that the offshore lobsters are from a different stock than the inshore lobsters,[2] has largely eliminated the problems caused by the first consideration mentioned earlier. However, conflict with trawl fishing, a problem of almost complete incompatibility, has caused much rage to both trawlermen and lobstermen. Lobster fishermen who set their properly marked gear have a cause of action in tort against trawler fishermen who negligently or wantonly run down their pots, and with the increasing numbers of pots being set the trawler fishermen have found their fishing grounds preempted, much to their chagrin. The Coast Guard, trying to maintain order among fishermen, has tried to assist both interests by persuading the lobster fishermen to set their gear only in pre-determined areas, the locations of which are widely disseminated to trawler fishermen. The Coast Guard also patrols the grounds where lobster fishermen have reported pot damage or losses resulting from trawling to observe the conduct of the trawlers, to advise of the concentration of pots, and to provide

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Footnotes at end of article.

evidence of wanton destruction to lobster fishermen seeking relief.[3]

While such a system has not worked to the satisfaction of either side, both have learned to live with it. A worse problem, however, is damage to pots from foreign trawlers which fish in the area. Much suspected damage and some observed damage, has been caused by these vessels, with U.S. lobster fishermen reporting 903 pots lost during the period January-May 1972 alone. In response to complaints from lobster fishermen, an informal meeting was held May 19, 1971, with the Soviet fleet commander aboard the Soviet vessel *Robert Eikat* on the high seas beyond the U.S. 12-mile contiguous fishery zone, with an informal understanding reached that the Soviets would not fish in areas which they were informed by the U.S. Coast Guard were active U.S. pot fishing areas.[4] Since then, areas of pot concentrations have been notified to the Soviets, and the Soviets apparently have avoided these areas; in fact, the Soviets assigned two trawlers to police the grounds to prevent conflicts with U.S. lobster fishermen.[5] However, trawlers of several other flags fish in the area, and many U.S. lobster fishermen set their pots outside the areas recommended by the Coast Guard for pot fishing.[6]

One lobster fishing company, Prelude Corp., of Westport Point, Mass., lost many of its pots beginning in late 1958. After failing to obtain relief through diplomatic channels, the company brought suit against the Soviet Union on June 10, 1971, in the U.S. District Court for the Northern District of California in San Francisco. The complaint, filed in admiralty, cited as defendant the "owners of the F/V ATLANTIK" and 22 other named trawlers, "and other fishing vessels operating in the same fleet or fleets, known as U.S.S.R." The complaint also stated that the defendant was not to be found within the jurisdiction of the court, and sought attachment of the Soviet freighter *Suleyman Stalskiy*, then at dock in San Francisco. A writ of attachment was issued June 9 and the vessel was attached by a U.S. Marshal.[7]

The "Complaint for Damages for Marine Tort—Collision, Allision, Trespass and Conversion" [8] stated that during the period Nov. 1–Dec. 22, 1968, and since March 31, 1971 the vessels of the defendant "with either malicious contempt or reckless disregard of the rights of American fishermen fishing in the area," [9] ran down and destroyed many of Prelude's lobster pots, "leaving in their wake destruction resulting in the loss of much lobster fishing gear and many lobsters." [10]

The detailed complaint was in three counts. Prelude sought $39,290.34 for lost or damaged gear, $126,947 for lost profits, and $200,000 in exemplary damages, for a total of $377,055.15, with interest and costs.[11]

Almost immediately the ship's agents moved to vacate the attachment, alleging *inter alia* that a writ of foreign attachment was improper in that (1) the named defendant was within the district (in that the Soviet Union maintained a liner service out of San Francisco and solicited freight there), (2) the *Suleyman Stalskiy* was owned and operated by the Far Eastern Steamship Company (FESCO), a separate judicial entity under Soviet law entirely responsible for its own liabilities and not those of other "entities" operating fishing vessels in the Atlantic, and (3) the U.S.S.R. as ultimate owner of the vessels in question was not personally liable for the torts of the vessels named. The motion also claimed sovereign immunity for the U.S.S.R. and forum non conveniens.[12]

After several days of consideration of motions submitted by both sides and by the Dept. of State [13] and the Soviet Embassy in Washington,[14] personal service was allowed upon the agent of FESCO in San Francisco. The writ of attachment was vacated by an order issued June 15, and the vessel was free to sail.[15]

Footnotes at end of article.

Prelude, following the release of the vessel appealed [16] and vowed to continue the suit and threatened to attach other Soviet vessels of the same "judicial entity" as those named in the complaint, viz., Soviet fishing vessels and support vessels visiting ports in New England, Canada, and St. Pierre-Miquelon.[17] The Soviets, apparently concerned about the $2000–3000 per day a vessel such as the *Suleyman Stalskiy* costs tied up in port and the possibility that judges on the Atlantic coast might be more sympathetic to U.S. lobstermen than those in San Francisco, dispatched a representative of "Sovrybflot", the entity of the Soviet Government responsible for servicing the Soviet high seas fishing fleet, to negotiate a settlement. Discussions were held in Westport, Mass., during November 9–12, 1971, with the president of Prelude, and agreement was reached on $89,000, or half the amount Prelude was suing for, less exemplary damages. In return, Prelude agreed to drop the suit, including the claim for $200,000.

Decision on the merits of the case of course was never reached. Given the myriad legal issues involved, *viz.*, negligence, sovereign immunity, liability for damage to fixed gear, status of Socialist "entities" as private parties, the outcome of the case could have presented several interesting facets. This article is a review of two of the most salient aspects of the case—the sovereign immunity of Soviet fishing vessels and liability for damage to fixed gear by vessels fishing mobile gear on the high seas.

FOOTNOTES

*J.D., The American University, 1972; Foreign Affairs Officers, International Activities Staff. National Marine iFsheries Service.

**J.D., George Washington University, 1962, Commander, U.S. Coast Guard; Staff Attorney, Office of the Chief Counsel, USCG.

The opinions and conclusions stated in this article are the personal views of the authors and in no way reflect the official position of any agency of the U.S. Government.

[1] Resumé of Offshore Lobster Fishery, Memorandum from Regional Director, National Marine Fisheries Service, Gloucester, Mass., to Director, National Marine Fisheries Service, Nov. 17, 1971.

[2] D. G. Wilder, The Offshore Lobster: A New Venture for Canadians, Halifax, N.S., Chronicle Herald, Feb. 22, 1972.

[3] See letter 5921 of June 23, 1972, from Commander, 1st Coast Guard District, to various representatives of the fishing industry.

[4] Newsweek, May 31, 1971.

[5] National Fisherman, July 1972.

[6] The trawlers observed fishing in such areas include Japanese, Polish, West German, East German, Spanish, Romanian, Canadian, Bulgarian, and Portuguese.

[7] Writ of Maritime Attachment, Prelude Corp. v. Owners of F/V Atlantik, et al., (C–71 1123 GBH (N.D. Cal., filed June 9, 1971) (hereafter cited as Prelude v. Trawlers).

[8] Prelude v. Trawlers (filed June 10, 1971).

[9] Id. at 3.

[10] Id.

[11] Id. at 4.

[12] Motion to Vacate Writ of Foreign Attachment, Prelude v. Trawlers (filed June 11, 1971).

[13] Letter from John Stevenson, Legal Advisor, Dept. of State, to Richard Kleindienst, Deputy Atty. Dept. of Justice, June 14, 1971.

[14] Statement of Anatoliy Dobrynin, Soviet Ambassador, to the U.S. Secretary of State, June 13, 1971.

[15] Order Granting Claimant's Motion to Vacate Writ of Foreign Attachment, Prelude v. Trawlers (filed June 15, 1971). The opinion noted that the plaintiff had resorted to the remedy of a writ of foreign attachment for tactical reasons. 1971 A.M.C. 2653.

[16] Notice of Appeal, Prelude v. Trawlers (filed June 15, 1971).

[17] Ocean Science News 25, June 18, 1971.

Mr. KENNEDY. Mr. President, early this year, the National Oceanic and Atmospheric Administration notified industry leaders of their decision not to declare the American lobster a creature of the Continental Shelf. I ask unanimous consent to insert a copy of Administrator White's letter in the Record at this point.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Department of Commerce,
Rockville, Md., January 4, 1963.

Hon. Edward M. Kennedy,
U.S. Senate,
Washington, D.C.

Dear Senator Kennedy: I am aware of your great interest in marine resources, the U.S. fishing industry, and management of the American lobster. For this reason I am enclosing a copy of my recent letter to Governor Sargent of your State setting forth my decision to recommend against declaring the American lobster a creature of the Continental Shelf at this time and the basis for this decision.

Sincerely,
Robert M. White, *Administrator.*

U.S. Department of Commerce,
Rockville, Md.

Hon. Francis W. Sargent,
Governor of Massachusetts,
Boston, Mass.

Dear Governor Sargent: The National Oceanic and Atmospheric Administration of the Department of Commerce has been working with Mr. Frank Grice of your State Division of Marine Fisheries in developing a State/Federal cooperative management plan for the American lobster to insure its continued conservation as a viable resource. This valuable resource is now subject to great fishing pressure which is likely to become more intense in the next few years, with attendant danger to the stocks.

A lobster management Policy Committee consisting of the directors of the fisheries agencies of 11 North Atlantic States, including Massachusetts, and a National Marine Fisheries Service official agreed upon some 13 recommendations which can serve as a basis for a State/Federal lobster management program. Such a program can provide a uniform system of management of the lobster resource by the States with the cooperation of the Federal Government.

One of the recommendations called for the declaration of the lobster as a creature of the Continental Shelf, thereby securing for the United States the exclusive right of exploitation of this resource in accordance with the 1958 Geneva Convention on the seabed resources. The Policy Committee has correctly identified one of the central problems in the management of this resource, i.e., to gain effective control of the total resource so as to insure its conservation and protect the interests of U.S. fishermen. Effective control is not possible unless we are able to control the foreign catch. The recommendation was aimed at this problem.

I have reviewed this recommendation and find that while it gives the appearance of achieving effective control, in fact it does not do this; it creates many additional difficulties, and would have an uncertain legal and biological basis. I have, therefore, decided that alternative methods of securing effective control would be more desirable and offer the possibility of achieving our mutual goals more directly. In particular, I believe that we can secure the necessary restrictions on foreign catches of American lobster through agreements with the principal nations fishing off our coast.

We have succeeded already in obtaining agreement from the Japanese Government that there will be no Japanese fishery for lobsters and that Japanese fishermen will take all reasonable precautions to reduce their incidental catch of lobsters from waters traditionally fished by U.S. vessels. Meetings are planned in the next couple of months with the Soviets and Canadians looking toward similar agreements. We will seek a similar agreement with the Government of Poland early in the summer, and with other governments thereafter.

The United States is also sponsoring initiatives in multilateral forums which could have beneficial effects for the lobster resource. One of these is a U.S. proposal which will be debated this month at a special meeting of the International Commission for the Northwest Atlantic Fisheries to reduce sharply overall levels of foreign fishing effort in waters off our North Atlantic coast. For the long term, the United States is seeking, as I am sure you know, to establish through agreement at the United Nations Conference on the Law of the Sea the authority of coastal countries to manage resident coastal species.

I have, therefore, decided not to recommend at this time that the U.S. Government declare the American lobster a creature of the Continental Shelf. I will, of course, review this decision very carefully in the light of the outcome of the negotiations which I propose be undertaken.

Even though the proposal of the Policy Committee to declare the lobster a creature of the shelf has not been adopted, in favor of other alternatives to reach similar ends, it is my sincere hope that the proposed coordinated management program for American lobster will move forward with the full participation of the officials of the States concerned. It is essential that we cooperate to the fullest extent in working speedily to preserve the lobster resource and its rich yields.

I think it no exaggeration to say that the actions taken now to conserve the lobster resources will determine the future of the fishery for years to come. Cooperation of all in pursuing a landmark State/Federal cooperative fisheries program for lobster is essential.

Because of the intense interest in this question, I am enclosing a detailed rationale for my decisions which I hope will clarify many points which may remain in your mind.

Sincerely,

ROBERT M. WHITE,
Administrator.

Mr. KENNEDY. Mr. President, the negative decision by NOAA on the basis that international agreements can be reached to accomplish protection of lobster resources has been disturbing to both lobstermen and elected officials who view effective control over lobster resources as essential to the preservation of lobster fishery. While American lobstermen recognize and are subject to protective State measures for the protection of undersized and egg-bearing lobsters, foreign fishermen are not effectively patrolled and controlled to prevent devastation of lobster resources. I ask unanimous consent to place in the RECORD at this point a copy of the resolution passed by the New England Governors' Conference on March 23 reflecting their concern that lobster be declared a creature of the shelf.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

CONSERVATION OF OFF-SHORE LOBSTER RESOURCES

Whereas a lack of adequate conservation measures for the preservation of off-shore stocks of the American lobster has been clearly documented by both state and federal fishing agencies and,

Whereas there are presently no effective controls with regard to lobsters on the growing foreign fleet off New England and,

Whereas our own New England lobster fishermen are subject to many landing laws imposed by the several states to protect undersized and egg-bearing lobsters

Now, therefore, be it resolved that the New England Governors urge the administrator of the National Oceanic and Atmospheric Administration to declare the American lobster a creature of the shelf and therefore subject to United States control and ownership.

Mr. KENNEDY. Mr. President, I urge other Members of the Senate to join with us in passing legslation which will protect our lobster resources. Once again the fishermen of New England are simply asking for what is equitable; they are asking that adequate protection be established which will conserve and replenish our lobster resources; they are asking that foreign fishermen share this concern that marine resources are vitally in need of this protection; they are asking that at the very least foreign fishermen abide by the same conservation measures off our shores as they do. I urge the Senate to act favorably on this legislation and to act quickly to assist this threatened industry.

By Mr. CHURCH (for himself and Mr. McCLURE):

S. 1528. A bill to authorize the Secretary of the Interior to construct, operate and maintain a replacement dam for the existing American Falls Dam of the Upper Snake River Basin Project, Idaho, and for other purposes; and

S. 1529. A bill to authorize the Secretary of the Interior to enter into agreements with non-Federal agencies for the replacement of the existing American Falls Dam, Upper Snake River Project, Idaho, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

INTRODUCTION OF BILLS TO AUTHORIZE THE REPLACEMENT OF THE AMERICAN FALLS DAM IN IDAHO

Mr. CHURCH. Mr. President, I send to the desk for appropriate reference two bills to authorize the replacement of the American Falls Dam in Idaho.

The American Falls Dam is located on the Snake River in southeastern Idaho. It was constructed by the Bureau of Reclamation in 1927 as a feature of the Minidoka project. A chemical reaction between the cement and the aggregate in the concrete which comprises the dam has led to gradual deterioration in the structure. The Bureau has concluded that the dam does not meet current safety standards, and severe restrictions have had to be imposed upon the amount of water which can be stored in the reservoir.

The reservoir behind the American Falls Dam represents nearly half the usable storage on the main stem of the upper Snake River. Nearly 900,000 acres of land receive irrigation water from the reservoir, and it is also the backbone of a coordinated reservoir system which is operated to provide irrigation, flood control, recreation, fish and wildlife conservation, and hydroelectric power throughout the basin.

The storage in the reservoir is presently limited to less than 65 percent of its usable capacity and even greater restrictions will become necessary with increasing deterioration. In dry years, the present restriction will cause serious irrigation water shortages. The economy of the basin is heavily based upon irrigated agriculture and will be critically affected by crop failures. Furthermore, important flood control, recreation, and fish and wildlife purposes will be adversely affected.

The seriousness of these threats to the well-being of the people of the region requires that the American Falls Dam be replaced at the earliest possible time. The two measures which I am introducing along with my colleague from Idaho represent two approaches to accomplish the replacement. One bill would authorize the Secretary of the Interior to construct, operate, and maintain a replacement dam as a conventional project under the reclamation program. The replacement would be an entirely feasible undertaking. The total construction cost of the replacement would be $29,000,000. The ratio of benefits to costs using current analytical criteria would be 4.52 to 1.00, and all of the costs allocated to the irrigation function would be repaid by the water users.

Unfortunately, in recent years the administration has refused to support an effective reclamation program. Project proposals have seldom been recommended to the Congress. The construction of authorized projects has been inadequately funded, and congressional additions to budget requests have been impounded.

The water users of the American Falls Reservoir have had little reason to anticipate prompt Federal financing of a replacement dam. Faced with the threats of crop failure, they have sought other sources of financing.

The second measure we are introducing today would accommodate a plan developed by the water users, in which they would finance and construct a replacement dam without Federal assistance. The Secretary of the Interior would be authorized to take title to the dam and operate it as a feature of the Federal Upper Snake River reclamation project.

The costs of the second alternative to the water users in loss of the benefits of Federal financing would be significant. The delays associated with appropriations, however, might be reduced.

Each of these measures involves some uncertainties which can be resolved only in the course of executive review and congressional hearings. We are introducing both measures so that both alternatives can be further explored. The choice of the best approach then will be better informed and will be more likely to expedite the completion of the project.

Mr. President I ask unanimous consent that the text of the two bills together with an editorial from the Idaho Falls Post Register on the subject of replacement of the American Falls Dam appear at this point in the RECORD.

There being no objection, the bills and editorial were ordered to be printed in the RECORD, as follows:

S. 1528

A bill to authorize the Secretary of the Interior to construct, operate and maintain a replacement dam for the existing American Falls Dam of the Upper Snake River Basin Project, Idaho, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to construct, operate and maintain a replacement dam and reservoir for the existing American Falls Dam and Reservoir, Upper Snake River Project, Idaho-Wyoming, in accordance with the Federal Reclamation Laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and the provisions of this Act and the plans set out in the report of the Bureau of Reclamation dated December 1972 entitled "American Falls Dam Replacement," with such modification of, omissions from, or additions to the works as the Secretary may find proper and necessary for the purposes of irrigation, flood control, generation of electric power, fish and wildlife and recreation: *Provided,* That facilities for the generation of electric power other than those necessary to accommodate the future addition of hydroelectric power as a project function shall not be installed unless specifically authorized by the Congress.

SEC. 2. Replacement of the existing dam and reservoir as authorized in section 1 hereof shall in no way alter or change the present proportionate storage rights of present spaceholders in the American Falls Reservoir and shall constitute a reaffirmation of existing rights under the contracts between the Secretary and the spaceholders except as otherwise provided in this Act.

SEC. 3. That portion of the construction costs of the replacement dam allocated to the irrigation purpose shall be repaid in accordance with the irrigators' ability to pay but within a period not to exceed forty years in accordance with the provisions of reclamation law: *Provided,* That the Secretary is authorized to execute repayment contracts in excess of forty years with those spaceholders who have not yet completed repaying their obligations on the existing American Falls Dam if he determines that repayment within forty years of their obligations under both existing and new repayment contracts would exceed their repayment capacity.

SEC. 4. The development of public recreation and fish and wildlife conservation undertaken in connection with the replacement dam and the repayment of costs associated with those purposes shall be in accordance with the provisions of the Federal Water Project Recreation Act (79 Stat. 213).

SEC. 5. The costs associated with improving the relocated highway to meet current standards shall be non-reimbursable under the provisions of section 208 of the Flood Control Act of 1962 (76 Stat. 1196).

SEC. 6. Repayment of the costs associated with the provision of features to accommodate future hydroelectric power production shall be deferred and shall be reimbursable with interest upon the addition of said hydroelectric power production as a project purpose.

SEC. 7. The interest rate used for computing interest during construction and interest on the unpaid balance of the capital costs allocated to interest-bearing features of the project shall be determined by the Secretary of the Treasury as of the beginning of the fiscal year in which construction on replacement of the dam commences on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for redemption for fifteen years from date of issue.

SEC. 8. There is hereby authorized to be appropriated for the construction of the American Falls Dam replacement the sum of $29,000,000 (based upon July 1972 price levels) plus or minus such amounts as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved. There are also authorized to be appropriated such additional sums as are required for operation and maintenance of the project.

S. 1529

A bill to authorize the Secretary of the Interior to enter into agreements with non-Federal agencies for the replacement of the existing American Falls Dam, Upper Snake River Project, Idaho, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior (hereinafter called the Secretary) is authorized to negotiate and enter into agreements with the American Falls Reservoir District or other appropriate agency representing the District (hereinafter called the constructing agency), which agreements shall authorize the constructing agency to finance and provide for the construction of a dam to replace the existing American Falls Dam of the Upper Snake River Project, Idaho-Wyoming. The United States shall take title to the dam upon a determination by the Secretary that construction of the dam is substantially completed, and the dam shall be a feature of the Upper Snake River reclamation project and shall be considered to be a "Government dam" as defined by the Federal Power Act (Act of June 10, 1920, 41 Stat. 1063, as amended). The Secretary shall operate and maintain the replacement dam as a feature of the Upper Snake River Project.

SEC. 2. Replacement of the existing dam as authorized in section 1 hereof shall in no way alter or change the present proportionate storage rights of present spaceholders in the American Falls Reservoir and shall constitute a reaffirmation of existing contract rights between the Secretary and the spaceholders except as otherwise provided in this Act.

SEC. 3. The constructing agency may enter into repayment contracts with the spaceholders in the existing American Falls Reservoir providing for the repayment by the spaceholders of proportionate shares of the total project costs incurred by the constructing agency for engineering, financing, designing and constructing the replacement dam, and the Secretary shall be a party to said contracts and shall require delivery of water to the spaceholders to be contingent upon fulfillment of the contract obligations: *Provided,* That said contracts shall be consistent with the terms of existing contracts between the Secretary and the spaceholders for repayment of the costs of the existing American Falls Dam; *And provided further,* That the Secretary is authorized to amend said existing contracts to extend the repayment periods as necessary to bring the combined repayment obligations within the spaceholders' repayment capacity.

SEC. 4. The constructing agency may contract with an appropriate non-Federal entity for the use of the falling water leaving the dam for power generation, which contract shall provide for a monetary return to the constructing agency to defer the costs of construction of the replacement dam. The constructing agency may enter into agreements with an appropriate non-Federal entity to coordinate the construction of hydroelectric power facilities with the construction of the replacement dam. The contract and agreements for use of the falling water shall not be subject to the limitations of section 9(c) of the Reclamation Project Act of 1939 (53 Stat. 1194), or any similar limitations in any other applicable Acts of Congress: *Provided,* That said contract for falling water shall not impair the efficiency of the project to serve the other purposes of the Upper Snake River Project.

SEC. 5. Construction of the replacement dam shall not be initiated until the Secretary has approved the designs and specifications.

SEC. 6. The Secretary is authorized to provide specific facilities for public recreation and fish and wildlife conservation in connection with the replacement dam, and the costs of such facilities shall be repaid in accordance with the provisions of the Federal Water Project Recreation Act (79 Stat. 213).

SEC. 7. There are authorized to be appropriated such sums as may be necessary for the construction of specific facilities for public recreation and fish and wildlife conservation and for the operation and maintenance of the American Falls replacement dam.

IDAHO POWER'S PLAN

The Idaho Power Co. has come up with a most resourceful proposal which could expedite the replacement of the American Falls dam.

Water users attending the water District No. 1 meeting in Idaho Falls this week looked favorably on the proposal . . . and understandably so.

Essentially, Idaho Power Co. is proposing that the utility pay almost the entire cost of a new American Falls dam . . . and proposed to complete the project 14 months after construction started. It would help finance replacement of the dam over a 40 year period with revenues from the new power plant, which would be increased substantially to 100,000 kilowatts of power capacity. Under the plan space holders would sell bonds to finance construction at an estimated $19 million, not including a roadway on top of the dam. Then the power company would reimburse the district for its bond obligations in an amount equal to the dam's actual construction cost . . . but now exceeding $19 million.

The tremendous value of the utility's plan would be the shortcutting of the routine Congressional approval route of federal project approval, a timetable estimated to take from eight to 10 years. The dam has deteriorated badly and there is serious question whether the structure could stand the luxury of the ceremonious, political obstacle course of a Congress which is turning away from reclamation projects.

Replacement of the American Falls dam,—a proven, operational dam—should certainly be placed in an emergency category . . . not only from the safety standpoint of an eroding dam but from the need of the water and electricity as well. Because of the condition of the structure, the Bureau of Reclamation has not been able to fill the structure to capacity since discovering the crumbling concrete problem. There is question now, however, whether Congress will accord American Falls the emergency status it surely deserves. Consequently, the Idaho Power Company's resourceful plan appears the best on the horizon now.

However, there is one question that must be answered first. No one is aware if the utility's plan establishes a new precedent where a federal agency gives up its operational and water rights in a navigable stream to a private utility.

An inquiry to the Bureau of Reclamation by this newspaper on whether such a water ownership change had ever taken place elsewhere in reclamation history, gained no answer. Bureau officials are just beginning to examine the proposal and indicated that they did not know whether it did indeed set a precedent, and if so, what would be involved in making the ownership switch. If this demands special Congressional legislation, the question is also raised how long this process will take.

The proposal is still evolving. Questions will be raised, and hopefully answered. But let's give the Idaho Power Co., credit for an ingenious master plan to solve a thorny problem. It is a good example how private enterprise can cut through the thicket of government inertia to get action.

Mr. McCLURE. Mr. President, today, I and my colleagues from Idaho, in both the Senate and House of Representatives, are introducing legislation designed to alleviate a situation facing the people in the southern half of our State which is both potentially dangerous and economically devastating. The 45-year-old American Falls Dam, located on the Snake River, has deteriorated structurally and has been listed by the Bureau of Reclamation as unsound. The restrictions placed on the use of this dam and its reservoir have severely limited an economy largely based on irrigated croplands. There are two bills which I send forward today:

The first would authorize the Secretary of the Interior to construct, operate and maintain a replacement dam as a conventional project under the Federal reclamation program, costing an estimated $29 million for construction. The second measure would not require any Federal assistance, but, rather, authorize a construction of a replacement structure by the water users. The Secretary of the Interior would be authorized to take title to the dam, which then would be operated as part of the Upper Snake River Reclamation project.

In the first legislation, there are considerable pitfalls; chief among them, the possibility of delays in funding or impoundment of appropriated funds. Under the second bill, shorter construction time would be insured, something vital to the people and farms served by this project.

In curtailing the water storage of the present failing structure, the Bureau of Reclamation has rightfully considered the paramount issue of safety. But, in the replacement of this dam, time is of the essence. The storage limitations have exposed irrigators to crop failure, by an estimated 600,000 acre-feet water loss. This could spell a possible $100 million loss in south Idaho farm income. Obviously, the only solution to this dilemma is construction of a new, stronger structure as soon as possible.

By Mr. SPARKMAN (for himself and Mr. TOWER) (by request):

S. 1530. A bill to authorize further adjustments in the amount of silver certificates outstanding, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. SPARKMAN. Mr. President, I introduce for myself and Senator TOWER, by request to authorize further adjustments in the amount of silver certificates outstanding, and for other purposes.

I ask unanimous consent that the bill together with a letter of transmittal from Secretary of the Treasury, George P. Shultz, be printed in the RECORD.

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

S. 1530

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act of June 24, 1967 (31 U.S.C. 405a–2), is amended by inserting a comma and the words "Federal Reserve bank notes, and National Bank notes" immediately after "silver certificates" wherever the term appears and by striking out "(not exceeding $200,000,000 in aggregate face value)."

THE SECRETARY OF THE TREASURY,
Washington, March 30, 1973.

The Honorable SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is transmitted herewith a draft of a proposed bill "To authorize further adjustments in the amount of silver certificates outstanding, and for other purposes."

The proposed legislation would authorize further adjustments in currencies outstanding which were issued after June 30, 1929. Specifically, the proposed amendment would authorize the write-off of Federal Reserve bank notes and National bank notes, and would remove the limitation of $200 million on the aggregate face value of silver certificates outstanding that the Secretary of the Treasury is authorized by law to write off after he has determined that they have been lost or destroyed, or are held in collections, and will never be presented for redemption. The limitation of $200 million of silver certificates which could be written off was established by the Act of June 24, 1967 (31 U.S.C. 405a–2).

The Old Series Currency Adjustment Act of 1961 provided authority for the write-off of the old large-size currency which was issued prior to June 30, 1929, and the Act of June 24, 1967, provided authority for the write-off of silver certificates of the new series issued after June 30, 1929. Under the Old Series Currency Adjustment Act, over $144 million of currency has been determined by the Secretary of the Treasury to have been lost or destroyed and has been written off. Under the Act of June 24, 1967, silver certificates determined to have been lost or destroyed or to be held in collections in the amount of $200 million have been written off. For those currencies which are no longer being issued, the write-off technique is the accepted method of adjusting the liability for currencies outstanding on the books of the Treasury. These adjustments make it possible to reflect more accurately the true liability for currencies which remain outstanding. The writing off of the liability is reflected in the Budget as a receipt.

Enactment of the proposed legislation would permit the write-off of discontinued National bank notes and Federal Reserve bank notes issued after June 30, 1929, determined by the Secretary of the Treasury to have been lost or destroyed. National bank notes, authorized by the Act of June 3, 1864 (National Currency Act), were circulating notes delivered to national banks in amounts equal to the market value of U.S. bonds required to be deposited by the banks at the time of their organization.

Provision was made by the Act of June 20, 1874, and later acts, for the retirement of National bank notes upon the deposit of lawful money with the Treasurer of the United States. As the bonds which were deposited as collateral for National bank notes were retired, national banks deposited lawful money to retire the circulation so secured, thus transferring the liability for redemption of National bank notes to the United States. The amount of such notes outstanding is carried as a part of the public debt bearing no interest. As of June 30, 1972 the amount of National bank notes outstanding, issued after June 30, 1929, amounted to $19,838,000. In the five-year period, ending June 30, 1972, redemptions have amounted to only $892,000, and to less than $118,000 in fiscal year 1972. Based on this record of retirement, it would seem desirable to reduce the liability of the Treasury for the redemption of these notes by about $18 million, representing notes which will never be presented for redemption.

Federal Reserve bank notes were authorized by the Federal Reserve Act of December 23, 1913 to be issued by Federal Reserve banks against the deposit of U.S. bonds, as in the case of National bank notes. By the close of 1922, Federal Reserve banks had ended their liability on these issues of notes by the deposit of lawful money for their retirement with the Treasurer of the United States. Federal Reserve bank notes were also issued during the emergency period in 1933–34 under the Emergency Banking Act of March 9, 1933. Since 1935, however, all of these notes have been liabilities of the Treasury and in process of retirement. Authority for the issuance of Federal Reserve bank notes was repealed by the Act of June 12, 1945. As of June 30, 1972, the amount of Federal Reserve bank notes outstanding, issued after June 30, 1929, amounted to $52,761,000. In the five-year period ending June 30, 1972, redemptions have amounted to only $8,428,000 and in fiscal year 1972 redemptions amounted to $1,155,000. Based on this record of retirement of these notes, it would seem desirable to reduce the liability of the Treasury for their redemption by about $35 million, representing notes which will never be presented for redemption.

Enactment of the proposed legislation would permit further write-offs of silver certificates by removal of the $200 million limitation established by the Act of June 24, 1967. During the year following passage of that Act, redemptions of silver certificates were very heavy because the Act specified that they would not be exchanged for silver after the expiration of that year. Without the incentive inherent in exchange for silver, redemptions then dropped very sharply. During fiscal year 1971, $2,504,000 were redeemed, and in the fiscal year 1972, only $2,283,000 were redeemed. At the end of June 1972 the amount outstanding was $215,309,000. On the basis of this experience, it would seem desirable to reduce the liability of the Treasury for silver certificates by at least $175 million at the present time, and possibly by more later, representing certificates which will never be presented for redemption.

There is enclosed for your convenient reference a comparative type showing the changes in existing law that would be made by the proposed legislation.

This proposed legislation was introduced in the 91st Congress as S. 3825, and in the 92d Congress as S. 670, and passed the Senate each time.

It would be appreciated if you would lay the proposed bill before the Senate. An identical bill has been transmitted to the Speaker of the House of Representatives.

The Department has been advised by the Office of Management and Budget that there is no objection to the submission of this legislation to the Congress and that its enactment would be in accord with the program of the President.

Sincerely yours,

GEORGE P. SHULTZ.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 70 AND S. 1025

At the request of Mr. MANSFIELD (for Mr. MAGNUSON), the Senator from Nevada (Mr. CANNON) was added as a cosponsor of S. 70, to promote commerce and establish a Council on Energy Policy and for other purposes and S. 1025, to improve the Nation's energy resources.

S. 277

At the request of Mr. Cranston, the Senator from California (Mr. Tunney), the Senator from Oregon (Mr. Hatfield), the Senator from New York (Mr. Javits), the Senator from Iowa (Mr. Hughes), and the Senator from Michigan (Mr. Hart) were added as cosponsors of S. 227, to amend the Immigration and Nationality Act with respect to a waiver by the Attorney General, of certain grounds for exclusion and deportation, for an offense in connection with possession only of marijuana.

S. 380

At the request of Mr. Hathaway, the Senator from Connecticut (Mr. Weicker) and the Senator from Alaska (Mr. Gravel) were added as cosponsors of S. 380, to establish a contiguous fishery zone (to the outer limits of the Continental Shelf) beyond the territorial sea of the United States.

S. 408

At the request of Mr. Thurmond, the Senator from Wyoming (Mr. Hansen) was added as a cosponsor of S. 408, to amend the Food Stamp Act of 1964 in order to prohibit the distribution of food stamps to any household where the head of the household is engaged in a labor strike.

S. 838

At the request of Mr. Tower, the Senator from Nevada (Mr. Cannon) was added as a cosponsor of S. 838, to amend title 10, United States Code, to permit the recomputation of retired pay of certain members and former members of the Armed Forces.

S. 1042

At the request of Mr. Ervin, the Senator from Maryland (Mr. Mathias), was added as a cosponsor of S. 1042, a bill to insure the separation of Federal powers and to protect the legislative function by amending title I of the United States Code, to provide for the implementation of article I, section 7, of the Constitution.

S. 1104

At the request of Mr. Mansfield (for Mr. Hart), the Senator from Massachusetts (Mr. Kennedy), the Senator from Idaho (Mr. Church), the Senator from Minnesota (Mr. Mondale), the Senator from Wisconsin (Mr. Nelson), the Senator from Rhode Island (Mr. Pastore), and the Senator from Montana (Mr. Metcalf) were added as cosponsors of S. 1104, the Environmental Protection Act of 1973.

S. 1122

At the request of Mr. Cook, the Senator from Tennessee (Mr. Baker), the Senator from Indiana (Mr. Bayh), the Senator from Maryland (Mr. Beall), the Senator from Nevada (Mr. Bible), the Senator from New Jersey (Mr. Case), the Senator from Florida (Mr. Gurney), the Senator from Oregon (Mr. Hatfield), the Senator from Minnesota (Mr. Humphrey), the Senator from New York (Mr. Javits), the Senator from Rhode Island (Mr. Pastore), the Senator from West Virginia (Mr. Randolph), the Senator from Delaware (Mr. Roth), and the Senator from Texas (Mr. Tower) were added as cosponsors to S. 1122, a bill to encourage the movement in Interstate and Foreign Commerce of Recycled and Recyclable materials and to reduce the quantities of solid waste materials in commerce which cannot be recycled or do not contain available recycled materials.

S. 1298

At the request of Mr. Hathaway, the Senator from Minnesota (Mr. Humphrey), the Senator from Michigan (Mr. Hart), and the Senator from South Dakota (Mr. Abourezk) were added as cosponsors of S. 1298, to provide public service employment opportunities for unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes.

S. 1378

At the request of Mr. Moss, the Senator from North Dakota (Mr. Young) was added as a cosponsor to S. 1378, a bill to encourage earlier retirement by permitting Federal employees to purchase into the civil service retirement system benefits unduplicated in any other retirement system based on employment in Federal programs operated by State and local governments under Federal funding and supervision.

S. 1388

At the request of Mr. Talmadge, the Senator from Vermont (Mr. Aiken), the Senator from North Dakota (Mr. Young), and the Senator from North Carolina (Mr. Helms) were added as cosponsors of S. 1388, to authorize the Secretary of Agriculture to encourage and assist the several States in carrying out a program of animal health research.

S. 1431

At the request of Mr. Helms, the Senator from Alabama (Mr. Allen) was added as a cosponsor of S. 1431, to provide for the continuation of programs authorized under the Vocational Rehabilitation Act, and for other purposes.

S. 1440

At the request of Mr. Proxmire, the Senator from Illinois (Mr. Stevenson) was added as a cosponsor of S. 1440, to assure that Federal housing assistance programs are carried out to the full extent authorized by Congress.

S. 1472

At the request of Mr. Ervin, the Senator from Colorado (Mr. Haskell), the Senator from New Jersey (Mr. Williams), the Senator from Missouri (Mr. Symington), and the Senator from Maine (Mr. Hathaway) were added as cosponsors of S. 1472, a bill to help preserve the separation of powers and to further the constitutional prerogatives of Congress by providing for congressional review of Executive Agreements.

SENATE JOINT RESOLUTION 6

At the request of Mr. Cranston, the Senator from Alaska (Mr. Gravel) was added as a cosponsor of Senate Joint Resolution 6, to establish the Tule Elk National Wildlife Refuge.

AMENDMENT OF THE NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES ACT OF 1965—AMENDMENTS

AMENDMENT NO. 78

(Ordered to be printed, and to lie on the table.)

Mr. PROXMIRE submitted amendments, intended to be proposed by him, to the bill (S. 795) to amend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes.

TRADE REFORM ACT OF 1973—AMENDMENT

AMENDMENT NO. 79

(Ordered to be printed, and to lie on the table, by unanimous consent.)

THE JACKSON AMENDMENT ON EAST-WEST TRADE AND FREEDOM OF EMIGRATION

Mr. JACKSON. Mr. President, I am pleased to submit, on behalf of a bipartisan majority of more than three-fourths of the Senate, an amendment which I intend to propose to H.R. 6767, the Trade Reform Act of 1973. I ask unanimous consent that the amendment be printed and lie on the table, and that the amendment be printed in the Record, together with the list of cosponsors.

The PRESIDING OFFICER. The amendment will be received and printed and will lie on the table; and without objection the amendment together with the cosponsors will be printed in the Record following the Senator's statement.

(See exhibit 1.)

Mr. JACKSON. Mr. President, 76 Senators who are joined in this amendment share the deep commitment of the American people to the fundamental human rights affirmed more than 25 years ago by the United Nations. America then played a leading role in the drafting and the adoption of the Universal Declaration of Human Rights; and now it is time for America to take the lead in assuring that the right of free emigration, so central to the Universal Declaration, is supported by the full weight of our economic power.

Our amendment, Mr. President, is a simple one. It would require the President, prior to the granting of most-favored-nation treatment to nonmarket economies—the Soviet Union and the countries of Central Europe—or the extension to them of credits, credit guarantees or investment guarantees, to submit to the Congress a report indicating that the recipient of these benefits does not deny its citizens the right or opportunity to emigrate. Moreover, the President would be required to report that the country in question does not resort to more than nominal taxes as a means of denying its citizens the right or opportunity to emigrate. This report, required initially prior to the granting of trade benefits would have to be submitted semiannually thereafter so long as the benefits were extended. It is this provision that will enable the Congress to assure that its insistence on the right to free emigration is and will remain a condition of American economic assistance to the Soviet Union and other nonmarket economies.

There is absolutely nothing in this amendment which would prevent an American businessman or an agency of the U.S. Government from trading with the Soviet Union or any other nation. Many of my colleagues who support this amendment also support expanded East-West trade, and, in fact, I was among the group of Senators who cosponsored legislation to promote such trade long before the President went to Moscow. What is at issue here is whether to give the countries in question, in effect, "economic assistance."

I use the term "economic assistance," Mr. President, because there is much in the developing East-West trade relationship that closely resembles—indeed constitutes—foreign aid. The Soviet Union, for example, has recently borrowed substantial sums at a rate of interest lower than the prime rate. No American corporation—no American homeowner—can do that. Agricultural commodities in vast amounts have been purchased by the Soviet Union at prices lower than those paid by American consumers; and both the grain itself and its financing and transportation have been subsidized by the American taxpayer. At a time when Americans are paying more for bread baked with American wheat than Russians are paying for their bread, also baked with American wheat, our consumers understand that we are sliding into the foreign aid business with respect to the failing Soviet economy. At a time when American beef production is based on high-cost feed grains—because cheaper feed grains have been shipped to the Soviet Union—every American at the supermarket can understand who is paying the price for expanded trade with the Soviet Union.

With respect to the granting of most-favored-nation treatment, there is no question that it is the Soviet Union, and not the United States, that desires this accommodation. The Soviets are making purchases in this country because, for certain critical goods, services and commodities, they have nowhere else to go. As the enormity of the failure of the Soviet economy looms larger in their politics and in ours, we can expect that they will continue to make critical purchases in the United States. Whether they are granted MFN or denied it will have little effect on their pressing needs or on our capacity to meet those of their requirements that we may wish to satisfy through increased exports.

I believe, Mr. President, that the American people share the conviction of an overwhelming majority of the Senate that it is right and proper to attach conditions to the extension of aid. And I am deeply moved by the determination of the American people to join together in this effort to bring freedom to tens of thousands of innocent human beings who ask only the right to emigrate to the country of their choice. As we move to increase trade, let us move to decrease tyranny. As we talk about free trade, let us talk about free people.

The amendment, including sponsors, follows:

Exhibit 1

List of Sponsors of Amendment No. 79

Mr. Jackson (for himself, Mr. Ribicoff, Mr. Magnuson, Mr. Javits, Mr. Buckley, Mr. Gurney, Mr. Bayh, Mr. Hollings, Mr. Humphrey, Mr. Dole, Mr. Packwood, Mr. Percy, Mr. Kennedy, Mr. Tunney, Mr. Williams, Mr. Roth, Mr. Hugh Scott, Mr. Taft, Mr. Allen, Mr. Baker, Mr. Beall, Mr. Bentsen, Mr. Bible, Mr. Biden, Mr. Brock, Mr. Brooke, Mr. Harry F. Byrd, Jr., Mr. Robert C. Byrd, Mr. Cannon, Mr. Case, Mr. Chiles, Mr. Church, Mr. Clark, Mr. Cook, Mr. Cotton, Mr. Cranston, Mr. Domenici, Mr. Dominick, Mr. Eagleton, Mr. Fannin, Mr. Fong, Mr. Goldwater, Mr. Gravel, Mr. Hansen, Mr. Hart, Mr. Hartke, Mr. Haskell, Mr. Helms, Mr. Huddleston, Mr. Hughes, Mr. Inouye, Mr. Johnston, Mr. McClellan, Mr. McGee, Mr. McGovern, Mr. McIntyre, Mr. Mathias, Mr. Mondale, Mr. Montoya, Mr. Muskie, Mr. Nunn, Mr. Pastore, Mr. Pell, Mr. Proxmire, Mr. Randolph, Mr. Schweiker, Mr. Sparkman, Mr. Stennis, Mr. Stevens, Mr. Stevenson, Mr. Symington, Mr. Talmadge, Mr. Thurmond, Mr. Tower, Mr. Weicker, Mr. Young).

Amendment No. 79

At the end of Title V of the Act, add the following new section:

EAST-WEST TRADE AND FREEDOM OF EMIGRATION

Sec. 507. (a) To assure the continued dedication of the United States to fundamental human rights, and notwithstanding any other provision of this Act or any other law, after October 15, 1972, no nonmarket economy country shall be eligible to receive most-favored-nation treatment or to participate in any program of the Government of the United States which extends credits or credit guarantees or investment guarantees, directly or indirectly, during the period beginning with the date on which the President of the United States determines that such country—

(1) denies its citizens the right or opportunity to emigrate; or

(2) imposes more than a nominal tax on emigration or on the visas or other documents required for emigration, for any purpose or cause whatsoever; or

(3) imposes more than a nominal tax, levy, fine, fee, or other charge on any citizen as a consequence of the desire of such citizen to emigrate to the country of his choice, and ending on the date on which the President determines that such country is no longer in violation of paragraph (1), (2) or (3).

(b) After October 15, 1972, a nonmarket economy country may participate in a program of the Government of the United States which extends credits or credit guarantees or investment guarantees, and shall be eligible to receive most-favored-nation treatment, only after the President of the United States has submitted to the Congress a report indicating that such country is not in violation of paragraph (1), (2), or (3) of subsection (a). Such report with respect to such country, shall include information as to the nature and implementation of emigration laws and policies and restrictions or discrimination applied to or against persons wishing to emigrate. The report required by this subsection shall be submitted initially as provided herein and semi-annually thereafter so long as any agreement entered into pursuant to the exercise of such authority is in effect.

HUMAN FREEDOM AND THE TRADE REFORM ACT OF 1973

Mr. RIBICOFF. Mr. President, among the many well-known cases of Jews desperately seeking to leave the Soviet Union, the plight of Valery Panov is particularly tragic. The great ballet artist has been subjected to arrest, intimidation, harassment, and loss of his job since he and his ballerina wife applied for exit visas to go to Israel a year ago. This is an all too familiar script in the Soviet Union today. In Panov's case not only is he being denied his freedom, but the entire world is being denied his artistry. Both Panov's considerable talents and his personal resolve to be free are weakening under the strain of the brutal repression being inflicted upon him. Despite world-wide protests, Panov remains caged.

In yesterday's New York Times, Mr. Anthony Lewis described his recent visit to the Panov's Leningrad apartment. In a sensitive and perceptive article appropriately entitled "The Dark Side", Lewis concluded with the observation that:

> As long as such exemplary cruelty remains a part of the system, it will not be possible for Americans to forget Valery Panov.

Panov is not the only prominent Russian personality in the arts of sciences now living on the "dark side." Thousands of others are being cruelly persecuted because of an expressed desire to leave Russia. Among the more than 100,000 outstanding applications for exit visas there are such noted figures as Academician Benjamin Levich, Professor Alexei Lerner, Dr. Victor Polski and Engineer Vladimir Slepak. All of these men and their families have been in the forefront of the struggle in the Soviet Union for human rights and freedom. Still others are in jails or Siberian labor camps.

They are all in grave danger, and they and their loved ones will not be saved unless the United States seeks a genuine commitment to human rights on the part of the Soviet Union.

Surely the well-being and security of a great nation like the Soviet Union will not be put in jeopardy if a ballet dancer, a theoretical physicist or a cyberneticist are given their freedom.

Detente must be a two-way street. So far we have seen great tangible benefits accruing to the Soviet Union from a new era in United States-Soviet relations. It is time for the other side to prove their own good intentions by more than tokenism.

When the Soviet Union realizes there must be a quid pro quo and begins acting accordingly, detente will become more than an empty phrase, and the cause of human freedom will be advanced.

Most immediately we in the Congress can help advance this cause by passing the Freedom of Emigration Amendment to the administration's Trade Reform Act of 1973. This bill is being introduced today in the other body. The administration's bill seeks authority from the Congress to grant the Soviet Union most-favored-nation treatment. I have long advocated increased East-West trade, and I know the Soviet Union will benefit greatly from the trade agreement worked out. If Russia wants most-favored-nation treatment and other trade concessions, the Soviet Union can demonstrate its professed respect for human rights by being in compliance with this amendment. The Jackson amendment is the only effective way there is to insure the protection of a basic human right in the Soviet Union.

I am pleased to note that today, the very able and distinguished junior Senator from Washington is introducing his amendment, cosponsored by a total of 76 Senators, to the Trade Reform Act of 1973. It has my strongest support and the support of all Americans who cherish human freedom. It is the only way we can make certain that the Panovs, Levichs, Lerners, and countless others will some day soon be free.

I ask unanimous consent that the text

of Mr. Lewis' article and a complete list of its cosponsors be printed in the Record.

There being no objection, the article was ordere dto be printed in the Record, as follows:

The Dark Side

(By Anthony Lewis)

Leningrad.—The apartment door opens. There stands a man modest in size but projecting tremendous physical power and beauty. A fringe of beard around his triangular face gives him a saturnine look.

"Panov," he says.

We step into a living room perhaps 10 feet by 16, with chairs, a dining table, a television set, a phonograph—the walls covered with pictures of dancers and musicians. On one wall a short wooden bar has been rigged as a dancer's practice bar.

That room is the universe of one of the world's great ballet dancers: his home, his studio, his stage. For more than a year now it has been the only place where Valery Panov can dance.

Panov was a leading dancer of the Kirov Ballet, Leningrad. In March, 1972, he and his wife, the ballerina Galena Ragozina, applied for exit visas to go to Israel. The Kirov company immediately dismissed him and reduced her to the lowest level of the corps de ballet; she left with him. They did not get the exit permits.

The pressures on Panov have steadily grown. Last May he was charged with spitting on a militiaman's sleeve and he spent a week in a cell full of amputees and cripples—an unsubtle message. More recenty mail and telegrams from abroad have been cut off. Three months ago his telephone just stopped working. Twice this month he has been stopped on the street by a burly figure who asked for a cigarette—and then found himself surrounded by men who grabbed him, then let go.

But the threats may matter less than the sense of confinement. Valery Panov is not a mathematician or a writer whose life is in his head; he is a physical man who must dance to live. At the age of 35 he feels that life force draining away.

"I have a little more strength left to fight," he says. "Then . . . I must get out or my life is over; there is no more me."

For a visitor from the outside world, seeing the Panovs is like wandering into a novel, a fantasy. In that living room, its ceiling too low to let him leap, he seems caged. Galena is a tiny blonde just 23 years old. She gives an elfin smile and touches his brow when he says, "They tell people I am an evil magician who has cast a spell on her."

In his gesture and expression, Panov is the great artist who knows his true status and treats unpleasant reality almost with disdain. But not far under that surface there is desperation.

He says he is grateful for protests organized in their behalf in New York and London, but he is still not sure that Westerners understand the seriousness of the situation. For example, some who reached him by telephone asked about whether he had enough food and clothes, not about his internal agony.

"When I said they were squeezing me to death," Panov says, "there would be a silence on the telephone—as if I had spoiled the game by saying something too serious."

The irony is that Panov is such a Russian figure. He wants to do Russian ballet; he has choreographed Pushkin's "Queen of Spades" and other Russian classics. He thinks Russian dancers and training are the best, the pay and conditions good. But party cultural watchdogs made life impossible, he says, by demanding changes in productions for ideological reasons.

Why have the authorities refused to let the Panovs go? They have no secrets or political status, and outsiders would pay any exit fees demanded. The reason is surely prestige. Ballet is a major art in the Soviet Union, and Panov is probably the most decorated artist who has ever tried to leave for Israel. The symbol is hard to accept.

Of course, they are not the only people who have been refused exit visas arbitrarily. The Hermitage Museum's curator of European-American arms and armor, Leonid Tarassuk, was dismissed last year when he applied for a visa. Just a few days ago Tarassuk, who like many with higher education is a reserve military officer, got a call-up notice. If he goes, he believes that will be the end; he will then be treated as having had access to secrets and will never be allowed to leave.

Panov thinks that, despite some relaxation in applications for exit fees, the dangers are increasing for individual Jews who are regarded as prominent examples. He believes their only hope is that they will be let go as part of the arrangements for Leonid Brezhnev's projected visit to the United States: "If we do not get out then, our life is over."

In two weeks in the Soviet Union I have seen much to admire. I think Soviet leaders genuinely want better relations with the United States, and it is right to meet that desire. But as long as such exemplary cruelty remains a part of the system, it will not be possible for Americans to forget Valery Panov.

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 21 TO S. 517

At the request of Mr. Curtis, the Senator from Montana (Mr. Metcalf) was added as a cosponsor of Amendment No. 21 to S. 517, to extend titles I, II, III, IV, V, VI, and VII of the Agricultural Act of 1970 for 5 years.

NOTICE OF HEARINGS ON OVERSIGHT OF VA HOSPITAL PROGRAM

Mr. CRANSTON. Mr. President, I announce, for the information of Senators, that the Subcommittee on Health and Hospitals, which I am privileged to chair, of the Committee on Veterans' Affairs, will conduct oversight hearings on April 16 and 18, 1973. The topic of the hearings will be "Oversight of the VA Hospital Program," and specifically the impact on that program of the implementation of the fiscal year 1973 VA medical budget, the impact on that program of the proposed fiscal year 1974 VA medical budget, and the nonimplementation by the VA of the Veterans' Administration Medical School Assistance and Health Manpower Training Act of 1972, Public Law 92–541.

Mr. President, these hearings will be held in room 412, Russell Office Building, from 1:30 to 5:30 p.m. on Monday, April 16, and from 9:30 a.m. to 4 p.m. on Wednesday, April 18. Representative of the Veterans' Administration will appear at 9:30 a.m. on April 18. Other witnesses during the 2 days of hearings will include representatives of the veterans organizations, of health organizations, and of universities, medical schools, and health manpower training institutions affiliated with VA health facilities.

Mr. President, this is the third set of oversight hearings on VA medical care which I have chaired since coming to the Senate—the prior two occurring in 1969–70 and 1971. As I have with respect to each of the VA budgets for the last 3 fiscal years, I plan to make detailed and comprehensive recommendations to the Appropriations Subcommittee based on the information developed by these hearings.

ANNOUNCEMENT OF HEARING CONCERNING TOBACCO MARKETING QUOTAS

Mr. HUDDLESTON. Mr. President, at the request of the chairman of the Subcommittee on Agricultural Production, Marketing and Stabilization of Prices of the Committee on Agriculture and Forestry, I would like to announce that the subcommittee will hold a hearing Friday, April 13, on a proposal to provide that any kind of tobacco for which marketing quotas are not in effect that is produced in an area where it has not been traditionally produced and where producers who are engaged in the production of a kind of tobacco traditionally produced in the area have approved marketing quotas shall be subject to the quota for a kind of tobacco traditionally produced in the area. These provisions are contained in H.R. 6485 and a Senate companion bill is expected to be introduced before the hearing. The hearing will be in room 324, Russell Office Building, beginning at 10 a.m. Oral presentations will be limited to 10 minutes with the privilege of filing longer statements. Anyone wishing to testify should contact the committee clerk as soon as possible.

SENATOR CLARK ANNOUNCES FARM LEGISLATION FIELD HEARINGS IN IOWA

Mr. CLARK. Mr. President, I would like to take this opportunity to announce that I will be holding farm legislation field hearings on behalf of the Senate Agriculture Committee on Thursday, April 19, in Ames, Iowa.

Joining me at these hearings will be Senator Walter Huddleston, Democrat of Kentucky, chairman of the Senate Agriculture Subcommittee on Production, Marketing, and Stabilization of Prices.

The purpose of this hearing is to gather the views of Iowa farm and commodity organizations and of individual farmers as to the future direction of farm legislation. It is especially important during these turbulent times for agriculture that farmers have an opportunity to make clear what type of programs they support and feel they can operate under to provide this Nation with an adequate food supply.

The hearings will be held at the C. Y. Stephens Auditorium on the campus of Iowa State University from 9 a.m. until 4 p.m. Farm group officials will testify in the morning and individual farmers will speak in the afternoon.

In addition, all members of the Iowa congressional delegation and top ranking State agricultural department officials have been invited to attend the conference and participate.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

V. DeVoe Heaton, of Nevada, to be U.S. attorney for the district of Nevada for the term of 4 years, vice Bart M. Schouweiler, resigned.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Tuesday, April 17, 1973, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

ADDITIONAL STATEMENTS

MR. NIXON'S ROUND

Mr. SCOTT of Pennsylvania. Mr. President, in an April 5 editorial, "Mr. Nixon's Round," the Philadelphia Bulletin puts into perspective the sound reasons the President is trying to curb inflation, and explained why Senate Republicans are likewise so committed. "This country," the editorial states, is weary of inflation and of excessive Federal spending.

It adds:

> Until Congress gears itself up to do part of the budgeting job properly, it will by default continue to yield much of its authority over the nation's purse strings to the President.

Mr. President, I ask unanimous consent that this fine editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Philadelphia Bulletin, Apr. 5, 1973]

MR. NIXON'S ROUND

The Democratic leaders of the Senate seem stunned because that body refused to override President Nixon's veto of a $2.6 billion authorization for vocational aid to the handicapped.

Why should they be? True, the purpose of the bill was good. True, the Senate had passed it, 86 to 2, a little over a month ago.

But it was not a fiscally responsible piece of legislation. It was assailed as inflationary by Mr. Nixon.

The fact is, the Senate, in the power struggle with the President, was pushing cripples ahead of it in the front line. The dodge didn't work. In the crunch, Mr. Nixon's position prevailed.

And the country, which is weary of inflation and of excessive federal spending, and which just now is engaged in the painful Spring rite of filling out its tax forms, seems generally to support the President's determination to keep a lid on the budget.

This doesn't mean that Congress is wrong and the President is right when it comes to saying specifically how—as contrasted with how much—federal money should be spent.

It does mean that Congress is going to have to find a more effective way to establish whatever priorities it favors within a reasonable overall budget limit. It can't do so simply by advancing social welfare programs that appeal to the heart but which the President, appealing to the head, assails as "budget busters."

This question of priorities—and power—is central to the President's refusal to spend money Congress has appropriated (impoundment.) There is justifiable congressional resentment when Mr. Nixon picks and chooses what programs to scuttle or slash to keep within an anti-inflationary spending limit. It comes close to the President legislating. But how to deal with it?

Senate Democrats are pushing a measure that would sharply restrict the President's ability to hold back money appropriated by Congress. But they have had the good judgment to tack on an overall spending limit which is even a little less than Mr. Nixon proposes to spend in fiscal 1974. The zinger is that in any cuts to stay under the ceiling, the President would have to cut all programs proportionately. And Congress would have to approve any impoundment besides those proportional cuts.

As a curb on presidential abuse of the impoundment device, this approach has something to commend it. But it still evades the main issue. It doesn't cure Congress' procedural weakness in meeting its responsibility to set spending priorities within a responsible overall budget figure. Across-the-board cuts—cutting urgently needed programs as much as less needed ones—is no way to exercise an intelligent choice.

Until Congress gears itself up to do its part of the budgeting job properly, it will by default continue to yield much of its authority over the nation's purse-strings to the President.

AN EVENING WITH THE B'NAI B'RITH

Mr. McGEE. Mr. President, last Sunday evening, April 8, 1973, the distinguished junior Senator from West Virginia (Mr. ROBERT C. BYRD) addressed a statewide meeting of B'nai B'rith in Beckley, W. Va.

All of us are aware of the valuable work done by B'nai B'rith in the charitable and sociological fields throughout the United States, and its aim of promoting toleration and understanding among people.

Senator BYRD's address contains some salient points regarding the future directions of our country, with particular regard to the troubled Middle East, and to the current plight of Soviet Jewry.

In order that my colleagues may share with me Senator BYRD's thoughtful speech, I ask unanimous consent that the speech may be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH BY U.S. SENATOR ROBERT C. BYRD

Mr. Chairman, Ladies and Gentlemen:

It is a pleasure for me to be in your company, and to greet a statewide meeting of B'nai B'rith in what is my own home territory.

As I imagine most of you know, I spent my childhood and my youth in Raleigh County. Despite what Thomas Wolfe once wrote, it is indeed possible, and pleasant, to come home again.

Over the past few weeks, other Americans have come home. They came home from the other side of the world, some of them after many weary years of imprisonment in Communist prison camps. With their return, the United States closed a chapter in our history that has been, and will be for years to come, the subject of discussion, debate, and recrimination. Now that the war in Vietnam is over as far as American participation is concerned, we face a task of making the post-Vietnam America, and, to the extent of our influence, the post-Vietnam world, places where peace, toleration, and freedom can once more be paramount in the affairs of mankind.

This nation has never sought war, nor have we ever regarded a resort to arms as a legitimate means of territorial acquisition. If American attitudes and policies toward other nations of the world can be compressed into four simple words, these attitudes and policies add up to "Live and let live." Unfortunately, the simplicity of that design is not honored in some other national philosophies, and America has had to go to war four times in this century in defense of freedom and self-determination. I devoutly hope that we are entering a period in world history when international goodwill and understanding will replace hatred, jealousy, and aggression.

It is a fact of life, however, that hope alone is of little practical use without preparedness. It is a fact of life that in a world where rivalries and envies still abound, national security and a full capacity to deter aggression are paramount national priorities. It is a fact of life that weakness begets contempt while strength begets respect. These unfortunate facts may be a sad commentary on the state of our world, but it would be the height of foolishness to ignore that they do exist.

Three years from now, this nation will celebrate two hundred years of its existence. Three years from now, we will honor America's two centuries of history. As we do, and as the emotions of the celebrations engulf us, it will be well to remember that we can best honor our past by ensuring our future.

I have heard the question asked: What will be America's role in the world for the rest of this century and beyond? No one can answer that question with certainty. The forces of the unforeseeable, and the vagaries of human nature are always so strong that neither prophet nor seeress dares to predict. A much more pertinent question, it seems to me, is the question: What should we strive to make America's role in the world of tomorrow?

There is little question that America will be a leading participant in the future affairs of this planet, and as such, the directions which this nation takes will have a profound effect on the successes or the failures of mankind as the 20th century draws to a close and the 21st century begins. It would be idle to pretend that our conduct as a nation over the past hundred years has been without error, but it is also fair to say that in the light of world history, the United States' compassion and concern for less fortunate peoples have never been equalled. I do not expect our attitudes to change too perceptibly, and we can be proud in the hope that this country will continue to be the standard bearer for dignity, freedom, humanitarianism, and for the progress of mankind. And we all want our country to cooperate and strengthen ties with people in countries that seek our friendship and our economic goodwill.

Perhaps the most glaring example of a country that seeks the economic benefits of America's abundance, while being unwilling to give countenance to the human decency which America espouses, is Soviet Russia's refusal to grant exit visas to its Jewish citizens who wish to emigrate to Israel.

Of all the freedoms guaranteed under the Universal Declaration of Human Rights adopted unanimously by the United Nations more than 25 years ago, the freedom to emigrate to a country of choice is one of the most basic. Even if that Declaration had never been formulated or adopted, it would still be an American issue of the highest importance, in this, a nation of immigrants. If we in this country ever became deterred or intimidated from our dedication to the sanctity of individual freedom, the light will have gone out from life in this republic.

The Soviets have serious agricultural and economic problems. They have turned to the United States as the one nation stable enough in both these areas, to assist them in providing a better quality of life for their citizens. Provided our negotiations along these lines with the Soviet Union are conducted on a sound and businesslike basis, most of us may welcome this breakthrough in East-West trade. But I deplore the possibility that we should strengthen the economic base of the Soviet Union if that strengthening serves to provide the Soviet government with further opportunities for denying to a segment of its citizens the basic human right to emigrate.

When Senator Henry Jackson proposed this amendment to the Trade Bill in March of this year, to attempt to ensure that most-favored-nation treatment be denied to any nation that fails to guarantee freedom of emigration to any of its citizens, I was a co-sponsor of his amendment.

The fact that more than three-quarters of the members of the Senate and a large majority of the House of Representatives also support the measure, makes me confident that the time for the torch of liberty in America to be extinguished, is not yet. I am proud to know that while America is pragmatic enough to consider the dollars and cents advantages of increased trade, our country will not sacrifice to commercial advantage, the lives and liberty of human beings.

In the second act of William Shakespeare's "Twelfth Night", the Bard wrote:

"Be not afraid of greatness; some are born great, some achieve greatness, and some have greatness thrust upon them."

The United States of America may not have been born great. But assuredly, greatness has been achieved, and greatness has been thrust upon our Republic. To the chauvinist, to be a citizen of the world's most powerful nation, is a heady experience. To the truly concerned American who tempers emotion with realism, greatness and power carry with them an awesome responsibility.

The concerned American asks: What are America's responsibilities to the world? Of one thing I am convinced. America should not cast herself in the role of the world's policeman, to meddle in every inconspicuous incident beyond our shores that might be blown up in importance by interested parties for their own selfish ends. In such incidents, our policy must be guided by enlightened self interest, and a determination not to jeopardize our substance by charging at windmills.

On the other hand, there are one or two festering sores in world affairs that all the efforts of men and nations of goodwill have so far been unable to heal, and which, if they are allowed to deteriorate, will threaten the peace of the world—and with that threat, the security of the United States itself. Of these areas, none is more pregnant with possibility of trouble than the Middle East. This is neither the time nor the place for me to attempt a discourse on the history of the Mediterranean or Persian Gulf countries. Suffice it to say that it is complicated and that the results of its intricacies confront us today with problems that, up to now, have been insoluble.

As in every dispute, there are two sides to the story, and while an arbiter might lean a little one way, such a leaning, if it becomes too obvious, makes intelligent arbitration impossible. For a variety of reasons—some self-interested, and some genuinely humanitarian—the United States made prodigious efforts to bring about a settlement of the differences between Israel and the Arab states. These efforts have been hampered at all times by the intervention of the Soviet Union, but it is heartening, and significant, that despite Soviet interference, relations in the past two years between Israel and Jordan and between Israel and Lebanon, while not as perfect as they could be, have shown a marked improvement. That proves, at least, that accommodation is not impossible. It would seem to indicate that tolerance and understanding between Israel and those Arab nations that are not wholly beholden to Russia, are surely within the bounds of reason and possibility. For the sake of international peace, it is the responsibility of the United States and her allies to bend every effort to foster the emergence of reason and understanding among the countries of the Middle East as well as in other parts of the world where well-intentioned mediation could be helpful.

It has been said by critics of our technological and material society that we are the creatures of Mammon. Hopefully, before this century has passed, the people of our Republic may be differently described by critics and friends alike:

"Blessed are the peacemakers: for they shall be called the children of God."

THE SAFETY FIRST CLUB OF MARYLAND

Mr. BEALL. Mr. President, on May 17, 1973, the Safety First Club of Maryland, a nonprofit citizens' organization, will celebrate its 17th anniversary in the service of its State and people. Since 1956, this organization has been crusading for safety in our streets and highways, and has done much to reduce serious traffic accidents on our major arteries in the State of Maryland.

Although the Safety First Club believes that traffic supervision and control belong rightly in the sphere of duly-constituted authorities, they believe that a citizens' group, such as theirs, can render an effective service to planned and consistent safety programs, campaigns, and activities aimed at helping to reduce our mounting toll. Their major objectives are to help reduce traffic fatalities, stress the importance of traffic safety among our youth, and work for the passage and enforcement of statutes aimed at reducing our tragic traffic toll.

Mr. President, I commend this organization on their upcoming anniversary. The daily carnage which takes place upon our Nation's highways has reached intolerable proportions, and I believe that a citizens' group, such as the Safety First Club, can contribute much in our efforts to hold down serious vehicular accidents on our railroads and highways.

I also am pleased to note that at their 17th anniversary banquet, the club will present a "Leader in Lifesaving" Award to the University of Maryland Center for the Study of Trauma in Baltimore, Md. This organization, through the application of advanced medivac technics, has played a significant role in saving lives of many persons, and I very much hope this method of lifesaving will be expanded throughout all parts of our Nation.

Again, Mr. President, I congratulate the Safety First Club of Maryland on this significant milestone, and offer my best wishes for a continued success.

HAWAII PUBLIC INTEREST PROTECTION ACT

Mr. INOUYE. Mr. President, on January 6 of this year, I introduced S. 231, the Hawaii Public Interest Protection Act. This measure is in response to Hawaii's experience with shipping stoppages and my State's unique vulnerability to transportation strikes as a result of our almost total dependence on a single mode of transportation.

Unlike the other States of our Union which are served by trains, trucks, ships or river barges, automobiles, and buses, Hawaii must depend on ships. For more than 90 percent of our food imports we depend on those ships plying the west coast-Hawaii trade. In addition, our two major exports—pineapple and sugar—are dependent upon the continued operation of those same ships.

In the past we have had great difficulty exciting the interest of the Congress and of the people of the mainland United States in our unique problem. I hope that this year we may be most successful.

Recently, each of my colleagues has received a most persuasive document detailing our problems with some suggestions for action which closely parallel those found in S. 231. This document entitled "Hawaii, the Most Vulnerable State in the Nation," and distributed by the First Hawaiian Bank, is both exhaustive and persuasive.

Hopefully, the story of our plight will spread. In our effort to gain a broader understanding of the unique problem which is ours, I was particularly pleased to note an editorial in the March 27 issue of the San Francisco Chronicle entitled "Vulnerable Hawaii."

I was also pleased to note an editorial in the April 9 issue of the Wall Street Journal entitled "Blue Hawaii."

Both recognize the need for action to guarantee continuity in the Hawaii trade and the maintenance of service at normal levels between the west coast and Hawaii. Hopefully, the Congress will soon join in that recognition.

Mr. President, I ask unanimous consent that the above mentioned editorials be printed at this point in the Record.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

Vulnerable Hawaii

Hawaii, the island state which lies more than 2000 miles off the mainland, could under present conditions become a virtual disaster area in the event of a prolonged strike that affects transportation by sea or by air.

Unlike other States which could fall back on railroads, buses, trucks and automobiles to move goods and people, Hawaii would be left stranded, its export-import economy would dry up to the merest trickle, and its 800,000 citizens would suffer most grievous shortages in food, medical supplies, clothing, building materials and other essentials to life and health.

Since World War II, dozens of such strikes, ranging from two to 177 days, and only one of which centered in Hawaii, have cruelly demonstrated their ability to punish inhabitants of a State which is far from self-supporting. Hawaii depends upon transportation for its daily supplies and largely upon outgoing sugar and pineapple crops and incoming tourists for its economic well-being.

Because of this almost complete dependence on waterborne commerce and air transport, Hawaii is seeking special legislation that would protect it against the devastation that strikes by dock workers, ship crews, and airline workers might clearly threaten. Thus far, efforts to do so through amendments to the Taft-Hartley Act to provide cooling-off periods, compulsory arbitration and similar devices, have not only failed but are deemed inadequate by Hawaii's leaders.

What they seek, and what would appear both reasonable and necessary, is an act of Congress to provide that in the event of a dockside, maritime or airline strike, the President could order carriers in the Hawaiian trade to maintain service at its normal levels during a strike. A three-man impartial board would determine which carriers would operate and at what volume, and would also fix the conditions of employment and the returns to the operators.

Such a solution would involve only a tiny fraction of the industry involved, would in no way interfere with collective bargaining, and would appear to be fair to both parties.

Not only Hawaii, but the other vulnerable, off-shore areas of the United States—Guam, Samoa, Puerto Rico and the Virgin Islands—exist under this threat of a sudden peacetime blockade, and Congress owes them also a sound measure of protection.

Blue Hawaii

A brochure published by First Hawaiian Bank describes a special problem that confronts Hawaii periodically; it seems worthy of some special attention.

The state has a vulnerability to transportation strikes unlike that of any other state in the union. If American airlines go on strike the mobility of Hawaiians is sharply curtailed, since foreign carriers are about all that is left to them. And if ocean shipping becomes strikebound the state's jobs and food supply are in some jeopardy.

So it doesn't seem at all unreasonable that Hawaii's Congressmen have been trying to get some special relief. Their efforts last year were largely tied to a broader bill, Senate S. 640, which ran into serious flak from unions because it contained a provision that the unions felt was tantamount to compulsory arbitration of transportation strikes.

This year, Hawaii's Congressmen may get behind a special measure that would prohibit, for a specified period after a strike or lockout began, interference with Hawaii-to-mainland transportation services. They argue that exempting Hawaii from the strike would do little to weaken union bargaining power but would save the state from extraordinary damage.

It seems like a persuasive argument. And it doesn't hurt for Congress to be periodically reminded that the public interest should take precedence in their deliberations over the demands of labor unions or other special interest groups.

THE LONG WAY BACK

Mr. SCOTT of Pennsylvania. Mr. President, Howard Flieger, in an article in the April 9 issue of U.S. News & World Report, asks what the United States is doing to show its gratitude to our returning Vietnam veterans. Their needs are tremendous: for education, for health care, but their most pressing problem is the lack of employment opportunities. The returning veteran and his problems should concern each one of us. Mr. Flieger, in his excellent article, says it all. I ask unanimous consent that this be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Long Way Back

(By Howard Flieger)

They're all home from the wars now—those who survived in Vietnam.

The only men still out there in uniform are military attachés and some Marines guarding the U.S. Embassy.

So the others—nearly 2½ million of them—are back home. Home to what?

What is the U.S. doing to show its gratitude to these men who did their duty—sometimes reluctantly, angrily, often in frustration—in what was beyond doubt the most unpopular, despised war in American history?

The other day President Nixon issued a summary of Government benefits available to the veterans of Vietnam and said: "We are now doing more than we have ever done before to help our American veterans."

That is certainly true on the face of it. But some of the examples he gave probably need parenthetical annotation. For example:

Vietnam veterans are eligible for 220 dollars a month toward a higher education, with more for married students. But, what with the rising costs of going to school, it is questionable if those dollars go as far now as did the G.I. benefits after World War II.

Government-guaranteed loans are available to help the men who served in Vietnam buy homes. In the past four years more than a million loans amounting to 22 billion dollars have been made to ex-servicemen—about a third of them to Vietnam veterans, who currently are receiving more than half of all home loans under the G.I. Bill.

But, again, inflation enters in. Housing prices are high by any standards. It can be argued that the fixed ceilings on such loans are out of date with the demands of today's dollar-devouring economy.

Probably the same thing can be said about G.I. small-business loans.

Health care is almost unlimited. More veterans are receiving medical care than ever before. The new federal budget calls for 2.7 billion dollars for veterans' health care, an 80 per cent increase over 1969. More than 350,000 disabled veterans will receive special compensation in the year ahead.

But the fact is that uncounted thousands of Vietnam veterans bear emotional and psychological scars that do not show but go deep. These cannot be removed by physical treatment or financial assistance.

Aside from the special needs of the maimed and the undereducated, the most pressing problem for those back from Vietnam is jobs—the security of steady and rewarding work.

The rate of unemployment among them has been reduced from 8.8 per cent at the end of 1971 to 5.7 per cent in February of this year. Certainly that is progress. But the rate still is .6 per cent higher than over-all unemployment.

Is enough being done to combat the problem? Examples of effort abound.

In Cleveland, Ohio, Mayor Ralph Perk has initiated a personal survey of job opportunities for Vietnam veterans.

Governor Robert D. Ray of Iowa is directing a six-State search for G.I. jobs.

In New York City, one of the big commercial banks has directed its staff to give veterans the first priority in hiring, with special emphasis on the severely handicapped.

Leaders of the National Alliance of Businessmen and the Jobs for Veterans Program have set a goal of filling 150,000 jobs with Vietnam-era veterans by June 30.

All these things show genuine concern and a determination to do something.

It remains to be seen if they are adequate. As the President put it in his message:

"Just as we have kept faith with our allies abroad, let us now keep faith with our returning veterans at home. They have given much to defend the American way of life; it is time for America to serve them equally well."

POCKETS OF FAT AND HORNS OF PLENTY

Mr. PROXMIRE. Mr. President, several weeks ago the new Secretary of Defense said that there are no pockets of fat in the military budget.

Today I would like to present the elegant luncheon menu from the flag mess for the Secretary of the Navy and the Chief of Naval Operations at the Pentagon. The flag mess is open to many of the high-ranking generals and admirals in the Pentagon.

One week ago today these officers sat down to an exquisite meal, as they do every day, and as they will do again today.

A bound red menu provides the selection. The admirals can order a regular luncheon for $1.40. This is a choice of roast loin of pork with gravy and applesauce, lyonnaise potatoes, buttered asparagus spears, cottage cheese and pear salad.

Or, they can order the deluxe luncheon for $2.10 consisting of either broiled loin lamb chops with mint sauce or rock lobster tail with drawn butter, french-fried potatoes, asparagus, and a salad. Salad plates and sandwiches go for $1.15.

This is just one such dining room, of course. There are others for the Air Force, Army, and Navy, and OSD.

It is almost ironic to talk about pockets of fat amidst this horn of plenty.

Mr. President, a copy of the beautifully bound flag mess menu is available for review in my office.

PAUL PERITO: A SPECIAL TRIBUTE

Mr. PERCY. Mr. President, I note with considerable regret that Paul L. Perito, Deputy Director of the Special Action Office for Drug Abuse Prevention, is leaving that position. Mr. Perito has been a driving force behind the Federal Government's attempt to respond to the crucial problems of drug abuse with rational, compassionate programs to treat those most in need of help.

First as General Counsel and Assistant Director, and later as Deputy Director to Jerome H. Jaffe, Mr. Perito has steadfastly worked toward the goal of a coordinated and effective Federal treatment response. He was initially of tremendous assistance to the Senators and staff of the Government Operations and Labor and Public Welfare Committees in obtaining passage of the Drug Abuse Office and Treatment Act (Public Law 92–255), which I introduced in the Senate and which was unanimously approved by both Houses within 9 months. He had unselfishly given of himself, through long and arduous hours, toward redirecting the Federal effort in treatment, rehabilitation, education, evaluation, and research. Called upon to perform a most difficult task of integrating and coordinating the many and diverse Federal programs, he has seen the fruits of his labor unfold as a more balanced effort to reduce drug abuse is being developed. The dividends from his tireless work will continue to be with us for years to come.

Among the Special Action Office accomplishments during his tenure were the dramatic increase in Federal funding of treatment programs, the marked decline of drug abuse among the military in Southeast Asia through concerted treatment response, direct assistance to States for planning and coordinating drug programs, and the promulgation of confidentiality regulations designed to protect drug-dependent persons enrolled in a narcotics treatment program.

The gratitude of this entire body is due to Paul Perito for the integral part he has played in the national drug abuse prevention effort at this critical juncture in our Nation's history.

VOLUNTARY CONTROLS ARE NOT WORKING

Mr. CRANSTON. Mr. President, in mid-January of this year, President Nixon announced the success of phase I and phase II of his economic stabilization program. The rate of inflation, he reported, had been reduced by about half, to under 3 percent annually. His goal under phase III—a program of voluntary compliance with phase II guidelines—was to reduce it still further to 2.5 percent or less.

Now, nearly 3 months later, it is clear that voluntary controls are not working. Instead, the weeks since January 11 have been marked by steadily rising prices. Instead of heading toward the President's goal of 2.5 percent, the Consumer Price Index—the measure of inflation—has reached 6.3 percent. The month of February saw the CPI register its greatest increase in 22 years. Food prices were the primary offender. Figures just released for March show an unprecedented increase of 4.6 percent in wholesale food prices—the greatest monthly rise in recordkeeping history.

When the American people have expressed their dissatisfaction with the administration's failures to control prices, the President's economic experts told them if meat prices were too high, they should eat fish. Then they were told to eat cheese. Finally, they were told to eat less.

When consumers continued to object, the President imposed a ceiling on meat prices. But this too is inadequate. A ceiling on meat prices alone is meaningless. The President is throwing the consumer a bone. And it is a meatless bone at that. Meat prices will simply be maintained at their current outrageous levels under the administration's approach. A ceiling will not reduce prices or rescind the whopping increases of recent weeks.

Meat prices are being singled out because they are the most obvious manifestation of the inflationary sickness that has gripped our economy. But every California family knows that the prices of other foods are equally high, along with the prices of clothes, fuel, lumber, and the hundreds of other products every household needs.

As Hobart Rowan, financial editor of the Washington Post, said the other day, the "administration record in the whole area runs from poor to dismal."

Even Economic Council Chairman Herb Stein has admitted:

> I would sound silly if I said we had forecast the [food price] situation correctly.

A year ago, when the administration was in a position where it could have exercised leadership to stem the rising price tide, Agriculture Secretary Earl Butz was telling us he did not care that meat prices continued to go up because "more of the choice cuts will be available that I prefer."

With the administration taking this "the public be damned" attitude, there is no reason to believe the halfhearted lid placed on meat prices will slow down all price increases and stop inflation. The premature ending of prase II and the subsequent inflation it set off is not going to vanish by a piecemeal, meat price ceiling.

The American people must have confidence that firm steps have been taken to stop inflation and restore sound economic policy.

I believe that President Nixon should order a rollback of prices—all prices—to pre-phase-III levels of January. He has that authority. We in Congress gave him the power to order a price rollback to protect the consumer. He should use it now—before prices go any higher.

If the President fails to act, then I believe Congress must itself roll back prices and keep them frozen until the President comes up with a workable plan for bringing inflation under control.

As an Oakland housewife wrote to me:

> I've economized in food buying in every way possible. If prices continue to rise, the only choice I have is to cut the portions my family receives.

Cutting the size of portions is not acceptable to that California housewife. It is not acceptable to me. And it is certainly not acceptable to Americans everywhere.

THE STRIKING OF MEDALS BY THE U.S. MINT

Mr. TAFT. Mr. President, during the markup session of the Economic Stabilization Act, the Banking, Housing and Urban Affairs Committee was asked to approve two bills authorizing the striking of medals by the U.S. Mint. Largely because I was not satisfied that the committee was meeting its responsibility with respect to this type of legislation, the committee agreed to delay approval of the bills. Due to a misunderstanding and contrary to my intentions, however, one bill was reported out of committee, while the other was held back.

This action to hold back only one of the two bills has understandably caused confusion and misinterpretations of the committee's intent. The bill that was not approved would authorize the striking of the medal in honor of Roberto Clemente, whose tragic recent death has saddened baseball fans and the country as a whole.

My objection to the procedure for considering bills of this type was based on the committee's lack of familiarity with the legislation which it was about to approve. When I asked some very basic questions about the proposed bills, it became evident that neither the committee staff nor any member present had researched the bills or assembled any detailed information about them.

I am certain that almost all of these bills result in helping private organizations raise revenue for a worthy cause in a perfectly proper manner. I am also aware that the medal-striking process is said not to cost the Government any money. Nevertheless, the committee should take reasonable precautions to minimize the possibility that money which has been raised under the aegis of the U.S. Government might be used improperly.

I understand that the committee will take steps to improve the process for considering medal-striking bills, so that Members can act on them in a more intelligent fashion. It is my understanding that an ad hoc committee will be created to design a questionnaire which would be sent to the proposed sponsors of the medal sales. The information requested would describe the nature of the groups or businesses that would be selling the medals and handling the money, as well as the proposed uses for the money. That information would be available to committee members before they are asked to act on proposed legislation.

I must add at this point that I was extremely distressed to find it necesary to hold up the medal honoring Roberto Clemente, a tremendous athlete and sensitive human being for whom I had great admiration. I had no intention of singling out this particular medal, or any other particular medal, for attack. However, in my judgment we would not have been legislating properly to report the Clemente bill on the basis of the information before us at the last markup session.

The committee has now been furnished the necessary information with respect to this legislation. It seems likely to me that the committee will thus act promptly to report the Clemente bill.

PENDING RIGHT-OF-WAY LEGISLATION WOULD FURTHER ERODE CONGRESSIONAL AUTHORITY

Mr. PROXMIRE. Mr. President, at a hearing of the Senate Interior Committee on March 27 a statement was presented by George Alderson, legislative director of Friends of the Earth, which offers several penetrating remarks on pending legislation to provide for rights-of-way across public lands.

The intent of these bills is to amend the Mineral Leasing Act of 1920 so as to expedite construction of a trans-Alaskan pipeline to transport Alaskan oil into the United States without proper consideration of the alternate trans-Canadian route. Enactment of these bills would serve only to benefit the major oil companies at the expense of environmental and consumer interests. Moreover, as Mr. Alderson points out, passage of this legislation would further erode congressional jurisdiction in public land management by delegating our decision-making power in this area to the executive branch. These measures would also clear the way for potential exploitation of the public interest by eliminating the requirement for public hearings and legal notice in obtaining permits for rights-of-way.

In view of the present controversy surrounding the trans-Alaskan pipeline and its trans-Canadian alternative, I believe that my colleagues in the Senate would find Mr. Alderson's statement both enlightening and to the point. I therefore ask unanimous consent that the statement be printed in the RECORD:

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF GEORGE ALDERSON

(Legislative Director, Friends of the Earth)

Before the Senate Committee on Interior and Insular Affairs, March 27, 1973, Washington, D.C., concerning legislation providing for rights-of-way across the public lands—S. 1081, S. 1040, S. 1041, S. 1056.

I am George Alderson, Legislative Director of Friends of the Earth, a national organization of 27,000 members, committed to the preservation, restoration and rational use of the earth. Our Washington office is at 620 C Street, S.E. We appreciate this opportunity to present our views on pending bills to provide for rights-of-way across the public lands.

Because Chairman Jackson, in his statement on March 9, promised further hearings on the Alaska pipeline issue, Friends of the Earth will postpone detailed testimony on that subject. The two issues, however, are inextricably linked, as the testimony of Governor Egan and the Alyeska Pipeline Service Company demonstrated. The real push behind these bills comes from the promoters of the trans-Alaska pipeline. When these advocates say they need quick action on these right-of-way bills, they do not tell the committee that they could have come here three years ago with these same proposals. It was in April, 1970, that the U.S. District Court issued a preliminary injunction against the trans-Alaska pipeline, based partly on the fact that the Interior Department was planning to allow a wider right-of-way than the Mineral Leasing Act permitted. The February 9 decision by the Court of Appeals in effect confirmed that decision of three years ago.

Friends of the Earth supports the effort to reform the right-of-way laws. However, we cannot support any of the bills now before the committee. There are three basic reasons for this: (1) These are not reform bills but giveaway bills that play into the hands of private interests. (2) These bills give to the Executive Branch too much authority that rightly belongs to the Congress. (3) The information on which legislation should be based is simply not available yet, either in testimony or in written form.

LACK OF INFORMATION

Until more information is available, the committee is legislating in the dark. Only inadequate justification has been offered in support of hasty action on these bills, either by the Interior Department or by the sponsors.

Let us first consider the existing 92 rights-of-way for pipelines, mentioned prominently in the department's statement. These rights-of-way are largely not challengeable now, even if someone wished to challenge them and they proved to be in violation of the 50-foot limitation. Under the legal principle of laches, you lose the opportunity to sue after a certain length of time. If some of these 92 pipelines proved to be recent ones, a grandfather provision could easily be enacted, to which we would probably not object. However, the Interior Department has not even given the committee any information on these famous 92 rights-of-way.

The department's statement devoted all of two sentences to pipelines now under construction that might be in violation of the width limitation. Again, there was no substantiating detail on these cases.

Nowhere did the department's statement document any pending right-of-way applications—except the trans-Alaska pipeline. If there are other applications for which these laws are needed, the committee should be able to consider the information on them, such as (1) how much land do they need? (2) when is construction to begin? (3) where are they, and who is building them?

Based on the information the department has submitted, there is no reason for haste on these bills. And there is every reason for more careful deliberation, because these measures will have a profound impact upon the public lands for decades to come. They will affect all the public uses of the land, from grazing to watershed protection, and they will touch the lives of millions of American citizens.

We need to consider the impact of these bills on the public lands. This is another area where the information is not available. The committee staff told me yesterday that the Interior Department has not even responded to the questions propounded on March 9 by Senator McClure. The department has made no effort to provide the hard facts on any aspect of the impact of rights-of-way. How will the other land uses be affected by the proposed bills? Are there alternative approaches that would cause less conflict?

There are three ways to get this information: (1) By obtaining testimony from people in the agencies who have the day-to-day responsibility of administering present right-of-way laws, (2) from an Environmental Impact Statement, which the department is still only drafting on these measures, and (3) from citizens who have on-the-ground experience with right-of-way problems.

We urge the committee to seek out these sources of information and to hold further hearings when the new information is at hand. The Senate Interior Committee has always insisted on getting the facts before reporting on any major legislation. This is surely a time to pursue that objective with dedication.

EXECUTIVE AUTHORITY

The Congress has had the key role in curtailing the abuse of the public lands. The Multiple Use Act, the many national park laws, the Wilderness Act—these are measures designed to assert the decision-making power of Congress, setting limits on what the Executive Branch can do with our national lands. These right-of-way bills would do just the opposite, giving all the power to the Executive Branch.

That is the last thing the Congress should do, especially now that the Executive Branch is arrogating to itself so many other powers. Congress must hold onto the power it has, and use it wisely. As practical conservationists, Friends of the Earth know that monied special interest groups can far more easily influence a Secretary of the Interior than they can influence the Congress.

It would be unwise to give the Secretary of the Interior a blank check on the public lands. If interpreted as loosely as the 50-foot limit was, these bills could lead to the biggest land-grab in our history.

Rather than give all the power to the Secretary, let us examine what is really needed. The existing limits are 50 feet for pipelines, 200 feet for railroads, 100 feet for canals, and 400 feet for electric power lines. If these are not enough, then what *is* enough? We do not defend the present limits, but we suggest that before legislating on this subject it would be good to know just what the specific inadequacies are. Legislation can surely be written that will provide for modern pipeline technology, and other forms of transportation, without abolishing all limits on the Secretary's authority.

POTENTIAL EXPLOITATION

These measures give the right-of-way applicant a crucial advantage over the broader public interest. Under S. 1081 he can obtain a permit for a right-of-way of any width, without any requirement of a public hearing or legal notice of any kind. Thus all the negotiations can be carried out between the applicant and the government, with other land users being left completely in the dark until the bulldozers arrive. This is government by smoke-filled room, not democracy. It is a procedure that lends itself to abuse by those who aim to make a quick buck off the public lands.

The exploiters are ingenious at using any loophole in the land laws as a way of gaining control of public lands. Let's not give them a new opening, as these bills would do.

CONCLUSIONS

Friends of the Earth urges the committee to get the facts that are so clearly needed. The Interior Department has much information that should be considered here. Further hearings are needed, both in Washington and in the regions most affected, to bring facts to light. Then it will be possible to design legislation that will do the job best, with the least impact on the public lands.

We also urge that hearings on the trans-Alaska pipeline questions be initiated as soon as possible. We look forward to testifying at that time.

GENOCIDE CONVENTION PRESENTS NO HAZARDS FOR AMERICAN SOLDIERS

Mr. PROXMIRE. Mr. President, a recent article which appeared in Catholic News has again raised the argument that Senate ratification of the Genocide Convention would imperil American soldiers in time of war by subjecting them to trial for genocide. The writer of this article further states that:

> If the American soldiers who fought in Vietnam can be discredited as war criminals, as they apparently could under the Genocide Convention, the granting of amnesty to Vietnam draft evaders might be made more palatable to the public.

Mr. President, these arguments are entirely without foundation.

An enemy power can charge an American prisoner of war with any crime it chooses to trump up. The Genocide Convention in no way alters this. In the case of our POW's in North Vietnam, Hanoi had the option of concocting any number of lies as pretext for trying the captured soldiers. Their refusal to abide by the provisions of the Geneva Convention makes it perfectly clear that such legal niceties as American ratification of the Genocide Treaty would have had no affect on their treatment of the prisoners. We have heard the stories of punishment and torture of our soldiers who were captured by the North Vietnamese. These incidents took place despite the fact that we have not yet ratified the Genocide Convention.

Would ratification of the treaty have made their situation a worse one? I hardly think so.

The charge that ratification of the Genocide Convention would make amnesty more palatable for the American public is equally unfounded. As the Senate Foreign Relations Committee clearly stated, incidents such as the one at My Lai, however reprehensible, do not constitute genocide unless the intent to destroy the group as a group is proven. Article II of the convention is so written as to make it, in fact, difficult to prove the "intent" element necessary to sustain a charge of genocide against anyone. To say that the United States went into Vietnam with the specific intent of destroying the Vietnamese people as a people constitutes an unconscionable understanding of American objectives.

Furthermore, charges of genocide have already been advanced against our soldiers by North Vietnam and individuals within the United States, albeit without foundation. Ratification of the Genocide Convention should in no way sway American opinion on amnesty beyond its present limits.

Mr. President, I urge that the Senate delay no longer in ratifying this important document on human rights.

AN INSPIRATING SPEECH BY A GREAT AMERICAN—CAPT. JEREMIAH DENTON

Mr. HELMS. Mr. President, recently a great American made a most inspiring speech in my State. Capt. Jeremiah A. Denton, Jr., U.S. Navy, a returning prisoner of war, addressed a Founders' Day audience of more than 5,000 people at Elon College.

Mr. President, this patriot on this occasion again said some things worthy of note by every American.

As evidenced by his moving remarks when he was the first POW to step from the plane at Clark Air Force Base, Captain Denton's gift of expression is exceeded only by his dedication to God and to his country.

He was a prisoner for 7 years and 7 months. Four of these years he spent in solitary confinement.

Through all these years of suffering, Captain Denton's faith never faltered. "Prayer," he said, "is the firmest anchor to windward." He maintained a steadfast belief in God and an unswerving trust in his country.

Mr. President, it makes me very proud to know our country produces men of such high caliber and such strong moral standards as Captain Denton. Truly, he and his fellow POW's personify the most desirable traits of great citizenship.

They now belong to the brotherhood that binds the brave of this earth. And surely, Captain Denton, by his expressions and his example, is a valued member of an even more august assemblage—the Christian brotherhood of man.

Mr. President, I ask unanimous consent that this speech by Captain Denton be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

ADDRESS BY CAPT. JEREMIAH A. DENTON, JR.

It is an honor and a pleasure to be associated with the commemoration of the founding of Elon College. I am aware that the general assembly of the State of North Carolina chartered Elon College in March 1889 for the purpose of offering Christian training and instruction in the liberal arts and sciences. I am also aware that Elon considers itself primarily a liberal arts college, but recognizes that the teaching of science can help liberate students in their thinking.

Certainly the success of the development of liberal thinking here is shown by the fact that you chose for a speaker on such an occasion—not a State Governor—not a national vice president, not a prominent editor—but an ex-jailbird!

I have evidence of the quality of this institution through my close association and friendship with two of its graduates: Rear Admiral Jim Ferris and Commander Red McDaniel, two of our Navy's finest officers. After seven years separation from my son, Jim, I am pleased with the obviously favorable influence this college has exerted on his development. He seems to keep himself quite busy, but I retain hopes he will find the time to merit graduation this May.

So I am not entirely a stranger to Elon's purposes nor to its products. Let me offer a few rather personal remarks, from an admittedly unusual perspective, but remarks which will at least tend to express a great appreciation for those who work and sacrifice to preserve and to proliferate the spirit of morally oriented education. Hopefully my words will even serve to stimulate those who are studying here.

A man does a lot of thinking during seven years and seven months in enemy prisons . . . particularly when more than four of those years are in solitary confinement with extreme pain an all too frequent companion. In solitude and without books, a man develops a terrible thirst for facts. Mental exercise, in terms of review and extrapolation of previously acquired knowledge, helps the mind escape the confines of tiny cells. Such escape will also be desirable and possible in many normal life situations in which freedom from boring environmental conditions can be achieved through exhilarating intellectual excursions.

Students, from my own intense experiences, I say you would all do well to value your present opportunity to learn philosophy, the arts, the sciences; to learn about and, more importantly, to participate in sports . . . not just for the sake of future professional advantage or to fill in a blank on a social check list . . . but primarily to endow yourself with the broadest possible scope of freedom in which to experience the fullest intellectual joys which God has made available to His noblest creation—mankind.

But, even more than thinking . . . a man does a lot of praying in an enemy prison. Prayer, even more than sheer thought, is the firmest anchor to windward . . . as my good friend Major Norm McDaniel, seated there, so well knows. Prayer brings the prisoner to God who cares for him and helps him to do his duty. Unusually intense prayer may also help him think with more than usual clarity. I like to believe that my own sense of values has sharpened.

For example . . . at the time I was shot down in 1965 . . . I had some ideas about the strengths and weaknesses of our society. Then . . . as now . . . I was convinced of the glorious validity of the political philosophy of our founding fathers. Then . . . as now . . . did I believe that the United States of America is the greatest nation in the history of the world. I had seen an ecumenical movement begin among our churches. I've been edified to find that the spirit of this movement has grown by leaps and bounds. I see a deepened sincerity of worshippers in church, and improved racial relations . . . though further improvement is possible and necessary.

In '65 . . . I could see the awakening of the awareness of the dangers of pollution to our physical environment. Now I find that this has become a major national concern . . . and our young people are in the forefront of the ecological movement.

Our citizens . . . and our students . . . are increasingly interested in political and international affairs. They are searching from broadened perspectives for the right answers as true democracy requires.

The spectacular developments in science are understandably noticeable . . . and I have been amazed at the tremendous surge in the availability of refined educational aids . . . such as a planetarium in a public junior high school.

But then . . . in 1965 . . . I had noticed unfavorable trends which have since accelerated and now I perceive a new set of social conditions, some of which I find deeply regrettable.

Our literature, movies, news media, popular music and other cultural manifestations sometimes reflect a dangerous pollution of our spiritual environment and, for a large segment of our population, the words, "One Nation, Under God," seem sadly less deserved than previously.

Too many of us no longer even feel it necessary to try to conform to the basic Ten Commandments of Almightly God. These commandments are thrown back in His face by the apparent denial of their application extant in so much of our culture. Man seems to have developed the misconception that the Ten Commandments are an outmoded set of arbitrary restrictions imposed on his natural desires. What arrogant folly! The truth is that God's commandments are the channels within which man must behave not only for heavenly reward but for successful coexistence as a species on this earth.

For example . . . sexual promiscuity may be called natural in that it is natural for any male animal to be attracted to many female animals. But, man is *more* than an animal. The magnificent pleasure of sex is God's invention . . . not the devil's. Sex it should have full play only in matrimony. It should be a joyfully recognized but carefully restrained factor in courtship. The preservation of a marriage is a fragile difficult task; for marriages are beset by many distractions . . . by the monotonous duties of housekeeping, child rearing and breadwinning . . . by partial clashes of personality; by inevitably associating the marriage partner with unpleasant obligations. God knows not only that sex is the natural appetite ensuring procreation, but that the exclusivity sharing of sex between the two marriage partners can naturally compensate for the forces tending to break up the marriage. Take away the exclusivity of sex in the marital bond . . . and you destroy the cement required to preserve the bond. Rear a youth to regard unmarried sexual intercourse as a casual act and you've reared a prospect likely to contribute to raising our already distressingly high divorce rate. Destroy respect for the laws of God pertaining to the family . . . and you destroy the family . . . which is the building block of the Nation . . . and you destroy the Nation.

Sexual permissiveness . . . as it is so mildly called . . . is not to be calmly noted as an interesting phase of our constantly changing mores, but as a total failure of man to be true to the very nature of his species. Too many of us have lost our orientation: We are men . . . higher than animals . . . and subservient to God. God's laws don't fight nature—they are nature, and man must be true to his full nature, not overly distracted by one part of his nature.

Such loss of orientation has come to nations before . . . always with disastrous results . . . either in the form of an obviously divinely imposed calamity such as the flood or the punishment of Sodom and Gomorrah, or in the form of a so-called natural result such as the fall of a once great but finally undisciplined and weakened nation.

Such disorientation and weakening usually follows great prosperity—too much wealth. Christ said it is more difficult for the rich man to reach Heaven than it is for a camel to pass through the eye of a needle. An old cliche says, "power corrupts . . . absolute power corrupts absolutely." This tends to be true in both a personal and a national sense.

Some of you are old enough to remember the World War II expression, "There are no atheists in foxholes." I have seen that men's active faith in God increases proportionately with the degree to which man is faced with the more absolute pressures of life and death.

But our Nation, like ancient Persia, Greece and Rome which have fallen before us, is and has been a rich nation with most of its citizens recently unbeset by such vital pressures. If our citizens discount subservience to God, they will also discount respect for other forms of authority, national, parental, and civic. There seem some sickening signs even among our leader class that the opportunity afforded us to dissent is disproportionately stressed over the responsibility to respect appropriate and conscientious authority. And I not a right winger.

Is there no way out? I think there is. Some rich and powerful men retain virtue. I believe the proper use of intellect and conscience can provide the substitute for the physical pressure which ordinarily provides the moral stimulus men require to achieve nobility of character. If enough Americans thus use their intellects and consciences, this Nation can retain her strength, share and increase her wealth, and expand her greatness.

If the application of intellect and conscience is the solution . . . then we are saying that religious oriented education is the most crucially needed influence in our Nation today. Thus . . . the mission of Elon and its students is not only educational . . . but is the roll-back of the forces of evil for the preservation of national and spiritual survival.

Elon produces and influences leaders. We need national leaders who have both good minds and a full consciousness that they have souls. In my opinion we have had such men in all the Presidents in office during my adult life. I am sure we have such a President now. While I recognize the right of and need for dissent, I think there is room for trust in his good will and superior perspective, especially in the poker game of international affairs.

We need citizens who recognize that there must be a self-subordination of man to God . . . of citizen to State. Render unto Caesar what is Caesar's and unto God what is God's. Without that belief or its equivalent, nations simply cannot survive. A culture without a cult is not viable. I think Elon, and other schools similarly dedicated, are the hope of this Nation.

I have not presumed to speak as a man clothed in righteousness. I do not smugly regard myself as a good man. But I am a man who wants to be good . . . who wants his country to be good. I am a man who cherishes the value of this college . . . who regards its mission as urgent.

In conclusion, let me exhort those here who generally agree with me not to be intimidated into not speaking out against evil simply because self-dedicated evildoers can jibe that we are unqualified to speak since we ourselves are not perfect. The determination of our general level of personal behavior and the infinite issue involved in Divine judgment lies not in the distinction between perfect and imperfect behavior, but in the difference between trying and not trying to be good.

I heartily join this assemblage in saluting the occasion on which this prestigious institution of Christian learning was founded. May God continue to grant it and you his blessings, through continuing to bless America.

MILITARY WASTE ABROAD VERSUS BUDGET CUTS AT HOME

Mr. MOSS. Mr. President, if anyone doubted the mistaken priorities in President Nixon's budget for the coming year, that doubt should be erased by an article that appeared Sunday, in the Washington Post entitled "On Freedom's Frontier: Boredom, Babes and Booze," by Don Oberdorfer.

Almost 20 years after the end of the conflict in Korea, we still have roughly 40,000 men stationed on that foreign soil. We spend almost $1 billion a year maintaining this elaborate "trip wire." Over one-half billion dollars goes for military spending, with approximately $200 million for economic assistance, and $155 million for military assistance.

If indeed any trip wire is needed in this area to prevent renewed warfare, certainly a much cheaper approach could be found. Yet we are still building barracks that are designed for 20–30 year life periods. Certainly our relations with Communist China are the most important element of maintaining peace in Asia. The presence of sizable troops in Korea, far from calming the atmosphere, provides a potential threat to the other side. A much lower force level, with accompanying reductions in expenditures, will serve the same purpose while saving considerable sums of money and providing less aggravation to Asian nations.

I ask Mr. Oberdorfer's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ON FREEDOM'S FRONTIERS BOREDOM, BABES AND BOOZE

(By Don Oberdorfer)

CAMP STANLEY, SOUTH KOREA.—There is a chill in the air in the morning calm, wisps of smoke are rising from the thatch-roofed huts beyond the barbed wire fenceline, and the young men of Headquarters Battery, 2d Division Artillery, having finished their sausage and eggs on this Saturday morning, line up in formation on the parking lot beside the chow hall.

"We got quite a few things to do today, and if we get cracking we can do it all before noon," barks 1st Sgt. Alvin Shuler of Lawton, Okla. Two new men have not yet test-fired their rifles since coming to Korea—"get 'em out to the range and have 'em pop off a couple rounds." Somebody planted the poles for the laundry line too far apart—they have to be moved. Hired Koreans usually do clean-up detail in the camp but today is spring cleaning day—the GIs are ordered to spruce up around the barracks. "If we get that done," the sergeant announces, "we've done the job for the day."

Thus another day begins for U.S. troops in Korea, nearly 20 years after the armistice which ended the Korean War. In the interim, American forces have gone into battle and have been withdrawn from Indochina, an American President has flown to Peking to establish friendly relations with China, and North Korean negotiators have traveled down the highways near American encampments en route to conferences, dinner parties and sight-seeing tours in the South Korean capital of Seoul.

Close to half of the roughly 40,000 American troops serving in South Korea today were not yet born when the truce was signed in July of 1953, and most of the rest were only toddlers. This second generation of Americans in Korea knows the shooting war only from the history books and official briefings and, in some cases, from their fathers and uncles who were there. Many of the present-day GIs have difficulty understanding the purpose of their service in this nearly forgotten outpost so far from the homeland and the predominant national concerns of the United States.

For footloose and unmarried GIs off-duty lives are made bearable by cheap whiskey and Korean women—out of the 13,000 American men of the 2d Infantry Division, a total of 11,600 cases of venereal disease were reported in 1972—but many on-duty lives are full of boredom and frustration. "There are too many men and too little to do. Two or three people are assigned the job that one could easily do," said an enlisted man stationed at the Seoul headquarters, an attitude which was typical of many others I encountered. "What do we do? Well, we get drunk and play with whores," said a 2d Division trooper. A driver in a division headquarters unit said, "We get up, we pull maintenance, we get in our vehicles and do nothing."

A PERMANENT CONSTABULARY

According to the Pentagon, the pay, upkeep and operating costs of U.S. forces in Korea was $584 million in fiscal year 1972, the latest period for which figures are available. This is a larger sum than the State Department spent for all its operations throughout the world during the same period, more than the total sum spent during the year by the federal government for rural development in the United States, and more than the sum spent by the federal government for its programs of vocational education, in addition to direct military spending, South Korea received $192 million in U.S. economics assistance in the same period—bringing the cost for the year to nearly $1 billion.

Despite the swiftly changing Asian scene and the "Nixon Doctrine" of limited American military involvement, there is no sign that the large U.S. constabulary here will soon be substantially reduced or withdrawn, and indeed there is every indication to the contrary. Secretary of Defense Elliot L. Richardson said March 30 that the United States will keep virtually all of its forces in South Korean for at least another year, and other Defense officials have said there is no plan to make cuts through at least June of 1974.

The principal function of the American troops here today is to provide a "tripwire" guaranteeing nearly automatic U.S. military involvement in any resumption of the war in Korea. Beyond this function of being immediately engaged and perhaps overrun in case of attack from the North, the U.S. forces are far less important to the actual defense of South Korea than is generally supposed.

The 38th Parallel truce line of this often-embattled peninsula is the dividing point between the tough, well-trained 400,000-man armed force of the Democratic People's Republic of Korea (North Korea) and the tough well-trained 600,000-man armed force of the Republic of Korea (South Korea). At the DMZ itself the South Korean military maintains eight divisions and a Marine brigade—about 145,000 men. The United States maintains one reinforced company—about 200 men.

The U.S. ground combat force in South Korea is the 2d Infantry Division, made up of 13,000 Americans plus 2,000 attached Koreans. Nearly all of them are in reserve positions north of Seoul. Further south is a U.S. Air Force contingent of 8,300 men—about one-third the size of the South Korean air force. Just outside Seoul is a U.S. headquarters garrison of about 6,000 men, including 11 generals, in mostly administrative and support jobs. The U.S. Logistical Command, with another 6,100 men, has its headquarters still further south, at Taegu. As can be seen, the American "tripwire" is wrapped in a very heavy covering of administrative, logistical and other noncombat elements.

This American constabulary has established itself on a seemingly permanent basis in many expensive and permanent buildings and other facilities, and it is building more all the time. Concrete block and masonry barracks, golf courses, bowling alleys, swimming pools, theaters and even a mess hall with a brass-and-crystal chandelier, indirect lighting, stereo and a waterfall are a far cry from the bunkers, tents and filmsy quonsets which made up the base structure of U.S. troops in Korea 20 years ago.

In the past 15 years, some $326 million has been spent by the U.S. Corps of Engineers on military construction projects in Korea. New barracks still going up are designed to last for 20 to 30 years. Late last year the U.S. command signed a contract with the joint U.S.-Korean firm of Femco-Sampoong for high-rise buildings and suburbia-type ranch-style rental housing for military dependent families near Seoul and Taegu. The contract guarantees that the United States will keep the housing occupied until 1983.

It is clear that both the Korean government and the U.S. commanders are content have a large American force here for a long, long time—but the enlisted men who make up most of the force are dismayed and even disgusted at the time-killing, make-work jobs and lack of purpose which seem to pervade so many of their lives.

From the Korean government's point of view, the presence of 40,000 American troops brings additional security and a large additional source of U.S. dollar spending. American military commanders see Korea as a good training area with many slots for high-ranking officers, and a good assignment to have on one's career record, particularly now that American forces are out of Vietnam.

At U.S. bases in Korea today, hired Koreans make the beds, do the laundry and kitchen police, perform most of the guard duty and groundskeeping chores. For an extra 10 cents a meal, GIs in some mess halls can have their food served by Korean waitresses instead of taking their plates and trays through the serving line. One Air Force unit at Osan has made room in its barracks for a cocktail bar with female bartenders mixing GI drinks day and night. All this hired help makes life far simpler and easier than in earlier days. But it also gives the GIs fewer jobs to do and thus increases their feeling of uselessness.

A GREAT SYMBOL

The reality of U.S. military life in Korea today seems far removed from the lofty generalizations of Americans and Korean leaders about the reasons for maintaining such a large and expensive American constabulary force.

In a recent speech to a group of civic associations in San Antonio, Tex., Defense Secretary Richardson declared that "We must be prepared to continue to maintain a presence [in Korea] both as an earnest signal of our intent to defend a staunch ally and as a guarantee that the U.S. [military assistance] program to modernize the Korean forces will continue."

In talks with reporters, Richardson suggested that this 40,000-man "signal" and military assistance "guarantee" was also needed in Korea to ease fears by China that a quick American pullout might encourage bolder Soviet moves in the area. Paradoxically, China committed wave after wave and division after division of well-armed troops—and lost an estimated 200,000 dead—on the Communist side of the Korean War. China continues to be a major sponsor of the North Korean regime, and last year for the first time provided more military assistance to North Korea than did the Soviet Union, according to Defense Intelligence Agency estimates.

As long as the Vietnam war continued and South Korea continued to furnish two divisions of combat troops there at U.S. urging, it would have been politically quite difficult for the United States to withdraw the combat force it has been keeping in South Korea. The ROK involvement in Indochina—which earned South Korea about $1 billion of foreign exchange from various American subsidies, purchases and arrangements, and cost it 3,807 men killed in action—created considerable official gratitude in Washington and shored up the U.S. moral obligation to the Seoul regime. Now that the Korean forces, like those of the United States, have been brought home from Indochina, Washington would appear to have greater freedom of action. But the gratitude for Korean manpower in Vietnam remains an important if usually unspoken factor behind the American troop commitment here.

In his office in a high-rise building on the outskirts of Seoul overlooking U.S. military headquarters across the street, South Korean Minister of Defense Yu Jae Hung said U.S. ground troops continue to be needed here as "a great symbol to prevent war from breaking out." Yu said the presence of the 2d Infantry Division was "tangible evidence" of the American commitment under the 1954 U.S.-ROK security treaty. In its language, the treaty obligates the United States to consult with South Korea and act "in accordance with its constitutional processes" in case of armed attack. However, a variety of high-level official statements as well as the presence of U.S. men who doubtless would be killed in any serious attack give asurance of instant and massive American involvement.

Asked if this "tripwire" of American forces needs to be so big and so expensive, the defense minister referred to the current talks between the Korean Communist regime in the North and the anti-Communist regime in the South and said, "At this moment, it is better not to make any change." Yu said this type of negotiation may take five or ten years at best. He would not say at what point it might be possible to reduce or withdraw the American ground force.

In 1971 the United States reduced its ground troops in Korea by 20,000 men. South Korea protests were much diminished by the simultaneous U.S. promises to furnish $1.5 billion in military assistance over five years for modernization of the ROK armed forces. Congressional appropriations have fallen behind: Only 40 per cent of the military aid billions has been voted rather than 60 per cent as scheduled by now, according to Yu. The South Koreans are likely to drive a hard bargain should the United States seek to bring out more of its GIs.

Beyond the ground troops commitment, the defense minister maintained that the North Korean air force is twice as strong as South Korea's—and that American airpower in South Korea is essential to "make the balance." U.S. military estimates credit North Korea with more than 500 jet fighters, mostly obsolescent Mig-15 and Mig-17 models. It is report that late last year the Soviet Union began supplying a number of more modern Mig-21 fighters of the "Fishbed" variety—the Soviet export model for its allies. The South Korean air force has about 200 jet fighters, including obsolescent models as well as F-4 Phantom jets capable of deep-penetration offensive operations.

The United States has about 90 tactical and support aircraft assigned to Korea. Three squadrons of F-4Ds—a total of 54 aircraft—make up the combat offensive element of the 8,300-man U.S. Air Force contingent. A visit to one of the three squadrons revealed that of its 18 jet fighters, eight were assigned to practice missions that day—four for one hour, 40 minutes each, and four for two hours, 50 minutes each. The officer in charge explained that the flying schedule was designed to give each flier his required 15 hours per month of flying time, and very little is flown beyond that.

No one says so officially for policy reasons, but it is commonly assumed that U.S. nuclear weapons—primarily delivered by Sergeant or Honest John missiles or by eight-inch howitzers—make up an important part of the American "deterrent" in South Korea. A nuclear first aid center at Osan Air Base and a "special ammunition branch" of the Army's logistical command appear to bear out the general belief.

"FREEDOM'S FRONTIER"

For nearly 20 years, U.S. troops arriving for duty in Korea have been told that they are on "freedom's Frontier" and make up "part of the forces that stand guard on the rim of freedom, keeping in check the tide of communism in Asia" (to quote official orientation bulletins). The "freedom" idea is not much emphasized since President Park Chung Hee of South Korea sent his tanks and troops into the streets last October to sweep away constitutional government and establish a new, highly centralized regime which permits virtually no effective political opposition.

The senior American commander in Korea, Gen. Donald V. Bennett, is also chief of what remains of the old United Nation's command (now limited in practical terms to Americans and South Koreans). In his U.N. role he and his staff theoretically have command of Korean forces in case of attack—though the increasing independence of the ROK military casts doubt on what actually would happen. In an interview last November Bennett suggested that American military forces remain on duty in Korea in large measure to protect the security of Japan, which is important to the United States economically and politically.

The Japanese traditionally have been alert to danger from the Korean peninsula invasion route, and they remain so today—but so far they have not been willing to lift a finger of their own to supply assistance of any kind to South Korean defense.

The U.S. general with the only ground combat command here today, Maj. Gen. Jeffrey Smith of the 2d Infantry Division, said in an interview that "our mission is to be ready to do anything our country wants. . . We are part of the post-Vietnam base structure." Because armed "incidents" in the DMZ have steadily dropped off from 542 in 1968 to only one last year and another one so far this year, Smith has reduced considerably the previous emphasis on the "threat" of North Korean bayonets.

To continue to be ready for action, Smith requires all combat units of his division to leave their masonry or quonset barracks, swimming pools, gymnasiums and other facilities and spend at least three days a month on field maneuvers. Some of the units—including those of division artillery—have been spending considerably more time than that in field training.

When they are not in the field on training exercises or in the well-developed bar-and-bordello cities which have grown up outside their fence-lines, a very few of the 2d Division troops—about 60 a month—take the time to look around the division's museum at Camp Casey. Relics are on display there from the fighting war a generation ago, including 10 campaign ribbons which the division earned in combat and the record of 4,376 2d Division men who were killed in action—a considerable portion of the total of 33,000 Americans killed in action in Korea in 1950–53.

Musty photographs of the combat-weary doughboys with dented steel helmets, of masses of civilian refugees and of the dead and dying are reminiscent of the just-completed agonies of Indochina, but they seem light-years away from GI life in Korea in the 1970s. Nevertheless, the flag of the 2d Division is still flying between the Korean hills and the rice paddies, the top sergeants are still ordering up work details in the early morning and, after 20 years on duty, the U.S. military forces in Korea still retain a foothold on the mainland of Asia and a tripwire to bring massive American power back.

TOWARD A BARRIER-FREE ENVIRONMENT IN ILLINOIS

Mr. PERCY. Mr. President, as my colleagues are by now well aware, the subject of architectural barriers to the handicapped and elderly is one of particular interest to me. I am the sponsor of S. 1105, the antienvironmental barriers bill. I am also on record as being opposed to the extension or renovation of the Capitol Building until the entire Capitol Hill complex is free of architectural barriers.

As an advocate of a barrier-free environment for the handicapped and elderly, it gives me great pleasure to be from a State where the movement to remove architectural barriers is already well underway. Illinois is a leader in the establishment of programs aimed at creating a barrier-free environment, and I am proud that the people of my home State have shown such initiative in this field. I would like to point out particularly the endeavors in the cities of Chicago and Champaign.

Last December, Chicago hosted a major conference to study the problems of eliminating architectural barriers. "Access Chicago: Toward a Barrier Free Environment" provided a valuable forum for professionals concerned with improving the urban environment for the handicapped and elderly.

Mr. President, I ask unanimous consent that an article on the activities of Access Chicago be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CHICAGO PUBLIC WORKS MOVING TOWARD A BARRIER-FREE ENVIRONMENT

Demographers tell us we're in the midst of a youthful revolution. The spirit of the nation is young, energetic and mobile. In fact, today one half of the country is under the age of 30.

While the spirit of the nation may be young and energetic, the mobility of one out of every five Americans is inconvenienced or prohibited by transportation barriers. Ironically these 44 million elderly and handicapped rely most heavily on public transportation—a system that all too often inadvertently excludes them.

Public transportation in small towns and large urban centers have been designed for the hypothetical average person. The average person is the one who never breaks a leg, never tires or becomes pregnant, does not worry about heart and lung ailments, is not chronically handicapped and will never get old. This is why as cities dig deep into their pockets and deep into their grounds to create new public transportation facilities, it is paramount the needs of the elderly and handicapped be met.

For 20 million Americans 65 years or older, public transportation is a vital link to their place of employment, friends and recreation. Public transportation will play an even more significant role in the life of the 23.5 million elderly in 1980.

The natural process of aging slows the sensory and motor capabilities of all persons. Such changes make quick responses more difficult, necessitate the allowance of extra time for traveling and often prohibit the climbing of long flights of stairs or high steps.

The problems that the handicapped face are similar to those of the elderly. Thirty-six percent of the chronically handicapped population, age 17 to 64, are employed. According to federal studies another 13 percent would return to work if barriers were removed from public transportation. Limited financial resources require the handicapped and elderly to rely on public transportation, but at the same time, mass transit fares can be a barrier to its use. Fifty-nine percent of the handicapped have an income of less than $3,000 a year, an amount very similar to that of the elderly.

Transportation barriers are not the only barriers the elderly and handicapped face. What good is it if the elderly can get to their destination, only to discover the architectural design of a building prohibits their entrance? Architectural barriers in public and in private buildings can prohibit the handicapped and elderly from entering. Sidewalks without ramps, buildings without wide doors and grade level entry or wheel chair ramps and the lack of other necessary facilities say, "keep out" to the elderly and handicapped.

ACCESS CHICAGO

The Rehabilitation Institute of Chicago, in conjunction with the Governor's Committee on Employment of the Handicapped, the Mayor's Office for Senior Citizens, and the U.S. Department of Health, Education and Welfare sponsored a one day conference, December 12, 1972, to confront the mobility problems of the elderly and handicapped. The conference, *Access Chicago: Toward a Barrier Free Environment* brought together representatives from government, social service agencies, and volunteer organizations. The conference began with a panel discussion on the necessity of meeting the transportation needs of the elderly and handicapped. The panelists were Commissioner Milton Pikarsky, Department of Public Works; Frances M. Carp, Ph.D. from the Institute of Urban and Regional Development, University of California; Harold Wilson, consultant to planners of the Bay Area Rapid Transit System, San Francisco, California; Warren Peterson representing United Air Lines; and John B. Kent, former project director of Special Transportation System for Lower Nauqatuck Valley, Connecticut.

The keynote speaker was Alan Boyd, former Secretary of the U.S. Department of Transportation and currently President of the Illinois Central Gulf Railroad. Mr. Boyd noted, "Only in our society, where progress is measured in terms of personal mobility and personal possessions are we faced with the growing gap between . . . the handicapped and the healthy. It is this kind of disparity that creates an awareness of injustice and cries for corrective action."

In the afternoon the 250 conferees participated in four workshops. At the end of the conference each group proposed methods for eliminating barriers in Chicago. Two of the proposals were particularly significant. The "Current Legislation Affecting Mobility-Limited" workshop called for the creation of a non-partisan agency to propose specific amendments to the state and municipal legislative bodies and to press for enforcement of present laws. The workshop entitled, "Access to Public Transportation" moderated by Joseph W. Casserly, Assistant City Architect of the Department of Public Works, proposed the creation of a short range goal to eliminate and modify existing barriers, and a long range goal to arrive at an integrated public transportation system for young and old, able-bodied and handicapped.

During the *Access Chicago* panel discussion, Commissioner Pikarsky spoke of the role the Department of Public Works would continue to play. He observed that there was a good deal of work to be done and the time was right to double the effort that would bring a barrier free environment to Chicago.

Commissioner Pikarsky told the participants:

From the viewpoint of the mobility-limited person, there are three major barriers which prevent ease of access to a transportation system. Initial entry may be hampered by stairs or narrow doorways. Navigation of transfer points may be an intricate and tiring process if there are more stairs to climb and long distances to cover between stations. The vehicle itself may be impossible to enter because it is designed with narrow doors and aisles or high steps.

The 1970 Amendment to The Urban Mass Transportation Act of 1964, has made the accessibility of mass transportation systems a national policy. The amendment states:

"It is . . . declared to be the national policy that elderly and handicapped persons have the same right as other person to utilize mass transportation facilities and services; that special efforts shall be made in the planning and design of mass transportation facilities and services so the availability to elderly and handicapped persons of mass transportation which they can effectively utilize will be assured; and Federal programs offering assistance in the field of mass transportation should contain provisions implementing this policy."

The impact of federal legislation is limited to projects which involve federal funds. Local governments must themselves establish effective planning mechanisms to provide mobility for their citizens.

The City of Chicago has taken that initiative, and is attempting to develop programs which will make its transportation system accessible to all its citizens.

Pedestrian facilities, including stairs, sidewalks, and passageways, are the most common yet overlooked elements of mass transportation. The city has begun the ramping of its curbs. The first such rampings are to be on Michigan Avenue and South Water Street.

In the area of mass transit, the design criteria for the Central Area Rapid Transit Project, which will be the new Loop and distributor system, are being developed with the special needs of the aged and disabled in mind.

Currently the design includes continuous mezzanine walkways, escalator and elevator services, and provisions for direct basement connections to adjoining public and commercial facilities. When the specific details of the Central Area Rapid Transit Project are developed, the neecssary facilities for accessibility will be incorporated.

The design plan will be in accord with the recommendations of a proposed ordinance, "Facilities for the Handicapped Amendments to the Chicago Building Code." The Department of Public Works and The Department of Buildings studied federal legislation and code requirements of other communities in order to formulate this ordinance. This proposal, currently before the Architectural Sub-Committee of the City Council, will provide the handicapped with access to all new or remodeled public buildings.

Providing for increased accessibility is simplified when creating new transportation systems. However, modification of an existing system is a more difficult task. Chicago is attempting to alleviate the problem through a long-range remodeling program which includes improvements in stations, trains, buses, and its fare system. Some specific improvements are the addition of escalators to stations, acquiring rapid transit cars which are accessible to the handicapped, and having non-skid flooring in the new CTA buses. Also, the Chicago Transit Authority Board voted, on October 30, to extend its reduced fare program for Senior Citizens to 24 hours a day, seven days a week.

The major difficulty in initiating a remodeling program, to fit the needs of the mobility limited, is the acquisition of financial support. This difficulty is compounded when the group is considered to be a small portion of the total population. In reality, the mobility limited is not a small group but a coalition of the permanently disabled, and the elderly.

Although it would be ideal if the mass transportation system could be made totally accessible, through remodeling efforts; this cannot always be realized. Financial constraints may prohibit the development of such a system. The physical conditions of some existing facilities may not permit the desired modifications. Under such conditions the most feasible solution may be the development of a special system for the mobility limited. Such a system could include demand-responsive services (where a user calls a central office and a vehicle is dispatched to his home) as well as scheduled operations. Depending on the nature of the needs of the user population. A work program is being developed for a technical study that will identify the potental size of the market, the demographic and socio-economic characteristics of the user, and the nature of transportation barriers.

Development of a city-wide special system is costly and will require comprehensive planning. To be effective, the plans must include an extensive public-relations program and the active participation of mobility-limited groups. The system will need outside funding until it becomes self-supporting.

The goal of a special transportation service is to provide the elderly and the handicapped with the same type of mobility that the average citizen receives from the public transportation system. The planning mechanism which will develop the service must allow for both freedom of innovation and joint cooperation. To achieve this, it is advantageous to have some duplication of effort by a variety of governmental agencies. This will allow various alternatives for action to be considered before plans are implemented.

Planning cannot be effective without the cooperation and participation of the user groups who will be affected by the plans. Presently, there are a multitude of channels, both public and private, through which user groups and social service agencies can make inputs into the planning process.

Locally, these include participation in City Council meetings through aldermen, and direct correspondence to the appropriate city offices. Regionally, all local plans must receive the approval of the regional transportation planning board. Finally, on the federal level, draft environmental impact statements, submitted to the department of transportation, must be reviewed at public hearings before they are approved.

User groups and social service agencies can privately participate in planning through studies funded by foundations and the federal government. These studies will assist public agencies in the formulation of effective plans. Existing facilities are inaccessible because of the design of structures and vehicles. Remodeling programs are limited by physical constraints and financial considerations. Finally, planning for special systems is a detailed and sometimes lengthy process. The City of Chicago is attempting to remove these barriers. It would be irrational for anyone to promise miracles, and to say that our system will soon be totally accessible. What we can say is that the City has long been conscious of the need to remove these barriers. Chicago has implemented many improvements, and is the leading Illinois public agency actively progressing toward the objectives of accessibility. Chicago will continue toward the goals whereby Chicago's buildings, both public and private and Chicago's transportation systems will become fully accessible to all our citizens.

Illinoisans are doubly fortunate in having more than one urban area already making a concentrated effort toward an accessible environment for the handicapped and elderly. Champaign, Ill., more than any other city, is a community that has tried to understand the specific problems or architectural barriers and to make progress in solving those problems.

Mr. President, I ask that an article on the experiences of a handicapped resident of Champaign, Mr. Sam Scott, be included in the RECORD at this point.

[From the Chicago Sun-Times, Mar. 19, 1973]

EVEN IN "HEAVEN FOR HANDICAPPED," THERE ARE BARRIERS TO OVERCOME

(By Mary Kelly)

SPRINGFIELD, ILL.—Sam Scott puts it very bluntly. "Living in Champaign is like heaven for a handicapped person—because of accessibility to most things in the community. I can do things here that I have not been able to do for 15 years," says the 31-year-old community writer for WICD–TV.

Scott is a paraplegic—a victim of a progressive muscular disease (Charcot's)—completely wheelchair-bound since May, 1972. When he was 14, he was a fast runner. Then for no apparent reason he would stumble and fall. His speed slowed down. The disease began to take over his body, crippling him inch by inch. Now, he activates his electric wheelchair by leaning his head against a lever. Simple things that go unnoticed by most people—curbs, steps in and out of buildings or lack of elevators within them—are barriers to Scott.

During the time the disease was taking over his body, Sam was a teacher. His last teaching jobs at nearby Girard concluded in June, 1971. The next 11 months were the hard ones—on job, and the gradual loss of usage of both arms and legs to the point of total paraplegic status. Thanks to public assistance and small sums earned from portraits painted with a toothbrush held between his teeth, Sam survived.

Through the division of Vocational Rehabilitation and his own initiative, Sam obtained his television writing job and relocated in Champaign. Armed with an electric typewriter and a rod held in his teeth, Sam knocks out TV copy. It is once more possible for him to go to a football game, a basketball game, or see entertainment offered in the variety of places on the University of Illinois campus that are geared to a large number of wheelchair students. There are even special U. of I. buses that serve the wheelchair students—and movement about the campus community is easy because of ramps at sidewalk crossings on streets and into many buildings.

Nearly 10 per cent of the population of Illinois is either permanently or temporarily physically handicapped, according to Harold V. Hopkins, Jr., executive director of the Illinois Governor's Committee on Employment of the Handicapped.

Laws seeking to ease architectural barriers for the handicapped have been in existence in Illinois since 1965. The 1965 law required that facilities be provided for the handicapped in the plans of specifications of certain public buildings. This was amended in 1967 to include all buildings of public accommodation. But these laws lacked enforcement powers, and progress toward the elimination of architectural barriers has been slow. The constitution of 1970 went one step further than the laws—it specifically prohibited discrimination of any kind against the handicapped.

Despite all this, even the public school systems have been slow to respond. Virtually every school district in the state has some educational program for the handicapped—but not necessarily in the same facilities other students use. Many schools continue to remain inaccessible to the handicapped.

Funds are available to any public school to remodel to provide accessibility, said Dr. William Desmond Phillips, director of the department of exceptional children within the Office of the Superintendent of Public Instruction. But Phillips said few schools have requested such funds. James Travers, associate director of the section on handicapped children, said nearly 100,000 mentally or physically handicapped persons remain unserved by the educational programs of the schools—by 1972 figures.

Rep. Arthur A. Teleser (R-Chicago), assistant majority leader of the House, has addressed himself to the problem of spurring government action to meet the statutory and constitutional mandates concerning structural barriers. Teleser has one bill, for example, that would require the Department of General Services to review at the state level all building permits requested for buildings of public accommodation with the power to deny approval if they lacked accessibility to the handicapped.

Failure of the department to administer the act would bring the attorney general's office into action, with the power to obtain court injunctions to halt construction.

Other items in Teleser's legislative package seek to (1) stimulate new public transportation systems equipped with lifts for the handicapped by allowing the Department of Transportation to make grants for such systems; (2) make it an unfair employment practice to discriminate against an individual because of a physical or mental handicap; (3) provide for the issuance and regulation of the international access symbol indicating those facilities accessible to the handicapped, and (4) provide for the issuance of special license tags and parking privileges for licensed handicapped drivers.

Some progress has been made in construction of new state facilities, such as rest parks along the interstate highways, to provide both rest room and telephone access to persons in wheelchairs with ramps from special parking spaces designated for the handicapped. Similar changes have been made around the state capitol—with new ramps in construction, postings of signs directing to rest rooms or telephones, and special emergency evacuation procedures to provide for continued operation of elevators to evacuate wheelchair occupants.

All concerned with the problems recognize them as more than architectural in nature, however. There are also problems of public attitude.

"A Roper Research sampling of the United States a couple years ago," said Harold Russell, chairman of the President's Committee on Employment of the Handicapped, "showed that more than half the people of this country favored segregating the handicapped—in institutions, in sheltered workshops, anywhere as long as it was not at the next work bench or at the house next door."

Sam Scott knows about some of those barriers and has strong feelings on the fight of the handicapped citizens against discrimination. For example, he says, a blind person can claim a double exemption on his income tax, while other handicapped persons may not. The reasoning behind this law, Scott explains, was that blind persons have extra living expenses that other people do not have. The double exemption was a means of relieving some of this burden.

Scott points to his own case as an example of how others who are handicapped could use similar tax relief. Scott has to hire a person to dress and bathe him, prepare his meals, keep his living quarters clean and perform other miscellaneous chores. He also has to have a special speaker-type telephone which costs him an additional $7.50 per month.

Scott is pleased that he has better mobility in Champaign. But his problems still are many—the solutions few, costly and hard to come by.

Mr. PERCY. Mr. President, the problems in creating an accessible environment out of our current barrier-ridden environment are not easily solved. But there is no question that they are solvable. The experiences of cities like Champaign and Chicago should be used as guidelines for programs in other urban areas.

Again, I would like to express my pride in the efforts of the people of Champaign and Chicago to eliminate environmental barriers and I urge the people and governments of other areas across the Nation to follow the fine example set by these Illinois communities.

RESOLUTIONS OF IMPORTANCE TO EDUCATION

Mr. CRANSTON. Mr. President, the American Association of Community and Junior Colleges met February 25 in Los Angeles, and adopted three resolutions of importance to education.

I ask unanimous consent that the resolutions be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

RESOLUTION

Whereas, more than 50% of the students enrolled in the two-year colleges could be eligible for the Basic Educational Opportunity Grants provided by the Education Amendments of 1972;

Whereas, the community and junior colleges now serve almost 50% of the Blacks enrolled in college programs and serve an equal or greater percentage of the Chicanos;

Whereas, the community colleges serve equally the students pursuing both career and traditional studies;

Whereas, some 70% of the students attending the community colleges come from family incomes that average $10,000 or less annually;

Now therefore be it resolved that, on behalf of the nation's two-year colleges, the Commission on Governmental Affairs of the American Association of Community and Junior Colleges asserts vigorous support of the Student Financial Assistance Programs provided in the Education Amendments of 1972, and commends the Congress and the Administration for their support of these programs.

Be it further resolved, that the same Commission urges Congress to adopt the President's requests for funding the Basic Grants at $622 million for the current fiscal year (to aid students enrolling in the coming academic year) and $959 million for the following year; and further urges that Congress, while heeding the 1972 Amendments and the requirement that existing programs be funded first, continue the funding of these programs as nearly as possible at the FY 1972 levels to ensure the orderly transition of student aid from the grant to the entitlement base.

Adopted Feb. 25, 1973.

Resolution

Whereas, the Educational Amendments of 1972 have been acclaimed as landmark legislation in fostering democratization of post-secondary education by assuring access for every citizen;

Whereas, the goals of the career education concept charted by the Nixon Administration are encompassed in the Act within Title X;

Whereas, the Congress has made clear its intent to foster continuity and articulation of the diverse educational delivery systems within each of the fifty states;

Whereas, Title X would bring stronger planning of education to achieve long-range efficiency, effectiveness, and economy, as well as to harmonize national and state priorities;

Whereas, Title X would assure community-oriented and consumer-oriented post-secondary education; and

Whereas, Title X would also assure comprehensive post-secondary education within the reach of citizens regardless of residence;

Be it resolved that the Commission on Governmental Affairs of the American Association of Community and Junior Colleges urges Congress to implement Title X of the Educational Amendments of 1972 by appropriating for fiscal year 1973 $15 million for the planning functions and the establishment of the 1202 Commissions; and,

Be it further resolved that the Commission on Governmental Affairs, AACJC, calls for the U.S. Office of Education to expedite appropriate guidelines and regulations to implement Title X, so that states can begin immediate preparation for the better utilization of federal support to colleges and students.

Be it further resolved that the same Commission asks the Congress to provide at least $100 million in FY 1974 support for Title X—$50 million for Part A, and $50 million for Part B.

Adopted Feb. 25, 1973.

Resolution

Whereas, the community and junior college graduates have long qualified for career entries into many fields;

Whereas, the same colleges now serve one-third of the Americans pursuing college studies;

Whereas, it is in the public interest that the students trained by such colleges be encouraged to pursue careers in government, in the same way the students from four-year colleges are encouraged to seek such careers;

Now therefore be it resolved that the Commission on Governmental Affairs of the American Association of Community and Junior Colleges asks both the Congress and the U.S. Civil Service Commission to develop and establish federal employment standards that make two-year college graduates eligible for entry-level positions for which their preparation is appropriate, in the same way four-year and higher degrees are recognized for federal job entry;

Be it further resolved that the same Commission also asks the Congress and Civil Service Commission to revise the Cooperative Education Programs of the federal agencies, so that such programs are as much open to two-year college students for appropriate service, as they are to those enrolled at four-year colleges and universities.

Adopted Feb. 25, 1973.

JULIETTE GORDON LOW, FOUNDER OF THE GIRL SCOUTS

Mr. TAFT. Mr. President, it was my privilege on the evening of March 28 to be a guest among 600 distinguished Washington officials and friends of Girl Scouting at a special ceremony and reception in the Nation's Capital.

The ceremony, held at the National Portrait Gallery of the Smithsonian Institution, marked the presentation of a portrait to the gallery of one of our country's remarkable women of the past—a woman whose farsightedness 61 years ago is still helping to shape the lives of millions of girls—Juliette Gordon Low, founder of Girl Scouts of the United States of America.

What made it an especially pleasurable occasion for my wife, Kay, and me was the presence of the national president of Girl Scouts, Mrs. William McLeod Ittmann, of Cincinnati, who is a favorite constituent and an honored friend, and the presence of some 50 young Girl Scouts representing all our States and territories. These young ladies are part of the largest voluntary movement for girls in the world, an organization that helps train leaders by giving girls opportunities for decision making, opportunities to develop self-reliance and resourcefulness.

It was a rewarding experience to hear them talk about the active roles they take in promoting environmental excellence, their involvement in community service, and their deep feeling of responsibility to themselves and their sisters throughout the world. Girl Scouts is a worldwide movement, with 91 member countries belonging to the World Association of Girl Guides and Girl Scouts.

Mrs. Ittmann, in making the presentation of Juliette Low's life-size portrait to Mr. Marvin Sadik, director of the National Portrait Gallery, spoke on behalf of over 3 million Girl Scouts across the land. She talked about Juliette Low's creativity in an era where girls were being automatically shunted into preparing for narrow, confining roles. She wanted girls' horizons to be unlimited. She wanted them to have the same high expectations for themselves that boys were encouraged to have. She had seen a need, and she set about doing something to meet that need. Mrs. Ittmann pointed out that Juliette Low's creativity, her awareness about the sense of dignity, worth, and potential of women was probably a hundred years ahead of her time.

Because she had an original mind and an indomitable spirit, what began as a gathering of 18 girls back on March 12, 1912 in Savannah, Ga., has now grown to an organization of more than 3½ million Girl Scouts in the United States. Mrs. Ittmann concluded her remarks to Mr. Sadik saying:

> By honoring Mrs. Low, you are honoring over 30 million girls and adult volunteers in Girl Scouting who have followed in her spirited path during these past 61 years. We are grateful to you. We feel privileged and happy, that, with this portrait, our much loved founder takes her place in the gallery of America's "great."

Mr. Sadik accepted the portrait of Juliette Low on behalf of the National Portrait Gallery Commission for the gallery's permanent collection. He mentioned that some 50 other internationally famous American women who have contributed to the strength of our Nation are represented in the gallery, and remarked that Juliette Gordon Low was in good company. "I hope," said Mr. Sadik:

> That those of you who belong to the organization she founded will be inspired by her example to meet the new challenges of our time.

I know that the dream that Juliette Low had as a pioneer in the development and growth of the leadership capabilities of women exemplified by Girl Scouts of the United States of America, will continue to inspire millions of girls and women today and in the future.

HEALTH MAINTENANCE ORGANIZATIONS

Mr. KENNEDY. Mr. President, during the past 2 years, the Senate Health Subcommittee has conducted hearings, investigations, and deliberations concerning the appropriate role of the Federal Government in subsidizing the establishment of health maintenance organizations.

HMO's were cited by President Nixon in his 1971 and 1972 health messages to Congress as one promising answer to the challenge of organizing and rationalizing our fragmented health care delivery system.

A Department of Health, Education, and Welfare publication entitled "Toward a Comprehensive Health Policy for the 1970's—A White Paper" stated:

> The goals of the Administration are to develop 450 HMO's by the end of the fiscal year 1973 . . . By the end of fiscal year 1976, the plan calls for 1700 HMO's with the potential of enrolling 40 million people . . . By the end of the decade, the goal will be to have a sufficient number of HMO's to enroll 90 percent of the population, if they desire to enroll.

Seven HMO bills were introduced into the Senate during the 92d Congress. Subsequent consideration of this legislation culminated in the passage by the Senate of S. 3327, the Health Maintenance Organization and Resources Development Act of 1972, on September 20, 1972, by a vote of 60 to 14.

During the debate leading up to the passage of S. 3327, conservative forces, the same forces which have attempted to retain a monopolistic health care delivery system in the United States for many years, began to emerge.

In a National Journal article which I inserted in the Congressional Record on September 8, 1972, writer John K. Iglehart, described the efforts of the American Medical Association to kill HMO legislation in the Senate and the House of Representatives, and to weaken the administration's support of this well-tested concept.

In his article, Mr. Iglehart quotes Dr. Malcolm C. Todd, the chairman of the Physicians' Committee to Reelect the President, when he said:

> We used all the force we could bring to bear against this (the HMO) legislation. As a result, there is no question that there has been some backtracking on the part of the White House. The White House has directed the (HEW) Secretary to slow down on this thing . . . the Secretary has called off the aggressiveness and this is good.

The administration's new position on health maintenance organizations, in contrast to the position of the President in 1971 and 1972 is reflected in the letter of transmittal from Secretary Weinberger to the President of the Senate, Vice President Agnew. I ask unanimous consent that that letter of transmittal be printed in its entirety in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

February 21, 1973.

Hon. Spiro T. Agnew,
President of the Senate,
Washington, D.C.

Dear Mr. President: Enclosed for the consideration of the Congress is a draft bill "To amend the Public Health Service Act to provide assistance and encouragement for the establishment and expansion of health maintenance organizations, and for other purposes". The bill has the short title of the "Health Maintenance Organization Assistance Act of 1973".

Also enclosed for your convenience are copies of a brief summary of the major provisions of the bill.

This proposed legislation is designed to carry out the President's recommendations for a federal program to assist in demonstrating the feasibility of health maintenance organizations as part of our pluralistic health care delivery system. The President's budget contains $60,000,000 for this purpose for fiscal year 1974.

The proposal would do this through grants to and contracts with private and public sponsors for planning the establishment or expansion of health maintenance organizations, and for the initial operation of such organizations in medically underserved areas.

We view the effort to assist in the development of health maintenance organizations as a demonstration effort that will emphasize different forms of health maintenance organizations and that will emphasize geographic distribution of a concept that has already proved workable in limited situations. We estimate that the objectives of such a demonstration effort can be met over a five year period.

We are advised by the Office of Management and Budget that enactment of this draft bill would be in accord with the program of the President.

Sincerely,
Caspar W. Weinberger,
Secretary.

Mr. KENNEDY. Mr. President, this retrenchment of position, predicted by Mr. Iglehart's article, was restated by Assistant Secretary for Health and Scientific Affairs designate Charles Edwards during his confirmation hearing before the Senate Committee on Labor and Public Welfare last week. Dr. Edwards, during his hearing, stated:

> I think we are moving in the right direction now, and I think the 1971 position was a wrong position.

Contrary to the statements of the American Medical Association, and now the administration, the HMO concept is one of proven value as a meaningful alternative to solo practice fee-for-service medicine.

An article describing the potential for HMO's, and the impact they could have on the spiraling costs of health care services in the United States, was published recently in Fortune magazine.

Mr. President, I would like to request unanimous consent that the article be printed in the Record in its entirety at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

SENSIBLE SURGERY FOR SWELLING MEDICAL COSTS

(By Michael B. Rothfeld)

Health Maintenance Organizations, charging a fixed fee whether clients are sick or well, give doctors a powerful incentive to provide quality care more efficiently.

Early on a January evening in 1970, a half dozen physicians and officials of the Department of Health, Education, and Welfare held an urgent private meeting at Washington's Dupont Plaza Hotel. Their concern was the rapidly rising cost of medical care, which already had helped to cause an ominous $2-billion cost overrun in the medicare and medicaid programs. When the group broke up at 2:00 a.m., the seed had been planted for a whole new national health strategy, and a new term—Health Maintenance Organization (HMO)—had been coined to identify the key element in the plan. In essence, the idea was simple and sensible: why not give doctors more incentive to keep people well, and especially to treat illness before it requires costly hospitalization, instead of paying them mainly to cure the sick?

In the three years since the meeting, HMO's have expanded and proliferated throughout the nation at an unprecedented rate. They are beginning to introduce modern management methods into an $80-billion business that lacks them. And they are bringing some advantages of competitive enterprise to a field that has long restricted competition in the name of medical ethics. Most important of all HMO's are demonstrating that they can help reduce the cost of medical care.

A $12.5 BILLION INDUSTRY

Three years ago some thirty medical organizations—basically prepaid medical-group practices—could be classified as HMO's. Today there are nearly sixty with an enrollment of about eight million clients; an additional eighty HMO's are in various stages of development. Provided that Congress and the states adopt favorable enabling legislation, government and private sources figure that as many as 50 million people could be enrolled by the mid-1980's. Blue Cross alone hopes to have 280 HMO's in operation by then—enough to give every policyholder the option to join one. With no allowance for inflation, all this expansion would create a $12.5 billion industry inside what is expected to be a $150 billion health market.

The HMO idea is winning support from a surprisingly wide variety of sources. Both the Committee for Economic Development and the A.F.L.–C.I.O. have strongly endorsed the concept. Major employers, including A.T. & T., and such unions as the United Auto Workers have begun offering employees and members the option to enroll in an HMO. Thirteen states now permit medicaid recipients to join. One of them is California, where HMO's expect to enroll nearly 500,000 medicaid patients by this autumn. In California, Arizona, and Minnesota, the organizations are vying with one another to sign up union, government, and employer groups.

Not only Blue Cross but several large commercial insurance companies, particularly Connecticut General Life Insurance Co. and the Equitable Life Assurance Society, have made significant commitments to HMO's. C.G. has established a subsidiary to help operate them in Maryland, New York, and Arizona. Equitable recently helped to organize and recruit clients for a new HMO at the prestigious Lovelace-Bataan medical complex in Albuquerque. Sensing a growing demand for large-scale health-care systems, a few industrial companies are exploring ways to put their fianancial, legal, and managerial talents to use in HMO's. Westinghouse, for example, is studying the possibility of starting one in Florida.

Perhaps the strongest impetus to the expansion of HMO's has come from Washington. In both his 1971 and 1972 health messages, President Nixon not only endorsed the concept but said HMO's "ought to be everywhere available so that families will have a choice" about their health-care system. Reflecting Nixon's interest, the Department of HEW in 1971 established a Health Maintenance Organization Service. By the end of last year the service had distributed $26 million in planning and development grants or contracts to some eighty-five potential HMO sponsors. Service officials have also made considerable effort to promote the idea among banks, Wall Street investors, and physicians. Despite the current pressures to cut the federal budget, the Administration wants to increase its grants for HMO development to $60 million during the next fiscal year.

The Administration's enthusiasm is shared by many in Congress and the state legislatures. As a part of last year's big increase in social security taxes and benefits, Congress voted to allow medicare patients to enroll in HMO's, beginning in July. Two bills now pending in Congress would expand the scope of federal aid to HMO's by providing large-scale loans and loan guarantees as well as grants. Four states—Florida, California, Pennsylvania, and Tennessee—have passed enabling laws during the past two years, and similar legislation has been introduced in at least ten others. The main effect of such laws is to override statutes that have restricted the growth of HMO's by prohibiting the advertising of medical services, the solicitation of patients, and, in some cases, even the creation of corporations to provide medical care.

Actually, health-maintenance organizations have been operating in the U.S. under various labels for forty-four years. For the most part, they have caught on slowly. In addition to legal restrictions, they have faced varying degrees of opposition from organized medicine. Some of their physicians have even been expelled from local medical societies and hospital staffs. A number of state courts have now prohibited such practices, but the antipathy remains. For example, the Maryland Medical Association voiced angry objections to the HMO in the new town of Columbia while the plan was being formulated.

Another major problem has been the public's lack of understanding about what an HMO is and does. The largest and best known is the California-based Kaiser-Permanente health system, which serves 2,500,000 people from Cleveland to Honolulu (see "Better Care at Less Cost Without Miracles," Fortune, January, 1970). But comparatively few people seem to be aware of such smaller organizations as the twenty-seven-year-old Group Health Cooperative of Puget Sound in Seattle and the forty-four-year-old Ross-Loss Medical Group in Los Angeles, which have operated with great success.

One reason for the public's confusion may be that both old and new HMO's have a bewildering variety of sponsors and formats. Some are for profit, others are not; some are organized by consumers, others by physicians and insurance companies; some contract with hospitals, others own their own. But all have three fundamentals in common: (1) they are *formally organized businesses;* (2) *they arrange for and provide comprehensive care,* from simple checkups to complicated surgery; (3) they do so "at risk" because they operate each year within a fixed revenue pool that come from *prepayment for services.*

By contrast, the traditional American health system is a "cafeteria services." The patient is shuttled about between family doctors and diagnostic or treatment specialist, and between laboratories, hospitals, and the corner drugstore. The arrangement is inefficient because it involves piecemeal diagnosis, treatment, and record keeping. As a consequence, complains one New York City neurologist who has practiced medicine for fifty-five years, "the patient's left-toe specialist doesn't know what the right-toe specialist is up to."

The drawbacks of the conventional system have contributed greatly to the escalation of the nation's medical costs. These have increased by 66 percent per capita over the past five years, 2.7 times the inflation rate for the whole U.S. economy, and now account for roughly 7.6 percent of the gross national product. Despite health insurance, consumers last year paid 35 percent of the nation's $83.4-billion health bill out of their own pockets.

THE LURE OF A FREE CADILLAC

HMO's, as President Nixon has pointed out, "are motivated to function more efficiently." Patients save time because physicians, labs, and pharmacies are organized within a system, often under one roof. Clients choose a family physician, but most HMO's also have night office hours and at least one doctor on duty twenty-four hours a day. The fixed-price contract overcomes the consumer's reluctance to seek medical advice for minor ailments. The HMO also permits doctors to spend more time with patients because the administrative staff copes with much of the paper work that may consume as much as a quarter of a physician's time.

An HMO can be pretty attractive for doctors in other ways, too. Many physicians have a large gross income, but it must cover office rent, clerical and technicians' salaries, malpractice and other insurance, and payments to the bank that has financed expensive medical equipment. Additional money must be set aside to provide for retirement. After business expenses, the median pretax income of physicians is estimated to be about $42,000. Salaries in MHO's average $35,000 to $40,000. However, most HMO's offer $5,000 to $10,000 of fringe benefits such as liberal retirement plans, profit sharing, and life and malpractice insurance. To recruit new doctors, HMO International in Los Angeles even offers them the free use of a company-leased Mercedes or Cadillac.

SHIFTING THE EMPHASIS TO THE DOCTOR'S OFFICE

By far the most important advantage of HMO's is that their fixed annual fees hitch the profit motive toward a new goal in medicine: keeping the cost down. HMO's buy drugs and other supplies in bulk. They pare expenses by operating their own diagnostic labs, having specialists on their staffs and, often, facilities for minor surgery. HMO physicians have a personal incentive to cure ailments before the need arises for expensive hospital treatment. In addition to their salaries, many HMO doctors draw a year-end bonus that depends upon how much profit or surplus the organization earns. One HMO even assesses its doctors penalty payments if there is a deficit.

Under these conditions it is understandable that HMO's achieve their most significant savings by shifting the focal point of care from the hospital, with its spiraling costs, to the doctor's office. Hospital costs now constitute the largest single element, 39 percent, of the nation's medical bill, and they are rising faster than any other item for which patients pay.

One reason is that doctors often feel obliged to put patients who are not seriously ill in hospitals. They do so partly to protect themselves against the increasing risk of malpractice suits and partly because of the perverse pressure of health insurance. Ordinary health insurance frequently does not cover a substantial portion of the cost of diagnostic procedures or treatment performed outside hospitals. But such minor surgery as cutting out cysts or simple abortions can be done safely in a well-equipped HMO clinic.

The most respected figures on how HMO's reduce the use of hospitals were developed in a study of the Federal Employees Health Benefits Program, released in 1971. Researchers compared eight years of data covering federal employees and their dependents enrolled in the five most common types of health plans: Blue Cross-Blue Shield, commercial insurance, consumer organizations, medical-care foundations, and prepaid group practice (essentially HMO's). The prepaid group-practice plans showed the lowest yearly hospital utilization, 422 hospital days per 1,000 members, less than half the rates for Blue Cross (924 per 1,000) and commercial insurers (987 per 1,000). The rate compared closely with that for medical foundations (471 per 1,000), in which clients prepay an annual fee for the services of solo practitioners.

Economies in HMO's add up to substantial savings. According to officials of the California State Department of Health Care Services, when medicaid patients shift from fee-for-service practice to prepaid group-practice plans or HMO's, costs drop by 10 to 20 percent. In a seven-year study of 3,200 southern California families, Dr. Milton Roemer, a professor of public health at U.C.L.A., found that out-of-pocket medical expenses and total costs were much lower for families in HMO's than for those covered by Blue Cross-Blue Shield or commercial insurance plans even though average HMO fees were somewhat higher than the premiums for the other plans.

At FORTUNE's request, actuaries at two insurance companies calculated what the premium would have to be for traditional health insurance if it covered all the care provided by an HMO. Connecticut General found that a single person would pay about 27 percent more than the all-encompassing HMO annual fee. For an average family the cost would be 54 percent greater. Northwestern National, which is also involved in managing an HMO, reported that single persons would pay 33 percent more and families 41 percent more. Both companies attributed the lower cost of HMO plans to organizational efficiencies and fewer hospital admissions.

To get another perspective on the same subject, three separate comparisons were made between the cost of care actually received by the average family in an HMO and the same care if provided through the traditional fee-for-service system, including insurance. Connecticut General found that a family enrolled in the Columbia (Maryland) HMO could save 28 percent a year compared with the cost of a high-benefit insurance plan, and 32 percent compared with the type of health insurance actually carried by most families in the same area (see chart on page 116). The Harvard Community Health Plan found that, considering the increased probability of visits to a hospital, a family of two adults and 1.5 children in a fee-for-service system would pay $689 a year for care, compared with $434 at the Harvard plan. Using federal data on average health-care expenditures across the nation, Northwestern National figured that a typical HMO saves a family of two adults and three children $115 a year in out-of-pocket costs.

SKIMPY CARE DOES NOT PAY

The HMO physician's incentive to reduce hospital admissions raises a touchy question: at what point does cost cutting become corner cutting? Indeed, this is the favorite question asked by critics of the movement.

There is no sure-fire way to measure the quality of care that patients receive under any medical system. But HMO's have a number of safeguards built into their structure. It simply is not in the economic self-interest of HMO physicians to skimp on care. The longer most serious diseases go untreated, the more likely the ultimate expense of delayed therapy will rise. Much worse, any HMO that acquired a reputation for poor care might face a catastrophic loss of business. Clients generally enroll for one year at a time, and in some HMO's an even quicker exit is possible. The study of federal employees found that when hospitalization *does* occur in an HMO, the patient usually stays for the same number of days as a patient in the fee-for-service system.

An important control, which affects both quality and cost, is regular review of each physician's work by other doctors in his HMO. At the Harvard Health Plan, for example, computers tabulate the procedures, drugs, and tests utilized by every physician. This information, plus some randomly selected diagnoses, is reviewed by a committee of physicians in each department. As a result, says Dr. H. Richard Nesson, the Harvard plan's medical director, the organization dropped some tests and drugs that were found to be ineffective. A number of other HMO's also use the review process to identify doctors who are putting an exceptionally high or low number of patients in the hospital, and the doctors are likely to be asked to justify their decisions.

There is considerable evidence that HMO's can perform minor surgery outside the hospital with no increased risk for the patient. Since 1941 the Ross-Loos Medical Group, which has 120,000 clients, has performed over 50,000 tonsillectomies and thousands of other minor operations requiring anesthesia in its own offices, without keeping the patient overnight. Even members of the medical establishment agree that outpatient surgical procedures are safe if performed under the proper conditions. Dr. John R. Kernodle, a gynecologist who is chairman of the American Medical Association's board of trustees, says he used to do dilations and curettages in his office when hospital space was scarce. 'When there is an abundance of hospital beds," he says, "then doctors use them."

Consumers, at least, seem to feel that HMO care is adequate. Some HMO's have formal consumer-complaint mechanisms and, since subscribers can change physicians within the HMO at will, a doctor who has been losing too many patients could lose his job as well. U.C.L.A.'s Dr. Roemer found in his study that 20 percent of the families enrolled in the Blue Cross-Blue Shield plans and 17 percent of the families with commercial health insurance were dissatisfied with the care they received. But that figure dropped to only 8 percent for those enrolled in prepaid group-practice plans.

A $2 MILLION ENTRY FEE

While there are many advantages in an HMO once it is running, reaching that point is always a difficult and at times exasperating process. It often takes an investment of at least $2 million, an effort of two to four years, and an enrollment of at least 20,000 for a completely new HMO to break even. The sponsor usually must hire a staff, acquire facilities, and incur big selling costs before significant numbers will enroll.

The ability to raise large sums of money is crucial. In the past, most of the organizations have been funded initially by physicians, charities, consumer groups, bank loans, or private bond placement. But as a rule, an HMO cannot raise enough money by any of these means to permit quick expansion to an efficient size. Even worse, when borrowing saddles an HMO with big fixed payments, unexpected delays in starting up can lead to serious cash-flow problems. The new interest shown by insurance companies will help to overcome such difficulties, but if HMO's are to spread and grow as rapidly as Washington envisages, they will need to find new sources of capital.

One possibility, so far used by only one major HMO, is the stock market. Dr. Donald K. Kelly's HMO International went public in 1969 through a merger with Medicalab Management Corp. of Los Angeles, whose shares were already traded over the counter. Having expanded rapidly since then, the company and its subsidiaries and affiliates now run twenty-one facilities in southern California, with 110,000 clients. Last fiscal year, consolidated revenues jumped to $8,800,000 from $3,200,000 in 1971, and profits nearly quadrupled to $500,807. In two years the bid price of HMO International shares has jumped from $1 to a recent high of $22.

To attract equity capital, an HMO obviously would have to be a profit-making corporation. Unfortunately, this idea becomes quite an emotional issue among otherwise rational people. Some think health care is contaminated by the very idea of profits. Others, such as the A.F.L.-C.I.O., like to belabor profit-making HMO's with examples of the corner cutting that has occurred in some nursing homes and hospitals run for profit. Critics contend that profit-seeking HMO's would be under pressure from shareholders too interested in making a fast buck. As a result, enacted or pending legislation in several states favors nonprofit HMO organizations, and the Pennsylvania law flatly limits the field to nonprofit corporations.

THE PITFALLS OF "NONPROFIT" MEDICINE

Strangely, these arguments overlook a central point: the lack of discipline in cost control that attends nonprofit or cost-plus enterprises throughout the economy. The U.S. medical-care system has always been conducted chiefly on a profit-making basis. At least until recently, even nominally nonprofit hospitals amassed substantial surpluses. Their current fiscal problems might well be less severe if they *were* profit-making organizations with a strong incentive to control costs. Despite restrictive state laws, profits have played an important role in the rise of HMO's. Their sponsors set up a nonprofit marketing and administrative group, which then contracts with a for-profit medical partnership to deliver services. The arrangement is widely used, not only by Don Kelly but by the Columbia Medical Plan, and even the highly respected Kaiser Foundation Health Plan and its Permanente Medical Groups.

Provided that for-profit HMO's can avoid unreasonable legislative handicaps, the question remains whether they would be attractive to potential investors. The twenty-seven-year-old Kaiser plan provides an opportunity to see what a *mature* HMO might look like on a profit-making basis. In 1971 the nonprofit Kaiser plan reported a tax-free net income of $12,352,000. Adjusting that figure for accelerated depreciation plus other minor charges, and for corporate income taxes, the organization's return on its $105,815,000 net worth (or "equity") would have been 8.8 percent.

This is only 0.3 percent below the average return for the FORTUNE 500 that year and about equal to that of the oil industry (9 percent). If Kaiser leased its facilities, as many new HMO's do, that return could be considerably higher. Kaiser's financial strength enables it to borrow from the Bank of America at the prime rate. In January, Standard & Poor's awarded the Kaiser plan an "A" bond rating—its first to a private nonprofit corporation.

Despite the potential for private financing, one major new funding source for HMO development is likely to be the taxpayer. The $60 million for grants and contracts proposed in Nixon's new budget would help forty HMO's to begin operating and would finance feasibility studies and planning activities for eighty more. A much more costly measure sponsored by Senator Edward Kennedy, which passed the Senate last year, would authorize $1.4 *billion* in direct aid plus an unspecified amount for loan guarantees to help develop new HMO's over three years. A more modest bill cosponsored by Representatives Paul G. Rogers and Dr. William R. Roy would provide about $300 million for the same purposes. Action on these measures seems likely this year, though the probable outcome is far from clear. Such government aid would help many more HMO's to open. Moreover, all the major health-insurance bills before Congress would let the beneficiaries join HMO's. That could have an enormous impact on their growth.

HOW THE CUSTOMERS ARE RECRUITED

Whether funds for developing new HMO's come from the government or from private sources, it is clear that the industry must find a better way to sell itself to the public if it is to enjoy fast growth. In California, where the HMO concept is relatively well known and accepted, the problem is not too severe. But in other parts of the country, HMO's must buck their old enemies: ignorance and hostility. Not long ago, for example, the Cambridge Medical Improvement Society advertised in a local newspaper that Harvard's HMO, which is considering expanding into Cambridge, would deprive local residents of free choice in medical care.

The fastest way to sign on subscribers is through group-enrollment plans arranged with employers, unions, and consumer organizations. It is a difficult, two-step process. First, the HMO must persuade company officials to provide an HMO option to employees. That often requires some benevolent help from the company's insurance carrier. Once the "dual choice"—as the industry calls it—has been established, there is the even tougher problem of actually recruiting the customers. One frequent difficulty is persuading a mother to change her obstetrician-gynecologist and her children's pediatrician.

So far, HMO's have enrolled mostly government employees, members of consumer cooperatives and unions, and medicated recipients. Whether they can attract more affluent subscribers, and achieve a more representative balance in their population mix, remains to be seen.

Another big obstacle for HMO's is their lack of national sales networks. If an HMO could offer benefits to an employee or union group spread all over the country, it would be easier to win a contract with an I.B.M. or a General Motors. The only health-industry companies that now have such networks are Blue Cross and the commercial insurers.

HMO's attract the insurance companies for several reasons. With the big debate about national health insurance approaching, involvement in a new and economical delivery system may win the companies some good marks in Congress. It also gives them another product to sell to employer and union groups. Perhaps most important, HMO's offer insurance companies a chance to collect a 2 or 3 percent fee for selling the service, and another fee for management, without exposing themselves to any risk of fluctuating claims.

HMO's prospects for growth will also be greatly affected by how they are regulated. Some state courts have ruled that organizations providing medical care are not insurers. So a tug-of-war has begun over whether state health or insurance authorities—or both—should exercise jurisdiction. Certainly, paid-up consumers ought to be protected against their HMO's going broke; they would be able to receive care in another organization or be permitted to obtain indemnity insurance without penalty. But if, like insurance companies, HMO's were required to maintain hefty reserves, or if they had to operate with the same restrictions as insurers on their real-estate holdings, their growth might be crippled.

A model HMO bill pushed by the National Association of Insurance Commissioners does not propose specific real-estate investment or reserve requirements, leaving that up to the individual commissioner. The clear intent, however, is that, except for health matters, the state insurance department would be the supreme authority. Given the wide variance in performance of state insurance departments, regulation of HMO's probably should not be left to the states. Even the tough New York State insurance department is questioning whether it ought to be heavily involved in HMO regulation, with the exception, perhaps, of making sure that consumers will be protected if an HMO becomes insolvent.

THE AMA PUTS ON THE PRESSURE

In a move that is even more important than their funding provisions, the HMO bills before Congress (except for the Administration's) would remove such groups from the jurisdiction of state insurance departments and would override other restrictive state laws. Financial stability would be left to the marketplace, although periodic reports would be made to the Secretary of HEW. The legislation would also set up quality controls; the Kennedy bill goes so far as to establish a National Commission on Quality Health Care Assurance.

The passage of such federal legislation would open the way for a rapid expansion of HMO's. That legislation has received the endorsement of almost every interested group but organized medicine, which is trying to block or at least to delay passage of these bills. A House committee staff member says: "We've had more pressure from the A.M.A. on this issue than on anything since medicare."

The A.M.A. is certainly correct when it asserts that not all of the data on HMO's are in. HMO's will indeed be difficult to develop in areas with low population density. Some critics argue that their costs should come down, on the ground that they may provide *too much* care. And it's clear that even if HMO's can decrease hospital admissions, the underlying causes of cost inflation in hospitals would remain to be tamed.

Still, the trend in medicine these days is toward more organized systems, in group practices and in full-time hospital-staff practice. All the serious studies so far support the conclusion that when well managed and properly financed, HMO's can sharply reduce the cost of care at a level of quality at least equal to that of the fee-for-service system, while earning a decent return for lenders and investors. And HMO's will pay an important social dividend: they will provide access to better medical care for millions of Americans who have never had that opportunity.

Mr. KENNEDY. Mr. President, the Senate Committee on Labor and Public Welfare has ordered S. 14, the Health Maintenance Organization and Resources Development Act of 1973, reported to the full Senate. I anticipate that the committee report will be filed shortly. I sincerely hope we can get on with the business of passing this important legislation, and avoid the necessity for any more delay in beginning the vital work of reordering our health care delivery system in the United States in the near future. I do not believe we should any longer tolerate squandering of the American people's money on an inefficient, fragmented health care system for reasons of political expediency or because of pressures brought from high-income, special-interest groups wishing to preserve a monopolistic health care system in this country.

THE STATUS OF OLDER AMERICANS

Mr. GURNEY. Mr. President, during the week beginning March 19, the National Retired Teachers Association, the American Association of Retired Persons held its annual legislative council meeting here in Washington. At that time, I was privileged to meet briefly with Dr. and Mrs. Charles Fichtner of Miami, Fla. Dr. Fichtner is a member of the legislative council, while Mrs. Fichtner heads up one of our large Miami chapters of the NRTA AARP. These two people, in the few moments I met with them, were able to share with me their views on the needs of America's over 65 population.

Dr. Fichtner delivered a very fine speech during the congressional dinner on March 20. Because I feel it will be of interest to my colleagues, I ask unanimous consent that the text of Dr. Fichtner's remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY CHARLES C. FICHTNER, MEMBER AARP LEGISLATIVE COUNCIL

We are pleased to have so many distinguished guests who are members of the Congress join us this evening. To them we wish to express our appreciation for their interest in the status of older Americans. Much of the improved public understanding in recent years of the problems of the elderly may be attributed to the hearings and excellent publications of Congressional bodies such as the Senate Special Committee on Aging.

I should like to comment very briefly on the legislative activities in general of the American Association of Retired Persons and the National Retired Teachers Association and our legislative council meeting in particular.

Our associations' procedures in this respect are simple and democratic. Expressions are received from many of our 5,000,000 members and especially from the legislative committees of our 1,300 local chapters. Issues are researched and studies are made of acts and relationships by our highly competent professional association staffs and by outside consultants. Legislative council members are supplied throughout the year with periodic reports, monographs and related publications bearing on legislative issues. Our point of view is strictly nonpartisan.

At this annual meeting in Washington we try to sort out the priorities for legislative action over the ensuing year.

The work in our 3-day "skull sessions" has been divided into five specialized subcommittees. Many of us feel the way you legislators must feel when there is a flood of complex bills before your committee or heading for the floor: "so much to consider in such a short period of time." But I suppose this is as it should be because we want our legislative work to be substantive and oriented toward a responsible approach to problem solving.

Income and health costs, for example, are subjects that now loom large. Oldsters no longer worry about "taking it with them" but they do worry a lot whether it will last as long as they do in this age of runaway inflation. They are alarmed over rising real estate taxes and skyrocketing medical costs but they do not share the view of the proposed new budget that shifting a larger part of such costs from medicare directly to elderly patients will restrain abusive practices which are inflating the cost of hospital and medical care.

As retired Americans, we bring to the consideration of national issue a unique perspective. We've seen quite a lot of life and quite a lot of change through the years—some of it for the better, some for the worse. Although we've left the working world behind, we didn't turn in our citizenship responsibilities when we retired. We are still members of our communities. We are still part of our families. And we are still paying taxes. As our association's motto so aptly states, we want to serve, not be served. We believe in looking ahead, not backward. There are so many things to be done.

It is in that spirit that we seek to be involved in the vital mainstream of this country's political-legislative process. We have a contribution to make in seeing to it that older Americans share in the bounty that is America. And we have a responsibility to meet in seeing that our contribution is made—not just in serving ourselves, but in serving ALL citizens.

Like many other groups, we have legislative goals and objectives. We want to have a voice in helping to shape laws that affect us. But unlike many groups, we want our voice to be a speaking voice, not a shouting one. We want to help, not harangue. We are proud of the legislative accomplishments which we have helped to achieve in the past and we look forward to future successes. We value the opportunity to work with you legislators and we appreciate your support on the many issues of particular interest to us.

Through our membership in general and our Washington legislative staff in particular, we stand ready to assist you in whatever ways we can. Through our input to your committees and our relationships with your staffs, we hope to continue being helpful. We can provide information on problems, define the need for legislation, suggest legislative ideas and provide insight into bills under consideration.

In meetings such as this week's legislative council gathering and others, we try to keep ourselves as informed as possible, so that our contributions to the legislative process are thoughtful and well-prepared. Additionally, we have the responsibility of informing the five million AARP–NRTA members whom we represent.

I doubt if you will be surprised to hear that we will continue to make our views known when it is important to do so. By the same token, we hope you will let us know when we can be of some help to you. For by working together with civility and purpose, there is much we can do to better the lives of America's older citizens. As we so work together, you will recognize that our associations seek from government only that which we cannot obtain for ourselves. We ask to be partners with government, not wards of it. We do not want special treatment. We want to be treated as Americans—as welcomed participants in the American way of life.

PIONEER 11 BLASTS OFF FOR JUPITER

Mr. CRANSTON. Mr. President, on April 5, the National Aeronautics and Space Administration launched Pioneer 11 from Cape Kennedy, a milestone space shot designed to observe and photograph the solar system's largest planet, Jupiter, which is 1,000 times bigger than our own planet, Earth.

With this launch, the Rocketdyne Division of Rockwell International Corp. achieved an enviable and unprecedented record. It was the 1,001st launch for Rocketdyne engines, which are produced in Canoga Park, Calif. Rocketdyne, incidentally, is the Nation's leading producer of large liquid-fueled rocket engines.

The history of Rocketdyne is, in essence, the history of America's ballistic missile and space programs.

A Rocketdyne Redstone engine launched this country's first high-thrust ballistic missile in August 1953.

A Rocketdyne Redstone engine also launched the first U.S. satellite, Explorer I in January 1958. That satellite paved the way for the entry of the United States and the Western world into the age of space. Its major scientific achievement was the discovery of the Van Allen radiation belts surrounding the Earth.

The birth of manned space flight occurred on May 5, 1961, when Alan Shepard, the first man to fly in space, was launched by a Rocketdyne-powered Redstone on a suborbital flight in the first manned Mercury shot.

The first direct television connection between continents was realized when Telstar I, the world's first international communications satellite, was orbited by a Rocketdyne-powered Thor/Delta vehicle on July 10, 1962.

More than 75 percent of all space launches have been accomplished by Rocketdyne engines. Every astronaut who has flown, has flown atop a Rocketdyne engine, including all of the astronauts who have gone to the Moon and returned to Earth safely.

Based on its unmatched record of performance, it is only fitting that Rocketdyne has been selected to develop the main engines for the first reusable space vehicle—the space shuttle orbiter.

Rocketdyne engines have played a significant part in establishing this country's position as the world leader in space exploration.

I wish to express my appreciation and, I am sure, that of all my colleagues in the Senate, to William J. Brennan, president of Rocketdyne, and the dedicated people of his organization for all they have accomplished in behalf of our national space program.

I am proud that Rocketdyne is located in California and I am confident that Rocketdyne engines will perform as flawlessly in the forthcoming space shuttle as they have over the last two decades.

Mr. President, I ask unanimous consent that an article on Pioneer 11 in the New York Times of April 6 be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PIONEER 11 MAY BE SENT CLOSE TO JUPITER'S SURFACE

(By John Noble Wilford)

CAPE KENNEDY, FLA., April 5.—After a four-month hiatus, the United States space agency was set tonight to open its 1973 launching program with the firing of Pioneer 11 on a 22-month, 620-million-mile journey to Jupiter.

Pioneer 11, an unmanned, 570-pound spacecraft, will be thrust away from earth by an Atlas-Centaur rocket.

The spacecraft's initial escape velocity was scheduled to be so great—32,000 miles an hour—that it would pass the moon in 11 hours, compared to the three days it took the Apollo missions to cover the same distance.

With Pioneer 11, the United States will have two almost identical instrument-laden probes on their way to explore Jupiter, the largest and most dynamic planet in the solar system.

Pioneer 10, launched in March 1972, has already sped through the astroid belt and is expected to pass through the environs of Jupiter between Dec. 1 and 6 of this year. It should provide scientists with the first close-up investigations of the planet. No other spacecraft has ever flown beyond the orbit of Mars.

CLOSER FLIGHT POSSIBLE

As planned, Pioneer 10 will pass about 87,000 miles from Jupiter and if the planet's intense radiation belts prove not to be a deterrent, the Pioneer 11 spacecraft may be sent much closer to Jupiter. It is scheduled to reach Jupiter in early 1975.

Each Pioneer carries a cameralike device to take a series of pictures as the spacecraft passes by Jupiter and other instruments to measure the planet's atmosphere, radiation, temperatures, magnetic fields and chemical composition.

From what is already known, Jupiter's volume is more than 1,000 times that of the earth and it has more than twice the mass of all the other planets combined. It is so massive that it is almost a small star.

The planet is composed mostly of hydrogen and helium, the primary ingredients of the universe. Whether Jupiter has a solid surface deep beneath its dense clouds is not known.

Jupiter's atmosphere contains ammonia, methane, hydrogen and probably water, the same ingredients believed to have produced life on earth.

Dr. Carl Sagan of Cornell University says, "recent work in the origin of life and the environment of Jupiter suggests it might be more favorable to life than any other planet."

90-MINUTE ROUND TRIP

When Pioneer 11 reaches Jupiter it will be so far from earth that radio messages at the speed of light will require a round trip time of 90 minutes. It will also be so far from the sun that, unlike most previous planetary probes, it will have to use on-board nuclear power for electricity, not solar radiation.

The spacecraft was built by TRW Systems Incorporated. The project is directed by the National Aeronautics and Space Administration's Ames Research Center at Mountain View, Calif.

Pioneer 11 is the first NASA launching here since last December, when Apollo 17 embarked on the final lunar landing mission.

In the coming weeks, two communications satellites are to be orbited—Anik 2, a Canadian communications satellite, on April 19, and another Intelsat 4 satellite on April 26 for the COMSAT Corporation.

The Skylab space station is scheduled for launching May 14. The first crew of astronauts to occupy the earth-orbiting space station is to be launched the next day.

HUD AND ESP

Mr. PERCY. Mr. President, the Washington Post is the latest newspaper to report on the apparent reluctance by the Department of Housing and Urban Development to allow operation of the economic security program—ESP—designed to protect FHA mortgagors from foreclosures due to temporary involuntary unemployment.

Susanna McBee of the Post has done a remarkable job of summarizing the controversy and explaining ESP in a few paragraphs.

I continue to be disappointed by HUD's attitude toward this program. I had hoped that the new leadership of the Department would reverse the decision not to allow the operation of the program in conjunction with FHA mortgage insurance. I now foresee little chance of that happening and thus corrective legislation will likely be necessary.

I ask unanimous consent that the article titled "Foreclosure Insurance Plan Snagged" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 1, 1973]

FORECLOSURE INSURANCE PLAN SNAGGED

(By Susanna McBee)

A plan to protect jobless homeowners from losing their houses through foreclosure has run into snags and is now the subject of a $25 million lawsuit against the Housing and Urban Development Department.

The privately sponsored plan, according to its creator, Laurence August, would provide a homeowner, who suddenly finds himself unemployed, with up to six monthly mortgage payments during the first three years after he buys his house. He would not have to pay them back.

The cost of such mortgage insurance would be borne by the seller of the house, who would pay a fee of half of one month's mortgage to August's firm, the ESP Fidelity Corp., which would administer the plan, the so-called Economic Security Program.

Last year, August, a Los Angeles businessman, received a letter from HUD saying it had no legal objection to the plan, provided "it is available to purchasers who finance their mortgage using VA, FHA, or conventional methods and not just to purchasers under federal programs."

Then, last June, just three months later, he received another letter from HUD saying, "We have made a further evaluation of the program and have concluded that the gift of the insurance coverage would be a form of 'give-away.'

"Whenever a builder provides this insurance coverage free to purchasers seeking HUD/FHA insured loans, we will treat it as a reduction in sales price, which in turn will reduce the maximum insurance mortgage by the cost of the insurance policy."

August claims that ESP Fidelity Corp. had completed contracts with 15 building and realty firms in eight states and was negotiating with 10 other firms when HUD reversed itself.

In filing the damage suit, he accused "these HUD bureaucrats" of driving his company "to the brink of bankruptcy" and himself "into ruinous and embarrassing debt." He also filed for an injunction to keep HUD and the Veterans Administration, which has a similar policy, from enforcing their rules against his program.

HUD declined to comment on the court actions, but a spokesman said recently that although August contends the insurance fee would not be added to the price of the home, "we have no proof that the cost wouldn't be passed on to the homeowner."

Sen. Charles Percy (R-Ill.) has written James T. Lynn, the new Secretary of HUD, asking him to modify the department's position. Percy noted that HUD has never come up with a program of its own, as it was directed to do by the 1968 Housing Act, to help homeowners in financial trouble meet mortgage payments. (August says about 1,000 families lose cause of involuntary unemployment.)

Percy wrote Lynn that implementation of August's program "or one similar to it seems to me to be essential to making the FHA's programs work more for the ultimate benefit of the housing consumer and less for the profit of the housing industry."

Meanwhile Sens. Alan Cranston (D-Calif.) and Robert Taft Jr., (R-Ohio) have introduced a bill authorizing the government to provide emergency loans to cover mortgage payments up to 12 months.

Homeowners with conventional mortgages would have up to five years to repay the loans at about 6.75 per cent, and those with FHA and VA mortgages could take longer to repay.

ENERGY POLICY ADDRESS BY SENATOR GAYLORD NELSON

Mr. CRANSTON. Mr. President, this Earth Week, my colleague from Wisconsin, Senator GAYLORD NELSON, has delivered a thoughtful speech on one of the most significant and complex concerns facing this country today, the energy issue.

Senator NELSON, who originated Earth Day, 1970, and the subsequent Earth Weeks, spoke at a candlelight dinner in Burlington, Wis., where the city has devoted itself this week to an experiment dramatizing the need for energy conservation and a national energy policy.

Consistent with the educational purposes of Earth Week, Senator NELSON's speech is an important contribution to public understanding of the nature of our energy and environmental problems. I commend it to my colleagues and the public as worthwhile reading and ask unanimous consent that the text be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ENERGY POLICY ADDRESS BY SENATOR GAYLORD NELSON

Today's energy experiment in Burlington, Wisconsin, could be tomorrow's reality in America. This candlelight dinner and the simulated energy shortage that Burlington homes have experienced during the past few days of energy consumption tests could be just a prelude.

Ask South Florida. A surprise blackout last week along 120 miles of that state's fabled Gold Coast affected some three million people. It was not an experiment.

Ask the people in New York City. One day a few years ago, their lights went out. The elevators froze. The subway trains stopped. The darkness descended over that giant of the modern age; that capital of communications, industry, and finance; that home and place of work for millions of people. It was not an experiment.

Ask the people of Wisconsin and other Midwestern states who were threatened this past winter with a serious fuel oil shortage. It was not an experiment.

Ask the independent gas stations around the country who have closed or cut operations because of insufficient gasoline supplies from large oil companies on whom they rely. It has not been an experiment.

How many tests and mini-crises do we need to make the lesson clear? America now has serious energy problems which could escalate into a major national crisis at some point in the not too distant future.

In order to maintain a good standard of living and the technology on which it is based, this country must immediately launch a crash effort to bring order and planning to the present chaos in our energy affairs; to develop massive new, clean supplies of energy, and to conserve the tremendous amounts of energy we now waste.

Author-physicist Ralph Lapp dramatically shows in some recent speeches the "energy gap" which threatens America between now and the year 2000.

For instance, for the key resource of natural gas, he estimates that the gap between U.S. demand and domestic supplies could total 570 trillion cubic feet between now and the end of the century. Therefore, it is essential that we develop new energy supplies to fill this gap. Currently, we are consuming 22 trillion cubic feet of natural gas per year.

For oil, another vital resource, Dr. Lapp estimates that the gap between U.S. demand and domestic supply could total 170 billion barrels from now to the end of the century. Currently, we are consuming about 6 billion barrels of oil a year.

While such figures on fuel availability vary significantly, depending on assumptions and interpretations, the energy experts are almost unanimous in their view that the age of unlimited clean, cheap energy is ending fast.

For the first time, our fast-consuming nation is in real danger of "running out of gas" without having any easy answers near at hand.

For instance, while there are tremendous coal reserves in this country, a major investment in technology and environmental protection is going to be required in order to tap the great quantities of this fossil fuel that appear to be necessary, without scarring and polluting large sections of the West and more of Appalachia.

If we convert the coal to gas, which is a possibility, Dr. Lapp estimates that in order to supply half of the U.S. needs for natural gas 27 years from now, we would have to build 275 coal gasification plants at a cost of nearly $100 billion, with an input of over two billion tons of coal a year.

As another example, while nuclear power is viewed by many experts as the long-range source to rescue America from an energy crunch, we must somehow find ways to safely store radioactive wastes from these plants for many thousands of years until the wastes become harmless. And current estimates are that our huge energy appetite will demand the equivalent of 1200 nuclear power plants by the year 2000.

Still, our historical belief in an easy abundance is so strong that the announcement of energy problems in this country has brought reactions of astonishment and even indignation.

Actually, when we look at the evidence, the real surprise is that the nation has gotten as far as it has without energy problems that were much worse.

Is it any wonder we are in an energy dilemma when our per capita electricity consumption has been doubling almost every ten years, and when it is estimated that over the course of this century, this consumption will have increased more than 1000 fold?

Is it surprising that we are facing energy problems when about 66 billion gallons of gasoline were consumed in 1970 in the United States just by automobiles?

Is it any wonder that energy experts are urgently calling for conservation measures when 210 million Americans waste about as much energy as 105 million Japanese consume; when an estimated two out of three cars of coal sent into power generating plants end up as waste heat; when less than 10 per cent of the fuel burned by our automobiles ends up as useful work?

Does the concern about government's effectiveness in energy affairs surprise anyone when energy authority currently is divided among 64 Federal departments and agencies, and when nuclear power plants have been licensed by the Atomic Energy Commission despite the recent discovery of major, unanswered safety questions?

Is anyone shocked by our lag in finding more efficient, cleaner energy methods when public and private research and development funding for all energy sources comes to around two per cent of the country's $75 billion annual spending for energy, including only $700 million a year by the Federal Government, and when it is estimated by an electric utility task force that for electric power alone, an average of $1.1 billion a year will be needed in research and development funds over the next 30 years?

The causes of our dilemma are bound up in the whole history of this country, in our belief as a people that nature would provide an endless bounty and that technology could solve any problem. The resources of the planet and its capacity to support life are, after all, finite.

After nearly 200 years of rosy optimism that there would always be a new frontier, America is finally being confronted with the necessity of facing some tough realities.

It has been a painful awakening. It started a few years ago when we began to realize that in our unthinking, pell mell national growth, we were destroying the air, the water, the land—the very environment which provided our unique natural heritage, supported our well-being, and sustained our existence.

The threat of blackouts and fuel shortages is but another debt coming due on the mortgage for America's unprecedented material success. Our unceasing demand for MORE has simply stretched to the breaking point the energy systems and resources that are the foundation of our style of life.

Just as Earth Day, 1970, symbolized the nation's awakening concern about the environmental devastation, this Earth Week, three years later, may symbolize the country's growing awareness of the seriousness of our energy dilemma.

In fact, the pollution crisis and the energy crisis are merely different sides to the same coin, and both must be dealt with together.

To try to solve an energy crisis while blinding ourselves to environmental problems, or vice versa, as some have been advocating, would be a fool's course.

A future of poisoned air, a gutted landscape, and dead seas, but abundant energy, would be as insufferable as one with pure air and water, but no heat, light or transportation.

The real answers lie not in the piecemeal, "me first" approach that has characterized our resource and energy activities in the past.

We must reject the myth of easy abundance and adopt an ethic of conservation and stewardship.

We must shed the illusion that endless, reckless growth is a panacea that brings all the sweet and none of the sour.

We must recognize that there is no way we can safely go on doubling and redoubling our energy consumption. An exponentially increasing energy demand will quickly soar beyond the capacity of man's technology and nature's resources.

Individually and collectively, we must make adjustments in our energy policies, priorities and values today as a down payment toward meeting our energy needs tomorrow.

Unless the people of our country are willing to make a modest investment now for an adequate energy future, an even greater cost will be exacted in other ways. For instance, we must be very careful to assure that giant oil companies are not permitted to take advantage of the public's energy concern by increasing their profits, or achieving energy monopolies, or ravaging the environment. In fact, five of the largest oil companies reportedly paid only five per cent in Federal taxes on their 1971 profits, and the sprawling interests of six of the ten largest oil companies include holdings in oil, gas, coal, and uranium.

As in the environmental area, meaningful and effective energy policies will be established only when the public itself demonstrates its concern and becomes actively involved in the issue.

In fact, perhaps there should be a National Energy Day, so that the public will be heard, just as we had a National Earth Day three years ago to express the overwhelming public concern about the environment.

It is also long past time for the leaders of this country to say where they stand on the energy issue.

For twenty years, experts have been warning that we were in for serious energy trouble and urging that steps be taken to coordinate our energy policies.

Yet under this Administration and the previous three Presidents, we have stumbled and bungled our way along, while the signs of energy trouble have been showing up everywhere.

For one Administration after the other, the attitude seems to have been that the best energy policy is No Policy at All.

As the latest example of this ad hoc approach, the comprehensive energy policy message President Nixon promised early this year has yet to be delivered. Reportedly, the message may finally be coming later this week. While the President's energy message two years ago addressed the issue, it left the major, critical questions unresolved.

Meanwhile, the Administration, backed by the oil companies involved, is crusading for quick approval of the Trans-Alaska pipeline route, despite studies showing that a Trans-Canadian route might be better from both a consumer and an environmental view to bring Alaska's North Slope oil and gas to Midwest and East Coast markets.

Never mind the fact that energy is the very foundation of our modern, technological society—the view from the White House for the past two decades seems to have been that if we just look the other way long enough, with the help of some plain old good luck, any energy problems would just take care of themselves.

Well, no energy troubles that I know of look as if they are going to solve themselves. The evidence overwhelmingly shows that we had better start coming to grips with the energy issue quickly, or the situation is going to go from bad to worse to disastrous.

To seriously address the energy issue, we must launch a massive, Federally coordinated program funded and manned on the same scale as the Apollo program that put man on the moon and the Manhattan Project that developed the atomic bomb.

To show just how urgent the matter is, even with an immediate top priority national push, it will be a number of years before the highly sophisticated technologies needed to close the energy gap can be developed for full scale use.

The National Energy Program must include the following major, fundamental steps:

I. A Presidentially-appointed National Energy Council must be established with the responsibility for drawing up an overall national energy conservation and development plan and the authority to coordinate the plan's implementation.

In the anarchy of the nation's energy policy today, what goes for decision-making and planning is actually a chaos of scattered Federal and state efforts, the pulling and hauling of powerful private interests, and a minimum of public participation.

Federal agencies don't even have the basic prerequisite for intelligent decision-making available to them—adequate data independently obtained. Instead, the agencies have had to rely on private energy companies' own estimates of proven oil and gas reserves.

A. *The National Energy Council must provide the high level leadership necessary to help plan and coordinate the nation's activities on energy supplies, research and development, energy conservation, price regulation, energy and foreign policy, and environmental protection.*

Under the Council's guidance, the bits and pieces of the nation's energy affairs must be pulled together into a coherent, cooperative effort involving public agencies, private industry and the American public.

B. *Congress must establish a Joint Committee on Energy to better coordinate and oversee its own energy decisions and numerous energy jurisdictions.*

C. *Import quotas on oil must be removed.* Under any policy taking a comprehensive, public interest view of the nation's energy picture, the Federal government's import quotas on oil, which artificially maintain prices and limit supplies, and favor one industry, should have been lifted long ago. They can and must be lifted now by Presidential order.

II. *A $2.5 billion a year National Energy Development Project of research and development must be undertaken to meet America's energy needs.* This must be a crash effort continuing for as many years as are necessary to develop new, clean, reasonably priced energy resources and to find ways to cut energy wastes.

A National Energy Development Project must aim at the following goals:

A. *To supply energy between the 1980's and the end of the century, environmentally-safe technologies must be developed for mass production of energy from sources such as coal gasification, solar energy, nuclear power, geothermal energy, and coal liquefaction.*

B. *Major research and development is necessary to insure protection of the environment in energy activities.* Environmental controls and protections must be vastly improved in existing areas such as strip mining, ocean oil shipping and drilling, power plant siting and operation, and power transmission. Also, sound environmental and safety measures must be designed before emerging energy technologies such as coal gasification and oil shale are put into production.

C. *Energy efficiency must be improved through methods such as advanced power cycles, a national power arid, recycling of waste heat, and energy from solid wastes.*

D. *To supply energy in the next century and beyond, technologies must be explored for new energy sources such as nuclear fusion and solar energy, again with the standard that before such technologies are utilized, environmental and safety question such as storage of radioactive wastes must be resolved.*

III. *A National Energy Conservation Program must be launched to reduce our energy waste and postpone an energy crisis while new supply technologies are developed.*

Energy experts have estimated that with good conservation practices, this country could save about one-third of the energy it consumes and still enjoy a decent standard of living.

As the signs of an impending energy crunch increase, energy conservation becomes an urgent necessity. Furthermore, if effective steps aren't undertaken to bridge the energy supply-demand gaps projected between now and the end of the century, America may have no choice but to see "conservation" efforts replaced with "rationing" on a broad scale.

A. *A major first step toward wiser energy use in this country would be a reduction in the weight and engine size of the automobile.*

In the near future, I will request that the Office of Technology Assessment recently established by Congress do a one year study of the best means of achieving a major reduction in auto weight and engine size and of the energy benefits this would bring.

Last year alone, the nation would have saved about 17 billion gallons of gasoline if the average automobile weight were reduced to 2500 pounds, with a corresponding reduction in engine size. That would be an annual saving of about 5 gallons of gas for every human being on earth.

Automobile weight—which has actually been increasing—is the single most important factor affecting urban fuel economy, according to the Environmental Protection Agency. A 5000 pound vehicle will have one half the fuel economy of a 2500 pound vehicle, according to the EPA.

Either by sound planning and foresight now, or by the compulsion of gasoline shortages later, the American automakers will almost certainly be required to go to a lighter car, a smaller engine and much better gas mileage.

If the American automakers don't act, innovative foreign car makers probably will, just as some foreign manufacturers have already developed auto engines that meet the 1975 Federal clean air standards.

Loss to foreign automakers of the vast market for small cars and small engines that would be created by a gasoline squeeze would knock the American automobile industry for a loop, with possibly catastrophic results for the whole nation's employment and economy.

B. *Other energy conservation measures must include changing electrical rate structures to eliminate the built-in penalty on the small energy user; requiring "truth-in-energy" labelling on appliances, automobiles and housing to aid consumers; increasing the incentives for more energy-efficient transportation; improving insulation and design for office and apartment buildings and homes; establishing tax incentives to encourage recycling of "wastes"; requiring Federal agencies to consider the energy consumption implications of their proposed projects and actions, and providing better information to the public on energy conservation costs and benefits.*

Additionally, there are many steps the individual can take to cut energy consumption, measures which are now being widely reported.

In conclusion, in carrying out this energy experiment, the people of Burlington have provided an important service to their country. These tests have helped awaken America to the need to confront the challenge of an impending energy crisis.

Now, the American public and its leaders must act, as individuals and as a nation, adopting the policies that are necessary to assure a decent energy and environmental future.

WISING UP IN PITTSBURGH

Mr. TAFT. Mr. President, I noted with great interest the recent agreement reached by the United Steel Workers of America and the Nation's major steel-producing companies. The accord, as I understand it, provides for binding arbitration for any unresolved issues that might surface in the 1974 negotiations and places a prohibition on strikes by the union or lockouts by the companies to support their bargaining positions. This responsible approach to collective bargaining I believe could prove to be a historic breakthrough in labor-management relations in this country. Mr. I. W. Abel, president of the United Steel Workers, and R. Heath Larry, vice chairman of the United States Steel Corp., and chairman of the negotiating committee for the steel industry negotiating committee, are to be congratulated for their many years of work in bringing about such an agreement.

This approach to collective bargaining has the potential to become a great benefit for labor, management, and the Nation's economy in general by reducing foreign steel imports and establishing greater certainty in uninterrupted U.S. steel production.

Legislation, no matter how expertly drafted, can never replace responsible collective bargaining of the type evidenced by the negotiations leading to this agreement. It is my sincere hope that the same degree of preparation and cooperation will occur between management and labor in other sectors of our economy.

I ask unanimous consent that a recent editorial from the Wall Street Journal regarding this agreement be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Wising Up in Pittsburgh

Everyone knows that strikes are not a very good way to solve labor-management differences but it has taken a long time for anyone to do anything about it.

Last week, the United Steelworkers Union and 10 major steel companies did something about it with a plan that will seek to avoid national steel strikes through use of a pre-agreed wage increase formula and a pre-strike arbitration panel to settle disputes. If the plan works, and the signs are hopeful, it could have large benefits not only to steel workers and steel companies but to the public generally.

For one thing, it could reduce the demands for protectionism that have grown out of erosion of the American market by foreign produced steel. This, plus greater efficiency in the domestic industry, could be of substantial benefit to consumers.

Before the agreement, steel's vicious cycle had become as regular as the tides. Steel labor contracts expire every three years, so eight months before the expiration date, steel customers began building inventories and signing long-term contracts with foreign producers. Come summer, strike or no strike, U.S. mill production was certain to drop as the customers turned to their inventories and their contracts with foreign suppliers.

It didn't take much prescience to see that the losers from this cycle were the steel workers, who faced either a strike or a possible layoff each summer, and the steel companies, which suffered not only from the foreign inroads but from the inefficiency of sharp swings in the production rate. It's expensive to run steel mills or any other continuous production process erratically.

The only gainers, presumably, were the banks who make inventory loans to steel customers and the foreign steel companies and their workers. But even foreign steel companies would rather have steady demand than periodic surges and some have insisted on long-term contracts with American customers for that reason.

There is no certainty that the new plan will work, but the portents are generally favorable. United Steelworkers President I. W. Abel and R. Heath Larry of U.S. Steel, who leads the industry group, have been working closely together for several years to hatch the formula. The 1971 post-contract production slump gave impetus to the effort. The plan got overwhelming approval from 600 delegates to the union's Basic Steel Conference last week and there are joint union-company programs afoot to sell it to the rank and file.

It would seem to be economically sound, calling as it does for an annual raise based on productivity gains plus a cost-of-living factor. This fundamental formula has been the anchor for sound labor agreements since collective bargaining began. The company and union hope to have settled national issues well before the national contract expires August 1, 1974.

If it does work, we would hope that companies and unions in other basic industries will have a look. Boom-bust cycles are inefficient and generally harmful. Union workers could be among the biggest gainers from the wising up of Pittsburgh's union and company leaders.

GOLDEN ANNIVERSARY OF THE LAHEY CLINIC

Mr. KENNEDY. Mr. President, on Monday, April 2, 1973, the Lahey Clinic in Boston celebrated the 50th anniversary of its founding. I am sure that I reflect the sentiments of many Members of the Senate in paying tribute to the clinic as it passes this historic milestone, and in honoring the clinic for the outstanding contributions it has made to American medicine.

It was on April 2, 1923, that Dr. Frank Lahey joined with Dr. Lincoln Sise and Dr. Howard Clute to form the original Lahey Clinic. This was the formal beginning of a group practice of medicine which has grown over the years to the point where the Lahey Clinic has become renowned throughout the United States and the world as a symbol of excellence in modern medicine.

Today, a dedicated staff of 102 physicians work closely together, treating ambulatory patients on an outpatient basis at the clinic's main headquarters in Kenmore Square in Boston. In addition, about 300 patients on any given day are treated as inpatients at the New England Deaconess Hospital, the New England Baptist Hospital, and the Brooks Hospital.

Among the many areas of special achievement in which the clinic has earned its world-famous eminence are the treatment of thyroid disorders, gastrointestinal problems, and complicated surgery of the abdomen, biliary tract, and pancreas. Included among the medical men and women who have given much to the clinic and the world of medicine are the late Dr. Sara Jordan, Dr. Richard B. Cattell, and, of course, the original founders.

Today, the Lahey Clinic contains an active Division of Research, where work on cancer immunity and on transplantation is currently taking place. There are over 35 separate, individual research projects now being conducted by the medical staff.

Through its department of education, the Lahey Clinic has trained over 1,900 resident physicians in its specialty departments. These doctors are now located throughout the world, many in group practices similar to that at the Lahey Clinic. These alumni will hold their third reunion this fall.

Lahey Clinic physicians also provide medical care to the Department of Transportation in Cambridge and to its predecessor, NASA. Such care includes routine, daily dispensary care as well as complete physical examinations and referrals for special problems.

Because of the increasingly cramped conditions at its Kenmore Square location, the Lahey Clinic is presently planning a major relocation and building project in Burlington, Mass., on route 128, just outside the city of Boston. At this location, the Lahey Clinic Medical Center will contain complete outpatient facilities and a 200-bed hospital. The clinic's role will expand to encompass not only the specialty referral type of patient but also, through close coordination with other providers, the medical needs of the community.

Mr. President, on this occasion of its golden anniversary, I commend the Lahey Clinic and its past and present staff for the brilliant achievements of their proud history. I know that in the years to come, it will continue to play its historic role at the forefront of American medicine, as a pioneer in bringing excellence in health care to the people of Boston, Mass., the Nation, and the world.

SPEECH BY MR. GO PUAN SENG, PUBLISHER OF FOOKIEN TIMES

Mr. FONG. Mr. President, I had the pleasure recently of a visit from an old friend from Manila, Mr. Go Puan Seng, known to his friends as "Jimmy Go," publisher of the Fookien Times. Mr. and Mrs. Go came to Washington, D.C., after attending a special convocation of the Indiana Christian University, where an honorary doctor of human letters degree was conferred on him.

Mr. Go, an internationally known Rotarian and a most personable individual, delivered an acceptance speech on that occasion which was warmly received and acclaimed. In his remarks, Mr. Go recalled the harrowing experiences which he and his family endured in escaping capture by the enemy in the Philippines during World War II. The heroic sacrifices of others not so fortunate are related poignantly in his speech, giving eloquent testimony, in his words, to the "power of faith in God" in sustaining all who underwent the ordeal.

Mr. Go's remarks are instructive also as a testament to his deep devotion to the tenets of journalism—a newspaperman whose "love for freedom is circumscribed only by my belief in responsibility."

I ask unanimous consent to have the text of Mr. Go's remarks printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Acceptance Speech of Go Puan Seng

Mr. President, Mr. Chairman, members of of the Board of Regents, members of the faculty, distinguished guests, ladies and gentlemen.

It is a special honor for Mrs. Go and myself to be with you today and to share with you our experiences in Truth—experiences that my family then sought refuge in and that we now gather strength from.

By heredity, I belong to the third generation of a Buddhist family. By education, I was steeped in the philosophy of Confucius. By profession and dedication for the past 47 years, I have been a newspaperman, inclined, like most of my colleagues, to be a free thinker; my love for freedom circumscribed only by my belief in responsibility. There were battles and tears; there were rewards and joys.

Ten years ago, when I was asked by the International Press Institute to speak at its Asian Press Seminar on the topic of "Freedom and Responsibility," I reviewed before them an old story in China. This was what I said:

"Way back in the 5th century B.C., ancient China was in a most chaotic state. Morals were on the decline and the conflicts among the kings and princes of the many different states shook the feudal period in constant turmoil. It was a time when public opinion and noble ideals were much needed to uphold justice and righteousness. There were no newspapers yet, but living at that time was the great sage, Confucius, who devoted himself to the faithful compilation of the feudal annals, which has become China's immortal historical classic. The great sage would not compromise even on a single word, said in praise or in condemnation. In his noble task, he upheld the standards which certainly reflect freedom and responsibility; freedom because of his independence in refusing to be influenced, responsibility because of his dignity in holding himself answerable for what he had written."

Believing in the tremendous power of the press, not only as a source of information at all times, but also as a molder of public opinion and public conscience, I quoted President Jefferson who said that the press is the "best instrument for enlightening the mind of man and improving him as a rational, moral, and social being." I warned my colleagues, in that speech ten years ago, that we must ensure that this power and this freedom be properly exercised. I said:

"A newspaper should not subordinate its mission of informing its readers, to the less important role of merely entertaining them. It must safeguard itself from bias, color and malice. Neither should it boundlessly and selfishly misuse the liberty it enjoys. For indeed, the very way to destroy this freedom is by abusing it. In the eyes of the public, we are to judge and in turn be judged. We want freedom of speech and we must pay its price: the ability to use it wisely and responsibly."

In my conclusion I stressed my belief that "the press should have but one master: Truth, Truth which is all powerful and which in the words of our Lord Jesus Christ 'shall set you free.'"

By the love and grace of God, it was my wife Fely who brought me to know Christ. But only after I had suffered tribulations during World War II, did I begin to lose myself in the divine contemplation of a Life Reborn.

Following the attack of Pearl Harbor during the second World War, the Philippines was occupied by the Japanese Imperial Army. I was among the top wanted men because of my newspaper's strong advocacy of resistance against Japan's encroachment of Asia, and because of my activities as a leader of the anti-Japanese boycott movements in the Philippines.

I refused to surrender.

In the 1,105 trying days—from December 31, 1941 to January 9, 1945—there was not a single day that I was not imperiled. I lived by days, by hours, by moments. No one would have given me a chance in a thousand to survive the war.

From the day I left home to tread the road of exile, armed only with the faith that God would be my sun and my shield, I firmly believed that during the Japanese occupation I would have to undergo a tremulous life—just as when strong winds rent the mountain, the earth trembled, and fire flared when Elisha, a wanted man, fled from his powerful enemies. But I also firmly believed that I would overcome hazardous tribulations and live to hear the still, small voice of God.

I overcame the impossibilities, going in and out of Manila while the Japanese were in hot pursuit. I did not ask the Lord to turn night into day, as Joshua did when he prayed that the sun hold still at Gibeon and the moon stay in the valley of Aijalon; mine was to witness the wonders of how prayer transformed the worn-out nags beneath a stormy sky into galloping horses climbing the steep cliffs under a starry heaven, carrying us through a most dangerous journey.

Many a time, my family, my companions and I escaped death when the Japanese scouting soldiers were as close as a hair's breadth to us. And we, too, marvelled at God's miraculous protection. We remembered that in the days of old when the enemy who hunted for Elisha reached Dothan, their eyes became blurred and they were led to Samaria instead.

We were caught inside the enemy's cordon on the eve of the great battle, just as dangerous as when St. Paul's ship had been at the mercy of a raging sea between Crete and A'dria. Neither the sun nor stars appeared for many days and fearful was the tempest. But Paul did not abandon hope. Neither did we fear for a moment that God would forsake us.

I would like to borrow an old Chinese adage to describe the fearful crucial year, 1944, when the mass arrest of our friends took place. This Chinese adage goes: "Even the moaning of the winds, the cries of the herons, the swaying trees and the rustling shrubs resembled approaching enemy soldiers." At this crucial stage, the places my family and I were hiding in the city of Manila all had been raided by the Japanese soldiers. Five of our intimate friends, including three American missionaries, were arrested and executed. The air we breathed seemed filled with fear. Not an inch of soil was safe. But God called us to depart to the hills in time. As we prayed, I opened the Bible and God spoke to us in Psalm 124:

"If it had not been the Lord who was on our side. When men rose up against us: Then they would have swallowed us up quick, When their rod was kindled against us; Then the water had overwhelmed us, the streams had gone over our soul. Blessed be the Lord, who had not given us as a prey to their teeth. Our soul is escaped as a bird out of the snare of the fowlers: the snare is broken, and we are escaped. Our help is in the name of the Lord, Who made heaven and earth."

Word by word the Psalm revealed to us our precarious situation, for we were indeed like birds escaped from the snares of fowlers and we were then practically in the enemy's clutches.

I am sharing these experiences with you because as R. M. Sorge of the United Press International commented, "My purpose in recalling my wartime experiences is not to reopen old wounds of World War II, but to revive a time when absolute faith and reliance upon the scriptures was my only bodily salvation, in an age of materialism and sophistication". As Paul said, "Not with enticing words of man's wisdom, but in demonstration of the Spirit and of power".

Today, as I speak to you at this special convocation of the Indiana Christian University, my heart is full, and I wish to remember before you a Christian lady from Indiana who sacrificed her life during the resistance movement in the Philippines and who did her very best to help my friends, my family and myself to escape. This lady doctor who saved others, but herself; who stood for her faith up to the moment of her death; who was one of the three American missionary ladies executed, nay, beheaded;—her name was Hawthorne Darby, a graduate of DePauw University at Greencastle, Indiana, who served at the Methodist Hospital in Indianapolis, and later went to the Philippines to serve God.

Another friend of mine who was arrested together with her overheard them questioning her during an investigation at the Japanese military camp as the rooms were separated only by a bamboo wall:

"Are you afraid of death?" the interrogator asked with a sneer.

"I believe I have lived my life well and I am not afraid to die", Dr. Darby calmly answered.

"What would you do if you were allowed to live?" he asked.

"I have been doing the right thing and I would do it all over again", Dr. Darby replied.

Sublime. She lived up to her belief, in absolute honesty, at the risk of her life. This other friend of mine could not but feel inspired witnessing righteousness so bravely upheld. It was a memory, which, to him, could never be erased.

After the liberation, Dr. Darby, this dear lady missionary from Indiana, was awarded, posthumously, the Legion of Honor by the President of the Philippines, together with two other lady missionaries.

There are Peters who die to glorify God, and there are Johns who live to testify. Dying or living, all of us were one in faith.

During our struggles, we all—the American missionaries, our Filipino friends, ourselves—all of us—we were bound together by something even greater than the ties of blood or of shared traditions, or of a common language. Bound together by something far beyond race or culture, bound together by a power no man can devise or dissolve, a power that sustained us, that moved us to rise and sacrifice—the power of Faith in God.

What you confer on me this evening reaffirms that power—the power that asserts the greatness of the human spirit.

Today, I have the honor to rejoice in that power.

I am deeply grateful and proud of the honor.

The Lord bless you.

GUERNICA

Mr. CHURCH. Mr. President, the 36th anniversary of the destruction of Guernica by the Nazi German Luftwaffe in the service of fellow Fascist Franco during the Spanish Civil War, will occur on April 26. Mr. Pedro de Beitia, a leading spokesman of Basque freedom and democracy in this country, recently wrote a penetrating account of the April 26, 1937, horror bombing of the Basque holy city that shocked the world and has been given expression in the famous painting by the late Pablo Picasso. At the time of the aerial atrocity, Mr. Beitia was an aide to the Secretary of Defense of the Basque autonomous government.

One year after the tragedy, George Le Steer, the correspondent of the Times of London in Bilbao during the Spanish Civil War, wrote "The Tree of Guernica," the classic work on the war in the Basque country. He concluded as follows:

> It is my belief and history will show, that this (Franco's) oppression will not last forever. Centuries of struggle, the five wild oceans of adventure have made of the Basque a man with infinite reserves of strength, and silence. His shoulders are free under any regime; his classless moral state is not written in constitutions but in history and prehistory, not defended by arms but by an immovable consciousness of its superiority to all others. Because he has never been a slave or villain, the Basque is better than his neighbor, and he knows it.
>
> He is proud, too, of the year he governed himself; of how he kept order and the true church's peace, gave freedom to all consciences, fed the poor, cured the wounded, ran all the services of a government without a single quarrel, either between executive and people or between the widely divergent theorists in his executive. Alone in all Spain he showed that he was fit to rule; where others murdered and butchered, terrorized the working class and sold their country to foreigners, the Basque bound together his little nation in strong bands of human solidarity, as strong as the sides of his great steel trawlers. His was a real People's Front, without any dark motive of policy to form it. Its roots were very deep, and its lineage very old, but its leaves are full of greenness and virtue that are renewed every year; they gather everlasting life and health from the health of the classless society, and they stand unshaken in the fire and the explosions to give shade to future law-givers who are the people's choice. Their symbol, and their history, is Guernica's Tree.

I ask unanimous consent that Pedro de Beitia's piece entitled "Guernica: I Was There" which appeared in the Washington Post Outlook Section on April 1, 1973, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

GUERNICA: I WAS THERE

(By Pedro de Beitia)

Time distorts the true nature of historic events, and sometimes the distortion is willful. Such distortion seems to have encompassed the destruction 36 years ago of Guernica, the holy city of the Basques in northern Spain, for in these columns two weeks ago a writer asked us to believe that it was the Basques themselves who had destroyed their own city during the Spanish Civil War and not the German Luftwaffe acting on the orders of Franco's Nationalist forces [Guernica: Atrocity or Hoax?, March 18.]

I can speak with some authority about that ghastly holocaust because I was there.

At the time the aerial raid occurred on the afternoon of April 26, 1937, I was an administrative assistant to the Secretary of Defense of the Basque autonomous government at Bilbao, 20 miles from Guernica. At about 4:45 p.m. I received a call from the Guernica stationmaster reporting that planes of the Luftwaffe's Condor Legion had launched an intense raid against his city. I immediately set out for Guernica by car.

I arrived at its outskirts at 6:30 p.m., but found that I could not enter because Germans were still attacking the city, which by then was completely enveloped in flames from the hundreds of incendiary bombs I could see falling on it. When the raid ceased about an hour later, I was abe to enter. The Dantesque horror I witnessed during the subsequent 12 hours I stayed there is still vivid in my memory.

I was also involved in the aftermath of the Guernica incident, for after the fall of the Basque country I went to France, where I became head of the press and information services of the Basque government in exile (a position I held in France from 1937 to 1952, except for a five-year break in London during World War II) and where I helped disseminate information about Guernica's bombing, or, as Jeffrey Hart called it here two weeks ago, the "Guernica myth" "fabricated" to further the "international Communist conspiracy." This is my background and record; I stand on it and I defy Mr. Hart to prove that I am lying.

"PICASSO WAS RIGHT"

In exile we worked hard with the limited means at our disposal to the tell the world the truth of what had happened to Guernica on that fatal afternoon of April 26. And the free world believed us, not the concoctions of Franco's propaganda apparatus.

During the past 36 years the bombing of Guernica by the Luftwaffe as a test of the blitz technique that three years later would destroy Rotterdam and Coventry and other European cities—an incident that Hermann Goering testified to during the Nuremberg trials—has been universally accepted as fact. It was therefore with shock and pain that I read the excerpts of Mr. Hart's article in The Post. I had seen the full article in the January issue of the National Review, of which Mr. Hart is a senior editor, and a summary of it in the February issue of Human Events, both conservative, pro-Franco publications. But as a Basque and a democrat I was, I repeat, shocked and pained to see The Post publish such a piece of Franco claptrap.

To be as objective as possible in this rebuttal to Mr. Hart's version of the Guernica story, I will let others describe the facts of that tragic event.

On March 19, one day after Mr. Hart's article apeared in The Post, The International Herald Tribune, an English-language Paris daily published jointly by The Washington Post and The New York Times, carried the following UPI dispatch from Madrid under the headline, "Picasso Was Right About Guernica":

"Pablo Picasso's painting of Guernica truly reflected what happened to the small Basque town during the Spanish Civil War, former Mayor Augusto Unceta said.

"Mr. Unceta, in a letter published yesterday by the Madrid daily ABC, strongly refuted articles published abroad recently which disagreed with the accepted version of the Guernica story. The articles questioned that the German Luftwaffe had almost completely flattened the town. They suggested that much of the destruction was done by retreating Republican troops.

" 'I was in Guernica on April 26, 1937, when squadrons of airplanes enjoyed themselves by bombing the whole of our town—principally with incendiary bombs,' Mr. Unceta said.

" 'And I mean the whole of our town, for around 80 per cent of the buildings were destroyed . . . I personally witnessed machine-gun fire from the planes,' he said."

Mr. Unceta was mayor of Guernica and provincial counselor of Vizcaya (one of the Basque provinces), appointed by Franco's government, from 1961 until 1967. He is the owner of an arms factory, the only really military target that existed in the city, which was left untouched by the Nazi bombers. He adds in his letter to ABC: "It is unbelievable that, at this point in time, such a fallacy (that the city was not bombed by the Nazis) should be published . . . because there are thousands of witnesses here, in Guernica, who, like myself, are prepared to tell anybody the whole truth . . ."

A JOURNALIST'S RECOLLECTION

An American news agency correspondent at Franco's headquarters in Salamanca at the time of the Guernica bombing read Mr. Hart's March 18 article and then sent me his recollections of what had happened at Salamanca at the time.

This distinguished journalist, who for several reasons cannot be identified, says that before anyone in Salamanca other than a handful of senior officers at Franco's headquarters knew what had happened in Guernica, he was summoned to the office of Luis Bolin, Franco's press chief and author of a book on which Mr. Hart's article was based. Bolin ordered him, under penalty of losing his press credentials and being ousted from Spain, to report that Basques and "Asturian dynamiters" had deliberately blown up Guernica's buildings, that there were no bomb craters in the city's streets, and the like. That conversation was on April 28, two days before Franco's troops had entered the city.

The American journalist said he suggested to Bolin, a shouting, irascible man given to purple-faced rages and much revolver-drawing, that foreign correspondents already in the area be allowed to visit the city. Bolin replied, "No. Army orders." When the journalists wrote the dispatch Bolin insisted on he attributed his information directly to Franco spokesmen, which led Bolin to tear up his copy in a frenzy, wave his pistol at him, and ordered him to write another.

Foreign newsmen were finally admitted to Guernica many days after the bombing, though they were guided through the town by a circuitous route and allowed to look at only a limited area and the famous Tree of Guernica, the symbol of Basque nationalism. Save for such guided tours, Guernica remained a closed town to newsmen wanting to research the bombing for months afterwards.

None of the correspondents in 1937 ever took seriously Bolin's claim that the defenders had blown up the town. Several, in the months immediately following Guernica, had occasion in Salamanca or elsewhere to talk to officers of the German Luftwaffe's Condor Legion who made no secret of their connection with the Guernica bombing. The Germans claimed it had been requested by the Franco forces, who worried that the Basques intended to make a stand in the town.

HART'S "SOURCE"

Mr. Hart's only "source" of information is Luis Bolin's book, "Spain: The Vital Years," which has been published under the auspices of Franco's ministry of information. It only repeats the falsehoods disseminated by the Nationalist propaganda service in the late 1930s.

Who was Bolin, and what was his reliability?

Bolin was in London when the Spanish Civil War began, an accredited correspondent of El Debate, a right-wing Madrid newspaper. On instructions from the plotters in the Spanish army, he hired a plane and pilot in England to fly to the Canary Islands where Franco had in effect been exiled by the Republican government that he opposed. From the Canaries Franco was flown to Spanish Morocco, where he put together the Nationalist and Moorish forces that eventually crossed the Strait of Gibraltar on Luftwaffe transports in the first days of the civil war.

In view of the poor communication between Bolin and the Nationalist forces approaching Guernica in April, 1937, it is doubtful that Franco's press chief ever really talked to anyone with first-hand knowledge of what had happened at the time.

THE U.S. ROLE IN THE ORGANIZATION OF AMERICAN STATES

Mr. McGEE. Mr. President, in Sunday's April 8 issue of the Washington Post, there appeared an article by William D. Rogers appraising the Organization of American States and the U.S. role in that institution.

Mr. Rogers recommends that the United States consider pulling out of the OAS, noting that—

> There are new realities in the hemisphere, without a doubt. A cohesive community bound together by a commitment to distinct New World political values—if that community ever existed—is no more. The Americans are widely split. Diversity is on the increase. . . .

At this time, I may not go as far as Mr. Rogers' recommendation that we withdraw from the OAS. However, I commend him for a very constructive and stimulating analysis of the state of our relations with the Latin American community. Many of us believe that the time is long past for a realistic reassessment of our future relations with the Latin American nations. I also believe Mr. Rogers' assessment is very valuable and timely.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ADIOS, OAS: A U.S. PULLOUT WOULD HELP

(By William D. Rogers)

Delegations from all over Latin America have come to Washington for a brisk 10-day debate in the second General Assembly of the Organization of American States. Secretary of State Rogers already has been called on to offer promises and reassurances about the high priority of the hemisphere in U.S. foreign policy, and Latin American delegates have been making speeches about the Panama Canal, ITT and U.S. intransigence toward Cuba.

It is barely possible that these Latin complaints may carry as far as the White House, and remind the President that he really must sit down and do something about our Latin American policy. He and Dr. Kissinger have been preoccupied with other things these last four years. Now they may finally be drawn to consider some new Nixon Latin American policy, as in tune with the realities of the 1970s as their other recent efforts in China, Russia, Vietnam and Europe.

There are new realities in the hemisphere, without a doubt. A cohesive community bound together by a commitment to distinct New World political values—if that community ever existed—is no more. The Americas are widely split. Diversity is on the increase. There is less and less common ground between, say, Cuba, Argentina, Mexico, Chile, Venezuela and the United States. So it is difficult today to argue in Washington that there is something special about Latin America—some greater degree of interest for the United States there than in Europe or Asia, or any special reason now for U.S. participation in a regional political system.

Now, diversity is not bad. In fact, the prospects of world peace are doubtless enhanced by diversity. If diversity is tolerated, each nation may work out its own destiny in terms which comport with its traditions and temperament. The point is merely that such supreme realists as Mr. Nixon and Dr. Kissinger cannot fail to be impressed with the increasing—even if healthy—diversities within the Americas.

They also cannot fail to be impressed by the spectacular recent rise in Latin America's nationalism, the increased sense of regional identity, and the increasingly vivid feeling of differentiation of Latin America from the United States.

Diversity and nationalism have already caused reactions in the United States. Former Treasury Secretary Connally's remark last year that the United States had "no friends" in Latin America was only a particularly grumpy example of the U.S. response. The new Nixon foreign policy toward Latin America will not be so obviously ill-tempered. But it should be a response to those same new realities. And it should be addressed to the ways in which the inter-American system may be revised to take account of these new realities.

TURNING TO CONFRONTATION

In this Washington mood, it is inevitable that the administration consider whether to transform the OAS from an inter-American system to a Latin American organization—or, more accurately, to complete a transformation process already begun. The organization has never been regarded as an object of unmitigated admiration in Washington. And this less than enthusiastic attitude has not been improved in recent years by spectacles of unproductive debate in the OAS Council.

The OAS, in the past at least, was an alternative forum to the United Nations. The U.N. it was said, was dominated by the Cold War. Not so the OAS. This was once terribly important. But at a time when détente is the key word in U.S. foreign policy, when China has been admitted to the United Nations and when coalition politics are less and less useful, the significance of the OAS as an alternative world forum has greatly declined.

The most recent effort to reform the OAS was in 1970. The results were mixed. Although some impressive principles of economic cooperation and development found their way into the Charter, the political significance of the OAS within the Hemisphere was certainly not enhanced. Instead, the new General Assembly, which it was hoped would grow into an annual congress of foreign ministers focusing on real issues of common regional interest, has begun to degenerate into just another meeting of the OAS representatives regularly assigned to Washington, meeting under a different name. In fact, the organization is less able to deal with inter-American issues now than it was a few years ago.

Walter Sedwitz, the able executive secretary of the OAS for economic and social affairs, has noted "the fact that the Latin American countries are less and less willing to have their national economic, social, educational or scientific problems discussed or judged within a regional forum. With the notable exception of CIAP [the Inter-American Committee for the Alliance for Progress], the countries are less inclined than ever to bare themselves to the scrutiny of their neighbors, especially the United States."

In other words, instead of cooperation, the OAS is turning to confrontation. In 1964, the Latin American Coordinating Committee—CECLA—was formed. Its original purpose was to articulate a common Latin American position for the United Nations Conference on Trade and Development. But it quickly took on the new and important task of defining Latin American positions on all world economic, social and financial questions, including those on the U.S.-Latin American agenda. The movement to Latinize the OAS was carried one step further by the recent organization of the Special Commission for Consultation and Negotiation. This, a purely Latin group meeting without the United States to work out common policy on inter-American issues, has institutionalized the Latin-U.S. confrontation as part of the system.

The result is that more and more OAS meetings consist, first, of a meeting of the Latins, following which the United States is called in to be advised of the results. And the United States has fostered this development by its reluctance to take initiatives.

In short, the OAS in fact is already virtually a Latin American organization.

GAINS OF WITHDRAWAL

The United States, of course, is hardly blameless for the present unhappy state of the regional organization. For it has used the inter-American system irresponsibly, and at times shamelessly—most tellingly in 1965 in the Dominican Republic, when it asked that the organization apply its community whitewash to a unilateral U.S. intervention, and in the second meeting at Punta del Este, when it virtually bribed Haiti to provide the decisive vote for the exclusion of Cuba from the inter-American system.

Nevertheless, wherever the blame, the time has come for a change in the OAS. It should be harmonized with the new realities of the hemisphere.

Formal U.S. withdrawal to some associated role would strengthen the organization. It would permit the OAS to concentrate on legitimate regional issues—the common interests of the nations of Latin America. It would end the accusation of U.S. domination of the organization. It would allow the U.S. to have the same observer status in the organization as the Europeans. It would say something to the Soviets about East Europe. And it would permit us to give up our painful and often ludicrous efforts to maintain a "low profile" in the OAS for the huge United States, an effort which reminds one of nothing so much as an awkward and embarrassed hippopotamus.

REAFFIRMING PLEDGES

Of course, Mr. Nixon would have to arrange a U.S. withdrawal with great care and tact, to avoid the impression that, by giving up its full membership in the OAS, the U.S. was turning its back on Latin America altogether. To do this, the United States would have to make it clear that its departure would not bankrupt the organization. It should make a substantial pledge of continuing assistance, and should welcome the maintenance of the headquarters of the organization in Washington for as long as this met the pleasure of Latin America.

Secondly, Mr. Nixon could reaffirm—indeed, should redouble—our support for the Inter-American Development Bank as the institution of fundamental importance to the future development hopes of the hemisphere.

In addition, of course, the President would want to couple withdrawal from the political councils of the regional organization with a series of moves to strengthen U.S. bilateral relations with major countries of the hemisphere. There is little doubt, for instance, that the President himself should want to travel to Brazil and Mexico early in his new administration.

Finally, he could make clear that our withdrawal from the status of full member of the political organs of the OAS was not also a retreat from the U.S. commitments expressed in the OAS Charter to the development of the hemisphere, to the peaceful settlement of disputes and the enhancement of human rights, and to non-intervention. Indeed, the President should, as he proposes modernization and structural realignment of the organization, at the same time clearly reaffirm the respect of the United States for the independence, sovereignty and territorial integrity of the other nations of the hemisphere, a pledge somewhat tarnished by our Dominican Republic intervention.

A modernized OAS, in which the presence of the United States was much reduced, could play a role of far larger significance to the region. Instead of a forum for confrontation between Latin America and the United States, it would become the means of communication between the Latin governments to work out the truly common interests—other than anti-gringoism—which should unite Latin America. The common crisis of poverty in this hemisphere is too vital to tolerate much more of such distraction.

In world politics today, old formulas are no longer meaningful. And old forms must give way to new realities, here as well as in Europe and Asia.

IS GREECE REJECTING AMERICAN AID?

Mr. CHURCH. Mr. President, good news regarding America's counter-productive military aid program may be ahead of us. According to the well-connected syndicated columnists Evans and Novak, there are growing signs of discontent toward American aid and support in Greece. Nothing would advance and benefit American interests more in Europe than for the authoritarian Athens regime to proclaim its own self-reliance and end the current largesse from U.S. military suppliers.

I ask unanimous consent that the Evans and Novak article of April 4 be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Apr. 4, 1973]

GREECE'S REJECTION OF U.S. MILITARY ASSISTANCE

(By Rowland Evans and Robert Novak)

Growing indications that Prime Minister George Papadopoulos, the Greek strongman, is now running into serious political troubles at home derive not so much from the unprecedented outbreak of student riots in Athens as from the intentionally arrogant way Col. Papadopoulos has lately been treating President Nixon and the United States.

Anti-government student demonstrations are hardly unique in today's political world, but what Col. Papadououlos did earlier this year with his abrupt cancellation of direct U.S. military aid—with no prior word to Mr. Nixon, his long-term benefactor—had no precedent in this country's long postwar history of military aid.

Papadopoulos leaked his decision to cancel U.S. military grant aid to the controlled Greek press on Jan. 15, with major headline play and maximum public exposure on the radio and television. The reason for handling the decision that way, as perceived here, is a desire to cater to growing anti-Americanism in Greece. That anti-American feeling, in turn, has been the direct result of a cozy relationship between the Nixon administration and the military dictatorship installed by the Papadopoulos-dominated Greek junta almost exactly six years ago.

Particularly infuriating to the Greek people was the deal between Papadopoulos and the U.S. to permit "homeporting" of the U.S. sixth fleet in the Athens area.

In view of the political risks Mr. Nixon had taken to extend military aid to Papadopoulos, the abrupt cancellation of that aid early this year—an event scarcely noted in Washington—set something of a record for incivility.

Consider the background. In the summer of 1971, by an overwhelming majority, the House passed an amendment to the foreign aid bill authorized by Rep. Wayne Hays of Ohio, no softliner, barring all U.S. military aid to Greece. That limitation on arms aid finally found its way into the foreign aid law—but with a proviso permitting the President to extend the aid if he found "overriding requirements of the national security of the United States."

On Feb. 17, 1972, Mr. Nixon made just such a finding—and ordered the Pentagon to send some $10 million of direct military aid to Greece.

Moreover, the White House had been making secret but hard-hitting attempts to persuade Chancellor Willy Brandt of West Germany also to extend military aid to the Greek dictatorship. Mr. Nixon's reason for that was obvious: Under attack in the U.S. Congress for playing footsie with the military junta, he wanted at least one other member of the North Atlantic Treaty Organization to join the U.S. in fact, all NATO nations except the U.S. were beginning to treat the Papadopoulos regime as the leper of Europe.

The West German government, in a series of secret agreements never fully made public, did finally consent to go along with President Nixon and the U.S. and send token aid to Greece. As a quid pro quo, Papadopoulos agreed—again with no public announcement—to free several score political prisoners held in Greek jails ever since the 1967 coup d'etat.

As it turned out, only one such political prisoner was in fact spirited out of Greece; the deal came a cropper, and Bonn not only did not carry out its part of the arrangement but its ambassador was declared persona non grata.

Yet, despite Mr. Nixon's going out on several limbs for Papadopoulos, the colonel never informed Washington in advance of his decision to renounce all military aid on Jan. 15. Instead of letting Mr. Nixon get credit with Congress for canceling the aid, Papadopoulos took full credit himself and in such a way that the U.S. State Department had to duck a question on whether the U.S. had been consulted.

The end of military aid, however, won't soften anti-Papadopoulos sentiment in Congress. Thus, two days later Democratic Rep. Benjamin S. Rosenthal of New York, chairman of a key House Foreign Affairs Subcommittee, wrote Greek exile leader Elias Demetracopoulos that because of its continuing "moral support" of the Greek government, the U.S. "bears responsibility" for the plight of political prisoners. That was as strong an indictment of American policy toward Greece as any congressman has ever made.

SUPPORT FOR THE NATIONAL GUARD AND RESERVE FORCES

Mr. GOLDWATER. Mr. President, recently there have occurred several events that caused me to recall one of my favorite pieces of literature, the preamble to the Constitution of the United States of America. And it once again impressed upon me just how astute our Founding Fathers really were and what succinct and capable authors they proved to be.

That historic introduction bears repeating here because it is the base on which I desire to build a plea to my fellow Americans.

> We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

Today, I, too, call to the people of the United States to support a program which will ultimately form an even more perfect union; help insure domestic tranquility, provide for the common defense and secure liberty for all of us and those that follow in years to come.

I ask, today, for a conscious effort be made in terms of true support for the National Guard and Reserve Forces of the United States of America.

I ask for all Americans to become aware of the real importance of the Army and Air National Guard, the Army Reserve, the Air Force Reserve, the Naval Reserve, the Marine Corps Reserve, and the Coast Guard Reserve and the role they play in seeing that the preamble and the entire Constitution remain hallowed.

I specifically call upon the more than 12 million employers of this Nation to lend their willing support and their encouragement to these patriotic men and women who give so generously of their time and talent to a cause which has no equal for the defense of our Nation.

Although these reserve components trace their linage back to the Volunteer State Militia first authorized by Congress in 1792, today they are experiencing a rebirth brought on by the necessities of the envolvement in Southeast Asia.

For too many years equipments needed by the Guard and Reserve was diverted to the regular forces involved in the conflict.

Out of the limelight, the units lacked the prestige they had earned since this country was formed.

The armed services themselves were hard pressed to maintain the strict training requirements for these backup forces that would keep them ready to form the nucleus of fighting elements if called upon.

And as the units declined, their equipment became obsolete and their training lacked meaning and fervor, the entire tenor and tone of the whole organization changed. It was an evolutionary thing toward which no blame can really be directed.

Great and proud units whose flags carry the battle streamers of Saint Mihiel, Belleau Wood, Chateau-Thierry and Meuseargonne from World War I or Normandy, the Battle of the Bulge, Midway, Bougainville and the many other campaigns from World War II and also Korea were operating in a lack luster manner. Adding to their almost insurmountable problems was an influx of young men who sought to escape active duty by joining a guard or reserve uunit. In many cases their motivation was not one of wanting to be part of the military but accepting what they considered to be the lesser of two evils.

Also, the draft was an efficient supplier of the needed manpower to the active forces where units were activated and trained, rather than call upon the guard and reserve to fulfill their traditional role as a part of our defense team.

That the Reserve components survived this period of set-back and discontent is credit to that core of dedicated Americans whose motivation has always been a service to country and whose loyality has never wavered. They maintained the spark that is kindling the flames of awareness in the Nation today.

My own experiences in the Army Reserve and Air Force Reserve from 1930 to 1967 make me grateful that these staunch supporters were there when they were needed. The need quickly surfaced as the conflict in Southeast Asia ground to a close and the active forces were reduced from a high of 3.5 million in June 1968 to their present level of 2.3 million. The maintenance of a standing force was an economic burden this Nation could not bear.

President Nixon called for a balance of resources to requirements and in the area of national defense it was evident that tradeoffs were in order.

When the Secretary of Defense placed renewed reliance upon the National Guard and Reserves and reestablished them as the initial and primary augmentation elements to the active forces in future national emergencies instead of the draft, he invoked the first of the tradeoffs. Unfortunately, as the reliance upon a draft declined so did the volunteers for the guard and Reserve and in June 1971 the combined strengths fell below the level mandated by Congress. This trend, has been watched carefully since then; and although it is not a critical shortage today, it continues to decline.

Since these Reserve components now comprise almost one-third of our defense manpower capability it is a national concern.

The job of insuring domestic tranquillity and providing for the common defense is not being done 100 percent. I consider this to be intolerable.

I cannot help but believe that the rebirth of the guard and reserve and their renewed importance to the Nation has gone unheralded.

I believe we are once again suffering from a lack of effective communication and I desire to assist in the proper flow of knowledge and information to the people of the country.

The picture I painted of the National Guard and Reserves of the 1960's is not the view presented in the 1970's. Today they are modern, motivated, and meaningful units with a mission.

They are being supplied with the latest equipment available. The newest tanks, rifles, aircraft, communications gear. They are being refitted on the land, on the sea and in the air.

The ranks are being filled with experienced Vietnam veterans who realize the importance team-work, leadership, and organization mean in their everyday business. At the same time the malcontents are leaving as their obligations expire.

The training is reaching new horizons as active forces conduct counterpart training with their reserve component associates as guard and reserve units assume jobs previously done by active force units.

With all this rejuvenation the missions passed to the guard and reserve take on new meaning in the light of worldwide contingencies. Also, these citizen-military are once again finding their old place in community life that was their traditional role. Not only does domestic tranquillity have a defensive connotation but an offensive one as well. Community programs for ecology, health and social awareness are including the guardsmen and reservists because of their knowledge, experience, and organizational abilities.

President Nixon and the Secretary of Defense, desiring to make service with the guard and reserve as attractive as possible, caused the formation of the National Committee for Employer Support of the Guard and Reserve last year.

This committee, headed by a wonderfully patriotic American, Mr. J. M. Roche, is doing a really outstanding service for the country. Mr. Roche, the former chairman of the board of General Motors is devoting both his valuable time and extraordinary talent to the task of seeking expressions of support from the Nation's 12-million employers, and that includes both the large and small, for this most worthwhile endeavor.

The success of the guard and reserve programs in past years has been primarily because of the support and involvement of all Americans and especially their bosses. No other obstacle to the guard and reserve could be more devastating than resistance by employers, it forces a man or woman to an immediate and critical decision "Can I exercise my civilian employment responsibilities and still participate in the guard or reserve?"

For the young persons trying to survive the early establishing years with either a large corporation or the small neighborhood employer, they face a no-win situation if the organization does not willingly encourage participation.

Here is the task Mr. Roche and really all of us in the country face: of the 82-million employees in the total work force only 1.4 percent or 976,000 are currently needed to fill the ranks.

These people need to have, on the average, 1 week-end off a month to train plus a 2-week encampment.

This is viewed by many employers as 12 Saturdays plus two weeks plus a regular vacation, all away from the job. And in fact that is what is required but these are scheduled absences that can be managed, not the traumatic absence brought about by accident or illness.

The tradeoff for the employer, on the other hand, is a highly motivated citizen, well trained in a talent that may very well be used by the company, a well disciplined "organization man" or team player who is constantly being groomed for greater responsibility and leadership. This is a more stable person with additional community ties who is attempting to improve his standing and his standard of living.

As a guardsman or reservist he requires only one-fifth the tax dollars for his maintenance as compared with his active duty counterpart.

But the economy picture is much brighter than that and really more involved.

First is the premise that this Nation wants a volunteer force and is willing to pay its military salaries that are closer to civilian compensation than any other country in the world. As a result personnel costs today represent 56 percent of the total defense budget. Incidentally, for comparison Russia's cost is 26–28 percent of their defense budget.

In order to achieve the balance of forces required in the total force concept our military forces will total about three and one-third million. When approximately 30 percent can be well trained guardsmen or reservists at a ratio of 5 to 1 it is just cost effective to do so.

In another perspective, the guard and reserve programs are designed to provide 30 percent of the personnel requirements for less than 5 percent of the defense budget. Mr. Roche feels, as do I and so should most Americans, that this is an economy we cannot afford to overlook.

So far, many of our American employers, including President Nixon, as the Federal Government employer, have signed a document called the Statement of Support for the Guard and Reserve. The campaign to reach others throughout the land is now under way. Not only do we need the cooperation of the large corporation, but the small employer as well, and from both the private as well as the public sector. All make up the fabric of this Nation's industrial capability and all employ current or potential members of the Guard and Reserve. I sincerely hope that the responses will all be favorable. This country needs the Guard and Reserve and the Guard and Reserve need the willing support of us all.

The National Committee welcomes your questions and maintains an office at 400 Army-Navy Drive, Arlington, Va. 22202. I encourage all to jump on this really important bandwagon.

Only with a strong national defense, composed of the active as well as the reserve components, will we be able to secure the blessings of liberty to ourselves and our posterity.

THE INCREASE IN THE COST OF MEAT

Mr. McGEE. Mr. President, recently I received a letter from a constituent of mine who very pointedly asserts:

> I have become increasingly disgusted with all the adverse publicity our (livestock) industry has been getting in regard to meat prices.

Mrs. Barbara Myers of Lander, Wyo., has every reason to be angry over the abuse being heaped upon the Nation's farmers and ranchers as attempts are being made to make them the scapegoat for rising food prices.

While the housewife is legitimately concerned over the cost of food these days, I do not see this same concern translated into boycotts of housing, clothing, campers, boats, cars, and the like, where prices have been rising steadily for the past 20 years. Americans do not appear to be willing to give up some of their nonessential items but are more than willing to deny the farmer and rancher a decent living.

Mrs. Myers makes a very good case for agriculture—a case that is rarely heard these days with all the attention focused on national boycotts of meat and criticism of the farmer and rancher. I would urge all my colleagues to read what Mrs. Myers has to say. Those who are critical of the farmer and rancher may receive an education if they are willing to honestly assess what Mrs. Myers has to say.

I ask unanimous consent that Mrs. Myers' letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEAR SIR: The time has come for the Livestock Industry to speak out for itself. As a county, state and national Cow-Belle, I have become increasingly disgusted with all the adverse publicity our industry has been getting in regard to meat prices.

The public apparently does not know and does not care about how much hard work, heartache and expense goes into raising this meat for them so long as they can get it for next to nothing and would prefer it as a gift. Sure, they want a raise in wages, not realizing that when they get that raise, we have to pay more for everything we buy—feed for cattle (cake & Hay), fertilizer, grazing fees, taxes, repairs to equipment, new equipment and our own groceries, which I doubt any farmer or rancher minds paying for so long as they can get what their own product is worth.

Most of the news media, and especially T.V., has been grossly unfair in their coverage of this matter, showing only Congressmen who have never even looked at the U.S. Department of Agriculture records, or Betty Furness or Meany, and some more of those who do not know whereof they speak. Why don't they interview a few ranchers and show what a rancher goes through to get this meat to their tables?

All the "gripers" are thinking of is that money for their cocktail parties, nights out on the town, a new car, snowmobile, boat, motorcycle, trailer house, a 4-wheel drive with which to pull it, snowmobile suits, skis and ski suits, airplane trips and tours. You don't hear any complaints about the rising cost of all these—but then that's fun. They also want a shorter work week for more play time and will need more money for that.

While I am writing this I am taking care of a baby calf born in this blizzard and it has pneumonia. It looks as if it is going to die even though it is in our kitchen, has had medication and a lot of tender care. The men have been out all day in this blizzard trying to find shelter for the calves being born and there is no shelter to be found since all brush and willows have been blown full of snow. So you see, there is an example of the hard work and the heartache (you would have to be made of stone if watching a calf die didn't get to you), involved in raising cattle.

I know it is hard for people who go from a heated house to a heated garage, get in a warm car and drive to their job in a heated building to realize all the tribulations a rancher goes through to put meat on their tables. They are laboring under the false impression that ranching is one big rodeo—all play. I do wish there were a few of those who are under this impression out here now in the blowing and drifting snow working along with us trying to keep cows and calves alive—I am sure they would turn tail and run. There are very few who would take a calf, raise it for 18 months, fatten it, and butcher and process it—even if it was given to them because it would involve too much work.

Now I am going to give a few facts and figures, which I doubt will be read as most of the people have their minds made up that we ranchers are getting rich. Oh, what an illusion!

Don't they know the biggest share of the taxes and grazing fees we pay, and this is no small amount, I can assure you, are paid on the cattle? Can't they see that a large amount of the income, both nationally and locally, come from the livestock and farming industry, and that most of this income is spent right in their own county?

Don't they know (or maybe don't care) that farmers and ranchers are getting only approximately 6% more than the amount they were receiving for the same products in 1949? That in the same period, retail prices have risen 39%? That the national net income per farm or ranch is only 3% more than the 1947–1949 period, when wages increased 250%? This information was taken from the March 18, 1973 issue of the Rocky Mountain News.

How many of us who buy the groceries take the time to add up what the actual food alone costs? Have you ever really stopped to see just how much was spent in the drug, cosmetic or clothing departments, or how much was spent on oil and other sundries for your car, fishing tackle, or minor household repairs? I'll bet not. They were all considered groceries.

There have been many times I have followed people through the grocery stores and seen their baskets piled with frozen TV dinners and other frozen prepared foods, or something from the shelf which has already been prepared. All it takes is a can opener. Don't they know this all costs them a lot more?

Few people realize that farmers and ranchers contribute a great amount to the wealth of our economy. Apparently the people want us, the farmers and ranchers, to go back to the horse and buggy days, using teams for plowing, haying, etc., washboards and tubs, and a few more of the primitive backbreaking devices, so that they can get their meat for nothing. This is what will happen if our prices go too low.

Most of the people have a retirement plan, medical insurance and other fringe benefits. The farmer or rancher has nothing unless he buys it himself, and is going to have nothing to retire on if he is going to have to give away his product and still have to pay the increased prices for the necessary "evils" of his industry.

The only solution I can see for the farmers and ranchers is to sell their ranches to the "play" people, destroy their livestock, join a labor union and hope science comes up with a pill to fill our bellies and which will cost next to nothing or better yet be a gift from the government.

From a very disgusted ranch gal,

BARBARA MYERS,
Lander, Wyo.

LARGE BENEFITS FROM AEROSPACE SCIENCE AND TECHNOLOGY

Mr. GOLDWATER. Mr. President, as a part of the hearings before the Senate Committee on Aeronautical and Space Sciences on the NASA authorization for fiscal year 1974, the committee received testimony from Mr. Karl G. Harr, Jr., president of the Aerospace Industries Association of America. Mr. Harr placed in clear perspective the vital role played by aerospace research and development in providing the cutting edge for high technology in America.

He refutes the myth that we must deemphasize our commitment to science and technology in order to apply increased funds to housing, education, environmental problems or even welfare. It is clear that such deemphasis will create economic problems and deny technological benefits. It will cause a decline in funds available to Federal, State, and local governments. Moreover, it will significantly deepen economic problems related to our balance of payments.

Mr. Harr points out that science and technology are a creative force subject to control by man.

Therefore, the problem in using science and technology to improve the condition of mankind is "not the state of the art but the state of the artist." He makes it clear we are receiving large economic benefits from continuing aerospace science and technology and large and increasing benefits in people oriented aerospace technology results.

I commend Mr. Harr's testimony to my colleagues and ask unanimous consent to place excerpts of it in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXCERPTS OF TESTIMONY

The membership of our association is composed of the major developers and producers of the nation's aircraft—both military and civil—and its missiles and space vehicles, propulsion systems and related hardware.

The industry as a whole is comprised of some 70 major companies operating about 1300 establishments throughout the nation. It depends on a network of more than 50,000 subcontractors and suppliers—located in all 50 states. In 1972 it generated a positive aerospace trade balance of $3.2 billion.

Aerospace performs a larger share of the nation's research and development than any other industrial group and in so doing utilizes virtually all the scientific disciplines. Thus we possess an abiding and informed interest in the role of science and technology in our society.

There are those who say that to achieve meaningful social progress we must deemphasize our commitment to science and technology in order to apply increased funds to pressing social needs such as housing, education, welfare, and the solution of urban and environmental problems. We fully concur with the pressing nature of such needs, but are just as fully convinced that progress in these areas will be impossible without a high level of continuing commitment to research and development across all scientific disciplines.

The role of research and development in our economic processes is receiving continued attention in economic circles. R&D is the primary source of technology—and technology, in turn, plays a vital role in improving productivity and enhancing economic growth. The way to meet the material requirements of these social problems is to stimulate economic expansion in order to provide the necessary resources with minimum disruption to established economic patterns. The course advocated by those who wish to reduce our commitment to science and technology will only inhibit technological advancement, the very mainspring of economic growth. Also this necessarily leads inevitably to a decline in the funds needed by the Federal, state and local governments to deal with the sociological problems we all know must be solved.

Science and technology are tools of mankind and as such are not responsible for the ills ascribed to them. People are responsible—just as people are responsible for using technology to clean up our environment, to generate clean electricity from nuclear power, and to develop countless products from computers and jet transports to electronic heart pacemakers, to serve man. While we all have failed in this respect at times, on balance we have exceeded by several orders of magnitude in using technology to improve the conditions of mankind. We all can do better. The problem, however, is not the "state of the art;" I suggest it is the "state of the artist." Rather than reducing the search for new knowledge because of fear that we may be unable to manage the products of our discoveries, we should stress the pursuit of new knowledge with the goal of making technology truly a servant of mankind.

Once science and technology generally are accepted as a creative force subject to control by man, it is then a relatively simple matter to appreciate their vital role in our lives. The foundation of our dynamic economy and security of this nation rest on the solid technological base built by past discoveries in our research and development programs. Moreover, if we hope to have the wealth-generating resources to solve many of our social problems, we cannot afford to let that base erode.

The recently concluded Apollo Program—the centerpiece of the Space Program over the past decade—did not just sweep across our landscape to its successful achievement of its specific objectives. Its effects on earth are permanent and pervasive. Not just the hundreds of thousands of jobs it provided, the schools and homes it caused to be built and the economic impact of the program itself; not just the invaluable accretion of scientific knowledge; not just the restoration of faith in American technological leadership—but a radical and enduring upgrading of technological capability throughout American industry. It is such advances that have enabled the United States to retain its preeminence in high technology production. And it is the continuation of such preeminence that is at stake when we consider the future of our Space Program. . . .

In addition to direct benefits, there is virtually no aspect of modern life that has not benefited from "spin-offs" of technology generated by our space program. Because of the enormous technical challenges posed by the space program, and specifically by Apollo, hundreds of technical breakthroughs in a broad spectrum of disciplines were required at an accelerated rate. In this context, the space program has been the keen cutting edge of our technological advance throughout the past decade.

This is due in no small part to the civilian space program's vigorous program of documenting technological innovations and providing them to industry at large. Never before has there been an organized, comprehensive effort to disseminate the results of technological developments directly to the public. The success of this program demonstrates to the public what many aerospace companies already know—that technology transfer is not a myth; it is real and it works because industry and government are trying to make it work. The NASA data bank already contains more than 900,000 scientific and technical reports for potential use by the public sector. Thousands have already been put to practical use. The ultimate beneficiaries are the American people. . . .

Now we are entering a new phase in which major emphasis will be placed on translating the knowledge we have learned and the skills we have acquired into accelerating, in President Nixon's words, the delivery of "the rich benefits of practical space utilizations and the valuable spin-offs from space efforts into the daily lives of Americans and all people."

That is the objective of our space program for the 70's. Our major missions will be people-oriented. We will concentrate on those areas of activity which will hopefully produce the greatest rewards.

ADDRESS BY WILSON RILES, CALIFORNIA SUPERINTENDENT OF PUBLIC EDUCATION

Mr. TUNNEY. Mr. President, California is indeed fortunate to have Wilson Riles as her superintendent of public instruction. He is a far-sighted educator, and I should like to share some of his thoughts with Senators, and I therefore ask unanimous consent that his recent speech at the University of California, Berkeley, be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

NINETEEN EIGHTY-FOUR—A NEW VIEW FOR EDUCATION

(Address by Wilson Riles)

President Hitch, Chancellor Bowker, Dr. Simpson, professors, alumni, students-and-learners, Berkeley citizens-and-survivors....

You honor me by your invitation to be with you this afternoon, to share some of my thoughts about the future.

Fifteen years ago, I was hired as a consultant in the California State Department of Education—by Roy Simpson—at a time in my life and during some habits of society when I didn't think I had a ghost of a chance for such a job. I could not know then that I would wind up here, adorned in a cap and gown, facing a community of people involved with a great university, presuming to offer my peculiar wisdom to them.

Because of my own experience—which has toughened and made me a hopeful man—I do not despair about the future of America and American education.

I do not despair that George Orwell's totalitarian, Big-Brother society, after a period of chaos, is inevitable a decade and a year from now.

I do not despair that Lewis Mumford's "Myth of the Machine" will soon become the reality of a pentagon of power, surrounding and dominating each of us, separating all of us from human contact.

I do not despair that Jacques Ellul is right, that—to quote him—"The machine tends not only to create a new human environment, but also to modify man's very essence."

I do not despair, but I respect—anxiously—the wisdom of Ellul's warning-description. He wrote:

"The milieu in which [man] lives is no longer his. He must adapt himself, as though the world were new, to a universe for which he was not created. He was made to go six kilometers an hour, and he goes a thousand. He was made to eat when he was hungry and to sleep when he was sleepy; instead, he obeys a clock. He was made to have contact with living things, and he lives in a world of stone. He was created with a certain essential unity, and he is fragmented by all the forces of the modern world."

Is that a proper description of us now? Maybe. Are Orwell, Mumford and Ellul correct in their descriptive fears of where we are headed? Perhaps.

Our age is a period in which we concern ourselves with the mass, in which we worship efficiency, in which we eagerly seek the new systems approach or programmatic scheme. In America, Henry Ford pioneered this age. Colonel Sanders perfected it. And we all seem to be on the verge of accepting a technological life which produces identical automobiles and tasty chicken but also bores us to tears.

This efficient, system-approach age has also yielded its ultimate, rational product. In the prairie lands of Montana, North Dakota, South Dakota, Wyoming and Missouri, a thousand Intercontinental Ballistic Missiles lurk underground amidst computer banks which can send them streaking toward targets half a world away, annihilating cities and millions of human beings with nuclear warheads hundreds of times more powerful than the bomb which incinerated Hiroshima in 1945. Other nations possess or are preparing to possess similar nuclear weapons systems, pointed at us. The adversaries rationalize it all with reasonable arguments about deterrence, and the men who man the systems boast about the technical efficiency and mechanical perfection of it all.

At most, in that most efficient of systems, it takes a half hour—thirty minutes—for a nuclear warheaded ICBM to reach its target thousands of miles away. It is, indeed, a small world. Because of our adoration for technological efficiency and our acceptance of the integrity of machines, this is, indeed, a fragile world in which we live.

It is tempting for any of us to feel that we are doomed. A few of us still worry, a bit anachronistically, about The Bomb. Many of us, much more contemporary, worry about the systems of man which are destroying the fine ecological balance of our air, water and land. Most of us, at least some of the time, worry that in our daily lives we are losing our human essence, our souls, in the frantic pace of the freeways and the frenetic atmosphere of our jobs—designed and programmed to place us, on time, at the altar of efficiency.

But I doubt that we are doomed—to die in nuclear war, to strangle from dirty air or water, to succumb to the tedious, daily withering of ourselves under the stress of a tinny, urban, Vulcan god.

My hope is based on the stirrings of discontent I have seen or sensed in the people of this state and nation. Everyone, in one way or another, in one colloquial language or another, is saying the same thing: "I want to be me. I want to be human. I don't want to be isolated from other human beings by technology. Don't fold, multilate or spindle me. Don't categorize, systematize or program me. I'm an individual. Give me a choice; give me a chance."

We hear those voices, and they remind us that technology could threaten us all. We know that those of us who are technicians are far ahead of those of us who concern ourselves with human conduct. The soaring progress of technology has bypassed and even humiliated the pedestrian plodding of the social and political arts. The mechanics are doing fine; the humanists are failing.

What do we do about it?

First, all of us should realize that the technician and the humanist need not be adversaries, each in his own world, glancing only occasionally at the other, regarding the other with a disdaining or patronizing eye. We need more contact, and respect, between the technician and the humanist. The technician is not an automated creature with a transistor in the place of his heart. The humanist is not an impractical dreamer who doesn't know how to fix a leaky faucet.

Second, our society and our schools need a better balance of values. That means that the technicians, the scientists, the engineers must concern themselves more with the human consequences of their research and achievements. And it means that the humanists, the artists, the educators must concern themselves more with the practical, realistic and, yes, technical planning necessary to achieve their purposes.

What is the duty of the technician or scientist who produces, through talent and discipline, an invention of feasible, universal application?

Our best physicists produced, more than a quarter of a century ago, a new source of energy and power through nuclear fission. The pressing political and military considerations of that time channeled that invention into a destructive power, a bomb. Two bombs were used, and now, twenty-seven years later, all of us and every human being in the world are within the range of targets programmed into the nuclear warheads ticking efficiently in the steppes of Siberia and the prairies of America.

The technician, the scientist, the university must, I agree, seek truth and the pure results of their research, without the stifling influence of dozens of other considerations. But when the product of research involves and threatens mankind, the scientist or technician must, as an individual, consider the potential human consequences. He must be responsibly influenced by his concerns for the human effects of his inventions, during the time he works toward producing them. It is not enough for the scientist who helps create a nuclear warhead or the technician who develops a delivery system for it to send a supplemental, cautionary memo to a President a few months after the invention is perfected, or to write a contrite essay for *Saturday Review* a decade after the deed is done.

The second part of my concern for the future of America and American education is the failure of the humanists, the educators, the political and social artists to come to grips—realistically and practically—with the potentially explosive and destructive *human* problems confronting us.

One of those problems, despite significant progress in the past decade, continues to pervade our society and to simmer as a human crisis.

The United States has taken big strides ahead in the effort to assure equal opportunity to all citizens.

But the fact is that blacks still are the last hired and the first fired.

The fact is that most Chicanos are at the end of the line for job openings, or are offered little chance for progress.

The fact is that women have small chance now to excel, or to be promoted professionally.

There is something wrong with a system when there is not a single woman as a chancellor for any of the nine university campuses, or a single woman president for any of the nineteen state colleges or 96 community colleges in California—or, for that matter—a single woman as an Associate Superintendent or Division Chief in the State Department of Education.

Many of us in education, many of us in positions to influence the admission of students or the hiring of employees, find ourselves often preoccupied with discussion and debates over suggestions to impose quotas on the selection process. The basic suggestion is simple: admit or hire so many members of a particular group in proportion to the percentage of total population that group comprises.

The fact that we are even seriously discussing the method of quotas confirms that our society does have a deep problem of unequal opportunity. My fear is that after all the emotional debates about a quota approach, we will end up doing *nothing* about the fundamental problem.

A trouble with the quota approach is that it tends to be an amateurishly technical solution for an intrinsically human problem. A rigid quota system does not humanize an institution, and it risks demeaning the individuals it is intended to help.

But those who condemn a system of quota admissions and quota hiring have an obligation to suggest practical, human alternatives to this still-simmering crisis in our society.

The answer to the problem of racial, ethnic and sexual injustice is not to be found in a computer printout of numbers and percentage figures. Nor is the answer to be found in a haphazard, random, occasional selection of a woman here or a Jew there, a black now or a Chicano tomorrow for a few job openings or academic positions.

Perhaps the seed of the answer was contained in an event on a southern California campus about twenty years ago. That institution had a football team which consistently ended the season in the conference cellar. The alumni became impatient, and they exerted pressure on the institution to go out and find the *best* tacklers, the best blockers, the best runners.

The result, a few years later, was a team which became the top football team in the nation. It also happened to include, for the first time, some young men from minority groups.

When we seek the best individual to do a job, when we seek to nourish and develop the best talents and skills that are within each individual, discussions about quotas will be totally unnecessary.

The problem of racial injustice and sexual oppression remains with us. The humanist, the educator, the politician must challenge that problem with practical questions and realistic solutions. If the immediate reason for unequal opportunity is pure, old-fashioned discrimination, then we have to identify those who discriminate in positions of influence, and work with them or weed them out of authority. If the immediate reason for the paucity of women and minority members in positions of opportunity is the conditioning they undergo in school, then the responsibility rests with the teacher, the textbook writer, the principal, the counselor and, yes, the coach.

The answer to the problem of unequal opportunity and the pattern of a dehumanizing technology requires our awareness, particularly those of us who are educators, of a fundamental, universal, unchanging human need. Each of us must live with other human beings. Each of us needs to relate to people meaningfully, to be a part of a human and social unit. If those relationships do not exist, if the individual is not part of a human unit, he rebels or, in isolation, his personality disintegrates.

I have a vision of an education system in 1984 which responds to that unchanging human need, which keys its efforts to unique human beings, not methods or systems. The children who entered the first grade this year will comprise the high school graduating classes of 1984. If they are to emerge then as whole human beings, ready for full-time work or college, we must set the practical priorities now. We must clarify our vision of what education can and should be.

I see schools in California in which the individual—not the grouping or the system—is paramount. I see schools in which the black, the Chicano, the girl—and, yes, the white male who happens to be different or even eccentric—all have an equal chance for many choices.

I see teachers, educators, school administrators whose vocabularies are not dominated and dulled by the maddening, frequent use of such words as "program . . . input . . . system . . . interface . . . comprehensive . . . coordination . . . criteria." I hear them using, again and again, that most beautiful and powerful word in education: "Children."

I see classrooms which are not controlled by the clock or cut off from the community, in which individual students can pace their work and face the realities of their towns and cities through their school.

I see a child arriving for the first day of school with his parents. The child and his parents confer with the teacher, the counselor, the nurse and the classroom aides. They become familiar with his sensitivities, his likes and dislikes, his talents and his physical problems, his dreams and his parents' hopes. They learn to know him as an individual.

I see a youngster entering a high school which is truly part of the community. She has mastered the reading, computation and communication skills. She knows her needs and the high school addresses its efforts to them. She has the chance to plan many of her own projects, both inside the school and out in the community.

I see colleges and universities offering many more choices to the individual—including the option *not* to attend college without loss of that elusive quality called "status." I see the college or university student recognized and respected as an individual capable of contributions and service immediately, not just as a potential recipient of a degree or credential permitting service later. I see colleges and universities seeking to find the truth in the mysteries of the universe, yes, but also serving the pressing and practical needs of society.

And I see a nation and state which give top priority in planning and the use of their resources to education. This university, in particular, deserves priority attention and support. As a Regent of the University of California and as State Superintendent, I pledge my support to keep this university from being chewed up by the smiling jaws of the budget-cutters and I pledge my continuing commitment to the vision that this University will be a great and outstanding university in 1984 and the years that follow.

Why should our universities, our colleges, our schools receive high priority for planning and funds in this society? The reason, to me, is simple and compelling. The reason is survival. There will be no humanity, there will be no freedom, there will be no future for this nation if we do not invest our commitment and resources in education now, if we do not offer the best we have to the children.

Any nation or society which does not place the highest value on its youth has already lost the essence of hope, and it will atrophy.

In end with a few lines from an ancient Aztec song, which touched me and touches on my theme of hope for the future:

We only came to sleep
We only came to dream
It it not true
No it is not true
That we came to live on the earth

We are changed into the grass of springtime
Our hearts will grow green again
And they will open their petals
But our body is like a rose tree

It puts forth flowers and then withers

COMMENTS UPON THE PRESIDENTIAL IMPOUNDMENT OF CONGRESSIONALLY APPROPRIATED FUNDS

Mr. ERVIN. Mr. President, Steve Adams, a reporter for the Chapel Hill newspaper recently interviewed Prof. Dan Pollitt, of the Law School of the University of North Carolina at Chapel Hill, on the subject of the Presidential impoundment of congressionally appropriated funds. During this interview, Professor Pollitt made some significant comments upon this subject, which merit the attention of all Members of the Congress.

An account of this interview appeared in the Chapel Hill newspaper for March 27, 1973. I ask unanimous consent that the interview as reported in this account be printed at this point in the body of the Record.

There being no objection, the account was ordered to be printed in the Record, as follows:

Nixon May Rival James II in Power Over Public Purse: UNC Law Professor Sees Serious Threat in Impoundment of Funds

(By Steve Adams)

Yes, President Nixon's impoundment of funds is a serious threat to the constitutional separation of powers, according to Dan Pollitt, UNC law professor and president of the North Carolina Civil Liberties Union.

In fact, if Nixon wins his fight with the Congress over the President's right to refuse to spend money allocated by the Congress, in order to curb inflation, he will have a firmer grasp on his country's purse strings than has any English monarch since 1688, Pollitt said.

In 1688, James II abdicated the English throne to William and Mary. The House of Commons seized the right to appropriate funds and the crown became dependent on Parliament for money. The royalty also lost the right to maintain a standing army in peacetime without the consent of Parliament.

Shortly after William and Mary took the throne, judges gained independence from the king, serving during good behavior rather than at the king's pleasure. By 1701, a vote of both Houses of Parliament was required to dismiss a judge.

The independence of the judiciary may be Nixon's downfall, according to Pollitt.

There are presently several suits in Federal courts for release of impounded funds, Pollitt said. One involves the highway trust fund. Congress appropriated the money and set a formula by which it should be spent, according to Pollitt, and the President refused to spend the money.

New York City Mayor John Lindsay is suing for the release of clean water funds earmarked for New York City. And Sen. Edward Kennedy is suing the President for release of money for a program to train medical personnel to work in undesirable areas, Pollitt said.

Nixon appointees to the courts will not necessarily support the President, Pollitt said, citing the Pentagon Papers decision and the Pratt ruling that the Department of Health, Education, and Welfare (part of the executive branch) must enforce the Civil Rights Act of 1964.

But what of the Administration's contention that presidents have always had the power to impound funds?

Previous presidents have impounded funds when some particular project cost less than the Congress allocated, Pollitt said. If, for example, the Congress allocated $5 million to build a Polaris submarine and it only cost $4 million, the President might rechannel the extra $1 million.

Nixon, however, has refused to execute projects for which Congress has allocated money. Since budget appropriations are actually laws, Pollitt said, Nixon has refused to carry out the law of the land, one of the constitutional responsibilities of the President.

"Nixon is overturning history since 1688," Pollitt said. The bloodless revolution in England is part of our legal heritage, he said.

"When we came over here and declared independence, we listed our grievances. And one of them was that the king had ignored and overturned laws passed by the colonies. So, when the Constitution was framed, Article I, section 1—the very first thing—says all legislative powers are vested in the Congress—that's where we started off.

"Money is part of it. All bills to raise revenue were to originate in the lower house because it's re-elected every two years and it's closest to the people.

"When you get to the part about the powers of the President—Article II—it says that the President will take care that the laws be faithfully executed—that's one of his few enumerated responsibities.

"If he doesn't like a law he's supposed to veto it and send it back to Congress—they get the final word by a two-thirds vote."

The President claims authority to impound funds from a bill passed by the Congress empowering the President to take measures to stop inflation. The wording of the bill, however, is vague, Pollitt said, and what the Congress intended was to authorize the President to establish wage and price controls along the lines of Phase I and Phase II.

"The parliamentary system was begun to take the power of revenue-raising from the executive branch and put it in the hands of those closest to the people," Pollitt said. "If you start tinkering around with that, you're attacking the basis of the whole system."

"The idea is not efficiency but democracy, with checks and balances and separation of powers. If the President asserts the power not to execute a law without a veto proceeding, then we're in trouble," Pollitt said.

Pollitt finds Nixon's use of executive privilege—the President's right to refuse to testify before Congress and to refuse to allow his advisors to testify—inappropriate but less nettlesome. The privilege is allowed, Pollitt said, so the President will not have to work in a goldfish bowl—so that policy can be hammered out and discussions that might have serious repercussions in matters of foreign affairs, for example, can be kept secret.

Executive privilege should not apply in matters which are not related to policy setting—such as the congressional Watergate hearings, Pollitt said. Misuse of executive privilege is not a constitutional question, Pollitt said—the President has to answer to the people every four years and "we can stand almost anything for four years."

"There is some danger if we build on Nixon's precedent," Pollitt said. "If Nixon can impound funds, the next guy can. If Nixon can ignore laws, it will be that much easier for the next guy.

"I have some amendments to update the Constitution to apply to the present situation," Pollitt said. "I've sent them to some of my friends in Congress.

"The first one says, 'All legislative power shall be vested in the Congress, provided the President also has legislative power.' The second says, 'The President shall enforce the laws provided he approves of them. Otherwise, to hell with them.' The third says, 'The President can ignore any bills passed by Congress regardless of where they originate.'

"Obviously you wouldn't get any votes that way. I hope not anyway.

"If the momentum swings towards power in the White House instead of on Capitol Hill, it's going to be hard," Pollitt said.

"It's kind of corny, but when Ben Franklin came out of the Constitutional Convention—which was held in secret—and it was all over and people crowded around them and asked Franklin what had been done, Franklin said, 'We've given you a republic if you can keep it.' "

TRIBUTE TO THE LATE SENATOR BENTON

Mr. McGEE. Mr. President, I rise today to pay personal tribute, during this week set aside in the Senate for this purpose, to our former colleague and the friend of many of us in this Chamber, the late William Benton.

Senator Benton was many things to many people—a truly multifaceted individual, and it is difficult, on an occasion like this, to capture the total impression of the man and to discuss adequately his life and his achievements.

Therefore, Mr. President, I would like at this time to place in the RECORD some personal reminiscences of a friend and aide to Senator Benton who saw a side of the Benton personality that few had the opportunity to see:

Working in Benton's office, especially before the intermittent illnesses that harried him in the last two or three years, was always like living in the second act curtain scene of "The Man Who Came to Dinner." There was a constant flow of messages and cables and pleas and demands from the great and near-great and once-great, from heads of state and former heads of state, from children and widows of dead political leaders, from scholars and scientists, authors and journalists and publishers.

Bill Benton regarded correspondence as an opportunity. He sometimes answered thank-you letters that would have terminated any normal cycle of correspondence. He mistrusted the telephone, always preferring the dictating machine. Words on the machine could be edited—either sharpened or dulled. Benton's articulateness, including pungent memos, became legendary. In the heyday of Benton's spectacular advertising career, a college classmate, to whom Benton had given a job during the depression, walked into the office while Benton was dictating. Recently stung by one of the celebrated memos, the friend cried out, "Put down that lethal weapon."

Benton knew his memos were tough, and he acknowledged that some of them were intemperate. Their purpose was to goad and prod as well as to lead, to exhort his associates to excellence. He was willing to risk everything to cause his companies to excel. He used his ownership as an opportunity to excel. More than once he declared to meetings of the Britannica Board of Directors or Board of Editors, "There is only one reason for this company to make a profit, and that is to enable it to improve the editorial and educational excellence of its products."

For all his total ownership of the Britannica, he thought of himself not as proprietor but as steward, as trustee. Indeed, in 1968 ceremonies attendant on the 200th anniversary of the Britannica itself (and his own 25th anniversary as publisher and chairman), he told an elegant and formal banquet audience in London's historic Guildhall of his intention to insure a continuance of that stewardship after his death.

"I am pleased to annouce tonight," Benton said to the Prime Minister and assembled guests, "for the first time publicly, that by reason of our respect for this responsibility [of stewardship of the Britannica] Mrs. Benton and I plan to bequeath our stock ownership of the Britannica Corporation to the William Benton Foundation . . . we have indeed for 25 years regarded ourselves as trustees of the Britannica. With our deaths the responsibility will pass to the trustees of the Foundation."

Mr. President, on another occasion in 1968 at the University of Chicago dinner marking both the Encyclopaedia Britannica's 200th anniversary and William Benton's 25th year of stewardship, tributes were delivered from many of the great statesmen of the world, as well as from some of our colleagues in this Chamber. Those tributes to Senator Benton are far more eloquent than any I can deliver today, and I ask, Mr. President, that they also be printed in the RECORD.

There being no objection, the tributes were ordered to be printed in the RECORD, as follows:

TRIBUTES

(William Benton by Friends)

It gives me special pleasure to join with you in observing the twenty-fifth anniversary of Senator Benton's association with the *Encyclopaedia Britannica* and with your great university.

Your testimonial honors a man whose achievements could almost fill the index of the book he has published for a quarter century.

As a legislator, he left the mark of his genius on a posterity that is enriched by the laws for which he fought.

As an educator, he was an early champion of the programs that are finally assuring every American child the full educational opportunity that is his natural right.

As a business and community leader, he has set an example of public service and civic involvement worthy for all to imitate.

As an American, he has set a standard of patriotism and service which few can equal—and none can surpass.

LYNDON B. JOHNSON,
President of the United States.

On such a significant occasion, I should like to send warm greetings to my old friend, Bill Benton, whom I first met when he was Assistant Secretary of State in 1945. At that time, he was, in his official capacity, seeking Congressional support for a governmental program to disseminate throughout the world accurate information about America as a self-governing nation dedicated to human dignity and liberty. He was well aware of the world's ignorance about our nation's lack of imperialistic motives and of her devotion to peace and freedom. He knew also that unless such ignorance was successfully combated, our free world leadership would be badly impaired.

In the immediate aftermath of World War II, he found the Congress largely indifferent to his pleas and asked me—a soldier just returned from the campaigns in Europe—to testify before one of the Congressional committees. Sharing his belief that ignorance of America's ideals and aspirations could cause much misunderstanding in the world, I enthusiastically agreed to help. From that moment on, I have admired Bill Benton's vision and understanding as well as his extraordinary capacity for energetic action.

During the ensuing years I have followed his career, and know something of his accomplishments in several different callings. His remarkable success in making the *Encyclopaedia Britannica* available to so many families stands as one of the monuments to his abilities.

I know that the dinner will be an enjoyable affair and ask that you extend to Senator Benton, and all attending, best wishes for their health and happiness.

DWIGHT D. EISENHOWER.
Thirty-fourth President of the United States.

I am happy to join with your many friends and associates in tribute to you on the occasion of your twenty-fifth anniversary. . . .

I would also like to add a personal salute to you for your many contributions in your important public service assignments.

With warm personal regards and all good wishes,

HARRY S. TRUMAN,
Thirty-third President of the United States.

I send warmest greetings and congratulations on the occasion of this celebration of Bill Benton's twenty-five years as a publisher of the *Encyclopaedia Britannica*. I know of old the contribution he has made to the cause of education nationally and internationally, including his valuable work for UNESCO. I join all of you here tonight in wishing him every success in all the future years.

HAROLD WILSON,
Prime Minister of Great Britain.

I wish to join with others in expressing my admiration for one who has had the intelligence, the energy, and the tenacity to publish the *Encyclopaedia Britannica* for twenty-five years.

I hope that you will be able to publish it and I will be able to be enlightened by it for another twenty-five years.

GEORGE D. AIKEN,
U.S. Senator from Vermont.

It gives me great pleasure to add my voice to the homage paid Senator William Benton by The University of Chicago in recognition of his twenty-five years as leader of the distinguished group that form the board of directors and editors of the *Encyclopedia Britannica*. Senator Benton's intellectual searching and his loyalty to liberal and democratic ideals, are additional means for the recognition being offered tonight by this illustrious educational institution.

RÓMULO BETANCOURT,
Former President of the Republic of Venezuela.

Coupled with your long and illustrious career in public service, your activities in the world of business have marked you as one of the most dynamic forces in this generation. Best wishes for a most memorable evening and for continued health and success in all of your endeavors.

Otto Kerner,
Governor of Illinois.

My congratulations for his leadership as publisher and for his many contributions to education; and my best wishes for his continued efforts.

Eugene J. McCarthy,
U.S. Senator from Minnesota.

He is one of the most dedicated men I have ever met, a gentleman in every respect and an outstanding American. I value very much the friendship that exists between us.

John W. McCormack,
Speaker of the House of Representatives.

What seems to me so significant in Bill's achievements is not only their substance, but the style he maintains in these attainments. It is the ebullient style of the tough optimist. Such a style marks him as a man whose faith in himself is only matched by his abiding faith in man.

Witness, if you will, a very successful young advertising man who decided at an early age that success in advertising was a springboard to dedicating himself to public service. The years that have followed have been an exciting testimony to that decision.

Bill Benton's distinguished and continuing career is remarkable for many reasons. Perhaps what lies at the heart of his dynamic accomplishments is the way that he has zeroed in on the very essence of the twentieth century's needs. The long list of achievements in foreign affairs is but one example. His participation in the activities of UNESCO is another, and his concern and contributions to the field of economics but another. Bill's unswerving attention to free and meaningful dialogue is most characteristic of his activities in these fields.

Gale McGee,
U.S. Senator from Wyoming.

SENATOR MATHIAS SPEAKS THE TRUTH

Mr. CHURCH. Mr. President, our distinguished colleague, the able senior Senator from Maryland (Mr. Mathias), recently spoke out on the matter of truth in public affairs. He said that—

> It is truth that usually suffers first when loyalties are divided . . . (yet) the pursuit of truth is the only direction in which we can go in search of the way to preserve our loyalty to the Constitution and the laws.

I associate myself fully with Senator Mathias, and ask unanimous consent that his message that appeared in the New York Times of April 4 be printed in the Record.

There being no objection, the message was ordered to be printed in the Record, as follows:

THAT CORNY OLD GUIDEPOST, TRUTH

(By Charles McC. Mathias, Jr.)

Washington.—No danger that faces the United States today is more serious than the possibility that a significant number of our people are losing faith in the validity and purpose of our Government.

When a democratic government is imperiled by loss of confidence, it follows that the people must feel some lack of confidence in themselves. Corrosion attacks throughout the whole system. The challenge to leadership is the restoration of trust in government and the renewal of faith in the nation.

Each of us in Congress, and every other public official from the President to the most junior civil servant, expressed his loyalty in its most elemental form when he took his oath to defend the Constitution. I believe that every one of us understood that the obligation of this oath was paramount to any other claim on us. No longer are we free to prefer the interest of a person or a party over the mandate of the Constitution. And yet it seems to me that at this moment the issue of conflicting loyalties is presented to us in three distinct cases that are pending in the Senate and demanding determination.

The common question that must be answered in all three is whether the persons involved gave a greater loyalty to some lesser interest than to the Constitution. It is in this light that we have to make our separate judgment in the instances of (1) the resurfacing of I.T.T. as an influence on our foreign policy, (2) the nomination of L. Patrick Gray 3d to be director of the F.B.I. and (3) in the investigation of Watergate election abuses.

The very fact that we are required to make judgments in these cases imposes upon us the identical choices that lay before the parties who are involved in each. We ourselves have to decide what is loyalty to the law, what is defense of the Constitution and what is simply the strong pull of friendship, partisanship or some veiled interest.

Such a choice seems simple when it is presented as an academic proposition, but each specific case bristles with practical problems and subordinate questions. Not the least of the cautions we must observe is the fact that loyalty to the law imposes adherence to the principle that every man is innocent until he is proven otherwise. Unjust accusations can no more be tolerated in the Senate than unjust actions can be condoned.

Our only tool is truth. And it is truth that usually suffers first when loyalties are divided. No person who is involved or engaged in the life of his generation can avoid the competing demands of his family and friends, his business or his state. He gives equal priority to each, or revolving priority to the most pressing, his life will undoubtedly be chaotic. But if he in his personal life as we in our national life establishes some order, he can expect to live in peace and security. It is when we are tempted to ignore the priorities of our obligations that we get into trouble. We trifle with the truth.

Some years ago the official spokesman for the Department of Defense, Assistant Secretary Arthur Sylvester, attempted to legitimize the practice, in which the department had presumably been engaged, of lying to the people of the United States in the name of their Government. The result was as disastrous as it was predictable. Popular understanding and support for the war in Vietnam was not increased. On the contrary, it was seriously undermined. Even after several changes in administration in the Pentagon its credibility has not been fully restored.

And so I say again that the pursuit of truth is the only direction in which we can go in search of the way to preserve our loyalty to the Constitution and the laws. A visible, unshakable demonstration of that loyalty is the only way I know to restore the confidence, hope and aspiration that many of us find missing in our national life today.

We are more likely to reach this goal if we candidly admit the obstacles in our way. It is very human to want to do a favor for a friend or an errand for an organization, or perhaps to keep our powder dry for another occasion which may or may not happen. But there are temptations that we share with all humanity and so we need not be ashamed of being tempted, but only of succumbing and betraying our prime loyalty.

I think the pervasive problem of confusion of loyalties has poisoned public ethical behavior and lies at the heart of skepticism about government and politics. I am tired of hearing about how "they all do it in Washington" and I want to hear more of, "it may have been that way once, but it is not that way any more."

The only way to restore confidence and trust throughout our society is for everyone who shares the privilege of leadership to obey the law, and to meet the small questions and the great issues with equal courage.

EARTH WEEK, 1973

Mr. TOWER. Mr. President, another year has passed and it is now time for "Earth Week, 1973." I have once again cosponsored the measure to designate this special week.

I support Earth Week, because I feel that one of the best ways to protect our country's environment, now and in the future, is to have an environmentally aware and educated public. Through understanding and awareness of our environment problems will come individual and group action to help find and institute solutions to these problems.

Earth Week has been a catalyst which has produced a more aware and motivated public and, thus, is worthy of our support.

THE AMENDMENT OF THE SENATE TO THE DOLLAR DEVALUATION BILL

Mr. ERVIN. Mr. President, after more than 2 years of hearings, study, and revisions, the Senate Subcommittee on Separation of Powers and the Senate Committee on Government Operations fashioned a bill on Executive impoundment of appropriated funds which the Senate Committee on Government Operations has reported to the Senate. This bill is well-phrased to make secure the power which the Constitution gives to the Congress rather than the President—the power of the purse.

The reasons which support this statement are set forth in succinct fashion in an exhibit attached to this statement.

This bill was incorporated in the form of an amendment, and was added to the dollar devaluation bill by a Senate vote of 70 to 24.

The purpose of this statement is to urge that the House approve this Senate amendment.

I wish to point out why this Senate amendment should be adopted by the House rather than H.R. 5193. H.R. 5193 takes an approach to this problem similar to that taken by a bill introduced by me before the hearings, study, and revisions mentioned above:

First. H.R. 5193 is inadequate, because it applies to the President alone. The Senate amendment corrects this defect by making its provisions applicable to executive departments, agencies, officers, and employees as well as the President. It specifically provides that the Office of Management and Budget shall be construed to be an agency of the United States, and that its officers and employees shall be construed to be officers and employees of the United States within the purview of the amendment.

Second. Like my original bill, H.R. 5193 has no sanction whatever, and for that reason, cannot be enforced if the President elects to disobey it. On the contrary, the Senate amendment expressly provides that the Comptroller General, acting as an arm of the Congress, may sue any department, agency, officer, or employee of the United States who impounds funds in the U.S. District Court for the District of Columbia to enforce the provisions of the amendment, and that such district court is empowered to issue any decree or order necessary or appropriate to compel any department, agency, officer, or employee of the United States to comply with the provisions of the amendment. This provision is absolutely necessary to make the power of Congress to resist illegal impoundments effective. The Supreme Court has held in many cases that the heads of departments or agencies and officers and employees of the Federal Government are subject to suit. There is doubt whether the President is subject to suit.

Third. The Senate amendment provides for the first time in history an orderly method by which judicial interpretations of impoundment questions can be obtained. It contains an express provision that in lieu of resorting to the drastic remedy of impoundment, a President may ask the Congress to abolish or decrease an appropriation already made.

Fourth. The Senate amendment is designed to minimize the number of impoundment issues on which the Congress will act. For example, it provides that the President will report any impoundment to both Houses of Congress within 10 days after it is made, and at the same time will make a similar report to the Comptroller General, who is an arm of the Congress and an expert in the field of Federal appropriations. I digress to note that H.R. 5193 may be inoperable if the President fails to report an impoundment action. The Senate amendment takes care of this situation by providing that if the President fails to report to the Congress an impounding action, the Comptroller General shall report such impoundment action, and the machinery set up by the amendment will operate regardless of whether the impoundment action is reported by the President or the Comptroller General in case of the President's failure to make a report. It provides that the Comptroller General will give to the Congress within 15 days after he receives such report an opinion as to whether or not the impoundment is in harmony with the Antideficiency Act or any other act of Congress. It further provides that if the Comptroller General is of the opinion that the impoundment is sanctioned by the Antideficiency Act, no further action will be taken by the Congress. The Antideficiency Act is designed to permit prudent management of appropriated funds. It states, in substance, that any funds which are to be spent over a period of a year or more must be allocated by the Executive so as to make it as certain as possible that the funds will last for the period of contemplated expenditure, and that there should be no necessity for a deficiency appropriation.

The Antideficiency Act further provides that the Executive can effect savings in three instances: First, where a change in requirements of a project renders the expenditure of the entire appropriation unnecessary; second, where greater efficiency in carrying out a project renders the expenditure of the entire appropriaton unnecessary; and third, where developments between the time an appropriation is made and the time for its expenditure make the expenditure unnecessary. An illustration of this last instance is found in the fact that during the Second World War, Congress, which anticipated a prolonged war, appropriated funds to expand military hospitals thinking that multitudes of other American soldiers would be wounded. The war came to an unexpected end, and President Truman refrained from spending funds appropriated to expand military hospitals. The Senate amendment provides that where the Comptroller General informs both Houses of Congress that the impoundment is supported by some statutory provision other than the Antideficiency Act, or where he informs both Houses of Congress that the impoundment is without support in any act of Congress, the provision of the amendment shall apply to such impoundment, and the impoundment shall cease unless Congress expressly ratifies the President's action within 60 days. Since Congress has such high respect for the opinion of the Comptroller General, it is likely that the ratification of the President's action will usually follow as a matter of course where the Comptroller General rules that the impoundment action of the President is supported by some act of Congress other than the Antideficiency Act.

Fifth. Unlike H.R. 5193, the Senate amendment provides that any congressional resoluton relating to an impoundment will be a privileged matter, and will not be referred to a committee. It seems to me that this is wise, because the appropriation which has been impounded, in whole or in part, has been twice considered by House and Senate committees—once when they passed on the bill authorizing the appropriation and again when they passed on the bill making the appropriation. Sending the proposition a third time to a committee not only delays action, but is totally unnecessary.

Sixth. The most important distinction between H.R. 5193 and the Senate amendment lies in the fact that under H.R. 5193 the impoundment will be effective unless the Congress expressly vetoes it. Whereas under the Senate amendment, the impoundment will be ineffective unless the Congress expressly ratifies it. In my judgment, the Senate amendment's provision on this point is essential if the Congress is going to retain and exercise the power of the purse. Why do I say this? The answer to this question may be summarized as follows:

First. After committee consideration in each House, Congress passes a bill authorizng an appropriation by a majority vote of both Houses. If he elects to do so, the President can veto this authorization bill, and Congress can override his veto by two-thirds vote in each House of Congress. Hence, the Congress may be compelled to vote twice on the authorization bill.

Second. After passing the authorization bill, as set forth in first above, and after committee consideration in each House, Congress must pass an appropriation bill. If he elects to do so, the President can veto the appropriation bill, and render it ineffective unless Congress overrides his veto by a two-thirds vote in both Houses. Hence, Congress may be compelled to vote four times, twice on the authorization bill and twice on the appropriation bill before it finally legislates a particular appropriation for a particular purpose.

Third. After Congress has voted as many as four times to have a certain expenditure made, the President impounds the funds appropriated for such expenditure. Under the Senate amendment, the votes on the authorization and appropriation bills would end the matter unless the Congress affirmatively voted within 60 days to ratify the President's impoundment action. It is not so under H.R. 5193 for the reasons set forth below.

Fourth. Under H.R. 5193, the President's action in impounding appropriated funds, despite as many as four congressional votes to the contrary, would be binding on the Congress unless the Congress passed a resolution by a majority vote of both Houses informing the President, in effect, that Congress desired the appropriated funds to be expended in accordance with this four times previously expressed intention. Under H.R. 5193, Congress could not even vote on this resolution unless it was first considered by the Committees on Appropriations of the House and Senate, and approved by them. Why give these committees—as important as they are—the power to thus nullify the will of Congress as expressed in the votes on the authorization and the appropriation bills?

Fifth. While H.R. 5193 calls the resolution of Congress a "concurrent resolution," it is obvious that the resolution is a "joint resolution," and would require its submission to the President for his approval. If he did not approve of it, it would be subject to his veto. Thus H.R. 5193 would enable one-third plus one of the membership of each House of Congress to nullify an appropriation previously authorized twice by the authorization bill and previously made twice by the appropriation bill, and previously approved by a majority of both Houses of Congress and previously approved by two-thirds vote of both Houses overriding vetoes. Why give one-third plus one of either House of Congress the power to thus nullify the repeatedly expressed will of the Congress.

Sixth. Some people contend that calling a resolution a "concurrent resolution" rather than a "joint resolution" exempts the resolution from a Presidential veto. This is not so. Congress can no more make a "joint resolution" a "concurrent resolution" by so designating it than it can convert an onion into a flower by calling it a rose.

Seventh. What I have just said is fully sustained by the words of section 7 of article I of the Constitution, which provides that—

> Every . . . Resolution . . . to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the rules and Limitations prescribed in the case of the bill.

Under H.R. 5193, the resolution vetoing the impoundment is a "joint resolution" and not a "concurrent resolution." This is true, because the resolution, if adopted, would have legislative effect; that is, it would nullify the Presidential impoundment. This is made plain by the following statement which appears on pages 32 and 33 of volume II entitled "The Powers of the President" of Bernard Schwartz' "A Commentary on the Constitution of the United States":

> Under Article I, section 7, "Every Bill" and "Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary" must be presented to the President for his approval or veto. It would be hard to conceive of language which more clearly requires that all Congressional action be sent to the White House. Yet, despite the breadth of the organic language, it is settled that not every measure passed by the Congress must be presented. In the first place, by the very terms of the provision, the requirement does not apply to measures affecting only a single House, such as those relating to procedure or organization, as well as resolutions of such House alone which have no legislative effect. In addition, it is settled that a proposed constitutional amendment passed by the two Houses need not be presented to the President. This has been established since 1798, when Justice Chase stated that "The negative of the President applies only to the ordinary cases of legislation. He has nothing to do with the proposition, or adoption, of amendments to the Constitution."
>
> More important than these exceptions to the requirement of Presidential approval is that concerning so-called "concurrent resolutions." Though the organic language on the matter expressly covers "Every Resolution" passed by both Houses, it has long been settled that only so-called "joint resolutions" need be sent to the President. As it has been interpreted by Congressional practice itself, a joint resolution is any resolution which has the force of law. The term, "concurrent resolution," is applied to resolutions which have no legislative effect, but are merely hortatory or expressive of the opinion of the Houses, or involve only legislative mechanics, such as printing matters, setting up joint committees, and the like.
>
> The test of whether a resolution passed by both Houses must be sent to the President is whether it contains matter which is properly to be regarded as legislative in its character and effect. If it does, it is a joint resolution, which must be presented for Presidential approval; if it does not, it is a concurrent resolution, which need not be. Regardless of form, no resolution of the two Houses can be given any legislative effect, if it has not been approved by the President, or passed by the required majority over his negative.

The Constitution gives Congress the power of the purse. The Senate amendment will make effective the congressional power of the purse. H.R. 5193 will not.

Even under our Constitution, Congress may have to vote four times—twice on the authorization bill and twice on the appropriation bill—to make its will effective. Why put it in the power of the President to require it to vote two more times—once on the so-called concurrent resolution, and again on overriding a veto of the so-called concurrent resolution? Congress ought not to put it within the power of the President to make it vote six times to make its exercise of its constitutional power of the purse effective.

For these reasons, I urge the House to adopt the Senate amendment and thus make the congressional power of the purse as effective as the Constitution contemplated it should be.

Mr. President, I ask unanimous consent to have printed in the Record a synopsis of S. 373, as amended.

There being no objection, the synopsis was ordered to be printed in the Record, as follows:

Synopsis of S. 373, as Amended

The following is a synopsis of the provisions of the Government Operations Committee's amendment to S. 373, which is in the form of a substitute.

S. 373, as amended, recognizes that the power of the purse belongs to Congress, and that the President's only authority to impound is that delegated to him by statute, such as the Antideficiency Act (31 U.S.C. 665).

It also recognizes that the only way that the President can disapprove an act of Congress is by a veto.

It provides that whenever the President or any other officer or employee of the United States, specifically including the Director of the Office of Management and Budget, impounds or approves the impounding of budget authority, the President shall report that action to both Houses of Congress within 10 days after it occurs.

To take care of the contingency that the President may fail to make such a report, the Comptroller General shall make the report to the Congress in the event that the President fails to do so.

Whenever an impoundment is reported to Congress, the Comptroller General, who is an arm of Congress, shall advise both Houses of Congress as to whether or not, in his judgment, the impoundment is authorized by any statutory authority conferred by Congress upon the executive branch.

If the Comptroller General determines that the impoundment is pursuant to the Antideficiency Act, that will end the matter and the impoundment will stand. If he rules that it is sustained by any other statutory authority, the matter will still be subject to congressional action. If he determines that the impoundment is without any statutory authority, it becomes subject to congressional action.

At any time within 60 days the Congress may pass a resolution ratifying the impoundment in a particular case. In that event, the impoundment becomes binding.

If Congress fails to take affirmative action ratifying the impoundment within 60 days, it becomes the duty of the President to expend or obligate the funds which have been appropriated.

In the event that Congress is unwilling to wait for 60 days, it may adopt a resolution disapproving the impoundment, either in whole or in part. If Congress votes to disapprove an impoundment, then it becomes the duty of the President to expend or obligate the funds to the extent that the impoundment is disapproved.

The bill provides an expedited procedure for voting on the impoundment within the 60-day period.

The President need not go to the extent of impounding funds if he disapproves all or part of an appropriation. He can ask Congress to rescind or reduce the appropriation by the supplemental appropriation process.

All appropriations made available shall be expended or obligated unless impounded in accordance with the provisions of the bill.

The Comptroller General would be authorized to sue in the United States District Court for the District of Columbia, using attorneys of his own selection, to enforce the provisions of the bill.

The bill provides a ceiling of $268 billion for Federal expenditures during the 1974 fiscal year, and it provides that the President may make proportional cuts in controllable categories of the Budget in order to keep spending within the ceiling.

Reservations made proportionately shall be reported to Congress, as must any other impoundment. However, if the Comptroller General determines that the cuts are made in accordance with the proportional provision of the bill, no further action would be made by Congress.

KENTUCKY CITIES EXPLORE USE OF TRASH FOR FUEL

Mr. COOK. Mr. President, increasing attention has been focusing on the mountains of solid waste that have been piling up in our Nation and the solutions that may be available to remedy the plight of ridding ourselves of the nearly 4.3 billion tons of waste generated in this country yearly. Some propose the use of more landfills as a means of removing the solid waste blight. I have introduced S. 1122 to encourage the use of recycled and recycleable materials to reduce the quantities of solid waste in commerce.

Another intriguing method of removing solid waste is presently being explored in Lexington, Ky., which may not only help resolve our solid waste problem but also be instrumental in producing an additional source of energy as well. The method would use everyday garbage to produce steam for heating and air-conditioning.

I invite the attention of my colleagues to an article appearing in the April 1st Courier-Journal and Times entitled "Kentucky Cities Explore Use of Trash for Fuel" which describes this method. I ask unanimous consent that this article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Kentucky Cities Explore Use of Trash for Fuel

(By Leonard Pardue)

The paper towels, milk cartons and potato peels that you put in the garbage can every day may wind up being used as a fuel some day.

Nashville already is constructing a $17 million plant that will burn trash and garbage to produce steam for heating and air conditioning. Minneapolis and Brooklyn are thinking about building similar plants, and so is Lexington, Ky.

All of a sudden, perhaps prompted by talk of an energy crisis, engineers and planners have discovered that trash is a good fuel source when steam production is required.

In St. Louis, a power company has begun

mixing trash with coal to burn in the furnaces of a generating station.

According to solid-waste disposal experts, the beauty of such facilities is that trash is a cheap fuel and that burning it to make steam also helps solve trash-disposal problems.

According to William Hoskins, a Lexington city commissioner, the fact that the city's landfill will be filled in a year to 18 months prompted a decision to explore other disposal methods.

He said that Lexington's planned sports arena, and a hotel and office building that might be built in conjunction with it, would be likely customers for a heating and air-conditioning plant.

The complex is expected to be completed by mid-1975, he said, and so the new plant, if it is built, would be needed at that time.

The city applied two months ago for a $50,000 grant from the U.S. Environmental Protection Agency to finance a feasibility study of the project, but Hoskins said no word had been received from the federal agency.

Hoskins said that even if the federal grant isn't forthcoming, the city would go ahead with at least a portion of the study.

That portion would seek to determine whether a sufficient market exists for the steam the plant would produce, Hoskins said. If the study showed that the demand was present, then a full-scale evaluation of the economic feasibility of the project would be made, he added.

The plant "has to stand on its own financially," Hoskins said.

Bowling Green, Ky., is also thinking about studying the feasibility of such a plant, according to its city manager, Paul McCauley. He said a number of other disposal methods would be studied and that it might be a year before the city decided what to do.

Henderson County Judge John Stanley Hoffman said that he has "a germ in my mind" about using solid waste as a fuel in the city of Henderson's municipally owned power plant. But Hoffman said no definite steps had been taken to explore that possibility.

The Nashville plant, which should be in operation late this year, will use spent oil collected from gasoline service stations as a supplementary fuel.

M. J. Wilson, a special consultant to the engineering firm that designed the plant, said the use of the extra fuel is necessary to assure an even heat when solid waste is burned.

Because the content of solid waste varies, he said, the amount of heat produced by a ton of trash is inconsistent.

When the solid waste is wet, for example, its heat production is reduced.

In the winter, steam will be piped directly to buildings in Nashville's governmental complex and to a new hotel. In summer, the steam will turn turbines that will drive compressors similar to those in a refrigerator.

Water chilled to 40 degrees will then be pumped to the buildings.

Wilson said Minneapolis has a municipally owned heating and cooling plant that had used natural gas as a fuel. But now another fuel is needed because of the shortage of gas, he said, and trash is a likely substitute.

In Brooklyn, a feasibility study probably will be made of the practicality of building two such plants on the East River, Wilson said.

He contends that even small cities might consider building plants using trash as a fuel "if they've got one good industry that needs steam throughout the year."

In Tennessee and the Carolinas, he said, textile, cheese, and woodworking plants are all being studied as possible users of trash-produced steam.

CALVIN E. WRIGHT

Mr. CHURCH. Mr. President, on April 16, a remarkable man retires in Idaho as the State's district director of the Internal Revenue Service.

He is Calvin E. Wright, who has served his State over the years not only as a tax collector, but as State Auditor, as a newspaperman and in numerous volunteer civic organizations.

Calvin Wright has also left his mark upon the Democratic Party in Idaho, which he served before he was appointed to the IRS District Directorship in 1951. He was the party's nominee for Governor in 1950, and has served previously in several other positions of party responsibility and leadership.

One of Cal Wright's contemporaries—John Corlett, political editor of the Statesman in Boise—wrote a column back in 1941 that remains as timely today as when it was written. He wrote:

> Cal Wright, cannot be classed as a politician, as politicians are commonly known. A certain idealism clings to him, but he is always close to reality. He is a perfect gentleman in the vortex of state politics and intrigue. Soft spoken and almost timid, he is yet to be seen in an angry moment. He moves slowly toward the solution of his problems and arrives there with a minimum or no dissension. By keeping himself above 'dirty politics' he stands out as a refreshing example of how not to play the game, yet paradoxically, beats them all.

Corlett has written a lengthy retrospective article in the Statesman on the career of Cal Wright, chronicling his achievements and endeavors. I ask unanimous consent, Mr. President, that this article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Idaho Statesman, Mar. 25, 1973]

WRIGHT WILL RETIRE AFTER 22 YEARS AS IDAHO IRS CHIEF

(By John Corlett)

(NOTE.—Wright cannot be classed as a politician, as politicians are commonly known. A certain idealism clings to him, but he is always close to reality. He is a perfect gentleman in the vortex of state politics and intrigue. Soft spoken and almost timid, he is yet to be seen in an angry moment. He moves slowly toward the solution of his problems and arrives there with a minimum or no dissension. By keeping himself above dirty politics he stands out as a refreshing example of how not to play the game, yet paradoxically beats them all.)

I wrote the above in my Politically Speaking column in March, 1941, two years and two months after Calvin E. Wright assumed office as state auditor. He was elected to that post in 1938 and again in 1940 and was to be elected to a third term in 1942.

On April 16, Wright will retire as Idaho's district director of Internal Revenue, a job he has held for 22 years. He confesses that it is the pressures of a tax collector's job that has caused him to retire at age 64.

Somehow I doubt that this will be the end of public service for Cal Wright. This gentle man, truly a paradox in Idaho politics, has much yet to offer to Idaho, probably in appointive positions.

Cal Wright is one of the vanishing breed of those who grew up in the hurly burly of Idaho politics in the Great Depression years. His political training began almost immediately after he graduated from Stanford University in 1930.

His political mentor was the late Gov. C. Ben Ross, who was first elected as chief executive in 1930. And from that year until he was appointed Idaho's Internal Revenue Service director in 1951, Cal Wright was in the middle of Idaho politics.

His last entry into the political arena was in 1950 when he was the Democratic candidate for governor. In a Republican year he was defeated by Len B. Jordan in a campaign noted for being almost completely free of acrimony.

This was one campaign, however, that Wright, to use his words, "tiptoed" too much and allowed himself to get on the defensive. Later he told prospective office seekers that "you can never tip-toe into office, you must develop and be positive on the issues with all the conviction at your command."

In retrospect as one who is Wright's contemporary, I marvel at the rapport that existed between C. Ben Ross and Cal Wright because they were so dissimilar. But Ross saw in Wright the makings of a responsible and "effective public official and he proved to be correct.

Cal Wright was then a politician through and through. He loved the life, both in the Democratic party and in public service. But his is a personality that belied the "consummate politician." Democrat though he was, he was basically non-partisan.

The late Tom Heath of Preston, a former Republican state chairman and state senator, said about Wright that "he had the full support of his friends and the full respect of his opponents."

Doubtless future historians will agree that Cal Wright is indeed a "refreshing example" of a different type of politician; a type, in fact that did not exist before him and has not existed since he quit trying for elective office after 1950. Such gentleness and idealism that he exhibited in the face of ruthlessness and in rapport with political giants who ofttimes represented ruthlessness, deserves to be specially recorded.

Wright served his party as Cassia County chairman. He was a prominent Young Democrat. Before he won his first election as Cassia County auditor in 1934, he taught school and worked for the Bulletin in Burley and the Minidoka News in Rupert.

Wright was recognized by his peers through the years as a "good newspaperman," and always in the back of his mind was a yen that perhaps someday he could afford to buy his own newspaper.

He sought and lost the Democratic nomination as state auditor in 1936 when Ross ran against the great Sen. William E. Borah and lost heavily. But in 1938, Wright at age 29, was elected state auditor and he was "hooked" as far as politics was concerned.

In his six years as state auditor, Wright looks back to two accomplishments. One was his fight against the Republicans to dismantle his authority by creating the office of comptroller. Wright won that battle in the Supreme Court in a landmark suit that is known to just about every law student who has come along since. The constitutionality and authority of the office of state auditor was clearly defined in that suit.

The second accomplishment was his obtaining an appropriation of $50,000 from the legislature, a big sum in those days, to install the state's first general and uniform accounting system designed for computer accounting.

After he left the auditor's office in 1945, there was a private enterprise hiatus in Wright's life. For a year he published the Minidoka County News and spent some time in business in Wallace. For three years he served as manager of the Raymond Hotel and Greyhound Bus Depot in Lewiston, both owned by the late Tom Boise, sometimes described as a ward-heeler type Democratic politician. That was not an apt description of Mr. Boise, but he did have control of the Democratic party process in North Idaho.

Wright was called back into the political wars in 1950 and he handily won the Democratic gubernatorial nomination in a field of three. He lost to Jordan in the general election by 10,500 votes.

In 1951, Mr. Truman was literally a lame duck president. The Senate was holding onto his appointments until after the 1952 election when most everyone assumed a Republican president would be elected.

Wright was nominated as Idaho director for internal revenue. The Idaho senators were Republican Herman Welker and Henry Dworshak. Their respect and friendship for Wright was pre-eminent. They joined in sponsoring Wright and his nomination was promptly confirmed in the Senate. So the personal philosophy of a man whom the late Frank Burroughs, the Republican editor of the once-famous Idaho Pioneer, called a "square-shooter," paid off.

The appellation has paid off even more in the last 22 years. Despite the pressures of being a tax collector, Wright has demonstrated his basic "goodness" in talks before numerous civic and service clubs and other organizations about the job of collecting taxes for Uncle Sam.

He tells his audiences that "almost everybody is honest about his income tax returns, which is a tribute to the basic loyalty and patriotism of the American people." Or, he says:

"Every year before April 15 millions of good citizens sit down with income tax form 1040, examine their books and records—and their consciences—and square themselves with Uncle Sam for the cost of the blessings and problems of living in America."

After he gets some rest, it might be smart for the Internal Revenue Service to hire their former Idaho director to spread his tax collecting gospel across the land.

His feelings for the basic goodness of people came through in one of his statements about the reason for his retirement:

"It's the pressures of a tax collector's job, particularly after 22 years in the responsibility, although I have appreciated working with dedicated IRS employees in our difficult and sometimes unhappy duties in enforcing the firm and complex laws of our country. Fortunately, most people understand and are conscientious about their tax obligations to the government."

Wright has never shirked his civic duties and he is proud of his five-year service as Idaho federal chairman for Radio Free Europe. He visited the RFW facilities in 1966 as a member of the American delegation.

Wright and Gwen Sathre of Burley were married in 1929. They have a son and a daughter and nine grandchildren.

THE PRICE OF NATURAL GAS

Mr. TOWER. Mr. President, early this Congress, I and several colleagues introduced S. 371, a bill to deregulate the price of natural gas at the wellhead. We have long felt that only through removing the Federal Power Commission from the regulation of interstate gas prices will the long-term interests of the American consumer be protected. Artificially low gas prices have led to overuse of our located domestic reserves and have discouraged exploration and development. In fact these prices are so low that if the price of domestic gas were allowed to double, it would still be less than half that of the FPC set price on imported foreign gas. It is my feeling that projected natural gas shortages and the dangerously increased reliance on foreign gas are attributable to the overregulation by the FPC.

However, it appears we have reason for hope. John Nassikas, Chairman of the Federal Power Commission, recently came out in favor of decontrol of natural gas in an interview with the Oil Daily. Because I consider this long awaited news of considerable import, I commend that interview to my colleagues and ask that it be printed in the RECORD.

There being no objection, the interview was ordered to be printed in the RECORD, as follows:

PHASE-IN SUGGESTED—NASSIKAS FAVORS GAS DECONTROL

(By Jim Collins)

WASHINGTON.—John Nassikas, chairman of the Federal Power Commission, told the Oil Daily Wednesday in an exclusive interview that he favors, and will actively support, decontrol of new gas dedications to the interstate market.

Nassikas also told the Oil Daily that he would favor decontrol of flowing gas prices, after contracts covering this gas expire.

"Thus," he commented, "I am in favor of a phased-in decontrol plan on natural gas at the wellhead.

"However, while these are the convictions I have now reached, you must realize that the final decision is up to Congress.

"Congress must pass the legislation as amendments to the Natural Gas Act which would make these recommendations come alive."

The FPC chairman said that as important as phased-in decontrol of wellhead prices is the availability of public lands, particularly offshore, on a timely basis, and in areas large enough, to make the incentives of higher prices on gas effective.

"We must have the areas available to explore," he commented, "when price incentives are provided for new development."

The FPC chairman said he positively favors decontrol of "new gas dedications" now—as soon as possible.

But, he said he wants to emphasize that the FPC must maintain control over flowing gas contracts, until they expire, and that abandonments under such contracts must also be subject to FPC approval.

The chairman indicated he had filed his recommendations with President Nixon, for possible inclusion in the upcoming presidential "energy message."

However, he declined to say just what recommendations he has sent to the White House.

The chairman also made it clear he stands ready to testify at legislative congressional hearings on wellhead price controls, as soon as legislation is introduced, after the President's message goes to Congress, perhaps about May 1.

THE ITT AND CHILE

Mr. CHURCH. Mr. President, as chairman of the Subcommittee on Multinational Corporations of the Foreign Relations Committee, I would like to bring to the attention of my colleagues the following newspaper articles about the recently concluded hearings held by the subcommittee, on ITT's operations in Chile.

It is gratifying to note the excellent coverage which was given to these hearings by media all over the country, and the great public interest which they have aroused. As the April 3 editorial in the New York Times concludes:

> In their schemes to block the election of a Marxist President in Chile, both the CIA and ITT badly damaged the best interests of the United States.
>
> It is clearly not in the interest of the corporations to permit themselves to be used as instruments of subversion in any of the countries in which they operate. The greater the distance between the CIA and the corporations the better off the corporations will be.

I think that the warning voiced by the Philadelphia Inquirer in an editorial on March 23 is justified:

> We are all for American business or anybody else's, competing for profits anywhere. . . .
>
> But if the force and the diplomatic and covert-intelligence machinery of the U.S. is marshalled behind the interests of such enterprises, they can soon become ferocious power monopolies and intolerable intrusions in the public process at home and abroad.

While some of the abuses which have been revealed as a result of these hearings will be corrected by legislation which I plan to introduce in the near future, this first phase of the subcommittee's work has only served to reaffirm for me, and, I hope, for my colleagues and for the American people, the need for a continued and vigorous investigation into the role played by multinational corporations in influencing the formulation of U.S. foreign policy.

I ask unanimous consent, Mr. President, that the articles I have referred to above be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 3, 1973]

MISADVENTURES ON CHILE

"Somebody has lied," Senator Frank Church said in reference to contradictory testimony before his Foreign Relations subcommittee on political schemes proposed for Chile by the International Telephone and Telegraph Corporation and the Central Intelligence Agency. Somebody certainly has, and it becomes even more imperative for the committee to establish who it was—now that I.T.T. chairman Harold S. Geneen has added to the evident contradictions in sworn testimony.

Mr. Geneen insists that the giant firm he heads "did not take any steps to block the election of Salvador Allende as President of Chile" and that an I.T.T. director "did not offer to contribute anything to the C.I.A.," in talks with Richard Helms, then director of the intelligence agency, and with Henry A. Kissinger in the White House.

But that I.T.T. director John A. McCone, told the subcommittee on March 21 that Mr. Geneen had instructed him to inform Mr. Helms and Mr. Kissinger that the corporation was ready to contribute a million dollars or more "in support of any Government plan for bringing about a coalition of opposition to Allende."

Mr. Geneen insists that all I.T.T. did after the Allende Government took over its Chilean subsidiary in 1971 was "to present its views, concerns and ideas" to various Government departments in Washington. This, he said, was "not only I.T.T.'s constitutional right but also its obligation."

But William R. Merriam, an I.T.T. vice president, sent a letter and an "action" memorandum to a White House economic adviser in October 1971 with an eighteen-point plan for economic action to insure "that Allende does not get through the next six months."

Mr. McCone's testimony and Mr. Merriam's letter and memorandum could seriously jeopardize I.T.T.'s claim for $92.5 million in compensation from the United States Government's Overseas Private Investment Corporation for the seizure of its Chilean properties. But the C.I.A. has also been severely tarnished in testimony before Senator Church's committee.

By making its own proposal to I.T.T. for waging economic war against Chile and thus, it hoped, persuading the Chilean Congress to reject Dr. Allende in 1970, the C.I.A. went wildly beyond any legitimate intelligence function and also disclosed incredible ignorance and naiveté about Chile's political situation.

If a State Department witness is correct in insisting that the official United States policy toward Chile, before and after Dr. Allende's election, was one of "nonintervention," it is evident that the C.I.A. once again was conducting its own foreign policy, "going off on a frolic of its own," as Senator Fulbright suggested, and raising anew the question whether there are effective controls over its agents and activities.

The close, confidential links between the corporate giant and the intelligence agency were unquestionably facilitated in this case by the kind of unhealthy relationship that ought to be barred by policy if not by law, Mr. McCone, who says he took the million dollar offer to the C.I.A. and White House, was Mr. Helms' predecessor as head of the intelligence agency and still serves as consultant to it.

In their schemes to block the election of a Marxist President in Chile, both the C.I.A. and I.T.T. badly damaged the best interests of the United States.

[From the Philadelphia Inquirer, Mar. 23, 1973]

The United States Should Abandon Banana-Republic Diplomacy

The International Telephone and Telegraph Corporation is not running for public office, so we can only hope at the moment that the latest and cumulative evidence of its tinkering with the public process will serve to alert and armor public servants against the dangers that tinkering represents.

Nonetheless, the sanguine testimony by former Central Intelligence Agency director John A. McCone about a frustrated ITT escapade in banana-republic-era dollar diplomacy is sufficiently appalling to suggest need for a substantial Federal reform:

American business enterprises should be prohibited, under criminal sanctions, from interfering in the political processes of foreign nations.

Mr. McCone, an appointee of President Kennedy, testified Wednesday to the Senate Foreign Relations Committee's panel on multinational corporations. He spoke of approaches through him to Richard M. Helms, a successor to Mr. McCone as CIA chief, and to the White House's Henry Kissinger by Harold S. Geneen, board chairman of ITT.

The subject was Chilean politics, in 1970. The concern was over ITT's subsidiary, the $150 million telephone system in Chile, which Mr. Geneen feared would be nationalized or otherwise disturbed by the election of Salvador Allende Gossens, a Marxist, who is now President.

Mr. McCone testified that Mr. Geneen "told me he was prepared to put up as much as $1 million in support of any government plan for the purpose of bringing about a coalition of opposition to Allende . . . to deprive Allende of his position. It would not be a plan generated by ITT or Mr. Geneen. I was asked if I supported it. I did, and I came to Washington several days later and told Mr. Helms of the availability of the funds and then met with Mr. Kissinger and told him the same thing. Mr. Kissinger thanked me very much and said I'd hear from him. I didn't hear from him and assumed it was national policy not to do so."

To that we say three cheers for good ol' Henry the K, and for all else who had hands in turning down the plan.

But the facts that Mr. Geneen came forward with the proposal, and that Mr. McCone, with his vast experience with the top levels of American government, endorsed it, leave deep doubt that the idea is dead.

We have some deep philosophical misgivings about the ideology and programs of President Allende, as clearly do many Chileans. But we are delighted to leave the problem of resolving those misgivings to Chileans. For it has been demonstrated, we believe beyond rebuttal, that American tinkering in domestic politics of foreign lands produces, beyond all else, perilous mischief—whether it be in behalf of commercial pelf or well-intentioned and underinformed abstract sentimentalities.

We are all for American business, or anybody else's, competing for profits anywhere. We believe the prospect of profit and the threat of loss generally comprise the most productive and humane economic force man has conceived.

But if the force and the diplomatic and covert-intelligence machinery of the U.S. is marshalled behind the interests of such enterprises, they can soon become ferocious power monopolies and intolerable intrusions in the public process at home and abroad.

[From the Washington Post, Apr. 5, 1973]

ITT and CIA: Uneasy Riders

ITT President Harold Geneen had a tough choice. He could support ITT director John McCone's testimony that the $1 million the giant conglomerate offered the United States government in September 1970 was meant to aid Chile's development. Or he could support his senior vice president Edward Gerrity's testimony that the offer was meant to block the election of Chilean President Salvador Allende. Mr. Geneen showed that at ITT the truth too is a conglomerate. He said he could not recall offering a CIA operative the $1 million to undermine the Chilean elections but he would accept the operative's sworn word to that effect. And he said the offer had a "dual" purpose, development and political intervention.

On this ambivalent note, Senator Church's Foreign Relations subcommittee on multinational corporations concluded the ITT hearings, its first in a continuing series on the relationship between corporate activity and American foreign policy. That relationship, the hearings suggest, is deep and dark indeed: ITT, it turns out, had offered the CIA money to influence Chile's election in 1964; that offer was refused, although the CIA evidently was active in that election. In 1970, when it appeared that a Marxist, Mr. Allende, might be elected, ITT promptly went again to CIA. The corporation feared Mr. Allende might hurt its Chilean interests and it believed, or at least hoped, that the U.S. government remained interested in helping sustain "democratic" government in Chile. To its dismay, ITT found CIA in July in a hands-off posture. CIA refused its money, both then and later in September before the runoff election. But meanwhile, turning the tables, CIA suggested that ITT take steps to sabotage Mr. Allende in the runoff. Finding the suggested steps unworkable, ITT declined.

Anyone halfway familiar with the pattern of American involvement in Chile in the 1960s can scarcely avoid feeling that both the United States government and one or more American corporations doing business in Santiago entered the '70s with a certain mutual or parallel disposition to do something to help their friends in Chile again. Contacts were easily made on the highest level, information routinely exchanged: former CIA director McCone was by now, for instance, an ITT director. It seems to have been taken for granted that either the government or the corporation could and would influence the 1970 election. The only question was whether ITT would use CIA (which, the hearings showed, was acting not on its own but under appropriate supervision), or whether CIA would use ITT. In the end, though both found an Allende victory unpalatable, neither would take direct responsibility for trying to stop him and neither would let the other use it for that aim.

Or is it the end? Understandably, the Senate hearings told much more of plans discussed in Washington than of acts committed in Chile. Yet the public record of events in and affecting Chile cannot be ignored. There was and is in that Latin nation severe economic dislocation and political ferment. Can any of it be laid to sabotage undertaken by ITT or CIA or—one is tempted to say—a combination of the two? The administration ostensibly took a hands-off stance in 1970. Yet then and since, the United States has used its influence in the international banks to block all new credits to Chile on the publicly stated grounds that Chile's financial condition and creditworthiness were shaky. By its own hints or deeds, has the United States contributed to the shakiness which it has cited to justify its policy on loans?

Given the secrecy available to governments and corporations, and given the charged political atmosphere between Santiago and Washington, it is illusory to expect that questions like these can be definitively answered. Precisely because they cannot, however, they must be asked: The issues they touch go to the heart of how American policy is conceived and conducted and how American interests are defined and served in the field.

It should go without saying that American taxpayers should not pay ITT its claim for expropriation insurance for its nationalized telephone interests in Chile, the more so that Chile's contention stands unrefuted that it was considering compensation at the time last year when the first disclosures of an ITT role in 1970 were made. Paying the insurance claim would be like paying hospital costs to a would-be burglar who, after bringing his jimmy to your window, tripped and fell on your garden hose while trying to flee. As to the dispute over the nationalized copper firms, and the issue of debt rescheduling, we would put these in the "too hard" basket, at least for today.

The new conventional wisdom holds that, with the worst of cold war over, economic activity is to move ever more closely to the center of American international affairs. The disclosures made at the ITT hearings, and the gaps left by the hearings, indicate how vital it is to scrutinize the interaction of corporate and official policy and to determine where best the national interest lies.

[From the New York Times, Mar. 17, 1973]

ITT Officers Testify on Chile; Senator Church Voices Concern

(By James M. Naughton)

Washington, March 16.—After hearing closed-door testimony by two officers of the International Telephone & Telegraph Corporation, Senator Frank Church said today that he remained "concerned about the implications" of its involvement in the internal politics of Chile.

Senator Church, Democrat of Idaho, declined to be specific, but he said that the cause of his concern would become evident when the Foreign Relations subcommittee he heads resumes its hearings in public next week.

The corporation was accused a year ago of having sought the cooperation of the United States—and the involvement of the Central Intelligence Agency—in preventing Dr. Salvador Allende Gossens from taking office as

President of Chile in 1970 and in trying to topple his government a year later.

Harold S. Geneen, chairman and chief executive officer of ITT, and John A. McCone, a director who once headed the Central Intelligence Agency, met with the subcommittee on multinational corporations, for two hours. Senator Church said that the meeting had been a courtesy intended to "review the general course of questions we intend to ask in the public hearings."

The investigation will be the beginning of a two-year inquiry by the subcommittee into the broader issue of how multinational corporations can influence United States foreign policy and have a bearing on the United States economy.

Senator Church said that the hearings next week would be important not only to get the facts about ITT and its relations with the Marxist Government in Chile but also to help establish guidelines for corporations to follow in foreign countries.

ITT has asked for $92.6 million in compensation from the Overseas Private Investment Corporation, a United States Government agency, because of the seizure of its Chilean telephone company by President Allende's Government.

Senator Church said today that the hearings next week could have some bearing on whether the compensation is granted. At issue is whether ITT involvement in Chilean affairs might have provoked justifiable reaction by the Allende government.

The Senator said that the corporation officials had been cooperative and that ITT appeared to have complied with a subpoena demanding all corporate documents bearing on the charges.

[From the New York Times, Mar. 23, 1973]

ITT's Brazen Behavior

Sordid, even against the dreary backdrop of earlier revelations, are the latest disclosures about the effort of the International Telephone & Telegraph Corporation to block the democratic election of a President of Chile and to enlist United States Government help for that abortive project. On I.T.T.'s own testimony, it offered the White House and the Central Intelligence Agency a million-dollar contribution to underwrite a plan for preventing the election of Dr. Salvador Allende in 1970.

And who carried that offer to Henry A. Kissinger in the White House and to Richard Helms, then director of the C.I.A.? None other than Mr. Helms' distinguished predecessor as head of the intelligence organization, John A. McCone, still a consultant to the C.I.A. as well as a director of I.T.T. According to Mr. McCone, Mr. Helms had earlier promised "some minimal effort" by the C.I.A. to try to bring about Dr. Allende's defeat.

Mr. McCone says, and there is no reason to doubt him, that I.T.T. did not originate the plan for which the contribution was offered. But a year after the offer, after Chile had expropriated the I.T.T.-controlled Chilean Telephone Company, the American conglomerate did submit to the White House an eighteen-point plan designed to insure "that Allende does not get through the crucial next six months."

William R. Merriam, an I.T.T. vice president, explained to a Senate subcommittee that Dr. Allende "had stolen our property without compensation," and that the company was simply trying to get help from the Government to force Chile "to pay us off. That's all we wanted." How can that statement be reconciled with the revelation that Mr. McCone's million-dollar offer was made even before Dr. Allende had been elected and a year before his Government moved against I.T.T.?

Here is exactly the kind of brazen behavior on the international scene that has given a bad name to giant American business firms and that prompted Senator Frank Church of Idaho to launch his investigation into their conduct. No Marxist critics, whether at home, in Chile or elsewhere, could inflict half as much damage on the standing of American international corporations or half as much discredit on the free enterprise system as has I.T.T.'s own behavior. Ironically, its antics have helped Dr. Allende enormously rather than hurting him.

While the record is still far from complete, there is no evidence yet that the Nixon Administration ever seriously considered the more extreme shenanigans which the corporation advocated to bring down Dr. Allende. Unfortunately, however, as a working paper of the Securities and Exchange Commission has disclosed, the Administration did come in force to the aid of I.T.T. in its successful effort to retain the Hartford Fire Insurance Company in a controversial 1971 antitrust settlement.

Thus if I.T.T. has furnished ample material for a book on how a giant corporation should not behave in the last half of the twentieth century, the Administration has supplied the stuff for a chapter on the pitfalls of a close relationship between such a firm and the Government.

[From the Miami Herald, Mar. 12, 1973]

Bad Business for ITT, the Nation

Because it feared for its business interests, the International Telephone and Telegraph Corp. sought ways to alter the democratic process in Chile.

No matter how the explanations are poured one atop the other, that is the essential conclusion emerging from the very first day of testimony before a Senate subcommittee.

ITT, according to its own officials, first tried to keep Marxist Dr. Salvador Allende from getting elected and later, after he was elected, planned ways to create economic collapse in Chile.

To do this, it attempted to enlist the help of the United States government as well as other major U.S. corporations which do business in Chile.

In our view, this approach not only was contrary to stated U.S. policy but clearly detrimental both to official and private U.S. interests in Latin America.

Secretary of State William Rogers last year said U.S. policy toward Latin America is one "of respect for diversity of our national states and of determination not to permit any trace of hegemony in our relations in the hemisphere."

ITT wanted the United States to use its influence among international agencies to deny financial aid to Chile. That is, its suggestion was that those agencies deny loans for political reasons.

It sought this in anticipation of being nationalized, and in anticipation that it would not receive proper compensation when nationalized.

If all this had taken place, as ITT wanted, the United States would have been guilty of flagrantly intervening in the affairs of another nation, the international banking agencies would have accepted a politicizing move contrary to their reasons for existence and U.S. corporations in general would have suffered a black eye that would have made them far more vulnerable to nationalistic appetites than they already are.

In short, we think that kind of business is bad business for ITT and everyone else, too.

[From the New York Times, Apr. 3, 1973]

Geneen Concedes ITT Fund Offered To Block Allende

(By Eileen Shanahan)

Washington, April 2.—Harold S. Geneen, chairman of the International Telephone and Telegraph Corporation, said today that he did not recall having offered a "substantial" sum of money to the Central Intelligence Agency in 1970 to help prevent the election of Salvador Allende Gossens as President of Chile.

But Mr. Geneen told a Senate subcommittee that, since he had "no recollection to the contrary," he would accept the testimony of William V. Broe, a C.I.A. official who said he had been offered the money in 1970. At the time, Mr. Broe was the head of the intelligence agency's clandestine operations in Latin America.

Mr. Geneen testified about the events of 1970 and 1971 before the subcommittee on multinational corporations of the Senate Foreign Relations Committee. He was the final witness in the first phase of the subcommittee's inquiry into the actions of these large companies, which operate all over the world, and the extent to which they may influence United States foreign policy.

Mr. Geneen said that, assuming he did make the offer of cash to Mr. Broe, it was probably an "emotional reaction" to learning from their conversation that the United States was planning no action to attempt to defeat Dr. Allende, who is a Marxist, and who had campaigned on a platform of nationalization of basic industries.

Mr. Geneen said that the hands-off policy of the United States in 1970 represented a reversal of a policy dating back 14 years—"the policy to maintain a democratic government in Chile," through large-scale economic aid and in other ways.

He said he was particularly upset because he, with other American businessmen, had been encouraged to invest in Chile as part of the United States Government's program of helping to develop the country and keep it democratic.

What he heard from Mr. Broe when they met in July, 1970, "was different from anything business had heard before," Mr. Geneen said.

ACTION DEFENDED

Mr. Geneen defended his action in going to the C.I.A. to discuss the election in Chile and confirmed that it was John A. McCone, a former head of the intelligence agency and now a director of I.T.T., who had first suggested this to him.

Mr. Geneen said he saw nothing improper in an American corporation dealing with the C.I.A. since it was part of the Government and any company had the right to "petition the Government" on behalf of its own interests.

Senator Frank Church, Democrat of Idaho, asked why Mr. Geneen went to the intelligence agency if it was only "petitioning" the Government.

Mr. Geneen replied, "I think of them as suppliers of good information." He said his basic mission had been to find out what the Government thought about the situation in Chile.

Senator Charles H. Percy, Republican of Illinois, asked why Mr. Geneen thought the agency had designated Mr. Broe to talk to I.T.T. officials when he was in charge of cover operations if the purpose of the talks was merely information.

[From the Washington Post, Apr. 6, 1973]

ITT in Chile: Sign of an End to Cold War?

(By Stephen S. Rosenfeld)

Rather than just being unnerved by the revelations of ITT's misadventures in Chile, maybe we ought to go on to hail the case as the best real proof we've had so far of the end of the cold war.

For while the CIA was evidently dabbling with ITT on the theory that a Marxist government in Chile might pose some kind of political or strategic disadvantage to the United States, ITT saw the prospect of an

Allende victory for what it was to ITT: a kick in the wallet.

Faithful old cold-warhorse John McCone, the former CIA director who'd signed on as a director to ITT, may have conceived of ITT's attempt to purchase a million dollars' worth of subversion from the CIA as an anti-Communist act tracing its lineage to the Berlin Airlift. That's what he told the Senate Foreign Relations multinational corporations subcommittee investigating the affair.

But Harold Geneen, president of ITT, seems to have had no similar illusions or divided loyalties. Not for him to make the claim that what's bad for ITT is bad for the country: he went to CIA as a businessman worried that Allende's election would hurt his firm.

In 1964 the CIA had played its part (still undetailed publicly) in a multifaceted American effort to help elect Eduardo Frei. Frei's Christian Democrats, who won, were then widely seen as the "last best hope" for setting a model of change for all of Latin America—an orderly reformist model congenial both to American political interests as then conceived and to American economic interests as still conceived.

In 1964, however, it seems fair to say in retrospect, the United States was still in the grip of two powerful ideas whose hold was to weaken through the decade to come. The first idea was that Fidel Castro—socialist, subversive, allied to Moscow—was a live menace requiring some response by Washington. The second was that it was within the capacities of the United States to steer events in a foreign country—in Chile no less than Vietnam—in a direction and pace of its own choosing.

Few would now argue that these two ideas have the same hold on policy. Cuba is not perceived as a menace (or testing ground) of the old dimensions. This country's confidence in its own special talent for controlling change elsewhere has diminished. This may help explain why, when the U.S. government contemplated the election of a Chilean Marxist in 1970, some of the old political-strategic juices may have flowed but finally what was done was demonstrably short of what was needed to keep Allende from power.

Did ITT sense the implications of the change even before the U.S. government? In 1964, by its own account, ITT offered money to the CIA for the CIA's political purposes in Chile. In 1970, ITT offered money to the CIA for its own economic purposes. In the interval, the corporation perhaps thought, the world had been made safe for precisely the sort of old-fashioned economic imperialism—corporations expecting their government to help them make money—that had gone out of style in the decades of the cold war.

The very premise of the Church subcommittee's look at ITT–CIA was that there is no longer an overarching national security reason *not* to look. One cannot imagine, for instance, a Senate committee looking three years after 1964, or even now, at what the CIA may have been up to in Chile in 1964. Nor could one imagine in an earlier period, that the CIA would let its director, plus its top hand for dirty tricks in Latin America, testify before a Senate committee.

I am familiar with the "revisionist" argument that American foreign policy, not only before World War II, but afterwards, was dominated essentially by considerations of commerce: winning raw materials, markets, investment privileges, and the like. The argument seems to be persuasive only to people who are already socialists or Marxists. My own view is that "political" consideration of power, status and fear were the stuff of the cold war.

Granted, the notion that the world may now again be safe or ripe for old-fashioned imperialism is a rather inflated conclusion to draw from the relatively slender findings of the Senate inquiry into ITT. Nor can it possibly be what everybody had in mind when they hoped that superpower relations would begin to mellow. It would seem to be, nonetheless, one of the possibilities deserving further scrutiny as we all strain to see what lies on the far side of the cold war.

[From the New York Times, Apr. 1, 1973]

ITT/CIA—A Rash of Hints—No Conclusions

(By Eileen Shanahan)

Washington.—Two separate though interrelated threads emerged last week from the inquiry into the role played by the International Telephone and Telegraph Corporation in the formulation of American policy toward the Chilean Presidential election of 1970.

The first was evidence of exactly the sort of think that a special subcommittee of the Senate Foreign Relations Committee was created to look for: influence or attempted influence on United States foreign policy by large American-based companies that operate around the world. Sworn testimony before the subcommittee indicated that I.T.T. had taken the initiative in approaching high-level Government officials and suggesting that all possible steps be taken to prevent the election of Salvador Allende Gossens, the candidate of a coalition of Socialist and Communist parties.

The second major thread involved the actions of the Central Intelligence Agency, with respect to Chile, and raised anew old questions about whether that agency sometimes pursues its own foreign policy, separate from that of the President or the State Department.

The relations, as so often is the case in such hearings, came to light in a disorderly sequence.

Tuesday: The former American Ambassador to Chile, Edward Korry, testified that he had disputed a poll financed by the C.I.A., which indicated that Jorge Alessandri Rodriguez, one of the more conservative candidates, would win. But while he said he had foreseen the election of Dr. Allende, almost from the start, he denied almost every thing else said about him in a mountain of memos that I.T.T. personnel in South America had sent back to their Washington and New York headquarters. Among other things, he denied that he had ever talked to outgoing President Eduardo Frei Montalva about leading an anti-Allende coalition or to members of the Chilean armed forces about the possibility of a military takeover.

Wednesday: The subcommittee made public testimony taken behind closed doors Tuesday from William V. Broe, who had been the head of clandestine operations in Latin America for the C.I.A. in 1970.

Mr. Broe confirmed that at least one highly revealing statement in the internal I.T.T. memo was true: the company's board chairman, Harold S. Geneen, had offered the United States Government a "substantial" slush fund—others put the figure at $1 million—in an attempt to defeat Dr. Allende. This was in July, when the C.I.A.'s own information might have been that Dr. Allende would lose anyway. Mr. Broe rejected the offer.

He also disclosed, however, that later on he initiated a contact with a senior vice president of I.T.T., Edward J. Gerrity, to discuss a stop-Allende plan. This was in late September, after Dr. Allende had won a plurality, but not a majority, of the popular vote in the three-way race, and when there was about a month to go before the Chilean Congress finally picked him as the winner. The plan was for I.T.T. to work together with other American companies with big interests in Chile to withdraw credit and technical aid and to delay deliveries to the point where economic instability might be created. This, it was hoped, would scare some members of the Congress out of voting for Dr. Allende, I.T.T. turned down the scheme.

Thursday: The former Assistant Secretary of State for Latin American Affairs, Charles A. Meyer, testified that the United States policy toward the Chilean election had been, at all times during 1970, one of strict noninterference. But he would not condemn Mr. Broe for exploring what steps might possibly be taken if that policy were to be changed, following Dr. Allende's emergence as the probable winner.

Hints that Mr. Broe had no authority for what he did, higher than that of his boss, Richard Helms, director of the C.I.A., who had ordered him to see Mr. Gerrity, were left unchallenged.

But there were indications that a change in policy toward Chile was indeed considered at the highest Governmental levels, and that there may have been plenty of authorization for Mr. Broe's approach. One of the most persuasive of these hints is the transcript of an off-the-record briefing for some editors that was held by Henry A. Kissinger, during the period between the popular and the Congressional votes. President Nixon's top foreign policy adviser spoke then of the "massive problems" that might be created for the United States in South America by an Allende victory in Chile, and said that the United States Government was reviewing what it could do about the situation.

[From the Washington Evening Star and Daily News, Mar. 21, 1973]

ITT "Stop-Allende" Role Unfolds

(By Jeremiah O'Leary)

John McCone, a former director of the Central Intelligence Agency and a director of ITT, today told a Senate subcommittee that ITT offered to put up $1 million to support any U.S. government plan that would have deprived Marxist Salvador Allende of the presidency of Chile.

McCone was testifying on the second day of the hearings by the Senate subcommittee on multinational corporations into International Telephone & Telegraph's involvement with Chilean internal affairs.

He said he informed presidential adviser Henry A. Kissinger and then-CIA Director Richard Helms of the offer after Allende won a plurality in the popular election of Sept. 4, 1970 but before Allende was confirmed in the presidency by the Chilean Congress.

McCone said he was told of ITT's willingness to spend up to seven figures in the effort to block Allende at an ITT board meeting four or five days after the Chilean popular election. Allende had less than a 2 percent lead over two other candidates and faced a runoff in the Chilean Congress in November of that year.

The ITT decision, McCone said, under questioning from Chairman Frank Church, D-Idaho, was told to him by ITT President Harold Geneen. McCone said Geneen had told him the plan already had been submitted to Kissinger.

McCone testified that he met with Helms to tell him the funds were available and also met with Kissinger to ask if the U.S. government had any plan to block Allende.

Kissinger told McCone, the witness testified, that if there were such a plan "I'd hear from him. I didn't hear from him and I assumed there was none."

Before the Chilean election, McCone testified that he discussed the situation with Helms at least three times. McCone said he was, and still is, a consultant to the CIA.

"I wanted to reflect to him (Helms) and through him the views of ITT on the problems of the 1970 election in Chile," McCone testified. "Our opinion was that Allende would win and since his campaign was on the basis of expropriating U.S. properties including those of ITT, I felt our government should be alerted to the consequences, both for business reasons and the effect on the American taxpayer."

Subcommittee counsel Jerome Levinson asked McCone if he discussed with Helms, prior to the election, the possibility of any U.S. action against Allende.

"I asked Helms if the United States intended to do anything to encourage support for other candidates," McCone testified. "Helms told me the matter had been considered by the Interdepartmental Committee made up of State Department, Defense Department and CIA and that the decision was that nothing should be done. That was in late May or June 1970, three months before the election.

"But Helms did advise me that some minimal effort could be managed."

Levinson asked McCone if Helms suggested that any of the CIA staff make contact with Geneen. McCone said Helms did make such a suggestion in July.

Church asked if Helms arranged for Geneen to meet with William Broe, at that time head of Latin American clandestine activities of CIA, McCone said that was correct.

But McCone denied that he offered the financial support of ITT to the government at that time before the election and said that if Geneen had suggested offering money to the CIA he would have told Geneen the CIA would not consider it under any circumstances.

McCone said that when he was director of the agency he did periodically receive such offers of financial support from private companies but that it was CIA policy to refuse such support.

McCone told a subcommittee the CIA always follows policies set by the Interdepartmental Committee, headed by the chairman of the National Security Council, and does nothing without this approval. He said anythink the CIA does is under the direction of the President and added he knew of no incident in his experience where the presidential policy was contrary to the sentiments of the select Senate Committee on CIA Operations.

Yesterday an ITT official told the subcommittee he did not consider it improper to go to the highest level of the U.S. government to seek action to protect the corporation's investment in Chile.

Jack Neal, a former State Department official and now director of international relations in ITT's Washington office, gave this reply under questioning by Sen. Charles Percy, R-Ill.

But when Chairman Frank Church, D-Idaho, pressed the question in less general terms, Neal said it would be wrong for an American-owned company to finance a military coup to oust a popularly-elected president or to assist in any plan to wreak economic chaos on Chile.

Neal said this after the subcommittee read into the record a memorandum of 13 points written by Neal for presentation in 1971 to then-White House economic adviser Peter G. Peterson. Labeled, "Action," the Neal memo said, "I believe it should be suggested that the Chile situation warrants high priority by the entire administration and that everything should be done quietly but effectively to see that Allende does not get through the crucial next six months. He (presumably Peterson) might propose the White House establish a special task force within the National Security Council to put pressure on Chile."

Neal said it would be wrong to try to promote economic chaos and denied that this was ITT's objective. He said ITT wanted only to protect its investment. Church said it seemed to him that Neal's 18 points described the very sort of action the former diplomat accepted as being improper.

[From the New York Times, Mar. 29, 1973]

CIA Aide Says He Gave Anti-Allende Plan to ITT

(By Eileen Shanahan)

WASHINGTON, March 28.—An official of the Central Intelligence Agency has testified that in 1970 he proposed to the International Telephone and Telegraph Corporation a series of steps that it and other American companies might take to create enough economic instability in Chile to prevent the election of Dr. Salvador Allende Gossens as President.

The testimony came from William V. Broe, who was in charge of the Central Intelligence Agency's clandestine operations in Latin America in 1970. Mr. Broe, still a C.I.A. official, said that he had acted with the full knowledge of the man who at the time headed the agency, Richard Helms.

SUBSTANTIAL FUND OFFERED

Mr. Broe testified yesterday before a closed session of the subcommittee on multinational corporations of the Senate Foreign Relations Committee. Twenty-six pages of transcript were made public today. The subcommittee and the Central Intelligence Agency are still discussing the release of 18 more pages, but the subcommittee chairman, Senator Frank Church, Democrat of Idaho, said that he thought that the remaining pages were of relatively little importance.

Mr. Broe also said that Harold S. Geneen, chairman of the board of I.T.T., had initiated the first contacts between his company and the Central Intelligence Agency in the summer of 1970.

At that time, according to Mr. Broe, Mr. Geneen offered the C.I.A. "a substantial fund" to support the election of Jorge Alessandri Rodriguez, one of two relatively conservative candidates running against Dr. Allende, a Marxist who was the candidate of a Socialist-Communist coalition.

Mr. Broe said that he had turned down Mr. Geneen's offer, as I.T.T. officials testified earlier had been the case.

Mr. Broe also said that he had told Mr. Geneen that the C.I.A. could not "serve as a funding channel" for I.T.T. and that "the United States Government was not supporting any candidate in the Chilean election."

About three and a half months later, however, Mr. Broe took a different position with his proposal to the company that steps be taken to create such adverse economic conditions in Chile that Dr. Allende might be defeated.

MAJOR CHANGES IN CHILE

What took place between the Geneen-Broe conversation in July and Mr. Broe's conversation later with Edward J. Gerrity, senior vice president of I.T.T., was not made completely clear by the transcript.

A major change was that the first phase of the Chilean election had occurred by the time of the meeting with Mr. Gerrity. Dr. Allende in the popular vote on Sept. 4, 1970, had won a plurality but not a majority of the popular vote and the final decision lay with the Chilean Congress—which elected Dr. Allende President on Oct. 24.

The transcript of the testimony here does not show whether it was the increasing likelihood that Dr. Allende would be elected that had changed the apparent position of the C.I.A. or whether other forces had been at work. International Telephone and Telegraph Corporation officials had, in the meantime, been talking to the State Department and President Nixon's adviser on national security, Henry A. Kissinger. Busines properties belonging to I.T.T. were seized after Dr. Allende took office in November, 1970.

"THESIS" ABOUT ECONOMY

Mr. Broe said that when he saw Mr. Gerrity about a month before the Chilean Congress vote, "There was a thesis that additional deterioration in the economic situation could influence a number of Christian-Democratic Congressmen who were planning to vote for Allende" not to do so.

The following exchange then took place in the hearing here:

Senator Church: Did you discuss with Mr. Gerrity the feasibility of banks not renewing credits or delaying in doing so?

Mr. Broe: Yes, sir.

Senator Church: Did you discuss with Mr. Gerrity the feasibility of companies dragging their feet in spending money [in Chile] and in making deliveries and in shipping spare parts?

Mr. Broe: Yes, I did.

Senator Church: Did you discuss with Mr. Gerrity the feasibility of creating pressure on savings and loan institutions in Chile so that they would have to shut their doors, thereby creating stronger pressure?

Mr. Broe: Yes.

Senator Church: Did you discuss with Mr. Gerrity the feasibility of withdrawing all technical help and not promising any technical assistance in the future?

Mr. Broe: Yes, sir.

SUGGESTIONS WERE REJECTED

According to internal I.T.T. memorandums that were read into the subcommittee's record last week, Mr. Geneen rejected Mr. Broe's suggestions because he felt that they would not work.

Mr. Broe also testified, in contradiction to the contents of other I.T.T. documents, that the purpose of attempting to create instability was not to encourage a take-over by the Chilean military.

Nor, he said, had the C.I.A. made any approaches to the Chilean military, contrary to what appeared to have been reported in a memorandum from William R. Merriam, the head of I.T.T.'s Washington office.

The questions and answers on this point were as follows:

Senator Church: Did you advise Mr. Merriam that approaches continue to be made to select members of the armed forces in an attempt to have them lead some sort of uprising?

Mr. Broe: No. On a number of occasions Mr. Merriam questioned me regarding possible action by the military, as this was a subject everyone was interested in. I advised him that our coverage of the military gave no indication they would take action.

Other matters, either contained in I.T.T. documents or testified to earlier by I.T.T. officials, were also contradicted by Mr. Broe and other witnesses today.

Chief among these was the assertion that Central Intelligence Agency officials had directly approached officials of United States banks, suggesting that they cut off credit to Chilean businesses and citizens.

Mr. Broe said that "the only company that I had anything to do with in regard to Chile was I.T.T."

Officials of the First National City Bank, the Chase Manhattan Bank and Manufacturers Hanover Trust, all in New York City, all denied discussing any cutoff of credit with either C.I.A. or I.T.T. personnel.

All said, however, that they had been approached by Chilean politicians for financial help in the presidential campaign.

Mr. Broe's testimony left unanswered the question of whether anyone in a higher position than Mr. Helms, the Director of Central Intelligence at the time, had known of Mr. Broe's proposals to Mr. Gerrity that the International Telephone and Telegraph Corporation and other American companies in Chile attempt to create economic instability there.

He was not asked the question and subcommittee sources said that the reason was that the subcommittee had agreed in advance to limit its questions to the subject of Mr. Broe's contacts with I.T.T. officials.

Since regulations covering the operations of the Central Intelligence Agency are not made public, it is not clear whether Mr. Broe's approach to Mr. Gerrity should have been cleared by the so-called 40 Committee, an inter-agency body with members from the State and Defense Departments, the C.I.A. and the National Security Council. The committee is supposed to approve, in advance, certain C.I.A. operations.

In releasing the transcript, Senator Church said that he thought it improper for either private companies or the United States Government to intervene in a free election—which the election of Dr. Allende was, by all accounts. He commented that at the same time the ideas for intervention in Chile were being discussed, the United States was fighting a war in Vietnam, the stated purpose of which was to assure free elections there.

[From the Washington Post, Mar. 22, 1973]

ITT Offered CIA $1 Million in Plan To Defeat Allende

(By Laurence Stern)

The Central Intelligence Agency's former director, John A. McCone, said yesterday he transmitted to the nation's top two intelligence officials an International Telephone and Telegraph Corp. offer to help finance a U.S. government effort to block the election of Chilean President Salvador Allende in 1970.

McCone, a wealthy California businessman with high governmental connections, told Senate investigators he made the pitch personally to national security adviser Henry Kissinger and to then CIA Director Richard M. Helms, whom he described as a "close personal friend."

The Nixon administration, he said, did not act on the plan wherein ITT board chairman and chief operating officer Harold S. Geneen offered to contribute a sum "up to seven figures" to subsidize an anti-Allende political coalition in a run-off election.

McCone, a white-haired, bespectacled man of 71 years and commanding demeanor, also told the Senate Foreign Relations Subcommittee on Multinational Corporations that Helms agreed, at his request, to put Geneen in contact with the CIA's chief of covert Western Hemisphere operations, William V. Broe.

"It would be a natural thing for me to do," McCone testified. "Having communicated (to Helms) the views of the staff of ITT, it was very likely that I did suggest his staff contact Mr. Geneen."

At the time, Geneen was fearful that Allende would confiscate, after the election, ITT's $150-million Chilean telephone company subsidiary and other holdings. The ITT chairman and his subordinates conducted an intensive campaign in Chile and Washington aimed at preventing Allende from taking office, according to evidence that has been presented in the inquiry.

Helms testified to the subcommittee at length on the CIA's role in the ITT campaign during a closed session on March 5, just before his departure for a new post as Ambassador to Iran.

Broe also was interrogated by the subcommittee but the testimony of both men has been kept secret until terms of its release are worked out with the agency.

McCone revealed yesterday that he has continued to serve as a consultant to the CIA since resigning from the directorship in 1965. He is also a director of ITT and it was in this capacity that he paid visits to Helms and Kissinger.

McCone, who was appointed to the CIA by President Kennedy in 1961, said he asked Helms "whether the government intended to do anything that might encourage support of a candidate (against Allende) who stood for principles basic in this country.

"Mr. Helms told me that the matter was considered by an interdepartmental committee of senior representatives of the Defense and State departments as well as the CIA, and the decision was reached that nothing should be done."

McCone was referring to the government's top-secret National Security Council committee for covert intelligence operations, the so-called 40 committee, which operates under Kissinger's direct authority.

Helms did say, however, that CIA had enough budget flexibility for a "minimal effort" to play a role in the convoluted Chilean political picture.

Under the Geneen proposal the government, with ITT financial backing, would support a coalition of the conservative National Party, headed by Jorge Alessandri Rodriguez, and the Christian Democratic Party headed by Radomiro Tomic Romero against Allende, a Socialist. As outlined in ITT documents, the plan called for the election of Alessandri in the run-off. He would then resign and call for new elections. This would open the way for former President Eduardo Frei Montalva to run and perhaps defeat Allende in a two-way race.

This scheme, described in ITT documents as "The Alessandri Formula," was abandoned when Allessandri withdew from the race, convinced that he did not have enough support in the Congress. Allende had previously won the popular vote but because of his narrow plurality had to contend in the run-off, which he won.

McCone testified that Geneen "told me he was prepared to put up as much as $1 million in support of any government plan for the purpose of bringing about a coalition of opposition to Allende . . . to deprive Allende of his position. It would not be a plan generated by ITT or Mr. Geneen.

"I was asked if I supported it. I did, and I came to Washington several days later and told Mr. Helms of the availability of the funds and then met with Mr. Kissinger and told him the same thing. Mr. Kissinger thanked me very much and said I'd hear from him. I didn't hear from him and assumed it was national policy not to do it."

During the interval between Chile's popular and run-off election, said McCone, "a number of people were trying to explore alternatives about what might be done. The Chilean military was discussing the Alessandri Plan. Mr. Broe had a shopping list and the staff of the CIA had a shopping list."

Geneen's offer of a large financial contribution to the government was made "constructively," McCone said, comparing it, in principle, to American economic aid programs for Greece and Turkey, the Marshall Plan and the Berlin Airlift.

"International Communism has said time and again that its objective is the destruction of the Free World, economically, politically and militarily . . . That is what Mr. Geneen was thinking of."

ITT is currently negotiating with the Soviet government for construction of telephone services, hotels and establishment of rental car concessions in Moscow and other Russian cities.

Sen. Clifford P. Case (R-N.J.) asked McCone if one possible use for the Geneen fund would be the bribery of members of the Chilean congress to oppose Allende. "There was no such discussion," McCone replied. "Nothing of that sort was discussed with me nor was in the discussions with Mr. Helms."

McCone acknowledged to the subcommittee that "a great many unfortunate things happened in ITT activities in Washington" during the Chile episode. When the whole thing surfaced, very radical changes were made in Washington. He said ITT memos on policy in Chile, which were disclosed by columnist Jack Anderson, "were never submitted to me."

The former CIA chief said, however, that he saw nothing wrong with a corporation providing financial support to "a U.S. government plan" to intervene in the domestic politics of another country.

Sen. Frank Church (D-Idaho) asked McCone how he would feel if the British Shell Corp. were to support an effort to defeat an American presidential candidate if a close election were thrown into the House of Representatives—a hypothetical case comparable to Chile's situation in 1970.

"I would be very distressed if anyone tried to influence the selection by Congress of a President," McCone replied. "I would be more distressed if I heard any corporation offered to support a political action on the part of a foreign government."

Church noted that the United States had provided Chile—prior to Allende's election—$1.4 billion in economic aid during the 1960s "and the end result was the election of Mr. Allende."

ITT Asked United States To Threaten Chile's Allende To Shield Firm's Holdings, Senate Is Told

(By Arlen J. Large)

Washington.—International Telephone & Telegraph Corp. is adding new chapters to its amazing textbook on how to pester the government.

Another set of Senate hearings opened yesterday on the activities of ITT's busy Washington office, this time involving its campaign to get Nixon administration help in protecting its properties in Chile from the nation's marxist president, Salvador Allende. ITT officials bombarded the White House with letters and visits, called on the State Department, huddled with the U.S. ambassador to Chile and lunched often with a Central Intelligence Agency spy boss, known breezily as "our man."

What ITT wanted during his hectic pleading in 1970 and 1971 was for Washington to threaten the newly elected Allende government with "economic collapse," according to William Merriam, who then was head of the company's Washington office. "If Allende was faced with economic collapse, he might be more congenial toward paying us off," Mr. Merriam told a Senate foreign relations subcommittee. The Chilean government had expropriated the ITT-controlled Chile Telephone Co. without, the company says, offering adequate compensation.

The Senate subcommittee, chaired by Sen. Frank Church (D., Idaho) was created especially to investigate the influence of big multinational companies like ITT on U.S. foreign policy. ITT's involvement in the 1970 Chilean presidential election was first brought to light a year ago in columns by Jack Anderson, who had obtained a stack of memos, cablegrams and letters between ITT officials.

These columns were published at about the time the Senate Judiciary Committee was being told of ITT's campaign to get the Justice Department to stop prosecuting it for acquiring Hartford Fire Insurance Co. Company officials accosted Justice Departmen men at the Kentucky Derby, at parties and finally in the head trust-buster's own office, finally winning permission to keep Hartford Fire. Documents from that siege of the government were leaking out as recently as last weekend.

So far, ITT has had less luck protecting its investments in Chile. It claims that the ITT-controlled telephone company that was "intervened" by the Allende government in September 1971, has a book value of $153 million. ITT has filed a claim for $92 million with the U.S. government's Overseas Private Investment Corp., which insures American property against foreign expropriation. But OPIC has a rule against "provocation or instigation" by its insurance clients, unless the activity was requested by the U.S. government. So the question of who took the lead in meddling in the 1970 Chilean election, ITT or the CIA, could determine whether the insurance claim is valid.

Mr. Merriam told Sen. Church that ITT chairman Harold Geneen introduced him in July 1970 to William Broe, the CIA's Latin American director for clandestine services. He said he was instructed to "stay in touch" with Mr. Broe in the future. Without saying who initiated this meeting in a Washington hotel, Mr. Merriam made it clear that the CIA was impressed with political reporting on the Chilean situation by ITT's operatives in Latin America. He said Mr. Broe sent CIA messengers to his office to get the reports.

A Sept. 17, 1970, cable from Bob Berrellez and Hal Hendrix, two ITT officials in Latin America, suggested Mr. Allende's election might be headed off with help from "we and other U.S. firms in Chile." The cable recommended that advertising funds be pumped into a financially shaky conservative newspaper in Chile, and that ITT "bring what pressure we can" on the U.S. Information Service to circulate the newspaper's editorials in Latin America and Europe.

Mr. Merriam testified that he showed these recommendations to Mr. Broe, who he said "approved of them." Through the period leading up to the vote in the Chilean congress that picked Dr. Allende as president, ITT officials and Mr. Broe had repeated contacts by phone and at lunch. "Our man reports nothing new and 'picture isn't rosy'," said one ITT internal report after a phone conversation with Mr. Broe.

In late September 1970, ITT Vice President Edward Gerrity reported to Chairman Geneen that Mr. Broe suggested ways that U.S. companies in Chile could influence the election. "The idea presented, and with which I don't necessarily agree, is to apply economic pressure," Mr. Gerrity said. "He indicated that certain steps were being taken, but that he was looking for additional help aimed at inducing economic collapse." Mr. Gerrity observed to Mr. Geneen: "Realistically, I don't see how we can induce others involved to follow the plan suggested."

ITT cites this memo as proof that it avoided dirty tricks in Chile.

Later, however, ITT agreed to take a leading role in organizing an "Ad Hoc Committee on Chile," a group of Washington representatives of companies in Chile. A meeting in February 1971 in Mr. Merriam's office was attended by representatives of Anaconda Co., Kennecott Copper Corp., W. R. Grace & Co., Pfizer Inc., Ralston Purina Co. and Bank of America. The Bank of America man, Ronald Raddatz, reported in a memo to his home office that "the thrust of the meeting was toward the application of pressure on the (U.S.) government wherever possible to make it clear that a Chilean takeover wouldn't be tolerated without serious repercussions following."

In his testimony yesterday, Mr. Merriam portrayed such meetings as routine. "We were just kicking around some ideas," he said. "We have these ad hoc committees all the time in Washington. It's just a form of life."

After ITT's Chilean phone company was seized in September 1971, the Washington office took a harder line. In a letter to Peter Peterson, then a White House assistant for international economic affairs, ITT said there are "numerous justifiable leverages" the U.S. government should use to protect American property in Chile. Indeed, it included a flat suggestion that "everything should be done quietly but effectively to see that Allende doesn't get through the crucial next six months." A list of 18 specific proposals included cutting off bank loans, fostering "discontent" in the Chilean military, restricting Chilean travel and slowing down trade between the U.S. and Chile.

The internal ITT documents showed the company thought the government's response was too weak, especially on the part of the State Department.

[From the Washington Post, Apr. 1, 1973]

ITT and CIA on Chile: A Semblance of Influence Over Policy

(By Laurence Stern)

The most lurid of Marxist propaganda parables against the excesses of U.S. imperialism couldn't have been plotted with more heavy-handed caricature than the ITT saga in Chile, as it has unfolded the past two weeks in a Senate hearing room.

There was the giant American corporation conniving with the Central Intelligence Agency to subvert by clandestine economic warfare an elected left-wing government in Latin America.

There, also, was a senior figure of the American industrial elite, John A. McCone, serving as go-between for the CIA he once headed and International Telephone and Telegraph on whose board he sits.

There was, furthermore, the spectacle of ITT executives lobbying officials of the National Security Council, the top-secret policy arm of the White House through which the President directs American foreign operations.

The case has propelled into the limelight as CIA's operational contact man with ITT a government official with the most tantalizing job title in town, William V. Broe, chief of clandestine services, Western Hemisphere, of the CIA's Directorate of Plans.

The centerpiece of this intriguing jigsaw has been ITT itself, whose motto—"serving people and nations everywhere"—well describes its multinational and conglomerate scale of operations. ITT, the nation's eighth largest industrial corporation, functions as a global subgovernment in more than 70 countries. It reported $8.5 billion in sales and revenues during 1972.

Starting with the modest base of the Virgin Islands telephone company at the beginning of the 1920s, ITT rapidly branched out around the world under the dynamic management of a Danish entrepreneur, Sosthenes Behn, who became a naturalized American citizen when the United States bought the Virgin Islands from Denmark in 1917.

CORPORATE INVOLVEMENT

By World War II, according to Justice Department records, a German subsidiary of ITT was an owner of the company that produced the Luftwaffe's Focke-Wulff fighter while an American subsidiary was building the "Huff-Duff" U-boat detector for the U.S. Navy. After the war ITT collected several million dollars in damages from the U.S. Foreign Claims Settlement Commission for allied bombing damage to the Focke-Wulff plants, according to government records.

And so ITT's problems in Chile came against a background of broad corporate involvement in international relations.

Two weeks of public hearings by the Senate Foreign Relations Subcommittee on Multinational Corporations have provided a rare glimpse of the interrelationship between corporate interests and public policy in the conduct of U.S. foreign relations.

But it is by no means a picture of clear-cut collusion. In fact, there was some evidence of disarray within the administration toward the assumption of power in September 1970, of the first elected Marxist government in the Western Hemisphere, as the administration of Chilean President Salvador Allende was called.

The professed position of the Nixon administration toward Allende's election was one of strict neutrality. This was reiterated during the Senate hearings by former Assistant Secretary of State for Inter-American Affairs Charles Meyer and former Ambassador to Chile Edward Korry.

Yet CIA operative Broe testified under oath that his "operational" contacts with ITT, which included agency-drafted and approved plans for sabotage of the Chilean economy, were carried out with the complete approval of his superiors.

EXPLORE OPTIONS

His superior at the time was CIA Director Richard M. Helms, who reports to the National Security Council which in turn reports directly to the President through national security adviser Henry A. Kissinger.

It is inconceivable to those familiar with the tightly managed White House national security system that such a mission as Broe conducted with ITT officials in late September, 1970—before the Chilean congress met to ratify Allende's popular election—was without full NSC approval.

How did this square with the policy of neutrality to which both Korry and Meyer attested? Meyer suggested that there was no inconsistency. The government maintained the right, he said, to explore options.

Subcommittee members reacted with skeptical grumbles. Had ITT decided to carry out Broe's suggestions, Chairman Frank Church (D-Idaho) pointed out, the "option" would have become an operational policy. ITT, as it turned out, felt the plan was unworkable. As formulated by Broe and the agency, it would have been up to ITT to execute on its own.

The gist of the plan was for a group of American companies, under ITT prodding, to use their financial clout to accelerate—as Broe testified—"the deteriorating economic situation" in Chile. The objective was to turn wavering Christian Democratic congressmen away from Allende in final balloting.

In his conversations with ITT Vice President Edward Gerrity, Broe told the subcommittee, "it was understood that he was going to be doing it and CIA was not involved. It was ITT which was looking into the thing."

That testimony was crucial, for it may have illuminated the National Security Council decision in early September, 1970, for dealing with Allende's imminent election in the Chilean congress the following month as the hemisphere's first constitutionally chosen Marxist chief of state.

The indications in the investigation, never publicly confirmed by a government witness, were that the CIA was authorized to explore various covert options designed to prevent Allende from taking power. These actions fell in the shadowy region between public policy and clandestine operations that might be carried out without the public sanction of the administration.

ITT was the chosen instrument because of the previous approaches of McCone and ITT Chairman Harold S. Geneen, prior to Allende's popular election.

ITT, as Broe testified, "was the only company that contacted the agency and expressed an interest in the current situation in Chile."

The administration may well have reacted with some trauma to Allende's popular election victory since, according to the testimony, CIA polls have inaccurately predicted the election of his opponent, Jorge Alessandri, candidate of the conservative National Party.

The CIA's rejection of Geneen's overtures the previous July for intervention in Chile could have resulted from the agency's misreading of Allende's election prospects. By its own testimony, Geneen's proffer of "a substantial fund" to finance an anti-Allende plan was unattractive to the CIA.

What the testimonial pattern suggests is that as political events crystallized in Chile, the CIA and ITT were pursuing increasingly congruent goals: further rolling Chile's already disrupted economy, trying to promote the prospects of Alessandri in the congressional election run off, ultimately seeking to block Allende's accession as president.

KISSINGER CONCERN

ITT was pursuing its own corporate welfare in view of Allende's pre-election vows to nationalize basic industries, as well as the ITT-owned Chilean telephone company. The CIA was pursuing a softly stated mandate of the NSC to see what it could do to stave off the specter of a new Marxist administration in the politically volatile southern hemisphere.

Just how high the mandate ran within the administration can only be a subject of speculation. The Senate subcommittee does not even entertain the possibility that it can compel the testimony of Kissinger, the man who has all the answers.

But Kissinger, 12 days after Allende's popular election, is on record as having expressed serious concern over the impact of a Chilean Marxist government on surrounding countries.

In the case of ITT, the record suggests that Geneen, McCone and other corporate executives had an access to top administration officials that has created at least a strong semblance of influence over policy.

At the time it was pushing for intervention in Chile, ITT was campaigning actively in Washington against a pending antitrust action calling for it to divest itself of the $2 billion Hartford Insurance Co.

ITT officials were, in some cases, dealing with the same administration men on the two separate matters. As it turned out, ITT won its fight on the Hartford case when antitrust chief Richard McLaren, now a federal judge, reversed himself and withdrew opposition to the merger.

Things may not end up so happily for ITT in the Chilean affair. Its claim upon the Overseas Private Investment Corp. (OPIC), a government agency, for $92.5 million in confiscation losses is now in doubt.

Geneen's position in the company has not been totally enhanced by the revelations on Capitol Hill of the past few weeks.

ITT's chairman is due to testify on his dealings with the administration and CIA over the Chilean affair. His position, as a result of the testimony of McCone, Broe and ITT executives, is somewhat analogous to that of a man standing in a corner surrounded by wet paint.

OVERSIGHT HEARINGS TO EVALUATE THE SAFETY PROVISIONS OF THE FEDERAL COAL MINE HEALTH AND SAFETY ACT

Mr. COOK. Mr. President, in 1969, when the Congress passed the Coal Mine Health and Safety Act few people realized the tremendous impact that this legislation would have on the mining industry. I supported the act then and I support it now. There should be no question that regulations which protect the health and safety of coal miners of this Nation must be observed by the entire industry. Therefore, I rise this morning in support of the intent of the act as passed by the Congress, but I also express concern as to the implementation of the act itself.

My visits to the coal mining area of Kentucky over a year ago along with the heavy volume of mail I received at that time on this subject raised considerable doubt in my mind concerning the degree of health and safety actually being provided to the individual coal miner. Additionally, I was and still am convinced that some regulations were placing undue hardship on the operator at no health or safety benefit to the miner.

Accordingly on June 19, 1972, here in this Chamber I stated my concern and I requested that the chairman of the Labor Committee hold oversight hearings at the earliest practicable date. In my letter to the chairman I stated that the recent action of the Congress in enacting new health legislation had cleared the way for us to now concentrate on safety aspects of the act.

I also stated that I did not advocate the weakening of the safety now afforded the miner but that I did favor a commonsense approach to the safety requirement. It was my opinion that as at that time the law had been in effect for 2 years, I believed a very worthwhile purpose could be served and that hopefully some remedial action could be initiated as a result of these proposed hearings. In the letter I included several questions which I believed warranted study. These questions are as topical today as they were a year ago and the requirement for answers is more urgent.

Unfortunately the busy schedule of the Labor Committee would not permit these hearings to be held. I do not argue with this decision as we all know how crowded our calendars become by midyear. However, I was equally convinced that a critical situation existed and that some action was necessary. I took it upon myself to hold hearings in my State and so informed the committee.

After several conferences with the Bureau of Mines I arranged a field visit to Kentucky with Dr. Elburt Osborne the director. In November of 1972, we conducted four open hearings in various parts of the State and received testimony from miners and operators on the effects of the implementation of the act. At the outset we made it clear that we were interested in the implementation of the act as it existed and in no way advocated reduction in health or safety standards. A record was made of these hearings and a copy was forwarded to the chairman of the Labor Committee.

We found that most operators were desirous of complying with the act but because of the implementing procedures published and enforced by the Bureau of Mines, they were finding this compliance unnecessarily expensive and difficult, if not impossible.

For example we found that one primary objection raised was the mandatory requirement to effect costly changes in ventilation, and electrical wiring based on the opinion of one mine inspector only to find that a second inspector may not agree with the new changes and require the operator to return to the original system. This procedure was obviously arbitrary, it did not contribute to the safety of the miner. The installation and reinstallation was costly and created excessive "down time" at the mine site.

I was encouraged that very shortly after these hearings the Bureau published new instructions which provided that, except in case of imminent danger, operators would not be required to make changes of an approved system solely on the decision of an inspector. A Bureau expert at the district or subdistrict level would make the decision. This solution provided the required safety for the miner and eliminated unnecessary cost to the operator.

We also found that in the entire period of almost 3 years that no hearing had been held in Kentucky by the Bureau to receive testimony on proposed regulations. Kentucky personnel were required to travel to West Virginia, Tennessee, or Washington, D.C., if they desired to be present at such meetings. Again I am pleased to announce that there have now been two such hearings held in Kentucky already this year and a third has been announced.

Another area of great concern was the assessment procedure exercised by the Bureau of Mines. The act is specific and it established six criteria which must be considered before an assessment is made. The Congress in its wisdom had foreseen the possibility of unwarranted and excessive assessment and had provided this mechanism. The common complaint was that the act was not being followed and illegal assessments were being made. As I heard this testimony I was impressed that in some instances a small operator of a two or three man mine was being fined the same amount for a first violation as was a much larger operator for a second offense. The result was to close down the operation permanently. This in turn created unemployment and hardship. Had the intent of the act been followed, there is a possibility that some of these operators could have corrected their deficiencies, provided adequate safety for their people and still be operating today.

On the other hand, I must admit that there were witnesses who testified that the regulations were too harsh and should be relaxed. As I stated earlier, I have no sympathy for this approach.

There were many similar instances of misunderstandings on both sides which are contained in the record. Many have since been resolved but many need additional action.

Mr. President, on March 15 of this year Judge Aubrey E. Robinson, Sr., of the U.S. District Court for the District of Columbia issued an order which upheld the challenge by the National Independent Coal Operators Association to the procedures adopted by the Bureau of Mines in assessing civil penalties for violation of health and safety standards under the Federal Coal Mine and Safety Act of 1969.

The court found these procedures to be unlawful. This action in effect has negated some 96,000 orders of assessment at several millions of dollars. The results might be a free ride for many who have violated the intent of the law as passed by the Congress and who failed to provide adequate safety to their miners. There is also the other argument that some operators were being unjustly accused. In any event we have concrete evidence that the law is not being implemented correctly. What is most interesting is that some of the testimony presented in support of this argument follows very closely that which was presented at the hearing in Kentucky in November last year.

I am disturbed by this information. What disturbs me even more is the visceral feeling I have that there are many other areas which bear investigating. Without oversight hearings we are dependent on court decisions or similar actions to keep us informed concerning the implementation of a law which we saw fit to enact. I submit that this is our job and we should be doing it.

Mr. President, I am dispatching a letter to the chairman of the Labor Committee of the Senate which is very similar to the one I sent almost 1 year ago. I request that it be placed in the Record along with my statement. In the letter I am requesting that oversight hearings be held as soon as possible to determine the facts concerning the implementation of the safety requirement of the Federal Coal Mine Health and Safety Act of 1969. I urge that these hearings be held at an early date.

I ask unanimous consent that this letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Committee on the Judiciary,
Washington, D.C., April 4, 1973.
Hon. Harrison A. Williams, Jr.,
Chairman, Committee on Labor and Public Welfare, Washington, D.C.

Dear Pete: As you will recall I wrote to you on June 19, 1972, and requested that oversight hearings be held to officially evaluate the safety provisions of the Federal Coal Mine Health and Safety Act of 1969. As I pointed out the recent action had at that time provided an update to coal health legislation.

Your office informed me that because of the heavy schedule of the Committee, my request must be denied.

I again request that these hearings be held at the earliest possible date. I believe that many questions can be resolved and that safety measures can be improved.

As I believe the questions to study are basically the same as those submitted last year, I am including a copy of them for your consideration.

I shall be happy to discuss this matter with you at any time and assist you in any way possible.

Sincerely,
Marlow W. Cook,
U.S. Senator.

Questions To Study

1. Does the 1969 Act in fact perpetuate unsafe conditions because of inability to comply and are miners jeopardized because the safety regulations may be too stringent or ineffective?

2. Do the injury fatality records lead one to conclude that the safety regulations adequately insure the safety of the miners so that they do not face death or serious injury while working in mining operations?

3. Do the safety requirements work unnecessary financial hardships upon the operator by forcing the purchase and use of unnecessary equipment and does this lead to the eventual elimination of small mining operations?

4. Do the safety regulations create a strain upon the environment by making surface mining more attractive than underground operations?

5. By what means can the problems of complying with the safety regulations be minimized so that excessive fines do not unnecessarily force the shut-down of mining operations?

GOVERNMENT SECRECY

Mr. MUSKIE. Mr. President, this morning the Judiciary Subcommittee on Separation of Powers and the Government Operations Subcommittee on Intergovernmental Relations began joint hearings with the Judiciary Subcommittee on Administrative Practice and Procedure into Executive privilege and Government secrecy.

The extensive and important testimony of Attorney General Kleindienst dealt entirely with the subject of Executive privilege, but he has agreed to return at a mutually convenient time to testify on freedom of information and Government secrecy.

These are important subjects of our inquiry and subjects for which the Attorney General bears special responsibility. An editorial in the New York Times this morning states that the Justice Department's proposals for new security offenses in the Federal Criminal Code represent "a nightmare threat to freedom of the press, to the people's right to know, and to the very concept of government with the consent of the governed."

We will be asking questions about that "nightmare threat," one on which I have already spoken at some length. As a prelude to that questioning, I believe Members of the Senate can profit from study of the opinions in the Times editorial, and I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

The United States Versus the People

The Nixon Administration has submitted to Congress the equivalent of an Official Secrets Act that could bring down an impenetrable curtain over virtually all governmental activities related to defense and foreign affairs. The proposed legislation would give to the executive branch and its huge army of officials iron-clad protection from public scrutiny.

The proposal is a nightmare threat to freedom of the press, to the people's right to know and to the very concept of government with the consent of the governed. It is all the more insidious because its provisions are buried in 336 pages of a Justice Department bill for revision of the Federal criminal code, a complicated and in the main highly technical and legalistic document.

There is nothing complicated or legalistic, however, about the intent and the consequences of the code's section dealing with governmental secrecy. It would make it a felony, punishable by a fine up to $50,000 and seven years' imprisonment, to disclose or communicate any governmental information concerning, among other things, "the conduct of foreign relations affecting the national defense." Penalties would also be applicable to Government employes, reporters and officials of newspapers and broadcasting companies who, if in possession of any such information, did not return it to the Government.

A further gag rule, applicable to present and former Government employes, would cover *all* classified documents, no matter how improperly they might be labeled, thereby seeking to give to some 20,000 functionaries the absolute power of censorship. It is censorship of a severity that has never in the nation's history been deemed wise or essential even in time of war.

The proposed new powers would give to the Government virtually unlimited license to shape foreign and defense policies in insulation from either Congress or the people. The effect could be to make all fiscal arrangements of the military industrial complex immune to public scrutiny. The proposal would render investigative reporting all but impossible, while making a criminal of the conscientious publc servant who refused to conceal deceptive or wasteful practice as in the recent Fitzgerald and Rule cases.

All this is censorship of a severity that has never in the nation's history been deemed wise, even in time of war. During World War I, Congress considered legislation which would have applied the Espionage Act to the press. At least twice more in the last twenty years Congress considered similar proposals. None of these bills, not one of which intruded in so sweeping a manner on First Amendment freedoms, was adopted. The United States did not need any such legislation in the past; it does not need it now.

These proposals represent not so much a revision of the criminal code as an effort to rewrite the First Amendment and subject the American people to a kind of guaranteed ignorance about the inner workings of their Government. Such censorship would, as Senator Edmund S. Muskie has warned, result in "the silence of democracy's graveyard."

Instead of protecting the nation's security, it would surely destroy access to information on which rest the foundations of popular government.

VIETNAM VETERANS RECOGNITION WEEK

Mr. THURMOND. Mr. President, by concurrent resolution adopted by the General Assembly of South Carolina, the Governor was asked to declare the period from February 27 to March 4, 1973, as "Vietnam Veterans Recognition Week." On February 19, Gov. John C. West issued an executive order recognizing the contributions of South Carolina servicemen who have served their State and Nation with courage, honor, and distinction during the Vietnam era. The executive order asked that civilians pay special tribute to these veterans and that they be assisted in every way possible, including employment and educational assistance, to make a successful transition to civilian life.

Mr. President, in order to implement the provisions of the concurrent resolution and the executive order, a Select Committee on Vietnam Veterans Recognition Week was established. Representatives of State and Federal agencies participated. A statewide information service with a toll-free number was established to assist veterans in any way possible. Several committees to promote public relations, local events, and technical effort were established.

Local groups throughout the State were urged to undertake various activities in support of Vietnam veterans. Mayors were asked to coordinate programs in their local communities. The general theme of the week's activities was a personalized tribute to the Vietnam veterans.

Mr. President, the program was a great success. Store windows throughout the

State were marked by attractive posters thanking Vietnam veterans. Cooperation of the news media, local groups and organizations was excellent. There has been an outpouring of enthusiasm for these returning veterans. Response was so good that the Governor extended the program for an additional week.

Mr. President, South Carolina says "Welcome home" to its returning veterans, and really means it. We owe a great debt to our veterans. The recognition which South Carolina has given these men is a fitting tribute. I am pleased to call to the attention of the Senate South Carolina's celebration of "Vietnam Veterans Recognition Week."

AMERICAN BAR ASSOCIATION STATEMENT OF MARCH 10, 1971, IN OPPOSITION TO THE GENOCIDE CONVENTION

Mr. ERVIN. Mr. President, I have noted with interest the remarks of my distinguished colleague from Wisconsin (Mr. PROXMIRE) regarding the Genocide Convention, and the statement prepared by the Department of State and submitted by the distinguished Senator from New York (Mr. JAVITS).

However, I must reiterate my steadfast opposition to Senate ratification of the Genocide Convention. This convention is fraught with ambiguities and provisions wholly irreconcilable with the system of government and law which has always existed in this country. These issues remain unresolved, and my fears unallayed.

On March 10, 1971, Mr. Alfred J. Schweppe, designated representative of the American Bar Association, eloquently detailed the opposition of the ABA to the Genocide Convention before a Senate Foreign Relations Subcommittee.

Mr. President, I wholeheartedly concur in Mr. Schweppe's remarks, and ask unanimous consent that his statement before the Foreign Relations Subcommittee be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE GENOCIDE CONVENTION

(Statement of Alfred J. Schweppe, Seattle Wash., March 10, 1971)

I make this statement as an appointee of the President of the American Bar Association, which is represented here by Mr. Eberhard Deutsch of New Orleans and me.

At St. Louis in 1949, the House of Delegates of the American Bar Association rejected the Genocide Convention on the ground that the treaty was so badly drawn, so full of holes and so fraught with dangers for the United States of America that it should not be approved in the form submitted, but made a recommendation to the United Nations to improve it.

In 1970, the House of Delegates again rejected the Genocide Convention in the form submitted.

A subcommittee of the Senate Foreign Relations Committee held hearings in January, 1950.

Since then nothing happened until February, 1970, when President Nixon, quite surprisingly, after its twenty years of dormancy during Democratic and Republican administrations, sent the Genocide Convention to the Senate for its advice and consent.

To cap the climax, the Convention was sent to the Senate on the advice of Secretary of State Rogers, who said that it was anomalous for the United States to fail to adopt the agreement after the leadership the United States displayed in drafting it.

In my judgment, as I shall briefly show, Mr. Nixon was badly advised by the Secretary of State, and the Secretary of State was badly advised by those who advised the Secretary of State, and those who advised the Secretary of State were themselves badly advised and oriented.

I am probably one of the few people in this room, perhaps the only one, who has painstakingly performed the drudgery of wading through the day-by-day and month-by-month proceedings in the United Nations committees that twenty odd years ago gave birth to the Genocide Convention.

Far from being an exercise in leadership by the United States, the cold record shows it to have been a pathetic case of abject follower-ship—so pathetic as almost to drive one to tears.

The United States delegation consistently caved on important matters of principle, and in order to get some kind of an agreement—any kind—abjectly acquiesced in a draft that is so faulty and confused that it does not prevent genocide where it regularly goes on (Czechoslovakia, Hungary, Poland, Africa, Asia) but, in a welter of confusion, creates new international crimes (the treaty becomes the supreme law of the land) that will make endless trouble for the United States.

The record shows that these United Nations committee meetings were a bit like the present negotiations in Paris. We were always making major concessions, the Communists none.

Let me particularize a bit.

As originally drafted, the Convention included "political" as well as "national, ethnical, racial and religious groups." The Soviets announced that they wouldn't play unless "political groups" were expunged from the draft. They insisted on preserving the right to assassinate and exterminate the political opposition as essential to the safety of the state. Interestingly, as the vote shows, they were joined not only by the satellite Communist countries but by a considerable group of Latin American countries. Result: the United States yielded, and "political groups" were eliminated from the draft.

So now, notwithstanding wholesale extermination of political dissidents in Hungary, Czechoslovakia and Poland, for example, nobody charges Communist Russia with genocide. On the other hand, the United States is vigorously charged with genocide in the United Nations: You are familiar with the book "We Charge Genocide".

Next, in the historical development of the Convention, United States representatives insisted that there be included in the definition of genocide the words "with the complicity of government," an obviously correct ingredient when related back to the Hitler massacres by Nazi Germany. But the Communists would have none of it, because their governments themselves are the active agents in dealing with dissidents. Result: this United States position was rejected and the United States acquiesced.

In addition to acquiescing in the exclusion of "Political groups" and exclusion of the phrase "with the complicity of government," the United States representatives agreed to the definition that there must be an intent to destroy the groups actually named "as such," thus rendering the Convention meaningless. Soviet Russia and its cohorts could readily approve it. This hopeless weakness in the Convention has also been pointed out in an article appearing in the Congressional Record for July 6, 1949, p. A4510.

We also acquiesced in the injection of "part of a group." Thus genocide under this draft can now be committed under the draft treaty by a single individual against another single individual—now a domestic crime, but lifted by this convention to the level of an international crime, triable in the country where committed.

Then our representatives acquiesced in injecting "mental harm" into the Convention, thus opening the way for a Pandora's box of claims.

All in all, ours was a pathetic performance. Out came a convention that the Soviets could readily approve, and which surely will cause us, if it becomes the supreme law of the land (superseding state laws and constitutions and existing laws of Congress) endless trouble. Nobody will charge the Communists with Genocide; they are immune. But we will be, already have been, charged as fair game.

In 1950, the Senate Foreign Relations Committee headed by Senator Connally of Texas, having before it the Genocide treaty from Mr. Truman for the advice and consent of the Senate, ordered hearings chaired by Senator McMahon of Connecticut. These hearings were extensive, running over a number of days. Mr. Carl Rix, former President of this Association, the late George Finch, then and for many years editor-in-chief of the *American Journal of International Law*, and the greatest and most learned international lawyer I have ever met, and I (who had by then succeeded Mr. Rix as Chairman of the Peace and Law Committee) appeared and testified. We analysed the Convention in detail and pointed out its many faults and weaknesses.

With these hearings and the expose of the Convention's hopeless inadequacy, the Genocide Convention went into hibernation—we thought permanently, unless redrafted by the United Nations to become meaningful. But now after twenty years it is sought to be resuscitated by the Nixon administration and also in here in the Senate, whose approval is necessary.

It is significant, I think, that Dean Rusk, who as Assistant Secretary of State presented the State Department's position to the McMahon sub-committee in 1950 (I heard him do it), has been Secretary of State for eight years under two recent presidents, but did not see fit to revive the Genocide Convention, even with a heavy Democratic majority in the Senate.

Equally significant is the fact that while Mr. Nixon was a member of the Eisenhower administration and consulted as Vice President at the Cabinet level, Mr. John Foster Dulles, Secretary of State, announced that the Eisenhower administration would not bring up the Genocide Convention.

While, as a Republican, I greatly admire Mr. Nixon and his conduct of his office and strongly approve many of the programs sponsored by him, on this Genocide proposal I strongly dissent. In my view he has been sold a bad bill of goods. I will not be a party to foisting on the American people a highly defective treaty which does not prevent genocide where it regularly goes on, but which, as the supreme law of the land, will cause us many problems and make us the target of many false charges.

If it is now ratified, it will be a useless but troublesome piece of paper. The appropriate remedy is to have the United Nations write a good clearcut Genocide treaty with teeth in it for the Communists and everyone else.

Since Great Britain has been mentioned as approving the treaty, may I point out that Sir Hartley Shawcross, former British Attorney General, who has been a guest of our Association, said that the adoption of the Convention will delude the people into believing that a great step forward has been taken, whereas nothing has been accomplished.

I sincerely hope that the Senate rejects this attempt to approve the Genocide Convention in its highly defective form. I hope the Foreign Relations Committee and its subcommittee recommend that this rejection is necessary.

For the information of the Senate, I attach hereto as Appendix A the statement which I made before the McMahon subcommittee of the Foreign Relations Committee on January 24, 1950. It goes into much greater detail on the defects of the Convention. Nothing that has happened since has changed my views there expressed. Indeed, the immunity of communist conduct from genocide claims since that time has rendered any other views on my part impossible.

APPENDIX A

THE GENOCIDE CONVENTION

(Statement of Alfred J. Schweppe, Seattle Wash., Jan. 24, 1950)

I appreciate the invitation to be here today. I appear as Chairman of the American Bar Association's Committee on Peace and Law Through United Nations, and am accompanied by two associates on the Committee; by Mr. Carl B. Rix, of Milwaukee, Vice Chairman and former Chairman of our Committee, a former President of the American Bar Association, and by Mr. George A. Finch, of Washington, D.C., who is Editor-in-Chief of the American Journal of International Law, Professor of International Law, a former member of the State Department, a member of both our Committee and also of the Section of International Law of the American Bar Association, which has been repeatedly mentioned in this hearing, and one of this country's eminent international lawyers, one who lives a quiet, scholarly life in the Nation's capital, but whose counsel is widely sought by informed men throughout the country.

For your information, the American Bar Association's Special Committee on Peace and Law Through United Nations was formed some years ago to support the work of the United Nations and to make studies of its activities, with a view to assisting that body and the State Department in promoting peace and law throughout the world. The Committee was originally and until his death, about a year ago, headed by Judge William L. Ransom of New York City, one of this country's most distinguished lawyers. Throughout the period of formation of the Statute of the World Court, the charter of the United Nations, the work for Codification of International Law, the formative days of the United Nations, and in the organization of group conferences of lawyers throughout the country to study and forward the work of the United Nations, and to guide the actions of the House of Delegates of the American Bar Association in matters pertaining to the United Nations, Judge Ransom was a great leader. On his untimely death he was succeeded as Chairman by Mr. Carl B. Rix of Milwaukee, a veteran member of the Committee whose name appears as Chairman on the last printed report of the Committee, to which frequent reference has been made here. Mr. Rix retired as Chairman last fall, though consenting to remain as Vice Chairman; and now the responsibility of Chairman has fallen on me, a grass roots lawyer from Seattle, Washington, where the roots strike deep and where the grass, unlike that in our good neighbor state of California, is green the year around.

The Committee on Peace and Law consists of nine persons, three of whom are here present and will state their views. The other members now are United States Circuit Judge Orie L. Phillips, of Denver, Colorado, Thomas J. Dodd, of Hartford, Connecticut, Cody Fowler, of Tampa, Florida, Judge Nathan L. Miller, of New York City, Gerald Schroeder, of Detroit, Michigan, and James C. Sheppard, of Los Angeles, California. This Committee held regional conferences on the Statute of the World Court and the Codification of International Law, and on its recommendation this work of the United Nations was supported by the House of Delegates of the American Bar Association. It last year held regional conferences on the proposed Covenant on Human Rights and on the Genocide Convention in sixteen cities throughout the country for the purpose of ascertaining the views of the bar on these proposals. Contrary to a suggestion made in this record by one of yesterday's spokesmen, these regional conferences were serious study groups led by such informed men as Judge Manley O. Hudson, of Harvard, long a Judge of the World Court, U.S. Circuit Judge Orie L. Phillips, Carl B. Rix, George A. Finch, Frank E. Holman, former President of the American Bar Association, and others. These regional conferences are not for propaganda, but for study and analysis, with a view to appraising and assisting the work of the United Nations and the position of the United States in that work. The Committee is uncompensated and devotes many days each year to its work. This outline is presented partly to give you a picture of the work of the Committee, partly to make it clear that the Genocide Convention is but one phase of its work, and partly to indicate that the field of the Committee is such that you will probably be hearing from it from time to time in the future, as the Senate has in the past.

I am proud to be here as a member of what in this hearing appears to be the somewhat unpopular Committee on Peace and Law of the American Bar Assoication. We hold no feeling of resentment about these criticisms, which we know are born of zeal for a noble cause, and are the sort of things that lawyers living on life's firing line often hear and are thoroughly used to. I am proud, in part, because the position of our Committee has apparently been responsible for bringing to your Subcommittee much discussion from proponents of this convention, which, except for our Committee Report and the action of the House of Delegates of the American Bar Association, your Subcommittee might not have had. Honest criticism such as made by our Committee, and the argument which it has provoked, is bound to bring these problems into sharp relief and to assist you gentlemen in formulating your conclusions.

I am proud, further, because the only purpose of our studies has been to be of impartial and constructive assistance to the State Department and to the United States Senate in arriving at informed conclusions. We have no axe to grind and no weapons to wield except the validity of our arguments. We offer no propaganda and ask nothing except that the United States Senate base its decision upon full knowledge of all the pertinent considerations. By that decision we shall abide, and will probably be back another day to advise with you on other problems.

Like yourselves, we are proud of the United States of America, of its form of government, and of its position in the world; and anything we say is offered in a spirit of love for our country and the preservation of peace and law everywhere.

For my part, I yield to no one in my opposition to genocide or in my desire to have Jews, persons of color, and other minority groups receive fair treatment throughout the world. I have a law partner who is a Jew and he is my partner by my own choice, one of the finest men at our bar. I was for some years an official of the Urban League of Seattle, devoted to the advancement of colored people. I have at times represented the American Civil Liberties Union to preserve the essential freedoms of the Bill of Rights. I say these things, not to bore you with a recital of my social interests, but solely to show that anything I, or our Committee, has to offer is predicated not on bias, prejudice or timidity, but solely on views which are honestly entertained and which we are prepared to discuss in a climate of complete intellectual dignity and impartiality.

We start out, then, with the concept that we are all vigorously opposed to genocide. Any other suggestion about any citizen of the United States would strike me as an unworthy suggestion, born of momentary emotionalism. But our problem is whether the instrument before you is the one by which we shall accomplish the prevention of genocide, and whether we render a service to the American people and to the world by ratifying this convention as submitted.

With respect to my ensuing remarks, I want to say that I speak here solely as a member of the Peace and Law Committee of the American Bar Association. I do not speak for the American Bar Association as such, since it speaks officially only by formal action, as does the United States Senate. Its only official action has been an official resolution, of which your Subcommittee has copies, and in which it is resolved by the House of Delegates, the official voice of the Association, "that the Convention on Genocide now before the United States Senate be not approved as submitted".

For the record, I here offer a copy of this resolution of the House of Delegates, and also a copy of the Report of the Special Committee on Peace and Law which constitutes a part of the background for this resolution.

I further offer for the record a citation to an address on Human Rights and International Law made at the last annual meeting of the American Society of International Law, by my distinguished colleague, the Honorable Carl B. Rix, of Milwaukee, Wisconsin, which has been reprinted in the Congressional Record for July 26, 1949, p. A5018.

In addition, I offer for the record an editorial entitled, "The Genocide Convention", prepared by my distinguished colleague on the Committee, Mr. George A. Finch, of Washington, D.C., reprinted from the October, 1949 issue of the American Journal of International Law, of which he is the editor-in-chief. He will speak to this editorial later on in the day.

Something has been sought to be made of an alleged conflict within the American Bar Association as between the Committee on Peace and Law, on the one hand, and the Section of International Law, on the other hand.

Actually this so-called conflict is for our purposes here largely formal. The Section whose resolution you have before you at the direction of the House of Delegates of the American Bar Association (the House of Delegates desired the United States Senate to have the fullest information possible) recommended ratification of the Genocide Convention, with seven reservations. The Peace and Law Committee recommended against ratification as submitted, believing that the reservations so emasculated the convention as to leave nothing substantial, and that it was more forthright to say that this convention as submitted should not be ratified. It was also believed by us that it would be better to have the convention sent back to the United Nations for appropriate changes. The House of Delegates of the American Bar Association voted down the recommendations of the Section with its seven reservations, and, by an overwhelming vote, resolved officially that the convention should not be ratified, as submitted. Incidentally, the Solicitor General, Mr. Perlman, made an impassioned plea before the American Bar Association in support of the Section report. I suggest that you examine the resolution of the Section which Mr. Perlman so fervently supported. It will amaze you.

So far, then, as the rather startling position taken yesterday is concerned—taken by Judge Patterson and others—that the United

States Senate ratify without reservations, you have the united objection of the House of Delegates of the American Bar Association, of its Committee on Peace and Law, and of its Section of International Law, including Mr. Perlman. In fact, the State Department has in its letter of transmittal made one important reservation, which my colleague Mr. Finch will discuss later. This united opinion of the mentioned lawyer groups may perhaps not persuade you concerning the form and content of this convention, but I know you will carefully weigh it for what it is worth. After all, we are not talking here about general moral principles, as many of the good people who have appeared here seem to think. We are talking about a specific legal document, intended, if ratified, to be legally binding upon the United States of America.

I have had the misfortune, apparently not shared by some of my colleagues at the bar who testified yesterday, of having spent a number of days in reading the United Nations record on the Genocide Convention, first in the Ad Hoc Committee, which prepared the initial text, and later in the Sixth or Legal Committee, which prepared the final draft that was approved by the General Assembly. Upon an examination of this record, one is struck very early with the discovery that the United States representatives were pretty promptly outvoted on what they deemed a fundamental—a *sine qua non*—of a proper definition of the crime of genocide, namely, that genocide could not be an international crime except "with the complicity of government".

Mr. Maktos of our State Department was Chairman of the Ad Hoc Committee and, on April 15, 1948, put the official United States position into the record, as follows:

"The Chairman, speaking as the United States representative, proposed adding to the definition of genocide, which had been agreed upon at the previous meeting, the words, 'with the complicity of the Government'. The United States delegation felt in fact that genocide could not be an international crime unless a Government participated in its perpetration. In introducing this amendment, Mr. Maktos in no way wished to exempt from responsibility or excuse from punishment individuals not directly connected with a Government. But the common law of every country covered crimes not committed with the complicity of the Government. Here was a condition *sine qua non* of genocide which should be inserted in the definition."

This position, which was also later the British position, was voted down.

Further, Mr. Maktos proposed on behalf of the United States the inclusion of "political groups," which had been included in the General Assembly resolution of December 11, 1946. This position, it will be noted later, was at first approved in the Sixth Committee, over the opposition of Russia, and its satellites and a few others (I shall give you the vote subsequently) and then the Sixth Committee reversed itself and excluded "political groups."

As I shall again suggest a little later, the instrument with which our delegates came home, over their firm convictions on matters of principle, did not bear much resemblance to the convention they advocated. The losses which our representatives suffered are part of the reasons why our committee thinks the convention should not be ratified as submitted; but before doing so, I wish to touch briefly on our own constitutional situation, as background for some further observations by myself and my two colleagues.

By reason of Article VI of the Constitution of the United States, making ratified treaties the supreme law of the land, superior to all state laws, and coordinate with the Constitution itself and acts of Congress, one serious objection to the Genocide Convention is that it seeks to impose domestic law on the United States by the treaty method and takes away from the individual states of the United States the jurisdiction which under the Constitution they have always had. The United States appears to be the only country where this unusual and difficult constitutional problem exists, except possibly France. In other countries, ratification of a treaty does not make it domestic law automatically binding on all domestic courts, unless additional local legislation makes it so.

In this connection, and as logically bearing on the Genocide Convention, attention is called to a statement contained in Mrs. Eleanor Roosevelt's syndicated column "My Day" for December 5, 1949. Mrs. Roosevelt is a United States representative to the United Nations General Assembly and Chairman of the Human Rights Commission of that body. She pointed out in her column that day that the United States had refrained from voting on the Convention on Traffic in Persons (directed against prostitution) because the proposed convention did not contain the so-called "federal-state clause". She said:

"Of the last three items before our committee Three we voted first on the convention on the traffic in persons. The United States abstained because the federal-state clause was not included, *which probably made it impossible for Congress to ratify this convention* . . ." (Emphasis supplied).

The Genocide Convention, being one of the first products of the United Nations, does not contain the so-called "federal-state clauses". This clause came into being later only after vigorous attention was called by members of the American Bar Association, to the unbalancing of our own constitutional system that would result from the ratification of treaties relating to human rights and genocide—treaties which on adoption would become automatically the "supreme law of the land" and would be imposed on our states and people as immediately operative domestic law, creating civil as well as criminal liability. Incidentally, none of the proponents yesterday discussed civil liability of individuals under this convention, which arises automatically upon ratification, because violation of a criminal law is also an actionable tort. (See Restatement of Law of Torts, Section 286, by American Law Institute; see Kardon v. Gypsum Co., 69 F. Supp. 512.) The State Department's proposed reservation recognizes the existence of civil liability. This "federal-state clause" is now contained as Article 24 of the current draft of the proposed International Covenant on Human Rights (Draft of June, 1949 prepared by United Nations Commission on Human Rights—see State Department Bulletin, July 11, 1949). Thus, in the draft of the International Covenant on Human Rights an effort has been made to recognize the constitutional problems which arise in the constitutional system of the United States, but no such effort was made in the drafting of the Genocide Convention. Obviously, Mrs. Roosevelt's statement above quoted, concerning the Convention on Traffic in Persons, as a matter of logic, applies equally to the Genocide Convention, which does not contain the "federal-state clause", and thus "probably made it impossible for Congress to ratify this convention".

Further, as to the form of the Convention as submitted, while the Genocide Convention idea was conceived to prevent the repetition of the atrocious crimes in the form of mass murder committed against humanity by Nazi Germany, the text presented actually goes far afield of that goal in that among other things, (a) government complicity was not included as an essential of the definition, thus leaving only a group of domestic common law crimes (see Mr. Maktos' statement, supra), and (b) "political" groups were not included, and (c) national, ethnical, racial and religious groups are merely included "as such", and (d) "mental harm" as well as "bodily harm" is included. It also includes a "part" of a group which, of course, may embrace a single person, as recognized in the State Department's formal letter of transmittal. In consequence of (b) and (c) the proposed convention does not prohibit the only important genocide now going on, viz., in those countries which dissident groups and persons are regularly proceeded against on political grounds as enemies of the state. In fact, the discussions, in the Sixth Committee of the United Nations General Assembly, which prepared the final text of the Genocide Convention, affirmatively show that under leadership of the United States and some other countries "political groups" were a first included (as they had been included in Resolution 96 (I) of the General Assembly of the United Nations originally sponsoring a genocide convention) over the dissent of Soviet Russia and satellite countries, aided by the votes of smaller nations principally from Latin and South America (Soviet Russia, Poland, Ukraine, Byelorussia, Czechoslavakia, Uruguay, Venezuela, Argentina, Brazil, Dominican Republic, Iran, Belgium—see vote in Official Records of Third Session of General Assembly, Part I, Legal Questions, Sixth Committee, Seventy-Fifth Meeting), but that Committee finally reversed its previous action of including "political groups" and excluded them from the draft finally adopted. Representatives of the United States at least yielded, although they maintained that as a matter of sound principle and to make the convention really effective, political groups should be included, (Ibid, 128th Meeting.)

The omission of "political groups" and the requirement that there must be an intent to destroy the groups actually named in the convention "as such", render the convention meaningless, Soviet Russia and its cohorts could readily approve it. This almost hopeless weakness of the convention has also been pointed out in an able article appearing in the Congressional Record for July 6, 1949, page A4510.

Why should the United States, under these circumstances, become a party to this convention with the difficult and serious problems which it raises for us, if the instrument is not effective to combat genocide where it presently occurs or is likely to occur?

It is to be deeply regretted that the United States did not hold to the position with which its representatives started to negotiate the Genocide Convention, namely, that the crime of genocide, properly defined, is inherently one committed by, or at the instigation of, or with the complicity or acquiescence of governments, and that otherwise it cannot effectively exist because it would otherwise be dealt with at home as a domestic crime only. But this concept was completely departed from and the approach of the convention, as now submitted, is that of individual crime and not of persecutions instigated or aided by governments.

Much of the comment being currently made in support of the Genocide Convention is based on the inadvertent and honestly mistaken assumption that as drawn it prevents "systematic homicide or the deliberate destruction of whole human groups for national, racial or religious purposes, by conquerors and dictators". (New York Times editorial, January 2, 1950.) This is far from the case in the draft as submitted.

The basic difficulty with the attitude of some people appears to be that because "prevention of genocide" and "protection of human rights" seem to be fine ideas with which nobody disagrees, therefore the United States should approve treaties relating to these subjects without taking a searching look at the text and pointing out its faults and its inappropriateness to the American scheme of constitutional government. True, this document was prepared with participation of American representatives at the United Nations, including persons from the State Department, but our representatives were outvoted on what they deemed to be basic principles, including also their continued opposition to the insertion of "incitement to commit genocide" which our delegation pointed out was a plain infringement of freedom of speech and freedom of the press. The point sought to be made yesterday by some spokesmen, that the Peace and Law Committee of the American Bar Association was drawing a red herring on the free speech question, was made in ignorance of the record, which shows that the United States representatives vigorously urged the elimination of "incitement" as a violation of free speech. In the Report of the Sixth Committee, page 3, with reference to the 85th meeting, the following appears:

"With respect to article IV of the draft Convention, which listed the different acts to be punished, prolonged debates took place, particularly on the question of the retention or suppression of sub-paragraph (c) providing that 'direct incitement in public or in private to commit genocide shall be punishable whether such incitement be successful or not'. At its 85th meeting, the Committee rejected, by 27 votes to 16, with 5 abstentions, an amendment submitted by the representatives of the United States of America (A/C, 6/214) to delete this sub-paragraph".

Incidentally, we thought our State Department was right in this position, and our Committee said so in its report.

The leader of the American delegation also said at the 74th meeting of the Sixth Committee (Ibid.), "The United States Delegation intended, at a later stage, to show the need for the establishment of an appropriate international tribunal." Thus an international tribunal with jurisdiction to try American citizens for acts of genocide (according to the definition contained in the convention, which goes far beyond mass murder) is in contemplation and under actual consideration, without any assurance that they will be surrounded by the constitutional safeguards and legal rights accorded persons charged with domestic crimes. Is it any wonder that many serious American students object to an international court for genocide at this stage of world history, and urge that we do not take the first step of ratifying this convention, as submitted, unless we are prepared to take the second step of approving an international court for trial of American citizens. As shown by the discussions in the Sixth Committee, the reference to an international panel tribunal was deliberately made in Article VI of the Genocide Convention to put the world on notice that it was being planned.

On the other hand, the real purpose of an effective genocide convention must, and should be to protect groups against the brutal excesses of their own government. If this convention is to be enforceable only in domestic courts, as was so vigorously argued in support of it yesterday by Judge Patterson and others, what good would that have done the Jews under Hitler? What good will it do behind the Iron Curtain? How will it prevent genocide where it now goes on? That provision, with the further omission of "political groups" and the inclusion of "as such", render this treaty a complete delusion.

As pointed out above, our representatives now are, in drafts of later proposed treaties, putting forward the so-called "federal-state clause" in an effort to keep our constitutional system in balance, but it was not included in the Genocide Convention.

And the ultimate objective of the proponents of the Genocide Convention is to submit American citizens to trial by an international court on account of having, for example, inflicted "mental harm" on a "national, ethnical, racial or religious group". (See Article VI and II of the Genocide Pact.) The fact is that the people who wrote the Genocide Convention were not content with dealing with the evil that everyone deplores, namely, the group massacres engaged in by Hitler and other historical assassins, but saw fit to write into the Genocide Convention "civil rights" ideas, such as inflicting "mental harm" on a group "in whole or in part".

What is meant by inflicting "mental harm" on part of a group, which may mean a single person? Also, what about a lynching or a race riot? *The State Department's letter of transmittal recognizes that genocide may be committed against a single individual.* If, for example, in a town in the United States of America, where a crime had been allegedly committed by some unidentified Chinese, I should decide to get rid of all, or most of, the Chinese in the town by force, and should, in the process, kill or maim one of them, I would be guilty of genocide, in that, with intent to destroy part of a racial group, I had killed or maimed one individual. The Chinese could well be a colored person, or member of any minority group.

Let us not delude ourselves that genocide as defined in this convention, which omits the essential element "with the complicity of government", could not happen here.

As forecasting what we may be accused of if the Genocide Convention is ratified by us, attention is called to the formal complaint that was filed with the United Nations by a group of Europeans against our trial of the eleven Communists in New York, as being a violation of the Declaration of Human Rights approved in Paris in 1948. This complaint was filed with the United Nations by a deputation from the International Association of Democratic Lawyers of which no Americans are members, but of which Mr. Réné Cassin, of France, is President, and Professor Cassin was and is a prominent member of the United Nations Commission on Human Rights, of which Mrs. Eleanor Roosevelt is Chairman.

While some attempt has been made to defend the "mental harm" phrase on the ground that it is said to have originated with a Chinese statement that the Japanese deliberately plied subject peoples with narcotics and thus damaged their brains or "minds", this state of facts would seem rationally included in causing "bodily harm", in consequence of which the words "causing serious bodily or mental harm to members of the group" must be deemed to have been used with their usual and ordinary meaning. Certainly, if "mental harm" in its ordinary and commonly accepted meaning was not deliberately intended, a much better word, or none at all, could have been chosen to cover that specific state of facts, because "bodily harm" was already covered. It cannot be assumed that the unambiguous words chosen, viz., "bodily or mental harm", will be construed by any court except in their usual sense, even if some other hidden and unusual meaning may have in fact been intended. The words "bodily harm" and "mental harm" or "mental suffering" or "mental anguish" have well-defined legal meanings. Let us bear in mind that this convention, as submitted, will be construed under Article IX by the World Court.

The undersigned has had the interesting experience of talking to numerous people who think that the idea of a Genocide Convention, for example, is fine, and wonder why anybody should object, until he asks them: "Have you ever read it?", to which they consistently answer, "No."

The American Bar Association in an official resolution last September at St. Louis, of which you have a copy, disapproved the Genocide Convention as submitted.

I think that the lawyers knew that their resolution in the Convention at St. Louis last September would not be popular with persons who like high-sounding phrases and ideas, but who never have examined the text; they were so told by Mr. Perlman and others; but, at the risk of taking what may be, to some, an unpopular action, the lawyers, acting through their national body in an official resolution, of which Congress and your Committee have copies, felt that they had a duty to tell the American public and the United States Senate that the Genocide Pact, as submitted, should not be ratified.

A part of the background for the official resolution of the American Bar Association is the Report of that Association's Special Committee on Peace and Law Through United Nations, dated September 1, 1949, which has been put into the record. That report recommended "that the Genocide Convention as submitted shall not be ratified by the United States", and fully covers the numerous objections to the convention, some not here mentioned, and the reasons for the recommendations. It is not the purpose of this statement merely to repeat that report, but to highlight certain points and to make some additional comments. With that report before it as part of the backround, the American Bar Association officially resolved, on September 8, 1949, "that the Convention on Genocide now before the United States Senate be not approved as submitted".

And now a few comments on some of the statements made yesterday.

I felt sure that Dean Rusk of the State Department must have misspoken when he said that the intent must exist to destroy the *whole* group, even if only a part of the group was proceeded against. This statement, unless inadvertent, is of course contrary to the text which reads, "with intent to destroy, in whole or in part" a group, so that intent to destroy part of a group is genocide. As pointed out in the State Department's own letter of transmittal, this might be one person. It would also be contrary to the historical development of the convention, which came out of the Ad Hoc Committee in a draft requiring intent to destroy a whole group. The "in part" was inserted in the Sixth Committee on the recommendation of Norway.

He also stated that as genocide is defined, the Convention has no application to the United States, and that genocide has never occurred here. That gets us down to the definition—the omission of "with the complicity of government", the meaning of "in part", "mental harm", etc.—which, as submitted will not be finally construed by us but by the World Court, under Article IX, which has jurisdiction over interpretation, application and fulfillment. I have pointed out that it would be entirely reasonable to include race riots under the present definition, and also lynching, if engaged in with intent to destroy part of a group.

Dean Rusk conceded that the Convention does not cover all groups, and the named ones only "as such". With "political groups" excluded, of course, Russia and others will have no problem in ratification.

He stated that while as a criminal law the treaty is not self-executing, we are committed to pass appropriate legislation, including penalties. He did not comment on the civil liability of individuals in damages undoubtedly created by the treaty even without provision of criminal penalties; in other words, as to civil liability, the treaty is self-executing. See the reservation of understanding proposed by the State Department.

As for Mr. Perlman, many of his legal observations on treaty law we concur in; they are elementary. However, I disagree with his answers to the hypothetical questions that were put concerning Protestants and Catholics or driving the Chinese or some of them out of Chinatown with guns. That, in my interpretation, is genocide. I have checked this view with other informed persons here who are not members of my Committee. They agree with me, and disagree with Mr. Perlman. Mr. Perlman ignores the "in part" in the definition. I also believe that forceful action against part of a colored group, with intent to destroy part of the group, would be genocide. And please remember, neither Mr. Perlman's nor my construction would be controlling, but that of the International Court of Justice.

As for Judge Patterson, the distinguished ex-Secretary of War, I say, with all deference, that he obviously had not read the record of the Ad Hoc Committee and the Sixth Committee of the United Nations. If he had, he would not have made some of the observations he did, as for example, his argument about the free speech point, in which he undertook somewhat to disparage what he thought was our position. As pointed out before, our Committee was merely supporting the official position of the State Department in the Sixth Committee, on which it was outvoted. Our State Department members felt that inclusion of "incitement to genocide" might prevent ratification by the United States. And we think the State Department was right and Judge Patterson was wrong, as judges sometimes are.

Judge Patterson also glosses over the "in part," apparently not having the record as to how the phrase got into the convention.

Judge Patterson also claimed that there was no individual obligation, until a federal law is passed, to provide criminal penalties. He overlooks completely the field of individual civil liability which arises on the face of the treaty without implementation. As drawn, our courts would be open to anyone who wants to sue another for damages for a genocidal act, as defined. And the final meaning and application of the Convention is for the International Court under Article IX. The State Department recognizes this civil liability. See its proposed reservation in the letter of transmittal. Also, Judge Patterson admits in the next breath that we are *obligated,* if we ratify, to pass such legislation, when even on his theory individual liability will arise.

In making the argument that no reservations are needed, Judge Patterson, as previously pointed out, has even the American Bar Association's Section of International Law against him, whose report Mr. Perlman so vigorously supported in St. Louis last fall. Judge Patterson advocates taking care of the many proposed reservations through implementing legislation by Congress. This, of course, overlooks that any matters relating to the interpretation, application or fulfillment of the Genocide Convention are subject to final decision by the Court of International Justice under Article IX of the Convention; and that any interpretations and understandings that Congress might include in implementing legislation, if not in accord with such final interpretation, would constitute a breach of the treaty—a non-fulfillment of its provisions. The only legally safe way of avoiding such a breach would be by reservations, as shown by the International Law Section's report. It has been the view of the Peace and Law Committee that the Convention is so dangerously drawn from the United States' standpoint, while at the same time not effective to prevent real genocide where it now goes on, that, as submitted, it should not be ratified. The American Bar Association, speaking officially through its House of Delegates, has "resolved that the Convention on Genocide now before the United States Senate be not approved as submitted."

Well, enough of these comments. I must let my associates take over. Our desire is not to obstruct but, on our own time as citizens and lawyers, to aid you in arriving at an informed judgment with respect to this Convention. I appreciate your courtesy and thank you very much.

THE BOSPHORUS BRIDGE—GREEK-TURKISH ECONOMIC COOPERATION

Mr. JAVITS. Mr. President, it was recently announced that the main span of the long-awaited Bosphorus bridge, connecting European and Asiatic Turkey, has been completed. The bridge is expected to be opened to traffic in the fall of this year.

The completion of this bridge will be an event important not only to Turkey, but to all of the nations of Europe and of the Middle East. In particular, it will be significant to relations in trade and commerce between Greece and Turkey, as well as between Turkey and such nations as the GFR and Bulgaria, Hungary, Yugoslavia, East Germany, and Rumania. The bridge is expected to facilitate traffic immeasurably, and to eliminate the enormous tie-ups of truck traffic which have for years clogged the roads leading to the picturesque but inefficient ferries which now ply the Bosphorus.

I bring this event to the attention of the Congress because it signifies yet another link between nations which have all too often, over the course of all too many years, contributed to hostilities rather than peace, to the detriment rather than the benefit of themselves and mankind.

One effort to remedy this condition was begun in 1965, when, under the auspices of the NATO Parliamentarians' Conference—now the North Atlantic Assembly—a Project for Greek-Turkish Economic Cooperation was launched. I had the honor to be a sponsor of the resolutions which led to that project, and for years thereafter until the press of other duties compelled my withdrawal from the chairmanship of the Economic Committee which oversaw this project but not my withdrawal of support and interest. It is significant that the project was equally sponsored by distinguished Greek and Turkish Parliamentarians, the Messrs. Alexander Spanorrigas and Kasim Gulek, and has had the support of each Greek and Turkish Government since its initiation, despite the changes in political leadership which have occurred in both countries. And, although at a lower rate of activity than characterized its early days, the project still continues, still have governmental support, and has succeeded in building relationships between two countries which have all too often been enemies rather than neighborly friends.

While the new bridge across the Bosphorus is not attributable to the Greek-Turkish economic cooperation project, I cannot help but feel it was accelerated by it.

Mr. President, the Greek-Turkish economic cooperation project has demonstrated several things. One of these is that there is a will to cooperate, and that a project such as this, nonpolitical in its motivations, relying chiefly on the enlightened self-interest of the peoples of these two nations, and aiming at cooperative and mutually beneficial accomplishments of the private sector, can have important effects.

In 1965 and the several succeeding years, all concerned with the project were advised by "realists" that no progress was possible, that Greeks and Turks could neither trust nor cooperate with each other. The contrary has been proven. Cooperation between businessmen, industrialists and bankers, on the two sides, has been ongoing, though honesty compels recognition of the fact that the road to such cooperation has on occasion been a rocky one. But the results are there—shown in cooperation not only on a governmental level—an incidental but important result of the project—but also increased cooperation between the private sectors of both countries. Thus, before there was no communication, outside the language of invective; now there are regular meetings of the chambers of commerce and industry and joint economic surveys are conducted by the development banks of both Greece and Turkey, with special liaison working parties of economists. Also where previously visas between the countries were a matter of prolonged diplomatic negotiation, they are now routine; and one may with reasonable confidence look forward to the day when visas will not be required—a state of affairs that existed in the days before the Cyprus crisis.

The second important conclusion demonstrated by the Greek-Turkish economic cooperation project is that a common sense of the mutual interest, and especially the mutual interest of these two eastern Mediterranean countries which are vital members of the NATO Alliance, can overcome the monetary difficulties of a situation like that of Cyprus. Clearly, no outside force can compel nations to reach the conclusion that cooperation is a better course than hostility and this hostility at several times seemed about to break into open warfare. But a project such as the Greek-Turkish economic cooperation project, by carefully restricting itself to an impartial and nonobtrusive role, can strengthen the will to cooperate and the position of those in each country who favor this course.

SENATOR RANDOLPH DISCUSSES THE REHABILITATION ACT OF 1972—PLEDGES PROMPT EFFORTS FOR NEW LEGISLATION

Mr. RANDOLPH. Mr. President, 1 week ago today the Senate failed, by a vote of 60 to 36, to override the President's veto of S. 7, the Rehabilitation Act of 1972. Although I do not intend to review and reexamine the debate which took place last Tuesday, I believe it is important to separate fact from fiction, so that the American people may judge what S. 7 was, and what it was not.

The Rehabilitation Act of 1972 was a measure carefully designed to aid the handicapped citizens of America on a broad front. For the first time in a long time, Congress gave the closest scrutiny to the Federal vocational rehabilitation program, examined its weaknesses, and set forth a prescription to improve it. The measure had the support of virtually every national organization working with handicapped individuals.

The act did include, as the President stated in his veto message, a number of categorical programs—those for older blind persons, deaf-blind youths and adults, spinal cord injured, deaf individuals, and victims of end-stage renal disease. With the program to aid persons with the most severe handicaps to live more independently, these new proposals were specifically targeted to aid groups of handicapped individuals who have not been served adequately in the past.

The act did include a new Architectural and Transportation Barriers Compliance Board to help handicapped individuals gain access to public facilities. It also included an Interagency Committee on Handicapped Employees to help in the hiring, placement, and advancement of handicapped individuals within the Federal Government. Likewise, the act contained a Commission on Transportation and Housing for Handicapped Individuals, to study needs of, and barriers to, such individuals in housing and transportation. None of these was superfluous: each is genuinely needed to enable handicapped Americans to become full-fledged, first-class citizens.

The Rehabilitation Act of 1972 was not fiscally irresponsible. It was an authorization measure, not an appropriation, and would not have affected the Federal budget. In fact, its three-year authorization of $2.6 billion was nearly $300 million lower than the last 3 years' authorizations under the Vocational Rehabilitation Act. Although the U.S. Chamber of Commerce was opposed to S. 7, the measure would be considered a wise dollar investment by businessmen. It is universally conceded that the rehabilitation dollar gives one of the best returns of any Federal funds spent. One economic study demonstrates that for every dollar spent on rehabilitation, $25 is returned to the individual rehabilitated in lifetime earnings. This does not take into account reduced welfare payments and increased tax revenues.

There is a very deep concern expressed by handicapped groups throughout the Nation: What will become of the rehabilitation program now that S. 7 has failed of enactment?

As chairman of the Subcommittee on the Handicapped, I pledge my intention to move as promptly as possible to secure legislation which will improve the Federal vocational rehabilitation program.

I have initiated the first step in this direction by requesting that the 1973 Supplemental Appropriations Act be amended to remove a technical barrier to the expenditure of an additional $50 million for State rehabilitation programs. It is my hope that the Appropriations Committee will move rapidly in this matter. Although Congress appropriated $610 million for this purpose last fall, the Department of Health, Education, and Welfare has indicated it will spend only $560 million because the appropriation referred to the vetoed Rehabilitation Act. The $560 million level is the amount represented in the continuing resolution on spending under the 1972 appropriation level. Inasmuch as the President initially requested an appropriation of $610 million for 1973, I have asked the Secretary of HEW to join in requesting the technical correction.

I continue to believe that every provision of S. 7 was worthwhile and necessary. Nevertheless, I am prepared, in order to improve the program, to discuss with the administration a means by which legislation can be adopted by the Congress which the President will approve.

Finally, I want to convey to the millions of handicapped individuals in this country my heartfelt disappointment in the failure of S. 7. I urge them not to despair, for the members of the Subcommittee on the Handicapped, and many, many others in Congress, are actively interested in their future. We will persevere, and we will continue to work for good and compassionate laws that will benefit not only our handicapped population, but our society and our whole economy.

CHILD ABUSE: TIME FOR CONGRESSIONAL ACTION

Mr. HUMPHREY. Mr. President, on March 26, I introduced S. 1364, the National Child Abuse Prevention Act of 1973. This legislation would broaden and strengthen the efforts of Federal, State, and local governments to develop child abuse, child neglect treatment and prevention programs.

Lately, the newspapers have been filled with stories of child abuse cases. The State of Maryland has recently passed legislation that would strengthen that State government's hand in dealing with child abuse cases; the State of New York has a special general assembly committee examining that State's responsibilities in the child abuse area.

Mr. President, John T. Wheeler of the Associated Press published a story in the Washington Sunday Star and Daily News detailing the anguish that child abuse brings to parents, rehabilitation officials, and law enforcement officers alike.

Mr. Wheeler shows the dimensions of the child abuse problem and suggests strongly that action must be taken to ensure the rights of the child.

The National Child Abuse Prevention Act of 1973 would provide grants to States submitting a comprehensive plan for child abuse treatment. Such a plan must include adequate reporting laws, programs designed to train professionals in the techniques of child abuse treatment; public education projects to inform the citizens of the high level incidence of child abuse. And the establishment of a central registry to coordinate on a statewide level all information relating to child abuse.

Mr. President, I ask unanimous consent that the article from the Sunday Star and Daily News, "Child Abuse—the Dark Side of Family Life" be printed at this point in the RECORD.

In addition, Mr. President, I ask unanimous consent that an article from the Washington Post, concerning recent action by Maryland Governor Marvin Mandel ordering a State investigation of child abuse cases in that State be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Sunday Star and Daily News, Mar. 25, 1973]

CHILD ABUSE—THE DARK SIDE OF FAMILY LIFE

(By John T. Wheeler)

In those final hours of a wintry night, Alice made a decision deep in her 6-month-old mind that nearly cost her life.

She cried:

It wasn't a whisper or a soft sobbing. It was a full-blown wail that wound up like an air raid siren. Whether she was hungry, grumpy or wet, no one will ever know. After all the terror and pain that followed, it didn't seem to matter much what it was Alice was trying to say.

Her mother, already pregnant with her second child, remembered lying in bed and beginning to hate. She hated Alice for her crying and herself for her hate. As the cries from the nursery crossed that line into shrill screams, Alice's mother also crossed a line in her mind.

First she went to the kitchen assuming, she said later, that the baby was hungry. She plopped a bottle into a saucepan filled with water and turned the flame on full. After the water had come to a boil, she tested the formula on her forearm to make sure it wasn't too hot. But she wasn't sure of this, and that didn't really matter either.

Because what Alice's mother did was set the bottle aside on a counter and walk into the nursery with the pan of scalding water. She stood over the crib and poured the water on Alice, the child she had so desperately wanted through three barren years of marriage.

Alice's screams changed, becoming higher, louder, more urgent. Her father roused himself, went into the nursery and found his critically burned child writhing in her crib. Nearby was his wife, pan held limply at her side, eyes blank.

Bed clothing kept enough of the scalding water from reaching Alice's skin that she survived to join a sad army of children attacked and grievously hurt by their parents each year in America.

No definitive national statistics exist for this dark side of American family life, but many experts believe at least 65,000 children are seriously abused each year by adult attacks. About 25 percent are said to be seriously, sometimes permanently, injured. Perhaps 6,000 are killed.

Dr. Richard Gladstone, a psychiatrist, calls such harsh physical abuse "one of the perversions of the human procreative drive." Doctors, emergency hospital staff members, social workers and judges catalog a grim variety of abuse methods: beating, both with hands and weapons, kicking, torture, strangling, stabbing, scalding, burning, poisoning, dismemberment, starving, imprisonment, freezing and crushing.

"There is no act too violent or sadistic that has not been carried on some child, somewhere," an intern in a children's ward said.

Some physicians and psychiatrists consider a third or more as serious child abusers to be psychotic, or seriously ill mentally. Many other experts say the overwhelming number are suffering only from neuroses. These are a lesser category of mental problems which nearly all humans experience to some extent. What society would call well-adjusted men and women reach a moment of rage too powerful to be bottled up and anger rules the mind for violence-filled minutes.

Parents Anonymous chapters help parents who cannot stop abusing their children without help. It operates much like Alcoholics Anonymous and one credo is to go "from one day to the next without striking my child." Members have included bankers, welfare mothers and people from all races and all major religions. These parents realize they have crossed the line between discipline and abuse. Tens of thousands do not. Broken arms and fractured skulls are often passed off by parents, even to themselves, as "accidents" that occurred during "normal disciplining."

Tens, perhaps hundreds of thousands of parents are child abusers without really knowing it. Dr. John Caffey of Pittsburgh reported in the American Journal of Diseases of Children that substantial evidence shows the common practice of giving a child "a good shaking" can have serious and even fatal consequences.

Shakings, slappings, harsh spanking done in high anger can have a psychological toll even if there are no physical injuries.

One researcher said "There is an abysmal lack of knowledge of what it means to be a parent and how easily the normal development of the child can be adversely affected. We tend to say, 'Oh, they'll get over it and forget it.' They won't forget."

Dr. Edwin Nichols, chief of the Federal Center for Studies for Child and Family Mental Health, says any number of factors from unwanted pregnancy, job insecurity and a home breakup, to a quick temper and emotional exhaustion can trigger destructive rages in parents, even those who deeply love their children.

A National Institute of Mental Health expert says as yet it is not possible to develop a profile of the likely abuser as has been the case for likely aircraft hijackers. Indeed many believe far too little is known of the problem in general, partly because society considers the situation so shameful that it would rather sweep the whole thing under the rug than spend money on research and the like.

"There never seems to be enough case workers, foster parent homes, clinical psychologists, you name it," says a federal expert who is particularly critical of federal efforts in the field.

Dr. Vincent De Francis, head of the Child Abuse Division of the American Humane Association said, "Child protection services are a national dilemma. We have built up an attitude of serene unconcern for the needs of the vast unserved" children caught up in abuse situations. In an interview he said local funding too often is far short of what is needed to provide protection for abused and endangered children, although laws are on the books assuring the young of this protection.

Until 10 years ago, child abuse was almost a national secret crime. Physicians in most states were not even required to report abuse, and even the authorities were often circumspect about stepping into cases of child abuse.

Proportionately few serious cases found their way either to the courts or to social services. All states now have some form of mandatory reporting law for physicians and hospitals, but this is often overlooked, experts say.

New York and a few states have laws requiring authorities to step into cases when abuse is even suspected and permits them to pull children out of bad home situations even if abuse cannot be proven in the criminal sense. However, Dr. De Francis said, much still needs to be done to insure the legal rights of children.

Until fairly recently, abusers were believed to be centered in the lower socio-economic groups, but no longer.

"The cases that showed up on the police blotter were once the only real indication of what was going on," one researcher said. "Now we realize that those who could afford private physicians and hospitals in effect were buying insulation since they went unreported."

Along with a better understanding of the scope of abuse is a different view of the abuser, once written off as a heartless slob, sadist, or candidate for an asylum.

Dr. Gladstone says child abuse can be seen as a deep ambivalance in the abusing parent. He loves the child too much to give it up, but hates it too much to raise it with compassion.

One researcher, a woman, said: "Men are more often the abuser, but women most often are the more deadly." Another said women, because of the society's strong maternal love ethic, consider abuse far more unacceptable than men and thus often are far more emotionaly disturbed by the time they cross the line into violent abuse.

While it is not uncommon for both parents to abuse their child or children, more often it is only one adult. Why the other covers up for his mate is not fully understood. Some say it is out of fear; some that the mate worries about breaking up the home and particularly having to raise the children alone. But a Washington emergency room physician said, "I believe that the mate who doesn't report the other's violence has something in the situation going for them. Something like an alcoholic whose partner stands by not so much out of loyalty but because he enjoys dominating the situation and watching the degradation of his partner."

Many researchers report that once an abused child is removed from the family, often, but not inevitably, none of the other children is picked for abuse. But if, even after years, the abused child is returned, the abuse pattern often quickly resumes. The only sure way to break the cycle is for the abuser to work with counselors to get at the root of the violence.

The cause is sometimes easy to find. Illegitimate and deformed children and children born of an unwanted pregnancy are prime targets for abusive parents.

The highest risk of unintentional death from abuse ranges from three months to three years. Serious abuse doesn't necessarily end at age three, but by this time children often learn how to avoid the worst anger storms by treading warily. Also, they can absorb a good deal more physical punishment before death or broken bones result.

Serious abuse occurs most frequently between midnight and 3 a.m., with 3 a.m. to 6 a.m. a close second.

Statistics also suggest that abuse is disproportionately high in households with only one parent who must shoulder all the stress of child rearing, often on a budget made slim by divorce or desertion. Alcoholics and drug addicts quite often turn up in the ranks of abusers.

The most prevalent, although least dramatic, form of abuse is emotional. And although no hand may be laid on the child, the effect on his emotions and development can be just as damaging as a fractured skull.

"You can murder a child in many ways," says Mrs. Bacon of Parents Anonymous. "Physical abuse is only the most obvious means."

The problems of child abuse for society are much more serious than the simple ending of suffering for the child.

An abused child often becomes a threat to society itself.

Katherine Bond of the American Humane Association said, "How does abuse affect the child? If you look at a delinquent child, you see a child that has been abused physically or emotionally." How delinquent depends in part on how long and how serious the abuse was.

Recognizing child abuse as an unacceptable social ill is relatively new in America, which once believed in the absolute parental right to discipline the young.

For some social historians, the fight against the abuser, as differentiated from the murderers of their children, began in earnest in New York City just a century ago. Then, authorities, after considerable ducking of the issue, finally freed Mary Ellen, a little girl kept chained to her bed and otherwise mistreated by her adoptive parents.

The fight to free Mary Ellen was won by the Society for the Prevention of Cruelty to Animals.

[From the Washington Post, Mar. 30, 1973]

Mandel Orders Probe of Child Abuse

(By Edward Walsh and LaBarbara Bowman)

Annapolis, March 29—Gov. Marvin Mandel today ordered a state investigation into the handling of child abuse cases in Maryland following a state senator's charge that Montgomery County social service department officials may be guilty of 'criminal neglect" in the death of a 3-month-old child Monday night.

Mandel ordered the investigation by David T. Mason, secretary of Employment and Social Services, the agency that operates local social service departments throughout the state. He told Mason to report back to him "as soon as possible," according to a Mandel aide.

"We'll find out about this, I guarantee it," the governor told a press conference.

Montgomery County social service officials already have sent a report on the child's death to the state department, according to Dr. Irene Olson, head of the department's social services administration.

Dr. Olson said in an interview that on the basis of that report, Montgomery County officials had acted correctly in handling the case. She refused to make the report public, saying it was an internal document.

The child, Sabrina Lynn Ward, was pronounced dead on arrival at Montgomery General Hospital on Monday night. She was buried this afternoon after a private graveside service at a small cemetery in northern Montgomery County.

Her parents, Gary L. Ward, 22, and his wife Melody, 20, were arrested on murder charges in Montgomery County on Wednesday and ordered held today in lieu of $25,000 bond. At a county Circuit Court hearing, lawyers for the couple entered a request that they be allowed to plead not guilty by reason of insanity, according to courthouse sources. The lawyers could not be reached for comment.

The state medical examiner's office still is trying to determine the cause of the child's death.

Sabrina Lynn died three days after she was returned to her parents by the county department of social services. The infant had been taken from her parents' custody and placed in a foster home on Feb. 16 on the orders of Juvenile Court Judge John C. Tracey because of reports of neglect.

Tracey, who did not know that child had been returned to her parents, said Wednesday that in child neglect cases, welfare workers frequently return children to parents once the family has a permanent address and employment, despite the fact that the court technically has jurisdiction over the disposition of the child.

The governor's order for an investigation was prompted by a telegram Mandel received today from Sen. Victor L. Crawford (D-Montgomery), who accused Montgomery social service department officials of "gross bungling" in handling the Ward child case.

"Certainly I am aware that there was no wilfull intent on the part of the department to cause harm to the child," Crawford said in a statement.

"Any way you slice it, that child is dead and it's quite possible that the department is at fault. As far as I'm concerned that is tantamount to criminal neglect."

Crawford is sponsoring legislation that would give police and social workers greater powers than they now enjoy to remove children from homes where instances of child abuse are suspected. The bill has been passed by the Senate and now is being considered by a House committee.

The bill was introduced as the result of the death last year of Donna Ann Stern, 9, a rural Montgomery County girl. The child died a few months after a social worker, suspecting the girl was being mistreated, was refused entrance to the Stern home. The girl's stepmother, Jo-Ann Stern, was convicted of murder in the case this month and the father is awaiting trial on a murder charge.

In addition to Mandel's announced investigation, Howard Murphy, head of the state board of social services, said he would ask the panel to invite Montgomery County social services officials to report on their role in the Ward case. The board will meet on April 20.

The board is composed of nine citizens and acts as an advisory panel to the state department of social services. The board investigated the department last year after the Stern child's death. Murphy said he was "not satisfied" with the county's performance in that case.

Murphy said he was unaware of the death of the Ward baby until a reporter telephoned but he said, "I want to find out what happened this time."

THE SITUATION AT WOUNDED KNEE, S. DAK.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that a resolution adopted by the general assembly of the State of Connecticut regarding the situation at Wounded Knee, S. Dak., be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Senate Joint Resolution No. 51

Resolution memorializing Congress concerning the crisis in Wounded Knee, South Dakota

Resolved by this Assembly:

Whereas, the people of Connecticut and the nation are increasingly disturbed by the worsening situation in Wounded Knee, South Dakota, seized two weeks ago by members of the American Indian movement; and

Whereas, negotiations between the leaders of the Indians and representatives of the United States Department of Justice and Interior have so far failed to resolve the dispute; and

Whereas, lives and property are in jeopardy as the crisis deepens;

Now, therefore, be it resolved, that the general assembly of the state of Connecticut urges the Congress of the United States to take prompt action to restore peace to the historic hamlet of Wounded Knee and to investigate the claims of the American Indian Movement to determine their validity and the necessity for federal response to these claims; and

Be it further resolved, that the Clerks of the House and Senate cause a copy of this resolution to be sent to the speaker of the United States House of Representatives, the President Pro Tempore of the United States Senate and the members of the United States Congress from Connecticut.

U.S. FOREIGN AGRICULTURAL TRADE POLICY

Mr. HUMPHREY. Mr. President, the Foreign Agricultural Policy Subcommittee—of which I serve as chairman—of the Senate Committee on Agriculture and Forestry is now in the process of conducting hearings on United States and world agricultural trade and aid.

Exports have always been important to American agriculture and to our Nation's total balance of trade. Continued expansion of our U.S. farm exports has significantly contributed to holding down our Nation's annual trade deficits and it clearly affords us our greatest opportunity in further expanding our Nation's total exports in the future.

In the last 20 years, U.S. agricultural exports have increased an average of about $250 million per year. The commodity composition of our farm exports also has changed rather radically since the 1930's. While earlier, the bulk of our agricultural exports were raw materials for industrial use, more recently they have been shifting to feed for livestock production. Feed and feed grain exports increased from 6 percent of our total farm exports in the 1930's to more than 20 percent in the early 1970's. Soybean and soybean product exports in particular, have risen rather sharply over the past 20 years.

Given the changing patterns in world agricultural trade and the increasing stake that our Nation has in that marketplace, it is of the utmost importance that U.S. farmers, the agribusiness community, and the Federal Government work closely together in forming and shaping our country's future agricultural trade policy.

As we look ahead, we must carefully assess a number of developments that involve a great deal of uncertainty with respect to longrun forecasts for farm exports.

They include:

First, the forthcoming multilaterial international trade negotiations, involving the European Economic Community—EEC—Japan and the General Agreement on Tariffs and Trade—GATT;

Second, the potential for new trade relations with the Soviet Union, mainland China, and other Communist nations;

Third, the realinement of currencies in the world;

Fourth, the new patterns of food consumption which are taking place in a number of countries that have been experiencing rapid rates of economic growth;

Fifth, expanded production of grains and other crops in a number of less developed countries.

To begin examination of these and other related questions I invited representatives of our U.S. Department of Agriculture's Foreign Agricultural Service, Economic Research Service, and Export Marketing Service to appear before our Foreign Agricultural Policy Subcommittee to review past, current, and future patterns of world and U.S. agricultural trade; world production and utilization trends; and, our Government's export marketing programs.

I also invited representatives of our Government's Agency for International Development to appear before us to discuss and review how all of these agricultural trade and supply matters relate to our Nation's foreign assistance programs.

We also have heard from three top agricultural economists—who are specialists on international trade—who have given us their independent views and recommendations on upcoming agricultural trade policy questions.

I would like to ask, Mr. President, unanimous consent that the testimony of these three economists be printed in the Record following the completion of my remarks.

I would like to urge all of my colleagues both here in the Senate and in the House to read and study these statements carefully, particularly the statement by Prof. Tim Josling, of the London School of Economics. Dr. Josling provides us with some important insights into the thinking and philosophy which lie behind the Common Agricultural Policy—CAP—of the European Community. As we approach the trade talks with the newly enlarged European Community, Dr. Josling's observations offer valuable guidance to understanding some of the problems that we will have to face in connection with those talks.

The testimony presented by Dr. Vernon L. Sorenson, of Michigan State University, and Dr. Dale E. Hathaway, of the Ford Foundation, before our subcommittee gives a more comprehensive view of future world agricultural trade and aid opportunities—and challenges.

In addition to the upcoming trade talks involving the newly enlarged nine-member European Community, over 100 nations are scheduled to open negotiations later this year concerning the General Agreement on Tariffs and Trade—GATT. Congress will soon begin deliberations on the administration's trade bill which will basically set the stage for U.S. participation in these various trade negotiations. In addition, Congress will soon be asked to act upon domestic farm legislation. In both instances, foreign agricultural trade policy questions will be very much involved.

While I wish to reserve judgment on the specifics of what I believe our domestic and foreign agricultural policies should be at the moment, I believe it is clear that they are very much interrelated and that a strong working partnership must be formulated among farmers, the agribusiness community, and the Government if we are going to promote greater reliance upon export markets for the sale of our Nation's farm products.

I believe our country should explore every device or arrangement that has any reasonable chance of working which will bring the greatest amount of stability to the world marketplace for agricultural products. The uncertainties of that marketplace today are many, and if we are going to ask our Nation's farm producers to further expand their production of farm commodities for that marketplace then every effort should be instituted to minimize the many risks associated with that marketplace. How this might be accomplished will require much study and discussion. As to whether the specifics of this effort are contained in general international trade agreements such as GATT; or in individual commodity agreements such as a world grains agreement; or within our own domestic farm program—such as commodity inventory reserve, or a combination of these arrangements, I leave to further study and review. But as we move toward reshaping our Nation's future agricultural trade policy, this central question must be effectively dealt with in my judgment.

On Monday, April 16, 1973, the Subcommittee on Foreign Agricultural Policy will hear from top administration trade officials on agricultural trade policy. Witnesses invited to appear include Mr. William D. Eberle, special trade representative; William R. Pearce, assistant special representative; Harold B. Hamlgren, assistant trade representative; and Howard Worthington, assistant to Secretary of Treasury Shultz. The hearing is scheduled to begin at 10 a.m. and will be held in room 5110 of the New Senate Office Building.

Later this month, the subcommittee will hear from various public interest groups concerning agricultural trade policy.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

STATEMENT OF PROF. TIM JOSLING

Mr. Chairman, and members of the Committee: I regard it as an honour to be asked to appear before the Committee during your deliberations on agricultural trade. My own recent work has been in the area of the development of national and international policies towards farm trade, in particular the policies of the European Community. I know that this is a subject of particular concern to the Committee, and I hope my remarks will be of interest.

Let me outline briefly some of the underlying problems faced by those who make decisions on agricultural policy within the EEC. These seem to fall under two headings:

(i) The problems of rural adjustment, farm income and food policy common to all industrial countries, and

(ii) The specific problems arising from the political imperative of economic integration and the apparent need to devise uniform policies in major sectors of economic life.

The first group of problems will be very familiar to the Committee; indeed Europeans are to a large extent rediscovering truths which have emerged from hard experience in this country. Modern agricultural technology has spread rapidly through Europe in the past decade; the inability of markets to absorb the extra production has necessitated widespread government intervention. But such intervention itself misleads the farmer with respect to the value which society places on his output. Farm goods are sold abroad at a lower price than that paid by European consumers, who then as taxpayers have to foot the subsidy bill. Producers make investments based on the artificial prices and land changes hands at a price which takes account of the anticipated level of government support. European industry, in turn, recruits labour from Spain and Turkey and from those parts of the Community such as Southern Italy where farm production is less protected. As an industry characterized by freedom of entry for capital and labour and one which has no collective control over output, agriculture is as unable to capture the full benefits of price support as it is to retain the full advantage of increases in its own productivity. Hence further requests for market support, adequately backed up by statistics on costs and relative price trends.

On the establishment of the European Community it was thought that these problems, and those related to rural structure, were best dealt with in a sheltered environment. Thus the defensive moat of the variable levy system. Problems of rural adjustment and agricultural modernization were, it was argued, difficult enough without having the additional hazard of periodic low prices of imported goods, whether these prices came about through the subsidy policies of foreign countries or through the bounty of good harvests abroad. Elsewhere I have likened in intent a variable levy policy to a regime of flexible exchange rates; the one allows autonomy of domestic demand management policies by isolating an economy from the monetary policies of foreign Central Banks, the other isolates one's own agricultural policies from those of other trading nations. The Europeans were, and still are, afraid of the world market in farm goods. Moreover in 1962, when the major decisions were made, it was possible to argue that food would be much in demand by the burgeoning population of the third world, and that world prices would soon rise to meet those set by the Community, either in a free market or in one organized along the lines of the Baumgartner-Pisani plan. For a decade the EC has lived with the consequences of this misconception. The reemergence of a world market orientation in policy will take time.

The other set of problems arise from the need to have a uniform agricultural price policy for a set of countries divergent in tradition, attitude, and economic structure. The CAP was to be part of the cement that bound the Community. Countries gave up their control over the level of border protection that they could afford their own farmers, though they kept within their jurisdiction most of the non-price programmes that had developed over the years. The common agricultural market was finally established in 1967, and European consumers benefitted from the wide availability of goods from other member countries. Trade within the EC flourished, though some of the increase was at the expense of traditional suppliers in third countries. But tensions soon emerged: the preconditions for a smooth integration were not met.

Perhaps the most fundamental conflict has arisen from the fact that the same level of protection given through common levies and support buying policies gives a very different income guarantee in different parts of the community. The wheat farmer in the Paris basin prospers with the high prices whilst his Bavarian counterpart is barely able to keep in business. Small dairy farmers in Normandy struggle under a price system which rewards handsomely the efficient Dutch producer. Internal competition was of course, a major aim of the common market, but few national governments can countenance the decline of important sectors of their agriculture. Having relinquished national control over trade they sought to use the CAP to maintain production in disadvantaged regions. To the chagrin of the European Commission, the Council of Ministers set prices which would keep the marginal farming areas in production. And costs in the erstwhile efficient regions began to rise in sympathy with prices. The same conflict arises wherever exchange rates change. Farmers in those countries where industry is strong face declining prices as their currency is revalued; they compete directly with industry in a way that was not apparent before the common policy was established. These farmers in turn press governments to raise prices; and third countries again find markets shrinking.

Further problems have arisen as a result of the common Farm Fund. The payment of levies into a Central Fund may be an essential of the common policy, but it has two major implications. First, it distorts to each country the value of farm production. Import-substitution is much more attractive to the United Kingdom if the extra domestic production saves not only the foreign exchange value of imports but also the cost of the levies. Similarly, extra production in France is worth to that country the full community price if the cost of export subsidies is borne by other community members. Both importing and exporting countries in the EC have an incentive to stimulate their own production. Secondly, the Fund generates payments among countries which may be considered inequitable. Exporters such as France and the Netherlands gain at the expense of Italy, Germany, and the United Kingdom. These payments give rise both to anti-Community sentiments and also to demands for further EC programmes to correct the balance.

I mention these stresses that have occurred within the EC because I believe that the CAP will be significantly modified over the next few years in response to such pressures. I do not subscribe to the view that the EC can be persuaded to modify its policy by the threat of retaliation by other countries unless such action were severe enough to cause extensive damage to the world trading system. Trade negotiations can play a constructive role in the development of a common policy in Europe that is more satisfactory to all parties. But the major forces shaping the future of the CAP are internal. Perhaps I may be allowed to list some of the signs which point to change in the CAP:

(a) The determination of governments to combat inflation, and in particular to curb rising food prices is as strong in Europe as here. A change in farm policy which held inflation in check would have great political appeal. It would be a demonstration of the ability of the Community institutions to tackle inflation on a Europe-wide basis. And it would facilitate the reconciliation of the British Labour Party to the accession terms, and hence contribute toward the renegotiation to which that party is committed should it be returned to power.

(b) The outspoken criticism of the CAP by members of the British government is an indication that there is to be no period of acquiescence. The political struggle has been joined. And the other member governments are now much less reluctant to discuss the possibility of radical changes in the farm support system.

(c) The new Commission is a much more politically experienced body than its predecessor. Already it has proposed to the Council that plans for reform of the CAP be drawn up with a view to instituting such changes as may be considered necessary within the next year. Responsibility for agricultural trade policy will in the future be shared among three Commissioners: those in charge of external affairs and consumer welfare, as well as agriculture. This represents a significant advance over the situation where one man could dominate the European agricultural scene. One might also read hope into the reawakening of the European Parliament. Even without the legitimation of direct election it can make its influence felt if it were to take seriously the small legislative and budgetary powers allotted to it at present.

(d) The terms of the treaty of accession as regards to CAP were significant. New members accepted the CAP from February 1, 1973, in its entirety, and in turn have full voting rights. They were to offer full Community preference from the outset. The transition period to 1978 is to smooth out price changes—just as occurs after an exchange-rate movement—not to allow a gradual adoption of the regulations. This is important for third countries. It would, in my opinion, by a serious error to work on the assumption that no changes in the CAP are possible during the transition period. Indeed many people in Europe are convinced that the period between now and 1978 gives an excellent opportunity for policy reform—by 1978 the U.K. will have become accustomed to high prices and change may then be more difficult. By the same token I believe that the multilateral trade talks come at a convenient time. It is often said that the EC was not in a position during the Kennedy Round to discuss agriculture since its own policy was in transition. But the parallel with the present is false: there is at the moment a common policy in full effect over the nine, and the Community itself is concerned with the way in which this policy will influence its trading relationship with other countries. Many people were disappointed that the Community did not come to grips with the problems of agricultural trade during the enlargement negotiations. But to the EC, those discussions were about the harmonization of legislation within the Community, and not about the future trading policies of the nine. Only now, with enlargement accomplished, can that discussion begin.

(e) One further hopeful sign is the greater degree of flexibility shown in recent years in the administration of the CAP. Most of these changes have been in response to unanticipated market situations. I refer to such actions as the reduction of duties on beef, export subsidies on wheat, and the introduction of export taxes on sugar and dairy products. The system of denaturing premia for wheat and sugar, and the feeding subsidy for skimmed milk are examples of attempts to improve market balance and reduce the disruption in foreign markets. The Commission is reportedly suggesting an 11 percent reduction in butter prices for the next year in the context of an over-all price increase far less than the rise in farm costs. Indeed I would suggest that the Commission has so far taken quite seriously its commitment to New Zealand not to disrupt the export market for dairy goods. The combination of these *ad hoc* measures has been to change the character of the CAP as seen by the outside world. The variable levy, though still a major barrier to imports, has lost its position as the main instrument of farm support. Only in the case of feed grains does the levy determine the European domestic price. For soft wheat and for butter it is the intervention system in conjunction with storage and export subsidy programmes that support the European market: the levies act to contain domestic support costs by discouraging reimportation much as the Section 22 provisions guard domestic programmes in this country. In the case of sugar it is the fixing of the quota which influences producer price.

The variable levy has indeed become less important as a trade barrier. Only 23 percent of U.S. agricultural exports to the EC in 1971 were subject to variable levies; in 1964 the same commodities accounted for 30 percent of U.S.-EC farm trade. Much of this is due to the fact that European feed firms have discovered that a mixture of soybean meal and cassava substitutes well for corn. But the implication is that undue concentration on such problems as the legality of the variable levy within the GATT may seriously divert attention from problems which are both more important in trade terms and more capable of an acceptable solution.

Lest this list of pointers be thought too sanguine, may I add that I see no likelihood of modification in the three basic principles of the CAP. The existence of a relatively free market within Europe is secure, the commitment to joint financing remains a political necessity, and the central administration of a common support system represents an achievement that is likely to survive. But changes in this system are on the cards. These changes will probably include a modification in the direction of income supplements paid to farmers in lieu of price increases. Even a modest scheme along these lines would represent an important degree of flexibility for the EC. Once the link between farm incomes and market prices is severed then the Community can make needed adjustment in Community price levels to take account of situations in the market for farm goods. This does not of itself imply a rapid shift to liberal trade policies; nor does it assure overseas suppliers increased market access. But just as adjustment assistance to industries hit by tariff cuts allows a government to adopt a more flexible commercial policy, so income support to European farmers would allow the Commnuity to be more responsive to the opportunities afforded by multilateral trade talks.

Increased flexibility in European policy-making is not in itself a guarantee of larger export markets for third countries. But one aspect of the changes in the CAP that I believe to be possible does hold out direct hope for exporters. Many of the problems of European farm policy stem from the demand-inhibiting aspects of the high market price system. These consumption effects are incidental to the intention of the policy. An increase in consumption of farm goods would enable both domestic producers and also foreign suppliers to expand their sales.

There is also scope for a mutually advantageous agreement on export subsidies and the sharing of responsibility for stockholding and market stabilization. Indeed I have the feeling, difficult to put into words, that the European approach to problems of farm trade at present is much more that of an exporter seeking world agreements to stabilize export prices. The unwillingness of the EC to reduce corn levies has as much to do with the problems that this would have for the wheat market—entailing more subsidies and denaturing payments—as with the implications for maize growers in Europe. The situation changes somewhat with the accession of the U.K., but is still quite distinct from the perception of the problems in the mid 1960's.

I hope that these somewhat rambling observations on the European situation are of some interest. I am happy to elaborate on any points that you care to raise.

I thank you for your attention.

U.S. Agricultural and Trade Policies

(By Vernon L. Sorenson) [*]

I am happy to have this opportunity to express myself on trade policy issues as they relate to agriculture. Thank you for your invitation to appear before this committee.

American agriculture has much to gain from liberalization of trade and a worldwide reduction in levels of agricultural protection. Despite the protectionist interest of a number of commodity groups the overall interest of agriculture lies in policies that seek to reduce trade barriers and expand the opportunity for American agriculture to compete on worldwide markets. For some commodities exports are crucial and have represented the fastest growing sales outlet. At present over 50 percent of the income to farmers from soybeans, wheat, and rice comes from overseas sources. In total, something in the neighborhood of 18 to 20 percent of total U.S. agricultural income and about one-third of income from the sale of crops is from exports.

Our interest in agricultural trade extends beyond farmers; the nation as a whole has an interest. Agriculture makes a major net contribution to our balance of payments and with projected major increases in U.S. petroleum import requirements, the need for expanded sales by export industries will increase. Consumers also have a strong interest in the U.S. agricultural trade position. The $2.1 billion of noncompetitive imports in our trade balance represent items that would not be available or could be obtained only at very high cost from domestic production. Included are direct consumer items such as coffee, cocoa, bananas, and industrial raw materials. Beyond this some items such as sugar and certain fruits and vegetables enter U.S. trade as imports but on a protected basis. These are competitive imports but are available only at artificially maintained prices and hence are more costly than would be the case under more liberalized trade relationships.

Our agricultural trade involves most areas of the world and our trade policies have embodied different kinds of motivations. The primary objective of our policies toward free world industrial countries has been to increase sales of farm products, thereby improving our trade balance and adding to the income of American farmers. In the case of socialist countries our objectives have been in part political as well as the seeking of sources for expanded markets. We import agricultural products most heavily from less developed countries, particularly South America. Our policy interest in these areas is in part based on encouraging their development as outlets for American farm products, but we also have an interest in maintaining political stability in these countries and inducing more rapid economic development. These latter two objectives are interrelated and call into question our import restrictions that reduce their exports and foreign exchange earnings. The relationship of economic development to U.S. trade interests becomes direct.

It is clear that our agricultural trade interests are broad and diverse and that trade policy for agriculture must be formulated with a view toward serving our national and international interests as well as the direct interest of American farmers. Viewed in this perspective, at least four major problems of policy formation face the United States. These are: (1) Reducing the barriers that inhibit U.S. sales of agricultural products in foreign markets; (2) Developing domestic economic and farm policies that complement our international trade in international trade interests; (3) Maintaining an acceptable domestic import policy; and (4) Improving the process of trade policy development and implementation. The remainder of this page briefly discusses each of these issues.

REDUCING BARRIERS TO U.S. AGRICULTURAL EXPORT

The policies surrounding agriculture in national and international markets are interrelated. In most countries agriculture is still organized largely on a family farm basis and as a result agricultural policy contains both economic and social objectives. Among industrialized free world countries the central objectives or goals sought in support legislation for agriculture is much the same in most countries. Heading the list is stabilizing and improving farm income, but this objective is supplemented by varying degrees of emphasis on improving the contribution of agriculture to the general economy of the country, maintaining the family farm, and maintaining and improving the rural social structure of the economy.

Most countries rely primarily on policies that maintain market prices at a level above that which would otherwise occur. But because of the influence of economic conditions surrounding agriculture and variations in the political power resting with agriculture, similar objectives and procedures can result in widely differing price levels among countries. The basic support level for wheat, for example, in the 1971/72 marketing year varied from a low of $1.31 per bushel in Argentina to a high of $4.86 per bushel in Switzerland.[1]

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[*] Professor, Department of Agricultural Economics, Michigan State University.

[1] I.M.C. World Wheat Statistics, 1972.

These differences result in the wide-spread use of import restrictions as well as export subsidies that distort trading flows and trading patterns. Markets are disrupted and the competitive structure in world agricultural markets is obscured.

Distortions based on commodity price supports as well as major programs for input subsidy in many countries influence levels of food consumption, the allocation of resources among commodities within agriculture as well as the allocation between agriculture and other sectors of the economy and distort world production patterns. Protection in any form, including input subsidies, tax advantage, etc. as well as price supports, influences cost levels and farmers' decisions to produce. They lead to high cost production for import substitution in importing areas and to production in exporting countries often well above that required for domestic consumption or that which normally will be absorbed on international markets at domestic support levels. Both conditions lead to international conflict for which answers have been sought throughout most of the post World War II period but as yet with little success.

Our agricultural trade with other free world industrial countries involves largely temperate zone agricultural commodities. The principal importers of U.S. products are Japan, Canada, and Western Europe. The traditional sources of competition for exports are Canada, Australia, New Zealand, Argentina, South Africa, and intermittently for some commodities, Russia. For specific commodities other countries have recently become important. For example, Thailand has become an important corn exporter, and Mexico has become an important exporter of several commodities.

The bright spot in our trade relations with free world industrial countries has been the rapidly expanding exports to Japan. This has occurred despite the fact that Japan is a high cost country and maintains rigid protection and import control. Incomes and consumption of livestock products have grown rapidly and Japan has required substantial imports of oilseeds and feed grains to expand domestic livestock production. Canada also represents a relatively stable market for the commodities she buys from the United States due largely to her northern location and the need to import fruits and vegetables and lesser quantities of a variety of other products.

The most controversial aspect of U.S. agricultural trade relationships has been Western Europe. The effects of formation of the EEC are being felt in a number of ways. High agricultural prices clearly have affected the rate of change in consumption and appear to have created a number of distortions in resource use and production patterns.

In particular high meat prices appear to have slowed consumption growth and high grain prices have led to low grain feeding rates for cattle and substitution of other materials for grain in compounded feeds. This has reduced their need for grain imports and affected U.S. sales.

The EEC built substantial surpluses of wheat, dairy products, and sugar and lesser surpluses of poultry, hogs, and certain fruits and vegetables. The direct trade effects of formation of the EEC has been important. It stems from two sources. One is simply the restricting of imports from outside suppliers and the increase in trade between deficit and surplus areas within the Economic Community. The other stems from the fact that the formation of the EEC has created the financial base from which to enter export markets for surplus disposal purposes. The EEC has become a fifth major export competitor in some commodities and this competition is supported by the collective treasury of member countries as well as through levies assessed on imports of commodities that are priced domestically well above world market levels.

Expansion of the EEC to include the U.K., Ireland and Denmark will change these conditions somewhat. The U.K. is an important importer of dairy products, wheat and sugar, the three commodities in greatest surplus in the Economic Community. On the other hand, entry by the U.K., Ireland and Denmark will raise farm prices in these countries and encourage expanded output of livestock and grain products. The total effect will be to further increase trade among European countries and to reduce the need for outside supplies.[2] While our agricultural trade interests cannot dominate our policy toward the EEC, they are important and warrant major emphasis. We should seek reduced price levels and more liberal trade policies among all major trading nations but the problem is especially important in our relationships with countries that are subject to the common agricultural policy of the EEC.

Bargaining for reductions in tariffs will be important for some commodities but even more crucial will be reducing non-tariff barriers such as outright embargoes, restrictive quotas, the variable levy system and a host of other technical and administrative restraints that effectively reduce imports. The bargaining package will also need to deal with export subsidies and other special trading arrangements.

Trade negotiations in the past have failed because rigid domestic policies have prevented concessions. Chances for trade concessions in the future will depend heavily on willingness of countries to make changes in their domestic agricultural policies. This can involve changes in the policy instruments that are used, such as, movement from rigid price supports to deficiency payments or income subsidies, or in some cases substantial overall reductions in protection levels may be required.

The United States needs to place a high priority on agriculture in any future trade negotiations that occur. Simply because of its dominant size in international agricultural markets, the main focus of negotiation will have to be the EEC. Entry by the U.K., which has traditionally had a consumer oriented agricultural policy, can represent an opportunity for more useful discussions with European countries. The time may be ripe to begin discussions of mutual interest in agricultural trade and policy with the expanded EEC and begin the search for solutions both to some of their internal problems and to our export problems.

DOMESTIC POLICY TO MAINTAIN U.S. AGRICULTURE'S TRADE POSITION

Along the efforts to reduce external barriers, domestic policies are needed that will maintain and expand U.S. agriculture's capacity to meet competition on world markets and to expand exports where opportunities arise.

American agriculture has been in the forefront of technical and organizational improvements throughout the postwar period. This has resulted from a shift in composition of inputs, a substantial increase in the average size of farm, and improved technology, both of yield increasing and labor saving type. As a result productivity per worker for agriculture has increased at a rate above 5 percent per year. A major question for the future is whether these kinds and changes and resulting improvements in productivity can continue to offset increases in input prices.

In part, this is a matter of avoiding agricultural programs that raise market prices above world levels. Clearly, when this is done we have destroyed our competitive status and it can be reinstated only through export subsidies.

Price supports also have had a more fundamental and longer run effect on U.S. agriculture's competitive position. Income to family labor along with other factors that influence production costs determine the degree of protection and price level maintained. But the increase in income from farming tends to be incorporated into land values that, in turn, increase future costs. Thus, in the short run, cost levels influence policy, but in the long run policy influences cost levels. Farm policy that is developed without regard to this relationship is self-defeating in its objective of improving income and can have a negative effect on agriculture's international competitive position.

During the 1960s we made major changes in our domestic farm programs on wheat, cotton, and feed grains with a view toward reducing the conflict between domestic programs and trade policy. Price supports were changed to permit trading of these commodities at world market levels and income support for farmers was partially disassociated from commodity prices. This was the first real recognition that agriculture has a major stake in international markets. That stake has grown and any retreat from a domestic policy that furthers U.S. agriculture's world competitive position is not good agricultural policy.

Agriculture's competitive position is also strongly influenced by changes in the general economy. The most important change needed to sustain U.S. agriculture's external competitive position is to reduce the relatively rapid rate of inflation that has occurred for much of the past several years. Inflation has a two-pronged effect on farmers. One is psychological in that farmers simply want to enjoy, for a comparable effort and capital investment, incomes relatively equal to that which is obtainable in other sectors of the economy. In a family farm system the farmer supplies the capital, managerial know-how, and along with his family the bulk of the labor for his farm operation. If wage rates and profit levels increase in other pursuits, the farmer wants to increase also.

A second major impact is on the cost of inputs that farmers purchase. Farm wage rates and the cost of machinery, petroleum and other items increase. In the case of petroleum import quotas have created higher prices that have importantly affected farm costs. Purchased inputs increase in importance as agriculture becomes more modernized. On many large commercial farms they are by far the largest cost in production. No one has a greater interest in maintaining stable general price levels than American farmers, both because of the direct impact on their immediate earning capacity and because of the longer run impact on their ability to compete in world markets.

A new dimension has been added to the problems of policy formation by the recent surge in export sales of U.S. farm products from about $8 billion in 1971–72 to an estimated $11 billion in 1972–73. Part of the problem is international and relates to the fact that the major component of this increase represents sales to socialist countries, primarily Russia. Basic differences between the economic systems of the U.S. and socialist countries create a number of conditions that increase the need for government involvement to establish the rules and procedures for trading. Private enterprise operates in a framework where market forces influence prices, where information on potential supplies and projected demand is generally available and where individual firms play a dominant role in international transactions. Except to the extent of measurable government intervention prices for internal transactions are closely related to international prices.

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[2] For an assessment, see John Ferries, et al., *The Impact on U.S. Agricultural Trade of the Assession of the United Kingdom, Ireland, Denmark and Norway to the European Economic Community*. Research Report No. 11, Institute of International Agriculture, Michigan State University, 1971.

In economies where production and internal prices are centrally planned prices may diverge widely from that which would be arrived at under a market system; there is a separation of internal prices from external prices and market forces to not influence international commodity flows. These conditions along with the unequal bargaining power that exists where a single fully informed buyer confronts several or many partially informed sellers create a need for government-industry cooperation on a wider basis than for trade among enterprise economies. Substantial government involvement, thus, may be needed to establish the rules and procedures for trading and to monitor pricing and other conditions of individual transaction.

A second policy issue that has arisen as a result of the recent surge in export sales is how the U.S. can manage domestic production programs and foreign sales to reduce the domestic impact of variation and change that may occur. At the present time U.S. domestic food markets are being strongly influenced by a world wide shortage of beef due to rapidly expanding demand relative to supply and by the impact of weather induced decreases in grain output. The most important single component of reduced grain output is the shortage in Russia but in addition output is down in a number of other areas including Australia, India, and Indonesia. The combination of a shortage of beef and the reduced grain output has had a major impact on U.S. farm prices and on food costs. The resulting expansion in exports has reduced grain and feed stocks in the United States from relatively high levels following the 1971–72 crop year to current relatively low levels. A second year of heavy international demand due to weather induced reductions in grain output will place severe strains on world supplies and result in further price increases. If grain prices remain high a second effect that has not yet been fully reflected in food prices will occur. High grain costs will increase livestock production costs and serve to further increase consumer meat prices.

Because of rapid economic growth and improved diets in an increasing number of countries throughout the world and because of potential continuing sales to Russia and East European countries there appears to be a basis for long term expansion in U.S. agricultural export particularly of grain and soybeans to expand livestock production. American agriculture continues to have a substantial amount of excess capacity and probably can expand output to meet domestic requirements and foreseeable normal foreign demand. A danger exists, however, that output expansion will occur too rapidly and if accompanied by a return to normal production in Russia and other parts of the world prices may decline sharply. In the face of this possibility farm legislation that authorizes programs of production adjustment will continue to be needed. They should be administered with a view toward adjusting production to foreseeable market changes while at the same time maintaining farm prices at acceptable levels.

But as has become apparent this past year major changes in world demand can occur quickly and create short term market shifts that cannot be foreseen in advance. Despite substantial increases in world agricultural trade few countries rely on imports for a major portion of their food supply. This means that even small shifts in domestic supply for large importing countries can cause a major change in total world import demands. Given the dynamic nature of international markets at the present time and the extensive affect on domestic American markets some form of stock management or sales management program may be required. Little popularity can be gained by public officials through policies that result in excessive stock accumulation and low farm prices. But shortages are even worse. Many of the world's consumers are accustomed to food prices that are relatively higher than those paid by the American housewife and for the first time in recent years the American housewife is feeling this competition. American livestock feeders are competing with overseas livestock producers for available supplies and prices have risen sharply. Maintaining reserve stocks could, up to a point, mitigate this phenomena. To some extent these reserve stocks should be maintained in surplus producing countries, including the United States, so that they can be used to overcome shortages wherever they occur. On the other hand, it does appear feasible for the U.S. to maintain reserve stocks sufficient to overcome broadly based shortages. The cost of maintaining reserve stocks to overcome variability of the extent that can occur in world production should not be borne solely by the U.S. Formulating policy on stock management should be of interest to all major importing and exporting countries and subject to international cooperation. If adequate stocks are not maintained by Russia and other major importing areas, export sales limitations in individual years may be required to prevent undue disruption of U.S. agricultural and food markets.

In total, consideration needs to be given to a combination of sales management, stock management, and production management programs at least to the extent of providing and retaining standby measures that will permit orderly marketing of American farm products in international markets. This will require expanding output sufficiently to meet increasing trends in sales and managing stocks, and if necessary sales, to reduce the impact of short term variation on American farm product and food markets.

U.S. IMPORT POLICY

Successful negotiation will require a reversal of recent trends in U.S. policy. Since the Kennedy Round, U.S. trade policy has taken an unfortunate turn toward *ad hoc* response to domestic commercial interests and toward a defensive posture that has sought largely to protect American producers from overseas competition. This has been reflected in the devaluation of the dollar and in the emergency surcharge placed on all imports to supplement the devaluation that occurred in 1972. At a less sweeping but more enduring level action has been taken to apply restraints on imports in several key industries including cotton textiles, steel, dairy products and a number of other items. A new device, the voluntary export restraint agreement, has come increasingly into use.

This reversal from an extended period of leadership in promoting trade liberalization reflects in part a change in the position that the U.S. holds in the world economic order and also reflects unusually strong domestic pressures for increased protection. Some labor unions and a large number of industry groups support action by the United States to unilaterally impose a wide range of import quotas. Support also appears to be widespread for general trade legislation that will severely restrict the level of U.S. imports and regulate future rates of growth.

An inward looking approach to trade policy by the United States is intolerable both because it does not fit America's role in world affairs and because the inevitable consequence will be a gradual return to protectionism that can only have a negative affect on major export industries and on our general welfare. An important aspect of the U.S. trade position for the future is that our petroleum import requirements will expand dramatically. If we increase imports we have to increase exports. Given our increasing dependence on imports the central focus of our trade policy should be to increase exports of those products, especially agricultural, where we have a comparable advantage. To do this we need to return to a policy that commits the United States to a continuation of movement toward trade liberalization and to arrangements for managing restrictions that remain based on international rules and mechanisms and not on unilateral action that selects who among many groups shall be protected.

Post World War II negotiations on trade policy have largely been centered on efforts initiated by the United States. Much has been achieved in reducing trade barriers on industrial products. Little has been achieved in agriculture. In part this is our own responsibility. U.S. agricultural policy has vacillated through varying degrees of price support levels that have required import protection as well as the use of export subsidies and more extensively P.L. 480 disposal programs.

One of the misconceptions that seems to exist in every group seeking protection is that they are an exception and that independent action should be taken for them alone. This is unlikely to be the case and could lead to general protectionism that would have both internal and external effects. Internally if agriculture were to get increased protection, undoubtedly many other other industries would get some too. The net effect of widespread protection would be higher cost and lower income to agriculture. A package of import quotas that shifted internal price relationships within the United States would end up costing U.S. agriculture net income through higher prices on purchased inputs and reduced export sales.

A further aspect of protectionism is that it would almost certainly lead to retaliation from major overseas trading partners. Retaliation would not directly affect the American industries that get protection because in general these tend to be higher cost, non-export industries. It would affect exports by other industries. Increased protection and retaliation could quickly escalate into a trade war incompatible with our own welfare and our relationships throughout the world. Anything approaching a trade war between this country and the rest of the world would inevitably result in a degree of isolation and abdication of the United States' world role.

The domestic implications of a return to protectionism are serious also. The U.S. economy has been subject to inflationary pressures in recent years and protectionism would increase this pressure. Protection drives price levels upward by impeding imports and restricting competition. The most straightforward relationship between imports and inflations is that imports can fill excess demand as now exists in beef and petroleum and thereby keep prices down. This, of course, works if world supplies are forthcoming at non-inflationary prices, which currently is not the case for beef. A more important aspect of the effect of imports on inflation is its role in protection against economic power. This has recently been effectively stated as follows: "It is increasingly recognized that major sectors of the U.S. economy are dominated by giant institutions: the large corporation and the industry-wide trade union. More and more we see that these two giants, tradtionally deadly rivals, are acting in consort to wield their joint economic power against the American consumer. The game plan is generally this: the industry-wide union demands, and by strike if necessary, receives wage increases well in excess of the growth in industry productivity. The corporation, in turn, has power to determine its market price level, and the wage demands are passed on in higher consumer prices. The final piece of this drama is a joint effort by industry and the unions to demand protection from imports which might undermine their ability to extract higher prices and wages from the domestic economy."[3] One of the important gains that flows from a liberal import policy is that it can have a dampening effect on inflation and can strongly complement government wage-price and income policy.

Finally, a most important aspect of protection is the implication for balance of payment, another major trouble area for the United States. While import restriction can improve the balance of payments in the short run, three kinds of effects tend to take place over time that work in the opposite direction. One of these has become known as the feed back effect and merely says that if a country buys less, it likely will sell less, and hence there is an automatic loss of export. The second is the retaliation effect which we have discussed and can take many dimensions depending upon the actions of foreign governments. Third, is the competitive loss effect which arises because protection increases cost levels in export industries through higher prices of inputs.

From the viewpoint of agriculture this latter point may be the most important. Farmers continually fight a cost price squeeze. In the past productivity gains in farm export commodities have been large enough to offset price increases and output has expanded. Potential for further increases in efficiency exist but I do not believe farmers can continue, over time, to offset with improved productivity the effect of relatively rapid price increases on their inputs. Higher product prices will be required and this will affect their international competitive position. Import protection on a wide basis, including such items as steel will create higher costs in agriculture and have a cost increasing anti-trade effect.

Given these conditions, it is hard to seriously contemplate a broad return by the U.S. to a policy of protectionism. This, of course, is admitted by most proponents of import quotas themselves, because in general they insist on presenting their proposal in terms of exceptions from a liberal trade policy. These exceptions could quickly accumulate and become a new policy. Protectionism would become the accidental end result of a cumulative process of providing a little protection here and a little protection there even while professing belief in a liberal trade policy.

DEVELOPING TRADE POLICY

Formulating trade policy presents certain inherent difficulties. Despite the pervasiveness of international trade policy in its effects on groups within an economy, it is not an area of interest to a large number of people. Because the effect of trade policy on consumers and export industries often is indirect and delayed, these groups tend to be inactive in policy formulation. Pressure arises in those industries seeking protection and does not get offset by those that will be damaged by protection. These positions in turn are reflected directly in negotiations between countries. Bargaining becomes a process of trading off special interests. The result to this point has been a laborious process of commodity by commodity negotiation which has not succeeded in reducing import barriers on agricultural commodities.

To change this process and achieve progress at least three concepts should be introduced into trade policy formulation. First, we have to define policy objectives that re-emphasize national rather than group interest. This involves decisions both on trade barriers to be retained and on those to be reduced or eliminated. While the major objective should be trade liberalization it is also true that in today's world of mixed and interdependent economic systems where governments seek to maintain domestic economic stability, assure economic growth and full employment some barriers to trade represent responsible government action. Where barriers are retained, however, they should be designed to serve broader national interest and not simply be a collection of actions to protect interest groups.

Most analysts would agree that U.S. national interest would be served by continued progress toward more liberalization of agricultural trade. In the case of policy changes that expand exports, there is little conflict with group interests and policies to serve export objectives are not difficult to implement. Since the mid-1960s our agricultural policies have been pretty well adjusted to this end, but even before that there was little domestic political objection to the method—including large export subsidies—used for export expansion.

Our national interest would also be served by increased imports of agricultural products and raw materials both through its impact on consumer prices and raw material costs, and through its effect on less developed countries. Larger imports from these countries would increase their foreign exchange earnings and, thereby, make it possible for them to increase imports of items they need for development. But change in our trade policies that increased imports would inevitably be damaging to domestic groups.

This leads directly to the second concept that should be introduced into trade policy, namely, that we should not expect individual groups to bear the entire cost of change in trade policy. Adjustments made to serve the national interests should be paid for by society. To do this, compensation and meaningful public assistance is needed as a part of the package in trade liberalization. The principle of adjustment assistance has broad application both within and outside agriculture. It should come into play if trade barriers are reduced and serious market disruption and injury occur. The trade expansion act of 1962 provides the basis for assistance in such cases, but, in so far as I know, has been used only modestly in connection with the Kennedy Rebound.

Our trade policy could further be improved if the basis for use of adjustment assistance were expanded to industries that for various reasons can no longer compete. The U.S. textile industry is seeking protection because it cannot compete with Japan and other countries where lower input prices, especially labor, provide a cost advantage. Economists have long recognized the infant industry concept and accepted it as justification for protection to achieve faster economic growth. We should also recognize that economic development in other countries and basic differences among countries in available resources along with the international transfer of technology can shift comparative advantage and create conditions where industries can be maintained only with continuous protection. Where this is the case and the basic ingredients for competitive survival do not exist, assistance in moving resources to other uses makes fully as much sense as protection for infant industries.

As a final point it would appear that there is a need to devise more effective techniques for trade negotiation if progress is to be achieved.

Clearly the format of bargaining heretofore used in the GATT has not worked in agriculture nor for reducing a wide range of non-tariff barriers in non-agricultural industries. John Schnittker has recently expressed the need for "a new rationale constituency and rhetoric."[4] The recent report of the President's Commission on Trade and Investment Policy states that "the necessity to negotiate the techniques and levels of domestic price support systems makes a sectoral approach on agriculture a necessary preliminary step. . . . this approach does not require a self-balancing package. Because agricultural trade flows are not balanced between major nations, equivalency of concessions will be achieved only through broader negotiations involving both agricultural and non-agricultural trade and possibly other international economic matters as well."[5] A number of agricultural economists have argued that the dilemma in trade negotiation for agriculture can be overcome only through broadly based international discussions that deal with issues of price support, import protection, export subsidization, the orientation of domestic farm policy and agreement by individual countries, both exporters and importers, to cooperate in programs of supply adjustments and production reorganization.

Devising mechanisms for more fruitful international negotiation in agriculture will not be easy. But past efforts built around commodity by commodity bargaining based on trade-off concessions has led to little progress and clearly indicate that change is needed. The challenge for imaginative leadership to achieve improvement clearly exists.

TESTIMONY BY DR. DALE E. HATHAWAY

Senator Humphrey and members of the Subcommittee, I am honored to appear before you today on the subject of agricultural trade policy. I have for many years taken an active professional interest in this subject as a university professor, Senior Staff Member of the Council of Economic Advisors, Consultant to the Council of Economic Advisors and the Secretary of Agriculture, and now in my position with the Ford Foundation.

I should like to begin by stating that I believe that our agricultural trade policy too often has been a stepchild of our domestic price support policy and our nonagricultural trade policies, and that this situation should change. I believe that our agricultural trade policy is of importance to the U.S. economy and to economies of other countries.

I shall argue that the United States has important opportunities and obligations in meeting the agricultural product needs of both developed and less developed countries; that our domestic agricultural and trade policies should be consistent with meeting the needs of these foreign markets; and that we need both a U.S. grain stocks policy and a global food reserve policy to stabilize prices and supplies.

Since you already have had testimony on our trade flows and trends, I will not repeat the statistics relating to our balance of trade derived from agricultural exports or the importance of foreign markets to American farmers.

I want to approach the issues by dividing the world into three groups of countries which are potential markets for U.S. farm products. The three classifications I wish to use are:

1. The wealthy "developed" market economies of Canada, Western Europe, and Japan.
2. The "developed" socialist economies of Eastern Europe and the USSR.
3. The less developed or "poor" countries which predominate in Asia, Africa, and Latin America.

THE DEVELOPED MARKET ECONOMIES

I shall spend relatively less time on these countries since Dr. Sorenson will concentrate his remarks on them. Let me briefly review the characteristics which help determine the potential of these countries for trade in farm products.

These are economies with wealthy consumers, characterized by low population growth rates, rising wage rates, and a science-based agriculture. Except for the United States, Canada, Australia and New Zealand, they have a limited land base, and in most cases, they already are using their land intensively.

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[3] D. Hathaway, *Trade Restrictions And U.S. Consumers*, mimeo presented to a conference on U.S. Trade Policy and Agricultural Exports, Ames, Iowa, June 2, 1971.

[4] John A. Schnittker, *New Conditions of Debate on Agricultural Policy*, Address to the Trade Policy Research Center, London, July 14, 1970.

[5] *United States International Economic Policy in an Interdependent World*, Report to the President submitted by the Commission on International Trade and Investment Policy, Washington, D.C., July, 1971.

Demand for farm products in these countries will change largely as a result of rising income. This means a rising demand for red meats, poultry, fruits and vegetables, coupled with a declining demand for potatoes and bread. Unfortunately, their consumer demand for livestock products depending upon feedgrains is dampened considerably by the excessively high internal grain price structure used to maintain their farmers' incomes. The high internal prices maintained for wheat, feedgrains, and protein supplements reduces feeding rates, induces high livestock prices; thus substantially reduces the consumption of livestock products; and thereby the demand for imported feeds.

These internal price policies to maintain farmers' incomes work adversely toward both the developed exporters of farm products such as the United States, as well as the LDC's. In our case the adverse effects are mostly upon the demand for feed grains and protein supplements—products in which we have a great comparative advantage. For the LDC's the protectionist policies work against the producers of rice, sugar, and other labor intensive tropical products.

These countries demand for U.S. feed grain and protein feeds will grow. Their agricultural structure, land area, climate and related factors make it unlikely their consumer demands can be filled from expanded domestic production despite continued scientific advances in agriculture.

These countries are and will continue to be major importers of U.S. farm products. In the past we have not been successful in getting them to negotiate on either tariff or non-tariff barriers that disadvantage our farm exports. I believe we should insist that agricultural trade be included in any trade negotiations. Let me point out, however, that I do not believe we can expect them to negotiate on the level at which they maintain their farmers' incomes. That is and should be their concern. Our concern is that they use devices to support their farmers' incomes that least impede agricultural trade and that do not discriminate against efficient outside producers in their market.

THE U.S.S.R. AND EAST EUROPE

While the real level of living of most people in this group of countries appears to me to be below that in developed market economies, it is well above that of most of the population in Asia, Africa, and Latin America. Further, incomes in the socialist countries are rising.

Despite differences in ideology, my impression is that the wants of people in the USSR and Eastern Europe are much the same as those of people in other countries. These include a diet of higher quality, which means more meat, milk, eggs, fruits and vegetables, and less cereals and potatoes. One cannot predict with certainty, however, the internal policies of these countries with respect to increasing the supply of consumer goods or in regard to dependence upon trade and imports if they do opt for more and better food.

Agriculture has been a continuing source of frustration and disappointment in socialist economies. And, for several reasons, I believe it is likely to continue to show uneven results in the future. One reason is climate. Virtually all of the USSR and Eastern Europe lies north of the latitude that forms the northern boundary of the continental United States. This makes it difficult to produce the corn and soybeans required for an intensive livestock economy. Moreover, much of the area is subject to periodic drought as apparently was the case in 1972.

Second, I doubt that central planning and control result in the most productive use of agricultural resources. This is an issue rather divergent from our discussion, but I mention it only as a point likely to influence their agricultural output. *If these nations decide to substantively upgrade their populations' diets,* imported foodstuffs are likely to be required. Nevertheless, exports to these markets are likely to be irregular and uneven, unless the countries concerned decide to build and maintain large internal stocks of feed grains.

In my view a market potential exists in the USSR and Eastern Europe. We should be willing and prepared to handle it through normal trade relationships. I have some comments later about the unstable aspects of this probable trade which I believe the Congress should consider.

THE LESS DEVELOPED COUNTRIES

I shall emphasize these countries, not merely because my work is primarily concerned with them, but because almost everyone ignores them when considering agricultural trade. To do so is not in our interest or theirs.

Let me briefly review the situation, which I am certain you are all familiar with, regarding less developed countries. First, their per capita incomes are very low, and because of high population growth rates, per capita incomes are rising slowly even where total growth rates are good. Second, the LDC's are predominantly agricultural and their agriculture is not science-based. Farming still depends largely upon traditional peasant agriculture with limited use of modern science technology or capital. Moreover, in most LDC's the inescapable fact is that the farm population will grow larger in absolute numbers for several decades even if they achieve high industrial growth rates.

Since the population has such low incomes, any rise in income results in a substantial increase in demand for more and better food. Thus, in these countries the demand for food will increase both from rapid population growth and from income increases that are achieved.

One indication of this can be found in recent trends. As Joseph Willet of ERS, USDA, said in his February 23, 1973 statement to the National Outlook Conference: "The direction of our exports with respect to markets has also changed rapidly. During the 1960's the South Korean market grew at the fastest rate, followed by Japan, Taiwan, and Mexico." With the exception of Japan these countries are by my classification LDC's and, believe it or not, Japan was in that category by most standards only 30 years ago. Despite these examples, most people tend to ignore the LDC's as markets.

I have examined the projections of FAO and the USDA regarding the world food situation in 1980. These projections assume that on the whole the LDC's will be self-sufficient in food grains by that time and perhaps even modest net exporters. I hope these projections are fulfilled or even exceeded, but I am somewhat less optimistic than they, for reasons I shall indicate.

It is true that on the average the output of food grain per capita in these countries has been stable or even risen modestly over the past 20 years. USDA statistics show that from the period 1948–52 to 1966–70 grain production in the LDC's increased by 78 percent, compared to 64 percent in the developed countries. But, this was achieved by an expansion of land area of 35 percent in the LDC's and with no expansion of crop area in the developed countries. Thus, in the developed countries yields per area increased 63 percent as compared to only 32 percent in the LDC's. In Asia the possibility of expanding land area has been largely exhausted and the future increases in output must come from more intensive land use and higher yields. In Africa and Latin America more land can be brought into production, but only at great expense and effort.

Since the late 1960's we have witnessed the "Green Revolution" in agriculture and I believe that optimism arising from it may be involved in those projections. While I think there has been a "Green Revolution," I do not believe that the popular conception fits the facts. Most peasant farms of Asia and Africa have not been transformed into modern midwest commercial farms. The bulk of the peasants are still not using science and technology or modern tools and farming methods.

I believe the "Green Revolution" may be characterized as follows:

1. Governments in the LDC's have come to recognize that agricultural expansion is important and must get priority, both as a source of food and employment.

2. Government officials now recognize that science can alter agricultural productivity on peasant farms and farm output can thereby substantially increase.

3. Many farmers have found that new seeds and new practices can appreciably increase their farm output, their families' level of living, and their cash income.

4. There now are in place six international centers where scientists are developing new plants and improved production practices to fit the conditions and needs of LDC agriculture. The best known are CIMMYT in Mexico where the high yielding dwarf wheats were developed and IRRI in the Philippines where the "miracle rice" was bred.

But, these miracle crops require adequate water, water control, fertilizers and pesticides, and higher levels of management than the traditional varieties. One or more of these elements are lacking at present on most farms in the LDC's. Meanwhile, the scientists are laboring to develop disease, insect, and drought resistant crop varieties and production practices; public and private sectors are working to develop delivery systems for seeds, fertilizer, pesticides, and marketing systems for the increased products. Such developments are slow and difficult. They are unlikely to produce spectacular breakthroughs of the type that the word "revolution" implies.

This is merely to say that the race between population and food supply for much of the world's population is not won. Neither is it lost. But, I believe that the margin between plenty and hunger is narrow in much of the world and should enter into our calculations regarding agricultural trade.

Despite the narrow margin between population and food supply, even in good years, there is a tendency to ignore the importance of U.S. exports to LDC's. For instance in 1971, when weather was good in the LDC's 1.2 million bales of our 3.2 million bale cotton export went to LDC's and another 726 thousand bales to Japan. In 1970 the comparable figures were 1.7 million and 841 thousand out of 3.7 million bales exported. And these countries are modest importers of feed grains and protein supplements. And, as the figures for Korea, Taiwan, and Mexico suggest, when these countries get high growth rates, they become even better markets for our farm exports.

Then there are years like 1972. There were major droughts in Indonesia, Bangladesh, India, and parts of Africa, as well as the USSR. There were floods or other adverse weather in the Philippines, Thailand and Korea. As a result we have unprecedented high world prices for rice, wheat and protein feeds. India has been forced to use about one-fifth of her foreign exchange reserves to purchase U.S. grains; and there would be disaster in Bangladesh without our grain shipments.

I must remind you that these countries must export in order to engage in commercial trade or to buy emergency supplies through trade channels. The bulk of their exports are either agricultural products or products such as textiles, manufactured from agricultural raw products. It is in the area of trade policies adverse to their exports that we seriously hurt these countries and consequently reduce our potential export to them.

My conclusions regarding the LDC's are as follows:

1. The U.S. cannot feed the people of the developing nations. Most of their food now and in the future must be produced in their own or nearby countries. However, in the event of short-falls in their food production, the U.S. is one of the few nations with the capacity to expand its agricultural production and trade when the LDC's need more food.

2. There will be a need for some food imports by some LDC's on a reoccurring if not a regular basis. Our trade policy should help accommodate this.

3. The flows of farm products to the LDC's should be, insofar as possible, via trade channels and not aid. This implies that the LDC's must sell as well as buy. Many of their exports are also agricultural products.

4. There is a need for a world food stocks policy and the U.S. should take the leadership in formulating it as a way of stabilizing trade flows.

WHAT SHOULD BE THE U.S. AGRICULTURAL AND TRADE POLICY AND OUR POSITION TOWARD OTHERS' POLICIES?

Our domestic agricultural policy and our agricultural trade policy are inevitably interrelated. Until recently our trade policy was largely the outgrowth of our domestic programs. Thus, in the 1950's, we built up surpluses then disposed of them abroad via export subsidies and PL 480. Sometimes we looked better than we deserved. For instance, we met the 1966–67 Indian food crises from our huge stocks of wheat, but the record of that period indicates those stocks were acquired reluctantly as the result of an inadequate production control program.

In terms of future policy, I believe we can meet both our trade needs and domestic farm policy goals by following several principles.

First, I believe we should not price our products out of world markets by the use of high domestic price supports. If the Congress determines that farm incomes should be supported above the levels that market prices will produce, there are other ways to achieve that objective without high price supports.

Second, I believe that the U.S. government should have a grain stock policy—not as an unwitting adjunct to a support program, but for the purpose of domestic and international supply and price stability. It is not reasonable to expect farmers or the private trade to carry sufficient stocks to maintain our position as an exporting nation in an industry subject to huge year-to-year variations in export demand. You have to meet the demands of your regular customers or lose them, and when there are unanticipated increases in demands, some go unmet in the absence of adequate stocks. Moreover, sharp and violent grain price fluctuations are highly destabilizing to our livestock economy and to our domestic price system, as we are now seeing.

Third, I believe that we must be willing to act in trade policies toward others as we ask them to act toward us. By this I mean that we cannot expect other nations to drop their tariff and other barriers to our farm products while we maintain ours toward their products. To be specific, I do not see how we can ask the EEC to drop their barriers when we maintain import quotas and other barriers on manufactured dairy products. I do not believe that our beef import agreements, recently suspended because of high consumer prices, are consistent with our own best interests in agricultural trade. I believe that our textile import restrictions reduce our agricultural export potential.

And, certainly it is inconsistent with our intent to aid economic growth in the LDC's to use export subsidies to maintan some "market share" when and if they have grains to export. Farmers in LDC's have enough trouble competing with nature without competition from the U.S. Treasury in the form of export subsidies which adversely affect world prices for farm products.

The farmers of the United States are some of the most efficient in the world. Trade barriers tend to keep this efficiency from producing as much income as it might for them, and the world's consumers from benefiting as much as they could from this efficiency. But, we are not the world's lowest cost producer of all farm products, especially those requiring a high labor component in production. And we are not the lowest cost producers of many nonfarm products. I do not believe the efficient should be sacrified to protect those who are non-competitive when the latter can be aided in other ways.

Next, I should like to relate these questions of international trade back to our domestic price and income support programs.

There are some who would assert in mid-1973 that all domestic price and income support programs can be eliminated in the near future leaving U.S. agriculture to adjust to the commercial markets. I do not agree with this point of view for the reasons discussed earlier. We cannot expect bad weather to occur in large areas of the world every year or every other year. Neither can we expect that it will not occur. We continue to need price support, production adjustment, and government held stocks programs.

If weather is normal over most of the years ahead and if the most optimistic views of production potential in the USSR and the LDC's over the next decade are achieved, world food grain prices will decline. I believe that the U.S. should retain some reasonable price floor and production adjustment mechanism for farm products to protect both the U.S. agricultural industry and to protect the LDC's export earnings from sharp declines in years when they attain modest export surpluses.

The price support and adjustment mechanism used should be one which (1) minimizes interference with international trade by avoiding import quotas, export subsidies, etc.; (2) does not encourage output which would not otherwise be produced and marketed at home or abroad; and (3) maintains sufficient stocks to avoid violent fluctuations in grain prices which seriously disrupt livestock production and become a major contributor to the domestic inflation spiral. If we are willing to adopt such a policy, I believe that we should press for similar policies on the part of other countries that enter trade negotiations with us. As I said before, we do not have the right to determine the level of income that other countries wish to provide their farmers through subsidies, but we should press in our negotiations for methods of income transfer that are more compatible with economic trade flows.

Finally, I should like to discuss the problem of trade instability which has been highlighted during the past few months. Normally less than 5 percent of the world's rice production and about 10 percent of its wheat production moves in international trade. For feed grains the figure is normally less than 10 percent. But in the year 1972–73 the volume of wheat and coarse grain trade is up dramatically. Our physical facilities for handling and shipping are clogged. Because of inadequate knowledge of crop conditions, world food supplies and the timing of their harvest, many producers as well as consumers have suffered. During this year countries least able to pay have had to pay the most and the U.S. taxpayer has subsidized Russian imports.

The feasibility of an international food grain reserve for the use of LDC's should be studied. Such a reserve would permit countries like India, Bangladesh, and the Philippines to draw upon it when disaster strikes. The reserve could be replenished by the countries who draw upon it or by others who wished to contribute to it on their behalf. Repayment could be made in years of good harvest either at home or abroad and at a time when prices were normal. The United States as one of the world's largest producers and exporters should take the leadership in this endeavor, although I doubt the U.S. should either finance or control an international food reserve system. Indeed, after this year it should be clear to the LDC's that it is in their interest to finance and control adeqaute stocks to protect them against shortfalls due to weather.

The issue of international emergency grain stocks should be separated from that of the U.S. stock position needed for our own price stability and trading purposes. We should not be the holder of the world's reserve grain stocks for emergency food purposes. For the U.S. to assume this role puts a financial load on our taxpayers which they may not wish to assume, and more importantly, it could place political demands upon countries needing help which they are unwilling to meet.

In summary, the nation that has had the courage to take the leadership on international monetary reform, arms control, and similar issues should be able to lead in policies to deal with the difficult but important international aspects of agricultural price support, trade, and grain reserve policies. There would be tremendous benefits to the world in so doing, not the least of which be to the U.S. I commend this committee in opening discussions on what I hope will be a new era in this regard.

AMERICAN FOOTWEAR INDUSTRY

Mr. KENNEDY. Mr. President, the footwear industry in New England particularly in my own State of Massachusetts continues to decline due to increased imports of foreign products and the rising prices of hides. In the last 5 years, 67 shoe companies in Massachusetts have closed with a net loss of 11,500 jobs.

Many of us cosponsored legislation early this session to restore to the President the authority to impose export controls on hides to reduce the spiraling costs to the American leather and shoe industry. But there is an additional and most significant way in which the President has the opportunity to assist this crippled industry.

The American Footwear Industry applied to the Tariff Commission for assistance in relieving the pressure of increased imports of shoes. On January 15, 1971 the Commission in an evenly divided opinion released its report on the American Footwear Industry. Since January 1971 the President has had an opportunity to break the tie decision and provide assistance so critically needed by domestic shoe manufacturers.

Congressman JAMES BURKE and I contacted the other Members of the New England delegation to urge the President to rule favorably for the American Footwear Industry during this crucial period of unemployment for American footwear workers. I ask unanimous consent to insert in the RECORD a copy of this letter.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: As you know, the footwear manufacturing industry has been one of the major employers in New England for over a century. For decades footwear manufacturing firms have provided a solid employment base for both urban areas and rural communities in the Northeast.

This industry is now threatened with extinction. Since 1960, the footwear market has been flooded with imported shoes, coming primarily from low-wage countries. In 1960, less than 10% of all shoes sold in the United States were imported; today that figure exceeds 35%. There has been a net loss of shoe manufacturing facilities and employment in New England and the country.

The United States Tariff Commission recognized these problems on January 15, 1971 when it released a report regarding the health of the American footwear industry. This report summarized an investigation requested by you pursuant to Section 301(b) (1) of the Trade Expansion Act of 1962. In an evenly divided opinion, two commissioners recommended that duty rates on various types of nonrubber footwear be significantly increased. These commissioners also recommended that adjustment assistance be made available to the affected firms and workers. It was their finding that the American footwear industry had been severely injured by imports of shoes; and they urged that remedial action be taken without delay.

Two years have passed since the Tariff Commission issued its report; and no action has been taken on its recommendations. In a case where the Tariff Commission is evenly divided, as in this case, you may consider the findings of either group as the opinion of the Commission. Upon an affirmative finding you may:

(1) Increase the duty rate as necessary to prevent serious injury to the American industry.

(2) Negotiate with foreign industry to limit exports of shoes into the United States.

(3) Permit domestic firms to request the Secretary of Commerce for certifications of eligibility for adjustment assistance.

(4) Permit workers in the affected industry to request the Secretary of Labor for certifications of eligibility for adjustment assistance.

(5) Take any combination of the above actions.

We, members of the New England Congressional delegation strongly urge you to accept the affirmative findings of the Tariff Commission immediately in order to permit the American footwear industry to survive.

James A. Burke, Edward P. Boland, Paul W. Cronin, Silvio O. Conte, Fernand J. St Germain, Gerry E. Studds, Peter N. Kyros, Thomas P. O'Neill, Jr., James C. Cleveland, William R. Cotter, John J. Moakley, Michael J. Harrington, Harold Donohue, Ella Grasso.

Edward M. Kennedy, John O. Pastore, William D. Hathaway, Abraham Ribicoff, Edmund S. Muskie, Norris Cotton Edward W. Brooke, Thomas J. McIntyre, Lowell P. Weicker.

TENTH ANNIVERSARY OF WORLD FOOD PROGRAM

Mr. HUMPHREY. Mr. President, during a recent hearing before the Subcommittee on Foreign Agricultural Policy of the Senate Committee on Agriculture and Forestry, Dr. Irwin Hedges, Coordinator for the Office of Food for Peace in the Agency for International Development, in an exceptionaly comprehensive review of the food for peace program, called attention in part to the world food program of the UN/FAO, in which the U.S. participates under the authority of P.L. 480, the food for peace program.

While I commend all of Dr. Hedges statement to my colleagues as important source material on the food for peace program, I particularly want to call attention now to his report on the world food program because it will be observing its 10th anniversary this month with special commemorative exercises in Rome on April 25.

I have always taken an interest in this multilateral program because it was actually an outgrowth of resolutions I helped sponsor in the United Nations for international cooperation toward national food reserves—a topic again coming urgently to our attention.

Mr. President, in recognition of this month's 10th anniversary of the world food program, I ask unanimous consent that Dr. Hedges testimony relating to the world food program be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

THE WORLD FOOD PROGRAM

TEN YEARS OLD AND GROWING STRONGER

This year the World Food Program celebrates its tenth year of operating a multilateral food assistance program. Better known as WFP, it began operations on an experimental basis on January 1, 1963. It became a permanent program in 1965, and has since developed to the point that it is now a significant addition to the food assistance provided to less developed countries throughout the world. Among the United Nations agencies, it is second only to the United Nations Development Program in the size and scope of its operations.

The United States played a major role in the founding and development of this unique food assistance program. Prompted by its own experience in utilizing food as a development and humanitarian resource for assisting less fortunate countries, the United States in the early 1960's launched an effort in the United Nations and Food and Agriculture Organization to get other nations to join in a similar undertaking under UN sponsorship. Resolutions to this effect were approved in 1961 by the U.N. General Assembly and the Conference of the U.N. Food and Agriculture Organization. The basic premise of the WFP is that multilateral food assistance properly administered, can help developing countries carry out nutrition and development projects that otherwise might not be undertaken. Above all, its aim is to help people themselves.

The General Regulations of the WFP provide that it "shall, on request, provide aid or . . . (a) implementing pilot projects, using food as an aid to economic and social development, particularly when related to labor-intensive projects and rural welfare . . . (b) meeting emergency food needs and emergencies inherent in chronic malnutrition . . . and (c) assisting in pre-school and school feeding."

The WFP was originally established for an experimental period of three years, 1963–65. From the beginning its accomplishments were widely acclaimed. Before the close of the period both the United Nations and FAO voted to continue the program "for as long as multilateral food aid is found feasible and desirable". The Congress in extending PL 480 in 1966 added an amendment stating that it was the sense of the Congress . . . "That the United States should work for the expansion of the United Nations World Food Program beyond its presently establishing goals." The WFP program has grown from about $28 million per year in 1963–65 to an annual level of $125 million for 1971 and 1972. WFP has thus expanded to above five times its original size over the ten-year period. The target for 1973 and 1974 is for $170 million each year. Donor countries pledge their support in advance for two-year planning periods. Early in 1974 a pledging conference will be held for the 1975/76 calendar years.

Resources available to the program since its inception, including pledges (as of November 1972) for 1973 and 1974, total over $1.1 billion: $745 million in commodities; $289 million in cash and services; and a further $69 million worth of food grains made available by the signatories of the Food Aid Convention, International Grains Arrangement.

U.S. contributions of food and ocean transportation to the WFP are supplied under Title II. Prior to the establishment of WFP, the U.S. had provided developing countries with extensive food assistance through U.S. voluntary agencies, government-to-government bilateral programs, and through international organizations such as UNICEF and the United Nations Relief and Works Agency. These important programs are continuing today supplemented by U.S. contributions through the World Food program. More than 75 other countries—developed and developing alike—currently are contributing to the program. Major donors other than the United States have been Canada, Denmark, the Netherlands, the European Economic Community, Sweden, the German Federal Republic, Norway and the United Kingdom.

The United States has been the largest single donor to WFP, pledging 50 percent of the costs of the program on a matching basis from 1963 through 1970. For the 1971/72 pledging period, the U.S. Pledging formula was altered in such a manner that had the pledging target of $300 million been reached, the U.S. share would have been reduced to 42 percent.

Since it was not, the U.S. pledge of $125 million continued to represent nearly 50 percent of all pledged resources. For 1973 and 1974, the U.S. has pledged to meet 40 percent of the pledging target of $340 million on a matching basis.

The United States has reduced its share of total contributions in the belief that a multinationally supported program should not be excessively dependent on any one donor. Now that its worth is established, other donors should be more willing to support its activities.

It is a source of satisfaction that in spite of the reduction in the U.S. share. WFP resources continue to increase. The U.S. contribution has also continued to expand both in absolute terms and as a percentage of U.S. food donations. Up until 1965, U.S. commodity shipments to WFP never represented more than 5 percent of total PL 480 Title II food shipments in any one year. In the three years beginning with the U.S. Fiscal Year 1970, Title II shipments for the WFP utilized an average of almost 15 percent of total annual Title II shipments.

WFP development and emergency projects in the past ten years have made an impressive contribution to development. A total of 550 economic development projects in 88 countries have been supported by WFP since its inception. Total development project costs now completed or programmed amount to about one billion dollars. Development projects broken down by region are:

Asia & Far East, 143 projects in 16 countries.

Latin America, 83 projects in 22 countries.

Near East & North Africa, 116 projects in 11 countries.

West Africa, 107 projects in 22 countries.

East Africa & Mediterranean, 99 projects in 17 countries.

In addition, 161 emergency operations have been undertaken in 74 countries at a total program cost of $122 million. These emergency operations have saved lives and relieved human suffering caused by natural as well as man-made disasters.

Over 12.3 million people have been fed

or are benefiting from WFP food, and this number will increase to 24 million in the course of the next few years. These include primary school children, pre-school children, pregnant and nursing mothers, secondary and university students and trainees; workers engaged in work projects receiving food aid as part of their wages, volunteers who receive food parcels as an incentive in self-help projects, farmers engaged in land improvement; settlers and refugees.

Up to the beginning of 1972, WFP food-for-work projects were responsible for constructing and renovating 435,000 public buildings, laying 33,000 kilometres of new roads and 1,460 kilometres of railway lines, maintaining 667,600 kilometres of canals, clearing and leveling 263,000 hectares of land and creating 270,000 hectares of forests. In ten years the Programme has shipped nearly four million tons of food, using more than 11,000 ships from 77 countries.

U.S. PL 480 Title II food has supported the whole spectrum of WFP projects including mother and child feeding projects in Botswana, Colombia and Indonesia; Food-for-Work projects in India, Korea, and Jordan; and emergency projects in Pakistan, Peru and Nicaragua.

Countries submit requests for WFP assistance. In the case of development projects these requests are subjected to careful scrutiny by headquarters, in close cooperation with the United Nations or whichever of its specialized agencies is concerned with the nature of the project and likely to be collaborating on it—FAO, for example, in the case of agricultural projects, UNESCO and UNICEF in school-feeding programs, the World Health Organization (WHO) where there is a health factor, the International Labour Organization (ILO) where labor conditions or training in new skills are involved, the Office of the United Nations High Commissioner for Refugees (UNHCR) in the case of refugees.

In scrutinizing a request, many factors are considered—whether the project is technically and economically feasible, whether it is relevant to the country's development, whether the local arrangements for carrying it out and handling the food are adequate and, often most important, whether there is any danger that the arrival of the food may have a harmful, dampening effect on local food production or the country's agricultural trade.

Projects with a food value of up to $750,000 can be approved by the Executive Director on his own authority. Above that figure, approval must be given by the Inter-Governmental Committee (IGC).

As a member of the IGC, the U.S. is able to make its influence felt in project selection and administration. To provide guidance in this task, AID field missions are asked to maintain close liaison with WFP field representatives, comment on proposed projects and supply AID Washington with any pertinent information. The AID Office of Food for Peace also maintains an office in Rome to carry on liaison work with the WFP staff.

Once a project has been approved, an agreement is drawn up and signed with the government of the recipient country, setting out the details of the project.

In the case of emergency operations—which have to be authorized by the Director-General of FAO—the preliminaries are much more summary and often consist of no more than an exchange of letters and cables.

Once an agreement is signed or an emergency operation authorized, the Program proceeds to mobilize the food needed by calling on donor countries to supply what is required from the pledges they have made. This includes delivery of the food on board ship at the port of departure or loading at any other frontier exit. From there on, unless as in the case of the United States the donors provide their own shipping, the Program is responsible for organizing transport, including insurance, to the arrival port or frontier of the recipient country. From the point of arrival the recipient country takes over and is responsible for the food and for all further stages in the execution of the project.

In 1969, the Inter-Government Committee of the World Food Program was asked by the U.N. General Assembly to examine the role of food aid in the Second Development Decade. The report of the working party appointed to undertake this task was adopted by the IGC in the spring of 1970 and subsequently submitted to and approved by the U.N. General Assembly. In this report, the IGC anticipated the persistence of a world food problem throughout the second development decade beginning in 1970, inseparably linked to the broader problems of development.

It affirmed the role of food aid, and particularly multilateral food aid, as a unique form of assistance, that could contribute to the development goals of the second development decade, including the achievement of more adequate diets, fuller employment and social progress.

Compared with bilateral assistance, multilateral food aid presents important advantages. It enables food aid to be used on a relatively stable, regularly planned basis, more insulated from fluctuations in supplies that might affect operations of individual donor country bilateral programs. Other advantages of a multilateral program over a multiplicity of small individual donor country programs include greater diversity in the food basket offered more efficient operations and more assurance of safeguards against interference with both commercial export marketing and domestic production needs of recipient countries.

Finally, the report concluded that in expanding multilateral assistance, it would be desirable to place special emphasis on WFP to take advantage of both its experience and expertise. These conclusions appear as valid today as when they were first articulated three years ago. The U.S. has been a firm supporter of the World Food Program, and its major contributor. Our ability to continue this role in the future will depend upon the availability of PL 480 resources.

STAMPING OUT SMALL PUBLICATIONS

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that an article by the distinguished columnist, Mr. Marquis Childs, which appeared in the Washington Post of April 10, be inserted in the RECORD as part of my remarks. Mr. Childs, as he so often does, presents one of the most important subjects facing our country today in a lucid and succinct manner. It will be a great tragedy if we allow the small publications of this country to be destroyed by mismanaged and inefficient postal and high postal costs. If we are reduced in this country only to information served up by government-dominated television, we will certainly lose our democracy and become a nation of automatons.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STAMPING OUT SMALL PUBLICATIONS

(By Marquis Childs)

"These are the times that try men's souls." Those often-quoted words of Thomas Paine, the great pamphleteer of our revolution, have an echo today. It is the echo of the lonely dissenter, the angry dissenter, speaking out against the great bland mass that bears in our time the spurious label of the conventional wisdom.

With the overpowering force of television the dissenting voices are having an increasingly difficult time being heard or, for that matter, even surviving. And the U.S. Postal Service, the hybrid creature that seems to have embodied all the ills of the old post office, is proceeding with rate increases threatening the existence of small publications, many of them nonprofit or skirting close to the edge.

With Life the last in a long series of fatalities, the carnage for the printed word has been terrible. When the postal rate increase on second-class mail was first announced, Life said in an editorial that this would mean finding an additional $130 million in revenue by 1976, which was more than twice the profit earned by all magazines in 1970. Reports today have it that at least one surviving mass publication is in trouble.

But it is not the big commercial operation that is the concern of Sen. Gaylord Nelson (D-Wis.) in the measure he is pushing in the Senate. His bill is a response to the threat to the dissenters, and also to the pressure that sharply increased postal rates would put on the religious, labor and agriculture press. Following the practice of 178 years, prior to the creation of the postal service, it would restore the subsidy for publications that might not otherwise survive.

From Human Events on the right to the New Republic on the left the margin of survival is increasingly narrow. Across the country are many lively, stimulating monthlies and weeklies that may be crowded out. The Progressive in Wisconsin, carrying the flag for the great LaFollette tradition, and the Texas Observer in Austin, so far standing up to the powerhouse of money and Texas-style politics as an independent critic, are two examples. In presenting his measure Nelson quoted Walter Lippmann:

> The unexamined life, said Socrates, is unfit to be lived by man. This is the virtue of liberty, and the ground on which we may best justify our belief in it, that it tolerates errors in order to serve the truth. When men are brought face to face with their opponents, forced to listen and learn and mend their ideas, they cease to be children and savages and begin to live like civilized men. Then only is freedom a reality, when men may voice their opinions because they must examine their opinions.

The way in which the President can command the television networks is a phenomenon unknown to the era of the printed word. It is a power increasingly great, as authority is centralized in the White House. With a notice of only a hour or two, the President can order up an audience of millions.

Requests for equal time, if the address has political implications, as it almost invariably has, are more often than not refused. Many disturbing signs point to a concerted intention within the administration to narrow the channels of dissent. The attacks on the media, both direct and indirect have had a cautionary effect, particularly on the networks.

If non-small independent journals are to be forced out—and among the number are many weekly newspapers—the flow of ideas, of criticism, protest will be further narrowed. Nelson notes that for small, diverse publications the postal rate increase can be many times 127 per cent, which is to be effective beginning July 6 and phased in over five years. For many of these publications postal rates represent a large percentage of their costs.

The senator has a number of cosponsors for this measure, and it is believed that the chairman of the Post Office and Civil Service Committee, Sen. Gale McGee (D-Wyo.) leans toward it. Opposition to the subsidy in the past has come from the conviction that wealthy publications, such as Reader's Digest, were getting a free ride at the taxpayer's expense. At one point the subsidy to the Digest was estimated to be $17 million. But with the whopping increase in the rates the giants, or those that have survived, are no longer so happily situated.

Billy Graham, who runs one of the largest religious publishing houses in the country with a big operation in Minneapolis, would be hit by the increase. He could put in a word to his friend the President if he would. But it is the small publications that are caught in the switches. With its lamentable performance the United States Postal Service has drawn a growing chorus of anger and disgust, coming not from publishers but from outraged citizens across the land.

WILLIAM BENTON

Mr. HUMPHREY. Mr. President, on March 18, America and all mankind lost a great and brilliant leader.

William Benton was an exciting man to know—that is simply the best way to describe him. Yes, a man for all seasons—a man of incomparable ability in a most of fields of human endeavor.

And I had the rare privilege to know him well over many years as a dear and good friend—and as a courageous and effective U.S. Senator and as an innovative, vastly successful entrepreneur. Truly this man lived several full and rewarding lives.

The breadth of his accomplishments is genuinely extraordinary. In his private and business life he helped make Benton & Bowles the leader among America's great advertising agencies.

He pioneered in the development of educational and public service radio and motion pictures.

He made a success of the Musak Corp.

He developed the Encyclopedia Britannica from an orphan into one of the most respected and prestigious educational publications. Encyclopaedia Britannica became a highly successful commercial enterprise in the United States and abroad.

He originated and published the Great Books of the World series.

He originated and developed an international encyclopedia in Japanese and another monumental encyclopedia known as Universalis in French.

He served with distinction as the vice president of the University of Chicago and included among his closest friends, the great president of that university, Dr. Robert Hutchins. His dedication to education in all of its forms never ceased.

As a businessman in the best American tradition, he made a fortune by the time he was 35 years old, by applying his innovative brilliance to communication, advertising, and sales management.

We knew him also as a liberal, courageous public servant, and public man.

He was a founder of the Committee for Economic Development to aid in rebuilding Europe after World War II.

He was Assistant Secretary of State for Public Affairs; organizer of the Voice of America broadcasts.

He was Ambassador to and leader in establishing the United Nations Educational, Scientific, and Cultural Organization, as well as chief delegate to many international conferences.

And, he was U.S. Senator from Connecticut. America remembers Senator Benton best as one who was unwilling to be silent about the tough issues of the early 1950's. There was all too little interest in civil rights legislation, yet his first major speech in the Senate supported Fair Employment Practices Commission legislation. Liberalized immigration legislation was unpopular, yet he actively opposed restrictive portions of the Immigration Act which he felt discriminated against the people of Eastern and Southern Europe. Despite the obvious political risks, he was one of the most courageous of Senators in opposing the late Senator Joseph McCarthy.

The interests and concerns of Bill Benton were as varied and diverse as those of a Benjamin Franklin and Thomas Jefferson. He was, in truth, the universal man. I remember him as a thoughtful provocative, and loquacious conversationalist. I remember him for his love of art and literature, and his incomparable wealth of information.

Mr. President, how does one summarize the life of such a man, such a friend? He has often been described as the "consummate salesman," and I think he personally agreed with this description more than with any other. Not that he was proud to be a most successful salesman of things, but rather that he used his life as a saleman of ideas. He would also have liked to been called a master in the art of scientific salesmanship, meaning that he systematically studied and understood the changing needs and opportunities in marketing in a depression-burdened America.

He was indeed an intellectual, but preferred not to be so described. Rather, I think of him as an expert on the care and feeding of intellectuals. He was a catalyst, a doer, an inventor, a leader, and a warm human being.

Muriel and I were benefited so much by his friendship. We truly loved this man. We extend our sympathy to Helen Benton and to Charles, John, Helen, and Louise, the children.

Mr. President, I think one of the best statements about Bill Benton, perhaps reflecting his own view of his life, is an article by Bruce L. Felknor in the winter, 1972–73 issue of Know magazine. I ask unanimous consent that it be inserted in the Record along with several other editorial comments.

There being no objection, the article and editorials were ordered to be printed in the Record, as follows:

William Benton: Looking Back

(By Bruce L. Felknor)

Occasionally, scholars over the years have remarked that it is Encyclopaedia Britannica's proprietor-publishers who have left the imprint of their personalities on the enterprise, rather than the editors, who have merely—and usually inconspicuously—made the work itself great.

Such an observation was made in these pages five years ago by the longtime London editor John Armitage (now retired) as Know marked the bicentenary of the encyclopedia. Armitage went on to note that in AD 2018, when Britannica celebrates its 250th anniversary, "the Benton period will attract as much or more attention than the eras of Hooper and Constable," two standouts among the numerous predecessors of William Benton, each of whom controlled the encyclopedia's destinies for a couple of decades or less.

Constable and Hooper had changed the facts of life for Encyclopaedia Britannica, the former by recruiting scholars, authorities, and "men of the first literary merit" to write for it. It was Hooper's ardent imagination and free-wheeling salesmanship that rescued EB from moribund distinction and made it not only a household word but a household possession on both sides of the Atlantic.

Yet it is small wonder that William Benton's period of stewardship will eclipse the earlier ones—and not alone because its length has now surpassed that of any predecessor's sole ownership. For the Benton era has seen the Encyclopaedia Britannica in transition from merely a reference work—albeit the standard of the world—to an educational publishing complex dealing in a half dozen languages—in films and tapes and all the new technology, as well as books—and found on all the continents.

Like his predecessor Horace Hooper, Benton is a consummate salesman. It is that Benton—Benton the salesman—who has proclaimed that the year of his 30th anniversary as publisher and chairman be called "The Year of the Salesman."

Why? How did this grandchild of missionaries and child of educators become a salesman worthy of emulation, and how did he get into a position to influence Encyclopaedia Britannica?

Most employees of these companies have had an opportunity to see Sidney Hyman's biography *The Lives of William Benton* (The University of Chicago Press, 1969), and *The Great EB* (now in process of revision). Even so, it may be worthwhile to review some of the highlights in Benton's life that pointed him toward salesmanship and then toward EB.

One is surprised to find that so urbane a man has a taste of the rough frontier in his background. Yet Benton as a youthful Montana homesteader "sold" his widowed mother on allowing him a nightlong ride across the flatland to a dance—where the saddle-weary youth found the only girl his age to be the childwife of a cowboy, with her infant bundled up on the bench beside her.

But the young frontiersman absorbed from his teacher-mother a lifetime of precept and example of the sanctity of education. It was she who had found her wings as the professor's wife and hostess, holding forth in a cultural oasis in early-20th-century Minneapolis. And it was she who, as a young widow, taught in a one-room Montana schoolhouse, working her way step by step to become the headmistress of an exclusive St. Louis girls' school, with, as she put it, "the highest tuition west of Pittsburgh!"

Any amateur psychologist can see the missionary (from the ancestors) and the educator (the parents) in William Benton's commitment to education and culture, which has been increasingly visible since the middle and more recent periods of his career. But where the salesman came from is more of a puzzlement.

Perhaps only circumstances and chance determine whether one will be salesman or missionary. Perhaps the same qualities of perseverance and conviction—and ability to articulate conviction—are essential to both callings. In any event, it was clear while Benton was really still a stripling that he was a salesman. At Shattuck School in Minnesota (on a scholarship), he became the sole agent for such gewgaws and other oddments as memory books, class pins, and stationery—and a binder that he invented to contain the new school paper.

Soon, at Yale (again on a scholarship), he was selling to fellow students calendar pads on which he had sold advertising to New Haven merchants. Indulging his penchant for the printed word, he became a contributor to the Yale Record and went on to be chairman during his senior year, a year in which sales of advertising and circulation together were enough to return a tidy profit to him as publisher (as was the custom) and to the weekly magazine.

Thus, the salesman developed, and within months after graduation (in 1921) Benton was at work for the greatest salesman of them all, up to that time.

Actually, he was reporting to his cousin Howard Williams, in Utica, N.Y., but he was indeed working for the father of scientific salesmanship, John H. Patterson, for whom Cousin Howard was a branch manager of the National Cash Register Company (NCR).

Patterson had created the concept of specialty salesmanship, developing a sales force that would operate in specified territories, aim at and achieve a specified quota of sales, and sell one product only by creating a need for the product in the mind of the prospects. Hitherto, "drummers" had carried samples or catalogs showing a line of varied products made by a number of manufacturers, and selling had been a combination of glib persuasiveness, personality, and the loyalty of a salesman's list of contacts.

The hiring of Benton at Utica violated two precepts of Mr. Patterson: he was under 25, and he was a college graduate. Even so, Benton took well to his new challenge, which included running the small Utica office—and that included sweeping it out each morning at eight.

In a little more than a year at Utica, Benton learned much. He began to sell well enough to win, in his first month in the field, a pair of gold cuff links that were the President's Prize for March 1922 for any salesman who exceeded his quota. Too young to qualify for NCR special sales training classes, and too impatient to wait until the right age (25), Benton took his impatience, his salesmanship, and his Yale-nurtured writing ability into the world of advertising.

Sales ability, honed by the NCR experience, played a major role in Benton's meteoric rise in the advertising business. After a lowly start at the New York branch office of Chicago-based Lord & Thomas, he moved to the George Batten Company, where he became the youngest partner. In 1928 he became assistant general manager at Lord & Thomas in Chicago, then the pacesetter in American advertising, as well as the world's largest agency. In seven years he had come near the top, and in 1929, with his former assistant Chester Bowles (from whom he borrowed $5,000 for the purpose) he formed the advertising agency of Benton and Bowles. Seven years later Benton was a millionaire—at least on paper—having sold his share of the phenomenally successful firm, which had become the largest single-office advertising agency in the world, to his partners for installment payments approximating $1 million.

Benton and Bowles had flourished in the very teeth of the Great Depression because Benton and his partners were able to demonstrate to prospective clients—to sell them on—the fact that they were genuinely, deeply, and competently concerned for the welfare of their clients. More importantly in terms of timeliness, they could demonstrate that they were sharply aware of how the depression was changing the marketing and advertising needs and opportunities of America.

After Benton and Bowles, William Benton embarked on only one business venture that had as its sole purpose the making of money. As an investment, he acquired, for less than $150,000, an obscure company that sent background music into restaurants and hotels over leased telephone lines. Even the sales manager for Muzak knew his market was saturated, but not Benton, who could foresee tremendous potential for "music not meant to be listened to," by selling it to business offices, airplanes, elevators, airports—anywhere there were people. He fired the satisfied sales manager, promoted the company's one salesman who saw great opportunity in the business outside the traditional restaurant field, and held onto Muzak for some 20 thriving years before selling it at a profit of more than $4 million—not to mention acquiring two presidents for Encyclopaedia Britannica who came up through the presidency of Muzak.

Few Britannica employees are unaware of what Benton has on occasion called his greatest sale. This took place in Benton's fifth year as part-time vice-president of the University of Chicago, when he persuaded General Robert E. Wood, chairman of Sears, Roebuck and Company, to give the *Encyclopaedia Britannica* to the university.

It is said that a gifted salesman is a "soft touch" for anther salesman. Benton put in a year and more of fruitless effort to raise working capital for the encyclopedia so that the university could accept the gift. Finally he offered to put up the needed funds out of the last payment due him from Benton and Bowles. In relating these developments to a faculty meeting, the university's chancellor, Robert M. Hutchins, noted that "Vice-president Benton has become the victim of his own propaganda." The supersalesman—as supersalesmen do—had sold himself.

But when Benton, in consequence of his assumption of financing Britannica, became its chairman and publisher, he turned his sales insights upon the product and company. Its world volume at that time was $3 million.

He had previously been interested in a pioneering producer of educational films and he then acquired it for Britannica, and renamed it Encyclopaedia Britannica Films—with a canny eye to the promotion value of countless prospective repetitions of that name in the nation's classrooms.

Then he turned his energy to resolving a personal frustration of many years. He delighted Mutchins and Professor Mortimer J. Adler—and dismayed his business-oriented colleagues—by proposing that Britannica bring out a full set of the *Great Books of the Western World*. That story is told everywhere in this magazine. However, what is significant to note here is that once the commitment had been made, Benton's tough persistence which has characterized him in many a battle, set in. He felt the books ought to be published and that *they could be sold*. Despite major financial problems elsewhere in the company, the project—made viable, Benton was persuaded, by the Syntopicon—went ahead, accompanied by early warnings of doom but also by eventual profits. Benton was right: the Great Books could be sold. The book trade started out calling them "Benton's folly"; they now agree that the quarter of a billion dollars in sales in 20 years make GB the greatest book publishing success of the century.

Benton has denied that he is an intellectual, but he will assert that he is "an expert on the care and feeding of intellectuals." He has never denied that he is a born and bred salesman. Indeed, he boasts that he is a salesman first and foremost, a salesman of ideas. He is, of course, also an expert on the care and feeding of salesmen.

The men and women selling the products of the Britannica companies sense this in the way he responds to them. When he ponders the lot of the salesman, he can remember the repeated rebuffs as well as the triumphs. He speaks from the heart when he expresses pride in his sales organizations.

In a company as large as Britannica—over $200 million in sales last year—it is small wonder that not every employee and sales representative has a personal acquaintance with the powerful figure at the peak of the pyramid. But many, many EB managers have been startled and pleased—upon encountering him in a corridor or elevator or at a meeting—to have him respond to their sometimes hesitant self-introductions, usually something like this:

"Why, of course, I remember you! I recall when . . ." and on into a recounting of some earlier triumph in their districts or divisions. Indeed, now that his tenure at the helm is measured by decades instead of years, such a response sometimes begins, "Yes, I remember your father very well. I remember when he . . ."

Because Benton is impressed to this day with what he learned about the idea of specialty selling from old John H. Patterson of NCR, it is easy to envision him bemused and greatly pleased at an accolade similar to the one he cheerfully pays to Patterson. One such accolade came from John Y. Brown II, who sold the image of Colonel Sanders and Kentucky Fried Chicken and eventually was paid $280 million for it. Brown met Benton this summer and told Benton that he attributes his success to the business and sales lessons he learned as a district manager for Britannica. (Benton, himself, tells the story of their meeting, beginning on page 6.)

It was, perhaps, the finest tribute EB's most famous former salesman could pay the publisher-proprietor of EB. Tributes, especially in recent years, have begun to flow to Benton, some of them long overdue, in the opinion of many observers. Robert Hutchins paid him one in 1968 that a dinner audience at the University of Chicago endorsed with ringing applause.

The occasion was the university's awarding to Benton of the first William Benton Distinguished Service Medal. Hutchins noted that Benton had in his stewardship of the Britannica, taken "the risks inherent in offering people what they ought to have in the face of unanimous assurances that they did not want it and would not take it." He concluded, "The trouble is that he is unique. For the sake of the university, and Britannica, and the future of education, we must hope he will live a thousand years."

Those unanimous assurances cited by Hutchins were simply the "knowledge" of the nonsalesman that a given product or service "will never sell." A salesman takes such negative assurances in his stride along with other rebuffs; they make the next triumph sweeter.

So with Benton, who can withstand the naysayers and stand with the salesman. The publisher's 30th anniversary is indeed the year of the salesman.

[From the New York Times, Mar. 19, 1973]

William Benton Dies Here at 73; Leader in Politics and Education

(By Alden Whitman)

Former Senator William Benton of Connecticut, publisher of the Encyclopaedia Britannica and onetime Assistant Secretary of State, died early yesterday in his sleep in his apartment at the Waldorf Towers Hotel. He would have been 73 years on April 1. His home was in Southport, Conn.

Mr. Benton had been released from Lenox Hill Hospital on Feb. 26 after recovering from pneumonia.

A man who never seemed to operate at less than full tilt, William Burnett Benton crammed at least five careers into his 70 years. He was, at various times, an advertising executive, a university vice president, a public servant and Senator and the head of a vast publishing empire. In all these careers, except politics, he wielded the Midas touch.

One example of Mr. Benton's business acument was the Muzak Corporation, which he picked up in an idle moment in 1939–40, when he was still with the University of Chicago. After expanding the company's operations and taking several millions out of it in dividends, he sold it in 1957 for $4.35-million. But despite his undoubted feel for the marketplace, Mr. Benton preferred to regard himself (and to be regarded) as a serious and dedicated educator and statesman.

In this respect he was chairman of the company that published and sold the Encyclopaedia Britannica, from which he and his family made a great deal of money, much of it given to the William Benton Foundation. At the same time the company enriched the University of Chicago, a contractual beneficiary, by more than $25-million in 25 years.

A friend and business partner was astonished by the ease with which Mr. Benton made money, remarking that he "completely lacks the acquisitive instinct" and adding:

"You never saw a businessman spend less time thinking about money."

ANOTHER VIEWPOINT

Another associate of 20 years disagreed, saying:

"It's like a fellow playing 40 games of chess simultaneously. You could say you never saw a fellow spend so little time on a game of chess. But that wouldn't be the whole story."

In politics, which engaged Mr. Benton from 1945, he was a liberal Democrat, whose record as Senator from Connecticut was highlighted by opposition to Senator Joseph R. McCarthy, the Wisconsin Republican and anti-Communist crusader.

In 1951, when Mr. McCarthy was at the apogee of his influence, Mr. Benton introduced a resolution that, in effect, denounced his colleague as a liar and a thief and as unworthy to sit in the Senate. Hearings on this resolution led ultimately to Mr. McCarthy's censure in 1954, but by that time Mr. Benton was out of the Senate, having been defeated at the polls in 1952. Mr. McCarthy's enmity was generally credited with helping in the defeat.

He tried several times thereafter for office, but, as one biographer put it, he was "never really one of the boys." Mr. Benton, it was said, "simply does not react" to a person and an ambiance, and could rarely bring himself to utter a flattery. Less kindly observers said that he was such a fountain of ideas that he did not listen to the notions of others and was inclined moreover to be vain-glorious.

SON OF A CLERGYMAN

Mr. Benton's background was religious and educational. Born April 1, 1900, in Minneapolis, he was the son of Charles William Benton, a Congregationalist clergyman and college professor, and the former Elma Hixson, a country school superintendent. His father died when he was 13, and his mother took the family to Montana to clear ground for a homestead.

Bill Benton entered Yale on his second attempt and graduated in 1921. He worked his way through as a high-stake auction bridge player. While denying reports that he cleared $25,000 a year, he told a friend that "it's a demonstrable fact that for 10 years I was one of the 10 or 20 best card players in the world."

On graduation he turned down a Rhodes Scholarship for a job as an advertising copywriter. This horrified his mother, who wrote her son, "if you won't go into a respectable profession, can't you at least be a lawyer?"

In advertising, he rose to become assistant general manager of Albert Lasker's Lord & Thomas agency in Chicago. He was earning $25,000 a year when he left in 1929 to join Chester Bowles in forming Benton & Bowles with a capital of $18,000. This agency, New York-based, attained annual gross billings of $18-million by 1935, of which Mr. Benton's share was $250,000—a huge sum in the Depression.

MADE USE OF RADIO

Pioneering in market research and the use of radio as an advertising medium, Mr. Benton was in part responsible for the Maxwell House "Showboat," the Palmolive "Beauty Box," "Gang Busters" and Fred Allen's "Town Hall Tonight." He has been credited with introducing the studio audience and signs to direct it to laugh or applaud, as well as commercials with sound effects.

"Up to then, you'd always had a commercial announcement, somebody stopping the show and talking, as though he were reading from a magazine," Mr. Benton recalled. "I staged commercials, you could hear the spoons, people clinking cups of coffee, everything acted out. It was revolutionary; it was like the first girl standing on her head on the back of a horse."

It was Mr. Benton, impressed with the local "Amos 'n' Andy" comic show in Chicago in 1929, who initiated its sponsorship on a national network by Pepsodent that made the show's characters, played by Freeman Gosden and the late Charles Correll, household words.

Mr. Benton had determined to quit advertising when he was 35, and in 1935, he did, having by that time made $1-million. Almost immediately, however, Robert M. Hutchins, his Yale classmate and president of the University of Chicago, persuaded him to become a vice president of the school. He held that post from 1937 to 1945 and helped the university pioneer in educational radio and educational movies. His radio program, "The University of Chicago Round Table," won several awards as an adult education show.

With characteristic self-regard, Mr. Benton appeared on the show, talking about the common man, censorship, cartels, foreign relations and other topics on which he was able to brief himself with remarkable thoroughness.

"COOKING UP THINGS"

At Chicago, Mr. Benton was, in effect, advertising a university. "Bill was what an engineering concern would call research and development," Mr. Hutchins said. "We worked on cooking up things, all kinds of measures, some of them successful, some of them abortions."

One of his greatest successes turned out to be the Encyclopaedia Britannica, which had been bought from its British owners after World War I by Sears, Roebuck & Co. In 1943 the mail-order house wanted to get rid of the publication and offered it to the university. Mr. Benton put up $100,000 in working capital for the acquisition and gave the school a beneficiary interest in the profits.

The salesmanship methods that Mr. Benton employed over the years to push the encyclopedia and its associated enterprises—chiefly classroom films, a yearbook, a junior encyclopedia, an atlas and a dictionary—have been much criticized as "hard sell." But there has been little question that they produced results. Nevertheless, in the judgment of a number of experts, the informational quality of the Britannica was greatly diluted under Mr. Benton's management. And at least one editor resigned in a huff over the volumes' contents.

PUBLISHED "GREAT BOOKS"

Mr. Benton not only defended the Britannica, but also expanded its related business by publishing the 54-volume "Great Books of the Western World" series and a companion 10-volume set called "Gateway to the Great Books." In 1964 the Britannica company acquired the G. & C. Merriam Company, which publishes Webster's Dictionary.

Administering his publishing realm, Mr. Benton was accustomed to flying 75,000 miles a year to ginger up his underlings and to dictating up to 8,000 words a day of ideas and suggestions for his aides to execute. Recipients of these memos were amazed (and sometimes numbed) by their author's fecundity and circumlocutions.

In 1971, in a joint venture with the Tokyo Broadcasting System, Mr. Benton began publishing an international encyclopedia in Japanese.

He edged into public service in 1939 as an adviser to Nelson A. Rockefeller, then Coordinator of Inter-American Affairs. Out of this, and an interest in economics as a founder of the Committee for Economic Development, came his appointment in 1945 as Assistant Secretary of State for Public Affairs.

As Assistant Secretary, his post for two years, he organized the Voice of America broadcasts and was active in the establishment of UNESCSO, the United Nations Educational, Scientific and Cultural Organization. During the Johnson Administration he was chief United States member of the UNESCO executive board with the rank of Ambassador.

He served last year on the educational platform committee at the Democratic Convention in Miami.

APPOINTED BY BOWLES

Mr. Benton became a Senator by courtesy of his old business partner, Chester Bowles, who was Governor of Connecticut in 1949. Mr. Bowles appointed him to fill a vacancy, and then he won an election in 1950 for the rest of the term. His Senate record included a plea for a Fair Employment Practices Commission and a fight against McCarran Immigration Act as restrictive of the people of eastern and southern Europe. He voted for the legislation, however, when his appeals against it proved futile.

Out of office after 1952, he was identified with the Adlai E. Stevenson wing of the Democratic party and campaigned for Mr. Stevenson in 1956 and supported him again in 1960. The two were warm friends, and Mr. Stevenson was a frequent guest at Mr. Benton's home in Southport, Conn.

From his student days, when he was editor of The Yale Record, Mr. Benton was interested in art and in his friend Reginald Marsh in particular. By 1954, when Mr. Marsh died, Mr. Benton had collected hundreds of his paintings, which centered on the vulgarities and vagaries of American life. Marsh, who has come to be recognized as a major artist, forms the richest part of Mr. Benton's collection, which also includes works of Ivan Albright, Jack Levine, Bellows, Hassam and Kuniyoshi.

In 1972 the University of Connecticut named the William Benton Museum of Art in Mr. Benton's honor. Later that year he gave his collection of Albright's medical sketches to the University of Chicago Medical School. In the same year he was named Chubb Fellow at Yale.

Mr. Benton married Helen Hemingway, a Connecticut schoolteacher, in 1928. Also surviving are two sons, Charles and John; two daughters, Mrs. Helen Boley and Louise, and eight grandchildren.

[From the Washington Post, Mar. 19, 1973]

W. B. BENTON, EX-SENATOR, BUSINESSMAN, DIES

(By Martin Weil)

William B. Benton, 72, the longtime publisher of the Encyclopaedia Britannica who made a fortune in advertising as a young man and also served in the Senate, died yesterday at his apartment in New York City's Waldorf Towers.

A dynamic, driving man of broad interests and an innovative flair, he thrived on four or five hours of sleep while moving from advertising to successive careers in education, politics, publishing and public service.

In addition to his 1949–53 Senate service as a Connecticut Democrat, he had been an Assistant Secretary of State, (1945–47), U.S. Ambassador to UNESCO (1963–68), and chief U.S. delegate to many international conferences.

In the field of education, he served from 1937 to 1945 as vice president of the University of Chicago.

A legendary figure in the field of advertising, Mr. Benton founded the Benton & Bowles agency with Chester Bowles, molded the modern radio commercial, and made a fortune.

With money earned from the sale of his advertising agency, he bought the Muzak Corp. in 1938 when it was economically depressed, and lifted it to prosperity.

A story Mr. Benton told of his early days at Muzak would appear to be illustrative of his approach to many problems in many areas.

When he bought Muzak, it was heard only in hotels and restaurants in New York. It was thought of only as a substitute for live music, and that was the point of view of its staff of five salesmen.

Soon after Mr. Benton bought the company, they told him that they had already won 80 per cent of the available business in New York.

"Why don't you put it in barber shops and doctors' offices?" asked Mr. Benton.

"You can't," they answered.

Mr. Benton asked whether all five thought that way.

Only one, the newest, said no.

"Well," said Mr. Benton, "the other four of you guys had better quit . . . and I'll make this young man the sales manager. We'll take Muzak into new areas."

The company expanded and prospered and Mr. Benton sold it in 1957 for $4,350,000.

William Burnett Benton, who would have been 73 on April 1, was born in Minneapolis where his father was a professor at the University of Minnesota.

When he was 13 his father died and his school-teacher mother took him to Montana to stake a claim on one of the last tracts of public land available for homesteading.

Four years of clearing rocks from the arid soil of the family claim and summer work in later years on the Mesabi iron range in Minnesota are credited with helping develop the stamina for the 14-hour workdays to come.

After graduating from Yale in 1921 with an excellent academic record, Mr. Benton turned a Rhodes scholarship down, and began his business career selling cash registers from the back of a truck.

The next year, he began work as an advertising copywriter. Named assistant manager of Chicago's Lord and Thomas agency in 1927, he was earning $25,000 a year in 1929.

While walking home from the office one muggy May night, Mr. Benton heard the same sound coming from dozens of open apartment windows. It was the Amos and Andy show.

Aware that Pepsodent toothpaste, one of Lord and Thomas' clients, was having a bad year, Mr. Benton decided on a remedy. Lord and Thomas bought "Amos and Andy" for Pepsodent to sponsor.

It worked. Amos and Andy became a growing national sensation, and Pepsodent sales boomed.

On July 15, 1929, Mr. Benton left Chicago to set up his own firm. Although the stock market crashed and the depression began Benton & Bowles put its clients on radio, won a reputation for creativity, and went on to flourish.

On one of the most successful programs the firm produced, the "Maxwell House Showboat," Mr. Benton began the conversion of the commercial from an unadorned announcement into a theatrical performance.

On the program, the showboat's captain drank the sponsor's coffee and smacked his lips. Listeners heard the coffee cups clinking and the coffee gurgling as it was poured.

To what Mr. Benton once called his "eternal regret," actors and action had entered commercials.

In 1936, while earning nearly $500,000 a year, Mr. Benton sold out, later explaining that "after 35 it's too late to get a running start in something new. At 35 a man is still able to tackle anything."

In 1943, while at the University of Chicago, he bought the Britannica, arranging for royalties to go to the university.

As assistant secretary of state for public affairs beginning in 1945, he began using Voice of America broadcasts, which had begun in wartime, to tell the story of America to the postwar world.

Appointed to the Senate in 1949 by Chester Bowles, then Connecticut's governor, to fill the seat of a Republican who had resigned, he spoke in favor of fair employment and against discrimination.

One of the first senators to challenge Sen. Joseph R. McCarthy, he called on Aug. 6, 1951, for the expulsion of the controversial Wisconsin Republican, accusing him of weaving a "pattern of fraud and deceit."

Although Mr. Benton won a 1950 special election for the remainder of the unexpired term, he was defeated in a 1952 race for the full term, in part, it was believed because of his opposition to McCarthy.

Mr. Benton's survivors include his wife, Helen, four children and eight grandchildren.

[From the Evening Star, Mar. 19, 1973]

WILLIAM BENTON, EX-SENATOR, ENCYCLOPEDIA PUBLISHER, DIES

NEW YORK.—Former Senator William Benton of Connecticut, publisher of the Encyclopaedia Britannica and onetime assistant secretary of State, died yesterday in his sleep in his apartment at the Waldorf Towers Hotel.

He was 72, and lived in Southport, Conn.

Mr. Benton had been released from Lenox Hill Hospital on Feb. 26 after recovering from pneumonia.

Mr. Benton was, successively, an advertising executive, a university vice president, a public servant and a senator and the head of a vast publishing empire.

In all these careers, except politics, he wielded the Midas touch.

MUZAK A SIDELINE

One example of his business acumen was the Muzak Corp., which he acquired almost incidentally in 1933–40, when he was still with the University of Chicago. After expanding the operation and taking several million out in dividends, he sold it in 1957 for $4,350,000.

But despite his undoubted feel for the marketplace, Mr. Benton preferred to regard himself (and to be regarded) as a serious and dedicated educator and statesman.

He was chairman of the company that published and sold the Encyclopaedia Britannica, from which he and his family made a great deal of money, much of it given to the Benton Foundation. At the same time, the company enriched the University of Chicago, a contractual beneficiary at Mr. Benton's initiative, by more than $25 million in 25 years.

Mr. Benton had arranged to acquire the encyclopedia as a gift to the university, but after some other officers resisted, he used his own money to acquire it, and arranged for the university to receive royalties.

CHALLENGED M'CARTHY

In politics, Mr. Benton was a liberal Democrat whose record in the Senate was highlighted by opposition to Senator Joseph R. McCarthy, the Wisconsin Republican and anti-Communist crusader.

In 1951, when McCarthy was at the apogee of his influence, Mr. Benton introduced a resolution that, in effect, denounced his colleague as a liar and a thief unworthy to sit in the Senate. Hearings on this resolution led ultimately to McCarthy's censure in 1954, but by that time Mr. Benton was out of the Senate, having been defeated in 1952. McCarthy's enmity was generally credited with helping in the defeat.

He was appointed to the Senate in 1949 by Chester Bowles, then governor of Connecticut, to fill out an unexpired term. He and Bowles had years earlier founded an advertising agency that became the sixth largest in the world. He won election to the remainder of the Senate term in 1950 but was defeated two years later.

A HOMESTEAD, THEN YALE

He tried several times thereafter for office, but, as one biographer put it, he was "never really one of the boys." Mr. Benton, it was said, "simply does not react," and could rarely bring himself to utter a flattery. Less kindly observers said he did not listen to the notions of others and was inclined, moreover, to be vainglorious.

Mr. Benton was born April 1, 1900, in Minneapolis, the son of a Congregationalist clergyman and college professor and a county school superintendent. His father died when he was 13, and his mother took the family to Montana to clear ground for a homestead.

He entered Yale University on his second attempt, and graduated in 1921. He worked his way as a high-stakes auction bridge player. While denying reports that he cleared $25,000 a year, he told a friend that "it's a demonstrable fact that for 10 years I was one of the 10 or 20 best card players in the world."

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That agency, New York based, attained annual gross billings of $18 million by 1935, of which Benton's share was $250,000—a huge sum in the Depression.

A PIONEER IN RADIO

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Mr. Benton had determined to quit advertising when he was 35, and in 1935 he did, having by that time made $1 million. Almost immediately, however, Robert Hutchins, his Yale classmate, and president of the University of Chicago, persuaded him to become a vice president of the school. He held that post from 1937 to 1945, and helped the university pioneer in educational radio and educational movies. His radio program, "The University of Chicago Round Table," won several awards as an adult education show.

STATE DEPARTMENT SERVICE

Mr. Benton was appointed an assistant secretary of State for public affairs in 1945. Although he served only two years, he participated in a number of major developments including the founding of the Voice of America.

He was also involved in the birth and growth of UNESCO, the United Nations Education, Scientific and Cultural Organization, and he served as the first U.S. ambassador to UNESCO, from 1961 to 1964.

In 1942, Mr. Benton and Paul Hoffman, who was later to head the Marshall Plan, formed the Committee for Economic Development which helped rebuild Europe. It still exists as a foreign development commission.

Survivors include his widow, the former Helen Hemingway; four children, Helen Boley of Winnetka, Ill.; Louise and John Benton of Chicago; and Charles Benton of Evanston, Ill., and eight grandchildren. A memorial service will be held Wednesday at Trinity Parish Episcopal church, Southport, Conn.

[From the Waterbury Republican, Mar. 19, 1973]

FORMER SENATOR BENTON SUCCUMBS IN NEW YORK

NEW YORK.—William Benton, chairman of the board of the Encyclopaedia Britannica and a former U.S. senator and advertising executive, died Sunday at his Waldorf Towers apartment. He would have been 73 on April 1.

Benton, who enjoyed success in both the public and private sectors, had been recuperating after being hospitalized for five weeks with pneumonia. He also had homes in Phoenix, Ariz., and Southport, Conn..

Benton was a cofounder of the Benton and Bowles advertising agency and its success made him a millionaire. He served as an assistant secretary of state under President Harry S. Truman and organized the first major American program for peacetime international education and information.

During World War II he helped form the Committee for Economic Development that was instrumental in the economic reconstruction of Europe following the war.

His Senate term was 1949–53.

Benton was born in Minneapolis, Minn., in 1900. As a teen-ager he went with his widowed mother to homestead in Montana. He graduated from Yale University in 1921.

With Yale classmate Chester Bowles, he founded the Benton and Bowles agency in 1926. Despite the depression, it had grown into the sixth largest agency in the world when he sold his interest in 1935.

He next turned to the University of Chicago where another Yale classmate, Robert M. Hutchins, was president. Benton became a vice president and while there arranged to acquire the Encyclopaedia Britannica as a gift to the school.

Because the project was resisted by some other officers, Benton used his own money to acquire the encyclopaedia and arranged for the university to receive the royalties on all sales. The school has received about $45 million since 1943.

In 1942, Benton and Paul Hoffman, who was later to head the Marshall Plan, formed the Committee for Economic Development which helped rebuild Europe. It still exists as a foreign development commission.

Benton was appointed an assistant secretary of state for public affairs in 1945. Although he only served two years, he participated in a number of major developments including the founding of the forerunner of the present U.S. Information Agency.

He was also involved in the birth and growth of UNESCO, the United Nations Education, Scientific and Cultural Organization.

He served as the first U.S. ambassador to UNESCO from 1961 to 1964.

Benton had returned to private life in 1947 but was back in public service in 1949 when Bowles, then governor of Connecticut, appointed him to fill the unexpired term of Sen. Raymond Baldwin who resigned.

His appointive status ended a year later but he won a statewide election for the remainder of the term, becoming only the second Democrat since the Civil War to be elected from the state in a nonpresidential year. He was defeated in the 1952 election.

In the most dramatic episode of his Senate career, Benton called on Aug. 16, 1951, for the expulsion of Sen. Joseph McCarthy, R–Wis., charging that he had been guilty of a "pattern of fraud and deceit" in his red-hunting.

After leaving the Senate, Benton devoted himself to his educational and public interests.

Survivors include his widow, the former Helen Hemingway; four children, Helen Boley of Winnetka, Ill.; Louise and John Benton of Chicago; and Charles Benton of Evanston, Ill., and eight grandchildren.

Funeral arrangements were pending.

[From the Hartford Times, Mar. 19, 1973]

BENTON IS REMEMBERED AS A MAN OF COURAGE

Political veterans in Connecticut recalled today how the late William Benton, a freshman senator and newcomer to big league politics, stood up to the free-swinging terror of his time, the late Sen. Joseph R. McCarthy of Wisconsin.

It was Benton's call for McCarthy to resign at the height of his alleged search for Communist infiltrators in the United States that people in public life remembered most about Benton, who died yesterday.

"His stand against McCarthy was one of the most courageous in the history of the Senate," said Democratic State Chairman John M. Bailey today.

Bailey called Benton "one of the great men of this country." Bailey, who had hoped for appointment to the Senate when it went to Benton in 1949, was also state chairman that year.

"We mourn the passing of this gentle giant of our times who, with undaunted courage in pursuit of justice and decency in an era of fear and silence, will be a living memory," said U.S. Rep. Ella T. Grasso.

Former Gov. John N. Dempsey, also recalling Benton's 1951 charge that McCarthy was dealing in "fraud and deceit," said Benton will be remembered as "an outstanding senator."

Former State Insurance Commissioner Robert F. Claffey of Hartford, who had the assignment of teaching Benton the political ropes, called the one-time business executive "the best friend I ever had."

The Benton-Claffey relationship developed when Claffey was asked by Bailey to steer Benton through the strange waters of state politics after former Gov. Chester Bowles named his old advertising company associate to the Senate.

Benton's "conversion" to reform in the Democratic party and his acceptance of what was new impressed Mrs. Anne Wexler of Westport, one of the leaders of that movement.

"He was just an extraordinarily modern man," she said today. "He was extremely flexible."

Mrs. Wexler had approached Benton early in 1970, seeking support for Joseph D. Duffey in his bid for the Senate nomination. Benton explained that he was committed to Alphonsus Donahue of Stamford. But later Mrs. Wexler said, Benton became one of Duffey's most active supporters when the Hartford man secured the nomination.

National Committeewoman Beatrice H. Rosenthal of Waterford knew Benton as a man of "great integrity of character—one of the most vocal during the McCarthy episode."

She remembered him as always the same in his friendship, punctual at meetings, an unaffected intellectual and generous to this state.

Bowles, who founded an advertising agency with Benton, was in India at the time of his colleague's death. Sen. Abraham A. Ribicoff, another close political ally, was out of the state on vacation.

U.S. Rep. William R. Cotter of the state's First Congressional District said he "was privileged to have Senator Benton as a friend. I hope his family can take comfort in the knowledge that he was a true humanitarian in his personal and public life."

The former president of the University of Connecticut, Dr. Homer D. Babbidge Jr., said Benton had been a "dedicated and enlightened trustee of the university." Babbidge said the late senator had been motivated by his sense of the public good in all of his business, political and philantropic endeavors.

[From the New Haven Journal-Courier, Mar. 19, 1973]

EX-SENATOR, EXECUTIVE, WILLIAM BENTON IS DEAD

NEW YORK.—William Benton, chairman of the board of the Encyclopaedia Britannica and a former advertising executive and U.S. senator from Connecticut, died Sunday at his Waldorf-Towers apartment. He would have been 73 on April 1.

Mr. Benton, who enjoyed success in both the public and private sectors, had been recuperating after being hospitalized for five weeks with pneumonia. He also had homes in Phoenix, Ariz., and Southport, a section of Fairfield, Conn.

Mr. Benton was a cofounder of the Benton and Bowles advertising agency and its success made him a millionaire. A Democrat, he served as an assistant secretary of state under President Harry S Truman and organized the first major American program for peacetime international education and information.

During World War II he helped form the Committee for Economic Development that was instrumental in the economic reconstruction of Europe after the war.

Mr. Benton was born in Minneapolis, Minn., in 1900. As a teen-ager he went with his widowed mother to homestead in Montana. He was graduated from Yale University in 1921.

While at Yale, he edited the Yale Record, and was a member of the Student Army Training Corps. In 1928, he married Helen Hemmingway of New Haven, and they had four children.

With Yale classmate Chester Bowles, he founded the Benton and Bowles advertising agency in 1926. Despite the depression, it had grown into the sixth largest such agency in the world when he sold his interest in 1935.

Bowles was later elected governor of Connecticut, and appointed Mr. Benton to the U.S. Senate in 1949 to fill the unexpired term of Raymond E. Baldwin, who resigned. Mr. Benton's Senate term expired in 1953.

At the University of Chicago, where another Yale classmate, Robert M. Hutchins, was president, Mr. Benton became a vice president and while there arranged to acquire the Encyclopaedia Britannica as a gift to the school.

Because the project was resisted by some other officers, Mr. Benton used his own money to acquire the encyclopaedia and arranged for the university to receive the royalties on all sales. The school has received about $45 million since 1943.

In 1942, Mr. Benton and Paul Hoffman, who was later to head the Marshall Plan, formed the Committee for Economic Development which helped rebuild Europe. It still exists as a foreign development commission.

[From the Bridgeport Telegram, Mar. 19, 1973]

WILLIAM BENTON DIES AT 72; FORMER SENATOR

William Benton of Southport, chairman of the board of the Encyclopaedia Britannica and a former U.S. senator and advertising executive, died Sunday at his Waldorf Towers apartment in New York City. He would have been 73 on April 1.

Benton, who enjoyed success in both the public and private sectors, had been recuperating after being hospitalized for five weeks with pneumonia. He also had a home in Phoenix, Ariz.

A memorial service will be held Wednesday at 3:30 p.m. in Trinity Episcopal church, Southport. Private cremation will follow.

Benton was a cofounder of the Benton and Bowles advertising agency and its success made him a millionaire. He served as an assistant secretary of state under President Harry S. Truman and organized the first major American program for peacetime international education and information.

During World War II he helped form the Committee for Economic Development that was instrumental in the economic reconstruction of Europe following the war.

A Democrat, he served in the Senate from Connecticut in 1949–53.

Benton was born in Minneapolis, Minn., in 1900. As a teenager he went with his widowed mother to homestead in Montana. He graduated from Yale university in 1921.

With Yale classmate Chester Bowles, he founded the Benton and Bowles agency in 1926. Despite the depression, it had grown into the sixth largest agency in the world when he sold his interest in 1935.

He next turned to the University of Chicago where another Yale classmate, Robert M. Hutchins, was president. Benton became a vice president and while there arranged to acquire the Encyclopaedia Britannica as a gift to the school.

Because the project was resisted by some other officers, Benton used his own money to acquire the encyclopaedia and arranged for the university to receive the royalties on all sales. The school has received about $45 million since 1943.

In 1942, Benton and Paul Hoffman, who was later to head the Marshall Plan, formed the Committee for Economic Development which helped rebuild Europe. It still exists as a foreign development commission.

Benton was appointed an assistant secretary of State for public affairs in 1945. Although he only served two years, he participated in a number of major developments including the founding of the forerunner of the present U.S. Information Agency.

He was also involved in the birth and growth of UNESCO, the United Nations Education, Scientific and Cultural Organization.

ENVOY TO UNESCO

He served as the first U.S. ambassador to UNESCO from 1961 to 1964.

Benton had returned to private life in 1947 but was back in public service in 1949 when Bowles, then governor of Connecticut, appointed him to fill the unexpired term of Sen. Raymond Baldwin who resigned to go on the State Supreme Court bench.

His appointive status ended a year later but he won a statewide election for the remainder of the term, becoming only the second Democrat since the Civil War to be elected from the state in a nonpresidential year. He was defeated in the 1952 election by William A. Purtell.

As a United States senator from Connecticut, Benton served on the Banking and Currency committee, the Rules committee, the Select committee on Small Business; and the Joint Committee on the Economic Report.

His first speech on the floor of the Senate came in 1950 when he spoke in behalf of the Fair Employment Practices commission. His belief in equal opportunity was highlighted by his opposition to the McCarran act which he argued, discriminated against the people of Eastern and Southern Europe.

SOUGHT M'CARTHY OUSTER

In the most dramatic episode of his Senate career, Benton called on Aug. 16, 1951, for the expulsion of Sen. Joseph McCarthy, R-Wis., charging that he had been guilty of a "pattern of fraud and deceit" in his red-hunting. McCarthy was censured by the Senate in 1954.

After leaving the Senate, Benton devoted himself to his educational and public interests.

The author of three books, Mr. Benton also contributed several hundred articles to major magazines.

One of his books, "The Voice of Latin America", was a report on his travels in South America with Adlai Stevenson, a close friend, and displayed Benton's lifelong concern with education.

In addition, Benton served on the Platform committee of the 1952, 1956 and 1964 Democratic national conventions.

A trustee of the University of Bridgeport, he was also a trustee of the American Shakespeare Festival theater; the Wadsworth Atheneum; and the Noah Webster House Foundation. He also was a lifetime trustee of the University of Chicago and a trustee of Brandeis and Hampton universities and a former trustee of the University of Connecticut where the university's are museum was renamed for him last year. He received honorary degrees from Notre Dame, Dartmouth, Brandeis, and Knox and Carleton colleges.

Survivors include his widow, the former Helen Hemingway; four children, Helen Boley of Winnetka, Ill.; Louise and John Benton of Chicago; and Charles Benton of Evanston, Ill., and eight grandchildren.

BOY'S COMPLAINT OF 4-CENT BOOST WILL COST PAINTMAKER $317,879

Mr. SPARKMAN. Mr. President, we have recently had a demonstration of the power of the individual citizen when he is willing to act. I have reference to the action of young John Malachowsky of West Babylon, N.Y., a 12-year-old boy who felt that he had been overcharged when he bought a quarter-ounce bottle of enamel paint for which he was charged 19 cents. He complained that this was 4 cents higher than that allowed under phase II controls. He could get no redress from the merchant nor from the company whereupon he carried his complaint to the Justice Department. Suit was filed and was finally settled by the company paying $317,879. This is well told in a recent Associated Press article. I ask unanimous consent to have it printed as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BOY'S COMPLAINT OF 4-CENT BOOST WILL COST PAINTMAKER $317,879

WASHINGTON.—A 12-year-old boy's complaint that the price of model-airplane paint rose four cents a bottle is going to cost the manufacturer nearly a third of a million dollars.

A settlement between the government and the paint company, Tester Corp. of Rockford, Ill., was reached in U.S. District Court in Chicago, and details of it were learned here Monday.

Testor denied any violation of the government's price controls but said in order to avoid the time and expense of court action it would "compromise and settle the pending controversy."

The settlement provides for Testor to lower the prices of Pla Enamel and Spray Pal Enamel for a long enough period to give its customers a total price reduction equal to the $312,879.55 overcharge alleged by the Justice Department.

The company also agreed to pay a $5,000 fine for the alleged violations of the government price controls, although it said it did not concede any violation.

The Justice Department filed suit last Nov. 28 against Testor and its parent corporation, Jupiter Industries Inc. of Chicago, after John Malachowsky of West Babylon, N.Y., complained that an increase from 15 cents to 19 cents for a quarter-ounce bottle of enamel paint violated President Nixon's Phase 2 controls.

"This is only four cents," Malachowsky wrote the Price Commission last April, "but being only 12¾ years old, this is a big strain on my allowance."

The Justice Department charged that Testor revenues totaled $312,879.55 more than the firm would have received if it had compiled with the Economic Stabilization Act.

INCREASING FOOD PRICES

Mr. ABOUREZK. Mr. President, increasing food prices are a matter of justifiable concern to the American consumer. However, the story behind these increases is not a simple one.

An aspect of this problem that has not received nearly enough publicity is the increasing concentration of control in the agricultural industry.

I strongly feel that increased concentration and increased food prices is not merely coincidental. Further, I greatly fear that if this concentration is allowed to continue, prices can easily skyrocket out of control when only a very few companies are in a position to dictate prices.

It is for that reason that I joined Senator NELSON and others in coauthoring the Family Farm Antitrust Act of 1973.

This bill would stop the corporate invasion of agriculture. Oligopolist control of the Nation's food supply is a very real possibility—a possibility which would subordinate the price of food to conglomerate profitmaking expediency.

This is a danger to which the public must be alerted.

For that reason, Mr. President, I would like to call to your attention a recent article from The Nation by James Rowen entitled "Monopoly Steak: The Big Beef Merger." This article point out the dangers and implications of merger in the beef industry. Mr. President, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MONOPOLY STEAK: THE BIG BEEF MERGER

(By James Rowen)

The current economic fact of life most widely known to the American consumer is the high and rising cost of beef. Now two of the nation's five largest beef-packing and processing companies, and John Connally's Houston law firm, are working out the details for a merger that could easily rocket beef prices entirely beyond the means of the general public. The companies talking merger are Iowa Beef Processors (IBP) of Dakota City, Neb., and Missouri Beef Packers (MBP) of Amarillo, Tex., and rumors of their plan have produced an unusual coalition in opposition, as labor, management and consumer groups all perceive the merger as a threat.

Early last December, the two corporations announced that they were discussing the possibility, with Iowa Beef absorbing Missouri for $27 million of IBP stock. IBP is the nation's largest cattle slaughterer and beef processor; Missouri is number five. Both companies persist in saying that the merger is still in the "talking stage," but several published reports indicate that a formal announcement is imminent. Currier J. Holman, IBP's co-chairman, told the annual meeting of the American National Cattleman's Association on January 26, that the "proposed merger" would be "in the national interest," adding that, since the current antitrust strictures are "anachronistic," they'll just have to give way.

The creation of a new company having the combined resources of IBP and MBP would be the most dramatic example yet of the rapid concentration of control in the American beef industry, which I discussed in *The Nation* of June 5, 1972. IBP, only twelve years old, has expanded so quickly that it now produces fully 12.5 per cent of the federally inspected cattle slaughter, in an industry comprised of thosuands of corporate units. IBP slaughters 50 per cent more beef than does Swift and nearly twice as much as the other old giant, Armour. Missouri Beef handles more than 6 per cent of the national slaughter, so the new company would control nearly 20 per cent of the national market, and up to 32 per cent of the market in a seven-state territory (Nebraska, Iowa, Minnesota, Kansas, Missouri, Texas and Idaho).

In the packing business, thin profit margins, often 1 per cent or less, are common. A fluctuation of only 1¢ a pound on a day's slaughter of several hundred 1,100-pound steers can mean profit or ruinous loss for a packer. The projected company could easily win a reverse price war, driving smaller packers out of business by offering ranchers and cattle feeders a slightly higher price for their animals. The new giant could then pass the higher-priced beef on to the retailer, and ultimately to the already squeezed consumer.

In addition, the merger would make the new company a dominant factor in the fast growing Texas panhandle cattle market. IBP owns a 13 per cent interest in Prochemco, Inc. of Amarillo, one of the nation's five largest cattle feeding businesses, and Missouri Beef owns two packing plants in the panhandle area. The new company would have first call on Prochemco's cattle and two slaughterhouses to process them. If cattle prices in the open markets were high, IBP–MBP could buy from Prochemco, thus exerting a lever on the price of beef on the hoof that no other company could manipulate.

The merged company would be especially powerful in a relatively new phase of meat production—"boxed beef." More and more beef is being shipped to retailers from the packing plant already cut into "sub-primal" sections—loin, brisket, rib, etc. Boxed beef is rapidly supplanting the one-piece carcass and Iowa now holds 40 per cent of that trade, boxing more than three and a half times as much as Armour, the nearest competitor. The merger would push Iowa's share to 50 per cent, giving the new company almost dictatorial control.

The first formally to oppose the merger was American Beef Packers, Inc. of Omaha. Smaller than either IBP or MBP, American sees its own entrance into the boxed-beef market, and planned expansion into the Texas panhandle area, threatened by the merger. On January 23, it filed suit in Federal District Court in Lincoln, Neb., seeking an injunction to prevent the merger, citing alleged anti-competitive effects and the threat of "monopoly" in certain areas of the country. At least four other meat packers have notified the antitrust division of the Justice Department that they oppose the merger.

And the Amalgamated Meat Cutters and Butcher Workmen, AFL–CIO, which seldom sees a reason to join with management in a legal action, joined the smaller packers in notifying the Justice Department of its strong opposition to the merger. The Meat Cutters union, which has struck both Iowa and Missouri in recent years over boxed beef (if carried to the point of consumer cuts, it could eliminate meat cutting at supermarkets), protested to the government that the merger would be "merely a concentration of naked power for private profit and aggrandizement affect[ing] the worker, the consumer and the farmer alike." Consumers Union has also made its opposition known to the Justice Department.

The Department of Justice has admitted that it is in touch with the two companies, but has denied published stories that it has actually met with the companies' representatives, who reportedly sought an unofficial government opinion as to whether the merger would be permitted. IBP's relations with the Justice Department are less than harmonious. In 1969, the department successfully sued the firm, forcing it to sell off two beef-packing plants in Mason City and LeMars, Iowa, which it had acquired in a merger with the Blue Ribbon Packing Co. IBP was given until March 1972 to sell the plants, but failed to do so. The Justice Department then charged that the company was stalling by asking an excessive price for the plants; the federal court granted Iowa two extensions totaling one year. The new deadline is March 20, 1973; if by then the company hasn't sold the Blue Ribbon plants, the Justice Department will attempt to appoint a trustee at IBP's expense to sell off the two plants. Meanwhile, the Meat Cutters union, Consumers Union and attorneys for American Beef have all made the point that it would be utterly illogical for the Justice Department to oppose the 1969 Blue Ribbon merger and yet permit the much more serious merger with Missouri Beef. How the government handles the IBP-MBP proposal will be the best possible indication of what attention the second Nixon Administration will be giving to antitrust matters, and will be at further test of recent Administration rhetoric about consumer problems, especially rising food prices.

If it is allowed, the merger would be a quantum jump in the shift toward one-company control of the beef industry—a control that only a decade ago the experts said was impossible, given the great number of independent feeders, packers and retailers. But Iowa Beef, which has hired ex-Treasury Secretary Connally's law firm of Vinson. Elkins, Searles, Connally & Smith to speed the merger, approaches that kind of dominance. Its unrelenting expansionist appetite is openly admitted by Currier Holman, Iowa's board co-chairman. His corporate policy spells trouble for farmers and consumers alike. In his January 26th address to the cattleman's convention, Holman attacked the concept of small farming and independent packing, saying there was no room for the beef operator who resisted consolidation: "There are too many people doing too many things, and in ways that cost too much." Holman claims that concentrating ownership in the industry would bring savings to consumers, but a high degree of concentration in the 1960s did not lower beef prices; instead it effectively increased the market share of big producers. IBP's sales in 1970 were $716 million; in 1971 they rose 50 per cent to more than $1 billion. Similarly, Missouri's 1970 sales were $219 million; in 1971, up 40 per cent, they were $304 million.

Holman's corporate ambitions, and ramroding idea behind the IBP-MBP merger, are clearly anti-competitive. "A viable beef industry," the IBP co-chairman told the cattlemen, "cannot tolerate the type of cutthroat competition and mistrust common among industry segments of the past—and yet today." The free market, competition, free enterprise—these get in the way of outfits like IBP. In a folksy closing, Holman summed up the IBP approach to the beef industry:

"It has been said that between the gleam in a bull's eye as he chases a heifer across the meadow, and the steak at the Waldorf Astoria, there is a vast and complicated business. It's these complications that will kill us. Let's organize and simplify them because the futures that are at stake are certainly our own."

At stake, too, are the budgets of the beef-eating consumers.

JOE HIGGINS AS DIRECTOR OF THE FBI

Mr. METCALF. Mr. President, the recent withdrawal of L. Patrick Gray's nomination to be Director of the FBI has left us with the perplexing problem of finding a substitute nominee who embodies all of those qualities necessary to meet the very demanding requirements of the job. One potential nominee that the President should not overlook is Joe Higgins, a law enforcement officer, a man who has captured the confidence of the American public by his forthright and unqualified support of the "law and order" approach. His no-nonsense, square-jawed, firm-handed stance in support of the law and against lawbreakers should assure warm reception of this suggestion by the President. He is the very epitome of American confidence in our law enforcement concept. As the leader and symbol of the FBI he would be superb.

I urge President Nixon to appoint Joe Higgins as Director of the FBI and I shall work for his confirmation.

SENSIBLE SPENDING

Mr. CRANSTON. Mr. President, in the current controversy in Washington over vetoes, fund impoundments, and spending ceilings, Members of Congress are painted as "budget busters" and "big spenders" while the President is portrayed as the one who wants to hold down Government spending, reduce the Federal deficit and avoid a tax increase.

Neither statement is really accurate. And the elements of a compromise are now at hand that should limit spending, prevent a tax increase, reduce the budget deficit—and end what threatens to become a constitutional crisis.

Congress has, indeed, been rather loose and slipshod in some money matters, appropriating funds for this program and that without regard to an overall budget figure.

Nonetheless, Congress did cut appropriations $18 billion below the amount President Nixon requested in his first 4 years. And now the President, for the first time in history, has requested that both military and overall spending should go up—instead of down—following a war.

The overwhelming majority of the Senate—Democrats and Republicans alike—voted recently to set a spending ceiling for fiscal 1974 that is $700 million less than the ceiling proposed by the President.

Quite a few of us have been working for some time for a new and more responsible congressional approach to budgeting. Back in 1971, I joined Republican Senator ROTH of Delaware in proposing a spending ceiling. But at that time only 18 Democrats and 19 Republicans voted with us.

President Nixon's request for a $250 billion spending ceiling last fall had my strong support. I opposed, however, his demand that he alone should decide which Federal programs should be left untouched and which programs should be reduced or eliminated altogether in order to keep Federal spending below that ceiling.

Now, with Republican Senator CHARLES PERCY of Illinois and Independent Senator HARRY BYRD, JR., of Virginia, I have introduced a bill that would create permanent machinery by which Congress would set a spending ceiling each year. Our reform bill is at this moment being studied by a special Senate subcommittee. I am sure Congress will soon adopt a budget process along the lines of our proposal.

So what's the argument about? The real argument between the Congress and the President is not over how much to spent, but over what to spend it on.

Through impoundments, vetoes, and budget reductions, President Nixon wants to reduce spending in ways that I and I think a majority in the Congress deem unwise: in education, health, housing, transportation, aid to veterans; and in efforts to reduce toxic air, filthy water, unemployment, poverty, alcoholism—plus that major cause of crime—drug addiction.

To avoid these cuts, yet stay within

a sensible spending ceiling, I favor—and I hope and believe a majority of Congress will favor—decreasing the $30 billion a year now going overseas to maintain 3,400 U.S. military bases in 30 foreign countries, another $16 billion currently spent on foreign aid—$10.1 billion of it military aid. We presently give it to 64 countries including 27 different military and quasi-military dictatorships.

An overwhelming majority in the Senate has voiced opposition to aid to North Vietnam—at least until the war is really over and we are assured that necessary programs here at home are adequately funded. Expenditures of this sort have had a great deal to do with the declining value of the overseas dollar. As long as we keep this up, the dollar will be in trouble, and we will fail to meet pressing needs here at home.

Some of the President's people have derisively called this spending debate a "motherhood issue." And they are right. It is. And I am not ashamed to say that I am on momma's side. I believe that if the Government is going to spend tax money, it should be spent to make the American family safer, healthier, better fed, better clothed, better housed, and better educated.

BUDGETARY REFORM

Mr. BROCK. Mr. President, yesterday Dr. Beryl W. Sprinkel, senior vice president and economist of Harris Trust and Savings Bank of Chicago, and chairman of the Banking and Monetary and Fiscal Affairs Committee of the Chamber of Commerce of the United States, presented some very enlightening comments on the control of the Federal budget by the Congress before the Subcommittee on Budgeting, Management and Expenditures of the Senate Government Operations Committee. His comments are particularly topical because of the Congress' interest in the control over the "Power of the Purse." I ask unanimous consent that his comments be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

BUDGETARY REFORM

My name is Beryl Sprinkel. I am Senior Vice President and Economist of Harris Trust and Savings Bank in Chicago, and Chairman of the Banking, Monetary and Fiscal Affairs Committee of the Chamber of Commerce of the United States. With me is Richard S. Landry, staff executive of that committee.

We are here to express the National Chamber's support of S. 40, a bill to improve the legislative budgetary process.

A BUDGET OUT OF CONTROL

The problem to which S. 40 is addressed is one of the most critical facing the nation today. The former Fiscal Policy Committee of the National Chamber concluded over two years ago that the federal budget is out of control. At that time the budget was at the $232 billion level wtih $158 billion or 68.3 percent relatively uncontrollable. The situation has since worsened: Three-fourths of fiscal 1974 projected spending of $269 billion will have been previously obligated by Congress, making it virtually impossible to alter appreciably the substance and direction of federal expenditures to meet changing national needs.

As a result of this budgetary hardening of the arteries, Congress has largely closed off the program options that should be available to the nation. As the social programs of the 1960's have matured, each has developed a sizable constituency. Partly in consequence of this fact, expenditures on programs adopted during the late 1950's and early 1960's have grown at an average rate of 100 per cent a year in the first five years after enactment.

If Congress is to become fiscally responsible, it must demonstrate to the voters that all programs have costs and that these costs must be borne somehow—either directly by taxes or indirectly through inflation if the programs are financed by deficit spending during periods of high employment.

RAPID GROWTH OF GOVERNMENT

Two other serious budgetary developments over the past quarter-century have been the continued extension of government into all facets of society and the rapid expansion of government activity—over 55 per cent faster than the private sector. In that quarter-century, government expenditures at all levels increased at a rate of 9.1 per cent per year compared to a 5.8 per cent increase in private expenditures. From an 18.3 per cent of GNP level in 1947, government expenditures rose to almost 33⅓ per cent of GNP by 1972. If this trend were to continue, government expenditures would far exceed private sector spending before the end of the next decade.

Based on these findings, the National Chamber concluded that it is imperative for Congress to develop a workable system for developing national priorities and subjecting programs to cost-benefit analysis. Otherwise government will become the major resource user, and, by its further preemption of productive resources, severely limit the scope and freedom of individual choice in the marketplace.

An important reason for rapid budgetary growth is that few spending programs are ever reduced or eliminated—in part because of growing constituencies and in part because objective program evaluations are lacking.

ZERO-BASED BUDGETING

One essential and badly needed budgetary reform is adoption by Congress of zero-based budgeting—that is, periodic reexamination of federal programs in their entirety. It is essential for Congress to evaluate current programs as well as prospective programs. Current programs should be analyzed as to actual versus projected expenditures, and their apparent as against intended effects.

We realize that implementation of zero-based budgeting would require a great amount of additional work by Congress and its staff, but we see no alternative if budgetary efficiency is to be achieved. Realizing the magnitude of undertaking the zero-based budgeting technique, we believe that it cannot possibly be done on an annual basis, and we therefore recommend that it be done on a three-year cycle—approximately one-third of the programs each year over a three-year period.

A key aspect of zero-based budgeting is that it would transform the budget into a statement of current, rather than past, national priorities. Under the present "accretion" method of superimposing new programs on top of old, each new budget is an accumulation of prior budgets and priorities that, quite apart from the issue of program effectiveness, may no longer reflect today's priorities.

PILOT-TESTING OF NEW PROGRAMS

With respect to proposed new programs, we believe that pilot-testing is the most rational and feasible method of comparing claimed benefits with probable effects.

Congress has enacted new programs with little or no regard for the fact that programs were already in existence dealing with the particular problems aimed at in the new legislation.

This year the Office of Management and Budget published a *Catalog of Federal Domestic Assistance* listing over 1,052 grant-in-aid programs. Ten years ago this same book would have contained about 300 programs. Careful inspection of this publication reveals that there are 402 programs dealing with education, 205 programs dealing with housing and community development, 49 programs dealing with consumer protection, and 82 programs dealing with the environment.

Not only do new legislative programs duplicate or overlap existing legislation, but a study of some 112 new programs adopted between 1955 and 1968 [1] revealed average costs increased by over 100 per cent per year in the first five years following enactment. It was also found that not only had expenditures on these program expanded significantly during the first five years, but the program scope also expanded. In view of these facts, we believe it essential that prior to enactment of broad-scale social programs and before committing substantial funds to them, pilot tests should be conducted to evaluate the workability and effectiveness of the programs. Pilot testing could avoid the wasteful expenditure of billions of dollars in poorly conceived programs such as the Great Society programs criticized in the 1972 Brookings report, *Setting National Priorities: the 1973 Budget*. As the study's authors point out, the "fiscal dividend" of the 1960's has turned into the "fiscal mortgage" of the 1970's. Pilot testing could also:

1. ascertain eventual costs of government programs
2. bring about program changes prior to national implementation in order to make them more effective
3. weed out ineffective programs.

A 5-YEAR PLANNING HORIZON

Another drawback of the current budgetary process is its short planning horizon. The President's budgetary proposals have generally presented detail on federal expenditure programs for only one year ahead. In strong contrast, corporate business planning frequently looks 10 years ahead. It appears reasonable to suggest at least a five-year planning horizon for government. Aside from its being inefficient, a one-year planning horizon is open to the danger of being used to justify acceptance of politically popular programs with low first-year but high eventual costs.

NEED FOR A JOINT BUDGET COMMITTEE

Perhaps the leading cause of inadequate fiscal discipline is the fragmented nature of the current Congressional budgetary procedure. There is no one committee that looks at budget receipts and expenditures in a coordinated way. The appropriations committees and the tax writing committees in recent years have each gone their respective ways with the result that, during the last decade, expenditures have increased from $111 billion to $250 billion while the tax writing committees have reduced tax rates during this same period, thereby adding $100 billion to our national debt.

This lack of coordination places Congress in the unfortunate position of ignoring an appropriate fiscal policy in arriving at budgetary totals. The logical remedy is a joint budget committee that will look at the budget as a whole and coordinate tax and expenditure proposals. We recognize that an effective joint committee on the budget could weaken the influence of the tax writing and appropriations committees. We also realize that members of Congress, who have grown accustomed to special spending bills, may feel constrained by a coordinated approach to the budget. But the need to get the budget under control is so critical an issue that special-group interests must be

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[1] Tax Foundation, Inc., (New York City) *Growth Trends of New Federal Programs, 1955–1968.*

subordinated to the interest of the nation as a whole.

The federal sector has become too large and too important a part of the total economy to deal with expenditures in the same way as at the turn of the century, when the federal government represented less than 1 per cent of the economy and 40 per cent of taxes were collected through custom duties.

NEED FOR ANNUAL APPROPRIATIONS FOR CERTAIN PROGRAMS

The present uncontrollability of most of the budget is traceable in part to the practice of linking specific program expenditures to specific revenue sources. For example, of the $202 billion in relatively uncontrollable expenditures in the fiscal 1974 budget over $80 billion comes from social insurance trust funds. Without passing judgment on the benefits of social insurance expenditures, we do believe the mechanism of tying specific revenues to specific programs without provision for annual appropriations encourages spending on such programs because they do not have to compete for funding with other kinds of spending. Tax-tied spending limits budget flexibility that is so badly needed in a dynamic society such as ours—where national priorities have changed drastically in the past quarter century.

Most trust funds, except for the Highway Trust Fund which requires specific annual Congressional action, become available for spending without current Congressional approval. This results from the "permanent budget authority" given these funds. Failure to subject such tax-tied spending to the discipline of annual appropriations reduces both the controllability of the budget and the flexibility of Congress in responding to changing national priorities. Moreover, Congress makes substantial general fund contributions to certain funds—amounting in the current fiscal year to about 10 per cent of general fund receipts. These are monies that might have been made available for other spending or, preferably, for tax relief. Providing for annual rather than permanent appropriations for the trust funds concerned is an essential element in reform of the Congressional budgetary process.

SUMMARY

Reform of the budgetary process at the earliest possible date is imperative if we are to avoid chronic inflation, further weakening of the dollar abroad, and pressure for permanent economic controls which have no place in an enterprise economy.

Senator William E. Brock's S. 40 and counterpart bills in the House—Congressman Charles E. Bennett's H.R. 5388 and J. Kenneth Robinson's H.R. 975—embody the reforms that are essential to regain control of the budget:

1. Zero-based budgeting
2. Pilot-testing of new major expenditure programs
3. Annual appropriations for program expenditures
4. Five-year budget projections, and
5. A Joint Budget Committee to develop a legislative budget.

We hope that all members of Congress will recognize the wisdom of these budgetary reforms and will place them high on the agenda for enactment this year.

THE REAL RICHARD NIXON STANDS UP

Mr. CURTIS. Mr. President, in the April issue of Fortune magazine there is an article which deserves the interest of Members of the Congress. It is entitled "The Real Richard Nixon Stands Up," written by A. James Reichley.

I can assure you it is not a panegyric from the public relations staff of the Republican National Committee. I do not agree with all of its opinions. I do agree with its main thesis, in summary, that Richard M. Nixon is free from guile, that he announces his plans well in advance of his actions, and that he "carries them out with a almost priggish consistency".

A specific example is President Nixon's 1967 article in Foreign Affairs stating his since promulgated "new China policy." A second specific is his mid-1968 pronouncement that he would get the United States out of Vietnam by accompanying a "phased withdrawal" with diplomatic pressures exerted through the Russians.

A major theme of the article is the President's dedication to a reduction of the cost and size of the Federal Government and his desire to get Government closer to the taxpayer.

The article does offer some criticism, but it serves as a testament to the character of one of the most qualified and brilliant men ever to serve as this Nation's Chief Executive.

Place in context with the Fortune article the prevailing winds of partisan politics. Fortune acknowledges the partisan effort to label the President as a fork-tonged deceiver, "Tricky Dick."

This slur has been around for a long time. It was not effective during the successes of Peking, of Moscow, of domestic achievement. These accomplishments tend to avoid substantive criticism. They result in driving the opposition to slanders and to the scurrilous ad hominum attacks which are in politics, unfortunately, the standard tactic in periods of partisan depression.

Note that the current acrimony was on the rise as soon as the celebrants finished the second inaugural. It is only 19 months to the midterm elections, and then but a short hop to the next Presidential race.

Time is awasting for the opposition party, so do not spare an effort to convince the public that the President actually planned and executed the Watergate breakin. Assert to all that the President belongs to the big corporations, to the wealth and privileged of the land.

Do not mention good times, high employment, a constantly rising spendable income. Talk only of the negatives in our system. Treat the ever-present problems as insoluble even though the national record of solution is, so far, pretty good.

Find new ways to spend money on everybody. Exaggerate the problem, triple its costs, invite a veto. Then campaign against the veto.

Make sure that anyone who opposes your schemes is against the consumer, against pure air, against clean water, against good health, against on-the-job safety.

Make sure that anyone who opposes your schemes is for the gouger in the marketplace, is for the corrupter in the corporate board room, is for a shortage of gasoline, of housing, of red meat, and is even for the right of parents to physically abuse minor children.

Create all these delusions and, if a majority becomes convinced of your rectitude, you will have an electorate so irrational and so paranoid that no possible governing body could ever hope to meet the collective demands.

I have no desire whatsoever to eschew partisan politics nor to limit those responsible actions which earn favor for a party's candidates. But I do believe it will take the absolutely best efforts of a majority of the Congress to acquit this noble institution in its public responsibility. We have all to do that our talents can provide if we give sustenance and the opportunity for advancement to all our citizens.

The opposition party cannot be expected to ignore our blunders. I deplore the Watergate foolishness. No person who lives in the real world could conceive of any benefit to a political party from such stupidity.

The offenders must be identified and punished, no matter how high their positions, and I will aid the Senate committee in whatever way possible to seek out the facts.

The President is a kind man, loyal to his staff, but he will not defend disloyalty to his office once that disloyalty has been proven. Nor do I expect that he will tolerate sheer arrogance toward the Congress, or the public, from his staff or other appointees under some guise of executive privilege.

I am deeply comforted that, with the enormous problems confronting the Chief Executive in these times, we have the competence, the resourcefulness, and the dedication of Richard M. Nixon. His qualities are enumerated and exemplified in the article which I ask unanimous consent be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Fortune magazine, April 1973]

THE REAL RICHARD NIXON STANDS UP

(By A. James Reichley)

Richard Nixon, it can fairly be argued, is among the most direct and straightforward of public leaders. Contrary to the widely held image of a fork-tongued deceiver ("Tricky Dick"), the President as a rule gives detailed notice of his intentions, and then carries them out with almost priggish consistency. He tells us what he is going to do, and then he does it—and if we are taken by surprise, it is generally because we have not been listening.

In a little-noticed article in *Foreign Affairs* in 1967, Nixon disclosed the new approach he felt was needed to deal with altered political realities in the Far East. As President, he has put this revision into effect as his "new China policy." Shortly before the Republican Convention in 1968, he told an audience of journalists that he would get the U.S. out of Vietnam by accompanying a "phased withdrawal" with diplomatic pressures exerted through the Russians—a succinct description of the strategy he has since followed. Nixon's change in economic policy in the summer of 1971 was perhaps an exception—a real break with the philosophy he had previously espoused. But even this inconsistency, it has now become clear, was more a tactical sidestep than a permanent departure from his basic economic beliefs.

The old "Tricky Dick" image largely derived from the exaggerations and obscurities of Nixon's style. Now, with his first real mandate behind him (and no more elections ahead of him), even some of these defensive mannerisms appear to be dropping away. Behind these defenses has always been a political and economic conservative of a pretty fundamentalist type. One reason so many people of liberal persuasion have had difficulty in grasping this is that they are reluctant to believe a man holding such views could rise to high office in these times.

The new moves in domestic policy that Nixon is now putting into effect have created waves of shock and panic among congressional liberals, bureaucrats, and beneficiaries of federal programs. But all were foreshadowed in numerous social and economic pronouncements that the President has made—most comprehensively in a series of radio talks he delivered during last fall's campaign.

In those talks, despite a certain amount of rhetorical murkiness, Nixon set forth a reasonably clear picture of his social and economic philosophy. America's success, the President believes, has grown out of the "competitive spirit," which motivates individuals to "live not by handout, not by dependence on others or in hostage to the whims of others, but proud and independent." The key to the nation's economic progress "is not what government has done for people, but what people have done for themselves."

Today, he maintains, the American system of free competition is threatened by a potentially ruinous philosophy, "the welfare ethic." Those who support the welfare ethic believe that "the good life can be made available to everyone right now, and that this can be done by the government." It is essential that the nation reject the welfare ethic and return to the "work ethic," which holds that "an able-bodied person should earn what he gets and keep most of what he earns."

As part of this rejection, the federal government must be greatly reduced in size and scope. "After forty years of unprecedented expansion of the federal government, the time has come to redress the balance—to shift more people and more responsibility back to the states and localities and most important, to the people, all across America."

Nixon recognizes that the individual needs moral and social supports. He calls for "a new pride of place for the family and the community—a new sense of responsibility in all that we do." But here too, freedom from federal domination provides most of the answer. If government will stop interfering, he suggests, there will be "a renaissance of the individual spirit," which in itself will restore the vitality of the family and the community, the churches and the schools.

A MESSAGE IN "PLAYBOY"

Behind this web of ideas, of course, lies the traditional philosophy of laissez-faire conservatism: individuals freely competing against each other will create a society that is for the general good of all. At one time this philosophy permeated most of American life. Today it survives in its purest form on the political right wing, and among such conservative intellectuals as Milton Friedman, who would like to get the federal government almost entirely out of rendering social services and regulating the economy.

Nixon is no purist. He has never proposed the demolition of the social-security system in the manner of Barry Goldwater—in fact, social-security benefits have gone up more than 50 percent during the Nixon Administration. And when the economic weather got rough in 1971, the President, declaring himself a Keynesian, laid down his Friedman, and picked up his Galbraith.

Laissez-faire purism, however, is a lingering presence in the Nixon White House—an ideal perhaps unattainable in the rough and tumble of today's politics, but nonetheless an enduring inspiration and guide. Friedman's name and ideas come up often in conversations with White House staff members. Presidential speechwriter William Safire, by no means the most doctrinaire of Nixon's aides, thought so much of a recent interview with Friedman in *Playboy* magazine that he had it reproduced and sent around to all his colleagues.

Though stopping short of total-immersion laissez-faire, Nixon and his inner circle have somewhat the attitude of zealots upholding the true faith in a nation of backsliders. Again and again the President has complained that "the leadership class," "the so-called better people," have fallen down in times of crisis. Businessmen are regarded as particularly culpable, since their economic interests and competitive backgrounds should incline them toward Nixon's conservatism.

A recent visitor suggested to H. R. Haldeman, the ramrod of the White House establishment, that business has by and large backed the President in his important economic and military decisions. Haldeman disagreed. The leaders of the business community, he said, have failed to stand up for the President when he most needed them. Secretary of the Treasury George Shultz, Nixon's chief economic policy maker, is also critical of businessmen who do not respond to Phase Three with proper enthusiasm. "Some members of the financial community," he says, "seem to lack faith in economic freedom. Their reaction is: This is more freedom—isn't that terrible?"

While feeling deserted by most of the nation's leaders, Nixon's lieutenants derive much emotional sustenance from the conviction that the mass of ordinary voters and taxpayers are on their side. They repeatedly mention the "mandate" provided by last year's election. The part played by George McGovern in producing that mandate has by now been almost completely forgotten.

OLD LADIES IN THE SNOW

The mood of embattled righteousness at the White House contrasts with the liberal view that the Administration is led by a gang of cynical rascals, who spend their days bailing out friendly corporations and their nights listening in on private telephone conversations. Involvement of some White House personnel in the dirty-tricks capers of last year's campaign does suggest a fairly low level of at least political morality. But for the most part, Nixon's principal aides seem, if anything, overburdened with idealism. Peter Flanigan, for instance, who has acquired the image of a White House fixer for big business, speaks with feeling of the "spiritual values" produced by the free-enterprise system. Charles Colson, who while at the White House was reputedly chief of the hatchet men, declaims eloquently on "the national interest." John Ehrlichman, the President's chief aide for domestic affairs, comes on with the earnestness of the Eagle Scout he once was.

Nixon's lieutenants themselves seem less bothered by the charge that they are crooks than by the charge that they are heartless skinflints—perhaps because the latter accusation contains a larger element of truth. "I resent the suggestion that we are throwing old ladies out into the snow," says Caspar Weinberger, Secretary of Health, Education, and Welfare (who in his days at the Office of Management and Budget earned the sobriquet "Cap the Knife" for his pruning of the budget). Says historian Arthur Schlesinger, an old friend and Harvard classmate of Weinberger's: "If he saw an old lady in the snow, Weinberger would be the first to go to her aid. But he may lack the social imagination to understand how the old lady got there." Weinberger's reply would be that the best way to keep old ladies out of the snow is to maintain a stable and prosperous economy—a long-view truth, perhaps, but cold comfort for those in the snow.

MISREADING THE PRESIDENT

During Nixon's first term, the White House was somewhat receptive to a social approach that seemed to combine some of the tenets of laissez-faire with the goals of liberal welfarism. Daniel Patrick Moynihan, himself a renegade liberal, presented the President with an engaging scheme for returning to economic individualism without sacrificing social compassion. Moynihan argued that the "services strategy," under which government had tried to help the poor with all sorts of educational and hygienic programs, had failed. Emphasis should shift to an "income strategy," through which government would simply give the poor money with which to make their own choices in the marketplace.

Nixon accepted some parts of the income strategy—with reservations. He gave the Administration's backing to Moynihan's "family assistance" welfare plan, and in 1971 proposed a moderate plan for national health insurance. But for Nixon, the income strategy was always an experiment to be kept on a tight rein. Carried too far, after all, it would undermine individual responsibility and initiative even more drastically than the services strategy. The President saw, more clearly than Moynihan, that without a strict work requirement the principal effect of the family-assistance plan would be to expand the number of people on welfare.

Richard Nathan, an economist whom the President assigned to work on the family-assistance plan, says that neither Moynihan nor the HEW welfare bureaucrats ever understood how much in earnest Nixon was about the work requirement. As a result, they failed to communicate the President's adamancy to Congress. In the ensuing breakdown in understanding, the family-assistance plan finally perished last autumn.

In his second term, Nixon has largely given up on extending the income strategy. No funds for welfare reform or national health insurance have been included in next year's budget. Meanwhile, some of the brightest members of the Administration's team are questioning whether social services can be dispensed with. Frederic Malek, a young South Carolina manufacturer who this year became deputy director of O.M.B. after holding a variety of posts during Nixon's first term, says, "In something like the welfare program you shouldn't just give out money. I came to Washington an antiwelfare type, but I have seen with my own eyes what can be done with day-care centers, child-development programs, neighborhood health clinics." Or in the words of Jonathan Moore, a cherubic Boston Republican who served for two years as counselor at HEW before following Elliot Richardson to Defense: "Imperfect human beings with imperfect institutions are still generally better than imperfect human beings with no institutions." Whether or not this more positive view of the services strategy has moderated the Administration's budget cutting, it has certainly worked against reliance on the income strategy.

The most pressing reason for abandoning the income strategy, however, is simply that it costs too much money. In the short run, at least, transforming services into cash may actually be more expensive than continuing existing programs.

With a budget careening toward fantastic deficits, Nixon is looking not for new federal responsibilities, but for ways to get rid of some old ones. To help in making cutbacks, he has turned to two recurring themes in conservative tradition: decentralization of government, and improvement of governmental efficiency.

During his first term, Nixon sought decentralization through his proposal to share federal revenues with state and local governments. "General revenue sharing," under which state and local governments will receive $6 billion annually with virtually no strings attached, was approved by Congress last fall. But "special revenue sharing," which would replace a large number of narrowly defined and closely regulated "categorical" programs with a few broad grants for general purposes such as education and urban development, made very little progress on Capitol Hill. Congress also failed to act on the President's plan to increase governmental efficiency through reorganization of the executive branch.

TOWARD A FREE MARKET FOR FARMERS

This year the President is making special revenue sharing and executive reorganization parts of a grand strategy to hold down the budget. Consolidation of numerous categorical porgrams into a few broad revenue-sharing packages will not only promote decentralization, but also provide a vehicle for reducing federal spending somewhat. Reorganization should not only help run the government more rationally, but also make it easier to whip out some of the waste. These two initiatives, combined with cuts or outright terminations of some domestic programs, provide Nixon with the means by which he hopes to keep total spending at a noninflationary level.

Some of the budget changes Nixon has proposed, such as those in agriculture, are truly momentous in their potential effects. By returning to active production two-thirds of the farmland that farmers were being paid to keep idle, the Administration will not only save $1 billion in subsidies next year, but also exert pressure to bring down food prices. Even Arthur Okun, Chairman of the Council of Economic Advisers under President Johnson, pays the Administration a rare compliment: "The change in price-support policy is as much as I could have asked for—and more than I would have expected."

The effects of some of the other budget cuts, however, are being exaggerated, both by the Administration and—for quite different reasons—by its critics. Some indicated cuts are largely balanced by funds the Administration is asking for special revenue sharing. For instance, a net cut of $2.8 billion in various education programs would be pretty much offset by the $2.5 billion scheduled for educational revenue sharing.

Under revenue sharing, programs should become more responsive to the real needs and aspirations of those they are meant to benefit. Elliot Richardson, who recently switched from Secretary of HEW to Secretary of Defense, argues convincingly that Washington is not capable of establishing sensible national priorities among the more than 300 categorical programs HEW now administers. On the other hand, programs handled through special revenue sharing will be vulnerable to the managerial inadequacies and petty political influences that infest many state and local governments.

ADMINISTRATIVE ODDITIES

Of course, the federal government itself is no model of managerial efficiency. Nixon's reorganization of the executive branch represents an effort to gain increased efficiency as well as increased White House control. The first effect, however, has been to produce some administrative oddities.

In going ahead and putting reorganization plans into effect without congressional approval, Nixon has had to fasten the new structure onto the old organizational framework still established by law. As a result, the broad areas assigned to each of the three members of the new domestic "super-Cabinet" do not match the divisions of jurisdiction among the existing departments. Secretary of Agriculture Earl Butz has overall charge of "natural resources," but he is also responsible to Secretary of Housing and Urban Development James Lynn—the super-Cabinet member in charge of "community development"—for rural-development activities assigned by law to Agriculture. Secretary of Commerce Fred Dent is responsible to Butz for some of his department's statutory duties, but for others he reports to Lynn, and for still others to Caspar Weinberger, the super-Cabinet's man for "human resources."

In any case, as George Shultz points out, the organization chart cannot give more than a rough outline of what really happens. "The way to think of it," Shultz says, "is as a series of approximations and not pin too much on the details. Working relationships that develop among people are more important than where they stand in the official hierarchy."

Nixon's efforts to improve the internal operations of the departments may ultimately prove more valuable than the overall executive-branch reorganization. Midway through his first term, Nixon grasped that what many of the departments most needed was better management—something that Republicans are supposed to be good at. He began weeding out some ineffective appointees, and replaced them with men who had shown themselves to be talented administrators. Some of them, such as former Secretary of Commerce Peter Peterson, turned out to be too nonconformist to survive in the subdued atmosphere favored by the White House. But several—notably Shultz, Weinberger, Richardson, Malek, and Lynn—have hung on to win important jobs in Nixon's second term.

Nixon's budget cuts and governmental reforms are influenced by the overriding need to hold down inflation. Phase Three cannot succeed, the President has said, if the budget is not held within the limits he has prescribed.

The Administration's other major defense against inflation rests on Shultz's effort to persuade the important union leaders to be restrained by "a spirit of voluntarism" in their wage demands this year. There is evidence that the leaders of big labor would like to go along. "Commitments have been made and kept, so naturally we are in a favorable frame of mind," says a union leader who supported McGovern last year. But if prices continue to rise rapidly, the warm relationship between the unions and the Administration is bound to cool.

In the meantime, the Administration's reliance on the cooperation of the union leaders seriously limits its freedom of action. So long as Nixon continues to court George Meany, he cannot press for changes in structural factors, such as welfare benefits for strikers or the protected positions of unionized government employees, that now unduly strengthen unions in contract negotiations. Prospects for getting remedies enacted—never very bright anyway with Congress under Democratic control—are being sacrificed to maintain what former Under Secretary of the Treasury Charls Walker calls "the new social compact of big labor, big business, and big government."

TOWARD PLEBISCITE DEMOCRACY

While avoiding combat over labor reform, Nixon has been almost pugnacious in the way he has presented his plans for changing the budget. Congress has responded with predictable outrage. But there is substantial agreement among Republican and Democratic economists, that a big budget deficit in fiscal 1974 would be undesirable. The alternatives, therefore, are to hold down spending or lift revenues. Many voices urge big reductions in defense spending, but Congress seems unwilling to cut much from what the President has recommended. Tax reforms that have a realistic chance at enactment might bring in as much as $6 billion more a year, but seem unlikely to get through Congress in time to help with the fiscal 1974 budget. Some congressional liberals would like to sock it to business by taking away the tax reductions and allowances that corporations have received under Nixon—worth an estimated $5 billion in 1974. But this would place a further economic burdens on U.S. industry, which still pays high corporate taxes by the standards prevailing among developed nations in the non-Communist world. The only remaining path is an increase in general taxes—a recourse that President Nixon has sworn he will not propose, and that Congress shows no inclination to thrust upon him.

The President, then, will probably come out the winner in the current battle of the budget. Even if the Supreme Court should eventually order him to spend all the funds that Congress appropriates—and that seems very unlikely—Nixon will still hold the upper hand. If Congress insists on pushing up domestic spending, then Congress will have to accept responsibility for increased taxes or increased inflation or both. Given these choices, Congress will probably allow Nixon's vetoes of budget-busting spending bills to stand.

This outcome, however, may lead to even larger Democratic majorities in Congress in 1975. The Republican party, in any case, will enter next year's congressional elections in a vulnerable position. In the House of Representatives, despite the pull of the Nixon landslide last year, considerably more Republicans than Democrats hold marginal seats (those won by less than 55 percent of the total vote). Polls show substantial majorities both for Nixon's over-all effort to hold down spending and, paradoxically, against a number of the particular budget cuts he has proposed, such as those in hospital construction and manpower training. So long as taxes do not actually go up, resentment over particular cuts will probably influence voters more intensely next year than general approval for holding down spending.

In a presidential election, however, when broader issues of government are given more attention, the political reaction may well be reversed. Nixon's calculation seems to be that by rallying the majority of voters who favor a hold-down on federal spending, he will lay the basis for the election of a Republican successor in 1976. If Congress then continued to be hostile, the U.S. might evolve toward a kind of plebiscite democracy—similar in some respects to that established in France by a favorite Nixon model, Charles de Gaulle.

THE DEFECT IN LAISSEZ-FAIRE

The President will probably succeed in pushing through a great deal of his conservative program. But even so, it is doubtful that he will achieve the "renaissance of the individual spirit" he is after. The fundamental trouble with Nixon's approach—the trouble, indeed, with the whole laissez-faire philosophy—is that it pays too little attention to the role of institutions in producing harmonious or even reasonably civil relationships among human beings. Free competition contributes to economic progress, but it does not by itself provide the basis for a humane society. Nixon indicates some awareness of this when he calls for "a new pride of place for the family and the community—a new sense of responsibility in all that we do." He does not, however, seem to perceive the need for a positive vision of the nation's future.

During his first term, Nixon spoke occasionally of the "need for a driving dream" or a "renewed sense of purpose." But he never seemed able to fill out such a "dream" or "purpose" with real social content. Charting a course for the American future is a difficult task, to be sure, one that baffles men who are not burdened by the enormous day-to-day responsibilities of the presidency. Beyond the inherent difficulty, however, Nixon's social philosophy discourages any effort to give positive direction to the nation's future. Once the constraints of interfering government are removed, the laissez-faire philosophy suggests, the good society will almost automatically evolve through the benign workings of competition—and visionary leadership would only get in the way.

That is not how real societies work, however. It is true that excessive meddling by government, especially distant government, tends to disrupt the intricate relationships through which a society functions. But these relationships rest on more than calculations of individual self-interest. They derive to a great extent from awareness that human beings cannot get along without help from each other—from recognition that we all in some sense live "by dependence on others."

Nixon's conservatism, despite his belief in an "aggressive presidency," is at bottom too passive. It lacks the tragic sense of an older, deeper conservatism—the conservatism of Sophocles and Shakespeare and Edmund Burke and Abraham Lincoln, based on the conviction that people without moorings in institutions are likely to pursue empty or destructive lives. In short, it lacks vision.

A STAGE BUT NO PLAYWRIGHT

From a political standpoint, passive conservatism suffers because it offers no social ideal as an alternative to those proposed by liberalism or radical egalitarianism. It may profit for a while from the excesses or deficiencies of these rivals, but it cannot generate the centripetal attraction to form a stable majority. From a broader social standpoint, it leads to neglect of needs that can be dealt with only through institutions.

Nixon's impact on the development of American society is likely to be largely negative—a sweeping away of old forms, a reduction of existing governmental structures. On the whole, this will probably be beneficial. He will clear the stage for new departures. But he leaves the shaping of the future to others. What form the future's institutions take—whether they are conservative or liberal or radical—will be determined by people with more positive social vision.

EXECUTIVE PRIVILEGE

Mr. MUSKIE. Mr. President, the joint hearings on three Senate subcommittees on the subject of executive privilege and Government secrecy began today with three important and contrasting statements by highly qualified witnesses.

I ask unanimous consent that those statements by Attorney General Richard Kleindienst, by Senator FULBRIGHT, and by former Secretary of Defense Clark Clifford, be printed in the RECORD at this point for the benefit of all Members of the Senate.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

STATEMENT OF RICHARD G. KLEINDIENST, ATTORNEY GENERAL

Messers. Chairmen: I am pleased to appear before these Committees to testify on S. 858, introduced by Senator Fulbright, and S.J. Res. 72, introduced by Senator Ervin, both relating to separation of powers. Your joint letter of March 16. 1973, Messers. Chairmen, indicates that these hearings are a continuation of the 1971 hearings on Executive privilege held by the Subcommittee on Separation of Powers. I understand that, like the earlier hearings, these hearings will not be limited to proposed legislation, but will deal with the question of Executive privilege as a whole. I hope these hearings will bring the Executive and Legislative branches together and make it possible to find some common ground in this very sensitive area, without infringing on the constitutional prerogatives of either.

I

We deal here today not with a settled field of law but with an enduring constitutional value of the highest rank and necessity. Executive privilege is squarely founded in the separation of powers doctrine. The core principle of privilege, both congressional and executive, has been universally accepted, albeit the courts have not had occasion to delimit the outer boundaries. Separation of powers is an area where the Legislative and Executive branches may be forever destined to dispute the terrain with claims that often are legitimate and conflicting.

In the area of congressional-executive relations, students and practitioners often must find their guidance in historic precedents rather than in binding judicial decisions from courts of last resort. Such historic practices of one branch of our Government, especially when acceded to by another, yield Burkeian rules of constitutional prescription of the highest vitality.

Continuation of these long-established practices and the mutual restraint which fostered their development is vitally important. As was said by Senator Fulbright in introducing S. 1125 in the 92d Congress, citing James Madison in the Federalist, "neither the Executive nor the legislature can pretend to an exclusive or superior right of settling the boundaries between their respective powers." 117 Cong. Rec. S2513 (daily ed. March 5, 1971).

I shall discuss first the historic outlines of the doctrine of executive privilege as it has been understood and implemented by past Presidents and Congresses. My statement concludes with a brief discussion of the specific provisions of S. 858 and S.J. Res. 72. I will, of course, also be happy to respond to questions.

II

The doctrine of Executive privilege denotes the constitutional authority of the President in his discretion to withhold certain documents or information in his possession or in the possession of the Executive branch from compulsory process of the Legislative or Judicial branch of the Government, if he believes disclosure would impair the proper exercise of his constitutional functions. The authority of the President to withhold certain information from the coordinate branches of the Federal Government stems from the separation of powers doctrine embedded in the first three Articles of the Constitution and implicit throughout the document. While not expressed in a constitutional clause, Executive privilege necessarily flows from the powers vested in the President by Article II. Similarly, the Congressional power to use compulsory process in aid of its legislative functions is implied rather than expressed in Article I.

The power to legislate implies the power to obtain information necessary for Congress to inform itself about the subject to be legislated, in order that the legislative function may be exercised effectively and intelligently. This authority is strongest against a private citizen, as illustrated by *McGrain* v. *Daugherty*, 273 U.S. 135, 175 (1927).

The right of the Executive to withhold information from Congress and the courts is equally well recognized. Executive privilege as applied to the compulsory process of the courts has been sustained by the United States Supreme Court in the case of *United States* v. *Reynolds*, 345 U.S. 1, 7–11 (1953). The Court's description of the extent of judicial review of the propriety of such a claim, cast in *Reynolds* in terms of the state secrets rule of evidence law, indicates that review is narrowly confined.

Executive privilege is replete with historic precedents supporting the doctrine, but has not yet been favored by extensive judicial review. There is no authoritative court decision on Congressional power to compel production of documents or testimony on the part of members of the executive branch. The inevitable friction between executive and legislative branches in this area usually has been moderated in a cooperative spirit, thus avoiding litigation.

It is important to stress that virtually all congressional requests to the Executive for information and testimony are freely complied with. There is a vast flow of documents, information and testimony from the Executive to the Congress. As the President said in his March 12, 1973 statement on executive privilege, during the first four years of this Administration, "hundreds of Administration officials spent thousands of hours freely testifying before committees of the Congress." On at least one occasion in the current Congress the Executive has complied on 12-hours notice.

This problem of separation of powers arises only on those rare occasions when a committee of Congress believes that information or testimony is essential to the discharge of its legislative function and the Executive believes that furnishing that information or testimony would undermine the Executive role.

The claim of the Executive to withhold information from Congress dates from the administration of President Washington. In 1792, the House of Representatives investigated the conduct of the executive branch in connection with the ill-fated expedition of Major General St. Clair into the Northwest Territory.

Washington's Cabinet concluded unanimously on April 2, 1792 that the House of Representatives could institute inquiries and call for papers generally and "that the executive ought to communicate such papers as the public good would permit and ought to refuse those the disclosure of which would injure the public. Consequently were [sic] to exercise a discretion." *The Writings of Thomas Jefferson* (Ford Ed., 1892) Vol. I, pp. 189–190. President Washington determined that disclosure of the papers would not be contrary to the public interest and instructed the Secretary of War to make them available to the House of Representatives. *The Writings of George Washington* (GPO Ed., 1939) Vol. 32, p. 15.

In 1794 President Washington informed the Senate that he was withholding certain foreign relations papers in response to its resolution "which, in my judgment, for public considerations, ought not to be communicated." Senate Executive Journal (1789–1805) 147; Richardson, *Messages and Papers of the Presidents* (GPO Ed., 1896) Vol. I, p. 152. In 1796, in connection with the appropriation of funds to carry out the financial provisions of the Jay Treaty, the House of Representatives requested the President to produce the instructions to the negotiating minister, and the correspondence and other documents relating to the treaty. President Washington in this instance advised the House that he could not comply with its request. He explained:

"As it is essential to the due administration of the government that the boundaries fixed by the Constitution between the different departments should be preserved, a just regard to the Constitution and to the duty of my office, under all the circumstances of this case, forbids a compliance with your request." Richardson, *Messages and Papers of the Presidents* (GPO ed. 1896) Vol. I, pp. 194–196.

Recognizing the significance of this decision, the House debated the issue at length. See 5 Annals of Congress 426–783 *seriatim*. James Madison's speech during that debate is significant:

"He thought it clear that the House must have a right, in all cases, to ask for information which might assist their deliberations. . . . He was as ready to admit that the Executive had a right, under due responsibility, also, to withhold information, when of a nature that did not permit a disclosure at the time. . . .

"If the Executive conceived that, in relation to his own department, papers could not be safely communicated, he might, on that ground, refuse them, because he was the competent though a responsible judge within his own department." 5 Annals of Congress 773 (1796).

III

Since this beginning in the 1790's virtually every President has had occasion to determine whether the disclosure of certain information to Congress is appropriate. The primary areas of non-disclosure have been foreign relations, military affairs, pending law enforcement investigations, and intragovernmental discussions. The Presidential position has been that the Executive had a constitutional power to refuse information to Congress. See generally Younger, *Congressional Investigations and Executive Secrecy: A Study in the Separation of Powers*, 20 U. Pitt. L. Rev. 755 (1959).

The need for secrecy in the first two categories, foreign relations and military affairs, is recognized by the judicial branch. See, *e.g.*, *United States* v. *Curtiss-Wright Corp.*, 299 U.S. 304, 320 (1936); *United States* v. *Reynolds*, 345 U.S. 1 (1953); *New York Times* v. *United States*, 403 U.S. 713, 728 (1971) (Mr. Justice Stewart concurring).

Congressional recognition of executive power to withhold information in the field of foreign relations may be found in the time-honored formula of resolutions of inquiry directed to the Department of State in matters of foreign relations. The Secretary is requested to furnish the information "if not incompatible with the public interest." See Cannon's Procedure in the House of Representatives, H. Doc. 610, 87th Cong., 2d Sess., p. 219; *Curtiss-Wright, supra,* at 321. It has been conceded that the executive would have the same non-disclosure power if the precautionary clause were missing. 40 Cong. Rec. 22 (1905) (Remarks of Senator Teller).

It has also been acknowledged in Congress that the President's authority to withhold extends to military information which could be of use to an enemy. See, *e.g.*, Senator Spooner's remarks, 41 Cong. Rec. 97–98 (1906). More recently, in connection with the U–2 incident, the Senate Foreign Relations Committee recognized that with respect to foreign intelligence operations:

"The administration has the legal right to refuse the information under the doctrine of executive privilege." S. Rept. 1761, 86th Cong., 2d Sess., p. 22.

Congress likewise has recognized the validity of claims of executive privilege for internal advice to the President. The privilege has been invoked to promote frank advice within the executive branch and preserve confidentiality regarding conversations with the President. For example, during investigation of the dismissal of General MacArthur in 1951, General Bradley refused to testify about a conversation with President Truman in which he had acted as the President's confidential adviser. The late Senator Russell, the Committee Chairman, recognized that claim of privilege, and his ruling was upheld by the Committee. *Military Situation in the Far East,* Hearings before the Committee on Armed Services and the Committee on Foreign Relations, United States Senate 82d Cong., 1st Sess., pp. 763, 832–872.

The existence of the privilege below the level of communications with the President was recognized in a Senate investigation conducted in 1962 into Military Cold War Education and Speech Review Policies. President Kennedy, by letters dated February 8 and 9, 1962, directed the Secretaries of Defense and State not to disclose the name of the individual who had reviewed any particular speech. He explained:

"It would not be possible for you to maintain an orderly Department and receive the candid advice and loyal respect of your subordinates if they, instead of you and your senior associates, are to be individually answerable to the Congress, as well as to you, for their internal acts and advice." Reprinted in *Military Cold War Education and Speech Review Policies,* Hearings before the Special Preparedness Subcommittee of the Committee on Armed Services, United States Senate, 87th Cong., 2d Sess., pp. 508, 725.

The Chairman of the Subcommittee, Senator Stennis, upheld the claim of privilege, stating in part:

"We now come face to face and are in direct conflict with the establish doctrine of separation of the powers. . . .

"I know of no case where the Court has ever made the Senate or the House surrender records from its files, or where the Executive has made the Legislative Branch surrender records from its files—and I do not think either one of them could. So the rule works three ways. Each is supreme within its field, and each is responsible within its field." *Id.* at 512.

Finally the executive branch has repeatedly withheld from Congress what may be referred to generally as "investigative files." The leading precedent in this area is Attorney General Jackson's refusal in 1941 to comply with the request of Chairman Carl Vinson of the House Naval Affairs Committee for certain investigative reports of the Federal Bureau of Investigation. See 40 Op. A.G. 45.

The Attorney General refused because disclosure of FBI information could substantially prejudice law enforcement, by allowing a prospective defendant to know how much or how little information the government had about him, and what witnesses or sources of information it was proposing to rely upon. His opinion also cited the serious prejudice to the future usefulness of the government's investigative agencies, since much of the information was (and is) given in confidence and can only be obtained upon a pledge not to disclose the source. Finally, Attorney General Jackson said that disclosure "might also be the grossest kind of injustice to individuals," since the reports included "leads and suspicions, and sometimes even the statements of malicious or misinformed people. Even though later and more complete reports exonerate the individuals, the use of particular or selected reports might constitute the grossest injustice, and we all know that a correction never catches up with an accusation." 40 Op. A.G. at 47.

The claim of privilege in these four traditional categories of foreign relations, military affairs, investigative reports and internal advice is well supported by reason and precedent. The need for secrecy in the conduct of foreign relations is demonstrated by the recent Vietnam peace negotiations. The necessity for absolute secrecy concerning weapons systems, and tactical military plans during hostilities, is self-evident. The need for confidentiality of investigative reports, cogently articulated by Attorney General Jackson as noted earlier, has been reaffirmed by the experience of recent weeks.

In the area of executive decision-making, the President must be able to receive absolutely candid, impartial, and disinterested advice from his advisers. Presidential advisers may hedge their opinions, or even remain silent, if they know that their advice may soon be examined out of context by Congress, the press and the public, or that the President may have to explain why he did not follow it. As the President said in his March 12, 1973 statement:

"[w]hat is at stake . . . is not simply a question of confidentiality but the integrity of the decisionmaking process at the very highest levels of our Government."

IV

The principle of executive privilege has been applied by past President not only to furnishing documentary information, but to appearance of the President's immediate assistants as witnesses before committees of Congress. Requests for their appearance have rarely been made, and still more rarely pressed. Past Presidents who have addressed themselves to such requests appear uniformly to have considered the appearance of such advisers to be solely a matter of Presidential discretion, *i.e.*, it is a right which may be asserted or waived.

On two occasions during the administration of President Truman a subcommittee of the House Committee on Education and Labor issued subpoenas to John R. Steelman, who held the title of "Assistant to the President." He returned both subpoenas with a letter stating that the President had in each instance directed him, in view of his duties as a Presidential Assistant, not to appear before the Subcommittee. *Investigation of the GSI Strike,* Hearings before a Special Subcommittee of the Committee on Education and Labor, House of Representatives, 80th Cong., 2d Sess., pp. 347–53.

In 1951, Donald Dawson, an Administrative Assistant to President Truman, was requested to testify before a Senate Subcommittee investigating the Reconstruction Finance Corporation, one aspect of which concerned Mr. Dawson's alleged misfeasance. The President affirmed his belief that this request constituted a violation of the constitutional principle of the separation of powers, but "reluctantly" exercised his discretion to permit Mr. Dawson to appear and testify to clear his name. *Study of the Reconstruction Finance Corporation,* Hearings before a Subcommittee of the Committee on Banking and Currency, United States Senate, 82d Cong., 1st Sess., pp. 1709, 1795, 1810. *See also New York Times,* May 5, 1951, p. 75; May 11, 1951, pp. 1, 26; May 12, 1951, pp. 1, 12.

In 1944, Jonathan Daniels, an Administrative Assistant to President Roosevelt, refused to respond to a subcommittee subpoena requiring him to testify concerning his alleged attempts to force the resignation of the Rural Electrification Administrator. He based his refusal on the confidential nature of his relationship to the President. The subcommittee recommended that Daniels be cited for contempt. Thereafter he wrote the subcommittee affirming that he was not subject to subpoena, but advising it that the President had decided to waive the privilege in that instance. *Administration of the Rural Electrification Act,* Hearings before a Subcommittee of the Committee on Agriculture and Forestry, U.S. Senate, 78th Cong., 1st Sess., pp. 615–629, 695–740.

During the Eisenhower administration Sherman Adams declined to testify before a committee investigating the Dixon-Yates contract because of his confidential relationship to the President. However, at a later date in the administration he was permitted to appear and testify concerning his dealings with Bernard Goldfine. *Investigation of Regulatory Commissions and Agencies,* Hearings before a Subcommittee of the Committee on Interstate and Foreign Commerce, House of Representatives, 85th Cong., 2d Sess., pp. 3711–3740.

During the hearings on the nomination of Justice Fortas as Chief Justice, the Senate Judiciary Committee requested W. DeVier Pierson, then Associate Special Counsel to President Johnson, to appear and testify regarding the participation of Justice Fortas in the drafting of certain legislation. Mr. Pierson declined to appear, and wrote the Committee as follows:

"As Associate Special Counsel to the President since March of 1967, I have been one of the 'immediate staff assistants' provided to the President by law. (3 U.S.C. 105, 106.) It has been firmly established, as a matter of principle and precedents that members of the President's immediate staff shall not appear before a Congressional committee to testify with respect to the performance of their duties on behalf of the President. This limitation, which has been recognized by the Congress as well as the Executive, is fundamental to our system of government. I must, therefore, respectfully decline the invitation to testify in the hearings." *Nominations of Abe Fortas and Homer Thornberry, Hearings before the Committee on the Judiciary, United States Senate,* 90th Cong., 2d Sess., pp. 1347, 1348.

Like the historically far more frequent refusals to supply documents and information, these refusals by Presidents to permit their immediate advisers to appear before congressional committees are well grounded in principle. As the President said in his March 12 statement:

"Under the doctrine of separation of powers, the manner in which the President personally exercises his assigned executive powers is not subject to questioning by another branch of Government. If the President is not subject to such questioning, it is equally appropriate that members of his staff not be so questioned, for their roles are in effect an extension of the Presidency."

If another branch of government could compel the attendance of the President, for the purpose of inquiring into the performance of his duties, it would seriously impair the independence of the Presidency and the Executive branch. After leaving office President Truman recognized that danger in a radio address on the occasion of his refusal to appear pursuant to a subpoena before the House Un-American Activities Committee. He stated that if a President or former President could thus be called and questioned about his official duties, "the office of President would be dominated by the Congress and the Presidency might become a mere appendage of Congress." *New York Times*, November 17, 1953, p. 26. The same inroad on separation of powers and independence of the Presidency would result if an immediate staff assistant to the President could be called before a committee for the avowed or apparent purpose of questioning him about his duties on behalf of the President.

In 1971, testifying at the earlier session of these hearings, the late Dean Acheson graphically illustrated the objections to an unlimited congressional power to call these assistants:

"With what relish one can imagine Senator Joseph McCarthy conducting these examinations without judge or defending counsel. Television would, of course, occupy half the hearing room; the press the other half. The employee's duties, relations with the President, with other employees in the White House, the State Department, and representatives of foreign governments, his qualifications for his duties, past experience, social life, and friends would all receive attention. He would be asked about matters he had worked on, although not the substance of them, aside from the one on which he was summoned, and long arguments would be provoked about whether the President's letter provided exemption from answering extraneous questions irrelevant to its principal subject.

"As summons might follow summons as fast as committee clerks could get them out with the aid of the Congressional Directory and these witnesses followed one another with letters asserting privilege, what a picture could be created of a President in the center of a web of secret machination. What a picture presented to the world of a government as bizarre, absurd, and divided by tragic vendettas as the King of Morocco's birthday party.

"In short, what a hell of a way to run a railroad!" *Hearings Before the Subcommittee on Separation of Powers of the Committee on the Judiciary,* U.S. Senate, 92d Cong., 1st Sess. on S. 1125, pp. 260–61.

V

I shall now discuss briefly and in general terms the two bills, S. 858 and S.J. Res. 72, which seek to regulate and restrict the exercise of Executive privilege. The Department of Justice has been requested by the Senate Committee on Government Operations to comment on S. 858 and will submit the usual detailed report on it in the near future.

Because of the constitutional principles and historic practices just discussed, it will come as no surprise to you that the Department of Justice is opposed to many aspects of the proposed legislation. It would serve no valid purpose for a Government official to appear before a Committee only in order to submit, in the words of S. 858, "a statement personally signed by the President requiring that the employee assert executive privilege as to the testimony or document sought." In keeping with the coequal status of the Executive and the Congress, a written communication invoking privilege should suffice in those instances where it applies to the very appearance of the witness, to all of the envisaged testimony, or all of the requested documents. Hypothesize the reverse situation where a court or an executive agency subpoenas a Senator to testify or to produce documents in the custody of the Senate, and the Senate decrees to the contrary. See Senate Rules V(1) and XXX. The Senate doubtless would resist if the court or agency nevertheless should insist that the Senator appear personally merely to present the Senate resolution.

When the Senate limited the scope of the response of a Senator and of Senatorial employees to a judicial subpoena, Senator McClellan pointed out:

"The Senate recognizes it has certain privileges as a separate and distinct branch of the Government which it wishes to protect." 108 Cong. Rec. 3627 (1962).

We also have serious difficulties with that aspect of the proposed legislation which would purport to make it "a *question of fact*" for the Committee to decide whether an assertion of privilege is well taken. We deal here, as often in the constitutional field, with a fact/law interface, and not with a simple question of fact.

However, the statement made by Senator Fulbright in introducing the bill (119 CONGRESSIONAL *R*ECORD, February 15, 1973, p. 4210), suggests that the "question of fact" clause may have been designed to enable the Committee simply to substitute its judgment for that of the President regarding Executive privilege. If this is the import of the clause it obviously would raise fundamental constitutional problems. The clause would point toward congressional supremacy inconsistent with the separation of powers system.

VI

To conclude, Executive privilege is a constitutionally founded, historically accepted, and vital principle of American government. At the same time we recognize that this separation-of-powers prerogative should be exercised in restrained fashion in order not to needlessly bar the flow of information relevant to legislation. Indeed, this Administration has adopted and honored stringent guidelines to prevent such occurrences—and will continue that policy. Insofar as the current Executive-Legislative relationship, takes on a sharper edge because of Watergate, it must be borne in mind that determination of alleged violation of the criminal laws passed by Congress is uniquely the province of the Judiciary. For crime there can be no haven, and the White House has stated that even the President's close personal aides will respond to grand jury inquiry.

When all is said and done, this separation-of-powers frontier, like the concept of justiciability under Article III of the Constitution, will forever elude neat definition. Paraphrasing what Justice Jackson once said about justiciability, we can say in regard to executive privilege that "when all of the axioms have been exhausted and all words of definition have been spent, the propriety of" invoking executive privilege in a particular instance "will depend upon a circumspect sense of its fitness informed by the teachings and experience" of the past. *Public Service Commission of Utah* v. *Wycoff Co.,* 344 U.S. 237, 243 (1952). We are striving to show such a "circumspect sense of fitness" regarding the ongoing vitality of the basic constitutional principle of separation of powers, and we invite your cooperation.

STATEMENT OF SENATOR J. W. FULBRIGHT

On April 22, 1948, Congressman Richard Nixon of California, engaged at that time in an investigation of alleged subversive activity, berated the Truman Administration for its uncooperative attitude. He commented as follows:

"The point has been made that the President of the United States has issued an order that none of this information can be released to the Congress and that therefore the Congress has no right to question the judgment of the President in making that decision.

"I say that that proposition cannot stand from a constitutional standpoint or on the basis of the merits for this very good reason: That would mean that the President could have arbitrarily issued an executive order in the Meyers case, the Teapot Dome case, or any other case denying the Congress of the United States information it needed to conduct an investigation of the executive department and the Congress would have no right to question his decision."[1]

I. EXECUTIVE PRIVILEGE: THE "NIXON DOCTRINE"

Mr. Nixon's views on executive privilege have changed since his days as a Congressional investigator. Changes of outlook are not unknown among legislators who become presidents—that trip down Pennsylvania Avenue seems to work magical transformations. But in Mr. Nixon's case the metamorphosis could hardly have been more complete. Soon after coming to the White House he declared his policy on executive privilege. In a memorandum on the subject addressed to the heads of executive departments and agencies on March 24, 1969, President Nixon purported to limit the use of "executive privilege," but at the same time he claimed a right for the executive to withhold information from Congress when disclosure "would be incompatible with the public interest"—the executive being the sole judge of what was or was not in the "public interest."

The Nixon doctrine on executive privilege was amplified on March 11, 1973, on which occasion the President proclaimed the doctrine to be "rooted in the Constitution." The President did not provide any clues as to where in the Constitution the doctrine of executive privilege might be rooted as might have been expected of a "strict constructionist." But he did give his personal promise that executive privilege would not be used to conceal "embarrassing information" but only when disclosure would harm the "public interest." Once again, it is clear, the executive would be the sole judge of what was or was not in the "public interest," as well as of what might constitute "embarrassing information." The President went on in his statement to extend the mantle of executive privilege beyond himself and his burgeoning White House staff to cover cabinet and other officials who simultaneously hold White House positions and also former White House officials. The latter proscription would seem to imply, in the case of a crucial figure like Henry Kissinger, that even when the Vietnam war and his own role in ending it have become history, Mr. Kissinger will still be immune—perhaps even prohibited—from discussing these matters with Congressional committees, although he could write his memoirs. As the President put it, staff members must be free from any fear that their advice "will ever become a matter of public debate. . . ."

In his press conference of March 15, 1973, Mr. Nixon seemed disinclined to discuss any "embarrassing information" relating to the Watergate scandal, but he expressed the most forthright views on executive secrecy—views quite strikingly at variance with those he had held twenty-five years before, and in some respects, it would appear, even one year before. "Members of the White House staff," he said, "will not appear before a committee of Congress in any formal session." This sounds awfully close to a claim of blanket immunity, although less than a year ago, in a letter to Dr. Jeremy Stone, Director of the Federation of American Scientists, the President's Counsel, John W. Dean, III, disclaimed such immunity in

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these words: "You asked whether President Nixon or any former Presidents have ever asserted a claim that Presidential aides have blanket immunity from testifying before the Congress on any subject. I am not aware of any public statement by President Nixon or any past President to this effect."

"We will furnish information under the proper circumstances," Mr. Nixon promised on March 15. "We will consider each matter on a case-by-case basis." In that press conference, as in his formal statement of March 11, Mr. Nixon left no doubt that it was the President, and the President alone, who would decide what the "proper circumstances" were for granting or withholding information. It was all, in the President's view, a matter of upholding the principle of the separation of powers, and if the Senate wished that great principle, he would gladly meet them in court.

Here is a novel doctrine indeed: in the name of "separation of powers" Mr. Nixon claims for the executive an absolute, unlimited power to decide what will be made known to Congress and the country and what will be kept secret. Where does the "separation" come in? The President had nothing to say about that on March 15, but he did suggest an odd and interesting distinction between the kind of issue Congress might legitimately investigate and the kind it might not. Congress, in Mr. Nixon's view, was on "much stronger ground" in asking the "Government"—I believe he meant the executive *branch* of the "Government"—to cooperate in an investigation of espionage against the Government—such perhaps as those once conducted by the House Committee on Un-American Activities—than in an investigation of political espionage such as the Watergate affair.

Can Mr. Nixon have meant this? Would he really exempt the subversion of the electoral process from the legitimate area of Congressional inquiry and executive accountability? To be charitable, one must assume that the President has not thought the matter through. Nonetheless, his press conference of March 15, and his statement of March 11 on executive privilege, assert an unprecedented, sweeping claim to absolute Presidential discretion in deciding what will and will not be kept secret from Congress and the country.

The statement of March 11 is filled with vague pieties about compliance with "reasonable requests" for testimony or documents and the ready provision of necessary and relevant" information. We can all applaud the commitment to "reasonableness," "necessity," and "relevance," but these are not objective categories. As has already been amply demonstrated, the executive and Senators may differ widely on what these principles require in such matters as the Grey nomination and the Watergate investigation. The real question of course is who is to decide what is "reasonable," "necessary" or "relevant." The President contends that *he* should decide case-by-case and on the basis of his own judgment and convenience. That is not a defense of the separation of powers, but the antithesis of it; it is a claim to exclusive and arbitrary power. The alternate approach—and the only approach consistent with the separation of powers—is to *divide* the power of deciding what information will be withheld from Congress and what will be provided. The purpose of the legislation which I commend to the combined subcommittees today is not to eliminate the practice known as executive privilege but to remove it from the realm of executive caprice, to define and restrict it by law.

II. THE ROOTS OF PRIVILEGE

"Privilege" is the right word for unrestricted executive secrecy, because there is no basis in law or history for the claim of any *right* to withhold information from the people's elected representatives. A review of past usage and precedent shows that "executive privilege" is not a legal or constitutional principle but simply a custom, a survival of the royalist principle that "the King can do no wrong." Legal scholars regard the claim to an absolute executive discretion in matters of providing or withholding information as an anachronistic survival of monarchical privilege, an extension from King to President of the doctrine of sovereign immunity. As currently invoked and practiced in our country, executive privilege represents a gap in the rule of law, placing the executive branch of our federal government in a position of immunity from principles of law which are binding upon other branches of government and upon ordinary people.

In the view of Professor Raoul Berger, who has made an exhaustive study of the origins of executive privilege, there is "little if any historical warrant . . . for the notion that executive privilege was ever intended to be among the checks on the legislative power of inquiry."[2] That, however, and more, are exactly what recent American Administrations have claimed. Reading into the past a greatly revised, if not wholly new, conception of the intent of the Constitution, recent Administrations have contended that their discretion to withhold information is absolute, plenary and immune from either Congressional restriction or judicial review. In the Justice Department's memorandum of 1958, Attorney General William Rogers went so far as to contend that "Congress cannot, under the Constitution, compel heads of departments by law to give up papers and information, regardless of the public interest involved; and the President is the judge of that interest." The memorandum goes on to assert that the withholding of information is a political rather than a legal matter, and that neither Congress nor the courts may compel the President to provide information when in his own judgment, it would be "inexpedient" to do so.[3]

This of course is a repudiation of the very concept of a government of checks and balances. If the President has sole discretion to keep information from Congress and the country, he is in practice at liberty to do anything he wishes, at home or abroad, as long as he manages to keep it secret.

The evil in its modern form was born of honorable intent, the desire of the Eisenhower Administration to protect its officials from the attacks of Senator Joe McCarthy. The "cure," however, has proven to be as deadly as the disease, as executive privilege, both formally and informally invoked, has ripened into a highly effective means of nullifying the investigatory function of Congress. In neither logic, law nor practice can there exist simultaneously an effective power of legislative oversight and an absolute executive discretion to withhold information. Inevitably, one must give way to the other; the only question is which one is to be dispensed with.

In foreign as in domestic affairs there can be no question of the authority—indeed of the responsibility—of the Congress to exercise legislative oversight. This power is spelled out in Section 136 of the Legislative Reorganization Act, which states that each standing committee "shall exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee; and, for that purpose, shall study all pertinent reports and data submitted to the Congress by the agencies in the executive branch of the Government." The power and duty of legislative oversight are in fact rooted deeply in our constitutional history. In the words of a study of the Congressional power of investigation prepared for the Senate Judiciary Committee in February of 1954: "A legislative committee of inquiry vested with power to summon witnesses and compel the production of records and papers is an institution rivaling most legislative institutions in the antiquity of its origin. Its roots lie deep in the British Parliament, and only in the light of a knowledge of these origins and subsequent developments does it become possible to comprehend its limits."[4] The same general proposition was endorsed by the Supreme Court in *McGrain* v. *Daugherty* in 1927, in which the Court stated that, "The power of inquiry—with power to enforce it—is an essential and appropriate auxiliary to the legislative function. It was so regarded and employed in American legislatures before the Constitution was framed and ratified."

Legislative inquiry and oversight are of course impossible without pertinent information. Insofar as the executive is at liberty to withhold information, he is also at liberty to nullify the ability of Congress to exercise legislative oversight. To state the matter in its simplest terms: if Congress does not have the information it considers necessary, it cannot effectively investigate the executive; and if Congress does not investigate the executive, there is no one to do it but the executive itself. Quite understandably, any Administration must find it comfortable and convenient to serve as its own judge and jury, but such an arrangement is anathema to our constitutional system of separated powers checked and balanced against each other.

The principle of executive accountability to Congress was asserted from the outset of our history. In 1789 Congress adopted, and President Washington signed, a statute stating that it "shall be the duty of the Secretary of the Treasury . . . to make report, and *give information to either branch* of the legislature in person or in writing (as he may be required), respecting all matters referred to him by the Senate or House of Representatives, or which shall *appertain to his office. . . .*" [Emphasis added] In the Congressional debate on this measure, Roger Sherman observed that, "as we want information to act upon, we must procure it where it is to be had, consequently we must get it out of this officer, and the best way of doing so must be by making it his duty to bring it forward."[5]

The omission of similar requirements to provide information from the act establishing the Department of State—or the "Department of Foreign Affairs" as it was first called—was interpreted by Attorney General Rogers in 1958 as proof that "the founders of our Government, and those who sat in the First Congress, meant to give no power to the Congress to see secret data in the executive departments against the wishes of the President."[6] In fact, Professor Berger points out, the Congressional debate about the proposed "Department of Foreign Affairs" contained not a single word about the Congressional right to require information, secret or otherwise, and from this "the Attorney General might with equal plausibility have concluded that the right to require information had gone by default."[7] In complete contrast with the Rogers claim of unlimited executive license for secrecy, an earlier Attorney General, Cushing, advised President Pierce in 1854 that, "By express provision of law, it is made the duty of the Secretary of the Treasury to communicate information to either House of Congress when desired; and it is practically and by legal implication the same with the other secretaries, and with the Postmaster and the Attorney General."[8]

In the tradition of the Treasury Act of 1789 many other requirements of information have been enacted into law over the years. Section 313 of the Act of 1921 establishing the General Accounting Office directs

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every agency of the Government to furnish to the Comptroller General "such information regarding the powers, duties, activities, organization, financial transactions, and methods of business and their respective offices as he may from time to time require of them." The language of the statute is clear: it refers to such information as the Comptroller General may *"require,"* not to such information as the Comptroller General may desire and the agency involved choose to provide. Indeed, in 1925 President Coolidge's Attorney General acknowledged that the papers to which the Comptroller General was entitled, under the Act of 1921, "Would seem to be a matter solely for his determination."[9]

In the name of executive privilege—or, more vaguely, of the "public interest"—agency heads have taken the extraordinary position that they are at liberty to ignore this provision of law. To cite one striking example: In 1969 the General Accounting Office was asked by the Foreign Relations Committee to conduct a review of the training of foreign military personnel under the Military Assistance Program. For purposes of this study the General Accounting Office thereupon requested of the Department of Defense copies of its five-year plan for military assistance, performance evaluation reports on Korea and possibly other countries, and a Defense Department staff report on the status of foreign military training systems. *All* were refused, the five-year plan on the ground that it was only a "tentative planning document," the Korean report on the ground that it was "not available at the present time," the status reports on the ground that they contained the "opinions" of American military advisers the release of which might provide "adverse reactions" on the part of the foreign governments concerned.[10] The General Accounting Office submitted its report on the military assistance training program in early 1971 but was unable to comply fully with the Foreign Relations Committee's request, pointing out that officials of both the State Department and the Department of Defense had "withheld or delayed the release of Military Assistance Program reports and records essential to a full and complete review. . . ." The denial of access to records, the General Accounting Office report pointed out, was not a new problem but "a continuation of similar problems the General Accounting Office has encountered over the years in reviewing Department of Defense programs, particularly evaluations of the military assistance programs."[11]

To cite another more recent example: General Accounting Office officials told the House Subcommittee on Government Information last week, on April 3, that White House Counsel John W. Dean III had invoked executive privilege to thwart an inquiry into tax-paid flights by Administration officials during last fall's campaign and the extent, if any, to which the Government had been reimbursed by the Committee for the Re-Election of the President for any purely political travel. The Comptroller General's request for access to passenger lists and flight logs went unanswered until after the election. On behalf of Mr. Haldeman, to whom the inquiry had been addressed, Mr. Dean replied on November 22 that the passenger lists and flight logs were "personal to the President and thus not the proper subject of Congressional inquiry." Once again one recalls Mr. Nixon's pledge that "executive privilege will not be used as a shield to prevent embarrassing information from being made available. . . ." Can the revelation of possible use of public funds for the President's re-election campaign possibly be harmful to the "public interest" or, as seems evident, is it the Administration's political interests that are being defended? I do not suggest at this point that the Administration used public funds for campaign purposes—one does not know whether they did or not—but I do suggest, most emphatically, that the question of whether they did so is indeed a proper subject of public inquiry, and surely is not a matter which is "personal to the President."

These are only two of many instances of the executive branch withholding information from the General Accounting Office in defiance of the law. Executive privilege, Professor Berger recalls, was originally justified as a means of assisting the Executive to "take care that the laws be faithfully executed," and he comments: "It is a feat of splendid illogic to wring from a duty faithfully to execute the laws a power to defy them. . . ."[12] Professor Berger goes on to cite a Supreme Court pronouncement of 1838: "To contend that the obligation imposed upon the President to see the laws faithfully executed implies a power to forbid their execution, is a novel construction of the Constitution, and entirely inadmissible."[13]

If the matter of executive accountability to Congress were to be brought to a final test—as President Nixon has challenged the Senate to allow—there seems little doubt of the legal authority of Congress, or of a Congressional committee, to subpoena documents and government officials, just as it can subpoena private individuals to appear and give testimony, and to hold an individual in contempt should he fail to comply. Under Section 134a of the Legislative Reorganization Act of 1946, every standing committee and subcommittee of the Senate is authorized "to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to take such testimony and to make such expenditures . . . as it deems advisable." In his authoritative book, *The President, Office and Powers,* Professor Edward Corwin writes: ". . . should a congressional investigating committee issue a subpoena *duces tecum* to a Cabinet officer ordering him to appear with certain adequately specified documents and should he fail to do so, I see no reason why he might not be proceeded against for contempt of the house which sponsored the inquiry."[14]

Although the issue is largely untested and in need of legislative clarification, authorities agree that Congress is not without resources to require the disclosure of pertinent information and the appearance of appropriate witnesses. A study of *Congressional Inquiry Into Military Affairs* prepared for the Foreign Relations Committee in 1968 by the Library of Congress points out that contempt of Congress by reason of the failure of a witness to testify or produce papers is punishable by law as a misdemeanor. Furthermore, there is no necessity for Congress or a Congressional committee to rely on the Department of Justice to act in a contempt case. As an agent of the executive, the Attorney General might be less than wholehearted in the prosecution of a recalcitrant witness. But, as the military affairs study points out, "There can be no doubt that either House of Congress has the power to seize a recalitrant witness, try him before the bar of the house, and punish him for contempt by imprisoning him in the Capitol."[15] One legal authority has asserted that "Congress undoubtedly has power to punish contempts without invoking the aid of the executive and the judiciary, by the simple forthright process of causing the Sergeant at Arms to seize the offender and clap him in the common jail of the District of Columbia or the guardroom of the Capitol Police."[16] This view has recently received the added, authoritative endorsement of the senior Senator from North Carolina.

These, Mr. Chairman, are some of the broad historical and constitutional considerations underlying the legislation which I commend to you today. Before summarizing the provisions of my bill, I would like to cite certain current and specific instances in which the Foreign Relations Committee has been hampered in the performance of its legislative duties by executive secrecy and recalcitrance in matters under the Committee's jurisdiction.

III. EXECUTIVE PRIVILEGE AND FOREIGN POLICY

When we speak of "executive privilege," I reiterate, it should be understood that we are not referring simply to those relatively infrequent instances when the President formally invokes that dubious doctrine. Far more frequently executive branch officials employ tactics of delay and evasion which permit the executive to exercise executive privilege without actually invoking it and without honoring the commitment of three Presidents that only the President would invoke executive privilege. As matters now stand, that commitment has been reduced to a meaningless technicality: only the President may invoke executive privilege but just about any of his subordinates may exercise it—they withhold information as they see fit but they do not employ the forbidden words.

At the same time that the executive has made increasing use of executive privilege in this broader, more meaningful sense of withholding information by a variety of devices, more informal than formal, Congress has become increasingly alert to the implications of executive secrecy. Without information, it is now increasingly recognized, Congress is scarcely able to investigate or oversee the execution of its laws, and if it cannot engage in these functions, it is scarcely qualified to make the laws at all.

In cooperation with the extremely useful survey being conducted by the Subcommittee on the Separation of Powers, the staff of the Foreign Relations Committee have reviewed the Committee's records in order to ascertain instances in which the executive has refused to provide requested information or to make witnesses available. In carrying out this assignment the staff soon discovered that the compilation of a complete list would occupy them for an indefinite period. And, as I pointed out in my letter to the Senator from North Carolina covering the completed survey forms, many of the Foreign Relations Committee's difficulties in obtaining information from the executive branch have fallen outside the scope of questions posed by the Subcommittee's survey. On many occasions we have encountered not outright refusals to provide information or to make witnesses available but indefinite delays, evasion, obfuscation, unresponsive answers, reluctance to tell the whole truth, and lack of candor. On one occasion, for instance, former Ambassador to Laos, William Sullivan, now Deputy Assistant Secretary of State for East Asian Affairs, was asked why at an earlier hearing he had withheld information about the critical role the United States Air Force was playing in northern Laos, far away from the Vietnamese infiltration routes along the Ho Chi Minh Trail. He replied, disingenuously, that he had not been asked any *direct* questions about United States air operations in Northern Laos. My own comment at the time was that "There is no way for us to ask you questions about things we don't know you are doing."

By way of illustration, here are a few representative examples of Foreign Relations Committee requests for information and executive branch responses, drawn from the survey forms submitted to the Subcommittee on Separation of Powers:

On February 8, 1972, the Committee requested a State Department report on world oil supplies, which, according to a press account, suggested that in the near future the

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Footnotes at end of article.

United States would need to import greatly increased quantities of oil. This was refused by the Assistant Secretary of State for Congressional Relations, Mr. Abshire, on the ground that "the paper is a preliminary working draft that is being used internally for discussions with other agencies with interests in the energy field."

On February 25, 1972, I asked Secretary Rogers to provide the Committee with certain evaluative studies of Radio Free Europe and Radio Liberty. Some were provided, but others were withheld on the ground that they were "inappropriate for disclosure, particularly as they are work products of the National Security Council system."

On January 18, 1973, the State Department was asked to provide a copy of a plan for United States assistance to a five-year modernization program for the Korean Armed Forces. The Committee wished to have this information for use in its consideration of military aid legislation. No response has been received concerning the plan although some information was provided regarding the United States-Korean agreement.

On July 14, 1971, we requested a copy of the annual State Defense memorandum on military assistance and sales, described by the State Department as "the basic military assistance policy guidance for all agencies." Mr. Abshire replied after two months, "As you know, the President has directed that internal working documents which would disclose tentative planning data on future years of the military assistance program which are not approved executive branch positions should not be made available to the Congress." I in turn replied as follows: "I fail to understand how the Department can allege that a document which contains the 'policy guidance for all agencies' concerned with the military assistance and sales programs does not constitute 'approved executive branch positions.' I want the record to show that the Committee does not accept the Department's rationale for refusing to furnish the document."

On September 29, 1969, the Department of Defense was asked to provide the Foreign Relations Committee with information regarding internal defense plans for foreign governments prepared by the United States. This request was refused in a reply received three months later which stated that the plans in question were "viewed as tentative planning documents the release of which outside the executive branch could risk adverse reactions by the governments concerned."

On March 14, 1972, the Secretary of Defense was asked to provide a Pentagon study, referred to in the press, relating to the capacity of the Chinese Nationalist government on Taiwan to defend itself against amphibious assault from the mainland. After almost a year, the Defense Department replied, on January 24, 1973, that it had located a document "which in some ways resembles" the document requested, but the Department refused to make it available on the ground that "Since the document is an internal working level paper prepared some years ago and has never received any approval or implementation in the Department, its use would serve no purpose."

On three separate occasions, between December, 1969, and January, 1971, I asked the State Department to make available reports by an Englishman, Sir Robert Thompson, on Vietnam, to which the President had made reference in a television speech. On February 3, 1971, Mr. Abshire replied that the State Department was "actively working" on my request. On February 12, 1971, the request was finally declined on the ground that Sir Robert Thompson's reports had been "prepared for the President personally."

On March 1, 1972, I asked the United States Information Agency to reconsider an earlier refusal to provide the Foreign Relations Committee with its Country Program Memoranda, described by USIA itself as "designed to integrate USIS planning and resource allocation with overall U.S. objectives in the country." This request was refused in a formal Presidential invocation of executive privilege.

I have already referred to the Defense Department's refusal of access to its five-year military assistance program to the General Accounting Office. Between May, 1969, and August, 1971, the Foreign Relations Committee made numerous requests for this document in order to allow it to appraise the Administration's annual military assistance request in the context of its long-range planning. At one point in the protracted communications, on August 5, 1971, Secretary Laird denied the existence of a five-year plan, although he himself had made reference to it in previous correspondence. At last, on August 30, 1971, President Nixon refused the information in a formal invocation of executive privilege.

I turn now, Mr. Chairman, to representative examples of individual refusals to testify before the Foreign Relations Committee:

On February 2, 1971, Mr. John F. Lehman, Jr., a National Security Council staff member was invited to meet with the Committee to amplify certain remarks he had made at a meeting with Senate staff members and Foreign Service Officers, remarks reported in the press to have been disparaging of the Foreign Relations Committee and its Chairman. Mr. Lehman refused to appear because of his position on the National Security Council staff.

The Foreign Relations Committee has accumulated voluminous files documenting the refusals of Mr. Kissinger to testify in either open or closed session. All invitations have been refused, although Mr. Kissinger has graciously consented on a few occasions to meet with members of the Committee in private homes, restaurants, or Capitol hideaways. I will not take up the subcommittees' time with a detailed recitation of these refusals. I note only that in the case of officials who are considered personal assistants to the President—such as Mr. Kissinger, Mr. Haldeman, Mr. Ehrlichman, Mr. Dean, and their staffs—as distinguished from Department heads—such as the Secretary of State—the claim of "executive privilege" is extended beyond the withholding of information to the withholding of the person himself, to his refusal even to appear before a Congressional committee, either in public or in closed session. The Secretary of State—the present one like his predecessor—has repeatedly refused invitations from the Senate Foreign Relations Committee to testify in public, but he has usually acceded to invitations to testify in closed session. On these occasions the Secretary of State has all too often withheld information from the Committee, but at least he has withheld it in person, giving Senators the opportunity to make their own views known and also to see if they can gauge the intentions of the Administration by listening to the Secretary's tone, so to speak, as well as his words. This procedure is by no means satisfactory, although it is obviously preferable to the refusal of White House officials to testify at all.

I do not consider Mr. Kissinger's influence, or that of his new foreign policy bureau in the White House, as being in any way sinister, illegitimate, or even inappropriate—except in one respect: their immunity from accountability to Congress and the country behind a barricade of executive privilege. The President is entitled, within the limits of the law, to organize his advisers and delegate authority among them as he sees fit. He is not, however, at liberty to create—nor is Congress at liberty to accept—a policymaking system which undercuts Congressional oversight and the advisory role of the Senate in the making of foreign policy. Were the President disposed to dismantle the elaborate National Security Council staff, divest Mr. Kissinger of his active negotiating role, and retain his services as a personal adviser, I would see no reason to challenge the invocation of executive privilege on Mr. Kissinger's behalf. That, however, is not the case, nor does such an arrangement seem likely to commend itself to the present Administration. As matters stand, Mr. Kissinger appears on television shows, provides "background" briefings for invited members of the press—who are permitted to ask questions—and on a few occasions has asked the leadership to provide special facilities so that he can provide briefings to selected Senators under his own rules. At the same time Mr. Kissinger and members of his staff have steadfastly refused to appear before any Congressional committee, either in public or executive session. The result is that the people's representatives in Congress are denied direct access not only to the President himself but to the individual who is the President's chief foreign policy adviser.

Until and unless legislation is adopted by Congress to restrict executive privilege both as it applies to information and as it has been extended to shield individuals in high policy positions, the executive will continue to be the sole judge of that amorphous category called the "public interest" and of what is compatible or incompatible with it. It will still retain the power to decide for itself whether and to what extent it will be investigated. It will still be the judge and jury in cases of its own malfeasance and failures of judgment.

IV. LEGISLATIVE REMEDY

With a view to breaching the barricades of executive secrecy, I have re-submitted, in altered form, the "executive privilege" bill which I first introduced on March 5, 1971, (S. 1125). Taking account of the increasing abuse of executive privilege—in its broader sense—and of the growing disposition of Congress to deal with it, I have strengthened my bill by adding to it the recent proposal of the Senator from Mississippi (Mr. STENNIS) and the Senator from Wisconsin (Mr. NELSON). My bill, as originally formulated, would require employees of the executive branch to appear in person before Congress or appropriate Congressional committees when they are duly summoned, even if, upon their arrival, they do nothing more than invoke executive privilege. One purpose of this bill is to eliminate the unwarranted extension of the claim of executive privilege from information to persons. It would require an official such as the President's Assistant on National Security Affairs to appear before an appropriate congressional committee if only for the purpose of stating, in effect: "I have been instructed in writing by the President to invoke executive privilege and here is why . . . ."

Going beyond the requirement that executive officials appear when summoned, the Stennis-Nelson proposal would charge the Congressional committee concerned with the responsibility of deciding whether or not a witness's plea of executive privilege were "well taken." If not well taken, the witness would be required to provide the information requested. Further, when any Committee upholds or denies an invocation of executive privilege, it would then be expected to submit an explanatory report and resolution to the entire Senate—or House—which would then have the responsibility of taking appropriate action. This extremely desirable provision, already approved by the Democratic Policy Committee and Caucus, would place the final responsibility for judging the validity of a claim of executive privilege in the Congress, where it belongs.

My bill goes on to lay down specific guidelines for the invocation of executive privilege by the executive. First, and perhaps most important, the principle would be established that information could be withheld from Congress *only* on the basis of a formal invocation of executive privilege, in effect eliminating the all-too-common executive practice of withholding information on vague and insubstantial grounds, such as the contention that a document is purely a "planning" document, or that it would be "inappropriate" or "contrary to the national interest" to disseminate it more widely.

In addition, the bill would write into law the personal commitment made by each of the last three Presidents that executive privilege will be invoked only on the specific order of the President, only, in the language of my bill, "if the President signs a statement invoking such privilege with respect to that information requested." The bill further spells out procedures through which, within a limited time period, agency heads judging there to be compelling circumstances for the withholding of requested information from Congress, a Congressional committee, or the General Accounting Office, would be required to gain the assent first of the Attorney General and then of the President, before executive privilege could be invoked. Should the Attorney General fail to agree with the agency head on the need of secrecy, or should the President decline to invoke executive privilege, the requested information would be made available immediately.

Finally, the bill provides that, if within 30 days the executive has neither provided the requested information nor invoked executive privilege, funds will be cut off from the agency concerned until either the information is provided or executive privilege formally invoked.

Secrecy and subterfuge are themselves more dangerous to democracy than the practices they conceal. Totalitarian devices such as military surveillance of civilians, the infiltration and sabotage of a political opposition, and efforts to intimidate the news media cannot long survive in the full light of publicity. An ill-conceived war, once recognized as such by the people and their representatives, must eventually be brought to an end. But without publicity and debate there is no redress. Secrecy not only perpetuates mistaken policies; it is the indispensable condition for their perpetuation. In the words of the great early American legislator Edward Livingston of New York: "No nation ever yet found any inconvenience from too close an inspection into the conduct of its officers, but many have been brought to ruin, and reduced to slavery, by suffering gradual impositions and abuses, which were imperceptible, only because the means of publicity had not been secured."[17]

The bill concerning executive privilege which I commend to the combined subcommittees today is designed to help secure the "means of publicity" of which Livingston spoke and, in so doing, to help restore the Congress to its proper role as the guardian of democratic liberties. The purpose of this bill is not to eliminate but to restrict the practice of executive privilege, by reducing it to bounds in which it will cease to interfere with the people's right to know and the Congress' duty to investigate and oversee the execution of the laws.

FOOTNOTES

[1] *Congressional Record,* April 22, 1948, Page 4783.

[2] Raoul Berger, "Executive Privile v. Congressional Inquiry," Part I, *UCLA Law Review,* May 1965, p. 1044.

[3] *The Power of the President to Withhold Information From the Congress—Memorandum of the Attorney General,* compiled by the Subcommittee on Constitutional Rights of the Committee on the Judiciary, U.S. Senate, 85th Congress, 2nd session, pp. 3–4.

[4] *Congressional Power of Investigation,* Study Prepared at the request of Senator William Langer, Chairman of the Committee on the Judiciary, by the Legislative Reference Service of the Library of Congress, U.S. Senate, 83rd Congress, 2nd session (Washington: U.S. Government Printing Office, 1954), p. 23.

[5] Raoul Berger, "Executive Privilege v. Congressional Inquiry," Part I, *UCLA Law Review,* May 1965, p. 1061.

[6] *Ibid.,* p. 1063.

[7] *Ibid.,* p. 1063.

[8] *Ibid.,* p. 1064.

[9] *Ibid.,* p. 1112.

[10] Letter from Secretary of Defense Laird to Senator Fulbright, June 26, 1969.

[11] *General Accounting Office Report to the Committee on Foreign Relations,* "Problems in the Administration of the Military Assistance Training Program," p. 94.

[12] Berger, *Ibid.,* p. 1114.

[13] *Kendall v. United States.*

[14] Edward S. Corwin, *The President, Office and Powers* (New York University Press: 1957), pp. 281–282.

[15] *Congressional Inquiry into Military Affairs,* A Study prepared at the request of the Committee on Foreign Relations, U.S. Senate, 90th Cong., 2nd sess. (Washington: U.S. Government Printing Office, 1968), p. 7. Pertinent rulings were made by the Supreme Court in *Jurney v. MacCracken* (1935) and *McGrain v. Daugherty* (1927).

[16] Joseph W. Bishop, Jr., *The Executive's Right of Privacy: An Unresolved Constitutional Question,* 66 *Yale Law Journal* 477 (1957), p. 484.

[17] Quoted by Raoul Berger in "Executive Privilege v. Congressional Inquiry," *UCLA Law Review,* May 1965, p. 1332.

STATEMENT OF CLARK M. CLIFFORD

I welcome your invitation to appear here today because the subject of your three-day inquiry is both current and important. I have the feeling that the public considers this matter to be of vital import and that it will view with increased interest the results of your inquiry.

So much emphasis has recently been placed on the question of executive privilege and the conflict between the Executive Branch and the Congress on this question that one fundamental fact is often overlooked. Although our branches of government are separate, it has always been assumed that they will work together for the benefit of our people and the nation. It seems to me that our system would work more effectively and more efficiently if we were to place greater emphasis upon the responsibility of our branches to work in harmony rather than constantly to dramatize their separateness.

There has long been controversy over the right of the Congress to procure information from the Executive Branch. If the Congress is to be fully informed, it must get information from the Executive Branch of our government. For Congress to function effectively, it must have the facts. In this regard, it is clear from decisions of our courts that Congress has a broad investigatory power. For Congress to legislate intelligently, it must be well informed. For it to be well informed, it must have a wide-ranging ability to investigate and procure the facts.

There has grown up during the years the tradition and general acceptance of the theory that certain types of information can be withheld by the Executive Branch when its disclosure would be inconsistent with the welfare of the country. There is no direct constitutional authorization for this privilege to be exercised by the Executive Branch, nor is there any case law that specifically adjudicates such authority on the part of the Chief Executive. In view of this status of the law, it would appear appropriate that the privilege claimed by the Executive Branch must be strictly construed.

There will always be differences between the Congress and a Chief Executive, but it is axiomatic that our government operates more effectively when the Chief Executive makes every reasonable effort to comply with the requests of Congress in supplying the Congress with information through the medium of interrogation of witnesses or the production of papers, or both.

There was a reasonable basis to anticipate that the present Administration would be liberal in supplying information to the Congress and in making witnesses available for purposes of interrogation.

In 1948, when President Nixon was a member of the House of Representatives, an effort was made to obtain certain information from the Secretary of Commerce. At that time, President Truman issued an order denying such information to Congress. Speaking on this subject on the floor of the House. Mr. Nixon made the following statement:

"I am now going to address myself to a second issue which is very important. The point has been made that the President of the United States has issued an order that none of this information can be released to the Congress and that therefore the Congress has no right to question the judgment of the President in making that decision.

"I say that that proposition cannot stand from a constitutional standpoint or on the basis of the merits for this very good reason: That would mean that the President could have arbitrarily issued an Executive order in the Meyers case, the Teapot Dome case, or any other case denying the Congress of the United States information it needed to conduct an investigation of the executive department and the Congress would have no right to question his decision.

"Any such order of the President can be questioned by the Congress as to whether or not that order is justified on the merits."

Also, on March 24, 1969, President Nixon sent a memorandum to cabinet officers and heads of agencies which read, in part, as follows:

"The policy of this Administration is to comply to the fullest extent possible with Congressional requests for information. While the Executive branch has the responsibility of wtihholding certain information the disclosure of which would be incompatible with the public interest, this Administration will invoke this authority only in the most compelling circumstances and after a rigorous inquiry into the actual need for its exercise. For those reasons Executive privilege will not be used without specific Presidential approval."

Further encouragement was given from a comment by President Nixon at a news conference on January 31, 1973, when he stated the following:

"I will simply say the general attitude I have is to be as liberal as possible in terms of making people available to testify before the Congress, and we are not going to use executive privilege as a shield for conversations that might be just embarrassing to us, but that really don't deserve executive privilege."

Again, on March 12, 1973, President Nixon made the following statement:

"Executive privilege will not be used as a shield to prevent embarrassing information from being made available but will be exercised only in those particular instances in which disclosure would harm the public interest."

The hope that the Executive Branch would be readily forthcoming with information was seriously and adversely affected when President Nixon, on March 12, 1973, informed the Congress that members and former members of the President's personal staff would not be permitted to testify in a formal appearance before a committee of the Congress. This constitutes an exceedingly broad restriction and, in addition, goes farther than any other President has gone. I do not recall any other President contending that executive privilege attaches to individuals who served in the White House but who have since left and returned to private life.

Apparently, the Watergate incident has had a great effect upon President Nixon's attitude. Many writers and many officials of both parties have recommended that there be a full and complete disclosure of the part played by staff members within the White House but these recommendations have been ignored.

We know from legal proceedings that have already taken place that a group of men invaded Democratic headquarters for purposes of surveillance and sabotage. Seven individuals have either pleaded guilty or have been found quilty in a jury trial. We know that funds paid to these individuals came from the Committee to Re-elect the President. A Mr. Liddy was apparently in charge of certain phases of the operation and he has refused, and continues to refuse, to testify from whom he received his orders. Congressional committees engaged in an inquiry into possible wrong doing, have desired the testimony of staff members in this limited area. Mr. John Dean, who is on the White House staff, apparently has substantial information regarding the Watergate affair. Mr. Nixon has informed the Congress that he refused to permit Mr. Dean to testify before Congressional committees.

The President of the United States, at different times, wears four separate hats. He wears one as Chief Executive of the nation. He wears another as Commander-in-Chief of the Armed Forces. He wears another as chief ceremonial officer of the nation. His fourth hat is that of political leader of his party.

While one can visualize situations in which a President could properly preserve the confidential relationships that develop while he is wearing the first three hats, it is difficult to believe that the same privilege is created when he is wearing his fourth hat as head of his political party. In his political capacity, he is not engaged in contacts with foreign powers or with the usual duties associated with the office of the Chief Executive. The Watergate scandal falls solely and dramatically within the political field. In the conduct of the re-election campaign and related matters, staff men working for the President are also functioning in a political capacity. It would seem to me that when a President has his political hat on, and members of his staff are serving as extensions of his political operations, no privilege extends to their activities any more than some type of privilege would extend to the political head of the opposition party. These activities are clearly outside the nature of their employment in the nation's business.

The Congress and the Executive Branch have been at odds over the years regarding the obligation of the Executive Branch to furnish the Congress with information. It might be of value, at this time, to attempt to lay down guide lines that would help solve this dilemma.

It is my opinion that executive privilege can exist only when its invocation serves the national interest. Certain simple common sense tests can be employed in this determination:

(1) Where the inquiry is being made into activities of subordinates performed outside the regular course of their employment, the withholding of information on claim of executive privilege cannot be in the national interest.

(2) The protection of confidential communications between a President and one of his advisers has classically been considered to be in the national interest because it insures the full and candid expression of views which assists the President in discharging his responsibilities.

(3) Any claim that the national interest is served by the withholding of information under other than these limited circumstances requires that the Executive Branch bear a very heavy burden of proof.

As an illustration, any personal involvement Mr. Dean may have had in the Watergate scandal would not constitute activity in the regular course of his employment. Accordingly, I am persuaded that the withholding of Mr. Dean's testimony would not be in the national interest. I believe the exact opposite to be true.

It is my belief that Congress must have a broad range of authority to investigate alleged wrong doing in the Executive Branch. If executive privilege is improperly used, then facts can be concealed within the Executive Branch that should be publicly aired so that the Congress and the people will be informed. The answer is sometimes given that a grand jury can be summoned and the public is protected through the normal functions of a grand jury inquiring into alleged wrong doing. From a practical standpoint, this is an inadequate remedy. Representatives of the Executive Branch control the operations of a grand jury and have sole discretion as to what evidence should be presented to the jury and what evidence should be kept from the grand jury. This does not constitute a sufficient protection for the honest and effective operation of our government. One must keep in mind also that one of the historic arguments made by the Executive Branch in support of the privilege is that a President should be able to talk in complete confidence with members of his staff and, therefore, such individuals should not be subjected to Congressional interrogation. It would be appropriate at this point to suggest that the Congress would very likely be willing to refrain from questioning White House staff men on their conversations with the President. What they are interested in are the contacts that such individual has with those implicated in the Watergate affair, and other actions of the Committee to Re-elect the President which subverted the country's political process.

Another way of looking at it is to suggest that if President Nixon was fully informed with reference to the Watergate affair and discussed it in detail with his staff before and after the events took place, the argument might be made that such conversations were privileged, but if President Nixon should take the position that he knew nothing of the Watergate case, and was in no way involved, then I am unable to understand how a claim of privilege could be asserted. Under these circumstances, the doctrine of executive privilege is to protect the relationship between the President and the staff members involved. It would seem to me that if there is no such relationship existing with reference to the Watergate affair, then no privilege can exist. I do not see how a President can have it both ways.

This point was touched upon obliquely within the last few days when a Justice Department official testified before a House subcommittee regarding their desire to have Mr. John Dean testify. Such official stated that President Nixon could not invoke executive privilege if the Congress at the time was specifically looking into the question of wrong doing or the possible commission of a crime. The daily press quotes the Justice official as saying, on April 4, 1973, the following: "If you are inquiring into the commission of a crime specifically, then the privilege does not apply." The press further reports that, after a luncheon recess, the official changed her testimony and stated that the President alone has the prerogative of deciding whether there has been any wrong doing and, therefore, of determining whether to invoke the privilege. The testimony of the official in the morning recognized the investigatory rights of the Congress, but such right was completely nullified in the afternoon by advancing the argument that the President was the sole arbiter as to whether there had been any wrong doing. The Justice Department giveth, and the Justice Department taketh away.

Another position taken by President Nixon has caused widespread comment. He stated recently that Executive exemption extended not only to persons still in the employ of the White House, but even to those who had left government and returned to private life. It was quickly noted that such policy would cover Mr. Chapin who served as appointment secretary to President Nixon during much of the period involved in the Watergate affair and other political subversions. If this principle is carried to its logical conclusion, it would apparently mean that a few days or a few weeks spent in the White House would provide a lifetime immunity to such employee, unrelated to his confidential communications with the President. Can one honestly believe that any such principle exists within our system of government?

The privilege has been extended in other ways also. For example, I note that the General Accounting Office testified the other day that Mr. Dean, last November, refused to provide passengers manifest data for presidential aircraft. He stated at the time that "such information has traditionally been considered personal to the President and thus not the proper subject of congressional inquiry." The privilege has now been expanded to all areas which are considered personal to the President.

It is clear that we have reached a complete impasse. The Congress has continued to exert its right and need to get the facts while President Nixon and his representatives contend, in effect, that the President has unrestricted discretion to withhold information from the Legislative Branch. Under these circumstances, the Congress can grumble and complain about the President's lack of cooperation. They then can hold some additional hearings and, when it is all over, be right back where they started from.

I suggest that the time has come for a showdown. The Watergate case and subsequent political subversions present clear issues. I favor obtaining a, judicial determination of the issues that have been raised.

An appropriate witness can be asked to appear and, upon declining, can be subpoenaed. Failure to appear can be treated as contempt of the Congress and a justiceable controversy can be brought about. A full record can then be made of the facts involving the witness in question and the need of the Congress and the people for the facts regarding the witness' participation in the claimed wrong doing. Perhaps it would be advisable to combine the issues raised by the protection extended to Mr. Dean and Mr. Chapin.

It is not necessary that the present impasse be permitted to continue indefinitely. Although it will take a considerable period of time, there can ultimately be a clarification by the courts that will guide members of Congress and those in the Executive Branch. It appears to me that two major tests regarding a witness can be presented to the courts:

(1) Is the inquiry directed to the activities of an employee, within the official scope of his employment;

(2) Even if the questioned activities were within the scope of his employment, is it nonetheless in the national interest for the employee to testify?

It appears that the national interest question is the most vital. Congress contends that the national interest demands certain information. President Nixon replies by saying that the national interest demands the concealment of certain facts. Some might consider that the expression "national interest" is an unduly broad term but, in the past, other broad terms have been used and our courts have defined them. The Fifth and Fourteenth Amendments to our Constitution use the expression "due process of law." This expression has very broad implications, but the courts have given us clear guide lines by their interpretations under various circumstances.

This Committee has before it for consideration S. 858, a bill introduced by Senator Fulbright, and S.J. Res. 72, a joint resolution introduced by Senator Ervin. I prefer the Ervin resolutions to the Fulbright bill. There would likely be considerable controversy over the Fulbright bill and a possible veto if it were passed. I think this would cloud the issues. The Ervin resolution, on the other hand, is not susceptible to a veto and provides a procedure that could lead to a clarification of this troublesome issue. Moreover, the purpose of Congress at this stage should be to declare its understanding of the purpose and limits of the doctrine of executive privilege. What is required is not new legislation, but a clarification of the implications of the constitutional separation of powers.

It is my recommendation that the Ervin resolution be acted upon and that the groundwork be laid to present a case to the courts. The circumstances surrounding the Watergate scandal and related incidents, and the witnesses involved, present the basis of a case to be submitted to the courts. I do not know when a better set of facts will ever be presented to the Congress. It is my opinion that the doctrine of executive privilege has been broadened to an unacceptable extent, and I believe that the courts would so rule.

I feel strongly that the public interest demands that steps be taken to settle the question. The result, in my opinion, will be that the Congress and the people will have access to information that is now denied them.

THE LOG AND THE COMPASS

Mr. ERVIN. Mr. President, on June 4, 1972, one of America's most enlightened educators, Dr. James Ralph Scales, president of Wake Forest University, delivered an address at Northern Michigan University bearing the title "The Log and the Compass." This eloquent address contains some cogent remarks concerning the plight in which mankind finds himself in seeking to travel without log and compass, and merits widespread dissemination.

For this reason, I ask unanimous consent that this address be printed in the body of the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

An engagement in Massachusetts a fortnight ago gave me a rare weekend, like this in an unfamiliar place, and also like this, a view of deep water. Through two drowsy afternoons I watched the endless flow of traffic, mostly sailing vessels, darting in and out of of the rockbound coves of New England. All through the night, the blinking lantern of the lighthouse outside my window and the foghorns in the shrouded Atlantic off Cape Ann reminded me that the sea is used twenty-four hours a day; that the fishing industry still means a livelihood for thousands; that the transport of massive cargoes through the darkness is a vital part of the world's commerce. And the colorful regattas that race under the cloudless skies of a May afternoon are just as vital, nourishing the aesthetic, no less than the athletic, needs of men. So beguiling the scene, it was not easy to bestir oneself to write or even to think about the commonwealth. Here was the commonwealth, the common treasure. The sea and the great rocky coast were a world without headlines, unchanging as the world before headlines. There was, and is, order in the universe—order reinforced by man's intelligence, the lighthouses and the warning horns in the night.

Back on land, away from the beaches and the eternal pageant, we are less certain of an ordered world. Though we can reach the planets or destroy the earth with our power, or destroy man with a hand gun, or use chemistry to change personality and intelligence, or remodel heredity, transplant life from the dead to the living or, most miraculous of all, create life itself in the laboratory, the certainties of yesterday are swept away by every morning's surprises and the doubts that beset us all.

Swift tides of change ruthlessly obliterate the familiar landmarks by which we once navigated our careers. A commencement speaker may no longer complacently chart a future course for a graduating class by pointing to the traditional terrain, the rewards of virtue, warning you away from the shoals of sin. All sensible people living near the sea should know the signs of approaching storms and dangerous currents; know when to take soundings or bring a pilot aboard, or turn on the radar.

Unfortunately, terrain and shoals and currents and depths have altered so drastically that your journey cannot really be charted: you are veritable post-modern pioneers. If I must bid you bon voyage for a precarious trip no one has yet taken, what may I presume as word of godspeed to cheer your way?

May I submit for your reflection a strategy old and bold, that has always held a fascination for me: dead reckoning. On the open sea, in possibly uncharted waters, out of sight of any coast or of any heavenly bodies, seafarers estimated where they were solely by log and compass. Loss of visibility could not totally disorient them, could not panic them, could not deflect them from their course. They had an inner direction toward their chosen destination. Dead reckoning was naturally a temporary expedient to be used until the sun or the stars came out. After fog or storm, the navigator seized the opportunity to verify his work by objects terrestrial and celestial.

But in a protracted fog or storm, what other choice presented itself? Sailors had a course to steer, and they battled every moment's peril as brave men always had done. The crucial strategic decision had been, not momentary courage in a night of purposeless wandering, but the premeditated choice of a destination. That objective could be reached, when the weather was fair, by stars over an open ocean. When the weather was foul, as our cosmic weather has often been in this century, the navigator still pursued his course in full foreknowledge that the voyage would be reduced at times to dead reckoning. No port would be visible for long intervals, sometimes for a whole voyage.

But the skillful navigator had an instinct for knowing where he was going. Men who made the decision to venture upon the deep were self-reliant, and they were obedient to the rhythms of the waters. Yet no amount of relying on themselves could have assured a direct course or an eventual arrival at the intended shore. However sure of themselves, however illumined they may have been by an inner light, they took their practical bearings not by a light within but from far without. In times of dead reckoning, when obscurity threw them on their own resources, the beacon in their minds was the memory of starlight and whence it had shone before it fled.

The curious result of such reckoning—live or dead—is that the mariners saw themselves not as desolate flounderers cut off from the rest of humanity and the safe harbors of the world but as an inseparable part of the globe. Almost as from the viewpoint of the stars, they realized the interrelationships of time and space, of continents and seas, of people unseen as well as the shipmates sharing their adventure, realizing all this perhaps in the context of all time and existence.

Conrad and Melville only expressed what veteran seamen have known since very ancient times, that some men actually feel more at home out of sight of land. Some of you may find that hard to credit, but men who work this great lake and the seas beyond will bear witness to the truth. They feel none of the landlubber's terror at being completely at sea. From a perspective beyond the immediate, man is never isolatedly, desolately adrift. Even when the star reckoner is temporarily a dead reckoner, he is not the prisoner of his immediate predicament, his present location, the limits of personal experience, today's headlines, the eternal tensions of the temporary. Even in extreme peril the seaman has seemed to understand, from the timeless perspective of his work, that all humanity tosses in the same boat, that all of us are taking the same dangerous journey together. In Barbara Ward's famous phrase, we are passengers in the same spaceship. If you are searching for a contemporary theme, environment! Along with the decent concerns you have shown for justice, race, war and peace, poverty—has any topic been more urgently dramatized than environment?

Martin Heidegger preferred to say it this way: All sentient nature is rooted in the same existence, not abstracted in individual isolation but in an undivided ecological relationship, capable of mutual understanding, even in silence.

Poets and novelists, painters and sculptors, prophets and priests, the advance guard of our consciousness, have been telling us for centuries: mankind cannot go it alone. No man liveth to himself, and no man dieth to himself. The increasing disposition of our ship's passengers in this age of revolutionary change is to chart a course, not across the ocean which supports the ship, but down into their own private ocean within, seeking an elusive self-sprouting intelligence in a vast loneliness. Meanwhile, our common vessel is blown by capricious winds, which we foolishly think are forces beyond awareness or control. Drifters we are, focusing on ourselves, racing through the blind alleys of our own restricted world which we mistake for the life source of the universe, and we fail to appropriate the sun and the stars and the eternal seas which give unity to life. We have refused dead reckoning. We *have discarded both compass and log. i.e., science and history*. Is it any wonder that we turn compulsively hostile to each other and to ourselves? In our self-centeredness we produce an erratic orbit around ourselves, self destructive as it is socially destructive. Self-centeredness is in effect *off*-centeredness.

Man is so constituted that he can no more orient himself to himself on the high seas and keep track of his location than the ship he is riding can anchor to itself. Man is lost because he is anchored to himself, has become his own object, his own ultimate concern, his destination is himself. In his assertion of self-sufficiency, he has made his unconscious the source of light and truth, and as the center of gravity of the solar system. We witness the incongruous phenomenon in a secular, rational culture, of men who claim to be realists, retreating from external reality into mystic self-communing. Great as was the late C. G. Jung, his idea that we ought as well call our own unconscious God, and worship it, does have an ominous ring. The mass of men leading lives of quiet desperation would appear to have leaped over-hastily to their clarion call into their deified abyss. Therein they have communed only to be repelled.

Sören Kierkegaard reached a brilliantly clear understanding of the futility of self-relating a century and a quarter ago in Copenhagen. "Man," he said, "is a synthesis of the infinite and the finite, the temporal and the eternal, of freedom and necessity." Man does not achieve that synthesis, or if you please, integrity, in a vacuum. Without it, he begins to disintegrate, he fails to find his own true self, which is the sickness unto death, or total despair. Seeing no way out from the tunnel perspective of the immediate is the sin of today's relevance. As Kierkegaard presciently noted, "Man's mortal sickness: those who are sickest unto death do not know they are stricken."

It is a commentary on our time that it is often the educated, those who have mastered certain skills, those who feel their competence to sail the seas alone, who become most despairing. To be dazzled by the achievements of our own day and reject the wisdom of the eternal stars, is contemporary man's arrogant withdrawal from the universe.

Unlettered souls who never heard about Jung or Kierkergaard achieved their synthesis of character in a simpler age, finding purposes for their lives, even in the harsh climate of this north country, because they were season-wise and weather-wise. They attuned their work and their institutions to nature. Their dead reckoning was practiced and shrewd. They used the simple instruments at hand and thus found satisfying goals for their spartan lives. To be sure, they were spared the wretchedness of urban existence which is the destiny of most of us. But perhaps, if only we would avail ourselves of the simple process of dead reckoning, we too could recover purpose and integrity.

I must clarify that I am not refusing the inner lights of spiritual awareness. I believe in individualism, in mysticism, in introspection, in imagination, in true religion. What I do decry is the new irrationalism which has replaced reason, even in some of the fortresses of learning, the "feel, don't think" school which says that because some of our institutions have failed to produce instant bliss, we should get rid of institutions—of learning, of religion, of government, of trade. Imperfections there are; corruption there is. Power has been abused, the loopholes forced, the system exploited to oppress the poor and to smother all things spiritual. Grievances become intolerable, so alienated men tear blindly at the roots of the life that nourishes us all.

When the New Irrationalism reaches the individual level, both thinking and feeling are impaired. Scholars, like navigators, who insist on testing the instincts of their intelligence by the external evidence, are not enemies of human compassion. They are in fact the dead reckoners, who refuse to lose their way in a narcissistic objectifying of self. Let us turn outward. Let us recover the faith and optimism of those who discovered and developed this physical frontier. Let us know afresh the joy of learning for its own sake. Let our minds be clear, our own hands clean, when we face the retrenching, compromising, predatory establishment. Let the world's oppressed have the benefit of our researches so that they no longer threaten to pulverize their society and themselves.

The confused mood of the day will not be changed by pleasant tracts on peace of mind or positive thinking, but by hard scholarship, i.e., dead reckoning. Our own unconscious proves at last a treacherous beacon for negotiating the shoals of reality. Our own parochial experience within the confines of a single life span remains always inadequate for fathoming the murky ocean of current history. The stars must stay vivid by memory if our culture is to turn back its stampede toward disintegration. Men must make an epochal shift from being inner-centered to being men who are other-centered. Let us rejoice again that we are part of the ongoing universe. Let us not throw overboard the log and compass. Let us keep the wisdom bequeathed to us from all places and all centuries.

Antoine de Saint-Exupéry, in the 1939 classic, *Wind, Sand and Stars,* recalls his early days of flying the mail routes to Africa. The plane seemed little more than bailing wire. On the eve of his first flight, the frightened young pilot was rallied by the encouraging words of the grizzled veteran of the African run, Guillaumet. His words encapsulate the unshakeable faith of the human race: "You will be bothered from time to time by storms, fog, snow. When you are, think of those who went through it before you and say to yourself, 'What they could do, I can do.'"

COALITION FOR HUMAN NEEDS AND BUDGET PRIORITIES IN SUPPORT OF SENATE CONCURRENT RESOLUTION 14

Mr. HUMPHREY. Mr. President, a broad-based coalition has recently been formed to articulate the needs of the "unheard majority" in Washington. A Coalition on Human Needs and Budget Priorities has been established to "facilitate cooperation and exchange of information among a broad spectrum of citizens and groups concerned about the implications of the proposed budget with its drastic cuts and distorted priorities."

Mr. President, the Honorable Henry Maier, mayor of the city of Milwaukee, is the chairman of this coalition. In announcing the coalition, Mayor Maier eloquently outlined the goals:

To support greater and more meaningful Federal investment in essential programs to help people and to shift the distorted priorities in the fiscal year 1974 budget.

To support the Congress in efforts to reassert itself.

To insist that the Congress meet Presidential challenges by developing its own fiscally responsible budget.

These goals are modest goals, Mr. President, but they are important ones. They are responsible goals.

The coalition will be contacting congressional offices in the near future asking that Congressmen and Senators hold hearings on the President's budget in their respective States and districts.

On March 18 and 19, Congressman Donald Fraser, Senator Walter Mondale, and I did hold budget hearings in Minnesota. I personally found them useful because the witnesses presented specific testimony as to exactly how the budget would impact local programs and affect local people.

I would urge my colleagues to hold similar hearings and I know that the Coalition for Human Needs and Budget Priorities would supply what assistance they can in organizing these local hearings.

In addition, Mr. President, the Coalition on Human Needs and Budget Priorities has announced its support for my recently introduced resolution, Senate Concurrent Resolution 14, on national priorities.

This resolution calls for a rearrangement of priorities within a fiscally responsible budget ceiling of some $5 to $7 billion of military expenditures to domestic programs; and the addition of another $5 to $7 billion from tax reform also applied to meeting pressing domestic needs. The resolution does not contemplate any new spending. It clearly says that with tax reform and a rearrangement of the current spending priorities the crucial needs of our people can be met—without increasing inflation and without a tax increase.

Mr. President, I ask unanimous consent that the letter from Chairman Henry Maier of the Coalition of Human Needs; Mayor Maier's announcement of the formation of the coalition; a list of sponsoring directors; and a copy of my resolution, Senate Concurrent Resolution 14, the national priorities resolution, along with my remarks on it, be printed at this point in the Record:

There being no objection, the material was ordered to be printed in the Record, as follows:

Coalition for Human
Needs and Budget Priorities,
Washington, D.C.

Hon. Hubert H. Humphrey
U. S. Senate, Washington, D.C.

Dear Senator Humphrey: In his State of the Union message, the President declared that the relationship between the individual and the government was at an historic crossroads. He was right. The Administration's budget and program proposals have indeed caused an historic conflict between those who believe government must vigorously promote programs that would help people as opposed to those who would now abandon these responsibilities.

The Coalition for Human Needs and Budget Priorities is a vehicle through which the people can be heard. The Coalition has been established to facilitate cooperation and the exchange of information among a broad spectrum of citizens and groups concerned about the implications of the proposed budget with its drastic cuts and distorted priorities.

Over 100 concerned national organizations and individuals met in Washington on March 5, 1973, to form this Coalition. At present there is a Board of over 40 persons representing a broad cross section of the American public (see attached). These organizations participating in the Coalition have recognized that the threat to domestic programs must be answered by a strong citizen's response leading to Congressional action. In particular, the President's charge that unrestrained Congressional appropriations for domestic programs would have damaging inflationary impact must be met by strong Congressional action which preserves the necessary level of federal support for these programs without undue inflationary impact.

The Coalition's first commitment is to acquaint the public with the specific impact of the 1974 fiscal year budget. Accordingly, we urge you to convene fact finding hearings in the communities you represent during the Easter recess. These hearings, which have already been held by over 20 of your colleagues, will give you a unique opportunity to communicate with your constituents about the effects that the newly proposed budget may have in your district.

We realize that the pressures upon a Congressional office are great, therefore we would like to offer the full resources of our Coalition to assist your staff in planning and conducting these vital hearings. I have asked our Executive Director, Barbara Williams, to contact your staff regarding how we can best serve your needs in planning for these hearings.

I look forward to working with you to enact a fiscally responsible budget biased in favor of human needs.

With warm regards,

HENRY W. MAIER, *Chairman.*

Announcement of Honorable Henry Maier on Formation of Coalition on Human Needs and Budget Priorities

We are launching today an organization representing such a broad spectrum of public interest groups that it can properly be described as the voice of the unheard majority in America.

We are bringing together more than sixty leaders of church groups, labor organizations, farm groups, the elderly, women's organizations, youth groups, the sick, the handicapped, the poor, the untrained, teachers and school children, and many more will be added to this list.

The Coalition for Human Needs and Budget Priorities is unique in modern American history. There have been other coalitions formed to attempt to re-order our national priorities. Other coalitions have come together to bring about the enactment of legislation by Congress. And others have been formed to rally grass roots support for meeting unmet needs.

This coalition intends to mount a three-pronged attack on all of these levels. We intend to transform the unheard majority into an aroused majority.

1. To support greater and more meaningful Federal investment in essential programs to help people and to shift the distorted priorities in the fiscal year 1974 budget from military, defense. space and foreign aid to underfunded domestic needs such as education, housing, health care, community and rural development, manpower, etc.

2. To support the Congress in efforts to reassert itself in regaining traditional legislative prerogatives and to maintain the historic balance between the legislative and executive branches of the Federal Government.

3. Insist that Congress meet Presidential challenges by developing its own fiscally responsible budget and setting proper priorities for domestic needs.

Just this week a veto by the President of a bill to provide vocational training for the handicapped was sustained in the Senate by just four votes. The President has said that people must learn to stand on their own feet. But this cruel veto has just knocked the crutches out from under those who literally are not capable of standing on their own feet.

Soon to come before Congress will be a bill to provide help for our elderly population. This coalition will attempt to arouse such public sentiment that the President will not dare to exercise another cruel veto, and that if he does, Congress will not uphold his veto.

Four years ago President Nixon promised he would bring us together. Today he has brought us together because this coalition started coming into being when he introduced his budget, and all of these organizations read, with incredulous shock, that he was striking down virtually all of the programs which get at the root problems which beset our Nation.

The President's budget contains a series of broken promises which had been made to the people of this Nation. Those who will suffer most from those broken promises will be the poor, the elderly, our school children, and our youth. Those who will pay for them will be the local property taxpayers.

The President says we must prevent inflation and avoid a tax increase. We do not quarrel with him on that score. We do quarrel with him on where he thinks budget cuts should be made. We don't think the President's budget will prevent a tax increase. It will shift the load to the local taxpayers. This is a much more regressive tax burden than funding them through the progressive Federal income tax.

What should be the number one priority in urban and rural America becomes the lowest priority in the President's budget.

Programs for cities were slashed from $4.2 billion to $2.7 billion. Programs affecting the rural and city poor, the elderly, the unemployed, our school children and the young, were slashed by $7 billion.

At the same time, the total budget was being increased by $11 billion, including an increase by $4.7 billion for the second biggest Pentagon budget in history, even after our withdrawal from Vietnam.

In fact, what we may be seeing is the Vietnamization of the crisis in urban and rural America. The President sent Henry Kissinger to negotiate a withdrawal from Vietnam, but no one was sent to urban and rural America to notify them of his national withdrawal of resources from the battle to overcome the domestic crisis in our cities, our schools, and in rural America.

As Mayor Hatcher of Gary has stated:

"I realize, and I hope that the national administration and the Congress do, that as a moral and practical matter our society cannot raise the expectations of the downtrodden in this Nation and then dash those expectations. For no amount of rhetoric changes the fact that in so doing this country would be daring an understandably desperate people. It would be inviting them to abandon what little hope they have in our system of laws. It would be taking a reckless gamble with the stability of this Nation. It would be inflaming and compounding the indignities which the have-nots are systematically subjected to."

Behind all the sleight of hand in the budget cuts, the vetoes and the impoundments a vast shell game is being played on the American people. For example, just recently the White House announced that summer youth programs could be financed by the cities if they took the funds from public employment programs. We can rob Peter to pay Peter, particularly if they come from the same family.

We intend to expose such cruel hoaxes which have been perpetrated upon the forgotten majority in our cities and rural areas.

The specific objectives of the coalition are:

1. To organize broad-based local coalitions in communities throughout the Nation to fight for additional resources for domestic programs and to support Congress in its struggle to maintain the balance of power between the executive and legislative branches.

2. To perform clearing-house functions at the national level which will provide current information and direction, as well as encouragement to its counterparts at the local level.

3. To help formulate a national legislative strategy promoting the coalition's goal and to mobilize a groundswell of support throughout the country for such legislation.

A number of congressional efforts are now underway to restore domestic and human needs programs.

The coalition particularly supports priorities, resolutions and congressional hearings on national priorities which emphasize that within a fiscally responsible national budget reductions in unnecessary military and space expenditures can yield billions desperately needed for our human programs at home.

Directors: Coalition for Human Needs and Budget Priorities

Henry W. Maier, Chairman, Mayor of Milwaukee, Past President, U.S. Conference of Mayors.

Albert E. Arent, Esq., Stewart Bramborg, Wilderness Society,* Lucy Wilson Benson, League of Women Voters,* David Brower, Friends of the Earth, Hodding Carter, Jr., Delta Democrat Times, Rev. W. Sterling Cary, National Council of Churches, Gail Cincotta, National Peoples Action on Housing, Bronson Clark, American Friends Service Committee, Wilbur Cohen, Robert Coles, Jack Conway, Common Cause, Msgr. Lawrence Corcoran, National Conference of Catholic Charities, Sr. Carol Coston, Network, Bernice Crawley, National Tenants Organization.

Nelson Cruikshank, National Council of Senior Citizens, Inc., Tony Dechant, National Farmers Union, Marian Edelman, Washington Research Project, Frances T. Farenthold, National Women's Political Caucus,* Irwin France, Model Cities Directors Association, Elizabeth S. Genne, Young Women's Christian Association of America, Mayor Kenneth Gibson, Mayor of Newark, N.J., Fannie Lou Hamer, Freedom Fund Foundation, Clairie Harvey, Church Women United, Fr. Theodore Hesburgh, Notre Dame University, Rev. Jesse Jackson, Operation PUSH, Vernon Jordan, National Urban League, Rear Adm. Gene Larocque, USN (Ret.), Center for Defense Information, Allard Lowenstein, Americans for Democratic Action.

Bill Lucy, American Federation of State, County and Municipal Employees, Burke Marshall, Yale Law School, Fr. Albert McKnight, Southern Cooperative Development Fund, General John F. McMahon, Volunteers of America, Arnold Miller, United Mine Workers of America, Rt. Rev. Paul Moore, Jr., Episcopal Diocese of New York, Layton Olson, National Student Lobby, Terry Sanford, Duke University, David Seldon, American Federation Teachers, Rabbi Henry Siegman, Synagogue Council of America, John Silard, Esq., Project on Budget Priorities, Floyd Smith, International Association of Machinists, Margery Tabankin, Youth Project, Francisco Trilla, Puerto Rican Association for National Affairs, Paul Warnke, Robert C. Weaver, Leon Weiner.

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*Organization listed for identification purposes only.

Raymond Wheeler, Southern Regional Council, Mayor Kevin White, Mayor of Boston, Mass., George Wiley, Movement for Economic Justice, Leonard Woodcock, United Automobile Workers, Vicente Ximenes.

[From the CONGRESSIONAL RECORD proceeding and debates of the 93d Congress, First session, Washington, Tuesday, March 6, 1973]

SENATE CONCURRENT RESOLUTION 14—SUBMISSION OF A CONCURRENT RESOLUTION RELATING TO NATIONAL PRIORITIES

(Referred to the Committee on Government Operations.)

Mr. HUMPHREY. Mr. President, I am introducing today a resolution on national priorities that I believe will help prevent an era of retrenchment and retreat in the pressing domestic problems in our country.

This resolution would call for a fiscally responsible Federal budget for fiscal 1974 while at the same time placing the Congress clearly on record for reduced military expenditures and a reformed tax system. It would provide a means for meeting our domestic needs in public employment, health care, urban rehabilitation, rural economic development, housing, education, and pollution control.

Mr. President, this resolution squarely challenges the assumption that, in a time of peace, the United States must have a bigger and higher military budget. It certainly is an ominous sign that at the time when the energies so long postponed by the Vietnam war should be turned to the problems at home, the fiscal year 1974 budget ushers in an era of domestic retreat.

We saw the same thing happen after the Korean war in the 1950's. We should have moved ahead then—on our domestic problems. We did not, and in part, the problems of the 1960's resulted from the indifference of the 1950's.

We simply cannot allow that to happen in the 1970's.

Under my resolution, we can take the first step toward meeting the responsibilities of the 1970's.

This resolution expresses the sense of Congress that $5 to $7 billion can be pared from the military budget in such areas as weapons procurement, weapons research and development, and by economizing in foreign assistance and space programs, and that through the elimination of unwarranted tax preferences in the internal revenue code another $5 to $7 billion in revenues can be produced.

We can use these funds to promote full employment, quality education and health care, environmental protection, safe and improved living conditions in urban and rural areas, and equal opportunity for all Americans.

We can do these things while at the same time providing, through a fiscally responsible Federal budget, for the promotion of national security, stable prices, and tax justice. We can place the additional dollars realized through the paring of nonessential defense expenditures and the elimination of unwarranted tax preferences, into programs to meet vital domestic human needs.

In short, through a rearrangement of priorities, we can fund some of the programs that the Nixon administration refuses to fund.

And, we can do so without increasing the Federal deficit.

Mr. President, I am asking for nothing more than that the Congress apply the same standards toward defense, space, military assistance, and tax subsidy budgets that the President has applied to domestic programs.

We have streets that need repair. We have critical air and water pollution problems to solve. We have poverty and racial injustice to overcome. We have massive housing and transportation problems. We have serious health needs and educational needs.

These are the priorities before us. These are the challenges of our time. And we must seize the opportunity now to target Federal funds effectively in serving these vital national interests. That is the purpose of my national priorities resolution.

I ask unanimous consent that a copy of my resolution be printed at this point in the RECORD.

There being no objection, the concurrent resolution was ordered to be printed in the RECORD, as follows:

S. CON. RES 14

Resolved by the Senate (the House of Representatives concurring), Expressing the sense of Congress that certain economizing and tax reform measures shall be taken to assure through a fiscally responsible Federal Budget for Fiscal 1974 effective action to promote national security, stable prices, tax justice, full employment, quality education and health care, environmental protection, safe and improved living conditions in urban and rural areas, and equal opportunity for all Americans.

Whereas the Constitution of the United States places the power of the purse in the Congress of the United States and requires the President to "take care that the laws be faithfully executed," and

Whereas it is in the national interest that the Legislative and Executive Branches work in harmony to promote prosperity and opportunity for the American people, and

Whereas the priorities, revenue policies and spending decisions of Federal Government play a critical role in assuring the health of the economy, equal opportunities for all citizens, a secure national defense, and a high quality of public services, and

Whereas control of inflation requires fiscal responsibility, the avoidance of unjustified deficit spending and the most prudent use of taxpayers' dollars, and

Whereas the Federal Budget for Fiscal 1974 and future budget projections call for the expansion of military programs but the elimination or drastic reduction of some $14 billion in domestic programs annually notwithstanding the cessation of hostilities in Vietnam, and

Whereas it is estimated that the Administration's budget requests for military, foreign assistance and space budgets can be reduced by between $5 to $7 billion without danger to our national security and without jeopardizing our international commitments, and

Whereas it is recognized by Treasury Department officials, the appropriate Committees of Congress and recognized experts that minimal, long overdue tax reform can produce $5 to $7 billion in new revenues and without increasing the tax burden of the average taxpayer, and

Whereas unilateral elimination or reduction by the Executive of federal domestic programs, contrary to law, without thorough evaluation of those programs by the Legislative Branch neither serves the national interest nor complies with the spirit or letter of the Constitution: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that (1) equally rigorous economies shall be applied by Congressional review to military, foreign assistance, space programs, and unwarranted tax preferences.

(2) Congress shall set as a target for action the proposed Federal Budget for Fiscal 1974, by the relevant committees with respect to

(a) the realization of savings of $5 to $7 billion by paring unneeded weapons procurement, weapons research and weapons development, by reducing excessive forces in the military, and by economizing in foreign assistance and space programs, and (b) the elimination of unwarranted tax preferences in the Internal Revenue Code, to produce additional revenues of $5 to $7 billion.

(3) These budgetary resources—all within a fiscally responsible and non-inflationary budget ceiling as developed by the Congress—shall be redirected to promote full employment, quality education and health care for citizens, environmental protection, safe and improved living conditions in urban and rural areas, and equal opportunities for all Americans, with particular but not exclusive emphasis given to providing for health care and national insurance coverage of health care costs for all Americans, expanded public service job opportunities, improvements in public assistance and social services programs, increased federal assistance for housing, education, and the rehabilitation of urban areas, adequate law enforcement, the promotion of rural economic development, and new programs designed to improve the living conditions of American working families.

HUBERT H. HUMPHREY,
U.S. Senator.

THE CHARLESTON TRIDENT CHAMBER OF COMMERCE 1973 LEGISLATIVE INTEREST SURVEY

Mr. THURMOND. Mr. President, the Charleston, S.C., Trident Chamber of Commerce recently completed its 1973 legislative interest survey. The survey was mailed to each of the chamber's 2,200 members.

There are two specific issues mentioned in the survey which stand out and deserve recognition. Over 92 percent of those polled indicated they opposed establishing a federally guaranteed minimum income for all families in the United States. Also, more than 80 percent voted no on the question, "Shall the President of the United States be required to expend funds for projects authorized and funded by Congress?"

Mr. President, the conclusions illustrated in this survey should be brought to the attention of my colleagues and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the survey was ordered to be printed in the RECORD, as follows:

1973 LEGISLATIVE INTEREST SURVEY

DEAR MEMBER. Some of the legislative proposals affecting business which are expected to receive Congressional attention in 1973 are described briefly below. Your Chamber's legislative committee would like to know which of these issues are most important to members, so it can concentrate its efforts on those issues. It will be most helpful if you will take a minute to indicate on this questionnaire whether each issue is of "major concern" or of "minor concern" to you, and return it promptly to your Chamber.

[In percent]

Congress is expected to consider legislation that would—	Major concern	Minor concern	Optional[1]	
			For	Against
LABOR RELATIONS				
1. Boost the minimum wage substantially, extend coverage, and remove many overtime exemptions	67.0	33.0	11.8	88.2
2. Amend the Occupational Safety and Health Act, so as to make it more responsive to the needs of worker safety without placing unnecessary restrictions on employers	63.5	36.5	86.5	13.5
3. End 1 form of Government strike subsidy by curbing distribution of food stamps to strikers	67.0	33.0	87.2	12.8
4. Repeal Davis-Bacon Act, with its "prevailing wage" concept that permits the Secretary of Labor to set wage rates that result in higher-than-necessary costs in Federal and federally assisted construction projects	35.6	64.4	87.4	12.6
5. Set up permanent procedures for dealing with transportation emergency disputes	51.0	49.0	95.0	5.0
GOVERNMENT OPERATIONS—TAXATION				
6. Eliminate or modify many so-called tax preferences through tax policy review and reform	45.7	54.3	80.0	20.0
7. Reform the congressional budgetary and appropriations process so as to achieve Federal budget control	58.5	41.5	89.8	10.2
8. Increase the effectiveness of Federal programs, and reduce wasteful duplication and overlapping of related programs, by consolidating and coordinating Federal Government activities through executive branch reorganization	68.8	31.2	94.2	5.8
9. Impose new lobbying controls that would require many businessmen, firms, chambers, and associations who express their legitimate interest in pending legislation to register as lobbyists, and to file detailed reports on their legislative activities	25.6	74.4	77.3	22.7
10. Institute a national value-added tax, possibly as a partial substitute for local property taxes	53.8	46.2	46.7	53.5
CONSUMER AFFAIRS				
11. Create a new independent Consumer Protection Agency with broad powers to intervene as a consumer advocate in the proceeding of other Federal agencies and the courts, and to act as a clearinghouse for consumer complaints	38.6	61.4	41.5	58.5
12. Give the Federal Trade Commission (FTC) sweeping new powers to issue trade regulation rules having the force of laws, and set Federal standards for warranties on consumer products in a combined FTC powers-warranties bill	43.7	56.3	28.0	71.3
13. Authorize unlimited consumer class suits in Federal courts—thus permitting a few consumers to bring suit on behalf of all consumers in the Nation allegedly suffering similar damages	42.1	57.9	28.0	72.0
ECONOMIC SECURITY				
14. Impose more Federal regulation and higher costs on private pensions by setting Federal standards for their operations in such areas as vesting, funding, or reinsurance	39.8	60.2	22.9	77.1
15. Set Federal standards for the States' unemployment compensation benefits; extend coverage to farm employees; liberalize extended benefits (27 to 39 weeks); continue emergency benefits (40 to 52 weeks); create special UC benefits for those unemployed as result of ecological programs, cutbacks in Government contracts, or foreign imports	51.0	49.0	8.7	91.3
16. Set costly Federal standards for the States' workmen's compensation benefits	58.2	41.8	9.2	90.8
17. Propose welfare reform by—among other things—establishing a federally-guaranteed minimum income for all families in the United States	79.8	20.2	7.6	92.4
ECONOMIC SECURITY—Continued				
18. Institute a compulsory national health insurance program covering cradle-to-grave health care	63.7	36.3	14.3	85.7
19. Set up a catastrophic health insurance program, financed by payroll taxes, that would pay most medical bills—after a certain "deductible" has been incurred	60.9	39.1	17.9	82.1
20. Provide Federal funds to support and expand various forms of health maintenance organizations (most commonly, physicians working in prepaid group practices)	39.8	60.2	14.3	85.7
ENVIRONMENT AND NATURAL RESOURCES				
21. Institute a Federal permit system to control surface mining operations	15.6	84.4	73.9	26.1
22. Establish a national energy policy, and make functional changes in Federal departments and agencies concerned with various forms of energy resources	35.2	64.8	78.9	21.1
23. Provide Federal guidelines for State and regional agencies to follow in powerplant siting	18.3	81.7	52.3	47.7
24. Create a revolving fund—financed by placing an extra charge on a product or its packaging—to aid States in planning and constructing solid waste disposal facilities	33.7	66.3	43.2	56.8
INTERNATIONAL				
25. Give the President new trade negotiating authority to seek reduction or removal of foreign trade barriers	34.5	65.5	77.0	23.0
26. Expand Federal programs that provide adjustment assistance to firms and workers injured by imports	22.1	77.9	28.7	71.3
27. Adopt trade and investment restrictions that would curb the transfer of U.S. capital and technology to other countries, and impose government controls on all phases of world trade and investment	32.9	66.1	44.6	55.4
28. Broaden existing programs and set up new programs to promote export expansion	40.2	59.8	88.8	11.2
29. Ease present restrictions on East-West trade	28.9	71.1	71.1	28.9
COMMUNITY AFFAIRS				
30. Consolidate and streamline numerous Federal housing-urban development programs	52.7	47.3	89.5	10.5
31. Divert, for the first time, some of the user-taxes paid to finance the Federal-aid highway program to mass transit systems in urban areas	60.0	40.0	75.0	25.0
32. Authorize a tax credit to parents of students who are obtaining their education in private nonprofit elementary and secondary schools	63.9	36.1	79.5	20.5
33. Provide incentives and guidelines to States for controlling public and private land use	58.0	42.0	54.8	45.2
34. Under the administration's special revenue sharing programs, consolidate more than 130 separate Federal grant programs into 6 block grants—education, manpower, law enforcement, transportation, urban development, and rural development	57.3	42.7	95.7	4.3
COMMERCE AND INDUSTRY				
35. Extend the Economic Stabilization Act, which authorizes wage-price controls	65.9	34.1	57.7	42.3
36. Establish a new Commission, under the Industrial Reorganization Act, with sweeping authority to break up larger business firms	50.6	49.4	22.2	77.8
37. Provide for orderly changeover to the International Metric System of measurement	37.1	62.9	72.3	27.7
38. Ease some restrictive regulatory practices, facilitate rate adjustments, and make loan guarantees to financially-troubled railroads, motor carriers and, inland barge lines under the Surface Transportation Act	36.9	63.1	69.7	30.3
39. In the future shall the President of the United States be required to expend funds for projects authorized and funded by Congress			19.8	80.2

[1] Obviously, space does not permit "pro and con" arguments. If you are already familiar with the issue, however, it will be helpful if you indicate whether you are "for" or "against."

BRIEF OF SENATOR BARRY GOLDWATER ON EFFECTS TO U.S. CITRUS EXPORTS FROM ENLARGEMENT OF COMMON MARKET

Mr. GOLDWATER. Mr. President, the President's Trade Information Committee began a 3-day schedule of hearings in Washington today on the effect which the enlargement of the Common Market might have on U.S. trade. The information gathered by this important interdepartmental committee, headed by a chairman of Ambassadorial rank, will be used by U.S. negotiators who are already meeting in Europe with their Common Market counterparts on this matter. Our negotiators are pressing the U.S. case for concessions and relief due our country on account of the forthcoming application within the United Kingdom, Ireland and Denmark of certain discriminatory and restrictive trade practices now followed by the Common Market Community.

Mr. President, in this connection, it was my pleasure to furnish a written brief to the Trade Information Committee at its opening session this morning which documents the severe damage which will befall U.S. exports of fresh citrus into Europe as a result of the extension of certain illegal and discriminatory Common Market trade practices into the three accession countries and which further threatens to lead our competitor citrus producing countries into diverting a large portion of their exports into America's own historical home markets. Also, my brief includes a recommendation that our Government should, in the course of its current negotiations, pursue reaching an agreement with the Common Market on a rate of zero duty for citrus imports into the European community as the only recourse which will truly save our citrus export industry in the giant European consumer market.

Mr. President, in view of the great interest which this subject holds for a major Southwestern and Florida industry, and the important bearing which it has on the course of free trade in the world, I ask unanimous consent that the brief be printed in the RECORD.

There being no objection, the brief was ordered to be printed in the RECORD, as follows:

[Before the Office of the Special Representative for Trade Negotiations, Trade Information Committee, Docket No. 73-2]

BRIEF OF SENATOR BARRY GOLDWATER

I. INTRODUCTION

This brief is filed for Senator Barry Goldwater by counsel. As a United States Senator from the State of Arizona and a native of the area he represents, Senator Goldwater has a strong interest in any Governmental efforts directed towards the removal of discriminatory trade barriers against exports of fresh citrus.

In view of the severe injury now being and about to be suffered by the Arizona citrus industry (described *infra*) as a result of discriminatory practices of the European Economic Community, and in accordance with the notice published in the Federal Register on March 9, 1973, Senator Goldwater decided to submit a brief presenting information which might be useful in connection with the Government's ongoing negotiations with the European Communities for the replacement of concessions accorded previously by Denmark, Ireland and the United Kingdom.

II. BACKGROUND ON ARIZONA CITRUS INDUSTRY

Arizona is the second largest fresh citrus exporter in the United States. Overall, Arizona growers marketed 1,127,000 cartons of Navel oranges,[1] 8,118,000 cartons of Valencia oranges,[2] 6,105,000 cartons of lemons,[3] and 5,327,223 cartons of grapefruit [4] in the 1971–1972 season. This represented a total packing house return to Arizona growers of $26,482,000.[5]

Of this quantity, Arizona exported to the six-nation EEC 200,000 cartons of Valencia oranges, 400,000 cartons of lemons, and 50,000 cartons of grapefruit.[6] In terms of dollar value, Arizona orange exports to the EEC represented $460,000 in 1971–1972, lemon exports represented $1,200,000, and grapefruit exports represented $100,000.[7]

A distinguishing characteristic of Arizona orange production is that its Navel orange season begins in November and ends by March 1 and its Valencia season begins with the first week of February and ends by late June. This peculiar fact of nature creates added problems affecting the export of Arizona oranges and is discussed *infra*.

Total employment in the Arizona citrus industry exceeds 5,000. This total includes 1,270 employees of packing plants, 3,000 pickers, 100 sales and administration personnel, and 1,200 agricultural workers employed by growers year around.[8]

In addition, there are at least 500 Arizona growers with sales of $2,500 or more, the greater number of whom are composed of families.[9]

The combined 1972 payrolls put out by Arizona growers and Arizona packing houses for citrus workers was $16,071,000.[10]

III. CONDITIONS OF ACCESS OF U.S. CITRUS EXPORTS INTO U.K., DENMARK AND IRELAND

A. Tariff—

The rate of duty of both Denmark and Ireland is zero in the case of all categories of fresh citrus imports.

The United Kingdom sets a duty of 4.2% equivalent from April 1 to November 30 and 5% from December 1 to March 31 in the case of oranges. The U.K. duty on mandarines and clementines, and lemons, is 5% year around. The U.K. rate on grapefruit is 5% yearly.

In comparison, the EEC rate of duty on oranges is 15% from April 1 to October 15 and 20% from October 16 to March 31. The EEC also maintains a rate of 20% on mandarines and clementines annually. The EEC annual duty on lemons is 8% and on grapefruit is 6%.

B. Preferential Tariff—

The EEC presently restricts fresh citrus imports by granting special reductions in the rate of duty to several Mediterranean area countries. Since August of 1969, Tunisia and Morocco have enjoyed an 80% reduction (or "preference"). Spain and Israel have been given a 40% preference in some months of each year beginning with September of 1969. In December 1972, the EEC also signed a 40% preferential agreement with Lebanon, Cyprus, and the United Arab Republic.

Furthermore, on the basis of information received by counsel for Senator Goldwater during two recent investigations in Europe, Senator Goldwater believes the EEC is renegotiating these earlier agreements with a view to increasing the preferences of all countries granted less than an 80% reduction.

None of the three accession nations now grant a preference to any of these Mediterranean citrus producers.

C. Reference Price System—

Another destructive trade practice now used by the EEC is the reference price level system. By this system, the EEC requires that prices for fresh citrus be maintained at not below the level of a certain reference price. If the price of an export nation's fruit does fall below the reference level, that nation is penalized by the withdrawal of any preference to which it would otherwise be entitled.

The practice is destructive of the normal world trade flow because it causes unnatural diversions of exports by preference-receiving nations to other markets which they would not usually penetrate but for the compulsion to maintain the reference price within the EEC. By reducing its shipments to the EEC and diverting them elsewhere, the exporter nation can help preserve the proper price level for his fruit in the EEC through creating an artificial shortage there.

IV. EFFECTS UPON U.S. EXPORTS

A. General Background on Damage to U.S. Exports—

The accession of the U.K., Denmark and Ireland into the European Economic Community will only aggravate the enormous damage already being caused to U.S. fresh citrus exports by the restrictive and discriminatory EEC trade practices.

The extent of this damage has been documented by Senator Goldwater in his brief and testimony by counsel before the February 1973 hearing of the Trade Information Committee. The information contained in that brief is hereby incorporated by reference into the present brief. That earlier brief is attached as Exhibit 1.

In summary of the information presented there, U.S. fresh orange sales have declined sharply since the EEC preference system was inaugurated in late 1969. For example, U.S. exports of fresh oranges to the EEC in 1972 were down by 51%, from $14.23 million to $7.03 million, from the last pre-preference year of 1969.[11]

The injury has been especially severe during the early shipping season when Arizona fruit is at the peak of its quality and availability. From March through May of 1972, all U.S. fresh orange shipments to the EEC were *two-thirds less* than in the same months of 1969.[12] Arizona Valencia orange exports, which occur entirely within the early months, were down in value from $890,000 in 1969 to $460,000 in 1972.[13] Even Arizona grapefruit exports to the EEC had fallen 50% from $200,000 in 1969 to $100,000 in 1972.[14]

B. Effect of Higher Rate of Duty—

Clearly, a rise in duty to 15–20% from zero, as will occur in Denmark and Ireland, or even from 5%, as will happen in the U.K., will act as a deppressant on sales. A higher duty, especially a rise of this magnitude, means higher consumer prices. Higher consumer prices cuts consumer sales.

The U.S. now exports at least $709,000 of fresh oranges, $480,000 of lemons, and $139,000 of grapefruit to the U.K., Ireland and Denmark.[15] In terms of quantity, this breaks down as 8,842,000 lbs. of orange exports, 4,940,000 lbs. of lemons, and 1,487,000 lbs. of grapefruit.[16]

These U.S. citrus sales are especially vulnerable to the burden of higher consumer prices. Our U.S. fruit is of a high quality in texture, shape, taste and peelingness, and it sells at a premium price. Thus, our fruit is high priced already by its very nature. A further price rise because of unnatural reasons, such as a technical trade barrier, might price a sizable portion of our fruit right out of the market.

Therefore, even if our fruit arrived on equal terms with the other producing countries' fruits, we would suffer the most from the higher rates of duties.

C. Effect of Preferential Duty—

The erection of a preferential duty system in the three accession nations will further aggravate the existing severe disruption of U.S. fresh citrus exports. The spread of this system to additional countries within the general European area may well accelerate the ominous trend toward the total destruction of the U.S. citrus export industry within Europe which began with the establishment of this system in the original six EEC countries in late 1969.

U.S. producers, who already must cope with the great natural disadvantages of longer shipping distances and times and higher labor costs, simply cannot survive under the added problem of a discriminatory tariff rate which enables our Mediterranean competitors to start off with a landed cost which is almost $1.00 less per carton than the cost U.S. producers must pay.

Moreover, it should be recognized that the U.K. is one of the world's largest fresh citrus importing areas. The potential U.S. share of the Valencia orange market, for example, is at least triple our current 4.4% market share. In Denmark, also, the present U.S. share is 15%, but our potential share is at least 25%.

These conclusions are based on field investigations by counsel to Senator Goldwater in late 1972 and assume normal conditions in which the markets for our high-quality U.S. fruit could be developed through more forceful marketing efforts and a stable flow of shipments.

But U.S. fruit will not be shipped under normal conditions because of the forthcoming application by the three accession nations of the highly discriminatory and restrictive preferential duty system of the EEC. Thus, not only will our current $1.33 million citrus export market suffer in these three nations, but our once realistic opportunity to gain a higher market share in these nations will be destroyed as well.

The Mediterranean preference nations now ship large amounts of fresh citrus to the

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Footnotes at end of article.

U.K., Ireland and Denmark and clearly will benefit from preferences in these countries. The table below lists the volume of fresh citrus exports by the three largest Mediterreanean producers to the U.K. and Ireland and to Scandinavia. It is proof positive that these producing nations now penetrate the geographical areas where the preferences will be extended and are well positioned to gain full competitive advantage of the preference.

MEASURE OF MEDITERRANEAN FRESH CITRUS EXPORTS TO THE UNITED KINGDOM-IRELAND, AND SCANDINAVIA, 1971-72 SEASON

[In thousands of metric tons]

	Spain	Morocco	Israe
United Kingdom-Ireland:			
Clementines	30.4	7.6	
Oranges	70.0	14.0	176.0
Lemons	1.4		1.6
Grapefruit	.1	.1	50.6
Scandinavia:			
Clementines	17.4	12.4	
Oranges	35.0	15.0	114.0
Lemons	.1		3.8
Grapefruit			10.8

Source: Dunand et Cie, Paris.

D. Effect of Reference Price System—

As discussed above, the extension of higher duties on fresh citrus, accompanied by preferential tariff reductions for competitor nations, raises a serious threat of destroying the entire U.S. citrus export market within Europe.

The real danger posed once the three accession nations adopt the EEC trade rules goes much further. Because of the reference price system of the EEC, there is a serious possibility the Mediterranean preference nations will begin competing on a large scale with the U.S. citrus industry right here in our own home markets.

According to information given to counsel to Senator Goldwater from reliable business and governmental specialists in Europe who are involved with the citrus trade, the U.K. had been a favorite market to which the preference countries would divert their oversupplies in order to keep their prices up to the reference level of the EEC. But once the reference price system becomes effective within the U.K. itself, the preferred nations will have to seek more distant markets to which they can rechannel their fruit. The most likely targets of this diversion would appear to be Canada and the United States, the two largest consumers of American citrus production.

The Mediterranean producers are fully as capable of marketing across the Atlantic as we are. Right now Israel, for example, enjoys 4.3% of the Canadian market for fresh oranges.[17] In 1970-71, Canadian imports of Israeli oranges totaled 19 million lbs.[18]

Thus, the Mediterranean countries can and do sell in the traditional home markets of U.S. citrus producers. The threat of their encroachment into these markets on a large scale will become very much a real one shortly when the EEC trade procedures take effect in the accession nations.

V. RELIEF REQUIRED

The livelihood of U.S. citrus growers and citrus workers will not be preserved by a mere one-time compensation for the proven damage and prospective damage to their exports. Nor will it do the citrus industry any good to witness concessions with regard to some other enterprise. The American citrus industry will not even benefit from retaliation against any EEC commodities.

Instead, the basic U.S. goal at any negotiations involving the U.S.-EEC citrus trade should be zero duty for fresh citrus items. This is the only guarantee against further discrimination toward our citrus fruit under one guise or another.

In the short run, the immediate relief which may save American fresh citrus exports long enough for a settlement to be reached on a zero duty is a reduction in the tariff rate to no more than 5% starting with March 1 of this year, applied retroactively.

Anything less or longer delayed may bring about the complete destruction of the U.S. fresh citrus market in the EEC and Europe at large, together with an unnatural increase in competition at home from Mediterranean preference countries.

In Arizona alone, the collapse of the European export market, based on pre-preference data, would mean the loss of sales equal to 13.6% of the entire present Arizona citrus labor payroll.[19] For the Southwestern citrus industry as a unit, which exports nearly one-third of its fresh citrus sales, the loss of the European market would be valued at a loss of $26,513,000,[20] based on 1972 data.

The U.S. Government must act promptly to protect the American fresh citrus industry or we will have no export industry left in Europe to protect, and a dwindling one even at home.

FOOTNOTES

[1] Orange Administrative Committee.

[2] *Id.*

[3] Lemon Administrative Committee.

[4] Grapefruit Administrative Committee.

[5] Growers Statistical Association.

[6] *Id.*

[7] *Id.*

[8] Agricultural Labor Producers Committee.

[9] 1969 Census of Agriculture, Arizona, vol. 1, part 43, at 23, 277.

[10] Agricultural Labor Producers Committee.

[11] Foreign Agricultural Service, U.S.D.A.

[12] Letter from the Honorable Carroll G. Brunthaver, Assistant Secretary, Department of Agriculture, to Barry M. Goldwater, Aug. 14, 1972.

[13] Growers Statistical Association.

[14] *Id.*

[15] Foreign Agricultural Service, U.S.D.A.

[16] Growers Statistical Association.

[17] Dominion Bureau of Statistics, Catalogue.

[18] *Id.*

[19] See text at notes 1-10.

[20] Foreign Agricultural Service, U.S.D.A.

Exhibit 1

[Before the Office of the Special Representative for Trade Negotiations Trade Information Committee, Docket No. 73-1]

BRIEF OF U.S. SENATOR BARRY GOLDWATER

I. INTRODUCTION

This brief is filed for U.S. Senator Barry Goldwater (hereinafter referred to as the "witness") by counsel. The witness is a Member of the United States Senate from the State of Arizona, which is one of the two largest fresh citrus exporting areas in the United States, being second in volume of exports only to California.

Citrus is truly a major industry in Arizona. During the season of 1970-1971, Arizona growers marketed $9,016,100 of oranges and tangerines, $11,928,200 of lemons, and $3,366,080 of grapefruit.[1]

During the 1971-1972 season, Arizona growers shipped 1,127,000 cartons of Navel oranges;[2] 8,118,000 cartons of Valencia oranges;[3] 6,105,000 cartons of lemons;[4] and 5,327,223 cartons of grapefruit.[5] This represented a total packing house return to the growers of $26,482,000.

A distinguishing characteristic of Arizona orange production, which is of the desert variety, is that its Navel season generally ends by March 1 and its Valencia season generally concludes by July 1.[6] This fact of nature creates unique problems for the export of Arizona fruit, problems which will be discussed further below.

II. EEC PREFERENTIAL TARIFF SYSTEM

The particular trade arrangement under examination is the agreement between the European Economic Community (hereinafter referred to as the EEC) and the United Arab Republic effective January 1, 1973. This agreement grants a 40% reduction (or preference) to the UAR in the common external tariff on fresh oranges and includes similar preferences for Egyptian lemons and grapefruit as well.

For purposes of this hearing, the UAR agreement cannot be viewed in isolation. It is but the latest of a series of trade arrangements between the EEC and various Mediterranean countries which discriminate against United States fresh citrus exports.

It is the total impact of these combined agreements that must be considered, for it is this total effect that threatens to destroy the entire U.S. fresh citrus export market within the EEC and Europe as a whole.

The list of EEC preferential agreements affecting citrus runs long. Since August of 1969, Tunisia and Morocco have enjoyed an 80% tariff preference. Spain and Israel have received a 40% preference in some months of each year beginning with September of 1969. On December 17, 1972, the EEC signed a 40% preferential agreement with Lebanon and on December 18, 1972, an additional such agreement with Cyprus. The UAR agreement was also concluded on December 18.

According to information received by counsel for the witness during two investigations in Europe during July and November of 1972, the EEC is also renegotiating its earlier agreements with Spain, Israel, Tunisia and Morocco with a view to increasing the preferences at least in the case of Spain and Israel.

III. EFFECT UPON U.S. FRESH CITRUS EXPORTS

A. Injury to Date—

The impact caused by the existing preferential agreements has been extremely destructive of U.S. fresh citrus exports to date.

Statistics compiled at the Rotterdam auction market show that U.S. sales of fresh Valencia oranges dropped by 435,000 cartons in the three month period of March through May, 1972, compared with the same period of 1969, which was the last pre-preference season.[7] This is a decline of 84% over the three preference years. At the same time, the over-all orange sales in the Rotterdam market increased by 16%, predominatly represented by increased sales of countries receiving a preference.[8]

Not only did U.S. fresh orange sales decline sharply during the spring season, but the preference-nations extended their sales into the traditional peak U.S. marketing season of June and July. The June 1972 figures out of the Rotterdam market disclose that U.S. fresh orange sales were down by 187,000 cartons compared with June of 1969, while the total Rotterdam market was up by 375,000 cartons. In July 1972 U.S. orange sales declined by another 51,000 cartons, but the total market rose by 100,000 cartons.[9]

Equivalent statistics for the EEC as a whole show the same massive disruption of U.S. exports. From March through May of 1972, U.S. fresh orange shipments to the EEC were only 434,000 cartons, two-thirds less than in the same period of 1969. Comparisons by dollar value are equally disturbing. U.S. exports of fresh oranges in the period of January through September 1972, were $6.7 million, down 53% from the $14.21 million of U.S. sales during the same months of 1969.[10]

In the words of Assistant Secretary of Agriculture, Carroll G. Brunthaver, "it is quite apparent that the tariff preference scheme has already injected a serious disturbance to our participation in the EC market. At this point, we can only concur that unless trade is restored to a Most-Favored-Nation (MFN) basis, particularly in the presence of an expanded EC, further erosion in U.S. exports to the Community is inevitable."[11]

Though U.S. exports of fresh lemons and grapefruit do not presently reflect the same plight as oranges do, there has been actual injury to these items as well. It is obvious the preferences have allowed the recipient-Mediterranean countries to market lemons and grapefruit at an artificially lower price

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Footnotes at end of article.

than they normally would have been in relation to the price of U.S. fruit. Undoubtedly this irregular price-spread assisted in promoting some Mediterranean sales to the detriment of the U.S. items.

Also, it is reasonable to project that greater amounts of U.S. fruit would have been consumed if it too could have been sold at a lower price. Regardless of how much the U.S. did sell, it is fair to say we would have sold more if the tariff portion of the sales price had been lower.

Moreover, some portion of the market price might have been returned to the growers if all U.S. citrus had entered the EEC at the most-favored-nation rate, even if the sales volume had remained the same.

Finally, it must be recognized that part of the present export level of U.S. lemons and grapefruit is sustained by temporary supply problems in the Mediterranean countries and that the chance of future losses in exports of these fruits is a real and serious possibility.

B. Prospective Injury—

The granting of preferences to three additional countries, combined with the adverse impact on citrus caused by enlargement of the EEC, will further aggravate the injury to U.S. exports.

The three new preference nations already are significant and expanding citrus exporters. The granting to them of a 40% preference can only stimulate these nations into additional citrus plantings, particularly of later varieties, as has occurred in the case of the other Mediterranean-preference countries.[12]

Published European data made available to the witness during counsel's investigations within Europe indicate the following present and future levels of citrus exports for the UAR, Lebanon, and Cyprus:

	Oranges and clementines	Lemons	Grapefruit
UAR citrus exports in metric tons:			
1971	90,000		
1972	100,000		
1973 [1]	130,000		
Lebanon citrus exports in metric tons:			
1971	132,000	45,000	2,300
1972	109,000	24,600	2,800
1973 [1]	124,000		
Cyprus citrus exports in metric tons:			
1971	132,000	24,900	44,200
1972	118,000	17,300	45,600
1973 [1]	131,000	26,000	48,000

[1] Projected.

Source: Dunand et Cie, Paris.

The above statistics demonstrate clearly that the UAR, Lebanon, and Cyprus are serious citrus exporting areas whose inclusion in the list of preference-receiving nations will add to the already considerable export problems of U.S. citrus growers.

The compounding of the present troubles of U.S. growers creates a dangerous situation with serious implications for both the U.S. citrus industry and the entire system of orderly, world-wide trade relations.

First, the existing EEC preference system discriminates cruelly against Arizona growers, whose usual shipment season ends with February in the case of Navel oranges and June in the case of Valencias. The continuation of the present duty preference system, accompanied by a high tariff rate of 20% in March and 15% in April and May, will literally destroy the European market for Arizona orange growers who must fight the full brunt of the preferences throughout almost all of their marketing season.

Airzona growers have sizable quantities of oranges available for marketing in Europe in the early months of March, April, and May and a strong desire to enter this sales period.[13] They can supply the market, if the discriminatory barriers are removed.

Second, the extension of the preference system to new countries, if left unchecked, may be just the added burden which destroys the entire American fresh orange market in Western Europe. The preference system has not only caused gigantic losses of five to seven and a half million dollars in sales of fresh oranges during each of the preference years, it threatens to drive U.S. orange exports entirely out of the European market.

The problem is that the Mediterranean countries receiving preferences are stimulated thereby to increase their planting of late citrus varieties and to delay their sales longer and longer into the usual U.S. season so as to gain the fullest advantage of the preferences.

This situation was predicted by Assistant Secretary of Agriculture Clarence D. Palmby who warned, in testimony before Congress, that:

"As the arrangements continue, the Mediterranean orange suppliers will have every incentive to expand production and stretch their marketing season well into that period when U.S. summer oranges come to European markets." [14]

Indeed, the situation could conceivably become so bad, in the opinion of certain growers, that the U.S. might lose its entire European market of oranges, lemons, and grapefruit. This could occur because of the interconnection between the ocean vessel charter arrangements which presently involve deliveries of all three fruits, often on the same ships.

Third, the further erosion of the fresh orange market in Europe for the farmers of the American Southwest would create an unusual source of oversupply on the domestic U.S. market which might in turn harm the Florida citrus industry.

Unlike the Florida industry, the Arizona and California citrus industry is predominantly fresh fruit oriented.[15] Of their total fresh citrus shipments, Southwestern growers export nearly one-third, with the EEC being our second largest export market.[16] If a major portion of this market is now destroyed, there is no question but that our growers will be forced to divert their excess production to the U.S. domestic market, either in the form of some additional fresh sales or, as seems likely, in the form of considerably increased processed sales.

Processed items presently constitute one hundred million dollars of Southwestern citrus sales [17] and facilities do exist for the expansion of this business. In fact, the highest volume, orange and grapefruit processing plant in the United States is located at Ontario, California.

However, it must be noted that our growers do not wish to divert an unnatural volume of their fresh fruit to the processed segment. Their fruit is sweet and easily peeled and primarily suited for eating as fresh fruit or use in making fresh juice. It would be a distortion of the nature of the Southwestern citrus fruit itself to send a great amount of it into processing and, due to the disproportionate costs of production compared with return, our growers would suffer losses by doing so.

Nevertheless, the Arizona and California growers would be compelled to turn to this outlet for their fruit should their European markets collapse, thereby bringing them into unusual competition with the Florida citrus processing industry and depressing the overall processing market for everyone in the trade.

Fourth, the ramifications of the preferential system stretch far beyond the citrus industry. Really, the entire structure of orderly world trade dealings is at stake. If the European Community can openly violate with immunity their solemn trade commitments in the case of fresh citrus, the EEC might well be encouraged to extend the same selfish behavior to the detriment of even larger U.S. industries.

There is much wisdom in a recent editorial by the Wall Street Journal which examines U.S.–EEC relations. This analysis takes the view that relatively smaller money industries, such as citrus, must not be treated as insignificant in the larger scheme of things.

The editorial warns:

"In fact, it would only lead to serious misunderstandings in the future if the United States, or the E.C., now shrugged off minor points instead of pressing them forcefully." [18]

By reminding the EEC that it is stepping on our toes, the analysis argues, the U.S. government would simply be working "to agree on the ground rules now, when the inherent costs to the rest of the world of Europe's special arrangements are small, or one day soon they will be large, and the commercial and political complexities will defy solution." [19]

IV. LEGAL OBLIGATION OF THE EEC

It is well settled the preferential tariff system used by the EEC is illegal. For example, during a colloquy between U.S. Senator Chiles of Florida and Ambassador Carl Gilbert at the 1971 Senate hearings, Senator Chiles asked:

"And that would answer the question, then, that all of these different staffs of all of the different Cabinets, agencies, that make up the [Trade Expansion Act Advisory] Committee, have all reached a similar determination that this has been preferential treatment, that it has been a violation of the GATT agreement, and therefore we are entitled to proceed if we want to under 252?" [20]

Mr. Gilbert responded, "Correct." [21]

The violation of GATT to which Mr. Gilbert and Senator Chiles were referring, of course, is a violation of Article I, the most-favored-nation provision. If a preference or advantage is given to one outside nation by the EEC, that preference must automatically be granted to the United States. There is no exception applicable to the agreement under consideration.

Some voices within the EEC have raised the pious claim that the preferential agreements are meant to serve as a kind of foreign aid in assisting the economic progress of underdeveloped countries, but the Europeans themselves have exploded this moralism. During the fall of 1972 the EEC openly revealed its selfish demands for preferential treatment for its own industrial products in return for giving preferential treatment for citrus. Such a policy would in effect create perpetual colonies out of the Mediterranean nations who would become increasingly dependent on the EEC for industrial items which their local economies would be discouraged from producing.[22]

The U.S. Government has raised this illegal action with the EEC, but the past response has been ineffective.

The EEC did announce a temporary reduction of the Summer Tariff on oranges to 8% from 15% on July 27, 1971, and did institute a temporary reduction of the tariff to 5% during June through September of 1972.

As discussed above, however, these partial steps have failed to restore U.S. fresh citrus exports to their normal level or even to halt the steep decline of U.S. exports. The steps totally ignore the special situation of the Arizona growing season and constitute a reckless disregard of Arizona growers.

V. RECOMMENDED U.S. RESPONSE

The new preferences for the UAR, Lebanon, and Cyprus build on a system of discrimination of long duration. The U.S. grower can only see further damage ahead, with the consequent disroding of the world's trade order. The situation has gotten worse, even after the special 5% Summer Tariff has been used for one season.

Footnotes at end of article.

In these circumstances, only the strongest of responses by the U.S. Government can have any effect. Our Government should, and is required to under section 252 of the Trade Expansion Act of 1962 and section 338 of the Tariff Act of 1930, resolve the illegal action by whatever means it takes to bring the Europeans about.

The U.S. citrus growers will not be bought off by compensation. Nor do they want to witness the mere retaliation against some European item which will supposedly equalize the dollar value of the damage to the United States. Our growers want, and demand, the firmest possible steps which will make the EEC bend, and finally restore to the United States the most-favored-nation rights to which it is entitled.

The Executive Branch often raises before Congress the special expertise which attaches to its experienced diplomatic corps from constant, day-to-day activities in the foreign relations sphere. The U.S. citrus growers are relying on this professionalism to achieve results. They will not tell you how to run your job.

But if the Executive Departments cannot find tactics that will work, Congress will likely take the reins out of your hands. Congress has acted once in this matter, when after action by the Senate Committee on Agriculture and the Senate Committee on Finance, the full Senate agreed to a Resolution (S. Res. 89) on April 1, 1971, calling upon the President to resolve the discriminatory EEC preferences within 60 days.

From personal knowledge, the witness can report that a large segment of the Congress is disturbed that the discrimination has not yet been ended. If international negotiations and international comity do not work, in the witness' opinion Congress will act on its own to legislate some other means that will work.

Congress is not impressed with the notion that better days may be ahead for the U.S. trade business once a new round of worldwide trade negotiations have been held and settled. Congress observes arbitrary practices which flagrantly discriminate against U.S. citrus growers and which get worse and worse. How can Congress believe in any promises or commitments which may be made at a future round of trade talks when the existing binding agreement of GATT itself is being violated with arrogance and thoughtless disregard for U.S. interests. Indeed, so long as the EEC neglects to adopt additional measures designed to remove the worst effects of the preferential citrus agreements, the witness strongly doubts Congress will pass any new trade legislation except of a protectionist nature.

The witness can only suggest a partial goal on the road to most-favored-nation treatment that at least has the quality of fairness toward Arizona growers. At the minimum, the witness recommends that the U.S. Government should strive for the immediate goal of reducing the CXT on fresh oranges to 5% beginning with March 1 of 1973. But the true goal of MFN for all citrus items must not be forgotten, and the witness believes Congress, as well as the U.S. citrus growers, expect that full U.S. trading rights will be restored in the near future.

In the course of negotiating this goal, the witness will rely upon the competence of U.S. officials in identifying steps which will achieve the necessary goal. However, one avenue the U.S. Government might explore is the application of stricter health and safety rules against U.S. imports of selected European items, such as wines. It is nearly a national disgrace now to realize that U.S. domestic wines are subjected to much harsher requirements than are wines imported from Europe.

For example, blue fining, which might leave a trace of cyanide, is outlawed in the United States. Nevertheless it is used with respect to some wines imported into this country from Europe. U.S. wineries must identify and prove from meticulous record-keeping that more than 50% of a wine varietal named on a particular label is used in that bottle. European winemakers are exempted from this U.S. record-keeping requirement. Such discrepancies in U.S. laws might well be investigated across the board.

The extension of a 5% duty in the months of March, April, and May, as suggested by the witness, cannot have any appreciable impact on Italy, the only citrus producing member of the EEC. Italy currently markets only about 2% of the fresh oranges imported into the expanded EEC,[23] although it could obtain a subsidy at Rotterdam and other markets if it chose to export more. A high portion of Italian orange production is of the blood orange variety, which frankly is not so popular in the other countries of Western Europe.

Another important consideration is the fact that about 84% of the oranges now sold within the enlarged EEC is produced in countries receiving a preference.[24] Surely granting an equivalent advantage to the remaining 16% of imports will not have any significant economic impact on Italian orange sales.

In conclusion, the witness recommends the U.S. Government act and act swiftly to protect the trading rights of U.S. citrus growers while there is still an export market in Europe to defend.

FOOTNOTES

[1] Arizona Agricultural Statistics (March 1972).

[2] Orange Administrative Committee.

[3] *Id.*

[4] Lemon Administrative Committee.

[5] Grapefruit Administrative Committee.

[6] Orange Administrative Committee.

[7] Rotterdam Auction daily sales catalogs (1969, 1972).

[8] *Id.*

[9] *Id.*

[10] Letter from the Honorable Carroll G. Brunthaver, Assistant Secretary, Department of Agriculture, to Barry M. Goldwater, Aug. 14, 1972.

[11] *Id.*

[12] See text, *infra*, at note 14.

[13] See letters from Arizona citrus growers to Barry M. Goldwater, February 1973, at Appendix A.

[14] Testimony of Clarence D. Palmby, *Hearing on Problems Incurred In Exporting Fresh Citrus Fruits to European Economic Community Countries* Before the Subcomm. on Agricultural Exports of the Senate Comm. on Agriculture and Forestry, 92nd Cong., 1st Sess., 110 (March 18, 1971).

[15] U.S.D.A., Statistcal Bull. No. 493, *Citrus Fruits Production Use and Value* (Sept. 1972).

[16] Foreign Agricultural Service, U.S.D.A.

[17] *Id.*

[18] The Wall Street Journal, Nov. 28, 1972, at 26, col. 1–2.

[19] *Id.*

[20] *Hearings, supra* note 14, at 128.

[21] *Id.*

[22] Wash. Post, Nov. 11, 1972, at 16.

[23] Foreign Agricultural Service, USDA.

[24] *Id.*

FEDERAL INCOME TAX REFORM

Mr. SCOTT of Pennsylvania. Mr. President, at the request of the Pennsylvania Association of Colleges and Universities, some 116 institutions of higher education, I have written to members of the Senate Finance Committee urging them to preserve existing Federal tax incentives to charitable giving during life and by bequest of long-term-appreciated property such as securities. In order to keep these educational institutions viable, continued individual charitable giving is indispensable.

In the Commonwealth of Pennsylvania, for example, more than 400,000 students are attending 116 institutions. Gifts from individuals are the single greatest source of voluntary support for our independent colleges and universities—and the largest and most important of these gifts are commonly made in the form of appreciated property.

A survey of representative Pennsylvania colleges and universities for the past several years yielded the following information:

First. Of total annual gift receipts, an average of 54.5 percent was attributable to gifts from individuals.

Second. Of total annual gifts from individuals, an average of 48 percent constituted gifts of securities and real estate.

Third. Of total annual gifts from individuals, an average of 31.4 percent were bequests.

Mr. President, I ask unanimous consent to include in the Record a statement of position by the Pennsylvania Association of Colleges and Universities.

There being no objection, the material was ordered to be printed in the Record, as follows:

A Statement of Position on Federal Income Tax Reform by Pennsylvania Colleges and Universities

March 30, 1973.

The purpose of this position paper is to advocate the preservation of the provisions of the Internal Revenue Code which allow individuals full fair market value deductions for lifetime and testamentary gifts of long-term capital gain property to colleges and universities and to libraries, hospitals, museums, and other such charitable institutions.

Within the cities and towns of the Commonwealth of Pennsylvania, our 116 institutions,* with 420,814 students, ranging from the independent and public colleges and universities, some of which antedate the Declaration of Independence, to the newly founded community colleges, join together in this position paper despite the fact that all do not share directly or even equitably in the benefits of private philanthropy.

All our institutions do share recognition of the financial crisis which faces institutions of higher education in the Commonwealth and the United States. With diminished state and federal budgeting, and with assaults on historic and vital federal income and estate tax incentives to charitable giving, it is clear that survival of our traditional and proven system of pluralism in higher education is at stake in 1973.

Gifts from individuals are the greatest single source of voluntary support for our independent colleges and universities; the largest and most important of these gifts are commonly made in the form of appreciated property.

A survey of representative Pennsylvania Colleges and Universities for the years 1969 through 1972 (schedule annexed) demonstrates that:

(1) Of total annual gift receipts, an average of 54.5% was attributable to gifts from individuals;

(2) Of total annual gifts from individuals, an average of 40.0% constituted gifts of securities and real estate; and

(3) Of total annual gifts from individuals, an average of 31.4% were bequests.

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*See schedule annexed hereto for the members of the Pennsylvania Association of Colleges and Universities endorsing this position paper. PACU represents 95.6% of enrollment in Pennsylvania.

While averages are illustrative, to individual institutions such figures are critical. For example, for Lafayette 74.7% of all gifts were from individuals, for Carnegie-Mellon 79.8% of gifts from individuals consisted of gifts of securities and real estate, and for Lycoming 64.9% of gifts from individuals were bequests.

The significant amounts of dollars that these percentages represent are also set forth in the annexed Schedule. Without these dollars the financial viability of many of our colleges and universities will be critically impaired. All of our institutions, public and private, which look to each other for faculty, educational innovation in the arts and sciences, and professionally trained men and women, will suffer.

In 1969 both the House of Representatives and the Senate considered extensively, and agreed to continue, the full fair market value deduction for lifetime charitable gifts of appreciated property held long-term. Congress also firmly rejected efforts to reduce estate tax incentives to charitable bequests. In essence, this constituted a reaffirmation of Congressional intent of 1917 when Congress enacted the Internal Revenue Code and recognized the demonstrated benefits to the American public of providing a taxpayer with the right to reduce his income taxes by giving to charity.

Many of our institutions have yet to overcome the decline in giving that accompanied the uncertainties attending the final enactment of the 1969 Tax Reform Act and the many, many months that ensued before the regulations were defined and refined. For the years 1969–70 and 1970–71, the historical record of increased giving to all colleges and universities were reversed. In 1967–68 there was a 7.9% increase over the previous year, in 1968–69 there was a 9.7% increase, and then followed a 2.3% decrease for 1969–70 and a 1.2% decrease for 1970–71. (Voluntary Support of Education 1970–71, page 4, prepared by the Council for Financial Aid to Education).

We submit that there is no realistic alternative to the American tradition of voluntarism, which brings money, loyalty, interest, and personal service to all our colleges and universities. Tax incentives to charitable giving were created and endorsed by Congress in recognition, at least in part, that government at any level neither could nor would subsidize all of the services performed by the largely privately supported humanitarian, cultural, spiritual and intellectual institutions which are unique to the United States. By use of catch words such as "loophole", the very idea of private giving for charitable purposes—one of the noblest of human and social virtues—is, in this instance, being made an object of public cynicism. In the process, donors who should be lauded are being intimidated.

A gift to an educational institution has characteristics that we believe are pertinent to any consideration of its tax treatment:

It is a wholly discretionary expenditure.

It is an act of constructive citizenship, facilitated by favorable tax policy, but motivated by a concern for human good.

It is essentially an unselfish act; whatever the tax consequences, it reduces the donor's net worth.

The 116 Pennsylvania Colleges and Universities that sponsor this position paper not only serve their students, who come from all segments of society and from all 50 states, but also, through their teaching and research, seek in common to serve the Commonwealth of Pennsylvania, the nation, and society at large. Education and research in all the disciplines known to man are the implementation of that service. The fiscal solvency of our present pluralistic system of higher education is central issue.

We, therefore, respectfully urge the preservation of the provisions of the Internal Revenue Code which permit full fair market value deductions to those individuals, who, by choice, contribute to our purposes during their lifetime and by bequest.

SCHEDULE TO PACU POSITION PAPER, MAR. 30. 1973, SURVEY—REPRESENTATIVE PENNSYLVANIA COLLEGES AND UNIVERSITIES—1969 THROUGH 1972

[Reflecting significance of: (1) Gifts from living individuals; (2) gifts of securities and real estate; (3) testamentary gifts from individuals]

Institution	(1) Total gifts private sources	(2) Gifts from individuals	(3) Percent individuals to total	(4) Securities and real estate	(5) Percent securities and real estate to total	(6) Bequests	(7) Percent bequests to individuals
Carnegie-Mellon	$29, 588, 675	$10, 501, 000	35. 4	$8, 380, 078	79. 8	$665, 000	6. 3
Chatham	6, 046, 291	4, 405, 291	72. 8	2, 573, 257	58. 4	911, 094	20. 7
Franklin & Marshall	5, 857, 667	2, 948, 632	50. 3	919, 495	31. 1	1, 723, 714	58. 4
Gettysburg	3, 498, 774	1, 899, 062	54. 2	663, 931	35. 0	853, 798	44. 9
Juniata	4, 319, 298	3, 174, 391	73. 4	668, 184	21. 0	1, 357, 080	42. 8
Lafayette	11, 791, 295	8, 815, 207	74. 7	5, 726, 365	65. 0	5, 436, 662	61. 6
Lebanon Valley	2, 986, 979	1, 600, 265	53. 5	349, 476	21. 8	371, 705	23. 2
Lehigh	14, 908, 088	9, 800, 343	65. 7	3, 520, 068	35. 9	2, 432, 257	24. 8
Lycoming	2, 962, 084	1, 948, 083	65. 8	945, 531	48. 5	1, 265, 226	64. 9
University of Pennsylvania	91, 649, 929	51, 786, 140	56. 5	24, 754, 981	47. 8	14, 087, 449	27. 2
Swarthmore	5, 443, 174	3, 038, 321	55. 8	1, 582, 326	52. 0	1, 061, 964	34. 9
Temple	16, 247, 173	4, 722, 226	29. 0	1, 570, 786	33. 2	1, 388, 936	29. 4
Ursinus	4, 425, 482	2, 552, 130	57. 6	1, 231, 425	48. 3	271, 008	10. 6
Washington & Jefferson	5, 220, 870	4, 529, 954	86. 7	743, 000	16. 4	3, 269, 940	72. 2
Total	204, 945, 779	111, 721, 045	54. 5	53, 628, 903	48. 0	35, 095, 833	31. 4

LEGAL SERVICES FOR THE POOR

Mr. JAVITS. Mr. President, yesterday I announced that with five other Members of the Senate we are now jointly seeking support for advance funding for the continuation of the legal services program through the next fiscal year, fiscal year 1974; whether the program is to be administered by OEO or by a new national legal services corporation, as we hope it will.

Joining with me in a letter, dated April 4, 1973, to that end are Senator Gaylord Nelson, chairman of the Subcommittee on Employment, Manpower and Poverty, Senator Robert Taft, Jr., ranking minority member of that subcommittee, and Senators Robert Stafford, Alan Cranston, and Walter Mondale, all members of the Committee on Labor and Public Welfare and all very active supporters of the legal services effort.

Our initiative is required by the fact that the administration has not requested funding for the existing program for next fiscal year. While it has requested funding for the effort if it is to be conducted by a new legal services corporation, it has yet to submit its proposal for a confirmation.

Therefore the program now has its "back up against the wall" with all the risks that such a situation naturally prompts in terms of departure of personnel, interruption of vital legal services to the poor, and similar results.

The situation throughout the country is perhaps typified by that of the "Employment Law Center," one of the key back-up centers for the legal services program, located in New York City.

It is 1 of 16 support centers throughout the Nation providing technical assistance to the 2,500 lawyers engaged in conducting the legal services programs.

The Employment Law Center concentrates on the provision of technical assistance relating to litigation in the areas of employment discrimination, labor relations, manpower, compulsory work programs and other aspects of employment law.

It has had a very outstanding record of accomplishment in these areas and has enjoyed the support of the organized bar of New York in carrying out its efforts.

Funding for this effort would have terminated last Monday under the terms of the original grant—which is channeled through the "New York Law Association Charitable Trust."

Until last Saturday, no decision had been made by the Office of Economic Opportunity with respect to its future or that of the other "support" centers.

It is gratifying and to its credit that the Office of Economic Opportunity has decided to continue the program at least pending a final decision on the future of "back-up" centers generally, as I had urged, but that does not negate the fact that it has been subjected for a number of months to unusual uncertainty about its future, with the diversion of effort that such uncertainty induces nationally.

Mr. President, the current situation is very aptly described in an editorial that appeared this morning in the New York Times, entitled "Legal Cliffhanger."

Noting elements of the dispute with respect to the board of any new corporation—which has been the chief "hang-up" for over 2 years—the editorial states:

> At the moment—while waiting for the Administration to spell out its replacement legislation—the attorneys and neighborhood

law offices are holding on for the sake of their indigent clients. The American Bar Association, the Association of the Bar of the City of New York and other bar groups all urge the White House to restructure legal services without delay. If the indigent are ever going to get anything close to an even break, this most innovative of OEO programs must live on.

Mr. President, this is an accurate description of the current situation in "the field," the continuing and welcome support of the organized bar—in this case the Association of the Bar of the City of New York, headed very capably by Orville Schell, esquire—and the need to continue the current program.

It should be noted that the editorial states:

> at the moment . . . attorneys and neighborhood law offices are holding on for the sake of their indigent clients.

We are coming very dangerously close to the edge of the "cliff"—with the beginning of the next fiscal year now less than 3 months away.

To those in the program and leaders like Orison S. Marden, chairman of the board of the Legal Aid Society of New York, who are "holding on," I express my deep respect and appreciation for continued support.

To those in the program and assisted under it and to those who support it, I say "hold on a little longer" while we seek the advance funding which is the key to continuity and work at the same time to establish a new corporation.

I urge that my colleagues join with us in our efforts for continued funding so that this most crucial anti-poverty effort—which deals with the sensitive matter of the relationship of the poor to our system under law—does not "fall between the chairs."

To the administration, I am compelled to say today that unless its proposal for a new legal services corporation is forthcoming in the very near future, I will have to urge Senator Nelson, the chairman of the Subcommittee on Employment, Manpower, and Poverty, that it proceed immediately with executive session on S. 706, introduced by Senator Mondale for the establishment of a new legal services corporation along the lines previously approved by the Congress, and which I have cosponsored. If necessary to accelerate consideration and insure that the administration's position is considered in the process, I will myself introduce their proposal of last year so that a new compromise bill can be forged and become law at the earliest possibility.

Mr. President, the matter of legal services programs to the poor is not "small potatoes" to be subjected to such uncertainty and dilatory actions. It is what this society is all about—justice under law—this concept should not be permitted to put it in jeopardy for the poor.

We must work toward the day when we will have on the national level a new "national" legal aid society—expressed in a new corporation—paralleling and "funnelling into" the legal aid which exists on the local level in the city of New York and elsewhere.

In a new corporate home, both the concerns of those who support the existing program and want to insure its independence and those who are concerned with its present shortcomings and wish to insure its professionalism may be met.

Hopefully, through advance funding and speedy consideration of new legislation for a corporation, we will achieve those goals without dilution of the current effort.

Mr. President, I ask unanimous consent that there be printed in the Record the complete text of the editorial from the New York Times, together with a copy of our letter of April 7 and one dated April 2, from Howard Phillips, Acting Director of the OEO regarding continued funding for the Employment Law Center to which I referred earlier.

There being no objection, the editorial and letter were ordered to be printed in the Record, as follows:

[From the New York Times, Apr. 6, 1973]

Legal Cliffhanger

In his message on human resources, President Nixon said that the O.E.O.'s legal services program had done much in its seven-year history "to breathe new life into the cherished concept of equal justice for all." The President promised legislation to perpetuate legal services for the indigent through an independent corporation "with safeguards against politicization."

The politicization has, unfortunately, preceded the creation of the proposed corporation. The head of the program in Washington was dismissed for defending legal services; now the regional offices have been given notice to shut down operations by the end of this month, thereby breaking the link to Washington funding and leaving various legal services agencies without immunization from state and local politics. The effect will be a drifting away of legal administrators and attorneys for the disadvantaged all over the country.

Legislation has been introduced in Congress to save legal services on a national basis, members of the corporation board to be drawn from the bar and the community and subject to Senate confirmation. The Administration favors a board appointed solely by the President, with separate corporations eventually being placed under the guidance—and political pressures—of the statehouses. This would make it difficult or impossible to bring class actions on behalf of entire groups of indigent clients; old people in need of health services, Indians and other minorities seeking rights in administrative agencies, migratory workers and big-city victims of all forms of court delay.

At the moment—while waiting for the Administration to spell out its replacement legislation—the attorneys and neighborhood law offices are holding on for the sake of their indigent clients. The American Bar Association, the Association of the Bar of the City of New York and other bar groups all urge the White House to restructure legal services without delay. If the indigent are ever to get anything close to a legal break, this most innovative of O.E.O. programs must live on.

U.S. Senate Committee on Labor
and Public Welfare,
Washington, D.C., April 4, 1973.

Dear Colleague: When the Second Supplemental Appropriations bill is considered in the Senate, in the next few weeks, we plan to propose an amendment to appropriate $17.5 million for the continuation of the legal services program throuh fiscal year 1974.

These funds would be appropriated pursuant to that authorization and reservation in that amount and for that purpose contained in the Economic Opportunity Act Amendments of 1972 (P.L. 92–424) and the "advance" funding provisions contained in Section 622 of the Economic Opportunity Act of 1964.

The Economic Opportunity Act Amendments of 1972, signed into law by the President on September 19, 1972, authorizes $840,000,000 for fiscal year 1973 and $870,000,000 for fiscal year 1974 for anti-poverty programs conducted by the Office of Economic Opportunity and provides that of those amounts in each fiscal year, the Director of the Office of Economic Opportunity shall "reserve and make available" not less than $71.5 million for legal services programs. On October 31, 1972, the President signed into law (P.L. 92–607) the Suppelemental Appropriations Act appropriating $71.5 million for legal services for the current fiscal year, 1973.

The Administration has requested $71.5 million for legal services efforts in its budget submission for fiscal year 1974, but contingent upon the establishment of a new national legal services corporation for which it indicates it intends to submit authorizing legislation. Despite the clear intent of the Economic Opportunity Act Amendments of 1972, in the absence of a corporation, funds have not been requested for continuation of the current program administered by the Office of Economic Opportunity; at this date, no legislation to establish a corporation has been submitted by the Administration.

We support fully the concept of a national legal service corporation and intend to make every effort toward the early implementation of that concept; however, until that goal can be realized, we believe that the current program should be funded in accordance with Congressional intent. Appropriate provision will be made to take care of the transition.

We consider the legal services efforts to be one of the most important and cost-effective of the anti-poverty efforts and believe it should not be subjected to an uncertain future which can only yield a present diminution in services, personnel problems and loss of faith by the poor in those efforts if not in our system of justice,

Instead, the Congress should give notice at the earliest possible date that the $71.5 million, not disputed in itself, will be made available for continued efforts—including basic programs and supporting centers—whether the program is to be continued by OEO or conducted by a new national legal services corporation, as we hope it will be. If for any reason the Office of Economic Opportunity is unable to make funds available, provision will be made for their administration by the Department of Health, Education and Welfare until the corporation can be established.

Enclosed is information with respect to the legal services program conducted in your State.

If you wish to join us in the amendment or have any questions, please contact John K. Scales (57686) for Senators Javits, Taft and Stafford or Richard Johnson (53968) for Senators Nelson, Mondale and Cranston before the close of business on April 12, 1973.

Sincerely,

Jacob K. Javits,
Robert Taft, Jr.,
Robert T. Stafford,
Gaylord Nelson,
Walter F. Mondale,
Alan Cranston.

The legal services program

Fiscal year 1973 Annualized Budget

Region I

Connecticut	$1,434,311
Maine	505,892
Massachusetts	2,520,550
New Hampshire	350,000
Rhode Island	460,000
Vermont	294,247
Totals	5,565,000

Region II	
New Jersey	$2,879,666
New York	7,370,912
Puerto Rico	956,088
Virgin Islands	96,000
Totals	11,302,666
Region III	
Delaware	$96,000
District of Columbia	1,077,000
Maryland	504,000
Pennsylvania	1,977,000
Virginia	329,000
West Virginia	427,000
Totals	4,410,000
Region IV	
Alabama	$221,000
Florida	1,497,000
Georgia	1,006,000
Kentucky	344,000
Mississippi	698,000
North Carolina	341,000
South Carolina	377,000
Tennessee	630,000
Totals	5,174,000
Region V	
Illinois	$2,670,628
Indiana	733,296
Michigan	2,776,725
Minnesota	401,816
Ohio	2,086,256
Wisconsin	839,341
Total	9,508,062
Region VI	
Arkansas	$136,340
Louisiana	820,526
New Mexico	343,707
Oklahoma	406,300
Texas	2,001,661
Total	3,708,534
Region VII	
Iowa	$509,800
Kansas	297,000
Missouri	980,000
Nebraska	361,000
Total	2,147,800
Region VIII	
Colorado	$1,054,000
Montana	457,000
Utah	261,000
Wyoming	100,500
Total	1,872,500
Region IX	
Arizona	$642,500
California	10,109,500
Hawaii	346,000
Nevada	159,200
Micronesia	600,000
Total	11,857,200
Region X	
Alaska	$488,495
Idaho	133,336
Oregon	517,140
Washington	503,164
Total	1,642,135
Total operating programs	57,187,897
Support and training (see list attached)	5,655,000
Other*	8,657,103
Total legal services budget	71,500,000

*Note.—These "other" costs include Legal Services grants and services such as, Reginald Heber Smith Fellowships, Indian programs, Research and Development, Evaluations, and administration of the Office of Legal Services: in fact, these programs and services cost, in FY 1973 annualized figures, $14,926,000.

Center on Social Welfare Policy & Law, 25 West 43rd Street, 12th Floor, New York, New York 10036, (212) 354-7670.

Harvard Center for Law & Education, 61 Kirkland Street, Cambridge, Massachusetts 02138 (617) 495-4666.

Legal Action Support Project, Bureau of Social Science Research, 1990 "M" Street, NW, Washington, D.C. 20036, (202) 223-4300.

Legal Services for the Elderly Poor, 2095 Broadway, New York, New York 10023, (212) 595-1340.

Legal Services Training Program, Columbus School of Law, Catholic University of America, Washington, D.C. 20017, (202) 832-3900.

Migrant Legal Action Program, 1820 Massachusetts Avenue, NW, Washington, D.C. 20036, (202) 785-2475.

National Clearinghouse for Legal Services, Northwestern University School of Law, 710 North Lake Shore Drive-Mezzanine Floor Chicago, Illinois 60611, (312) 943-2866.

National Consumer Law Center, Inc., One Court Street, Boston, Massachusetts 02108, (617) 523-8010.

National Employment Law Project, 423 West 118th Street, New York, New York 10027, (212) 866-8591.

National Health Law Program, University of California, 2477 Law Building, 405 Hilgard Avenue, Los Angeles, California 90024, (213) 825-7601.

National Housing & Economic Development Law Project, Earl Warren Legal Institute, University of California, Berkeley, California 94720, (415) 642-2826.

National Juvenile Law Center,* St. Louis University School of Law, 3642 Lindell Boulevard, St. Louis, Missouri 63108, (314) 533-8868.

National Paralegal Institute, 2000 "P" Street, NW, Suite 600, Washington, D.C. 20036, (202) 872-0655.

National Resource Center on Correctional Law and Legal Services, 1705 DeSales St., NW, Washington, D.C. 20036, (202) 293-1712.

National Senior Citizens Law Center, 1709 West 8th Street, Los Angeles, California 90017, (213) 483-1491.

Native American Rights Fund, 1506 Broadway, Boulder, Colorado 80302, (303) 447-8760.

Technical Assistance Project, National Legal Aid & Defender Association, 1601 Connecticut Avenue, NW, Suite 777, Washington, D.C. 20009, (202) 462-4254.

Youth Law Center,* Western States Project, 795 Turk Street, San Francisco, California 94102, (415) 474-5865.

Office of Economic Opportunity,
Executive Office of the President,
Washington, D.C., April 2, 1973.

Hon. Jacob Javits,
U.S. Senate,
Washington, D.C.

Dear Senator Javits: Pursuant to my conversation of March 31 with John Scales, I am attaching copies of telegrams which have been sent by Laurence McCarty, Acting Director, Office of Legal Services, to back-up centers whose grants are coming due for expiration prior to announcement of our overall policy concerning back-up centers.

Sincerely,

Howard Philips,
Acting Director.

New York Law Associates Charitable Trust,
New York, N.Y.:

OEO has decided to continue funding back up centers at least through such time that the agency can take final action with respect to back up centers generally.

This communication, therefore, is to inform you that the Office of Legal Services, OEO Headquarters, has decided that the funding of New York Law Associates Charitable Trust, 36 West 44th Street, New York City, will continue at the current level of funding, specifically $14,052 per month, until further notified by OEO. You are authorized to incur costs at the average monthly level enumerated above. You will provide services during this period at a level consistent with prior grant activities.

Should you run short of funds prior to the receipt of the funds authorized by this action, you are advised to take the following steps to obtain temporary relief:

(1) Use unexpended or carryover balance;

(2) Use other available OEO funds on a temporary, reimbursable basis;

(3) Arrange for temporary use of any other funds you may have;

(4) Postpone payment of all but fixed expenses;

(5) Obtain any interest free loan, if possible, or pay the loan costs from non-grant funds.

Number 5 above should, therefore, be the last resort.

In the event you are compelled to seek a loan to continue the approved program, you are authorized to negotiate a loan in an amount no greater than the amount of Federal funds you are authorized hereby to commit. The interest rate may not exceed the current prime interest rate in the area where your grant is situated.

If you have an questions, call me at (202) 254-5218.

J. Laurence McCarty,
Acting Associate Director,
Office of Legal Services.

President and Fellows of Harvard College,
Cambridge, Mass.:

OEO has decided to continue funding back up centers at least through such time that the agency can take final action with respect to back up centers generally.

This communication, therefore, is to inform you that the Office of Legal Services, OEO headquarters, has decided that the funding of President and Fellows of Harvard College, 1350 Mass. Avenue, Cambridge, Mass., will continue at the current level of funding, specifically $33,753 per month, until further notified by OEO. You are authorized to incur costs at the average monthly level enumerated above. You will provide services during this period at a level consistent with prior grant activities.

Should you run short of funds prior to the receipt of the funds authorized by this action, you are advised to take the following steps to obtain temporary relief:

(1) Use unexpended or carryover balance;

(2) Use other available OEO funds on a temporary, reimbursable basis;

(3) Arrange for temporary use of any other funds you may have;

(4) Postpone payment of all but fixed expenses;

(5) Obtain any interest free loan, if possible, or pay the loan costs from non-grant funds.

Number 5 above should, therefore, be the last resort.

In the event you are compelled to seek a loan to continue the approved program, you are authorized to negotiate a loan in an amount no greater than the amount of Federal funds you are authorized hereby to commit. The interest rate may not exceed the current prime interest rate in the area where your grant is situated.

If you have any questions, call me at (202) 254-5218.

J. Laurence McCarty,
Acting Associate Director,
Office of Legal Services.

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* Juvenile matters for Alaska, Arizona, California, Hawaii, Idaho, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah and Washington are handled by the Youth Law Center. The National Juvenile Law Center serves the remaining states.

MIGRANT LEGAL ACTION PROGRAM, INC.,
Washington, D.C.:

OEO has decided to continue funding back up centers at least through such time that the agency can take final action with respect to back up centers generally.

This communication, therefore, is to inform you that the Office of Legal Services, OEO headquarters, has decided that the funding of the Migrant Legal Action program, Inc., Washington, D.C., will continue at the current level of funding, specifically $27,323 per month, until further notified by OEO. This office is also making a grant for $66,668 to bring the migrant supported part of the program current through 3/31/73. You are authorized to incur costs at the average monthly level enumerated above. You will provide services during this period at a level consistant with prior grant activities.

Should you run short of funds prior to the receipt of the fnds authorized by this action, you are advised to take the following steps to obtain temporary relief:

(1) use unexpended or carryover balance;

(2) use other available OEO funds on a temporary, reimbursable basis;

(3) arrange for temporary use of any other funds you may have;

(4) postpone payment of all but fixed expenses;

(5) obtain any interest free loan, if possible, or pay the loan costs from non-grant funds.

Number 5 above should, therefore, be the last resort.

In the event you are compelled to seek a loan to continue the approved program, you are authorized to negotiate a loan in an amount no greater than the amount of Federal funds you are authorized hereby to commit. The interest rate may not exceed the current interest rate in the area where your grant is situated.

If you have any questions, call me at (202) 264-5218.

J. LAURENCE MCCARTY,
Acting Associate Director,
Office of Legal Services.

CLOSE OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

VOTER REGISTRATION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume the consideration of the unfinished business, S. 352, which the clerk will state.

The legislative clerk read as follows:

A bill (S. 352) to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Administration for the purpose of administering the voter registration program through the Postal Service.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

The Senator from Wyoming is recognized.

Mr. McGEE. Mr. President, may I ask what is the pending business?

The PRESIDING OFFICER. The pending business is S. 352, the Voter Registration Act.

Mr. McGEE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McGEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BIDEN). Without objection, it is so ordered.

Mr. McGEE. Mr. President, the bill we are considering today is designed to improve the percentage of voter participation in Federal elections. I ask unanimous consent to insert in the RECORD at this point a copy of my formal statement on S. 352, but rather than dwell at great length on all of the provisions of this bill and argue the ramifications of its justification I would like to limit my statement to a couple of major points that we are here to vote on today.

The first issue is whether there is a problem about voter participation in the United States at the present time. It seems obvious to me that the answer to that question is yes. A social scientist will give you a number of different reasons why people are not voting as regularly as effective representative democracy would warrant and most of the reasons that I have heard sound very plausible.

I think there is a hard core of disaffected and uninterested citizens who might not vote under any circumstance. I also think there are some people who will not vote in a particular election as an expression of their disapproval of the candidates running for office. One of my staff members pointed out to me not long ago that many interested citizens from the North who were used to voting in every election moved South after the Second World War and refused to vote in elections because they were opposed to the poll tax—so as a matter of principle they didn't vote in order to express their disagreement. Just exactly what that accomplished I have never figured out, but I suppose that is one of the reasons why people do not vote.

One of the more obvious causes, however, is the complexity of getting registered to vote in nearly all States. Now it may be that a lot of people would not vote under any circumstances, but we know for sure that the method of getting people registered today in most States discourages registration. When an individual has to go to the courthouse to register, it automatically insures that a certain portion of the population, which cannot or will not get to the courthouse, will not register and will not vote. Now maybe people who are too lazy to go to the courthouse should not be allowed to vote any way; but that is not a very good constitutional argument in a representative democracy. As long as the citizen has to act positively by going somewhere to register, as long as that onus and duty is imposed upon him, rather than on the Government, voter participation will not be as high as it was before registration laws were enacted.

In 1972, 62 million voting-age American citizens did not vote. That is close to half of the total number of eligible citizens of voting age in the Nation. If the Senate does not recognize that as a problem I do not know what evidence could persuade us.

The second point is, assuming there is a problem, what should be done about it. In our federal system it is a historic practice to assume that State governments are responsible for most of the election processes and the Constitution provides that the times, places, and manner of choosing election officials may be established by State law. But over the years the responsibility of the Federal Government to intervene in a multitude of problem areas in our society has led to the conclusion that uniformity of law and uniformity of control are sometimes desirable. We have had registration laws for nearly a century and in my judgment they have in large measure outlived their usefulness. But to abolish them altogether might not be the wisest course. It would probably be politically unrealistic. So if the goal is greater participation, then the method should be to devise a system to produce greater participation. The use of a simple postcard registration form which retains a substantial degree of local control is the answer which we on the Post Office and Civil Service Committee recommend. Contrary to the dire predictions of my distinguished colleague from Hawaii, I do not believe that voter registration by mail will lead to chaos.

My colleague has suggested that S. 352 would drastically revise the registration of voters throughout the country. I submit that it would drastically revise the nonregistration of voters.

My colleague suggests that S. 352 would transfer voter registration responsibility from the States to the Federal Government. I challenge him to find one iota of evidence to substantiate that charge. There is not a line in the bill that would do that. In every case the responsibility for registering voters and ascertaining the eligibility and qualification of the applicant is vested in State governments.

My colleague suggests that the massive registration of voters would lead to the destruction of the two-party system. I find no evidence to substantiate that charge. I cannot believe that he seriously contends that widespread participation by our citizens is going to destroy the two-party system. But if it is so, then so be it. I am far more interested in the survival of democracy than I am in the survival of the Democratic Party.

My colleague suggests that the bill would offer unparalleled opportunity for fraud on a national scale. I find no evidence to support that contention. Fraud does not occur in registration. It occurs with crooked politicians stuffing election boxes on election day.

The Department of Justice in testifying against the bill raised some of these same spurious arguments—that the bill is unconstitutional, that the bill will give rise to fraud, that it would cost too much money. I have never listened to a more strained argument for or against any legislation in my 15 years in the Senate than the testimony of the Justice Department on voter registration.

In my judgment the arguments against this bill are pure and simple, and that is those who are against more people voting are against S. 352 because they think they will lose elections or because they don't want political pressure groups concentrating on the nomination and election of candidates rather than the time-consuming and expensive registration of voters. But that is such an open and honest declaration of hostility to the people that it is instead shrouded behind the mystery of election fraud and a vast bureaucracy that will gobble up the people and a host of other bogy men who simply cannot stand the light of day.

I think it is time for us politicians to recognize that there are issues bigger than which party is going to benefit, because both parties will benefit by greater voter participation; and it is the responsibility of the people's representatives in this Legislature to encourage more people to participate in the political system.

It is the most important function of our Government—the political education of the people.

Finally, I would like to admit that we do not pretend to know all of the answers. We have never tried voter registration by mail and I will be the first to admit that there might be a better way to do it. It might be better to register a voter automatically when he mails in his income tax or pays his property tax, or gets his license plates, or registers for the draft. But not everyone does each or any of those things. It might be better to register a person to vote on the day he is born and send him a letter on his 18th birthday, but the problem of keeping up with him would be difficult to say the least. It might be better, as I have suggested, to abolish registration altogether. But I think what is important is that we recognize that something must be done and take a step forward, however hesitating that step might be.

We have spent a year and a half on the Post Office Committee studying voter registration and devising a piece of legislation that we could recommend that we think will work. This is it. We will set up an office in the Bureau of the Census, which already has the manpower and the know-how to do that kind of job. Once every 2 years, with the assistance of the Postal Service, they will distribute registration cards. People can fill them out and mail them back to their county clerk or whoever is the State registration official. The official can examine their qualification and put them on the rolls or he can question those qualifications and either call them on the telephone, or go out to the house to see them, or write them a letter or send them a message by carrier pigeon, to make sure that they are eligible. But if they are eligible, then their name is entered on the rolls and they are entitled to vote in Federal elections.

Now somehow that just does not seem to me to be the makings of a vast bureaucracy that is going to bring America to a screeching halt. That seems to me to be a fairly simple way to reach more people and get them to register. Maybe there is something in there that I do not see, but I have studied the bill carefully, I have listened to a lot of testimony, and I have carefully read all the arguments against the bill. In my judgment, the case for the opposition simply does not hold water—unless you do not want people to vote.

I think the program is a good idea and that the Senate should pass this legislation.

Mr. FONG. Mr. President, I ask unanimous consent that Mr. Jan Bridges and Mr. J. C. Argetsinger be allowed the privilege of the floor during debate on this bill.

Mr. McGEE. The Senator from Tennessee had some.

Mr. STEVENS. I would like to add Joe Vanness.

Mr. CRANSTON. And Martha Weisz.

Mr. BELLMON. Charlie Watson.

The PRESIDING OFFICER (Mr. McCLURE). Without objection, it is so ordered.

Mr. FONG. Mr. President, I rise to oppose the bill. Let us not forget that any eligible person in the United States can vote if he wants to. Let us not forget that any eligible citizen in the United States who wants to register as a voter can register. All he has to do is go down to the registrar's office or go to any registrar and have himself registered. Those who find that they are frustrated in registering are in the great, great minority.

Mr. President, nothing in the bill says that our citizens have been denied or abridged of their rights because of present registration laws. There is nothing in the registration laws, as I see them, which have denied our citizens the right to register to vote. There is nothing in the bill to correct what we have not done in the former civil rights acts, the Civil Rights Act of 1960, or the Civil Rights Acts of 1964, 1965, and 1970; which were intended to insure that our citizens' right to vote would not be denied or abridged. There is no denial or abridgment of the right of any citizens to register to vote.

The pending bill is not going to get those persons who did not vote in the 1972 elections, or in other past elections, to vote, or to get them to register to vote. The bill is not going to do what it is purported to do, that is, to register a substantial additional number of our citizens to vote.

Mr. President, sad but true, those who do not vote are primarily those who are not interested in politics. It is not because of cumbersome, onerous, or unnecessary registration laws that these citizens have not registered to vote. It is primarily because they are not interested.

Registration laws may be a hodgepodge in some States but that is not the reason for their not registering.

Take, for example, the State of North Dakota. It has no pre-election registration laws. All one has to do is go down to the voting booth on election day and vote.

Yet, what do we find in the State of North Dakota?

We find that in 1972 31 percent of the eligible voters in North Dakota did not vote, a State where there are no voter registration requirements. Yet 31 percent of the eligible voters did not vote.

In the State of Texas, to which my distinguished colleague (Mr. McGEE) alluded, registration is done by coupon appearing in the newspapers. Anyone can register by signing the coupons and sending them into a registrar.

Yet what do we find in Texas?

That 55 percent of the eligible voters did not vote—not because they had archaic, cumbersome, onerous voter registration laws, but simply because they were not interested.

In my State of Hawaii, where many citizens are deputized as deputy registrars including members of the Republican and Democratic parties—where voting tables are placed at street corners, where voting tables are placed at shopping centers, where the local registrar's office, during election time, is open day and night and on Saturdays, and where there is house-to-house voter registration campaigns, what do we find? We find that 37 percent of my people in Hawaii, even though the registration laws are such that they could register at any time they wished, did not register, and 48.2 percent did not vote.

This bill, if enacted, would cost approximately $100 million to $300 million per Federal election year. Really, Mr. President, we are using a cannon to shoot a fly. It is easier to get our States to change their laws, if we find that their laws are cumbersome, if we find that their laws are onerous, if we find that their laws are unnecessary. Let us get them to change their laws rather than imposing this monolithic Federal voter registration system on the States.

This bill, if passed, would set up a system that could be replete with fraud. In almost all the States, except a very few, in order to register you have to present yourself. The registrar can see you and ask you questions regarding your qualifications, and you have to swear in his presence that what you have said is true.

In this system, you would sign your name, or you could sign the name of any fictitious person. You could sign names from tombstones and send in the card, and the registrar would not know John Smith from Jane Adams.

I see the proposed legislation as: First. Drastically revising the registration of voters throughout the country; Second. Changing the function of voter registration from a time-honored responsibility of States to a Federal responsibility;

Third. Mandating a change in the method of selecting delegates to political party Presidential nomination conventions;

Four. Leading to a decline, possible to the demise, of our two-party political system, which has served our Nation so well;

Fifth. Effectuating an amendment to the Constitution by changing Presidential electors, heretofore held to be State officers, to Federal officials;

Sixth, Offering unparalleled opportunity for fraud in voter registration on a national scale;

Seventh. Politicizing the Bureau of the Census which up to now has been one of the most respected statistical gathering agencies in the world free from partisan politics;

Eighth. Making it possible for the national administration to compile a master voter registration list for the entire Nation, which it could use for its own political advantage;

Nineth. Setting up a new Federal bureaucracy which, at a minimum, would cost more than $100 million to operate;

Tenth. Having serious adverse effects on our entire system of Government.

S. 352 is proposed in the hope that a substantial additional number of American citizens would be persuaded to register and vote in Federal elections. The hope is a slim one at best and certainly does not justify setting in motion the revolution in our election process that this bill does.

S. 352 would establish a national voter registration by mail system, operated by a Voter Registration Administration located within the Bureau of the Census, Department of Commerce.

The Voter Registration Administration would utilize the U.S. Postal Service to distribute Federal voter registration cards to every postal address in America. Distribution would occur no earlier than 45 days nor later than 30 days before the closing of registration in each individual State prior to every Federal election.

These voter mail registration cards would be returned by the registrants to the appropriate State or local government voter registration office. Registration offices would process the cards, registering the applicants as voters in the next Federal election, and billing the Federal Government for processing the cards.

Registration would be required prior to a Federal election, which under the provisions of this bill means any primary, any special or any general election held for the purpose of nominating or electing candidates for any Federal office. Thus, registration would be required prior to political party elections in district and State political party caucuses, conventions, or meetings held for the purpose of selecting delegates to national political party Presidential nominating conventions.

Generally, that is the format for the proposed nationwide system of registering voters by mail.

Specifically, S. 352 confers the following functions on the Voter Registration Administration:

First. Establish and administer a mail voter registration program for all Federal elections.

Second. Assist State officials in administering the voter registration-by-mail program and in handling election problems generally.

Third. Collect, analyze and arrange for publication by the Government Printing Office information on elections in the United States.

Fourth. Report to Congress after each biennial general Federal election on its activities and on voter registration and elections in the United States generally.

Fifth. Prepare and, with the cooperation of the U.S. Postal Service, deliver to all addresses and residences in America voter mail registration cards sufficient to cover all eligible voters at each address or residence.

Sixth. Accept from State officials, or initiate on its own, investigations into fraudulent registration charges and, if warranted, request the Attorney General of the United States to bring action on such charges before any U.S. district court.

Seventh. Make payments to each State for processing voter mail registration cards.

Eighth. Make additional payments to each State in the amount of 30 percent of the payments received by each State for processing its registration cards, if the State adopts this mail registration program for its own State elections.

POLICY AND CONSTITUTIONAL QUESTIONS

Voter registration qualifications and procedures have traditionally been left to the States. Up to now, Congress has legislated in the field of voter rights only when it believed that voting rights were being violated by noncompliance with the 14th and 15th amendments.

The Voting Rights Acts are examples of such legislation.

During congressional consideration of those Voting Rights Acts, the evidence was consistent, conclusive, and overwhelming that voting rights established by the Constitution were being violated.

Even with all the compelling evidence that had accumulated previously, Congress still conducted extensive hearings and debated long and intensively before approving the bills which became the Voting Rights Acts of 1965 and 1970. In both cases, the executive branch under President Johnson in 1965 and President Nixon in 1970, strongly supported remedial legislation and, during the congressional deliberations, made substantial contributions to the bills which finally became law.

In the long endeavor to provide remedies for violations of voting rights, these historic measures had the benefit of the best thinking in Congress and the executive branch and in the country as a whole.

On the other hand, where evidence has not been consistent, conclusive and overwhelming that constitutional rights were being violated, generally the Congress has refrained from acting in the field of voting rights.

Traditionally, Congress has left to the States conduct of voter registration and elections for local, State and Federal officials and States in turn have allowed political parties to participate in some of these functions. These include registration of voters, voting supervision, protection of voters, duties of inspectors, and canvassers, publication of election returns, tallying of election returns, and election of delegates to State and national political party Presidential nominating conventions.

The pending bill, S. 352, would overturn the long-standing tradition of leaving to the States the registration of voters. Proponents of Federal takeover of voter registration do not make a case that a constitutional right is being violated, but in effect contend that State voter registration laws do not meet the convenience of some of our Nation's eligible voters.

LITTLE EVIDENCE MAIL REGISTRATION WILL INCREASE VOTER PARTICIPATION

Proponents claim S. 352 will increase the number of eligible voters who register and who actually go to the polls on election day.

However, the evidence of past elections, the results of a Census Bureau voter registration survey, and the belief of some of the proponents of the bill themselves confirm that this bill will have little, if any, effect on increasing voter registration.

The following examples from the 1972 general election offer slim hope of improvement.

First. The State of North Dakota has no preregistration requirement for its voters. The voters in North Dakota register at the same time they vote on election day. This is the simplest form of voter registration available and yet in 1972, 30.1 percent—nearly one-third—of the eligible voters did not vote.

Second. In Texas, a registration by coupon procedure is used. A voter clips a registration coupon from his local newspaper and mails it to his local voter registration office. Despite this simple registration procedure, 54.9 percent—more than half—of the eligible voters did not vote on election day.

Third. In Alaska, where the voting residency requirement is 30 days, 52.5 percent—more than half—of the eligible voters failed to cast their ballots in the election.

Fourth. The national average of voter participation in the 1972 Presidential election was only 55.6 percent.

Some 44.4 percent of eligible voters failed to vote despite the provisions of the 1970 Voting Rights Act which made it easier to vote by, first, requiring residency of only 30 days for presidential elections; and second, allowing a voter not meeting the 30 days residental required to vote by absentee ballot in his last State of residence; and third, allowing absentee voting in Presidential elections.

WHY PEOPLE DO NOT REGISTER TO VOTE

The only national survey by the Census Bureau to determine the extent of voter participation and the reasons of such participation or nonparticipation was taken following the 1968 Presidential election. That official survey of 50,000 households further supports my conclusion that S. 352 will not increase voter registration by any considerable number.

Of the 50,000 households surveyed, 26,942 reported they had not registered to vote. The question asked on voter nonregistration was:

> What was the main reason (this person) was not registered to vote?

The answers were recorded in one of the following categories:

Not a citizen of the United States.

Had not lived here long enough to be qualified to vote.

Not interested, just never got around to it, dislike politics.

Unable to register because of illness, no transportation, could not take time off from work, and so forth.

Other reason.

Do not know.

More than half—53.3 percent—of those not registered said they did not register because they were not interested, never got around to registering or disliked politics.

Of the remainder, 11.2 percent said they did not meet the residence requirements; 13.5 percent said they were ill, did not have transportation or could not get off from work; 10.6 percent were not citizens; 9.5 percent gave other reasons; and, 2.2 percent did not know.

If we discount the 10.6 percent who were not citizens and could not have voted no matter what registration system was used, the number of households who were "not interested, never got around to registering, or dislike politics" increases to 60 percent. Making registration easier is not going to get this group to the polls on election day and it probably will not get them to register.

Judged by this census survey, the Federal voter mail registration program provided in this bill will not accomplish its purported objective.

Why then should Congress establish another Federal bureaucracy to carry out a program which offers little or no prospect of improving either voter registration or voter participation.

Why should Congress saddle the American taxpayers, already overburdened by taxes, with another multimillion dollar Federal program of dubious value at best and downright dangerous at worst.

FEDERAL TAKEOVER OF ELECTIONS

Section 401(4) of S. 352 defines a Federal election as:

> . . . any biennial or quadrennial primary or general election and any special election held for the purpose of nominating or electing candidates for any Federal office, including any election held for the purpose of expressing voter preference for the nomination of individuals for election to the office of President and any election held for the purpose of selecting delegates to a national political party nominating convention or to a caucus held for the purpose of selecting delegates to such a convention.

Thus the scope of S. 352 extends to the following elections:

First. Any biennial or quadrennial primary election.

Second. Any biennial or quadrennial general election.

Third. Any special election for the purpose of nominating or electing candidates for any Federal office.

Fourth. Any election held for expressing voter preference for nominees for President of the United States.

Fifth. Any election to select delegates to a national political party convention for nominating Presidential and Vice-Presidential candidates.

Sixth. Any election in a caucus held to select delegates to a national political party convention for nominating Presidential and Vice-Presidential candidates.

Under S. 352, the Federal voter registration by mail procedure in each State would be triggered by whichever of the above elections occurs first in each State.

Anyone not registering by mail within the prescribed period for registration would thereafter have to register as his State law provided. This could mean for many people registered in person as at present.

BILL FORCES VOTERS REGISTRATION ON POLITICAL PARTIES

S. 352 would force Federal voter registration on State and national political parties which hold elections to select delegates to their national presidential nominating conventions held every 4 years.

S. 352 would overturn the long-established prerogative of individual States to prescribe, or not to prescribe, an election procedure such as the Presidential preference primary whereby voters select delegates from the party of their choice to represent them in that party's Presidential nominating convention.

Thirty-five States have no laws governing the selection of Presidential nominees—in other words, no Presidential preference primaries. In these 35 States, State law is silent on registering and qualifying voters to participate in the State's political party conventions, caucuses, or other meetings held to elect delegates to the national presidential nominating conventions.

Instead, party rules establish qualifications for persons desiring to vote in these party elections of delegates. Party membership is a crucial prerequisite to voting in these elections.

Under S. 352, however—

> An individual . . . who fulfills the requirements to be a qualified voter under State law and who is registered to vote . . . shall be entitled to vote . . . in any Federal election.

Which by definition in the bill includes any political party election to select delegates to the national Presidential nominating convention.

Obviously, where there is no State law setting forth qualifications required of voters in the political party elections in those States, the only requirement under S. 352 is that a voter be registered. He need not be a member of the political party that is holding an election to select delegates to its national convention to nominate its candidates for President and Vice President.

With voting on party delegates open to any and all voters in 35 States provided only that they are registered, it is easy to foresee the chaos that would disrupt our presidential nominating process and the political chicanery and cross-over maneuvering that would ensue.

Party membership and party loyalty, the lifeblood of political parties, would be nullified by such open-season voting. Party responsibility, the backbone of our political system, would evaporate.

REVISING ELECTION LAWS

The pending bill, if adopted, would put States under the gun to revise their election laws. An example that comes immediately to mind involves the requirement of S. 352 that a voter mail registration program be established for political party conventions and caucuses for selecting delegates and that voter registration books be kept open to at least 30 days before the party convention or caucus.

In those 35 States with no presidential preference primaries, the dates when political party conventions and caucuses are held vary from quadrennial year to quadrennial year. From the information available to me, no State political party has a fixed date for holding its elections to select delegates to its national presidential nominating convention. States would have to enact a law setting a date certain on which the political party elections are to be held.

S. 352 will force drastic changes in the present system of political party elections and will force States to revise their election laws with respect to political party matters in ways that up to now they have not seen necessary nor desirable.

Above all, S. 352 injects the Federal Government into an arena up to now the sole prerogative of States—political party delegate elections. By instituting a voter mail registration system operated from Washington, D.C., penetrating into 49 of our 50 States, and into political party elections, S. 352 is plunging the Federal Government right into the heart of our party election process, in a way that can only weaken the system that has worked so well so long here in America.

AMENDING THE CONSTITUTION

In yet another way, S. 352 propels the Federal Government into an area heretofore reserved to the States. Up to now, an elector for President and Vice President has been deemed a State officer. S. 352 would make such electors Federal officials.

This is in effect revising the Constitution without actually amending it directly.

Article II, section I, clause 2 of the Constitution provides:

> Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Rpresentatives to which the State may be entitled in the Congress . . .

The sole authority of Congress under the Constitution respecting presidential electors is—

> . . . To determine the time of choosing the Electors, and the Day on which they shall give their Votes. . . . (Article II, Sec. 1, Clause 4).

The Constitution does not give Congress the right to determine the manner of selecting Presidential electors. Yet this is what S. 352 would do.

By making Presidential electors Federal officers, S. 352 flies in the face of the Constitution and Supreme Court decisions which specifically state that electors are State officers, not Federal officials.

A U.S. Senate publication entitled "Nomination and Election of the President and Vice President of the United States," compiled by Richard D. Hupman and Robert L. Thornton under the direction of Francis R. Valeo published in January 1972, in reference to Presidential electors, states—

> These electors are State officers, being nominated and elected according to State law and paid some form of compensation, usually only necessary traveling expenses, by the individual States.

Again, under the appearance of a simple voter mail registration bill, S. 352 in reality voids the constitutional concept that Presidential electors are State and not Federal officers and overextends Congress very limited powers under the Constitution regarding these electors.

COSTS

At a time of huge Government expenditures, an anticipated Federal deficit of nearly $25 billion this June and nearly $13 billion next June, devaluation of the dollar and inflation, here is a bill to set up a new Government program which will cost more than $100 million to start with and which cost can only go up. There will be more people to register, higher salaries to pay, and postage will undoubtedly rise.

During committee consideration of S. 352, no estimate was given of the cost of this bill. Yet, look at the functions that would require funding under the Voter Registration Act.

Section 406 of S. 352 authorizes the Voter Registration Administration to contract with the Postal Service for delivery of registration forms to each address and residence and return them by mail to the particular State or local voter registration office.

The bill does not differentiate between residential and commercial addresses. Therefore, the U.S. Postal Service will be delivering voter registration forms every 2 years to more than 80 million addresses.

The Bureau of the Census and the U.S. Postal Service estimate that it will be necessary to send at least three or four registration forms to each address to insure that every eligible voter gets one. This means that each 2-year mailing will require the delivery of at least 240 to 320 million forms.

But no cost estimate for paying States for processing voter registration cards was given in the majority report on S. 352. There is no cost estimate for paying States for adopting a voter mail registration system for its own elections. There is no cost estimate for setting up staffing and operating the new Voter Registration Administration.

The majority of the committee agreed to report S. 352 to the Senate without having estimates of these inevitable costs. The only costs identified so far are just the tip of the iceberg. The Senate is being asked now to approve this bill without knowing the hidden costs. The Congress and the American people are entitled to a reasonable estimate and projection of costs, rather than partial, incomplete data, especially in these days of tight budgets—family and Federal.

Section 252 of the Legislative Reorganization Act of 1970 requires that the report accompanying any public bill—

> Contain an estimate . . . made by such committee, of the costs which would be incurred in carrying out such a bill or joint resolution in the fiscal year in which it is reported and in each of the five fiscal years following such fiscal year . . . or, in lieu of such estimate or comparison, or both, a statement of the reasons why compliance by the committee with the requirements . . . of an estimate of costs is not possible.

The committee report, in this instance, I believe, has not complied with the spirit of section 252.

The report of the majority of the committee does contain a statement that accurate estimates of the cost of administering S. 352 over the next 5-year period are difficult to make, but I believe some type of estimate should have been included so that the Senate would have an idea of the cost of the national voter mail registration program being advocated in the pending measure.

The General Accounting Office did a study for Senator KENNEDY on a bill he introduced in the 92d Congress. Certainly, I believe a similar study could have been done on S. 352.

My estimates of the costs of S. 352 showed that they will exceed $100 million each biennial election year.

First. My calculations, using the cost estimates for printing and mailing which the General Accounting Office gave on Senator KENNEDY's bill introduced in the last Congress show a cost of 12 cents per voter registration card.

The Census Bureau estimates that in order to insure full coverage for every address and residence in the United States of voter mail registration cards they will have to send out between 240 and 320 million cards each biennial Federal election year. At 12 cents per card, the costs for printing and mailing alone will be between $28,800,000 to $38,400,000 per mailing.

Second. Last year the Bureau of the Census estimated that the cost for setting up a mailing list for the voter registration cards would be between $5 and $10 million.

Third. The majority report estimates the reasonable cost of processing these cards—which payments will be made to the States—is 50 cents per card.

There are approximately 139 million eligible voters in the United States. Assuming that 70 percent or 98 million eligible voters return voter registration cards, at 50 cents per card the cost of processing will be approximately $49 million.

Fourth. Return notification to the voter that he is registered at 6 cents per card first-class rate—because he has to be notified very early—will approximate $5.8 million.

Fifth. Last year it cost approximately $46 million to operate the Census Bureau. I would hope that it would not cost that much to operate the Voter Registration Administration as a subsidiary of the Census Bureau and so have used the figure of $23 million, or one-half the annual cost of operating the Census Bureau last year, as an estimate for running the Voter Registration Administration.

Adding all of these figures, I calculate the annual cost per biennial Federal election year to be approximately $126 million.

This bill requires several mailings in a Federal election year as it requires registration forms to be distributed "not earlier than 45 days or later than 30 days prior to the close of registration for the next Federal election in each State."

As each State usually has a primary and a general election, and in Presidential election years also may have Presidential primary elections and political party elections for delegates to national political party nominating conventions, there could be as many as three or four mailings in an election year.

This is possible, because of the language of section 406(c).

Then, the cost instead of being $126 million may escalate to $200 or $300 million.

The cost figures I have used were based on 1972 postal rates and fiscal 1972 Census Bureau operating costs. Based on past history, I believe it is safe to assume that all cost factors will increase in the figure resulting in commensurate increases in the overall costs of any voter mail registration program.

The majority report on S. 352 uses figures supplied by the Census Bureau on mailing and only 40 million Americans returning their voter mail registration cards. Certainly, if only 40 million out of 139 million Americans are going to be returning their voter mail registration cards, the return on investment does not justify the program.

CONTROLS ON ELECTIONS

Under S. 352, the Voter Registration Administration will be empowered to:

First. Determine the rate of payment to States for processing voter registration cards;

Second. Determine the rate of payment to States that adopt a voter mail registration system for State and local elections;

Third. Give manpower assistance to State or local voter registration offices for implementing the voter mail registration program;

Fourth. Advise and give assistance to State or local officials on election problems generally;

Fifth. Hire temporary and permanent employees to administer the provisions of S. 352;

Sixth. Send Federal investigators out to check on registration fraud;

Seventh. Obtain Justice Department assistance in prosecuting charges of fraud; and

Eighth. Collect, analyze, and arrange for publication information on elections in the United States.

S. 352 establishes for the first time in U.S. history a central office to collect and analyze election information. Concentrated in one Federal agency would be an awesome array of manpower and technical resources for obtaining and analyzing statistical and other information on all the different kinds of elections enumerated in the bill. And, this agency's prime purpose under S. 352 is to involve itself in these elections.

The Voter Registration Administration would know how to influence elections at all levels and it would have the resources to do so.

It could favor those State and local government administrations with which the national administration is politically aligned. By the same token, it could withhold money payments and manpower assistance, and advise on election information and procedure to those State and local government administrations with which it is not politically aligned.

The Federal Government could be benevolent or could be vindictive.

Once again, S. 352 is revealed not as just a simple voter registration-by-mail bill, but a vehicle for Federal control of elections.

UNDERMINING BUREAU OF THE CENSUS INTEGRITY

The Bureau of the Census is a general purpose statistical gathering agency, charged with collecting data on many diverse subjects from many sources. It submits objective and unbiased reports on the statistics it gathers. This role is expressed in title 13, United States Code. Historically, the Bureau has performed only this role since its establishment in this century.

The success of the Bureau of the Census' operations as a statistical gathering agency is dependent on its reputation for objectivity and accuracy. It has the public's confidence that in the collection and publication of data the agency is completely unbiased. The Bureau is proud of this reputation and the fact that it has been kept out of the political arena is a credit to all administrations holding office since 1908.

Placing the Voter Registration Administration within the Census Bureau will impair and compromse the Bureau's reputation and may even result, after 65 years of unsullied operations, in a bureaucracy as political as any which can be found at any level of government.

The Voter Registration Administration will be receiving requests from State and other local political subdivisions for financial assistance in registering voters and investigating fraud. This would be particularly true if the State and local government leaders were of the same political party as the national executive branch.

State and local governments in the control of the opposite party might find little likelihood of any aid beyond the bare minimum required in the bill from the Voter Registration Administration.

The rate of reimbursing States for cost of processing voter registration cards could certainly be slanted according to the inclinations of the party in power on the Federal level. S. 352 does not provide a formula for determining these rates. It leaves the Voter Registration Administration free to set the payment rates as it sees fit. This obviously increases the opportunities for favoritism, collusion, and political chicanery.

The Bureau of the Census should be insulated against political interference from whatever administration occupies the White House. It should likewise be prevented from exercising political influence on State and local governments.

S. 352 does just the opposite. It establishes an agency within the Bureau of the Census which comprises the Census' longstanding reputation for objective, unbiased collection of statistical information free from party politics.

FRAUD BY MAIL

In seeking an easier way to register voters, the proponents of S. 352 have, unfortunately, multiplied the opportunities for committing fraud in voter registration and all of the elections enumerated in the bill.

Present voter registration procedures in most States require personal appearance before a voter registrar. This face-to-face confrontation, in my opinion, is the best procedure—other than an in-depth investigation of every registrant—available to verify a potential voter's qualifications to vote.

At the very least, it establishes that there is an actual person registering who can offer identification—not a fictitious name sent in by mail which, particularly in populous areas, will not be checked for veracity before the election.

Although the registration books may be closed 30 days before election day to allow time to check on registered voters, the fact that there is no face-to-face meeting between a Government registrar and the voter upon registration tremendously increases the opportunities for fraud.

Another major innovation of S. 352 that multiplies the opportunities for fraud is the extension of mail registration to political party delegate elections, a type of election not heretofore involving State voter registration.

Under S. 352, all voters who register in a State would be eligible to vote in the State political party elections for delegates to the national party's presidential nominating convention. It is possible that the total number of registered voters for the delegate elections would far exceed the number of party members who vote at the present time for those delegate elections. Not all of these new voters would be known to the regular party members.

The absence of face-to-face voter registration, the absence of party membership requirement, the increase in the number of eligible voters to vote in party delegate elections—all would serve to multiply the opportunities for fraud.

Combine these factors with the intense pressures of party factional fights for delegates and fraud in these political party elections becomes very tempting and easy.

The necessity for checking voter registration lists statewide for State party delegate elections is a new burden on political parties imposed by S. 352. With only two out of our 50 States having all voter registration lists in one central place, political parties would be forced to go to every local voter registration office to insure only qualified voters are registered—and registered only once. This would not only be time-consuming, tedious, and costly, but it may well be impossible in many States within a 30-day period.

So, S. 352 extends another clear invitation for fraud.

BILL BYPASSES MAJOR COMMITTEES

S. 352 was referred to the Senate Committee on Post Office and Civil Service, because it contained references to the U.S. Postal Service and the Bureau of the Census. However, the primary thrust of the bill is to establish a national voter registration system, a subject not within the jurisdiction of the Post Office and Civil Service Committee.

Rule XXV-1 (l) of the U.S. Senate Rules states that matters relating to "civil liberties" shall be referred to the Committee on the Judiciary. Bills dealing with voting rights and registration for Federal elections fall within the meaning of civil liberties and have in the past been referred to and considered by the Committee on the Judiciary.

The proponents of this bill argue that potential voters are being denied their right to vote because of stringent and prejudicial applications of State voter registration laws. If so, this is a violation of voting rights, and S. 352 should be referred to the Judiciary Committee for consideration.

Moreover, S. 352 provides criminal penalties which should be reviewed by the Judiciary Committee.

Rule XXV-1 (p) of the U.S. Senate Rules directs that matters relating to "the election of the President, Vice President, or Members of Congress; corrupt practices; contested elections; credentials and qualifications; Federal elections generally" are to be referred to the Committee on Rules and Administration.

Rule XXV-1 (j) of the U.S. Senate Rules gives the Committee on Government Operations jurisdiction over "reorganizations in the executive branch of the Government" and directs the committee to study "the intergovernmental relationships between the United States and the States and municipalities."

As S. 352 is such a far-reaching proposal affecting not only the U.S. Postal Service and the Census Bureau, but also State voter registration offices, political parties, and electors for President and Vice President, this bill should, at the very least, be referred to the Senate Judiciary Committee before it is called up for action by the Senate. The Senate Committee on Rules and Administration and the Committee on Government Operations should also examine this bill thoroughly.

Before the Senate votes on the radical changes proposed by this bill, it should have the benefit of the expertise of the various committees with jurisdiction over voting rights, election of Federal officials, and Federal-State relations.

S. 352 should certainly be given much more thorough consideration in committee than the 3 days of hearings and 1 hour of executive session allotted by the Post Office and Civil Service Committee.

In conclusion, S. 352 goes far beyond being a simple voter mail registration bill:

First. It would change drastically the manner in which voters are registered throughout the country.

Second. It would establish a Federal agency whose primary function is to become involved in elections at all levels—Federal, State, and local.

Third. It would overturn State political party elections of delegates to national Presidential nominating conventions by making these State delegate elections Federal elections.

Fourth. It would negate political party rules requiring party membership for voting in national delegate elections.

Fifth. It would lead to a decline and possibly destruction of our two-party system.

Seventh. It would increase the opportunities for fraud in voter registration and elections.

Eighth. It would establish a new Federal bureaucracy costing over $100 million initially whose objectives have slim hope for realization.

Ninth. It would make it possible for the national administration to compile a master voter registration list for the entire Nation, which it could use for its own political advantage.

S. 352 is a bill that strikes at the very heart of our political system. It concentrates in one Federal agency immense power to influence elections at all levels. It is a bill full of deficiencies and pitfalls and should be defeated.

Mr. President, the majority report on the pending bill puts the blame for low voter turnout in recent American elections on onerous, outmoded, and cumbersome State voter registration laws.

It states that the "disquieting record of voter participation is in large part due to the hodgepodge of registration barriers put in the way of the voter" in the United States.

The majority report says that S. 352

"is designed to contribute to the correcting of the dismal voter turnout in American elections for the past 50 years."

The majority report ignores all of the evidence which supports the view that voter disinterest is the primary cause for the comparatively low voter turnout in American elections.

The Census Bureau survey of November 1968, which I previously mentioned, specifically shows that the eligible voters in the United States who did not register in 1968 did so out of general disinterest in our political processes.

A close analysis of the 1972 Presidential election strongly supports this same conclusion.

An analysis of the voting in my own State of Hawaii supports this very same conclusion—voter apathy not voter registration laws or procedures is the principal reason for the low voter turnout.

In 1972, there were approximately 531,000 eligible voters in Hawaii. Of that number, 338,000 or a little over 63 percent of the eligible voters were registered; 50.8 percent of the eligible voters in Hawaii voted in 1972.

Only 63 percent of the eligible voters in Hawaii were registered in 1972. Why were not the remaining 37 percent registered? Was it because of archaic State voter registration laws as stated in the majority report? Did the registration requirements in Hawaii present an obstacle course preventing the 37 percent from even registering to exercise their franchise? Were the Hawaii voter registration laws onerous, cumbersome, outmoded, and inappropriate for our highly mobile population? Were the Hawaii registration laws worded in such a way as to be a deliberate effort to disenfranchise those voters who desperately need entry into the decisionmaking processes of our country? Or putting it another way, was the effect of Hawaii's voter registration laws intended to interfere with the most basic proposition of a free society—that is, to keep the voters in Hawaii from full and viable participation in the democratic process?

Did the voter registration efforts in Hawaii demonstrate that, at the very least, the official registrars did not do all they could to encourage registration and voting?

Did the registration requirements in Hawaii "harass" the prospective, unregistered voter? Were the "places of registration" in Hawaii used to complicate and obstruct easy registration?

Knowing as I do the voter registration efforts in Hawaii, I must answer all of these questions raised in the majority report with a resounding, "no."

The 37 percent of Hawaii's eligible voters who did not register, chose not to register of their own free will. The voter mail registration program mandated by S. 352 will not significantly improve the voter registration program used in Hawaii and will only mean spending money needlessly.

In Hawaii, voter registration offices are open the year around. In Hawaii, they are easily accessible to everyone. Weeks before the close of registration, these registration offices are opened in the evenings also. Registration tables are set up at street corners, in shopping centers, and wherever a group requests them. In addition, citizen groups, political party teams, Government registrars are all intensely involved in registering all of the eligible voters in Hawaii.

Political parties, civic associations, and labor unions widely advertise and canvass all of the communities in an effort to get all eligible voters registered.

During election years, many citizens are deputized as registrars. The two political parties may have many of their party members sworn in as deputy registrars.

Teams of deputy registrars go door-to-door seeking those who have not registered. These deputy registrars are paid on an hourly basis plus an additional amount for every valid application taken. These door-to-door teams work evenings, Sundays through Thursdays beginning in mid-April of election years in their registration efforts. Despite all the efforts to register voters, still 37 percent of the eligible voters in Hawaii failed to register in 1972.

Mr. President, the primary reason these eligible voters did not register is that they were just not interested.

Voter apathy, not difficult registration laws, is the principal reason why so many of our citizens do not register—and, even if registered, do not vote.

The majority report cites the testimony of Mr. Randall B. Wood, of Texas, who stated that the low voter turnout in Texas, in spite of having a registration by mail system since 1941, was primarily due to the poll tax system and the requirement to reregister every year.

However, the 24th amendment to the Constitution of the United States, abolishing the poll tax as a condition for voting in Federal elections, has been in effect since 1964. So the poll tax is no longer a bar to registering or voting in Federal elections.

This was in a State where voter mail registration has been in effect since 1941 and without the obstacle of the poll tax; yet, in 1968, 47 percent of the voters in Texas—did not vote and in 1972, 54.9 percent did not vote.

The majority report then goes on to state that Mr. Wood believes the requirement to reregister every year also contributed to the low voter turnout in Texas.

The proposed legislation would not change that requirement at all. Prospective voters in Texas would still have to reregister every election year. This bill would not change that part of Texas voter registration laws, in fact it would make it more onerous.

What has happened in North Dakota, Texas, Alaska, Hawaii, and I am sure in many other States having as liberal a registration program as Hawaii, strongly refutes the arguments made in behalf of this bill.

Mr. President, I urge the defeat of this bill.

I ask unanimous consent that the minority views be printed in full in the RECORD.

There being no objection, the minority views were ordered to be printed in the RECORD, as follows:

MINORITY VIEWS TO ACCOMPANY S. 352

I am submitting Part II of the Report No. 93-91 on the bill (S. 352) to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Administration for the purpose of administering a voter registration program through the Postal Service, and having considered the same, recommend that the bill be defeated.

This bill, S. 352, entitled "Voter Registration Act," comes before the Senate in the guise of an ordinary piece of legislation which would merely simplify the manner in which Americans register to vote.

In reality, analysis of this bill shows that it is far more than that. It is a proposal for radical changes in election processes, with ramifications extending far beyond mere registration of voters. Here is what S. 352 would do.

1. It would drastically revise the registration of voters throughout the country;
2. It would change the function of voter registration from a time-honored responsibility of states to a Federal responsibility;
3. It would mandate a change in the method of selecting delegates to political party presidential nominating conventions;
4. It would lead to a decline, possibly to the demise, of our two-party political system, which has served our nation so well;
5. It would in effect amend the Constitution by changing presidential electors, heretofore held to be state officers, to Federal officials;
6. It would offer unparalleled opportunity for fraud in voter registration on a national scale;
7. It would politicize the Bureau of the Census, which up to now has been one of the most respected statistical gathering agencies in the world free from partisan politics;
8. It would make it possible for the national Administration to compile a master voter registration list for the entire Nation, which it could use for its own political advantage.
9. It would set up a new Federal bureaucracy which, at a minimum, would cost more than $100 million to operate;
10. It would have serious adverse effects on our entire system of government.

S. 352 is proposed in the hope that a substantial additional number of American citizens would be persuaded to register and vote in Federal elections. The hope is a slim one at best and certainly does not justify setting in motion the revolution in our election process that this bill does.

S. 352 would establish a national voter registration by mail system, operated by a Voter Registration Administration located within the Bureau of the Census, Department of Commerce.

The Voter Registration Administration would utilize the United States Postal Service to distribute Federal voter registration cards to every postal address in America. Distribution would occur no earlier than 45 days nor later than 30 days before the closing of registration in each individual state prior to every biennial Federal election.

These voter mail registration cards would be returned by the registrants to the appropriate state or local government voter registration office. Registration offices would process the cards, registering the applicants as voters in the next Federal biennial election, and billing the Federal government for processing the cards.

Registration would be required prior to a "Federal election," which under the provisions of this bill means any primary, any special or any general election held for the purpose of nominating or electing candidates for any Federal office. Thus, registration would be required prior to political party elections in district and State political party caucuses, conventions, or meetings held for the purpose of selecting delegates to national political party presidential nominating conventions.

Generally, that is the format for the proposed nationwide system of registering voters by mail.

Specifically, S. 352 confers the following functions on the Voter Registration Administration:

1. Establish and administer a mail voter registration program for all "Federal elections."

2. Assist State officials in administering the voter registration-by-mail program and in handling election problems generally.

3. Collect, analyze and arrange for publication by the Government Printing Office information on elections in the United States.

4. Report to the Congress after each biennial general Federal election on its activities and on voter registration and elections in the United States generally.

5. Prepare and, with the cooperation of the United States Postal Service, deliver to all addresses and residences in America voter mail registration cards sufficient to cover all eligible voters at each address or residence.

6. Accept from State officials, or initiate on its own, investigations into fraudulent registration charges and, if warranted, request the Attorney General of the United States to bring action on such charges before any United States District Court.

7. Make payments to each State for processing voter mail registration cards.

8. Make additional payments to each State in the amount of 30 per cent of the payments received by each State for processing its registration cards, if the State adopts a registration program for its own State elections.

POLICY AND CONSTITUTIONAL QUESTIONS

Voter registration qualifications and procedures have traditionally been left to the States. Up to now, Congress has legislated in the field of voter rights only when it believed that voting rights were being violated by noncompliance with the due process or equal protection clauses of the Constitution.

The Voting Rights Acts of 1965 and 1970 are examples of such legislation.

During congressional consideration of those voting rights acts, the evidence was consistent, conclusive and overwhelming that voting rights established by the Constitution were being violated.

Even with all the compelling evidence that had accumulated previously, Congress still conducted extensive hearings and debated long and intensively before approving the bills which became the Voting Rights Acts of 1965 and 1970. In both cases, the Executive Branch under President Johnson in 1965 and President Nixon in 1970, strongly supported remedial legislation and, during the congressional deliberations, made substantial contributions to the bills which finally became law.

In the long endeavor to provide remedies for violations of voting rights, these historic measures had the benefit of the best thinking in Congress and the Executive Branch and in the country as a whole.

On the other hand, where evidence has not been consistent, conclusive and overwhelming that constitutional rights were being violated, the Congress has refrained from acting in the field of voting rights.

Traditionally, Congress has left to the States conduct of voter registration and elections for local, State and Federal officials and States in turn have allowed political parties to participate in some of these functions. These include registration of voters, voting supervision, protection of voters, duties of inspectors and canvassers, publication of election returns, tallying of election returns, and election of delegates to State and national political party presidential nominating conventions.

The pending bill, S. 352, would overturn the long-standing tradition of leaving to the States the registration of voters. Proponents of Federal takeover of voters registration do not make a case that a constitutional right is being violated, but in effect contend that State voter registration laws do not meet the convenience of some of our nation's eligible voters.

LITTLE EVIDENCE MAIL REGISTRATION WILL INCREASE VOTER PARTICIPATION

Proponents claim S. 352 will increase the number of eligible voters who register and who actually go to the polls on election day. However, the evidence of past elections, the results of a Census Bureau voter registration survey, and the belief of some of the proponents of the bill themselves confirm that this bill will have little, if any, effect on increasing voter registration.

The following examples from the 1972 General Election offer slim hope of improvement.

1. The State of North Dakota has no preregistration requirement for its voters. The voters in North Dakota register at the same time they vote on election day. This is the simplest form of voter registration available and yet in 1972, 30.1 per cent—nearly one-third—of the eligible voters did not vote.

2. In Texas, a registration by coupon procedure is used. A voter clips a registration coupon from his local newspaper and mails it to his local voter registration office. Despite this simple registration procedure, 54.9 per cent—more than half—of the eligible voters did not vote on election day.

3. In Alaska, where the voting residency requirement is 30 days, 52.5 per cent—more than half—of the eligible voters failed to cast their ballots in the election.

4. The national average of voter participation in the 1972 presidential election was only 55.6 per cent. Some 44.4 per cent of eligible voters failed to vote despite the provisions of the 1970 Voting Rights Act which made it easier to vote by (1) requiring residency of only thirty days for presidential elections; and (2) allowing absentee voting in presidential elections.

WHY PEOPLE DO NOT REGISTER TO VOTE

The only national survey by the Census Bureau to determine the extent of voter participation and the reasons of such participation or non-participation was taken following the 1968 presidential election. That official survey of 50,000 households further supports my conclusion that S. 352 will not increase voter registration by any considerable number.

Of the 50,000 households surveyed, 26,942 reported they had not registered to vote. The question asked on voter non-registration was, "What was the main reason (this person) was not registered to vote?"

The answers were recorded in one of the following categories:

Not a citizen of the United States.

Had not lived here long enough to be qualified to vote.

Not interested, just never got around to it, dislike politics.

Unable to register because of illness, no transportation, couldn't take time off from work, etc.

Other reason.

Don't know.

More than half—53.3 per cent— of those not registered said they did not register because they were not interested, never got around to registering or disliked politics.

Of the remainder, 11.2 per cent said they did not meet the residence requirements; 13.5 per cent said they were ill, didn't have transportation or couldn't get off from work; 10.6 per cent were not citizens; 9.5 per cent gave other reasons; and, 2.2 per cent did not know.

If we discount the 10.6 per cent who were not citizens and could not have voted no matter what registration system was used, the number of households who were "not interested, never got around to registering or disliked politics" increases to 60 per cent! Making registration easier is not going to get this group to the polls on election day and it probably will not get them to register.

Judged by this Census survey, the Federal voter mail registration program provided in this bill will not accomplish its purported objective.

Why then should Congress establish another Federal bureaucracy to carry out a program which offers little or no prospect of improving either voter registration or voter participation.

Why should Congress saddle the American taxpayers, already overburdened by taxes, with another multi-million dollar Federal program of dubious value at best and downright dangerous a worst.

FEDERAL TAKEOVER OF ELECTIONS

Section 401(4) of S. 352 defines a Federal election as:

"Any biennial or quadrennial primary or general election and any special election held for the purpose of nominating or electing candidates for any Federal office, including any election held for the purpose of expressing voter preference for the nomination of individuals for election to the Office of President and any election held for the purpose of selecting delegates to a national political party nominating convention or to a caucus held for the purpose of selecting delegates to such a convention."

Thus the scope of S. 352 extends to the following elections:

1. Any biennial or quadrennial primary election.

2. Any biennial or quadrennial general election.

3. Any special election for the purpose of nominating or electing candidates for any Federal office.

Any election held for expressing voter preference for nominees for President of the United States.

5. Any election to select delegates to a national political party convention for nominating Presidential and Vice Presidential candidates.

6. Any caucus held to select delegates to a national political party convention for nominating Presidential and Vice Presidential candidates.

Under S. 352, the Federal voter-registration-by-mail procedure in each State would be triggered by whichever of the above elections occurs first in each State.

Anyone not registering by mail within the prescribed period for registration would thereafter have to register as his state law provided. This could mean for many people registered in person as at present.

BILL FORCES VOTERS REGISTRATION ON POLITICAL PARTIES

S. 352 would force Federal voter registration on State and national political parties which hold elections to select delegates to their national presidential nominating conventions held every four years.

S. 352 would overturn the long-established prerogative of individual States to prescribe, or not to prescribe, an election procedure such as the presidential preference primary whereby voters select delegates from the party of their choice to represent them in that party's presidential nominating convention.

Thirty-five States have no laws governing the selection of presidential nominees—in other words, no presidential preference primaries. In these 35 States, State law is silent on registering and qualifying voters to participate in the State's political party conventions, caucuses, or other meetings held to elect delegates to the national presidential nominating conventions.

Instead, party rules establish qualifications for persons desiring to vote in these party elections of delegates. Party membership is a crucial prerequisite to voting in these elections.

Under S. 352, however, any individual ". . . who fulfills the requirements to be a qualified voter under State law and who is registered to vote . . . shall be entitled to vote . . ." in any "Federal election," which by definition in the bill includes any political party election to select delegates to the national presidential nominating convention.

Obviously, where there is no State law

setting forth qualifications required of voters in the political party elections in those States, the only requirement under S. 352 is that a voter be registered. He need not be a member of the political party that is holding an election to select delegates to its national convention to nominate its candidates for President and Vice President.

With voting on party delegates open to any and all voters in 35 States provided only that they are registered, it is easy to foresee the chaos that would disrupt our presidential nominating process and the political chicanery and cross-over maneuvering that would ensue.

Party membership and party loyalty, the lifeblood of political parties, would be nullified by such open-season voting. Party responsibility, the backbones of our political system, would evaporate.

BILL FORCES STATES TO REVISE ELECTION LAWS

S. 352, if adopted, would put States under the gun to revise their election laws. An example that comes immediately to mind involves the requirement of S. 352 that a voter mail registration program be established for political party conventions and caucuses for selecting delegates and that voter registration books be kept open to at least 30 days before the party convention or caucus.

In those 35 States with no presidential preference primaries, the dates when political party conventions and caucuses are held vary from quadrennial year to quadrennial year. From the information available to me, no State political party has a fixed date for holding its elections to select delegates to its national presidential nominating convention. States would have to enact a law setting a date certain on which the political party elections are to be held.

S. 352 will force drastic changes in the present system of political party elections and will force States to revise their election laws with respect to political party matters in ways that up to now they have not seen necessary nor desirable.

Above all, S. 352 injects the Federal government into an arena up to now the sole prerogative of States—political party delegate elections. By instituting a voter mail registration system operated from Washington, D.C. penetrating into 49 of our 50 States, and into political party elections, S. 352 is plunging the Federal Government right into the heart of our party election process, in a way that can only weaken the system that has worked so well so long here in America.

S. 352 "AMENDS" THE CONSTITUTION

In yet another way, S. 352 propels the Federal Government into an area heretofore reserved to the States. Up to now, an elector for President and Vice President has been deemed a State officer. S. 352 would make such electors Federal officials.

This is in effect revising the Constitution without actually amending it directly.

Article II, Section I, Clause 2 of the Constitution provides:

"Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress . . ."

The sole authority of Congress under the Constitution respecting presidential electors is to ". . . determine the time of choosing the Electors, and the Day on which they shall give their Votes . . ." (Article II, Sec. I, Clause 4).

The Constitution does not give Congress the right to determine the manner of selecting presidential electors. Yet this is what S. 352 would do.

By making presidential electors Federal officers, S. 352 flies in the face of the Constitution and Supreme Court decisions which specifically state that electors are State officers, not Federal officials.

A United States Senate publication entitled "Nomination and Election of the President and Vice President of the United States," compiled by Richard D. Hupman and Robert L. Thornton under the direction of Francis R. Valeo published in January 1972, in reference to presidential electors, states, "These electors are State officers, being nominated and elected according to State law and paid some form of compensation, usually only necessary traveling expenses, by the individual States."

Again, under the appearance of a simple voter mail registration bill, S. 352 in reality voids the constitutional concept that presidential electors are State and not Federal officers and overextends Congress' very limited powers under the Constitution regarding these electors.

COSTS—UP, UP, AND AWAY

At a time of huge government expenditures, an anticipated Federal deficit of nearly $25 billion this June and nearly $13 billion next June, devaluation of the dollar and inflation, here is a bill to set up a new government program which will cost more than $100 million to start with and which cost can only go up. There will be more people to register, higher salaries to pay, and postage will undoubtedly rise.

During Committee consideration of S. 352, no estimate was given of the cost of this bill. Yet, look at the functions that would require funding under the Voter Registration Act.

Section 406 of S. 352 authorizes the Voter Registration Administration to contract with the Postal Service for delivery of registration forms to each address and residence and return them by mail to the particular State or local voter registration office.

The bill does not differentiate between residential and commercial addresses. Therefore, the United States Postal Service will be delivering voter registration forms every two years to more than 80 million addresses.

The Bureau of the Census and the United States Postal Service estimate that it will be necessary to send at least three or four registration forms to each address to insure that every eligible voter gets one. This means that each two-year mailing will require the delivery of at least 240 to 320 million forms.

A General Accounting Office cost estimate made in 1971 placed the cost of mailing and printing at approximately twelve cents per card. Using the 12 cent per card figure, the cost for mailing 240 to 320 million cards every two years will be between $28,800,000 to $38,400,000. It is probable increased postage rates will raise this cost in the future.

To mailing and postage costs must be added the following:

1. The cost of paying States for processing the cards.

2. The cost of paying States for adopting a voter mail registration system for its own elections.

3. The cost of setting up, staffing, and operating the proposed Voter Registration Administration.

But there is no cost estimate for paying States for processing voter registration cards. There is no cost estimate for paying States for adopting a voter mail registration system for its own elections. There is no cost estimate for setting up staffing and operating the new Voter Registration Administration.

The majority of the Committee agreed to report S. 352 to the Senate without having estimates of these inevitable costs. The only costs identified so far are just the tip of the iceberg. The Senate is being asked now to approve this bill without knowing the hidden costs. The Congress and the American people are entitled to a reasonable estimate and projection of costs, rather than partial, incomplete data, especially in these days of tight budgets—family and Federal.

"BIG BROTHER" CONTROLS ON ELECTIONS

Under S. 352, the Voter Registration Administration will be empowered to:

1. Determine the rate of payment to States for processing voter registration cards;

2. Determine the rate of payment to States that adopt a voter mail registration system for State and local elections;

3. Give manpower assistance to State or local voter registration offices for implementing the voter mail registration program:

4. Advise and give assistance to State or local officials on election problems generally;

5. Hire temporary and permanent employees to administer the provisions of S. 352;

6. Send Federal investigators out to check on registration fraud;

7. Obtain Justice Department assistance in prosecuting charges of fraud;

8. Collect, analyze, and arrange for publication information on elections in the United States.

S. 352 establishes for the first time in U.S. history a central office to collect and analyze election information. Concentrated in one Federal agency would be an awesome array of manpower and technical resources for obtaining and analyzing statistical and other information on all the different kinds of elections enumerated in the bill. And, this agency's prime purpose under S. 352 is to involve itself in these elections.

The Voter Registration Administration would know how to influence elections at all levels and it would have the resources to do so.

It could favor those State and local government administrations with which the national administration is politically aligned. By the same token, it could withhold money payments, manpower assistance, and advice on election information and procedure to those State and local government administrations with which it is not politically aligned.

Big brother could be benevolent. Or Big Brother could be vindictive.

Once again, S. 352 is revealed not as just a simple voter registration-by-mail bill, but a vehicle for Big Brother control of elections.

S. 352 UNDERMINES BUREAU OF THE CENSUS INTEGRITY

The Bureau of the Census is a general purpose statistical gathering agency, charged with collecting data on many diverse subjects from many sources. It submits objective and unbiased reports on the statistics it gathers. This role is expressed in Title 13, United States Code. Historically, the Bureau has performed only this role since its establishment in this century.

The success of the Bureau of the Census' operations as a statistical gathering agency is dependent on its reputation for objectivity and accuracy. It has the public's confidence that in the collection and publication of data the agency is completely unbiased. The Bureau is proud of this reputation and the fact that it has been kept out of the political arena is a credit to all Administrations holding office since 1908.

Placing the Voter Registration Administration within the Census Bureau will impair and compromise the Bureau's reputation and may even result, after 65 years of unsullied operations, in a bureaucracy as political as any which can be found at any level of government.

The Voter Registration Administration will be receiving requests from State and other local political subdivisions for financial assistance in registering voters and investigating fraud. This would be particularly true if the State and local government leaders were of the same political party as the national executive branch.

State and local governments in the control of the opposite party might find little likelihood of any aid beyond the bare minimum required in the bill from the Voter Registration Administration.

The rate of reimbursing States for cost of processing voter registration cards could certainly be slanted according to the inclinations of the party in power on the Federal level. S. 352 does not provide a formula for determining these rates. It leaves the Voter Registration Administration free to set the payment rates as it sees fit. This obviously increases the opportunities for favoritism, collusion, and political chicanery.

The Bureau of the Census should be insulated against political interference from whatever Administration occupies the White House. It should likewise be prevented from exercising political influence on State and local governments.

S. 352 does just the opposite. It establishes an agency within the Bureau of the Census which compromises the Census' longstanding reputation for objective, unbiased collection of statistical information free from party politics.

FRAUD BY MAIL

In seeking an easier way to reigster voters, the proponents of S. 352 have, unfortunately, multiplied the opportunities for committing fraud in voter registration and all of the elections enumerated in the bill.

Present voter registration procedures in most States require personal appearance before a voter registrar. This face-to-face confrontation, in my opinion, is the best procedure—other than an indepth investigation of every registrant—available to verify a potential voter's qualifications to vote.

At the very least, it establishes that there is an actual person registering who can offer identification—not a fictitious name sent in by mail which, particularly in populous areas, will not be checked for veracity before the election.

Although the registration books may be closed 30 days before election day to allow time to check on registered voters, the fact that there is no face-to-face meeting between a government registrar and the voter upon registration tremendously increases the opportunities for fraud.

Another major innovation of S. 352 that multiplies the opportunities for fraud is the extension of mail registration to political party delegate elections, a type of election not heretofore involving State voter registration.

Under S. 352, all voters who register in a State would be eligible to vote in the State political party elections for delegates to the national party's presidential nominating convention. It is possible that the total number of registered voters for the delegate elections would far exceed the number of party members who vote at the present time in those delegate elections. Not all of these new voters would be known to the regular party members.

The absence of face-to-face voter registration, the absence of party membership requirement, the increase in the number of eligible voters to vote in party delegate elections—all would serve to multiply the opportunities for fraud.

Combine these factors with the intense pressures of party factional fights for delegates and fraud in these political party elections becomes very tempting and easy.

The necessity for checking voter registration lists statewide for State party delegate elections is a new burden on political parties imposed by S. 352. With only two out of our 50 States having all voter registration lists in one central place, political parties would be forced to go to every local voter registration office to ensure only qualified voters are registered—and registered only once. This would not only be time-consuming, tedious, and costly, but it may well be impossible in many States within a 30-day period.

So, S. 352 extends another clear invitation for fraud.

BILL BYPASSES MAJOR COMMITTEES

S. 352 was referred to the Senate Committee on Post Office and Civil Service because it contained references to the United States Postal Service and the Bureau of the Census. However, the primary thrust of the bill is to establish a national voter registration system, a subject not within the jurisdiction of this Committee.

Rule XXV-1 (l) of the U.S. Senate Rules states that matters relating to "civil liberties" shall be referred to the Committee on the Judiciary. Bills dealing with voting rights and registration for Federal elections fall within the meaning of civil liberties and have in the past been referred to and considered by the Committee on the Judiciary.

The proponents of this bill argue that potential voters are being denied their right to vote because of stringent and prejudicial applications of State voter registration laws. If so, this is a violation of voting rights, and S. 352 should be referred to the Judiciary Committee for consideration.

Moreover, S. 352 provides criminal penalties which should be reviewed by the Judiciary Committee.

Rule XXV-1 (p) of the U.S. Senate Rules directs that matters relating to "the election of the President, Vice President, or Members of Congress; corrupt practices; contested elections; credentials and qualifications; Federal elections generally . . ." are to be referred to the Committee on Rules and Administration.

Rule XXV-1(j) of the U.S. Senate Rules gives the Committee on Government Operations jurisdiction over "reorganizations in the executive branch of the Government" and directs the Committee to study "the intergovernmental relationships between the United States and the States and municipalities. . . ."

As S. 352 is such a far-reaching proposal affecting not only the U.S. Postal Service and the Census Bureau, but also State voter registration offices, political parties, and electors for President and Vice President, this bill should, at the very least, be referred to the Senate Judiciary Committee before it is called up for action by the Senate. The Senate Committee on Rules and Administration and the Committee on Government Operations should also examine this bill thoroughly.

Before the Senate debates the radical changes proposed by this bill, the Senate should have the benefit of the expertise of the various Committees with jurisdiction over the voting rights, election of Federal officials, and Federal-State Relations.

S. 352 should certainly be given much more thorough consideration in Committee than the four days of hearings and one hour of executive session allotted by the Post Office and Civil Service Committee.

In conclusion, S. 352 goes far beyond being a simple voter mail registration bill.

1. It would change drastically the manner in which voters are registered throughout the country.

2. It would establish a Federal agency whose primary function is to become involved in elections at all levels—Federal, State and local.

3. It would overturn State political party elections of delegates to national presidential nominating conventions by making these State delegate elections Federal elections.

4. It would negate political party rules requiring party membership for voting in national delegate elections.

5. It would "amend" the Constitution by making presidential electors Federal officers and not State officers.

6. It would lead to a decline and possibly destruction of our two-party system.

7. It would increase the opportunities for fraud in voter registration and elections.

8. It would establish a new Federal bureaucracy costing over $100 million initially whose objectives have slim hope for realization.

9. It would make it possible for the National Administration to compile a master voter registration list for the entire Nation, which it could use for its own political advantage.

S. 352 is a bill that strikes at the very heart of our political system. It concentrates in one Federal agency immense power to influence elections at all levels. It is a bill full of deficiencies and pitfalls and should be defeated.

Mr. ERVIN. Mr. President, will the Senator yield for some questions?

Mr. FONG. I yield.

Mr. ERVIN. Did a single witness testify before the committee in opposition to this bill?

Mr. FONG. Two witnesses testified in opposition.

Mr. ERVIN. Does the Senator know whether the Governors of States were notified of the pendency of the bill before the committee?

Mr. FONG. I understand letters were sent out to various States.

Mr. ERVIN. Were any invitations issued to State election officials other than those who voluntarily appeared?

Mr. FONG. That I do not know. I leave it to the chairman of the committee to answer that.

Mr. ERVIN. I would infer from the record here that the only people who were really invited to come to testify were those known to be in favor of the bill.

Mr. FONG. I do not know, except that we had only 3 days of hearings on the bill.

Mr. ERVIN. That is the inference I would draw. I happen to know that there is a great deal of opposition to this bill throughout the country.

Mr. FONG. Yes.

Mr. ERVIN. Many people share the conviction of the Senator from Hawaii and the Senator from North Carolina that it is a very unwise bill.

It seems to me that no real effort was made on the part of the committee to give widespread notification to State election officials or State officials who would naturally have a tendency to oppose a bill of this character.

Mr. FONG. I was surprised that we had so few witnesses against the bill.

Mr. ERVIN. I ask the Senator from Hawaii whether this does not represent the first instance in American history in which an effort is made to take away from the States the power to register voters—a power which has always resided in the States—and confer it on officials of the Federal Government?

Mr. FONG. Yes, I believe this is the first instance, aside from the 1970 election laws, in which we did allow them to register voters for the Presidential and Vice Presidential elections. This is the first instance in which we are going into the realm of the States' jurisdiction.

Mr. ERVIN. So far as the provisions of this bill are concerned, the only information a State election official who is charged with the duty of registering voters and passing on their qualifications would have to learn about a particular person would be the information set out in writing on a postal card.

Mr. FONG. That is the only thing he gets—a piece of paper. He does not see the registrant at all, does not know what he looks like, does not know whether he is alive or whether he is a tombstone name. He does not know anything about him except what is on a piece of paper.

Mr. ERVIN. And he has no way of knowing whether the postal card is signed by the man whose name is appended to it.

Mr. FONG. No. Any man could sign any number of cards and send them in. I could sign your name, and you could sign my name.

Mr. ERVIN. Has it not been customary in times past, in all the States having registration systems, to require a person who desires to register to vote to appear in person before the registrar, so that he can be asked questions pertinent to his qualifications?

Mr. FONG. That is the general rule, except for two States—the State of North Dakota and the State of Texas. In the State of North Dakota, he comes in and registers on the day he votes, and in the State of Texas he sends in a coupon which appears in a newspaper. But in most of the States, he appears in person and takes an oath.

Mr. ERVIN. I ask the Senator from Hawaii if anyone can distinguish between the writing of a truthful man like George Washington and that of a liar like Ananias on the basis of writing on a postal card?

Mr. FONG. One could not tell the difference between the writing of George Washington and that of Ananias.

Mr. ERVIN. Should not this bill be entitled "A bill to encourage and proliferate frauds in elections throughout the United States in Federal elections"?

Mr. FONG. It is a perfect vehicle for fraud, especially in a one-party State, because the primary would be the outstanding election, and this is where they would zero in on the election process; because if they can control the primary, they can win the election.

Mr. ERVIN. Does not the Senator from Hawaii recall reading charges in the press some years ago to the effect that in one of our great cities of this Nation, thousands of votes were cast in the names of persons whom the evidence showed to be nonexistent?

Mr. FONG. We have had many instances of fraud to that extent. We have had many instances in which a man has voted 16 or 17 times. He goes from one booth to another.

Mr. ERVIN. Has it not been shown in many elections multitudes of people gave the same place of residence, and it turned out to be nothing but a filling station or a vacant field?

Mr. FONG. That is correct.

Mr. ERVIN. And this bill would permit that kind of registration, would it not?

Mr. FONG. This bill would permit any kind of registration, so long as a card is sent in and the man says he is eligible to vote. There would be very little checkup, because a person could register up to 30 days before the election, and in very populated areas it would be difficult for a registrar to check on him.

Mr. ERVIN. The bill provides:

> (b) Whenever a Federal election is held in any State, the Administration may, upon the request of any State official, furnish officers and employees and such other assistance as the Administration and the State official may agree upon to assist *State officials* in the registration of individuals applying to register in that State under the provisions of this chapter.

He may notify the Administration.

Mr. FONG. The Administration in Washington.

Mr. ERVIN. The Administration in Washington. So if a State official in Hawaii has a suspicion of that nature, it has to be resolved in Washington.

Mr. FONG. He has to send the message 5,100 miles to the Administration. The Administration goes to the Attorney General, who then looks into the matter, and by that time the election is over.

Mr. ERVIN. Is there any way a State official can even arrive at a suspicion that there is anything amiss from the postal card, which is the only information he receives? Does not the Senator from Hawaii agree with the Senator from North Carolina that as far as this bill is concerned there is no way in the world that a State official can even get a suspicion that anything wrong is being done?

Mr. FONG. It is even worse than that. When the postal card comes in that is prima facie evidence that he can vote.

Mr. ERVIN. This bill provides for the registrar to receive the postal card and then it requires him after he receives the postal card to mail a certificate that the man whose name appears on the postal card is registered and entitled to vote. Is that correct?

Mr. FONG. That is correct.

Mr. ERVIN. He does not see the purported signer and does not know if the purported signer has any existence on this earth. Is that correct?

Mr. FONG. The Senator is correct. He comes in and he says, "I have a card." He cannot even be questioned. With the card he is registered and can vote.

I wish to read from section 405 of the bill, the section entitled "Registration Forms":

> "(c) A registration notification form advising the applicant of the acceptance or rejection shall be completed and promptly mailed by the State official to the applicant. If any registration notification form is undeliverable as addressed, it shall not be forwarded to another address but shall be returned to the State official mailing the form. The possession of a registration notification form indicating that the individual is entitled to vote in an election shall be prima facie evidence that the individual is a qualified and registered elector entitled to vote in any such election but presentation of the form shall not be required to cast his ballot.

I think I could go out and pick up a lot of forms and give them to my friends and they could take them down and they could not be questioned.

Mr. ERVIN. That is correct. They could not be questioned. Furthermore, I cannot conceive under this bill how an election official could ever get any basis for any kind of suspicion.

But this bill provides he shall notify the administration here in Washington, but the administration does not have to do anything about it, whatever.

I invite the attention of the Senator to this sentence on lines 17, 18 and 19, of page 8:

> The administration shall give such reasonable and expeditious assistance as it deems appropriate in such cases, and shall issue a report on its findings.

Mr. FONG. That is true.

Mr. ERVIN. It does not have to do anything.

Mr. FONG. No.

Mr. ERVIN. There is no duty on the administration even to investigate the matter.

Mr. FONG. And he may "request the Attorney General" to bring action.

Mr. ERVIN. He may do that or go fishing, as far as this bill is concerned.

Mr. FONG. That is very true.

Mr. ERVIN. Then, it says that he shall issue a report on his findings. It does not say to whom he makes the report, if he decides to do anything, does it?

Mr. FONG. There are so many holes in this bill that I cannot answer.

Mr. ERVIN. Then the only other remedy it has beside the criminal remedy is where it states—

> Whenever the administration or a State official determines that there is a pattern of fraudulent registration, attempted fraudulent registration, or any activity on the part of any individuals or groups of individuals to register individuals to vote who are not qualified electors, the administration or a State official may request the Attorney General to bring action under this section.

Now, it states "may request the Attorney General."

Mr. FONG. The Senator is correct.

Mr. ERVIN. It does not say that the Attorney General has to bring that suit. So if the Attorney General is in favor of the objective of those who have the fraudulent pattern of registration, he does not have to do anything at all. Is that correct?

Mr. FONG. No; he does not have to do it.

Mr. ERVIN. Moreover the only thing he could do would be to bring a civil suit in an appropriate district court of the United States or the U.S. District Court for the District of Columbia "to secure an order to enjoin fraudulent registration, and any other appropriate order."

That applies only where there is a pattern of fraudulent registration and not where individuals fraudulently register without any collusion among them.

Mr. FONG. That is correct. It has to be a pattern of fraudulent registration.

Mr. ERVIN. I wish to ask the Senator if it is not true that under the existing laws of all States having registration of voters, if a man attempts to vote he has to appear in person before the voting official and the voting official has a right to ask him questions regarding his qualifications for voting, and to deny him the right to register if he finds that the man is not qualified. Is that correct?

Mr. FONG. That is the present procedure.

Mr. ERVIN. And if the registrar registers a man who is not qualified, there is afterwards what is called a challenge day, and anyone who knows about the lack of qualifications of this man who has been registered can challenge his registration and have it immediately stricken.

Mr. FONG. The Senator is correct.

Mr. ERVIN. Yet the only substitute for all those safeguards is to provide that when a State official has a suspicion or reason to believe something is amiss, he can write a letter to the administration here in the city of Washington, in the Bureau of the Census, and the voter administration can do nothing, if it wishes to do nothing, and it has no duty whatever to perform, as required under this law; and then, if the Attorney General finds that there is a pattern of fraudulent registration, he can bring a suit if he wishes.

Under the State laws allowing challenges of improperly registered voters, the matter is determined in 15 or 20 minutes, almost immediately. Is that correct?

Mr. FONG. It is done very quickly.

Mr. ERVIN. And if the law should require litigation in courts, as this bill proposes, the election probably would be over before the Attorney General would have time to make an investigation and draw up a complaint.

Mr. FONG. He would not have time to do anything else.

Mr. ERVIN. All of these fraudulent votes might determine who is to be the President of the United States by the time the civil action is brought. Under present law, according to my best recollection, we have 184,000 voting precints in the United States, each one of them manned by several election officials, who live in the neighborhood where the people who register with them vote, and they know those people, as a general rule.

This bill would substitute three men in Washington, with such hired people as they might need, to discharge the functions of election officials in 184,000 precincts.

Mr. FONG. It would have that effect.

Mr. ERVIN. In my State we have three election officials in each precinct. So this bill would place the responsibility on an administrator and two assistant administrators, and such hired help they might have to discharge the job that is now being discharged by almost 600,000 election officials.

Mr. FONG. Yes.

Mr. ERVIN. Does the Senator think it is possible for these men, even though they might possess the wisdom of Solomon, to discharge the functions of approximately 600,000 men in the States?

Mr. FONG. They would not have the time to acknowledge that they received such a complaint.

Mr. ERVIN. Can the Senator tell me how long it takes a person to register now in the State of Hawaii?

Mr. FONG. Two minutes.

Mr. ERVIN. In my county in my State a person can register any day of the year other than Sundays and holidays, and permanently, so he can vote from now on, until he goes aloft and starts voting absentee. It takes him about 3 minutes to do it.

I am not going to ask the Senator, but I think the Senator from Hawaii would be willing to say to the Senator from North Carolina that he is entitled to entertain an opinion that this country does not lose anything from the nonvoting of a man who does not love his country enough to spend 2 minutes or 4 minutes in the period of a lifetime to register to vote.

Mr. FONG. It is not an onerous requirement, because in many States the registrar's office is open in the evenings or on Sundays. In many States there is sidewalk registration. In many States there is door-to-door registration. So there is no reason why he should not be able to register.

Mr. ERVIN. The Senator from North Carolina is not going to shed any actual or political or crocodile tears over the failure to register of any man who thinks the privilege is so trifling that it is not worthwhile to spend 2 or 3 minutes to get registered and who does not love his country enough to go before an election official and register to vote. I think the country does not lose anything in losing the votes of men so bereft of energy and love of country.

Mr. FONG. Many people do not want to vote. In my State of Hawaii, for example, as I mentioned, we do everything possible to get him to register and to vote. The two political parties have their own people deputized to get people registered. The unions and civic organizations do the same thing. We have tables at street corners. We do everything possible. We open every registration office on Sundays and in the evenings. Yet 37 percent of our people failed to register.

Mr. ERVIN. I ask the Senator from Hawaii if it is not true that one can turn on his radio during a campaign or during the time for the registration of voters and he cannot have that radio on 5 minutes without hearing the exhortation to go out and get registered to vote.

Mr. FONG. The exhortation goes on for months for people to go out and get registered and exercise their franchise. It is emphasized that this is a privilege that they ought to exercise. Announcements are made over TV, on radio, in newspapers. So those who really want to can register.

Mr. ERVIN. I think the Government owes people the opportunity for them to register to vote. I am always astounded however, by the great political concern for people who are too trifling to spend 3 or 4 minutes once or twice in a lifetime to qualify to exercise the highest privilege an individual can exercise in a free society. I think the right to vote is a precious right, and I do not think we should shed any actual or crocodile or political tears over a person who is not willing to spend 3 or 4 minutes to get registered.

Mr. FONG. In 1968 a poll was taken of 50,000 households. That is so many more than the Harris or Gallup polls ever cover, because they may cover only 1,300 or 1,500. Some 50,000 households were surveyed in 1968, and they were asked whether they had registered or not. More than 50 percent said they did not register, and of those that said they did not register, approximately 60 percent said they were not interested in politics, that they did not care to vote. It shows very definitely that people do not register, and it is not because the voter registration laws are archaic or cumbersome; it is because they do not care to engage in the electoral process.

Mr. ERVIN. One clear thing about elections is that some men who are not willing to steal a penny of another man's money are willing to steal elections. I cannot imagine a proposal that provides a more efficacious way to practice fraud and steal elections than this bill. There is not a single protection in the bill against fraudulent voting, when we get down to the final analysis.

Mr. FONG. Except when we do not have to have registration; we could say there shall be no registration at all; a person just comes and votes.

Mr. ERVIN. That would probably be freer of fraud.

Mr. FONG. That would be almost this.

Mr. ERVIN. The individual would have to go to the booth to vote, and I guess someone would be permitted to challenge him then if he did not live in the precinct, or was underage, or was known to have been convicted of a felony; but after he gets registered under this bill, from then on, there is no way to keep him from voting fraudulently.

Mr. FONG. Once he gets that paper in his hand, he gets the right to vote. He can vote, and nobody can stop him from voting. The man who issues that certificate cannot stop him.

Mr. ERVIN. He has no way to find out.

Mr. FONG. He has no way to find out.

Mr. ERVIN. I thank the Senator.

Mr. FONG. I thank the Senator from North Carolina.

I yield the floor.

Mr. KENNEDY. Mr. President, I am pleased to give my strong support to the bill on which the Senate begins debate today—S. 35a, the Post Card Voter Registration Act. I commend Senator GALE McGEE, the chairman of the Committee on Post Office and Civil Service, for the excellent work he has done in bringing this measure to the Senate floor this session, and I hope that it will receive the prompt enactment it deserves.

In large part, the story of American democracy has been written in the long line of successful efforts throughout our history to expand the franchise and to broaden the base of political participation in our society. Six of the last 12 amendments to the Constitution have been concerned with extending the right to vote. Hand in hand with these great amendments have come a series of landmark decisions by the Supreme Court and far-reaching laws enacted by Congress—each a historic victory in our continuing effort to insure the broadest possible exercise of the right to vote.

Now we have reached the next great frontier—the archaic and obsolete system of voter registration that operates each year to deny the vote to millions of our citizens. Not for more than half a century, not since 1920, when the Nation adopted the 19th amendment and extended the vote to women, have we had the opportunity to take a step capable of expanding the franchise for so many millions of our citizens. The bill before the Senate today has the potential to become another major milestone in our democracy, and I hope that Congress will be equal to the challenge.

SUMMARY OF S. 352, THE NATIONAL VOTER REGISTRATION ACT

S. 352, the Post Card Voter Registration Act, contains six principal provisions:

First, it establishes a simple post card system for voter registration in all Federal elections throughout the Nation. Any citizens otherwise qualified to vote will be able to register to vote in such elections merely by filling out a post card form and mailing it to the local registration office. The forms are to be distributed to postal addresses and residences between 45 and 30 days prior to a forthcoming Federal election in the State.

Voting lists and lists of registered voters will continue to be compiled by local officials, as they are today. There will be no Federal compilation of voters, no centralized Federal registration file, no Federal takeover of local procedures, and no Federal encroachment on State rights.

Second, the bill establishes a period of 30 days' residence prior to an election as the maximum residence qualification that may be imposed for voting in Federal elections, and requires registration books to remain open until that date. In effect, the 30-day ceiling already applies to voters in Presidential elections, in accord with title II of the Voting Rights Act of 1970, which was sponsored by Senator **Barry Goldwater** of Arizona as a Senate floor amendment that year and was overwhelmingly approved by the Senate. Thus, this provision of S. 352 extends the Goldwater amendment to Senate and House elections. If adopted, the provision would reduce the impact of burdensome residence requirements, which operate now to disfranchise millions of mobile Americans who change their residence every year and are thereby prevented from voting for their Senator or Representative.

Third, the bill includes strong civil and criminal provisions to prevent fraudulent voter registration. The maximum criminal penalty for fraud is a fine of $10,000 and imprisonment for 5 years. In addition, State and local officials are authorized to request Federal assistance for the prevention of fraud, and the Attorney General is authorized to bring appropriate civil actions in such cases.

Fourth, the bill provides financial reimbursement to the States to pay the full cost of processing the post card registration forms. Thus, the bill imposes no financial burden on the States.

Fifth, the bill contains specific financial incentives to encourage State and local governments to accept the post card form for registration in non-Federal elections. States which accept the post card form for non-Federal elections may receive an extra 30 percent in addition to the Federal payment they receive to cover the cost of processing the post card forms for Federal elections.

Sixth, to carry out the program, the bill establishes a National Voter Registration Administration within the Census Bureau in the Department of Commerce. The functions of the new Administration will be to administer the Federal program, to prepare post card voter registration forms for the States in accord with the requirements of State law, to assist State and local officials in carrying out the program, and to compile and publish voting information and statistics.

THE SHAME OF VOTER REGISTRATION IN AMERICA

For a Nation that likes to call itself the greatest democracy in the history of the world, the present system of voter registration in America is a national scandal, a stain on our basic political process. Incredible as it may seem, of all the fundamental rights that Americans hold dear, the way we exercise the right to vote is the one we have neglected most.

Time and again, we have fought to extend the franchise, in order to insure that every citizen has the right to share in the political life of the Nation through participation at the polls. The 15th amendment, adopted in 1870, guaranteed the vote to citizens regardless of their race. The 19th amendment, adopted in 1920, extended the franchise to women. The 24th amendment, adopted in 1964, abolished the poll tax. And the 26th amendment adopted in 1971, extended the vote to 18-year-olds. All these constitutional milestones are monuments to our continuing concern.

But after every milestone, we always rested on our laurels. We left the job half done. For millions of Americans, the right to vote was a thing they could admire, but never use.

And registration was the villain. For generations—indeed, throughout the 20th century—every American who sought to exercise his right to vote has had to run a gauntlet of arbitrary, unfair, and obsolete requirements of voter registration. Confronted by such requirements, millions of potential voters fell by the wayside at each election, and millions more refused to even try.

And when I say millions, I mean millions. Take the figures for Presidential elections, the elections in which Americans traditionally have the strongest incentive to participate. In the election of 1960, 39 million eligible American voters failed to go to the polls. In 1964, the figure rose to 43 million. In 1968, it rose to 47 million. In 1972, there were 62 million Americans who did not vote.

If any single figure has come to symbolize the crisis of voter turnout in America, it is the figure for 1972—62 million lost voters. Of the 139 million potential voters in the Presidential election that year, only 77 million—or 56 percent—actually went to the polls, the lowest turnout since 1948. Sixty-two million people stayed home, at a time when the candidates of the two major parties were receiving only 76 million votes between them—47 million for President Nixon and 29 million for Senator **McGovern**.

The voting record of America becomes even more dismal when we compare it to the record of other Western democracies. In 1970 in Britain, 71 percent of the eligible voters went to the polls, and they called it one of the lowest turnouts in British history. In recent elections in other European nations, the turnout has been even higher—74 percent in Canada, for example, and 91 percent in West Germany, to name but two elections held in 1972.

The same pattern of high voter turnout in other Western nations has continued to apply in 1973. In France, earlier this year, 81 percent of the eligible voters turned out at the polls for the elections to the National Assembly on March 4. And fully 82 percent turned out again 1 week later to vote in the run-off elections. In Ireland, in the national elections held on February 28 this year, the turnout of eligible voters was 74 percent in Dublin and 75 percent in the countryside, for an average national turnout of 75 to 76 percent. Clearly, in the matter of voter turnout, the United States lags far behind virtually every major nation in Western Europe. And the gap is not a small one—voter turnout in America trails these other nations by the enormous margin of some 15 to 35 percentage points.

In part, of course, the dramatically higher voter turnout in foreign countries is a result of the fact that the United States stands virtually alone among the democratic nations of the world in tolerating a passive role in government in registration, and in basing registration primarily on the initiative of the individual rather than on government action.

Thus, in Britain, registration officials prepare annual voting lists in each election district, using mail and door-to-door canvass methods.

In Canada, registration officials prepare ad hoc voting lists before each Federal election by making a door-to-door canvass in each polling subdivision in urban areas—cities or towns with a population of 5,000 or more—during a 6-day period 7 weeks before the election, with a final revision of the last taking place 2½ weeks before election day. A modified procedure is used for rural areas. Before the June 1968 election, for example, 81,000 Canadian officials registered 11 million citizens—98 percent of the eligible voters—at a cost of approximately $7.5 million, or slightly less than 69 cents a voter. If this Canadian experience could be extrapolated to the United States, the cost of a similar registration canvass would be approximately $100 million.

At the same time, the higher voter turnout in nations like Britain and Canada cannot be ascribed entirely to their government initiative systems. Even if we accept the validity of the basic principle of our own American individual initiative system in voter registration, there is no excuse for the unreasonable burdens we place on individuals who want to register. Instead of an individual initiative system, our system might more appropriately be called a "law of the jungle" or a "survival of the fittest" system, because of the inordinate complexity in our methods of voter registration.

We know that the situation has not always been this way in the United States. Consistently, throughout the latter half of the 19th century, voter turnout in our Presidential elections ranged in the neighborhood of 70 percent to 80 percent. Twice, it exceeded 80 percent. Only once did it drop as low as 70 percent.

Since 1900, however, we have not seen even the 70-percent level again. Seven times in this century, the turnout fell below 60 percent. Twice it fell below 50 percent. Clearly, in spite of the enormous progress that the 20th century has brought us in so many other areas, we have moved backward in the crucial area of voter participation.

The cause is not far to seek. Study after study in recent years has demonstrated that the heart of the problem is our archaic system of voter registration. It is no accident that the sharp decline in voter turnout at the beginning of the 20th century coincided precisely with the advent of voter registration legislation.

As historians have shown, the present pattern of voter registration in literally every State is a legacy of the wave of electoral reform that swept America at the turn of the century. In part, registration was adopted as a means to end widespread voting frauds and other abuses that marred election in city after city across the Nation. In part, registration was also adopted for the darker purpose of discouraging minorities and other ethnic groups from going to the polls, especially black citizens in the South.

Today, in spite of the enormous progress we have made in so many other areas of public life, we are still using voter registration methods which were, perhaps, sophisticated at the turn of the century, but which are generations out of date today.

In almost every other sphere in which Government now operates—at the Federal, State, or local level—it uses the tools of the modern world, especially in the area of communications with the people. But if governments collected taxes the way they register voters today, they would be so bankrupt that revenue sharing could never bail them out. Why is it that Americans pay their taxes by mail, when they still have to register to vote by methods as obsolete as the pony express or the model T?

To paraphrase the famous epigram of Justice Oliver Wendell Holmes, it is revolting to have no better reason for a rule of law than the fact that it was laid down in the time of William McKinley. It is still more revolting if the grounds upon which it was laid down have vanished long since, and the rule simply persists from blind imitation of the past.

There is ample evidence that reform in voter registration is the key to improvement in voter turnout. The figure I have cited—56 percent voter participation in 1972—does not tell the whole story. In fact, according to preliminary census data, of the Americans who were registered to vote in 1972, fully 87 percent went to the polls and cast their ballots on election day.

Put another way, of the 62 million citizens who stayed home on election day in 1972, the vast majority were not registered to vote. They could not have voted, even if they had wanted to. Only a small percentage of those who stayed home on election day were registered to vote.

As the table attached to these remarks makes clear, the most recent available official data on voter registration bear out the dramatic fact suggested by the census poll—the overwhelming majority of citizens who are registered actually go to the polls and vote on election day. In seven States—Connecticut, Delaware, Massachusetts, Montana, Nebraska, New Jersey, and Oklahoma—more than 80 percent of the registered voters actually cast their votes. In 21 additional States, more than 70 percent of the registered voters went to the polls. In nine other States, the figure was over 60 percent. In only 4 of the 36 States for which data are now available did the turnout of registered voters fall below 60 percent.

Those figures are the measure of both our present failure and our future promise. They indicate that somewhere between 15 and 30 million citizens lost their right to vote because of the requirement of registration. Think of the voter participation we could have on election day, if we had universal voter registration. At a single stroke, we could increase our election turnout by 10 or 20 percentage points by up to 15 to 30 million voters—enough to rival any other major Western nation and make our democracy worthy of the name.

This is the real lesson for the future. Americans who register are Americans who vote. If our goal is to bring America to the polls, the place to start is with voter registration.

Again and again in recent years, detailed studies have demonstrated that the crisis in voter turnout is caused by voter registration, not voter apathy. An extensive study of voting behavior in 104 cities in the 1960 election concluded that registration requirements are a more effective deterrent to voting than anything that normally operates to deter citizens from voting once they have registered. According to the study, 80 percent of those who failed to vote in 1960 were disfranchised by the burden of existing registration requirements.

Ten years ago in 1963, the report of President Kennedy's Commission on Registration and Voting Participation issued a clear call for reforms in voter registration, to insure that registration is easily accessible to all citizens. The language and the conclusions of that report are as current and timely today as they were when it was published a decade ago, thanks in large part to our failure to follow through in Congress.

Similar studies on the 1968 election also concluded that the most significant impediment to the exercise of the franchise is the registration requirement. On the basis of a survey conducted in December 1969, for example, Dr. George Gallup found that registration requirements, rather than lack of interest, explained the minimal voter turnout. Similarly, the report of the Freedom to Vote Task Force, published in 1969, found that registration systems posed the most serious single impediment to full participation in the Nation's elections. And, in Texas, a recent study concluded that for every additional month the registration books stay open before election day, an additional 2.7 percent of the population would be registered.

Equally significant is the report last year by the League of Women Voters, entitled "Administrative Obstacles to Voting." The report, issued in the spring of 1972, was based on a study of election practices in hundreds of communities across the Nation during the fall elections of 1971. The report condemns in unmistakable terms the enormous burden that our present system of registration imposes on citizens throughout the country.

The results of the current population survey taken by the Bureau of the Census after the 1968 election are not to the contrary. The minority views in the Senate Committee Report on S. 352 point to the survey's finding that, of those who were not registered in 1968, 53.3 percent said they had not registered because they were: "Not interested, just never got around to it, dislike politics, and so forth;" 13.4 percent said they were "Unable to register because of illness, no transportation, could not take time off from work, and so forth."

Surely, these figures do not make the case that voter apathy is the major cause or even a principal cause of low voter registration. In the first place, 13.4 percent of the persons in the sample, representing several million potential voters nationally, are admittedly disfranchised by obstacles to registration. These persons alone deserve the immediate assistance of the registration procedures that would be available under S. 352. In the second place, the 53.3-percent figure in the sample is misleading and inconclusive. We do not know, for example how many persons in that category found the existing registration procedures so cumbersome and confusing that they just never got around to it.

And small wonder they did not get around to it.

In State after State, we see the chaos and complexity and confusion in our present registration system. Wherever we look, we find that registration is an obstacle course for the voter, instead of the easy path to the polls it ought to be.

The defects of the present system are not confined to any State or geographic region. They go by names like early closing deadlines, unreasonable purges of voting rolls, unfair reregistration requirements, inaccessible registration offices, and lack of absentee registration. The burdens are almost endless:

In some States, registration closes months before the election. A recent study cited 15 States in which the registration books closed more than a month before the election. Often, the closing date is much earlier. Such early closing deadlines serve no legitimate administrative purpose. In 1968 in Idaho, for example, the registration books were closed only 2 days before the election, and 72 percent of the eligible voters cast their ballots on election day.

In many of the Nation's cities and counties, there is no real local registration office. The only place a citizen can register to vote is at city hall or at the central downtown office of the board of elections.

In other cities, the problem is even worse. The only place to register may be the county courthouse outside the city limits.

In thousands of rural areas, registration means a long and time-consuming journey into town.

For millions of residents in communities like these, the inconvenience of a trip downtown or out of town or into town is an insurmountable barrier to registration. Often, the expense of the trip or the loss of income or time away from the job is sufficient by itself to inhibit registration—in effect, a tax that denies the right to vote as surely as the outlawed poll tax used to do.

For millions of the Nation's elderly, disabled, or sick—those who simply do not have the physical ability to travel to the registration office to register in person—the lack of any effective procedure for absentee registration means that they are denied the right to vote at all.

And, those who find their way to the registration office often learn that their problems have just begun. Often, the office is open only an hour or two a day, or a day or two a week. Sometimes, it may be necessary to make an appointment in advance. Other times, the registrar simply shuts the office early if no applicants arrive that day. In still other cases, all but the most determined voters give up in the face of the endless lines and waiting periods they find inside the door of the registration office.

Such examples are legion. The ones I have cited could be multiplied many times over. They are found in almost every State. But they are enough, I think, to identify the problem and to demonstrate the need for early and effective action by Congress.

And, as in so many other situations, the burden of our complex and capricious registration system weighs especially heavily on disadvantaged groups in our society.

Only 66 percent of the Nation's black citizens were registered in 1968, while the figure was 76 percent for the white population.

Only 53 percent of those in families with incomes of less than $3,000 were registered in 1968, while 82 percent of those in families with incomes between $10,000 and $15,000 were registered.

Only 69 percent of the Nation's manual workers were registered to vote, while 83 percent of the Nation's white-collar workers were registered.

Only 49 percent of those with a formal education of 1 to 4 years were registered in 1968, while 81 percent of those with a college degree were registered.

The preliminary census data for 1972 indicate that essentially the same pattern was followed last November, with two additional groups at a serious disadvantage—18- to 21-year-olds, only about 40 percent of whom went to the polls, and Mexican Americans, of whom only about 30 percent voted.

Clearly, on the basis of statistics like these, the burden of our present registration system falls most heavily on the poor, the black, the less educated, the bluecollar worker, the young, and the Spanish speaking.

But it is not just the disadvantaged who are caught by the existing system. The chaos and the defects of the system are not confined to any single population group or geographic region. They trap us all—the businessman in his office, the housewife in her suburb, the worker in his factory, the doctor in his clinic. Rarely, in fact, has any movement for reform so clearly cut across all political, economic, social, and geographic lines.

How do you think Gov. William Scranton felt at his polling place in Pennsylvania last November 7, when he had to go to court to get an order compelling local officials to let him vote, because his registration card was missing?

And that example represents only the top of the iceberg of the problems caused on election day by voter registration. We recognize Governor Scranton's name, but what about the thousands of others who suffered similar misadventures, and who were thereby denied the most basic right of all in our democratic society, the right to vote. The path to the polls on election day was a chamber of horrors for countless citizens trying to exercise their right.

In New York City, thousands of eligible voters found themselves in Governor Scranton's shoes because their registration records had disappeared and they were forced to go through the ordeal of obtaining a court order to let them vote. And it is estimated that for every voter who lasted the marathon courthouse course and actually cast his vote, at least two or three others fell along the way, and lost their right to vote.

In St. Louis, thanks to a faulty canvass and preelection purge of voting lists in mid-October, thousands of voters were erroneously stricken from the rolls. Two thousand voters were reinstated by court order, but many more never got to vote.

In Albuquerque, residents received a white slip of paper when they registered, but they could not vote until they received a yellow voting card by mail. For many new registrants, the yellow cards did not arrive, and so, the day before the election, a State court ordered that persons holding a white slip were eligible to vote, provided they appeared in court to assert their rights.

Incidents like these should not be happening today. And they will not happen tomorrow, if Congress acts to help relieve the burden by passing the legislation we need.

Perhaps the most imaginative approach for many jurisdictions would be to dismantle their registration programs altogether. North Dakota is well-known today as a State that has no mandatory requirement of voter registration, but what is not so well known is that at least nine other States leave registration to local option in the smaller counties and communities. Of the 88 counties in Ohio, for example, 27 or nearly one-third, have no requirement of voter registration. All you have to do to vote is to go to the polls on election day. Of the 114 counties in Missouri, 66, or more than half, require no registration at all, and eight other counties use only partial registration—that is, only in cities with populations of 50,000 or more within the county. And so it goes in at least seven other States. Some experts have suggested that registration could be totally abolished in up to one-third of the election districts in the country as a whole, with no harm at all to legitimate election day concerns.

At a single stroke, by enacting the simple procedure of post card registration, S. 352 would end virtually all of the manifold injustices and burdens that now exist.

Left to individual State action, the comprehensive reforms we need will never happen. Registration is a national problem, and it demands a national solution. Without legislation at the Federal level, the inertia of nearly a century of past and present practice will continue, and we shall lose this timely and fertile opportunity to make Government more responsive to the people.

Now, with the passions of an election year behind us, Congress has the opportunity to breathe new life into the political process in America. There is perhaps no more important step we can now take to make our democracy responsive to all the people. If we act to end the morass of voter registration, we can revitalize all our public institutions and build a stronger nation to meet the many difficult challenges we face at home and overseas.

Nor is the movement for reform a partisan affair. As the Freedom To Vote Task Force so eloquently stated in its report in 1969:

> Registration efforts must not be concerned with how people vote. The important consideration is that they vote. We can live with decisions made by a full electorate, but those who do not participate may be unwilling to live with decisions they have no voice in making. We must do everything within our power to encourage them to vote. Let the people choose.

Indeed, it is a tribute to the growing bipartisan interest in the problem that the man who has done the most so far in this area is Senator BARRY GOLDWATER, whose amendment in the Senate in 1970 accomplished important reforms in registration requirements for voting in Presidential elections. That amendment was a major landmark in congressional recognition of the problem, and it serves as an important precedent for the goal we seek today.

One more point should be made. It is becoming fashionable in some quarters now to play down the impact of obstacles to registration as a factor in our declining voter turnout. Voter apathy is the problem, they say, not voter registration. After the enormous difficulties in registration I have just described, it is difficult to deny that registration is a problem. Why can we not simply agree that apathy is a factor, too, without letting it become a roadblock to reform in other areas. To say that a man may choose not to accept a drink of water if the glass is put beside him, does not mean he ought to have to cross a desert when he decides he wants the water. And that's how our registration laws appear to many citizens—a Sahara they have to cross to earn the right to vote. That is not a situation we can be proud of, not a situation we can tolerate, in the America of 1973.

Now, with the passions of an election year behind us, Congress has the opportunity to breathe new life, into the political process in America. Thanks to the leadership of Senator McGEE and the Committee on Post Office and Civil Service, the Senate has already compiled an outstanding record of bipartisan support for such reform. I am confident that the 93d Congress will enact the measure we need, and end the present shame of America's lost voters.

THE BURDEN OF UNFAIR RESIDENCE REQUIREMENTS

Impediments to the right to vote of a different sort, but no less burdensome for millions of citizens, are the hundreds of different State and local residence requirements that now exist throughout the Nation. Typically, under present voting laws, a potential voter must fulfill three different residence requirements before he is entitled to vote—he must have resided in his State for periods ranging from 6 months to a year; he must have resided in his county for periods from 30 days to 6 months; and he must have resided in his precinct for periods from 10 to 30 days. In some jurisdictions, the minimum residence requirement is lower; in many, it is substantially higher.

Decades ago, perhaps, in a quieter and less mobile era of our history when these residence requirements were imposed, their burden was not as large as it is today. But now, the burden is immense. The Census Bureau estimates that every year, 20 million Americans, or 10 percent of the population, move their residence from one State to another. On the average, each family in the Nation moves its residence once every 4 years.

The plight of the disfranchised mobile voter in America is well known. As many experts have emphasized, the right of a citizen to travel freely from State to State is one of our fundamental rights protected by the Constitution. Too often, however, the exercise of that right triggers the loss of an even more basic constitutional right, the right to vote.

In the Goldwater amendment of 1970, Congress took a significant step to alleviate the burden of these so-called durational residence requirements by, in effect, reducing such requirements to 30 days for voting in Presidential elections.

Now the time is ripe for Congress to go farther. S. 352 shows the way by making the same 30-day requirement applicable to all Federal elections, and by requiring registration books to remain open until 30 days before each election.

In many States, we know that registration closes far too early before the election, often weeks or months before election day. Recently, in three decisions last March, the Supreme Court has sustained the constitutionality of State laws requiring registration books to be closed long before the election. In Burns v. Fortson and Marston v. Lewis, decided on March 19 this year, the Court upheld 50-day durational residence requirements and 50-day registration closing deadlines.

And in Rosario against Rockefeller, decided on March 21, the Court upheld a New York law that requires a voter to enroll in the party of his choice at least 30 days before the preceding general election, in order to vote in his party's next primary. In the circumstances of New York elections, the result was that voters had to register 8 months before a Presidential primary, and 11 months before a non-Presidential primary.

A year earlier, however, in March 1972, in *Dunn* v. *Blumstein*, 405 U.S. 330, a case arising in Tennessee, the Supreme Court had suggested that 30 days before an election was ample time to complete whatever administrative tasks are needed to prevent fraud and insure the purity of the ballot box. As a result of the Dunn decision, it appeared that legislation was not required to establish the 30-day period. Now, however, in light of the Burns, Marston and Rosario decisions, it is clear that the problem has not yet been resolved satisfactorily. As a subsequent part of these remarks makes clear, Congress has ample power under the Constitution to establish a uniform 30-day cut-off for registration and residence requirements in all Federal elections. I am pleased to note that S. 352 nails this 30-day deadline down, and thereby opens up the ballot box to large numbers of our mobile citizens.

VOTER REGISTRATION AND THE PREVENTION OF ELECTION FRAUD

There can be no legitimate concern that adoption of S. 352 will enhance the likelihood of election fraud. As noted, the bill contains ample anti-fraud provisions to prevent abuse of the post card system. In addition, the bill preserves the most effective fraud-prevention device that is widely used today—the ability to compare the signature of the voter at the polling place with the signature on his registration card in the official files. Thus, the signature on the post card form mailed by the registrant under S. 352 will be available at the polling place to verify his identity on election day.

It is difficult to believe that the face-to-face registration procedure used in virtually every State today can be any more effective in preventing election fraud than the post card registration procedure proposed by S. 352. The voter arrives at the polling place long after the face-to-face encounter is forgotten. Inevitably, the official at the polling place is not the official who registered the voter weeks or months before. All that exists to verify the identity of the voter on election day is his signature card in the registration file—precisely the same procedure that will be available under S. 352.

An additional significant point on this issue is the experience of certain States in recent years. North Dakota has no system of voter registration at all, yet detailed studies have concluded that election fraud is negligible in that State. The same conclusion has been reached on the basis of experience in States like California, Idaho, and South Carolina, which have experimented in recent years with universal voter enrollment programs. By contrast, as the hearings on S. 352 brought out, the incidence of election fraud tends to be greatest in those States that have the most complicated systems of voter registration. And, as the hearings demonstrated even more dramatically, 30 years of experience with post card registration in Texas leads to the conclusion that post card registration was no more susceptible to fraud than any other system.

The import of this point is clear. The fraud we have to fear today is not the sort of "individual" fraud that any reasonable system of voter registration can prevent. The real fraud we have to fear is the so-called "institutional fraud"—fraud carried out with the connivance or acquiescence of unscrupulous local officials at the polling places on election day. That is a problem which will exist whether or not we enact S. 352. No serious contention can be made that the pending bill will contribute in any substantial way to that or any other kind of fraud.

CONSTITUTIONAL JUSTIFICATION

First. General Legal Principles.

Both the Constitution itself and a long line of decisions by the Supreme Court clearly demonstrate that Congress has ample authority to enact uniform registration and residence requirements to protect and enhance a citizen's right to vote in Federal elections. In light of the strong precedents, no substantial doubt can be raised against the constitutionality of S. 352, the Voter Registration Act.

To be sure, the Constitution grants to the States the primary authority to establish qualifications for voting. Article I, section 2 of the Constitution and the 17th amendment specifically provide that the voting qualifications established by a State for members of the most numerous branch of the State legislature shall also be used to determine the qualifications of those who may vote for U.S. Senators and Representatives. Although the Constitution contains no specific reference to qualifications for voting in Presidential elections, it has traditionally been accepted that the States also have primary authority to set the qualifications for voting in this area as well.

But, article I, section 2 and the 17th amendment are only the beginning of the analysis, not the end. The power of the States to set voting qualifications is not unlimited. The scope of State power must be read in light of all the other provisions of the Constitution, including the 14th and 15th amendments. Clearly, the States cannot adopt voting qualifications that contravene these amendments. No one believes, for example, that the States have the power under article I, section 2 or the 17th amendment to deny the vote to a person because of his race or religion.

In fact, the Supreme Court has consistently and specifically held that the Equal Protection Clause of the 14th amendment prohibits certain unreasonable State restrictions on the franchise:

In *Carrington* v. *Rash*, 380 U.S. 89 (1965), the Court held that a State could not withhold the franchise from residents merely because they were members of the Armed Forces.

In *Harper* v. *Virginia Board of Elections*, 383 U.S. 663 (1966), the Court held that a State could not impose a poll tax as a condition of voting.

In *Kramer* v. *Union School District*, 395 U.S. 621 (1969), the Court held that a State could not deny the vote to residents in school district elections merely because they owned no property in the district or had no children attending district schools.

It was in the Kramer case that the Supreme Court most clearly stated the constitutional test that applies to State and local laws restricting or denying the franchise:

> Any unjustified discrimination in determining who may participate in political affairs . . . undermines the legitimacy of representative government." Therefore, as the Court made clear, it is not enough that a law limiting the franchise may arguably serve some *permissible* interest of the State. Rather, as the Court stated, a more exacting standard applies: "the Court must determine whether the exclusions are necessary to promote a *compelling* State interest." *Kramer* v. *Union School District*, supra, at 626, 627.

In addition to decisions like those in the Carrington, Harper and Kramer cases, in which the Supreme Court held that the Equal Protection Clause itself was sufficient to invalidate State laws unreasonably restricting the franchise, another important line of cases establishes that Congress has broad power to legislate in this area as well, pursuant to authority delegated by various provisions of the Constitution.

In *South Carolina* v. *Katzenbach,* 383 U.S. 301 (1966), the Court unanimously upheld the constitutionality of the Voting Rights Act of 1965, including, specifically, the provision authorizing Federal registrars to be used to register voters in States falling under the requirements of the act.

In *Katzenbach* v. *Morgan,* 384 U.S. 541 (1966), by a majority of 7 to 2, the Court upheld the constitutionality of a statute passed by Congress overriding State literacy requirements in English and conferring the franchise on Puerto Rican voters in New York who were literate in Spanish.

And, in the most recent and most imporant precedent for S. 2574, *Oregon* v. *Mitchell,* 400 U.S. 112 (1970), the court not only sustained the constitutionality of a Federal statute lowering the voting age to 18 for Federal elections, but also upheld the constitutionality of two other important provisions in the Voting Rights of 1970:

The provision abolishing state literacy requirements altogether, not only for Federal elections, but for State and local elections as well. The Court sustained this provision unanimously, by the vote of 9 to 0.

And, the Goldwater amendment, reducing residence requirements for voting in Presidential elections to 30 days, and requiring the States to make available appropriate absentee registration and absentee voting procedures for such elections. The Court sustained this provision by the overwhelming majority of 8 to 1, with only Justice Harlan dissenting.

The Mitchell case is especially significant with regard to the constitutionality of S. 352, not only because of the wide latitude the Supreme Court gave to Congress in the specific area of establishing residence requirements for voting, but also because it is a recent decision of the Burger court giving a strong indication that the present members of the Supreme Court will adhere to the earlier decisions establishing basic protections for the right to vote. Given these well established legal principles, it is clear that the two most important constitutional questions potentially raised by S. 352—the power of Congress to legislate in the area of registration and residence requirements—are easily answered in a way that provides ample justification for their constitutionality.

Second. The constitutionality of the Voter Registration Provisions of S. 352.

With respect to voter registration, the source of the authority of Congress to act by statute is article I, section 4 of the Constitution, which provides:

> The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such Regulations, except as to the Place of Chusing Senators.

Thus the Constitution gives broad power to Congress to regulate the "Times, Places and Manner" of holding Federal elections. Forty years ago, in *Smiley* v. *Holm,* 285 U.S. 355 (1932), the Supreme Court considered the extent to which article I, section 4 confers power on Congress to regulate such elections. Speaking for a unanimous Court, Chief Justice Charles Evans Hughes established a broad reach for that power which has been unchallenged in subsequent years, and which uses language directly applicable to the authority of Congress to enact legislation in the area of voter registration. As Chief Justice Hughes stated:

> It cannot be doubted that these comprehensive words ["Times, Places and Manner of holding elections for Senators and Representatives"] embrace authority to provide a complete code for congressional elections, not only as to times and places, but in relation to notices, *registration,* supervision of voting, protection of voters, prevention of fraud and corrupt practices, counting of votes, duties of inspectors and canvassers, and making and publication of election returns; in short, to enact the numerous requirements as to procedure and safeguards which experience shows are necessary in order to enforce the fundamental right involved, 285 U.S. at 366 (Emphasis added.)

Subsequently, in *United States* v. *Classic,* 313 U.S. 299 (1941), the Supreme Court ruled that Congress had ample constitutional power to protect congressional elections from fraud committed either by the State or by an individual. In explaining its decision, the Court emphasized that the exercise of the franchise derives from the States only to the extent that Congress has not restricted State action by the exercise of its powers to regulate elections under article I, section 4. Id. at 315.

In other words, the States have the power under article I, section 2 to establish voter registration requirements in the first instance, but Congress has the power to modify or alter those requirements under article I, section 4.

As these historic decisions make clear, article I, section 4 of the Constitution provides Congress with sufficient power to establish registration requirements for Federal elections. Since such requirements are clearly part of the manner of holding Federal elections, there is no substantial constitutional issue involved in S. 3523, insofar as the authority of Congress to legislate in the area of voter registration is concerned.

Third. The constitutionality of the residence and registration-closing provisions of S. 2574.

The constitutional power of Congress to enact uniform residence requirements for voters in Federal elections is equally clear. As the Court observed nearly a century ago in the *Slaughter-House Cases,* 16 Wall. 36, 80 (1879), the right to travel from State to State—to become a resident of any State, whether for purposes of voting or other reasons and to enjoy the same rights as other residents of the State—is a privilege of national citizenship. See also *Crandall* v. *Nevada,* 6 Wall. 35 (1968); *Passenger Cases,* 7 How. 283 (1849). Recent decisions by the Court, such as *Shapiro* v. *Thompson,* 394 U.S. 618 (1969), and *United States* v. *Guest,* 383 U.S. at 757–760 (1966), have amply confirmed this basic constitutional right, the right to travel.

In Oregon against Mitchell, supra, as already noted, the Burger Court sustained the constitutionality of the Goldwater amendment to the Voting Rights Act of 1970, and ruled that Congress has authority to reduce residence requirements for voters in Presidential elections. The basis of the Court's decision was the broad power of Congress to protect the right to travel.

The reasoning of the Justices in Oregon against Mitchell with respect to the power of Congress to set residence requirements for Presidential elections is equally applicable to other Federal elections as well. Existing residence requirements for congressional elections are no less restrictive of the right to travel than those for Presidential elections. Indeed, in discussing the validity of the residence provision for Presidential elections in Oregon against Mitchell, Justice Stewart, in an opinion joined by Chief Justice Burger and Justice Blackmun, observed that—

> While Section 202 applies only to presidential elections, nothing in the Constitution prevents Congress from protecting those who have moved from one State to another from disenfranchisement in any Federal election, whether congressional or presidential.

No clearer words could be found to sustain the constitutionality of the residence provisions of S. 352. Indeed, the language of Justice Stewart is so squarely in point that it may be read as an invitation to Congress to complete the task it began in 1970, and to extend the 30-day residence requirement to all Federal elections.

If any further support were needed, it is sufficient to point out that all three Justices in the Mitchell case who subscribed to the statement quoted—Justices Stewart and Blackmun and Chief Justice Burger—were dissenters from the separate 5-to-4 ruling of the Court in the same case holding that Congress had the power to reduce the voting age to 18 as a qualification for voting in Federal elections. Thus, although legislation by Congress in certain areas of voting qualifications, such as the voting age, may raise a substantial constitutional issue, no such issue arises in the case of legislation in the area of residence qualifications. Clearly, there is broad agreement among the present members of the Burger Court that such legislation is a valid exercise by Congress of its powers under the Constitution, and no substantial issue can be raised on this point with respect to the constitutionality of S. 352.

I ask unanimous consent that two tables be printed in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD:

TABLE I.—VOTER TURNOUT BY STATE IN THE 1972 U.S. PRESIDENTIAL ELECTION

State	Eligible voters [1]	Actual voters [2]	Turnout of eligible voters (percent)	Registered voters [3]	Turnout of registered voters (percent)
Alabama	2, 274, 000	1, 006, 000	44. 2	1, 764, 000	57. 0
Alaska	200, 000	95, 000	47. 5	149, 000	63. 8
Arizona	1, 239, 000	623, 000	50. 3	862, 000	72. 3
Arkansas	1, 310, 000	651, 000	49. 7	1, 010, 000	64. 4
California	13, 945, 000	7, 765, 000	55. 7	10, 466, 000	74. 2
Colorado	1, 558, 000	954, 000	61. 2	1, 220, 000	78. 2
Connecticut	2, 106, 000	1, 384, 000	65. 7	1, 648, 000	84. 0
Delaware	371, 000	236, 000	63. 6	293, 000	80. 5
District of Columbia	518, 000	163, 000	31. 4	305, 000	53. 4
Florida	5, 105, 000	2, 583, 000	50. 6	3, 487, 000	74. 1
Georgia	3, 104, 000	1, 175, 000	37. 9	2, 043, 000	57. 3
Hawaii	531, 000	270, 000	50. 8	338, 000	79. 9
Idaho	479, 000	310, 000	64. 7	397, 000	78. 1
Illinois	7, 542, 000	4, 723, 000	62. 6	6, 215, 000	76. 0
Indiana	3, 509, 000	2, 126, 000	60. 6		
Iowa	1, 909, 000	1, 226, 000	64. 2		
Kansas	1, 541, 000	916, 000	59. 4		
Kentucky	2, 206, 000	1, 067, 000	48. 4	1, 455, 000	73. 3
Louisiana	2, 339, 000	1, 051, 000	44. 9	1, 785, 000	58. 9
Maine	66, 000	417, 000	62. 6	616, 000	67. 7
Maryland	2, 688, 000	1, 354, 000	50. 4	1, 816, 000	74. 6
Massachusetts	3, 955, 000	2, 458, 000	62. 1	2, 775, 000	88. 5
Michigan	5, 874, 000	3, 490, 000	59. 4	4, 763, 000	73. 3
Minnesota	2, 560, 000	1, 742, 000	68. 0		
Mississippi	1, 403, 000	646, 000	46. 0		
Missouri	3, 266, 000	1, 853, 000	56. 7		
Montana	460, 000	313, 000	69. 1	387, 000	82. 2
Nebraska	1, 022, 000	576, 000	56. 4	712, 000	80. 9
Nevada	348, 000	182, 000	52. 3	231, 000	78. 8
New Hampshire	521, 000	334, 000	64. 1	450, 000	74. 2
New Jersey	5, 025, 000	2, 997, 000	59. 6	3, 673, 000	81. 6
New Mexico	636, 000	386, 000	60. 7	505, 000	76. 4
New York	12, 773, 000	7, 162, 000	56. 1	9, 207, 000	77. 8
North Carolina	3, 463, 000	1, 519, 000	43. 9	2, 358, 000	64. 4
North Dakota	402, 000	281, 000	69. 9		
Ohio	7, 185, 000	4, 095, 000	57. 0		
Oklahoma	1, 812, 000	1, 030, 000	56. 8	1, 247, 000	82. 6
Oregon	1, 500, 000	928, 000	61. 9	1, 198, 000	77. 5
Pennsylvania	8, 161, 000	4, 592, 000	56. 3	5, 872, 000	78. 2
Rhode Island	673, 000	416, 000	61. 8	532, 000	78. 2
South Carolina	1, 706, 000	674, 000	39. 5	1, 029, 000	65. 5
South Dakota	434, 000	307, 000	70. 7	392, 000	78. 3
Tennessee	2, 713, 000	1. 201, 000	44. 3	1, 990, 000	60. 4
Texas	7, 681, 000	3, 471, 000	45. 2	5, 500, 000	63. 1
Utah	689, 000	478, 000	69. 4	621, 000	77. 0
Vermont	309, 000	187, 000	60. 5	273, 000	68. 5
Virginia	3, 197, 000	1, 457, 000	45. 6	2, 107, 000	69. 2
Washington	2, 371, 000	1, 471, 000	62. 0	1, 975, 000	74. 5
West Virginia	1, 182, 000	762, 000	64. 5	1, 063, 000	71. 7
Wisconsin	2, 955, 000	1, 853, 000	62. 7		
Wyoming	225, 000	146, 000	64. 9		
Total	139, 642, 000	77, 684. 000	55. 6		

[1] Bureau of the Census, Current Population Reports, "Projections of the Population of Voting Age for States: November 1972," series P–25, No. 479 (March 1927), table 2.

[2] Certified vote totals in the 1972 election, as published in the New York Times, Dec. 20, 1972, p. 28; Dec. 24, 1972, p. 26. Figures rounded to the nearest thousand.

[3] Official reports of the State secretaries of state, giving registration figures available for the most recent date before election day. Data furnished to the national Republican congressional committee and the Library of Congress. Figures rounded to the nearest thousand. In some cases, the number of registered voters will increase as the figures are updated to election day, and the turnout of registered voters will show a corresponding decrease.

TABLE II.—VOTER TURNOUT IN U.S. PRESIDENTIAL ELECTIONS, 1824–1972

	Turnout (percent)
Election:	
1824	26. 9
1828	57. 6
1832	55. 4
1836	57. 8
1840	80. 2
1844	78. 9
1848	72. 7
1852	69. 6
1856	78. 9
1860	81. 2
1864	73. 8
1868	78. 1
1872	71. 3
1876	81. 8
1880	79. 4
1884	77. 5
1888	79. 3
1892	74. 7
1896	79. 3
1900	73. 2
1904	65. 2
1908	65. 4
1912	58. 8
1916	61. 6
1920	49. 2
1924	48. 9
1928	56. 9
1932	56. 9
1936	61. 0
1940	62. 5
1944	55. 9
1948	53. 0
1952	63. 3
1956	60. 6
1960	64. 0
1964	61. 8
1968	60. 6
1972	55. 6

TABLE III.—VOTER TURNOUT IN RECENT GENERAL ELECTIONS IN FOREIGN NATIONS

Nation	Election	Turnout (percent)
Australia [1]	Dec. 2, 1972	97
Canada	Oct. 30, 1972	74
France [2]	Mar. 4, 1973	81
	Mar. 11, 1973 [3]	82
West Germany	Nov. 19, 1972	91
Italy [4]	May 7–8, 1972	93
Netherlands [4]	Nov. 29, 1972	83
New Zealand [5]	Nov. 25, 1972	90
Great Britain	June 18, 1970	71
Ireland	Feb. 28, 1973	75

[1] Compulsory registration and voting.

[2] Assembly elections.

[3] Runoff assembly elections.

[4] Compulsory voting.

[5] Compulsory registration.

Mr. President, I extend my specific congratulations to the chairman of the Post Office and Civil Service Committee for bringing this matter to the Senate today. I also commend him for the series of hearings that he has held on this subject not only this year but in years past. His responses are eloquent and persuasive, to the various arguments that have been made in opposition to this legislation.

I support the essential theme of the Senator from Wyoming that there is nothing more basic and fundamental to a free society than the right to vote. This concept has been accepted since the earliest days of our republic. We know that, because of the various difficulties and barriers to registration in the respective States, the right to vote is a myth to tens of millions of American people.

The Senate has made important progress in recent times in insuring the adequacy of the right to vote to many of its citizens who would have been otherwise denied that right. In recent times, in the Voting Rights Act of 1970, the Senate acted to lower the voting age and include 18- to 21-year-olds in the election process.

Previously, Congress had effectively struck down the poll tax, which excluded millions of Americans from the right to vote. Congress also insisted that the Supreme Court decisions, which recognized the principle of one man, one vote, should be applied to the various congressional districts, to prohibit gerrymandering of those districts and to prevent the serious inequities of malapportionment for our democracy.

In addition, as I have indicated, the Supreme Court has made a number of far-reaching and important interpretations of the Constitution, in a series of decisions that have provided substantial new protection for the right to vote. The Court recognized, as we in the Senate and Congress have recognized that voting is a basic right in a free society.

The legislation which has been recommended here this afternoon by the chairman of the committee, and by many other Members of the Senate, will be a giant new step in protecting that right, and in enabling tens of millions of our citizens to reach the ballot box. No longer will then be barred from voting by the prohibition or the hindrance or the barrier of registration.

I am satisfied, as a member of the Judiciary Committee, that the action which has been taken by the Post Office and Civil Service Committee does not in any way impair the jurisdiction of the Judiciary Committee. That point was made time and time again last year, when the Senate debated the issue then. The constitutional law is also clear with respect to the power of Congress to take the action recommended by the committee. I think this bill is a very reasonable step that is being taken, and I think it is an essential one.

I doubt whether there will be any more important action taken by Congress and the Senate in this session, because what this bill proposes can very well affect the heart and soul of our democracy. I hope, therefore, that the bill will receive the approval of the Senate.

Again, I join my colleagues in commending the chairman of the committee. I had the opportunity to testify before his committee and to raise some additional points as to how I think our effort could be carried forward. I have been pleased to work in concert in this area with the distinguished Senator from Alaska (Mr. STEVENS). Our views were considered by the committee. There are still many parts of those views which, hopefully—will be considered and adopted at a future date.

So I thank and commend the chairman of the committee and urge the Senate to act favorably on this bill.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the bill (H.R. 3298) to restore the rural water and sewer grant program under the Consolidated Farm and Rural Development Act, returned by the President of the United States with his objections, on reconsideration, had failed of passage, two-thirds of the House of Representatives not agreeing to pass the same.

VOTER REGISTRATION ACT

The Senate continued with the consideration of the bill (S. 352) to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Administration for the purpose of administering a voter registration program through the Postal Service.

Mr. STEVENS. Mr. President, I filed separate views on the bill. Having cosponsored a bill with the Senator from Massachusetts (Mr. KENNEDY), that is mentioned in the report, I am grateful to the chairman of our committee for mentioning S. 472. I ask unanimous consent that the separate views be printed at the close of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. STEVENS. Mr. President, I find that I have some very difficult problems with the statement that is made in the report on page 7. I should like to read that statement and ask the chairman of our committee a few questions, if he will permit me to do so. The statement in the report is as follows:

> A special note should be made about those states and local jurisdictions which do not require registration prior to election day as a condition for casting a ballot (as in the case of North Dakota). S. 352 allows the regulations of the Administration to exclude such states and local jurisdictions from the provisions of the bill. Such a provision is consistent with the conceptual framework the Committee used in its deliberations. That is, generally speaking, prior registration requirements are restrictive, and when such requirements are not present, then no need for a postcard registration system is apparent. Furthermore, if a state finds the Federal postcard system not to their liking, they merely have to modernize their voter registration laws along the lines established by North Dakota in 1951 to avoid the postcard system.

Alaska had a system quite similar to the system in North Dakota, and at my urging, with action by the State legislature and our Governor, we put into effect the registration statement.

The registration statement we put out, which is very enlightening, has proved very effective. Contrary to what my good friend from Hawaii said, we had a situation where approximately 30,000, or 20 percent of the people who registered, were no longer residents of the State. That was attested before our committee by the Governor. If those people were deducted from our registration, the people who voted constituted 85 percent of the people eligible to vote.

One of the difficulties I find with the bill is a statement in the RECORD which indicates that a more modern system would be a system which had no prior registration at all. As a matter of fact, section 410 of the bill contains a statement that regulations may exclude a State from the provisions of this chapter if that State does not require a qualified applicant to register prior to the date of a Federal election.

In other words, it seems to me that the bill has as its main purpose—and I support that purpose—trying to get additional people registered, by providing an incentive, and doing away with a prior registration system and statement, which I think has great merit.

I concur in a statement by the League of Women Voters, repeated by our Lieutenant Governor, that if government can find a citizen to tax him or to draft him into the military service, is it not reasonable to assume that government can find that same citizen to enroll him as an eligible voter and include him in the active electorate? In order to do that, we will have to have more than a postcard registration system.

Senator KENNEDY's bill would have taken us into voter education and the making available of assistance to the States in the form of technical assistance to bring about a computerization of the voter registration laws system. Incidentally, my small State has already undertaken to implement such a system. With a highly mobile population such as we now have, a postcard registration concept, if that is the only thing we authorize, will add confusion.

I am certain that other Members of the Senate who have gone through elections—and I can add that none of them have been through as many as I have in recent years—have been involved in action in the direct mailing campaigns. We were appalled to find that we were appalled to find that we were getting only 25 or 30 percent of each mailing back after mailing them to people who were in fact eligible voters.

I think that there is a great deal that Congress can do to assist the registrars to encourage eligible voters to participate in registration, and also to carry on from there and encourage the States through grants in aid to enter into voter education.

The State of Oregon has done a magnificent job with regard to pamphlet mailouts to each eligible voter. If the carrot were kept in the bill, we would lose all of those benefits to finance not only the people who were eligible to vote, but also those who wanted to participate in Oregon, since out there the education pamphlet is sent to every eligible voter.

I wish that we could do that on a national level. It would give the voter every conceivable benefit. He would be prepared to vote.

I ask the committee chairman why we have in the bill this inducement to do away with the voter registration concept and the statement in the report that I cannot subscribe to, which says that if a State finds the Federal postcard system not to its liking, it merely has to modify its voter registration along the lines followed by the State of North Dakota. Does the chairman feel that if all States were to follow the example of North Dakota, which follows what I call an eyeball representation in terms of voting, that it would be unnecessary for the Federal Government to assist in any way?

Mr. McGEE. Mr. President, that was neither the intent nor the understood meaning of that clause. The key word is "may." The reason that was included in that clause was that they have a simultaneous registration with the casting of the ballot. It was simply a straightforward effort to proceed without unnecessary duplication. There is no real point in blanketing the State with postcards. Nothing in the bill sweetens it in any way because of the simultaneous registration and voting procedure.

We are leaving that entirely up to the States. They would simply cover known existing cases where they now operate in that way and would respect the decision of those State officials to run it that way.

In Alaska they do it differently. In Wyoming they do it differently.

We are trying to accord the process with whatever the particular limitations of each State law might be.

Mr. STEVENS. Mr. President, I would say to my good friend, the Senator from Wyoming, that when the report states that if any State finds that the postcard system is not running as they would like, they have to follow the lead of North Dakota, we are in effect saying that they should do away with prior registration.

Mr. McGEE. Mr. President, I might say to the Senator from Alaska that I think the choice of words in the report was unfortunate. It does warrant the interpretation the Senator places on it.

However, it is only in the report. It is not the intent of the wording of the law, which speaks for itself. The language of the bill is designed, I think, to leave that clearly to the discretion of the administration of the act by the proper authorities.

Mr. STEVENS. Mr. President, I would like to state to the chairman of the committee that, with two exceptions, I could support the bill. First, I cannot see this carrot to the States to do away with the registration system.

Mr. McGEE. I agree with the Senator. There should be no carrot on that score.

Mr. STEVENS. Why do we not exclude North Dakota? That is the only State that follows that system. They even have prior registration. They may go in and register ahead of time or appear in person and vote, if they so desire. However, there is still a necessity for postcard registration in North Dakota. As far as I am concerned, I could support a bill that excluded North Dakota if they wanted to be excluded and that excluded any other State that wanted to be excluded. I am of the opinion that Oregon and a few other States will say, "Let's do away with the prior registration system." Since they have a better system than any other State, to a certain extent this bill will limit their activities.

Mr. McGEE. Mr. President, the point that is important, I must say to my good friend, the Senator from Alaska, is that voter education is a far different approach to a different problem than the process of facilitating registration. And registration is not voting. A post card registration system simply overcomes some of the difficulties that have interceded in the process. It is not the same as casting a vote. Therefore, I respectfully submit that the two are at quite different levels and quite different issues. These people are only being registered. They are not being voted.

Mr. STEVENS. I appreciate the distinction. However, I still feel that the post card registration system allows the State to get away simply by doing away with the prior registration. There is a carrot there. I recognize that. One State may want to use it. We do not know. No responsible official from North Dakota has asked for this. And even the provision in the bill says that they may exclude it and not leave it up to the State of North Dakota.

I am prepared to offer an amendment to let the State of North Dakota be excluded if it wants to, or any other State.

It does not seem to me that there ought to be the inducement to be excluded, as stated in the report.

There is one other item that bothers me. I am sure that the chairman of the committee is familiar with the two recent Supreme Court cases determining the duration of requirements for voter eligibility, the residence requirement. And these were reported cases. I have them here. I ask unanimous consent to have them printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. STEVENS. They are in report 41 Volume of Law, at page 3498. One is a case involving Arizona, a per curium decision involving the judgment of a three-judge court in Arizona. And the 50-day duration of voter registration requirement is constitutional. And Byrnes against Foster, reported the same day, concerns the Georgia registration books providing for the law of Georgia to require the registrar to close their voter registration books 50 days prior to the general election.

Now in this bill reported from our committee there is a provision, in section 404, which requires that the States "shall provide for the registration or other means of qualification of all residents of such States who apply, not later than thirty days immediately prior to any Federal election, for registration or qualification to vote in such election."

In other words, this statute overturns the decision of the Supreme Court rendered just March 20 of this year in connection with the Arizona and Georgia requirements—requirements, I might add, that I am quite interested in because of the vast size of our State and the problems regarding mails, which I am sure the chairman is familiar with, in our State, and that it is a virtual impossibility to live within a 30-day residence requirement in our State, and we will undoubtedly have litigation concerning the proposals before our legislature eventually.

But I would like to preserve for the States of Arizona and Georgia their decision as to 50 days, as much as we are preserving for the State of North Dakota their decision to have no prior registration. Yet, as I understand the bill, it would require the States to provide a means of registration for residents not later than 30 days prior to the election, thus cutting 20 days off Arizona and Georgia. Does the Senator agree with that interpretation?

Mr. McGEE. Except that I turn the interpretation around the other way. The Supreme Court decision that the Senator refers to rules, in my judgment, that the Arizona and Georgia laws were not unconstitutional, but they remain subject to the legislative will of Congress, and to make it uniform in Federal elections, rather than 50 days or 62 days or 90 days—we have had these variabilities; all that Court decision says is that they do not violate the Constitution—the legislation seeks to conform, as a matter of public policy, to the uniformity of the residence requirement in Federal elections only, and that is 30 days.

Mr. STEVENS. In connection with the Presidency we established 30 days.

Mr. McGEE. Yes.

Mr. STEVENS. I think that is distinguishable from a statewide election involving a Governor or Senator, or a districtwide election involving a Member of the House of Representatives, in terms of trying to identify and determine who is eligible to vote for the statewide or districtwide official.

Any citizen of the United States who has been anywhere for 30 days is entitled to vote for President. The bill that has come out of the committee would establish that some procedure for the States of Arizona and Georgia, notwithstanding the fact their legislatures have established a 50-day period, and that was challenged, and the Supreme Court said it was reasonable. I call particular attention to the fact that the Court pointed out that the time is that which reflects the State's legislative judgment that the period is necessary to achieve the State's legitimate goals.

In other words, the Supreme Court is determined to leave it up to the State to determine, up to 50 days at least. They may go farther, but they certainly have gone at least to 50 days now. The Blumstein case said a year was too much and 30 days was reasonable. We have now gone back up to 50 days. But this bill that would reverse the Supreme Court's finding as far as these two States are concerned would ultimately have an effect on my State, because we cannot adopt a 50-day period if the bill passes.

Mr. McGEE. It does separate the Federal Senate and House of Representatives offices from the impact of those Court decisions, as it should, in my opinion. The Voting Rights Act of 1970 set up a uniform 30-day rule as a matter of public policy for the office of President. This measure simply selects out Federal offices on the same basis which before we applied to the office of President of the United States, and makes that uniform with the existing ongoing public policy now—namely, 30 days. We are trying to make it consistent for Federal offices only. This does not apply to State offices, and whatever else was encompassed in the decision of the Court applicable to State offices is not in issue here.

Mr. STEVENS. I might say to my good friend that if we were to allow the States to have some leeway, if that could be 60 days rather than 30 days, the 50 days for Arizona and Georgia and maybe 60 days for Alaska, or whatever is deemed reasonable in the final legislative and judicial process on the State level, if we were to give them some running room, as we have North Dakota, and as the committee suggests that we do as to any State that wants to do away with prior registration, I could support the bill. I support the goal of the bill, which is to help identify the voters, as I pointed out in my separate views—the new voters, the voters who are highly mobile, the voters that the present registration system has not located.

I think we should go farther. But I cannot see, while we go farther in giving the aid of a Federal post card registration program, shutting off Arizona and Georgia and what their legislatures decided to do, nor can I see holding up the carrot to my State to return to the North Dakota system, which I did not support, and I can prove we have greater voter participation now under the prior registration system than we used to have under the eyeball system.

I think the committee has combined a meritorious objective with two anchors. I ask the chairman if he would agree to cut off the anchors and let those of us who want to support a voter registration system, cut off the anchor in the Georgia and Arizona cases, and not reverse the process my State has followed in doing away with the North Dakota system.

Mr. McGEE. The Senator raises a very complex point, about very fundamental points. The fundamental point is that the court has likewise passed judgment that an 11-month case was constitutional in New York, that a 50-day case was constitutional in Arizona, and all this does, in terms of the impact on the decisions, is remind us how mixed this is, and that in Federal elections we are trying to make it somewhat consistent. The pattern was set in the Voting Rights Act of 1970 at 30 days.

As a matter of public policy, we deliberately select out, because of the point that those two decisions made that it is going to be astoundingly uneven among the States, as it has been among other preregistration requirements among the States, and naturally we do not contribute to the solution of that by ignoring it, by just leaving it intact.

It is not a carrot that we inject in terms of the North Dakota case. It is not an inducement or incentive that we seek to offer in regard to that. It is simply an acknowledgment that there it is for a starter in terms of the preregistration post card approach.

We are only seeking to make more uniform the minimum residence requirement in Federal elections. Whatever else the State does, the Federal elections would coincide with the elections for the Office of President, the House of Representatives, and the Senate, and it was an attempt to make it a little less uneven by taking this particular step.

That would be my response to the Senator. I understand fully his concern because of the other kinds of problems it poses, and indeed it does, but I do not think all of those problems, when added together, to Alaska, to Wyoming, or to New York, equal the importance of the breakthrough in trying to make more uniform the preregistration approach in the Federal elections, a pattern for which has already been set.

Mr. STEVENS. But what I am trying to urge upon my chairman is to use this bill to add to the powers of the State registrars to get people registered.

My good friend was very patient, and listened to our Lieutenant Governor. He is not of my political party, but we have worked together toward one goal, to get every eligible voter registered. We are now substantially along toward the achievement of that goal. We are now in a situation where we need assistance beyond the postcard registration system, as I have mentioned. I think we have a better system than a postcard system right now. In order to create the climate for Federal assistance in the election process, I would like to support the bill. But I cannot support the bill if it is going to turn us backward, and it will turn us backward if we reverse the Arizona and Georgia cases.

I do not know what the situation is in my friend's State of Wyoming, but our primary is the last Tuesday in August. We then have a general election in November. In many places they do not get mail except once a month. This bill applies to registration. A post card sent out will get there after the election is over unless we do away with that thing that says 30 days. I really think I expressed myself in committee on this in terms of that one, the sentence on page 5 in section 404. That is worse than the other carrot, so far as I am concerned, because we are adopting the 30-day residency requirement when, as a matter of Federal law in connection with Federal elections, which has never been done before.

It is something we did by constitutional amendment in connection with the presidency. We are not doing it by constitutional amendment in connection with this. I think that it is wrong to inject that time frame on top of the States, particularly the States that are doing a better job. The State of Oregon could not get out its voting pamphlets to the registered voters to register by post card 30 days before elections because if they mailed the post card on the 31st day, by the time it got there, the voter pamphlets would already have been mailed, because they mail them 30 days before election. We are complicating the life of the registrars of this country by that sentence more than anything else.

As my good friend knows, I took off with him on a little international "soiree" over the weekend and thought that I was going to escape some business, but I was contacted by my Lieutenant Governor who urged me not to support this bill with that provision in it because the actions of the people in Louisiana—by the New Orleans——

Mr. McGEE. The first State meeting the State registration officials had.

Mr. STEVENS. They were outspoken in the fact that they have differences in the procedures to be followed in order to comply with existing laws and local laws. The 30-day provision of the law is obnoxious, so far as I am concerned, because we are legislating something they have been fighting step by step in the Supreme Court. At least two cases have specified the 50 days.

My good friend mentions the New York case. That is a party primary thing and that is not the same thing as the Arizona and Georgia case.

Mr. McGEE. Not exactly the same.

Mr. STEVENS. But at least they got 50 days and that means it could make a difference in the number of people we will get registered and be able to determine whether they are eligible to vote.

Incidentally, in Little Diomede, there was an airdrop of the ballots, and they called in their votes by radio. So the Senator knows that we go out of our way to try to get the people registered and get them to vote.

Mr. McGEE. I am mindful of the extra effort that is being made in the State of Alaska. As I see it, there is nothing in this bill that seeks to set that one backward. This is not the only way to register. However we register now, whatever the great efforts are in Alaska, the people get registered. Those methods are still operative. Nothing is going to put them out of business. Nothing will be cut off. Nothing will be abolished. The State can keep registering its people to vote.

We only introduced the one factor, that among those who still do not show up—and this is particularly less true in States like Alaska and mine, because we have a lower population, but it is more true in the populous areas of the country—it does reduce some of the complications, or the nuisance, or the obstructions, in the registration process. It does not intrude into what already takes place. Therefore, whatever we do now in Alaska should be continued. The post card would simply take an extra step.

Mr. STEVENS. I might disagree respectfully with my good friend from Wyoming but let me read from the Arizona case:

> An additional complicating factor in Arizona registration procedures is the State's fall primary system—which we also have in Alaska, I add parenthetically—the uncontradicted testimony demonstrates that in the weeks preceding the deadline for registration in general elections—a period marked by a curve toward the "peak" in terms of the registration affidavits received—county recorders and their staffs are unable to process the incoming affidavits because of their work in the fall primaries. It is only after the primaries are over that the officials can return to the accumulated backlog of registration affidavits and undertake to process them in accordance with applicable statutory requirements.
>
> On the basis of the evidence before the District Court, it is clear that the State has demonstrated that the 50-day voter registration cutoff (for state and local officials) is necessary to permit preparation of accurate voter lists. We said in Dunn v. Blumstein that "[f]ixing a constitutionally acceptable period is surely a matter of degree. It is sufficient to note here that 30 days appears to be an ample period of time for the State to complete whatever administrative tasks are necessary to prevent fraud—and a year, or three months, too much."

They have set the guidelines. We have got the maximum of 90 days and a minimum of 30 days which adds to this complication in States like mine because we not only have a primary in August, but the local election is in October and then the general Federal election and the statewide election is in November. These same people deal with all of these problems which are as complicated as the Arizona case.

My friend says that he is not trying to change it, but as a matter of fact, he is changing the laws in several States with that one provision dealing with the 30 days immediately prior to any Federal election. That is legislating a 30-day residency requirement in every statewide election in which any Federal officer is up for election. That is going to mean chaos in States such as mine which have an August primary, an October local election, and then the November general election, where the registrars have to sit there and process all these things and they have 30 days prior to each one. It is not possible to do that unless the Federal Government wants to come up with more money than is now indicated to support Federal election procedures.

Mr. McGEE. If I may speak specifically about the succession of elections to which the Senator alludes in Alaska, this would not apply to local elections whatever they may be—municipal elections. It applies only to Federal elections which would be involved in the primary. He says in early September, whenever it is—ours is in late August in Wyoming—and the general election which is on the 7th of November. This does not require anything in terms of any limitations or any additions in regard to any other elections within the State. The registrar runs the rules of the game completely, as the State has always run them.

Mr. STEVENS. I may say to my good friend, they are the same registrars——

Mr. McGEE. That is correct.

Mr. STEVENS (continuing). These same registrars who register people to vote in city elections, who register people to vote in statewide elections and in the Federal elections, in a small town, and that is about all you can do.

Mr. McGEE. Because the municipal elections, presumably, are out of the way by that time. It is about the 30-day interval, the primary, a little over 1 month before then, approximately, when it is very busy and usually where the population is small, as is Wyoming. It seems to me that the other alternative, the one the Senator respectfully suggests, would be to write an all-encompassing piece of legislation that would try to accommodate all 50 States, and that is where we get into trouble in the beginning. We think that the record until now has suggested not only can we survive but we can live with it well, because we have let the massive problem work in the lower populated States more so than in the more populous areas. We are already living with it on the 30 days in terms of the Presidential election. So whether the Senators from Alaska and Wyoming like it or not, that is now the law and we are living up to it, whether we have a primary on the 25th of August, the 7th of October, an election on the 14th of October, or a general election in November. We still have that 30-day limitation on top of the President. This simply adds to it and makes it no more devastating than the Presidential one, that Federal officeholders should conform to that same pattern.

Mr. STEVENS. I say to my good friend, it is one thing to say to an individual "You can go in and register to vote any time up to 30 days for President," and then say to a registrar that he must get a post card out to everybody who is eligible to vote, and he must allow that person who notified the registrar that he wanted to register. This means everybody now in the State can register up to 30 days preceding the election.

There is a definite distinction in my mind between dealing with the individual's right to go vote for President, notwithstanding the fact that he just moved in 30 days ago, and dealing with the job of the registrar, the people who are registering the voters, and what they must do with regard to all voters in their jurisdiction who meet the 30-day requirement. We are putting the burden of the 30-day requirement on the registrars, not on the voters. The voter is still eligible to come in and register to vote up to 30 days. Even under our system, he can come in and register up to 30 days prior to the election. But we do not want this requirement tied to the concept of the Federal post card system.

If the Senator will look at section 404 (a), we can buy the first sentence:

> An individual who fulfills the requirements to be a qualified voter under State law and who is registered to vote under the provisions of this chapter shall be entitled to vote in Federal elections in that State . . .

That is what the bill said before it was amended in the committee. That language says to each State, "Decide what you can do under the applicable Supreme Court decisions." We now know that you cannot require a year's residence. But the exact requirement must be set by existing Federal law and constitutional doctrine determined by the Supreme Court.

The second part was added on:

> Except that each State shall provide for the registration or other means of qualification of all residents of such States who apply, not later than 30 days immediately prior to any Federal election, for registration or qualification to vote in such election.

That has nothing to do with the post card system. It is an appendage to this bill, which I would like to support, and it is saying that we are going to inject ourselves into the Supreme Court decisions and say they are wrong to give Arizona 50 days, to give Georgia 50 days. We are saying that not only are you going to have a Federal post card system but also a 30-day residency requirement in all Federal elections, period. I say that is putting an apple and an orange together. I would like to eat the orange with the Senator, but I cannot buy the apple.

I hope the Senator would agree to take that sentence out of there, and I say that advisedly. I would like to support this bill with those two exceptions. I think it is a good bill, and many people would like to support it. But I feel that the people of Arizona and Georgia cannot support it, and any State such as mine, which has gone from the North Dakota system to a registration system, cannot support the conclusions of the other section. If the Senator would like to have my help, I suggest that we can amend those provisions.

Mr. McGEE. Because of the input of the Senator from Alaska on the committee and on many other matters, his help is invaluable. I would have to disagree, in terms of this bill, that, much as it does happen to complicate the processes in Alaska, which I fully understand, it would seem to me that those complications are little more than complications rather than fatal, new weights tossed on the shoulders of the registrar in Alaska or in Wyoming, for the reason I have already suggested, that we have the 30 days with respect to the vote for President. This simply extends it to the Federal officeholder—Senator and Representative.

In Alaska, with its limited number of voters, and in Wyoming, with our lower number of voters because of the limited size of the population, that is not insurmountable in any circumstance. It means a little more work. It will take a little more manpower, I am sure. That, likewise, is one of the provisions that is alluded to here, if they need help to get it started.

The point is that it is a question of measuring that in our States against the overall national pattern, in which we had a much lower participation, a much lower performance, than in either Wyoming or Alaska. We are addressing ourselves to it only at the Federal level and confining it to the Federal level.

Mr. STEVENS. I say again that I am led to believe that I am trying to enunciate the position of the registrars who met in New Orleans, who, through my Lieutenant Governor, have asked me to express these viewpoints here, not just for my State, which is small, but also for all the States that were there—that they all feel that they will have tremendous difficulties under this new provision with the financing available to the States to conduct their registration programs.

Again, I ask the Senator from Wyoming what the 30-day provision has to do with the postcard system. Why is it in a post card bill? It is solely a different subject. It has nothing to do with the timing on mailing the postcards, as I understand it. It is something we are adding as an afterthought.

By the way, the case of Marston versus Lewis and the case of Burns versus Forlson would be overruled. That is what is being done with that one little sentence. I still do not understand why. It has something to do with something somewhere. It has nothing to do with the postcard registration.

I sat through the postcard hearings in the committee, and I had no idea we were going to get into the residency requirement. I still do not understand why we are putting the residency requirement in the postcard system legislation.

Mr. McGEE. Rather than leave it with the impression that this was an afterthought, it was not the legislation a year ago. It was considered in executive session. There was talk about the complications of trying to adjust this, likewise, at that time. It was soberly arrived at after weighing the alternatives and the consequences of the alternatives and the implications of the two decisions. It does not overturn those decisions, and those decisions would still obtain in their cases, with the exception of the Federal officers. This would simply try to keep consistent the voting pattern for Federal office—the Presidency, the Senate, and the House of Representatives.

That was the difficult judgment that had to be made. We could not draw a clean line across and around the 50 States to make this applicable. A decision had to be made as to whether there was less harm and more good the one way or the other. It seemed to me and to other Members that the lesser of the choices that faced us in terms of other complications was the one that does give us understandable pause, and that is why I want to stress that the Senator has made a very constructive point there. It is one we all recognize. It is not just a local point. It is much more widespread than that. The testimony from his lieutenant governor made the same point very eloquently. We had, likewise, conversations with many of those who attended that national convention in New Orleans. They were divided. It was quite a mix there, in terms of what the complication would be; and it was so mixed that this seemed to be the lesser of the other complicating factors that recommended itself in terms of this legislation in using the postcard approach. It was trying to make it uniform at the Federal level. I know the Senator from Alaska understands that complication and the effort to try to do it the best we can.

Mr. STEVENS. Except that I was one who joined the Senator from Arizona (Mr. GOLDWATER) in the amendment that led to the 30-day requirement for voting for President.

For myself, I see a decidedly different issue involved in voting for the President, who represents all the people, than in voting for a Senator, a Governor, or a Representative, who is supposed to represent a particular area. In these areas—statewide elections or districtwide elections—the registrars have a particular job to see that the people who are voting for a governor or a Senator or a Member of the House of Representatives—statewide offices, including lieutenant governors and secretaries of state—are eligible to vote. Legislatures have set down, and some State constitutions have set down, requirements to determine who is eligible to vote in that State.

According to the United States Constitution, we still let the States determine the eligibility factor, I assume, but the residency factor we decided for Presidential elections, and I would raise it again. I think I raised it one time in the discussion in Committee—that is, the question of whether it does not take a constitutional amendment to do what the Senator wishes to do in regard to residency for Federal elections.

The Supreme Court has said that a State may not require a year's residence but may require up to 50 days now. But the Supreme Court has not yet said that Congress can invade the province of the States in order to determine what is residency for elections conducted by the States. I raise a serious question.

I would like to support the bill, but I do not understand the appendage. I think these people are legitimately disturbed about it and that it ought to come out, if we are going to have a bill we can support.

Mr. McGEE. The concerns over the procedure and the constitutional issue as the Senator has rightfully raised it are very relevant matters here.

I would point out that the Constitution states that it is Congress, the legislative branch, that shall set the requirements for voting in Federal elections. It is Congress that determines its membership. To my knowledge they have not challenged the setting of 30 days in connection with the presidency in the Voting Rights Act. That is not a constitutional issue.

A very distinguished constitutional historian from Yale, Professor Bickel, testified before the many hearings of the committee and likewise exercised his judgment that there was no constitutional issue here. In general, one would expect a contrary judgment from him because he is from the constitutional school. But he felt it did not raise a constitutional issue.

With those two points I would humbly say to the Senator from Alaska that given the mix, we have come closer to his goal and my goal in trying to remove obstacles and we probably will do very little violence and certainly no permanent or lasting injury to the registration process in State or smaller population. Those situations can be met manpowerwise. They are not going to sink the system. They do increase the burden, but it is a burden rather than fundamental faulting damage to the system.

Mr. STEVENS. I understand that others would like to speak on this matter. At an appropriate time I shall offer an amendment to delete that amendment to section 404 and also modify the provision concerning the exemption exclusion for States, section 410, so it would apply solely to North Dakota.

I would be more than happy to work the matter out. I do not too much anticipate success, but I would like to make the point that this should be a post card registration bill and not a voter registration bill.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STEVENS. With respect to the committee bill, have the amendments been adopted?

The PRESIDING OFFICER. They have not been adopted.

Mr. STEVENS. It is my understanding that the committee amendment, then, is subject to amendment before a motion is made for its adoption. Does the chairman intend to move for its adoption?

Mr. McGEE. We intend to request the adoption of the committee amendments.

The PRESIDING OFFICER. The question would come on the question of adopting the committee amendments.

Mr. STEVENS. It is the opinion of the Chair that the Senator from Alaska would have to attempt to defeat the committee amendments in whole before he could offer an amendment to either portion thereof.

The PRESIDING OFFICER. The Senator would attempt to defeat adoption of the committee amendment to which he is opposed.

Mr. BROCK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BROCK. Perhaps I did not understand the Chair. The Senator from Alaska would have to oppose the amendments en bloc and then offer an alternative amendment as an amendment to the committee amendment?

The PRESIDING OFFICER. The amendments are not being considered en bloc. They are not necessarily being considered en bloc. If they are being considered en bloc, the Senator would have to interpose an objection.

Mr. BROCK. Given the fact that they are separable, he would offer an amendment to that amendment before that amendment is considered?

The PRESIDING OFFICER. If his only purpose is to defeat it, he could ask for a separation of the issues and oppose the adoption of the amendment to which he is opposed.

Mr. BROCK. I thank the Presiding Officer.

Mr. McGEE. I wish to assure the Senator that whatever is required to protect his amending rights we want to guarantee that those rights will be observed.

Mr. STEVENS. I am sure the Chairman will be fair. I wanted to make certain as to the procedure as to separation. At the appropriate time I will ask that the committee amendments be divided so that we can attack the two in particular to which I address myself.

Mr. FONG. Mr. President, I ask unanimous consent that Mr. Tom Farrar be allowed to remain on the floor during the debate on S. 352.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXHIBIT 1

SEPARATE VIEWS OF SENATOR TED STEVENS

I agree on the need for greater voter participation. Wider registration is only one answer. Many registered voters do not bother to vote, are unable to get to the polls, or are prevented from casting their ballots. Nonvoting may also signify indecision, a protest against candidates, or frustration because the outcome is a foregone conclusion.

This legislation is particularly timely now with (1) more young people to be registered; (2) greater political awareness throughout the country; (3) a more mobile population plus shorter residency requirements; (4) encouragement of increased voter participation among traditional non-voting groups such as the military. The immensity of this task alone necessitates this legislation.

However, the fact that wider registration is needed does not mean that post card registration should be the only or even the primary method of registration. States have adopted a variety of registration methods—door to door canvasing, longer hours for registration, more registration sites, newspaper coupon registration, and registration at the polls. Some states and localities have even abandoned registration entirely.

Other states have relied on post-registration activities such as efforts at voter education, including pamphlets, radio and television programs, and newspaper advertising, to increase voter turnout.

What will work well in one part of the country will not necessarily work well in another. Postcard registration may be a highly efficient method of reaching a sparse, widely-scattered literate population in some western states. In large cities, however, it may yield confusion and fraud. Highly mobile population groups may have no mailing addresses. Other persons, such as those maintaining two residences, may have more than one.

Each State should make the decision of the appropriate registration method. Congress should establish voter registration as a priority item; encourage the states; render technical assistance; and provide grants, loans and other financial aid to states to register voters. It should do the same for voter education.

Senator Kennedy and I proposed legislation, S. 472, which could easily be incorporated into S. 352, to provide this technical and financial assistance to the States. Unfortunately, the Committee has determined not to include it in this bill, although the Committee has urged early action on it.

Postcard registration is only the first step to increase voter registration. To maintain high registration, long-range solutions, such as in S. 472, will be needed. Response from the States to S. 472 has been overwhelmingly favorable. I urge Congress to take this bill up as soon as possible.

EXHIBIT 2

72–899 Marston v. Lewis. Per Curiam. Fourteen county recorders and other public officials of Arizona appeal from a judgment of a three-judge district court holding the State's 50-day durational voter residency requirement and its 50-day voter registration requirement unconstitutional under the decision in Dunn v. Blumstein, 405 U.S. 330 (1972).[1] A permanent injunction was entered against enforcement of these or any other greater-than-30-day residency and registration requirements in any election held after November 1972. Appellants do not seek review of the District Court's judgment insofar as it enjoins application of the 50-day requirements in presidential elections. See 42 U.S.C. § 1937aa–1 (Supp. 1972).[2] Appellants assert, however, that the requirement, as applied to special, primary, or general elections involving state and local officials, are supported by sufficiently strong local interests to pass constitutional muster. We agree and reverse.

In Dunn v. Blumstein, we struck down Tennessee's durational voter residency requirement of one year in the State and three months in the county. We recognized that a person does not have a federal constitutional right to walk up to a voting place on election day and demand a ballot. States have valid and sufficient interests in providing for some period of time—prior to an election—in order to prepare adequate voter records and protect its electoral processes from possible frauds. A year, or even three

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Footnotes at end of article.

months, was found too long, particularly in the context of "the judgment of the Tennessee lawmakers," who had set "the cutoff for registration [at] 30 days before an election. . . ." 405 U.S. at 349. The Arizona scheme, however, stands in a different light. The durational residency requirement is only 50 days, not a year or even three months. Moreover, unlike Tennessee's, the Arizona requirement is tied to the closing of hte State's registration process at 50 days prior to elections and reflects a state legislative judgment that the period is necessary to achieve the State's legitimate goals.

We accept that judgment, particularly in light of the realities of Arizona's registration and voting procedures. Those procedures, apparently first adopted during the Populist Era, rely on a massive" volunteer deputy registrar system. See A.R.S. § 16-141. According to appellants' testimony, although these volunteers make registration convenient for voters, they produce an average of 1.13 mistakes per voter registration and the county recorder must correct those mistakes before certifying to the "completeness and correctness" of each precinct register. A.R.S. § 16-155. The District Court itself noted that there were estimates that "in Maricopa County alone, some 4,400 registered voters might be denied the right to vote if the county voter list is in error by only one percent."

An addtional complicating factor in Arizona registration procedures is the State's fall primary system. The uncontradicted testimony demonstrates that in the weeks preceding the deadline for registration in general elections—a period marked by a curve toward the "peak" in terms of the registration affidavits received—county recorders and their staffs are unable to process the incoming affidavits because of their work in the fall primaries. It is only after the primaries are over that the officials can return to the accumulated backlog of registration affidavits and undertake to process them in accordance with applicable statutory requirements.

On the basis of the evidence before the District Court, it is clear that the State has demonstrated that the 50-day voter registration cutoff (for state and local officials) is necessary to permit preparation of accurate voter lists. We said in Dunn v. Blumstein that "[f]ixing a constitutionally acceptable period is surely a matter of degree. It is sufficient to note here that 30 days appears to be an ample period of time for the State to complete whatever administrative tasks are necessary to prevent fraud—and a year, or three months, too much." 405 U.S., at 348. In the present case, we are confronted with a recent and amply justifiable legislative judgment that 50 days rather than 30 is necessary to promote the State's important interest in accurate voter lists. The Constitution is not so rigid that that determination and others like it may not stand.

The judgment of the District Court, insofar as it has been appealed from, is

Reversed.

Mr. Justice Marshall, with whom Mr. Justice Douglas and Mr. Justice Brennan concur, dissenting.

In Dunn v. Blumstein, 405 U.S. 330, 348 (1972), just last Term, we held that a 30-day residency requirement provided the State with "an ample period of time . . . to complete whatever administrative tasks are necessary to prevent fraud" in the process of voter registration. We made that judgment in light of the facts that Congress had made a similar judgment as to presidential and vice-presidential elections, 42 U.S.C. § 1973aa-1(a)(6), that roughly half the States had periods of similar length, 1972-1973 Book of the States 36-37 (as of time of decision), and that the evidence needed to determine residency was relatively easy to find. The District Court, after hearing evidence about the administrative burdens in Arizona, found that appellants needed no longer than 30 days to complete the same tasks. I find nothing in the record that leads me to conclude that this judgment was erroneous.

The Court relies on two factors to justify the longer period. First, Arizona's volunteer registrar system is said to result in so many errors that their correction requires 45 days. But these errors occur only because the deputy registrars are inadequately trained and the central supervision of the data-control process is not well organized. The District Court found that "under present conditions, at least forty-five days are required to make a voter list as free from error as possible" (emphasis added). This justified its refusal to enjoin the operation of the statute as to the election held in November 1972. But appellant Marston's testimony was directed almost exclusively to what can be considered readily-solvable problems caused by untrained personnel in a relatively small office. Appellants presented no evidence that improvements in the administration of the deputy registrar system, including earlier recruitment and better training of deputy registrars and of data-processing personnel in the central offices, could not be adopted before the next election. If, he we held in Dunn, the State "cannot choose means which unnecessarily burden or restrict constitutionally protected activity," and if the State must carry "a heavy burden of justification," 405 U.S., at 343, surely it must show that it cannot, by better administration, eliminate the errors that justified a 50-day period in 1972. The District Court, in my view, correctly concluded that "the State has presented no facts demonstrating a compelling interest" in its 50-day requirement.

The second "complicating factor" is said to be the burden on county recorders caused by the need to interrupt the processing of affidavits filed by new registrants in order for them to work on the fall primaries. Here too the appellants showed no need to use small staffs. It is by no means obvious that the recorders' staffs could not be increased temporarily to deal with this "complication." Certainly that is a method of processing affidavits which less seriously burdens the right to vote, "and if there are other, reasonable ways to achieve these goals with a lesser burden on constitutionality protected activity, a State may not choose the way of greater interference." Dunn v. Blumstein, supra at 343.

In addition, appellants have established a system to register voters for presidential and vice-presidential elections in compliance with the requirement of 42 U.S.C. § 1973aa-1 (d), that no State may impose a residency requirement of greater than 30 days for such elections. In Arizona, those voters who qualify for presidential and vice-presidential elections but not for state elections are given absentee ballots. This eliminates the necessity to prepare a separate list of registration lists. Any administrative problems caused by the inability to correct misspellings, to alphabetize the lists, and to determine in which precinct the voter lived—the only difficulties which appellants mentioned in their testimony[3]—could be eliminated by similar treatment of late registrants for all elections. And if these voters did not have to appear at the polls, the fears of deterring other voters by delays at the polling places would disappear.

Even if the evidence below established that the administrative burdens of a 30-day limitation on general registration could not possibly be removed, that would not itself justify the same limitation on registration of newly-arrived voters. General registration requirements affect every voter in the State. Durational residency requirements affect a much smaller class of potential voters, and the burdens of registering the members of that class will therefore be significantly smaller. Further, general registration requirements, with which any otherwise eligible voter may comply if he acts with sufficient diligence, might be thought to impair less substantially the right to vote than do durational residency requirements, which bar a newly-arrived voter from any participation in the elections. Serious administrative problems might justify the less severe impairment, but a total bar to participation can be justified only by administrative problems of the highest order.

In short, the evidence produced below abundantly supports the District Court's conclusion that appellants had failed to carry the heavy burden of justifying the 50-day limitation period in light of reasonably available and less restrictive alternatives. If this Court has drawn a line beyond which reliance on administrative inconvenience is extremely questionable, as we did in Dunn, we can avoid an unprincipled numbers game only if we insist that any deviations from the line we have drawn, after mature consideration, be justified by far more substantial evidence than that produced in the District Court by appellants. I would therefore affirm the judgment of the District Court.

72-901 Burns v. Fortson, Per Curiam. By statute, Georgia registrars are required to close their voter registration books 50 days prior to November general elections, except for those persons who seek to register to vote for President or Vice President. Ga. Code Ann. §§ 34-611 and 34-602.[4] The District Court upheld the registration cutoff against appellants' constitutional attack based upon this Court's decision in Dunn v. Blumstein, 405 U.S. 330 (1972). The appeal followed.

The State offered extensive evidence to establish "the need for a 50-day registration cut-off, given the vagaries and numerous requirements of the Georgia election laws." Plaintiffs introduced no evidence. On the basis of the record before it, the District Court concluded that the State had demonstrated "that the 50-day period is necessary to promote . . . the orderly, accurate, and efficient administration of state and local elections, free from fraud." (Footnote omitted.) Although the 50-day registration period approaches the outer constitutional limits in this area, we affirm the judgment of the District Court. What was said today in Marston v. Lewis, anet, at —, is applicable here:

"In the present case, we are confronted with a recent and amply justifiable legislative judgment that 50 days rather than 30 is necessary to promote the State's important interest in accurate voter lists. The Constitution is not so rigid that that determination and others like it may not stand."

The judgment of the District Court is Affirmed.

Mr. Justice Blackmun.

I concur only in the result, for I hesitate to join what, for me, is the Court's unnecessary observation that "the 50-day registration period approaches the outer constitutional limits in this area."

I also concurred in the result in Dunn v. Blumstein, 405 U.S. 330 (1972), and said,

"It is, of course, a matter of line drawing, as the Court concedes, ante, at 348. But if 30 days pass constitutional muster, what of 35 or 45 or 75? The resolution of these longer measures, less than those today struck down, the Court leaves. I suspect, to the future." Id. at 363.

I am not prepared to intimate at this point that a period of time in excess of 50 days cannot be sustained, no matter how supportive the record may be. In Blumstein the Court struck down Tennessee's 90-day county durational residency requirement in part, I suppose, because it exceeded the State's 30-day registration period. Had the latter been 60 days, rather than 30, I suspect the Court would have indicated approval of a corresponding 60-day durational residency

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Footnotes at end of article.

requirement. See 405 U.S., at 345-349. I feel that each case in this area should be decided on its own record unrestricted by an arbitrary number-of-days figure.

Mr. Justice Marshall, with whom Mr. Justice Douglas and Mr. Justice Brennan concur, dissenting.

For the same reasons that I gave in Marston v. Lewis, ante, I dissent from the affirmance of the judgment of the District Court. Unlike Arizona, Georgia does not use volunteer deputy registrars, a system that the Court in Marston thought created special problems warranting special treatment. Indeed, the State's expert witness in this case testified that there was something dangerous about using deputy registrars. Nor does Georgia have as late a primary as Arizona. As in Marston, appellees here did not show that it was impossible to increase the size of the registrars' staffs or the efficiency of their operations. Moreover, there was evidence that final lists of registered voters are not prepared until 14 days before the election, which indicates that there is no serious administrative impediment to keeping registration open for a relatively long period.

The Court also relies on an ingenious bootstrap argument that I cannot let pass without comment. The statutes in question in Marston were enacted last year after our decision in Dunn v. Blumstein, 405 U.S. 330 (1972). The Arizona Legislature therefore knew that its limitations on registration could only be justified by the administrative burdens faced by registrars. It knew that insuring the purity of the ballot box and guaranteeing the knowledgeability of voters were not goals that could be permissibly served by time limitations on registration. Id. 353-357. The Court in Marston thus correctly noted that the Arizona statutes reflected a recent judgment that 50 days were necessary to avoid administrative problems.

In this case the Court quotes that statement from Marston. The difficulty is that Georgia statutes here were adopted nearly a decade ago. The legislative judgment is hardly a recent one. Nor was it made knowing that only administrative difficulties were a justification for durational residency requirements. Even if we would be inclined to defer to a recent and informed legislative determination of necessity, when there is no reason to believe that the legislature made such a determination, deference in that regard is uncalled for.

Finally, I believe it important to indicate my view that the decisions today provide no basis for making it more difficult to register by making shorter any existing registration periods, in the absence of compelling evidence of extraordinary new circumstances. If 30 days were all that some state officials needed yesterday, that is all they need today.

Mr. SCOTT of Virginia. Mr. President, I listened to the remarks of the distinguished Senator from Hawaii, the ranking minority member of the committee (Mr. FONG) at the beginning of this debate and I read his views in the committee report. It was an excellent statement and I associate myself with the views of the distinguished Senator.

While I am not a member of the Senate Committee on Post Office and Civil Service, I did serve for 6 years on the committee in the other body and was the ranking Republican on the Subcommittee on Census and Statistics for part of that time.

Mr. President, in my opinion, this bill should never have gone to the Post Office and Civil Service Committee in the first place. It does involve use of the mail but that is only incidental to the main purpose of voter registration. It would appear to be a matter for consideration of the Judiciary Committee.

The Bureau of the Census is opposed to this legislation. Its Acting Director testified that the bill would sacrifice its long-standing nonpartisan role and the Bureau would become involved in political activity. Placing a Voter Registration Administration within the Bureau of the Census will impair and compromise the Bureau's reputation as a general-purpose statistical gathering agency. If S. 352 is enacted, it will make the Census Bureau responsible for the gathering of registration lists of persons eligible to vote in Federal elections. These lists will be coveted by political organizations, parties, and candidates. Putting a nonpolitical branch of the Federal Government into politics could result in a loss of valuable services to the people of the Nation.

Opportunities for favoritism by the party in control of the executive branch of Government would be enhanced by control of a national voter list.

S. 352 is an ill-advised and ill-conceived measure that should not be enacted in its present form. I would suggest the bill be defeated or sent to the Committee on the Judiciary for further study and consideration.

Mr. President, over the years, Virginia has had considerable difficulty with voting by mail, which has led to the conviction, in Federal court, of a number of election officials for fraud. As a result, our State legislature has restricted absentee voting to a considerable extent. While all of us want to increase voter participation, we should consider the warning of Justice Department officials that this bill has serious fraud potential.

In Virginia, citizens must register in person with local election officials and, I believe, this reduces the fraud potential well below what would be achieved from a federally supervised mail registration.

We talk about curbing inflation and reducing the cost of Government. Yet this would create another Federal agency at a cost of many millions of dollars.

We talk of returning functions to the State and local governments. Yet this would create another Federal agency to supervise the activities of the State and local governments. A few years ago Congress imposed the Voting Rights Act on a few States, chiefly in the South. It is very much resented in my own State. Now this bill would go further into a field reserved to the States.

I believe our States want to encourage voter registration. In Virginia, we have a central registrar in each city and county, plus assistant registrars in each precinct in our more populous counties. As election time grows near, election officials set up temporary offices in schools and libraries for the convenience of citizens and to encourage them to vote. I expect similar action is taken in most States. The Federal Government has no monopoly on the desire to increase voter registration.

In my opinion, it is wrong for us to invade in a field reserved for States and I urge that this bill be defeated. It even seeks to supervise the selection of delegates to party conventions and caucuses.

Mr. President, this bill has a lofty aim with which we would all agree, increasing voter participation. I doubt that this aim would be accomplished. Yet we want to spend millions of dollars of the taxpayers' money, we would invade a field reserved to the States, and we would increase the dangers of fraud.

It is not a good bill and should be defeated.

Mr. FONG. Mr. President, will the Senator yield?

Mr. SCOTT of Virginia. I am glad to yield.

Mr. FONG. May I ask the Senator whether in his State the registration laws are considered to be onerous or cumbersome?

Mr. SCOTT of Virginia. Oh, I do not think so at all. Everyone who wants to vote can vote, either by going to a place near the courthouse where we have a general registrar or going to one of their neighbors who is an assistant registrar, and this is in every voting precinct in our more populous areas. It is very convenient to register. I think Virginia goes out of its way to encourage people to vote. I would think this to be true throughout the country—that all our States and our local governments want full participation in the election process.

No, we do not have any onerous laws.

Mr. FONG. The thrust of this bill is that there are many cumbersome and archaic voter registration laws which prevent the registration of eligible voters; that the voters are frustrated in their attempts to register. Does the Senator find any frustration on the part of

FOOTNOTES

[1] The requirements appear, respectively, at A.R.S. §§ 16-101(3) and 16-107. These provisions were enacted after our decision in Dunn v. Blumstein.

Appellees are a deputy registrar in Maricopa County and a resident of Maricopa County.

[2] Section 1973aa-1 withstood constitutional attack in Oregon v. Mitchell, 400 U.S. 112 (1970).

[3] Appellant Marston testified that there would be difficulty in locating the proper precincts and school districts for each registrant. Again, this pertains exclusively to the election in 1972, because of several nonrecurring facts: the State had recently "cleansed" its voting lists, dropping everyone from the rolls and requiring re-registration of every voter; the State had just been redistricted; and a statute rescheduling school board elections caused transitional problems. Difficulties in determining the proper precinct for each voter could be eliminated by a simple reprogramming of the computer used by the registrants. Now the computer simply indicates an error if the address and the precinct entered on the registration form by the registrars are inconsistent; it would not be difficult for a programmer to have the computer itself find the proper precinct. And, as appellant Marston testified, his task would not be difficult at all if he used an "on-line" system of processing the cards through the computer rather than the present "batch" system.

[4] Section 34-611 was enacted in 1964. At present, Georgia has no independent durational residency requirement. The State's statutory requirement of one year in the State and six months in the county (see Ga. Code Ann. § 34-602) was held unconstitutional in Abbott v. Carter, —— F.Supp. —— (ND Ga. 1972).

potential voters who want to register in his State of Virginia?

Mr. SCOTT of Virginia. Well, I am a native Virginian and have lived there most of my life. I have never heard of any such laws. I am not aware of anyone bringing any court action at any time and indicating that anyone who wanted to vote was denied the right to vote. I do not think there is any difficulty at all, and I believe the election officials go out of their way to encourage people to vote. They even have had registrars in shopping centers, to try to get people, when they are going to the grocery store, to register to vote. I do believe that registration in person is more desirable than registration by mail, and I am afraid of the greater danger of fraud by sending postal cards to every citizen every 2 years or periodically.

Mr. FONG. Then can I say that in the distinguished Senator's State of Virginia anyone who wishes to vote can register to vote?

Mr. SCOTT of Virginia. I believe that is correct.

Mr. FONG. And those who do not want to vote do not register?

Mr. SCOTT of Virginia. People are encouraged to register.

Mr. FONG. If they do not want to vote, they are the ones who do not want to register, but every opportunity is given to everyone to register?

Mr. SCOTT of Virginia. Let me say I have canvassed, as a member of my political party, as a precinct captain, around various neighborhoods—and I expect that is true of most of the membership of this body—and I have found that there are people who will say, when one knocks on their door, that they are not interested in politics. How do we get a person like that, who expresses himself as not being interested, to participate? I would hope they would become interested. I encourage them to do so. But I say just sending them a postal card is not going to get 100-percent participation.

Mr. FONG. It is a very peculiar thing, because in my own State everything is done just as it is in the State of Virginia. We have door-to-door registration. We have the political parties deputizing their members to register people. We have unions and civic organizations exhorting people to register. Registrars' offices are open in the evenings and on Saturdays. And yet 37 percent of my people failed to register. I can only surmise that they do not register, because they do not want to vote.

Mr. SCOTT of Virginia. I have had them make statements to that effect. I would say it is a small minority of our citizens, but, when I have knocked on their doors or when friends have knocked on their doors, they have just made the statement, "I am not interested in politics." Perhaps we need effective education for such people to encourage them to be active in the affairs of their Government, but it is difficult to get a person to vote who does not want to vote and who has no interest in the electoral process. I think they are wrong, but they are entitled, in my opinion, to vote or not to vote at every election.

Mr. FONG. Such a person would not register even if he were sent a post card.

Mr. SCOTT of Virginia. I would not think so, expressing my own personal opinion. I believe we should continue to encourage full voter participation, but I do feel, at least in my own State, we bend over backwards to make it convenient for people, having someone in their neighborhood throughout the year to register them, and then on special occasions, in libraries and schools and shopping centers. Announcements are made over the radio, and the League of Women Voters and the Jaycees and others have drives to encourage people to vote. Much as we might like to, we will never have 100 percent voter participation.

Mr. FONG. Another point brought out by the distinguished Senator from Virginia is that it will politicize the Census Bureau, which has always remained a nonpolitical center. In the last census we had a lot of trouble with many people who did not want their privacy invaded. They said their privacy was being invaded by the Census Bureau's questions. If we put a Voter Registration Administration under the Census Bureau, does the Senator think we would have more objections from the people?

Mr. SCOTT of Virginia. Mr. President, let me say to the distinguished Senator from Hawaii that I participated in hearings on reducing the number of questions asked by the census takers. The Census Bureau assured the committee in the House that all the questions they asked were for statistical purposes only, that the identity of the individual was not disclosed, that the statements that were made were privileged and were not open to public disclosure, that all that the Census Bureau was interested in were statistics which are helpful in many ways. Penalties are provided for the disclosure of information. The Census Bureau is a statistical gathering and factual gathering bureau. And here we are, if we pass this bill—and I hope we will not, but should it be passed—we will be putting them in the political arena. I do not believe they belong there. They do not want to be there. I believe that the pending bill is a bad bill and ought to be defeated.

Mr. FONG. Mr. President, I thank the Senator for his excellent statement.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. McGEE. Mr. President, I yield to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, I would like to make one or two observations in reference to the pending legislation.

First I compliment the distinguished Senator from Wyoming who has been so persistent in this difficult piece of legislation. Hearings have been held, a number of bills have been considered, and he has brought those to our attention. The pending bill has been widely cosponsored.

The proposed legislation takes into consideration all of the possibilities that have been raised and the appropriate penalties for any such action or any such fraud. It takes into consideration those areas of the Nation where registration is not required. It has taken into consideration the military, those persons overseas.

This bill is trying to do for the potential voter what the Internal Revenue Service does for the potential taxpayer. It is interesting that the Postal Service serves a useful purpose in being able to find anybody in the United States that seems to be earning enough money so that the Internal Revenue Service can collect all they can get. And what is more, the Internal Revenue Service is perfectly willing to rely upon the Postal Service to get the checks from the taxpayer.

Mr. President, the taxpayer does not meet his Internal Revenue agent unless he is in trouble or has made an error. The Internal Revenue Service is perfectly willing to rely upon the competency of the Postal Service to get the Internal Revenue forms to the taxpayers and to get the taxpayers' checks back into the Treasury of the United States.

This country started out with the cry of not taxation without representation. I must confess that we cannot have much representation without elections. And it just seems to me that the natural deduction is that the same Government that can find the potential taxpayers ought to be able to find people to help them register so that we can have a better election process and a more representative government so that when that representative government taxes people, they will at least have had something to say about it directly or indirectly.

That is what this bill is all about. It is not complicated. We have a tendency in this body to make almost anything complicated. We could make Mothers Day complicated by our discussions. But we certainly do not need to.

All we are talking about is utilizing the existing services of Government for the purposes of the registration of potential voters, to give them the option to vote or not to vote, but not to let registration requirements, which are as varied as the weather in this Nation, stand in the way of voting, particularly for the high offices of President and Vice President, and in the Federal elections.

So I compliment the distinguished Senator from Wyoming. Tomorrow, I shall probably be more actively in the debate; but I did not want this day to go by without placing in the RECORD a statement that while the proposed legislation may have its imperfections, surely it is a much better system than what we have at present. Indeed, I might say I would be willing to have Congress and its committees examine into why 45 percent of the eligible electorate of the Nation did not even vote for the high offices of President and Vice President in the last national elections. I am confident that one of the reasons was the difficulty of registration.

I know that in my State it is easy; but I suggest that it is not easy everywhere. In many municipalities it is exceedingly difficult. It was necessary for Congress to pass several laws to protect the right to vote. Even with those laws, we still have areas, places, and times where individuals find it, if not impossible, at least difficult, to exercise their right to vote. But one thing we should remove is the impediment of a difficult registration procedure. We should try to simplify it, and we can do that. It has been done in other countries; we can do it here.

I am hopeful that the Senator from Wyoming will persist and persevere in this worthy endeavor, because I believe that the time is ripe for this kind of action.

Following the action on this bill, it is my hope that we will be ready to look into what it is that seems to keep people away from the ballot box in the United States of America. We stand in shame among the free nations of the world for our low participation in voting for the highest office of mankind—the Presidency of the United States.

It is becoming more difficult, year by year, to get most of our people registered and to the ballot box. One of the reasons is the high mobility of the people of the country; the fact that we have a population on the move; the fact that we have large numbers of people overseas; the fact that every State and county has its own registration procedures. That condition itself—the confusion of it, the complexity of the system—has acted as an impediment, has acted as a roadblock, to effective registration for the purposes of election.

ORDER OF BUSINESS

Mr. SCOTT of Pennsylvania. Mr. President, will the Senator from Wyoming yield?

Mr. McGEE. Mr. President, I yield to the distinguished Senator from Pennsylvania (Mr. SCOTT) who has some nominations.

EXECUTIVE SESSION

Mr. SCOTT of Pennsylvania. Mr. President, I ask unanimous consent that the Senate go into executive session to consider various nominations from the Committee on the Judiciary and ask that the clerk report them with the exception of one nomination.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER (Mr. McCLURE). The nominations on the Executive Calendar, as reported earlier today, will be stated.

U.S. DISTRICT COURT

The legislative clerk read the nomination of Vincent P. Biunno, of New Jersey, to be a U.S. district judge for the district of New Jersey.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

The legislative clerk read the nomination of Daniel J. Snyder, Jr., of Pennsylvania, to be a U.S. district judge for the western district of Pennsylvania.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

The legislative clerk read the nomination of James H. Hancock, of Alabama, to be a U.S. district judge for the northern district of Alabama.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

The legislative clerk read the nomination of J. Foy Guin, Jr., of Alabama, to be a U.S. district judge for the northern district of Alabama.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

LAW ENFORCEMENT ASSISTANCE

The legislative clerk read the nomination of Donald E. Santarelli, of Virginia, to be Administrator of Law Enforcement Assistance.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

ASSISTANT ATTORNEY GENERAL

The legislative clerk read the nomination of Wallace H. Johnson, Jr., of Virginia, to be an Assistant Attorney General.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

U.S. ATTORNEY

The legislative clerk read the nomination of James N. Gabriel, of Massachusetts, to be U.S. attorney for the district of Massachusetts.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. SCOTT of Pennsylvania. Mr. President, I ask unanimous consent that the President be notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. SCOTT of Pennsylvania. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

Mr. SCOTT of Pennsylvania. Mr. President, would the Senator from Wyoming yield to me for 3 minutes, a real 3 minutes, rather than 30, on another subject?

Mr. McGEE. I am happy to yield to the Senator from Pennsylvania with the understanding that I do not lose my right to the floor and that his statement will be set aside and placed at an appropriate point in the RECORD, and be within the real 3 minutes.

Mr. SCOTT of Pennsylvania. I shall try to take just 3 minutes.

The PRESIDING OFFICER (Mr. ABOUREZK). Without objection, the Senator from Pennsylvania is recognized.

AUTHORIZATION OF EXPENDITURES BY CONGRESS

Mr. SCOTT of Pennsylvania. Mr. President, on March 29, the Democratic Caucus adopted a resolution in which they bound themselves to favor restraints in the authorization and appropriative process of matters coming within the committees, and then, when we had a motion to sustain the veto of the President on a bill up here, we had five of the members of the other side who did support it and about 50 defectors who did not support their own majority policy resolution.

I am glad that, on our side, at least 31 of the 33 members who committed themselves did support the fiscal restraint and fiscal responsibility side of the issue.

Now, with all due respect to the distinguished Senator from Minnesota (Mr. HUMPHREY)—and I regret that he has left the Chamber—he was not one of the five Senators who stood up for fiscal responsibility.

I recall a movie actor who, many years ago, was a candidate for President and he made a great speech which went into the language, that he was not for inflation, that he was not for deflation, that he was for "flation."

I think that is the essence of the Senator's 30-minute speech, for which he asked 3 minutes. If he had asked for 30 minutes, I shudder to think of the result. But, in any event, my point is that for more than 90 percent of the time in the past 40 some years, the Congress of the United States has been in control of the fiscal expenditures of the United States. Not a single penny has ever been spent on anything by the Federal Government which was not authorized by Congress.

Now, that means that not a jot or a tittle of inflation can be laid at anyone's door except at the door of the body which authorized the expenditures.

So, Mr. President, I am not going to suffer with the crocodile tears of anyone who is for "flation."

The way to deal with this is to act responsibly. The way to deal with this is not to wink over what is not done for people, but to act and to do for people that which will enable them to keep a greater percentage of their own money in their own pockets, which will do a great deal to cure inflation and to enable the Government to act in a fiscally responsible manner.

So, I believe that disposes of the accession of grief on the part of my dear and beloved friend from Minnesota who points out the horrors of the cost of meat, the cost of textiles, and of everything else.

Meat is high because Congress is loose with money.

Textiles are high because Congress is loose with money.

Everything is high because Congress is loose with money.

Mr. President, let me conclude with the remark that a housewife made to her butcher. She asked him whether his fish had roes. He replied, "Lady, everything has roes."

That is absolutely true. It is true because for 90 percent of the time, in the past 40-some years, this Congress, and past Congresses, under the control of the Democratic Party, have voted all the money that anyone and any President has been able to spend.

I thank the distinguished Senator from Wyoming for yielding me this time.

VOTER REGISTRATION ACT

The Senate continued with the consideration of the bill (S. 352) to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Administration for the purpose of administering a voter registration program through the Postal Service.

Mr. McGEE. Mr. President, I now yield to the distinguished Senator from Maine (Mr. HATHAWAY), who wants to propound an inquiry in regard to the bill.

Mr. HATHAWAY. Mr. President, I want to commend the Senator from Wyoming for bringing this bill to the floor, a bill that I cosponsored. I hope that it will pass, because it will provide a vehicle to make this country more democratic by allowing the people an easier way to register to vote.

I have a question that I wish the Senator would clear up for me.

On page 6, section 405, subsection (b), particularly lines 9 through 14, where it makes provision

> . . . as the administration determines appropriate to ascertain the qualifications of an individual applying to register . . . to provide for the return delivery of the completed registration form to the appropriate State official,"

I want to make sure that this does not give to the administration the discretion to make those provisions or not make those provisions, or whether it does simply give it the discretion as to what kind of language will be employed to carry out all the provisions.

Mr. McGEE. The Senator is absolutely correct. This helps to make it, at least the legislative intent, that any inclusion on the card that does not becloud the situation will help to pinpoint and authenticate it. That is what we would like to have in the bill and we would like to leave to their judgment, because the card has not been put together. It is the kind of thing in terms of how it should be legislated, and not on the penalties, in that they might falsify something on that format, and that kind of thing. That would be within the jurisdiction of their intent, without any effort on their part to set aside any clarity in regard to what, really, was the penalty for fraud under this act.

Mr. HATHAWAY. In other words, there will be a provision on the card covering fraud, which has something to do with fraudulent registration.

Mr. McGEE. That is right. We did not want to say at this stage that we are not the ones responsible for working out this format, or what the wording should be. But it will be on the card.

Mr. HATHAWAY. I thank the Senator.

PRICE INCREASES NOT LIMITED TO FOOD

Mr. HUMPHREY. Mr. President, the wholesale price figures released last Thursday by the Bureau of Labor Statistics are the latest in a series of blows to the American consumer. And each successive blow is heavier and more damaging than the one before. Taken together, the price increases which have occurred already in the first 3 months of this year can only be described as fearsome. The lack of any effective policy response by the administration is genuinely alarming.

Expert testimony before the Consumer Economics Subcommittee last week brought out the fact that consumer food prices seem destined to rise at least 10 percent during 1973. I have already placed some of that testimony in the CONGRESSIONAL RECORD, so that Members of Congress can study it. Now I call to the attention of the Senate the equally disturbing price outlook for nonfood commodities.

These are the commodities that get so little attention, because everybody has his mind concentrated on beef, pork, bacon, and lamb chops, the immediate items in the supermarket.

Wholesale prices of consumer finished goods other than food rose at the annual rate of 7.5 percent the first 3 months of this year. These price increases will be reflected very quickly in the prices that consumers pay at retail for items like shoes and clothing, furniture, other household goods, appliances, lumber, and housing itself.

The 7.5-percent rate of increase for consumer finished goods is bad enough, but it is only the beginning, and there is worse ahead, according to all of the respected economists of this Nation, who are telling the American people in spoken and written words that we have some difficult days of inflation facing us.

Wholesale prices of intermediate goods rose at nearly a 12-percent rate in the first quarter of this year, and prices of raw materials, again excluding food, at a 13-percent rate. And the farther back we look into the production process, the worse the outlook appears.

I want to say to the Senate that a 12-percent rate upon what we call intermediate processed goods and a 13-percent rate on raw materials excluding food are within themselves both shocking and dangerous. They are not the figures for 1 week or 1 month; they represent the abstraction of figures over a period of 3 months, a quarter of the calendar year. These disturbing increases have been broadly spread throughout all sectors of the economy. Price increases for lumber and for fuels have attracted some attention, and rightly so, and there have been enormous price increases in both of these sectors.

And might I add, as they put it in the vernacular, "You ain't seen nothing yet." In addition, the price of fuel oil is on its way up, the price of gasoline is on its way up, and there are those who feel that when the summer months are upon us, not only will the price of gasoline be up, but the supply will be dangerously low.

There are equally disturbing price increases in other areas. For example, wholesale prices of textile products and apparel rose at a rate exceeding 12 percent in the first quarter.

When the first monthly report came out on textile goods, we were told, "You musn't extrapolate; you must not draw any conclusion from a 1-month set of figures." When the second month came, we were told the same thing. Now the third month has come, and I think that at least we should be aware of the fact that the trend is not downward, but rather it is upward, and I submit that these price increases at the wholesale level will show up in the consumer's clothing bill.

Prices of metal and other products rose at a rate close to 14 percent during the first quarter. During the year ahead, this will show up in higher prices for automobiles, automobile parts, appliances, electrical goods, and a myriad of other goods.

Paper products rose at a rate of 8 percent. Machinery and equipment rose at a lower rate of 4.5 percent.

Taken together, wholesale prices of all industrial commodities have risen at a truly alarming 10-percent rate in the last 3 months. Not since the Korean war days have we faced so serious a price situation. And I might add, that price situation took place in the Korean war days before the controls were put on. Finally those controls had to be applied, after the price index had been completely distorted and inflation had taken its toll.

Furthermore, these price increases have taken place just at the time when the heaviest round of labor negotiations in several years is about to start. The United Rubber Workers are negotiating right now, and the industry faces an April 21 deadline. The settlement will, in many respects, be the pattern setter for other negotiations this year. The time for the administration to act to restore effective price control is right now, this week.

Everybody except those who have blinded themselves either through ideology or partisanship has said repeatedly that moving to phase 3 was premature. The central bankers of Europe, the Wall Street Journal, Business Week, the Nation's Business, Forbes' publication—the leading economic journals of America and newsletters from the leading banks have said repeatedly that we have prematurely taken off the controls that were working, showing at least to have some beneficial effect in what we called phase 2.

The economic commentary from Europe says that the raid on the dollar which compelled a second devaluation was triggered by the lack of confidence in the American economy, due to one fact above all others—that the phase 3 program of limited, more or less voluntary price and wage controls was premature and would be ineffective.

I submit that there is no evidence to the contrary. When you get publications like the London Economist, when you get publications from the central banks of Switzerland, France, Germany, Holland, and Belgium, the leading spokesmen of the European economic community, saying what I am trying to say here in a less documented manner, I think that it is time for us not only to be concerned, but to act.

Each day of delay lessens the chances for bringing rampant inflation under control. Yet not only does the administration not act, it has indicated that any action taken by Congress in the form of amendments to the Stabilization Act is subject to veto.

I know that this is not easy, and I do not subscribe to some of the theories that have been bandied about. I am not trying to say to the President of the United

States that you can roll back everything. I am not trying to set some date for him to look at. I am simply saying that he must take the same kind of action now, or in the immediate future, that he had the willingness and courage to take back in August of 1971, and take it before it is too late, that he must take action before the toll has taken too much from the American people.

All of us hope for the day when controls will no longer be needed. At best they are not really what we like. All of us look for the day when prices can be set by market forces. But the administration's adherence, and it seems to me a very stubborn adherence, to its phase III decontrol program is, in my mind, a triumph of dogma and ideology over reality and commonsense, and it is time and past time to admit that the move to phase III was a mistake. It is time to halt the inflationary raid on the consumer's pocketbook. And that inflationary raid will not be halted by television appearances condemning Congress, or by spokesmen for the President saying that the housewife ought to picket the Senate of the United States and the House of Representatives.

It is a fact that this body has a responsibility for budgetary control, and in the Senate last week we accepted that responsibility. But I think that the responsibility goes beyond the legislative halls of Congress. The responsibility falls right now on the executive branch of this Government, in cooperation with Congress under the Economic Stabilization Act, to take those steps and those measures which will assure the American people that their dollar will not be devalued again, to assure the American people that the prices of consumer goods which the average working family needs day in and day out will not go out of sight, to assure the American people of an adequate supply of the basic needs of our economy—of fuel, of clothing, of gasoline, of food products—these are items that are essential—of lumber for our homes, of the materials we need for the basic essentials of our industrial system. If this inflation continues as it is, without the kind of strict controls on prices, wages, profits, interest, and other forms of income and other forms of price, we are going to have some dark and dreary days ahead.

I hope that the predictions that some make—which I do not make—of a recession in the economy in the fourth quarter of the year, never come true.

Talk of recession may be a political pleasure for some but it is a social and economic disaster for the many.

We do not want recessions. We do not want depressions. We do not want inflation. We want to have as much price stability as a growing economy can provide.

I recognize that with growth there is always some inflation. But there is a difference in the kind of inflation that literally gets out of hand and produces a fever that consumes our strength.

EXECUTIVE SESSION

Mr. **ROBERT C. BYRD**. Mr. President, I move that the Senate go into executive session to consider a nomination reported earlier today. This has been cleared on both sides.

The motion was agreed to, and the Senate proceeded to the consideration of executive business.

DEPARTMENT OF JUSTICE

The legislative clerk read the nomination of James F. Companion, of West Virginia, to be U.S. attorney for the northern district of West Virginia.

The **PRESIDING OFFICER**. Without objection, the nomination is considered and confirmed.

Mr. **ROBERT C. BYRD**. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. **ROBERT C. BYRD**. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The **PRESIDING OFFICER**. There being no objection, the Senate resumed the consideration of legislative business.

VOTER REGISTRATION ACT

The Senate continued with the consideration of the bill (S. 352) to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Administration for the purpose of administering a voter registration program through the Postal Service.

Mr. **McGEE**. Mr. President, many things have been said this afternoon and by many people interested in making a constructive suggestion and modification of our effort to try to involve more Americans in the voting process.

I think some things ought to be said at this point in the evening in order to set the record straight.

While we are mindful of the failure to ever get totally at the maximum or ultimate solution to any problem, we have to get caught trying; and in that context, I would like to place in the RECORD the number of hearings on this proposal.

The Senate has met 8 days—5 days in 1971, 3 days in this session—with a total of 37 witnesses. The House met 7 days last year, with 48 witnesses. In all, Congress met 15 days, with 85 witnesses.

We cannot exhaust all the witnesses. They can exhaust the committee members sometimes. There was a spread, and they were distributed over all the fronts.

In addition, the Senate Committee on Post Office and Civil Service sent its expert staff personnel to all parts of the county, attending the meetings of State registrars, examining election procedures in large cities, meeting with the officials in charge, to try to assemble the best evidence we could get in all the ways in our power. It is far from perfect, but it is a long way toward what we all say in our rhetoric we would like to get in terms of voters participation.

Something has been mentioned here time and again this afternoon about how no one is much concerned about this, they are not going to vote anyway, and look at the Bureau of the Census report in 1968, when 50,000 people were sampled across the country. But, Mr. President, if we examine that report in detail, we will discover that many things are left unsaid this afternoon. But if we accept it at its worse figure, its lowest interpretation, we will discover that there were still 6 or 7 million people in the percentage lists who did not vote because of difficulty in registration.

If we want to start at the bottom, at that lowest figure, I say it is worth getting 6 or 7 million people registered in order to improve the system that much. I happen to believe that the numbers are very much larger.

I would remind you that the studies made since last November, when 62 million Americans did not vote, indicate a more eloquent poll at least as to the fact that something serious is wrong. There are those who tried to find out with some scientific approach, not in 1968 but last year, when we were shocked by the fact that almost as many Americans did not vote as did vote, that the motivation centered very heavily—not altogether, by any means, but very heavily—around the various obstructions in the path of a person who otherwise would have been interested in voting.

I mentioned earlier today that we have a class of person in the State of every Senator in this Chamber who would not vote if you dragged a voting booth beside his television set in the living room, and you are never going to do anything about that person. But there are people who would vote, who do believe in participating. Some are more lukewarm than others or less vigorous than others. But it cannot be abandoned by this body that those people who would vote if it were made easier ought to have a crack at it. Those numbers are very considerable.

The League of Women Voters, alluded to here by the distinguished junior Senator from Virginia a few moments ago as one of the groups that work very hard at getting people to register to vote, has completed a study of this problem. The study covered 47 States, approximately 250 communities, several thousand interviews of government officials, party officials, and representatives of citizens' groups. They observed more than 900 registration and polling places. What was their conclusion, Mr. President? Let me read a portion of it, because I do not want to detain the Senate:

> It is the contention of this report that millions of American citizens fail to vote not because they are disinterested but because they are disenfranchised by the present election system.
>
> Long lines, short office hours, inaccessible registration and polling places, and registration periods remote from the date of election are common experiences to many Americans.

I ask unanimous consent to have printed in the RECORD a summation of the findings in the League of Women Voters' report.

There being no objection, the summation was ordered to be printed in the RECORD, as follows:

ADMINISTRATIVE OBSTACLES TO VOTING

(A report of the League of Women Voters Educational Fund.)

The study covered 47 states; approximately 250 communities; 2,234 interviews of Government officials, Party officials, and representatives of Citizen groups; and observation in over 900 registration and polling places.

"It is the contention of this report that millions of American citizens fail to vote not because they are disinterested but because they are disenfranchised by the present election system." (page 6)

"Long lines, short office hours, inaccessible registration and polling places, and registration periods remote from the date of election are common experiences to many Americans." (page 11)

FINDINGS

52 percent of the registration places observed were not clearly identified.

29 percent of the communities where deputy registrars were allowed, election officials failed to use this method to reach citizens.

20 percent of the states expressly forbid evening and Saturday registration.

77 percent of the communities studied had no Saturday registration in non-election months.

75 percent of the communities studied had no evening registration in non-election months.

38 percent of the communities provided no additional hours for registration during the heat of an election period, i.e. 30 days prior to the closing of registration.

11 percent of the election officials included in this study published a voter information guide.

28 percent provided no training for poll workers.

30 percent of the registration places where bilingual assistance was needed, local officials failed to provide this service.

52 percent of the registration staff was classified as not helpful.

Mr. McGEE. I would mention here for the record that a similar study by the National Municipal League reached the same conclusion; that a study by George Gallup reached the same conclusion—a significant effort in each instance to have a look at what happened last November; not why they voted as they did, but why they did not vote, only why they did not vote. It was a mixed bag of explanations, but the largest single factor among the many reasons was the difficulties experienced in the uneven ways of registration.

I would conclude this afternoon with a petition in behalf of the Bureau of the Census. That is, a study from the Bureau of the Census, a much maligned body that has been kicked around here today. It shows who voted how in 1972, in the last election, what percentage of eligible voters voted. I want to read the extracts for the States of those who have participated here the longest in this afternoon's colloquy.

In the State of Alaska, 47.5 percent of the eligible voters voted; in the State of Hawaii, 50.8 percent; in the State of North Carolina, 43.5 percent; in the State of Virginia, 45.3 percent.

These are among all the people who were eligible otherwise as voters.

It says to me, as I am sure it says to my colleagues—I will put in the RECORD the record for the rest of the States at this point—that we have a long way to go, that we have very much to do about this.

Mr. President, I ask unanimous consent to have this table printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

State	Eligible voters [1]	Actual voters [2]	Turnout of eligible voters (percent)	Registered voters [3]	Turnout of registered voters (percent)
Alabama	2,274,000	1,006,000	44.2	1,764,000	57.0
Alaska	200,000	95,000	47.5		
Arizona	1,239,000	623,000	50.3	862,000	72.3
Arkansas	1,310,000	621,000	47.4	1,010,000	61.5
California	13,945,000	7,765,000	55.7	10,466,000	74.2
Colorado	1,558,000	949,000	60.9	1,220,000	77.8
Connecticut	2,106,000	1,384,000	65.7	1,648,000	84.0
Delaware	371,000	236,000	63.6	293,000	80.5
District of Columbia	518,000	164,000	31.7	305,000	53.8
Florida	5,105,000	2,576,000	50.5	3,487,000	73.9
Georgia	3,104,000	1,172,000	37.8	2,403,000	48.8
Hawaii	531,000	270,000	50.8	338,000	79.9
Idaho	479,000	310,000	64.7	397,000	78.1
Illinois	7,542,000	4,704,000	62.4	6,215,000	75.7
Indiana	3,509,000	2,128,000	60.6		
Iowa	1,909,000	1,225,000	64.2		
Kansas	1,541,000	916,000	59.4		
Kentucky	2,206,000	1,067,000	48.4	1,455,000	73.3
Louisiana	2,339,000	1,051,000	44.9	1,785,000	58.9
Maine	66,000	417,000	62.6	616,000	67.7
Maryland	2,688,000	1,354,000	50.4	1,816,000	74.6
Massachusetts	3,955,000	2,458,000	62.1	2,775,000	88.5
Michigan	5,874,000	3,487,000	59.4	4,763,000	73.2
Minnesota	2,560,000	1,738,000	67.9		
Mississippi	1,403,000	646,000	46.0		
Missouri	3,266,000	1,856,000	56.8		
Montana	460,000	318,000	69.1	387,000	82.2
Nebraska	1,022,000	576,000	56.4	712,000	80.9
Nevada	348,000	182,000	52.3		
New Hampshire	521,000	334,000	64.1	424,000	78.8
New Jersey	5,025,000	2,992,000	59.5	3,673,000	81.5
New Mexico	636,000	386,000	60.7		
New York	12,773,000	7,157,000	56.0	9,207,000	77.7
North Carolina	3,463,000	1,506,000	43.5	2,358,000	63.9
North Dakota	402,000	281,000	69.9		
Ohio	7,185,000	4,087,000	56.9		
Oklahoma	1,812,000	1,030,000	56.8	1,247,000	82.6
Oregon	1,500,000	922,000	61.5	1,198,000	77.0
Pennsylvania	8,161,000	4,589,000	56.2	5,872,000	78.2
Rhode Island	673,000	416,000	61.8	532,000	78.2
South Carolina	1,706,000	672,000	39.4	1,029,000	65.3
South Dakota	434,000	307,000	70.7	392,000	78.3
Tennessee	2,713,000	1,201,000	44.3	1,990,000	60.4
Texas	7,681,000	3,461,000	45.1		
Utah	689,000	478,000	69.4	621,000	77.0
Vermont	309,000	187,000	60.5	273,000	68.5
Virginia	3,197,000	1,447,000	45.3	2,107,000	68.7
Washington	2,371,000	1,470,000	62.0	1,975,000	74.4
West Virginia	1,182,000	762,000	64.5		
Wisconsin	2,955,000	1,851,000	62.6		
Wyoming	225,000	146,000	64.9		
Total	139,642,000	77,684,000	55.6		

[1] Bureau of the Census, current population reports, "Projections of the Population of Voting Age for States: November 1972," series P–25, No. 479 (March 1972), table 2.

[2] Certified vote totals in the 1972 election, as published in the New York Times, Dec. 20, 1972, p. 28; Dec. 24, 1972, p. 26. Figures rounded to the nearest thousand.

[3] Official reports of the State secretaries of State, giving registration figures available for the most recent date before election day. Data furnished to the National Republican Congressional Committee and the Library of Congress. Figures rounded to the nearest thousand. In some cases, the number of registered voters will increase as the figures are updated to election day, and the turnout of registered voters will show a corresponding decrease.

Mr. McGEE. Mr. President, one of the things we are trying to do is to make it easier for voters to register.

Having now quoted from the Bureau of the Census, as the Senator from Hawaii has done also in another context, for 1968, let me say that I, too, want the Bureau of the Census to stay out of politics, to be untainted and unpolluted by partisanship. There is nothing in this bill that touches the faintest sort of partisanship unless voting is partisan, unless exercising one's responsibility as a citizen is partisan. I fail to believe that it in any way taints the Bureau of the Census.

The Bureau of the Census in the last year polled many citizens on what they thought about phase I. There was a lot of flak about that. Some thought that was a loaded political question by the Bureau of the Census. I think it was all right. But pray tell, what is more political than measuring a policy of a given administration by the Bureau of the Census, not by George Gallup, and then protest the political implications of asking the Bureau of the Census to put postcards in the mail so that more Americans could become registered to vote, not how they are going to vote, but just to vote.

Any bureau of Government should be proud to be identified with the effort. But we selected the Bureau of the Census because it is already revved up for it, it has the machinery, the know-how, and the personnel to do the job. Of course, it is inconvenient for them, but they have a comfortable life now. We believe this is the least expensive and the most professional, ready available mechanism for pursuing a simple effort to make it possible for more people to apply for the right to register to vote.

It may be that none of these people will vote. Who knows? The record is that those who register to vote tend to vote. It has been very high, in the 70-percent to 80-percent bracket, higher than many of the States I read into the RECORD; most of them, in fact.

Therefore, we have reason to believe that Republicans and Democrats, liberals and conservatives, Northerners and Southerners have to give it a try to make it simpler to get people registered. Once they are registered our work is all cut out for all of us, to motivate, to find out what it takes to stimulate people to show up at the polls. We do not think we can for much longer in this body tolerate the kinds of obstructions that have stood in the way of several million Americans who otherwise would have voted.

Mr. MOSS. Mr. President, will the Senator yield?

Mr. McGEE. I am glad to yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. MOSS. Mr. President, I commend my chairman of the Committee on Post Office and Civil Service for again bringing this bill before the Senate. I support him again this year, as I did last year, and as I did in committee because I believe, for the reasons he has stated very well, that certainly in the political process of this country where we constantly see the people determine the policies, that we must take every step possible to see that the maximum number of our citizens have the right to vote and to urge the maximum number to cast their votes.

It is of little avail to urge a person to go to the polls at election time if he has neglected to register sometime before under a State law that varies from State to State, and as has been well pointed out, is very restrictive in some States. I fear that my State is one that is rather resrictive on the dates, times, and places of registration. Therefore, I wanted to be sure that my word was in the RECORD again in favor of this bill.

Mr. President, the bill to establish a system of voter registration by mail is one of the most important bills that will come before Congress this session. For it concerns the political right—the right to vote—that is the very basis of our democratic system of government.

In the last Presidential election only 56 percent of those eligible to vote actually went to the polls to exercise their most fundamental political right. This disturbing statistic is one that will be heard again and again in today's debate, and it is a statistic that bears repeating. For it demonstrates that despite the great strides we have made throughout history in broadening suffrage, American democracy has not yet fulfilled its promise.

Six of the last 12 amendments to the Constitution have dealt with the expansion of the franchise. As a result of these amendments, race, color, and sex are no longer barriers to the exercise of the right to vote. The poll tax has been abolished, and the franchise has been extended to citizens between the ages of 18 and 21. At this time in our history, the greatest remaining impediment to increased voter participation is our archaic system of voter registration.

This system was designed at the turn of the century to discourage fraud. But today, in almost every case, the system only acts to discourage the exercise of the right to vote. In many instances, the byzantine system of registration, whose purpose is to prevent corruption, has in fact fostered it. This is not really as paradoxical as it might seem. For when a system becomes so intricate that it cannot be understood by the ordinary voter, it is susceptible to manipulation. When this happens, the proper corrective is to make the system more rational and comprehensible.

Other Western democratics put us to shame when it comes to voter participation. Most of them have adopted registration systems that encourage their citizens to vote, and as a result, most of them have a far greater number of citizens going to the voting booths on election day. In Germany in 1969, 86.7 percent of those eligible voted. In the 1968 Canadian election, the figure was 75.7 percent; in Great Britain in 1970, 82 percent of those eligible cast their ballots, and in Norway in 1969, 82.5 percent of those eligible voted. In each of these countries, the registration requirements are far less burdensome than they are in the United States.

The correlation between ease of registration and voter turnout is clearly apparent when we compare voter registration in different States in our own country.

I am proud to say that the State of Utah traditionally has had one of the top percentages of voter turnout in the Nation. In 1972, Utah ranked third in turnout with 69.4 percent, or more than 13 percentage points higher than the Nation as a whole. One of the reasons for this wider participation is the high degree of public spirit among the citizens of Utah. Another important factor is Utah's progressive voter registration laws. In such matters as residency requirements and the pre-election time period open for registration, Utah's laws are more liberal than most other States. As a result, more than 90 percent of the eligible voters in Utah were registered before the last election. I am certain that if the bill before us is enacted, Utah will have an even higher registration and turnout. Registration by mail will be particularly helpful to those citizens who live in rural areas at some distance from the place of registration.

If the provisions in this bill will be advantageous to the citizens of Utah, they will be a positive boom to citizens in States with more outmoded registration laws. For unfortunately, many State governments have been dragging their feet for years, and there is little promise of progress in the future. Because of the lack of positive action in many States, it has become apparent that we will be able to increase voter participation significantly only through national legislation. From the experience of the State of Utah, I know what can be accomplished by encouraging voter participation. There is no reason why we cannot do the same on a national scale.

I consider it one of the shames of our time that we tend to restrict the franchise of citizens in any meaningful way. We ought to be seeking, as I pointed out, ways to broaden the franchise, to encourage the people. In fact, I often think of the way the matter is dealt with in some of the other democracies, notably in Australia and New Zealand, where there are penalties for not voting. I do not think we should come to that necessarily, but I do think we ought to find every possible way to remove restrictions and to encourage participation. How else can we measure the franchise of our people and know what they support by way of government?

Again I say I support this bill. I certainly hope it will pass by a large vote and that we can get action on it this year. We were frustrated somewhat last year, it being an election year and there being cross-currents of political assessment as to what the effect would be on one party or another and on their nominees. This year that question is far removed. We are far away from election time, far away from a presidential election, and even a considerable distance from congressional elections; and if there ever was a time for us to move, I would think it is now, and also as early as possible in this calendar year.

I support the legislation and I urge my colleagues to do likewise.

The PRESIDING OFFICER. The time of the Senator from Utah has expired.

The Senator from Hawaii.

Mr. FONG. Mr. President, in concluding the debate this evening, may I say that everyone who wants to register can register. Any citizen of the United States who is eligible to vote can vote. There are no impediments to the registration or to the voting of any citizen of the United States if he really wants to register or if he wants to vote.

As I stated before, the primary aim of this bill is to have more people register to vote. The figures cited by the distinguished Senator from Wyoming prove my point—that even with very, very liberal voter registration laws, people will not register if they do not want to.

There was a survey in 1968 by the Census Bureau of 50,000 households in the United States, as to whether they had registered to vote or had not registered to vote. More than 50 percent of the 50,000 households—over 26,000 of the 50,000—said they did not register to vote. Of the 26,000—which is more than 50 percent of those who did not register to vote—53 percent said they were not interested in politics.

My State of Hawaii, like the State of Virginia and like many other States, have very liberal voter registration laws. A few months prior to the election the registrars' offices are open day and evenings. The Republican Party and the Democratic Party have many of their members deputized as deputy registrars so that they may go out to register voters. Labor unions and civic organizations have their own members deputized to go out and register voters. Registration tables are set out at street corners, and at shopping centers. There is door-to-door registration. And yet in my State only 50.8 percent of the eligible voters voted in 1972. Thirty-seven percent of the people of my State, with all of the exhortations, with easy access to the registrar's office, with many people going from door to door asking them to register, did not register.

It shows, Mr. President, that it is not archaic, onerous, burdensome State voter registration laws and that have prevented a great majority of the people from registering and voting in the States. It is because these people are just not interested. S. 352 is not going to get those people to vote or to register, because they are simply not interested. This is evidenced by the figures that I have shown concerning voting of Hawaii and the Census Bureau survey statistics that were gathered in November 1968.

Take, for example, the State of Texas,

where one can clip a newspaper coupon, sign his name, and send it in to the registrar's office to be a registered voter. In the 1968 election a little over 50 percent of the Texas voters voted. In 1968 47 percent of the voters in Texas did not vote. Yet the great State of Texas has no impediment to registering to vote. In 1972, Mr. President, more than half of the people of the State of Texas did not vote—54.9 percent did not vote. This shows conclusively that the State registration laws are not the impediment to higher voting percentages in the States. The primary reason why these voters do not vote is voter apathy. This bill is not going to get to the voters' apathy and is not going to get them to the registrar's office.

Mr. President, if the facts as shown by the registration and voting figures of Hawaii and the registration and voting figures of Texas and other States show that so great a majority, so great a percentage of the people do not vote when registration is so easy, I say that this bill, which proposes to spend from $100 million to $300 million per biennial election, is pulling out a cannon to shoot at a fly. This bill is not necessary.

Mr. CRANSTON. Mr. President, Californians stayed away from the polls in droves in the 1972 general election; 13,945,000 Californians were old enough to vote, but only 8,595,950 voted.

In other words, some 5½ million Californians who should have voted did not vote; 3½ million of these voting age Californians could not go to the polls because they were not registered to vote.

Obviously the system to register voters in California, like most other States, simply does not reach all the citizens. The United States is the only country which holds elections where the onus of responsibility for registration is placed upon the citizens. Not only do U.S. citizens have to seek out registration, but locating a time and a place to register is often a difficult process.

In its 1972 study on the administrative obstacles to voting, the League of Women Voters Education Fund found:

> In 29 percent of the communities where deputy registrars were allowed, election officials failed to use this method to reach citizens. While only 10 states expressly forbid evening and Saturday registration, 77 percent of the communities studied had *no* Saturday registration and 75 percent had *no* evening registration in nonelection months. Even during the heat of an election period, i.e., the 30 days prior to the closing of registration, 38 percent of the communities provided *no additional hours* for registration.

In many jurisdictions, there is only one place where citizens can go to register. In areas where a majority of potential voters are not fluent in English, there are not provisions to assist with registration in foreign languages.

Of the major democracies of the world, the United States has the worst record for participation in the election process. In 1972 only 54½ percent of our voting-age citizens went to the polls.

This is a very sad commentary on the functioning of our democratic system of government.

What concerns me deeply is that the obstacles to voter registration are most difficult for working people, old people, poor people and members of minority groups to surmount.

If a person works all day and there are no evening or weekend registration hours he is being effectively denied his right to vote.

If a senior citizen is too ill to leave his home to go to a place of registration, he is being denied his right to vote.

If a person cannot afford a car or taxi and his home or registration place is not close to public transportation—or for that matter if he cannot pay the cost of public transportation—another citizen is being denied his right to vote.

If a person is either unsure of his English or unable to speak English the voter registration process can be too intimidating to confront and this citizen also becomes disenfranchised.

S. 352, the bill we have before us today will go a long way to reenfranchising many American citizens. Briefly, it will create a Voter Registration Administration in the Census Bureau to produce and distribute to the States postcard registration forms. These forms will be distributed by mail at least 30 days prior to elections and can be printed in foreign languages if a given area is heavily populated by people who do not speak English.

I strongly urge all Senators to support this legislation which provides an important new mechanism to strengthen our democratic process.

Mr. EAGLETON. Mr. President, no one questions the principle that the right to vote is a basic ingredient of participatory democracy. Yet the United States, which should set the example for the free world, has the lowest level of voter participation of any democratic country.

The highest rate of voting in the 20th century was in the Presidential election of 1960, when 64 percent of Americans of voting age actually voted. This high water mark compares with typical turnouts of 87 percent in Germany, 76 percent in Canada, 72 percent in England, and 82 percent in Norway.

In 1968, only 60.6 percent of Americans of voting age actually voted. There were an estimated 47 million adult Americans who failed to vote, 27 million of whom were not even registered.

In 1972, 62 million eligible voters did not vote. The President was reelected by roughly one-third of the voting age population.

Between 1960 and 1968, an increase of 8 million Americans failed to vote, and between 1968 and 1972 the increase was another 15 million. At that rate it is estimated that in the next 20 years we can expect to see 70 to 90 million Americans not participating in Presidential elections.

In my home State of Missouri, in 1960 71.8 percent of those eligible voted. In 1964 the turnout decreased to 67.4 percent, in 1968 to 63.1 percent, and in 1972 to approximately 50 percent.

President Lyndon Johnson worried about the problem of low voter participation most of his life. Late last year in a speech at Austin, Tex., he expressed it this way:

> We have to come up with some kind of plan to perfect our democracy by seeing that more of our people do vote . . .
>
> I don't know how to do it and I don't want to get it from the hip with compulsory voting, but we ask our young men to, we require them by law, to all go to register for the draft. We require all of our children to go to school. We require people under great loss of privilege to have a Social Securtiy number.
>
> I have no doubt that this would be a better country and a purer democracy if 95 percent of our people voted . . .

Statistics show that 9 of 10 registered Americans vote, but that fewer than 6 of 10 voting age Americans vote. One conclusion, borne out by a look at the statute books of the various States, is that registration itself has become something of an obstacle to voting in our mobile society, that the crazy-quilt pattern of voting requirements serves to discourage, rather than encourage, Americans from registering and voting.

In my view any program to remove or simplify encumbrances to voting warrants support—as long as it does not expose the voting system to fraud. That is why I believe national voter registration is an idea whose time has come.

This bill we are voting on today, the Voter Registration Act, would provide for a national voter registration system for Federal elections through the mail. It has my support.

Under this legislation, a registrant would simply fill out a postcard registration form and mail it to the local registration agent. The postcards would be mailed to every postal address and residence in the United States and would be available in other public facilities. The local registration agent would inform the applicant by mail of his acceptance or rejection as a registered voter.

The bill would establish a National Voter Registration Administration to administer the program. The prerogatives of the States to establish by law general qualifications for voting would be preserved. This system is not meant to tamper with that right. It is meant to make the right of each American to vote easier to achieve.

Mr. PELL. Mr. President, I urge my colleagues to enact S. 352, the Voter Registration Act. As former registration chairman of the Democratic National Committee, I am well aware of our Nation's long history of poor voter participation in the electoral process. In our most recent Presidential election, only 55 percent of voting-age Americans went to the polls; 62 million citizens who were of voting age did not exercise their franchise.

On the other hand, approximately 9 out of 10 Americans who are registered, do vote. It thus apepars to me this poor voter participation is not primarily because of lack of interest or indifference, but rather because of overly restrictive and out moded registration laws in many of our States. Federal and State Governments must enact registration laws which insure fairness and integrity in the electoral process, but it is equally important that these laws encourage voter participation. In fact, they often do just the opposite.

When a person has to travel 100 miles to the nearest registration site, when 76 percent of the States have no Saturday or evening registration in nonelection months, when registration books are closed months before an election, and when one has to reregister each year, it is easy to see how the average citizen becomes discouraged. The need for a more simplified and uniform registration procedure is readily apparent. The complexities of law and administrative regulations, and the needless redtape and bureaucracy inherent in present registration processes provide us with another example of government failing to be responsive to the legislative interests of the citizenry.

In my opinion, the Voter Registration Act is a reasonable and valid approach toward encouraging voter participation. It would provide for a nationwide mailing of postcard forms to every postal address and residence in the United States. These forms would include information appropriate to each State's requirements for voter registration. Nothing in this system would deny the States their historical rights to supervise the registration process, and to establish general qualifications for voter eligibility.

It should also be noted that in New York City, for example, it costs the municipal government approximately $8 for each new registration gained. This is in a Presidential election year; in a non-Presidential year, when public interest is less, but overhead the same, the cost per new registrant would be greater. This legislation would substantially reduce such costs, and this is another compelling reason for its enactment.

Mr. President, our system of government makes us the freest nation in the world. The right to vote, and the exercise of this right is, I believe, the most fundamental safeguard for the liberties of the individual. It is also the most direct and effective way for our Nation's citizens to mold the political processes to serve the public interest. The time has long since passed when our Nation can continue to have the lowest level of voter participation in the free world. Our election and registration laws must facilitate and encourage voter participation. I again urge the enactment of S. 352, the Voter Registration Act.

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Abourezk). Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock meridian tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, following the recognition of various Senators under the orders previously entered, there be a period for the transaction of routine morning business on tomorrow not to exceed 15 minutes with statements limited therein to 3 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RESUMPTION OF THE UNFINISHED BUSINESS, VOTER REGISTRATION ACT, ON TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of the routine morning business tomorrow, the Senate resume the consideration of the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 12 o'clock meridian. After the two leaders or their designees have been recognized under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes and in the order stated: Senators Thurmond, Scott of Pennsylvania, Griffin, Eagleton, and Robert C. Byrd.

Following the recognition of the aforementioned Senators, there will be a period for the transaction of routine morning business for not to exceed 15 minutes with statements limited therein to 3 minutes, at the conclusion of which the Senate will resume the consideration of the unfinished business, S. 352, a bill to amend title 13 of the United States Code to establish within the Bureau of the Census a Voter Registration Administration for the purpose of administering a voter registration program through the Postal Service.

There is no time agreement on the bill or on amendments thereto. Consequently, the leadership is not in a position to indicate whether or not there will be yea-and-nay votes. Senators are alerted to the possibility of such.

ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move in accordance with the previous order that the Senate stand in adjournment until 12 o'clock meridian tomorrow.

The motion was agreed to; and at 5:46 p.m., the Senate adjourned until tomorrow, Wednesday, April 11, 1973, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate on April 9, 1973, pursuant to the order of April 6, 1973:

Federal Home Loan Bank Board

Thomas R. Bomar, of Maryland, to be a member of the Federal Home Loan Bank Board for the remainder of the term expiring June 30, 1974, vice Preston Martin, resigned.

Consumer Product Safety Commission

The following-named persons to be Commissioners of the Consumer Product Safety Commission for the terms indicated; (new positions).

For a term of 3 years from October 27, 1972: Richard O. Simpson, of California.

For a term of 4 years from October 27, 1972: Lawrence M. Kushner, of Maryland.

For a term of 6 years from October 27, 1972: Constance E. Newman, of the District of Columbia.

For a term of 7 years from October 27, 1972: Barbara H. Franklin, of New York.

Uniformed Services University of the Health Sciences

The following-named persons to be members of the Board of Regents of the Uniformed Services University of the Health Sciences for the terms indicated; (new positions).

For a term of 2 years:

David Packard, of California.

Lt. Gen. Leonard D. Heaton, U.S. Army retired.

Malcolm C. Todd, of California.

For a term of 4 years: Anthony R. Curreri, of Wisconsin.

For a term of 6 years:

H. Ashton Thomas, of Louisiana.

Durward G. Hall, of Missouri.

Executive nominations received by the Senate April 10, 1973:

Department of the Treasury

Helmut Sonnenfeldt, of Maryland, to be Under Secretary of the Treasury, vice Edwin S. Cohen, resigned.

Department of Defense

John O. Marsh, Jr., of Virginia, to be an Assistant Secretary of Defense, vice Gardiner Luttrell Tucker, resigned.

Jerry Warden Friedheim, of Virginia, to be an Assistant Secretary of Defense, vice Daniel Z. Henkin, resigned.

Department of Labor

Bernard E. DeLury, of New York, to be an Assistant Secretary of Labor, vice Richard J. Grunewald, resigned.

Community Relations Service

Benjamin F. Holman, of the District of Columbia, to be Director, Community Relations Service, for the term of 4 years, (reappointment).

National Oceanic and Atmospheric Administration

Subject to qualifications provided by law, the following for permanent appointment to the grades indicated in the National Oceanic and Atmospheric Administration:

To be ensigns

Kenneth R. Anderson
Stephen J. Kott
Earl W. Fenstermacher
Peter E. Gadd
Alan D. Anderson
Richard H. West
David C. McConaghy
Joseph J. Kapler
Kevin T. Mahoney
Thomas A. Bergner
John A. Murphy
Edward E. Seymour
Kevin P. Regan
Kent J. Stong
Michael H. Allen
John J. Kineman
Paul B. Loiseau, Jr.
John L. Oswald
Roger W. Mercer
Alan H. Yanaway
Kenneth F. VanTrain
George J. Hauser, Jr.
Garth W. Stroble
Edward Gastaldo
Andrew M. Snella
Robert J. Pawlowski
Thomas L. Meyer
Dennis M. Kuhl
Larry E. Gholson
Chris J. Nelson
John B. Nelson
Kenneth M. Holden II
David L. Rogers
Donald D. Winter
Dennis J. Sigrist

To be lieutenant, junior grade

Bradford B. Meyers

IN THE AIR FORCE

The following officer under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 8066, in grade as follows:

To be lieutenant general

Maj. Gen. Lew Allen, Jr., 56-26-7478FR (brigadier general, Regular Air Force) U.S. Air Force.

IN THE NAVY

Vice Adm. Thomas J. Walker III, U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

Rear Adm. Thomas R. Weschler, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

MARINE CORPS

Lt. Gen. Hugh M. Elwood, U.S. Marine Corps, when retired, to be placed on the retired list in the grade of lieutenant general in accordance with the provisions of title 10, United States Code, section 5233.

Maj. Gen. Leo J. Dulacki and Herbert L. Beckington, U.S. Marine Corps, having been designated, in accordance with the provisions of title 10, United States Code, section 5232 for commands and other duties determined by the President to be within the contemplation of said section for appointment to the grade of lieutenant general while so serving.

IN THE AIR FORCE

The following officers for appointment in the Regular Air Force, in the grades indicated, under the provisions of section 8284, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

To be first lieutenant

Abbott, Byron A., [redacted].
Allen, Keith M., [redacted].
Allison, Michael W., [redacted].
Anderson, David R., [redacted].
Andrews, Edward, Jr., [redacted].
Ascher, Clifford D., [redacted].
Balthazor, Leo R., [redacted].
Barnick, Roland J., [redacted].
Belnap, Rex K., [redacted].
Bloom, Gene C., [redacted].
Bourquard, William S., [redacted].
Brennan, James T., [redacted].
Brennan, Patricia L., [redacted].
Brennan, Rodney C., [redacted].
Bretz, Thomas E., Jr., [redacted].
Broestl, Howard E., [redacted].
Brown, Charles E., [redacted].
Bruckner, Henry P., [redacted].
Burch, Terence R., [redacted].
Burke, James E., [redacted].
Cano, Gerald G., [redacted].
Cassatt, Alice D., [redacted].
Clevenger, Gary L., [redacted].
Coffin, Robert C., [redacted].
Cohen, Ian D., [redacted].
Comerford, Richard, [redacted].
Cote, Denis A., [redacted].
Coursey, Michael A., [redacted].
Covais, Ronald T., [redacted].
Cox, Michael C., [redacted].
Cox, Michael R., [redacted].
Craddock, Joseph L., [redacted].
Crawford, Gary W., [redacted].
Creamer, William H., [redacted].
Currie, Alexander B., [redacted].
Currie, Kenneth M., [redacted].
Czaplicki, David R., [redacted].
Daly, Kevin C., [redacted].
Demond. Walter E., [redacted].
Dereu, Wayne E., [redacted].
Donley, Derek B., [redacted].
Down, John F., [redacted].
Driskell. William B., [redacted].
Dugas, Jack E., Jr., [redacted].
Duran, Donaghey E., [redacted].
Ellis, Gilbert M., Jr., [redacted].
Ellmyer, Gerald G., [redacted].
Epeneter, Michael C., [redacted].
Feeney, Daniel J., [redacted].
Floyd, John M., [redacted].
Fox, Timothy W., [redacted].
Francom, Ronald K., [redacted].
Fromm, James G., [redacted].
Gaddis, Terry H., [redacted].
Gasbarro, William E., [redacted].
Gilkey, Thomas R., [redacted].
Golden, August Jr., [redacted].
Gougherty, Thomas D., [redacted].
Hamm, Michael D., [redacted].
Hance, Cone J., Jr., [redacted].
Haney, Donald L., [redacted].
Harrington, Daniel F., [redacted].
Hartmann, Paul A., [redacted].
Hayden, James J., [redacted].
Heath, Earl D., [redacted].
Heisley, Charles T., [redacted].
Hellie, Daniel W., [redacted].
Hentges, Kenneth M., [redacted].
Herbolsheimer, Charles D., [redacted].
Hofferber, Charles A., [redacted].
Hohnstein, Henry C., Jr., [redacted].
Holton, Gary R., [redacted].
Hoskins, Louis H., Jr., [redacted].
Hulsether, William M., [redacted].
Hutzler, Michael J., [redacted].
Inglis, Peter R., [redacted].
Inouye, Don M., [redacted].
Jayne, Ronald W., [redacted].
Johnson, Ronald D., [redacted].
Joubert, Percy, Jr., [redacted].
Keethler, Charles G., [redacted].
Kitson, Gary S., [redacted].
Kosmicki, Duane E., [redacted].
Krause, David A., [redacted].
Kroha, Robert J., [redacted].
Landry, David A., [redacted].
Lawrence, David L., [redacted].
Lazor, John C., [redacted].
Leboeuf, Wayne C., [redacted].
Lecklider, Russell P., Jr., [redacted].
Long, David C., [redacted].
Loveless, Bruce A., [redacted].
Lovell, Craig L., [redacted].
Macke, Alvin H., [redacted].
Mancini, Emilio J. J., [redacted].
Marks, Milton D., Jr., [redacted].
Martin, Mickey F., [redacted].
Martz, John P., [redacted].
McConnell, Larry D., [redacted].
McDermott, Francis D., [redacted].
McDonald, James K., Jr., [redacted].
McDonald, James T., III, [redacted].
McDonald, Jane F., [redacted].
Melton, Roger D., [redacted].
Merritt, Christopher C., [redacted].
Meyers, Vernon D., [redacted].
Miller, Robert J., [redacted].
Moerman, Paul D., [redacted].
Najjar, Ali E., [redacted].
Nelson, Kenneth A., [redacted].
Nelson, William C., [redacted].
Nemergut, John P., [redacted].
Neuhauser, Walter E., Jr., [redacted].
Osadchey, William A., [redacted].
Ouzts, Steve O., [redacted].
Owendoff, James M., [redacted].
Pape, Robert C., [redacted].
Polage, Gary A., [redacted].
Raduege, Harry D., Jr., [redacted].
Reed, Michael A., [redacted].
Reel, Jerry D., [redacted].
Rico, Crecencio, Jr., [redacted].
Riesmeyer, William D., [redacted].
Ritchey, Steven R., [redacted].
Robinson, George S., [redacted].
Salchow, William F., [redacted].
Sapp, Fred, Jr., [redacted].
Schlater, Donald R., [redacted].
Schwartz, Robert D., [redacted].
Scoular, Ralph J., Jr., [redacted].
Seibert, Leland E., [redacted].
Siefker, John B., [redacted].
Simpson, James C., Jr., [redacted].
Sinclair, Thomas J., [redacted].
Slagle, James H., [redacted].
Slankas, John T., [redacted].
Smith, Martin F., [redacted].
Stevenson, Robert L., [redacted].
Szuch, Leslie J., [redacted].
Thiesse, Judith R., [redacted].
Thurston, Roger D., [redacted].
Tuttle, Ronald F., [redacted].
Valdez, James J., [redacted].
Vanhal, Marvin E., [redacted].
Vansweringen, Thomas C., [redacted].
Wallace, John M., [redacted].
Warner, Jack D., Jr., [redacted].
Webster, Russell J., [redacted].
Welford, William D., [redacted].
Whalen, Philip F., Jr., [redacted].
Wichman, Thomas D., [redacted].
Wilson, Kenneth E., [redacted].
Worrell, Grover T., [redacted].
Yould, Eric P., [redacted].
Zabaronick, Robert W., [redacted].

To be second lieutenant

Abene, Peter V., [redacted].
Abernathy, Mary Beth, [redacted].
Adams, James N., [redacted].
Adams, Randolph K., [redacted].
Adams, Ronald M., [redacted].
Adams, Thomas T., Jr., [redacted].
Aimone, Michael A., [redacted].
Aldridge, Lee F., [redacted].
Alexander, Marian F., [redacted].
Alexander, Stephen D., [redacted].
Alexander, William S., [redacted].
Allen, William A., [redacted].
Allhiser, Gary L., [redacted].
Allison, Clinton D., [redacted].
Almany, Patricia A., [redacted].
Almond, Cheryl M., [redacted].
Almquist, Marilyn J., [redacted].
Alonso, Francis A., [redacted].
Alsdorf, Robert C., [redacted].
Anderson, Nolan H., Jr., [redacted].
Andrews, Carl M., [redacted].
Anthony, Richard W., [redacted].
Arentz, Eric G., [redacted].
Armstrong, Michael S., [redacted].
Arnold, Jerry H., [redacted].
Astwood, Norman G., II, [redacted].
Ayars, William R., [redacted].
Ayers, Phillip R., [redacted].
Ayotte, Kenneth V., [redacted].
Bachand, Stephen M., [redacted].
Bagzis, Larry D., [redacted].
Baker, Gerald A., [redacted].
Baker, James M., [redacted].
Baldwin, Gary A., [redacted].
Baldwin, Miles A., [redacted].
Ballintine, Richard G., [redacted].
Banks, Dale M., [redacted].
Bantz, Michael K., [redacted].
Barlow, Larry S., [redacted].
Barnard, Rocky E., [redacted].
Barnhart, James B., [redacted].
Barron, Richard F., [redacted].
Bartel, Harvey D., [redacted].
Bayley, David T., [redacted].

Beaver Thomas F., [redacted].
Beck, Gerard R., [redacted].
Bell, Orin D., Jr., [redacted].
Bell, Roger H., [redacted].
Bennett, James A., [redacted].
Benson, Rickey D., [redacted].
Benulis, Cynthia L., [redacted].
Benuzzi, Eugene J., [redacted].
Berkebile, Wayne E., [redacted].
Bick, Arthur E., Jr., [redacted].
Binet, Richard E., Jr., [redacted].
Bjerkaas, Carlton L., [redacted].
Bjerke, Bruce H., [redacted].
Blalock, Hubert L., Jr., [redacted].
Bogstie, Robert C., [redacted].
Bohl, Dwight H., [redacted].
Bon, Jaromir J., [redacted].
Bongiovi, Robert P., [redacted].
Boone, John S., [redacted].
Boozer, Allen H., Jr., [redacted].
Borchers, Robert G., [redacted].
Borchert, Martin J., Jr., [redacted].
Boshart, Ann S., [redacted].
Bosward, Allan J., [redacted].
Bouboulis, Charles L., [redacted].
Bovich, Stephen E., [redacted].
Boyce, Stephen D., [redacted].
Boykins, Wilson L., [redacted].
Bracey, Jere T., [redacted].
Brady, Terrence V., [redacted].
Brantley, Jim S., [redacted].
Braun, Dolores M., [redacted].
Braun, Richard O., [redacted].
Bray, Gary D., [redacted].
Bredengerd, Laurence W., [redacted].
Breen, Owen J., III, [redacted].
Brenton, James A., [redacted].
Brewer, Robert O., [redacted].
Brilliant, Howard M., [redacted].
Brooks, Bennie R., [redacted].
Broomall, Vernon H., Jr., [redacted].
Broussard, Neal J., Jr., [redacted].
Brown, Thomas F., [redacted].
Brown, Vanita J., [redacted].
Bryson, Joseph F., Jr., [redacted].
Buford, Alfred J., Jr., [redacted].
Bumgardner, James J., [redacted].
Burgess, David J., [redacted].
Burr, Annette L., [redacted].
Burrus, Wayne L., [redacted].
Bush, Jesse E., [redacted].
Bushman, Thomas R., [redacted].
Buskirk, Bruce A., [redacted].
Cafaro, Juliet L., [redacted].
Callahan, Philip A., [redacted].
Calo, Jose M., [redacted].
Campbell, Larry C., [redacted].
Campbell, Thomas C., [redacted].
Canavan, George R., Jr., [redacted].
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Davis, Stephen O., [redacted].
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Dealing, Ernest L., [redacted].
Dearden, Albert C., [redacted].
Deines, Judith A., [redacted].
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Donahue, William J., III, [redacted].
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Oshea, Mark, [redacted].
Ostrander, Michael M., [redacted].
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Paine, Richard H., [redacted].
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Provins, James W. L., [redacted].
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Rolader, Charlie, [redacted].
Rom, Sandra J., [redacted].
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Zettler, Michael E., [redacted].
Zietlow, John E., [redacted].

The following officer for appointment as a Reserve of the Air Force in the grade of Colonel, Line of the Air Force, under the provisions of section 593, Title 10, United States Code and Public Law 92–129.

Andrews, Charles, [redacted].

The following officer for appointment as a temporary officer in the U.S. Air Force (Medical Corps), in the grade of lieutenant colonel, under the provisions of section 8444 and 8447, title 10, United States Code and Public Law 92–129, with a view to designation as a medical officer under the provisions of section 8067, title 10, United States Code:

Sherman, Howard H., [redacted].

The following officers for appointment in the Reserve of the Air Force (Medical Corps) in the grade of lieutenant colonel, under the provisions of section, 583, title 10, United States Code and Public Law 92–129, with a view to designation as medical officers under the provisions of section 8067, title 10, United States Code:

Frank, William E., [redacted].
Hunter, David M., [redacted].
Sowell, Ellis M., II, [redacted].

The following persons for appointment in the Regular Air Force, in the grades ind - cated, under the provisions of setion 8284, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated, and with dates of rank to be determined by the Secretary of the Air Force:

To be colonel (*Dental*)

Hansen, Nathan J., [redacted].

To be captain (*Medical*)

Krege, John W., [redacted].
Michaelson, Edward D., [redacted].
Ward, James G., [redacted].

To be captain (*Dental*)

Mills, Donald E., [redacted].

To be first lieutenant (*Dental*)

Saunders, Timothy R., [redacted].

CONFIRMATIONS

Executive nominations confirmed by the Senate April 10, 1973:

DEPARTMENT OF COMMERCE

Betsy Ancker-Johnson, of Washington, to be an Assistant Secretary of Commerce.

DEPARTMENT OF JUSTICE

Wallace H. Johnson, Jr., of Virginia, to be an Assistant Attorney General.

James N. Gabriel, of Massachusetts, to be U.S. attorney for the district of Massachusetts for the term of 4 years.

James F. Companion, of West Virginia, to be U.S. attorney for the northern district of West Virginia for the term of 4 years.

Donald E. Santarelli, of Virginia, to be Administrator of Law Enforcement Assistance.

(The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

U.S. DISTRICT COURTS

Vincent P. Biunno, of New Jersey, to be a U.S. district judge for the district of New Jersey.

Daniel J. Synder, Jr., of Pennsylvania, to be a U.S. district judge for the western district of Pennsylvania.

J. Foy Guin, Jr., of Alabama, to be a U.S. district judge for the northern district of Alabama.

James H. Hancock, of Alabama, to be a U.S. district judge for the northern district of Alabama.

HOUSE OF REPRESENTATIVES—*Tuesday, April 10, 1973*

The House met at 12 o'clock noon.

Col. Ernest Holz, national chief secretary, the Salvation Army, offered the following prayer:

O God, our Father, we bow before Thee in need for this day and age acknowledging Thee as our Lord and Creator. This is a day of unrest and anxiety. Remind us of the words of Jesus, "Come unto Me all ye that labor and are heavy laden and I will give thee rest." This is a day of hate, distrust, and little peace in the world. Remind us of Thy words, "Peace I leave with you, My peace I give unto you." And yet this is a day of great discovery, thrilling living, and glowing hope. Surround these blessings of real life with Thy love. Through the touch of Thy spirit grant us more faith, hope, and love—the greatest of these being love. Through Jesus Christ our Lord. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

PERMISSION FOR COMMITTEE ON PUBLIC WORKS TO FILE A REPORT ON S. 502, HIGHWAY CONSTRUCTION

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that the Committee on Public Works may have until midnight tonight to file a report on S. 502, to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes, as amended.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

MAKING IN ORDER CONSIDERATION OF A JOINT RESOLUTION FOR SUPPLEMENTAL APPROPRIATIONS, 1973

Mr. MAHON. Mr. Speaker, I ask unanimous consent that it may be in order any time after tomorrow to consider a joint resolution making urgent supplemental appropriations for the fiscal year 1973.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION TO FILE A REPORT ON JOINT RESOLUTION MAKING SUPPLEMENTAL APPROPRIATIONS, 1973

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tomorrow to file a report on a House joint resolution making urgent supplemental appropriations for the fiscal year 1973.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

ROLLBACK GROSSLY UNFAIR TO FEEDERS

(Mr. MAYNE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MAYNE. Mr. Speaker, yesterday I urged the House to reject the recommendations of the Banking and Currency Committee that all prices, rents and interest rates be rolled back to January 10 levels. My remarks appear at page 11410 of the Record. I did not attempt to show the adverse impact which such a rollback would have on all segments of society, but did say it would be a disaster for the livestock industry and particularly for independent farmers engaged in small- to medium-sized feeding operations who have purchased replacement feeder cattle at prices which had advanced sharply after January 10. I would like to be more specific as to how such farmers would have no chance at all to escape substantial financial loss if they are to be limited to January 10 prices for fat cattle when he eventually sells them.

I am thinking of a farmer friend who feeds about 200 head a year who bought 81 head of 700-pound yearling steers 4 weeks ago at $54 per hundredweight. The same feeder cattle would have cost only $40 in December—they had gone up $14. He would normally feed these steers six months to bring them up to 1,200 pounds, the proper weight for choice cattle. With the cost of everything he puts into those cattle having already gone up sharply, it will cost him more than 30 cents a pound to put that 500 pound gain on those cattle. Now if when he sells them he is limited to $39 per hundredweight, which was the average at Sioux City on January 10, he will get only 18 cents a pound for the gain; or a loss of 12 cents a pound. That is $60 per animal, which means this small operator will have lost $4,860 on this one small lot of cattle and received absolutely nothing for all the work he has gone to in feeding and tending them over a 6-month period. Actually his loss will be much greater because that figure assumes all 81 cattle will survive, whereas one or two of them will probably die bringing his loss to be between $5,000 and $6,000.

My farmer friend cannot afford to take that kind of beating. He should not be thus penalized for having tried in good faith to meet the consumer's well publicized demand for more red meat. He was willing to assume all the normal risks—and they are many—of buying high priced feeder cattle to continue his feeding operations. But he is not willing to have Congress foreclose any possibility of his recovering his costs and making a profit by limiting him to a January 10 selling price. I again urge all Members to vote against this mischievous and grossly unfair rollback proposal.

STETSON SHOE CO. CLOSES IN MASSACHUSETTS

(Mr. BURKE of Massachusetts asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BURKE of Massachusetts. Mr. Speaker, along with my esteemed colleague, the gentleman from Massachusetts (Mr. Studds), I take this opportunity to inform the Members of the House that another shoe factory in Massachusetts is closing its doors. The Stetson Shoe Co., a company of many, many years of business, is going to close down due to the unfortunate conditions of our trade policies that make it impossible for this great firm to continue.

I understand the President is going to send us a trade message here. I have been reading the reports in the newspapers which indicate the President is talking very tough on the one hand but, on the other hand, I find out he is dealing with these trade problems by throwing marshmallows at them. In other words he is looking for permission to further lower the tariff in this country. If we do that we can say goodby to the industrial complex of America.

The First National Bank of Boston has predicted that within 10 years New England is going to be a service-oriented area. In other words, there are not going to be any mills or factories at work there. It is going to be an area where everybody is going to be a life insurance salesman selling life insurance to each other. Yes, this country has some real problems and we have to face up to them.

CALL OF THE HOUSE

Mr. SMITH of Iowa. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 81]

Abzug
Bell
Blatnik
Burke, Calif.
Carey, N.Y.
Carney, Ohio
Chisholm
Clark
Dellums
Dent
Diggs
Dulski
Edwards, Calif.
Frey
Goldwater
Gray
Hansen, Idaho
Harvey
Hastings
Hébert
Holifield
Howard
Jones, Ala.
King
O'Hara
Owens
Pettis
Pickle
Price, Tex.
Reid
Rooney, N.Y.
Rosenthal
Roybal
Shipley
Slack
Steiger, Wis.
Teague, Tex.

The SPEAKER. On this rollcall 396 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

LEAD NATION ON MEATLESS TUESDAYS

(Mr. PODELL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PODELL. Mr. Speaker, last Tuesday I asked the President to reestablish the successful World War II practice of "meatless Tuesdays" until the supply of meat catches up with demand and prices return to a reasonable level.

It is Tuesday once again and there has been no response from the White House. The weeklong meat boycott was effective, but in a limited way. A long term reduction in demand is needed to more nearly coincide with the long leadtime required for the production of meat.

Perhaps Congress should step in and lead the Nation in voluntarily observing meatless Tuesdays in the House and Senate Restaurants until meat prices stabilize at a level acceptable to all.

RISE OF WHOLESALE PRICE INDEX FOR MARCH

(Mr. O'NEILL asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. O'NEILL. Mr. Speaker, last Thursday, the Department of Labor reported that the Wholesale Price Index for March rose at a seasonally adjusted annual rate of 26.4 percent—the steepest monthly rise since 1951.

Mr. Speaker, surely this Congress needs no further evidence of the total bankruptcy of the Nixon administration's economic policies. The so-called phase III of the economic stabilization program—announced by President Nixon on January 11—is an absolute failure and a disaster for the American people.

Despite the obvious, the administration continues to issue rosy statements promising that better days are just down the road. In truth, they are floundering around and they now appear unable to come to grips with the economic realities of the Nation.

This is a crisis which everyone but the administration seems to recognize. The problems of inflation are no secret to the consumer, the farmer, the businessman, and the worker. They know it exists and they know they are paying a terrible price for the administration's continuing head-in-the-sand attitude.

Mr. Speaker, when economic policies fail so miserably and when the Nation approaches an economic emergency, it is time for the Congress to pick up the initiative and to provide the leadership which is so obviously lacking downtown. We can no longer afford the luxury of a wait-and-see approach to the Nixon brand of economics.

This week, the House of Representatives will be acting on a series of amendments to the Economic Stabilization Act as reported by the Banking and Currency Committee last week. This measure seeks to repeal the disastrous phase III and to provide some very firm economic guidelines for the Nation—guidelines which will return stability to the economy. This legislation will correct the mistakes which have piled up under phase III and will push the President toward a meaningful program to lower prices, rents, and interest rates.

Mr. Speaker, the American people are watching closely to see how the Congress performs on these amendments. This is a true test of the Congress ability to deal firmly and effectively with an economic crisis.

MEATS AND CONTROLS

(Mr. SCHERLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHERLE. Mr. Speaker, I would like to reply to my colleague from New York (Mr. Podell) concerning his proposal to declare "Meatless Tuesdays."

If worldwide demand for meat continues to accelerate, prices will not decline. Adverse weather conditions in the United States compound the difficulties of raising enough beef to satisfy the market. In one Midwestern State alone, storms have caused us to lose 44,000 head of cattle so far this year. If the Government persists in imposing price controls, ceilings, and even rollbacks, it will be virtually impossible to increase the supply of meat. There will be no need for Congress to proclaim one meatless day—every day will be meatless. Reserves of beef, pork, and lamb will simply dry up.

Most of us can remember the meat shortages that prevailed during World War II. People queued up for blocks for a pound of Spam. But if the present situation continues, there may not even be a pound of Spam available. We will all fast from meat—and it will not be in deference to the will of Congress.

RURAL WATER AND SEWER GRANT PROGRAM—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER. The unfinished business is: Will the House, on reconsideration, pass the bill, H.R. 3298, an act to restore the rural water and sewer grant program under the Consolidated Farm and Rural Development Act, the objections of the President to the contrary notwithstanding.

The gentleman from Texas (Mr. Poage) is recognized for 1 hour.

Mr. POAGE. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Oklahoma, the Speaker of the House of Representatives (Mr. Albert).

Mr. ALBERT. Mr. Speaker, I appreciate the fact that the distinguished chairman of the Committee on Agriculture, the gentleman from Texas (Mr. Poage), has yielded to me. I appreciate the years that I served under his leadership on that committee.

In a few minutes, as every Member of this House knows, we will cast one of the critical votes of this session of Congress—critical because of the importance of the subject matter with which we are dealing, and critical because of the challenge which we confront as a law-making body of the Nation.

We are face to face with a confrontation that has been in the making for some time. We are dealing, it seems to me, in a sense, with the basic constitutional system of the Nation. We are dealing with the question of the authority of Congress to make the laws of the land.

Just last month 297 Members of this body, Democrats and Republicans, voted to reinstate this very successful program. I am sure that on that occasion the vote was one of conviction that the program was needed, and that Members in making this vote were doing so in the conviction that they were helping their constituents and their country.

I do not believe there is any argument over the merits of this legislation.

In signing into law legislation which tripled the authorization for water and sewer grants in 1972, President Nixon called the legislation "praiseworthy."

It helps people, it helps communities. It is based on the theory that our people have a right to an abundance of clear water and sanitary sewage disposal systems. It is based on the principle that what we do to clean up the water of the Nation is important to the environment not only of those who live in this generation, but those who will live in generations to come.

This program over the years, has received consistent bipartisan support because it is a good program. In my own State, for example, 8 years ago not one family was served by rural water systems, not one in the entire State. Today, thanks to this program, over 90,000 families have access to good, clean, running water. In my home country 85 percent of the rural and smalltown families now have water lines coming to their homes. Before this program was begun none of these families were served. I am sure that the same story can be told in most States, and in many counties of the Nation—but the job has not been completed.

Without these grants, the people of many rural areas could not afford water. How is a town with a population of 250 people, many of them children, going to raise the money to build water and sewer lines? There are small, poor communities in districts throughout the country that cannot possibly pay for the construction and maintenance of sophisticated water and sewage plants. Even if they could borrow the money to build the systems, the water and sewer bills would be exorbitant.

The biggest losers in this conflict are the 1,685 small towns that already have qualified for water and sewer grants in accordance with the law, and who were denied the payments on their grants due to impoundment.

The impoundment of money for rural water and waste disposal systems has severely penalized communities. These people went to the polls last November with the full understanding that the law would be faithfully executed. Little did they realize that their dreams would be shattered by an abrupt, unauthorized termination of the program.

The questions before us are simple: Were we right when we voted for this program last month? Were we right in believing that it was a good program? Were we right in believing that it was a program that the American people could afford? Were we right in believing that it would help the people that we represent and our country? It seems to me the overriding question is: Are we going to do what—297 of us thought, and I still think—is in the best interests of this Nation and our people; or are we going to do what the President has asked us to do, namely, to tuck our tails and sustain a veto of a bill which this body has passed by an almost 5-to-1 margin?

The question is with you, your consciences, and your constituents.

Mr. POAGE. Mr. Speaker, it is my desire to yield half of this time to the gentleman from California (Mr. Teague). I understand that I can only yield to him one time. Is it in order for me at this time to yield him 30 minutes and let him apportion it?

The SPEAKER pro tempore (Mr. McFall). The gentleman has control of the time. He can yield his time.

Mr. POAGE. I yield to the gentleman from California 30 minutes.

PARLIAMENTARY INQUIRY

Mr. TEAGUE of California. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TEAGUE of California. Does that mean that I must use all of my 30 minutes together?

The SPEAKER. The gentleman may use his time as he sees fit, for purposes of debate only.

Mr. TEAGUE of California. I thank the Speaker.

I yield myself 3 minutes.

Mr. Speaker, I rise in support of the President's veto of H.R. 3298.

It is not easy for me, and I know it is not easy for a great many of Members of the House, to vote to sustain the veto on this bill. I say that because the program that has been affected by the President's action is not, in my opinion, a bad program—it is in fact the best of the several agricultural programs for which the President has impounded funds.

It is fortunate, however, that the President has set forth several alternatives to the forced spending that this bill mandates. If it were not for the President's plan to provide grant money through the Environmental Protection Agency while providing loan money through the Farmers Home Administration, it would indeed be most difficult if not impossible to vote to sustain the veto on H.R. 3298.

As he has pointed out in his veto message, the President intends to make $345 million in water system loan funds and $100 million in insured sewer loan funds available to rural areas in the next fiscal year. In addition, some $5 billion will be avilable through EPA for grants to the States which will set their own priorities while making adequate amounts available to small towns. These grants, incidentally, will be more generous at a 75-percent Federal, 25-percent local ratio than the old FHA grant system which was set on a 50-50-percent matching basis. In fact, some $148 million of EPA grants have been made to small town of 2,500 persons or less in fiscal year 1972 and the first 6 months of fiscal year 1973.

Even with these alternatives, the decision we face is still a tough one. Yet, Mr. Speaker, we must always remember that the responsibility we have as national legislators in the world's greatest legislative body occasionally demands an action that is politically courageous and difficult.

The issue today is greater than H.R. 3298. It is simply the credibility of the President's effort to apply a brake to what has become runaway Government spending.

If the House of Representatives today decides to reverse the President's austerity program, what is there to stop his reversal on each of the other dozen bills by which the Congress seeks to confront the President with the forced spending of billions of dollars beyond our means?

Today, then, Mr. Speaker, it is clear that if the Republic is to be saved from runaway spending and its twin offsprings of inflation and taxes, the House must bite the political bullet.

The arithmetic is clear: it takes one-third plus one to sustain a veto, and we can deliver that support to our President if we can only muster in our hearts the courage to do so.

Some will say, I am sure, that a vote to preserve fiscal responsibility will hurt us at home.

I do not think so, Mr. Speaker, and I am willing to test my votes with my constituents. And when the dust settles, I think we will all find that America needs fiscal solvency to do all the great things that history and fate have decreed for her in the years past, present, and future.

The SPEAKER. Does the gentleman from California desire to yield further at this time?

Mr. TEAGUE of California. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. HARSHA).

Mr. HARSHA. Mr. Speaker, I believe we should make an attempt in this situation to separate rhetoric from the facts and I want to allude now to some of the facts. They are these:

We have spent in this fiscal year of 1973 a little more than $500 million under the Water Pollution Control Act to finance the construction of waste treatment facilities. This leaves us approximately $1.5 billion of available funds for the balance of the fiscal year 1973, which probably will not be obligated until sometime after July 1, 1973. On that particular date $3 billion in additional obligational and contrast authority is available making in the next fiscal year a total of about $4.5 billion for the construction of waste treatment facilities. It seems to me that larger sum is an adequate sum to finance all the waste treatment facilities we are talking about, and more, under the Consolidated Farm and Rural Development Act. At least there is a far more realistic chance of there being funded under the Water Quality Act.

In addition to that, this bill deals with the appropriation of $150 million for fiscal 1973. That is over the entire United States. That averages out to about $3 million a State for both water and sewer grants. If we take Ohio as an example, it has 88 counties, and dividing that $3 million between 88 counties we find a county can get a rather insignificant sum for waste treatment and water system grants under this legislation. Really there is not enough money to do any good, and we are deluding the rural areas into thinking there is going to be a large sum of money available for grants under this program when in fact there is not.

They are much better off under the Water Pollution Control Act, because under the Farmers Home Administration Act they can get grants up to only 50 percent. Under the Water Pollution Control Act they can get grants up to 75 percent. We wrote into that act the provisions that States must set priorities and must decide which projects will be funded first and second and third and so according to their needs.

In addition to that I am advised by EPA when they draft regulations for the States to set up these priorities, it will be required that due and adequate consideration be given the rural areas. In view of the fact that the States will be making this determination as to priorities, I would much rather, being a small community, deal with the State authorities than have to come to Washington and deal with this Federal bureaucracy and engage in an unending process. I think the rural areas will be far better off under grants under the Water Pollution Control Act with 75 percent than they will be under grants with 50 percent under the FMA. Particularly with such small sums available.

It strikes me this might be of interest to the Members. I represent a rural area. Most of my area is rural but I have a few small towns. The largest town in my district is approximately 35,000 population. They are eligible for a 75-percent grant under the Water Pollution Control Act. I would hate to have to explain to the rural citizens in the rest of that county I represent, approximately 45,000, that they could get a grant from FHA at only 50 percent while the city is eligible for a grant at 75 percent under the Water Pollution Control Act.

I think we would have a great deal of difficulty explaining that position yet that is the situation if the veto is overridden, I think the rural areas of America are far better off under the Water Pollution Control Act with 75 percent grants.

In addition, Mr. Speaker, the proliferation of programs only encourages waste, duplication, redtape and excessive Federal employment to say nothing of the confusion created in rural areas particularly of which program to apply for.

We now have grants under FHA, HUD, EPA, and loans under FHA and the Rural Development Act.

It would be far more economically efficient and simplified to have these sewer grants consolidated under one program as the administration is seeking to do.

I urge the support of the President's veto, Mr. Speaker.

Mr. POAGE. Mr. Speaker, I yield 5 minutes to the distinguished majority leader, the gentleman from Massachusetts (Mr. O'NEILL).

Mr. O'NEILL. Mr. Speaker, I am speaking today as a window box farmer, as I was referred to by a gentleman from the minority side the other day, but I want to remind my colleagues that this program, very interestingly, passed the House by 297 votes to 54 votes. And it passed the House because the rural water program is crucial for pollution control and health in rural America.

The President's indiscriminate action on January 10 in terminating this program is just one of a series of sudden and arbitrary moves by the administration to cancel out programs which have long benefited rural America. Like his decision to eliminate the Rural Environmental Assistance Act, this action demonstrated the President's benign neglect of rural programs.

Now, if we allow the President's action to stand, there will be no source of grant funds for rural water systems. The grants provided under the program, administered through the Farmers Home Administration, are specifically oriented toward small towns and communities in rural areas with populations up to 10,000. These communities, in desperate need of water systems, do not have a tax base large enough to support the loans necessary to finance such a system. Without this grant assistance, they could not establish a rural water system.

But the President claims that the funds would be available for these programs under his special revenue sharing plan for rural America.

Now, I ask the Members, how are these small rural towns under 10,000 going to acquire the political muscle or a tax base large enough for them to scramble adequately to come up with a fair share of the funds? And how are these communities going to build sewer systems if they do not have water systems to feed the sewers?

The need for this program is real and urgent. It is essential if small rural communities are to build water systems. For no other program exists that provides moneys to small towns for water systems.

Construction of these systems is imperative for rural revitalization, environmental protection and water pollution control. Water pollution begins in the rural areas and must be controlled there if we are to clean up our Nation's waterways. It is completely unrealistic to think that these needs can or will be met by revenue sharing funds or by water pollution funds which have already been cut in half by the administration.

It is interesting to note that since 1965, more than 2,650 rural water and waste disposal systems have been assisted with the grant money provided in the rural water-waste program.

I know that on the minority side of the aisle, Mr. Speaker, they are making the claim that there are other funds available for the small, rural communities. Yet, I have been informed by the distinguished gentlemen from North Carolina (Mr. JONES), who has a letter from the Department of Agriculture in his State which points out if we do not override the veto of the President, there are no funds whatsoever to take care of the small farmer and the small town dweller.

Mr. Speaker, I believe this legislation, which we passed earlier this year, is absolutely necessary, and I hope that the President's veto will be overridden.

Mr. Speaker, I include with my remarks the text of the letter to which I have previously referred.

The letter is as follows:

DEPARTMENT OF NATURAL AND
ECONOMIC RESOURCES,
Raleigh, April 4, 1973.

Subject: State and Federal Grant Assistance, Roper, N.C.

Hon. WALTER B. JONES,
House of Representatives, Washington, D.C.

DEAR CONGRESSMAN JONES: This will acknowlede receipt of your letter of March 15, 1973, and thank you for your interest in the Town of Roper and their efforts to construct adequate wastewater treatment facilities.

As you already know, there has been a considerable decrease in the Federal grant funds available to assist in the construction of wastewater collection and treatment facilities. The only Federal grant assistance known to be available at the present time is through the Environmental Protection Agency under Public Law 92-500. Although P.L. 92-500 authorizes 75% Federal Grant participation in wastewater treatment works, interceptor sewers and collection sewers, the Environmental Protection Agency has advised that since only 40% of the funds authorized for F.Y. 73 are to be released, priority will be given wastewater treatment facilities and interceptor sewers connected with the treatment works. It appears, therefore, that unless additional funds are made available, it will be some time before EPA will approve grants for collection sewers.

The North Carolina Clean Water Bond Act of 1971 authorized $50 million for State grants for construction of wastewater treatment plants and interceptor sewers, and $25 million for State grants for wastewater collection system projects. The $50 million account is on a Statewide basis and was to be used to provide State matching grants for wastewater treatment works projects approved for Federal grants. The Board of Water and Air Resources on January 18, 1973, adopted a policy under which 12.5% State grants would be authorized for wastewater treatment works projects approved for 75% EPA Federal grants. However, the State's Bond Attorneys have raised a question concerning the validity of issuing bonds to provide State grants for projects which are approved for 75% Federal grants and for which the Federal law does not require a specified State matching grant. An effort is now being made to resolve this issue by legislation authorizing a Statewide referendum on the question of using these funds in the Pollution Control Account designated specifically for matching grants to provide supplemental grants for wastewater treatment works projects approved for 75% Federal grants and for which a State matching grant is not specifically required for the project to qualify for a Federal grant. We believe this question will be satisfactorily resolved. However, until it is, we will be unable to extend State grant offers to wastewater treatment works projects approved for 75% Federal grants.

The $25 million account for wastewater collection systems is allocated to the counties in the proportion that the population of each county bears to the total population of the State. These funds are available for a period of five years and can only be approved for use by local units of government within the county during this period. Washington County has an allocation of $69,057 from this account. According to the information provided in your letter and the information in our files, there are insufficient funds allocated to Washington County to provide a 25% State grant for the collection sewers proposed by the Town of Roper. Also, with the present EPA regulations, only the wastewater treatment plant and interceptor sewers could be certified for a 75% Federal grant.

The fact that we cannot certify a State grant for wastewater treatment works projects until the above referred to legal question is resolved, does not preclude the Town from submitting an application for a 75% Federal grant pursuant to P. L. 92-500, and a 25% State grant pursuant to the State Clean Water Bond Act of 1971 for assistance in the construction of a wastewater collection system. However, since Roper's financial condition is such that it cannot provide the required local financing (75% of the cost of the collection system and 25% of the cost of the treatment works) it appears that the Town will have to, in some manner, improve its financial capacity or delay the project until a supplemental State grant can be made for the wastewater treatment works portion of the project and Federal funds become available to provide a 75% grant for the collection system.

We recognize the Town's needs with respect to a modern sewerage system and will assist the Town officials in every way possible. On the other hand, there is little we can do until sufficient Federal, State, and local funds are available with which to finance the project.

For your information, I am transmitting herewith one copy each of the documents relating to State and Federal grants:

1. Rules and Regulations Governing State Grants For Wastewater Treatment Works, Wastewater Collection Systems, and Water Supply Systems.
2. A Breakdown of the North Carolina Clean Water Grant Fund.
3. Rules and Regulations Governing EPA Federal Grants Under P. L. 92-500.

Thank you for your continued interest in our program. If you have any questions concerning the Town of Roper or other municipalities in your district, please let me know.

Sincerely,

E.C. HUBBARD,
Assistant Director, Office of
Water and Air Resources.

Mr. TEAGUE of California. Mr. Speaker, I yield 5 minutes to the gentleman from Kansas (Mr. SEBELIUS).

Mr. SEBELIUS. Mr. Speaker, I appreciate this opportunity to discuss the Presidential veto of H.R. 3298, legislation to restore the rural water and waste disposal grant program.

I share the conviction that we must restore commonsense to our Federal spending and hold Federal outlays to the ceiling level of $250 billion. However, how we "spend" this limited budget is debatable. It is a matter of priorities.

I think it is imperative to project the return on the Federal Government's investment for alternative programs so that we can insure maximum benefit from each taxpayer's dollar.

Funds for the development of rural water and sewer programs are a wise investment that pay for themselves many times over in the economic growth, food production, and tax revenues that are generated by this development.

A recent study by the Kansas Cooperative Extension Service evaluated the impact of a rural water district. The following summary is pertinent in discussing this legislation:

> The economic impact of a water district on an area for a five-year period totaled $1,194,156, or an average increase of $238,831 per year. This is an average of $2,462 per household per year for increased land values, home improvements, increased livestock production, and savings from hauling water. Thus, a $125,000 investment has resulted in an economic impact of 191 percent to the area each year.

In Kansas alone, we have a backlog of 62 water district applications on file that are awaiting funding. These applications come from sparsely populated communities and rural areas whose growth and economic development are limited due to the lack of a reliable supply of useful water. The extremely low ratio of subscribers per mile and the lack of adequate income in these areas makes the availability of grant money a necessity before the necessary resources are available to build these projects.

The most obvious limitation on economic growth in these project areas is an artificial ceiling on livestock production since livestock require an abundant supply of good water. The availability of these grant funds and the resultant water district development could stimulate livestock production to help satisfy our Nation's skyrocketing demand for meat at a reasonable cost.

There is no other Federal program to provide grants for rural water district development if funds for this program are not restored through the enactment of H.R. 3298. Hundreds of small communities will be dealt a severe blow if Congress does not override this Presidential veto.

There is authority for the Environmental Protection Agency to provide grant funds for sewer systems. I am concerned that the limited funds available through EPA will be largely devoted to the tremendous water pollution problems in our cities. This would leave the small communities of our country with pollution problems of a similar magnitude per capita with growing intensity and dwindling resources to provide a solution.

There are 23 sewer applications pending in Kansas alone whose limited resources require Federal assistance for construction.

Mr. Speaker, I want to emphasize I do not think this issue is a matter of partisan politics, nor is it an issue involving our obvious need to limit our Federal spending. This issue involves the many small rural communities that are not sharing in this Nation's prosperity and who do not have an adequate supply of water. I submit to you that this program represents an investment rather than a cost and that the resources of our Federal Government must be committed to rural development on an equal basis with the rest of our Nation. In addition, the availability of these funds would indirectly increase livestock production to help alleviate our Nation's meat supply and meat price problem. I urge my colleagues to consider these benefits and the investment potential to all Americans in determining your vote on this legislation.

Mr. POAGE. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, the President in his veto message stated that it was his opinion the legislation before us today raised a grave constitutional issue. I quote from the veto message. The President says:

> A grave constitutional question is also raised by H.R. 3298, which purports to mandate the spending of the full amount appropriated by the Congress. The Attorney General has advised me that such a mandate conflicts with the allocation of executive power to the President made by Article II of the Constitution. Thus, H.R. 3298 is objectionable not only in its practical and economic aspects, but on basic legal grounds as well.

Mr. Speaker, repeated requests made to the Departments of Justice and Agriculture for a copy of such an opinion have been unsuccessful.

If such a written opinion exists, the Department of Justice does not acknowledge it. Of course, there may be an oral opinion somewhere. In any case, it would seem that the President in his veto message could have helped the Congress on this point by setting out in detail the legal and constitutional arguments to support his contention that Congress cannot mandate spending.

Mr. Speaker, it is my contention that it is not the Congress which is in violation of the Constitution. On the contrary, it is the President's action that seems to be an unconstitutional invasion of the power of the legislative branch in refusing to faithfully execute the laws. It is incumbent upon the President under our Constitution to obey the law.

In article I, section 8, the Constitution makes it clear that only Congress has the power of the purse, the power to tax, and the power to appropriate funds.

The President does not have the right to a line item veto. And most certainly he does not have the right to impound funds when mandatory expenditure is required under the law. His claim to such a right is in reality an attempt to avoid the constitutional prohibition against line item vetoes.

Mr. Speaker, the statement of the President in his veto is even more perplexing when considered in the light of the testimony of his Deputy Attorney General, the Honorable Joseph T. Sneed, in his appearance before the Senate Committee on the Judiciary on February 6, 1973, regarding S. 373. In his statement Mr. Sneed said:

> This history compels the conclusion that if the Congress wishes to mandate full spending for a particular program, it must do so in unmistakably clear terms.

Obviously, Congress in this legislation does mandate spending in unmistakably clear terms. And the President in vetoing it only underscores this fact.

Interestingly enough, the Deputy Attorney General had in the same statement on February 6 expressed some doubts about whether constitutionally Congress can mandate spending, although he added a caveat that the President had some unusual powers to control spending in the fields of defense and foreign policy.

Any doubts the Deputy Attorney General may have had about the Congress power to mandate spending apparently are now dispelled. Otherwise, why should the President veto the bill?

This is not legislation which involves spending in the defense and foreign policy fields; it involves a congressional mandate to expend the full amount of the money appropriated for the rural water-sewer grant program in unmistakably clear terms.

The only conclusion I can draw from the President's veto is that the President has attempted to defuse this issue by asserting a constitutional provision which heretofore the Department of Justice had so clearly attempted to define differently than is now stated.

If there is such a conflict, a conflict between the Congress and the President in their rightful powers, it is the President who is failing to exercise his responsibility to faithfully execute the laws. What is involved here is not only the merits of this program but a direct attack by the administration on the power of the Congress to fulfill its constitutional responsibilities.

Mr. TEAGUE of California. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. MIZELL).

Mr. MIZELL. Mr. Speaker, and my colleagues, the baseball season is underway, and I am afraid we are getting a few wild pitches here this afternoon, and I will just for 1 minute see if I cannot get one in the strike zone.

Let us take a look at the issue that is before us this afternoon as it relates to what is really in the best interest of rural America, as well as what is in the best interest of the country.

In 1972 $42 million was made available for sewer and water programs to rural America; $26 million of that was in grant money for water systems and $16 million for sewer systems.

In 1973 the amount was $30 million; $20 million again went for water systems and $10 million for sewer.

I think we would agree this is only a drop in the bucket as to what is really needed in rural America. However, in 1972 and 1973 EPA has made grants of more than $148 million to small communities of 2,500 or less for sewer planning. This is in the towns, as I said, of 2,500 or less. As can be seen, I do not think there is any question at this point but what the needs for sewer and waste treatment in rural America are being met now in a much greater way than they were prior to the enactment of the Clean Water Act.

I might point out, also, what my colleague from Ohio (Mr. HARSHA), said, namely, that these grants are made in the form of 75–25 matching funds rather than under the old formula.

In regard to the question of rural water systems. The President has said that he will make available $345 million for loans for this program. In addition to that another $100 million will be available for loans for sewage systems, for a total of $445 million available to rural America for water and sewage treatment systems in the coming year.

Mr. Speaker, I would like to point out one further thing, namely, the grant money that has been made available for rural water systems in this country is only a drop in the bucket as to their actual cost. The overwhelming amount of money for the systems have always been from the loan program. Under the President's proposal there is no question but what there will be far more money available for loans for these systems.

The SPEAKER. The time of the gentleman has expired.

Mr. TEAGUE of California. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. MIZELL. Mr. Speaker, I thank the gentleman for yielding me the time.

I would like to submit that we are talking about $120 million being restored this afternoon for that purpose in comparison to $445 million under the President's proposal.

I would like to point out, also, that if it is grant money that is needed, it is much closer to the statehouse than to Washington, D.C., to get some grant money to apply to the loan funds that would be available.

I also submit that a State government, at this time, is in much better condition financially than the Federal Government is for these purposes. What we are spending in the Federal Government is what is contributing to inflation and placing the dollar in jeopardy on the world markets today.

I hope this body will sustain the President's veto whereby it will be possible for the Congress and the administration to keep their firm commitment to rural America and also bring inflation to a halt.

Mr. POAGE. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Speaker, our delightful and beloved colleague from North Carolina has just once again demonstrated his prowess as a pitcher. During the first 2 of his 3 minutes I thought I saw that ball coming right straight down the center of the alley as he was extolling the needs of rural America for sewer and water programs, but the ball suddenly broke just as it came toward the plate, and I think it went outside, because I am not sure where it is now.

Admittedly there is another program voted by this House over the President's veto last year to provide grants for municipalities to attend to their sewer needs—not water needs but sewer needs. Yet it is certainly specious today to contend that we are supporting that program by voting down this bill, when that other program, notwithstanding our overriding that Presidential veto, was unilaterally reduced to less than one-half the congressionally authorized level of activity.

Certainly it would be nice for all of these rural communities if they could qualify and get the 75-percent grants authorized by the water pollution bill, but we know that this will not happen. As a result of the arbitrary cuts made by the President in impounding those funds, some 30 of the 50 States have less money this year than they had last year under that program notwithstanding our bold congressional determination to move forward.

This has been a popular program and a helpful and effective program. Since 1966, in 6 years, it has helped some 2,650 communities to solve their water and sewer needs. Today there are 1,865 applications pending. It has helped about 450 communities a year. With 1,865 applications pending, it would take us several years to attempt to meet the already certified needs.

So I suggest to you that if we desire to help rural America, if we are serious about the problems of clean water, the only way we can do it is to override the veto, and thus to reaffirm once again the high priority that this Congress gives to clean water in the United States.

Mr. POAGE. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana (Mr. RARICK).

Mr. RARICK. Mr. Speaker, I certainly support the announced goal of the President of the United States to reduce and control inflationary Federal spending. I have in the past upheld the President in his vetoes when I felt that he was doing the right thing for the American people, especially with regard to preventing possible future tax increases. During my 7 years in Congress I have always opposed big-spending, inflationary giveaway programs.

I supported the rural and sewer water bill when it passed the House, and I still believe there is a marked necessity for clean water in rural America. However, to support the veto of the President today raises the question: For whom are we saving the money? The President remains adamantly committed to rebuilding North Vietnam. It just does not make sense to me, or the people I represent, to cut off money to worthwhile domestic programs as "inflationary," just to turn around and give the money to North Vietnam or more than 100 other foreign countries and call it a noninflationary "investment in peace." I intend to cast my people's vote to override the President's veto. At least when our people's tax money is spent in the United States, there is a possibility that it may benefit the original taxpayer.

The SPEAKER. The time of the gentleman from Louisiana has expired.

Mr. POAGE. Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. ALEXANDER).

Mr. ALEXANDER. Mr. Speaker, based on the 1970 Bureau of Census Report, there were 29,611,000 people living in urban areas that had lived in rural areas at the age of 16. Each decade millions of Americans are attracted to the cities, accelerating the depopulation of the countryside.

Now, when a poor, unskilled, uneducated family pulls up stakes from a farm or a small town, and moves to Little Rock, Memphis, St. Louis, Dallas, or Los Angeles, they need help, and lots of help. They need help to find a job, or they need welfare. Their children need classroom space. They need medical care, housing, police, and fire protection.

Not long after that poor family moves to the city, those of you who are here from urban areas can look for a tax increase.

The moneys for the additional services required by the citizens who left the heartland comes out of the pockets of the average homeowners in Little Rock and Memphis, in increased property taxes.

Mr. Speaker, this program works. It saves money because it provides an incentive for people to stay down on the farm.

To vote against this program is to replace the cost of a water system in the country with a tax increase in the city. That is pennywise and pound-foolish.

Mr. Speaker, my colleagues on the other side of the aisle say that the administration has an alternative plan. In the Wall Street Journal of Friday, April 6, 1973, Mr. Roy Ash, Director of OMB, indicated what this plan was when he stated that it is not "the role of the Federal Government to overcome everybody's error of judgment as to where he lives."

Mr. Ash should be advised of a recent Gallop poll where it was discovered that 65 percent of the urban people would rather live in the country.

Country towns with less than 2,500 people will be written off under the administrations' plan. Those towns need grants to help defray the costs of improvements. Mr. Nixon is asking you to treat millions of rural people like unwanted children. I plead with you to open the doors of this House to the small towns of America.

Mr. POAGE. Mr. Speaker, I yield 2 minutes to the gentleman from Montana (Mr. MELCHER).

Mr. MELCHER. Mr. Speaker, abolishment of the Farmers Home Administration water and sewer grants was done by the administration stated in an effort to save money.

When Under Secretary of Agriculture Phil Campbell and his assistants testified on this bill to restore the grants, I asked what would be saved by their action, and their reply was $12 million. They added. Yes, but we are transferring the program over to the Environmental Protection Agency.

Listen to their testimony as they testified before the Committee on Agriculture. I said:

> * * * you have knocked out $12 million from the Farmers Home Administration funding. Is that correct?
>
> Yes, sir."

I went further:

> And you are now recommending that those who want grants to go to EPA where they can get 75 percent grants rather than 50?"

Mr. Campbell replied:

> Some of them had been getting 75 percent last year and the year before. This is not new."

I said:

> You are really recommending that they get more money only under a different agency?"

Mr. Campbell said:

> Yes, under a different agency. That agency has more money, though."

I say, so much for the administration's argument about saving money. It is a subterfuge.

The vote should come on overriding the veto on the question of what is good for the people of this country, and good where they need it—in their own towns and communities—where they need water and sewer grants. The talk of the administration of saving money is refuted by Under Secretary Campbell's testimony.

Mr. TEAGUE of California. Mr. Speaker, I yield the balance of my time to the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Speaker, I think the distinguished gentleman from North Carolina hit the nail on the head, as a very practical matter. He put it in different words, but I think the point he was trying to make is the one everybody ought to understand. The question really is: Do you want to get grants that have a long line waiting that may mean that your area or your group will have to stand in line an unbelievably long period of time? That is one alternative.

On the other hand, if you utilize loans under the rural development program, there will be more money available, and your area can get considerable favorable action much more quickly.

It is my judgment that your constituents would be better served by getting a loan more quickly than having a long wait to get a grant.

What are the facts? As the gentleman from North Carolina pointed out in fiscal year 1972 under the rural water and sewer grant program for both water and sewer, there was $42 million made available. For the same purposes in fiscal year 1973, the current fiscal year, the total for both programs is $30 million, so for a 24-month period there will be $72 million made available in grants. Everybody in this Chamber knows that is not nearly enough to supply the legitimate demand, and the consequence is people will be waiting and waiting and waiting to have their needs satisfied.

On the other hand, if we take the rural development program with the money that is promised for the water supply program, $345 million, and for the sewer program, $100 million, we have $445 million available for the help and assistance in water and sewer programs. So we have $445 million in loans and we have had a history of $72 million in grants. I think as a practical matter our people would prefer better service more quickly in a loan than a long loan delay in grants. It is just that pragmatic.

Then we can add what EPA has done. As the gentleman from Ohio pointed out, for fiscal year 1973 there is $2 billion, of which only $500 million has been obligated, leaving a net unobligated balance for this fiscal year of $1.5 billion, which we can add to the $3 billion which is in the President's budget under EPA for a grand total of $4.5 billion. In effect, under the Clean Water Act these are grants at 75 percent of the total cost.

The question can legitimately be asked, has EPA done anything for communities of 2,500 and less? Here is a list which shows that in the last 15 to 18 months EPA has granted under the 75-percent authority $148 million. That is a pretty good track record. So what I am really saying to the Members is EPA has a considerable amount of money available under better terms and they have a record to prove that they will cooperate. What more do we want?

Mr. TEAGUE of California. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from California.

Mr. TEAGUE of California. It should be pointed out that $148 million went to towns of 2,500 or less, so they are taking care of the small towns.

Mr. GERALD R. FORD. That is correct. So the rural water and sewer program has not adequately met the problem. For what reason, I do not know. But if we keep all three programs going, the rural development, the EPA, and the rural water and sewer, we have this never ending duplication and proliferation of programs. It is better to have two spigots rather than three, particularly when two have a better track record than the third.

Now what about the overriding issue? I commend the other body for performing a very excellent function in sustaining the veto last week of the vocational rehabilitation program. We have this rural water and sewer program before us today. As I understand the strategy of the leadership on that side of the aisle, we probably have the prospect of anywhere from 12 to 13 more bills in the next few weeks, and if in all of these programs the President will veto the legislation and then the vetoes are overriden, the impact on the Treasury will be substantial. We have to look at the 15, or thereabouts, proposals as a package. If the package is sustained, the Congress will have built a record of fiscal responsibility—at least those who sustain the vetoes. But if the Congress overrides, there is inevitably an extra, unnecessary and undesirable burden on the Federal taxpayer on the one hand or more inflation on the other.

Mr. Speaker, I strongly urge for the purpose of fiscal responsibility that the House of Representatives stand up today as the Members of the other body did last week.

Mr. MELCHER. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I am glad to yield to the gentleman from Montana (Mr. MELCHER).

Mr. MELCHER. I thank the distinguished minority leader for yielding. Does it not follow, then, that the Farmers Home Administration sewer grants, which are for only 50 percent, would be less costly than the EPA grants, which are for 75 percent?

Mr. GERALD R. FORD. I believe that point can be made, except that under the rural development program it is a loan, not a grant, so there is quite a different result as far as Federal fiscal responsibility is concerned.

Mr. MELCHER. Will the gentleman yield further?

Mr. GERALD R. FORD. I refuse to yield. The gentleman asked a question, and I responded.

If the gentleman wishes more time, he can get it from the distinguished gentleman, the chairman of the committee (Mr. POAGE).

Let us reiterate the two points. No. 1, we get better service, more quickly, out of EPA and rural development than we would get out of the rural water and sewer grant program.

No. 2, this bill is just one of a number of spending bills which are coming down the line. The Senate did a good job last week; it is our turn to do an equally good job on this budget busting program by sustaining the President on the rural water and sewer program.

Mr. POAGE. Mr. Speaker, I yield myself my remaining time.

Mr. Speaker, there are two issues involved in our consideration of the President's veto.

The first, is the issue of the constitutional division of powers under our tripartite form of Government. Can any President unappropriate funds—the appropriation of which he has previously approved?

I think it is interesting to note that in his budget message for the current fiscal year, the President said that funds were needed: "To help finance critically needed waste disposal and water supply systems for nearly 500,000 rural families."

Later with obvious pride, he sent a rural development message to Congress in which he told of "administrative steps to improve our rural development programs" and added: "funding for community sewer and water facilities has reached a record high of $300 million in loans, plus $42 million in direct grants."

Can any President wipe out a congressionally authorized program—not just withhold money he feels is not needed, but directly wipe out the program without any congressional action just because he has changed his mind?

In his veto message the President speaks of the "resurrection" of the rural water and sewer program. Resurrection indicates that the program must be dead. Who killed it? Certainly not the Congress. And, then he says the program is bad because it would undercut the practice of local financing.

Thus the unilateral termination of the program is not predicated on any claimed budgetary savings, but on the alleged demerits of the program.

I think these issues are fundamental to the very existence of our form of representative Government, but they have been authoritatively discussed by our Speaker.

I now want to pass to the second, albeit rather mundane, question of the practical effect of the President's termination of this program of aid to our rural areas which are trying to provide water and sewer systems.

Although the President later repudiates the whole program of aid for rural water and sewer systems, he begins this message by saying that he asks one simple question: "Would this program justify an increase in taxes in order to pay for it?"

Now this sounds like a noble yardstick, but all of the President's spokesmen have today suggested that they propose to spend even more money but did the administration ask this same question when it asked us to appropriate $6 billion for revenue sharing which is already proving to be the hoax that many of us predicted it would be.

Did the President use this same yardstick when he officially promised several billion of our tax dollars presumably to build water and sewer and other systems in North Vietnam? Did he use this yard stick when he asked and received tax money to purchase 17 new helicopters at a cost of $37 million to replace an existing fleet of 18-month-old copters for his White House staff.

And let us look at the budget he sent us in January. He asked for $169 million for the Bureau of Sport Fisheries. Will that not require tax money?

This same budget asks for $153,000,000 for the arts and humanities—an increase of about 80 percent. I have no criticism of either sport fishing or of the arts. I believe that they both contribute to the quality of American life. But I want to suggest that a Federal dollar used for sport fishing or for the arts has exactly the same effect on the need for taxes as a dollar spent on rural sewer systems. The President simply claims the right to determine priorities. This has nothing to do with the total of expenditures.

Actually, for the past 6 years this aid has averaged just about $40 million per year. Rural communities have paid and obligated themselves for 6½ times as much as the Government has given to these projects—a pretty good record of self-help. But, the President feels that this is denying these rural people the opportunity to enjoy a greater degree of self-reliance. What other groups have such a record of self reliance?

The gentleman from California tells us and the President tells us that the Environmental Protection Agency can care for any needed help. EPA has no legal authority to grant a dime of aid to rural water systems and of what possible value is a sewer system without water?

No, my friends, the harsh truth is that if we do not restore these funds for rural systems, one-third of the people of the United States are going to continue to make do as best they can. According to the President's own figures, a half million housewives are going to continue to get water from wells, barrels or tanks, and 3 times that number of our citizens are going to wade through mud, rain or snow to an outhouse you and I led them to believe they could abolish.

And what are you going to tell these disillusioned people? Most of you who were here last year for the Latta amendment more than doubling the amount authorized by the committee. The President approved $300 million for this purpose last summer but by January he had decided that the whole program was bad. Are you going to say that you changed your mind? The need has not changed, or are you going to say that you are one of those fellows who do little if any thinking for yourself and that you are just following instructions?

You and I and the President all supported this program last fall, and it also must have looked pretty good to the people because we were all elected. Most of the new Members are also recorded in favor of this program because about a month ago this House voted 5½ to 1 to restore the program. I do not know what you are going to tell your people, but I am going to tell mine that I continued to vote just like I indicated I was going to vote, and that means to override this veto.

Mr. ANDERSON of Illinois. Mr. Speaker, there has been so much misunderstanding about what the administration has done to the rural water and sewer program that I think it important that we take the time to establish some basic facts, which I am including in a table for the RECORD:

OBLIGATIONS FOR THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT, 1966-72

[Dollar amounts in millions]

	Loans	Grants	Loans as percent of total
Water	$961.5	$117.8	89
Sewer	356.7	94.7	79
Total	1,318.2	212.5	86

I hope my colleagues realize that water loans will be continued next year, which means that 73 percent of program outlays are not even affected by the administration's action of January 10. So from the start let us not pretend that the administration has engaged in indiscriminate program termination, for it has done nothing of the sort. The issue is not congressional power versus Presidential power: It is how we can best meet the water and sewer system needs of rural America.

This table also shows how small the amounts of water grants have been, and suggests—as I hope to show—that revenue-sharing funding will easily replace funds lost through termination of this program.

Finally, it indicates the minuscule amounts of sewer grant and loan money which we are talking about. I will shortly provide figures to demonstrate that far more money has been reaching rural communities through EPA than has ever been distributed through FHA, and that the tremendous boost in EPA funding voted in last year will result in more money reaching rural areas.

WATER LOANS

Water loans are continuing to be made now, and will be increased next year under the rural development insurance fund, created last year. These loans were formerly made under the agricultural credit insurance fund, and totaled $200 million in fiscal year 1972. Next year, loan obligations will increase 70 percent above 1972 levels. Surely on this score, the administration has not been derelict in its aid of rural communities.

WATER GRANTS

Water grants—which last year were only $22 million—have been discontinued. This is for two very good reasons:

First, this year there will be $6.8 billion in new outlays under revenue sharing which did not exist last year.

Now I am not saying that all this money is available for water systems construction—it certainly is not—but I am saying that it is a potential source of funds if needs are great enough. Remember, at the time the water and sewer grant program was terminated, only $253 million in potential loan and grant applications were on hand: this is less than 4 percent of total revenue sharing money available this year. Here again, the objective is sound. No longer will water systems be guaranteed a certain amount of funding. Instead, States and communities will have to weigh the need for such systems against the need for schools, hospitals and other vital community facilities. Then if it is decided that water systems are top priority, revenue sharing funds can be used to build them. To me it would be a gross inequity to leave a hospital unbuilt simply because Uncle Sam did not have enough funds to donate under revenue sharing due to the amounts of money going into special interest group type programs such as rural water and sewer grants. If there is a need, let it compete with other needs: there should be no reason to be afraid of letting it stand up against other claims of society. It is precisely because there is so much screaming about the termination of this program that I suspect that this program isn't really meeting crucial needs, and that advocates of the program's continuation simply want a guarantee that they still can have the whole pie while others go hungry. Many communities in my own State who had grant applications pending on January 10 simply switched to loans and will build their systems without grant aid. I cannot fault these communities for having applied for the grants: the money was there, so why not take advantage of it? However, I think that we in Congress have a responsibility to ourselves and to the people that we represent to see that this type of giveaway philosophy does not get out of hand. A vote to sustain the President's action would be a solid step towards a crackdown on giveaways.

For those who scoff at the idea that revenue sharing could possibly cover the costs of the water systems needed, I include a chart here to show that indeed revenue sharing is adequate to the task:

WATER GRANT APPLICATIONS ON HAND AS OF JAN. 10, 1973, AND FISCAL YEAR 1973 REVENUE-SHARING FUNDS FOR ILLINOIS COUNTIES

	Water grants	Revenue sharing	Percent
Bond	$100,000	$276,874	277
Bureau	35,000	800,184	1,143
Dewitt	38,000	393,680	1,036
Franklin	144,408	951,932	659
Gallatin	246,000	168,274	68
Henderson	77,000	181,344	235
Sangamon	215,000	2,304,238	1,071
Washington	80,000	272,270	340
Woodford	30,000	551,140	184
Illinois total	965,408	5,899,926	611

Aside from the fact that there is plenty of revenue-sharing money which can be tapped for water systems construction, it also turns out that many of the communities which have applied for grants have been able to finance projects on their own anyway. Fully half the applicants whose requests for grants were denied went ahead and built their water projects anyway, which sounds to me like applications were being made because the money was there, not necessarily because there was a dire need. It seems reasonable to assume that if the need is great enough, revenue-sharing money can do the job.

SEWER GRANTS AND LOANS

Sewer loans for this year will continue at normal levels, but no new authority for sewer loans is requested in fiscal year 1974. Sewer grants are being terminated completely, but these grants amounted to only 6 percent of all outlays under the rural sewer and water program anyway. Total sewer grants and loans for fiscal year 1972 were less than $125 million, yet EPA has received $5 billion more in budget authority this year than it had in fiscal year 1972, for identical sewer construction grants. True, the President has specifically ordered that the full amount of funds not be spent, but his own estimate of reasonable outlays in the budget demonstrate that in fiscal year 1974, EPA will spend nearly four times the amount it spent in fiscal year 1972 on construction of waste treatment plants. All told, EPA expects to have outlays in this area of $1.6 billion next year—over 12 times the amount of money being taken out of the FHA sewer grant and loan program. Certainly this is adequate to meet needs far into the future.

Mr. Speaker, there are those who fear that despite these massive amounts of funds for EPA construction activitiy, somehow the rural communities will not get their fair share of money due to lack of political power. Statistics show otherwise.

The first chart shown here compares FHA fiscal year 1972 grants and fiscal year 1972 EPA grants, for select States which have notably large amounts of rural residents. It demonstrates that not only has the FHA grant and loan program been minuscle in the past compared to amounts given under EPA, but that in fiscal year 1974 States are receiving a huge increase in EPA funds which will far more than offset the effect of terminating the sewer grant and loan program:

COMPARISON OF FHA GRANTS AND LOANS WITH EPA WASTE WATER TREATMENT CONSTRUCTION GRANTS

[In thousands]

State	Fiscal year 1972 FHA sewer grants plus loans	Fiscal year 1972 EPA sewer grants
Alabama	0	$33,700
Arkansas	$463.0	19,500
South Dakota	113.5	7,300
Iowa	1,644.9	27,600
Pennsylvania	1,202.0	112,400
New York	11,886.0	172,900

Mr. Speaker, there are those who will say that it does not matter what States receive in the aggregate, for rural communities will be systematically excluded from participation in the EPA program due to their lack of political power. I have read this claim many times, yet never have seen the statistics to substantiate it. My own findings indicate quite the opposite: that for some reason, towns with less than 10,000 population—which are the only ones eligible for grants and loans from FHA—have received a disproportionately large share of EPA funds in the past, and may be reasonably expected to do so in the future. The chart below illustrates my point:

PROPORTION OF EPA SEWAGE CONSTRUCTION GRANTS RECEIVED BY PLACES UNDER 10,000 POPULATION COMPARED TO PROPORTION OF PLACES UNDER 10,000 POPULATION WITHIN STATE

State	Percent of total fiscal year 1972 EPA sewage construction grants going to places less than 10,000 population	Population in places less than 10,000 population as percent of total State population	Ratio
Alabama	22.5	19.7	1.14
Arkansas	39.0	24.8	1.57
South Dakota	92.0	32.5	2.83
Iowa	55.5	31.9	1.73
Pennsylvania	55.0	21.4	2.57
New York	30.0	11.0	2.72

I hope these tables alleviate the fears of those who believe that money for sewage construction will dry up without the rural water and waste disposal program. It is ironic that in heavily urbanized States such as New York and Pennsylvania, rural populations in towns less than 10,000 population are receiving over two and one-half times the amount of EPA money that they would receive if such funds were distributed evenly on a per capita basis: Lack of political power certainly does not seem to be the problem it is assumed to be.

To conclude, Mr. Speaker, I hope that I have adequately demonstrated three simple points. First, that 73 percent of outlays under the rural water and waste disposal program were not even affected by the President's action, and will continue as normal. Second, that six times as much money has gone into EPA grants as has been distributed by FHA for comparable programs now facing termination, and only 4 percent of revenue sharing money would be used up to meet all the loan applications on hand when the program was terminated. Finally, that not only will significantly more funds be available for water and waste disposal purposes in the aggregate, but that past history indicates that rural communities will get at least, if not more than their fair share within each State; so that there is no need to continue a program designed specifically for rural populations. Stripped of rhetoric and distortions of fact, our debate rests on one issue: Will Congress side with the President in his efforts to control inflation and reduce spending by eliminating wasteful or duplicative programs, or will it stubbornly resist the President for the sake of making political hay? I hope my colleagues join me in taking the former responsible course of action rather than the latter.

Mr. KYROS. Mr. Speaker, I rise in support of this effort to override the veto by which the administration seeks to terminate the rural water and sewer grant program under the Consolidated Farm and Rural Development Act.

Currently, 21 communities in the State of Maine have applications on file seeking assistance under this program. The total amount of funds necessary to fund these applications amounts to more than $6 million. There are, of course, scores of other communities which will require future assistance such as the Poage-Aiken Act has been providing for more than 6 years.

The President's veto, if sustained, will without question force Maine citizens in these communities to pay increased taxes or charges for water and sewer use. I do not for a moment believe that these communities will be able to find grant assistance available under other programs. For instance, when I wrote to the President last January protesting termination of the program, I was advised that communities could seek sewer funds from the Environmental Protection Agency, or spend revenue-sharing funds for this purpose. Both these suggestions are completely unrealistic. The urgent need for municipal treatment plants and the impounding of funds under the 1972 Water Pollution Control Act preclude, at least in Maine, the spending of EPA funds for sewer construction. Use of revenue-sharing funds is simply out of the question for small communities—the funds are totally insufficient for major capital investment.

Unless we again act to restore the rural water and waste dispcsal program, as we did on March 1 of this year, we will in effect be telling these towns that they must borrow all of the funds needed for sewer construction. This is going to be a severe burden on the municipalities and utility districts, and precisely the burden Congress sought to alleviate with passage of the Poage-Aiken Act in 1965.

For the past several years, Congress has wisely sought to pass measures designed to limit the migration of Americans from rural to urban areas. Our urban areas now require increased attention and Federal capital expenditures for circumferential highways, mass transit, and pollution treatment plants, to name only a few areas in which Federal grant funds are provided. If we deny grants to our smaller communities for sewer construction, we will be joining with the administration in contributing to the neglect of rural America, and we will be losing faith with our rural citizens who had been given reason to believe that our national Government would be willing to help their communities provide for a cleaner environment.

Mr. SHRIVER. Mr. Speaker, I shall vote to sustain the President's veto of H.R. 3298, an act to restore the rural water and sewer grant program. My vote is not a vote against rural and small communities who have a need for water and sewer development and improvements. My vote is for fiscal responsibility and against duplication and against a tax increase.

To sustain the President's veto does not mean the end of Federal participation in water and sewer programs in our rural areas. On the contrary, the administration has pledged to use its authority under the Rural Development Act to provide qualified rural communities with loans not only for water facilities but also for the development of sewage facilities.

These loans for sewer services will be available in fiscal years 1973 and 1974. This step, incidentally, can be taken at less cost to the taxpayer than required by H.R. 3298.

It should also be pointed out that a portion of the $5 billion in grants for waste disposal facilities funded through the Environmental Protection Agency during fiscal year 1973 and fiscal year 1974 is available to small towns.

Rural development statutes currently authorize the Secretary of Agriculture to make grants and loans for water and waste disposal systems and grants for comprehensive area long-range water and sewer planning.

Mr. Speaker, I have been and continue to be a staunch supporter of rural and small town development. One of the greatest threats to small town America, and to every American, is runaway Federal spending and inflation.

It is time to set aside partisan politics; it is time to work together to get control of the Federal budget, control inflation, and avoid the necessity of a tax increase of any size.

There are those who believe that by sustaining this presidential veto we will harm rural development in America. Let me tell you that there is pending legislation, H.R. 6168, that goes far beyond the request of this administration, and provides for a roll back of food prices to where they were 1 year ago and freeze all other prices at this year's level. The passage of this legislation, in my opinion, will wreak more havoc upon rural and small town America than sustaining the veto of the President on the Rural Water and Waste Disposal Act.

Mr. HUDNUT. Mr. Speaker, I rise in opposition to the motion to override President Nixon's veto of H.R. 3298, a bill to restore the rural water and sewer grant program. As I stated on March 1, when H.R. 3298 was before the House originally, this legislation is an assault not only on the President's efforts to control expenditures, but also on his attempts to provide better methods of delivering services to those who need them.

The rural water and sewer program, which was launched 8 years ago, has forced the taxpayers to pay for services that should be financed locally. The program was terminated by President Nixon on January 1, 1973, as part of his determined effort to combat inflation and hold down taxes. I agree with the President that it would be a disservice to the taxpayers of this country to revive the program.

Experience under this program has shown that water and sewer grants have been distributed in a scattershot fashion. Many rural communities, although qualified under the program, have built their own water and sewage systems without waiting for Federal help. They need no incentive from Washington. Yet, in other cases, the water and sewer grants actually delay construction, as communities which ordinarily finance the facilities on their own, choose instead to wait in line for Federal subsidies. The result has been a very uneven pattern of distribution.

Furthermore, for those communities which need help in construction of such facilities, there are alternative methods of Federal financial help available. For example, the fiscal 1974 budget provides $345 billion in rural development aid loan funds for water supply systems in rural areas which will help local communities borrow at favorable interest rates. In addition, the Environmental Protection Agency has $5 billion to use for grants for waste disposal facilities in fiscal years 1973 and 1974. Taken together, the loan and grant programs already available should provide sufficient Federal support to those communities which critically need water and sewage systems without shattering the limits of sound fiscal policy.

In my view, this is one instance where we can vote for fiscal restraint and a more conservative stewardship of the dollars supplied by hardworking taxpayers. I believe this is what a great majority of the American people want us to do. Therefore, I urge my colleagues to join me in voting to sustain the President's veto of H.R. 3298.

Mr. MILFORD. Mr. Speaker, some of the debate, on the floor of this great House, has caused me considerable distress. H.R. 3298, an act to restore the rural water and sewer grant program under the Consolidated Farm and Rural Development Act, was supposed to have been the subject of the debate. However, there was very little discussion on rural water and sewer systems.

It seems that the real subject of the debate was a fight between the Congress and the administration. H.R. 3298 seemed to be only a vehicle or weapon to fight with, rather than a serious subject to be decided upon according to merit.

I feel that this type of debate is a disservice to our country. Honorable men can have honest differences of opinions. Such differences should not be twisted and distorted into ominous and misleading accusations against the other man's intentions and integrity.

I will cast my vote to sustain the President's veto of H.R. 3298. That vote was cast solely on the basis of the merits of the bill, not on the immaterial arguments heard on the floor of the House.

The problem that H.R. 3298 was attempting to solve was rural water and sewer system needs. Therefore, I felt that the obvious questions to be faced were: First. Do we actually have a need for rural water and sewer systems? Second. If so, how is the best way to provide these systems?

After careful consideration, I found that, yes, there is a need for these systems. H.R. 3298 had recognized that need. However, the second question—how best to fulfill the need—was what prompted me to vote to sustain the veto.

My study revealed that there exist two different means of satisfying rural water and sewer needs. One would have been through the provisions of H.R. 328, the other would be through the Clean Water Act, which was passed earlier by the Congress.

Further study revealed to me that the Clean Water Act was really the best answer. For one thing, the Clean Water Act is administered by the Environmental Protection Agency—EPA—which is an independent agency dedicated only to cleaning up the air and water in our Nation—systematically with logical planning.

EPA coordinates its grants according to need with careful planning by State and local bodies. This feature is not included in the grants under H.R. 3298. In other words, there is a supervised system—with controls at the State and local level—built into the EPA plan.

Another desirable feature, found in the EPA plan, is the assistance to those small communities that do not have sufficient tax base to raise capital for sewer and water systems. Under EPA, a small community can get a 75 percent grant, whereas under the provisions of H.R. 3298 it would have to ante up 50 percent of the cost of construction. A protection factor in the EPA plan—approved by State and local agencies—would assure that only those communities with real need would be certified for the 75 percent grants.

While I realize that my vote on this matter could be rather unpopular with members of my party, I do not feel that this is a partisan issue. As I stated in the beginning, this is not a vote either for or against the President, it is a vote—based on merit—against a system of providing rural water and sewer systems, where a more desirable system exists.

Mr. DEVINE. Mr. Speaker, I concur with my colleagues who object to H.R. 3298 on the grounds that it is another one of those programs which, if we let it continue, makes it impossible to obtain a proper relationship between spending and taxes. I concur that fiscal responsibility at this point in time is the No. 1 objective of the Nation if we are to avoid higher taxes, more inflation, or both.

I would like to make the point further that providing grants for all water and sewer systems simply is not an appropriate use of Federal tax dollars. Providing most local water and sewer systems is a responsibility of local governments, just as is providing police and fire protection. These systems benefit almost exclusively the persons and businesses directly served by them. Therefore providing these facilities is the responsibility of the people benefited. Most communities accept this responsibility and go ahead and provide these facilities for themselves. So it seems unfair that those who accept this local responsibility have to pay for facilities for those who do not.

In doing some research on this bill I learned that the very existence of a Federal water and sewer grant program may delay the construction of these facilities. The reason is that some localities which otherwise would finance the costs on their own, instead choose to wait in line for a Federal grant. Another pertinent fact is that more than half of the grant applicants which are turned down go ahead and proceed with the project themselves.

And again I make the point that the average taxpayer gets hit with a double burden under this legislation. Not only must that average taxpayer pay his share of the water and sewer facilities to service his own needs, he must turn around and pay part of the cost through his

Federal taxes of facilities of someone else. This is particularly onerous to people as they approach the April 15 Federal income tax filing deadline.

As if these reasons were not compelling enough to vote to sustain the President's veto of H.R. 3298 I would like to point out that this program duplicates other Federal grant programs. Environmental Protection Agency grants for waste disposal facilities in urban and rural areas total $2 billion for fiscal year 1973 and $3 billion for fiscal year 1974. While waste treatment has a high priority, the States still have a dominant role in selecting projects for funding under the EPA program. And President Nixon pointed out Thursday that if his veto is sustained, he will use his authority under the Rural Development Act to provide qualified rural communities with loans for sewer systems and water systems. He said he will—and I quote—"provide qualified rural communities with loans not only for water facilities but also for the development of sewage facilities. These loans for sewer services will be available in fiscal years 1973 and 1974. This step—taken at a fraction of the cost to the taxpayer required by H.R. 3298—will permit qualified small communities to compete for credit on reasonable terms." Termination of this program is in keeping with the philosophy which is gaining in popularity of moving away from narrow categorical grants with their associated Federal decisionmaking toward moving the decisionmaking to the State and local level.

It is for these reasons that I urge you to vote to sustain the veto on H.R. 3298.

Mr. FRENZEL. Mr. Speaker, today Members of the House of Representatives have an opportunity to stand up and be counted on the subject of fiscal responsibility. I intend to vote to sustain the President's veto of H.R. 3298, and I hope that considerably more than one-third of my colleagues will do likewise.

H.R. 3298 is another in a seemingly unending series of bills through which this Congress, with the noblest of intentions, attempts to solve every problem at least twice by burying it under a deluge of money. The bill mandates spending. Any bill which forces spending of a certain sum, whether the spending is needed or not, and whether the projects are ready or not, should be immediately suspect.

In the second place, the bill duplicates programs in operation in other agencies of government. For instance, under the Clean Water Act, the Environmental Protection Agency has authority to fund waste disposal facilities. In fact, with a State cost sharing, the EPA can fund up to 75 percent of a facility, while the FHA can only fund 50 percent.

In addition, the Rural Development Act, a priority in the President's budget for fiscal 1974, provides $345 million in loan funds for water supply systems in rural areas.

In my own State, a couple of years ago, a rural community built a sewer system. For that system it received grants from the old FWPCA, HUD, FHA, EDA, and the Regional Development Commission.

A vote to sustain the President's veto today is a vote to begin the end of that kind of grantmanship and administrative overlap. It is also a vote against mandated spending, even when such spending is duplicate spending.

Fiscal sanity does not require a slavish adherence to the President's budget. It does require that when the President is right, and when he vetoes unworthy bills, his judgment be upheld.

Mr. ROBISON of New York. Mr. Speaker, today the House is faced with its first vote on a Presidential veto this year. There are those who are predicting that we will be in this situation on many occasions this year. Mr. Speaker, I truly hope that will not be the case. As I have stated here before in recent weeks, it is my hope that Congress and the President will be able to resolve their differences prior to the confrontation atmosphere provoked by vetoes.

For those of us seeking to find that middle ground so badly needed to insure the ongoing nature of a Federal commitment in a number of areas, the present situation is most difficult. The decision thrust upon us, today, is a good example.

When the bill, H.R. 3298, was considered on this floor on March 1, I stated my opposition to its enactment. My position has not changed and so, today, I will vote to sustain the President's veto. But the decision, both on the bill originally, and now the veto, was not necessarily one that was easily made.

Obviously, the objective of the Farmers Home Administration water and sewer grant program is laudable. Smaller communities may, indeed, need some type of assistance to improve the quality of their water and to insure the proper treatment of their waste. But the question one must not forget to ask is whether or not this particular program is the most appropriate or equitable vehicle to meet those objectives.

Frankly, Mr. Speaker, I have always harbored some reservations about both the Farmers Home Administration grant program for water and sewer systems, and the similar program for larger cities administered by the Department of Housing and Urban Development. The provision of local water and sewer systems was traditionally regarded, and with some legitimacy can still be regarded as a local responsibility. It was with the best of intentions that we ventured, several years ago, to lift through these Federal aid programs some portion of that local burden. But it is probably true that, given the other demands on the Federal Treasury, there simply were not enough Federal dollars available to meet the resulting demand. Hence, we unintentionally have slowed local initiative—where it might otherwise have been applied—and have struggled along with two programs where there was not the equity one would hope to find in the dispersal of Federal funds.

But what is particularly disconcerting in the legislation now before us is the fact that future spending on the water and sewer grant program administered by the Farmers Home Administration would be mandatory. From what I can ascertain, no searching analysis of the program was made by the appropriate committees before reporting the bill before us. No compelling rationale for its continued and unchanged existence has been provided, except for the fact that the President has terminated the program and, come hell or high water, Congress is going to force him to reinstitute it. We do have a responsibility to provide a more defensible rationale for our action than this, Mr. Speaker.

When discussing the merits of H.R. 3298 on March 1, I stated:

> I would be something considerably less than a proper Representative of the many communities of less than 10,000 population in my district if I did not try to help them meet their needs.

For that reason, I am gratified that the President has made clear that there will be at least $100 million available for loans to such communities for water and sewer projects in the next fiscal year. In addition, I have been assured that the Farmers Home Administration will continue to administer the old program, eliminating any possibility that the communities with applications pending would have to refile, or begin their work all over again with another agency. Applications from communities—and there are seven from my own congressional district—will be processed along the same lines as was the case before the program termination.

The availability of the loan funds under the Rural Development Act will here provide the transition period we still are seeking in many other areas. This also, I believe, will protect the interests of the communities who earlier, in good faith, undertook projects under the existing program.

Mr. Speaker, it is possible to enumerate in more detail the problems with this program—the fact that its benefits were often unrelated to need—that it does duplicate—that it does distort local priorities—and so on. But what is of concern to me, in a somewhat broader perspective, is the congressional response.

It is my earnest hope that the vetoed bill before us today is not the forerunner of a host of other bills similar to it. For, if our response to Presidential program terminations and cutbacks is simply to attempt to force the President to spend on those same programs, we will, in no uncertain terms, have abdicated much of our own responsibility. I assume, as I believe we all should, that the President has not taken these actions lightly, or without—at least in his mind—good cause. Instead of a "knee-jerk" reaction, typified in the bill before us now, we should undertake a reasoned and comprehensive re-evaluation of the programs in question and, in a timely and serious manner, determine our response. That has not been the case to date, and certainly is not the case with regard to H.R. 3298, the vetoed bill.

It is true that I do have my own differences with the President over certain of his choice of priorities, and have been dismayed by the abruptness with which he has moved to slow down or terminate certain programs. Nevertheless, my own response has been that of first attempting to obtain assurances of a reasonable transitional arrangement which, I believe, is the case here, and then attempting to persuade the responsible Members and committees of the Congress to begin work on the pertinent legislative proposals made by the President, working out as best we can the differences that exist, but in a climate of harmony and not confrontation. This pending legislation was designed for confrontation. It is the kind of action that, for the good of the Nation, we cannot afford. It is my hope that the veto will be sustained, so that we can go on to attempt to find more constructive and positive responses in the Congress to the challenges we all face.

Mr. HARRINGTON. Mr. Speaker, during the past 7 years, under the terms of the Consolidated Farm and Rural Development Act of 1965—CFRDA—the Department of Agriculture's Farmers Home Administration has made approximately 8,500 loans totaling $1.6 billion and 3,363 grants totaling $240 million to assist an estimated 1,250,000 families in obtaining desperately needed water and waste facilities. Yet, although the Administration admits "that the need for water and waste disposal grants in rural areas is great," the program was unilaterally terminated on January 10 by a Department of Agriculture fiat, leaving 1,685 applications for Federal aid amounting to some $253 million unacted upon.

Similarly, when Congress demonstrated its extreme displeasure with this action by overwhelmingly approving H.R. 3298 which amends CFRDA to require the Secretary of Agriculture to make grants and loans in the amounts specified in appropriation acts, Mr. Nixon, on April 5, vetoed the bill claiming that the mandatory spending language within the measure conflicts with the constitutional allocation of executive power to the President. Moreover, Mr. Nixon added that programs such as rural development loan funds for water systems and the Environmental Protection Agency's sewerage grant program will be capable of compensating for the loss of CFRDA money. However, these claims are simply not true.

To begin with, article II, section 3, of the Constitution requires the President to faithfully execute all laws, not just the ones he supports. The practice of selectively withholding funds—impoundment—employed by Mr. Nixon is, in effect, an item veto, which is not sanctioned by the Constitution. By refusing to spend duly appropriated money, the President is illegally usurping congressional legislative responsibility.

In addition, fiscal 1974's budget proposes $345 million for Rural Development Act loans only, not the 50-percent grants needed by poor rural communities to build water systems. Furthermore, EPA grants for construction of sewer facilities are useless to many rural towns who do not have water systems to feed the sewers.

Clearly, the continuance of the Consolidated Farm and Rural Development Act is essential if rural communities with populations of less than 10,000 people are to build water systems. Mr. Nixon's veto is a regressive and unwarranted action which will have a severe impact upon small towns and villages attempting to make an honest effort to effectively deal with their pollution problem and therefore assure the health of rural America.

Congress should and must save the water and waste grant program. By overriding Mr. Nixon's veto, this goal would be achieved.

Ms. ABZUG. Mr. Speaker, the motto of so many rulers, "Divide and Conquer," is surely the motto of this administration. One of the deep divisions now being fostered is that between city and country dwellers. At every opportunity it is made to appear that the interests of urban and rural people are irreconcilably at odds. In current issues such as inflated prices, the farmer is pitted against the consumer.

On transportation, water resources and other issues, the same thing is happening. City people are made to feel that rural water supplies and sewage problems are of no concern to them; country people are not supposed to care whether cities stifle in their own smog.

Obviously this is nonsense. In today's world we are interdependent; people and supplies move back and forth so rapidly that what happens in San Francisco or in Iowa concerns us in New York, and vice versa.

Therefore I am very much concerned when the President vetoes a bill that the Congress has passed to help rural dwellers solve their problems. I think they deserve our help, just as I think the people of New York City deserve the help of this House in securing mass transportation funds and other people-aiding programs.

I am going to vote to override this veto and I hope that my colleagues from rural areas will remember, when other bills reach the floor, that pollution, hunger, the need for child care, the need for economic opportunity, and the need for housing know no boundaries.

Mr. CLEVELAND. Mr. Speaker, I rise to support the President's veto in the overriding interest of combating inflation and higher taxes. At the same time, I want to urge my colleagues to consider an alternative to the vetoed program and set about the job of putting our own house in order when it comes to controlling spending.

Some of my colleagues have criticized the Farmers Home Administration program on a number of grounds. I do not share those criticisms. The rural water and sewer program is an effective response to real needs in our hard-pressed smaller communities.

The real issue is inflation. The real issue is a tax increase. It is one matter to vote for a single bill individually on its merits, as I voted for this bill in the past. But when the President is faced with a dozen or so bills which combine to bust the budget, it's an entirely different issue.

It has been argued that the Environmental Protection Agency's 75-percent grants for sewage treatment are preferable to FHA's 50–50 matching program, and that water system needs can be met by loans. I would reply that some smaller communities are likely to be bypassed in State allocation of EPA waste treatment grants, while many have not a prayer of meeting their water needs solely through loans.

Accordingly, I urge colleagues to consider legislative provisions to assure that smaller communities get fair consideration in setting of State priorities, and to broaden EPA's grant programs to include smalltown water systems.

I recognize that the administration has been criticized for veto action as disregarding the needs of the people. It is time for Congress to stop scoring political cheap shots by belaboring the administration for "cash-register" mentality and set about the tough job of putting its own house in order.

There is an urgent need to establish a mechanism to set an overall spending limit and set priorities among conflicting demands so as to live within that limit. This would make it possible to weigh our actions in terms of their economic impact: inflation or higher taxes.

The steering committee of the Joint Study Committee on Budget Control has under consideration such a mechanism. But I find it ironic that such a long overdue measure should—after all the furor over impoundment, vetoes and talk of constitutional confrontation between Congress and the White House—still remain in the study stage.

It is my hope that we will sustain the President's veto and maintain the pressure on this body to move ahead with spending reforms so that the Congress itself regains the power of decisionmaking over these vital areas of public policy.

Mr. RANDALL. Mr. Speaker, I shall vote to override the President's veto of H.R. 3298, the act to restore the rural water and sewer grant programs.

My vote to override is not made in a partisan spirit. It is not cast in a spirit of confrontation. My vote to override is predicated in the sincere belief that we should perpetuate a program proven to be of greater benefit to our rural areas than any other single program of comparable cost. One has only to observe the sharp contrasts between a county which enjoys the benefits of a rural water system and one that does not. One literally blossoms with verdant bounty that comes from an adequate supply of fresh pure water. The other frequently has no water except by hauling it at almost prohibitive expense. The latter continues to suffer from the economic loss that comes with each dry summer.

There are really two foremost reasons why I vote to override the veto:

First. The presence of rural water districts and waste disposal plants in our small communities makes the difference between comfortable, attractive rural living and the old styles of rural life which, in the past, have been the cause of the out-migration of millions from the farmlands of America to our already overcrowded metropolitan areas.

Second. At issue here is the principle of constitutional prerogatives and the matter of who shall establish spending priorities. Bear in mind, that from all the propaganda advanced by the White House in favor of sustaining this veto, there has never been a word said that it would avoid a deficit. As a matter of fact, the President quite frankly and openly agrees that the deficit will be about $24 billion for fiscal year 1973 and about $13 billion for fiscal year 1974—or a total of about 37 billion. This is an administration assertion, not mine. But what is disturbing is that the White House insists that within the framework of this deficit it alone shall retain the sole prerogative to select priorities. This proposal I reject.

The real facts are that with a conceded deficit of $37 billion for this and next year all that Congress is seeking to do today is to assert the right to say what use is made of the total of $300 million of that deficit over a period of not 1 year, or 2 years, but for a period of 3 years—or just about $100 million a year for these worthwhile rural program. That in perspective is the sole issue. How can it be fiscal irresponsibility for the Congress to establish this one single priority no larger than this $100,000,000 a year? Is not it rather irresponsible for the President to say that he and he alone has the sole right to determine all priorities when it is agreed there will be a $37 billion deficit?

Put in different words, the White House insists that it set all priorities and leave none for the Congress. The argument is that the White House should assume the power to legislate.

Mr. Speaker, last fall the President was fully convinced that the continuation of these water and sewer grant programs was worthwhile. We passed the same bill last year. There were no questions by our Chief Executive at that time on the merits of the legislation. It was promptly signed into law. The President bestowed some lofty words of high praise in sharp contrast with the words used in the veto message delivered on April 5. Last fall he called the program praiseworthy. It was one that would help the people. It was a program that was clearly needed. The most flowery language of all was that this program would help not only this generation but many generations yet to come.

In the veto message, from the same source, the White House, less than 6 months later, there is a different refrain. Now the program is identified as a program that should be reformed because it had failed its test. In the veto message, it was called a program that would be a disservice to the taxpayers and undercut the tradition of local authority rather than Federal direction. By April 5 this program was said to be for only a small group of people for their own private benefit. Think of that. Moreover it would make the majority of taxpayers pay double taxes. My goodness. Surely the Harvard lawyers and the public relations experts must have worked hard on this language. But it is language that will not wash because everyone knows there is no private advantage. These are public water supply districts and public sewer districts. They are subdivisions of the State, just as much as a school district or a township or a municipality. And where these word hucksters got the idea of double taxation is impossible to comprehend.

But the really low blow in the veto message is the suggestion that, "the program has attained a distinct flavor of pork barrel." Why even a student in high school knows that the expression pork barrel carries the overtone of something that is costly with a slight or no benefit. The truth of the matter is that there has never been a rural water district funded that has not had an excellent cost-benefit ratio and moreover there has never been a rural water or sewer district constructed that has not resulted in a tremendous increase property values within the district and in areas adjacent to the district.

Finally, one of the most difficult things to understand about this veto is the fact that the President strongly endorsed the revitalization and development of the rural areas. Last year this rural redevelopment theme was one of the highest national priorities. It must have been a good one. He was elected. The Congress was elected. The people must have liked this as a priority. Now we all have a right to question whether the President really meant what he said when he espoused that one of his greatest goals was to make rural life attractive. Notwithstanding, for many of us it will continue to be a goal and the only way we can attract and hold job-creating industry to meet this goal of rural revitalization is by adequate water and sewer systems. To continue the pursuit of rural revitalization is reason enough to override this veto.

The SPEAKER. All time has expired.

Mr. POAGE. Mr. Speaker, I move the previous question.

The previous question was ordered.

PARLIAMENTARY INQUIRY

Mr. GERALD R. FORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. GERALD R. FORD. Mr. Speaker, do I correctly understand that under the wording of the question a "no" vote is a vote to sustain the President's veto?

The SPEAKER. A vote of "yea" is a vote for the bill; a vote of "no" is a vote against the bill.

Mr. GERALD R. FORD. I thank the Speaker.

The SPEAKER. The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

Under the Constitution, this vote must be determined by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 225, nays 189, not voting 19, as follows:

[Roll No. 82]

YEAS—225

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
Badillo
Barrett
Bergland
Bevill
Biaggi
Bingham
Blatnik
Boggs
Bolling
Bowen
Brademas
Brasco
Breaux
Breckinridge
Brinkley
Brooks
Brown, Calif.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Camp
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Chisholm
Clark
Clay
Cohen
Conyers
Corman
Cotter
Culver
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dent
Dingell
Donohue
Downing
Drinan
Eckhardt
Eilberg
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Fish
Fisher
Flood
Flowers
Foley
Ford, William D.
Fountain
Fraser
Fulton
Fuqua
Gaydos
Gettys
Gibbons
Ginn
Gonzalez
Grasso
Gray
Green, Pa.
Gunter
Hamilton
Hanley
Hanna
Hansen, Wash.
Harrington
Hawkins
Hays
Hechler, W. Va.
Helstoski
Henderson
Hicks
Hogan
Holtzman
Howard
Hungate
Johnson, Calif.
Jones, N.C.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Ketchum
Kluczynski
Koch
Kyros
Latta
Leggett
Lehman
Litton
Long, La.
Long, Md.
McCormack
McEwen
McFall
McKay
McSpadden
Macdonald
Madden
Mahon
Mathis, Ga.
Matsunaga
Meeds
Melcher
Metcalfe
Mezvinsky
Minish
Mink
Mitchell, Md.
Moakley
Mollohan
Moorhead, Pa.
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nichols
Nix
Obey
O'Hara
O'Neill
Owens
Patman
Patten
Pepper
Perkins
Pike
Poage
Podell
Preyer
Price, Ill.
Price, Tex.
Railsback
Randall
Rangel
Rarick
Rees
Reid
Reuss
Riegle
Roberts
Rodino
Roe
Roncalio, Wyo.
Rooney, Pa.
Rose
Rostenkowski
Roush
Roy
Runnels
Ruppe
Ryan
St Germain
Sarbanes
Scherle
Schroeder
Sebelius
Seiberling
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Staggers
Stanton, James V.
Stark
Steed
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Taylor, N.C.
Thompson, N.J.
Thone
Thornton
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Wampler
White
Whitten
Wright
Yates
Yatron
Young, Ga.
Young, S.C.
Young, Tex.
Zablocki

NAYS—189

Anderson, Ill.
Archer
Arends
Armstrong
Ashbrook
Bafalis
Baker
Beard
Bennett
Biester
Blackburn
Boland
Bray
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Fla.
Butler
Byron
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Collier
Collins
Conable
Conlan
Conte
Coughlin
Crane
Cronin
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Wis.
Dennis
Derwinski
Devine
Dickinson
Dorn
Duncan
du Pont
Edwards, Ala.
Erlenborn
Esch
Findley
Flynt
Ford, Gerald R.
Forsythe
Frelinghuysen
Frenzel
Frey
Froehlich
Giaimo
Gilman
Goodling
Green, Oreg.
Griffiths
Gross
Grover
Gubser
Gude
Guyer
Haley
Hammerschmidt
Hanrahan
Harsha
Hastings
Hébert
Heckler, Mass.
Heinz
Hillis
Hinshaw
Holt
Horton
Hosmer
Huber
Hudnut
Hunt
Hutchinson
Ichord
Jarman
Johnson, Colo.
Johnson, Pa.
Jones, Okla.
Keating
Kemp
Kuykendall
Landgrebe
Landrum
Lent
Lott
Lujan
McClory
McCloskey
McCollister
McDade
McKinney
Madigan
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mayne
Mazzoli
Michel
Milford
Miller
Mills, Ark.
Mills, Md.
Minshall, Ohio
Mitchell, N.Y.
Mizell
Montgomery
Moorhead, Calif.
Mosher
Nelsen
O'Brien
Parris
Passman
Peyser
Powell, Ohio
Pritchard

Quie
Quillen
Regula
Rhodes
Rinaldo
Robinson, Va.
Robison, N.Y.
Rogers
Roncallo, N.Y.
Rousselot
Ruth
Sandman
Sarasin
Satterfield
Saylor
Schneebeli
Shoup
Shriver
Smith, N.Y.
Snyder
Spence
Stanton, J. William
Steele
Steelman
Steiger, Ariz.
Symms
Talcott
Taylor, Mo.
Teague, Calif.
Thomson, Wis.
Towell, Nev.
Treen
Veysey
Waggonner
Walsh
Ware
Whalen
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wyatt
Wydler
Wylie
Wyman
Young, Alaska
Young, Fla.
Young, Ill.
Zion
Zwach

NOT VOTING—19

Bell
Burke, Calif.
Diggs
Dulski
Edwards, Calif.
Goldwater
Hansen, Idaho
Harvey
Holifield
Jones, Ala.
King
Pettis
Pickle
Rooney, N.Y.
Rosenthal
Roybal
Shipley
Steiger, Wis.
Teague, Tex.

So, two-thirds not having voted in favor thereof, the veto of the President was sustained and the bill was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Pickle and Mr. Rooney of New York for, with Mr. Goldwater against.

Mr. Holifield and Mr. Diggs for, with Mr. Pettis against.

Mr. Edwards of California and Mr. Rosenthal for, with Mr. Steiger of Wisconsin against.

Mr. Shipley and Mr. Dulski for, with Mr. King against.

Mr. Roybal and Mr. Jones of Alabama for, with Mr. Bell against.

Until further notice:

Mrs. Burke of California with Mr. Hansen of Idaho.

Mr. Teague of Texas with Mr. Harvey.

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will notify the Senate of the action of the House.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

GENERAL LEAVE

Mr. POAGE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on the bill just rejected.

The SPEAKER. Is there objection to the request of the gentlemen from Texas?

There was no objection.

THE TRADE REFORM ACT OF 1973—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93-80)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

The Trade Reform Act of 1973, which I am today proposing to the Congress, calls for the most important changes in more than a decade in America's approach to world trade.

This legislation can mean more and better jobs for American workers.

It can help American consumers get more for their money.

It can mean expanding trade and expanding prosperity, for the United States and for our trading partners alike.

Most importantly, these proposals can help us reduce international tensions and strengthen the structure of peace.

The need for trade reform is urgent. The task of trade reform requires an effective, working partnership between the executive and legislative branches. The legislation I submit today has been developed in close consultation with the Congress and it envisions continuing cooperation after it is enacted. I urge the Congress to examine these proposals in a spirit of constructive partnership and to give them prompt and favorable consideration.

This legislation would help us to:

—Negotiate for a more open and equitable world trading system;

—Deal effectively with rapid increases in imports that disrupt domestic markets and displace American workers;

—Strengthen our ability to meet unfair competitive practices;

—Manage our trade policy more efficiently and use it more effectively to deal with special needs such as our balance of payments and inflation problems; and

—Take advantage of new trade opportunities while enhancing the contribution trade can make to the development of poorer countries.

STRENGTHENING THE STRUCTURE OF PEACE

The world is embarked today on a profound and historic movement away from confrontation and toward negotiation in resolving international differences. Increasingly in recent years, countries have come to see that the best way of advancing their own interests is by expanding peaceful contacts with other peoples. We have thus begun to erect a durable structure of peace in the world from which all nations can benefit and in which all nations have a stake.

This structure of peace cannot be strong, however, unless it encompasses international economic affairs. Our progress toward world peace and stability can be significantly undermined by economic conflicts which breed political tensions and weaken security ties. It is imperative, therefore, that we promptly turn our negotiating efforts to the task of resolving problems in the economic arena.

My trade reform proposals would equip us to meet this challenge. They would help us in creating a new economic order which both reflects and reinforces the progress we have made in political affairs. As I said to the Governors of the International Monetary Fund last September, our common goal should be to "set in place an economic structure that will help and not hinder the world's historic movement toward peace."

TOWARD A NEW INTERNATIONAL ECONOMIC ORDER

The principal institutions which now govern the world economy date from the close of World War II. At that time, the United States enjoyed a dominant position. Our industrial and agricultural systems had emerged from the war virtually intact. Our substantial reserves enabled us to finance a major share of international reconstruction. We gave generously of our resources and our leadership in helping the world economy get back on track.

The result has been a quarter century of remarkable economic achievement—and profound economic change. In place of a splintered and shattered Europe stands a new and vibrant European Community. In place of a prostrate Japan stands one of the free world's strongest economies. In all parts of the world new economic patterns have developed and new economic energies have been released.

These successes have now brought the world into a very different period. America is no longer the sole, dominating economic power. The new era is one of growing economic interdependence, shared economic leadership, and dramatic economic change.

These sweeping transformations, however, have not been matched by sufficient change in our trading and monetary systems. The approaches which served us so well in the years following World War II have now become outmoded; they are simply no longer equal to the challenges of our time.

The result has been a growing sense of strain and stress in the international economy and even a resurgence of economic isolationism as some have sought to insulate themselves from change. If we are to make our new economic era a time of progress and prosperity for all the world's peoples, we must resist the impulse to turn inward and instead do all we can to see that our international economic arrangements are substantially improved.

MOMENTUM FOR CHANGE

The United States has already taken a number of actions to help build a new international economic order and to advance our interests within it.

—Our New Economic Policy, announced on August 15, 1971, has helped to improve the performance of our domestic economy, reducing unemployment and inflation and thereby enhancing our competitive position.

—The realignment of currencies achieved under the Smithsonian Agreement of December 18, 1971, and by the adjustments of recent weeks have also made American goods more competitive with foreign products in markets at home and abroad.

—Building on the Smithsonian Agreement, we have advanced far-reaching proposals for lasting reform in the world's monetary system.

—We have concluded a trade agreement with the Soviet Union that promises to strengthen the fabric of prosperity and peace.

—Opportunities for mutually beneficial trade are developing with the People's Republic of China.

—We have opened negotiations with the enlarged European Community and several of the countries with which it has concluded special trading agreements concerning compensation due us as a result of their new arrangements.

But despite all these efforts, underlying problems remain. We need basic trade reform, and we need it now. Our efforts to improve the worlds' monetary system, for example, will never meet with lasting success unless basic improvements are also achieved in the field of international trade.

BUILDING A FAIR AND OPEN TRADING WORLD

A wide variety of barriers to trade still distort the world's economic relations, harming our own interests and those of other countries.

—Quantitative barriers hamper trade in many commodities, including some of our potentially most profitable exports.

—Agricultural barriers limit and distort trade in farm products, with special damage to the American economy because of our comparative advantage in the agricultural field.

—Preferential trading arrangements have spread to include most of Western Europe, Africa and other countries bordering on the Mediterranean Sea.

—Non-tariff barriers have greatly proliferated as tariffs have declined.

These barriers to trade, in other countries and in ours, presently cost the United States several billion dollars a year in the form of higher consumer prices and the inefficient use of our resources. Even an economy as strong as ours can ill afford such losses.

Fortunately, our major trading partners have joined us in a commitment to broad, multilateral trade negotiations beginning this fall. These negotiations will provide a unique opportunity for reducing trading barriers and expanding world trade.

It is in the best interest of every nation to sell to others the goods it produces more efficiently and to purchase the goods which other nations produce more efficiently. If we can operate on this basis, then both the earnings of our workers and the buying power of our dollars can be significantly increased.

But while trade should be more open, it should also be more fair. This means, first, that the rules and practices of trade should be fair to all nations. Secondly, it means that the benefits of trade should be fairly distributed among American workers, farmers, businessmen and consumers alike and that trade should create no undue burdens for any of these groups.

I am confident that our free and vigorous American economy can more than hold its own in open world competition. But we must always insist that such competition take place under equitable rules.

THE URGENT NEED FOR ACTION

The key to success in our coming trade negotiations will be the negotiating authority the United States brings to the bargaining table. Unless our negotiators can speak for this country with sufficient authority, other nations will undoubtedly be cautious and non-committal—and the opportunity for change will be lost.

We must move promptly to provide our negotiators with the authority their task requires. Delay can only aggravate the strains we have already experienced. Disruptions in world financial markets, deficits in our trading balance, inflation in the international marketplace, and tensions in the diplomatic arena all argue for prompt and decisive action. So does the plight of those American workers and businesses who are damaged by rapidly rising imports or whose products face barriers in foreign markets.

For all of these reasons, I urge the Congress to act on my recommendations as expeditiously as possible. We face pressing problems here and now. We cannot wait until tomorrow to solve them.

PROVIDING NEW NEGOTIATING AUTHORITIES

Negotiators from other countries will bring to the coming round of trade discussions broad authority to alter their barriers to trade. Such authority makes them more effective bargainers; without such authority the hands of any negotiator would be severely tied.

Unfortunately, the President of the United States and those who negotiate at his direction do not now possess authorities comparable to those which other countries will bring to these bargaining sessions. Unless these authorities are provided, we will be badly hampered in our efforts to advance American interests and improve our trading system.

My proposed legislation therefore calls upon the Congress to delegate significant new negotiating authorities to the executive branch. For several decades now, both the Congress and the President have recognized that trade policy is one field in which such delegations are indispensable. This concept is clearly established; the questions which remain concern the degree of delegation which is appropriate and the conditions under which it should be carried out.

The legislation I submit today spells out only that degree of delegation which I believe is necessary and proper to advance the national interest. And just as we have consulted closely with the Congress in shaping this legislation, so the executive branch will consult closely with the Congress in exercising any negotiating authorities it receives. I invite the Congress to set up whatever mechanism it deems best for closer consultation and cooperation to insure that its views are properly represented as trade negotiations go forward.

It is important that America speak authoritatively and with a single voice at the international bargaining table. But it is also important that many voices contribute as the American position is being shaped.

The proposed Trade Reform Act of 1973 would provide for the following new authorities:

First, I request authority to eliminate, reduce, or increase customs duties in the context of negotiated agreements. Although this authority is requested for a period of five years, it is my intention and my expectation that agreements can be concluded in a much shorter time. Last October, the member governments of the European Community expressed their hope that the coming round of trade negotiations will be concluded by 1975. I endorse this timetable and our negotiators will cooperate fully in striving to meet it.

Second, I request a Congressional declaration favoring negotiations and agreements on non-tariff barriers. I am also asking that a new, optional procedure be created for obtaining the approval of the Congress for such agreements when that is appropriate. Currently both Houses of the Congress must take positive action before any such agreement requiring changes in domestic law becomes effective—a process which makes it difficult to achieve agreements since our trading partners know it is subject to much uncertainty and delay. Under the new arrangement, the President would give notice to the Congress of his intention to use the procedure at least 90 days in advance of concluding an agreement in order to provide time for appropriate House and Senate Committees to consider the issues involved and to make their views known. After an agreement was negotiated, the President would submit that agreement and proposed implementing orders to the Congress. If neither House rejected them by a majority vote of all members within a period of 90 days, the agreement and implementing orders would then enter into effect.

Thirdly, I request advance authority to carry out mutually beneficial agreements concerning specific customs matters primarily involving valuation and the marking of goods by country of origin.

The authorities I outline in my proposed legislation would give our negotiators the leverage and the flexibility they need to reduce or eliminate foreign barriers to American products. These proposals would significantly strengthen America's bargaining position in the coming trade negotiations.

OBJECTIVES IN AGRICULTURAL TRADE

I am not requesting specific negotiating authority relating to agricultural trade. Barriers to such trade are either tariff or non-tariff in nature and can be dealt with under the general authorities I am requesting.

One of our major objectives in the coming negotiations is to provide for expansion in agricultural trade. The strength of American agriculture depends on the continued expansion of our world markets—especially for the major bulk commodities our farmers produce so efficiently. Even as we have been moving toward a great reliance on free market forces here at home under the Agricultural Act of 1970, so we seek to broaden the role of market forces on the international level by reducing and removing barriers to trade in farm products.

I am convinced that the concerns which all nations have for their farmers and consumers can be met most effectively if the market plays a far greater role in determining patterns of agricultural production and consumption. Movement in this direction can do much to help ensure adequate supplies of food and relieve pressure on consumer prices.

PROVIDING FOR IMPORT RELIEF

As other countries agree to reduce their trading barriers, we expect to reduce ours. The result will be expanding trade, creating more and better jobs for the American people and providing them with greater access to a wider variety of products from other countries.

It is true, of course, that reducing import barriers has on some occasions led to sudden surges in imports which have had disruptive effects on the domestic economy. It is important to note, however, that most severe problems caused by surging imports have not been related to the reduction of import barriers. Steps toward a more open trading order generally have a favorable rather than an unfavorable impact on domestic jobs.

Nevertheless, damaging import surges, whatever their cause, should be a matter of great concern to our people and our Government. I believe we should have effective instruments readily available to help avoid serious injury from imports and give American industries and workers time to adjust to increased imports in an orderly way. My proposed legislation outlines new measures for achieving these goals.

To begin with, I recommend a less restrictive test for invoking import restraints. Today, restraints were authorized only when the Tariff Commission finds that imports are the "major cause" of serious injury or threat thereof to a domestic industry, meaning that their impact must be larger than that of all other causes combined. Under my proposal, restraints would be authorized when import competition was the "primary cause" of such injury, meaning that it must only be the largest single cause. In addition, the present requirement that injury must result from a previous tariff concession would be dropped.

I also recommend a new method for determining whether imports actually are the primary cause of serious injury to domestic producers. Under my proposal, a finding of "market disruption" would constitute *prima facie* evidence of that fact. Market disruption would be defined as occurring when imports are substantial, are rising rapidly both absolutely and as a percentage of total domestic consumption, and are offered at prices substantially below those of competing domestic products.

My proposed legislation would give the President greater flexibility in providing appropriate relief from import problems—including orderly marketing agreements or higher tariffs or quotas. Restraints could be imposed for an initial period of five years and, at the discretion of the President, could be extended for an additional period of two years. In exceptional cases, restrictions could be extended even further after a two-year period and following a new investigation by the Tariff Commission.

IMPROVING ADJUSTMENT ASSISTANCE

Our responsibilities for easing the problems of displaced workers are not limited to those whose unemployment can be traced to imports. All displaced workers are entitled to adequate assistance while they seek new employment. Only if all workers believe they are getting a fair break can our economy adjust effectively to change.

I will therefore propose in a separate message to the Congress new legislation to improve our systems of unemployment insurance and compensation. My proposals would set minimum Federal standards for benefit levels in State programs, ensuring that all workers covered by such programs are treated equitably, whatever the cause of their involuntary unemployment. In the meantime, until these standards become effective, I am recommending as a part of my trade reform proposals that we immediately establish benefit levels which meet these proposed general standards for workers displaced because of imports.

I further propose that until the new standards for unemployment insurance are in place, we make assistance for workers more readily available by dropping the present requirement that their unemployment must have been caused by prior tariff concessions and that imports must have been the "major cause" of injury. Instead, such assistance would be authorized if the Secretary of Labor determined that unemployment was substantially due to import-related causes. Workers unemployed because of imports would also have job training, job search allowances, employment services and relocation assistance available to them as permanent features of trade adjustment assistance.

In addition, I will submit to the Congress comprehensive pension reform legislation which would help protect workers who lose their jobs against loss of pension benefits. This legislation will contain a mandatory vesting requirement which has been developed with older workers particularly in mind.

The proposed Trade Reform Act of 1973 would terminate the present program of adjustment assistance to individual firms. I recommend this action because I believe this program has been largely ineffective, discriminates among firms within a given industry and has needlessly subsidized some firms at the taxpayer's expense. Changing competitive conditions, after all, typically act not upon particular firms but upon an industry as a whole and I have provided for entire industries under my import relief proposals.

DEALING WITH UNFAIR TRADE PRACTICES

The President of the United States possesses a variety of authorities to deal with unfair trade practices. Many of these authorities must now be modernized if we are to respond effectively and even-handedly to unfair import competition at home and to practices which unfairly prejudice our export opportunities abroad.

To cope with unfair competitive practices in our own markets, my proposed legislation would amend our antidumping and countervailing duty laws to provide for more expeditious investigations and decisions. It would make a number of procedural and other changes in these laws to guarantee their effective operation. The bill would also amend the current statute concerning patent infringement by subjecting cases involving imports to judicial proceedings similar to those which involve domestic infringement, and by providing for fair processes and effective action in the event of court delays. I also propose that the Federal Trade Commission Act be amended to strengthen our ability to deal with foreign producers whose cartel or monopoly practices raise prices in our market or otherwise harm our interest by restraining trade.

In addition, I ask for a revision and extension of my authority to raise barriers against countries which unreasonably or unjustifiably restrict our exports. Existing law provides such authority only under a complex array of conditions which vary according to the practices or exports involved. My proposed bill would simplify the authority and its use. I would prefer, of course, that other countries agree to remove such restrictions on their own, so that we should not have to use this authority. But I will consider using it whenever it becomes clear that our trading partners are unwilling to remove unreasonable or unjustifiable restrictions against our exports.

OTHER MAJOR PROVISIONS

Most-Favored-Nation Authority. My proposed legislation would grant the President authority to extend most-favored-nation treatment to any country when he deemed it in the national interest to do so. Under my proposal, however, any such extension to countries not now receiving most-favored-nation treatment could be vetoed by a majority vote of either the House or the Senate within a three-month period.

This new authority would enable us to carry out the trade agreement we have negotiated with the Soviet Union and thereby ensure that country's repayment of its lend-lease debt. It would also enable us to fulfill our commitment to Romania and to take advantage of opportunities to conclude beneficial agreements with other countries which do not now receive most-favored-nation treatment.

In the case of the Soviet Union, I recognize the deep concern which many in the Congress have expressed over the tax levied on Soviet citizens wishing to emigrate to new countries. However, I do not believe that a policy of denying most-favored-nation treatment to Soviet exports is a proper or even an effective way of dealing with this problem.

One of the most important elements of our trade agreement with the Soviet Union is the clause which calls upon each party to reduce exports of products which cause market disruptions in the other country. While I have no reason to doubt that the Soviet Union will meet its obligations under this clause if the need arises, we should still have authority to take unilateral action to prevent disruption if such action is warranted.

Because of the special way in which state-trading countries market their products abroad, I would recommend two modifications in the way we take such action. First, the Tariff Commission should only have to find "material injury" rather than "serious injury" from imports in order to impose appropriate restraints. Secondly, such restraints should apply only to exports from the offending country. These recommendations can simplify our laws relating to dumping actions by state-trading countries, eliminating the difficult and time-consuming problems associated with trying to reach a constructed value for their exports.

Balance of Payments Authority. Though it should only be used in exceptional circumstances, trade policy can sometimes be an effective supplementary tool for dealing with our international payments imbalances. I therefore request more flexible authority to raise or lower import restrictions on a temporary basis to help correct deficits or surpluses in our payments position. Such restraints could be applied to imports from all countries across the board or only to those countries which fail to correct a persistent and excessive surplus in their global payments position.

Anti-Inflation Authority. My trade recommendations also include a proposal I made on March 30th as a part of this Administration's effort to curb the rising cost of living. I asked the Congress at that time to give the President new, permanent authority to reduce certain import barriers temporarily and to a limited extent when he determined that such action was necessary to relieve inflationary pressures within the United States. I again urge prompt approval for this important weapon in our war against inflation.

Generalized Tariff Preferences. Another significant provision of my proposed bill would permit the United States to join with other developed countries, including Japan and the members of the European Community, in helping to improve the access of poorer nations to the markets of developed countries. Under this arrangement, certain products of developing nations would benefit from preferential treatment for a ten-year period, creating new export opportunities for such countries, raising their foreign exchange earnings, and permitting them to finance those higher levels of imports that are essential for more rapid economic growth.

This legislation would allow duty-free treatment for a broad range of manufactured and semi-manufactured products and for a selected list of agricultural and primary products which are now regulated only by tariffs. It is our intention to exclude certain import-sensitive products such as textile products, footwear, watches and certain steel products from such preferential treatment, along with products which are now subject to outstanding orders restricting imports. As is the case for the multilateral negotiations authority, public hearing procedures would be held before such preferences were granted and preferential imports would be subject to the import relief provisions which I have recommended above. Once a particular product from a given country became fully competitive, however, it would no longer qualify for special treatment.

The United States would grant such tariff preferences on the basis of international fair play. We would take into account the actions of other preference-granting countries and we would not grant preferences to countries which discriminate against our products in favor of goods from other industrialized nations unless those countries agreed to end such discrimination.

Permanent Management Authorities. To permit more efficient and more flexible management of American trade policy, I request permanent authority to make limited reductions in our tariffs as a form of compensation to other countries. Such compensation could be necessary in cases where we have raised certain barriers under the new import restraints discussed above and would provide an alternative in such cases to increased barriers against our exports.

I also request permanent authority to offer reductions in particular United States barriers as a means of obtaining significant advantages for American exports. These reductions would be strictly limited; they would involve tariff cuts of no more than 20 percent covering no more than two percent of total United States imports in any one year.

REFORMING INTERNATIONAL TRADING RULES

The coming multilateral trade negotiations will give us an excellent opportunity to reform and update the rules of international trade. There are several areas where we will seek such changes.

One important need concerns the use of trade policy in promoting equilibrium in the international payments system. We will seek rules changes to permit nations, in those exceptional cases where such measures are necessary, to increase or decrease trade barriers across the board as one means of helping to correct their payments imbalances. We will also seek a new rule allowing nations to impose import restrictions against individual countries which fail to take effective action to correct an excessive surplus in their balance of payments. This rule would parallel the authority I have requested to use American import restrictions to meet our own balance of payments problem.

A second area of concern is the need for a multilateral system for limiting imports to protect against disruptions caused by rapidly changing patterns of international trade. As I emphasized earlier, we need a more effective domestic procedure to meet such problems. But it is also important that new arrangements be developed at the international level to cope with disruptions caused by the accelerating pace of change in world trade.

We will therefore seek new international rules which would allow countries to gain time for adjustment by imposing import restrictions, without having to compensate their trading partners by simultaneously reducing barriers to other products. At the same time, the interests of exporting countries should be protected by providing that such safeguards will be phased out over a reasonable period of time.

PROMOTING EXPORT EXPANSION

As trade barriers are reduced around the world, American exports will increase substantially, enhancing the health of our entire economy.

Already our efforts to expand American exports have moved forward on many fronts. We have made our exports more competitive by realigning exchange rates. Since 1971, our new law permitting the establishment of Domestic International Sales Corporations has been helping American companies organize their export activities more effectively. The lending, guaranty and insurance authorities of the Export-Import Bank have been increased and operations have been extended to include a short-term discount loan facility. The Department of Commerce has reorganized its facilities for promoting exports and has expanded its services for exporters. The Department of State, in cooperation with the Department of Commerce, is giving increased emphasis to commercial service programs in our missions abroad.

In addition, I am today submitting separate legislation which would amend the Export Trade Act in order to clarify the legal framework in which associations of exporters can function. One amendment would make it clear that the act applies not only to the export of goods but also to certain kinds of services—architecture, construction, engineering, training and management consulting, for example. Another amendment would clarify the exemption of export associations from our domestic antitrust laws, while setting up clear information, disclosure and regulatory requirements to ensure that the public interest is fully protected.

In an era when more countries are seeking foreign contracts for entire industrial projects—including steps ranging from engineering studies through the supply of equipment and the construction of plants—it is essential that our laws concerning joint export activities allow us to meet our foreign competition on a fair and equal basis.

THE GROWTH OF INTERNATIONAL INVESTMENT

The rapid growth of international investment in recent years has raised new questions and new challenges for businesses and governments. In our own country, for example, some people have feared that American investment abroad will result in a loss of American jobs. Our studies show, however, that such investment on balance has meant more and better jobs for American workers, has improved our balance of trade and our overall balance of payments, and has generally strengthened our economy. Moreover, I strongly believe that an open system for international investment, one which eliminates artificial incentives or impediments here and abroad, offers great promise for improved prosperity throughout the world.

It may well be that new rules and new mechanisms will be needed for international investment activities. It will take time, however, to develop them. And it is important that they be developed as much as possible on an international scale. If we restrict the ability of American firms to take advantage of investment opportunities abroad, we can only expect that foreign firms will seize these opportunities and prosper at our expense.

I therefore urge the Congress to refrain from enacting broad new changes in our laws governing direct foreign investment until we see what possibilities for multilateral agreements emerge.

It is in this context that we must also shape our system for taxing the foreign profits of American business. Our existing system permits American-controlled businesses in foreign countries to operate under the same tax burdens which apply to its foreign competitors in that country. I believe that system is fundamentally sound. We should not penalize American business by placing it at a disadvantage with respect to its foreign competitors.

American enterprises abroad now pay substantial foreign income taxes. In most cases, in fact, Americans do not invest abroad because of an attractive tax situation but because of attractive business opportunities. Our income taxes are not the cause of our trade problems and tax changes will not solve them.

The Congress exhaustively reviewed this entire matter in 1962 and the conclusion it reached then is still fundamentally sound: there is no reason that our tax credit and deferral provisions relating to overseas investment should be subjected to drastic surgery.

On the other hand, ten years of experience have demonstrated that in certain specialized cases American investment abroad can be subject to abuse. Some artificial incentives for such investment still exist, distorting the flow of capital and producing unnecessary hardship. In those cases where unusual tax advantages are offered to induce investment that might not otherwise occur, we should move to eliminate that inducement.

A number of foreign countries presently grant major tax inducements such as extended "holidays" from local taxes in order to attract investment from outside their borders. To curb such practices, I will ask the Congress to amend our tax laws so that earnings from new American investments which take advantage of such incentives will be taxed by the United States at the time they are earned—even though the earnings are not returned to this country. The only exception to this provision would come in cases where a bilateral tax treaty provided for such an exception under mutually advantageous conditions.

American companies sometimes make foreign investments specifically for the purpose of re-exporting products to the United States. This is the classic "runaway plant" situation. In cases where foreign subsidiaries of American companies have receipts from exports to the United States which exceed 25 percent of the subsidiaries' total receipts, I recommend that the earnings of those subsidiaries also be taxed at current American rates. This new rule would only apply, however, to new investments and to situations where lower taxes in the foreign country are a factor in the decision to invest. The rule would also provide for exceptions in those unusual cases where our national interest required a different result.

There are other situations in which American companies so design their foreign operations that the United States Treasury bears the burden when they lose money and deduct it from their taxes. Yet when that same company makes money, a foreign treasury receives the benefit of taxes on its profits. I will ask the Congress to make appropriate changes in the rules which now allow this inequity to occur.

We have also found that taxing of mineral imports by United States companies from their foreign affiliates is subject to lengthy delays. I am therefore instructing the Department of the Treasury, in consultation with the Department of Justice and the companies concerned, to institute a procedure for determining inter-company prices and tax payments in advance. If a compliance program cannot be developed voluntarily, I shall ask for legislative authority to create one.

THE CHALLENGE OF CHANGE

Over the past year, this Administration has repeatedly emphasized the importance of bringing about a more equitable and open world trading system. We have encouraged other nations to join in negotiations to achieve this goal. The declaration of European leaders at their summit meeting last October demonstrates their dedication to the success of this effort. Japan, Canada and other nations share this dedication.

The momentum is there. Now we—in this country—must seize the moment if that momentum is to be sustained.

When the history of our time is written, this era will surely be described as one of profound change. That change has been particularly dramatic in the international economic arena.

The magnitude and pace of economic change confronts us today with policy questions of immense and immediate significance. Change can mean increased disruption and suffering, or it can mean increased well-being. It can bring new forms of deprivation and discrimination, or it can bring wider sharing of the benefits of progress. It can mean conflict between men and nations, or it can mean growing opportunities for fair and peaceful competition in which all parties can ultimately gain.

My proposed Trade Reform Act of 1973 is designed to ensure that the inevitable changes of our time are beneficial changes—for our people and for people everywhere.

I urge the Congress to enact these proposals, so that we can help move our country and our world away from trade confrontation and toward trade negotiation, away from a period in which trade has been a source of international and domestic friction and into a new era in which trade among nations helps us to build a peaceful, more prosperous world.

RICHARD NIXON.

THE WHITE HOUSE, *April 10, 1973.*

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. PEPPER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 205, CREATING AN ATLANTIC UNION DELEGATION

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 348 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 348

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 205) to create an Atlantic Union delegation. After general debate, which shall be confined to the joint resolution and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the joint resolution shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.J. Res. 205, the Committee on Foreign Affairs shall be discharged from the further consideration of the joint resolution S.J. Res. 21, and it shall then be in order to consider the said Senate joint resolution in the House.

The SPEAKER. The gentleman from Florida is recognized for 1 hour.

Mr. PEPPER. Mr. Speaker, I yield 30 minutes to the able gentleman from Ohio (Mr. LATTA) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 348 provides for an open rule with 2 hours of general debate on House Joint Resolution 205, which is a bill creating an Atlantic Union delegation to organize and participate in a convention of delegations from such North Atlantic Treaty parliamentary democracies as may wish to participate.

Adoption of this resolution will have a positive impact on European nations. It will reassure them that Atlantic community interests occupy very high priority in the U.S. Congress. It will also impart new confidence in world money markets at this critical time. Passage of this resolution will be consistent with the President's foreign policy objectives and will give important balance to our global policy.

The cost of this resolution is $200,000 over a 3-year period. The delegation will disband after that time.

The Committee on Foreign Affairs reported the joint resolution by a vote of 21 to 8.

Mr. Speaker, I just add that I consider the resolution this bill would permit the House to consider as a very forward step toward bringing together the peace-loving and freedom-loving peoples and nations of the world. Our opposition has too often been much more united than we lovers of freedom in the world have been.

This resolution would authorize a U.S. delegation of 18 eminent citizens to participate in a convention made up of similar delegations from such North Atlantic Treaty parliamentary democracies as desire to join in the enterprise, and other parliamentary democracies the convention may invite, to explore the possibility of agreement on—

A declaration that the goal of their peoples is to transform their present relationship into a more effective unity based on federal principles;

A timetable for the transition by stages to this goal;

A commission to facilitate advancement toward such stages.

House Joint Resolution 205 provides that the convention's recommendations shall be submitted to the Congress.

The 18 delegates to the convention which House Joint Resolution 205 would authorize are appointed, six by the Speaker of the House of Representatives, after consultation with the House Committee on Foreign Affairs and the leadership, six by the President of the Senate, after consultation with the Senate Committee on Foreign Relations and the leadership, and six by the President of the United States. It appears, therefore, that all House Joint Resolution 205 would do is to authorize members of the United States chosen by the Speaker, the President of the Senate, and the President, not more than half of whom shall be from one political party, to meet and talk about a greater unity and closer cooperation among the major freedom-loving and peace-loving nations of the world. This is a step toward which the freedom-loving and peace-loving peoples and nations of the world have been moving a long, long time, however slowly. It is a further step which must be taken if we are to provide for the welfare of our peoples and to have peace in the world.

There will be those who are frightened by this proposal. There will be misrepresentations concerning the real meaning of House Joint Resolution 205 and the authority of our delegation. There will be those who will harken back to our days of isolation and want to see the return of those days and those days' tragic policies.

The nations which make up the NATO Treaty group and the United States and Canada have the power to provide a better life for all our people by working closer together and we have the power by working in closer unity to keep peace in the world. And time is running out. Nothing but good can come out of these discussions in the convention which our delegates would attend. They have no power to bind our Nation to anything. These discussions would be exploratory only. Any final action would have to be taken by the Congress of the United States. I hope, therefore, that in the interest of the prosperity and the peace of the free democratic nations of the world and for the betterment of the world in general, this rule shall be adopted and the House will have an opportunity to consider and I hope approve House Joint Resolution 205.

Mr. LATTA. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, this is the same resolution that was before the Committee on Rules last session. At that time the Committee on Rules decided to keep it in the committee.

The resolution that it kept provided for an expenditure of $300,000. This one provides for an expenditure of $200,000, so by keeping this resolution in the last Congress, the Committee on Rules saved the taxpayers $100,000.

But that is not all what the committee did. It gave the membership time to read the resolution. I think, after the membership of the House read the resolution and became familiar with it, the Members learned it was not a simple resolution. I think it is something with which all Americans should become familiar. Especially since we are preparing to celebrate the 200th anniversary of our Nation's birth. We are pleased with our independence and do not seek a federal union with the nations of Europe. As a matter of fact, I have not had any letters from my district urging that we yield any of our sovereignty to an Atlantic Union. This is precisely what this resolution would provide.

I was amazed yesterday, in interrogating some of the witnesses before the Committee on Rules, that they were in doubt on this question. When this resolution came out of the important Committee on Foreign Affairs, it came out with a very substantial vote. Yes, we heard that the other body had passed this resolution unanimously, only to hear from a subsequent witness that the other body had only three or four Members on the floor when they voted on it.

Naturally, I do not like to stand in the well and oppose a piece of legislation which has been pursued for so many years by my very good and close friend, the gentleman from Illinois (Mr. FINDLEY), but many of the reasons for which I oppose this bill are found in his statement to the President of the United States. The gentleman does not equivocate as to what is in this resolution or what is its intended goal.

On March 15, 1973, the gentleman from Illinois advised none other than the President of the United States as to the intent and purpose of this resolution. On page 8320 of the RECORD, at the bottom of the page, the gentleman from Illinois, states:

> The current monetary crisis, imbalances in trade, troop levels in Europe, negotiations with Warsaw Pact over weapons, the environmental problem, all could be more effectively handled by a Federal Government of the Atlantic Nations.

Could anything be clearer than that as to the intent and goal of this resolution? If there is any doubt, let me go further. The gentleman from Illinois also advised the President of the United States on this same date, and this appears on the same page of the RECORD:

> While no government is today ready for federation, there is growing realization on both sides of the Atlantic that some joint exercise of sovereignty is needed.

Does this leave any doubt in the mind of anyone?

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. LATTA. Mr. Speaker, I yield myself 5 additional minutes.

Does this leave anybody in doubt as to the intent, purpose, and goal of this legislation?

Mr. FRELINGHUYSEN. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I am happy to yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. I thank the gentleman for yielding.

I should like to call attention to the hearings held on almost an identical resolution, in 1971. One of the long-time proponents has been Clarence Streit. In answer to a question he said this:

> I would strongly favor including in such a Union's powers not only the common defense but a common foreign policy, a common currency, a common market and a common system for handling such interstate matters as mail, cables, aviation, etc.

So I believe the intention and the justification for a union is quite clear. It is a transformation of present relationships into a union and the transfer of certain aspects of national sovereignty to this new supranational entity.

I thank the gentleman for yielding.

Mr. LATTA. I thank the gentleman for his contribution.

If Members will turn to the resolution itself, on page 2, line 6, it provides authority as follows:

> to explore the possibility of agreement (a)

I emphasize this—

> to transform their present relationship into a more effective unity based on Federal principles:

And this is not all. Subtitle (b) provides:

> a timetable for the transition by stages to this goal;

I have not heard from any people in my district asking me to vote for legislation to surrender sovereignty and independence to some supernational government envisioned by this resolution. Have any Members in this Chamber been advised to do so? But, lo and behold, this resolution came out of the Rules Committee on yesterday to be voted on today.

I know some of the Members who voted for the legislation in the committee said they were going to oppose it on the floor. Well, I do not happen to believe we should vote for legislation in committee which we cannot support on the floor. I vote to kill bad legislation at every opportunity. On yesterday the Rules Committee would have done this House and this Nation a tremendous service by doing as it did last year. I mean we should have refused to report it for your consideration.

I fear that many Members of this House may have depended on the Rules Committee to defeat it and have not taken the time to examine its contents others may reason, "Well, we have the United Nations, why not the Atlantic Union?"

This is not another United Nations or anything like it. This is an attempt to bring about a federation with Europe, and I have not heard that a single nation in Europe is for such an Atlantic Union today. Should there be one, I hope the sponsors of the legislation will insert the name of the country in the record.

Mr. ASHBROOK. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I am pleased to yield to the gentleman from Ohio.

Mr. ASHBROOK. I certainly would like to associate myself 100 percent with the statement of my colleague from Ohio. I believe it is one of the most effective, forceful, and accurate statements I have heard.

It is absolutely correct that you could not have an Atlantic Union without some reduction in American sovereignty. I think that is the key issue here. If every member had heard the gentleman's brief statement, I think the vote against the bill would be overwhelming.

Mr. Speaker, I certainly appreciate what the gentleman said, and I congratulate him.

Mr. HOSMER. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I will be happy to yield to the gentleman from California (Mr. HOSMER).

Mr. HOSMER. Mr. Speaker, I would like to associate myself with the remarks of the gentleman from Ohio and ask for a vote against this resolution. I oppose the resolution on the Atlantic Union.

If the time for Atlantic Union ever came, it has long since passed. Today passage of the resolution would be disruptive and counterproductive to the unification of Europe that has been accomplished during the past few years.

Mr. Speaker, the resolution is a quixotic, emotional anachronism, and it ought to be laid to rest by a decisive negative vote.

Mr. LATTA. Mr. Speaker, I thank the gentleman from California (Mr. HOSMER).

Mr. Speaker, in closing, let me say that I hope the House will have its say during the 1-hour debate on the rule, and that we then vote down the rule.

Mr. Speaker, I reserve the balance of my time.

Mr. PEPPER. Mr. Speaker, I have no further requests for time.

Mr. LATTA. Mr. Speaker, I yield 5 minutes to the chief sponsor of this resolution, my good friend the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY, Mr. Speaker, I am very pleased with the rule that the Committee on Rules granted for this resolution. The original request was for 1 hour of debate and an open rule permitting amendments. At the request of the gentleman from New Jersey (Mr FRELINGHUYSEN) who has already been heard on the resolution, the time was extended by the Committee on Rules to 2 hours.

Mr. Speaker, the purpose of debate on the rule, I presume, is to deal with the quality of the rule itself, so I will not impose upon the time of the Members with an extended discussion of the resolution (H.J. Res. 205) or of the points that have been made by the speakers so far, except to this extent:

One might conclude from hearing these voices of concern from the Republican side of the aisle that here in this resolution is a demon brought to life and supported and conjured up by forces entirely beyond the Republican Party.

To those who might have misapprehension, I will call your attention, first of all, to the words of the President of the United States, the Honorable Richard Nixon, in a letter to me dated March 10, 1973. He said as follows:

> As a goal and a concept I have favored Atlantic Union for many years, dating back to my service in the Congress.

During the interview which I had with him on March 2, which predated this letter, the President assured me that he would sign the bill, and subsequent to our interview the Department of State issued a favorable report on the bill with these words in it——

Mr. LATTA. Mr. Speaker, will the gentleman yield?

Mr. FINDLEY. May I ask the gentleman, for what purpose?

Mr. LATTA. I would like the record to be complete.

Mr. FINDLEY. I yield to the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Mr. Speaker, I think it is well to point out that the President did not specifically endorse this particular proposal.

He said further in that letter:

> As President I have made it a policy not to give specific endorsement to resolutions of this kind, but I want you to know that my long-standing position on the concept and the goal which you are seeking to achieve through this resolution has not changed.

Mr. FINDLEY. Mr. Speaker, I am glad that the gentleman has read the entire letter, because it underscores thc President's support for not only the concept, but for the goal, and I think it gives added meaning to the assurance he gave to me in the interview that he will sign the bill.

He has been on record in support of resolutions of this kind as a private citizen, and the fact that he did not deem it suitable to be out front for specific language in advance of action by the Congress cannot be construed as casting any doubt upon his action as President when the time comes to sign the legislation.

Furthermore, one would think that this was somehow contrary to the wishes of the conservatives of the Republican Party.

Those who voiced their concern about it must necessarily find themselves to the right of Senator BARRY GOLDWATER, because just last week I had word that he stands by a letter of 1966 in which he endorsed the resolution, an almost identical resolution, in these words:

> The resolution that you introduced relative to the establishment of an Atlantic Union delegation is a good idea in my opinion. While I don't believe the North Atlantic unity is just around the corner, I do believe it is coming, in fact, I believe it will be a must before we can present a solid front to our communist enemies.

Just this past week such eminent soldier statesmen as the men who have served recently as supreme commander of NATO forces, Lyman L. Lemnitzer, and Lauris Norstad have added their voices of strong support to the enactment of this resolution.

In the Senate, where it passed without objection, its chief sponsor was a Democrat, GALE MCGEE, but right next to the name of GALE MCGEE were two other names, MIKE MANSFIELD and HUGH SCOTT.

Mr. Speaker, I yield back the balance of my time.

Mr. LATTA. Mr. Speaker, I have no further requests for time and reserve the balance of my time.

Mr. PEPPER. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Speaker, confession is good for the soul. I am listed in the report, and properly so, as a cosponsor of this resolution. However, I have become convinced from the developments that have occurred, particularly this year, and from what I learned of our situation in Europe as a result of my membership on a NATO subcommittee, and from a visit recently to a NATO defense conference in Munich, that this is not the proper time for us to take up this resolution and talk about some form of federal union in the Atlantic.

In particular I believe the remarks made by the gentleman from New Jersey (Mr. FRELINGHUYSEN), yesterday which appeared in the RECORD this morning on that very point are most persuasive, and so I intend to vote against the rule.

Mr. HUNT. Mr. Speaker, today I would like to speak out in opposition to the proposal of Atlantic Union. My friend and colleague the gentleman from New Jersey (Mr. FRELINGHUYSEN) has just returned from the Amsterdam Conference and from his report the Europeans do not want or expect the United States to press for European unity.

These views of course are somewhat in variance with those voiced by the resolution's chief sponsor. In the March 15 RECORD, Mr. FINDLEY states:

> Atlantic Union captures the genius of the American system of government-federalism and adapts it to meet the common problems of the experienced democracies of Europe and the Americas.

By this statement we are inferring here that the Europeans want and desire our form of government. This, of course, is not necessarily true, and it would be the first time in history that the United States has ever sought to impose its way of life on other nations.

In his remarks, my colleague goes on to say—

> Atlantic Union, a proposal under which the experienced democracies of Western Europe would be brought together with the United States and Canada in a single federal union government.

Let us just take a look at the meaning of the last four words of that quote, "single, federal, union, government," as defined by Webster's Dictionary:

> Single, one only: . . . 3a(1): consisting of or having only one part, feature, or portion . . ."
>
> Federal, 1 archaic: of or relating to a compact or treaty: 2a: formed by a *compact between political units that surrender their individual sovereignty* to a central authority but retain limited residuary powers of government.
>
> Union, 1a: an act or instance of uniting or joining two or more things into one: as (1): the formation of a single political unit from two or more separate and independent units . . .
>
> Government, 2: the act or process of governing.

Mr. Speaker, the United States should take an active role in preserving peace and stability in the world. This, however, is not the way. I do not think many Americans will sit still for this resolution and I know I will not. I am opposed, and will go on record accordingly when the Atlantic Union is put to a vote.

Mr. BURKE of Florida. Mr. Speaker, I rise in opposition to House Joint Resolution 205, which would create an Atlantic Union delegation, composed of what is termed 18 eminent citizens, to organize and participate in a convention jointly with delegations from other North Atlantic Treaty parliamentary democracies that desired to join in exploring the possibility of such an agreement.

I am sure you, my colleagues, are aware that studies are undertaken for one of two reasons. Either a study is undertaken to eliminate an existing program or institution, or it is undertaken to bring into existence a new program or institution.

The proposal before us today would bring into existence another additional layer of government to burden the American people. With each additional layer of government that is added, the American people lose part of their freedom to determine their own futures, and more and more of their money is committed to financing enterprises that is often not in their best interests.

We have only to look at our history as a nation to see the ultimate end to which this "exploitation of unity based on Federal principles" will lead, if it is permitted to take its natural course. We, as a nation, started as 13 independent, sovereign, culturally different colonies—a situation that is directly analogous to the present situation among the European parliamentary democracies and the United States. The only difference is that the Original Thirteen Colonies were threatened by an outside enemy and joined together in a "league of friendship," with each State remaining sovereign and independent, and retaining every right not ceded by it under the Articles of Confederation. However, as we all know, the Articles of Confederation failed as an instrument for government and was replaced by the Constitution. It might be interesting to recall why the Articles of Confederation failed. On paper, almost every important national authority was turned over to Congress, save three: the authority to raise money directly; the authority to enlist troops directly, and the authority to regulate commerce.

But the paper powers were not the actual powers. The States failed to respect the needs and requests of the National Government, especially in supplying money and men, and hence the so-called league of friendship could not function.

We have no reason today to expect more cooperation among Great Britain, France, Italy, West Germany, and the others who might join an Atlantic Union Convention, than there was among North Carolina, Georgia, Rhode Island, Massachusetts, New York, Virginia, and the other Original Colonies under the Articles of Confederation.

In fact, we have good reason to suspect the opposite because there is no common enemy threatening all concerned governments individually, hence, there is less reason to relinquish our national prerogatives, especially those relating to defense, currency, and welfare.

If, however, we could presume by some quirk of fate, that all the Atlantic parliamentary democracies did relinquish these important national prerogatives, then we would be well on our way to a United States of Europe and North America with all the curtailment in national sovereignty that such a unity implies. But, on the other hand, if all the North Atlantic Treaty parliamentary democracies did behave in the past accustomed manner, then we would be on our way to financing another debating society such as the United Nations. Either way, the American taxpayer loses, and I hope my colleagues will see the folly of this proposal and defeat the resolution.

I am a firm believer in the self-determination principle whereby people have the right to choose the kind of government they want, and that governments should be instituted among men deriving their just powers from the consent of the governed.

Contrary to what the majority report states, I believe that House Joint Resolution 205 violates this principle not only with respect to our own people who are largely unaware that this bill is before us and would severely curtail our national sovereignty, but also with respect to the people of our North Atlantic Treaty allies whose national identity and sovereignty will be called into question if they choose to participate in the proposed convention. Especially if they go as delegates free from official instruction as the resolution proposes ours do.

Are we so scared of a little honest competition from a strong European Economic Community that we seek by the oldest device in the world to join them, rather than to compete with them? I submit that the interests of the United States are best served by making our economy, our defenses, and the welfare of our people our primary concerns and letting the other countries do the same, without the benefit of elaborate alliances, such as this proposed exploration for an Atlantic Union.

The alternative to this proposal, if carried to its obvious conclusion, would lead to an Orwellian world, with super world governments controlling whole continents of people who look, act, and speak the same, instead of the marvelous diversity of cultures, languages, and philosophies which we have in the world today.

Mr. Speaker, I feel that our way of life, and our goals as a Nation are too precious to put in jeopardy by having us join in a federal union with other nations, each of which has its own culture and national aspirations.

Mr. Speaker, let us cooperate with other nations when it is demonstrably in our interest to do so, but let us say "No" to this unrealistic concept of an Atlantic Union as proposed by the bill before us today.

Mr. FRELINGHUYSEN. Mr. Speaker, I rise in opposition to House Resolution 348. In my opinion, the best way to defeat House Joint Resolution 205 is to vote against the rule. I am opposed to House Joint Resolution 205 not merely because it is impractical and unrealistic—which indeed it is—but because I believe it will serve to undermine rather than strengthen the cause of Atlantic cooperation. This is a cause which I personally favor.

I cannot emphasize my reservations too strongly. Passage of this resolution would be unwise; it would not lead to agreement regarding its professed objective—an Atlantic Union. The motives of Members of Congress in approving such a proposal would be suspect. In Europe at least we would be considered knaves or fools—or perhaps both. Though proponents may mean well, they could damage, not strengthen, existing ties between friends.

Many Members, I realize, share some of my misgivings about the wisdom of an Atlantic Union, but nevertheless, they have decided to go along with this resolution. They hope that it may do some good, others believe it will do no harm, that it is innocuous. Proponents assert that adoption of this resolution will have a positive impact on Europeans, that it will reassure them of congressional interest in the development of even stronger ties.

To act—even with the best of intentions—on such untenable assumptions by approving this resolution could kick off quite different, and decidedly adverse, reactions. Passage of this resolution, I am convinced, will not aid and might well damage efforts already underway to promote closer cooperation and understanding between this country and our Atlantic allies. Those who believe that the present generation of European leaders, or the people of Western Europe, will welcome a U.S.-sponsored initiative of this kind, are laboring under a dangerous delusion. There is no interest in Western Europe in transforming present United States-European relationships into a more effective unity based on federal principles. On the contrary, many fear that union with the United States would only signify U.S. economic and even political domination on the continent. Such a development they would view with alarm. Indeed, the continuing efforts—over a period of decades now—to encourage economic and political integration in Europe can be described at least in part as a major effort to avoid a takeover by the United States.

Europeans also would have reason to be apprehensive about the semiofficial character of the proposed U.S. delegation to an Atlantic Union convention. It is to be appointed by the Speaker of the House, the President of the Senate, and the President of the United States. In European eyes, this gives the delegates—whether instructed or uninstructed—the official sanction of the U.S. Government. Moreover, because this initiative originates in Congress, it will be suspect as an ill-concealed device to promote U.S. "hegemony" in European affairs.

Mr. Randolph Burgess, in his book, "Europe and America: The Next 10 Years," explained why Atlantic federation has much less support in Europe than the concept of European federation. The size and power of the United States, he feels, causes a natural fear that preponderant U.S. influence will become hegemony—militarily, politically and economically.

If this resolution should be passed, we shall undoubtedly hear Europeans use once again the old rhetoric about the United States as Great Britain's "Trojan horse" in Europe—about an imminent U.S. "takeover" of the European economy—about rampant "dollar diplomacy"—and so forth. No one in this body should be misled into thinking that passage of House Joint Resolution 205 will be welcomed in Europe as an unmitigated blessing.

This simply is not the case. If you think that by voting in favor of this resolution, you are promoting the cause of transatlantic harmony, I can only urge: Think again.

Mr. Speaker, I recently attended a 3-day Europe-America conference in Amsterdam. It was privately organized, and brought together over 300 delegates from 10 countries—including approximately 90 from the United States. Its purpose was to discuss the problems facing the Atlantic Alliance today, to explore possible solutions to these problems, and to consider also the future relationships between Europe and the United States. Incidentally, I was the only delegate from either House or Senate present at these sessions, though I know of several Members from both bodies who were invited.

The representation at this conference was heavily weighted in favor of what Flora Lewis has described, in the New York Times, as the "loose but recognizable Atlantic Establishment." Unquestionably, there were many distinguished representatives from both sides of the Atlantic. Many of them had been influential in shaping the early destiny of postwar Europe. At the same time, however, it must be pointed out that the delegations varied greatly in numbers, character, and quality. The German delegation, for instance, did not include a single member of Chancellor Willy Brandt's Social Democratic Party. Why? Perhaps partly, as Miss Lewis has pointed out, because "the younger people who have come to prominence and influence are interested in quite different matters."

Nevertheless, even among this generally Atlantic-oriented, Amsterdam group, there was an atmosphere of somberness and frustration—a mood of skepticism and suspicion. One French delegate went so far as to charge that the British and American sponsors of the conference were actually seeking to disrupt the newly enlarged European community. The Italian delegates neither joined in debate on, nor did they approve, a resolution, which was intended to be noncontroversial, urging further efforts to maintain a dialog. A West German delegate, the editor of a prominent newspaper, warned the Europeans present of the dangers of "Canadianization," which he defined as a form of economic subservience by Europeans to the United States.

On only one occasion, Mr. Speaker, did anyone even mention Atlantic Union—either formally or informally—and obviously the idea ranked at the very bottom of anyone's immediate agenda. When I brought the subject up, at my own initiative, during informal discussions with individual delegates, the reaction was one of skepticism and apprehension—even among those Europeans who were most friendly to the United States. The general consensus was that there were more than enough practical problems to contend with—especially in the trade and monetary fields—without taking on this additional impossible dream. Instead, talk centered on possible institutional improvements and changes in procedures, and the development of machinery for discussions and for working out transatlantic differences. Even within this limited and less ambitious framework, however, agreement remained elusive.

Mr. Speaker, the proponents of House Joint Resolution 205 concede that "no government today is ready for federation"—but they suggest Atlantic Union as an ultimate goal which should now be explored. What is that far-off—or perhaps far-out—visionary goal? According to the sponsors, Congress should agree on a search for ways to transform present relationships among friendly nations—not necessarily limited to the Atlantic community—into a more effective union based on federal principles.

Let us take a look at the dictionary's definitions of some of these words, Mr. Speaker. To transform means to—

> change in character or condition; transform implies a *major change* [italics added] in form, nature or function.

The definition of "union" is equally illuminating. Union means—

> The formation of a *single political unit* [italics added] from two or more separate and independent units.

What is meant by federal principles? Well, Websters dictionary defines the adjective "federal" as—

> formed by a compact between political units that *surrender their individual sovereignty to a central authority* [italics added], but retain *limited* [italics added] residuary powers of government.

The sponsors of House Joint Resolution 205 quite frankly admit that what is sought—among other things—is a common defense, a common currency, a common policy regarding international trade, a common foreign policy and an agreement as to how this new federal union might increase its aid to developing nations. Instead, most of these aims are specified in the wording of the resolution. These decisions, it should be emphasized, are to be made by the Union. They will be binding on all members of the Union, regardless of the feelings of individual member nations.

Since we are already in the realm of the hypothetical, let me present a hypothetical case: Let us suppose that the Mansfield resolution—which, incidentally, I have consistently opposed—should be suddenly passed by both Houses of Congress and agreed to by the President. This resolution, I am sure I need not point out, calls for the unilateral withdrawal by the United States of a substantial number of our troops from Europe.

As matters stand now, a national decision of this kind, relating to the disposition of our own troops, could not be blocked by our Allies. However, if the United States belonged to an Atlantic Union and other member nations objected to our decision, our troops could not be withdrawn even though that was our desire. One can only wonder, Mr. Speaker, how much thought certain distinguished Members of the other body could have given this subject when 2 weeks ago they routinely passed an Atlantic Union resolution, without debate and by unanimous consent.

Mr. Speaker, I have been opposed to unilateral reduction of our forces in Europe, but I believe it essential that the United States retains the right to make a reduction. My friend, PAUL FINDLEY, wants to qualify that right. In his memorandum to President Nixon he describes the Mansfield resolution as a "sword of Damocles" hanging over our European policy. In Mr. Findley's opinion, Atlantic Union will give stability and depth to our present policy beyond Mr. Nixon's term of office. In other words, an Atlantic Union could prevent us from changing our national policy and deciding to withdraw our troops.

The Senate, regrettably, has already acted, but Members of this body can still give adequate consideration to the possible consequences of this ill-advised proposal. Frankly, Mr. Chairman, this resolution is before us today only because its sponsors—who unquestionably mean well—have managed to convince a large segment of the membership of our Foreign Affairs Committee that this proposal, at worst, is harmless. No commitment is being made at this stage, they assert, and only if sufficient interest is shared by those participating and if tentative agreement can be reached on specific proposals, will authorization be sought from the appropriate national legislative bodies. Perhaps an argument of this kind may appeal to those who are indifferent to the Atlantic Union concept—and I suspect that most Members of both Houses of Congress would fall into that category. However, I do not believe this resolution is harmless. Unquestionably, approval by Congress of House Joint Resolution 205 gives tacit approval to the goal of federal union. Why else would we authorize an exploration of the possibility of agreement? I hope it will not be passed on the basis of inertia and indifference. That is hardly the proper way to legislate.

Mr. Speaker, I submit that this resolution is not in the interest of the United States. It is not in the interest of any of the member nations of the Atlantic Alliance, or, indeed, of any group which is seriously interested in the improvement of American-European relations. I urge that House Joint Resolution 205 be rejected.

In conclusion, Mr. Speaker, let me say that there are practical, and important, ways in which Congress this year can concern itself with respect to relationships with our European Allies. Of overriding importance is the problem of trade negotiations. In order to develop more equitable trading relationships with other nations, the President is requesting substantial changes in our present laws. This should be priority business, Mr. Speaker. This should receive our prompt attention, and we should today abandon the pursuit of an unrealistic and unwise goal—Atlantic Union.

Mr. REUSS. Mr. Speaker, I shall vote for the rule, but I have grave doubts about House Joint Resolution 205.

While an Atlantic Union of like-minded democratic countries, based on federal principles is an idea which has had some appeal in the past, it does not address itself, in my judgment, to the problems of 1973.

The important international problems of the day, security aside, are world trade, international money, the multinational corporation, aid and tariff preferences to developing countries, the availability and conservation of natural resources such as oil, and the environment. A political federation, such as this resolution seeks, tends to stress political values over economic realities.

Our international economic policies remain, to say the least, ramshackle. Why should we strain at the gnat of political federation, while swallowing the camel of economic disarray?

Not only does the resolution thus overemphasize politics at the expense of economics. By its exclusive concentration on the Atlantic area—the United States, Canada, Western Europe—it ignores those countries which, like Japan, deserve membership in any consortium of the industrialized nations. Unless the word "Atlantic" is to be deprived of all meaning, it excludes Japan. And this should not be.

There is, indeed, a need for a convention of eminent citizens—perhaps the same kind of eminent citizens as are referred to in House Joint Resolution 205. But the subject matter of the convention should be economics, and the areas represented should include Japan.

That need is well set forth in a helpful little book, published in the last few weeks by the Aspen Institute for Humanistic Studies, "Europe and the United States," by Prof. Karl Kaiser of the University of the Saar in Saarbruecken, West Germany. Professor Kaiser says:

> The United States, the European Community, and Japan . . . should establish a commission of eminent and knowledgeable private citizens from Europe, Japan, and North America. Its task should be to review the major interdependent problems of the international economic system and develop recommendations for approaches and solutions. The report of the commission should serve to focus public attention and mobilize opinion, invigorate the international dialog, and provide a working basis for legislatures and governments . . . The governments involved should put at the disposal of the commission all necessary expert advice and research facilities as well as making it possible to consult any political or economic group in major countries and international organizations active in related fields. Since it will take some time for the commission to produce its report, a link should be established between its deliberations and the discussions of reform being carried out simultaneously by various international organizations, within countries, and between governments. This will ensure mutual benefits to all concerned parties.

I commend the question of a commission along these lines to the attention of the House Committee on Foreign Affairs.

Mr. MADDEN. Mr. Speaker, when House Joint Resolution 205—to create an Atlantic Union delegation—was before the Rules Committee yesterday, I expressed my thoughts regarding some of the dangers and pitfalls connected with the establishment of this kind of an 18-member delegation to debate and resolute on some of our stupendous, complicated, and highly important international problems. The dangers connected with the Congress establishing a so-called third foreign policy committee to sit down with a number of European nations to discuss, debate, and make recommendations on the course our Nation should follow in regard to our Atlantic nation neighbors could easily lead to embarrassing pitfalls and false interpretations on the part of other nations as to how the U.S. Congress would officially act on some of the decisions made by the proposed Atlantic Union delegation.

The Congress has created the House Foreign Affairs Committee and also the Senate Foreign Relations Committee who are more or less constantly holding hearings during regular sessions of Congress and recording testimony from individuals, organizations, Members of the Congress, the Secretary of State, and any other of the executive department that may desire to testify. These two important congressional committees are well qualified to contact any of our European or Atlantic neighbors and invite their duly constituted officials to present all sides of any international problems which may be in dispute or up for debate and decision without depending upon 18 members of the so-called Atlantic Union delegation to speak for the Congress.

One of the alarming paragraphs in House Joint Resolution 205 was the following:

> (d) All members of the delegation shall be free from official instructions, and free to speak and vote individually in the convention.

Judging from that paragraph in the bill, this proposed delegation would be free to ignore instructions from the President or the Congress of the United States but would have authority to speak and vote their individual conclusions on international problems in the convention.

This situation would be interpreted by the other nations of the world that the Atlantic Union delegation of 18 members could make policy and decisions that would greatly undermine the authority and jurisdiction which the Constitution of the United States specifically gives to the President and the Congress.

I distinctly remember back in 1954 when John Foster Dulles, Secretary of State under President Eisenhower, almost singlehandedly convinced the Congress that we should enter into the Southeast Asia Treaty. At that time, in a House Foreign Affairs Committee meeting, he specifically stated in answer to a question that, "no American boys would ever be called upon to fight on the Asiatic continent, that the Southeast Asiatic Treaty would be limited strictly to military equipment, airplanes, advisers, and so forth."

The Congress acted on these assurances but, of course, at the time of Vietnam, most newspapers over the country heralded that we must follow through with our commitment to Southeast Asia and engage in a fighting war in order to underwrite and follow through with the commitments we made in the Southeast Asia Treaty. These so-called commitments did not include a fighting war in Asia.

The Southeast Asia Treaty led us into our unfortunate experience in Vietnam, Cambodia, Laos, et cetera. Each day the news media reminds us that we may spend billions more before we have complied with the so-called imaginary obligations of the SEATO.

The Congress should have learned a valuable lesson on treaties and Atlantic Union delegations when solving our international problems.

I am opposing the Atlantic Union resolution.

Mr. RARICK. Mr. Speaker, I find it strange that the Congress would even consider such a resolution proposing Atlantic Union at this time when people across the Nation are preparing to celebrate the 200th anniversary of the American Revolution, the war which freed our people from English rule.

The bill before us would create a delegation of Americans to explore entering into a union based on federal principles. Such a union could only result in restoring economic, financial, and military ties with European countries, thus placing the destiny of the United States and its people in the hands of a federation of governments in which the United States had only one vote.

It is only reasonable to expect that the result of every vote taken in such a union would be favorable to European interests which could be detrimental to the United States and the interests of the American people. We should have learned this lesson from our participation in the United Nations or in SEATO, both of which include Britain and France. We received no committed support in SEATO from the British or the French for our involvement in Vietnam. I do not know what argument could be used to indicate that we would have support under any Atlantic alliance unless the action taken by the union directly involved or benefited our English or French friends.

Should the union proposed by this resolution become a reality, the Congress of the United States would become a secondary body subject to the dictates of a majority vote of representatives of foreign nations. I believe in the sovereignty of the people of the United States and their right to control their destiny. They can do this only if the Congress asserts its constitutional power, its voice, to legislate and control the activities of this Nation.

Americans fought to gain their sovereignty and have fought too many wars to keep this sovereignty to give it away now merely because the President has promised to sign the bill.

If the President understands the provisions of the legislation and endorses its thrust, then we must conclude that he stands ready to give our national sovereignty away.

It is inconceivable to me how any Member can support the resolution before us and at the same time speak out for restoration of congressional authority to return power of government to the people. The two ideas simply do not go together.

Furthermore, I cannot visualize why it is necessary for us to submit to some Atlantic Union in which the United States would have only one vote. We have already given unparalleled economic and financial assistance to the countries of Europe and we have sent our men, resources, and military equipment to save them in two past wars. We have absolutely nothing to gain by returning our country to European domination.

Finally, I am convinced that the American people are sick and tired of continued involvement in international organizations and movements. The American people will not tolerate any action that threatens our national sovereignty and limits their ability to control their own lives. The American people sent us here to represent them and vote on matters that decide our Nation's policies. A vote even to grant a rule on this resolution should be taken as an indication that we cannot do our job. I do not believe this. I believe in our form of government and will cast my people's vote against the rule and the Atlantic Union resolution.

Mr. **RAILSBACK.** Mr. Speaker, I wish to take this opportunity to commend my distinguished colleague from Illinois for his tireless efforts on behalf of House Joint Resolution 205—the legislation before us today that would create an Atlantic Union delegation. For several years, I have been pleased to join PAUL FINDLEY in sponsoring this far-reaching resolution, and I urge its passage this afternoon.

As I am certain you are all aware, House Joint Resolution 205 would create an Atlantic Union delegation to participate in a convention with the delegations from other North Atlantic States. The convention would determine the possibility of agreement on: First, a declaration of the goal of a more effective unity based on federal principles; second, a timetable for the transition to this goal; and third, a commission to facilitate the advancement of the goal.

I cannot emphasize too strongly how vital it is for our country to begin to explore new ways of dealing with other North Atlantic States. The economic, social, and political problems which confront our Nation do not respect national boundaries. Some type of international institution must be set up to deal with the problems which are supranational in scope.

There is a serious monetary crisis. NATO has steadily been losing its influence. And, of course, there is the U.S. balance-of-payments problem. The time has never been more ripe for the Congress to enact legislation that would permit representatives of our country to explore the question of Atlantic Union with representatives of other North Atlantic States. Such legislation has already been cosponsored by nearly 80 House Members. It has passed the Senate. Gen. Lyman L. Lemnitzer, the former Supreme Commander of NATO, has endorsed the resolution. The State Department explained House Joint Resolution 205 "would be consonant with the goals and concepts which this administration is seeking to achieve in transatlantic relationships." The President himself has been a longtime supporter of Atlantic Union and has assured the chief sponsor of the resolution that he would sign it.

Let us wait no longer. Without further delay, let us pass House Joint Resolution 205.

Mr. **GROSS.** Mr. Speaker, the resolution before the House, making in order legislation creating an Atlantic Union delegation, ought to be defeated without further loss of time.

If there is one thing this country does not need at this time it is another international organization through which to expend the taxpayers' money. The facts of life dictate that there are many of these organizations that ought to be abolished forthwith.

If the countries bordering on the Atlantic want to federate into a one-world organization, why have they made no move to that end? The truth of the matter is that not a single one has demonstrated any real interest. Only a few misguided Americans are carrying this torch.

Amid all the unanswered questions attending the reason for attempting to promote this international organization there is one question to which the answer is self-evident: It will cost $200,000 just to get it in motion and thereafter the cost to U.S. taxpayers can be anything.

This is the time and place for Members of the House to ask themselves how much of their sovereignty and that of their constituents they are ready to surrender to this proposed one-world outfit.

In the interest of devoting time to something worthwhile, the pending rule should be defeated and the resolution which it makes in order should be sunk without a trace.

Mr. **HORTON.** Mr. Speaker, I rise in support of House Joint Resolution 205 creating an Atlantic Union Delegation. I am among the 78 House Members who are sponsors of this legislation.

House Joint Resolution 205 authorizes the appointment of an 18-member delegation to organize and participate in a convention made up of similar delegations from other NATO countries to seek agreement on federation as the long-term goal of their present relationships. The supporters of this concept foresee several positive effects that would result from congressional adoption of this resolution. We believe it would demonstrate to our European partners the importance our Nation attaches to the interests of the Atlantic community and to stronger institutional ties with Western Europe as well as Canada. Certainly there is growing awareness on both sides of the Atlantic that solutions must be found to common problems such as monetary and trade policies. We also believe that acceptance of this resolution would lend new confidence in world money markets at a particularly crucial time.

It is important to point out that this resolution merely authorizes the exploration of an agreement and that the proposed convention would have no power to bind or commit our Government. The convention could make recommendations only and these, of course, would be subject to the approval of Congress.

President Nixon has indicated in clear terms his support for the Atlantic Union concept. The administration supports this resolution and has stated that its passage would be in accord with the goal of strengthening the Atlantic community. An identical resolution has already passed the Senate unanimously, and I hope my colleagues in the House will also act favorably to authorize this important American initiative.

Mr. **PEPPER.** Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The **SPEAKER.** The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. **HOSMER.** Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER.** Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 197, nays 210, not voting 26, as follows:

[Roll No. 83]

YEAS—197

Abzug
Adams
Addabbo
Alexander
Anderson,
  Calif.
Anderson, Ill.
Annunzio
Arends
Ashley
Aspin
Badillo
Barrett
Bennett
Bergland
Biester

Bingham
Blatnik
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Breckinridge
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Burke, Mass.
Burton

Carey, N.Y.
Chisholm
Clay
Cleveland
Conte
Conyers
Corman
Culver
Daniels,
  Dominick V.
Danielson
Dellenback
Dellums
Dingell
Donohue
Drinan

du Pont
Eckhardt
Eilberg
Erlenborn
Esch
Evans, Colo.
Fascell
Findley
Fish
Flood
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fraser
Frenzel
Fulton
Giaimo
Gibbons
Gonzalez
Grasso
Gray
Green, Pa.
Griffiths
Gubser
Gude
Hanley
Hanna
Harrington
Hawkins
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hogan
Holtzman
Horton
Howard
Hungate
Johnson, Calif.
Johnson, Colo.
Jordan
Karth
Kluczynski
Koch
Kyros
Leggett
Lehman
Litton
Long, Md.

McCloskey
McCormack
McDade
McFall
McKinney
Macdonald
Madigan
Mallary
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Mills, Md.
Mink
Mitchell, Md.
Moakley
Mollohan
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Nedzi
Nix
Obey
O'Hara
O'Neill
Owens
Patman
Pepper
Perkins
Pike
Podell
Preyer
Price, Ill.
Quie
Railsback
Rangel
Rees
Regula
Reid
Reuss
Riegle
Rinaldo
Robison, N.Y.
Rodino
Roncalio, Wyo.

Rooney, Pa.
Rostenkowski
Ruppe
Ryan
St Germain
Sarasin
Sarbanes
Schneebeli
Schroeder
Seiberling
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Stanton, J. William
Stanton, James V.
Stark
Steelman
Stokes
Studds
Sullivan
Symington
Thompson, N.J.
Thornton
Udall
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Wampler
Ware
Whalen
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wright
Wydler
Yates
Yatron
Young, Ga.
Young, Ill.
Zablocki
Zwach

NAYS—210

Abdnor
Andrews, N.C.
Andrews, N. Dak.
Archer
Armstrong
Ashbrook
Bafalis
Baker
Beard
Bevill
Biaggi
Blackburn
Bray
Breaux
Brinkley
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Butler
Byron
Camp
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cochran
Cohen
Collier
Collins
Conable
Conlan
Cotter
Coughlin
Crane
Cronin
Daniel, Dan
Daniel, Robert W., Jr.

Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Dorn
Downing
Duncan
Edwards, Ala.
Eshleman
Fisher
Flowers
Flynt
Fountain
Frelinghuysen
Frey
Froehlich
Fuqua
Gaydos
Gettys
Gilman
Ginn
Goodling
Green, Oreg.
Gross
Grover
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanrahan
Harsha
Hastings
Hays
Henderson
Hicks
Hillis
Hinshaw
Holt
Hosmer
Huber
Hudnut
Hunt

Hutchinson
Ichord
Jarman
Johnson, Pa.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Keating
Kemp
Ketchum
Kuykendall
Landgrebe
Landrum
Latta
Lent
Lott
Lujan
McClory
McCollister
McEwen
McKay
Madden
Mahon
Mailliard
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathis, Ga.
Michel
Milford
Miller
Mills, Ark.
Minish
Minshall, Ohio
Mitchell, N.Y.
Mizell
Montgomery
Moorhead, Calif.
Myers
Natcher
Nelsen
Nichols
O'Brien
Parris
Patten
Peyser
Poage

Powell, Ohio
Price, Tex.
Pritchard
Quillen
Randall
Rarick
Rhodes
Roberts
Robinson, Va.
Roe
Rogers
Roncallo, N.Y.
Rose
Roush
Rousselot
Roy
Runnels
Ruth
Sandman
Satterfield
Saylor

Scherle
Sebelius
Shoup
Shriver
Shuster
Sikes
Snyder
Spence
Staggers
Steed
Steele
Steiger, Ariz.
Stephens
Stratton
Stubblefield
Stuckey
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Thomson, Wis.

Thone
Tiernan
Towell, Nev.
Treen
Ullman
Veysey
Waggonner
Walsh
White
Whitten
Wilson, Charles, Tex.
Wolff
Wyatt
Wylie
Wyman
Young, Alaska
Young, Fla.
Young, S.C.
Young, Tex.
Zion

NOT VOTING—26

Bell
Burke, Calif.
Diggs
Dulski
Edwards, Calif.
Evins, Tenn.
Goldwater
Hansen, Idaho
Hansen, Wash.
Harvey

Holifield
Jones, Ala.
King
Long, La.
McSpadden
Passman
Pettis
Pickle
Rooney, N.Y.
Rosenthal

Roybal
Shipley
Steiger, Wis.
Teague, Calif.
Teague, Tex.
Wilson, Charles H., Calif.

So the resolution was rejected.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Teague of California.

Mr. Teague of Texas with Mr. Long of Louisiana.

Mr. Dulski with Mr. King.

Mr. Edwards of California with Mr. Diggs.

Mr. Jones of Alabama with Mr. Harvey.

Mr. Holifield with Mr. Pettis.

Mr. Rosenthal with Mr. Steiger of Wisconsin.

Mr. Shipley with Mr. Hansen of Idaho.

Mr. Charles H. Wilson of California with Mr. Goldwater.

Mr. Roybal with Mr. Bell.

Mr. Evins of Tennessee with Mr. Pickle.

Mrs. Burke of California with Mr. McSpadden.

Mrs. Hansen of Washington with Mr. Passman.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PEPPER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just rejected.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

AMNESTY

(Mr. CHAPPELL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CHAPPELL. Mr. Speaker, once again we are hearing talk of general amnesty for draft dodgers and deserters and once again I rise in solid opposition to these proposals.

I cannot believe a majority of Americans would favor a national policy which would say, in effect, that our citizens now have a choice as to which laws they will obey and which they will violate.

If amnesty were granted those who chose to abandon responsibility to law, then our entire system of government would be in peril of collapse.

There are those who say we should forgive and forget those who ran when called to serve. They suggest that now the war is done, everyone should be allowed to come home free forever of the stigma they have attached to themselves by fleeing the country rather than serve.

The people I represent do not go along with this kind of thinking. My mail and my conversations with the people of the Fourth District of Florida indicate to me a majority of those I serve agree with me.

I cannot conceive facing the parents of families of those who are still missing in Southeast Asia, or the loved ones of those wounded, or the prisoners of war who now, thankfully, have been returned to us, to tell them their Government ranks their sacrifice no higher than the disservice of a draft dodger.

Each of us has responsibilities to freedom, Mr. Speaker. While we may not always agree with the exact policies of our Government, it is our duty to work within that Government for change. That is what Congress is all about. That is the precise purpose of an election. It is the function of a public forum. Most assuredly those who run from responsibility should not be given the cloak of amnesty.

I hope the day never comes when there are alterations in that policy.

This Nation was founded on compassion for human beings, with justice for all. To grant amnesty would be to abandon the concept of uniform justice, for amnesty would destroy justice and make it a mockery. Those who chose to cut and run should pay the penalty for what they have done against their homeland.

FAYETTEVILLE MAN CHALLENGES DETROIT

(Mr. HANLEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. HANLEY. Mr. Speaker, for many years, a constituent and good friend of mine, Arthur Zankowski of Fayetteville, N.Y., has been working on a dream. Mr. Zankowski is an inventor, and his dream is a highly modified, efficient, and inexpensive internal combustion engine.

Recently, an article appeared in the Syracuse New Times concerning Art and his efforts. I commend the article to my colleagues:

[From the Syracuse New Times, Mar. 8, 1973]

FAYETTEVILLE MAN CHALLENGES DETROIT

(By Ellis B. Simon)

A Fayetteville inventor with a ninth-grade education has developed an auto pollution control system which is so efficient that it is far beyond anything Detroit technologists believe can be built. For 16 years, Arthur Zankowski has worked on a system which reduces emissions of a standard internal combustion engine to the point where it can be run in a closed room without harming humans.

Zankowski's system recycles exhaust back into the engine. "Detroit treats exhaust as a 'sewer,' whereas my fundamental belief has been that the exhaust is really a rich source of elements and energy," he said.

The basic components of engine exhausts are hydrocarbons, carbon monoxide and nitrous oxides. In Zankowski's system, these are converted through a series of chemical and physical reactions into water vapor and carbon dioxide.

However, the exhaust still includes minute traces of the original exhaust products. These amounts, the inventor claims, are less than 10 parts per million—far below the U.S. Environmental Protection Agency's (EPA) standards for 1975 and 1976, which require 500 to 600 parts per million.

The water vapor produced is condensed and recycled. It is broken down into hydrogen and oxygen—the hydrogen used to enrich the gasoline and the oxygen to support combustion.

In a large engine, the water can also be used to cool the engine block, replacing the need for a radiator and water pump. Zankowski also envisions the possibility of taking the water vapor, heating it with raw exhausts and using it to drive a steam turbine.

The most fascinating feature about Zankowski's system is its ability to operate without air intake. Although some air intake is needed to get the engine started, as the system begins producing oxygen and building pressure, there is a sufficient oxygen-fuel mixture to eliminate the need for additional outside air. Zankowski's one-cylinder engine can maintain 2,600 revolutions per minute (maximum of 3,200 rpms) without air intake. Thus, a carburetor is not needed.

Other advantages of Zankowski's system are more efficient use of fuel and ability to run on crude gasoline without additives. In fact, he claims additives have a negative effect on the engine's performance. In addition, there would be no parts to replace during the lifetime of the engine block and maintenance costs would be minimal.

In contrast to this, Detroit-designed systems would require use of more gasoline with additional additives. The Detroit plan also requires a catalytic muffler which would have to be replaced every 12,000 miles.

DETROIT DIFFERENCE

Zankowski feels Detroit and he are moving in opposite directions because of the different approaches manufacturers take to the pollution problem; Detroit's approach is based on technology and his based on science. He explained that the scientist tries to determine, by whatever means he can realize, the constituent parts of a system—whereas the technician tries to take the present "state of the art" knowledge and try to force it into various designs and engineering postures which in no way relate to the overall problem.

"I treat the entire sequence of events and its component chemical and physical reactions as a total environment. Detroit does it piecemeal," Zankowski said.

Zankowski has applied for a United States patent for his air control system and has formed a corporation, AZAPCO Inc., to fund continuing work on the system. He has also enlisted the aid of several local scientists in his research. Zankowski has sent copies of the patent application to various Detroit auto interests and Curtiss-Wright, inventor of the Wankel rotary engine.

Detroit manufacturers and the federal government have shown no interest in Zankowski's work, despite efforts by Rep. James. M. Hanley, D-Syracuse, to get government officials to examine the system. Fuji Heavy Industries of Japan, manufacturers of the Subaru car, is the only firm to have sent a representative to see the system in action.

TOO OBVIOUS?

Zankowski feels the lack of interest on the part of the American manufacturers may be due to the simplicity of his mechanical design. He is critical of a "Detroit syndrome" among government environmental officials, who believe only Detroit technicians can solve the problem of automobile pollution. "This Detroit syndrome has done more to stifle research into this area than any other factor," he said.

Zankowski's involvement in his pollution control system started 16 years ago as a small spare-time project and has grown to be his whole life. In 1957 he was fishing on Lake Oneida and became annoyed by the fumes and oil slicks produced by the small engine on his boat.

He underwent an intensive study of physics and chemistry to learn the principles behind his early discoveries. He postulated new hypotheses, which he applied to the development of his pollution-control system.

Expressing the personal significance of his work, Zankowski said: "If nothing ever happens from this, I've got the satisfaction of knowing I did it."

RUSSIA RELENTS ON SOVIET JEWRY

(Mr. WON PAT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WON PAT. Mr. Speaker, as one of the many supporters of the Mills-Vanik bill which authorized economic sanctions against the Soviet Union if that country did not relent in its policy of discrimination against its Jewish citizens, I am pleased to have recently received a letter from Rabbi Israel Miller, president of the American Zionist Federation, thanking each of us for our actions.

Rabbi Miller said that our bill was of considerable assistance in forcing the Soviet Government to remove its deplorable "diploma tax" of up to $30,000 against educated Jews who wish to emigrate to Israel.

I know that my colleagues who also supported the Mills-Vanik bill are equally proud to know that our efforts in this fight against injustice were successful. I only hope that our victory today is not a hollow one, which will disappear whenever the Soviet dictatorship feels it to be advantageous to once again persecute Jews in their midst.

We in this great country have made many advances in our relations with different races and ethnic groups which comprise our population. Although discrimination still exists, the dedicated efforts of such leaders as Abraham Lincoln, Louis Brandeis, Martin Luther King, and other advocates of freedom for all peoples have not be in vain.

And, if America's pursuit of equality for our people is to be taken seriously, then we must also be on guard against such injustices abroad.

At this time, I would like to insert Rabbi Miller's letter in the RECORD:

AMERICAN ZIONIST FEDERATION,
New York, N.Y., March 28, 1973.

HON. ANTONIO B. W. PAT,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN PAT: There can be no question that the responsible leadership you have provided in lending your support and name to the Mills-Vanik Bill, relating to the granting of most-favored-nation status to the Soviet Union, has resulted in recent moves by the Soviet authorities to ameliorate the edict on the diploma tax. On behalf of the more than 600,000 enrolled Zionists joined in the American Zionist Federation, I offer my sincere thanks for the efforts you have made which resulted in what we hope is a break-through, in at least one aspect of Jewish emigration. We trust that the inhuman and onerous ransom tax will soon be officially abrogated for all and we must continue to press for the rights of an unhampered, free emigration. The Bill will help achieve this goal.

This is not just a Jewish question but one which, as a moral issue, concerns all men. Your actions have again emphasized your leadership in the struggle for human rights.

We wish you continued success.

Very truly yours,
Rabbi ISRAEL MILLER,
President.

TAXATION OF RETIREMENT CONTRIBUTIONS

(Mr. HUNGATE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HUNGATE. Mr. Speaker, it is my understanding that litigation is now pending in the U.S. District Court for the Eastern District of Michigan questioning the Government's entitlement currently to tax the contributions of Federal employees to the civil service retirement and disability fund. The National Association of Internal Revenue Employees and the AFL–CIO Letter Carriers maintain that income tax should be levied against such contributions at the time they are returned to the employees in the form of retirement annuities. This, of course, would make such funds taxable at a time when an employee's income is reduced and so the tax rate applicable to such funds would be lower.

On March 29, 1973, the Clerk of the U.S. House of Representatives notified all Members and employees of the House as follows:

> The outcome of this case could result for certain individual taxpayers, in substantial refunds on income taxes paid over the last few years. Resolution of this case will be a lengthy matter of appeals that could take it all the way to the Supreme Court.
>
> Section 6511 of the Internal Revenue Code provides that claims for refunds be made within three years from the date the income tax return was filed or two years from the time the tax was paid. Since the statute of limitations is applicable in this matter, the Clerk wrote on February 22, 1973 to the Commissioner, Internal Revenue Service, seeking the optimum way to protect the rights of House Members and employees. The Commissioner replied on March 21, 1973 advising "taxpayers to file protective Claim, Form 843, in order to preserve their rights to possible refunds" together with filing instructions . . ."

Today, together with my colleague, Congressman JEROME R. WALDIE, the distinguished chairman of the subcommitee on Retirement and Employee Benefits of the House Post Office and Civil Service Committee, I am introducing legislation which I believe to be a better way of approaching the problem. In essence, the legislation would suspend the running of the statute of limitations on income tax returns for the years 1969 on, by operation of law, until the litigation has been finally concluded. This legislative protection of the rights of civil servants has the following advantages over the approach suggested by the Commissioner, Internal Revenue Service:

First. It eliminates the need for 2 million civil servants to file forms to preserve their rights pending final court decision;

Second. It eliminates the need for the Internal Revenue Service to handle and file 2 million forms;

Third. It takes care of the many thousands of civil servants across the country who do not even know the question exists and that they might be entitled to refunds at some future date, but who would be barred by the applicable 3-year statute of limitation; and

Fourth. It avoids the possibility discussed by John Cramer in his "9 to 4:30" column in the Washington Evening Star and Daily News of March 10, 1973, that the filing of a claim of rebate would "almost guarantee IRS will audit their returns for the years in which rebates are claimed. On its face that has the ring of an ugly threat. Actually, it pretty much states a fact." Whether true or false there can be no doubt that such an allegation would discourage some faithful, hard-working Government employees from filing protective claims even though they have been honest and conscientious in the preparation of their tax returns.

I emphasize that this legislation does not address the substantive question of whether a Government employee's compensation withheld and contributed to the retirement and disability fund is taxable income in the year it was withheld. The bill merely preserves the rights of the employees until the courts determine this question.

To do anything less would be grossly unjust, and to require millions of protective filings would be grossly inefficient.

CHILD DEVELOPMENT AND ABUSE PREVENTION ACT

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute, to revise and extend her remarks and include extraneous matter.)

Mrs. SCHROEDER. Mr. Speaker, on March 29 I introduced H.R. 3179, the Child Development and Abuse Prevention Act. This bill, which has the bipartisan support of more than 45 of my colleagues, is designed to serve as a vehicle for an indepth examination of the medical, sociological, and legal aspects of child abuse and to promote reasoned and effective solutions.

On Saturday, March 31, in Denver, I was privileged to join with the Senate sponsor of a substantially identical bill, WALTER F. MONDALE, in hearings held by his Subcommittee on Children and Youth. We heard 4 hours of testimony from nationally recognized authorities in the field about the magnitude and seriousness of the problem.

Dr. C. Henry Kempe, director of the widely acclaimed Center for Child Abuse and Neglect in Denver, lead a team of witnesses which articulately and with obvious compassion addressed itself to the many and varied aspects of the problem.

We are all aware of the atrocities being committed against an incredible number of children in this country. But many of us, including myself, are perhaps a little less aware of the long-range implications.

I would like to quote from the testimony of Grant M. Steele, a psychiatrist working with the Denver center:

It is now recognized that the abusive parent of today was the abused child of yesterday. The transmission of this form of aggressive discharge is transmitted from generation to generation, repeating its tragic injuries. Some abused children doubtless grow up to be essentially normal, healthy adults. In other instances the experience of being subjected to violence in the earliest formative years of life seem to provide the seeds for aggressive and violent behavior in later life. There is an increasing body of evidence that from the great pool of neglected and battered children come significant numbers of juvenile delinquents, murderers and assassins. The development of aggressive behavior in the abused child is a crucially important aspect of our ongoing studies.

If compassion is not sufficient motivation for action in this area, then perhaps self-protection will be.

The studies and programs being carried out in Denver are impressive. Imaginative and positive strides are being taken to develop more insight and to discover better methods of dealing with the problem. However, it is just a beginning. More programs like that are needed to effectively reach the estimated 60,000 children a year who are now abused.

I am reintroducing this bill today with additional cosponsors. Child abuse is a national problem that deserves national attention.

HORSEMEAT

(Mr. DORN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DORN. Mr. Speaker, bogus remedies, quack prescriptions, and fake manuevers are being proposed concerning meat prices. I noticed in the media stories attributed to the late Premier Khrushchev of Russia recommending horsemeat. This ghoulish suggestion is incredible. We do not need the advice of the late Premier Khrushchev, nor for that matter the advice of Mr. Brezhnev, Mr. Kosygin, or Mr. Podgorny, who, through the well known "Wheat Deal," are the recipients of American feed grains, which of course creates a scarcity of grain and therefore raises the price of meat.

Mr. Speaker, any moment now I expect to hear again of kangaroo meat pouring into this country as hamburger meat. With kangaroo meat, horsemeat, billygoat meat and donkey meat, along with other proposals, we could well undermine the finest standards of meat in the world, now provided for the American housewife. Mr. Speaker, the meat consumer is protected in our country by high standards and good legislation.

A rollback of prices to January would put many feeder cattle farmers out of business. We need more cattle farmers in the business and with fair prices to the farmer, by his superior production, prices will level off. It is as simple as the law of supply and demand. We are not going to solve the meat situation by lambasting the farmer, crippling his production, rolling back prices, and importing bogus meat.

Again, Mr. Speaker, the cattle farmer is not the cause of the high cost of beef and pork. For the first time in 25 years the cattle farmer is receiving a fair price for cattle and hogs. The cattle and hog producer has borne the high cost of fertilizer, machinery, high interest rates and taxes, and has contended constantly with "money changers in the temple."

Mr. Speaker, the article referred to which follows below appeared in the media throughout the Nation Sunday morning:

KHRUSHCHEV PROMOTED VIRTUES OF HORSEMEAT

NEW YORK.—President Nixon might take a page from Nikita Khrushchev's book in easing the beef crisis.

Faced with a severe meat shortage in 1964, the late Soviet premier went on a cross-country tour promoting the virtues of horse meat (which, indeed, some beef-starved Americans have been trying in recent days).

"I have tasted horse meat and it is delicious," Khrushchev told a farm-belt audience in Kazakhstan in August, 1964.

"Nothing tastes better than 'friendship sausage'," he said. "Friendship sausage" is the name he gave to a wurst made from horse meat and pork.

"Fried horse meat is remarkable," he went on. "It is worthwhile to develop horse breeding to supplement meat resources."

The beefy premier concluded: "He who cannot eat horse meat need not do so. Let him eat pork. But he who cannot eat pork, let him eat horse meat."

The advice went down particularly hard in Kazakhstan, which has a heavily Moslem population. Moslem are not allowed to eat pork.

Three years earlier, on the same theme, Khrushchev pronounced in a nationwide radio broadcast, "Horsemeat is very nourishing and has many calories and is very cheap."

He said he felt sorry for anybody who hadn't tried horse meat. "But once they have tasted it," he promised, "you will not be able to drag them by the ears from this meat."

PROPOSED FOREIGN AID TO NORTH VIETNAM

The SPEAKER pro tempore (Mr. OBEY). Under a pervious order of the House, the gentleman from Alabama (Mr. EDWARDS) is recognized for 10 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, I have withheld comment on aid to North Vietnam until our prisoners of war were safely home. I did not want to do or say anything that might cause the North Vietnamese to back down on the release of all our prisoners.

Now that all our POW's are back on American soil and the North Vietnamese can no longer use them as a political football, I can publicly say emphatically that not one American penny of foreign aid should go to North Vietnam.

All of the fish in the Gulf of Mexico could be caught and cooked from one big jubilee and my position would still not change.

As I see it, there are basically three trains of thought here in the Congress on the subject at present.

One group says it would not oppose aid to North Vietnam if it was done through a third party and there was no direct American presence. This view holds that unilateral aid could prove never-ending and, worse, that it might again entrap the United States in a military involvement in Asia.

Another group argues that there are plenty of worthy poor people and programs in America that need help. They are calling on the Government to meet the needs of American cities before financing the rebuilding of North Vietnam.

Then there is a broad view which is strongly opposed to aid of any form to North Vietnam at any time. I share this broad view.

It has been speculated that the President agreed to consider aid to North Vietnam in the peace talks because it was a bargaining point which helped to bring the agreement about. Aid to its conquered enemies has always been a part of America's history.

Now, I am not going to fault the President for agreeing to aid in order to get our boys home. But that does not mean I have got to vote for it when it comes before the Congress.

We have not conquered anyone. In fact, North Vietnam is claiming victory. Maybe, then, they ought to give us some aid.

It was different in World War II. Japan and Germany were totally defeated. They both offered unconditional surrender. We felt an obligation to help these defeated people rebuild into economically self-dependent countries. It is no secret that we were trying to keep them from falling under the influence of the Communists.

In Vietnam, we would be foolish if we did not realistically recognize that the north will vigorously continue to try to bring the south into its fold; and, yes, we would be foolish, too, not to recognize that the Communist world will vigorously continue to bring all of Indochina under its influence.

In fact there have been massive movements of men and equipment by North Vietnam into South Vietnam since the peace agreement, in direct violation of its terms. The cease-fire has been little more than a veil for Communist military activity.

The aid to the north being mentioned by the President would amount to up to $2.5 billion over the next 4 years. This equals the annual economic assistance to North Vietnam in recent years from Russia and European countries combined. In addition, China is expected to increase its aid and Japan is considering sending aid to North Vietnam.

If American aid is given to the North Vietnamese, it, like the bad coin, will consistently show up in the future to haunt us. It would almost be a certainty that most of this aid would be used to promote the north's ambitions of conquer toward the south.

If Russia and China are so strong on the subject of rebuilding North Vietnam, let them provide the money. While they are at it, they can also contribute toward the rebuilding of South Vietnam, which has had widespread destruction caused by the Communist aggressors.

It is impossible to forget two additional facts while considering this subject. First, there are still over 1,000 Americans missing in action in Southeast Asia. Aid to North Vietnam should not even be considered until there is a full and complete accounting for these men. Second, the hearts and minds of all Americans have been shocked by the accounts of torture and abuse which our prisoners of war suffered at the hands of North Vietnam and the Vietcong. Rather than concerning itself with aid to North Vietnam, the United States should urge every possible international sanction of these savage actions. Every nation of the world should join together in total, unabridged condemnation of the inhumane acts which the North Vietnamese and Vietcong performed on our prisoners of war. These barbaric actions and the use of our men under duress as propaganda tools stamp on North Vietnam even more indelibly than before the classification of "outlaw nation."

Mr. Speaker, it will be up to the Congress to appropriate money for aid, and I can say now that the North Vietnamese are going to have a long wait at the wharf before I approve of any American dollars being shipped to North Vietnam.

PROPOSAL TO RECONSTITUTE FBI AS INDEPENDENT AGENCY

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. Froehlich) is recognized for 5 minutes.

Mr. **FROEHLICH**. Mr. Speaker, last Friday the Democratic leadership in the Senate introduced legislation to divorce the Federal Bureau of Investigation from the Department of Justice. Under the proposal offered by Senator Robert Byrd and Senator Mike Mansfield, the FBI would be reconstituted as an independent agency within the executive branch of Government. Its Director and its Deputy Director would serve 7-year terms after confirmation by the Senate.

Although both Senator Byrd and Senator Mansfield are able and responsible men, their bill to establish an independent FBI is one of the most shortsighted and dangerous proposals ever introduced in the Congress of the United States.

It is a proposal that flies in the face of logic and experience.

It is a blueprint for an irresponsible national police force in the United States.

Mr. Speaker, this proposal may be an extreme overreaction to the relationship that developed between the FBI and the White House staff during the Watergate investigation.

It may be the jaded inspiration of disgruntled FBI executives who were uncomfortable with the reformist tendencies of L. Patrick Gray.

It may be an attempt to embarrass the administration.

Whatever it is, it is a proposal that should be universally condemned as contrary to sound principles of American Government.

I wonder, Mr. Speaker, whether the proponents of this measure have learned anything from our recent history. The plain truth is that the Federal Bureau of Investigation, in the last years of J. Edgar Hoover's administration, was sharply criticized for being high-handed and unresponsive to Executive leadership. It did not always come to grips with major problems in the country.

I admire the FBI. I believe it is a magnificent law enforcement organization. I am convinced that history will recognize J. Edgar Hoover as one of our Nation's greatest public servants. But I believe there is truth to the charge that the FBI failed to become actively involved in the fight against organized crime and the struggle for civil rights until strong Executive pressure was applied to it during the Kennedy administration.

In later years, the extreme tension that existed between the FBI and Attorney General Ramsey Clark was undesirable and contrary to the national interest.

Mr. Speaker, I choose my words carefully when I say that the FBI has been known over a period of many years to willfully and deliberately mislead officials of the Department of Justice over things both great and small, and on occasion to be as unresponsive and independent of Executive direction as the most intransigent bureaucracy.

To establish the absolute autonomy of this massive investigative agency, with its millions of files and thousands of agents deployed across America, would be, in my judgment, to create a monster in our midst. This must not be permitted. The great organs of public opinion in our country must sound the alarm.

Senator Byrd contends—and I quote:

> For the Director of the largest investigation and law enforcement agency in the world to remain responsible to a politically oriented Cabinet officer is to leave wide open the door for the Federal Bureau of Investigation to become an investigative and enforcement arm of a politically motivated Attorney General.

Perhaps. But a far greater danger would exist for America if the largest investigation and law enforcement agency in the world became the arm of a politically oriented and motivated FBI Director, who was responsible to no one. That is the danger of the Byrd bill.

A Director with a 7-year term of office could easily be the political adversary of the President—a political adversary on the most sensitive and delicate issues of our national life. If this happened, some of the security information most vitally needed by the President might be supplied to the Chief Executive only at the pleasure of the FBI Director. The President would lack the leverage and the power to remove a director who was plainly recalcitrant and working against the interests of his administration. This would be intolerable.

In another bill introduced last week by Senator Jackson, the suggested term of the Director of the FBI is 15 years. This would provide the Director with even greater independence—and an even greater potential for abuse. Equally ominous is the provision in the Jackson bill that would limit and confine the directorship to persons with at least 10 years experience within the FBI. This provision would assure that new blood would never be infused into the organization. The FBI would remain closed to new ideas, closed to new leadership.

Mr. Speaker, responsible Members of Congress must stop the Byrd bill and the Jackson bill at the outset because they represent an alien reaction to our present situation.

Let us build the FBI into an organization that all Americans can trust and be proud of, not an organization that will threaten our freedom.

WARMAKING RESPONSIBILITIES OF CONGRESS AND PRESIDENT

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Delaware (Mr. du Pont) is recognized for 10 minutes.

Mr. du PONT. Mr. Speaker, today I am introducing legislation to define the war making responsibilities of the Congress and the President. This legislation and the other legislation that has already been introduced by my colleagues comes in response to the deep sense of frustration which we all experienced during the seemingly interminable Vietnam conflict. But underlying this sense of frustration was the apparent inability of the Congress to share responsibility in the direction of the hostilities. In short, Vietnam began as and continued to be throughout its course a President's war.

The continuation of the war, however, had the effect of reducing the Congress' range of options to only two viable alternatives: To simply approve that action of the President after the fact or attempt to seize the initiative by second-guessing the Commander in Chief. Neither choice was consonant with the design of the Constitution. While the Constitution conferred on the President the powers of the Commander in Chief, it explicitly reserved in the Congress the authority to declare war. It is implicit from this division of responsibility that the collective judgment of both the Congress and the President should prevail in the commitment of United States Armed Forces into hostilities. Any permanent imbalance between the powers could eventually bring this country to the threshold of one man rule—the very end which the framers of the Constitution so cautiously sought to avoid.

The Constitution, however, is a living document and it cannot be viewed in a vacuum. Therefore, in drafting legislation which attempts to restore the balance between the President and the Congress, I attempted to incorporate the so-called gloss of practice which is consistent with the intent of the framers. One such practice which I think that we all recognize as a legitimate gloss on the Constitution is the right of the President to take decisive action when our territories, possessions or citizens are directly endangered by a hostile nation. Historically this appears to be a necessary expedient. My bill is careful to recognize such authority. While I did not attempt to circumscribe this emergency authority, I have included a provision which requires the President to report promptly and periodically whenever he takes such action. This is one of the keystones of the legislation. In the past Congress has apparently lacked adequate information for action rather than lacking the resolve to act. Without sufficient intelligence data, the Congress can never fully shoulder the responsibility of warmaking authority. Our partnership with the Executive under the Constitution must necessarily rest on the cooperation of the executive branch and on their ability to marshal adequate information for the Congress. This is a minimum first step; without the necessary facts about a hostility, Congress would again be placed in the position of trying to second-guess the President.

While recognizing the power of the President to act decisively in situations where national interests are directly threatened, my bill would circumscribe the authority of the President when he acts unilaterally in a situation where our national interests are not directly affected. The bill in effect grants only provisional authority to the President for carrying out such hostilities, and it provides the framework for revoking that authority by the passage of a joint resolution. Upon adoption of such resolution of disapproval, the President is directed to disengage from hostilities as quickly as possible with due regard for the safety of the troops involved.

I do not think this in any way confers powers that the President has not already assumed. Presidents in our history have taken unilateral action in situations where there was no direct national interest; however, there was no predefined framework for terminating such action by the Congress. My bill not only attempts to define more precisely the limits on the President in such unilateral actions, but it also provides the guidelines for congressional response to such action.

I am fully aware that many of my colleagues have drafted their own versions, very different from my own, and they all believe equally in the wisdom of their own approaches. I urge them. however, to carefully examine my resolution. As a member of the Foreign Affairs Committee Subcommittee on National Security Policy and Scientific Developments, I had the benefit of participating in extensive hearings in which we closely examined the whole range of legislation on the point. Under the able leadership of Chairman Zablocki we all engaged in searching colloquys with an impressive list of witnesses. In my bill, I have tried to incorporate the teachings of those hearings.

My bill attempts to avoid the pitfalls of needless specificity and avoids the temptation of hamstringing the President. I do not think any bill could be drafted which would make adequate provision for every conceivable situation which might arise. At the same time I think it is sufficiently specific to define the powers of the Congress and the President so that collective wisdom and responsibility in warmaking situations will prevail.

I urge my colleagues to cosponsor this legislation and I welcome their comments. With the permission of the Speaker I would like to have the full text of my resolution printed at this point in the Record:

H.J. Res. 498

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That this joint resolution may be cited as the "War Powers Resolution of 1973."

Sec. 2. It is the purpose of this joint resolution to fulfill the intent of the framers of the Constitution of the United States, and insure that the cumulative judgment of both the Congress and the President will apply to the initiation of hostilities involving the Armed Forces of the United States and the continuation of such hostilities. While Congress reaffirms its power under the Constitution to declare war, the Congress recognizes that, in certain extraordinary and emergency circumstances, the President has the authority to defend the United States and its citizens without specific prior authorization by the Congress.

Sec. 3. In the absence of a declaration of war or a specific authorization by the Congress, the President may take action to involve the Armed Forces of the United States in hostilities, or in situations where imminent involvement in hostilities is clearly indicated, to respond to any act or situation that directly endangers the United States, its territories or possessions, or its citizens or nationals, when he determines that extraordinary and emergency circumstances do not permit specific prior authorization by the Congress.

Sec. 4. In any case in which the President, in the absence of a declaration of war by the Congress, takes any action to involve Armed Forces of the United States in hostilities, or in any situation where imminent involvement in hostilities is clearly indicated, he promptly shall submit to the Speaker of the House of Representatives and to the President pro tempore of the Senate a report setting forth—

(1) a full account of circumstances under which he took such action;

(2) his estimate of the scope of United States involvement in any such hostilities or situation;

(3) the constitutional, legislative, or treaty provisions, if any, under the authority of which he took such action; and

(4) his reasons, if any, for not seeking specific prior authorization by the Congress. The President shall, so long as Armed Forces of the United States continue to be involved in any such hostilities or situation, make periodic reports to the Congress on the status of any such hostilities or situation not less often than once every three months.

Sec. 5. In the absence of a declaration of war by the Congress, whenever the President takes any action under section 3 of this joint resolution involving Armed Forces of the United States in hostilities, or in any situation where imminent involvement in hostilities is clearly indicated, both Houses of the Congress immediately shall consider authorization for such involvement of Armed Forces of the United States and the expenditure of funds therefor. In the event the Congress is not in session, the President shall convene Congress in extraordinary session in order that it may take appropriate action.

SEC. 6. In any case in which, in the absence of a declaration of war or a specific prior authorization by the Congress, the President takes any action resulting in involvement of Armed Forces of the United States in armed conflict outside the United States, its territories and possessions, to respond to any act or situation that does not directly endanger the United States, its territories or possessions, or its citizens or nationals, the Congress may, by joint resolution disapprove such action. Upon adoption of any such joint resolution of disapproval, the President shall proceed at once to effect the immediate disengagement of the Armed Forces of the United States involved, including whatever withdrawal is required, taking into consideration the need to protect such forces from attack while in the process of withdrawal.

H.R. 6767, THE TRADE REFORM ACT OF 1973

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SCHNEEBELI), is recognized for 5 minutes.

Mr. SCHNEEBELI. Mr. Speaker, less than a month ago the distinguished chairman of the Committee on Ways and Means presented a comprehensive blueprint on U.S. trade policy and legislation. He highlighted the urgency of charting a course in foreign trade and the fact that since neither Japan nor Europe has yet demonstrated the political capacity to take the lead, the United States must therefore do so.

The administration has shown the general objectives we must seek in sending to the Congress the Trade Reform Act of 1973, which I have today consponsored with Chairman MILLS. Under our constitutional system, Congress must cooperate with the President by developing legislation that will enable the President to realize our goals. This, as in the past, must be a truly bipartian effort.

The administration's bill responds to the trade and other economic problems we face in the world today. We live in a world of rapid change, a world where the amazing growth of world trade has brought far greater interdependence than anyone could have anticipated. In recognition of this central fact, the bill is designed to dampen and eliminate the frictions and tensions that have arisen in our international economic relations.

It requests tariff authority to promote free trade and to attack the problem of tariff discrimination. A basis would be provided for negotiating away the vast complex of government measures which are nontariff barriers. Agriculture, a sector of international trade greatly affected by nontariff barriers, will be foremost in our minds. On this area we enjoy a strong international competitive advantage.

The bill recognizes that labor and industry need better assurances than are now provided that serious injury or the threat thereof from imports will be dealt with more effectively and expeditiously. The President will be authorized to cope better with unfair trade practices and unfair competition confronting American firms and workers.

The bill would also provide a basis for the mutual expansion trade with communist countries through the extension of most favored nation treatment. Finally, the bill would fulfill this Government's promise to share, with our major trading partners, in a meaningful and mutually advantageous system of tariff preferences for developing countries.

I welcome the opportunity to share with my colleagues in the Congress this unique opportunity to cooperate with the Administration by fashioning a new vehicle to deal with the international trade problems we face in a way that is responsive to the needs of the next decade.

ROLE OF CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. McFALL) is recognized for 5 minutes.

Mr. McFALL. Mr. Speaker, our outstanding majority leader, THOMAS "TIP" O'NEILL, Senator CHARLES MATHIAS, of Maryland, and Senator ABRAHAM RIBICOFF, of Connecticut, Time correspondent Neil MacNeil, Dr. Kistiakowsky, and moderator Hedley Donovan, recently discussed how to get Members of Congress concerned enough about the institutional integrity of the Congress to act upon those convictions while attending a meeting of the Time, Inc., symposia on "The Role of Congress." I include their remarks in today's RECORD:

We must have some kind of a solution where we can bring into the mainstream of America the rights that truly belong to the House and Senate.

Sen. RIBICOFF. Tip, if I may add, you threw out a very good point. Today, The Office of Management and Budget is part of the Executive Branch of the Government and is not available to Congress. It treats Congress contemptuously.

Rep. O'NEILL. In the same vein, we put the GAO in as an arm of Congress and what kind of arm of Congress is it today?

Sen. RIBICOFF. I say the only way Congress can handle the problem is by having its own congressional Office of the Budget. The Office of Management and Budget does its job for the President and there must be a bureau that does a comparable job for the Congress so that the congressional Appropriations Committees have a complete analysis of problems, programs, cost, and justification.

So, therefore, when the President sends up his budget, Congress is armed with the material and the knowledge to know what it is talking about. In the last four or five budgets the difference between the presidential budget and the congressional budget has only been about 2%. Generally Congress has become a rubber stamp for the Executive with only an occasional debate in which we cut $50 million here or add $100 million there. The only way Congress is going to be able to deal on equal terms with the presidency is if Congress has its own congressional Office of the Budget.

Prof. YARMOLINSKY. Adam Yarmolinsky. Mr. Chairman, there are, I believe some 2,000,000 civilian employees of the Executive Branch of the Government. Half of those 2,000,000 are blue-collar employees. Even if we assume that 90% of the remainder are not occupied in tasks that relate to formulation of the budget, it seems to me awfully difficult for Congress to match the remaining 10%, or 100,000 employees, on its own side in order to work out the details of the budget the Executive has promulgated.

Therefore, I would like to suggest that in order for the Congress to be effective in playing its role in the constitutional scheme, it will have to show the courage of its convictions in developing legislatively the kinds of general statements of legislative principle apart from the carefully worked out and staffed, overstaffed detail that emerges from the Executive Branch. This should still be possible in a society to some extent governed by reason.

And I would suggest also that as a first step towards moving into that kind of responsible role, Congress has got to take an overview of the federal budget. It must enunciate in the broadest categories the kind of statements of national priorities which cannot emerge from an appropriation committee necessarily concerned with matters of detail, but which have to emerge from a kind of national authorization committee. Such a committee would do in the authorization process what the appropriations committee does in the appropriations process.

Dr. PEABODY. I am Robert Peabody and I teach at Johns Hopkins in the State of Maryland. The question I have relates very much to the question posed earlier. I have been intrigued by this continual paradox that Congress has its lowest esteem in the eyes of the public when it is thwarting the will of the President or doing very little. Contrarily, when it is passing the President's program, as it was, for example, in the 89th Congress, in terms of public response it has its strongest marks.

My question is what are Congress and the mass media doing generally to counteract this paradox?

Sen. MATHIAS. Well, frankly I don't know what the answer to that is. It is a paradox. When Congress is really doing what the Constitution intended it to do, which is to act as a check and a balance, then it gets into trouble with the voters. And it is that kind of a problem which I think we have to address on a national educational basis. Now, this may not help Tip O'Neill or Father Drinan or Abe Ribicoff or any of us when we have to come up for election. But maybe it will help the next generation of Congressmen if people understand what the Congress is trying to do. Really it gets back to Neil MacNeil's original question, how do you institutionalize these questions, how do you make people understand that what you are doing is acting as a Congressman, that you are not fighting the President, that you are not being personally antagonistic to him, but you are trying to do your job and present a different point of view.

In the present climate, and let me say I have had a little experience in this, it is damn near impossible.

Mr. DONOVAN. Father Drinan, don't you want to use a little of your own time?

Rep. DRINAN. Thank you, Mr. Donovan. I am sort of disappointed in this meeting. I share Tip O'Neill's wonderment at your having two distinguished Senators on this panel. If you want to hear about the House, why don't you have a person from the House? Why don't you have Congressman O'Neill or someone else? I am the first one to criticize the House of Representatives. It has been criticized here tonight, and rightly. But let's get to the source of why it is criticized.

We have a lot of tyranny in the House of Representatives, and if Time magazine wants to expose it, I will help them to expose it. Send me your people and I will tell you of the tyrannies to which I and other members of the House are subjected every single day. The giveaway of the power to the President of spending $250 billion and having an item veto was passed in the House because we have a closed rule. It is the tyranny of the Rules Committee that allowed that. It is the tyranny of Wilbur Mills that says: "I want a closed rule. I decided, the Ways and Means committee decided, and you don't decide." I haven't a single way to remove Wilbur Mills or any of the other tyrants that dominate the House of Representatives.

We are told by Dr. Fenno, and quite rightly, that we are failing institutionally. And yet we have no way of getting the media to tell the people what the House of Representatives is. I feel this is the typical situation. I come, listen to two distinguished Senators and to a professor, and the House of Representatives is excoriated as perhaps it should be. But we are never heard, and the people are never told what the House of Representatives should be.

I don't know what Time is going to do after this. All I can say is it is a good idea. I spent four or five hours here tonight, I haven't learned much, but I know all these things, and I don't know what you are going to do with this distinguished group or with these people after this. But I say if the House of Representatives is going to be criticized as it should be, then we should have a voice and you should come to us and let the people know the severe problem.

It is totally undercovered and this is the typical situation, to repeat, two Senators speak and the House of Representatives is never heard. It is a total distortion, total failure of knowledge. All I can say is that Time and all the media owe it to the House and owe it to the people to explain that this is the House of the people and if you want a good Congress, then you have to open the doors to the House and let the people in and let them understand. Thank you.

Mr. DONOVAN. Neil, would you like to be the mediator for a minute?

Mr. MACNEIL. I am inclined to agree with the Congressman on the neglect by the press generally over many, many years of the Congress totally, and especially the House of Representatives. It was partially this that brought me as a journalist to write a book on the House. I think in the pages of Time over the years we have actually paid special attention to the House. But I'd like to speak to some other points that have been made.

One suggested something I agree with, that Congressmen today are technological illiterates. They can't read or write the language of computers. They do have a number of computers, working, they work on payroll and salaries, they address envelopes to Congressmen's constituents, which is something far different from what the Executive Branch is using these machines for.

Congress can't function in a meaningful way in response to the Executive Branch or take initiatives of its own until it has that kind of equipment. Professor Yarmolinsky suggested that Congress show the courage of its convictions. Senator Mathias suggested that Congress has been a little timid. I don't agree with the Senator. He is very kind to his colleagues. Congress is scared to death to spend the money on these machines. It wouldn't cost all that much.

We talk about the size of the Executive Branch, 6,000,000, including 2.7 million people if just civilians are counted. Congress has a staff totaling about 32,000, and Congressmen are afraid to add to their staffs. They are afraid for two reasons. One is what we in the press will suggest that if a Congressman adds another man to his payroll it is a wild extravagance meant to serve only his own personal political purposes.

The second fear is what this does to those people who read what we write. I think if the Congress came forward quite openly and made the case to equip itself with the professional staffs and the computers necessary to deal effectively with these public issues, a great part of the problem would be reduced.

But this requires something that Senator Ribicoff has mentioned, the will to so act and the courage to see Congress in terms of an assembly of constitutional integrity. Too many of its members do not see it today.

Mr. DONOVAN. Thank you, Neil. Professor Samuel Huntington wanted to make a comment, I believe.

Prof. HUNTINGTON. I'd like to take a slight exception to some of the language, if not to the substance and spirit, of what has been said here. It seems to me there is an American tendency, whichever side one is on, to over-emphasize the unity and coherence of the other side. And this was very clear, I think, in international relations in the 1950s when we talked about monolithic Communism, when in fact the Communist bloc was splitting apart, but we failed to recognize it.

And I have been somewhat concerned here about the phrase which has been used quite often, the Executive Branch, as if that were a monolithic unity. It seems to me quite clearly it isn't, and that we are really concerned with two different problems so far as the authority and power of Congress is concerned. One is the power of the presidency and the other is the power of the bureaucracy.

In fact, while our Constitution says that we have three separate branches of Government, in fact we have four separate branches of Government. In addition to the legislature and the Executive and the judiciary there is the bureaucracy. It is the power of the bureaucracy that has grown tremendously in recent years, in addition to that of the presidency.

It seems to me that one of the major problems of Congress is to exploit the power of the bureaucracy for its own purposes. And certainly if one looks at what people who have been in the White House and associated with Presidents say, they don't view the Congress as their main enemy; they think of the bureaucracy, those people downtown, as being the real center of opposition to what the President wants.

And one can see President Nixon reacting to this in terms of centralizing, trying to centralize more and more power in the White House. I would ask this question: If Congress thinks it is in the national interest and its own interest to curtail the power of the President, why can't it capitalize on the bureaucratic agencies which the President also thinks are his enemies?

If, on the other hand, Congress thinks that the bureaucrats are the enemy, the main threat, and it needs to curb the power of the bureaucracy, then why doesn't Congress cooperate with the President in that task? It seems to me Congress has to make up its mind which side it is on.

Mr. DONOVAN. Dr. Fenno, are you moved to comment?

Prof. FENNO. Well, I think the only thing I am moved to comment on is, I think, Congress does one and it does the other, and I am not sure it has to make up its mind which side it is on. I think over the long run it is likely to be one side or the other side. And I agree with Sam, I think there are ways in which the Congress can exploit this division.

While I have the microphone, I think I would like to make just one other comment as an educator viewing the problem. I haven't known any Presidents, I have known a few members of the House, but Senator Ribicoff said that most Presidents considered Congress a pain in the neck. And I think most educators have looked upon Congress as a pain in the neck. I really want to applaud TIME for doing what they are doing, which is to try to educate us a little bit in this regard.

This has to do with Bob Peabody's question, too. I think for a long time that most of the books that most of you in this audience have read about the Congress have treated the Congress as a pain in the neck. We have had a love affair with the presidency, but we have found Congress to be very obstructionist over the past 30 years or so. And the problem, I think, is that most people who have written books on this subject have favored the President, have tended to look at the President as the strong point in the system, and have tended to look upon the Congress as obstructionist because for a long time the programs they favored were being sponsored by a President and obstructed by a Congress.

What I am saying is that there is a long legacy in the educational field and I think in the literature that you have read, and in the media as well. It is a long legacy of treating Congress as obstructionists and the President as the place where "liberal policies" are going to be produced.

Now, I think we have a change brought about by the Viet Nam War. I used to find that as a teacher teaching about Congress, I was regarded as teaching about the enemy. Now I am teaching about friends, a group that might have something to say after all. This is because we are concerned now about the power of the President. The problem that I raise is simply that it is very difficult for us to see the Congress and the President apart from what we happen to be favoring in the world of public policy at the moment.

I think we took one view of Congress from 1937 on up to about 1967, and now we have started taking another view of Congress. I don't have an answer for it, but I think one of our problems lies in the fact that we tend to favor that institution that agrees with us in terms of public policy. I think somehow or other we have got to get away from that and I think these sessions will be perhaps useful in that way.

Mr. DONOVAN. Thank you very much, Dr. Fenno. I think partly because Dr. Fenno spoke well of these proceedings, and since also it gets me out of any dilemma as to whether I should give the last word to a member of the House or Senate, we might regard that as the last word for the moment. But I do repeat that this is not a subject we just discovered yesterday or intend to drop tomorrow. We have been at it for quite a while, including coverage of a number of members of the House. We expect to go on doing that.

I do thank all of our panelists very much and all of our guests for spending the evening with us.

HEARINGS ON ADMINISTRATION TRADE PROPOSAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. MILLS) is recognized for 5 minutes.

Mr. MILLS of Arkansas. Mr. Speaker, as Members know, the President has sent his trade message to Congress with the request that it be considered immediately.

The Committee on Ways and Means has announced that public hearings will begin on this subject in early May, after we have completed testimony from the Secretary of the Treasury on tax reform.

I include in the Record a copy of the press release announcing the hearings beginning on May 7:

Chairman Wilbur D. Mills (D., Ark.), Committee on Ways and Means, U.S. House of Representatives, Announces Public Hearings to Begin on Monday, May 7, 1973, on Administration Proposals Relating to Foreign Trade and Tariff and on All Other Proposals Pending Before Committee on These Subjects

Chairman Wilbur D. Mills (D., Ark.), Committee on Ways and Means, U.S. House of Representatives, today announced that the Commitee on Ways and Means would begin public hearings on Monday, May 7, 1973, on the Administration proposals, submitted to the Congress today, relating to foreign trade and tariff matters, and on all other legislative proposals pending before the Committee to amend the tariff and trade laws. The language of the Administration proposal ("The Trade Reform Act of 1973") as well as an analysis and summary thereof is attached to this press release.

The leadoff witnesses will be representatives of the Administration who will testify during the first several days of these public hearings and will include the Secretaries of Treasury, State, Commerce, Labor, Agriculture, Interior, Special Representative for Trade Negotiations, Executive Director of Council on International Economic Policy, and Chairman of Council of Economic Advisers.

Testimony from the general public will begin on Monday, May 14, 1973.

DETAILS FOR SUBMISSION BY INTERESTED PUBLIC OF REQUESTS TO BE HEARD

Cutoff Date for Requests to be Heard.—Requests to be heard must be submitted by no later than the close of business Friday, April 27, 1973. All requests should be submitted to: John M. Martin, Jr., Chief Counsel, Committee on Ways and Means, 1102 Longworth House Office Bldg., Washington, D.C. 20515, Telephone: (202) 225-3625.

Notification will be made as promptly as possible after this cutoff date as to when witnesses have been scheduled to appear. Once the witness has been advised of his date of appearance, it is not possible for this date to be changed. If a witness finds that he cannot appear on that day, he may wish to either substitute another spokesman in his stead or file a written statement for the record of the hearing in lieu of a personal appearance, because under no circumstances will the date of an appearance be changed.

Coordination of Testimony.—In view of the overall heavy legislative schedule of the Committee for this session of the Congress and thus the limited amount of time that can be set aside by the Committee in which to complete this hearing, it is requested and it is most important that all persons and organizations with the same general interest designate one spokesman to represent them so as to conserve the time of the Committee and the other witnesses, prevent repetition and assure that all aspects of the subjects being discussed at these hearings can be given appropriate attention.

The Committee will be pleased to receive from any interested organization or person a written statement for consideration for inclusion in the printed record of the hearing in lieu of a personal appearance. These statements will be given the same full consideration as though the statements had been presented in person.

Allocation of Time of Witnesses.—Because of the heavy legislative schedule of the Committee, which will limit the total time available to the Committee in which to conduct these hearings, and to assure fairness to all witnesses and all points of view, it will be necessary to allocate time to witnesses for the presentation of their own direct oral testimony. If the witness wishes to present a long and detailed statement to the Committee, it will be necessary for him to confine his oral presentation to a summary of his views while submitting a detailed written statement for the Committee members' consideration and review. Such additional written statements will be included in the record of these hearings.

Contents of Requests to be Heard.—The request to be heard must contain the following information, otherwise delay may result in the proper processing of a request:

(1) the name, full address and capacity in which the witness will appear;

(2) the list of persons or organizations the witness represents and in the case of associations and organizations their address or addresses, their total membership and where possible a membership list;

(3) if a witness wishes to make a statement on his own behalf, he must still nevertheless indicate whether he has any specific clients who have an interest in the subject, or in the alternative, he must indicate that he does not represent any clients having an interest in the subject he will be discussing;

(4) the amount of time the witness desires in which to present his own direct oral testimony (answers to questions of Committee members are, of course, not to be included in the time the witness may request);

(5) if the witness is testifying on any specific proposal or proposals, an indication of whether or not he is supporting or opposing such proposal or proposals; and

(6) a topical outline or summary of the comments and recommendations which the witness proposes to make.

Submission of Prepared Written Statements by Witnesses Making Personal Appearances.—With respect to oral testimony, the rules of the Committee require that prepared statements be submitted to the Committee office no later than 48 hours prior to the scheduled appearance of the witness. Seventy-five (75) copies of the written statements would be required in this instance; an additional seventy-five (75) may be submitted for distribution to the press and the interested public on the witness' date of appearance.

Submission of Written Statements for the Printed Record instead of Appearing in Person.—Any interested organization or person may submit a written statement in lieu of a personal appearance for consideration for inclusion in the printed record of these hearings. Such statements should be submitted by a date to be specified later, in triplicate. In any event, such written statements will be accepted by the Committee during the entire course of these hearings. An additional seventy-five (75) copies of written statements for the printed record will be accepted for distribution to the press and the interested public if submitted before the final day of the public hearings.

Format of All Written Statements.—It is very important that all prepared statements contain a summary of the testimony and recommendations and that throughout the statement itself pertinent subject headings be used.

Re-submission of Requests to be Heard Where Request Already Made.—If a prospective witness has already submitted a request to be heard on any of the subjects covered by this hearing, it is now at this time necessary to re-submit the request if the individual or organization is still interested in appearing in person, furnishing the above information and otherwise conforming to the rules set forth for conducting these hearings.

HEARINGS ON H.R. 981

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Eilberg) is recognized for 5 minutes.

Mr. **EILBERG**. Mr. Speaker, this is to advise the House that continued hearings to consider H.R. 981 which were due to be held on Wednesday, April 11, and Thursday, April 12, 1973, have been rescheduled.

The April 11 hearing has been canceled, but the April 12 hearing will be held in room 2237, Rayburn Building and will commence at 10 a.m. On this date, testimony will be received from the Departments of State and Justice regarding the refugee—sections 203(a)(7), 243(h)—and parole—section 212-(d)(5)—provisions of the Immigration and Nationality Act.

The views of the Department of State will be expressed by the Honorable Francis L. Kellogg, Special Assistant to the Secretary for Refugee and Migration Affairs. The Department of Justice will be represented by the Honorable James D. "Mike" McKevitt, Assistant Attorney General, Legislative Affairs.

ATROCITIES IN SOUTHEAST ASIA

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. Montgomery) is recognized for 5 minutes.

Mr. **MONTGOMERY**. Mr. Speaker, I have waited patiently for those of my colleagues who have expounded in great detail on the alleged atrocities in South Vietnamese prisons to come forth and show equal outrage over the torture to which our American prisoners of war have been subjected at the hands of the North Vietnamese and Vietcong. But they remain silent.

Mr. Speaker, I have also waited to hear these same Members who have been bewailing our continued bombing of Communists troop buildups in Cambodia where no peace agreement or cease-fire has been reached to step forward with words of condemnation for the brutal shooting down of peace keeping helicopters by the Vietcong. But they remain silent.

I really cannot understand this silence since these same Members have always led me to believe that wrong is wrong no matter who commits a wrongful act. Are we now being led to believe that it is not wrong when the Communists torture their prisoners or shoot down unarmed helicopters; Mr. Speaker, such a double standard of justice is beyond my comprehension.

I wonder if any of these Members were listening to the televised interview of President Thieu this past Sunday when he offered a blanket invitation to the Red Cross or newsmen or really just about anyone to come to South Vietnam and inspect his country's prison camps. The Red Cross was never given such an opportunity by the government in Hanoi. The only newsclips we saw of our American prisoners during their confinement was shot by news media representatives of Communist-controlled nations—news clips of contrived and controlled situations.

Mr. Speaker, I do not deny the right

of any Member of the House to speak forth on any subject about which he or she might have very deep feelings. All I ask is that the other side of the coin be examined closely and given equal time, especially when the other side is the American side.

CHARITABLE CONTRIBUTIONS OF ARTISTIC AND LITERARY WORKS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BRADEMAS) is recognized for 5 minutes.

Mr. BRADEMAS. Mr. Speaker, I am today introducing a bill that would provide an incentive to artists and authors to contribute their valuable works of art and literature to our libraries, universities, and museums. I am pleased to say that a companion bill is also today being introduced in the other body by the distinguished senior Senator from New York, the Honorable JACOB K. JAVITS.

Prior to the enactment of the Tax Reform Act of 1969, artists and authors who contributed their works to nonprofit institutions were permitted to deduct from their income the market value of their gifts. Experts agree that this special tax treatment was one of the chief reasons works of art and literature became available to the public rather than remaining in private collections.

However, during consideration of the Tax Reform Act of 1969, some concern was raised about possible abuses in connection with the treatment, including favorable tax advantages, for political figures who donated their public papers.

Congress, in the Tax Reform Act of 1969, amended the law dealing with certain charitable contributions and limited, for an artist or author who donates his own work, the allowable deduction to the cost of the raw materials used in producing the artistic or literary work. Curiously, the new law did not alter the tax treatment of contributions of works of art or literature by collectors, who are, therefore, still able to deduct the market value of their contributions.

Mr. Speaker, the impact of the 1969 change on libraries, museums, and universities has been serious and adverse, for it has led directly to a sharp curtailment of contributions of valuable works to these institutions.

And nowhere has the impact been more devastating than on our Library of Congress. In a letter to me, John J. Kominski, General Counsel, Library of Congress, reports that, since 1970, contributions have practically stopped.

I include the following:

LITERARY, MUSICAL, AND ARTISTIC DONATIONS TO THE LIBRARY OF CONGRESS

STATISTICS BEFORE AND AFTER THE TAX REFORM ACT OF 1969

Prints and photographs division

In prior years and through calendar year 1969, cartoons from New Yorker magazine were recived by the Library regularly. This practice stopped completely in January of 1970.

Along with its own acquisition efforts, and the assistance of the American Film Institute, the Library's Motion Picture Section would receive several films each year from individual contemporary film makers. Since 1970, hardly any such films have been received.

Manuscripts division

Prior to the enactment of the Tax Reform Act of 1969, the Manuscripts Division received an average of 15 to 20 manuscript gifts each calendar year from authors and literary artists. The following analysis indicates the change this division has experienced:

Calendar year:	*Gifts*
1968	20
1969	17
1970	8
1971	0
1972	0

(Since each gift could include anywhere from a few to hundreds of thousands of manuscript pages, it is considered more accurate to identify such gifts by counting the donors and not the contents of the gifts.)

Music division

Each year through 1970, the Music Division would receive numerous music manuscript gifts from contemporary composers, both classical and popular. Since 1970, these gifts have practically stopped; some thirty-five well-known composers have ceased making gifts altogether.

COMMENT

In many cases, composers, authors, and artists, who formally have given outright gifts to the United States Government for addition to the collections of the Library of Congress are now merely placing these items on deposit at the Library for specific periods of time, usually 10 years. No title passes, and the depositors usually indicate an intention to make a later gift. Often the Library and users can get full benefits by access to such deposited material during the period of deposit, but there is no way to assure that these items will remain in the Library short of a later gift.

Perhaps the most notable example of the impact of ths change was Igor Stravinsky's decision in 1970 to put his manuscripts of composition up for sale on the open market for $3.5 million, rather than donate them to the Library of Congress.

Mr. Speaker, the bill Senator JAVITS and I are introducing today would restore the incentive to artists and authors to contribute their valuable works by providing them with a deduction of nearly 75 percent of market value of the gift.

The measure also includes important provisions to guard against abuses and to assure that only bona fide artists and authors take advantage of the law.

For example, this bill would not allow political figures to take deductions for contributions of their public papers.

The measure would require the donee institution to certify that the donated property represents material of historical or artistic significance and that the use by the donee will be related to the purpose or function constituting the basis for the institution's special tax status.

And, most significantly, the bill would require that these contributions be deducted only from art-related income.

Mr. Speaker, these safeguards and the modest revenue loss to the Federal Government, which I understand is less than $10 million, assure, I believe, that this bill will meet many of the objections traditionally raised by the Department of Treasury to this type of legislation.

Mr. Speaker, the bill which Senator JAVITS and I have today introduced will provide the necessary incentives to artists and authors to contribute important works to our museums and libraries. I strongly urge my colleagues to join in supporting this measure.

ADMINISTRATION'S PROPOSED MEDICARE CHANGES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut (Mrs. GRASSO), is recognized for 10 minutes.

Mrs. GRASSO. Mr. Speaker, medicare has been a godsend to America's elderly, especially to those who must survive on only their meager social security retirement checks. They deserve and are entitled to full and complete medical care benefits under the medicare program. An older American covered by Medicare knows that, in the event of illness, he or she will be covered by its protection. Although medicare covers only 42 percent of the total health payment of the elderly, it means a great deal to a person who must live on $175 a month.

Yet, in order to provide marginal budgetary savings and to reduce so-called abuses of the program, the administration proposes to cut medicare benefits, thereby retreating from our commitment to meet the health care needs of older Americans. Constituents have written to me that present medicare coverage relieves them of financial anxiety at a time when they are already anxious enough about their health. In a letter to me, one constituent wrote:

> This proposal is shocking: Contemplate, if you will, the worry and anxiety an elderly hospital patient would have to lie helplessly in bed with the spectre of huge bills accumulating day by day, at a rate that could easily wipe out any hard-earned savings, and put him (or her) in line for public welfare.

Noting that his hospitalization and that of his wife had been covered by medicare, he observed:

> In each instance, the assurance that we were protected by Medicare hastened our recovery, and enabled us to cooperate with the doctors and nurses in a relaxed and untroubled atmosphere.

Under the existing law, the elderly pay $72 for the first day of hospitalization and nothing from the second through the 60th day. The proposed changes would have them pay the full room and board charges for the first day and 10 percent of the charges for each subsequent day of hospitalization.

Under part B of medicare, the patient now pays the first $60 and 20 percent of the remaining bill for a doctor's services. The proposed changes would raise the deductible to $85 and increase the coinsurance cost to 25 percent of the remainder. For example, a medicare beneficiary now pays $188 on a $700 physician's bill. Under the new proposals, the beneficiary would pay $238.75, an increase of 27 percent. A 4-day hospital stay in a $100-a-day room now costs a medicare beneficiary $72. Under the new proposals, it would cost $130, an increase of 80 percent.

Mr. Speaker, I do not deny that the proposed changes would benefit those people who have greatly extended hospital stays. Let us remember, however, that only an estimated 1 percent of the elderly are hospitalized for more than 60 days.

Administration officials admit that for the average medicare beneficiary who is hospitalized, the cost of part A charges would rise from $84 to $189, an increase of 125 percent.

The elderly do not enter hospitals because they want to. It is rare that a person spends any more time hospitalized than is considered necessary by his physician. If the administration's plan were adopted, the elderly in many cases would be forced to make a choice between needed medical care and doing without such care because of financial concerns.

Clearly, we must oppose attempts to increase the cost of medicare. In this area the administration has misread the opinion of the American people if it believes that these proposals will be adopted. A recent Harris poll shows that 92 percent of the people are against making the elderly pay more for medicare.

Many of my colleagues are opposed to these changes in the medicare payment system. To end any doubt about the true sentiment of the House on this subject, I am introducing today a concurrent resolution which is identical to one already introduced in the Senate. The concurrent resolution, if approved, would put Congress on record in opposition to cuts in the medicare program and in support of our older citizens who require medical care at reasonable cost.

I hope that we can quickly put to rest these ill-advised, unacceptable, and inconsiderate proposals. I believe that passage of my resolution will serve notice to the administration and to America's elderly that we will not place additional burdens on the backs of those people who have given so much to the growth and greatness of our land.

THE VOTER PROTECTION BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. HARRINGTON) is recognized for 5 minutes.

Mr. HARRINGTON. Mr. Speaker, as the Nation went to the polls last November 7, thousands of voters were inconvenienced and others found themselves unable to cast their ballots because of a massive breakdown of local election machinery. Innumerable cases of jammed and malfunctioning voting machinery, and long waiting lines were prevalent in many areas. Absentee ballots often failed to reach registered voters on time. These problems no doubt contributed to the low national voter turnout rate of 54.5 percent.

Such local voting irregularities are the result of basic weaknesses in the local administration of elections. A legislative solution is possible and I attempted to outline such a solution in the bill I introduced on April 4—H.R. 6518.

One case in point is the situation faced by many registered voters when they discovered that election boards failed to process their registrations correctly. Those voters were faced with two options: They could allow themselves to be disenfranchised or they could go through the considerable inconvenience of obtaining a court order to permit them to vote.

For example, registration difficulties were particularly acute in Geneva, Ohio. Local Democratic Party workers had organized the registration of hundreds of Puerto Rican-Americans. When the registration rolls were published before the election, many new registrants found they were either not listed, assigned to the wrong precinct, or listed with an incorrect address, which assigned them to the wrong precinct. The incorrect voting assignments caused great inconvenience to these citizens—many of whom had difficulty in getting the corrections made—time and transportation being the major stumbling blocks. County board of elections, confronted with its errors, said there was nothing it could do. After considerable public pressure, several hearings, and threats of lawsuits, the board finally listed the voters correctly.

In St. Louis, many newly enfranchised as well as established voters had arbitrarily been stricken from the rolls and in effect barred from re-registering when the St. Louis board cleared more than 10,000 persons' names off the books in October. These voters had to obtain a Federal court order to extend voting hours because of the late purging of the rolls. The extension of the polling hours enabled over 2,000 voters to cast ballots.

Other instances of faulty registration practices include the following:

In New York City, new registrants holding voter registration cards arrived at the polls only to learn that necessary second cards were missing, requiring them to get reinstated by State courts.

Albuquerque residents receive a white slip of paper when they register, but cannot vote until they are mailed a yellow voting card. Many did not receive their yellow cards, and a State court ordered that people holding only white slips could vote.

Flood victims who re-registered in Wilkes-Barre, Pa. found their registration cards missing at the polls.

Administrative errors in Washington, D.C., produced many challenged ballots when the ballot cards for young voters and persons who changed their addresses could not be located at assigned polling places.

Voters in the northern parts of New Jersey's Hudson County, in Philadelphia, and in Butler County, Ohio, found voting machines inoperative and repairmen unavailable.

Jersey City voters were faced with over 120 jammed or unworkable voting machines on election morning. Some machines did not work until mid-afternoon. Those voters who could not wait for repairs obtained a court order extending voting hours until 11 p.m. and ordering the use of paper ballots where necessary.

In such college towns of Ann Arbor, Champaign-Urbana, Madison and Iowa City, heavy student voter registration increases caused long lines and a wait of up to 3 hours for some voters.

Machine malfunctions in some Philadelphia wards cancelled out Democratic Presidential votes cast on a straight party ticket without affecting votes for other offices.

Early closing hours of 4 p.m. and 6 or 6:30 p.m. handicapped working people and commuting suburbanites. Whether the fault was early closing hours, inoperative machines, or long delays, many local election boards and State election procedures simply turned away potential voters.

The absentee ballot voting procedure also includes obstacles and administrative pitfalls for the average voter. The varied and complex procedures for obtaining an absentee ballot undoubtedly confused many voters and discouraged others from voting at all. Many local election boards also experienced great difficulty in meeting the increased demand for absentee ballots. Backlogs existed in many large urban areas such as Brooklyn and Nassau County, N.Y.; Cook County, Ill.; St. Louis County; and Los Angeles. Local election boards received several thousand absentee ballots a day or two after the election as a result of backlogs and slowness of the mails. These ballots were disregarded despite the incredible citizen initiative involved and the fact that the fault lay with the postal system.

The absentee ballot, election machinery, and registration problems accounted in part for the disenfranchisement of thousands of voters. Local election boards are ill-equipped and underfinanced. Their work is seasonal, and consequently, they have often resisted professionalization. People usually pay no attention to registering or voting until the deadline is fast approaching or already past, and attention is not focused on the staffing or training of election personnel.

The bill I have introduced, H.R. 6518, addresses these problems. It provides a means for Federal regulation which would end the many irregularities that result from poor local election administration. Federal legislation appears to be the only vehicle available for the reform of the electoral process.

Specifically, my bill would establish the following guidelines and requirements:

First, each polling place would have adequate voting machinery and facilities to service every voter within 15 minutes of each voter's arrival at the polling place;

Second, in each case voting machines are utilized, backup paper ballots, and competent repairmen would be readily available if the machines failed to operate correctly;

Third, each polling place would be kept open to voters from 6 o'clock antemeridian to 9 o'clock postmeridian;

Fourth, absentee ballots in blank would be made available within 7 days from the date of request to persons requesting them by letter or by post card forms, without further formalities. Post card absentee ballot applications would be available at every post office;

Fifth, the Attorney General would be authorized to make grants to election boards and officials of States and political subdivisions thereof in order to allow them to prepare through training and research for their responsibilities under this act; and

Sixth: the Attorney General would pay to each State on an annual reimbursement basis 25 per centum of the increased election operating costs directly resulting from the application of the standards imposed by this act, as determined by the Attorney General.

These measures would constitute a major step toward eliminating election day foulups caused by local administrative inefficiencies. They constitute a necessary program for enfranchising all eligible voters and making sure their votes are cast and counted.

EMERGENCY EMPLOYMENT ACT EXTENSION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Biaggi) is recognized for 5 minutes.

Mr. BIAGGI. Mr. Speaker, thousands of unemployed Americans will have the hope for a job and numerous local governmental agencies will have an opportunity to provide needed services if the Emergency Employment Act extension bill is approved by this body.

Just this morning the House Education and Labor Committee gave the measure its final approval. I applaud my colleague on the committee, the gentleman from New Jersey (Mr. Dominick V. Daniels), for his untiring efforts to steer this bill to a final vote on the House floor. I am pleased that I was able to work with him on this legislation both in the Select Labor Subcommittee and in the full committee.

The unemployment picture in the country has not improved. Almost four and a half million Americans are unemployed. Many others are either underemployed or have abandoned any hopes of getting a job and have stopped looking for employment. The national rate of unemployment is at 5 percent with many areas still experiencing rates in excess of 6 percent.

The bill as approved by the full committee this morning authorizes continuation of the nationwide public employment program as long as the unemployment rate is in excess of 4.5 percent. Special public employment programs are also authorized for local areas with unemployment rates in excess of 6 percent.

Other sections of the bill provide for increased authorizations for high unemployment areas, assures fair treatment of education agencies in job allocations, and protects the promotional rights of regular employees.

Provisions are also made to assure that the money is spent for additional jobs and not as a replacement for the funding of existing jobs. The Secretary of Labor is also instructed to consider the comments of an affected labor union before approval of any application.

A special section earmarks funds to meet the particular needs of those Americans on Federal and State Indian reservations and provides the technical assistance necessary to assist the Indian tribes to carry out these programs.

The unemployment level which prompted this measure in 1971 has dropped by only 300,000, over half of which is directly attributable to the Emergency Employment Act itself. During the 7 days of hearings before the select subcommittee, near unanimous support was heard from all witnesses.

It would be unconscionable for Congress to eliminate this effective and essential program as long as unemployment is still a problem and local government still cannot fill the service needs of their communities. I strongly urge all my colleagues to approve this measure when it comes before the full House for a final vote.

THE POPE AND THIEU'S PRISONERS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. Abzug) is recognized for 10 minutes.

Ms. ABZUG. Mr. Speaker, when Pope Paul VI urges President Thieu to release political prisoners held in South Vietnam, we can be sure that the horror stories we have heard are not being made up by "Communist liars"—as Thieu recently called the two young Frenchmen whose moving personal experiences helped us to learn the truth. Most of the prisoners are not Communists; many are apolitical; many are women and children. And their stories by now are too well documented to be dismissed as propaganda.

Many of them are Roman Catholics, people of standing in their communities—feared by Thieu because they might help mobilize opinion against him, which is widespread throughout South Vietnam. Obviously the Pope has heard their stories and is moved by their plight.

The New York Times this morning carried the following story:

Thieu Visits Pope, Who Bids Him Free Political Prisoners

Rome, April 9.—While policemen and leftist demonstrators battled near St. Peter's Square, Pope Paul VI met President Nguyen Van Thieu of South Vietnam here today and urged him to release political prisoners.

The audience lasted an hour, and a Vatican communiqué issued later said that the Pope "wanted to call to the special attention of the guest the human problem of political prisoners of both sides in Vietnam" and that "the President gave detailed information and explanations on this subject."

What he told the Pope, Mr. Thieu said at a news conference later, was that there were no political prisoners in South Vietnam and that such reports were "only gross Communist propaganda."

"There are no political prisoners in South Vietnam," said Mr. Thieu, a Roman Catholic, in response to a question. "There are only two kinds of prisoners: 21,007 of common law and 5,081 Communist criminals."

The Communist prisoners, he said, are civilian terrorists.

Several hours before the papal audience leftist youths who have been demonstrating against Mr. Thieu since he arrived in Rome yesterday began assembling for another protest. They carried posters reading "Down with Thieu" and "Thieu Assassin."

Dozens fought to break through hundreds of policemen who cordoned off all entrances to the Vatican. Brief clashes erupted and four youths were arrested.

Mr. Thieu has avoided appearing in public here. He rode by helicopter between the Vatican and the villa where he is staying as a guest of the Italian Government. He also went by helicopter to meet President Giovanni Leone of Italy at Mr. Leone's summer residence.

CONGRESSWOMAN SULLIVAN EXPRESSES DEMOCRATIC SENTIMENT ON THE ADMINISTRATION'S ECONOMIC POLICY

(Mr. BARRETT asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BARRETT. Mr. Speaker, the House will shortly be taking up for consideration the extension of the Economic Stabilization Act. The Committee on Banking and Currency, for the last 3 weeks, has been devoting all of its time to this important legislative matter.

I believe that we have reported out a bill which attempts to provide the President with the needed authority to deal with the inflation that we are experiencing today. I believe that most of the Democrats on our committee do not understand the administration's reluctance to adopt the provisions of our committee reported bill. Many of us feel a deep sense of frustration over attempts to understand the administration's economic policy decision process.

Our distinguished colleague, a gentlewoman from Missouri, Leonor Sullivan, expressed what I believe to be the consensus of opportunity among committee Democrats during our hearing on the Economic Stabilization Act when Dr. Arthur Burns of the Federal Reserve System appeared before the committee. The American Banker of April 5, 1973, devotes its editorial to Mrs. Sullivan's discussion with Dr. Burns, which I direct the Members attention to.

Mr. Speaker, I include the editorial of the American Banker of April 5, 1973, to be included in the Record following my remarks:

The Trouble With Too Many Warnings

Clear insight into the thinking of an important segment of the Congress was provided this week by Rep. Leonor K. Sullivan, D., Mo., of the House Committee on Banking, Currency, and Urban Affairs, in remarks to Arthur Burns, chairman, Federal Reserve Board, and chairman, Committee on Interest and Dividends, during his appearance before the committee.

Mrs. Sullivan told him:

"Dr. Burns, after four years, I am finding it very difficult to take seriously at face value the warnings which come to us from this Administration about the terrible consequences of the legislation we happen to have under the consideration of this committee, which the majority on this committee feel is a solution to a serious national problem.

"Now, going back to 1969 when we were working on legislation which became the Interest Rate Control Act, giving the President the authority to have the Federal Reserve Board regulate materials and conditions of all types of credit as a means of combating inflation, the President warned that this was a very bad move on our part and that we shouldn't pass it. And we did pass it under circumstances that the President felt he could not veto the bill on which the bill was attached. And he denounced the Congress for irresponsibility for passing this kind of legislation. And then you came before us just a few months later in February of 1970 and said, in effect, that you were very happy this authority had been enacted by Congress and was on the books and was available to be used in case it should be necessary to use it, although you didn't think it would be necessary.

"And then to move forward. In 1971, after we had been complaining bitterly that the authority to regulate interest rates had not been used, the Administration came in and asked us to amend the Economic Stabilization Act to include interest rates through the Cost of Living Council rather than the Federal Reserve Board and we provided that authority, too, but it has never been used.

"Now we also have the story about the Economic Stabilization Act itself. When we proposed it in 1970, the Administration accused us of playing politics, of demagoguery, and said that if we got such legislation it would never be used and we were just grandstanding. Exactly a year after the measure became law again on a bill that the President did not feel he could veto, he put it into effect with a great flourish on Aug. 15, 1971, just a year after it had been enacted. . . .

"So, how can we believe the warnings that we receive from this Administration about the dire consequences of mandatory interest rate control? The Administration track record on such predictions is very bad because it has usually ended up doing exactly what it said it would never do and shouldn't be done.

"Now, let me tell you why I think the Administration's position on interest rate control rather than the things in the stabilization battle is wrong. I mean the Administration, I am sorry to say, doesn't seem to have any confidence in the economic morals of the American people. We all know about the food price fiasco, and it has taken a position that it cannot control agricultural prices because all of the farmers and all of the consumers are going to turn into black marketeers. And on this interest rate thing, the attitude seems to be if we hold down the interest rate in the United States, American capital is going to flee abroad to get a better return.

"Well, we are not asking anyone to forgo a reasonable rate of return on their capital, and we are not asking anyone to invest money at a loss, but I think there certainly is no lack of investment opportunity in the U.S. and I don't believe that the people who hold the money have absolutely no patriotism. It is something completely divorced from the character of the people who own the money and I don't think those who administer the economy of our country give the American businessman or the investor enough respect insofar as his consideration for his own money over his own country is concerned. And I just wonder what are we going to have as a policy that we can rely upon?"

RISING MORTGAGE INTEREST RATES

(Mr. BARRETT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BARRETT. Mr. Speaker, the disastrous economic policy being pursued by the Nixon administration is causing the worst inflation that this country has experienced in 50 years. The American family is paying the highest prices in history for food, and unless policies are changed, all prices across the board will be at record highs.

Lurking in the shadows of these recent record high increases in the grocery bills that the American family is paying will be a higher interest rate on mortgage loans, which will increase the cost of shelter for the American family. Economists and real estate experts around the country are now predicting that mortgage interest rates will begin to climb rapidly in the immediate future. This increase will be caused by the general inflationary conditions in the marketplace, tight money policies to be pursued by the Federal Reserve, and finally a decrease in the savings inflow into the savings and loan associations and mutual savings banks. Since approximately 50 percent of mortgage loans are made by these two financial institutions, the American family can expect higher cost in the financing of their homes.

Mr. Speaker, I would like to include in the record following my remarks the column by Bernard C. Meltzer, real estate editor of the Evening Bulletin, on prospects for increased mortgage interest rates. This article appeared in the Philadelphia Evening Bulletin on Friday, April 6, 1973.

The article follows:

A REAL ESTATE EXPERT'S VIEW: MORTGAGE INTEREST RATE HIKE IS LIKELY WITHIN A FEW MONTHS

(By Bernard C. Meltzer)

Signals have shifted rapidly during the past three months. The signs now point toward higher mortgage rates. If you have been holding off waiting for a lower mortgage rate, you had better act now. By the time summer rolls around, the mortgage rate will probably be about ½ percent higher.

The cause of all this is the Federal Reserve. It's all very complicated, but it goes back to the fact that the Reserve has put a clamp on the money supply. It's being done in the name of fighting inflation and slowing down the economy. It's being done by restricting the amount of new money.

A RAPID RUN-UP

The result has been a rapid run-up in short term interest rates. There are strong indications, however, that neither the Administration nor the Congress will allow the interest rates to rise too rapidly. If they take off, we are almost certain to see a lid clamped on interest.

The problem was brought into the open and reached a crescendo two weeks ago when nine commercial banks tried to boost their prime rate from 6¼ to 6¾ percent. Arthur F. Burns, Chairman of the Federal Reserve, hailed the bankers down to Washington. After much arm twisting, the banks agreed to compromise, and the prime rate was rolled back to 6½ percent.

OUT OF KILTER

The commercial banks justified their action by pointing out that the prime rate has gotten out of kilter compared with other money rates. They point to the fact that it has moved up only one percentage point since last Fall. By way of comparison, the 91-day treasury bill rate has moved up 1.453 percent in one year. This is the most sensitive short term indicator we have. Another sensitive indicator is the Federal funds rate (the rate banks charge each other on day-to-day funds). This has shot up 2 percent since the Fall.

Certificates of deposit are now paying about 7 percent. This is another important indicator. These are some of the reasons banks cite to prove that the prime rate is out of kilter. They allege that if the prime rate were free to move to its own level, it would now be at 7 percent.

All this has come about because the Federal Reserve has slowed the expansion of the nation's money supply. Last year money grew at an 8-percent rate. This year the Federal Reserve cut the growth rate in half. Since the beginning of the year, it is down to 4 percent.

In contrast, the Gross National Product for the first quarter of 1973 increased an estimated $36 billion. This indicates a real growth rate in G.N.P. of 7 percent. The annual price rise rate of 5.5 percent must be added on. One does not have to be an economist to fathom that a 4 percent growth rate in money is not enough to meet the needs of the expanding economy.

ARTIFICIAL RATES

The commercial banks, accordingly, allege that because their prime rate is artificially low compared with other short term money rates, it encourages borrowing from banks. Commercial banks are reporting a sharp increase in demand for their funds. One way that these banks are meeting the greater demand for money from them is to go after savings accounts. Both locally and nationally, commercial banks have launched intensive efforts to attract the savings dollar.

These efforts have raised warning signals on the mortgage front. There has been a substantial decrease in the flow of new money into savings institutions. For example, for February, savings and loans nationally report a 40-percent drop compared with a year ago. Mutual savings banks are also reporting less new money. In fact, all savings institutions report that their inflow of money is off.

The same is happening in Delaware Valley. Savings institutions almost without exception, report that the inflow of new money has slowed down. Few report a net outflow of money—it's just that the rate of growth has slowed down.

The decrease of new money flowing into our savings institutions is a cause of concern. This is where most of the home and apartment mortgages come from.

However, it is not anticipated that a mortgage crunch will develop or that mortgage rates will rise steeply. There are a number of reasons for this conclusion.

In the first instance, the long term interest rates have remained rather stable. They have not shown the wide swing of short term money rates. Currently, the yield of high grade corporate bonds is 7.53 percent. A year ago it was 7.48. The change is small.

IMPORTANT FACTOR

There is another important factor to consider. There is little chance now that the usury rate in Pennsylvania will be raised above the current rate of 8 percent. In New Jersey, the 7½ percent rate will probably also remain. Governor Shapp has indicated, in strong terms, that he will veto any bill that raises the 8-percent rate. Governor Cahill has indicated he would do the same if attempts were made to raise the 7½-percent rate.

Thus, the action of the Federal Reserve in slowing the amount of new money fed into the economy has resulted in a climate where the outlook for mortgage interest rates is up. By the time the dog days of summer arrive, home buyers in Delaware Valley will probably be paying about ½ percent more.

OIL: THE VULNERABLE JUGULAR

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, on April 9, 1973, the Washington Post carried a very lucid and sobering article by columnist Joe Alsop on a matter of growing concern to all of us. That is, of course, oil and its relationship to geopolitics. The gravity of our problem is emphasized by Mr. Alsop's reference to the effects of the fuel problem to our future as a great nation.

Mr. Alsop plans a series of articles on the energy matter. I am sure we all will benefit from reading them.

Without objection I am submitting the first of Mr. Alsop's articles for inclusion in the RECORD:

OIL: THE VULNERABLE JUGULAR

(By Joseph Alsop)

This is an invitation to join a voyage of discovery. It has been a strange voyage, always enlightening, but always cruelly and bitterly enlightening. Those who wish to join had better know, too, that the end of the voyage will be unpleasant—although it will tell volumes about the American future.

Hence the start of the voyage will be well to explain. Some weeks ago, the former Israeli ambassador, who was also one of the two chief minds behind Israel's victory in the Six-Day War, went home for good after a long experience in Washington. Itzhak Rabin is not merely a brave man, a good companion and a good friend. He also has one of the most far-thinking yet down-to-earth strategic minds this city has known in many years.

So it was a matter of pride that the house where these words are written was the last in Washington where he came to say goodbye and to have his final meal in America. In the talk at supper, the voyage in question really began with a fairly idle question:

"Now that it's all over, what impressions do you take home with you from your embassy here?"

Rabin answered that he had a wonderful time here, and in one way, was going home much encouraged. When he came to Washington, he had found the city wholly preoccupied with Vietnam, and dealing with all the more important matters in the world by a method of fumble, muddle and last minute improvisation. Now, he added, "your policy has a clear, well thought out direction, and is bold and adroit, too. All that is very good."

Why then, he was asked, did he so carefully say, "in one way." Your oil problem, he answered shortly. You mean you think the Arabs will blackmail the United States into an anti-Israeli policy, was the natural reply. Not at all, he came back energetically. Israel can take care of herself "unless the United States joins with other nations to destroy Israel—and the United States will never do that."

"But why the oil problem, then?" was the next question.

"Because of its direct effects on you." he answered, "and because those direct effects will turn into indirect effects on Israel and so many other nations."

Begin with Israel and the other nations, he was asked. Oh, he replied a bit grimly, Israel is lucky. Israel has the will and wits to defend Israel. Besides China and one or two more, there are not many nations friendly to America that you can say so much about today. But neither Israel, nor China, nor any of the other nations now in the circle of America's friends can possibly achieve successful self-defense, in a new kind of world in which America has ceased to be a great power.

"Ceased to be a great power! My God, I thought you were talking about the oil problem," was the fairly horrified comment.

It was a natural comment, too, for how do most of us, as yet, think about the oil problem? In terms of greater costs, of possible fuel shortages, of our current difficulties with the balance of payments, and also of the Arab political blackmail—which the departing ambassador had dismissed. That, surely, is an honest summary of the way we now think about the oil problem. Perhaps sensing all this, Rabin went on, much more sternly and more earnestly:

"You do not think enough about the oil problem. I have been looking into it for months. It is much worse than you suppose—10 times worse. Your jugular, Western Europe's jugular, Japan's jugular, all run through the Persian Gulf nowadays. Yet you have no means to defend your jugular.

"This is why your country must cease to be a great power, unless you can find means to solve this terrible problem, which everyone has overlooked for too long. No nation can remain a great power, that has a wholly undefended jugular, waiting to be cut by anyone with a willing knife. No nation can be a great power, either, that has an ever more worthless currency—unless it is a totalitarian state like Hitler's Germany or the Soviet Union, which the United States will never be.

"Look into the facts that the future will force you to face. Look into what those facts will do to your dollar. Look into the new strategic situation those facts will do to your dollar. You. Then you will see that I am right."

The evening did not end there, but with affectionate farewells. Yet the terrible words thus spoken, by so wise and warm a friend of our country, could not be forgotten. So "looking into the facts" was the voyage of discovery, to be described in further reports in this space.

A RESEARCH INSTITUTE FOR DYSAUTONOMIA

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, I am today introducing a bill with 18 cosponsors to establish in the Public Health Service an institute for research on dysautonomia.

This tragic genetic affliction, more explicitly known as the Riley-Day syndrome, appears almost exclusively in children of Jewish ancestry. Dysautonomia is a rare disorder of the central nervous system which controls the autonomic processes of the body.

The children who are victims of this disease suffer from impaired sensory perceptions and automatic functions involving such vital body processes as heart and lung action, digestion, blood pressure, and body temperature. These dysautonomic children are indifferent to pain, cannot distinguish between hot and cold, have no taste buds, and their reflexes such as tearing, perspiration, and salivating are affected.

The disease is carried by a recessive gene, which is passed on to the child if both parents are carriers, and then, the chances are only one in four that the child will be born with the disease. Less than 1,000 cases are known to exist, but in all probability hundreds go unreported because the disease is so rare, the symptoms are not recognized.

It is necessary that research be done on this disease so that it might be detected in a fetus. For children who are born with the disease, it appears that the basic problem seems to be a lack of an enzyme necessary to the smooth functioning of the nervous system. Research must be undertaken to find a way of replacing the substance, and the Federal Government should assist in this effort.

THAT HANOI PROPAGANDA: TRUTH REFUTES LIES

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, as the poet has said, "Truth, crushed to earth, shall rise again." And so it is with the truth concerning U.S. bombing of Hanoi—a truth brought to light as a byproduct of the release of the last American prisoners of war.

In an editorial published April 3, the Detroit News points out the truth about our bombing of Hanoi—the fact that it was precision bombing as the U.S. Defense Department insisted it was and not the indiscriminate bombing reported by Hanoi.

The tragic aspect of the propaganda war in which we engaged with Hanoi—a war that Hanoi won—is that so many Americans were willing to believe the "big lies" told by the North Vietnamese.

Now the record has been set straight, as borne out by the Detroit News editorial:

THAT HANOI PROPAGANDA: TRUTH REFUTES LIES

No winner has been declared in the war of arms in Vietnam. But in the war of propaganda, Hanoi won hands down demonstrating great finesse in the technique of the big lie. The truth is now beginning to come out but will have a hard time catching up.

Although North Vietnam supported Viet Cong efforts to destroy the government of South Vietnam and sent aggressive troops of its own into the South, Hanoi somehow managed to cast itself in the role of the aggrieved.

When American planes dropped bombs on North Vietnamese targets, Hanoi cried for world sympathy and got it, despite the fact that Hanoi could have brought an end to the bombing at any moment simply by ceasing its own assaults upon the South.

The United States insisted that its attacks were aimed at military targets and that its planes had achieved considerable success in confining bomb hits to such targets. Nevertheless, many governments and individuals preferred to believe the horrifying stories from Hanoi about the destruction of civilian populations and buildings.

Anti-war marches lamented North Vietnamese children being torn apart by bombs and burned by napalm. Newspapers around the world picked up an account from a Japanese Communist newspaper describing how Joan Baez sang Christmas carols during a blackout in a Hanoi hotel while the noise of American bombs echoed through the building. In Stockholm, Prime Minister Olof Palme compared the bombing of North Vietnam with the Nazi massacres of World War II. The North Vietnamese foreign ministry complained regularly of "extermination" raids against densely populated areas, including Hanoi.

Now for the story from another point of view. Last week, 28 newsmen visited Hanoi to witness the release of the last of the American prisoners of war. While there, the newsmen had an opportunity to check on some of the reports of indiscriminate bombing by U.S. planes.

Tammy Arbuckle of the Washington Star-News reported: "Pictures and some press reports had given the impression that Hanoi had suffered badly in the war—but in fact the city is hardly touched."

The newsmen found some extraordinary examples of precision bombing. American bombs had produced "utter devastation" in a locomotive repair yard, while 25 yards away civilian houses remained intact.

The South Vietnamese guides showed the reporters small areas where, the guides asserted, homes had been hit by American bombs. They complained about the destruction of Bach Mai Hospital in south Hanoi but did not take the reporters there.

That omission might be credited to the fact that, according to other reports, only one building of the huge Bach Mai Hospital complex suffered damage, having been hit inadvertently when bombers struck at a machine factory which the North Vietnamese had placed right beside the hospital.

No doubt other U.S. mistakes were made, some Vietnamese civilians were killed and some nonmilitary targets were hit. But if the United States had been bent on "extermination" in North Vietnam, this nation possessed the power many times over to achieve that end quickly and efficiently. Obviously, however, "extermination" is not a part of American policy.

As the evidence shows, our bombers threaded the needle, striking at military targets while leaving civilian areas largely untouched. How unfortunate that political leaders and protest groups around the world were not as meticulous in distinguishing between proven facts and sheer propaganda.

GEORGE WILSON WELSH TURNS 90

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, now and then there is born an individual who proves to be so unmistakably dynamic and colorful that he stands out far above the pack. George W. Welsh of my hometown of Grand Rapids, Mich., is just such an individual.

George Welsh recently turned 90, an event that was noted by President Nixon as well as others, for Mr. Welsh is a truly remarkable man. Mr. Welsh is a "personality," a man who has always made his presence felt. Most importantly, he is a man whose foremost concern has always been for "the little fellow"—for the taxpayer.

It is difficult to do justice to George Welsh with words, but Robert Pisor, a Detroit News writer, has done an excellent job. With the permission of my colleagues in the House, I would like to include at this point in the Record an article written by Mr. Pisor on the occasion of Mr. Welsh's 90th birthday. The article, published in the Detroit News on March 28, 1973, follows:

George Wilson Welsh Turns 90: Scrappy State Politician Saluted

(By Robert L. Pisor)

George Wilson Welsh, an immigrant from Scotland who became one of Michigan's most extraordinary political figures, was honored on his 90th birthday yesterday in the town that once bounced him from public office.

When Grand Rapids voters rose against him a quarter century ago and forced him to resign after six terms as mayor, Welsh declared:

"In this fight as in all others, I came out with a clean apron. I don't have to blush for anything I have ever done. My public services will be remembered long after my traducers are forgotten."

Welsh's services were remembered last night with messages from President Nixon and former Michigan Supreme Court Justice Eugene Black and visits from U.S. Rep. Gerald R. Ford and others.

"The wily little Scotsman has outlived both his friends and his enemies," said former Grand Rapids Mayor Robert Boelens, who organized the party.

Welsh was born in Glasgow in 1883, and came to America when he was eight. He dropped out of school in the 5th grade to work for a newspaper and went on to found his own publication.

In 1912, Welsh put down a trombone he was playing at a political rally to make a fiery, unscheduled speech. The citizens at the meeting drafted Welsh—and he served two terms as alderman.

His career took him to the mayor's office, the State Legislature where he served as house speaker, the lieutenant governor's office and two campaigns for governor—one as a Republican, one as a Democrat.

But it was Welsh's eloquence and his sturdy defense of constitutional rights that carved out a place for him in the history of Michigan politics.

Welsh was the founder with Detroit Mayor Frank Murphy of the U.S. Conference of Mayors, which was organized to plead with President Hoover for federal aid to cities during the Depression.

"We were damned in those days as traitors to the American way of life," Welsh once recalled.

"All we were trying to do," he went on, "was feed the hungry, help the helpless, and relieve city taxpayers of an unfair burden."

Welsh was once derided as "the gentleman from Utah" because he battled—successfully—to establish the right of a Mormon preacher to speak in the streets of Grand Rapids.

In 1921 he won House approval of a bill designed to prohibit Henry Ford's newspaper, the Dearborn Independent, from printing anti-Jewish articles.

At the height of Prohibition, Welsh enraged the anti-booze forces by denouncing them for supporting candidates "whose only qualification for public office is one dry cell."

Such a policy, he declared, "is gnawing at the very foundations of good government."

The peak of his career came in 1923 when the Legislature met in special session to deal with a reapportionment bill that would have increased Wayne County's voice in Lansing.

The bill was defeated and Welsh, then House speaker, gave an interview to The Detroit News in which he charged that 57 state representatives had "openly, brazenly and criminally violated their oaths to support the Michigan Constitution" by voting "No."

"If they were justified," Welsh said in the interview, "the bootlegger and the highway robber are justified."

The next day, angry members of the House demanded that Welsh be impeached.

Welsh put down his gavel and left the speaker's rostrum to defend himself on the floor of the House of Representatives. He confirmed the truth of The News' article, defended his charges and concluded:

"The action of this House in openly defying—brazenly defying—the Constitution of the State of Michigan is the most tragic action that has ever taken place within these four walls."

A writer who covered that legislative session a half century ago gave this account of the clash:

"Welsh then took his seat once more amid a thunder of cheers and pounding of desks that made the portraits of Michigan's governors quiver in their gilded frames."

The impeachment motion failed by a vote of 80–9.

Welsh won the first of two terms as Grand Rapids alderman in 1912, then moved to the State House of Representatives for four terms, the last as House speaker.

In 1924, he was elected lieutenant governor, only to lose the office two years later when he was refused a recount after a narrow defeat.

After several terms as city manager in Grand Rapids, Welsh returned to statewide politics as a candidate for governor in the 1932 Republican primaries. When he lost, he refused to support the GOP nominee.

In 1936, Welsh stunned Michigan Republicans—and Democrats—by calling a press conference to announce:

"I can no longer conscientiously support the policies of the Republican Party."

He ran as a Democratic candidate for governor, but lost in the primary to Frank Murphy, the former mayor of Detroit.

He returned once more to the city manager's job in Grand Rapids and in 1938 won the first of six consecutive terms as mayor of the growing city.

In 1949, a citizens' reform movement forced an election to recall Welsh on the grounds that his city political machine had been touched with corruption and indifference to city problems.

Three weeks before the election, Welsh—who was touring Italian cities as a delegate of the U.S. Conference of Mayors—cabled his resignation from Rome.

"I will retain my interest in public affairs and express my view on public questions," he said after his defeat in a 1950 comeback try.

His "views," carried in a small newspaper he published in Grand Rapids, have kept him in the center of controversy for 70 years.

Just a few years ago, when Boelens was mayor, the city commission refused to approve a resolution of praise for Welsh.

"He's still pretty spry for 90," said Boelens. "He can still take it—and still dish it out—with sharp wit."

Welsh himself put it this way when asked some years ago about his life in politics:

"Win or lose, the game's the thing. I still get a kick out of it."

CHILD CARE: HELPING THOSE WHO HELP THEMSELVES

(Mr. PODELL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, working mothers across America are today, April 10, observing National Working Mothers Day. Many of them will be bringing their children to work to demonstrate the need for comprehensive child care in America.

The HEW regulations proposed for funding of social service programs are so stringent that they fall well below the $2.5 billion ceiling imposed by Congress last October.

Mr. Speaker, there are more than 7 million single parent households in this country, and beyond that 50 percent of all wives work. The truth is that most women work, because they have to. Any reduction in the availability of publicly assisted child care would mean an even greater reduction in the American family's ability to remain economically independent.

As Americans we pride ourselves on our business know-how. No country in the world has produced the wealth and the high standard of living that we have. But somehow when we determine social policy for the country we forget all that we have learned.

A businessman who did not figure in the long-range return on his investment or the alternative costs when he was considering a new expenditure would not last very long. That is the situation right now for the funding of child development programs and day-care centers. The administration does not want to spend the money. They say the budget is too tight. I could talk about national priorities and how with only so much money to spend we have to decide whether to spend it on guns or on children; how it all depends on which you care more about, the guns or the children. I could talk for hours about children with handicaps and mothers, ashamed, because they are forced to live on welfare.

But we have all heard that so often that today I am going to talk to purse strings rather than to the heart strings. This is an argument for Federal aid in terms of costs, cash costs, and maybe the administration will be able to understand that.

There are over 6 million children under 6 whose mothers work. Less than a million are in licensed day-care centers. There are 17 million children who are educationally deprived. What will become of these children without proper help and guidance? Many of them will be the "social problems" of the next generation. Many of them will be the drug addicts plaguing society 10 years from now. The Government will have to spend untold billions on drug programs; billions more will be lost as the crime rate zooms.

The largest cost may be in lost production. Skills which children never learn are never put to use. Future welfare rolls are right now in the making. Children who grow up without proper education and health care not only suffer themselves; they cause society to suffer with them. The untrained handicapped are a money cost as well as a moral cost and there are over 3½ million handicapped children who are not receiving adequate services.

Finally, if we do not break into the poverty cycle now, there will be many more children in the next generation needing attention and demanding funds. Day-care centers, providing early attention to the problems of children are a necessary capital investment to keep the country growing and solvent.

What of the price we pay right now? We are constantly discussing the cost of welfare. There are over 1 million women who could be working, providing for themselves and their families, but they must stay home or their children will be alone or out on the streets. Not only the poor must pay this price. Many lower- and middle-income wives must work to help support their families. These women need help; they cannot afford private centers. There are millions more who would like to be working, adding to the wealth of the country but who simply cannot leave their children.

It should be clear to the most hardheaded money manager that the longer we stall on paying for child development programs the more it will cost us. That is why I have cosponsored a Comprehensive Child Development Act. This bill will provide for a family-oriented program of early childhood development and preschool education for the children of lower- and middle-income families. The program will be voluntary and closely involve the parents in its operation; tailoring services to different home situations.

It will provide for the training of professional staff and the establishment of explicit standards for the development programs and day-care centers. The bill authorizes the expenditure of $150 million in fiscal 1974 for planning and $2 billion in fiscal 1975 for operations. This large sum is truly quite small compared to what we shall have to pay, now and in the future, if we fail to act.

SOVIET JEWS SEEK RIGHT TO EMIGRATE

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, recent reports of a change in Soviet policy with regard to the imposition of heavy taxes on individuals wishing to emigrate is a promising and gratifying development. It does not, however, in my judgment, remove the need to include a provision along the lines of the Jackson-Mills-Vanik amendment, of which I am a cosponsor, in any legislation granting trade concessions to the Soviet Union and other East European nations. If the Soviets genuinely intend to stick to their decision to do away with the tax, then any provision making future trade concessions contingent on open emigration policies would only serve to endorse that policy. That, in my judgment, is a small concession for the Soviets to make in return for the very substantial benefits they stand to reap from large-scale trade with the United States.

The American public-at-large, on the other hand, stands to gain little from expanded trade with the Soviet Union. If anything, it is likely to contribute to rising food costs that are already making life miserable for millions of Americans. Assurance that freedom of Soviet citizens to emigrate will accompany any increased U.S.S.R.-American trade would at least give the American public the satisfaction of knowing that the cause of human freedom had been advanced.

In any case, Mr. Speaker, there continues to be many cases of persecution and refusal of requests of Soviet citizens to emigrate which call into serious question the sincerity and good intentions of the Soviets on this matter. The following are four examples of cases which have come to my attention in recent weeks:

First. Mr. Youra Berkovsky, an engineer, his wife, Anna, a teacher of English, and their 3-year-old daughter Rina have applied to emigrate to Israel, but so far have been denied permission to leave. As is so often the case, these individuals were immediately dismissed from their jobs when they announced their intention to emigrate in August of 1972. They have committed no crime, and they should be permitted to join their people in Israel. The Berkovskys live at Novogodnee 36, room 40, Novosibirsk 87, U.S.S.R.

Second. The wife, 5-year-old son, and ailing mother of Soviet Cellist Victor Yoran, now a resident of Israel, have been refused permission to join Mr. Yoran. Stella Goldberg, Mr. Yoran's wife, is a noted concert pianist, and I join in the appeals that have been made by many of the world's professional musicians that these three innocent members of the Yoran family be allowed to leave the Soviet Union and to be reunited with their husband, son, and father—Victor Yoran. Stella Goldberg resides at Bolshaia Cherkizovskaia Street No. 8-7-72, Moscow, U.S.S.R.

Third. The 21-year-old son of Mr. Julius Krylsky, Jan Krylsky, has been confined by Soviet authorities to a mental institution for a year on charges of "militant Zionism." He is reported to be kept in a ward for the criminally insane, where he has been given injections that leave him delirious. He has been allowed only rare visits with from his mother. When the Krylsky family applied for permission to emigrate to Israel early in 1972, a court case in which Jan had been involved and was acquitted was reopened and he was institutionalized as a "schizophrenic." The brutal treatment given this young man ought to be stopped and he and his mother permitted to emigrate to Israel. Jan Krylsky is institutionalized at Bolnetza Ya 0 100/5, Specealnaya Psychiatrecheskaya, Sechovka Smolenskoy Oblast, U.S.S.R.

Fourth. Finally, there is the case of Isai and Grigory Goldshtein and Elizabeta Bikova, who have been refused permission to emigrate. Isai and Grigory are both scientists. After they applied for permission to emigrate, their apartment was searched, documents—including a copy of the Universal Declaration of Human Rights—were confiscated, and Soviet officials charged them with slandering the Soviet Union. Gen. Alexi Nicolievitch Inauri, Chairman of the KGB of the Republic of Georgia, has jurisdiction over their emigration request, and has so far refused to grant them permission to leave.

Grigory and Isai Goldshtein and Elizabeta Bikova have written to Soviet President Podgorny explaining their reasons for giving up their Soviet citizenship and have sent a letter to U.N. Secretary General Kurt Waldheim appealing for help. Copies of those letters follow:

The reasons for renouncing Soviet citizenship. I, Goldstein. Isai Abramovitch, a citizen of U.S.S.R., a Jew, would like to unite with my people in our historical fatherland, Israel. Up to this date, I have been denied this possibility. I am forced to be a citizen of a country that is helping the enemies of my fatherland. This became clear in September of 1972 at the time when the whole world was shocked by the Munich tragedy. The people of Israel and its leaders received numerous telegrams of condolence and sympathy and condemnation of the bandits. The great Socialistic power did not condemn the Black Septemberists. It is even not refuted that the murders were committed with Soviet arms. The heads of the terrorists from different organizations are accepted in Moscow with honor, and they receive moral and material support. At the same time, in the camps of Potma and other places, no less severe and under inhuman conditions, Jews are imprisoned, their only crime being their strong desire to remain Jews and to repatriate to Israel. It is very difficult to live in a country which keeps you as a hostage and a vassal. How can one rid himself of the feeling that, on top of the illegal refusals to grant exit permits, taxes are added for education, if one is lucky enough to get an exit permit in the future.

One does not have to be an economic specialist to understand that a professional who has worked for a few years in the U.S.S.R. does not owe the government anything. The new tax does not depend on how long one has worked—even pensioners with a higher education are assessed if they want to leave the U.S.S.R. One does not have to comment on the moral issue of the academic tax.

I, a Jew, am writing about the reasons for renouncing my Soviet citizenship in Russian. I would have preferred to do it in Hebrew; but, unfortunately, Hebrew does not exist, officially in the Soviet Union. I did not have the good fortune to learn to speak, write and think in my native tongue. I barely know the national traditions, culture, history and literature of my ancient people, a people who have gone through great suffering but still remain strong in spirit, because in the U.S.S.R. there is no possibility to live a national Jewish life. This kind of life is indispensable for me. I want, and am obligated to have, children who will not owe the Soviet Union at least 500 rubles a piece for the renunciation of their citizenship, but who will be proud of their people on their own soil.

These are my reasons for renouncing my Soviet citizenship. I do not wish to elaborate on the incidents of antisemitism.

The above letter was sent to Podgorny on October 11, 1972. On the same date, the same letter was also sent to Podgorny by Grigory Goldstein and Elizabetha Bikova.

On November 7th we are declaring a hunger strike. On October 28th we sent a letter to Podgorny, Chairman of the Presidium of the U.S.S.R. I am dictating the letter:

"We Jews of the city of Tbilisi, having renounced our Soviet citizenship, are declaring, on the 7th of November, a 24-hour hunger strike in our homes. On this day we will pray for the Jews of Israel, the Jews in the Arab countries and for those Jews who, in spite of harassment and persecution, will not cease their lawful struggle for the repatriation to Israel and for the fulfillment of their holy aims."

Grigory Goldstein,
Isai Goldstein,
Elizabeth Bikova.

All this was sent to President Podgorny on October 28th.

TRANSLATION OF THE APPEAL BY GRIGORY GOLDSHTEIN, ISAI GOLDSHTEIN, AND ELIZABETH BIKOVA WRITTEN IN RUSSIAN

THE APPEAL, SENATE OF THE UNITED STATES OF AMERICA

Honorable Senators, we and many other jews from different cities of the USSR wishing to repatriate to Israel are not only lacking the opportunity to carry out our inalienable rights, but are also persecuted in various ways: shadowing, arresting, threatening interrogations and etc. Tens of jews are imprisoned for their desire to live in Israel. Among them is Sylva Salmanson who's health is in jeopardy. All jews with higher education and academic degrees who are permitted to leave the USSR are required to pay a large sum of money. The amendment to the law concerning the educational levy does not change our situation.

We appeal to You with the request that you do all that You possibly can to attain free emigration of jews from the USSR, and bring about cancellation of the unfair payment. Do not be led astray by the few cases of individuals obtaining permission to leave without paying ransom. You have the facility to influence those upon whom our fate depends. We are hopeful of receiving Your help. This will be a manifestation of the free will on part of all freedom loving people.

With Respect,

Grigory Goldshtein,
Isai Goldshtein,
Elizabeth Bikova.

P.S. The copies of this letter—the appeal—are sent to Secretary General K. Waldheim of the United Nations and to the Chairman of the Committee of Human Rights, of the United Nations.

Mr. Speaker, the supposed changes in Soviet emigration policies and the declared termination of the emigration tax has so far not changed anything for these Soviet citizens of the Jewish faith. I shall be looking for action on their cases, and the cases of many others like them, in the days ahead as an indicator of Soviet intentions and policies, and I hope and trust that you, Mr. Speaker, and every Member of this Congress and reader of the Record will be doing likewise.

THE ATLANTIC UNION DELEGATION

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, in connection with the rule which we had up today which would have allowed the House to consider House Joint Resolution 205, authorizing a delegation of 18 eminent citizens of the United States to meet in a convention with representatives of the NATO Treaty countries and such other nations as the convention might invite, I should like to add in the body of the Record following my remarks one of the Marfleet Lectures I delivered on February 27, 1942, at the University of Toronto, Toronto, Canada, on the subject of the postwar world. In this lecture I traced the development of organizations of nations to keep the peace and to promote the well-being of the member nations and their people. And I pointed out the imperative need that we continue the effort to bring together the peace-loving, freedom-loving nations and peoples of the world in an effective international organization.

Since that time the United Nations has been formed and has been in operation. It has not achieved all that many of us who are strong supporters of it had hoped. But its successes have been many and no wise person, in my opinion, would propose that it be destroyed. NATO, which I supported in the Senate and in the signing of which I participated, has probably saved Western Europe from Communist aggression and has been an immeasurable safeguard to our own country. The Council of Europe is gaining in strength and significance. The Common Market in Western Europe is bringing together Western European nations which with us and Canada are the bulwark of freedom and peace in the world. But we must not stop in bringing freedom-loving and peace-loving nations together in still closer unity. That is the challenge and the task of the future.

Mr. Speaker, I offer my Marfleet Lecture of February 27, 1942, to follow these remarks:

THE SECOND OF THE MARFLEET LECTURES DELIVERED BY SENATOR CLAUDE PEPPER, OF FLORIDA, AT THE UNIVERSITY OF TORONTO, TORONTO, CANADA, FEBRUARY 27, 1942

Your friend and our President Roosevelt in his first address to the Nation after Pearl Harbor said, "We are going to win the war, and we are going to win the peace that follows." Earlier the President had said, "The cooperation which we seek is the cooperation of free countries working together in a friendly, civilized society."

In addressing the American Congress in December you remember those pathetic and prophetic words of that great soldier of freedom, Prime Minister Churchill: "If we had kept together after the last war, if we had taken common measures for our safety, this renewal of the curse need never have fallen upon us. Do we not owe it to ourselves, to our children, to tormented mankind to make sure that these catastrophes do not engulf us for the third time? * * * Duty and prudence alike command that the germ centers of hatred and revenge should be constantly and vigilantly curbed and treated in good time and that an adequate organization should be set up to make sure that the pestilence can be controlled at its earliest beginning before it spreads and rages throughout the entire earth."

The whole world was thrilled by those declarations made, no doubt, close to your country, and we have some satisfaction in saying, in the new world, known as the Atlantic Charter, even in the dark summer of 1941. It is worthy of note that whereas the 14 points of another great prophet and soldier of freedom and democracy, President Wilson, spoke of nations and peoples principally, the Atlantic Charter left no doubt that the emphasis of its authors was upon the safety and the welfare of individual men, women, and children as well. Where in any other such document have you seen so much concern for ordinary men having jobs, ordinary families having homes, ordinary ohildren having an education, ordinary old people having security, ordinary people having freedom of movement, speech, press, thought, conscience?

Where was there ever such a document as that drawn up in Washington on the 1st day of this momentous year by the 26 United Nations, coming from every hemisphere and continent, representing altogether three-quarters of the people of the earth, where the Atlantic Charter was definitely adopted and all the resources of those mighty peoples dedicated to the unhorsing of tyranny and the triumph of men, even over man's inhumanity to man?

Pope Pius XII, in pleading for a peace which would be just, in December of 1940, saw the necessity of every state insuring "the proper standards of living for its own citizens of every rank." Everyone will recall an earlier utterance of President Roosevelt laying down the "four freedoms" for which we must, without ceasing, strive: Freedom of speech and expression, everywhere in the world; freedom of worship, everywhere in the world; freedom from want, everywhere in the world; freedom from fear, everywhere in the world.

In the 10 proposals for peace which were drawn up by the highest authorities of the Anglican, Roman Catholic, and Free Churches in England in 1940, it was declared that "a peace settlement must be dictated by a sense of acute responsibility"; "that extreme inequality of wealth should be abolished"; and that "the resources of the earth should be used as God's gift to the whole human race and used with due consideration for the present and future generations."

Another statement from England adopted at the Malvern conference representing liberal Church of England clergy and laymen in January 1941, supported the 10 proposals for peace and made additional recommendations. "The only true end of production," asserted this conference, "is the satisfaction of human needs." Lord Halifax has said that the system to follow the war must "bring some real security into the daily life of our humblest citizen."

It is interesting to note that Mr. Brian Penton, able editor of the Sidney Daily Telegraph of Australia, has said that after the war "something must be done to rescue nine tenths of the human race from the bread line." "Social justice at home depends upon social justice abroad."

These are just a few of those sentiments which in your own country everywhere are finding vigorous expression as to what kind of an order there must be in the post-war world. It is from the sources of such sentiments that are being drawn out so many plans and so much planning for that world which we must rescue from the holocaust of war.

That is the thing that makes this war endurable, that and the conviction that we can and shall make these dreams come true. Ours is a much sadder and wiser world than was that easy-going world which found itself suddenly plunged into the maelstrom of war in 1914. That war started as this one started, as all recent major wars in Europe have started, by ruthless German assault.

The motive behind those who fought against the Hitlerism of that day was first to hurl back the criminal attack, to regain that security and independence which had been snatched away. But before that struggle ended at least (Whatever the critics or the cynics may say) it was to the people of my country just what our President, who saw so far, said it was—a war to make the world safe for democracy.

At the end of that war President Wilson could say, as he did say, that the world had been made safe for democracy. But what a price had been paid! Our freedom so dearly bought should have been cherished and nurtured and guarded. Rather into the camp of those who had gained the victory came confusion in aim and purpose. We were not on guard enough against the temptation, natural enough to believe that the victory having been won, the enemy defeated, the danger avoided, God was in his heaven and all was well with the world.

My country morally, as we Baptists say, "fell from grace." It lapsed back into what was called normalcy, but was, in fact moral apathy. We tired of restraint, shunned the call of duty, spurned obligations afar off, and pretty well fell to—

"The good old rule,
The simple plan,
That they should take, who have the power,
And they should keep who can."

among ourselves. In public and in private life moral standards fell sadly low. Almost repenting of our crusade, we retreated into what we believed to be the impregnable fastness of our oceanic isolation. A few brave spirits, of course, did keep alive the flame of those great days, but few of the multitude, passing with the abandon of a circus crowd, cared to notice. We sowed the wind. We are reaping the whirlwind.

The fault, of course, is not all ours. There were others who "saw as through a glass darkly." The world had not learned to know itself well enough. It did not realize that the industrial revolution, science, business, transportation, commerce, travel had woven a tight web around the whole earth and made it all one. We had not learned that there was a practical basis also for the moral principle of brotherhood, and that well-being anywhere was directly related to well-being everywhere. It was too soon in the history of man for those who ordered the earth in that day to see that fate had given them an opportunity to build better than men had ever built before; each people to have its part in building a magnificent edifice in the city of man, bearing its own craftsman's mark.

I remember hearing Dr. Brüening, formerly German Chancelor, say that Hitler came to power for three principal reasons:

First, the failure of the people of Europe to keep their governments in power long enough to solve the challenging post-war problems.

Second, the inability of the governments of Europe to remove the obstructions of trade barriers so that there might have been in Europe that exchange of goods and services which would have brought stability, maybe prosperity.

Third, the failure of the governments of Europe to solve the problem of currency stabilization, without which there could be no economic stability.

But nations asking the old question: "What have I to do with this nation?" failed to appreciate that the dictate of necessity was the assured well-being of all other peoples in a world so interdependent. It was too soon for nations to understand that nations, like individuals, had to curb their rights, to exercise less than their whole power to live as good citizens in the world community For example, my country in 1930 took full advantage of its legal prerogative in passing a tariff act. Only later did we see that we had drawn a noose around our own neck, and that the principal of live and let live is just as good business as it is ethics. Of course, hard-pressed nations would seek the temporary advantage of currency devaluation when there was no more substantial alternative. Hence, hindsight now reveals that the peace after the First World War was destined to collapse because the structure which was designed to support it had too few pillars. Without a solid economic foundation there could be no stable world system.

But who of us is not proud that it was our own generation that saw the culmination of a long and uphill trail in the creation of the League of Nations, to which, at one time or another, almost every country but my own had belonged. It was a magnificent beginning. To me and to many in my country it will be an enduring satisfaction which shall partially obscure, we hope, our abandonment of this child, that we once nobly gave it birth. Do not underestimate the League. The pages of history set apart for its records will be far from blank. There were some great years during which the heart and the hope of mankind were centered upon the League. On the shores of the crystal-pure waters of the Lake of Geneva there stands an edifice in the chambers of which there were once men and women from 56 nations of many tongues, many colors, many creeds, all working for a better world, former friend and foe together. Not in all history was there a counterpart. The world, one might have hoped, had shrunk to a community. It seemed that we were at last in the presence of a courthouse and a sheriff.

Lest we might to much despair over the eclipse of this majestic dream and that we might view the panorama of man's struggle toward an ordered world, let us look back over the records.

In the dim past of western civilization, those great prophets of the Old Testament, Isaiah and Micah, set the goal of a world united in peace, justice and the fear of God. Ever since, by slow stages, thinkers have been preparing blue prints of a world wholly or in part organized, and governments, from time to time, have been experimenting with certain forms of international organization.

In the world of ancient Greece, from the seventh to the fourth centuries B. C., Amphictyonic leagues and other stable confederations attempted to bring together several sovereign states, organizing them for peaceful cooperation. Most significant among them were the Achaean League of some 12 city-states, based on perfect equality of the member states, without domination of one over the others; and the great Delphic Amphictyony, which, supported by the authority of common worship, brought together almost the entire Greek race.

Even in ancient Italy, before Rome began its ascent toward world empire, there existed, in the seventh to fourth centuries B. C., the Latin League of about 30 city-states, with whom Rome, too, was associated, and which functioned as a true federation.

After centuries of peace imposed by force upon a large part of the western world by the Roman Empire, that power broke asunder, and for a long time people lost touch with one another, restricted within their local units. Gradually, western and central Europe awoke from stupor. Though divided in innumerable units, the people of that part of the world were aware of their spiritual unity symbolized by the Roman Catholic Church, and developed a pull after temporal unity as well. Pope and Emperor—an Emperor usually chosen by vote of princes representing different countries—assured a kind of international organization from the eighth till the fifteenth century.

But this vague organization did not suffice to the best minds of Europe, still nurturing Isaiah's ancient dream, and we find Pierre Dubois, a French scholar, proposing in 1305 that all Christian powers ally themselves for the maintenance of peace and institute a permanent court of arbitration.

Even more interesting was the plan suggested in 1461 by King Podiebrad of Bohemia, a precursor of the Czechoslovaks (noble ideas of a Masaryk and a Benes) in our days, to organize a Federal union composed of all Christian states, with a permanent council in the city of Basle as the supreme body.

When Reformation disrupted the former unity of the western world, reducing in consequence the part played by Pope and Emperor as centers of a precarious international order, individuals and governments were driven to feel doubly the need for a world union. Individuals, some of them heads of states and responsible statesmen, indulged freely in far-reaching projects of a full-fledged federation of Europe or even of the world.

First in point of time and most amazing in many respects was the plan submitted in 1603 by King Henry IV of France and his minister, Sully, to other governments with a view to establishing a European federation composed of 15 member states of equal strength and equal status, with a general council to administer the federation's affairs.

There followed in 1623 the project of Emeric Cruce, a learned Frenchman, of a world union of states. With a broad-mindedness far in advance of his time, Cruce wanted to include the non-Christian states into the world union on an equal footing with the states professing various Christian creeds, and proposed the city of Venice as seat of the general council of the union.

There followed in quick succession the projects of the German philosopher Leibnitz in 1676; of the Count of Hesse-Rheinfels in 1673; of Charles Duke of Lorraine, in 1688; of one of America's earliest and greatest statesmen, William Penn, in 1693; of the English Quaker, John Bellers, in 1710; of the French Abbé de St. Pierre in 1712 (with his Abrégé published in 1729) of Cardinal Alberoni in 1735, of the Frenchman D'Argenson in the 1740's; of Jeremy Bentham of England, in 1789; of the German Schlettwein in 1791; of the philosopher Kant in 1795; and of the Frenchman St. Simon and Thierry, in 1814. This array of names includes only the most outstanding ones belonging to many nations. It indicates that courageous and inquisitive minds could not rest while the world remained an arena of selfish strife. In a way, Kant's contribution will interest us more particularly. This great German inspired by the French Revolution was one of the first who insisted that the world union could not be securely built unless it is based on democratic principles, representing a union of peoples rather than a union of rulers.

After 1814, the idea of organizing the world made rapid progress. With pride I may point out the leadership of my countrymen in this movement. Peace societies were founded in 1815 in Massachusetts, New York, and Ohio. Similar societies in other States followed, and in 1828 they consolidated in the American Peace Society, led by that apostle of world peace, William Ladd. The Advocate of Peace, the organ of this movement, started appearing in 1834, and still continues its good work.

A similar movement of peace societies developed in England beginning 1816. The English economists, Cobden and Richard, were among its leaders. It spread to other countries, and international peace congresses were held annually between 1848 and 1853. After a brief interval, further international peace congresses were held in Switzerland under the auspices of another international group, the "League de la paix et de la liberté," founded by the Frenchman Charles Lemonnier. This peace movement of the nineteenth century, while mainly pacifist in character, went beyond propaganda for disarmament and arbitration. A volume published in 1840 and edited by William Ladd dealt with the core of the problem—it was a collection of essays on a congress of nations. The "League de la paix et de la liberté" raised prominently the issue of a united states of Europe. Victor Hugo presided over the peace congress of 1849 in Paris; Garibaldi took active part in the peace congress of 1867 in Geneva; and the English-speaking world was stirred in 1842 by Tennyson's inspired vision, in his Locksley Hall:

"For I dipt into the future, far as human eye
could see.
Saw the vision of the world, and all the
wonder that would be;
Saw the heaven fill with commerce, argosies
of magic sails,
Pilots of the purple twilight, dropping down
with costly bales;
Heard the heavens fill with shouting, and
there rain'd a ghastly dew
From the nation's airy navies grappling in
the central blue,
Far along the world-wide whisper of the
south wind rushing warm,
With the standards of the peoples plunging
thro' the thunderstorm;
Till the war drum throbb'd no longer, and
the battle flags were furl'd
In the parliament of man, the federation of
the world.
There the common sense of most shall hold
a fretful realm in awe,
And the kindly earth shall slumber, lapt in
universal law."

In the meantime, preparatory work was being accomplished in many directions. Pacifists led by Baroness Bertha von Suttner led the struggle for disarmament. Lawyers, combining in the "Institut de droit international" and the "international law association", began laying the foundations of a future universal law. Two of Europe's lawyers, the Scot Lorimer and the Swiss Bluntschli, came out with proposals of an international federation. Members of legislatures from many countries formed the Interparliamentary Union and strongly urged the substitution of arbitration for war. The best and most enlightened elements of the world's public opinion were getting ready, by stages, for the great idea of an international federation. On May 5, 1910, Theodore Roosevelt, former President of the United States, in an address before the Nobel Committee in Christiania, Norway, bluntly declared as goal "the establishment of some sort of international, police power, competent and willing to prevent violence as between nations." The United States Congress added its authoritative voice of approval. On April 5, 1910, a resolution was introduced into the House of Representatives of the United States by Representative Bartholdt, of Missouri, "to authorize the appointment of a commission to draft articles of international-federation, and for other purposes." The resolution, as modified by a proposal by Representative Bennett, of New York, authorized "a commission of five members * * * to consider the expedience * * * of constituting the combined navies of the world an international force for the preservation of universal peace."

The resolution in this form was adopted—unanimously, mark you—by the House on June 20, 1910, by the Senate on June 24, 1910, and became law the next day as Public Resolution No. 47, Sixty-first Congress. It can be found, a monument to the real sentiments of America, in Volume 36 of the United States Statutes at Large, on page 885.

While far-reaching projects were thus being prepared by individuals, groups, and single countries, the governments of the world, too, were driven to recognize the unsatisfactory state of a divided and disorganized world. Clinging jealously to their cherished independence they were afraid to adopt with determination a world federation scheme and relied for preservation of peace on the inadequate instrument of defensive alliances and the artificial device of balance of power. But the methods were plainly insufficient, and time after time the great powers of the world—those with most stakes in the affairs of the world—had to invent some machinery for organizing this planet. To do this, they resorted to international congresses and conferences which decided at least the most urgent questions of the time, leaving other questions in abeyance. This conference method had numerous drawbacks; it lacked permanence; it depended on a sufficient number of great powers being willing to resort to it; it required unanimity and therefore could always be broken up by any power sufficiently obstinate; it placed the decisions on the fate of countries and nations in the hands of a group of great powers which were free to invite other, smaller countries to the conference table or not.

In spite of all these drawbacks, it is most significant that the decisive powers of the world, at critical times in history, after wars and at important points in times of peace, again and again assembled in conference to obviate at least temporarily the deplorable lack of the sorely needed permanent organization of mankind.

To name but the most important ones of these international congresses, we have the Congress of Westphalia in 1648, the Congress of Utrecht in 1713, the Congress of Aix-La-Chapelle in 1748, the Congress of Vienna in 1814, in which was born the semi-permanent organization of the "Concert of Europe"—including England, France, Prussia, Russia, Austria-Hungary, with Italy later added—and the smaller and briefer "Holy Alliance." The next important congresses of the "Concert of Europe" were the Congress of Paris in 1856, and the two congresses of Berlin in 1878 and 1885.

In addition to these occasional political congresses, piecemeal organization of the world was progressing since the middle of the last century. International conferences, more or less universal in character, were convened to deal with the treatment of prisoners, with communications, with various technical and humanitarian questions. Conventions were drafted and international bodies were set up to administer the agreed rules. It was a mesh which bound the countries of the world together, always closer and closer, but a mesh made of thin and weak threads, with every government retaining the right to kick out, start a war and destroy—for a time, at least—all the patient work that was built up so carefully.

But both the great political congresses and the international administrative conventions demonstrated the universally felt need of a thorough federalization of the world, and the trend toward this federalization was unmistakable.

The dawn of the future rose in 1899 when an almost universal conference assembled at The Hague to consider disarmament and the substitution of arbitration and conciliation for war. Neither the first nor the Second Hague Conference, in 1907 succeeded in these tasks, and on the eve of the third conference the war of 1914 broke out.

But in 1919 the world was determined to continue pulling the long up-hill trail toward world organization. The Paris Peace Conference, an assembly of many nations, wrote five peace treaties—Versailles, St. Germain, Trianon, Neuilly, Seives—not particularly good nor particularly bad they were, as peace treaties go—and left a conference of ambassadors, representing the major allies, to supervise the carrying out of the treaty provisions. But the eyes of the world were glued with hope on the other child of the Peace Conference—the League of Nations, with its two associated bodies of the World Court and the International Labor Organization.

An attempt was made in 1924 to strengthen the League by the Geneva protocol. Here, then, are the footprints of our faltering course up the long trail. What of the path ahead? What sort of an order shall we set up when at last the joyous bells of peace shall ring out? I wonder if we appreciate just what we are doing now; I mean those of us who are members of the United Nations in working together.

Remember that three-fourths of the human race are together against tyranny in this war. There is already much planning together, working together, fighting together. The controls are becoming more effective, tighter and more completely in harmony all over our vast lands. This process will so much grow we all hope, I know, that by the time we hit our stride we shall all who are together in this fight, move each in its orbit with precision and sureness. Or to put it another way, let us like the many elements of a modern army, move each in its appointed manner, with complete unison and efficiency. What valuable experience in working together that will afford and at a time when the serious issue is life and death, too? What understanding will it give us all of one another? What confidence and trustworthiness can it give rise to?

How mightly may it allay those suspicions which rise in the minds of nations as in the minds of men? What lessons will it teach us in helping one another to help the whole cause? What may it do to teach us that we gain by giving? Surely we will have learned what each has to give and what each lacks and what there is may be distributed all around where it is needed. Can you imagine anything more valuable than the lessons we already know and will know much better before it is over of how little the question of money matters? We see now how it is just another one of the essential materials to be shifted around where the front demands it. We who are a people addicted to sports know especially what it means to have played on a team with some other fellows and to have been battered in hard games against bitter rivals.

Out of the long experience, therefore, which we will get from the conduct of this war, we shall already have rubbed off the rough edges of one another and got to getting along smoothly as men do who depend upon each other for life.

These are very real reasons why the utmost of collaboration among us all in the conduct of this war is so very essential besides winning the war. If we are doing that, it should not be so difficult to keep on doing it when the war is over. Indeed, the necessity then will hardly be less than it is now, for those, too, will be hard days. Peace will not bring the end of famine and disease and poverty and wounds and disorder and confussion. It will not automatically solve anything. All it will do is to release the mighty energies of man for the wholesome work of building up instead of tearing down.

It may strike you as strange to hear me say, "I hope the end of the war will bring no immediate peace." I mean, of course, I want to see no peace arranged of the sort we think of as ending wars, when the wounds of war are yet open and running and it is too early to see what the whole course of treatment must be. When hostilities actually stop, when the enemy has been forced into the corner of his own land, when his weapons have been stricken from his hands and he is powerless to go on fighting, then our first task is to be sure that there is a guard over him, that he cannot strike at us while our backs are turned. Our next task is to get things straightened out; to get our soldiers and sailors and airmen home.

Then we must size up the situation, examine the state of things, see what there is to be done. And then just keep on working together to get it done; continue the same coordination and cooperation among the United Nations which made them win the war. Supplies will still be needed to be transferred across the oceans and the lands to where they are most needed. Surely, in the other hemisphere they must have food everywhere, and there must be money, money to bind up the wounds of the injured, to house the weak, to provide homes for the homeless, to rebuild every kind of edifice, to restore the harvests, and to bring light into the dark places where hope is dormant.

Of course, there will be adjustments and understandings and give and take, and at times gentle suggestions will accompany responses as in our own time we have seen freedom of religion the handmaiden of land-lease. The personnel of the conferences will, of course, change, but politicians must not be the only ones to displace the generals and the admirals. In fact there must be fewer politicians—maybe no politicians at all; rather those who are statesmen in economics, in health, in jobs in housing, in working conditions, in a world currency, in world trade, in world freedom, in a world bill of rights, in a world order.

With the fighting stopped it will be possible for the planners to meet at a convenient place and to meet constantly there and to have adequate facilities for their convenience and comfort and for their work. I do not know of any building better adapted for such meeting than those spacious buildings at Geneva which were once so well used. And a lot of people who have once worked there and have had a great experience in getting along with people from all over the world and handling things which come in from everywhere and speaking different languages could well be brought back there to serve new masters.

If all of the representatives of the United Nations fighting the war of reconstruction together should choose to have their meetings there and call themselves, or if it should be arranged that they should be called the continuing Congress of the United Nations, it would let people everywhere see that we were determined to stand together for peace as we had stood together for war. And to this Congress would be at once invited all nations whether they had been active or not in the war, whether they had been friend or foe. Obviously if the mistakes of the past are not to be repeated, the work of reconstruction must go on in the vanquished nations as well as in the hurt lands of the victors. Those who shall have fallen have their honorable part to play in the scheme of the world.

Arrangements will be made effectively to disarm those whose record of lawlessness has made them always suspect. There must be no possible chance left that any such disturber of the world's peace, or any other who might do so, shall have the power to run amuck again.

Yet, by continuing concert of action by all working together for the common world good, by intelligent and enlightened economic planning and collaboration, by assuring all nations and peoples a square deal in access to raw materials, to markets, to money, to skills, by a new spirit on the part of many like ourselves who have been singularly blessed, much can be done to break down the impulse for any nation to burn brigand.

In this collaboration stage certain techniques will be adopted for handling international problems, and hence institutions will naturally arise to meet varying world demands. For example, international banks will arise in which will be housed, no doubt, for the stabilization of world currency, the major part of the world gold, which is now in the United States. There will be an institution for the settlement of international disputes which are juridical in nature. Certain boards and commissions will be provided which will effectuate the policy of the Congress with respect to all those multiple factors which enter into a healthy world economy. Committees will be constantly at work unearthing facts, accumulating knowledge, working out solutions, harmonizing differences, carrying on the work of a workaday world.

Of course, there will be assurances on the part of those who participate that they will enter into no arrangements privately with any other power affecting any matter of world concern without bringing the matter fully to the attention of the Congress and obtaining its approval. But in the stage of which I am thinking membership in the Congress should not be compulsory, or in any formal way, binding. One does not have to rope and drag traders to the market place. They come there eagerly to do business. There is gain in being there. That is because no doubt each trader feels he has a fair chance and that he will get fair treatment.

It is essential that such a congress be so constituted that it shall be truly representative of those peoples whom it joins together, not only of their governments, and each country must have a feeling that it has fair hearing. It will probably be further necessary, therefore, to have a bicameral body with such a compromise as we have in the United States, where representation, according to population, is the rule in the House and equality the rule in the Senate. Of course the chambers of the congress will be an open forum which can reach the world's ear, and, it is to be hoped, the world's mind.

These suggestions have grown largely out of the working of your commonwealth system and our pan-American system, and in anticipation of what our experience in international collaboration will have been by the end of the war. It seems to me the most natural beginning, the easiest order to set up since it is essentially only a variation of the method of conferring together about common problems and toward common ends in which we shall have engaged in winning the war.

Of course, this is only the antechamber of a structure we all visualize and work for. This makeshift arrangement would impress everybody with its inadequacy and the common judgment of the world would sooner or later demand the building of an edifice which would adequately house the machinery which alone can reasonably and safely order all the world.

I have referred to the struggles and dreams toward a world system. I have mentioned the intimacy of the contact being experienced day by day by the members of the United Nations. I wonder if we are fully aware of just what remarkable cohesion and unity has already been attained in putting together the peoples of our earth.

In the United States one hundred and thirty millions of people live under the same government, the same laws, and the same flag, of many races, colors, religions, even languages, and yet they are a nation with a body, mind, and soul.

Look at your case—a great nation and a vast land, inhabited by men and women of many lands, and springing in the main from two great civilizations—the English-speaking civilization and the civilization of France. In wise appreciation of these historical differences, you have not attempted to submerge them through artificial centralization. But neither have you decided to sow the seeds of future discord by complete separation along linguistic or religious lines—as so many groups in Europe have been separating. You have adopted a federal system, you have given full self-government to your provinces, you have assured the survival of French culture among the descendants of French colonists, and the survival of British culture among those who hail from Britain, but you stand as a united family facing together common problems and external dangers, working jointly for a better future.

We in my country are a part of a Pan American Union which is a functioning organization which embraces in a very effective way all of that immeasurable land and those many people to the South of us in this whole hemisphere. That Pan American Union has a magnificent edifice in Washington which houses its work and its workers. It has a structure which is very definite and real. It has background, specially defined objectives, diligent functioning committees, truly a spirit. It is one of the very real and dynamic forces of the world, speaking altogether for nearly an eighth of the world's people. In spite of the divergence in language, original conditions, cultural and economic interests, this great union has grown greater and every part more interdependent upon each other part until it is beginning to be the realization of Simon Bolivar's dream for this hemisphere one and a quarter centuries ago.

You likewise are a part of a vast commonwealth of nations, stretching around the world. A part of a total system one-quarter of all the world's people. In your great commonwealth constellation each moves in its own orbit, while maintaining to the outside world a marvelous harmony. You, too, are one from many. You, of that commonwealth, are not bound together by force, or the pull of any power save the affinity of a common origin, or common interest and common ends. Such attraction is stronger than the pull of a magnet on steel, or the swaying of the tides by the silvery moon.

Look at Russia—so vast a land that it challenges the imagination. It has 60 nationalities and 140 languages, multiplicitous varieties in its whole pattern, yet all of its parts find their places in one of the 11 autonomous republics under their constitutional system. Each of these republics has by the constitution its own power and prerogatives which even includes the right of secession. Yet all of these vast lands, all these many peoples, all this colossal power move in an invariable unity and today these heroic people like a legion of angry giants, are hurling back the Frankensteins of Hitler. These nearly two hundred millions of people are opening their eyes to the light of a new day and to new and fuller lives, which bodes so much good for themselves and the world.

And see great China aroused from its long sleep, today catching the passion of a new life, 400,000,000 of people, from vast areas, divergent experiences, and what appear to be unbridgeable gulfs between them now finding a new unity, a new power, and a new destiny. There are other vast areas and many other great peoples who have honorable places in the family of United Nations. We see then that neither mountains nor rivers nor oceans nor distances nor differences can keep apart men of good will who would work together.

Now all these mighty systems and many others equally worthy are interwoven with one another, working, fighting and dying together, again out of common interest and for common ends. All these great unities, except my country, have been members of the League of Nations, have had to do with its experience, seen the occasion of its failure, and no doubt is sadder and wiser than ever before. Is there not good reason then to be confident about the future And we must not forget that we still have the very real force and pattern of the League of Nations, the World Court, the International Labor Office, and many units of the League functioning when the war will let them against traffic in women and narcotics and in alleviating economic and social conditions.

Compare what our generation has accomplished or bids fair to gain for a world order and world justice with anything in the past from the Amphictyony League through the Hague Conventions, and you will see that we have much to console us and to give us hope.

It is suggested that we might start by some sort of regional arrangement our postwar collaboration with the hope that thereafter the regional units might be put together into a larger frame. I do not favor this approach, although family unity, of course, never prevented any separate members of the family from being very close together. My view is enforced by the feeling that the problems with which we are struggling today are not regional problems but world problems, and they must all be approached with a world perspective. We are today collaborating upon a world basis; even our people think in terms of world affairs. We look at world maps and fight around the world. If the world is to be saved, it is to be saved together. If it sinks, it will sink not in parts but as a whole. We will all admit that the day when nations may build up a colossal armament and threatening power like the day of pistol "toting" in most of our countries must go. There must be effective disarmament and a force centrally directed which can put down lawlessness in any part of the world community. There must be an adequate machinery for the adjustment of conflicts, in a judicial atmosphere. There must be a forum in which a claimant may be heard and in which just redress may be afforded There must be encouraged and established everywhere a bill of rights to insure to all men in all lands those safeguards and privileges to which man has a natural right and which will make where he lives less important as to the kind of life he can live.

There must be the pushing down of those barriers which break the natural and necessary flow of goods and services among the peoples of the earth. No one will be expected to give up his country any more than in your country one is expected to give up his province, or in mine, his state, but we will all understand what we determined in my country by a sad Civil War, that one's whole allegiance is not to the immediate place of his birth, or his residence.

The lines of national boundaries will be softened and lose their sharpness. As the economic level rises in all the world, there will be more travel and hence better understanding amongst people. The means of travel will exceed anything we now can think of. Methods of communication even will be vastly improved. We will all be rubbing elbows most all of the time. And each nation will be enriched by more intimate contact with the culture of every other people, while under a universal urge science, always akin everywhere, will gain a new unity and greater achievement.

Of course, some of us are going to have to take the initiative in getting things going and in keeping them going, just as men of good will and vision have had to do in every movement. There must be some whose faith never falters, who keep steadily ahead toward the goal. There must be some who will stand steadfast together, no matter what comes. There must be some to bear the brunt and shock of discouragement, or even failure. This is our role—the role primarily of your people and mine. Everyone expects us to assume that role. We are richly endowed for it. We can succeed.

One of the peculiarities of our civilization is our way of plodding along by trial and error, by improvisation, by devising instruments adapted to the occasion. I have preferred to rely upon that genius of our people rather than to make a blueprint of what we should do. Here again I draw upon the analogy of my country in the formation of its Federal Constitution. The prime impulse from that Constitution came from George Washington, who brought a small group together, as you remember, at Mount Vernon, ostensibly to sign a compact for the regulation of a river between Virginia and Maryland. Shortly, Pennsylvania and Delaware were brought in because of relevant interests. Then the Legislature of Virginia, beginning to get a vision, suggested a general convention of commissioners from the several States to consider the trade of the Union and "how far a uniform system in their commercial relations may be necessary to their common interests and as a matter of harmony." This led to a convention at Annapolis in 1786, attended by five States. One State, New Jersey, it was noted in the report of the convention made by Alexander Hamilton to the legislatures of the States represented and to the Congress, had authorized its delegates to consider not only commercial regulations but "other important matters" necessary to the common interest and permanent harmony of the several States. This report also suggested the calling of another convention with larger powers because, said the report, framed by the far-seeing Hamilton, the "power of regulating trade is of such comprehensive extent, and will enter so far into the general system of the Federal Government, that to give it efficacy, and to obviate questions and doubts concerning its precise nature and limitation, may require a corresponding adjustment of other parts of the Federal System."

This report moved the Federal Congress in February of 1787 to resolve that there should be a convention to consider the means of "establishing in these states a firm national government," and to "render the Federal Constitution adequate to the exigencies of the government and the preservation of the Union."

I have dwelt upon this well-known history of the formation of the Federal Union in the United States for two reasons.

First, the cloth was woven upon the loom of commerce and the concept of an adequate government was thought of as inevitably necessary to provide satisfactory commercial conditions.

Secondly, it illustrates our characteristic method of approach to such problems for the delegates to the Constitutional Convention went there with no particular plan, pattern, or precedent. Out of necessity and broad experience and we believe divine guidance they evolved a system which has endured with some strength for more than a century and a half and its greatest days may lie ahead.

We know that men of good will in the world can still build magnificent mansions and dream great dreams. We shall feel and find our way on up the hill, moved, as were the framers of our Constitution, by the necessity of preserving what we have gained, of atonement to those who have died that others might live, and under that divine guidance which is ever man's strength and hope.

INTRODUCTION OF BILL TO GIVE EFFECT TO THE INTERNATIONAL CONVENTION ON CONDUCT OF FISHING OPERATIONS IN THE ATLANTIC

(Mr. FRASER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FRASER. Mr. Speaker, today I am introducing by request a bill to give effect to the International Convention on Conduct of Fishing Operations in the North Atlantic, signed at London on June 1, 1967, and for other purposes.

A hearing on this bill and a bill giving effect to the International Convention for the Conservation of Atlantic Tunas will be held April 17 at 10 a.m.

At this point I wish to insert in the RECORD a copy of the Executive communications on the measure from the Secretary of Transportation, the text of the bill, and a section-by-section analysis which has been prepared by the Department of Transportation:

SECRETARY OF TRANSPORTATION,
Washington, D.C., March 22, 1973.
Hon. CARL ALBERT,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: There is transmitted herewith a draft of a proposed bill.

"To give effect to the International Convention on Conduct of Fishing Operations in the North Atlantic, signed at London under date of June 1, 1967, and for other purposes."

The proposed bill would provide implementing legislation for the International Convention on the Conduct of Fishing Operations in the North Atlantic, signed at London under date of June 1, 1967, and approved by the Senate on October 22, 1969. The Convention would establish a generally uniform system of identification, marking, light signals, conduct, and enforcement for fishing vessels and support vessels in a large part of the North Atlantic for the United States and sixteen other countries which represent the great majority of the vessels engaged in fisheries in that area. This bill would implement the Convention and enforce it as to United States fishermen. The Secretary of the Department in which the Coast Guard is operating would be charged with responsibility to administer and enforce the provisions of the bill consistent with the terms of the Convention.

In recent years the increased concentration of foreign fishermen operating close to our Atlantic Coast has resulted in a substantial increase in complaints of harassment or impaired operating freedom due to congestion on the fishing grounds. The Convention on the Conduct of Fishing Operations in the North Atlantic is responsive in large part to our, and other countries, needs in this regard throughout the designated area of the North Atlantic.

The Convention establishes a system for marking and identifying fishing vessels which will be useful not only for the purposes of the Convention but for other purposes as well, such as search and rescue. It also establishes a uniform system of fishing signals to supplement the International Regulations for Preventing Collisions at Sea, and a system of marking fixed and drifting fishing gear. It sets forth a principle of non-interference with other fishing vessels and gear and lays down some basic rules for the good order and conduct of fishing operations in areas frequented by vessels of several nations. A prohibition is imposed by the Convention on dumping into the sea any article or substance which may interfere with fishing or obstruct or cause damage to fish, fishing gear or fishing vessels. The broad regulatory authority of the Secretary of the Department in which the Coast Guard is operating would encompass these matters under the bill. The Convention and the bill also provide for simplified methods of settling claims among fishermen of various nations for damage to fishing gear or vessels.

Enforcement of the Convention is primarily the responsibility of each Contracting Party with respect to its vessels and gear. Within the area of a coastal state's territorial sea and fisheries zone, the coastal state exercises jurisdiction to enforce the Convention which applies from shore to shore; a coastal state may make limited exemptions within its areas of jurisdiction. Outside national fisheries limits enforcement is supplemented by a system of mutual inspection similar to but distinct from enforcement of conservation regulations of the International Commission for the Northwest Atlantic Fisheries. These responsibilities are recognized and the distinctions preserved in the proposed bill.

Article 16 of the Convention provides that the Convention will enter into force on the ninetieth day following the date of deposit of the tenth instrument of ratification or approval. We have been advised that the State Department will deposit the United States ratification consequent to passage of implementing legislation. While only six of the necessary ten countries have deposited instruments in accordance with Article 16, it is our hope that the deposit of the United States ratification will spur other countries to act similarly. The bill, if enacted, would not be effective until the Convention enters into force.

Enactment of the proposal would incur costs dependent upon the degree of implementation.

A section-by-section analysis and a list comparing provisions of the Convention with their treatment in provisions of the bill are enclosed.

It would be appreciated if you would lay this proposal before the House of Representatives. A similar proposal has been submitted to the President of the Senate.

The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the submission of this proposed legislation to the Congress.

Sincerely,

CLAUDE S. BRINEGAR.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title.

This section provides that the Act may be cited as "The North Atlantic Fishing Operations Act of 1973."

Section 2. Definitions.

This section contains the definition of various terms used in the Act. The Convention Area is defined by incorporating Annex I of the Convention. Contracting Parties specifically provided for the Annexes to be flexible and amended more easily than the Articles in Article 11 of the Convention. Materials included in the Annex are, then, more easily revised and in the case of the Convention Area this could be used to increase the area included in appropriate circumstances. The limited definitions of the terms "Fishing Vessel" and "Vessel" are provided to parallel that same distinction made initially in Article 1 of the Convention and carried throughout the Convention's terms.

Section 3. Administration and regulation; enforcement; applicability; exemptions.

Subsection 3(a) designates the Secretary of the Department in which the Coast Guard is operating as the administering authority for this Act in cooperation with the Secretary of Commerce. Traditionally in the area of fisheries regulation, the Department of Commerce (and previously Interior) has been given the responsibility for administering and enforcing the conservation aspects of the fisheries laws, while the Department in which the Coast Guard is operating has been charged with enforcement of those laws at sea. This Convention is unique to other fisheries conventions in that its primary thrust is towards vessel conduct without reference to conservation measures otherwise in force through international agreement. In this context then, this Convention is properly viewed as one designed to enforce certain standards of conduct in the fisheries. Assignment of primary responsibility to the Secretary of the Department in which the Coast Guard is operating preserves this traditional pattern, making provision for input in the administration of the Act by the Department of Commerce with their considerable expertise in fisheries conservation matters. Similar treatment is given the regulation writing authority under the Act. Finally, subsection 3(a) provides that certain regulatory functions must be performed by the Secretary subject to the preceding provisions so as to insure implementation of the Convention Articles and Annexes and to establish notification procedures. Those regulations may provide rules for distribution of vessels and gear on and in the ocean.

Subsection 3(b), consistent with other fisheries laws, designates the role of enforcement to the Coast Guard in cooperation with the Secretary of Commerce.

Subsection 3(c) provides that the regulations shall apply to all United States vessels, as defined in subsection 2(h), anywhere within the Convention Area.

Subsection 3(d) implements paragraph 3 of Article 8 of the Convention. That provision permits a Contracting Party to make special rules and exemptions in its coastal waters provided that there is no discrimination in form or fact against vessels of other Contracting Parties entitled to fish in those waters. Consultation with those other Contracting Parties is necessary if they express a wish for same.

Section 4. Designation of Fisheries Conduct Officers; duties; scope of authority to board and investigate; availability as witnesses to other Contracting Parties.

Subsection 4(a) provides for the designation of United States Authorized Officers, to be known as Fisheries Conduct Officers. The Secretary is given broad powers of designation in this subsection, in cooperation with the Secretary of Commerce, to insure flexible administration of the Act in the broad spectrum of area, activities and conditions included within its scope. Limiting the designation of United States Fisheries Conduct Officers to Coast Guard and Department of Commerce personnel is overly restrictive. The Convention Area is so large as to make Coast Guard presence everywhere a virtual impossibility. Although such designation is not presently planned, this section would permit the Secretary to utilize, with the concurrence of the appropriate Secretary, a commissioned officer aboard any vessel or other surface craft of an agency of the United States Government where those craft might be operating in an area of potential fisheries conduct incidents in which no Coast Guard ships are immediately available. Additionally, the Secretary would be authorized to designate as Fisheries Conduct Officers the officers and employees of the States of the United States, of the Commonwealth of Puerto Rico, and of any territory or possession of the United States. Those designations must be published to another Contracting Party upon request in accordance with paragraph (3) of Article 9 of the Convention.

Subsection 4(b) sets out the general duties of the Fisheries Conduct Officer as provided in paragraphs (5) and (6) of Article 9 of the Convention.

Subsections 4(c) through 4(h) define the scope of authority of the Fisheries Conduct Officer to board and investigate as set out in paragraphs (5) through (9) and (12) of Article 9 of the Convention. Upon reasonable cause, he may board a vessel to investigate a sufficiently serious incident. Subsection 4(d) indicates that damage to a vessel or its gear which is apparently due to a violation of the Convention is generally sufficient cause to board. Subsection 4(h) prescribes limitations on the authority of the Fisheries Conduct Officer consistent with the terms of the Convention.

Subsection 4(i) provides for the availability of a Fisheries Conduct Officer, when properly requested, as a witness for the prosecution of a violation of the Convention or the requesting Contracting Party's laws where the officer has conducted the investigation.

Section 5. Scope of authority of Fisheries Conduct Officers over United States and foreign Contracting Parties vessels and of foreign Authorized Officers over United States vessels; liability of Authorized Officers; evidential value of foreign Authorized Officers' reports in United States courts.

Subsection 5(a) provides that for the purposes of enforcing the provisions of the Convention, this Act, and regulations issued pursuant thereto the authority set out in subsections 4(c) through 4(g), subject to the limitations of subsection 4(h) and Article 9 of the Convention, may be exercised by a Fisheries Conduct Officer in relation to a United States vessel or any foreign Contracting Party's vessel anywhere within the Convention Area and outside the territorial sea and fisheries zone of any other Contracting Party, and by a foreign Authorized Officer in relation to a United States vessel anywhere within the Convention Area and outside the territorial sea and fisheries zone of the United States or of another Contracting Party.

Subsection 5(b) makes it clear that no Authorized Officer, including Fisheries Conduct Officers, may exceed the terms of the Convention under authority granted by section 5, nor may any Authorized Officer exercise any power against the vessels of a Contracting Party which power that Contracting Party has specifically made reservations regarding in accordance with Article 14 of the Convention.

Subsection 5(c) authorizes the Secretary to indemnify an Authorized Officer for penalties or actions for damages assessed because of any action done in the exercise of the authority under the Convention, this Act, or regulations issued pursuant thereto. Included would be penalties or damages assessed Fisheries Conduct Officers and foreign Authorized Officers acting aboard a United States vessel.

Subsection 5(d) accords the report of a foreign Authorized Officer an evidential value in any State or Federal court of the United States equivalent to the evidential value accorded a similar report by a Fisheries Conduct Officer pursuant to this Act except that the report need not be accorded a higher evidential value than that foreign Authorized Officer's country would accord it. This implements paragraph (11) of Article 9 of the Convention and is intended to apply to any judicial proceeding.

Section 6. Unlawful acts and omissions; applicability.

This section provides for unlawful acts and omissions under this Act. The broad, general provisions of subsections (a) and (b) are supplemented in subsection (c). Subsection (c) specifically deals with Fisheries Conduct Officers acting under authority vested by the Convention and sections 4 and 5 of this Act. By its terms, subsection (c) is made applicable to the conduct of foreign Authorized Officers aboard United States vessels in the Convention Area pursuant to the Authority granted in the Convention and section 5 of this Act. The authority of the Fisheries Conduct Officer and the foreign Authorized Officer in the proper exercise of their duties under the Convention and this Act is considered of fundamental importance to the integrity of the mutual inspection scheme of the Convention as implemented by this Act. Accordingly that authority is given special consideration in this section and in section 7.

Section 7. Civil penalties, fines, or imprisonment for violations; forfeiture of fishing gear; liability of vessels.

Subsection 7(a) provides a civil penalty assessed by the Secretary for violations of subsection 6(a) or 6(b). Additionally, fishing gear involved in subsequent violations may be ordered forfeit.

Subsection 7(b) makes violation of subsection 6(c) a criminal act subject to fine or imprisonment or both. Provision is made for forfeiture of fishing gear involved in a subsequent violation in a separate civil action.

Subsection 7(c) provides that a vessel involved in a violation of section 6 is liable for penalties or fines assessed under section 7 and for damages done, including damages adjudged under section 9, which vessel may be seized and proceeded against summarily or by way of nonjury action in Rem.

Section 8. Power to arrest and search, to execute warrant or process, to issue warrants, to seize and dispose of property; stay of execution in rem or discharge of property on bond or stipulation and breach of conditions thereof.

Subsection 8(a) provides for arrest and search without warrant, for execution of warrant or process, for issuance of warrants, and for seizure of fishing gear involved and disposition of property so seized.

Subsection 8(b) provides that with property subject to in rem process the marshal or other officer may stay execution or discharge property if process has been already levied where the claimant puts up a bond or stipulation for double the value of the property with sufficient surety to be approved by a judge of the district court with jurisdiction of the offense. The value of the property would be established by an independent appraisal acquired by the marshal or other officer. Provision is made for any breach of required conditions.

Section 9. Assessment of damages to injuried parties in same proceedings; procedure for and effect of; authority of the United States Attorney; effect on subsequent actions.

Subsection 9(a) provides that in a proceeding under section 7 where a person is found to have violated section 6, and where there remains uncompensated damage which resulted from that violation the value of which does not substantially exceed $2,500, the court may, subject to subsection 9(b), give an additional judgment in an amount not to exceed $2,500 as compensation to be paid to the injured party. If the United States does not recover any sum so adjudged, the court's decision shall constitute an enforceable judgment for the injured person or persons on which suit might be brought in any court of competent jurisdiction. The remedy provided by this section is intended to be limited to claims not substantially in excess of $2,500 so that an injured party with a significantly greater claim will be required to bring a separate civil action at his own expense to obtain recovery. This section is specifically intended to provide a less-expensive means of recovery of compensation for an injured party, including an injured party who is a national of a foreign Contracting Party, where the violation of section 6 has been proven to the satisfaction of the court. Any claim filed under this section is unaffected by the decision of the court unless procedures provided under subsection 9(b) have been complied with and unless the defendant or respondent has been found by the court to have violated section 6.

Subsection 9(b) implements the procedures for the remedy provided for in this section, defines the broad, discretionary authority of the United States Attorney as to the inclusion and prosecution of the claim in the section 7 proceeding, and limits the scope and effect of a proceeding under this section. Participation in the proceedings by the injured person or persons is entirely voluntary and a notice of claim may be withdrawn by the injured person or persons at any time prior to judgment. Further, participation initially is subject to the discretionary judgment of the United States Attorney and subsequently requires the continuing cooperation and assistance of the claimant as the United States Attorney might direct. If an injured person or persons participate in proceedings under this section until a judgment is rendered by the court on the merits of the United States proceeding under section 7, which judgment is in favor of the United States, then they and the defendant or respondent shall be bound by the decision of the court on the issues relating to the claims on file with the United States Attorney. No additional claims other than those claims arising directly from a violation of section 6 may be raised in a proceeding under this section. The burden of proof for the claim is unaffected by the nature of the proceedings under section 7. The section does not effect the application of any statute of limitations.

Subsection 9(c) indicates that except as otherwise provided, the remedy under this section is without effect on any cause of action, if any, between the parties except that any compensation adjudged and recovered by the injured party shall be credited to the defendant or respondent in a subsequent civil action by the injured party on that claim. This subsection is not intended to derogate from the mandate of subsection (a) since no claim should initially be included under this section where it reasonably appears the value of that claim will substantially exceed $2,500.

Section 10. Appointment of a review board and prescribing procedures therefor; designation of board members; duties of board; authority of the review board to act; requests to convene foreign review boards.

This section implements the provisions of the Convention in Article 7 which establishes a system of review boards for damage dispute without the trouble and expense of ordinary legal procedures. The review boards are an alternative to legal procedure. Authority is provided in this section for the United States review board to act, with the consent of all interested parties and with the consent and cooperation of the foreign Contracting Party's review board, as the binding arbitrator of the claim submitted. In those cases, the decision of the review board will constitute a binding agreement between the parties which shall be enforceable in any court of competent jurisdiction. The cooperation of the foreign Contracting Party's review board is considered necessary to facilitate in an appropriate case the transmission of evidential and other related matters to the United States review board when it is acting as arbitrator under this section.

Section 11. Notification of competent authorities of Contracting Parties.

This section implements Article 12 of the Convention which provides for mutual notification by Contracting Parties, through the depositary government, of the competent authorities designated for relevant portions of the Convention.

Section 12. Amendment of Articles and Annexes of the Convention.

The amendment to the Articles which constitute the basic Convention is provided for in Article 10 requiring unanimous acceptance by the Contracting Parties. Those amendments would take effect only after the acceptance of the President following the advice and consent of the Senate. This procedure is provided for in subsection 12(a).

Subsection 12(b) provides for more expeditious handling of proposed amendments to the Annexes, reflecting the intent of Article 11 of the Convention. The Annexes contain technical and procedural rules which do not affect the substantive policy statements of the basic Convention. Those amendments to Annexes would be treated under this Act by Executive action and implemented, where necessary, by regulation under subsection 3(a).

Section 13. Effective date; effective on other laws and regulations.

Subsection 13(a) provides that this Act and regulations issued pursuant thereto shall not take effect until the Convention is in force for the United States as provided for by Article 16 of the Convention.

Subsection 13(b) provides that this Act and the regulations issued pursuant thereto are in addition to other Acts and regulations issued pursuant thereto and this Act shall not derogate from such other Acts or regulations except that a minor amendment is made to section 4 of the Act of May 20, 1964, (78 Stat. 196; 16 U.S.C. 1084), to provide for consistency of regulatory authority in the fisheries zone as it relates to this Act.

Section 14. Authorization of monies.

This section authorizes monies necessary to carry out this Act.

Section 15. Saving clause.

This section provides a saving clause in the event any provision of the Act or application of any provision to any circumstance or person shall be held invalid.

Comparative listing; where Articles, Annexes, and paragraphs of the Convention are treated in the draft legislation:

CONVENTION AND LEGISLATION

Title. Section 1.

Article 1, par. (1); Annex I. Subsection 2(b).

Article 1, para. (2). Subsections 2(g) & (h).

Article 2. Subsection 3(d).

Articles 3 through 6; Annexes II to VI. Subsection 3(a).

Article 7, para. (1). Section 10.

Article 7, para. (2). Section 9.

Article 8, para. (1). Total proposal.

Article 8, paras. (2) & (3). Subsections 3(d) & 5(a).

Article 9, para. (1). Subsection 3(a).

Article 9, paras. (2) & (3). Subsection 4(a).

Article 9, para. (4). Subsection 4(b).

Article 9, para. (5). Subsections 4(b) & (c).

Article 9, para. (6). Subsection 4(d).

Article 9, paras. (7) & (8). Subsections 4(h) (i) (&) (ii).

Article 9, para. (9). Subsection 4(g).

Article 9, para. (10). Subsections 5(a) & 6(c).

Article 9, para. (11). Subsection 5(d).

Article 9, para. (12). Subsection 4(h) (iii).

Article 10. Subsection 12(a).

Article 11. Subsection 12(b).

Article 12. Section 11.

Article 13. None.

Articles 14 & 17, para. (3). Subsection 5(b).

Article 15. None.

Article 16. Subsection 13(a).

Articles 17 to 20 (except para. (3) of Article 17). None.

A 33-YEAR-OLD ARTICLE ON RANGELAND MERITS READING TODAY

(Mr. DINGELL asked and was given permission to extend his remarks in the body of this Record and to include extraneous matter.)

Mr. DINGELL. Mr. Speaker, pursuant to permission granted I insert into the Congressional Record a superb article published some 33 years ago in March of 1940 by Mr. Charles C. Parsell, then employed by the Grazing Service in Burns, Oreg., regarding range forage in eastern Oregon. The article, about an apparently pedestrian subject, reads like poetry and merits the careful reading of anyone concerned with the well-being of this magnificent, but despoiled, land of ours:

Range Forage in Eastern Oregon

(By Charles C. Parsell)

Seventy-five years ago Nature produced on the lands in the Eastern Part of the State of Oregon, a vast amount of palatable forage, consisting of weeds, grasses and browse. This forage was the food supply for the wild life and the few domestic animals of the period. They grazed on a year long basis, both during the growing season and after the forage had cured on the stalk. Areas of forage had their proper seasonal use grazing periods but no area of forage was used for the full twelve months.

Nature had control of this grazing area, which was ideal for her operation of a huge cafeteria, serving palatable and well-balanced rations of forage. She had, during the course of thousands of years, built up an ever normal granary. Her lands were divided and subdivided into small cafeteria areas by the rivers, the mountains, the deserts, the different soils and by the variation of moisture fall. With such a division there was no need for long animal migrations to reach seasonal forage because the areas within an area supplied the needs of her customers on a year long basis. The wild animal life and even the domestic stock life during the early period of settlement had only one aim in life which was to rear young and lead a happy and contented life while doing so. The young were not raised for the fat market and the numbers slaughtered were for domestic use (Indians and early settlers) during this period. The young were the replacements needed to keep the numbers of the herds intact, for many died of old age and there were other casualties brought about by disease, poisonous plants, severe storms, predatory animals, hunters, and also by starvation due to excessive snowfall or sustained drouth.

Nature operated as any good stockman of today. She had a crew of assistants, mainly heat, cold, rain, snow, soils, rocks, flies, plant insects, disease, predatory animals, poisonous plants and unpalatable plants. This crew regulated and controlled the numbers of animals and the use of the forage. The plant food stored in the soil, with the aid of air, sunlight, and moisture produced the volume and the quality of the forage. The rain and the snow supplied the underground and surface waters, the creeks, rivers, springs, and lakes. The cold, heat and snow were fence barriers which closed areas of forage to grazing by making them inaccessible because of bodily discomfort or lack of procurable forages. These fence barriers were assisted by the flies and insects and by the unpalatability of the forage at different stages of growth. There were also years of light moisture fall resulting in scant stock waters giving areas rest periods from grazing. Nature herded her customers, the animals, from forage table to forage table supplying palatable rations for the particular seasonal need.

Nature conducted her cafeteria with stern supervision. She was exact in her requirements of conservation and use. She wanted her forages used at the proper season. Her punishment for disobedience was the decimation of numbers due to starvation when caught in the deep snows, due to the forced grazing of poisonous plants or due to a small percentage of young in areas which had become depleted of forage by over-use. Her customers were not dependent on habits taught or enforced by man, they were guided by instincts taught by Nature. These instincts guided the animals from place to place grazing the palatable forage necessary for their well being.

Let me illustrate. In the northeast corner of the State of Oregon there is a mountain range called the Wallowa Mountains. Many creeks and rivers head in these mountains. One of these creeks is Big Sheep Creek. It flows nearly ten miles through the higher elevations and thirty miles through timber and bunch grass lands before it empties into the Imnaha River. There is a difference of about seven thousand feet elevation between the head and the mouth of the creek, also a decided difference in the amount of yearly rain and snowfall. The watershed area of Big Sheep Creek at one time was considered the best range in Oregon. About sixty years ago thousands of mountain sheep inhabited the watershed of Big Sheep Creek. During the winter months they inhabited the lower growth as a supplement. In this area they had protection from the cold and deep snows along the many rims and on the warm open south slopes where they obtained full rations of palatable forage. During the early spring the ewes dropped their young in the numerous caves in the rims where they had protection against the inclement weather and predatory animals. As soon as the snows receded and the green forage was abundant they migrated from the winter quarters and followed the snow line up to the higher elevations living on the green succulent forage, replenishing the bodily vigor which had been lost during the winter months. During the summer months they lived in the higher elevations grazing on the green weeds, grasses and browse. When the first snows fell in the late fall they migrated down the watershed until they reached their winter quarters. The old settlers relate that the last ten or more miles of the fall migration was more or less of a single file march, the sheep following a certain rim level winding in and out of the numerous side canyons of Big Sheep Creek. This migration—and it is a very important factor in grass, weed and browse utilization and conservation—was taking place during the early growing season and each seasonal use area was left before all the plant growth occurred on the stalk. Deferred grazing was practiced by wild life long before the white man arrived.

As the years went by the white men came with the rifles. They ambushed the mountain sheep as they migrated along the rim levels to their winter quarters. The hunters would locate a single file of mountain sheep approaching then hide a mile or so ahead and await their coming knowing that the sheep would follow the same rim unless warned of danger. Hundreds were killed and fear drove the rest of them from their winter quarters. They lost their winter grazing grounds, their protected lambing grounds, and in the course of a few years became practically extinct, because they were forced to stay in the high elevations. Many matured sheep starved during the winter months the change of forage and seasons was too severe and the few young were either unable to endure the cold or else starved from want of milk. Today there are but a few dozen mountain sheep left in the area simply because fear of man forced them to disobey the regulations of Nature. Since that time the same area of former winter grazing grounds has witnessed the death of thousands of sheep, cattle and horses unable to survive on the forage left open for winter use and mind you—they were the domestic animals of man who has not been able to grasp and abide by the rules that Nature uses for self protection and conservation.

Nature controlled wild life and I include the Indians because they were migrators. The Indians cooperated with Nature and obeyed her regulations. They depended on products of the soil, directly on the forage for their horses feed and for their own vegetative food and indirectly on the forage for their meat supplies. They followed the same migration trails that the wild animal life used. I might say the same system of grazing.

With the advent of the white man came the domestic livestock in numbers. The white man was not primitive when he came to Oregon. He had already become dependent on money, the dollar. The simple pioneer life was gone, purchaseable luxuries had crept into the picture plus debts, its interest and heavy taxation. He used every means to acquire the dollar without regard to plant life, soil, wild life, moisture and the well-being of his domestic livestock. It was with him the survival of the fittest and the more stock numbers that he owned, the more survivors and the greater the profits. Such a method of operation was successful for many years until the Range became depleted and then there was no profit for there were no survivors. Following the large operators with a twelve month rango operation came the transient operators who operated on the theory that the early bird gets the worm (range) and they were more or less successful until the National Forest was created and the Taylor Act came along.

The white man practically exterminated the beavers which were conservators of moisture. He destroyed the native forage by breaking up the instinctive habits of wildlife and by wintering through his domestic animals with range forage on the stalk. He encroached on Nature's spring, summer, fall, and winter ranges during wrong seasonal use periods. He overstocked the same areas during the proper seasonal use periods. He forced the acquisition of new habits by the wild animal life and his own domestic livestock. He forced them to eat forage which primarily had as its purpose, emergency and conservation use, the prevention of erosion, the maintenance of soil foods and water table levels. He increased the size of his domestic animals by better breeding methods and the percentages of young by the use of green feeds during the breeding season. He changed the length and the seasonal use of the Range by winter calving and lambing. Everything that the white man did in changing his livestock operations tended to overcrowd the Range during the early spring months when the plant life itself was trying to rear a family of its own.

He inadvertently brought in noxious plants and less valuable annual grasses, which stole the moisture and soil foods from the native forage. He fenced thousands of acres of native meadows, he plowed thousands of native grass acres to get the dollar by raising grain, and as his herds grew and the range became depleted, thousands of acres more to raise crops which replaced the native forage destroyed. In the main all these plowed acres were winter use acres. The plowed and fenced areas formerly balanced the use of the spring and summer areas by maintaining one animal unit per two or three acres per winter grazing month. The stockman made the same two or three acres produce feed (hay and aftermath) for the winter maintenance of nine to fifty animal units per winter month. Approximately a thousand to five thousand per cent increase of winter animal units and the same increase of animal units turned on the Range which had decreased in size twenty to fifty percent and fully fifty percent in carrying capacity on the unfenced open range. The Range changed from a spring, summer, fall, and winter area to a spring and early summer area. The Range forage could not support the vast numbers of livestock and wild animal life and combat improper use, old age, plant insects, plant disease and also survive the deficiencies of moisture fall in certain spans of years. In later years too there was the influx of animal units from distant areas which used range forage that was a complement of the winter forage belonging to the domestic animals and the wildlife of the area. Nature always a balanced operator was changed to an unbalanced operator. She lost her reserves and she became bankrupt.

Nature when bankrupt was not equal to the task of supplying forage for these hordes of animal units. She was forced to watch her best forage disappear from her menu. She did her best, scattering the poorer forages over wide areas. She adopted the less valuable plants brought in from foreign areas. She wanted to product plant life so that she could take care of her customers and protect her soils. For years after Meeker (1845) led the wagon train of the early settlers across the range lands of Lost Creek near Beulah, Oregon, the route could be followed by two distinct lines of sage brush growing in the wagon tracks where the grass had been destroyed by the rough locks. The same area in 1906 overstocked by cattle, sheep and horses during the summer months, the formation of a dust bed and the resultant brush climax type, which today is slowly being replaced by the native grasses again in the better used areas. These are but illustrations of the habits of Nature, the methods which she uses for the protection of soil and plant life. All worthless plants are enemies of valuable plants, they lay in ambush in scattered areas, ready to spread out, and usurp the territory of the valuable plants when they are weakened and defenseless. The valuable plants become slaves of the rogues, and can only be freed by scores of years of struggle.

The cycle of operations that Nature had built over a period of centuries, and which she had followed during the lean (dry) and fat (wet) years with the greatest of success, was torn apart and rebuilt by the stockmen into a cycle of operation used by excessive livestock numbers with no forage or stock water available for certain seasons of the year. Nature had always operated a rounded out setup, she balanced her operations. She held a reserve for the needs of the plants and the soil yet she supplied forage for her customers, the wild animal life, on a year long basis.

Nature knew that her grasses, the climax forage, could only be used during the proper season. That the weeds she grew were there to be consumed in order that the grass would not be wantenly used during its early stage of growth. That the browse was primarily for the same purpose, a supplement to the late summer and winter feed. It was also green feed when there were no weeds and after the grasses had cured on the stalk. The weeds and browse supplied the variations of the diet just as our pie, cake and other luxury foods are to our meat and potatoes. They supplied the feeling of contentment to the grazing animal unit. They also supplied humus to the soil and prevented or utilized evaporation and lessened erosion.

Nature also knew that the perennials, the fall and winter forage, the grass such as: rye grass, *Elymus* spp; blue bunch-grass, *Agropyron* spp; needlegrass, *Stipa* spp; the browse such as bitterbrush, *Purshia tridentata;* winter far, *Eurotia lanata;* could only be used in adverse proportion to its height during the growing season. The greater the height of the grass or browse, the more luxurient the growth, the less the use during the growing season.

The deep rooted grasses, such as blue bunchgrass, *Agrop yron spp;* needlegrass, *Stipa spp;* or the browse such as winter fat, *Eurotia lanata;* have a cycle of growth making slowly during the early spring and maturing rather late during the summer months, with a retention of life and green coloring in its foliage, which enables the plant to store food in its root system after the top growth has ceased. All these plants seed late in the summer and a few of them late in the fall.

There is a cycle of growth for each type of Range forage directly dependent on the depth of the plant's root system. A shallow or surface rooted grass such as: june grass, *Keleria cristata;* squirrel tail grass, *Sitanion* spp; bluegrass, *Poa* spp; fescue, *Festuca* spp; or a browse such as bud sage, *Artemsia spinescens;* and nearly all of the weeds, start a cycle of growth usually visual green shoots during the fall months, remaining practically dormant during the winter months and then completing their cycle of growth during the early spring months or at least during the early summer months by reaching full maturity and the production of seed.

In the years past all these plants, at least the majority of them, completed their cycle of growth yearly. The remaining plants, and perhaps all the plants in areas short of moisture, completed their cycle of growth intermittently, but at no time during the life span of the plant was the storage of food in its root system prevented because of the total use of the plants foliage by the grazing animals. Old age took its toll and other plants died from insect injury, other plants were weakened by the dry periods and of course during those dry periods there were few young plants that survived.

The moisture-fall, rain and snow, during a series of wet years or even one wet year, saturates the soil many feet below the surface, springs, creeks, and lakes become permanent stock waters if the soil is in a receptive condition to absorb the moisture and has a plant cover to prevent undue runoff. The over-abundance of rainfall or moisture from melting snows raises the water table level and there is no dead space of dry soil between the surface and the water table. Capillary action is at its maximum and the plants are able to withstand dry periods during the growing season. During these periods of above normal rainfall deep rooted grasses, weeds and browse successfully compete with the annual and perennial shallow rooted grasses weeds and browse. The deep rooted plants are enabled to complete their growth cycle after the surface moisture is used by the other plants or taken by evaporation, by reason of their deep roots which extend down into the soil where moisture still abounds. These deep-rooted plants retain life, green coloring, food values, and palatability in their year's growth long after the perennial surface rooted plants have become dormant or died as is the case of the annual weeds and grasses.

As the grazing season advances towards the winter months, the burden of grazing use falls on the forage with green coloring and no matter how hard we try to provide proper control of a grazing area we cannot prevent those plants which are green and palatable from being overgrazed during certain seasons. That is why the density of certain species change from year to year on an area with season long use. That is why we must gather and sow seed of our best grasses.

It is a fact that during wet years the deep rooted plants retain their green coloring until the new green shoots appear in the fall or spring making a balanced ration when the old and the new growth are eaten by the grazing animal. The shallow rooted perennial plants also make a fall growth but the old growth of these plants is shunned by the grazing animal. A short grass (shallow rooted) area should be utilized during the early grazing season and then rested until the next spring. The deep rooted plants should be lightly grazed during the spring and fully utilized during the late summer and fall.

A series of years with deficient rainfall or years with normal rainfall with undue runoff, result in a very sub-soil and a very low water table level. The upper soil is only wet during periods of rainfall and snowfall. These dry years (and they are not drouth years) are the periods which have weakened and destroyed the deep rooted grasses, weeds, and browse. But the plants would not have died if they had not been subjected to severe grazing. The plants are comparable to an eight cylinder engine. It would be very inefficient if half of the cylinders did not have spark plugs. Plants cannot stand the grazing load while striving to complete their cycle of growth with only fifty percent of their root system functioning. Also we must remember that the grazing animal unit is taking all or part of the top which is the other half of the plant's food factory machinery. So we find many dead stumps of grasses and browse, many more than the natural death loss, thin stands of plants, poor seed crops, an increase in the density of unpalatable plants, few young palatable plants and an increase of plant injury by insects. The insect damage more noticeable because of plant scarcity and weakened condition. Quite often a series of dry years or of dry spring seasons will cause severe damage to the shallow rooted plants especially fi grazed too heavily. It is interesting to note the changes in types of an area brought about by improper use of that area. It follows very closely the following four steps:—

1. Virgin Areas—Tall grasses (deep-rooted). Short grasses (shallow rooted), Weeds, Browse. Artemsia spp. Chrysothamnus spp.

2. Over stocked Areas—Short grasses. Weeds. *Artemsia* spp. *Chrysothamnus* spp. Browse. Tall grasses.

3. Severely used areas—Annual short grasses. *Artemsia* spp. *Chrysothamnus* spp. Weeds, Short grasses, Browse, Tall grasses.

4. Depleted Areas—*Artemsia* spp. *Chrysothamnus* spp. Annual short grasses. Weeds, Short grasses, Browse, Tall grasses.

(In the above the first type in each period is the climax type.)

We must bear in mind, however, that very little loss will result during dry years or seasons if grazing is regulated to moisture depth and to a season of use when we are sure that fifty percent of the more palatable plants have the opportunity to complete their cycle of growth. Late in the grazing season the tops may be eaten, without injury to the plants and with profit to the operator.

It is very important for us to realize and understand that there is no native grass, weed, or browse, especially of the perennials, that can successfully withstand the irregularities of moisture fall and consumption of the early growth, year after year, thereby forcing the plant to produce aftermath to complete its cycle. Once we understand that one fact and abide by it our native grasses will be our climax forage again supplemented by our native browse and weeds. A deep rooted grass, weed, or browse under normal conditions must be grazed judiciously. Such forage is of no value without livestock to eat it and livestock cannot be profitably owned without the use of forage on the stalk. Practically all of our deep rooted plants have great height and a very luxuriant growth of leaves.

A perennial deep rooted grass or browse has its life cycle to complete. It strives to produce seed and in order to do so must gather minerals from the soil and with the aid of sunlight, air and moisture changes the minerals into plant foods which the plant uses to grow roots, stems, leaves, and seeds. Each of the various parts of the plant has a purpose and also a bearing on the health and vigor of the plant. They are all essential for its cycle of growth and for the reproduction of other plants. If the tops of the native grasses, weeds, or browse are removed every two weeks in the fields or on the Range the plants have become weakened and eventually will die. No more plants will grow because there was no seed produced. Range plants cannot survive if the tops are continually cropped by the grazing animal unit.

One can work a horse abusively every day and by taking care of the animal, he will stand up under the abuse and probably be none the worse because of it. But the horse must be fed and watered well. When Range plants are continually cropped they receive no food or water from the animal that eats the tops.

If water is available the plant produces tops again and if the conditions continue favorable the plant will complete its cycle of growth. If no moisture is available, as is the case at the beginning of the dry season, the plant makes little growth and has become weakened. It has failed to store food in its root system for the next season's growth, part of the roots will die and the next season's growth will be below normal even if there is sufficient moisture. A plant needs a food storage in its root system beyond the needs of current year's growth. There must be a surplus for emergency just as a stockman has when he holds over a stack of hay for a severe winter or late spring. A continuation of close cropping will kill the unirrigated plant, it must have leaf surfaces to manufacture its food when moisture is available. The leaves of the plant are comparable to the lungs of an animal. If one removes the lungs the animal will die for it cannot breathe and if the leaves of a plant are continually grazed or removed the plant will die for it cannot breathe.

The rye grasses, *Elymus* spp; in the area known as the Drewsey Unit of Grazing District No. 3 in Oregon demonstrates very clearly the damage which has been done during the past fifty years. About the year 1890 if all the rye grasses of the Drewsey Unit exclusive of the area now farmed had been cut and stacked in September there would have been twenty thousand tons of hay, one third more than the tonnage of hay put up in the farming area of the Unit today. Today if all the rye grasses in the same area were left ungrazed until September and then cut and stacked for hay there would be a scant one thousand tons. The nineteen thousand tons have disappeared because the rye grasses had been used for grazing during the early stage growth, the tons were lost because the rye grass plants starved to death. They could not feed themselves and take care of the bodily needs of the animal units which ate its tops. The animal units themselves were forced to eat the rye grass at an unpalatable stage of growth in order that they themselves could exist. There was not enough palatable forage to take care of all the Range animal units. The Range was over stocked.

The vast areas of bunchgrass, the perennials such as the *Agropyron* spp; the *Stipa* spp; the *Elymus* spp; the *Poa* spp; *Oryzopsis* spp; and the *Festuca* spp at one time in the Drewsey Unit would have produced in the fall as hay, three hundred thousand tons, exclusive of the range areas now farmed. Today there would be a scant thirty thousand tons of hay cut from the same area. The loss resulting not so much from overstocking as from wrong seasonal grazing use.

The short rooted grasses, such as june grass, *Koloria cristata;* blue grasses, *Poa* spp; cheat, *Bromus tectorum;* squirrel tail, *Sitanion* spp; and other annual weeds and grasses plus a vast increase of unpalatable browse, *Artemsia* spp; *Chrysothamnus* spp; have all increased in density since the year 1900 in the areas vacated by the perennial deep rooted grasses, weeds and browse. As the types of forage in the areas changed the forage value was always on the down grade, until finally we have vast areas today practically worthless for grazing purposes. Areas eroded by rains and winds and only drastic cuts and prohibitive expense will restore them to their former value. It is worthy to note that during the change of climax forage in an area that the good forage gave way to the bad forage because the animal units ate the good forage. There was an increase of poisonous plants which would point to the fact that Nature uses them to prevent early and severe grazing. The poison loss in Malheur and Harney Counties during the year 1937 approximated one hundred thousand dollars. Every summer discloses stockmen, whose losses from forage poisoning exceed the purchase price of cultivated forage for their range animal units. And it even extends to winter grazing for those stockmen who are scanty feeders and animals units are lost by eating poisonous water hemlock.

The majority of the stockmen admit overstocking and wrong seasonal use of the Range, both on public and private ranges, either by their own stock or by livestock alien to their commensurate area of Range. They have operated on margins both on winter setups and summer ranges. A few of the stockmen maintain that the dry seasons have caused the drastic change in the carrying capacity of the Range. However it must be remembered that the Range had been maintaining its density through all the past dry seasons when the livestock were not numerous. One need only investigate a few of the protected areas of the Range which have had proper use and compare them to the areas which have had improper use. One will find that these areas approach the carrying capacity of the virgin areas. On the protected areas we find everything of value, on the unprotected area everything worthless. There are also rock areas and inaccessible areas of native range forage (winter areas) which have a maximum density of grasses, weeds, and browse with many young plants growing. During the dry seasons these areas do not have the volume of forage which the wet season produces, but the plants are strong, healthy and vigorous, with a minimum stand of black sage and other unpalatable and noxious plants. When the wet season arrives the area is a paradise, but the depleted area becomes more worthless than ever.

The areas of Range land serviced by permanent stock waters and having continuous grazing use have had the palatable forage reduced to ten percent of their former density. The destroyed plants have been replaced by worthless plants of no forage value, poisonous plants and by inferior species of palatable plants. The areas have necessarily been changed to spring and fall grazing areas. Areas not for the production of beef and mutton but areas for bare maintenance of about twenty percent of the former carrying capacity with resultant low percentages of young, a tremendous increase in poisonous losses and an enormous (ruinous) increase of livestock operation cost and heavy indebtedness.

There is a solution for the stockmen and their range problems. It is true that the withdrawal of crop lands and fenced range and pasture lands from the open range together with excessive numbers of livestock have depleted the ranges. The solution is only a reverse of the past operation, in that the crop land fenced range lands must bear their former share of the grazing burden until the native forages have approached their former density and after that, proper grazing use of the Range.

The grazing use of the depleted range must be restricted to a short spring use to utilize a proportion (sixty to seventy-five percent) of the short grasses and weeds and a late fall or early winter grazing use to utilize the cured forage (tall and short grasses, weeds, browse) the use at the same time helping to cover the fallen seeds. There are areas of course which can be used for summer forage on the proper carrying basis and other areas used strictly for late fall or early winter forage, especially in those areas where it is impracticable to develop water, and snow must be used as stock water. The length of the spring season depends on the length of the growing season. It should not exceed two-thirds of the growing cycle of the climax palatable short grasses and weeds, with such use the tall forage will then regain its former standing of fifty-fifty in relation to the short forage.

The age old facts, known but not recognized, that moisture begets moisture; that winds increase as moisture decreases; that years of plenty are not for 100% utilization but years to build up forage, soil and moisture reserves; that a green wet fall is indicative of good forage the following summer and vice versa a greenless, dry, cold fall is indicative of scant forage the following summer (stock number must be provided for); that grasses, weeds, browse are crops which need to be sown (by Nature) cultivated and harvested with as much study and care as wheat, barley, corn, and oats; that the aftermath (second growth) of Range plants in light rain fall areas is only a life saving effort of the plant and as such should not be grazed until it has fulfilled its mission and cured on the stalk; that grasses, weeds, browse, of different species and types have their proper season for use, and these seasons are not interchangeable; that ninety-five percent of the former winter range areas have been converted into commensurate and non-commensurate owned property and there is a negligible amount of winter range left; that there is sufficient range forage for the present numbers of livestock and wild life but to utilize the forage necessitates co-operation of livestock operators, sportsman, Tax Commissions, Forest Service, Grazing Service and the Public, it entails shifting of livestock, development of water, and absolute control of grazing seasons, there must be authority and observance; that Class 3 property not utilized as a winter set-up; that flood control is a result of depleted forage; that we cannot grow two straws, where one grew before with Nature's nursing, without extra moisture and prohibitive expense; that native forage is naturalized and ready to open shop and feed their customers if protected and grazed judiciously; that the livestock operation is not a means to get rich quickly but only a means of obtaining an ordinary livelihood; that debts are never paid by the returns from excessive livestock numbers; that taxes on range lands must be based on carrying capacities not on acre values; that the past fifty years have witnessed the operations of the worst Wall Street operators, the calloused buttocked horsemen and cattlemen and the calloused footed sheepmen, all operating not in the futures on their own lands but in the futures on open range and forage values.

In conclusion: the happy thought about it all is that the sunshine blooms all around some day, and that thing which has been torn down is finally rebuilt better than it was before and henceforth receives better care. Conditions are rapidly improving so that the existing rounded out stockmen begin to see their way out and many young men are acquiring ranches with the purchase price based on returns, who will pay for them from earnings and live comfortably while doing so. Cooperation among these operators and co-operation if you please, between the grazing use of fenced and unfenced lands will solve the problem of range improvement and stabilization of livestock numbers.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Dulski (at the request of Mr. O'Neill), from Thursday, April 5, through Thursday, April 19, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Froehlich), to revise and extend their remarks, and to include extraneous matter:)

Mr. Edwards of Alabama, today, for 10 minutes.

Mr. Cleveland, today, for 10 minutes.

Mr. Froehlich, today, for 5 minutes.

Mr. Robison of New York, today, for 15 minutes.

Mr. du Pont, today, for 10 minutes.

Mr. Schneebeli, today, for 5 minutes.

(The following Members (at the request of Mr. Andrews of North Carolina), to revise and extend their remarks, and to include extraneous matter:)

Mr. McFall, today, for 5 minutes.

Mr. Mills of Arkansas, today, for 5 minutes.

Mr. Eilberg, today, for 5 minutes.

Mr. Montgomery, today, for 5 minutes.

Mr. Brademas, today, for 5 minutes.

Mr. Clay, today, for 5 minutes.

Mrs. Grasso, today, for 10 minutes.

Mr. Gonzalez, today, for 5 minutes.

Mr. Harrington, today, for 5 minutes.

Mr. Biaggi, today, for 5 minutes.

Ms. Abzug, today, for 10 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Findley, during debate on House Joint Resolution 205, and to include extraneous matter.

Mr. Dingell, and to include extraneous matter notwithstanding the fact that it exceeds two pages of the Congressional Record and is estimated by the Public Printer to cost $552.50.

Mr. Frelinghuysen and to include extraneous matter.

(The following Members (at the request of Mr. Froehlich), and to include extraneous matter:)

Mr. Steiger of Arizona in two instances.

Mr. Derwinski in two instances.

Mr. Peyser in five instances.

Mr. Hansen of Idaho.

Mr. Ketchum.

Mr. Quillen.

Mr. Baker.

Mr. Thomson of Wisconsin.

Mr. Zwach.

Mr. Huber in three instances.

Mr. Wyman in two instances.

Mr. Smith of New York.

Mr. Whitehurst.

Mr. Bob Wilson.

Mr. Railsback in two instances.

Mr. Steiger of Wisconsin.

Mr. Steele in three instances.

Mr. Rhodes in five instances.

Mr. Hosmer in two instances.

Mr. Nelsen in four instances.

Mr. Bray in three instances.

Mr. Abdnor.

Mr. Armstrong.

(The following Members (at the request of Mr. Andrews of North Carolina), and to include extraneous matter):

Mr. Bingham in two instances.

Mr. Studds.

Mr. Murphy of New York in two instances.

Mr. Breckinridge in 10 instances.

Mr. Badillo.

Mr. Fascell.

Mr. Clay in two instances.

Mr. Matsunaga in six instances.

Mr. Clark.

Mr. Annunzio.

Mr. Gonzalez in three instances.

Mr. Rarick in three instances.

Mr. Chappell in three instances.

Mr. Harrington in two instances.

Mr. Hungate.

Mr. Rodino in two instances.

Mr. Rangel in 10 instances.

Mr. Fulton.

Miss Holtzman in 10 instances.

Mr. Johnson of California in two instances.

Mr. Hawkins.

Mr. Alexander in five instances.

Mr. Waldie in five instances.

Mr. Stokes.

Mr. Pepper in three instances.

Mr. Donohue.

ADJOURNMENT

Mr. ASPIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 42 minutes p.m.), the House adjourned until tomorrow, Wednesday, April 11, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

746. A letter from the Secretary of Labor, transmitting a report on the dispute between the Penn Central Transportation Co. and its employees represented by the United Transportation Union, pursuant to section 3 of Public Law 93-5; to the Committee on Interstate and Foreign Commerce.

Received From the Comptroller General

747. A letter from the Comptroller General of the United States, transmitting a report on the examination of the financial statements of the Federal Prison Industries, Inc., Department of Justice, for fiscal year 1972, pursuant to 31 U.S.C. 841 (H. Doc. No. 93-81); to the Committee on Government Operations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PATMAN: Committee on Banking and Currency. H.R. 6168. A bill to amend and extend the Economic Stabilization Act of 1970; with amendment (Rept. No. 93-114). Referred to the Committee of the Whole House on the State of the Union.

Mr. LONG of Louisiana: Committee on Rules. House Resolution 349. Resolution providing for the consideration of H.R. 3180. A bill to amend title 39, United States Code, to clarify the proper use of the franking privilege by Members of Congress, and for other purposes (Rept. 93-115). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 351. Resolution providing for the consideration of H.R. 3932. A bill to provide that appointments to the offices of Director and Deputy Director of the Office of Management and Budget shall be subject to confirmation by the Senate, and for other purposes (Rept. No. 93-116). Referred to the House Calendar.

Mr. MATSUNAGA: Committee on Rules. House Resolution 352. Resolution providing for the consideration of H.R. 982. A bill to amend the Immigration and Nationality Act, and for other purposes (Rept. No. 93-117). Referred to the House Calendar.

Mr. BLATNIK: Committee on Public Works. S. 502. An act to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes; with amendment (Rept. No. 93-118). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER:

H.R. 6760. A bill to implement the constitutional prerogative and responsibilities of the legislative branch; to the Committee on Government Operations.

H.R. 6761. A bill to provide for annual authorization of appropriations to the U.S. Postal Service; to the Committee on Post Office and Civil Service.

H.R. 6762. A bill providing for a feasibility study of certain highways for the purpose of including such highways in the National System of Interstate and Defense Highways; to the Committee on Public Works.

By Mr. ASPIN (for himself, Ms. Abzug, Mr. Vanik, Mr. Gude, Mr. Conyers, Mr. Ashley, Mr. Bingham, and Mr. Rhodes):

H.R. 6763. A bill to authorize the Secretary of the Interior to issue rights-of-way and special land use permits for the construction of pipelines in the State of Alaska under certain circumstances, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BRADEMAS:

H.R. 6764. A bill to amend the Internal Revenue Code of 1954 to modify the restrictions contained in section 170(e) in the case of certain charitable contributions of ordinary income property; to the Committee on Ways and Means.

By Mr. BROYHILL of Virginia:

H.R. 6765. A bill to amend the State and Local Fiscal Assistance Act of 1972 to provide for the payment of additional funds to units of local government in urbanized areas for public mass transportation purposes; to the Committee on Ways and Means.

By Mr. CASEY of Texas (for himself and Mr. Winn):

H.R. 6766. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence, and to allow the owner of rental housing to amortize at an accelerated rate the cost of rehabilitating or restoring such housing; to the Committee on Ways and Means.

By Mr. MILLS of Arkansas (for himself, Mr. Schneebeli, Mr. Conable, Mr. Chamberlain, Mr. Clancy, Mr. Brotzman, Mr. Pettis, and Mr. Duncan):

H.R. 6767. A bill to promote the development of an open, nondiscriminatory and fair world economic system, to stimulate the economic growth of the United States, and to provide the President with additional negotiating authority therefor, and for other purposes; to the Committee on Ways and Means.

By Mr. FRASER (for himself Mr. Bingham, Mr. Fascell, Mr. Mathias of California, Mr. Reid, and Mr. Winn):

H.R. 6768. A bill to provide for participation by the United States in the United Nations Environment Program; to the Committee on Foreign Affairs.

By Mr. BURKE of Florida:

H.R. 6769. A bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pension of $125 per month to World War I veterans, subject to a $2,400 and $3,600 annual income limitation; to provide that retirement income such as social security shall not be counted as income; to provide that such pension shall be increased by 10 percent where the veteran served overseas during World War I; and for other purposes; to the Committee on Veterans' Affairs.

H.R. 6770. A bill to amend the Internal Avenue Code of 1954 and the Social Security Act to provide a comprehensive program of healthcare by strengthening the organization and delivery of healthcare nationwide and by making comprehensive healthcare insurance (including coverage for medical catastrophes) available to all Americans, and for other purposes; to the Committee on Ways and Means.

By Mr. CEDERBERG:

H.R. 6771. A bill to provide price support for milk at not less than 85 percent of the parity price therefor; to the Committee on Agriculture.

By Mr. CLARK:

H.R. 6772. A bill to encourage earlier retirement by permitting Federal employees to purchase into the civil service retirement system benefits unduplicated in any other retirement system based on employment in Federal programs operated by State and local governments under Federal funding and supervision; to the Commitee on Post Office and Civil Service.

By Mr. CRONIN:

H.R. 6773. A bill to provide a group life insurance program for State and local government public safety officers and to provide benefits for survivors of officers who are killed in line of duty; to the Committee on the Judiciary.

H.R. 6774. A bill to amend the Internal Revenue Code of 1954 to provide that the first $5,000 of compensation paid to law enforcement officers and firemen shall not be subject to the income tax; to the Committee on Ways and Means.

By Mr. de LUGO (for himself and Mr. Won Pat):

H.R. 6775. A bill to place certain submerged lands within the jurisdiction of the governments of Guam, the Virgin Islands, and American Samoa, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. EILBERG (for himself and Mr. Murphy of Illinois):

H.R. 6776. A bill to amend the Economic Stabilization Act of 1970, to freeze food prices at levels prevailing on January 2, 1973, and for other purposes; to the Committee on Banking and Currency.

By Mr. FOLEY:

H.R. 6777. A bill to increase the supply of railroad rolling stock and to improve its utilization to meet the needs of commerce, users, shippers, national defense, and the consuming public; to the Committee on Interstate and Foreign Commerce.

By Mr. FRASER:

H.R. 6778. A bill to give effect to the International Convention on Conduct of Fishing Operations in the North Atlantic, signed at London under date of June 1, 1967, and for other purposes; to the Committee on Foreign Affairs.

By Mr. FUQUA:

H.R. 6779. A bill to provide for repayment of certain sums advanced to providers of services under title XVIII of the Social Security Act; to the Committee on Ways and Means.

By Mr. GINN:

H.R. 6780. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. HANSEN of Idaho (for himself and Mr. Symms):

H.R. 6781. A bill to authorize the Secretary of the Interior to construct, operate, and maintain a replacement dam for the existing American Falls Dam of the Upper Snake River Basin project, Idaho, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 6782. A bill to authorize the Secretary of the Interior to enter into agreements with non-Federal agencies for the replacement of the existing American Falls Dam, Upper Snake River project, Idaho, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HAWKINS (for himself, Mrs. Burke of California, Mr. Coughlin, Mr. Edwards of California, Mr. Matsunaga, Mr. Stokes, and Mr. Thompson of New Jersey):

H.R. 6783. A bill to authorize financial assistance for opportunities industrialization centers; to the Committee on Education and Labor.

By Mr. HUNGATE (for himself and Mr. Waldie):

H.R. 6784. A bill to preserve the right of Government employees to credits or refunds for overpayment of income taxes resulting from the failure to exclude, in returns for certain prior years, amounts withheld for retirement; to the Committee on Ways and Means.

By Mr. KARTH:

H.R. 6785. A bill to limit the authority of the Secretary of Health, Education, and Welfare to impose, by regulations, certain additional restrictions upon the availability and use of Federal funds authorized for social services under the public assistance programs established by the Social Security Act; to the Committee on Ways and Means.

By Mr. KOCH (for himself, Ms. Abzug, Mr. Bingham, Mr. Conyers, Mr. Dominick V. Daniels, Mr. Delaney, Mr. Edwards of California, Mr. Gilman, Mr. Harrington, Mr. Moakley, Mr. Mollohan, Mr. Pepper, Mr. Podell, Mr. Rangel, Mr. Riegle, Mr. Roe, Mr. Rosenthal, Mr. Roybal, and Mr. St Germain):

H.R. 6786. A bill to establish in the Public Health Service an institute for research on dysautonomia, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KUYKENDALL (for himself, Mr. Brown of California, Mr. Baker, Mr. Roncallo of New York, Mr. Lehman, Mr. Coughlin, and Mr. Rangel):

H.R. 6787. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. LOTT:

H.R. 6788. A bill to amend the Internal Revenue Code of 1954 and the Social Security Act to provide a comprehensive program of healthcare by strengthening the organization and delivery of healthcare nationwide and by making comprehensive healthcare insurance (including coverage for medical catastrophes) available to all Americans, and for other purposes; to the Committee on Ways and Means.

By Mr. McKAY:

H.R. 6789. A bill to amend title 13, United States Code, to assure confidentiality of information furnished in response to questionnaires, inquiries, and other requests of the Bureau of the Census, to provide for a mid-decade sample survey of population, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MARAZITI:

H.R. 6790. A bill to prohibit most-favored-nation treatment and commercial and guarantee agreements with respect to any nonmarket economy country which denies to its citizens the right to emigrate or which imposes more than nominal fees upon its citizens as a condition to emigration; to the Committee on Ways and Means.

By Mr. MAYNE:

H.R. 6791. A bill to provide equity in the 1973 feed grain set-aside program by increasing the payment rate for participants in plan B; to the Committee on Agriculture.

By Mrs. MINK (for herself, Mrs. Burke of California, Mr. Rangel, and Mrs. Schroeder):

H.R. 6792. A bill to amend section 552 of title 5, United States Code, known as the "Freedom of Information Act"; to the Committee on Government Operations.

By Mrs. MINK (for herself, Ms. Abzug, Mr. Bell, Mr. Brademas, Mrs. Burke of California, Mr. Burton, Mr. Fraser, Mr. Harrington, Mr. Hawkins, Mrs. Heckler of Massachusetts, Mr. Helstoski, Mr. Hogan, Mr. Johnson of Colorado, Mr. Koch, Mr. Leggett, Mr. Lehman, Mr. McCloskey, Mr. Mollohan, Mr. Moss, Mr. Nix, Mr. Obey, Mr. Podell, Mr. Rangel, Mr. Rees, and Mr. Riegle):

H.R. 6793. A bill for the relief of certain orphans in Vietnam; to the Committee on the Judiciary.

By Mrs. MINK (for herself, Mr. Sarbanes, Mr. Stark, Mr. Thompson of New Jersey, Mr. Tiernan, Mr. Ware, Mr. Won Pat, Mr. Wright, and Mr. Johnson of California):

H.R. 6794. A bill for the relief of certain orphans in Vietnam; to the Committee on the Judiciary.

By Mr. MONTGOMERY (for himself, Mr. Cleveland, Mr. Kemp, Mr. Mazzoli, Mr. Roe, Mr. Roncalio of Wyoming, and Mr. Sarbanes):

H.R. 6795. A bill to amend title 38, United States Code, to encourage persons to join and remain in the Reserves and National Guard by providing full-time coverage under Servicemen's Group Life Insurance for such members and certain members of the Retired Reserve, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MURPHY of Illinois:

H.R. 6796. A bill to amend section 709(g) (1) of title 32 of the United States Code to permit certain National Guard technicians to be absent from work on legal holidays; to the Committee on Armed Services.

H.R. 6797. A bill to allow a credit against Federal income tax or payment from the U.S. Treasury for State and local real property taxes or an equivalent portion of rent paid on their residences by individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. MYERS (for himself, Mr. Bray, Mr. Dennis, Mr. Hillis, Mr. Hudnut, Mr. Landgrebe, Mr. Madden, and Mr. Zion):

H.R. 6798. A bill to provide that Mansfield Lake, Ind., shall be known as Cecil M. Harden Lake; to the Committee on Public Works.

By Mr. NATCHER:

H.R. 6799. A bill to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938; to the Committee on Agriculture.

H.R. 6800. A bill to amend the Tariff Schedules of the United States to provide that certain forms of zinc be admitted free of duty; to the Committee on Ways and Means.

By Mr. PEPPER:

H.R. 6801. A bill to amend chapter 83 of title 5, United States Code, to eliminate the survivorship reduction during periods of nonmarriage of certain annuitants, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 6802. A bill to increase the contribution of the Federal Government to the costs of employees' health benefits insurance; to the Committee on Post Office and Civil Service.

H.R. 6803. A bill to provide increases in certain annuities payable under chapter 83 of title 5, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 6804. A bill to provide for continual application of current basic pay scales to Federal civil service annuities; to the Committee on Post Office and Civil Service.

H.R. 6805. A bill to insure the separation of Federal powers and to protect the legislative function by requiring the President to notify the Congress whenever he, the Director of the Office of Management and Budget, the head of any department or agency of the United States, or any officer or employee of the United States, impounds, orders the impounding, or permits the impounding of budget authority, and to provide a procedure under which the Senate and the House of Representatives may approve the impounding action, in whole or in part, or require the President, the Director of the Office of Management and Budget, the department or agency of the United States, or the officer or employee of the United States, to cease such action, in whole or in part, as directed by Congress; to the Committee on Rules.

H.R. 6806. A bill to amend the Internal Revenue Code of 1954 to permit an exemption of the first $5,000 of retirement income received by a taxpayer under a public retirement system or any other system if the taxpayer is at least 65 years of age; to the Committee on Ways and Means.

By Mr. PERKINS:

H.R. 6807. A bill to amend section 221 of the Flood Control Act of 1970; to the Committee on Public Works.

H.R. 6808. A bill authorizing the construction, repair, and preservation of certain public works on rivers for flood control; to the Committee on Public Works.

H.R. 6809. A bill authorizing the construction, repair and preservation of certain public works on rivers for flood control; to the Committee on Public Works.

H.R. 6810. A bill to amend section 210 of the Flood Control Act of 1968; to the Committee on Public Works.

H.R. 6811. A bill to provide for the addition of approximately 4,000 acres of land to the Kehoe Lake project on Little Sandy River and Tygarts Creek, Ky.; to the Committee on Public Works.

H.R. 6812. A bill to authorize appropriations for construction of certain highways in accordance with title 23 of the United States Code, and for other purposes; to the Committee on Public Works.

H.R. 6813. A bill to amend the Appalachian Regional Development Act of 1965 to increase the mileage of the development highway system; to the Committee on Public Works.

H.R. 6814. A bill to amend title XVIII of the Social Security Act to include drugs requiring a doctor's prescription among the medical expenses with respect to which payment may be made under the voluntary program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. ROGERS:

H.R. 6815. A bill to require congressional approval for any assistance provided to North Vietnam; to the Committee on Foreign Affairs.

By Mr. RONCALLO of New York:

H.R. 6816. A bill to grant a Federal Charter to the Italian American War Veterans of the United States; to the Committee on the Judiciary.

By Mr. SANDMAN:

H.R. 6817. A bill to establish rational criteria for the mandatory imposition of the sentence of death, and for other purposes; to the Committee on the Judiciary.

By Mrs. SCHROEDER (for herself, Ms. Abzug, Mr. Addabbo, Mr. Badillo, Mr. Bergland, Mr. Brademas, Mr. Brown of California, Mrs. Burke of California, Mr. Burton, Mr. Conyers, Mr. Danielson, Mr. Dellums, Mr. de Lugo, Mr. Drinan, Mr. Edwards of California, Mr. Fraser, Mr. Gray, Mr. Harrington, Mr. Mazzoli, Mr. Mitchell of Maryland, Mr. Moakley, Mr. Moss, Mr. Owens, Mr. Pepper, and Mr. Podell):

H.R. 6818. A bill to provide for the establishment within the Department of Health, Education, and Welfare of a National Center on Child Development and Abuse Prevention, to provide financial assistance for a demonstration program, and for other purposes; to the Committee on Education and Labor.

By Mrs. SCHROEDER (for herself, Mr. Benitez, Mr. Clark, Mr. Dominick V. Daniels, Mr. Diggs, Mrs. Heckler of Massachusetts, Mr. Leggett, Mr. Metcalfe, Mr. Murphy of New York, Mr. Rodino, Mr. Rooney of Pennsylvania, Mr. Rostenkowski, Mr. Ryan, Mr. Charles H. Wilson of California, and Mr. Litton):

H.R. 6819. A bill to provide for the establishment within the Department of Health, Education, and Welfare of a National Center on Child Development and Abuse Prevention, to provide financial assistance for a demonstration program, and for other purposes; to the Committee on Education and Labor.

By Mr. SIKES:

H.R. 6820. A bill to protect the freedom of choice of Federal employees in employee-management relations; to the Committee on Post Office and Civil Service.

By Mr. STAGGERS (for himself and Mr. Devine):

H.R. 6821. A bill to provide for the registration and regulation of oil and gas programs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ULLMAN (for himself, Mr. McCormack, and Mr. McKay):

H.R. 6822. A bill to amend the Internal Revenue Code of 1954 to allow Federal income tax returns to be inspected by a common tax auditing agent utilized by the States; to the Commitee on Ways and Means.

By Mr. CHARLES H. WILSON of California:

H.R. 6823. A bill to enlarge the Sequoia National Park in the State of California; to the Committee on Interior and Insular Affairs.

By Mr. CHARLES H. WILSON of California (for himself and Mr. Pepper):

H.R. 6824. A bill to amend the Federal Aviation Act of 1958 in order to provide for more effective control of aircraft noise; to the Committee on Interstate and Foreign Commerce.

By Mr. WON PAT:

H.R. 6825. A bill to amend the Organic Act of Guam; to the Committee on Interstate and Insular Affairs.

By Mr. MAHON:

H.J. Res. 496. Joint resolution making supplemental appropriations for the fiscal year ending June 30, 1973, for the Civil Aeronautics Board and the Veterans' Administration, and for other purposes; to the Committee on Appropriations.

By Mr. BURKE of Florida:

H.J. Res. 497. Joint resolution to retain May 30 as Memorial Day; to the Committee on the Judiciary.

By Mr. du PONT:

H.J. Res. 498. Joint resolution concerning the war powers of the Congress and the President; to the Committee on Foreign Affairs.

By Mr. EDWARDS of California (for himself and Mr. Wiggins):

H.J. Res. 499. Joint resolution providing for an extention of the term of the Commission on the Bankruptcy Laws of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. McCLOSKEY (for himself, Mr. Edwards of California, Mr. Conyers, and Mr. Drinan):

H.J. Res. 500. Joint resolution to terminate American military activity in Laos and Cambodia; to the Committee on Foreign Affairs.

By Mr. REID:

H.J. Res. 501. Joint resolution to bestow U.S. citizenship upon Christopher Columbus; to the Committee on the Judiciary.

By Mr. ROBINSON of Virginia:

H.J. Res. 502. Joint resolution proposing an amendment to the Constitution relating to the continuance in office of judges of the Supreme Court and of inferior courts; to the Committee on the Judiciary.

By Mrs. GRASSO:

H. Con. Res. 181. Concurrent resolution expressing the opposition of the Congress to certain measures for the curtailment of benefits under the medicare and medicaid programs; to the Committee on Ways and Means.

By Ms. ABZUG:

H. Res. 350. Resolution requiring certain information on social service regulations from the Secretary of Health, Education, and Welfare; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANNUNZIO:

H.R. 6826. A bill for the relief of Viviana Giovannetti; to the Committee on the Judiciary.

By Mr. KOCH:

H.R. 6827. A bill for the relief of Arie Aviv (also known as Arie Abramovich); to the Committee on the Judiciary.

By Mr. ROSTENKOWSKI:

H.R. 6828. A bill for the relief of Edith E. Carrera; to the Committee on the Judiciary.

By Mr. SEIBERLING:

H.R. 6829. A bill for the relief of Mr. Jose Antonio Trias; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

149. Petition of the county council, county of Hawaii, Hilo, Hawaii, relative to Federal subsidized housing and community development programs; to the Committee on Banking and Currency.

150. Also, petition of Tommy Brack, Scottsboro, Ala., and others, relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

151. Also, petition of Leslie A. Bates and other members of the Fraternal Order of Police, Lodge No. 70, Anne Arundel County, Md., relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

152. Also, petition of Harold Shea, Vineland, N.J., and others, relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

153. Also, petition of Thomas M. Maioli, Bridgeville, Pa., and others, relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

154. Also, petition of Jim Drake and others, Claremore, Pa., relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

155. Also, petition of S. A. Hill, Palmerton, Pa., and others, relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

156. Also, petition of George P. Stack, Williamsport, Pa., and others, relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

DR. RAYMOND PAZ OF LAS CRUCES, N. MEX.

HON. PETE V. DOMENICI

OF NEW MEXICO

IN THE SENATE OF THE UNITED STATES

Tuesday, April 10, 1973

Mr. DOMENICI. Mr. President, I have on several occasions risen to speak before this distinguished body in praise of our fine New Mexico citizens. Today, I again stand to commend the work of one such man, Dr. Raymond Paz of Las Cruces, N. Nex. Dr. Paz was born in New Mexico, as was his father; he has a true love for the outdoors. By profession he is an optometrist, but he has given many years of his life to promoting outdoor recreation in our State. He has served on the Las Cruces Park and Recreation Board for the past 18 years and presently serves on two State committees—the Recreation Priorities Advisory Committee and the special ad hoc Committee on Solidad Canyon. He is chairman of the Recreation and Open Space Committee of the Southern Rio Grande Council of Governments and serves on the executive committee of the commissioners and board members branch of the National Parks and Recreation Association. I believe he serves as a fine example to millions of Americans who enjoy the outdoors; not only does he enjoy the environment, but he has given many years of his life to its preservation and development.

Dr. Paz recently was asked to participate in the dedication ceremony of the Aguirre Spring Recreation Site in the Organ Mountains 12 miles east of Las Cruces. Dr. Paz' love for the mountain, that has for years been part of the cultural heritage of his city, prompted him to write an inspiring poem about Organ Mountain. I think it reflects his deep love and respect for the earth and I request unanimous consent that it be printed in the RECORD.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

THE CALL OF THE MOUNTAIN

(By Dr. Raymond Paz)

I was created long before you,
To prepare this haven for your coming.
My mission is to serve you.
I need you to justify my being.
My friends—the Sun and Moon,
The Clouds, the Rain and the Snow,
All favor me with their graces,
And adorn me to delight you.
My gifts to you I offer,
And beg you to accept them.
And for your gracious, kindness,
I shall give you lasting peace.
I offer you Adventure,
To challenge the spirit of youth,
And exhaust the youthful energy.
I offer you Beauty,
To delight the human senses
With reflections of our Creator.
I offer you Inspiration,
To liven your weary spirit,
And dissipate the worries of life.
I offer you Peace,
To make the image of God
Glow with celestial splendor.
So come, come to me joyfully,
And drink deeply of the sweet refreshment
That I have for you
And your joys will be without ending.

WAYNE, N.J., SEEKS FEDERAL ASSISTANCE FOR FLOOD CONTROL PROJECTS

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 10, 1973

Mr. ROE. Mr. Speaker, the ever-mounting threat and crisis proportion potential of flooding in many areas of the United States hang like a "sword of Damocles" over our people. We have witnessed billions of dollars of property damage and untold misery in loss of life and personal possessions that have taken place over the years throughout our country. Congressional authorizations that have been written into our Nation's law books have been successful in many instances in bringing flood control measures to the people. In some instances, however, in seeking to implement these laws there is a long drawn out process of study after study prompted by tremendous growth and development in the area where exploding populations have caused ever-changing patterns of consideration between each study, and finally we are faced with a problem of such magnitude in some of our regions that the community and the State can no longer afford the fiscal resources to provide the remedial action at hand.

This has occurred in the State of New Jersey, and particularly in the Passaic River Basin. A catastrophic flood in 1903 commenced the beginning of over a half-century of studies in this river basin and we have continued to experience heavy flooding and property damage, particularly since 1968 when on several occasions it became necessary to declare states of emergency in this region of our State through the exercise of the offices of the Governor and the President.

Prior to my coming to Congress in 1969, when I served in the Governor's Cabinet of New Jersey as Commissioner of Conservation and Economic Development, we were successful in securing the State's approval of the Army Corps of Engineers Comprehensive Plan for Flood Control-Water Resources Management and Development in the Passaic River Basin known as plan III or plan C. The State Legislature had adopted a resolution attesting to this plan as "the best plan" for the State of New Jersey and the Governor, on behalf of the State, had certified approval of the plan to the U.S. Army Corps of Engineers.

This week the corps is planning another public meeting to discuss still another alternative plan for the Passaic River Basin relating to the flood control aspects only and having as one of its major variations the use of dry detention basins for the water supply reservoirs recommended by Comprehensive Plan III.

Meanwhile, the flooding problems persist and on February 23, 1973, in an effort to apply the Army Engineers and Public Works Committee's authorizations under sections 201 and 205 of the Flood Control Act of 1965 the Subcommittee on Investigations and Review of the Public Works Committee, of which I am a member, held hearings at the

Ridgefield Borough Hall in New Jersey. At these hearings we received testimony from municipal officials, engineers, and residents of the area on the frequency, extent of damage, consistency and consequences of flooding caused by certain streams and tributaries in the Bergen, Hudson, and Passaic County areas of New Jersey as well as the impact that flooding has had on the residents in the communities surrounding these waterways. It was significant to note that each of the communities represented at the hearings were well prepared with supportive data including technical and engineering studies and corrective measures to cope with the flooding problems of their respective areas with the only real obstacle being the fiscal resources to accomplish the remedial action.

Mr. Speaker, in testimony to the foregoing facts, I am pleased to present to you today a copy of the report of Wayne, N.J., which was presented at the Public Works Committee's flood control hearings in February to acquaint you and my colleagues here in the House with the continuing perseverance and hard work of the governing officials of communities in the flood-stricken areas in their deep concern for the people of the region and the frustrations that are being encountered in having the solution at hand but unable to implement it because of the lack of fiscal resources. With your permission I would like to insert the Wayne Township's report at this point in the RECORD with my compliments for the excellence of their report to Mayor Newton E. Miller; Councilmen Thomas Elm, Jr., Walter Jasinski, Charles Kabbash, James A. Mingo, Estele Perry, Leonard Pine, Harry F. Rudiger, Joseph Vadala and David Waks; and additional plaudits to Kenneth R. Mahony, business administrator; Anthony Buzzoni, public works director; and Lawrence Bednarz, assistant engineer; who participated in Wayne's formal presentation at the flood control hearings. The substance of the report is as follows:

FLOODING SITUATION REPORT, WAYNE, N.J.

PURPOSE

The purpose of this presentation is to acquaint the Congress with the flooding problems within northern New Jersey and Passaic County generally, and within Wayne Township specifically; to acquaint you with the possible solutions and steps taken by Wayne to effect these solutions and further to solicit the assistance of the Congress in carrying out program's beyond the scope of the single municipality, Wayne.

METHOD

The time available being too brief to even summarize the problem, briefing books are being presented, giving in greater detail, the situation as we see it and the proposed solutions. Attached by reference is the U.S. Army Corps of Engineers report entitled "Passaic River Basin" published in June of 1972. Enclosed is one set (5 volumes) of the Wayne Township Drainage Study completed in August of 1972.

PROBLEM

Wayne Township consists of 27.2 square miles bordered on the northeast and southeast by hilly terrain and on the west by the Ramapo, Pompton and Passaic rivers, 3.6 square miles in the flood plain. The major flood of record is the 1903 flood. Serious flooding has occurred each year since at all seasons of the year. Major flooding tragedies have occurred periodically since with the spring flood of 1968 tropical storm "Doria" in 1971, "Agnes" in 1972 and the February floods of 1973 being the most significant. Three different types of flooding occur: 1) internal flooding caused by water runoff, 2) peripheral flooding caused by surcharge of the river beds, and 3) internal flooding caused by river and stream backup.

POSSIBLE SOLUTIONS

The Army Corps of Engineers has addressed the types 2 and 3 (above) in the "Passaic Basin" report and in their recommended action, Plan III and amendments. The Township of Wayne is addressing a partial solution to types 2 and 3 (above) in a current study by a consultant on the possible use of Beaties Dam improved by hydraulic gates; to lower the peaks of flood water in the Wayne area. Wayne Township has further attempted to reduce flood damage by the purchase of "Flood Way" land in the Old Wayne Park area. Pequannock Park area and in the Buttonwood area. Some land has been acquired but so far, Green Acres and Open Space funds have been denied. Wayne Township has conducted extensive and detailed studies of the runoff problems of type 1 flooding. River dredging is a possible partial interim solution.

DISCUSSION OF POSSIBLE SOLUTIONS

1. Army Corps of Engineers, Plan III as amended: the pre-amended plan would provide greater benefit to Wayne Township. Even the relief offered by the amended plan would be welcome. This program is entirely outside the capability of any municipality or group of municipalities to implement. Wayne Township supports the plan without reservation.

2. Beaties Dam Hydraulic Gates would benefit Wayne Township lowlands by lowering the flood crest by an as yet undetermined level. Costs also are unavailable. The study when complete, will provide cost/benefit data as well as possible down stream effects and will be forwarded to you upon completion. Indications are that this project is outside the scope of municipal accomplishment both as far as cost and the fact that nearly all work is outside of Wayne Township.

3. Purchase of and return to the natural state, of lands in the floodway areas are classic methods of reducing flood damage and reducing flood intensity by limiting stream encroachment. Approximately $20 million would be necessary to produce noticeable results in Wayne Township alone.

4. Dredging of the river has been attempted in several areas, namely on the Pompton River where the river divides Lincoln Park and Wayne and on the Ramapo River within Pompton Lakes. Since the river is in most parts the municipal boundary, cooperative agreements are necessary to effect the completion. Lincoln Park cooperated with Wayne and some deepening, desnagging and straightening was accomplished. Passaic County was less than cooperative. Fairfield, Pequannock and Little Falls showed no interest. By allowing continued silting and debris island buildup, the flow is impeded and slowed along with increasing the related turbulence. A regional authority could assist in establishing proper river profiles and maintaining them through dredging.

5. Internal drainage work has been emphasized by Wayne Township. Since the 1971 tragedy of Hurricane Doria, the Township has bonded over $6 million for drainage. This is a continuing program. In September of 1971, the Township Council authorized a comprehensive drainage plan and Photogramatic Topographic Maping (1''–100, 2'' contour intervals.) These studies will result in an additional $5–$6 million in drainage improvements over the next 5 years. Internally the results have been gratifying. The Township has modified its internal design criteria for drainage from a 10 year storm capacity to a 30 year storm capacity.

Wayne Township is the first municipality in New Jersey to implement the 1973 New Jersey Flood Plain Law declaring a moratorium on construction in the flood plain until State regulations are completed. This legislation was passed by the Council on February 21, 1973.

6. Organization for flood emergency can alleviate suffering and avoid confusion. Wayne has a "Citizens Flood Committee" to advise the Mayor and Council on flood related matters. The Wayne Civil Defense Emergency Operations Center is skilled and unfortunately much practical experience has been gained in actual emergencies. All senior officials have completed the Rutgers University 16 hour Emergency Simulation Training Course. The Standard Operating Procedures of the Township are much studied and widely used throughout the State.

CONCLUSIONS

1. Major river and retention basin work is beyond the capability of any agency except the Federal Government. This work must be done.

2. Return of the "flood way" to its natural state is in the best public interest.

3. Cooperation as a method of doing work affecting multiple governmental units is unsatisfactory and therefore a regional authority controlling all aspects of water policy and flood control is needed.

4. Interior drainage and stream improvement is basically a local responsibility and must be handled as quickly as the finances of the affected municipalities permit.

RECOMMENDATIONS TO THE CONGRESS

1. The U.S. Army Corps of Engineers recommended Plan III for the Passaic River Basin be implemented expeditiously.

2. Funds be made available to States, Counties and Municipalities to purchase lands within the floodways of major rivers to be returned to the natural condition as conservation areas.

3. The Corps of Engineers be directed to identify high impact subprojects within Plan III for early implementation.

4. Funds be made available on a sharing basis to municipalities to resolve interior drainage problems associated with runoff and tributary streams.

5. An authority (including New York and New Jersey) be established to control all aspects of water policy and flood control within the Passaic River Basin.

Mr. Speaker, it is important to point out that remedial action suggested by Wayne Township and other municipalities who appeared at the flood control hearings in New Jersey can be accomplished in concert with the Army Engineers comprehensive plan for the Passaic River Basin, whether it be the previously State-approved plan III or the alternative plan II–B which will be considered at the public meeting to be held in my congressional district this week.

We are hopeful that as soon as the findings of the hearings have been properly reviewed and evaluated that we will be able to secure constructive Federal assistance to provide relief to these flood-stricken areas.

Thank you for your attention and consideration.

LET US STAY CLEAR OF QUAGMIRES

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, April 10, 1973

Mr. HARRY F. BYRD, JR. Mr. President, the April 9 edition of the Philadelphia Inquirer included an excellent editorial on the present situation in the Philippines and the relationship of the United States to that country.

President Marcos of the Philippines has requested increased military assistance from the United States. The editorial points out—correctly, in my judgment—that while America maintains important military bases in the Philippines, these installations are for protection of U.S. global interests and not for protection of the Philippine Government against insurrection.

As the editorial points out, it is vital that the United States resist any temptation to become involved in another distant guerrilla war.

I ask unanimous consent that the text of the editorial, "Let Us Stay Clear of Quagmires," be included in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

LET'S STAY CLEAR OF QUAGMIRES

President Ferdinand E. Marcos has been making frequent and pressing appeals for the United States to increase its military assistance to the Philippines. The consensus around Washington has it that the reaction within the U.S. government runs from cautious to chilly.

We will be pleased if it remains that way.

The United States, it is often cited, has a special relationship with the Philippines, based largely on their colonial relationship from 1898 to 1946.

We believe the happiest aspect of that bit of history—from both parties' standpoints—is that it ended, and that the island republic is independent. The U.S. has subsequently and rightly made vast contributions of money, advice and such acts of friendship to the Philippines, all honorable gestures.

The Philippines has prospered from all that, and reasonably so; it also has maintained something which often has more closely approximated a democratic government than those of most other tropical Pacific nations.

In the last few months, President Marcos has suspended many of those democratic processes, on the argument that stable government is threatened by internal dissent and incipient guerilla rebellion. It is to answer this putative threat that he seeks increased military support from the U.S.

Under treaty arrangements, the U.S. maintains in the Philippines its most important military and naval garrisons in the western Pacific. They are vital and they must be maintained.

But they are there to protect American global interests, not to support a foreign government against domestic disruption. We find even the small-scale involvement of American Special Forces teams in the Philippine countryside to be ominous, and believe it should be curtailed.

But most importantly, the American government must withstand every temptation and unseen tripwire that would involve it in an Asian—or any foreign—guerilla war.

The one we're just emerging from in Indochina makes a case beyond caution.

TRUE CONSERVATION

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 10, 1973

Mr. JOHNSON of California. Mr. Speaker, in recent months we have heard a great deal of discussion about conservation and enhancement of our environment and many have spoken out as to what this Federal agency should do about it or what steps that Federal agency should take.

I am mighty proud in the Second Congressional District of California there is one area which did not wait for Uncle Sam or some other governmental entity to take the lead.

Trinity High School in Weaverville, Calif., serves an area which is largely federally owned. One would normally think that this community would turn to the major landowners for the direction in conservation moves. This is not true. The students and faculty at Trinity High School have established a conservation class.

This class has undertaken a variety of projects. In these they work in cooperation with the Federal agencies such as the Forest Service, the Bureau of Land Management, the State department of fish and game and the county farm adviser; but for the most part the initiative has been from the class and certainly the work has come from the students.

Let me cite some of the examples of the conservation class project which have been carried out this school year.

In cooperation with the California Fish and Game they have worked with the Lewiston Fish Hatchery in spawning fish, mucking ponds, cleaning screens, pulling weeds along ponds, cleaning out dead fish, picking dead eggs out of trays, and taking care of the carcass count on the river. In regard to assisting in bear research they have aided in setting culvert traps, removing bears from traps, weighing and measuring bears, tagging and moving bear to new areas if needed.

Further, they have helped in making Kokanee counts in Trinity River watershed. This is a management measure to detect increase or decrease in Kokanee population. As there are two separate runs, one in December and one in early fall, the group does a lot of wading and counting.

This brings us to a project that was carried on by the group to make it possible for spawning Kokanee to get up some of the streams. High water in the previous spring has washed debris, logs and sand into some of the channels. Since spawning takes place in periods of low stream flow—fish could not get through. So the group cleaned these streams wherever necessary.

Some streams off tributaries to the Trinity River were found to be barren of fish. The group measured their length, checked water temperature and natural food sources in hopes small steelhead could be planted.

In November the group organized and chaired a 2-day symposium on Trinity River problems. There were five Federal agencies and two State agencies represented. In addition Southern Pacific Land Co. and Pacific Gas & Electric represented private industry and numerous county agencies were on hand. This was a successful effort to establish better lines of communication between the administrators of the Trinity River project and the people of Trinity County.

This led to a survey by the student group of people living in the Trinity flood plain to determine their feelings on flood plain zoning. These feelings to be passed on to the Trinity County Board of Supervisors.

Members of the group are taking turns visiting the eight feeder schools in the district to present slides or film of their fieldwork. They accompany these films with discussions concerning why and how these projects are carried out and relate these to conservation of natural resources.

Marlin Lee, Jennifer Proffitt, Christy Forero, and Diane Westbrook are deserving of special recognition since they provided the leadership necessary to carry the conservation message to other schools in the county and especially to the elementary schools. Others making a significant contribution are as follows:

Steven Abrams, Burke Adrian, Fred Anderson, Don Anondson, Larry Beckhaus, Richard Berrian, Cherie Bickle, Doyle Blaney, Curt Blough, Dan Chalmers.

Pat Chapman, Mike Dugan, John Eaker, Val Goodrich, Lori Green, Steve Harwell, Robbie Johnson, Jim Jopson, David King, Andrea Laing.

Keith Larkin, David Leavell, Fred Maddox, Mike Martin, Rich Martin, Sam Martin, Scott Morris, Ken Muir, John Payton, Jody Proffitt.

Tim Quinn, Jane Reese, Joe Rouchleau, Mark Smith, Michelle Spinola, Charlie Spratt, Star Trepanier, Jim Underwood, Pete Van Matre, and Gayle Weckerle.

This is not a complete list of student activities but I do want to call to the attention of my colleagues, the effort and dedication and hard work which has been put into it to make their program successful. Here, my friends, is where we will ultimately win the conservation battle of our environment, here at home and especially with the young people who are receiving in high school an indoctrination in practical conservation and this will follow them through their lives.

OUR PRESENT FARM PRICE SUPPORT PROGRAMS AND WHO ITS BENEFICIARIES ARE

HON. MILTON R. YOUNG

OF NORTH DAKOTA

IN THE SENATE OF THE UNITED STATES

Tuesday, April 10, 1973

Mr. YOUNG. Mr. President, one of the most accurate analyses of our present farm price support programs, and who its beneficiaries are, is contained in an editorial of the Minot Daily News of Minot, N. Dak., March 31, entitled "The End of a Good Deal?"

The farm price support program has been of great benefit to farmers, but few people realize that consumers also benefit as well and probably even more than farmers. If it were not for our abundant supplies of farm commodities made possible by the price support program, we would not have been in a position to export $11 billion worth of farm commodities this fiscal year and still have adequate supplies to take care of our own consumers—and at a reasonable price.

It is true that prices of some farm commodities have risen, but if history repeats itself, and it usually does, this will only be a temporary situation.

Mr. President, I ask unanimous consent that this editorial be inserted in the RECORD as a part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Minot (N. Dak.) Daily News, Mar. 31, 1973]

THE END OF A GOOD DEAL?

This outburst of housewives' talk of meat boycotts may be a signal that shoppers are catching a glimmer of what lies ahead.

A slow realization may be dawning that administration intentions in farm policy are moving in the direction of ending the good deal which Americans have had in food buying for the last 40 years.

Something deeper than concern about the current price of meat may well be agitating the customers. Perhaps they are beginning to realize that if the farmers are no longer to receive direct incentives to stabilize production and marketing, it will be the consumers who will suffer.

The milling and baking industry did not take kindly to the federal programs of production and marketing controls when they were first instituted. But the millers and bakers have lived with this system for quite a while now, and they know very well what it means to the consumer.

Morton I. Sosland, editor of Milling and Baking News, puts it this way: "To a great extent, U.S. farm programs that began in the 1930s have been more of a cheap-food subsidy to American consumers than their more widely criticized and publicized role as a subsidy to American farmers."

If federal farm programs—the so-called subsidy programs—are phased out, as Secretary Butz says the goal is, the era of abundant food in America at moderate prices will end with them. These programs have served to moderate the forces which would operate in a free market. These forces will inevitably, in the long run, push prices higher for those food items that the affluent consumer wants, and as consumers most of us have been living high on the hog until lately. If farmers no longer are to receive direct incentives from government to encourage plenty and stability, one can expect farmers' decisions to follow where the high prices are, instead of maintaining a well-rounded production for the good of the country.

Clearly food production in this country has become an increasingly expensive enterprise. The total amount of cultivated land is decreasing. At the same time total population will continue to increase for many years to come. At the same time, also, the administration is expecting agriculture in America to enlarge its export sector. Without continuation of production and marketing programs—yes, to some extent even with them—the consumer in the United States is likely to find himself paying over the counter for food shipped abroad to improve our balance of payments.

An important part of the increased cost of farm production is, as Sosland points out, the fact that the cost of land itself has increased greatly. Sosland observes: "Land suitable for crop production in the United States is limited. Witness the fact that farmers last fall, in response to the highest prices in a quarter of a century, seeded only one per cent more acres to winter wheat. Inputs such as fertilizer, insecticides, herbicides and better seeds are, in a very real economic sense, substitutes for land. In the past relatively few American farmers have considered land as a cost. Accelerating the commercialization of farming will change that attitude. If we are approaching the limits of cropland, then prices very near the current high levels will be required to stimulate the inputs that substitute for land."

It appears that the administration has hardly begun to level with the American consumer on the matter of what the cost of abundant food supply will be in the future, once the built-in subsidy to consumers in our present production arrangements is phased out. Either that, or the administration is not yet aware that its policies for agriculture are, one by one, opening several rather large cans of worms. This is a kind of canned stuff which is going to be a disappointment to the consumer when he looks inside.

HILGEFORD HONORED BY ASSEMBLY

HON. KENNETH J. GRAY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 10, 1973

Mr. GRAY. Mr. Speaker, since the end of World War I there have been untold millions of servicemen who needed help with job training, pension, and compensation claims, and millions of widows and orphans who have required the expertise of a good service officer.

Mr. Wayne E. "Dutch" Hilgeford of Salem, Ill. has just completed 25 years of service to the sick and disabled veterans as a representative of the Illinois veterans commission.

Mr. Speaker, both the house and senate of the Illinois Legislature have passed identical resolutions saluting "Dutch" Hilgeford for his outstanding service. I know all of my colleagues in the Congress will salute this outstanding public official who has unselfishly served his fellowman for a quarter of a century.

Under previous order granted me, I would ask that the story appearing in the Salem Times Commoner of Salem, Ill. be printed in the RECORD in its entirety.

The article follows:

HILGEFORD HONORED BY ASSEMBLY

Both the House and Senate of the Illinois Legislature have passed identical resolutions, saluting Wayne E. "Dutch" Hilgeford of Salem upon completion of 25 years of service with the Illinois Veterans commission.

Hilgeford served Marion and Clay counties as service officer until July 1, 1955, at which time he was promoted to supervisor over an area including Sangamon and all counties south of it.

Born Oct. 29, 1910, at Joppa to the late John T. and Grace Hilgeford, he entered the Army on November 30, 1942, at Camp Grant and was a Staff Sergeant in Battery A, 497th Battalion, 13th Division Field Artillery, and was honorably discharged November 10, 1944, at Camp Barkley, Texas.

He has held the posts in the American Legion of adjutant, Americanism chairman, member of the board of directors, secretary to the Soldiers and Sailors Reunion association, served the 23rd district as Americanism, Veteran Affairs and Rehabilitation, and Distinguished Guests chairman, and Delegate to the National convention committee.

In its resolution, the House and Senate of the 78th General Assembly, expressed "its heartfelt appreciation to Dutch Hilgeford for his untiring service to his country, state and fellowman; we hold him up to the next generation as a shining example; and we congratulate him on these achievements and wish him many more."

NEW JERSEY MAYORS COME TO WASHINGTON

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 10, 1973

Mr. RODINO. Mr. Speaker, today, the New Jersey congressional delegation met with 12 New Jersey mayors headed by Mayor Kenneth Gibson of Newark, N.J. We heard first hand from the men who are responsible to their people in trying to overcome very serious urban funding problems. Mayor Gibson's statement speaks for itself on the impact of the administration's budget for 1974:

Gentlemen: On February 21 I appeared before Senator Muskie's sub-committee on Intergovernmental Relations along with several other mayors of the U.S. Conference of Mayors Legislative Action Committee.

At that time each of us submitted our then estimates of the loss in Federal dollars for our respective municipalities due to the announced cuts in the Federal budget for FY '74.

I have here a copy of that testimony and our revised current estimates for the city of Newark. These figures include the loss in FY '73 due to executive impoundments, cutbacks and deobligations in FY '73 and the projected losses for FY '74 in five programmatic areas: O.E.O., Manpower, H.U.D., Education, and Health. Because information related to health is inconclusive these figures remain the same and are to be revised at a later date.

The changes are as follows:

OEO (COMMUNITY ACTION PROGRAMS)	
February 21:	
Manpower	500
Funds	$2, 547, 080
April 9:	
Manpower	500
Funds	$2, 877, 933
MANPOWER (DOL)	
February 21:	
Slots	17, 916
Funds	$12, 353, 723
April 9:	
Slots	17, 916
Funds	[1] $14, 875, 850
HUD (EFFECTS OF MORATORIUM ON NEW HOUSING AND REHAB AS WELL AS LOSS IN MODEL CITIES AND PLANNED VARIATIONS)	
February 21	[2] $362, 894, 000
April 9	[3] 371, 494, 000
EDUCATION	
February 21	7, 000, 000
April 9	[4] 11, 665, 575
HEALTH	
February 21	6, 127, 390
April 9	6, 127, 390
GRAND TOTAL	
February 21	390, 922, 196
April 9	407, 040, 748

[1] Net loss FY '73 $4,077,798 18.2% of $22,929,386 authorized for FY '73 and 64.9% of the same total for FY '74.

[2] Correction on total of $451,894,000 as recorded on page 12—CONGRESSIONAL RECORD Feb. 21, 1973.

[3] Represents an increased loss of $8,600,000 in Model Cities FY's 74.

[4] The maximum if all title I money is lost.

The total impact on the citizens of Newark is even greater when you consider the broad sweep of the cuts which we as local officials cannot begin to measure. I can cite as one example the loss of Federal assistance in higher education grants which will result in hundreds of Newark residents having to drop out or dramatically curtail their college studies.

The dilemma we, as local officials and Members of the Congress, face because of the loss of this vitally needed money is how to continue to provide for the social well being and improvement of the quality of life of the people of our cities with less money in an ever increasing economic squeeze.

Our joint effort in making general revenue sharing a reality, for the city of Newark $14,563,788 in 1973 as compared with this larger loss of $407,040,748 for FY '74 is unfortunately playing itself out as a rather bitter sweet victory.

We are now faced with an ultimatum from the administration. It appears that we are being told take it or leave it at a maximum level of funding prescribed by the administration which is far short of existing levels of funding. In the event the Congress cannot negotiate a minimum break-even proposition with the administration an all or nothing end result appears to be on the horizon.

I would ask each of you to join the mayors of New Jersey on the following prerequisites related to future Federal funding:

Whatever the new formula for the distribution of Federal funds, special revenue sharing or consolidation of categorical grants, the formula should contain hold harmless provisions which would guarantee at a minimum the present level of funding which each municipality is receiving through the categorical grant programs.

The new formula should contain equitable criteria based on need.

Prior consultation with local officials through their national representative groups should take place in the development of criteria and distribution formula.

The general revenue sharing money provided by the state and local fiscal assistance act of 1972 was not intended to sustain cuts resulting from the new federal budget requests and that any effort to match the two would be a direct contradiction of the intent of general revenue sharing.

In short, what I am saying is that figures don't lie.

The gains in dollars on general revenue sharing are minuscule compared to the losses we will sustain if the administrations budget stands as it. Having experienced one very costly setback it is unlikely that the strong support which was generated for general revenue sharing will be forthcoming for special revenue sharing, unless the Congress can effectively convince those who must be convinced of the realities of our situation.

The "urban crisis" is not ended nor can it be resolved by merely lumping together the problems of people and killing major programs which have provided jobs, housing, health care, education and social services over the last several years.

FISCAL YEAR 1974 PROJECTED EFFECT OF BUDGETARY CUTS ON NEWARK'S COMMUNITY ACTION AGENCY (UNITED COMMUNITY CORPORATION)

Program	Fiscal year 1973 authorized program levels		Fiscal year 1974 net loss	
	Manpower	Funds	Manpower	Funds
General Services	7	$30,943	7	$30,943
General Services to Senior Citizens	94	214,908	94	214,908
Neighborhood Centers	41	275,000	41	275,000
Neighborhood Service Centers	69	589,926	69	589,926
Newark Legal Services	32	[1] 343,171	32	343,171
FOCUS	67	48,858	67	48,858
Prevocational and Vocational training	21	325,671	21	325,671
School age education	32	$71,215	32	$71,215
Central Administration	46	647,388	46	647,388
Outreach	16	141,853	16	141,853
Public Service Career	75	189,000	75	189,000
Total	500	2,877,933	500	2,877,933

[1] With additional funds from: Schumann Foundation ($22,000), Essex County Bar Association ($9,500), N.J. State Department of Community Affairs ($34,000).

FISCAL YEAR 1973 AND FISCAL YEAR 1974 PROJECTED EFFECT OF FEDERAL BUDGETARY CUTS ON NEWARK, N.J., DOL MANPOWER PROGRAMS

Program	Fiscal year 1973 authorized program levels		Fiscal year 1973 net loss funds	Fiscal year 1973 and fiscal year 1974 total loss funds
	Slots	Funds		
CAMPS		$107,500	$12,500	$26,750
TEAM	2,800	3,558,210	173,160	682,041
NYC-in school	509	379,205		218,042
NYC-out of school	194	700,000	33,991	133,892
NYC-summer	9,000	2,540,440	2,540,440	2,540,440
PEP	1,106	6,518,200		6,518,200
COPE-in school	74	55,130		31,700
Out of school	104	382,500	137,000	208,675
Summer	680	286,960	286,960	286,960
Newark Street Academy	300	210,000	80,423	
Welfare demonstration project	496	2,695,450		2,695,450
OJT	300	$257,000		$38,550
Chamber of Commerce (NAB)	944	2,217,061	$713,324	946,390
NAB administration		50,000		
MDTA Skill Center	1,200	1,996,730		299,510
North Jersey community miscellaneous manpower and employment	209	600,000		90,000
JOPS		275,000		41,250
Recreation support program		100,000	100,000	100,000
Total	17,916	22,929,386	4,077,798	14,875,850

Note.—Total loss percentage, 64.9 percent, net loss percentage, fiscal year 1973, 18.2 percent.

IMPACT OF MORATORIUM OF NEWARK PROPOSED HOUSING PROJECTS IN NEWARK UNDER 236 PROGRAM AND NOT UNDER COMMITMENT BY FHA-HUD OR NEW JERSEY HOUSING FINANCE AGENCY SUMMARY

Projects	Number of DU's	Construction costs	Loss of potential jobs, materials and services to Newark community	Total
I. New construction:				
A	944	$28,320,000	$19,824,000	
B	350	10,500,000	7,350,000	
C	4,096	122,880,000	86,016,000	
Subtotal	5,390	161,700,000	113,190,000	$274,890,000
II. Rehabilitation:				
A	1,894	37,880,000	26,516,000	
B	412	8,240,000	5,768,000	
Subtotal	2,306	46,120,000	32,284,000	78,404,000
Total new and rehabilitation housing units	7,696	207,820,000	145,474,000	353,294,000
Effect of HUD budget cuts:				
Model Cities loss for 4th and 5th action years				11,200,000
Planned variation cut after fiscal year 1974				7,000,000
Subtotal				18,200,000
Total				371,494,000

PROJECTED EFFECTS OF FEDERAL BUDGETARY CUTS ON NEWARK'S EDUCATIONAL PROGRAMS, FISCAL YEAR 1974

Programs	Fiscal year 1973 authorized program level funds	Fiscal year 1974 net loss
Title I (ESEA) program for educationally deprived children (Newark Board of Education)	$9,028,784	[1] $902,878
Title II (ESEA) library resources	98,774	98,774
Title III (ESEA) projects to advance creativity in education	90,964	
Title III, sec. 306, discretionary funds	743,697	743,697
Title IV, Cooperative Research Act	100,000	
Title VI–B, education for handicapped	52,030	
Title VII, bilingual education	81,300	
Education Professions Development Act	525,245	170,845
Public Broadcasting Act of 1967	26,447	
Vocational Education Amendments of 1968	453,172	
Title III, adult basic education	254,000	254,000
Title II–B, sec. 222, EOA	607,177	607,177
Office of Program and Staff Development	962,298	962,298
Total	13,023,888	3,739,669

[1] The whole question of title I funding allocation for fiscal year 1974 remains unclear; therefore, it is possible that the loss can be anywhere from the figure shown (902,878) up to the fiscal year 1973 authorized funding level (9,028,784).

FISCAL YEAR 1974 PROJECTED EFFECTS OF BUDGETARY CUTS ON NEWARK'S HEALTH PROGRAMS

Programs	Fiscal year 1972 authorization program levels funds	Fiscal year 1973 net loss funds	Fiscal year 1974 net loss funds
Columbus Homes Health Centers:			
HEW	$100,000	$100,000	
HUD	100,000	100,000	
Home management and training program: HEW	34,193	34,193	
Health services management course: HEW	16,375	16,375	
Nonemergency transportation: HUD	30,000	30,000	
Martland Family Health Care Center: OEO	275,000	275,000	
NJCU Health Center: OEO	825,000	825,000	
Maternal and infant care, college: HEW	599,157		$599,157
Family planning, college: HEW	547,665		547,665
Mental Health, college: HEW	900,000		900,000
Lead poisoning and prevention: HEW	350,000		
Health services delivery: HEW	200,000		
Urban rodent and pest control: HEW	520,000		
Mental health, Mount Carmel Guild: HEW	1,500,000		1,500,000
Drug abuse, college: HEW	1,238,051		
Construction of 3 neighborhood health centers: HEW	1,800,000	1,200,000	
Total	9,035,441	2,580,568	3,546,822
Total, net loss			6,127,390

HELP TO HANOI? NOT YET

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, April 10, 1973

Mr. HARRY F. BYRD, JR. Mr. President, last Thursday the Senate, by a vote of 88 to 3, approved an amendment preventing use of Federal funds to aid North Vietnam without the specific consent of the Congress.

As the chief sponsor of that amendment, I was most gratified at the overwhelming majority by which this legislation was adopted. I feel that the vote accurately reflects the feelings of the American people on this issue.

Excellent editorials on the vote by the Senate and the issue of aid to North Vietnam appeared in two Virginia newspapers.

The first editorial was published in the April 7, edition of the Northern Virginia Daily, published at Strasburg, Va. It states that—

> It will take a lot of selling to convince us that we have any obligations at all to rebuild or rehabilitate North Vietnam.

And I am sure that a majority of the Congress and a majority of the people share that attitude.

The second editorial appeared in the April 9, edition of the Norfolk Virginian-Pilot. It points out that the evidence indicates that Hanoi remains more interested in conquest than in reconstruction.

I ask unanimous consent that the text of the editorials, "Help To Hanoi? Not Yet," from the Northern Virginia Daily, and "No Heart for the Enemy," from the Norfolk Virginian-Pilot, be included in the Extensions of Remarks.

I also ask unanimous consent that immediately following the texts of the editorials, there be printed in the Extensions of Remarks the list of Senators who cosponsored my amendment preventing aid to North Vietnam without the specific consent of the Congress.

There being no objection, the editorials and list were ordered to be printed in the RECORD, as follows:

[From the Norfolk (Va.) Virginian-Pilot, Apr. 7, 1973]

NO HEART FOR THE ENEMY

Senator Harry F. Byrd Jr.'s amendment to block United States aid to North Vietnam is, as some of its advocates noted, "a message to the White House"—and a pretty clear one. Only three Senators opposed it. Even if the House drops it, it will continue to be evidence of powerful, in not insurmountable, Congressional antipathy to the January 27 peace agreement clause committing this country to pursuit "of its traditional policy . . . [of contributing] to healing the wounds of war and to the postwar reconstruction of the Democratic Republic of Vietnam and throughout Indochina."

Although he consistently has said America's entry into the war was a monumental mistake, Senator Byrd wished to win it militarily. He has no heart for the Communist enemy. Recital by returned U.S. prisoners of war of brutalities practiced on them by their North Vietnamese captors no doubt has reinforced his attitude, as it has most hardliners'. Meanwhile, Senators who opposed President Nixon's war policy are pleased to make the most of the paradox of his moving to restore what they didn't want destroyed. On the winning side of an 88-3 vote there are bound to be strange bedfellows.

Withholding money from North Vietnam may be the single effective means of expressing national outrage at the POWs' sufferings. Only a power that has won an unconditional victory can make war-crime charges stick, as Telform Taylor, the Nuremberg prosecutor, has observed. The North Vietnamese, who have denied the POW accusations, if forced to admit them could insist that their soldiers fared more poorly still as South Vietnam's prisoners. Could the United States deny responsibility? Mr. Nixon was prone to justify U.S. air offensives against the North with the North's bloodletting in the South. Alliances work several ways.

Just how concerned Mr. Nixon is at this point about funneling money to Hanoi is not as clear as the peace-agreement language, which is more than a mite vague. He was pledged, before Mr. Byrd acted to ask for Congressional authorization prior to undertaking any reconstruction project, which is what the Byrd amendment demands. Perhaps he would sacrifice his aid plan in the spirit that he gave up his guaranteed family income bill—happily.

There is precious little to suggest, at the same time, that Washington's money is very high among Hanoi's preferences. The Communist command appears to be more inclined to keep on employing its rifle and armored people than to call in its labor battalions.

[From the Strasburg (Va.) Northern Virginia Daily, Apr. 7, 1973]

HELP TO HANOI? NOT YET!

An amendment to the dollar revaluation bill, introduced by Sen. Harry F. Byrd, Jr., and passed by the Senate Thursday, bars aid to North Vietnam without the specific approval of Congress.

The Byrd amendment also prevents the Administration from diverting funds already appropriated by Congress for other purposes into an interim aid program for North Vietnam, unless Congress approves.

Unassured by the Administration's assertion that no aid program has been requested for North Vietnam and none will be until the North proves it will live up to the cease-fire agreement, Senate trigger fingers are nervous as they man the pass to prevent a flanking movement.

The Byrd amendment is a wise precaution which makes it illegal to get involved in providing any aid to the North without the consent of Congress, which really means without the consent of the people.

Senate Majority Leader Mansfield commented that the amendment did not dispose of the question of aid to all of Indochina, including the North Vietnamese. Of course, it doesn't.

By the terms of the cease-fire the Nixon Administration is committed to devoting its energies to securing massive aid for the rebuilding of the North, estimated at over $2 billion, so the Senate and the nation can gird itself for a campaign to make the U.S. conscious of its obligations to North Vietnam.

But, it will take a lot of selling to convince us that we have any obligations at all to rebuild or rehabilitate North Vietnam, and we suspect that a majority of our people feel the same way.

We regard the Byrd amendment as a wise intermediate step because it will avoid premature involvement, and because it requires full congressional debate of whatever aid program is eventually proposed by the White House, but most importantly because not one dollar can be spent in the North unless Congress puts its stamp of approval on the deal.

LIST OF COSPONSORORS OF THE BYRD AMENDMENT

Mr. Allen of Alabama.
Mr. Bayh of Indiana.
Mr. Biden of Delaware.
Mr. Buckley of New York.
Mr. Robert C. Byrd of West Virginia.
Mr. Case of New Jersey.
Mr. Chiles of Florida.
Mr. Church of Idaho.
Mr. Domenici of New Mexico.
Mr. Helms of North Carolina
Mr. Hollings of South Carolina.
Mr. Nunn of Georgia.
Mr. Proxmire of Wisconsin.
Mr. Randolph of West Virginia.

FRIENDLY COMMUNIST NATIONS GET U.S. BUSINESSMEN'S CREDIT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 10, 1973

Mr. RARICK. Mr. Speaker, the American people have now been given an example of the new interpretation of the phrase "friendly Communist nations."

The U.S. Import-Export Bank has now agreed to extend to the Communist Party of Poland the highest credit classification, "Most Favored Nation." This means that Poland now has top priority equal rights to easy- and long-term credit, the same as free countries.

At the same time that we are embracing our new-found Polish Communist friends, the Soviet Union announces the movement of some 1,200 tanks into Eastern Europe, including Poland.

It just so happens that our new most favored easy credit ally is home base for the Warsaw Pact forces, which is the Communist equivalent to NATO or the leading military forces in readiness to intimidate or occupy free countries. Their military might is now estimated at three times that of NATO, over half from the Soviet Union.

The semantics of "most favored nations" are consistent with the new Alice in Wonderland rhetoric.

Interestingly enough, during the same week that we extended subsidized credit to Red Poland, the Federal Reserve tightened credit to American businessmen. This is more of the President's "new prosperity" in action. Somehow it just does not make sense to tighten credit to Americans so that we can extend easy credit to the Poles.

I include related news clippings:

[From the Washington Star and Daily News, Apr. 6, 1973]

POLAND GIVEN TOP CREDIT RATING

WARSAW.—The U.S. Export-Import Bank has agreed to give Poland the highest credit classification of any country in the world—"except those with surplus currencies," the bank's chairman said.

Henry Kearns, speaking to newsmen yesterday before flying back to the United States, where he will report to President Nixon tomorrow, said Poland will benefit not from bigger loans—since there was no ceiling in the first place—but by being charged less interest, "particularly for smaller purchases—like small equipment or spare parts."

Kearns' Polish visit ended a 14-nation tour which began Feb. 22 and included talks in Moscow with Soviet Premier Alexei N. Kosygin.

[From the Washington Star and Daily News, Apr. 6, 1973]

SOVIET ADDS TO TANKS IN EASTERN EUROPE

The Soviet Union has recently completed the movement of about 1,200 tanks into East Germany, Poland and Czechoslovakia, according to qualified sources in the Pentagon.

The Soviet Union now has approximately 8,700 tanks in its 16 armored and 15 mechanized infantry divisions in central Europe. The total tank strength of the Warsaw Pact forces in that area and northern Europe is estimated at 17,200 tanks, or three times that of the North Atlantic Treaty Organization forces in Europe.

The Soviet reinforcement, said to be primarily in new T 62 main battle tanks, is reported to be used as a counter in negotiations in Vienna on balanced force reductions.

NATO sources said that a reduction in the Soviet advantage in armor is a prime object of the west in the talks.

The NATO sources condemn the Russian build-up as "needless," pointing out that the Warsaw Pact forces already had far more tanks than could be considered necessary for the defense of eastern Europe.

There are also reports in NATO circles that the Russians are moving two infantry divisions to central Europe. This reinforcement, which could not be confirmed in the Pentagon, would raise the number of Soviet divisions in the area to 33, the most in eight years.

[From the Evening Star and Daily News, Apr. 9, 1973]

BANKS WARNED ON CREDIT

(By Lee M. Cohn)

Banks are on notice that the Federal Reserve may tighten supplies of money and credit more severely to fight inflation.

Federal Reserve Chairman Arthur F. Burns issued the oblique warning in a letter, released yesterday, cautioning banks against committing themselves too deeply to business loans.

Burns expressed "concern (about) the heavy volume of bank loan commitments." He was referring to lines of credit—binding commitments by banks to lend customers specified amounts of money upon request.

Such commitments are a legitimate practice to assist planning, but must be "based on careful judgment," Burns said.

"The apparent large volume of bank commitments currently outstanding and sharply increased takedowns (actual borrowing on lines of credit) are indicative of the need for special attention to this subject at this time," he said.

Each bank should make periodic judgments on potential takedowns under varying conditions, and on the "credit risks involved" if borrowing under credit lines should increase, he said.

"Finally (each bank) should give adequate consideration as to how it would obtain the funds to meet such takedowns in sound and timely fashion, giving due allowance to the possibilities for changing conditions in the local and national economy and in the central money markets," he said.

This amounted to a warning that the Federal Reserve may curtail expansion of money and credit, which would make it difficult for over-committed banks to raise funds needed to fulfill lending agreements.

The Federal Reserve can drain money and credit out of the economy by selling Treasury securities in the market, and can squeeze banks by restricting its loans to them.

Monetary policy has been tightening progressively for the last year. The Federal Reserve is increasingly worried about the recent acceleration of inflation, and some analysts expect further tightening.

Burns' letter appeared to support these predictions. It echoed warnings issued just before and during the severe credit "crunch" of 1969 and 1970, when interest rates soared.

One traditional way to fight inflation is to curtain growth of money and credit and raise interest rates, in order to curb spending. Such restraints also tend to slow the economy.

Burns presumably hopes his warning will minimize the need for severe tightening of monetary policy by persuading banks to limit their lending voluntarily.

He said bank examiners "will henceforth ask the management of each bank they examine to demonstrate that it is giving adequate attention to the above principles," calling for careful judgment on loan commitments.

The letter was sent to all state banks belonging to the Federal Reserve System and holding deposits of more than $100 million. State member banks are under the Federal Reserve's direct supervision.

HEADSTART A FAILURE?

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 10, 1973

Mr. STEIGER of Wisconsin. Mr. Speaker, a noteworthy article has recently provided us with a close examination of the early childhood program, Project Headstart. Its author, Dr. Edward Zigler, reviews the goals and accomplishments of Headstart and concludes the program cannot be dismissed as a failure.

For the information of my colleagues I include as part of my remarks the newly published article by Dr. Zigler, one of the creators of Project Headstart:

PROJECT HEADSTART: SUCCESS OR FAILURE?

(By Edward Zigler, Yale University)

As the nation continues its long and often bitter debate over the means by which equality of opportunity is to be achieved for all members of our society, a once popular solution to the problem—preschool programs for the disadvantaged—is frequently dismissed as a "failure." Criticism of compensatory preschool programs for disadvantaged children is widespread. Project Head Start, as the major federal effort and the largest nationwide program to provide comprehensive services for preschool children, serves as a case in point. The lack of measurable superiority in achievements in elementary school by Head Start graduates is cited as evidence that compensatory efforts for young children don't "work." In my view, to exclude such efforts from our total approach to solving the problems of poverty and dependence at this juncture would be foolish, even tragic. The following discussion is an attempt to illuminate the controversy surrounding Head Start and at the same time to address the broader question of what compensatory programs can and should achieve.

THE GOAL OF HEADSTART: SOCIAL COMPETENCE

It is important to note at the outset that whether Head Start is thought to be a success or a failure is determined by the factors which one chooses to consider in making such an assessment. Thus, if Head Start is appraised in terms of its success in universally raising the IQs of poor children, and maintaining these IQs over time, one is tempted to write off Head Start as an abject failure. On the other hand, if one assesses Head Start in terms of the improved health of the tens of thousands of poor children who have been screened, diagnosed, and treated, Head Start is clearly a resounding success.

The problem appears to be that, as a nation, we are not clear as to the exact nature of the Head Start program nor its goals. It is my belief that a realistic and proper assessment of Head Start proves that it has been a success. Furthermore, I believe that what we have learned from Head Start to date can give clear direction to those persons responsible for future compensatory efforts.

A basic requirement for any social program is that its goals be explicitly stated and widely recognized throughout the life of the program. This has not been the case with

Head Start, and its image has suffered as a result. While it will come as no surprise to those who conceptualized the program, it may come as a surprise to the nation that this preschool program was not mounted in hopes of dramatically raising IQ scores, nor of guaranteeing that all Head Start graduates would be reading at their age level at grade five.

Rather, the creators of Head Start hoped to bring about greater *social competence* in disadvantaged children. By social competence, we meant an individual's everyday effectiveness in dealing with his environment. A child's social competence may be described as his ability to master appropriate formal concepts, to perform well in school, to stay out of trouble with the law, and to relate well to adults and other children.

We have sought to achieve this broad goal by working with the child directly, with his family, and with the community in which he lives. The Head Start approach to helping children directly involves services to improve his health, intellectual ability, and social-emotional development, all of which are components of social competence.

HEALTH

With respect to health, it is recognized that social competence, as well as more specific achievements, is fundamentally dependent upon the child's physical well-being. A child who is ill or hungry cannot learn from or enjoy his experiences and relationships with those around him. Over one-third of Head Start children have been found to suffer from illnesses or physical handicaps. Of these children, 75 percent have been treated. While we can only be satisfied with 100 percent effectiveness, there can be no question that the health of the nation's poor children is much better as a result of the existence of Head Start, and to the extent that they are healthy, their opportunities for cognitive and emotional growth are enhanced.

INTELLECTUAL ABILITY

A second aspect of the child which Head Start seeks to influence, and which is important for the development of social competence, is intellectual ability. With respect to formal cognitive abilities, most Head Start programs have mounted efforts directed toward improving the children's linguistic, numerical, spatial, abstraction, and memory abilities. Many studies have indicated that at the end of the Head Start experience and prior to entering school, Head Start children have higher scores than comparable non-Head Start children on specific measures of these abilities, as well as on IQ tests. Head Start has also been directed toward developing those achievements, commonly labeled "intellectual," which are more often influenced by the child's particular experiences than by the quality of his formal cognitive functioning. (Thus, the child who cannot define the word "gown" may have a perfectly adequate cognitive storage and retrieval system, but simply has never heard the word.)

It should be noted that the experiences provided by compensatory programs can be expected to have their greatest effects on such specific achievements or contents of the cognitive system. While experts may argue concerning the degree to which a compensatory education program can increase the child's span of memory, there is no question but that particular experiences highly influence the specific bits of information stored in the child's memory bank. The failure to draw a distinction between a cognitive process (e.g., memory) and the products of that process (e.g., the ability to know what particular words mean) has frequently led to a simplistic assessment of compensatory education programs as well as a total misreading of what actually hinders the economically disadvantaged child in his school achievement. This point could perhaps best be clarified by examining the performance with respect to a particular achievement of all children residing in San Francisco and New York. It would surprise no one to discover that many more of the 5-year-olds in San Francisco than in New York knew what a cable car was. We would not conclude, however, that San Francisco children were cognitively superior to New York children, but we would properly attribute the superiority in performance to the much greater contact that the San Francisco children have with cable cars. Unfortunately, when economically disadvantaged children cannot produce achievements of this sort, we are all too ready to conclude that they are less bright or that their cognitive system is less adequate, rather than attributing differences in performance to differences in experience. This error, which invariably leads to an under-assessment of the cognitive abilities of poor children, is compounded when these children are not credited by the school with those achievements in which they outdistance children from more affluent homes. In school, we rarely give the child from the ghetto any credit (nor do we fault the non-ghetto child) when we discover the ghetto child knows that "threads" means clothes and the non-ghetto child does not. Nevertheless, so long as our schools, whose values reflect those of society at large, prefer certain school achievements over others, helping poor children succeed in school and in life must involve providing them early in their lives with those experiences which make these expected achievements possible.

Head Start, of course, does exactly this; Head Start children are repeatedly found to do better on preschool achievement tests, such as the Caldwell PreSchool Inventory, than do poor children who have not had the Head Start experience.

SOCIAL AND EMOTIONAL DEVELOPMENT

The other aspects of the child which Head Start seeks to influence, yet the ones least appreciated, are those social, motivational, and emotional attributes which are known to enhance a child's general social competence. These include an adequate aspiration level, a healthy self-image, expectancy of success, mastery motivation, curiosity, and independence. In the few studies of Head Start in which an effort was made to assess the impact of the program on socio-emotional variables, Head Start children have usually been found to be superior to non-Head Start children at the end of the Head Start year. These attributes are almost totally shaped by the environment, and are probably much more plastic than the child's formal cognitive development. Certainly, they are extremely decisive in determining how a child will function both in school and later in life. It is the rare person who does not possess the cognitive wherewithal to learn to read, to master the general subject matter of our schools, and to eventually learn occupational skills which will allow him to contribute to our society and to reap its rewards.

Our nation can live comfortably with the variations that we find in cognitive ability, independent of race and social class, if we would only realize that all children—with perhaps the exception of the severely retarded—have the cognitive potential to play productive roles in our society. Why then, one might ask, are we confronted with so many young people who do not even meet society's minimal expectations—our school dropouts, our juvenile delinquents, and those who have opted for the drug culture? The answer, I submit, is not that there is any widespread lack of that level of cognitive ability necessary to function adequately in our society. In most instances, the failure to function adequately can be directly traced to a negative self-image, to a "can't-do" philosophy, and to a wariness and/or hostility toward others, which in too many instances have been honestly come by. It is for this reason that our early intervention programs must be just as concerned with the social, motivational, and emotional factors in development as they are with cognitive development. Ten more points of IQ will make little difference with respect to the malaise that afflicts so many of our young people. Even if we limit our discussion to lack of achievement in school, we can immediately see why such factors are so important to any early childhood intervention program. It is interesting that when children from affluent homes fail in school, we usually attribute this failure to under-achievement. There is, thus, recognition that children's school achievements result from some combination of cognitive factors, which determine the upper limit of performance, and motivational-emotional factors which determine the match between children's actual performance and their potential.

On the other hand, when assessing the performance of the economically disadvantaged child, we are all too ready to attribute his failures solely to poor cognitive ability. It should be noted that for all children only half of the variance on school achievement tests can be attributed to difference in IQs. The other 50 percent of variation is the ideal ground for intervention efforts, provided such efforts are explicitly directed toward influencing those motivational factors which in turn have so much to do with school as well as life achievements.

FAMILY INVOLVEMENT AND COMMUNITY CHANGE

As noted earlier, Head Start's efforts go far beyond those directed at the child in the center. Central to the Head Start philosophy is the view that child development is a continuous process influenced by all the events the child experiences. Intervention efforts that ignore the parents or the child's life within the context of his family will certainly not produce optimal gains. Thus, parental involvement has been a cornerstone of the Head Start program from its inception, and a decision was made at the outset to provide families with both knowledge and services which would enable them to improve their economic status and their personal ability to provide a favorable developmental environment for their children. Today, it can be said that the escape from poverty for many families in this nation can be directly traced to the outreach and training efforts of the Head Start program. Furthermore, direct involvement of parents in policy-making roles as well as the provision to them of child-rearing information and social services has indeed led to an improved family life for thousands of parents and children.

A child's development is also influenced by the quality of the social institutions in his community. The 1970 Kirschner Report on the community impact of Head Start has made it abundantly clear that, throughout the nation, Head Start has served as a catalyst for communities to improve their educational, health, and social services to the poor.

What, then, are we trying to accomplish for children through the Head Start program? As stated at its inception, Head Start attempts to influence a broad array of a child's personal attributes, including his physical well-being, his formal cognitive development, his more circumscribed academic achievements, and his socio-emotional development. No one on these attributes should be judged as preeminent; all should be seen as interacting in order to enhance social competence. Furthermore, Head Start has had demonstrable success in meeting its goals.

THE OVEREMPHASIS ON IQ

Since one has so little difficulty demonstrating that the social competence of disadvantaged children has been enhanced as a result of the Head Start program, we must ask why so many people have become critical of the program's accomplishments. The answer, I believe, involves the pendulum-like nature of our thinking concerning the developing child, as well as the tendency of educational decision-makers to adopt extreme theoretical positions provided they are both simple and enjoy some degree of popularity in the public arena.

THE ENVIRONMENTAL MYSTIQUE

At the time Head Start began, the favored theoretical position was what I have termed the "environmental mystique." This position held, essentially, that young children are so malleable that rather minimal interventions in the early years will have major and lasting impact. The theorists whose work gave rise to this mistique were themselves rebelling against an earlier view of child development which emphasized hereditary factors, a maturationally determined sequence of development, a relatively non-malleable child, and a fixed IQ. In the mid 1960's, the pendulum had swung to the extreme environmentalist position, and as a result we became immersed in pleas and promises that emphasized the cognitive system's openness to change, and therefore the ease with which intellectual development could be enhanced. * * *

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THE POST-SPUTNIK REACTION

I believe that another element which led to our preoccupation with the importance of cognitive over social-motivational aspects of development was the post-Sputnik panic which swept the nation at about the same time that preschool compensatory programs were getting underway. That some nation could be slightly ahead of America in even one realm of technology seemed to be intolerable, if not to the American people, certainly to our decision-makers. The nation clearly needed a fall guy to explain this loss of face, and, as is so often the case, the fall guy turned out to be the American school. Admirals who had access to the public arena became pedagogical experts overnight and proclaimed the virtues of Soviet education with its emphasis on the rigorous learning of those skills which lead to engineering accomplishments, as compared to American schools with their tender-minded, dewy-eyed concern with personal adjustment. In short order, educators were extolling the virtues of teaching reading, writing and arithmetic, and the view that the school had some responsibility in producing the whole person who could take his place in society after leaving school was eclipsed. Unfortunately, many preschool educators capitulated to this one-sided view of the educational process, and in too many places preschools became rather awesome settings in which the rigors of the elementary schools were simply introduced to children at an earlier age.

The "whole child" approach, with its commitment to the view that a child's emotional and motivational development are just as important as his cognitive development continues to be suspect. The critics of this approach range from those who consider it tender-minded to those who see in it some "pinko" plot to undermine the nation. Whatever one's attitude might be, the fact that children are much more than cognitive automations will not vanish. The child is a whole person whose physical, cognitive, and emotional-motivational dimensions interest in a complex fashion. Those who insist on approaching the developing child as some sort of disembodied cognitive system to be trained to master academic skills strike me as being simple-minded rather than tough-minded.

THE "DISCOVERY" OF COGNITIVE DEVELOPMENT

In addition to the "environmental mystique" and the post-Sputnik reaction to viewing "adjustment" as a worthwhile goal of education, other factors should be noted as playing a role in the overly cognitive emphasis in evaluating Head Start and other remedial programs. One such factor was that, 15 or so years ago, American child development specialists discovered the work of Jean Piaget and his classic efforts in charting the sequence of cognitive development in children. Here again, the pendulum-like nature of so much of American thought concerning children manifested itself with investigators moving from too little emphasis to too much. Until the mid 1950's, American behaviorism held sway, and thought was considered by many to be an epiphenomenon not worthy of investigation; while a small group of researchers continued to be interested in cognitive development, the main stream of theoretical research with children during the 40's and early 50's had much to do with observable physical behavior, the learning of habits and response tendencies and the role reinforcements in such and response tendencies and the role of external reinforcements in such learning.

Indeed, it was considered bad form even to ask a child why he was doing what he was doing, since such "subjective reports" were considered highly suspect. As the result of this uniquely American behavioristic approach, the cognitive emphasis of such European thinkers as Piaget, Werner, and Vygotsky was almost totally ignored for many years. However, with the lessening of the behavioristic enthusiasm. American workers decided that thought and cognition were phenomena worthy of investigation, and Piaget in particular was discovered with a vengeance. Of course, one must applaud this belated discovery and be thankful for the contributions that have been made to our understanding of cognitive development by American psychologists such as Jerome Bruner. What I cannot applaud is the fact that cognitive development has so captured our interest that an inappropriately small amount of effort is being expended in illuminating the nature of emotional and motivational development. While there are certainly important researchers who continue to investigate such phenomena, usually under the rubric of "socialization," it is difficult for me to conclude that just as thought and cognition were considered unworthy of investigation by many child psychologists during the 40's, so emotional and motivational development became unworthy of investigation during the 60's. It is interesting to note that in her last editorial as editor of *Child Development*, Alberta Siegel was moved to comment on the inordinately high percentage of papers submitted concerning cognitive development and the comparatively few concerning emotional-motivational development.

MEASUREMENT PROBLEMS

Another factor which lead to an under-assessment of how Head Start and preschool programs in general influenced emotional and motivational growth is related to the greater difficulty of measuring these factors. It is easy to see why so many investigators focused on intelligence and cognitive development since in this are so many widely accepted and/or standardized measures are available. There is nothing in the socio-emotional realm akin to our age-related, standardized IQ measures. What must be emphasized is that this reflects nothing more than a problem of the state of refinement of socio-emotional theory and measurement and does not indicate that cognitive variables have some existence that is "more real" then socio-emotional variables. If I am correct in my suspicion that compensatory programs have a larger impact on motivational and emotional factors than on cognitive factors, we will never assess the magnitude of this impact by continuing to overemphasize cognitive measures in our evaluations of compensatory efforts. Justifying the use of cognitive measures because of their easy availability reminds me of the old joke about the individual who lost a quarter in the middle of the block one night, but decided to look for it up at the corner since the light was better.

DIFFICULTIES OF EVALUATION

In summary, it could be said that the distortion of the goals of compensatory programs was over-determined by the factors described above. However, even in the realm of cognitive development and academic achievement, the major thrust of the evaluations of Head Start has become murky, and a negative attitude toward this type of program has resulted.

Several monographs and well over a hundred papers have now been published evaluating the effectiveness of Head Start and other preschool compensatory education programs. It would be impossible for me to attempt to discuss this work here, just as it would be unrealistic for social policy planners to expect this work to generate a simple conclusion, since the studies themselves are a conglomerate of evaluations of different outcome measures across a wide variety of treatments or programs. Indeed, we have already reached the point where one can often predict the conclusions of the reviews of these studies by knowing the theoretical allegiance of the author. As one who is deeply involved in both research and social policy, I can appreciate the difficulty in detecting a clear signal in the midst of all this noise. I do think that on the basis of the evidence, a number of reasonable statements can be made, and at this particular point in time, these statements can be utilized in helping to determine our social action efforts.

What we have learned from the evidence is what we could have predicted at the outset, namely, that intellectual gains discovered at the end of a summer or one-year compensatory program often dissipate if nothing more is done for the child after he leaves the program. However, excellent or even some moderately good programs have reported more durable IQ and achievement score gains, with the magnitude of these lasting gains being determined in large part by two factors: (a) whether parents extended the remedial program to the home through their own efforts; and (b) whether the preschool program was followed by a further special educational effort once the child reached elementary school. The social action implications of these findings are obvious; more direct assistance to parents in child rearing, as in the OCD Home Start program, should be made available, and preschool programs should be invariably followed by school enrichment efforts, such as those authorized by Title I of the Elementary and Secondary Education Act.

However, even if one recognizes that Head Start results in some unquestioned immediate gains and some less clear long-term gains, the problem in evaluating the program still exists. We will always have social welfare programs, all with laudable goals, competing for scarce resources, and we have little way of knowing whether the accomplishments of a program and the dollar cost associated with these accomplishments signal the continuation of a program or suggest instead that the money be spent to achieve some other social good. While some technocrats believe that "scientific" evaluations will lead inexorably to cost-effectiveness data upon which errorless social policy can be built, I believe that it makes more sense to admit honestly that we do not have totally objective means of assessing the dollar value of gains brought about by the Head Start intervention.

How many dollars is it worth to head off a case of measles? To raise the measured IQ 10 points by the end of the program? To reduce a child's wariness of strange adults? To discover that the presence of Head Start in a community led to the provision of more health and educational services to all economically disadvantaged children? Or to demonstrate that a child has been given a set of experiences that clearly improve the quality of his life for that one year in his life's span?

As one of the creators of the Head Start program and the public official responsible for its management for the past two years, I readily admit that I have been more influenced by the positive than by the negative findings concerning the value of Head Start. By the same token, in the absence of specific, identifiable dollar gains, I prefer to attribute a high rather than a low figure to Head Start's identifiable accomplishments. This is to admit no more than that even sophisticated readers of evaluation studies must finally introduce some of their own values before drawing a conclusion as to whether a program is worthwhile or not.

SUCCESS OR FAILURE

What, then, is our conclusion? When we consider the broad goals of Head Start and realistically examine Head Start's real effectiveness across these many goals, the program cannot be dismissed as a failure. Neither should this rather fragile effort during one year of a child's life be viewed overly optimistically as the ultimate solution to poverty, illiteracy, under-achievement, racism, delinquency, and failure in later life. We must respect the complexity and continuity of human development. The Head Start year in the child's life is important; the first five years are important. So are the next five, and the five after that. Intellectual achievement is important, but so is physical and emotional health and motivation if our goal is to enable the nation's children to take advantage of our best efforts to expand the range of opportunities available to them.

COL. GEORGE W. LEE

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 10, 1973

Mr. QUILLEN. Mr. Speaker, recently Col. George W. Lee, a good friend of mine and an outstanding figure in this country, was presented the second R. Q. Venson Memorial Award by American Legion Post No. 27, in Memphis, Tenn.

Colonel Lee truly deserves the honors which have been bestowed upon him. He is a great American and has served as an inspiration to all of those who know him. He is a man of high principles and has led a life which has brought to him many rewards as a soldier, author, lecturer, civic leader, and successful businessman.

He is known as a spell-binding speaker and his oratorial style can be matched by few. His acceptance speech in Memphis is an excellent example of his wonderful talents.

I have read a copy of this most magnificient speech and I would like to share these touching remarks with the readers of the RECORD, along with an article printed in the Memphis Press-Scimitar about Colonel Lee:

SPEECH OF ACCEPTANCE AT THE AMERICAN LEGION TESTIMONIAL BANQUET

(By George W. Lee)

I would, if I could, express my deep gratitude for this bright and shining hour you have given me here tonight in this Testimonial Banquet. It has stirred my enthusiasm which is strikingly devoted to Memphis and its great history.

Ingersoll, at the grave of Napoleon, cried out in a burst of eloquence: "I stand at the grave of Napoleon . . . and when I think of all the men who had to die for his glory, all the widows and orphans because of it, I say to myself that I would rather have been a French peasant, living in a lonely hut with the vines growing around my door, turning brown in the kisses of the Autumn sun; or I would rather have been that same peasant sitting by my evening fireside with my children on my knee and my wife knitting in the half light than to have been that imperial personator of genius and murder known as Napoleon the Great." Well, I am glad I haven't had to kill somebody or had somebody to die in order to attract your attention to my humble efforts. Despite slow lifting shadows, bruising words and unkind speech, all that I am and that I hope to be is written in the annals of Memphis and my native land. I am obligated to so many people for helping me along this way.

My mother, who in a sharecropper's cabin in the Mississippi River bottoms, lit a lamp of hope in an atmosphere of despair and kept it burning with the oil of kindness; in an atmosphere when my skies were without a single star. Nothing could put out the light of that hope and that dream that she wanted me to be in that number who would make substantial contributions to the future. I am obligated to the late Bob Church who steered me through the treacherous whirlpools of political actions. I am obligated to Carroll Reece, Howard Baker, Sr., and Guy L. Smith who pressed President Eisenhower into having a Post Office named for me and who caused the late Senator Robert Taft to choose me to make one of his nominating speeches when he aspired to the Presidency of the United States. I am obligated to Alonzo Franklin Herndon and Dr. J. E. Walker who gave me scope and opportunity when I suffered from the blight of poverty. I am obligated to James Weldon Johnson who helped me to find a publisher for my first book, "Beale Street—Where The Blues Began," which was a best seller and a Book-of-the-Month Club choice and was reviewed in 130 daily newspapers, including one in England and two in Scotland. I am obligated to Robert O. Ballou who guided me in the publication of three books. I am obligated to the late Sinclair Lewis, author of "Main Street," whose suggestions helped me to get my first two short stories published in Esquire and Charm. I am obligated to Bert Bates and James Moore, the friends of my youth and years whose help has made my Beale Street Elks Christmas Charity Program an outstanding success each year over a period of 34 years. I am obligated to the Legion and the Commercial Appeal and hundreds of other donors who made my Beale Street Elks Charity Program an outstanding success. I am obligated to the late J. Finley Wilson and Hobson Reynolds who helped to place me at the head of the National Scholarship Program of the Negro Elks which for the last 43 years has raised four million and one half dollars for scholarship aid to young black and white Americans. I am obligated to my pastor, Dr. W. H. Brewster, who dedicated himself to do my praying while I do his cussing. I am obligated to my daughter Gilda who stimulated my soul of struggle—my reason for survival. I am obligated to the Lincoln League who gave loyal support to my political ambitions.

I am grateful to President Richard Nixon who sent on to me on this occasion, "The Presidential Star," with a personal message in which he said: "The original of this design, a gift from Ambassador Walter Annenberg, was sculpted in crystal by Steuben Glass, and now occupies a place of honor on my desk in the Oval Office. This replica comes to you with my special appreciation for your help and support . . ." I am grateful to Governor Winfield Dunn who sent a message: "I am highly honored to have this opportunity to send my congratulations and special best wishes to my good friend, and a commission as Colonel on my staff." I am grateful to Representative Ira H. Murphy and the other representatives from Shelby County for having the Legislature of Tennessee to pass a special Resolution of Commendation. I am grateful to Representative Harold Ford who presented a plaque with a replica of the Seal of the State of Tennessee. I am grateful to Mr. L. E. Mitchell who represented the Elks with a plaque; and Mr. Dudley Martin who represented the Lincoln League with a plaque; and Mr. Charles W. Greene who represented the Atlanta Life with a plaque. I am grateful to Mr. and Mrs. George Turner of Iowa, and Mrs. Annabelle Reid of New York for their gifts.

I appreciate this Testimonial from men who have defended their country, who laid in the murk and mire of No Man's Land, who under moon drenched skies, looked down the peepsite of an infield rifle and with deadly aim shot down the enemies of Democracy.

Black soldiers have made a tremendous investment in this country, in blood and sweat for the fulfillment of the American dream, a dream symbolized in what Lincoln said at Gettysburg about "a nation conceived in liberty and dedicated to the proposition that all men are created equal." Through the black soldiers the Declaration of Independence in whose text is found a divine flavor, was proved. The Constitution vindicated, and freedom itself was loosed from the ugly grasp of night. They saw the lantern in the tower of the Old North Church. They followed Paul Revere as he dashed through the night and when Pitcairn charged up the embattled slopes of Bunker Hill and shouted: "The day is ours!" A black soldier named Peter Salem stepped forward and cried, "It's not the day sir, but the deed that counts!", and in a moment, Pitcairn lay dead at his feet. Daniel Webster, speaking at Bunker Hill, 100 years later, cried, "We stand on the spot where the blade of Salem flashed against the sun of victory. They were there to take the field against German arms that had harnessed science to the chariot of death and destruction and tried to quench every spark of freedom in rivers of blood. They were there at a time when the French Armies were in retreat and old men with bleeding feet were stumbling back over the stones of the road, and women were running to save their virtues. They plunged up the rocky slopes of glory without stumbling over a stone and helped snatch victory from the jaws of defeat. But they are still waiting for the sunrise of American fair play to reap their full share of the blessings, of life, liberty and the pursuit of happiness.

I can appreciate this recognition from the American Legion. It was one of few organizations in the country to include in its membership black soldiers. It was one of the first in the country to recognize the most important issue in the country—a nation that lays bare the soul of the American dream. Equal rights is the issue of a nation that holds out to all mankind their greatest hope. Should our nation plunge up the rocky slopes of glory and hang the flag of victory on the foremost ramparts of the world; should our nation conquer the moon and people it with the mighty creations of science; should our nation prize open the stony lips of geology and discover all the mysteries in the bosom of the earth and still not overcome the clash of race and tradition and make equality a reality then we have failed as a nation that the founding fathers dreamed about. For what does it behoove a nation to conquer the world and lose its own soul. "Then it has failed to know that the destiny and dreams of all men repose in it as a child in its mother's womb." America is the dream of the prophets. Here is the thought of Plato and Socrates, of Jesus and

Buddha. Here is the experiment conducted by God to discover whether man has come of age. I believe as the late Bruce Barton once believed: "God has set going here an experiment to which all His resources are committed. He seeks to develop superior human beings, victorious over fate. No single kind of human talent or effort can be spared if the experiment is to succeed." With the help of God it shall come to pass.

Lieutenant Lee Gets Special Star From President Nixon

(By Robert Johnson)

There's another star by the name of Lt. George W. Lee, Beale Street's laureate, historian, and diligent worker for causes and mankind, and he's been promoted again. The star is special, sent by President Nixon himself, with a personal message, and was presented to Lt. Lee when he was honored with the R. Q. Venson Appreciation Award by American Legion Post 27 before 400 at a dinner at the Downtowner March 17.

The Presidential Star was sent with this message. "The original of this design, a gift from Ambassador Walter Annenberg, was sculpted in crystal by Steuben Glass and now occupies a place of honor on my desk in the Oval Office. This replica comes to you with my special appreciation for your help and support in the 1972 campaign and for the recognition given you there in Memphis. With every good wish for the years ahead, Richard Nixon."

The Presidential Star is a crystal emblem, about the size of a table clock. And where will you keep it? I asked Lt. Lee. "Why I'm going to keep it on my desk, like the President keeps it on his," he replied, surprised that I would ask such an obvious question.

Lt. Lee—beg pardon, he got promoted a long time ago—also was commissioned a colonel on his staff by Gov. Winfield Dunn, who sent a message: "I'm highly honored to have opportunity to send my congratulations and special best wishes to my good friend, Lt. George W. Lee, on this momentous occasion when he is presented the R. Q. Venson Appreciation Award by Legion Post 27. I commend Post 27 for its selection of Lt. Lee, for all know the outstanding contributions he has made to Memphis, the state and the nation . . ."

The Legislature passed a special resolution of commendation and he was awarded a plaque with a replica of the seal of the State of Tennessee. Actually, Lt. Lee was already a colonel. He was named a colonel on the staff of Gov. Buford Ellington. He got the Lt. the hard way, as first Negro officer in WWI. But I personally had long since promoted him to General, because he is general guardian of Beale's history and tradition, general spokesman for its people and their welfare, general custodian of its anecdotes and humanity, generally the man to see—which rates four stars.

Percy Williams, post and state commander, was master of ceremonies.

WHY? WHY AIM?

HON. JAMES ABDNOR

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 10, 1973

Mr. ABDNOR. Mr. Speaker, the Reverend Ronald A. Campbell has written an excellent article in the South Dakota Churchman on what the American Indian Movement means to South Dakotans, red and white alike. I think my colleagues will be interested in the observations offered in the article:

Why? Why Aim?

(By the Reverend Ronald A. Campbell, St. Paul's Church, Vermillion)

As a growing Indian boy one learns a lot from nature as well as from the watchful eyes of experienced parents. The little girl learns from the mother, the boy—he learns from the father. I remember many times my father's advice and instructions on many things that I would encounter in my future life.

In my lifetime as a growing Indian boy, like all Indian boys of that time, I was taught to hunt and trap for food. I clearly remember father's instructions when I was to practice, for the first time, with a 22 caliber, single shot rifle. I remember aiming at my first target, a tin can. I squeezed the trigger, the rifle fired and dirt jumped into the air about ten feet in front of the target, and my Dad said, "Raise your sight a little higher, Son, and aim above your target." I followed instructions and hit the can. I felt then as I feel now that a person's aim, in life as well as in hunting, is most important. We set our goals in life, then aim a little higher so if we miss and hit a little low, we should still reach our goal.

My Dad was a wonderful guy; he also told me that one of the most important things in life is to learn to get along with people of all races. I must respect them if I want them to respect me. So, armed with this wisdom, I felt ready for the world and went out and set my goals (more than one), raised my sights a bit, respected people and hoped to earn respect from all nationalities.

One day while in Berkeley, California, I was reading the San Francisco Chronicle and came across an article which told of a new "movement" called AIM (American Indian Movement). This really said something to me. I thought to myself, "What a great thing for my Indian people." I immediately wanted to be a part of it. I was a little envious in thinking that, "Why couldn't I have thought of this instead of someone else?" And at that time I wanted so much to be involved, too. My thought, then, was "When I finish Seminary and return to one of our Indian Reservations in South Dakota, I will do all I can to contribute to this movement."

Upon reading this article, "this 'New Song' that was being sung," as someone said, I visualized many wonderful things that would or could take place on our Reservations with our Indian people. The biggest dream was—Self-Determination! In my thoughts were big, six-bottom plows being pulled by giant tractors operated by Indian men, who were the owners of land and machinery, turning over black dirt, acres of it, and sowing the seed and reaping an abundance in harvest, selling and buying and getting rich off their own land, paying taxes, gaining a kind of different respect that we never had before.

Aud in our Western Reservations I visualized great herds of cattle grazing on Indian owned land with many Indian cowboys riding herd at round-up time, roping and branding calves, selling young steers and beef cattle, making an honest living the hard way, but receiving a lot of joy and satisfaction from it. But this dream could only come about through "self-determination" and the help of this new Indian Movement called AIM. I am very proud to be an Indian, but I was prouder at that time because of the many good things I thought would come about when we all worked together toward our goals.

Then one day again in the San Francisco Chronicle, I read of members of AIM who wanted to take over Alcatraz. This gave me mixed feelings; I didn't know what to think. Maybe if, what was termed as "public domain" land were to go back to the Indians when not in use, was a true fact, then maybe this was a good thing. Later I read that our Indian people were going to be taken off the island because of their misuse of the buildings. But this action still didn't put my feelings against the Movement. Instead I felt "more power to them," after all they have to gain experience somewhere before they come back to our Reservations and begin to realize results from this great aim. I still felt there was a great chance left and that things would begin to happen on our home Reservations where we needed help the most.

Not too long ago I read where on of the leaders of AIM had confronted the Episcopal Church at their Convention and spoke out against the Church and what the Church pretended to be. By this time I was finished with my seminary training and was home working on the Pine Ridge Indian Reservation, the Home of the Oglalas. I didn't care for the statements that were made against my Church because I knew what the Church was doing and had done for my people. It was also at this time that I had found out that our Church was one of the denominations which were supporting or had supported this new movement financially. I couldn't help but think, "Why should the hand that is doing the feeding get bitten?"

While I was at Pine Ridge, a murder was committed against an Indian man in a small border town by White men. The AIM was called in to protest and to march on the town council. This, I thought, was all right because a lot of organizations in the country were doing the same thing on issues they thought were unfair. But at Pine Ridge it was carried too far when destruction of property and the beating of a minister became part of their protest. I felt that this had no bearing on the main purpose for AIM being in Pine Ridge and was really unnecessary. It was at this point that my feelings toward the American Indian Movement changed. No more were dreams dancing in my head about giant tractors and great herds. Instead I began hoping more and more that the Church would never cease supporting our Indian Missions, and at the same time I hoped that the Church would discontinue their financial support to AIM because, by this time, they were doing us more harm than good with their actions.

While at Pine Ridge AIM had humiliated our white teachers to the point that they slacked down in their teaching responsibilities; a lot of them found teaching jobs elsewhere. They had also managed to turn some of the minds of our young people against the Church, or tried to. They caused 175 young students to drop out of high school. They had created hate in the minds of some of our Indian people toward the White man, which we did not need then or ever. At that time it seemed that the efforts of our Church in the past years were going to be destroyed in a few days.

Not too long ago this group went to Washington, D.C., on what was called "The Trail of Broken Treaties." It sounded great to the people who were asked to go. It was going to be a "dream come true" to the innocent people who went. Upon returning, some of the people said they had no idea that the leaders could become so violent so quick, and this is what happened in the Capital.

So now we come to our historical town of Custer, located in our beautiful Black Hills, and the violence which took place there by this AIM group. I asked myself over and over again, "Is this right? Is it right to endanger the lives of children and adults, both Indian and White? Is it right for the Church to support such a group when they are making the efforts of the Indian people to become self-supporting harder instead of easier?" The Episcopal Church and the Presbyterian Church are the only denominations in the state of South Dakota that have ordained Indian Clergy, and we are few. But it is we who have to try to heal the wounds that are left behind when the group moves on to other parts of the Nation. We have to try to restore love where hate was placed. We have to try to bring back the respect from the White man which took us years to build and seconds to destroy. I am thankful that only a very few White people have turned against all Indians for the acts of a few. I am also thankful for people like the mayor of Rapid City and Mr. Rockshaw of Custer. Mr. Rockshaw lost his Texaco station, or part of it, but when asked, he said, "I have nothing against the Indian in South Dakota. It is just these few who are doing all the damage." It is this kind of thinking from our White brothers that will help us restore what was lost. We have close to 60,000 Indian people enrolled on our Reservations in South Dakota. There are approximately 1,500 who took part in this demonstration, which is mighty few, and they are not all from South Dakota. But we all suffer for the acts of a few.

Just recently I was on a journey to another part of the state and stopped for lunch in a tiny cafe. I was in the company of two college students. When we entered the cafe a strange feeling came over me. It seemed that, at once, everyone became very quiet and we were the subject of many staring eyes. When I looked around the room I realized that we were the only Indian people in the cafe, and I began to wonder about this strange feeling. I thought I would try a little test, so I nodded "hello" to one of the men, and he quickly turned his back toward me. Is this man to be blamed for his act? A man whom I know, was passing through one of our midwest towns and was refused service at a gas station because the people claimed he was affiliated with AIM. Are these people to be blamed? A young Indian University student was hit in the mouth by one of the AIM leaders because he refused to go with them to Custer and take part in their demonstration.

So, on behalf of the many Indian people who think the way I think and share these experiences with me, but who do not know where to turn or with whom they can talk or where to receive advice, I write this letter in protest to the Churches of all denominations involved to discontinue their support to the AIM group. Is it Christian to refuse help to such a group. Is it Christian to help a group that will destroy friendship, faith, brotherhood, respect and condemn the Church? I think that help should be given to the Priests on Indian Reservations so they can do their jobs better and help restore what has been torn down. I also think that our Colleges and Universities where Indian students are enrolled should be helped with certain Church programs so our Indian kids in college would like staying in school and maybe attend Church. It would seem that education should be a major area which our Indian leaders and their programs would focus upon and do something about.

I have received reports that people who contribute highly to the National Council on Indian Work will stop their support of this program because they are not too happy with NCIW supporting the AIM movement. So, if the NCIW is supporting this movement financially, I ask that they discontinue.

The NCIW is a worthwhile program and needs the support of the National Church and the wonderful people who contribute toward the program. I can see this program filling a great need in our Dakota states ("Dakota" in the Sioux tongue means "Indian"), because it is funding our Dakota Leadership Training Program in South Dakota. Through this Program we were able to ordain two Indian men to the Priesthood and two to the Diaconate. And this is where we need leadership, now more than ever. Right now this Dakota Leadership Program is training five men for the ministry and two young ladies to the Church Army organization.

Maybe it will be a special program such as this that will make the people's dreams come true. Maybe this will pave the way for my children and grandchildren and the vast future of my Indian people. One thing that we will have to keep in mind now and always is that this dream will not come about by violence, but by peace and careful negotiation. Our White brothers understand our situation and have helped in a lot of ways in the past. It is this understanding, this friendship, this help that will make our "dreams come true" on the Reservations. Then, maybe, in the future my dreams of giant tractors and plows, great herds of cattle and many Indian cowboys will become a reality. It could happen in my time, and maybe with a lot of faith, hope and love it could even happen with my generation. But right now, with the way I have been made to feel, the way things are and problems created. I can think only of the dirt jumping into the air ten feet in front of the target. And I say to myself, "Why? Why AIM?"

LAMENT FOR THE LANGUAGE TRAINING CENTERS

Hon. PETER H. B. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 10, 1973

Mr. FRELINGHUYSEN. Mr. Speaker, among the many federally assisted programs which appear in trouble this year is one which has made little demand on the Federal budget, but which has been of real value. I refer to the study of foreign languages in this country. Should it be necessary to close down the various language training centers because of the curtailment of Federal assistance, the impact could be serious. And there seems no doubt that these centers are in serious financial difficulties.

The following article, from the New York Times of April 6 by Prof. Marshall D. Shulman, director of the Russian Institute at Columbia University in New York, demonstrates the nature of the problem.

The text of the article follows:

LAMENT FOR THE LANGUAGE TRAINING CENTERS

(By Marshall D. Shulman)

There is an old Russian story about a mouse who dived into a hole in the wall for safety from a pursuing cat. Waiting for the cat to go away, the mouse heard a dog barking, and came out, confident that the cat would not remain in the vicinity of a barking dog. Whereupon the cat, as he pounced upon the emerging mouse, said exultingly: "How useful it is to know a foreign language!"

The story is pertinent today, in considering what President Nixon's budget proposals will do to the study of foreign languages in the United States.

From the narrow perspective of national security, is it more important for us to acquire one more F-111 than to ensure that we have at least a moderate flow of future citizens trained to know something about other parts of the world and their languages?

President Nixon's proposed budget wipes out Government support through the National Defense Education Act, of a program which now supports 4,500 courses in a more than eighty modern foreign languages and all foreign areas—at a cost of less than the price of one fighter-bomber.

Among the lessons of Vietnam, it is safe to say that one reason we were not in a position to make sensible judgments about the issue as it arose in the middle nineteen-sixties is that in the entire country we did not have a handful of people who knew the language, the politics or the culture of Vietnam. Our decisions were made in ignorance.

However much the Nixon Doctrine reduces our commitments abroad, and however peaceful our coexistence with the Soviet Union, it should be a top priority to insure that our national level of ignorance about other parts of the world, reflecting our long tradition of parochialism and isolation, be remedied. Even under the most optimistic of assumptions, our nation will be called upon to make judgments about the Soviet Union, China, Africa, Asia and Latin America, for which we as a people are wholly unprepared.

Whose responsibility is it in our society to see that this national need is not neglected? The universities are in deep financial trouble and cannot do this job without help. The foundations are withdrawing support, preoccupied with other problems and intimidated by restrictive Federal regulations. The Federal Government's modest defense education support, which provided an average of 12.3 per cent of the cost, is now threatened with extinction, as is the National Defense Fellowship Loan program. This withdrawal will result in the closing down of many, if not most, of the language and area centers across the United States. These training programs represent a national necessity, and by any philosophy of government, however conservative, the Federal Government should play its part along with the universities, foundations, business and private donors.

The case for study of the Soviet Union should not rest upon the national security argument alone, but even from this point of view, the priorities of the proposed budget are difficult to understand. Last year we had about 12,000 enrollments (with some duplications) at centers supported by Defense Education centers in courses on the Soviet Union and Eastern Europe and their languages; about 3,000 of these were in the Russian language. This is not a large number if one considers at how many levels our future depends upon having enough people around who can follow and understand developments in the Soviet Union. Our policies are based upon assumptions regarding the Soviet economy, the Soviet political system, its military capabilities, its foriegn policies; our businessmen are becoming acquainted with the Soviet economy and Soviet trading institutions; in problems of the environment, health, space, science and technology, ocean resources, etc., we are beginning to learn to deal with each other.

Where will people come from, five years from now, who will be equipped to do these things, if even this small flow of training is sharply reduced?

Our present "limited adversary relationship" with the Soviet Union is much more complex that the simple polarities of the cold war. We are engaged with the Soviet Union at many levels: strategic weapons competition, conventional military competition, economic competition and trade, cooperation on some common problems, and a competition for political influence in Europe, the Middle East, Asia and elsewhere. To follow these developments intelligently, as well as the changes now in progress in Soviet society and the Soviet political and economic systems, requires a cadre of highly trained specialists—trained to a much higher level of competence than was thought necessary during the past two decades.

The Soviet Union understands this. It has given a high priority and ample government resources to the training of an increasing number of "Americanists" and the development of an institute on the U.S.A.

THE CONSTITUTION OF MAN

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 10, 1973

Mr. HANSEN of Idaho. Mr. Speaker, a number of prayer breakfast groups convene each week in our Nation's Capital and those who attend find fellowship, strength and inspiration in the work that they do. Recently, the Reverend Eddy Ie Swieson, associate pastor of the Fourth Presbyterian Church in Washington, D.C. spoke to the Capitol Hill Staff Prayer Group on the subject of "The Constitution of Man." Those in attendance thought it was an outstanding address and I wish to share it with my colleagues:

AN ADDRESS TO CAPITOL HILL STAFF PRAYER GROUP: "THE CONSTITUTION OF MAN?"

(By Rev. Eddy Ie Swieson)

WHO AM I?

Isn't it ironic that at the apex of modern technological advancement man begins to turn into himself?

And, isin't this particularly true among the potential and promising youth of today?

As adults, we need to pause and ponder on that burning question; and, whenever possible, we should try to help supply the answer for our children. Because, that is a crucial issue of life *which* contributes to one's outlook positively or negatively.

Hence, the Bible begins with the genesis of man, providing both direct & indirect answers to the questions:

Who am I?
Whence do I come?
Why am I here?

EXPOSITION

For instance, the Book of Genesis chapter 2 gives us the original picture of man and his tremendous responsibility.

"—then the Lord God formed man of dust from the ground, and breathed into his nostrils the breath of life (Nishma), and man became a living being." Gen. 2:7

Two things to note here.

(a) Obviously, because of the God given Nishma, man, then, became a living, responsible being.

(b) Moreover, man is not merely constituted of body, which according to the Scripture originated from dust or clay, and therefore, shall return to dust; the book of Genesis explicitly states that man is endowed by the Creator "the breath of life" in Hebrew it is called "Nishma" which issues forth from the Spirit of God (Ruach Ha-Elohim).

The Bible, again and again, speaks of man as God's direct creation. Consider Job 33:4.

"The spirit of God has made me, and the breath of the Almighty gives me life."

In addition to body and spirit, God has endowed man with intelligent and understanding mind. This is apparent in the creation record.

"So out of the ground the Lord God formed every beast of the field and every bird of the air, and brought them to man to see what he would call them; and whatever man called every living creature, that was its name." Gen. 2:20

Notice, his brilliant ability to name every beast of the field, the birds of the air, and all cattle. And the amazing thing is, he was able to remember the individual names without keeping a catalog or creating name tags. Undoubtedly, he must have a supersensitive mind.

Where did such an intelligence come from? Again, the record of Job gives us a valid and objective insight.

"But it is the spirit in a man, the breath of the Almighty, that makes him understand." Job 32:8

For your information, the word, understand, is a translation from the Hebrew word "bin" which means, to be prudent, to perceive, to discern and to distinguish.

It is not just an accumulated knowledge, but a keen insight—both penetrating and prophetic. Hence, it is God endowed. It issues forth from the breath of the Almighty.

Note how man is wholly dependent upon his Creator. Yet, many of us don't want to recognize this. We are afraid of being labeled as fanatic religionists.

As we can see from the preceding exposition, man is constituted of 'body', 'mind' and 'spirit'. The painful fact is, that we don't pay much attention to that third and vital element of life, called 'spirit' or 'nishma'.

We spend so much money and consume so much food to achieve a maximum satisfaction for our bodies. We complain and protest when this part of our being is undernourished or uncomfortable.

We also spend so much time and energy to assure excellent mental growth and adequate education. We would fight to discourage any symptom of unfair and unequal distribution of talents.

Yet, how many of us *recognize* the need to nourish and nurture the human soul, the God given Nishma?

No wonder, many of our youngsters are seeking some spiritual experience in Eastern religions, like Hinduism and Buddhism. Man can't neglect his intangible and vital principle of life. Here is a classic passage which all parents ought to read and reflect on, Psalm 42:1–3

"As a heart longs for flowing streams, so longs my soul for thee, O God. My soul thirsts for God, for the living God. When shall I come and behold the face of God? My tears have been my food day and night, while men say to me continually, 'Where is your God?' "

Again, for your information, the word, soul, is a translation from the Hebrew word 'nephesh', which refers to that vital principle of life, called anima or psuche. As you know, our word psychology is derived from the Greek 'psuche'.

Now you see that psychological problems are really precipitated by spiritual poverty. Unbalanced persons—i.e. heavy weight, loaded with human knowledge but spiritually starved, suffocated and stupified cannot perceive well or penetrate the total and reality of human life. The Bible describes such individuals as those who don't know their right hand from their left.

Take as an example, the matter of abortion. If we think of an embryo or a fetus as a mere product of heterosexual relationship, naturally we will be less concerned for its fate.

However, if we take into consideration the Nishma which makes the embryo or fetus a living being, then we shall naturally be less aggressive.

Consider the following passage in Psalm 139:13–16

"O Lord, you . . . know everything about me. You made all the delicate, inner parts of my body, and knit them together in my mother's womb.

Thank you for making me so wonderfully complex. It is amazing to think about. Your workmanship is marvelous—and how well I know it. You were there while I was being formed in utter seclusion.

You saw me before I was born and scheduled each day of my life before I began to breathe.

Such a point of view is called "creationism".

Of course, there are exceptions which must be taken into consideration. Even God recognizes the individual and existential dilemma of each person.

Realizing now the importance of the constitutional balance of our being, you may ask the practical question: "How can one's life be adjusted to a healthy and equal proportion?"

The biblical answer is found in Jesus' statement to Nicodemus, when he revealed God's desire and readiness to re-breathe into man His divine spirit. Here is what Jesus said:

"Unless one is born of water and the Spirit, he cannot enter the kingdom of God.

The Spirit like wind, blows where it wills, we hear the sound of it, but we don't know whence it comes or whether it goes. So it is with every one who is re-breathed of the Spirit." John 3:5,8.

The wonderful thing to realize is, that it is the will of God that we all experience this marvelous recreation. For God loved the world so much that he gave his only Son so that anyone who believes in him shall not perish but have a balanced, fullest and lasting life.

PRODUCER'S SIDE OF THE STORY

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 10, 1973

Mr. ZWACH. Mr. Speaker, through the meat boycott and amendments to the Economic Stabilization Act attempts have been and will be made to roll back the prices paid to the producer of agricultural products. I for one do not believe this is the right approach to take.

In a letter to me, my dear friends and neighbors, Mr. and Mrs. Roger Anderson of Milroy, Minn., described the plight of the American farmer expertly. And no one knows better than a farmer himself.

Mr. Speaker, I insert in the RECORD the Anderson's letter, and recommend highly its reading by my colleagues.

The letter follows:

MILROY, MINN., *April 6, 1973.*

Hon. JOHN ZWACH,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN ZWACH: We appreciate having you as a representative for the people of this area, and especially appreciate your voice for the farmer in the Agriculture Committee and elsewhere. We have sent the following letter to news media, congressmen, etc. expressing our views:

"If the boycott on meat succeeds in rolling back the prices paid to the producer, it will be the saddest thing that ever happened to the American consumer. The American farmer is justifiably proud that we are the best fed nation in the world on the least percentage of the consumer's paycheck. The producer, however, has reached the point where he will no longer sell his product for the same price per pound and per bushel that he did 25 years ago. We cannot do this because our living costs and production costs have risen along with every other consumer's—largely due to labor's regularly increased wages. When these people that are protesting the first major raise in our income in the past 25 years are willing to go back to the paycheck that they were receiving 25 years ago, we also will be willing to take a cut in our income. We will put no more livestock in our feedlot unless we are reasonably assured of a profit when we sell it.

"Maybe our consumers would like to import their meat—it only sells for $3.50 to $5.00 a lb. in Europe—and their meat is a tough product compared to good midwest cornfed animals. Any cheap imports will have to be subsidized by the taxpayer.

"We would appreciate equal consideration for the producer's side of the problem."

We hope you will continue to make people aware that it is through necessity, not greed, that the producer must ask more for his product today than he did 25 years ago.

Sincerely,
Mr. and Mrs. ROGER ANDERSON.

REMARKS OF HON. FRANK SANDERS TO THE SHIPBUILDERS COUNCIL OF AMERICA

HON. FRANK M. CLARK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 10, 1973

Mr. CLARK. Mr. Speaker, following are the remarks of the Honorable Frank Sanders, Under Secretary of the Navy, made recently to the Shipbuilders Council of America. I am sure that my colleagues will be interested in this statement which I am submitting to the RECORD:

REMARKS BY THE HONORABLE FRANK SANDERS ON AMENITIES

What is security?

Today, I would like to comment briefly on this matter of security, the role of the Navy in this important area and set forth what I believe is your role and mine.

First, let us look at the world briefly. Not the world as you would like it to be but the way it is. If you were to ask the average American the one national goal to which we could aspire, I think you would find that goal to be peace. This is not new. It has always been our oft elusive but constant goal. It has been said that in the last 3,425 years of recorded history only 268 have seen no war. George Marshall stated: "If a man does find the solution for world peace it will be the most revolutionary reversal of his record we have ever known." The real key to world peace lies not in war or disarmament but through the peaceful resolution of conflicting national interests by negotiation.

This approach has recently resulted in far-reaching and successful initiatives in our nation's foreign policy—initiatives unprecedented in our time. The record of progress in those initiatives speaks for itself. The initial agreements with the Sovit Union on the limitation of strategic armaments, the large trade treaty, the Sea Beds Treaty, the agreement on reversion of Okinawa, together with the visit of the President to Moscow and the historic lifting of the Bamboo Curtain through his visit to Peking, followed by the visits of other leaders, have redefined reality. We have already begun a second phase of talks with the Soviets looking toward more comprehensive agreements in the strategic arms area. Preparatory talks and initiatives have taken place for a Conference on Security and Cooperation in Europe and for talks between the NATO and Warsaw Pact nations on Mutual and Balanced Force Reductions in Europe.

Certainly, we have made significant strides on the long and difficult journey toward our elusive goal of peace. The success thus far achieved can be attributed, of course, to the willingness of the negotiating parties to accommodate conflicting interests. Let there be no mistake, however, that this willingness is directly related to the relative bargaining power of the parties concerned and—where we negotiate in the military area—bargaining power is synonymous with military strength. I do not have to tell you that the best negotiator is a man who negotiates from a position of strength.

As we approach our immediate goal of a generation of peace, we must avoid actions which those at the bargaining table, with or across from us, will regard as weaknesses, or the loss of our will to be strong.

The President has forcefully presented such a position of strength in his proposed budget for fiscal 1974. Already we are hearing cries to drastically reduce that budget. It calls for $79 billion in defense outlays, but what does that really mean? Our critics point out that in 1964 the pre-Vietnam budget year, the total request was $51 billion, but they stop there. We all know the built-in costs to our economy which we have experienced. If we adjust the proposed expenditures for 1974 for pay and price increases—in other words, put this budget on a constant dollar basis with the Fiscal Year 1964 budget, we will be $8.7 billion below that level. As a matter of fact, we will be $34.8 billion below the wartime peak of 1968. Our active duty military strength is at its lowest level since the Korean War. The new budget represents 6% of our gross national product, the lowest level in over twenty-five years. The percentage of our total Federal budget devoted to defense is 28.5%, the lowest level since the Korean War, and a reduction of 14.1 points from the 1968 peak of 42.5%. As it should, and as it has for the past year or so, the Federal budget for human resuorces significantly exceeds the budget for defense. Simply stated, as people clamor for shifts in priorities, I can only say that the priorities have already shifted and that we cannot look at the defense budget as a panacea to solve other domestic problems if we are to maintain the defense potential we require and that I feel the American people demand of us. As the President has started, we must "never fall short of the minimum needed for security."

We have not and will not fall short of this minimum.

It is widely recognized that the balance of power is shifting. The old dual power environment is giving way to a multi-centered world where as many as five major governments or collection of governments exert power. To protect our national power we must keep a clear-eyed, level-headed approach not only to our international commitments but to our dependence upon them. You are all well aware of the extent to which our nation is dependent on the sea—for the trade which is so vital to our economy and for those many raw materials not available here at home.

This is where one of my favorite subjects comes into the forefront. The role of seapower in support of our national security. We are an island nation, dependent upon others for the health of our economy and our essential well-being. Without control of our sea lanes of communication, our successful commerce and the fate of our allies will come at the mercy of others. Yet, at home a lack of understanding by the man in the street of his own dependence on the sea for his way of life and for the necessity for strong national defense, can lead to apathy.

In addition, Soviet seapower has risen as a result of the greatest buildup in history to the point where it now rivals our own. This is very evident in certain key areas, such as the Mediterranean, where Soviet ships have frequently outnumbered ours in recent years, or the Indian Ocean where the Soviet Navy outnumbers ours by a factor of 3 or 4. It is perfectly obvious that we cannot meet our national security demands without a strong Navy as an integral part of a strong and credible defense. In these days and times we simply cannot afford to be Number Two.

You must realize that we made a conscious decision to modernize the fleet, even though it requires us to retire substantial numbers of older ships. With the acquisition of 3 new nuclear carriers, the new Spruance class DD's, the nuclear submarine building program, plus new initiatives such as Trident, SCS, SES, PF, and PHM, we will maintain our U.S. seapower as number one in the world.

We cannot have this strong Navy unless we have these trained and dedicated people to give life and direction to it all. For navies are only ships and planes, and those are hardware, cold and immobile without living, breathing people.

In this era of the All Volunteer Force—and make no mistake we are there now as draft calls have ended and we are completely dependent upon volunteers—there are two factors the Navy must consider.

First, your attitude and the attitude of our young people toward the Armed Services. We are trying to present to them the very real advantages of services, as preparation for life, as education, as a chance to contribute, but this will go for naught unless we—you and me—can show them with their strong motivation for the building of a better world, that their idealism is typified by men and women in uniform—that their contributions to the greatness of America is the devotion of their lives to keeping it strong through full time service—that they stand in the forefront of those ready to make the supreme sacrifice for the freedom which we sometimes take so much for granted. Only as we who are older manifest our respect for them and support the goals for which they stand can we expect our young people to reflect the same respect and to seek military service as a rewarding and satisfying career.

Secondly, we want everyone to know that opportunity in the Navy is real, solid opportunity.

The Navy is a microcosm of the world around us—we are not perfect. But we are making strides. Guaranteed school quotas and improved counselling are going far toward helping us meet our goals.

Our efforts to interest, recruit and retain young men and women, including all minority groups, are proving increasingly successful. The opportunities are real, ready for the grasping.

We have better pay, more travel, and a high potential for upward mobility. The average salary in the military services today is $8,832, plus fringe benefits such as outstanding medical care, commissaries, post exchanges, housing and an excellent insurance program. Education—at all levels—is our high selling point. In the Navy we spend $680 million a year on education. Eighty-five percent of the skills for which Armed Forces train are directly transferable to the civilian market. A dollar for defense is not a dollar thrown away. It is a dollar multiplied for America many times over.

I say again. The Navy is opportunity.

Let me summarize then the situation in the world today and what we can expect for the future. We see the movement from an era of confrontation to an era of negotiations, looking toward a generation of peace. We have proven through the negotiations culminating in the first SALT Agreements that we can maintain a strong strategic position and enhance our security by agreeing on mutual arms limitation. We are committed to future negotiations of this type. They can be at least equally as successful only if we continue to depend on the military strength and the strength of the people of this country.

There is a stirring of the breezes of peace, but it is a peace founded on our nation's strength, a strength which makes it possible for our President to negotiate from a position of power, not one of weakness. Those of us who are with or in the military service of our country know that a just and lasting peace must always be our ultimate objective. This is that to which the man in uniform is dedicated, even to the sacrifice of his own life to achieve it. This strength exists solely to secure the interests of the American people.

Last month a lonely man walked down a ramp leading from an Air Force aircraft—the first time in over seven years his feet had touched land over which the American flag flew. Then very quietly Captain Jeremiah A Denton, Navy pilot, former POW and father of seven, including two with service in Vietnam, said: "We are honored to have the opportunity to serve our country under difficult circumstances. We are profoundly grateful to our commander-in-chief and to our nation for this day. God bless America."

When we are the recipients of such dedication we have no choice but to respond in kind.

How we respond as individuals and as a nation is the measure of the national security we will have. The choice is strictly up to us—to you and me. I ask from you the same support for them and for those who lead us so that together we may continue to strive successfully toward our ultimate objective.

May God truly continue to bless America through our dedication to the ideals that have made this the greatest nation in the world.

WE CALL THIS WAR A CEASE-FIRE

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 10, 1973

Mr. WALDIE. Mr. Speaker, there is great confusion as to how successful the cease-fire has been in South Vietnam. We are all aware that a true cessation of hostilities has not yet occurred nor do we seem to be making much progress in that direction.

The American Friends Service has published a report on this important issue and appears to bring the situation into a more understandable light.

There is a great gap in the information available as to which side seems less interested in procuring a cessation of hostilities. Given this gap in information, however, the available evidence compels a conclusion that the Government of South Vietnam has decided to continue to seek a military decision as to control of territory and people. If that is a correct conclusion, and I believe it is, the fragile nature of the peace effort is greatly threatened by the South Vietnamese. If we truly desire a political settlement of those issues rather than a military solution, we must insist upon compliance by both the South Vietnamese and the Vietcong with the Kissinger accords. That compliance is not now evident.

I include the report of the American Friends Service as a part of my remarks. The conclusion of this report will be found in tomorrow's Record.

The report follows:

We Call This War a Ceasefire

(By Dave McFadden)

" 'In 1984, Orwell has us calling war peace,' a European diplomat said early last week. 'This is only 1973, so we don't dare go quite that far yet, and we only call this war a cease-fire.' "—John Woodruff, Baltimore Sun, February 25, 1973.

"I have seen burned houses, suffering and death since the ceasefire. But I haven't seen peace."—woman in bombed out home, Tan Dien hamlet, Ron Moreau, Newsweek, April 2, 1973.

A ceasefire did not come to Vietnam on January 28, 1973. Nor has one come since. More people have been killed since the signing of the "Agreement to End the War and Restore the Peace in Vietnam" than in the same 2-month period in 1972, when no one pretended the war was over. As of March 28, 18,000 Vietnamese had been reported killed and 15,000 wounded in eight weeks of "ceasefire."

It is hard for anyone to tell exactly what is happening in Vietnam. The Government of the Republic of Vietnam (GVN) has charged the "communists" with over 7,500 separate violations of the ceasefire. The Provisional Revolutionary Government (PRG) and Democratic Republic of Vietnam (DRV) have charged Saigon with over 46,000 violations. No one has been able to devise a method to confirm or deny these various charges. The reports or records of the International Commission for Control and Supervision and the Joint Military Commission are not available.

But a careful survey of the American press is revealing. While US newsmen in South Vietnam rely heavily on US and Saigon official government and military sources for news of troop movements and battles, some correspondents have managed first-hand coverage of military operations since the ceasefire. Since most American newsmen in South Vietnam do not speak Vietnamese, their coverage is limited to those areas in which interpreters and guides can be found. At present, the Saigon government controls foreign entry to South Vietnam. Newsmen who venture into PRG ocntrolled areas do so at their own risk. Such ventures are discouraged by GVN troops. Reports unfavorable to the Saigon government can result in nonrenewal of a visa.

To date, since the ceasefire, we have been able to locate in the American press only 8 reports from PRG-controlled areas—6 filed by American correspondents and 2 by British correspondents. Two of the six Americans have since had their visas expire, and they have been unable to renew them. All other reports have been from GVN controlled areas, or the GVN side of a battle. This study attempts to get below the surface of charges and countercharges of the GVN and the PRG and focus on the first-hand reports of American newsmen in the post-ceasefire period.

A careful survey of major American newspapers reveals more than 30 first-hand reports of ceasefire violations by Saigon forces between January 28 and March 27. Every major American newspaper with a correspondent on the scene in South Vietnam has reported some of these eye-witnessed violations.

In contrast, not one single PRG or DRV initiated violation has actually been observed and reported by a major US newspaper in the eight weeks since the ceasefire went into effect.

I. THE GROUND FIGHTING

"All acts of force on the ground, in the air and on the sea shall be prohibited.

"All hostile acts, terrorism, and reprisals by both sides will be banned." Agreement, Article 3(c).

First hand reports from American correspondents were particularly numerous in the week to ten days following the ceasefire. These reports were all similar. They showed hamlets and villages bombarded from the air and ground by Government of Vietnam (GVN) troops advancing on them. The story came from Bui Chi, Xom Suoi, Pleiku, Kontum, Phong An, Tay Ninh, Binh Tanh, Kien Hoa, Phuoc Tanh, Trang Bang, An Loi Tan, Phan Thiet, Binh-Phu, and Hoa Long. It was reported by the Los Angeles Times, the Wall Street Journal, the New York Times, the Washington Post, The Baltimore Sun, CBS Evening News, AP, UPI, The New Yorker, Newsweek, and the Philadelphia Bulletin. A few examples of these stories follow:

"At eight o'clock in the morning of January 28th, the moment the ceasefire went into effect, I was in a car with a couple of other correspondents near the town of Twang Bang . . . listening to an announcer read President Nixon's peace proclamation. Just as he had read the words hailing 'the beginning of a new era of world peace and understanding for all mankind,' and calling on all Americans to 'observe this moment with appropriate ceremonies and activities,' the first of twenty-six five hundred pound bombs were dropped by South Vietnamese fighter-bombers a hundred yards ahead of us."—Robert Shaplen, New Yorker, 2/24/73

"This is a combat assault, about noon Monday, today, well over 24 hours past the ceasefire cutoff. South Vietnamese regulars from the 48th regiment, 18th Division are attacking a hamlet called Hoa Long, only 49 miles outside Saigon."—Don Webster, CBS News (film clip), 1/29/73.

"On Sunday and Monday, many newsmen, including this correspondent, saw fights in which it appeared the Saigon government was violating the truce in similar fashion or preparing to do so by advancing on hamlets clearly held by the Communists at the time of the ceasefire."—Arnold Isaacs, Baltimore Sun, 1/31/73.

From accounts like these, a picture emerges. In the days before the ceasefire signing, the PRG forces launched a military and political offensive. They took over villages and roads. Their flags dotted the countryside. By January 28, the PRG's control throughout the countryside was widespread.

After the signing, Saigon launched its offensive. In March, President Thieu boasted that his army had recaptured 400 villages in the other side's hands on January 28. Despite his minister's signature on an in-place ceasefire, Thieu claimed the right to keep fighting for areas "historically" under his control.

The GVN's most blatant violations have been its ongoing bombing of PRG areas. The Agreement banned all flights by military aircraft in South Vietnam. Nonetheless, Saigon planes were flying from one to two hundred bomb runs per day during the first three weeks after the signing.

According to John Woodruff of the *Baltimore Sun*, members of the ICCS were treated to frequent exhibitions by Thieu's Air Force:

"South Vietnamese dive bombers and the smoke of ground battle are often visible from two small Chinese hotels where the four nation Vietnam ceasefire commission has its temporary regional home. 'They put on one fine fire-works show for us,' Maj. Ernie Poole, a Canadian said, gripping a can of beer . . .' "—Baltimore Sun, 2/16/73.

The next day, the Joint Military Commission (JMC) specifically called on Saigon to stop its bombing. President Thieu agreed. A week later, however, the New York Times reported that GVN forces in the field had not yet received any such orders.

Saigon's only change in policy was to stop *reporting* the number of air strikes its planes were flying.

Nonetheless, on-the-scene observers from Bac Lieu in the Mekong Delta to Ap Lan Dinh to Pleiku in the Central Highlands have recently placed the numbers as high as ever. Bombing was observed by the ICCS and sometimes admitted by the GVN:

"In the Central highlands, a South Vietnamese spokesman in Pleiku willingly described major operations to clear a village and a strategic highway. . . . The spokesman acknowledged the use of air power in the battle to retake the village, even though the top command stopped reporting combat air strikes several weeks ago."

American newsmen offer other evidence of heavy GVN air and ground warfare. According to Peter Osnos of the Washington Post,

"Commercial suppliers of fuel to the South Vietnamese Air Force say that consumption by government war planes is as great as before the ceasefire. . . . Diplomatic sources, with access to highly classified South Vietnamese reports, say that in the northern region alone, government troops have been firing an average of 35,000 rounds a day."

Many of the problems since January 28 might have been avoided if opposing commanders could have made direct contact—and the process of reconciliation could even begin. But Thieu has opposed such a process. At Saigon's insistence, the February 17 appeal by the JMC to stop fighting did not refer to Article 4 of the Protocols, which called on commanders of local units to meet together to work out ways of stopping hostilities. As Richard Blystone of the Associated Press reported March 7, "One high ranking South Vietnamese officer on the northern front, asked whether any leaders of his division had met with the communists on ceasefire morning, simply made a face."

The "other side" has fought back the attacks of Thieu's forces. Several western correspondents have reported that "There is no doubt about the continued Communist attacks" or "there is ample evidence that the PRG has been responsible for its own share of cease-fire violations." Invariably, however, such reports describe areas held by the PRG at the ceasefire deadline, later attacked by ARVN, in which fighting has continued—or the reports cite official Saigon government sources. In some cases, the alleged violations cannot be confirmed by first-hand accounts one way or another.

Saigon has charged the PRG with over 7,500 violations. It should be noted that the press articles reveal that Saigon considers it a ceasefire violation for PRG supporters to move, without shooting into neighboring villages to discuss their government's program or to resist when the GVN moves, to capture a village.

In our survey, we could not find one first-hand report by an American journalist of post-ceasefire fighting started by the revolutionaries.

II. THE CONTROL COMMISSIONS

"The parties shall provide full protection and all necessary assistance and cooperation to the Joint Military Commissions at all levels, in the discharge of their tasks.

"The Joint Military Commissions and their personnel, while carrying out their tasks, shall enjoy privileges and immunities equivalent to those accorded diplomatic missions and diplomatic agents."—Protocol on The Ceasefire, Article 16.

The task of investigating alleged violations of both sides rests with the International Commission of Control and Supervision (ICCS) and the Joint Military Commission (JMC). The JMC is made up of equal numbers of PRG, DRV, US & GVN military officers.

The ICCS cannot operate without the support, particularly at the sub-regional levels, of the JMC. There have been many difficulties in getting the JMC into operation anywhere but at the headquarters in Saigon. The major reason for this has been the GVN's refusal to allow PRG officers in the field to be picked up at sites under their control and flown to the seven regional and 26 subregional peacekeeping team sites. Saigon is reluctant to admit that any area, particularly in contested zones, might be under PRG control. In several cases, pickup sites have been designated, and the Saigon government has moved in troops and called in air strikes. And even when a pickup site is designated, Saigon has refused to guarantee the safety of PRG officers in GVN zones. The PRG and others have charged that some delegates have been killed trying to reach their areas. Only one subregional JMC site has any PRG delegates. Since each side is responsible for the safety of JMC members when operating in its area, only GVN charges have been investigated at those sites where there are no PRG delegates.

In addition, there have been numerous attacks on JMC delegates by mobs of South Vietnamese. DRV and PRG truce team members were attacked in at least five separate incidents, by American press accounts: 1) In Hue, a crowd of at least 50 civilians threw eggs and rocks at DRV delegates; 2) In Binh Dinh province a demonstration of several thousand surrounded an aircraft and shouted abuse at the DRV delegates inside; 3) a crowd of Vietnamese civilians threw rocks at a group of JMC members arriving at Ban Methuot in the central highlands; 4) At Da Nang, mobs forced their way into the compounds where JMC members were staying, and began damaging the buildings; 5) 3000 refugees from Quang Tri province attacked the DRV truce team quarters at Chu Lai. After the first major attack, at Da Nang, "Saigon radio warned that the communists could expect repeated attacks on their delegates, 'if they continued to provoke the people.'" The Saigon government must have at least condoned all these attacks and demonstrations, since only pro-Thieu demonstrations are permitted in areas governed by the GVN—and Saigon is adept at quickly suppressing any unauthorized demonstrations.

An indication of Saigon's opposition to any cooperation with the PRG and DRV is evidenced by the virtual imprisonment in which the JMC members at Camp Davis in Saigon have been placed. Far from enjoying the privileges of diplomatic immunity, they have been housed in Army barracks, kept behind barbed wire, prevented from meeting with the press or the Vietnamese people. PRG and DRV delegate charges of bad conditions and virtual house arrest were confirmed when a bus load of western correspondents was allowed into Camp Davis March 17. Under a compromise arrangement, press are now allowed in once a week to talk to the delegates. But the Saigon government still refuses to drop other restrictions surrounding living and working arrangements.

III. THE UNITED STATES AND THE DEMOCRATIC REPUBLIC OF VIETNAM

"The United States will not continue its military involvement or intervene in the internal affairs of South Vietnam."—Agreement, Article 4.

"The dismantlement of all military bases in South Vietnam of the United States . . . shall be completed within 60 days of the signing of this agreement."—Agreement, Article 6.

The response of the United States to its ally military violations of the ceasefire, continuously reported since January 28, has not even been mild reproach. More than a week after the Joint Military Commission appeal to all sides to stop fighting, Henry Kissinger declared in a television interview that he was not worried about violations because "after all, how are the two sides going to establish their areas of control except by testing each other?"

And President Nixon has been very unconcerned about violations on the ground. The United States has focused major press attention on a charge of DRV infiltration of men and materiel along the Ho Chi Minh trail to Laos and the border areas of South Vietnam. The United States now claims that up to 450 vehicles, including 300 tanks, 30,000 men and a greater number of trucks, are massed along border areas in Laos and South Vietnam. It has been pointed out that "almost all the intelligence is coming from highly biased South Vietnamese sources. US intelligence confirms these sources, but disagrees concerning the meaning of the build-up and whether it is a violation of the ceasefire. There is a substantial body of opinion within the administration, including the CIA which believes that the equipment and supplies left the DRV and began winding down the trail in November and December—before the ceasefire agreement was signed—and in response, to the tremendous shipment of arms and materiel which the US made to South Vietnam in October and November. This supposition is strengthened by recent reports of a significant reduction in the number of troops and equipment that have "recently" begun entering the Ho Chi Minh Trail, according to US intelligence reports.

The United States, for its part, has apparently failed to "dismantle, remove, or destroy" its military bases and war materiel and equipment in South Vietnam, as required by the Agreement and Protocols. In a press conference January 26, just before the ceasefire took effect, Pentagon spokesman Jerry Friedheim was asked about plans for dismantlement of US bases. His answer was that all US bases in South Vietnam had been turned over to the South Vietnamese. Former Defense Secretary Laird said earlier that "more than $1 billion worth of United States-built facilities was turned over to the South Vietnamese armed forces," and a UPI report of March 10 put the figure at $5 billion. Long Binh Army headquarters was turned over "officially" to the GVN in a major ceremony in mid-November, and other bases have been transferred more quietly. The PRG and DRV do not accept the validity of the "transfer" of control and insist that all former US bases be dismantled, removed, or destroyed.

It certainly does appear that the US is sensitive about the subject. Reports from Da Nang Air Force Base indicate that orders are for "all visible traces of the American military presence" to be removed, even to the 'Kilroy was here' graffiti on barracks walls, in order that 'no one will ever believe we were here,' in the words of one GI.

"Military advisors or military technicians" and "advisors to paramilitary and police forces" are not permitted to remain in South Vietnam beyond 60 days following the ceasefire. Although the full dimensions are not yet clear, there are many signs that the United States intends to stretch this provision and to violate its spirit, if not its letter. There is evidence that the United States intends to keep civilian technicians in Vietnam to help the South Vietnamese armed forces in maintenance and repair of their bases and aircraft. Some of these civilians are already employed by corporations under contract to the Department of Defense—and some of them are directly employed by the DoD in civil service capacity. In addition to these personnel—estimated at between 6,000 and 20,000 the US will keep military attaches and marine guards at the four different embassy branches in South Vietnam. Air America will take over functions of US military helicopters, and the paramilitary pacification and Phoenix programs will be taken over by the State Department.

IV. INSURING THE "DEMOCRATIC LIBERTIES OF THE PEOPLE"

"Immediately after the cease-fire, the two South Vietnamese parties will:

Achieve national reconciliation and concord, end hatred and enmity, prohibit all acts of reprisal and discrimination against individuals or organizations that have collaborated with one side or the other.

Insure the democratic liberties of the people: personal freedom, freedom of speech, freedom of the press, freedom of meeting, freedom of organization, freedom of political activities, freedom of belief, freedom of movement, freedom of residence, freedom of work, right to property ownership and right to free enterprise."—Agreement, Article 11.

The extent to which essential freedoms have begun to be implemented by President Thieu since the time of the ceasefire is best summed up by Peter Osnos of the *Washing-*

ton Post, reporting from Saigon. "If anything, the South Vietnamese government has become more restrictive since the agreement took effect, rather than less." As one Thieu official has put it, the GVN is "a garrison state." South Vietnam remains under martial law: Thieu's army and the police force rule everything, from the courts to the press—all the way down to the hamlet chiefs.

As for "achieving national reconciliation," Thieu is taking steps in the opposite direction. Being a suspected communist or neutralist or even "one with neutralist sympathies" is a capital crime for which one can be imprisoned or even shot. There is evidence of a new wave of police repression since the ceasefire—with arrests of civilians for political reasons. Many of these, however, are being charged under criminal statutes to avoid their release as "civilian detainees," as required by the Agreements.

According to USAID figures, there were 641,000 people living in refugee camps at the time of the ceasefire, and probably several million refugees in the urban areas. These are "official" refugees, and US Senate estimates of "unregistered" refugees range much higher. Since the time of the ceasefire, Saigon officials of USAID have estimated that 78,000 new refugees have been "generated" and another 182,000 have been "displaced temporarily." Most of these refugees would like to return to their homes. Since their homes are in rural areas, and most of the rural areas are controlled by the PRG, Saigon is doing everything within its power to restrict refugee movement, and to allow persons to return only to "secure" areas, where they can be counted on to support the Saigon government. This "controlled" movement has already begun. Several thousand have been relocated to Quang Tri Province, and the movement of nearly 100,000 has begun to unsettled land near Saigon. Always, the moves are from refugee camps to government controlled areas, or to other refugee camps. At least 25,000 refugees from Binh Dinh province, friendly to the PRG, "will not be allowed to return."

In any election, the great bulk of former rural people, now refugee, holds the key to political power in South Vietnam. Saigon is now beginning to push for a presidential election, while the PRG wants local and legislative elections. Obviously, with present Saigon control over refugees as well as an election law prohibiting communists from running for office, a free election could not be held. Saigon's recent ordering of the resumption of village elections changes nothing. Village councils have entirely advisory duties. Village chiefs have been denuded of their power—which now rests in the hands of appointed deputy chiefs and hamlet chiefs—both of which are directly appointed by and responsible to Thieu's military apparatus.

Gen. Duong Van Minh, a Thieu opponent but a strong anti-communist, expressed the situation best in an open letter to the International Conference on Vietnam, in a demand that Article 11 of the Agreement be implemented: "Without the democratic freedoms guaranteed in Article 11 the whole concept of self-determination is meaningless."

LAW ABIDING CITIZENS BEING STRIPPED OF THEIR FREEDOM

HON. WILLIAM M. KETCHUM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 10, 1973

Mr. KETCHUM. Mr. Speaker, recently, the President of the United States sent to the Congress his message outlining his proposals in the field of criminal law. The reaction on the part of some of our colleagues was immediate and expected. Cries of receding to the dark ages during this "enlightened period" were heard and the wailing and gnashing of teeth over these poor benighted disadvantaged criminal offenders was enough to move strong men to tears—tears for their victims, Mr. Speaker. I am reminded of the statement of an Illinois State legislator who is, incidentally, black, during the recent debate of the death penalty. Someone had stated on behalf of abolition of the death penalty "most of the condemned are poor and friendless and black" to which the legislator responded "and most of the victims, my colleagues, were poor and friendless and black and dead."

A responsible constituent, Mr. Cleon Lingwood, of Bakersfield, has written me a letter I would like to share with my colleagues in the House. I wonder, Mr. Speaker, how many other people in America share his views. I rather imagine an overwhelming number. Need I say more?

The letter follows:

BAKERSFIELD, CALIF.,
March 14, 1973.

Hon. WILLIAM KETCHUM,
U.S. Congress,
Washington, D.C.

SIR: Within the past six months two fellow employees of mine, one whom I know personally, were murdered. One was killed, during a work day, while he was on his job, and the man I knew well was hatcheted to death in his home. In both instances robbery appeared to be the motive, but in both there was pitifully little to steal—this fact surely obvious to the killers. Both killings were totally senseless.

At no time during my half century plus have I felt such a growing concern. Wither do we wither? When do the decent people of this society demonstrate indignation over this senselessness which involves all of us—has all of us potential victims of a bullet or hatchet? Who are the very starry-eyed idealists who work so tirelessly at various reforms and programs which seem to benefit the criminal—while protection is being stripped away from the law abiding citizen? Who stands in with the same zeal for the honest citizen?

This society has been reacting almost insanely in many areas since someone dubbed it a "Great Society." Individual rights have supplanted group or community rights to the point where an individual can commit an outrage against the whole and his right to do so is protected by the courts and their interpretation of the law. The group, the community, the society be damned. The primitive cave man seemed to have better sense. He tossed the recalcitrant out into the jungle to protect the little society in his cave. We permit the jungle to grow into our living rooms.

The group, the community, the society is becoming imprisoned behind doors by the growing criminal element within, this element running more freely with each passing day for the reason that a maudlin clot of do-gooders rush, expenses be damned, to the assistance of any individual at the same instant that individual commits his outrage. The rights of the group, the community, the society slide away. No one realizes that within the whole are only individuals whose rights slide away more quickly than do those of the criminal sub-strata of the whole.

The law abiding citizen is becoming a sucker and a patsy. He must suffer indignity upon indignity because we fail to face up to crime. We prefer to slip in the back door with prison reforms, rights of criminals, reduced or abolished punishments for the condemned, all after-the-fact approaches which make crime more attractive—maybe to all of us. Consideration for the law abiding amounts to pressure to take *his* gun away from him, make *him* retreat from *his* streets, make *him* submit to searches before *he* boards a plane, keep *him* from fighting back. In Marin County this past year the taxpayers and their children were harassed when they tried to use civic center facilities paid for with their tax dollars. A rather infamous woman and her entourage of wild-eyed bleeding hearts held sway over the whole of the beautiful facility. My fifteen-year-old niece had to submit to search and frisk before she could use the library purchased in part by tax dollars contributed by her father.

As an individual, where were her rights?

The starry-eyes were concerned only with the woman detained there and *her* rights. The citizens of Marin County had their rights trampled wholly. Would it have made any difference if these citizens had lined up in single file, as individuals, and demanded their rights? Probably not. The idealist can see them only as a hazy mass. His tunnel vision cannot focus to this extent.

To rationalize that any of us will receive the same attention to our rights if we commit an abomination is a fallacy. The whole is not going to commit abomination. The rights of those few who do cannot be protected by an approach which shackles the freedoms of the majority. Any good solution to crime must be a face-to-face confrontation with crime. The solution cannot be restrictive upon those in a society who will never be involved in the commission of a crime. But, so it goes, all in the name of freedom so-called. We grant license to all but a license used by those whose kinky and flawed thinking has them welcoming the granted license. The remainder, the well-intentioned bulk, retreats behind locked doors and barred windows while certain do-gooders work to even strip further its defenses.

I have stopped fishing a stream I have fished for years. In very recent times the activity along the highway which parallels this stream has been broadened to include harassment of drivers out to enjoy the scenery. The type of "free" individual who wanders the length of this highway has grown to be upredictable at times. I found too much to be uneasy about as I would stand on a boulder beside the stream, my back turned to this traffic. The sensation became identical to that I felt in New Guinea and the Philippines many years ago when I went about my duties under known and accepted observation by the Japanese. The new breed of killer for kicks the abolishment of the death penalty had to release, added to those individuals who had already created a poor situation along the river, made fishing a little like Russian Roulette. I am not a coward, but the old South Pacific prickle at the spine was something I never intended to experience again—at least not in this country.

It was a small retreat, possibly not justifiable in all minds, but it was a retreat being made by countless others in this country each day, justified and prudent in *their* minds. None of us need a loosening of vagrancy laws, none of us profit by the new right to produce a pornographic movie, not a soul of us is overjoyed by the fact we can get bail if we murder, and few will profit by the abolishment of the death penalty. We are not granting free and unfettered *rights* to all. We are lifting restrictions which *never* were restrictions upon the decent and law abiding at any time. Much of our "individual rights" legislation is only license to a few and damaging to the whole.

Here, we must be careful—but the misguided zealot continues to push for more license—in the name of individual rights.

The opinion of Supreme Court Justice White which assisted in abolishing the death penalty was rather typical of the fuzzy thinking which permeates our "through the back door" approach to crime. His opinion contained something based on a rather peculiar premise—that we were executing too many poor people and too many black people. A member of our highest court did not go to the cause. He went to the effect, the courts themselves. He sits back content and these courts will still render the harsher decisions against—too many poor people and too many black people. The sphere of his thinking excluded the premise that all executions by a society followed the execution by an individual of one or more of his fellow men. Rather than repair the courts, he chose to rationalize. I expect it would not be possible to sentence the Specks, the Mansons, or the Sirhans to a six month term as "live in" houseboys to members of this high court before they are relegated to a term of clean sheets, three meals a day, a better standard of living than some have ever experienced. No? I suppose not, but it *is* proper to loose their likes against me in a manner just as inconceivable.

The abominations continue. Our concern revolves about a comfortable life style for the individual who commits the abomination—if the courts decree that such will be. The so-called "free" citizen continues in his retreat *from his* freedoms. If we should ever apprehend the person or those persons who chopped my friend to death, I suppose again it would not be proper to prop his corpse up in court just to have the victim present as is the case in any crime less than murder? The victim of rape is usually present, the victim of assault, mayhem or swindle. These victims usually sit silently and cause little upset to our carefully regulated courts machinery, but they are there for all to see and to contemplate.

My friend would sit silently. He would not say a word which could influence a soul.

Sincerely,

CLEON M. LINGWOOD.

WELFARE SCANDAL—X

HON. VERNON W. THOMSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 10, 1973

Mr. THOMSON of Wisconsin. Mr. Speaker, Americans spend billions of dollars each year to help their needy fellow citizens under programs of public welfare. Many of the truly needy are not assisted enough. But many others have victimized the welfare system either as dishonest employees or recipients bent on defrauding the Government. It is time to call a halt to the abuses of our welfare system and tighten up procedures to assure that the needy, and only the needy, receive benefits.

For 2 weeks, I have been inserting into the RECORD the serialized articles from the Milwaukee Sentinel which grew out of a 3-month investigation of the Milwaukee County Welfare Department by Sentinel reporters Gene Cunningham and Stuart Wilk. Today's 10th installment indicates that some recipients are violating State and county laws prohibiting payments to those with cash assets in excess of a minimum amount. Other evidences of mishandling of welfare checks are detailed.

I hope the Members realize that welfare problems will not just go away. Welfare reform may not be "fashionable" this year, but it is more pressing than ever.

The article follows:

CHECKS FATTEN BANK ACCOUNTS

(By Gene Cunningham and Stuart Wilk)

Some welfare recipients have savings and checking accounts amounting to several thousand dollars and are regular customers of Milwaukee banks.

Last December, a welfare recipient walked into one Milwaukee bank with $1,553 in welfare checks and deposited them in her account, an official of the bank said.

"She had seven to nine checks" for various special needs grants given her by the department, he said.

Another welfare recipient came in with enough welfare checks to buy a $1,500 time certificate of deposit, the banker said. However, he said, she later cashed the certificate before its interest maturity date.

The banker said he decided he would make it difficult for the woman to get back the money so he "kept her coming back for a while."

He said he had her sign papers and go through a waiting period before he gave her the $1,500—without interest.

"I was damned if I was going to pay her interest on my tax money!" the banker declared.

There are hundreds of welfare recipients who bring in welfare checks and deposit them in their savings and checking accounts, he said.

Some, he said, bring in several checks at a time—usually checks given them by the department for special needs such as clothing, household items, furniture and major appliances that they tell the department they must have.

"I know we have people on welfare who have thousands of dollars in the bank," the bank official said.

The majority of welfare recipients who cash their welfare checks at the bank also have accounts at the bank, he said.

The woman who brought in the $1,553 in checks to deposit, he said, "hadn't even been in Wisconsin long enough to have any Wisconsin identification. All she had was an out of state driver's license."

[Families receiving Aid to Families With Dependent Children (AFDC), by state law, must not have more than $500 in cash including the cash value of life insurance.

[Persons receiving general assistance, a county program financed entirely by county tax money, must not have any cash assets other than life insurance, which cannot exceed $300 in cash value.]

Savings accounts are not the only strange places to which welfare checks find their way.

"I got a welfare check in the mail last month and I'm certainly not on welfare," a local businessman asid.

He said the check was addressed to him. The spelling of his name on the check has one too many "n's" in it, but otherwise the name was correct and the address on the check was his, he said.

The check was for $56.

There was a notation in one corner of the check saying that it was for "Hampton, James L."

"I don't know any James L. Hampton," the businessman said.

He said he hadn't decided what he would do with the check, but "I'm sure not going to cash it."

Another welfare check was used to pay for bowling shirts, but more than a year later the endorsement on the check was declared a forgery and the sporting goods store lost the $70 it had been paid.

RECALLS CHECK

The operator of the bowling and billiard supply store said that he recalled a customer giving him the welfare check in payment for bowling shirts—in 1971.

But last month, more than 16 months after he had deposited the check in his account, he was notified by the bank that the check had been found to have a forged endorsement.

The operator of the store showed a Sentinel reporter the forgery affidavit signed by the woman whose name was on the check. The affidavit was signed last December, 14 months after the check was issued.

The bank deducted the $70 from the store's account to make up for the welfare check.

Another businessman said a welfare check for a person he does not know comes regularly to a house he owns on the Northeast Side.

He said the tenant who lives in the house has lived there for three years and is not on welfare. The tenant recently told him about the welfare check, the businessman said.

CHECK PICKED UP

He said the tenant told him that the check had been coming to the house for three years. The tenant said he was told to leave the check in the mailbox and that someone would pick it up the day it arrives—and someone always does.

The businessman said neither he nor his tenant knows the person whose name is on the welfare check.

The person "has never been a tenant of mine and has never lived at that address," the businessman said.

The Sheriff's Department Fraud Squad told of a similar case.

A woman who had been on welfare in Milwaukee County moved to Michigan but for a year and a half continued to receive her welfare checks.

A deputy said the checks kept going to the house where the woman had lived in Milwaukee. Each day when a check was to arrive, the woman's sister would go to the house, take the check out of the mailbox and mail it on to her sister in Michigan.

That routine went on for a year and a half before the department discovered the woman no longer lived here, he said.

AMERICAN COMPANY PRINTS ANNUAL REPORT IN JAPAN

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 10, 1973

Mr. WALDIE. Mr. Speaker, articles such as this one appearing in the Wall Street Journal on March 15, 1973, show the uncompetitive state of our economy as it stands now.

Mr. Joseph Fox from Pleasant Hill, Calif., who sent me the article is correct in his judgments on how these actions hurt our balance of payments. Facts such as these are especially disturbing as they point out that the uncompetitive stance of our economy can only lead to further trade deficits:

AMERICAN COMPANY PRINTS ANNUAL REPORT IN JAPAN

Latest Japanese import is an annual report. LaBarge Inc., a St. Louis company listed on the American Stock Exchange, farms out the printing of its 1972 annual report to Dai Nippon Printing Co. in Tokyo. It figures it saved at least $3,000 by having the job done abroad.

THE LEAGUE OF UNITED LATIN AMERICAN CITIZENS PARAMOUNT COUNCIL NO. 357

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 10, 1973

Mr. ANDERSON of California. Mr. Speaker, the League of United Latin American Citizens—LULAC—Paramount Council No. 357 says:

> We can be proud because we believe in our youth, contribute to their welfare, and work for the greatest institution on earth . . . Education.

The members of Paramount's LULAC are rightfully proud of their group's goals and accomplishments.

I, too, am proud of Paramounts' LULAC.

This organization's scholarship program of about 10 years has aided around 50 local students to attend the college of their choice.

Some educational projects of LULAC aimed at younger persons include leadership and parliamentary procedure classes and a summer tutorial program.

Other programs include aiding the Casa de la Esperanza, an orphanage home in Tijuana, and providing shoes for children to wear to school.

Adults are not neglected by LULAC. The Paramount Council was the first in our community to sponsor adult classes in English, citizenship and Civil Service preparation.

For our local group's many educational projects over the years, the LULAC National Convention has on three occasions awarded the Paramount Council No. 357 the Raymond Telles Education Trophy for the best education program—thereby giving the trophy to the Paramount council permanently.

During the 12 years of the Paramount group's existence, members have represented the organization effectively at all levels of government.

One member, Jose Pacheco, was named to a recent White House Conference on employment and immigration problems of Spanish-speaking persons in the United States.

Mr. Pacheco has also been active on the the district, State, and national level of LULAC and has been awarded a certificate by the Paramount Rotary Club for outstanding community service.

Member Jess Vela has served on all three levels of LULAC administration and was named Man of the Year in Norwalk. Mr. Vela is presently serving as a member of the Norwalk-La Mirada School Board of Education.

Again serving LULAC up to the national level, member Paul Garcia was awarded the District Director of the Year Award. Mr. Garcia and Mr. Pacheco were also awarded a plaque for outstanding community service by the Paramount Chamber of Commerce.

Art Salazar, Paramount's current president, was awarded the local, district, and State LULAC Man of the Year Awards.

These members are just a few of the outstanding persons working toward the goals of education, youth, and the welfare of the Latin American in LULAC Paramount Council No. 357.

Mr. Speaker, to all the members of LULAC Paramount Council No. 357, I offer my sincere appreciation for a job well done.

MEAT BOYCOTT NO ANSWER

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 10, 1973

Mr. NELSEN. Mr. Speaker, amidst all the irrational charges and countercharges being hurled involving meat prices, Bill Sumner, editor of the St. Paul Pioneer Press and Dispatch, has just produced a masterpiece of good, commonsense. Mr. Sumner says some things that need to be said, and I include it for the RECORD at this point in my remarks:

[From the St. Paul Sunday Pioneer Press, Apr. 1, 1973]

WHY NOT BOYCOTTS ON MORTGAGE COSTS, CARS?—MEAT PRICE FREEZE, BOYCOTT ARE BOTH IDIOTIC

(By William Sumner)

President Nixon's freeze on meat prices seems to have followed a fit of panic, the scare being furnished by groups of housewives who say they are going to boycott meat.

The freeze is as idiotic as the boycott. It won't do anything about the inflation that caused the higher prices and it will hurt farmers, small packers, meatcutters and the rest of those in the chain that get the livestock from farm to market.

I suppose that emotion has played a part here, plus a certain feeling of confidence: it is fairly easy to get at a farmer or handler of perishable materials, as was demonstrated in the holy grape and lettuce wars; as for Nixon's part, he won't be running for reelection and the farm states have been losing their power anyway.

Why don't they go after the whole mess, though? I don't recommend ripping the system apart, but where has there been a boycott over the cost of mortgages, the price of homes and automobiles, of carpenters and plumbers, of radios and TV sets, or snowmobiles or skis or boats or any of the many items enjoyed by our affluent society? Has anyone priced out the same suit of clothes then and now?

What has been attacked is a high-demand food product most of the rest of the world can't afford once a month, one that is still cheap in terms of income.

Why don't they boycott government? There's something that has gone out of sight.

Of course it has been a jolly time for the Secretary of Agriculture, Earl Butz, who must feel like one today. Just a few days ago he opined that anyone who was for ceilings on meat prices was a "damned fool."

I believe in the man, much as I would believe in a saint. His boss acted in panic. Here was one market in which supply and demand would have had a real effect.

Here is a boycott and a reaction without sense, one that is going to hurt the small farmer and cause him to think more and more about the cushier living one might have on welfare.

It is the farmer attempting to supplement his income and not the conglomerate farm-to-package producer that is going to get it in the neck once again. I don't know why we don't give him a chance to make it.

There was a suggestion made here a couple of weeks ago about meat prices. It went something to the effect that if the meat was too expensive, buy something else. You don't need meat every night, and as a matter of fact the richer cuts aren't good for you.

No boycott, you understand. If you can't afford something, you don't buy it.

But that is not the way we operate.

There is a great desire to have a Big Brother. We can over-eat, drink too much, smoke too much and in other ways abuse the body God and Darwin have given us, and then when we get sick because of it we are owed.

We don't even argue about this anymore. Now it is meat. We are owed cheap meat. Pretty soon someone is going to wonder about federal aid for auto or TV repair.

One might run for political office by guaranteeing a free-flowing and unstopped john for every bathroom. He could be one-upped by a fellow offering two bathrooms for every house.

You see, folks, it's this way:

It cost so much to raise a steer and some more to feed it for market. It costs money to transport the steer, because those bad old teamsters want to get paid for driving trucks. And the meatcutters haven't yet been made aware of the fact that they are not in it for the money but, rather, are performing a public service. Where has dedication gone to in America?

With Nixon, I will stand with Butz's earlier assessment. With the noble housewives who are fearlessly leading a boycott, I would challenge them to state their incomes as a matter of comparison with those earned by the meatcutters, the teamsters and—God help them—the farmers.

This is more foolish than Wounded Knee and, like it, has been aided and abetted by foolish communications media. Many don't know yet that this last stands for radio-TV and newspapers; it is a good way to hide and blush.

THE ENERGY CRISIS

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 10, 1973

Mr. HANNA. Mr. Speaker, the energy crisis is becoming decreasingly a rhetorical phrase, invented by experts, and increasingly a reality facing every consumer. Because it is better known and carries a larger part of our energy burden, oil has been the commodity highlighted as bringing us the threat of shortage, but long before oil runs out, gas will be in short supply as far as the usual cheap wellhead source is concerned.

Considering the heavy reliance on this fuel in the average home and particularly in the West, the news that present delivery rates from local sources will begin to run out in 1975 is particularly bad news. Housewives and their workingmen husbands have been exercized over food price increases with resulting pressures to increase supplies and reduce the price. Let me point out, Mr. Speaker, that utility and gasoline bills will soon be rising dramatically. No amount of consumer pressure by boycott or otherwise will increase production or decrease prices. The single impressive warning to all of us is that we must use less energy and pay more for it.

I submit for the RECORD, Mr. Speaker, a sober assessment which appeared in the Oil and Gas Journal of March 5, 1973.

The documentation of efforts by gas utilities to provide for the replacement of present local and controlled prices gas holds its own grim prediction for dramatically increasing costs. I commend this piece to the Members as preparation homework. You will no doubt be called upon to explain this particular kind of inflation to your constituents in the near future.

The article follows:

Gas Supply Drying Up for Vast California Market

(By Howard Wilson)

Despite the cutbacks they have suffered, suppliers of the huge California natural-gas market believe they will "make it" in the immediate years ahead.

But long-term it's strictly a race against time. Dependence on traditional sources of supply would lead to certain disaster. Hence, the suppliers have embarked aggressively on a many-pronged program to acquire new gas from a variety of sources.

While the near-term outlook is not considered bleak, it is hardly satisfactory to the large interruptible customers. The optimism simply means that home dwellers and other noninterruptible customers will have gas at their burner tips until the late 1970's.

Electric utilities, such as Southern California Edison Co. and the Los Angeles Department of Water & Power, will continue to get less and less natural gas and be forced to burn more and more alternate—and far more expensive—fuels.

The chief suppliers of gas to the California market are, except for a line from Canada, no longer able to match past performance.

The two largest suppliers, El Paso Natural Gas Co. and Transwestern Pipeline Co., are struggling to meet contract requirements, and California gas producers are losing the battle to replenish dwindling reserves with new field discoveries.

Only Pacific Gas Transmission Co., which helps supply northern California gas, has the prospect of keeping up its output at past levels—but even here the prospect for an increase in deliveries depends on Canadian willingness to oblige.

Pacific Lighting. According to a top executive of Pacific Lighting's gas-distribution subsidiary, Southern California Gas Co., the reserves on which the companies' gas deliveries are based have reached an alarmingly low level.

"This is the most serious gas-supply challenge that Southern California Gas has faced in its more than 100-year history," Vice Pres. John C. Abram recently told the California Manufacturers Association.

Without new gas supplies, service to interruptible customers will come to an end altogether during this decade and service to firm customers will be curtailed starting in 1979.

The company's out-of-state suppliers, El Paso and Transwestern, face rugged competition for gas in their traditional Permian basin hunting grounds. Newly discovered gas goes primarily to higher-paying intrastate buyers who do not have to clear their prices with the Federal Power Commission.

El Paso, which was scheduled to provide 1,750 MMcfd of gas last year to Pacific Lighting, was curtailing by as much as 76 MMcfd from Nov. 1 to the end of the year. This minus figure will grow sharply this year and will reach several hundred million daily within 2 years unless El Paso comes up with new supplies.

Transwestern was able to maintain its 750-MMcfd commitment last year, but unless new supplies are forthcoming quickly, cutbacks are certain.

Another loss to Pacific Lighting will be its purchases from Pacific Gas & Electric Co., San Francisco, which has been able to supply its downstate neighbor with 120–164 MMcfd of gas since 1967. This arrangement may be phased out this year as PG&E's own needs escalate.

Pacific Lighting's take from southern California fields also has dropped drastically. In the past 3 years it has fallen from 660 MMcfd to 300 MMcfd because of rapid depletion of reservoirs and failure to find new fields. This year it will drop again to 240 MMcfd and eventually will fall below 200 MMcfd.

Despite the bleak outlook for new gas in the short-term and continued growth in demand, Pacific Lighting is optimistic that its 3.2 million firm customers will continue to get service without interruption until late in the decade. And by that time the company's efforts to generate new sources of gas should start paying off.

The search: As the state's largest gas utility, using just under 3 billion cu ft of gas daily, Pacific Lighting has many specific and potential new-gas projects in the works. Among them:

Alaska's Cook Inlet. The company has been negotiating for several years with operators for their gas but cannot agree on price. The LNG project would start at 200 MMcfd and rise to 400–500 MMcfd.

North Slope and northern Canada. Pacific Lighting is a member of the Canadian Arctic Gas Study Ltd. group, which expects to file an application later this year for a 48-in. gas pipeline from the Northwest Territories of Canada and possibly from Alaska's North Slope into the U.S. Also Pacific Lighting can expect to be a prime customer in the event El Paso's study of a Prudhoe-to-South Alaska gas route leads to a pipeline-LNG project.

Australia. An agreement has been reached to acquire gas from Central Australia's Palm Valley field for an LNG project. Pacific Lighting is financing drilling of a confirmation well. The big issue is whether Australia will allow export of gas.

Indonesia. Pacific Lighting holds a letter of intent from Indonesia for acquiring gas for LNG shipment.

South America. The company has looked at reserves in Ecuador's Gulf of Guayaquil, but ownership of the discovery area is in dispute, and negotiations are suspended. Also Pacific Lighting has concession interests in Colombia and Panama.

U.S.S.R. Both El Paso and Texas Eastern Transmission Co., parent of Transwestern, are talking to the Soviet Union about developing Siberian gas for LNG shipment. Pacific Lighting is not a participant but a prime potential customer.

Exploration. In partnership with Texas Eastern, Pacific Lighting has invested heavily in gas exploration in Transwestern's gas area of West Texas, New Mexico, and Oklahoma. The joint venture, started in 1970, has resulted in one discovery, one extension, and four completed producers. Also the company has advanced large sums for exploration by others in northern Canada and the Arctic.

Gas from coal. In another venture with Texas Eastern, Pacific Lighting has asked the FPC for authority to build a 250-MMcfd coal-gasification plant in Northwest, New Mexico. If approval comes soon, gas would move by 1977. Additional plants would raise the capacity eventually to 1 billion.

SNG. Pacific Lighting is studying seriously a plan to produce gas from naphtha or other light hydrocarbons in southern California. Capacity would be 125–250 MMcfd, or more. Feedstock would be imported crude. The plant could go on stream 2 years from start of construction.

PG&E: Up the coast in San Francisco, Pacific Gas & Electric is not as hard-pressed as Pacific Lighting. But it, too, has down-the-road problems which can be solved only by finding new sources of gas.

PG&E's ace in the hole is its proximity to Canada and its reserves position there. Through its affiliate Pacific Gas Transmission, it gets nearly 1 billion cfd of Canadian gas—and this is firm.

PG&E would like to move more through PGT, but can't get the required export license. It was turned down by Canada for an extra 200 MMcfd in 1971. The company has a call on 10 trillion cu ft of Canadian reserves but has export licenses for only 6 trillion.

The company's second major source of supply is El Paso, which supplied 1.125 billion cfd last year. This is expected to decline as the demand on El Paso increases and its deliverability sags. Cutbacks this past winter have been as high as 14% on some days.

PG&E's third source of gas is the northern California gas producer. The take varies widely since PG&E relies on it heavily for winter peaking.

The company has been fairly successful keeping its interruptible customers in gas. But this will change. It expects to reduce progressively such sales until the cuts are substantial by the mid-1970's. Where last year it met demands of interruptible customers by 99%, this may drop to 60% by 1976 unless more California production is developed or the take from present reserves is increased.

PG&E, like Pacific Lighting, is investing in potential new sources of gas, but not on the same grand scale. It is participating in drilling ventures in the Rocky Mountains, in northern Canada, and on the Alaskan North Slope. Also it is studying coal-gasification and LNG projects but has made no specific investments.

Edison. The single biggest interrupible gas user in California is Southern California Edison Co., electric utility and customer of Pacific Lighting.

Edison has resigned itself to being phased out almost entirely as a purchaser of gas for power generation. In 1968 its total take for the year was 276 billion cu ft. Last year it got 205 billion. This year the figure will plummet to 138 billion.

"By 1975 we expect to get essentially no gas at all," says a company executive.

While Edison questions Pacific Lighting's ability to supply it with needed gas in the future, Pacific Lighting takes the position that interruptible customers are valuable because they help absorb new gas increments that come on the market and must be phased into the system. For this reason, Pacific Lighting hopes to keep Edison as a customer by bringing in new gas before phaseout occurs.

Edison, long aware of the shape of things to come, has beefed up its other energy sources—fuel oil, nuclear, coal-fired, hydro.

Its chief alternative fuel to gas is fuel oil, which costs double the price of gas and four times that of coal. But Edison can get low-sulfur fuel oil from California refiners—who, in turn, get the low-sulfur crude from Alaska's Cook Inlet, from Indonesia, and other foreign points.

Edison has a multimillion-dollar program to develop new energy sources—gas, coal, uranium, geothermal. Its gas exploration consists of joint ventures in the Rocky Mountains and on Alaska's North Slope.

Los Angeles. Another major Pacific Lighting interruptible customer, the Los Angeles Department of Water & Power, is depending almost wholly on fuel oil to make up for its loss of natural gas for power generation.

The department, which furnishes electricity for the city, says it received about half the gas it could have used last year. Curtailment now is year-round instead of seasonal.

The department got 103.3 billion cu ft in 1968, about 84% of its needs. Last year it was down to 77.9 billion, about 54%. It expects to get half that amount this year, or about 25% of what it would like.

The price. While the supply of gas goes

down, the price of gas goes up. And, of course, the alternate fuels cost much more than gas.

One observer of the price scene in California estimates that the cost of gas to the gas utilities has averaged a 3¢ annual increase since 1968.

The largest interruptible customers are paying on the order of 40¢/Mcf, compared with 30¢ in 1968, but they are getting about half as much gas as then. For the alternate fuel they are paying around 80¢ for the equivalent energy.

The smaller interruptible customers, who are getting about 80% of their needs compared with 97% in 1968, are paying about the same 40¢ rate as before, but their standby fuel, usually diesel, costs them about 80¢ equivalent.

For the residential user, the price increases haven't really hit home yet. The rise has been around 10% to 12% over the 4-year span.

The heavy blow to the customer is yet to come—when he starts paying for LNG, North Slope gas, and gasified coal. One estimate puts the consumer cost up an average of 8¢/year, thus increasing the homeowner's gas bill by 80% in the 1980's.

Local production. While the search for new gas supplies moves apace in faraway places, the search at home has stepped up in northern California.

But the prospects for bringing in huge new reserves in California are dim.

Several new pools have been discovered in the Sacramento Valley, and there has been a flurry of deep drilling in the state. But the results of the deep drilling have been discouraging. And the new finds in the Sacramento Valley, while satisfactory to some producers, are not sizable enough to make an appreciable impact on California's overall gas shortage.

The producers argue that a more realistic treatment of their problem will produce more gas for California.

In southern California, where most gas is produced in association with oil, the depletion of existing fields coupled with absence of new finds has severely restricted gas output.

The one place where California could expect to get important new supplies of local gas—the Santa Barbara Channel—has been virtually closed to development.

Back in 1969, Pacific Lighting and anticipated it would be getting 150-200 MMcfd of gas from the channel fields by 1973. Instead it will get about 30 MMcfd this year.

The huge Santa Ynez oil and gas field remains undeveloped while going through a severe and time-consuming environmental checkout. Extension of Dos Cuadras field has been vetoed by the Interior Department. And the State of California has halted all drilling in state waters ever since the 1969 Santa Barbara oil spill.

Much as California needs the gas, public policy is saying, "Get it somewhere else." That's what the gas-supply companies are trying to do.

POOR RICHARD'S ALMANAC OF QUOTATIONS ON TAXES FOR 1973

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 10, 1973

Mr. **VANIK**. Mr. Speaker, for the past 2 months the Ways and Means Committee has been holding public hearings on tax reform entertaining testimony from large and small corporations—professors from our universities—and tax men representing every imaginable type of business. As one of my colleagues so aptly described the various interest groups:

There have been two types of representatives before our committee, those who pay no taxes and those who want to join them.

The following are selected quotations on the subject most dear to their hearts—taxes:

Continental Oil, A. J. Alexander:

> Oil companys on the average do pay a lesser effective rate of U.S. federal income tax than the average for manufacturing companies, for example. This is because of specific tax incentives Congress has put in the law to encourage the search for oil and gas. The tax law intends that we pay a lesser effective rate.

Humble Oil:

> Oil and gas are so important to all of us in the United States that a case can be made for differential tax treatment, even in the absence of any other unusual circumstances.

Hon. Wayne Aspinall:

> The right tax policy can help channel private capital into oil shale development. I urge this Committee and the Congress to make the necessary changes in the tax code for this worthwhile purpose.

American National Cattlemen's Association:

> The cattle industry does not now enjoy nor has it ever been the beneficiary of agricultural subsidies.
>
> The capital gains treatment of breeding animals should be retained.

National Coal Association:

> The committee should raise the depletion allowance for coal to 15%. . . . The investment credit should not be restricted. . . . The minimum tax should be repealed. . . . current capital gains treatment for coal should be continued. . . . If America is to choose to develop indiginous energy resources, that encouragement must be in the tax structure. . . . I'm a coal man, so perhaps I'm prejudiced.

Prof. J. Reid Hambrick, George Washington Law School:

> Percentage depletion and the treatment of intangible drilling costs are both open to attack as unjustified tax subsidies to the oil and gas industry.

The Cooperative League of the USA—Dreyer:

> The Cooperative League seeks to preserve the principle of the excludability of patronage refunds by cooperatives.
>
> We believe that no roadblocks in the form of punitive taxation should be placed in front of cooperative development at a time when government policy is to encourage cooperatives.
>
> The President stresses self-help in solving our nation's problems.

National Tax Equality Association:

> In today's world, cooperatives are big business. They sell nearly $25 billion worth of farm produce and farm supplies a year, their growth continues . . . For the most part the tax payments of this group were nil.

Norfolk & Western Railway:

> This is a particularly good time for Congress to begin permitting tax deductions with respect to our significant existing investments in grading, tunnels and track. The need of our industry for the cash flow which could be produced by such deductions is particularly compelling.

Prof. Robert Eisner:

> Subsidization of American business by means of general equipment tax credits or depreciation allowances in excess of true economic depreciation is quite unnecessary.

Independent Business Association of Wisconsin:

> My graduated corporate income tax schedule will enable the small businessman to retain more of his own profits. I repeat, my graduated corporate income tax schedule will enable the small businessman to retain more of his own earnings.

Iron and Steel Institute:

> Today some people are calling those provisions loopholes—and giveaways to business. Such accusations aren't supported by facts.

Prof. Richard Musgrave, Harvard:

> There are no valid grounds from the point of view of tax equity to accord special treatment to capital gains.

Robert M. Spann, Virginia Polytechnic Institute:

> Percentage depletion does distort the allocation of resources in the U.S. economy.
>
> We want all our industries to be strong, but we can't afford to subsidize them all.
>
> The American consumer pays for the subsidy.

Forest Industries Committee:

> We urge your committee not make any changes, which, under the guise of tax reform, would result in little if any additional revenue over the long run and would cost the nation so much in many other ways.

Oregon Environmental Council:

> It has long been recognized that in indirect subsidy through taxation is an inefficient subsidy. If tax aids are needed to promote good forestry practices, then direct federal aids can be substituted.

Vinson, Elkins, Searls, Connally, and Smith, Houston, Texas:

> On capital gains at death—
>
> The one who retains the property should not have to pay an income tax at death if he is willing to take the greater risk of holding an asset indefinitely; after all death is usually not a voluntary step. . . . If this is a grave problem (no pun is intended), then it would be easy to allow a credit against the estate tax of capital gains taxes paid by the decedent in the previous years—say ten years.

The National Association of State Racing Commissioners:

> Gentlemen, whatever incentive there may be for a horse breeder to challenge 62 to 1 odds is removed by any hardening of the farm-loss deductibility.

Deffet-Real Estate Development Co.:

> It is my personal opinion that present real estate tax incentives—I really prefer to call them tax shelter loopholes—perpetuate a totally unfair form of taxation. Indeed, they are perversions of the progressive tax system. The shelter gimmicks related to our industry promote, in my judgment, waste and inefficiency.

James C. Cox and Arthur W. Wright, University of Massachusetts:

> On balance, the existing special tax incentives for energy do not appear to be the best available choices of public energy policies. More over their elimination would not aggravate energy problems and would increase efficiency and equity.

Atlanta Life Insurance:

> Accordingly the proposed amendment is drawn sufficiently narrow to carry out the

Congressional intention with respect to the Herndon Foundation without permitting abuse of its provisions by organizations which Congress did not intend to be protected by the 1969 savings provision.

Prof. Stanley Surrey, Harvard:

The prime objective of tax reform is to achieve greater fairness in the federal tax system and thereby restore the confidence of the public in that system. This confidence has been seriously diminished.

DISSEMINATION OF INFORMATION

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 10, 1973

Mr. HARRINGTON. Mr. Speaker, the Postal Service has implemented increases in second-class postal rates of over 125 percent. The second step of a 5-year phase-in of the increases is scheduled to take place on July 6, 1973. In addition, the Postal Service is imposing a per-piece surcharge which has the same impact no matter what the weight of the piece mailed or the distance it is sent. These rates threaten to eliminate the subsidy this country has from the very beginning given to periodicals devoted to disseminating news, information, opinion—the intellectual grist for our political and cultural mill—and it obviously discriminates against the lighter and smaller publications.

We all know about the failure of the giants—magazines like Life, Look, and the Saturday Evening Post. They do not hesitate to tell us of the cost problems they face. But what about the smaller publications—those that provide us with the rich variety for which we, as a people, are famous? As Senator NELSON has often stated, it is those publications which are most seriously threatened.

It is also clear that the modern age contains massive pressures for conformity, particularly conformity in political views. The administration's hostility to the exercise of freedom and independence in the press is documented fact. The power of the mass media to command attention, the need to make a profit, all conspire to rob media programing of expressions of differences. The smaller publication, the specialty magazine, the periodical expressing political ideas—these are counted upon to offer the analysis and the dissent we need for a full, well-rounded view of the world.

Now, subcommittees in both the Senate and the House will consider legislation to ameliorate the worst effects of the increases. I am submitting testimony to the House subcommittee and endorsing the Nelson bill, which would protect the small publications. Their problems have been ably described in a column by Marquis Childs, printed today in the Washington Post. To emphasize the importance of congressional action, in time to cope with the big July increase in rates, I am inserting it in the RECORD:

STAMPING OUT SMALL PUBLICATIONS

(By Marquis Childs)

"These are the times that try men's souls." Those often-quoted words of Thomas Paine, the great pamphleteer of our revolution, have an echo today. It is the echo of the lonely dissenter, the angry dissenter, speaking out against the great bland mass that bears in our time the spurious label of the conventional wisdom.

With the overpowering force of television the dissenting voices are having an increasing out against the great bland mass that matter, even surviving. And the U.S. Postal Service, the hybrid creature that seems to have embodied all the ills of the old post office, is proceeding with rate increases threatening the existence of small publications, many of them nonprofit or skirting close to the edge.

With Life the last in a long series of fatalities, the carnage for the printed word has been terrible. When the postal rate increase on second-class mail was first announced, Life said in an editorial that this would mean finding an additional $130 million in revenue by 1976, which was more than twice the profit earned by all magazines in 1970. Reports today have it that at least one surviving mass publication is in trouble.

But it is not the big commercial operation that is the concern of Sen. Gaylord Nelson (D–Wis.) in the measure he is pushing in the Senate. His bill is a response to the threat to the dissenters, and also to the pressure that sharply increased postal rates would put on the religious, labor and agriculture press. Following the practice of 178 years, prior to the creation of the postal service, it would restore the subsidy for publications that might not otherwise survive.

From Human Events on the right to the New Republic on the left the margin of survival is increasingly narrow. Across the country are many lively, stimulating monthlies and weeklies that may be crowded out. The Progressive in Wisconsin, carrying the flag for the great LaFollette tradition, and the Texas Observer in Austin, so far standing up to the powerhouse of money and Texas-style politics as an independent critic, are two examples. In presenting his measure Nelson quoted Walter Lippmann:

"The unexamined life, said Socrates, is unfit to be lived by man. This is the virtue of liberty, and the ground on which we may best justify our belief in it, that it tolerates errors in order to serve the truth. When men are brought face to face with their opponents, forced to listen and learn and mend their ideas, they cease to be children and savages and begin to live like civilized men. Then only is freedom a reality, when men may voice their opinions because they must examine their opinions."

The way in which the President can command the television networks is a phenomenon unknown to the era of the printed word. It is a power increasingly great, as authority is centralized in the White House. With a notice of only an hour or two the President can order up an audience of millions.

Requests for equal time, if the address has political implications, as it almost invariably has, are more often than not refused. Many disturbing signs point to a concerted intention within the administration to narrow the channels of dissent. The attacks on the media, both direct and indirect, have had a cautionary effect, particularly on the networks.

If non-small independent journals are to be forced out—and among the number are many weekly newspapers—the flow of ideas, of criticism, protest will be further narrowed. Nelson notes that for small, diverse publications the postal rate increase can be many times 127 per cent, which is to be effective beginning July 6 and phased in over five years. For many of these publications postal rates represent a large percentage of their costs.

The senator has a number of cosponsors for his measure, and it is believed that the chairman of the Post Office and Civil Service Committee, Sen. Gale McGee (D–Wyo.) leans toward it. Opposition to the subsidy in the past has come from the conviction that wealthy publications, such as Reader's Digest, were getting a free ride at the taxpayers' expense. At one point the subsidy to the Digest was estimated to be $17 million. But with the whopping increase in the rates the giants, or those that have survived, are no longer so happily situated.

Billy Graham, who runs one of the largest religious publishing houses in the country with a big operation in Minneapolis, would be hit by the increase. He could put in a word to his friend the President if he would. But it is the small publications that are caught in the switches. With its lamentable performance the United States Postal Service has drawn a growing chorus of anger and disgust, coming not from publishers but from outraged citizens across the land.

NATIONAL WORKING MOTHER'S DAY: A COMMITMENT TO CHILDREN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 10, 1973

Mr. RANGEL. Mr. Speaker, we are witnessing a systematic attempt by the Nixon administration to block the development of our children.

Not only has the administration vetoed the efforts of Congress last year to enact a comprehensive child development program, but it is also slashing funds for social service programs, including day care. The administration's antipeople budget provides for more missiles and fewer child care teachers.

In my own city, New York, the proposed restrictions on child care services mean that mothers who want to work will be forced to go on welfare because they cannot afford private day care services. This means that their children will be deprived of critically needed educational, health, and nutritional services which could be provided by qualified day care staff. This also means a further handicapping of the children of low- and middle-income families when they enter the public schools.

On March 26 and 27, the Subcommittee on Equal Opportunities of the House Committee on Education and Labor held hearings in New York City on the administration's proposed budget cuts.

As a host of those hearings, I believed that the subcommittee should understand the impact of the budget cuts on human needs in America's largest city. Witness after witness testified as to what would happen if the White House proposals became a reality. The nightmare of budget slashes in the area of human services was made especially clear by Georgia McMurray, commissioner of the Agency for Child Development of New York City.

Commissioner McMurray's remarks several weeks ago at the hearings are most appropriate today, on National Working Mother's Day. The subcommittee members and I were deeply moved as she described how the commitment of our Nation to child development lags far behind that of the world's other leading countries. As Commissioner Major Owens of New York City's Community Development Agency pointed out, the administration seems to find enough money to pay for massive cost overruns in the defense field. When it comes to human problems, human programs and human needs, Commissioner Owens graphically detailed the administration's miserliness and heartlessness.

Witnesses at the 2-day hearings came from public and private groups and from the local communities. There was no question that the administration's proposed budget cuts would result in millions of human casualties.

National Working Mother's Day is an opportunity for Congress to reaffirm the commitment it made last year to America's children. It is a chance—a desperate needed chance—for us to make human needs the highest priority of our government.

AMERICA STRONGER FOR ITS ETHNICS

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 10, 1973

Mr. ANNUNZIO. Mr. Speaker, a member of the Latvian community, whose center is located at 4146 North Elston Avenue, Chicago, Ill., in the 11th Congressional District, which I am proud to represent, has written a letter on the occasion of St. Patrick's Day, one of the great ethnic holidays.

Mr. Tedis Zierins points out, in a most beautiful and appropriate way, the great strength ethnic peoples have given to America and closes with an appeal to us all to hold high St. Patrick's spirit the year around.

Printed in the April 4 edition of the neighborhood newspaper, Community Publications, I enclose this inspirational letter in its entirety.

The letter follows:

ETHNICS OFFER MUCH

St. Patrick's Day is gone, but I would like to share with you some thoughts, which still linger on in my mind.

"Join the crowd, Be Irish and have the St. Patrick's spirit for a day!", said a stranger.

Why have this spirit only for a day when St. Patrick's life can give us inspiration and many wonderful lessons for every day?

Patrick himself was a foreign born who as a youth was taken to Ireland against his will. By brutal force he was torn away from his parents and everything dear to him and brought as a slave across the sea to Ireland. But instead of seeking revenge for his suffering he decided to give to Irish people the best he had ever known.—He gave to the Irish nation the belief in one God.

If Patrick had renounced his heritage, his past and accepted the Irish way of life as it was in those days, without trying to enrich it with the best he brought within himself, nobody would remember him today and also Ireland and Irish people would be much poorer in their spirit today. No doubt, Patrick was asked to give up his heritage and belief in one God but he dared to be different and not just melt away into Irish society. Because of his strong convictions and love of God he is honored as the greatest Irishman year after year and century after century. I am a foreign born in the United States of America and on St. Patrick's Day in 1964 I became an American Citizen. How many times I have been asked to renounce my Latvian heritage, my past experience and accept the American way of life as it is today!

But I feel, also I can bring from my native Latvia something which can make America a better and greater nation. Although I am not another St. Patrick, still I have something good to offer to this great country.

And if you or your ancestors come from Italy, or Africa, from Poland, Mexico or Scandinavia, from Germany, Japan or any other place on earth, let's follow St. Patrick's example and instead of seeking revenge for any injustice, let's search in ourselves for something good to give to make this a better and greater nation under God.

Members of each ethnic group have something good to offer to America thus making it a beautiful bright mosaic where each contribution shines like a precious gem.

But communists, who destroyed the freedom of my native Latvia and made me leave my homeland, are working hard to destroy St. Patrick's ideals and any belief in God everywhere, including America. Therefore let's pray for strong convictions and faith in one God and his truth like St. Patrick had, so that like St. Patrick despite the dangers of losing his life buried and overcame paganism in Ireland, we bury and overcome godless communism. Only then freedom and true peace will also be assured for our generation and our children.

St. Patrick's Day is gone again but let us keep his spirit for everyday!

TEDIS ZIERINS.

REFLECTIONS ON OUR SYSTEM OF GOVERNMENT

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 10, 1973

Mr. CHAPPELL. Mr. Speaker, there are occasions when sober reflection about our system of government is very much needed. Now is one of those times and one of our most respected Members, CHARLIE BENNETT from the Third District in Florida, has stepped out to discuss the essentiality of our two-party system and the need for maintaining both parties with Representatives of both the liberal and conservative viewpoints.

CHARLIE BENNETT's speech on this subject was selected by Vital Speeches for their March 1, 1973, issue. This fine publication is characterized as "the best thought of the best minds on current national questions." Certainly, CHARLIE BENNETT fits this category. I would like to recommend to all my fellow Congressmen the reading of "The Two-Party System" and I know they will join me in commending CHARLIE BENNETT for his very fine speech,

Mr. Speaker, I wish to congratulate Congressman BENNETT for having his speech selected for Vital Speeches.

The speech follows:

[From Vital Speeches of the Day, Mar. 1, 1973]

THE TWO-PARTY SYSTEM—THE FUTURE OF THE DEMOCRATIC PARTY

(By CHARLES B. BENNETT)

Mr. Speaker, it is essential to American political life that we have two strong political parties. There is a need for one party, through the process of election, to be the one in power at a particular time; and a need for the other party to be the party of constructive criticism. Only in this way can the people of our country have the best possible government at a particular time.

As an officeholder who was elected as a Democrat and who has held office as such for more than 25 years, I would like to express my views at this time concerning the future of the Democratic Party, and to say some things about the two-party system, and the two fine parties we have here in the United States.

There has been much gnashing of teeth among loyal Democrats since the election, caused by the failure to elect the Democratic nominee to the Presidency. Many persons who have previously been registered as Democrats in my home State of Florida have switched their registration to the Republican Party in recent years. Of course, they have a perfect right to do so, and they should do so if they find the other party one more suited to do what they think should be done in the country. Many people suggest that there should be a realinement of parties in America, so that all conservatives would be in the Republican Party and all the liberals in the Democratic Party. This would be a great mistake, for the polarization of parties in this fashion would not best serve our country.

There is a need within each party for liberals and conservatives to express their views and to come forward with a party platform based upon the adjustments and compromises that are needed to bring about progress within the realms of reality and fiscal commonsense.

By having both liberals and conservatives in the same party, the stance of each party will achieve more realism and more practicality than would be possible if the parties were polarized into one massive group of liberals and one massive group of conservatives.

After these adjustments of reality occur in each party, then the clash, or competition, takes place between the parties; and another adjustment takes place again in the direction of realism and practicality. The result of this type of party structure is that the people obtain their idealistic goals in the context of practicality, and that is how it should be. This provides the stability in government we need.

Although we do not have the parlimentary system of England, we do have the constitutional system which grew out of the English system and it might be wise for us to look briefly at the English system from which our system came.

The right to oppose government was won by Cromwell and his Roundheads in England. There was established from then on, with brief interruptions, a government and a loyal opposition.

This system contrasts with the one-party system of such countries as Russia and China today. The foundation of those other systems is the suppression of political opposition. Khrushchev put it succinctly when he was here in America some years ago and he said in response to a criticism of the one-party system "Why should I let any man put a flea in my shirt?"

All free men knew that political society is healthier and does more for the people when a loyal opposition or constructive criticism is allowed.

The purpose of political parties is to provide for the orderly transfer of power. Another major function is the stating of a platform of general objectives; and the third purpose, without which the others must fail, is to win elections.

Charles Merriam in his "American Party System" said:

> In the United States and Great Britain there has never been a time when there were only two parties, but in these countries the minor parties have been relatively insignificant, and the central tendency has always been toward a twofold division of the voters. Under this system the important fact is that the predominant party has the power to operate the machinery of the government by itself.

Criticisms against the two party system have not changed the liking of Americans for it. The system has provided strong governments in times of crisis and it has avoided ministerial crises such as have been common in France. In a country, as large as the United States the system has been useful as a means of integrating diverse elements that must be brought together to form a government.

Thomas Jefferson said:

> In every free and deliberative society there must, from the nature of man, be opposition parties and violent dissensions and discords; and one of these for the most part must prevail over the other for a longer or shorter time. Perhaps this party division is necessary to each to watch and relate to the people the proceedings of the other.

We should contrast our two-party system with a multiple-party system of other countries. France is a good example of a country which has had multiple parties through its history. America has had many minor parties but they have never been a major factor in our political life. We have had such parties as the Loyalists, the Anti-Constitutionists, the Anti-Masons, the Nullifers, the Greenbackers, and the Single Taxers, to name but a few.

All of these parties live, grow, and die with a relatively single cause or purpose. Outside of the impact that they have had upon the two major parties, these other parties have had little thrust for our country because they have been myopicly looking at relatively insignificant problems and not concerning themselves with a general field of responsibility.

Alex de Tocqueville wrote:

> The political parties which I style great are those which cling to principles more than to consequences; to general, and not to special cases; to ideas, and not to men. These parties are usually distinguished by a nobler character, by more generous passions, more genuine convictions, and a more bold and open conduct than others. In them private interest, which always plays the chief part in political passions, is more studiously veiled under the pretext of the public good; and it may even be sometimes concealed from the eyes of the very persons whom it excites and impels.

The White House today is in the hands of the Republican Party, and the Congress is predominantly Democratic. Under these circumstances, the Democratic majority in Congress should play the role of constructive criticism whether the issues place the party in the position of conservative or liberal on any particular matter.

A recent widespread publication stated "It will be argued that the American people have been moving to the right," and it went on to say that this was an invalid argument on the loss of the election of the Presidency in 1972.

This seems to assume that the Democratic Party should be to the left on every issue, and that is certainly an invalid assumption if we are going to have good government in this country. If that philosophy were to be pursued in the Democratic Party, then all the President has to do in order to keep power for his Republican Party is to espouse causes of a very liberal nature because he can be assured that under those circumstances the Democratic Party can only criticize by moving further to his left.

The inevitable result would be that our country will rush headlong to the left on the liberal side despite the wishes of the majority of Americans, and despite the requirements of good government, because the President would always be able to occupy the relatively conservative position which at the same time forcing the Democratic Party ever further to the liberal side of every issue. Certainly this would not be in the best interests of our country.

It is also not consistent with the history of our political development in this country. The most outstanding Republican Presidents have, in fact, been liberal Presidents, such as Abraham Lincoln and Theodore Roosevelt. Some of our Democratic Presidents have been, in fact, basically conservative individuals, and that is the way it should be, with a pragmatic posture for what is best for the country regardless of whether it places the party or its leadership in a conservative or liberal position at any particular time or on any patricular issue.

Each time I am elected to office I take office as if I had just been elected for the first time. In this way I approach my job in the realism of what has already occurred. Perhaps sometimes this was with my adverse vote on an issue in the past.

As an example, I mention the fact that when President Truman asked for the Department of Health, Education, and Welfare to be established, I voted against it because I felt that education was not a field given under the Constitution to the Federal Government, but reserved for localities under our federal system. When President Eisenhower revived the Truman request, which had been defeated, he was successful and the Department was established. Many of his own party changed from their adverse votes when Truman requested it, to affirmative votes when the Republican President requested it.

Now, that is something that has already occurred and the Federal Government is now established in a program of spending many billions of dollars a year in education.

But I maintain that the main thing that the Federal Government should logically be expected to do in the field of education has not been done; and that is to equalize educational opportunities throughout all of the United States. This is something that the States cannot do themselves because of their varying capabilities and incapabilities. I, therefore, have introduced a constitutional amendment which would give this power to the Federal Government and I favor it. Some people say this is inconsistent with my former position. Perhaps it is but I think that what I have proposed makes sense in 1973 as things now are.

Consistency is certainly not one of the highest virtues. Ralph Waldo Emerson said of it—

> With consistency a great soul has simply nothing to do. He may as well concern himself with his shadow on the wall.

And at another place Emerson said:

> A foolish consistency is the hobgoblin of little minds.

For the Democratic Party to lock itself in cement, always to be on the liberal side of every issue, might appear to make it more consistent, but it would certainly not be in the best interests of good government.

Perhaps the greatest issue facing this country today is fiscal responsibility or budgetary control; and the only leadership that is needed in this in 1973 is one in the direction of conservatism. The Democratic Party should furnish it, and I believe it will. I and many other Members of Congress have legislation pending to accomplish this, and I believe it can and must be done.

Another area in which the Democratic Party has been criticized as well as the Republican Party, is the area of congressional reform. Progress has been made, but it has been very slow, and it has not been significant or as significant as should be.

The people of the country believe, and properly so, that the present system is not likely to provide the American people with the fresh and new leadership needed to produce constructive changes in changing times. They also realize that the present system of forever putting the chairmanship in the hands of the most senior member on a committee discourages many able persons from staying in Congress, or from coming here in the first place. They wonder why we cannot find a better system.

Election of chairmen has been suggested as a reasonable alternative to strict seniority, but this has been available for several years and even with the recent reforms on that system it still offers no substantial results for various reasons. The first reason is that to deprive a chairman of his chair would almost be tantamount to impeachment in the minds of the public and in Congress, and it would be a heavy implication of wrong doing or incompetence. So Congressmen can be expected to go on reelecting the most senior members without exception. Under these circumstances, reform simply by election of chairmen offers no real reform at all.

Even if real elections became feasible in fact it might well be that palace guard politics and log rolling might bring about worse results than anything we now experience. Lobbying interests might see an opening here that they had not had before, and the defects of such a system might far exceed anything now thought of, or presently experienced.

A real reform is possible in limiting the term of the chairman to 6 years, as this would give each chairman a reasonable time and a concrete challenge to use these 6 years for constructive leadership. Then the outgoing chairman could become chairman emeritus. It would give others, just less senior, adequate time to prepare for such leadership in the future. And it would tend to retain able men in Congress by giving them a reasonable chance for future effective leadership opportunities. It is reform such as this that the American people are looking for and they have a right to expect that Congress will bring it about.

Yes, there is an infinite variety of opportunities for the party in power, and for the party of loyal opposition or constructive criticism. If the Democratic Party will approach its responsibilities from the standpoint of progress in the context of realism, its future is great. I am sure that the party will do this; and that its future is great. Of course, the same opportunity and responsibility lies with the Republican Party.

Parties, after all, are but means of working for good government. Regardless of how the power is distributed between the parties in America we are Americans first and partisans later and we should all work together for what is in the best interests of our country.

Franklin D. Roosevelt once well expressed the genius of America in this when he said:

> The dictators cannot seem to realize that here in America our people can maintain two parties and at the same time maintain an inviolate and indivisible Nation. The totalitarian mentality is too narrow to comprehend the greatness of a people who can be divided in party allegiance at election time but remain united in devotion to their country and to the ideals of democracy at all times.

The Democratic Party has a great future and a great present if it will, without abandoning its idealism, perform the needed function in government of constructive criticism wherever needed, regardless of whether this places the party in a liberal or conservative position on a particular issue. It should not fail to undertake the responsibility of constructive criticism even if on a particular issue it may be required to take the conservative side of an issue. For instance, consider the fields of national defense, budgetary controls, rearrangement of priorities and the defeat of wasteful and extreme welfare proposals. I feel sure the party will measure up to these needs of this day.

OEO AND THE WELFARE GRAB

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 10, 1973

Mr. STEIGER of Arizona. Mr. Speaker, a number of statements have been made in recent days regarding OEO. One aspect of this organization's overall operation that has escaped notice by many Members is where OEO employees have joined forces with welfare rights organizations to lobby for increased welfare payments. Such conduct by OEO staff members only aids in maintaining the level of poverty and does nothing to help the poor rise out of poverty.

To illustrate this point, I would like to bring to my colleagues' attention the following editorial from the Phoenix Gazette.

[From the Phoenix (Ariz.) Gazette, Oct. 6, 1972]

The Welfare Grab

The Arizona State Welfare Department is asking a 59 per cent increase in the money it gets from the state treasury, and giving the doggonedest set of reasons you could imagine.

The department wants a good, fat $25 million more from the state, boosting the total from $44 million to $69.4 million. That would be in addition to an anticipated $51.2 million in federal funds.

In any such year as this, when property taxes are pushing against blue sky almost to the point of confiscation in some cases, a boost of over half again as much in the welfare budget would be ridiculous. Werder still, however, are some of the "factors" listed by the department in justification of the requested increase.

They include: Welfare recipients are allowed to have more income than in the past. (So therefore does the state have an obligation to give them more income?) The "public" is becoming more aware of available "benefits." (Translation: Welfare clients are finding out new wrinkles to increase their take.) Education and training is lagging, so the welfare clients aren't suited to available jobs. Family ties and responsibilities are breaking down, putting more people on welfare. Divorce and illegitimacy are growing.

The list itself is a damning indictment of the welfare system. It shrieks to heaven that the system, which was set up to overcome these very factors, has now turned around and is feeding upon them. It is using them to increase its own bureaucratic empire.

The lobbying Welfare Rights Organization and activist elements in the federal Office of Economic Opportunity are actually cited as having, in essence, increased the demand among welfare clients for the raises the state department now wants to allow.

We realize the department has money problems outside this list, some legitimate. The great bulk of what it is asking, however, is pure surrender to defeatism and perpetual welfarism.

JUVENILE JUSTICE

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 10, 1973

Mr. RAILSBACK. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following second article in a series on juvenile justice published by the New York Times.

Juvenile Justice: Helpless Frustration

(By Lesley Oelsner)

Juvenile crime is skyrocketing, and the city's juvenile justice system finds itself able to do little to stem it.

Recidivism is so high that a Legal Aid Society defense lawyer says it's "almost perfect," that judges of the Family Court call their tribunal a "revolving door" and that child after child graduates from the juvenile system into the jails and prisons for adults.

Yet at the same time, judges are ordering fewer children incarcerated, saying that jailing them is often useless and even harmful. A five-week study by the New York Times of the juvenile system here found that many judges and other officials are in what one judge, Joseph D. DiCarlo of Bronx Family Court, calls "a state of limbo," feeling helpless in the face of rising crime, and unsure what they can or should do.

"I think to one extent we're coddling these kids too much," says Judge DiCarlo. "I don't think we're severe enough. They come in, they're paroled back to their parents." Nevertheless, he says, he does not think that he himself will become more severe.

"I think if anything I would lean more toward leniency," he says. "I don't think we've even tried—really tried—a full schedule of rehabilitation."

Judge DiCarlo's frustration is shared by others in the system, by judges as well as lawyers, probation workers and policemen. Many feel that not only are they failing to stop juvenile crime, but also that sometimes they may be fostering or adding to it.

A girl named Anna was sent by the Queens Family Court to Callagy Hall, one of the city's "temporary shelters" for children, pending placement in some more appropriate home. After 12 months she was still there, and one day, she assaulted a Callagy worker.

"After a year, I don't blame her," says Judge M. Michael Potoker, who handled the case.

A 15-year-old youth accused of burglary and grand larceny comes to Brooklyn Family Court and stands before Judge Philip D. Roache. Several other cases against the youth, ranging from an attempted purse snatching to stealing from a truck, have already ended in either withdrawal or probation. And there is another dismissal this day, for the complaining witness refuses to come back to court.

"Send him home. What can I do?" mutters Judge Roache as he looks at the youth. "Home to murder someone. What can I do?"

Juvenile crime has been mounting for a number of years, especially serious crime. In 1972, police say, 12,772 children under 16 were arrested here on felony charges, 5,343 for misdemeanors—a 22.5 per cent increase in the former, a 23.2 rise for the latter.

VIOLATIONS DECLINE

The only decrease over the previous year was in the number of youngsters arrested for violations—the petty offenses—which fell 15.5 per cent, to 257.

A breakdown of the statistics indicates the seriousness of the crimes: 3,743 youngsters were arrested on robbery charges in the first 10 months of the year, 3,151 for burglary and 809 for felonious assault.

And on a recent day, 13 youngsters were being held at Spofford, the city's main children's jail, all accused of murder.

"I used to sit in Family Court 10 years ago, and I'd think in 50 per cent of the cases, 'I used to do that,'" recalls Leah Marks, deputy administrative officer of the court. "Now it's 1 per cent, and I don't think it's because I'm 10 years older."

Judges, social workers and psychiatrists in the juvenile system give a number of reasons for juvenile misbehavior—both for juvenile delinquency, as the criminal conduct is termed, and for the behavior (such things as truancy and running away and being "uncontrollable") for which children are declared "PINS," or "persons in need of supervision."

A FANTASY LIFE

Emotional problems and mental illness are cited, for instance. There is some debate within the system as to whether this has become an increasingly significant factor, or whether it is simply being looked for more carefully, and hence found more often. But there is no debate that it is a major contributor.

A 9-year-old boy accused of truancy turns out to be spending his days and nights riding the subway, living a fantasy life in which he believes he is in a movie.

A second boy is picked up on a car-theft charge and then picked up again, after stealing underwear from a store in full view of store personnel. He has a tough and hated older brother, it turns out, and a distant and noncommunicative mother.

Still other youngsters, in several unrelated cases, stab playmates or relatives; they each explain later that "voices told me to do it."

"Most kids don't have the finesse to make that up," says Edith Frazier, a social worker in Brooklyn Family Court. "You can see it as a pattern. After a while you can look at a child and see he's not well."

PARENT-CHILD CLASH

According to Dr. Denise Shine, a psychiatrist in the Brooklyn court, three patterns occur repeatedly: A child has very severe psychiatric problems, being psychotic, for example; he has "deep emotional problems" stemming from conflicts within his family or he has a "group delinquent reaction," in which he does something because of peer pressure from, say, other members of a gang.

Cultural factors also add to the flow of cases into Family Court—particularly the cases in the PINS category, where parents and guardians come to court complaining their child is "uncontrollable."

For example, many families come to New York from Puerto Rico, where children are expected to come home early and girls are often chaperoned. But in New York the children want to do as their playmates and classmates do; often the result is a parent-child clash and a trip to court, with the parent not understanding the consequences.

Thus the child gets a court record and perhaps some time in jail, because, in Mrs. Frazier's words, "the parents refuse to be Americanized."

"Parents and kids who aren't adjusting to adolescence," Mrs. Frazier says, constitute one of the biggest groups of court cases.

Neither the parent nor the child, she says, knows what should reasonably be expected of a teen-ager. Sometimes, too, the parent or guardian does not know what should be expected of an adult either.

A case in point is that of the 15-year-old whose burglary charges were dismissed by Judge Roache, after the main witness refused to testify.

The youth stands before Judge Roache,

rocking on his feet, as the judge announces his ruling; the youth's aunt, with whom he is to live, is sitting next to him and clutching a bag on her lap.

Suddenly the aunt drops a bottle. It crashes, breaks, splashes; in a moment, the courtroom smells only of gin. The aunt—who has previously told the judge that she takes care of the boy because the boy's mother is an alcoholic—clutches nervously at a large cross hung on a chain about her neck.

AUNT IS WARNED

"What kind of example are you setting for this kid?" Judge Roache demands. He shouts at her to keep the boy "out of trouble;" he tells her he'd put her in jail if only the case weren't already dismissed; he warns her that "clutching a cross isn't going to help you."

Then he waves them away, shouting, "Go while you can!" Later shaking his head, he mutters: "What can we expect of that poor kid?"

"If we had more power over the parents, it would be a much easier task," Judge Richards W. Hannah, another Brooklyn judge, remarks. "A lot of parents aren't interested in the children. They don't want to be bothered with their children, so they let them run wild."

Drugs are also credited with causing some juvenile crime—though at least in the Bronx, judges say they are getting far fewer cases involving drugs than they used to, two or three years ago. Many Bronx cases, they say, are now gang-related.

The school system shares some of the blame for juvenile crime and misbehavior, too, court personnel say.

Saul Moskoff, administrative judge of the Queens Family Court, complains: "The school system is sending the child through without reading. Of course, a child loses interest if he can't read." The result is often truancy.

SCHOOLS DELINQUENT

The schools, moreover, frequently fail to notify the court that a child is a truant until the child has skipped months of classes—months during which the child may have found his way into a gang or otherwise gotten himslf into trouble.

"They bring in a PINS case and say the school hasn't seen her in 111 days," recounts Luigi R. Morano, administrative judge of the Brooklyn Family Court, noting that 111 days is a semester. "Where was she? Why don't they bring her in sooner? Why didn't someone bring her in before?"

And then, as a root cause of juvenile delinquency, there is what the judges and others refer to as "society" or "the environment," the ravaged slum neighborhoods in which children grow up.

To many in the city's juvenile justice system, this is perhaps most responsible for youthful misbehavior. "What else can you expect?" is the constant refrain heard among court personnel. "There are junkies on the streets, the mother's an addict, the kid grows up with violence. That's his model."

Yet for all the varied causes of juvenile crime and other misdeeds, many in the justice system feel that the system itself contributes—even beyond the generally accepted fact that it rarely rehabilitates or deters.

SOME GET "DISPOSITION"

Children are allowed their version of the plea bargaining that goes on in the adult courts, for example. The youngsters admit to certain acts, and, in return, the môre serious charges against them are dropped. Sometimes they get a "disposition"—the Family Court version of a sentence—which the judges admit is hardly less severe than the disposition that might have occurred if the children were tried on the original charges.

This directly violates a basic premise of the Family Court, which is that the disposition is to be matched to the child's needs rather than to the specific acts he is found to have committed.

Then, too, judges have such heavy case loads that they make what Judge Morano calls "snap decisions." Prosecutors (a job filled in Family Court by the office of the city's Corporation Counsel) are so overburdened that, as the chief of the office's Family Court unit admits, they almost never investigate a case; cases are thus dismissed for insufficient evidence.

The initial charges, termed petitions rather than complaints, are, in fact, often dropped for insufficiency before trial. Drafted by nonlawyers, again because of the Corporation Counsel's understaffing, the petitions are often inadequate.

Long criticized within and without the system are the institutions in which children are placed—including the city-run jails (which officials prefer to call juvenile centers even while admitting that they are secure, locked houses of detention) temporary shelters and the state-operated reform schools, called training schools.

"Large institutions do for many children a great deal of harm," says Wayne Mucci, after a year and a half as the director of institutions for the Special Services for Children division of the city's Human Resources Administration, and thus the man in charge of the jails and shelters. "Certainly, it's not a good way to treat kids."

Milton Luger, who as director of the state's Division for Youth became responsible last year for the training schools, comments: "Too many of our facilities are irrelevant as far as kids' needs are concerned. Too many facilities don't know how to work effectively with kids."

Many judges have come to agree, and one after another now says he or she will "do anything" to avoid sending a child away. The result is that placements have dropped in both jails and training schools. Training schools to which children can be sent after being found delinquent or in need of supervision are now being used mainly for what Mr. Luger calls "the more hard-core cases."

As a consequence, probation workers are complaining that they are getting too many difficult or dangerous children—children, at any rate, who are too difficult for the limited amount of time and care that the overworked probation staff can provide.

Judges generally give children advice and warnings before placing them on probation. But as Judge Marano says, "We don't have facilities available to make the kids do what we say. They're taking it with a grain of salt."

Although the situation has begun to change somewhat under programs set up by Barbara Blum, director of the Special Services for Children division, and Mr. Luger, experts say there are still insufficient alternatives between the extremes of incarceration and outright dismissal. And a judge, restricted in his disposition of a case to either training school or probation, often chooses probation, when what he really wants is something in between.

"It's true, kids are let out who then commit other acts," concedes Mary Bass, director of the Corporation Counsel's unit for the Family Court. "On the other hand, kids are sent to training schools that don't do much good either. It's a tremendous problem. There aren't enough alternatives."

The tendency to try to keep the children out of the system, in fact, often shows up much earlier—in the period between the incident and the initial court appearance.

As the system is set up now, each case must be processed through a department in the courthouse called "probation intake" and run by the city's Office of Probation, before a petition can be filed in the court itself. The probation officers there are authorized to "adjust" cases—to dispose of them either by throwing them out or by arranging some program for the child.

At the moment, according to judges and probation workers, at least half of the cases are adjusted out, with the other half going to court.

RECIDIVISM NOT SHOWN

But whether this is good or bad, no one is really sure. While experts in the juvenile field say that children should be diverted from the system wherever possible, the premise of their thinking is that appropriate services (such as counseling and education) are available for the child. In New York, as nearly everyone in the system complains, this is not exactly true.

Probation, moreover, according to John A. Wallace, its director, does not keep records showing recidivism rates for the adjusted-out cases.

But court records do show that the number of cases that are filed in court are not increasing as rapidly as the arrest figures. As Merrill Sobie, chief administrative officer of the Family Court, puts it: "No one seems to be sure what's going on, except that there are a lot less cases coming to court."

Does the system's easing-up on children mean any added danger to the community? Mr. Sobie is asked. "That's a logical conclusion," he replies.

Is the system then failing? he is asked.

"We know that," Mr. Sobie answers. "One way to measure that is adult crime. Most adult criminals start as children."

Al Castro, director of information for the city's Department of Correction, which supervises detained defendants aged 16 and up, reports that "practically all" of the 16-year-olds who come into the Adolescent Remand Shelter at Rikers Island have Family Court records of four or five years' standing. Judges of the State Supreme Court's criminal term say that they, too, see one after another adult defendant with a Family Court history.

So, says Mr. Sobie, if anything is to be done to cut down the amount of adult crime, "it has to be done on this level," the juvenile system.

A UNIQUE EDUCATIONAL EXPERIENCE

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 10, 1973

Mr. CHAPPELL. Mr. Speaker, I will have the opportunity this weekend to again participate in what I consider to be a unique educational experience. Stetson University, in DeLand, Fla., will sponsor its second annual U.S. Model Senate, a program which seeks to duplicate as closely as possible the activities and atmosphere of the U.S. Senate.

One hundred students, representing 50 colleges and universities across the Southeast, will each assume a senatorial characterization and participate in four days of committee hearings, party caucuses and Senate floor sessions.

The students have already been actively researching some of the major proposals we, in the Congress, are now considering.

Mr. Speaker, this particular form of simulation is an important learning tool for our Nation's future lawmakers. The interchange of ideas which occurred last year and is sure to occur again this weekend is stimulating and productive for both students and congressional representatives.

Joining in the Model Senate program

this year are Senator MARK HATFIELD, Senator HOWARD BAKER, and my friend and neighbor, Congressman LOU FREY. I welcome these colleagues to the fourth and foremost district of Florida as they visit our State's oldest institution of higher learning. By their presence and participation, they are helping to provide our young people with a deeper knowledge and understanding of our governmental process.

Mr. Speaker, I believe one of the most remarkable features of this program is that it was initiated and is carried out by the students themselves. These young people have planned the program, invited the congressional representatives and handled the local arrangements. It is a bipartisan effort, as evidenced by the presence of the State Democratic and Republican party chairmen and congressional representatives from both sides of the aisle. I believe it is well to note here that the distinguished Governor of Florida, the Hon. Reubin Askew, has proclaimed this week as "Stetson University Model U.S. Senate Week" in Florida.

President John E. Johns is to be commended for providing an educational atmosphere at Stetson which encourages this kind of learning experience. Dr. T. Wayne Bailey, chairman of the Political Science Department, and his associate, Dr. Gary Maris, have inspired the students to continue the program; however, as I noted, the implementation of this program has rested with students. I should like to commend the student chairman, Miss Cynthia Horton, of Winter Park, Fla., for her effective leadership. In order to insure the success of the program, Miss Horton made a visit to Washington in January to personally meet the congressional representatives who will appear on the program this weekend.

Other Stetson students vitally involved in the program are Sandy Blackenburg, Tulsa, Okla.; Kathy Kimbrough, Lancaster, N.Y.; Linda Mattheison, Jacksonville, Fla.; Rick Harwood, Lighthouse Point, Fla.; Rhonda Wilson, St. Petersburg, Fla.; Barb Cox, Davenport, Fla.; Maryesther Murrill, Arcadia, Fla.; Cedric Bryant, High Springs, Pam Waxler, Stuart, Fla.; Tom Stapleton, Sanford, Fla.; and Henry Teel, Birmingham, Ala.

Mr. Speaker, my only regret is that the students did not choose the more important House of Congress to emulate, but perhaps much improvement may be suggested for the other House during this program.

IN SUPPORT OF GENEALOGY

HON. GUNN McKAY

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 10, 1973

Mr. McKAY. Mr. Speaker, I am introducing today a bill which would make available to genealogists and historians, under controlled conditions, certain information which otherwise would be permanently out of reach.

As a Representative from Utah, and a Mormon, I have an interest in facilitating genealogical research. The Mormon Church places strong emphasis on a close family unit, and, concurrently, on genealogical work. Members are given a definite responsibility to trace the genealogy of their own families. The church has organized genealogical societies, with 135 branches throughout the world, to assist in the efforts of Mormons and non-Mormons alike to trace their ancestry.

Genealogists meet with many frustrations in their work, but are a remarkably persevering breed. Their search for data is motivated by religious/familial interest—not by professional reasons. Much information can be obtained from local records and other sources. However, the most useful source for birth dates, marriage dates, places of residence, and so forth, is often the census.

My bill would allow a very limited access to the demographic portion of the census surveys, after 77 years had elapsed from the taking of the census. Access would be limited to designated agents of organizations which have a legitimate interest in the records for genealogical or historic reasons. These agents could copy the demographic information and the organization then would be allowed to make it available to members for historic or genealogical purposes. The bill specifies that information obtained by these means cannot be admitted as evidence in a court of law. The 77 year lapse of time between the census survey and its availability makes it unlikely that information contained therein would be of any but historical interest, and it also allows the records to be released during years when the Census Bureau is not involved in census surveying.

Mr. Speaker, I believe the right to privacy is an essential tenet of a free society. I do not seek to interfere with that concept, and this bill does not violate that right. What it does is to make available, under very limited conditions, information needed by those who have a legitimate and worthwhile interest in it. Census information obtained prior to 1900 has already been released without adverse effect, and my bill would simply provide for the continuation, under controlled conditions, of a similar practice.

I would hope that my colleagues would join in support of the measure.

TRIBUTE TO DAVID JONES OF NASHVILLE, TENN.

HON. RICHARD H. FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 10, 1973

Mr. FULTON. Mr. Speaker, very rarely do we have an opportunity to learn of extraordinary acts of heroism such as the one performed by David Jones, 14, of Nashville. Calling upon a maturity and resourcefulness particularly impressive for his age, as well as his extensive Scout training under the guidance of Mr. Dwayne Cline, David saved the life of his 9-month-old sister when she strangled one Friday in February. In recognition of his quick, capable response in the face of an emergency, David is to receive the Alert Youth Award from Mr. W. L. Simpkins of Mid-Tennessee Insurance, Inc., on April 19.

I would like to share with you the article printed in the Nashville Banner which tells the story of how a young man reacted to a crisis in a manner which should be admired and remembered by us all:

SCOUT TRAINING PAYS OFF AND A LITTLE GIRL LIVES

(By Frances Meeker)

David Jones, 14, always took his Boy Scout training seriously and he believes in the Scout motto, "Be Prepared."

And his nine-month-old sister, Marsha, is alive today probably because of David's Scout training.

David, a star scout in Troop 247 at the Church of the First-born, 208 Gatewood Ave., administered mouth-to-mouth resuscitation to his little sister when she strangled Friday, and revived her after his parents had given her up for dead.

"There is no doubt in my mind that if David hadn't been here Friday, Marsha wouldn't be here now," said the children's mother, Mrs. Robert H. Jones.

Marsha is suffering from the flu, which has swept through the Jones family who lives at 3112 Hillside Road, and about 5:30 p.m. Friday—after she had been taken to a physician—she began vomiting as she lay in her bed.

"I grabbed her up and saw that she was choking," said Mrs. Jones. "I screamed for my husband and both of us worked frantically with her."

Jones said he cut his fingers on the baby's teeth as he tried to force his finger into her mouth to clear her throat.

"But her jaws were locked and I couldn't get her mouth open," he said.

Marsha's body went limp, her breathing stopped and her face turned blue while he was working with her, the father said. Still holding the child, he called the telephone operator and asked her to get an ambulance.

David had returned home sick with the flu from Isaac Litton Junior High School, where he is in the ninth grade, and had gone to bed. He heard the commotion and rushed from his room.

Taking in the situation of a glance, he said, "Let me have her, Daddy."

"It's too late, son, she's dead," the father replied. But he handed the child to David because, "I wasn't able to do anything and there wasn't going to be time for help to get here."

David laid the baby on the floor, "gave her a breath" by mouth-to-mouth resuscitation, and then turned her head to the side.

"I got my finger in her mouth—I'm not sure how," David said, "and pushed the blockage down her throat."

He then administered resuscitation again and got a response. Then a third time he "gave her a breath" and she let out a cry.

"That was the happiest sound we ever heard," said Mrs. Jones.

Neighbors rushed the family to Baptist Hospital where a doctor examined Marsha and said she was all right except for the flu.

"The doctor said her throat was so swollen from having the flu that it became clogged when she vomited," said Mrs. Jones. "He said that David had done what had to be done to save her."

David, who has been in scouting three years, took the first aid training several times as he was working on his second and first class scouting badge, including one course, at Boxwell Reservation. Later, he helped instruct younger scouts, in the course. His scoutmaster is Dwayne Cline.

"When I saw Marsha, what I had learned just came to me, step-by-step as I worked with her," the young scout said.

"He was so calm while he was doing it," such a blessing."

marveled his mother. "His scout training is

PRESIDENTIAL RHETORIC

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 10, 1973

Mr. STUDDS. Mr. Speaker, the following front page editorial from the March 31, 1973, edition of the Quincy, Mass., Patriot Leader is an incisive summary of the present administration's irrational approach to the problems that now confront this Nation. My respected colleague, Representative JAMES A. BURKE of Massachusetts, joins me in commending the Patriot Leader and in offering to our colleagues the text of this editorial as a clear and perceptive analysis of Presidential rhetoric:

NIXON SPEECH

"Let us, therefore, put aside those honest differences about the war which have divided us and dedicate ourselves to meet the great challenges of peace which unite us."

The words, from President Nixon's TV address Thursday night, express a noble sentiment. But the nobility was greatly flawed by the remainder of the speech which was a hard-nosed, hard-line attack on the Administration's foes.

The President characterized some of those who had honest differences with him about the war as "those who advocated peace at any price—even if the price would have been defeat and humiliation for the United States."

He portrayed the complicated issue of his fight with Congress over federal spending as being a choice between an acceptance of his budget or higher taxes and prices. At the same time he denounced any effort to cut defense spending, saying it would destroy any possibility of negotiating further arms and to troop limitations treaties.

And, the chief executive threw down an additional ominous gauntlet, warning the North Vietnamese of the possible "consequences" for failing to carry out the terms of the Paris agreements.

This is very dangerous rhetoric.

The dangers of the warning to the North Vietnamese are obvious. The "consequences" were not specified. Perhaps the President is only thinking of cutting off U.S. aid for Indochina reconstruction which is called for in the Paris accords. But, he could also be threatening to resume the bombing and drag the United States back into the war.

However, the domestic political effect of Mr. Nixon's rhetoric is a matter of greater concern.

The oversimplified descriptiton of the choices facing the nation, and his no-compromise attitude can only increase divisions rather than heal them.

It may be politically advantageous for the President to claim, for example, that the alternative to approving his budget as submitted would be higher prices or a 15 per cent tax hike, but the fact of the matter is that there are many more alternatives, and some of them may be more attractive than Mr. Nixon's.

Congress has the constitutional responsibility to raise and appropriate federal money. It has the power and the obligation to review the President's budget and to make changes in it. Congress could decide to set different budget priorities than the President did, while remaining within the $268 billion ceiling.

Congress also could decide to raise additional money through a program of tax reform. And it is just possible that the public may be prepared to pay additional taxes in order to receive additional services such as national health insurance.

In taking his hard stance, the President also risks provoking an equally absolutist and irresponsible reaction. In trying to force his opponents into a corner, they may wind up opposing him even when he is right.

For example, Mr. Nixon is absolutely correct that world peace would be put on a firmer foundation if strategic arms limitations (SALT) and European troop reductions (MBFR) were done through international agreements and treaties.

But it seems absurd to say, as he did, that the pending SALT and MFBR talks preclude any attempt to cut the defense budget.

There is fat to cut in the President's $83 billion defense budget request. A lot of the increase involves personnel costs prompted by the all-volunteer army, and have nothing to do with strategic arms.

There are excess bases, cost overruns on defense contracts, and costly new weapons systems that would be needed only if SALT fails.

A long, long time ago, the President asked Americans to lower their voices. That process ought to start at the top.

HONOLULU RESOLUTION

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 10, 1973

Mr. MATSUNAGA. Mr. Speaker, I recently inserted into the RECORD resolutions sent to me by the councils of the counties of Maui and Kauai concerning the President's proposed budget cuts.

An even more detailed resolution was passed by the council of the city and county of Honolulu indicating how the elimination or reduction of various Federal programs will adversely affect the citizens of Honolulu.

In the belief that this resolution, which supports the position that programs should not be arbitrarily reduced and deleted, will be of interest to my colleagues, I include it in the RECORD at this point:

RESOLUTION

Whereas, the preamble to the Constitution of the United States affirms one of our nation's basic objectives to "promote the general welfare"; and

Whereas, recent federal budget announcements indicate severe reductions and deletions in many programs designed to promote the general welfare of the people of each state, including Hawaii; and

Whereas, major reductions and deletions include, but are not limited to the following which directly affect the operations of the City and County of Honolulu:

The scuttling of the Model Cities program which on Oahu has helped thousands of residents to become active in their communities and has improved social, physical, and economic conditions;

The freezing of funds for new water, sewer, and open space projects, public facilities loans and grants to small communities for building water and sewer systems;

The elimination or reduction of numerous manpower programs designed to reduce unemployment, including Concentrated Employment Program (CEP) and Manpower Development Training Program institutional training, Public Service Careers and CEP on-the-job training programs, Neighborhood Youth Corps, and Operation Mainstream;

Proposed shifting to the uncertain fate of Urban Community Development revenue sharing of programs for rehabilitation loans, neighborhod facilities grants and urban renewal; and

Whereas, the following reductions and deletions of other such programs on the state level will adversely affect the health and welfare of the people of the City and County of Honolulu by:

The complete dismantling of the Office of Economic Opportunity and important agencies related to it, including the Community Action Program which in Hawaii has involved many hundreds of our low-income citizens in taking a direct role in decisions affecting their lives and improving their conditions;

The stoppage of housing programs designed to bring relief to the thousands of people in our state who live in overcrowded and dilapidated units at prices they cannot afford, including Section 235 and 236 programs which, along with others, are designed to stimulate construction of moderate income housing; and including U.S. Department of Agriculture loans for low-income rural families and credit for farm labor housing and rural rental and cooperative housing;

The elimination of federal funding for education aid to federally impacted areas amounting to some $10 million in Hawaii alone; and similar elimination of funds to libraries, vocational educational training of personnel, new careers in education, training institutes and summer fellowship, P.L. 815 school construction, programs for strengthening state departments of education, drug abuse education, environmental education, and vocational rehabilitation services;

The proposed shifting to the uncertainty of revenue sharing of many educational programs, including education for deprived children, supplementary services, programs for the handicapped, vocational and adult education opportunities;

The cutting of the distribution of social service funds to the states by 40%, leading to the probable loss for Hawaii of 9.5 million to $17.5 million in federal funds for welfare programs through both public and private agencies, including up to $7.5 million in social services and $2 million to $10 million in food, clothing and medical care payments;

The reduction of vital programs for senior citizens including the elimination of dental care for the aging under Medicaid, the stoppage of all research and training under the Administrating on Aging, the deletion of expected and necessary expanison of the Retired Senior Volunteer Program, the Foster Grandparent Program, the Senior Corps of Retired Executives, and research on aging under the National Institute of Child Health and Human Development; and

Whereas, the above federal cutbacks, along with many others, will have a serious social and economic effect on the City and County of Honolulu and on the State of Hawaii; now, therefore;

Be it resolved by the Council of the City and County of Honolulu that it does hereby call upon the President of the United States and the Congress to re-evaluate funding for social programs and restore monies proposed to be deleted; and

Be it further resolved that copies of this resolution be transmitted to the President of the United States, Hawaii's Congressional delegation, and the Mayor of the City and County of Honolulu.

A WORLDWIDE PROBLEM OF INFLATION

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 10, 1973

Mr. HUNGATE. Mr. Speaker, the excerpts from the following article contain some illuminating comments on what may be a worldwide problem of inflation:

EVERY MAN'S MEAT

It has really come to something, you will agree, when the president of the richest country in the world has to eat left-overs.

It's no job. "President Nixon," according to the White House, "has put his own tastebuds behind his cheaper food policy and is eating more chicken, fish and stews made from left-overs and fewer expensive sirloin steaks."

The aim, apparently, is to set an example to the American housewife, who right now is experiencing the biggest rise in food costs for more than twenty years. Wholesale farm and food prices have gone up at an annual rate of 56 per cent in the last three months, and are threatening to make a mess out of Nixon's whole prices and incomes strategy. Shoppers are bewildered and, the President's cost of living council admits, "outraged".

Sirloin steak costs 23 per cent more than it did a year ago, and other cuts show an even bigger increase.

President Nixon's main response, so far, has been to echo Mr. Heath's appeal to shoppers. "The greatest and most powerful weapon against high prices in this country," he declared at a press conference the other day, "is the American housewife. Whether she buys something that is more expensive has a far greater effect on price control than anything we do here."

To many people it seemed like a thinly disguised invitation to boycott meat, and this is indeed what many shoppers have been doing. Various consumer associations have called for a national "Meatless Week", beginning on April 1, and have distributed pamphlets containing meatless menus. Congressman William Cotter, one of the chief supporters of the boycott, says he picked April Fool's Day "because we will no longer be fooled by a price control program which simply does not work." Cotter has also asked consumers to "send a message to the White House" by mailing their grocery bills to Mr. Nixon.

The boycott has already cost a number of meat workers their jobs and has, inevitably, led to an increase in the price of chickens and fish. Not surprisingly, Mr. Nixon is being urged to impose an all-foods freeze. Phase three of his prices and incomes policy (he is one ahead of us) is called a failure, and there are widespread demands for drastic action.

Mr. Nixon says he would impose controls "instantly" if he thought they would work. He felt, though, that they would simply lead to a decline in farm production and the setting up of black markets. His Secretary of Agriculture says that people who want ceilings put on food prices are "damn fools". He went on to say, however, that such ceilings were "a possibilty". Why? "Because there are a few damn fools who don't agree with me."

Past experience suggests he and the President are right to be skeptical. Panic buying set prices rocketing in the Korean war and controls were imposed. A series of five government orders cut meat prices by ten per cent. It brought nothing but trouble. Within weeks there was a cattlemen's revolt which closed down big meat packaging plants for lack of supplies. Feed lots emptied and black markets were developed in Omaha and Chicago.

Logic, however, sometimes has to bow before political considerations. Mr. Nixon (whose prices and incomes policy has, until recently, looked quite successful) may well have to resort to the unworkable in order to prove that he is not complacent.

The cost of living council blames the latest crisis on a long list of impersonal market forces. A major factor, it says, is that people have never had it so good. The economy is expanding, incomes are up, unemployment is down. So there is more demand for food. Another is that the Russians bought a fourth of last year's grain crop. This raised meat as well as bread and cereal prices, since a lot of grain goes to feed livestock. (This particular explanation amazes many Americans. They find it hard to understand why they should, apparently, be expected to subsidize the commies.) A third factor is that, while demand everywhere is up, domestic production of foodstuffs has actually been declining. Part of that is due to bad weather, including the damage done by Hurricane Agnes.

The council is doing its best to boost supplies by easing crop restrictions, selling government-owned grain, and suspending limits on food imports. It has also asked cattlemen to send their herds to market faster. But it accepts that prices are likely to rise further. Its main advice to housewives: "try to eat a little less".

* * * * *

Some experts here insist that the "crisis" is due to a unique combination of circumstances which will not recur. Others argue that it represents a "true watershed for production and demand", not only in the U.S. but probably in the whole of the industrialised world. "Malthus," they say, "was right after all."

Malthus, you will recall, was a clergyman who began to worry about the population explosion long before any of today's worriers were born. The Malthusian doctrine is simple: unchecked breeding of man causes the population to grow by geometrical progression, whereas the food supply cannot grow so rapidly.

"I think," he wrote, "I may fairly make two postulates. First, that food is necessary to the existence of man. Secondly, that the passion between the sexes is necessary and will remain nearly in its present state."

Man, he suggested, could apply the remedy by prudence and self-restraint, just as he could avoid illness due to gluttony or drunkenness. He advocated late marriage, which he maintained would be good for the human character and for the institution. Everyone should have no more children than he could support. This moral code, he felt, should be reinforced by society, through the simple expedient of refusing charity or public support to any families which could not support themselves.

It was Malthus' doctrine, and his solutions, which first earned economics the label "dismal science". He was right about the passion of the sexes, but in countries like Britain, the United States, and Germany his gloomier predictions have failed to come true, largely because of substantial increases in agricultural and industrial productivity which he did not foresee. But he still has a considerable influence on social thinking.

Latest estimates for Britain and for America suggest that fears of a "population explosion" are, in fact, unjustified. Both countries are at, or near, zero population growth. Prosperity, it seems, checks breeding more effectively than any amount of government control. But prosperity is also putting the kind of pressure on food supplies which Malthus forecast more than a hundred and seventy years ago. As living standards rise around the world the situation is likely to get worse, not better. . . .

A SALUTE TO A HISTORICAL DEVELOPMENT IN AMERICAN LABOR-MANAGEMENT RELATIONS

HON. HAROLD D. DONOHUE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 10, 1973

Mr. DONOHUE. Mr. Speaker, we are all aware that many great and profound challenges face our people and our Nation today. Among the very highest, I believe, is the imperative need to find the ways and the means and the formula to encourage management and labor, while negotiating wage and working conditions differences, to continue their broad productive efforts in the vital public interest as well as their separate welfare.

With respect to this most desirable objective it was heartening to observe, not too long ago, that the eminent president of the Executive Council of the American Federation of Labor and Congress of Industrial Organizations, himself, was reported as indicating that the combined council's resources would be exerted to achieve this end as a matter of obvious benefit to both industry and the working man and his family. Such an indication from a source of such tremendous influence, coupled with expressions of equal concern from respected industrial leaders, can be rightfully regarded as a giant forward step in the attitude and disposition of mutual tolerance and understanding that is absolutely necessary for the attainment of this long sought goal in the overall national development.

No one, Mr. Speaker, at all familiar with the complex history of labor and management disputes would be impractical enough to think that "utopia" in this area is just around the corner. But those of us who have long been urging and hoping for progress toward this objective can, I think, because of these recent pronouncements and projections, renew and strengthen our activities with the feeling that, at least, some light is being shed upon what has been previously regarded as a very dark and dismal outlook for the realization of our purposes. In any circumstances we do well to emphasize that there is nothing under the sun that men, who are moved by right reason and good will, cannot accomplish for their own mutual benefit and the progress of their country.

However, we can be even more practically and materially sustained in our hopes and activities in this field by observing and saluting the recent landmark agreement of the major steel companies and their employees to restrain from any production disrupting strikes through mid-1977.

As we hail this historic achievement, that so very few would have thought possible, even a few months ago, and emphasize the good sense and good will that inspired its accomplishment, let us exhort those in other areas of vital economic production to "go thou and do likewise" for your own mutual benefit and the "good of all Americans." This is the spirit and admonition contained in the very timely editorial that appeared last Saturday, April 8, 1973, in the Washington Star-News and I am very pleased to include the article at this point.

THE STEEL PEACE

The unprecedented agreement by the United Steelworkers and major steel companies to rule out strikes through mid-1977 is a most encouraging development in American labor relations. It also should provide an important boost for the flagging steel industry in its efforts to increase productivity and fight off foreign competition.

The union and 10 big steelmakers have agreed, 16 months before the expiration of current contracts, to submit to binding arbitration any issues that are still outstanding a year from April 15. The workers are guaranteed 3 percent annual wage increases plus cost-of-living adjustments in the next three-year contract period and a $150 bonus, in October 1974, for contributing "to stability of steel operations."

Both workers and companies stand to benefit from that kind of thinking ahead, as does the national economy. The industry's efficiency and competitive position, and the security of wage-earners, have been seriously hurt by the strike deadlines of past years, even though there has not been a general shutdown since 1959.

As contract negotiations loom, nervous industrial users of basic steel characteristically stockpile against the possibility of a strike, and place orders with foreign suppliers. Then with a steel settlement concluded and a strike averted, the industry slows down and workers are laid off as customers use up their steel inventories. This kind of boom-and-bust cycle is costly to both companies and workers, besides providing an entree for foreign steelmakers.

The labor-management understanding in basic steel, based on mutual interest in stable operations, is worthy of emulation elsewhere in American industry. Such a voluntary pattern of labor peace could lessen pressure for additional legislation to prevent major strikes.

SCANDAL-RIDDEN OEO IS ON ITS WAY OUT

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 10, 1973

Mr. FISHER. Mr. Speaker, a few days ago our colleague from Texas (Mr. COLLINS) inserted in the RECORD an article written by Robert S. Allen, which began thus:

> The scandal-splattered Office of Economic Opportunity (OEO) is dead as a dodo—and neither Congress, the courts nor the rancorously protesting leftists, professional bleeding-heart agitators, black activists and hard-core welfare recipients can save it.

The real truth is that the OEO has since it was created in 1964 done far more harm than good. It has wasted a good portion of the $16 billion the Congress has appropriated for it.

Acting Director Howard Phillips and his assistant, Stanley Armstrong, deserve the plaudits of the Nation for their courageous and forthright moves in pursuance of the dismantling process.

Instances of the waste and extravagance which have characterized the administration of OEO would shock and amaze the uninformed. There have in fact been few radical and subversive organizations in this country that have not been favored at one time or another by the OEO.

Members of Congress will recall last February 20 when hundreds of busloads of OEO lobbyists descended upon Capitol Hill, bringing thousands of demonstrators. A Detroit News article revealed recently that a week prior to that protest function $50,000 from an operating account was put into a "slush fund" by the Nassau County, N.Y., OEO, and much of this money was diverted to charter 68 buses which were used to transport 3,000 from Nassau and adjoining Suffolk Counties, Long Island, to Washington.

A footnote to that incident was the firing of Mrs. Nancy Reimer, of Rockville Center, Long Island, by Nassau County OEO Director John Kearse for her failing to join his group for that trip to Capitol Hill on February 20. And several others were let out for the same reason.

CRYSTAL CITY, TEX., BOONDOGGLE

About 2 years ago, OEO announced a grant of $502,413 to the Crystal City, Tex., school system. The announcement said it was to pay for an assistant superintendent, a curriculum writer, two counselors, and five additional teachers.

In addition, the grant was to pay for at least 50 $1,200-per-year college scholarships—for 2 years—on behalf of local high school graduates. What this had to do with "poverty" was never revealed.

It happened that the Crystal City school at that time had come under control of a local radical party known as La Raza Unida, headed by one Jose Angel Gutierrez, who had recently been elected president of the school board and was an avid admirer of Fidel Castro.

This unusual generosity by OEO was undoubtedly due to influence Guiterrez was able to exercise in the upper echelons.

Not long after the Crystal City grant was announced an article appeared in the local newspaper—the Sentinel, which began—

> If there was any doubt as to the teachings received by our children in the Crystal City schools, it was spelled out Friday night at the halftime activities on the Crystal City Javelin Field.
>
> The Crystal City band, composed of junior high and high school students, marched on the field and executed the international communist revolutionary symbol of the clenched fist—the same "strike" symbol used by Fidel Castro in Cuba, Communist China, and all other areas where Communist influence is in operation.

Last year, Gutierrez was able to wangle another sizable grant of $391,206 from OEO—this time for a medical clinic in Crystal City. But Gov. Preston Smith blocked that one.

Mr. Speaker, hundreds of instances of waste and extravagance could be listed. Did you [illegible] in local papers the other day about a $225,000 fund that was set up in 1971 with OEO money to aid "minority businesses" in the District of Columbia, and the money was lent to an outfit whose officers are charged with administering the fund?

The records are replete with examples of OEO-controlled tax money being used to promote militant political action organizations, even to the extent of advocating "boycotts and strikes" to achieve certain objectives. Party hacks and political favoritism are commonplace.

For the RECORD, let me list a few cases that have been recently reported in news media.

In Harlem, Mont., a local attorney who was city attorney of another community received from OEO a $20,000 salary as a "tourism specialist."

In Elizabeth, N.J., an employee was reported to have rented a house to the project for $383 a month. He was buying it for $128 a month on a VA loan. A member of the CAA board of directors rented another house to Headstart for $225 a month. He was paying $55 a month to a realty firm for it.

There are scores of instances where OEO directors have resigned and then made contracts with OEO for a variety of services.

Down in Fort Lauderdale, a community action employee and director were convicted for being parties to an auto theft ring.

In Oklahoma, a regional project bought a $39,500 building from the brother of one of the project lawyers. Six months earlier the property was appraised at $15,200.

In Jersey City, an OEO project was taken over by the Black Panther Party which used the organization's funds to spread hate literature and provide bail bonds for party members arrested on criminal charges.

Literally hundreds of these examples of waste and extravagance, and sometimes theft and fraud, could be cited. At the same time, a good many projects have been directed by honest people, with laudible objectives, and sometimes desirable results. But these examples seem to be the exception and not the rule.

A recent audit report, based upon spot checks, by the General Accounting Office, charged OEO with failing to account properly for millions of dollars spent by its antipoverty agencies.

The Congress must share much of the blame for this sorry record, because of the blank-check authority repeatedly granted to the OEO in so many respects. I am sure it would be correct to say that never in legislative history has so much undisciplined authority for expenditures of tax money been delegated by the Congress to an executive agency.

As I understand it, under the dismantling process all community action programs are to be discontinued, unless financed locally or by revenue sharing or other Federal sources. Other OEO functions are, according to reports, being retained and transferred to other agencies. Let us hope they will all be carefully audited and scrutinized.

The present administration embraced OEO for 4 years, and only this year belatedly decided to dismantle it. But it is better late than never. The present move undoubtedly enjoys widespread support.

INNOVATION AND CREATIVITY IN EDUCATION

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 10, 1973

Mr. SMITH of New York. Mr. Speaker, in our Nation's constant striving to upgrade and maintain the highest standards in our educational system, one man in particular stands tall among those who championed this effort. That man is my constituent and friend, Msgr. Joseph E. Schieder, P.A., pastor of St. Andrew's Church, town of Tonawanda, N.Y. He has never failed to meet and exceed the educational demands and needs of the present and has always exemplified great insight into the learning needs of our youth.

St. Andrew's School, which rates high among primary schools in the State of New York, is indeed the "school of tomorrow." In its pleasant surroundings, it offers closed-circuit TV, courses in the arts, journalism, languages, and training in the social niceties—and no student is required to pay tuition. St. Andrews School, with a student enrollment of 850, sets an example and truly serves as an inspiration for other institutions of learning. In the January 28, 1973, Sunday magazine section of the Buffalo Courier Express, Grace Goddard depicts Msgr. Schieder and the school, and shares with readers the myriad possibilities for innovation and creativity in education. I commend this article to the attention of my colleagues and insert it at this point in the RECORD:

BRIDGING THE GENERATION GAP

(By Grace Goddard)

Recipient of the first Bishop James A. McNulty Award, recently established by the Diocese of Buffalo as a memorial to the late Bishop, is the Rt. Rev. Msgr. Joseph E. Schieder, P.A., pastor of St. Andrew's Church, town of Tonawanda. The award will be given annually to a priest or laymen deemed outstanding in the field of youth work.

The dynamic Msgr. Schieder, whose recent and well-publicized controversy over busing pupils from beyond a parish "perimeter" resulted in a Supreme Court decision in his favor, is known nationally and internationally for his concren for young people. He formerly served in Washington, D.C., as national director for Catholic Youth of America and on the executive committee of the International Federation of Catholic Youth. He founded the National Catholic Camping Assn., and is one of the founders of the National Council of Catholic Youth.

A President of Italy awarded Msgr. Schieder the Star of Solidarity for his accomplishments in the field of youth throughout the world. A mayor of Rome honored him for his assistance to youth in the Eternal City. He was personal adviser on matters concerning youth to President Dwight D. Eisenhower, an appointment that was renewed by President John F. Kennedy when he came into office.

Although he obviously served youth well in an official capacity, it's his regard for young people on an individual basis—especially in St. Andrew's School—that academically rates highest in the state, according to the official state Pupil Evaluation Program (PEP) for grades three and six. Amidst current problems and perils to parochial school education, Msgr. Schieder stands tall and points to his school, where every possible advantage is offered—including thorough training in social niceties and respect for others that used to come under the general heading of "Deportment."

At St. Andrew's, where no student is required to pay one penny of tuition, most classrooms have wall-to-wall carpeting, draperies on the windows, closed-circuit television and indirect lighting, and French and Spanish language courses are available to pupils in grades four through eight.

Children in grades one to three are ungraded, in keeping with the most advanced theories in education. Music and art is emphasized as is English composition, including classes in journalism.

An extensive and extremely up-to-date program of religious activities is carried on at St. Andrew's by its two young and popular associate pastors, the Rev. Carl Kuehmeier and the Rev. Daniel Palys. Both offer daily Masses, religious celebrations, penitential services and show modern movies based on religious themes. The latter are followed by open discussion seminars that invite student participation.

This is in addition to the regular full courses of religion and catechetics taught by 40 nuns and lay teachers under supervision of Sister Edmundine, C. SS F., St. Andrew's principal.

But perhaps best of all the other advantages of this 850-pupil school is the availability to its pupils of Msgr. Schieder, who advises: "Never talk down to a child. Their problems are as serious to them as any world-shaking event would be to adults. I always see the worth in what they are trying to say. We adults simply must listen, for they are the future."

The main purpose of this school is to serve St. Andrew's Parish. But when the parish quota is filled, non-Catholic pupils are welcomed and also are not required to pay tuition. A Jewish mother in Niagara Falls brings her daughter daily to St. Andrew's to enjoy its educational advantages.

Msgr. Schieder makes no secret of the fact that bingo is a mainstay of school support. In the nine years he's been at St. Andrew's, the school has been enlarged, the Msgr. Donovan Building that houses a parish center and the gymnasiums has been built, and the interior of the church modernized according to the wishes of Pope John XXIII, Vatican Council Two, and beautified in keeping with the impeccable taste of Msgr. Schieder.

Respect for the traditions of the Church is coupled with a most modern approach to today's trends in all actions of this extremely active priest.

He tends to disregard age differences; his encouragement of ecumenism, his modern approach to social problems of our day is truly amazing. For several years he hired as a gym instructor an octogenarian who, despite his years, did pushups by the dozens daily during gym workouts. Msgr. Schieder saw far back in those 80-plus years of this man's life, and knew how the gym teacher had been influenced by the great Pop Warner of football fame.

The children at St. Andrew's thus enjoyed the memories of this man—Thomas O'Brien—and their lives have been enriched by his sharing of them. This venerable athlete still spends part of every day in the school gymnasium with the children.

Msgr. Schieder, whose church has been the setting for many cooperative programs and services with Town of Tonawanda Protestant churches and whose choir has performed with theirs, does not require that his school's faculty be entirely Roman Catholic. He seeks out teachers who not only excel in their field but who have deep spiritual values.

"I want teachers who maintain wholesome discipline, not buddies for the pupils. The scholastic eminence we've reached at St. Andrew's depends on discipline—a discipline that results in courtesy which in turn allows students to pursue their studies without any annoying interruptions," said Msgr. Schieder recently while he was doing something he obviously likes to do—serving as escort for a tour of St. Andrew's imposing church, school and parish center at the corner of Elmwood Ave and Sheridan Dr.

Several educators have termed St. Andrew's "The School of Tomorrow." Certainly some of Msgr. Schieder's views are as modern as tomorrow. The school, for many years staffed by the Sisters of St. Mary of Namur, presently is administered by the Felician Sisters. Sisters of both orders and outstanding lay people staff the school.

When one of the latter teachers was married at Kenmore Presbyterian Church, Msgr. Schieder and some of the nuns were present at the ceremony. Msgr. Schieder later gave the blessing at the wedding reception at the Shriners' Ismailia Temple Mosque, West Seneca. When that same teacher anticipated her first child, Msgr. Schieder made the kind of offer that even Women's Lib would applaud:

"There's no need to resign; babies are welcome in this school. If you or any other good teachers have small children, this is the place to bring them. Novices from Mount St. Mary's can alternate caring for them while doing their homework. No mother should have to discontinue her employment. There should be a place where her child can be cared for, a place easily accessible to the working mother. This is how it should be in offices, schools and factories. This is how it is at St. Andrew's, said Msgr. Schieder.

Msgr. Schieder has entertained outstanding churchmen, including the late Richard Cardinal Cushing. Guests—and each visit was an occasion in which the school and entire parish took part—also included Terence Cardinal Cooke of New York and Archbishop Binns of St. Paul-Minneapolis, Minn.

Msgr. Schieder traveled to Germany during a survey of youth work for chaplains of the United States Air Force and was a member of a special mission to Japan for UNESCO. Locally he has served as diocesan director of the Confraternity of Christian Doctrine, chairman of the diocese's Interfaith Committee, chairman of the Committee for Public Decency, and as director of the Buffalo Police Department's Youth Bureau.

A graduate of St. Joseph's Collegiate Institute, Msgr. Schieder received a BA degree from Niagara University, an MA from St. Bonaventure University and a Ph.D from Ottawa (Ont.) University. An honorary doctorate in humane letters was from St. Vincent's College, Latrobe, Pa. He also holds honorary degrees from Seton Hall University in South Orange, N.J., and LaSalle College, Philadelphia, Pa.

He is the author of several books, and more than two million copies of his "Spiritual Lifts for Youth" have been sold.

His holiness Pope Paul VI elevated him to the rank of Prothonotary Apostolic in 1968, with the privilege of pontificial ceremonies, for his outstanding work at St. Andrew's and the Diocese of Buffalo. The late Francis Cardinal Spellman presented the Manhattan Medal to Msgr. Schieder for his work with college students during a special convocation at Manhattan College. Pope Pius XII appointed him a Papal Chamberlain in 1950 and a Domestic Prelate in 1952.

Msgr. Schieder served on President Eisenhower's Physical Fitness Program which was under the chairmanship of the then Vice President Richard M. Nixon. In 1972 he was appointed to the board of the United Fund, the advisory board of Kenmore Mercy Hospital and the board of trustees of the Cantalician Center.

When asked about the future of Catholic education, Msgr. Schieder said: "I hope it is secure. I think it is, because society recognizes its importance. I believe this is evidenced in the fact that the New York State

Board of Regents is endeavoring to give more money to private colleges in order to keep them going.

"There's more—much more—to education than books and the old three Rs, although they're important. But of inestimable value is an all-out effort to give depth to children's lives, to help them to develop taste and appreciate the beauty of God's world, to help them to see and try to ease the problems of others.

"This is what we're trying to do at St. Andrew's, and what I'd like to see done in all schools—public and private," said this first Bishop James A. McNulty Award recipient The award was presented January 18 by Bishop Bernard J. McLaughlin, administrator of the Diocese of Buffalo.

FOOD PRICE HEARING

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 10, 1973

Mrs. GRASSO. Mr. Speaker, on March 31, I sponsored a public hearing on food prices in New Britain, Conn. This hearing gave citizens an opportunity to express their views on the crisis in food prices.

Spokesmen included representatives of civic clubs and consumer groups, farmers and poultry breeders, food wholesalers and retailers, the fish and meatpacking industries.

The recommendations and observations of the participants were made available to members of the Banking and Currency Committee as they drafted legislation in this area.

For the benefit of all my colleagues, I am inserting in the RECORD today the statements of Senator ABE RIBICOFF, Dr. Donald Stitts, agricultural economist at the University of Connecticut, Marty Rogol of the Connecticut Citizen Action Group, Thomas Cesaro of Torrington who represented the New England Wholesale Food Distributors Association, and Mark Gordon of the Bostonian Fish Market in Hartford:

STATEMENT BY SENATOR ABE RIBICOFF

CONTROLLING FOOD PRICES

I am pleased that the President has acted to freeze the cost of beef, pork and lamb. This is an excellent first step toward controlling the rampant increases in the cost of food. Meat prices have skyrocketed at record rates recently. The cost of beef rose 6.7% in the last month to a record average of $1.30 a pound. And the cost of pork went up 3.2% to an average for all cuts of 97.1 cents.

Much more needs to be done, however, if we are to succeed in controlling food prices. As every housewife can tell, meat prices are only part of the problem. The cost of almost every item in the American shopping basket—from chicken and fish to bread and vegetables—has been rising.

The men and women of America who have had their wages restricted by the President's economic policies often find they cannot afford an adequate diet. In the last two months alone, the cost of food has gone up by over five percent.

The consumer pressure exerted in the market place as a result of this inflation has had its effect in forcing the President to take some action to stem the rise in food costs. A more comprehensive and long range solution is needed, however, to bring stability to the market place.

I have been urging the President and Congress for weeks to freeze all food prices. This action is needed now more than ever.

In addition, tariffs and quotas which raise the price of foreign commodities in short supply should be suspended. And finally, the archaic multibillion dollar farm subsidy and price support programs which force artificially high prices on the American consumer must be eliminated. By eliminating these programs which pay farmers not to grow food, more acres of land can be put into production. Food supplies will increase and prices will go down.

Inflation in food prices begins at the farm and yet no controls have ever been imposed at that level. As a result the farming and ranching industry is prospering at the expense of the American shopper.

The biggest share of the recent price increase in foods went directly to the farmers. Of the $109 rise in the annual cost of the average "market basket" of food during the last year, $93 went to the farmer and $16 to the middlemen. Prices to farmers rose 21% in the last year even though the prices paid by farmers for commodities, equipment, wages, interest and taxes had gone up only 9%. Farm cash receipts and profits are at record high levels.

It is not the small farmer who is profitting. It is the large agribusiness concern. Three-fourths of all farm sales are made by 19% of all farmers. Seven percent of the nation's cattle ranchers produce 80% of the nation's beef. These corporate giants are prospering while the consumer is being pushed against the wall.

The steps I have suggested to control food price inflation will strike at the root causes of the inflationary spiral we now find ourselves in. It is time to move the American farm and food production system back to a free economy basis. Every consumer will be the beneficiary.

SUMMARY OF STATEMENT

(By Dr. Donald Stitts, Agricultural Economist, University of Connecticut)

Beef producers, middlemen, retailers and consumers have been blamed for the high prices of beef. While each group points an accusing finger in the other direction, the situation has become so confusing that it is more difficult to fix the blame (if indeed there is a "blame" to affix).

The reasons for the rise in beef prices over the past months have been a very strong consumer demand due primarily to an increase in income, a build-up of herds by producers which reduces the number of marketable cattle, and increased costs experienced by middlemen, especially labor, transportation and taxes.

The alternatives of beef substitutes will have little immediate effect on beef prices. Consumers demand beef and they have shown little interest in substituting pork or poultry in any large quantities. Protein fillers such as soybeans, to date, have had very little general acceptance. However, the easing of import quotas will have a short run dampening effect on meat prices. Unfortunately, other industrialized countries are developing a taste for beef which over time will probably increase world beef prices.

Farmers, packers and retailers may be cost conscious, but in the long run, it is going to be nearly impossible to contain the upward movement of food prices, since the costs of assembling, storing, transporting, processing and selling food products will continue to increase.

It probably doesn't matter whether farmers, packers, retailers or consumers caused the February price hikes. What does matter is that the problem has only been relieved temporarily. The inflationary forces which create excess demand and higher prices are still at work in the economy.

STATEMENT

(By Marty Rogol, Connecticut Citizen Action Group)

This hearing is being held at a very crucial time. It must be made clear to people that the ceiling imposed Thursday night by the President is as short run a solution as the upcoming boycott of meat.

The efforts by numerous consumers throughout the country, and more particularly this state, have amply demonstrated to elected officials that the consumer is not to be toyed with. It is clear to those of us at the Connecticut Citizen Action Group that this is only a first step—that it is the responsibility of the Executive and legislative branches of government to bring an end to the continuing increases. The question asked is, what is the solution?

We hve heard a great deal of rhetoric. We have heard that it is a simple economic problem of supply and demand. According to Administration spokespeople, we have more affluent people and therefore greater demand without corresponding increases in supply. Why was supply not increased over a long enough period of time so that the constant crunch facing the consumer each week was avoided?

Consumers in the Northeast also hear of the depleted supply of energy materials and the possibility of gas rationing this summer. How effective has the Administration been in establishing policies that would provide for government action—absent an air of crisis?

We have heard that one of the reasons for the high cost of meat relates to the higher cost of grain to feed the animals to fatten them for slaughter. We have also heard about the profits that friendly grain dealers made in the big shipments to Russia.

We have heard about the diminishing supplies of gas and oil, and we have heard about the oil import quotas which cause the Northeast to pay a higher price for their energy supplies.

How many special interest groups are there in this country that receive special protections from competition from foreign sources, and how does all that affect consumer prices?

The Adminstration had acted in a fashion that does not provide the consumer with great faith as to its ability to resist pressures of the special interests, as evidenced by the questions raised by campaign contributions from dairy associations and the recent increases in their support payments.

It is therefore the responsibility of the Congress to review all such arrangements whereby price supports exist and limitations on competition against inefficient American industries have been provided. There needs to be an investigation as to the costs to the consumer for all these price supports and whether there is any corresponding benefit. There needs to be an investigation as to whether the government is being run by special interests seeking favors or whether there is a "government by the people and for the people."

Supply and demand are not terms alone and without political meaning. The marketplace does not function freely in this country, and we need Congress to determine whether the walls to the open marketplace are politically made to the detriment of the consumer. If so, we demand that Congress act.

SUMMARY OF STATEMENT

(By Thomas Cesaro, New England Wholesale Food Distributor's Association)

The price of beef in the United States today is at an historic high. At the wholesale level in January, according to the United States Department of Agriculture, it had gone up 18.2 percent over the past three months, and at the retail level—what the consumer pays at the checkout counter—it had gone up 8.4 percent during the same period of time. The rise is continuing, with experts foreseeing the possibility that wholesale prices will climb another 8 percent before the summer.

No one can blame the housewife for fussing and fuming over high beef prices. It does little good to tell her that the price she is paying for beef is less than that paid by her counterpart in other countries. Nor does it help much to know that she is spending less of her disposable income for food than in other countries. What really matters is that her dollar is shrinking, and she sees the results regularly at her checkout counter.

Who is to blame?

This paper has attempted to show that no one in the beef-raising process—from range to counter—is profiteering.

The rancher, who gets approximately $1.08 for every $2.00 spent for beef at the retail counter, finally, after years of operating at a loss, is receiving a fair return on his investment, perhaps fair enough to justify increasing his production. That's the only way supply can meet demand.

The feedlot operators, who get about 40 cents of that $2.00 is fattening the cattle, not his pocketbook, and the cost of those fattening ingredients—corn and hay, silage and protein supplements—is skyrocketing.

The packer, who gets about 4 cents out of that $2.00, gets his profit out of what is left after he has cut and processed the steer down to marketable size. It's the hide, the fat, the bone. the blood, that keep him in business.

The supermarket operator, who gets 44 cents for cutting the beef, packaging it, refrigerating it and having it available when the shopper wants it, ends up with little more than the satisfaction that he has provided something that is desired.

To round out that $2.00, add in 4 cents for transportation—the journey of the beef through the channels of distribution—and you have the total picture.

People do want beef, and only when supplies can meet demand is there a chance for the prices to level off and perhaps go down. No one can accurately predict when that might happen, just as no one can accurately predict now what the weather might be like next fall, or winter, or spring. And always, it seems, there's that thing called inflation.

STATEMENTS

(By Mark Gordon, Bostonian Fish Market in Hartford)

The high price of seafood can be attributed to two basic factors. First—foreign fishing.

The offshore waters of the U.S. will soon become a dead sea. The overfishing of marine species that has doomed most European fisheries will be repeated in our own waters. This will happen shortly unless we do something about it.

At this time, while we are in this room, at least 650 to 750 huge foreign fishing vessels are extracting from America's offshore fishing grounds a tremendous tonnage of food, sport and industrial fish, wherever these species haven't already been depleted by the same craft's activities over the past decade.

Having destroyed the fisheries in their own waters, foreign fleets, primarily from Iron Curtain countries, started ranging into American waters in the early 1960's.

At first we assumed that these vessels, bristling with electronic equipment, were interested only in spying.

However it soon became clear that there were even greater stakes than electronic surveillance involved in the arrival of the Soviet fleet. The ships were there because of the vast stocks of fish available on the rich North Atlantic fishing grounds off our coast, and they meant to extract all they could get.

Within a few years, the fleet had grown from a few outmoded trawlers to a huge armada of modern stern trawlers, mostly 270 feet long and up, equipped with the most sophisticated devices for locating and catching fish and shellfish. There are now 17 nations fishing our waters. Hunting in packs (search vessels find the fish and call in the fleet), they soon commenced what has come to be known as "Pluse" fishing. This consists of directing intense effort to a particular fishery until it is no longer feasible to continue.

When I entered the seafood industry nearly 20 years ago, I was amazed to learn there were about 80 species of fish and shellfish caught in New England and brought into local ports. I then realized that production records showed a tremendous lack of balance—overfishing of perhaps 10 species on one hand and underfishing of at least 70 species on the other.

There are two reasons for this situation. First, of course, is the obvious fact that some species are more easily caught or more abundant. Second, and more important, is the lack of demand for the neglected 70. The public is unfamiliar with them and hesitates to try new species it knows nothing about.

Lobsters, haddock, flounder, scallops, clams, cod, ocean perch, halibut and Boston bluefish are the usual choices of fresh fish-lovers. These are the species the public demands. Therefore, the Boston, Gloucester and New Bedford fleets concentrate on them.

If New England fisheries are to yield the full quota of seafood now and in future years, fishing must be shifted from the few species that now make up the bulk of the catch.

I sincerely believe that once a housewife can be enticed to try a new species, she and her family will nearly always find it delicious and enjoyable.

Seafood doesn't have to be expensive to be good. Most people are always complaining about high prices, and yet when it comes to seafood, they want to eat costly lobsters and shrimp. Years ago, New Englanders were content with mackerel, shad, cod and herring. It seems to me that unless a seafood product can be equated with luxury or wealth, the general public sneers at it.

During the Connecticut shad season, a whole unboned shad can be purchased for less than a dollar. A fish of this size could easily feed a family of four.

There is nothing wrong with an inexpensive mackerel or white perch or striped bass. In many areas these are favorites. In our area, I've found that certain ethnic groups appreciate these fish the most. I would say that they know their fish.

WHAT OF THE AGREEMENT?

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 10, 1973

Mr. GAYDOS. Mr. Speaker, is Japan living up to the voluntary agreement to limit the shipment of its low-priced, Government-subsidized steel to this country?

The question has been pertinent since our State Department people some years ago took the negotiations route to ease the seriousness of the steel import situation here.

Some 180,000 steel plant jobs, according to union estimates, have been lost to these imports. The effects of this have been profound, of course, in the steelmaking district which I represent.

But what of the Japanese agreement? Is it working to keep down the Japanese shipments? Has it opened the once blocked markets to our products in Japan? The Wall Street Journal has sought answers and, in a recently published article, told of finding much evidence of cheating.

Item 1. A Detroit customs inspector told the Journal of interrupting a ship loaded with $1 million worth of steel coils supposedly made in Canada. Stenciled markings, however, listed each coil's weight in kilos, the Japanese weight unit, and not in pounds, the Canadian unit.

Item 2. Other steel shipments from Canada and some from Mexico, the Journal reported, have carried Japanese lettering.

Item 3. A New York importer purchased flat-rolled sheets from a London trader. They were listed as having been produced in Taiwan. And yet, according to the Journal, Taiwan has no mill capable of this kind of production.

Other shipments equally suspicious have taken place and the Journal deserves credit for bringing them to national attention and especially at a time when Congress awaits President Nixon's new trade bill which is to give him broad authority in tariff matters. The U.S. steel industry, properly in my opinion, is asking for protection against the imports in this coming Presidential measure.

The Journal also has learned that countries not involved in quota agreements with us are using every device possible to sharpen their penetration of the American market and markets elsewhere which once were important customers of our steel makers. United States Steel, for one example, has filed a complaint against Mexico for allegedly dumping steel here at below cost and thus in violation of our trade laws. Sweden and Austria have boosted shipments to us of expensive stainless and tool steel to the detriment of our own speciality steel firms.

Japanese raw steel, the Journal asserts, is moving into Korea and Taiwan which have only the beginnings of a steel industry, built undoubtedly with a lot of our aid money. This metal then is changed into cold-rolled sheets and galvanized steel and shipped to us as Korean and Taiwanian products which are under no import restrictions. I am particularly interested, because of the pipe plant in my district, in the Journal's statement that pipe from Japanese steel is being accepted here as Korean and Taiwanian origin because of the substantial transformation made in it in those two countries. This is damaging double-talk.

We now are in a period of heavy steel buying worldwide and U.S. plants currently are busy. But should this be used as an argument against protective measures over the long run? The steel business is highly cyclical in nature and today's brisk demand could ease quickly and the import problem return in even greater degree. And even so, despite the present boom, foreign steel continues to enter our country in large volume and the most optimistic forecasts are that this year's decline will be no more than 25 percent from 17.7 million tons imported in 1972.

Temporary improvements in the imports situation are not enough. Our steel industry, once the basic element in the Nation's entire industrial complex, has a right to grow and to continue to set a pace for the national progress. How, then, is it doing on this point? As I have mentioned, steel employment is down 18,000 union jobs. Few new plants are being built or even contemplated. United States Steel and Bethlehem reportedly have called off plans for new integrated plants because of the foreign inroads. United States Steel's costly new Texas plate mill is in trouble with Mexican imports, a condition which prompted the complaint of dumping to the Treasury Department.

So the industry is at an expansion standstill, fighting indeed in a time of brisk product demand to hold its position relative to international competition. And now we learn from the authoritative Wall Street Journal that those easy remedies sought by the diplomats—the voluntary agreements on import quotas—are not working, and particularly in the case of Japan. We are getting the run-around and this disturbs me greatly as a Congressman and it should disturb every Member of this House. Our steel companies need a fair deal in world trade and it is the responsibility of Government to see that they get it.

MIDWEST TRANSPORTATION CRISIS WORSENS

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 10, 1973

Mr. NELSEN. Mr. Speaker, in the Second Congressional District of Minnesota, which I represent, many farmers and grain elevator operators are experiencing grievous trouble in getting corn and other feed grains shipped to markets. We are in the midst of a transportation crisis, and one that is bound to worsen without remedial action.

Don Spavin of the St. Paul Pioneer Press writing staff recently compiled an excellent account outlining our transportation problems, and I wish to bring it to public attention by inclusion in the Congressional Record:

Transport Crisis Hits Farmers, Consumers

(By Don Spavin)

Sleepy Eye.—A transportation crisis caused by a combination of factors—a shortage of boxcars, inadequate rural roads and a government call-in of sealed corn—could result in economic disaster for Minnesota and Midwest agriculture.

And it could ultimately affect consumer prices of farm products.

"In all of my years in agriculture, I have never seen the problem as it now faces not only Minnesota but all the farming states to some degree," said Russell Schwandt, president of the Minnesota Agri-Growth Council.

A former agriculture commissioner under Govs. Karl Rolvaag and Harold LeVander, Schwandt has helped lead the fight for better transportation service for rural America.

It is a fight, which on the surface at least, appears a losing battle and which has resulted in farmers, elevators and some banks in being pushed up against the wall. It could even contribute to higher food prices for the consumer, not because of a lack of raw material but because of inability to get the raw material to market.

The fault can be laid in part at the feet of the U.S. government; part at the feet of the farmer, and part at the feet of some railroads.

From such Minnesota counties as Renville, Redwood, Jackson and Cottonwood comes much of the food that feeds Minnesota and the nation. Much of the area is served by the Chicago & North Western Railroad.

"The trouble with that railroad and with many railroads today is that they have not kept pace with the growth of agriculture," said Schwandt. "While the farmer has been increasing his production every year, the railroads have been abandoning lines either through Interstate Commerce Commission (ICC) order or by neglect. Today we have a rail service that no longer serves. We have antiquated trackage over which trains can move only at a snail's pace or not at all. We also are faced with continuous requests of the railroad to abandon even more miles of track."

Shortages of grain cars have been a problem in Minnesota for many years, but they usually existed primarily at harvest time.

It is different this year, because a shortage has been in existence since harvest without a let-up and it appears it might get worse.

That's where the government steps into the villain's role. Since the Depression of the 1930s, farmers were allowed to store corn and other feed grains in sealed bins. They were loaned money for this sealed corn at a government-regulated price.

The idea back of corn sealing was to guarantee the farmer a floor on the price of corn, for example, to loan him operating capital, and to guarantee that there would be a steady supply of the grain without the ups and downs caused by supply and demand. For instance, if the market price of corn climbed on action of speculators, the government could call in sealed corn to stabilize the market by increasing the supply.

This program worked. Now comes a government order calling in the sealed corn for four years—1969 through 1972 corn—even though the current price of corn is less than what farmers believe they need to make a profit.

However, the chief concern is not that the price will drop with this flood of sealed corn, but that there are 191 million bushels of this corn now sealed on Minnesota farms. It must be shipped by May 31 for the 1969, '70 and '71 years and by July 31 for the 1972 crop.

How will it move from farm to market?

That appears to be the million-dollar question. At a recent hearing before the Minnesota Public Service Commission, dozens of elevator operators testified that their storage capacity is now overflowing; that they have been unable to get more than half the grain cars requested; that storage terminals all over the United States are full and refusing more shipments.

To add to the problems of moving the grain in storage in elevators plus the government-called sealed corn, many rural roads in Minnesota are not strong enough to support heavy transport trucks—the alternate to rail transportation.

"Allowing double-bottom trucks is no answer," said Richard Neudecker, elevator operator at Clements. "What good are bigger trucks if the roads won't carry them."

He said a road must be able to support eight tons in order for a grain semitrailer rig to operate within the law. Many Minnesota roads are limited to five or seven tons.

In order to comply with load limits, as imposed by the Minnesota Highway Department, some elevators would have to load small trucks for transportation to a better highway where the load could be transferred to a larger truck. It would mean double handling and would increase the cost and reduce the amount that could be paid the producer.

"Even now," a Buffalo Lake elevator operator testified, "we are paying 52 cents a bushel under the Chicago market—cost of transportation makes up the difference."

He said his elevator is on the main line of the Milwaukee Railroad but he also has a freight car shortage problem. To handle his bare minimum of deliveries of corn and soybeans, he said he would need 649 cars.

"The most I have ever received at one time has been seven cars," he added.

Inability to get the grain to market may bring financial disaster to some elevators, an operator testified, and could affect banks and businesses in many of Minnesota's small towns.

At the Public Service Commission hearing conducted by Commissioners Robert Carlson and Karl Rolvaag, it was brought out that some elevators are now paying as much as $150 a day in interest and penalties and unless some way is found to move the grain it may bankrupt some elevators.

In a letter read at the hearing, Leslie Peterson, president of the Farmers State Bank at Trimont, declared that elevators in this area have been able to ship only 15 per cent of their holdings; that penalties and interest have and will eat up the profit; such action has disrupted the cash flow and he sees elevators facing bankruptcy unless something is done rapidly.

It works like this: To buy corn from a farmer, the elevator often borrows the money from a bank. In turn, the corn is sold to a brokerage firm for delivery in the future. As an example, corn is purchased in November for delivery in January. In the interim, the elevator pays interest on the borrowed money. Then comes the time, as it did this year, for delivery in January. There are no rail cars available for delivery. The brokerage firm then (in some instances at least) charges a penalty for nondelivery.

"Lack of transportation is costing my elevators $80 a day in interest," said Warren Eric of Dunnell, "and that's a lot for a small business to be paying. I ordered 50 cars for January and have received to date 18 cars. I have contracted for a half million bushels of grain and at the rate I'm getting rail cars it will take me until August to deliver the January corn."

In all, the Chicago & North Western has orders for 49,000 grain cars on hand, Ronald Elslow, a regional representative for the railroad, told the commission hearing. The railroad, he added, has 20,000 cars capable of carrying grain.

"There is no way we can move the volume of grain on hand as fast as you would like," he told the meeting of farmers and elevator operators.

He added, "We intend to build a strong and viable company. To this we are committed."

Farm leaders see it in another light.

"This country needs an in-depth study of transportation as it relates to agriculture," Schwandt said. "Our problems are immediate. We have outproduced transportation, and yet the railroads counter by abandoning or attempting to abandon more and more branch lines. It doesn't make sense."

In a letter addressed "To Those Interested in the Future of the Midwest." Larry S. Provo, president of the Chicago & North Western wrote in part: "In the past three years, the North Western has eliminated some 1,100 miles of obsolete branch lines—but many little used lines still exist and continue as a major drain on our resources—a drain on cash for companies that can ill afford such losses—approximately 40 per cent of North Western's mileage generates approximately four per cent of the total revenues."

The railroad president added that the company now operates approximately 10,600 miles of track in 11 Midwest states. "It should be reduced to a total of 7,500 miles," he wrote. "What this means, of course, is that between 2,000 and 3,000 miles of track should be abandoned . . . not five or 10 years from now but as soon as possible."

From the record, the ICC apparently agrees. As an example of 241 applications for abandonment by railroads in 1971, only three were denied.

"It seems strange," Schwandt said, "that when production has continued to climb, the railroad insists there is not enough business to warrant operating many lines. If they would just bring up many branch lines to handle 20-mile-an-hour traffic, they would find the business. Now there are trains—the Sleepy Eye to Redwood Falls branch as an example, that travel slower than a man operating a tractor in a field."

ELLIOT RICHARDSON'S ADDRESS

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 10, 1973

Mr. MURPHY of New York. Mr. Speaker, last week Secretary of Defense Elliot Richardson took time from his busy schedule to talk with a group of students from 45 colleges from States throughout the country. It is indeed gratifying to know of his interest in communicating with the young people of our Nation and of the importance he attaches to it. I would like to insert in the RECORD the transcript of his extemporaneous remarks.

ADDRESS BY ELLIOT RICHARDSON

Good afternoon, ladies and gentlemen. I'm delighted to have an opportunity to meet with you. I was afraid that I wouldn't have because I was scheduled to testify this afternoon before the Senate Committee on Armed Services. As it turned out, the Committee wasn't able to meet this afternoon, so I got out, and that does give me the opportunity to meet with a group which I regard as important to the Department of Defense, second only to the Congress, and that is this group here.

I'd like to spend just a few minutes outlining some rather general ideas, and then invite your reactions, questions, comments.

Most essentially, it seems to me, we need to view the role of the Department of Defense and our Armed Forces as directed toward the promotion of peace. Now, if there is any fundamental difference in point of view between those of us who are in responsible positions in the Defense establishment or in the foreign policy establishment, and the members of your generation, it is a difference in perception about the world in which we live.

The biggest single difference between us, I suppose, is that we remember vividly as part of our own lives the whole process of which emerged the Cold War. We remember the Soviet encroachments on Eastern Europe; the takeover of Czechoslovakia; the invasion of Hungary, the re-invasion of Czechoslovakia, and the other events which piece-by-piece came to convince the American people that we were up against a powerful expansive force, and which although we had rapidly dismantled our Armed Forces after World War II, led us, in the face of this experience, to reassemble our strength in the years beginning about 1948 and then going on after the war in Korea into the 50's and 60's.

For a long time, and indeed until very recently, the United States had massive military and economic superiority. It wasn't until the last few years of the 60's and the beginning of the 70's that the Soviets really caught up in strategic nuclear weapons. They had at all times during this period much larger numbers of ground forces, much larger numbers of tanks, much larger numbers of interceptor aircraft. The U.S. did have, as I said, overall superiority until recently in thermonuclear weapons; we still have some superiority in bombers; we still have some superiority in numbers of naval vessels. We are, in a sense, an insular power where they are a continental power.

The question really is: how do you go about promoting peace from where we are now, and in a word, the approach of this Administration is that you do it through patient piece-by-piece negotiations, which have essentially two overall objectives. One is the reduction of situations of tension through agreements dealing with those situations. The Berlin agreement entered into in 1971 was a major step of that kind. The negotiations we pursued in the Middle East also belong under that heading, although there the only major gain was a ceasefire between Egypt and Israel that was entered into in 1970, in the summer, which still prevails. In the case of Vietnam, of course, the signature of ceasefire agreements also represents a step toward the reduction in that instance of actual hostilities, which, so long as they went on, involved some possible risk of escalation and mutual confrontation between the super-powers.

The other major heading involves negotiations designed to reduce investments by each side in aggregate weapons systems and forces in being, and the major milestone there was the agreements in SALT I. We are pursuing now, actively, right at this moment in Vienna, steps toward a more comprehensive and permanent limitation of intercontinental missiles to follow on the permanent agreement that was reached on defensive missiles and that would replace the present temporary agreement on intercontinental missiles.

We are at the same time, at this very moment, actively pursuing negotiations with the Warsaw Pact countries that would lead to mutual and balanced force reductions in Central Europe.

When you think about how you get there from here, I think it shuold be clear that we're dealing in a very tough negotiating situation. Just think for a minute about who the people are who head the governments with which we are negotiating. There is Brezhnev and the members of the Soviet Presidium; there is Mao and Chou En-Lai and the other aging leaders of the People's Republic of China whose memory, whose active experience goes back to the Long March. These are people who will not give us anything for nothing.

One of the perceptions, I think, that also differs as between your generation and ours, may be that you tend perhaps to think in terms of the goodwill of peoples towards each other, the fact that we are all human beings sharing very much the same kinds of aspirations, facing the same kinds of problems, seeking the same kinds of satisfactions. If relations between nations really were relations between peoples, then perhaps we would have a world not only of worldwide peace at the present, but we would have a relatively assured generation of peace—the objective that the President refers to so often.

But the fact is that this is not the way in which relations between nations are conducted. They're relations between governments. So when we bargain with the Soviet Union and the People's Republic of China, we are not dealing with the 250 or 60 million people of the Soviet Union, or the 800 million people, more or less, of the People's Republic of China.

We are dealing with the handfuls of very tough-minded individuals, who, over a long history, have fought their way to the tops of those governmental systems. You just cannot achieve agreements under either of the major headings I've touched on, either agreements that reduced tension or agreements that bring about mutual reduction of forces, unless you have something to bargain with.

This, of course, is what is meant by negotiating from strength, and here is where the role of the U.S. Armed Forces comes in, in the pursuit of a generation of peace.

We need to be in a position where we are worth bargaining with. If we are bent on going forward with unilateral concessions, obviously, those unilateral concessions are accepted, and we get nothing in return. The consequence is all too likely to be the destabilization of even such relative stability and equilibrium as now exists. If we create vacuums in the overall balance of power, then we, in effect, invite the exploitation of those vacuums. So what we are seeking to do is to maintain stability for the present, to pursue continuing stability, but at lower level of aggregate investment of our resources, as well as the resources of the other side, and to bring about the resolution of the kinds of potential conflicts that exist which, if unresolved, could lead to the escalation of those tensions and possible confrontation and ultimate war.

There's one more point I'd like to make because I think it needs to be emphasized. We are seeking to maintain our force levels and our weapons systems in order to pursue stability and promote peace at a level of aggregate U.S. investment lower than at any time since 1950, which I take it is before many of you here were born. We are, for example, investing a percentage of the Gross National Product in defense lower than at any time since then; now about 6%, down from over 9% in 1964. Our total troop strength is below not only, of course, the Vietnam war peak, but below 1964 and lower than at any time since any time since 1950. The proportion of the total U.S. budget for defense is lower than at any time since 1950.

When President Nixon took office, more than 40% of the entire budget went into defense. It's now just below 30%. Investment in human resources has gone from below 30% to about 45%. In current dollars, which have to be discounted by inflation, spending for defense has gone up about a billion dollars since President Nixon took office. Spending for other purposes at the Federal level has gone up by about $94 billion. Spending by state and local governments has gone up by an even larger amount. So there has, in fact, been already a major reallocation of resources and a reordering of priorities. This is true, I think, to a much greater degree than is generally perceived. That is one reason why we think that it would be dangerous for the security of the United States and destructive to the opportunity to pursue further agreement if we were to go below this already relatively low level.

I might remind you that one of the reasons which undoubtedly led to the Korean War was the perception on the part of our potential adversaries that we would not react if North Korea invaded the South. Of course, we did react even though from a relatively low level of capability. This in turn was one of the reasons why, following the Korean War, there then took off a major long-term escalation of total U.S. force strength which didn't begin to be turned around until President Nixon came in and brought about the withdrawals from South Vietnam.

TESTIMONY OF JACK P. NIX, SUPERINTENDENT OF SCHOOLS IN GEORGIA TO COMMITTEE ON EDUCATION AND LABOR

HON. ANDREW YOUNG

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 10, 1973

Mr. YOUNG of Georgia. Mr. Speaker, on April 6, Jack Nix, Georgia Superintendent of Schools, delivered remarkable testimony before the House Committee on Education and Labor in Miami, Fla.

At the regional hearing on Federal funding of public elementary and secondary education, Superintendent Nix expressed his dissatisfaction with the administration proposal to reduce Federal participation in education, describing in some detail what the administration proposal for the allocations of special revenue-sharing funds to programs for the disadvantaged means to Georgia.

As one who is directly involved in public education at every level and whose comments, consequently, reflect first-hand knowledge, he commends the efficacy of existing programs such as those under title I—existing programs that provide for remedial instruction for the disadvantaged, public kindergartens for the poor, and the hiring of teacher aides. It is unfortunate that these are the kinds of advantageous, people-oriented programs presently facing substantial loss of funding.

I commend to all Members of the body the superintendent's remarks on education as "the concern of Federal Government, responsibility of State government, and a function of local government":

STATEMENT OF JACK P. NIX, GEORGIA SUPERINTENDENT OF SCHOOLS, ON H.R. 69 AND H.R. 16

Mr. Chairman, members of the Committee, I am Jack P. Nix, Superintendent of Schools in Georgia.

I am distinctly honored at the privilege accorded me by your invitation to address this regional hearing on federal funding of public elementary and secondary education.

Let me begin my comments on a positive note by commending you, Mr. Chairman, and the Congress for your demonstrated support for the public schools of this nation through the years. We in Georgia are well aware of your constant concern that the education of children be supported generously and fairly at all levels of government—federal, state and local. I am in complete agreement with the often-stated position that education should be a concern of the federal government, a responsibility of state government, and a function of local government. Mr. Chairman, if we could achieve that distribution of authority we would have reached a Utopian state in public education.

I believe the federal concern for public education should be not merely a philosophical admonition or a regulatory statute, but that it should be tangibly expressed in dollars amounting to approximately one-third of the total national spending for education from all governmental sources—federal, state and local. As you know, federal participation now amounts to only about seven percent. I believe, since federal tax dollars are collected from the most rapidly growing source of revenue in the country—the personal income tax—and since states and local education agencies are limited to property taxes and other, less lucrative sources of funding, that the federal share of education funding *must* be increased. I am astounded that the administration is proposing instead to effectively *reduce* federal participation in education for *whatever* reason. My personal belief in the need for more federal money for education programs is reinforced by the results of a nationwide Harris poll in January indicating that 66 percent of the general public supports increased federal aid to education, with 27 percent opposed. The survey clearly defines education as a priority of a majority of citizens in the United States.

Given a higher level of federal education funding, there are some comments I would like to make concerning the allocation of funds. First, whether grants are made on a categorical or a general aid basis, the formulas on which funds are distributed must somehow reflect each state's ability to pay for education considering all the resources available to the state. Some of the formulas being proposed now would penalize the poorer states at the expense of the more wealthy. As an illustration, let me use the administration proposal for the allocation of Special Revenue Sharing funds to programs for the disadvantaged. The plan as I understand it would first allocate funds to the states on the basis of 25 percent of the average state or national current expenditure per pupil, whichever is higher. On the face of it, this seems fair. But when you stop to analyze this proposal, it becomes apparent that those states having a higher expenditure per pupil than the national average would receive the bulk of the money while those of us spending the national average or less—the poorer states, if you will—would come out on the short end of the stick.

Another proposal—the suggestion that 1970 census data be used in distribution of funds for Title I of the Elementary and Secondary Education Act—would have the effect of penalizing those states that are experiencing rapid economic growth, yet are still behind the national average. Georgia, for example, according to the 1960 census by which funds under ESEA are currently allocated, had 239,789 children ages 5 to 17 from families with incomes less than $2,000. If 1970 census data are used as printed in the Congressional Record of March 6, 1973, and allocations are made on the same basis, Georgia can claim only 93,139 children in this category and we would stand to lose approximately $18.5 milion in federal education funds for the disadvantaged.

Of course it is encouraging to know that the average income of Georgians has risen at such a spectacular rate in the past ten years; yet it seems grossly unfair to penalize the remaining large numbers of educationally disadvantaged children because they no longer fall into an arbitrary economic category. As a matter of fact, in Georgia and I am sure in every other state, even the current formula sets up limitations that in effect eliminate approximately one-third of the children who need Title I services. In FY 1972, for example, in Georgia we had 243,342 children eligible for Title I services. In fact, only 159,389 children actually received services. In 1971, we had more than 243,000 eligible children and only 181,234 received services. This discrepancy between need and service occurs because of the formulas relating to concentration of children.

I know you are aware of the discrepancy between what the Congress has authorized for ESEA and what has actually been appropriated. Using the formulas now written into ESEA, full funding of the bill would provide about $6 billion annually and would serve 12 million children.

The implication is clear, Mr. Chairman. There just is not enough federal money appropriated to meet the needs of disadvantaged children. We need to increase the appropriation, not decrease it. And we *must* allocate funds on a fair and equitable basis. I am in complete agreement with your proposals in House Resolution 69 and House Resolution 16 and the priorities reflected in these two pieces of legislation.

I would wholeheartedly endorse the idea of setting first priority on federal funding for education of the disadvantaged at the rate of *at least* $3 billion annually. The use of a $4,000 poverty level figure would insure a high level of funding. Then I would like to see House Bill 16 implemented to provide for additional monies for the improvement of education for *all* children at your proposed rate of an additional $100 per child or according to an elective formula that would help reduce the inequities of state and local education resources.

Let me just mention one other aspect of the allocation of funds. It has been proposed in the Quie bill (H.R. 5163) that funds for disadvantaged children be distributed on the basis of the number of children who fall below a certain level on criterion—referenced mathematics and reading tests. I am in complete sympathy with Representative Quie's motives in introducing this bill. I agree with him that we need more individualized instruction. And I have already said that we are not now reaching large numbers of children who need Title I services. Representative Quie is also correct in saying that economic deprivation and education disadvantage are not always directly related. Yet I cannot, knowing the present state of the art of testing, endorse the criterion-referenced test as a conclusive basis for the allocation of federal education funds for disadvantaged children.

The whole business of how money is allocated is a difficult question. I would very much like to see the federal share of education funding, whether it is 33 percent, 20 percent or seven percent, be transmitted to the state agency having the constitutional or statutory authority for public elementary and secondary education to meet that state's educational needs. If that is not agreeable to the Congress, then the next best alternative would be to give federal education funds to state legislatures, which would in turn appropriate them to state education agencies. *Under no circumstances* should funds bypass the state agencies and go directly to local school districts. As the Supreme Court ruled in Rodriquez, education is a responsibility of the states and local districts. It is hard to justify any system of allocation that would not channel federal funds through the state agency. State agencies are certainly in a better position to insure that federal funds are effectively used than are federal officials. The state should be held responsible for providing a plan for their use and the federal agency should audit the state program to determine whether funds were used effectively and according to plan. Somehow we must reduce the amount of paperwork and red tape necessary in the processing of federal funds. Certainly I am opposed to federal auditing of programs before they are operative or monies expended as is happening now in some categorical programs.

In this regard, permit me to say that I am opposed to the administration's plan for Special Revenue Sharing—introduced a few weeks ago as the Better Schools Act. This bill is a farce and a sham. Not only does it contain less money for all areas of education, it is falsely presented as general aid when it actually contains more restrictions, more categorical limitations and more cumbersome administrative provisions than the acts under which we are now operating. As an example I would point out the restriction upon the use of funds for education of the disadvantaged which requires that 75 percent of the state allocation be used in the areas of reading and mathematics. Does that sound like non-categorical aid? Not to us in Georgia, it doesn't.

It is true that the administration of education programs at every level needs revision and simplification. But before we rush headlong into the effort, we must insure continuity of services to the individual child. And we must agree that our purpose is to provide better educational opportunities for that child. Any change must improve educational program administration by resolving the present uncertainties, encouraging leadership at the state level and providing incentive for higher levels of state funding. The states and local districts have carried the burden of educational funding and administration for more than a hundred years. The federal government is welcome to assume part of the task, but it must not use its tremendous powers to usurp or disrupt the successful efforts that are being so conscientiously worked out by the states and districts.

Mr. Chairman and members of the committee, I have talked at length about my feelings as they relate to assorted proposals for allocating federal funds, my strong belief that more federal funding is needed, rather than less, my reservations concerning the administration's special revenue sharing bill, and my ideas about what positive steps should be taken to improve the administration of education at every level.

At the risk of repetition, let me say that House Resolution 69, Mr. Chairman, is an eminently satisfactory proposal to us in Georgia. I am particularly pleased that it is so comprehensive, including not only a high level of funds for programs for disadvantaged children, but also allocations for school library programs, aid to federally impacted areas, education of the handicapped and others.

Title I—funds for the education of disadvantaged children—has been one of the most effective, stimulating and positive programs ever introduced in public schools through federal initiative in spite of red tape injected by the administration. I have a copy of an evaluation document to submit to you for insertion in the record of these hearings, but let me just take a few moments to quote for you three paragraphs from the "State of Georgia, State Annual Evaluation Report for Fiscal Years 1970 and 1971 for Projects Supported by Title I ESEA Funds." These statements on pages 55 and 56 are supported by many pages of data:

"In all three instructional areas—reading, math and English—among pupils in Title I schools, Title I pupils consistently made larger gains than did non-Title I pupils . . .

"What is encouraging . . . is the fact that in Title I schools Title I pupils, who are more likely to be academically disadvantaged, made consistently greater gains per month, as measured by standardized achievement test results, than did non-Title I pupils . . .

"Pupils who were assigned to a Title I reading or math activity made greater gains in both reading and math then did pupils who did not participate. This might be interpreted that pupils who receive Title I instructional effort in one academic area are likely to benefit not only in that but in other academic areas as well."

Let me go into a few specific examples of what Title I has meant in several school systems in Georgia.

In Brooks County in 1972 a Title I mathematics activity involved 840 students in grades 4 through 12. Ninety-five percent of the participants attained at least a full year's gain in mathematics achievement as measured by the California Achievement Test. This is significant because previous school experiences had enabled the children to achieve at far less than the normal rate. Just getting that many students to a point where they attained a full year's progress during a year of classroom work is an accomplishment.

In a smaller but even more dramatic Title I mathematics activity in Gwinnett County, a calculator was introduced and used to solve long arithmetic problems. All 65 participants gained two full grade levels in math achievement on the California Achievement Test.

A successful reading program was carried out in Henry County. Eight hundred participants reading at least one grade level below normal were expected to achieve one grade level of improvement in the Title I English/Reading activity. Actual results indicate that the average improvement was 1.3 years.

In kindergarten activities, the focus is on school readiness skills. An outstanding example was the activity conducted last year in Carroll County, where test results on the Peabody Picture Vocabulary Test indicated that 70 percent of participating children scored above the national average.

Certainly disadvantaged children must actually be present in school before Title I activities begin to meet their needs. Title I financed attendance programs which employ a social worker to visit the homes of chronically absent children can do much in terms of dealing directly with the causes of low attendance among disadvantaged children.

In Bryan County, such an attendance program last year resulted in a 50 percent reduction both in rate of absenteeism and number of dropouts. The system average daily attendance is now well over 90 percent.

Georgia has many more successful programs currently operating and funded under Title I. A number of them are described in our Title One Annual Report, "Title Oneders," which I will also submit for the record.

In addition, in Georgia we have had the happy experience of having Title I money stimulate a wide variety of far reaching and effective educational programs that might have taken years to develop and implement with the limitations imposed by inadequate state and local funds.

For example, in 1965 when ESEA was passed, Georgia had public kindergarten programs in only two school systems, which were funding them from local funds. With Title I money, numerous systems established kindergartens for disadvantaged children. Seeing their success, several systems extended the program to all children and assumed responsibility for a systemwide kindergarten. Today, Georgia has 32,000 children in some type of public kindergarten in almost every school system.

The story of teacher aides in Georgia is similar. In 1965, we had almost no paraprofessionals in local schools. Title I made it possible for systems to hire aides, and their demonstrated advantages encouraged the hiring of others. Last year, partly to the credit of Title I, there were 4,630 teacher aides in Georgia public schools.

Title I influence has also been felt in the area of remedial instruction. Although hampered by limited state and local resources, school systems had *some* remedial programs before 1965, but not many. Partly because of the success of Title I remedial programs, Georgia now has a $7 million instructional assistance program funded entirely with state funds and designed to provide remedial instruction and paraprofessionals wherever the need is most critical.

There can be no doubt Title I has been a positive influence in public education in Georgia. Additional examples of the program's influence can be found on pages 60, 61 and 62 of the evaluation report from which I quoted earlier.

Mr. Chairman, your proposed extension of ESEA for five years includes another program I would like to comment on briefly. Title V has made substantial impact in Georgia on the relationship of the State Department of Education to local school systems. Funds for strengthening the Department have ranged from $328,000 in 1966 to $682,000 in the current year. These federal dollars have been used in a diversity of ways to enable our staff at the state level to give better, more efficient and effective service to school districts. Our publications and public information office in 1965 consisted of two people and a secretary, funded haphazardly with whatever could be scraped up. Today we have a comprehensive communications program that reaches the educational and lay public through every possible medium. In almost every state in which I travel I am told the Georgia communications program is looked upon as an example to be followed.

We have a personnel office in Georgia today that is active and effective in employee recruitment *and training*, thanks to Title V. Before 1965 we had only minimal personnel services. We are supporting ten positions in our curriculum leadership division—subject matter consultants who work with local school systems constantly. Title V funds are supporting our statistical services operation and are augmenting the division which serves as the direct link between the State Department of Education and local school systems in administrative matters. Title V has made it possible for the Department to design and implement staff development and planning activities, staff training aids and state procedures for evaluation of programs at the local system level. We are supporting a federal-state relations person and we are working with several other states in developing curriculum guides and workshops in ecology education. We have used approximately one-fourth of our Title V allotment each year to support our data processing operation; as a result we have made major progress toward a total, computerized information system. Last fall we involved the entire professional staff of the Department of Education in a management seminar conducted by the American Management Association. The impact of this training on operation of the Department was immediate and positive, and we will feel its influence for years to come.

In our use of Title V we have consistently tried to apply funds where the need seemed greatest and where the potential for effectiveness was obvious. We have used these funds as the impetus for a wide range of Department operations that would otherwise have been weak or non-existent.

Mr. Chairman and members of this distinguished committee, you have heard a lengthy and detailed testimony from one who has been involved in public education at every level. My experience is broad and long, and my comments are based on direct knowledge. I can sincerely say to you this morning that the federal role in education has never been more in need of clarification, simplification and solid support from every quarter. It is time for those of us who believe public schools have a job to do, and who believe they can indeed accomplish the task they have been assigned, to stand up and be counted. You did this eight years ago, Mr. Chairman. And we are still realizing the benefits. I commend you for your continued staunch support of education. Thank you for this opportunity. I will be glad to answer your questions.

ENVIRONMENTAL AWARENESS

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 10, 1973

Mr. JOHNSON of California. Mr. Speaker, each spring we all experience a strong urge to do something to preserve the beautiful aspects of our natural surroundings.

One manner in which we bring this

to everyone's attention is to focus special emphasis on the environment by proclaiming the week of April 8 as Earth Week and the period beginning April 15 as National Clean Water Week. For many Americans these special periods simply mean that 50 weeks of accumulated trash and unabated pollution should be cleaned up in a matter of a few days by the local Boy Scout troop or some other civic minded organization.

It is not my purpose to criticize special environmental awareness periods, for it is through these methods that we renew our pledge to do something about the environment. What I wish to emphasize is that the small flame these special weeks generate too quickly dies, and we go back to living in our wasteful, careless ways.

In pointing out the difference between himself and the average man, George Bernard Shaw once said:

> Most people think only once a year. I think every day.

In a similar sense, the average American spends about as much time cleaning up his environment as he does thinking. Obviously, once a year is not enough.

I am sure most Americans know full well what we are doing to our environment. And I am equally sure some Americans are willing to continue the current rate of environmental disruption with little more than a shrug of their shoulders. Too often we humans act like a colony of weevils in a flour bin. While we wallow in what appears to be an endless supply of milk and honey, our own wastes befoul the food supply we must have to survive. It was Aldo Leopold, I believe, who made the profound observation that man is the only creature on earth that will knowingly and willfully befoul his own nest.

With the enactment of the National Environmental Policy Act of 1969, there was a heartening upsurge of public participation in cleanup campaigns across the country. Since then, however, there has been a steady decline in such activities. With the passage of the Environmental Act of 1960 we have a good start on cleaning up our environment but we must not now sit down and admire what good works we have done long before the task is complete.

Water quality, which we highlight with National Clean Water Week, is still one of our biggest problems. Most of the major river systems in the United States are still as polluted as they were in 1969—many are worse. Visitors to the Nation's Capital are still warned not to come in contact with contaminated Potomac River water. About 20 percent of the Nation's shellfish are still contaminated by human excrement, toxic bacteria, pesticides, and heavy metals. The list appears endless and we have done little thus far to correct these terrible developments.

Unfortunately, many of the steps we have taken in Congress to correct some of the water quality problems in this country have been thwarted. Last year the Congress passed a tough water pollution control bill, but so far the administration has stood in the way of its implementation. First the President vetoed it, but Congress overrode the veto. He then impounded the funds appropriated for pollution control. California was seriously affected by his action, losing more than $293 million in 1973 and an equal amount for 1974. These funds were destined to be used for construction of treatment facilities to reduce pollutants entering California waterways. By the year 1985, we were to have had pollution under control, but due to the President's action we will fall far short of our goal.

Handling solid waste is another problem which cities and industries need assistance with—and they need assistance year round, not just during 1 or 2 weeks a year. Reports from around the country indicate that there has been a steady decline in the tonnage of paper, bottles, and metals which are being recycled. Obviously, some housewives are no longer bothering to separate their trash. Store owners are becoming lax toward their collection of bottles and cans since housewives no longer criticize those who are not environmentally attuned. And at the same time, civic clubs and local groups are dropping more and more of their environmental projects.

We are getting lazy again and I want to take this opportunity to remind everyone that we cannot depend on someone else to do the job for us. Every citizen has an individual responsibility to keep America clean. May Earth Week and Clean Water Week this year be the start of another upsurge of environmental concern which will not flicker and die.

MINNESOTA EDITOR PENS SOUND RESOLUTIONS

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 10, 1973

Mr. NELSEN. Mr. Speaker, shortly after Congress convened this year, Mr. Emmett Engesser, publisher and editor of the New Richland Star in my Congressional District in Minnesota, penned a list of resolutions which he thought it would be appropriate for Congress to honor. I still have Emmett's list, and I believe it grows more timely with every passing month.

Accordingly, I include it in the CONGRESSIONAL RECORD at this point for the benefit of House and Senate colleagues:

RESOLUTIONS FOR CONGRESS

Now that the dust has settled and the new 93rd Congress is ready to settle down and go to work, we suggest a few guidelines for their 1973 endeavors. As a starter we propose the following resolution:

We the members of Congress of the United States of America resolve during the year 1973:

To bear in mind the declared objective of the Administration, and the wishes of the people, that our currency shall not be further depreciated through inflation.

To keep before us the awareness that mighty nations have been destroyed by the debasement of their money, and that a cardinal wish of the enemies of the United States is that our government will spend itself into bankruptcy.

To be ever mindful that John Maynard Keynes advocated small—repeat, small—deficit spending to tide our recession years, not massive and ever-expanding deficits every year.

To remember that the power of tax, granted by our Constitution, was not intended to mean power to impose impossible burdens upon the people.

To vote for no projects that do not stay within reasonable limits—that is, within the resources of the country.

To act in behalf of all the people, not as Democrats vs. Republicans, or Republicans vs. Democrats, but in the interests of the nation as a whole.

To take a responsible attitude toward the role of the United States in Vietnam, keeping the global stakes of our country and the free nations in mind, and not forgetful of the unremitting; hostility of the Soviet Government and the Communist empire.

TVA'S 40TH YEAR

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 10, 1973

Mr. BAKER. Mr. Speaker, this year of 1973 marks the 40th anniversary of the Tennessee Valley Authority. In recognition of this milestone, a joint resolution has been adopted by the Tennessee General Assembly to officially congratulate TVA and to memorialize its service to the people.

In bringing this resolution to the attention of my colleagues, I want to join in the recognition which this singular enterprise merits for the record of progress it has written.

It was largely because of TVA that the Atomic Energy Commission located its facility at Oak Ridge. And it is this combination of facilities—TVA and the Oak Ridge operations—which makes this area the energy capital of the world.

In addition to its responsibility as the country's largest power system, we should not overlook TVA's role in flood control. This has been brought into focus just recently because of the floods in the Tennessee River and the Mississippi River valleys. Although there was flood damage again this time, it was minimized, because of the TVA water control system. In TVA's 1972 annual report, it was estimated that cumulative flood damages averted by the system since TVA's first project went into operation in 1936 exceed $395 million, of which more than $347 million is in the Tennessee Valley, primarily at Chattanooga. Increased values on 6 million acres of lower Ohio and Mississippi Basin land provide additional flood control benefits of $150 million. Last year, TVA also assisted 43 Tennessee Valley communities in preparing flood plain regulations as part of its community flood damage prevention program. This effort focuses on localized flood problems in communities situated on upper tributaries and small streams beyond the full control of the regional water control system. The same kind of assistance is available again this year.

So, Mr. Speaker, it is appropriate to

honor this 40-year-old youngster in this anniversary year and to keep in mind always the important role the Tennessee Valley Authority has played and will continue to play in meeting the diverse and changing needs of our society.

The resolution follows:

RESOLUTION

A resolution to honor the 40th anniversary of the creation of the Tennessee Valley Authority

Whereas, the Tennessee Valley Authority is celebrating its 40th anniversary in 1973; and

Whereas, the Tennessee Valley Authority has contributed greatly to the well being of the State of Tennessee and other states; and

Whereas, the Tennessee Valley Authority is a source of pride to the entire United States and has attracted visitors from throughout the world to the Volunteer State; and

Whereas, the Tennessee Valley Authority should continue to provide progress within a framework of common sense and reason for the people of this region and state; now, therefore,

Be it resolved by the House of Representatives of the Eighty-eighth General Assembly of the State of Tennessee, the Senate concurring, That the Tennessee Valley Authority is officially congratulated on its 40th anniversary and urged to continue to assist the people of this state and region in planning for progress in ecological, environmental and industrial terms.

Be it further resolved, That copies of this Resolution be sent to the Honorable Aubrey J. Wagner, Chairman of the Tennessee Valley Authority, Knoxville, to each member of the Tennessee Congressional Delegation, and to the Honorable William L. Jenkins, Director of the Tennessee Valley Authority Board of Directors.

FLORIDA SUPPORTS ITS PRESIDENT

HON. L. A. (SKIP) BAFALIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 10, 1973

Mr. BAFALIS. Mr. Speaker, I would like to bring to the attention of my colleagues the results of a recent public opinion poll taken in Florida. It shows the overwhelming majority of Floridians support President Nixon and approve of the job he is doing as Chief Executive.

The poll, commissioned by the Orlando, Fla. Sentinel-Star and published in that newspaper's April 1, 1973, edition, shows the President draws support not from any one segment of the population, but from all. It also shows that this support is not limited to any one particular section of the State.

Because Florida is a microcosm of the entire Nation, I submit the results of this poll to my colleagues for their study:

MOST FLORIDIANS APPROVE OF NIXON

Two-thirds of Florida voters approve of the way Richard Nixon is handling the job of President, according to the Florida Poll.

About one-fourth disapprove and 7 per cent have no opinion.

Approval of Mr. Nixon was highest in the Panhandle, next highest in Central Florida and lowest in Broward County.

Disapproval was highest in Dade County and lowest in the Ninth Congressional District composed of Orange and Brevard Counties.

Of 1,618 interviewed, the statewide total of 67 per cent approval of Mr. Nixon's performance coincided almost exactly with the percentage of persons who said they voted for him last year.

The percentage saying they voted for Mr. Nixon was 65; George McGovern, 23. Two per cent said they voted for other candidates; 9 per cent said they didn't vote and one per cent refused to answer.

Those interviewed in the 35–39 age bracket gave Mr. Nixon his strongest support in the election—73 per cent saying they voted for him.

Half of those 18–24 who were interviewed said they voted for Mr. Nixon and only 31 supported McGovern.

Other percentages by age groups for Mr. Nixon were: 25–34, 65 per cent; 50–64, 67 per cent; 65 and over, 64 per cent.

Regarding the current question of how Mr. Nixon is handling his job, the most enthusiastic endorsement came from the $10,000–14,999 income group, in which 74 per cent of those responding supported his policies.

Next was the $15,000 and over group with 71 per cent. Those with income of $0 to $4,999, however, gave him a 61 per cent rating, and those in the $5,000–$9,999 gave him 64 per cent.

A whopping 87 per cent of those who said they voted for Mr. Nixon in 1972 said they approve of what he is doing. On the other hand, those who said they voted for McGovern gave Mr. Nixon only a 24 per cent rating.

Those who listed their party affiliation as Republican gave Mr. Nixon an 88 per cent approval rating; Democrats, 59 per cent; independents, 63 per cent.

Female respondents were 2 per cent more enthusiastic than males at 67 per cent.

Agricultural workers were, at 77 per cent, 4 per cent more approving of the President than clerical and sales people at 73 per cent.

Manual laborers indicated 56 per cent of their number approve; professional and managerial, 71 per cent; craftsmen and foremen, 66 per cent.

By congressional districts, here is the way Floridians responded to the question, "Do you approve or disapprove of the way Richard Nixon is handling his job as President?"

District	Approve	Disapprove	No opinion
Statewide	67	26	7
1	81	18	1
2	59	31	10
3	68	23	9
4	70	20	9
5	78	19	3
6	67	28	5
7	77	19	5
8	77	17	6
9	77	14	9
10	71	22	7
11	59	23	18
12	46	42	12
13	64	32	4
14	51	46	3
15	68	29	4

THE SMALL NEWSPAPER AND NEWSMEN'S PRIVILEGE

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 10, 1973

Mr. WALDIE. Mr. Speaker, many of my colleagues already know my views on the urgent matter of protecting the confidentiality of newsmen's sources of information. However, they should be made aware of the statement issued by Mr. Ronald H. Einstoss before the House Judiciary Committee. Mr. Einstoss is the editor of the Visalia Times-Delta; as such his views represent those of the Speidel Newspapers, Inc., a chain of 11 small- and medium-size daily newspapers. There is, however, no reason to believe that his views do not represent the views of other small newspapers.

May I remind you that small newspapers—those with circulation under 100,000—represent 92.6 percent of the entire U.S. industry. The subscribers to these daily newspapers represent 486 of a market that is in excess of 62 million; and that 1,451 papers or 83 percent published in communities of less than 100,000. The majority of these newspapers, 1,244, have less than 25,000 subscribers.

Mr. Einstoss stated that—

> The problems of small newspapers are somewhat different than those of the large metropolitan newspapers in that we, the small newspapers, do not have large financial resources. This money enables larger papers to hire lawyers to work full time and to act as consultants for their staff. If we run into a legal problem, we have to consider the high cost of seeking legal advice, and occasionally, as much as I hate to admit it, we have to shy away from the story.
>
> We believe that threats to a free press hit the small newspapers of this country as hard . . . if not harder . . . than the large newspapers. Fighting these threats can jeopardize the economic health of small newspapers. For the press to remain free, it also must remain financially strong. Prolonged and frequent defenses in court will weaken the ability of small newspapers to do their job: Providing a free flow of information to the public.

BALANCING ISRAELI AND ARABIC RELATIONS

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 10, 1973

Mr. HANNA. Mr. Speaker, there is no more sobering aspect of the present world scene at this moment than the condition of confrontation between Israel and the Arabic countries. What is increasingly disturbing is the absence of a candid and constructive expression of a relationship with Egypt and the other Arab countries that reflects our obvious national interests.

It seems to me if we can maintain assurances of firm support for Nationalist China while we are pursuing aggressively an improved and normalized relationship with the Peoples Republic of China, we certainly ought to be able to make more meaningful progress with the countries and principalities of the Arabian peninsula without diminishing our commitment to support the integrity of Israel.

I am not unaware that certain overtures have been made to the Arabs by this administration. But reports lead to the conclusion that Mr. Sisco was about as adroit as a bull in a China shop and not impressive in overall accomplishment. In spite of protestation predictably elicited by this criticism from both the White House and the Secretary of State what they are now doing and have done is not getting the appropriate results.

What is needed, Mr. Speaker, is a firm statement from our President that we intend an even-handed and fair policy in Arab countries as well as standing firmly to protect the integrity of the new nation of Israel. The State Department actions should be geared as much toward normalizing relations with the Arabs as in assisting and urging an acceptable truce between the Middle East conflicting parties. We should decry any violence by either of the parties of their agents and should also express our opposition to injustices visited upon the nonmilitary civilians of all national origins.

We hope to see some meaningful expressions of policy demonstrating equality of treatment in the whole of the Middle East and feel such expressions are very much in the true national interest of the United States.

"PLEASE, IS THERE ANY WAY FOR CONGRESS TO ACT TO STOP ALL AMERICAN INVOLVEMENT OVER THERE?"

HON. ELIZABETH HOLTZMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 10, 1973

Miss HOLTZMAN. Mr. Speaker, I am deeply disturbed at our continuing involvement in Indochina, and I could talk at length about the quicksand we are treading on, the unconstitutionality of the President's decision to bomb Cambodia, the horrible specter of American dead once again strewn across a small Asian land, American men held captive, and innocent Asian people destroyed.

I prefer, however, to share with you the simple but powerful feelings of one of my constituents who wrote me recently, Mrs. Mary Rosa of Brooklyn. She is a woman whose anxious questioning reflects, I feel, a growing desperation in this country. What we have to ask ourselves today is the same question Mrs. Rosa poses:

> Please, is there any way for Congress to act to stop all American involvement over there?

What is our answer to her?

Her letter follows:

Congresswoman ELIZABETH HOLTZMAN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSWOMAN HOLTZMAN: I am writing to you because as a woman you might understand my deep concern for this present situation in Viet Nam. I think the American people were under the impression that when we had all our prisoners of war returned to us our commitment would end. Reading the papers it seems that President Nixon has again threatened to bomb North Viet Nam.

Miss Holtzman, my son is stationed in Thailand since December. I cannot go through what I went through last December. My God we have had enough. Please is there any way that we can bow out gracefully from a situation that is endless. They will never stop fighting—it's their way of life over there. The present *peace* is more nerve wrecking then the actual war was.

Please is there any way for Congress to act to stop all American involvement over there?

Thank you for your time in reading my letter.

I am,

Very truly yours,

MARY ROSA.

FACT SHEET ON WASHINGTON POST ARTICLE CONCERNING FLIGHT PAY

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 10, 1973

Mr. WHITEHURST. Mr. Speaker, on April 1 the Washington Post published an article alleging that the Department of Defense pays about $76 million annually in flight pay to nearly 30,000 military officers who hold nonflying jobs.

The article in question, written by Mr. Jack Taylor, is purportedly based on a General Accounting Office report that was prepared at the request of Representative LES ASPIN of Wisconsin.

Mr. Speaker, the allegations in the article misrepresent the intent of Congress in authorizing payment of flight pay to officers in nonflying jobs and distort the facts presented in the GAO report.

I have a fact sheet that answers in detail the allegations concerning the payment of flight pay to officers in nonflying jobs and puts in perspective the facts of the GAO report.

My concern, Mr. Speaker, is with the overall impression created by this news article that the Department of Defense is squandering the taxpayers' money on officers who do not fly. The statement that the Pentagon "pays more than $75 million each year to nearly 30,000 officers who hold nonflying jobs" is misleading and is an unfortunate case of misinforming the public and misinterpreting a GAO report.

Mr. Speaker, I insert this fact sheet in the RECORD:

FLIGHT PAY TO NONFLIERS ALLEGED

(By Jack Taylor)

Issue: The Pentagon pays more than $75 million each year to nearly 30,000 officers as flight pay even though they are in non-flying jobs.

Fact: Some 9,000 officers of the 30,000 in non-flying jobs fly a limited amount to maintain their ability to rapidly fill flying jobs—in contingency operations. An additional 5,000 officers are attending schools where flying is prohibited by public law. The other 16,000 have been precluded from flying by the Department of Defense in response to repeated Congressional direction to reduce flying hour costs. The payment of flight pay on this basis was initiated by the Congress in 1954. It has been affirmed annually since then.

Issue: These officers are being paid for something they don't do. The $75 million represents about one third of the total $228 million.

Fact: The Congress, in title 37, U.S. Code, describes flight pay as one of the incentive pays for hazardous duty which is defined as the "special pay additives/are/awarded to officers and enlisted members as an incentive to voluntarily specialize in certain hazardous duties." It is not intended to compensate for the hazards of flight or to compensate for actual flying.

Issue: Last year the House Appropriations Committee voted to eliminate flight pay for colonels and generals unless the Pentagon proposed a new flight pay program by May 31 of this year.

Fact: The House Appropriations Committee voted to eliminate flight pay to colonels and generals assigned to non-flying jobs in non-combat assignments. The Senate Appropriations Committee voted to delay the effective date to May 31 of this year to provide time for the Department of Defense to review incentive pays and propose corrective legislation without a precipitous loss of pay by those affected.

Issue: With the deadline approaching, I understand that the Pentagon is desperately trying to work out a proposal to keep many of these 29,000 officers on flight pay even though they don't fly.

Fact: The Department of Defense is working out the details of a proposal to optimize the incentive effect of flight pay with minimum impact on the defense budget. The objective is to propose legislation which addresses Congressional concern, meets service needs, and is acceptable to individual service members.

Issue: 9,000 officers still participate in some form of practice flying, a practice discouraged by Congress because of excessive expense of maintaining and operating extra training planes.

Fact: Air Power is expensive. The 9,000 officers who proficiency fly are required to satisfy mutual defense commitments and facilitate a rapid expansion of our air forces if needed. The separate services reduce the number of crews flying first line aircraft during normal peacetime operations to the minimum to reduce operating costs. The additional pilots maintain their basic skills in training and mission support aircraft which are operated at a fraction of the cost of first line aircraft. Termination of flying by the officers would preclude the air forces from meeting combat manning requirements during the first two years of a contingency or general war.

Issue: Unless a pilot is actively flying, he should not be paid one dime of the taxpayers money in flight pay.

Fact: The Congress, in 1954, authorized payment of flight pay to officers with over 20 years of flying duty and urged the service to make maximum use of the authority. The services used the authority very sparingly until 1962 when the Congress directed full implementation. The services position was that pilots should be actively flying to collect flight pay, and reluctantly used the authority to preclude salary reductions by officers precluded from flying by Congressional action. The services, as a result of Congressional action, have so deeply integrated the authority to pay flyers in non-flying jobs into their personnel management systems over the past 19 years, precipitous denial of the authority may well erode flight pay as an incentive for an individual to elect a military flying career. The net result may be recurring training costs far in excess of the costs of flight pay. Initial training costs for an Air Force jet fighter pilot are over four times the amount paid in flight pay to the same pilot over a 30 year career.

PIPELINE

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 10, 1973

Mr. ASPIN. Mr. Speaker, during the next few months there will be a major congressional debate on the issue of the trans-Alaska against trans-Canadian pipeline. I believe, that if a pipeline must be built, that it should be through Canada. The Canadian pipeline offers both overwhelming environmental and economic advantages to our Nation.

One question that continuously arises is the Canadian view of the entire situation. For their part, the Canadians are extremely wary of the enormous adverse environmental impact that a trans-Alaska pipeline would cause when inevitable tanker accidents occurred off their Pacific Coast and willing to consider a Canadian route. In response to a reporter's question recently—on April 3—Canada's Foreign Minister Michael Sharp said:

> We have one very strong objection to the proposals that have been put forward for the Alaska Pipeline and the movement of oil down the Pacific Coast. Our objection is on environmental grounds, we are very strongly opposed and have made the most vigorous protests against the proposition that big tankers should supply American refineries by passing through the straits of Juan de Fuca and other narrow straits of the straits of Georgia. We believe that the chances of an oil spill there are very serious, these are very narrow waters, there is a lot of traffic, and if there were to be an oil spill, it would damage for years and years to come the most beautiful part of the North American continent, including both Canada and the United States. Now, that is our principle objection to the Alaska Pipeline . . . if the American oil companies after looking at the problems that are involved and looking at the dangers to the environment that would be involved in building a pipeline across Alaska and tanker route down the Pacific Coast feel that they would want to build through Canada, they will find the Canadian authorities willing to give serious consideration to their request.

This is the latest in a series of statements from Canadian officials indicating their concern about the environmental impact of a pipeline route, and more importantly, their willingness to entertain an application for the trans-Canadian route.

A JOB WELL DONE

HON. KENNETH J. GRAY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 10, 1973

Mr. GRAY. Mr. Speaker, we find a great paradox in America today with our great rivers. Part of the year we have droughts with too little water and in other times our rivers and streams are overflowing their banks with floodwaters. I am sure you and my colleagues have been following the dangerous and costly floods that have been occuring along the Mississippi and Ohio Rivers in Illinois and other States.

Mr. Speaker, in the old-fashioned American tradition, we always find Americans willing to help their less fortunate neighbors. Mr. Ed Akin of the Murphysboro, Ill., Employment Service Office, has called to my attention the heroic work recently performed by Southern Illinois University students and the various civil defense units. Army Corps of Engineers, Coast Guard organizations, Peace Corps, and Gov. Dan Walker and his State administration officials who helped sandbag levees, participated in rescue operations, and performed many other acts of kindness.

Mr. Speaker, we hear so much about unrest on university campuses and how irresponsible a small number of our students are, but when the masses do good, it does not warrant press coverage. Therefore, I wanted to take this opportunity to call to the attention of my colleagues the fact that over 400 students from Southern Illinois University, at Carbondale, stood out in the rain and cold weather, both day and night, to help out these disaster stricken victims of the ravishing floods. This was particularly true on Kaskaskia Island, Ill., and the counties along the Mississippi River from McClure to Cairo, Ill.

I know all of my colleagues will join me in saluting these young Americans as well as the St. Louis, Mo., and Memphis, Tenn., district offices of the U.S. Army Corps of Engineers, the Coast Guard, civil defense units, Gov. Dan Walker, who personally toured the flooded areas, and his entire State administration. A job well done.

THE ATLANTIC UNION

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 10, 1973

Mr. PEYSER. Mr. Speaker, under the leave to extend my remarks in the Record, I include the following: As the House considers what I believe to be an ill conceived piece of legislation, the Atlantic Union Resolution, I want to bring to the attention of the Members a resolution of the Young Americans for Freedom which points out many of the problems with this legislation:

A Resolution Regarding the Atlantic Union

The following resolution was passed unanimously by the National Board of Directors of Young Americans for Freedom meeting in New York City's Summit Hotel on February 23, 24, 25, 1973. Introduced by the YAF National Director from New York, Richard A. Delgaudio.

Whereas, the United States recognizes the necessity of close economic and political relationships with our European allies in the face of the communist threat and for the mutual benefit of all states concerned; and

Whereas, the concept of the Atlantic Union is entirely alien to the founding principles of Young Americans for Freedom as outlined in the Sharon Statement; more specifically it is in conflict with the clause which states "We will be free only so long as the national sovereignty of the United States is secure," and also that part of the Sharon Statement which states "American foreign policy must be judged by this criterion: does it serve the just interests of the United States;" and

Whereas, the Atlantic Union represents the first step toward World Government and threatens the survival of the United States as a free and independent Republic; and

Whereas, the implied premise in the Atlantic Union proposition, that the bigger and further away government gets from the people the more efficient it becomes is totally false; and

Whereas, the convention to be established by the Atlantic Union would explore the possibility of transforming NATO into a federal union, of setting up a timetable for such a goal and creating a commission to hasten the integration process; now, therefore be it hereby

Resolved, by the National Board of Directors of Young Americans for Freedom that we are unalterably opposed to any efforts by the United States to develop an Atlantic Federal Union either within or without the framework of the United Nations.

BEEF BOYCOTT MISDIRECTED

HON. WILLIAM L. ARMSTRONG

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 10, 1973

Mr. ARMSTRONG. Mr. Speaker, last week's meat boycott was aimed at the wrong target. It is not the cattlemen who are to blame for rising prices in this country. It is the big spenders in Congress who have created the inflationary spiral that results in soaring prices of beef and everything else we consumers buy.

So it really is not fair to single out beef as the focal point for fighting inflation. And the effort to do so is likely to backfire.

Of course meat prices have gone up. But meat and other food prices have fallen far short of increases in consumer prices, wholesale prices, personal, and national income and other comparisons.

Despite some recent fluctuations over the last 20 years, beef prices have hardly changed. For example, in 1952—the last year when cattle prices approached 1972 levels—the average beef price was $29.69 per hundredweight. At that time, disposable personal income per capita was $1,468.

By the end of 1972 the average cattle price per hundredweight was $33.40 or about 13 percent above the 1952 price. In the same period, disposable income per capita almost tripled: from $1,468 to $3,954, an increase of 169 percent.

The long term trend in other products is even more discouraging to producers. Some commodities are at virtually the same price as 60 years ago, in the 1910–14 period. But, since then the Consumer Price Index has risen 400 percent.

Ranchers and farmers are caught in the middle. Their costs have increased dramatically—feed, tractors, implements, automobiles, consumer goods and especially taxes are going up steadily. So every year it becomes harder to make ends meet. More and more farmers and ranchers, particularly young people, are leaving the field to enter other, more profitable lines of work.

This is sad; all of us who admire the self-reliance and strength of our friends in rural America hate to see these people lose out. They deserve a fair share of our country's prosperity.

But the critical policy issue goes far beyond fair play for agriculture. Artificial restraints on food prices may temporarily win approval of the Nation's housewives but in the long run, if prices do not afford sufficient economic incentive to food producers, the result will be a decline in supply—shortages—ultimately rationing and a decline in our standard of living.

The price of agricultural products must therefore be permitted to follow the general trend of other commodities in order to assure an adequate supply.

However, this does not mean the situation is hopeless.

There is a way to control price increases and stabilize our national economy. But it requires action which many Congressmen are loathe to consider: controlling runaway Federal spending.

We have been warned repeatedly that inflation is certain to result from excessive Government spending and deficit financing. But Congressmen have been playing Santa Claus with Federal spending for a long, long time. Year after year, they dole out money for Federal projects and programs. Much of this spending is for worthwhile purposes, but year after year the outgo is larger than the income.

There has not been a balanced Federal funds budget in this country since 1960. We have run up $162 billion in new deficits in the last 10 years alone. And next year's Federal funds budget will be nearly $30 billion in the red, even after cuts recommended by President Nixon. Is it any wonder we have inflation?

So I say to housewives: You are boycotting the wrong people. It is not the farmers and ranchers who have caused the problem, in fact, they have suffered more from inflation than any consumer group.

I think it is time for the housewives of the country to join with the farmers and ranchers, and the businessman, and the working people, and the old people and others on fixed income and all of the people of this country who have been hurt by inflation and say to the politicians: "Stop spending. It's time to balance the budget."

Until then, inflation will get worse. No product boycott; no system of government price and wage controls will be effective unless and until we come to grips with the basic problem—excessive Government spending.

DAV HONORS VA EMPLOYEES

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 10, 1973

Mr. DORN. Mr. Speaker, the Disabled American Veterans—DAV—honored five Veterans' Administration employees for service in the Republic of South Vietnam at the annual DAV Mid-Winters Conference held on March 19, 1973, at the Washington Hilton Hotel in Washington, D.C. The national commander's citation was presented by the DAV's national commander, Mr. Jack O. Hicks, to Mr. Myron N. Arata and Mr. Vincent J. Costanzo, both from the Veterans' Administration regional office, Newark, N.J.; Mr. Daniel P. McCann from the Veterans' Administration Center, Philadelphia, Pa.; Mr. Ronald L. Dykes from the Veterans' Benefits Office, Washington, D.C.; and Mr. Philip R. Strange from the Veterans' Administration regional office, Roanoke, Va.

The overseas program was begun in an effort to insure that U.S. servicemen and women were aware of the benefits available to them from their Government prior to their separation from active duty. The Veterans' Administration, in conjunction with the Department of Defense, military agencies, and other civilian agencies, drafted to assign selected volunteers to serve in the Republic of South Vietnam. During the 5-year period from December 1967 to December 1972, nearly 100 Veterans' Administration employees participated in this program. Of the 2.3 million service personnel who have served in Southeast Asia, 1.9 million were briefed on Veterans' Administration benefits while stationed there. Providing this service to military personnel stationed in a combat zone was a first for the Veterans' Administration and represents the furthest limits of the Veterans' Administration's outreach program.

Since its inception, the program has been expanded to include the stationing of representatives in Germany, Korea, Japan, Okinawa, and Thailand.

The dedication of those employees, who volunteered for this program to the mission of the Veterans' Administration and to our veterans, is to be commended.

THE FREEDOM OF VOLUNTARY PRAYER

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 10, 1973

Mr. CHAPPELL. Mr. Speaker, we are again being plagued with Mrs. Madalyn O'Hair's efforts to restrict citizens in this country from having voluntary prayer.

Her last attack was against the school system and her suit resulted in the practice of prayer being abandoned in our schools. Her latest assault is to block prayers or readings from the Bible in the White House and the Capitol.

No doubt Mrs. O'Hair resented the many prisoners of war who gave thanks to God upon reaching the United States. Mentioning the Deity on the airwaves or in the news media could be her next objection. There appears to be no end to the actions some people will resort to in this country to prohibit voluntary participation in religious affairs.

Just where does our freedom lie? In being able to give thanks to God—in public or in private—whenever we feel the need? Or is our freedom a restraint on our desire to worship God when and where we like?

Mr. Speaker, I hope we have a large outpouring of public sentiment by our people on their views about freedom to pray. There is a great resurgence of religion in this country. I hope all America will rise to see that no restriction is put on voluntary religious activity.

OEO FUNDS AND THEIR USE

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 10, 1973

Mr. HUBER. Mr. Speaker, Members of the Congress are continuing to seek and share information to indicate the best course of action to follow with regard to OEO operations and programs.

My colleagues will find the following three newspaper items useful. They appeared in the March 1, 20, and 22 issues of the Detroit News and its Sunday edition, the Sunday News.

The article of the 18th, documents how OEO funds financed the Wounded Knee takeover, mostly by Indians with criminal records from outside the area—intruders who are opposed by the Oglala Sioux tribal council on the local reservation. The News editorial of the 20th discusses AIM, the Indian group responsible for the Wounded Knee confrontation, and its record of destruction and waste of OEO grants. And the editorial of March 22 indicated why Congress should probe past OEO activities and audit how OEO grant money has been utilized.

The articles follow:

HOW GOVERNMENT GRANTS TO INDIANS FINANCED WOUNDED KNEE TAKEOVER

(By John E. Peterson)

MINNEAPOLIS.—The Indian occupation of Wounded Knee, S.D., has been financed almost exclusively by federal money.

The Indians who took over the small reservation town have depicted themselves as an oppressed minority group seeking to focus national attention on a long list of grievances.

In point of fact, however, their actions appear to be the latest act in a play staged by a handful of militants and paid for by public money.

A two-week investigation by The Detroit News—starting in Washington and culminating in Minnesota—has unearthed these facts:

More than half of the 258 American Indian Movement (AIM) members and sympathizers holding Wounded Knee (as of Saturday) are employes of social welfare agencies financed primarily by federal grants.

AIM, far from being repressed by the government, has been granted directly and indirectly more than $400,000 in federal funds since its founding in 1968. The bulk of that money, federal investigators say, has been used in efforts to radicalize the American Indian—not improve his lot. AIM leaders, federal investigations reveal, spent huge amounts of federal funds to stage the takeover of the Bureau of Indian Affairs last fall and the current confrontation at Wounded Knee.

The leaders of AIM almost to a man, had lengthy histories of convictions for such crimes as burglary, strong-arm robberies and assaults long before they organized the militant organization.

Less than 20 of the Indians now at Wounded Knee are Oglala Sioux, the tribe on whose reservation the confrontation is taking place, government investigators say. And the duly elected Oglala Sioux tribal council—by 14–2 votes—repeatedly has asked the federal government to evict the AIM group from its reservation.

"When AIM took over Wounded Knee three weeks ago (Feb. 27), the Justice Department was all set to move in and make arrests," a highly placed federal official said last week.

"But then AIM leaders threatened to call a press conference and disclose exactly how much financing they've had from the federal government in recent months. That's when the Justice Department, backed off and tried to play for a standoff, hoping AIM would tire and leave of its own volition.

"What's happened is that AIM leaders have just dusted off and updated the old Black Panther tactic of intimidating government officials until they come through with grants," he said. "And so far, it's worked like a charm."

AIM, which began as an off-shoot of a Minneapolis anti-poverty program in 1968, was especially successful in procuring federal grants during the last year.

Last June 21, for instance, government files show that AIM received a $113,000 grant from the Office of Economic Opportunity (OEO).

Of that amount, $60,000 was for "survival" schools in Minneapolis, St. Paul and Milwaukee to "instill American Indian culture" in Indian children of grade school age. The other $53,000 was for an Indian community center in Milwaukee.

Early last fall, OEO investigators were dispatched to probe numerous complaints about the "survival" schools from local education officials in all three cities.

What was found was "an almost total absence of any academic standards" and "a sustained effort to brainwash the students into hating all non-Indian Americans, black as well as white," investigators said.

AIM leaders, the report noted, refused to provide any audit information on how the $113,000 had been spent.

AIM leaders also received $66,000 in "transportation" money from the OEO as inducement to leave the Bureau of Indian Affairs (BIA), which their followers had systematically vandalized and pillaged during a six-day take-over last fall.

"That was about six times the amount required to buy them all bus tickets back home," said an OEO official who vehemently disagreed with the decision at the time. "They were just handed the money in cash and no accounting was required."

An OEO grant for an additional $67,000—approved before the BIA take-over—was ordered frozen in a Minneapolis bank before AIM leaders arrived back from Washington.

But AIM leaders Clyde Bellecourt and Dennis J. Banks, both Chippewas, used the announcement of that grant's approval to persuade the Upper Midwest American Indian Center (UMAIC) in Minneapolis to lend them nearly $30,000.

"We loaned them the money only because they offered the $27,000 grant as collateral, and we assumed they had it in their pockets," said Mrs. Emily Peake, UMAIC's director, a Chippewas and a spokeswoman for most of the 22,000 American Indians living in the Twin Cities area.

"Of all the money AIM has conned out of the federal government, I'd be surprised if even a minute fraction ever trickled down to our people who really need it," she said.

"When they first started AIM, Clyde and Dennis were going around making statements about how it was going to be the Indian's Black Panthers," she said. "They've done a pretty good job in that respect, anyway."

Another person who agrees with Mrs. Peake's assessment is Richard Wilson, head of the Oglala Sioux tribal council.

Wilson said AIM has made a "half dozen threats on my life since I began speaking out AIM's wrath.

"Their lawlessness and violence give the rest of us (American Indians) a bad name. If the television boys would bother to look up their prison records, they wouldn't come in here glorifying them like they have.

"Banks and Bellecourt bear about as much resemblance to Sitting Bull as Al Capone did to George Washington," he added.

Bill Cuny, an Oglala Sioux who teaches elementary school in Rapid City, echoes Wilson:

"The Bellecourt brothers, Russell Means and Banks are urban Indians, bandits with braids. They can't speak for reservation Indians." The criminal records of AIM's national leaders curiously have been ignored by both the local and national press in recent months although they are a matter of public record in Minnesota's Hennepin County District Court.

Banks, Clyde Bellecourt and his brother, Vernon, all have served sentences in Minnesota penitentiaries for a variety of felony offenses, including burglary, aggravated assault and armed robbery.

A Minneapolis police official said Banks, 35, has been convicted 15 times on charges including assault and battery and burglary.

Clyde Bellecourt, 36, the official said, has an arrest record dating back to age 11. He was found guilty of armed robbery in 1954 and was sentenced to serve two to 15 years in prison. After parole, he was convicted of burglary in 1958, sentenced to five years in prison, paroled again and then was convicted of burglary once more in 1960 and paroled in 1964.

Banks is national field director of AIM and lives in Minneapolis; Clyde Bellecourt, also from Minneapolis, is executive director of the local chapter, one of the largest with more than 100 members. His brother, Vernon, also with a police record, is national co-director of AIM and also runs the Denver chapter.

AIM currently claims a membership of about 4,500 in 67 chapters in the United States and two in Canada.

Banks and Clyde Bellecourt had managed to stay out of trouble for several years when they joined the staff of the Citizen's Community Centers (CCC's) a Minneapolis and anti-poverty program in 1967.

Although Banks and Bellecourt claim to be co-founders of AIM, people close to the group, said the real impetuous was provided by Douglas Hall, an attorney and former board chairman of the CCC's and Matthew Eubanks, self-proclaimed leader of the Minnesota Black Panthers and one-time CCC executive director. Hall and Eubanks were cited by OEO investigators as having stacked the CCC's board illegally in order to force out William White, a moderate black man as director and replace him with Eubanks in December, 1968.

The CCC's received about $1,400,000 a year in OEO money over a seven-year period. OEO investigators have never been able to determine how much actually went into services for Minneapolis' poor because no accurate bookkeeping was done.

. . . But local government officials say CCC's services to the poor stopped completely in January, 1969, when Eubanks replaced White as executive director.

"Eubanks got his position by packing a board meeting with local Panthers—some of them armed—and forcing the board, which included former Mayor Arthur Naftalin, to remain in session until they fired White," said Mrs. Peake.

Eubanks' own version of what happened agrees with Mrs. Peake's, and a number of other informed sources say that story is correct.

A reporter for the Minneapolis Tribune who covered the CCC's meeting in those days, however, said he wasn't sure what happened "because they locked the press out. I do know that no one came out of the meeting until 5:30 the next morning," he said.

Whatever, Eubanks promptly shifted the focus of the CCC's from helping the poor to "politicizing" black students in elementary and high schools in the city's one small ghetto area.

CCC's staff members were cited for disrupting classes on so many occasions that the city's school board finally sought a restraining order against Eubanks.

Eubanks then organized a campaign, as he put it at the time, to "harass the police at every turn, break down their police-community relations program and make them targets of hate in the black community."

It was at about that time that Eubanks and Douglas Hall decided to organize a militant Indian group within th CCC's structure and chose Dennis Banks and Clyde Bellecourt to head it.

Eubanks unwittingly named the new group the Concerned Indian Americans, a name that was abandoned after several weeks when Hall returned from an out-of-town trip and pointed out that the group's acroym, CIA, might be confused with "the hated Central Intelligence Agency and turn off a lot of people."

Banks and Clyde Bellecourt then changed the name to the American Indian Movement and hired a six-member staff to begin recruiting the OTO money that had been earmarked for a Head Start program for pre-school Indian Children.

OEO began phasing out Minneapolis anti-poverty program as early as 1970 because of its dissatisfaction with the lack of accountability, misappropriation of funds and the bad press militants like Eubanks, Hall and the AIM leaders were getting.

"There was a colossal amount of waste in most of the big city anti-poverty programs," an OEO official said last week, "but Minneapolis is probably the ultimate example.

"Here in one of the most affluent cities in the United States the federal government squandered nearly $25 million in seven years," he said.

"Only one-ninth of the Minneapolis population whose income places them below the poverty cut-off is black or Indian," he said.

"Yet the 90 percent of that money was earmarked for services for minority citizens and eight-years later we end up with 25 percent more minority poor than when we started the program."

Despite the phasing out of the anti-poverty program, OEO, the Department of Health, Education and Welfare (HEW) and the Department of Labor continued to fund AIM.

"We kept sending them funds for community actions programs," an OEO official said, sarcastically "and they kept giving us community action.

In 1970, AIM members took over the former prison island of Alcatraz in San Francisco Bay, blocked entrances to the Bureau of Indian Affairs and disrupted a conference of the National Congress of Indian Organizations sponsored by the OEO—which incidentally, paid for $30,000 worth of vandalism damage caused by AIM.

AIM was relatively dormant in 1971, but when Raymond Yellow Thunder, an Ogala Sioux was shot and killed in Gordon, Neb., in early 1972 AIM members moved in and demanded that local police turn over a white man accused of the crime for trial by an Indian jury.

After they tied up the town for more than a week with picketing and several violent confrontations. AIM members moved a few miles north to the Oglala Sioux reservation town of Pine Ridge, S.D., and did $50,000 worth of damage to the Crazy Horse Museum.

The reason for that destruction, Bellecourt said, was that the owner, even though he was married to an Oglala Sioux, was white.

In the fall, AIM took over a peaceful lobbying effort called "The Trail of Broken Treaties" from more moderate Indians and used it as a vehicle to occupy the Bureau of Indian Affairs in Washington.

When AIM members left with $66,000 in OEO money after six days they had destroyed or looted an estimated $3 million worth of the BIA's furnishings—including many irreplaceable Indian artifacts and paintings.

Earlier this year, AIM members staged mini disturbances in Rapid City and Custer, S.D., before moving into Wounded Knee in late February.

AIM's present tactics have been disavowed by almost every recognized American Indian leader outside that organization in Minnesota and the Dakotas—another fact that had gone virtually unreported by the media.

"What AIM is trying to do is to move onto the reservation of a tribe that has given it little support and force the ouster of the tribal chairman," said Roger Buffalohead, acting chairman of the Department of American Indian Studies at the University of Minnesota.

"If AIM wins this confrontation and forces Wilson to resign," said Mrs. Peake, "they'll be able to gain control of every reservation in the country. The majority of the 800,000 or so American Indians will think AIM has government sanction.

"When you look at the federal money they've been able to get and practically burn up, it's not hard to believe that Indians believe that right now," she concluded.

Indian Militants Funded—An OEO Scandal

When the Office of Economic Opportunity expires next month, they ought to bury its heart at Wounded Knee.

The story of how OEO funds—your taxes—financed a militant Indian crusade, culminating in the occupation of Wounded Knee, S.D., vividly illustrates why the OEO experiment failed and must be dismantled.

An investigation by The Detroit News has revealed that most of the members of the so-called American Indian Movement and their sympathizers at Wounded Knee work for social welfare agencies financed by federal grants.

Since its founding in 1968, AIM has obtained more than $400,000 in federal funds and has used most of the money to promote Indian militancy rather than to improve the lot of American Indians. AIM leaders, many of them ex-convicts, used federal funds to finance their take-over of the Bureau of Indian Affairs last year. The OEO gave them $66,000 for "transportation" purposes following their vandalizing and pillaging of the bureau. Last June, OEO granted the group $113,000; AIM refused to provide an audit showing how the money was spent.

"Of all the money AIM has conned out of the federal government," observes a spokesman for Indians in the Minneapolis area, "I'd be surprised if even a minute fraction ever trickled down to our people who really need it."

Responsible Indian officials, including the elected Oglala Sioux tribal council, on whose reservation the Wounded Knee confrontation has taken place, oppose the tactics of the militants. Indeed, the record shows that the only substantial support for the radical Indian movement has come from the U.S. government, which the radicals depict as the hated enemy.

The AIM episode is the sort of thing never mentioned, of course, by critics of the Nixon administration's decision to terminate the OEO. As they see it, OEO is being dismantled because Mr. Nixon cares nothing about the poor.

The hard fact is that OEO was a noble experiment that went awry. Its community action programs proved disastrous. Millions of dollars went into projects which lined the pockets of a few and did little, if anything, for those who needed help most.

As the Nixon administration recognizes, many of the OEO programs are worthy ones. Those programs will not die but will be transferred to existing federal agencies. But the OEO bureaucracy, a miserable failure, will disappear. There is small reason for American taxpayers to mourn its passing.

Congress and the OEO—Probe Is in Order

Odd, isn't it, how politics, can blunt a politician's sense of smell?

The slightest whiff of impropriety on the President's staff sets congressional bloodhounds to baying. Yet, as the stench of scandal in the handling of Office of Economic Opportunity funds grows stronger, we hear no call in Congress for an investigation. Instead, congressional crusaders keep right on fighting President Nixon's effort to dismantle OEO. They don't want to be on the wrong side of the war on poverty.

Unfortunately, as a weapon against poverty, OEO proved not just weak but disastrous. As current revelations in The News make clear, the dismal failure of OEO to end poverty has been matched only by the government's incredible failure to require an accounting from those who got money, ostensibly to help the poor.

The Economic Opportunity Commission of Nassau County (EOCNC), Long Island, N.Y., receives $1.5 million a year from OEO. Federal authorities now suspect that about $50,000 of that money was recently used to help sponsor Washington rallies protesting cutbacks in anti-poverty programs.

Investigators believe that middle level bureaucrats in "anti-poverty" agencies may have spent hundreds of thousands of dollars, public money earmarked for helping poor people, in a lobbying effort to preserve their own jobs.

OEO investigators know for a fact that the Nassau County agency, headed by John Kearse, transferred money from its operating account to a private slush fund just a few days before the first of a series of protest rallies in Washington. They also know that OEO agency employes went to Washington on chartered buses and had money for living expenses while there. And that nine EOCNC employes who refused to make the trip were fired two days later.

When OEO investigators began looking into all this, they encountered astonishing defiance from Kearse, who said the firings were "no one's business but our own" and refused to open the agency's books for an audit. Kearse was getting $1.5 million a year in government funds but refused to let the government see how he was spending it! Only a threat to cut off funds finally opened the books, whereupon OEO investigators found the agency's accounting controls "practically nonexistement."

Such is the dismal aftermath of the great war on poverty, started with fanfare and good intentions and money by the ton. There was great faith, apparently, that the money would be spent well and honestly, that no questions need be asked.

Some of the money, we agree, has been well spent. We are thinking, for example, of the Neighborhod Youth Corps, which has helped put idle Detroit youths to work. But billions have gone down the drain in various projects for which the government has nothing to show but empty pockets and shattered dreams.

The least the public can expect is that the government has learned some lessons. By deciding to dismantle OEO and give some of its programs to other agencies, President Nixon shows he has learned something after futile attempts to make OEO work. Congress, it seems, is slower on the uptake—or less considerate of the public purse.

HOPE, INC., STAFFER RECOGNIZED

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 10, 1973

Mr. STOKES. Mr. Speaker, the March 1973, issue of Tuesday at Home recently paid tribute to a young woman, Ms. Sheila O'Brien, who has made a remarkable contribution to the city of Cleveland. Ms. O'Brien, or "Paddy" as she is known, has been working for an organization called Housing Our People Economically—Hope, Inc.—for a year and a half as a Vista volunteer. In that short timespan, Ms. O'Brien set up a communications network which has enabled Hope, Inc., to maintain contact with the residents of Hough in Cleveland. As the organization's executive director, Mr. Vernon R. Thornton told me recently:

> I think this exemplifies the cooperation that HOPE works under and is a small example to the rest of the country of the many resources that are needed to orchestrate a successful organization.

I am confident that my colleagues will enjoy reading about Ms. O'Brien's outstanding effort. The Tuesday article follows:

Good Works Keynote Careers

(By Cynthia DeWitt)

When Helen King started writing children's books, she had no idea that it would lead to her own publishing firm. "It's sort of incredible for me since all I've ever wanted to do was write," said the president of Let's Save the Children, Inc., a new children's book publishing company based in Chicago. "Actually, it was the failure of other publishing houses to distribute children's books relating to the Black experience which led me into the business," the former elementary school teacher and author of two children's books—"Willy" and "The Soul of Christmas"—explained. "I always felt that there was a need for children's books about Black lifestyle and culture," Mrs. King added, "but I couldn't convince other publishers that they were profitable."

Her firm, established last year, now has 13 staff members and has released eight titles on well-known personalities such as Nikki Giovanni, Isaac Hayes and Marvin Gaye for elementary school children. Written in what Mrs. King calls "soul rhythm," a teacher's guide and instructional booklets accompany each title. The books are now marketed to 15 school systems around the country.

Mrs. King chose well-known personalities as subject matter, she said, because the material was already familiar to the children and would increase their desire to read. However, the firm will not always publish books on popular figures, and is currently planning a book on the Black family.

The purpose of the books, Mrs. King said, is to teach about goals, values and life realistically.

"For so long educators and book publishers have force-fed a value system to children that doesn't exist," she said, "therefore we try to supply material that children of today, who are more sophisticated, can relate to. Most children are aware of the serious social problems in the U.S., but book publishers have not accommodated this awareness." Her books are written for both Black and

White children because, "Black children have had to learn about Hansel and Gretel, and White children need to know about people like Marvin Gaye so that they can grow to understand the Black lifestyle," said Mrs. King, whose two children, Chad, 9, and Fenote, 7, she calls her best critics. Asked why she named the firm "Let's Save the Children, Inc.," she replied, "because that's exactly what I mean. More than anything, I want to do a service for children." Most of the profits from the company, she said, will go toward establishing mobile health units, research centers, and summer camps for disadvantaged children.

Like Mrs. King, 23-year-old Sheila O'Brien is not out to conquer the world, but is making an effort to heal some of the country's social ills. For the past year and a half Miss O'Brien has worked as a VISTA (Volunteers in Service of America) volunteer in inner-city Cleveland with H.O.P.E., Inc. (Housing Our People Economically), an organization devoted to improving housing in Cleveland's blighted Hough district.

One of the first goals of the organization was to develop an ongoing communications department to let its clients and public know what H.O.P.E. is doing, and executive director Vernon Thornton said, "It was Sheila's ingenuity that put the program together."

As communications officer of H.O.P.E., Miss O'Brien has contact with city officials as well as residents of the Hough area. Although her term with VISTA expired last month, she is continuing her work with H.O.P.E. as a staff member. Miss O'Brien, who joined VISTA after graduating from Pitzer College in Claremont, Calif. said, "When I first got into the program, I put all my text books aside. I was afraid to pick up a sociology book for fear that it would confuse me, but most of all I wanted to test book learning with reality." She considers VISTA a program that can promote change, but feels "VISTA is only as good as its volunteers." She added, "Working at H.O.P.E. is no glamor job, but it's challenging and a tremendous learning experience."

ENERGY CRISIS

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 10, 1973

Mr. LONG of Maryland. Mr. Speaker, Stanley A. Blumberg of Baltimore, Md., has written a thoughtful and informative article about the energy crisis facing our counrty and his proposal for creating a Federal corporation to prospect and drill for oil and gas on federally owned lands.

I am sure that many of my colleagues are interested, as I am, in receiving suggestions on how to alleviate our energy shortage. The Baltimore Evening Sun printed Mr. Blumberg's article, and I should like to insert it at this point in the RECORD:

YES, THERE REALLY IS A WAY TO END THE GOUGING OF THE PUBLIC AND RESOLVE THE ENERGY CRISIS

(By Stanley A. Blumberg)

Before the American consumer accepts at face value the solution advocated by the oil and gas companies for the energy crisis—namely higher prices—he should weigh some solutions that are more in his own interest.

Certainly the public interest can generally be served by permitting an adequate return on invested capital for companies engaged in the business of finding and marketing fossil fuels. No investor will provide equity or debt capital unless he is assured of a return on his investment, and without funds, exploration and distribution of oil and gas will grind to a halt.

This does not mean, however, that the oil and gas companies should be permitted to use the alleged energy crisis as an excuse to gouge the public. There is little doubt that this is exactly what they are doing and apparently intend to continue to do, if they can get away with it.

For the past year these companies have engaged in a nearly unparalleled advertising campaign designed to convince the reader that current costs are too low and because of shortages and inflation he will be forced to pay more for their product if he expects to heat his home and drive his car. They have been unwittingly aided in this psychological conditioning by members of the media who too often accept the word of "experts" without informed questions.

According to the gas companies, since the Federal Power Commission has set an unrealistically low figure at which gas must be sold at the wellhead, there is no incentive for speculative drilling. The message is clear: Unless wellhead prices are increased, new wells will not be drilled and the shortage of natural gas will continue and intensify. Under this pressure the FPC is now letting prices rise, although in the opinion of the industry not fast enough. The gas lobbies are pressuring Congress to amend the Natural Gas Act to eliminate the control of the FPC on wellhead prices.

Before this is done Congress should consider other methods to provide the gas companies with incentives for drilling that would, at the same time, give the consumer some protection against price gouging. One method, and we will deal with another in our discussion of oil, would be to treat drilling companies as public utilities. The prices that public utilities charge for their product are controlled by regulatory agencies. Their dual aim is to insure the corporation a fair return on invested capital and to protect the public from excessive rates.

In order for this concept to be effective, the operating company and the drilling should be a single entity. If a drilling company operating independently does not find gas there are no gas sales to regulate. If, however, prospecting and marketing are joint functions of a single company, drilling losses would be reflected in higher gas prices but success in drilling would produce profits, thus resulting in lower gas prices. In either event, as a regulated company, it should be able to attract capital at reasonable rates, and the public would have a degree of price protection.

The growing dependency of the United States on imported oil and gas is fraught with monetary and political dangers. At the present time, we are importing 26 per cent of our crude oil requirements. John G. McLean, chairman of Continental Oil Co., estimates that by 1965 we would be obtaining 40 to 55 per cent of our oil from foreign sources. He projects a large and growing deficit in the United States balance of trade in fuels. From a current yearly deficit of $3 billion he foresees a deficit in the $20 to $30 billion range during the early 1980's. Recognizing the political hazards of depending on an unstable Middle East as a prime source for U.S. fuel, he "suggests that we will need to take a new look at all our foreign policies with respect to the Middle East—".

Fortunately, the current and future energy needs of the United States can and therefore should be met from domestic sources.

According to Dr. Edward Teller, the U.S. has within its boundaries more hydrocarbons than exist in the form of oil in the Middle East. Oil, gas coal and oil shale are all hydrocarbons. Dr. Teller believes that technology can be developed economically to extract oil and gas from coal and oil shale. An example of this procedure is an economical method of extracting oil from shale, that was discussed on this page in December, 1972.

These approaches will probably take several years to implement. In the meantime, what can be done to increase supplies of domestic crude?

The President's Office Of Science and Technology is studying and preparing a report on the national energy problem. The agency expects to issue the report prior to June 30, 1973, when its existence will be terminated by executive order. Until then it is not clear if the study will provide a focus for an effective national energy policy.

It is reported, however, that the administration will recommend the leasing, on a competitive bid basis, of federally owned lands to private companies for oil and gas exploration and production.

The rationale for this proposal is convincing. First, the U.S. would be less dependent on unstable foreign sources of fuel. Second, the United States would enjoy a better trade balance.

All this is fine, but if the administration is also concerned with the price of fuel to the consumer, perhaps the plan should be modified.

The prospecting companies argue, with a great deal of logic, that since they are in a very risky and speculative business, they must receive a "fair" price for their product. For the sake of argument, let us assume that the "explorers" are right, forgetting momentarily the federal tax advantages that they enjoy.

There is a method that would insure private marketing and distribution of any gas or oil discovered on publicly owned land, without involving private risk capital. Since these lands, including all subsurface deposits, are the property of all the people a federally-owned corporation should assume and discharge the obligation of exclusive prospecting and drilling.

Such a federal corporation would be charged with exploration and test drilling for the purpose of establishing and controlling what reserves are available on public lands for our current and future national energy needs. It would have the responsibility of selling established proven reserves for ultimate distribution to private companies.

A national board representing industry and consumers, to be appointed by the President and confirmed by Congress, should have the power and responsibility of determining what price oil and gas, when discovered on public lands, should command in the market.

It has been estimated that at least one third of the United States' oil and gas deposits lie beneath federally owned land. If this is so, rational decisions as to the degree that domestic reserves should be released or husbanded in favor of more imports can be arrived at without undue pressure from political influences.

If this type of plan is implemented, the consumer as an underlying "land-owner" will expect, and rightfully so, that since it is "his" oil and gas that is being "resold" to him by the distributing companies, the cost will be a fair one.

UNIFORM TIRE GRADING STANDARDS FOR PASSENGER CAR TIRES

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 10, 1973

Mr. HARRINGTON. Mr. Speaker, on March 7, 1973, the Department of Transportation printed at page 6194 of the Federal Register, a set of proposed uniform tire grading standards for passenger car tires—Docket 25; Notice 4. DOT has asked for all interested parties to comment upon these proposed standards by June 4, 1973.

At first glance, the proposed standards appear to be an answer to the consumer's long unheard cries in the night for an understandable method of grading and labeling all new tires. The new standards go a long way toward aiding the hapless consumer in deciding what is the best tire for the price, and what kind of safety standards the tire will meet.

Though these proposed rules are long overdue, I welcome them. However, I must object the seeming timidity of DOT to give the American consumer the "whole truth" about the tires he or she is buying.

Why, for example, are retreaded tires—potentially the most dangerous tires sold today—not included in these new standards?

How does DOT plan to set up its proposed 16,000-mile, over-the-road tire tests? There is no mention about this very important aspect of the program in the proposed rule. Will climate, road types, speed, and other important tire-wear factors be taken into consideration?

The National Highway Traffic Safety Administration—NHTSA—has requested all interested parties, laymen and professionals alike, to comment upon the proposed rule by June 4, 1973. I encourage all those interested in bettering consumer information and auto safety to do so.

Mr. Dan Fisher wrote an articulate article in the March 18, 1973, issue of the Los Angeles Times raising a number of important questions with regard to these proposed standards.

Mr. Speaker, I include with my remarks at this point Mr. Fisher's article entitled, "U.S. Grading System To End Tire Mystery May Get an 'F' ":

U.S. GRADING SYSTEM TO END TIRE MYSTERY MAY GET AN "F"

(By Dan Fisher)

Those much ballyhooed new government tire grading standards—proposed a couple of weeks ago to help you make a wise purchase—may "help" you to buy a 30,000-mile tire instead of a 50,000-mile tire without even knowing the difference.

At least, that's the problem noted by some critics who have had a chance to study the fine technical details of the oft-delayed U.S. Department of Transportation proposal.

Under the plan, which was originally due in 1968, tire buyers beginning in September, 1974, will be able to compare various brands and types based on federally devised performance codes stamped on the sidewalls.

The codes will indicate performance in three areas—tread wear, high speed capability and traction.

Currently, there are no uniform tire grades. Manufacturers can designate a tire "premium," "first line," "100 level," or anything else at their whim, and what one company calls a "premium" tire is not necessarily "premium" to another firm.

The National Highway Traffic Safety Administration (NHTSA), the DOT unit which drafted the grade labeling proposal, says its plan will end much of the consumer confusion resulting from the current setup.

Everybody seems to agree it's a step in the right direction, but a few experts contend it will keep many buyers in the dark—especially those willing to fork over a bit more money in exchange for a longer wearing tire. And before the NHTSA plan is finalized in June, there may be a major battle over what these experts see as the culprit—something NHTSA calls its "control tire."

Two of the performance grades NHTSA proposes would be based on a tire whose specifications would be dictated by the agency—the control tire.

There would be, for example, six tread wear categories. A tire's mileage potential would be indicated on its side by a number comparing it with the control tire on a percentage basis. The lowest category would exhibit "less than 60%" of the tread life of the control tire. The top grade would be "200," identifying a tire that should last at least twice as long as the control tire. In between would be grades of 60, 85, 100 and 150.

LOW GRADE TIRE

But critics point out that the control tire proposed by NHTSA is such a low-grade type that most production tires will get high tread wear marks, and many will just go off the top of the rating scale—so the system leaves unwitting buyers in the dark.

If the control tire gets 15,000 miles of tread life, for example, a 30,000-mile tire would get the top "200" grade. But so would a 40,000-mile tire, or a 50,000-mile product. "The consumer won't have any comparative information at all" on these longer-life tires, points out D. McCarty Thornton, an attorney specializing in tires for the Federal Trade Commission.

REASONABLE RELATIONSHIP

"There has to be a very reasonable relationship between the control tire and the solid middle of the industry's quality range or the whole thing becomes farcical," adds Rep. John E. Moss (D-Calif.).

Edward Wallace, chief of NHTSA's tire division, concedes that "a tire that's worse than the control tire would be pretty bad." The low standard was chosen, he says, because it has been used as a basis for standards set by the Society of Automotive Engineers for new cars and because it is readily available in the designs and sizes covered by the proposed standard.

The debate over what should constitute a control tire "is crucial because more and more quality and safety-conscious consumers are opting for new types of tires that promise much longer mileage.

Better tires have resulted from sweeping changes in tire building technology over a relatively short period of time.

About 25 years ago, recalls Fred Kovac, manager of tire reinforcing systems for Goodyear Tire & Rubber Co., Akron, Ohio, a Goodyear salesman called on an Army quartermaster touting a new product.

"Hey," he asked. "I want you to take a look at these new nylon tires we've got."

"I don't know," frowned the skeptical procurement officer, "we've been doing pretty good with these rubber ones."

The Army and other major tire industry customers have undoubtedly become more sophisticated since then, but the average consumer, if anything, seems to have become more confused in the face of a seemingly endless stream of new types of tires.

That old "rubber" tire the Army quartermaster defended probably had a rayon carcass (fabric) beneath its rubber tread to give it strength. Rayon was the favored carcass material in those days, but in the late 1950s, it lost out to nylon, which in turn seems now to be losing ground to polyester.

Also, the Army's old tire was undoubtedly of "bias ply" construction, featuring two layers of rayon cord arranged at an angle (or bias) to the tread it supported. Since then, tire construction methods have changed considerably, and today the "glamor" tire is a radial, in which the cord runs at a right angle to the tread and is supplemented by belts of fabric between it and the tread.

BETTER MILEAGE

As a result of changes in carcass materials and construction methods, today's best tires get at least twice the mileage of the old bias ply versions. At least, that's what the tire companies' commercials say.

This year, more than half the 200 million new automobile tires sold in the United States are expected to be either radials or belted bias ply tires—a third tire construction category that also promises much longer life than the plain bias ply tire.

Detroit shifted in the late 1960s to bias belted tires for its new models, and now Ford Motor Co., says that 75% of its 1974 models will be equipped with the even higher mileage radials when they come off the assembly line.

Despite all that, NHTSA's proposed control tire is a two-ply, rayon job—the Army quartermaster's old "rubber" tire. And only two of the six tread-wear grades it suggests would apply to longer-life tires.

B. F. Goodrich, the nation's fourth largest tire company, doesn't even make a two-ply rayon tire any more, a company spokesman says.

FTC's Thornton suggests that NHTSA could help today's tire buyer more by either upgrading its control tire or adjusting its grade categories so there were more over "100" and, possibly, higher grades than "200."

FEARS EXAGGERATED

"I think the industry will have a lot to say about that" as comments on the proposal flow in prior to next June, says NHTSA's Wallace. He thinks the fears of Thornton and others are exaggerated, but promises "if it becomes a necessity, then, we'll amend the proposal."

Most people involved with the grade labeling proposal apparently agree with Wallace, although some were unaware of the control tire specified by NHTSA until it was brought to their attention by The Times.

Sen. Gaylord Nelson (D-Wis.), author of tire quality grading legislation in 1966, says the proposal "appears to be workable and comprehensible," though he calls it long overdue.

Art Delibert, an engineer with the Ralph Nader affiliated Center for Auto Safety, adds: "Overall, we're very pleased." He notes that the latest NHTSA effort is much simpler than a two-year-old proposal which would have included a confusing array of grades covering a half-dozen areas of tire performance.

The Nader lieutenant and others object to the lack of a minimum tire traction standard, as well. The latest NHTSA proposal would include four traction grades, indicated by one, two, or three stars, or a dash.

A one star tire would offer 90% of the road-holding ability of the control tire; two stars would mean the tire was at least as good; and three stars would identify it as having at least 10% better traction than the control. A dash would mean the tire has less than 90% of the road holding ability of NHTST's base tire.

Edward Wallace says that about the same time the grade labeling standard becomes effective, NHTSA will also complete a minimum traction standard that would outlaw anything below a one-star tire.

HIGH PERFORMANCE

High performance grades under the latest NHTSA proposal would be indicated by the letters A, B, or C. A "C" graded tire would offer the minimum high speed capability allowed under federal safety standards. A "B" tire would have passed additional tests at sustained speeds of up to 95 miles per hour, while the top, "A" tire would have been tested at up to 105 miles per hour.

Tire manufacturers have generally been

mum on the latest grade labeling proposal. Russel deYoung. Goodyear chairman, claims the whole concept "will cause more confusion."

"Tires are like gasoline," he says. "If you drive a car fast, you use more gasoline than if you drive it slow. It's the same with tires. A new concrete road wears tires three times as fast as a three-year-old road."

He contends that it's not just tire buying that confuses consumers these days, "it's a whole merchandising system."

If so, the tire business has one of the wildest versions. Its distribution system resembles an explosion in a spaghetti factory.

Thirteen U.S. companies make automobile tires, but they're sold under 157 different brand names. A Firestone plant, for example, may turn out Atlas, Shell, Union 76, Mobil, Phillips 66, or any one of a dozen other brands of tires, as well as Firestones.

Firestone subsidiaries—Dayton Tire & Rubber Co. and Seiberling Tire & Rubber Co.—turn out a like number of different brands.

One wit, noting that there are now more than 1,600 brand and model names for passenger car tires alone, once suggested that the industry needs a "tire birth control pill."

At the retail level, tires are sold through independent dealers, manufacturer-owned outlets, gasoline stations, department stores, automobile dealerships, and auto supply houses, among others.

And "the pricing structure in this business is predicated on the number of tires a retailer can buy."

As a result of all this, tires made in the same plant and virtually identical in performance may sell at retail under several different names and at many different prices.

PRIVATE BRAND ALSO

Generally, "private brand" tires such as All-state, distributed by Sears Roebuck & Co., have taken an increasing share of the replacement tires market in recent years at the expense of the "major," or manufacturer brands. Sears, for example, sold 8.5% of all replacement auto tires purchased last year, estimates "Modern Tire Dealer," a trade magazine. That made Sears the third best selling tire brand, behind Firestone (9.5%) and Goodyear (13%).

One reason for the rise of private brands is price. But one effect of government grade labeling standards will be to close that gap, contend many industry analysts.

"We left the price of the major get too far out of sight of the private branders," admits Edward Carter, executive vice president of Firestone.

Lately, however, the major manufacturers have been reducing prices on their own brands. One reason might be their fear that government grading standards will reveal the cheaper, private brands to be equal in performance to their own lines of tires.

Despite such reductions, however, the price of the average tire sold is going up, as consumers opt for higher cost radials, or bias belted tires. "Modern Tire Dealer" says the median tire bought last year cost about $32, up from $25 five years ago.

THE LOOMING GASOLINE CRISIS

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 10, 1973

Mr. VANIK. Mr. Speaker, I note with great interest reports in the Oil Daily of the low level of gasoline stocks on hand for the up-coming spring and summer season. These projections of shortages in gasoline fall quickly on the heels of the fuel oil crisis we weathered this winter. Mismanagement is the common denominator to these shortages. To remedy this situation, I have offered the following legislation, which I would like to submit to the Record:

H.R. 6194

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

STATEMENT OF FINDINGS

Section 1. The Congress finds that—

(1) the lack of coherent planning among the various agencies engaged in energy policy formulation has accentuated shortages in petroleum supplies and electrical energy;

(2) a comprehensive national energy policy, encompassing energy research and development, and the efficient use of the Nation's energy resources, is essential to the improving of the general welfare of the Nation; and

(3) it is a primary responsibility of the Federal Government to provide essential leadership in advancing a program of efficient development, supply, utilization, and conservation of energy resources.

DECLARATION OF PURPOSE

Sec. 2. The Congress declares that it is the purpose of this Act to protect and improve the general welfare of the people of the United States by promoting a national energy policy through the establishment of an Energy Development and Supply Trust Fund, which shall be used to promote the comprehensive collection of energy data and statistics, the wise management and conservation of energy resources, and the development of environmentally sound sources of energy.

ENERGY DEVELOPMENT AND SUPPLY COMMISSION

Sec. 3. (a) There is hereby established a Commission to be known as the Energy Development and Supply Commission, hereinafter referred to as the "Commission".

(b)(1) The Commission shall consist of five members appointed by the President of the United States, by and with the advice and consent of the Senate.

(2) No individual shall be selected to serve on the Commission if such individual at any time has been affiliated with or has held any direct or indirect pecuniary interest in any electrical power, natural gas, petroleum, or other energy production or distribution industry.

(3) Except as provided in paragraph (2), members of the Commission shall be selected from among those individuals who have experience and competence regarding the environment and its protection, consumer protection, and energy-related research and development.

(4) Not more than three members appointed under this subsection shall be of the same political party.

(c)(1) Except as provided in paragraphs (2) and (3), members shall be appointed for terms of five years.

(2) of the Members first appointed—

(A) one shall be appointed for a term of one year;

(B) one shall be appointed for a term of two years;

(C) one shall be appointed for a term of three years;

(D) one shall be appointed for a term of four years; and

(E) one shall be appointed for a term of five years;

as designated by the President at the time of appointment.

(3) Any vacancy in the Commission shall not affect the powers of the Commission, and shall be filled in the same manner as the original appointment. Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term.

(4) A member may serve after the expiration of his term until his successor has taken office, except that no member shall serve beyond the expiration of the next session of the Congress beginning after the expiration of his term of office.

(d) During the period any individual serves as a member he shall not engage in any other employment, business, or vocation, or have any direct or indirect pecuniary interest in any electrical power, natural gas, petroleum, or other energy production or distribution industry.

(e) Three members of the Commission shall constitute a quorum.

(f) A Chairman shall be selected from among the members by the President. The Commission annually shall elect a Vice Chairman to act in case of the absence or disability of the Chairman, or in case of a vacancy in the office of the Chairman.

(g) The Chairman shall be compensated at the rate provided by level II of the Executive Salary Schedule under section 5313 of title 5, United States Code. Other members shall be compensated at the rate provided by level III of the Executive Salary Schedule under section 5314 of such title.

(h) The Commission may appoint a Director and such staff personnel as it deems desirable. The Director and staff of the Commission shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

(i) The Commission shall have an official seal, of which judicial notice shall be taken.

POWERS OF THE COMMISSION

Sec. 4. (a) In order to carry out the purpose of this Act, the Commission may—

(1) make such expenditures and enter into such contracts as it deems necessary;

(2) promulgate regulations to carry out its functions;

(3) subject to subsection (b), procure the services of experts and consultants to the same extent as is authorized by section 3109 (b) of title 5, United States Code;

(4) subject to subsection (b), utilize the services of voluntary and uncompensated personnel who may be allowed transportation expenses, including per diem expenses, as authorized by section 5703 of title 5, United States Code, for individuals serving without pay;

(5) purchase lands or interests therein;

(6) purchase, rent, or lease office space; and

(7) make grants with respect to any research program established or maintained under section 5.

(b) In obtaining the services of individuals under subsection (a)(3) or (a)(4), the Commission shall seek such individuals from all segments of electrical power, natural gas, petroleum, or other energy production or distribution industries from State and municipal governmental units, environmentalist groups, consumer groups, institutions of higher education, and Federal executive agencies. Upon request of the Commission, the head of any Federal executive agency is authorized to detail, on a reimbursable basis, any of the personnel or such agency to the Commission to assist it in carrying out the purpose of this Act.

(c) The Commission shall, for the purpose of examination and audit, require that any person receiving a grant under subsection (a)(7) shall maintain such records as the Commission shall prescribe, including—

(1) the amount and disposition by such person of funds received under such grant;

(2) the total cost of the project in connection with which such funds were given or used;

(3) the amount and nature of the portion of the cost of the project supplied by any other source; and

(4) any other record which the Commission deems necessary.

(d) The Commission and the Comptroller General of the United States, or any authorized representative thereof, shall have access, for the purpose of examination or audit, to any record of any person receiving a grant under subsection (a)(7) which is maintained pursuant to requirements prescribed by the Commission under subsection (c).

RESEARCH PROGRAMS

SEC. 5. (a) The Commission shall establish and maintain research, development, testing, and evaluation programs which shall seek to—

(1) develop low-cost, environmentally sound energy sources and energy generation, transmission, and distribution processes for transportation, industrial, and residential use, and other areas, with primary emphasis on the development of all aspects of solar energy sources and new sources of energy for self-propelled vehicles;

(2) develop processes and techniques of energy conservation for use in construction, transportation, and in the manufacture of consumer and capital goods;

(3) eliminate the adverse environmental impact of energy generation, transmission, and distribution processes, especially the present fission technology of civilian nuclear programs;

(4) increase the efficient generation, transmission, and distribution of energy; and

(5) explore other areas related to energy generation, transmission, and distribution.

(b) The Commission shall publish and distribute, at such times and in such manner as it deems appropriate, any information, discovery, development, or related matter produced by any program established and maintained under subsection (a).

PETROLEUM RESERVES

SEC. 6. (a) The Commission, in order to safeguard national security, shall establish and maintain national defense petroleum reserves on public lands of the United States which shall have a petroleum-producing capacity sufficient to protect the United States against a continuous one-year interruption of importation of petroleum from all foreign countries (except those contiguous to the United States), which the Commission determined to be an insecure source of petroleum.

(b) The Commission, to any extent it deems necessary or appropriate, may treat existing petroleum reserves (established under chapter 641 of title 10, United States Code) as part of the national defense petroleum reserves, and for this purpose the Commission may purchase lands or interests in areas adjacent to such existing reserves and may enter into contracts which protect or increase the capacity of such existing reserves.

(c) Nothing in this section shall be construed to require or authorize—

(1) the cancellation or termination of any existing lease; or

(2) the taking or use of any lands which are, on the date of the enactment of this Act, within the national parks system or which are, on such date, parts of national forests, national seashores, game refuges, or any other lands which have been otherwise set aside by the United States, any State, or any local government for purposes of recreation, conservation, or public use.

MINERAL DEPOSIT INVENTORY

SEC. 7. (a) The Commission shall prepare annually an inventory of mineral deposits in the Nation and shall submit such inventory to the Atomic Energy Commission, the Federal Power Commission, and the Secretary of the Interior in order to promote coordination among them regarding energy planning. The first such inventory shall be completed on or before June 30 of the second calendar year beginning after the date of the enactment of this Act.

(b) Any prospector, mine operator, or well operator who makes any discovery of any substantial mineral deposit (as determined by the Commission) after the date of the enactment of this Act shall, no later than 30 days after such discovery, file a report with the Commission, in such form as the Commission may prescribe, setting forth the following information regarding such discovery—

(1) the type of mineral, the estimated volume of the deposit, and the estimated quality of the unprocessed mineral;

(2) the location of the deposit; and

(3) the name and address of—

(A) any owner of the deposit; and

(B) the person filing the report.

(c) Any prospector, mine operator, or well operator who owns or has legal authority, by lease, license, or otherwise, to exploit any substantial mineral deposit (as determined by the Commission) discovered before the date of the enactment of this Act shall file a report within one year after such date of enactment setting forth the information described in paragraphs (1) through (3) of subsection (b).

(d) Any member of the Commission, or any duly authorized repersentative of the Commission, may enter during business hours the site of any substantial mineral deposit for the purpose of conducting independent tests to determine the accuracy of the reported quality, volume, and location of the deposit.

(e) Any member of the Commission, or any duly authorized representative of the Commission, may inspect or examine any record or document relating to the estimated quality, volume, and location of the deposit.

(f) Any person who willfully fails to file any report required under subsection (b) or (c), or files any report under subsection (b) or (c) with the knowledge that such report is erroneous in any material respect, shall be fined not more than $10,000 or imprisoned not more than one year, or both.

DISCLOSURE OF INFORMATION

SEC. 8. (a) Any information received by the Commission under section 4(d), 7(b), 7(c), 7(d), or 7(e) may be published or otherwise disclosed by the Commission, except that no information may be disclosed (except as provided by subsection (b)) if—

(1) the disclosure of such information, in the opinion of the Commission, would be adverse to the public interest;

(2) such information contains or relates to any trade secret or other matter referred to in section 1905 of title 18, United States Code; or

(3) the Commission determines that such disclosure of such information would give an unfair competitive advantage to any person.

(b) The Commission may disclose any information received by it under section 4(d), 7(b), 7(c), 7(d), or 12(e) to—

(1) other Federal officers or employees concerned with carrying out the purposes of this Act; and

(2) the Secretary of the Treasury or his delegate, for the purpose of ascertaining the accuracy of any Federal tax return. Any information falling within subsection (a)(1), (a)(2), or (a)(3) shall not be published or disclosed by any person receiving such information under this subsection.

COOPERATION WITH OTHER AGENCIES

SEC. 9. The Commission, in carrying out the purpose of this Act, shall coordinate its activities, in order to avoid any duplication in policy planning, with the Departments of the Interior, Commerce, Agriculture, Defense, and Transportation, the Atomic Energy Commission, and the Federal Power Commission.

COMMISSION REPORTS

SEC. 10. (a) The Commission shall prepare—

(1) a report of the petroleum-producing capacity in reserves maintained under section 6 during each calendar quarter after the date of the enactment of this Act, to be submitted to the Joint Committee on Defense Production within 30 days after the close of each such quarter;

(2) a report, from time to time for submission to the Attorney General of the United States, recommending action to preserve competition among businesses engaged in the production of coal, oil, natural gas, or uranium;

(3) a report, to be submitted annually to the Congress, setting forth information regarding the supply of mineral deposits discovered during the preceding calendar year, and the estimate of the Commission of the total remaining mineral reserves of the Nation by categories; and

(4) a comprehensive report, to be submitted to the President who shall transmit such report to the Congress * * *

RARICK REPORTS TO HIS PEOPLE: DOMESTIC PROGRAMS CUT, TO PROVIDE AID TO NORTH VIETNAM

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 10, 1973

Mr. RARICK. Mr. Speaker, today I reported to my people on the inconsistencies in Federal spending priorities. I insert the text of that report:

REPORT

Over the years I have supported the President when I thought he was right, and opposed him when I considered his proposals not to be in the best interest of the country or the people of the Sixth District. Most often in the past, I have sided with the President. My agreement with him particularly has been in the area of reducing inflation and preventing tax increases. I have long supported Mr. Nixon in his avowed goal to reduce and control inflationary federal spending.

But I have witnessed a noticeable difference between what the President says about reducing inflation, and what the results of his actions actually are. Mr. Nixon's March 29th address to the country, the one where he clamped a price ceiling on meat prices, was a fine example of the maneuvering that earned the President recognition as a "master politician."

The thrust of the President's message would lead the public to believe that Congress is to blame for the runaway spending that has brought about the inflationary trend in this country. He admitted to submitting the largest budget in the history of the country—268 billion dollars—but added that some members of Congress believe that domestic spending should be even more. Mr. Nixon went on to estimate that if he approved the increases that Congress had attached to the budget; "it would mean a 15 percent increase in your taxes, or an increase in prices . . ."

And for this reason, the President said he would veto the bills that would "break the federal budget." He added: "If I did not veto these bills, increased prices or taxes would break the family budget of millions of Americans . . ."

If this were the actual case, I certainly would support the President and vote to sustain his vetos.

My voting record over the seven years I have been in Congress should prove I am not a big spender. I am a fiscal conservative. In fact I have voted to go along with the President in each of his vetos with the exception of one.

But a look at the record of fiscal responsibility, gives the President's anti-inflation proclamation a completely different tone.

Mr. Nixon continues to veto domestic programs that would use tax money to aid Americans. We are told that such programs are "inflationary" and would only increase federal spending to dangerous levels. But the President's adamant refusal to even reconsider his so-called "commitment" to provide aid and assistance to North Vietnam, destroys any logic or credibility his anti-inflation posture may have.

Something that I cannot understand is why it is inflationary to spend money for domestic use here at home, but spending tax money to rebuild the war machine of Communist North Vietnam or for that matter the Soviet Union and Red China is a non-inflationary "investment in peace". The people I have talked to in Baton Rouge, Hammond, Denham Springs, in fact all over the district, cannot understand cutting off money to worthwhile domestic federal programs in this country, just to turn around and give the money to North Vietnam (or any other foreign country for that matter).

But that's what the President has proposed. The most often quoted figure for North Vietnam is $2.5 billion. If spending that amount of taxpayer's money, without returning one cent of benefits to the people who gave the government the tax money in the first place, isn't inflationary and fiscal irresponsible—then I don't know the meaning of the words.

If continuing to spend our tax dollars overseas doesn't also constitute a potential threat of new taxes, then I don't understand deficit spending.

But I do know what irresponsible and inflationary means, and so do the people of this country. That's the reason that in every national opinion poll recently, the people of the United States have solidly opposed aid to North Vietnam. Yet the President continues to attempt to ram this "commitment" past Congress. This determination to give away tax money to North Vietnam is hardly in line with what the president told us to be the "goal of the new prosperity"—which is to "hold down the federal budget."

I am certainly not trying to say that the President is fully responsible for reckless federal spending. The Congress must accept its share of blame for putting this nation on the inflationary treadmill. Congress has tried to buy the vote of every pressure group in the country by giving away huge sums of money in the form of aid, grants, and loans. In many instances this is irresponsible spending. But at least in the case of domestic programs, some of the money is returned to the taxpayers. How many U.S. taxpayers will benefit from the money the President is reported to want to send to North Vietnam?

Let's look for a few minutes at some of the programs the Congress has appropriated money for, and the President has seen fit to impound the funds or veto completely.

Damage done to property in Louisiana, or any other state, by the flooding Mississippi River or by hurricane is no longer covered by the Emergency Disaster Loan Program. The money was voted by Congress. It was in the budget. But the President impounded the funds. He said that his action was in line with sound fiscal policy. But that argument doesn't hold water. While he was cutting disaster protection loans for Americans, he was freely spending our tax money to aid disaster victims all over the world. Louisiana and Mississippi people cannot get help to pay for the damage done by flooding, but last year the President succeeded in giving away $31 million in disaster handouts round the world. More than half a million was used to provide relief for victims of floods in Haiti, Panama, Peru and Botswana (wherever that may be). Our people cannot get assistance for flood damage, but you better believe the people of Botswana can get U.S. help when they need it. While flood funds at home were cut, an increase of almost $4 million was requested for flood control in Mexico.

I am unimpressed with the Administration's urging for fiscal responsibility when the President's international friends keep giving away your tax money with both hands. During 1971, almost $300 million was given to build roads, bridges, power plants, canals, and schools—not in the U.S., but in Bangladesh. And Congress was asked for another $300 million to give the Bangalis last year and this year.

These are just a few examples of Administration programs that have denied benefits from tax money to Americans, while lavishing them on foreigners. But these examples are part of a trend in Administration spending over the past few years. The President's so-called "new prosperity" doctrine has not changed his spending patterns.

Just this past week Congress was called on to vote whether to override or sustain the President's veto of yet another domestic program. In January, Mr. Nixon impounded funds appropriated by Congress to assist rural communities with problems of water treatment and sewage disposal. Clean water should not be denied any American, and without proper sewage treatment in many rural areas, water pollution will become more serious. This was the reasoning we members of Congress used when we passed an act that would restore the funds and help our rural citizens. The President vetoed the measure. In his veto message he bases his action on a need for sound fiscal policy, the fear of inflation, and the threat of higher taxes.

If Mr. Nixon backed up this wonderful sounding rhetoric with responsible actions that reduced wasteful spending, I would be the first to cast our vote to sustain his veto. But budget controls of the Administration carry a double standard.

Let's look at the record. The President has denied water and sewage grants to rural Americans program costing about $120 million. Yet at the same time he would deny help for clean water and pollution control to Americans, $20 million was authorized for a water treatment and a prototype desalting plant in rural Israel. Apparently, the President thinks that country folks in Israel are more deserving of clean, pure drinking water than country folks in Livingston Parish, St. Helena, Tangiphoa or any other area of America. This is a double standard, and the rankest form of discrimination when Americans come last with their own money.

At a time when the federal public debt exceeds $430 billion, and deficit spending by the Administration is at a historic high, the President continues to insist that more tax money be given to assist foreign countries around the world. It is anticipated that during 1973 alone, 102 countries and territories will receive U.S. tax money from various foreign aid programs. And if the President has his way, this number would include North Vietnam.

The President has raised the debt ceiling more times than any other single president in the Country's history—an increase of $100 billion since he took office. He now has the authority to operate this country $465 billion in the red. Our national debt exceeds the combined public debt of every other nation in the world. Yet the President asks that Americans tighten their belt. When budgets must be cut and programs eliminated; it is always the American people who are asked to tighten their belts—to make the necessary sacrifices.

Until the President abandons his so-called "commitment" to aid North Vietnam, and until he starts impounding or cutting funds for foreign-aid giveaways, I intend to cast your vote on the side of true fiscal responsibility and against the waste of the American people's money by scattering it to the four winds.

It just doesn't make sense to cut off money to American programs, only to give it to foreigners.

THE REALITY OF ADDICTION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 10, 1973

Mr. RANGEL. Mr. Speaker, we who are in the business of dealing with our Nation's problems are often well advised to "step back" for a moment and contemplate the nature of these problems and what can be done about them.

Addiction to alcohol and drugs is a widespread dilemma facing our country. I suggest that my colleagues take a "step back" by considering William Raspberry's column in March 21 Washington Post entitled " 'Deciding' Against Addiction."

The article follows:

"DECIDING" AGAINST ADDICTION

(By William Raspberry)

You're old enough to be wary of easy solutions to difficult problems. So be apprised from the beginning that Dr. Thomas Szasz isn't really offering a solution to the narcotics problem at all. He's simply describing the nature of the disease, and of the cure.

Szasz is a professor of psychiatry at the State University of New York, a cofounder and chairman of the American Association for the Abolition of Involuntary Mental Hospitalization and author of the soon-to-be-published "The Second Sin" (Doubleday & Co.) from which the following is quoted:

"Powerful 'addictions'—whether to smoking cigarets or injecting heroin—are actually both very difficult and very easy to overcome. Some people struggle vainly against such a habit for decades; others 'decide' to stop and are done with it; and sometimes those who have long struggled in vain manage suddenly to rid themselves of the habit.

"How can we account for this? Not only is the pharmacology of the so-called addictive substance irrelevant to this riddle, but so is the personality of the so-called addict.

"What is relevant is whether the 'addiction'—smoking, drinking, shooting heroin—is or is not a part of an internally significant dramatic production in which the 'patient-victim' is the star.

"So long as it is (and if it is, the struggle to combat the addiction is only a part of the play), the person will find it difficult or impossible to give up his habit; whereas once he has decided to close down this play and leave the stage, he will find the grip of the habit broken and will 'cure' himself of the 'addiction' with surprising ease."

Whether the Szasz analysis is profound

or merely frustrating depends almost totally on what you're looking for.

If you're trying to understand the nature of addiction (including addiction to alcohol, to gambling, and to overeating) it may furnish you with some helpful insights.

If you're an "addict" of one sort or another, it may be of enormous help to learn what it means to "decide" to give up a habit.

But if you're running a drug-treatment program, or trying to devise an approach to drug-treatment that has some hope of working, on a large scale, the Szasz insight may strike you as virtually paralyzing.

In some ways, it is. His analysis is very much like Dr. Eric Berne's analysis of alcoholism in "Games People Play" (Grove Press, New York).

Berne acknowledges that there may or may not be biochemical or physiological abnormalities involved in excessive drinking, but that such abnormalities have nothing to do with the Alcoholic game.

What Berne sees at work is a full-fledged game, with the Alcoholic in the central role. Others necessary to the game are the Persecutor (to give him hell) and the Rescuer (to save him from his disease). There may be other roles—the Patsy, who extends credit, the Connection, who is the point of supply—but these are the vital ones.

Berne's point is that the Alcoholic sees himself as the star of a drama, and that sincere and strenuous efforts to break the alcoholism are an essential part of the play.

The suggestion is that it may be helpful for the supporting players to stop playing their parts; but 'cure' is possible only when the Alcoholic himself decides to give up the game.

It is worth noting that both Szasz Berne are psychiatrists, which puts them in a milieu where one-to-one is the norm.

The problem is that public officials who see narcotics addiction and the crime it generates as massive social problems have neither the time, the resources nor the inclination to deal one-to-one with addicts.

Szasz and Berne are saying that "addiction" is a game which the "addict" can give up virtually any time he decides to give it up, but that only he can make the decision. The public programs are based on that notion that addiction is a real disease, as subject to mass (and even mildly coercive) treatment as, say tuberculosis.

Maybe the public addiction-treaters have to feel that way. Admit that no one else can cure an addict but the addict himself, admit that the cure cannot be forced or accelerated or mass produced, and you're very close to admitting that the drug-treatment center is a farce.

You're also very close to saying something that hardly any "professional" would even dream of saying: Yes, there is a problem, and a massive one at that. But since we haven't the foggiest notion of what to do about it—since we're not sure that it's possible to do anything about it—we might as well stop pretending.

MINNESOTA NEWSPAPER NOTES STAKES IN SPENDING BATTLE

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 10, 1973

Mr. NELSEN. Mr. Speaker, considering the great pressure all of us are under with regard to Federal spending issues, it is encouraging to find voices in the press who recognize that the financial integrity of the United States must be protected. One such voice is the Shakopee Valley News of Shakopee, Minn., in my congressional district.

I am including in the Congressional Record a recent editorial which appeared in the Shakopee paper, and which helps to outline the importance of controlling Federal spending. The article follows:

A Balanced Budget Must Come . . .

Some economists are afraid that the budget of the federal government is out of control. This is like saying inflation is inevitable, the dollar is doomed and national bankruptcy a foregone conclusion. Just the fact that the question of controllability of government spending has arisen could exert almost irresistible pressure against stabilization efforts.

To find out how one top authority views the problem of government spending, the editors of U.S. News & World Report interviewed by Mr. Caspar W. Weinberger, Director, Office of Management and Budget. The first question that was asked by U.S. News editors was whether there is any chance of getting a balanced federal budget in the next few years. Mr. Weinberger replied that he felt there was— ". . . if people want it badly enough."

All through the interview, he repeatedly stressed his belief that cuts in government spending and reduction of inflationary federal deficits depend upon the people. One reason pressure to cut federal spending must come from the people is that real budget trimming has become a long-range statutory question. Laws must be changed to curb the proliferation of open-ended spending programs wholly beyond the control of any president or administration. As Mr. Weinberger puts it: "All told, about 71 percent of total budget expenditures are for things over which we have no control." These include programs like medicare, medicaid, veterans' compensation, welfare and unemployment insurance, to say nothing of the interest on the national debt. The recent 20 percent boost in social security will add heavily to the 1973 deficit. This is but a sample of the kind of congressional action that encourages talk of an "uncontrollable" federal budget.

Mr. Weinberger is against increasing taxes to achieve a balanced budget. He reports, "We are spending a little more than one-third of our total gross national product—the value of all the goods and services produced per year—and the proportion keeps moving higher." He points out that experts have determined that if we move to a point where, say, 40 percent of total output goes for taxes, it will be impossible to maintain a free enterprise, capitalist, incentive-oriented economy. "So", in his words, "the stakes in the budgeting process are far greater than worrying about whether we'll have higher taxes. The stakes, ultimately, are whether we can keep the kind of system we have—on under which we've made greater progress than any other country in the modern world."

One area in which the Director of the Office of Management and Budget believes cuts should be approached with caution is defense. He thinks cuts of $30 to $35 billion would be disastrous. With such cuts in defense spending, he says, ". . . you're either going to have a great many empty bases and rusting airplanes and tanks with nobody to man or maintain them, or you're going to have people standing around with no equipment to use." He observes that in nearly every other field—education, health, welfare, etc.—what the federal government doesn't do, local government or the private sector will attempt to do. But only the federal government pays for defense. What the federal government fails to do toward defense of the nation does not get done, and unless there is adequate defense, all other programs are meaningless.

Mr. Weinberger reinforced his plea for grassroots support of cutbacks in non-essential government spending programs by noting that, "A lot of people think that a balanced budget means a sterile, unimaginative, noncreative government. I don't think it means anything of the kind. It means that you have to be imaginative and ingenious, and that you have to try something new, rather than just piling new spending programs on top of old ones." To the final question of, "Do you have a new formula to try out?", he concluded: "No. The only new formula is the willingness to act responsibly—something that too few people have been willing to do in the past."

Speaking as the man who knows as much as anyone about the finances of the federal government, Mr. Weinberger clearly was addressing his last remark to Congress and to all citizens on whose shoulders rests the fate of the financial integrity of the United States.

SOUTHERN CALIFORNIA BUSINESS IN SUPPORT OF MASS TRANSIT

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 10, 1973

Mr. ANDERSON of California. Mr. Speaker, some of us who have been working to open the highway trust fund to provide revenue for rapid mass transit sometimes forget the large and still growing amount of support for our actions.

The Southern California Business newspaper produced by the Los Angeles Chamber of Commerce recently printed an editorial which is an excellant reminder of the Los Angeles area's support for increased Federal mass transit funding.

Their editorial is a well-written one with several salient points. Because of its merit, I am providing my colleagues with an opportunity to read Southern California Business' editorial in support of opening the highway trust fund for mass transit revenue:

Highway Funds for Mass Transit

Mass transit, recognized as desperately needed years ago by this Chamber's leadership, is finally receiving the same support from both Federal and State governments. We applaud recent moves aimed at opening up both Federal and State highway gas tax funds for use in developing mass transit facilities.

Increasingly, motorists who have paid for our highway network have come to realize that total dependence on a single mode of transportation cannot meet our optimum needs for mobility. Pollution, congestion, energy demands and the cost of operating the automobile will force drastic changes in our life style, as recently dramatized by the Environmental Protection Agency's gas rationing proposal, unless immediate steps are taken to provide an attractive, efficient transportation alternative.

Of course it will take money to build a mass transit system and the highway trust fund is the most logical, appropriate source available. The fund was established to develop a highway network to move people efficiently, but that network cannot do it alone. So why not use some of those revenues to provide an integrated transportation system that can accommodate both highways and mass transit. Balanced transportation is our goal, but to accomplish it we must have financial flexibility.

In 1968 the Chamber supported the SCRTD bond issue which unfortunately failed. In 1970 we supported Proposition 18 which would have opened up the State highway trust fund and it came very close to passing. Finally, 1971 gave birth to SB 325, the 5%

sales tax on gasoline which again was backed by a massive campaign effort on the part of the Chamber and it passed. However, SB 325 funds will not afford enough money for mass transit especially since they are currently devoted to improving the bus system.

At long last the climate is changing. Both Federal and State governments are feeling the local ground swell for such legislation as recently passed the U.S. Senate and is currently in the House. Chamber Directors are speaking to this issue in Washington this week in face-to-face talks with our California delegation and Claude S. Brinegar, Secretary for Transportation.

It is the Chamber's objective to deliver a balanced mobility system for the Los Angeles area and it will take the combined action of legislators at all levels of government, the interest and support of business leaders and the voting public, all of whom stand to benefit.

ENVIRONMENTAL CHANGES

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 10, 1973

Mr. WALDIE. Mr. Speaker, at this time I would like to enter into the RECORD an article written by Mr. Walter H. Shorenstein for the Los Angeles Times on March 25, 1973. I hope that my colleagues will find Mr. Shorenstein's ideas on the direction of the environmental movement both helpful and informative.

THE ENVIRONMENT: CHANGE CAN BE GUIDED

(By Walter H. Shorenstein)

Scarcely a day goes by that we in California do not read of an effort somewhere in our state to stop new construction in the name of preserving the environment.

It may be an initiative to limit the height of all buildings in San Francisco. It may be a drive to halt a freeway connection in Los Angeles.

It may be an effort to halt resort development in a mountain area. Whatever the merits of the various causes, there is in all of them the general assumption that man-made structures are automatically inimical to the environment.

Obviously this is a dangerous oversimplification created out of the rising concern over the quality of the environment coupled with a lack of knowledge of some facts of demography.

We cannot—any more than King Canute—halt the tides of growth and change by refusing to acknowledge their existence. We can best enjoy their benefits and best remove or limit unpleasant side effects by directing growth and change in wisely controlled courses.

The demographic facts should demonstrate why absolute no-growth policies are bound to fail in urban areas. Our rising national population alone points to the need for more housing, more office space, more schools and factories. Americans are not only becoming more numerous, they are moving west in large numbers. And, they are moving to cities.

At the beginning of the 19th century, only 55% of our national population lived in urban areas; today it is more than 75%. By the year 2000, most demographers agree, nine out of 10 Americans will be city dwellers. An inexorable tide of urban population growth is coming our way. We must be prepared for it.

At home or at work, these people must have shelter. They can be accommodated horizontally in endless chains of suburbs, with consequent sacrifice of open space and the necessity to commute great distances, or they can be accommodated vertically in high-rise towers. From an environmental point of view, the choice would seem obvious.

The modern high-rise building is one of the great engineering miracles of our age, ranking in its time with the pyramids of ancient Egypt and the Gothic cathedrals of the Middle Ages. It is an extraordinarily efficient means of comfortably housing a maximum number of human beings on a minimum of precious ground. High-rise buildings conserve rather than consume open space.

It must be remembered too that the urban real estate developer has a strong interest in improving the quality of the urban environment. His edifice represents a large and long-term personal investment.

Urban blight brings him rising costs and declining income. So for economic as well as civic-minded motives, the developer has a vested interest in the future preservation and growth of his city.

For perhaps different reasons, the average citizen also has a strong motive for encouraging planned improvement and growth of his urban environment.

If he works in the city, he will prefer a modern, centrally located high-rise office building because it is convenient, comfortable and close to transportation. And, of the monthly rent his company pays to occupy this building more than 20% of it is returned to the community in the form of taxes which pay for schools and hospitals and fire departments.

MAJOR INVESTMENT

Another 30% of the rent is returned to the community in wages and fees for building services. The building itself represents a major investment in local economy. About 35% of the construction cost of a modern office building, for example, goes into wages and fees. High-rise buildings provide the best means, from both the economic and the environmental standpoints, of sheltering the increases in the working population.

Let us have the courage to accept as given facts that our cities will grow and change. Let us also be resolved to allocate sufficient resources to keep our cities compatible with the environment.

High-rise buildings in themselves are not enough to do this. We must look to solutions for our urban problems that go beyond simply improving designs for roads and buildings within the old pattern of local planning.

We must have better planning, planning not on a patchwork block-by-block basis, but on a wide regional level, predicated less on institutionalizing the errors of yesteday, but instead on anticipating the much more challenging problems of tomorrow.

GREATER TRUST NEEDED

Secondly, we must have closer coordination and greater mutual understanding and trust between the private sector and government, so that the efforts of both can be directed toward the common goal of improving the urban environment, rather than dissipating energy in struggles for power leading to decisions dictated by political expediency.

We must, seriously and at once, address ourselves to the urgent problems created by the automobile in our cities. Today, more than half of the typical downtown area—in Los Angeles it's almost two-thirds—is dedicated to the automobile in the form of streets, parking lots and garages. The automotive by-products of pollution and traffic congestion long ago reached unacceptable levels.

Some cities have attempted to deal with the problem of banning automobiles from certain areas, only to find increased congestion in surrounding sections. Others, like Minneapolis and Houston, have experimented with utilizing air-rights over existing streets to provide car-free pedestrian spaces. Still others, with San Francisco as a current example, have invested heavily in mass transit.

Whatever the best solution, or combination of solutions, proves to be, it is evident that finding a means of breaking the stranglehold of the automobile on our cities is a project of utmost priority.

Finally, there is the problem created by our increasing need for electrical energy and fuel for energy production, both in absolute terms and on a per capita basis. As the population continues to concentrate in urban centers, the need for new power facilities near the centers of population becomes an ever greater economic and planning problem.

Although both face serious problems, Los Angeles and San Francisco are cities with bright futures, perhaps the brightest of any two cities in the United States.

Complementary rather than competitive, each offering different advantages, opportunities, and life styles, they stand in supremely strategic market positions as America again faces west, toward Asia and the entire Pacific Basin with their rapidly growing new markets for U.S. goods and services. If we in California are to realize the promise of growth without unpleasant and even dangerous side effects, we must face our problems realistically.

It will take effort to fully recognize our problems and place them in a logical scheme of priorities. It will take imagination to find the best solutions. It will take great energy and resources to implement these solutions.

But these solutions will never be imagined, the resources never assembled, the solutions never implemented, if we sit by the sea and order the tide to come no closer.

HOUSE OF REPRESENTATIVES—*Wednesday, April 11, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

O taste and see that the Lord is good; blessed is the man that trusteth in Him.—Psalm 34: 8.

Eternal God of all the ages, whose glory the heavens declare and whose handiwork the planets reveal, we come to Thee in this splendid season of spring when Thy life-giving spirit stirs the quiet Earth and our slumbering world is born anew with the rising splendor of fragrant flowers, budding trees, and growing grass.

Help us, we pray Thee, to find a rebirth of hope and a renewal of love in our own hearts this season, that life for us may be born again and our flowering faith make us more than a match for the mood and movements of our modern world.

Grant, O God, that we may work to preserve our American way of life and reap the rich rewards of those who serve Thee and our fellow creatures in honesty and truth, with friendliness and good will.

In the spirit of Christ we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Marks, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and a joint resolution of the House of the following titles:

On April 9, 1973:

H.R. 5445. An act to extend the Clean Air Act, as amended, for 1 year;

H.R. 5446. An act to extend the Solid Waste Disposal Act, as amended, for 1 year; and

H.J. Res. 5. Joint resolution requesting the President to issue a proclamation designating the week of April 23, 1973, as "Nicolaus Copernicus Week" marking the quinquecentennial of his birth.

On April 10, 1973:

H.R. 3577. An act to provide an extension of the interest equalization tax, and for other purposes.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1493. An act to amend title 37, United States Code, relating to promotion of members of the uniformed services who are in a missing status; and

S. 1494. An act to amend section 236 of the Central Intelligence Agency Retirement Act of 1964 for certain employees to limit the number of employees that may be retired under such act during specified periods.

CONFERENCE REPORT ON H.R. 1975, TO AMEND THE EMERGENCY LOAN PROGRAM

Mr. POAGE submitted the following conference report and statement on the bill (H.R. 1975) to amend the emergency loan program under the Consolidated Farm and Rural Development Act, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 93-119)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1975), to amend the emergency loan program under the Consolidated Farm and Rural Development Act, and for other purposes, having met after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, and 5.

The committee of conference reports in disagreement amendment numbered 4.

W. R. POAGE,
FRANK A. STUBBLEFIELD,
BILL ALEXANDER,
BOB BERGLAND,
CHARLES M. TEAGUE,
WILLIAM C. WAMPLER,
GEO. A. GOODLING,
Managers on the Part of the House.
GEORGE MCGOVERN,
JAMES B. ALLEN,
HUBERT H. HUMPHREY,
ROBERT DOLE,
HENRY BELLMON,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1975). To amend the emergency loan program under the Consolidated Farm and Rural Development Act, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The report recommends that the Senate recede from its Amendments Numbered 1, 2, 3, and 5. Amendment Number 4 was reported in technical disagreement since it appears that it may not be germane to the House bill. It is the understanding of the Conferees that the Chairman of the House Conferees at the appropriate time after presentation of the Conference Report will move that the House recede from its disagreement to the Amendment Numbered 4 and concur in that Amendment with an Amendment inserting in lieu of the language proposed by the Senate, the following:

"SEC. 9. Notwithstanding the provisions of any other law, any loan made by the Small Business Administration in connection with any disaster occurring on or after the date of enactment of this Act under Sections 7(b) (1), (2), or (4) of the Small Business Act (15 U.S.C. 636(b) (1), (2), or (4)) shall bear interest at the rate determined under Section 324 of the Consolidated Farm and Rural Development Act, as amended by Section 4 of this Act. No portion of any such loan shall be subject to cancellation under the provisions of any law."

The language set out above would impose the same interest rate (five percent) on Small Business Administration disaster loans as the House bill imposes on the Farmers Home Administration emergency loans and remove the $5,000 forgiveness feature from such SBA loans. The only difference between Senate Amendment Numbered 4 and the above-described language is that the Senate Amendment would have been effective with respect to all loans "approved" on or after the date of enactment of the bill, while the substitute is effective with respect to loans "made" in connection with any disaster occurring on or after such date of enactment. The substitute language would prevent a situation from arising similar to that which required adoption of section 3 of the House bill, that is, a situation where in an area subjected to a disaster some applicants who were fortunate enough to get in their applications and have them processed quickly would receive generous loan provisions while their neighbors who were not able to act quickly would not.

The report recommends that the Senate recede from its Amendments Numbered 1, 2, and 3 (which would have given applicants for SBA loans in areas declared disaster areas between January 1 and December 27, 1972, eighteen days after enactment of the bill to apply for such loans) because the substitute language for Amendment Numbered 4 would give such applicants an unlimited period within which to file their applications.

Senate Amendment Numbered 5 proposed to amend the definition of "disaster" in the Disaster Relief Act of 1970 to include erosion. The report recommends that the Senate recede from this Amendment. It appeared that it might not be germane to the House bill and would have amended a law within the jurisdiction of other Committees of the House and Senate. The House Conferees were not sure of the effect of the Amendment and were, therefore, reluctant to agree to it without further study and greater information than was available to them.

W. R. POAGE,
FRANK A. STUBBLEFIELD,
BILL ALEXANDER,
BOB BERGLAND,
CHARLES M. TEAGUE,
WILLIAM C. WAMPLER,
GEO. A. GOODLING,
Managers on the Part of the House.
GEORGE MCGOVERN,
JAMES B. ALLEN,
HUBERT H. HUMPHREY,
ROBERT DOLE,
HENRY BELLMON,
Managers on the Part of the Senate.

SHALL THE PRESIDENT BE A TRADE CZAR

(Mr. VANIK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. VANIK. Mr. Speaker, yesterday, the President has asked Congress for powers to make him a trade czar. He seeks a transfer of unprecedented authority from the Capitol to the White House. Once this power is surrendered, congressional changes in the law could be stopped by the President, and one-third of the Congress plus one. In trade matters, majority rule would be ended. The powers of impoundment could be extended to trade issues.

I am for a trade bill. I think it is important for America. This bill, however, would permit the President to arrange trade deals in specific areas, for specific companies, and for special individuals. It would give the President authority in trade matters to fatten his friends and destroy his enemies.

I cannot give the White House authority to enter into secret and star-chamber trade deals and then permit the dealers to shroud their action in executive privilege.

Trade must be open—above-board and provide equal opportunities for all American producers, large and small, who produce the same commodity. The fairness doctrine must be enacted into the trade laws.

Congress can write a trade bill which meets the requirements of the Nation without providing wide-ranging and arbitrary authority to bypass the Congress.

CONCERNING TAX REFORM

(Mr. CONABLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONABLE. Mr. Speaker, it has now been made official that our tax reform deliberations in the Ways and Means Committee will be suspended until the issue of trade can be resolved. I have noted some reports in the press to the effect that this decision ends, for all practical purposes, consideration of tax reform during the 93d Congress. I wish to note my strong dissent from any such conclusion which I personally consider unwarranted and mischievous.

Nothing the distinguished chairman of my committee has said, to my knowledge, warrants such a conclusion. The intention of the Secretary of the Treasury to testify to administration recommendations on tax reform immediately following our Easter recess indicates that such a conclusion is unwarranted also from the administration viewpoint. There are at least four good reasons why tax reform should be completed this year:

First. Before election we promised we would act to reform our Federal income taxes this year;

Second. Tax reform has a continuing constituency, leading me to believe that if we do not do it this year we will do it some other year in the near future. It would be better for our committee to make its recommendations now rather than at a later time when we will have lost the expertise gained from protracted hearings this spring and the comparatively recent tax deliberations in 1969;

Third. We are under considerable fiscal pressure this year and so should be able to resist the temptation to turn tax reform into tax relief. Cutting back on progressive income taxes is the opposite of reform unless total governmental spending is also reduced, since the result is to put increasing burden on the regressive taxes; and

Fourth. Tax reform is most constructively carried out in a nonelection year.

There is no more central issue between the Government and the people than taxation. I accept the decision dictated by the exigencies of our trade and balance-of-payments situation. But I cannot, as a member of the Ways and Means Committee, appear tc acquiesce in rumors about the demise of tax reform at this time. There should be no higher priority item before us, despite the trade diversion.

MAJORITY LEADER THOMAS P. O'NEILL, JR., SAYS PRESIDENT NIXON CONTINUES TO LOSE PUBLIC CONFIDENCE ON DOMESTIC MATTERS

(Mr. O'NEILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. O'NEILL. Mr. Speaker, a new poll shows that President Nixon continues to lose the confidence of the American people on his handling of the economy and on most other domestic matters.

That is why it is more important than ever for Congress to head off Mr. Nixon's latest economic crisis—to act firmly and decisively on the Economic Stabilization Act about to come before the House.

The latest Harris poll shows that the people give Mr. Nixon failing marks on important domestic policy matters.

Eighty-six percent of the people feel that Mr. Nixon is doing a poor job of holding down the cost of living. And that consensus has gone up 10 percentage points in 1 month.

Sixty-nine percent of the people believe that the President's policies are failing to keep the economy healthy. That opinion has grown by 11 percentage points in a month.

Sixty-six percent of the people have negative reactions to Mr. Nixon's handling of Federal spending. And their ranks have grown by 9 points in a month.

Fifty-three percent of the people continue to feel that Mr. Nixon is doing a poor job of handling relations with the Congress. To which I may add—amen.

Clearly, on issues that are closest to them, the people are looking to the Congress for leadership.

MAJORITY OF AMERICAN PEOPLE THINK PRESIDENT IS DOING A GOOD JOB—RESULT OF POLL

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, I think it is appropriate and proper to respond to my friend, the gentleman from Massachusetts. I saw that poll that he referred to. Of course, he forgot the most important part of it, which pointed out that 59 percent of the American people think that the President is doing a good job overall, and this is the most important aspect of a President's responsibility.

Furthermore, the American people do support, as reflected in the vote in the House yesterday and the Senate last week, the fact that the President is doing a good job in holding down spending. The Members of the House did not approve of a budget-busting effort by the Democratic leadership yesterday, and the Members of the Senate did not approve of a budget-busting effort on the part of the Democratic leadership last week. Since Members of Congress do reflect public opinion I think this is a more accurate reflection of the attitude of the American people than the figures the gentleman referred to.

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Massachusetts.

Mr. O'NEILL. I congratulate the gentleman from Michigan. On behalf of his party only 44 members of his party voted against this legislation when it came before the House, I believe, earlier in the month, and yesterday. Over 100 reversed their position. He did a great job of twisting the tales of his members.

Mr. GERALD R. FORD. I am grateful for the kind compliment paid by the distinguished majority leader. I can assure him that we will have the same high degree of party unity as we face these various budget-busting efforts by the Democratic leadership.

AMENDMENT TO GENERAL REVENUE-SHARING ACT TO REQUIRE FISCAL RESPONSIBILITY

(Mr. JONES of Oklahoma asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONES of Oklahoma. Mr. Speaker, today I have introduced legislation which has been cosponsored by 25 of our colleagues here in the House, which would amend the 1972 General Revenue Sharing Act. Stated very simply, this amendment says that no general revenue sharing funds shall be spent unless they are included by the President as part of a balanced or surplus budget.

We hear a lot of talk about budget-busting and about fiscal responsibility. Last year when Congress appropriated $30.2 billion, they took away all of our power for the next 5 years to control $6 billion of this Federal spending each year. I think the time for Congress to exercise this responsibility is now. This particular legislation does not repeal general revenue sharing. It does not disapprove the concept, but it says the Congress wants fiscal responsibility, and they want to force the administration to perform on the subject of fiscal responsibility.

There can be no revenue sharing when there is no revenue to share at the Federal level. When we look at the statistics, 31 of our States are having surplus budgets, so if anyone is solvent it is the States and not the Federal Government.

I hope that the House, and particularly the Republican Members of this body who have talked about fiscal responsibility, will get in behind this kind of legislation and put forth efforts to get this passed through this body and through the other body. We owe it to the taxpayers of this country.

ANNUAL REPORT OF THE NATIONAL CREDIT UNION ADMINISTRATION, 1972—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Banking and Currency:

To the Congress of the United States:

Pursuant to the provisions of title I, section 3, of the Federal Credit Union Act (12 U.S.C. 1752), I hereby transmit the annual report of the National Credit Union Administration for the calendar year 1972.

RICHARD NIXON.

THE WHITE HOUSE, *April 11, 1973.*

PRIVATE PENSION PLANS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93-82)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee of the Whole House on the State of the Union and ordered to be printed:

To the Congress of the United States:

A dynamic economic system in a democracy must not only provide plentiful jobs, good working conditions, and a decent living wage for the people it employs; it should also help working men and women to set aside enough of the earnings of their most productive years to assure them of a secure and comfortable income in their retirement years.

This fundamental concept of prudent savings for retirement came under direct public sponsorship in the United States more than a generation ago, with the establishment of the Social Security System. Today, Social Security is the largest system of its kind in the world, and one of the most effective and progressive. Numerous significant improvements have been made in it during the past four years by this Administration in cooperation with the Congress.

In addition, public policy has long given active encouragement to the growth of a second form of retirement income: private pensions which are tailored to the needs of particular groups of workers and help to supplement the Social Security floor. Private pension plans now cover over 30 million workers and pay benefits to another 6 million retired persons.

But there is still room for substantial improvement in Federal laws dealing with private retirement savings. Those workers who are covered by pension plans—about half the total private work force—presently lack certain important types of Government protection and support. The other half of the labor force, those who are not participants in private plans, are not receiving sufficient encouragement from the Government to save for retirement themselves. Self-reliance, prudence, and independence—basic strengths of our system which are reinforced by private retirement savings and which government should seek to foster—are in too many cases not supported, and sometimes actually discouraged, by present practices and regulations.

Sixteen months ago I asked the Congress to enact pension reform legislation to remedy these deficiencies. Since then committees of both the House and the Senate have held useful hearings on reform, and the issue has received wide public discussion. The Administration has also completed studies on some additional facets of the pension question, and we have refined our proposals.

I believe that the time is now ripe for action on those proposals. They will be resubmitted within several days, in the form of two bills, the Retirement Benefits Tax Act and the Employee Benefits Protection Act. This message outlines the specific reforms contained in the legislation.

THE RETIREMENT BENEFITS TAX ACT

If the working men and women are to have a genuine incentive to set aside some of their earnings today for a more secure retirement tomorrow, they need solid assurances that such savings will not be erased late in their career by the loss of a job, wiped out by insufficient financing of promised benefits, nor penalized by the tax laws. To this end, the Retirement Benefits Tax Act would embody the following five major principles:

1. *A minimum standard should be established in law for preserving the retirement rights of employees who leave their jobs before retirement.*

Protection of retirement rights, which is essential to a growing and healthy pension system, is ordinarily defined in terms of "vesting." A pension vests when an employee becomes legally entitled upon retirement to the benefits he has earned up to a certain date, regardless of whether he leaves or loses his job before retirement.

Despite some recent movement toward earlier vesting, many private plans still carry overly restrictive requirements for age or length of service or participation before vesting occurs. Thus, the pensions of more than two-thirds of all full-time workers participating in private pension plans are not now vested. All too frequently, the worker who resigns or is discharged late in his career finds that the retirement income on which he has been counting heavily has not vested and hence is not due him.

The legislation this Administration is proposing would meet this problem by requiring that pensions become vested at an appropriate specified point in a worker's career. That point should not be set too early: if a great many younger, short-term workers acquired vested rights, pension plans would be burdened with considerable extra costs and the level of benefits for retiring workers could be reduced. But neither should too long a wait be required before vesting begins, since many older workers would then receive little if any assistance. To strike the right balance, I urge the Congress to adopt a "Rule of 50" vesting formula, which is moderate in cost and works well to protect older workers.

Under this standard, all pension benefits which have been earned would be considered half vested when an employee's age plus the number of years he has participated in the pension plan equals 50. From this half-vested starting point, an additional ten percent of all of the benefits earned would be vested each year, so that the pension would be fully vested five years later.

For example, someone joining a plan at age 30 would find that his pension would become 50 percent vested at age 40—when his years of participation (10) plus his age (40) would equal 50. Similarly, the pension of an employee joining a plan at age 40 would become 50 percent vested at age 45, and that of an employee joining a plan at age 50 would begin to vest immediately. And in each case, the degree of vesting would increase from 50 percent to 100 percent over the subsequent five-year period of the worker's continued employment.

So that this formula would not discourage employers from hiring older workers, who would have an advantage of more rapid vesting, the legislation would permit a waiting period of up to three years before a new employee must be allowed to join a pension plan, and it would also permit employees hired within five years of normal retirement age to be excluded from participation in a plan.

Under the "Rule of 50," the proportion of full-time workers in private retirement plans with vested pension benefits would increase from 32 percent to 61 percent. Among participants age 40 and older the percentage with vested pension benefits would rise from 40 percent to about 90 percent.

To avoid excessive pension cost increases which might lead to reduction of benefits, this new law would apply only to benefits earned after the bill becomes effective, although the number of years a worker participated in a pension plan prior to enactment would count toward meeting the vesting standard. The average cost increase for plans which now have no vesting provision would be about 1.9 cents per hour for each covered employee; for plans that now provide some vesting it would be even less.

2. *Employees expecting retirement benefits under employer-financed defined-benefit pension plans should have the security of knowing that their vested benefits are being adequately funded.*

Perhaps the most fundamental aspect of any pension plan is the assurance that when retirement age arrives, pension benefits will be paid out according to the terms of the plan. To give this assurance, it is essential that when an employer makes pension promises, he begins putting away the money that will eventually be needed to keep them. Yet Federal regulations at present are lenient on this point, requiring that only a small portion of pension liabilities be put aside or funded each year.

My retirement savings proposal would augment this minimal protection with an additional requirement calling for at least 5 percent of the unfunded, vested liabilities in a pension plan to be funded annually. Over time, this rate of funding would build up substantial assets for the payment of pension benefits. It would make the average employee or retiree less dependent for his pension upon the survival of a former employer's business.

By requiring employers to be more forehanded and systematic in preparing to meet their pension obligations, this reform should help to reduce the frequency and magnitude of benefit losses when pension plans terminate. Even now the termination problem is not a major one: a study conducted at my direction last year by the Departments of Labor and the Treasury found that about 3100 retired, retirement-eligible, and vested workers lost pension benefits through terminations in the first 7 months of 1972, with losses totaling some $10 million. To put them in perspective, these losses should be compared with more than $10 billion in benefits paid annually.

I also recognize, however, that these pension termination losses did work very real injustices and hardships on the individual workers affected, and on their families. Though the stricter funding requirements we are proposing will help to minimize these benefit losses, it has also been suggested that a Government-sponsored termination insurance program should be established to see that no workers or retirees whatever suffer termination losses.

After giving this idea thorough consideration, I am not recommending it at this time. No insurance plan has yet been devised which is neither on the one hand so permissive as to make the Government liable for any agreement reached between employees and employers, nor on the other hand so intrusive as to entail Government regulation of business practices and collective bargaining on a scale out of keeping with our free enterprise system. With new support from the funding standard I am requesting, the private sector will be in a better position than the Federal Government to devise protection against the small remaining termination loss problem, and I encourage employers, unions, and private insurance companies to take up this challenge.

3. *Employees who wish to save independently for their retirement or to supplement employer-financed pensions should be allowed to deduct on their income tax returns amounts set aside for these purposes.*

Under present law, neither an employer's contribution to a qualified private retirement plan on behalf of his employees, nor the investment earnings on those contributions, are generally subject to taxes until benefits are paid to the retired worker or his family. When an employee contributes to a group plan, the tax liability on investment earnings is similarly deferred—though in this case the contribution itself is taxable when initially received as salary. By contrast, a worker investing in a retirement savings program of his own is actually subject year by year to a double tax blow. He is taxed both on the savings contributions themselves as part of his pay and on the investment income his savings earn.

Employees who want to establish their own retirement plan or to augment an employer-financed plan should be offered a tax incentive comparable to that now given those in group plans. Accordingly, I am proposing that an individual's contributions to a retirement savings program be made tax-deductible up to the level of $1,500 per year or 20 percent of earned income, whichever is less, and that the earnings from investments up to this limit also be tax-exempt until received as retirement income. Individuals could retain the power to control the investment of these funds, channeling them into qualified bank accounts, mutual funds, annuity or insurance programs, government bonds, or other investments as they desire.

The maximum deduction of $1,500 would direct benefits primarily to employees with low and moderate incomes, while preserving an incentive to establish employer-financed plans. The limit is nevertheless sufficiently high to permit older employees to finance a substantial retirement income—a consideration which is of special importance to the 9 million full-time workers in this country who are between 40 and 60 years old and are not participating in private pension plans.

The $1,500 ceiling should be more than adequate for most workers. Supposing for example that a worker in that situation was to start an independent plan at age 40, tax-free contributions of $1,500 a year from then on would be sufficient to provide him an annual pension of $7,500, over and above his basic Social Security benefits, beginning at age 65.

The tax deduction I am proposing would also be available to those already covered by employer-financed plans, but in his case the $1,500 maximum would be reduced to reflect pension plan contributions made by the employer.

4. *Self-employed persons who invest in pension plans for themselves and their employees should be given a more generous tax deduction than they now receive.*

At present, self-employed people who establish pension plans for themselves and their employees are subjected to certain tax limitations which are not imposed on corporations. Pension contributions by the self-employed are tax-deductible only up to the lesser of $2,500 or 10 percent of earned income. There are no such limits to contributions made by corporations on behalf of their employees.

This distinction in treatment is not based on any difference in reality, since unincorporated entities and corporations often engage in substantially the same economic activities. Its chief practical effect has been to deny to the employees of self-employed persons who do not wish to incorporate benefits which are comparable to those of corporate employees. It has also led to otherwise unnecessary incorporation by persons solely for the purpose of obtaining tax benefits.

To achieve greater equity, I propose that the annual limit for deductible contributions by the self-employed be raised to $7,500 or 15 percent of earned income, whichever is less. This provision would enable the self-employed to provide more adequate benefits for themselves and for their workers, without causing excessive revenue losses.

5. *Workers who receive lump-sum payments from pension plans when they leave a job before retirement should be able to defer taxes on those payments until retirement.*

In order to avoid the problems of administering funds for the benefit of a former employee, an employer will sometimes give a departing employee a lump-sum payment representing all his retirement benefits. Present law requires that the employee pay income tax on that payment even if he intends to put it aside for his retirement. A worker who remains with one employer pays no such tax. This discrimination should be corrected.

The legislation we are proposing would amend the tax law to permit the worker who receives a lump-sum payment of retirement benefits before he retires to put the money into another qualified retirement savings program—either his own or an employer-sponsored plan—without having to pay a tax on it, or on the interest it earns, until he draws benefits upon retirement.

THE EMPLOYEE BENEFITS PROTECTION ACT

An important companion to the five-point reform contained in the Retirement Benefits Tax Act is our proposed legislation to make the Federal Government a tougher watchdog over the administration of the more than $160 billion in private pension and welfare funds benefitting American workers.

Submitted by this Administration more than 3 years ago, this needed reform languished in both the 91st and 92d Congresses. Each month that it has sat unenacted, the small minority of employee benefit fund officials who are careless or unscrupulous have been permitted to deny hard-working men and women part of their benefits. That is why we are today proposing to the 93d Congress a strengthened and improved Employee Benefits Protection Act, with an urgent request for prompt action.

Control of pension and welfare funds is shared by employers, unions, banks, insurance companies, and many others. Most pension plans are carefully managed by responsible people, but too many workers have too much at stake for the Government simply to assume that all fund management will automatically meet a high fiduciary standard.

Accordingly, the bill we are proposing would establish for the first time an explicit Federal requirement that persons who control employee benefit funds must deal with those funds exclusively in the interest of the employee participants and their beneficiaries. Certain corrupt practices such as embezzlement and kickbacks in connection with welfare and pension funds are already Federal crimes, but many other types of activity which clearly breach principles of fiduciary conduct are overlooked by present statutes. My proposal would plug these holes in the law to give workers a more solid defense against mishandling of funds.

Present reporting and disclosure requirements would also be broadened to require of benefit plan administrators a detailed accounting of their stewardship similar to that rendered by mutual funds, banks, and insurance companies.

To back up these changes, the new law would give additional investigative and enforcement powers to the Secretary of Labor, and would permit pension fund participants and beneficiaries to seek remedies for breach of fiduciary duty through class action suits.

Finally, the Employee Benefits Protection Act would foster the development of uniform Federal laws in employee benefits protection, complementing but in no way interfering with State laws that regulate banking, insurance, and securities.

BRIGHTENING THE RETIREMENT PICTURE

By moving rapidly to enact the pension incentive and protection package I am recommending today, this Congress has the opportunity to make 1973 a year of historic progress in brightening the retirement picture for America's working men and women.

Under the reforms we seek, every participant in a private retirement savings plan could have a better opportunity to earn a pension and greater confidence in actually receiving that pension upon retirement. Those who are not members of an employer pension plan or who have only limited benefits in such a plan would be encouraged to obtain individual coverage on their own. The self-employed would have an incentive to arrange more adequate coverage for themselves and their employees. And all participants could have well-deserved peace of mind in the knowledge that their welfare and pension funds were being administered under the strictest fiduciary standards.

The achievements of our private welfare and retirement plans have contributed much to the economic security of the Nation's workers. They are a tribute to the cooperation and creativity of American labor and management. We can be proud of the system that provides them—but we must also be alert to the Government's responsibility for fostering conditions which will permit that system's further development.

I urged at the outset of my second term that in shaping public policy we should "measure what we will do for others by what they will do for themselves." By this standard, few groups in this country are more deserving than the millions of working men and women who are prudently saving today so that they can be proudly self-reliant tomorrow. I urge the Congress to help these citizens help themselves by going forward with pension reform.

RICHARD NIXON.

THE WHITE HOUSE, *April 11, 1973.*

BEEF PRICES RELATED TO OTHER COSTS

(Mr. SYMMS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SYMMS. Mr. Speaker, I have had a stream of cattlemen through my office this month and about as many housewives, all complaining about the price of beef. It could be we are hammering away at the wrong villain where these rising prices are concerned. Take a look at what we could be paying for beef if the price of beef had gone up like other services and commodities:

If the price of steers had gone up as fast since 1950 as the price of a first-class postage stamp, steers would be bringing $77 per hundredweight.

If the price of beef had increased as much as medical care, steers would be selling at $72.34 per hundredweight.

If the rise had been as fast as hourly pay, the figure would be $80.69 per hundredweight.

Compared to the cost of having a baby, steers would be bringing $119.13 per hundredweight.

Compared to the daily cost of hospital services, the steers would be bringing $179.69 per hundredweight.

If that is not enough to curl your lasso, the live cattle price in Europe at the beginning of 1973 averaged $56 per hundredweight. Cull dairy cows and old beef cows ranged from $46.50 in Holland to $62 in Italy—all before the last devaluation of our dollar. Compared to $46 per hundredweight as the highest price steers reached in America this year, one wonders about which prices are too high.

Mr. Speaker, I would like to give credit to the Western Livestock Journal and my friend from Idaho, Ralph Sneed, for this information.

PROVIDING FOR CONSIDERATION OF H.R. 3180, FRANKING PRIVILEGE FOR MEMBERS OF CONGRESS

Mr. LONG of Louisiana. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 349 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 349

Resolved, That upon the adoption of this resolution it shall be in order to move, clause 7 of rule XIII to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3180) to amend title 39, United States Code, to clarify the proper use of the franking privilege by Members of Congress, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Post Office and Civil Service, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Post Office and Civil Service now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and all points of order against section 5 of said substitute for failure to comply with the provisions of clause 4, rule XXI are hereby waived. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from Louisiana (Mr. LONG) is recognized for 1 hour.

Mr. LONG of Louisiana. Mr. Speaker, I yield the usual 30 minutes to the gentleman from Ohio (Mr. LATTA) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 349 provides for an open rule with 2 hours of general debate, waiving points of order for failure to comply with the provisions of clause 7 of rule XIII of the House of Representatives, because no cost estimate was included in the report. The rule has also made the committee substitute in order as an original bill for the purpose of amendment, and waives points of order against section 5 for failure to comply with the provisions of clause 4 of rule XXI of the Rules of the House of Representatives, which prohibits appropriations language in an authorization bill.

H.R. 3180 provides specific guidelines on the type of mail matter that is frankable under a general congressional policy that will permit the mailing only of matter that will assist and expedite the conduct of the official business and duties of the Congress. H.R. 3180 authorizes "postal patron" mailings which had previously been allowed by postal regulation. Mr. Speaker, I urge adoption of House Resolution 349 in order that we may discuss and debate H.R. 3180.

Mr. Speaker, I yield to the gentleman from Ohio (Mr. LATTA).

(Mr. LATTA asked and was given permission to revise and extend his remarks.)

Mr. LATTA. Mr. Speaker, House Resolution 349 provides for the consideration of H.R. 3180, Franking Privilege of Members of Congress. This rule is an open rule with 2 hours of general debate. It also contains a waiver of points of order for failure to comply with clause 7, rule XIII, which deals with cost estimates in a committee report. In addition, the rule makes the committee substitute in order as an original bill for the purpose of amendment, and waives points of order against section 5 of the bill for failure to comply with clause 4 of rule XX, dealing with appropriations in a legislative bill.

The primary purposes of H.R. 3180 are first, to establish policy and specific guidelines as to the type of mail which can be sent under the frank, and second, to establish a Select Committee on Congressional Mailing Standards to provide advice to Members on the use of the frank and to investigate alleged violations in the use of the frank.

The bill provides specific examples of what can and cannot be mailed under a frank. The listing of frankable items includes, but is not limited to, newsletters, press releases, questionnaires, congratulations or condolences, and Federal publications. The committee language also includes mail matter which consists of voter registration or election information prepared in a nonpartisan manner.

The listing of nonfrankable matter includes mail which is purely personal and unrelated to official business, solicitations of political support, and mail which has information laudatory of the Member on a personal or political basis rather than on the basis of his performance as a Member.

The bill specifically authorizes "postal patron" mailings. Previously this has been permitted only by postal regulation.

The bill removes present special weight limitations on franked mail. Thus franked mail will be subject to the same weight limitations as apply to mail generally.

Existing law provides that the CONGRESSIONAL RECORD, or any part thereof, may be sent under the frank. This bill restricts that privilege so that any part of, or a reprint of any part of the RECORD, must qualify as frankable matter under the provisions of the bill in order to be frankable.

The bill provides that surviving spouses of all former Presidents shall have the right to use the frank for nonpolitical mail.

The bill also amends the rules of the House to provide for a new Select Committee on Congressional Mailing Standards. The creation of a select committee or the amending of the House rules would normally fall within the jurisdiction of the Rules Committee. However, in this case the Parliamentarian referred the bill to the Committee on Post Office and Civil Service because of the general subject matter.

Mr. Speaker, I urge the adoption of House Resolution 349.

Mr. LONG of Louisiana. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The question is on ordering the previous question.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WYDLER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 371, nays 14, answered "present" 1, not voting 47, as follows:

[Roll No. 84]

YEAS—371

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashley
Aspin
Bafalis
Baker
Barrett
Beard
Bell
Bennett
Bergland
Bevill
Biester
Bingham
Blackburn
Blatnik
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Bray
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brown, Calif.
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Butler
Byron
Camp
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Collier
Collins
Conable
Conte
Conyers
Corman
Cotter
Coughlin
Crane
Cronin
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Duncan
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Gibbons
Gilman
Ginn
Gonzalez
Goodling
Grasso
Green, Oreg.
Green, Pa.
Griffiths
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hanrahan
Hansen, Wash.
Harrington
Harsha
Hastings
Hawkins
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hogan
Holifield
Holt
Holtzman
Horton
Hosmer
Howard
Huber
Hudnut
Hunt
Hutchinson
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kemp
Ketchum
Kluczynski
Koch
Kuykendall
Kyros
Landgrebe
Latta
Leggett
Lehman
Lent
Long, La.
Lott
Lujan
McCloskey
McCollister
McCormack
McDade
McEwen
McKay
McSpadden
Macdonald
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Miller
Mills, Md.
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Mosher
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Brien
O'Hara
O'Neill
Owens
Parris
Passman
Patman
Patten
Pepper
Perkins
Pike
Poage
Podell
Powell, Ohio
Preyer
Price, Ill.
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Rarick
Rees
Regula
Reid
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Runnels
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Satterfield
Saylor
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Studds
Sullivan
Symington
Symms
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Treen
Udall
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Walsh
Wampler
Ware
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wolff
Wright
Wyatt
Wydler
Wylie
Yates
Young, Fla.
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—14

Anderson, Ill.
Brown, Ohio
Burton
Culver
du Pont
Gross
Grover
Hays
Hungate
Long, Md.
Moss
Rousselot
Roybal
Talcott

ANSWERED "PRESENT"—1

Yatron

NOT VOTING—47

Ashbrook
Badillo
Biaggi
Brotzman
Conlan
Dellenback
Diggs
Downing
Drinan
Dulski
Erlenborn
Foley
Fraser
Gettys
Giaimo
Goldwater
Gray
Hansen, Idaho
Harvey
Hinshaw
Ichord
Jones, Ala.
King
Landrum
Litton
McClory
McFall
McKinney
Mathis, Ga.
Mills, Ark.
Morgan
Pettis
Peyser
Pickle
Price, Tex.
Rooney, N.Y.
Rooney, Pa.
Scherle
Sikes
Staggers
Stuckey
Teague, Tex.
Ullman
Whalen
Winn
Wyman
Young, Alaska

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Peyser.
Mr. Sikes with Mr. Ashbrook.
Mr. Biaggi with Mr. King.
Mr. Dulski with Mr. Pettis.
Mr. Giaimo with Mr. Dellenback.
Mr. Ichord with Mr. McKinney.
Mr. Teague of Texas with Mr. Brotzman.
Mr. Stuckey with Mr. Price of Texas.
Mr. Staggers with Mr. Conlan.
Mr. Pickle with Mr. Hinshaw.
Mr. Gray with Mr. Erlenborn.
Mr. Jones of Alabama with Mr. Harvey.
Mr. Litton with Mr. Hansen of Idaho.
Mr. McFall with Mr. Goldwater.
Mr. Drinan with Mr. Diggs.
Mr. Badillo with Mr. Rooney of Pennsylvania.
Mr. Gettys with Mr. McClory.
Mr. Mills of Arkansas with Mr. Scherle.
Mr. Ullman with Mr. Whalen.
Mr. Landrum with Mr. Winn.
Mr. Fraser with Mr. Wyman.
Mr. Foley with Mr. Young of Alaska.
Mr. Downing with Mr. Mathis of Georgia.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. YATRON. Mr. Speaker, on rollcall No. 84, the vote on the adoption of the rule—House resolution 349—providing for the consideration of the bill, H.R. 3180, I inadvertently voted "present." I intended to vote "aye" and ask that my statement appear in the RECORD immediately following the vote.

FRANKING PRIVILEGE FOR MEMBERS OF CONGRESS

Mr. HENDERSON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3180) to amend title 39, United States Code, to clarify the proper use of the franking privilege by Members of Congress, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from North Carolina (Mr. HENDERSON).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3180, with Mrs. GRIFFITHS in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from North Carolina (Mr. HENDERSON) will be recognized for 1 hour, and the gentleman from Illinois (Mr. DERWINSKI) will be recognized for 1 hour.

The Chair recognizes the gentleman from North Carolina.

Mr. HENDERSON. Madam Chairman, I yield myself such time as I may consume.

Mr. HENDERSON. Madam Chairman, I rise in support of H.R. 3180 as reported by our committee, relating to the franking privilege of Members of Congress.

Unfortunately, the chairman of the full committee, the gentleman from New York, was taken ill last week and is not able to be on the floor today. He wishes me to express to the Members his wholehearted support of the bill and urges that the House take favorable action on this most important legislation.

The current franking laws have remained substantially unrevised since the 19th century and as a result of subsequent practice and interpretation have become vague, inadequate, and basically confusing.

Since 1968, the Post Office Department and its successor, the U.S. Postal Service, have discontinued the previous practice of rendering advisory opinions to Members of Congress regarding proper usage of the franking privilege. The determination as to what constitutes official business, as a practical matter, is now left to the discretion of each individual Member of Congress and this continues to be the policy today.

In addition, except for the Committee on Standards of Official Conduct, there is no machinery to enforce compliance with current franking laws other than the commencement of an action in the U.S. courts. During this past year, some 12 actions concerning the frank were brought before the courts. The decisions emanating from these proceedings have only compounded the question as to what is frankable and what is not. The resultant uncertainty and difficulty of this present system is unfair to both the Member and his constituency.

H.R. 3180 would clarify and update the existing franking laws, as well as establish machinery which our committee believes will guarantee proper franking practices.

The bill provides, for the first time, detailed standards for Members to follow when they send franked mail. The bill would also prohibit some controversial practices by setting forth what is nonfrankable matter and by restricting the mailing of excerpts from the CONGRESSIONAL RECORD.

Further, the bill establishes a mechanism for House Members to secure expert advice and guidance prior to mailing matter under the frank. A Select Committee on Congressional Mailing Standards would be created to serve this function and it would also establish general guidelines to be followed by Members of the House in their use of the frank.

A most important aspect of the bill would be to grant to this select committee exclusive jurisdiction to receive and hear complaints from any citizen alleging violations of the franking laws. This select committee is charged with the responsibility for investigating, holding public hearings if necessary, and the rendering of binding decisions on all complaints filed with it.

I might add at this point that an amendment will be offered by the gentleman from Arizona (Mr. UDALL) to change the select committee to a special commission of the House. The amendment would also make some procedural changes concerning the review of complaints on the use of the frank. These changes will be fully explained when the amendment is offered.

Enactment of H.R. 3180 is absolutely vital so that Members of Congress will continue to have the opportunity to communicate regularly with their constituents.

Madam Chairman, I wish to commend the chairman of the committee and the chairman of the ad hoc subcommittee for their initiative and hard work in promptly having this bill reported to the House. I was proud to serve on the ad hoc subcommittee and I believe H.R. 3180 is a fine legislative product and urge its passage by the House.

Mr. DERWINSKI. Madam Chairman, as the ranking minority member of the ad hoc subcommittee responsible for developing H.R. 3180, I wish to advise the House that the bill has the general support of the Republican members of the committee.

I believe that we should keep in mind that this bill fills a void that has existed for the past 4 years since the Postal Service withdrew from its role as an adviser on mail frankability and clearly brings within the purview of the Congress a function that correctly belongs with the legislative branch.

Madam Chairman, because so many harassing charges were made in the recent general elections, I believe it will be in the public interest as well as the interest of the Members of Congress that we establish, as this bill does, certain congressional jurisdiction and clarify any questions so that we will not have the courts being used for political purposes every 2 years during congressional campaigns.

The issue with which we are presently faced is that of removing the cloud that has been placed over the entire scope of congressional franking privileges because of the series of conflicting and contradictory court decisions that emerged last year.

As the committee report on H.R. 3180 points out, during 1972 at least 14 suits were filed against Members of the House alleging misuse of the franking privilege. Unfortunately, in various decisions, the Federal judiciary has continued to expand its interest in what is purely a legislative matter. I think it is important to put a halt to the court's review of a Member's motive when making its rulings on whether or not a piece of mail is frankable.

Therefore, the key provisions of this legislation are those which:

Define specifically and with general guidelines matter which is frankable and which is not frankable;

Vest with the Select Committee on Congressional Mailing Standards the authority to provide guidance, assistance, advice, and counsel regarding the use of the frank; and

Declare that a decision of the select committee is "binding and conclusive for all purposes and shall not be subject to review in any action, suit, or judicial or administrative proceeding."

The bill also provides, as a further remedy, that if a complaint is found to be valid, and that a serious and willful violation has occurred or is about to occur, decisions of the select committee are referred to the House Committee on Standards of Official Conduct for such action as that committee considers appropriate.

Madam Chairman, an amendment adopted in committee directs the Select Committee on Mailing to study the problems relating to mass mailings under the frank prior to an election. The bill instructs the committee to make its recommendations to the House no later than January 1, 1974. I is important that the select committee carry out this mandate because we, as incumbent Members, should know what the ground rules are on mass mailings before the deadlines for primary election filing.

I cannot emphasize too strongly how important it is for the select committee and the House to act on this issue at the earliest possible time to avoid confusion and misinterpretation as the year goes on.

Madam Chairman, these key provisions of the bill, if enacted, will in my opinion serve the public interest and insure, to the greatest extent possible, against misuse and violation of the franking privileges.

I think it is also important, Madam Chairman, to recall the original purpose of the franking privilege as it was established by the Continental Congress, and that is to provide a ways and means for speedy and secure conveyance of intelligence. That purpose is carried forward in this legislation, and it is important to preserve.

Madam Chairman, I call attention to subparagraph (F) on page 20 of the reported bill, which permits the franking of "mail matter expressing condolences to a person who has suffered a loss." I suggest that such a use of the frank, while it may be justified in some instances, is open to valid criticism. At the proper time I will offer an amendment to strike that language from the bill.

Mr. HENDERSON. Madam Chairman, I yield to the gentleman from Arizona (Mr. UDALL) such time as he may consume.

Mr. UDALL. Madam Chairman, the bill we take up today is necessary to retain our self-respect because the Federal courts over the period of the last year or year and a half have begun to write new franking law for the Members of Congress. The question is not whether we are going to have a new franking law. We will have one. The question is whether that law will be written by the House and the Senate of the United States to outline and define this important public privilege extended to elected officials, or whether the Federal judges are going to write a law for us. Obviously I prefer that we write a sound franking law ourselves.

This bill has been widely misunderstood by some of my colleagues. In just a moment I will be happy to yield to anyone who might have questions about the purpose and effect of the bill that the ad hoc subcommittee first considered and the final bill the full Post Office and Civil Service Committee reported.

Common Cause and some others have suggested that this bill is a kind of compendium of new goodies and new extra privileges for Members of Congress. On the other hand, some of my colleagues have suggested that we are hamstringing our traditional rights to the use of the frank in the legislation.

I suggest that both of these views are incorrect. I want to take a few minutes to point out that this bill is not only good for Members of Congress, but that it is a good, sound bill in the public interest.

The fact is that the present franking law regarding Members of Congress consists of about four lines which say that we can send mail matter on official business. Until 1968, "official business" was determined and policed by the Post Office Department. From time to time complaints would be filed and the Post Office Department would conduct investigations, and in certain cases would collect postage from a Member where it was claimed he had illegally used the frank.

In 1968, the Post Office Department made a decision that it would no longer police the Franking Act; that it was up to the conscience and determination of each Member of Congress as to what was frankable, what was "official business" and what was not. The result was the chaos which we have today.

In my judgment, the frank serves a public purpose. Ninety-eight percent of the material, even in an election year, that goes out of the folding room of the House of Representatives is sound, official, legal and in the public interest. It is only a very small percentage of the mail where any abuse could on any ground be claimed; when those Members who have rigidly applied standards to themselves in the last 5 years have been blamed for the occasional case where under pressure close to election a Member might have misused the frank in some way.

I want to point out to the press that

in the enumeration now, instead of just a narrow description of official business, we now attempt to list for the first time the kinds of things which are frankable and the kinds of things which are not, so that there will be a sound, definite, statutory basis for the use of this important privilege.

I want to point out that if this bill fails, there is not a single change which would be made. Newsletters are mentioned in the bill; newsletters have been sent for years. Questionnaires are mentioned in the bill; questionnaires have been sent for many years. Government publications are now mentioned specifically in the bill; Government publications have been sent for many years. So, we are simply confirming the sound, solid, responsible use of the frank which the vast majority of Members of Congress have always followed.

For the first time, we will have in the law a list of things which are not frankable. We will have a committee which can spell out in detail as we go down the road things which are and are not proper.

Further, the bill would eliminate one of the possible areas of abuses. It is the so-called CONGRESSIONAL RECORD dodge. Today, under the law and under past interpretations, anything which appears in the CONGRESSIONAL RECORD is frankable. This means that the week before election, for example, I could make an attack on my opponent, discuss the issues in my election race, I could denounce him by name, call him a thief, denounce his policies. I put it in the CONGRESSIONAL RECORD and it is frankable.

Under the bill, this will no longer be frankable unless it otherwise meets the standards. We can no longer take frankable excerpts from it unless those excerpts meet the test of frankability, otherwise in the bill.

I am asked further, what other benefits, if any, are there for the public and the taxpayer in this legislation? Let me point out a couple more.

Now, if a member of the public has a complaint or a grievance about something that has been franked, he has no place to go unless he can afford a lawyer and take the matter to court.

Now, with this he will have a forum. It will be a Commission composed of three majority Members and three minority Members. These Members will also be in a position to give advance advisory rulings, to a conscientious Member who wants to determine in advance whether something is frankable. But this Commission will also hear grievances. If a citizen has a complaint about misuse of the frank, he now will have some place to go.

Madam Chairman, in the original bill that was introduced we had a 60-day cutoff provision against postal patron mailing, occurring before an election. This was eliminated by the Committee on Post Office and Civil Service, but we do have a provision for a study of whether it is feasible and fair and reasonable to adopt some kind of a cutoff provision. I say that the only way we are ever going to get a cutoff, if one is fair and right, is to go forward with this bill and see that this study is made by this bipartisan group and recommendations then considered.

So I say to my colleagues and I say to the public that this bill is good for the Congress. The franking privilege is important. It is in the interest of the public that we have it; this is good for the public.

Madam Chairman, I think it is a good, sound update of a very important congressional privilege, and I would urge that this bill be approved.

Mr. LONG of Maryland. Madam Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Maryland (Mr. LONG).

Mr. LONG of Maryland. Madam Chairman, the gentleman has been asking the press to listen to what he has to say, and I guess the assumption is that the press has been very much interested in this. However, I noticed that practically nobody in the press gallery listened to the gentleman.

Mr. UDALL. Unfortunately, I am unable to see behind my back, but I had hoped that my remarks would go into the CONGRESSIONAL RECORD, because almost any time that one of the rights and privileges and benefits of Members of Congress is taken up, the press focuses in on it and occasionally distorts the matter under discussion. I wanted to make sure it is understood that this is not just a benefit bill for the Members. I think it is good for the Members, and I want to be sure that it is understood it is in the public interest as well.

Mr. CHARLES H. WILSON of California. Madam Chairman, will the gentleman yield?

Mr. UDALL. I will yield to the gentleman from California.

However, Madam Chairman, before I do yield, I want to say that the gentleman from California (Mr. CHARLES H. WILSON) was a member of the ad hoc subcommittee which held the hearings, and he has brought to the study of this problem a very alert mind, a very keen interest in the Members, and a very sincere desire to do something about this situation. We have got a better and a sounder bill because the gentleman has given his attention to it.

Mr. CHARLES H. WILSON of California. Madam Chairman, I want to thank the gentleman, and I am certainly in agreement with his statement that we need some type of legislation.

I think the bill we have is a good bill, and I am not too concerned about anything that is expressly in it, however. I understand there are several amendments which will be considered as we go along today that perhaps might improve the bill beyond what it is now.

Madam Chairman, I wonder if the gentleman from Arizona (Mr. UDALL) might explain more in detail to the Members here what the descriptions will now be under the bill insofar as the excerpts taken from the CONGRESSIONAL RECORD.

Mr. UDALL. Madam Chairman, in answer to the gentleman's question, under the present procedure excerpts from the CONGRESSIONAL RECORD are automatically frankable, whatever they may be. The presumption is—well, let me back up and say that the CONGRESSIONAL RECORD in itself continues to be frankable. This is one of the automatic frankable things. Excerpts from the CONGRESSIONAL RECORD will be frankable so long as they meet the test in the bill, and the test in the bill is as broad as we could make it, with the gentleman's help, to cover all the kinds of public issues, all the kinds of discussions of great national problems, and all the sorts of things we usually see in the CONGRESSIONAL RECORD. I do not see much in the typical issue of the CONGRESSIONAL RECORD which would not be frankable. Occasionally we see in an election year someone using the CONGRESSIONAL RECORD to make a political attack, reprint the excerpt, and mail out something for that purpose. That is a practice which will not be frankable under any test.

Mr. CHARLES H. WILSON of California. Madam Chairman, may I ask the gentleman, will this determination be made in the committee as to franked material from the CONGRESSIONAL RECORD?

Mr. UDALL. No.

Mr. CHARLES H. WILSON of California. Or does it spell it out in any way?

Mr. UDALL. Again, in the first instance, the Member himself can decide that something in the CONGRESSIONAL RECORD is frankable and send it out. If he wishes to and if it is borderline or it is questionable, he can go to the new commission and get an advance opinion to protect himself against any who might complain. If somebody wants to file a complaint, the commission will decide whether it was or was not frankable.

Mr. CHARLES H. WILSON of California. I hope there are many Members here who will ask the gentleman from Arizona (Mr. UDALL) specific questions about this bill. There is considerable misunderstanding in the minds of some Members about what is and what is not in the bill. The gentleman in the well is an expert on the subject, so I hope we will have a free discussion this afternoon, because we will be in a position to have his answers.

Mr. UDALL. I thank the gentleman.

I yield to the gentleman from Maryland.

Mr. LONG of Maryland. I thank the gentleman for yielding.

I would like to ask a question which I think is very much in the minds of all of us here, and that is the relation of this bill to various court suits that have been filed all over the country. It has been my understanding that court suits have been filed simply because the Congress never made itself clear on exactly what was a proper use of the frank and what was not a proper use and that this bill when passed will preempt all court suits so that we will no longer have this rash of court suits filed against Members and it will be entirely up to the committee set up by the Congress to review the matter.

Mr. UDALL. It is the purpose and intention of the bill. In several court suits the court said that because the Congress has no machinery to protect itself we will have to do it. They were begging the Congress to spell out what is and what is not frankable. We have a provision here that says you can make the complaint before the Commission. We say also that if any challenge is filed in the courts, the findings of fact of this Commission are binding on the court. I think the courts do not want to have a conflict with the Congress. They want to respect the integrity of the separate branches of the Government and will leave us alone if we police ourselves, as we provide in the bill here.

Mr. LONG of Maryland. Many of these court suits were filed, I believe, not because of any intrinsic value to the suit but simply to embarrass the incumbent.

Mr. UDALL. That is true.

Mr. LONG of Maryland. Is it any part of the purpose of this bill to have congressional machinery or funds to defend Members of Congress who have been hit by these nuisance suits?

Mr. UDALL. No. Our concern was twofold. In the first place, I do not think we would have jurisdiction in our committee to write such language had we chosen to. In the second place, it was our feeling that if we had a self-policing system of this kind, the courts would leave Members alone and you would not have these court suits filed.

I want to emphasize your point here. Some of these suits that have been filed were nuisance suits. The people who filed them knew that they had no validity and they were merely done to harass the Member.

Under this bill a Member of Congress would be able to go to the Commission itself and say, "I propose to send out this newsletter. Is it frankable or not?" Armed with that opinion, then he can protect himself against a demagog.

Mr. LONG of Maryland. One other question which concerns the possibility that Members may be required as a result of newspaper thrusts to lean over backwards to avoid criticism. In a sense, then, quite aside from what the bill actually means, there may be a widespread impression among the press that the Member no longer has the freedom to send out that mail in a very wide variety of categories, and to avoid criticism in the press he has to lean over backward and stay well back from the dividing line. As an analogy, I can quote the Hatch Act, which has caused many people to avoid a proper participation in politics because they did not know where the line was and were afraid to go up to the line.

Mr. UDALL. I agree with that effect of the Hatch Act, but I do not think it will have a chilling effect on our use of the frank. The fact is that 98 or 99 percent of the material going out of the mail room is good, solid information and in the public interest. The other protection you have, which you do not have in the Hatch Act, is you have no Commission where you can go down and say, "I want a certificate permitting me to go to a political meeting tonight." But you can go to this House commission and get a ruling and determine whether your material is frankable or not, and then send it out with some confidence that it will be upheld.

Mr. LONG of Maryland. Madam Chairman, if the gentleman will yield for one further question, what is the apparatus which the Congress or this committee plans to set up to enforce this? I gather that a great many Congressmen will now be submitting their mailings to the committee for some kind of an opinion, or at least in the earlier stages, and possibly this will always be true.

If so, this is going to take a good deal of staff. I wonder if the gentleman would have any comments directed toward this subject?

Mr. UDALL. There was some concern in the committee that perhaps a new bureaucracy or a new standing committee would be created, and we made it very clear in the report and in the legislation, and I want to emphasize it again today, that this Commission will be staffed by the regular staff of the Committee on Post Office and Civil Service. We have a fairly large and adequate staff, and I think after we get through those early days and then get general guidelines and rules laid down, that it will become pretty standard, and it will not be a large volume of work on the part of the staff, but whatever has to be done we will get it done.

Mr. LONG of Maryland. I thank the gentleman.

Mr. SMITH of Iowa. Madam Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. I would ask the gentleman from Arizona if there is anything in this bill to stop the executive branch from putting political propaganda into social security check envelopes, and things like that?

Mr. UDALL. No, there is not; and some Members wanted to address themselves to that problem. As the gentleman knows, the President of the United States, who wanted a 5-percent social security increase last year, signed into law a 20-percent increase we had passed over his objection, and then sent out letters to all the old folks in America taking credit for it.

I think the point the gentleman makes is a good one, that any abuse in mailing privileges does not rest exclusively in the legislative branch, and that we have found it sometimes in the judiciary, and in the executive branches.

We could have tried to write a Government-wide bill, but at the time we were addressing ourselves to this narrower problem first.

Mr. ROUSSELOT. Madam Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from California.

Mr. ROUSSELOT. Madam Chairman, I appreciate the gentleman from Arizona yielding to me. The bill before us is H.R. 3180—and I know the gentleman from Arizona plans to introduce a substitute to this. Is that not correct?

Mr. UDALL. That is correct.

Mr. ROUSSELOT. In the bill before us, H.R. 3180, on page 27, it refers to a "Select Committee on Congressional Mailing Standards" which, under this bill, would be the basic judge as to whether material inserted into the CONGRESSIONAL RECORD and then mailed out around campaign time would have to meet certain standards. The Member would have to abide by the decision of the select committee.

And, as I understand it, the Select Committee on Congressional Mailing Standards would be the final arbitrator as to what would be frankable or not frankable. Is that correct?

Mr. UDALL. That is correct, but let me emphasize that the Commission has nothing to do with what a Member chooses to put into the CONGRESSIONAL RECORD. That is at his discretion.

Mr. ROUSSELOT. I understand that point, but I am talking about what items would be frankable for mailing, would basically be subject to the whims of six Members alone.

Mr. UDALL. In the final analysis, if it were again during a campaign, and complaints were made as to violating the mailing privileges of the CONGRESSIONAL RECORD, the Commission would have the power to decide what is or what is not frankable.

Mr. ROUSSELOT. Well, if during the sessions some Members of the opposite party were criticizing the President of the United States or the executive branch, and then when campaign time came and that material was included in the CONGRESSIONAL RECORD, and then a Member mailed that out, and the President was then running for reelection, that could be considered campaign material; is that correct?

Mr. UDALL. No. Any discussion of public issues or public officials or their performance in office, or failure to perform, these kinds of things are typical of the political scene, and they are clearly a discussion of public matters, which is spelled out in the broadest terms in the bill.

Mr. ROUSSELOT. Then in this bill we have really delegated to six people, the basic decisionmaking power, as to whether such material is in fact political or nonpolitical?

Mr. UDALL. Those six people are going to politician Members who deal with their colleagues, and they will be equally divided between the parties. I do not believe that any speeches that are mailed out on election day are going to vary a great deal from the practice in the past. The very narrow area of the provision is where I might use this in my campaign to attack my opponent on a purely political basis; that is the wording of the legislation before us.

Mr. DERWINSKI. Madam Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Illinois.

Mr. DERWINSKI. I just wish to make an observation. The gentleman from Arizona is one of the most effective Members of this body, but in answer to the question from the gentleman from California, the gentleman said that the commission would be composed of six politicians. I think we should interpret that really to say the Commission will be composed of six statesmen who will be serving the public interest. I think the entire picture would look much better that way.

Mr. UDALL. I accept the gentleman's correction. He is obviously right.

Mr. KEATING. Madam Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Ohio.

Mr. KEATING. If we send a newsletter to some school outside of the district or outside of the State, or some other person requests to be put on our mailing list, can we comply and use the frank to send that out?

Mr. UDALL. Yes. The limitation as to a congressional district applies only to the postal patron mail.

Presently I have on my mailing list maybe 1,000 people in Phoenix outside of my district. These are State officials. These are members of my political party. These are political scientists. These are people who have asked to be put on my newsletter lists, and as long as it is a named individual——

Mr. KEATING. A named addressee.

Mr. UDALL [continuing]. A named addressee, the gentleman can send it anywhere in the State or anywhere in the country.

Mr. KEATING. I thank the gentleman.

Mr. UDALL. That is presently the practice and will continue to be the practice.

Mr. LONG of Maryland. Will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Is each body the arbiter of the use of the franking privilege of its own Members?

Mr. UDALL. Yes. This was a matter of some discussion. It was argued by some on the committee. Let us set up a joint commission with the Senate so that we would not have one standard of the frank here and another standard over there. This will not become law unless it goes to the Senate, and I suspect we will have to reconcile that question. I do not know what the view of the other body will be on that question.

Mr. LONG of Maryland. It is my understanding that the Senate does not send out postal patron mail.

Mr. UDALL. No, they do not have the postal patron privilege, but that would not have anything to do with the frankability.

Mr. LONG of Maryland. Are we not then putting ourselves somewhat at the mercy of the other body? We are discussing the frank so far as a postal patron is concerned, and they would be inclined to take a very different view of this, especially since some Congressmen sometimes run against Members of the other body.

Mr. UDALL. We are aware of these potential conflicts. I anticipate little difficulty working this out with the Members of the other body. The fact is that we have an advantage today they do not have, and if they insist on abolishing the postal patron, as far as I am concerned, should I be a conferee I am going to get up and walk out of the conference. There is not going to be any bill, and we will keep the old law.

Mr. LONG of Maryland. One further question regarding the fact that there will be six people, three from each side, who will now be the arbiters. As the gentleman points out, these are politicians. That means they could be sympathetic to our problems. It also could mean, however, that these are still gentlemen on each side of the aisle who are on the spot so far as the newspapers are concerned. It means Common Cause and the newspapers, and so on, can concentrate their fire on these three gentlemen, and they will have to be very brave people to be able to stand up, will they not, under the fire if it does concentrate on them, as it is very likely to do?

Mr. UDALL. I will respond to the gentleman this way. I do not think we are going to have any great change in the kind and character of the mail that goes out of here today. As I say, the vast, vast majority of it is entirely proper and in the public interest. I would say to the gentleman and to any of my colleagues who want the old system kept. We have two bad choices. If the gentleman is one of these who would prefer to have every Member decide for himself, continue to decide for himself, what is and what is not frankable, I say to the gentleman he has two choices. One is the commission arbiter provided in this bill and the other arbiter is a bunch of Federal judges. Would the gentleman rather have six of his colleagues handle this question, or would he rather have a bunch of judges around the country?

Mr. LONG of Maryland. I think that would depend very much on who my colleagues were and who the Federal judges were. That would be very difficult to predict.

Could I ask the gentleman one more question?

Mr. UDALL. Yes.

Mr. LONG of Maryland. In case one Member does violate the rules and guidelines as set down by the committee, what is the committee's recourse? What is done to make these Members toe the line?

Mr. UDALL. If the Commission finds that it was a serious and deliberate violation of the franking privilege, it then may—not must, but may—transfer the matter to the Committee on Standards of Conduct, the committee headed by the great gentleman from Illinois (Mr. Price). Under the existing law that committee would then proceed to ajudicate the case and do whatever is appropriate.

Mr. LONG of Maryland. So this committee, in itself, would not censure anybody?

Mr. UDALL. It has no powers to impose censure on anybody.

Mr. LONG of Maryland. Would it even recommend censure to the Committee on Ethics?

Mr. UDALL. No; I think under the bill the action of the Commission would be to make a finding that a serious and apparently deliberate violation has occurred and to, therefore, resolve to refer the matter to the Committee on Standards of Official Conduct for action.

Mr. LONG of Maryland. Without any recommendation for that action?

Mr. UDALL. Yes.

Mr. SMITH of Iowa. Madam Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Madam Chairman, with respect to the Members of the other body and their privileges, I believe they have an unlimited access to an addressograph and they can turn over every telephone book in the United States and say address an envelope to these addressees. We do not have that kind of access, so we do it the less expensive way and send it to the postal patron. If that privilege were not continued, we would probably do it the more expensive way as they do it, so it is not true, is it, to say we have a privilege they do not.

Mr. UDALL. I would say the view of the House Members who participated in writing this bill and the opinion of the kind of people who would probably be conferees if we have a conference with the Senate is that the postal patron privilege will continue, and we are not going to agree to any sugggestion, if one should be made, that this privilege be given up.

Mr. DERWINSKI. Madam Chairman, I yield to the gentleman from Pennsylvania (Mr. Johnson) such time as he may consume.

Mr. JOHNSON of Pennsylvania. Madam Chairman, I rise in support of H.R. 3180, which will help to clarify the proper use of the franking privilege by Members of Congress.

This legislation is necessary because of the multiple court cases which were filed against incumbent Members of Congress in the past Congress, and the opinions which were handed down in Federal courts regarding the congressional franking privilege.

In the particular case of Schiaffo against Helstoski, the Federal court ruled on the frankability of the following mailings:

"The Yearbook of Agriculture," "The "Capitol, Symbol of Freedom," and "Consumer Product Information" were found to be public documents printed by order of Congress and were frankable. However, the court also found that reprints, prepared at the Congressman's expense of the "Consumer Product Information" pamphlet; a newsletter, "Washington Report," mailed to postal patrons in a quantity of about 206,000, prepared at the Congressman's expense; an annual legislative questionnaire, again sent postal patrons and prepared at the expense of the Congressman; a "1972 Young Voter Opinion Survey" sent to 15,000 specifically addressed young voters; a brochure on drugs, privately prepared at the Congressman's expense; a report on revenue sharing, 280 copies prepared at the Congressman's expense, mailed to public officials on an unsolicited basis; a survey on gun control legislation, to be sent to some 40 police chiefs; and the Declaration of Independence, prepared on parchment for framing, copies of which were yet to be mailed with a reprint of a statement by the Congressman from the Congressional Record to Republican and Democratic county committee people, local officials, schools and libraries, were unsolicited and not within the permissible categories of the statute—official correspondence, public documents or any part of the Congressional Record—and were not frankable.

The court further opined that a postal patron mailing of the results of the earlier questionnaire, of which 206,000 copies were sent, which appeared in the Congressional Record, was frankable.

In the Hoellen against Annunzio case, the court separated the mailings of the questionnaire at issue—"as between those sent into the district in which he is a candidate for Congress—and stated that whether these mailings were "upon official business" depended not only upon—contents but upon the purpose for which it is sent, which may be inferred from the circumstances."

The court ruled that that part of the questionnaire mailing that went to Congressman Annunzio's "old" district—seventh, the district he was elected to represent—was held to be official business, while the remainder of the mailing to the "new" district, of which he is a candidate, was not.

Madam Chairman, I believe these particular court cases draw attention to the need for the U.S. Congress to take affirmative action to clarify the franking law. Without such action, I believe we can all expect our opponents to "cry foul" against an incumbent Member of Congress during an election year, claiming the misuse of the frank and, accordingly, we can expect the courts to dictate what we can and cannot mail under the frank.

Madam Chairman, the legislation before us is fair in establishing specific guidelines as to the type of mail matter that is frankable and the type of mail that is unfrankable. It will, in fact, remove the cloud of uncertainty which is all too present today.

Mr. DERWINSKI. Madam Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. Gross).

Mr. GROSS. Madam Chairman, I voted for this bill in committee, and depending upon what action is taken here this afternoon in the way of amendments and substitutes, I will probably vote for final passage.

Frankly, I have several important reservations concerning the measure. It is both vague and contradictory, and this only emphasizes the problems the Congress has when it attempts to write into specific law the "do's and dont's" with respect to the use of the frank.

Undoubtedly, the legislation will be open to endless interpretations, and hopefully within a reasonable period after enactment, the select committee, or whatever other body may administer the law, will have established a set of reasonable and equitable guidelines and precedents which will make the act workable both in the interest of Members of Congress and the public.

I would like to point out that I am most definitely opposed to permitting the use of the frank for a Member to send out "mail matter expressing condolences to a person who has suffered a loss." I think this is a matter which is purely personal, which type of mail is prohibited in another section of the bill, and I will support an amendment to strike this provision from the bill.

I also have very serious reservations with respect to the provision which grants an almost unlimited franking privilege to the widows of former Presidents. While the committee did restrict this mail to "nonpolitical mail," it still leaves a multitude of mail available.

The fact that this privilege has been extended to all Presidential widows, beginning with Martha Washington, does not at all convince me that it is right. I can see some justification for granting the franking privilege for a limited time for the widow to dispose of business and official correspondence connected with her husband's death, but I see no justification for extending this franking privilege in perpetuity.

I am not at all suggesting that any Presidential widow, past or present, has abused this privilege, but I am suggesting that—"because it has always been done before," is no excuse for continuing the practice in this present day.

I have been assured in committee, and I trust that assurance will again come from the managers of the bill today, that the provisions of this legislation which establish a special commission or select committee on congressional mailing standards will involve no additional cost and will require no additional hiring of staff. It is only on the basis of this assurance that I support this provision of the bill, because I wish to have no part in the creation and proliferation of special committees of the Congress.

Under the specific language of the bill, the congressional mailing standards committee will evidently draw its personnel, office space, equipment, and facilities from the Committee on Post Office and Civil Service. I hope that this intent of the legislation will be carried out if this bill is enacted into law, and I would hope that there will be no effort to circumvent the intent of this langauge at any time in the future.

Madam Chairman, I intend to follow this debate very closely. This is obviously a matter which has both a direct effect on the Members of this body and on the American taxpayer, who must eventually pick up the costs—which are now in the neighborhood of $30 million annually.

I hope that we can pass a measure here today which will be both helpful and fair to us and to the constituents we serve.

Mr. HAYS. Madam Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Ohio (Mr. Hays).

Mr. HAYS. Madam Chairman, I read an article in the paper this morning, and I do not normally believe everything or sometimes not anything I read, but this article said that it cost $71,000 for each Member for franking purposes.

I can give an amendment which will obviate the necessity for this bill and the necessity for any committee and save the Government $21,000 per year on each Member.

Why not just give each Member $50,000 and let him buy his own stamps?

Mr. UDALL. Madam Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Arizona (Mr. Udall).

Mr. UDALL. Madam Chairman, in his statement just before he yielded to the gentleman from Ohio, the gentleman from Iowa wanted assurances that no bureaucracy is going to be built up; no large staff needed to administer this proposed law.

As one of the authors of the bill, let me publicly again assure the gentleman from Iowa that this is my purpose and intent. I agree entirely with the statement just made.

Mr. GROSS. I thank the gentleman from Arizona. I am sure the Members of the House are glad to have that assurance.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. DERWINSKI. Madam Chairman, I yield 3 additional minutes to the gentleman from Iowa (Mr. Gross).

Mr. HENDERSON. Madam Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from North Carolina.

Mr. HENDERSON. Madam Chairman, I would like to give to the gentleman from Iowa and to the Members of the House the same assurance as the chairman of the full committee and other ranking members of the committee, that the commission staff and all expenses would be taken care of and included in the Committee on Post Office and Civil Service. We are not creating any new positions or spending any new money. That will not be necessary. It will be done through the present standards of the House.

Mr. GROSS. I thank the gentleman for his frank statement.

Mr. DERWINSKI. Madam Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Illinois (Mr. Derwinski).

Mr. DERWINSKI. Madam Chairman, the gentleman from Iowa as well as anyone of us knows the limited degree to which the minority has control of this Congress, but to the degree that the minority has a voice, I wish to assure the gentleman from Iowa that it is the understanding of all the minority members of the committee that there will be no new staffing. The staff of the House Committee on Post Office and Civil Service will provide service for this commission.

Mr. GROSS. I thank my friend from Illinois.

Mr. DERWINSKI. Madam Chairman, I yield to the gentleman from Pennsylvania (Mr. Williams), for such time as he may consume.

Mr. WILLIAMS. Madam Chairman, I want to thank the gentleman from Illinois for yielding to me.

I do believe that this bill represents the first comprehensive and systematic overhaul of our franking privileges, which were originally started in 1775.

I do think it is an excellent bill, and I do want to associate myself with the comments made by my distinguished colleagues from Illinois and from Arizona. I think they have done a tremendous job.

Mr. UDALL. Madam Chairman, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from Arizona (Mr. UDALL).

Mr. UDALL. Madam Chairman, I was chided a little bit ago about making a statement to the press, but I want to make one more comment which was brought to mind by the comment of the gentleman from Ohio.

There is an attitude around the country and in the press that there is a great flood of congressional material; just a torrent inundating the mailboxes of the citizens of this country. The fact is, last year there was 363 million pieces of congressional mail.

In very rough terms, if one assumes there are 210 million Americans and there are 160 million adults—I believe that is a little high—the fact is that the ordinary citizen, the average citizen, who has one Congressman and two Senators, got two pieces of congressional mail and it cost him perhaps 18 to 20 cents at the most. So that is the dimension of this thing. I hope the stories that are written about this bill will keep that in perspective.

Mr. WILLIAMS. I should like to reply to the gentleman by saying I completely agree with the remarks he has just made, as well as his former remarks, and I want to be associated with those remarks.

Mr. HAYS. Madam Chairman, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from Ohio.

Mr. HAYS. I should just like to say in comment about what the gentleman from Arizona said, about how much mail people get, that I try to answer all the mail which comes into my office. If my people think they are getting too much mail from me they can cut it down by not writing me so many letters.

Mr. DERWINSKI. Madam Chairman, I have no further requests for time.

Mr. HENDERSON. Madam Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Madam Chairman, I intend to offer an amendment to this bill, but before I get into that let me say a word about the bill itself.

I am among those who agree that some such legislation is very important and very much needed. Most, if not all, of the lawsuits which were brought against mailings under the frank before the last election were undoubtedly lawsuits which had no real merit and were brought for political purposes. Yet I have some concern, despite the excellent work that the committee has done to try to bring out a workable bill, that it does not go far enough in some directions and a little too far in others.

The most critical period of time when we use the frank, when it might be argued that it is being used for political purposes, is obviously in the months immediately preceding an election, particularly a general election. It seems to me that, like Caesar's wife, we should be above suspicion. We should bend over backward to try to make it clear that this is not a bill which is trying to entrench incumbent Congressmen in their offices. So I intend to offer an amendment which will prohibit the use of the frank for mass mailings, whether they are under a postal patron type general address approach or whether they involve the use of mass mailing lists, whether computerized or compiled in some other manner, for a period starting 60 days before any general election.

I personally follow a policy of not sending out postal patron mail or other mass mailings less than 60 days before a general election, and I know a lot of other Members do likewise. I believe that we do so, not because our newsletters are political or otherwise contravene the spirit behind the legislative franking privilege, but because we want to be in a position where our constituents can feel that when the newsletter or similar document comes in to them it is coming from their Congressman in his representative and legislative capacity and not as a political figure.

There are some obvious problems in drawing that type of an amendment, and that is because there are some mass mailings, to addresses on mailing lists, for example, that have no political overtone of any significance. So I have put in my proposed amendment some exceptions to the 60-day ban. These exceptions would allow the mailing under the frank of replies to inquiries or communications from constituents, even though that might be a large list, because the Member got a lot of mail on a particular subject from his constituents.

There would also be an exception for the mailing under the frank of matter to colleagues in Congress or to Government officials at all levels of Government; and an exception for the mailing under the frank of news releases.

I might say, Madam Chairman, that it would be my interpretation that this exception for news releases would apply to cases where the news releases go to members of the mass media, and it would not cover the mailing of news releases to large lists of constituents under a postal patron or other mass mailing.

Finally, my amendment would make an exception for the mailing under the frank of nonpartisan voter registration or voting information.

Now, Madam Chairman, I realize that this alone does not solve the problem of how to even the score between incumbents and nonincumbents in general elections, and I think that it is important that we even the score. The mere existence of incumbency confers upon the officeholder certain advantages politically and from a public relations standpoint. So I think that if we pass this bill, we ought then to proceed with dispatch to do something about that situation, and I understand the gentleman from Arizona (Mr. UDALL) is considering working up again a bill to provide for an underwriting of the cost of election campaigns.

Madam Chairman, I would hope that any such bill would authorize the use of the frank by incumbents and nonincumbents alike for mass mailings in the 60 days before an election for political mail. Obviously the use of the frank should have some limitation on it if used for political mail. I would also hope that we would require the radio and TV stations to provide free time, with certain limitations, for incumbents and nonincumbents alike.

Madam Chairman, I think we should also consider other ways of underwriting, to the extent feasible, of the cost of election campaigns, so that we do not confer too great an advantage on those candidates who have access to large sources of revenue.

Mr. FRENZEL. Madam Chairman, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Madam Chairman, I thank the gentleman for yielding.

I would like to state that I believe his amendment is a good compromise for the problem which we all know exists. I am not terribly optimistic about its chances for passage, but I would hope that each of us, even though we have to give up a certain advantage in the passing of this amendment, would be willing to do so to provide equal opportunity to all candidates in an election.

Mr. SEIBERLING. Madam Chairman, I thank the gentleman.

Mr. HENDERSON. Madam Chairman, I yield 3 minutes to the distinguished gentleman from Ohio (Mr. HAYS).

Mr. HAYS. Madam Chairman and Members of the committee, I think my good friend and colleague, the gentleman from Ohio (Mr. SEIBERLING) has already pointed out to the Members how ridiculous some of these ideas can get.

Now, the gentleman from Ohio (Mr. SEIBERLING) must know, as well as I do, that one can become a candidate for Congress in Ohio by paying $50 and filing a petition with 25 names. He does not have to go through a primary or do anything but get 25 signatures and pay 50 bucks.

So if his amendment—and I assume it is well intentioned—became law today, anybody who is a candidate for Congress could use the frank for 60 days before election, and we would have more charlatans and fakers and promoters and self-aggrandizement seekers and God knows what, because they could just pay the $50 and get the use of the frank for 60 days. And what a bargain that would be.

Now, Madam Chairman, this thing could get to be pretty ridiculous. I do not really mind and I am not going to get uptight—maybe Common Cause does—about the advantage of incumbency; if we have any, I am glad of it, and I am going to use it. We also have some liabilities by being an incumbent.

Madam Chairman, I assume the gentleman will revise his remarks, and I know what he said was inadvertent, because he said: "Like Caesar's wife, we ought to lean over backwards." I thought the quotation was: "Like Caesar's wife, we ought to be above suspicion."

I am not going to lean over backward to give my opponent any advantage, I will tell you now, whether Caesar's wife did or did not.

Mr. SEIBERLING. Will the gentleman yield?

Mr. HAYS. Yes. I yield to the gentleman.

Mr. SEIBERLING. I think if you will look at my language, I made them two separate thoughts—above suspicion and leaning over backward.

Mr. HAYS. Maybe my ears were not functioning very well, but the fellow who was sitting beside me and I thought you said it the other way.

Mr. SEIBERLING. Will the gentleman yield further?

Mr. HAYS. Yes. I yield to the gentleman.

Mr. SEIBERLING. Actually, my amendment to this bill is limited to a 60-day prohibition on the use of the franking privilege on mass mailings in general elections.

Mr. HAYS. I understood that, but you went on and said that you hoped somebody would come up with a bill—or I believe you said that—that would give all candidates for Congress the frank for 60 days. I am just saying this would be something that would cost the taxpayers a lot of money and you would have a lot of people who were seeking self-publicity who in Ohio for $50 could get—you name it—as many letters as they could get together and send them out under the frank and get maybe half a million dollars of free publicity. So, although I am sure you have the best intentions in the world, I am pointing out how bad that can get.

And, of course, when your dear colleague (Mr. FRENZEL), endorsed it, that upset me some, because he is the author of that great substitute election reform spending bill we are all living under. So I think you ought to think a couple of times before you get too involved in that, because I think Mr. FRENZEL himself regrets the fact that he offered it. I believe he thought the substitute would not be adopted, and if the Members had not been getting away for the weekend, I do not believe it would have been.

Mr. FRENZEL. Will the gentleman yield?

Mr. HAYS. Yes. I yield to the gentleman.

Mr. FRENZEL. One of my great regrets on that bill was that I did not get on the conference committee and could not help you get it in better shape.

Mr. HAYS. In a lot of ways I am glad you were not, because I think I did a lot of things that could not have been done if he had been on it.

Mr. HENDERSON. Madam Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. WILLIAM D. FORD).

Mr. SEIBERLING. Will the gentleman yield to me for 30 seconds?

Mr. WILLIAM D. FORD. Yes. I yield to the gentleman.

Mr. SEIBERLING. In response to the gentleman from Ohio (Mr. HAYS), I would like to say simply that I recognize there are some very difficult drafting problems and substantive problems in giving the use of the frank to all candidates in a general election. Obviously there will have to be some limitations put on it so that you do not get an inundation of the Postal Service and the constituents, but I still feel somehow or other it is important to open up the democratic process as much as possible to incumbents and nonincumbents alike. That is the objective which, however difficult, I think we ought to try to work toward.

I thank the gentleman for yielding to me.

Mr. WILLIAM D. FORD. Madam Chairman and members of the committee, I think it is important to examine what it is we are undertaking to do here and try to put in perspective what it is we are trying to do with this legislation.

The other day the Wall Street Journal started an article with this opening sentence:

> Congress is running a foot race with the Federal courts to try to protect its franking privileges—something individual Congressmen have pretty roundly abused in recent years.

The writer of that editorial did not feel it necessary to give a single example of the so-called round abuse.

I really feel we are required to recognize that in many instances mischievous lawsuits are started for the sole and singular purpose of getting publicity for an opponent of an incumbent Congressman.

And so it was not felt too bad that most of the cases have been booted back out of the court as soon as the judge took 5 minutes to read the case and listen to the lawyers.

That has not always happened, because we have had several judges who have, in my opinion, issued what, if I were not a lawyer, I would term as lousy opinions. Since I am a lawyer, I do not use language like that in referring to the action of judges, but I guess, as long as I am on the floor of the House, I am safe.

The suggestion is made by the one who introduced this legislation that there is some validity to the assumption by the writer in the Wall Street Journal. No one considers, for example, that the amount of money we spend on mail to communicate to the people who are our constituents is only a fraction of the cost of the mailing borne by the Federal Government.

I heard someone ask earlier in the debate whether there is anything in this bill to prevent the President from putting another political notice in letters, as he did last October when he, at someone's suggestion, included a notice of his generosity, which was sent to all the senior citizens of our country with their October social security paychecks. There is nothing in this bill that would affect that.

What is more important, however, at no time when the committee was considering the necessity of legislating and regulating the use of the mails by Federal agencies did they ever consider legislating to regulate anyone except the House or the Senate. We are the only part of the Federal Government elected directly by the people and answerable to the people, and in the House answerable more frequently and more directly than anyone in the Federal Government.

We are the people from whom the public are most likely to expect the highest standards in the use of the mails and in the expenditure of funds for sending newsletters and communicating with them. And I am willing to believe that anybody here who gets carried away or abuses his newsletter privilege to the point that has been described by some people who urge the adoption of this kind of legislation is not going to be with us in the next term of Congress.

The people are not fools out there, they can look at a piece of material and make a judgment as to whether it really was intended to inform them, or whether it was intended to try to kid them about something. Whether they agree or disagree with the contents, they can categorize the missive that comes to them very readily.

So I believe we ought to realize that there is a great deal more mature capacity in the House and in the Senate to police ourselves on many of these things than this legislation would give us credit for.

The gentleman from Arizona (Mr. UDALL) and I have been negotiating furiously since this bill came out of the committee. I am one of the two votes that were cast against passing the bill out of the committee. I felt it was ill-conceived, ill-considered, and that it passed in the committee too fast. And I now have been working with the gentleman from Arizona (Mr. UDALL) on a number of changes, some of which I believe the gentleman is going to offer. But I have an insatiable appetite on this point, and I am not satisfied yet with the distance that the gentleman is willing to go in his compromise. So after the gentleman is through offering the amendments that we have agreed to, which I intend to support, I then intend to offer further amendments to make it very clear that this legislation is not intended to leave the presumption that Members of the Congress are not mature enough and honest enough to police themselves in the use of the mails.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. DERWINSKI. Madam Chairman, I yield 5 minutes to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Madam Chairman, I thank the gentleman for yielding to me. I do not wish to prolong the debate on this unnecessarily, but I do want to make sure that my colleagues understand that my endorsement and praise of the amendment from the gentleman from Ohio (Mr. SEIBERLING) was intended solely for the amendment which he intends to introduce today and does not necessarily relate to other bills which the gentleman hopes will be promoted along the way.

I do endorse the bill itself. I think it is a fair bill, and I intend to support it, whether or not the amendment to be offered by the gentleman from Ohio is adopted. If the amendment is adopted, I think it would be a better bill.

Mr. CLEVELAND. Madam Chairman, I rise in opposition to H.R. 3180, the bill to regulate use of the franking privilege of Members in their use of the mails, because as reported it falls short of an urgently needed reform.

I do so with some reluctance, because I regard it as a step in the right direction. But it fails to contain a provision which I consider absolutely necessary: A limitation on mass mailings by Members during political campaigns.

Long-needed definitions of matter eligible to be mailed under the frank are to be applauded, with restrictions to material which will assist and expedite conduct of official business.

The bill's prohibitions against mailing of personal matter are much in order, and the establishment of a Select Committee on Mailing Standards to monitor compliance are equally needed.

But I feel that the integrity of the electoral process is poorly served unless either Members are restricted from mass mailings in the period immediately prior to an election, or challengers are accorded reasonable access to the same privileges as a matter of fairness.

In 1971, I cosponsored H.R. 5094, a bipartisan reform measure designed to provide limited free mailing privileges to candidates for Federal office. This reform has not been enacted.

In the absence of such a reform, mass mailings by Members must be restricted. Since this bill fails in this vital respect, I cannot in conscience support it regardless of its merits on other grounds.

Hopefully, an amendment to restrict franked mass mailings during campaigns will be adopted. If it is not, I will be constrained to vote against the bill.

Mr. ANNUNZIO. Madam Chairman, I rise in support of H.R. 3180, which clarifies the use of the franking privilege by Members of Congress. This bill is of vital relevance to every Member and deserves overwhelming support because it involves not only unhindered communication between the people and their elected representatives but also the relationship of Congress to the executive and judicial branches of the Government.

The business of Congress is to represent the views and serve the needs of its constituency—the people of the United States. Since it is the Congress which remains answerable on almost a daily basis to the people, it must be the Congress which decides how best to conduct this crucial business. Through H.R. 3180, the Congress would provide specific guidelines on the type of mail matter that will assist and expedite the conduct of this official business of the Congress itself and the people it is privileged to represent. The bill also amends the rules of the House to establish a Select Committee on Congressional Mailing Standards to monittor and rule on any allegations of abuse of the frank by Members of the House.

This last point is the most important one in terms of the overall autonomy of the U.S. Congress. Under the Constitution, the Congress must function as it sees fit without any interference whatsoever from the other branches of Government.

The current danger to the frank is not one of a passing nature. Unless stopped now, it is one that will continue to grow as the years pass. Prior to 1968 there were no known court decisions in this area. However, since that time we faced a court decision in 1968, one other in 1970, and a deluge of more than a dozen separate court actions in 1972.

This series of conflicting opinions rendered by the courts during 1972 has eliminated recognizable boundaries for the franking privilege. Under these opinions, that which can be mailed legally under the frank in a congressional district in one part of our country cannot be mailed legally under the frank in a congressional district in another part of our country.

Thus, a crisis is before us, and unless an equitable solution is achieved, the ultimate loser will not be the Congressmen who enjoy the privilege, but our constituents. For they will certainly be deprived of that precious right to know what we, their elected representatives, are doing in Congress to keep their continued trust.

Every citizen in this country is entitled not only to the same representation in Congress, but to the same kind of representation. The latter would be unattainable for all if the courts hampered the use of the frank in one area and not another.

H.R. 3180, then, can be viewed as a measure which unambiguously outlines the acceptable use of the frank by Members of Congress and also unequivocally puts the Congress on record as the master of its own affairs, answerable to no power except to the people of the United States.

I commend H.R. 3180 to my colleagues and urge its overwhelming passage.

Mr. RARICK. Madam Chairman, I am concerned over the bill before the House seeking to define the franking privilege of Members of Congress. We have seen too many instances over the past several years in which the Justices of the Supreme Court of the United States misread and misinterpreted laws passed by Congress. Perhaps the best example that comes to mind is the judges' failure to abide by the law passed by the Congress which prohibits the use of busing or assignment of pupils to schools simply to achieve a certain fixed racial percentage.

There is nothing in our past experience to indicate that the judges will be able to read this law any better. Under existing circumstancse, the franking privilege is banned strictly on the Constitution. I am afraid that we will be opening a veritable Pandora's box if we pass this legislation before us. We will be opening up the franking privilege to judicial review—more suits than is presently the case.

Another problem which disturbs me when considering this bill involves the power and authority of the Congress itself. We have within us a committee established to act on violations of ethics and code of conduct. It is my feeling that any flagrant misuse of the frank rightfully belongs under the jurisdiction of a standing committee of the House—not with the judges of this land. I question whether or not this legislation is itself constitutional inasmuch as it threatens the very doctrine of the "speech and debate clause."

Finally, and perhaps most important, this legislation lays the groundwork to limit the people's right to know. This is something that would be totally destructive of our American system. An informed citizenry is necessary for the preservation of our constitutional Republic. The franking privilege has long served the Congress in meeting its duties to keep the people informed as to what is taking place in Washington so that they can maintain control over their Government.

For these reasons, Madam Chairman, I will cast my people's vote against this legislation which would suppress the right to know by curtailing the franking privilege of Members of Congress.

Mr. PARRIS. Madam Chairman, much of the debate discussing changes proposed for the use of the franking privilege has been concerned with limiting the use of this privilege. I think this action would penalize the citizens of this Nation, by denying them much of the information available from their Congressman.

I believe a Congressman has an obligation to keep his constituents fully informed, not only of his own activities, but on any matters before Congress which influence their daily lives.

The better informed the constituents, the more responsive the Congress. Let us make it easier, not more difficult, for Americans to be knowledgeable about the workings of their Government.

Mr. DERWINSKI. Madam Chairman, I have no further requests for time.

Mr. HENDERSON. Madam Chairman, I have no further requests for time.

The CHAIRMAN. Pursuant to the rule, the Clerk will now read the substitute committee amendment printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 3210 of title 39, United States Code, is amended to read as follows:

"§ 3210. Franked mail transmitted by the Vice President, Members of Congress, and congressional officials

"(a) (1) It is the policy of the Congress that the privilege of sending mail as franked mail shall be established under this section in order to assist and expedite the conduct of the official business, activities, and duties of the Congress of the United States.

"(2) It is the intent of the Congress that such official business, activities, and duties cover all matters which directly or indirectly pertain to the legislative process or to any congressional representative functions generally, or to the functioning, working, or operating of the Congress and the performance of official duties in connection therewith, and shall include, but not be limited to, the conveying of information to the public, and the requesting of the views of the public, or the views and information of other authority of government, as a guide or a means of assistance in the performance of those functions.

"(3) It is the intent of the Congress that mail matter which is frankable by a Member of Congress specifically includes, but is not limited to—

"(A) mail matter to any person and to all agencies and officials of Federal, State, and local governments regarding programs, decisions, and other related matters of public concern or public service, including any matter relating to actions of a past or current Congress;

"(B) the usual and customary congressional newsletter or press release which may deal with such matters as the impact of laws and decisions on State and local governments and individual citizens; reports on public and official actions taken by Members of Congress; and discussions of proposed or pending legislation or governmental actions and the positions of the Members of Congress on, and arguments for or against, such matters;

"(C) the usual and customary congressional questionnaire seeking public opinion on any law, pending or proposed legislation, public issue, or subject;

"(D) mail matter dispatched by a Member of Congress between his Washington office and any congressional district offices, or between his district offices;

"(E) mail matter directed by one Member of Congress to another Member of Congress or to representatives of the legislative bodies of State and local governments;

"(F) mail matter expressing condolences to a person who has suffered a loss or congratulations to a person who has achieved some personal or public distinction;

"(G) mail matter, including general mass mailings, which consists of Federal laws, Federal regulations, other Federal publications, purchased with Federal funds, or publications containing items of general information;

"(H) mail matter which consists of voter registration or election information or assistance prepared and mailed in a nonpartisan manner;

"(I) mail matter which constitutes or includes a biography or autobiography of any Member of, or Member-elect to, Congress or any biographical or autobiographical material concerning such Member or Member-elect or the spouse or other members of the family of such Member or Member-elect, and which is so mailed as a part of a Federal publication or in response to a specific request therefor and is not included for publicity purposes in a newsletter or other general mass mailing of the Member or Member-elect under the franking privilege; or

"(J) mail matter which contains a picture, sketch, or other likeness of any Member or Member-elect and which is so mailed as a part of a Federal publication or in response to a specific request therefor and, when contained in a newsletter or other general mass mailing of any Member or Member-elect, is not of such size, or does not occur with such frequency in the mail matter concerned, as to lead to the conclusion that the purpose of such picture, sketch, or likeness is to advertise the Member or Member-elect rather than to illustrate accompanying text.

"(4) It is the intent of the Congress that the franking privilege under this section shall not permit, and may not be used for, the transmission through the mails as franked mail, of matter which in its nature is purely personal to the sender or to any other person and is unrelated to the official business, activities, and duties of the public officials covered by subsection (b)(1) of this section.

"(5) It is the intent of the Congress that a Member of or Member-elect to Congress may not mail as franked mail—

"(A) mail matter which constitutes or includes any article, account, sketch, narration, or other text laudatory and complimentary of any Member of, or Member-elect to, Congress on a purely personal or political basis rather than on the basis of performance of official duties as a Member or on the basis of activities as a Member-elect;

"(B) mail matter which constitutes or includes—

"(i) greetings from the spouse or other members of the family of such Member or Member-elect; or

"(ii) reports of how or when such Member or Member-elect, or the spouse or any other member of the family of such Member or Member-elect, spends time other than in the performance of, or in connection with, the legislative, representative, and other official functions of such Member or the activities of such Member-elect as a Member-elect; or

"(C) mail matter which specifically solicits political support for the sender or any other person or any political party, or a vote or financial assistance for any candidate for any public office.

"(b)(1) The Vice President, each Member of or Member-elect to Congress, the Secretary of the Senate, the Sergeant at Arms of the Senate, and each of the elected officers of the House of Representatives (other than a Member of the House), until the 30th day of June following the expiration of their respective terms of office, and the Legislative Counsel of the House of Representatives, may send, as franked mail, matter relating to their official business, activities, and duties, as intended by Congress to be mailable as franked mail under subsection (a)(2) and (3) of this section.

"(2) If a vacancy occurs in the Office of the Secretary of the Senate, the Sergeant at Arms of the Senate, an elected officer of the House of Representatives (other than a Member of the House), or the Legislative Counsel of the House of Representatives, any authorized person may exercise the franking privilege in the officer's name during the period of the vacancy.

"(c) Franked mail may be in any form appropriate for mail matter, including, but not limited to, correspondence, newsletters, questionnaires, and recordings. Franked mail shall not include matter which is intended by Congress to be nonmailable as franked mail under subsection (a)(4) and (5) of this section.

"(d)(1) A Member of the House may mail franked mail with a simplified form of address for delivery—

"(A) within that area constituting the congressional district from which he was elected; and

"(B) on and after the effective date of a redistricting of congressional districts in his State, within any additional area of each congressional district established pursuant to such redistricting and containing all or part of the area constituting the congressional district from which he was elected, unless such district so established is changed by law or court decision.

"(2) A Member-elect to the House of Representatives may mail franked mail with a simplified form of address for delivery within that area constituting the congressional district from which he was elected.

"(3) A Delegate, Delegate-elect, Resident Commissioner-elect to the House of Representatives may mail franked mail with a simplified form of address for delivery within the area from which he was elected.

"(4) Franked mail mailed with a simplified form of address under this subsection—

"(A) shall be prepared as directed by the Postal Service; and

"(B) may be delivered to—

"(i) each box holder or family on a rural or star route;

"(ii) each post office box holder; and

"(iii) each stop or box on a city carrier route;

"(5) For the purposes of this subsection, a congressional district includes, in the case of a Representative at Large or Representative at Large-elect, the State from which he was elected.".

(b) The table of sections of chapter 32 of title 39, United States Code, is amended by striking out—

"3210. Official correspondence of Vice President and Members of Congress "

and inserting in lieu thereof—

"3210. Franked mail transmitted by the Vice President, Members of Congress, and congressional officials.".

Mr. HENDERSON (during the reading). Madam Chairman, I ask unanimous consent that the first section be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. UDALL

Mr. UDALL. Madam Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. UDALL:

Strike out all the matter proposed to be inserted by the committee amendment, as shown in italics in the reported bill, and substitute in lieu thereof the following: That (a) section 3210 of title 39, United States Code, is amended to read as follows:

"§ 3210. Franked mail transmitted by the Vice President, Members of Congress, and congressional officials

"(a)(1) It is the policy of the Congress that the privilege of sending mail as franked mail shall be established under this section in order to assist and expedite the conduct of the official business, activities, and duties of the Congress of the United States.

"(2) It is the intent of the Congress that such official business, activities, and duties cover all matters which directly or indirectly pertain to the legislative process or to any congressional representative functions generally, or to the functioning, working, or operating of the Congress and the performance of official duties in connection therewith, and shall include, but not be limited to, the conveying of information to the public, and the requesting of the views of the public, or the views and information of other authority of government, as a guide or a means of assistance in the performance of those functions.

"(3) It is the intent of the Congress, that mail matter which is frankable by a Member of Congress specifically includes, but is not limited to—

"(A) mail matter to any person and to all agencies and officials of Federal, State, and local governments regarding programs, decisions, and other related matters of public concern or public service, including any matter relating to actions of a past or current Congress;

"(B) the usual and customary congressional newsletter or press release which may deal with such matters as the impact of laws and decisions on State and local governments and individual citizen, reports on public and official actions taken by Members of Congress; and discussions of proposed or pending legislation or governmental actions and the positions of the Members of Congress on, and arguments for or against, such matters;

"(C) the usual and customary congressional questionnaire seeking public opinion on any law, pending or proposed legislation, public issue, or subject;

"(D) mail matter dispatched by a Member of Congress between his Washington office and any congressional district offices, or between his district offices;

"(E) mail matter directed by one Member of Congress to another Member of Congress or to representatives of the legislative bodies of State and local governments;

"(F) mail matter expressing condolences to a person who has suffered a loss or congratulations to a person who has achieved some personal or public distinction;

"(G) mail matter, including general mass mailings, which consists of Federal laws, Federal regulations, other Federal publications, publications purchased with Federal funds, or publications containing items of general information;

"(H) mail matter which consists of voter registration or election information or assistance prepared and mailed in a nonpartisan manner;

"(I) mail matter which constitutes or includes a biography or autobiography of any Member of, or Member-elect to, Congress or any biographical or autobiographical material concerning such Member or Member-elect or the spouse or other members of the family of such Member or Member-elect, and which is so mailed as a part of a Federal publication or in response to a specific request therefor and is not included for publicity purposes in a newsletter or other general mass mailing of the Member or Member-elect under the franking privilege, or

"(J) mail matter which contains a picture sketch, or other likeness of any Member or Member-elect and which is so mailed as a part of a Federal publication or in response to a specific request therefor and, when contained in a newsletter or other general mass mailing of any Member or Member-elect, is not of such size or does not occur with such frequency in the mail matter concerned, as to lead to the conclusion that the purpose of such picture, sketch, or likeness is to advertise the Member or Member-elect rather than to illustrate accompanying text.

"(4) It is the intent of the Congress that the franking privilege under this section shall not permit, and may not be used for, the transmission through the mails as franked mail, of matter which in its nature is purely personal to the sender or to any person and is unrelated to the official business, activities, and duties of the public officials covered by subsection (b)(1) of this section.

"(5) It is the intent of the Congress that a Member of or Member-elect to Congress may not mail as franked mail—

"(A) mail matter which constitutes or includes any article, account, sketch, narration, or other text laudatory and complimentary of any Member of, or Member-elect to, Congress on a purely personal or political basis rather than on the basis of performance of official duties as a Member or on the basis of activities as a Member-elect.

"(B) mail matter which constitutes or includes—

"(i) greetings from the spouse or other members of the family of such Member or Member-elect; or

"(ii) reports of how or when such Member or Member-elect, or the spouse or any other members of the family of such Member or Member-elect, spends time other than in the performance of, or in connection with, the legislative, representative, and other official functions of such Member or the activities of such Member-elect as a Member-elect; or

"(C) mail matter which specifically solicits political support for the sender or any other person or any political party, or a vote or financial assistance for any candidate for any public office.

"(b)(1) The Vice President, each Member of or Member-elect to Congress, the Secretary of the Senate, the Sergeant at Arms of the Senate, and each of the elected officers of the House of Representatives (other than a Member of the House), until the 30th day of June following the expiration of their respective terms of office, and the Legislative Counsel of the House of Representatives, may send as franked mail, matter relating to their official business, activities, and duties, as intended by Congress to be mailable as franked mail under subsection (a)(2) and (3) of this section.

"(2) If a vacancy occurs in the Office of the Secretary of the Senate, the Sergeant at Arms of the Senate, an elected officer of the House of Representatives (other than a Member of the House), or the Legislative Council of the House of Representative, any authorized person may exercise the franking privilege in the officer's name during the period of the vacancy.

"(c) Franked mail may be in any form appropriate for mail matter, including, but not limited to correspondence, newsletters, questionnaires, recordings, facsimiles, reprints, and reproductions. Franked mail shall not include matter which is intended by Congress to be nonmailable as franked mail under subsection (a)(4) and (5) of this section.

"(d)(1) A Member of the House may mail franked mail with a simplified form of address for delivery—

"(A) within that area constituting the congressional district from which he was elected; and

"(B) on and after the date on which the proposed redistricting of congressional districts in his State by legislative or judicial proceedings is initially completed (whether or not the redistricting is actually in effect), within any additional area of each congressional district proposed or established in such redistricting and containing all or part of the area constituting the congressional district from which he was elected, unless and until the congressional district so proposed or established is changed by legislative or judicial proceedings.

"(2) A Member-elect to the House of Representatives may mail franked mail with a simplified form of address for delivery within that area constituting the congressional district from which he was elected.

"(3) A Delegate, Delegate-elect, Resident Commissioner, or Resident Commissioner-elect to the House of Representatives may mail franked mail with a simplified form of address for delivery within the area from which he was elected.

"(4) Franked mail mailed with a simplified form of address under this subsection—

"(A) shall be prepared as directed by the Postal Service; and

"(B) may be delivered to—

"(i) each box holder or family on a rural or star route;

"(ii) each post office box holder; and

"(iii) each stop or box on a city carrier route.

"(5) For the purposes of this subsection, a congressional district includes, in the case of a Representative at Large or Representative at Large-elect, the State from which he was elected.".

(b) The table of sections of chapter 32 of title 39, United States Code, is amended by striking out—

"3210. Official correspondence of Vice President and Members of Congress."

and inserting in lieu thereof—

"3210. Franked mail transmitted by the Vice President, Members of Congress, and congressional officials.".

SEC. 2. Section 3212 of title 39, United States Code, is amended to read as follows:

"§ 3212. Congressional Record under frank of Members of Congress

"(a) Members of Congress may send the Congressional Record as franked mail.

"(b) Members of Congress may send, as franked mail, any part of, or a reprint of any part of, the Congressional Record, including speeches or reports contained therein, if such matter is mailable as franked mail under section 3210 of this title.".

SEC. 3. (a) Section 3214 of title 39, United States Code, is amended to read as follows:

"§ 3214. Mailing privilege of former President; surviving spouse of former President

"A former President and the surviving spouse of a former President may send nonpolitical mail within the United States and its territories and possessions as franked mail. Such mail of a former President and of the surviving spouse of a former President marked 'Postage and Fees Paid' in the manner prescribed by the Postal Service shall be accepted by the Postal Service for transmission in the international mails.".

(b) The table of sections of chapter 32 of title 39, United States Code, is amended by striking out—

"3214. Mailing privilege of former Presidents."

and inserting in lieu thereof—

"3214. Mailing privilege of former President; surviving spouse of former President.".

SEC. 4. (a) There is established a special commission of the House of Representatives, designated the "House Commission on Congressional Mailing Standards" (herein referred to as the "Commission").

(b) The Commission shall be composed of six Members appointed by the Speaker of the House, three from the majority political party, in the House. The Speaker shall designate as chairman of the Commission, from among the members of the Committee on Post Office and Civil Service of the House, one of the Members appointed to the Commission. A vacancy in the membership of the Commission shall be filled in the same manner as the original appointment. Four members of the Commission shall constitute a quorum to do business.

(c) In performing its duties and functions, the Commission may use such personnel, office space, equipment, and facilities of, and obtain such other assistance from, the Committee on Post Office and Civil Service of the House, as such committee shall make available to the Commission. Such personnel and assistance shall include, in all cases, the services and assistance of the chief counsel or other head of the professional staff (by whatever title designated) of such committee. All assistance so furnished to the Commission by the Committee on Post Office and Civil Service shall be sufficient to enable the Commission to perform its duties and functions efficiently and effectively.

(d) The Commission shall provide guidance, assistance, advice, and counsel, through advisory opinions or consultations, in connection with the mailing or contemplated mailing of franked mail under section 3210, 3211, 3212, 3213 (2), or 3218, and in connection with the operation of section 3215, of title 39, United States Code, upon the request of any Member of the House or Member-elect, Resident Commissioner or Resident Commissioner-elect, Delegate or Delegate-elect, surviving spouse of any of the foregoing, or other House official, entitled to send mail as franked mail under any of those sections. The Commission shall prescribe regulations governing the proper use of the franking privilege under those sections by such persons.

(e) Any complaint that a violation of any section of title 39, United States Code, referred to in subsection (d) of this section is about to occur, or has occurred within the immediately preceding period of one year, by any person referred to in such subsection (d), shall contain pertinent factual material and shall conform to regulations prescribed by the Commission. The Commission, if it determines there is reasonable justification for the complaint, shall conduct an investigation of the matter, including an investigation of reports and statements, led by the complainant with respect to the matter which is the subject of the complaint. The Commission shall afford to the person who is the subject of the complaint due notice and, if it determines that there is substantial reason to believe that such violation has occurred or is about to occur, opportunity for all parties to participate in a hearing before the Commission. The Commission shall issue a written decision on each complaint under this subsection not later than thirty days after such a complaint has been filed or, if a hearing is held not later than thirty days after the conclusion of such hearing. Such decision shall be based on written findings of fact in the case by the Commission. Such findings of fact by the Commission on which its decision is based are binding and conclusive for all judicial and administrative purposes, including purposes of any judicial challenge or review. Any judicial review of such decision, if ordered on any ground shall be limited to matters of law. If the Commission finds in its written decision, that a serious and willful violation has occurred or is about to occur, it may refer such decision to the Committee on Standards of Official Conduct of the House of Representatives for appropriate action and enforcement by the committee concerned in accordance with applicable rules and precedents of the House and such other standards as may be prescribed by such committee. Notwithstanding any other provision of law, no court or administrative body in the United States or in any territory thereof shall have jurisdiction to entertain any civil action of any character concerning or related to a violation of the franking laws or an abuse of the franking privilege, except judicial review of the decisions of the Commission under this subsection. The Commission shall prescribe regulations for the holding of investigations and hearings, the conduct of proceedings, and the rendering of decisions under this subsection providing for equitable procedures and the protection of individual, public, and Government interests. The regulations shall, insofar as practicable, contain the substance of the administrative procedure provisions of sections 551–559, and 701–706, of title 5, United States Code. These regulations shall govern matters under this subsection subject to judicial review thereof.

(f) The Commission may sit and act at such places and times during the sessions, recesses, and adjourned periods of Congress, required by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, administer such oaths and affirmations, takes such testimony, procure such printing and binding, and make such expenditures, as the Commission considers advisable. The Commission may make such rules respecting its organization and procedures as it considers necessary, except that no action shall be taken by the Commission unless a majority of the Commission assent. Subpenas may be issued over the signature of the Chairman of the Commission or of any member designated by him or by the Commission, and may be served by such person or persons as may be designated by such Chairman or member. The Chairman of the Commission or any member thereof may administer oaths or affirmations to witnesses.

(g) The Commission shall keep a complete record of all its actions, including a record of the votes on any question on which a record vote is demanded. All records, data, and files of the Commission shall be the property of the Commission and shall be kept in the offices of the Commission or such other places as the Commission may direct.

SEC. 5. Section 3216 of title 39, United States Code, is amended to read as follows:

"§ 3216. Reimbursement for franked mailings.

"(a) The equivalent amount of postage on, and the equivalent amount of fees and charges in connection with, mail matter sent through the mails—

"(1) under the franking privilege, by the Vice President, Members of and Members-elect to Congress, the Secretary of the Senate, the Sergeant at Arms of the Senate, each of the elected officers of the House of Representatives (other than a Member of the House) and the Legislative Counsel of the House of Representatives; and

"(2) by the surviving spouse of a Member of Congress under section 3218 of this title;

shall be paid by a lump-sum appropriation to the legislative branch for that purpose and then paid to the Postal Service as postal revenue. Except as provided by section 907 of title 44, envelopes, wrappers, cards, or labels used to transmit franked mail shall bear, in the upper right-hand corner, the sender's signature, or a facsimile thereof, and the printed words 'Postage paid by Congress'.

"(b) Postage on, and fees and charges in connection with, mail matter sent through the mails under section 3214 of this title shall be paid each fiscal year, out of any appropriation made for that purpose, to the Postal Service as postal revenue in an amount equivalent to the postage, fees, and charges which would otherwise be payable on, or in connection with, such mail matter.

"(c) Payment under subsection (a) or (b) of this section shall be deemed payment for all matter mailed under the frank and for all fees and charges in connection therewith.

"(d) Money collected for matter improperly mailed under the franking privilege shall be deposited as miscellaneous receipts in the general fund of the Treasury.".

SEC. 6. (a) Section 733 of title 44, United States Code, is amended by striking out "Free." and inserting in lieu thereof "Postage paid by Congress.".

(b) Section 907 of title 44, United States Code, is amended as follows:

(1) the second sentence is amended by inserting immediately before the period at the end theref a comma and the following: "if such part, speeches, or reports are mailable as franked mail under section 3210 of title 39"; and

(2) the third sentence is amended by striking out "Free" and inserting in lieu thereof "Postage paid by Congress".

SEC. 7. Section 3206 of title 39, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) The Department of State shall transfer to the Postal Service as postal revenues out of any appropriations made to it for that purpose the equivalent amount of postage, as determined by the Postal Service, for penalty mailings under clause (1) (C) and (D) of section 3202(a) of this title.".

SEC. 8. The last sentence of section 3215 of title 39, United States Code, is amended to read as follows: "This section does not apply to any standing, select, special, or joint committee, or subcommittee thereof, or commission, of the Senate, House of Representatives, or Congress, composed of Members of Congress, or to the Democratic caucus or the Republican conference of the House of Representatives or of the Senate.".

SEC. 9. (a) The House Commission on Congressional Mailing Standards is directed to promptly make a study and evaluation of the problems relating to and the arguments for and against a policy which would prohibit mass mailings by any Member of, Delegate to, or Resident Commissioner in, the House of Representatives, under section 3210(a) of title 39, United States Code, or mailings with a simplified form of address under section 3210(d) of such title, during a specific period ending on the date of any primary or general election in which a Member, Delegate, or Resident Commissioner is a candidate for any public office. The Commission shall report, not later than January 1, 1974, to the House, or to the Clerk of the House if the House is not in session, the results of its study, together with such recommendations as the Commission considers appropriate, with respect to such mailings in connection with such primary or general elections in 1974, but in no event shall the report recommend, regardless of the numbers of communications involved—

(1) the prohibition of the deposit of such mail matter in the mail more than thirty days immediately before the date of any primary or general election in which a Member is a candidate for any public office;

(2) the prohibition of the mailing under the frank of replies to inquiries or communications of constituents;

(3) the prohibition of the mailing under the frank of mail matter to colleagues in the Congress or to government officials (whether Federal, State, or local), or the prohibition of the mailing under the frank of news releases; or

(4) the prohibition of the mailing under the frank of nonpartisan voter registration or voting information.

(b) This section shall expire on January 1, 1976, unless extended or continued by Act of Congress.

SEC. 10. (a) Except as provided in subsection (b) of this section, the provisions of this Act shall become effective on the date of enactment of this Act.

(b) The provisions of section 3214 of title 39, United States Code, as amended by section 3 of this Act, and the provisions of subsection (b) of section 3216 of title 39, United States Code, as amended by section 5 of this Act, shall take effect as of December 27, 1972.

SEC. 11. If a provision of this Act is held invalid, all valid provisions severable from the invalid provision remain in effect. If a provision of this Act is held invalid in one or more of its applications, such provision remains in effect in all valid applications severable from the invalid application or applications.

Mr. UDALL (during the reading). Madam Chairman, I ask unanimous consent that the amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. UDALL. Madam Chairman, as my colleague from Michigan has suggested, since the bill was reported by the committee in response to a great deal of concern by our colleagues, a number of suggestions have been made. As one of the managers of the bill, after consultation with Mr. HENDERSON and the vice chairman of our committee, the manager of the bill, we thought it would be wiser and more expeditious to incorporate a number of those amendments into one amendment, so that the amendment I offer is a substitute for the entire committee amendment.

There are not many really substantial changes here. I can run over them very quickly. We make a change which is on page 6 of my amendment to make it very clear that where an original instrument or document is frankable, a reproduction or facsimile of that document is frankable. In one case a supply of Government documents which constituents wanted.

In a highly technical decision, it was actually a reproduction of a public document; so we take care of that technicality in this rewrite.

The distinguished gentleman from Illinois (Mr. Anderson), who is chairman of the Republican Conference, suggested an amendment to the section covering the loaning of the frank to make it clear that the Democratic Caucus and the Republican Conference, which both have a statutory basis and have staffs supplied by the House, would be entitled to use the frank in the same way that the standing committees would be entitled to use the frank.

Mr. William D. Ford was quite critical of section 4 dealing with the franking standards, as it was reported by the committee. This established the Select Committee on Mailing Standards. Working with Mr. William D. Ford and Mr. Henderson and some of our other colleagues, we have done a rewrite of that section. Basically it changes the select committee to a commission to make sure we are not establishing a new House bureaucracy in a standing committee. It makes certain that the findings of fact—and this was a very constructive suggestion Mr. Ford made—of that commission, if there should be a court challenge on constitutional grounds, or if for any purpose it goes to court—are conclusive on the court, and it would not be questioned.

The procedure is sharpened up and changed in some further respects, but basically it follows the outline of the original select committee but turns it into a commission of the House. There are a few other technical changes that are made in going through it, but basically the substitute I offer is the action of the committee with those improvements.

Mr. WILLIAMS. Will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Pennsylvania.

Mr. WILLIAMS. Is the gentleman now offering his substitute as an amendment for H.R. 3180?

Mr. UDALL. Yes. The committee had one committee amendment. We struck out all after the enacting clause and had one committee amendment. For that committee amendment I now offer one substitute.

Mr. WILLIAMS. The gentleman's entire substitute?

Mr. UDALL. Yes, and it can be perfected, of course, with some amendments that may be offered.

Mr. WILLIAMS. I thank the gentleman.

Mr. GROSS. Madam Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Iowa.

Mr. GROSS. Do I understand the same assurance applies to the commission? In the gentleman's substitute he establishes a commission rather than the select committee?

Mr. UDALL. It does indeed.

Mr. GROSS. And the same assurance applies as to the staff?

Mr. UDALL. To the staff and the bureaucracy and the building of an empire. None of these things will occur here any more than they did with the previous provisions.

PARLIAMENTARY INQUIRY

Mr. GUBSER. Madam Chairman, is the substitute amendment now open to amendment at any point?

The CHAIRMAN. Yes, it is.

AMENDMENT OFFERED BY MR. GUBSER TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. UDALL

Mr. GUBSER. Madam Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from Arizona (Mr. Udall).

The Clerk read as follows:

Amendment offered by Mr. Gubser to the amendment in the nature of a substitute offered by Mr. Udall: On page 8, line 13, strike out the quotation marks and the period at the end thereof.

On page 8, immediately after line 13, insert the following:

"(e) The frankability of mail matter shall be determined under the provisions of this section by the type and consent of the mail sent, or to be sent. Notwithstanding any other provision of law, the cost of preparing or printing mail matter which is frankable under this section may be paid from any funds, including, but not limited to, funds collected by a candidate or a political committee required to file reports of receipts and expenditures under the Federal Election Campaign Act of 1971 (Public Law 92–225), or from voluntary newsletter funds, or from similar funds administered and controlled by a Member or by a committee organized to administer such funds.".

Mr. GUBSER. Madam Chairman, this amendment simply states that the final test of frankability shall be the content of the material to be mailed and not the source of the money which is used to prepare the material prior to mailing.

Mr. UDALL. Madam Chairman, will the gentleman yield?

Mr. GUBSER. I yield to the gentleman from Arizona.

Mr. UDALL. Madam Chairman, I have consulted with the gentleman from North Carolina (Mr. Henderson) on this, and those of us worked on the committee think this is a fine amendment.

I would make the additional point that the Senate deliberately wrote into their rules that precise language, so we have got to be equal with the Senate in this respect.

The amendment is important and clarifies and makes clear that the test of frankability is the piece of paper and what is inside the envelope and not the source of payment for the printing of that material.

Mr. GUBSER. I thank the gentleman from Arizona.

Madam Chairman, at the present time a policy determination has been made by the Clerk of the House of Representatives that money controlled by a campaign committee cannot be used to prepare material which is to be mailed under frank. Over a great many years some Members of this body have acquired funds for the purpose of producing newsletters. The donors of those funds have known that this was the purpose for which this money was to be used. But prior to April 7 of last year if those Members had not engaged in what I personally look upon as an act of subterfuge and withdrawn those funds from their campaign committee accounts and placed them in another fund which was not visible to the public, they could not use them for the purpose of producing material which otherwise meets the test of frankability as defined in this bill.

I think that is wrong. Something is either frankable or it is not frankable and the source of the money which prepared the material should certainly not be a test of frankability.

I would like to emphasize the point that my amendment gives funds used for the preparation of newsletters much greater public visibility than is now the case. Today it is possible and legal for a Member of Congress to have a special fund which has been contributed to for the purpose of producing newsletters by unknown donors and there is no obligation whatsoever to make those names visible to the public.

This amendment would create a situation where every dime could be reported under the terms of the Campaign Expenditure Act and will become visible to the public.

I repeat, in conclusion, the test of frankability should only be the content and not the source of the money used to prepare the material.

I respectfully solicit the support of the Members.

Mr. GROSS. Madam Chairman, will the gentleman yield?

Mr. GUBSER. I yield to the gentleman from Iowa (Mr. Gross).

Mr. GROSS. Madam Chairman, I am not necessarily opposed to the gentleman's amendment, but it seems to me that it is unnecessary and will have little effect.

As the gentleman has stated, I have no knowledge of any test of a newsletter except the content of it. I never heard that there was any question about the source of the money or the purpose of the paper or the business of printing it, and so forth. I have never heard that it was attacked as part of the mailing of a newsletter.

Mr. GUBSER. All I can say to the gentleman from Iowa is that the present situation right today is that the Clerk of the House has ruled that any money which is in a campaign fund cannot be used in the preparation of material to be mailed under frank.

Mr. GROSS. I had not known that.

Mr. UDALL. Madam Chairman, will the gentleman yield?

Mr. GUBSER. I yield to the gentleman from Arizona (Mr. Udall).

Mr. UDALL. Madam Chairman, the situation is aggravated by the fact that the Senate has ruled just to the contrary, and all this amendment does is give us equality with the Senate on that point.

Mr. GUBSER. I certainly agree. I appreciate the fact that the distinguished Chairman of the subcommittee has signified his approval of this amendment. I sincerely hope it will pass.

Mr. GROSS. Madam Chairman, will the gentleman yield?

Mr. GUBSER. I yield to the gentleman from Iowa.

Mr. GROSS. As far as equality with the

other body is concerned, I am not sure we want that equality at all times.

Mr. DERWINSKI. Madam Chairman, I rise to strike the requisite number of words.

Madam Chairman, the amendment offered by the gentleman from California is totally out of place in this legislation, and I am at a loss to understand why the managers of the bill would agree to accept it.

The amendment deals with an apparent problem which the gentleman from California has with certain language in the Federal Election Campaign Act of 1971, and I suggest that it would be more appropriate to attempt to amend that act rather than the legislation we are now considering.

Madam Chairman, H.R. 3180 deals solely with identifying mail matter which is permitted to be mailed under the frank. If matter is frankable under the definitions of this bill, then it is frankable, period, and the source of financing such matter which is not brought into consideration. If the gentleman's newsletter or whatever material he wishes to send out under the frank meets the specifications of H.R. 3180, then the matter is, in fact, frankable.

If the amendment offered seeks to obtain relief from some restriction of the Federal Election Campaign Act, it is not proper to seek such relief under the franking legislation now under consideration. I urge the rejection of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. GUBSER) to the amendment in the nature of a substitute offered by the gentleman from Arizona (Mr. UDALL).

The amendment to the amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. WILLIAM D. FORD TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. UDALL

Mr. WILLIAM D. FORD. Madam Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. WILLIAM D. FORD to the amendment in the nature of a substitute offered by Mr. UDALL: Page 3, line 25, insert the word "and" immediately after the semicolon.

And on page 4, line 11, strike out the semicolon and the word "or" and insert a period in lieu thereof.

And on page 4, strike out line 12 and all that follows down through the period in line 3 on page 6 and insert in lieu thereof the following:

"(4) It is the intent of the Congress that a Member of or Member-elect to Congress may not mail, as franked mail, matter which specifically solicits political support for the sender or any other person or any political party, or a vote or financial assistance for any candidate for any public office.

And on page 7, line 2, strike out "and (5)".

Mr. WILLIAM D. FORD. Madam Chairman, the purpose of this amendment is to strike out some of the "thou shall nots" that the committee put into the bill.

In my opinion, if we are going to legislate in this area, we should have the simplest form of legislation that will invite the fewest attacks on the basis of subjective tests that might be applied to it. What we have here, which I think is a basic defect in the bill, is a laundry list of things we cannot mail and a laundry list of things that we can mail.

That would be bad enough in and of itself, except that the laundry list of things we cannot mail, you will discover, are prohibitions that are couched in terms which no one really understands. If we pass a law prohibiting something that does not clearly let us know in advance what it is that we are prohibiting, we invite a situation where anyone who wishes to allege a violation of these vague provisions, automatically, by simply making those allegations, shifts the burden to us to prove we did not violate the regulation.

For example—and perhaps the worst one in here—look on page 5. It says that one shall not mail as franked mail:

> mail matter which constitutes or includes any article, account, sketch, narration, or other text laudatory and complimentary of any Member of, or Member-elect to, Congress on a purely personal or political basis

I do not know what kind of a jam that would get anyone into, if the President said something nice about him—he has not, about me, recently, but some other Members might be interested in that—and some other Member of the House put that in the CONGRESSIONAL RECORD. Someone in his district, a Member believes, might be pleased to know that the President said he was a good Congressman or that he had done a fine job in opposing a bill or supporting it.

By that simple action, it seems to me, one would be subject to attack on the ground that the matter was "laudatory and complimentary" of him or some other Member of the House. It is a subjective kind of test which I suggest should be left to the wisdom of the Commission on Mailing. If there is a problem raised, let the Commission examine the specific case and make a ruling with respect to that specific case. Let the Member go to the Commission, as the gentleman from Arizona (Mr. UDALL) suggested, and get that guidance.

On page 4 there is another one. It looks innocuous at first, but on further examination there is a "hooker" in the bill, when it says "mail matter which contains a picture, or other likeness."

One can send out a picture or other likeness, but here is how he would get into trouble. If the picture is of a Member of Congress and it is a part of a mass mailing it shall be "not of such size" or "shall not occur with such frequency" in the mail matter concerned as to "lead to the conclusion that the purpose of such picture, sketch, or likeness is to advertize the Member or Member-elect rather than to illustrate the accompanying text."

Again, what is the purpose of a picture of a Member of Congress conferring with the President? Who is going to be led to a conclusion? Who is it that is to be led to the conclusion?

I believe it would be better if we did not have this kind of vague language here and if we left it to the rulemaking power of the Commission to determine what reasonably can be construed to be a legitimate use of a newsletter, and not have us subject every time we put our picture in a newsletter to having somebody run in, solely for the purpose of making an accusation and getting some publicity, to say, "I am led to the conclusion that the real purpose Congressman FORD had when his picture was used was to get a picture to everybody who received it, and I do not believe what he said in the text is that important."

The objections I have to the other sections are similar.

I believe that the flat prohibition of political mailing set forth in my amendment should be sufficient.

Mr. UDALL. Madam Chairman, I rise in opposition to the amendment.

Madam Chairman, my good friend and esteemed colleague has never had much enthusiasm for this bill, and we have conferred with him and taken a large number of the suggestions he has made. This is one I would prefer the committee not accept.

Let me point out that if the goal as a Member is to get the Federal judges out of this business and to let us have a self-policing system that they will leave alone, if we want to get the Federal court out of the act, we have to do three things.

We have to, first, have a regulatory system which says what you can do. We have that at great length. We must have 15 long lists of things we can do, everything that is traditional and acceptable.

Second, we have to have some "no-noes." We have to write out the things we cannot do.

And, third, we have to have an administrative structure so that a complainant has got some kind of a forum to go to and some kind of a grievance procedure to pursue rather than going to court.

Well, this amendment strikes out a good chunk of our no-noes. These were plowed over by the committee, and were watered down a good deal to the point where all we have left is the "purely personal and political basis" language.

Madam Chairman, my colleague quoted the language on page 5, line 4, and he mentioned the possibility that the President might say a good thing about you. He did not read the rest of the phrase; where it says. "On a purely personal and political basis," it reads, "rather on the basis of the performance of official duty."

If the President of the United States were to call the gentleman from Michigan (Mr. WILLIAM D. FORD) to the Watergate Hotel and praise him as one of the finest public statesmen of our time and a great Member of Congress, that is not on purely a personal and political basis; it is on the basis of the performance of his duty.

Mr. WILLIAM D. FORD. Madam Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Michigan.

I would hope the amendment would not be agreed to. I think we have a pretty good bill now, and I hope it would not be changed to this extent.

Mr. DERWINSKI. Madam Chairman, I move to strike the requisite number of words.

The gentleman from Arizona (Mr. UDALL) has probably laid out the problem. We faced this problem in committee. It was studied extensively, debated extensively, and the chances are that unless we have in this bill some prohibition against the abuse of the frank, we could be subject to the criticism of sweeping all the problems under the rug and not meeting the complications which we know to exist.

The gentleman from Arizona (Mr. UDALL) very properly makes the point that we have to have prohibitions—as he refers to them in his salty language—the "no-noes." They are a very key part of the bill, and I think we can jusitfy the argument against the amendment.

Madam Chairman, I urge the defeat of the amendment.

Mr. BINGHAM. Madam Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from New York (Mr. BINGHAM), is recognized for 5 minutes.

Mr. BINGHAM. Madam Chairman, I would like to address an inquiry to the gentleman from Arizona (Mr. UDALL), with regard to this amendment.

I must say that I share some of the concerns that the gentleman from Michigan (Mr. WILLIAM D. FORD) has expressed about the interpretation of some of this language, for example, the language with reference to the use of pictures and sketches, which I think could be construed as prohibiting the use of a picture as a part of the heading of a newsletter, which I think most Members do use.

I think it could be argued that such a picture does not illustrate the text and is simply to advertise the Member.

May I have the gentleman's comment on that?

Mr. UDALL. Madam Chairman, the gentleman from New York (Mr. BINGHAM), is wrong in his supposition that the use of a picture is to be prohibited on a newsletter. Let me make some legislative history.

The masthead or the heading of a newsletter with a picture of the Member is intended to be approved. As a matter of fact, in this language we turned it around. These no-noes are taken out of the old Post Office Manual, where they had over the years compiled a list of things one could or could not do, and pictures, except to illustrate text, used to be under the prohibitions.

Here we say one can send pictures, but not if there are so many of them or they are so big that a reasonable man would reach the conclusion that the Member is simply advertising himself and not illustrating the text.

Madam Chairman, the Post Office did rule over and over again that one's picture on the masthead of the newsletter does illustrate the text. It shows who the Member is, and so on.

So the intention is quite to the contrary of what the gentleman says.

Mr. BINGHAM. Madam Chairman, I am glad to have the gentleman's reassurance on that point, but I think it does illustrate some of the difficulties of interpretation that the gentleman from Michigan is pointing out.

Mr. WILLIAM D. FORD. Madam Chairman, will the gentleman yield?

Mr. BINGHAM. I will be glad to yield to the gentleman from Michigan (Mr. WILLIAM D. FORD).

Mr. WILLIAM D. FORD. Madam Chairman, I will state that I did track this back pretty well from the old postal manuals. That shows us where we get into difficulty.

I would not worry about language that leads you to the conclusion that its real purpose is that a manual is to be interpreted by a postal employee which was made up at the time the Congress was still operating the Post Office.

However, I do get worried when it is an invitation for any of the 204 million citizens across the country because of a statute that contains this language. This language may have looked good in a situation where you have a specific trained postal employee doing the interpretation, but once it is locked into the statute you invite someone to go to the courts with an injunction against you on the ground that the statute is sufficiently vague so that it should be looked into and the matter should be held up until it is looked into. It might be a good regulation and, if it is, it should be made by the Committee on Rules when they meet.

Mr. BINGHAM. I would like to ask the gentleman whether his amendment strikes out all of these so-called no-noes or only those to which he referred.

Mr. WILLIAM D. FORD. I strike out three and leave an absolute prohibition against the political use of the frank either to send political material or to solicit funds.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. WILLIAM D. FORD) to the amendment in the nature of a substitute offered by the gentleman from Arizona (Mr. UDALL).

The amendment to the amendment in the nature of a substitute was rejected.

AMENDMENT OFFERED BY MR. DERWINSKI TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. UDALL

Mr. DERWINSKI. Madam Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. DERWINSKI to the amendment in the nature of a substitute offered by Mr. UDALL: On page 3, lines 14 through 17, amend subparagraph (F) to read as follows;

"(F) mail matter to a person who has achieved some public distinction;"

Mr. DERWINSKI. Madam Chairman, my amendment to subparagraph (F) of section 3210(a)(3) eliminates a contradiction in the bill and removes language which I feel could be subject to valid criticism.

The paragraph I wish to amend, as it is now written in the bill, permits the franking of expressions of condolence to a person who has suffered a loss or congratulations to someone who has achieved some personal distinction.

I point out that subsection (a)(4) of the same section of the bill does not permit the franking of "matter which is in its nature purely personal to the sender or to any other person and is unrelated to official business."

Congratulations on a personal achievement obviously conflicts with the prohibition I have just cited, and I also feel that an expression of condolence to a person who has suffered a loss, assuming this means a person who has suffered the loss of a loved one by death, is of such a personal nature that I feel it has no place in this legislation.

My amendment would permit the franking of mail matter to a person who has achieved a public distinction, which I believe is in keeping with the letter and intent of the bill as written.

I would also point out to my colleagues, who as a matter of practice wish to advise constituents of death benefits or other Federal programs related to survivor laws or benefits, that the general permission of the bill to convey under the frank "information to the public," would undoubtedly cover such a situation.

Mr. LONG of Maryland. Will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman.

Mr. LONG of Maryland. For many years I have had the practice of sending condolences to families of any young men who were killed in Vietnam, clipping out the obituary notice in the paper, and the newspaper account and putting it in the CONGRESSIONAL RECORD, and sending it to them. That has not been a very great number—100 to 150 all together—but I have found that people treasure that. I send it to most of the people, even some who are not in my district.

Would this be covered in the gentleman's amendment?

Mr. DERWINSKI. Yes. But may I remind the gentleman that we all receive a stamp allowance.

And the volume the gentleman from Maryland speaks of, some 100 or 150 over the period of a year's time, would seem to make it obvious that under the personal stamp allowance at 8 cents per letter it could cover it.

It is not the intent to prohibit the mailing of such a letter; my intent is to prohibit the mass mailings of condolences that I have described.

Mr. LONG of Maryland. If the gentleman will yield further, I have never done that, but let me point further that I usually send them three copies of the CONGRESSIONAL RECORD, and it is not cheap to send out three copies of the CONGRESSIONAL RECORD through the mails if one has to pay the postage on them, and that would, I think, cause a severe drain on our stamp allowances.

But, more than that, Madam Chairman, I just do not see why that does not fall within the purview of the duties of a Congressman. I know that a tremendous number of our young people who fought in Vietnam thought that no one gave two cents about what happened to them, and until our prisoners of war came home a lot of these men came home, and their girls would not even date them because in many cases they thought they were murderers.

Mr. DERWINSKI. The gentleman from Maryland is making an excellent argument against my amendment. I was referring to the staff of a Congressman checking out the obituaries and then sending out 200 or 300 letters a day, having clipped the names from the local newspapers. That is the practice that my amendment is aimed against.

Unfortunately, as the amendment is written, it would be aimed at the situation pointed out by the gentleman from Maryland, and the gentleman would have to resort to his stamp allowance.

Mr. LONG of Maryland. If the gentleman will yield still further, the point I am trying to make is, is it really such a bad thing because a Congressman has to recruit on a very broad front from many things which I feel, and I think quite rightly so, and many of our constituents feel, are a congressional prerogative, and I do feel that the amendment offered by the gentleman from Illinois (Mr. Derwinski) is doing an awful lot toward taking away what I think is a very legitimate prerogative of a Congressman.

I just wonder whether the gentleman from Illinois has thought through all of the implications of the legislation since apparently the gentleman had not taken into consideration the situation I raised.

Mr. DERWINSKI. I acknowledge that I did not think that this would be one, as far as the use of mailing is concerned, but through the years I have been of the opinion that it is in poor taste to permit the writing of condolences to people they have never seen or heard of. That is the point I am making.

Mr. GROSS. Madam Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Iowa, if I have time.

Mr. GROSS. Madam Chairman, I want to commend the gentleman from Illinois for his amendment, and to say to him and to the gentleman from Maryland (Mr. Long) that if the war is over now——

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. UDALL. Madam Chairman, I rise in opposition to the amendment.

This amendment would change the existing and traditional practice in a number of respects, and I think it is unwise to do that. The gentleman from Maryland (Mr. Long) has pointed out that the condolences which are frequently sent to parents or families of young men who die in action would be outlawed. We would have to pay for them through our stamp allowance, as far as these kinds of communications were concerned.

In addition, a number of Members send condolences to the widows or spouses of families of other citizens who have died, and this would be prohibited.

I think there is something good in this country about a public official who takes time to do this sort of thing. You can argue that almost anything you do is political. For instance, if I am here today performing my duties as a Member, that is a political matter to many people back home.

You know, I was at a gathering the other night where the Governor showed up in a State limousine with a State trooper guarding him, and a State driver of the car also, and it was at a church social. Then he went on to a Boy Scout function. One could argue that these are purely personal, and that the Governor of a State should not in effect have a State-owned car and driver to take him around to these kinds of places.

I think there is an area where in performing our duties as public officials that we do serve the public interest when we do these kinds of things.

For example, many Members write letters to high school graduates, and this is intended to be covered by the language of the amendment here, where it is a matter of personal distinction. So you can say that that is political, and it gets you votes, but on the other hand there are a lot of young people who think Government does not care and is remote. They think it an important thing to hear from their Governor or their Congressman, or some public official who congratulates them on attaining some goal.

I do not do a lot of these things. I do not send out condolences, but some Members do send our condolences, and congratulate high school graduates. There is certainly a self-corrective principle here in operation.

The Member who abuses this, who uses it on a blatantly political basis, is going to get a backfire. Somebody is going to write an editorial about what he is doing. He is going to find out it will hurt him. So I would leave the language as we have written it and leave this to the good judgment of the Member, and I would hope and believe it would not be abused and that abuses would bring on their own penalty.

Mr. GROSS. Will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Iowa.

Mr. GROSS. The sending of condolences is and should be a very personal matter.

Mr. UDALL. I agree with the gentleman from Iowa.

Mr. GROSS. Members have a stamp allowance. I cannot understand why they should want or use the franking privilege for a purpose as intimate and personal as the sending of condolences.

Mr. UDALL. I agree in terms of practice. I do not do it myself, unless I know the deceased or know the family. I think some Members have found they get in trouble when they start sending letters of condolence. It is an unwise practice. I think the amendment should be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. Derwinski) to the amendment in the nature of a substitute offered by the gentleman from Arizona (Mr. Udall).

The amendment to the amendment in the nature of a substitute was rejected.

AMENDMENT OFFERED BY MR. SEIBERLING TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. UDALL

Mr. SEIBERLING. Madam Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. Seiberling to the Amendment in the Nature of a Substitute offered by Mr. Udall: Page 8, line 13, strike out the quotation marks and the second period; and immediately below line 13 and above line 14 insert the following paragraph:

"(6) Matter with a simplified form of address and matter to be mailed in accordance with mailing lists of one hundred or more addressees, whether compiled by computer or otherwise, shall not be transmitted in the mail under the frank by a Member of, Delegate to, or Resident Commissioner in, the House of Representatives, or delivered, under this subsection during the period of sixty days ending immediately before the date of any general election in which such Member, Delegate, or Resident Commissioner is a candidate for election to the House of Representatives. This paragraph shall not prohibit—

"(A) the mailing under the frank of replies to inquiries or communications of constituents;

"(B) the mailing under the frank of mail matter to colleagues in the Congress or to government officials (whether Federal, State, or local), or the mailing under the frank of news releases; or

"(C) the mailing under the frank of nonpartisan voter registration or voting information.".

Mr. SEIBERLING. Madam Chairman, the purpose of this amendment, as I outlined in the general debate, is to avoid the possibility that this bill could be construed as an attempt to protect the incumbent Members of Congress in their so-called entrenched positions. There are all kinds of ways to do this, but the most critical period, if somebody wants to claim that we are using the frank for political purposes, is obviously in the period just before a general election. What this amendment proposes to do is simply to say that franked mailings to postal-patron-type mailing lists, or franked mailings to any mass mailing list—and it defines that as a list of 100 or more addresses—shall be prohibited in the 60 days immediately before a general election. It makes certain exceptions to this ban.

The first exception would be that it would not prohibit the mailing under the frank of replies to inquiries or communications of constituents, no matter how large a number that might be, if it were actually a reply to a constituent.

The second exception is that the mailing would not be prohibited under the frank to colleagues in Congress or government officials at any level of government, or the mailing under the frank of news releases.

Here I should like to say that I would construe this to mean news releases to members of the media.

Finally, it would make an exception to the 60-day ban for the mailing under the frank of nonpartisan voter registration or voter information.

These are the same exceptions that are included in the bill with respect to the matters which the study committee is to make recommendations on. They read identically to that except, since this prohibition would be effective in the 60 days before a general election, it does not include the bill's prohibition against the study committee making any recommendations with respect to the prohibiting of the use of the frank 30 days before a primary or general election.

In essence what I am saying is that, like Caesar's wife, we should be above suspicion. Most of us follow a policy today of not mailing out newsletters and similar mass mailing under the frank just before a general election. I personally do not mail any out later than 2 months before a general election. I know many others who follow this same procedure. I think if this amendment is in the bill we can make a very strong case against the inevitable criticism that will be made, and already has been made, that we are trying to protect our position by this legislation.

Mr. UDALL. Madam Chairman, I rise in opposition to the amendment.

Madam Chairman, in the original legislation that I introduced we had a 60-day cutoff. A number of members of the committee and our colleagues in the House raised very serious questions on this subject. We probably debated this proposal more than any other in the markup before the Post Office and Civil Service Committee. As a result we had a vote and the cutoff provision was taken out of the bill.

Eventually, I would hope we could find some rational basis, some fair basis, some reasonable basis to provide for this kind of cutoff that many Members voluntarily do today. But in my opinion we would be unwise at this time to take this particular provision and try to write it in the bill.

Let me point out that in the substitute before us, there is a provision which requires the new Commission to study and report back by next January whether it is fair and feasible to have a cutoff of not to exceed 30 days. Members will notice in this amendment the provision is for a 60-day cutoff.

One of the arguments the gentleman from Michigan (Mr. William D. Ford) in our committee made very effectively is that the computer mailings which are much more political—Members know we can zero in on a target group with a computer mailing and really do some good—that kind of thing would probably not be covered by this amendment. Yet, the postal patron mailings which by their very nature have to be general and cannot very well afford to be blatantly political would be affected by this cutoff.

Also it was pointed out in many States, my own included, by law it is only 56 days from the primary election to the general election. This means that the cutoff, if we had a cutoff both in the primary and general elections, would take us back for 120 days. So while I favor the principle of a cutoff and hope some day after this study is made the House might want to consider a cutoff, I think we would be unwise and unduly encumber this legislation if we adopt this amendment at this time.

Madam Chairman, I therefore hope the Committee votes against the amendment.

Mr. LONG of Maryland. Madam Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Madam Chairman, I am in support of the gentleman's statement. It is going to be hard to enforce any particular time such as 30 days because we have local problems. For example the Postal Service often does not deliver mail until quite some time after it is mailed. There will be confusion about when a letter was mailed and when it was delivered. This matter has to be dealt with by a committee which is able to consider all the intricacies and subtleties. It cannot be dealt with by this Committee at this time.

Mr. UDALL. Someone has facetiously suggested that with the mail service we now get we have automatically a 60-day cutoff anyway.

Mr. SEIBERLING. Will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Ohio.

Mr. SEIBERLING. I too would be concerned about the lopsidedness of this if it did not operate to cover computer-type mailings as well as postal patron mailings, but the language of my amendment restricts matter with a simplified form of address such as postal patron mailings and matter to be mailed in accordance with mailing lists of 100 or more addressees.

Mr. UDALL. The gentleman is obviously correct, but there are some technical problems here. Great fears have been expressed by some of the Members that language of this kind, if not carefully studied in drafting, would have the effect of discriminating against one class of mail, and not against the other.

I think the gentleman's approach is a fair approach, but it deserves a lot more study before we take that action.

Mr. SEIBERLING. Madam Chairman, I honestly do not believe that another year's study is going to produce any different result, because the basic problem is not the technical problem of drafting; it is the problem of sending out mass mailing just before a general election. That is where we are going to be criticized if we pass this bill without an amendment such as the one I am offering.

Mr. DENNIS. Madam Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Indiana (Mr. Dennis).

Mr. DENNIS. Madam Chairman, if my understanding of the gentleman from Ohio is correct, and I want to be sure that I do understand him, this applies to mass mailing 60 days before a general election?

Mr. SEIBERLING. That is correct.

Mr. DENNIS. No reference is made to a primary?

Mr. SEIBERLING. No reference is made to a primary.

Mr. DENNIS. I just simply want to remark while I am on my feet, that while I often disagree with my friend from Ohio (Mr. Seiberling) it seems to me that if we really want to do anything in this field of any substance, the amendment offered by the gentleman from Ohio is the opportunity to do that. It is the guts of the bill.

I am going to support it.

Mr. WILLIAM D. FORD. Madam Chairman, I rise in opposition to the amendment.

Madam Chairman, I think we ought to once in a while, when we are considering these amendments, consider the vast disparity in circumstances that face the Members of this House, and the other body also, in communicating with our constituents.

There are some Members who come from relatively compact and sparsely populated communities where they have access to public service radio broadcasts, or public service television broadcasts, where their activities are covered right up through the ending of a Congress, and the period immediately following a Congress.

I go to the recording studio and I see Members from all over the country who are making tapes. Many of us who are tucked into the big metropolitan areas have no way of communicating with our constituents as to what we did toward the end of the Congress, with respect to the matters which they express the most concern about, which comes anywhere close to that kind of coverage.

In the State of Michigan, for example, the gentleman is telling us that for the 60 days preceding the general election, virtually all the time between the time the primary takes place and the general election, we cannot communicate with our constituents with a newsletter.

If Congress adjourns 30 days before the election, we cannot give our voting records. The Members can be sure that someone else is out there giving their version of them.

Let us remember with all this talk about the advantages of being the incumbent, that there are some disadvantages also. Everyone now here must run on his record while an opponent with no public record at all is at complete liberty to offer to solve all the problems, no matter how painful they are, without having to point to defend his record which might indicate how he would be likely to approach them. Incumbents must defend, the positions taken on issue after issue and this most properly our constituents have a right to expect.

I do not think we ought to put Members in a position where while thousands of people are waiting anxiously to find out where we stand on the important issues we cannot put out a newsletter and tell them.

I think they are entitled to know the basic positions we take and the way we vote and we should be given the privilege of mailing so that we can inform them. Why in the world would we want to keep our constituents in the dark about what we are doing during the 60 days before an election? That is the time when they ought to demand that we send our Congressional Record for their information and consideration.

Mr. TEAGUE of California. Madam Chairman, will the gentleman yield?

Mr. WILLIAM D. FORD. I yield to the gentleman from California (Mr. Teague).

Mr. TEAGUE of California. Madam Chairman, there is nothing in this bill which states that we cannot issue a press release to state our position on issues.

Mr. WILLIAM D. FORD. No; there is nothing in this bill.

Mr. UDALL. Madam Chairman, will the gentleman yield?

Mr. WILLIAM D. FORD. I yield to the gentleman from Arizona (Mr. UDALL).

Mr. UDALL. Madam Chairman, I still hope that one of these days we can slowly and deliberately look at this.

One thing which bothers me most in the discussion, one of the great traditions is the end of the session review; tell the people Congress is adjourned, here is what we did, and here is what we did not do.

It is complained very bitterly that these kinds of things, on a postal-patron basis or a large mailing-list basis, would be abrogated in this crucial 60-day period which usually comes right before the election. Perhaps we can work that out; I do not know; but I do believe this cutoff business needs additional study.

Mr. DENNIS. Madam Chairman, will the gentleman yield?

Mr. WILLIAM D. FORD. I yield to the gentleman from Indiana.

Mr. DENNIS. It occurs to me there might be thousands of people hanging on the question of wanting to know what the gentleman's opponent thought. I wonder if the gentleman would like to support giving the franking privilege for 60 days before the election to the opponent of the incumbent?

Mr. WILLIAM D. FORD. If the gentleman wants to offer it I will oppose it.

Mr. DERWINSKI. Madam Chairman, I rise in opposition to the amendment.

May I point out to the Members that in 1946, under the Congressional Reorganization Act of that year, it was envisioned the Congress would adjourn by July 31 of each year. If that in fact were the practice then the amendment offered by the gentleman from Ohio would have merit, since if the Congress adjourned on the 31st of July there would be no need for the Members of Congress to be sending out mass mailings and wrap-up commentaries on legislation 6 or 8 or 12 weeks after the Congress adjourned.

In the brief period I have been a Member here, some 15 years, we have had sessions which have concluded, in election years, 8 or 9 days before the election, and twice we have had "lame duck" Congresses. In 1964 we adjourned on the 23d of December.

The realities of the situation are that the heaviest legislative workload, even in election years, falls in September and early October. This amendment would arbitrarily cut off effective communication of items the Member legitimately would be sending to his constituents.

If the gentleman from Ohio will note page 17 of the bill, it is stated that the Commission on Congressional Mailing Standards which is established will have until January 1, 1974, to report to the House, or to the Clerk of the House, the results of its study, together with such recommendations as the Commission considers appropriate with respect to such mailings in connection with such primary or general elections in 1974.

I am sure the Commission, when it is established, will be pleased to entertain suggestions from the gentleman and others. I envision it making some practical recommendations to insure that the frank will not be abused in the weeks before elections.

Since this mechanism will be available and for the other points I have made, I believe the amendment should be rejected.

Mr. SEIBERLING. Madam Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Ohio.

Mr. SEIBERLING. I thank the gentleman.

I believe a lot of us recognize in certain instances this would impose hardships on some of the Members, but if we are going to get a bill we can stand up and defend reasonably well it seems to me we have to accept the fact that there have to be some sort of lines drawn.

A lot of us have drawn these lines on our own. I, for one, have refrained from sending out mass mailings 60 days prior to a general election, and we have not suffered any catastrophic results. It seems to me the kind of thing we can live with.

This is what I consider a reasonable policy to adopt.

Mr. DERWINSKI. The gentleman's personal policy is reasonable.

I personally follow a policy of not sending out any mass mailings after the end of September regardless of whether the Congress is in session. I knew of a colleague who had three mass mailings on the last weekend before an election, and it boomeranged against him and almost cost him that election.

I remind the gentleman that this Commission will in fact study this specific subject. The recommendations and experiences of Members, which will be called to its attention, I am sure will be objectively studied.

I think the gentleman's amendment is so arbitrary that it is, in fact, not helpful to the operation of the House as a whole, and for that reason I feel it is necessary to oppose it.

Mr. SEIBERLING. Madam Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Madam Chairman, it seems to me that every Member of this House has sufficient experience now so that the House in the Committee of the Whole can bring this subject to a proper vote.

Mr. CORMAN. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I am opposed to this amendment.

I send out a monthly newsletter in my district and I have since I came here. Coming from an urban area, I find that there are 18 of us in one particular television and radio zone. There are 18 of us in the metropolitan newspaper zone. I could probably stay here for 12 years and have nobody know what I am doing. So I would like to tell my constituents what I am doing by means of a newsletter.

Madam Chairman, the most important newsletter I send out is one as soon as the session ends. In that newsletter I try to select a hundred of the most important bills and tell them how I voted on them.

We obviously have to set up mechanisms here to prohibit political mailing. I have a campaign committee which puts out a beautiful brochure about me and my work. In that I have pictures of my family and everybody else; it is purely political. They put postage stamps on them and send them out, and that is as it should be.

Madam Chairman, I think to those of us who have very little access to the media for telling people what we have done in the Congress, this is a useful thing. I think there is no rationality to cut it off at 60 days simply because of the differences in these means of communication.

Madam Chairman, I urge a "no" vote on the amendment.

Mr. FRENZEL. Madam Chairman, I rise in support of the amendment.

Madam Chairman, I think this is a good bill, and I think it is incumbent upon us to adopt the amendment. It is obviously necessary, because of the many court cases which have shown us how different things are different to different people. The fact is that the hodgepodge of regulation needs some congressional definition right now, but I think the bill would be vastly improved with the adoption of the amendment of the gentleman from Ohio (Mr. SEIBERLING).

Madam Chairman, I think it will give the public a lot better feeling about equal opportunity in election contests. When we all mail material near election day, even if the material is distinctly informative, even though it is a public service, nevertheless, it puts our name in each home in the district if we use the postal patron system of putting out that mail.

It reminds the electorate who the "good old incumbent" is, and even if his name is not on the material, the simple signature across the frank is enough to be a sort of a political ad at that time of the year.

Now, Madam Chairman, in supporting this amendment I am not criticizing anybody's mail as political, and I am not criticizing any Member's use of the frank. I am only saying that there is a real and significant advantage to an incumbent running for reelection when he puts out a postal patron mailing near the election—I do not know whether 60 days or 30 days or 90 days should be the best time frame—but at least the suggestion of the gentleman from Ohio is that we have some time frame. I do not think this amendment will inhibit necessary communications, because there are many ways under the amendment to communicate needed material to his constituents. He can still send out newsletters, questionnaires, and CONGRESSIONAL RECORD reprints. They can go out 61 days before the election or 1 day after the election, and his people will be very well informed.

Madam Chairman, I prefer that primary elections be covered, but for now, because of the variations between the States, I think the gentleman from Ohio (Mr. Seiberling) has wisely omitted primaries. I think he has given us a good amendment which most of us can support.

We will, as everyone here knows, be giving up a little advantage if we vote in favor of this amendment, but I think it will be a vote in favor of equal opportunity at election time.

Madam Chairman, I certainly hope the amendment is adopted.

Mr. BURLISON of Missouri. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in opposition to the amendment.

I think this type of proposal, as well as the bill itself, will really put an end to independent membership in the House. When I say, "independent membership," I mean those of us—there may not be too many of us here, although there are some—who are independent of the press back home.

There are a few who cannot get accurate information transmitted through some segments of the press; it will be slanted, if printed at all. The Member himself may be libeled or slandered or defamed and he has no way to get the true picture, or at least his side of the issue, before the people. Only the other side, only the derogatory side, is shown.

I am saying to the House, if we are to insure that there can be Members of this body who are independent, we should vote against this amendment.

Mr. CHARLES H. WILSON of California. Will the gentleman yield?

Mr. BURLISON of Missouri. I am delighted to yield?

Mr. CHARLES H. WILSON of California. I want to thank the gentleman for his statement.

I think we should also consider being independent of common cause. I would say this is probably the common cause amendment or else the millionaires amendment. We had this 60-day business in the original bill, and the majority of the Members voted to remove it because the argument was made that by leaving the 60-day limitation in there or a restriction on mailings we are admitting what we put out is political by that very thing itself.

Certainly this is a bad amendment, and to keep the independence that the gentleman has spoken about I think we ought to vote it down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. Seiberling) to the amendment in the nature of a substitute offered by the gentleman from Arizona (Mr. Udall).

The question was taken; and on a division (demanded by Mr. Seiberling) there were—ayes 21, noes 68.

So the amendment to the amendment in the nature of a substitute was rejected.

AMENDMENT OFFERED BY MR. WILLIAM D. FORD TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. UDALL

Mr. WILLIAM D. FORD. Madam Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. William D. Ford to the amendment in the nature of a substitute offered by Mr. Udall: On page 17, lines 3 and 4 strike out "the House Commission on Congressional Mailing Standards" and insert in lieu thereof "the Post Office and Civil Service Committee."

On page 17, line 14 and line 17 strike out the word "commission" and insert in lieu thereof the word "committee".

Mr. WILLIAM D. FORD. Madam Chairman, I had not intended to offer this amendment until I heard the gentleman from Arizona say that he thought and he hoped that the Commission set up under this bill would come back with a recommendation for some kind of a cutoff of mailings before election time.

That is the issue we have just voted on, and I think we know how we feel about it.

If you look at the way the Commission is set up, it is extremely likely, and I really hope that the gentleman from Arizona will be the chairman of that Commission.

Now, however, that I find that the gentleman feels as strongly about having the Commission make a study, and in advance of making that study the gentleman has already made up his mind that there should be a limitation, and a cutoff, I am not so sure we ought to handle it that way. So what in my amendment instead of referring the study of the question of a cutoff to the special Commission which will be appointed by the Speaker, I would like to refer the study to the House Committee on Post Office and Civil Service. This is a bipartisan committee with a bipartisan staff, which has procedures for overview, and for study, and it could report to the House its recommendations in the form of legislation. I think that would be a fairly orderly and neat way to do it, and we would not have the problem of conferring on some unknown group of six men legislative recommending powers, and the added burden of making a study.

Mr. UDALL. Madam Chairman, will the gentleman yield?

Mr. WILLIAM D. FORD. I yield to the gentleman from Arizona.

Mr. UDALL. Madam Chairman, I want to speak in opposition to this amendment, and I will do so in just a moment, but I do want to make my position perfectly clear, and that is that I said that I hope we can work off a cutoff some day, somewhere down the road. I have not prejudged the question, and indeed spoke against it in the amendment offered by the gentleman from Ohio (Mr. Seiberling) on the ground that I had trouble right now working out a cutoff that is fair and equitable.

Mr. WILLIAM D. FORD. The gentleman will agree with me that what the gentleman is saying is that the gentleman could not write one that is fair in the bill.

Mr. BURTON. Madam Chairman, will the gentleman yield?

Mr. WILLIAM D. FORD. I yield to the gentleman from California.

Mr. BURTON. Madam Chairman, I would like to commend the gentleman from Michigan (Mr. William D. Ford). I think this will eliminate the necessity of setting up unnecessary duplicative machinery.

The House Committee on Post Office and Civil Service has its jurisdiction. I was considering changing this Commission, and referring it to the Select Committee on Official Conduct to monitor this program, but I think the gentleman from Michigan has found an appropriate mid-course that will permit the House to work its will within the appropriate jurisdiction spelled out by the House rules, and I urge the adoption of the amendment offered by the gentleman from Michigan.

Mr. DERWINSKI. Madam Chairman, I rise in opposition to the amendment.

Madam Chairman, may I say to the Members that it is with shaking knees that I dare argue this subject against two of the greatest philosophers in the House, the gentleman from Michigan (Mr. William D. Ford) and the gentleman from California (Mr. Burton). But the point is that as a member of the Committee on Post Office and Civil Service I am concerned that the gentleman from Michigan (Mr. William D. Ford) might be overworking a very busy and important committee of the House. If the amendment offered by the gentleman from Michigan would prevail then the only thing the chairman can do is to appoint a new subcommittee with six members, adding to our heavy schedule.

I think that the question as it has been defined by the gentleman from Arizona (Mr. Udall) is proper, I had thought that the gentleman from Arizona (Mr. Udall) had the concurrence of the gentleman from Michigan (Mr. William D. Ford).

I suggest that, as well-intentioned as I presume the amendment is, and coming as it does after the gentleman from Michigan had given his earlier acquiescence to it, as adjusted by the gentleman from Arizona (Mr. Udall), I would hope that the amendment would be voted down.

Mr. WILLIAM D. FORD. Madam Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Michigan.

Mr. WILLIAM D. FORD. Madam Chairman, I do not think the gentleman understands the amendment. I do not affect the jurisdiction of this new Commission at all, nor its creation, nor do I interfere with it.

But there is a duty conferred on page 17 upon this Commission to go out and determine whether it would be wise to put a limitation on mailing up to 30 days before an election. Now the father of the Commission, who certainly is going to have a great deal to say, has told us that he has prejudged the question, and if the Commission makes its decision he is going to come back with some kind of a recommendation. I think that there is nobody on the Committee on Post Office and Civil Service who could assert that by our action there is any reason to believe that we have prejudged it. And I would rather have the full committee make the determination than this Commission of six members.

Mr. DERWINSKI. It is obvious that

the gentleman from Michigan has a tendency to misunderstand the gentleman from Arizona, which makes me wonder what confusion there is within the DSG as a whole with everyone in attendance. However, the gentleman from Arizona has covered some of the points that I have made concerning the amendment which was offered by the gentleman from Michigan, and again I urge the defeat of the amendment.

Mr. UDALL. Madam Chairman, I move to strike the requisite number of words.

Whatever the Committee wants to do is fine with me. I make three points. One is I sometimes have difficulty recognizing my position today when it is stated by the gentleman from Michigan. I have not prejudged the question. I would like to have a cut-off, if we can find one that is fair. I do not know that we can. I await a study of the careful input from all of the Members to resolve that question.

No. 2, this commission has no legislative jurisdiction. Mr. FORD says, Let the decision be made; let the study be made by the full Post Office Committee. They will make the study; they will hold the hearings; they will make the final decision.

All the commission is required to do is by next year have a study and make some recommendations as to whether we can find the machinery for a cut-off.

Finally, I make this point. These six Members are going to be very busy during the initial life of this commission. They are going to have to draft the guidelines and standards. They are going to have to set the whole procedure in motion. They are going to be wrestling with the problems Members have in these gray areas about what is frankable and what is not frankable.

Is not this group, this six-man bipartisan group, better equipped to make that initial recommendation to the House and Post Office Committee than the full Post Office Committee itself? That is simply the issue involved in the amendment.

I should hope that the amendment would not be agreed to.

Mr. HENDERSON. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I think the amendment offered by the gentleman from Michigan (Mr. WILLIAM D. FORD) ought to be defeated. As I understand the authority of the Commission created in the legislation before us, it would make an in-depth study, and report its recommendations. Those recommendations would come back before the House and the Committee on Post Office and Civil Service.

I do not want us to miss the point. I think if we want a real in-depth study, we will get it from a six-man bipartisan commission far more effectively than we will if we let the entire committee assume this responsibility.

I have given the best assurances I could that we will not require an additional staff. I think that can be done under the commission concept, but I think it would be fair to say if the House Post Office Committee is given this assignment, that we would have to have experts, consultants, or additional staff. None of us intends this legislation to require that kind of additional cost.

So I hope that the amendment will be voted down and that the bill will be kept in its present condition.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. WILLIAM D. FORD) to the amendment in the nature of a substitute offered by the gentleman from Arizona (Mr. UDALL).

The question was taken; and on a division (demanded by Mr. WILLIAM D. FORD) there were—ayes 25, noes 56.

So the amendment to the amendment in the nature of a substitute was rejected.

Mr. BURTON. Madam Chairman, I demand a recorded vote.

A recorded vote was refused.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Arizona (Mr. UDALL), as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mrs. GRIFFITHS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 3180) to amend title 39, United States Code, to clarify the proper use of the franking privilege by Members of Congress, and for other purposes, pursuant to House Resolution 349, she reported the bill back the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted in the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HAYS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 354, nays 49, not voting 30, as follows:

[Roll No. 85]

YEAS—354

Abdnor
Adams
Addabbo
Alexander
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Armstrong
Ashley
Baker
Barrett
Beard
Bell
Bergland
Bevill
Bingham
Blackburn
Blatnik
Boggs
Bowen
Brademas
Brasco
Bray
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Butler
Byron
Camp
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cochran
Cohen
Collins
Conable
Conlan
Conte
Conyers
Corman
Coughlin
Crane
Cronin
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dennis
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Downing
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Ginn
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gross
Gubser
Guyer
Haley
Hamilton
Hanley
Hanna
Hanrahan
Hansen, Wash.
Harrington
Harsha
Hastings
Hawkins
Hébert
Helstoski
Henderson
Hicks
Hillis
Hogan
Holifield
Hosmer
Howard
Huber
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Keating
Kemp
Ketchum
Kluczynski
Kuykendall
Kyros
Landgrebe
Landrum
Latta
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
Lott
Lujan
McCollister
McCormack
McDade
McEwen
McFall
McKay
McKinney
McSpadden
Macdonald
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Milford
Miller
Mills, Md.
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Brien
O'Hara
O'Neill
Owens
Parris
Passman
Patman
Patten
Pepper
Perkins
Peyser
Pike
Poage
Podell
Powell, Ohio
Preyer
Price, Ill.
Quie
Quillen
Railsback
Randall
Rangel
Rees
Regula
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Runnels
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Satterfield
Saylor
Scherle
Schneebeli
Schroeder
Sebelius
Shipley
Shoup
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steelman
Steiger, Ariz.

Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Sullivan
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Thompson, N.J.
Thomson, Wis.
Thornton
Tiernan
Towell, Nev.
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Walsh
Wampler
Ware
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—49

Abzug
Anderson, Ill.
Archer
Bafalis
Bennett
Biester
Boland
Bolling
Burlison, Mo.
Burton
Cleveland
Collier
Cotter
Culver
Dellums
Denholm
Dent
Drinan
Fish
Flynt
Gilman
Grasso
Grover
Gude
Gunter
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Holtzman
Hungate
Koch
McCloskey
Mayne
Mezvinsky
Mosher
Moss
Pritchard
Rarick
Reid
Roybal
Seiberling
Stark
Steele
Studds
Symington
Thone
Whalen
Young, Fla.

NOT VOTING—30

Arends
Ashbrook
Aspin
Badillo
Biaggi
Carey, N.Y.
Diggs
Dulski
Fraser
Goldwater
Hammerschmidt
Hansen, Idaho
Harvey
Hinshaw
Holt
Horton
Hudnut
Jones, Ala.
Kazen
King
McClory
Mills, Ark.
Morgan
Pettis
Pickle
Price, Tex.
Rooney, N.Y.
Stuckey
Teague, Tex.
Young, Alaska

So the bill was passed.

The Clerk announced the following pairs:

Mr. Teague of Texas with Mr. Arends.
Mr. Rooney of New York with Mr. Horton.
Mr. Biaggi with Mr. Ashbrook.
Mr. Carey of New York with Mr. Hinshaw.
Mr. Jones of Alabama with Mr. Harvey.
Mr. Dulski with Mrs. Holt.
Mr. Pickle with Mr. Goldwater.
Mr. Stuckey with Mr. Hammerschmidt.
Mr. Aspin with Mr. Hansen of Idaho.
Mr. Diggs with Mr. Fraser.
Mr. Badillo with Mr. McClory.
Mr. Kazen with Mr. Hudnut.
Mr. Mills of Arkansas with Mr. King.
Mr. Morgan with Mr. Pettis.
Mr. Young of Alaska with Mr. Price of Texas.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HENDERSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks and include extraneous matter on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

PERMISSION FOR COMMITTEE ON HOUSE ADMINISTRATION TO FILE REPORTS

Mr. THOMPSON of New Jersey. Mr. Speaker, I ask unanimous consent that the Committee on House Administration may have until midnight tonight to file reports on certain resolutions.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

PERMISSION FOR COMMITTEE ON FOREIGN AFFAIRS TO FILE REPORTS

Mr. FRASER. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs may have until midnight tonight to file reports on H.R. 6628 and H.R. 6768.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

FURTHER LEGISLATIVE PROGRAM

(Mr. O'NEILL asked and was given permission to address the House for 1 minute.)

Mr. O'NEILL. Mr. Speaker, we have not yet gotten the rule on the Economic Stabilization Act. The committee is still meeting, and I understand there are still a considerable number of witnesses left to be heard. So we will consider tomorrow House Joint Resolution 496, the urgent supplemental appropriation bill, containing funds for the CAB and the veterans program, and the conference report on H.R. 1975, the agricultural emergency loan program.

FOR A BETTER UNDERSTANDING OF FOOD PRICE CONTROVERSY

(Mr. ANDREWS of North Dakota asked and was given permission to address the House for 1 mintue, to revise and extend his remarks, and include extraneous matter.)

Mr. ANDREWS of North Dakota. Mr. Speaker, if the only source of information on food prices these days was the urban press and network television news programs, the average citizen would only get one side of the story. The fact that it took until last year for the price of beef to get back to where it was in 1951—the level determined to be fair when price ceilings were set during President Truman's administration—seems to have been forgotten.

I wish to insert in the RECORD at this point an editorial from the March 31, 1973, edition of the Minot, N. Dak., Daily News and a letter to the editor of the Williston, N. Dak., Herald on the same date, written by a North Dakota rancher's wife.

I urge my colleagues interested in gaining a better understanding of the food price controversy to read these:

[From the Williston (N. Dak.) Herald, Mar. 31, 1973]

DO NOT BITE THE HAND THAT . . .

Editor, the Herald:

For several weeks now every paper I pick up carries headlines bemoaning, protesting, berating or just plain screaming about the "high" price of food, particularly meat.

Boycotts are being organized throughout the country to stop buying meat the first week in April. People are being urged to eat macaroni and cheese that week, or perhaps even for a month, in order to bring meat prices down.

But the amazing fact that has prompted me to write this letter is that a boycott is being organized even in Minot, in the heart of the most agricultural state in the U.S. . . . long known as the "breadbasket of the world" . . . North Dakota!

I think it is time that consumers, particularly those in North Dakota, who advocate such action or who go along with it, realize a few facts.

Without a prosperous agriculture North Dakota cannot stay alive. For every 11 farmers who leave the country-side, one main street business closes, and a number of wage earners are out of work. And farmers ARE quitting and leaving because for years costs have been too high and profits too small to stay in business.

Statistics show that the American farmer is the most underpaid farmer in the world . . . also that the American wage earner is the most affluent in the world.

Statistics also show that American consumers spend a smaller percentage of their take-home pay for food than any other in the world . . . at the present time 17 percent, up 2 percent from a couple months ago but still below the 20 percent Canadians spend and far below other countries, ranging all the way up to 50 percent of their income in Russia.

This is all because the American producer has received far less than his share in the booming economy. People criticize the payment of subsidies to farmers, which in reality is a minimum wage for farmers much below that which is guaranteed by law for the wage earner, and which has helped assure a continuous supply of cheap food for the consumer.

So in reality, by providing cheap food for the buying public all these years, the farmers and ranchers have been subsidizing consumers.

Now for the first time in nearly 20 years, the farmer's share of the food dollar has risen somewhat, along with that of the other food handlers all along the line, and consumers are up in arms to force it into the "basement" again.

On the evening news the statement was made that "We will bring the meat industry to its knees!" Don't people realize that if prices to the producer go down to barely cost of production level again that LESS meat will be produced because production costs are such that the producer will NOT increase herds and the prices over the counter will only rise again to new heights??

Only when it becomes profitable to increase herds will ranchers do so.

If the producer must take a cut in earnings, then will all of you who are crying about the price of meat also agree to take a cut in wages so that our cost of production can be lessened?? . . . You who are selling the machinery we need to put up the hay and feed needed during the two years it takes to raise a beef, the mechanics who work on our tractors, all those who deal with petroleum products, rubber tires, tools, oh, the list goes on and on.

For every dollar a farmer makes and spends is regenerated seven times over in the economy. If the boycott succeeds in bringing down meat prices, who do you suggest take the cut? Will the workers who transport the meat take a cut in pay, or maybe the meatcutters, or any of the other meat handlers down the line? No one of these will take the cut because pay scales don't go down, only up.

Only farmers must go to market and ask "What will you give me?" Instead of "This is what I must have." And only if there remains a margin of profit can producers keep on supplying the quantity and quality of food America has been so used to finding on the grocery shelves at so reasonable a price.

What if the day comes when those counters are empty of good red meat because so many producers have thrown in the towel that those remaining cannot begin to raise all that is in demand? What would one be willing to pay for a steak or a couple pounds of hamburger if there were none to be had? You can get along buying most anything used but in good condition and make do, but who wants used food????

If you feel you must join the crowd, boycott the meat counters and eat macaroni and cheese for a week or a month, then you must, but then you may eventually be eating macaroni and cheese for many more months to come.

If this prospect doesn't appeal to you then perhaps it would be wise to heed the words of that old song, "Don't act like the cur in the story, don't bite the hand that's feeding you!"

A rancher's wife,

Mrs. GENE IVERSON.

Buford, N.D., Mar. 31, 1973.

[From the Minot (N. Dak.) Daily News, Mar. 31, 1973]

THE END OF A GOOD DEAL?

This outburst of housewives' talk of meat boycotts may be a signal that shoppers are catching a glimmer of what lies ahead.

A slow realization may be dawning that administration intentions in farm policy are moving in the direction of ending the good deal which Americans have had in food buying for the last 40 years.

Something deeper than concern about the current price of meat may well be agitating the customers. Perhaps they are beginning to realize that if the farmers are no longer to receive direct incentives to stabilize production and marketing, it will be the consumers who will suffer.

The milling and baking industry did not take kindly to the federal programs of production and marketing controls when they were first instituted. But the millers and bakers have lived with this system for quite a while now, and they know very well what it means to the consumer.

Morton I. Sosland, editor of Milling and Baking News, puts it this way: "To a great extent, U.S. farm programs that began in the 1930s have been more of a cheap-food subsidy to American consumers than their more widely criticized and publicized role as a subsidy to American farmers."

If federal farm programs—the so-called subsidy programs—are phased out, as Secretary Butz says the goal is, the era of abundant food in America at moderate prices will end with them. These programs have served to moderate the forces which would operate in a free market. These forces will inevitably, in the long run, push prices higher for those food items that the affluent consumer wants, and as consumers most of us have been living high on the hog until lately. If farmers no longer are to receive direct incentives from government to encourage plenty and stability, one can expect farmers' decisions to follow where the high prices are, instead of maintaining a well-rounded production for the good of the country.

Clearly food production in this country has become an increasingly expensive enterprise. The total amount of cultivated land is decreasing. At the same time total population will continue to increase for many years to come. At the same time, also, the administration is expecting agriculture in America to enlarge its export sector. Without continuation of production and marketing programs—yes, to some extent even with them—the consumer in the United States is likely to find himself paying over the counter for food shipped abroad to improve our balance of payments.

An important part of the increased cost of farm production is, as Sosland points out, the fact that the cost of land itself has increased greatly. Sosland observes: "Land suitable for crop production in the United States is limited. Witness the fact that farmers last fall, in response to the highest prices in a quarter of a century, seeded only one per cent more acres to winter wheat. Inputs such as fertilizer, insecticides, herbicides and better seeds are, in a very real economic sense, substitutes for land. In the past relatively few American farmers have considered land as a cost. Accelerating the commercialization of farming will change that attitude. If we are approaching the limits of cropland, then prices very near the current high levels will be required to stimulate the inputs that substitute for land."

It appears that the administration has hardly begun to level with the American consumer on the matter of what the cost of abundant food supply will be in the future, once the built-in subsidy to consumers in our present production arrangements is phased out. Either that, or the administration is not yet aware that its policies for agriculture are, one by one, opening several rather large cans of worms. This is a kind of canned stuff which is going to be a disappointment to the consumers when he looks inside.

"PROTEST PATCH" TO HELP FOOD BUDGET

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, I would like to take a minute of the House's time to inform my colleagues of an important step that I took this morning in the fight against inflated food costs. Given my usual disposition on the subject, it may surprise some of you to hear that I have turned to farming. But I believe it is time for the people of this country to take arms, or at least take shovel and hoe, against a farm policy which is rapidly making food a luxury item when, at the same time, it continues to pour $4 billion a year into a subsidy program to pay farmers for not growing crops.

The price of food in this country has given root to demonstrations and boycotts. Now it is time for an even more direct approach. Now it is time for some "anti-inflation cultivation."

This morning I turned over soil for a "protest patch" at my home. I would like to encourage Mr. and Mrs. America to fight the battle of the supermarket by looking to their backyards. I would like them to follow a course similar to the one I have undertaken today and sow their own protest patch.

Even though our Government is paying subsidies to keep some 60 million farm acres out of production, there still must be enough unsubsidized backyards such as mine where protest patches could flourish.

If the "victory garden" of the 1940's was a legitimate contribution to the war effort, so too can the protest patch of the 1970's be a legitimate contribution to the war we are fighting today—the battle of the food budget.

The protest patch of today could have as wide an effect as the victory garden of yesterday if America is willing to get back on its knees and do a little planting and weeding. Let me remind you that at one point during World War II there were nearly 20 million victory gardens in the United States and they accounted for 40 percent of all the vegetable production in this country. Total production was in excess of 1 million tons of vegetables with a price tag of $85 million.

With the improved equipment and the additional leisure time Americans enjoy today, protest patches could crack the record of the victory gardens and plow a deep furrow into the current food price level in the process.

Of course, there are advantages to this other than economic. A distinguished writer, Charles Dudley Warner, who labored in the print vineyard, once said that—

> To own a bit of ground, to scratch it with a hoe, to plant seeds, and watch the renewal of life—this is the commonest delight of the race, the most satisfactory thing a man can do.

When you consider that this same man also said "politics makes strange bedfellows" you realize that here is a man who speaks the truth.

But for all the delights of gardening, it is still the trauma of the grocery store checkout counter that should spur America to the protest patch. When you consider that it costs only about 29 cents for a package of seeds, it does not take much zucchini at today's price of 59 cents a pound for it all to be worthwhile.

LIVESTOCK FEEDERS HERE TO FIGHT ROLLBACK

(Mr. MAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MAYNE. Mr. Speaker, the irresponsible and capricious action of a majority of the Banking and Currency Committee last week in voting to roll back prices, rents, and interest rates to January 10 levels has created great anxiety and consternation throughout America.

At least seven mass meetings have been held in Iowa's Sixth Congressional District since the committee's action, some of them attended by hundreds of concerned farmers. I have personally heard from a great many constituents who are deeply fearful not only of what such a rollback would do to them personally but to the whole American economy. At least 50 livestock feeders from northwest Iowa have come to Washington in the last 2 days at their own expense to do what they can to make sure we in the House clearly understand how seriously this rollback would disrupt livestock production.

I urge you to open your doors to them when they come trying to give you the true facts as to how much havoc this rollback would actually wreak. After you talk with them there will be no doubt in your minds it would lead to marked reduction in cattle numbers and a lot less meat in the counter when the consumer needs exactly the opposite.

Many smaller and medium sized feeders would actually be forced by financial losses to withdraw from the livestock business, liquidating their herds to cut their losses. Many others would elect to withdraw voluntarily rather than operate on the "heads I win, tails you lose" concept which Congress would force upon them by a rollback. Still others would withdraw temporarily or cut back their feeding operations until such time as prices of feeder cattle declined to safer levels. All these reactions would seriously limit production of meat and create much greater difficulties for consumers than their reluctance to pay current prices.

I say again, let us unite in defeating the rollback proposed by the committee, and vote instead for a simple extension of the Economic Stabilization Act as requested by the President.

REPORT ON OAS GENERAL ASSEMBLY MEETING

(Mr. FASCELL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FASCELL. Mr. Speaker, one week ago today, on April 4, the third regular session of the General Assembly of the Organization of American States opened here in Washington. Congressman STEELE and I have the privilege of representing the House of Representatives on the U.S. delegation which is headed by our very able Secretary of State William P. Rogers. Because of the importance of the General Assembly meeting and the widespread interest in it here in Congress, I would like to take just a few minutes to briefly summarize what has happened thus far.

APRIL 4, 1973

On April 4 the third regular session began with Secretary Rogers and some 15 other Foreign Ministers in attendance. Even the ceremonial speeches by the Provisional Assembly President Foreign Minister Moe of Barbados and OAS Secretary General Galo Plaza wasted no time in getting down to business on what has become the session's main theme: adopting the OAS to the rapidly changing post-cold war world context. Foreign Minister Moe's assessments of prospects was generally more dismal than the Secretary General's and the nationalist tenor of his criticism of the United States was in contrast to Galo Plaza's evenhandedness. Both men agreed, however, that radical measures might be necessary if the OAS is to keep up with the times.

As expected, Venezuelan Foreign Minister Calvani was unanimously elected President of the OAS General Assembly.

In separate action, the question of placing on the meeting's agenda the granting of Permanent Observer status to Great Britain failed to achieve the necessary two-thirds majority.

APRIL 5, 1973

The opening speaker during general debate in the first plenary session of the third General Assembly was Foreign Minister Miguel de la Flor Valle of Peru. He delivered a wide-ranging analysis of the problems of the inter-American system and gave Peru's views on how Foreign Ministers should go about restructuring it. Minister de la Flor asserted that Peru's sovereign nationalist and independent foreign policy was guided by great principles of sovereign equality, nonintervention, respect for treaties, self-determination of peoples, permanent sovereignty over natural resources, and ideological and political pluralism. As expected, he referred to Peru's position on the law of the sea, atomic tests in the South Pacific, coercion under Article 19 of the OAS Charter, the inadequacy of the present OAS-Cuba policy, the alleged invidious influence of some multinational corporations, and the negative effects of proposed U.S. sales of minerals from our strategic stockpile. However, a major portion of his speech was devoted to an analysis of the inter-American system, supposedly dominated economically and politically by the United States, and the need for setting up a commission to analyze the structure of the OAS and propose necessary changes. He suggested that separate and distinct major organs would handle, respectively, political/juridicial matters and cooperation for development.

A plenary address, April 5, of Ecuadorean OAS Ambassador Galo Leoro was a moderate recitation of familiar Ecuadorean positions. As expected, it emphasized sovereignty, dignity, defense of natural resources, and the need for economic assistance without the kind of ties that permit the inter-American system to be used as an instrument of pressure.

Foreign Minister George Moe of Barbados stressed the need for developing a true concept of the inter-American family and full inclusion of newly independent nations in this family.

Brazilian Foreign Minister Gibson, without attempting to identify himself down the line with Spanish-speaking Latin American positions, seemed in his speech to be trying to ward off a growing sense of isolation of Brazil from the Spanish-speaking members of the OAS. Its modest tone contrasted with the earlier Peruvian speech.

Dominican Foreign Minister Gomez Berges expressed concern that hemispheric solidarity was being disrupted by systematic negativism which managed to portray everything that happened in its worst light.

Bolivian Foreign Minister Gutierrez emphasized the principle of nonintervention, and called for an American community operating without the exclusion of anyone. He referred to the social advances of the Bolivian revolution of 1952 and Bolivia's new investment incentives law. He praised the OAS but left the way open for revisions of the system. He also called for establishment of measures which would prevent the selling of strategic stockpile minerals in such a way as to prejudice the Bolivian and similar economies and asked that priority be given to the needs of developing countries. Brief reference was also made to a territorial dispute with Chile.

APRIL 6, 1973

Foreign Minister Vasquez Carriozosa, of Colombia addressing the OAS General Assembly on April 6, stated that the regional organization must institute reforms necessary to save itself or passively suffer a process of deterioration. If it cannot attune itself to the times, he suggested that Latin America would turn to other existing organizations to resolve its problems. He said that Colombia believes that the OAS must become a forum for policy convergence between the United States and Latin America, and that the United States can no more divorce itself from the other countries of this continent than they can divorce themselves from the world's foremost industrialized powers and most technologically advanced nations.

Chilean Foreign Minister Almeyda delivered a long, generally unemotional address to the Plenary. His remarks concentrated on a Chilean analysis of the shortcomings in the inter-American system and possible means for rectifying them. Almeyda also reviewed Chilean-United States differences focusing on nationalization of U.S. investments and recent bilateral discussions on that issue. Other subjects covered briefly included law of the sea, the Mexican charter on economic rights and duties of the state, the Panama Canal, and OAS-Cuba policy. The United States exercised its right of reply to briefly refute Chilean accusations.

APRIL 7, 1973

Nicaraguan Foreign Minister Montiel suggested that the OAS Charter was probably flexible enough to permit change and that charter revision ought not to be attempted unless absolutely indispensable. He suggested that any effort to revise the charter could usher in a prolonged period of confusion which could seriously damage the inter-American system.

Honduran Foreign Minister Batres addressed the OAS General Assembly calling for a serious evaluation of the inter-American system, both its successes and its failures. He said, however, that the hemisphere is, to some degree, a better place to live in because of what the OAS has done. Batres noted that the inter-American system is eminently political and must concern itself about all else with the pacific solution of disputes.

APRIL 9, 1973

The speech by Guatemalan Foreign Minister Arenales was one of the highlights of the lengthy April 9 meeting. Arenales deliberately gave a brief speech, noting that in order to dedicate the greatest possible amount of time to actual deliberations his government thought it convenient to limit itself to two brief points. He said he had been gratified to see that the delegations, despite press accounts which doubted the ability of the organization to survive, had clearly expressed their preoccupation with the necessity to make the inter-American system work better. He pointed out that it was the small nations of the hemisphere which particularly needed the system as their only forum for collective action. This alone, he suggested, was reason enough for the OAS to exist but he also pointed out the tendency to forget the many benefits received from the various OAS organs. He characterized the criticism of the member states as constructive, but very severe and overly sparing of praise.

Haiti's Foreign Minister Raymond took

pains to identify his government with other Latins concerned by the impact of unilateral trade, monetary, and aid decisions of wealthy countries. He echoed earlier calls for consolidated Latin bargaining positions in such areas as defense of maritime resources, in a common commitment to find new ways of raising living standards. He noted that Havana continues its provocation against Haiti via radio, but observed that there was a favorable climate among OAS members toward reviewing Cuban policy in the context of ideological pluralism. He said Haiti would not oppose such a review. He concluded that the inter-American system was solidly based in members' interests, and was less in need of perfecting itself than of addressing itself to specific problems. He proposed that the search for a new formula for regional cooperation aim at uniting aspirations and harmonizing interests, and not at fighting old battles.

The lengthy, thoughtful speech of Uruguayan Foreign Minister Blanco was helpful to our viewpoint on several counts: First, it recognized and welcomed the trend toward ideological pluralism but warned that it should not be a pretext for condoning interventionism or any forms of international violence, terrorism, or repression; second, it reiterated support for Panama's aspirations, but stressed that the inter-American system provided mechanisms for settling regional disputes without resort to world forums; third, it stated that Latin solidarity in dealing with the United States was essential, but stressed that Latins still needed an inter-American forum for dialog and negotiation with the United States and that Latin unity and the inter-American system should be complementary, not contrary; and fourth, while supporting Peru's proposal for a special committee on reform urged that it seek solutions within the present OAS structure before resorting to radical change. Blanco praised the willingness of both Latins and the United States to enter into dialog and found this spirit rich with possibilities.

Foreign Minister Calvani of Venezuela wound up the first few days of general debate with an extemporaneous discourse on his own agenda item: the mission and purpose of OAS is today's world. He made the point that a regional organization like the OAS seems necessary, even if only because America is a geographic unit. But its limits, he suggested, should be recognized: "Region" is a more complex concept than mere geography and includes cultural, sociopolitical, and economic factors. Some of the diversity within the OAS is the result of differences within its membership which is composed of three distinct groupings, the United States, Latin America, and the Anglo-Caribbean. In addition he reminded the plenary of the difficulties which arise from combining, in an organization of juridical equality, a superpower with global interests and underdeveloped states. The resulting strains show up in political positions on aid and in a colonial mentality among many Latins, he said.

Mr. Speaker, Foreign Minister Calvani's speech concluded the round of opening statements before the full General Assembly. Beginning yesterday the focus of attention changed to a number of committees charged with various specific questions on the agenda. Within the next several days, I will present another report to the House on the activities of the General Assembly.

TRADE LEGISLATION

The SPEAKER pro tempore (Mr. BEVILL). Under a previous order of the House, the gentleman from New York (Mr. CONABLE), is recognized for 5 minutes.

Mr. CONABLE. Mr. Speaker, the proposed Trade Reform Act of 1973 represents a comprehensive approach to insuring for the United States a leading role in world trade. The bill's provisions offer an opportunity for the Congress to work with the administration to define a global economic balance of commitments. We are moving now on the monetary front; recent devaluations have improved the competitive position of American products in foreign markets. And now the time is opportune for progress to reduce a wide range of trade barriers. For, by so doing, the American worker and our productive capability can be rewarded for their efficiency.

I hope this issue will be resolved by constructive compromise, rather than confrontation. Congress cannot negotiate with our trading partners, but the Congress must authorize the President who does have this negotiating capacity. We must, therefore, work closely and creatively to insure the best possible climate. The administration blueprint is a good beginning.

I am particularly interested in the provisions of the proposed bill which offer a mandate to our negotiators to eliminate, reduce, or harmonize nontariff barriers to trade. In recent years, as tariff levels have moved downward, many governments have devised other, more complex barriers which restrict access for many American products to foreign markets. Unless these practices are brought under control, they are apt to proliferate and become even greater obstacles. In some problem areas, such as customs valuation, Congress should be prepared to give advance authority to implement the results of negotiations. More complex areas, however, call for negotiated agreements which will have to be brought before the Congress for approval or rejection. An example of this would be international code on government procurement.

In cases where these barriers and distortions to efficient world trade can be eliminated, they should be; where this is not attainable, then governments should agree to reduce their impact. At a minimum, such practices should be allowed to continue only on a basis that their burdens are properly shared by all concerned.

Mr. Speaker, events in recent years have clearly illustrated that the international economic system is not working smoothly. The Trade Reform Act of 1973 is a much-needed and long-awaited step toward a global system under which economic and trade frictions are minimized.

LEGISLATIVE QUESTIONNAIRE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. EDWARDS) is recognized for 10 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, earlier this year, I mailed to every household in the seven counties of the First District a legislative questionnaire containing 11 questions on timely subjects. My office has received and tabulated an estimated 15,000 of those questionnaires.

With this information, I will be better equipped to consider and vote on bills that concern major questions which will affect our lives. While I cannot follow the questionnaire results blindly, I will study them and take them into consideration before voting. The questionnaire returns are a big help to me each legislative year.

Judging from the returns, First District residents are very much in favor of the Alabama State Legislature changing Alabama election laws to allow the name of a Presidential candidate on the ballot rather than the name of party electors. Results of the questionnaires showed 96 percent for the candidates' names and only 4 percent for the electors. I think the people are very tired of the confusion on the Presidential ballot and I hope the Alabama Legislature will act on this when it meets in May.

Almost as overwhelming was the count for limited reinstatement of the death penalty. Ninety-three percent said the death penalty should be reinstated for certain cases while 7 percent were opposed. I have introduced a resolution calling for a constitutional amendment which would make the death penalty available for the willful taking of another's life and for treason.

Also receiving a lopsided tally was the question of aid to North Vietnam. Eighty-three percent said "no" to the proposal while 17 percent said "yes." I have withheld public comment until all our American prisoners were returned home. Now I can say that I am emphatically opposed to any type aid to the North.

A 74 percent "yes" to 26 percent "no" vote was recorded on the question, "Should economic and cultural trade with China and Russia be continued?" I read into these figures the feeling that this strong "yes" vote contemplates that such trade must serve the purposes of our country. I think, too, that our people are tired of war, and hope, along with President Nixon, that within such trade lies a better way toward peace.

The internationally used metric system of weights and measurement received a negative reaction from a majority of those who answered the questionnaire, but the amount of the positive vote was somewhat surprising to me. The count was 69 percent to 31 percent. I think a thorough study into the cost of changing or gradually changing from our present system to the metric system should be made before the Congress considers any permanent legislation on the subject.

Cuts in the Federal budget brought numerous comments from residents. Seventy-two percent said they favor some programs more than others being cut as opposed to an "across the board" cut of all Federal programs. The great majority of those who said only some programs should be cut listed foreign aid and welfare as the two areas they would most like to see whittled down.

Sixty-eight percent said the Federal Government should provide more money for public school education while 32 percent said the funds should come from local property taxes. This tells me that much of the public is not willing to increase local taxes. But it is good to remember that whether the funds come from the Federal or local government, they are still coming from each citizen's pocket in the form of tax dollars. I suppose that the answer is a reasonable balance between Federal, State, and local authorities. The question still remains: What constitutes a reasonable balance?

Also of specific concern to residents, according to the returns, were inflation, crime, drug abuse, national defense, and pollution.

PRICE ROLLBACK THREATENS KANSAS ECONOMY AND COULD GENERATE MEAT SHORTAGES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. SHRIVER) is recognized for 10 minutes.

Mr. SHRIVER. Mr. Speaker, I rise to express my deep concern over the actions by the House Banking and Currency Committee to freeze all prices, including interest rates and food prices, at January 10 levels.

I fully recognize the need to stabilize and reduce the skyrocketing cost of living for American consumers, and I support an extension of the President's authority to impose wage and price controls for another year.

However, the committee has added amendments to the Economic Stabilization Act which threaten the economy of my home State of Kansas, and which pose a dagger at the hearts of many family farmers and those engaged in the food industry.

The mandatory rollback of food prices seems like a good idea on the surface. It may be politically popular for awhile, especially for those of us who represent urban constituencies.

But in the long run it can only mean shortages of meat in the supermarket, and possibly the creation of a black market.

The enactment of such a rollback amendment would kill the incentive of the farmer and others who through the years have endured low prices while threatened by inflation, the weather, and more Government regulations and controls.

Since this measure was reported by the committee, I have been hearing from farmers in my congressional district as well as packers, processors, and other small businessmen. I want to include some excerpts from some of my mail on this vital matter.

One of the small packers in my district wrote:

> In terms of dollar loss our small plant would have an immediate cash loss of approximately forty thousand dollars.
>
> It has been our brief experience that the newly set ceiling prices caused an upturn in prices, disrupted marketing and production intentions, but has not created a situation that cannot be worked out. In the case of a roll back we feel that an industry that has furnished the world's best meat supply would be irreparably damaged and the consumer would be the ultimate loser.

The meat and livestock industry is the largest industry in Kansas. The legislation, as proposed by the Banking and Currency Committee, would spell bankruptcy for stocker operators and cattle feeders.

The Kansas Livestock Association has estimated that the rollback of prices to January 10 would cost the cattle industry in Kansas alone in excess of $100 million. The association stated:

> If prices were rolled back it would not only bankrupt the industry, producers, feeders, packers and retailers, but it would result in a shortage of red meat supplies. Let's assume we rolled the price of hamburger back to 50 cents a pound. The lower price would stimulate demand and clean out the meat case leaving a shortage. It would completely and totally demoralize producers thereby reducing future supplies.

Mr. Speaker, I appeal to my colleagues to approach with caution H.R. 6168 as reported by the committee. Reason, not emotion, must prevail. We cannot ignore the basic laws of supply and demand. The threat of a rollback could result in some immediate increase in livestock marketing, but certainly would decrease meat supplies after the effect of such immediate liquidation. I urge Members of the House of Representatives to merely extend the present authorization of the President's authority to impose wage and price controls for 1 year. This is the only logical and reasonable approach to the problem.

ALASKAN OIL: THE TRANS-CANADIAN SOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANDERSON) is recognized for 30 minutes.

Mr. ANDERSON of Illinois. Mr. Speaker, the recent Supreme Court decision blocking development of the trans-Alaskan pipeline has placed this issue squarely in the hands of Congress. I believe this to be a fortunate development because delivery of oil from the vast North Slope reserves demands intensive analysis of a host of political, economic, and environmental issues that are properly within the purview of Congress. Today the Public Lands Subcommittee of the House Interior and Insular Affairs Committee began hearings on pipeline legislation. I was privileged to testify before the subcommittee and state the case for the alternative trans-Canadian pipeline. My testimony follows:

STATEMENT OF CONGRESSMAN JOHN B. ANDERSON, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS OF THE HOUSE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, APRIL 11, 1973

Mr. Chairman: It is an honor to testify before the Committee on an issue and specific legislation which I know we agree will be a major factor influencing United States energy policy for decades to come. The Supreme Court decision, which had the effect of barring construction of the Alaskan pipeline, placed the decision-making responsibility directly on our shoulders in Congress.

My testimony this morning is in support of legislation to be introduced today by myself and my distinguished Republican colleague from Michigan, Mr. Ruppe. I am also pleased that 12 other distinguished Members have joined us as cosponsors of the legislation.

The Act, which we have titled the Arctic Oil and Natural Gas Act of 1973, would provide an exemption from the right-of-way width restrictions of the Mineral Leasing Act of 1920 for an oil pipeline built from the Alaskan North Slopes to the Canadian border. It would further establish a federal task force to study thoroughly the potential Canadian routes and report back to Congress by October 1, 1973. In addition, the Secretary of State would be directed to begin negotiating with the Canadian Government for rights-of-way, and also report results back to Congress by October 1, 1973. If these groups find no serious impediments to the construction of a Canadian overland system, the Leasing Act exemption would become effective as of November 1, 1973.

My testimony, which follows, discusses the five issues which I consider crucial: 1) predictions of U.S. energy needs in terms of regional supply and demand, and the effect of foreign oil dependence; 2) cost estimates of a Trans-Canadian versus Trans-Alaskan pipeline; 3) analysis of Canadian stipulations and attitudes toward pipeline development in their country; 4) consideration of the time-delays that might be associated with the development of a Canadian line; and 5) estimates of comparative environmental hazards.

I. OIL DEMAND AND SUPPLY PROJECTIONS FOR WEST COAST AND MIDWEST MARKETS

By the early 1980's, approximately 1.8 to 2.0 millions of barrels per day of recently discovered North Slope Alaskan oil will be ready to be piped to the United States. The wisdom of whether in the interim we should build a Trans-Alaska Pipeline (TAP) to transport the new oil resources to the West Coast, or a Trans-Canadian Pipeline (TCP) to pipe them to the Midwest, depends greatly on what we can accurately predict about the 1980 supply and demand for oil in those two regions of the country. That would not be the case if the supply and demand for oil were roughly similar in each region, or if the oil could be easily transported from one area to the other. But the fact is there will likely be tremendous imbalances in supply and demand between the regional markets in the U.S. and the cost of moving petroleum between regions would be prohibitively expensive.

On the West Coast: A potential surplus

Tables I and II, below, project West Coast and Midwest supply and demand for oil in 1980, without the North Slope Alaskan reserves.

TABLE I.—*West Coast (PAD IV) Oil Supply and Demand, 1980*

(In millions of barrels per day)

Demand	[1] 3.1
Supply:	
West coast production	[2] 1.4
Other domestic	.1
Required from imports	1.6
Total	3.1
Import components [3]	
Canada	[4] 0.4
Other Non-Middle East	.5
Required from Middle East (23%)	.7
Total imports	1.6

In light of Table I, consider what would probably happen if 1.8 million barrels per day from the North Slope were delivered to the West Coast via the TAP in the early 1980s, as currently projected by Aleyeska.[5] While such consequences are difficult to predict, the most likely result would be the sale of all currently imported foreign oil elsewhere, or in other words, the oil would be "backed out" of the West Coast market. Though a portion of the Canadian supply could be reallocated to other United States' markets, at least 500,000 barrels per day of essentially secure foreign oil would be backed out of the U.S. completely.[6]

Furthermore, once all the foreign oil were backed out of the West Coast market, a surplus of 200,000 barrels per day of domestically produced oil would still exist. A surplus of this magnitude would naturally encourage a variety of efforts to reestablish a balance between supply and demand. One possibility, of course, would be a drop in oil prices in order to stimulate additional consumption. But considering the tremendous shortage which would prevail in other parts of the nation and the need to reduce West Coast gasoline consumption in order to comply with air pollution standards, that does not seem like a very rational solution.

Moreover, crude oil price in the Midwest are already 20 percent higher than those on the West Coast; a drop in West Coast prices that would be necessary to erase this projected surplus would widen this gap to 38 percent. I find it difficult to detect much equity in that kind of solution.[7]

Another alternative way of diminishing this surplus would be to export a portion of the 1.8 million barrel daily Alaskan production. Some oil executives have already gone on record as indicating that up to 500,000 barrels a day could be shipped by tanker to Japan. But in light of the fact that by 1980 we will depend on foreign imports for at least 50 percent of total national petroleum supply, much of it from uncertain Middle Eastern sources, it seems more than a bit ludicrous to propose that we export even one barrel of domestic production.

Finally, it might be possible to ship some of either the TAP oil landed on the West Coast or oil produced on the West Coast to Midwest and Easern markets. Additional pipeline and other transportation costs, however, would range from 25¢ to 50¢ a barrel. To move surpluses in this roundabout manner would not appear to be a very viable solution either, unless the cost of transporting Alaskan oil directly to these markets via the TCP would be even greater. As is demonstrated in the next section, this just is not the case. In short, the surpluses which would be created on the West Coast by the infusion of vast new supplies of Alaskan oil simply would not be disposed of in a manner which would be economically rational or in keeping with national interests.

In the Mid-West: Potential crippling shortages

By contrast, consider the 1980 outlook for the Mid-West market as summarized in Tables II-A and II-B.

TABLE II-A.—*Mid-West (PAD II) Oil Supply and Demand 1980, Without Alaska reserves*

(In millions of barrels per day)

Demand	6.0
Supply	
Mid-West production	0.75
Gulf Coast production	[8] 0.8
Required from imports	4.45
	6.00
Import components	
Canada	0.8
Other Western Hemisphere	0.6
Required from Middle East (51%)	3.05
Total imports	4.45

TABLE II-B.—*Mid-West Oil Supply and Demand 1980, with Alaska reserves*

(In millions of barrels per day)

Demand	6.0
Supply	
Mid-West production	0.75
Gulf Coast production	0.80
Alaska	[9] 1.35
Required from imports	3.1
	6.00
Import components	
Canada	0.8
Other WH	0.6
Required from Middle East (28%)	1.7
Total imports	3.1

[9] Assumes TCP through-put of 1.8 MM b/d and that 25% of oil will continue on to East Coast markets.

Of the estimated six million barrels per day demand in 1980, only 1.55 million will be supplied by domestic production. The remaining 74 percent will have to be obtained from foreign sources. Moreover, because of likely continued Canadian curbs on exports to the U.S. and limited supplies elsewhere in the world, fully 3.05 million barrels of the total 4.45 million barrels imported daily will come from Middle East sources. That means that without Alaskan oil the Mid-West will be dependent on the whims of Middle Eastern oil producers for more than 50 percent of its total petroleum supply.

The kind of power that could be used to bludgeon the Mid-West can easily be envisioned when it is considered that all but one of the petroleum-producing countries of the Middle East are Arab nations, that they control 60 percent of all known oil reserves and that their oil income could easily quadruple within the next seven years to $40 billion. If that develops, the income of the Arab nations would then exceed the current combined earning of *Fortune's* 500 largest U.S. industrial corporations.

The effect of these kinds of resources, coupled with ideological fervor and nationalistic pride, enabled Libya to force oil companies to increase Libya's oil royalties by 120 percent between 1969 and 1971. The ruler of Libya, Colonel Mummar Gaddafi, further states that he now decides foreign economic policy on two criteria: Will Islam be helped, and will Israel be harmed. By those kinds of criteria, U.S. purchases of Arab oil may increasingly be decided. The potential for political blackmail is obvious.

The direct transmission to the Mid-West and East of the expected 1.8 million barrels of daily Alaskan production would improve this untenable situation tremendously. Even assuming that 25 percent of North Slope oil transported directly to the Mid-West via an overland pipeline would eventually find its way to East Coast markets (which unlike transmission from the West Coast to the Mid-West economically feasible) the need for Middle Eastern oil would still be cut nearly in half. Put another way, with Alaskan oil the Mid-West would depend on the Arab states for only about 28 percent of its total supply—a figure slightly higher than that projected for the West Coast with *no* Alaskan oil.

It seems to me that in terms of regional fairness and coherent national planning, it would be far more desirable to distribute evenly the potential risks of Middle Eastern oil dependence rather than to create a situation in which one region would be floating in a substantial surplus of secure domestic oil, and the economy and energy supply of another would be hanging in the balance of developments in the politically volatile Middle East.

Rather than deliver the new Alaskan oil to a market where it is not needed, or further increase a price advantage which is already inequitable or increase the threat of political blackmail, the TCP could deliver vast new supplies to a market where it is desperately required.

The latest case for TAP: Convenient demand, convenient supply, mysterious diversion

Lest there be further misunderstanding, let me call attention to a number of discrepancies between the estimates I have cited, and corresponding estimates made by the Secretary of the Interior in a letter to each Member of Congress recently. In the letter, the Secretary sets forth the position of the Administration on the virtue of the TAP versus the TCP.

As part of the case, the Secretary's letter assumes 1980 demand for oil in PAD V (West Coast) to be 3.315 million barrels per day, instead of 3.1 million barrels per day—the amount the Department of Interior was projecting until as late as March of this year, and the amount that the National Petroleum Council still maintains is an accurate estimate. Yet to reach the new demand estimate cited by the Department, the compounded annual growth rate between 1972 and 1980 would have to be in excess of 5.4 percent.

This does not seem very likely because even during the early and mid-1960s, the peak years of West Coast population growth and economic expansion, oil demand grew at only a 4.7 percent annual rate. Given the stringent auto controls EPA suggests will be needed to meet stiff anti-pollution standards during the remainder of the decade, and the expected continued tapering-off of the West Coast population and economic growth rate, such a projection would appear to be clearly erroneous. The conclusion is inescapable that Interior is predicting this inflated demand simply to avoid admitting there would be a surplus of oil on the West Coast if the TAP were built.

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[1] Interior's estimate of 3/23/73.

[2] National Petroleum Council (NPC) (the petroleum advisory council to the Department of the Interior) estimate is 1.5; Interior's as of 3/5/73 is 1.3; the figure used here is an average of the two estimates.

[3] Interior estimate of 3/23/73.

[4] This figure represents oil from Latin America (Peru and Ecuador) and Indonesia. Interior projects imports from Latin America into PAD V at 0.22 MM b/d. However, its 1985 estimate from these sources ranges from 0.5 to 1.0 MM b/d. We are therefore assuming 0.3 MM b/d flowing from Latin America into District V. Indonesian oil makes up the remainder. In 1971, Indonesia supplied the West Coast with 104,000 barrels of oil. It has reserves of 10 billion, larger than our North Slope, and the fields are being developed rapidly—production climbed 17% in the 1969 to 1970 period. But in order to secure substantial amounts of Indonesian crude, market commitments must be made very soon as the Japanese are bidding for it, too.

[5] Full through-put would be obtained around 1982 at 2.0 MM b/d.

[6] This would include all Latin American and Indonesian oil and perhaps some Canadian oil as well.

[7] Assuming price elasticity of demand equal to unity.

[8] Assumes that 50% of Gulf Coast excess production is diverted to the Mid-West. Currently, about 40% of this excess now flows to District II. Interior's projections assume 60% of excess flowing into the Mid-West.

Coupled with this over estimate of demand, the Secretary's letter simultaneously predicted a West Coast production of only 1.278 million barrels per day. This contrasts with the estimate NPC made of at least 1.5 million barrels of production per day for the 1980–1984 period. In the soon to be announced energy message, the Administration will call for accelerated development of offshore petroleum including the huge offshore reserves of Southern California and Alaska. The proven reserves of Alaska and California, excluding the North Slope, total 4.9 billion barrels—a large percentage of which is offshore. Considering likely developments in national energy policy regarding these offshore reserves, the deflated Interior estimate of production seems to be an oversight, deliberate or not, designed to buttress the case for TAP.

While exaggerating the need for TAP oil on the West Coast, with inflated demand and deflated production estimates, the Department has also attempted to inflate the volume of domestic supply in PAD II (Mid-West) and hence the need for Middle East imports. The Mid-West now receives approximately 40 percent of the excess production of the Gulf Coast (PAD III). According to NPC projections, these states will produce about 5.2 million barrels daily in 1980, yielding a surplus after intra-District consumption of about 1.6 million barrels. However, in a memorandum taking issue with some earlier estimates I received from the Office of Emergency Preparedness, Interior purports that PAD III production will be 7.8 million barrels daily in 1980. This would yield a surplus for shipment to other districts of 4.1 million barrels, according to its calculations. This analysis further assumed that nearly 60 percent of this excess or 2.4 million barrels would be shipped to PAD II. In combination with the estimated Canadian and Western Hemisphere supplies and production within PAD II itself, these two assumptions reduce Mid-West Arab oil dependence to less than 25 percent, compared to the 51 percent figure given in Table II–A above.

Neither the total production figure cited for PAD III or the share of excess likely to be shipped to PAD II seem to accord with NPC estimates or other data regarding supply and demand in the two districts. Between 1970 and 1972 production in PAD III actually declined from 7.8 million barrels daily to 6.5 million barrels daily—a 16 percent drop. With PAD III wells already running at 100 percent of capacity and reserves at their lowest point in decades, it may be questioned as to how Interior projects the current production decline to be so drastically reversed in the next eight years. The NPC assumption that this production decline will continue would seem to be far more realistic. Similarly, the assumption that 60 percent rather than the current 40 percent of PAD III excesses would be shipped to the Mid-West is not based on any reliable information. It would appear that both of these assumptions operate primarily to disguise the degree of Mid-West dependence on Arab oil in 1980.

Finally, refinery capacity considerations would also seem to rule out the Department's inflated figures. In addition to PAD III's 7.8 million barrels of domestic production, it estimates that an additional 1.9 million barrels of crude will be imported into District III—for a total supply of 9.7 million barrels daily. An additional total of 211,000 barrels daily of refined products are also expected to be imported into PAD III.

Interior's estimates indicate that 4.4 million barrels daily of refined product will be shipped to other U.S. districts from PAD III, consisting of both refined domestic and foreign crude.[10] Adding that figure to District III's projected consumption of 3.95 million barrels daily, and allowing for the 211,000 barrels of imported product, yields a final sum of 8.2 million barrels. This represents the amount of refinery capacity needed in PAD III if Interior's projections for intra-district consumption and product shipments to other U.S. districts (primarily PAD's I and II) are accurate.

However, the Bureau of Mines estimates refining capacity in PAD III to reach only 5.5 million barrels by 1975. To accommodate the refinery output level projected by Interior for PAD III in 1980 would require a 50 percent expansion of capacity in just five years. This, in turn, would require a refinery construction rate in PAD III alone, for each of the five years, equal to *twice* the national refinery construction rate in 1971. So again, it would appear that the Department has PAD III shipping more oil to the Midwest and East than it will either have available, or have sufficient refinery capacity to process.

II. COST ESTIMATES: TAP VERSUS TCP

Comparing Apples and Oranges

Recently, Secretary Morton estimated the cost of the cost of TCP to be a whopping $10 billion—almost triple current estimates of $3.5 billion for TAP. To begin, this figure represents a $4 billion increase in the Department's estimate just since last summer when the Secretary presented a $6 billion projection to the Joint Economic Committee. Moreover, even the $6 billion estimate for TCP made last summer was more than a little misleading because it was arrived at by using 1978 price levels, while the $3.5 billion TAP estimate was arrived at by using 1971 price levels. The Department, in other words, arrived at their conclusion only by comparing apples and oranges.

If one deflates the Department's original TCP figure to take into account an inflation rate of 3 percent a year to 1978—a generously low percentage—the comparable TCP cost in 1971 prices would be $4.8 billion. But even though this calculation reduces the preposterous estimate made last week, a closer examination of the economics of the two systems reveals that they would be still closer in cost.

Comparing Apples with Apples

Current estimates for the 800-mile Alaskan route suggest a cost of about $1 billion for the construction and acquisition cost of the pipeline itself, or about $1.2 million per mile; another $500 to $750 million expense for interest during construction and development of access roads in the Alaskan wilderness, and perhaps an equal amount for the storage and transmission facilities at Valdez. Finally, an additional $1 billion plus would be required for the construction of the tanker fleet to ship petroleum from Valdez to various West Coast ports. This brings the total capital cost of the Alaskan system to a range of $3.0 to $3.5 billion in 1971 prices, a figure generally accepted by the petroleum industry.

The Canadian pipeline system would obviously be substantially longer—a total of about 2,900 miles—and it is perhaps this fact which has given rise to wild estimates about the capital cost of developing such an alternative route. But before these estimates are accepted at face value, a number of offsetting factors should be given careful consideration.

First, there would obviously be no tanker or port storage and transmission facilities involved in the trans-Canadian route, a fact which provides an initial advantage of at least $2 billion Secondly, a new pipeline would have to be constructed for only slightly more than one-half of the route—the 1700 miles from Prudhoe Bay through the Mackenzie River Valley to Edmonton. At Edmonton, the current Interprovincial Pipeline which extends down into the U.S. as far as Chicago could be "looped" at a cost equal to only a fraction of that required for new pipeline construction and right-of-way clearance and preparation.

Finally even the new segment between Prudhoe Bay and Edmonton would be less expensive on a per mile basis than the trans-Alaskan route. This is due to the fact that it could follow the flat Mackenzie River Valley as opposed to the rugged plateaus and mountain ranges of Alaska. Furthermore, over a considerable share of the distance, it would follow existing highway systems, hence precluding the heavy access road construction costs required by the Alaskan route.

Specifically, even if $1.2 million is allowed for the construction of each pipeline mile from Prudhoe Bay to Edmonton (a figure equal to that allowed for the Alaskan route, although the terrain would be considerably less difficult), and an additional $800 million is allowed for interest during the construction period and other costs, such as access roads which would have to be developed along some parts of the route, the total cost of this segment would be $2.9 billion.

As I have already indicated, the remaining 1100 miles of the route to Chicago would be considerably less expensive, because the existing Interprovincial Pipeline could be "looped"—to use industry jargon. Currently, the Interprovincial Pipeline Company is looping its existing line with a new 48 inch pipe over a substantial portion of the Edmonton to Chicago route. It estimates a total capital cost of roughly $450,000 per mile for the project. This, of course, is less than *one-third* of the total cost of laying an entirely new line.

Thus, even a conservative estimate of the lower portion of the trans-Canadian route would entail total capital costs of about $600 million. In combination with the costs of the Prudhoe Bay to Edmonton segment, overall capital costs would be in the neighborhood of $3.5 billion in 1971 dollars, a figure at the high estimate range for the Alaskan system.

III. CANADIAN CONDITIONS AND ATTITUDES

In his recent letter Secretary Morton refers to four conditions that the government of Canada would impose on any pipeline built through its territory. The cumulative effect of these conditions, the Secretary contends, would make the TCP both economically and politically unfeasible. However, the interpretation of the alleged Canadian "conditions" made by the Interior Department again reflects considerable misrepresentation, over-simplification and selective presentation of facts. A reasonable analysis reveals that, to the contrary, the Canadian stipulations impose no serious or insurmountable roadblocks to the development of the TCP.

Ownership: Can the Canadians pull their own weight?

Secretary Morton correctly indicates in his letter that Canadians would require 51 percent ownership in any pipeline crossing their territory, in conformance with their foreign investment policy. This stipulation has been interpreted by many to imply that the Canadians would have to come up with 51 percent of the total cost of the pipeline. Given the inflated TCP cost estimates currently in circulation, it is understandable that some have concluded that raising such huge sums would be beyond the ability of participating Canadian interests.

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[10] Total shipments to other Districts of both crude and refined product would equal about 6.3 million barrels daily according to Interior. About 4.1 million of this would represent excess PAD III production (if processing gains are included) shipped either as refined product (2.2 MM b/day) or crude (1.9 MM b/day). The remaining 2.2 MM b/day would consist of refined foreign crude shipped out of PAD III in product form.

The fact of the matter, however, is that the Canadian ownership policy applies only to the *equity* portion of the pipeline's total capitalization, yet pipelines are generally at least 80 percent debt-financed. Thus, the actual Canadian capital contribution to the project would amount to only about 11 percent of total capital costs. If it is assumed that the $3.5 billion figure presented earlier is a realistic estimate of TCP costs, it is clear that the Canadians would only be required to raise something in the order of $350 million. Considering the likely profitability of the TCP, this does not seem like an unreasonable amount for Canadian interests in the pipeline to raise.

Capacity: missing Canadian production and dubious Canadian markets

Secretary Morton further asserts that Canadian conditions require that at least 50 percent of the capacity of the pipeline be reserved for the transportation of *Canadian* oil to *Canadian* markets. It is telling that the letter omits mention of present Canadian law that, according to the Canadian Embassy, considers any pipeline crossing a provincial border (as the TCP, of course, would) a common carrier, and hence, not subject to any such restriction.

But the entire issue is without meaning because, under even the most fortuitous conditions, Canadian reserves will not reach an amount near 50 percent of capacity until 1985. Fifty percent capacity would mean one million barrels per day, yet the most optimistic Canadian assessment puts the highest daily production levels, from its only producing source that could utilize TCP, at a mere 400,000 barrels per day between 1980 and 1985.

Beyond 1985, projections become much more murky. It is estimated, for example, that in addition to the 9.6 billion barrels on the North Slope of Alaska at Prudhoe Bay, there are probably combined American and Canadian Arctic reserves totalling 25 billion barrels. Most experts agree that this is a conservative figure based on limited exploration. But transport of even 25 billion barrels would require construction of an entire second pipeline. Thus it is unlikely that the Canadians would need to utilize TCP capacity until the mid-1980's, and after that, combined U.S. and Canadian production might well require an entire second line.

It must also be considered that a portion of any amount of Canadian oil transported via the TCP will likely reach American, not Canadian consumers. The Department of Interior itself estimates that Canada will export 1.3 million barrels per day to the United States in 1980. Though this estimate may have to be revised downward, it is unlikely that the entire amount would be shut off. Yet this would have to happen before the TCP would have to be used to transport Mackenzie Valley production to Canadian markets.

Canadian management: Not a real problem

The Secretary's letter expresses concern about Canadian wishes to manage the TCP. But a major Canadian-owned and managed pipeline company, Interprovincial Pipeline, already supplies 880,000 barrels per day to the U.S. with no major handicaps. Beyond that, we own and manage 90 percent of all Canadian-based mineral extraction industries which, one should emphasize, provides considerable U.S. bargaining power. Thus, while the Canadians may indeed want to manage the TCP, it is difficult to see why this would be a major problem.

Lost Alaskan jobs and purchase of U.S. materials

Estimates of potential construction jobs lost to the Alaskan job market reach 26,000, and surely we must all share concern for any such loss. I encourage the representatives from Alaska to make the strongest possible case in behalf of the interest of their State. This is their duty.

But in deciding national policy concerning an issue of crucial importance to the economic and national security of the nation, Congress must put the concerns of one State and one industry in perspective. First, we are discussing jobs that do not now exist, and would be created for one task during a three-year period. When, however, the matter involves the proper market for at least ten billion barrels of oil, conservatively valued at $30 billion over 30 years, other considerations must hold sway. The essential consideration, for example, is our national energy policy that not only involves the security of jobs in many regions of the country but also concerns the national security and the dangers posed by inordinate imbalances in regional dependence on insecure oil imports.

Moreover, a substantial portion of the pipeline jobs would be slotted for managerial and technical workers or highly skilled construction craftsmen, such as operating engineers and welders. Skilled personnel of such types simply are not available in the Alaskan labor market in the numbers which would be required for the three-year TAP construction project. For the most part, these workers would have to be imported from the lower forty-eight states, yet many of these skills, especially in the construction trades, are already in short supply there.

Thus, the 26,000 job figure does not mean nearly that many jobs for native Alaskans: in many cases it would involve only the transfer of workers from one section of the nation to another with possible inflationary consequences in skill shortage sectors. This would especially be true if the TAP were to be constructed during the next two or three years when the U.S. economy is expected to be operating at full employment levels.

The Department of Interior also fears the consequence of giving Canadian companies first preference on the purchases of pipe and other materials for the TCP. But while first preference may be given to the Canadians, it is not at all certain that Canadian firms have the capacity to deliver those purchases in the required amounts during the relatively short three-year construction period. It is safe to say that considerable amounts of the materials necessary for construction of the pipeline will have to be purchased in the U.S. because they are not available elsewhere. And, as a general rule, it should be noted that such construction ought not to be vetoed merely because foreign purchases must be made. All the pipe, for example, for the construction of the TAP was purchased in Japan.

Furthermore, huge economic inefficiencies are involved with one aspect of TAP construction that may ultimately cause greater national output and welfare losses than the gains attributed by the Interior Department to the construction of TAP. The TAP system, for example, would require the construction of at least 41 oil tankers to transport the North Slope oil from Port Valdez to ports on the West Coast. However, under the provisions of the Jones Act, requiring coastwise traffic to be shipped in American-built and operated vessels, all of this oil would have to be transported in American flag tankers. Yet it is well-known that both the American shipbuilding industry and the U.S. merchant marine are by far the most inefficient in the world.

By stimulating demand in these industries for the 73,000-man-years of ship construction and 770-man-years of U.S. maritime crews cited by Secretary Morton, huge amounts of capital and labor resources would likely be drawn from other sectors of the American economy where they could otherwise be used more productively. Indeed, without the protection of the restrictive Jones Act, either none of these resources would be drawn into the U.S. shipbuilding and maritime industries or huge operating and construction subsidies would have to be extracted from U.S. taxpayers. In short, jobs allegedly created by TAP or any other large undertaking must not be viewed in isolation. In the present case, the marine portion of the TAP system would actually shift workers to a sector that would *reduce* the total level of national output and income relative to that which would likely result from alternative uses of such resources.

Vast Arctic reserves: The key to Canadian attitudes

While the problems posed by Canadian "conditions" have been exaggerated, the Canadian cooperation in the TCP has been underplayed by the Interior Department and Canadian opposition to TAP has been all but ignored.

The real key to Canadian attitudes on this question is the fact that vast reserves of petroleum are known to be available in the Canadian Arctic, supplies which at some future date would have to be pumped down a pipeline through the Mackenzie Valley if they were to be successfully developed. Given the known economies of looping a previously-existing line, it would seem unlikely that the Canadians would hold up the development of a pipeline that could result in significant savings to them at some date in the not-too-distant future.

Canadian concerns with environmental impact of TAP

In a recent letter to Secretary Morton, for example, Donald S. MacDonald, the Canadian Minister of Energy, Mines and Resources said:

"In reciting some of the advantages to the United States and Canada of a cooperative relationship between us in the construction of an oil pipeline across Canada, I am mindful, to, that such a measure would avoid the considerable increase in tanker movements of oil on the Pacific Coast and particularly in the inland waters of Alaska, British Columbia, and Washington State, and the resultant significant risk of serious environmental and economic damage. This is an area which, if not solved with reason and wisdom by us today, could produce difficult influences in Canada-United States relations."

Earlier, this key member of the Canadian government had also pledged during a debate on the floor of the House of Commons that "there will be no unnecessary roadblocks (to the Mackenzie Valley pipeline) at the Canadian end and Canadian governmental side." As recently as March, 1972, when the Interior Department's environmental impact statement was released, this same official traveled to Washington to urge U.S. authorities to reconsider the potential advantages of the Canadian alternative.

In the same letter noted above, Mr. MacDonald called attention to the Interior Department's environmental impact statement released March 20, 1973. He said:

"As you are well aware, the comments made in the report on the so-called Canadian alternative are based on data in the public sector, some of which have become out of date and very little of which was developed in the last two years. Your officials did not ask for any technical assistance from departments of the Government of Canada in connection with the environmental aspects of this study."

The picture which emerges then, is one that offers strong reason for immediate and active exploration of the TCP alternative. On the one hand, operation of the marine leg of the TAP system along the Canadian Northwest Pacific coast lead to severe strains in U.S.-Canadian relations, due to the very real likelihood of oil spills, pollution and contamination of the Canadian coast. As will be discussed more fully in the following section, even the Interior Department has admitted that up to 140,000 barrels of oil may be unavoidably spilled into the Pacific waters each year.

At the same time, leading Canadian officials have expressed an unequivocal interest in exploring an overland Canadian pipeline as a far-preferable alternative for the transport of North Slope oil. Though the U.S. Government has not yet seen fit to actively pursue such expressions of interest, the bill I am submitting today would mandate to them to begin immediately to do precisely that. I would therefore hope this committee would give it serious consideration.

IV. TIME DELAY AND THE TCP

The acknowledged time delay involved with a Canadian route has unfortunately been greatly exaggerated and sometimes used as a bludgeon against those seeking serious consideration of this alternative. Although some delay estimates range as high as ten years, such wild estimates for the most part are based on very unlikely contingencies or, in some instances, apparently on no evidence at all. More realistic estimates of the additional time needed to complete a Canadian pipeline fall into the one- to two-year range.

Moreover, even these more realistic time-delay estimates must be set in the proper context. The North Prudhoe Bay reserves offer up to 30 years of production during a period of continually-increasing U.S. foreign oil dependence. To go ahead with an unwise Alaskan oil route, which may accelerate the initial through-put date for almost one-third of a century of production by only 24 months, strikes me as anything but prudent. In my view, the overriding consideration should be to get the North Slope reserves to the right markets during the decade of the 1980's, when much of the U.S. will have passed beyond the danger-point in terms of foreign oil dependence, rather than whether initial start-up will begin in 1977 as opposed to 1978 or 1979.

The Mackenzie Valley Pipeline Research Ltd. feasibility study

It is often argued in defense of exaggerated projections of the time delay involved with TCP that virtually nothing has been done regarding environmental and engineering feasibility for such a route, while all the preliminary work for TAP has been completed. If this were true, five-year-plus delays in the completion of TCP might well be realistic to expect.

In fact, however, an intensive two-year $7.5 million feasibility study of a potential Canadian route was completed last winter by Mackenzie Valley Pipeline Research Limited, a consortium of 17 major petroleum companies. This group includes such well-known companies as Cities Service, Shell Canada, and Texaco.[11]

The study considered the entire range of matters which would have to be explored before a construction go-ahead could be given, including route selection and evaluation; environmental impact; climatic, geologic and terrain analysis; pipeline design and specifications; construction time tables; supplies and logistics systems; and detailed capital cost estimates. Due to the unfortunate misunderstanding that abounds regarding the alleged lack of preliminary work on a Canadian system, I would like to briefly review the contents and conclusions of this study for this committee. In addition, I will make available a number of copies of the complete study for those on the committee who might wish to explore this material in more detail.

(1) *Route Selection and Specification*—The pipeline proposed by the study would traverse 1,738 miles from Prudhoe Bay, Alaska to Edmonton, Canada, where it would connect with the existing Interprovincial Pipeline system. The route leaves Prudhoe Bay and runs easterly along the base of the Brooks Range and Richardson Mountains. When it reaches the Mackenzie Valley, it turns southward, generally following the river's east bank. Proceeding down the valley, the line eventually reaches Edmonton. Construction specifications are as follows:

	Percent
Below ground (1,345 miles)	77.4
Above ground (359 miles)	20.6
River crossing (34 miles)	2.0

(2) *Route Evaluation*—Evaluation was done by aerial and ground reconnaissance, soil investigations (over 500 samples taken), and terrain classification. An extensive physiographic evaluation was undertaken with these general findings:

Sixty percent of route (over 1,000 miles) passes through borreal forest (coniferous trees—White Spruce, Balsam Poplar, Aspen, etc.). Ground cover consists of mosses, lichens, herbs, and woody shrubs. This is ecologically stable relative to tundra and taiga.

The remainder traverses tundra and taiga. Tundra is very fragile ecologically, while taiga is more hardy—consisting of open grassland interspersed with small areas of tree growth. Since a considerable portion of TAP will traverse tundra too, the environmental impact of the two systems on this fragile arctic eco-system would not be substantially different.

(3) *Terrain Description*—Based on a division of the route into 14 distinct physiographic divisions, a complete analysis and description of all terrain traversed by the proposed pipeline was undertaken. This analysis provides a complete guide to the location and nature of all rivers, streams and lakes, flood plains, slopes and gradients, marsh areas, and soil types that would fall within the path of the proposed route. Such information was used in development of both engineering and design specifications for the pipeline and in planning for construction activities and logistics.

(4) *Wild Life Surveys*—The study assessed the impact of the proposed pipeline on all animals and fish inhabiting areas along the proposed route. It concluded that proper fire arms control would preclude harm to wolves, arctic foxes, grizzly bears and other animal species likely to be encountered. It also found that no fish species would be endangered by the proposed route, although strict precautions would have to be undertaken in gravel extraction activities to insure that clean gravel beds needed for spawning will not be eliminated.

(5) *Employment & Economic Factors*—During the three years of construction a work force of 8,000–10,000 will be required. There will be a large need for manual labor in clearing, grading and road-building activities that will provide employment opportunities to local populations. During full operation, an operation and maintenance crew of 600 will be necessary. There should be substantial economic benefits resulting from increased needs for various services.

(6) *Testing Facilities and Special Field Studies*—Experimental test facilities were established at Inuvik, Northwest Territory, to test demonstration segments of 48- and 24-inch pipe carrying hot oil in both above-ground and below-ground situations. Effects of temperature and foundation movement on supports and pipe were tested at these facilities, and measurements were taken of pipe pressures under various degrees of below-ground thawing. These are two of the major difficulties confronting pipeline engineering in the arctic and sub-arctic areas.

Also, numerous special field studies were undertaken to determine specifications for pipe load capacities, foundation bearing strengths, and foundation settlement and pipe behavior characteristics at various points along the route. Such things as ice variability, soil thermal properties, and hydraulic characteristics were measured at these sites in order to provide data for making these specifications.

As a result of both the demonstration facility studies and the field studies made along the route, detailed construction and engineering requirements of the proposed pipeline have been specified and appropriate implementation plans have been developed. These plans include a detailed determination as to whether below- or above-ground pipe will be used for each segment of the route, tentative locations for pumping stations, and right-of-way preparation needs.

Construction Timetable and Logistics

The studies made by the Mackenzie Valley research consortium have allowed it to project a tentative timetable for completion of the proposed Mackenzie Valley route. The timetable allows one and one-half years for securing approval from the Canadian energy boards, completion of detailed engineering and construction design, purchase of needed materials and equipment, awarding of construction grants, and for making arrangements for transportation and staging.

Only about two and one-half years would then be required for actual construction activities, as detailed estimates of need have already been prepared regarding personnel and work sites, location of access roads and granular supplies, river-crossing locations, transportation and logistics systems, right-of-way preparation methods, and pipe installation methods.

The total time lapse between go-ahead and initial production would thus amount to about four years. If a go-ahead were given as of January 1974, the pipeline could begin initial operations in 1978—about one year later than current projections for the Trans-Alaskan pipeline, assuming a similar go-ahead date. However, if current legal obstacles regarding the NEPA statement filed by the Interior Department on TAP are not resolved in the immediate future, a not unlikely prospect, initial TAP operations could be delayed considerably beyond 1977.

Potential obstacles to TCP go-ahead

In his letter to Members of Congress, the Secretary suggested that the need to file a new NEPA statement for a Canadian pipeline could prove to be a substantial source of delay. While I would certainly not discount this possibility, I think two important observations need to be made. The first is that Volume V of the TAP Environmental Impact Statement included consideration of alternative routes and specifically assessed the proposed TCP route from Prudhoe Bay to the Mackenzie Valley where U.S. jurisdiction would end. Since this terrain is similar to the upper segment of the TAP route, substantial information regarding environmental impact is already available and any additional work required for the statement on the Alaskan portion of the proposed TCP could likely be completed in a minimal period of time. Since many environmental groups favor the TCP route, it is unlikely that such a statement would be contested in court or be subject to protracted legal delays.

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[11] A complete list of the companies follows: Amoco Canada Petroleum Company Ltd.; Ashland Oil Canada Limited; BP Oil Limited; Cities Service Company; Elf Oil Exploration and Production Canada Limited; Gulf Oil Canada Limited; Hudson's Bay Oil & Gas Company Limited; Imperial Oil Limited; Interprovincial Pipe Line Company; Mobil Oil Canada Ltd.; Shell Canada Limited; Standard Oil Company of British Columbia Limited; Texaco Inc.; Trans Mountain Pipe Line Company Limited; and TransCanada Pipe Lines Limited.

As far as the "lower forty-eight" portion of the TCP route is concerned, it need only be reiterated that the TCP would share an already existing corridor with the Interprovincial Pipeline. Given these circumstances it does not seem probable that it would take a substantial amount of time to develop a statement or that there would be much likelihood of litigation.

There are two additional potential sources of delay—the requirement to obtain a construction permit from the various Canadian energy boards and an unresolved Canadian native claims question. However, I do not see any evidence that either will prove to be the insurmountable obstacle suggested by the Secretary's letter. As was noted previously, the construction timetable developed by the Mackenzie research consortium already includes a one-year allowance for permit approval by the Canadian Federal and Provincial Governments. Considering the affirmative attitude of the Canadian Government regarding TCP, this would seem to be not an unreasonable estimate, and one that conforms to the average one-year, submission-to-approval process in these matters.

The native claims problem suggested by the Secretary is probably the most nebulous potential source of delay, as neither side in the current debate has presented very much concrete information regarding the problem. I think it can be agreed, however, that it is inappropriate to compare this question to the problems we faced in Alaska. The Canadian claims problem has arisen in a territory not a province and therefore falls totally under the Federal jursidiction. Moreover, there are a number of treaties and protocols in existence that already define the salient issues, making the matter subject to hopefully-ready adjudication. In any case, the Interior Department has certainly presented precious little information to support its contention that this issue could be a major stumbling block.

ENVIRONMENTAL COMPARISON OF THE TWO ROUTES

There are only tentative conclusions

In the two years since the initial proposal for a pipeline from the North Shore, no aspect of the investigation has been more thoroughly debated than the impact on the environment. The result of the debate has been a much better understanding of the effects involved in the two major routes that have evolved. We have also learned that conclusions on environmental impact, more than most, are tentative, often amended by complicated trade-offs, by technical advances and simply by the accumulation of more detail. Thus, in statements such as this—intended for laymen and necessarily shorter than technical documents—one must at least acknowledge the complexities of the problem in order to build a strong case.

Judged by this test the Interior Department's case for the environmental superiority of the TAP fails. Secretary Morton in his letter to Congress, for example, stated:

"Because the Canadian route is about 4 times as long, it would affect more wilderness, disrupt more wildlife habitat, cross almost twice as much permafrost, and necessitate use of three or four times as much gravel that has to be dug from the earth; and it would obviously use about four times as much land."

In order to arrive at the conclusion that the Canadian route is four times as long as the Alaskan route, you have to mean the 2800 miles from Prudhoe Bay to Edmonton to Chicago. But if you do that you cannot by any stretch of the imagination imply that environmental dangers are four times as great because nearly half the distance, 1100 miles, from Edmonton to Chicago, is already covered by existing pipelines.

Further ambiguities exist in evaluating the effect of the pipeline on the wilderness areas along the remaining portion of the route. We know, for example, that whether the U.S. decides to build an oil pipeline or not, a natural gas pipeline will be built along the TCP route. It must be built along that route because of the impracticality of gas liquification at Valdez and Alaskan state laws banning flaring at the well site. Thus, if the U.S. decides to build the TAP, wilderness will be disrupted along two routes instead of one. It makes greater sense, as the Canadians have proposed, to build both the gas and oil pipelines along the same right-of-way.

Regarding the permafrost problem, no one disagrees that the TCP crosses more permafrost than the TAP route. But as the Department of Interior contended in making its case for the TAP, engineering breakthroughs have basically solved the problems of laying pipe in permafrost.

The crucial environmental question

As these arguments indicate, many serious environmental questions arise from each proposal. But the question turns on whether we can reasonably predict that one route rather than another involves major, possibly catastrophic dangers. The TAP route entails three threats that could be so described.

First, the route of the lower *70 percent* of the proposed Alaskan pipeline would pass through a thicket of known earthquake epicenters, and within close range of three major transcurrent faults. The potential for pipeline breakage and vast oil spills is underscored by the fact that this area has experienced 23 major earthquakes with a Richter rating of 6 or more during the last 70 years.

A second environmental threat is posed by the danger of earthquakes or tidal waves in Prince William Sound, the site of storage and transmission facilities scheduled to be constructed in the port city of Valdez. In 1964 the worst recorded earthquake in North American history, and the tidal waves which followed it, literally destroyed the original town on this site. Yet, the Alaskan pipeline system would result in the continuous storage of more than 20 million barrels of oil in Valdez, posing a clear and serious threat to the rich fishing resources of the Sound—to say nothing of other aquatic life and literally thousands of miles of Alaskan and Canadian coastline.

Finally, the hazard presented by two million barrels of daily tanker traffic on the route between Valdez, Puget Sound and southern California needs little elaboration. Even the environmental impact statement filed by the Interior Department noted that "the whole coast between Port Valdez and southern California is seismically active—some of the largest historic earthquakes occurred in these areas and the magnitude and frequency of future seismic events are predicted to be high."

Th statement also noted that "Prince William Sound is poor climatologically" with frequent presence of highly restricted visibility and violent winds. In all, the Department concluded that up to 140,000 barrels of oil would be unintentionally discharged into the north Pacific each year as a result of these conditions.

By contrast, the terrain of the Canadian route contains no such hazards that could produce each potentially catastrophic results. Less than five percent of the route between Prudhoe Bay and Edmonton would pass through seismically active areas, and as indicated previosuly, it would pass through relatively flat terran as opposed to the rugged Alaskan mountain chains. Obviously, there would also be no threat of marine spills and contamination similar to those associated with the Alaskan route.

THE NEED TO MODERNIZE PORT EVERGLADES HARBOR, FLA.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. BURKE) is recognized for 10 minutes.

Mr. BURKE of Florida. Mr. Speaker, I am introducing a bill today, which, if acted upon favorably by the Congress would authorize $8,833,000 for the modification of the project for Port Everglades Harbor, Fla., which is located in the Hollywood-Fort Lauderdale, Fla., area.

Port Everglades is the third largest port in Florida ranking behind only Tampa and Jacksonville in waterborne commerce. Further, it ranks 33d among all the ports of the United States. The Army Corps of Engineers estimates that for each taxpayers' dollar invested in expanding Port Everglades, $3 will be returned in added revenue.

With the U.S. balance-of-payments deficit for fiscal year 1971 at an unprecedented $29.7 billion, and the balance-of-trade deficit at $2 billion in fiscal year 1971, it is high time we invested taxpayers' money in improving facilities which are conducive to exporting U.S. goods and services, and importing foreign money.

The expansion covered under my bill was first proposed in the 1950's and a study was authorized in late 1964, and it is my hope that it will be funded before the 93d Congress adjourns.

The Army Corps of Engineers calls Port Everglades the prime point of entry for petroleum products in the nine-county area of southeast Florida. We are all aware that the demand for fossil fuels is expected to grow at a phenomenal rate in the next decade so that demands on Port Everglades are going to increase. However, in addition to added demand for petroleum, there is also a phenomenal increase in population in south Florida. Broward County, Fla., in which Port Everglades is located, is one of the fastest growing counties in the United States.

The 1970 census showed that the population in the county has increased by 85 percent in the decade from 1960–70. Palm Beach County, Fla., which is directly north of Broward, is the second fastest growing county in the State with a 52.2-percent rate of growth during the 1960's. Dade County, the most populous county in Florida is immediately south of Broward County. These three counties and six others receive most of their petroleum and petroleum products through Port Everglades. With an ever increasing amount of traffic in the harbor it is imperative that some improvements be made both for navigational safety, and for consumer supply.

In addition, to petroleum and petroleum products for south Florida, Port Everglades is also responsible for shipments of construction materials for new homes, automobiles, foodstuffs, and consumer goods of all descriptions, for the ever increasing population of south Florida, as part of an expanding transportation network which also includes a major international airport—which is currently being doubled in size—and a major Interstate Highway system.

Tourism is the major industry in Florida, and the Gold Coast from Palm Beach to Miami in Broward County, Fla., is one of the chief centers of tourism. Cruise ships put in and out of Port Everglades, which is located between Fort Lauderdale and Hollywood, every day. In addition, privately owned pleasure craft seeking an outlet to, or an inlet from, the Atlantic Ocean are increasingly using the harbor. Many international travelers come to Florida each year via Port Everglades and the suggested harbor improvements might encourage even more international tourists to visit not only south Florida but other parts of our country, also.

Industrial employment has increased by 45 percent in the last 6 years in Broward County which is the largest percentage increase in the State of Florida. This has placed increased demand on the harbor, also.

In the late 1950's when the request for modification of the harbor was first made, Port Everglades was processing 5.8 million tons per year. Due to the aforementioned changes in south Florida, Port Everglades almost doubled its volume in a decade, processing 10.1 million tons in 1971. It is imperative, therefore, that Port Everglades be improved to meet the even greater traffic in waterborne commerce expected in the future. The improvements recommended by the Army Corps of Engineers are:

First, a channel depth of 42 feet—from 40 feet—in the entrance channel and main turning basin plus an additional 3 feet for wave allowance in the ocean entrance;

Second, widening the 300-foot-width section of the entrance channel to 450 feet;

Third, removing part of the north jetty;

Fourth, extending the main turning basin to the southeast about 200 feet;

Fifth, widening pier 7 channel to 400 feet with a 36-foot depth; and

Sixth, maintenance of berth 18 channel to a 36-foot depth.

Two added benefits arising from the proposed improvements are the possible construction of a south jetty fishing walkway, and the rebuilding of the county's public beach south of the port with sand dredged from the project.

The Subcommittee on Rivers and Harbors of the House Committee on Public Works has assured me hearings will begin on this project soon. The Office of Management and Budget is now reviewing the project to determine the amount of revenue needed to start development of the project.

I applaud these efforts and hope that they will lead to authorization of the $8,833,000 modification of Port Everglades Harbor which I have just outlined.

THINKING ABOUT AMNESTY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ROBISON) is recognized for 15 minutes.

Mr. ROBISON of New York. Mr. Speaker, after I presented the first of what will be several background statements on the highly charged and emotional topic of amnesty last Wednesday, several of my colleagues and some members of the press asked me why I chose to bring up the issue when I did. Had not I been premature, they suggested, in view of the President's near total rejection of "amnesty" and in face of continuing revelations of the physical and mental torture of our POW's? My reply has been, first, to rephrase what I said in the closing lines of my last statement—that I realized I was swimming upstream against strongly emotional political currents, but that, sooner or later, this issue has to be put into a rational perspective. The question of amnesty simply will not go away.

And, I also explained that part of my reason for beginning now, rather than later, was a letter I recently received from one of my constituents. The constituent explains:

> I am writing to you as a last resort. Can anything be done pertaining to Amnesty? Some time ago I read that you were not against it.
>
> My son has been gone to Canada now for five years. Sir, I'd like him to be able to come home. It took a great deal of courage for him to leave his country and family, but he is not a coward. Before he left he tried to join every branch of Service in the Reserves. At that time the quotas had all been previously filled.
>
> Congressman Robison, I'd like him to be able to come home, without a prison sentence awaiting him, nor to go on probation or some sort of penance in store for him. He is not a criminal, Sir, but an intelligent human being. I know these things have all been said before, Mr. Robison, but surely you must have some sort of solution?
>
> There have been many military crimes permitted in this war and known to be forgiven. Why not our sons who did not want to kill? Thank you.

I imagine, Mr. Speaker, that just about every Member of Congress has received one of these letters, or will be receiving one in the next few months. And, I wonder what solution we have for them? None? Do we tell them we do not want their sons, that they should stay in Canada? If not, then what are the conditions for their return? I am suggesting that we ought to look further into all possible answers on the basis of the past amnesties in our country; and so, in the second of these statements, I would like to go back to a very early period in our Nation's history.

Mr. Speaker, in the summer of 1794, a contingent of farmers from western Pennsylvania rose in protest over a newly imposed Federal excise tax on distilled liquors, their main source of income.

The whisky tax had been proposed by Alexander Hamilton as a source of revenue to compensate an incipient national debt, as well as to provide a bold assertion of the power of the Federal Government to enforce its laws within the States. Many of those farmers in Pennsylvania who had traditionally converted their surplus grain to whisky—which was easy to produce and sell—resisted the tax.

When the Federal Government moved to enforce the "Compliance Law of 1794," dissident farmers touched off what appeared to be organized rebellion. In July of that year, 500 armed men attacked and burned the home of Gen. John Neville, who was assigned to that region to supervise military activities. Hamilton and his supporters in the Washington administration saw in the "whisky rebellion" a plot to destroy the young Federal Government, and they seized upon this incident as the first opportunity for the Federal Government to respond to local defiance of Federal authority. President Washington consequently issued two proclamations during that month: The first ordered the rebels to cease their insurgent activities and return to their homes; the second called up the militias from Virginia, Maryland, New Jersey, and Pennsylvania.

Federal efforts to negotiate with the leaders of the uprising proved fruitless, and, in following weeks more than 12,000 troops were moved to the interior regions of Pennsylvania. This excessive show of military force by the Government melted the opposition of the farmers and their supporters, thus avoiding any violent and regrettable battle. After the confrontation, the troops occupied the region, captured some rebels, and held them for trial.

Many observers of that time, and then later historians, were appalled by the overwhelming force used by the Government to quell this uprising. Yet, for Washington and Hamilton, it was a signal of the "Majesty of the Law" in an important and timely demonstration of the power of the young Federal Government. Although no real opposition was encountered, the massive display of military might seems disproportionate in retrospect. However, the administration defended its action for its importance as a victory of the Federal Government over its first rebellious adversary.

During the next year, Washington turned to the task of strengthening the common bonds in the new Nation through his Government. He demonstrated that, through his strength, Government could show its mercy by offering amnesty to those who participated in the insurrection. On July 10, 1975, the President issued a proclamation declaring:

> A full, free and entire pardon to all persons . . . of all treasons . . . and other indictable offenses against the United States commited within the fourth survey of Pennsylvania before the 22nd day of August last past . . .

In granting this amnesty, exceptions were made for those persons who: "refused or neglected to give assurance of submission to the laws of the United States; violated such assurances after they were given; or willfully obstructed or attempted to obstruct the execution of the acts for raising a revenue on distilled spirits and stills, or by aiding or abetting therein."

Washington saw fit to grant amnesty less than 12 years after the Constitution of the Nation had been ratified. Contrary to the argument that amnesty would weaken the impact of our laws, it can be argued that Washington's 1795 proclamation was an expression of strength—more specifically, the desire of the Government, at that time, to demonstrate its strength by its grace and compassion in forgetting the penalty that the law would otherwise demand.

Washington stated:

> Though I shall always think it a sacred duty to exercise with firmness and energy the Constitutional powers with which I am vested, yet my personal feeling is to mingle in the operation of the Government every degree of moderation and tenderness which justice, dignity, and safety may permit.

Mr. Speaker, in a society such as ours, where there is an overwhelming concern for the majesty of the law, amnesty is a recognition that, in certain cases—please note I say, "in certain cases," for I do not support what is called "blanket amnesty"—it is far better for a society to absolve offenses of the law in the interest of reconciliation than to perpetuate post-war conditions of sectionalism and vindictiveness. Particularly do I suggest this is true when the leaders of society have the avowed purpose of rebuilding a strong and lasting nation to deal with the more-pressing problems of the future.

By pardoning the insurgents of the "whiskey rebellion," George Washington set a precedent, not only for amnesty, but for generosity and compassion in dealing with the healing of wounds and the restoration of harmony to our society after a military conflict has ended.

In recalling this precedent to mind following the end, now, of the Vietnam war, there will be obvious differences of opinion as to the relationship between Washington's action and the question of amnesty today. However, in this—the second in a planned series of discussions of the issues involved in that latter question—it is hoped that our clearer understanding of our own history will promote that rational and objective approach to our current problem that I continue to feel is needed.

That at least a few others may share my view is indicated by the following—and, for my purposes, timely—column by Roderick MacLeish as published on Monday, of this week, in "The Christian Science Monitor":

THINKING ABOUT AMNESTY

(By Roderick MacLeish)

WASHINGTON.—Like all wars, Vietnam does not just end at a finite point in time. War is armed conflict plus a vast skein of political and social consequences unearthed by the domestic impact of the armed conflict. The fighting stops. The troops and the prisoners come home. The national memory begins to draw its shutters upon the horrors. But, in this first, confused period of aftermath, the domestic impact still trembles and no issue symbolizes that impact better than the burning question of amnesty.

What Vietnam did to this country was to force a bitter collision between traditional values and an anguished new American humanism. At the moment, with the return of American POWs still reverberating in pride and in revulsion at the sufferings the prisoners endured, the tradition of military service as the citizen's supreme obligation to his country is in direct conflict with the concept that man's first obligation is to his individual conscience rather than the laws of society.

The question of amnesty for those who refused to serve or those who deserted is distorted into irrelevance by the frontal crash of duty vs. conscience. President Nixon summed up the anti-amnesty position in his March 30 press conference when he said we should decline to "dishonor those who served their country by granting amnesty to those who deserted America." The pro-amnesty forces argue, as the Roman Catholic bishops of the United States argued in October, 1971, that the moral basis of draft evasion should be illuminated by giving "those who have emigrated an opportunity to return to the country, to show responsibility for their conduct, and serve in other ways to show that they are sincere objectors."

Both of these arguments skirt the legal complexities of amnesty and its erratic history in this country.

As of this writing, 13 American presidents, acting sometimes upon the will of Congress and sometimes in opposition to it, have issued 34 specific amnesties. Sometimes, as in the case of George Washington granting amnesty to those who took part in the Whiskey Rebellion, the act of forgiveness was a reconciliation device. Sometimes amnesty has been used as a military weapon as Lincoln used it in his 1863 offer to soldiers of the Confederacy. He was trying to make them desert.

In all of these past instances of amnesty the action was taken with a specific end in view—either reuniting a torn and divided nation, or seeking to gain military advantage. In granting amnesty after the Whiskey Rebellion, George Washington said that he believed in presidential firmness, but he also thought that we should "mingle in the operations of the government every degree of moderation and tenderness which justice, dignity, and safety permit."

In trying to think seriously about the present amnesty problem, the United States and its leaders must first decide what end they wish to achieve. There would be no military advantage to gain from granting amnesty to the draft evaders and deserters of the Vietnam war. Hence, we are left with the alternate end—reuniting a bitterly divided nation caught in the collision between conscience and tradition.

If we consider amnesty on that basis, to achieve that end, we must engage in some rather dispassionate analysis of ourselves. Are we still divided and at odds with each other after Vietnam? Will we continue to be for a long time to come? Would the granting of amnesty soothe our intrahostilities or exacerbate them?

At the moment, with millions in the country honoring returned war prisoners as the only viable heroes of an otherwise sordid conflict, we are in a situation comparable to the one that existed after Lieutenant Calley's conviction for the My Lai massacre. Millions of Americans demonstrate, by their feelings, the paramount national need—to believe in the goodness of our intentions during the Vietnam years. The granting of amnesty to thousands who, among their number, include men who refused to serve because they thought American intentions were bad, would taunt the national need of the moment and, thus, exacerbate the situation.

But the national memory continues to draw its shutters on the Vietnam war. The horrors, controversies, and emotions recede in time. A moment will come when a majority of us can grasp that the continuity of American history is good even though several administrations were obsessed with misguided policies in Vietnam. At that point we will be ready for the exercise of General Washington's "moderation and tenderness which justice, dignity, and safety permit."

SENSE OF THE CONGRESS RESOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WOLFF) is recognized for 30 minutes.

Mr. WOLFF. Mr. Speaker, Chairman WILBUR MILLS and I, along with 224 cosponsors, a clear majority of the House, today introduced a "sense of the Congress" resolution calling upon the Treasury Department to begin making arrangements for the prompt repayment of long-standing, delinquent debts owed to the United States by foreign nations. Our resolution requires Treasury to submit to the Congress, within 90 days, a full report on the extent overdue debts and a listing of which nations are in default on their payments.

According to Treasury Department figures, the United States is owed at least $46 billion in outstanding obligations; of that amount, $18 billion is past due from World War I. It is safe to assume, however, that the actual debt owed to the United States is considerably more than $46 billion because, one, the interest on delinquent debts continues to rise and second, the Treasury Department does not have an overall figure on the outstanding claims we have on foreign governments, which undoubtedly approaches the billions of dollars mark. From World War I alone, France owes in excess of $6 billion, Great Britain over $8.5 million, and the Socialist States of Eastern Europe $1.5 billion. Many of these countries including France, which have large World War I debts, feel that repayment should be dependent upon reparation payments by Germany. The State Department has admitted that the United States has never recognized that there was any connection between the World War I obligations of those countries and their reparation claims on Germany. In addition to the World War I debt, there is a significant amount owed to us from World War II and the American lend-lease program, the exact figure for which remains hazy because the Treasury Department simply does not have all of the available figures and does not age the figures which it makes available so that it is virtually impossible to determine which moneys, other than the World War I debts, are in default.

Neither the Treasury Department nor the State Department has initiated a workable method of recalling, or even naming, the delinquent debts owed to our Government. Their method, or rather lack of method, is costing our country millions of dollars in losses stemming from inflation, devaluations, writeoffs, reschedulings, and concessional lending practices. There are delinquencies on which no agreement has even been made. Those who bear the burden for our failure to collect overdue debts are American taxpayers. While delinquent debts increase, the real value of that money is decreasing, and it is the American taxpayer who makes up the difference. At a time when the United States is facing a budgetary and balance-of-payments problem of its own, when the American people are threatened with another tax increase, it is ludicrous not to insist that nations owing us longstanding debts begin to make regular payments and to honor the terms of their contracts made in good faith. These delinquent debts will continue to contribute to the deficits in our national budget, even if Government spending is cut. With proposed massive cutbacks in funds for domestic programs, and with little or no tax relief in sight, we are placing heavier demands on our own people than we are on these foreign nations, many of whom owe us moneys that date back 50 years or longer. The payment of international debts is a basic responsibility of nations; were we to see to it that this responsibility is recognized, we might very well find we have the funds to adequately meet vital domestic needs like education, health, pollution cleanup, and crime control.

With our serious economic situation, the United States can simply no longer afford to sit idly by without coming to some understanding as to these outstanding debts owed to us. The resolution the 224 Members of Congress are introducing today would serve to underscore the feeling of Congress that it is imperative that we find out exactly what is owed to us and by whom, and begin very definitely to make the necessary arrangements to be repaid. This feeling is not a new one to the House.

Over the past few years the Committee on Government Operations and the Subcommittees on Foreign Operations and Government Information have tried repeatedly to secure from the Treasury Department an exact figure of the debt owed to the United States, but their efforts have not been wholly successful because apparently the Treasury simply does not know the true amount.

I would like to quote from a report prepared by the Subcommittee on Foreign Operations and Government Information, which was released in September of 1970, on the subject of international debts:

> Because legal debts to the United States have not been paid, our Government does not have the use of these funds to pay for the heavy costs of vitally-needed programs at home. The same debts contribute to the continuing deficits in our national budget, whether Government spending is cut or not, and regardless of the administration in power. They mean that we must go out on the money market and borrow at high rates of interest and/or raise taxes on our already overburdened citizens. They increase our own national debt and add to the inflationary pressures which eat away the value of the dollar spent by our families at the grocery store. I think I can say without contradiction that the subcommittee in effect today is asking that our Government get busy and bring these repayments up to date. Something must be done to wipe this slate clean. It will require a higher priority, creativity, determination and dedication to accomplish the job.

Despite the fact that the subcommittee pinpointed the problem and urged the Treasury Department to take action 3 years ago, very little, in fact nothing, has been done.

Our resolution would set the wheels in motion to make it a policy of the United States to know exactly how much we are owed and to require repayment of these long-standing debts which are delinquent in nature.

I think that the Treasury Department has made demands on taxpayers in my district, one of whom owed 10 cents to the U.S. Government. They sent a letter which cost them 8 cents to get this money back. Therefore, I think the Treasury Department should use the same procedures that they use with our own taxpayers on those around the world who owe us money.

Mr. **SIKES**. Will the gentleman yield?

Mr. **WOLFF**. I yield to the gentleman from Florida.

Mr. **SIKES**. I wonder if we should consider using Internal Revenue Service to collect debts from foreign nations which are justly owed by them to us.

As my good friend, the distinguished gentleman from New York has said, if the same zeal were used to collect foreign debts that is used to collect taxes from the American people, we would be receiving a lot of needed revenue. I am confident this would be a welcome use of IRS—at least for the American public.

Now I want to speak in a more serious vein—and we should be very serious about all aspects of collecting the huge sums that are owed to the American people by foreign nations. These funds represent sacrifices by the American taxpayers, sacrifices made in good faith to help the people of other nations. Many of those nations now are in better financial status than our own country. They are not required to fund and to pay interest on loans to other nations. They do not have national debts or deficits comparable to ours. The money they owe us is a very big part of our huge national debt.

I want to commend the distinguished gentleman from New York on his statement and his outstanding work in this field. It is very, very significant that more than half of the Members of the House feel as he and I do about the importance of collecting at least some of the money that is owed to us by other countries. I trust that what is said here today in support of the resolution which has been introduced will show to the administration and to the Department of State that Congress is very concerned about this matter and that Congress wants action.

The gentleman has rendered a very distinct service to the Nation and to the taxpayers, and I compliment him.

Mr. **WOLFF**. I thank the gentleman.

I might also say that I thank him not only for the statements that he has made but for the support he has given to this resolution by joining as a cosponsor and enlisting other cosponsors in this effort.

Mr. **VANIK**. Will the gentleman yield?

Mr. **WOLFF**. I yield to the gentleman from Ohio.

Mr. **VANIK**. I want to take this time to commend my distinguished colleague, I concur that he is certainly rendering a very important service to the Congress and to the country in talking about the debt, about which nothing is really being said.

Am I correct in understanding that the agreement that currently is being reported as having been made with the Soviet Union, which provides that they are going to pay $700 million of their lend-lease debt, is simply an exchange because we promised to give them back $700 million in export-import credits? Is that correct?

Mr. **WOLFF**. The gentleman is entirely correct. As part of the agreement for the repayment that has been negotiated by the President, there was given to the Soviet Union some $700 million in credits for agricultural purposes.

Mr. **VANIK**. Then it is really not a payback at all; is it?

Mr. **WOLFF**. No. It is a washout, actually.

Mr. **VANIK**. It is a washout. Whatever they owed in lend-lease material, they are getting back in agricultural products under the export-import credits?

Mr. **WOLFF**. Which is causing us no end of problems.

Mr. **VANIK**. I think one of the dreadful mistakes that we made in trying to curtail the borrowing of the country and the increase of our national debt is giving the Export-Import Bank carte blanche authority just recently to a $10 billion ceiling.

I understand there was a recent loan to develop LNG facilities in Algeria. Here is a nation that does not even have relationships with the United States. It does not recognize us. We have no official recognition. The Export-Import Bank moneys which will undoubtedly be paid for by all the American people are granted in this loan to Algeria.

Mr. **WOLFF**. If the gentleman will yield, there are $500 million that will be given in guarantees to the Algerian Government and we will bring back gas to the American people at $1.25, for which are paying the American producers only 20 cents.

Mr. **VANIK**. Another problem arises out of that. The Export-Import Bank recently loaned the Japanese airlines money to buy aircraft made in this country at a 6-percent loan when our own airlines transporting Americans have to go to the market and pay 10 percent. So we are subsidizing our own demise economically in this way.

I would like to suggest to the gentleman that perhaps we ought to do something about the tremendous debt that is owed this country, do something about it in the trade bill that is currently being submitted by the President to the Congress. It seems to me we ought to use some of the privileges of trade with this country to help collect the debt or at least make an effort to get some interest on the unpaid debt which these nations owe to the United States. It is a very strange thing, but apparently the countries that have the greatest debt are also the ones that enjoy probably the highest benefits in trade and commerce. Is that not a fair assessment?

Mr. **WOLFF**. I would say so.

Mr. **VANIK**. I want to thank the gentleman. I think this has been a very important and useful contribution. I certainly commend the gentleman for bringing it to the floor of the House.

Mr. **WOLFF**. I thank the gentleman from Ohio for his support and also for joining as one of the principal cosponsors of this effort.

Mr. **BURKE** of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. **WOLFF**. I yield to the gentleman from Massachusetts.

Mr. **BURKE** of Massachusetts. Mr. Speaker, I wish to associate myself at this time with the remarks of the distinguished gentleman from New York.

He has done an outstanding job in this field. I am quite concerned about what is happening not only in the area the gentleman is discussing but also with the entire foreign policy with respect to trade that this Nation is engaged in.

It is shocking when we realize that during the past 15 months there have been two official devaluations of the dollar and one unofficial devaluation of the dollar when the European countries raised their currencies and it resulted in a further devaluation of our dollar overseas.

The effect of this some people would have us believe ends at the shoreline. The gentleman can believe me, it does not end at the shoreline and the evidence is quite apparent today. Interest rates throughout the Nation are rising to staggering heights.

It is also interesting to notice that some of our trading partners, and some of the people who have benefited by this terrible trade policy our country is indulging in, and some of the groups, such as the big oil companies in the Arab nations have speculated in the dollar. We even found some of our multinational corporations in this country involved in the speculation in the dollar. What a horrendous thing for these multinational corporations to do, when they enjoy a $4 billion annual tax break, what a horrendous thing for them to go overseas and speculate in the U.S. dollar and further depress its value.

What are we faced with? This is why I back my friend, the gentleman from New York. We are told the energy shortage within 10 years will require us to import over $25 billion more in oil a year. Last year while officially there was a $6.5 billion trade deficit, we actually had a $10 billion trade deficit, because included in those figures of exports was the entire military and economic aid the U.S. taxpayer paid which was shipped overseas. So we must take those two figures together, the $10 billion and added onto it the $35 billion deficit, and consider the record of this administration which during the past 4 years increased the national debt $125 billion.

It is quite evident that they are going to outstrip that record for the next 4 years. It could go to well over $150 billion, which would mean that we will have increased the national debt by $250 billion in 8 years.

Then, add on to that the trade deficit of 2 years ago and the trade deficit of last year. Just going at the status quo we are traveling now, another $10 billion per year. There is no nation in the world that can stand up under the economic policy of this administration. We are on a collision course to chaos. We have a $35 billion per year deficit in trade, which is what we are facing within 3 or 4 years; $125 billion addition to the national debt every 4 years. Who is going to pay for it?

Between $35 billion and $40 billion is going overseas every year. Within 10 years, over $400 billion of American money will be overseas. They will have it; we will not have it. Yet, the floodgates are open. They import textiles and footwear and electronics and every imaginable item. They have taken over the entire national pastime. A person cannot buy an American-made baseball glove today.

I looked at television the other night, and what is the Chrysler Corp. doing? It is going to import the new Chrysler-made Dodge Colt, made in Japan. Why cannot they make it here? It is going to sell for $2,025. They could make that Colt here for that much, but they would rather make it over there, because they make more money. The tax money is deferred until it comes back here, so they keep expanding their plants overseas.

I hope the automobile workers' union will pay attention to this. General Motors is building cars overseas; Ford Motor Co. is building cars overseas. It is just the beginning; they have just touched the surface.

In Detroit, Mich., within 5 years 50 percent of those automobile workers could be walking the streets unemployed.

The First National Bank of Boston, as I pointed out the other day, predicted that New England within 10 years is going to become a service-oriented area with no jobs in the factories or mills.

That is why I join with my good friend from New York (Mr. WOLFF) who has been watching this problem and watching our partners benefit with the money that they owe us and failing to come up with their share, but expecting us to give everything. Yes, I thank the good Lord for the good Member from New York. This body is very fortunate to have him as a Member.

Mr. WOLFF. Mr. Speaker, I thank the gentleman for his contribution. I am sure he has exerted the same type of leadership in his past years as he has exerted today in putting this country on a sound fiscal and financial basis.

Mr. MILLS of Arkansas. Mr. Speaker, I am happy to join again with my colleague, LESTER WOLFF, in sponsoring the concurrent resolution regarding the outstanding delinquent debts that a number of nations have owed the United States for too many years. As noted in the resolution, repayment of the $45 billion could have a healthy impact on our balance of payments and the Federal budget, both of which have been in a deficit position for too many years. The time is long overdue when those nations which incurred these debts should live up to their responsibilities. I congratulate my colleague for continuing his leadership in this area.

Mr. FULTON. Mr. Speaker, today I am joining in the cosponsorship of the war debts resolution. With a growing strength of well over 200 cosponsors to date, this legislation to provide the administration with the true sense of the Congress very definitely can and must be passed.

At a time when our budget is so out of balance through planned deficits and at a time when the dollar is so unstable because of the anti-U.S. foreign trading policies by many of the countries which owe us, we have no rational alternative but to move to collect.

It is incredible that the Treasury Department will not even furnish the Congress or the public with a breakdown of how much each nation owes or is behind in payment. It is critical to our economy at this point not only to have this information but also, as the resolution states, to make immediate arrangements for the repayment of these debts.

While we have helped rebuild the economies of many of these nations, they continue to defer payment and, at the same time, attack the dollar while practicing trade discrimination which contributes to the increase of our balance-of-payments deficit. Enough is enough and it is time to start collecting.

THE TRADE REFORM ACT OF 1973

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. CULVER), is recognized for 5 minutes.

Mr. CULVER. Mr. Speaker, As chairman of the Foreign Economic Policy Subcommittee of the House Foreign Affairs Committee, I am pleased that the President has at long last laid before the Congress his proposed Trade Reform Act of 1973.

The administration has taken the essential first step toward passage of new and long-needed trade legislation. I, for one, hope that having opened the way, the President will continue to lend his full support to this initiative throughout the period of congressional consideration of the bill. Without such support a major opportunty to create a fairer international trading system for workers, businessmen, and farmers may be lost.

The President has signalled a new willingness to work with the Congress to develop a greater and more responsible congressional role in oversight and implementation of trade negotiations. In his message the President invited the Congress to—

> Set up whatever mechanism it deems best for closer consultation and cooperation to ensure that its views are properly represented as the trade negotiations go forward.

This comprehensive trade legislation places a special obligation on Congress to devise methods for useful and timely interplay of executive-legislative views and perspectives on U.S. foreign trade policy.

I urge the Congress to take the opportunity raised by the submission of the Trade Reform Act of 1973 to consider this problem closely and to design a mechanism which will finally modernize our own congressional machinery for considering foreign economic policy, and for giving to Congress its proper role in the design of new trade policy and in setting guidelines for the negotiations.

As to the other major sections of the Trade Reform Act, the thrust and scope of the authorities requested will raise many legitimate questions in the Congress, and a vigorous debate on this bill is both necessary and desirable. The President has submitted a comprehensive trade bill, and I am confident that our response will measure up to challenges posed by this message and by the new realities of the international economic scene.

MENUDO OLYMPIAD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. Gonzalez) is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, true gastronomes know that the best foods are not necessarily the most renowned. They also know that finding the greatest gourmet treat requires patience, the endurance of an explorer, great wit and true grit. One must be prepared to go the greatest distance, fear no obstacle, try anything once, and maintain fierce determination to be either a winning cook or champion gourmet.

It has been the fate of an humble dish known only to the initiated, to be a great epicurean delight, to have achieved no real notoriety. Yet in this day of crisis and rising food prices, it deserves to be better known. Rarely has anyone found a dish as good—or as inexpensive—as well-made menudo.

Mr. Speaker, menudo is a food characteristic of the poor, but good enough for the most demanding gourmet. It ought to be better known than chili, but while we have chili—or what they call chili—every day in the House restaurants, nobody has ever served menudo here. And I can find it in no restaurant. To get menudo I have to go to San Antonio, or have a special shipment made to Washington.

I think that menudo deserves wide recognition. It ought to be better known and better appreciated.

My good friend Sam Kindrick, who appreciates good menudo, tells me that he likewise shares the hope that menudo can be better known and better loved.

Mr. Kindrick and I have agreed to cosponsor the world's finest world menudo olympiad, in San Antonio.

This will be no mere chili olympics, held in a ghost town out on the desert, or even a chilympiad, held in a real town. This would be a genuine event, involving menudo chefs from all over the world, or at least the parts of the world that know what menudo is. And the object of this olympiad would not be just to find the best recipe, but to see who can make the best and eat the most.

The making of menudo is a true art, a fine mystery of the culinary genius. It involves taking carefully prepared tripe, cooking it with loving care, and lavishing into it a most careful—and secret—blend of herbs and spices. It is a work of love, taking not mere hours, but whole days. And the result, friends is unbelievable. Nobody really knows how menudo works, but it does.

Such skills are involved in the making of this dish that they deserve recognition. The variations are so great and subtle that only a real competition could ever establish the best dish available. And so rare are the opportunities to eat menudo that an olympiad alone could satisfy the deprived appetite of the true menudo lover.

Mr. Speaker, I invite my friends to learn about menudo, for as Sam Kindrick—and there never was a more honest man—will tell you, to know menudo is to love it.

I invite my friends to witness the mystery of the making of menudo, to marvel at the skills, the patience, the devotion of the great menudo makers. But you will have to come to San Antonio, one of the few places around that prides itself in the art of making menudo, to get the real flavor. Come to the Menudo Olympiad. My friend Sam and I will show you what it is all about.

EARTH WEEK AND ENVIRONMENTAL EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. Brademas), is recognized for 5 minutes.

Mr. BRADEMAS. Mr. Speaker, on March 12, 1973, President Nixon proclaimed this, the week beginning April 8, as Earth Week, 1973.

I applaud this action by the President, Mr. Speaker, because in the last 3 years our annual observance of Earth Week has been a significant vehicle for educating our citizens about the burgeoning array of problems called environmental.

PRESIDENTIAL PROCLAMATION

Here, Mr. Speaker, is what the President said in proclaiming Earth Week, 1973:

> Our environment is the source of life upon which we all depend; its preservation has brought out the best in the American character. In thousands of communities, citizens have joined to improve the quality of their lives and those of their neighbors.
>
> Our environmental problems have not been resolved since that first Earth Week, but we have done much and will do more. While our new awareness has taught us that our natural resources are exhaustible, we know that our most important resource, the American spirit, is not.

I particularly congratulate the President, Mr. Speaker, for citing "our new awareness . . . that our natural reresources are exhaustible," and I also draw to my colleagues' attention, the following sentence from the President's proclamation:

> I ask that special attention be given to personal voluntary activities and educational efforts directed toward protecting and enhancing our life-giving environment.

ENVIRONMENTAL EDUCATION ACT

That sentence, Mr. Speaker, perhaps best expresses the reason that motivated me, together with my distinguished colleagues, the gentleman from New York (Mr. Reid), the gentleman from Idaho (Mr. Hansen), the gentleman from Washington (Mr. Meeds), and our former colleague from New York, Mr. Scheuer, as well as our distinguished Senate colleague, Senator Gaylord Nelson, of Wisconsin, to introduce the Environmental Education Act of 1970.

For we realized that an effective assault on the problems of pollution and decay in our land, would require a citizenry informed and aware of the ecological challenge.

And we realized as well, Mr. Speaker, that educational efforts, to use President Nixon words, "directed toward protecting and enhancing our life-giving environment" would be essential if we were to attain that informed citizenry.

And I am pleased to note also Mr. Speaker, that the modest Environmental Education Act, signed into law by President Nixon on October 30, 1970, was designed, in part, to promote the personal voluntary activities lauded by the President in naming the week of April 8, Earth Week, 1973.

For the measure provides funds to give local community groups maximum encouragement in developing environmental education programs.

ADMINISTRATION'S HOSTILITY

I will not here, Mr. Speaker, enumerate the long litany of my complaints about the administration's implementation of the Environmental Education Act.

I shall say only that, in my estimation, the administration's support for this program has been, at the very least, inadequate. And, indeed, Mr. Speaker, this administration has done its best to cripple the environmental education effort since its inception at the Office of Education.

The administration's long history of indifference to, or hostility toward, environmental education, Mr. Speaker, has culminated with President Nixon's 1974 budget which would provide no funds at all for the Office of Environmental Education.

SUPPORT FOR ENVIRONMENTAL EDUCATION

The President makes this regrettable proposal, Mr. Speaker, in the face of overwhelming bipartisan support for environmental education, and in the face of the great needs still to be met.

Listen to these words, Mr. Speaker, spoken by my fellow Hoosier, William D. Ruckelshaus, head of the Environmental Protection Agency, and quoted in the New York Times on April 8, the first day of Earth Week, 1973.

Said Mr. Ruckelshaus:

> There isn't any real dispute about the worth of environmental objectives. The question is how much we are willing to pay for them.
>
> Up to now the average citizen hasn't had the foggiest notion of what choices were available, or indeed that there are any choices at all. Once people understand what is at stake and what's required, they will do what needs to be done.

And yet, Mr. Speaker, the President has unfortunately proposed that we kill the one Federal program that makes a modest beginning to teach people—in the words of Mr. Ruckelshaus—"what choices are available," so that they can "understand what is at stake and what's required."

HEARINGS SCHEDULED ON EXTENSION OF ENVIRONMENTAL EDUCATION

But because of the importance of education about our environment, Mr. Speaker, I have joined with my colleagues, Mr. Hansen of Idaho, Mrs. Mink of Hawaii, and Mr. Peyser of New York, in introducing H.R. 3927, which would extend the Environmental Education Act for 3 years, and provide for a slight increase in authorizations.

I should also tell my colleagues, Mr. Speaker, that next week, the Select Education Subcommittee will hold 2 days of hearings in Washington, D.C., on H.R. 3927.

On Tuesday, April 17, we are scheduled

to receive testimony from Arthur Godfrey, famed radio and television personality; Elvis Stahr, president of the National Audubon Society; Rudy Schafer, State Department of Education, California; Robert McCabe, president of the National Association for Environmental Education; as well as a panel made up of members of the National Advisory Council on Environmental Education.

On Thursday, April 17, Mr. Speaker, we shall receive testimony from the administration on its position on extending the Environmental Education Act.

Scheduled to testify on that day are the Honorable Sidney P. Marland, Jr., Assistant Secretary for Education of the Department of Health, Education, and Welfare; John R. Ottina, Commissioner-Designate of the Office of Education; Walter Bogan, Director of the Office of Environmental Education; William D. Ruckelshaus, Administrator of the Environmental Protection Agency; and Tony Mazzocchi, Citizens Legislative Director of the Oil, Chemical, and Atomic Workers International Union, of the American Federation of Labor-Congress of Industrial Organizations—AFL-CIO.

We shall also hear from a panel on that day, Mr. Speaker, consisting of Richard Myshak, director of the Minnesota environmental science center, and Edward Weidner, chancellor of the University of Wisconsin at Green Bay, both former members of the National Advisory Council on Environmental Education.

I insert in the Record at this point, Mr. Speaker, a copy of the presidential statement accompanying the designation of this week as "Earth Week, 1973":

Proclamation 4194: Earth Week, 1973

The first Earth Week in 1971 marked an important milestone for the cause of environmental protection. It also provided an important opportunity for all Americans to pay tribute to the qualities which have made our country great—individual initiative, voluntary action, and a deep sense of responsibility for the gifts of nature and the welfare of the community.

Our environment is the source of life upon which we all depend; its preservation has brought out the best in the American character. In thousands of communities, citizens have joined to improve the quality of their lives and those of their neighbors.

Our environmental problems have not been resolved since that first Earth Week, but we have done much and we will do more. While our new awareness has taught us that our natural resources are exhaustible, we know that our most important resource, the American spirit, is not.

We can never rest in the effort to preserve and improve our good earth. Earth Week, 1973 gives us the chance to affirm our dedication to that high calling.

Now, therefore, I, Richard Nixon, President of the United States of America, do hereby designate the week beginning April 8, 1973, as Earth Week. I call upon Federal, State and local officials to foster the purposes of Earth Week and to arrange for its proper observance. I ask that special attention be given to personal voluntary activities and educational efforts directed toward protecting and enhancing our life-giving environment.

In witness whereof, I have hereunto set my hand this 12th day of March, in the year of our Lord nineteen hundred seventy-three, and of the Independence of the United States of America the one hundred ninety-seventh.

Richard Nixon.

A PLAN FOR ECONOMIC JUSTICE AND EQUALITY IN MARRIAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. Fulton) is recognized for 5 minutes.

Mr. FULTON. Mr. Speaker, as a member of the Committee on Ways and Means, and during the course of our tax reform hearings, I have had the opportunity to hear and read testimonies of hundreds of our Nation's citizens on the need for more equity within our tax system. There has been testimony on the inequitable tax treatment of single persons—then the inequities to married persons who both earn incomes.

However, Mrs. Virginia B. Cowan, an attorney at law of Nashville, Tenn. for whom I have the highest regard, has treated rationally the subject of "equality in marriage" in testimony presented to our committee. She has a central tax reform plan for economic justice and equality in marriage which could readily be adopted and merits the attention and serious consideration of every Member of Congress. The following is her testimony; it speaks for itself:

Testimony of Mrs. Virginia B. Cowan

I am Bonnie Cowan, of Nashville, Tennessee. I am a practicing attorney with a special interest in the legal problems of women. I appreciate the opportunity to appear before this Committee on Ways and Means to present a simple proposal for a tax reform which, if adopted, would help redress the economic imbalance experienced by married women under our present laws.

Some months ago, your Honorable Chairman stated in the news media that this Committee, in considering tax reform, might examine in turn each of the exemptions in the entire current tax system.

It occurred to me that no study of the exemptions, no matter how diligent—in fact, no study of the entire Internal Revenue Code—would reveal the subtleties of the economic inequalities affecting more than one-half of our adult population, namely, women.

Many state and national women's organizations are exploring tax inequities and suggesting methods of reform. Their work reveals that the needs that become the most glaring relate to women who have at some time been economically dependent upon a husband, with frequently harsh consequences for themselves and, possibly, their children on the loss of the husband through death or divorce.

Even if the reform which I shall suggest were to be adopted tomorrow, there would still be millions of women who have found themselves cut off, by death or divorce, from such things as a husband's retirement plan; health and medical plans; annuities or pensions; social security and related benefits; access to established credit; life insurance; and many other essential securities which are still euphemistically referred to as "fringe benefits."

The severity of the impact of these cutoffs varies, depending almost entirely on the *duration* of the woman's prior economic dependence. The longer a woman may have been dependent, the less likely she is to have any marketable skills; the less likely she is to have the confidence to try whatever skills she may have; and the less strength and energy she will have for the enterprise. She will most likely, perhaps at a considerably advanced age, find herself beginning at the bottom.

For these reasons, I would give wholehearted support to the efforts which are now beginning with a view toward aiding the situations I have outlined. In particular, I would support H.R. 253 (Abzug), H.R. 707 (Koch), and H.R. 1586 (Howard). I am sure many other proposals have already been presented to this Committee directed toward these problems.

But now it is necessary to ask why it is that so many women have been facing these problems. Why should it be that the problem of the aged in our country is primarily the problem of poor old women, and that the majority of those over 65 have incomes below the subsistence level?

As Leo Kanowitz has pointed out in his landmark book, "Women and the Law" (University of New Mexico Press, 1969), the doctrine of coverture is a specifically Anglo-Saxon concept. The theory holds that upon marriage a woman's *identity becomes* "subsumed" in that of her husband. Or, in marriage there is only one, and that one is the husband.

To digress for just a moment into the history of race relations, Charles Silberman demonstrated in "Crisis in Black and White" (Random House, 1964) that slavery had different (and in many ways worse) consequences when adopted into Anglo-Saxon than into any other culture, because of this same Anglo-Saxon proclivity for obliterating the *identity* of the dependent.

Although the idea of the coverture of married women has roots deep in the origins of the Anglo-Saxon common law, it somehow became enshrined and sanctified after its enunciation by Blackstone in the late eighteenth century, wiping out earlier developments toward the legal independence of women which had marked the beginning American colonies.

Coverture and all the myriad implications and ramifications flowing from it have distorted and obscured ideas about women literally for centuries wherever the Anglo-Saxon system of common law has been established. It is somewhat sobering to reflect that the continental legal systems have never needed to develop any comparable legal concept.

The English common law, of course, became the prevailing legal system in this country. In the fields of property and domestic relations law, forty-two of the state jurisdictions today are common law states. In these states, a married woman generally has the legal right to be supplied "necessaries" (an inexact term) by her husband, and she in turn is generally obliged to render services for the promotion of the comfort and happiness of the home. As was pointed out in a Tennessee case, "the law presumes that such services are gratuitous". (Hull v. Hull Bros. Lumber Co., 186 Tenn. 53, 208 S.W.2d 28). Too often, the result of these common law origins has been the assumption that any family income above the "necessaries" belongs by right to the family breadwinner. There is no common law concept of economically co-equal marital partners.

It is popularly thought that the eight "community property" states represent an advance toward economic equality for wives, since marital property is said to belong to the marital "community", or partnership. But even in most of the community property states, the laws specify that during marriage the husband is vested with the control and management of the community so that the wife still has no enforceable economic equality in marriage. (It is my understanding that Texas and Washington have now established equality.)

Despite a prevalent mythology to the contrary, women do not control the wealth in this country. Department of Labor statistics for 1970 show that the average income of women from all sources is an amount less than one-half not of total income, but less than one-half the average income of men. In the exceptional, newsworthy cases, wealth has come to women by way of gift, inheritance or other largesse, not by virtue of legally enforceable economic equality in marriage.

The average American wife who is not employed outside the home can quickly discover for herself the implications of this situation by simply asking a bank to make her a small loan in her own name.

I am suggesting to this Committee that the institutions of marriage and family are surely among the most fundamental and necessary of all our institutions. I am further suggesting that one reason for the alarming increase of family instability might well be the increased awareness of the legal and economic inequities of marriage. Unless we can rid ourselves of the no longer useful implications of coverture, we may well find that young women will become increasingly unwilling to enter into marriage and the creation of families. And we can all take heart from the knowledge that neither coverture nor dependency represent, after all, Holy Writ.

The taxing power of this country, while admittedly primarily directed toward raising revenue, has an honorable history of addressing itself also toward achieving socially desirable ends. We have provided favored tax treatment for agriculture, we have established a social security system, and we have used the taxing power in endless other ways to improve our society. I now urge that the taxing power be used to establish economic equality and justice for married women.

We are all familiar with the income-splitting provisions of the Internal Revenue Code. A married couple wishing to enjoy the privileges of these provisions and pay a lower tax than would otherwise be the case may fill out a joint income tax return. The fact that Congress has given married partners this privilege means that Congress has the power to condition the use and availability of the privilege. Further, of course, couples have never been compelled to use the joint return if they choose not to.

Accordingly, as the cornerstone of economic equality and justice for married women, I urge this Committee to recommend and the Congress to pass one simple requirement for any couple before they can take advantage of the income-splitting privileges. Specifically, I propose that any such couple be required to attest to an oath to be added to Form 1040, to be sworn to by each of the two married partners, stating that he or she does in fact have equal ownership, management and control of the income, assets and liabilities of the marriage partnership, with penalities for perjury and fraud inhering to the oath.

The greatest benefit to society from this simple requirement for income-splitting would be that in any marriage reporting joint income, the "dependent" spouse would have *actual* income (regardless of employment status) amounting to one-half of the family income. The fiction of joint income would have become a reality.

Let us look at some of the results which would flow from the fact that married women (whether working or not) owned one-half the family income. Such a wife, of course, would bear one-half of the family expenses out of her half-ownership of family assets. But she would own something real. She could undertake obligations, make investments, establish credit in her own name, manage her funds, provide for her economic future and security. She would develop management skills which society has a strong interest in fostering, since almost all marriages end before the death of the wife.

Once the concept of married women owning income *as a consequence* of their being a marital partner is established, married women could easily be brought under the provisions of many other benefits from which they may have been excluded. For example, such a wife could pay her own contributions into the social security system and establish her own coverage (rather than inclusion as a dependent). Likewise, there is no reason that the Keogh plan could not be opened up to married women wishing a tax-sheltered plan for providing themselves with future pensions. Every opportunity for independent action, rather than dependent status, will be to the benefit of all. Although I have discussed these problems from the standpoint of married women, I think the more desirable approach in legislation before this Committee is to use the word "spouse" whenever possible, avoiding sex-specificity. The laws should apply to men and women equally, and there may well be instances where a wife is employed outside the home and the husband is not.

Because death and divorce represent major adjustments to all people, of both sexes, I would further recommend that this Committee provide that any surviving or divorced spouse who used the privilege of income splitting during marriage may continue to use the privilege after death or divorce (without the special oath, of course).

It should be noticed that existing state property and domestic relations laws would constitute no bar whatsoever to my plan. A couple wishing to report on a joint income tax return could simply arrange for complete economic equality, regardless of state law. The principles of ordinary business partnership, including regular accounting, are readily available for couples wishing to follow them.

In conclusion, I submit to this Committee my plan for economic justice and equality in marriage in the United States. It seems to me to be a simple and workable plan with very beneficial consequences. It is a central tax reform which I heartily endorse. I commend it to the members of this Committee and urge its active support and adoption by this Committee and by the Congress of the United States.

CAMBODIAN BOMBING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. STUDDS) is recognized for 5 minutes.

Mr. STUDDS. Mr. Speaker, 5 consecutive weeks of bombing in Cambodia indicates that a sizable commitment of American military support has been made to that country. Once again Congress has not been consulted about the President's unilateral decision to commit U.S. airpower to battle. Indeed, we have not even been informed as to the extent of the bombing.

The legal basis for this new American military commitment is remote indeed. No Tonkin Gulf resolution exists to justify President Nixon's actions. Quite the contrary, last December Congress amended the Supplemental Foreign Assistance Authorization Act to forbid the use of American ground troops or advisers in Cambodia. It also added:

> Military and economic assistance provided by the United States to Cambodia and authorized or appropriated pursuant to this or any other Act shall not be construed as a commitment by the United States to Cambodia for its defense.

Secretary of Defense Elliot Richardson stated on "Meet the Press" on April 1 and before the Defense Subcommittee of the House Appropriations Committee on April 3 that the use of Armed Forces in Cambodia is "consistent with the previous use of them." This statement appears either to contradict the intent of December's act of Congress or to forget that Executive powers as Commander in Chief, as invoked during our incursion into Cambodia in 1970, could not apply now that all American ground troops and prisoners of war have been removed.

The administration's other public rationale for committing American forces in Cambodia is an even more shocking example of the constitutional double talk that Americans have come to expect from the present administration. As the Secretary of Defense argued on national television:

> The Administration's constitutional authority to bomb Cambodia rests on the circumstance that we are coming out of a 10-year period of conflict. This is the wind up . . . So I think one way of putting it is that what we are doing in effect is to try to encourage the observance of the Paris agreements by engaging in air action at the request of the government, which is the principal victim of the nonobservance of the agreements.

How long will Congress continue to allow the administration to display such contempt for the U.S. Constitution? The wanton disregard of Congress and proper constitutional procedure that we have seen in this administration's impoundment of legally appropriated funds is now threatening to reinvolve America in the quagmire of Southeast Asia, this time in Cambodia. If Congress does not act to halt our involvement, we may wake up one day soon to learn of newly captured American prisoners of war which the President could use to justify renewed air strikes across Indochina.

Mr. Speaker, on April 10 I sent a letter to President Nixon requesting information about the extent of our bombing in Cambodia and our continued military involvement elsewhere in Southeast Asia. I also asked him what legal basis he felt he had as President to order air strikes in Cambodia, a country where no American troops or prisoners of war are involved, no treaty commitments applicable, and where Congress has expressly prohibited other forms of commitment.

My letter raised the further issue of whether the legal basis that the President believes he has to involve American forces in Cambodia would also allow him to reinvolve us in Laos should new fighting erupt there. From what the administration has said publicly on this subject, the President apparently does believe he has the authority to reinvolve us in Laos in this manner.

Mr. Speaker, if Congress is not to totally turn over all its powers to the Executive, we must call an immediate halt to the President's unilateral commitment in Cambodia before it is too late.

NATIONAL WORKING MOTHER'S DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 10 minutes.

Ms. ABZUG. Mr. Speaker, yesterday was National Working Mother's Day and mothers across the country participated in this event by bringing their children to work, by rallying and by lobbying. Supporters participated by wearing daisies like the one I wore and by joining in the other activities.

What these women and men are demonstrating for is a change in the regulations regarding social services recently proposed by Secretary Caspar Weinberger and the Department of Health, Education, and Welfare. These regulations, if adopted without serious changes, would disastrously cripple the already limited federally subsidized child care we now have. The regulations so narrowly define who is eligible, they place such a low-income ceiling on that eligibility, they provide so little in the way of controls to insure the quality of child care that mothers decided to show what no child care would mean.

There are 7 million single-parent households in America; 6 million headed by women and 1 million headed by men. These parents need child care to enable them to work and remain economically independent. There are 6 million preschoolers in America whose parents work. These children need child care so they can grow and be educated and become whole human beings. But in America we are currently serving only 700,000 children in federally subsidized centers and at least one-half of that number, 350,000, would be affected by these new regulations.

The people who would be hurt the most by these cuts, which are the most inhuman of the inhuman budget cuts, are the very ones who can least afford it, the working poor. With an administration that professes to support and encourage the work ethic, it is, to me, a contradiction to promulgate these new regulations. In New York a family of four that earns $5,400 a year would be "too rich" for day care. In Washington, D.C., a mother with one child earning more than $2,500 a year would be "too rich." These regulations will force people, especially women who are beginning to make it economically, back onto the welfare rolls.

Yesterday's event, and it took place nationwide, was sponsored by the Mobilization for National Working Mother's Day. The group was organized as an outgrowth of a meeting that I had in March with Secretary Weinberger, other women Members of Congress and representatives of the leading day care groups in America. The group organized a coalition to build this event that included the NAACP, the National Women's Political Caucus, the National Education Association, NOW and others.

If these regulations are not seriously changed, and I do not think we can count on that, then we, in Congress, must be prepared to do the job of providing at least the holding of the line on day care and then the passage of a comprehensive child development bill similar to the one passed in the 92d Congress.

I would like to insert in the RECORD at this point an editorial that appeared in today's New York Post on Working Mother's Day and the text of a telegram sent to Secretary Weinberger by Sissy Farenthold, national chairperson of the National Women's Political Caucus:

WORKING MOTHERS DAY

Few theories about public policy are more popular in official Washington nowadays than the conviction that the poor ought to be working. Why, then, is so much being done to harass the "working poor"?

The question will be asked countless times during a national protest today—"Working Mothers Day"—against proposed reductions in day care eligibility by the U.S. Dept. of Health, Education and Welfare. Women participating are being asked to bring young children to work with them for the day.

That the youngsters would be happier at their present day care centers is doubtless true; in fact, that is one of the points of the demonstration. If the HEW cutbacks that seem to be in prospect go through up to half the 34,000 children now taking part in city day care programs may have to be kept home and their mothers may return to welfare—simply because the government thinks they are earning too much to receive day care service.

Their wages, still far from middle-class standards, refute such estimates. Yet they are valued, willing members of the labor force. Their employers could help them appreciably today by writing on company letterheads, to HEW Secretary Weinberger and the White House in support of this demonstration.

SECRETARY CASPAR WEINBERGER: In behalf of more than 100 representatives of women of all political parties from 38 states meeting in Washington this past weekend as the policy-making council of the National Women's Political Caucus, I call upon you to honor National Working Mother's Day by dropping your plans to issue new and more restrictive social services regulations. We particularly oppose any tightening of eligibility requirements that will deprive parents of access to necessary child care facilities. We oppose regulations lowering child care standards, downgrading health and nutrition needs of children, restricting grievance and hearing procedures, and denying parents involvement in decision-making. Millions of women with jobs or in education programs require comprehensive child care for their families. The alternative is more women on welfare. We urge you not to "regulate" women out of their jobs and children out of centers. We need more child care programs, not fewer.

(S) FRANCES FARENTHOLD,
National Women's Political Caucus.

EDUCATION FOR HANDICAPPED CHILDREN A BITTER NIGHTMARE FOR MILLIONS OF AMERICAN PARENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK) is recognized for 10 minutes.

Mr. VANIK. Mr. Speaker, the President's veto of the Vocational Rehabilitation Act was a shameful and cruel decision. He has allowed the "budget axe" to strike down the hopes of millions of children.

I fully support the need to streamline the budget and eliminate needless spending. This must be done. But it all boils down to priorities. We could strip the Federal Government of needless burdens—subsidy programs that only serve to line the pockets of a few at the expense of many; the counter-productive agricultural subsidies that cost the taxpayers billions of dollars to keep the farmers from planting certain crops, should be in the bullseye of the President's budget guns. The administration has clearly made its choice in eliminating "people programs." The handicapped children of our Nation have become "political expendables."

THE EDUCATION FOR THE HANDICAPPED AMENDMENT

An estimated 4½ million handicapped children of school age are excluded from public schools in America. This shocking figure represents approximately 60 percent of all school-aged handicapped children in the entire United States.

The Congress must recognize the dimension of this educational crisis and seek corrective action—in spite of recent setbacks.

Today I am introducing the "Education for the Handicapped Amendment" to guarantee that every handicapped child is provided "educational service" at least equal to expenditures for other children in that school district.

If a child is not receiving "educational service," his parent—under this legislation—may institute civil action against the local school district. If the court decides that the school district is in violation, then all Federal financial assistance to that school district would cease, if within a 1-year period from the day of the court's initial decision the school district does not correct the problem.

Parents who file these civil action suits will not have to pay legal fees unless so designated by the court. This provision will allow parents to file civil suits or class actions without the fear of "bankrupting legal fees."

EDUCATIONAL CRISIS FOR THE HANDICAPPED

State and Federal authorities were able to identify, counsel, and place in educational facilities only 40 percent of the handicapped children under 21 years of age in 1971.

Sixty percent of all handicapped children are ignored, unidentified, and untreated. Parents who seek counseling for these children are placed on long waiting lists. The child seeks an education, and is denied access to a public education or is virtually barred from private schools due to prohibitive tuition rates.

In most cases, the handicapped child is excluded from schools because the States are either unable to define and deal with his illness, or care is so shoddy that the problems are multiplied. When the handicapped child is accepted in the classroom he is shunted about until he becomes a failure or a dropout. Then he is declared to be untrainable, to spend the rest of his life without training, stimulation, or care—to be of little use to himself or society.

Although exclusion of handicapped children is illegal in some States, the States plead lack of funds. At the same time there is no motivation to develop programs. Statistics concerning State care of the handicapped are shocking. They range from the California rate of providing for 54 percent of the handicapped children in the State, to Vermont's rate of approximately 22 percent.

The following statistics concern the number of handicapped children served and the numbers not served in the 50 States. It must be kept in mind that the children mentioned in the served column are those who received any sort of care or placement by their States. It does not mention the quality of that care—generally poor—or in terms of school years, the years of education and training that those children received.

The following statistics from the Department of Health, Education, and Welfare can only serve to remind us that we have failed in the area of care and education for our handicapped children:

ESTIMATED NUMBER OF HANDICAPPED CHILDREN SERVED AND UNSERVED 1971–72 (AGED 0 to 21 YEARS)

State	Total served	Total unserved	Grand total
1. Alabama	22, 384	88, 765	111, 149
2. Alaska	1, 875	3, 175	5, 050
3. Arizona	12, 678	27, 318	40, 059
4. Arkansas	12, 492	109, 173	121, 665
5. California	321, 765	219, 320	541, 085
6. Colorado	37, 566	38, 289	75, 855
7. Connecticut	35, 544	54, 322	89, 866
8. Delaware	8, 351	7, 371	15, 722
9. District of Columbia	9, 568	12, 334	21, 907
10. Florida	105, 021	34, 822	139, 843
11. Georgia	65, 061	64, 803	129, 864
12. Hawaii	9, 106	10, 484	19, 590
13. Idaho	8, 395	28, 166	36, 561
14. Illinois	180, 877	74, 504	255, 381
15. Indiana	86, 599	58, 492	145, 091
16. Iowa	36, 521	58, 210	94, 731
17. Kansas	27, 713	26, 853	54, 566
18. Kentucky	24, 336	54, 050	78, 386
19. Louisiana	45, 056	77, 288	122, 344
20. Maine	6, 758	23, 985	30, 743
21. Maryland	66, 259	57, 380	123, 639
22. Massachusetts	63, 460	45, 152	108, 612
23. Michigan	165, 018	123, 279	288, 297
24. Minnesota	70, 423	52, 242	122, 665
25. Mississippi	16, 587	99, 479	116, 066
26. Missouri	65, 110	156, 468	221, 578
27. Montana	5, 358	18, 242	23, 600
28. Nebraska	23, 734	69, 834	93, 568
29. Nevada	6, 300	7, 340	13, 640
30. New Hampshire	6, 070	13, 304	19, 374
31. New Jersey	99, 189	131, 866	231, 055
32. New Mexico	8, 655	44, 471	53, 126
33. New York	221, 219	151, 592	372, 811
34. North Carolina	73, 739	98, 841	172, 580
35. North Dakota	89, 470	38, 268	47, 215
36. Ohio	175, 300	160, 578	335, 898
37. Oklahoma	23, 746	120, 840	144, 586
38. Oregon	26, 274	21, 770	48, 044
39. Pennsylvania	156, 830	108, 619	265, 449
40. Rhode Island	13, 475	26, 000	39, 475
41. South Carolina	38, 275	68, 230	106, 505
42. South Dakota	4, 414	13, 381	17, 795
43. Tennessee	49, 173	82, 730	131, 903
44. Texas	175, 622	602, 069	777, 731
45. Utah	27, 079	17, 100	44, 179
46. Vermont	4, 612	16, 019	20, 631
47. Virginia	44, 768	101, 980	146, 748
48. Washington	64, 223	15, 071	79, 294
49. West Virginia	15, 161	65, 400	80, 561
50. Wisconsin	66, 230	89, 583	155, 813
51. Wyoming	5, 665	12, 810	18, 475

OHIO

According to figures of the Department of Education, my own State of Ohio is denying special education services to 160,578 handicapped students.

Even though Ohio serves only 52 percent of our impaired children, we still have a much better record than most States. But while the State as a whole serves 52 percent of the handicapped children overall, individual counties, in some instances performed worse.

Brown County—serves only 424 children out of a possible 906.

Trumbull County—serves only 2,964 out of a possible 6,275.

Every county in Ohio provides classes for the educable mentally retarded; 44 counties—50 percent of the State's counties, do not have classrooms for the hard of hearing, deaf, crippled, visually handicapped, neurologically handicapped, or emotionally disturbed children.

Many of these children would be capable of working, utilizing a skill obtaining employment, and paying taxes, if he received the proper education and training. Over 32,000 students in Ohio participated in the work study program for the educable mentally retarded. In 1970, they paid an estimated $282,000 in Federal income tax. They paid an estimated $50,303 in State sales taxes. Of the 1,522 graduates of the program in 1969–70, 82 percent or 1,230 are currently employed full time.

TAXATION WITHOUT SERVICE

Our Federal, State, and local governments tax handicapped people, their parents, and relatives, but fail to provide services for them. Parents pay school taxes yet cannot send their disabled children to public schools. They pay Federal taxes, but how much effort is made to educate the handicapped child through ESEA—the Elementary and Secondary Education Act—impact aid, and other programs? Programs provided by the Federal Government almost never make provisions for the handicapped.

PARENTS BEGIN TO FIGHT FOR THEIR CHILDREN'S RIGHT TO AN EDUCATION

"Right-to-education" law suits for the handicapped are pending in about half of the States. An attorney for one of those suits in the State of Hawaii, Vincent Yano said:

> We've been begging for years; we don't intend to beg anymore.

On October 30, 1972, Judge Joiner, of the U.S. District Court of the Southern District of Michigan, handed down a landmark ruling. This civil action focused essentially on whether children who have learning, social, mental, or physical handicaps had as much right to participate in and receive the benefits of a public education as other children. Judge Joiner ruled that providing education for some children while not providing it for others is a denial of "equal protection" under the 14th amendment.

In *Brown* v. *Board of Education* (1954) and again in *Rodriquez* v. *Texas* (1973) the court stated that—

> In these days, it is doubtful that any child may be reasonably expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all children on equal terms.

These principles will continue to be cited again and again throughout the United States as decisions are handed down on the more than 20 pending "right to education suits" in Federal district courts. These civil actions are the spearhead of a movement designed to alter the disgraceful status of education for the handicapped in America. It is very clear that these cases represent a growing concern—but these cases do not provide a much needed national approach in solving the problem.

The "Education for the Handicapped Amendment" introduced today will provide a vehicle that will demand action. Direct pressure on school districts and the Federal Government will translate the principles being set forth in the courts across the land into action, insuring that every child is provided a chance in school.

Now, it is administratively impossible to demand that every school district provide services for every type of handicap in that school district. It is my recommendation that the U.S. Office of Education, Bureau of Education for the Handicapped, recommend a series of joint educational ventures, pooling funds proportionately from several school districts to provide needed facilities. Under this legislation the details of educational services for the handicapped will be determined in light of local needs, with the flexibility needed for efficiency. But educational opportunity will be required for every child.

The veto of the Vocational Rehabilitation Act and the apparent cutbacks in certain programs for the handicapped demand that this amendment be adopted. The administration's position on impoundment and vetoes leaves no other alternative but "pressure point funding" for which this legislation will pave the road.

THE ENERGY/DOLLAR CRISIS

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, yesterday, I invited my colleagues' attention to a very serious article by the noted columnist Joe Alsop concerning our growing dependence on foreign fuel supplies. I inserted this article which is entitled "Oil: The Vulnerable Jugular," in the April 10 RECORD (page 11714).

Today, Mr. Alsop's second energy article was published. It is entitled "The Energy/Dollar Crisis." I also highly recommend this article to the attention of my colleagues. Mr. Alsop, in this article, points out the magnitude of the monetary problem which the need for oil importation creates.

Mr. Alsop also refers to a study the Joint Committee on Atomic Energy has made of our overall energy supply/demand situation. Many of my colleagues have reviewed the graphic presentation of the data we have assembled on this matter. I plan to publish the data from this study in the near future in order that the information can be made available to everyone.

I wish to commend Mr. Alsop for his efforts in informing the public of the serious nature of our energy supply problem. I look forward to his additional articles on this matter.

Without objection, I am submitting the second of Mr. Alsop's articles for inclusion in the Record:

THE ENERGY/DOLLAR CRISIS

(By Joseph Alsop)

Everyone talks about the "energy crisis." But that phrase merely scratches the surface of the problem. What threatens us—what has started already, in fact—is a permanent currency crisis, which will also mean a permanent inflation crisis.

In three years, on present projections, our dollars cannot be anything like what they seem today, although, God knows, a dollar is now worth little enough. As for our children's dollars, they may almost resemble the German marks of the 1920s, when people had to carry small change in suitcases.

All this, of course, is *on present projections*. There are many things that can be done to protect the dollar, all of them highly unpalatable. On the other hand, if these things are not done, both promptly and all-out, market forces will ruthlessly reduce our lavish current consumption of energy. This will produce something like an unending recession, but it will also alter the present projections radically.

Let us first examine the present projections, however. To begin with, a crisis situation has so suddenly arisen because of two kinds of past miscalculation. We always overestimated our cushion of unused oil-production capacity, through all the years when production was controlled in states like Texas and Oklahoma. About a year ago, the last controls were removed. The result was only the most minimal increase of production. The cushion was largely a myth, created to beat the rationing system.

On the other hand, the growth of U.S. demand for energy from all sources was even more grossly underestimated. In 1970, to illustrate, President Nixon's Task Force on Oil Imports assured everyone the problem was quite manageable through the year 1980. In 1973, however, our oil imports of 6 million barrels a day are already far above the imports expected by the presidential task force in 1980.

In money terms, we shall have to find $9 billion to send abroad, quite largely to the Persian Gulf, to pay for our 1973 oil imports. Even with the money thereafter repatriated by our international oil companies, this is a huge sum. Such oil imports leave little hope of righting the sadly unbalanced U.S. balance of payments—which means a permanently weak dollar on the world money markets.

But it does not end there, by any means. American energy demand is growing ceaselessly, while American production, especially of natural gas, is also beginning to decline.

In 1975—only three years from now—we shall have to find $15 billion to pay for our oil imports. And this assumes that world oil prices do not go up, either because of another dollar devaluation, or simply because of the enormous pressure of demand from Western Europe and Japan as well as the U.S.

A little further down the road, the projections are a bit more uncertain. The more optimistic forecasts for 1980 have us paying out $24 billion for foreign oil in that year. The pessimists raise this sum to $30 billion. As for 1985—when children born last year will just be entering high school—the optimist-pessimist spread is between $30 billion and $70 billion for our foreign oil costs!

The optimists' figures for the future, it must be added, again make no allowance either for further loss of value of the dollar, or for further increases in world oil prices. They are like weather forecasts, in truth, that make no allowance for storms that any sane weather forecaster ought to allow for.

Furthermore, these are *not* oil company figures, although they parallel the projections recently made by the Shell Oil Co. Instead, they come from briefings now being given to senators and leading congressmen by the staff of the congressional Joint Committee on Atomic Energy. The sponsors are the committee chairman, Mel Price of Illinois, Rep. Chet Holifield of California and Sen. John Pastore of Rhode Island. All are Democrats; and Sen. Pastore, a strong liberal Democrat, has personally begged all other senators to give ear to the dire facts.

The figures also mean an energy crisis, of course. There will be local fuel shortages this summer. At least in a fair number of states, there may be gasoline rationing in the summer of 1974. The independent oil and gas distributors are due to suffer shockingly, if not to be wiped out. Short supply is the basic reason. Another reason is the greed of the big companies.

Yet inconvenience for many and heavy loss for a few, are mere trifles compared to the national tragedy of a dollar with ever-lessening value. And even this is only the first chapter of the horror story.

TWO SIDES TO EVERY COIN

(Mr. CLAY asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. CLAY. Mr. Speaker, last week a freshman Member of Congress, the Honorable Harold V. Froehlich, of Wisconsin, inserted a newspaper article in the Congressional Record which in essence was a derogatory attack on two Members of this body.

I feel compelled, Mr. Speaker, to refute these accusations that during Equal Opportunity Subcommittee hearings I threatened Mr. Howard Phillips, Acting Director of the Office of Economic Opportunity, berated his lapel pin, and attempted to intimidate this Congress with a threat of violence if poor people did not have their way.

If the freshman Congressman from Wisconsin had taken the time to read the official transcript of the committee hearings he would have concluded that no one threatened Mr. Phillips or advocated violence in the streets.

The statement attributed to me, out of context, regarding violence and the New Orleans sniper incident, were in rebuttal to Mr. Phillips' complete lack of knowledge about the attitudes and feelings of this Nation's poor people. I believe, as I related to Mr. Phillips, that it is extremely dangerous for anyone to underestimate the explosive potential of this already frustrated and forgotten segment of American society.

I think we learned by the New Orleans incident, that it does not take large groups of people to terrorize a city. This is the reference I made to the sniper, and I would think Mr. Froehlich would be hard pressed to disagree.

If Mr. Froehlich had read the entire transcript, he would have recognized the American flag reference as part of a whole list denoting different degrees of respect that some citizens have for once sacred symbols. Mr. Speaker, people who have been the victims of oppression and repression have great difficulty finding comfort or feelings of pride in reciting the Pledge of Allegiance or singing the national anthem.

Lastly, I am accused of intimidating this Congress. I assure you, Mr. Speaker, that after 5 years of the Nixon administration this Congress recognizes intimidation when it sees it.

In closing, it should be remembered that there are two sides to every coin, and for the enlightenment of my colleague from Wisconsin, I commend the following article by Mr. Carl T. Rowan which recently appeared in the Evening Star.

The article follows:

OEO BUTCHERED BY FAR RIGHT

(By Carl T. Rowan)

Stanley Scott, the black ex-newsman who is President Nixon's new special assistant for minority affairs, was in New York the other day defending Nixon's mangling of anti-poverty and other social programs.

Scott's silly, patently false argument was that those criticizing the dismantling of poverty programs are "the same people who were raking off 80 to 85 percent of the funds allocated for programs such as Community Action agencies."

Scott is no dummy, and he has never been known as a fawning Uncle Tom, so I can only conclude that a failure to do his homework is what permits him to defend so recklessly this administration's war on poor people.

I wonder if anyone ever explained to Scott that the butchering of the Office of Economic Opportunity began after Nixon literally turned the agency over to a group which is so far to the right that it denounced the President's trip to China and called his Vietnam policy "a fraud" amounting to surrender to the Communists—with some members of the group trying to replace Nixon with Agnew as the 1972 nominee and then, when that failed, throwing their support to Rep. John Ashbrook's presidential campaign.

The group I refer to is Young Americans for Freedom, a bunch of far-right kooks who are demanding repeal of Social Security, who tried to defeat Sen. Edward Brooke in Massachusetts and who view any kind of government help to the needy as an ideological outrage.

Howard Phillips, the acting director of OEO and chief of the wrecking crew, was a member of the first YAF board. At least six of Phillips' top aides—David H. Jones, Randal C. Teague, J. Alan MacKay, J. Laurence McCarty, Daniel F. Joy III and Morgan J. Doughton—have been active in YAF. It was Teague who accused Nixon of "doubledealing" with the Communists and who found Nixon so unacceptably leftist that he supported Ashbrook.

Can Stan Scott possibly know aobut these right-wing zealots who are waging war on poor people? Can he know and still defend their actions?

Can Scott be aware that they are feeding him phony and misleading data with which to try to justify attacks on the Community Action programs?

At the start of this year there were 906 local Community Action agencies with budgets totaling some $300 million a year. These agencies had 184,000 full-time and part-time workers at an average salary of about $5,200 a year.

Has anyone informed Scott that more than half those workers were living in poverty before they were hired for Community Action? Has anyone informed Scott, so he can explain to his President, that when they kill off these programs tens of thousands of people will be forced back into poverty, and this will produce some more welfare recipients for this administration to curse?

No, they expect the public to swallow this malarkey that salaried fatcats were "raking off 80 to 85 percent of the funds," but the truth is that over half of those salaried people are the poor. Citing some obvious abuses in the program cannot obscure that truth.

The public must also understand that the work done by those salaried people was in many cases the most vital and helpful part of Community Action. Those workers got millions of poor, aged people enrolled in Medicare who otherwise would never have known their rights. That made Medicare a great human success. But it burns arch-conservatives like Phillips and his YAF crew, because enrolling all those old, sick, poor people raised the cost of Medicare.

Similarly, those Community Action workers saw that only 40 percent of the eligible were getting surplus food commodities, and only 20 percent of the eligible were getting food stamps. So "outreach" workers helped many thousands to get the nutrition they needed and to which they were entitled.

This burns Phillips and his crowd, just as it infuriates him that OEO lawyers have helped millions to get the welfare payments to which they are legally entitled.

This YAF gang's fight with OEO is not that "it wasn't helping the poor," as the White House keeps pretending; it is that OEO was helping *too many* poor people.

No one expects Scott to sit in the White House and denounce the administration's cruel slandering of the poor; but if he would just get the facts he might at least opt for silence.

ECONOMIC STABILIZATION ACT EXTENSION

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, I urge my colleagues to join me today in voting for the 1-year extension of the Economic Stabilization Act. I believe that what we do here today will have the most profound effect on the quality of life in America.

For the past few years we have witnessed the spectacle of inflation continuing to grow unchecked while the Government made a few feeble attempts to curb rising prices. What was lacking was a consistent, unified program that would deal with all phases of the economy, a program that would leave no gaps or inequalities.

It was difficult for me to understand how phases I and II could work if prices and wages were controlled, and interest rates and profits were not. The controls of phase III were for the most part either ineffectual or unenforced, and even so, the controls were lifted too soon. We see now the disastrous effects of the President's premature actions.

All through the President's inflation-control program the cost of food continued to rise. It took a nationwide boycott by outraged housewives to get the President to take positive action to control meat price rises. However, we are still without the kind of uniform national policy on food prices that we need to assure a full supply of food at reasonable prices.

During phase II, rents were under loose controls.

This ended last January 10, and since then I and other members of the New York Delegation have received thousands of letters of complaint from tenants who are being victimized by rent-gouging landlords.

In spite of the President's actions, inflation is continuing at the rate of over 5 percent a year. The White House feels that this is acceptable. I do not. My constituents do not. This rate of inflation is like an additional tax on the wage earners of this country, cutting into their earnings, and decreasing the number of options available to them in the way they can spend their earnings.

It is long past time for a workable system of controls to be imposed on the economy so that inflation will no longer threaten the well-being of the American worker and consumer. The quality of life in this country can no longer be jeopardized by runaway prices for the basic necessities of life. I feel obligated as a Member of Congress to do all that I can to make it possible for my constituents to live easily. Without the controls outlined in the Economic Stabilization Act we are considering today, I believe it will be impossible for many of those I represent to maintain their current standard of living.

It is time for a constructive national program of price and wage controls. We need a rollback of prices to the pre-phase III level. We need, especially in New York City, a roll-back of rents to this same level. I am pleased to see that H.R. 6168 contains such provisions. It has become necessary to create an automatic system of controls to fight inflation when it exceeds 3 percent a year. This may be the most important provision on the bill before us today. It is gratifying to see economic legislation that takes into account the needs of those who do not earn very much money, and that seeks to control interest rates as well as wages and prices. It is the kind of legislation we should have had long ago. I hope that it will be enacted before the economy worsens even more.

VETERANS' ADMINISTRATION ACCOUNTABILITY ACT OF 1973

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, I am today introducing the Veterans' Administration Accountability Act of 1973. This legislation has already been introduced in the Senate by Senator VANCE HARTKE, who is chairman of the Senate Committee on Veterans Affairs. It is designed to prevent arbitrary action by the Veterans' Administration, and to restore a proper balance between the VA and the Congress in matters affecting the nearly 30 million American veterans.

Throughout our history, Congress has frequently found it desirable to delegate some of its legislative authority by establishing various regulatory and administrative agencies within the Executive branch.

The amount of authority and power granted to these agencies ranges from extremely broad, as in the case of the Federal Communications Commission, to extremely limited, as with the Federal Power Commission. But even with autonomous bodies such as the FCC, it is a generally accepted principle that any great shifts in policy must be made by the Congress. When an executive agency goes too far in exercising its authority, Congress is justified in trying to exercise somewhat tighter control over the department's action.

Such is the present case with the Veterans' Administration. Earlier this year, the VA announced that it was cutting out $160 million from compensation benefits for seriously disabled veterans. Congress was never consulted, and hearings were not held; the VA bureaucrats were able to make this critical—and outrageous—decision without giving any notice to the elected Representatives of the American people.

The Veterans' Administration Accountability Act of 1973 would require that certain major changes in VA policy would not be permitted without prior submission to, and acceptance by, the U.S. Congress. The major changes would include the following: Proposed changes in the disability rating schedule; proposed closings of VA hospitals, domiciliaries, or regional offices; proposed construction or major alternations of VA hospitals; and proposed disposition of major pieces of real property under VA jurisdiction.

As Senator HARTKE pointed out in introducing his bill in the Senate, the Accountability Act would not have the effect of interfering with administrative discretion. It would merely give the Congress the right to be notified of any major changes in VA policy, and to disapprove any such changes that are deemed to be not in the public interest. The Veterans' Administration Accountability Act of 1973 is yet another attempt on the part of the Congress to restore the historic balance of powers inherent in the American system of government. America's veterans are counting upon Congress to represent their interests, and I hope that my colleagues will give careful consideration to this important bill.

SPANISH "SESAME STREET" A HIT IN LATIN AMERICA

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, whether or not television receives more than its fair share of criticism is a matter for debate among critics, networks, the viewing public, and FCC. One show, however, has distinguished itself by being widely acclaimed by virtually every sector of the industry and the public. I refer, of course, to the widely heralded program Sesame Street.

As chairman of the Inter-American Affairs Subcommittee I was extremely pleased to learn last year that plans were being made to produce Spanish and Portugese language versions of the program for distribution throughout Latin America. The first programs in the new series have been shown in Puerto Rico, Brazil, and Mexico. The reception has been, if anything, even greater than here in the United States.

The Mexican reaction to "Plaza Sesamo" was described recently in an article in the "Christian Science Monitor" which I am sure will be read with interest by many Members of Congress:

TV: SPANISH "SESAME STREET" A HIT IN LATIN AMERICA

(By C. Conrad Manley)

MEXICO CITY.—The first three weeks of telecasting "Plaza Sesamo," the Spanish-language version of "Sesame Street," throughout Mexico has shown the project to be "an even greater success than we had anticipated," according to the program's executive director, John Page.

The program is in the midst of expansion to most other Latin American countries. Bolivia is being aided by contributions from its "sister state" of Utah to provide receivers in poor areas.

"The studio here has received hundreds of letters and telephone calls of commendation," Mr. Page said in Mexico City, "and now we're having to field scores of requests for members of the 'Plaza Sesamo' cast to come to birthday parties."

Most popular character of the five-member cast, he added, is Abelardo, a seven-foot alligator-like creature who occupies the role taken by Big Bird in the American series.

Launched in Mexico on two national television networks on Jan. 8, the educational program for three- to six-year-olds has drawn acclaim from Mexican parents, educators, and editorialists.

Interviewed by a reporter of Mexico City's El Heraldo, one mother of five said: "At last I can get all of my children together in agreement on what television program to watch; before there were always quarrels. And I watch it with them."

Another, Elena Gomez Gonzalez de Padilla, called it "not only a good program for children but for adults as well. It shows us how to treat the little ones and how to lead them, to teach them letters and numbers."

Modeled on the three-year-old "Sesame Street" familiar to United States audiences, "Plaza Sesamo" has been adapted to Latin American psychology and customs. Its local is a typical plaza of the Southern Hemisphere, centered on a fountain. Its characters include Don Ramon, proprietor of a small store; Gonzalo, a young mechanic, and his wife, Maria Luisa; Gonzalo's sister, Rosita, a student nurse; and two animal characters, Abelardo and an outsize parrot, Paco.

About 40 percent of the 54-minute show has been filmed at Churubusco Studios here with local actors. Another 40 percent comes from the film archives of the Children's Television Workshop in New York, with dialogue dubbed in Spanish. The final 20 percent is made up of animated cartoons, graphic material and films of scenes and activities from around Latin America.

Sponsored in Mexico by Telesistema Mexicana, S.A. (now Televisa), and the Xerox Corporation of the United States, the program is aired nationally five days a week from 3 to 4 p.m. by Channel 2 and from 5:30 to 6:30 p.m. by Channel 5.

Xerox, which contributed half of the $2 million production cost of the 130-chapter series, gets only about 30 seconds of advertising at the beginning and end of the program, with its name scrawled as on a blackboard, but its payoff comes with the general recognition of its high-level public relations contribution to hemispheric education.

A mother telephoned Televisa recently, Mr. Page recounted, to report that her 3½-year-old son had told her, "Mama, I know how to write 'Plaza Sesamo.'" "Go ahead," she encouraged him, "and show me." Painfully, the toddler scribbled in block letters: "XEROX."

The Mexican program was preceded by the inauguration of "Plaza Sesamo" in Puerto Rico in November and in Brazil, with its own original program in Portuguese, in December, both of which are described as "highly successful."

The week following the launching of the series in Mexico, "Plaza Sesamo" went on the air on national networks in both Colombia and Ecuador and is scheduled to be broadcast in Venezuela in February and in all five Central American republics, Panama, Chile, and the Dominican Republic about the third week of March.

Later in the year, the executive director reported, the series will be broadcast in Argentina, Uruguay and Bolivia, leaving only Peru in Latin America without arrangements for its juvenile population to see the program.

"In Utah, which is a 'sister state' of Bolivia," Mr. Page said, "there is a public campaign now going on to raise funds to buy television receivers for poor urban districts and isolated rural areas of that country so that their children can share in the benefits of the educational broadcasts. Contributors are given a metal plaque which reads 'Plaza Sesamo' in recognition of their assistance."

Whether there will be a second 130-program series of "Plaza Sesamo," the executive director said, "depends on studies of audience reaction to the current series which is now going on. It will be several weeks yet before our researchers have enough data to tell us precisely what is right and what is wrong with what we have done so far."

Dr. Rogelio Diaz Guerrero, director of the Center for Investigation of Behavioral Sciences here, and his assistant, Dr. Raul Bianchi, are now analyzing material derived from "Plaza Sesamo" broadcasts in Mexico, Colombia and Venezuela for guidance in future productions of the Children's Television Workshop here.

Meanwhile, though "Sesame Street" has aroused some controversy in the U.S., the general reaction of Mexican audiences seems to be summed up by columnist Manuel Pallares of the daily El Sol de Mexico: "'Plaza Sesamo' is a stupendous production. Its function, to educate and to entertain, is carried out perfectly. It is one of the best gifts children have received from television.

PRESIDENT NIXON SHOULD VISIT LATIN AMERICA

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, last Friday in his speech to the General Assembly of the Organization of American States, Secretary of State William P. Rogers announced his attention to travel to Latin America this year. I applaud this visible demonstration of continuing U.S. interest in our neighbors to the south. The trip undoubtedly will help dispel the notion that the United States does not care about the Western Hemisphere.

I am hopeful that based on the results of the discussions Secretary Rogers will have during his trip President Nixon will be able to conclude that a personal visit by him would produce a significant advance in hemisphere relations. Recently the Miami Herald published an editorial urging such a presidential trip. Many Members of Congress interested in Latin America, I am sure, share the sentiments expressed in the editorial:

SHOWING LATINS WE REALLY CARE

Since the days of Herbert Hoover, there has been only one U.S. President who did not visit South America proper—Richard M. Nixon.

Mr. Nixon did cross the border briefly to Mexico in 1969 but has not ventured as far as either Central or South America during his Presidency.

There are indications now, with much of Latin America grumbling about U.S. neglect or worse, that he will remedy that.

Early this month, the President revealed that both the State Department and the National Security Council had recommended that he make such a visit.

"They feel that going to Peking and going to Moscow indicates that we don't care about our neighbors in the Western Hemisphere," the President said at the time in discussing the recommendations.

The trip has not yet been scheduled, however, and there is concern that it might be postponed again.

Right now, U.S. relations in Latin America need all the help they can get. A Presidential visit would at the least indicate a personal concern, and assist in relieving hurt feelings if not substantive conflicts.

Most of the same problems that Gov. Nelson Rockefeller detailed after his hectic 1969 tour still remain. Trade preferences continue to rate the highest Latin priority.

If any change, there may be even greater anxiety now than then, because of the Nixon Administration's failure to follow through on its 1969 promise to institute those preferences.

The President has not indicated what his itinerary might be. There have been indications that he might hold a series of conferences in centrally located countries, inviting groups of Latin American chiefs of state to each.

Any itinerary, however, most certainly would include Brazil, regarded throughout Latin America as the principal U.S. ally in the region.

The President may not now be able realistically to pledge action on trade preferences because of the protectionist sentiment that prevails in the U.S. Congress.

But a personal trip would provide the opportunity for persuasion at the highest level that there is no really attractive alternative to hemispheric cooperation.

PEOPLE-TO-PEOPLE DIPLOMACY—KEY TO WORLD UNDERSTANDING

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, daily we are deluged with headlines depicting the conflicts, great and small, political, and economic, which characterize international relations in this era of power politics. Often overlooked are those events which slowly and gradually are working to unite rather than divide mankind. Some of these trends toward a more interdependent world system were never intended as such but they are there—larger populations and more industrialization, for example, are increasingly requiring joint action to stretch scarce

resources and control pollution. But beyond the almost accidental convergence of such forces there is a great deal that is being done by men and women around the globe to establish a more rational and peaceful world order. An important component of this effort in the United States are the activities and programs of the Bureau of Educational and Cultural Affairs in the Department of State.

In an article published last September, Alan A. Reich, Deputy Assistant Secretary of State, very ably articulated the rationale behind his bureau's programs and detailed its multifaceted efforts to promote international understanding.

The article, printed in the September 4, 1972 Department of State Bulletin was based on address Secretary Reich made last June 15 to the Rotary Club of New York:

People-to-People Diplomacy—Key to World Understanding

(By Alan A. Reich)

Technological advances have made nuclear war a threat to mankind's very existence. Fortunately, however, new initiatives and agreements in the disarmament field offer hope that the deadly cycle of weapons buildup may be broken. Prospects for increased government-to-government cooperation look better now than at any time since World War II. The great powers are focusing on areas of common concern rather than on their differences. The results appear promising.

But while technology has made nuclear annihilation possible, it also has sparked a revolution in communication and transportation which brings increasing numbers of people in all walks of life into direct, open, and immediate contact. International diplomacy, traditionally the task of men behind closed doors, has become a public matter. Many foreign offices no longer confine themselves to speaking with other foreign offices for peoples; they help and encourage peoples to speak for themselves across national boundaries. People-to-people communication has become a dominant force in international relations throughout the world.

Societies and their problems have become more complex. More and more people are educated and have become concerned citizens. The media reach and stimulate increasing numbers of people. The number of individuals and institutions that influence major decisions in every country is growing. This is true in international affairs as well as in domestic matters.

We share the concern of people throughout the world with the serious problems of disease, hunger, pollution, and overpopulation. We also share the frustration and sense of injustice such problems bring and the commitment to find solutions. Our futures are intertwined in the work to improve the quality of life on our planet. If we do not succeed in bringing about peaceful cooperation in the world over the next few decades, neither we nor our children will be able to give the necessary emphasis to solving our domestic problems. Working with our international counterparts and developing better communication and understanding are mutually reinforcing processes. Citizens are involved in and contributing to both.

The geometric increase in citizen involvement in world affairs has special significance for the diplomat. It is a fundamental, irreversible, and irresistible influence for peace. Nations are less likely to deal with their differences in absolute terms when their citizens communicate and cooperate with each other freely and frequently.

When people-to-people bonds and communications networks are more fully developed, there will be a greater readiness to communicate, to seek accommodation, and to negotiate. The likelihood of international confrontation will diminish, and prospects for peaceful solutions will be enhanced. This rationale governs the interest of the State Department in the furtherance of meaningful people-to-people exchange.

In the past few years, social scientists have increasingly studied the relevance of informal nongovernmental communications activities to matters of war and peace. Eminent social scientists such as Dr. Herbert Kelman at Harvard University are attempting to develop a scientific base for these cross-cultural communications activities. Their research suggests that the existence of informal communications tends to reduce the level of tension when conflicts of interest occur; they contribute to a climate of opinion in which conflicts may be negotiated more effectively. Second, their research indicates that informal relationships create a greater openness in individual attitudes toward other nations, people, and cultures; these predispositions also lead to greater readiness to communicate and to resolve differences peaceably. Third, social scientists tell us that international cooperation and exchange contribute to world-mindedness and to an internationalist or global perspective on what otherwise might be viewed either as purely national or essentially alien problems. Finally, international people-to-people relationships help develop enduring networks of communication which cut across boundaries and reduce the likelihood of polarization along political or nationalist lines.

DEPARTMENT-SPONSORED EXCHANGES

When you think of the State Department's conduct of our international affairs, the exchange-of-persons program does not come immediately to mind. It is, nonetheless, a significant and important activity. The Bureau of Educational and Cultural Affairs works constantly and quietly to improve the climate for diplomacy and international cooperation. The exciting, challenging job of the Bureau is to utilize its modest funds and manpower to reinforce the work of American individuals and organizations who want to help construct, a little at a time, the foundation of better relationships with the rest of the world. It also coordinates, as necessary, the activities of other government agencies with international exchange programs in substantive fields such as health, education, social welfare, transportation, agriculture, military training, and urban planning.

Having come not too long ago from the business world, I have a great appreciation for what is being done for an investment of $40 million annually. There are several major elements of the exchange program:

The Fulbright-Hays exchange program over 25 years has engaged more than 100,000 people in academic exchanges. Annually, some 5,000 professors, lecturers, and scholars are exchanged to and from the United States.

The international visitor program brings to the United States about 1,500 foreign leaders and potential leaders annually for one- or two-month orientation programs. This includes nonacademic leaders and professionals, from Cabinet officers to journalists. One out of every 10 heads of state in the world today has been a State Department exchange visitor, as have some 250 Cabinet ministers of other nations.

The Department of State sends abroad annually several leading performing arts groups and athletic stars; for example, in the past year Duke Ellington toured the Soviet Union, several jazz groups performed in eastern Europe, the Utah Symphony toured South America, and Kareem Jabbar (Lew Alcindor) and Oscar Robertson of the Milwaukee Bucks visited Africa.

Some 150 prominent U.S. lecturers went abroad for six-week lecture tours in 1971.

Nearly 500 United Nations specialists, selected by their home countries and funded by the U.N., are programed annually by the State Department through 30 other government agencies for six- to nine-month training programs in the United States.

The State Department's small but catalytic exchange-of-persons program stimulates constructive communication among leaders and future leaders in many fields here and abroad. It creates durable reservoirs of information, understanding, and empathy. It develops rewarding and lasting contacts of key people of other countries with their counterparts here.

PRIVATE SECTOR PARTICIPATION

These programs depend heavily on the willing cooperation of countless private individuals and organizations throughout the United States. Their response has been outstanding. The Department also contracts with a number of organizations to assist in carrying out these activities. For instance, COSERV—the National Council for Community Services to International Visitors—is a network of 80 voluntary organizations throughout the United States which enlists some 100,000 Americans to provide hospitality and orientation for international visitors. They serve voluntarily because they believe in the importance of their work to strengthen international understanding. This makes an indelible impression on the foreign visitors they serve.

Another organization, the National Association for Foreign Student Affairs, counsels many of the 150,000 foreign students now studying in American colleges and universities. The Institute of International Education and several private programing agencies help carry out the Fulbright and international visitor programs.

We in the Department of State are aware that our programs represent only a portion of the total private-public participation in exchanges aimed at furthering international mutual understanding. In addition to service organizations, professional associations of doctors, lawyers, journalists, municipal administrators, and others link their members with counterparts throughout the world. More than 30 American sports organizations carry on international programs involving their athletes in competition, demonstrations, and coaching clinics here and abroad; several youth organizations conduct international exchanges involving nearly 5,000 American and foreign teenagers annually. Numerous foundations, businesses, and institutions throughout America facilitate the private studies of some of the nearly 150,000 foreign students who come to study in the United States annually and approximately half that number of Americans who study abroad each year. Private American performing arts groups tour other countries; reciprocal opportunities are offered to counterpart groups from abroad. The People-to-People Federation and its various committees actively promote and carry out meaningful exchanges; the sister city program of the Town Affiliation Association links some 400 American cities with communities in 60 countries of the world.

Before we undertook new exchange activities in the private sector last year, we asked the cultural affairs officers in our Embassies around the world whether they wanted an increase in exchanges by private groups. They were also asked whether these activities further our long-term purpose of increasing mutual understanding with their respective countries. Almost without exception the posts replied that they want increased exchanges. They want them to occur both to and from the United States. They confirmed that these activities contribute to removing barriers to understanding and to forming durable cooperative relationships.

Last year the Bureau of Educational and Cultural Affairs set up a special office to respond to the needs of private organizations seeking to participate in international person-to-person programs. This Office of Private Cooperation, on request, helps private organizations to become active internationally.

THE CONTRIBUTION OF SERVICE ORGANIZATIONS

In government and in the private sector, there is much to be done. Service organizations, such as Rotary International through its people-to-people programs, are doing a great job. Rotary's international youth exchange, involving 700 youths throughout the world annually, is a model program with considerable impact.

The Rotary Club matching program, which links Rotary Clubs in 150 countries with counterpart clubs for direct Rotarian-to-Rotarian relationships and shared service projects, is equally impressive. Rotary's world community service program has helped people throughout the world. Through Rotary International's small business clinic program, many individuals in less developed countries have been helped to self-sufficiency and community contribution.

Two other elements of the overall Rotary International outreach are especially meaningful. First, the mere existence of some 150,000 Rotary Clubs in 150 countries is a potent force for mutual understanding. Rotary, like other worldwide service organizations, is made up of leaders from all segments of society; this fraternal relationship—professional to professional, businessman to businessman, and so on—generates good will among millions throughout the world.

Another service which Rotary Clubs perform is the furtherance of international person-to-person relationships by others in their communities. In visits throughout the United States I have been impressed with the extent to which Rotary and other service clubs have initiated and developed sister city affiliations, people-to-people exchanges, international hospitality programs, and international activities of local performing arts and sports groups. These activities contribute to strengthened bonds between participating local groups and the nations involved.

I have been asked by leaders of service organizations what they might do to increase international understanding. Frankly, I cannot imagine a more significant organizational outreach, either in concept or in program, than that of Rotary International.

I can only urge Rotary and other organizations to do more of the same—demonstrating so well the capacity for commitment of the American people in solving that most important of all human problems, the achievement of a sustained world peace, by sponsoring exchanges, providing community leadership in international programing, helping peoples of other nations to become less dependent, and strengthening international ties among key individuals and groups.

All this adds up to building a better world through people-to-people diplomacy. To accomplish this will require the patience, the persistence, and the participation of us all, public and private sector alike. But the result is well worth the effort. And I am confident that Rotary and the other service organizations will be found in the forefront of those who get the job done.

MADISON LIBRARY TO BE FRENCH-BUILT

(Mr. MILLER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER. Mr. Speaker, much to my dismay, I have noted that today the fourth foreign-made crane is inching its way upward on the construction site of the $90 million Library of Congress James Madison Memorial Building.

I have made it a point to bring to the attention of the Congress on several occasions during the past few weeks the irony of the loss of jobs in this country due to increased imports of such equipment as these cranes. The steady outflow of American dollars along with the fact that the American taxpayer is subsidizing the purchase of equipment used to construct public buildings is deplorable.

I feel that it is imperative that U.S.-produced equipment be used in the construction of public buildings, especially those in which a Federal contract is involved.

It is absurd that within the shadow of the U.S. Capitol we are daily witnessing the erosion of American jobs and the U.S. dollar. As the Congress prepares to debate the important trade bill this year, I will continue to urge my colleagues to resist that language which perpetuates the invasion of foreign-made cranes and related construction equipment into America.

EXTENSION OF NATIONAL LABOR RELATIONS ACT TO COVER EMPLOYEES OF NONPROFIT HOSPITALS

(Mr. THOMPSON of New Jersey asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. THOMPSON of New Jersey. Mr. Speaker, this Thursday, April 12th, the Special Subcommittee on Labor will begin hearings on H.R. 1236—a bill sponsored by Mr. ASHBROOK, of Ohio, and myself. H.R. 1236 would extend to the employees of nonprofit hospitals the coverage of the National Labor Relations Act. As the Members know, an identical bill, H.R. 11357, passed the House in the last Congress by a vote of 285 to 95. No action was taken in the Senate.

H.R. 1236 would be a logical extension of the trend toward covering nonprofit hospitals under other Federal laws. In 1964, they were covered by the Equal Employment Opportunity Act. In 1966, they were brought under the Fair Labor Standards Act. In 1970, they were covered by the Employment Security Amendments of 1970.

I should add that non-profit-hospital employees were originally covered under the Wagner Act. When that act was amended by the Taft-Hartley Amendments of 1947, coverage was withdrawn from non-profit-hospital employees for only one reason: There was doubt in the mind of Senator Tydings of Maryland that hospitals were in interstate commerce.

The doubt has been removed by the U.S. Supreme Court in the Butte Medical Properties case and in Maryland against Wirtz—1968.

There are two very important reasons why the prohibition in section 2(2) of the NLRA should be removed.

First, the passage of H.R. 1236 will bring stability and order to labor-management relations in the hospital field. Nonprofit hospitals comprise nearly 50 percent of all hospitals in this country—and have 66 percent of all admissions. They employ 1,337,000 full-time equivalent workers.

Without the protections and procedures of the National Labor Relations Act, this vital segment of America's health care delivery system finds itself embroiled in "recognition strikes." These strikes come about because in most States nonprofit hospitals are not required by law to recognize and bargain with organizations representing their employees—even if 100 percent of the employees so desire.

H.R. 1236 would grant to such employees access to the National Labor Relations Board's election procedures and would virtually eliminate the "recognition strike." It should also be noted that, in addition to the protections extended to employees, H.R. 1236 would afford to the employer nonprofit hospitals the same important protections.

The second reason is one of fairness and justice. Why should we continue this unjustified discrimination against one class of hospital employees? Why should the employees of proprietary hospitals be covered, but not those of nonprofit hospitals?

Extensive hearings were held in the last Congress, with the overwhelming majority of the witnesses supporting the removal of this prohibition from the Taft-Hartley Act. The reason for its original inclusion has been resolved by the courts. To bring stability to labor-management relations in the industry and to insure equity, Mr. ASHBROOK and I hope the House will again pass this legislation.

GEORGE FOREMAN—A SUCCESSFUL AMERICAN

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, I urge my colleagues to read the article entitled, "Don't Knock the American System to Me!" by George Foreman, which was taken from the April issue of Nation's Business. As we all know, George Foreman is the new heavyweight champion of the world. We also realize that this American—a black man—has proven that the "system" can function fairly and profitably for every citizen.

Using his own description, George Foreman's early years could be called textbook juvenile delinquency. His own words best describe his situation:

> Casting about for places to put the blame for the troubles a person has is an old human trait. "They" is an easier word to use than "I", when things don't go right. But in getting by an obstacle, or a trouble, or a problem, the key—and I know this because I've had them all, and still have some—is to take after it, all alone if that's the only way.
>
> More times than not, battles have to be taken on alone. The messes a man gets into, they're the same. They didn't hunt him up; he went looking for them, whether he always knew it or not.

Finally, George Foreman saw the light and, "laid down the pool cue, and picked up hope." By taking this first step, he allowed the Job Corps and some dedicated friends to help him in his struggle for self-respect and success.

Through talent and fortitude, he found himself in a fighting ring in Mexico City facing a more experienced, "amateur" boxer from the Soviet Union, Ionnis Chepulis. When the bell sounded, George Foreman methodically outboxed the Russian and instantly became a household word as he danced around the ring while waving the American flag.

This victory and his subsequent victory over Joe Frazier was George Foreman's proof to the world that any man, through hard work and dedication, can learn to make the American system "work for him."

George Foreman summarized his own success story far better than I could do when he said:

> I can truly say that I worked for it. I worship the opportunity this country grants to those who really try, don't knock it.

I am fed up with those who are always running this country into the ground. To those people, and to my colleagues, I offer the opportunity to read how one man worked his way to the top of his profession and who displays all the attributes of a true champion.

The article follows:

Don't Knock the American System to Me

(By George Foreman, world heavyweight champion)

In my business, boxing, I know a lot about giving hard knocks, and getting them, too. That's the kind of business it is. I accept it for being that. But knocking the American system, that I can't take.

If there is give and take in life, and I know for sure there is, and some of it rough stuff, a man has to find out early in his life how much of each he has capacity for.

I found out early, though, that you don't get much of anywhere by knocking success. The really smart guy tries to find out why it works, and how he can get in that kind of action, and then tries to make it work for him.

They call me a flag-waver, and it's true. Not just that time in Mexico City in the Arena Mexicana on the night of Oct. 27, 1968. That was when I had beaten the Soviet heavyweight, Ionnis Chepulis. The referee called it a TKO, and the Olympic gold medal was mine.

There were more than 2,000 black athletes in those Olympic Games in all sports. I was afraid—even with the USA on my jersey—they might not know I was an American. And I wanted everybody to know, and to know that at that moment I was one of the happiest Americans who ever lived. So, I took the little American flag from the pocket of my robe, and waved it as I took a bow to each of the ring's four corners.

What never occurred to me then was that this little thing I did would be translated into an opposing view to the "black power" fever which was so much a part of that Olympics. It wasn't that at all. If that other way was how John Carlos and Tommy Smith felt—well, the America I came from is a free country, and they were entitled to do or say what they felt or thought. I was so proud, I was just doing what came naturally to me. It was my "thing" and, thank God, it is still my "thing."

Casting about for places to put blame for the troubles a person has is an old human trait. "They" is an easier word to use than "I," when things don't go right. But in getting by an obstacle, or a trouble, or a problem, the key—and I know this because I've had them all, and still have some—is to take after it, all alone if that's the only way.

More times than not, battles have to be taken on alone. The messes a man gets into, they're the same. They didn't hunt him up; he went looking for them, whether he always knew it or not. He has to get into them himself, even if he has company at the time.

Nobody got me down in the street, for example, held my nose, and poured cheap wine down my throat when I was a kid. Not at all. I got the bottle, tipped it up, and drank it. Who would believe me if I said somebody forced me to drink that stuff? I don't force that easy. The memory of that wine is so clear to me yet that the smell of it now makes me sick to my stomach.

And when I was going about my first record-setting—which was how many windows I could break in a row without getting caught—I can't lay that idea on anybody else's doorstep. It was all my own, and I got all the way up to 200 before the Houston police thought it just might be me and looked me up to talk about it. It was quite a record, if one just wanted to look at the size of it, but it wasn't sensible or respectable to do it.

These were things that happened when I thought I had nothing going for me, but it was mostly my own attitude toward life that made it so. There was the high school there in the bloody Fifth Ward of Houston, and I dropped out of it in the ninth grade. It was my decision, not the school's. That and the other things caused my mother—bless her for all the suffering she endured for me—to have a nervous breakdown. That was my decision, being a bad guy and causing it, not hers. I had about lost faith in everything before I was even started, I guess, but she never lost faith in me.

SEEING THE LIGHT

Then, like Paul on the way to Damascus in the Bible story, my vision cleared up and the time came to make a right decision. I did it.

It was in an unlikely place, a Houston pool hall, and the TV set was on.

The man on the tube was doing one of those public service spots. It's a part of America that when a man gets famous, is a celebrity, they ask him to do these commercials about all kinds of things. Some are for causes, like fighting cancer, or helping retarded kids. This guy was recruiting, and he was saying he was once a down-and-outer himself.

Boy, was he on my wavelength, talking my language! I listened to him, half-like at first, and then he said he had this one skill, and finally got a chance to use it, and made it big. To anybody listening who needed a skill to get a job, he said, why not give the Job Corps a try?

So, I laid down that pool cue, and picked up hope. That's for me, I told myself, and they took me. There was some money in it, $30 a month, and $50 to go in the bank, and they'd send some home to my mother. Did she ever need it then!

It wasn't until then that it began to come to me what America was really all about, how there were things being done to really try to help people such as me find some way out. I was first in a Job Corps Center in Oregon, and then went to a big one, the Parks Job Corps Center, near Pleasanton in California.

It had a big company running it, Litton Industries. How come? Well, they were used to bringing people in through their employment offices and then teaching them whatever skill was needed for them to make or manufacture something. People just don't come off the street ready-made to do such work, they have to be taught. At Parks, they had courses in business machine repair, in electronics, auto mechanics, building maintenance and custodial services and how to cook. They put me in electronics, and had me putting transistor radios together.

But I was a rambunctious teen-ager, full of vinegar, and thought I was a pretty tough guy. Liked to fight, anywhere, anybody, the whole thing. But that wasn't the kind of place it was; it wasn't any western copy of my old Fifth Ward slum back in Houston. R. Sargent Shriver, the head of this war on poverty agency—Office of Economic Opportunity—he was telling the centers to throw the troublemakers out. I was headed out, no question about that, and to be honest about it, I didn't care all that much.

Litton Industries had put a man in there as the center director, Dr. Stephen Uslan, a fine man. When he was getting all this advice from his staff to send me packing, he said No. He said I was the kind of material the center had been set up to deal with. It wouldn't solve anything, he told them, just throwing George Foreman out. I had been thrown out of a lot of things by then, and it hadn't impressed or improved me much, was the way he put it. And then, he said the words which really turned George Foreman around.

"If he likes to fight so much," he told those staff guys, "put him in the ring down in the rec hall, and let him get it out of his system that way."

In business, you see, they can't really stand it when something won't work. They try one way, and then another, and they keep trying until they find the combination. Litton was especially good about things never tried before, and they had the guts to give it another try, and they took another swing at the George Foreman problem.

And then I found out what a long way it is from just an idea to a real, accomplished dream. I hit a lot of people, and I was awkward. I found out if I could connect, I could jolt them. I knew that, but also that I needed a lot of honing. I must have been the dullest knife in town.

But there are professionals in everything who know how to mold people, and Litton had one of them in that rec hall. His name was, and is, Charles R. "Doc" Broadus. They hadn't just hired a man and sent him down there to work in the rec hall when they got Doc. He had been in this boxing thing for 35 years or more. If I would listen to him and follow his instructions, he said, he'd get me into Golden Gloves, and maybe on the Olympic team, and then I could turn pro. He said that he thought I could be champion one day, but that I would have to make up my mind to work for it.

Now down there in Houston in the slum I came from, there wasn't too much talk about working for anything. People got money a lot of the time from being what was called smart—or from taking advantage of somebody. People walked on both sides of the line, as far as the law was concerned. But Doc said I could get it all, everything that went with it, if I was willing to work for it.

A BIG FOUR-LETTER WORD

Work is such a big four-letter word. I'd known a lot of the other four-letter words and they couldn't help anybody. This one meant sweat. It meant getting banged around. It meant being more tired than I had ever been in my life. And sore in more places, too. But when I went into Golden Gloves, I found it paid off, and I won. Then there were the Olympic trials in Toledo, Ohio, and by a hair, I made the Olympic team. Litton sent Doc Broadus and one of its executives, a onetime Air Force colonel, Barney Oldfield, down to Mexico City with me.

What I didn't know then was that as early as June, 1968 (the Olympics were in October), Barney had written to several friends of his, sportswriters, people like that, telling them to interview me in Mexico City because, he said: "George Foreman will win the gold medal, and go on to be heavyweight champion of the world."

It meant a lot to me, finding out such things, and that work was getting me closer and closer to where I wanted to be in life, and that other people were believing in me, other than my mother. And because I like kids, I found the ones who lived in slums as I had, and others, too, were beginning to hang around me. They wanted to talk to me and they were paying attention to what I said. The more I won, the more they tuned me in. What a difference it makes when you first have that feeling that people are looking up to you, and not down on you!

That night, after winning in Mexico City, I couldn't bear to take the gold medal from around my neck. It was my badge, my reminder. The ones around me now had been telling me the truth: Work and get with it, and you can have it all.

I had put a phone call in to my mother in Houston. She was always worrying about me getting hurt. Not the other guy, just me, her little boy, all 220 pounds of him. But I felt a desperate need to talk to her, to tell her that finally all those young boy kitchen conversations and dreams we used to have were starting to come true.

While I was talking with her, Barney waited, and when I came back to the table, he said that if it was all right with me, he was going to call the White House in Washington. He was going to remind them that this George Foreman who won in Mexico City was a Job Corpsman.

It was a program President Lyndon B. Johnson had brought about himself, and now he would surely want to see me and tell me himself how proud he was. Imagine! "Man, you're too much," I told Barney.

On Nov. 18, 1968—just three weeks later—Charles B. "Tex" Thornton, Litton's board chairman; Eugene Allen, of the Parks Job Corps Center; Barney and myself, we were walking up to the White House on our way to visit the President of the United States!

A GIFT TO THE PRESIDENT

I was carrying a little plaque I wanted to give him. I didn't know whether it was the right thing to be doing or not, but almost every time I saw pictures of him, he was giving something to somebody. I felt I owed him something. I was about to learn that whatever your heart tells you to do is always right, never wrong.

When I gave it to President Johnson, he looked so tired. The whole country kind of had him on the ropes then. To bring it back together, he'd made the big decision not to be their punching bag any more. I told him the plaque was to thank him for making the Job Corps possible—giving young Americans such as me a chance for hope, and dignity and self-respect. I saw a tear start down his cheek from his left eye. But he was sharp, too. Recovering himself, and waving the plaque at the press who were there in his Oval Office with us, he told them he was going to keep it there where they could see it everytime they came in, to let 'em know there was one person in the world who thought he had done something right.

I learned a lot about America that day: That when you're right, and do right in a big way, even the President of the United States will have you in to tell about it, and encourage you to keep on, now that you've found out what it's like. And I was standing there with him, and he had once been poor, too, and was a not-too-well-educated Texas boy who had refused many times along the way to be licked. He was going out of that White House, a man who had championed the cause of a lot of people, including me, and however bad he may have felt, I knew he could live with himself for all he had done.

Tex Thornton said he was proud of me, the way it had gone there in the White House, and he said he would always be available to me for any advice I might need, that I had only to ask. He even said he and some of his friends would put together a kind of syndicate, or association, which would back me and keep me from having to take any offers which might not be good for me in the long run. When I told him I wanted to try it alone, he respected that, and understood it, and accepted it.

Somewhere, I kept telling myself, I have to begin making my own decisions, and it might as well be now. The professional thing was on my mind, and I talked with Dick Sadler about being my manager-trainer. He had had a long string of champions, the last being Sonny Liston. I had a strong feeling, an admiration, for Sonny. He had had so far to come back when he started, from the hole he was in, and he did it. He came to a sad end, but in what he did, he showed all things were possible.

[Sonny Liston, who had many scrapes with the law during his life, was found dead in his Las Vegas, Nev., home in January, 1971. He had been dead for about a week. Drugs were at the scene, but the death was attributed officially to natural causes.]

Work! That word again. Dick Sadler told me about how much of it I had to take on now. He said the road ahead was bumpy, and had turns in it, lots of them. There were some places we fought in where we almost had to borrow money, or hock something, to get out of town. We had trouble getting opponents. Boxing writers were saying I fought Joe Namelesses and Bill Whozitses, and that I had to get more experience, when I couldn't get most of the ones I fought to stand up long enough to give me any. All this was what Dick Sadler had meant by work, that it could include frustration and hopelessness and fighting off giving in to them. There was wood to split. And at 6:30 in the morning, running those three-mile exercises when other people were still all asleep. Then the gym, the bag—the little one and the big one—over and over.

A FINANCIAL CRISIS

I was hurting for money. I wanted to get married to Adrienne, a pretty girl I knew. A guy can't be smart enough to dodge everything. I signed some papers with some people, and I got married early in 1972 and we were very happy. Then the big chance came, and I signed for the fight with Joe Frazier for the championship in Jamaica. Right then, everything went sour in my mouth. I found that in the fight business, it's not just yourself, the guy you're fighting, and the referee in there with you—in spite of everything you try to do, you pick up partners, people who share in you, who know how to play you and your desires, and they have more to say about you than they should. When you have been living from day to day all your life, the implications of what you sign today don't look as big as they will tomorrow.

I got caught up on one of these things, not the first fighter to have it happen to him nor probably the last. But it upset me so, the only thing I could think of was quitting the ring. I meant it. The lawyers all gathered around me and begged me to go ahead; suits were filed, and finally, in a kind of desperation, they asked me if I had a friend somewhere that I trusted. They wanted. They wanted to explain it all to him, they said, and then he could advise me. I remembered Litton Industries, and told them to call Barney Oldfield. It was 3 o'clock in the morning in California when he got the call from New York, and after bringing him up out of a deep sleep, they talked with him for a half hour or more.

The next day, he called me.

I told him I didn't want to fight Joe Frazier, even if I knew I could beat him. So many people had gotten their hands into my money, I didn't want to be another sad story in boxing for people to write about. I said I might as well forget the whole thing.

But Barney told me: "George, the only thing I figure you can do is go knock Joe Frazier out, and then come back and show people you can take all this. If you don't go ahead with the fight, they'll all be writting you're scared or something." He said it was a legal contract, and the important thing was to win the title and then argue.

Suddenly, it all cleared up for me. I was really fighting everybody but Joe Frazier, and he was the one to beat. "They" didn't mean anything. It was just the same old "they" to blame things on again, and I was beyond that. I had to be. What I was in was a business, and I had to treat it like a business, where contracts were contracts, and if I didn't have integrity about a contract, however bad it might be, what would I have left?

It was off to Jamaica, even though my wife, Adrienne, was pregnant, and the baby was due. On Jan. 6, there in Kingston, I heard that my baby girl, Michi Helene, had been born in far off Minneapolis. On Jan. 10, I became 24 years old. On Jan. 22, after a minute and a half of the second round and when he had been knocked down six times by me, Joe Frazier—the favorite of almost every boxing writer and odds-maker in the world—had lost his heavyweight crown, and it was mine! Bad as I had felt about not being able to be with my wife when our baby came, it was one of the things life asks of you in keeping things in focus, and I could now get home to them—a champion.

GIVING THANKS

In the delirium of the ring, I guess I thought of everyone—the ones who believed in me and had done things for me.

Among them was Johnny Unitas, the famous pro football quarterback, the one who had done the public service TV spot about the Job Corps which sent me off in this new direction.

I didn't know until after the fight that President Johnson had died while I was on the way to the stadium. They kept it from me. It gave me a chill to think back to that day in 1968, when, there in the White House, he had asked me when I thought I'd be heavy weight champion, and I said I didn't know. It made me sad to think he couldn't have lived one more day and read about what had happened in Jamaica that night. Without his Job Corps, I wouldn't have been there.

So, don't talk down the American system to me. I know what men go through to make it run. I also know that some of its rewards can be there for anybody, if he will make up his mind, bend his back, lean hard into his chores and refuse to allow anything to defeat him.

The first thing I did in my dressing room that night after the fight in Jamaica was close the door, with Doc Broadus and Barney Oldfield in there with me. I went down to the foot of the old training table, got down on my knees, and thanked my God—for everything, for everybody, and for the determination He gave me to see it through. Perhaps there are several who deserve as much as I do to be champion, and perhaps they, too, will have their chance, but none can feel any more fortunate than I do to hold the title while I can.

I can truly say I worked for it. I say, worship the opportunity this country grants to those who will really try, don't knock it.

I'll wave that flag in every public place I can.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HINSHAW (at the request of Mr. GERALD R. FORD), for today and balance of week, on account of official business.

Mrs. HOLT (at the request of Mr. GERALD R. FORD), for today and tomorrow, on account of official business, Board of Visitors to the U.S. Naval Academy.

Mr. Horton (at the request of Mr. Gerald R. Ford), for today and tomorrow, on account of official business, Board of Visitors to the U.S. Naval Academy.

Mr. Kazen, for today and balance of week, on account of death in family.

Mr. Morgan (at the request of Mr. O'Neill) for today and April 12, on account of illness.

Mr. Young of Alaska (at the request of Mr. Gerald R. Ford), for today, on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Froehlich) to revise and extend their remarks and include extraneous matter:)

Mr. Conable, for 5 minutes, today.

Mr. Steiger of Wisconsin, for 15 minutes, today.

Mr. Edwards of Alabama, for 10 minutes, today.

Mr. Gubser, for 30 minutes, April 12, 1973.

Mr. Shriver, for 5 minutes, today.

Mr. Anderson of Illinois, for 30 minutes, today.

Mr. Burke of Florida, for 10 minutes, today.

Mr. Robison of New York, for 15 minutes, today.

Mr. Whalen, for 10 minutes, April 12, 1973.

(The following Members (at the request of Mr. Breaux) and to revise and extend their remarks and include extraneous matter:)

Mr. McFall, for 5 minutes, today.

Mr. Wolff, for 30 minutes, today.

Mr. Culver, for 5 minutes, today.

Mr. Gonzalez, for 5 minutes, today.

Mr. Brademas, for 5 minutes, today.

Mr. Fulton, for 5 minutes, today.

Mr. Studds, for 5 minutes, today.

Ms. Abzug, for 10 minutes, today.

Mr. Vanik, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Hawkins to insert his remarks in the Extensions of Remarks of the Record, notwithstanding the cost of $425.

(The following Members (at the request of Mr. Froehlich) and to include extraneous matter:)

Mr. Steelman.

Mr. Cohen.

Mr. Whalen.

Mr. Kemp.

Mrs. Heckler of Massachusetts in two instances.

Mr. Forsythe.

Mr. Quie.

Mr. Thomson of Wisconsin.

Mr. Frelinghuysen.

Mr. Hunt.

Mr. Blackburn.

Mr. Armstrong.

Mr. Findley in two instances.

Mr. Wyman in two instances.

Mr. Froehlich in two instances.

Mr. Towell of Nevada.

Mr. Collins in five instances.

Mr. Rousselot in two instances.

Mr. Goldwater.

Mr. Nelsen in two instances.

(The following Members (at the request of Mr. Breaux) and to include extraneous matter:)

Mr. Mazzoli.

Mr. Fisher in two instances.

Mr. Waldie.

Mr. Gonzalez in three instances.

Mr. Rarick in three instances.

Mr. Murphy of New York in two instances.

Mr. Nix.

Mr. Rogers in five instances.

Mr. Dulski in six instances.

Mr. Hungate.

Mr. McKay.

Ms. Abzug in five instances.

Mr. Rangel in 10 instances.

Mr. Koch in three instances.

Mr. Gibbons in two instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1494. An act to amend section 236 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees to limit the number of employees that may be retired under such Act during specified periods; to the Committee on Armed Services.

ADJOURNMENT

Mrs. BOGGS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 45 minutes p.m.), the House adjourned until tomorrow, Thursday, April 12, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

748. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to revise and modernize the statutes relating to the coinage and the Bureau of the Mint; to the Committee on Banking and Currency.

749. A letter from the Under Secretary of Agriculture, transmitting a draft of proposed legislation to amend title V of the Housing Act of 1949 to provide for the use of fee appraisers and construction inspectors and for other purposes; to the Committee on Banking and Currency.

750. A letter from the Secretary of Labor, transmitting a draft of proposed legislation to delete the termination date for title II of the Manpower Development and Training Act of 1962, as amended; to the Committee on Education and Labor.

751. A letter from the Acting Commissioner, Bureau of Reclamation, Department of the Interior, transmitting a report on the repayment of reclamation projects, 1902–1969; to the Committee on Interior and Insular Affairs.

752. A letter from the Executive Director, Federal Communications Commission, transmitting a report on the backlog of pending applications and hearing cases in the Commission as of February 28, 1973, pursuant to section 5(e) of the Communications Act, as amended; to the Committee on Interstate and Foreign Commerce.

Received From the Comptroller General

753. A letter from the Comptroller General of the United States, transmitting a report that better use of its outpatient services and nursing care bed facilities by the Veterans' Administration could improve health care delivery to veterans; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POAGE: Committee of conference. A conference report to accompany H.R. 1975; (Rept. No. 93–119). Ordered to be printed.

Mr. WALDIE: Committee on Post Office and Civil Service. H.R. 29. A bill to provide for payments by the Postal Service to the Civil Service Retirement Fund for increases in the unfunded liability of the fund due to increases in benefits for Postal Service employees, and for other purposes; with amendment (Rept. No. 93–120). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANLEY: Committee on Post Office and Civil Service. H.R. 2990. A bill to provide for annual authorization of appropriations to the U.S. Postal Service; with amendment (Rept. No. 93–121). Referred to the Committee of the Whole House on the State of the Union.

Mr. MAHON: Committee on Appropriations. House Joint Resolution 496. Joint resolution making supplemental appropriations for the fiscal year ending June 30 ,1973, for the Civil Aeronautics Board and the Veterans' Administration, and for other purposes; (Rept. No. 93–122). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRASER: Committee on Foreign Affairs. H.R. 6628. A bill to amend section 101 (b) of the Micronesian Claims Act of 1971 to enlarge the class of persons eligible to receive benefits under the claims program established by that act; with amendment (Rept. No. 93–123). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRASER: Committee on Foreign Affairs. H.R. 6768. A bill to provide for participation by the United States in the United Nations environment program; (Rept. No. 93–129). Referred to the Committee of the Whole House on the State of the Union.

Mr. STEELE: Committee on Foreign Affairs. A Report of Special Study mission to Latin America and the Federal Republic of Germany; (Rept. No. 93–125). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 283. Resolution relating to payment of expenses of the House Democratic Steering Committee and the House Republican Conference; (Rept. No. 93–129). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 334. Resolution to provide funds for the expenses of the investigations and studies authorized by House Resolution 279; (Rept. No. 93–127). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 342. Resolution authorizing additional office allowance for certain officials of the House of Representatives; (Rept. No. 93–128). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 353. Resolution providing funds for the expenses of the Committee on House Administration to provide for maintenance and improvement of ongoing computer services for House of Representatives and for the investigation of additional computer services for the House of Representatives; (Rept. No. 93–129). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BLATNIK:

H.R. 6830. A bill to amend Public Law 90–553 authorizing an additional appropriation for an International Center for Foreign Chanceries; to the Committee on Public Works.

By Mr. CAMP (for himself and Mr. Jones of Oklahoma):

H.R. 6831. A bill to authorize the Secretary of the Interior to engage in feasibility investigation of certain potential water resource developments; to the Committee on Interior and Insular Affairs.

By Mr. CORMAN:

H.R. 6832. A bill to amend the Postal Reorganization Act of 1970, title 39, United States Code, to provide for uniformity in labor relations; to the Committee on Post Office and Civil Service.

By Mr. DICKINSON:

H.R. 6833. A bill to provide that certain changes in the loan and purchase program for the 1973 peanut crop which the Department of Agriculture is contemplating shall not be made; to the Committee on Agriculture.

By Mr. du PONT (for himself, Mr. Bevill, Mr. Bingham, Mr. Buchanan, Mr. Cleveland, Mr. Conyers, Mr. Coughlin, Mr. Dellenback, Mr. Esch, Mr. Fisher, Mr. Frenzel, Mr. Harrington, Mr. Leggett, Mr. McCloskey, Mr. McCormack, Mr. Mallary, Mr. Mazzoli, Mr. Nix, Mr. Podell, Mr. Seiberling, Mr. Stark, and Mr. Whitehurst):

H.R. 6834. A bill to promote public health and welfare by expanding and improving the family planning services and population sciences research activities of the Federal Government, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FULTON:

H.R.6835. A bill relating to the authority of the Administrator of Veterans' Affairs to readjust the schedule of ratings for the disabilities of veterans; to the construction, alteration, and acquisition of hospitals and domiciliary facilities; to the closing of hospital and domiciliary facilities and regional offices; and to the transfer of real property under the jurisdiction or control of the Administrator of Veterans' Affairs; to the Committee on Veterans' Affairs.

By Mr. HEINZ:

H.R. 6836. A bill to authorize financial assistance for opportunities industrialization centers; to the Committee on Education and Labor.

H.R. 6837. A bill to establish improved nationwide standards of mail service, require annual authorization of public service appropriations to the U.S. Postal Service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HORTON (for himself, Mr. Anderson of Illinois, Mr. Archer, Mr. Badillo, Mr. Biester, Mr. Blackburn, Mr. Broyhill of North Carolina, Mr. Buchanan, Mr. Chamberlain, Mrs. Chisholm, Mr. Conable, Mr. Coughlin, Mr. Robert W. Daniel, Jr., Mr. Dent, Mr. Drinan, Mr. Erlenborn, Mr. Esch, Mr. Fish, and Mr. Fisher):

H.R. 6838. A bill to limit the sale or distribution of mailing lists by Federal agencies; to the Committee on Government Operations.

By Mr. HORTON (for himself, Mr. Fuqua, Mrs. Grasso, Mr. Gray, Mrs. Green of Oregon, Mr. Gude, Mr. Hansen of Idaho, Mr. Harrington, Mr. Hastings, Mr. Huber, Mr. Hungate, Mr. McDade, Mr. Mallary, Mr. Mitchell of New York, Mr. Mitchell of Maryland, Mr. Murphy of New York, Mr. O'Hara, Mr. Pickle, and Mr. Pike):

H.R. 6839. A bill to limit the sale or distribution of mailing lists by Federal agencies; to the Committee on Government Operations.

By Mr. HORTON (for himself, Mr. Podell, Mr. Price of Illinois, Mr. Railsback, Mr. Rhodes, Mr. Rodino, Mr. Roncallo of New York, Mr. Rosenthal, Mr. Sarasin, Mr. Sarbanes, Mr. Schneebeli, Mr. Sisk, Mr. Steiger of Wisconsin, Mr. Stokes, Mr. Tiernan, Mr. Vander Jagt, Mr. Vigorito, Mr. Whitehurst, Mr. Winn, and Mr. Won Pat):

H.R. 6840. A bill to limit the sale or distribution of mailing lists by Federal agencies; to the Committee on Government Operations.

By Mr. JOHNSON of Pennsylvania:

H.R. 6841. A bill to amend chapter 44 of title 18 of the United States Code (respecting firearms) to penalize the use of firearms in the commission of any felony and to increase the penalties in certain related existing provisions; to the Committee on the Judiciary.

H.R. 6842. A bill to amend section 4182 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

H.R. 6843. A bill to provide for repayment of certain sums advanced to providers of services under title XVIII of the Social Security Act; to the Committee on Ways and Means.

By Mr. JONES of Oklahoma (for himself, Mr. Alexander, Mr. Breaux, Mr. Breckinridge, Mr. Burton, Mr. Byron, Mr. Camp, Mr. Corman, Mr. Dan Daniel, Mr. de Lugo, Mr. Denholm, Mr. Fuqua, Mr. Gibbons, Mr. Gonzalez, Mr. Gross, Mr. Lehman, Mr. Long of Louisiana, Mr. Lujan, Mr. McFall, Mr. McSpadden, Mr. Montgomery, Mr. Rogers, Mr. Steed, Mr. Thornton, and Mr. White):

H. R. 6844. A bill to provide that there shall be no general revenue sharing unless the Federal budget is in balance or shows a surplus; to the Committee on Ways and Means.

By Mr. JONES of Oklahoma (for himself, and Mr. Wright):

H.R. 6845. A bill to provide that there shall be no general revenue sharing unless the Federal budget is in balance or shows a surplus; to the Committee on Ways and Means.

By Mr. PODELL:

H.R. 6846. A bill relating to the authority of the Administrator of Veterans' Affairs to readjust the schedule of ratings for the disabilities of veterans; to the construction, alteration, and acquisition of hospitals and domiciliary facilities; to the closing of hospitals and domiciliary facilities and regional offices; and to the transfer of real property under the jurisdiction or control of the Administrator of Veterans' Affairs; to the Committee on Veterans' Affairs.

By Mr. ROE:

H.R. 6847. A bill to amend title XVIII of the Social Security Act to cover, under the hospital insurance program established by part A thereof, inpatient hospital services provided outside the United States to individuals insured under such programs; to the Committee on Ways and Means.

By Mr. ROGERS:

H.R. 6848. A bill to amend section 843 of the Public Health Service Act to provide for deferment of repayment of loans to students of nursing for periods during which they are receiving training as nurse anesthetists; to the Committee on Interstate and Foreign Commerce.

By Mr. RONCALLO of New York:

H.R. 6849. A bill to amend title 18 of the United States Code to make it a Federal crime to carry out any research activity on a human fetus or to intentionally take any action to kill or hasten the death of a human fetus in any federally supported facility or activity; to the Committee on the Judiciary.

By Mr. RUNNELS:

H.R. 6850. A bill to amend title II of the Social Security Act to prevent the issuance of social security numbers to aliens who are illegally in the United States, and to prohibit the payment of aid or assistance under approved State public assistance plans, or the provision of assistance in any form under any other Federal or federally aided program, to such aliens; to the Committee on Ways and Means.

By Mr. SKUBITZ:

H.R. 6851. A bill ot extend through fiscal year 1974 the expiring appropriations authorizations in the Public Health Service Act, the Community Mental Health Centers Act, and the Developmental Disabilities Services and Facilities Construction Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STOKES (for himself, Mr. Badillo, Mr. Burton, Mr. Carey of New York, Mrs. Chisholm, Mr. Clay, Mr. Conyers, Mr. Corman, Mr. Dellums, Mr. Dent, Mr. Diggs, Mr. Edwards of California, Mr. Frenzel, Mr. Hawkins, Mrs. Mink, Mr. Mitchell of Maryland, Mr. Rangel, Mr. Rosenthal, and Mr. Thompson of New Jersey):

H.R. 6852. A bill to prohibit psychosurgery in federally connected health care facilities; to the Committee on Interstate and Foreign Commerce.

By Mr. UDALL (for himself and Mr. Zwach):

H.R. 6853. A bill to retain coverage under the laws providing employee benefits, such as compensation for injury, retirement, life insurance, and health benefits, and for employees of the Government of the United States who transfer to Indian tribal organizations to perform services in connection with governmental or other activities which are or have been performed by Government employees in or for Indian communities, and for other purposes: to the Committee on Post Office and Civil Service.

By Mr. WYATT:

H.R. 6854. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

By Mr. YOUNG of Illinois:

H.R. 6855. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the education of dependents; to the Committee on Ways and Means.

By Mr. ZWACH:

H.R. 6856. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ASPIN (for himself, Mr. Koch, and Mr. Kyros):

H.R. 6857. A bill to authorize the Secretary of the Interior to issue rights-of-way and special land use permits for the construction of pipelines in the State of Alaska under certain circumstances, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BURKE of Florida:

H.R. 6858. A bill to authorize modification of the project for Port Everglades Harbor, Fla.; to the Committee on Public Works.

By Mr. DUNCAN:

H.R. 6859. A bill to require that an increase made by the Tennessee Valley Authority in its rates for power be made on the basis of proceedings which give an opportunity for oral hearings; to the Committee on Public Works.

By Mr. FAUNTROY:

H.R. 6860. A bill to authorize the Commissioner of the District of Columbia to permit certain improvements to a business property situated in the District of Columbia; to the Committee on the District of Columbia.

By Mr. FAUNTROY (for himself, Mr. Stuckey, Mr. Broyhill of Virginia, and Mr. Frelinghuysen):

H.R. 6861. A bill to authorize the conveyance to the Columbia Hospital for Women of certain parcels of land in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. GRAY (for himself, Mr. Grover, and Mr. Broyhill of Virginia):

H.R. 6862. A bill to name the headquarters building in the Geological Survey National Center under construction in Reston, Va., as the John Wesley Powell Federal Building; to the Committee on Public Works.

By Mr. GUBSER:

H.R. 6863. A bill to amend the Internal Revenue Code of 1954 to eliminate the 3 percent and 1 percent floors on deductible medical expenses in the case of individuals who have attained age 65 and are not covered for hospital insurance benefits under the Social Security Act; to the Committee on Ways and Means.

H.R. 6864. A bill to amend the Internal Revenue Code of 1954 to restore the provisions permitting the deduction, without regard to the 3 percent and 1 percent floors, of medical expenses incurred for the care of individuals 65 years of age and over; to the Committee on Ways and Means.

By Mr. KOCH (for himself, Mr. Cronin, Mr. Stark, Mr. Steelman, and Mr. Young of Georgia):

H.R. 6865. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. KYROS:

H.R. 6866. A bill to amend chapter 34 of title 38 of the United States Code to restore entitlement to educational benefits to veterans of World War II and the Korean conflict; to the Committee on Veterans' Affairs.

By Mr. PEPPER:

H.R. 6867. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for the compensation of innocent victims of violent crime in financial stress; to make grants to the States for the payment of such compensation; to authorize an insurance program and death benefits to dependent survivors of public safety officers; to strengthen the civil remedies available to victims of racketeering activities and theft; and for other purposes; to the Committee on the Judiciary.

By Mr. RANGEL (for himself, Mr. Blackburn, Mr. Brown of California, Mr. Buchanan, Mr. Burton, Mrs. Chisholm, Mr. Clay, Mr. Collier, Mr. Conyers, Mr. Corman, Mr. Edwards of California, Mr. Fraser, Mr. Hechler of West Virginia, Mr. Helstoski, Miss Holtzman, Mr Kyros, Mrs. Mink, Mr. Moakley, Mr. O'Hara, Mr. Owens, Mr. Rees, Mr. Rosenthal, and Mr. Waldie):

H.R. 6868. A bill to provide for the security and safekeeping of certain controlled substances; to the Committee on Interstate and Foreign Commerce.

By Mr. RARICK:

H.R. 6869. A bill to amend the Federal Advisory Committee Act to include within the definition of "advisory committee", the Advisory Commission on Intergovernmental Relations; to the Committee on Government Operations.

By Mr. RONCALLO of New York:

H.R. 6870. A bill to amend the act entitled "An Act to incorporate the Roosevelt Memorial Association", approved May 31, 1920, to include in the governing instrument of such association provisions which meet the requirements of section 508(e) of the Internal Revenue Code of 1954; to the Committee on District of Columbia.

By Mr. RUPPE (for himself, Mr. Anderson of Illinois, Mr. Esch, Mr. Brown of Michigan, Mr. Cederberg, Mr. Conte, Mr. Vander Jagt, Mr. Harvey, Mr. Frelinghuysen, Mr. Nelsen, Mr. Zwach, Mr. Quie, Mr. Michel, and Mr. Myers):

H.R. 6871. A bill to provide for a study of the availability of a route for a trans-Canada oil pipeline to transmit petroleum from the North Slope of Alaska to the continental United States, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. STAGGERS (for himself and Mr. Devine):

H.R. 6872. A bill to extend the authorization of appropriations for educational broadcasting facilities grants; to the Committee on Interstate and Foreign Commerce.

H.R. 6873. A bill to amend section 415 of the Communications Act of 1934, as amended, to provide for a 2-year period of limitations in proceedings against carriers for the recovery of overcharges or damages not based on overcharges; to the Committee on Interstate and Foreign Commerce.

By Mr. VANIK:

H.R. 6874. A bill to provide that local educational agencies shall not receive Federal financial assistance unless they provide educational services to all handicapped children at levels of expenditure at least equal to expenditures for other children; to the Committee on Education and Labor.

By Mr. ZION:

H.R. 6875. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. FREY (for himself, Mr. Bafalis, Mr. Bennett, Mr. Chappell, Mr. Gibbons, Mr. Gunter, Mr. Haley, Mr. Pepper, Mr. Sikes, and Mr. Young of Florida):

H.J. Res. 503. Joint Resolution to redesignate the area in the State of Florida known as Cape Kennedy as Cape Canaveral; to the Committee on Science and Astronautics.

By Mr. JOHNSON of Pennsylvania:

H.J. Res. 504. Joint resolution to authorize the President to issue annually a proclamation designating the month of May in each year as "National Arthritis Month"; to the Committee on the Judiciary.

By Mr. DAVIS of South Carolina (for himself, Mr Spence, Mr Mathis of Georgia, Mr. Runnels, Mr. Chappell, and Mr. Flowers):

H. Con. Res. 182. Concurrent resolution expressing a sense of moral outrage in the Congress over deliberate violations by the North Vietnamese government and the Vietcong of the Geneva Conventions Relative to the Treatment of Prisoners of War in regards to abuse of U.S. prisoners, and the deliberate refusal to account for missing U.S. servicemen, and expressing the sense of the Congress that no aid of any kind should be extended to the North Vietnamese government by any branch of the U.S. Government; to the Committee on Foreign Affairs.

By Mr. KEMP:

H. Con. Res. 183. Concurrent resolution expressing the sense of Congress that U.S. Route 219 should be designated as part of the Interstate System; to the Committee on Public Works.

By Mr. RODINO:

H. Con. Res. 184. Concurrent resolution to print as a House document the Constitution of the United States; to the Committee on House Administration.

By Mr. WIGGINS:

H. Con. Res. 185. Concurrent resolution to provide for the printing of inaugural addresses from President George Washington to President Richard M. Nixon; to the Committee on House Administration.

By Mr. WOLFF (for himself, Mr. Abdnor, Ms. Abzug, Mr. Addabbo, Mr. Alexander, Mr. Andrews of North Dakota, Mr. Annunzio, Mr. Archer, Mr. Badillo, Mr. Bafalis, Mr. Barrett, Mr. Bevill, Mr. Biaggi, Mrs. Boggs, Mr. Brademas, Mr. Brasco, Mr. Brinkley, Mr. Broomfield, Mr. Brown of California, Mr. Brown of Michigan, Mr. Buchanan, Mr. Burgener, Mr. Burke of Massachusetts, Mr. Burke of Florida, and Mr. Byron):

H. Con. Res. 186. Concurrent resolution to collect overdue debts; to the Committee on Ways and Means.

By Mr. WOLFF (for himself, Mr. Carney of Ohio, Mr. Carter, Mr. Casey of Texas, Mr. Chappell, Mrs. Chisholm, Mr. Clark, Mr. Del Clawson, Mr. Cleveland, Mr. Collins, Mr. Conyers, Mr. Cotter, Mr. Dan Daniel, Mr. Dominick V. Daniels, Mr. Danielson, Mr. Davis of Georgia, Mr. Davis of South Carolina, Mr. Delaney, Mr. Dellenback, Mr. Denholm, Mr. Dent, Mr. Derwinski, Mr. Devine, Mr. Dickinson, and Mr. Diggs):

H. Con. Res. 187. Concurrent resolution to collect overdue debts; to the Committee on Ways and Means.

By Mr. WOLFF (for himself, Mr. Dorn, Mr. Downing, Mr. Drinan, Mr. du Pont, Mr. Eilberg, Mr. Evans of Colorado, Mr. Evins of Tennessee, Mr. Fascell, Mr. Fauntroy, Mr. Fish, Mr. Fisher, Mr. Flood, Mr. William D. Ford, Mr. Forsythe, Mr. Fountain, Mr. Frenzel, Mr. Fulton, Mr. Gaydos, Mr. Gettys, Mr. Gilman, Mr. Ginn, Mr. Goldwater, Mr. Gonzalez, and Mrs. Grasso):

H. Con. Res. 188. Concurrent resolution to collect overdue debts; to the Committee on Ways and Means.

By Mr. WOLFF (for himself, Mr. Gray, Mrs. Green of Oregon, Mr. Gross, Mr. Gude, Mr. Gunter, Mr. Guyer, Mr. Haley, Mr. Hammerschmidt, Mr. Hanley, Mr. Hanna, Mrs. Hansen of Washington, Mr. Harrington, Mr. Hastings, Mr. Hawkins, Mr. Hechler of West Virginia, Mrs. Heckler of Massachusetts, Mr. Heinz, Mr. Helstoski, Mr. Henderson, Mr. Hinshaw, Mr. Holifield, Mrs. Holt, Miss Holtzman, and Mr. Howard):

H. Con. Res. 189. Concurrent resolution to collect overdue debts; to the Committee on Ways and Means.

By Mr. WOLFF (for himself, Mr. Huber, Mr. Hungate, Mr. Hunt, Mr. Ichord, Mr. Johnson of California, Mr. Jones of Oklahoma, Mr. Jones of North Carolina, Miss Jordan, Mr. Kazen, Mr. Kemp, Mr. Ketchum, Mr. King, Mr. Koch, Mr. Kyros, Mr. Landrum, Mr. Latta, Mr. Lehman, Mr. Lent, Mr. Litton, Mr. Long of Louisiana, Mr. Long of Maryland, Mr. Lujan, Mr. McCormack, and Mr. McFall):

H. Con. Res. 190. Concurrent resolution to collect overdue debts; to the Committee on Ways and Means.

By Mr. WOLFF (for himself and Mr. Madden, Mr. Mann, Mr. Mathis of Georgia, Mr. Mazzoli, Mr. Melcher, Mr. Mezvinsky, Mr. Milford, Mr. Mills of Arkansas, Mrs. Mink, Mr. Mitchell of Maryland, Mr. Mizell, Mr. Moakley, Mr. Mollohan, Mr. Montgomery, Mr. Morgan, Mr. Murphy of Illinois, Mr. Murphy of New York, Mr. Myers, Mr. Nedzi, Mr. Nichols, Mr. Nix, Mr. O'Neill, Mr. Owens, and Mr. Patten):

H. Con. Res. 191. Concurrent resolution to collect overdue debts; to the Committee on Ways and Means.

By Mr. WOLFF (for himself and Mr. Pettis, Mr. Peyser, Mr. Pickle, Mr. Poage, Mr. Podell, Mr. Price of Illinois, Mr. Price of Texas, Mr. Randall, Mr. Rangel, Mr. Rarick, Mr. Reid, Mr. Riegle, Mr. Rhodes, Mr. Roberts. Mr. Robison of New York, Mr. Rodino, Mr. Roe, Mr. Roncalio of Wyoming, Mr. Roncallo of New York, Mr. Rooney of Pennsylvania, Mr. Rosenthal, Mr. Roush, Mr. Rousselot, and Mr. Roy):

H. Con. Res. 192. Concurrent resolution to collect overdue debts; to the Committee on Ways and Means.

By Mr. WOLFF (for himself Mr. Runnels, Mr. Ryan, Mr. Sarbanes, Mr. Satterfield, Mr. Saylor, Mr. Scherle, Mrs. Schroeder, Mr. Sebelius, Mr. Shoup, Mr. Sikes, Mr. Sisk, Mr. Slack, Mr. Smith of Iowa, Mr. Snyder, Mr. Spence, Mr. James V. Stanton, Mr. Stark, Mr. Steed, Mr. Steelman, Mr. Steiger of Arizona, Mr. St Germain, Mr. Stokes, Mr. Stuckey, and Mr. Studds):

H. Con. Res. 193. Concurrent resolution to collect overdue debts; to the Committee on Ways and Means.

By Mr. WOLFF (for himself, Mrs. Sullivan, Mr. Symington, Mr. Symms, Mr. Taylor of North Carolina, Mr. Thomson of Wisconsin, Mr. Thone, Mr. Tiernan, Mr. Udall, Mr. Vander Jagt, Mr. Veysey, Mr. Waggonner, Mr. Walsh, Mr. Wampler, Mr. Ware, Mr. White, Mr. Whitehurst, Mr. Widnall, Mr. Charles H. Wilson of California, Mr. Charles Wilson of Texas, Mr. Winn, Mr. Won Pat, Mr. Wylie, Mr. Wyman, and Mr. Yates):

H. Con. Res. 194. Concurrent resolution to collect overdue debts; to the Committee on Ways and Means.

By Mr. WOLFF (for himself, Mr. Yatron, Mr. Young of Georgia, Mr. Young of Florida, Mr. Young of South Carolina, Mr. Young of Illinois, Mr. Zablocki, and Mr. Zwach):

H. Con. Res. 195. Concurrent resolution to collect overdue debts; to the Committee on Ways and Means.

By Mr. HAYS:

H. Res. 353. Resolution providing funds for the expenses of the Committe on House Administration to provide for maintenance and improvement of ongoing computer services for the House of Representatives and for the investigation of additional computer services for the House of Representatives; to the Committee on House Administration.

By Mr. LEHMAN:

H. Res. 354. Resolution to establish a congressional internship program for secondary school teachers of government or social studies in honor of President Lyndon Baines Johnson; to the Committee on House Administration.

By Mr. RANDALL (for himself and Mr. Heinz):

H. Res. 355. Resolution to create a select committee on aging; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

140. By the SPEAKER: A memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to the meat boycott; to the Committee on Agriculture.

141. Also, memorial of the Legislature of the Commonwealth of Massachusetts, requesting Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States relating to the use of public funds for secular education; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 6876. A bill for the relief of Generosa Fusco; to the Committee on the Judiciary.

By Mr. FORSYTHE:

H.R. 6877. A bill for the relief of Viola Burroughs; to the Committee on Interior and Insular Affairs.

By Mr. HEINZ:

H.R. 6878. A bill for the relief of Jean W. Davis; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

157. By the SPEAKER: Petition of Norman J. Raasch, Huntsburg, Ohio, and others, relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

158. Also, petition of Kent E. Braun, Catasauqua, Pa., relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

159. Also, petition of Frank E. Beza, Quakertown, Pa., relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

160. Also, petition of Robert A. Burns, Quakertown, Pa., relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

161. Also, petition of Richard L. Gardner, Quakertown, Pa., relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

162. Also, petition of Dennis P. Molnar, Richlandtown, Pa., relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

163. Also, petition of Franz Jerger, Milwaukee, Wis., relative to redress of grievances; to the Committee on the Judiciary.

SENATE—*Wednesday, April 11, 1973*

The Senate met at 12 o'clock meridian and was called to order by Hon. Sam Nunn, a Senator from the State of Georgia.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Thou Creator Spirit, in this reverent noonday moment we pray for hearts wide open to the joy and beauty of this universe that Thou hast given us for our home. We thank Thee for the symphony of springtime—for the arching sky and turbulent winds, for driving clouds and constellations of the night, for buds and blossoms, for flowers and fields, for the salted sea and cascading streams, for the music of nature, and for the variety of people created in Thy image for a worldwide community.

We thank Thee, O Lord, for the senses of seeing and hearing by which Thy gifts are known to us. Awaken the Nation to a new springtime of spiritual life and power which shall set us on our way to the fulfillment of Thy promised kingdom on earth.

We pray in Thy holy name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Eastland).

The assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., April 11, 1973.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. Sam Nunn, a Senator from the State of Georgia, to perform the duties of the Chair during my absence.

James O. Eastland,
President pro tempore.

Mr. NUNN thereupon took the chair as Acting President pro tempore.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

REPORT OF THE NATIONAL CREDIT UNION ADMINISTRATION—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. Nunn) laid before the Senate a message from the President of the United States, which, with the accompanying report, was referred to the Committee on Banking, Housing and Urban Affairs. The message is as follows:

To the Congress of the United States:

Pursuant to the provisions of title I, section 3, of the Federal Credit Union Act (12 U.S.C. 1752), I hereby transmit the annual report of the National Credit Union Administration for the calendar year 1972.

Richard Nixon.

The White House, *April 11, 1973.*

RETIREMENT SAVINGS—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. NUNN) laid before the Senate a message from the President of the United States, which was referred to the Committee on Finance. The message is as follows:

To the Congress of the United States:

A dynamic economic system in a democracy must not only provide plentiful jobs, good working conditions, and a decent living wage for the people it employs; it should also help working men and women to set aside enough of the earnings of their most productive years to assure them of a secure and comfortable income in their retirement years.

This fundamental concept of prudent savings for retirement came under direct public sponsorship in the United States more than a generation ago, with the establishment of the Social Security System. Today, Social Security is the largest system of its kind in the world, and one of the most effective and progressive. Numerous significant improvements have been made in it during the past four years by this Administration in cooperation with the Congress.

In addition, public policy has long given active encouragement to the growth of a second form of retirement income: private pensions which are tailored to the needs of particular groups of workers and help to supplement the Social Security floor. Private pension plans now cover over 30 million workers and pay benefits to another 6 million retired persons.

But there is still room for substantial improvement in Federal laws dealing with private retirement savings. Those workers who are covered by pension plans—about half the total private work force—presently lack certain important types of Government protection and support. The other half of the labor force, those who are not participants in private plans, are not receiving sufficient encouragement from the Government to save for retirement themselves. Self-reliance, prudence, and independence—basic strengths of our system which are reinforced by private retirement savings and which government should seek to foster—are in too many cases not supported, and sometimes actually discouraged, by present practices and regulations.

Sixteen months ago I asked the Congress to enact pension reform legislation to remedy these deficiencies. Since then committees of both the House and the Senate have held useful hearings on reform, and the issue has received wide public discussion. The Administration has also completed studies on some additional facets of the pension question, and we have refined our proposals.

I believe that the time is now ripe for action on those proposals. They will be resubmitted within several days, in the form of two bills, the Retirement Benefits Tax Act and the Employee Benefits Protection Act. This message outlines the specific reforms contained in the legislation.

THE RETIREMENT BENEFITS TAX ACT

If working men and women are to have a genuine incentive to set aside some of their earnings today for a more secure retirement tomorrow, they need solid assurances that such savings will not be erased late in their career by the loss of a job, wiped out by insufficient financing of promised benefits, nor penalized by the tax laws. To this end, the Retirement Benefits Tax Act would embody the following five major principles:

1. *A minimum standard should be established in law for preserving the retirement rights of employees who leave their jobs before retirement.*

Protection of retirement rights, which is essential to a growing and healthy pension system, is ordinarily defined in terms of "vesting." A pension vests when an employee becomes legally entitled upon retirement to the benefits he has earned up to a certain date, regardless of whether he leaves or loses his job before retirement.

Despite some recent movement toward earlier vesting, many private plans still carry overly restrictive requirements for age or length of service or participation before vesting occurs. Thus, the pensions of more than two-thirds of all full-time workers participating in private pension plans are not now vested. All too frequently, the worker who resigns or is discharged late in his career finds that the retirement income on which he has been counting heavily has not vested and hence is not due him.

The legislation this Administration is proposing would meet this problem by requiring that pensions become vested at an appropriate specified point in a worker's career. That point should not be set too early: if a great many younger, short-term workers acquired vested rights, pension plans would be burdened with considerable extra costs and the level of benefits for retiring workers could be reduced. But neither should too long a wait be required before vesting begins, since many older workers would then receive little if any assistance. To strike the right balance, I urge the Congress to adopt a "Rule of 50" vesting formula, which is moderate in cost and works well to protect older workers.

Under this standard, all pension benefits which have been earned would be considered half vested when an employee's age plus the number of years he has participated in the pension plan equals 50. From this half-vested starting point, an additional ten percent of all of the benefits earned would be vested each year, so that the pension would be fully vested five years later.

For example, someone joining a plan at age 30 would find that his pension would become 50 percent vested at age 40—when his years of participation (10) plus his age (40) would equal 50. Similarly, the pension of an employee joining a plan at age 40 would become 50 percent vested at age 45, and that of an employee joining a plan at age 50 would begin to vest immediately. And in each case, the degree of vesting would increase from 50 percent to 100 percent over the subsequent five-year period of the worker's continued employment.

So that this formula would not discourage employers from hiring older workers, who would have an advantage of more rapid vesting, the legislation would permit a waiting period of up to three years before a new employee must be allowed to join a pension plan, and it would also permit employees hired within five years of normal retirement age to be excluded from participation in a plan.

Under the "Rule of 50," the proportion of full-time workers in private retirement plans with vested pension benefits would increase from 32 percent to 61 percent. Among participants age 40 and older the percentage with vested pension benefits would rise from 40 percent to about 90 percent.

To avoid excessive pension cost increases which might lead to reduction of benefits, this new law would apply only to benefits earned after the bill becomes effective, although the number of years a worker participated in a pension plan prior to enactment would count toward meeting the vesting standard. The average cost increase for plans which now have no vesting provision would be about 1.9 cents per hour for each covered employee; for plans that now provide some vesting it would be even less.

2. *Employees expecting retirement benefits under employer-financed defined-benefit pension plans should have the security of knowing that their vested benefits are being adequately funded.*

Perhaps the most fundamental aspect of any pension plan is the assurance that when retirement age arrives, pension benefits will be paid out according to the terms of the plan. To give this assurance, it is essential that when an employer makes pension promises he begin putting away the money that will eventually be needed to keep them. Yet federal regulations at present are lenient on this point, requiring that only a small portion of pension liabilities be put aside or "funded" each year.

My retirement savings proposal would augment this minimal protection with an additional requirement calling for at least 5 percent of the unfunded, vested liabilities in a pension plan to be funded annually. Over time, this rate of funding would build up substantial assets for the payment of pension benefits. It would make the average employee or retiree less dependent for his pension upon the survival of a former employer's business.

By requiring employers to be more forehanded and systematic in preparing to meet their pension obligations, this reform should help to reduce the frequency and magnitude of benefit losses when pension plans terminate. Even now the termination problem is not a major one: a study conducted at my direction last year by the Departments of Labor and the Treasury found that about 3100 retired, retirement-eligible, and vested workers lost pension benefits through terminations in the first 7 months of 1972, with losses totaling some $10 million. To put them in perspective, these losses should be compared with the more than $10 billion in benefits paid annually.

I also recognize, however, that these pension termination losses did work very real injustices and hardships on the individual workers affected, and on their families. Though the stricter funding requirements we are proposing will help to minimize these benefit losses, it has also been suggested that a Government-sponsored termination insurance program should be established to see that no workers or retirees whatever suffer termination losses.

After giving this idea thorough consideration, I am not recommending it at this time. No insurance plan has yet been devised which is neither on the one hand so permissive as to make the Government liable for any agreement reached between employees and employers, nor on the other hand so intrusive as to entail Government regulation of business practices and collective bargaining on a scale out of keeping with our free enterprise system. With new support from the funding standard I am requesting, the private sector will be in a better position than the Federal Government to devise protection against the small remaining termination loss problem, and I encourage employers, unions, and private insurance companies to take up this challenge.

3. *Employees who wish to save independently for their retirement or to supplement employer-financed pensions should be allowed to deduct on their income tax returns amounts set aside for these purposes.*

Under present law, neither an employer's contribution to a qualified private retirement plan on behalf of his employees, nor the investment earnings on those contributions, are generally subject to taxes until benefits are paid to the retired worker or his family. When an employee contributes to a group plan, the tax liability on investment earnings is similarly deferred—though in this case the contribution itself is taxable when initially received as salary. By contrast, a worker investing in a retirement savings program of his own is actually subject year by year to a double tax blow. He is taxed both on the savings contributions themselves as part of his pay and on the investment income his savings earn.

Employees who want to establish their own retirement plan or to augment an employer-financed plan should be offered a tax incentive comparable to that now given those in group plans. Accordingly, I am proposing that an individual's contributions to a retirement savings program be made tax-deductible up to the level of $1,500 per year or 20 percent of earned income, whichever is less, and that the earnings from investments up to this limit also be tax-exempt until received as retirement income. Individuals could retain the power to control the investment of these funds, channeling them into qualified bank accounts, mutual funds, annuity or insurance programs, government bonds, or other investments as they desire.

The maximum deduction of $1,500 would direct benefits primarily to employees with low and moderate incomes, while preserving an incentive to establish employer-financed plans. The limit is nevertheless sufficiently high to permit older employees to finance a substantial retirement income—a consideration which is of special importance to the 9 million full-time workers in this country who are between 40 and 60 years old and are not participating in private pension plans.

The $1,500 ceiling should be more than adequate for most workers. Supposing for example that a worker in that situation was to start an independent plan at age 40, tax-free contributions of $1,500 a year from then on would be sufficient to provide him an annual pension of $7,500, over and above his basic Social Security benefits, beginning at age 65.

The tax deduction I am proposing would also be available to those already covered by employer-financed plans, but in this case the $1,500 maximum would be reduced to reflect pension plan contributions made by the employer.

4. *Self-employed persons who invest in pension plans for themselves and their employees should be given a more generous tax deduction than they now receive.*

At present, self-employed people who establish pension plans for themselves and their employees are subjected to certain tax limitations which are not imposed on corporations. Pension contributions by the self-employed are tax-deductible only up to the lesser of $2,500 or 10 percent of earned income. There are no such limits to contributions made by corporations on behalf of their employees.

This distinction in treatment is not based on any difference in reality, since unincorporated entities and corporations often engage in substantially the same economic activities. Its chief practical effect has been to deny to the employees of self-employed persons who do not wish to incorporate benefits which are comparable to those of corporate employees. It has also led to otherwise unnecessary incorporation by persons solely for the purpose of obtaining tax benefits.

To achieve greater equity, I propose that the annual limit for deductible contributions by the self-employed be raised to $7,500 or 15 percent of earned income, whichever is less. This provision would enable the self-employed to provide more adequate benefits for themselves and for their workers, without causing excessive revenue losses.

5. *Workers who receive lump-sum payments from pension plans when they leave a job before retirement should be able to defer taxes on those payments until retirement.*

In order to avoid the problems of administering funds for the benefit of a former employee, an employer will sometimes give a departing employee a lump-sum payment representing all his retirement benefits. Present law requires that the employee pay income tax on that payment even if he intends to put it aside for his retirement. A worker who remains with one employer pays no such tax. This discrimination should be corrected.

The legislation we are proposing would amend the tax law to permit the worker who receives a lump-sum payment of retirement benefits before he retires to put the money into another qualified retirement savings program—either his own or an employer-sponsored plan—without having to pay a tax on it, or on the interest it earns, until he draws benefits upon retirement.

THE EMPLOYEE BENEFITS PROTECTION ACT

An important companion to the five-point reform contained in the Retirement Benefits Tax Act is our proposed legislation to make the Federal Government a tougher watchdog over the administration of the more than $160 billion in private pension and welfare funds benefiting American workers.

Submitted by this Administration more than 3 years ago, this needed reform languished in both the 91st and 92nd Congresses. Each month that it has sat unenacted, the small minority of employee benefit fund officials who are careless or unscrupulous have been permitted to deny hard-working men and women part of their benefits. That is why we are today proposing to the 93rd Congress a Benefits Protection Act, with an urgent strengthened and improved Employee request for prompt action.

Control of pension and welfare funds is shared by employers, unions, banks, insurance companies, and many others. Most pension plans are carefully managed by responsible people, but too many workers have too much at stake for the Government simply to assume that all fund management will automatically meet a high fiduciary standard.

Accordingly, the bill we are proposing would establish for the first time an explicit Federal requirement that persons who control employee benefit funds must deal with those funds exclusively in the interest of the employee participants and their beneficiaries. Certain corrupt practices such as embezzlement and kickbacks in connection with welfare and pension funds are already Federal crimes, but many other types of activity which clearly breach principles of fiduciary conduct are overlooked by present statutes. My proposal would plug these holes in the law to give workers a more solid defense against mishandling of funds.

Present reporting and disclosure requirements would also be broadened to require of benefit plan administrators a detailed accounting of their stewardship similar to that rendered by mutual funds, banks, and insurance companies.

To back up these changes the new law would give additional investigative and enforcement powers to the Secretary of Labor, and would permit pension fund participants and beneficiaries to seek remedies for breach of fiduciary duty through class action suits.

Finally, the Employee Benefits Protection Act would foster the development of uniform Federal laws in employee benefits protection, complementing but in no way interfering with State laws that regulate banking, insurance, and securities.

BRIGHTENING THE RETIREMENT PICTURE

By moving rapidly to enact the pension incentive and protection package I am recommending today, this Congress has the opportunity to make 1973 a year of historic progress in brightening the retirement picture for America's working men and women.

Under the reforms we seek, every participant in a private retirement savings plan could have a better opportunity to earn a pension and greater confidence in actually receiving that pension upon retirement. Those who are not members of an employer pension plan or who have only limited benefits in such a plan would be encouraged to obtain individual coverage on their own. The self-employed would have an incentive to arrange more adequate coverage for themselves and their employees. And all participants could have well-deserved peace of mind in the knowledge that their welfare and pension funds were being administered under the strictest fiduciary standards.

The achievements of our private welfare and retirement plans have contributed much to the economic security of the Nation's workers. They are a tribute to the cooperation and creativity of American labor and management. We can be proud of the system that provides them—but we must also be alert to the Government's responsibility for fostering conditions which will permit that system's further development.

I urged at the outset of my second term that in shaping public policy we should "measure what we will do for others by what they will do for themselves." By this standard, few groups in this country are more deserving than the millions of working men and women who are prudently saving today so that they can be proudly self-reliant tomorrow. I urge the Congress to help these citizens help themselves by going forward with pension reform.

RICHARD NIXON.

THE WHITE HOUSE, *April 11, 1973.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. NUNN) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, April 10, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 103, 104, 105, 106, and 107.

The ACTING PRESIDENT pro tempore. Without objection it is so ordered.

NATIONAL HISTORIC PRESERVATION WEEK

The joint resolution (S.J. Res. 51) to authorize and request the President to issue a proclamation designating the calendar week beginning May 6, 1973, as "National Historic Preservation Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 51

Whereas the two hundredth anniversary of the founding of this Republic approaches; and

Whereas an indispensable element of the strength, the freedom, and the constructive world leadership of this Nation is the knowledge and appreciation of our origins and history, of who we are, where we are, and how we arrived there; and

Whereas the houses were we have lived, the buildings where we have worked, the streets we have walked for more than three hundred years are as much a part of our heritage as the wisdom of the Founding Fathers and the works of art which succeeding generations of Americans have bequeathed to us; and

Whereas these buildings and places, great and humble, not only are our roots, but are also sources of pride in our past achievements and enrich our lives today; and

Whereas historic preservation today involves much more than period rooms in house museums, but means, rather, that old homes, public buildings, hotels, taverns, theaters, industrial buildings, churches, and commercial structures can be saved and put to contemporary use as living history to be treated with respect and incorporated within or planning as our towns and cities grow to provide the citizens of this Nation with an environment of quality and enduring interest: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation—

(1) designating the calendar week beginning May 6, 1973, as "National Historic Preservation Week"; and

(2) urging Federal, State, and local government agencies, as well as citizens and private organizations, especially the preservation organizations, historical societies, and related groups, to observe that week with educational efforts, ceremonies, and other appropriate activities which—

(a) are designed to call public attention to the urgent need to have our historic landmarks for the enjoyment and edification of the citizens of this Nation, present and future; and

(b) will demonstrate lasting respect for this unique heritage.

JIM THORPE DAY

The joint resolution (S.J. Res. 73) to authorize the President to proclaim April 16, 1973, as "Jim Thorpe Day" was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S.J. RES. 73

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (1) in recognition of Jim Thorpe having been chosen the greatest athlete in the first half of the twentieth century by the Associated Press, (2) in appreciation for the standards of excellence set by Jim Thorpe which have taught all Americans to recognize the innate dignity of their fellow citizen, the American Indian, (3) in recognition of Jim Thorpe's example of overcoming social and economic barriers to achieve excellence, and blazing a trial for other talented minority Americans, and (4) in honor of the recognition Jim Thorpe brought to all Americans with his triumph at the 1912 Olympics, the President is authorized and requested to issue a proclamation designating April 16, 1973, as "Jim Thorpe Day", and calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

Mr. BARTLETT. Mr. President, the Senate today has passed Senate Resolution 73, a bill requesting the President to name April 16, 1973 as National Jim Thorpe Day.

The significance of the bill surpasses the naming of a date after this great American. The passage marks one more step in the restoration of the good name of Jim Thorpe.

Jim Thorpe overcame severe social and economic barriers to become the greatest athlete of our time. He was selected the greatest football player of the first half of the 20th century and the greatest male athlete. At the 1912 Olympics, he won both the pentathlon and the decathlon, a feat not accomplished before or since.

In 1913, Jim Thorpe's medals were taken away because in ignorance, he had participated in semipro baseball prior to the Olympics. Thereafter, the 2d and 3d place finishers behind Thorpe in the Olympics refused the gold medals saying they belonged to no one but Jim Thorpe. The medals have never been restored.

The Jim Thorpe Memorial has been established to carry on the name and achievements of Jim Thorpe and to foster the standards of execellence which he advanced.

On April 16, the Jim Thorpe Memorial Commission will held their annual banquet honoring Jim Thorpe and the outstanding high school athletes in Oklahome. All Americans should pause on that date in appreciation for the hope and inspiration that this Sax and Fox Pottawatomie Indian gave to all of us.

NATIONAL HUNTING AND FISHING DAY

The joint resolution (H.J. Res. 210) asking the President of the United States to declare the fourth Saturday of September 1973, "National Hunting and Fishing Day" was considered, ordered to a third reading, read the third time, and passed.

Mr. SCOTT of Pennsylvania. Mr. President, if the distinguished majority leader will yield briefly, I want to clarify that National Hunting and Fishing Day refers to the hunting of game and the fishing for fish rather than the kind of hunting and fishing which is otherwise indulged here in the district of confusion.

Mr. MANSFIELD. Well, Mr. President, the Senator is entitled to his views, but I do not get the point. Whatever it is, however, I will be glad to join him.

Mr. SCOTT of Pennsylvania. I am saving the point for later.

[Laughter.]

Mr. MANSFIELD. All right.

Mr. McINTYRE. Mr. President, I want to acknowledge the fine efforts of my colleagues on the Senate Judiciary Committee in moving Senate Joint Resolution 24, National Hunting and Fishing Day, to the Senate for action.

Senate Joint Resolution 24 is a joint resolution asking the President of the United States to declare the fourth Saturday of September "National Hunting and Fishing Day."

I need not remind my colleagues of the millions of Americans that enjoy wholesome outdoor sports. Each year more than 15 million hunting licenses and 24 million fishing licenses are purchased. And each year half a million more individuals join these ranks.

For the privilege of hunting and fishing the participants pay nearly $200 million each year for licenses, tags, permits, and stamps.

These activities protect wildlife threatened with extinction and to reestablish breeds that are losing their battle for survival. One prime example of such ecological survival was recently shown in the Everglades where responsible local hunters and fishermen are still fighting to stop the pollution which threatens this area.

Mr. President, my bill recognizes these efforts and countless unsung efforts by outdoor sportsmen all across America.

I would also like to mention the outstanding work done by the National Shooting Sports Foundation and its president, Mr. Warren Page. Under Mr. Page's able leadership the foundation spent hundreds of hours and literally thousands of dollars in assuring the success of Hunting and Fishing Day.

Last year more than 400 publications joined in the promotion of National Hunting and Fishing Day.

Over 2,500 organizations sponsored "open houses" on September 23 and the programs were widely diverse presentations which included not only the usual sporting events, but programs of firearm safety and education as well.

The governors of all the 50 States endorsed the day and had celebrations in their own States.

Over 400 mayors proclaimed National Hunting and Fishing Days in their cities.

At least 4,000,000 Americans participated in various Hunting and Fishing Day activities last September.

Last year the Senate voted unanimously to celebrate National Hunting and Fishing Day. The bill then went to the House where it again passed unanimously. This year the bill has once again passed the House unanimously.

The success of the resolution in the House can largely be traced to the efforts of the bill's principal sponsor in the House, Congressman BOB SIKES. For the past 2 years Congressman SIKES has been the prime mover in the House and this year his bill was joined by 61 other Congressmen.

I am pleased to report that my colleagues here in the Senate have again this year responded to my bill to celebrate National Hunting and Fishing Day. The bill presently has the bipartisan support of 36 Senators.

Mr. President, at this point I read the names of the cosponsors of Senate Joint Resolution 24.

The Senator from Rhode Island (Mr. PASTORE), the Senator from Utah (Mr. BENNETT), the Senator from Texas (Mr. BENTSEN), the Senator from North Dakota (Mr. BURDICK), the Senator from Colorado (Mr. DOMINICK), the Senator from North Dakota (Mr. YOUNG), the Senator from Nevada (Mr. BIBLE), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. CANNON), the Senator from Arkansas (Mr. McCLELLAN), the Senator from Maine (Mr. HATHAWAY), the Senator from Illinois (Mr. STEVENSON), the Senator from South Dakota (Mr. McGOVERN), the Senator from Arizona (Mr. FANNIN), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Arizona (Mr. GOLDWATER), the Senator from Alaska (Mr. GRAVEL), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Rhode Island (Mr. PELL), the Senator from Alaska (Mr. STEVENS), the Senator from Utah (Mr. MOSS), the Senator from Oklahoma (Mr. BARTLETT), the Senator from Oregon (Mr. PACKWOOD), the Senator from New Mexico (Mr. DOMENICI), the Senator from Maine (Mr. MUSKIE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Wyoming (Mr. HANSEN), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from Minnesota (Mr. MONDALE), the Senator from Oregon (Mr. HATFIELD), the Senator from New York (Mr. BUCKLEY), the Senator from North Carolina (Mr. ERVIN).

I would like to add a word about the diversity of sponsors of National Hunting and Fishing Day. This year, as last year, the supporters cover a wide range of organizations interested in outdoor activities.

For example, the steering committee for National Hunting and Fishing Day is cochaired by Mr. Ray Hubley, Jr., executive director of the Izaak Walton League of America and Mr. Thomas L. Kemball, executive vice President of the National Wildlife Federation.

Other members of the steering committee represent the National Recreation and Park Association, the International Association of Game, Fish and Conservation Commissioners, the Wildlife Society, the National Future Farmers of America, the Outdoor Writers of America, the Boy Scouts of America, the National Rifle Association, the American Forestry Association, the Association for Health, Physical Education and Recreation, and the National Association of Conservation Districts.

I am confident that National Hunting and Fishing Day this year will be celebrated with an even greater spirit than the one that made it so successful last year.

I am pleased that the Senate has acted.

NATIONAL ARTHRITIS MONTH

The Senate proceeded to consider the joint resolution (H.J. Res. 275) to authorize the President to issue a proclamation designing the month of May 1973, as "National Arthritis Month."

Mr. ROTH. Mr. President, I would like to urge other Senators to join me today in support of House Joint Resolution 275, designating the month of May as "National Arthritis Month." This is the House version, introduced by Representative HOWARD of New Jersey, of my Senate Joint Resolution 80. Senate Joint Resolution 80 enjoyed the cosponsorship of 49 of my colleagues, whose names it is my pleasure to list at the conclusion of these remarks. I would like to make special note, however, of the cooperation of two distinguished members of the Judiciary Committee, Senators HRUSKA and McCLELLAN, in moving this proposal to the floor.

A similar resolution creating May as "National Arthritis Month" was passed by the Congress and signed by the President in 1972. It is, however, especially important that national concern be focused on this serious chronic disease this year since 1973 marks the 25th anniversary of the Arthritis Foundation. This organization is the primary private source of research and training funds in the effort to alleviate the human and economic losses inflicted by America's second most common chronic illness.

Mr. President, there is no question that the Congress must make a hardheaded review of the great number of Federal health programs created over the years. In attempting to strengthen our effort to improve the health of all Americans, we need to make sure that we direct our energies and resources against the illnesses which cause the greatest human and economic damage to our people. Arthritis and rheumatic diseases affect the lives of at least 20 million Americans. It brings physical and mental suffering to more Americans than any other disease except heart disease.

While the most common form of arthritis is associated with growing older, various forms of arthritic and rheumatic conditions are experienced by people of all ages, including children. The costs to our society in economic terms of these diseases is staggering. Lost wages, medical costs, tax losses to governments, payments by the Veterans' Administration, and expenditures on "quack" remedies are all parts of this economic toll. The relatively great amounts of limitation of activity, bed disability, and hospitalization associated with arthritis and rheumatism go a long way in explaining its economic costs.

If our Nation is to better benefit from the physical and mental contributions of the victims of arthritis and rheumatism, our battle against these curses must be more effective. It is a truism that the growth of a nation's wealth and well-being depends significantly on the maximizing of its human resources.

A recent survey conducted by the Arthritis Foundation makes clear the inadequacy of facilities and personnel to treat the numerous Americans unfortunate enough to suffer from arthritis. Given the very real costs of this disease, expenditures on improvements in the treatment available can be readily justified in human and economic terms.

In conclusion, Mr. President, I urge the adoption of House Joint Resolution 275.

Mr. President, I ask unanimous consent that the list of cosponsors of my companion Senate Joint Resolution 80 be printed in the Record at this point.

There being no objection, the list of cosponsors was ordered to be printed in the Record, as follows:

Cosponsors of Senate Joint Resolution 80

Mr. Allen
Mr. Baker
Mr. Bartlett
Mr. Bayh
Mr. Beall
Mr. Bennett
Mr. Bible
Mr. Biden
Mr. Brock
Mr. Buckley
Mr. Burdick
Mr. Cannon
Mr. Cranston
Mr. Dole
Mr. Domenici
Mr. Dominick
Mr. Ervin
Mr. Fannin
Mr. Fong
Mr. Gurney
Mr. Hartke
Mr. Humphrey
Mr. Holllings
Mr. Javits
Mr. McGee
Mr. McGovern
Mr. McIntyre
Mr. Muskie
Mr. Pastore
Mr. Pell
Mr. Percy
Mr. Ribicoff
Mr. Scott (Pennsylvania)
Mr. Sparkman
Mr. Taft
Mr. Talmadge
Mr. Thurmond
Mr. Tunney
Mr. Williams
Mr. Young

The bill was ordered to a third reading, read the third time, and passed.

NATIONAL CLEAN WATER WEEK

The joint resolution (H.J. Res. 437) to authorize the President to designate the period beginning April 15, 1973, as "National Clean Water Week" was considered, ordered to a third reading, read the third time, and passed.

Mr. SCOTT of Pennsylvania. Mr. President, I understand that this particular bill is applicable only to water and does not generally refer to numerous requests now current in Washington to "come clean" generally.

Mr. MANSFIELD. Amen.

GI'S IN GERMANY

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record three articles on the subject "GI's in Germany," written by Mr. Gene Oishi, a reporter who formerly covered the Senate, and published in the Baltimore Sun on April 8, 9, and 10, 1973.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Noisy U.S. Helicopters Prompting Invitation for Yankees To Go Home

(By Gene Oishi)

Erlense, West Germany.—"The anti-American mood is palpable and more and more so every day. The helicopter noise forces doctors to interrupt examinations and to prescribe sedatives for adults and children alike. Helicopters flying over the area in formation often make verbal communication impossible and give the impression that this city is being attacked by air fighters."

So wrote Mayor Erich Woerner earlier this year to Georg Leber, the West German defense minister. The helicopters he referred to belong to a United States Army aviation battalion stationed at the nearby Langendiebach airfield, Langendiebach.

Last fall, a company of Cobra helicopter gunships—the type used in Vietnam—was transferred there as well, adding to the air activity over this growing surburban community.

This controversy over the "noise pollution" created by U.S. forces can and has been characterized as tempest in a teapot. But it is one of the several examples of how sociological, economic and political developments in West Germany are combining to make continued U.S. military presence in Europe difficult.

When U.S. forces took over the Langendiebach airfield in 1945, Erlensee was a sleepy, rural community of less than 2,000 inhabitants. The airfield itself was isolated and the aircraft operating from it provided villagers with an element of diversion in an otherwise hundrum existence.

Since then Erlensee, as well as Bruchkoebel, a village on the opposite side of the airfield, have grown into suburban communities of more than 10,000 persons each. They are part of the fast-growing metropolitan area encompassing Hanau and Frankfurt.

Not only are the residential communities beginning to press against the airfield but so too is Hanau's industrial development, which will create in turn even more demand for residential housing in the area.

If the Langendiebach airfield were simply a landing and takeoff point, the annoyance it causes the surrounding communities would not be nearly so great. But it is also an exercise and training area for more than 100 U.S. helicopters now stationed there.

"They are engaging in training exercises right over our heads," complained Martin Woythal, the administrator of the Hanau district—roughly equivalent to a county—in which the Langendiebach airfield is located. "I understand that the Americans are here to fulfill their NATO commitment, but what good is defense if it is making the defended people sick?"

Mr. Woythal said he has been trying for five years to get the Americans to take measures to reduce the noise levels from their helicopters. Instead, even more helicopters were brought in.

When he discovered earlier this year that the U.S. Army had plans to extend the runway at the airfield, the district administrator called a press conference to denounce the move and boycotted the German-American Friendship Week activities.

When the federal defense minister, Mr. Leber, publicly apologized to the Americans for Mr. Woythal's behavior, he touched off still another flap. In some quarters, Mr. Leber's apology was taken as improper federal interference in local affairs, kowtowing to the Americans and "a stab in the back" of the district administrator.

The U.S. Army, meanwhile, tried to explain that the 1,000-foot extension of the runway would not require an enlargement of the airfield, but had to acknowledge that it would require some topping of trees in the adjacent woods.

The Army said that the extension was needed to provide an additional safety margin for the few fixed-wing aircraft operating from the airfield.

It also tried to scotch rumors that there were plans for bringing in jet aircraft, but met with only limited success.

Friday, the Army announced that it had abandoned plans to lengthen the runway. Lt. Col. Donald R. Bausler, the commander of the aviation battalion stationed at the field, said he considered the protests against noise "a valid complaint."

Military authorities said some planes would be moved from the airfield and the restationing of other planes and units would be studied. Restrictions were placed on night and weekend flights.

Still another measure, requiring all helicopters to remain at least 1,500 feet above Erlensee when making landing approaches, is causing discontent among the pilots.

To keep within the new regulation, say the pilots, they must bring their helicopters almost to the edge of the field at an altitude of 1,500 feet, then go into a sharp 600-foot drop before entering a normal glide pattern.

The 5th Corps headquarters in Frankfurt maintains that the new landing procedure is safe and that it has been approved by the European Command Safety and Standardization Board. But the pilots sharply disagree.

Should there be an engine failure during this 600-foot drop, they say, the helicopter is almost certain to crash or, to put it in a helicopter-pilot jargon, the aircraft is momentarily in a "deadman's curve," with not enough forward motion to make it glide.

"Somebody's going to have to get killed before there's a change," said one pilot.

Others say bitterly that the Germans do not seem to mind helicopter noise—when the aircraft provide local residents with emergency air-ambulance service or when they ferry GI's to the wine country across the Rhine to help with the grape harvest.

Germans, on the other hand, insist that there is no anti-Americanism involved in the protests. They said they would be protesting just as much if it were the West Germany Army flying the helicopters.

At a protest rally at the airfield last month, some demonstrators carried signs in English reading: "Protest Against Noise, Not Against Soldiers."

But there are other factors involved besides noise. One element is a feeling—encouraged by some of the more leftist elements in the area—that what appears to be an enlargement of U.S. forces is inconsistent with the general atmosphere or detente in Europe.

Another is that because of the growing Germany prosperity, U.S. military presence is diminishing as a factor in the local economy.

As one area commander put it, after the war most German communities welcomed the well-heeled GI who had dollars to spend in the local shops and taverns.

"Nowadays," he said, "everybody agrees that American soldiers are needed in Germany, 'but not in our town.' "

Mayor Woerner of Erlensee, for example, has suggested that the helicopters be moved to Giebelstadt, in the neighboring state of Bavaria, but the proposal has fallen on deaf ears.

Another incipient point of controversy in the Hanau area is the 285-acre U.S. Army training area right in the middle of the burgeoning suburban community of Grossauheim.

The U.S. Army is sitting on some prime real estate, which developers would like to get their hands on. But a proposal to provide the Army with a substitute area further north was met with such howls of protest from the community neighboring the proposed new training area that the idea had to be dropped.

As the *Frankfurter Allgemeine*, a major German daily, noted recently, municipal politicians at one time vied with other communities to get the military installations they now have, "but the situation has now changed. Where there formerly was competition for the military, people now want to get rid of it."

Army Finds Space Is a Problem

(By Gene Oishi)

Nuremberg, West Germany.—"An army needs room to swing its arms," said the training officer at Merrell Barracks but a drive around this United States Army installation made it clear that there was barely room to wiggle a finger.

Merrell Barracks itself has long been surrounded by German housing developments, but now the urban growth is fast encroaching on the adjacent Maerzfeld area the training ground for Merrell Barracks.

Grundig, the German electronics firm, has constructed a plant there which is still expanding. Numerous high-rise apartments have sprung up and the entire area is characterized by civilian construction activity of all sorts.

TRAINING IMPAIRED

Merrell Barracks, in short, appears to be another prime example of how German prosperity and urban development are hemming in the Americans to the point where their ability to train and retain combat readiness is being impaired.

The effect on the German populace is that the U.S. Army installation is becoming more and more an irritant, an eyesore in the middle of a fast-developing residential-industrial complex on the southern outskirts of this booming city of a half-million inhabitants.

An added annoyance is that property values in the area are rising fast and the U.S. Army is taking up land worth an estimated $10.5 million, depriving the local government of a rich source of tax revenue.

The Nuremberg city government has long been urging that the U.S. Army vacate Merrell Barracks and relocate elsewhere. The Army has replied that it would have no objections to getting out of Merrell Barracks, if the West German government provides it with a suitable substitute in accordance with the German-American status-of-forces agreement.

Bonn, so far, has taken no position on the matter in view of the enormous cost of relocating the 1,700 American troops at Merrell.

An alternative facility would require not only living quarters for the troops, but ammunition dumps, fuel storage facilities, officers and enlisted men's clubs, a post exchange, commissary, a service club, bowling alley and a post movie theater, to mention only some of the U.S. Army requirements.

It is also possible that living quarters for married men and their dependents would have to be found or built if the new installation is too far from existing ones.

Cost, however, is only one of the problems. Most cities would like to get rid of the Army installations they already have and would protest getting any more. Putting them out in the "boondocks." Army sources point out, would create morale problems for the troops.

And besides, there are few boondocks left in West Germany.

West Germany, it is noted, is approximately the size of Oregon. Whereas Oregon has a population of 2 million, West Germany's is 60 million. U.S. forces, moreover, are located only in the southern half of West Germany—in the American Zone—and it is no easy task to find training areas for the estimated 180,000 U.S. Army troops.

RESIDENTS PROTESTED

How difficult the problem can be also was demonstrated here in Nuremberg.

As pressure for housing and commercial development grew around Merrell Barracks, the U.S. Army agreed to abandon its use of the adjacent Maerzfeld area as a training and exercise ground for its artillery units.

The replacement was supposed to be a 175-acre parcel of woods about 10 miles from Merrell Barracks, near the small community of Feucht. But the residents of Feucht, as well as Nuremberg itself, raised such a storm of protest that the West German Defense Ministry announced earlier this month that the project has been abandoned.

It was the Feucht controversy that was featured in a Columbia Broadcasting System television special on the growing anti-Americanism in West Germany.

PROTECT RECREATION AREA

Leaders of the protest movement insisted that there was nothing anti-American in their action. It was merely a matter of keeping their woods untrammeled by Army tanks and retaining them as a recreational area for city dwellers, they said.

The Army tried to assure the local residents that no tanks would go into the area, but had to acknowledge that about 48 tracked vehicles, including 12 self-propelled howitzers, would be involved. Some thinning of trees also would have been required.

The Army had promised to use the training area no more than 150 days a year and never on weekends or German holidays There would be no firing of live or blank ammunition, and the area would be open to the public whenever it was not being used by the Army.

MARCH ON EMBASSY

The citizenry, however, would not be appeased. Before the U.S. Army backed down altogether, the streets of Feucht were lined with posters reading: "Tanks, Not Before Our Doors."

At the height of the controversy 13 busloads of Feucht residents went to Bonn to demonstrate before the West German Defense Ministry and the American Embassy. One of the leaders of the group, Ewald Schusser, an insurance salesman, was anxious to show that there was no anti-American feelings involved.

"At the American Embassy we were allowed on the lawn to carry out our demonstration and present our petition," he said. "At the German Defense Ministry we were met by barred gates. That's the difference between American and German democracy."

PROBLEM UNSOLVED

In any case the protest was eventually successful in keeping the Americans out of Feucht, but the problem of finding another training area remains unsolved.

Maj. Gen. Adrian St. John, commander of the 1st Armored Division in charge of the area, noted that heavy training can and is carried out at Grafenwoehr, one of the major troop-training areas in West Germany, about 65 miles northeast of Nuremberg.

But to maintain combat readiness and to meet U.S. Army and NATO standards, he said, the troops must engage in regular drills with their artillery pieces, though it is not necessary actually to fire them.

For such regular practice, a nearby site, preferably within 12 to 13 miles of the base, was required, the general said, adding that a nearby training area, familiar to the troops, also was needed as a dispersal area in the event of an actual attack.

NOT ISOLATED EXPERIENCE

If the Feucht experience were an isolated one, it would be only of passing interest. But it is one that is being repeated, to a greater or lesser degree, in virtually every area where American troops are stationed in West Germany.

In the Ansbach area, where the 1st Armored Division headquarters are located, for example, there is strong local pressure to relocate an American training ground. General St. John has told the Germans he would be glad to accommodate them, but the problem remains the same—to find a substitute area.

In the neighboring state of Hesse, the Hanau area has an almost identical problem of an American training place hemmed in by housing developments. Similar problems have cropped up in the state of Baden-Wuerttemberg around the metropolitan area of Stuttgart.

COMPLICATING PRESSURES

So prevalent are current problems, and so predictable are future ones, that the U.S. headquarters in Heidelberg and the West German Defense Ministry plan a joint committee to study the long-range implications of a continued American presence in West Germany.

This study will be complicated by the pressures within the United States for reducing U.S. forces in Europe, as well as by the uncertainties of the prospective East-West negotiations for mutual force reductions in Central Europe.

Another, more subtle, complication is the psychological change in U.S.-German relations. Those who protest the "noise pollution" and the "ecological" damage caused by American forces insist that there is nothing anti-American in their action.

LESS TOLERANT NOW

While the assertions are no doubt sincere, it seems clear that the level of tolerance for the annoyances caused by U.S. forces has dropped significantly.

While many Germans will say they merely are being more openly critical of their American partners, the criticism is manifesting itself in organized opposition and demonstrations against specific U.S. Army operations, causing cancellation of some, and major changes in others.

U.S. forces controlling large parcels of valuable real estate in the middle of urban developments constitute another sore point. The situation has prompted some state governments to levy taxes on American installations that have no clear-cut military functions, such as post exchanges, commissaries and recreation facilities.

The bill would amount to about $1 million a year, with $10 million in back taxes. So far Washintgon has refused to pay, but the matter remains simmering as another potential area of controversy.

As the Dollar Erodes, U.S. Troops Become Paupers in a Strange Land

(By Gene Oishi)

Bonn Bureau of The Sun

BONN.—The day of the almighty dollar is over and few regret the passing more than the American GI's stationed here in West Germany, the "economic wonderland."

The decline in spending power among GI's and the corresponding rise in the West German standard of living has had a real as well as a psychological effect on the Americans and their West German hosts.

The American soldier, with dollars in his pocket, was at one time not an insignificant element in the economies of garrison cities, towns and villages.

But in prosperous West Germany, the economic attractiveness of the GI's appears to have diminished to the vanishing point, a development that has added to the impression of West Germany.

Seen from the point of view of the GI's, service in West Germany has become less attractive, both socially and financially.

Conversations with American soldiers at several Army installations in West Germany did not indicate any increase in anti-American feelings.

Some soldiers said they got hostile stares and gestures, and one GI said he was once spit at, but they were quick to add that such incidents were rare.

The consensus appeared to be that GI's were neither especially liked nor disliked and there was little change in the West German attitude. But these observations were made by soldiers who have been in West Germany from six months to two years.

Old-timers who served there in earlier times saw bigger changes. They said, for example, that the GI is no longer the affluent individual sought after by local merchants, restaurants, taverns and girls.

Younger soldiers, who have no knowledge

of what GI life was like in West Germany 20 years ago, looked befuddled when they were asked whether they ever dated West German girls. Many never even considered the possibility.

A more obvious change even to the young soldier are the effects of devaluation.

Not only does he get fewer deutsche marks for his dollars, but prices at Army facilities, such as the commissary, the post exchange the barber shop, the snack bar, enlisted men's and officers' clubs, have gone up from 10 per cent to 15 per cent during the last month.

All of these facilities have become more expensive to operate because most of their supplies are obtained within Europe and many of the employees are West German nationals who get paid in deutsche marks.

Hardest hit are low-ranking enlisted men who live "on the economy" with their families. The living standard of these GI's—there are about 36,000 of them in West Germany—was first hit hard by the December, 1971, devaluation.

INFLATION OVER 5 PERCENT

Since then, there has been another dollar devaluation, plus an upward revaluation of the deutschemark. Inflation in West Germany, moreover, has been running between 5 per cent and 6 per cent a year.

According to Army estimates, the cost of living for these non-command sponsored soldiers has gone up by 23.5 per cent in the last 18 months.

One soldier wrote to the *Stars and Stripes*, the armed forces newspaper:

"The rapidly declining dollar has caused the European tour to be a financial disaster for the individual serviceman. I urge all servicemen to correspond with their representatives and ask for their vigorous support of Senator Mike Mansfield's proposal to reduce European troop strength by 50 per cent through legislation."

Many young soldiers, moreover, are planning to send their wives back to the United States because they can no longer afford to live together during their overseas tour.

For noncommissioned officers, officers and single soldiers, the devaluation means cutting back on recreational spending.

A sergeant with 13 years' service, said, "I'll tell you exactly what devaluation has cost me—a trip to Spain."

A captain living in Heidelberg with his wife said he used to eat out at least once a week. Now, they go out only once a month.

Several West Germans commenting on the cool relations between their people and American soldiers blamed the Americans for sticking to their "ghettos" and not venturing out into the community.

The effect of the devaluation, however, is to draw the American servicemen tighter within their own posts and housing areas, their bowling alleys, their theaters and their enlisted men's and officers' clubs.

Even after the recent increases, the prices there remain substantially cheaper than those prevailing within the West German economy.

The effect on the West German public is a further change in the GI's image—from an affluent big spender to one whose status is comparable to a working-class individual.

Whereas at one time the West Germans were full of wonder for the massive American wealth that overflowed into West Germany, the series of so-called "dollar crises" have created an impression that the flow has been reversed.

"NOT VERY IMPRESSED"

In any case, as one American observed, "A German riding around in a spanking new Mercedes is not very impressed with the GI who drives a 10-year-old Volkswagen, if he has a car at all."

With much of the economic incentive for having American soldiers gone, many West Germans appear to be growing less tolerant of the "noise pollution" and "ecological" damage caused by U.S. forces.

While it appears to be true that only a small minority of leftists favor complete withdrawal of U.S. forces, the supposedly pro-American "silent majority" also is getting less silent about the need to relocate American installations and training areas away from their own communities, though not out of the country.

PRIVILEGE OF THE FLOOR

Mr. THURMOND. Mr. President, I ask unanimous consent that Mr. Edward Kenney, of the staff of the Committee on Armed Services, be allowed the privilege of the floor during a colloquy in the Senate this afternoon.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

The PRESIDING OFFICER. Does the minority leader desire recognition?

Mr. SCOTT OF Pennsylvania. No; not until after the conclusion of the special orders.

The PRESIDING OFFICER. Under the previous order, the Senator from South Carolina (Mr. THURMOND) is recognized for not to exceed 15 minutes.

Mr. THURMOND. Mr. President, the distinguished floor leader on this side of the aisle has another engagement. I will first yield to him.

Mr. SCOTT of Pennsylvania. Do I correctly understand that the Senator has a request to make, or has it already been made, regarding the presence on the floor of the Senate of an assistant?

Mr. THURMOND. I have already made the request.

Mr. SCOTT of Pennsylvania. I thank the distinguished Senator. My remarks will be in line with what the Senator intends to say and what is also planned to be said later by the assistant minority leader, the distinguished Senator from Michigan (Mr. GRIFFIN).

THE MAINTENANCE OF A STRONG DEFENSE

Mr. SCOTT of Pennsylvania. Mr. President, today, several of my colleagues will emphasize the need for this Nation to maintain a strong defense. I commend these Senators for articulating this position. I commend them for speaking out on a subject that too often is misunderstood by those who want to misunderstand it.

I join the Senators in urging that a balanced system for defense be maintained. At the same time, I ask those who wish to cut the defense budget drastically, and those who wish to increase it drastically, to proceed with caution in their respective deliberations.

It is well known that President Nixon has turned the tables on the division of the dollar for defense spending and human needs. His first year budget spent 44 cents of the dollar for defense and 34.4 cents for human needs. This represented substantially the percentage that existed in previous administrations. His budget request this year shows 30.2 cents of the dollar going for defense and nearly 47 cents for human needs. This is a dramatic shift of emphasis, and should be recognized.

The President's budget, in fact, makes defense spending the lowest percentage of the tax dollar in 22 years. Moreover, it gives a new, and much longed for, peacetime focus to defense spending, and one that is equitable to those serving in the military of this Nation.

First of all, the 1974 budget reduces by a third from 1968 levels, the number of military and civilian personnel under the Department of Defense. Second, the All-Volunteer Army is provided an adequate wage as an incentive to those serving their country. In the past, the young men in the military service of this Nation bore the cost of defending their Nation's interest in a time of war. The President's budget equitably raises military pay for the All-Volunteer Army as an incentive for joining.

Nearly all of the $4.7 billion increase in the Department of Defense budget is attributable to these pay increases and the rise in prices, nearly $3 billion for the All-Volunteer Army.

We have heard the charge of an increase in defense spending. As a matter of fact, the budget for defense over the last several years has remained quite stable and has represented actual reductions, in many cases, including a reduction in the cost of operations in Vietnam, from nearly $30 billion to a very low projected figure for the future, incident to the cost of terminating our military connection in Southeast Asia.

The increase in the budget this year is, therefore, occasioned almost entirely by the action of Congress itself, an action which I think all of us supported—namely, to increase the pay in the Armed Forces. For example, the pay in the lowest ranks, beginning with private, are much more generously increased than the pay in the higher ranks; and this, too, was felt to be entirely equitable. But in doing this, Congress, by its own act, increased the defense costs of the Nation; and the President can only administer this law, and does administer it, with the net effect that, for the first time in 4 years, there is a moderate increase in the defense budget.

In the coming budget, the President is asking for $11.7 billion more than in the present budget, the last one, and most of that $11.7 billion is for increase in domestic needs. The $20 billion or so increase which will be represented between the $250 billion budget and the second budget coming of $288 billion will again represent the recognition of the Government for the expanding needs and the expanding costs for these needs in the domestic areas.

It would be the most utter folly for us to divest ourselves of our defenses or to fail to be prepared, through the development of new weapons, for the expanding weapons technology and weapons accumulation of other nations. Our only hope of securing a reduction of offensive arms in SALT II, in the negotiations now going on, is for us to have something with which we can bargain. If we have an obsolete navy, an obsolete air force, and an obsolete army, those with whom we are bargaining are not going to be very much impressed with our determination to preserve the security of the United States. Obviously, we should not contribute to an escalating, spiraling arms race beyond the reasonable requirements of national defense. But to fail to do anything other than to stand in place with present equipment is not to stay equal but to fall back, and to fall back so substantially as to lose our entire bargaining power in these essential negotiations.

We would be weakened with SALT II, we would be weakened with the European Community Conference, we would be weakened in NATO, and we would be weakened in the attitudes of other nations toward ourselves if we did what we so deplorably did prior to World War I, prior to World War II, and prior to the Korean war.

Therefore, I hope that, while we are very careful about the development of our national defense, we will not sacrifice the security of the country because of the pleas of some that we should take the money out of defense and that what we take out of defense can be used to finance what are then designated as social needs. We should finance these social needs and we should meet those problems, but we should not meet them at the expense of the defense budget.

The defense budget and the foreign assistance budget have no constituencies in this country. They become the scapegoats. That is the area in which someone wishing to justify an unconscionable increase of $1 billion or $2 billion in some other program uses the defense budget as a scapegoat, in order to pull the wool over the eyes of the American people and to make them think that vast increased expenditures are not costing this country anything. On the contrary, they are costing us in additional taxes, they are costing us in inflation, and they certainly are costing us in national security if we falter or fail or retreat from a wise national security stance, which we were advised to have by President George Washington and by every President thereafter.

It is clear we must stay within the income of the country to avoid a tax increase. The President has stressed this many times. I have brought this to the attention of my colleagues on numerous occasions, and they bring it to our attention as well. We can cut Federal spending in either the domestic area or the military. Those are the options. Whatever we do, we must do it cautiously. We must do it thoughtfully, and with a clear understanding of the facts.

I commend the distinguished Senator from South Carolina for having suggested the use of this time to bring to the attention of the Senate and the American people the essential—indeed, the fundamental—importance of the maintenance of a strong national defense; because, as a man keepeth his house, as the Bible says—I am paraphrasing, of course, and rather badly—so shall he be judged. That is not the exact wording, but it is the sense. If we do not keep our own house safe, no one else will regard us as a safe house. If we do not preserve our position in the world, other nations not only will not respect us but also will ultimately rise to a supremacy beyond the strength of the United States to cope with the future emergencies in the world.

Mr. GRIFFIN. Mr. President, will the distinguished minority leader yield to me?

The ACTING PRESIDENT pro tempore. The Senator from South Carolina has the floor.

Mr. SCOTT of Pennsylvania. I yield the remainder of my time to the Senator from South Carolina, and he can yield to the Senator from Michigan if he wishes.

Mr. THURMOND. Mr. President, I yield to the distinguished Senator from Michigan.

Mr. GRIFFIN. I thank the distinguished Senator from South Carolina for providing the leadership for this series of speeches today. I join him and the distinguished minority leader in the points which have been made.

Mr. President, 15 minutes has been reserved in my name; but in order that some other Senators may speak, I ask unanimous consent that my time may be transferred to the control of the distinguished Senator from South Carolina.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I understand that the remainder of Senator SCOTT's time has been yielded to me and that the remainder of Senator GRIFFIN's time has been yielded to me—that is 45 minutes in all—and I now yield to the distinguished Senator from Arizona (Mr. GOLDWATER).

Mr. GOLDWATER. Mr. President, I thank the distinguished Senator from South Carolina, whom I look upon as one of the experts in this field on the Committee on Armed Services and in the Senate.

At the outset of my few remarks, I should like to comment on the oftenmade charge that those of us on the Armed Services Committee seem bent on defending the military. I suggest that that should come naturally to any Member of this body and naturally to any American citizen. The mere fact that some of us—in fact, most of us—in this body have served in the armed services should not cause others to say that we are prejudiced in favor of the military in spite of anything they might do.

I think it is wise to have men on committees who have some expertise. As I look at the Judiciary Committee and realize the distinguished lawyers on that committee and as I look at the Agriculture Committee and realize the number of agricultural people on that committee, I am very grateful that we laymen, so to speak, have access to that knowledge.

I want to comment on the remarks of the distinguished Senator from Pennsylvania relative to the absolute necessity of keeping America strong. Being a conservative, I like to go back and look at history, and I can recall when the United States had the strength. We prevented trouble in Lebanon. We prevented trouble in the Formosa Straits. We prevented missiles from being erected on Cuban soil. When the current President of the United States finally used the full weight of our military might in North Vietnam, that war promptly came to an end.

In other words, Mr. President, history should have taught all of us, whether we like it or not, as distasteful as it is, that the only way in this tough world to preserve peace is by being ready to fight for it. I do not mean just being ready in the number of men, but ready from the standpoint of equipment, training, and technology.

I think it is long past the time when it should be understood that in this world the struggle is between those who would have slavery and those who would have freedom. To me there is no greater priority that we should have than freedom. What good does it do for us to have all the answers on health, education, and welfare, and urban renewal, streets, roads, and sewers, if we are not a free people? It does not mean a thing. I hear my colleagues talk about reshuffling the priorities. I would like to know where they place freedom. Is it behind all these other things or is it in the forefront?

We recognize from the leaders of movements around the world, and I use that phrase advisedly, that there is no monolithic structure of communism; we have as many types as there are leaders practicing it and people following it.

There are certain things we have to realize in this debate. This matter will be brought up time and again and I hope we can make our colleagues listen to these facts. We cannot bring out all the facts because of classification. But I am afraid we have a Navy that is no longer first in the world. We have a Navy where the average age of a ship is almost 24 years and the age of retirement of a ship is 25 years. We have not had a new battle tank since the Korean war. We have not added new fighter planes in the last 15 years, and we have not added any new bombers in the last 22 years. At the same time the one strong potential enemy we have, an enemy that I keep hoping we will find on our side some day, the Soviet Union, has built up its fleet to where they are superior to us, they have built up their air force to where they are superior in numbers. The only thing that causes me to say they are not superior in performance is that our pilots in the Navy, Army, Marines, and Air Force have had far more practice than the Soviets, so I would put them ahead, but not for long.

In technology the Soviets are not standing still, while our technology is beginning to decay because we have people in our country who insist that we not spend more money for research and development, and who see no military need beyond the rate at the present time. We are spending a smaller percentage of our gross national product on the defense of this country than at any other time in modern history. That would include the entire length of this century so far.

Mr. President, I am pleased to join the distinguished Senator from South Carolina whose long years of experience in the Army and in the reserves have given him the right and the knowledge to speak out on the subject he addresses himself to today. I repeat what I said at the outset. Most Members of this body served in uniform. Some in this body think it is a disgrace to serve in uniform. Others think that we who serve on the Committee on Armed Services should commit ourselves to silence when the military is attacked. We do not buy that idea, and in the coming weeks and months when we are debating the appropriation bills I intend to speak out on it because I do not want to see my country unable to stand up to the promises we have made to our people, or the preamble of the Constitution which we are sworn to uphold, or Declaration of Independence.

Mr. President, I thank the distinguished Senator from South Carolina for yielding.

Mr. THURMOND. Mr. President, I wish to thank the distinguished Senator from Arizona for those excellent comments. The Senator from Arizona is a military expert. He served for many years in the Air Force, he is a hard-working member of the Committee on Armed Services, and he has made a very fine contribution to our country and to our national defense.

I also wish to express appreciation to our able and distinguished minority leader for his remarks this morning. Few Members in the Senate have traveled over the world and understand the situation as does the distinguished Senator from Pennsylvania (Mr. SCOTT). When he speaks, it is with authority. We are grateful for his very fine remarks.

Mr. President, I yield to the Senator from North Carolina (Mr. HELMS).

Mr. HELMS. Mr. President, I thank my able colleague from South Carolina.

Mr. President, I wish to join my distinguished colleagues in emphasizing the imperative nature of a strong defense posture for our Nation. This is the only hope for liberty in the world. I commend my colleagues for their forthright and eloquent expressions which set the record straight concerning defense spending as related to total Federal spending.

This needs to be done constantly, not just today, but every day. Mr. President, I am a strong supporter of an adequate national defense. I am proud that the vast majority of the people of my State recognize that national defense is the first constitutional obligation of our Government. The citizens of my State are prudent people, and they of course properly want a dollar's worth of defense for every tax dollar spent for defense. But they want freedom to continue in this world, and they recognize that America is the last, best hope for the survival of freedom for mankind.

I have at hand, Mr. President, some statistical information on the relative cost of national defense. Let us look at the fiscal year 1974 defense program. Defense spending of $79 billion in fiscal year 1974 includes:

For pay costs—$44 billion.

For purchases of goods and services from industry—$35 billion.

Every bit of Defense spending goes to one of these two places: pay or purchases. There is nothing else.

Pay costs cover the pay and allowances of military personnel—active, reserve, and retired—and civil service salaries. The rates paid are covered by law. The 1974 budget provides for 2,233,000 active-duty military personnel at June 30, 1974 and 1,013,000 civil service personnel—a total of 3,246,000 personnel. That is the lowest number of personnel since 1950. The 1974 manpower level is 1.6 million—one-third—below the 1968 wartime peak, and 474,000 below the 1964 prewar level.

We begin with the fact, then, that manpower costs account for over half of the 1974 Defense budget, and that manpower levels are at a 24-year low.

That leaves purchases of goods and services from industry—everything from missiles and aircraft to scotch tape and telephone bills—a total of $35 billion in fiscal year 1974. These purchases were $45 billion in fiscal year 1968, at the war peak, and $29 billion in prewar fiscal year 1964. If we adjust these figures from inflation—39 percent from fiscal year 1964 to 1974—we can express the figures in terms of real buying power. In terms of constant—fiscal year 1974—buying power, these purchases amounted to $40 billion in fiscal year 1964. The fiscal year 1974 budget provides $35 billion, a cut of $5 billion or 13 percent from prewar 1964. And fiscal year 1964 purchases were worth $57 billion at fiscal year 1974 prices; the fiscal year 1974 program—$35 billion—is thus 39 percent below the wartime peak in real terms.

Because so much attention is paid to the investment area of the defense budget—procurement, R.D.T. & E., and construction—I should note that the $35 billion in fiscal year 1974 purchases includes $23.6 billion for investment and $11.4 billion for operating costs—$23.6 billion, then, for investment. In dollars of constant buying power, we spent $42 billion at the war peak in fiscal year 1968—we are 44 percent below that level. Prewar, in fiscal year 1964, we spent $31.7 billion—we are down 26 percent from that level. And in fiscal year 1954, to go back 20 years, we spent $36.9 billion in constant prices—we are 36 percent below that level, in real terms.

In short, if one considers the two major parts of the defense budget in terms of what they will actually buy—in terms of manpower and purchasing power—he finds that we are in each case at the lowest levels for many years. In fact, in dollars of constant buying power, the fiscal year 1974 budget represents the lowest defense program since fiscal year 1951, before the Korea buildup took hold.

Let us consider forces for a moment. We had 18 Army divisions in the 1950's; 16⅓ in 1964; and 18 in 1968. In fiscal year 1974 there will be 13, the lowest since 1950.

So with aircraft carriers—24 in the 1950's and 1960's, 16 in 1973; and 15 in 1974—the same as 1950.

Commissioned ships in the fleet—973 in 1956; 917 in 1964; 976 in 1968; 586 now; and 523 in 1974—lower than 1950.

Fixed-wing aircraft—22,818 in 1950; 40,054 in 1956; 22,635 in 1964; and 14,134 in 1974.

Strategic forces are of course up from the 1950's but down, in quantitative terms, from the 1960's. Bear in mind also that in the late 1950's and early 1960's we invested an average of $13 billion per year in strategic forces, in constant prices. This fell to $7.4 billion in 1964, $6.1 billion in 1968, $5 billion in 1971, $4.5 billion in 1972, $4 billion in 1973, and $3.9 billion in 1974—70 percent below the level of the 1957–62 period. Consider this sharp and steady downward trend in the context of the fact that we force a much greater threat today. And please remember it the next time you hear the charge that we are pouring more money into strategic forces in spite of the arms limitation agreements.

I have mentioned several times that our manpower, and purchasing power, and our forces are at the lowest point since about 1950—before the Korea buildup.

It is necessary to recall for a moment the national security situation of that period. These were the Louis Johnson years. This was before the Communist attack in Korea; before we learned—in August 1949 or fiscal year 1950—that the Soviets possessed a nuclear weapon; and before we returned troops to the continent of Europe under the North Atlantic Treaty. It was in this frame of reference that the 1950 and 1951 national security programs were developed. And the fiscal year 1974 defense budget we are now considering is the lowest, in real terms, since that point in our history.

Mr. THURMOND. I wish to thank the distinguished Senator from North Carolina for his excellent statement. He is a very able Senator and he has a most promising future in the Senate.

Mr. President, I now yield to the distinguished Senator from New Mexico (Mr. DOMENICI).

Mr. DOMENICI. I thank the Senator very much.

Mr. President, it is a pleasure to join with my distinguished colleagues to talk a bit about the defense budget of the Nation.

Let me say at the outset that I represent a State that has a large and important scientific community that devotes a great deal of its energies to research and development. The State of New Mexico, for a small State in population, has a great reservoir of scientific research and development talent, and those in my State who are involved in this field have been in frequent contact with me regarding the present and future status of scientific research and development in this country.

I might say at the outset that when we look at America versus the world, it is very easy for us to conclude that what has made this country great in reference to other countries is basically its scientific research and development and through technological implementation of that research and development to keep this country ever providing new and better ways to do things for man.

I say that because whereas in the relationship of country to country and of man to man, of material wealth and production, we are quick to recognize what that research and development mean to this country, I hope we do not forget for one moment that the same applies to the military strength of this country, because if we get behind or lag in research and development, the same thing will happen to our military posture as is happening to us now as countries begin to develop their research and development and apply technology in the nonmilitary field, when they begin to outproduce us, and we look at our basic research and development and technological skills in an effort to compete.

I say this because, when it comes to military strength, we may not have an opportunity to look and see, because so long as we are envied because of our great material wealth and capacity, so long as that capacity exists, we must remain strong militarily.

So, with that in mind and the fact that research and development is frequently a forgotten aspect, let me consider some of the research and development parts of the proposed budgets for 3 years.

The ACTING PRESIDENT pro tempore. The Senator's 3 minutes have expired.

Mr. DOMENICI. Mr. President, will the Senator yield me 1 more minute?

Mr. THURMOND. I yield 1 more minute to the Senator.

Mr. DOMENICI. I believe it is important to review the 1974 defense budget by looking not only at our needs in the coming fiscal year, but also at the future defense posture of this country for the next several decades.

I believe money appropriated for research and development is an investment in the future. The military strength we enjoy today is the product of research conducted as long as two decades ago. And our current R and D efforts will determine the character and quality of our military forces in the 1980's and, in some case, into the next century.

If we are to maintain our strong defense posture, we must recognize and support the on-going efforts to continually furthering our technological advances.

I am convinced that the current requests for R and D funding are not inflationary or excessive. In fact, the $8.6 billion that is requested is an increase of just $.6 billion over the amount appropriated by Congress in fiscal year 1973. Of this increase, more than half will go to meet the costs of higher prices and increased wages.

Of the five mission areas listed in the budget, there will actually be budgetary increases in only two—strategic systems and defense-wide systems. The other areas—tactical warfare, technology base, and management support and test ranges—will either remain the same, after being adjusted to inflation, or will be reduced.

Mr. President, a great deal of headway has been made in achieving peace in our world. And that has been made because we are a militarily strong nation.

The success in the SALT agreement depended not so much on our bargaining skill at the talks as it did upon our nuclear strength. And I believe the advances that our President has made in dealing with Russia and China have also been based upon those countries' knowledge that America has strong defenses.

I believe if we are to maintain this posture in decades to come, we must contribute to an on-going effort for research and development. A reduction in appropriations in this important area today will undoubtedly affect the posture of peace in the next decade and perhaps in the next century.

We are making great progress; we must continue by funding research at needed levels. Our national security and world peace for generations to come depend upon it.

We cannot look today and expect research and development to show up today, because much of our armament and our innovative procedures is the result of 20 years of research and development. So this is one that is easy to overlook, and it is difficult to measure. I hope we all agree that this meager increase in research and development is needed for America's long-range defense posture.

I thank the Senator from South Carolina for permitting me to join his colleagues in this discussion today.

Mr. THURMOND. I wish to thank the distinguished Senator from New Mexico for his able remarks and the fine contribution he has made to this discussion.

I now yield to the distinguished Senator from Wyoming 5 minutes.

Mr. HANSEN. Mr. President, I join my colleagues in this effort to set the record straight, and to comment on what most Americans already know to be the facts.

Few people that I know fail to realize that without the ability to defend them, we lose our cherished freedoms, we lose our free enterprise system that gives us the highest standard of living in the world, and we lose the great ability this Nation has to take care of its own and to relieve human misery wherever it is found.

Yet, some choose to distort the facts and figures when they look at the Federal budget that has been proposed by the Nixon administration.

Let us look at some figures.

Defense spending constitutes less than one-third of the fiscal 1974 budget. Four years ago, it consumed almost half the budget.

Spending for human resources, on the other hand, has more than doubled since 1968, increasing from $72.8 billion to $153.4 billion and changing places with defense as the budget's major component.

Assistance for the poor has increased 66 percent in 4 years; for the sick, 67 percent; for the elderly, 71 percent; and for the hungry and malnourished, an enormous 156 percent.

These figures, Mr. President, reflect a real concern for human need, and a willingness to take action.

Another difference between fiscal 1968 and fiscal 1974 is that each of these increased human resource dollars is being made to count for a good deal more. By reform and remodeling, President Nixon is seeing to it not only that the disadvantaged get more quantity of assistance, but also that they get more quality. If that were computed, the increases would be even greater.

The removal of middlemen and professional poverty brokers from the flow of assistance to the underprivileged is in itself an automatic increase in the volume of that flow.

An added bonus is the administration's plan to restore control and decisionmaking authority over the use of this assistance to the people in the streets and the countryside. Their fate will no longer be in the hands of social engineers in Washington whose principal concern is their own perpetuity.

All of which trebles and quadruples the ultimate effectiveness of the Federal effort to help the less fortunate of this Nation. And it does not penalize the taxpayer who has to pay for it. It seeks to eliminate wasting his money on overhead or raising his prices and his taxes to pay for well-meaning ineffectiveness.

At the same time, current defense spending is realistic. It is barely adequate to the enormous task still facing this Nation in making and keeping the peace. Without a strong United States, there can be no peace in the world. Any attempt to stunt our military strength threatens world peace and wipes out the substantial progress that has been made toward it in the past year.

The vocational rehabilitation bill veto debate last week was a very good case in point of what I am talking about.

A vote to uphold the President's veto was painted as callous and unconcerned about the handicapped of this Nation, as was the veto itself.

I submit the only unconcern displayed was for the facts of the matter. The President did not veto vocational rehabilitation nor did any of us vote against vocational rehabilitation. What was vetoed and voted against was one particular bill that plunged into the issue, substituting excess for effectiveness. A number of us support a different vocational rehabilitation bill—one we believe can provide orderly increases that will not fire the inflation that is as painful for the handicapped as for any Americans.

I thank my colleague.

Mr. THURMOND. Mr. President, I wish to express appreciation to the able and distinguished Senator from Wyoming for his fine contribution. Although he is not a member of the Armed Services Committee, he is well informed on military matters and he has the vision to see the importance of maintaining a strong national defense.

I now yield 5 minutes to the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.).

Mr. HARRY F. BYRD, JR. Mr. President, the able senior Senator from South Carolina is rendering a very important service today in leading this discussion in regard to the need for a strong national defense.

Mr. President, in a very eloquent and able presentation a little while ago, the Senator from Arizona (Mr. GOLDWATER) documented the lack of modernization in many of our defense programs. I think it is just so vitally important that in this uncertain age, in this nuclear age, the

United States be in a position of strength, that it be in a position to safeguard our own freedoms, and that it be in a position, if it should become necessary, of helping other nations.

When we talk about national defense, we are talking about the security of the United States and we are talking about the security of the American people. And I submit that is something we cannot take chances with. We cannot cut the muscle of our defense. We can cut the fat, and we must cut the fat in the defense budget wherever it is. However, we cannot cut the muscle.

Unless this country maintains a strong defense, I submit that a great temptation will be made available to potential aggressors, and the United States and the people of our Nation will be put in jeopardy.

I think one of the greatest contributions that could be made to world peace is for the United States to maintain a strong defense, and I say it should be a defense second to none.

I am glad to join with my colleagues and with the distinguished senior Senator from South Carolina in commenting today on the need to guarantee the security of the American people.

Mr. **THURMOND**. Mr. President, the distinguished Senator from Virginia is one of the ablest members of the Senate Armed Services Committee. He has rendered very valuable service today and I express my appreciation for his fine contribution on this subject.

Mr. President, I now yield 2 minutes to the distinguished junior Senator from New York.

Mr. **BUCKLEY**. Mr. President, I thank the Senator from South Carolina for yielding me this time.

Mr. President, one of the most difficult tasks the Congress now faces is that of maintaining an adequate defense posture in an age where the rhetoric of détente dominates the public discussion of international affairs. This rhetoric encourages a feeling of security that is unjustified by the facts. The apparent paradox of attempting to maintain a policy of negotiation with our potential adversaries at the same time that the realities of international politics and diplomacy demand a strong defense posture is one which must be resolved. There is no surer way for a policy of negotiation to fail than for one of the parties to allow its military forces to deteriorate to the point where they have lost their credibility as instruments of national policy in the event the negotiations should fail.

Under the circumstances when we are simultaneously involved in three major defense-related conferences including the second phase of the Strategic Arms Limitation Talks in Geneva, the Conference on Security and Cooperation in Europe in Helsinki, and the Conference on Mutual and Balanced Force Reductions it is, in my view, unthinkable that some are proposing that we can now let down our guard. There are simply no historical precedents where a weak nation or a nation without the resolve to remain strong has emerged from critical negotiations with its objectives realized. Indeed, the sum of our experience indicates otherwise. The manifest weakness of the Western powers in the 1930's against the diplomatic assaults of the Hitler regime in Germany should be an object lesson in the incalculable costs of weakness in negotiation.

Moreover, we cannot afford to overlook the objective characteristics of the military threat posed by our potential adversaries. The recent testimony of Admiral Moorer before the Senate Appropriations Committee has been a useful reminder. Despite the fact that the conclusion of the SALT accords should have discouraged the Soviets from expanding their arsenal of strategic nuclear weapons, they are developing no less than three new ICBM's, one with an onboard computer for a multiple warhead MIRV-type reentry vehicle. In addition, the Soviets are deploying the 4,000-mile range SS–N–8 missile which is equipped with Stellar-Inertial guidance, a type which could give its submarine-launched ballistic missiles an ability to destroy our land-based Minuteman ICBM's. In addition, the Soviets are modernizing their bomber force, their antiaircraft interceptors, and their attack-submarine fleet. All of these developments are of sufficient importance in themselves to warrant a major U.S. investment in more modern defenses. It is in fact imperative, in a period of negotiation with a power that is improving its military potential, that we maintain a very high level of military preparedness.

Because of increases in personnel costs due to the establishment of an all-volunteer Armed Force, the needed funds for research, development, and procurement of more modern weapons have been held to a level which is only barely adequate to the Nation's needs. The proposed defense budget is 28.4 percent of the Federal budget, the lowest level since the 1949–50 fiscal year, and in terms of constant dollars is one-third lower than our defense budget at the peak of the Vietnam war.

In the long run, the most expensive defense budget is the one which leaves us inadequately prepared for future crises. I do not believe the Congress or the American people are willing to take the risk of being inadequately prepared by avoiding the burdens imposed by the needs of our national defense.

Mr. President, I ask unanimous consent to have printed in the RECORD a report on recent developments in Soviet weapons reported in Aviation Week and Space Technology magazine.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

SOVIETS DEVELOPING NEW ICBM'S: THREE NEW MISSILES WOULD REPLACE OLDER MODELS NOW DEPLOYED; AT LEAST ONE EXPECTED TO INCORPORATE MIRV WARHEAD CAPABILITY

(By Cecil Brownlow)

WASHINGTON.—Soviet Union is developing a family of three new intercontinental ballistic missiles, at least one apparently designed to carry a multiple independently-targetable re-entry vehicle (MIRV) warhead, to replace older models already deployed. They are:

SS–17, with an improved guidance system, is a follow-on to the one-megaton-warhead solid-propellant SS–11 Savage and is designed to provide a first-strike capability against USAF/Boeing Minuteman 3 ICBM silos (AW&ST Mar. 26, p. 11).

SS–16 is a planned replacement for the solid-propellant SS–13, regarded in the U.S. as a backup system to the SS–11.

SS–18 is designed to replace the liquid-fueled SS–9 Scarp, which carries a 20-megaton warhead.

Details of the three were provided last week by Adm. Thomas H. Moorer, chairman of the Joint Chiefs of Staff, in his third annual military posture statement before the Senate Appropriations defense subcommittee. Adm. Moorer said the Soviets are "actively testing" all three new ICBMs, adding that their apparent goals include the desire for better pre-launch survivability, accuracy, and re-entry systems.

He told the subcommittee the U.S. has no "conclusive evidence" that the Russians have an operational MIRV warhead but "we continue to believe that such payloads will be developed and deployed." Other Defense Dept. officials estimate the Soviet Union will have an operational MIRV capability by 1975.

"The Soviet Union undoubtedly regards the achievement of a MIRV capability as an important political, as well as a military, goal," Adm. Moorer said. "The deployment of some 300 'heavy' MIRVed 'SS–9 follow-on' ICBMs, which is permissible under the interim [strategic arms limitation] agreement [with the U.S.], would greatly enhance the Soviet Union's hard-target capabilities, particularly if the new missile turned out to be significantly more accurate than the SS–9."

He said tests of the SS–17 were conducted "on a very active basis" during 1972, including two flights into the Pacific in November, and "we estimate that the new version of the SS–11 is now ready for deployment." At present, it carries a multiple re-entry vehicle (MRV) package with three warheads. It is significantly more accurate than the SS–11 but, without a MIRV capability, lacks the accuracy to strike hard targets such as Minuteman silos effectively.

Tests of the SS–18, which also carries three warheads, were resumed in January and were the first since November, 1970. Adm. Moorer told the subcommittee it is "still too early to assess the significance of that test."

The SS–16 tests were conducted in 1972 "on a very modest scale," Adm. Moorer said. He added that the Defense Dept. estimates the missile will be "somewhat more accurate" than the SS–13 "but, with its relatively small warhead, it is still strictly a soft-target weapon. We believe that this missile may also be ready for deployment."

The U.S. has no new ICBM systems under serious development, although research and development funds are continuing on a modest basis to support studies on a possible mobile land-based missile in this category.

Pentagon estimates show the Soviet had a total of 1,527 operational ICBM launchers by the middle of 1972. Another 60 relatively small silos are under construction and could be completed by the middle of this year, raising the total to 1,590, near the ceiling established for the Soviet Union in the first round of the strategic arms limitation (SAL) agreement. Top limit for Russia was established at 1,618 ICBMs as compared with the already-existing 1,054 ICBMs for the U.S.

Maximum ceiling established for submarine-launched ballistic missiles in the SAL pact is 710 for the U.S. and 950 for the Russians. Expected complement is 656 for the U.S. and 740 for the Soviet Union.

Defense Dept. intelligence estimates in mid-1972 at the time of the SAL agreements credited Russia with 29 Yankee-class submarines, each with 16 SS–N–6 fleet ballistic missile (FBM) launchers, plus a modified Yankee-class known as the Delta carrying 12 later-model SS–N–8 launchers.

Another 12 Yankee and Delta-class vessels were being built at the time, giving the

Soviets a total of 42 fleet ballistic missile submarines operational or under construction. The USSR maintained, however, that major subassembled sections then in hand raised its total to 48, and the U.S. accepted this figure for purposes of negotiation. In addition, the Soviets have nine older nuclear-powered submarines carrying a total of 30 FBM launchers.

The SS–N–8 carried by the Delta-class submarines has a range of approximately 4,000 naut. mi., considerably better than that of the SS–N–6, and has been extensively tested during the past year, including three launches into the Pacific. Neither of the FBMs has a hard-target capability, although newer models are believed to be under development, possibly designed to carry MIRVs.

Adm. Moorer estimated in his posture statement that by mid-1973 the Soviets will have approximately 560 operational FBM launchers, excluding 60 early-model SS-N-4 and SS-N-5 launchers on diesel-powered submarines.

He estimated the Soviet Mach 2 variable-geometry Backfire strategic bomber AW&ST Sept. 13, 1971, p. 16; Oct. 4, 1971, p. 12) "will probably enter the [operational] forces this year or next" and that it will "be an important element of Soviet long-range aviation." He also said:

"The major uncertainty regarding the USSR bomber force is still the primary mission of the new Backfire. . . . Without an appropriate tanker fleet for air-to-air refueling, a Backfire force would be considered best suited for peripheral attack. The Backfire, however, probably has an air-to-air refueling capability and, in addition to the limited number of Bison tankers, there are at least two new jet transport aircraft, which could be adapted to the tanker role.

"Furthermore, it is generally agreed that the Backfire has a good growth potential and that later versions could have an improved intercontinental attack capability."

The two transports are the Ilyushin Il-76 and the Il-62. Both are in Aeroflot service, but neither has been modified to a tanker configuration thus far.

The admiral also confirmed that the Soviets' first aircraft carrier has now been launched. He said the ship, designed to carry V/STOL aircraft, is almost 900 ft. in length and displaces approximately 40,000 tons. It has a flight deck of about 600 ft. covering the aft section of the ship and extending over the port side.

He told the subcommittee that by the middle of this year the late-model MiG-25 Foxbat, Yak-28P Firebar, Tupolev Tu-28P Fiddler and the Su-11 Flagon A aircraft will account for 40% of the Russian defense interceptor force. The Sukhoi Su-9 Fishpot will account for another 25% and the older-model MiG-17, MiG-19 and Yak-25 Flashlight will compose the remaining 35%. Modernization of the force of about 3,000 aircraft is continuing.

He added:

"Our intelligence organizations still believe that by the late 1970s the USSR may provide its advanced interceptors with a look-down/shoot-down radar/missile system and may deploy a new AWACs [airborne warning and control system] with a look-down capability over land as well as water. Such an interceptor/AWACS force could pose a formidable threat to our bombers."

He said that, of the approximately 160 Soviet divisions and 4,500 tactical aircraft, about one-quarter are oriented toward Communist China and more than one-half toward Western Europe, while the remainder are held in strategic reserve.

Regarding China, Adm. Moorer said the country now has deployed both a medium-range and an intermediate-range ballistic missile (IRBM) and that a longer-range multi-stage IRBM is nearing the operational stage.

Adm. Moorer's statements officially confirmed a Feb. 12 article in Aviation Week & Space Technology (p. 11) that a newly-developed Chinese ICBM was poised on a launch pad at the Lop Nor test center being readied for its initial launch and that new hardened silos for IRBMs are being constructed to house a new missile with a range of 2,500 mi. capable of reaching Kiev and Moscow.

The multi-stage IRBM, Moore said, "might more properly be termed a limited-range ICBM: it could reach deep into the Soviet Union, but it could not reach the continental U.S. (except for the western part of Alaska)."

"The PRC [Peoples Republic of China], however, is also developing a full-range ICBM, and this program is moving forward at a slow but steady pace.

"We are still estimating that this missile could reach an IOC [initial operational capability] as early as 1975, but more likely a year later. Its range, carrying a three-megaton warhead, could be about 6,000 naut. mi., sufficient to reach virtually all major targets in the continental U.S."

Defense Secretary Elliot L. Richardson told the subcommittee earlier that "China's nuclear reach will soon extend to all of the Soviet Union, and by the end of the decade it may well extend to the continental U.S. as well."

Adm. Moorer said that in addition to the present generation of liquid-fueled ballistic missiles the Chinese are believed to be working on solid-propellant systems, possibly including one that could be submarine-launched.

Mr. THURMOND. Mr. President, the distinguished junior Senator from New York is fast becoming a leader in this body. I want to compliment him for his splendid contributions this morning and commend him for the outstanding work he is doing along the lines of national defense which is so important to our Nation.

Mr. President, in closing this discussion this morning, I wish to say that it is time to run the storm flags up the Capitol flagpole.

The action of the Senate last week in establishing a ceiling on Federal spending and in sustaining President Nixon's veto of the first overblown money bill has lulled many of those concerned with fiscal integrity into a false sense of security.

My own uneasy feeling is that this initial burst of statesmanship may turn out to have been a false idyll, an illusory excursion into deceptively placid waters.

The basis of my concern is the defense budget for fiscal year 1974. It is my fear that so vital a thing as national security may become the victim of this process now taking form in the Senate.

This apprehension stems from the likelihood that having first paid obeisance to fiscal responsibility, the Senate is going to move from appropriation to appropriation henceforth, finding justification in each case for exceeding the budget.

This kind of procedure actually ignores the self-imposed ceiling on the grounds that so long as the limit is not breached by the ultimate total, there is no problem.

It appears to me, Mr. President, that there is going to be a very real problem. Because traditionally the defense appropriation bill is the last or next to last money bill the Congress considers every session.

Therefore, it is easy to visualize arriving at a point in early or late fall when it is time to consider the Department of Defense appropriation and discovering with mock alarm that we are very close to the ceiling.

The cry will then come that it is a time for fiscal statesmanship and in order to avoid piercing the ceiling, the Pentagon must be shorn of some weight. There will be arguments that we cannot take from the poor and the old and the hungry to feed the generals and admirals. There will be calls for reductions and cutbacks and withdrawals from Europe, Korea, and Indochina.

With the confidence of unassailability, the proponents of butter will claim that it is time to rebalance the scales after three decades of guns.

To me, Mr. President, that will be not only a serious error but also an exercise in hypocrisy. It will tell us finally that the ceiling was a gimmick all the time and the real target was national security. It will also tell us that there will still be those who equate peacemaking with weakness and withdrawal with retreat.

Therefore, I think this is the time to sound the warning. This is the time to acknowledge the fact that the interests of world peace dictate that this country remain strong, strong enough to keep the peace.

Any lack of American strength and resolve would have doomed us in the past year to humiliation and appeasement instead of the steady procession of international triumphs in Peking, in Moscow, and in Paris. The chances are we would have been further imbedded in either war or retreat rather than standing on the threshold of a new era of peace.

It is going to be the same this year and next year and the years thereafter, Mr. President. The first sign of American impotence will sweep the world back to the precipice. We simply cannot afford to lower our guard.

This 1970 defense budget is reasonable and minimal by every measurement. It constitutes less than one-third of our total spending. Throughout the other two-thirds of the budget, human resource programs have been increased in almost every instance.

Mr. President, there is too much at stake for us to approach this whole business of increasing various appropriations with tongue in cheek and fingers crossed.

One of the major obstacles facing the administration today is communicating the true picture of defense spending to the Congress and the public. Some believe that defense spending has been the primary cause of inflation, dominates public spending, and is an unnecessary and exorbitant drain on our Nation's resources.

My colleague, Senator McCLELLAN of Arkansas, made some pertinent comments recently when he opened his subcommittee hearings on the proposed fiscal year 1974 defense budget. He pointed out that—

> Twenty years ago defense spending was nearly double that of all other Federal agencies and departments combined. Today, other Federal agencies spend a total of more than twice as much as defense.

> Twenty years ago, defense spending was nearly double that of all State and local governments combined. Today, State and local governments spending is more than double that of defense. Twenty years ago, total defense manpower was nearly equal to all other public employment, Federal, State, and local combined. Today, such public employment exceeds defense 4 to 1. Twenty years ago, about 49 cents out of every tax dollar—Federal, State and local—went for defense. Today, this figure comes to around 20 cents—a reduction of 60 percent.

By these statistics, Mr. President, the distinguished Senator from Arkansas has clearly demonstrated there has already been a reversal in national priorities from defense to nondefense.

Still, many seem to feel this country is buying more weapons than we need. While we all support better pay for our uniformed personnel, it is shocking when we stop to realize that over 90 percent of the defense budget increases since 1954 have gone to pay and operating costs, not to weapons research and procurement.

Mr. President, this is an important point. Let me state this differently. In fiscal year 1954 the defense outlays budget was $43.6 billion and in fiscal year 1974 it will be $79 billion—an increase of $35.4 billion in 20 years. Of this $35.4 billion increase, $32.9 billion or 93 percent went for pay and operating costs and only $2.5 billion or 7 percent of the increase went for the combined total of procurement, research and development, and military construction. Thus, it is clear that the preponderant rise in the defense budget for the last 20 years has been the significant increase in manpower costs, and not in weapons systems, as is commonly thought.

The ACTING PRESIDENT pro tempore. The time of the Senator from South Carolina has expired.

Mr. EAGLETON. Mr. President, how much additional time does the Senator need?

Mr. THURMOND. About 5 minutes, if it is available. If not, as much as can be spared.

Mr. EAGLETON. I yield to the distinguished Senator from South Carolina 5 minutes of my time.

Mr. THURMOND. I thank the distinguished Senator from Missouri.

Mr. President, the first priority of any society must be to provide for its own survival. But today the defense dollar is coveted by the social scientists who do not understand these priorities. The adequacy or inadequacy of a nation's defense is directly related to the power relationship in which it must operate. Defense must come first.

The size and strength of our Military Establishment are driven by forces mostly outside of our control. The Soviet buildup demands that this Nation upgrade or increase its own strategic weapons.

As these serious power shifts are taking place, we find support for a strong military establishment ensnarled in the bitterness resulting from the Vietnam war. Isolationism is prevalent in the country. Disquieting signs point to the mood among our people. Over one-half the high schools in our Nation will not allow military recruiters to come on their campuses. A recent Army survey to determine how many youth would volunteer for the Guard or Reserve in a no-draft environment turned up a figure of only 3 percent.

These are indisputable facts about which the public must be told. Each of us in a position to know, must join together to alert the average citizens about these dangers.

These facts offered by Senator McCLELLAN and myself are seldom publicized or cited by critics. These facts refute some erroneous impressions about the defense budget—such as that it continues to grow, which it has not in terms of real or constant dollars; that it dominates public spending, which it does not; and that it is the root of all our economic ills and is an unnecessary and exorbitant drain on our Nation's resources, which it is not.

Mr. President, it is vital that we who do know the true story of our defense program get this message to the public. There is no way to gain public support for the military—to gain an atmosphere of pride of military service—unless the public sees the true picture in proper perspective.

In closing, let me state that the tendency to cut defense and the budget ceiling set by the Senate could collide to the disadvantage of our Nation. I favor the budget ceiling, but to maintain it we should reduce all areas of spending, not just defense.

Mr. President, this is the issue we will face in the remaining months of this session. I urge my colleagues to consider the facts I have offered.

Mr. President, I now yield the remainder of the 5 minutes the distinguished Senator from Missouri yielded to me to the able and distinguished Senator from Arizona (Mr. FANNIN).

Mr. FANNIN. I thank the distinguished Senator from South Carolina and the distinguished Senator from Missouri for yielding me time.

Mr. President, I concur with the comments of my knowledgeable colleague from South Carolina, and commend him for his activity in this field of endeavor. He certainly has done a commendable service to the country.

One point I would like to reemphasize is that it would be a terrible mistake to think that we can strip our national defense and use these funds for other purposes.

The Soviet Union is continuing to build up its military power at a great pace. Red China likewise is racing to become a nuclear power. President Nixon has accomplished much in bringing about a lessening of tensions between the United States and Red China, and between the Soviet Union and the United States.

But there has been no slackening of the Communist arms buildup.

We could at any time have a change of leadership in the Soviet Union, or in Red China, or in both nations. These new leaders could be very aggressive toward America. Or it could be that the Soviet Union and Red China would settle their differences, then turn the weapons they now have directed toward each other around in our direction.

Before we relax our defenses in the least, I believe we need some guarantee from the Soviet Union that it will do likewise. That is precisely what President Nixon is trying to negotiate, both through the SALT talks and through negotiations on mutual force reductions in Europe. If we cut back our defenses, if we reduce our commitments in Europe, then we will have unilaterally given up all our bargaining power. Our negotiators abroad might as well pack up and come home to cut down on the dollar drain involved in supporting them at the conference table.

The ACTING PRESIDENT pro tempore. The time yielded by the Senator from Missouri has expired. The Senator from Missouri has 10 minutes remaining.

Mr. EAGLETON. Mr. President, I yield 2 additional minutes to the Senator from Arizona.

Mr. FANNIN. I thank the Senator.

Certainly we want to cut defense spending, but it would be foolish for us to create another situation comparable to the 1930's when we as a nation practically invited war by leaving our Nation so unprepared. In the 1970's, you do not get the second chance that we got in the 1940's. All-out war today would be a matter of not years, but hours. Such conflict will not come as long as we remain capable of delivering severe retaliation, but if we should fall behind then we could be in extreme danger of nuclear blackmail, of not of annihilation.

Mr. President, the Nixon administration has proposed a sound and sensible budget which provides for both our social and our military needs.

At the present time we are attempting to come up with a rational budgeting system for Congress—a system which will bring spending under control and provide for careful expenditure of our precious tax dollars. Until we have completed this task, I do not believe that Congress is in any position to add exotic new social programs helter skelter or to hack away at our defense budget. My prayer is that we soon will put our own House in order as far as budgeting is concerned.

Mr. President, I thank the distinguished Senator from Missouri for yielding me time.

Mr. BEALL. Mr. President, I would like to join with my distinguished colleague, the senior Senator from South Carolina, in discussing some of the pertinent aspects of the defense budget for fiscal year 1974. In forming our Constitution our forefathers recognized the need for military preparedness when they directed the Federal Government to "provide for the common defense." To achieve this objective, the Congress was granted the power "to declare war," "to raise and support armies," "to provide and maintain a Navy," "to make rules for the Government and regulation of the land of naval forces," "to provide for calling for the militia to execute the laws of the union, suppress insurrections and repel invasions," "to provide for organizing, arming, and disciplining the militia," and so forth. The Constitution further designates that "the President shall be

Commander in Chief of the Army and Navy of the United States, and of the militia of the several States, when called into the actual service of the United States." Thus, Mr. President, I believe that the founders of our Constitution clearly recognized the indispensable role the Federal Government must play in providing for our national security. They further recognized, and I believe most Americans still subscribe to the belief, that a strong defense is essential if we are "to form a more perfect union, establish justice, insure domestic tranquility—promote the general welfare, and secure the blessings of liberty to ourselves and posterity."

In any examination of the merits and objectives of the pending defense budget, there are a number of salient points we must keep in mind:

In recent years, we have spent approximately the same amount of money each year to maintain our military posture, while dramatically increasing allocations for domestic programs. In fiscal year 1974, the defense budget will consume 29.2 percent of the total unified Federal budget as compared to 43.95 percent in fiscal year 1968.

During the last 5 years, inflation has reduced the buying power of our defense budget by almost $25 billion.

The proposed fiscal year 1974 defense budget constitutes 6.2 percent of our gross national product, the lowest amount since the period prior to the outbreak of the Korean war.

I believe that all of us would agree that President Nixon has made great strides in his efforts to lessen world tensions and bring about an era of better relations with the Soviet Union and the Peoples Republic of China. I firmly believe that these accomplishments would not have been possible without a strong national defense to back up our position as the President negotiated with the leaders of our main adversaries.

The SALT talks, the European Security Conference, and the mutual balanced force reduction negotiations will, if successfully completed, contribute to the establishment of an era of peace. But these talks will only be successful if we can negotiate mutual reductions in force levels and weapon systems. Unilateral reductions, by the United States, will serve to create an imbalance of power, instability, and a period of increased tensions. If this situation were to develop, the United States would find itself being constantly tested and probed for signs of weakness by those nations that choose to be our adversaries.

As a supporter of the concept of a volunteer army, I am most pleased with the progress we have made in the last 4 years to achieve this objective. It is important to note, however, that even though our military manpower has been reduced by one-third in recent years, the overall personnel costs have increased by over $11 billion. I believe that this price has been worth paying, but I would remind my colleagues that this money is no longer available for research and development, equipment procurement, and so forth. Over 50 percent of the Department of Defense budget is devoted to personnel expenses.

Mr. President, I believe that the President has presented the Congress with a budget that is designed to keep our Nation strong and healthy by giving us the security we need to continue to grow and prosper. By guaranteeing peace through strength, we can establish the type of environment that will allow us to meet our domestic needs—now and for future generations.

I would like to express again my appreciation to the Senator from South Carolina and ranking minority member of the Armed Services Committee, for the effort he has made on behalf of our national defense. I join with him in urging that the basic objectives contained in this budget be maintained. Our ability to improve the quality of life for all Americans is directly dependent on our success in maintaining world peace—and peace results when others respect our strength rather than take advantage of our weaknesses.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Missouri has 8 minutes remaining.

(The remarks Senator Eagleton made at this point on the introduction of S. 1531, to amend the Tea Importation Act, are printed in the Record under Statements on Introduced Bills and Joint Resolutions.)

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from West Virginia (Mr. Robert C. Byrd) is now recognized for not to exceed 15 minutes.

Mr. ROBERT C. BYRD. Mr. President, I thank the Chair. I will not utilize my time. If any Senator wishes me to yield time to him, I will be glad to do so.

Mr. President, I ask unanimous consent to vacate the order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements therein limited to 3 minutes.

TESTIMONY OF SENATOR ROBERT C. BYRD TODAY IN SUPPORT OF S. 343, TO MOVE THE ELECTION FOR FEDERAL OFFICES AHEAD BY 1 MONTH

Mr. ROBERT C. BYRD. Mr. President, earlier today, I testified at a hearing by the Subcommittee on Privileges and Elections of the Committee on Rules and Administration, in support of my bill, S. 343, to move the election for Federal offices ahead by 1 month.

I ask unanimous consent to have printed in the Record the statement I made at that hearing.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Senator Robert C. Byrd

First, Mr. Chairman, let me expess my appreciation to you and the other members of the Subcommittee for inviting me to testify today in support of S. 343, which I introduced on January 12, 1973. The effect of S. 343 would be to move the elections for Federal offices ahead by one month, from the first Tuesday after the first Monday in November to the first Tuesday after the first Monday in October.

There are no restrictions in the Constitution on the date which Congress may establish for voting in Federal elections. Clause 1, Section 4, Article I; and Clause 4, Section 1, Article II of the United States Constitution clearly provide Congress with the discretion to prescribe the date for holding elections for President, Vice President, U.S. Senator, and U.S. Representatives. Pursuant to this authority, Congress has enacted statutes which prescribe the first Tuesday after the first Monday in November as the day for elections for Federal offices.

In 1792, Congress enacted legislation that provided for elections of Presidential and Vice Presidential electors to occur within thirty-four days prior to the first Wednesday in December (1 Stat. 239). Prior to 1845, there was no national election day, and each state fixed its own date for appointment of Presidential electors "within thity-four days" of the meeting of the electors. This was required by the Act of March 1, 1792, which provided that "electors shall be appointed in each state for the election of a President and Vice President of the United States, within thirty-four days preceding the first Wednesday in December. . . . " Thus, all the States had to choose their electors in November, but the dates varied.

During the discussion on the 1845 law, there was debate on the Floor of the House on whether the uniform date should not be in October rather than in November. This proposal was objected to because it would have necessitated an amendment to the existing law, just cited above, which required that the electors be appointed within thirty-four days preceding the first Wednesday in December.

The old law is no longer on the books, and the law now governing—the Act of June 25, 1948, 3 U.S.C. § 7—now requires the electors to meet on the first Monday after the second Wednesday in December.

Hardly a more obvious observation could be made than that our society has undergone dramatic changes since 1845. The historical considerations in the 1845 debates on choosing a certain day within the month of November, perhaps valid in that era, have now been pre-empted by the emergency of pressing new priorities and realities.

For example, with the advent of the electronic age of television and other instant mass media communications, the lengthy campaign period of the horse and buggy age is no longer a necessity to insure a candidate sufficient time to bring his message to the voter. In fact, the American voter, during today's extended campaigns, is inundated by such a constant barrage of pre-recorded messages that a serious strain is placed on his interest and attention, and by the time the November elections arrive, he may have already had his fill of politics. I believe that this was a major factor in the poor voter turnout of the last November election, when less than 55 percent of the eligible voters cast their ballots in that election. This represented the smallest turnout since the election of 1948, when the era of television was being ushered in.

The length of the campaign, naturally, is not the only factor which contributes to the discouraging statistics of voter turnouts. The severe winter weather of November, normally experienced by many of our states, further contributes to keeping voters at home. On the other hand, in addition to the more temperate weather of October, the length of daylight that October offers may encourage still more voters to go to the polls.

Moreover, the shortening of the campaign by one month would aid in cutting back the sky-rocketing costs of Presidential elections. It has been estimated that as much as 400 million dollars was spent on the November 1972 elections, and authorities claim that it now takes 40 million dollars to elect a President, more than $200,000 to elect a U.S. Senator, and about $100,000 to elect a U.S. Representative. There can be little doubt that the longer the campaign, the more money is needed to finance it. The concern over the exorbitant cost of financing a political campaign, and the serious threat which that may pose on our democratic system of government, was recognized by the 92nd Congress when it passed the Federal Election Campaign Act of 1971. Moving Federal elections up one month would further help, therefore, to stem this tide of rising campaign costs.

Furthermore, an October election would provide the additional time which is now greatly needed for resolving election disputes, such as investigating corrupt practices claims and conducting recounts.

I am aware, Mr. Chairman, that many people feel that the general election day should be a national holiday, or that it should be held on a Saturday or on a Sunday. I feel that we would defeat our own objective of increasing the percentage of voters in elections by such action. The American people are week-end wanderers in our great mobile society, and, if Tuesday were made a holiday, many citizens would take the opportunity to take leave from work on Monday, and use the resulting four-day week end for traveling and family recreation and thus further decrease the percentage of voters on election day. I feel that a sound objection could also be made to holding the elections on Saturdays—which has the added disadvantage of being the Sabbath of the Jewish Orthodox faith and that of the Seventh Day Adventists—which, in my judgment, would inhibit the free exercise of such religions and would certainly lessen the political participation of members of those religions.

If the election day were changed to a Sunday, then Christian churchgoers might be displeased because Sunday is their Sabbath. Moreover, because state employees and voting machine technicians would have to work on the weekend to man the polls, the states themselves would likely be opposed because they could possibly be required to pay time-and-a-half, or double-time, to their employees for working on the weekend.

I feel, Mr. Chairman, that much would be gained in practical advantages with the National election date set as the Tuesday next, following the first Monday in October, rather than November, and that the practical considerations of law and lack of communications back in 1845 that caused the date to be set in November no longer apply to the United States as we know it in 1973.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that I may reserve some of the time that I previously yielded back—to wit, 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I yield as much time as he may require to the distinguished majority leader.

The ACTING PRESIDENT pro tempore. The Senator from Montana is recognized.

Mr. MANSFIELD. I thank the distinguished assistant majority leader.

REMOVAL OF INJUNCTION OF SECRECY FROM THE CONVENTION FOR THE PROTECTION OF PRODUCERS OF PHONOGRAMS

Mr. MANSFIELD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms done at Geneva October 29, 1971—Executive G, 93d Congress, 1st session—transmitted to the Senate today by the President of the United States, and that the convention with accompanying papers be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered; and, without objection, the President's message will be printed in the RECORD.

The message is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms done at Geneva October 29, 1971. I transmit also, for the information of the Senate, the report from the Department of State with respect to the Convention.

The present Convention is designed to deal with the worldwide problem of unauthorized duplication of phonograms (i.e., records and tapes). The problem is urgent and growing. The value of pirated records and tapes in the United States alone has been estimated at one hundred million dollars. Protection against this illicit practice is needed to encourage the creative contributions of those who produce phonograms, the performing artists and the authors whose talents give phonograms their value.

I recommend that the Senate give early and favorable consideration to the Convention submitted herewith and give its advice and consent to its ratification.

RICHARD NIXON.

THE WHITE HOUSE, *April 11, 1973.*

BUDGETARY SHELL GAME

Mr. MANSFIELD. Mr. President, I ask unanimous consent, in view of the great interest in the budget this year, an interest in which the Senate has had a vital concern over the past 4 years and has done something about, that an article entitled "Budgetary Shell Game," published in the New Republic on March 31, 1973, be printed in the RECORD.

There being no objection, the article ordered to be printed in the RECORD, as follows:

BUDGETARY SHELL GAME

The President has called the Congress irresponsible for voting funds for social projects without any consideration of the totality of the appropriation. This year he has impounded monies voted last year for pollution control, health care, education and poverty and threatened to veto or, if necessary, impound similar appropriations if the present Congress exceeds his proposed outlay ceiling of $269 billion in the budget for fiscal year 1974. At the recent governor's conference in Washington, Linwood Holton of Virginia, after a careful White House briefing, confronted Senator Muskie and demanded that Congress drop its spendthrift habits.

Now let's look at what the President asked for and what Congress appropriated. A report of the US General Accounting Office of February 7, 1973 tells us that in 1972, the executive branch sought a total of $185 billion; the Congress appropriated $179 billion, a net cut of more than $6 billion. The same report shows similar cutbacks in each of the past four years; in sum Congress appropriated nearly $21 billion less than the Nixon administration requested. No doubt the Congress has overspent on some pet and perhaps unnecessary projects, but it was Congress that resisted White House pressure to spend a billion dollars on the supersonic transport (SST), whose only benefit would have been to allow a few rich people to fly the Atlantic in three instead of six hours.

Each of the President's last three budgets has called for deficits greater than $10 billion. In 1973 the proposed deficit was $25 billion; for 1974, $12.7 billion. He has tried to camouflage these deficits by reference to a so-called "full employment" budget; one, that is, which assumes that the tax receipts *would* be those generated if the economy were continually operating at full employment (defined as unemployment equal to four percent of the civilian labor force). But during the past three years unemployment rates have hovered around five to six percent, more than 50 percent above the 1969 rate. The plain fact of the matter is that the executive branch has continuously sought to spend far more than the government was taking in, and to add to its culpability, the President insists there be no new taxes. Congress in its appropriations has gone along with this deficit spending, but at least it has had some restraining influence.

Where have all these dollars been going? Certinly not for day care centers or national health insurance. In his FY '74 budget Mr. Nixon has a table eight pages long on savings from program reductions and terminations from 1973 to 1975. In the current fiscal year they amount to $6.5 billion, and a saving of nearly $17 billion is projected for 1974. There is hardly a department or agency in the civil sector that escapes the scalpel or the ax.

But as Walter Pincus has noted in his itemized account of military spending for FY '74 ("What's Up?" *The New Republic*, March 24, 1973) not a single penny of these savings in the current year comes from the Department of Defense, which is given twice the money of any other department. The descriptions of proposed future military cuts, relatively small by comparison to cuts in the civilian sector, have a tinny ring. For example the reduced procurement of the Safeguard ABM is listed as a saving. But the ABM treaty signed in Moscow last June limited the Safeguard ABM to a single site, now nearly completed in North Dakota, and a Washington, DC ABM, for which Congress has refused funds. Further deployment of Safeguard would have been illegal. A saving of $200 million is also projected "to limit growth in research, development, testing and evaluation programs" of the Defense Department, though a $500 million increase is requested! This is like a glutton boasting that he eats only five extra helpings instead of seven.

The outlays for national defense, up $4.7 billion in the coming year, are scheduled to rise on into 1975. Requests for budget authority (which permits spending beyond the current fiscal year) are even higher, $5.6 billion more in 1974 than in 1973.

Large defense budgets could perhaps have been justified when we were at the height of the Vietnam war, with its incremental cost of $21.5 billion a year. But why should expenditures continue to escalate more than two years after we pledged to militarily withdraw from Southeast Asia? The administration glosses over this conundrum by comparing the relative rise in national defense expenditures to expenditures for "human resources" within an expanding total national budget. The comparisons are misleading for within these totals are lumped what economists call "transfer payments," mainly social security. So although the national defense outlays *have* dropped from 42 percent of the total budget in 1970 to 30 percent in 1974, they will still comprise 41 percent of the total outlay of "federal" (government-owned) funds. You don't need a Harvard degree to see that a defense expenditure of $81 billion for 1974 is a large bite out of the $110 billion expected to be collected from all federal income taxes that year.

The appalling fact is that only $75 billion of the total $269 billion in expenditures in 1974 will be "relatively controllable"; that is, not preallocated for social security, trust funds, interest on the public debt and so forth. And out of this "controllable" fraction, $52.3 billion or 70 percent goes to national defense. In 1970 the figure was 72 percent. Furthermore if one excludes from the "human resources" programs income security that is financed through the social security mechanism, and veterans benefits which are really another form of military cost, the "human" expenditures drop from $125 billion to only $32 billion in 1974—slightly more than one-third that for national defense and 12 percent of the total budget.

The appetite of the military feeds on eating. What danger, for example, justifies increased funds for a variety of new strategic weapons in the immediate aftermath of the Moscow SALT agreements that do not allow the Soviets to build territorial ballistic missile defenses and that gives all our ballistic missile warheads a free ride to targets in the Soviet Union? On January 11, 1973 Mr. Nixon said in a letter to Ambassador Gerald Smith, retiring SALT negotiator, that these agreements "represent an unprecedented step toward bringing the strategic arms competition under control." Why isn't this reflected in our 1974 weapons program?

Why should we be spending nearly $2 billion more next year to build a Trident submarine, when we will shortly have more than 5000 warheads in the invulnerable Polaris-Poseidon fleet? The oldest Polaris submarines have been operational less than 13 years, the newest six. And they will not wear out for years to come. No one has been able even to describe the nature of an anti-submarine threat to our Polaris submarine force.

Why, out of a force of 2.3 million men, are we only reducing our military manpower in 1973 and 1974 by 95,000 (31,000 of these being replaced by civilians), when we are no longer fighting in Southeast Asia and when we have converted to the purportedly more efficient though much more costly all-volunteer force? Maintaining armed forces of more than two million men on a volunteer basis becomes astronomically expensive and is of questionable justification in peacetime. There may never be a more opportune time to cut down the intolerably high ratios of support to combat troops and of officers to enlisted men.

Why are we proposing next year to spend $667 million on still another new nuclear aircraft carrier (CVN–70) when Navy Captain J. D. Ward, commander of the aircraft carrier USS Constellation, admitted in a recent NBC–TV White Paper that if a carrier were hit by a conventional bomb when the deck was loaded with fueled and armed planes, it would be disastrous in terms of equipment, personnel and time needed to repair the vessel?

The President says that "the 1974 budget incorporates the results of an intensive effort to identify programs that could be reduced, terminated or reformed." The results are undetectable in our military programs. Until we have greater management responsibility in the national security sector, we will not have overall fiscal responsibility, nor the resources needed to "promote the general welfare."

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. JOHNSTON). Without objection, it is so ordered.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HRUSKA, from the Committee on the Judiciary, without amendment:

S.J. Res. 18. Joint resolution to authorize and request the President to proclaim April 29, 1973, as a day of observance of the 30th anniversary of the Warsaw ghetto uprising (Rept. No. 93–115); and

H.J. Res. 303. Joint resolution to authorize and request the President to proclaim April 29, 1973, as a day of observance of the 30th anniversary of the Warsaw ghetto uprising (Rept. No. 93–116).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. EAGLETON:

S. 1531. A bill to amend the Act entitled "An act to prevent the importation of impure and unwholesome tea", approved March 2, 1897, so as to require the imposition of a fee under such act sufficient to pay for the tea examination program carried out under such act. Referred to the Committee on Finance.

By Mr. COOK:

S. 1532. A bill to designate certain lands in the Daniel Boone National Forest, Ky., comprising the Pioneer Weapons Hunting Area, as wilderness. Referred to the Committee on Interior and Insular Affairs.

By Mr. COOK (for himself, Mr. HUDDLESTON, Mr. BAKER, and Mr. BROCK):

S. 1533. A bill to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938. Referred to the Committee on Agriculture and Forestry.

By Mr. BAKER (for himself, Mr. BROCK, and Mr. TOWER):

S. 1534. A bill for the relief of Dr. Lawrence Chin Bong Chan. Referred to the Committee on the Judiciary.

By Mr. BELLMON:

S. 1535. A bill to amend the Internal Revenue Code of 1954 to provide for the recovery of reasonable attorneys' fees, as a part of court costs, in civil cases involving the internal revenue laws. Referred to the Committee on Finance.

By Mr. COOK:

S. 153. A bill for the relief of William H. T. Carney. Referred to the Committee on the Judiciary.

By Mr. BURDICK:

S. 1537. A bill to amend the Internal Revenue Code of 1954 to exempt certain farm vehicles from the highway use tax, and to require that evidence of payment of such tax be shown on highway motor vehicles subject to tax. Referred to the Committee on Finance.

By Mr. BURDICK (by request):

S. 1538. A bill for the relief of Rosa Pazmino. Referred to the Committee on the Judiciary.

By Mr. PELL:

S. 1539. A bill to amend and extend certain Acts relating to elementary and secondary education programs, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. McINTYRE (for himself and Mr. COTTON):

S. 1540. A bill to authorize and direct the Secretary of Agriculture to acquire certain lands and interests therein adjacent to the exterior boundaries of the White Mountain National Forest in the State of New Hampshire for addition to the National Forest System, and for other purposes. Referred to the Committee on Agriculture and Forestry.

By Mr. ERVIN (for himself, Mr. METCALF, Mr. PERCY, Mr. NUNN, Mr. BROCK and Mr. CRANSTON):

S. 1541. A bill to provide for the reform of congresional procedures with respect to the enactment of fiscal measures; to provide ceilings on Federal expenditures and the national debt; to create a Budget Committee in each House; to create a Congressional Office of the Budget, and for other purposes. Referred to the Committee on Government Operations.

By Mr. MONDALE (for himself and Mr. HUMPHREY):

S. 1542. A bill to impose a 60-day freeze on prices and rents and direct the President to establish a long-run economic stabilization program. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. MONDALE (for himself, Mr. PERCY, Mr. KENNEDY, Mr. BAYH, Mr. HART, Mr. HUMPHREY, Mr. JAVITS, Mr. MATHIAS, Mr. MOSS, Mr. PASTORE, Mr. PELL, and Mr. WILLIAMS):

S. 1543. A bill to amend the Social Security Act to provide for extension of authorization for special project grants under title V. Referred to the Committee on Finance.

By Mr. MONDALE (for himself, Mr. NELSON, Mr. HUMPHREY, Mr. PELL, Mr. CRANSTON, Mr. MOSS, Mr. HUGHES, Mr. TUNNEY, Mr. CLARK, Mr. ABOUREZK, and Mr. HATHAWAY):

S. 1544. A bill to prohibit the further expenditure of funds to finance the involvement of the armed forces of the United

States in armed hostilities in Cambodia. Referred to the Committee on Armed Services.

By Mr. TOWER:

S. 1545. A bill to amend title 37, United States Code, so as to extend from 1 to 3 years the period that a member of the uniformed services has following retirement to select his home for purposes of travel and transportation allowances under such title, and for other purposes. Referred to the Committee on Armed Services.

By Mr. McCLURE:

S. 1546. A bill for the relief of Devendraral Mehta. Referred to the Committee on the Judiciary.

By Mr. HUMPHREY:

S. 1547. A bill to establish a Joint Committee on National Security. Referred to the Committee on Armed Services.

By Mr. PELL (for himself, Mr. PASTORE, Mr. KENNEDY, and Mr. BROOKE):

S. 1548. A bill to establish a Commission to review the proposed closing of any military installation. Referred to the Committee on Armed Services.

By Mr. ROTH:

S.J. Res. 89. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public schools or other public buildings. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. EAGLETON:

S. 1531. A bill to amend the act entitled "An act to prevent the importation of impure and unwholesome tea," approved March 2, 1897, so as to require the imposition of a fee under such act sufficient to pay for the tea examination program carried out under such act. Referred to the Committee on Finance.

AMENDMENT OF TEA IMPORTATION ACT

Mr. EAGLETON. Mr. President, there is nothing more deplorable or more rankling to the American taxpayer than waste in Government. Yet, for all the speeches made on the subject, waste continues and grows.

As with so many other things in Washington, when all is said and done, more is said than done.

A good example of that is the great fuss made 3 years ago about the Board of Tea Tasters. The President of the United States went before the TV cameras to denounce this terrible waste of tax money, saying:

> At one time in the dim past, there may have been good reason for such special taste tests; but that reason no longer exists. Nevertheless, a separate Tea-tasting board has gone right along, at the taxpayer's expense, because nobody up to now took the trouble to take a hard look at why it was in existence.

That speech was made on February 26, 1970. Today, more than 3 years later, the Tea-Tasting Board still goes right along at the taxpayer's expense.

No action was taken or, so far as I can discover, even proposed by the administration to eliminate tea tasting as a tax-supported Government program. No legislation was ever sent to Congress to abolish the Board, nor was any attempt made to end its existence by Executive action. Every budget that has come to Congress since the President's speech has contained a request for funds to pay the salaries and expenses of the six official tea tasters comprising this Board.

Not only that, but funds are requested also for a United States Board of Tea Appeals. The President did not say anything about that in his speech, but it is a fact. If a tea importer does not like the verdict of the official tea taster, he can ask that a board of tea taster appeals be convened to try a second cup. And, that board, in turn, is authorized to call in independent consultants on the matter.

It might be argued by some that this Washington tea party is a small item and nothing to get excited about. It is no cause for stirring up a tempest in a teacup, so to speak.

I disagree. I think the President was reading the leaves correctly when he said in 1970:

> No program should be too small to escape scrutiny; a small item may be termed a 'drop in the bucket' of a $200.8 billion budget, but these drops have a way of adding up. Every dollar was sent to the Treasury by some taxpayer who has a right to demand that it be well spent.

These "drops in the teacup" also add up and constitute a pretty fair tax subsidy.

In fiscal year 1972, the total tea-tasting cost was $167,250. In fiscal 1973, the cost was $173,250. In this year's budget, a request is made for $178,250.

Partially offsetting this cost is a small fee of 3.5 cents per hundredweight charged to the importers. Those fees, however, cover only about a quarter of the cost, leaving a net bill for the taxpayer of $113,250 in fiscal year 1972; $117,250 in fiscal year 1973, and an estimated $122,250 next year.

These cost figures were provided by the Office of Financial Management of FDA in a memorandum dated April 3, 1973, to the General Accounting Office, which was responding to my inquiry.

The sad thing is that while the administration goes right on requesting funds for tea tasting within the Food and Drug Administration's budget, it asks that some $17 million already appropriated for drug inspections and consumer product safety be rescinded.

In his 1970 speech, the President congratulated his own administration for its "extraordinary efforts to hold down spending" and called on Congress to "approach the need for economies in the same spirit."

I think that Congress will deal with the problem, but I would hope in a more sincere spirit.

As a beginning, I send to the desk a bill to amend the Tea Importation Act to provide that the fees charged for any Federal tea-tasting program be set by the Secretary of the Department of Health, Education, and Welfare so that, in total, they will cover the full cost of this program.

Furthermore, as a member of the Appropriations Subcommittee with jurisdiction over the FDA budget, I will seek an amendment to provide that only that portion of tea-tasting funds covered by revenues from fees may actually be spent.

Mr. President, I do not want to leave the impression that tea-tasting is the only waste of tax money in government today. In his 1970 speech, the President cited 57 economies which together would save the taxpayer some $2.5 billion. Forty-three of those "savings actions" could be undertaken by Executive action, it was said.

Unfortunately, very few of those possible economies were identified in the President's speech, nor has Congress been given a report on what, if anything, was done to effect them.

We do know that nothing was done about the tea-tasters.

We know that the proposed sale of the federally owned Alaskan Railroad, which was on the list of 57, was not pursued with much vigor and has since been dropped.

We know that legislation was never sent up by the administration to carry out its proposed sale of the federally owned National and Dulles airports. As a matter of fact, after having proposed it, the administration testified against a bill which was introduced to accomplish the sale. In the meantime, the budget goes on carrying requests for millions of dollars for airport construction.

How many other of the proposed economies have not been followed up?

I think Congress and the taxpayer have a right to know. If waste exists in any Federal agency it should be identified and rooted out.

As a first step toward that goal, I have asked the General Accounting Office today to prepare a report identifying the 57 savings actions mentioned by the President and describing what actions, if any, were taken to carry them out.

With that information in hand, together with other economies that I know can be made, I will propose later in this session of Congress my own Federal Economy Act to do the job which was only talked about 3 years ago.

Congress and this administration owe that much to the American taxpayer.

Mr. President, I ask unanimous consent that the text of the bill and a copy of my letter to the Comptroller General be printed in the RECORD.

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

S. 1531

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to prevent the importation of impure and unwholesome tea", approved March 2, 1897 (29 Stat. 604; 21 U.S.C. 41 et seq.), is amended by adding at the end thereof a new section as follows:

"SEC. 14. On and after July 1, 1973, the Secretary of Health, Education, and Welfare shall impose and collect from the importers or consignees of all tea, or merchandise described as tea, imported into the United States and required to be examined under this Act, a fee sufficient in amount to reimburse the United States for all expenses incurred by it in carrying out the tea examination progarm provided for under this Act, including the expense of providing a United States Board of Tea Appeals under section 6 of this Act."

SEC. 2. Effective July 1, 1974, the fourth paragraph under the heading "Food and Drug Administration" contained in title II of the Act entitled "An Act making appropriations for the Department of Labor, the Federal Security Agency, and related independent agencies, for the fiscal year ending June 30, 1942, and for other purposes", approved July 1, 1941 (54 Stat. 478; 21 U.S.C.

46a), is amended by striking out the proviso therein relating to the collection of a fee on tea imported into the United States.

APRIL 11, 1973.

Hon. ELMER B. STAATS,
Comptroller General of the United States, General Accounting Office, Washington, D.C.

DEAR MR. STAATS: On February 26, 1970, President Nixon made a speech in which he proposed 57 "savings actions" which together would result in a reduction of $2.5 billion in Federal spending. Unfortunately, only a handful of those possible economies were identified in the speech and I have been unable to obtain a list of the proposed actions through routine channels.

I am calling on your office to obtain a complete list of the 57 savings actions, as well as a report on what, if anything, was done to effect them.

Your report should contain the following information for each item:

A. Description of proposed savings action.

B. Estimated dollar amount of proposed savings at time of President's speech.

C. Did action require legislation or could it have been accomplished by executive order?

D. What action was taken.

E. If no action was taken, what is the cost of the program today, and how much has been spent on it since the President's speech?

As a member of the Senate Appropriations Committee, I hope to make constructive use of this information in consideration of various agency budgets.

Therefore, I would appreciate your earliest possible response to this request.

If there are any questions about the request, you may have your staff contact Jack Lewis of my office at 225-8790.

Yours very truly,
THOMAS F. EAGLETON,
U.S. Senator.

By Mr. COOK:

S. 1532. A bill to designate certain lands in the Daniel Boone National Forest, Ky., comprising the Pioneer Weapons Hunting Area, as wilderness. Referred to the Committee on Interior and Insular Affairs.

Mr. COOK. Mr. President, I send to the desk, for appropriate referral, a bill to designate certain lands in the Daniel Boone National Forest, Ky., comprising the Pioneer Weapons Hunting Area, as wilderness.

In 1936 with congressional approval of the Flood Control Act, Cave Run Lake was authorized as a unit including in the system of reservoirs for reduction of Ohio River flooding below Pittsburgh. The Cave Run Lake project is expected to be completed in 1973 and will consist of the construction and operation of a dam, lake, and other facilities for recreation, flood control, water quality control, and fish and wildlife conservation.

Adjacent to the lake lies the Pioneer Weapons Hunting Area, a 7,300-acre tract located in Bath and Menifee Counties, Ky. The Pioneer Weapons Hunting Area was established in July, 1962, as a cooperative endeavor between the U.S. Forest Service and the Kentucky Department of Fish and Wildlife Resources to provide above average wildlife populations in order to furnish a rewarding hunt for the longbow, crossbow, and muzzle-loading firearms enthusiasts. Access to the area is permitted only by foot and no improvements other than a lookout tower and fire road to monitor fire control exist in the area at this time.

When Cave Run Lake is completed, Kentucky State Road 826 will be covered by water. Since it will become inaccessible, the Forest Service Road 918 is proposed to be relocated from Forest Service Road 129 to the Zilpo Recreation Area as the primary access route. This new road would be a two-lane, 30-mile-per-hour route that would bisect the Pioneer Weapons Hunting Area and provide access for the many visitors who will enjoy the camping and swimming facilities planned for the Zilpo area.

Mr. President, in the above background to this problem you will note that by the very fact that the Pioneer Weapons Hunting Area will be cut in two by the proposed road the normal grazing and nesting patterns of the various species of wild turkeys, white-tailed deer, red and gray foxes, ruffed grouse, dove and quail will be disrupted. And any such disturbances sends a chain reaction of ecological consequences throughout the local environment.

Last year, both my good friend GENE SNYDER, representing the Fourth Kentucky Congressional District, and I introduced amendments to the omnibus rivers and harbors bill providing that construction of any road to the Zilpo Recreation Area shall not be undertaken until there is a full opportunity for public review and comment on the environmental impact statement pertaining to the proposed road. This amendment was our attempt to preserve the area. Unfortunately, the bill was vetoed by President Nixon last October, necessitating passage earlier this year by the Senate of new rivers and harbors legislation. Although this bill calling for additional review of the proposed road has not yet been enacted into law, an impact statement is being prepared by the U.S. Army Corps of Engineers in Louisville. I am in receipt of a preliminary draft of this statement and am quite disturbed upon reviewing its contents to find that the corps plans to go ahead with their proposals to bisect the Pioneer Weapons Hunting Area with State Road 918.

The tragedy lies in the fact that a feasible alternative route is available that would generally skirt the Pioneer Weapons Hunting Area and would be substantially less offensive to all opponents of the road presently being planned. The alternative is a route recommended by the League of Kentucky Sportsmen extending northward from FDR No. 129 generally skirting the eastern boundary of the Pioneer Weapons Hunting Area and then joining the alinement of the proposed FDR No. 918. I believe the league's road proposal is much more realistic.

A comparison of this alternative plus two additional alternatives has been prepared by the corps for inclusion in their environmental impact statement. To facilitate comparison and for the convenience of reference by my colleagues, I ask unanimous consent that a copy of the comparison appear at this point in my remarks.

There being no objection, the comparison was ordered to be printed in the RECORD, as follows:

TABLE 1.—ZILPO RECREATION SITE ACCESS ROAD ALTERNATIVES

	Proposed road	Shoreline road	League of Kentucky Sportsmen Road	No road
Timber	Will provide best access for timber management activities.	Will provide limited access	Will provide limited access	Will restrict timber management activities.
Improvements	Will eliminate 5 miles of existing hiking trails and 1 wildlife waterhole.	No effect	No effect	No effect.
Recreation	Will provide access for better utilization of the Zilpo recreation area.	Will provide access, but will disrupt Caney recreation area.	Will provide access for better utilization of the Zilpo recreation area.	Will restrict the planned high level of development of the Zilpo site.
Special uses	Possible adverse impact from requests for access across rights-of-way into private tracts.	Possible adverse impact from requests for access.	Possible adverse impact from requests for access.	No effect.
Wildlife	Will provide an increase in the diversity of habitat conditions; will result in an increase in vehicular accidents with wildlife.	Will provide an increase in the diversity of habitat conditions: will result in an increase in vehicular accidents with wildlife.	Will provide an increase in the diversity of habitat conditions: will result in an increase in vehicular accidents with wildlife.	Will limit opportunities for wildlife habitat development.
Soil	Some soil displacement and erosion	Greatest soil displacement and erosion due to more unstable soils and greater cuts and fills.	Soil erosion and slide potential greater than proposed road but less than shoreline road.	No effect.
Water	Will adversely affect water quality during initial construction.	Will result in greater water quality deterioration for a longer period of time.	Will have greater impact than the proposed road, but less than the shoreline road.	Do.
Fire	Will increase fire risk, and will provide best access for fire control.	Will increase fire risk, and will provide poor access for fire control.	Will increase fire risk, and will provide poor access along much of the route.	Fire suppression would be most difficult without road.
Remoteness	Will bisect the pioneer weapons hunting area, adversely affecting its remote qualities.	Will provide access road to perimeter of the area, with less effect on remoteness.	Will provide access only to perimeter of the area, with less effect on remoteness.	Area would become more remote with impoundment of the lake.
Aesthetics	In some places the ridge-top landscape will be exposed.	Scenic benefits more than offset by scarred landscape caused by large cuts and fills required.	Scenic benefits diminished by scars from large cuts and fills.	Will limit opportunities for utilization of the area.
Road costs	$1,990,000	$1,835,000	$2,055,000	0.
Local economy	Will provide nearby recreation oriented enterprises with additional revenue.	Will have a greater influence on the economy due to heavier use and greater opportunity for development of private tracts.	Will provide nearby recreation-oriented enterprises with additional revenue.	No effect.

Mr. COOK. Mr. President, upon analysis of the alternative roads in this chart, it is readily evident that the comparison between the proposed road and the League of Kentucky Sportsmen's Road is essentially the same with only minor variances in several categories. It should be noted, however, that both proposals will provide access for better utilization of the Zilpo Recreation Area. This is, of course, the entire purpose of any road that is to be built.

At the same time, many people, myself included, believe that several of the so-called adverse effects of the League of Kentucky Sportsmen's Road can be sufficiently refuted to warrant its being built, particularly in the timber, special uses, soil, fire, and esthetics categories. Essentially what is present in the analysis is a matter of interpretation and the corps has chosen to interpret their own proposal in a superior vein. What is left to contend with, then, is the road cost category which states that the League of Kentucky Sportsmen's Road will cost $65,000 more than the proposed road.

Granting that this cost disparity may be true, although the corps road will be much longer distance-wise than the league's road, the benefit to maintaining the Pioneer Weapons Hunting Area in a natural state to preserve the remoteness and leave the wildlife habitat undisturbed clearly outweighs any rationalization for not spending $65,000. The Government is presented with many bills for services that reach figures many times beyond this $65,000 figure. These bills are promptly paid. Yet to say now that we cannot afford an investment of $65,000 in environmental preservation is a total sham.

Any businessman who makes a financial investment does so in the anticipation of a return on his dollar. By contributing the additional $65,000 necessary to build the league's road I believe we would be making an investment in our environment which would return dividends tenfold. To quote Rachel Carson:

> The "control of nature" is a phrase conceived in arrogance, born of the Neanderthal age of biology and philosophy, when it was supposed that nature exists for the convenience of man.

Because of the importance in preserving this area, the bill I introduce today will designate the some 7,300 acres of the Pioneer Weapons Hunting Area as the "Cave Run Wilderness." The area will be administered by the Department of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that act as wilderness areas. Additionally, nothing in this act or the Wilderness Act shall be construed as precluding the construction of the Zilpo Recreation Area or as affecting or modifying in any manner the 1962 cooperative management plan between the Department of Fish and Wildlife Resources of the State of Kentucky and the Department of Agriculture involving the designation of the Pioneer Weapons Hunting Area with the Daniel Boone National Forest.

I ask unanimous consent that this bill be printed in the RECORD and I sincerely hope my colleagues will see the equity of this legislation and give it their earliest favorable consideration.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1532

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 3(b) of the Wilderness Act (78 Stat. 892; 16 U.S.C. 1132(b)), those lands in the Daniel Boone National Forest, Kentucky, comprising the Pioneer Weapons Hunting Area and consisting of approximately seven thousand three hundred acres, are hereby designated as wilderness.

SEC. 2. As soon as practicable after this Act takes effect a map of the wilderness area and a description of its boundaries shall be filed with the Interior and Insular Affairs Committee of the United States Senate and House of Representatives and such map and description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and may may be made. A copy of such map and description shall be on file and available for public inspection in the offices of the Chief, Forest Service, United States Department of Agriculture.

SEC. 3. The wilderness area designated by this Act shall be known as the "Cave Run Wilderness" and shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

SEC. 4. Nothing in this Act or the Wilderness Act shall be construed as precluding the construction of a Zilpo recreation site access road generally on a route extending northward from Forest Development Road #129 generally skirting the eastern boundary of the Pioneer Weapons Hunting Area, or as affecting or modifying in any manner the 1962 Cooperative Management Plan between the Department of Fish and Wildlife Resources of the State of Kentucky and the Department of Agriculture involving the designation of the Pioneer Weapons Hunting Area within the Daniel Boone National Forest.

By Mr. COOK (for himself, Mr. HUDDLESTON, Mr. BAKER, and Mr. BROCK):

S. 1533. A bill to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, Referred to the Committee on Agriculture and Forestry.

Mr. COOK. Mr. President, for many years the growth and sale of burley tobacco has been a vital force in the economy of the eight-State Burley Belt—Kentucky, Indiana, Missouri, North Carolina, Ohio, Tennessee, Virginia and West Virginia. The first settlers in the Commonwealth of Kentucky brought with them from Virginia and North Carolina, the desire and know-how for growing tobacco. At the first meeting of the Kentucky General Assembly in 1972, a bill was enacted to provide that all fees of public officials formerly paid in tobacco should in the future be collected in currency.

Although tobacco has long since ceased to be a medium of exchange, it continues to be a vital economic consideration for a great many of the small farmers in the United States. Last year alone in the Burley Belt, 621,583,920 pounds of burley tobacco were raised with a cash value of $492,543,098. The 137,000 burley tobacco farms in Kentucky produced some 434,210,506 pounds of burley tobacco valued at $344,490,247.

Mr. President, the tobacco growers in the Burley Belt have labored for years to arrive at a fair and equitable burley program which is beneficial to all concerned. For instance, for many years, the acreage allotment program was effective in maintaining burley tobacco supplies in line with demand, with favorable prices to growers and with minimum costs to the Government for price supports. In recent years, however, substantial increases in per acre yields created a surplus of burley tobacco which resulted in excessive amounts accumulating under Government loans. Then, reductions in acreage allotments again stimulated increases in per acre yields, which in turn necessitated further reductions in allotments. By 1970, 60 percent of all burley tobacco farm acreage allotments were one-half acre or less and could not be reduced under the acreage allotment program. At that point, it was obvious that further reductions in acreage allotments would only have resulted in greater inequities between holders of allotments being reduced and those which could not be reduced, and the program would become even less effective in bringing supply into balance with demand.

Thus, on May 4, 1971, the burley tobacco farmer in the Burley Belt, by referendum, overwhelmingly voted in favor of moving from the acreage allotment system of controls to a system of poundage controls. By using poundage rather than acreage as a criteria for establishing controls, the previous problem of overproduction is obviated. Under the poundage system, each tobacco farmer is able to aim for high-quality tobacco without losing his share of the market to other farmers who might strive for high yields per acre at the expense of quality.

Mr. President, I make reference to the history of production controls and the prosperity of the burley program as a result of these controls to indicate the years of painstaking effort and the years of cooperation between the burley grower, the Department of Agriculture, and Congress, that has been necessary for the development of a realistic and economically viable burley tobacco program. Once again, however, the burley program is being threatened. This time the problem is not one which relates to the growing of burley per se but, instead, the growing of a nonquota tobacco—specifically, Maryland tobacco—in burley areas.

Last year in the Burley Belt, over 800,000 pounds of Maryland tobacco were produced and, unless immediate action is taken, it appears that much more will be grown in the Burley Belt in the coming year. If the Maryland tobacco, grown in burley areas retained the basic characteristics of the traditional Maryland tobacco, as is grown and sold in the State of Maryland, the burley farmer would not feel threatened. The crux of the problem, however, is that Maryland tobacco grown in the limestone soil of the traditional burley States takes on the characteristics of burley tobacco to the extent that the two tobaccos are almost impossible to distinguish.

This similarity lends itself to a situation where an unscrupulous grower could produce burley tobacco far and above his poundage quota and then sell the excess burley as Maryland tobacco, since there are no production controls on the latter. It is obvious that such marketing of excess burley classified as Maryland could destroy the entire burley production control and price support system which have been so meticulously worked out over the past 32 years.

Therefore, Mr. President, I am introducing today, with Senator HUDDLESTON, Senator BAKER, and Senator BROCK legislation which provides that any nonquota tobacco—Maryland tobacco in this instance—grown in an area where it has not been traditionally produced and where producers who are engaged in the production of a kind of tobacco traditionally produced in the area—burley tobacco in this instance—have approved marketing quotas, the nonquota tobacco shall be subject to the quota for the tobacco traditionally produced in that area. In short, the Maryland tobacco grown in a traditionally burley area will be considered burley for the purposes of the poundage quota.

In addition, the legislation which I am introducing provides that if marketing quotas are in effect for more than one kind of tobacco in an area, the production of any nonquota tobacco in that area would be subject to the quota of the kind of tobacco having the highest price support under the existing law.

It is my understanding that a number of buyers have contracted to purchase Maryland tobacco grown in the Burley Belt at prices considerably lower than the burley price support level and at a rate far below the average price paid for traditional Maryland tobacco. Thus, it appears that a much larger volume of Maryland-type tobacco will be produced in Kentucky, Tennessee, Virginia, and North Carolina during the 1973 crop year unless action is taken immediately. This accentuates the urgent need to enact legislation as expeditiously as possible to restrict the production of nonquota tobacco in the traditional areas producing tobacco under quotas. Such action is mandatory if the integrity of the burley production control program is to be retained.

Mr. President, I ask unanimous consent that the text of the proposed legislation be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1533

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Agricultural Adjustment Act of 1938 is amended by inserting after section 319 the following new section:

"SEC. 320. Notwithstanding any other provision of law, any kind of tobacco for which marketing quotas are not in effect that is produced in an area where it has not been traditionally produced and where producers who are engaged in the production of a kind of tobacco traditionally produced in the area have approved marketing quotas under this Act shall be subject to the quota for the kind of tobacco traditionally produced in the area. If marketing quotas are in effect for more than one kind of tobacco in an area, any non-quota tobacco not traditionally produced in the area shall be subject to quotas for the kind of tobacco traditionally produced in the area having the highest price support under the Agricultural Act of 1949."

By Mr. BELLMON:

S. 1535. A bill to amend the Internal Revenue Code of 1954 to provide for the recovery of reasonable attorneys' fees, as a part of court costs, in civil cases involving the internal revenue laws. Referred to the Committee on Finance.

Mr. BELLMON. Mr. President, April 15 has come to be a dark day in America, for this is the day when our personal income taxes are due. Since April 15 falls on Sunday this year, taxpaying day is Monday. On Monday night, there will be a crush of taxpayers attempting to file their taxes in advance of the deadline. At various periods thereafter, many hard feelings will result as IRS agents screen taxpayers' records and sort out those cases where they feel the law has been violated.

In a sizable number of cases, during the coming months, irate taxpayers will become bitter toward our Government, because of what they consider to be unjust, heavy-handed, and arbitrary action on the part of the IRS.

Mr. President, I send to the desk legislation which will help correct this situation. It will permit the recovery of reasonable costs by the taxpayer who successfully challenges an adverse Internal Revenue Service ruling in court.

The need for such legislation is clear. As we are well aware, the complexities of the Internal Revenue Code and regulations governing its implementation are so great that they are rarely understood by the average citizen. As a direct result, expensive legal and accounting services are a necessity when differences arise between taxpayers and the Internal Revenue Service.

On many occasions taxpayers who are innocent of wrongdoing find it less expensive and more expedient to accede to the demands of the IRS and pay the alleged shortage than to contest the IRS in the appropriate court. An accused taxpayer faces a Hobson's choice. He can pay the IRS assessment or he can pay the heavy costs of his own defense. Even if he wins in court, he loses. Obviously, a system which promotes this result is in dire need of reform. Quite simply, the present system works an injustice on American taxpayers and additionally serves as a temptation for IRS officials to resort to tactics which can only border on extortion.

The present system creates feelings of both irritation and rebellion on the part of the average taxpayer. The IRS tells the taxpayer that he has improperly filed his return and that he owes the Government of the United States a certain sum of money. The taxpayer then has two alternatives. One, he can pay the alleged deficiency. Or, he can begin the long and quite often expensive struggle to prove that the amount claimed is not due, and ultimately may have to become involved in extended and expensive litigation. Even if the citizen prevails in his legal action, he is still burdened with the attorney's fees and other costs incident to the litigation. Quite often, the situation occurs where the expenses involved far exceed the actual amount claimed by the Internal Revenue Service. My proposal, which would rectify this situation, was introduced during the last session of Congress. It was also included as a part of the Senate version of the 1969 Tax Reform Act.

Mr. President, it is impossible to conceive the continuing operation of this Government without the income tax. Therefore, it is vital to our national well-being that the enforcement of our income tax law not only be effective and just but that it give the appearance to the taxpayer that it is being equitably administered. When and if the American taxpayer begins to revolt against the internal revenue system, the income tax is dead, and if the income tax goes, much of the work of this Government will simply be impossible to accomplish.

Therefore, any action which the Congress can take to convince citizens of this country that they are getting a fair shake in their dealings with the IRS is greatly in the national interest. This legislation, when passed, will correct one of the main complaints taxpayers have against the present administration of the income tax; namely, that the IRS can at its discretion, use the power of the Internal Revenue Service to oppress and harass taxpayers, and that the taxpayer is helpless to defend himself against such a procedure.

Fortunately, the IRS puts forth great effort to achieve and maintain a high degree of professionalism among its agents. However, in spite of its best efforts there are and always will be a segment, even though small, of individuals who abuse the powers of their position in order to take personal revenge against taxpayers they dislike. This bill will give the IRS a means of identifying and hopefully eliminating these oppressive individuals.

The way the bill would work is simple. If a taxpayer feels that an IRS ruling is unfair, the citizen may challenge the IRS in court with the full knowledge that if he prevails he may recover the costs of the litigation from the Government. This procedure will do two things:

First, it will strengthen the backbone of an innocent taxpayer and reassure him that he can defend his position without being penalized through the costs of this defense.

Also, it will discipline the IRS agents against issuing punitive rulings for personal reasons.

The mail received by my office has indicated overwhelming support for the enactment of this proposal from many States. In addition, the National Federation of Independent Business, with more than 300,000 members representing all 50 States, included a question on this proposal in a news survey of its members. The results were 86 percent for the bill, 10 percent against, and 4 percent with no opinion.

In evaluating the proposal which I have just introduced, the organization stated:

> The present system works to the disadvantage of the taxpayer. This bill would correct a great inequity and make the IRS more cautious in its claims.

Tax reform will be a major topic of discussion during the 93d Congress, and I am convinced that there is no viable reason why this proposal should not become a part of my measure aimed at reforming our present tax structure.

Mr. President, I ask unanimous consent that the complete text of this bill be printed in full in the Record at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1535

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part II of subchapter C of chapter 76 of the Internal Revenue Code of 1954 (relating to Tax Court procedure) is amended by adding at the end thereof the following new section:

Sec. 7465. Recovery of Costs.

"(a) In General.—In any proceeding before the Tax Court for the redetermination of a deficiency, the prevailing party may be awarded a judgment of costs to the same extent as is provided in section 2412 of title 28, United States Code, for civil actions brought against the United States.

"(b) Judgment.—A judgment of costs entered by the Tax Court shall be treated, for purposes of this subtitle, in the same manner—

"(1) as an overpayment of tax, in the case of a judgment of costs in favor of the petitioner, and

"(2) as an underpayment of tax, in the case of a judgment of costs against the petitioner.

No interest or penalty shall be allowed or assessed with respect to any judgment of costs."

(b) Clerical and Conforming Amendments.—

(1) The table of sections for such part II is amended by adding at the end thereof the following new item:

"Sec. 7465. Recovery of costs.".

(2) Section 2412 of title 28, United States Code, is amended—

(A) by inserting "(a)" before "Except," and

(B) by adding at the end thereof the following new subsection:

"(b) In any civil action which is brought by or against the United States for the collection or recovery of any internal revenue tax, or of any penalty or other sum under the internal revenue laws, and in which the United States is not the prevailing party, a judgment for costs may include reasonable attorney's fees."

(c) Effective Date.—The amendments made by this Act shall apply only with respect to civil actions and proceedings for the redetermination of deficiencies commenced after the date of the enactment of this Act.

By Mr. PELL:

S. 1539. A bill to amend and extend certain acts relating to elementary and secondary education programs, and for other purposes. Referred to the Committee on Labor and Public Welfare.

Mr. PELL. Mr. President, I introduce for appropriate reference the "Elementary and Secondary Education Amendments of 1973." It is on the basis of this bill that I hope the Subcommittee on Education of the Committee on Labor and Public Welfare will begin to work on the legislative program for education for the 93d Congress. In general, this bill deals with the substantive question of whether existing education programs should be continued; it contains a revision of the organic laws for the Federal education agencies which is designed to improve the administration of education programs; and it proposes the establishment of a major school finance program.

As chairman of the Subcommittee on Education, it has been my custom to delay proceedings with the legislative program until the President's proposals have been laid before the Congress. I believe that this delay constitutes both the extension of a courtesy to the President, and gives his staff an opportunity to consult with the Congress before opinions have been formed and options closed.

When I first decided to defer to the President on this initiative, I had no idea the President would delay until the middle of March in order to submit a rehash of a proposal not adopted during the 92d Congress; nor did I realize that there would be little, if any, consultation with the Congress on this matter. I, as chairman of the subcommittee, was not consulted; nor was either I or my staff even given a courtesy briefing as one would expect. I understand that my colleagues on the minority side of the subcommittee were not consulted either. The President's bill seemingly just appeared with none of the amenities or fanfare one would normally expect to accompany a major legislative proposition of an administration's program.

The bill is now before us, and the reason there were no consultations is apparent; it is simply a less attractive version of the education revenue sharing bill we found so unattractive in the last Congress. The earlier version received no real support in the education community, in the Congress, or in the Nation as a whole. I understand there is less support for this bill than there was for the old revenue sharing bill. Even education organizations which gave qualified support for the concept of revenue sharing now oppose the President's bill.

One would expect that, if the administration wished the Congress to give serious consideration to its recommendations, those recommendations would be at least politically viable. Political viability is not possible in this case. There is hardly a State which would not suffer a degree of financial harm if the President's program were enacted. I have no doubt that, if a general survey of individuals and groups involved in education were taken, the preference for existing programs funded under the continuing resolution for fiscal 1973 would be almost unanimous.

If the President's bill were enacted, many school districts now heavily impacted by Federal activities would either have to raise local property taxes—both business and home property taxes—to replace lost Federal money or close their doors.

Schools funding special programs for educationally deprived children—at the level provided by the Congress over the President's objections—will have to curtail, and some cases, terminate, those programs.

School libraries, which have become the center of educational activities in our schools, will cease to be developed; and, in our less fortunate schools, they will deteriorate.

Handicapped children, who have been badly served by our educational systems for many years, and who only very recently have come to receive special educational services due to Federal stimulus under the Education of the Handicapped Act, its predecessor legislation, will be thrown back onto general education funds and be forced, with their greater needs for special attention, to compete for educational services.

After a 50-year Federal commitment to the improvement of vocational education, under the President's bill that commitment would be withdrawn. For more than half a century, the Federal Government has sought to assist our schools in responding effectively to the vocational needs of our young people. Federal policy in vocational education was substantially revised in 1963 and 1968 to meet more nearly those needs; and that policy was renewed in 1970 and 1972, in bills signed by the President. Now, this administration would have us give up this effort.

Most disturbing of all is that, with education revenue sharing, the President is suggesting that the efforts begun under President Wilson and continued until now through various Presidents of both parties—efforts which have committed the Federal Government to an active role in improving the quality of American education—should come to an end. Even though authority for appropriating funds for education would be on the statute books, there would be no Federal commitment, no Federal policy, to improve educational opportunities for American young people.

This is even more disturbing because the administration chooses to call this revenue-sharing bill the "Better Schools Act"—the implication being that better schools will result from a lack of Federal commitment and involvement. From this, one can only conclude that the administration believes that the better schools are those which do not need Federal assistance, or those which adequately serve only a few children, because the school is underfunded. The short title given to this bill can only be regarded as a cynical insult to those who have worked and given of themselves in order to place a fair share of the responsibility for education on the shoulders of the Federal Government. It is truly a J. Walter Thompson label, image not substance.

I cannot believe that this so-called Better Schools Act proposal is the product of a considered judgment, on education grounds, for the improvement of education. It looks as though somebody, a person or persons whom one of my colleagues has described as a faceless ghost in the White House, has developed a general philosophy of Government and, without thinking about the specific area of education, has applied that philosophy to education; and, because, in that persons' opinion, the philosophy is good, it will result in better schools.

This is naive—naive beyond belief. The history of the Federal concern about education—a concern that has been sensitive, as no other government has been sensitive; a concern that has been helpful, if not generous; and a concern that has been farsighted if not always perfect in its discernments—is replete with stories of victories over ignorance and prejudice. The Federal effort has sensitized our school systems to the special educational needs of handicapped children, of educationally deprived children, and of children with limited English-speaking ability. It is because of Federal concern that the States and localities have begun their own programs to meet the needs of these children.

Literally thousands of elementary and secondary schools which had no libraries in 1965 now have libraries—libraries which are more than rooms full of books; they are indeed learning centers with modern instruction equipment, as well as books. This is the result of Federal concern and commitment.

Educational practices and methods have changed more rapidly in the last decade than during any previous 10-year period in the history of education. As a result, a greater proportion of our children are learning more and more quickly than ever before. The Federal stimulus has been, in part at least, responsible for these improvements.

State departments of education and State library administrative agencies have, because of Federal encouragement and assistance, been strengthened and improved in order that they may more adequately provide leadership in education.

I can make no claim of unqualified success in these areas. Nor would I say that Federal programs have achieved their purposes. I admit that there has been some wastage of funds. Few know better than I that there are fundamental weaknesses in the administrative competence of our educational agencies. These weaknesses are probably most obvious in the Education Division in the Department of Health, Education, and Welfare. These are not reasons for throwing up our hands and giving up our commitment. They are reasons for seeking improvements and correcting errors.

Needless to say, I am disappointed—deeply disappointed—in this administration's education policies. One would think that, after 4 years of experience, this administration would have learned enough about education to develop a viable, progressive education policy. It looks as though this proposal will join its predecessors from this administration in oblivion.

As I have promised, the administration's bill will receive a fair hearing, as have its predecessors, and then our subcommittee, taking the administration's views into account, will seek to develop a program which merits the Senate's consideration.

I am compelled to inform the Senate, as chairman of the Education Subcommittee, thereby having institutional responsibility to the Senate, it would appear that we must formulate the policies of the Federal Government respecting education without regard for the assistance we normally could expect from the executive branch. This means that we must set ourselves on a course of action which will result in well-considered decisions which, when implemented, will not be said to abdicate either to the executive branch or to the States our constitutional responsibilities. Along this course of action, we must discern weaknesses and strengthen resolve; we must discover error and make corrections; we must analyze problems with a view toward proposing solutions.

For this reason, I am introducing a bill which I regard as a study document. It is a bill designed to provoke an intelligent discussion and consideration of very real questions which now confront us.

I am not committed to the enactment of every provision in this bill; however, I am committed to an intelligent, well-reasoned consideration of each provision of it as well as other matters which will, hopefully, be brought before our committee during the hearing and study process.

The "Elementary and Secondary Education Amendments of 1973" contains three major features: First, the extension of authorizations for existing education programs; second, administrative provisions designed to improve Federal, State, and local administration of Federal education activities; and third, a major effort, on the part of the Federal Government, to assist the States and the localities in the financing of our schools.

During the course of the 93d Congress, it is my hope that the subcommittee on Education can build a record of evidence and considerations which can serve as the basis for congressional action in education during the remainder of this decade—much as the record built during the 88th and 89th Congresses served us until now.

I think our record during the decade of the 1960's has stood us well; it is one of which we can be proud. In the field of elementary and secondary education, we were able to discern those areas of special need for care—such as the needs of disadvantaged children, those of handicapped children, and the unique education problems of children of limited English-speaking ability—and focus attention on those needs, with the result that we made substantial progress in changing our educational systems with respect to the education of those children.

In the fields of higher and vocational education, we have been able to offer promises of equality of opportunity far beyond that which was believed possible just 10 years ago.

However, our record is not without its weaknesses. Federal promises in the form of authorizations have not been followed with commitments in the form of appropriations. Our assessment of the expenditure of public funds in achieving the ends for which those funds were authorized and appropriated has not been thorough enough. Federal administration of education programs has not been diligent.

In addition, in looking to areas of special needs, we have not paid sufficient attention to the basic problem of financing our schools.

Financing our elementary and secondary schools has become the major issue to be faced by the Congress in the next few years. The deterioration of the property tax as a basis for financing public education at the local level has become apparent with the property tax revolt across the country. Bond issues have been turned down, and increased tax levies for education are being refused by the taxpayers.

The inadequacy of the property tax as a means of financing education is now being demonstrated in courts in almost every State. The Supreme Court has declined to decide the question of the inequities inherent in the property tax and the question of how far does the equal protection clause in the Constitution apply in the field of education, thereby leaving this thorny issue in the hands of the States and the Congress.

Even now the States are acting through their courts and their legislatures in order to alleviate inequities inherent in our system of financially public education, and, as they act, we will go through a decade, if not a longer time, of confusion, disorganization, and experimentation. This will be a time when leadership is needed—leadership which can only come from the Federal Government. Under present circumstances, this means that the Congress must assume that position.

During the 93d Congress, four basic questions regarding education will be asked of Congress:

First. Is equality of educational opportunity a right to which all Americans can aspire?

Second. Does the Federal Government have a responsibility for assisting the States and the localities in financing their school systems? If so, what is that responsibility?

Third. Should the Congress continue to ascertain specific weaknesses and educational needs in education and support programs specifically designed to strengthen areas of weakness and meet these needs?

Fourth. How should Federal policy be implemented?

The administration has, with its revenue sharing bill, suggested its answers to these questions in its budget recommendations and in its revenue sharing bill. The question of equality of education is answered with silence; the question of Federal responsibility is answered by a withdrawal of commitment; the Congress should discontinue strengthening weaknesss and meeting special needs; and, with respect to implementing policy, the Congress should abdicate its responsibility either to executive discretion or to the States.

The bill I am introducing suggests substantive responses to these issues.

The issues of equality of educational

opportunity and Federal responsibility for assisting school systems in financing themselves are fraught with difficulties. There are numerous issues to be resolved before we can come forward with solutions. As chairman of the Subcommittee on Education, I intend to pursue the study of school financing during the course of this Congress. We can no longer afford to delay.

There have been a number of bills introduced in both the House and the Senate which suggest various methods for school finance. There are other proposals which have come to the attention of the Subcommittee on Education. At present, I would be the first to say that there is no single solution to this multifaceted problem, but there are many ideas that I have included a provision for a major school finance program in the bill.

Under this provision, general assistance grants would be given to local schools. The assistance would amount to $100 for each child enrolled in school, plus $25 for each child in school whose family income is less than $4,000. All schools would receive some assistance, but a greater proportion of money would go to school districts with less ability to pay for operating their schools.

In addition, the bill provides for payments to the States to assist them in equalizing expenditures among school districts within the States. If the States adopt equalization plans designed to meet the objectives of the bill, the Federal Government would pay, on the average, 10 percent of the cost of their State aid for education programs.

Further, the bill provides for rebates to homeowners and renters of a portion of their local property taxes. During the first year of the program, if a State wishes to participate in the program and meets the requirements of the bill, each local property taxpayer, whether the individual pays the tax directly or indirectly through rent, would receive a rebate in the amount that the taxpayer's local property tax exceeds 5 percent of the individual's income. This would be a Federal payment.

During succeeding years, States participating in the Federal program would have to continue to give property tax rebates, and the Federal Government would assume one-third of the cost of the rebates.

I realize that this proposal has many flaws and that it must be revised in order to be effective. However, it will serve as the basis for hearings through which can be built a record.

In connection with my view that the Federal Government ought assume a greater share of the responsibility for financing education, I am on record in favor of a one-third Federal share of the cost of education and eventually it is my hope that we can achieve that goal. Under present conditions this appears to be impossible. In fact, the concern about Federal spending has led me to suggest that, in this bill, there should be a reassessment of authorizations of appropriations for the Office of Education.

I believe that, a reassessment will show that we can achieve our presently limited goals in education and even expand those goals within the confines of the present level of authorizations, and then achieve a few reductions.

It is for this reason that this bill suggests a reduction of authorizations in excess of $7 billion annually, thus making those authorizations more realistic in light of present circumstances.

The bill also includes a simple 4-year extension of existing categorical elementary and secondary education programs. I have no doubt that the Subcommittee on Education will suggest a substantial revision of these programs and simplification of their administration.

It could well be that the bill which emerges from my subcommittee would completely rewrite the entire statutory basis for existing programs. It is in this area that the subcommittee's oversight activities have been focused and that many of the findings of these activities will be reflected.

I am suggesting a simple extension at this time in order to avoid prejudicing the views of witnesses and others whose views we need for our evaluation. At the same time, all options are retained.

I will say that there will have to be some very convincing evidence placed before my subcommittee before I will give up the theory that categorical aid is a necessary component of the Federal education programs.

The third major area of the bill deals with the fundamental problem of how Federal policy established by law is to be implemented by the executive branch. For a number of years, we have been concerned and disappointed with distortions of the intentions of Congress with respect to the administration of education programs. I have long held to the view that Congress ought to legislate with a broad brush leaving details to trustworthy administrators who, hopefully, are experts and therefore are qualified to make specific judgments as to how legislated policy is to be implemented. Historically, in education legislation we have given latitude to the executive branch. When that latitude or discretion has been misused to distort legislative intent, we have, on occasion, had to intervene with legislation procedures and organizations.

In general, our policy has been to take corrective action by law only when suggestion and persuasion did not produce results. In recent years, problems with implementation have increased to the point that our subcommittee has been frustrated at almost every turn.

The statistical functions of the Office of Education—functions they are charged by law to carry out—have deteriorated to the point that little in the way of education statistics is available, and data which are available are not always reliable. During the last 4 years, the Education Subcommittee dealt with two massive education bills, entailing authorizations for billions of dollars and affecting the future of almost every person in school. In both instances, we were forced to rely on shaky statistics and, at times, we had to do our own estimates because information was not made available in time for the Office of Education.

It is for this reason that I am proposing the establishment of a National Center for Education Statistics outside the Office of Education. The national center would be under the governance of a bipartisan, but highly qualified board.

In another area, objective evaluations, required by law, have been almost nonexistent, and, when they do exist, appear to have almost no bearing on policy decisions recommended by the executive branch. Evaluation funds appear to have been used as slush funds treated as discretionary funds. It is for this reason that this bill proposes the establishment of a National Commission for Education Policy Planning and Evaluation to lend order and direction on the internal checks and balances of the Office of Education and the National Institute of Education.

I am fearful that our problems with implementing legislative intent will increase in the future. In fact, we have no assurance that the Office of Education will implement unlegislated congressional intent if it is contrary to administration policy.

The only counter to this situation is that, if we are to be certain that the will of Congress is to be implemented, much that should be stated in committee reports will have to be stated in the law.

Presently, the Department of Health, Education, and Welfare is undergoing a decentralization process, which, in the field of education, has proven to be a difficult problem. After several years of admonitions, all of which have been to no avail, I find that the subcommittee must consider this matter as a legislative concern.

Another area of concern is the continued increasing amounts the education agencies are using for salaries and expenses. The requests for these items have more than doubled since 1969, while, at the same time, there have been program cuts. As an oversight matter, this situation should be brought before the subcommittee, and I am doing so.

In general, the leadership role which we must assume entails an examination of the entire nature of policy implementation. This examination, hopefully, will result in strengthened leadership in our education agencies.

As a whole, this bill proposes that the Subcommittee on Education conduct a fundamental reassessment of where we are, what we have done, and what we ought to do.

When the recommendations of any subcommittee, as reviewed and modified by the Committee on Labor and Public Welfare, are ready for consideration by the Senate, I can assure you that they are the product of serious consideration of some very real problems; hopefully, that consideration will result in leadership that is sorely lacking in our Government at this time.

By Mr. McINTYRE (for himself and Mr. COTTON):

S. 1540. A bill to authorize and direct the Secretary of Agriculture to acquire certain lands and interests therein adjacent to the exterior boundaries of the White Mountain National Forest in the

State of New Hampshire for addition to the National Forest System, and for other purposes. Referred to the Committee on Agriculture and Forestry.

SANDWICH NOTCH BILL INTRODUCED

Mr. McINTYRE. Mr. President, on behalf of myself and my distinguished senior colleague from New Hampshire, Senator Norris Cotton, who again joins me this year, we are introducing a bill to preserve Sandwich Notch—the last major notch in New Hampshire without some form of public protection.

Sandwich Notch is one of the most unusual natural areas remaining in the United States. One of its unique features is that unlike most notches which were too inaccessible for human habitation, Sandwich Notch played an important role in the history of New Hampshire as a colonial community.

As early as 1795, after much deliberation, the town of Sandwich voted to lay out a road through the Notch which became a commercial byway of benefit to residents of Vermont and northwestern New Hampshire. The colonists were eager to use the road as a supply route to Portsmouth, N.H., and the ocean. The road has always been maintained and remains today as a dirt passageway through dense forest in the Notch.

Today, the Notch is remarkably untouched with its waterfall, numerous ponds, and forests that make it one of the finest examples of New Hampshire's scenery. The area abounds with game, including a dense population of moose, practically extinct elsewhere in New England.

The northern end of the Sandwich Notch road lies within the White Mountain National Forest. Our bill concerns 7,170 acres at the southern end of the Notch. As New Hampshire continues to enjoy a growing population, we must also plan for lands which have the scenic and recreational benefits this area has to offer. I believe that the loss of Sandwich Notch would be a profound setback to those of us who are concerned about the environment and who want to see certain areas preserved for their scenic, recreational, and wildlife features.

This bill reflexes the interests of countless citizens in New Hampshire who are engaged in an effort to preserve the Notch. Local residents, outdoor organizations, and fish and game clubs are all working to build public support for this effort.

Special credit should also go to the Society for the Protection of New Hampshire Forests and its executive director, Paul Bofinger, for the tremendous job the group has done in educating the citizens of New Hampshire to this need. Were it not for the society's constant educational and informative efforts to save New Hampshire's precious forest lands the effort to save Sandwich Notch might never have gotten this far. This same legislation has been introduced in the House of Representatives by both Members from New Hampshire, Mr. Cleveland and Mr. Wyman.

It is with this in mind, Mr. President, that I introduce this bill to authorize and direct the Secretary of Agriculture to acquire these lands for addition to the National Forest System.

Mr. President, I ask that this bill be referred to the appropriate committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

By Mr. ERVIN (for himself, Mr. Metcalf, Mr. Percy, Mr. Nunn, Mr. Brock, and Mr. Cranston):

S. 1541. A bill to provide for the reform of congressional procedures with respect to the enactment of fiscal measures; to provide ceilings on Federal expenditures and the national debt; to create a Budget Committee in each House; to create a Congressional Office of the Budget, and for other purposes. Referred to the Committee on Government Operations.

THE CONGRESSIONAL BUDGETARY PROCEDURES ACT OF 1973

Mr. ERVIN. Mr. President, on behalf of myself and Senators Metcalf, and Nunn. I have today introduced a bill to be entitled: "The Congressional Budgetary Procedures Act of 1973."

I would like to quote briefly from the budget message of the President of the United States, submitted to Congress on January 29, 1973:

> The fragmented nature of Congressional action (on the Budget) results in a . . . serious problem. Rarely does the Congress concern itself with the budget totals or with the effect of its individual actions on those totals . . . "Backdoor" financing . . . provides permanent appropriations, authority to contract in advance of appropriations, authority to borrow and spend without an appropriation, and program authorizations that require mandatory spending whether or not it is desirable in the light of current priorities . . . The Congress must accept responsibility for budget totals and must develop a systematic procedure for maintaining fiscal discipline.

While I have frequently been cast in the role of the President's adversary, and lately this seems to be happening with remarkable regularity, I must say that on this matter of congressional fiscal responsibility, I am in whole-hearted agreement with the words I have just quoted. The congressional procedures with respect to spending the taxpayer's dollar are, to say the least, in dire need of a major overhaul, and have been for quite some time. Since 1960, Federal spending has tripled, the inflation rate has tripled, the dollar outflow abroad has quadrupled, and the dollar has been devalued twice—the first such devaluations since 1933, in the heart of the Great Depression. It has been 52 years since Congress has done anything about shaping its basic tools for controlling Federal expenditures. The Budget and Accounting Act of 1921 was the last major reform of congressional budgetary procedure, yet we are now spending nearly 100 times what we were spending yearly in the 1920's.

Mr. President, I believe that we may now have an unprecedented opportunity to take constructive action toward remedying the situation. It is apparent that a growing number of my colleagues share this concern over the need for renovation of the budget process in Congress. During the last session, Congress made provision for establishment of the Joint Study Committee on Budget Control. This action obviously reflected an awareness of the disturbing fiscal situation facing the Nation and the compelling need to find meaningful ways to deal with it. Furthermore, within the last 3 months alone, we have seen the introduction, here in the Senate, of some 12 bills embodying various approaches to the matter of establishing congressional control, not merely over spending, but over the very process of making the decisions to spend. In short, we are witnessing a gathering momentum toward regaining one of the most basic prerogatives of the legislative branch, the power of the purse.

Mr. President, I request that the name of the distinguished Senator from Tennessee (Mr. Brock) be added as a cosponsor of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. I firmly believe that Congress will not achieve that goal unless and until it establishes procedures which will provide a sound, workable system encompassing all congressional actions affecting the budget process. In the words of the Joint Study Committee of which I have just made mention:

> We must have an effective, permanent mechanism for budget control which will assure a more comprehensive and coordinated review of budget totals and determination of spending priorities and spending goals, together with a determination of the appropriate associated revenue and debt levels.

To this end, I introduced the Congressional Budgetary Procedures Act. At this moment my distinguished colleague, the Senator from Montana, chairman of the Subcommittee on Budgeting, Management, and Expenditures of the Committee on Government Operations and cosponsor of this legislation, is conducting legislative hearings on the subject "Improving Congressional Control Over the Budget." The subcommittee is considering and taking testimony on, among other things, the 12 bills I mentioned a moment ago. It is my hope and intention that the bill I introduce today will be considered by that subcommittee in that context and will prove useful to the Members in their consideration of the legislation which is so urgently needed. The language of the bill is certainly not final. I anticipate it will be changed in many particulars to reflect the recommendations that will result from the deliberations of the subcommittee and the recommendations of the Joint Study Committee on Budget Control. However, I do feel it embodies the basic concepts which will enable us to achieve the position we have been hearing so much about of late, that of fiscal responsibility.

Mr. President, allow me briefly to describe the basic features of my proposal. First, the legislation establishes a standing Committee on the Budget in each House. The Senate Budget Committee shall be comprised of 15 members, 3 from the Committee on Appropriations and 3 from the Committee on Finance, and 9 members chosen from the Senate membership at large, excluding those who sit on the Committees on Appropriations or

Finance. The House Budget Committee shall be 15 members similarly selected, with the exception that the Committee on Ways and Means is substituted for the Finance Committee. The Senate Budget Committee will be chaired, in each even-numbered Congress, by one of its members from Appropriations and in each odd-numbered Congress by a member from Finance. The House Budget Committee chair will also alternate; in each even-numbered Congress it will be held by one of its members from the Committee on Ways and Means and in odd-numbered sessions by a member from Appropriations. In any given Congress, then, we have the balance of two chairmen, one from the revenue side of congressional operations, the other from the expenditure side.

Second, the legislation creates a congressional Office of the Budget, a nonpolitical, nonpartisan entity under a Director and Deputy Director chosen by the Speaker of the House. The Director will appoint such staff as needed, without regard to political affiliation. Basically, it will be the duty of this Office to provide the Budget Committees of each House, and other committees of Congress, with whatever information is needed with respect to revenues, expenditures, Presidential budget requests, the general state of the economy, and a myriad of fiscal-related data including aggregate budget authority and outlays enacted to date. The Office will be equivalent, in importance and prestige, to the General Accounting Office.

Not later than the first of March each year, having considered the recommendations, reports, and analyses prepared by the Office as well as any other information deemed appropriate, including material adduced at hearings if necessary, the Budget Committee of each House shall report to its House a concurrent resolution dealing with the fiscal situation.

The resolution will, with respect to the ensuing fiscal year, estimate revenues, recommend an appropriate level of expenditures and an appropriate level of the public debt. It will establish a limit on total outlays, that is, a spending ceiling, consistent with its recommendations. It will establish limits on outlays within specific major categories to be designated by the Budget Committees. It is anticipated that these major categories will be selected so as to coincide, to the extent possible, with the existing major divisions of budget responsibility within Congress. The concurrent resolution will also establish limits, with respect to the ensuing fiscal year, on total budget authority and on budget authority by major category with a view to holding outlays under such budget within the limits established. The concurrent resolutions thus introduced shall be highly privileged in each House, and the legislation provides detailed procedures for their consideration, including provision for conference committees to resolve differences. No amendments to the concurrent resolution which would increase any limits proposed shall be in order except those that provide for increased revenues by source, or for decreases in other categories equal to the increase proposed by the amendment. This measure insures that Members advocating increased spending will have to do so in the harsh light of the realization that resources are limited, a fact which often seems to escape us. The same restriction shall apply with respect to proposed tax cuts; namely, that any such reductions would have to be accompanied by offsetting changes in spending totals or the public debt.

Further, the legislation provides that every measure enacting budget authority shall specify a limit on outlays under such authority for the fiscal year to which the budget authority relates. In addition, each such measure reported by a standing committee shall be accompanied by a report prepared by the Office of the Budget comparing budget authority and outlays in the measure with amounts requested in the President's Budget and with limits established by the concurrent resolution.

It shall not be in order to consider any measure providing budget authority for a fiscal year until the concurrent resolution establishing limits with respect to that year has been agreed to. Nor shall it be in order to consider any measure providing budget authority or outlays in excess of the limits established in the concurrent resolution then in effect. The first concurrent resolution relating to a given fiscal year shall be agreed to by March 30 in the calendar year within which the fiscal year commences. A second concurrent resolution revising the limits established in the first may be reported if necessary, and if reported will be agreed to by September 30 in the fiscal year to which it relates. Further revisions in limits may be accomplished during the fiscal year only by further concurrent resolutions as described.

Up to this point I have described provisions relating to budget authority and spending ceilings and the means by which they will be effectuated. Let me now describe two major portions of the legislation dealing with other aspects of the fiscal picture.

First, the measure I introduced would require that any basic authorizing legislation—that is, legislation creating new programs or activities—be enacted no later than the last day in April preceding the fiscal year in which those programs or activities would begin. This is a simple device designed to allow responsible fiscal planning and control of the budget. The essence of any budget, whether that of a family or of a nation, is advance planning. No budget for any period can be adhered to if sudden decisions to spend in completely new directions are made within that period. The legislation does, of course, provide for new program authorization for the fiscal year in progress in situations of major disaster or other emergency.

Second, and this is vital, the legislation provides for control of what is commonly called "backdoor" spending. Backdoor spending means, simply, congressional action allowing obligation of funds without a meaningful review by the Appropriations Committees. It includes such things as contract authority, borrowing authority, mandatory appropriations which commit expenditures, and a number of actions which are loosely refered to as "permanent appropriations." In short, backdoor spending is spending outside the jurisdiction of the Appropriations Committees or mandated spending such that the Appropriations Committees have no discretion or control. Somehow, this kind of spending must be controlled if Congress is ever to be considered fiscally responsible.

The legislation I propose establishes that any "backdoor" spending measure will provide that any spending under such measure can occur only after a later measure authorizing such spending is enacted. Only the Budget Committees in each House will have jurisdiction to report such authorizing measures, and all such measures shall be referred to the Budget Committee of the House in which they are introduced. This establishes control over "backdoor" spending legislation which is analogous to the control over "normal" spending provided by the appropriations process, and is, I believe, unique among the proposals heretofore introduced. It is also essential to any real control over spending.

There are several other features of the proposed legislation, including amendment of the Budget and Accounting Act so as to require some additional information and projections in the President's budget, but I shall not take time now to enumerate them. Suffice it to say that I have described the essential elements of my proposals and have omitted, I believe, only tedious description of supporting detail.

Mr. President, a simple spending ceiling, without a mechanism to implement that ceiling, is nothing more than a stopgap measure. At the moment, we are in need of such a measure as a first step, a holding action, like the celebrated Dutch boy with his finger in the dike. I believe the legislation I have been describing today goes well beyond such temporary action. It can be the basis for the total rebuilding of the structure of fiscal responsibility, a job to which we are all so obviously committed and one which is so urgently needed.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1541

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Congressional Budgetary Procedures Act of 1973."

DEFINITIONS

SEC. 2. For purposes of this Act, "budget outlays" means Federal expenditures and net lendings in the fiscal year to which the budget relates; "budget authority" means congressionally enacted permission for the Government departments and establishments to enter into obligations requiring either immediate or future payment of money; "Budget" means the budget of the U.S. Government transmitted to Congress by the President pursuant to the Budget and Accounting Act, 1921.

SEC. 3. (a) There is hereby established a standing committee of the Senate to be known as the Committee on the Budget (hereafter in this section referred to as the "Committee").

(b) The committee shall consist of 15 members who shall be selected in the same manner as other standing committees of the Senate except that—

(1) Three members shall also be members of the Committee on Appropriations, and

(2) Three members shall also be members of the Committee on Finance, and

(3) The remaining nine members shall not be members of either the Committee on Appropriations or the Committee on Finance.

(c) The committee shall have the jurisdiction conferred on it by this Act and shall perform such other functions and duties as may be prescribed by this Act or as may hereafter be prescribed by the Senate.

(d) The committee shall be chaired, in each even-numbered Congress, by one of its members from the Appropriations Committee and in each odd-numbered Congress by one of its members from the Finance Committee.

(e) All provisions of law and rules and orders of the Senate applicable to standing committees of the Senate shall apply to the committee in the same manner and to the same extent as other standing committees.

(f) For purposes of paragraph 6 of rule XXV of the Standing Rules of the Senate, services of a Senator as a member of the committee, or as chairman of the committee, shall not be taken into account.

SEC. 4. (a) There is hereby established a standing committee of the House of Representatives to be known as the Committee on the Budget (hereafter in this section referred to as the "Committee").

(b) The Committee shall consist of 15 members who shall be selected in the same manner as other standing committees of the House except that—

(1) three members shall also be members of the Committee on Appropriations, and

(2) 3 members shall also be members of the Committee on Ways and Means, and

(3) the remaining 9 members shall not be members of either the Committe on Appropriations or the Committee on Ways and Means.

(c) The Committee shall have the jurisdiction conferred on it by this Act and shall perform such other functions and duties as may be prescribed by this Act or as may hereafter be prescribed by the House.

(d) The Committee shall be chaired, in each even-numbered Congress, by one of its members from the Ways and Means Committee, and in each odd-numbered Congress by one of its members from the Appropriations Committee.

(e) All provisions of law and rules and orders of the House applicable to standing committees of the House shall apply to the Committee in the same manner and to the same extent as other standing committees.

SEC. 5 (a) For purpose of this section—

(1) The term "advance obligation authority" means authority provided by law, whether on a temporary or permanent basis—

(A) to enter into contracts, under which the United States is obligated to make outlays, prior to the time that appropriation or other budget authority for such outlays has been made available,

(B) to incur indebtedness for the repayment of which the United States is liable (other than indebtedness incurred under the Second Liberty Bond Act),

(C) to guarantee on behalf of the United States the repayment of indebtedness incurred by any person, and

(D) to make payments (including loans and grants) to any person if, under the provisions of the law containing such authority, the United States is obligated to make such payments to persons who meet the requirements established by such law.

(2) The term "new advance obligational authority" means advance obligational authority provided by law enacted after the effective date of this Act, including any increase in, or addition to, any advance obligational authority provided by law on the effective date of this Act.

(3) The term "person" includes a government and a subdivision or agency of a government.

(b) It shall not be in order in either the Senate or the House of Representatives to consider any bill or other measure which provides new advance obligational authority, or any amendment which provides new advance obligational authority, unless such bill or measure, or such amendment, also provides that the new advance obligational authority may be exercised for any fiscal year only to the extent authorized for such fiscal year by laws enacted after the enactment of such bill or other measure.

(c) All bills and other measures introduced in the House of Representatives which authorize the exercise of new advance obligational authority shall be referred to the Committee on the Budget of the House (hereafter in this Act referred to as "House Budget Committee" or "Budget Committee"). No committee of the House other than the Budget Committee shall have jurisdiction to report any bill or other measure which authorizes the exercise of new advance obligational authority. All bills and other measures introduced in the Senate which authorize the exercise of new advance obligational authority shall be referred to the Committee on the Budget of the Senate (hereafter in this Act referred to as "Senate Budget Committee" or "Budget Committee"). No committee of the Senate other than the Budget Committee shall have jurisdiction to report any bill or other measure which authorizes the exercise of new advance obligational authority.

(d) It shall not be in order in either the Senate or the House of Representatives to consider any bill or other measure, or amendment thereto, which authorizes the exercise of new advance obligational authority for a period in excess of one fiscal year.

SEC. 6 (a) It shall not be in order in either the Senate or the House of Representatives to consider, on or after the first day of May of any calendar year (beginning with the calendar year 1974), any bill or other measure which authorizes the enactment of budget authority for the fiscal year commencing in such calendar year.

(b) The provisions of subsection (a) shall not apply to any bill or other measure if—

(1) the report accompanying such bill or other measure sets forth the existence of an emergency or other unusual circumstance which requires its consideration; and

(2) the Senate or the House of Representatives, as the case may be, by a two-thirds majority of the Members present and voting on a roll-call vote, waives the application of subsection (a) to such bill or other measure.

SEC. 7 (a) There is hereby created a Congressional Office of the Budget (hereafter in this Act referred to as "Office"). The Director and Deputy Director of the Office shall be appointed by the Speaker of the House without regard to political affiliation and solely on the basis of their fitness to perform their duties. The Director and Deputy Director thus appointed shall receive the same compensation as the Comptroller General and the Assistant Comptroller General respectively.

(b) The Director of the office shall—

(1) appoint such other personnel and consultants as may be necessary to carry out the duties and functions of the office, all such personnel and consultants to be appointed without regard to political affiliation and solely on the basis of their fitness to perform their duties;

(2) equip the office with up-to-date computer capability, and obtain the services of experts and consultants of computer technology.

(c) It shall be the duty and function of the Office to provide information to the Budget Committees of the two Houses, and to other committees of the two Houses on request, with respect to the budget, appropriation bills, other bills authorizing or providing budget authority, revenue, receipts and estimated future revenues, and changing revenue conditions and such other information as may be deemed appropriate by the Director, or the Budget Committees.

(d) The Joint Committee on Reduction of Federal Expenditures shall cease to exist and its staff and functions shall be subsumed into the Office.

(e) (1) In the performance of its duties and functions, the Office shall be empowered to coordinate and utilize both the General Accounting Office and the Library of Congress resources as provided under the Legislative Reorganization Act of 1970.

(2) Each department, agency, and instrumentality of the executive branch of the Government, to the extent permitted by law, shall furnish to the Office upon request made by the Director, such information as the Director considers necessary to carry out the duties and functions of the Office.

SEC. 8 (a) The Office shall make estimates of the tax revenues and other revenues expected to be received by the United States Government with respect to each fiscal year, including an itemization by major revenue sources. The Office may thereafter revise such estimates from time to time as it considers appropriate. Such estimates, and revisions thereof, shall be made available to the Budget Committees of the two Houses of Congress.

(b) Not later than ten days after the budget with respect to such fiscal year has been transmitted to Congress, and, based on the estimate of the Office of revenues expected to be received by the United States Government with respect to each year, the Office shall recommend to the Budget Committees of the two Houses of Congress the amount, if any, by which budget outlays of the United States Government should exceed revenues expected to be received, or the amount, if any, by which such revenues should exceed such budget outlays, in order to provide for appropriate growth and stability of the economy of the United States.

(c) The Budget Committees are authorized to hold hearings on such estimates and recommendations for the presentation of facts and views by, among others, consultants or organizations thereof.

SEC. 9. (a) Each Budget Committee shall—

(1) receive and give consideration to the estimates, recommendations, reports, and analyses of the Office and consider the Budget, the Economic Report and the Nation's economic condition, including gross national product, employment, business investment, consumer spending, international trade, the availability of credit, and the state of Federal expenditures and revenues; and

(2) hold hearings for the purpose of gathering additional information should the Budget Committee deem it necessary.

(b) Based upon factors enumerated in subsection (a) of this section, as well as any other information deemed relevant the Budget Committees shall, not later than March 1 of each year report to their respective Houses a concurrent resolution which shall—

(1) estimate revenues to be received in the ensuing fiscal year and the major sources thereof;

(2) recommend, for the ensuing fiscal year, the amount, if any, by which budget outlays should exceed revenues, or revenues should exceed budget outlays, in order to promote the general welfare and to provide maximum employment, production, and purchasing

power consistent with national economic stability, and recommend an appropriate limit on the public debt;

(3) establish for the ensuing fiscal year, a limit on total budget outlays consistent with paragraph (2) above; a limit on total budget authority which will result in budget outlays within the established limit;

(4) establish, with respect to the ensuing fiscal year, for each committee having jurisdiction to report legislation providing budget authority, limits on budget authority and budget outlays in major categories to be designated by the Budget Committees.

(5) establish, with respect to the ensuing fiscal year, a limit on the amount by which the revenues and receipts of the government may be reduced by any bill or other measure.

(c) The report accompanying the concurrent resolution shall include, but not be limited to, a comparison of revenues and major sources thereof as estimated in the concurrent resolution with those estimated in the Budget; and a comparison of the limits on total budget authority and total budget outlays established in such concurrent resolution with total budget authority requested and total budget outlays estimated in the Budget.

(d) Not later than September 1 of each year, the Budget Committees shall review the provisions of the concurrent resolution provided for in subsection (b) of this section, and report a new concurrent resolution providing any revisions the Committees deem appropriate.

(e) The limits on total budget outlays and total budget authority established by concurrent resolution enacted pursuant to this section may be revised by succeeding concurrent resolutions enacted pursuant to procedures as set forth in this section.

(f) (1) A concurrent resolution reported under subsections (b), (d) or (e) of this section shall be highly privileged in each House. It shall be in order at any time after the third day following the day on which such a concurrent resolution is reported to move to proceed to its consideration (even though a previous motion to the same effect has been disagreed to). Such a motion shall be highly privileged and shall not be debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) No amendment increasing the limits on total outlays or total budget authority or increasing the limits on budget outlays or budget authority in major categories established in the concurrent resolution shall be in order except those which specify (a) a reduction in the limits on budget outlays or budget authority in other major categories not in excess of the amount by which the limits on budget outlays or budget authority would be increased by such amendment or (b) a provision recommending increased revenues through additional taxation or public debt or both; No amendment decreasing tax revenues or receipts shall be in order except those which specify (a) a reduction in the limits on budget outlays, or budget authority by major category by an amount not less than such decrease in tax revenues or receipts or (b) a provision recommending an increase in the public debt.

(3) Debate on such concurrent resolution shall not exceed ten hours, which shall be divided equally between those favoring and those opposing the concurrent resolution. Debate on amendments shall not exceed two hours, divided equally between those favoring and those opposing the amendment. Once debate has begun, no other matter or measure may be considered by that House. A motion to recommit the concurrent resolution shall not be in order and it shall not be in order to move to reconsider the vote by which the concurrent resolution is agreed to or disagreed to.

(4) Motions to postpone, made with respect to the consideration of such a concurrent resolution and motions to proceed to the consideration of other business, shall be decided without debate.

(5) Appeals from decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to such a concurrent resolution shall be decided without debate.

(6) If, prior to the passage by one House of a concurrent resolution of that House, that House receives from the other House a concurrent resolution of such other House, then—

(A) the procedure with respect to the concurrent resolution of the first House shall be the same as if no concurrent resolution from the other House had been received; but

(B) on any vote on final passage of the concurrent resolution of the first House the concurrent resolution from the other House shall be automatically substituted.

(g) (1) There shall be a conference of the two Houses to resolve any differences between the concurrent resolution as passed by each House.

(2) The conference report shall be highly privileged in each House. It shall be in order at any time after the third day following the day on which such a conference report is reported to move to proceed to its consideration (even though a previous motion to the same effect has been disagreed to). Such a motion shall be highly privileged and shall not be debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(3) Debate on the conference report shall be limited to four hours, which shall be divided equally between those favoring and those opposing the conference report. A motion to recommit the conference report shall not be in order and it shall not be in order to move to reconsider the vote by which the conference report is agreed to or disagreed to.

(4) Motions to postpone, made with respect to the consideration of such conference report and motions to proceed to the consideration of other business, shall be decided without debate.

(5) Appeals from decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to such conference report shall be decided without debate.

(6) The concurrent resolutions reported under (b) and (d) of this section shall be agreed to by March 30 and September 30, respectively.

Sec. 10. (a) Except as provided in subsection (b), it shall not be in order, in either the Senate or the House of Representatives, to consider any bill or joint resolution providing budget authority for any fiscal year prior to the date on which the two Houses agree to a concurrent resolution pursuant to Section 9(b) prescribing limits on budget outlays and budget authority with respect to such fiscal year.

(b) The provisions of subsection (a) shall not apply to any bill or other measure if—

(1) the report accompanying such bill or other measure sets forth the existence of an emergency or other unusual circumstance which requires its consideration; and

(2) the Senate or the House of Representatives, as the case may be, by a two-thirds majority of the Members present and voting on a roll-call vote, waives the application of subsection (a) to such bill or other measure.

(c) Subsection (a) shall not be construed to preclude the holding of hearings or other consideration by any committee of the Senate or the House of Representatives, or any joint committee of the two Houses, with respect to proposed budget authority, proposed outlays and estimated revenues set forth in the Budget.

Sec. 11. (a) Section 201(a) of the Budget and Accounting Act, 1921 (31 U.S.C. 11), is amended—

(1) by inserting after "ensuing fiscal year" in paragraph (5) "and the two fiscal years immediately following the ensuing fiscal year";

(2) by striking out "such year" in paragraph (5) and inserting in lieu thereof "such years";

(3) by inserting after "ensuing fiscal year" in paragraph (6) "and the two fiscal years immediately following the ensuing fiscal year".

(b) Section 201 of such Act is amended by adding at the end thereof the following new subsection:

"(d) The budget shall include (1) with respect to each of the major categories as designated by the Budget Committees, an examination of proposed expenditures and appropriations for the ensuing fiscal year and each of the two fiscal years immediately following such year, and (2) the bases used for the proposed expenditures and appropriations by major categories for the ensuing fiscal year and each of the two fiscal years immediately following such fiscal year."

Sec. 12. (a) All bills or joint resolutions providing budget authority with respect to any fiscal year (beginning with the fiscal year ending June 30, 1975) shall provide a limit on budget outlays in such fiscal year under such budget authority.

(b) Each bill or joint resolution providing budget authority shall be accompanied by a report prepared by the Office which shall include but not be limited to:

(1) a comparison of total budget authority in each major category provided by the bill

(A) with budget authority requested in such major categories in the Budget; and

(B) with budget authority limits in such major categories prescribed in the concurrent resolution agreed to under Section 9 then in effect;

(2) a comparison of budget outlays as limited by the bill or joint resolution during the fiscal year to which the budget relates

(A) with the budget outlays estimated for that purpose in the Budget for that fiscal year; and

(B) with limits on budget outlays in relevant major categories prescribed in the concurrent resolution agreed to pursuant to Section 9 then in effect;

(3) a comparison of estimated budget outlays under budget authority provided by the bill or joint resolution in each of the two years following the fiscal year to which the Budget relates with estimated budget outlays for each such year as projected in the Budget.

(c) It shall not be in order for either House to consider any bill or other measure, or amendment thereto, providing, with respect to a fiscal year, budget authority or budget outlays which exceed the limits on budget authority or budget outlays established for such fiscal year by concurrent resolution agreed to under Section 9 of this Act and in effect at the time such bill or other measure is being considered.

(d) The provisions of subsection (c) shall not apply to any bill or other measure if—

(1) the report accompanying such bill or other measure sets forth the existence of an emergency or other unusual circumstance which requires its consideration; and

(2) the Senate or the House of Representatives, as the case may be, by a two-thirds majority of the Members present and voting on a roll-call vote, waives the application of subsection (c) to such bill or other measure.

Sec. 13. The provisions of this Act, other than sections 7 and 11 are enacted by the Congress—

> (1) as an exercise of the rulemaking powers of the Senate and the House of Representatives, respectively, or of that House to which they specifically apply; and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and
>
> (2) with full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner and to the same extent as in the case of any other rule of such House, except that such House may change the provisions of such sections with respect to that House only by a vote of two-thirds of the Members of that House present and voting.

Mr. BROCK. May I say I am delighted with and grateful for the action the Senator from North Carolina has taken over the years in attempting not only to achieve fiscal responsibility in this Government, but to see that Congress reasserted its constitutional rights and responsibilities.

I have been active in seeking effective reform in this body and in the other body for at least 10 years now, and for the first time in my life I honestly believe that we have made more progress in achieving honest reform and honest reassertion of the constitutional rights of the Congress of the United States this year than we have in the preceding 10 years that I have served in the two bodies, and I think the Senator from North Carolina is due an enormous amount of credit for his leadership in this area.

I personally introduced S. 40, a bill to establish a legislative budget and congressional authority in setting national priorities last year. Because of this, the committee has been holding hearings on it. With the Senator from Montana's leadership in the subcommittee, those hearings have been enormously productive. The Senator's bill, of which I am a sponsor, along with the Senator from Montana and the Senator from Georgia, intends to encompass more fundamental and far-reaching reform proposals that have been advocated by a series of people from all walks of life—Members of Congress, professors, members of the academic community, members of business, and other organizations.

There is a common will today to see that Congress reasserts having a voice in the establishment of priorities and a responsible voice in achieving the use of the resources of this country in a fashion responsive to the will of the people, and responsive in the context that that will be done within the limits of the capacity of the American people to be taxed.

I am delighted with the Senator's proposal. I want to support him fully and thoroughly in this body today, because I think his leadership is fundamental to the cause of true reform in the Senate and in the Congress.

Mr. ERVIN. I am deeply grateful to my friend from Tennessee for his most complimentary remarks. I am especially pleased to have him as a cosponsor of the bill. Ever since he came to the Senate, and, as far as I know, when he served in the House, the Senator from Tennessee has been a strong advocate of the Government's setting its financial house in order. I certainly share the view of the Senator from Tennessee that that is the prime obligation resting upon the Congress.

We are much concerned in the Congress at this time with recapturing the power of the purse, with which the Constitution provides Congress the authority, but if Congress is to reacquire this power in a way to serve the best interests of the people of the United States, we are going to have to have a measure such as that proposed in the bill introduced by the Senator from Tennessee, which I cosponsor, or that proposed in the bill which I have introduced today, to establish measures which will keep Congress within the field of financial responsibility when temptation presents itself to Congress, as it often will, to stay outside that area.

Like the Senator from Tennessee, I think that many of our present woes, and indeed virtually all of our woes in the financial field, have been occasioned by past reckless deficit financing of Government programs, which has been engaged in during more than 40 years past. This is not a partisan issue in any sense of the term, because we have had this reckless deficit financing under all administrations, and the time has certainly come to call a halt.

Our problems have come about, because of deficit financing to a large degree, because deficit financing robs the people of their past earnings and robs them of their future earnings.

I am certainly delighted to have the aid of the Senator from Tennessee, a valuable member of the Government Operations Committee, to assist me in sponsoring the bill.

Mr. President, I think it is in order for me to explain a little more in detail some of the features of this proposed legislation.

The main features of the Congressional Budgetary Procedures Act are as follows:

First. Congress would enact annual ceilings on Federal expenditures, new budget authority, and the national debt which are related to estimated revenues to provide surplus or deficit levels appropriate to the national economy.

Second. Congressional budget committees in both Houses of Congress would be established to oversee spending, new budget authority, and revenue levels.

Third. Congressional controls over "backdoor" spending which now escapes review by the appropriations committees, would be subject to review by the budget committees.

Fourth. A prestigious Congressional Office of the Budget would be established to develop information and aid Congress in controlling expenditures.

Spending and revenue levels would be developed by the new Congressional Budget Office, reviewed by the Congressional Budget Committees and a concurrent resolution enacted by Congress early each year establishing such limits. After that, measures for higher spending or lower taxes would have to be accompanied with offsetting changes in other areas or in the debt limit.

The act would create two separate standing committees on the budget—one for each House. This is consistent with recommendation 7 of the Joint Study Committee interim report. Each committee would be comprised of three members from the appropriations committee, three members from the tax-writing committee, and nine members at large who are not members of these committees. The three members from the appropriations and tax-writing committee could be the chairman, the ranking majority member, and the ranking minority member of these committees. This would assure powerful representation on the budget committees of those most vitally concerned. The nine members at large would be selected as they are for other standing committees, assuring representation of the membership at large. The chairmanship of the two budget committees would be rotated between the members of the appropriations and tax-writing committees.

The Congressional Office of the Budget provided by the act would be a much stronger body than the joint staff mentioned in recommendation 8 of the joint study committee interim report. It would be equivalent in importance, prestige, and expertise to the General Accounting Office. While the Congressional Budget Office could utilize information developed by the General Accounting Office, the Library of Congress and various Government agencies, its function should be more concerned with overall spending and revenue matters and fiscal effects of programs, rather than specific investigations such as those conducted by the General Accounting Office.

With two Houses of Congress, no satisfactory method of selecting the head of a congressional agency has yet been developed, which would seem to present a problem in selecting the Director of the Congressional Office of the Budget. In the case of other congressional officers such as the Comptroller General and the Librarian of Congress, this selection is made by the President. Since the purpose of the office is to enable Congress to develop independent judgment, this does not seem appropriate in case of the Director of the Congressional Budget Office.

The act provides that selection of the Director and Deputy Director of the Congressional Office of the Budget be made by the Speaker of the House on the basis of competence without regard to partisan affiliation. The Speaker is the highest officer in the House which initiates fiscal bills. Moreover, the Speaker ranks just behind the Vice President in Presidential succession. The staff itself would also be selected solely on the basis of competence without regard to partisan affiliation.

Based on the budget estimates and the estimates and recommendations of the Congressional Office of the Budget, the two budget committees would hold hearings and consider what level should be set for total expenditures and revenues for the ensuing fiscal year, what the budgetary surplus or deficit would be and what limit should be placed on new spending authority and tax reductions. This process would begin within 10 days after the submission of the Federal budget by the President.

Before March 1 of each year, each

Budget Committee would report to its parent body a concurrent resolution which would:

First. Estimate total revenues for the ensuing fiscal year.

Second. Recommend a relationship between total spending and revenues which is appropriate to the maximum growth and stability of the national economy, and an appropriate level for the public debt.

Third. Establish a limit on total budget outlays and budget authority which is consistent with such relationship between spending and revenues.

Fourth. Establish a limit budget authority and outlays by major category of expenditures as designated by the budget committees, and a limit on tax cuts.

Fifth. Defend in the report the rationale for its recommendations.

To implement Joint Study Committee interim recommendation 1, the concurrent resolutions would be considered in each House under rules of limited debate. But once adopted after conference committee reconciliation and congressional enactment, before March 30 of each year, any measure affecting totals would have to be offset by provision for changes in revenue or spending levels or the public debt limit. This takes into account Joint Study Committee interim recommendation 5.

In the light of changing economic circumstances, such limits would be subject to a midyear review in September of each year and altered if appropriate. This would be consistent with the Joint Study Committee's interim recommendation 3.

Joint Study Committee interm recommendation 4 calls for "allocating the appropriate portions of expenditures and budget authority ceilings to various committees having jurisdiction over the legislation affecting the budget." Such allocations would be designated by the budget committees and included in the concurrent resolution.

During the course of the congressional session, the Congressional Office of the Budget would provide reports on how new legislation would affect spending and tax levels.

To further implement Joint Study Committee interim recommendation 2 and get a better grip on "back door" spending, the act provides Congress with a second look at new budget authority which, under current rules, escapes meaningful review by the Appropriation Committees. Normally, a new program must, first, be authorized by legislation, and, second, be reviewed by the Appropriations Committees before spending can take place. The same double look would be provided in the case of backdoor spending. After legislation has been reported by a standing legislative committee and enacted by Congress, spending could not take place until the budget committees report a bill or bills authorizing the exercise of budget authority provided in the "back door" spending measure. Such additional legislation would also be required before tax cuts could take place.

Thus backdoor spending which permits expenditures to be made without review by the appropriations committees, would get a review by the budget committees. This would include programs involving expenditures which cannot be altered by the appropriations committees; that is, pay increases, veterans' benefits and other programs which commit the Government to higher expenditures.

Joint Study Committee interim recommendation 10 would require new authorizing legislation to be enacted a year in advance of the fiscal year in which such legislation takes effect. The act provides that such new authorization be enacted before May 1 of each year if budget authority under such authorization is to be provided in the ensuing fiscal year. This will be very helpful in providing sufficient time for the Office of the Budget to review such measures and report on their effects on the budget for the year under consideration.

Finally, Joint Study Committee interim recommendation 9 calls for review of the different ways in which budget authority and expenditures are, in fact, authorized or incurred. This highly useful exercise can be prepared by the proposed Office of the Budget and reviewed by the budget committees.

Mr. President, I have the abiding conviction that the machinery provided in the bill introduced by me with the cosponsorship of Senators METCALF, NUNN, and BROCK will work well to enable Congress to set its affairs in order in respect to the exercise of its constitutional powers of the purse.

Mr. President, I yield the floor.

By Mr. MONDALE (for himself and Mr. HUMPHREY):

S. 1542. A bill to impose a 60-day freeze on prices and rents and direct the President to establish a long-run economic stabilization program. Referred to the Committee on Banking, Housing and Urban Affairs.

CONGRESS SHOULD IMPOSE 60-DAY PRICE FREEZE

Mr. MONDALE. Mr. President, the announcement last week of a 2.2-percent increase in wholesale prices during March—the biggest 1-month jump in 22 years and an increase of 26.4 percent on an annual basis—demonstrates clearly that phase III has been a colossal and unmitigated disaster.

The normally staid and low-key Wall Street Journal began its report on the March wholesale price jump by saying:

> The failure of the Phase 3 economic controls was spectacularly documented anew by a wholesale price explosion in March.

The report then went on to speak of "prices—gone wild," "a bombshell report," and "a stunning burst of price boosts for industrial goods" that "left Government economists open-mouthed."

The report quoted a "top Federal analyst" as saying that his reaction was "shellshock" and that: "The numbers are absolutely, incredibly bad."

We are clearly in big trouble. Prices are soaring totally out of control. We must act now before the situation gets even worse.

I am, therefore, today proposing legislation that would:

First. Freeze all prices and rents "at levels no higher than those prevailing on March 16, 1973";

Second. Direct the President to roll back prices and rents to levels lower than those on March 16 when necessary to control inflation; and

Third. Direct the President to establish a "long-run" program to control inflation to take effect after the 60-day freeze expires.

The bill would also give the President authority to make adjustments during the freeze to correct "gross inequities."

We need a breathing period to put our economic house back in order. Congress must do it if the President will not. This 60-day freeze will give us the time needed to put together an economic stabilization program that will work. The President should consult with the Congress, labor, business, consumers, and as many other interested citizens as possible—just as he did before instituting phase 2—in order to work out the best possible control program for the long run.

The events of recent months have shown that one-man rule over the economy is a prescription for disaster. The President—acting on his own—initiated phase 3 just 2 short days after announcement of the biggest jump in wholesale prices in 21 years. Higher prices for the consumer were clearly on the way, but the warning signs were not heeded.

The freeze on meat prices announced by the President on March 29 is both inadequate and unfair. What good does it do to have controls on meat prices when all other prices are going wild And how is it fair to the farmer to impose a freeze on the prices he receives but no freeze on the costs he must pay? We need an across-the-board freeze on all prices that applies fairly and equitably to everyone.

The March wholesale price figures show clearly that it is unfair to single out the farmer as the scapegoat for higher prices. Prices for industrial commodities—the single best indicator of inflation—went up at an annual rate of 14.4 percent in March—the sharpest 1-month jump in 22 years. And prices for consumer finished goods ballooned at an annual rate of 26.4 percent, equaling a 25-year-old record.

Mr. President, we are now in the midst of an inflationary psychology gone berserk. Businessmen are rushing headlong to establish higher prices on the assumption that another freeze will be imposed. To head this off we should make it clear—as this bill does—that the freeze will not allow prices higher than those prevailing on March 16. Making the freeze retroactive to March 16 will remove any incentive for further anticipatory price hikes.

Although the freeze I propose does not cover wages and salaries, this will pose no great problem for a period as short as 60 days. Wages and salaries will remain under the phase 3 controls, which so far have been very effective on the wage side. In addition, businesses will be very reluctant to agree to any sharp wage increases while the prices they can charge are frozen, and while the shape of the long-run control program mandated by this legislation remains unclear.

I ask unanimous consent that the text of S. 1542 be reprinted at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1542

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

Section 1. The Economic Stabilization Act of 1970 is amended by inserting after section 203 the following new section:

"§ 203A. Freeze on prices and rents

"(a) Notwithstanding any other provision of this title, all prices and rents are hereby frozen at levels no higher than those prevailing on March 16, 1973. The President may, by written order stating in full the considerations for his actions, make adjustments with respect to prices and rents, in order to correct gross inequities.

"(b) As soon as practicable, but not later than 60 days after the date of enactment of this section, the President shall by written order stating in full the considerations for his action, roll back prices and rents to levels lower than those prevailing on March 16, 1973, but not lower than those prevailing on May 25, 1970, in order to reduce inflation and otherwise carry out the purposes of this title. The President may make specific exemptions from the rollback by written order stating in full the considerations for his determination that such rollback is unnecessary.

"(c) The President shall, not later than 60 days after the enactment of this section, issue orders and regulations establishing a long-run control program to—

"(1) stabilize prices, rents, wages and salaries in order to reduce inflation; and

"(2) stabilize interest rates and corporate dividends and similar transfers at levels consistent with orderly economic growth."

By Mr. MONDALE (for himself, Mr. Percy, Mr. Kennedy, Mr. Bayh, Mr. Hart, Mr. Humphrey, Mr. Javits, Mr. Mathias, Mr. Moss, Mr. Pastore, Mr. Pell, and Mr. Williams):

S. 1543. A bill to amend the Social Security Act to provide for extension of authorization for special project grants under title V. Referred to the Committee on Finance.

Mr. MONDALE. Mr. President, the President proposed 1974 budget provides $244 million to continue the highly successful maternal and child health program. But unless Congress acts, the special projects which receive 40 percent of the funds would be dissolved on July 1.

Last year the Senate Finance Committee and the full Senate voted to extend the special project grant authority by 2 years. That extension was reduced to 1 year by the conference committee. So once again these projects are threatened with termination.

These special projects have proven to be a highly effective means of upgrading the health care of a million low-income mothers and children in this country. They are operated by health departments, teaching hospitals, and medical schools and in neighborhoods that otherwise lack the health resources necessary to combat high infant mortality rates and offer preventive care to mothers and children.

One very successful project has been operating out of the Hennepin County General Hospital in Minneapolis, in my home State. In 1966, 43 percent of mothers whose children were born in the hospital had received no prenatal care. In 1970 the rate was 13 percent. Similar achievements have been recorded by projects all over the country.

I believe that it would be a serious mistake to destroy these existing health programs and facilities at a time when we are on the verge of constructing a whole new health delivery system in this country.

For this reason I am introducing today with Senator Percy and a bipartisan group of other cosponsors a 2-year extension of the special project authority. Congressman Koch of New York has introduced similar legislation in the House. In addition, Congressman Wilbur Mills, chairman of the House Ways and Means Committee, has told representatives of these projects that he would personally support legislation to guarantee their extension for 1 year.

I am hopeful that the Senate will be able to enact an extension for these worthwhile programs soon.

MATERNAL AND CHILD HEALTH

Mr. PERCY. Mr. President, I am very pleased today to join Senator Mondale in introducing legislation to extend the maternal and child health special project grants under title V of the Social Security Act. Since 1967, these special project grants have made possible one of the best investments of the Federal health care dollar. Maternal and Infant Care, Children and Youth, Newborn Intensive Care, Dental Care, and Family Planning projects have had a profound impact on the populations they serve, contributing to the reduction of infant mortality, affecting morbidity rates, and decreasing the rate, duration and cost of hospitalization for high-risk pregnant women, infants, and children.

In 1967, Congress revised the social security provisions under title V to redistribute maternal and child health moneys so that general support, through formula grants, would be made available to all States to promote optimal health care for mothers and children, while targeted support, through special project grants, would direct financial resources to geographical areas of greatest need. Congress anticipated that the special project grants, through steady increases in funding, would develop to a point that beginning July 1972, the States would assume responsibility for them.

In early 1972 the Comptroller General prepared a report for Congress which pointed out that many States would not have the funds to assume responsibility for the special projects and that neither the Federal Government nor the States had made adequate plans for the transition. Although the Academy of Pediatrics, the American Medical Association, the American College of Obstetricians and Gynecologists, as well as other medical and health related associations, recommended that the authority for special project grants be extended for an additional 5 years, Congress approved only a 1-year extension last year. Reports are that the 1-year extension has not been adequate to effect an orderly transition process.

Take Illinois as an example. The impending change in funding distribution will reduce Illinois' share of maternal and child health funds by 42 percent or $3.5 million. Such a drastic reduction will have a major effect on the availability of services to pregnant women, infants, and children in medically indigent communities in Illinois where there is virtually no alternative health care. According to the state department of public health, maternity and infant care programs, which currently serve 123,666 patients, and children and youth programs, which serve 57,600 children, will have to suffer a 50-percent cutback should such a reduction take effect.

On the merits of effectiveness alone, these special project grants deserve our continued support. In a 1969 study, mortality for maternal and infant care newborns in Chicago was 19.4 per thousand live births, as compared with 19.9 per 1,000 for newborns under private physician care, 31.2 per 1,000 for newborns in hospital clinics, and 21.7 per 1,000 for American newborns in general. Equally important, the average annual cost per child in the Chicago children and youth program is $120, while comparable cost per child under medicaid is $300. Such achievements are extraordinary in view of the fact that the patients served under these programs are drawn from the least healthy areas of the State.

Illinois, it must be stressed, is not an exception to the rule. Nationwide infant mortality rates decreased by only 5 percent between 1960 and 1965; after maternal and infant care projects began, infant mortality rates decreased by 19 percent between 1965 and 1970. Since the beginning of maternal and child health projects, there has been a 50-percent decrease in the number of children served who needed hospitalization, a decrease of more than 50 percent among those served in dental recall examinations. Most important, the average annual cost per child in these projects dropped from $201.26 in 1968 to $149.82 in 1970.

It should be noted that the President, commendably, has recognized the worth of these programs. Maternal and child health is not one of the activities designed to be phased out or significantly reduced. In fact, the President's fiscal 1974 budget request for maternal and child health is $244 million, an increase of $5 million over the past appropriation.

It should also be emphasized that the bill which Senator Mondale and I are introducing today does not ask for one penny more than the President's budget request for maternal and child health. We are merely asking for a 2-year extension of the special project grant authority so that some very successful and effective health programs might continue to exist and perhaps enjoy incorporation into whatever new health delivery for financing system is enacted by Congress.

By Mr. MONDALE (for himself, Mr. Nelson, Mr. Humphrey, Mr. Pell, Mr. Cranston, Mr. Moss, Mr. HUGHES, Mr. TUNNEY, Mr. CLARK, Mr. ABOUREZK, and Mr. HATHAWAY):

S. 1544. A bill to prohibit the further expenditure of funds to finance the involvement of the Armed Forces of the United States in armed hostilities in Cambodia. Referred to the Committee on Armed Services.

Mr. MONDALE. Mr. President, today I am introducing, along with Senators NELSON, HUMPHREY, PELL, CRANSTON, MOSS, HUGHES, TUNNEY, CLARK, ABOUREZK, and HATHAWAY, a bill to prohibit the further expenditure of funds to finance the involvement of the Armed Forces of the United States in armed hostilities in Cambodia unless such expenditure has been specifically authorized by Congress.

Mr. President, my bill is simple. It provides that money can be spent for U.S. combat efforts in Cambodia only if authorized by Congress.

My purpose is also simple. It is to avoid a constitutional tragedy as well as further human tragedy. Twelve years after American forces were first committed to Vietnam in the name of protecting a friendly but vulnerable government, once again a President of the United States, entirely on his own, is using U.S. military force in a foreign country with absolutely no constitutional authority for doing so.

In pursuit of a will-of-the-wisp—the North Vietnamese Command Headquarters—COSVN—we invaded Cambodia in April 1970. On March 12 of that year, the Nixon administration indicated, in a letter to Chairman J. W. FULBRIGHT, that it was no longer depending on the Gulf of Tonkin resolution "as legal or constitutional authority for its present conduct of foreign relations." The sole constitutional authority claimed by the administration for our military activity in Indochina has been, as the President stated in 1970, "the right of the President of the United States under the Constitution to protect the lives of American men."

But now that U.S. combat forces are out of Vietnam, U.S. participation in the Vietnam war has ended. Hence any renewed military activity anywhere in Indochina constitutes—even according to the President's own reasoning—a new war and therefore the need for the advance consent of Congress.

Yet incredible as it may now seem, we are witnessing massive air raids over Cambodia. On April 10, U.S. B-52 and F-111 fighter planes struck insurgent forces for the 33d consecutive day. As many as 60 B-52 sorties are flown in a single day, dropping an estimated 1,800 tons of bombs. We are told that this bombing is essential to support the beseiged Lon Nol government.

Efforts by the administration in recent days to justify its bombing policy have been imaginative but futile. The SEATO Treaty commitment has been suggested, but the government of Lon Nol has not altered Prince Sihanouk's 1955 decision to exempt Cambodia from the treaty's protection. A tenuous link has been offered by Ambassador William Sullivan of the State Department and Secretary of Defense Richardson between the President's mandate to make war and his reelection mandate. Surely this cannot be a serious point. State Department lawyers have reportedly produced a complex rationalization, but so far they are reluctant to reveal it. The administration has also tried to rely on a tacit understanding of an ambiguous section—article 20—of the Paris Agreement—an agreement which was not even submitted to Congress for ratification—as justification for its actions.

Finally, Secretary Richardson said that the administration feels its constitutional authority to bomb Cambodia "rests on the circumstance that we are coming out of a 10-year period of conflict."

> This is the wind up . . . So I think one way of putting it is that what we are doing in effect is to try to encourage the observance of the Paris agreements by engaging in air action at the request of the government, which is the principal victim of the nonobservance of the agreements.

Such a rationale could easily be extended to involve us again in both Laos and Vietnam as well as Cambodia. And it is ominous that Richardson, in fact, refuses to rule out the reintroduction of American troops into Vietnam. Because of this possible danger, I continue to support the legislation introduced by the senior Senator from New Jersey (Mr. CASE) and the senior Senator from Idaho (Mr. CHURCH) prohibiting the reengagement of U.S. forces in land, sea or air combat anywhere "in or over or from off the shores" of the entire Indochina area.

Mr. President, we no longer can permit the President's warmaking powers to go unchecked and unchallenged. The legal legerdemain that the administration offers is an open challenge to the Congress to assert our constitutional responsibility.

Accordingly, Mr. President, I send the bill to the desk for appropriate reference, and ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1544

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to avoid further involvement of the United States in armed hostilities in Cambodia, no funds heretofore or hereafter appropriated may be expended to finance the involvement of any member of the armed forces of the United States in armed hostilities in or over Cambodia unless such expenditure has been specifically authorized by legislation enacted after the date of enactment of this Act.

By Mr. TOWER:

S. 1545. A bill to amend title 37, United States Code, so as to extend from 1 to 3 years the period that a member of the uniformed services has following retirement to select his home for purposes of travel and transportation allowances under such title, and for other purposes. Referred to the Committee on Armed Services.

Mr. TOWER. Mr. President, in the last Congress, I introduced a measure to correct what I felt to be an unfortunate problem connected with the armed services. That bill, S. 1321, very simply would have extended the time a member of the uniformed services has following his retirement to select his home for purposes of travel and transportation allowances.

As you know, a serviceman is currently allowed 1 year after the date of his retirement in which to select his permanent homesite for purposes of PCS travel and transportation allowances. But this unnecessarily short time places a burden on those parents with children in high school. Many times the child must forgo graduation from the school in which he has spent his secondary years so that the final move may be made, as is the serviceman's right at Government expense. There are, of course, other exceptional instances which prevent full utilization of this privilege, for example a serious illness which precludes movement of the patient.

No matter what the reason, however, the 1-year limit is an arbitrarily short one. Extension of the limit to 3 years will solve most problems that could occur and yet will not create additional costs to the Government. I ask my colleagues to join me in effecting rapid consideration and passage of this legislation, which I introduce today.

By Mr. HUMPHREY:

S. 1547. A bill to establish a Joint Committee on National Security. Referred to the Committee on Armed Services.

JOINT COMMITTEE ON NATIONAL SECURITY

Mr. HUMPHREY. Mr. President, I am introducing a bill today which would establish a permanent Joint Congressional Committee on National Security.

I believe this committee will enable Congress to address itself in a more comprehensive way than ever before to a thorough and ongoing analysis and evaluation of our national security policies and goals.

If the 93d Congress has one important objective, it should be redressing the imbalance between the executive and legislative branches relating to both domestic and foreign policy.

I propose that the committee have these main functions:

First, to study and make recommendations on all issues concerning national security. This would include review of the President's report on the state of the world, the defense budget and foreign assistance programs as they relate to national security goals, and U.S. disarmament policies as a part of our defense considerations.

Second, to study and make recommendations on Government practices of classification and declassification of documents.

Third, to conduct a continuing review of the operations of the Central Intelligence Agency, the Departments of Defense and State, and other agencies intimately involved with our foreign policy.

For too many years, the Congress has had inadequate information on matters concerning national security. We in the Congress have had to accept partial information, often in limited context, and as a result have been unable to weigh the total picture.

The consequence of this situation has been a continuing dimunition in the foreign policy role of the Congress.

It is often difficult for Congress to obtain adequate disclosure of Government documents. On several important occasions heads of the Defense and State Departments and members of the National Security Council have claimed executive privilege and have refused to answer congressional inquiries on matters concerning our national security.

While the President and key Government officials meet occasionally with the leaders of the Senate and the House of Representatives on an informal basis, there is no forum for a regular and frank exchange between the Congress and the executive branch on the vital issues affecting our national security. I am particularly sensitive to this missing link, having had the special experience of serving as a U.S. Senator for 17 years and as Vice President for 4 years.

The Joint Committee on National Security would provide that link.

It would function in the national security field in a manner comparable to the Joint Economic Committee, which conducts a systematic review and analysis of the President's annual economic report.

Its unique feature would be the composition of its membership. It would have representation from those individual and committee jurisdictions that have primary responsibility in military, foreign relations, and congressional leadership.

It would include the President pro tempore of the Senate; the Speaker of the House; the majority and minority leaders of both Houses, and the chairmen and ranking minority members of the Committees on Appropriations, Foreign Relations, and Armed Services, and the Joint Committee on Atomic Energy.

It would not usurp the legislative or investigative functions of any present committees, but supplement and coordinate their efforts in a more comprehensive framework.

I want to emphasize this last point. The proposed Joint Committee on National Security is not being created as a competing force with the Armed Services Committee or the Foreign Relations Committee of which I am proud to once again be a member. It will be a way to coordinate the information which the Congress so desperately needs to carry out its oversight responsibilities of the executive branch in the field of national security.

Nor is it designed to usurp the President's historic role as Commander in Chief, or to put the Congress in an adversary relationship with the executive branch.

It is, rather, a new body, to be composed of Members of both parties and both Houses of Congress, that will make possible closer consultation and cooperation between the President and the Congress.

In recent years, we have seen a gradual isolation and insulation of power within the executive branch. The Constitution, I suggest, intended something quite different when it called for a separation of powers.

We have not had the mechanism in our national security apparatus for adequate consultation between the two branches in the formulation of national security policy.

As one observer of the foreign policy process observed:

> National security is too important to be left to the national security apparatus.

I concur with this view. The President and his national security advisers have a duty and constitutional obligation to relinquish some part of the initiative which they now command in the conduct of American foreign policy.

There are reasons for the concentration of power which has developed within the executive branch which are quite understandable considering our experience in World War II and afterward. But times change, and so must our institutions and responses.

In an article in Foreign Affairs, July 1959, I expressed my concern over this development. I noted that the Congress "with its power of the purse, and through the right to investigate, to criticize, and to advocate—does exert a significant influence on the quality and direction of U.S. foreign policy."

I found that the Congress must have its own vehicle for educating itself and expressing ideas on this question and the more general issue of national security.

I wrote:

> Such independent expertise is absolutely necessary if the House and Senate are to fulfill their Constitutional responsibility of surveillance and initiative. Without competent independent sources of fact and wisdom they cannot make discriminating judgments between alternative programs and proposals.

I, therefore, suggested:

> The Congress prompt the executive to put its house in order by itself creating a Joint Committee on National Strategy, to include the chairmen and ranking minority members of the major committees of the House and the Senate.

Such a committee's purpose would be to look at our total national strategy—military, political, economic and ideological. This committee would not usurp the functions of any of the present committees, but supplement them by endowing their work with a larger frame of reference. As I said in 1959:

> The Chairmen of the Committees represented would come away from the meeting of the new Joint Committee with a greater appreciation, for instance, of the relationship between fiscal policy and national productivity and how both factors relate to our defense posture and our negotiating position. Responsible statesmanship consists precisely in the capacity to see complex relationships in a perspective as broad as the national purpose itself.

Mr. President, I made that proposal in 1959. Had it been adopted, perhaps the history of the past 12 years might have been different. I cannot help but believe that if we had shared more fully in momentous decisions, like those in Vietnam, we would be less divided as a nation by the bitterness and hatreds that confront us today.

But I submit, Mr. President, that now is not the time for regrets. It is a time for careful and responsible decision; it is a time to adapt our institutions to change; above all, it is a time to act.

It is not enough for the Congress to insist upon its prerogatives if it is not prepared to cope with its responsibilities.

The executive branch, recognizing the deep interrelationships between issues of foreign affairs, military policy, and some crucial domestic issues, prepared itself to fulfill its responsibilities to the Constitution by forming a National Security Council.

It is fitting, therefore, that the Congress adopt a similar, parallel and counterpart mechanism: a Joint Congressional Committee on National Security, which could draw on the experience and expertise of legislative leaders in various national security areas.

Our existing congressional committees lack coordination. The joint committee would not, under my proposal, usurp any of the functions of these committees of the two Houses, but would address itself to the broad-gaged issues that overlap their jurisdictions and thereby assist the congressional and executive decisionmaking process.

Issues of defense, arms control, foreign development and security assistance, national priorities, foreign policies, the development of a global concept for our national interests, and a simultaneous evaluation of our security interests, classification and declassification procedures—all these and many more issues require coordination and a broad focus.

The joint committee I am proposing would concentrate on these and other topics. Let me summarize why I believe such a committee is desirable:

First, it would provide for a total analysis and evaluation of national security jointly by both Houses of Congress.

Second, it would permit closer consultation and cooperation in national security planning with the executive branch than is now possible. This, I believe, would help restore the intended balance of power between the two branches and strengthen the decisionmaking process.

Third, the committee will have the power to review and simplify classification procedures and to declassify documents whose contents should not be withheld from the public. Thus, we can achieve greater understanding, support, and public participation in the establishment of our objectives and policies.

The composition of the joint committee can be summarized as the following:

The Joint Committee—

First. There will be 25 members with fully bipartisan representation. The majority party will have three members more than the minority party.

Second. The experienced authority of the Congress would be fully represented on the joint committee.

Third. Each House also would have the opportunity to be represented by outstanding members who are not chairmen or elected leaders through the provision for membership of two majority and one minority member from each House.

For a more complete description of the functions and composition of this committee, I ask, Mr. President, unanimous consent that the bill to establish a Joint Committee on National Security be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1547

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress declares that—

(1) it has been vested with responsibility under the Constitution to assist in the formulation of the foreign, domestic, and military policies of the United States;

(2) such policies are directly related to the security of the United States;

(3) the integration of such policies promotes our national security; and

(4) the National Security Council was established by the National Security Act of 1947 as a means of integrating such policies and furthering the national security.

SEC. 2. (a) In order to enable the Congress to more effectively carry out its constitutional responsibility in the formulation of foreign, domestic, and military policies of the United States and in order to provide the Congress with an improved means for formulating legislation and providing for the integration of such policies which will further promote the security of the United States, there is established a joint committee of the Congress which shall be known as the Joint Committee on National Security, hereafter referred to as the "joint committee". The joint committee shall be composed of twenty-five Members of Congress as follows:

(1) the Speaker of the House of Representatives;

(2) the majority and minority leaders of the Senate and the House of Representatives;

(3) the chairmen and ranking minority members of the Senate Committee on Appropriations, the Senate Committee on Armed Services, the Senate Committee on Foreign Relations, and the Joint Committee on Atomic Energy.

(4) the chairman and ranking minority members of the House Appropriations Committee, the House Armed Services Committee, and the House Foreign Affairs Committee;

(5) three Members of the Senate appointed by the President of the Senate, two of whom shall be members of the majority party and one of whom shall be a member of the minority party;

(6) three Members of the House of Representatives appointed by the Speaker, two of whom shall be members of the majority party and one of whom shall be a member of the minority party.

(b) The joint committee shall select a chairman and a vice chairman from among its members.

(c) Vacancies in the membership of the joint committee shall not affect the power of the remaining members to execute the functions of the joint committee and shall be filled in the same manner as in the case of the original appointment.

SEC. 3. (a) The joint committee shall have the following functions:

(1) to make a continuing study of the foreign, domestic, and military policies of the United States with a view to determining whether and the extent to which such policies are being appropriately integrated in furtherance of the national security;

(2) to make a continuing study of the recommendations and activities of the National Security Council relating to such policies, with particular emphasis upon reviewing the goals, strategies, and alternatives of such foreign policy considered by the Council; and

(3) to make a continuing study of Government practices and recommendations with respect to the classification and declassification of documents, and to recommend certain procedures to be implemented for the classification and declassification of such material.

(b) The joint committee shall make reports from time to time (but not less than once each year) to the Senate and House of Representatives with respect to its studies. The reports shall contain such findings, statements, and recommendations as the joint committee considers appropriate.

SEC. 4. (a) The joint committee, or any subcommittee thereof, is authorized, in its discretion (1) to make expenditures, (2) to employ personnel, (3) to adopt rules respecting its organization and procedures, (4) to hold hearings, (5) to sit and act at any time or place, (6) to subpena witnesses and documents, (7) with the prior consent of the agency concerned, to use on a reimbursable basis the services of personnel, information, and facilities of any such agency, (8) to procure printing and binding, (9) to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, and to provide assistance for the training of its professional staff, in the same manner and under the same conditions as a standing committee of the Senate may procure such services and provide such assistance under subsections (i) and (j), respectively, of section 202 of the Legislative Reorganization Act of 1946, and (10) to take depositions and other testimony. No rule shall be adopted by the joint committee under clause (3) providing that a finding, statement, recommendation, or report may be made by other than a majority of the members of the joint committee then holding office.

(b) Subpenas may be issued over the signature of the chairman of the joint committee or by any member designated by him or the joint committee, and may be served by such person as may be designated by such chairman or member. The chairman of the joint committee or any member thereof may administer oaths to witnesses. The provisions of sections 102–104 of the Revised Statutes (2 U.S.C. 192–194) shall apply in the case of any failure of any witness to comply with a subpena or to testify when summoned under authority of this section.

(c) With the consent of any standing, select, or special committee of the Senate or House, or any subcommittee, the joint committee may utilize the services of any staff member of such House or Senate committee or subcommittee whenever the chairman of the joint committee determines that such services are necessary and appropriate.

(d) The expenses of the joint committee shall be paid from the contingent fund of the Senate from funds appropriated for the joint committee, upon vouchers signed by the chairman of the joint committee or by any member of the joint committee authorized by the chairman.

(e) Members of the joint committee, and its personnel, experts, and consultants, while traveling on official business for the joint committee within or outside the United States, may receive either the per diem allowance authorized to be paid to Members of the Congress or its employees, or their actual and necessary expenses if an itemized statement of such expenses is attached to the voucher.

By Mr. PELL (for himself, Mr. PASTORE, Mr. KENNEDY, and Mr. BROOKE):

S. 1548, A bill to establish a Commission to review the proposed closing of any military installation. Referred to the Committee on Armed Services.

Mr. PELL. Mr. President, I am introducing today legislation to establish a Commission to review and evaluate proposals by the Department of Defense for closing of military installations within the United States.

Joining me in presenting this legislation are my distinguished senior colleague from Rhode Island (Mr. PASTORE), and my distinguished colleagues from Massachusetts (Mr. KENNEDY and Mr. BROOKE).

I am presenting this legislation because of my deep concern over reports of impending announcements of the closing of military installations in Rhode Island, the procedures that are followed in making decisions on base closings, and the immense impact that closing of military installations can have on the economic life of a region.

The legislation I have proposed would establish a 17-member Commission, including executive branch officials, Members of Congress, and public representatives, to review and evaluate proposals by the Defense Department for the closing of military installations. The legislation would require 180 days' advance notice of any proposed base closings to the Commission. The Commission would, within 90 days of receiving notice of a proposed base closing, submit to the Defense Department and the Congress a report including its findings and recommendations.

The Commission's recommendations would be based on a determination of whether the base closings would be in the best interest of national defense, the Nation's economy, and military efficiency.

Mr. President, this legislation is timely and badly needed.

The Defense Department has confirmed that a major package of military base closings will be announced before the end of this month.

Because of reports that these impending base closings would affect installations in the State of Rhode Island, the Rhode Island congressional delegation has met twice with Secretary of Defense Elliot Richardson. The second of these meetings was held just yesterday in conjunction with the congressional delegation from Massachusetts in the office of the majority leader of the House of Representatives THOMAS P. O'NEILL.

At that meeting, it was made clear that the New England area would be hard hit by the forthcoming base closings.

And at both of our meetings with Secretary Richardson, the Members of the Senate and the House presented cogent and, I believe, persuasive arguments for the continued operation of the military installations in our States.

At the meeting yesterday, I presented factual information, based on strategic and cost-saving considerations, that I believe argue very strongly for the continued operation of the Newport Naval Base.

I ask unanimous consent that there be printed at this point in the RECORD two charts, prepared at my request by the

General Accounting Office, which demonstate very clearly the economic and strategic advantage of maintaining Newport as the home port of the Atlantic cruiser-destroyer force.

I think these are factors that should be considered when vitally important decisions are made about deployment of forces and the closing of military installations.

Mr. President, these decisions are much too important to be left entirely to middle level, faceless bureaucrats, operating in the executive branch without any opportunity for objective public review.

The decisions are much too important to economic operation of the Defense Department, too important to the maximum strategic use of our military forces, and much too important to thousands of workers who have devoted years of their lives to loyal and efficient service at these installations to permit arbitrary decisions without review.

For example, the civilian workers at the naval air rework facility at Quonset Point in Rhode Island have through the years proven their efficiency by meeting production quotas and consistently achieved their work objectives with fewer work hours than the targets established by the Defense Department. I ask unanimous consent that there be printed at this point in the RECORD a table comparing the productivity of these workers with other similar Government facilities, prepared by my staff with the assistance of the GAO.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

ATTACHMENT 1

SUMMARY OF EXCESS COST PER ROUND TRIP OF STEAMING FROM SELECTED HOME PORTS TO SELECTED MISSION AREAS OVER NEWPORT (AT 16 KNOTS)

Type of ship	Per hour	6th Fleet (Gibraltar) mission area			Norwegian Sea (Bergen, Norway) mission area		
		Home port			Home port		
		Norfolk (+26 hours)	Charleston (+50 hours)	Mayport (+76 hours)	Norfolk (+32 hours)	Charleston (+58 hours)	Mayport (+82 hours)
CVS-11 (aircraft carrier, ASW)	$2,070	$53,820	$120,060	$157,320	$66,240	$120,060	$169,740
CVA-42 (attack aircraft carrier)	3,026	78,676	175,508	229,976	96,832	175,508	248,132
CV-60 (attack aircraft carrier) [1]	3,243	84,318	188,094	246,468	103,776	188,094	265,926
CA (heavy cruisers)	159	4,134	9,222	12,084	5,088	9,222	13,038
CG (guided missile cruiser)	153	3,978	8,874	11,628	4,896	8,874	12,546
DLG (guided missile frigate)	113	2,938	6,554	8,588	3,616	6,554	9,266
DDG (guided missile destroyer)	85	2,210	4,930	6,460	2,720	4,930	6,970
DD (FRAM I) destroyer	61	1,586	3,538	4,636	1,952	3,538	5,002
DE (1052 class) escort ship	53	1,378	3,074	4,028	1,696	3,074	4,346

[1] CV-60 typical for Forrestal class.

NAVAL AIR REWORK FACILITIES, ACTUAL VERSUS ALLOCATED MAN-HOURS

ATTACHMENT 2

	Cherry Point			Jacksonville			Norfolk			Quonset Point		
	Actual	Allocated	Ratio	Actual	Allocated	Ratio	Actual	Allocated	Ratio	Actual	Allocated	Ratio
3d and 4th quarters fiscal year 1969:												
Total direct man-hours	1,708,889	1,704,000	100.2	2,174,177	2,176,000	99.9	3,516,232	3,530,000	99.6	1,878,010	1,943,000	96.6
Total productive man-hours	2,915,307	2,934,000	99.3	3,794,219	3,765,000	100.7	6,445,228	6,477,000	99.5	3,299,216	3,410,000	96.7
Fiscal year 1970:												
Total direct man-hours	3,001,561	3,041,000	98.7	3,643,997	3,792,000	96.1	6,044,377	6,035,000	100.1	3,161,288	3,233,000	97.7
Total productive man-hours	5,255,411	5,347,000	98.2	6,578,541	6,687,000	98.4	6,942,519	[1] 1,066,000	--------	5,775,950	5,860,000	98.5
Fiscal year 1971:												
Total direct man-hours	2,341,641	2,324,000	100.7	3,079,725	3,023,000	101.8	5,513,928	5,480,000	100.6	2,886,009	2,949,000	97.8
Total productive man-hours	4,044,412	4,049,000	99.8	5,496,825	5,570,000	98.6	9,816,831	9,742,000	100.7	5,055,895	5,173,000	97.7
Fiscal year 1972:												
Total direct man-hours	2,604,812	2,623,000	99.3	3,186,767	3,210,000	99.2	5,275,926	5,363,000	98.3	2,846,470	2,863,000	99.4
Total productive man-hours	4,487,099	4,480,000	100.1	5,568,712	5,627,000	98.9	9,484,960	9,557,000	99.2	5,013,811	5,018,000	99.9
1st and 2d quarters fiscal year 1973:												
Total direct man-hours	1,309,304	1,294,000	101.1	1,451,987	1,497,000	96.9	2,419,057	2,487,000	97.2	1,343,344	1,249,000	07.5
Total productive man-hours	2,258,814	2,242,000	100.7	2,557,412	2,542,000	100.6	4,286,411	4,350,000	98.5	2,293,551	2,303,000	99.5

[1] Error.

Mr. PELL. Mr. President, everyone agrees with the need for more efficient operation of the national defense establishment. I think the goal of greater efficiency will be served by an objective, public review and evaluation of proposed military base closings, as provided by my bill, I ask unanimous consent that the text of the bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1548

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is hereby established a commission to be known as the Military Installation Closing Commission (hereinafter referred to as the "Commission") which shall be composed of 17 members as follows:

(1) the Secretary of Defense or his designee;

(2) the Secretary of the Army or his designee;

(3) the Secretary of the Navy or his designee;

(4) the Secretary of the Air Force or his designee;

(5) the Chairman of the Armed Service Committee of the Senate and three other members of the Senate appointed by the president pro tempore of the Senate, one of whom shall be from the minority party;

(6) the Chairman of the Armed Service Committee of the House of Representatives and three other members of the House of Representatives appointed by the Speaker of the House, one of whom shall be from the minority party;

(7) the Secretary of Labor or his designee;

(8) the Comptroller General of the United States or his designee; and

(9) three members from private life appointed by the President.

(b) Members of Congress appointed to serve on the Commission shall serve until the end of the Congress during which they were appointed.

(c) The terms of office of the three members from private life first taking office after the date of enactment of this Act shall expire, as designated by the President at the time of appointment, one at the end of two years, one at the end of four years, and one at the end of six years. The terms of office of their successors shall expire six years after the expiration of the terms for which their predecessors were appointed, but any person appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed may be appointed only for the unexpired term of his predecessor.

(d) Nine members of the Commission shall constitute a quorum.

(e) Any vacancy in the Commission shall not affect its powers but shall be filled in the same manner in which the original appointment was made.

(f) The Commission shall elect a chairman and vice chairman from among its members.

DUTIES OF THE COMMISSION

SEC. 2. (a) It shall be the duty of the Commission to review and evaluate any decision of the Department of Defense to close any military installation with a view to determining whether the closing of such installation is in the best interest of the national defense, the Nation's economy, and military efficiency.

(b) Whenever the Commission is notified by the Secretary of Defense of any proposal by the Department of Defense to close any military installation, the Commission shall promptly conduct a comprehensive study regarding the proposed closing and submit a written report containing its findings and recommendation with respect to the proposed closing to the Secretary of Defense and to the Congress within 90 days after receipt of such notification. The Commission shall include in such report its evaluation of (1) the impact of the proposed closing on the economy of the area in which such installation is located, (2) whether an alternative installation should be closed rather than the one proposed to be closed, (3) the probable effect of the closing of such installation on the national defense, and (4) whether the justification for closing such installation is sound.

POWERS OF THE COMMISSION

SEC. 3. (a) Subject to such rules and regulations as may be adopted by the Commission, the Chairman shall have the power to—

(1) appoint and fix the compensation of such staff personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of such title;

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals; and

(3) hold such hearings, sit and act at such times and places, administer such oaths, and receive the testimony of such witnesses and examine such books, records, correspondence, memorandums, papers, and documents as the Commission may deem advisable.

REPORTS BY THE SECRETARY OF DEFENSE; LIMITATION ON CLOSING AUTHORITY

SEC. 4. (a) The Secretary of Defense shall submit a written notification to the Commission at least 180 days prior to the closing of any military installation in the United States and shall include in such report the justification for the proposed closing and such other information he considers may be of assistance to the Commission in carrying out its duties under this Act. The Secretary shall also notify the Commission in writing whenever any transfer of personnel or activity is made from any military installation if such transfer is made in connection with a plan for the closing of such installation within one year from the date such transfer is made.

(b) No military installation may be closed or abandoned until after the expiration of 180 days from the date upon which written notification has been given to the Commission by the Secretary of Defense as required by subsection (a) of this section.

(c) The 180 day period referred to in subsection (b) of this section shall not apply in the case of any military installation proposed to be closed by the Secretary of Defense if the Commission finds, and notifies the Secretary of Defense in writing, that (1) the expeditious closing of such installation is in the best interest of economy and the national defense, and (2) there is no compelling reason to delay the closing of such installation.

ASSISTANCE OF GOVERNMENT AGENCIES

SEC. 5. Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman, such data, reports, and other information as the Commission deems necessary to carry out its functions under this Act.

COMPENSATION OF MEMBERS

SEC. 6. (a) Members of the Commission who are Members of Congress or officers or employees of the Federal Government shall serve without compensation in addition to that received in their regular public service or employment, but shall be reimbursed for travel, subsistence, and other necessary expenses as authorized under law incurred in the performance of duties vested in the Commission.

(b) Members of the Commission appointed from private life shall reecive $100 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties.

RULES AND REGULATIONS

SEC. 7. The Commission is authorized to issue such rules and regulations as it deems necessary to carry out its duties under this Act.

DEFINITIONS

SEC. 8. As used in this Act—

(1) the term "military installation" includes any camp, post, station, base, yard or other installation under the authority of the Department of Defense. Such term does not include any installation (A) outside the several States and the Commonwealth of Puerto Rico, (B) having a total military and civilian complement of 500 or less, or (C) used primarily for river and harbor or flood control projects.

(2) the terms "to close" and "closing" include any transfer of personnel or activity from, or the termination of any activity at, a military installation if, as a result of such transfer or termination, the total military and civilian complement of such installation is reduced by more than 50 percent of what it was three years prior to the date of such transfer or termination.

REPEAL

SEC. 9. Section 611 of the Military Construction Authorization Act, 1966 (Public Law 89-188; 79 Stat. 818), is repealed.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 10. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

EFFECTIVE DATE

SEC. 11. This Act shall be effective with respect to the proposed closing of any military installation on and after April 1, 1973.

A COMMISSION TO REVIEW MILITARY BASE CLOSINGS

Mr. KENNEDY. Mr. President, I am pleased to join the distinguished Senator from Rhode Island (Mr. PELL) and other New England Senators in introducing this legislation which attempts to impose objective criteria on the Defense Department's often haphazard manner of evaluating defense installations.

This matter is particularly crucial at this time when rumors are rampant of planned reductions of numerous domestic military installations, reductions which occur while the 2,300 bases abroad escape untouched.

Yesterday the Massachusetts and Rhode Island delegations met for 1 hour with the Secretary of Defense. No justification was presented by the Secretary nor would he confirm the reports of specific closings of the Boston Naval Shipyard, Westover Air Force Base, and other New England installations.

There was no opportunity to present information that could be directed to the concerns of the Defense Department because the criteria they were using to determine which bases would remain open was never disclosed to us.

No one can challenge the need for a reduction of the support costs in the Pentagon, costs which represent at least one-third of the total defense dollar and which represent half of the total defense manpower. Yet we wonder why there is no priority given to closing down some of the bases spread around the globe which not only mean less money for other defense activities, but also add to the balance-of-payments problem.

But as we go about reducing the enormously costly superstructure that the taxpayers of the Nation support, the decisionmaking in the Defense Department too often has nothing to do with cost effectiveness or with real defense needs.

Yet communities are converted into depressed areas overnight by Defense Department decisions to close bases and the workers and their families are never told why those decisions are made, until after the fact.

For that reason, we are introducing legislation today to establish a 17-member Tripartite Commission with representatives from the Defense Department, the Congress, and the public to review and enter findings on all proposals of the Defense Department to close down domestic military installations. Identical legislation is being introduced in the House of Representatives.

One hundred and eighty days prior to any proposed base closure, the Secretary of Defense would report his plans to the Commission, along with a detailed justification for the proposed closing. Within 90 days from that date, the Commission would present a report with its findings and recommendations to the Secretary and the Congress.

The report would contain an evaluation of:

The impact of the proposed closing on the economy of the local area.

The alternative installations which might be closed rather than the one proposed.

The effect of such closing on the national defense.

The soundness of the justification for closing such installation.

The Commission would have the power to hold hearings and to require the information it felt necessary to achieve its purpose. The overriding responsibility of the Commission would be to determine whether the closing proposed by the Defense Department was in the best interests of the national defense, the Nation's economy and military efficiency.

It would appear that this is the only means available for the Congress and the public to obtain information as to why bases are closed, what savings are involved and in what way the national security is assured.

This Commission is one way to insure that all such information is available to the Congress and to the people so that they may have some reasonable opportunity to comment and offer relevant information. It would apply to all such base closings taking place after April 1, 1973.

I would hope that this measure would be considered expeditiously by the Congress.

By Mr. ROTH:

S.J. Res. 89. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public schools or other public buildings. Referred to the Committee on the Judiciary.

Mr. ROTH. Mr. President, I introduce a joint resolution proposing an amendment to the Constitution of the United States to permit voluntary prayer in our public buildings, especially our public schools.

As a Member of Congress I sponsored similar legislation and last year I cosponsored a proposal by Senator BAKER which contained similar language.

My amendment is relatively clear in scope. It guarantees the right of all persons "lawfully assembled, in any public school or other public building which is supported in whole or in part through the expenditure of public funds, to participate in voluntary prayer."

In contrast to the proposal offered last year by Senator BAKER, I have specifically mentioned "schools" as among those public buildings in which voluntary prayer would be permitted. I have also substituted the word "voluntary" for the term "nondenominational," a term which has been the subject of extensive debate among constitutional scholars.

Mr. President, I believe that an amendment such as this has considerable public support. In 1969, a constituent poll which I sent to every household in Delaware contained this question: "Would you favor a constitutional amendment to permit voluntary prayer in public schools?" Of those responding, 84 percent said "Yes." In addition, the 126th General Assembly of the State of Delaware enacted into law H.R. 298, a measure authorizing a daily period of silent meditation in public schools.

As my colleagues will recall, important decisions in 1962 and 1963 by the Supreme Court flatly and almost unanimously rejected, as unconstitutional, religious exercises in public school programs. Public reaction to these decisions was swift and strong. Throughout our Nation, people responded by petitioning their representatives in Congress to provide legislative relief from the effects of these decisions.

Mr. President, I believe the time has come for Congress to give effect to this public response. I urge my colleagues to approve of an amendment to the Constitution permitting voluntary prayer in public schools.

I ask that the full text of the joint resolution be printed in the RECORD at the conclusion of my remarks.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 89

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. Nothing contained in this Constitution shall abridge the right of persons lawfully assembled, in any public school or other public building which is supported in whole or in part through the expenditure of public funds, to participate in voluntary prayer.

"SEC. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress."

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 70

At the request of Mr. ROBERT C. BYRD (for Mr. HOLLINGS), the Senator from Nevada (Mr. CANNON), the Senator from Kentucky (Mr. COOK), the Senator from Michigan (Mr. HART), the Senator from Washington (Mr. JACKSON), the Senator from Kansas (Mr. PEARSON), and the Senators from West Virginia (Mr. RANDOLPH and Mr. ROBERT C. BYRD) were added as cosponsors of S. 70, to promote commerce and establish a Council on Energy Policy, and for other purposes.

S. 136

At the request of Mr. SCHWEICKER, the Senator from Illinois (Mr. STEVENSON) was added as a cosponsor of S. 136, the Opportunities Industrialization Centers Act.

S. 863

Mr. EAGLETON. Mr. President, I ask unanimous consent that at the next printing of S. 863, the Cosmetic Safety Act, the names of Senator HUGHES of Iowa, Senator MONDALE of Minnesota and Senator NELSON of Wisconsin be added as cosponsors. I am pleased to be joined by my colleagues on the Labor and Public Welfare in sponsoring this important legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 1104

At the request of Mr. HATHAWAY, the the Senator from Michigan (Mr. HART), and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of S. 1104, the Environmental Protection Act of 1973.

S. 1125

At the request of Mr. HUGHES, the Senator from Tennessee (Mr. BAKER) was added as a cosponsor of S. 1125, to amend the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act and other related acts to concentrate the resources of the Nation against the problem of alcohol abuse and alcoholism.

S. 1147

At the request of Mr. DOMINICK, the Senator from Maryland (Mr. BEALL) was added as a cosponsor of S. 1147, to amend the Occupational Safety and Health Act of 1970.

S. 1191

At the request of Mr. MONDALE, the Senator from Colorado (Mr. DOMINICK), the Senator from New York (Mr. JAVITS), and the Senator from Illinois (Mr. PERCY) were added as cosponsors of S. 1191, the Child Abuse Prevention Act of 1973.

S. 1220

At the request of Mr. MONDALE, the Senator from Florida (Mr. CHILES) was added as a cosponsor of S. 1220, to preserve key elements of the social services program.

S. 1401

At the request of Mr. HRUSKA, the Senator from Oklahoma (Mr. BARTLETT), the Senator from Utah (Mr. BENNETT), the Senator from New Mexico (Mr. DOMENICI), the Senator from Arizona (Mr. FANNIN), the Senator from Wyoming (Mr. HANSEN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Georgia (Mr. NUNN), and the Senator from Virginia (Mr. SCOTT) were added as cosponsors of S. 1401, to establish rational criteria for the mandatory imposition of the sentence of death, and for other purposes.

S. 1424

At the request of Mr. SCHWEIKER, the Senator from Rhode Island (Mr. PASTORE), the Senator from Idaho (Mr. CHURCH), and the Senator from Nevada (Mr. BIBLE) were added as cosponsors of S. 1424, to provide certain benefits for members of the Armed Forces and civilian employees of the United States who were in a missing status for any period of time during the Vietnam conflict.

S. 1439

At the request of Mr. MUSKIE, the Senator from Indiana (Mr. BAYH), the Senator from Colorado (Mr. HASKELL), the Senator from Iowa (Mr. HUGHES), and the Senator from Rhode Island (Mr. PASTORE) were added as cosponsors of S. 1439, the Tax Reform Act of 1973.

S. 1497

At the request of Mr. TUNNEY, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of S. 1497, to amend the Omnibus Safe Streets Act and to provide for an improved Federal effort to combat crime.

SENATE JOINT RESOLUTION 71

At the request of Mr. MONDALE, the Senator from Missouri (Mr. EAGLETON) was added as a cosponsor of Senate Joint Resolution 71, the "National Advisory Commission on Health Science and Society Resolution."

SENATE JOINT RESOLUTION 80

At the request of Mr. ROTH, the Senator from Alabama (Mr. ALLEN), the Senator from Oklahoma (Mr. BARTLETT), the Senator from Tennessee (Mr. BROCK), the Senator from New York (Mr. BUCKLEY), the Senator from North Dakota (Mr. BURDICK), the Senator from California (Mr. CRANSTON), the Senator from Arizona (Mr. FANNIN), the Senator from Hawaii (Mr. FONG), the Senator from Florida (Mr. GURNEY), the Senator from Indiana (Mr. HARTKE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Illinois (Mr. PERCY), and the Senator from California (Mr. TUNNEY), were added as cosponsors of Senate Joint Resolution 80, to authorize the President to issue annually a proclamation designating the month of May in each year as "National Arthritis Month."

H.R. 4586—CHANGE OF REFERENCE

Mr. ALLEN. Mr. President, on behalf of the distinguished Senator from Missouri (Mr. EAGLETON) and at his request, I ask unanimous consent that the Committee on the District of Columbia be discharged from further consideration of H.R. 4586, to incorporate in the District of Columbia the National Inconvenienced Sportsmen's Association, and that the bill be referred to the Committee on the Judiciary.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

SENATE RESOLUTION 96—ORIGINAL RESOLUTION REPORTED RELATING TO FUNDS FOR THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

(Referred to the Committee on Rules and Administration.)

Mr. JACKSON, from the Committee on Interior and Insular Affairs, reported the following resolution:

S. RES. 96

Resolved, That the Committee on Interior and Insular Affairs is hereby authorized to expend from the contingent fund of the Senate, during the Ninety-third Congress, $20,000 in addition to the amount, and for the same purpose, specified in section 134(a) of the Legislative Reorganization Act approved August 2, 1946, as amended.

ADDITIONAL COSPONSORS OF RESOLUTIONS

SENATE RESOLUTION 39

At the request of Mr. BELLMON, the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of Senate Resolution 39, to establish a Senate Oversight Committee on the Conference on Security and Cooperation in Europe, the Conference on Mutual and Balanced Force Reduction, and the Strategic Arms Limitation Talks II.

SENATE RESOLUTION 94

At the request of Mr. STEVENS, the Senator from New Jersey (Mr. WILLIAMS) was added as a cosponsor of Senate Resolution 94, requesting the President to enter into negotiations with major oil importing countries to establish an international organization of oil importing countries.

AMENDMENT OF NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES ACT OF 1965—AMENDMENTS

AMENDMENT NO. 80

(Ordered to be printed, and to lie on the table.)

Mr. BENTSEN submitted an amendment, intended to be proposed by him, to the bill (S. 795) to amend the National Foundation on the Arts and Humanities Act of 1965, and for other purposes.

AMENDMENT NO. 81

(Ordered to be printed, and to lie on the table.)

Mr. PROXMIRE submitted an amendment, intended to be proposed by him, to Senate bill 795, supra.

VOTER REGISTRATION ACT—AMENDMENTS

AMENDMENTS NOS. 82 AND 83

(Ordered to be printed, and to lie on the table.)

Mr. MATHIAS submitted two amendments, intended to be proposed by him, to the bill (S. 352) to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Administration for the purpose of administering a voter registration program through the Postal Service.

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 5 TO S. 706

At the request of Mr. MONDALE, the Senator from New York (Mr. JAVITS) was added as a cosponsor of amendment No. 5, intended to be proposed to S. 706, a bill to create a National Legal Services Corporation.

NOTICE OF HEARINGS ON S. 891

Mr. JOHNSTON. Mr. President, the Subcommittee on Production and Stabilization of the Banking, Housing, and Urban Affairs Committee will hold hearings on S. 891, to extend the President's National Commission on Productivity, on Monday, April 16, 1973, at 2 p.m., room 5302, New Senate Office Building.

Anyone wishing to testify on the above bill should contact Mr. Gerald Y. Allen, professional staff member, telephone 225-7391.

NOTICE OF HEARINGS ON BILLS TO CODIFY, REVISE, AND REFORM THE FEDERAL CRIMINAL LAWS

Mr. McCLELLAN. Mr. President, I wish to announce for the information of the Senate and the public that open hearings have been scheduled by the Subcommittee on Criminal Laws and Procedures at 10 a.m. on April 16, 1973, in room 2228, Dirksen Senate Office Building, on bills to codify, revise, and reform title 18 of the United States Code (S. 1, S. 716, S. 1400, and S. 1401). The testimony this day will be directed to the subjects of the imposition of a mandatory sentence of death and the appellate review of sentences. Additional information on this and subsequent hearings can be obtained at the subcommittee office, room 2204, Dirksen Senate Office Building, telephone 225-3281.

The following witnesses are scheduled to appear at this hearing: Hon. Joseph T. Sneed, Deputy Attorney General; Hon. Robert Dixon, Assistant Attorney General; Hon. Arlen Specter, district attorney, Philadelphia, Pa.; Hon. J. Edward Lumbard, Judge, U.S. Court of Appeals, New York; Hon. Walter E. Hoffman, chief judge, U.S. District Court, Norfolk, Va.; and Prof. Livingston Hall, Harvard University School of Law.

NOTICE OF FOREIGN AGRICULTURAL POLICY SUBCOMMITTEE HEARINGS, MONDAY, APRIL 16, 1973

Mr. HUMPHREY. Mr. President, the Subcommittee on Foreign Agricultural Policy of the Senate Committee on Agriculture and Forestry will resume its hearings on U.S. agricultural trade policy next Monday, April 16, 1973. The hearing will begin at 10 a.m. and will be conducted in room 5110 of the New Senate Office Building.

The subcommittee will hear from officials of the administration's Office of Special Trade Representative. Invited to appear at this particular hearing are: Messrs. William D. Eberle, Special Trade Representative; William R. Pearce, Assistant Special Trade Representative; Harold B. Malmgren, Assistant Special Trade Representative; and Howard L. Worthington, Assistant to Secretary of Treasury, Mr. Schultz.

The purpose of this hearing will be to review the administration's recommendations concerning upcoming multilateral agricultural trade negotiations with the newly enlarged European Economic Community, Japan and other nations who will be participating in trade talks later this year under the General Agreement on Tariffs and Trade—GATT.

Mr. President, this hearing comes at a particularly important time for American agriculture in that the Congress has just received the President's proposed trade bill and our Committee on Agriculture and Forestry will begin marking up general farm legislation later this month.

It is my hope that beginning with next Monday's hearing, that Congress will be afforded the opportunity to which it is entitled to fully and carefully examine all of the relevant issues and important questions relating to our nation's future agricultural trade policy. To date, the administration has taken great pains to avoid sharing with Congress the particulars of its agricultural trade strategy as it relates to upcoming multilateral negotiations with foreign nations. Those particulars, which are contained in the so-called Flanigan Report, have been withheld from review, study, and comment by the Congress by the administration, despite the fact that the contents and recommendations contained in that report have been the guiding principles underlining almost all actions either taken or proposed by the administration since last fall.

On Thursday of this week, tomorrow, April 12, I intend to address the Senate in more detail about this matter, particularly as it relates to the full contents of the "Flanigan Report."

ADDITIONAL STATEMENTS

BUDGET PROPAGANDA

Mr. MUSKIE. Mr. President, according to recent reports in the press, the White House is launching a major propaganda campaign against the Congress over the issue of Federal spending.

Public relations kits prepared and distributed to high-ranking Federal officials refer to the "far-out 15"—15 Federal programs which, according to the administration, will break the back of the American taxpayer.

These kits, entitled "The Battle of the Budget, 1973," contain guidelines for presenting the administration's point of view, including instructions to Federal officials on where, when, and how to warn taxpayers of the danger of congressional "tampering" with the President's budget.

The implications of such a propaganda campaign are very disturbing.

I have, therefore, asked the General Accounting Office to investigate the circumstances surrounding the production and distribution of these "kits," including such questions as whether they were prepared and distributed at taxpayer expense, who authorized their production, and whether such a propaganda campaign violates the law, in particular the antilobbying statute.

I ask that the text of my letter to the Comptroller General be included in the RECORD at this point, along with excerpts from the kits and the materials pertaining to this propaganda campaign which my office has obtained.

There being no objection, the text of the letter, excerpts and material were ordered to be printed in the RECORD, as follows:

APRIL 9, 1973.

Hon. ELMER B. STAATS,
Comptroller General of the United States, General Accounting Office,
Washington, D.C.

DEAR MR. STAATS: Recent press reports in the *Washington Post* have revealed that the Administration has undertaken a major propaganda campaign in an effort to launch an attack on the Congress over the issue of Federal spending.

Those press reports reveal that "to make sure voters get the same message, Federal writers have been given a detailed set of guidelines by the White House, telling them where, when and how to warn taxpayers of the dangers to their pocketbooks if Congress tampers with the President's budget."

As principal weapons in this propaganda campaign, the Administration has put together and distributed kits entitled "The Battle of the Budget, 1973."

These kits, which have been circulated to top agency officials, tell government specialists how to write speeches warning of tax increases and give lists of 15 Federal programs to be attacked. They also contain anti-Congress speech material and examples of horror stories which spotlight deficiencies in programs the President wants to terminate.

In addition to obtaining a partial copy of the kit, my office has also obtained excerpts from the instructions the Department of Commerce apparently sent to its district office officials along with the kit. These instructions request that district office officials "immediately identify a minimum of two or more major forums for organizational meetings between April 6–23 at which a selected senior departmental spokesman may deliver a basic business-oriented speech on the 'Battle of the Budget.'"

In addition, these instructions, apparently sent out by H. Phillip Hubbard, Acting Director of Field Operations at the Department of Commerce, request that the district office officials "make arrangements to deliver such a speech yourself before a minimum of four additional groups during the same period (April 6–23) as well as handling on your own any of the major forums for which a departmental spokesman is not available."

I am concerned about the implications of such a propaganda campaign, apparently directed by the White House, and, therefore, I am requesting that your Office undertake an investigation of it, with particular attention to answering the following questions:

1. Who authorized the production of these "kits"?

2. Were these kits prepared and produced at taxpayers' expense?

3. How widely have these kits been distributed both inside and outside the government?

4. What kind of instructions accompanied these kits when they were circulated?

5. What Federal funds, if any, have been used to finance this propaganda campaign? From what budget authority did those funds come?

6. Does a propaganda campaign of this nature, if undertaken at government expense, violate the law? In particular, is the anti-lobbying statute, U.S.C. 18, 645, 62, Stat. 792, applicable to this situation? If it is, how is it applicable, what violations have occurred?

I am enclosing copies of the material my office has obtained concerning this propaganda effort by the Administration. I would appreciate receiving a preliminary report on this matter by the close of business April 30 and an estimate of the length of time a full investigation of this matter will require.

Thank you for your cooperation.

With best wishes, I am,

Sincerely,

EDMUND S. MUSKIE.

[From the Washington Post, Apr. 4, 1973]

PR MEN GIRD FOR "BATTLE OF BUDGET"

(By Mike Causey)

The Nixon administration is mobilizing the bureaucracy's extensive, and expensive, public relations apparatus for an attack on the "spendthrift" Democratic-controlled Congress.

To make sure voters get the same message, federal writers have been given a detailed set of guidelines by the White House, telling them where, when and how to warn taxpayers of the dangers to their pocketbooks if Congress tampers with the President's budget.

The guidelines, obtained by this column, tell government specialists how to write speeches warning of tax increases, and give lists of 15 federal programs to be hit, anti-Congressional "one liners" to be used by officials on the banquet circuit, and examples of "horror stories" to be used in spotlighting federal programs Mr. Nixon wants to end.

The idea is to rally public pressure against Congress not to tamper with the budget. The approach is not new. It was used by the Kennedy administration to push anti-poverty programs and civil rights, and by the Johnson administration to build support for our presence in Vietnam. But the scope of the latest operation, and its tight control from the White House, may be unprecedented, and is definitely attack-oriented.

Kits, called "The Battle of the Budget, 1973," were distributed yesterday morning to top agency officials and public relations aides. The kit includes detailed instructions as to how future government press releases, and speeches, are to be written, listing:

"Major Themes."

"Key Facts."

"Sample Speech Material. One-Liners, Sample Speech," and "Anecdotes" that lampoon unsuccessful federal programs, members of Congress and anti-administration newspapers.

Examples of how "Horror Stories Might Be Used" in speech material and "canned" editorials written for newspapers and television stations include the following:

"Each day the Congress persists in its efforts to foist on the American public a gaggle of runaway spending schemes . . . and boondoggling programs which fuel inflation and threaten higher taxes.

"The pat response by the President's critics is that the President is hurting the poor, not responding to the people and has his priorities mixed up."

It then lists the programs Mr. Nixon has "targeted for cutbacks," and the "horror stories" to be used to illustrate they have been a waste of time and taxpayers' money. They include the Concentrated Employment Program in East Harlem that had "the commendable goal of 1,400 enrollees" in a job training, placement system.

"Only 616 persons were actually enrolled," the guideline sheet says, "while 170 of those dropped out. Instead of the hoped-for job placements of 920, the magic figure for the number of persons placed in jobs was 6. That is to say, thousands of dollars were spent for a program whose final results were a one out of 100 ratio of job placement."

In a section called "Support for the President's Stand," speech-writers are told to draw on Mr. Nixon's earlier antispending statements—which are attached—and to use this followup:

"As President Nixon has said, 'The way to hold the line on taxes is to hold the line on federal spending.'" The suggested follow-up in a speech is "It is as simple as that."

The speech-writers are then given this suggestion for phrases their bosses must use in upcoming speech-making tours. They should tell taxpayer groups:

"But holding that line means doing away with some of the favorite sacred cows that the Congress has funded and refunded again and again for decades." The sample speech continues:

"As far as the public is concerned, these sacred cows stopped giving milk years ago. But each special program has a small but determined band of special beneficiaries—people who have been receiving something for nothing; people who have been getting a free ride at the taxpayer's expense. These free loaders are not going to be evicted without a fight."

[From the Washington Post, Apr. 9, 1973]

"FAR-OUT 15" SKIRMISH NOW A BATTLE

(By Mike Causey)

While the administration steps up attacks on congressional budget-busters—using the bureaucracy as the battering ram—key Democrats are studying a little-used federal law that provides fines and jail terms for civil servants who get caught in the lobbying business.

Under orders from the White House, federal agencies have been told to whip up public opposition to the socalled Far Out Fifteen. They are legislative proposals Mr. Nixon says would ruin his budget and force unwanted tax increases. Many of the programs under attack are pet projects of powerful Senate and House Democrats eyeing the 1974 congressional elections.

The result of the executive vs. legislative branch brawl, now being fought with press releases and speeches, could be that some career civil servants will find themselves caught in a legal meat grinder that could cost them their jobs. It could also bottle up agency money packages in a revenge-seeking Congress.

The law in question, one of the most frequently bent on the books, is the antilobbying statute, known in the trade as U.S.C. 18, 645, 62 Stat. 792. It reads:

"No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or designed to influence in any manner a member of Congress to favor, or oppose, by vote or otherwise, any legislation or appropriation by Congress . . . but this shall not prevent officers or employees of the U.S. . . . on the request of any member or to Congress, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business."

Like most laws, the above can, and probably does, mean lots of things.

One reading would indicate that civil servants who get involved—as speech writers, secretaries or liaison—in lobbying against a congressional project would be in violation of the law. If that is true, the law has been violated frequently by other administrations.

If, however, you take the approach that federal workers report directly to the President, it could be argued that they should do what he says, even if it means butting heads with Congress.

Some congressmen are considering a test of the law. The outcome could be a clear mandate for the President, any President, to use the bureaucracy as he sees fit, or to put it more directly under control of the Congress. Unfortunately for the "test case" federal worker caught in the middle, it could mean loss of a job, a $500 fine and a year's room and board at some federal penitentiary.

Right to Strike Hearings: The first ever on the controversial proposal to give postal employees the right-to-strike open today before Rep. Charles H. Wilson's (D-Calif.) Postal Facilities subcommittee, Postmaster General E. T. Klassen is leadoff witness.

In addition to the right to strike, postal unions are seeking the right to negotiate the union shop, which would require rank-and-file employees to join organizations, or at least pay dues to them.

Klassen has said before that he would not oppose the right to strike, provided postal unions stop asking Congress to legislate on their working conditions and instead stick to the bargaining table.

National Right to Work Committee, which opposes compulsory unionism, will also testify this week as will heads of major postal unions.

Music Soothes The Savage Scientists: Department of Transportation has installed piped-in music at its research facility next door to the CIA in McLean. Reaction to the music from workers is mixed. But in these times of belt-tightening at DOT, some wonder about the cost of the sound of music.

Job Hunters: The White House Fellows group is looking for a secretary, up to Grade 7. Call 382-4661 . . . National Capital Housing Authority wants an attorney (D.C. bar) with landlord-tenant experience. Call 382-8025.

Agency for International Development's Rosslyn's office has openings for GS 7-9 and 11 contract specialists. Call 557-0187.

[From the Washington Post, Apr. 8, 1973]

WHITE HOUSE GIRDS FOR BUDGET BATTLE

(By David S. Broder)

"Mr. Nixon's men are organizing it with the same thoroughness—and many of the same techniques—they used in the last election campaign."

Last Wednesday afternoon, the weekly meeting of the departmental information officers of the Nixon administration was shifted from its regular location in the Executive Office Building to the Theodore Roosevelt Room of the White House.

The occasion was something of a celebration. Ken W. Clawson, the deputy director of communications for the executive branch and organizer of the session, passed out cufflinks with the presidential seal to everyone present.

Such mementoes have been traditional at the White House for years, celebrating the end of wars, the resolution of missile crises, or the passage of major pieces of legislation.

As far as anyone could remember, however, this was the first time that the agency publicity men, the top echelon of the army of government flacks, were so well rewarded for their part in sustaining a presidential veto.

"One down," said Clawson referring to the previous day's Senate vote upholding Mr. Nixon's veto of the vocational rehabilitation act. "One down and 14 to go."

Facing at least 15 possible veto showdowns with Congress, the White House has mobilized all the resources of the executive branch for the 1973 battle of the budget. In this struggle, mobilizing public opinion on the President's side of the debate is regarded as one of the most vital battlegrounds.

Mr. Nixon's men are organizing it with the same thoroughness—and many of the same techniques—they used in the last election campaign. In time, the "selling of the budget" may make as striking a chapter in the public relations textbooks as "the selling of the President."

Clawson, a former Washington Post reporter who is expected to succeed the departing Herbert G. Klein as the administration's information director, is the coordinator of the budget campaign.

As in the last campaign, Mr. Nixon himself is being used sparingly for crucial roles in the publicity drive. The President provides the basic themes and the overall message and delivers—in occasional radio and television talks to the public and in messages to Congress—the key statements in the budget battle.

But the day-to-day work of keeping the message before the public is being done by Cabinet officers and agency heads, just as those men or their predecessors served as "surrogate candidates" for the President last fall.

Clawson, who coordinated the "surrogates" in the 1972 campaign, is marshaling them with similar efficiency and an eye for detail in this new campaign.

In an interview last week, he insisted that each Cabinet member is setting his own speech schedule and picking his own topics, with the White House merely offering background material on budget issues and providing suggestions on ways to reach as wide an audience as possible in the city he chooses to visit.

But participants in Clawson's weekly meetings depict the White House role as central in the whole publicity drive.

Weeks ago, they say, Clawson announced to the agency information chiefs that the President wanted his hold-the-line budget drive given top priority in every possible forum. Applying this doctrine, Clawson ordered a quota of one "economy" speech per week for every presidential appointee in the department or agency.

Last week, the quota was tripled, with the flacks told they would be responsible for producing three appearances a week by each political appointee.

Target areas were identified—mainly small to medium-sized cities with conservative Democratic or liberal Republican congressmen. Agency public relations men were told to coordinate their principals' speaking plans with John Guthrie, an aide to presidential assistant H. R. (Bob) Haldeman, in order to avoid overlapping appearances and to assure maximum coverage.

In recent weeks, Clawson has added other assignments to the expanding drive:

Each department or agency was told to deliver two signed editorial page-style commentaries on the budget battle by its officials, which Clawson is attempting to place in newspapers around the country.

Each agency publicity man was directed to produce several ideas on budget stories for trade and business publications.

Each department with a radio facility was told to produce recorded budget messages for radio stations to tape for their own use.

A list of radio talk shows across the country was distributed and the publicity men were urged to line up interviews for their bosses—via long-distance.

The White House is also playing a leading role in shaping the contents of the message. In addition to distributing the President's own economy statements and legislative veto messages to a list of some 1,500 editors, editorial writers and broadcasting executives, Clawson's office prepared a bulky "battle of the budget" kit as a guide to agency speechwriters.

A copy of the document, obtained by Washington Post reporter Mike Causey, lists "horror stories" and "program failures" that can be used to justify presidential budget cuts; letters to the White House; editorials and polls supporting Mr. Nixon's stand; and "one-liners" and anecdotes directed against the congressional "budget-busters."

Material from the White House speech kit has been turning up regularly in the texts of Secretary of Commerce Frederick B. Dent, Secretary of Housing and Urban Development James T. Lynn and others. For example, when presidential counselor Anne Armstrong told a San Antonio audience that "holding the line means putting some sacred cows out to pasture," she was quoting a Clawson one-liner.

When Dent told the Wholesale Grocers Association about the anti-poverty agency's employment program in East Harlem, he was citing one of the Clawson-certified "horror stories."

When Lynn told audiences in Washington, Indianapolis, Charleston, W. Va., Richmond, and Anderson, S.C., that the alternative to budget-cutting would be a 15 per cent tax raise, he was parroting one of Clawson's recommended "major themes."

The White House has also encouraged the advertising of similar themes by private-citizen allies of the President. Last Tuesday, The Washington Post carried the first full-page ad in a planned national campaign by a newly formed group called Citizens for Control of Federal Spending.

The chairman of the organization is David Packard, former deputy Secretary of Defense and head of the 1972 Nixon campaign in California. Its "legislative consultant" is Bryce N. Harlow, counselor to the President in the first Nixon administration and formerly top White House lobbyist. The list of other officers and members is studded with social friends of the President and former members of his administration.

The new organization has rented space on the same floor of a Washington office building with the local office of J. Walter Thompson, the advertising agency that contributed Haldeman and so may others to the White House staff, but its own agency is Wagner and Baroody, a firm whose principals have worked for Mr. Nixon and the Republican National Committee.

When H. Lee Choate, the retired Air Force officer who is listed as executive director of the Citizens for Control of Federal Spending, was asked if the group had any ties to the White House, he said, "No."

"They're aware of our existence, of course," he added, "because our three leaders (Packard and ex-Reps. John W. Byrnes of Wisconsin and James Roosevelt of California) visited the President and told him what they were prepared to do. He was very grateful and encouraged them to go on."

Clawson, denying any more role in the creation of the citizens committee than he acknowledged in the orchestration of the administration's own publicity campaign expressed optimism about the way the battle of the budget is going.

"I think we're winning it in the country," he said, citing a series of public opinion surveys, including the latest Gallup Poll. That poll reports that by majorities ranging from 54 per cent to 65 per cent, voters believe that federal taxes are too high, that it is very important to balance the budget and that it is more important to hold down spending and taxes than to increase spending for social programs.

"We know the country is with us," Clawson said, "but the people who are hit by the budget cuts are the organized special interest groups—like the professional poverty workers—who are just lobbying the hell out of Capitol Hill."

"The question is whether congressmen will respond to their constituency back home or to the organized pressure groups," he said.

So far, the President is winning the battle both in the country and on Capitol Hill, where his first veto was sustained and the Senate has passed a spending ceiling even lower than the one Mr. Nixon recommended.

The way things are going, Clawson may have to request a supplemental appropriation for more presidential jewelry for his flacks.

Excerpts From "Battle of the Budget, 1973"

THE FAR-OUT 15

John D. Ehrlichman, Assistant to the President, March 9, 1973: "A $9 billion herd of Trojan horses that are thundering our way from out of the Congress, brightly painted and outfitted with very attractive accessories . . .

"This is a $9 billion dagger at the pocketbook of the American taxpayer . . ."

The Congress presently has on its calendar 15 pieces of legislation which would raise the taxes of the American people. Some of these budget-busting bills have passed and the others may be passed in the near future. Most, perhaps all, will be votoed.

These 15 bills would raise President Nixon's budget by $9 billion. And they would require a 4% surcharge on individual income taxes in order to pay for them.

What follows is a close examination of these bills:

The Far-Out Fifteen:
Airport Grant Extension.
Anti-Hijacking.
Economic Development Administration.
Emergency Farm Loans.
Flood Control.
Health Maintenance Organizations.
Older Americans Legislation.
REA.
REAP.
Rural Water and Sewer Grants.
Veterans Legislative Package.
Vocational Rehabilitation Legislation.

Flood Control

If anything warms Congressional hearts more than fund-raising dinners, it is dams.

Big dams, little dams, earth dams, concrete dams—they all mean flood control, recreation, conservation, reclamation. And more than that, they mean vote-getting pork from the Federal barrel.

It is no wonder then that one of the first bills passed in the new Congress authorized $593 million for 34 such water projects. Passed by the Senate, it is now in House Committee where it certainly won't die from lack of loving care.

* * * * *

President Nixon's New Budget

No matter that that bill ties the President's hands for a year in trying to do anything about upgrading the standards on which Federal approval of such projects is based.

No matter that President Nixon had already proposed a much more reasonable flood control program authorizing $400 million for ten projects that had passed all the environmental and economic tests.

It is all well and good to want to prevent flooding and create scenic lakes to admire and ski upon, but some concern has to be shown for overall Federal fiscal integrity and some concern must be shown for whether these projects are going to pay a return in benefits on the Federal investment.

The time has come when a hard, careful choice must be made between popularity and necessity, when some kind of balance must be struck between Christmas spending and New Year's morning after.

No less than fiscal responsibility and sound management of the Nation's business is at stake in the flood control dispute between the Congress and the President.

KEY FACTS ABOUT THE BUDGET FIGHT

I. The Past: An Era of Bigger and Bigger Government:

Governments at all levels—Federal, State and local—now take 32 percent of the Nation's income; in the mid-50s, they took only 25 percent.

The Federal Government alone has nearly doubled its burden on taxpayers since 1950, now taking over 20 percent of all personal income.

Growth of Federal spending was especially pronounced under the last years of LBJ, growing at an average annual rate of 17 percent between 1965 and 1968. In 1963, there were only 160 individual grant programs, but now there are over 1,000.

A huge momentum is now built into the growth of Government. Nearly 75 percent of the FY 74 budget is for virtually "uncontrollable" items

At the present rate of growth, the budget of the Federal Government will be over $1 trillion—the size of our entire economy today—by the 1990's.

MAJOR THEMES

President Nixon's new budget moves us firmly toward something that Americans have not achieved in nearly 20 years: prosperity without war and without inflation.

The key to the President's budget is its tight lid on spending.

He is cutting back on programs that don't work in order to concentrate our efforts on those that do.

He is reforming other programs so that through revenue sharing, people will have a greater control over their own lives.

When big spenders in Congress bust open the budget, they impose higher taxes or more inflation upon the American public.

The increase in our tax bills could be as much as 15%.

This is a battle between the public interest and the special interest. Congress always hears from the special interests. Now is the time for the average taxpayers to let them know how you feel about higher taxes and more inflation: write now to your Senators and Congressman to tell him where you stand.

EMPLOYEE STOCK OWNERSHIP PROGRAMS

Mr. FANNIN. Mr. President, this past Sunday the "Intelligence Report" column in Parade magazine carried an item strongly supporting the concept of employee stock ownership programs.

The foremost authority on such programs is Louis O. Kelso of San Francisco. It has been my good fortune to explore this program wtih Mr. Kelso, and I believe this concept can indeed help revitalize our business enterprise system.

As a result, I introduced S. 1370 on March 27, 1973. Senators Hansen and Dominick joined me in sponsoring this proposal to encourage a broader base for ownership, especially among the employees of corporations. Our objective is to strengthen the American economic system we call capitalism.

The article in Parade hit some of the highlights of the program we are proposing to encourage through S. 1370. It also summarizes some of the reasons why the Kelso plan can be effective.

Mr. President, for the benefit of my colleagues who might be interested in this legislation, I ask unanimous consent that the article be printed in the Record:

There being no objection, the article was ordered to be printed in the Record, as follows:

What America Needs

The American work ethic is eroding rapidly. Today's workers are more willing to strike than ever before. Not only the blue-collar type but schoolteachers, writers, civil service employees, nurses, semiprofessionals.

In the manufacturing industries, many on the asesmbly line take no pride in their labor, frequently sabotage the products they are paid to produce. Others, who eschew sabotage, engage in shoddy work, take no interest in what they consider meaningless, futureless jobs.

What can be done to turn the labor force around?

One sugestion which may have merit is known as "The Second Income Plan." It is the brainchild of Louis O. Kelso, a San Francisco attorney-economist. Kelso believes that what America needs is more capitalism.

He contends that the ownership of capital in this country is concentrated in five percent of the population. The other 95 percent, he maintains, own no stock or such a small share as to have no stake in capitalism.

In an article he wrote for "Industry Week" magazine last year, Kelso proposed the establishment of systems that would provide workers with enough stock to ensure them a decent stake in capitalism, a stake large enough to include a second income.

He calls his plan "employee stock ownership trust financing," and it has already been adopted by 18 companies. It calls for a trust to be built into a firm's financial structure allocating stock to employees in proportion to their income without reducing their take-home pay or savings. Thus they participate in a larger ownership role without withdrawing capital from the existing owners.

Several years ago, Kelso co-wrote a book with Mortimer Adler, "The Capitalist Manifesto," in which he pointed out that if capital ownership were more equitably distributed in this country, if more workers had a more sizable interest in the profit picture of their corporations, labor unrest would go down and productivity would go up.

What is wrong with capitalism, Kelso contends, is that too few people own too much. What he advocates in broadening of the ownership base, a variation of the share-the-wealth theme.

PROTOCOL AGREEMENTS FOR CIVIL USES OF ATOMIC ENERGY

Mr. MONTOYA. Mr. President, as chairman of the Subcommittee on Agreements for Cooperation of the Joint Committee on Atomic Energy, I wish to advise my colleagues that in compliance with section 123(c) of the Atomic Energy Act of 1954 as amended, the Atomic Energy Commission on March 29, 1973, submitted to the joint committee a proposed "Protocol Amending the Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy", together with a diplomatic note which is regarded as an integral part of the amending protocol.

The Atomic Energy Act requires that such a proposed agreement lie before the joint committee for 30 days while Congress is in session before becoming effective. The basic purpose of the protocol is to permit transfers to Japan of increased quantities of U–235 to fuel its expanded nuclear power program. Relatedly, the present 30-year period of the agreement would be extended for an additional 5 years, from 1998 into the year 2003. The purpose of the diplomatic note is to establish two understandings about continued application of certain aspects of the present agreement.

The Japanese nuclear program which would be fueled pursuant to the protocol totals 60,000 MWe. This represents a threefold expansion over the current level. The expanded program is composed of reactors now operating, under construction, and planned for construction within the 5-year period following conclusion of the protocol.

In keeping with the general practice of the joint committee, I ask unanimous consent to insert in the Congressional Record, for the information of interested Members of Congress, the supporting correspondence. The text of the agreement and diplomatic note which is an integral part of the amending protocol are available at the office of the Joint Committee on Atomic Energy. The material follows:

There being no objection, the material was ordered to be printed in the Record, as follows:

U.S. Atomic Energy Commission,
Washington, D.C., March 29, 1973.

Hon. Melvin Price,
Chairman, Joint Committee on Atomic Energy, Congress of the United States.

Dear Mr. Price: Pursuant to Section 123c of the Atomic Energy Act of 1954, as amended, copies of the following are submitted with this letter:

a. a proposed "Protocol Amending the Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy", together with a diplomatic note which is regarded as an integral part of the amending protocol;

b. a letter from the Commission to the President recommending approval of the protocol and diplomatic note; and

c. a memorandum from the President containing his determination that their performance will promote and will not constitute an unreasonable risk to the common defense and security and approving the protocol and note and authorizing their execution.

The basic purpose of the protocol is to permit transfers to Japan of increased quantities of U–235 to fuel its expanded nuclear power program. Relatedly, the present 30-year period of the agreement would be extended for an additional five years, from 1998 into the year 2003. The purpose of the diplomatic note is to establish two understandings about continued application of certain aspects of the present agreement.

The Japanese nuclear power program which would be fueled pursuant to the protocol totals 60,000 MWe. This represents a threefold expansion over the current level. The expanded program is composed of reactors now operating, under construction, and planned for construction within the five-year period following conclusion of the protocol.

The provisions of the protocol are in accord with the revised policy adopted by the Commission in 1971 governing foreign supply of enriched uranium and are thus similar to the recent amendment to the U.S.-EURATOM Additional Agreement. Pursuant to this policy, the revised agreement will be essentially an enabling document. It permits the transfer of U–235 for power as well as research purposes, but does not constitute an advance allocation of our enrichment capacity. An allocation and firm supply assurance would depend upon the subsequent execution of a supply contract.

Article I, paragraph A, allows the Commission to enter into toll enrichment contracts to supply enriched material for fueling power reactors. The paragraph also permits sale of enriched fuel at the Commission's option upon a request by a purchaser. Article I also continues the following provisions contained in the present agreement but with modifications following recent precedent:

(a) the transfer of special nuclear material to Japan expressly for performance of conversion or fabrication services and subsequent transfer to third countries or return to the United States (paragraph C), and

(b) the transfer of special nuclear material other than U–235 by the Commission to Japan for fueling purposes (paragraph D).

Regarding point (b), Commission transfers of plutonium would be subject to a ceiling, which in this case would be the current ceiling of 365 kilograms of plutonium. Private plutonium fuel transfers under the agreement, however, would no longer be subject to the ceiling although they would, of course, be subject to safeguards and other relevant provisions. As noted in the recent case of the EURATOM amendment, the revised approach of having the ceiling apply only to Commission transfers has been used in view of the Commission's intention not to be a long-term commercial supplier of plutonium and also in view of the quantities of plutonium which will be generated in privately owned power reactors.

Article II of the amendment establishes terms and conditions of material supply. As is currently the case, uranium enriched to more than 20% in U–235 may be transferred when the Commission finds there is a technical or economic justification. Authority would be continued for the reprocessing of material supplied by the United States to be performed in Japanese facilities upon a joint determination of the parties that safeguards may be effectively applied, or in such other facilities as may be mutually agreed. Further, as provided in the recent EURATOM amendment, special nuclear material produced through the use of material supplied by the United States to Japan may be transferred to third countries provided that such countries have an appropriate agreement for cooperation with the United States or they guarantee the peaceful use of the produced material under safeguards acceptable to the parties.

Article III amends the current ceiling article in the agreement, Article IX. In connection with the new supply policy noted earlier, the U–235 ceiling would become merely an upper limit on transfers and would no longer represent an advance allocation of diffusion plant capacity. Under this approach there is also no longer a need for an appendix setting forth specific power projects to be fueled. Further, the U–235 ceiling is expressed as that quantity of separative work required, over the life of the agreement, to support the 60,000 MWe program noted earlier. It is this practical measure which would become the ceiling control on U–235 transfers for power applications. The relatively minor quantities needed for research applications would be subject to ad hoc agreement and would not be charged against the ceiling. Regarding plutonium, the present ceiling of 365 kilograms would be continued but, as noted earlier, it would apply only to Commission transfers.

Article IV of the amendment is intended to reflect the primacy which both the United States and Japan accord to the safeguards of the International Atomic Energy Agency (IAEA). This would be done by reversing the concept in the current agreement. Instead of providing for bilateral safeguards which may be supplanted by IAEA safeguards, the usual condition would be reflected at the outset, i.e., Agency safeguards would be applied but, in the event they should not be acceptable to the United States, they would be supplanted by bilateral safeguards.

Article V reflects the fact that safeguards responsibilities are being exercised by the IAEA pursuant to a trilateral agreement among the Agency and the parties. As is provided in other bilaterals, the parties agree that Agency safeguards should continue pursuant to the trilateral, as it may be amended or supplanted by a new trilateral. The current trilateral provides for IAEA safeguards in Japan on materials, equipment and facilities subject to safeguards, under the bilateral agreement, and in the United States, on any special nuclear material produced in Japan through the use of such items which is sent to the United States. Provision is made for suspension of the application of this trilateral in favor of a safeguards agreement under Article III of the Nuclear Non-Proliferation Treaty or similiar agreement.

In negotiating acceptance by Japan of the new supply policies described above, it was recognized as a matter of equity that certain undertakings by the United States which Japan regards as important, and upon which actions pursuant to the current agreement were predicated, should not be eliminated retroactively. These undertakings would be continued by means of a diplomatic note, as indicated earlier. The two issues concerned were the maintenance of an assured allocation of U–235, which is no longer in accord with the new fuel policy, and the United States commitment that charges for enrichment services would be those in effect for users in the United States at the time of delivery, which commitment is no longer being continued in Agreements for Cooperation. However, in order to avoid having the amending protocol retroactively affect earlier outstanding commitments, the diplomatic note would establish the following understandings:

(1) The allocation of the quantity of U–235 currently allocated for fueling the Japanese nuclear power program would be maintained for reactor projects identified in the appendix to the Agreement for Cooperation prior to entry into force of the amending protocol.

(2) With respect to contracts executed prior to entry into force of the protocol, charges for enrichment services applicable to Japanese customers would be those in effect for users in the United States at the time of delivery.

The protocol will enter into force on the date on which each party shall have received from the other written notification that it has complied with all statutory and constitutional requirements for entry into force.

Sincerely,

Dixie Lee Ray,
Chairman.

The White House,
Washington, March 22, 1973.

Memorandum for Dr. Dixy Lee Ray, Chairman, Atomic Energy Commission.

Subject: Proposed Protocol and Diplomatic Note Regarding the Agreement for Cooperation with Japan Concerning Civil Uses of Atomic Energy

I have reviewed the proposed "Protocol Amending the Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy," together with the Diplomatic Note, which were submitted for my approval with the Atomic Energy Commission's letter of February 27, 1973.

Pursuant to the provisions of Section 123b of the Atomic Energy Act of 1954, as amended, and upon the recommendation of the Atomic Energy Commission, I hereby:

a. Approve the proposed Protocol and Note, and determine that their performance will promote and will not constitute an unreasonable risk to the common defense and security of the United States of America; and

b. Authorize the execution of the proposed Protocol and Note on behalf of the Government of the United States of America by appropriate authorities of the Department of State and the Atomic Energy Commission.

Richard Nixon.

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., February 27, 1973.
The PRESIDENT,
The White House.

DEAR MR. PRESIDENT: Enclosed is a proposed "Protocol Amending the Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy", together with a proposed diplomatic note which is regarded as an integral part of the amending protocol. The protocol and note have been negotiated by the Atomic Energy Commission and the Department of State pursuant to the Atomic Energy Act of 1954, as amended. With the Department's support, the Commission recommends that you approve the protocol and diplomatic note, determine that their performance will promote and will not constitute an unreasonable risk to the common defense and security, and authorize their execution.

The basic purpose of the protocol is to permit transfers to Japan of increased quantities of U-235 to fuel its expanded nuclear power program. Relatedly, the present 30-year period of the agreement would be extended for an additional five years, from 1998 into the year 2003. The purpose of the diplomatic note is to establish two understandings about continued application of certain aspects of the present agreement.

Turning first to the provisions of the protocol, it is in accord with the revised policy adopted by the Commisson in 1971 governing foreign supply of enriched uranium and is thus similar to the recent amendment to the U.S.-EURATOM Additional Agreement. Pursuant to this policy, the revised agreement would be essentially an enabling document. It would permit the transfer of U-235 for power as well as research purposes, but would not constitute an advance allocation of our enrichment capacity. An allocation and firm supply assurance would depend upon the subsequent execution of a supply contract.

Accordingly, Article I, paragraph A, allows the Commission to enter into toll enrichment contracts to supply enriched material for fueling power reactors. Once Japanese customers are ready to contract for a particular quantity, they would compete on a "first come, first served" basis as far as access to available AEC enrichment capacity is concerned. Access to such capacity will be on an equitable basis with the Commission's other customers. The paragraph also permits sale of enriched fuel at the Commission's option upon a request by a purchaser.

Article I also continues the following provisions of the present agreement, but with modifications following recent precedent:

(a) Paragraph C permits the transfer of special nuclear material to Japan expressly for performance of conversion or fabrication services and subsequent transfer to third countries or return to the United States. As in the United Kingdom agreement and the recent EURATOM amendment, the provision is in reciprocal form.

(b) Under paragraph D, special nuclear material other than U-235 may be transferred by the Commission to Japan for fueling purposes. The Commission transfers would be subject to a ceiling, which in this case would be the current ceiling of 365 kilograms of plutonium. Private plutonium fuel transfers under the agreement, however, would no longer be subject to the ceiling, although they would of course be subject to safeguards and other relevant provisions. As noted in the recent case of the EURATOM amendment, the revised approach of having the ceiling apply only to Commission transfers has been used in view of the Commission's intention not to be a long-term commercial supplier of plutonium and also in view of the quantities of plutonium which will be generated in privately owned power reactors.

Article II of the amendment establishes terms and conditions of material supply. As is currently the case, uranium enriched to more than 20% in U-235 may be transferred when the Commission finds there is a technical or economic justification. Authority would be continued for the reprocessing of material supplied by the United States to be performed in Japanese facilities upon a joint determination of the parties that safeguards may be effectively applied, or in such other facilities as may be mutually agreed. Further, as provided in the recent EURATOM amendment, special nuclear material produced through the use of material supplied by the United States to Japan may be transferred to third countries provided that such countries have an appropriate agreement for cooperation with the United States or they guarantee the peaceful use of the produced material under safeguards acceptable to the parties.

Article III amends the current ceiling article in the agreement, Article IX. In connection with the new supply policy noted earlier, the U-235 ceiling would become merely an upper limit on transfers and would no longer represent an advance allocation of diffusion plant capacity. Under this approach there is also no longer a need for an appendix setting forth specific power projects to be fueled. Further, the U-235 ceiling is expressed—numerically in megawatts of installed generating capacity—as the separative work required, over the life of the agreement, to support the fuel cycle of the Japanese power reactors now operating, under construction and planned for construction starts within the five-year period following conclusion of the protocol. The anticipated Japanese program totals 60,000 MWe, and it is this practical measure which would become the ceiling control on U-235 transfers for power applications. The relatively minor quantities needed for research applications would be subject to ad hoc agreement and would not be charged against the ceiling. Regarding plutonium, the present ceiling of 365 kilograms would be continued but, as noted earlier, it would apply only to Commission transfers.

Article IV of the proposed amendment is intended to reflect the primacy which both the United States and Japan accord to the safeguards of the International Atomic Energy Agency (IAEA). This would be done by reversing the concept in the current agreement that the bilateral safeguards are supplanted by IAEA safeguards to the concept that IAEA safeguards, as the normal condition, would be supplanted by bilateral safeguards when the former are not acceptable.

Proposed Article V reflects the fact that safeguards responsibilities are being exercised by the IAEA pursuant to a trilateral agreement among the Agency and the parties. As is provided in other bilaterals, the parties agree that Agency safeguards should continue pursuant to the trilateral, as it may be amended or supplanted by a new trilateral. Further, a new element of reciprocity has been introduced in paragraph B of the article. This paragraph provides that the existing trilateral agreement covering IAEA safeguards will be suspended with respect to one party when the other party finds that the first party's safeguards agreement with the IAEA pursuant to the Nuclear Non-Proliferation Treaty (NPT), or any similar agreement, is satisfactory for purposes of such suspension. The current trilateral provides for IAEA safeguards in Japan on materials, equipment and facilities subject to safeguards under the bilateral agreement, and, in the United States, on any special nuclear material produced in Japan through the use of such items which are transferred to the United States. Under the proposed provision in paragraph B, this trilateral would be suspended in Japan if Japan enters into an NPT safeguards agreement acceptable to the United States and would be suspended in the United States if the United States enters into a safeguards agreement pursuant to the Presidential Offer under the NPT which Japan finds acceptable.

In negotiating acceptance by Japan of the new supply policies described above, it was recognized as a matter of equity that certain undertakings by the United States which Japan regards as important, and upon which actions pursuant to the current agreement were predicated, should not be eliminated retroactively. These undertakings would be continued by means of a diplomatic note, as indicated earlier. The two issues concerned were the maintenance of an assured allocation of U-235, which is no longer in accord with the new fuel policy, and the United States commitment that charges for enrichment services would be those in effect for users in the United States at the time of delivery, which commitment is no longer being continued in Agreements for Cooperation. However, in order to avoid having the amending protocol retroactively affect earlier outstanding commitments, the diplomatic note would establish the following understandings:

(1) The allocation of the quantity of U-235 currently allocated for fueling the Japanese nuclear power program would be maintained for reactor projects identified in the appendix to the Agreement for Cooperation prior to entry into force of the amending protocol.

(2) With respect to contracts executed prior to entry into force of the protocol, charges for enrichment services applicable to Japanese customers would be those in effect for users in the United States at the time of delivery.

Following your approval, determination and authorization, the proposed protocol and diplomatic note will be formally executed by appropriate authorities of the United States and Japan. In compliance with Section 123c of the Atomic Energy Act, the agreement will be submitted to the Joint Committee on Atomic Energy.

Respectfully yours,
——— ———, *Chairman.*

SENATOR SCOTT'S EFFORTS ON BEHALF OF SENIOR CITIZENS

Mr. SCHWEIKER. Mr. President, the problems of our senior citizens have not eluded the keen eye of our Republican Leader, Senator HUGH SCOTT of Pennsylvania. He knows the plight of persons who must exist on fixed incomes, be they private pensioners or social security recipients.

Senator SCOTT has been a strong supporter of increased and liberalized social security payments. He has advocated more generous earnings limitations along with easier eligibility for health care for the elderly.

I ask unanimous consent to place Senator SCOTT's accomplishments on behalf of senior citizens in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

SENIOR CITIZENS

93D CONGRESS

Legislation

S. 582—To allow needy senior citizens who are not on welfare to continue to receive social services.

92D CONGRESS

Legislation

S. 1172—To exempt citizens of the United States who are 65 years of age or over from paying entrance or admission fees for certain recreational areas.

S. 3012—To strengthen and improve the private retirement system by establishing minimum standards for participation in and for vesting of benefits under pension and profit-sharing retirement plans, by allowing deductions to individuals for personal savings for retirement, and by increasing contribution limitations for self-employed individuals and shareholder employees of electing business corporations.

S. Amdt. 1664—To increase the outside earnings limit to $3,000 per year for social security recipients.

Votes

Voted for Social Security Amendments of 1972 including special minimum benefits for long-term workers, an increase in the outside earnings limit to $2,100, benefits for widowers and widows of 100% of deceased spouse's entitlement, and age 62 computation for men.

Voted for 20% increase in social security benefits and automatic cost of living increases in benefits in future years.

Voted to allow persons 65 or older a phased annual tax credit of up to $300 for property taxes or rent paid on their residence.

Voted for the hot lunch program for the elderly.

Voted for supplemental appropriations for fiscal year 1972 to provide for special programs for the aging.

91ST CONGRESS

Legislation

S. 819—To exempt Senior Citizens from *admission fees* to National Parks and forests.

S. 1179—To provide *reduced air fares* for Senior Citizens.

S. 1896—To include *dental and eyecare and hearing aids* among the benefits provided by Medicare.

S. 2037—To authorize grants for the construction or modernization of *Neighborhood Health Centers.*

S. 2184—To include *prescribed drugs* under coverage of the supplementary medical insurance program for the aged.

S. 2518—To liberalize conditions governing eligibility of *blind persons* to receive disability insurance benefits.

S. 3709—Veteran's pension to the Social Security Bill.

S. Amdt. 117—Scott-Williams Amendment to create a *Small-Investor Savings Bond* paying 6% interest.

S. Amdt. 682—To provide a *minimum monthly Social Security benefit of $100 and* increases in larger monthly benefits.

S. Amdt. 683—To *increase special age 72 Social Security benefits by 10%.*

S. Amdt. 684—To increase *outside earnings limitation* for Social Security beneficiaries to $2,400.

S. Amdt. 785—To permit *all persons reaching the age of 70 before January 1, 1972 to be eligible for special benefits under Social Security.*

Votes

Voted for a *15% across-the-board increase in Social Security benefits and automatic cost-of-living increases.*

Voted for a *15% increase in Railroad Retirement benefits.*

Voted for the *Emergency Home Financing Act to help relieve shortage of homes and home-financing funds.*

Voted for extension of supplemental annuities and mandatory retirement of railroad employees.

Voted to increase the ceiling for combined workmen's compensation and social security disability benefits from 80% to 100% of average earnings.

90TH CONGRESS

Legislation

S. 35—To amend the Internal Revenue Code to extend *head-of-household tax benefits* to widows, widowers, and individuals 35 or older who maintain their own households.

S. 291—To increase *outside earnings limitation for Social Security recipients* to $3000.

S. 2053—To provide for *periodic cost-of-living increases for Social Security* recipients.

S. 3702—To assist physicians in prescribing *drugs covered under Federal-state health programs* and to encourage economy in the prescribing and dispensing of prescription drugs.

S. 3732—To create a *Catalogue of Federal Assistance Program* to aid persons in determining whether they qualify for assistance programs.

S. 3771—To allow individuals to continue to purchase *vitamin and mineral supplements* without a prescription.

Votes

Voted against increasing high earning years used in computation of *Civil Service Retirement Benefits.*

Voted for Economic Opportunity Act of 1969 including additional appropriations for the *Senior Opportunities and Services Program.*

Voted to allow Senior Citizen *welfare recipients* to retain a portion of state welfare payments irrespective of the 15% Social Security increase.

Voted to extend grant provisions for Senior Citizens under the *Older American Act Amendments of 1967.*

Voted for the Housing and Urban Development Act of 1968 including programs of *low cost rental and cooperative housing for the elderly.*

89TH CONGRESS

Legislation

S. 1140—To authorize retirement without reduction in annuity for *Civil Service employees* with 20 years of service who are involuntarily separated from service by reason of the abolition or relocation of their employment.

Votes

Voted to remove existing discriminatory provisions against spouses under *Railroad Retirement Act.*

Voted to increase annuities for *Civil Service Retirees.*

Voted *to retain the medicare provisions* of the Social Security Amendments of 1965.

Voted *to provide limited disability insurance benefits for the partially blind.*

Voted *for the Social Security Amendments of 1965,* including the *Medicare* and *Medicaid* programs.

Voted for the Housing and Urban Development Act of 1965 including *rent supplements* for low-income tenants.

Voted for the Economic Opportunity Amendments of 1965 under which the *Foster Grandparents Program* was established.

Voted *for special Social Security benefits for certain previously ineligible persons over 72.*

Voted *for Federal Salary and Fringe Benefits Act of 1966* which allows retirement at full annuity at age 55 after 30 years of service and at age 60 after 20 years of service.

88TH CONGRESS

Legislation

S. 1262—To improve Social Security *disability benefits for the blind.*

S. 2181—To improve *rehabilitation programs for the blind* under the Social Security Act.

S. 2385—To improve *State medical assistance programs for the aged.*

Votes

Voted for the *Social Security Amendments of 1964* including increased benefits.

Voted for the Hospital and Medical Facilities Construction Act Amendments of 1964 which increased funds for *grants for the construction of nursing homes.*

Voted for the Housing Act of 1964 including increased funds for loans to non-profit sponsors of *rental housing for the elderly,* and provided for low-interest *rehabilitation loans for private home owners.*

87TH CONGRESS

Legislation

S.J. Res. 27—To declare May of each year as *Senior Citizens Month.*

S. 937—The Old Age Health Insurance Program to provide a program of Federal matching grants to States to provide *health insurance for persons 65 or older at reduced rates.*

S. 3384—*To allow a tax deduction for travel expenses to and from work for disabled persons.*

Votes

Voted *for an increase in Civil Service Annuities.*

Voted for the Housing Act of 1961 providing direct *loans for housing for the elderly* and increased the Federal contribution *to low-rent public housing occupied by Senior Citizens.*

86TH CONGRESS

Legislation

S. 563—To permit an in-school child of a deceased individual to continue *eligibility for a child's Social Security benefits* between ages 18 and 21.

S. 565—To *increase from $1200 to $2400 the allowable outside income for Social Security recipients* without suffering deductions from benefit checks.

S. 3330—To permit needy children deprived of parental support to be elegible for assistance under the State plans for *aid to dependent children.*

Votes

To provide *voluntary participating health benefits plan for persons 65 or over whose* income is not more than $3000 individually or $4500 per couple who are not recipients of public assistance.

Voted to include *tubercular and mentally ill patients* in medical care for the aged provisions of the Social Security Amendments of 1960.

Voted *for the Social Security Amendments of 1960,* which eliminated the age of 50 as a minimum to qualify for disability benefits and liberalized the *retirement test* for eligibility.

Voted *to increase the minimum benefit levels* under old age, survivors and disability insurance payments from $40 to $70 monthly.

COMMENT AND INVESTIGATORY REPORTING

Mr. BIDEN. Mr. President, in recent months there has been a mounting anxiety expressed by many newspaper and broadcasting reporters and editors in respect to what they discern as a concerted and deliberate attempt to discourage commentary and investigatory reporting on the part of the executive branch of the Federal Government.

In view of this apprehension, I wrote all daily and weekly newspapers and radio stations in my State and asked them to write me as to their concerns, if any, and specifically their attitude toward proposed legislative safeguards for the benefit of the communications media.

I wish to share, without comment of my own, the replies of several of those to whom I wrote. I do this in hopes that these replies may be helpful to those of us within and without the Congress who have addressed themselves to this situation.

I ask unanimous consent that the replies of these editors and news directors be placed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

WILMINGTON, DEL., NEWS-JOURNAL,
March 2, 1973.

DEAR SENATOR BIDEN: Thank you for your letter of Feb. 16, soliciting my opinion on the current controversy over "reporter shield" laws.

I would prefer to see no such law passed if its intent is to create a class of people who are excused from appearing or testifying before a grand jury. This view is not quite heretical in the newspaper business, but it certainly does not put me in the company of the majority of my colleagues.

My reasons include these:

I am in favor of laws that increase the public's access to information. I have, for example, campaigned for "open meeting/open record laws." These would assure access to decision-making gatherings of public agencies and would assure access to documents of public agencies. The beneficiaries would be the people who are paying the bills—the public. These proposals ask privileges for the public—not for the press.

Proposals for newsmen's shield laws that I have seen would exempt certain people by law from some obligations of an American citizen; i.e., answering a subpoena.

Balanced against the right of a free press is the constitutional right of a citizen to compel witnesses to appear.

There is the seemingly minor but real problem of defining who is a "newsman" or "reporter" to be covered by such a law. The thought of licensing "real" newsmen is repugnant.

Perhaps most importantly, if the government grants press immunity for subpoena, it has acquired a new club with which to threaten a free press: the power to take away such immunity. As one of my co-workers said, I'd rather take my chances with the constitution.

Rather than worrying about shield legislation, I would much rather see you and other federal officials who are concerned about the problem working to discourage the current fashion of attempting to use reporters as government investigators. Meanwhile, newsmen placed in this position will simply have to follow their own consciences. I suspect this means that they will continue to refuse to break confidences.

I hope these thoughts are helpful. I want to make it very clear that they are my own—not those of the papers, their editorial board, or the News-Journal Co.

Thanks for asking.

Sincerely,

JOE DISTELHEIM,
Deputy Metropolitan Editor.

ROLLINS CABLEVISION,
Wilmington, Del., February 26, 1973.

DEAR SENATOR BIDEN: Thank you for asking for by opinion regarding proposed legislation to insure newsmen certain immunities.

Certainly, the right to protect informants is an essential tool to investigative reporters. I've exercised it often. And I'm sure you'll receive many endorsements of this constitutional guarantee.

But let me tell you what further legislation, if approved, should not guarantee:

1. The right of reporters to distribute heresay, and then, confronted with a denial and a demand for proof of the allegations, hide behind legislated immunity by claiming the source of the information is confidential.

2. Immunity to any reporter or media which releases statements by confidants which prejudice a defendant's right to a fair trial by an impartial court.

3. Any reporter or media immunity from bearing full responsibility should refusing to reveal a news source cause injury or death to any persons, or endanger National security.

In most cases, reporters, like other professional investigators, must establish the reliability of their source to their superiors before being permitted to use the data.

In a responsible press this first line safeguard is the most valuable.

But we must not, however zealous, however dedicated to their craft they seem, permit any individual or news vehicle to violate the rights of private citizens, or endanger the safety of a community or the Nation by issuing unprovable statements and calling it news from confidential sources.

Short of these three reservations, I firmly believe that newsmen and newswomen, like other professionals who's success depends in part upon the ability to insure anonymity to informants, should not be privately harrassed or publicly prosecuted for protecting their sources.

We're looking forward to having you on Channel Five. Hope you can make it soon.

With best regards,

PAUL V. MCKNIGHT,
Director of News
and Public Affairs.

RADIO STATION WILM,
Wilmington, Del., March 6, 1973.

DEAR SENATOR BIDEN: Replying to your letter of February 16. Sorry I'm a bit late. I believe firmly that reporters' news sources must be protected at all costs. One outstanding reason. . . . investigative reporting would come to an end if a newsman had to reveal his or her sources. Without investigative reporting, such things as corruption in government and industry would never be found out.

Also, news-gathering is a business, a profession, like any other, and every profession has its methods and procedures, individual to each. Should the winemaker give away his recipes; should General Motors tell Chrysler of its manufacturing secrets; does duPont tell Monsanto; should newsmen give away their sources of information? Each of these above instances directly affects people.

Those are my feelings.

Sincerely,

DELAWARE BROADCASTING CO.,
Art Curley, News Director.

DELAWARE STATE NEWS,
Dover, Del., March 8, 1973.

DEAR SENATOR BIDEN: This is in reply to your letter of February 16 regarding the rights of newsmen to protect their sources of information.

I strongly feel news-gathering organizations should not be forced into a position where they are serving as an investigatory agency of the government. The intent of the First Amendment was clearly to keep the press independent of the government.

The government's recent habit of subpoenaing the jailing newsmen who protect their sources of information is not in keeping with the spirit of the First Amendment. If allowed to continue, this practice will interrupt the public's access to a great deal of information, and will dry up some confidential sources now available to the news media.

Any attempts to strengthen the First Amendment, however, should be approached with great caution. I question, for example, whether professional newsmen should have any special rights or privileges which are not granted to all other citizens.

I fear, also, that any attempt to define who qualifies as a "newsman" under such legislation, would put the government in a position where it is, in effect, licensing newsmen. Yet, if the legislation did not define who is not a newsman, practically any underworld figure could start printing a newsletter and claim access to the proposed privilege of newsmen not to reveal their sources.

In summary: legislation which defines the term "newsman", or which has any qualifications or exceptions, could have the effect of reverse interpretations which would actually limit freedom of the press. Yet, without the definition, a serious blow could be dealt to the government's investigative efforts.

Until somebody comes up with legislation which overcomes those dangers—and I've seen no such legislation as yet—we are probably better off leaving the First Amendment as it is, and letting individual cases be judged against the First Amendment as it now stands.

The best answer, of course, is to have elected and appointed officials who understand the importance of a free press. Obviously some members of the current administration do not fall in that category.

In the interim, some of us in the news profession may end up imprisoned as a result of our efforts to protect our sources of information. If that happens, it is a price every dedicated journalist should be willing to pay. Hopefully, however, public outrage will keep such cases at a minimum.

Best personal regards,

JOE SMYTH, *Editor.*

SUSSEX (COUNTY) DAILY EAGLE,
Georgetown, Del., February 26, 1973.

DEAR SENATOR: In response to your inquiry about opinions on federal shield laws for newsmen and their sources, I have to say that I think no formal legislation is desirable. If that's heresy coming from a newsman, give me 40 lashes with a wet press card, but . . .

In my 13 years of newspaper experience, I've found that the problems of dealing with sources and revealing sources at the medium and small town level—where the majority of the press corps works—cannot be solved by national legislation. The types of laws presently proposed may on occasion benefit the New York Times, the Associated Press, or national columnists, but not bread and butter reporters.

Could a national law keep a local market from refusing to sell our newspaper because I would not reveal to him the source of my information about the robbery of his store? Could it keep a department store from pulling out its advertising because I would not reveal to them the author of a letter to the editor? Could it keep the police department from favoring other papers because I will not reveal to them the source of my information from within the department? These are the types of problems about information and source which most reporters face daily . . . and they cannot be solved by shield laws.

In addition, no legislation of this nature can logically pass without some restrictions, yet any restriction spelled out by the law would be an abridgement of the First Amendment while absolute protection would provide a perfect cover for those sources who would pass false information or for those newsmen who would fabricate information and then fall back on the shield law to protect not their sources but themselves.

I am not so cynical as this letter may at first sound, but neither am I blindly idealistic about our national press. The large dailies sold out their right to the respect of the hard working press when they took government favor in the form of the so-called "failing newspaper act"—legislation that exempts the press lords from monopoly regulations so that they can continue to acquire properties and undermine smaller, independent papers. Having eaten the apple, the "forbidden fruit" of government favor, these large interests now tempt smaller papers to take some of the same under the guise of shield legislation, another law that would put newspapers under the "protection" of government.

I think the most good in this area can be gained by Congressional moral support of a free press, censure of public officials who would ask for subpoenas, declassification of large masses of material and increased financial support for local, state and national investigative bodies . . . rather than by lip service to free press with another law and its red tape to clutter up our courts.

I appreciate your efforts to gain in-put from those directly affected by this type of legislation, and I'm glad to have a chance to air my views.

Yours sincerely,

Judith M. Roales,
Associate Editor.

BACKING THE ARTS

Mr. GOLDWATER. Mr. President, during each of the last 3 years when appropriations were before us for the National Endowment for the Arts, I have spoken on the Senate floor in support of these appropriations. Also, in 1969, I cosponsored and spoke in support of legislation providing for a permanent authorization for programs under the National Foundation on the Arts and the Humanities Act of 1965.

Today I rise in unqualified support of a renewal of the charter for the National Endowment for the Arts and its advisory National Council on the Arts. My interest in this legislation is that these national arts bodies have done more for stimulating and helping the growth of art and cultural programs wanted by local people and organized by local groups than any other kinds of State or local assistance could have done alone.

The National Endowment for the Arts deserves commendation for keeping a low profile in the programs it fosters. I have made a careful study of its functions and checked with my own State officers working in this field and I am satisfied that the Federal unit is not dominating the State or local governments—it is not issuing a maze of confusing and restrictive regulations which encumber local initiative to meet local needs—it is not channeling its support only into particular kinds of projects which meet the preconceived, peculiar tastes of a Federal bureaucracy.

What it is doing—and doing well—is to uplift the development of locally conceived programs and to help these programs stand on their own locally guided feet. It has aided immensely in the creation of State commissions and councils on the arts. It has helped to bring State governments to an awareness of the need for an expansion of their own State budgets in the arts and cultural fields. It has sparked the birth of people-oriented arts programs in small and isolated communities which otherwise could never have obtained such services with their own financial resources.

Mr. President, the proof of what I am saying appears in the record of events happening in my own State of Arizona. After the National Endowment of the Arts began conducting its operations, Arizona was able to develop a statewide network of festivals extending over a period of 7 months of each year. These annual festivals, which are expressive of local characteristics and interests, include the February Scottsdale Arts Festival, the April Tucson Festival, the May Father Garcés Celebration of the Arts at Yuma, the June Sedona Arts Festival, the June through July Greater Phoenix Summer Festival, and the July through August Flagstaff Summer Festival. All these festivals are receiving financial and technical assistance from the Arizona Commission on the Arts and Humanities, which in turn receives an anual grant of aid from the National Endowment for the Arts.

In all, there were 596 different events in Arizona during fiscal 1972 which received financial aid from Arizona's own commission. The total attendance at these events numbered over 616,000 persons. The $182,000 of Federal funds expended toward the conduct of these events were far surpassed by $803,000 of local funds contributed toward the projects.

In addition, there is a special category of projects which receive direct grants from the National Endowment for the Arts. In fiscal 1972 Arizona received at least $63,500 of these grants, although the funds were administered by the State commission.

Mr. President, no description of cultural events in Arizona would be complete without mention of the pioneering work Tucson is doing in developing art that is aimed at the Spanish-speaking people of the Southwest. Since 1970, a bilingual theater, El Teatro del Pueblo, has been operating in Tucson as a Spanish-language theater for local residents who do not attend the English-speaking theater. The State arts commission has been instrumental in assisting the creation of this special cultural outlet and the National Endowment has provided financial grants to this group for 3 consecutive years, including a $10,000 grant in fiscal 1972.

Mr. President, there are numerous other projects I could mention which are important to Arizonans and which are being aided by the National Endowment, such as the Phoenix Symphony tour concerts on Arizona Indian Reservations, the Tucson Symphony youth concerts, the Artists-in-Residence programs at Yuma, Mesa, and Northern Arizona University, and the extensive visual art exhibition tour which brought various art shows to at least 13 different Arizona localities.

What all this means, Mr. President, is that the arts are important in Arizona. The local citizens of our State want to experience the arts. They will support the arts both with local attendance and local financial aid if cultural events are made available to them. The people in my State and many other States across the Nation have shown that they have a strong interest in things other than the worldly, materialistic values of everyday living.

In summary, Mr. President, I can say with all conviction that the National Endowment for the Arts, assisted by the several State art commissions and councils, has awakened a healthy interest in the arts and encouraged the growth of an enormous diversity of cultural events through the United States. I support the continued charter of life for this fine organization and again commend it for the unobtrusive way it has helped to foster the Nation's cultural development.

TRIBUTE TO JOYCE ELLIS

Mr. EAGLETON. Mr. President, my office and the people of Missouri recently suffered a great loss due to the untimely death of Joyce Summerfield Ellis of my office.

Joyce devoted most of her life to public service. Since 1954 she worked for three Senators from Missouri—Senator Thomas Hennings, Senator Edward Long, and me. If her work benefited us, her presence, her quiet humor, and her love for all around her enriched us all beyond any measure.

Joyce Ellis was deeply devoted to her family—mother, grandmother, aunt, and uncle. She loved them very much.

She was a gardener who awaited each spring—even this one—with a special love for nature. And she loved and cared for all the people around her, and made us better with her caring.

Nothing I can record here can be worthy of her, but there will be an enduring monument in the memories of everyone who knew her and learned the meaning of unstinting human kindness.

A PROPOSED CONSTITUTIONAL AMENDMENT ON BUSING

Mr. BARTLETT. Mr. President, I ask unanimous consent to have printed in the Record the statement I made at the hearing conducted by the Judiciary Committee on April 10 on the proposed antibusing amendment to the Constitution, Senate Joint Resolution 47.

There being no objection, the statement by Senator Bartlett was ordered to be printed in the Record, as follows:

Statement by Senator Dewey F. Bartlett

I appreciate the opportunity to appear before this distinguished committee to present my views concerning forced busing.

First, let me make it quite clear I am for integration. I am proud of my public and private record in race relations.

The issue of forced busing became a matter of great concern to many citizens of Oklahoma in the fall of 1969. At that time the first flood of busing opposition came to a head in Oklahoma City. As Governor of Oklahoma, I was expected to take a public position. I did not want to be wrong. As I stated, I morally believe in integration. The question was whether forced busing was a proper vehicle to achieve integration.

After much study, it became obvious to me that forced busing was an unjust, unworkable experiment, and not in the best interest of integration, education, or of people, generally. At that time, I issued a detailed statement which said in part:

"Busing, however, requires the school board and/or superintendent to discriminate against some students (of each race) attempting to eliminate the results of longtime discrimination. Discrimination to eliminate discrimination is indefensible and is a cure as sick as the disease itself."

Time has vindicated that conclusion.

Busing has created a state of social and educational chaos in Oklahoma's two largest cities, Tulsa and Oklahoma City. It is one issue on which their is little division. The vast majority of people, including Oklahomans, are opposed to forced busing and cannot understand why it has not been stopped.

I'm sure most of you are familiar with the studies which have been made in the busing experiment. David J. Armor, Associate Professor of Sociology at Harvard, in an indepth studying of busing, concluded that "busing does not lead to significant, measurable gains in student achievement or interracial harmony. The available evidence thus indicates that busing is not an effective policy instrument for raising the achievement of Black students or for increasing interracial harmony." And he continues: "The available evidence on busing then leads to two possible policy conclusions. One is that massive busing for purposes of improving student achievement and racial harmony is not effective and should not be adopted at this time. The other is that voluntary integration programs . . . should be continued and positively encouraged by substantial Federal and state grants."

I have discussed busing with the Superintendent of my state's two largest school systems. Both of these men are sensitive, intelligent human beings who desire excellence in education for Black and whites. Both of these men have been in the trenches on busing. They have had to formulate and implement busing plans. And both are of the opinion that busing has failed. Dr. Gordon Cawelti, Superintendent in Tulsa, wrote to me that "If the government were really trying to help in this matter, much greater efforts would be made in the area of dispersal of integrated housing so that the schools could be naturally integrated. I think unless the problem is faced up to, we will see a continued "white flight" with the consequences that have already been recognized in a city like Atlanta, which was 70% white and 30% Black ten years or more ago, and today is 78% Black." Tulsa has experienced a 37% decrease in school enrollment while the suburbs have increased by 11%. Likewise, Dr. Bill Lillard of Oklahoma City states that "Public support for schools has been weakened and polarization has increased as a result of busing."

The money spent on busing could be better spent to raise the quality of education.

It is interesting to note that persons who previously were strongly in favor of busing are having second thoughts. Roy Wilkins, head of NAACP recently said that he no longer believes it is necessary for blacks to be sent to white schools to receive a good education.

Which brings me to why I am here. I have introduced S.J. Res. 47, a constitutional amendment to prohibit the forced assignment of a child to a school on account of his color. The amendment is as follows: "No public school student shall be assigned, transferred, or otherwise compelled to attend any school on account of his race, color, creed, or national origin."

I know the Committee is considering both constitutional amendments and legislation to prohibit forced busing. I support eliminating forced busing by both legislation and constitutional amendment. The former is more expeditious and easier to achieve, the latter is more sure.

The people are frustrated that government is not responsive to their will. They point to a 1971 Gallup poll showing 77% National opposition to forced busing—with Blacks split almost evenly.

This is one of several areas of legislative prerogative invaded and confiscated by the Supreme Court. Now is the time for Congress to exert its constitutional responsibilities to represent the people.

The amendment I have proposed will work. I suggest, gentlemen, this is why we are here—to represent the people. And the people do not want forced busing.

I appreciate the invitation to appear before this Committee, and I will be happy to furnish any additional information.

JOHNNIE M. WALTERS COMPLETES TERM AS COMMISSIONER OF INTERNAL REVENUE

Mr. HOLLINGS. Mr. President, a son of my State of South Carolina is about to step down from the high office of Commissioner of Internal Revenue. Mr. Johnnie M. Walters was born and raised in Hartsville in Darlington County. He graduated from Furman College in Greenville, then attended the University of Michigan Law School, from which he graduated in 1947.

Mr. Walters gained attention for his ability in the practice of law in Greenville and was appointed Assistant Attorney General of the United States, tax division. He received his second Presidential appointment to the office of Commissioner of Internal Revenue in August 1971.

As Commissioner, Johnnie Walters appeared on many occasions before congressional committees, and won much respect for his professional knowledge and his willingness to be helpful. He has also spoken frequently around the country, particularly to legal and accounting groups, and especially about the importance of respect for law in America.

It has come to my attention that Commissioner Walters delivered an address on this subject on March 31, 1973, at the University of South Carolina, which expresses a practical reverence for the rule of law at a time when it is under attack from many quarters.

Mr. President, I ask unanimous consent that Commissioner Walters' remarks together with a biographical sketch, be printed in the RECORD at this point as a tribute to a man who has brought distinction to the office of IRS Commissioner.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BIOGRAPHICAL SKETCH: JOHNNIE MCKEIVER WALTERS, COMMISSIONER OF INTERNAL REVENUE

Johnnie M. Walters of Greenville, S.C., was named Commissioner of Internal Revenue by President Nixon on June 21, 1971. He was confirmed by the U.S. Senate on August 4, 1971, and took the oath of office on August 6, 1971.

As Commissioner, Mr. Walters is responsible for planning and developing the policies of the Internal Revenue Service and administering the activities of its seven regions and 58 districts.

Before his appointment as Commissioner, Mr. Walters served as Assistant Attorney General, Tax Division, in the U.S. Justice Department.

Mr. Walters is no newcomer to the IRS, having been with the Legislation and Regulations Division of the Chief Counsel's Office from 1949 to 1953. He was assistant head of that division when he resigned to join the legal department of Texaco, Inc., in New York City.

He left Texaco in 1961 to enter private law practice, specializing in tax law with Geer, Walters, and Demo of Greenville, S.C. In 1969, he was appointed Assistant Attorney General by President Nixon.

Mr. Walters has been chairman of the Employment Tax Committee of the American Bar Association's Section of Taxation and chairman of the Southeastern Regional Special Liaison Tax Committee.

Born Dec. 20, 1919, near Hartsville, Darlington County, S.C., Mr. Walters received an A.B. degree from Furman University at Greenville, S.C., in 1942, and an LL.B. from the University of Michigan in 1948.

During World War II, Mr. Walters was an Air Force navigator. He flew 50 combat missions from Italy and received the Air Medal with clusters, the Purple Heart, and the Distinguished Flying Cross.

Mr. Walters was admitted to law practice in Michigan in 1948, New York in 1955, and South Carolina in 1961. He was admitted to practice before the U.S. Supreme Court December 8, 1961. In Greenville, Mr. Walters was active in the County Bar Association, the Rotary Club, the Chamber of Commerce, the United Fund, the Symphony Association, and the Little Theater.

Mr. Walters and his wife, the former Donna Lucille Hall of Detroit, Mich., have four children.

LAW—NOT WILL

(Remarks by Johnnie M. Walters, Commissioner of Internal Revenue)

I am delighted and honored to share with you today some thoughts on the rule of law in our society.

Let us begin by recognizing that the society man creates must be less than perfect always—even though perfection always must be our goal and our model. So long as men have the capacity for vanity and hatred, some of them will band together to set themselves against other men and create the seeds of strife. Where men show traits of avarice, some of them will steal; if they are susceptible to anger and jealously, some will strike their fellows; and where there are characteristics of cunning and deception, some will conspire to benefit themselves at the expense of others.

Yet, we always must remember that men also have the capacity for good—for compassion, for love, for mercy. When taught right from wrong, men are proud to do right and ashamed to do wrong. And out of his conscience man has found a key to his fate by putting aside the arbitrary rule of men for the impartial rule of law.

Overwhelmingly Americans are law-abiding. They obey the laws they have helped to create; they abhor the law breaker, whether he is an assassin, an embezzler, or a tax cheat.

While the law does not solve problems, it does provide the mechanism and means for their solutions. It is the law which gives us the confidence that we will be free and secure to do what we want to do, and gives us the faith that others will not unduly prevent us from doing that. It is the law that keeps men apart in anger and holds them together in trust. Without law, most of what man has accomplished would be lost, and little of what he dreams could be attained.

How does all this affect the lawyer, and particularly the young lawyer? Well, first, it imposes on him a tremendous responsibility, because the lawyer must keep and protect the law. He is in the forefront of those who cultivate and support the law. Secondly, it assures the lawyer a sense of personal worth. It is he who is looked to for advice and counsel on the state of the law. Third, he has the confidence that the lawyer's calling is indeed a noble one, for if the role of law in society is all we say, what could be more inspiring than to play a vital part in making it work?

Young people going into law today—an age of idealism—undoubtedly do so with visions of blocking injustice, exposing wrong, preserving right, and securing justice. This is a magnificent motivation—let's hope it never dies or ebbs. Yet, at the same time, as lawyers we must analyze the law properly—always keeping in mind that it alone does not solve problems.

Though we hear much of activist lawyers today, I firmly believe we make a serious mistake if we encourage the concept that our laws are and should be changed in the courts. Writing law is the function of the legislature, which is responsible to the people through elections. Interpreting and applying the law is the function of the courts, which usually are not subject to popular mandate. The lawyer may play a role in both areas, but in doing so he should not confuse the parameters of either role. If he does, he abuses both the law and his high professional calling.

In a democracy, the primary way to effect change is through the legislature. In securing that change desired or needed by the people, where the democracy provides the means for peaceful change, violence has no place as a political weapon. Those who today would view the courts as an instrument of change should note that yesterday they would have opposed change by the courts and well may wonder what the morrow may bring. The people make the law, and once it is made it binds all—citizens, lawyers, judges. Justice Oliver Wendell Holmes, appalled when some of his colleagues seemed to measure a law in question by their personal learnings rather than by the Constitution, wrote: "I strongly believe that my agreement or disagreement has nothing to do with the right of a majority to embody their opinions in law."

Today's activist lawyers have many opportunities to assuage their desires in properly using the courts to enforce the law. It is neither necessary nor beneficial for them to push the courts into improper action or positions for which they were never intended under our Constitution.

Let us remember that discovery of facts constitutes more than half of the practice of law. To document injustice and to invoke the law for the public good is indeed a noble and satisfying endeavor, but to go still further and usurp the lawmaking function of the legislature is, in effect, to go over the heads of the people.

Today, we are also witnessing a new phenomenon—the use of violence by those who think they are so right they can use any means to achieve their ends. In our great country, where we have the redress of the ballot and the bench, the man is no hero who resorts to battles and barricades. He is, in fact, a destroyer of the very institutions and the very legal system established to provide the peaceful means of change.

In discharging their responsibilities—responding to specific case situations, not initiating law—the courts may be, as Chief Justice Burger has noted, a "slow, painful and often clumsy instrument of progress" nevertheless they provide us a detached and impartial judgment. And that we need, and must cherish. We want the judgment of courts; but we do not want them to substitute their will for the people's will as written by the legislature. That neither comports with our basic system of government nor provides society with the judgment essential to achievement of its lawful goals or models.

There is still another role that we Americans expect of our lawyers. We prize our system of law as highly as any gift, and we expect our lawyers to support and promote that institution as the only alternative we have to anarchy. This means upholding all laws, not just those laws with which we happen to agree.

Being familiar with the institution charged with responsibility to collect the revenue required to operate our Federal government and to support its programs, I assure you that the IRS strives to discharge its responsibilities even-handedly, fairly and vigorously. Admittedly it makes mistakes—just as do the other institutions of government—but on an overall basis it serves the Nation extremely well. In doing that, it needs and solicits help. It is no different in this respect than the Congress, the courts—all the other institutions. As citizens you owe it to yourselves to do all you properly can to defend and support—and improve—your institutions. As lawyers, you have an even higher responsibility because citizens generally look to and expect lawyers to lead. And it is this role of leadership in the law, of building by example the love of law in others, that is the highest and most demanding obligation of our profession.

THE SCARCITY OF GASOLINE AND DIESEL FUEL

Mr. FANNIN. Mr. President, the dimensions of one particular aspect of our national energy crisis have in the past months become ominously clear. I am referring to the scarcity of gasoline and diesel fuel. Shortages already exist in some localities, and are expected to continue throughout the summer.

The pinch is being felt by motorists, major oil companies, and independent marketers alike. Each interested group has suggested solutions. Each views its proposals as the best remedy for the situation.

Mr. President, the gasoline shortage presents Government and industry decisionmakers with a maze of interrelated problems, not to be solved by any simplistic solution. A recent article in Time magazine does an excellent job of spelling out the complex factors involved. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OIL: THE GROWING GASOLINE GAP

Cassandras of the energy crisis have long warned that some day gasoline rationing would allow only a few gallons per customer and that autos, buses, police cars and fire trucks across the nation would be stranded for lack of fuel. Suddenly, some day seems ominously close. Many parts of the country are, in fact, short of gasoline and diesel fuel. The scarcities threaten to persist, at least in some localities, throughout the peak summer driving season.

Texaco, the nation's largest marketer of gasoline, is already allocating its distributors only as much fuel as they received last year, even though demand is up. Gulf has declined to continue supplying diesel fuel to the Metropolitan Atlanta Rapid Transit Authority, and the city's 606 buses will be stalled if another supplier cannot be found by April 30. For the first time in memory, authorities in Des Moines and Boston have not received a single bid for contracts to supply city vehicles. Boston's police and fire departments have only enough gas to last through June.

Independent oil marketers—the chains of off-brand stations that buy surplus gasoline and resell it at discount prices—are being squeezed hardest as major oil companies save what gas they have for their own stations. White Eagle Oil Co. of Chico, Calif., closed six outlets last month; Gibbs Oil Co., a 350-station chain in the Northeast, has shut 15 stations and may put others on short hours. Eleven Sears, Roebuck & Co. outlets around Miami have begun to limit motorists to ten gallons per visit. Metro 500 of Minneapolis has temporarily closed 16 of its 17 stations, and Owner Paul Castenguay is keeping the sole survivor open only by stealth: late at night he drives his tank truck to major-brand stations where friends will secretly sell him a few gallons, on which Castenguay makes no profit.

Refineries are simply not turning out as much gasoline as motorists want to buy. Production currently is running around 42 million bbl. a week, but consumers are buying about a million barrels a week more than that. The excess is being siphoned out of gasoline inventories, which are about 16% below those of a year ago. This summer, demand is expected to hit 50 million bbl. a week. One main reason: manufacturers put nearly 11 million new cars on the highways last year, and more of them than ever before are equipped with air conditioning and other power options that reduce gas mileage.

Independent marketers, who have captured 22% of the retail gasoline trade, suspect that major oil companies have contrived the shortage to force them out of business, drive up prices, and silence environmental critics. They note bitterly that despite the gas shortages last week the nation's refineries worked at only 88.7% of capacity, the lowest level since last November.

Spokesmen for the major oil companies claim that refinery runs are down because their stocks of unrefined crude oil are dwindling in the face of a world-wide tightness of supply. Lowered gasoline output also reflects the fact that last winter oil companies shifted much refinery capacity to production of home-heating oil; they are just beginning to switch back. In addition, the Cost of Living Council last month reimposed mandatory price controls and profit-margin limits on the petroleum industry; one effect is to discourage many refiners from importing expensive foreign crude to augment their supplies. Further exacerbating the problem, environmentalists have recently blocked construction of new refineries that they feared would cause ecological damage along the coasts of California, Delaware and the Gulf of Mexico.

Executives of major oil companies suggest a number of predictable remedies for the shortage; raise the oil-depletion allowance so that they can afford to spend more money on exploration; lift price controls so that they can raise gasoline prices to levels that would discourage consumption; and delay proposed federal antipollution standards that seem likely to cut auto gas mileage.

POOLS

In Minnesota, where at least 113 independent stations have closed already, the state legislature has taken another tack. It is considering a bill that would force major oil companies to sell independents at least 10% of all gasoline brought into the state. In Washington, D.C., Darrel Trent, acting director of the Office of Emergency Preparedness, suggests that commuters form car pools or take public transportation to work and that states reduce highway speed limits because cars consume less fuel at lower speeds.

Many independent marketers favor removing all restrictions on imports of foreign oil. President Nixon is unlikely to go that far, but he is expected shortly to replace quotas, at least temporarily, with a tariff system that would permit much more crude oil to be imported at higher prices. If that step is taken, Administration officials are convinced that the nation can get through the summer suffering nothing worse than localized gasoline shortages and some rise in prices. There is one major hitch: if refineries produce enough gasoline to meet peak demand this summer, they may have to curtail heating-oil output enough to threaten more chillouts next winter.

A SIGN OF HOPE IN IRELAND

Mr. BUCKLEY. Mr. President, on two previous occasions I have had the pleasure of engaging in a colloquy with the distinguished junior Senator from Massachusetts (Mr. Brooke) on the topic of the trouble in Northern Ireland. On those occasions we both expressed our concern for the suffering of the Irish people and hoped that all parties concerned act in a responsible manner.

Needless to say, the violence and the destruction have continued in that troubled area. But there have been signs of hope, small signs, perhaps, but nonetheless evidence of what I feel can be eventual triumph of reason and justice. The white paper recently issued by the British Government is another of those signs of hope. While I have not yet had the opportunity to examine that paper in detail, its general outline seems to me to be most reassuring. The minority—Catholic—group would be assured a share of the political power in a new 80-seat assembly and a new governing body. Civil rights would be guaranteed for all.

I was particularly gratified to note sections 30 and 31 of the white paper which read as follows:

> The Government favors, and is prepared to facilitate, the establishment of institutional arrangements for consultation and cooperation between Northern Ireland and the Republic of Ireland.
>
> Progress towards setting up such institutions can best be made through discussion between the interested parties. Accordingly, following the Northern Ireland elections, the Government will invite representatives of Northern Ireland and of the Republic of Ireland to take part in a conference to discuss how best to pursue three interrelated objectives. These are the acceptance of the present status of Northern Ireland, and of the possibility—which would have to be compatible with the principle of consent—of subsequent change in that status; effective consultation and cooperation in Ireland for the benefit of north and south alike, and the provision of a firm basis for concerted governmental and community action against terrorist organizations.

I believe that such proposals are in the interest of all of the Irish people. The unification of Ireland by legal means, mutually arrived at and agreed to by all concerned, offers, I have long been convinced, the best hope for tranquility and prosperity for all the Irish people. The sections of the White Paper concerning the setting of institutional frameworks to foster discussions toward that end are among the most convincing arguments for a careful study of the White Paper by all. The habit of consultation on matters of common importance to all Irishmen could prove enormously beneficial in dispelling ancient hostilities and emphasizing the broad range of common interests shared by north and south alike. In section 4 of the paper, it is stated:

> To all those who seek the unification of Ireland by consent, but are genuinely prepared to work for the welfare of Northern Ireland, the proposals offer the opportunity to play no less a part in the life and public affairs of Northern Ireland than is open to the fellow citizens.

Much remains to be done in Northern Ireland. Terror and violence have brought not only physical but spiritual harm to a great people. It is my hope that from the White Paper will come the beginning of a new Ireland, which eventually will be united, prosperous, peaceful, and free.

NASHUA, N.H., SCHOOLCHILDREN WORRIED ABOUT INFLATION

Mr. McINTYRE. Mr. President, I recently received from Nashua, N.H., some 13 letters from sixth graders who have a pretty good practical understanding of the meaning of the word inflation.

They wrote to tell me that the prices on the things they normally buy have gone up in the last few weeks. Furthermore, they realize that prices on the food their mothers buy for the family have jumped as well.

Mr. President, we have a tendency sometimes to look at inflation in terms of charts and graphs. American consumers define inflations in more practical terms—they must scrimp and save in order to survive it.

The letters from these children should remind us of this fact. I want to commend each of them for taking the time to let their Senator know how concerned they are about the problem and I ask unanimous consent to print their letters in the Record so that may colleagues will have a chance to read them.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Nashua, N.H.
March 27, 1973.

Senator Thomas J. McIntyre,
U.S. Senate,
Washington, D.C.

Dear Senator McIntyre: My sixth grade class at Crowley School has been discussing the increase in prices and, as you can see by their letters, they are very much concerned. Their spelling and punctuation is often poor but the letters express what they feel.

I was happy that the children, in an effort to do something about their concern with rising prices, came up with the idea of writing to their Congressman. They firmly believe in the democratic process. If you can take time in your busy schedule to respond to them, it will be greatly appreciated. The day after they wrote the letters, an article appeared in the Nashua Telegraph stating your proposal to put a freeze on prices for 60 days. My sixth graders certainly did not expect such prompt action on your part.

Sincerely,

Kay Williams.

Nashua, N.H.,
March 27, 1973.

Senator Thomas McIntyre,
U.S. Senate,
Washington, D.C.

Dear Senator McIntyre: I am writing you about the way food is going up. It's not just meat, it's everything. Like corn flakes went from 39¢ to 43¢ in about a week. And if anyone thinks that's not bad, then they're cracked.

And that boycott week. Well, I agree on boycott, but we have to go without meat. And I like meat a lot. So, if you could do something about it, I would really appreciate it.

Yours sincerely,

Shelley Smith.

Nashua, N.H.

Senator Thomas J. McIntyre,
U.S. Senate,
Washington, D.C.

Dear Senator McIntyre: I am mad because the food prices are going up. I went to a store to buy a bag of chips and they were 15¢. They used to be 10¢. I am never going to buy chips again unless they go down to 10¢ again.

All food prices have gone up. One time I went to a store to buy cat food for my cat Whiskers. The cat food used to be 12¢ a can, but now they are 29¢ or 30¢.

I used to buy some candy in a pack for 29¢, but now they are 39¢. Some people don't make much money when they work. What do they think? I think prices should go down. A bunch of kids in my classroom think they should go down, too.

Karen Lefebvre.

Nashua, N.H.,
March 27, 1973.

Senator Thomas McIntyre,
U.S. Senate,
Washington, D.C.

Dear Senator McIntyre: Our class has been talking about prices being raised. Like before I was able to buy a candy bar for five cents and now they're all ten cents.

Danny Dumaine.

Nashua, N.H.,
March 28, 1973.

U.S. Senate,
Washington, D.C.

Dear Senator McIntyre: In the past few weeks the prices have gone up. And when I go to the store on the way home from school, I need pretty much money just to buy a few things.

I wish that you could talk to Congress and make them do something about it.

Yours truly,

George Eftimiou.

Nashua, N.H.

Senator Thomas McIntyre,
U.S. Senate,
Washington, D.C.

Dear Senator McIntyre: One day I went to the store to buy some peanut butter and it cost 63¢ a jar and the day after I bought some and it cost 65¢. I think that you should do something about it.

Your friend,

Lyne Charland.

Nashua, N.H.

U.S. Senate,
Washington, D.C.

Dear Senator McIntyre: This letter is about prices going up. One day I went to buy model glue and it costs me 19 cents and the other day it was 15 cents.

In some stores I used to buy small pints of orange juice and chocolate milk for 12 cents and now I have to pay 15 cents for it. Some people think what's a few cents. But after a while it can add up to a lot.

So if you and some other of the important people can you should do something about it.

Sincerely,

John Bissonnette.

Nashua, N.H., *March 27, 1973.*

Senator Thomas J. McIntyre,
U.S. Senate,
Washington, D.C.

Dear Thomas McIntyre: I'm in the 6th grade. I can't stand going down to the store every day and find out the ring dings, devildogs and freto corn chips and pepsi and half pint milk going up about 3¢ apiece. Even the model glue is up 19¢. Please try to do something about it.

Thank you,

Brian Reardon.

Nashua, N.H.,
March 27.

Senator Thomas McIntyre,
U.S. Senate,
Washington, D.C.

Dear Senator McIntyre: I am writing to you about the boycott. I think that if the United States had more places that they fatten the cattle, and more breeding places that they wouldn't have this kind of a problem.

If we could start a fund raising or something like that maybe we would have enough money to buy some. Thank you for your time.

Sincerely,

CATHERINE BURNS.

NASHUA, N.H.,
March 27, 1973.

Senator McINTYRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR McINTYRE: There are many things wrong in N.H. I feel the people should do something about it. Like cleaning up the rivers. There are many ways in which people can make money doing it. Even us kids would help, too.

The food prices are worse, though. People are in the stores and all you can hear is people yelling about the prices. There must be something we can do. If you find something please write me and tell me.

LAURA TREMBLAY.

P.S.—I appreciate your reading this.

NASHUA, N.H.,
March 27, 1973.

U.S. SENATE,
Washington, D.C.

DEAR SENATOR McINTYRE: I think that the prices are going up too high and the peoples' pay is not going up. What I am trying to say is that all the stores' products are going too high for some people, like the groceries are going up, like my mother paid $40.00 and now she pays $60.00 for her groceries. They have gone up, you know. Goodbye. I hope you take my note to conscience.

Your friend,

BRIAN CHEEVER.

NASHUA, N.H.,
March 27, 1973.

Senator THOMAS McINTYRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR McINTYRE: I think that the food costs a lot. I think that you should do something about it.

I went to the store for my little sister Sylvie and she asked me to go buy a box of Cracker Jacks and she gave me a dime. So I went to the store and the box of Cracker Jacks cost eight cents. So two days after I went and got another box of Cracker Jacks and it cost a dime.

Please do something about it.

Your friend,

LISON LEHARLAND.

NASHUA, N.H.,
March 27, 1973.

Senator THOMAS McINTYRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR McINTYRE: I have written this letter to tell you how high the prices on food are going up.

One price of steak about six inches long and about four inches wide costs two dollars.

I want you or someone else to stop the rising prices on food. Especially on meat.

BRIAN HENDERSON.

NASHUA, N.H.,
March 27, 1973.

Senator THOMAS McINTYRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR McINTYRE: Prices have gone up quite a bit. For example the milk used to be $1.12 and now it costs $1.17. So I'm asking you to lower the prices please. Have a nice day. Thank you.

Yours truly,

PATRICIA SATTERFIELD.

ADMINISTRATION TRADE BILL

Mr. PERCY. Mr. President, I am most pleased that the administration has submitted comprehensive trade legislation to the Congress. Since 1967 the President has not had authority to conduct and conclude trade negotiations with other countries.

The bill is sweeping in its scope covering tariff adjustment authority, nontariff barriers, adjustment assistance, import relief provisions, most-favored-nation authority, tariff preferences for developing countries, export promotion, and overseas investment. It should be noted that the bill is unprecedented in the authorities it would give to the President to handle international economic matters. It faces up to the very real problem American industry is confronted with in nontariff barriers about which I have spoken so frequently.

I admire the hard work and tough but realistic thinking that has gone into this legislation. I hope that now the Congress will respond to the President's initiative in a comprehensive and responsible way and will put this matter at the top of the legislative agenda for action this year.

TESTIMONY OF MAYOR ROY B. MARTIN, JR.

Mr. HARRY F. BYRD, JR. Mr. President, yesterday the distinguished mayor of the city of Norfolk, Va., the Honorable Roy B. Martin, Jr., testified before the Senate Committee on Banking, Housing and Urban Affairs' Subcommittee on Housing and Urban Affairs.

His remarks touch on the dynamic growth of Norfolk and the success of its urban redevelopment program.

I am pleased to offer these remarks for the consideration of my colleagues and ask unanimous consent that they be printed in the RECORD in their entirety.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY OF ROY B. MARTIN, JR., MAYOR OF NORFOLK, VA.

Mr. Chairman and members of the Committee: My name is Roy B. Martin, Jr. I am Mayor of the City of Norfolk, Va.

As Mayor of Norfolk since 1962 and a member of the City Council since 1953, I welcome this opportunity to present Norfolk's experience to you in your evaluation of the effectiveness and efficiency of Federal housing and community development programs.

Norfolk is a 300 year old city, sitting on the southern shore of Chesapeake Bay at Hampton Roads. Our population of roughly 310,000 is about 70 percent white and 30 percent non-white. Norfolk's 50 square miles is 95 percent developed. Because we are surrounded by water and by other municipalities, we cannot grow by annexation. Given these facts, if we are to build better housing and a better community, we must rely upon urban redevelopment.

Over the last 25 years, a once-decaying seaport town has been transformed into a model of urban progress. This could not have been achieved without the existence of programs of Federal assistance which have provided both the incentive and the means for accomplishing major improvements in our city, consistent with national goals.

Today, a strong and clear need remains in Norfolk for continued Federal support to build on the success of the past and accomplish what remains to be done, unimpeded by arbitrary moratoriums and impoundments.

Norfolk's first experience with rebuilding our city actually came in the era of the Revolutionary War, after all standing structures except Old Saint Paul's Church were leveled by British naval gunfire and arsonists in 1776.

During the era of World War II, personnel of the United States Navy had many inelegant epithets to describe the unfortunate character of the city. Sailors said that a couple of beers made Norfolk easier to take. After Norfolk, Okinawa looked good. Our city had become dull, dirty and corrupt.

Meanwhile, another story was unfolding. In 1935, a group of concerned citizens who had the foresight to see that public action would be required to improve the sorry condition of the City's housing stock, first proposed creation of a Norfolk Housing Authority. However, in those years before municipal reform came to Norfolk, it took until 1940 for the City Council to give its approval to formation of the Authority.

Then, after the Second War, Norfolk became the first city in America to have an urban renewal project approved under the Housing Act of 1949. In that area today, a luxury hotel and a 750-unit public housing project stand side-by-side. Tax revenues to the city from redevelopment in Project UR–Va. 1–1 have increased almost 300 percent.

When we try to evaluate our experience over the last thirty years, we can cite with pride several characteristics which have ensured the success of the redevelopment and housing program in Norfolk.

First, constructive teamwork has existed between the Federal government and local officials. Federal priorities have been our priorities. On matters of importance, we have usually seen eye-to-eye.

Also, there has been close cooperation between the City government and the commissioners and staff of the Redevelopment and Housing Authority. We have all recognized the need for well-planned and well-managed public action in improving the quality of life for all of Norfolk's people.

Next, we have made extensive use of the broad range of housing and community development programs which the Congress in its wisdom has enacted. This flexibility has enabled us to use different tools to meet different needs throughout our city.

In addition, with the assistance of these Federal programs, we have tried to maintain Norfolk's character as a balanced community. In the area of housing, for example, we have more than 5,600 units of public housing in management or development; we have made effective use of various other HUD-assisted housing programs, especially in redevelopment areas (and, here, let me add that we have had no 235 or multifamily foreclosures ever); and we have an outstandingly successful Section 312 Conservation Program, which has already begun to bring back to the inner-city many middle- and upper-income families whose heads are doctors, lawyers, businessmen and professionals of all ages.

Let us look at some of the specific contributions of redevelopment and housing programs to Norfolk.

Mr. Chairman, last Spring, the Department of Housing and Urban Development released findings of a set of studies which extolled the success of local redevelopment activities. Specifically, these findings showed that the urban renewal program has produced:

A 422 percent increase in the average assessed valuation of redeveloped acreage;

A 395 percent increase in average tax revenues per acre; and almost two dollars of private investment for every one dollar of Federal investment.

CAN ANY OTHER PUBLIC PROGRAM ANYWHERE MATCH THIS RECORD?

We in Norfolk wish that HUD would quote our experience: the results are even better.

Estimated annual tax receipts to the city from redeveloped land are expected to increase 450 percent, or almost $5-million per year. This, of course, does not include land put to public reuse, which will have provided the City of Norfolk with numerous public and charitable facilities. These include:

A new police headquarters and a precinct house, three fire stations and ten parking garages.

Scope, Norfolk's Cultural and Convention Center.

A new main library and a branch library.

Major expansion with several new facilities at Old Dominion University and Norfolk State College.

A new city hall, courts building, and a new city jail.

A new board of education building, two elementary schools, one junior high school, and two senior high schools.

A public park and a recreation center.

A public health building and a mental health clinic.

Red Cross headquarters.

Eastern Virginia Medical School.

Four new hospitals.

FEDERAL INVESTMENT OF $108 MILLION WILL HAVE BROUGHT OTHER PUBLIC INVESTMENT OF $112 MILLION AND PRIVATE INVESTMENT OF $301 MILLION

Clearly, Title I has proved itself to be a broad and flexible program, enabling us to take a comprehensive approach to community development. Because of Title I, Norfolk is now a better community. We have had good planning and good execution, and we have tried to "relate the relatables."

Again, let us remember that the 1949 Act tied redevelopment efforts to remedying a serious housing shortage and clearing slums and blight.

When we began our redevelopment program in 1949, almost 40 percent of Norfolk's housing stock was substandard. Today, this figure has been reduced to 15 percent, at the same time as our population has increased by 100,000 and the bulk of the housing stock has continued to age. If sufficient resources are available, we expect to be able to reduce this 15 percent to 3½ percent by 1980.

Over the years, our redevelopment and housing program has been responsible for the construction or rehabilitation of 9,817 units of decent housing. This represents more than 10 percent of Norfolk's entire housing stock. In addition, another 2,070 units are planned for redevelopment land.

We must also consider the benefits to the economy of the private sector which our redevelopment and housing program has brought.

Norfolk's East Main Street was once known mainly for bars, babes and burlesque.

Today, along East Main Street stand: the headquarters of the Virginia National Bank; the headquarters of the United Virginia Bank; Norfolk's award-winning Civic Center; and a beautifully designed and landscaped pedestrian walkway.

A few blocks up Saint Paul's Boulevard are an amazingly successful inner-city shopping plaza and the new headquarters of the Norfolk Chamber of Commerce, located in the 200-year-old Norfolk Academy building.

On the next block stands the 12-story Holiday Inn-Scope, recently refurbished by a group of area businessmen at a cost of several million dollars.

Moving a few blocks west and south, we find many leading retail stores which have been going through faceliftings and other improvements, drawing more and more customers all of the time.

In Norfolk, the Redevelopment and Housing Authority currently has opened more than $13 million in contracts to private firms involved in housing development and redevelopment, which provided jobs last week for more than 500 construction workers with an equivalent annual payroll in the millions of dollars.

Once again, this construction and employment return significant income and sales tax revenues to the city, the Commonwealth of Virginia and the United States Treasury.

In the last four weeks alone, redevelopment land in downtown Norfolk has been sold to private developers who plan to build a $12 million hotel on the waterfront and a multi-million dollar bank building. This is the fruit of a solid history of good planning, good management and good execution. This shows the confidence of investors and the kind of excitement which is attracting more and more people to downtown.

We in Norfolk take great pride and satisfaction in the exemplary cooperation and sense of direction which has existed for many years between the private and public sectors in our redevelopment and housing efforts.

Now, in April of 1973, how do the prospects for our housing and redevelopment programs look?

On the housing side, studies of Norfolk's supply of housing show that significant Federal assistance continues to be required, just to keep up with the forces of demand and deterioration, no less to get ahead.

We have been forced to sue the Government to obtain subsidies amounting to more than $2-million in order to keep our public housing program operating as it should operate, with good management, sound maintenance and necessary community services. A recent article in U.S. News & World Report for March 26, 1973, portrayed our dilemma in the present situation.

Former Assistant Secretary for Housing Management Norman Watson called Norfolk's public housing program a model for the nation. Public housing works. And in Norfolk, it benefits and serves the needy; fifty-five percent of the residents of low-rent public housing in Norfolk are on public assistance.

We believe that the Congress and the people have made an investment in public housing which should be protected and preserved just like any other public investment in school buildings, municipal offices, a hospital, streets and highways or a transportation system.

Similarly, plans for 369 units of HUD-assisted housing in our Hunterville Redevelopment Project and 495 units of HUD-assisted housing in the Berkley II Neighborhood Development Program area are threatened by the President's moratorium on assisted housing. Both of these plans had been formulated in close cooperation with the respective Model Cities Neighborhood Assemblies. What do we tell the people of those neighborhoods, who invested their personal time and effort believing that "the system" worked and would despond to their needs?

In addition, our Section 312 Conservation Program has suffered over the last several months, both from a basic inadequacy of funding and the on-again, off-again policy of the Office of Management and Budget. If the Administration is serious about preserving our existing supply of housing, why has it recommended terminating the Section 312 Rehabilitation Loan Fund as of June 30, 1973? In the transitional period of Fiscal Year 1974, what tool will we have to use in place of the 312 Program? Funds may stop, but aging and the potential for deterioration continue. Studies of Norfolk's housing situation show that 1,977 more units should be rehabilitated by 1980, just to maintain our present position.

On the redevelopment side, we in Norfolk have two main concerns.

First, funding during the transitional period in fiscal year 1974 to the special revenue sharing or block grant approach must be maintained at recent levels. We fail to see how the President's request of only $137-million for urban renewal, a cut of 93 percent from FY 73 funding, is sufficient to maintain an adequate program and a stable, professional staff during the transitional period. Unless the FY 74 funding for urban renewal is increased significantly by the Congress, America's towns and cities will suffer severely.

Second, if the Congress chooses to move to the special revenue sharing or block grant approach, new legislation should provide for a level of funding adequate to meet the needs of the community. Those communities who have successfully demonstrated their ability to plan and execute redevelopment activities should be guaranteed that their resources will not be undeservedly reduced by any new formula of assistance. In this connection, Mr. Chairman, we commend the "hold-harmless" provision of the Housing and Urban Development Act of 1972 (S. 3248).

Although we have made great strides in Norfolk, we still have far to go before we shall have completed our agenda for progress.

We have reduced our percentage of substandard housing to 15 percent or roughly 15,000 units; but this still means that one out of every seven dwelling units is not in the condition it should be. This means that approximately 45,000 of our more than 300,000 citizens still have not shared in meeting the goals set forth in the 1949 and 1968 Acts.

Nevertheless, some people proclaim that the crisis of the cities is over. Yet, if the crisis has in fact been conquered, how can these same people allege that the tried-and-true programs which brought us out of the crisis were failures? The position of these people is obviously inconsistent.

Norfolk's recent history tells the story of how local initiative combined with incentives and tools made available by the Federal government to meet national goals has transformed a seaport town into a 21st century metropolitan center.

Let us characterize our progress.

Flophouses have been replaced by first-class hotels.

Overcrowded slums have been replaced by thousands of decent homes.

Modern banks and businesses stand where bawdy houses once prevailed.

Historical structures have been preserved.

Breeding places of crime and arson have given way to police and fire stations.

Symphony orchestras and professional sports teams now perform where dwellers in blight watched rats on the rampage not many years ago.

A modern system of highways, bridges and tunnels has replaced old ferries and obsolete and circuitous roads.

Where Navy personnel once tried to avoid Norfolk, hundreds and thousands are choosing our city as their place to retire.

Let me summarize by saying that in evaluating the existing housing and community development programs in Norfolk, we believe that their success here has proven their strength and their soundness.

This is what we have accomplished; this is what we hope to continue.

Our problems are *not* solved.

But we know where we're going and what needs to be done; 15,000 slum dwellings remain in Norfolk.

To meet these needs, we must have reliable and responsible support from the Federal government, without the arbitrary stopping and starting of programs.

We must have a level of funding which represents a serious commitment to domestic America in the 70's.

Thank you.

THE ECONOMIC SITUATION

Mr. FANNIN. Mr. President, in a time when we are confronted with many complex issues we are fortunate in having journalists and broadcasters who are able to strike directly to the heart of our problems.

This is especially true of our current economic situation.

Recently I heard a commentary on radio by George Putnam, and I was so impressed by his analysis that I obtained a transcript.

Mr. Putnam has won more than a thousand awards in his broadcasting career which dates back to 1934 when he was in Minneapolis. Since 1951 he has been on television in California. He now does two newscasts daily on KTLA–TV in Hollywood, and he has a radio program which is carried by 40 radio stations from Hawaii to Maine. I am told that Mr. Putnam researches and writes his own programs.

Mr. President, I believe that Mr. Putnam's observations and suggestions concerning our economic situation are valid and should be brought to the attention of all Members of Congress. Therefore, I ask that the commentary be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

"One Reporter's Opinion"—Commentary by George Putnam

ECONOMIC CHAOS

It is this reporter's opinion that the government must move quickly to halt the headlong rush toward financial and economic chaos. The public is griping over high prices in the food market. Labor unions are demanding higher wages to meet higher living costs. There is discontent over the import of so many manufactured goods, in direct competition with our own products. The dollar is in jeopardy, and world currencies are floating uncertainly.

The Congress speaks of fighting inflation. There is a continuing huge deficit in our federal budget. Our gold supply is being rapidly depleted. The savings of those who are old, and those who are going to be old, are being withered away by devaluation and the printing of paper money. The government continues to borrow on short term, high interest notes, which must be repaid at a higher figure. Nearly thirty-five billions of dollars come out of the budget simply to service the interest on the debt.

Everybody says something has to be done to stop all this, yet refuses to do his part. Well, the question is, what should be done?

It is this reporter's opinion that first of all, government should get out of those programs in, which it has no legitimate place—no business. There must be a readjustment of balance among the federal, the state, and the local governments. Every businessman and every householder knows you cannot spend more than you are taking in. It applies to the United States as well as it applies to the housewife and her budget.

Tariff barriers must be readjusted. Too long have we allowed an influx of foreign products to unfairly compete with our own manufactured goods. At the same time, our old and new trading partners have prevented, through high tariffs, the importation of our products.

Now, there was a time when the foreign product was a cheap imitation—ersatz, of the fine American product. This is no longer the case. German automobiles, Japanese electronic equipment and cameras and the like, are sought after throughout the world as superbly manufactured, and of highest quality, and at sensible prices.

In the midst of these international monetary crises. It is time for a coming together of government, management, labor, and the consumer, for a complete realignment of economic priorities, in which these sectors do not compete with each other, but work together for the general good of all of us. Because as I recall, someone once said, "If we don't hang together, we'll all hang separately."

PRICE CONTROLS

Mr. BROCK. Mr. President, an editorial in the Sarasota, Fla., Herald-Tribune of Sunday, April 1, 1973, lays waste to the argument of those who see ever greater governmental controls on the marketplace as the solution to our economic problems.

As the editorial points out, these policies generally produce precisely the opposite effect from that which they intend. Moreover, as each succeeding attempt fails, the proponents turn more extreme, in the vain hope, as the title of the editorial suggests, that the effects of poison may be counteracted by prescribing more poison.

It is informative reading for all who seek sanity in the debate over our economic policies, and I ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Prescribing More Poison

Congressional Democrats apparently believe, judging from recent words and actions, that the best remedy for a bad case of poisoning is more of the same poison.

Or more specifically, when economic controls aggravate problems, they would cure them with more controls. Senate Democrats last week pushed through a bill that would slap rent controls on apartments in 60 cities. Other Democrats in Congress are pushing for a 60-day freeze on all prices and interest rates; some even favor, so we gather, trying to control the wind and the rain and other factors that determine raw food prices.

All this will hardly be good news for the nation's independent bakers, who are going out of business in droves because the industry's giants have been forced to keep a lid on prices at a time when flour costs have been rising. And it should be disturbing, but maybe isn't, to the building industry, which has had all sorts of trouble with lumber since Phase 2 set lumber price ceilings at artificially low levels.

When demand shot up, lumber producers naturally concentrated on the most profitable items. Shortages developed in items least profitable. Now, the controllers are trying to restrict log shipments to Japan, which of course works just counter to the efforts of those other federal officials who are trying to restore trade equilibrium with Japan.

And everyone traveling the streets of New York can see that rent controls are something less than a great idea. The city has block upon block of decrepit housing that could have been maintained and properly valued had not a long period of rent controls distorted the city's real estate values.

As for interest rates, they were held down quite successfully last year by a liberal Federal Reserve monetary policy and the activities of the Committee on Interest and Dividends. This has helped us get a dollar that buys increasingly less in foreign markets and at home, simply because the policy entailed excessive money creation.

And then there are the fuel shortages, past and future, which Congressmen think can be cured with new controls, jawboning and all those other marvelous gimmicks of modern government. As we've noted before here, there's nothing like holding down the price of a commodity artificially when you are trying to entice someone to increase production of that item.

Agriculture Secretary Butz, who isn't always right but is usually forthright, recently described those who want raw food price controls as "damn fools." Department secretaries aren't supposed to say things like that about Congressmen, but sometimes a man can get so exasperated he can't control himself. And when Congressmen have so little understanding of an economic malaise that they persist in policies that can only make it worse, it is easy to become exasperated.

The year 1972, with controls in place, the Fed printing lots of money and Congress merrily overspending the budget by $11 billion, may have seemed like an economic paradise. But as the events of early 1973 have shown, it was a fool's paradise. If there is any wisdom left in Washington, we won't return to that world of illusion but will instead concentrate on the fundamentals of fiscal and monetary restraint as the only route back to stability.

PRECEDENT FOR RATIFICATION OF THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, critics of the Genocide Convention have argued that there is no precedent for our acceptance of article IX of the treaty. Article IX states:

> Disputes between the Contracting Parties relating to the interpretation, application or fulfillment of the present Convention, including those relating to the responsibility of a State for genocide or for any of the other acts enumerated in article III, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute.

There is indeed a precedent for U.S. participation in such a provision. On November 2, 1967, the Senate ratified the Supplementary Convention on the Abolition of Slavery. Article X of the Supplementary Slavery Convention states that disputes between the contracting parties are to be submitted to the International Court of Justice for adjudication. This is clear precedent for article IX of the Genocide Convention.

Mr. President, the Senate should ratify the Genocide Convention as soon as possible.

THE CHANGING MIDWEST

Mr. MONDALE. Mr. President, each of us takes a great deal of pride in our own State and those things which make it distinctive in this richly diverse Nation. It is a special source of pride when those things receive national attention, and that is why I was so delighted by a column which James Reston of the New York Times recently wrote as a result of a visit to Minnesota.

It was gratifying indeed to see a journalist of Mr. Reston's stature and distinction take note of the quality of the leadership in the State government of Minnesota—particularly that of our outstanding Governor, Wendell Anderson, as well as the unique nature and character of the Democratic-Farmer-Labor Party of our State.

Believing that Mr. Reston's article will be of interest to my colleagues, Mr. President, I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 6, 1973]

THE CHANGING MIDWEST

(By James Reston)

ST. PAUL, April 5.—The land in the upper Middle West still looks a little bleak and winter-weary these early April days, but a hungry world is crying for fodder, and the outlook for the farmers out here is unusually bright.

They are grumbling, of course, about the boycott against rising prices, but they are more patient than the city folk, who will probably be crowding the butcher counters again in a couple of weeks. "Give us this day our daily meat. . . ."

Unlike the Midwestern auto industry, which is running into increasing competition from Europe and Japan, and the aerospace industry in the Far West, which is running out of customers, American agriculture retains the scientific and trade advantages American industry is losing, and is now the best hope of solving the nation's balance-of-payments problem.

You cannot come across these fertile geometric fields from the Ohio to the Mississippi without feeling the strength and energy and bustle of these people, particularly in the state of Minnesota, where youth seems always to be in the saddle.

Washington may be talking primarily about politicians in their sixties, but out here a new generation of leaders is rising. The attractive and intelligent Governor of Minnesota, Wendell R. Anderson, is just forty but has been in elective office here for fifteen years.

Speaker Martin Sabo of the State House of Representatives has just turned 35, but is regarded as an oldtimer because he has been in the House since 1960, when he was first elected at the age of 21.

In the last election for the Minnesota Legislature, the average age of State Senators dropped from 48 to 42 and in the House from 45 to 42 (the average age of Senators in Washington now is 55.3 and of members of the House 51.1).

Things may look much the same on Capitol Hill in the Federal capital, but here roughly 40 per cent of the members of the State Legislature are freshmen who were elected for the first time last November.

And this is not merely a mathematical point, for the Minnesota House voted 99 to 29 this week to give 18-year-olds full legal status as adults, and Governor Anderson's budget allocated 54 per cent of requested funds to education.

Minnesota, of course, usually seems younger and more progressive than most of the Midwestern states, and this is undoubtedly true today. Both Minnesota Senators in Washington are Democrat-Farmer Labor, and the Minnesota delegation in the House is four Democrats and four Republicans, while the Republicans from all twelve Midwestern states in the House of Representatives outnumber the Democrats 70 to 52.

Nevertheless, looking to the future, the political balance in the country seems to be changing, with the thirteen states of the sunny crescent from California down through the Southwest and across to Florida beginning to challenge the Middle West, in Kevin Phillips' calculation, as "the leading national base of the Republican party."

This conclusion is open to challenge, for of course the Midwest was as unanimous for President Nixon last November as the rest of the country, but the Democrats now hold eight of the twelve Midwest governorships—Ohio, Illinois, Wisconsin, Minnesota, North Dakota, South Dakota, Kansas and Nebraska—while the Republicans hold only four—Michigan, Missouri, Indiana and Iowa.

Last November, the Democrat-Farmer Labor party here won both houses of the Minnesota Legislature for the first time in history, and as Governor Anderson remarked the other day: "This Minnesota pattern is in line with a major Democratic trend in the upper Midwest. In the combined areas of Illinois, Wisconsin, Minnesota, Iowa, North Dakota, South Dakota and Montana," he added, "there are only two Republican U.S. Senators and one Republican Governor."

So something is going on out here that is not only helping President Nixon with his world politics—producing the food that is his main bargaining tool—but paradoxically seems to be helping the Democrats in state politics. The richer the industrial workers of the country get, the more they seem to vote Republican; but the richer the farmers get, the more they seem to back the Democrats in non-Presidential elections.

In 1929, one American farmer produced enough food for twelve people and will now soon be producing enough for 100. In 1939, farm income was only 50 per cent of non-farm income in the nation, but in 1972 it was 79 per cent of non-farm income.

No wonder then that, despite the habitual complaining in the farm belt, there is now an air of prosperity and an anticipation of more to come. Big Ten football seems to be in a slump, but the farmers are talking boom, and even saying nice things about the Russians and the Chinese, who promise to be good residual customers for years to come.

A SURVIVAL LETTER BY DR. JEAN MAYER

Mr. PERCY. Mr. President, on Sunday, April 8, the New York Times Magazine carried an interesting and timely article by Dr. Jean Mayer, the noted Harvard nutritionist. I hope my congressional colleagues will read it as it may well prolong their lives.

Dr. Mayer, the chairman of the 1969 White House Conference on Food, Nutrition and Health, has contributed a great deal to the work of the Select Committee on Nutrition and Human Needs. In this article he strikes many of the themes which are part of the committee's agenda this year.

For instance, the article itself is a first-rate example of how to inform the public in a readable and entertaining fashion about the basic rules of good nutrition. Our committee is in the midst of a detailed study of how best to meet the need for nutrition education in this country.

In addition, Dr. Mayer describes the sensible way to lose weight—eat less but eat well and exercise regularly—and points out some of the fallacies in some currently popular diet plans. Two so-called fad diets, the macrobiotic diet and the Atkins' diet—"Dr. Atkins Diet Revolution" is a runaway best seller—are the subject of a committee hearing April 12.

Finally, Dr. Mayer urges his readers to avoid sugar-coated cereals and to cut down on the consumption of sugar. This theme is one which arose in the committee's hearing on nutrition advertising on children's television and will be followed up in further hearings on the relationship of sugar to health. Mr. President, Dr. Mayer sets out in this article a sensible diet regimen for a typical American family. I believe we all can benefit from a careful reading of his work.

I ask unanimous consent for the article to be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WATCH YOUR DIET AND LIVE

(By Jean Mayer)

Dear Mary: I am glad to hear about your new baby and pleased your mother has come to live with you. She was quite lonely and with your husband away most of the week, she will be good company for you, too.

You ask me a great many questions on how to feed your teen-age daughter, your little boy and the new baby, and you also ask if you ought to consider special nutritional supplements for your mother, who has just passed her 60th birthday. I will indeed answer your questions: They are, incidentally, perfectly good and intelligent queries; you need not be so apologetic about them. Before you get to the answers you seek, however, you will have to pay a slight toll: You will have to read through advice concerning the two members of the family about whom you did not ask—you and your husband.

Let us start with you. You had an uneventful pregnancy. Your weight gain was 24 pounds, almost just about the middle point of the range (18 to 27 pounds) recommended by the committee on maternal nutrition of the National Academy of Sciences-National Research Council Food and Nutrition Research Council Food and Nutrition Board (as a very thin girl to start with, you could have been well in the upper part of the range without any risk). The decision to breast-feed the baby will actually make it easier to get back your normal figure without going on the reducing diet you are contemplating "now that you have stopped eating for two." Part of the weight gain during pregnancy is designed to prepare some reserves for the nursing period. You will use them up fast—at a rate of 600 to 1,000 calories a day's worth of breast milk. Be sure to drink plenty of milk yourself, no less than a pint, preferably a quart. If you want, you can use one of the low-fat milks with milk solid added. Be sure to eat a balanced diet, with eggs, meat, fruits and vegetables. Follow your appetite and stop worrying.

Actually, now is the time you are eating for two. When the baby was in the womb he was still very small and though he was growing very fast in proportion to his size, the absolute amount of growth was far less than after birth; now he has to maintain his own body heat and also he is considerably more active. As an encouragement to nursing the baby, remember there is now a great deal of scientific literature reporting on studies showing that babies are far less likely to develop stomach aches and diarrhea when they are breast-fed, that they are less likely to overeat, and that their intellectual and emotional development tends to be smoother. The mental health of mothers tends to be better as well. Their physical health is by no means compromised, even if they breast-feed for much longer than the three months customary in the United States, as long as they eat well themselves. So to start with, take good nutritional care of yourself.

I warned you that I would go from you to your husband before I talked about your children and your mother. I do so because he is, in many ways, the most vulnerable member of your family. Joe is approaching 40, weighs 30 pounds more than he did in college, and there is a history of high blood pressure in his family. I hope he gets a regular check-up and knows both his blood pressure and his cholesterol level. We have literally millions of persons in the United States whose blood pressure is elevated and who either don't know it or don't do anything about it, even though we have more effective medication for hypertension than we have for any other chronic disease. I assume Joe is not one of these. At any rate, he would do well to eliminate his terrible habit of oversalting his food—even before he has tasted it. There is good evidence that this practice is likely to predispose to high blood pressure.

And try to get him to cut down on the enormous amounts of fat he eats: two eggs and bacon every morning is a very bad habit for an adult man unless his cholesterol is known to be extremely low (below 180 points). It makes him start the day consuming at least 500 completely unnecessary milligrams of cholesterol, which in turn prop up his own blood cholesterol by at least 25 to 30 points. Recent studies show that when your cholesterol goes from 150 to 250 points, your chances of dying of a coronary triple. Incidentally, I hope you haven't swallowed the fairy tale propounded by a lady "pop nutritionist" which claims that the cholesterol of eggs doesn't count, because they also contain lecithin. That's nonsense. In our nutrition laboratory at Harvard when we want to elevate the blood cholesterol of men or monkeys, we feed them large amounts of eggs and, lecithin or no lecithin, it goes up. Eggs are an excellent food for you and your children, but try to cut Joe Sr.'s ration to two a week—as a Sunday treat. One of the good, traditional, hot or cold (not sugar-coated!) cereals with a small amount of sugar and skim milk and fruit will do very well for him.

Get Joe to lose at least 20 of those 30 extra pounds he put on since graduation—and get him to do it on a sensible diet, not on a steak and martini "low carbohydrate" diet. Low-carbohydrate diets are high-fat diets much more than they are high-protein diets, and the last thing you want to do is to push his cholesterol further up. Give him *moderate* amounts of food, including protein foods—one meal poultry, one meal fish, one meal pork or beef is an easy way to cut down on meat fat; broil his meat rather than fry it; give him skim milk rather than whole milk; and generally speaking, cut his calories by cutting down on sugar and saturated fats. If you can, and I know it's difficult, get him to walk an hour every day; considering his size, that will burn up at least 300 calories a day. A pound of fat is the equivalent of 3,500 calories; he could lose his 20 to 25 pounds in a year through walking alone.

And cutting down on empty calories, sugar, fat, and one of his two nightly cocktails, would mean that he goes back to his best weight much faster. Try to get him to stick to such a practice even when he is on the road.

Finally, encourage him to play squash two or three times a week. Pack his racket and squash clothes in his suitcase when he travels. That additional hour of hard exercise will not only help him with his weight, it will also keep his blood vessels elastic and less likely to become narrowed by cholesterol deposits. I am sure, knowing him, that he is a conscientious father and husband and is buying a great deal of life insurance so that all of you will be protected if something happens to him. Point out that the best insurance is for him to stay alive by following a prudent regimen of diet and exercise.

Now for the children. The baby is doing well on breast milk and vitamins (human milk is higher in vitamin C than cow's milk but is still somewhat too low in vitamins C and D). At some point, your pediatrician will supplement his diet with a source of iron such as enriched cereals and/or vegetables, and later, baby liver. Please don't jump the gun and feed solid foods to your baby before your doctor tells you to simply because your neighbor or your sister-in-law did. Recent work done in our department at Harvard and at Rockefeller University suggests that packing the diet of a baby too soon with concentrated sources of calories may be the one way to make him overeat, it may induce him to produce an increased number of fat cells which he will carry as a bane the rest of his life. This is particularly so since on at least one side of the baby's family there is a tendency to overweight.

Speaking of overweight, you may be right in beginning to worry about Joe, Jr. He is, indeed, quite heavy for 6 years, even though he is on the tall side. We have conducted studies on overweight children for over 20 years at Harvard and have again and again come to a conclusion which I believe applies particularly to little Joe: namely, that many overweight children are characterized not so much by an appetitie greater than normal as by a level of activity much lower than normal. There is, of course, no reason why little Joe should be exposed to candy or sugared soft drinks in the house. Just don't buy any "junk foods." And while we're at it, why continue to bake those elaborate pies and cakes, which I must recognize you do so well? Neither Joe Sr. nor Joe Jr. should have them; your daughter and your mother don't eat them. Why not get everybody used to finishing their meal with fruit? But more urgent even than cutting out empty calories, is the necessity to do something about little Joe's exercise habits: this boy spends altogether too much time in front of television. A great deal of ink has been expended discussing the potential damage to children's minds from watching, hours on end (5 hours a day on the average for preschool children, says a recent study), those mediocre programs and those endless ads (5,000 "food" ads a year, most of them for candy, suger-coated cereals and soft drinks), I personally worry as much about the damage to their bodies. All this is time taken away from their active play. And why not take advantage of your mother's presence to leave the baby with her and walk Joe to and back from school? You need to get out of the house and he needs the exercise.

Your daughter Martha has always presented the opposite problem. She looks like you, a real ectomorph, a lanky girl with narrow hands and feet and long fingers, the type that my colleague at Harvard, Dr. Carl Seltzer, and I have shown is extremely unlikely ever to have a weight problem. Yet she is on one extreme diet after another: I remember her on a rich diet (high carbohydrate, low protein, low fat), on that extreme ketogenic diet (high fat, moderate protein, no carbohydrate), on the grapefruit diet, on an egg diet, on a banana and even on an ice cream diet. It is fortunate that so far she has not stuck too long to any one diet, but even so, most of the time she is consuming an extremely unbalanced ration. I hope you have her checked up regularly. I worry about her intake of a number of nutrients, iron in particular. Iron deficiency anemia is very widespread among girls of her age. Watch out also for any sign that she might be carrying this unnecessary dieting to an extreme. Anorexia nervosa is the self-inflicted starvation which often occurs among teen-age girls and young women. Usually its victims are like Martha, very bright and articulate, physically active and terribly conscientious. With both her father and brother on the plump side, it is all too easy for Martha to imagine she has a weight problem: reassure her tactfully on this point, and make sure no one in the family, even by indirection or as a joke, suggests she is turning plump!

As for your mother, she is, indeed, 60, but unless her physician has told you something I do not know, this poses no special problem. She has always eaten sensible meals and taken long daily walks. As long as she can walk, she is not likely to have trouble controlling her weight. She has always been blessed with unusually good teeth, perhaps because she was brought up in a Texas community with a naturally optimal fluoride content in the water supply. Teeth are important at any age but particularly in older people: too many of our "senior citizens" place themselves on monotonous diets with few food choices because they have lost too many teeth or have badly fitting dentures: they develop nutritional deficiencies as a result of poor dental health. The fact that she lives with you is another excellent plus in her nutrition: it is hard to keep one's enthusiasm for buying, cooking or even eating a balanced diet if one lives alone—she no longer has that problem now that she has moved.

One last point. You ask about vitamins. The baby has his prescribed. The rest of you should get your nutrients from a well-balanced diet. If you want additional insurance (you are, after all, nursing; Joe Sr. and Joe Jr. should cut down on their calories; Martha is on one fad diet after another; and your mother is likely to eat less as the years go on) all of you can take one vitamin pill if you want, but get a reliable brand which will give you the Recommended Daily Allowance (RDA), not small amounts of one and huge amounts of another. And stay away from massive doses of any vitamin (unless, and it will probably never happen, your doctor prescribes it for a rare condition). Megadoses of the vitamin of the year (have you noticed how they rotate?) are no more effective than the RDA, and no one knows what their long term effects may be.

WHAT'S LEFT TO EAT? PLENTY

Trying everything from Zen macrobiotic diets to the Atkins "Diet Revolution," caught between $2-billion worth of advertising for highly processed foods and soft drinks and claims of miracle cures and rejuvenation through "megavitamin" therapy and organic foods, exposed daily to categorical statements by "authorities" of unknown qualifications, the American public is feeling more and more confused.

Yet the fact is that the basics of a good diet have not changed over the years. The secret ingredients are: Eat a varied diet; eat enough; don't eat too much. Two additional precepts deserve mention. First, the explosive development of cardiovascular mortality (which has for a generation kept the life expectancy of our population at age 20 from rising) can be stopped only if we, particularly male adults, adopt a more prudent mode of life and diet, increase daily physical activity, cut down on total calories, cut down on total fat, on saturated fats on dietary cholesterol. Second, the alarmingly high proportion of sugar (sucrose) in the diet is a factor in our deplorable national dental health—all the more so since the water supplies of too many communities are not yet properly fluorinated. We should cut down on this source of empty calories as well.

What is left to eat? At breakfast, orange juice (real orange juice) for the whole family; eggs and a good bread for the children and the young mother; one of the excellent traditional cereals for the father, with milk or skim milk in some form for all.

At lunch, either a meal of meat, fish or cheese, vegetables or salad and fruit, or a sandwich made of good, palatable bread with meat, tunafish, sardines or cheese (but not cream cheese) and lettuce and/or tomato.

At dinner, a soup in winter; alternate sources of protein such as cheese, poultry, kidney beans, fish or meat; one or, preferably, two vegetables; whole-grain or enriched bread, and fruit. In general, we eat more meat than we need to—and not enough fruits and vegetables. Eat these fresh in season; they can be canned or frozen the rest of the year.

One of the deplorable effects of the recurrent craze for low-carbohydrate diets (in the eighteen-sixties and seventies, it was the Banting diet; in the nineteen-sixties and seventies, it has been the "Calories Don't Count" diet, the "duPont" or Pennington diet, the "Air Force" diet, the Stillman diet, the

"Drinking Man's Diet" and Atkin's diet) is that each burst of publicity for each reincarnation of the same old recipes convinces Americans that they have to spend enormous amounts of money for a lot of animal foods in order to be healthy. The facts don't back this up. We need carbohydrates—which come from cereals, fruits and vegetables and milk, as well as sugar—for two main reasons: Our muscles work most efficiently when burning carbohydrates, and our brains burn nothing but a carbohydrate, glucose. We eat more fats and fewer carbohydrates (for all our sugar consumption) than almost anybody; we are fatter and have a higher mortality from heart disease than practically everybody.—JM.

CAMBODIA AND POSTWAR RELATIONS WITH INDOCHINA

Mr. KENNEDY. Mr. President, in light of the continuing warfare in Southeast Asia and the American bombing of Cambodia, I ask unanimous consent to include at this point in the RECORD a recent statement I made on developments in Cambodia and postwar relations with the countries of Indochina.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

SENATOR KENNEDY COMMENTS ON CAMBODIA AND POST-WAR RELATIONS WITH INDOCHINA

Earlier this week, a Study Mission representing the Judiciary Subcommittee on Refugees, which I serve as Chairman, returned from a visit to North and South Vietnam, Laos, and Cambodia. The Study Mission was part of the Subcommittee's continuing effort since 1965 to document the devastating impact of the Indochina war on the civilian population—and to make the case, again, that the humanitarian needs of orphans and maimed children—of refugees and civilian casualties and war victims of all kinds—must be a matter of vital concern to the American people and their government.

The Study Mission was headed by Dr. Nevin Scrimshaw of the Massachusetts Institute of Technology. It included medical, child welfare and refugee experts, as well as staff members of the Subcommittee, and was the Subcommittee's Seventh field visit to Indochina since 1965. Members of the Study Mission traveled in all the countries of Indochina, and interviewed scores of war victims, American officials in the field, representatives of all governments and political authorities in the war-affected areas, foreign diplomats, and many others.

Within the time available in each country, members of the Study Mission traveled in both urban and rural areas. The principle items of inquiry included the following:

The overall impact of the war on the civilian population, as measured by such factors as the number, location, and condition of war victims;

The level of destruction to civilian installations such as housing and schools and medical facilities;

The immediate and longer-term "people needs" as distinct from the more general reconstruction and developmental needs;

The capabilities of the governments of Indochina in meeting these needs;

The kinds and levels of humanitarian assistance required from other countries; and

The potential sources and channels of such assistance.

The Study Mission is currently preparing a detailed report of its findings and recommendations in these and other areas of concern to Congress and the American people. And over the next few weeks and months the Subcommittee will try to contribute responsibility to the discussion over our country's future relation with Indochina in the aftermath of war, and will make every effort to help chart a responsible, long-run course for America's future policy.

But, regrettably, the issue now at hand is less about the future, than about recent developments and the present course of American policy and actions. Let us not forget that America is still at war in Indochina. Despite ceasefire agreements in South Vietnam and Laos—and the Administration's repetitive claim that peace with honor is at hand—conflict and battle continue in Indochina—even in South Vietnam where there is precious little honor, as each side competes with the other in violating the terms of the Paris agreements.

Let us not forget that many Americans are still involved in the continuing conflict—especially in the escalating bombing missions over Cambodia, and in other activities that support the battles throughout the region. And even as we celebrate the prisoners' return—and pursue the fate of those still missing in action—additional numbers of our young men are still risking their lives today in the skies over Cambodia, or have been mortgaged to the future, in case the Administration carries out its threats of renewed bombing elsewhere in Indochina.

It's the same old endless war in Indochina—only the name of the country has changed. For the people of Cambodia, this war began three years ago with an American sponsored invasion. We called the invasion a decisive action to end the conflict in Vietnam. Today, we call our massive bombing of Cambodia a desperate action to prevent new conflict in Vietnam.

And worst of all, as the violence continues from both sides—as the bombing escalates to new highs—Cambodia's crisis of people grows and grows. Tragedy is piled upon tragedy. More children become orphans. More thousands of men and women and children become refugees, and thousands more are injured or maimed or killed. They are joining the ranks of earlier war victims—nearly 15,000,000 throughout Indochina—for the sake of old arguments that no longer wash.

Look, if you will, at what has happened in Cambodia.

The Refugee Subcommittee's Study Mission to Cambodia reports that at least one-third of Cambodia's population—some 2,000,000 people—have fled the bombing and battle in the countryside over the last three years. The city of Phnom Penh has more than doubled in size, and is now circled with refugee shantytowns. And in the remainder of the country, refugees are crowded by the tens of thousands into provincial towns and refugee camps—often with no food and shelter, and with little active concern or help from their government or the U.S. Mission in Phnom Penh.

Thousands of Cambodians have fallen as civilian casualties to the bombing and conflict. Orphans number some 260,000. And over 50,000 war widows have registered with the government.

But nowhere is the tragedy in Cambodia better seen than in the gaunt faces of the thousands of hungry children our Subcommittee mission saw—little bodies thrown together in make shift camps, the human debris of the bombing and war.

The war has so thoroughly disrupted agricultural production in Cambodia that this once rich rice-exporting nation now must import, with U.S. assistance, over three fourths of all the rice consumed. War damage to civilian and government installations totals over $2 billion. Nearly 45% of the hospital facilities have been destroyed by bombing or artillery. Over 40% of the roads are destroyed or damaged. Some 35% of all the bridges are destroyed. Communications and transportation are severely disrupted, with nearly 50% of all vehicles in Cambodia destroyed.

The prognosis for Cambodia is grim, but only in part because of the deteriorating military situation. In reality, the crisis which now seizes Phnom Penh began nearly three years ago with the failure of the Lon Nol government to organize effectively or command the support of the people. Corruption at the highest levels of government, chaos in administration, and the political bankruptcy of the country's leadership.—these are the primary ingredients in the Cambodian crisis today. Whatever mandate the Lon Nol government may have had three years ago to bring peace to Cambodia has now completely vanished. And in the decay that has followed no amount of B–52 bombs, or threats of escalating military action by our government can bring relief or peace to the people of Cambodia.

As many of us have said on the Senate floor in recent days there is no moral, legal, or constitutional justification for American bombing of Cambodia. Worst of all, the illegality of our massive bombing is matched only by its futility. Today, the Lon Nol government controls only 20% of the territory of Cambodia. The assaulting forces are spread so widely, that no amount of bombing by our B–52's can really be effective. All we can succeed in doing with our bombs is to destroy the countryside, and annihilate whole families and villages. The bombing cannot stop the war. Indeed, it may well be that the only conceivable bombing strategy that could possibly have any measurable effect on the fighting in Cambodia is to resume the bombing of the Ho Chi Minh trail in Laos and North Vietnam. And the Secretary of Defense threatened to do just that earlier this week in an unguarded moment. But I do not think that President Nixon will take that step. Because it would reveal to all the world that his peace with honor is fragile at best and nonexistent in some areas.

If we really want peace in Cambodia—and ceasefire arrangements for all of Indochina—then we should be sending our diplomats to help negotiate these arrangements, instead of sending our B–52's to bomb. Until then, the people of Cambodia will remain pawns in an international game of bluff and bombing, because neither side—including our own government—has the wisdom to provide sufficient diplomatic leadership to secure an effective truce.

There is one other very disturbing element underlying the events of recent days. Last January, in his press conference explaining the Paris Peace Agreements, Dr. Kissinger replied, in response to repeated questions, that all the agreements had been made public—there were no hidden protocols, no secret understandings lurking unseen in the agreements. But now, as the controversy erupts over the bombing in Cambodia, we read reports that Dr. Kissinger in fact reached a secret understanding with North Vietnam that American bombing might go on in Cambodia until a ceasefire in that country was achieved. How many other secret understandings are there? How many hidden deals? I say, the American people are entitled to know all the agreements and understandings reached in Paris—not just the parts that may contribute to the President's peace with honor, but the parts that may lead us into deeper war.

We can debate again and again the reasons for and against our continuing military commitments and involvement in Indochina. We can debate again and again the reasons for and against the President's unilateral command to continue the war. But beyond debate is the yearning of the American people for peace—for a generation, or even a day of peace—so that our Nation can finally turn its full attention to all the other things we have to do at home and overseas.

We hope and pray for peace. But the course the Administration is now pursuing in Cambodia and the rest of Indochina runs a serious risk of re-cycling the war of old. I urge the Administration to pull back. I urge the President to stop the bombing and begin the diplomacy necessary to bring about the peace.

And only then can we really talk about post-war Indochina, and America's future role in Southeast Asia.

A WONDERFUL LADY CELEBRATES 90TH BIRTHDAY

Mr. HELMS. Mr. President, Friday, Apirl 13, will be a very special day for a wonderful lady in my State. Mrs. Rebecca Langston Raper of Goldsboro will be celebrating her 90th birthday.

Mrs. Raper is the mother of Evelyn L. Raper, who worked here on the Hill for 15 years. Miss Raper was employed by the Army and attached to the Senate Military Affairs Committee. She retired from the Sergeant-at-Arms office in 1967.

Mrs. Raper moved to Washington to live with her daughter following the death of her husband, John R. Raper, in 1943. She returned to Goldsboro in 1970 following her daughter's retirement.

This charming and gracious lady has many friends here in the Washington area. She is loved and admired by an even greater number in North Carolina.

Mr. President, I am sure my colleagues will wish to join me in extending our very best wishes to Mrs. Raper on this her 90th birthday.

THE REDISCOVERY OF AMERICA

Mr. HOLLINGS. Mr. President, recently Mr. Herbert Cunningham of Charleston, S.C., delivered an astute and moving address. It was given before the Exchange Club of Charleston on Thursday, March 15, 1973. I call it to the attention of my colleagues today because of its many incisive comments on minority conditions in the United States today.

Mr. Cunningham is an active and progressive moving force in the life of his community. He is involved in the business life of Charleston and is presently president of the Young Businessmen's Association.

One salient aspect of this address is its understanding of the role that American business can play in advancing the well-being and opening wide the opportunities for black Americans. Such an emphasis on the part of corporate America would be beneficial to all concerned, and Mr. Cunningham portrays in sincere and moving language the necessity for broader and more rapid movement on this front.

Mr. President, I believe this address is worthy of attention throughout the land, and I therefore ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE REDISCOVERY OF AMERICA

(By Herbert Cunningham)

Thank you, and good afternoon.

I appreciate, your kind invitation to participate at your luncheon this afternoon and I am delighted to be here.

I am glad to say it, that there is a surplus of black talent in this community. I know because it happens all over, that groups such as this do not get the opportunity for speakers that they should get a chance to hear. What I am saying is that sometimes organizations stereotype themselves for an individual. Most of the time groups like these would rather hear a Rep. Herbert Fielding, a Judge Richard Fields, or a Jim Clyburn, simply because of occupation or business in the community, so I feel delighted beyond expression to stand before you today. And thanks again Dr. Stine.

For, it is here and in other groups similar to this one . . . that you and I have the chance to influence the future of the people of this community. Also, it is through organizations such as the professional and business men that we can draft together a declaration of interdependence for my fellow black Americans.

Yes blacks are interdependent! Those who would follow us look to us for help, certainly, but also for the inspiration to succeed. And we, in turn depend upon those who would follow us. For it will be they who, by building on our own modest achievements can validate and perpetuate the reality of full, equal and successful participation in the economic opportunity of this Nation.

Four and a half centuries ago, a Negro, a black Spaniard—Pedro Alonzo Nino, discovered America or at least, he helped; for he was one of Columbus' pilots aboard those three spidery vessels—he helped his ship's master discover a new world.

For millions of our people, this country—this land of the free and home of the brave—is just now becoming the reality of a rock bound landfall after so much drifting on shifting tides in a sea of tomorrow's promises and hopes held out.

In case you and I may have forgotten what it's like to hunger for the realization of such a magnificent dream, perhaps we should listen to the voice of the disadvantaged . . . to the voice of this discoverer. He's been told what America is, what it means. He knows where it is and he is intent on getting there, but he has been waiting just off shore. Just out of sight of this land for so long now, and as he waited—not always patiently—he prayed, and I quote

"Lord God of other people's prizes, of long life and the necessary education and the balanced diet and good luck—of red steak and fresh fruit, of milk delivered to the door step, and the principle of one kid—one bedroom in a good neighborhood—of battery toys and two weeks paid vacation and heavy lifting and fringe benefits and all the stuff in magazines—give us this day."

"Lord God of shipping clerks, of ole men with pails and mops, of people in stockrooms, of cleaning women, of red caps, of unskilled laborers, heal the broken vein, protect the drop out, and deliver the delivery boy. Get us one day on the long form, God."

Make me gung-ho, give me stick to-it-ivity. Or whatever else it takes, and lend me the power to forgive those who probably do not deserve it. For nothing counts now but getting on . . . and I am not getting anywhere". "I am in trouble. I am deprived, I live in the slums. I am disadvantaged. I have not had what others have. I have filled up on the cheaper cuts, but have not been full. I have been sick needlessly. I have not had all my shots. I have lived on low wages and paid high interest". "Now, for the time being, for however long it takes, because others have their's . . . because I should have it . . . because it would be good . . . because it is my right . . . because it would be wrong if I didn't have it . . . because I must have it. Give me, oh God, the courage for whatever needs to be done. Give me please whatever I will have to have . . . to do the things that must be done . . . to be the person I need to be . . . Lord . . . let me win".

Well, sometimes I need to be reminded no matter how unsavory the sound or how mean the memory. I am a minority within a minority, being a member of the great "middle class," that thin veneer of our race that W.E.B. Dubois once referred to as the "talented tenth."

In most of the usual requisitions for so called success in this society, especially in our own culture, we've "got it made," but let's remember two vital points. First: "That having it made" in no way implies . . . keeping it made, and second: That we didn't make it on our own; we had help and we should rededicate ourselves to helping others, to assisting and inspiring these discoverers, we've been talking about.

You know, our own success—our personal prosperities and the economic progress of the firms that write our pay checks—depend in a very real sense upon the economic and social well being of the people . . . the individuals . . . who compromises our market. Only to the extent that they prosper will we know the rewards . . . tangible and intrinsic of real lasting and meaningful success ourselves.

Instead of always being content to divide up the existing pie of the ethnic market, here's a way to increase the size and value of every piece, without diminishing the worth of any other. Here's a way to have a bigger pie by encouraging and assisting those who through their own economic gains. will contribute to the expansion of our segment of the economy itself.

Black America is *all ready* quite a market. Today, this country's black population is approaching twenty-five million people: a population *twice* that of Belgium, France, or Australia and three times Sweden's. Since 1950, America's black population has been growing almost half *again* faster than the *total* population. If this continues—and it should—by the end of this decade, one American in *eight* will be a *black* American.

And despite the economic flight of many blacks, this market of ours is—nonetheless—an important market, even a rich market, with a spendable income after taxes—of some forty billion dollars a year. The Negro market represents a purchasing power equaling Canada's; Black Americans' gross income—before taxes—exceeds the value of all the goods exported by the United States in 1970 and according to the best sources I've found the value of the market should double—to about $80 billion a year—by the latter part of this decade.

Now those are facts . . . very encouraging facts. But that discoverer we talked about; these are facts about him to . . . but they aren't very encouraging. Listen to a few. . . .

The black population in America has almost doubled in a little over twenty-five years. More people *sure*. But more problems, too. This is an urban population—and we are told that most of our problems today lie in the cities. Right now, over 15-million blacks live in metropolition areas. And in Charleston County alone blacks make up 78,000 people out of a total of 248,000.

Increasingly high rates of divorce, separation and desertion are turning this more and more into a woman-dominated population. Almost *one-third* of all black families today have a woman at the helm, and we're told that only a minority of black children reaching the age of eighteen have lived *all* their lives with both parents.

By most measurements, this is a poor population. The median income is only a little more than *half* that of the average white. And the majority of our children receive public assistance under aid to dependent children at some point in their formative years. Right now seven times more black children receive government aid than do whites.

When Williard Wirtz was Secretary of Labor, he said that machines have the equivalant of a high school diploma today. And yet, the median educational attainment of the American black is only 9.9 years. The current drop-out rate among blacks is better than fifty percent. And in New York City it is

70 percent. Yes, as a black I have to disagree stringently with proposed cuts in aid to the poor and to those black families who need it.

It has been reported that there are now only half as many unskilled and semi-skilled jobs in the economy as there are high school drop-outs, and it's estimated that about a third of the 26 million people both black and white entering the labor market during this decade *will be* drop-outs. Sad as it is, these are people without a future.

What's the answer? Bayard Rustin put it this way. "When a black youth can reasonably foresee a future free of slums, when the prospect of gainful employment is realistic (*and believable*)—we will see motivation and self help in abundant enough quantities. Remember Benjamin Bonnaker who surveyed the streets of Washington, D.C. Tom Tipton Van Gard, John L. Brockington, superintendent of Saint Paul School Dist. 23, Albert and Benjamin Brooks on Morris Street, Elizabeth Brown formerly of Metropolitan and New York opera companies, Herbert Stepney probation officer, Chas. County.

Henry L. Grant, St. Johns, Laura Mack Sims head of the State cosmotology board and Lonnie Simmons. The list grows and grows, Cat Anderson, with Duke Ellington.

I, as a professional, an entrepreneur, and a member of management—represent only about five per cent of my race. Industries as a whole have hired blacks for management, but only for a token. It is sad but true. We head public relations, urban problems and other indirect jobs. Industries have yet to let us become a part of the top echelon, the policy making, the budget making and sitting in on board meetings. There is no way we can close the gaps that have been created over the years with this kind of attitude. The only black in top management who so functions is Joe Black of Greyhound.

It is interesting to note that minority business should work within the free enterprise system. "Now that we know the rules, we don't want some other system to come along and replace the free enterprise system."

A recent U.S. census showed 332,000 minority businesses. Of these 163,000 are black owned, of the 163,000 he said, 125,000 have no employees and have an average gross income of $7,000 per year. Also, 38,000 of the 125,000 have one or more employees and show an average gross income of $95,000 a year.

Black business grossed less than one per cent of the total business revenues in this country.

It is obvious that John Johnson, Johnson Publishing, Chicago, the George Johnsons, Johnsons Products and the Henry Parks of Parks Sausage Co. are rare in the lexicons of minority business. There are, however, a number of up and comers on the minority business scene, experienced businessmen who could make it if given the same capital and market opportunities as whites.

We, as blacks, are just like you. We have fallen prey to the perfectly natural tendency to form our own little "in group" . . . to meet with, talk to, and plan for—each other. These are the people you have sought also.

We're all guilty of the wagon train syndrome—forming a tight little circle with our backs turned, most of the time anyway, to the undisciplined, clamorous, eager and dissatisfied masses that surround us.

We've formed our circle, and there's strength in that circle. Now it's time for each of us to pivot one hundred eighty degrees—to turn around and face outward—still maintaining our places in the circle. Only now it's an open circle—now we have . . . not just the opportunity, but the responsibility—for involvement with those outside ourselves.

Business holds great prestige value among our young blacks. It offers the promise of tangible gain, a better way of life, and opportunity to control one's own environment rather than remaining—as is all too frequently the case—the pawn of one's environment.

A New York management consultant firm commissioned by the Labor Department's Manpower Administration to measure corporate progress and prospects of black managers interviewed 500 black managers and professionals. The overwhelming majority felt that their chances for access to top executive jobs were slight; that they do not have equal business opportunities with whites; that the most existing corporate equal employment policies are slogans and most expressed pessimism about their corporate futures.

Most of these black managers and professionals felt that most corporations had let blacks in the door but that the problem now is upward mobility in line positions rather than in staff or support jobs.

I firmly believe that young blacks are far more pessimistic about their corporate futures than before. Also, in my opinion, black businessmen are not yet a significant force in industry, either in the entrepreneurial area or at the corporate management level.

Let me throw out a strong challenge to you, it is much later than you think; and, the minority enterprise programs to involve minorities in corporate management have just gotten started.

Back in 1941, the opening of the national Negro Business League meeting included this statement. "The respect of other Americans for Negro personality depends probably more on the economic and commercial advancement of the Negro man than all other factors put together. This respect can not be gained unless Negroes become efficient conductors of commercial and industrial enterprises." But there have been problems. Two years ago a group of blacks wanted to purchase the Blatz Beer Company of Milwaukee and even asked the courts to delay the sale for two weeks to secure loans for the purchase; the courts said no, and the beer company wasn't sold until a much later date. Is this fair business practice or is it business?

By increasing our own ranks—as professionals and as specialists in the business world—by your encouraging and where possible, assisting in the creation of new black enterprises—you can perform a vital service—that of providing visible success symbols which for so long now have simply been missing. Without these symbols—successful individuals in business, as well as successful black business themselves—our young people have no prototype worthy of emulation.

But with example you can provide them with the image you can help to project. There are many more reaching effects—effects that can be predicted with virtually absolute certainty—than just inspiring a few more people to follow the paths you have chosen. Remember; the *civil rights* movement today has become a *human rights* movement that's founded on economic opportunity!

The name of the game today is equal *participation*. Participation not just in some things—and tokenism in others—but full participation in all things . . . with the rightful expectation of equal results based solely on individual effort and personal merit.

The untapped potential that lies waiting to be awakened in the still-largely dormant black American market is enormous. So—help to unleash this potential. Encourage new *and* existing business, help project an image worthy of emulation for our young people. Help us win both personal and corporate influence by working for better educational programs and facilities. Help us to continue to fasten responsible action in all the deficit human areas where help is so urgently needed. And where possible help accelerate our assistance *and* our leadership.

We can do it, and I. *We* can make a difference—even though it may mean more work, more anguish, than we can realize just now. But then if we don't do it—who will?

Let us—*together* accept the challenge and make the goal of full, equal and successful economic participation a vital, prideful part of our professional lives.

Communicate! Motivate! Challenge! and lead!

These are the demands of the witness "it is now for you and me to give".

What justification do you and I have in attempting all this? I think Dr. King gave us the greatest reason of all when he stood before the *prophetic* meeting in the little church in Montgomery and so eloquently said that . . . "When history books are written in future generations, the historians will have to pause and say, 'There lived great people' . . . a black people—who injected new meaning and dignity into the veins of civilization.

"Thank you," my friends . . . the *shore* is in sight. Let the claim now be granted . . . to that which has so recently been discovered.

PROBLEMS TENNESSEE BROADCASTERS FACE TODAY

Mr. BROCK. Mr. President, during the recent convention of the National Association of Broadcasters, the leaders of that profession from my State hosted a breakfast to which the Tennessee congressional delegation was invited.

On that occasion, Mr. D. A. Noel, vice president of the Tennessee Association of Broadcasters, was called on to present remarks about the opinions of the broadcasting industry with regard to several matters involving their relationship to the Government.

His remarks are extremely cogent, and deserve wide currency. I would therefore ask unanimous consent that they be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS BY D. A. NOEL

I want to add one more voice of thanks and appreciation to our Tennessee Senators and Representatives—and to ther staff personnel—for the excellent representation they are providing for *all* of the people of Tennessee. As Broadcasters, and members of the Tennessee Association of Broadcasters, we share with other citizens of our state a great interest in *all* legislative matters, not just those which affect our industry.

We appreciate your work and we offer you whatever assistance our facilities can provide to help you keep the people of Tennessee informed about your activities and about the significant issues of the day.

I was asked by our Association to present to you a *concise* statement of the problems which Tennessee broadcasters face today. I'm sure my fellow broadcasters would agree that it is difficult—if not impossible—to cover all of the problems in a brief statement, but I hope that we can convey to some extent the serious implications surrounding two or three of the major problems of broadcasters.

Before I refer to any of the problems, let me assure you that we do not come here expecting you to listen to any *purely selfish* concerns—on the contrary, we will mention only those things which we sincerely believe are a threat to the general public good as well as to broadcasters.

I hope you will not think that we overstate the case when we tell you that we believe the very continued existence of the American free enterprise system of advertiser-supported broadcasting is in *serious jeopardy*. There are those who apparently would like to see it destroyed and there are some who would perhaps unknowingly just "regulate" it out of existence, a little at a time.

Because time is limited I shall mention only three of the major problems which plague the broadcast industry:

(1) *License Renewal Legislation* (challenges-petitions)

(2) *Journalistic Freedom* (1st Amendment rights)

(3) *Unwarranted Restrictions on Advertising* (relief from)

The first, and obviously most important problem is the need for license renewal legislation which would give direction to the FCC, the courts and to broadcasters. We are aware of the fact that most of our Tennessee Congressmen have endorsed or cosponsored license renewal legislation—and we are grateful for your support. We also know that our Tennessee Senators and Representatives occupy positions of leadership in important committees and that you can play a significant role in bringing about legislation which will be in the best interest of the public.

A reasonable license renewal bill is *essential* if our free broadcasting system is to continue. Under the present climate and under court decisions based upon un-clear and inadequate law, license renewal procedures now expose the broadcaster to all kinds of challenges and petitions, *whether or not* he is doing a good job of serving the public. He must risk losing his license to anyone who makes bigger promises (but has no record of performance)—and he must risk losing control to special interest groups who merely want to substitute their own version of what serves the public interest for that of the experienced licensee who seeks to serve *all* public interests.

All of this makes it a high risk to invest capital for improved facilities, for expanding news departments and for long-term programming commitments. Worse than financial risk is the insecure climate in which the broadcaster must exist while he attempts to build a better industry. Already a number of good people and some good companies have left the industry because of the uncertainty and the absence of any reasonable assurance that the broadcaster with a good record of community service, who has not violated the law or FCC rules—may count on staying in business at license renewal time.

We believe the *public interest,* as well as our own, requires legislation to establish appropriate license renewal rules, which would help to preserve the free system—yet at the same time preserve reasonable regulation. We need a bill which will offer some degree of stability for broadcasters. The five year renewal, rather than the current three years, is desirable, of course, provided it is not coupled with any loss of journalistic freedom.

Secondly, we need legislation which will insure the broadcaster *Journalistic Freedom.* Broadcasters' First Amendment rights are under attack and only the Congress can effectively defend them. This is far more important to the public than to broadcasters—but our industry is determined to preserve the free flow of information, without censorship or intimidation. Most of the debate concerns various forms of so-called "shield laws," to insure that newsmen need not reveal their sources of information, when to do so would dry-up the source, thereby depriving the public of information on matters of importance.

The N.A.B. proposes an unqualified, absolute shield law for newsmen. This is also the position of the T.A.B. board and most of its members. I will simply repeat that this is of great concern to *all* the people because it affects their basic right to know—one of the basic freedoms.

Third, we are concerned about the threat of more and more restrictions on advertising which is the life blood of the free broadcasting system. We do not object to reasonable rules to insure honesty and good taste and responsibility in advertising. Indeed, we applaud such rules because we must earn and deserve our listeners and viewers confidence. But some of the ridiculous proposals generally categorized as counter-advertising—if required—will indeed destroy the industry. Obviously, some of the more recent proposals of no advertising at all for certain programs—and certain products would more quickly dissolve the free broadcasting industry.

Self regulation, both in the advertising industry and in broadcasting, is the best answer and it is working and getting better all the time. The N.A.B. Code Authority has adopted new rules governing the advertising of proprietary remedies and is planning new rules for advertising directed to children. Other code changes will be made as the need arises.

In conclusion, we broadcasters are saying that we need your help—and we feel the general public needs your help—to preserve the present system of *free broadcasting.* Our system is not perfect but it's still the best in the world—and it deserves protection, under reasonable regulation, so that it may continue to improve and to serve the best interests of all the people.

UNCONSCIONABLE INCREASE IN FUNDS FOR NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Mr. PROXMIRE. Mr. President, when the bill S. 795—the authorization bill for funds for the National Foundation on the Arts and the Humanities—comes before the Senate this week, I intend to offer an amendment to cut back drastically on the unprecedented increase in funds which that bill seeks.

Under the bill, funds for the Foundation explode. They rise by geometrical proportions.

The annual increase in funds for the Foundations since its inception 5 years ago has been $20 million a year. In fiscal year 1973 they received $80 million.

But under S. 795 their funds would double from fiscal year 1973 to 1974, or from $80 million to $160 million. This is a 100 percent rise.

In both fiscal years 1975 and 1976, the annual increase would be $120 million and the total funds would rise to $400 million by fiscal year 1976.

This is both unprecedented and unconscionable.

PROXMIRE AMENDMENT

My amendment would limit the increase to $40 million a year in each of the next 3 fiscal years. That figure, far from being niggardly, is double the annual increase of $20 million which the Foundation has received in the past.

I ask unanimous consent that a table showing the funds authorized in the past and those proposed under S. 795 and under the Proxmire amendment be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 1.—*Actual and proposed authorizations for the National Foundation on the Arts and the Humanities for fiscal years 1969–76*

[In millions]

Fiscal year:	*Amounts*
1969	$22.75
1970	24.75
1971	40
1972	$60
1973	80
Proposed amounts under S. 795:	
1974	160
1975	280
1976	400
Proposed amounts under Proxmire amendment:	
1974	120
1975	160
1976	200

WHY THE PROXMIRE AMENDMENT SHOULD PASS

There are any number of reasons why the provisions of S. 795 should be defeated and the Proxmire amendment should pass.

PROPOSED FUNDS ARE EXCESSIVE

First, the funds sought by the Foundation are excessive. It is almost as much money as the $425 million the President cut from the OEO funds for fiscal year 1974.

It is five times the amount we spend for the Peace Corps.

It is twice the amount the President cut from REA funds for next year.

It is a five fold increase, not just an annual increase to overcome inflation and pay raises. This program explodes.

It is also excessive because funds just cannot be spent efficiently that fast. It is bound to bring waste if the grants to the arts and humanities rise fivefold in this short period of time.

WILL PROMOTE STALE, STERILE, AND SECOND RATE ART

Second, it will promote stale, sterile, and second rate art. Great art and artists are not universal commodities. They are unique people and unique works. There is no way to promote excellence in the arts by shoveling out the money. It cannot be done.

DANGER OF GOVERNMENT TAKEOVER OF THE ARTS

Third, there is a great danger if this expansion continues, that we will get a Government takeover of the arts in this country. That means the dead hand of Government and the dead hand of censorship over art.

We have just seen the censorship of the film "State of Siege" because the authorities had one eye on the Government and the funds they receive from the Government. This will happen time and time again if art in this country will come to depend mainly on Government support. Some Assistant Director of OMB or the chairman of a congressional appropriation committee will one day become our czar of the arts.

Art subsidized in the main by the Government will not and cannot flourish. With lesser amounts we will get both more freedom and better art.

For all these reasons, the funds proposed in S. 795 are far out of line. It should not pass in its present form.

A YOUNG SCHOOLTEACHER SPEAKS UP FOR HER STUDENTS AND AGAINST HEW

Mr. HELMS. Mr. President, completely unreasonable bureaucratic guidelines continue to go out to the school systems of this country from the Department of Health, Education, and Welfare. Most of these orders are aimed at the beleaguered school systems in the South.

Far too often, HEW demands—issued

by lower echelon bureaucrats—are made without a pose of elementary investigation. Far too often, HEW is unyielding in these demands, completely ignoring facts showing them to be unworkable.

An appalling example of this was pointed out recently in a letter to HEW, which was printed as a guest editorial in one of the finest newspapers in my State—the Goldsboro News Argus.

The letter was written by a young schoolteacher who does not mind speaking up in defense of what she believes to be in the best interest of her students.

Mrs. Lynn Riggsbee of Wayne County, N.C., a special education instructor at Fremont School, says she is tired of having to answer to HEW, and thinks it is time HEW answered to her.

She acknowledges that her class is racially identifiable. It contains 84 percent black students. Mrs. Riggsbee is white. She teaches a special class for the mentally retarded.

She says, "As anyone who has a quarter-grain of sense can tell you, mental retardation knows no racial boundaries. I love my children—all 84 percent black and 16 percent white—and it makes me happy to say they love me, too. What's more, they love each other."

Mr. President, here is a disturbing illustration of the potential harm inflicted upon innocent and helpless school children as a result of nit-picking by the HEW bureaucracy.

I commend Mrs. Riggsbee for her forthrightness and for her courage.

Mr. President, I ask unanimous consent that the guest editorial by Mrs. Riggsbee, as published in the Goldsboro News Argus, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

A TEACHER'S LETTER TO HEW BUREAUCRATS

(By Mrs. Lynn Riggsbee)

On last Friday, our county unit was informed by the powers that be at HEW, that seven of our schools were under fire for having "racially identifiable" classes. Of most specific interest to me was that my class was one of the classes cited as being racially imbalanced. So, after spending my weekend trying to justify my class being so proportioned, I have decided that I am tired of having to answer to HEW and since my tax dollars pay their salaries, I feel that now it's their turn to answer to me.

First, a review of the facts seems to be in order. My class is indeed, "racially identifiable." It has 84 per cent black. I am white. My class is also a special service. It is specifically designed for the mentally retarded. As anyone who has a quarter-grain of sense can tell you, mental retardation knows no racial boundaries, nor does it pay any attention to arbitrary statistical limits such as HEW wishes to impose. Too, there are many causes for mental retardation, not the least of these being cultural and economic deprivation. Unfortunately, this is the main cause of retardation in the community where I teach. And, again unfortunately, it is mostly the black children who have been so deprived. Am I to blame for this? Is my principal? Is our administration? Our only concern is that I be there for the children who need me—regardless of race—in order to help remedy a sad, but already existing situation.

But, HEW, while we sweat in the North Carolina sunshine, you sit in your air-conditioned offices thinking up questions for us to answer rather than coming to schools to see where the real problems lie. Why? Do you think that words are going to make classes run smoothly?

Yet, you seem bound and determined to undermine the education of our children (both black and white) by forcing groupings to achieve an arbitrary balance. Did it ever occur to you that a child is better off when placed on a level where he can master its skills? Isn't the ultimate aim of education for our young to enable them to become useful and productive citizens rather than a liability on the welfare rolls?

I love my children—all 84 per cent black and 16 per cent white—and it makes me happy to say they love me, too. And, what's more, they love each other. No racial tension there!!! Let's not resegregate. Integration has done so much good. But, HEW, give us the freedom to group so that education is beneficial to all—not to just a few.

Why don't you admit that maybe you are a little too stringent in your requirements? Maybe they're not doing what they were designed to do. Will you come to a classroom and see the real thing? Will you be a teacher for a day?

MINNESOTA YOUTH SYMPHONY

Mr. MONDALE. Mr. President, one of the outstanding programs for young people in my home State is the Minneapolis Youth Symphony.

This highly regarded group is one of three youth orchestras selected from a field of 40 to tour the Republic of Romania next summer. During that 3-week visit the young musicians will study with Romanian students, music educators, and citizens. A highlight of the trip to Romania will be a performance of a concert in Bucharest in honor of Romanian President Nicolae Ceausescu. This trip will provide a rare and valuable opportunity for cultural exchange which is so important to future international understanding.

The orchestra was organized in the fall of 1972. Membership is determined by audition. There are 87 musicians, ages 12 to 18, who represent 35 different junior and senior high schools within a 120-mile radius of the Twin Cities metropolitan area.

In recognition of the fine work of the symphony, Gov. Wendell Anderson proclaimed March 18–24 as "Minnesota Youth Symphony Week." During that week the orchestra performed in the rotunda of the Minnesota State Capitol Building.

I ask unanimous consent to insert in the RECORD a copy of Governor Anderson's proclamation of "Minnesota Youth Symphony Orchestra Week."

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

PROCLAMATION

Whereas the cause of world peace, understanding and goodwill has recently been greatly enhanced by a group of young Americans visiting Communist China; and

Whereas an invitation has now been extended by the Socialist Republic of Romania to the United States to send musical groups to visit their country in the summer of 1973; and

Whereas the Minnesota Youth Symphony Orchestra composed entirely of teenage musicians has been selected from forty competing groups from throughout the United States for their outstanding musical ability; and

Whereas this trip will be financed entirely by the members of the orchestra, their friends and the citizens of local communities within our state;

Now, therefore, I, Wendell R. Anderson, Governor of the State of Minnesota, do hereby proclaim the week of March 18 through March 24, 1973, as "Minnesota Youth Symphony Orchestra Week" in Minnesota, and urge all citizens of our State to join in the support of this worthwhile project.

In witness whereof, I have hereunto set my hand and caused the Great Seal of the State of Minnesota to be affixed at the State Capitol this twelfth day of March in the year of our Lord, one thousand nine hundred and seventy-three and of the State, the one hundred and fifteenth.

WENDELL R. ANDERSON,
Governor.

EDUCATIONAL CRISIS

Mr. BROCK. Mr. President, a recent column by Joseph Alsop sounded a clear warning that a crisis in education persists in this country.

In spite of forced busing, in spite of billions of dollars, in spite of the rhetoric of the social planners, Johnny still cannot read.

Alsop's documentation of the failure of our educational system, particularly in our large cities, is a grim commentary which will, I hope, bring us to the realization that new directions and new leadership are desperately needed.

I ask unanimous consent that his column be printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 28, 1973]

JOHNNY STILL CAN'T READ

(By Joseph Alsop)

It is not the sort of stuff headlines are made of, but the deepening crisis in American education is still the most ominous single feature of our political landscape. Consider the following facts:

Item: The Supreme Court has just refused to strike down the discriminatory system by which our schools are largely financed by property taxes. The court was probably wise not to order a judicially-contrived educational earthquake. But that still leaves rich school districts paying lower taxes and getting better schools, and poor school districts getting poorer schools while paying higher taxes.

Item: Only a few decades ago, New York City's school system was still a model for other big cities. The other day, however, the annual citywide reading tests showed that the New York system had once again dropped further behind in teaching the city's children the most basic and essential skill, which is how to read. The reading level has been declining continuously in the New York schools since 1965, when testing began.

Item: There is a class difference here. Queens and Staten Island children, still predominantly white and middle class, are still reading at the level of the national averages, and sometimes above. But in the overwhelmingly black Williamsburg district in Brooklyn, for instance, the boys and girls in the ninth grade are reading at the level of normal sixth graders. That means most of them will leave school effectively illiterate.

Item: Really recent exact figures are not available. But in all big cities in America, the black and Puerto Rican components in the school populations—the ones who are not learning to read, in fact—have been steadily increasing, year by year. In most American big cities beginning on a North-South line from Chicago to New Orleans and going eastwards, the whites are now in the minority in the school populations, both in North and South.

The social meaning of this for the future hardly bears thinking about. In the last half centuries, great numbers of Americans—all the so-called ethnic groups, for instance, and the Chinese- and Japanese-Americans—have escaped from partial or total exclusion into full success in the larger American society. But these groups escaped by having the tools to escape; and reading was the first tool.

Thus the meaning of the school crisis is that our last large excluded groups, the great majorities of the blacks and Puerto Ricans, are not being given the tool they need most of all, in order to escape into equality. There is no use talking about equal opportunity, for people who cannot take advantage of opportunities, even when offered. And there are precious few opportunities in modern America for persons who leave school without the ability to read and write and figure.

So consider the future of so many of our big cities, which are getting nearer and nearer to being straight-out ghettoes half hidden behind financial and business districts! All this in sum betokens a horrifying failure of American society today, and an even more hair-raising problem for American society in the future.

Yet the soggy silence that now prevails on these subjects also has its own grim, quite current political meaning. After all, you do not look to hold-the-line conservatives like President Nixon for creative answers to vast social problems. For such answers you look—or used to look—to the liberals who want change and do not fear it.

But in the crucial area of education, as in so many other areas important for domestic policy, the American liberals have fallen strangely silent. They cannot even find the energy to challenge the nonsense of pseudo-thinkers like Harvard's Christopher Jencks, who has grandly announced that it is hopeless to expect the schools to educate the people who need education most.

The reasons for the liberal silence on education are pretty obvious, too. The slogan-think remedy of the past was school desegregation, forcible if need be, and by busing if need be. But three things have happened to make the slogan-thinkers taciturn.

Busing has proved to be a horribly hot political potato, especially with the white blue collar workers who are so vital to the Democratic Party. Most black people have turned out not to want their children bused, any more than blue collar whites want it. And even where the device has been given the fairest kind of chance, in places like Berkeley, Calif., mere forcible desegregation has turned out to do little or nothing to raise black children's reading levels.

This is a thing that can be done, and has been done, although it costs a good deal of money. It was done, for instance, very briefly, by the more effective schools program in New York City—which was killed by liberal hostility and liberal neglect, because it did not suit the slogan-thinkers. But is it really liberalism (or is it bankruptcy?) To have no problem except dismantling the country's foreign policy and national defense? All the same, that is American liberalism today.

THE PLIGHT OF VITALI A. RUBIN

Mr. CRANSTON. Mr. President, 76 Senators have now joined in cosponsoring the amendment which would deny most-favored-nation tariff treatment and Government-guaranteed credits to nonmarket countries which deny their citizens the right or opportunity to emigrate. Though the amendment speaks ostensibly of trade and economics, it is in fact the human dimension of inhumane emigration restrictions which motivates those of us who support this legislation.

It seems that almost every day we hear another report that needless misery is being inflicted on innocent men and women. The victims may be quite eminent, or they may be just people seeking greater opportunity in another country.

In this connection, I want to call the Senate's attention to one of these individuals. He happens to be an intellectual of international standing, but still a single human being endangered by an arbitrary government. His situation is hardly unique; it is sadly typical.

Vitali Rubin is a Russian Jew and a recognized authority on ancient China. In February 1972, after applying to emigrate to Israel, he was forced to leave his position at the Soviet Academy of Sciences. In July 1972, his application to emigrate was rejected. Since then, he has not been allowed to work or to publish. Mr. Rubin's case shows how the problem transcends the infamous "education tax," for he has not been able to obtain an exit permit at any price.

Throughout the world, scholars have rallied to Vitali Rubin's defense. At the recent annual meeting of the Association for Asian Studies, held in Chicago, a letter was circulated about Mr. Rubin. The efforts of this scholarly organization in this matter deserve to be better known and they deserve the support of decent people regardless of nationality or profession.

Therefore, Mr. President, I ask unanimous consent that Mr. Rubin's appeal to his fellow scholars in America and the response of the Association for Asian Studies be printed in the Record, together with a petition from a number of scholars of early Chinese history on Mr. Rubin's behalf.

There being no objection, the material was ordered to be printed in the Record, as follows:

THE PLIGHT OF VITALI A. RUBIN

An open letter to American Sinologists [*New York Review of Books* 19, no. 5 (October 5, 1972), p. 36]

To the Editors:

Is the scholar human?

I am asking this interesting question because after five months of waiting I have finally received the refusal of my application for permission to go to Israel. As "an important specialist" I am not allowed to emigrate.

It is not up to me to judge my quality as a Sinologist. May I list some facts concerning the fate of this "important specialist" in the Soviet Union. For the last three years I worked in the Institute of Oriental Studies of the Academy of Sciences as a temporary senior researcher although this title was never confirmed. When in January 1972 I informed my chief that I was going to apply to settle in Israel, he insisted on my leaving my position immediately. I resigned on February 1 [1972] and since then I haven't worked and cannot earn my living. All my works have since been withdrawn from printing (among them the Russian translation of the first three books of "Ch'un Ch'iu" and "Tso Chuan," with commentaries [and] the articles: "The Problem of Culture in Ancient Chinese Thinking"; "Shen Tao and Fa-chia", "Approach of Ancient Chinese Philosophers to the Problem of Power"). Orders for reviews of my book *Ideology and Culture in Ancient China* (published in 1970) in two scholarly magazines were canceled; more than this, citations and mentions of my previous works were removed from all books and articles at the printer's. The message is clear: such people as I are undesirable and are to be made non-existent in Soviet Sinology.

When Soviet authorities refuse to let Jewish scientists emigrate to Israel, they claim that these scientists have access to secret materials and that their emigration may be dangerous to the security of the state. My materials however are Chinese classics; they are no more secret than the Bible or the tragedies of Shakespeare. I am deprived of my human rights therefore because I am a scholar.

I send this letter because I hope the treatment of your colleagues does matter to you. Soviet leaders today often speak about the great importance of international cooperation among scientists and scholars, but it is difficult to understand how it is possible to appreciate knowledge and understanding and at the same time to deprive scholars of their human rights.

VITALI RUBIN.

This letter from Vitali A. Rubin, a Russian Jewish Sinologist and, until recently, a senior research worker at the Institute of Oriental Studies, U.S.S.R. Academy of Sciences, Moscow, must concern all scholars of Asian studies regardless of their area of specialization. The issue at hand is a simple one. Rubin is a specialist in early Chinese history and philosophy whose works may no longer be published, whose books and articles may no longer be quoted by other Soviet Sinologists, and whose daily life is being subjected to constant harassment as long as he is obliged to remain in the Soviet Union. This kind of "book burning" and persecution must be resisted at every stage and in every country lest it engulf us all, whatever our special field of interest may be.

Vitali Rubin was a student of history at Moscow State University when the Nazis threatened Moscow in late 1941. He volunteered for the front, was captured by the Germans, but succeeded in escaping from them after only three days. He resumed fighting, suffered from frostbite, and then, due to Stalin's suspicions of all former prisoners of war, was sent to a special labor camp where he was compelled to work in a coal mine for a year and a half. There he contracted tuberculosis of the spine. Although he was subsequently cleared of all "spy" charges, it took him years to recover his health. After the war, Rubin completed his studies in Moscow, worked as a bibliographer, and then as a researcher at the Oriental Institute. In February 1972—*over a year ago*—he announced his intention of emigrating to Israel. He immediately had to resign his position. In July 1972 he was informed that his request for an exit permit had been denied. He has thus been out of work for nearly fourteen months. As a result, not only has he been forced to sell books from his personal library in order to live but it has also become necessary for him to receive help from friends outside of the Soviet Union.

Rubin is not out of work because he is unemployable. A position is currently waiting for him in Israel. Indeed, he is a scholar who has much to contribute to the understanding of early China on an international basis. In Western languages he has published an article entitled "Tzu-ch'an and the City-State of Ancient China" (*T'oung-pao* 52 (1965), p. 8–34). His many works in Russian include "Appreciations of Confucius in Western Sinology." "Two Sources for Chinese Political Thought." "Ideology and Culture in Ancient China." "Traditions of Chinese Political Thought." "Man in Ancient

Chinese Thought," and "How Ssu-ma Ch'ien Depicted the Spring and Autumn Period." (For the full references to these articles and for an evaluation of his work—an evaluation, incidentally, which places Rubin in the forefront of Soviet studies of early China—see Francoise Aubin's *compte-rendu* "Travaux et tendances de la Sinologie soviétique récente" in *T'ouna-pao* 58 (1972), p. 162–166.) And in addition there were the four works in press, now withdrawn from publication, referred to in his letter above. One of these, his translation of the first three books of the *Ch'un-ch'iu, Tso chuan,* and commentaries, would appear to be a particularly grievous loss.

This cruel and unwarranted discrimination against Rubin as a scholar has not gone unopposed. Professor Harold Z. Schiffrin of the Hebrew University of Jerusalem has already mobilized considerable support on Rubin's behalf among scholars in all areas of Chinese studies. Furthermore, some 60 scholars from 11 countries who work in Rubin's own field of interest and are thus most keenly affected as scholars by the actions of various Soviet authorities have signed a petition of protest and have cabled and written the President of the Soviet Academy of Sciences of their shock and outrage. The signers include the names of many distinguished people such as Derk Bodde, H.G. Creel, Theodore deBary, W.A.C.H. Dobson, Jack Dull, Wolfram Eberhard, Ping-ti Ho, A.F.P. Hulsewe, Edward H. Kaplan, R.P. Kramers, Donald Munro, Joseph Needham, David S. Nivison, E. G. Pulleyblank, Allyn Rickett, Moss Roberts, Edward Schafer, Benjamin Schwartz, Burton Watson, William Watson, Arthur Wright, and Erich Zurcher. Copies of the petition and the list of signatories were forwarded to Academician M.V. Keldysh, President of the U.S.S.R. Academy of Sciences (in January) and to Academician Lev P. Delusin, Head of the Oriental Institute's China Section (in February). No response has yet been received from either of them. Letters also have been sent to several United States Senators concerned with this type of problem. In general, they share our outrage but are not optimistic about the ability of the Senate to influence Soviet policy in this matter.

The Association for Asian Studies, according to Article II of its Constitution, is a scholarly, non-political organization designed to promote the "scholarly study of Asia," "to provide means for the publication of scholarly research and other materials designed to promote Asian studies," "to promote the exchange of information within the field of Asian studies in North America," and "to facilitate contact and exchange of information between scholars and scholarly organizations in North America interested in Asian studies and those in other countries." The actions of the Soviet authorities, whatever their political nature or intent may be, threaten the very objectives for which the Association for Asian Studies was formed. It is our belief, therefore, that each and every member of the AAS has a personal responsibility to defend Rubin and other scholars in a similar plight. In doing so, members protect the scholarship which the AAS seeks to promote as well as their own interests.

We strongly urge you, therefore, to assist Rubin in the following ways:

(1) To attend the General Business Meeting of the AAS (4:30 p.m. Friday, March 30, in the Grand Ballroom on the Fourth Floor) where the immediate issue of Rubin's plight and the general issue of academic freedom may be discussed, particularly if the AAS Board of Directors is unable to take appropriate action on these matters;

(2) To attend the meeting of the Committee on Professional Issues (4:00 p.m. Saturday, March 31, in Private Dining Room #7 on the Third Floor) where the issue of Rubin's plight and the general issue of academic freedom will definitely be raised;

(3) To join in our appeal to relevant authorities by

(a) Signing the attached petition, copies of which will be circulated in this country and abroad, and returning it directly to Professor David Keightley (Department of History; University of California; Berkeley, Calif. 94720);

(b) writing on Rubin's behalf directly to:

Academician M. V. Keldysh, President; U.S.S.R. Academy of Sciences; Lenin Prospekt 14 Moscow, U.S.S.R.

Academician Lev P. Delusin, Director; Section for the Study of China; Institut Vostokovedeniia AN SSSR (Institute of Oriental Studies), Armianskii Per. 2; Moscow, U.S.S.R.

and any Soviet Asian scholars whom you may know. When urging that Rubin be allowed to emigrate immediately with his family, please sign your letters with an indication of your full title and institutional affiliation.

(4) To write to your congressmen, the State Department, and the International Research and Exchange Board (110 East 59th Street, New York, N.Y.) which administers the Soviet-American Exchange Program, asking them to intercede on Rubin's behalf;

(5) To send letters of encouragement and support *by registered mail* directly to Vitali A. Rubin (Telegrafnyi P.7, KV. 13; Moscow Center, U.S.S.R.);

(6) To assist us in covering the expenses incurred on Rubin's behalf by sending contributions to David Keightley together with the signed copy of your petition. Any funds that go unspent will be sent to Rubin in c/o Professor Harold Schiffrin.

Thank you very much for your response to this appeal and for your generous cooperation.

David N. Keightley,
University of California (Berkeley).
Rhoads Murphey,
University of Michigan.
Harold Z. Schiffrin,
Hebrew University of Jerusalem.
Frank J. Shulman,
University of Michigan.

University of California, Berkeley,
Berkeley, Calif., January 29, 1973.

Academician M. V. Keldysh,
President, U.S.S.R. Academy of Sciences,
Lenin Prospekt 14, Moskva.

Dear Academician Keldysh: I am writing you to express my concern, and the concern of many fellow Sinologists throughout the world, about the apparent fate of Vitali Rubin. The enclosed petition, which has so far been signed by over 40 Sinologists from 6 countries, indicates the strength of that concern. I will be ready to send you the signed petitions at a later time, but I will here simply list the names and institutions of those who have signed:

Wm. Theodore de Bary (Columbia University).
I. d'Argencé (Avery Brundage Collection).
Lester Bilsky (University of Arkansas).
Barry Blakeley (Seton Hall University).
Walter R. Bleckmann (Kutztown State College).
Derk Bodde (University of Pennsylvania).
Anneliese Gutkind Bulling (Columbia University).
Chun-shu Chang (University of Michigan).
Doris Dohrenwend (Royal Ontario Museum).
W. A. C. H. Dobson (University of Toronto).
H. G. Creel (University of Chicago).
Jack Dull (University of Washington).
Wolfram Eberhard (University of California).
Chauncey Goodrich (University of California).
A. F. P. Hulsewe (University of Leiden).
Ping-ti Ho (University of Chicago).
David Johnson (Columbia University).
Robert A. Juhl (Buena Vista College).
Edward H. Kaplan (Western Washington State College).
David R. Knechtges (University of Washington).
R. P. Kramers (Zurich University).
Yu-sheng Lin (University of Wisconsin).
Sally Merrill (University of Indiana).
Stanley J. Mickel (Wittenberg University).
Donald Munro (University of Michigan).
David S. Nivison (Stanford University).
Jordan Paper (York University).
M. Pirazzoli-t'Serstevens (Musée Guimet).
E. G. Pulleyblank (University of British Columbia).
Allyn Rickett (University of Pennsylvania).
Moss Roberts (New York University).
Michael C. Rogers (University of California).
Henry Rosemont, Jr. (Brooklyn College).
Edward H. Schaefer (University of California).
Wayne Schlepp (University of Wisconsin).
Benjamin Schwartz (Harvard University).
Tao Tien-yi (University of Hawaii).
Laurence G. Thompson (University of Southern California).
Wei-ming Tu (University of California).
Burton Watson (Columbia University).
Howard J. Wechsler (University of Illinois).
Ernest Wolff (University of Illinois).
Edmund H. Worthy (New Asia College).
E. Zürcher (University of Leiden).

As you will see, these are mainly scholars in Rubin's own field of scholarship. They are not ideologues or people who normally sign political petitions. We know that violations of academic and human freedom take place throughout the world; my own country is certainly not free from blame in this regard. None of us have any desire to embarrass the Soviet Union or the Academy of Sciences by public criticism that could be construed as political in its intent. Our concern is primarily scholarly and humanitarian.

As a scholar yourself, you will surely feel the sense of shock and outrage that we all feel when a man's scholarship and his career as a scholar are condemned for reasons quite extraneous to his work. It is particularly sad that Rubin should be treated in this way at precisely the moment when Francoise Aubin's welcome *compete-rendu,* "Travaux et tendances de la sinologie soviétique récente," in the recent 1972 issue of *T'oung Pao,* devotes a significant part of its attention to Rubin's work. Discrimination against Rubin does a disservice to Sinology throughout the world; it sheds no lustre on the good name of Soviet scholarship.

Other scholars will undoubtedly add their names to the above list and I shall keep you informed of our concern. Eventually, the petition will have to be made public in various ways, one of which, you will see from the petition itself, concerns the International Congress of Orientalists meeting in Paris in July, 1973. It is my sincere hope, however, that such publicity will not be necessary. We are not concerned, let me repeat, with embarrassing the Soviet Union or the Academy of Sciences. We are concerned primarily with Rubin's freedom to live and work as a scholar.

I would appreciate hearing from you about this sad affair. Anything that you can do to convey to the Soviet authorities finally responsible the indignation felt by scholars (and their students) throughout the world, will be greatly appreciated. A response from you will help us all to understand the situation, and to evaluate Rubin's chances for a resumption of his scholarly career, a resumption which I earnestly hope will take place soon.

Sincerely yours,
David N. Keightley,
Assistant Professor.

A Petition

We the undersigned scholars of early Chinese history are gravely concerned by the appeal of the Russian Sinologist, Vitali Rubin.

As a result of his application (which has so far been rejected) to emigrate from the Soviet Union to Israel, he has apparently lost his job in the Institute of Oriental Studies of the Academy of Sciences in Moscow, his works have been withdrawn from print, and citations to his already published writing have been removed from works now in press. (See his letter to the *New York Review of Books*, October 5, 1972, p. 36.)

This refusal to let Vitali Rubin work or publish diminishes the scope of Chinese studies, not only in Soviet Russia, but throughout the world. No government should deny an internationally known scholar the right to choose where he will live and work.

In the interests of our profession, of academic freedom, and of human rights, we therefore petition the proper Soviet authorities to permit Vitali Rubin to resume his sinological studies, and emigrate if he so desires.

The 29th International Congress of Orientalists will be held in Paris in July, 1973. In the event that no satisfactory response to this petition has been received by that time, we are prepared to call for an enquiry into Vitali Rubin's situation, to determine the extent to which the Institute of Oriental Studies in Moscow is responsible for this deplorable violation of academic and human rights.

THE USE OF HERBICIDES FOR AGRICULTURAL PURPOSES

Mr. MONDALE. Mr. President, Senator Nelson has made an important environment statement concerning the use of herbicides for agricultural purposes. In his speech, he outlines the nature of some of the problems that arise in the use, overuse, misuse, or abuse of chemicals introduced into the marketplace without adequate studies on the question of safety and without any understanding of the environmental ramifications of their use.

Senator Nelson delivered his speech at the annual pesticide conference in Madison, Wis., where he also announced that the Environmental Protection Agency had informed him that they intend to cancel registration of the herbicide 2,4,5–T for rangeland use.

The herbicide 2,4,5-T was used extensively in Vietnam where millions of acres of forest and cropland were destroyed by defoliation. The Department of Defense terminated the use of 2,4,5-T after scientific tests confirmed its extreme toxic and teratogenic effects. And last August, Senator Nelson revealed that a Missouri helicopter firm had sprayed 2,4,5-T over about 1,000 acres of hillsides and bluffs along the Wisconsin River on the northern edge of Grant County, Wis.

Mr. President, I ask unanimous consent to have the full text of Senator Nelson's speech, "The Use of 2,4,5-T for Rangeland Management," and the letter concerning cancellation of 2,4,5–T, received from EPA dated January 11, 1973, be printed in the Record.

There being no objection, the speech and letter were ordered to be printed in the Record, as follows:

The Use of 2,4,5-T for Rangeland Management

(Statement by Senator Gaylord Nelson, Pesticide Conference—Madison, Wisconsin January 17, 1973)

The controversy over the use of 2,4,5-T represents both the typical and classic case concerning the public policy questions at issue whenever it is proposed to introduce a new and active agent into the marketplace. The issue is the same whether the products involved are pesticides, herbicides, food additives, prescription drugs or toxic substances produced or used in the industrial process. The major public questions raised involve such important matters as safety, efficacy and risk benefit ratio.

The dramatic proliferation of the use of these agents in foods, drugs, herbicides, pesticides and industrial production is a recent phemonenon. While it is certainly true that many of these agents have significantly, even spectacularly, improved health care, the preservation of food, agricultural production, and industrial production, it is also true that many of these agents are dangerous, useless, or both, and many other useful agents are widely misused or overused and present serious environmental and public health hazards.

While we have been prolific in the development, production and use of a multiplicity of potent "miracle" agents, we have been derelict in establishing a sound protocol for testing their safety and efficacy and controlling their use. It was not until 1938 that we passed legislation requiring scientific proof of safety for drugs and not until 1962 that we added the requirement of effectiveness. Legislation establishing genuinely effective controls over food additives, herbicides, pesticides and toxic substances has lagged far behind. Finally Congress has begun to recognize the problem and pass legislation establishing better standards of scientific proof for safety and efficacy as well as controls over marketing and use.

Everyone is aware of the controversy over the use of 2,4,5-T for pastureland improvement. The proponents of its use, including some scientists at the University of Wisconsin and elsewhere as well as the Sponsors of Science, Inc., take the position that 2,4,5-T has been adequately tested for safety and presents no problem from that standpoint. No one doubts that the proponents are conscientious and sincere and there is no quarrel over the objective of designing better techniques for pastureland improvement so long as they are environmentally sound.

Furthermore, no valid criticism lies against the farmers who have used 2,4,5–T. They after all, are entitled to rely upon the government to set the standards for safety, licensing and use.

Nevertheless, contrary to the position of the proponents it is quite clear that adequate safety studies have not been made on 2,4,5–T. This product contains dioxin, the most toxic synthetic agent known. Since it is present in only very, very small amounts this fact has induced considerable unjustified complacency about its use. It is also dangerous in very, very small amounts, both as a toxic and teratogenic agent.

Some information about its toxicity is relevant at this point.

Next to botulinum toxin, dioxin is the most toxic agent known to man. In laboratory tests, only 6 parts of dioxin per ten billion parts (bodyweight) was lethal.

The Science Policy Research Division of the Library of Congress made an extrapolation for us which showed that assuming a lethal dose in experimental animals is directly equivalent for man, then one medicine drop of dioxin would kill 1,200 people.

Not only is dioxin extraordinarily toxic, it is also teratogenic. Dr. Jacqueline Verrett of the Food and Drug Administration reports that in chick and mammaliam studies, dioxin is "some 100,000 to a million times more potent" than the tranquilizer thalidomide which caused a large number of birth defects in Europe.

Dr. Matthew Meselson, of Harvard, headed the Herbicide Assessment Commission of the American Association for the Advancement of Science. That Commission went to Vietnam to study the impact of defoliation which included the use of 2,4,5–T. Dr. Meselson has devoted the past several years to developing sophisticated methods for detecting dioxin. I spoke at length with Dr. Meselson. He stated that "because of the slow acting nature of the dioxin, because of the susceptibility of the young, I myself would consider that the traditional safety factor of 100 should be increased so that in my own opinion I would say that we should strive to have no more than one part per thousand billion of dioxin in our own bodies." "But I do believe," he said "that from a toxicological point of view that we have an unparalleled problem here. We've been a little bit hypnotized by hearing that there is no more than even a tenth of a part per million of dioxin in the current production batches of 2,4,5–T. We've been hypnotized into thinking that that must be negligible. And it is a welcome improvement, I'm sure. But I'm not at all sure it is negligible. It may, in fact, be quite serious."

Last year in a letter to William D. Ruckelshaus, Administrator of the Environmental Protection Agency, Dr. Meselson stated that ". . . there are simply no existing measurements showing that dioxin levels in human tissue and in the food chain in areas where 2,4,5–T has been used are below the levels that might constitute a public health hazard."

Proponents of this agent, nevertheless, assert that there are adequate scientific studies. The fatal flaw in the proponents assertion lies in the fact that questions remain to be answered in two major areas of concern. 1) We don't know the effect on living creatures of long-term, low level exposure of dioxin. And 2) we don't know whether bio-magnification occurs and if so, what is its significance.

Dr. Matthew Meselson has stated categorically that "there's no monitoring program anywhere in the world for dioxin in the tissues or in food."

And on the important question of biomagnification, adequate studies have not been conducted. If bio-magnification does occur it presents a potential environmental and public health hazard of the first magnitude. Bio-magnification was one of the major problems involving DDT. What may have been an innocent amount of DDT at the beginning of the food chain increased geometrically up the food chain until it became a lethal concentration for some creatures at the end of the food chain.

In one 1966 University of Wisconsin study of DDE, the persisting environmental breakdown form of DDT, one part of the pesticide in the sediment of Lake Michigan multiplied to 40 times that amount in the body of small invertebrates. It jumped to 370 times that amount by the time it reached the alewives in the food chain. And at the end of the food chain, the herring gull contained 16 thousand times the amount of DDE that was originally found in the Lake's sediment.

Here is what the Herbicide Assessment Commission of the American Association for the Advancement of Science had to say on the question of the potential hazard of dioxin in 2,4,5-T:

Its potential importance lies in the fact that it is exceedingly toxic, may be quite stable in the environment, and being fat soluble, may be concentrated as it moves up the food chain into the human diet.

The National Science Foundation, the National Academy of Science, and the Library of Congress advise me that they are unaware of any adequate scientific studies on the question of biological magnification of dioxin.

The U.S. Department of Agriculture has recently made a preliminary study of biological accumulation of dioxin in an aquatic environment, which indicates that biological magnification does occur.

For emphasis I repeat that most of the tests that must be done before we know where we stand have not yet been done. There is *no* relevant information on dioxin in food and human tissue. There are *no* adequate studies on long-term toxicity even in lab animals. And there is only one preliminary study of bio-magnification and it shows that it *does* occur.

There is a very fundamental public policy issue at stake here which, it seems to me, we must confront headon. The issue is this: are we going to permit the widespread use of potent and toxic agents without requiriing prior adequate scientific safety tests? From the public interest standpoint, it seems to me there is no way to answer that question except in the affirmative. We have had ample tragic experience with the widespread use of potent agents without having required prior scientific studies.

My recommendation last fall that 2,4,5-T should be withheld from use until adequate safety studies have been performed has been widely criticized as irresponsible by proponents of its use. My conclusion was not based upon any independent scientific expertise of my own. I have no such credentials and claim none. It was based upon extensive exploration of this issue with distinguished scientists knowledgeable in the field.

You will be interested to know that the scientists at the United States Environmental Protection Agency have reached a conclusion exactly opopsite from that reached by those professors at the University who have been vocal in their criticism of my position.

The Environmental Protection Agency informed me last week that they intend to cancel the use of 2,4,5-T for rangeland purposes. They state that the cancellation would apply to the kind of pastureland treatment for which it has been used in Grant County. They advise me that:

"We have not been able to establish a finite tolerance for this use . . ."

That cancellation would go into effect this month except for an injunction issued against the Agency involving a lawsuit over an entirely different use of 2,4,5-T. However, the Environmental Protection Agency has advised my office that once that lawsuit is concluded and the injunction lifted they will cancel the use of 2,4,5-T for rangeland purposes.

It is instructive to note that the scientists at the Environmental Protection Agency after reviewing all the available scientific studies as well as all information supplied by the manufacturer concluded that there was not sufficient scientific evidence available to enable them to establish a safe tolerance level.

This is exactly the point at issue. This is what the controversy is all about.

Herbicides and pesticides are valuable and useful tools properly used, in proper amounts under appropriate circumstances. However, they cannot serve the best interests of the farmer, agriculture or the public if they are overused, misused or introduced into the marketplace without adequate studies on the question of safety and without any understanding of the environmental ramifications of their use.

Unfortunately we have not followed these sensible guidelines very well in the past. I would hope we would do better in the future.

When appropriate scientific studies have been made it may well be that a safety tolerance level can be established. If so, the EPA no doubt will authorize its use under proper standards and guidelines. If such safety tolerance levels cannot be established, obviously it should not be used.

U.S. Environmental
Protection Agency,
Washington, D.C., January 11, 1973.

Senator Gaylord Nelson,
U.S. Senate,
Washington, D.C.

Dear Senator Nelson: This will confirm a telephone conference on January 5, 1973, between Miss Paula Stern of your office and Mr. Douglas Campt of this Agency regarding the herbicide 2,4,5-T. You will recall that at your request this Agency made available to your office last week certain information relating to the toxicity of this herbicide.

Miss Stern, in the telephone conversation with Mr. Campt, inquired as to whether certain feeding studies on the chemical were available. Mr. Campt responded that there are feeding studies that are a part of a petition for tolerance resulting from use of the chemical on range grass submitted by the Industry Task Force on Phenoxy Herbicides. We have been advised by our Office of the General Counsel that this information is not available since the Food, Drug and Cosmetic Act requires it to be held confidential until a regulation is issued.

Miss Stern then inquired as to the current status of the registration of 2,4,5-T on range grass. She was informed that the use is currently registered as a no-residue use; however, the phase-out of the "no residue zero tolerance" concept would require cancellation of registered products bearing this use unless finite tolerances are established. We have not been able to establish a finite tolerance for this use and registrations would be subject to cancellation during this month. However, our General Counsel has advised that U.S. District Court Judge Oren Harris' order enjoining the Agency from conducting hearings or dealing with any administrative proceeding concerning 2,4,5-T would preclude our taking cancellation action at this time.

We are enclosing for your information copies of PR Notices 70-29 and 72-4 in addition to a copy of the NAS-NRC report on "No Residue" and "Zero Tolerance" dated June 1965. These documents will give the background on the phase-out of "No Residue" uses.

Thank you for this opportunity to further clarify our position in this matter.

Sincerely yours,

Gary Baise,
Director, Office of Legislation.

PLASTIC GARBAGE ON AN ALASKAN ISLAND

Mr. STEVENS. Mr. President, the March 30 issue of the U.S. Department of Commerce publication, NOAA Week, bannered a story "NMFS Finds Tons of Plastic Debris on Alaskan Island." It describes how plastic garbage—synthetic fish nets and ropes, gillnet floats, miscellaneous bits of trash—discarded and lost by foreign fishing fleets are floating in the waters, littering the beaches, injuring and killing the creatures of the North Pacific.

Ironically, the observations cited in the article were made at Amchitka Island, the scene in November of 1971 of controversial testing by the Atomic Energy Commission. Thousands of persons demonstrated their opposition because they were alarmed at serious damage they mistakenly thought the testing might cause the area's environment and its living creatures. Now it has come to pass that like damage has indeed been inflicted—by foreign fishing fleets. Apparently because this is less dramatic than a nuclear blast, the situation is continuing with little notice.

In view of the relative lack of concern over the existing situation at Amchitka, I ask unanimous consent to provide a measure of recognition by publication in the Record of the article from NOAA Week.

There being no objection, the article was ordered to be printed in the Record, as follows:

NMFS Finds Tons of Plastic Debris on Alaskan Island

The National Marine Fisheries Service has found that thousands of pieces of plastic, ranging from tiny scraps to lengths of fishnet 100 feet long, litter Alaska's remote Amchitka Island beaches. The NMFS estimates that about 24,000 plastic items, including 12 tons of trawl web and perhaps 7,000 gillnet floats, have washed up along 60 miles of Amchitka beaches.

The estimate is based upon items found by NMFS during surveys of 6.2 miles of shore between last April and October to obtain information on the kinds and extent of plastics littering the beaches of the North Pacific Ocean and the Bering Sea. The surveys were incidental to other fisheries programs underway in the area.

This discovery comes on the heels of the announcement by NOAA in mid-February that oil globules and plastic debris in massive proportions were found in nearly 700,000 square miles of ocean water from Cape Cod to the Caribbean, becoming part of the habitat of countless numbers of prized game and commercial fish species.

That announcement was made following analysis of results of three cruises by NOAA vessels as part of the Marine Resources Monitoring, Assessment, and Prediction Program (MARMAP).

Most plastics are not readily biodegradable; that is, they do not break down into harmless components by biological action, so that once introduced into an environment they remain indefinitely.

Plastic garbage dumped into the world oceans has obvious physical effects on man and other creatures. Fishing vessels have been disabled when propellers were entangled in floating synthetic ropes and nets; diving sea birds and fish have been captured in scraps of netting; fur seals and other marine mammals are injured or drowned when caught in derelict nets; and some species of sea birds eat bits of floating plastic, presumably mistaking them for morsels of food.

Most of the contamination of Alaska waters by plastics is believed to be from foreign fishing vessels. The problem has been discussed in recent bilateral meetings with Japan and the Soviet Union on fisheries operations in the North Pacific Ocean and in the Bering Sea. It was agreed that contamination of the high seas is a growing and serious problem and that efforts would be made by the three nations to help reduce it.

COMMUNITY NUTRITION AGENCY OF HUDSON COUNTY

Mr. CASE. Mr. President, last year both the Congress and the President made clear their intent to reach every needy child under the national school lunch program.

An innovative demonstration program has been proposed for Hudson County, N.J., which currently provides only 8,500 school lunches daily, even though there are 92,517 public school children and 36,500 parochial school children eligible to participate in the national school lunch program.

I have urged the Department of Agriculture to fund promptly the Community Nutrition Agency of Hudson County. I ask unanimous consent that my letter to the Department of Agriculture be placed in the Record. I also ask unanimous consent that a letter from the Community Nutrition Agency of Hudson County also be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Herbert D. Rorex,
Director, Child Nutrition Division,
Department of Agriculture,
Washington, D.C.

Dear Mr. Rorex: I am writing to you to urge the Department of Agriculture to fund the Community Nutrition Agency of Hudson County, New Jersey. The objective of the agency, a non-profit corporation, is to provide meals to schools without cafeterias or other serving facilities in Hudson County.

In the past few years New Jersey has made substantial progress in implementing the National School Lunch and School Breakfast programs. For example, participation rates among those entitled to free meals in the program are uniformly high throughout most of the state. In Essex County, next door to Hudson, participation rates among needy children are currently 88 percent, while Hudson serves less than 25 percent of those children entitled to free meals. And only one child in ten of the 92,500 school children in the county receive lunch free or paid under the Federal program.

The Community Nutrition Agency, which has been supported by the Hudson County Model Cities program, the New Jersey State Bureau of Food Program Administration in the Department of Education, and the Office of Economic Opportunity, is now prepared to go ahead and provide a well-rounded nutrition program for the children of Hudson County.

This Agency will help fulfill the commitment of both the Congress and the President, as made clear last year in the passage of the 1972 School Lunch Amendments, that every needy child shall receive the food he needs under the Federally sponsored children's feeding programs.

Any expansion of the School Lunch program will, of course, involve an additional expenditure of Federal funds. However, CNA will operate more efficiently than most school feeding programs since it will be a centralized feeding system using the latest techniques for effective meal delivery. CNA will also be able to administer the Federal Summer Feeding program as part of its continuing operation.

I am sure that once this Agency is underway it will receive the support it needs from the various school districts of Hudson County. Already CNA has received from Union City a letter of intent to initiate a pilot program this year and an expanded program next year if the program is a success. The State's Bureau of Food Program Administration assures me, moreover, of the feasibility of the program and its desire to provide technical assistance to make the initial start a success.

The State Bureau will also provide necessary liaison and advice to local schools who desire to join the program.

CNA is a demonstration program well within Congress' intent to reach every needy child under the School Lunch program.

I urge you to act promptly.

Sincerely,

C. P. Case,
U.S. Senator.

Community Nutrition Agency,
Hoboken, N.J., April 9, 1973.

Herbert D. Rorex,
Director, Child Nutrition Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C.

Dear Mr. Rorex: I wish to thank you for giving us the opportunity to discuss our special developmental funding proposal with you and members of your staff last Friday.

We submit the following additional information to supplement our proposal and to respond more fully to some of the questions raised at the meeting.

PROJECT BENEFITS TO FOOD INDUSTRY

With only about 8,500 of the county's 92,517 public and 36,530 parochial school students receiving school lunches, there is a very substantial food service market (potentially in excess of 100,000 meals per day) which is not being reached under the existing organizational structure for school lunches. The expansion of participation in the National School Lunch and other child nutrition programs contemplated as part of the proposed project (and the further expansion which the project will facilitate) will provide an opportunity for food service companies to supply pre-packaged meals on a scale far beyond the present level.

To put this potential market in perspective, one of the better-known companies producing pre-packaged school lunches currently supplies only 30,000 lunches daily to all of its customers on the Eastern seaboard.

TECHNICAL ASSISTANCE

In the development of the project, the Community Nutrition Agency has utilized the consulting services of Roslyn Willett Associates, New York, N.Y. for the preparation of food service equipment schedules and menus. In addition, we have available to us the guidance and counsel of the New Jersey Bureau of Food Program Administration which monitors the project, as well as that of Professor Paul Lachance and the staff of the Food Science Department at Rutgers.

As the need arises in the installation of our program in specific schools, we expect to utilize these and other consultants in such areas as developing training programs for nutrition aides and other staff and in food systems engineering. When the scale of our program permits, we expect to add staff with these capabilities.

OTHER FEEDING PROGRAMS

The focus of the proposed project is primarily on the expansion of school lunch participation. Beyond the scope of the present project however, it is anticipated that the Community Nutrition Agency will play a major role in school breakfast, summer feeding, and other child nutrition programs as well as provide meals for senior citizens and other social groups under other publicly and privately sponsored programs.

As an agency with year-round concern with improved nutrition, CNA can provide the continuity, stability, and skills needed to assure economical and efficient food service operations.

HUDSON COUNTY DEMOGRAPHIC CHARACTERISTICS

In the selection of Hudson County as the site for the project, the New Jersey Department of Education's Bureau of Food Program Administration was influenced by the high incidence of poverty and related problems among the county's 609 thousand residents and the advantages—economic as well as nutritional—that the project could bring. Some of the indicators of need are shown below.

One in eleven of Hudson County's 160,000 families has an income below the poverty level. In 1970, median family income in Hudson was $9,698—lower than all but four of New Jersey's 21 counties. Median family income in Hoboken was only $7,786.

There are heavy concentrations of economically depressed families in several parts of Hudson. Sixteen percent of Hoboken's families and 10 percent of those in Jersey City and Union City are below the poverty level.

Education levels are similarly low. Among Hudson's adults over the age of 25, only half had completed 10 years of schooling, and only 36 percent were high school graduates. Median years of education were 8.7 years in Hoboken and 8.9 years in Union City and West New York.

The county's highest school drop-out rates (21 and 22 percent) were found in Hoboken, Jersey City, and Union City.

One-third of the county's 14,456 poverty families were black or Puerto Rican. One-fifth (2,720) of Hudson's black families and one-fourth (1,979) of the county's Puerto Rican families were below the poverty level.

I hope this information will be useful in the evaluation of our project proposal.

Please call upon me if I can provide any additional material.

Sincerely yours,

Vincent Finneran,
Executive Director.

TRADE REFORM

Mr. BENNETT. Mr. President, President Nixon has today sent the Congress his Trade Reform Act of 1973. This legislation is essential and should receive the immediate attention of Congress if we are to maintain a competitive position in world trade.

There has been great impetus for improving the American position in world trade since the late 1960's. Following World War II, our main concern was strengthening and restoring the competitive position of our European allies and Japan. Existing international economic rules and practices were developed in the immediate postwar period to guard against the disastrous conditions which existed during the 1930's, and to assist postwar rehabilitation. Since this period, most developed countries have been following policies tending to produce trade and payments surpluses. After the most difficult of the postwar reconstruction was accomplished, West European countries and Japan established policies to achieve full employment by promoting exports and curtailing imports. However, these nations long ago achieved this goal, but the policies that generated trade surpluses remain in effect, in great measure because those groups which have done so well under them are naturally reluctant to give them up.

At the end of World War II the United States could easily afford these policies because of our position of worldwide economic dominance. We maintained a position of dominance into the 1960's, but our position naturally declined as other nations rebuilt. A decade ago our trade surplus was averaging more than $5 billion annually, an amount large enough to allow us to spend substantial amounts abroad to meet political and military objectives without undermining our balance of payments. We could also afford a balance-of-payments deficit of several billion dollars a year without problems because the world economy needed dollars to handle the growing volume of international economic transactions . . . in addition, because of our strong international economic position, and because we had a vested foreign policy interest in the recovery of Western Europe and Japan, we tolerated certain foreign trade practices which restricted our ability to export.

However, conditions are radically different today. Our political rationale for tolerating unfair trading practices on the part of Japan and Western Europe no longer exists. The improved capabilities of our trading partners have given us new competition at home and abroad.

While all nations of the world benefited from the post-World War III pace of economic growth and trade for the first time in 100 years, U.S. imports have grown faster than exports over a sustained time period. The difference in growth rates was small until the mid-1960's, and as a consequence we maintained trade surpluses averaging about $5 billion annually between 1955 and 1965. Since then, although our export growth has been well maintained, our import growth has soared and therefore, our net trading position has rapidly deteriorated. We incurred our first deficit of the century in 1971, when our imports exceeded our exports by $2 billion. In 1972 this deficit worsened, totaling $6.4 billion. This adverse swing in trade during 1964–72, can be attributed to a few major product categories: motor vehicles and parts, steel products, textiles, clothing and footwear and consumer electronic goods. This surge of imports has not only hurt our balance of trade, but has affected American industry in specialized areas. Some industries are especially affected by trade, and sudden shifts in trade can have dramatic consequences on domestic U.S. enterprises and jobs in certain industrial or geographical areas.

To overcome these problems requires that we take action here at home and abroad through international agreements. At U.S. initiative, the world's major trading nations have decided to work toward multilateral trade negotiations to begin in late 1973. These negotiations will be difficult and take some time to complete; however, it is of great concern that we provide the President with the new authority he needs to fashion a vehicle for our international trade which is responsive to the needs of the 1970's, and to replace the expired authority of the Trade Expansion Act of 1962.

The administration's bill is responsive to the trade and other economic problems of today's world. It is conceived in the knowledge that we live in a world of rapid change and in which the amazing growth of world trade has brought more international interdependence than ever before. The bill is carefully gaged to dampen and eliminate the frictions and tensions that have arisen in our international economic relations.

Most important of all, the administration's bill responds to U.S. needs, as we in the Congress see them. It requests tariff authority sufficient to free trade and to attack the problem of tariff discrimination. A basis would be provided for negotiating away the vast complex of Government measures which are nontariff barriers. Agriculture, a sector of international trade greatly affected by nontariff barriers, will be foremost in our minds, fully aware that we enjoy therein a strong international competitive advantage. The bill recognizes that labor and industry need better legislative assurances, than are now provided, that serious injury or the threat thereof from imports will be dealt with more expeditiously. The President will be authorized to cope better with unfair trade practices and unfair competition confronting American firms and workers. We are being asked to provide a basis for the President to capitalize on his momentous moves with regard to the Communist countries through the extension of most-favored-nation treatment. Finally, the bill would fulfill this Government's promise to share, with our major trading partners, in a meaningful and mutually advantageous system of tariff preferences for developing countries.

In summary, I believe it is essential that the Congress give this legislation its direct and foremost attention and move quickly in the best interest of the Nation.

THE U.S. JAYCEES AND THEIR EFFORT TO ELIMINATE HUNGER AMONG CHILDREN IN OUR SCHOOLS

Mr. MONDALE. Mr. President, several days ago I met with Mr. Robert M. Benedict and Mr. David Jones, two dedicated and capable individuals who are working with the U.S. Jaycees in an effort to eliminate hunger among children in our schools.

Headquartered in Minnesota, this project by the U.S. Jaycees is directed toward expanding Federal child-feeding assistance to the 18,000 schools throughout the United States which currently have no school lunch program.

As a recent staff report by the Select Committee on Nutrition and Human Needs pointed out, "The single greatest obstacle to completing our task of feeding the hungry children of our Nation a free or reduced price school lunch is the lack of proper facilities in about 18,000 of our Nation's 100,000-plus schools."

I believe that the Federal Government must take all possible steps to assure that needy youngsters in these schools receive nutritious meals. I am hopeful that Congress will appropriate the full $40 million authorized for nonfood assistance in fiscal 1974 so that "no program" schools can begin serving meals to hungry youngsters. I believe that we also should stipulate that the full amount appropriated for this program be spent in fiscal 1974.

I commend to my colleagues in the Senate a paper prepared by Bob Benedict outlining the urgency and importance of providing proper nutrition for our Nation's children.

I should also like to place in the CONGRESSIONAL RECORD a copy of a letter which I sent to the U.S. Jaycees Center for Improved Child Nutrition in Bloomington, Minn., expressing my thoughts on the great value of their leadership in this field.

Mr. President, I ask unanimous consent that the following documents be printed in full in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXPANDING THE SCHOOL LUNCH PROGRAM

(By Robert M. Benedict, Chairman, Jaycee School Lunch Committee)

The following provides an explanation of the rationale for the U.S. Jaycees' advocation of expanding the School Lunch Program.

The first can be labeled as a humanitarian concern. We were amazed, and indeed angered, to read the results of such nutritional studies as "Hunger USA," "Their Daily Bread," "Still Hungry in America," and the hearings of the Senate Select Committee on Nutrition and Human Needs. That American children should be suffering the diseases of malnutrition in a country that has:

A. Spent $36 billion dollars in farm subsidies in less than a decade to rid itself of abundance;

B. Spent $150 billion dollars in foreign aid since 1945 to assure the progress of future generations in other countries;

C. Spent $160 billion dollars since 1954 in assuring the future of Vietnamese children.

That this nation cannot afford to invest fully in our own children's nutrition, seems to us incredible. I use the word invest because most of us in the Jaycees are businessmen. We are not willing to see the taxpayers' money spent on every program that comes along, unless it shows solid prospects for a good return. Yet after careful examination and consideration, we are clearly sold on expanding the School Lunch Program for a number of very practical and, we believe, frugal reasons:

1. This nation spends $40 billion dollars each year on elementary and secondary education[1] to prepare our young people to take a productive and meaningful place in society. But at least three recent nationwide surveys have demonstrated the futility of this if the children come to school hungry. A hungry child is not concentrating on his studies, no matter how good they might be or how much we spend on them. He's thinking about that empty, gnawing craving in his stomach that is so relentless in its pain and devastating in its result.

"Teachers and principals have repeatedly told the board of the obstacle which hunger places in their way—in the form of listlessness, fights over food, inattentiveness, acute hunger pains, withdrawal, and a total sense of failure."—"Hunger USA," p. 31.

Introduction of the School Food Program to previously unserviced areas brought startling results:

"Reports of students progress in schools with first time lunch programs were astounding. Drowsy, lethargic youngsters were transformed simply because they were able to eat at least one good meal a day. Many schools report a decrease in absenteeism."—Francis E. McClone, Chairman, CSFSA Nutrition Committee (Position Paper—"Apparent Hunger in California Schools").

Following up on Mr. McClone's statement concerning decreased absenteeism, Mr. B. P. Taylor, Superintendent of the San Diego, Texas Independent School District reports:

"We strongly believe that school lunch funding is an investment in hungry children. We think it has in fact kept them in school and our records will so verify. It has not only kept them in school for an extra year, it has kept them in school until graduation time. . . . Our dropout problem is almost nil in our school district and I think the food program has been a big contributing factor."[2]

So the crux of the matter is this: If a child is too hungry to grasp his studies and/or he decides to drop out, few alternatives but wel-

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Footnotes at end of article.

fare will remain. We see the School Lunch Program as a bulwark against future welfare. If we are going to spend tens of billions to guarantee schools, textbooks and transportation for our children, why not guarantee them the nutritional ability to take advantage of it?

2. Malnutrition is costing this nation upwards of $30 billion dollars annually [3] in terms of health care, loss of wages, and increased welfare. According to Dr. George Briggs, Professor of Nutrition at the University of California (Berkeley):

"The cost of malnutrition is six times the cost of feeding all of our nation's children in school food programs." [4]

This health care cost seemed fully feasible to us as we gleaned recent nutritional studies. "Hunger USA" told of school children in Mississippi and Alabama where 60 and 80 percent were anemic; of four and five-year-old children, weighing less than twenty pounds; and of Appalachian children who at the age of six years were nearly two inches shorter than the national norm.[5]

But perhaps the California study written by Mr. McClone states it best of all:

"Malnutrition in the young child is of particular concern because mental retardation often accompanies the resulting physical retardation."

"A child's potential for intellectual development can be irreversibly impaired by malnutrition. Early malnutrition produces a permanent irreversible effect on the growth and size of organs." [6]

We could continue to relate similar studies, such as those that list the number of ill-nourished American school children as one-third, but our point is this: We feel that it is far more humane and far less costly to spend money feeding our children during their formative years than to have to support them and their families on welfare, and lose what could have been a major contributor to society.

We further feel that it is far better to strengthen our children nutritionally during their formative years than to have to pay for them medically in later years.

FOOTNOTES

[1] Hearings before the Senate Select Committee on Nutrition and Human Needs, October 13, 1971, p. 2475.

[2] Hearings before the Senate Select Committee on Nutrition and Human Needs, October 13, 1971, p. 2467.

[3] "Children's Needs" *School Foodservice Journal*, October 1971, p. 49.

[4] Ibid, p. 50.

[5] "Hunger USA," pp. 19 and 20.

[6] "California States Its Position" *School Lunch Journal*, February 1971, p. 52.

U.S. SENATE,
March 28, 1973.

Mr. ROBERT BENEDICT,
National Director, U.S. Jaycees Center for Improved Child Nutrition, Bloomington, Minn.

DEAR BOB: It was with great interest that I learned of the U.S. Jaycees effort to expand school feeding programs to the 18,000 "no program" schools throughout the United States.

As you know, through my involvement with the Senate Select Committee on Nutrition and Human Needs and as Chairman of both the Select Committee on Equal Educational Opportunity and the Labor and Public Welfare Committee's Subcommittee on Children and Youth, I am very much concerned about the well-being of our nation's children. Needless to say, a listless, malnourished child can hardly pay full attention to the lessons being taught in the classroom. His mind will be on the gnawing, craving hunger in his stomach. The poor health, missed educational opportunity, and the sense of hopelessness and frustration produced by malnutrition can only lead to an alienated citizen who never reaches his full productive potential.

I have long been familiar with the Jaycees and am deeply impressed with their ability to design solutions for local problems, their organizational skills, and their methodical dedication to carrying their programs to conclusion. I feel the Jaycees can have a far-reaching impact in this most important area of concern facing our nation today.

With warm regards,
Sincerely,
WALTER F. MONDALE.

THE TRANS-ALASKA PIPELINE

Mr. STEVENS. Mr. President, on March 28 I inserted in the CONGRESSIONAL RECORD a number of editorials indicating the need for the trans-Alaska pipeline. At that time I erroneously indicated that the text of the editorial from the Tulsa Oklahoma World of February 12 was identical to that of the Washington Evening Star and Daily News. This was my error. I would like to set the record straight at this point and insert the correct editorial from the February 12 Tulsa Daily World entitled "The Pipeline Disaster."

I request unanimous consent for the insertion of the editorial in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE PIPELINE DISASTER

By delaying and possibly killing the Alaska pipeline project, a Federal Appeals Court may have canceled out the last ray of hope for an early and sensible solution to this country's rapidly-deteriorating energy supply problems.

The ruling shuts off a vast new source of petroleum at a time when it is desperately needed. Alaskan oil and gas products would not be a positive solution to the energy crisis. But most experts believe that the supply could tide us over until science refines and improves nuclear power plants and develops other new sources.

The circumstances of the pipeline disaster are loaded with irony.

The successful lawsuit was the work of self-anointed, self-righteous "protectors of the environment." Yet they never came close to making a case on environmental grounds. After years of stalling, the ecology people only last August heard a Court declare that the INTERIOR DEPARTMENT had met all the environmental requirements for construction.

No, the Alaska project was not stopped for ecological reasons. It was the victim of a "Catch 22" legality—an old law limiting the width of right-of-way.

Further irony: In cutting off a source of clean, safe petroleum products, the ruling will almost surely force increased usage of low grade coal, high-sulphur-content oil and other high-pollution fuels. While presenting themselves as champions of Mother Nature, the pipeline opponents have set the stage for an unnecessary new dose of air pollution.

The decision also creates a new demand for foreign oil, all of which must come in by tanker with increased danger of troublesome spills. We can live with this, of course. But isn't it strange that it should be brought about by people who claim to be protecting the environment?

The Court decision is a complex one. Just what kind of legislation might be needed to overrule it is not immediately clear. But steps should be taken at once to change the old right-of-way law and to put the Alaska project back on the tracks.

MINNEAPOLIS TRIBUNE EDITORIAL SHOWS CONCERN OVER CAMBODIAN BOMBING

Mr. MONDALE. Mr. President, I wish to call to the attention of my colleagues an excellent editorial entitled, "Mr. Nixon and the War," which appeared on April 1, 1973, in the Minneapolis Tribune. The editors share a growing concern over the continuation of U.S. bombing in Cambodia, with no congressional authority.

I ask unanimous consent to have the Minneapolis Tribune article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MR. NIXON AND THE WAR

In his speech to the nation on Thursday night, President Nixon appealed to all Americans to "put aside those honest differences about war which have divided us and dedicate ourselves to meet the great challenges of peace which can unite us." We agree with that statement.

And yet, it seems to us, the President himself continues to play upon the issues that have divided the country since America became deeply involved in the Indochina conflict eight years ago.

He gives no credit to the sincerity of those millions of Americans who differed, and still differ, with his goals in Vietnam. These he brushed aside as merely "a small vocal minority," notwithstanding the fact that among them were not only average citizens whose consciences had been stricken by America's intervention in another people's civil war, but some of the country's most distinguished scholars, diplomats, military leaders, businessmen and politicians. These were, and are, patriots, too.

Mr. Nixon Thursday night proclaimed that his goal of obtaining an agreement that provides "peace with honor" in Vietnam has been achieved. To the extent that all the American prisoners of war have been released and, for the time being at least, the Communists have been prevented from imposing their form of government on the people of South Vietnam, that is true.

But the fighting has not ended, the peace-keeping machinery has not taken hold, and we share the concern of Joseph Kraft, who, in a column elsewhere on this page, writes that "the road is being paved for another American entry to the Vietnam War." Mr. Nixon, Kraft says, is prepared to resume bombing in Vietnam to save the Saigon government. The United States, meanwhile, continues to bomb in Cambodia, where a corrupt and incompetent military regime hangs on only with American military support, as an article on the following page reports.

Three of the Senate's most distinguished Republicans, Javits, Mathias and Hatfield, have joined Democratic colleagues in challenging Mr. Nixon's authority for the use of American bombers in Cambodia. The Senate Foreign Relations Committee should hold full-scale hearings promptly on Indochina and the administration's intentions. Such an airing might go a long way toward reducing any possibility of reentry into the Vietnam War or a further descent into the Cambodian morass.

The Paris peace conference, as Robert Keatley of the Wall Street Journal wrote in February, was "supposed to help America get off the Indochina hook." The price for interfering in the affairs of the Vietnamese people—which, if the Vietnamese had been left alone, would have been settled years ago—has been awful. Let it not be added to.

THE TRADE BILL AND THE EUROPEAN COMMUNITIES

Mr. JAVITS. Mr. President, shortly before the Trade Reform Act of 1973 was introduced, Sir Christopher Soames, who serves as the Vice President of the Commission of the European Communities in charge of external relations, made a most fortuitous statement which augurs well for the upcoming multilateral GATT trade negotiations which open this September.

Sir Christopher recognized the important political context of these upcoming negotiations. He stated:

> We must appreciate, therefore, the political importance which all our partners will attach to these negotiations, inasmuch as they provide them with one of their rare opportunities to engage the Community as a whole. I am sure this is particularly true of the United States, which sees these negotiations as part of an important relationship in which trade has its place but in which many other wider political considerations are equally involved.

Mr. President, I am sure that this broader political context, which may even include security considerations, will be on the table when President Nixon meets West German Chancellor Willy Brandt on May 1 and 2, and this may only be the first of a series of meetings with Europe's heads of state.

Sir Christopher's statement should also be welcomed since there is an indication of negotiation in two areas which will be central to the upcoming trade negotiations. Concerning the negotiations as they pertain to agriculture Sir Christopher stated:

> The Commission believes that our overall objective must be to negotiate measures on a reciprocal basis to permit the regular expansion of agricultural trade. We shall resist any attack on the principles of the common agricultural policy, but we must equally be prepared to apply the instruments of that policy in such a way that our broad objectives of expanding agricultural trade in the world can be achieved.

Mr. President, I for one and I think many of my colleagues may share this point of view, accept the principles underlying the EEC Common Agricultural Policy, but what I cannot accept is price support levels and a common levy which propose to protect the most inefficient of the Western European farmers, the net result of which is adversely to impact U.S. farm exports to Western Europe. I would think that it is in the EEC's interest as well as our own to negotiate downward this level of price supports which determines the common levy.

Is not this exorbitantly high level of price support a key contributing factor to the considerable inflationary pressures now facing all countries of the European Economic Community?

Sir Christopher Soames, in his speech, also gives considerable attention to expanding trade with the developing world in the context of generalized preferences schemes which he would like to see extended to cover "a greater number of transformed agricultural products." It would be my hope that as these more generalized preferences schemes are phased in and as the U.S. Congress considers and hopefully enacts legislation which would allow the United States to extend such preferences to exports of the developing world, that the European Community will prove willing to negotiate its own existing system of reverse preferences looking toward their elimination.

Finally, Mr. President I again would like to reiterate a point I made in Brussels during my March 22 meetings these with the officials of the EEC, regarding the importance of the EC Council of Ministers giving the EC negotiators a broad and flexible mandate for the upcoming trade negotiations. For the nature of their mandate will have an important effect on congressional consideration of the Trade Reform Act of 1973. The Congress could also restrict the U.S. negotiating mandate and write explicit negotiating instructions into the law, if the EC council of Ministers should choose to give its negotiators a narrowly drawn negotiating mandate. And, I feel that neither the Council of Ministers nor the U.S. Congress would be tempted to write such explicit negotiating instructions.

I ask unanimous consent that the Europeans Economic Community press release of April 6, 1973, which sets forth the EC overall view of the upcoming trade negotiations as stated by Sir Christopher Soames be printed in the RECORD.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

SOAMES STRESSES POLITICAL CONTEXT OF TRADE

WASHINGTON, D.C., April 6, 1973.—The EC Commission's "overall view" on the scheduled world trade talks in the General Agreement on Tariffs and Trade (GATT) is being studied by the EC Council of Ministers in Brussels.

The Commission formally agreed to transmit its position paper on the GATT talks to the Council on April 4. On the same day, Commission Vice President Christopher Soames, responsible for the EC's external relations, informed the European Parliament of the Commission's thinking on the GATT talks. Excerpts from his remarks to the Parliament in Luxembourg follow:

"The House [European Parliament] will recall that at the Paris Summit conference last October the Community's institutions were asked to formulate by July 1, their 'overall view' on the forthcoming multilateral trade negotiations in GATT. The paper we are sending to the Governments is the Commission's contribution to that overall view.

"Now in all our reflections on this matter there is one thing I am convinced that we must never forget. We shall of course be negotiating about very concrete economic issues. There will of course be vested interests involved on all sides. There will of course be domestic political difficulties within each of our countries. And the results of the negotiations will be of great significance in themselves. Previous GATT negotiations on trade liberation have had considerable beneficial effects on world trade expansion. Indeed it is this, accompanied by a notable economic expansion within the Community, which has provided the basis for its high and comparatively stable level of employment and the notable rise in the standard of living in recent years. But this is not the only importance we should attach to these negotiations. They have a political significance that goes far beyond the material issues actually to be discussed round the negotiating table.

"THE POLITICAL IMPORTANCE OF TRADE

"We must bear in mind that trade is one of the few matters on which at present the Community can, and indeed must, speak with a single voice. And it is therefore through negotiations of this character that the Community can develop its personality and make its political impact and contribution to world affairs. We must appreciate, therefore, the political importance which all our partners will attach to these negotiations, inasmuch as they provide them with one of their rare opportunities to engage the Community as a whole. I am sure this is particularly true of the United States, which sees these negotiations as part of an important relationship in which trade has its place but in which many other wider political considerations are equally involved.

"The subjects on which we shall be negotiating will be technical, intricate, often intractable in character. There is no doubt in my mind they will be very tough negotiations. They will require all the skill our trading experts can muster. But the strategy of these negotiations must not be confounded with their tactics. They must on no account be allowed to run into the sands of technicality. That is why I hope that members of Parliament, and the representatives of the member states in the Council of Ministers, will give these technical matters their full attention. For they are bung-full of political content and will need positive overall political control. That control must not merely make certain that our policies in the economic domain are compatible with the political purposes which we and our major partners have in common, but also that the developing countries of the world would stand to gain from what we do.

"How in fact do we see the world context of these negotiations? We in the Commission believe that the moment is ripe for a major step forward in the freeing of world trade and that we should make the most of the opportunity. We believe that the Community has a great deal to contribute and that it also has a great deal to gain.

"We have recently been living through the most profound disturbance in the world's monetary system since World War II. But that does not in any way diminish the need to liberalize world trade.

"But it must be clearly stated that the large-scale international benefits which we hope will flow from these negotiations would be seriously jeopardized if ways are not found to shield the world economy from monetary shocks and imbalances such as have occurred in the last few months. The Community must make its contribution to the necessary monetary measures involved.

"TO LIBERALIZE TRADE AND HELP 'THIRD WORLD'

"In the trade negotiations, we believe that the Community should have two paramount aims. Between the industrialized countries we must consolidate and continue the process of liberalization, and do so on a reciprocal basis to our mutual advantage. For the less-developed world, we must ensure not simply that their interests are not damaged, but, on the contrary, that they secure greater opportunities for their economic expansion as a result of what we do. Without detriment to the advantages enjoyed by those countries with whom our Community has special links, new opportunities must be given to developing countries to increase their trade.

"Let me now come to our more detailed suggestions for the overall view of these negotiations. They will involve, among other things, discussions on tariffs, on nontariff barriers, on agriculture, on what we can do to help the developing world, and on safeguard clauses. Let me take each of these topics in turn.

"I do not suppose that we shall reach a world without tariffs in these coming negotiations, nor do we think that the time is ripe to try to do so. But I do hope we shall achieve a significant further lowering of tariffs. What we need is a formula for lowering tariffs on industrial products—a simple formula and one that can be generally applied. We now have big differences between the tariff systems of industrialized countries. Some have a fairly even tariff that does not vary too much from product to product. Other countries have a tariff barrier that looks more like a craggy mountain range, with very high duties on some goods and very low duties on others.

"I think what we have to do is this: We should settle on a broad principle that the higher the tariff, the greater the reduction in it for which we should aim. For the very low tariffs we can set a threshold, so that they don't have to come down any further. That way, we will help to reduce the problem of reciprocity with some of our trading partners in the future.

"NON-TARIFF BARRIERS

"Non-tariff barriers are clearly going to play a very important role in these negotiations. But they are so disparate in character, so complex and so inchoate, that simple overall formulae will be impossible to find. So we should be selective in our strategy here. GATT and the Organization for Economic Cooperation and Development have already made various studies. We can pinpoint some individual non-tariff barriers in different countries where changes can yield substantial benefits to trade. We should agree to pick out some of the main fields where we can get rid of a complex of non-tariff barriers, or at least regulate them by codes of good conduct. Certainly we can draw up a list of the main non-tariff barriers applied against us by our trading partners that we want to see disappear. But to make the negotiations credible, we will also have to prepare a list of our own non-tariff barriers that we ourselves are prepared to throw into the pot in return, to negotiate away or at least to adapt.

"For the most part, these barriers are not imposed by the Community. They are imposed by your individual member states. We must look to the member states to work together with the Commission to draw up a list of them which is substantial enough to set against, in a spirit of reciprocity, that we will be seeking to obtain from our partners. Under no illusion that it will be easy to calculate reciprocity here, the best we can do is to aim at a package deal that is fair overall.

"AGRICULTURE

"Of course the negotiations on agriculture will be different in character from those on tariffs and non-tariff barriers on trade in industrial goods. We have to take account of the special characteristics of agriculture. Both the Community and our main trading partners each apply support policies of one kind or another for the benefit of their own farmers. We have to take account, too, of the instability of world markets. The Commission believes that our overall objective must be to negotiate measures on a reciprocal basis to permit the regular expansion of agricultural trade. We shall resist any attack on the principles of the common agricultural policy, but we must equally be prepared to apply the instruments of that policy in such a way that our broad objective of expanding agricultural trade in the world can be achieved. We will be suggesting that in the negotiations we should consider drawing up with our partners a code of good conduct on agricultural export practices. We shall also propose that international arrangements should be considered for certain commodities.

"DEVELOPING COUNTRIES

"Next I come to our contribution to improving the trade opportunities for developing countries. We have given a great deal of thought to this question. It will not have escaped the House that the lowering of tariffs between industrialized countries, even though extended to the developing countries on a most-favored-nation basis, does very little to help. On the contrary, the lower the most-favored-nation tariffs are, the less use is the generalized preference scheme to the developing world. The lower the tariff, the less does exemption from it help. To some extent, of course, developing countries will benefit from any expansion of world trade. But we do not intend to let matters rest there.

"First of all, it is essential that all developed countries should now apply generalized preference schemes. The Community has done so. We are greatly encouraged to hear that in the forthcoming trade bill our American friends now intend to incorporate provisions to introduce a generalized preference scheme of their own. We for our part believe that the best way to help developing countries would be for us and others to extend generalized preference schemes. We would like to see them cover a greater number of transformed agricultural products. We would also like to see an increase in the quantitative ceilings on certain sensitive products. We should also make special efforts to take account of the interests of developing countries when we consider non-tariff barriers and when we consider agricultural trade. We might think in terms of food aid commitments when we are considering how to regulate agricultural markets.

"Safeguards

"The last detailed point to mention is the vexed question of safeguards when domestic producers are gravely threatened by the results of trade liberalization. We believe that the provisions of Article XIX of the GATT should be maintained as they are. But this article has not proved easy to apply effectively in the past. Perhaps we should extend its provisions so that we can apply safeguard measures selectively rather than right across the board against all our suppliers. But in that case we should wish to agree with our partners on very stringent criteria. We may need more flexible safeguard procedures, but we must remember the danger that too many over-lax safeguard procedures could come in time to jeopardize confidence in the worldwide liberalization of trade.

"That is the main content of the paper which we are now sending to the Ministers, and it was in broadly these terms that I outlined it to the Council yesterday. It does not set out to be a draft mandate for the negotiations or to be exhaustive. Nor for that matter does it represent some sort of response or riposte to the preparations which our partners in these negotiations are at the moment making themselves. None of that would seem at this stage either necessary or wise. What we are trying to do is to draw attention to the main problems and help the Community as a whole to prepare a constructive overall approach to what we hope will prove an economically fruitful and a politically constructive negotiation."

EDWARD STEICHEN

Mr. MONDALE. Mr. President, on March 26, Edward Steichen, a pioneer in the art of photography, died at the age of 94.

Mr. Steichen was a humanitarian who, through his photographs, portrayed the human condition in its many forms. He is perhaps best known for the photographs he took and compiled to make up "the Family of Man," an extraordinary testimony to the basic similarities and needs of all men everywhere. In the last 17 years this collection of photographs has been seen by more than 9 million people in 69 nations.

During his long and productive career, Mr. Steichen experimented with many forms of photography, including portraits, movies, commercial photography, and the portrayal of the life of men on the battlefield. He was quoted as saying on his 90th birthday:

> When I first became interested in photography, I thought it was the whole cheese. My idea was to have it recognized as one of the arts. Today I don't give a hoot in hell about that. The mission of photography is to explain man to man and each man to himself. And that is no mean function. Man is the most complicated thing on earth and also as naive as a tencer plant.

Mr. President, I ask unanimous consent that a copy of the Washington Post editorial honoring Mr. Steichen be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Edward Steichen

Most of today's artists and, with them, the mainstream of today's art, have turned away from the image of man, which in the past was also considered the image of the divine and the focus of all artistic endeavor. One might argue that this turn to abstraction is the result of the invention of photography. A case can be made that the camera's ability to capture reality (and all reality is surely human reality) eliminate the need for the painter and sculptor to try to depict it. But one might also argue, on the other hand, that nature abhors a vacuum and that, once the painter and sculptor had abandoned the human image, there was all the more incentive for photography to fill the resulting void. Either way, Edward Steichen, who died this week within hours of his 94th birthday, contributed mightily to the filling of a void with his photography. He began his remarkable career with both brush and camera. But even though his paintings were hung in renowned collections, he soon destroyed the canvases he had kept to devote himself entirely to the new art form.

"The mission of photography is to explain man to man and each man to himself," he said a few years ago, reflecting on his work. "And that is no mean function. Man is the most complicated thing on earth and also as naive as a tender plant."

His success in that mission was second to none. As a photographer of famous and common men alike, he gave millions of people around the world new insights into the family of man and opened new visions of man's world. He worked at that success. At a time when not just photography but all art leaves much to the accidental for its effect, Edward Steichen would take as many as 1,000 pictures of one subject before he was satisfied that he got it right. He observed Rodin in his Paris studio every Saturday for a year before he even brought his camera. As a picture editor, he would sift through 10,000 prints to select 150 for a museum show.

It was this passionate diligence, in fact, that helped photography gain entrance to art museums. But the medium, said Steichen, is not an art in itself. "It is the person who creates a work of art." Edward Steichen, the humanist, ranks with the greatest creative persons of our time.

CONGRESS SHOULD APPROVE REQUEST FOR ARTS

Mr. DOMINICK. Mr. President, I am pleased to announce my support of S. 795, the arts and humanities bill, which will continue funding for the National Foundation on the Arts and Humanities. From my observation, I believe that at the present time, we are witnessing a new awareness upon the part of all of our citizens of the value and benefits which the arts and humanities can provide to any great society.

In my home State, for example, the city of Denver now boasts of a new art museum. The museum enjoys wide community support as evidenced by the fact that funds for the new building were raised locally. After the building's completion, it was turned over to the city and county of Denver. Previously, I had the honor of serving as an officer and trustee of the museum for more than 8 years, and its present curator is Otto Bach, a talented and able man who happens to be a direct descendant of Johann Sebastian Bach.

Just last September the voters of that city passed a bond issue in the amount of $6 million for construction of a new center for the performing arts which should, among others, house the Denver Symphony Orchestra. That orchestra is acquiring a reputation as a respected addition to the fine symphony orchestras of the country. I would like to point out to my distinguished colleagues that the orchestra has announced a tour of eastern cities in March of next year, which will include stops at Carnegie Hall and the Kennedy Center here in Washington.

The Summer Opera Festival in Central City, Colo., has attained a national reputation for the quality of its performances. The list of opera stars who have appeared there includes Beverly Sills, James McCracken, Lucine Amara, Sherrill Milnef, and Cornell McNeill. The list of drama stars who have appeared includes Shirley Booth, Julie Harris, Walter Huston, and Helen Hayes. This summer added to that list will be Sir Michael Redgrave and Dame Peggy Ashcroft.

The Denver Post on April 8, 1973, gave editorial support to this bill and at this time, Mr. President, I ask unanimous consent that the editorial be printed at this point in my remarks.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Congress Should Approve Request for Arts

Hearings have been underway since last month on Capitol Hill over the budget request of the National Endowment for the Arts.

The reception thus far has been extremely favorable, even though the Nixon administration has asked for a doubling of the federal spending for the arts—from $38 million in fiscal 1973 to $80 million in fiscal 1974.

The crunch will come, however, in the House Appropriations subcommittee, which started its hearings last week and will set the actual dollar amount for the National Endowment's appropriation.

By any standard, the $80 million recommended by the Nixon administration is a small investment for the federal government to make in support of many vital programs in the arts in communities, large and small, throughout the nation.

In Colorado, for example, National Endowment funds have proved significant for the operations of the Denver Symphony Orchestra, the Denver Art Museum, the Central City Opera House Association, and for a number of local theatre and dance companies and other groups. And the recent visits of the American Ballet Theatre to Denver and the "Artrain" to smaller communities in the state were made possible by National Endowment grants.

Similar activities in all 50 states have been given essential support through such federal grants.

If the National Endowment is to meet its current commitments, let alone expand them, the $80 million can only be considered a minimal figure, particularly since part of the funds are due to be earmarked for programs related to the nation's bicentennial celebration in 1976.

It is important, above all, that the programs supported by National Endowment not lose the momentum gained since the agency's creation in 1965.

During those eight years, Americans have come to learn what Europeans have known for a long time: that federal subsidy need not mean federal control of the arts.

If Nancy Hanks, the able chairman of the National Endowment for the Arts, has her way, appropriations for the arts will continue to grow each year to meet national needs.

"One of the reasons the funds have increased," Miss Hanks emphasizes, "is that as usual the public is ahead of the federal government. People want involvement of arts in their daily lives."

Congress ought to give full and early approval to the President's budget request for the arts.

Mr. DOMINICK. Since its enactment in 1965, the act creating the National Foundation on the Arts and Humanities has proved itself a worthy vehicle by which the Federal Government can and has participated in the patronage of the arts in a direct and beneficial manner. Passage of this year's bill, which increases funding within the guidelines set forth by the administration, will allow an increase in the support and encouragement of activity and interest in the arts and humanities, as well as involve the Foundation actively in participation in planning for the upcoming Bicentennial celebration of 1976.

Therefore, Mr. President, I am pleased to support this bill which will continue to aid in providing greater cultural riches for all Americans.

PERCY-MONDALE BILL TO EXTEND FOR 2 YEARS PROJECT GRANT AUTHORITY UNDER TITLE V OF SOCIAL SECURITY ACT

Mr. JAVITS. Mr. President, I am pleased to join Senators Percy and Mondale in the introduction of a bill to extend for 2 years the special project grant authority of the maternal and child health program of title V of the Social Security Act.

Although the States were to assume responsibility for special project grants beginning July 1972—pursuant to the 1967 Amendments to the Social Security Act which reorganized title V and provided for formula, special project, and research and training grants—Congress extended the authority for the special project grants for 1 year through June 1973. The extension was the result of a report by the Comptroller General which pointed out that many States would not have the funds to continue projects which are not operating successfully, and that neither the Federal agency nor the States had made plans for the transition.

There are still serious problems in carrying out the formula grant provisions. A major proportion of the funds for special project grants has been concentrated in few States principally for projects in urban areas with little or no health care resources. This, of course, is consistent with the intent of Congress. However, the formula by which funds are distributed to the States provides for a distribution weighted in favor of rural States having low per capita incomes. These States would naturally benefit by the distribution of greater resources through the formula grants. Consequently, there is no way of assuring that cities which now have several projects, will have the resources to maintain these activities. Thus, many programs will be eliminated or significantly reduced.

When comparing the maternal and child health formula fund in the 1974 budget estimate, with the formula and project grant funds in 1973, New York State suffers a loss of $7,979,200 because of the unfair allocation formula. In 1973, under the formula grant and project grant provisions, the total funding was $15,480,000 for New York. In 1974, New York would receive only $7,501,200, because project grants were "folded-in" to the unfair 1935 formula State allocations.

It should be pointed out that this is not the result of any reduction in appropriations. Maternal and child health is not one of the activities designed to be phased out or significantly reduced by the administration, indeed the fiscal year 1974 appropriation request is $244 million, an increase of $5 million over the 1972 appropriation. The evidence supports my belief that title V projects represent one of the best investments in the Federal health care dollar.

In 1968, the cost per registrant was slightly more than $200 whereas in 1970, the cost per registrant is below $150. This compares most favorably to the cost per child covered under title XIX, approximately $300 per child. It should also be pointed out that services under title V are comprehensive and coordinated and include additional benefits not available under title XIX such as nutritional services and various social services.

CHILD ABUSE

Mr. MONDALE. Mr. President, the Subcommittee on Children and Youth, of which I am chairman, last week began an inquiry into a heartbreaking and widespread problem—child abuse. During the 3 days of hearings we heard testimony from witnesses who have had personal experience with various aspects of the problem: a former child abuser, doctors, lawyers, social workers and researchers.

In the course of the hearings we viewed slides of horribly battered children who have been brought to hospitals for treatment; and this week Senator Stafford, my colleague on the subcommittee, and I visited the D.C. Children's Hospital ward where battered children are treated.

In my years in the Senate I have never seem more compelling evidence as I have in this last week that immediate action is required on a problem. One grisly story after another appears in the Washington papers. For example, an infant died recently after being returned to a home which the authorities knew was not safe.

Because of the urgent need for effective action to end child abuse, I am particularly pleased to see that the two Washington daily newspapers have indicated on their editorial pages their concern that steps be taken to end child abuse. I ask unanimous consent that editorials which appeared in the Washington Star-News on April 2 and in the Washington Post on April 1 be printed in the Record.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From The Evening Star, April 2, 1973]

The Battered Children

Of all the loathsome happenings we can remember in this area, none was more repelling than this latest rash of child-abuse incidents, two of which resulted in the deaths of children and conviction of adults. Now there's a new charge in Montgomery County, against parents whose three-months-old baby died last week. No one can presume to judge guilt or innocence in that case. But this whole subject was brought into chilling focus the other day before a Senate subcommittee.

Anyone who saw the film slide presentation before that panel will never forget it. Indeed a good many people in that committee room diverted their eyes, so unbearable were the pictures being shown by a team of specialists from Children's Hospital. Those who watched saw a procession of infants and pre-teen children who had been brutally tortured—beaten, burned, scalded, wounded with forks and other instruments. Some had broken limbs. These things were suffered at the hands of parents and guardians, and it all happened here in the Washington area.

Worst of all, these cases apparently represented just a fraction of the whole picture. Dr. Robert H. Parrott, director of Children's Hospital, said the facility handled about 100 of the 150 child abuse cases reported in the District last year, "and we estimate there are three times that many occurring each year, but going undetected."

And in Montgomery County, suspected child abuse cases reported thus far this year exceed half the number for all of 1972, and are more than double those for 1971. This probably reflects an improvement of reporting more than an increase of abuse, because the area was startled into a recognition of the problem. The death of nine-year-old Donna Anne Stern under horrifying circumstances, and the murder conviction of her stepmother last month, didn't escape the attention of very many Montgomery citizens. About half of this year's suspected cases have been reported by the school system, which has acquired a keener awareness of its obligation in this field.

But still there are serious shortcomings. Professional forces dealing with this dilemma—especially in the social and psychiatric services—are badly understaffed. Sometimes there has been poor communication between the responsible agencies. Some children who might have been saved from injury or death haven't been removed from abusive homes in time. And deficiencies of law deserve much blame, too. In Maryland, protective services workers don't have authority to enter a home, to investigate possible child abuse, without a warrant. Other citizens often hesitate to speak up for fear they won't have legal immunity in reporting abuse cases. However, these drawbacks, and some others, would be removed by legislation now before the General Assembly. This session should produce new law to speed the identification and psychiatric treatment of child abusers, and afford better protection for the children.

The need for a strong federal assault on this problem is apparent, though, for most states are lagging dismally while children suffer. Senator Walter Mondale, whose subcommittee heard and viewed the grim testimoney last week, has the most promising plan. He would establish a National Center and a National Commission on Child Abuse and Neglect, and require the states to draw up acceptable plans for remedial programs. Congress should approve this approach, along with enough funding to assist the states on a major scale.

[From the Washington Post, Apr. 1, 1973]

Caring for Battered Children

This much anyway the community owes to JoAnna Stern, the Montgomery County woman found guilty of killing her 9-year-old stepdaughter by a series of tortures almost too terrible to consider: a heightened awareness of the reality of child abuse and of the wholly inadequate measures we have devised to deal with it. As these particular horrors go and case by case, Mrs. Stern's behavior toward the child who died would have to be considered atypical—most child abuse is far less calculated and grotesque than that in which she engaged. But the part of the story that was, in its special way, most horrifying was also the part that was not atypical, the part about the manner in which responsible officials of the county, once alerted to the danger the child was in, still failed to take steps to rescue her in time. We quote a memorable passage from LaBarbara Bowman's account of the trial in The Post:

". . . a county policewoman told how she . . . tried without success to get the county's family services department to take an active role in the affairs of the troubled family."

The particular combination of lethargy and confusion that characterized this performance is hardly unique to the area we live in. The fact is that nationwide the relevant authorities have been slow to recognize the dimension of the problem of child abuse and slow to take advantage of the methods available for detecting its incidence and preventing terrible damage from being done. But that should not be much comfort and still less inspiration to the people of this area who have been reading daily about local cases of child abuse in which horrendous crimes are committed against infants and young children and in which horrendous mistakes may be made by those charged with protecting them.

The Child Abuse Team of Children's Hospital provided some incisive testimony before Senator Mondale's Subcommittee on Children and Youth the other day, outlining the steps that we should be taking to protect the helpless victims of these crimes. And while they described some progress, they also described the severe limitations on action that proceed from the fact that many of the relevant authorities are under-funded, understaffed and under-informed. Police, judges, lawyers, government workers and medical people, according to the Children's Hospital Team, could all use more education in known and available techniques for doing much better by the victims of child abuse.

In recommending a number of steps to be taken, the Children's Hospital Team did cite one giant step backwards the Department of Human Resources seems to be taking. It is the elimination of the corps of special protective services case workers who have been able to devote the requisite special and urgent attention to those children in distress. That group, rather than being enlarged and improved, is evidently to be disbanded, with the small caseload of each special protective service worker to be spread out among the overburdened case workers in other areas. As many of those observed, whose letters on this subject we printed Friday, there is something so senseless and misguided about this move as to defy reason. Emergency situations involving the lives of innocent and helpless children require emergency action—and action that is right the first time around. Can anyone have any doubts about that? A group of workers connected with Children's Hospital put the case against eliminating these special services succinctly and well: "The consequence could be an increase in irreparable damage and death to these children because they will be deprived of their right to specialized intervention . . . Remember, we are not dealing with social abstractions, but with life and death."

GROWING COST OF MILITARY WEAPON SYSTEMS

Mr. BENTSEN. Mr. President, on April 10, 1973, the distinguished and capable chairman of the Senate Armed Services Subcommittee on Research and Development, Senator Tom McIntyre, addressed the National Security Industrial Association. The junior Senator from New Hampshire outlined some very critical questions in his speech concerning the growing cost of our military weapon systems.

As one who served for 2 years as a member of the Research and Development Subcommittee I know of the efforts made under Senator McIntyre's direction to improve our procurement procedures and to insure that we maintain our technological lead in the area of national defense. Senator McIntyre, however, has some hard words and sound advice for the Department of Defense and defense contractors as well, when he says that:

> The crunch of Defense spending requires a greater awareness by industry and by the Defense Department, of the importance of running a tight operation. There no longer is room for golden handshaking, mutual backscratching, and accommodation.

To that I can only add a profound Amen. As defense dollars become more scarce, the dollars we spend on defense simply must be used more productively.

Senator McIntyre is providing the Research and Development Subcommittee and the Nation with some sound, commonsense thinking on the problems facing our Defense Establishment today. I recommend his remarks to the Senate and ask unanimous consent that his remarks be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Some Thoughts on Weapons Acquisition

Address by Senator Thomas J. McIntyre

You see before you a lone country lawyer facing an audience of engineers. A lone country lawyer who has come here to talk to you about *your* business. And I guess *that* says something about humility!

But I would hope this isn't as arrogant as it might appear. For though our professions differ, we hold in common a responsibility to insure the security of the United States. I, in my capacity as Chairman of the Armed Services Research and Development Subcommittee, you in your capacity as engineers and members of an organization representing every major defense contractor in the country.

Our mutual concern is about the security of this country and our common determination is to insure that we always have the weapons needed to defend ourselves from any aggressor.

You know—and I know—that the value of that insurance is priceless. This has been demonstrated again and again and again throughout our history. Yet, despite that record, your vital role in providing that insurance is not generally appreciated. You know that the so-called military industrial complex is again under heavy fire. You know that the Defense spending is in decline, and with it, Defense industry.

And in my opinion, the end is not yet in sight.

So with this in mind, I've come here today to talk about retrenchment of the defense industry; about how much I think should be allocated for Defense research and development; about duplication of major weapon systems; and about some deficiencies in the Department of Defense weapons systems acquisition policy.

Along the way, I'll make some critical comments about the duplication of defense activities and competitive prototyping (including some examples) and I'll have something to say about a recent speech by former Deputy Secretary of Defense David Packard on weapon systems acquisition.

Let me begin with retrenchment of the defense industry.

The adjustment for some companies has been traumatic. For others it has been orderly and, therefore, with little impact. I hope that all of you are bending to the difficult task of cleaning house to make sure that we continue to have a healthy and viable industrial base to meet our future domestic and military needs.

It is ironic that often when things get tight and the only choice is to take up slack, getting rid of excess overhead costs, facilities, and other deadwood leaves a company much healthier. For those who are still tempted to grasp at straws, I would advise instead a hard headed and conservative view, because this may spell the difference between survival and extinction. In the language of the crap shooter, "Betting on the come" is risky business.

On the other hand, optimism is a vital ingredient, and too conservative an attitude in a period of retrenchment also could hinder a company competing in a tight market. Stated simply, it is a juggling act, and the company that is able to strike the best balance is likely to come out ahead.

Your invitation suggested that I speak in my capacity as Chairman of the Research and Development Subcommittee. Research and development, and in a broader sense the weapon system acquisition process, should be of crucial interest to you since in reality they are the bread and butter of your operation.

Well, let's get down to business. First, let me give you an insight into some of my immediate concerns. I am concerned about how difficult it is to strike a proper balance between the total research and development requirements of the Department of Defense and the amount of dollars which the country can afford to allocate for that purpose.

I am concerned about the lack of information which we need to understand and to translate the threat that this country faces into specific requirements for new developments and quantities of equipment to be procured.

The Subcommittee tries very hard to probe this problem, but it has had little success in the past. Let me cite one complicating factor: We have international treaties and commitments which require certain military forces to be provided by the United States. But why do we have to have over 300,000 troops stationed in Europe? Why shouldn't this be reduced to 250,000, or 50,000, or none at all? What is so sacrosanct about our international commitments that requires the presence of so many troops in Europe more than a quarter of a century after World War II.

I do not suggest that we take precipitous or unilateral action, but I am convinced that our leaders must make greater efforts to permit an orderly disengagement insofar as the large numbers of military personnel and dollar contributions by the United States are concerned.

I have disgressed somewhat from research and development, but the interrelationship is clear. If we do not have to maintain troops in Europe, we would not to develop and procure military equipment which is primarily justified for that theater of operations.

As if the determination of requirements was not enough of a problem, we have to complicate it further by then having to decide whether the proposed solution makes sense. And this is even further complicated by the fact that the research and development program often proposes more solutions than there are problems.

You are all familiar with the issue concerning close air support, which is still a problem for the Congress. Last year, the basic question was why do we need an A–X, a Harrier, an attack helicopter, an A–7, and an A–4 all to perform a close air support mission. In the minds of some, this issue still remains open.

Now, turning to the Weapon Systems Acquisition policy, it is spelled out in Department of Defense Directive Number 5000.1 dated July 13, 1971. Let me quote from the state of policy.

"Successful development, production and deployment of major defense systems are primarily dependent upon competent people, rational priorities and clearly defined responsibilities."

This is a simple, reasonable statement. But in my opinion, we are far from having achieved its objectives. Considering the first of the three elements, competent people, I would have to agree that, for the most part, the people charged with this responsibility are competent. But I would stop right there. Moving to the next element, rational priorities, priorities frequently are not rational but are more a reflection of the degree of success which proponents of individual weapon systems are able to achieve in selling their programs. The Cheyenne helicopter, for example, which was technically too ambitious, was a mistake from the start and its termination after an expenditure of about $400 million is a classic example of what I have described. And there are other weapon systems in the same category.

Turning now to the last element, clearly defined responsibilities, the DOD Directive states, and I quote:

'Responsibility and authority for the acquisition of major defense systems shall be decentralized to the maximum practicable extent consistent with the urgency and importance of each program."

This marks a dramatic departure from the highly centralized control which was exercised by Secretary McNamara when he headed the Department of Defense. While I do not agree with an extreme centralization of control, by the same token I cannot accept the other extreme which is to delegate substantial decision making authority to each of the military departments for the acquisition of major weapon systems.

The close air support situation is a case in point. Another example, which goes several years back, involved the Heavy Lift Helicopter. This may also happen if proper coordination and control is not exercised in V/STOL aircraft development or High Energy Laser applications.

In summary, the crunch on Defense spending requires a greater awareness by industry and by the Defense Department, of the importance of running a tight operation. There no longer is room for golden handshaking, mutual backscratching, and accommodation.

Incidentally, my interest in eliminating unnecessary duplication extends beyond research and development. On January 2, I whote to the Secretary of Defense and asked why it was necessary to continue to operate the Navy Test Pilot Training School at Patuxent River, Maryland, as well as the Air Force Test Pilot Training School at Edwards Air Force Base, California.

On January 29, I was advised that it was necessary for the military departments to go to their field units to obtain information and that a final reply was anticipated about February 19.

Today, more than three months after my original letter, I am still awaiting a final reply. To me, this indicates that the Department even has difficulty deciding the merits of a fairly simple issue involving duplication of relatively minor facilities.

I might mention that I have become sophisticated enough in the ways of research and development to be careful about some of the things I say in casual conversation. I worry about saying things like "you can't make a silk purse out of a sow's ear," because tomorrow there could be a half dozen unsolicited proposals to the various Defense research offices to initiate such a project.

Well, let's get back on track.

There's no doubt that the Department of Defense has made some giant strides in improving its weapons acquisition process. But we can't rest on past laurels. There's still a long way to go. In fact, the weapons acquisition process is so dynamic that it has to be monitored continuously because it is by nature an evolutionary animal.

The former Deputy Secretary of Defense, Mr. Dave Packard, did an outstanding job of upgrading the weapons acquisition process. His ideas concerning the vigorous use of prototyping, adoption of the principle of design to cost, and the complete abandonment of the total package procurement concept, just to name a few, have been widely applauded in government as well as in industry.

I was again impressed when I read a recent speech that he made before the American Institute of Aeronautics and Astronautics in Los Angeles, a speech which was on the one hand a criticism of industry, but on the other a challenge to industry to mend its ways. For those of you who may not have read his statement, I had it published in the Congressional Record of February 19, 1973.

Now here is a recognized and highly regarded industry leader who heads a major electronics company employing 18,000 people. When he speaks, he is reflecting not only his own broad industry experience but his experience in the Defense Department. The essence of his message is in the following quotations:

"Your responsibility in your industry is to develop and build the weapons that only you know how to build, and do so with greater efficiency and greater economy than you have done in the recent past."

At another point he states:

"Frankly, I think you may have to get rid of some of these 'sophisticated management and systems analysis capabilities' and fall back on some good old-fashioned common sense management techniques if indeed you are to do the job for the country that must be done."

He also offers the advice:

"Learn how to build reliable equipment at a reasonable cost. Stop looking to the government to bail you out when you fail to do your job."

I'm in complete agreement with Dave Packard's comments, and I hope his advice is taken very seriously, not only by industry but by the Department of Defense as well.

At the same time I repeat what I said earlier. The major systems acquisition policy as it is being followed today must be tightened up or clarified. The Research and Development Subcommittee hearings which have been conducted during the past several months have exposed certain practices which technically are consistent with the policy, but which in their implementation just don't make sense.

Let me use the case study approach to point up one of my hangups about the flaws which appear in the smooth surface of systems acquisition policy. I believe that we have oversold the use of the competitive prototype process. What I will describe could apply to a ship, an aircraft, a missile, a tank, or any other major weapon system. In this case it happens to be a helicopter, the Utility Tactical Transport Helicopter. Let me emphasize that I fully support the need for this program. What I will describe addresses only the *method* which has been adopted to develop this system.

You may be interested to know that before I became so expert in weapon systems, I would have thought that a rotary wing referred to a local chapter of a businessman's organization. I've learned that it also means a helicopter.

Consider these basic facts: UTTAS is technically a low risk program which means that either of the two competing contractors, Boeing/Vertol or Sikorsky, could be expected to produce a quality helicopter that would satisfy the military requirements. In fact, both contractors are using the same engine, which is being furnished by the government.

The program, as proposed last year by the Army, would have required seven prototype vehicles for each contractor and a 24 month test program, including a flyoff by the Army. After that, one contractor will be selected and awarded an initial production contract. The primary reason for this competitive approach was to realize cost benefits and the high degree of reliability and maintainability which derives from a competitive approach.

The Army awarded two cost type contracts, one with Sikorsky for $61.9 million, and the other with Boeing/Vertol for $91.3 million. The disparity in the contract amounts, which is roughly 50 percent, is the premium that the Army is paying to realize its competitive objectives.

Now what has Congress done? Last year the Research and Development Subcommittee recommended a reduction in the number of prototypes from seven to four for each contractor with obvious dollar savings. This recommendation not only was adopted by the full Committee, but was sustained by both the Senate and the House in their actions on the authorization and appropriation bills. The Congress was not aware last year that when the two contracts were awarded, the amounts involved would be so far apart.

Let us examine the significance of what I have described. How much should we pay for competition? It could be argued that, in a low technical risk program where there is confidence that either of the two competiting contractors—based on years of demonstrated capability—could perform satisfactorily, one could be selected based solely upon evaluation of the proposals. This could save the government more than $150 million in development costs.

The proponents of competition could argue that such an investment in a hardware competition in the long run would produce greater savings to the government in life cycle costs. I am not at all convinced that this is so. I could be more easily persuaded to accept today's real savings for long term possible savings. There are other ways of establishing a competition such as advertising for follow-on procurements using bid packages obtained as part of the initial procurement.

If one contractor is more competent because he has greater foresight and has invested his own resources, he can receive substantially less than a competing contractor. He may have a valid complaint that his competitor is being subsidized to compensate for a lower degree of capability.

Don't misunderstand me. I am not suggesting that competitive prototyping is not a plausible approach. But I am suggesting that every major weapon system development should be scrutinized in great detail by the sponsoring Service and by the Secretary of Defense in deciding the most cost effective approach to be used in its development.

To close out my discussion of the UTTAS program—which is still being pursued on the basis that both contractors will continue through the engineering developing phase up to the point of a production decision—the selection of one contractor could be made at an earlier point in the competitive test program. This was stated specifically in the Senate Armed Services Committee Report No. 92-962 on the Fiscal Year 1973 authorization bill. On page 105, the report states, and I quote:

"The committee also considers that the contractor competition should be continued only as long as necessary to determine that the components utilized by each contractor provide a real competitive base and that any tradeoffs required are made prior to the conduct of a prototype flyoff and the selection of a single contractor to proceed with final engineering development."

Now, to be sure, there are indications that some departure is contemplated from competitive prototyping. For example, the Army proposal to initiate development of a new advanced attack helicopter. This proposal indicates, as one possibility, that a single contractor may be selected based upon evaluation of the competing five contractors' proposals, instead of selecting two contractors for a competitive prototype approach.

This is encouraging. It indicates that the Army has learned some lessons and is flexible in its approach to new weapon developments.

I want to emphasize again that my use of a case study represents no criticism in any way of the importance of this program, nor of either of the two competing contractors, Sikorsky and Boeing/Vertol, both of whom have solid records of performance.

Now let me turn to a different problem involving competitive prototyping, a problem that has to do with a compulsion on the part of the services to proceed too rapidly. This has been called unwarranted concurrency.

I refer to the Navy Surface Effect Ships program. Here we have a major technological advance that promises to provide high speed ships of large tonnage to perform a variety of military missions. It also has a substantial commercial potential.

The Navy has developed two 100-ton test craft with two different propulsion systems. These boats have encountered major technical problems which are yet to be resolved. Nevertheless, the Navy is proposing to move out on two ships of 2000 tons each in a competitive prototype program.

Last year, the Committee deleted funds to start the 2000-ton ship program. And the Committee said that when the program is initiated, only a single ship with the most promising design should be selected. As backup, testing on the 100-ton craft could be continued as a full-back approach if needed. Nevertheless, the Navy proposal for Fiscal Year 1974 is to proceed concurrently with two 2000-ton ships in a competitive program.

About a month ago, I visited one of the 100-ton craft and had the opportunity to be briefed by the contractor. As a result, I am even more convinced of the soundness of the Committee position last year and I do not expect to support the Navy proposal.

We are still a long way from realizing this capability and we shouldn't be caught in the position of having rushed into a program and increased the risk of error and waste of precious funds. That can kill a program these days faster than anything.

Major technical problems, schedule delays, and large cost overruns no longer can any of these be either tolerated or afforded.

In conclusion, I'd like to recite a recent experience involving Secretary Richardson's appearance before the Senate Armed Services Committee in connection with the fiscal year 1974 budget. At that time, I asked him the following question:

"Mr. Secretary, with a tight budget, with both the F-14 and F-15 programs proving to be technically sound, and a separate development program for a V/STOL fighter, why should we invest an additional $48 million in a lightweight fighter for which there is no foreseeable requirements?"

His response to this question was impressive and encouraging. He expressed his agreement and concern with the problem and he said that he was sensitive to the importance of a decision earlier in the developmental process on whether to continue to invest additional development dollars.

If he follows through with what he said, he may well save the American taxpayer hundreds of millions of dollars. And in the process he would perform a great service for the Defense industry in permitting the allocation of these resources to conduct useful and much needed work.

To sum up, then, I believe that:

1. Industry must do a better job of trimming down to fit the size of the Defense program as it unfolds in the next several years.

2. Industry must develop and produce more durable, simple, and efficient weapons systems at reasonable cost.

3. The Defense Department should not rest on its laurels in having adopted more effective weapons acquisition policies but should be sensitive to the need for continually improving these as hard lesson dictate.

4. The competitive prototype concept should be thoroughly examined in the light of experience and changed as necessary to be more effective.

5. The Department of Defense should consided the equity of paying competing contractors in a low risk prototype program significantly different dollar amounts.

6. The Congress should be better informed on the relationship between the international threat, the establishment of requirements to meet the threat, and the translation of those requirements into budgetary requests projected five years into the future. This will permit the Congress to scope the problem and make the necessary decisions concerning the dollars to be provided.

7. The Department of Defense should strive vigorously to eliminate unnecessary duplication not only in weapon systems but also in its own activities.

As Chairman of the Research and Development Subcommittee, I promise you that I will continue to examine the major weapon systems developments in as much detail as time and the availability of experienced staff will permit. And I can also promise you that the recommendations which the Subcommittee will make will reflect the overriding principle of providing the most modern equipment that we can afford for the use of our fighting men if and when the need should arise.

Thank you very much for inviting me to spend this time with you.

VETERANS: ALSO PRISONERS OF WAR

Mr. KENNEDY. Mr. President, we have all watched with relief and joy the final return of all our prisoners of war from Indochina. But even as we have paid just tribute to these men, and have recognize the terrible burden they and their families have carried for so many years, too many Americans are forgetting the burden and sacrifice that all our men—the some 6 million Vietnam veterans—have paid and who also have returned to find jobs, recover from wounds, and rebuild their lives.

In a very real way these men, too, are prisoners of this war. This fact, Mr. President, was raised in a painfully eloquent letter I received this week from a constituent of mine from Chelmsford, Mass. His letter forcefully reminds us all that we have yet to fulfill the debt we owe these men, our returning veterans, by providing them the benefits or opportunities which have been in the past such an important part of our national tradition.

As this young veteran, a former first lieutenant in the Army, writes:

> Two years ago upon my arrival from Vietnam, there was no fanfare or celebration, just tears. I had lost a leg and all of my pride. Confinement to various hospital beds for eight long and painful months, made me a prisoner of sorts also. . . .
>
> There I sit, unemployed, trying to get a decent job. . . .

Mr. President, this is what too many of our veterans have faced when they returned home. They have found such a tight lid on spending that there is not enough "peace dividend" to demonstrate our gratitude for those who sacrificed so much to attain that peace. Instead, at almost every turn—in employment, in treatment for narcotics addiction, in aid to education, and in disability payments—this administration has cut back on Federal assistance for those who have served their country.

Mr. President, an administration that speaks of "peace with honor" owes our veterans a debt of honor, which so far has not been paid.

I ask unanimous consent that the text of the letter I received from a veteran from Chelmsford, Mass., be printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

March 20, 1973.

Dear Senator Kennedy: Seeing the prisoners of war arrive home fills me with emotion and happiness for the men and their families. What they were subjected to, and endured, surely makes them heroes to some degree.

Two years ago upon my arrival from Viet Nam, there was no fanfare or celebration, just tears. I had lost a leg and all of my pride. Confinement to various hospital beds for eight long and painful months made me a prisoner of sorts also. (I have *never* been called a hero, however.)

If we truly have fairness and equality then why weren't I and all other veterans offered jobs if we didn't want any more military service? The POW's according to the news media, have been made this offer. I can't understand why we second class vets weren't offered free lifetime passes to major league baseball games. (Bowie Kuhn—please save us as you did the POW's.) What about tax breaks and other concessions the POW's have been offered? It becomes quite easy for me and many others to look upon this situation with nothing but cynicism.

So here I sit, unemployed, trying to get a decent job, holding on to the memories of my college degree and time spent as an officer in the army that was reported to have stopped the spread of communism. Since I am not looked upon as a hero, (and don't want to be) it seems the road is a bit rougher. And, to be sure, I would much rather have a job than be angry enough to write letters to Congressmen.

As I see it the government isn't being as fair as it should.

Sincerely,

First Lieutenant Jobe
From Chelmsford, Mass.

VOCATIONAL REHABILITATION

Mr. MONDALE. Mr. President, one of the most disappointing votes I have observed in the Senate in a long time was the failure to override the President's veto of the Rehabilitation Act of 1973 last week.

If this legislation had been approved, a maximum of 2 million of the 5 to 7 million handicapped persons needing rehabilitation services would have received them. That, at least, would have been progress.

But by sustaining the veto we have made regression, rather than progress, inevitable.

In my home State, Federal assistance has made possible an excellent vocational rehabilitation program which has served thousands of Minnesotans. Augustus Gehrke, head of the State division of vocational rehabilitation, has prepared an analysis of the effect that the veto will have on the provision of these services to the handicapped in Minnesota. I request unanimous consent to insert Mr. Gehrke's analysis in the Record.

There being no objection, the analysis was ordered to be printed in the Record, as follows:

Impact of Vocational Rehabilitation Veto on Minnesota

The short-range problems that the President's veto of the Vocational Rehabilitation Act will cause in Minnesota are obvious. The Minnesota Division of Vocational Rehabilitation would simply lose almost $1 million ($980,000) in federal support between now and June 30 this year. This could mean cutbacks in services to as many as 2,000 handicapped persons during the next few months.

Even if the money does become available through an override of the veto, the President's action is causing precious time to be lost. The later in the year we get the appropriation the more difficult it will be to use the money responsibly according to our agency objectives.

The long-range problems the veto causes are extremely important also, and we must not let this year's difficulties obscure the problem of next year and years following.

There are several important measures in the vetoes bill which have an important impact on the future of vocational rehabilitation in Minnesota.

ADVANCE FUNDING

The advance funding provision is extremely important to us because knowing how much federal money will be available to us in the coming year would give us the opportunity to plan our objectives in greater detail. The frustrating situation this year—not knowing how much money will be available to us from now until the end of the year—is a good example of the problem the advance funding provision would solve.

SERVICES TO THE SEVERELY DISABLED

The special provision for National Centers for Spinal Cord Injured Persons and for persons with End-Stage Renal Failure bear special importance to us in Minnesota.

Minnesota DVR is a pioneer in the area of providing vocational rehabilitation services to persons handicapped by severe kidney disease. Our work with the Hennepin County Regional Kidney Disease Center and in establishing a network of dialysis centers throughout the state has shown some successes. Persons with kidney disease have been able to maintain productive employment.

Additional support for such a project—one that is already proving itself—would be a wise use of federal dollars.

Our close association with Dr. Theodore Cole of the University of Minnesota, an acknowledged expert in the field of spinal cord injuries, has allowed us to begin planning for use of federal vocational rehabilitation money to establish a center for the spinal cord injured. The bill would make funds available to agencies and organizations having already demonstrated skill, experience and capability in providing vocational and comprehensive rehabilitation services to persons with such disabilities. It would indeed be unfortunate if we were not able to cooperate with Dr. Cole and use his expertise to help assure that persons with spinal cord injuries are able to function as independent, productive citizens of our state.

The bill's special provision for service to severely disabled persons is a much-awaited development in the field of rehabilitation. The legislation would allow for rehabilitation services to substantially improve the ability of severely handicapped persons to live independently and function normally with their families and in their communities.

Minnesota is one of few states to have already responded to the needs of the severely disabled by initiating a long-term sheltered workshop program on its own without federal money. The rehabilitation act would allow for expansion in this area as well as in the development of work activity programs for the very severely disabled. We have made a small start in the work activity area, but we need the federal funds to proceed further.

The work activity programs are for persons whose job abilities may not be readily seen, but who, with specialized support, can improve their skills and their ability to live independently. In some cases, they will be able to achieve employability—at least at the sheltered employment level.

We estimate that there are about 3,500 severely handicapped Minnesotans who could benefit from the work activity provision of this legislation. They represent just a portion of the handicapped population of Minnesota who will suffer the long-range consequences of the President's action.

THE BEEF ABOUT BEEF

Mr. DOMINICK. Mr. President, we are all concerned about increasing food costs, and the high price of meat in particular. But amid the furious rhetoric, protestations and suggested solutions which have been whistling through the air lately, it might be kind of refreshing to hear from a very calm gentleman who knows quite a bit about this problem himself.

In a recent article entitled "The Beef About Beef," which traces the history of beef production in this country, Mr. Hilliard E. Miller, a Colorado cattle rancher who has been in the business for decades, gives us some insight into how we got where we are and where we should go from here.

He points out that in the 20-year period from 1952 to 1972, the price cattlemen received for live slaughter steers increased 30 percent, while average hourly wages increased 230 percent; and accordingly that an hour's wages buys a lot more steak now than it did 20 years ago. He concludes with the startling assertion—startling at least to those accustomed to relying on the Federal Government to solve all problems—that Federal intervention is not necessarily the answer.

I ask unanimous consent that Mr. Miller's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE BEEF ABOUT BEEF

(By Hilliard E. Miller, Cattle Rancher)

COWBOYS AND CONSUMERS

Hollywood's Indian attacks on the cowboys have provided entertainment for the nation over the years but the recent attacks, launched by the politicians, news media and consumers against the cowboys puts Hollywood's idols to shame.

The cattle industry's efforts to give the true story, of what happened to beef prices, and what the future holds, to the news media has fallen on deaf ears because high beef prices are not a popular subject with the public and the story about the future does not necessarily have a happy ending.

Playing the dual role of consumer and cattle rancher, I would like to tell the story of what happened to beef prices as truthfully and objectively as possible.

THE 1952–72 CYCLE—OR BACK HOME ON POVERTY FLATS

Let's try to look at the United States as one big ranch. The amount of feed and forage available for beef cattle production sets a practical limit on how many cattle can be run in this country. We call it carrying capacity.

At the close of World War II, technology brought major changes to the livestock industry.

Mechanization of farms and ranches with tractors and pickup trucks resulted in the decimation of the horse and mule herds. They were slaughtered by the millions for pet foods.

The advent of margarine had a detrimental effect on the dairy industry. Of even greater impact were the genetic, nutritional and management advances that produced a cow that could give almost three times as much milk as before. Inevitably, about two thirds of our nation's dairy herd was liquidated.

New synthetic fibers made themselves known to the sheep and wool growers. The nation's sheep herds began to dwindle.

This slaughter and liquidation of millions of animals left a tremendous vacuum. There were millions of acres of grass and billions of pounds of feed left to be fed to something. Beef cattle offered a profit incentive so the long build up of the beef cattle population, to fill this vacuum, began.

Beef production increased rapidly until markets became glutted with the new supply and prices broke in half in 1952. The profit incentive was gone so liquidation of the beef cattle herds started, increasing supplies and driving prices to unbelievably low levels. Drought was a frequent visitor to our land in the 1950's forcing additional liquidation of beef cattle on an involuntary basis at distressed prices.

Supply and demand forces tried to align themselves but the profit incentive was gone so our nation's cow herd remained static, producing an overly ample supply of beef.

THE BIG "WHAMMY"

Traditionally, the western ranges shipped their feeder cattle to the corn belt of Iowa, Illinois, Indiana, Ohio, Nebraska, etc. where individual farmers fattened the cattle to slaughter weights and grades.

In the late 1950's, with true Yankee ingenuity, the commercial feedlot was born. The theory was to mass fatten beef. No longer was it a matter of the farmer fattening a few cattle by feeding the grain he had produced; each commercial feedlot fattened them by the tens of thousands on the theory of making a smaller per head profit on many head.

These mass production commercial feedlots demonstrated a gluttonous appetite for cattle to be fattened. They broke all bounds of tradition and brought in cattle from every nook and corner of the nation, not to mention untold thousands from Mexico. The dairy calf which had been slaughtered at 150 pounds for veal, and grass cattle that had been slaughtered at 600 to 900 pounds were finding their way from the feedlots to market as 1,100 to 1,200 pound fat cattle.

Thus, without materially changing the number of cattle in the nation, the commercial feedlots had materially increased the weights of the available cattle, greatly increasing the tonnage or pounds of beef available to the consumer. Once again, prices hit the down slide through the 1960's.

HOW MUCH IS ENOUGH?

One cannot criticize the cattle industry for not producing beef. In 1952 with a human population of about 155 million, the beef industry turned out 56 pounds per person. It was too much! Cattle prices dropped 50%. However, in 1972 with a human population of some 210 million, the industry provided 116 pounds per person. It was not enough! Prices started up. The 230% increase in consumers wages during this period and, the prosperity which the consumers were enjoying, was the one thing that brought on the high meat prices that they are fighting. Too many people had too much money to spend on the available supply of beef. So don't blame the cowman. It has been brought upon you by the blessings of prosperity.

In those twenty years from 1952 to 1972, the beef industry increased output 285%. During those twenty years live cattle sold for less than they had brought in 1948, 1949, 1950 and 1951. I am very proud to say that before, during and after those bleak years, the cattlemen refused to take government handouts and subsidies. Instead, they stood fast, determined to eat their way out of the over supply and work out their own problems without bureaucratic magic. It was not until the spring of 1971 that live cattle prices got back up to the levels at which they had been twenty years before. Today, April 2, 1973, live slaughter steers sold for 30% more than they brought in 1952. Would you roll back your wages to 30% more than you made 20 years ago? Do you want to pay taxes for the Federal Government to subsidize the beef industry or wouldn't you prefer to allow us to run our own business on the basis of a fair profit on our investment and our labors?

This brings the full cycle up to date, as we stand today with government imposed ceilings on beef prices and consumer boycotts.

FROM WHENCE ALL BLESSINGS COME

Food does not come from the super market. It comes in its many and diverse forms from agriculture through a highly complex marketing and transportation system.

Agriculture is big! Agriculture, of which beef is the largest segment, is America's largest industry. Agriculture's assets of 335 billion dollars is equal to 60% of all corporations in the United States. Agriculture generates 78 billion dollars a year to be spent on goods, services, taxes, investments and all the things that city people buy. Agriculture buys more petroleum products than any other single industry and enough rubber, every year, to put tires on 7 million cars and more electricity than all the people and industries in Chicago, Detroit, Boston, Baltimore, Houston and Washington, D.C. put together.

Yes, agriculture is big. It is a big job to feed our nation every day, not to mention food exports to many deprived nations of the world. Why shouldn't agriculture participate in the prosperity that has blessed our nation? Especially, since food, today, is still a better value than it was thirty years ago. In 1940, one hour of a factory workers wages would buy 1.8 pounds of round steak. In 1971, the same hours work would buy 2.6 pounds of round steak.

Don't forget that profit incentive, alone, keeps the wheels of agriculture turning.

WHAT ABOUT THE FUTURE?

The average age of the farmer-rancher, today, is 59. Our young people have left the country for the big cities. They have written off farming and ranching as a poor business. The investment is too high, the risks too great, the work too hard and the return too little. If the price structure doesn't allow for profitable operation, just who do you suppose is going to produce beef and food in the years to come? We must attract young people into the industry and we must have the profit incentive to encourage them to come back and get the job done. Otherwise, there will be no beef at any price.

WHAT ABOUT INCREASES IN PRODUCTION?

Let's go back to the concept that our nation is one big ranch. Given the profit incentive, there is definitely room for expansion of beef production. If the cotton farmer or corn farmer sees more profit in raising beef, he will switch to beef, thereby, increasing production. Technological and improved management techniques will also increase production. But, a big bulge in the production of beef such as occurred during the last twenty years is not in the cards. Every year, some 2 million acres of prime farm and ranch land is covered up with new freeways and city expansion. The wide open frontier is long since fenced and gone. There is no vacuum left from the slaughter of the horse, mule, sheep and dairy herds. Everything that will make choice beef is being fed to heavier weights so there is little or no additional tonnage to be expected from that source.

The simple, plain, unadulterated fact is that with an expanding human population demanding 115 to 120 pounds of beef per person, there is not enough beef to go around at cheap prices. Furthermore, regardless of what the commentators and politicians tell you, this situation is not going to change over night.

LOOK UNTO THE LORD

It takes a long time to increase beef production. If a rancher decided, in the fall of 1972, to expand his herd he would hold back additional heifer calves at weaning time, seven to eight months old and weighing 350 to 400 pounds. These heifers would be exposed to a bull in the spring of 1973. They would have their first calves in the spring of 1974. These calves would be weaned in the fall of 1974 and sold to another rancher to be run for another year on grass, to yearlings. These yearlings would be sold in the fall of 1975 to a feeder. The feeder would put them in the feedlot on full feed for 180 to 200 days until they graded USDA Choice. Now, in early summer of 1976, the critter is ready for slaughter. Thus, three and one half years have elapsed from the time the rancher decides to expand until that decision reaches your dinner table.

So, don't listen to the politicians who tell you of the increased production of beef that they expect in the last half of 1973. Over the decades of changing political administrations, I have had Republican cows that had Democratic calves and Democratic cows that had Republican calves. It just doesn't seem to make a bit of difference to the old cow as she still remains pregnant for nine months before the offspring arrives. Beef production is not determined by politicians nor engineers but by GOD.

WELL, WHAT ABOUT IMPORTS?

Australia and Argentina are the only large sources but they are having their problems. Australia is in the midst of one of the worse drouths of the century. She is being forced to liquidate many cattle, involuntarily, for lack of feed. Because of interference and bungling by a hostile government, Argentina now has one meatless week in every four. The next question is why should they ship their beef to us when they can get twice as much for it in the Japanese and European markets. The beef that does come in is a low quality beef referred to in the trade as manufacturing beef, suitable for hot dogs, hamburgers, cold cuts, Spam and etc. America is the only nation on the face of this earth, so blessed with bountiful crops and harvests, that we can afford the luxury of grain fed, fat beef that you are accustomed to and demanding from the industry, today. How ironical that in a country so blessed with plenty that the producer is penalized with low prices, while the prosperity of the people forces higher prices to the consumer. Who is the culprit? It is the government's deficit spending and the irresponsible wage demands of labor that fan the fires of inflation and brings the purchasing power of the dollar ever lower.

In any event, the plain truth is that there is a world stortage of beef. So, don't look to imports to bring beef prices down.

BUREAUCRATS, BUREAUCRATS, BUREAUCRATS

During the past year, the government has stopped buying US beef for the Armed Forces. They discontinued purchases of beef for the School Lunch Program. They opened up our borders to imports and begged the outside world to flood the market and break our beef prices. They placed an embargo on hide exports. They requested that Japan stop buying pork from us. They sold 250 million bushels of grain to Russia and drove the price of grain up so that it cost almost double in feed to feed the cattle. The Food and Drug Administration banned the use of diethylstilbestrol, DES, in cattle feeds, which increased the cost of feeding about 17%, because they had been able to pick up a residue of DES of *2 parts per billion* in the liver of the slaughtered animal, not in the meat. Yet in the same week, the same Food and Drug Administration approved the "morning after contraceptive" for women of 50 milligrams of DES per day for five days. Some bright soul put his calculator to this one and it turns out that a woman would have to eat *262 tons* of beef liver to get the same amount of DES as was prescribed for the morning after contraceptive. Finally, Mr. Nixon declared a ceiling on beef prices and the consumers instigated a boycott of beef.

Now, Pardner, if you don't think this is harassment of a vital industry I sure would like to have your opinion as to what constitutes harassment.

LET US MAKE A DEAL

Ladies and gentlemen of the beef consuming public, I think I speak for all of the one million, three hundred thousand of us who own cows in this nation. We are willing to try and produce more beef, cope with the usual economic problems, bend with Mother Nature's fickle ways and vote in the next elections but we have no intentions of making any investments to expand beef production until we can clearly see a fair profit for our efforts, in a political and economic climate that is not sniping at us at every turn. We can get a higher price for our product abroad than we can get at home. We would prefer to serve our beloved country first and always.

THE ANSWER

The only way to reduce beef prices is to increase production. The only way to increase production is to get off our backs and let us have a fair profit for our investment and labor. Given that opportunity, we will bring our children back to the home ranch and keep you the best fed nation that walks in all of God's fresh air.

How's about a delicious steak for supper, tonight?

SENATOR RANDOLPH SUPPORTS ADMINISTRATOR RUCKELSHAUS IN TRANSITION DECISION

Mr. RANDOLPH. Mr. President, the decision announced today by William D. Ruckelshaus, Administrator of the Environmental Protection Agency, is a reasonable interim action on the implementation of the 1975 requirements of the Clean Air Act for automobile emission reductions.

His schedule for compliance with the act appears consistent with its provisions and our understanding of the technological ability to meet these requirements by 1975. In making his decision, the Administrator exercised the responsibilities given to him by the Congress.

I have carefully reviewed Mr. Ruckelshaus' statement and believe it vindicates the action of the Congress as stated in the Clean Air Act, which was developed in the Senate Public Works Committee, of which I have the responsibility to serve as chairman.

His adoption of procedures to obtain a realistically phased compliance with the act is a proper approach under the existing circumstances.

This decision was based on extensive hearings conducted by the Administrator. These public examinations provided a thorough review of all issues involved, both of a technical nature and as they relate to the national economy. These are issues that will receive further scrutiny by the Senate Committee on Public Works during its oversight hearings on the implementation of the Clean Air Act, with the active leadership of the subcommittee on Air and Water Pollution, chaired by the Senator from Maine (Mr. Muskie).

The 1-year extension for compliance with standards established under the act is valid only if it encourages further consideration of technologies other than those proposed for use by the American automobile industry. During this period, the pressures of free market competition should accelerate development of both effective catalysts and other emission-reduction technologies. This will be especially important for the production of cars in the years after 1976.

The decision to study the value of catalysts on a limited scale will be helpful in determining if they are indeed the best way to comply with the act.

It is important to remember that the 1-year extension is the only one possible under the act. The extension granted by Administrator Ruckelshaus relieves no one from the responsibility of complying with the established standards by the statutory deadline.

During the hearings which the Subcommittee on Air and Water Pollution will hold on this subject next week, I intend to explore with the Administrator questions relating to:

The effect of EPA's action on achieving on schedule health-related ambient air quality standards;

Additional strategies to achieve health standards which might be considered by EPA, including transportation and used car controls;

Alternatives to the present catalyst-based systems which do not adversely affect driveability or fuel consumption; and,

Alternatives to the conventional internal combustion engine that have particular merit for the post-1976 period.

EARTH WEEK

Mr. DOMINICK. Mr. President, this week marks the celebration of Earth Week, so designated by Senate Joint Resolution 2, which I was pleased to cosponsor.

In recognition of Earth Week and the desire we all have to preserve and protect it for future generations, I would like to ask unanimous consent that a poem, written by the Poet Laureate of the State of Colorado, Milford E. Shields, be printed in the Record.

The poem is entitled,, "The Earth," and it portrays rather well the expansive resources it makes available to mankind.

There being no objection, the poem was ordered to be printed in the Record, as follows:

The Earth

(By Milford E. Shields)

I am the earth.
I am atoms, and granite, and erosion, and chemistry, and soil.
I am dry, and cold, and wet, and hot, and flesh, and fertility.
I provide food for men's bodies, poison for their passions, beauty for their lives, vision for their souls, and peace for their ashes.
I host nature, I mistress harmony, I sister the stars, and I balance the spheres.
For I am the earth.

AGRICULTURE

Mr. MONDALE. Mr. President, farm communities in Minnesota are alarmed by the President's announced intention to phase out price support and acreage adjustment programs.

Prior to the election last year, no hint of this new policy was revealed. In fact, at that time Agriculture Secretary Butz removed a record amount of land from production and freely boasted of being able to spend money like a drunken sailor.

Bad weather and the Russian grain sales, combined with the administration's mismanagement of last year's farm program, have contributed significantly to rising consumer anger over food prices.

Now the Department of Agriculture is removing all controls on production of wheat and cotton, and nearly all controls on planting of feed grains. Transportation lines are ready clogged with grain from the 1972 and prior year harvests which the Department called out of storage. Experts believe this grain will still be backlogged when next year's crops must be moved. Farmers are worried about how they will be able to deal with this situation.

But without price support and acreage adjustment machinery, many of our Nation's farmers would be unable to survive.

Rural America is dependent upon the survival of our family farm system for essential income, jobs, and community services.

I feel very strongly that we cannot afford to kill the family farm system, and I believe that could be the result of adopting the President's recommendations. We must maintain a viable rural America, and not push more Americans against their will into overcrowded cities.

As an indication of the sentiment in Minnesota on this issue, I offer for consideration by my colleagues an editorial which recently appeared in the Willmar West Central Daily Tribune.

Mr. President, I ask unanimous consent that the full text of the following editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Agriculture

(By O. B. Augustson)

On this editorial page will be found a special article which comes out of the Extension Service of the University of Minnesota. It is of interest to our agricultural producers but being farming is still our basic industry should be of interest to the people in all our rural towns dependent upon that industry.

Sometimes statements from the source mentioned have not been of the viewpoint of the release article published. So it is pleasing to note this reference to the dangers of wiping out farm price supports.

For this seems to be the intention of the present administration at Washington. Farm support programs are expiring unless they are renewed by the Congress and become a retained fact even without the support of the White House or in defiance of it.

Regarding the White House attitude we note that Senator Humphrey has publicly stated that the Nixon intentions could kill what are left of our family farms

At about the same time Senator Mondale declared that the President can well be viewed as a "farm foe."

Such statements are not unexpected for the President is shooting his guns at winning out direct subsidy payments and at the same time his other target is acreage allotments that limit the amount of land a farmer can plant and still receive subsidies. The net result of all this will throw the farmers upon a complete open market and at its complete mercy.

Naturally the U.S. Dept. of Agriculture officials are of the same mind a la Butz and company. From this department the other day came an article urging the rural areas to have a common front. Talking about education and some other secondary considerations but not a word about a decent farm income to sustain and pay for those needed things. If rural America will get its just income like an urban community it will take care of all of its problems if it has any. By the same token if rural America has any problems to worry about it is because it has not received the decent income to take care of them. And here is where the common front is needed to get that just income.

RESOLUTION ADOPTED BY LEGISLATURE OF NEBRASKA EXPRESSING OPPOSITION OF MAJORITY OF NEBRASKANS AGAINST ROLLBACK OF LIVESTOCK PRICES

Mr. CURTIS. Mr. President, the Legislature of Nebraska has adopted Legislative Resolution 31. This was introduced by Senator Jules Burbach, of the 19th district. This resolution passed the Legislature of Nebraska without a dissenting vote. It had the support of every senator present. This resolution expresses the opposition of the majority of Nebraskans against the rollback of livestock prices, the regulation of the export of hides, and other price controls and price ceilings detrimental to agriculture.

Mr. President, I am in total accord with this resolution. Agricultural prices have just started to reach a point where they should be. Farmers are faced with high costs. In Nebraska, they have experienced a very severe winter and the loss of calves due to weather conditions. It is unjust and unfair to roll back these prices or subject them to control. I do not think it should be done.

I am also opposed to the ceilings on meat that were placed thereon by the President. I think that he was ill-advised. It will not help the consumer. It will shorten the supply and anything that lowers the price of agricultural products is unfair and unjust.

Mr. President, I ask unanimous consent to print in the Record Legislative Resolution 31. This was brought to Washington and presented by its author, Senator Jules Burbach, and Senator Walter Epke. They were accompanied by Mr. Ray Steffensmeier, a well-known banker and civic leader from Beemer, Nebr.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Legislative Resolution 31

Whereas, there is pending in the House of Representatives of the United States H.R. 6168 which proposes, among other things, to roll livestock prices back to the level of January 10, 1973, and to regulate the export of hides; and

Whereas, the enactment of H.R. 6168 would have a disastrous effect on the economy of Nebraska and other midwestern states in which the livestock industry is a major factor by forcing a reduction in livestock prices; and

Whereas, the enactment of H.R. 6168 would discourage the production of livestock with a resulting shortage of meat for human consumption; and

Whereas, it is expected that H.R. 6168 will come to a vote in the House of Representatives on Wednesday, April 11, 1973.

Now, therefore, be it resolved by the members of the Eighty-Third Legislature of Nebraska, first session:

1. That the Legislature vigorously opposes the enactment of H.R. 6168 and urges each member of the Nebraska delegation in the United States Senate and House of Representatives to join in such opposition.

2. That the Legislature directs Senator Burbach to chair a special committee of the Legislature to go to Washington to oppose enactment of H.R. 6168.

3. That Senator Burbach deliver a copy of this resolution to Representative Wright Patman, Chairman of the House Banking and Commerce Committee, Representative W. R. Poage, Chairman of the House Agriculture Committee, each member of the Nebraska delegation in the Senate and House of Representatives, and to Earl Butz, Secretary of Agriculture.

CERTIFICATE

I, Vincent D. Brown, Clerk of the Legislature, hereby certify that the foregoing is a true and correct copy of Legislative Resolution 31, which was passed by the Legislature of Nebraska in the Eighty-Third Legislature, First Session, on the Tenth Day of April, 1973.

Vincent D. Brown,
Clerk of the Legislature.

FORGOTTEN VALUES

Mr. MUSKIE. Mr. President, one of my constituents, Mr. Ben Drisko, of Camden, has drawn my attention to a provocative statement on modern life, delivered in a sermon by Dr. William J. Robbins at the First Universalist Church in Rockland, Maine.

In his sermon, Dr. Robbins traces some of the ideas and forces which have guided men and structured their societies in the past, as contrasted to our modern world of "time-saving and back-saving devices—computerized businesses —and fractured personalities." Dr. Robbins eloquently reminds us of the enduring value of our religious and intellectual heritage. I ask unanimous consent that his remarks be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Forgotten Values

It is pretty difficult and demanding and sometimes frustrating to try to be a thoughtful and at the same time a modern religious person, particularly in the western version of civilization—our familiar pattern of what it means to be civilized. We have to remind ourselves, in order to break out of our parochialism, that Western Civilization is not the only civilization. Far from it! It's just one in many, the one in which we live, but there are other patterns of culture.

You and I are the products of a special kind of moral and religious upbringing. Whether we are conscious of it or not, our roots are very deep in what is called the Judeo-Christian tradition, articulated and developed into a great architectonic structure of metaphysics, theology, ethics, law and politics, by men trained in the rigors of analysis as invented and developed by Greek and Roman philosophers. That fusion of the Hebraic, Christian, and Greek philosophic tradition produced extraordinary results, notably, the medieval worldview. The final product of this great fusion of earlier distinct ways of thinking and living had a wonderful symmetry about it. It was a complete structure. Popes and emperors, priests and friars, princes, vassals or serfs might be quite illiterate and often were so. Recall that Charlemagne, crowned on Christmas Day in 800 A.D. as the ruler of the Holy Roman Empire, could not read and write. There are few more decisive figures than Charlemagne in western history. But, even so, he knew and felt and embodied many things, many truths, which intellectually he could not understand or explain. People living in such a unified culture might be quite illiterate, but they knew where they stood, they knew what they stood for, and they knew who was the ultimate Determiner of their Destiny. They knew also to whom they would have to give account on the great Day of Judgment, so often depicted in the statues, paintings, and stained glass of their cathedrals.

The lines of authority, which we nowadays would call the chain of command, were all brought together in the hands of one eternal authority, whose name was God. Many psychological and moral benefits were derived from living in that kind of harmonized, total pattern.

Our Pilgrim and Puritan forebears coming ashore on this new and nearly empty continent intended and really tried hard to make Massachusetts (and that includes Maine) into a latter day Commonwealth according to the pattern set down in the Hebrew Scripture. This was the Promised Land as the Pilgrims saw it; its laws, its morals, its religion, its civic order were to be the new form of the old covenant.

As in the much more extensive medieval model, this earthly life was to be spent in self-discipline and preparation for the next life. It's hard for us to comprehend. You and I don't know much about the next life. So we focus down here. But heaven to those early Americans was almost more real than earth. This was just an outer court, the passageway, so to speak, by which you entered the great temple. They knew where they were going. We say it somewhat in jest: "Heaven's my destination"! They would have said it in all seriousness, and acted accordingly.

But between the early 1600's and the late 1700's, too much had happened for the founding fathers of the United States Federal Government to try to perpetuate and write into the national Constitution that old Puritan dream of a reconstituted Commonwealth of God.

In those two centuries, some things that had once been entirely conceivable became impossible. A massive reorganization of large ideas had come about during the Age of Reason. The new science, new philosophy, new self-awareness and the new climate of ideas produced a new breed of teachers, pamphleteers and statesmen in what we now call the liberal tradition. Several of the founders of the federal government were quite willing to call themselves free-thinkers. If the French Revolution, following the American Revolution, had not gotten short-circuited into the awful days of the Terror, and had not produced the Emperor Napoleon, our cultural history might have followed quite a different course. But those massacres and those French armies moving all over Europe to Moscow, even across the Mediterranean to Egypt, so shocked the sensibilities of Western Europe, Great Britain and America that a great political reaction set in and conservatism prevailed, counteracting for awhile the otherwise clear and acceptable results of the Enlightenment. There was a temporary delay in the development. The modern mind had been born in the two great Centuries of Reason; the shattered dilapidated world-view of the previous thousand years could never again be satisfactorily pieced together from the broken fragments.

The single great idea, the drama of creation, the pyramid of power, the vision of the celestial city, literally in heaven, all of these were gone beyond recall by the end of the 18th century. Democracy, liberty, toleration had been born. The modern world with its surprising, sometimes shocking capabilities, its new questions, its tentative uncertain answers, its fascinating techniques, and its this-worldly horizons had come into existence

It is in this modern world that you and I must live today, in all of our comfort, with all of our education and affluence, time-saving and back-serving devices, mechanized or automated industries, computerized businesses, and with all of our worries, anxieties, our fractured personalities, our alienated populations and with our specialized scientists who can no longer even talk meaningful to one another because the field of each of them has developed its own language that is almost completely unknown to the outsider. Are these our new mystery cults? There is no longer a field of chemistry, there are all kinds of subspecialities within the field. Likewise, in biology and physics, and men can't cross the lines. In this respect our technologists make us think of nothing quite so much as "The Sorcerer's Apprentice" who could turn on the great floods, but lacked the magic word for controlling them or shutting them off.

Observers of our national scene today, sometimes call our current political style a "New Pragmatism", trying by the use of a philosophical term to make that style, whatever it should properly be called, look like a rational method of handling the affairs of state or "facing up to reality", as they say. Speaking this way, we not only devalue the dollar as we did a few months ago, when Mr. Nixon called it the "most significant monetary agreement in the history of the world", and then two weeks ago promptly devalued it again and called it "an opportunity". He thereby also devalues the English language.

Pragmatism is too fine a philosophical term to use for tinkering or stop-gapping or recovering a fumble for a lot of lost yardage. A valid pragmatism means "what is true works". It does not mean "what works is true". There's a world of difference. You and I are not going to solve primary problems by using secondary techniques. The legislative and executive branches of the present-day government play tiddly-winks with one another using the price of gold or the relative value of the American dollar and the Japanese Yen or the German Mark as the snapping discs in the game. But I'm very much afraid that our elected representatives do so all too truly represent the American people in this respect. Too truly to be good!

No doubt we Americans live too high. We ought to stop boasting about it, even if we won't do anything about it. We're just altogether too self-indulgent, 7% of the population of the world consuming 50% of the natural resources of the world. That's too lopsided for the American people to be thought of as a responsible member of the family of nations at this time in history. And even at home when we have to balance our national budget, certainly a moral requirement for any nation, by making a $12 billion cut, we, at the same time, add $3 billion to the military budget. What a way to celebrate the President's historic trip to Peking and Moscow! We beef up the Armed Services with new weapons systems against a wholly hypothetical enemy, since China and Russia, now our friends, are the only nuclear powers we have recently targeted upon. Then we take several billions of dollars out of federal programs for the ill-housed, ill-educated, and ill-cared for children, widows, elderly and other-wise oppressed or unemployable persons in our own domestic family, who are not hypothetical in any sense of the word. We rightly forgive our foreign enemies after the war, and wrongly refuse to forgive or forget our homeborn dissenters. Is this morality or politics? I know that you and I live in the last third of the 20th century when great moral principles and logical and religious ideas are supposed to be outmoded and held to be totally irrelevant by the brightest practioners of the new politics and the new morality. But listen! From far away and long ago can we not hear, however faintly, the gentle words . . . "and thy neighbor as thyself?". What we hear, faint and muffled is sufficient to make us restless and uneasy. A modern person, such as you and I wish to be, had better make haste to learn that, even in the modern world, we do not make all of our own laws. The acid of modernity cannot dissolve reality. What our thinkers used to call the will of God, and we may call the Nature of things, does not allow everything to go. There's a lot more to nature than stuff and things. James Russell Lowell had the right idea in his familiar doggerel lines, a pretty good memory gem to salt away:

In vain we call old notions fudge
And bend our conscience to our dealing,
The Ten Commandments will not budge,
And stealing still continues stealing.

Can it be that we descendants of the Puritan Fathers of the 1620's or of the Founding Fathers of the 1700's have thought ourselves so far away from the controlling insights of the Judeo-Christian world-view that we have altogether forgotten and no longer feel the pressure upon our minds and our actions of the inexorable justice or the unquenchable mercy of God as taught by the ancient Hebrew prophets or the Prophet of Galilee. Those forgotten values, rationalized almost out of existence, certainly out of practice, had better be remembered again. And soon! Recall Emerson's wonderfully prophetic words: "In the end it is only the triumph of principle that can bring you peace."

RETARDED LEARN JOB SKILLS

Mr. DOLE. Mr President, recently Dr. Ibrahim Hussein, executive director of the Johnson County Mental Retardation Center in Overland Park, Kans., brought to my attention an interesting and enlightening article about the mentally retarded. It is an excellent example of how young mentally retarded men and women are being rehabilitated effectively. The Johnson County Mental Retardation Center has coordinated many existing programs, services, and funds to establish an organized and efficient program providing maximum output.

The following article entitled "Retarded Learn Job Skills" by Allen Winchester, printed in the Kansas City Star, January 25, 1973, describes the program at the Johnson County Mental Retardation Center. I ask unanimous consent to have it printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Retarded Learn Job Skills

(By S. Allen Winchester)

Ten years ago a psychologist concluded that an 11-year-old mentally retarded and deaf boy named Larry probably would never be able to lead a normal life.

The psychologist, who was employed by the Kansas School for the Deaf, made the conclusion after analyzing the results of various psychological and learning tests that Larry had taken. He reported that Larry, who had lost his hearing during a severe illness, had an intelligence quotient of 60–40 points lower than that of the average person.

The psychologist described the youngster, who at 11 had no previous schooling, as a "mentally retarded child who will require a highly individualized program it retained in the school. Academic progress will be minimal. Vocational training for simple tasks only is indicated."

The psychologist concluded: "It is unlikely the child will ever lead an unsupervised existence."

Fortunately for Larry the psychologist's gloomy forecast was wrong.

Today Larry, now 26, leads a normal unsupervised life. He is married, holds a steady job, communicates in sign language and drives a car. He lives in the metropolitan area.

However, only two years ago the psychologist's prophecy did seem correct. Larry was forced to leave the school for the deaf and might have been doomed to a life of institutional confinement if the Johnson County Mental Retardation Center (J.C.M.R.C.) hadn't come to his rescue.

Larry underwent radical rehabilitation changes under the supervision of the J.C.M.R.C. Mental retardation personnel designed an individual program aimed at helping Larry become self-sufficient.

Larry's "prescription" called for guidance to help him look at things as an adult, education on budgeting money and helping him get along with others. It also called for job training.

Larry moved to Park House, a men's residence in Olathe that teaches mentally retarded persons tasks that many persons take for granted such as dishwashing, cooking, clothes washing, cleaning, how to get along with others, wearing clean clothes, showering and getting up on time.

The former nursing home can handle up to 12 men said Mrs. Vanesa Erwin who along with her husband Murle Erwin supervises the home.

"The men have to be able to take care of themselves—use the toilet, dress and feed themselves—before they are accepted here" Mrs. Erwin said.

Once in the home they are assigned one or more roommates.

"Keeping their rooms clean is one of their duties" Mrs. Erwin said. "They have to decide among themselves who is to sweep the floor in their room."

Learning to make decisions, however simple they may seem, is a step toward self-sufficiency, said Dr. Ibrahim (Abe) Hussein, J.C.M.R.C. executive director. Park House and its mission counterpart, the Linda Dorfman Home for Women, are designed to allow the mentally retarded to live in the community.

"Mentally retarded persons are one of the most highly discriminated against minorities," Dr. Hussein said. "We're trying to bring them back to the mainstream of life so they can live as normal lives as possible."

For those like Larry, who was allowed to move to an apartment in October, 1971, the transition is quick but for others it takes longer.

"We're trying to make parents with adult retarded children realize they can become independent and need not be a burden," Dr. Hussein, a native of Alexandria, Egypt, said.

The programs at the two homes include daily visits to the Industrial Rehabilitation Center in Lenexa where men and women are taught simple jobs or trades, including dishwashing, janitorial work and various assembly line tasks that would be monotonous in many but are particularly suited to mentally retarded persons, said Clair Kuszmaul, director of vocational services.

The rehabilitation center was established two years ago, with a federal grant. For some it becomes a place of permanent employment while others learn basic skills and then take jobs elsewhere.

"Our objective is to evaluate the employability of an individual and improve the deficit areas," Kuszmaul said. Factors such as attendance, work speed, productivity, dexterity and responding to supervision are stressed.

The jobs vary and depend on what Kuszmaul and Merlyn Bolen, production manager, are able to contract or dream up. Still on the drawing board are plans to have mentally retarded persons operate a service station and provide motel maid service.

The rehabilitation center has a long-term contract with a medical supply firm to assemble hospital patient packets that include soap, lotion, a toothbrush, facial and toilet tissues. The same firm also contracts with the center to lubricate and package disposable plastic enema rectal tubes. Another firm pays for tennis rackets to be strung.

The mentally retarded employees are paid up to $2 an hour for their work. The center has a job placement program which includes periodical checks with former trainees and their employers.

Larry, after receiving rehabilitational training, went to work for a North Kansas City manufacturing firm. "It's the type of job that would drive a hearing person nuts," said Mrs. Marcia Lopez, J.C.M.R.C. social worker.

Kuszmaul said the rehabilitation center, which currently is training about 40 persons, is able to place persons in community jobs after 12 to 16 months of training.

"Finding a job for them is no problem. The problem is finding mentally retarded people to train," Kuszmaul added.

Dr. Hussein, Kuszmaul's boss, agrees. The mental retardation center offers a wide array of community services for the mentally retarded and their families but is having trouble finding retarded persons living in Johnson County.

Aside from residential living and job rehabilitation the J.C.M.R.C. offers counseling, clinical evaluation, recreation and eventually hopes to offer pre-school education for mentally retarded school children. The Shawnee Mission School District offers a wide range of special education for mentally retarded children and slow learners.

Dr. Hussein said the J.C.M.R.C. is serving about 200 persons, although this does not include most persons enrolled in special education courses. Dr. Hussein believes the 200 represent only a small percentage of Johnson County's mentally retarded population.

Nationally it is estimated that 3 per cent of the population suffers some form of mental retardation. However, Dr. Hussein believes the figure may be as low as 1 per cent or 2,319 persons in Johnson County because of affluency.

Mental retardation can be caused by brain damage at birth, genetic malfunction or severe cultural deprivation. Some forms can be cured or controlled when discovered early by changing dietary practices. The odds of producing a mentally retarded child increase with pregnancies after age 35, Dr. Hussein said.

Dr. Hussein, who received his doctorate degree in educational administration from the University of Michigan in 1968, is trying to develop a model program in Johnson County, which he hopes can be used as a guide for other mental retarded agencies across the nation.

"In the past families with mentally retarded children have had any two choices—keeping them at home or locking them up in an institution," the 36-year-old director said. "We say keep the mentally retarded in the community but provide additional services for them and their families."

The mental health center now offers recreational programs including bowling teams, basketball and dances. At Park House the men receive points for each "duty" they perform—from changing their socks, to bathing and brushing their teeth. At the end of the week the one with the most points receives a free game of bowling. Those with consistently high "duty" scores will soon be allowed to live independently in the community.

On Friday evenings men from Park House, women from Dorfman House and other mentally retarded persons who live in Johnson County bowl in a special league. On Wednesdays human development or group therapy classes are available, Dr. Hussein said.

One of the main topics discussed is sex. Mentally retarded have to learn to cope with sexual feelings. Larry, who is married, looks forward to raising children, Mrs. Lopez said. She added that he and his wife should have no problem adequately caring for their children.

Dr. Hussein, however, maintains that marriage and sexual relationships pose particularly ticklish problems for the mentally retarded and their parents. The problem for most is whether they could care for a normal child. Some mental retardation experts recommend marriage only if the couple agrees to sterilization or to practice contraception.

The J.C.M.R.C. eventually hopes to offer genetic counseling for couples.

"With a blood test we can tell a couple what the odds are of their having a mentally retarded baby," Dr. Hussein said. "When the risks are high they may decide to adopt."

The mental retardation center now offers counseling for families who have retarded children to help them determine what benefits they are entitled to through Social Security aid to the disabled funds, welfare funds or tax deductions. Eventually the agency hopes to offer short term care for children.

"We could take care of children when a parent is ill or when the parents go on a vacation," Dr. Hussein said. He believes money can be found to pay for the services. The center now receives about $135,000 from the county along with some state and federal aid.

"Our problem is not money. We need to identify the people so we can serve them. We can bill the government for the costs," Dr. Hussein said.

The Johnson County Mental Retardation Center is located in suite 308, 5750 W. 95th, Overland Park. The telephone number is 649–5900.

NORTHLANDS MEDICAL PROGRAM

Mr. MONDALE. Mr. President, I was very disappointed to read in the March 20 issue of the St. Paul Dispatch newspaper that a very successful human program in Minnesota will be phased out as a result of Federal budget cuts.

I am very proud of the achievements of the medical profession in Minnesota. However, one of my major concerns has been that many residents of rural areas of the State have been able to benefit adequately from the great advances originating at the Mayo Clinic, the University of Minnesota, and other medical centers.

The threatened program, the Northlands Regional Medical program, has provided severely needed health care to many residents of the State who previously did not even have access to a doctor. A mobile van has offered medical services to residents of 18 towns with no doctors at all in one county. Residents of the Nett Lake Indian Reservation, which is 58 miles from the nearest doctor, had been looking forward to daily clinics which were to be provided under the program.

The Northlands program has also helped in the vital work of spreading throughout the State the medical knowledge concentrated in the urban areas, both by improving library access and providing training for health personnel.

I ask unanimous consent that a copy of the article which appeared in the St. Paul Dispatch be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

QUIET HEALTH PROGRAM WILL END

(By Ann Baker)

Northlands Regional Medical Program, which in the last five years with a $6 million budget has updated medical libraries across the state, provided mobile health vans in remote districts, sponsored varieties of applied research and dozens of training projects, will end in either June or September.

Program Director Dr. Winston Miller informed the directors of 50 current and 40 planned projects that Northlands has been ordered by the Nixon administration to phase out completely, along with 55 other Regional Medical Programs (RMPs) across the country.

No new funds will be granted after June 30, he said. "A skeleton staff will be employed for a few months after July 1 to completely close out the program."

Northlands has worked quietly, invisible to the man in the street, through public and private medical sources "to get people to work together to provide health services," and to pay for experiments attacking particular health problems, Dr. Miller explained in an interview in his St. Paul office.

When RMPs were established nationwide, a result of the Comprehensive Health Planning Act of 1966, their first goal, he said, was "to bridge the gap between the latest knowledge and the application of it in the care of the person who needs it.

"Though Minnesota is rich in medical care resources, there are still huge voids, where the best of what's known isn't gotten out to the people," he explained.

There are 180 community hospitals in the state, 102 of them with fewer than 50 beds each, too small to provide the full range of care. Many towns have no doctors for miles and miles.

Even in urban areas, said Miller, the medical problems are "devilish," especially for the poor, above all for families earning between $5,000 and $10,000, who are not poor enough to get aid, not rich enough to afford adequate care.

Among the projects Northlands has set up or helped set up:

Training more than 600 nurses, 500 doctors and 100 electronic technicians in coronary care units in new techniques to "start" hearts that "stop." So far they've reported a 10 to 15 per cent mortality reduction.

Setting up a network of rehabilitative services, which are more extensive "than any other state but all concentrated in metropolitan areas."

Running workshops and in-service training for all health workers, which have, for example, sent 30 inactive nurses back on the job.

Substantially improving libraries in 112 hospitals and clinics, putting them in touch with central libraries at the University of Minnesota and Mayo Clinic and hooking them up to a national "hotline," where they can dial free for instant information on nearly any subject.

Promoting cooperation among hospitals, clinics and doctors' offices.

Running surveys of needs and analyses of the effectiveness of health care being provided.

"Not every little town can have a doctor," says Miller. "They need some other solutions, but where are they going to get them? They need support."

Traditionally, he explained, hospitals tend to be in competition with one another. "And the physician is by and large an entrepreneur: His responsibility has been to his patients; he didn't have any public accountability."

A large part of Northlands' job was to break down "that rugged individualism, the 'town-gown' syndrome, looking down their noses," to urge health workers to coordinate and consolidate in the public interests. Dr. Miller feels cooperation works best when it comes voluntarily. Through Northlands he says that has happened in many cases, with participants at first reluctant, finally enthusiastic. Much more cooordination was expected from projects planned for next year.

Miller argues that unless such coordination takes place voluntarily, it will one day be forced by federal mandate.

Regional medical programs in some states "have been total failures—they couldn't get those power blocks to work together," Miller said. But in Minnesota he feels success has been marked.

One of the 50 projects that will wind down is a rheumatic fever prevention unit run out of the St. Paul Bureau of Health. In the past year it has taken throat cultures of 8,000 children, by school nurses and the Martin Luther King and Neighborhood House clinics. Ten per cent of the children were found to have strep throat, and consequently received treatment. Their families were also checked, to guard against re-infection. If strep goes untreated it could lead to rheumatic fever and possibly severe heart disease.

The project cost $25,000. Treating one case of rheumatic fever costs $30,000—"conservatively," according to Project Director Harry Kaphingst, who sees no hope for that work being continued.

Dr. Jean Smelker, director of Community-University Health Center, Minneapolis, on the other hand, hopes to find some means of keeping a health educator, whose salary was paid by Northlands. His job was to work with people in the Cedar-Franklin neighborhood, to establish an understanding of the importance of preventive care, regular checkups, immunizations, nutrition, dentistry.

However, that center's plan to expand from child to adult care, a Northlands proposal offering $50,000 over three years, is dead.

A mobile health van, serving 18 doctorless towns in Polk County, may be picked up and funded by the county commissioners, according to Director Lilja Snyder.

In one year, the van, staffed by nurses, has provided "nursing assessments," screening, education, counseling, including immunizations and Mantoux testing, through 2,000 patient visits. Only two towns in the county have doctors; they're 45 miles apart. Most bus and train service in the area has been discontinued. A majority of the patients are over 65.

"I'd written to everybody about the idea," Mrs. Snyder recalls. "No insurance will cover it; nobody pays for early prevention. Northlands was the only one that would listen to us." But now she's pinning her hopes on county government.

Less hopeful are the people at Nett Lake and Lake Vermillion Indian reservations, who had hoped to expand a mobile health clinic sent out from East Range Clinic in Virginia.

They had planned with Northlands for a paramedic aide and secretary-receptionist to work full time from a large house trailer, with daily clinics at Nett Lake and several times a week at Vermillion. Currently, staff visit Nett once a week and Vermillion once every two weeks, a project they began 2½ years ago.

Dr. Gibson McClelland, who works with the project, has found "the whole gamut of major medical problems—low health, life expectancy 10 or 20 years less than the average, a high rate of suicide."

Nett Lake is 58 miles from the nearest doctor; Vermillion, 25.

"With this project," said McClelland, "we hoped to provide day-to-day care—an entry into medical care when one first needs it, instead of waiting till it's critical. It would provide closer contact with the patients and much closer follow-up.

"I think it's too bad to pull the legs out from something like this," he says, "a program sponsored by public funds to be spent for needy American people, to provide them with needed services. This wasn't anything fancy. It's what should be done with the taxpayers' money."

Northlands paid for a year's planning with the Indian Health Council to establish a clinic for Minneapolis Indians at Deaconess Hospital "that would serve them better than Hennepin General, which doesn't meet their needs very well," said Dr. Miller. "Maybe they'll get a grant from a private foundation. That's the salvation, I guess."

He said many other projects need to be developed: More training, better use of medics from the military services, development of new jobs like physicians' assistants.

"There are many more problem areas coming: An emergency medical system of ambulances; this year we planned a statewide system through the state Health Department. We've about finished planning; the operational phase is cut off."

Miller sees lasting effects from the last five years' work: "The concept has been sold that the needs are great. A lot of people are dedicated to solving the problems. There are 12 professionals on our staff, pretty competent people. They'll all get jobs somewhere, but not necessarily where they can use their skills so well.

"We'll have a few missionaries, but not many. And they tend to be ostracized by their peers and regarded as a little odd."

Kaphingst, who has been involved with RMP's in other states as well as Minnesota, says, "There is simply no one ready to pick up the pieces. Unquestionably, many public health efforts will be set back many years."

HITTING THE ELDERLY FOR MEDICARE

Mr. HUMPHREY. Mr. President, the Nation's elderly have been stunned by Nixon administration plans to make them pay higher medicare costs. They recognize the serious threat this move would pose to their struggle to meet the rising cost of living on fixed and limited incomes—and medical care constitutes a major portion of those costs.

President Nixon's fiscal 1974 budget proposals with respect to medicare would:

First, require a medicare patient to pay the actual full charges for the first day of hospital care, instead of the present national average payment of $72, as well as 10 percent of all hospital charges thereafter—now without cost to the beneficiary for the first 60 days; and

Second, call upon elderly persons whose doctor bills are covered by medicare's voluntary part B insurance, to pay the first $85, instead of the first $60, of doctors' services, and to pay 25 percent, instead of 20 percent, of everything above that amount.

It is incredible that the administration would argue that by initiating these new requirements, the elderly health consumer would be made more conscious of the cost of hospitalization, and hospitalization would be cut back in favor of finding alternative modes of health care.

This bureaucratic language, in plain terms, means that the elderly will be dunned for hospital costs under medicare over which they have no choice or control; that they would be called upon to find other health care services that all too frequently do not exist or are outside their reach financially; and that several million elderly poor who are most in need of medical care—and who are not the ones who allegedly overutilize hospitals—will now be denied this care. Actually, since 1969, hospitalization rates for the elderly have declined.

The failures of cost control are elsewhere, as is plainly shown by the harsh fact that medicare pays only 42 percent of the average beneficiary's hospital and medical bills. And it is equally clear that the 20-percent increase in social security benefits voted by the last Congress can be wiped out by rising health care costs. I am profoundly disturbed over the administration's suggestion that medicare and medicaid cutbacks can be made precisely because of social security increases. This is a total distortion of the intent of Congress, which was to provide vitally needed additional assistance under social security to help the elderly meet the increased cost of living.

The administration must learn a basic lesson of health care economics, which is that devices such as coinsurance and deductibles cannot control hospital and medical care costs. But the administration must also learn that making such requirements even stiffer will only act as an economic barrier to health care for those who need it most.

Meanwhile, a medicare beneficiary, whose average hospital stay is only 12 days, would confront a rise in the cost he or she must bear, from $84 to $189.

Decisive action has been taken in the Senate to instruct the administration that promises made to the elderly must not be broken. I have joined with 51 other Senators, led by my distinguished colleague from Minnesota (Mr. MONDALE), in introducing a concurrent resolution putting the Senate formally on record in opposition to the proposed cuts in medicare and medicaid. This resolution (S. Con. Res. 18), supported by a majority of the Senate, makes it clear that these cuts have no chance of passing.

But positive, constructive actions must also be taken on behalf of meeting the urgent health care needs of 20 million older Americans. And Congress must act in the face of the administration's failure to make any recommendation to cut back the payroll taxes the worker pays or the premium the elderly pay to support the medicare program.

That is why I have introduced the Social Security and Medicare Reform Act of 1973, S. 1143. This bill provides for the reduction and eventual elimination of the supplementary medical insurance deductible—the first $60 of medical services costs that a patient must presently pay under medicare, and which the administration would raise to $85. Second, this bill calls for the elimination of the monthly premium paid by elderly persons under the supplemental medical insurance program—the premium that is scheduled to rise to $6.30 per month beginning in July, and which the Republican Party platform of last year pledged would henceforth be paid by the Government. These charges have already increased 100 percent since 1966, placing a heavy burden on the low-income elderly.

Title III of this bill would begin a system of one-third general revenue financing for the social security system. This change would promote a long-overdue reform in what is now a regressive payroll tax, to make the financing of social security more equitable, while maintaining the actuarial soundness of the trust fund. It is an essential reform to offer the working man relief from this heavy payroll tax burden. And let it be parenthetically noted that it is this trust fund, entirely self-financed by taxpayer contributions, that constitutes a major portion of the funds the Nixon administration contends are being channeled under its fiscal 1974 budget into human resources—a deceptive claim that should be openly challenged.

Other provisions of this reform measure would eliminate the earnings limitation for social-security retirement benefits—making it the policy of our Government that no person should be denied the opportunity to work or be penalized for working, because of age—and would provide that individuals who are entitled to receive widow's or widower's benefits would receive 100 percent of such benefits.

Direct action is also called for, however, to meet the health care crisis confronting older Americans. There are few alternatives available to the elderly in need of health services, few neighborhood medical centers, and even less home health services than a few years ago.

The Nixon administration appears determined to make the elderly and the sick bear the brunt of controlling inflation. It has not objected to a disgraceful loophole in the Social Security Act that achieves fiscal savings through requiring an elderly person receiving a social security increase to give up an equivalent dollar amount from the supplementary benefits he or she had been receiving under programs for public assistance, food stamps, public housing, and veterans pensions.

It was to close this loophole that I introduced S. 835, the Full Social Security Benefit Act of 1973. I firmly believe there must be no erosion of limited income gains for the elderly enacted by Congress to help them catch up with the rise in the cost of living, especially when these gains could be totally undermined through the administration's proposals for sharp cutbacks in the coverage of health care costs under medicare.

We must confront the harsh statistics of health care costs for older Americans that are rising twice as fast as for young persons. We must guarantee the original promise of medicare: health care security. To initiate congressional action toward the achievement of this goal, I introduced bills in the last Congress to authorize medicare coverage for prescription drugs—a major out-of-pocket cost borne by the elderly—and for the provision of home health care services, without the requirement of prior hospital confinement. I also introduced the Comprehensive Home Health and Preventive Medicine Act, to provide for grants to the States for projects to establish home health centers—local agencies serving the elderly, with preference given to low-income persons, and providing a range of preventive care and diagnostic services, as well as prescription drugs, hearing aids, optical supplies, speech pathology and audiology services, nutritional counseling, and physical therapy.

In place of the administration's totally negative approach to promoting alternatives to hospitalization through setting up cost barriers to the elderly in obtaining hospital care, I have proposed a constructive answer in the present Congress to meet the urgent need of 20 million people—four out of five of whom are over age 65—who are chronically ill and disabled, for a range of services, including outpatient treatment, convalescent care, various rehabilitation programs, or periodic intensive nursing, as an alternative to acute care, or hospitalization. The National Chronicare Demonstration Center Act of 1973, S. 393, which I introduced in January, would provide for project grants for programs to test the feasibility of a comprehensive, efficient, and humane system for the treatment of chronic conditions, which is currently estimated to account for over half of the skyrocketing costs of hospital care.

Beyond launching such initiatives, it is clear that a nationwide reform of our health system is urgently required, to assure that every American citizen has immediate access to quality health care at the lowest possible cost. In 1949, I sponsored original legislation to establish a comprehensive national health insurance program, and I continued to press for the adoption of what later came to be known as the medicare program, designed to at least meet the immediate and critical health cost problems of the elderly.

The administration's fiscal economizing would undermine even the achievement of this goal. In addition to proposing serious cutbacks in housing and social services for senior citizens, the administration would deny the elderly even the benefit of reduced premiums for medicare coverage through savings achieved by requiring them to pay a substantially higher proportion of the costs of hospital care and medical treatment. Instead, these savings, amounting to well over $1 billion, would be applied as an offset against the deficit in the Federal budget for fiscal 1974. The Nixon administration demonstrates an unconscionable insensitivity in trading off better health care for older Americans to pay the bill for increased defense expenditures, for which there is no essential requirement. And it will be incumbent upon Congress, once again, to cut back administration budget requests for nonessential defense items, where it is estimated, on the basis of careful analysis, that a genuine fiscal saving of at least $5 billion can be achieved, and to apply this saving immediately to programs to meet critical human needs at home.

Mr. President, I ask unanimous consent that an excellent article on the controversy surrounding the Nixon administration's proposals for cutbacks in medicare, by Jonathan Spivak, and appearing in the Wall Street Journal of March 23, 1973, be included at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Should Old Folks Pay More for Medicare? Would That Curb the Misuse of Services?

(By Jonathan Spivak)

Washington.—Mary W., 75 years old, entered Washington Hospital Center here last November with diabetes and cancer. Though her seven-day stay cost $903.35, she paid only $72; medicare took care of the rest.

But, under a Nixon administration proposal, she would have to pay nearly twice as much, or $142.13, for the same care.

That is a fair sample of the dollar-and-cents effect of one of President Nixon's most hotly disputed economy plans—one that proposes the elderly foot more of their health bills while the government pay less. The biggest change: Starting next January, the aged would have to pay 10% of their hospital bills. Their contributions now total far less than that. And though a few medicare beneficiaries would gain by the change, many would find their pocketbook burden doubled.

Against these presidential intentions, the elderly and their liberal friends in Washington are employing strong language. "Savage cutbacks proposed for the medicare health insurance program . . . represent a shameful repudiation of a pledge made older Americans by the President," charges Nelson Cruikshank, 70, president of the National Council of Senior Citizens.

But Nixon spokesmen, denying any breach of promise, are pouring forth soothing reassurances. Caspar Weinberger, Health, Education and Welfare Secretary, says: "We believe that the medicare reforms . . . won't impose financial hardship on the program's beneficiaries."

EMOTIONAL DEBATE

In the often emotional debate, serious economic issues are being thrashed out. The administration, backed by congressional conservatives, believes the rapid escalation of medicare costs must be halted. The proposed changes would mean a cut of 10%, saving an estimated $1.3 billion annually at the start and much more later on.

The advocates of the cutback argue, too, that the tightening-up would eliminate wasteful use of health services, make physicians more cost-conscious and tie medicare patients' payments closer to the actual cost of care.

"It seems clear that someone with a pension or even Social Security income can and should pay a small percentage of his income if he is going to stay in a hospital bed that is going to cost other people as much as $50 to $100 a day," insists Nixon aide John Ehrlichman.

Critics complain that the changes would impose a financial burden on the aged, prevent them from getting necessary medical care, produce a medicare fund surplus without passing the savings along to taxpaying workers and do nothing to solve the problem of rising medical costs. One Democrat, Sen. Edmund Muskie of Maine, even suggests "this plan could in fact increase costs for all concerned—the elderly, the government and the health industry."

The critics do concede one point: Charges paid by patients would be more closely related to actual hospital costs. Currently the aged must pay the national average cost for their first day of hospital care, regardless of what the hospital charges and what the illness is. They then get 59 days of the free hospitalization. For the 30 days following they pay 25% of the average daily cost and for the 60 days following that they pay 50%. This arrangement plainly puts a burden on patients who are more seriously ill and stay in the hospital longer, and it ignores wide cost variations among individual institutions in different parts of the country.

Instead, the administration approach would have patients pay the actual charges for the first day of care. These range from $15 in small hospitals to $100 in big-city institutions. The national average is $72 a day. After the first day, patients would pay 10% of all hospital charges.

Some patients, particularly the 1% hospitalized for more than 60 days, would save money by the change. But most patients would pay more than at present, since the average hospital stay for medicare beneficiaries is only about 12 days. Secretary Weinberger concedes that the patient's payment for the average stay would rise to $189 from $84.

Other burdens for medicare beneficiaries would also rise. Under the program's separate coverage of doctor bills, patients would have to pay a higher "deductible" amount before the government would start shelling out. These payments would increase in the future by the same percentage that Social Security benefits rose.

COUNTING ON MEDICARE

The savings resulting from the proposed changes would permit a reduction of 6% to 7% in the payroll tax that finances medicare and would allow a cut of 30 cents from the $6.30 monthly premium for doctor-bill coverage. But the administration isn't proposing such adjustments. Instead, it is counting on the medicare cutbacks to help reduce the budget deficit.

Nixon men argue, moreover, that reducing medicare outlays would allow them to maintain spending for other health programs. But Congress likes to look on medicare and Social Security as a separate compartment of the budget and balance the tax revenue taken in and the benefits handed out.

Beyond that, Congress simply doesn't like the notion of curtailing basic benefits that so many voters count on. And this is one Nixon economy plan that would clearly require legislation to enact. Last year a much milder proposal to increase patients' hospital payments came to grief in the Senate Finance Committee. This year's tougher plan seems sure to meet even stiffer resistance, as Secretary Weinberger's stalwarts themselves concede. "There's a one-in-twenty chance to get the legislation," one HEW official says.

The clashing assessments of the Nixon proposal spring partly from conflicting views of medicare priorities. To those who see lowering of financial barriers to medical care as the overriding aim, any increase in payments to the elderly is a step backward. Certainly when medicare was adopted in 1965. Congress was more intent on increasing the aged's access to health care than on holding down the cost.

"The whole principle of medicare was that the elderly weren't getting the care they need because they couldn't afford to pay for it," insists Bert Seidman, Social Security director for the AFL–CIO.

To those more concerned about costs, the view is different. Since 1965 the price of medical care has skyrocketed, and the government has already imposed limits on physicians' fees and the length of hospital stays it will pay for. The proportion of the aged's total health expense covered by medicare has fallen to 42% from a peak of 45% in 1969. And by some estimates, the new Nixon plan would reduce the share to 35%.

Those eyeing medicare costs look also at the elderly's income and find it has risen sharply. Since 1965 Social Security benefits have increased 70%. The administration argues this rise should permit an increase of 70% to $85 from $60 in the payment that a patient must make for doctor bills before the government pays. Thus, the aged wouldn't be any worse off financially under this part of the program than when it started in 1966, the economizers reason.

The proposed increase in patients' payments for hospital care is defended on the broad ground for promoting economy and efficiency in health care. Proponents contend that making patients share in the cost would deter needless treatment and increase price competition in the medical marketplace.

STOP-AND-LOOK ATTITUDE

Imposing a 10% patient payment for hospital care would act as "a reminder that these resources aren't free, and for a fair fraction of the aged it's probably a meaningful enough amount," Martin Feldstein, a Harvard economist, says.

"It achieves a stop-and-look attitude: Do I need to be in the hospital an extra day? Do I need this test?" argues Peter Fox, a HEW health expert.

Mr. Fox and colleagues contend that patients facing larger bills would seek to be admitted to lower-priced hospitals, to avoid costly tests and to shorten lengthy hospital stays. Admittedly the decisions are made by doctors, but proponents reason that patient pressure would make the medical men more cost-conscious and would minimize intervention by Washington. "My personal preference is to let doctors and patients make the decision, not the federal government," says Stuart Altman, a deputy assistant secretary at HEW.

There is little doubt that increasing charges to patients decreases their use of medical care. When a 25% patient payment was imposed by a Palo Alto, Calif., medical clinic, use by Stanford University employes covered by a university health plan dropped 24%. Studies of other health plans show similar effects. "If you put in a big enough financial barrier, you will have a diminution in use," concludes Howard West, director of the Social Security administration's division of health insurance studies.

Unfortunately, it is difficult to determine whether essential or nonessential medical services are cut back in such cases. Statistics are sparse and subject to differing interpretations. Moreover, there isn't any agreement on what is a proper amount of care for the aged or any other population group. Medicare enthusiasts tend to measure progress in dollars spent, but dollar amounts can't express the quality of care.

When medicare began paying the bills for the elderly, their use of health services jumped 25%. At the same time, use of health services by younger people fell, presumably because medical-care costs were vaulting. But since 1969, hospitalization rates for the elderly have declined; the average length of stay has dropped sharply under pressure from medicare's managers. "I don't see any evidence there is overutilization or underutilization now," says Herman Somers, a Princeton University health insurance specialist.

The idea of making the medical marketplace more responsive to price competition is appealing, but skeptics detect several drawbacks. How hard-headed can a worried, impoverished and medically unsophisticated patient be? Does a sick person want his doctor to skimp on the costs of his medical care?

Moreover, there are many of the aged who can hardly become more cost-conscious because of the administration's proposal. Some are so poor that medical-welfare programs take care of any payments they incur that medicare doesn't cover. Others are wealthy enough to buy supplementary private insurance to fill medicare's gaps. The existence of these groups weakens the case for the cutbacks.

The underlying question of how much individual patients should pay for their health care is an issue sure to arise in any future broad national health insurance program. Congress is already considering possibilities that range in generosity from an AFL-CIO proposal for paying the full cost of most care to an American Medical Association plan for providing limited financial help to low-income patients. The medicare outcome will show which way politics points.

PRICE CONTROLS ON NATURAL GAS

Mr. FULBRIGHT. Mr. President, reports in this morning's papers indicate that the President's long-awaited energy message to the Congress may include a recommendation to eliminate the Federal Power Commission's authority to regulate natural gas prices.

In a speech to the National Press Club yesterday, FPC Chairman John N. Nassikas said that the Nation needs a natural gas program that allows a "radical upturn in discoveries and dedications of new natural gas supplies to the interstate market." He implied that deregulation would remove the present system of price restraints which are partly responsible for the chronic shortage of natural gas in the United States, and for the lag in exploring for new natural gas that worsens the shortage.

I welcome the suggestion made by Mr. Nassikas that Congress eliminate the Federal Government's authority to regulate prices of new gas on the interstate market, and I hope that the President's forthcoming message contains a recommendation for legislation along these lines.

It is interesting to recall that this was a major purpose of the Fulbright-Harris natural gas bill of 1956, which was approved by Congress but vetoed by President Eisenhower. What has happened, as those of us advocating the 1956 legislation had warned, is that interference by the Federal Power Commission with market forces—by keeping natural gas prices down—has resulted in the diversion of risk capital from further exploration for gas. As Mr. Nassikas pointed out, this has certainly been a key factor in the present shortages which we are faced with today.

One of the arguments used by opponents of deregulation during the 1956 debates was that deregulation would result in consumer price gouging by the natural gas industry. It is apparent from the reaction to the Nassikas statement yesterday that similar arguments can be expected in the months ahead as Congress deals with the issue once again.

I believe today as I did in 1956 that such arguments are specious and distort the real issue involved in deregulation, which is how to insure a sufficient supply of natural gas to domestic users at a reasonable market price.

Mr. President, I ask unanimous consent to have printed in the Record the two articles from the Washington Post and New York Times of April 11 which describe Mr. Nassikas' statement to the National Press Club. In addition, I ask unanimous consent to insert a series of statements and articles which I wrote in 1956 in support of deregulation of natural gas prices at the wellhead, and which, I believe, are still pertinent to the discussion of this question today.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Washington Post, Apr. 11, 1973]

FPC Wants Natural Gas Decontrolled

(By Thomas O'Toole)

The chairman of the Federal Power Commission yesterday proposed the elimination of federal controls over natural gas prices, a regulatory function that has been the province of the federal government since 1938.

In a speech to the National Press Club, FPC Chairman John N. Nassikas suggested that Congress revoke the FPC's authority to regulate prices of "new" gas on the interstate market.

It is understood that his suggestion will have the full support of President Nixon when he delivers his long-awaited energy message to Congress next week.

"I think the President's energy message will have legislation in it to deregulate natural gas," one White House source said. "I think the President believes the time has come to deregulate natural gas."

Nassikas said that deregulation would remove the price constraints he said were partly responsible for the chronic shortage of natural gas in the United States and for the lag in drilling for new natural gas that worsens the shortage.

He implied that higher prices would drive many industrial customers away from gas to other fuels and would stimulate exploration.

The FPC chairman said the nation needs a natural gas program that allows a "radical upturn in discoveries and dedications of new gas supplies to the interstate market."

Critics of the deregulation proposal immediately assailed it as a move directed against the consumer and all for the big producers of natural gas.

They said deregulation would double the wellhead price of natural gas from its present price of 26 cents per thousand cubic feet, a move that would cost American consumers as much as $50 billion over the next 20 years.

"If you deregulate gas, then the price on new gas will double overnight," said Charles F. Wheatley Jr., general counsel of the pro-consumer American Public Gas Association. "Deregulation means that you create a situation where producers obtain a huge windfall profit at the direct expense of the consumers of the nation."

Nassikas said that gas already flowing through pipelines under existing contracts would remain under FPC regulation, but he also suggested that even this gas could be released from controls by renegotiated contracts.

The FPC chairman also proposed that new gas decontrol be accompanied by FPC authority to monitor the results of deregulation. He also suggested there be a mandatory review by Congress to see whether price regulations should be re-imposed, a suggestion that was greeted with scorn by Wheatley.

"I don't see how you could take the lid off prices now," Wheatley said, "then come back in two or three years and say let's freeze them. That's absurd."

Nassikas conceded that price controls on gas "is not a Utopian solution . . . but it is worth trying on an empirical basis to see if the economics of the marketplace will elicit greatly expanded gas development."

One aide to a senate subcommittee said he foresaw an all-out fight on the natural gas question, pointing out that the Supreme Court in 1954 had upheld the legality of the Natural Gas Act of 1938. The aide also noted that two previous attempts had been made by Congress to deregulate gas prices, but they were vetoed by President Truman in 1948 and President Eisenhower in 1958.

[From the New York Times, April 11, 1973]

FPC Head Urges End to Gas Curbs; Suggests Higher Prices as Way To End Shortage

Washington, April 11.—John N. Nassikas, chairman of the Federal Power Commission, said today that he favored ending Federal price controls for new supplies of natural gas on the interstate market.

Mr. Nassikas's position was widely interpreted as a clue to what President Nixon will say in the energy message he is expected to send to Congress next week.

Speaking to the National Press Club here, Mr. Nassikas, a New Hampshire lawyer and Nixon appointee, stressed that he spoke only for himself. But it was deemed significant that Mr. Nassikas had refrained from this issue until Presidential policy was formulated

Mr. Nassikas was believed to be aware of the President's position and to be acting in a way that would support Mr. Nixon's proposal in Congress, where natural gas pricing is a divisive issue.

SHORTAGE NOTED

Gas supplies are short, he argued, and the way to encourage more drilling and discovery may be to let prices rise.

"You have to try it," he said during the question period. "You have to measure the results. You have to watch it and see whether you're succeeding."

In his formal talk, Mr. Nassikas proposed that his agency "monitor the effectiveness of decontrol in securing new commitments of interstate gas supplies at a reasonably competitive price with alternative sources of gas and competitive fuels."

After three to five years, Mr. Nassikas said, Congress could "determine whether direct price controls should be reimposed."

Mr. Nassikas' proposals was carefully phrased to include only additional volumes of gas to be committed to interstate pipelines. By saying "new discoveries, dedications and wells," he included in the gas he would exempt from Federal regulation those supplies already discovered but not committed to the interstate market.

Wellhead prices of gas now flowing to interstate markets would remain under Federal jurisdiction. However, Mr. Nassikas proposed that such jurisdiction end when the present contracts expire.

INVESTMENT PLAN OPPOSED

Mr. Nassikas said he opposed the extension of the F.P.C.'s jurisdiction to natural gas now being sold in the state where it is produced. He took a dim view of the suggestions that freedom to raise prices above current levels be conditioned on a commitment to invest the additional revenue in exploration.

Mr. Nassikas added that the survey of natural gas reserves sponsored by his agency would support decontrol of new gas supplies. That was taken to mean that the survey would ratify the industry's official figures, which show that proved reserves have been declining, and would rebut critics who contend that the reserve figures have been understated.

Speaking with some feeling, Mr. Nassikas reiterated what he described as his view of 1970, that there were no "massive supplies hidden in the ground." He said that "the evidence seems to be thinner today than it was then."

[From the CONGRESSIONAL RECORD]

THE NATURAL GAS ISSUE: STATEMENT AND ARTICLES IN SUPPORT OF S. 1853, BY HON. J. WILLIAM FULBRIGHT, OF ARKANSAS, JANUARY 9, 1956

Mr. President, I ask unanimous consent to have printed in the body of the RECORD a statement and two articles which I have written on the proposed amendment to the Natural Gas Act. As the Senate has been advised, this legislation is scheduled for debate beginning next week and I wish to place in the RECORD my views regarding this issue since I am sponsor of S. 1853.

The first item is a statement which I made at the opening of the hearings by the Committee on Interstate and Foreign Commerce on May 10.

The second item is an article which I prepared for publication by the St. Louis Post Dispatch.

The third item is an article by me which is published in the January 5, 1956 issue of the Public Utilities Fortnightly.

There being no objection, the statement and articles were ordered to be printed in the RECORD, as follows:

STATEMENT ON S. 1853

Members of the committee, I am here today as the sponsor of the bill now under your consideration, S. 1853. As most of you realize, the language of this bill is identical with the language of the bill sponsored in the House by Representative HARRIS, of Arkansas, on which extensive hearings already have been held.

The terms and provisions of S. 1853 may be subject to amendment and change by this committee after the various witnesses have been heard. I do not, in any sense, represent this measure in its present form as the final word on this problem, nor do I wish to establish the impression that I am an expert on the intricacies of the natural-gas industry, because I am not.

It is not necessary to be an expert on the natural-gas industry, however, to understand and appreciate the problem involved here. The problem is much greater, and far more important, than any single industry.

Fundamentally, the basic problem is an old one: The economic exploitation of the resources-producing regions of this Nation. That is a matter to which I have given long and concentrated attention, and it is because of my interest in that subject that I have introduced this measure.

Since the western expansion of this Nation began more than a century ago, there has been a continuing problem—a problem which industrialization has compounded almost beyond correction—of the economic inequality of the South, the Southwest, and the West, in relation to the East and the North.

The economies of the States outside the East and North have been, and still are, dependent upon natural resources for their strength and prosperity. Tax revenues from the production of such resources constitute the primary support for public education, welfare programs, highway construction, and other vital functions of the State governments in these areas. The critical value of such resources to these States is indicated by the careful, farsighted, and highly successful conservation programs which the resource-producing States have instituted and maintained with vigorous public support and approval.

Despite what the States have been able to do, a serious economic inequality has persisted through the years, and exists today. In numerous instances, the resources of such States are absentee owned; the primary wealth and profit produced by such resources benefits other regions. In still more instances, the raw products of these regions are transported from the States of origin, processed in the East and North, and the finished product resold to our residents with the profit added by manufacture going to benefit other regions. This is the classic pattern of the Nation's economic development.

Of the raw commodities produced in the South and West, few are more valuable than natural gas. As both a fuel and as a raw product, natural gas represents a source of great potential wealth and benefit to these regions. The natural gas-producing States have only in recent years begun to realize part of that potential.

Today we are faced with a problem, I might say a threat, the gravity of which cannot be overstated. The Supreme Court's decision in the Phillips case, giving the Federal Power Commission authority to assume wellhead controls over independent natural gas producers, threatens to deprive us of the potential promise afforded by this precious commodity.

It is my own conviction—which I realize it is needless to argue—that the Court erred in its interpretation of the Natural Gas Act. The legislative history of that act and the subsequent administrative interpretation made by the Federal Power Commission from 1938 to 1954 present no evidence, as I see it, to sustain the Court's verdict.

Whatever the facts may be in that situation, however, I think that we should focus our attention clearly on the unprecedented policy proposed now by those who demand that the Court's delegation of power to the FPC be left untouched.

Those who are asking for Federal control over the production of natural gas by independent producers are asking, first of all, that this Congress establish a policy of selective peacetime price control, asking that we reach down through the maze of the American economy and single out one commodity, one commodity alone, for arbitrary price fixing.

There is no equity in such a procedure; none at all. Our entire national experience with price controls, in peace or war, is testimony to the folly of selective controls. Such controls are, essentially, punitive; because they are punitive, they discourage productivity. In consequence, an artificial shortage breeds artificially high prices. Such is bound to be the result of wellhead controls on natural gas production.

The inequity of this situation is further emphasized when we realize that the exercise of wellhead controls by the Federal Government will not, and cannot, be of direct benefit to the ultimate consumers of natural gas. Only last year, this Congress passed the Hinshaw bill, restating and clarifying the traditional exemption from Federal jurisdiction of the rates and facilities of distributing companies. Distributing companies are the retailers of natural gas; they are governed by local municipal or State commissions which set consumer charges. Thus, those who ask that the Federal Government take control of gas prices at the wellhead ignore the fact that the Federal Government is powerless to raise or lower the prices paid for such gas by the public.

If there are beneficiaries of Federal control over natural gas production, those beneficiaries are not the families of this Nation.

No, as I see it, the proponents of Federal wellhead control are, perhaps innocently in some cases, asking for the power of the Federal Government to be used against the resource-producing States to compound the economic exploitation and discrimination so long practiced in this Nation.

Federal control over the independent producers' prices amounts, in effect, to protection for the competitive position of the pipelines and the distributing companies; the blue-chip investments of the postwar era.

Certainly it is obvious that Federal control over such producers will, because of its punitive and inequitable nature, cause many of them to sell their gas in place to the pipelines, which as utilities, enjoy the bonanza of a protected profit.

This will mean hardship and loss to the independent producer—the smaller he is, the harder he will be hit; it will mean the same to the countless royalty owners and landowners who enjoy no commanding economic position; it will mean hardship, also, to the State governments.

If the wellheads of our natural-gas fields are to fall into the sphere of Federal jurisdiction, a serious question exists as to whether the taxing powers of the States can continue to operate in that same sphere.

Likewise, the occupation of this sphere of jurisdiction by the Federal Government casts a dark shadow on the power of the States to enforce their various conservative measures on natural gas, and, also, on oil which is most commonly produced in association with gas.

These are serious matters, involving the relations between the States and the Federal Government, involving the functions of our free-enterprise system, involving the economic health of two-thirds of the Nation.

If Congress perpetuates Federal control, actively or by default, we shall set a precedent—a dangerous, unprecedented, and hazardous precedent—for the political exploitation of the resource-producing States. Here in Congress, certainly the great financial interests of the North and East can amass voting strength far superior to that held by the producing States. The precedent of selective-price controls sets a new pattern for exploitation, which, considered in light of the politics involved, becomes far more vicious, far more oppressive than anything ever before seen.

In this day, when the demands of world leadership require the maximum strength of all States and all regions, Congress should certainly act with great care to avoid rushing into a pattern for economic exploitation of any regions.

I feel strongly that the historic pattern of free competition in the field—the pattern followed since the inception of the interstate natural-gas industry—is the best protection, ultimately, for both the Nation and the consumer.

I believe it is urgently important for us to restore the original meaning to the Natural Gas Act. It may be that this bill now before you, S. 1853, goes too far in compromising the various cross-purposes of the competitive segments within the industry. I hope that the committee will not be distracted from the prime purpose by such quarrels or differences. The main purpose will be accomplished if we can, as I said, simply restore the original meaning to the Natural Gas Act.

[From the St. Louis Post-Dispatch of July 31, 1955]

FULBRIGHT SAYS UNITED STATES CONTROL OF NATURAL GAS PRICE AT WELL WOULD BOOST CONSUMER'S COST—HE REPLIES TO DOUGLAS THAT CURBS WOULD WRONGLY CLASSIFY PRODUCTION AS UTILITY AND END SEARCH FOR FUEL WHICH KEEPS IT CHEAP

(By J. W. FULBRIGHT, U.S. Senator from Arkansas)

WASHINGTON, July 30.—If producers in the Southwest donated a year's supply of natural gas to the families of Missouri, the typical household budget would be saved only $8.63—and there would still be a $69.38 gas bill to pay.

Exceptional? No, not at all. The same pattern is nationwide among States importing most or all natural gas used for residential purposes. Free gas, given away at the producing field, would still cost $69.66 a year to the average family in Wisconsin—a saving of $4.96 annually; $72.60 in Tennessee—a saving of $7.25 annually; and $68.23 in Illinois—a saving of $5.83. In Rhode Island, where gas is used primarily for cooking and not for heating, free gas would save the average Rhode Island consumer only $1.54 on an annual gas bill of $66.66.

Where are the added costs slipped into the consumer's monthly bill? Most natural gas users may be surprised to learn that, literally, it happens right at home—not far away in Texas or Louisiana or Arkansas. The culprit, if there is one, is not some far away, impersonal corporation—it is your local distributor of gas.

NINE HUNDRED PERCENT RISE

The 320,000 residential users of natural gas in St. Louis and St. Louis County pay nearly 900 percent more for gas than the same gas costs in the producing field. Out of $21 million St. Louis families pay each year to cook and heat with gas, $14 million is for costs added after the natural gas has been delivered into the city.

Specific prices and specific costs vary from city to city and State to State, but there is no variation in the fact that—on the national average—85.5 cents of every household dollar spent for gas goes for service, and only 11.5 cents goes for the gas itself. The field price of natural gas is the smallest component of the ultimate retail price.

These facts are highly significant and pertinent to the Congress' present effort to formulate a new policy to guide Federal Power Commission participation in the regulation of the natural gas industry. Consumers, press, and public officials must understand these facts thoroughly; otherwise there is a very real danger that Congress may be influenced by artful and tireless propagandists to take a wholly unrealistic and foolish course.

The question of Federal policy toward the Nation's basic fuels and energy resources is a fundamental question. Federalization of our fuel supply for example, would render untenable the historic position of private competitive enterprise as our economic system. This prospect—whether remote or real—commends caution in any approach to a new and expanded use of Federal regulatory powers.

DOCUMENTED FANTASY

Unfortunately, there are persons who seemingly will not rest until they see the Federal Government go into the oil fields of the Southwest and plant a regulatory heel on every natural gas well in that area. In their zeal, these advocates have discarded even the pretense of caution with facts and reason and have fabricated a sort of documented fantasy which they themselves believe to be learned economics.

My very good friend and colleague, Senator Paul Douglas of Illinois, demonstrated in these columns several weeks ago how successfully fantasy can be employed to obscure the true perspective of the natural gas issue. The Senator elected to discard the facts as they are and to conjure up oversized statistics more suitable to his purposes.

The actual economics of the natural gas industry refute—rather than support—the position that Federal controls at the wellhead are needed to save the consumer from the producer.

As the facts show, the producer's price is the least important factor in the consumer's gas bill. If the Federal Government should assume control over that price, the maximum benefit in dollars and cents to the consumer would be negligible even if the field price was arbitrarily reduced to zero.

FALLACY OF UNITED STATES PRICE FIXING

The fatal fallacy of this position, however, is that the Federal Government has no authority to determine or control what domestic or commercial consumers pay. Local rates are fixed locally by State or municipal agencies. The consumer allows himself to be deceived when he accepts the idea that his natural gas bill is made high by men far away in Texas—or that it can be made lower by men far away in Washington. What the consumer pays is determined usually in his own community.

This fact cannot be too strongly emphasized: Even if the price of natural gas were frozen permanently at present levels, the customers in St. Louis—and elsewhere—would probably continue to pay an increasing cost for it through the years.

The customer is, in a real sense, not paying for gas so much as he is paying for service—the finest service obtainable. At the turn of a knob, natural gas is in the customer's home, ready to cook or heat, any time, day or night, every day in the year. No shoveling, no telephoning, no storage, no inconvenience whatsoever is necessary with natural gas, and that is what the customer pays to enjoy.

STEEL PIPE A FACTOR

In the final analysis, the price of steel pipe or the overtime wages of local meter readers may have more to do with boosting the consumer's gas bill than the field price of natural gas itself. I am reasonably certain that Senator Douglas would not criticize the steelworkers union for their recent success in negotiating for a modified guaranteed annual wage, but that wage contract—resulting in a $7.50 per ton increase in steel prices—will mean higher gas bills for many present and all future natural gas consumers.

The illogic of the Federal control argument assumes even more astonishing proportions when it is realized that—wherever it is presently sold, whatever its current selling price—natural gas represents the best fuel bargain available to consumers in that area.

As a fuel for homes, business establishments, or industry natural gas is the finest obtainable. The entire interstate market for natural gas which has opened since World War II—extending service to 9 million residential users—has been a replacement market in which natural gas has been voluntarily substituted for other fuels, principally oil and coal. Other fuels have done—and could do—the job which natural gas performs. But natural gas is cleaner, cheaper, and more efficient. Natural gas is preferred by those who want the best.

If the thesis is accepted that the fuel bills of America's families are matters of concern to the Federal Government, then by no logic can it be accepted that natural gas merits first attention. Since the end of World War II price controls, the consumer costs for coal and fuel oil have skyrocketed 100 percent—the price of natural gas in the consumers price index has advanced only 12 percent. In the same period, food has gone up 65.2 percent, clothing 36.6 percent, rents 41.1 percent, and the overall cost of living 49.7 percent.

Senator Douglas—and others of his persuasion—neglect these facts, undertake no crusades to save the coal user from the producer. Obviously, somewhere along the way, some perspective has been lost on this issue. The natural gas consumer is not petitioning for relief from exorbitant prices; quite the contrary, in the State of Illinois more than 300,000 families—presently captive consumers of competitive fuels—are on waiting lists for natural gas service.

This would suggest that possibly the people understand the statistics about natural gas better than the proponents of Federal control. In his article, Senator Douglas dwelled at length on the statistic that passage of pending legislation preserving the independent producer's exemption from Federal utility-type regulation would mean, according to reasonable estimates, an increase to consumers of $600 million. In support, he cited industry experts who offered estimates of how much—on a comparative basis—natural gas would be worth if it were selling for the same price as competitive fuels such as coal and oil. This figure of $600 million is an absurdity, of course, but it does constitute the best evidence of the bargain of natural gas field prices.

This sort of mathematical contortion is—as it is meant to be—enough to frighten reason out of any discussion of this issue, but such propaganda techniques are unacceptable as a basis for decisions about national policy by the public—or by Congress.

YEARS OF PROPAGANDA

Ten years of propaganda have persuaded many good people that the big figures and hypothetical statistics are, in reality, facts. It is an uninviting labor—like trying to dissuade believers in flying saucers—that there is less there than meets the eye.

The fact is that the natural gas issue is not a dollars-and-cents issue. The real issue is supply—not price, and many of the consumers' self-appointed protectors are rendering a real disservice by obscuring that basic truth.

From the beginning, the monumental error of the advocates of Federal intervention in the producing field has been the careless conclusion that because natural gas is distributed by utilities the production of gas is automatically a utility function, also, subject to utility regulation.

This is not true.

The gas utility is selling, primarily, service. On a daily average, the residential user pays the utility 18 cents for bringing gas to him and pays only 2 cents for the gas itself.

PRICES NOT DIRECTLY RELATED

The two prices are not directly related. One may rise while the other falls or remains constant. In St. Louis, for example, the field price of natural gas consumed in the city increased 4 cents per thousand cubic feet from 1949 to 1953, while the cost to consumers for typical home use rose 12.4 cents over the same period. From 1952 to 1953, the field price for St. Louis natural gas advanced 0.2 cent, the price at the city gate rose 5.2 cents, and the price to home consumers increased 9.5 cents.

Any gas utility in the United States can—and some of them do—deliver manufactured gas, rather than natural gas, through their mains. The gas is manufactured from coal. Rising coal prices mean rising gas prices in such circumstances. No city has asked—and no Member of Congress has suggested—that the Federal Government should assume jurisdiction over coal production to fix the ultimate price of manufactured gas, yet the relationship is exactly comparable with the role natural gas occupies.

Our whole concept of utility regulation is against the argument that Federal power should be used to fix and freeze field prices of natural gas. Utility rates—even though regulated—vary with changing economic conditions, and the pretense that a Federal freeze on gas prices would be mere utility regulation is a sham. What the proponents of Federal gas controls are asking is the introduction into our political system of a punitive, arbitrary, selective exploitation of individual commodities on a political basis.

The inapplicability of the utility concept to natural gas production is further illustrated by the recent action of the city of Memphis in announcing plans to build its own municipal electric power station. Memphis can—at this distant point—predict the costs of its undertaking and determine the level of consumer rates to be charged. This is a true utility situation.

COST OF FINDING GAS

By the same measure, hundreds of American cities want natural gas—one pipeline alone has been petitioned for service by 149 cities. The cities cannot, on their own, simply undertake to supply their own gas needs. Natural gas must be found, not made. Where it might be found, how much it might cost to find it are unpredictable. On the average, 9 wells must be drilled before 1 producing well is found. At costs from $100,000 to $1 million per well-dry holes included—the outlay would be astronomical, with no certainty of success.

Obviously, the producer cannot be treated as a utility. If, as some suggest, the Federal Government should apply the utility principle and guarantee a return on investment—including the expenses of the search for gas, dry holes, and all—the result would be a gigantic subsidy to the inefficient and unsuccessful and a penalty to the efficient producer. It is quite clear now that if Senator Douglas had his way the producer would sensibly sell his high cost gas—the gas in which he had the most invested—into interstate commerce and keep the low cost gas at home in intrastate channels. This would be a particularly unnecessary burden for the interstate consumer, the folly of an unrealistic theory.

There is another element to consider. Already it has been mentioned that natural gas is not selling—and has never sold—for its relative worth on a heat content basis with competitive fuels. Gas at the well-head sells for less than half the value of coal at the mine-face and one-fifth as much as oil at the well.

OIL FINANCES GAS

This unusual economic bonanza results from the fact that, for 50 years, the discovery of natural gas has been subsidized by the search for oil. Until recent years, natural gas was considered economically worthless. Discovery was largely accidental, but through years of oil exploration a great stockpile of natural gas reserves accumulated.

The end of World War II—and the improvement of pipeline transmission facilities—opened, for the first time, access to vast new markets outside the Southwest. Consumption since that time has more than tripled in the 35 gas-importing States and some 25 million families now use it.

Today natural gas has a value which it never had before. Also there is built up a tremendous demand to find natural gas. The supplies are exhaustible; there is not enough to go around to everybody or to last forever.

The consumer's interest—the public interest—lies in finding more and more gas. What it will cost to find it no one can predict, because no search for gas has ever been financed as such. At present the petroleum industry is spending some $3,100,000,000 annually on the discovery, development, and production of oil and gas reserves combined.

If we set our Federal policy by the principle that the producer should get no more for natural gas in the future than he received in the past, then we will, necessarily, collapse the search for additional reserves. Independent gas producers are no different than Illinois farmers, St. Louis manufacturers, Wisconsin dairymen—they are not going to labor to produce a commodity which governmental policy makes uneconomic to market.

In regard to supply, no segment of the natural gas industry has a greater interest in maintaining adequate supply than the pipelines; otherwise, they could not operate. The Federal Power Commission determined some time ago that it was in the public interest to encourage the pipelines to search for natural gas, find their own reserves.

FAIR-RETURN THEORY

Senator Douglas takes issue with this, holding that the pipelines should be able to charge only on the basis of a fair return on their investment—not the reasonable market price. In many instances, the costs as determined by investment figures on a public utility formula are above the reasonable market price. In other cases, of course, the reverse is true.

For example, in the El Paso Natural Gas Co. case the most recent pertinent decision—the FPC found the marketed price of the company's gas to be $4,970,000. Had Senator Douglas' formula been applied, the cost to consumers would have been $5,060,000—plus return, plus Federal income tax amounting to several million more.

The system now used by the Commission—and embodied in the Harris-Fulbright bills before Congress—will benefit the public interest far more than Senator Douglas' unrealistic effort to impose public utility formulas upon the Nation's commodity producers.

The point is well established that—for all the good intentions which may serve as motivation—the exponents of Federal jurisdiction over the Nation's gas producers are out of touch with reality and are working against—not for—the consumer's interest.

The public interest in natural gas lies in finding more and more supplies. If the producer is treated as a public utility, the search for gas to supply the interstate market will no longer be justified.

PENDING BILLS

Congress now has before it on the calendar of each House, legislation to establish a new, workable pattern of Federal regulation—regulation to supplement but not supplant the authority of the States and municipal governments. The bills are H.R. 6645, by Representative Oren Harris, of Arkansas, in the House, and S. 1853, which I introduced in the Senate.

These bills exempt the producer from utility regulation, but they do not leave the Federal Power Commission powerless—or the consumer defenseless—against unreasonable price increases. For the first time, the Commission is given real authority to control what the producer is paid by the pipeline. Interstate transporters cannot pass on to consumers more than the reasonable market price as determined by the Commission.

The consumer benefits and the producer benefits and the national economy benefits. It is a workable, effective, reasonable system which Senator Douglas elected in his article to dismiss by saying that the "reasonable market price" standard was "useless" and "window dressing."

As shown in this article, Senator Douglas' own scheme for something other than a reasonable price would actually cost the consumers millions of dollars more.

SELECTIVE PRICE CONTROLS

In a free competitive economy, it is a hazardous business to undertake to single out individual commodities for artificial price controls by the central government. Once the government begins to pick and choose, its decisions are controlled by political considerations—not by sound economics. This leads inevitably to exploitation of the less powerful by the more powerful—the wages of labor, the products of the farmers, the output of individual plants and industries all become fair game once the precedent is set.

The bugaboo of monopoly is injected into the issue extraneously. There are more than 8,000 natural gas producers competing vigorously for leases, discoveries, the privilege of producing and of finding markets in which to sell. Of the 453 separate manufacturing industries considered standard in the United States economy, 382 have a higher concentration of ownership than does natural gas production.

MONOPOLY FACTOR

We have a great body of antitrust laws in the land to protect the public against monopoly. These are applicable to the natural gas industry as much as to any other. Nowhere among those laws, however, is it suggested that the proper remedy for monopoly is governmental price fixing—which is the course some seem now to want to follow.

The public—particularly the gas consumers—would do well to begin taking a more careful and more searching look at the arguments advanced by those who want Congress to beat a hasty stampede into the experiment of virtually federalizing a basic producing industry.

Every Federal agency which has examined this natural gas question through the years has, after learning the facts, concluded that the public interest would be best served by maintaining gas producers free of utility controls.

The Federal Power Commission reached that decision first shortly after the Natural Gas Act was passed—and then—Commissioner Leland Olds, one of the present champions of Federal regulation, was among those who voted for the exemption which Congress proposes now to reestablish in the law. Today the FPC is still asking Congress to write that exemption firmly into the law.

Both House and Senate Interstate Commerce Committees, by bipartisan votes, have recommended passage of the Harris-Fulbright bills.

The FPC Gas Producer Exemption Is in the Consumer Interest

(By the Honorable J. W. Fulbright, U.S. Senator from Arkansas)

Should a Federal agency be turned loose in the Nation's oil and gas fields to control production of natural gas with a free hand to make and apply its own rules on a day-to-day basis? Or should Congress decide the area of Federal jurisdiction and write an orderly, stable national policy into the law?

The United States Senate must soon choose between these courses. Already the House of Representatives has, for the second time in 6 years, approved a bill to give the Nation a firm, reasoned, workable policy. The measure by Representative Oren Harris, of Arkansas, extends the pattern of the Federal Government's only successful regulatory experience in this field. My bill, a companion to the Harris bill, is pending on the Senate calendar.

What the Senate decision will be is not foreseeable. The industry, the Federal Power Commission, the President's Cabinet Committee on Energy Resources and Supply Policy, and many others believe a well-defined policy is essential to the public interest. Since 1949, committees of both Houses have consistently recommended passage of legislation such as that now pending each time the Natural Gas Act has been reviewed and studied. There has never been a serious effort to advance any alternative policy for congressional consideration.

There has been—and there is now—a powerful effort to prevent Congress from declaring any policy at all. Supreme Court decisions have clouded and confused the limitations on Federal authority laid down in the jurisdictional section of the Natural Gas Act. In the absence of clarifying language from Congress, the only practical limit on Federal power is the imagination of the 3-member majority of the Federal Power Commission. This is a decisive gap in the orderly processes of government, a gap which the pending legislation seeks to close.

I

For most of its life, the natural gas issue has been styled as a classical consumer versus producer contest. It is not a valid description of the issue, but on this foundation artful propagandists have erected a wall of misunderstanding which shuts off much light from public discussions.

The purpose of the consumer versus producer alinement is obvious. However technical the regulatory question may be, it must be settled politically in the arena of politics. The men who must settle it are not technicians; they are responsive to political statistics.

If a question is to be answered in terms of 25 million consumers or 4,000 producers, 40 consuming States or 8 producing States, then there is a certain political finality about the choice. No matter how pertinent, facts about the producers' position can anticipate only a small audience. The debate is one-sided and futile before it begins.

Obviously, this styling is faulty and superficial. The remarkable consistency with which regulatory agencies, congressional committees, and Cabinet-level studies have concluded that wellhead regulation of producers is not in the public interest plainly suggests that right is not a matter of numbers. The issue is economic, not political, and it should be measured by economic factors, not political factors.

On this plane, consumers and producers are not in conflict. The producer does not control the consumer's price, and the consumer does not control the producer's price. Twice removed from each other, separated by the pipeline and distributor, consumer and producer are not in position to bargain with each other; third-party bargaining between the two, the role proposed for the FPC, has no economic basis and would be a legal absurdity.

The residential consumer's gas rate is created beyond, not at, the wellhead. Typically, 90 percent of the rate is for service, the transporting and distributing of a commodity; only 10 cents of each consumer dollar is for the commodity itself. The commodity price in the field is a fixed price, controlled by contract. The ultimate price is a variable price, subject to adjustment to allow the distributor full recovery of current costs—plus a guaranteed profit.

Control of the 1 stable price in the producer-to-consumer sequence can have only 1 purpose; to protect the variable rates of the distributor, keeping those rates palatable and competitive for a competitive market. That Federal regulation would serve the utilities' interests, rather than the public interest, was made evident when the gas distributing utilities installed a well-financed lobbying front in Washington 3 months ago for the express purpose of defeating the Fulbright bill in the Senate.

Further emphasis of this point was provided by Senator PAUL DOUGLAS in his article appearing in this publication October 13, 1955, when he wrote in support of his pro-regulation viewpoint:[1]

> Convincing evidence was presented by representatives of distributing utilities before the congressional committees to the effect that the increased cost of natural gas was seriously hampering their efforts to expand natural gas sales, that in some areas they were being priced out of the market, and that if the upward trend in field prices continued, they would meet with financial disaster.

In context, this argument explodes the contrived consumer versus producer myth. Stated baldly, the Federal regulation of independent natural gas producers is "essential" only to the utilities, so that their competitive position may be maintained at the expense of the natural gas producer. The utilities are seeking to have the supply contracts, on which the industry has been built, abrogated by Federal power so that the producer can be forced to absorb the utilities' costs.

It should be noted that the distributing utilities' plea for Federal regulation omits any reference to lower domestic consumer rates as among their purposes. The dark threat of being priced out of the market refers to the industrial market, not the cookstove and water heater market of the housewife, and is, in effect, a bid by the utilities to have Congress perpetuate artificially and arbitrarily a competitive advantage over coal, fuel oil, and other sources of energy. In other words, the utilities want gas field prices made lower so that they may sell greater volumes at their lowest rate, rather than for the purpose of reducing their highest rates—the rates which consumer families pay for home use.

Semanticists notwithstanding, the political choice—and the real choice—is not between producer and consumer, but, rather, it is between producers and utilities, or, perhaps more precisely, between consumers and utilities.

II

The gas distributing utilities are taking an expedient position, maneuvering to obtain a short-term advantage in a tightening competitive market. Their expediency has brought the utilities into strange company. Long before the utility role was so visibly defined, however, the movement for Federal control of natural gas production had its origins among the advocates of public ownership of natural resources. From this source, there has continued to come the momentum, the doctrine, the statistical exercises, and the slogan-style maxims characteristic of the effort. It is possible, but hardly prudent, to assume that the end being sought today differs from the goal in the beginning.

Historically, certain facts are pertinent. The Natural Gas Act was passed in 1938 without fanfare, without excitement, almost without interest: it was accepted as a noncontroversial measure, approved without rollcalls. In an era of self-conscious reform, this legislation was approved with a noteworthy lack of applause, for—apparently contrary to the prevailing trend of those times—it drew careful and precise lines on the limit of Federal jurisdiction. From 1938 to 1954 this limit stood. Then, by a divided opinion, the Supreme Court obscured the line in the case of certain sales by one producer, and the FPC elected to apply universally the mandate which a majority of the Commission found in that one case.

Before that decision came, however, there had been an unrelenting campaign against the limitations on FPC jurisdiction: not an effort to remove the restraints by affirmative legislation, but, rather, a campaign to confuse the legal language and resist congressional clarification. This pattern persists unchanged to the present.

The public has never been given a straightforward picture of what federal controls over gas production would mean or involve. Proponents of that cause have rallied support negatively, portraying imaginatively and quite loosely what producers might do if not controlled. They have, however, entirely failed to explain what they themselves would do if entrusted with the powers they seek. I have failed to and in any of this group's writings or preachments a single promise of a benefit to consumers. The whole burden of their appeal is that they will not let happen what might not happen anyway. This is pure demagoguery.

Reduced to reality, the mobilization of consumer wrath through all the mass media of communication and propaganda has been for the purpose of preventing Congress from taking an action which would draw a line on how far the Federal Government can go into the oil and gas fields. The long-maintained barrier against Federal intrusion into the realm of resource production has been breached at a weak point into the language of the Natural Gas Act; the gap is open for the forces of public ownership to filter through. This is certainly no ordinary matter which faces the Senate now.

III

For some, it is difficult to equate the dimensions of the issue with the minute size of the segment of the economy directly affected. It is well, therefore, to examine in more detail the implications of this issue.

The immediate reach of the act would seem, it is true, to be only one industry. However, for regulatory purposes, natural gas is inseparable from oil at the producing level and the two fuels supply 63.8 percent—nearly two-thirds—of the energy on which the American economy operates. When the arm of the government power reaches out for natural gas, it brushes against the jugular vein of our enterprise system. Control over the production of any resource is, inevitably, control over its use and its users. Such control is fundamental to a regimented economy.

We must recognize, also, that the future is built on today's precedents. The precedent which the Supreme Court and the FPC have fixed in their interpretation of the jurisdictional cause of the Natural Gas Act is that those who supply a public utility become, by that one test, public utilities in their own right.

Natural gas producers are not utilities and the Supreme Court did not insist that they were. The essence of the Philipps decision was that because a gas producer's commodity might eventually influence a distributing utility's rate the producer should be regulated on a utility basis also.

This is, I might suggest, closely akin to what some of my colleagues would regard as "guilt by association." By a sort of agile and spurious logic, the independent producer is classified as a fellow traveler of the utilities, to be treated in the same manner.

Obviously, this established legal precedent—albeit a classical example of double think—could, if universally applied, ensnare the whole range of our manufacturing and productive industries. The proponents of Federal regulation of gas producers are making a political promise to consumers of a fixed gas rate. To fulfill that promise, it would be necessary to control all components of the consumer's rate: steel, fabrication, right of way, office machines, wages and salaries, and all else that constitutes 90 cents of each dollar the consumer pays.

The promise of a fixed consumer rate is, actually, an important and significant departure from the established principles of utility rate regulation. Traditionally, utility rates are current rates, based on the costs of operation under current economic conditions plus a reasonable return. To freeze a utility rate for 20 years, without regard to cost or current economics, would, in an inflating economy, be confiscatory and leave no room for private ownership or operation. This is exactly what is proposed for independent gas producers.

Field prices of natural gas have never reached a level of current value. On comparative basis, gas sells in the field for substantially less than competitive fuels. Likewise, on the basis of costs of discovery and development, the gas price has not reflected actual cost. Gas has been discovered as an incident of the search for oil; it has, in effect, been subsidized by oil. The proponents of Federal regulation disregard this and submit, as one of the primary justification for such controls, the necessity for preventing gas-field prices from rising to a current value. Obviously, this is arbitrary, punitive, and confiscatory. It is not utility regulation; it is political regulation, leading inevitably to public ownership.

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[1] Federal Regulation of Independent Natural Gas Producers Is Essential, by Hon. PAUL H. DOUGLAS, Public Utilities Fortnightly, October 13, 1955, p. 622.

Carrying this recital forward, the proponents of Federal gas controls have raised the specter of a zero rate base. They propose that the producer be allowed to recover the cost of his lease, drilling costs, and fixed equipment. After that his expense would be fully amortized and there would be no base on which to fix a return—a percentage return on zero is zero. Corollary with this, the Federal Power Commission now holds that dedication of a commodity to public use supersedes and abrogates the terms of private contracts, specifically precluding the right of a seller to withdraw his commodity if the terms of his contract are breached and casting doubt on the seller's right to terminate deliveries after a contract has expired. In other words, a contract is meaningless. Once a producer commits his commodity to a public use his normal rights of ownership expire and he must continue deliveries, even if he is not being compensated on a current basis.

This is not conjecture or prophecy; this is simply the logic of the course we are already following. Independent gas producers already are caught in this web and this much of it they can see, but neither they, the FPC, Congress, nor the public can say how big the web is, for nowhere is the pattern of this regulation described by law. From what is already visible, however, no great imagination is required to visualize the application of this precedent to a greater breadth of the economy than natural gas.

Already there is an evident conflict between the Commission's position and the established jurisdiction of the States in matters of conservation and taxation. If the powers of the States cannot prevail against the Federal power, then the State commissions are reduced to subsidiary status, functioning as administrative agencies for the Federal Power Commission.

There is, likewise, an obvious conflict in the effort to control gas without controlling oil when the two are produced concurrently from a common well mouth. The FPC defines independent producers now as "natural-gas companies," within the meaning of the Natural Gas Act; that act requires FPC certification of the facilities of "natural-gas companies." Doesn't this mean producers must secure certificates of public convenience and necessity before beginning to drill or lay casing—their only "facilities"? What about the producer exploring for oil who finds gas unexpectedly? Must such oil producers hedge against the possibility by seeking certificates, too? Also, the act gives natural-gas companies the awesome right of eminent domain. If producers are natural-gas companies in the eyes of the law, do they not have the privilege of eminent domain in searching for petroleum beneath private property?

These questions are pertinent and pressing questions. The fact that there are no available answers demonstrates, convincingly, the weakness and hazard of the negative case for Federal controls over independent producers. Proponents of such controls have never presented a case for Federal regulation; they have failed even to define what Federal regulation should be or would be. Their whole case is a case against congressional determination of Federal policy. By preventing such congressional action, it is obvious they hope to achieve an extension of Federal power which this Congress—and no other Congress of recent years—would not endorse on its own merits.

These facts represent persuasive evidence of the importance of congressional clarification of the jurisdictional clause of the Natural Gas Act of 1938.

IV

The Federal policy toward natural gas production proposed by the pending legislation in Congress reiterates the traditional definition of Federal jurisdiction which prevailed from the passage of the Natural Gas Act in 1938 to the Supreme Court's Phillips case decision in 1954.[2]

Under that policy, Federal regulation is attached, properly, to the interstate segment, i.e., the pipelines, of the producer-transporter-distributor sequence. This policy gives the Federal Power Commission authority to control the rate at which natural gas is sold at the city gate, or, more specifically, to assure that the charges for transporting gas from the field to the city are reasonable.

Federal regulation applies to a service, not to a commodity; likewise, local rate regulation functions in the same manner. This is the critical area of the public interest. Service costs, unlike commodity costs, do not pemit long-term control by contract. In lieu of contract, governmental policing is necessary to protect consumer interests. Where it is possible to establish fixed contract prices, through private bargaining, governmental policing is gratuitous and burdensome.

It should be kept in mind that under FPC policies, producers have been required to enter 20-year contracts, dedicating their reserves for two decades at prices arrived at on the basis of today's values. This long-term dedication is held necessary to assure consumers of adequate supply. Whatever the necessity, no other producer in the economy is required to make a comparable dedication.

Contrary to the statements of proponents of Federal control, the pipeline is in no wise at the mercy of producers. The pipeline does not, as some persons have suggested, begin building a line at random, snaking about the countryside searching for natural gas. To build a line, the pipeline company must first secure from the Federal Power Commission a certificate of convenience and necessity. This certificate is not granted until the pipeline is able to show (1) that it has a market, and (2) that it has under contract sufficient gas to supply that market's needs for 20 years. The producer must commit his gas, under contract, long before construction of the pipeline begins.

If there is a captive in the natural gas marketing process, it is the producer—not the pipeline, not the distributor, not the consumer. The distributor may use his facilities to distribute manufactured gas, and this is done. The consumer, likewise, elects to convert to natural gas. The astronomical expansion of the natural gas market since World War II has been a replacement market, in which gas has replaced coal or fuel oil or manufactured gas for home use. Gas did not capture the consumer, it freed him from less desirable fuels for which there had previously been no competition.

The bulk of complaints by pipelines and distributors today against gas field prices is a complaint against existing contracts, which they made. In other words, what they are seeking is not Federal regulation of an unregulated price but, rather, Federal relief from their own obligations. There is no evidence that the Natural Gas Act was intended to serve the interests of individual segments of the industry; on the contrary, there is abundant evidence that the use of governmental power to make or perpetuate competitive favor is contrary to the public interest.

The pending legislation is concerned, primarily, with the area of Federal jurisdiction. However, for the public protection, provisions are made to discourage pipelines from proposing contracts which would cause field prices to increase except by specific amounts at specific intervals. Pipelines would not be allowed expense rates above what the FPC determined to be the reasonable market price. The argument made by some that the FPC is incapable of determining a reasonable price is, in itself, an argument against their own position, for they are arguing in spirit for a political price, presumably less than reasonable.

The present effort to delineate Federal jurisdiction is consistent with the original purpose of the Natural Gas Act. It was not, and has never been, construed by the courts to be, a price-fixing measure. There was no freeze imposed on any price. The act was made necessary by an issue of jurisdiction, not an issue of price, and that same necessity today dictates the effort to restore a clear meaning to the jurisdictional section of the act.

V

Examined dispassionately, the most striking characteristic of the effort to prevent Congress from acting in this matter is the venom of the attack upon the industry. The language of the obstructionists is the language of the soapbox, not the forums where reasonable and equitable national policy must be made.

"Exploitation of captive consumers," "unconscionable profits," "windfalls," "freedom to charge what the traffic will bear," "gouging"—all the rest sprinkled so liberally in the opposition's literature reveals, I believe, that the objective is more punitive than protective. This is fortified by the inability or unwillingness of the various spokesmen to answer when asked about the hazards of confiscation, zero rate bases, or the other problems arising from the sort of unbridled administrative law they seek.

The time has come in this debate for those opposed to the pending legislation to offer a precise picture of what national policy would be if their efforts succeed. A vote against the current bills is a vote for a form of regulation; as yet, that form has no substance.

Senator DOUGLAS, in his discourse in these pages, dismissed the issue of whether the Nation should embark upon regulation of commodity production by saying "The natural-gas industry is an industry affected with the public interest, and regulation has been and should continue to be applied."

It is not natural gas, but the services connected with its interstate transportation and distribution which are affected with the public interest and to which regulation has been and should be applied. Distributing utilities are entities in themselves, organized and built to provide a service; they may, in most instances, use either natural or manufactured gas. To say that such enterprises are in the natural gas industry is as absurd as to say that Dixon and Yates are in the coal business because they use coal to operate steam generation plants.

We are dealing with a segment of a divisible industry. Production is a segment; so, also, are natural gasoline, carbon black, helium, butane, propane, and countless other businesses part of this same industry. Production is a part of an industry, as much as appliance dealers or plumbers. The sweeping generalization is a treacherous basis for the making of Federal policy.

The demand for Federal regulation clearly does not come from consumers. Those representing themselves as consumer spokesmen came mainly from municipal governments and State commissions charged with the regulation of distributing utilities; the case they made was a case for the utilities' interest, not for the public interest.

Through all this controversy, there have been no petitions from consumers for Federal relief from high gas prices. There is no showing that the imaginary captive consumers are being gouged; on the contrary, they are saving money, enjoying the cheapest fuel available. One pipeline alone has petitions from 140 cities for gas service; more than 300,000 persons in Illinois are on waiting lists for natural gas. The public is not persuaded that they will suffer from accepting such service.

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[2] *Phillips Petroleum Co.* v. *Wisconsin* (1954) (347 U.S. 672, 3 PUR3d 129).

The valiants out to "save" the consumer have built their own dragon. They can offer no evidence of an existing need for relief. In place of that, they conjecture what might happen if gas prices increased, and even this vision relates to the producer—not the consumer. We are told that a 5-cent increase in value of gas would give the industry a $10 billion windfall. The gas reserves, to which this figure is applied, will not be drawn from the ground through existing wells; billions must be spent to find and produce that gas. The proposition that gas be produced without rising costs—that exploration will continue unabated in 1975 at 1945 profits—falls flat before reasonable men.

There is a final absurdity in the situation Congress now faces. At the urging of the distributing utilities and the State and municipal commissions which regulate them, Congress in 1954 amended the jurisdictional section of the Natural Gas Act to draw the line of FPC authority at the city gate. Thus, the consumer's gas bill is beyond the reach of Federal authority. There can be no correlation between what the producers receive and the consumers pay; if field prices are depressed by Federal power, there is no related Federal power to transfer the reductions to a home owner's gas bill. The political promise that a vote against pending legislation is a vote to save consumers money is demagogic.

The Hinshaw bill, preserving the traditional FPC lack of jurisdiction over utilities, was approved nearly 2 years ago on the same set of principles as apply to producers. The arguments the utilities advanced for its passage apply equally to the producers' case now. By their strange reversal, the utilities and their supporters are in the position of asking Congress to put a ceiling on producers' prices to support a floor under the utilities' profits. In other words, Congress is asked to eliminate competition in the field to protect the monopolies in the cities. This is, surely, the ultimate of folly.

VI

In the final analysis, the consumer's interest and the national interest attach to supply, not the price, of natural gas. The resource is exhaustible; there is a maximum amount to be found. It has great worth not only as a fuel but as a raw material from which several thousand items can be manufactured.

The consumer and the producer alike have a common interest in finding and producing the maximum potential of our reserves. As gas becomes more scarce, exploration becomes more costly. An arbitrary economic formula making no allowance for this fact will, in itself, limit the recovery of the reserves prematurely to the detriment of all concerned.

The result would be, inevitably, to make natural gas more costly to the consumer. This is the folly of Federal regulation; it cannot fulfill the political promise by which it is justified.

There is a further shortsightedness in Federal regulation. The immediate purpose of such regulation, as it has been proposed, is to protect the utility customer, using natural gas as domestic fuel. In this approach, Federal regulation would be blind to the other uses of natural gas; the full weight of Federal influence would be directed toward rushing natural gas from wellhead to cookstove. This would deprive a vast geographic region of the United States, now on the frontier of important growth and development, of the use of its natural fuel to feed an expanding economy. The growth of the Southwest would suffer and the Nation would suffer because of it.

The choice is between a policy made by Congress or a policy made by a Commission. The bills before Congress now represent the conclusions of our congressional committees as to the policy Congress should establish. What course the FPC might follow in future years is not known—even to the members of that agency.

I believe that in this realm of Federal policy relating to the basic energy supply of the Nation the public interest and the national interest require Congress to specify the area of Federal powers to close the gap which now exists in the orderly processes of representative government.

AVOIDING SOIL EROSION ON SKI SLOPES

Mr. MOSS. Mr. President, mountain soil is a valued commodity, particularly in the arid West. With the growth of ski slopes throughout the United States, there is an increasing chance of substantial soil erosion caused by rapid spring runoff from melting snow. In many areas, irreparable damage has already occurred.

It is heartening to see that some ski areas are being propertly maintained. Efforts in the area surrounding Ogden, Utah, show that proper experimentation and persistence will pay off. The diligence of resort owners of Ogden Valley and Nordic Valley are to be commended. Dr. Alvin Cobabe and Mr. Art Christensen, both deserve credit for seeing the need and responding with appropriate soil conservation programs.

I ask unanimous consent that the article, "Cover for Bare Ski Slopes" from the Soil Conservation Service report of February 1973, be included at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Avoiding Soil Erosion on Ski Slopes

What do you do about bare ski slopes in the arid West? You provide cover by seeding—or else a good part of topsoil ends up at the bottom of the slope. Because of their steep grade, ski slopes are subject to severe erosion from spring snowmelt.

Two ski resort managers in Utah didn't wait to find most of their subsoil gone before establishing permanent cover on their ski slopes.

Dr. Alvin Cobabe, manager of Powder Mountain Resort in Ogden Valley, seeded crested wheatgrass on part of the slopes to establish sod. A straw mulch was used to protect the seedbed from erosion and hold the tiny seeds in place.

Seed and straw had to be applied by hand because the slopes are so steep. Dr. Cobabe had trouble maintaining the grass stand and, after discussing the problem with a Soil Conservation Service specialist, decided conditions were not favorable for growing crested wheatgrass.

An elevation of 9,000 feet, steep slopes, a short growing season, and excess moisture are not the best conditions for growing crested wheatgrass.

Most snowmelt in that area occurs late in June and early in July—the time when crested wheatgrass normally is headed. Several other species of grass were considered, but it was decided that the best bet would be a mixture of 'Durar' hard fescue and 'Tegmar' intermediate wheatgrass. This mixture requires little maintenance and provides good ground cover and protection in a short growing season.

How much topsoil will end up at the bottom of the slope before the skiing season begins?

Tegmar is a dwarf form of intermediate wheatgrass especially adapted for soil stabilization. It is easily established, sods rapidly, and is late maturing. It is adapted to areas where precipitation is 12 inches or more annually and has proved effective in stabilizing cuts and fills of roadways, strip mine areas, and ski slopes.

Durar hard fescue is a low-growing deep-rooted perennial bunch grass that is well adapted to heavy use. It makes a good wear-resistant, low-maintenance turf in areas that receive 14 inches or more of precipitation annually. This grass performs well on north and east-facing slopes, makes a good soil-binding turf when seeded in pure stands, and is a good understory plant when seeded in mixtures.

At the Nordic Valley Ski Resort, about 15 miles out of Ogden, Utah, a considerable amount of smooth brome grass was planted on the ski slopes in the summer of 1971. The brome is providing adequate cover; Art Christensen, the resort manager, is happy with results so far. But, for comparison, he plans to plant a few pounds of the Durar-Tegmar combination.

"The first thing to do for erosion control on skil slopes in the arid West," advises Dr. Cobabe, "is to clear the slopes up and down. it's essential to leave small terraces of water bars across the slope to slow up water movement. After grading and terracing are completed, the slopes should be seeded."

Both resort managers have found the best time to seed is late in fall—or after the first skiff of snow. After the seed is sown, usually by hand, a straw mulch is applied over the seed. Straw left on the ground through the winter settles over the seed and makes a good seedbed—and it helps control erosion in spring when the snow melts.

Another method is to apply straw in the fall and plant in the spring. Dr. Cobabe believes that fertilizer is most important in getting a stand of grass on raw cut slopes. Just like any good farmer giving a healthy start to his crop, he applied 100 pounds of nitrogen per acre over the grassed ski slopes.

"There are still problems to be worked out in protecting ski slopes in the West," admitted Dr. Cobabe. "But we've come a long way with the conservation practices we're using."

THE CRITICAL NEED OF JOBS FOR YOUTH

Mr. HUMPHREY. Mr. President, I take this opportunity to serve notice that I will do everything possible to obtain the funds required to meet the actual needs of our cities for summer jobs for disadvantaged youth and for related transportation and recreation programs that are vital in the development of children and young people. It is essential that these funds be included in the second supplemental appropriations bill that will be considered by the Senate in the near future.

The President has proposed an unconscionable trade-off of job opportunities to support his claim that $424 million in Federal funds will be available for these programs this summer—including $354 million to support 776,000 job opportunities for young people. The administration's sudden discovery of these funds—which was, in part, a response to strong criticism expressed in a letter to the President on February 20, 1973, signed by Senator Javits and myself and 25 other Members of this body—was accomplished by a simple designation, however unlawful, of $300 million of the appropriations already enacted by Congress for public service jobs programs under the Emergency Employment Act of 1971.

The President intends to allow these programs to terminate anyway, precisely because these programs have successfully achieved their primary goals, as stated clearly in the manpower report of the President, submitted to Congress last month. The logic of this administration position may be mystifying, but the crucial need for the continuation of these programs is very clear, with the nationwide level of unemployment, at 5 percent, remaining significantly above the level specified under this law at which Federal assistance must be initiated. Over 4 million Americans are out of work, not counting hundreds of thousands more who have dropped out of the labor force in despair. Over one-third of the 150 major labor areas in America are classified as areas of substantial or persistent unemployment.

But the Nixon administration has purposely ignored all this, finding its plans for major cutbacks in manpower training and employment programs, or for their termination, to be "consistent with the increase in new jobs in the private sector," as announced in the document entitled "The United States Budget in Brief."

I strongly believe that the Emergency Employment Act programs, which can provide some 200,000 jobs in services that are critically needed in our communities, must be continued and strengthened. And it was to accomplish this goal that I introduced S. 705, the Employment Opportunities Act of 1973, on February 1.

However, my particular concern today is to focus on the crisis level of joblessness already existing among America's youth, and which can be expected to escalate this summer. Unemployment among young men and women aged 16 to 19 stood at 15.8 percent in February—meaning that over 1 million youth want and need jobs now. But the unemployment rate among black teenagers had reached 38.6 percent by the end of last year—reflecting a pervasive condition of despair and anger, in the face of which the administration's confident assumptions of progress are simply incredible.

Apparently, the administration is not very concerned. It has called for a reduction of $66 million in fiscal 1974 outlays for the Job Corps, under which 11,000 fewer young men and women will be able to obtain vital work experience. A further economic opportunity program, known as Youth Development, and launched under the previous administration with a stated key goal of promoting youth involvement—through youth planning and implementing their own programs to deal with problems affecting their lives, and developing collective social action measures to improve neighborhood conditions and services—now appears to have been quietly shelved by the present administration.

The Nixon administration has failed to allocate any funds whatsoever that were appropriated for the Neighborhood Youth Corps summer jobs program. Instead, in its fiscal 1974 budget, it called for the wrap-in of NYC programs under its manpower special revenue-sharing proposal, and at a reduced level of funding. Outlays for NYC programs were even to be cut back by some $94 million in fiscal 1973. And an extraction of comparison figures suggested that there would be a further reduction of $50 million from these programs in the budget for the next fiscal year.

The President's March 21, 1973 announcement of this last-minute plan to provide for 776,000 summer job opportunities for youth with $354 million in funds primarily diverted from other programs, actually represents a reduction of 36,000 job slots from last summer due to a wrongly oriented economizing that reduces Federal assistance by $18 million.

However, I and Senator Javits and other Senators who have been deeply involved over the years in trying to promote opportunities for young people who would otherwise be denied hope and condemned to idleness, had conveyed to the President confirmed statistics which clearly show that this level of effort is totally inadequate to meet the critical need of youth for jobs this summer. The city-by-city survey conducted by the National League of Cities—U.S. Conference of Mayors reports a minimum need of 1,018,991 job opportunities for teenagers for which the cities have the capability of providing supervisory services—out of a total need for jobs for an estimated 1.7 million youth. The estimated amount of required Federal assistance to provide this minimum level of summer job opportunities for disadvantaged youth is $476.9 million. Congress has already enacted appropriations originally requested by the Administration for the Neighborhood Youth Corps summer jobs program, providing $256.5 million for 575,000 jobs. Almost the same amount would be required under supplemental appropriations for this program to meet the level of youth employment needs certified by cities across America, and for additional recreation and transportation components.

However, none of the proposed funds now to be used by the administration for this program would be drawn from the appropriations enacted by Congress specifically for this purpose. Instead, the administration intends to compound its failure to meet the urgent employment needs of several million Americans, by withdrawing funds from an account that is already fully committed—taking almost one-third of the $1.25 billion appropriated by Congress for the Emergency Employment Act. On top of this, the administration has requested that the $256.5 million appropriated for the NYC summer jobs program now be rescinded.

This is a blunder in Federal manpower policy that can have the most serious consequences. As Mayor Roman C. Gribbs of Detroit, president of the National League of Cities, has rightly commented, the President's action will force mayors to "choose who will get the job, father or son."

The Emergency Employment Act's purpose is entirely distinct from that of the NYC summer jobs program. It is designed to provide transitional job opportunities for unemployed and underemployed persons of all income and age groups. Only slightly more than 10 percent of these jobs—less than 15,000—are held by poor youth under the age of 22. And city governments cannot be expected to divert further limited funds to serving this age group, when job needs are so great among all sectors of the population. The result would be taking jobs away from unemployed Vietnam veterans, from people on welfare who are employable but cannot get jobs, and from black fathers who have gained self-respect from becoming the family wage earner.

By contrast, the Neighborhood Youth Corps summer jobs program is focused on one target group—economically disadvantaged youth in our inner cities and depressed rural areas; and it is designed to provide them with crucially important work experience on a short-term basis, between school years.

Thus, the President's plan is in direct violation of the intent of Congress. It is a plan to undermine the common good, by setting groups of our society against each other. And it is a plan that makes a mockery of administration pretensions to give greater responsibility to local governments. Instead of responsibility, mayors will only be given the blame, because they will be called upon to carry out an impossible task with even less Federal assistance than before.

The President has also asserted that the National Alliance of Businessmen "plans a massive summer employment campaign to hire an additional 175,000 young people in 126 major metropolitan areas." This statement conveniently overlooks serious problems confronted by the NAB in previous years to secure summer jobs for youth, despite earnest efforts, as a consequence of adverse economic conditions. Moreover, the alliance will be operating this year with about one-third fewer metropolitan offices throughout the country to concentrate its efforts in the face of limited funds.

Even more directly to the point, the director of the Minneapolis NAB, Roy S. Nordos, has stated emphatically in a letter to me that "the reinstatement of the NYC program is a must." He points out that even with an upturn in the economy, summer job opportunities for youth will not greatly increase. Instead, "it will give many of the major employers the opportunity to fulfill their moral and contractual obligations to regular employees on layoff."

Mr. Nordos expresses a deep and genuine concern for several thousand youth in the Minneapolis area who will be denied summer job opportunities if the NYC program is closed down:

> We are speaking of poor kids. Kids who spent their pay check to buy food for the family. Kids who bought clothing for their brothers and sisters. Kids who saved and bought themselves a presentable wardrobe so that they could return to school unashamed in the fall because they were properly clothed. . . .
>
> These are young people who cannot afford to travel. They cannot afford to attend community functions. They will be relegated to

> the streets. Some will drift away despondent. Some will not return to school and a few may get into trouble. Whatever happens to them is our responsibility.

Indeed, helping these youth to have a sense of learning and doing something worthwhile, and to contribute to their families' income, and to have hope in the future, is our responsibility. And it is incumbent upon Congress to see to it that this responsibility is carried out by enacting adequate appropriations for the Neighborhood Youth Corps summer jobs program and insisting that this administration fully allocates these appropriations.

Congress must also face the harsh realities of what the cutbacks proposed under the administration's manpower special revenue-sharing proposal, as well as the termination of related programs, would mean to respective States.

The Honorable Wendell Anderson, Governor of Minnesota, has written to me to express serious concern over the impact of these reductions, on which the State manpower planning council has provided updated statistics in its April 1973 newsletter which I have just received.

The phaseout of the public employment program—PEP—with the administration's intention to permit the Emergency Employment Act to expire, will undermine a Minnesota program funded at $14.7 million in fiscal year 1972 which has created 2,500 jobs in public service. Minnesota confronts a cutback of 40 percent of its 1972 fiscal year manpower funds, or over $20 million, from the dissolution of the NYC summer jobs program and PEP and a reduction in State employment service funds.

Governor Anderson succinctly states the illogic of the Nixon administration's plan in noting that—

> While the Nixon Administration is giving more authority and responsibility to state and local governments for planning, coordinating, and evaluating manpower training programs, it is also reducing funds significantly and is phasing out or eliminating completely a major group of programs.

The State government has been developing a State manpower planning system along regional development area boundaries. This system, composed of area manpower planning boards for each region and a State council made up of representatives from agency sponsors, the private sector, labor, the general public, and manpower program clientele, could become a model for the Nation. And a State manpower plan was to be completed by April 15, 1973.

But how can any rational plan be developed or programs be effectively implemented in the face of the serious funding cutbacks expected in the next fiscal year?

Let us look more closely at what all this will mean in undermining efforts in Minnesota to provide summer job opportunities for disadvantaged youth. The Nixon administration's refusal to utilize any funds appropriated by Congress for the Neighborhood Youth Corps summer jobs program denies to Minnesota the equivalent of $4.5 million in initial and supplemental NYC summer program funds that represented over 10,000 summer jobs and work experience opportunities for disadvantaged youth last year.

This close-down of job opportunities is compounded by the phasing out of jobs provided under model cities and the public employment program. But on top of this, the Nixon administration's action to put the lock on the door of community action agencies leaves the Manpower Administration unable to fulfill 49 contracts with 25 different CAA's in Minnesota for the operation of NYC in-school, summer, and out-of-school programs, as well as for the provision of further job opportunities under Operation Mainstream and the concentrated employment program.

All of this leaves disadvantaged youths in Minnesota trapped in a tight vise of unemployment and despair and angered frustration. Yet statistics from our State clearly show solid constructive results from providing job opportunities for these young people. The Minneapolis Neighborhood Youth Corps reports that the 10,000 young people served since 1965 have earned in excess of $4,000,000. Of the youth over age 16 enrolled in NYC since last September, only 2.8 percent have dropped out of school, in sharp contrast to the prevailing dropout rate for inner city areas in Minneapolis, that is well in excess of 3 percent.

There are innumerable cases where a student's school performance has improved after starting a job with NYC. For many, NYC is the first job, and after gaining skill, experience, and confidence, the enrollees leave for better part-time jobs with the private sector, while remaining in school. And NYC jobs do provide meaningful work experience—such as 70 jobs at the veterans hospital or 60 tutoring jobs with the youth tutoring youth program. Summer job opportunities have included work as recreation leaders providing organized activities that would otherwise be unavailable for children, and a project to make the Mississippi River banks in downtown Minneapolis into a parklike area to be enjoyed by everyone.

The Neighborhood Youth Corps in St. Paul reports similar dramatic results—for example, in the Youth Tutoring Youth program, where it has been shown that disadvantaged youth can become effective tutors of grade schoolchildren needing upgrading in basic skills, and from which these teenagers have improved their own basic skills and gained an increased feeling of self-worth. In the summer of 1972, 1,566 NYC enrollees worked at 444 job sites and were supervised on the job by over 500 community agency personnel. They received extensive guidance services. And they had the opportunity to participate in a number of special programs, such as the Day Activity Center program for severely handicapped or mentally retarded children and adults, who might otherwise have been denied recreational and occupational activities.

The following evaluation from the report on the year-round NYC program of 1971–72 in St. Paul is worth repeating because it reflects similar results experienced under NYC programs throughout Minnesota:

> Statistical data . . . does not reflect the fact that the $725,230 from Federal sources went right back into the St. Paul economy. It does not account for the many hours (approximately 364,190) that were used to assist local non-profit and tax supported agencies in various job capacities. Finally, it does not reflect the smiles on needy students' faces when they receive their checks for a job well done; it does not reflect the aspirations of youth being met by having a worthwhile job; it does not reflect the feelings of self-worth that a job gives a human being.

Mr. President, I am determined that this deep sense of satisfaction and hope of youth and this commitment of communities will not be struck down by the intended juggling and withdrawal of Federal budget accounts by the Nixon administration that can cripple the Neighborhood Youth Corps summer jobs program. Youth who want to work and want to have hope in the future deserve better from their Government. And I intend to do everything possible to see to it that the full amount of funds certified by the National League of Cities-U.S. Conference of Mayors as being urgently needed to provide over one million summer jobs for disadvantaged young men and women are appropriated by Congress.

Mr. President, the announcement today, April 11, by Secretary of Labor Brennan, of an allocation of $802.9 million in Public Employment program funds under sections 5 and 6 of the Emergency Employment Act, of which $300 million can be used for summer youth programs at local discretion, does not change the critical situation I have described. These funds actually constitute delayed allocations of fiscal 1973 appropriations—a delay which has already resulted in a sharp decline in public service job opportunities under an enrollment freeze ordered by the Nixon administration. The net effect of this allocation, as stated in the Department of Labor news release itself, is "to permit an orderly completion of the Public Employment program." There has been no change in the Nixon administration's determination to phase out this vital program.

These funds, including some $11.5 million allocated to Minnesota, are not sufficient for a full operational year under the Public Employment program, and are totally inadequate for this purpose if almost $4 out of every $10 were to be diverted to provide summer job opportunities for youth. At best, such allocations will only be used by the States to provide public service jobs for a few months to those who have been on enrollment waiting lists.

I emphasize these points because the information provided in this news release can be readily misinterpreted to indicate a change in the Nixon administration's position on this vital issue, which is definitely not the case. It remains for Congress to insist that its intent with respect to the Neighborhood Youth Corps summer jobs program, and in the enactment of the Emergency Employment Act to meet urgent manpower needs, be carried out by the administration.

MENNEN E

Mr. EAGLETON. Mr. President, last week the Food and Drug Administration acted to halt production of Mennen E, a cosmetic product that has been on the market since last June. Since that time, an unprecedented number of complaints have been received by the FDA from people who have used this deodorant product and experienced adverse reactions. Unfortunately, FDA and the Mennen Co. agreed that existing stocks of this product may be sold, and no warning will be issued to consumers.

Although there is no absolute proof as to which ingredient in Mennen E is the offending element, it is generally thought that the vitamin E ingredient—a relatively recent fad in cosmetics—is related to the rash often experienced by users of Mennen E. Vitamin E is used in a number of cosmetic products, including moisturizing creams, perfumes, skin oils, and even deodorant tampons.

On March 2, I asked the FDA to let me know what cosmetics contain vitamin E, the complaint levels for each of these products, and whether any regulatory action was required in this area. To date, I have received no response to that inquiry.

FDA's action with respect to Mennen E indicates that more attention should be directed toward the line of cosmetic products containing vitamin E as an active ingredient. I urge FDA to take a comprehensive look at these products to determine: First, which products contain vitamin E; second, what kind of safety testing was performed on these products prior to marketing; and third, whether disturbingly high numbers of complaints about these products have been received.

Were the Cosmetic Safety Act (S. 863) which I have proposed already law, this inquiry would be a much simpler undertaking. Under the provisions of that legislation, the FDA would already have in its files statements of composition for all cosmetic products, safety test data and all complaint letters sent either to the manufacturers or the FDA. Moreover, the Cosmetic Safety Act would have encouraged the manufacturers to thoroughly test their products prior to marketing them.

I ask unanimous consent that a number of articles dealing with vitamin E cosmetics in general and with Mennen E in particular be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal]

VITAMIN E

Vitamin E, big as a health fad, gets a new push in cosmetics.

Its value as an aid to the skin is as controversial as other alleged attributes from alleviating all sorts of ailments to improving sexual potency. But that hasn't stopped companies from cashing in on Vitamin E. "Within the past six months a whole new market for Vitamin E cosmetic products has sprung into existence and major manufacturers have lost little time in fielding entries," notes American Druggist Merchandising in a recent issue.

Houbigant Inc.'s Alyssa Ashley division put its Vitamin E oil in national distribution in January. Life Laboratories, North Hollywood, Calif., has had a Vitamin E skin cream on the market for over a year and an oil for six months. This month it will unveil an aftershave lotion with Vitamin E, said to reduce redness after shaving. Faraday Laboratories, Hillside, N.J., jumps into the market in the next few days with a moisturizing cream and skin oil. Mennen Co. since last April has been promoting its deodorant with Vitamin E. Mennen says Vitamin E helps prevent oxygen from reacting with perspiration to cause odor.

Revlon Inc. says it has never considered using Vitamin E as an active ingredient because there isn't any evidence it is of benefit to the skin. But the company long has used it in cosmetics for another purpose—as a stabilizer.

[From the Washington Star-News, Apr. 7, 1973]

DEODORANT PRODUCTION IS HALTED

(By Ross Evans)

The makers of Mennen E spray deodorant have reached an agreement with the Food and Drug Administration to stop producing and selling the product following consumer complaints of rashes.

The Mennen Co. agreed to stop production and shipping as of Friday, but not to recall the 125,000 cans already in distribution.

The FDA, which confirmed the agreement yesterday, said, "There is not enough of a health hazard to issue a public warning."

But Richard Sykes, a Ralph Nader associate, argued that, since the FDA received about 50 complaints from consumers of skin rashes after using the spray, the FDA should "either recall or issue warnings" of the product.

The ingredient in the spray suspected of causing a rash is vitamin E, according to the FDA.

The complaint rate for Mennen E is considered high.

PSST . . . THE END OF MENNEN E

Being nice to be close to isn't enough if you also have a rash under the arms, a number of people have complained to the Food and Drug Administration, and the Mennen Co. has agreed to cease distribution of its deodorant Mennen E, it was announced yesterday.

The deodorant, which has produced "an adverse reaction" in an unusually large number of consumers who use the product, is still available on the shelves, but production has ceased until more testing is done. An additional 125,000 cans in warehouses will not be shipped to stores.

Complaints have numbered 50 per million units, said Jack Warner of the FDA, who added that the usual rate of complaints is six to eight per million units.

Vitamin E is the suspected ingredient, but there is as yet no proof that it is causing the reaction, he said. "We are working with the company and by ourselves to pinpoint the specific action."

Mennen E went on the market in June, 1972, and 10 million cans of it have been sold.

[From the Wall Street Journal, Apr. 9, 1973]

MENNEN TO HALT SHIPMENTS OF DEODORANT, FDA SAYS

WASHINGTON.—Mennen Co. agreed to stop further shipments of its Mennen E deodorant because of a rash of complaints about rashes from users.

The action was requested by the Food and Drug administration after the agency received an "unusual number" of consumer complaints of adverse reactions to Mennen E, including severe rashes, an FDA spokesman said. Mennen, based in Morristown, N.J., already has stopped producing the deodorant, the spokesman said. The complaints totaled about 50, about 10 times the number the agency normally receives for such products, according to the spokesman.

Mennen began making its Mennen E deodorant last June and since has produced more than 10 million units, the FDA said.

Mennen officials couldn't be reached for comment on the FDA announcement.

The FDA isn't requesting that Mennen recall the deodorant product from retail and wholesale outlet, however. Mennen estimates there are about 125,000 units already in the wholesale chain, and the company says it doesn't know how many are on retail shelves, the FDA said.

The cause of the adverse reactions is suspected to be the vitamin E ingredient, but this hasn't been "proven conclusive," the FDA spokesman said. Until it is, "we have no basis for action against other products containing vitamin E and for which we have no unusual number of complaints," he said.

THE 30-DAY REQUIREMENT

Mr. McGEE. Mr. President, since my colleague from Alaska brought up the question of the provisions of section 404 of the bill which requires a State to register a qualified voter up to 30 days before a Federal election, I have given considerable thought to his opposition and the arguments which he used yesterday and undoubtedly will be used again today against this provision.

I would like to analyze his argument and explain why a majority of the committee—in fact only one negative vote was recorded—voted in favor of this provision in committee along with the rest of the bill.

Prior to the enactment of the Voting Rights Act of 1970 and the ratification of the 26th amendment allowing 18-year-olds to vote, the laws of the various States relating to registration, the close of registration, and the qualifications of voters by age or residence varied widely. In Texas, for instance, a voter had to register prior to February 1 in order to vote in the general election the following November. The other extreme in North Dakota, a voter can register on election day. The enactment of the voting rights act in 1970 established as a Federal law that any citizen otherwise qualified may vote for President and Vice President in any State in which he has resided for 30 days before the Presidential election. So, the 30 day residence requirement was established by Federal law.

Then in 1972, the Supreme Court of the United States held in the case of Dunn against Blumstein that the State law in Tennessee which required an individual to reside in that State for 1 year before becoming an eligible voter was unconstitutional; and that a 30-day residence requirement was a reasonable period; but the Court left open the question of whether a period of time greater than 30 days might not be within the limits of constitutionality.

In the past year or two, a number of States have changed their residency requirements and their registration requirements to conform to the standard of 30 days. Now in Georgia and Arizona, the legislatures enacted statutes which closed the registration books 50 days before the election. Last month, the Supreme Court held by a vote of 6 to 3, that the legislatures of Georgia and Arizona did not violate the Constitution of the United States by establishing a closing date 50 days before an election. A day or two after the Georgia and Arizona decisions, the Supreme Court issued another decision involving the State of New York. The New York case differs from the Georgia and Arizona case because it relates to the opportunity for an individual to vote in a party primary for Federal, State, and local candidates. The petitioner in that case claimed that the requirement that an individual register not later than the most previous general election in order to vote in the next primary election was unconstitutional. The Supreme Court held again by a 6 to 3 margin that it was not unconstitutional.

In the New York case, that could mean that the effective closing date for voting in a primary could be 11 months before the primary.

We are dealing with two different principles. One is, the power of the Congress to establish by Federal law the time, manner, and place of electing Federal officers which the Constitution in article 1, section 4, specifically authorizes the Congress to do. The other issue is the constitutionality of State statutes concerning registration and voting. I do not believe that the establishment by Federal law of a closing date for registering to vote for Federal officials in Federal elections can fairly be interpreted as an attempt by the Congress to overrule a decision of the Supreme Court. On the contrary, the very opposite is actually the case. If the Supreme Court had decided that the Georgia and Arizona statutes were unconstitutional, then I think it would be improper to establish, or attempt to establish, that those laws are constitutional.

But that is not what the Supreme Court did. The Supreme Court in the Arizona or Georgia or New York or any other case was certainly not attempting to tell the Congress of the United States that it cannot establish by law time, manner, and place of Federal elections. The Constitution says that. The Supreme Court was deciding the narrow issue of whether the States, in exercising their power, which is also derived from the Constitution, had acted unconstitutionally.

Section 404 goes no farther than to establish a Federal rule for Federal elections. If Georgia wants to close its books for State elections or local elections 50 days before the elections that is not our business. That is up to Georgia. If New York wants to close its books for voting in a primary 6 months or a year before the primary for State elections, let them do it. The Supreme Court of the United States has ruled that such a practice is not unconstitutional. And although I may disagree with the reasoning of the Court, I do not suggest that it does not have the power and the duty to render such a decision.

We are establishing a uniform rule for registering to vote in Federal elections and that is all we are doing. The Senator from Alaska sees a great difference between the elections of President and the election of a Senator. I do not. As far as Alaskans are concerned, I am sure Ted Stevens makes every effort to represent every citizen of that State just as much as Richard Nixon does. If we do not act to establish a Federal rule, then we will probably produce 50 rules; and to avoid that result was the reason the Founding Fathers met in Philadelphia in the summer of 1787.

I urge the defeat of the Senator's proposal to delete the 30-day registration provision in section 404.

I submit a list of the States of the Union who have more than a 30-day residence requirement and who have more than a 30-day closing date. There are only a handful. Obviously the effect of our provision will have a minimal effect on the overwhelming majority of all our States.

There being no objection, the list was ordered to be printed in the Record, as follows:

Durational Residency Requirements in Excess of 30 Days

DECEMBER 1, 1972

Arizona, 50 days.
Colorado, 32 days.
Indiana, 60 days.
Massachusetts, 31 days.
Missouri, 60 days.
New Jersey, 40 days.

CLOSE OF REGISTRATION EARLIER THAN 30 DAYS

Alaska, 45 days.
Arizona, 50 days.
Georgia, 50 days.
Illinois, 33–20 days (depending on area).
New Jersey, 40 days.
New Mexico, 42 days.

JOINT STATEMENT REGARDING NATIONAL EMERGENCY POWERS

Mr. CHURCH. Mr. President, the Special Committee on the Termination of the National Emergency established on January 6, 1973, pursuant to Senate Resolution 9, began hearings this morning. Senator Mathias and I, cochairmen of this bipartisan special committee, opened our study with the following statement.

I ask unanimous consent that the joint statement be printed here in the Record.

Joint Resolution

The Special Senate Committee on the Termination of the National Emergency begins today the first of a series of hearings on emergency power statutes, a subject of fundamental importance to the continued functioning of our democratic system of government. At issue is the question whether it is possible for a democratic government such as ours to exist under its present Constitution and system of three separate branches equal in power under a continued state of emergency.

Very few in Congress, in the Executive in the Courts, or in the public at large are aware that the United States has been in a declared state of national emergency since 1933. Very few are aware that over that period of time the United States Congress has enacted at least 580 separate sections of the United States Code delegating extraordinary powers to the President in time of war or national emergency. These more than 580 Code sections delegate to the President a vast range of powers, which taken all together, confer the power to rule this country without reference to normal constitutional processes. Emergency powers laws embrace every aspect of American life. Under the powers delegated by these statutes, the President may seize properties, mobilize production, seize commodities, institute martial law, seize control of all transportation and communications, regulate private capital, restrict travel, and, in a host of particular ways, control the activities of all American citizens.

When this Special Committee was authorized to study and investigate the problem of emergency powers in January of this year—it was incorrectly thought that the state of national emergency proclaimed by President Truman on December 16, 1950, in response to both the invasion of Korea by Communist China and the dangers of Communist aggression worldwide, was the only such declaration. However, research by the Special Committee soon disclosed that the United States has been in a state of declared national emergency since March 9, 1933.

At the request of President Roosevelt, Congress passed the Emergency Banking Act to meet the economic emergency of the Depression. This swift legislative stroke ratified the President's bank holiday declaration and allowed him to exercise what had originally been war powers in peacetime. This latter delegation of power was based on a provision of the 1917 Trading With the Enemy Act, Section 5(b), which authorized the President, during war or presidentially declared national emergency, to regulate and restrict trade and financial transactions between Americans and foreigners.

It is with the recognition that the Executive branch must have the authority and flexibility to deal with emergencies, that the Special Committee was created. For it is not enough to state, as we believe correct, that the Great Depression is over and that the state of economic emergency declared in 1933 should be repealed. It is not enough to state that the Korean hostilities are over and that the state of national emergency proclaimed by President Truman on December 16, 1950, is no longer valid. It is not enough to terminate any given declaration of national emergency because, if past precedents are continued, the President can, at any time he sees fit, declare a new state of national emergency. In fact, President Nixon, on August 17, 1971, did just that. In his message from Camp David, the President proclaimed "a national emergency during which I call upon the public and private sector to make the efforts necessary to strengthen the international economic position of the United States." He cited the prolonged decline in our international monetary reserves plus our threatened trade position, which in turn impaired our security.

In 1933, when President Roosevelt declared a state of national emergency, the economic life of the United States was brought substantially under the control of the President. History attests that the country believed that such centralization of authority was needed to meet the grave economic crisis.

World War II brought yet another series of crises. Every aspect of American life was brought under Presidential direction by the action of Congress which enacted a broad range of statutes to meet the "total emergency." Only five years after World War II, when war in Korea broke out, the enactment of an additional body of emergency statutes took place, authorizing the President to apply the full resources of the United States to the single end of pursuing our military objectives.

This legacy of Congressionally delegated power to be used by the President in the time of war or national emergency is still with us. It is evident from the study of the statutes made thus far by the Special Committee that, in the event of another war or national emergency most of these statutes would be useful. It is not surprising that some of the "emergency" statutes have become a part of the everyday activities of the United

States government and therefore should be recast in the form of permanent law. There is yet another category of statutes which are clearly obsolete and should be repealed. Lastly, there are a few statutes which, because of their far-reaching impact, should be recast to provide the public with protection against possible abuses of power.

As extreme examples of this last category, we cite the following:

In the context of the war powers issue and the long debate of the past decade over national commitments, 10 USC 712 is of importance:

"10 USC 712. Foreign governments: detail to assist.

"(a) Upon the application of the country concerned, the President, whenever he considers it in the public interest, may detail members of the Army, Navy, Air Force, and Marine Corps to assist in military matters—

"(1) any republic in North America, Central America, or South America;

"(2) the Republic of Cuba, Haiti, or Santo Domingo; and

"(3) during a war or a declared national emergency, any other country that he considers it advisable to assist in the interest of national defense.

"(b) Subject to the prior approval of the Secretary of the military department concerned, a member detailed under this section may accept any office from the country to which he is detailed. He is entitled to credit for all service while so detailed, as if serving with the armed forces of the United States. Arrangements may be made by the President, with countries to which such members are detailed to perform functions under this section, for reimbursement to the United States or other sharing of the cost of performing such functions."

The Defense Department, in answer to inquiries by the Special Committee concerning this provision, has stated that it has only been used with regard to Latin America, and interprets its applicability as being limited to noncombatant advisers. Section 712 is one of the statutes the Special Committee will discuss with the Defense Department as to its present utility and validity.

To those who believed the repeal of the Emergency Detention Act was a constructive and necessary step, a remaining provision may be of concern, as it is to us.

"18 USC 1383. Restrictions in military areas and zones.

"Whoever, contrary to the restrictions applicable thereto, enters, remains in, leaves, or commits any act in any military area or military zone prescribed under the authority of an Executive order of the President, by the Secretary of the Army, or by any military commander designated by the Secretary of the Army, shall, if it appears that he knew or should have known of the existence and extent of the restrictions or order and that his act was in violation thereof, be fined not more than one year, or both.

The first of these statutes, 10 USC 712, could be construed as a way of extending considerable military assistance to any foreign country. Since Congress has delegated this power, arguments could be made against the need for further congressional concurrence in a time of national emergency. The second of these statutes, 18 USC 1383, does not appear on its face to be an emergency power. Although it seems to be cast as a permanent power, the legislative history of the section shows that the statute was intended as a World War II emergency power only, and was not to apply in "normal" peacetime circumstances. Two years ago, the so-called Emergency Detention Act was repealed. However, this statute, 18 USC 1383, which has a similar effect, remains on the books. This statute, of course, may be properly a matter for the Judiciary Committee to consider, but we cite it as an example of one important problem raised by our investigation.

We would like to address yet another pertinent question among many, that the Committee's work has revealed. It concerns the statutory authority for domestic surveillance by the FBI. According to some experts, the authority for domestic surveillance appears to be based upon an Executive Order issued by President Roosevelt during an emergency period. If it is correct that no firm statutory authority exists, then it is reasonable to suggest that the appropriate Committees enact proper statutory authority for the FBI with adequate provision for oversight by the Congress.

The Special Committee is bipartisan. It is unique in the Congress: It has co-chairmen, one from each Party, and an equal number of members from each Party. The Committee's bi-partisan nature reflects the intention of the Senate to examine emergency powers legislation solely from a Constitutional perspective. We want to determine how these powers affect the proper relationship between the Executive and Legislative branches. For this reason, as specified by the authorizing resolution, the Special Committee is working closely with the Administration. Attorney General Kleindienst, in response to a specific request of the Special Committee, has assigned members of the Justice Department to work with the staff of the Special Committee, and we are happy to report that cooperation from the Justice Department has been full and thorough. It is expected that other Departments and Agencies will provide similar assistance.

The first and most difficult task of the Special Committee is to be certain that all of the statutes and relevant Executive Orders have been collected for study and deliberation. At the present time, nowhere in the government—either in Congress or in the Executive branch—is there a complete catalogue of statutes and Executive Orders pertaining to emergency powers. The staff has undertaken, in cooperation with the Library of Congress, the General Accounting Office, and the Justice Department, a computer search of all relevant statutes in the U.S. Code. These findings are now being checked by the staff and we expect that within a month, a reasonably complete catalogue of all emergency power statutes will be issued as a Committee Print.

When the statutes and Executive Orders are assembled, the Special Committee intends to work with the appropriate Executive Departments and Agencies to review every statute to determine which statutes would be required in the event of a future emergency. This process, in essence, would be an evaluation of their present and future utility. Concurrently, the Special Committee intends to consult with each Standing Committee of the Senate with regard to the particular emergency powers that apply to its separate area of responsibility, and to ask for its judgment on which laws should remain on the books, which should be dispensed with, and which should be amended.

A basic assumption of the Special Committee is that it is prudent to examine the question of emergency powers at a time other than crisis. The ending of America's military participation in the Vietnam war offers an opportunity to review, in relative calm, the ways in which our system of government has responded to a continuous series of crises: economic, wartime, and internal security emergencies as well as many instances of natural disaster. It is sensible for the Legislative and Executive branches, working together, to lay out a reasonable, regular and consistent procedure for coping with future emergencies. Insofar as it is possible to prepare for future emergencies through statute, the Special Committee believes that it is beneficial to leave such a body of law, provided however, that such statutes provide for effective oversight and for the termination of delegated authority, when the state of emergency is no longer warranted.

From the study of the Special Committee's work thus far, some preliminary conclusions can be drawn: There is no consistent way in which emergencies are invoked, reviewed or terminated. Emergencies in most cases are declared by the President, in a few, by the Congress, in some cases jointly, in still others, heads of Departments can declare emergencies. A few statutes require reports or some process of review, most do not. Very few provide for a method of termination.

The weight of all this inconsistency has made it evident that the Special Committee should devise a regular procedure to be followed in all emergency powers legislation. The following is one possible formula:

"That the President alone, or the President and the Congress jointly, can declare a state of national emergency if they perceive that an emergency exists. The President alone or the President with the Congress can declare that the following specific statutes —— are in force. The President, when he alone declares a state of emergency, must inform the Congress in writing immediately of his declaration, the reasons therefore, and the particular statutes he wishes to come into force. The Congress would then consider whether to affirm the state of emergency declared by the President and would act within 30 days on whether to continue the state of emergency in effect or, failing to act, the state of emergency would automatically be terminated. In no case could a state of national emergency be extended longer than six months; a new and updated declaration would be required at that point, and affirmative action by the Congress would be required for any and all extensions."

The hearings which begin this morning will, first, examine the Constitutional and historical context of emergency power legislation. Very few scholars have turned their attention to this vital question and, indeed, this is understandable because it is only in our own time that the nation has experienced an unrelieved state of emergency. We are fortunate to have as witnesses, Professor Robert S. Rankin of Duke University, Professor Cornelius P. Cotter of the University of Wisconsin, and Professor John Malcolm Smith of California State College. These men have made the study of the functioning of the Constitution in times of emergency a large part of their life's work. The Special Committee has asked them to lay the Constitutional and historical foundation for future hearings as well as to suggest ways to strengthen Congress' role in handling emergency situations.

On Thursday, the Dean of the Georgetown Law School, Adrian S. Fisher, will discuss some of the Constitutional aspects of emergency power legislation and will draw heavily on his own practical experience as a law clerk to Justice Frankfurter and as a key legal advisor to the Truman and subsequent Administrations. Professor Gerhard Casper of the University of Chicago Law School, will examine the Constitutional limitations upon the scope of emergency powers legislation and trace some of the historical parallels, including the Weimar Republic, that might be found in the Constitutional experience of other nations.

The Special Committee intends to call, at a later time, other Constitutional experts and historians before proceeding to the second block of hearings which will focus on the testimony of former Attorneys General, legal counsels to the Department of Defense and some former White House legal advisers. The purposes of this set of hearings will be to try to obtain some understanding of why Administrations, since the time of President Roosevelt, handled emergencies in the particular ways they did, and to obtain whatever suggestions these distinguished former officials might have to assure that emergency powers legislation does not adversely affect the purposes of our constitutional government. It is the intention of the Special Committee to review from the perspective of the past the reasons for the plethora of emergency powers legislation we now have and to determine if the lessons of history have anything to teach us; it is our belief that an analysis of recent experience will yield constructive results. Finally, the Special Committee intends, at a later date, to obtain the formal views of the current Administration, proposals from Members of Congress, and testimony from public witnesses.

On the basis of the advice obtained from these hearings and from the public at large, and the work being done with the Executive branch, the Special Committee will recommend to the Senate, in a final report, the actions it believes should be taken by Congress to assure that delegated authority in time of war or other national emergencies shall be flexible and effective enough to meet any foreseeable crisis without weakening the Constitutional guarantees of our system of government.

THE WAR POWERS ACT

Mr. EAGLETON. Mr. President, Merlo J. Pusey, author of one of the first books on the subject of war powers, entitled "The Way We Go to War," has written a third article on war powers for the Washington Post. This article, entitled "Legislating War Powers," is a strong endorsement of S. 440, the Javits-Stennis-Eagleton War Powers Act.

Mr. Pusey's article reflects more understanding of the complex legislative effort we have undertaken in S. 440 than any article I have read to date. I commend it highly to my colleagues.

Mr. President, I ask unanimous consent that Mr. Pusey's article, "Legislating War Powers," which appeared in the April 11 edition of the Washington Post, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Legislating War Powers

(By Merlo J. Pusey)

Is it possible to draft legislation that will restore to Congress a meaningful role in warmaking without crippling the United States in its international relations? Foes of the war-powers bill say it is not. Their strongest argument is that our responsibilities as a superpower in a chaotic world are so complex that the President must have a free hand in using our military forces without the restraint of legal formalities.

A few years ago that view was widely held. It commands less support today, not only because the perils of presidential wars have been so graphically demonstrated, but also because patient and understanding legislators have devised a bill that gives promise of restoring the constitutional balance without excessive rigidity. Chief credit for the bill goes to Senator Jacob Javits, but it now has 60 sponsors in the Senate.

In its present form S. 440 is a composite worked out largely by Senators Javits, John Stennis and Thomas Eagleton and their staffs. Senators Robert Taft and Lloyd Bentsen, who had introduced war-powers bills of their own, joined the trio for the sake of consolidating support behind a single measure. The Foreign Relations Committee held extensive hearings, and the Senate passed the bill in April, 1972, by a vote of 68 to 16.

The measure failed to become law last year because the House passed the much weaker Zablocki bill and there was time for only one meeting of the conference committee before Congress adjourned. New hearings have already been held on the House side this year, however, and new Senate hearings are scheduled for today and tomorrow. Representative Clement J. Zablocki has substantially strengthened his bill, and the prospect that a useful measure will be sent to the White House has notably improved.

It is worthy of note that these are not partisan bills designed to embarrass the President. The Republican and Democratic sponsors have worked closely together with the commendable objective of reasserting the constitutional authority of Congress and of preventing presidential wars. Both the majority and minority leaders of the Senate are co-sponsors of the Javits-Stennis-Eagleton bill. It likewise has wide support among both liberals and conservatives.

Care has been taken to avoid any encroachment on the President's constitutional powers. By way of codifying the law, which Congress has a right and duty to do under the "necessary and proper" clause of the Constitution, the bill spells out the circumstances under which the armed forces could be used without declaration of war. The President could repel an attack on the United States territory or its armed forces stationed outside of the country. He could retaliate against such attacks, and he could act to "forestall the direct and imminent threat of such an attack." He could use military force to protect the evacuation of American citizens abroad if their lives were in imminent danger, and of course he could act under any specific congressional authorization such as the Middle East resolution.

The later provision does not, of course, imply that Congress might again give the President blank checks in regard to using military force, as it did in passing the Tonkin Gulf resolution. The bill specifically provides that the right to use the armed forces in hostilities shall not be inferred from any resolution unless such action is specifically authorized. Specific congressional authorization is also required for the assignment of any part of our military to the armed forces of another country that is at war or in imminent danger of being involved in hostilities.

To minimize controversy, the bill leaves undisturbed the three so-called area resolutions now on the books—authorizing the use of armed forces in Formosa, the Mideast and Cuba, if the President finds it necessary. It is anticipated, however, that one of the first actions of the President under the bill would be to review these situations and go to Congress with fresh recommendation.

One of the most delicate problems sponsors of the bill had to deal with was its effect on NATO. The NATO treaty provides that an attack upon one of its members shall be regarded as an attack upon all of them. If it is to remain effective, the unified NATO commands must be able to respond to attacks in Europe at the discretion of the President (and other NATO executive authorities) without waiting for legislative action. The Foreign Relations Committee report interprets the bill, however, as meaning that "no treaty, existing or future, may be construed as authorizing use of the armed forces without implementing legislation." This seems to say that any military action by American forces in defense of an ally in NATO would have to be approved by Congress.

The debate in the Senate makes clear that no such crippling of NATO is intended. The President could respond to an attack upon a NATO country if American forces stationed there were involved or if he deemed the attack to be also aimed at the United States. Such action would not necessarily mean full-scale war any more than a presidential response to an attack upon the United States would. In either case follow-up action by Congress would be necessary if a war had to be fought.

Congress has a legitimate interest in preventing use of the NATO treaty as a substitute for a declaration of war. A treaty ratified only by the Senate cannot nullify the war power which belongs to both houses. In reasserting its war power, however, Congress should be careful to avoid casting any doubt upon the right of the President to speak for the United States in authorizing immediate NATO action in case of an emergency. The language of the report on this point needs to be clarified.

The heart and core of the bill are Sections 4 and 5. Section 4 would require the President to report promptly to Congress whenever he might take emergency military action under the terms of the bill. Section 5 would forbid him to continue the hostilities thus begun for more than 30 days without congressional approval, unless Congress had been put out of operation by an armed attack. In any circumstances, however, the military could continue to fight while disengaging from the unauthorized hostilities.

In case of an outrageous abuse of presidential power to make war Congress could, by a two-thirds vote (overriding a veto), tell the President to stop in less than 30 days. And of course Congress could always extend the 30-day period by legislative action. Accelerated procedures are laid down to make certain that Congress would not be hamstrung by filibustering or other dilatory tactics. While the 30-day cut-off is necessarily arbitrary, it would allow time for reports and deliberation, and it would force Congress to act before a military build-up like that in Vietnam could take place.

The effect of the bill would be to put the President on notice that he could not undertake a military venture without explaining to Congress his action and his aims and his claim of authority. That alone would be a powerful restraint upon dubious hostilities that would not bear scrutiny or win popular support. Even more important, the bill would almost compel Congress to face the issue and to assume responsibility for the course to be taken.

Congress itself has been shamefully negligent in relinquishing into the hands of the President all but absolute control over the fate of the nation. Now it is attempting by cool and rational legislation to redress the balance and to assume its rightful place as the national policy-making body. Every American has a vested interest in the success of this undertaking, even though the details of the bills under consideration are still open to debate, clarification and improvement.

THE STATUS OF THE ARMS CONTROL AND DISARMAMENT AGENCY

Mr. HUMPHREY. Mr. President, I have spent many years working for arms control as a way to increase our national security.

I was recently asked by the Military Spending, Arms Control and Disarmament Committee of the Members of Congress for Peace through Law to prepare a report on the status of the U.S. Arms Control and Disarmament Agency.

I have a special interest in the Arms Control Agency. I urged that President Kennedy send to Congress legislation creating such an Agency in 1961. I introduced the ACDA legislation and have followed the progress of the Agency since its founding.

While the President is asking for a $4.2 billion increase in defense spending for fiscal year 1974, he has asked the Congress to cut ACDA's budget by one-third—from $10 million to $6.6 million. Apparently the Agency has encountered Presidential disfavor, like many other agencies of government which have been vigorously and independently pursuing their course.

ACDA has been without a Director for the past 4 months. I am pleased that the President has at last recommended a new nominee for ACDA Director. The confirmation hearing for Mr. Fred Ickle will provide members of the Senate with an excellent opportunity not only to consider his fitness for the job, but also to examine closely the rationale for the administration's recent actions toward the Arms Control Agency which are discussed at length in my report.

Members of Congress should be interested in the work of the Arms Control Agency because it is the only instrument of the Federal Government with the responsibility of pursuing rational and deliberate policies of arms reductions. I ask unanimous consent that my report to MCPL be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

Report on the Status of the U.S. Arms Control and Disarmament Agency

(Prepared by Senator HUBERT H. HUMPHREY for Members of Congress for Peace through Law)

INTRODUCTION

In May, 1972, the United States and the Soviet Union announced "the most momentous arms control accords concluded by major states in the modern era." They included the ABM Treaty, the Interim Agreement on Offensive Weapons and the earlier agreements on the Avoidance of Accidents and the Hot-Line Modernization.

Among the many lessons learned from the extensive negotiations leading to these accords was the advantage gained by having an effectively led, ably staffed, independent, and adequately supported agency for carrying on these technically and politically complex negotiations, as well as the increasing responsibilities of the U.S. in other areas of arms control.

The story of this successful achievement began in 1961, when the Congress established the United States Arms Control and Disarmament Agency by a vote of 73 to 14 in the Senate and 280 to 54 in the House. At that time, it was recognized that the prospects for agreement on disarmament were not bright.

An international interest in substantial arms control did indeed develop as more and more nations, including the Soviet Union, realized that the stockpiling of nuclear weapons did not increase national or international security but jeopardized that very element which they were designed to enhance.

The foresightedness of the United States government paid off in the period of 1969–1972, when we were equipped with an experienced agency to exploit the opportunity afforded by a Soviet willingness to negotiate strategic arms limitations.

Nor has the success of the government's arms control agency been limited to SALT, though it is the capstone of a decade of effort. [See Appendix I.] The Arms Control and Disarmament Agency took the initiative within the government on the Limited Test Ban Treaty in 1963. It has for over ten years represented U.S. interests at the Conference of the Committee on Disarmament (CCD), formerly the Eighteen-Nation Disarmament Committee.

This forum has produced such measures as the Nuclear Nonproliferation Treaty, the Treaty on the Peaceful Uses of the Seabed, the Treaty on the Exploration and Use of Outer Space, and the Biological Weapons Treaty. It has played an important role in the preparations for the Mutual and Balanced Force Reduction talks and has undertaken important research work on conventional arms transfers.

Today, the Arms Control and Disarmament Agency is in danger of being denied the necessary tools to achieve its mission. The ability of the United States to pursue a rational and deliberate policy of arms reductions will be seriously endangered without a vigorous and independent arms control agency.

Any diminution of the role of the Arms Control and Disarmament Agency at this moment in time would be truly unfortunate.

American public understanding and sympathy for arms control are at a record high. And there seems to be a favorable international climate for arms control with the end of the Vietnam war and a growing feeling of detente in Europe.

More than a decade ago John Kennedy said, "The ingenuity that has made the weapons of war vastly more destructive should be applied to the development of a system of control of these weapons." It is the duty of both the President and the Congress to work together in a creative partnership to provide ACDA with the support it needs to continue its work so that it can make further progress in a field so vital to increasing national and international security.

BACKGROUND

A brief discussion of why the Arms Control and Disarmament Agency was founded and the legislative history of the Arms Control and Disarmament Act of 1961 is needed to understand the Agency's present status.

Until its founding the United States had never had a single agency to deal with the complex political and scientific problems of arms control. The field of arms control was splintered among several agencies, each with a small staff and a limited degree of commitment. Although President Eisenhower and President Kennedy did have special assistants for disarmament and there was an arms control administration within the State Department, the arms control effort lacked centralized direction and the necessary coordination for the formulation of effective proposals.

This serious defect in the government's ability to deal with arms control issues became apparent in the late 1950's because of the increasing American involvement in international conferences on disarmament. From the end of the second World War until ACDA's founding in 1961, there had been over seventy such conferences. The U.S. government had not always been adequately prepared for these discussions, in part because we lacked a central arms control planning body.

In testimony before the Senate Foreign Relations Committee on behalf of the creation of ACDA, former Secretary of Defense Robert Lovett said:

> I believe that the present method of dealing with disarmament problems is far too dispersed and fragmentized to make possible the orderly planning, policymaking and supervisory procedures which are increasingly necessary as man's ingenuity in killing himself continues to outrun his self-restraint.

The need for a separate arms control agency was clear: The interrelationship of political, strategic and scientific problems related to arms control required a central organization responsible to the President and staffed by experts dealing broadly with the whole range of disarmament matters, including research, policies and programs.

As I said on the floor of the Senate when first introducing the legislation which established the Arms Control and Disarmament Agency:

> Our disarmament preparations must be continuous, constant, up to date and ever more reliable. Disarmament is a demanding task. Disarmament is full-time work. It cannot be undertaken by half-hearted, part-time efforts.

The bureaucratic rationale for the creation of ACDA was obvious. But there was a more basic reason for the establishment of an arms control agency. It was a way to demonstrate the actual and symbolic commitment of the United States to the general proposition of halting the nuclear arms race. It was also a mechanism to begin a modest reordering of priorities with emphasis on achieving security through arms limitations instead of through a spiraling arms race—which was seen as decreasing rather than enhancing national and international security.

It would have been impossible to create ACDA without strong presidential backing and support from leaders in the defense and diplomatic communities. Despite a not altogether sympathetic public understanding of the need for arms control, President Kennedy said during his campaign in 1960:

> Peace takes more than words. It takes hard work and large scale efforts. Above all, it takes a government which is organized for the pursuit of peace as well as the possibility of war, a government which has a program for disarmament as well as a program for arms.

The agency which President Kennedy originally hoped to name "The U. S. Disarmament Agency for Peace and Security" was intended to be an advocate for peace within the Federal government. It clearly was meant to express an expert viewpoint and a perspective that could provide some balance to the views propounded by military planners.

However, it was not conceived as an antagonist of the Pentagon. Rather, its role was to provide the State Department and the President with policy options in the field of arms control which were prepared by professional experts.

Detractors of ACDA feared that it was going to become a proponent of unilateral disarmament and endanger the security of the United States. This has never occurred. ACDA's policies, in the words of Dean Rusk, have been "meshed" with those of the Departments of State and Defense. At no time in the Agency's history has its commitment to arms control taken precedence over its concern for national security.

In fact, President Nixon has taken note of this and stated:

> Our Department of Defense and our Arms Control and Disarmament Agency share the same objective—the enhancement of our national security. Their perspectives, while different, are complementary.

Because of the fear that ACDA would become an over-zealous advocate of disarmament, its resources have always been severely limited and its position in the government has been overseen by the State Department. Despite these limitations present from the outset in the enacting legislation, ACDA has been able to gain a reputation for professionalism and expertise in the arms control field. The Test Ban Treaty of 1963, the Non-Proliferation Treaty and the SALT agreements are some of the important developments in which ACDA has played a key role.

ACDA's preeminent position as the principal source of arms control policy recommendations has come about in the last four years. One need only cite the upgrading of ACDA's status on the National Security Council, where it has played a central role on the Verification Panel, in the development of National Security Study Memoranda relating to arms control, on the Defense Program Review Committee, the Senior Review Group, the Under Secretaries Committee, and various interdepartmental, regional, and functional groups. In previous administrations, the part played by ACDA in the NSC system was far less institutionalized.

Herbert Scoville, Jr., former Deputy Director of the CIA and Assistant Director of ACDA for Science and Technology, notes that ACDA had a major voice in switching from the Sentinel to the Safeguard ABM system. Says Scoville: "From a bureaucratic point of view, the participation for the first time of ACDA in unilateral arms program decision-making marked a major turning point in that agency's position within the government."

At a moment when arms limitations seem more necessary and more possible, the prestige, responsibility and capacity developed over the last decade, and especially the last four years, should be increased rather than reduced.

I stated in 1961 that "this proposal (for the establishment of ACDA) represents in a tangible manner the restatement of a fundamental objective of our national policy—"the securing of a just and enduring peace." The performance of ACDA over the past twelve years has only reinforced my belief that Congress must not allow the Agency to be downgraded.

EXPERIENCED LEADERSHIP

It is necessary to explore in detail the major developments which lead to the belief that the Arms Control and Disarmament Agency is not receiving the support so crucial to capitalizing on past gains in limiting costly and unnecessary arms races and preventing the outbreak of new ones.

The principal focus on arms control over the last four years has been the Strategic Arms Limitation Talks. Public interest in the SALT talks has also increased general understanding and sympathy with the subject of arms control.

The three-year SALT talks were carried out by a negotiating team composed of representatives of the Joint Chiefs of Staff, Departments of State and Defense. Gerard Smith, the Director of the Arms Control and Disarmament Agency, headed the SALT delegation. Because of Smith's role, ACDA was charged with doing the major staff backstopping for the talks.

ACDA gained great stature from its role in SALT even though the President and the National Security Council had the overall decision-making responsibilities for the talks.

After Gerard Smith's resignation, the President named Under Secretary of State U. Alexis Johnson to become Chief U.S. Negotiator to SALT. He was not named Director of the Arms Control and Disarmament Agency.

Depriving the ACDA Director of leadership of the SALT delegation has had critical implications for the Agency's role in SALT II:

It is doubtful that it will be used as the principal staff backstopper for the talks. There is speculation that Ambassador Johnson will use the State Department staff for this purpose.

It is also unclear that ACDA's Director will be the President's chief advisor on arms control matters as prescribed by law.

ACDA's role in the National Security apparatus dealing with SALT and other disarmament matters will be considerably undermined by the Agency's loss of principal responsibility for SALT.

ACDA's prestige among other agencies and departments of the Federal government has been undermined, thus making it more difficult to have an effective voice on other non-strategic arms control matters.

The chances for success at SALT II—especially in the field of control of MIRV's—might be adversely affected by the absence of the ACDA's staff expertise.

It is important to note that Gerard Smith had significant experience in the field of arms control. Ambassador Johnson is an experienced and able career diplomat but lacks any past professional involvement with complex arms control issues. Although it may be desirable to separate the functions of ACDA directorship and SALT negotiator because of the great demands placed on both of these positions, it is unfortunate that a more knowledgeable person in the field of arms control has not been appointed to lead the SALT delegation. The further possible exclusion of ACDA from a principal role at SALT could deny our delegation the expertise we should have at Geneva.

At the time of the writing of this report the President has not named a replacement for Gerard Smith as Director of the Arms Control and Disarmament Agency.

The Agency has been without a Director for four months.

The practice of leaving vacant an agency's top appointed position for months on end is a widely recognized sign in Washington that the agency or department is in Presidential disfavor.

Ambassador Johnson left for Geneva in the first week of March to begin the second round of SALT negotiations. It is unfortunate that as SALT II begins the President is without a chief counselor on arms control, which is the statutory role of the ACDA Director.

In the absence of a new ACDA Director, it would seem logical that Dr. Henry Kissinger would be assuming the principal role of presidential arms control advisor. Although Dr. Kissinger's competence in this area is not doubted, the demands of his position prevent him from giving this subject the fulltime attention it deserves, a situation which apparently delayed progress on the SALT I accords.

After his re-election President Nixon asked for the resignations of all Administration appointees. The top officials at the Arms Control and Disarmament Agency submitted their letters of resignation.

It is clear now that President Nixon has accepted the resignations of several of ACDA's most experienced and knowledgeable ranking staff members. Those leaving the Agency include: Mr. James Leonard, Assistant Director and Chief of ACDA's International Relations Bureau; Mr. Spurgeon Keeny, Jr., Assistant Director and Chief of ACDA's Science and Technology Bureau; and Mr. Lawrence Weiler, Counselor to the ACDA Director.

All of these men have been associated with arms control efforts for many years. All of them have scrupulously followed the policy guidelines established by the President, the NSC and the Department of State.

Their departure from ACDA leaves the organization with a serious vacuum of talent, independent judgment and expertise in the arms control field. It will be extremely difficult to replace these individuals with equally talented personnel.

Much the same is true of the President's General Advisory Committee on Disarmament, the membership of which includes not only Chairman John McCloy, one of the chief drafters of the agency's enabling legislation but also a number of other distinguished and eminently qualified citizens. They are:

John J. McCloy, lawyer, former adviser on disarmament to President Kennedy, retired Chairman of the Chase Manhattan Bank, former Chairman of the Ford Foundation, President of the World Bank, US High Commissioner for Germany, and Assistant Secretary of War during the Second World War.

I. W. Abel, President of the United Steel Workers of America.

Dr. Harold Brown, scientist, President of the California Institute of Technology, member of the SALT delegation, and former Secretary of the Air Force.

William C. Foster, former Director of the Arms Control and Disarmament Agency and former Deputy Secretary of Defense.

Kermit Gordon, economist, President of the Brookings Institution, former member of the Council of Economic Advisers, and Director of the Bureau of the Budget.

Dr. James R. Killian, Honorary Chairman of the Corporation of Massachusetts Institute of Technology, former Special Assistant to the President for Science and Technology.

General Lauris Norstad, USAF (Ret.), Chairman of the Board and President of the Owens-Corning Fiberglas Corporation, and former Supreme Allied Commander in Europe.

Dr. Jack Ruina, scientist, Professor of Electrical Engineering at Massachusetts Institute of Technology, former President, Institute for Defense Analyses, and Assistant Director for Defense Research and Engineering, Department of Defense.

Dean Rusk, Professor of International Law, University of Georgia, former Secretary of State.

Governor William Scranton, lawyer, former Governor of Pennsylvania, and former Member of Congress.

Dr. John Archibald Wheeler, scientist, Joseph Henry Professor of Physics at Princeton.

This panel has operated with relatively little change in its membership for nearly a decade, thus developing a knowledge and experience base parallel to that within the agency. A complete change in membership, which appears to be indicated by the requests for the resignations of present members, would deprive the U.S. arms control effort of still another valuable source of expertise.

The President has conducted bureaucratic "house cleaning" with several of his departments and agencies. ACDA does not need bureaucratic revitalization—it was already vigorously pursuing its objectives in an effective manner. ACDA's intellectual independence could be adversely affected by the loss of its experienced staff.

The total number of Agency personnel is less than 250. This rather tightly knit organization must be keenly aware of shifts in attitudes both within and outside the organization. Maintaining a high level of morale is essential if the Agency is to carry out its functions effectively.

ACDA BUDGET

Proposals to reduce the ACDA budget by one third—from $10 million to $6.6 million for FY 1974—are responsive neither to the needs nor opportunities for arms controls in an era of detente.

In FY 1973 $88 million was budgeted for civil defense activities of the Office of Emergency Preparedness, while ACDA received only $10 million, reflecting an apparent disparity of priorities between the value of prevention as opposed to the value of cure.

U.S. ARMS CONTROL AND DISARMAMENT AGENCY—SUMMARY OF APPROPRIATIONS AND AUTHORIZED POSITIONS, FISCAL YEARS 1962–73

Fiscal year	Appropriations	Authorized positions
1962	$1, 831, 100	126
1963	6, 500, 000	220
1964	7, 500, 000	220
1965	9, 000, 000	214
1966	10, 000, 000	238
1967	9, 000, 000	238
1968	9, 000, 000	263
1969	9, 000, 000	268
1970	9, 500, 000	249
1971	8, 645, 000	249
1972	9, 116, 000	249
1973	10, 000, 000	244
1974 (proposed)	6, 600, 000	

The proposed ACDA budget represents .0078 percent of the total proposed DOD budget. The cost of a single F–15 fighter plane exceeds the total ACDA budget by several million dollars. Nobody expects a balance or anything approaching it between defense and arms control budgets. However, the comparison is illustrative of general priorities given these two areas of governmental activity.

The principal effect of the ACDA budget

cuts will be felt in the research arm of the Agency. The Arms Control and Disarmament Act of 1961 states that one of the most basic functions of the Agency is "to insure the acquisition of a fund of theoretical and practical knowledge concerning disarmament."

The budget for fiscal year 1974 shows ACDA's research funds being cut from $2 million to $500,000. This will severely limit ACDA's ability to conduct both scientific and social science research relating to arms control.

Since 1961 ACDA has sponsored over 300 external research projects at a cost of $12 million. There are, of course, mixed evaluations concerning the usefulness of some of these research projects—especially those in the social science field.

However, in science and technological areas, ACDA's research has been highly regarded by experts in the arms control field. The Agency's scientific research has provided many valuable insights for policy makers. Work on such subjects as the verification of nuclear testing was instrumental in obtaining the Limited Test Ban Treaty and will be vitally important if there is to be a comprehensive test ban. ACDA research on the feasibility of upgrading SAM missiles was critical to the negotiation of an ABM Treaty.

In several instances, ACDA research has served as an intellectual countervailing force to Department of Defense research efforts. Such a relationship reflects the checks and balances principles of American government.

The extensive research cutback will mean that both the social science and scientific research efforts will be severely hampered. Work on such important subjects as conventional arms transfers and limitations and on the subject of the impact of domestic reconversion of the defense industry may have to be discontinued.

Because of its research contracts, ACDA was able to encourage scholars in several disciplines to become interested in arms control policy questions. The cutbacks will inevitably decrease such worthwhile activities and reduce valuable contacts between the Agency and the research and academic communities.

Such activities as the quarterly publication of an arms control and disarmament bibliography at a cost of $175,000 a year will be discontinued. This bibliography provided an invaluable service to the academic community and to the Congress.

Now that the groundwork has been laid with a decade of general research, it is no doubt desirable to redirect the research program from social science research to efforts more directly related to concrete policy matters, yet this could have been done without indiscriminately curtailing the entire research effort.

When Gerard Smith served as Director he realized some of the deficiencies in the research program and established a Research Policy Committee to establish overall guidance for ACDA research. The Agency's research has improved greatly because of this evaluation unit.

The formulation of realistic arms control policies requires extensive research. The severe cutbacks in research activities can only injure ACDA's overall effectiveness in the policy process and limit the range of arms control options we can pursue in international negotiations.

CONCLUSION

When legislation to establish the Arms Control and Disaramament Agency was considered in the Senate in 1961, I said that "the prospects for agreement on disarmament are not bright. The Soviets do not appear to want to negotiate. . . but the world outlook may change and I am hopeful that the Soviets may someday show a genuine interest in real, substantial arms control."

These words expressed a hope for the future.

And that future is here today.

The Soviet Union and other nations have shown an interest in arms control. Interestingly enough, two experts on the Soviet Union with access to classified information, Roman Kolkowicz and Alexander Dallin, have pointed out in separate studies that since 1964 there has been an emerging arms control bureaucracy in the Soviet civilian and military administration.

We are beginning our fourth year of talks aimed at the limitation of strategic weapons.

The feeling of detente in Europe grows as trade and commercial exchange break down the old barriers of hostility.

We have just embarked on discussions to achieve a mutual and balanced force reduction in Europe.

The United Nations has declared the 1970s to be "a decade of disarmament."

Twelve years ago, we seemed to be teetering on the precipice of nuclear confrontation. Though we still possess the weapons of catastrophic destruction and indeed they have proliferated despite our efforts, time seems to have eroded the fear and bitterness which could precipitate a nuclear exchange.

Rather than be content with the status quo of a more favorable atmosphere of lessened tensions among great powers, *we must now take the initiative in achieving both strategic and conventional mutual arms reductions.*

Yet how can we continue to exercise leadership and initiative in the arms control field if our single, most dedicated agency for arms control is to become merely "a research and staffing organization" in the words of an administration spokesman. Now is not the time to dismantle or downgrade the arms control apparatus. Now is not the time to halt or limit the forward momentum achieved by the professional work of this independent agency.

The ultimate effect of budget cuts and personnel losses will be that ACDA will be unable to serve as an effective advocate for arms control among competing forces in the government.

In actual terms this will mean that the Agency will be denied needed and sensitive information by the Department of Defense and the National Security Council. According to informed sources, such a practice has already begun.

A newly hired ACDA defense analyst has been unable to secure from the Department of Defense the Five Year Defense Plan used as a basic tool in analyzing the defense budget. When he worked for the Department of the Navy, this document was readily available to him.

The effects of the downgrading will also mean that ACDA's recommendations can be safely ignored despite the Agency's reputation for expertise. This phenomenon will be especially damaging in the process of moving policy recommendations forward to the President for his personal consideration.

The Arms Control and Disarmament Agency's loss of position as an effective advocate for arms control would mean that we have reverted back to the pre-1961 problems which plagued the government's handling of arms control policy: lack of continuity, lack of coordination, lack of expertise, lack of long range planning and lack of research.

While each Administration has every right to select its advisors on arms control and disarmament matters, it is equally the right and duty of Congress to ensure that our government possess a strong and effective agency for arms control.

Writing in the Washington Post at the beginning of this year, Chalmers Roberts said:

> Stassen, Foster and Smith all were effective, or ineffective, to the degree that they could establish an independent input from an office or an agency that was beholden neither to the diplomatic views of State, the military views of defense or the views of the White House staff.

It is the critical independence of the Arms Control and Disarmament Agency which seems to be at stake.

Mutual arms control limitations provide all parties to such agreements with a politically viable method to reduce defense expenditures and channel these resources to badly needed domestic projects. Whether it is a question of providing a higher standard of living and more protein to the Soviet consumer or rebuilding American cities, *arms control and reductions as a method of cost saving to overtaxed citizens and financially overburdened governments have been sorely neglected.* Only a vigorous ACDA provided with ample financial resources can present the feasible alternatives which can lead to the saving of billions of dollars. There is absolutely no other agency of government with the same concern.

ACDA is sure to survive the measures designed to limit its responsibilities. But it is questionable whether the Agency will now be able to enter vigorously new areas of research and advocacy which need to be developed. The Agency had only begun to deal with the question of control and limitation of conventional arms when it was proposed to cut its budget and staff. This area alone provides the means for a major source of worldwide conflict. The issue of developing a comprehensive test ban and obtaining an agreement on MIRV's are key short range goals which may be adversely affected by the White House action.

The Congress and the Executive Branch must ask themselves the following questions as they consider the future of ACDA.

How are we to assess the effect of the various arms control proposals without the valuable research provided by ACDA?

How are we to present alternatives and solutions to deadlocks in arms control negotiations when ACDA's budget is being cut, its staff demoralized and its viewpoints in danger of being relegated to obscurity?

How can we neglect the experience and knowledge that ACDA has accumulated over the past twelve years and that its staff has acquired over the past twenty years at the time when prospects for substantive arms control are so great?

A year ago the President said: "Intelligently directed arms control and disarmament efforts are an important element of our foreign policy and are essential to our national security."

If the commitment to arms control remains as serious in the next four years as it has in the previous four, then there is little need for concern among arms control advocates. But recent actions point to an alarming deterioration in support for the single institution within the Federal government capable of becoming a strong advocate for increasing our security through arms control and disarmament.

It is therefore recommended that the Congress and the President take the following steps to enhance the position and capability of ACDA:

1. At the earliest possible time, the President should nominate a new director for the Arms Control and Disarmament Agency. The nominee should have substantial experience in the arms control field as well as a deep commitment to the concept of insuring national security through arms limitations. The new director should have the full confidence of the President.

2. The President should in the near future make a public statement to reaffirm his confidence and support of the work and mission of the Arms Control and Disarmament Agency.

3. In order to maintain the agency's high level of staff expertise, the President should promptly appoint highly qualified and ex-

perienced personnel to fill the posts of those he recently asked to resign. These persons should also share a commitment to arms control.

4. Congress should restore the Arms Control and Disarmament Agency's budget to the FY 1973 level of $10 million. Of this sum, at least $2 million should be allowed for "external research and field testing."

5. If the budget is restored by Congress, one year following such action, the Foreign Relations Committee should request that the General Accounting Office submit to the Committee a report and evaluation of the Agency's research efforts.

6. If the President has accepted the resignations of the now eleven member General Advisory Committee on Disarmament, he should promptly submit to the Senate a list of new nominees for this important presidential advisory panel. President Nixon should make every effort to appoint men and women to this committee who are knowledgeable concerning the subject of formulation of public policy, who have an interest in arms control and who are persons of stature in their respective professions.

7. The President and his Advisor for National Security Affairs should move immediately to upgrade ACDA's role at SALT II, at the MBFR conference and within the National Security Council's apparatus. The President should direct Ambassador Johnson to use the staff of the Arms Control and Disarmament Agency as the principal support staff of the negotiations.

8. The Disarmament Subcommittee of the Senate Foreign Relations Committee should in the near future conduct extensive hearings on the status of ACDA.

APPENDIX I

VOLUME OF ARMS CONTROL AND ARMS CONTROL-RELATED AGREEMENTS AND NEGOTIATIONS, 1958–73

1958: East-West Surprise Attack Conference, Geneva.

1959: Antarctic Treaty negotiated.

1960: Ten-Nation Disarmament Committee Conference, Geneva.

1961: McCloy-Zorin talks lead to U.S.-U.S.S.R. Joint Statement of Agreed Principles for General and Complete Disarmament.

1962: Eighteen-Nation Disarmament Committee convenes; U.S. & U.S.S.R. submit proposals for International Disarmament Organization.

1963: "Hot Line" agreement signed; Limited Test Ban Treaty negotiated; US & USSR verbally agree not to place weapons in outer space.

1965: U.S. and U.S.S.R. announce draft nonproliferation treaties.

1967: U.S. proposes Strategic Arms Limitation Talks; Treaty on the Exploration and Use of Outer Space negotiated; Treaty on the Prohibition of Nuclear Weapons in Latin America negotiated.

1968: Nonproliferation Treaty negotiated and opened for signature. SALT announced.

1969: ENDC enlarged to 26 members; US supports UK draft prohibiting biological weapons; US renounces first use of lethal chemicals.

1970: 1925 Geneva Protocol on gas & bacteriological weapons resubmitted to Senate; NATO calls for Mutual & Balanced Force Reductions.

1971: Seabed Treaty negotiated; U.S. and U.S.S.R. conclude agreements on avoidance of missile accidents and to upgrade "Hot Line."

1972: U.S. and U.S.S.R. sign ABM Treaty & Interim Agreement on Offensive Weapons, as well as Incidents at Sea Accord; Biological Weapons Treaty signed; US & USSR call for Chemical Weapons Accord; preliminary talks for MBFR and European Security Conference.

1973: SALT II begins; MBFR; ECSC.

NATIONAL LIBRARY WEEK

Mr. McGEE. Mr. President, President Nixon has chosen a strange way to implement his declaration launching this as National Library Week: In the goal of realizing to the fullest the potential abilities of every American, the President states—

> Nothing is more essential . . . than an efficient and readily accessible library system.

Actions, Mr. President, speak louder than words, and the action that this administration has taken in its budget for fiscal 1974 is to provide no funds—zero—for libraries. Just as public libraries were told that, although they were being zero-funded, they have the privilege of competing under general revenue sharing, for local revenue sharing funds along with police and fire protection, sewage disposal, garbage collection and other essential local services, so school libraries are now being told that they would be able to compete for "supporting services and materials" dollars against other essential school services, under the administration's proposed education special revenue sharing legislation. College libraries, also zero-funded under the President's budget, are merely told that "recent amendments to the legislative authorities for these programs have made it impossible to set funding priorities and provide meaningful levels of assistance." This amounts to telling the libraries of our colleges and universities that, since we cannot give you enough, we shall give you nothing.

Mr. President, 50 million Americans use the Nation's public libraries, and millions more depend on the libraries in our schools, colleges, and universities. As we mark the observance this week of National Library Week, we do so with a certain sadness that an administration which engages in glowing rhetoric about the importance of our libraries does not back up its words with deeds and—more important—with dollars. I call to the attention of the Senate the forthcoming campaign of the American Library Association, entitled "Dimming the Lights on the Public's Right To Know," in which the Nation, it is hoped, will be made more aware of the rich resources of its public and educational libraries and of the threat to them if all major programs of Federal support are terminated.

I ask unanimous consent that the President's statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

PRESIDENT NIXON'S STATEMENT LAUNCHING NATIONAL LIBRARY WEEK (APRIL 8–14, 1973)

THE WHITE HOUSE,
Washington.

The strength of our nation resides in the knowledge, wisdom and spirit of our people. As we approach the two hundredth anniversary of our national independence, it is imperative that we intensify our efforts to hasten the day when every American will have a truly equal opportunity to realize the full potential of his abilities. Nothing is more essential toward the achievement of this goal than an efficient and readily accessible library system.

National Library Week gives appropriate focus to the great array of resources offered by our libraries to people of every age. It calls on all Americans to broaden their vision, enhance their skills and achieve their rightful places as dignified, self-reliant citizens. It calls upon every community to improve its library and thereby to promote the well-being of its people.

I ask all Americans during this special observance to share generously in the support of our libraries and to make the fullest possible use of the rich treasures they possess.

RICHARD NIXON.

THE FUEL SHORTAGE

Mr. FULBRIGHT. Mr. President, in recent weeks I have heard from a large number of Arkansas farmers about the possible lack of adequate fuel for farm usage. This problem could be particularly critical in the coming months ahead when farmers are involved in land preparation and planting and therefore are consuming large amounts of fuel for operation of farm equipment.

This problem arises out of the fact that many fuel distributers in the area are being allocated less fuel than they received last year. Yet, due to unusual circumstances, the demand for diesel fuel is inevitably going to be much greater than last year.

One reason for the increased need is that more land will be in cultivation for row crops this year. The Government has encouraged additional planting and there will be less land "set aside." In Mississippi County, Ark., for example, due to the change in governmental programs about 32,000 acres which was previously "set aside" will now be intensively cultivated. Since approximately 8.85 gallons of fuel are necessary for each acre of farmland devoted to row crops, the increased acres resulting from the change from "set aside" to row crop would require 283,200 additional gallons of fuel to meet this need.

A second and more dramatic reason for the increased fuel need results from the extremely heavy rains and flooding which have occurred in the area. Because of the very wet conditions and the fact that considerable farmland is still under water, above normal tractor time will be required to put the land in condition for planting. Much of the land is rutted to the point that it will dry slowly and will delay field operations.

Because the heavy rains have been occurring regularly since last fall, much of the fieldwork which is normally done in the fall still remains to be done before the 1973 crops can be planted.

Mr. President, the fuel shortage is a problem which has serious implications for all of us, but particularly for these farmers whose crops are vital to the national well-being.

I would hope that the relevant Government agencies, including the Department of Agriculture, will look closely at this situation and do everything possible to insure that adequate fuel is available to farmers at this critical time. This is important not only to the agricultural sector of our economy, but in our efforts to control inflation, which effects all of us. Likewise, we depend heavily on the export of agricultural commodities to help our international trade and payments balance.

Mr. President, I have received a number of letters from farm groups and others in Arkansas concerned with this problem, and I ask unanimous consent to have a few of them printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

MISSISSIPPI COUNTY FARM BUREAU,
Blytheville, Ark., April 3, 1973.
Hon. J. W. FULBRIGHT,
Senate Office Building,
Washington, D.C.

DEAR MR. FULBRIGHT: We are deeply concerned about this area's ability to produce a crop in 1973 because of the drastic reduction in the diesel fuel which will be available to us. Such a reduction would seriously disrupt the farming activities of our area and would create extreme hardships for individual farmers. It would also cause serious losses in production of food crops so essential to the national well being at this time.

It should be borne in mind that there is no acceptable substitute for high grade diesel fuel for use in the sophisticated, high horse power tractors used on the farms in our area. The diesel engines have been developed over a long period of years for high quality diesel fuel. Any lesser substitute could play havoc with farmers investments in expensive machinery and greatly hamper their efficiency.

For your further information, we would like to give you more background material. *First*, more fuel will be required to produce the 1973 crop than was used in 1972. This is true because in 1972 there were approximately 32,000 acres of "set aside" land in Mississippi County. Due to a change in governmental programs this land will be changed from "set aside" to intensively cultivated row crops. Approximately 8.85 gallons of fuel is necessary for each acre of farmland devoted to row crops. The increased acres resulting from the conversion of "set aside" to "row crop" would require 283,200 additional gallons over last year's use to meet this need.

Second, above normal tractor time will be required this season to put our land in planting condition due to extremely unfavorable weather during the fall harvest. This land is rutted to the point that it will dry out slowly and will delay field operations. A look at the official weather bureau record from Keiser, attached as Exhibit A, will tell the story. Note that after October 15th the longest period without rain was four days. There was excessive rainfall and most unfavorable distribution.

Third, land preparation and planting is the most critical time so far as fuel consumption is concerned. This involves the months of April, May and June, the very same months the fuel supply has been reduced. If fuel is not available during these months it will be too late! The crop will be lost! This, of course, gives urgency to our cause, and makes time of the essence.

We fully appreciate the position of the oil companies with regard to total supply. We also know that they have allocated a proportionate share of their fuel to us. At the same time we believe our condition is serious enough to warrant special consideration because of the very urgent contribution we are making to the total supply of foods for the consuming public. We believe it is the National Policy to do what is necessary to get full production of these crops to help control inflation. We also recognize another compelling factor—that of having high production of exportable crops for favorable balance of trade and the need for an adequate supply of food for the consumers of our country.

We will appreciate your efforts to help alleviate this most serious situation.

Sincerely,

GENE LITTLE,
President, Mississippi County Farm Bureau.

WEATHER INFORMATION

Month	1972 rainfall	1972 number days rain	1972 longest period without rain (days)	Average rainfall
January	2.53	14	8	5.45
February	1.87	10	5	4.33
March	3.53	16	4	5.00
April	5.50	11	4	4.01
May	3.06	12	6	4.17
June	2.98	5	12	3.29
July	4.39	9	10	3.66
August	2.80	8	9	3.38
September	5.75	12	6	3.21
October	4.08	14	12	2.80
November	5.93	12	4	3.93
December	6.42	17	3	4.24
Total	48.84	140		47.47

Note: Although the rainfall in 1972 was only 1.37 in. above normal, rain fell so frequently that field work was limited and harvest was delayed, preventing any field work to be done in the fall as is normally done. Consequently this field work will have to be done in the spring of 1973 before crops can be planted.

Source: University of Arkansas, Northeast Branch Experiment Station Weather Bureau, Keiser, Ark.

ARKANSAS FARM BUREAU FEDERATION,
Little Rock, Ark., March 13, 1973.
Hon. J. WILLIAM FULBRIGHT,
Senate Office Building,
Washington, D.C.

DEAR SENATOR FULBRIGHT: Farmers are becoming alarmed over recent announcements by major oil companies concerning a shortage of diesel fuel for farm usage. Most farm supply outlets are being allocated 20–30 per cent less than they received last year.

We understand of course that the nation as a whole is facing a fuel shortage. We are not sure, however; that industrial and trucking industries are being asked to curtail their usage by this much.

Field work in the row crop area of our state is behind due to an unusually wet winter season. The next 45 days is critical for planting crops. Is there anything we can do to insure an adequate supply of fuel for farm equipment operation during this busy season? Your help will be appreciated.

JACK JUSTUS,
Director, Legislative Affairs.

MILLER COUNTY FARM BUREAU,
Texarkana, Ark., March 21, 1973.
Hon. WILLIAM FULBRIGHT,
Senate Office Building,
Washington, D.C.

DEAR SIR: The Miller County Farm Bureau Board of Directors, at their last meeting, voted to contact you in regards to the increase in prices and reported shortage of farm fuel and oil. It would be apprecriated that, in your position, you might get legislature to make sure the farmers will be to purchase fuel and oil for production of farm products.

We would appreciate anything that you might be able to do for Miller County and Arkansas agriculture.

Yours truly,

D. S. SANTIFER,
President, Farm Bureau Insurance Co. of Miller County.

HOME OIL CO.,
Osceola, Ark., March 6, 1973.
Hon J. W. FULBRIGHT,
Senate Office Building,
Washington, D.C.

DEAR SENATOR FULBRIGHT: I am manager of a large farm supply cooperative serving about 225 farmers in Mississippi County.

I am deeply concerned about the diesel fuel supply for our farm accounts this spring. Practically no farm land preparation was done in late fall and winter, leaving it all for spring work. With fuel for our farmers' tractors being allocated on a basis of last years use by the month, I am fearful we are going to be short and that the farmers will not be able to get the crops planted when they need to be.

I would urge some sort of priority setup which will assure the farmer a supply of fuel at the time and in quantities to fully serve his needs.

Any help that you can give us along this line will be appreciated.

Your very truly,

W. O FRAZIER, *Manager.*

PROPOSED PRICE ROLLBACK WRONG

Mr. DOLE. Mr. President, half the employees of the packinghouses in the State of Kansas are out of work. They have been laid off as a reaction to the threat to their business posed by the so-called housewife boycott against purchasing meat.

The Rules Committee of the House is today considering how to handle H.R. 6168 and its amendments on the floor of the House. This bill would extend the Economic Stabilization Act and, as amended by the House Banking and Currency Committee, it would mandate a rollback of prices and interest rates to January 10, 1973, levels.

This amendment, in all probability. Mr. President, would lead to bankruptcy for many Kansas businesses and certainly would increase the substantial unemployment already caused by the closing of many packing plants.

According to the Kansas Livestock Association, the proposed rollback would cost the beef industry of Kansas—overnight—$297 million.

Basically, there are three types of cattle in the beef industry. There are feeders—those in the feedlot, which average about 1,100 pounds. There are stockers—which are being prepared for the feedlots. These weigh about 600 pounds. And there are the calves, which will become the stockers. These weigh about 400 pounds. The Kansas Livestock Association estimates that the proposed rollback to January 10 prices would reduce feeder cattle from $46 to $40 per hundredweight, for an average loss of $66 per head. The total loss for the 1,230,000 cattle now in Kansas feedlots would be $81 million.

For the stocker cattle, the estimated price reduction would be from $58 to $46 per hundredweight, for a loss of $72 per head. This would mean an additional $144 million loss on the 2 million stocker cattle in that State.

The value of these 1,800,000 calves in Kansas would be reduced by $10 per hundredweight—from $70 to $60. That would mean an average reduction of $40 per head, or a total loss of $72 million. This totals a staggering $297 million potential overnight loss if the proposed rollback should be passed. This does not take into account the additional losses brought on in the reduced operations of cow herds and in the lowered sales of replacement heifers.

Some economists see an inevitable multiplier effect on general income in an economy so strongly influenced by agricultural production. The Kansas Livestock Association has used a 5.5 multiplier factor to project an almost inevitable, immediate loss of $1,633,500,000 to the economy of the State of Kansas if the proposed rollback to January 10 price levels were effected.

Additional losses could be projected for other commodities, products and services. The point is that this rollback would pose across-the-board economic disaster to the State of Kansas. For example, one large grocery retailer in the State has estimated that the rollback would cost him $3 to $6 million loss, by reducing the value of his inventory.

HOUSEWIFE DEMAND

Mr. President, we are forgetting the basics.

The high price of meat is the result of high consumer demand. It is just as simple as that.

The reason meat prices have increased has been that the housewife who does the shopping, and her husband who fires up the charcoal broiler, like the taste of beef. More and more people have tried it, and they like it. And so they keep buying more of it. With the increased demand, our farmers have set out to increase their production of beef. They have not been able to keep pace, but they have expanded their herds as fast as nature will allow.

COULD BACKFIRE

Simply stated, if livestock and meat prices are not maintained at fair margins, our cattlemen will not be able to profitably refill their feedlots as they market their present supply. The certain result will be the gradual dwindling of the supply, making the remaining beef more costly than it is today. Such a development is dictated by the elementary facts of economy and it is, incidentally, just the reverse of what our housewives hope to accomplish with the boycott.

More generally, the number of cattle and calves on feed on March 1 in the seven top producing States totaled 9,698,000 head. That is up 8 percent from the figure a year ago. The number of cattle marketed was up 4 percent from a year ago. This means simply that more meat—a bigger supply, and possibly lower prices—are on the way.

But beef is still produced according to Mother Nature's cycle—not through the urging of would-be production expediters. Present trends in production indicate that prices will stabilize sometime this year. Secretary Butz has predicted that meat prices will decline later this year, if the weather will cooperate. The reports on cattle population bear this out. Prices must be maintained if we want additional beef production.

U.S. PRICES LOW IN COMPARISON

Mr. President, it would be well if our "boycotting" consumers would take note of what consumers in other nations are paying for beef, and other foods.

In mid-March, the price for sirloin steak in Washington, D.C., was $1.69 per pound. At the same time, it was $2.45 per pound in Brussels and $1.88 per pound in London. In Paris, round steak was selling for $2.57 per pound. In Tokyo, T-bone steak sold for $3.57 per pound and beef loin was sold for $11.50 per pound.

These are some of the figures contained in the April 1973 issue of Foreign Agriculture, and I ask unanimous consent that the entire article, "What Consumers Are Paying in the World Marketplace," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FOOD PRICES ARE WORLDWIDE PROBLEM—GOVERNMENTS SPEED SEARCH FOR SOLUTION AS CONSUMERS REACT

(By Beverly J. Horsley)

U.S. consumers concerned over rising food prices need not feel alone. Their views have been echoed the world over—and with increased fervor during the past year—as inflation continues to mount in Western Europe, Japan, and many of the developing countries. For example—

In France, butchers this past year protested fixed retail prices for beef cuts when wholesale costs were rising at twice the retail rate. But consumers still were paying some 15 percent more for their beef than a year earlier, causing the Government to focus on meat prices in anti-inflationary measures.

In Italy, consumers returned from August vacations to find further increases in beef prices, which rocketed 30 percent during the year ending August 31. And that was just the beginning, as retail beef prices soared further to well over the equivalent of US $2.00 per pound, and shortfalls in domestic fruit and vegetable crops caused prices for certain of these to climb as much as 80 percent.

In the United Kingdom, the Government clamped on a wage-price freeze in November 1972 to stem rising prices and other inflationary forces. At that time also, sentiment was strong against Britain's January 1, 1973, accession to the European Community (EC), where even higher food prices must be met by increases over the next 5 years in British prices.

In Chile, the food and beverage group of the official consumer price index rose 243.3 percent in 1972.

These are just a few examples of food price problems that have developed abroad during the past year. Governments have responded with stiffer price controls and, in some cases, freer import policies. But halting the price spiral remains an elusive goal, complicated by such problems as soaring demand for meat and high-quality products, desired as people become more affluent; widespread crop shortfalls during 1971–72 in grains and other staples; and protective trade policies of the European Community (EC), Japan, and other countries and regional groups.

Among the developed countries, consumer concern over food prices has been most obvious in Western Europe—particularly the European Community.

During calendar 1972, prices gained by over 6 percent in all of the EC Six (according to forecasts based on EC data), ranging from an estimated 6.2-percent increase in West Germany to 8.5 percent in the Netherlands. In most of the EC nations, meat prices—and beef in particular—accounted for much of the increase, with all of the EC Six recording gains of over 9 percent in the meat indices.

Although fueled by a number of factors, including rapid economic growth in the EC and resulting increases in consumer demand, these price jumps have focused attention on the very substance of the EC system, with its highly protective Common Agricultural Policy (CAP). Since the formation of the EC in 1958, the CAP has been gradually developed into an all-encompassing policy, affecting over 90 percent of EC agriculture. By controlling imports through an elaborate system of target prices, threshold prices, and variable levies, the CAP has thrown a protective shield around EC agriculture, serving to retain production inefficiencies while charging much of that protection—including the cost of subsidizing exports of surplus farm production—to the EC consumer.

Moreover, one of the original purposes of the CAP—to insulate consumers from sharp price increases on the world market—obviously has not worked during the current food shortage, since prices in EC countries last year rose much more sharply than in the United States and many other developed countries of the world.

In addition to problems of the original six members of the EC are those of the United Kingdom, Ireland, and Denmark, which joined the Community this January. In these countries, price rises over the next few years will be spurred by increases already planned in order to bring farmer returns up to the high levels prevailing in the EC.

With these and other aspects of inflation in mind, heads of government of the nine nations of the enlarged EC met in a Paris summit on October 19 and 20. Their joint communique instructed finance ministers meeting on October 30–31 in Luxembourg to adopt the necessary measures to control price rises. The Council of Ministers subsequently expressed the aim, among others, to limit price increases between December 1972 and December 1973 to 4 percent and to achieve this through temporary tariff reductions, quota liberalization and other steps to expand supplies and reduce price pressures.

It is difficult to say which of the original six EC nations has been most affected by rising food prices. While the rate of increase has been faster in some other countries, it has perhaps been most troublesome in Italy—beset not only by inflation but also by recession.

Italian price gains, while apparent throughout 1972, accelerated in late summer, resulting in price controls being imposed in Rome on August 28. They were rescinded 2 days later, however, as a result of protests from producers and retailers that proved even stronger than those by consumers. Coming in the form of a butchers' strike and sympathy strikes by other retailers, those protests led to the replacement of the freeze with a system of voluntary controls similar to ones adopted earlier in Milan.

The Italians have been especially adamant over rising beef prices, which not only climbed dramatically during the year (boosting the meat index 13.4 percent) but also put pressure on prices of alternative products like pork and chicken. Furthermore, unfavorable weather damaged some fruit and vegetable crops in Italy, contributing to sharp price increases during 1972. These ranged from about 30 percent for citrus, apples, and pears, to around 50 percent for tomatoes and potatoes, to nearly 80 percent for onions and figs.

Butchers and beef have likewise figured prominently on the French scene, where jumps of 25 percent and more in wholesale beef prices last summer eclipsed gains of 15 percent at the retail level. With retail prices of certain cuts like frying beef (bifteck) controlled, butchers protested loudly while at the same time labeling some of their bifteck "filet" or "rumpsteak" for which there were no maximums. A compromise was finally reached, increasing the maximum prices somewhat.

As part of an anti-inflation drive begun in August 1972, France also moved to have imports of meat liberalized.

With consumer prices for calendar 1972

up about 8 percent—and food accounting for much of the rapid gain—France has been under heavy pressure recently to take further measures. This pressure was accentuated by the impending elections of the French Assembly which took place last month. As a result, the Government on January 1, 1973, announced an anti-inflation package which included suspension of the 7.5-percent value-added tax on beef.

German officials also have been taking a hard look at their policies, which thus far have shied away from Government controls. While German prices in past years had risen at a much slower rate than those in other EC countries, they took a sizable 6.2-percent jump in calendar 1972 with an acceleration in the rate in the latter half of 1972. Among the categories, meat prices rose an estimated 12 percent; bread, biscuits, and cakes, 6.3 percent; dairy products, 5.4 percent; and fruits and vegetables 8.9 percent. Here again, the rise has focused attention on the EC Common Agricultural Policy and its effect on consumer prices.

In the Netherlands, food prices skyrocketed in the last half of 1972, ending the year with an 8.5-percent leap over calendar 1971. Meat prices were the biggest gainers, up 14.3 percent but breads, up 9.4 percent, and dairy products, 9.3 percent, were close behind. As in the other EC countries, these increases created concern and some action. The Government, for instance, has sought a tripartite agreement among Government, labor, and employers to restrict price increases in 1973. Along these lines a system of compulsory registration of price increases has been established.

In Belgium, food prices, rising an estimated 6.9 percent in calendar 1972; climbed at a much faster pace than the general price index, with beef again accounting for much of the jump. Fruit and vegetable prices also showed a steep climb—almost 10 percent—following a decline between 1970 and 1971.

To halt the spiral in meat prices, the Belgian Government in September 1972 attempted to establish price controls on the sale of beef. A similar program had been attempted in 1971 but was abandoned following a butchers' strike. Strong opposition from the trade also prevented this new proposal from being implemented, but in November 1972 an agreement was reached between the Ministry of Economic Affairs and the retail meat trade, including supermarket chains, by which meat prices to the consumer would be frozen for 6 months. This measure has had more of a psychological than a practical effect since a clause permits price adjustments when cattle or hog prices increase by at least 5 percent at the livestock and meat market of Anderlecht (Brussels).

Among the new members of the EC, food price increases have found their most vocal resistance in the United Kingdom. Here, the index of retail food prices climbed 22 percent between June 16, 1970, and October 17, 1972, including increases of as much as 25 percent for certain bread items, 41.7 percent for New Zealand butter, and 36.5 percent to 48.4 percent for home-produced beef.

AVERAGE ANNUAL FOOD PRICE INDICES FOR SPECIFIED OECD COUNTRIES

[1963=100]

Country	1968	1969	1970	1971	1972	Increase from 1971 (percent)
Canada	116.6	121.4	123.9	125.3	133.7	6.7
United States	113.6	119.4	126.0	129.8	135.4	4.3
Japan	130.1	138.0	149.1	157.6	163.4	3.7
Austria	118.0	112.0	127.0	132.0	[1] 140.0	6.1
Finland	147.0	152.0	154.0	160.0	174.0	8.8
Ireland [2]	122.2	129.5	139.4	149.7	167.0	11.3
Norway	122.0	127.0	143.0	152.0	162.0	6.6
Spain [3]	138.0	141.0	146.0	157.0	171.0	8.9
Sweden	124.0	127.0	137.8	150.7	162.2	7.6
United Kingdom	120.3	128.4	136.0	148.6	159.6	7.4

[1] USDA estimate.
[2] Excluding beverages and tobacco.
[3] Excluding tobacco.

Source: Main Economic Indicators, Organization for Economic Cooperation and Development, December 1972.

Food prices were thus the subject of much discussion in the United Kingdom last year, including the Debate on the Address—an annual debate following the Queen's address at the opening of Parliament, which occurred on October 31 this past year. In his last appearance in Parliament before the Government reshuffle, then Agricultural Minister Prior said that food price increases had come largely as a result of factors beyond the Government's control. These, he said, included declines in crops and livestock in important producing countries—particularly the Soviet Union, whose grain shortfall led to increased world prices, and Oceania, where drought caused a tightening of dairy product and lamb supplies. He also admitted that further price gains—of about 2 percent a year—would be necessary during the next 5 years as a result of the United Kingdom adjusting to the EC price level. Transition toward this began on February 1.

The U.K. wage-price freeze, which was put into force on November 6 and is now in the Phase II stage, was designed to halt the rapid price rise and restore confidence in the pound. Foods affected by the freeze include manufactured foods, bread, and potatoes. However, fresh produce and imported raw materials are exempted.

The other new EC members—Ireland and Denmark—have also had sharp gains in their food prices. Ireland, in fact, has experienced one of the most rapid price increases of the 21 member nations of the Organization for Economic Cooperation and Development (OECD). According to OECD data, average food prices in Ireland grew 11.3 percent between 1971 and 1972. Built-in inefficiencies of Irish agriculture account in part for high prices, but the rapid adjustment to EC price levels has been a major factor behind recent increases.

In Denmark, rising food prices, with a sharp acceleration in February-March 1973, resulted in organized protests from housewives and a direct demand to the Prime Minister to reduce or eliminate the value-added tax on food products in line with policies of other EC countries. (In Denmark, the full 15-percent value-added tax is applied to food products.)

Although EC entry (CAP application) was blamed for the upswing, other factors, such as rising feed and processing costs, shortage of meat, and general inflationary trends, were far more important. The overall increase in food prices as a result of EC membership is expected to amount to only about 10 percent over the whole 5-year transition period and means a modest 1.5-percent increase in the overall consumer price index. In comparison, food prices in Denmark rose about 10 percent during 1972 over the previous year. The upswing is expected to continue as the EC CAP virtually ensures only upward movement in prices at the farm level, and marketing costs are bound to increase.

Among the other OECD nations, Finland showed the largest increase over the 1963 base level, with its index averaging 174 in 1972, or 8.8 percent above the average for 1971. Here, as in other Scandinavian countries, higher world prices and foreign demand contributed to a rise in domestic prices. Average December prices of selected foods included the equivalent of US$2.70 for fillet of beef, $1.08 for broilers, 24 cents for imported apples, 92 cents for butter, and 72 cents for white bread.

Neighboring Sweden had a 9.1-percent increase in food prices for calendar 1972 according to national data and a 7.6-percent increase according to OECD data on average prices.

Ranking next to Finland in price levels for OECD members was Spain, with a 1972 index of 171 or 8.9 percent more than the average for 1971. To curb its spiraling prices, the Spanish Government in late October 1972 authorized civil Governors of 50 Spanish Provinces to fix retail prices of perishable foods for 6 months, with new price lists issued weekly. Products subject to these measures include bread, milk, chilled and frozen beef, frozen fish, sugar, soybean oil, and rice, representing about 20 percent of the "food basket." In addition, the Government suspended import duties on meats and certain staple items.

Also worried about rising food costs is Japan, where monthly food price indices rose 6.2 percent between January 1972 and January 1973 to 114.5 (1970=100). Among individual items showing the sharpest increase in price were beef loin, up about 35 percent; eggs, up some 30 percent; and bread, up around 22 percent.

Of the OECD countries that report food prices, Japan has posted the fourth largest price gain since 1963. However, OECD statistics also show average Japanese food prices in 1972 up less than 4 percent from 1971.

Much of the blame for rising prices in Japan has been put on the world market, which necessarily accounts for a large share of Japanese food needs, although import barriers are probably a more important factor. A November 28, 1972, editorial in the *Japan Economic Journal* said that, "In no other recent year than this one has Japan come under such heavy and far-reaching impact of the rising prices of international farm commodities."

Items referred to were wheat, barley, corn, soybeans, rapeseed, sugar, coffee, beef, hides, and wool. The editorial said that while some price fluctuations are inevitable owing to the unpredictable nature of weather and other factors, fluctuations could be kept at a minimum by bolstering international agreements, making longer base import contracts, diversifying import sources, and stepping up economic and technical assistance to developing countries.

Among Western Hemisphere countries, Canada ended 1972 with a sharp, 1.4-percent, advance in food prices between November and December. This gain raised the food index at year's end some 8.6 percent above the 1971 level, for the largest increase of recent years.

Between November and December, the sharpest gains were in vegetables, up 8.6 percent; eggs, 11.2 percent; and beef, 2.1 percent. Pork prices were off 1.1 percent but not before having scored a 27-percent gain for the 12 months.

For the full year, the price increase was fueled by gains of 14 percent in meat, fish, and poultry prices; 16 percent in eggs; nearly 9 percent in fruit; 41 percent in honey; and 24 percent in sugar.

Despite the rising trend, Canada is bettered only by the United States, Denmark, and the Netherlands in having the lowest food outlay among OECD countries; this was an estimated 20.8 percent of total consumer expenditures in 1971.

In the United States, the rate of increase had been more moderate up until the sharp gains of January and February, which upped the food index 2.1 and 1.9 percent, respectively.

In all of last year, by contrast, U.S. food prices, on an unadjusted basis, rose just 4.7 percent. Largest gainers for the year were meat, poultry, and fish, up 10.3 percent; and cereals and bakery products, up 5.0 percent. The other major categories rose by less than 3 percent each.

While U.S. consumers are increasingly concerned over higher grocery bills, they still are better off than most foreign countries. Not only does this country have the world's lowest outlay for food—as a percentage of disposable income—15.7 percent (not including beverages)—but it also has had one of the slowest rates of increase in prices. Data on certain OECD countries for instance, show the United States bettered only by Canada in keeping food prices down since 1963. For 1972, the OECD index of average U.S. prices stood at 135.4 compared with 133.7 reported for first-placed Canada.

In the developing countries, price indices are not as representative as those of the developed world, as they usually are based on prices in urban areas of countries that are still largely agrarian. Generally speaking, the percentage of developing countries reporting large price increases has been smaller than that of developed countries, but those that do report big gains often have whoppers. In 1971, for instance, the Khmer Republic had a food price increase of 100 percent, mainly because of higher prices for rice, whose production was affected by civil strife. Argentina that year recorded increases of 42 percent; and Brazil, Chile, and Uruguay, about 24 percent each.

Chile topped these figures with a jump of 243.3 percent in 1972, according to Government of Chile calculations. Sharp gains in prices of fruits and vegetables, red meats, poultry, and fish accounted for most of the increase.

Because developing countries are often highly dependent on production of raw materials, their prices are generally more affected by changing supply than developed countries.

FOOD EXPENDITURES, SHARE OF CONSUMER EXPENDITURES AND DISPOSABLE INCOME, OECD COUNTRIES, 1960, 1965, 1969, 1970, PRELIMINARY 1971

[In percentage of total]

Countries	Share of consumer expenditures					Share of disposable income				
	1960	1965	1969	1970	1971	1960	1965	1969	1970	1971
Canada[1]	26.1	24.4	22.5	22.7	[2] 22.5	25.0	22.8	20.8	20.8	[2] 20.6
United States[1]	22.2	20.5	19.0	19.2	(2)	20.7	18.9	17.7	17.6	[2] 16.7
Japan	43.1	41.5	35.1	34.4	33.4	35.6	31.2	28.3	27.4	[2] 26.6
Austria	33.7	29.7	(3)	(3)	(3)	30.2	26.6	(3)	(3)	(3)
Belgium	27.5	25.6	24.0	24.0	23.1	24.6	21.8	20.6	20.1	(3)
Luxembourg	39.8	34.5	(3)	(3)	(2)	31.8	29.8	(2)	(3)	(3)
Denmark	23.4	21.4	20.1	20.9	21.3	20.8	18.9	18.4	[2] 18.2	(3)
Finland	44.2	40.7	40.3	39.2	(3)	40.2	35.7	35.0	34.1	(3)
France	32.3	29.2	26.3	25.8	(3)	29.2	25.9	23.6	22.6	(3)
West Germany[1]	37.7	33.6	30.6	29.9	[2] 28.9	32.0	28.2	26.2	25.2	[2] 24.2
Greece	42.1	39.1	37.7	(2)	(3)	38.4	33.9	32.5	(3)	(3)
Ireland	52.6	50.9	47.2	(3)	(3)	48.8	45.5	42.6	(3)	(3)
Italy	39.6	38.7	36.2	35.2	(3)	33.3	32.2	30.0	29.2	(3)
Netherlands	30.0	27.2	23.7	22.8	22.3	26.5	23.1	19.9	19.3	18.9
Norway	30.6	30.1	28.1	29.2	(3)	(3)	(3)	(2)	(3)	(3)
Spain	51.4	44.2	40.0	39.4	(3)	47.3	39.4	36.6	(3)	(2)
Sweden[1]	32.8	32.3	31.3	31.5	(3)	30.6	32.1	30.5	30.4	(3)
Switzerland[1]	35.2	34.7	33.2	(3)	(2)	32.1	29.8	28.7	(3)	(3)
United Kingdom[1]	37.5	34.9	33.7	33.1	(3)	35.7	32.7	31.9	31.3	(3)
OECD total	26.8	25.3	23.6	23.5	(3)	(3)	(3)	(3)	(3)	(3)

[1] In addition to food, includes all beverages and tobacco.
[2] Preliminary.
[3] Not available.

Source. OECD, National Accounts, 1960–70 and supplemental sheets.

EC-SIX COST OF FOOD INDEX

[1966=100]

Item	1970	1971	1972[1]	Change from 1971 (percent)
Food and beverages:				
West Germany	102.6	106.4	113	6.2
France	118.3	125.0	135	8.0
Italy	109.8	114.8	123	7.1
Netherlands	115.1	119.8	130	8.5
Belgium	112.9	115.1	123	6.9
Luxembourg	114.3	118.7	127	7.0
Breads, biscuits, and cakes:				
West Germany	111.6	120.4	128	6.3
France	(2)	(2)	(2)	(2)
Italy	109.9	115.8	123	6.2
Netherlands	123.4	131.6	144	9.4
Belgium	122.6	131.6	140	6.4
Luxembourg	138.6	150.9	159	5.4
Meat:				
West Germany	99.6	99.1	111	12.0
France	(2)	(2)	(2)	(2)
Italy	109.3	114.7	130	13.4
Netherlands	119.0	122.5	140	14.3
Belgium	118.3	120.1	133	10.7
Luxembourg	118.0	121.4	133	9.6
Milk, butter, cheese:				
West Germany	105.7	113.8	120	5.4
France	(2)	(2)	(2)	(2)
Italy	112.7	122.8	133	8.3
Netherlands	115.5	125.3	137	9.3
Belgium	100.4	105.6	112	6.1
Luxembourg	105.6	111.6	122	9.3
Fruits and vegetables:				
West Germany	99.0	98.3	107	8.9
France	(2)	(2)	(2)	(2)
Italy	120.6	122.9	131	6.6
Netherlands	113.8	110.0	115	4.5
Belgium	103.3	92.0	101	9.8
Luxembourg	107.3	103.7	110	6.1

[1] USDA estimate.
[2] Not available.

Source. General Statistics, 1972—No. 12, Statistical Office of the European Community.

WHAT CONSUMERS ARE PAYING IN THE WORLD MARKETPLACE

The concern that accompanied world food price increases last year is a continuing one. In fact, it has accelerated in many countries, among them—

The United States, where prices in January and February scored additional gains. Rising 2.1 percent (unadjusted) between December and January and another 1.9 percent in February, the food price index once again was boosted largely by meat, poultry, and fish prices, up 4.9 percent, although gains also were posted in the other major categories.

The United Kingdom, where complaints about wages being frozen, while most food prices are not, spurred the nationwide strikes that have threatened its wage-price program, now in the Phase II stage.

France, where consumer concern over prices may have contributed to the Communist-Socialist coalition's strong showing in the recent elections.

Japan, where the world's highest prices prevail, with sliced Kobe beef for Sukiyaki bringing as much as $17.40 per pound, and musk melons for up to $15 per melon. Obviously, not everyone pays these prices, and per capita consumption of meat is far below that in the United States—averaging about 27 pounds per year compared with the U.S. level of 190. Determination to protect Japanese agriculture—by way of import barriers—is partly responsible for these high prices.

To see just what consumers in these countries and elsewhere are up against, U.S. Agricultural Attache offices in 1 posts and the *Foreign Agriculture* staff in Washington, D.C., checked supermarket prices prevailing in mid-March. The following tables show some of the prices found for commonly purchased foods of good quality:

Survey of retail food prices in selected cities, as of mid-March 1973

[In dollars per pound, converted at current exchange rates, unless otherwise noted]

BEEF AND VEAL

Bonn [1]:	
Roast beef	2.08
Veal, round	2.76
Brasilia:	
T-bone steak	.85
Veal cutlets	.67
Brussels:	
Sirloin steak	2.45
Roast beef	2.54
Veal steak	3.20
Copenhagen:	
Veal fillet	6.51
Beef fillet	6.51
London:	
Sirloin steak	1.88
Rump steak	2.25
Ottawa: Sirloin steak	1.68
Paris [2]:	
Top round	2.57
Veal "escalope"	3.20
Rome:	
Sirloin steak	2.79
Veal steak	2.71–2.89
Stockholm [3]:	
Porterhouse steak	3.81
Veal cutlets	2.82
The Hague [4]: Beef steak	2.77
Tokyo:	
Beef loin	11.90
T-bone steak	3.57
Ground beef	1.70–3.40
Washington, D.C.:	
Sirloin steak	1.69
Veal cutlet	2.29

PORK

Bonn [1]: Chops	1.26
Brasilia: Pork loin	1.26
Brussels:	
Roast	1.47
Chops	1.65
Bacon, sliced	.96
Copenhagen: Chops	1.96
London: Loin	1.19
Ottawa: Loin chops	1.32
Paris: [2] Fillet	1.81
Rome: Loin	1.75–2.00
Stockholm [3] Fillet	2.50
The Hague: Rib chops	1.39
Tokyo:	
Center-cut chops	2.72
Loin	2.55
Bacon	1.78
Washington, D.C.:	
Loin	1.29
Bacon	1.19

LAMB

Brasilia: Chops	.58
Brussels:	
Leg, bone in	2.14
Rib chops	2.49
Copenhagen: Chop or leg	1.88
London: Leg (Eng.)	1.26
Ottawa: Leg (imported, frozen)	.99
Rome: Chops, cutlets	1.75–2.00
Stockholm: Chops, frozen	1.98
Tokyo:	
Leg chop	1.87
Whole leg	1.53
Shoulder	1.19
Washington, D.C.:	
Leg	1.39
Rib chops	2.19

POULTRY

Bonn: [1] Broiler (Grade A)	0.62
Brasilia: Broiler	.37
Brussels:	
Broiler (frozen)	.66
Turkey (whole frozen)	.85
Copenhagen:	
Broiler	.93
Turkey (whole)	1.27
London: Broiler (3-lb. oven ready)	.47
Ottawa:	
Chicken	.65
Turkey	.63
Paris: [2] Broiler	.64
Rome:	
Broiler (whole)	.63–.71
Chicken leg	.55
Stockholm: [3] Broiler	1.00
The Hague: [4] Broiler (frozen)	.48
Tokyo:	
Broiler	1.67
Turkey	1.17–1.24
Chicken wings	.93
Washington, D.C.:	
Fryer	.65
Turkey (butter ball)	.63

DAIRY PRODUCTS AND EGGS

Bonn [1]:	
Butter	1.28
Cheese, Gouda	1.24
Eggs—doz	.88
Brasilia:	
Butter	.61
Eggs—doz	.47
Brussels:	
Butter	1.40
Eggs—doz	.94
Copenhagen:	
Butter	1.16
Cheese (45%)	.91
Eggs—doz. (medium)	.86
London:	
Butter (imported)	.57
Eggs—doz	.71
Ottawa:	
Butter	.72
Eggs—doz. (A, large)	.68
Paris [2]:	
Butter	1.26
Cheese, Emmenthal	1.44
Eggs—doz	.44
Rome:	
Butter	1.98
Eggs—doz	.60–.96
Stockholm [3]:	
Butter	1.06
Eggs—doz	.99
The Hague [4]:	
Butter	1.12
Cheese (Gouda)	1.02
Eggs—doz	.66
Tokyo:	
Cheese, proc'd	1.30–1.46
Butter	1.38–1.68
Eggs—doz	83–1.06
Washington, D.C.:	
Butter	.85
Cheese (Cheddar)	1.17
Eggs—doz. (large, A)	.73

FRUIT

Bonn: [1] Apples	.26
Brasilia: Apples (ea.)	.31
Brussels:	
Apples, domestic	.20
Oranges	.21
Copenhagen:	
Apples	.30
Pears	.44
Oranges	.20
London:	
Apples, dessert	.31
Oranges	.22
Ottawa: Apples	.83
Paris: [2]	
Apples	.26
Oranges	.23
Lemons	.39
Rome:	
Pears	0.52
Oranges	.13–.21
Stockholm: Apples, domestic	.29
Tokyo:	
Oranges:	
Navel	1.53
Mandarin	.21
Musk melons (per melon)	9.33-14.93
Washington, D.C.:	
Apples (Golden Delicious)	.35
Oranges (Fla.)/doz	.69

VEGETABLES

Bonn:	
Tomatoes	0.55
Cabbage	.11
Potatoes	.05
Brussels:	
Onions	.19
Potatoes	.08
Copenhagen:	
Potatoes	.17
Lettuce (imported iceberg/head)	.63
London:	
Onions	.15
Potatoes	.06
Paris:	
Carrots	.13
Lettuce	.43
Potatoes	.06
Rome:	
Spinach	.16
Potatoes	.10
The Hague:	
Potatoes (Bintje variety)	.06
Tokyo:	
Tomatoes	1.10
Lettuce/head	.68–1.70
Potatoes	.06–.11
Washington, D.C.:	
Lettuce/head	.39
Onions	.23
Potatoes (Idaho)	.20

BREAD

Bonn: [1] White	.33
Brasilia: 7-oz. loaf	.40
Brussel: White (sliced in bag)	.21
Copenhagen: White	.40
London: White (per 1¾ lb. loaf, sliced)	.26
Ottawa: White	.16
Paris: [2] White (sliced) per loaf	.79
Rome: Loaf	.23
Stockholm: [3] White	.49
The Hague: [4] White (1¾ lb. loaf)	.30
Tokyo: White	.17–.45
Washington, D.C.: White	.31

[1] Representative food-basket prices for week of March 3–11.

[2] Average prices for 4 weeks ending Feb. 3 for meat and dairy products and average for 2 weeks ending Feb. 3 for fruit, vegetable, and bread.

[3] Average supermarket prices as of March 15.

[4] Calculated prices for January based on index figures per item published in *Maandshrift*, Feb. 1973.

NOTE.—Owing to differences in cuts of meat, grading, and quality, prices will not be comparable from country to country. Also, because of the recent devaluation of the dollar, some inflation in price occurs when converted to U.S. dollars.

Mr. DOLE. Mr. President, the Sunday issue of the Wichita Eagle contained an article by Jerry Fetterolf, that publication's agricultural writer. The article, entitled "Beef: Calf to Counter," provides some very basic insights into the number of people involved in getting that critter from the farm feedlot to our platter—or as Jerry puts it in his article from the "breeder to the broiler." I ask unanimous consent that this article be inserted in the RECORD.

There being no objection, the article was ordered to be printed in the Record, as follows:

Beef: Calf to Counter

(By Jerry Fetterolf)

Beef has become a bone of contention.

Sliced for the producer, it's too cheap.

Sliced for the housewife, it's too expensive.

But, sliced, deboned, fried or broiled, if a typical steak could talk, it could repeat the vaudeville line this way:

"A remarkably expensive series of things happened to me on the way to the meat showcase."

And the steak would be accurate, even if it wasn't a particularly funny opening gambit.

On its trip from the mating instinct of its parents to the meat counter, it probably had seven owners, built up a sizable doctor bill, traveled many miles with a cow-eyed view of the roadside through the slatted side of a truck.

And, what's more, that beef had enough personal attention during its lifetime to make it valuable just for the labor input alone.

Little niceties like portion packaging, styrofoam trays and clear plastic wrappings in crisply cold display cases, all added their little bits of price.

Mrs. U.S. Housewife demanded these niceties—and the U.S.D.A. seal of pure edibility—but she grumbles about the price on trips to the grocery store.

The producer and processor have a different view of the situation.

From breeding time to broiling time—nearly two years—that piece of beef has been under the watchful eyes of a person or several persons. Most of them concerned with earning enough to buy a piece of meat once in awhile, too.

First of all, that piece of beef's mother was kept under the watchful eye of a cow-calf operator or one of his cowboys. When the little critter was born, the owner already had invested maybe $300 to $500 for the cost of the cow, and $100 to $120 a year for her keep. Capital investment per cow unit in Kansas has been figured as high as $2,000.

Very early in lief, the costs begin because the calf needs a few shots. The veterinary bill starts out with blackleg, leptospirosis, and a few other miscellaneous immunizations to keep him healthy while he chases his mother through pastures and around feedbunks.

By weaning time, six months later, he's had a bit more veterinary work such as dehorning, castration, and maybe another series of shots for pre-conditioning prior to being sold to a new owner.

Sounds pretty good so far. But, sometimes despite the watchful eyes of a cow-calf operator and his ranch hands, all cows don't have calves.

Ordinarily a good herdsman has a 90–95 per cent calf crop. The past winter, many herdsmen figured they were doing good if they got a 75 per cent calf crop.

The second owner of a calf grows the little cow brutes into beef.

After a frightening truck ride and being pushed into pens with strange calves the same size, he goes through the auction ring and someone buys him. The buyer pays the bills for the auctioneer and the seller pays the trucker's bill—a couple of more cost items.

So, by the time that beef gets to the new owner, maybe miles away, his truck bill is beginning to add up. Before he gets to the packing house, his trucking bill will have cost about $15 on an average.

When the weanling hits grass pasture, then wheat pasture or a growing lot, he gets another set of shots. And by the end of that truck ride, he may be sick so some of the shots this time are antibiotics.

After another few months of growing up, he gets another truck ride, another auction pen or two, and yet another truck ride followed by more veterinary shots—but these may be his last because that's the feedlot where he is finished to choice cutability.

If he stays reasonably healthy from calfhood through the finishing feedlot, his veterinary bill may total somewhere between $8 and $10 before his final alive truck ride to the packing house.

From the time he was born at 65 to 80 pounds, the piece of beef has been piling up costs, and at 750 pounds, when he goes into a finish feedlot, the labor cost already invested in that animal is about $14 or $15.

In the feedlot, special care and handling, adds another $5 for cowboys and millhands who handle the feed. By now just the clerical and management help he has required is worth at least $1.25.

The cost of his growth, on an average from the 100-pound to 400-pound class, is about $75. From 400 pounds to 750 pounds, the cost of gain is an added $70. Then costs for gain on that last 350 pounds—to the choice steak size of 1,100 pounds—is about $105 these days.

Actually, it takes about 8 pounds of feed to make one pound of beef under normal conditions. However, the harsh winter, plus skyrocketing grain and protein costs after huge U.S. exports of grain last year are considered responsible for the increased costs for poundage in the feedlots.

By this time, there has been money borrowed with him as collateral a few times, too. Average interest costs in these several transactions, for a finished beef may be $30 to $40.

By this time, he's a pretty valuable animal, with maybe $1,200 to $1,500 having changed hands in his behalf. And the packer is ready to pay maybe $500 these days for him. That's about 45 cents a pound.

When he gets to the packing house, it's a bit difficult to trace exact cost figures, but the housewife is interested in only about 60 percent of the beef anyway.

Offal, including hide, hoofs, internal organs and tallow—everything that can't go on the meat counter—was worth about $41–$42 at midweek. Three weeks ago it was worth $51–$52.

Housewifely demand from breeding to finish has been the guiding light for beef handlers and the size of beef carcass, the texture of the meat and the taste it brings from the broiler, all have been subjected to research and the finest techniques, feed, and veterinary care available.

That care goes right on through the packing house, too. He's inspected on the hoof, then after he is slaughtered. The various operations around the plant are inspected for sanitation and disease as is the beef itself, to protect Mrs. Housewife and her family. Total packing house operating costs are about $3.45 per hundredweight.

If the beef goes out of the slaughtering plant as a whole carcass in a carload lot, it's worth $69 to $75 a hundredweight.

But, current meat-packing fashion caters to the desire for boneless, well-trimmed, neatly portioned cuts of meat.

So, much of the meat is "boxed." This means the primal cuts are packaged so that a whole beef goes into seven or eight boxes, ready for delivery to the grocery store.

Some grocery firms have central cutting units where they buy carload lots of beef and break it down into family size portions. This is expensive—the deboning, cutting and boxing.

In the grocery store, the butcher and his helpers cut beef to individual portions and put them into styrofoam trays, wrap them with clear plastic, weigh and stamp them.

Added cost in a retail store is about 25 cents a pound, according to some studies from Kansas State University.

That little plastic tray with its clear plastic wrapping costs only about 1½ cents, but the work of trimming, cutting, slicing, deboning and readying, plus overhead on the store runs the cost to the 25-cent figure.

Packing house costs show in the figures like those from Kansas Beef Industries last year. They had $200 million gross sales, but their net profit was only $2 million. That's 1 per cent profit, which doesn't really leave much margin.

Times of boycott are a bit rough for the packers, too, according to E. H. Priceman, president of KBI. He said prices for choice steer carcasses March 15 were $70–$71 per hundredweight. The offal prices they could get were about $52–$53 a hundredweight.

This week, price of carcasses was the same, while offal price was down to $40–$41. This makes it hard to live with a ceiling price, according to Priceman.

Packing houses reported profits last year of 1.1, 1, and as low as .6 per cent, according to Food Industry Magazine.

Other kinds of food did better, the record shows. Kraft Foods got 2.8 per cent profit; General Foods got 3.8 per cent.

Drinks were good, with Coca-Cola showing a 10.1 per cent profit last year. Campbell Soups made a 5.5 per cent profit.

So, maybe one should go to a custom slaughterhouse for our beef. A side of beef on the rail costs $74 a hundredweight, according to Blaine Bowline at the Whitewater Locker Plant.

If you want a side of beef wrapped in portioned cuts and frozen, that'll cost you another 9 cents a pound.

And, there is usually a 20 per cent loss of poundage in this custom operation, because of deboning, fat trimming and other techniques demanded in readying meat for the dinner table.

That's a pretty expensive start for a piece of beef.

There is little doubt the boycotting Mrs. U.S. Housewife is convinced the all-embracing everyday Yankee right to a steak on every table is endangered by exorbitant pricing designed to disenfranchise her of this constitutional guarantee.

The producers and processors read the Constitutional right a bit differently. They are convinced that when demand for a product runs so high the supplies are not adequate, the high bidder should be able to buy the product.

Actually beef pricing was a series of "hills and valleys" outlined on graphs until about 1969 when efficiencies of production and marketing began to maintain a steady supply of beef year-round.

But, there continues to be periods when an oversupply of beef is marketed by producers. There was such a period last December.

Then—suddenly, the exports of grain, the inclement weather and shoulder-to-shoulder bidding by well-paid laboring men's wives met in a three-way collision with a short supply of beef on hand.

Prices went skyward. Housewives were angered. And, boycott history is being written.

Producers and processors continue to contend from their end of the bone that they have been short-changed the past two decades and meat prices are just catching up to the point other foods reached long ago.

Malcolm McCabe, head of the Massachusetts Retail Grocers Association, said Wednesday: "The housewife has won the boycott battle by throwing millions of handsful of sand into the wheels of the world's best system of food distribution."

Priceman said—"Any industry that puts as much into itself as we do deserves better than this."

A few packing houses have shut down and laid off the workmen. A few others have trimmed back their production.

In Philadelphia Wednesday, a couple of Kansas Beef Industries representatives were checking boycott results there in a large grocery store. There was about $50 to $60 worth of meat displayed in the case.

Three women shoppers stood nearby. One of them had bought her groceries—a quart of ice cream, some pretzels, a six pack of Coca-Cola and some cheese, no meat-producer or meat-packer profit there . . . Not very much food value either, was the meat man's comment.

Meat prices are high. Compared to what, say producers and processors.

Like the story began—Beef has become a bone of contention.

LESSON TO BE LEARNED

Mr. DOLE. Mr. President, some of our picketing housewives might take a lesson from the folks who live in the rural communities throughout the Nation.

In these communities, the residents know that the farmers who live near their town must get a better price if they are going to make a living and be able to stay in the comfortable, healthy atmosphere of rural living.

Over the past 20 to 40 years, many of their sons and daughters and friends may have moved to town to "make more money for less work." Those who stayed in the rural community, however, have seen many of those migrants return home for a visit and a "breath of fresh air," and heard them express the wish that they could return to the rural area to live—and still enjoy improved income and all the conveniences of urban living.

If we ever expect to stop this migration from the rural areas to our big cities, the farmers, who form the backbone of this Nation, must be put in a better and more stable income situation.

A visitor to most towns of 5,000 or less will hear few complaints about higher beef prices. There they know the need for better farm income. This was pointed out in a recent article in the March 30 issue of the New York Times, by Drummond Ayres, Jr., who visited Sloter, Mo. Ayres learned how the standard of living rises and falls with the rise and fall of cattle and grain prices. Mr. President, I ask unanimous consent that this article be inserted in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Farm Town Has No Complaints as Its Own Food Prices Soar

(By B. Drummond Ayres, Jr.)

Slater, Mo., March 29—Round steak was bringing $1.79 a pound today at the U.S. Supermarket, about 50 cents more than at the turn of the year. But no one complained to Mrs. Betty Moore, the checkout worker who stood beneath a sign urging customers to fight inflation." No irate housewives picketed on Main Street. There was no demand for horse meat.

This is a farm town, one of those heart-of-America collections of white frame houses, squat brick stores and jutting wheat elevators, home for 2,600 people whose standard of living rises and falls with the rise and fall of cattle and grain prices.

Seldom has Slater lived so high on the hog.

Like the farmers who raise the rich yellow corn and fat slaughter steers in the surrounding fields, the town is enjoying inflation.

"Sure my grocery bill has increased, but you don't complain these days when you live in a farm town," Miss Valda Coleman, a secretary, said.

Deposits in the shiny steel vault at the state bank of Slater have jumped 20 per cent in the last 12 months.

HIGH PRICES; MORE SAVINGS

"I attribute at least half the increase to the better prices farmers are getting," said Don Boyd, the bank's executive vice president.

Across the street in the cluttered parts department of Gilliam Chevrolet, H. W. Gilliam reported "above average" sales and added:

"Everybody is buying the best model, with all the extras. I've been here since the 30's and there's never been a better year. The only folks I see hurting are the retired people on fixed incomes."

At the City Pharmacy, as much a notions store as a drug store, the owner, Frank Markovich, said:

"Even the kids of farmers seem to have plenty of money. They come in here and buy sunglasses at 10 bucks a pair."

Marvin Harris, a farmer from nearby Miami, sliced into one of the Bungalow Cafe's $4.50 T-bones, ignored the fact that it now cost $1 more than three weeks ago, then mused:

"It's about time the people who raise the food in this country got what's coming to them."

What's coming is 44 cents a pound for steers, 30 cents a pound for hogs, $1.93 a bushel for wheat, $1.43 a bushel for corn and an astounding $5.74 a bushel for soybeans.

By contrast, a year or so ago steers were bringing 35 cents a pound, hogs were 25 cents a pound, wheat and corn were about $1.25 a bushel and soybeans were less than $3.45 a bushel.

CALM GRIPE SESSIONS

"We've finally gotten a good margin of profit," said Wilbert Blumhorst, a farmer who arrived at the Bungalow Cafe with Mr. Harris for a Missouri Farmer Association meeting.

Normally, such meetings are as much gripe sessions as anything. Farmers have been squeezed by high costs and low incomes for so long that complaining has become a part of their life-style.

But the meeting in the Bungalow Cafe was almost totally free of bellyaching. The only notes of gloom were sounded when Mr. Blumhorst said that bad weather had delayed spring plowing at least a month, a serious postponement, and when Byron Kitchen reported an overnight fall-off in hog prices.

"Maybe the threat of a meat boycott by housewives is having some effect," said Roy Eddy, a pig farmer.

"They shouldn't take it out on us when they know full well we don't control the market," Woodrow Shepard added.

HOT DOGS NOW 50 CENTS

"Nobody around here has held back any grain or cattle," Mr. Shepard said. "The only thing we can do is take our corn to the elevator and accept the going price or take our steers to the stockyard, which holds a public auction. The price increases have been caused by people further up the line."

The owner of the Bungalow Cafe, Mrs. Helen Hannaford, listened to all of this talk with mixed emotions. When her customers prosper, she prospers. But when they get 44 cents a pound for steers, she must charge $4.50 for her 12-ounce T-bone dinner.

"These fellows kid with me a lot and I kid them back, but we both understand about this inflation," she said, looking over one of the menus she was forced to revise three weeks ago because of rises in food prices.

The old prices were scratched through and new prices had been penciled in—hamburgers up a nickel to 45 cents, hot dogs up a dime to 50 cents, pork chop dinners up 50 cents to $2.20 and the T-bone up $1 to $4.50.

"I fought it for a year," Mrs. Hannaford sighed, "but every time I'd go to the store something else would be up a penny or two. I finally had to give in."

Mrs. Bruce Van Winkle, standing in the checkout line at the U.S. Supermarket, also remarked on the "penny or two" increases. But she did not complain.

"I just buy whatever we need," she said, "then pay the bill. My husband makes good money. He works for the railroad."

The railroad, the Illinois Central & Gulf, is hauling grain out of Slater around the clock.

SERMON FOR CONVERTED

For those few shoppers here who might feel compelled to complain seriously about food prices, U.S. Supermarket tucked the following declaration into a corner of a full page "specials advertisement in this week's Slater News-Rustler:

"Food is still one of the biggest bargains in the country, despite the rising prices.

"According to a recent study, the price of food has increased 44 per cent over the last 20 years, compared with an increase of 60 per cent in housing, 64 per cent in transportation, 100 per cent in medical care and 136 per cent in hourly wages.

"We [Americans] spent 15.8 per cent of our 1972 after-tax income for food—less than any other major nation in the world. Japanese shoppers would pay $10 for the staple groceries we Americans can buy for $9.04. West Germans spend $16.14 and the French $12.75 for the same items."

In Slater that is preaching to the converted.

BOYCOTT COUNTERPRODUCTIVE

Mr. DOLE. The well-intentioned efforts of those who have been boycotting the meat could well be fostering even higher future prices. Without fair return, our farmers will not be able to expand their production of meat. Let us not forget that there is growing demand for protein throughout the world. If the producer cannot realize a profit at home, he will export his production to the higher bidders in overseas markets. If economic restrictions are continued—or if they become more rigid, as would result from the proposed rollback—many meat producers will liquidate their producing herds, take their losses and retreat to a level where costs and prices will allow a fair return.

Meat prices have traditionally fluctuated as demand and supply cycles fluctuated. Through the introduction of feedlots for cattle and hogs, broiler houses for chickens, laying houses for hens, and so forth, these seasonal fluctuations have stabilized, quality has greatly improved and demand has naturally increased as the consumer's access to an ample supply of high quality meat and poultry has increased.

Recent higher prices resulted from an extremely wet winter that caused a considerable loss in feed grains and protein supplement from soybeans. Through a decrease in supply, these commodities have increased in cost. Soybean meal that once sold for $72 per ton, was recently selling for over $200 per ton. Grain prices were also increased from expanded exports to Russia and other nations desirous of expanding their production of meat protein. Indications are that this demand will continue.

So there will be expanded demand for meat in the United States.

There will be expanded demand for protein supplements worldwide.

There will be expanded demand for feed grains worldwide.

While demand rises, we have had losses in animals from extreme winter weather, and losses in grains from wet weather.

And there have been improved worldwide market prices for grains due to devaluation.

All of these factors have contributed to the higher price of beefsteak, pork chops, and hamburger at your local supermarket counter.

To restrict the expansion of meat production with ceilings or rollbacks is to automatically threaten the future supply of high quality meat for U.S. consumers.

If we are to consider a rollback at all, let us consider a rollback on the amount of disposable income the average American family pays for food. The average American's income more than doubled between 1960 and 1972. At the same time, the percentage of his disposable income which he had to pay for food dropped from 20 percent to 15.5 percent.

Mr. President, I urge my colleagues to support reasonable income for our farmer-producers and to oppose unreasonable restraints on them. Only if we do that can we expect to have an adequate supply of top quality food at reasonable prices for everyone in this Nation.

EXHIBIT ON THE LIFE AND DISCOVERIES OF NICOLAUS COPERNICUS

Mr. PELL. Mr. President, I would like to call to the attention of my colleagues a major exhibit relating to the life and discoveries of Nicolaus Copernicus, whose opening I had the honor to attend this past weekend at the Smithsonian Institution.

As chairman of the Senate Subcommittee on the Smithsonian Institution, I wish to congratulate its Secretary, S. Dillon Ripley, and all those involved in this exhibit for their imaginative leadership in assembling both graphic and fascinating memorabilia within our Nation's most renowned museum complex. I also congratulate Mr. Edward J. Piszek, the president of the Copernicus Society of America for his leadership and his outstanding efforts in making this exhibition the immense success it is.

Entitled "The Copernican Century" this exhibition reflects objects on loan from the University of Krakow in Poland and is made available in the United States by the Copernicus Society of America. It thus represents an international spirit of cooperation.

Nicolaus Copernicus was born 500 years ago in the port of Torun, on the Vistula River some 100 miles from the sea. His origins were Polish, and he has helped bring honor and distinction to his country and to the Polish people throughout the world through his pioneering quest to discover how the planets move and how our own planet Earth is related to the rest of the universe.

His theories were revolutionary. Until his time, astronomers and mathematicians subscribed to the ancient Ptolemaic beliefs, which held that the Earth was at the center of the universe. According to Ptolemy, the second century Egyptian astronomer from Alexandria, the Earth lay motionless surrounded by the revolving stars and planets. It was thought that the firmament of heaven consisted of a series of spherical shells surrounding the Earth, with celestial lights attached to each moving layer. Theological beliefs and teachings were deeply involved with the perpetuation of the Ptolemaic system.

Copernicus transformed man's concept of the universe. Through long and solitary observation he concluded that the Ptolemaic tenets could not be sustained, and he set out to prove them incorrect. His great work, "De Revolutionibus Orbium Caelestium," forms the foundation and the very basis for our own scientific knowledge and understanding of today.

Nicolaus Copernicus was an avid scholar. He studied at the University of Krakow, which has maintained educational excellence over intervening centuries, and later in Italy, at Bologna and Padua.

He came from a family closely associated with the church. After his father died when young Nicolaus was only 10, he was brought up by his uncle, Lucas, who became a bishop. His uncle appointed Copernicus a canon in the church. Within this setting he became more and more a solitary figure, and he died himself virtually unrecognized and unsung.

Though the faculty at the University of Krakow may well have perceived his genius, another century passed before the scientific and scholarly community confirmed the supreme importance of his concepts.

Today we honor him not only as an outstanding example of the genius of Poland, but throughout the world.

For 20 years Nicolaus Copernicus worked on his monumental task of meticulously reexplaining the universe. He worked with primitive instruments. The telescope was not invented until some 60 years after his death. He lived in an old brick tower from which he could gaze at the heavens. It is reported that toward the end of his life his few remaining friends considered him an eccentric recluse.

It is also reported that he was reluctant to publish his voluminous writings and that when he finally agreed, the printed text arrived as he lay dying—too ill to realize that his words had at last been made available to the world at large.

He was willing to let history judge the truth his work contained. In our own busy lives, we are reminded of the quiet steadfastness and perseverance he personified.

He did not seek notoriety. He was satisfied to follow his own beliefs without acclaim. Truly, and in the best sense of the phrase, he was a man "who kept his eyes on the stars."

Mr. President, I ask unanimous consent that the texts of two excellent articles published recently in "Smithsonian," the monthly publication of the Smithsonian Institution, be printed in full following these remarks. One is by Dr. Donald Gould, whose scholarly work has been previously published by "Smithsonian." The other is by Jacob Bronowski, a Pole by birth and a distinguished scholar now at California's Salk Institute. These two articles add dimensions to my own remarks and I believe will be of interest to my colleagues.

There being no objection, the articles were ordered to be printed in the Record, as follows:

The Poles Celebrate Their National Hero, Copernicus, on His 500th Anniversary

(By Donald Gould)

On a pilgrimage to Poland, four Americans follow the footsteps of the solitary genius who changed Man's concept of the universe

Just before Christmas four young American students—three boys and a girl—landed at Warsaw airport to begin the pilgrimage of a lifetime. They were Katharine Park, a Harvard graduate studying the history of science in London; Gregory Perczak, a senior at Notre Dame specializing in the philosophy of science; Bruce Dolego, studying mathematics at St. Johns College in Annapolis, Maryland; and Clifford Martin, a graduate student in physics at Pennsylvania State University. Sponsored by the Copernicus Society of America and by the Smithsonian Institution, this journey was the first "project" in the Smithsonian's fifth international symposium, with the main events taking place in Washington, D.C., next month.

The four students were setting out on a fortnight's journey across Poland from Krakow in the far south to Frombork near the Baltic coast. Their purpose was to see all they could of the places and things which had played a part in the life of Poland's greatest national hero—Nicolaus Copernicus, the solitary canon who transformed Man's concept of the universe.

This is a record of some of the things they saw and learned along the way.

Copernicus was born on February 19, 1473, in the busy port of Torun, which lies on the Vistula River about 100 miles from the sea. This year therefore marks the 500th anniversary of his birth, and there are great works in hand all through the country, aimed at restoring or reconstructing all the remaining relics of the immortal mathematical recluse.

Nicolaus was the second son of a prosperous copper merchant, a member of the powerful, closed circle of prelates and traders who virtually ruled such cities at that time. His mother and two sisters completed the group. The young Copernicus was born into an easy life, enjoying comfort and privilege, but not so much as to excite the dangerous envy of powerful neighbors. One particular family connection was to shape his whole career. His mother's brother, Lucas Waczenrode, became the bishop and prince of Warmia, a patch of territory rather smaller than the state of Delaware and shaped like a crumpled leather bottle with a narrow neck that reached the shore of the Gulf of Gdansk.

When Copernicus was a youth, Uncle Lucas' see of Warmia formed a virtually autonomous buffer state between the lands still held by a turbulent semireligious order, the Teutonic Knights, and the country over which the Polish court had full authority. The Bishop of Warmia was therefore responsible not only for the spiritual welfare and the temporal control of the inhabitants of his own diocese—he also played the role of diplomat and high constable, keeping an eye on the unruly ex-crusaders, and nipping in the bud their not infrequent attempts to stray beyond the borders of their fiefdom and nibble away at Poland.

None of this might have mattered in the least to Nicolaus Copernicus but for the fact that his father died when he was ten. Uncle Lucas, then a mere canon on the cathedral staff at Frombork, where the narrow neck of the see of Warmia reaches the coast, promptly took charge of Nicolaus and his older brother, Andreas, and the two girls.

For the time being they were left at Torun to finish their schooling. The present burghers of the town believe they have found the very building where the brothers absorbed the three Rs. It is now a school for nurses, looking entirely part of the industrial age, except for a couple of arched medieval red-brick window frames with painted transoms which have been discovered and uncovered under many later layers of daub and plaster. Poland (and perhaps this is true of every country kept poor across the centuries because of constant wars or mean resources) remains rich in material remnants from the past. The old is not destroyed to make place for the new.

At the age of 18 both of the boys left their home in Torun and enrolled as students of the University of Krakow. Dr. Karol Estreicher is the present professor of the history of art at the University of Krakow. He is a living and remarkably lively example of the kind of continuity of culture and tradition which has kept Poland a nation despite the most tempestuous history of invasion and appropriation which any society has had to endure over the past 1,000 years. The professor is the fifth Estreicher in successive generations to have held a chair at the University of Krakow.

Professor Estreicher explains that in the 15th century, Poland, and especially the capital city of Krakow, was a major center of European culture, and the University of Krakow was an adventurous-minded modern school, particularly strong in mathematics, and stirred by the new intellectual movements of the Renaissance.

There was a considerable German colony in Krakow, and no clear line—either cultural or cartographical—could be drawn either then or since to mark the place where the one nation gave way to the other. Copernicus has, of course, become one of the immortals, and his is one of those names like Plato, Shakespeare and Leonardo da Vinci, which shed a permanent glow of glory on the nations which can claim them for their own. For something like a couple of hundred years there has been a sterile dispute between the Germans and the Poles as to the true nationality of the great cosmologist from Torun.

Says Estreicher: "When Copernicus was a student there were two important centers of influence in Krakow—one was the court and the other the university. The German colony was important, but perhaps comparable to the Polish colony in Chicago today. It wasn't the center of things. The court and the university were run by Poles. The aristocrats were Poles, the clergy were Poles, and so were most of the professors."

To this extent, and also because Copernicus was born in an undoubtedly Polish town, the nation can claim him as her son. But perhaps the most significant clue to the true seedbed of the Copernican mind is in Professor Estreicher's comment: "Somebody asked me if Copernicus spoke German or Polish. Surely he knew both languages—he thought in Latin. If you or I speak with a peasant we talk in the peasant's language, but we think in our language, and *his* was Latin."

Presumably, Copernicus was a Pole. Certainly he was a European, and a child of the Renaissance.

The Copernicus brothers left Krakow without a degree, but so did a great majority of their fellow students. They went home to Torun for a time, and Uncle Lucas, who was by this time the Bishop of Warmia, planned to provide them with a living in the Church, for whose servants there was an almost guaranteed lifetime of comfort and security and power.

The Bishop had it in mind to place them as canons of the cathedral at Frombork, but until a vacancy opened up it was decided that the Copernicus brothers should use the internal for continuing their education in Italy. If Krakow was a modern, forward-looking school, Italy was the very source of the Renaissance and the new humanism.

Nicolaus went to Bologna at the age of 23. Later he moved to Padua, and it was nearly ten years before he came home to Poland for good. He studied a little of everything, including medicine, and Karol Estreicher believes he may have been the first Pole to have taken part in the dissection of the human body.

We do know that he took a degree in canon law. Perhaps this was because, shortly after he had left Torun for Bologna, he was made a canon of Frombork. From that time on Nicolaus drew his canon's stipend, but, by permission of the Warmia chapter, he remained an absentee official for the next eight years.

During the Italian period the Copernicus brothers drew apart. Nicolaus clearly remained respectable, while Andreas lived the wild life. Uncle Lucas made Andreas a canon of Frombork only a couple of years after Nicolaus' preferment, and he, like his bother, was allowed to continue as an absentee student. But there are records of Andreas falling into debt, and when he did return to Frombork he was suffering a pox which might have been leprosy or syphilis. Probably it was leprosy because he was disfigured and clearly repulsive to his fellow clerics. In the end the chapter paid him a pension to go away. He died somewhere and at some time not long afterward, but nobody knows exactly where and when.

Nicolaus Copernicus returned to Poland in 1503 when he was 30 years old and his uncle had him seconded to the bishop's palace in the town of Lidzbark, where he acted as the prelate's personal physician, secretary and general factotum. It seems that this "immortal" was perfectly content to be the lackey of his powerful patron. There was no sign, in his daily life, of the revolutionary—the man prepared to ignore the most sacred tenets of his culture when they offended the demands of reason. He was submissive, efficient and orthodox. Copernicus remained the lieutenant of his uncle until 1510.

Before the Bishop's death in 1512, Copernicus had moved to Frombork Cathedral to lead the life of a common canon. He had lost both the benefits and the obligations of being the nephew of the ruling bishop. He was given quarters in one of the red-brick towers built into the fortress walls enclosing the cathedral precincts. Except for a four-and-a-half-year period when he served as administrator in Olsztyn, helping with the defense against the Teutonic Knights, he lived in the tower house at Frombork for the next 30 years until he died.

In fact it appears that none of his fellow clergymen at Frombork regarded him as anything more than a somewhat moody and introverted colleague of no particular talent. His astronomical work was of no interest to them. Certainly they were at no pains to mark his grave when he died; all canons were buried in unmarked graves. The present chapter members show a touching sensitivity about the failure of their predecessors to give the cathedral's greatest son due honor, and when asked where Copernicus lies, they are embarrassed, but do a little quick talking about a number of human bones unearthed just recently by workmen laying electric cables close to the place supposed to have been the canon's private altar.

Astronomy and mathematics were subjects of major concern to the teachers and students of all the universities attended by Nicholaus Copernicus. But when he was a student, it was supposed that the firmament of heaven consisted of a series of spherical shells surrounding the Earth, which lay fixed and still at the center of it all. The shells revolved together with the celestial lights attached to each layer.

The planets were a nuisance in an otherwise happy scheme of things, but Ptolemy the Alexandrian had explained their apparent indiscipline as long as the second century. He supposed that the planets did indeed circle the Earth, but he also supposed that each of them performed a second, smaller, private dance of its own—like that of a spot on the tire of a motorcycle being driven around a wall of death, with the Earth standing at the center of the pit. The Ptolemaic system therefore satisfied both common sense, and also the percepts of an all-powerful church which taught that Man was the chief work and principal concern of a God who had fashioned the entire structure.

Copernicus would have been taught Ptolemaic astronomy at Krakow, Padua and Bologna—not as an interesting theory, but as the only proper astronomical theory. But the Ptolemaic model did not explain all astronomical observations.

A full 17 centuries before Copernicus was born, the Greek, Aristarchus of Samos, had argued that the world revolves around the sun, but his theories were entirely forgotten with the decay of classical culture. A re-examination of Greek and Roman learning, with a view to reviving neglected but valuable attitudes and concepts, was a major preoccupation among Renaissance scholars, and during his ten years in Italy Copernicus might have come across these early theories.

Under these circumstances the largely ignored ideas of the ancients, which raised the possibility that the Earth was simply one among the host of moving heavenly bodies, could well have appealed to the young scholar. There are no means of knowing when Copernicus first began to favor the idea of a sun-centered planetary system. While a student at Bologna, he had lodged and worked with a Professor Domenico Maria da Novara, a famous astronomer, and had helped make observations needed for the compilation of astronomical tables. Novara was a widely known critic of the Ptolemaic system, because it failed to explain some of his own painstaking contemplations of the sky. They must have discussed such difficulties, but there is nothing on record to suggest that Novara had any revolutionary ideas of his own, or that he wanted to do more than simply improve upon the Ptolemaic pattern.

There are some slender grounds for arguing that the Copernican universe was, indeed, the fruit of solitary contemplation, since the first hint of the idea forming in the canon's mind was contained in a short essay (*Commentariolus*) which he wrote at about the time of his uncle's death. So it is reasonable to imagine that the arguments set down in this document had been forming over the previous five or six years.

One of the great principles influencing the astronomical theorists, including Copernicus himslef, was the belief that all the motions of the stars and planets must proceed in perfect circles, since the circle was the "perfect" form, and so the patttern which a Creator of perfect edifices would have employed. Copernicus explains in an introduction to his treatise that a major source of his dissatisfaction with the Ptolemaic scheme was the need to assume that the planets varied the speed with which they followed their set courses. Only by assuming that they sometimes traveled faster and sometimes slower, could Ptolemy's model be made to account for their known behavior, if the concept of their circular movement was to be sustained. Copernicus wrote, "Having become aware of these defects, I often considered whether there could perhaps be found a more reasonable arrangements of circles . . . in which everything would move uniformly about its proper center, as the rule of absolute motion requires."

The Copernican scheme involved accepting a number of propositions which were unorthodox, if not outrageous, by contemporary standards, and these he then explained in almost brusque terms. They included the real secret of the release of the mind of Man from the concept of an Earth-centered universe, which was an appreciation of the fact that the apparent movement of the firmament around the Earth could equally well be due to the Earth's spinning on its own axis.

The canon's assumptions also included the facts that the Earth is not the center of the universe, but only of the orbit of the moon, and that the sun is the center of the planetary system, and that the distance from the Earth to stars was far greater than had been supposed.

There were certain other concepts, which, together, amounted to a nearly faultless statement of the broad geography of the universe as we now understand it. However, this brief, brilliant exposition contained no sort of proof for the fundamental assertions it contained. There was a curt promise that proof would follow later in a larger work.

The *Commentariolus* was not printed, but circulated in manuscript form among various unidentified scholars. And yet it was enough to excite a good deal of talk and thought within the few centers of Renaissance learning.

Nicolaus Copernicus had retired to his red-brick tower at Frombork at the age of 48. While he may have been a recluse in the sense that he kept his thoughts and emotions largely to himself, he remained a man of affairs. For a number of years after taking up residence in Frombork he administered several of the chapter's territories. Records survive of his stewardship, which give details of his meticulous dealings with tenants and servants and tradesmen.

It was against this background that the massive *De revolutionibus orbium caelestium* was written, in which the canon argued out in detail the ideas presented in his early essay. It seems that the labor may have lasted some 20 years, spanning the time between his arrival at Frombork and about 1530, when he appears to have completed the job and then to have locked the thing away.

Inevitably, perhaps, Nicolaus is nowadays presented to the world as a dedicated stargazer, and among the impedimenta decorating a great canvas hanging in the new Copernicus Museum at Frombork there is something looking remarkably like a telescope, despite the fact that this spyglass on the skies was not invented until more than 60 years after his death.

Indeed, Copernicus had learned how to use the simple instruments of his time during his student days, and must have made numerous astronomical observations during the many years of creation of his great plan of the universe.

Coupling his own observations to the tables of the motions of the stars and planets compiled long ago by Ptolemy and even earlier observers, he discovered that the planetary orbits had changed. Such close astronomical observations lent weight, though no particular proof, to his concept of heliocentricism. Indeed, this achievement was an almost purely intellectual tour de force, like that of Einstein.

The titillating ideas set out so plainly in the *Commentariolus* had excited a number of scholars all over Europe. In 1536 Cardinal Nicholas Shoenberg, who was a considerable power in Rome, wrote to Copernicus to say that he had heard of his ideas, and asked for more information. He said "I beg you most emphatically to communicate your discovery to the learned world, and to send me as soon as possible your theories about the universe, together with the tables and whatever else you have pertaining to the subject."

We know that this letter pleased Copernicus, but it was not enough to persuade him to release the secrets of his reasoning.

In 1539 a young man called Rheticus arrived at the cathedral from the University of Wittenberg, where he was professor of mathematics. He had intended to stay in Frombork for about two weeks, but as things turned out, he was to be in and out of the place for the next couple of years. It was Rheticus, backed by a friend of Copernicus, Bishop Tiedemann Giese, who finally persuaded Copernicus to publish *De revolutionibus*. Slowly the two of them wore down the resistance of the reluctant genius, and as a start Rheticus was allowed to write a résumé of the masterwork which was printed in Gdansk in 1540.

During the following year Rheticus copied out the entire manuscript of *De revolutionibus*, and he arrived with the precious text in Nuremberg in 1542, where the work began of setting it up in type. As it turned out, Rheticus didn't complete the task of presenting the ideas of Copernicus to the world. He was offered a good job in Leipzig, and he took it. He handed over the responsibility for seeing *De revolutionibus* through the press to a Lutheran clergyman with a mathematical bent called Andreas Osiander.

Osiander wrote an unsigned preface to Copernicus' text in which he attempted to anticipate criticism by explaining that the ideas described in the book need not be taken as truth, and that it was simply an exercise in logic, by no means designed to upset traditional concepts of the universe. In those days, one did not reach truth by geometrical theorems but by theology. The preface even attempted to show how some of the propositions contained in the text were untenable.

When the first copies of *De revolutionibus* came off the press Copernicus lay dying in his red-brick tower. He had suffered a series of strokes, and was helpless and almost senseless. One story has it that a copy of the Nuremberg edition of his book was put into his hands, and perhaps he was still sufficiently aware to know what it was, but was too far gone to read the preface which denied the author's faith in what he had to say.

There was also a humble dedication to Pope Paul III, in which the canon set out to excuse the temerity he was showing in publishing ideas so opposed to popular opinion and common sense. The dedication refers to some of the classical authors who had imagined a moving Earth, and ends by imploring the Pope to ignore the attacks by ignorant critics.

In fact, the great work caused remarkably little stir, either from critics or supporters. Professor Estreicher claims that there were members of the faculty of the University of Krakow who immediately recognized the genius of their great alumnus, and who sustained and preached his doctrines, but it was to be another century or so before the work of men like Keppler and Newton confirmed to the world at large the supreme importance of Copernican ideas. It even took half a century for his critics to get moving properly.

De revolutionibus was only placed on the Index of banned books by the Roman Church some 80 years after the canon's death. Later the Church published "corrections" of the text and it was removed from the Index in the 1830s.

So Copernicus died unwept, unhonored and unsung. Indeed, in his later years he had become something of an embarrassment to his colleagues, an old man of strange habits. There are surviving letters which passed between the canon and his bishop concerning a serving woman in Copernicus' household. Her presence had been causing, rightly or wrongly, something of a scandal in the neighborhood. The bishop wanted the canon to send her packing. She did go in the end, so that particular problem was resolved, but one can imagine that there was probably a general, if decently muted, sigh of relief to be heard around the chapter when the old man died.

Today Copernicus is a national hero of such stature that his name is magic.

All over the country millions of dollars have been spent on restoring castles, churches and entire streets to the state in which he knew them. The four student pilgrims were allowed to turn the pages of the original manuscript of *De revolutionibus* in the Jagiellonian Library in Krakow, and in the town of Olsztyn they saw letters written by Copernicus during the troubles with the Teutonic Knights.

Let Professor Karol Estreicher have the last word on the nature of this lonely cleric who played such a major role in shaping Man's attitude toward his position in the scheme of things, and who has taken first place in the ranks of the heroes of a fiercely patriotic nation.

"He was a typical modern man of science. He had no real care for politics. He was timid—even weak—with the weakness of a man who wants to be alone and not to be involved. Not brutal. Not seeking influence and power. There are not many people like this."

THE HEAVENS WERE BROUGHT DOWN TO EARTH BY COPERNICUS THE HUMANIST

(By Jacob Bronowski)

Amid the bustling ferment of Renaissance thought, this modest, committed man brought a human perspective to astronomy

The facts of Copernicus' life may seem modest (SMITHSONIAN, March 1973) and his character obscure to us. But we know that Copernicus the astronomer was also a humanist gentleman and I want first to transmit the broad and even romantic sense of humanism in that description. I want to begin with the tang and taste of the age, its almost physical sense of bursting from the monastery back to nature, which is so vivid in the Renaissance.

Movements that claim to go back to natural ways of thinking usually turn out to have a bias against science, and humanism was no exception. The father and fountainhead of the movement, Petrarch in the 14th century, had such an antipathy toward scientific techniques that he even disliked medical men. Nevertheless, one of Petrarch's good friends, Giovani de' Dondi, was a doctor, and a fine mechanic into the bargain; he was nicknamed dell'Orologio because he spent 16 years, during a busy medical and university practice, in making a beautiful astronomical clock at Padua. The original clock is lost, but it has been possible from the drawings to make a copy which is now in the Smithsonian Institution in Washington (see page 42).

It is a mechanical model of Ptolemy's system, with seven faces on which the seven planets of antiquity (Mars, Jupiter, Saturn, the Moon, Mercury, Venus and the Sun) run on geared sets of wheels that trace out their epicycles. We do not know when the clock was lost; it may be that Leonardo da Vinci saw it, since there is a drawing of his that looks very like the mechanism designed to carry Venus.

I linger on de' Dondi's clock because I want to bring home the age's sense that the starry heavens are a work of art, and a divine inspiration for the poet and the scientist alike. Petrarch could not be expected to find that in the classical authors that he admired and reintroduced: They were Latin, and came from a culture that had little head or taste for science. But a hundred years later, the movement of humanism to the Greek classics recovered a culture with a different outlook, in which science in general and astronomy in particular had been highly regarded. Humanism in the 15th century was preoccupied with Greek as a language and with Greek ideas.

Copernicus was not at the hub of humanism in Krakow—an eastern frontier town at the edge of Europe, as we are still reminded by the trumpeter who blows the hours from the Cathedral tower to commemorate a Tartar raid. One of his objectives in going to Italy was certainly to learn Greek, and probably to learn Greek in a scientific context; it had just been introduced, for example, at the medical school in Padua. Indeed, it has been suggested, and supported by astronomical evidence, that Copernicus had already convinced himself that the earth moves around the sun, and that he went to Italy to learn Greek specifically to find sources in Greek thought—in Aristarchus of Samos, for example, and in Pythagoras.

At this point it is right to ask: But was not Greek science known in Europe before the Renaissance, before Petrarch even? Surely Ptolemy was known, surely Euclid and Galen were known. And surely already by 1270 Thomas Aquinas had turned Aristotle into a household oracle and a Christian.

Indeed, that is so; the books of these men were read and revered in Europe, having been translated first into Arabic and thence into Latin during the Moorish occupation of Spain. But that roundabout and narrow channel had produced a tradition dominated by one Greek thinker, Aristotle, in all fields of science. A central thrust in humanism is the revolt against Aristotle, and this is true whether we interpret humanism broadly as I am doing, as a thirst for the whole wealth of knowledge, or strictly as an academic program of reform in education. For example, when the founder of the new alchemy, Paracelsus, showed his contempt for medical dogmatism by publicly burning a standard textbook in Basel in 1527, he chose the *Canon of Medicine* by Avicenna, an Arab follower of Aristotle.

Since what we would call the scientific establishment based itself on Aristotle, the up-and-coming young men avid for new ideas naturally turned to Plato. The masterly translation of Plato was begun by Marsilio Ficino in the 1460s and finally published in 1484; he had trained himself for it in the instructions of Cosimo de' Medici, who had made Florence a home for Platonists. These events had two effects on the development of science and its conjunction with humanism—one direct and one indirect.

The direct effect was to make science more mathematical, since Plato was much concerned with geometrical notions. Aristotle's insight had been into differences of quality; he was a naturalist by temperament, a lover of taxonomic systems, and that was the mood of science and medicine before 1500. In contrast, Platonism brought in a more quantitive manner, in which general principles were expected to satisfy specific tests, so that the detail of nature became significant for scientists as well as artists.

The new temper is evident in the work of Leonardo da Vinci, who wanted his drawings of a machine or a flower not only to look right but to work right. Aristotle has no sense of mathematics as a dynamic description; for example, he thinks of an eclipse of the moon as an inherent property of the moon, not as an effect of its motion. The idea that the world is in movement that can be pictured mathematically had to come from the Platonists. Later, when Galileo in his *Dialogue on the Great World Systems* explained the Copernican system, he repeatedly stressed his debt to Plato.

The indirect effect of the Florentine school of Platonism is more subtle and harder to trace, though I think it no less important. There is an underlying sense of mystery in Plato, and even in the Greek fascination with mathematical relations. It was therefore foreseeable that the new Platonism in Florence and elsewhere leaned to mysticism and in time became obsessed by it. When Cosimo de' Medici's buyers came back to Florence from Macedonia with a manuscript of the fabled Hermetic texts, which were supposed to be pre-Christian prophecies by an Egyptian magus called Hermes Trismegistos, he had Ficino put Plato aside and translate them first. Their influence was immense, for they gave to nature a numinous quality, a sacred but vibrant life, which fitted the breathless adventure of the Renaissance. They are quoted in this sense by Copernicus in a well-known passed in *De revolutionibus orbium coelestium:*

In the center of all rests the Sun. For who would place this lamp of a very beautiful temple in another or better place than this, wherefrom it can illuminate everything at the same time? As a matter of fact, not unhappily do some call it lantern; others, the mind, and still others, the pilot of the world. Trimegistus calls it a visible God.

However, we must not let this single passage lure us to believe that Copernicus drew much on the Hermetic texts or on Ficino's own rapturous essays on the sun; he did not. But their is no doubt that the appeal of Copernicus' system was heightened by an enthusiasm for the astrological power of the sun that came from the Hermetic texts. The fact is that until 1600 humanists knew Ficino better than Copernicus, and were quick to recognize his touch. For instance, when Giordano Bruno lectured on Copernicus in Oxford in 1583, his hearers ignored the science but were sharp to spot the quotations from Ficino.

MYSTICISM AND SCIENCE

The mystical fantasies in neo-Platonism seem to us now merely superstitious, and to obscure the science as they did for Bruno's audience at Oxford. But this is too simple a view. The neo-Platonists were fascinated by the relations between nature and Man, and they were too sophisticated to think that they could be controlled by the primitive and beastly magic that was current in the Middle Ages. They looked for more subtle influences in nature, such as the influence of the planets; and since those could not be browbeaten or controlled by Man, they wanted to understand nature so that they might fit their actions to the propitious moments that she presented.

In this way, they moved away from the medieval concept of black or Satanic magic, which seeks to force nature out of her course, to a new concept of white or natural magic which is content to exploit her laws by understanding them. I believe that this change in the means by which the mind hopes to master nature was an important influence of humanism on science which took place in Copernicus' lifetime.

Humanism in any sense is by origin an academic movement, because the sources at which it seeks its new knowledge are classical texts. But it would be unrealistic to ignore the strength that it drew from its popular appeal. Erasmus and Martin Luther were contemporaries of Copernicus, and showed before he published his book that the attack on authority needs a public that has the means to judge for itself—needs the printed book above all. Petrarch in the 14th century could find a poetic following in manuscript, but the sweep of humanism a hundred years later needed the backing of print; for lack of that, Leonardo da Vinci was forgotten much as William Blake was later. A list of the books printed in 1543, the same year as Copernicus' *De revolutionibus,* is fascinating: It includes the anatomical drawings of Andreas Vesalius, the first Latin translation of the mathematical works of Archimedes, and the attack on Aristotle's logic by Petrus Ramus which did so much to change methods of reasoning and of education.

A new picture of the world was forming in the public mind—a new geography that made Ptolemy old-fashioned, and a new cosmology that made him seem literal, formalist and unimaginative. What spread the new picture through Europe as if it had wings was the printed word; for example, Galileo's *Dialogue* in 1632 was sold out before the Inquisition had time to seize the copies.

But there was also a popular element in the formation and the nature of Copernicus' picture which has been neglected and which I want to stress. Consider what Martin Luther said about it before the book ever got into print. Here, he said in his *Table Talk,* is a "new astronomer who wants to prove that the Earth goes round, and not the heavens, the Sun and the Moon; just as if someone sitting in a moving wagon or ship were to suppose that he was at rest, and that the Earth and the trees were moving past him."

Luther was an earthy man, by no means an intellectual, and his earthy comparison was also made by others. Yet think how surprising it is in an age when the laws of motion were unknown, and dynamics was not understood. The principle that the motions Luther describes are equivalent is usually called Galilean relativity; Luther is speaking 25 years before Galileo was born. How had it come about that Copernicus could place his mind's eye at the sun and see the earth from it, and that much less mathematical minds could grasp what he was doing and see it as he did?

The question seems far-fetched today, because we have lived with perspective drawing for 500 years, and therefore find it easy to shift our viewpoint in imagination. But that was not so when Copernicus grew up. Perspective was a new art then that had been cultivated by the *Perspectivi* in Italy early in the century. Albrecht Dürer, who was a contemporary of Copernicus, had to travel to Italy to learn "the secret art of perspective." Copernicus himself was fortunate in seeing perspective at first hand as a popular art in the huge carved and colored wooden triptych in St. Mary's Church in Krakow which Viet Stoss finished about 1489.

Such simple and almost primitive church pictures had changed the perception of space in the 15th century. Before that, sacred pictures were flat and static because they represented a god's eye view. Perspective is a different conception, mobile and human, a moment in time that the artist has caught with a glance from where his eye happens to stand. This sense of the temporal and human pervades the picture: In the Krakow triptych it comes alive in the portraits of city worthies, the everyday people who stand around the holy figures. After the coming of Luther, the Church of Rome grew alarmed at this secularization of the heavens and at the Council of Trent expressly forbade it in sacred paintings. It is an element in Copernicus' view of nature, for although he is usually accused of removing Man from the center of the universe, in fact he moved him into the heavens. His system abolished the distinction between the terrestrial sphere and the crystal spheres beyond the moon, and made the heavens earthy.

The humanism that I have traced in Copernicus' outlook was a broad and, at the last, even a popular mode of thought. There was also, however, a narrower and specific form of humanism directed to a reform of the curriculum. In this sense, humanism was pursued in the particular study of grammar, rhetoric, poetry, history and normal philosophy. In time it mounted a formidable attack on the syllogistic logic of Aristotle. But it failed to find an alternative in science to Aristotle's mode of reasoning from the general to the particular until it inspired Francis Bacon.

Nevertheless, academic humanism established results in one of its disciplines which had a far-reaching effect on science and on society together. It came in the most unlikely way from the study of Latin and Greek, which stimulated in literary scholars a feeling for exactness as passionate as that which the new-found mathematics stimulated in scientists. As a result, they learned to analyze old texts precisely enough to date them. Their discovery that this could be done, and how to do it, has a right to be ranked as a scientific discipline, a kind of literary archaeology. And like the more usual archaeology, it uncovered fakes: For example, it enabled Isaac Casaubon in 1614 to prove that the Hermetic texts had been forged in Christian times.

But a far more upsetting discovery had been made before that in the 15th century. It was made by the pioneer of the method, Lorenzo Valla, an early humanist who scandalized his contemporaries by his epicurean and irreverent ways. In 1439 he electrified the Christian world by proving that a number of revered church documents had been forged, probably in Rome in the eighth century. The most important of them was the Donation of Constantine, by which the emperor, who died in the year 337, was supposed to have granted the Popes temporal dominion in and beyond Rome. We have perhaps grown cynical now about the shuffling of treaties, and do not expect states to be scrupulous in their quest for power. But in 1439 it was catastrophic to learn that the spiritual head of the Church was sustained by fabricated documents.

The moment was a watershed for intellectual leadership in Europe, because it identified scholarship with exact truth. That had not been the character of academic disputation in the established tradition of scholasticism, nor was it prominent in the Aristotelian way of doing science. Of course, Aristotelian and Thomist science offered explanations for natural phenomena, but these explanations were not expected to have the precision of detail and sharpness of fit that Valla's literary archaeology had shown to be possible and definitive. It was not self-evident and not a foregone conclusion that the lesson would be picked up by scientists, and singled out so that it became a crucial part of their method.

There is a case for saying this was the most profound influence of humanistic scholarship on science.

The preoccupation with the exact detail of truth created a different ethic for science: In the long run, it shifted the pursuit of science from results to methods, and the personality of the scientist from a finder to a seeker—characteristically, we now call his work *research*. In this way science becomes an activity which demands for its collective success that all those who practice it share and adhere to certain values. As a particular case, the critical need for the detail of truth has forced the scientific community to insist that ends must not govern means: There are no supreme ends—only decent and honest, namely truthful, means.

Had the Church drawn the same lesson from the scandal of the Donation of Constantine, there might have been no reason for it to part company from science. Instead, Valla was long persecuted, and 150 years later Cardinal Bellarmine still castigated him as *praecursor Lutheri*, a man who opened the way for Luther. By then the Copernican world system had been made a religious issue; Bellarmine had a finger in the trial of Bruno and in the first proceedings against Galileo, and science in Italy was doomed.

Copernicus was a silent man, but a committed one. He believed that his world system was true, and no ground of expediency persuaded him to say less. More is at stake here than belief in any one truth: Copernicus' attitude implies that truth exists in nature absolutely, and cannot be established or overturned by any authority other than the study of nature herself. In this simple and rational faith, Copernicus was a humanist pioneer who created his science from a base of philosophy as Isaac Newton did in a later age, and Albert Einstein in ours.

OUR NONPOLICY TOWARD LATIN AMERICA

Mr. McGEE. Mr. President, in a recent issue of World magazine, there appeared an article written by Sol M. Linowitz, who served nearly 3 years as U.S. Ambassador to the Organization of American States and U.S. Representative to the Inter-American Committee of the Alliance for Progress.

Mr. Linowitz's article, "Look, Mr. President, Latin America Is on the Map, Too," is a very penetrating analysis of what the writer terms our "nonpolicy" toward Latin America. Mr. Linowitz offers us the benefit of his perceptive insights into what the United States should be doing in an effort to strengthen our relations with the Latin American community.

I strongly urge my colleagues to give close attention to this article.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LOOK, MR. PRESIDENT, LATIN AMERICA IS ON THE MAP, TOO

(By Sol M. Linowitz)

Not long ago the *Jornal do Brasil* (a not unfriendly Brazilian newspaper) ran a cartoon that shows President Nixon standing before a globe of the earth contemplating Europe, the United States, and Asia. In the next panel, Nixon, crouching down, peers in astonishment at South America and exclaims: "Look, there's a map on the underside, too!"

The cartoon's implications are painfully clear: To Latin Americans, President Nixon is the first U.S. President in this century who has prided himself on his mastery of world affairs, yet has had literally no policy for Latin America. Other Presidents during the past seventy years, whether their goals were regarded as constructive or jingoistic, at least seemed to have some clear idea of what they wanted to accomplish "south of the border." Theodore Roosevelt had his Big Stick and Gunboat policies, replete with territorial-imperative chest pounding. FDR launched the well-meaning, paternalistic Good Neighbor policy. And John F. Kennedy created the Alliance for Progress, which was later furthered by Lyndon B. Johnson. But the Nixon administration has seemed rudderless in this area, and Latin Americans speak bluntly of the Nixon "non-policy" toward Latin America.

Ironically, the relationship between the United States and Latin America inherited by the Nixon administration was basically a healthy, cooperative one.

There were, of course, problems and quarrels. But under the Alliance for Progress, Latin America had managed to achieve an annual average of 2.4 percent real per capita growth. This was exactly one decimal point below target, but far better than might have been expected during the 1960s, when the area's terms of trade and income from export commodities suffered badly. During that decade the United States contributed over $8 billion in bilateral aid and was responsible for much of the $6.5 billion in loans from international institutions such as the World Bank and the Inter-American Development Bank. The Latin Americans themselves, moreover, put up at least 90 percent of the capital required to fuel development and built up a sizable infrastructure of public-works projects and social programs.

One of the Alliance's crowning achievements was in export expansion and diversification—which is the critical bone of contention between the United States and Latin America today. Under the Alliance, Latin America moved away from the wasteful import-substitution policy that had been its mainstay during the 1950s, and concentrated instead on diversifying its exports. However, toward the end of the decade, Latin American leaders realized that further success in this program would require the United States and other countries of the developed world to tear down the trade barriers to Latin American-manufactured exports. It was at this stage that President Nixon stepped onto the scene.

Then came two striking developments in U.S.-Latin American relations: the Rockefeller mission to Latin America and the Latin American meeting that produced the document called the consensus of Vina del Mar.

In late January 1969, Nixon announced that he was sending Gov. Nelson Rockefeller—a former Co-ordinator of Inter-American Affairs, long known for his deep interest in the area—on a fact-finding mission to a dozen Latin American capitals. Rockefeller surrounded himself with highly respected experts from a wide range of disciplines and embarked on a whirlwind tour of Latin America. Some skeptics asked whether still another study was in fact necessary, but when it came out, the Rockefeller report did demonstrate the importance of Latin America for the United States objectives, and recommended significant action. The President accepted the report, and Latin Americans waited to see whether he would act on it.

Meanwhile—at precisely the same time as the Rockefeller mission—there was a meeting of CECLA—the Special Coordinating Committee on Latin America, which consists of all OAS members except the United States. The purpose of the meeting was to coordinate the Latin American position within the Alliance, and the conferees agreed on a statement issued as the consensus of Vina del Mar.

The consensus covered a good deal of ground, ranging from international financing to the transfer of technology and the role of foreign direct investment; and from tariffs and quotas to the prices of commodities on the world markets.

Specifically, it asked that the United States eliminate tariff and non-tariff barriers on goods from the developing world and that it champion Latin exports by helping secure similar treatment for them in other developed markets. The CECLA group also sought greater financial cooperation that would allow recipients of aid to set their own priorities with no strings attached to the foreign aid they received.

Few national leaders in their first year in office have had such clear guides as the consensus and the Rockefeller report by which to formulate a foreign policy for a region. Yet for some inexplicable reason, the President failed to respond. In his only major Latin American policy statement, on October 31, 1969, the President indicated his awareness of the key problems, and then to the great disappointment of Latin Americans did very little about them.

The Nixon proposal for Latin America, as outlined in the October speech, was known as Action for Progress in the Americas; its ideas were meant to be the backbone of the Nixon policy for Latin America. On the face of it, the program seemed to offer highly positive concessions to Latin America in four key areas.

First, with respect to trade preferences, the statement said that the United States would urge other industrialized countries to agree on a uniform, nondiscriminatory system toward developing countries. The system would be very generous, with no ceiling on preferential products that Latin America felt it could sell to the United States; and the United States would be prepared to go ahead with preferences for Latin America on a number of products if Europe and Japan could not be persuaded to go along on a more general trade preference for all developing countries.

A second point was the untying of U. S. AID (Agency for International Development) loans. It was emphasized in the policy statement as a significant step forward. What was not underscored was the fact that while AID recipients would no longer be tied to U. S. sources alone, they would be free to purchase manufactured imports with AID funds only from sources *within Latin America.*

A third and slightly related point was the promise to move toward increased multilateralization of U. S. aid for Latin America.

The program's last key point concerned the need to "deal realistically with governments in the inter-American system as they are." The President conceded that each nation had a right to decide whether or not it wanted foreign private investment. Without threatening countries that might choose the path of expropriation, the President quietly warned that such action might seriously affect investor confidence.

Latin Americans accepted these key policy positions with a sense of hope, which has over the months turned to cynicism and disillusionment.

One major setback to Latin American confidence in the new program came on August 15, 1971, when the Nixon new economic game was announced. The plan placed a 10 percent surcharge on imports to protect the U. S. balance of payments, and Latin America found itself lumped in with the other exporting areas. Many commodities that make up the bulk of Latin American exports were excluded, and White House spokesmen pointed out that only 22 percent of Latin American exports would be affected by the surcharge. However, they missed two important points that did not escape Latin Americans: First, the exports affected were fast-growing manufactured products, which Latin producers had worked long years to be able to manufacture for successful marketing in the United States. Second, Latin America's dollar-trade deficit with the United States had exceeded a billion dollars the previous year; and Latin Americans understandably felt that they should not be penalized in the same category as the European, Japanese, and other exporters who had contributed to the balance of payments predicament of the United States.

Quite clearly, the President had missed an extraordinary opportunity. He could have said he recognized that Latin America was not a factor in U.S. economic problems and could have absolved the area from the added burden of the surtax. Having failed to do so, however, he could no longer blame a protectionist Congress (as his administration had been doing) for the failure to live up to his commitment on trade preferences for Latin America.

The predictable result was to unite Latin America firmly against the United States. Even such strange bedfellows as Brazil and Chile were able to get together with other Latin American countries in an emergency CECLA meeting in Buenos Aires that condemned the U.S. action and explored possible sanctions against the United States. A belated decision (made after the CECLA affair) to roll back the 10 percent AID cut failed to overcome the resentment and hostility that had been aroused.

The promised multilateralization of aid also proved to be a disappointment to the Latin Americans. At the beginning of last year, President Nixon issued a statement that appeared to increase politicization of multilateral aid channeled through the Inter-American Development Bank and the World Bank. He warned that all U.S. aid—including that funneled through multilateral institutions—would, in the absence of special circumstances, be cut off from countries that expropriated U.S. investments without prompt and adequate compensation.

Other statements exacerbated the situation. While still secretary of the treasury, John Connally stated in an interview: "The United States can afford to be tough with Latin Americans because we have no friends left there anymore." Later, as good-will ambassador to Latin America, Connally warned Venezuelans that "the United States has the power to export prosperity or poverty to any country in the world to which it chooses to do so."

Against this background it is quite clear that the Nixon non-policy toward Latin America has had one effect: It has united Latin America in opposition toward the United States and its surrogates—the hundreds of subsidiaries of U.S. corporations spread throughout the region. On other issues it has helped set Latin American leaders against each other in their efforts to vie for leadership of the region precisely at the time when the nations of Latin America should be working solidly together for development of the continent.

Neither the United States nor U.S. private investment in the area has benefited from this non-policy toward Latin America. Therefore, what we now need—and need badly—is a cohesive policy for Latin America that will take into account the hemisphere's special requirements and desires. And this challenge presents the new Nixon administration with an extraordinary opportunity at a pivotal moment.

What should be the ingredients of such a policy? Here are a few suggestions:

1. *Define U.S. goals in the hemisphere, and spell out just as clearly what the United States expects of others. Then stick to these commitments.*

There is no need of studies and analyses that make clear what our approach should be and how we should go about it. What we need—and desperately—is to recognize that clarity, like charity, must begin at home. To talk about "partnership" at a time when there is not even a constructive dialogue is neither realistic nor constructive. To be effective, a partnership must begin at the top—with the President. There must also be a genuine commitment on the part of the President, which in turn is reflected throughout the administration.

2. *Move the Alliance for Progress toward a second stage, in which it would really be directed on a multilateral basis, with goals mutually defined.*

We have long since passed the time when the United States can attempt to direct the destiny of Latin America. It is now necessary for all sides to participate in setting up goals and guideposts. The consensus of Vina del Mar and the recommendations of the Rockefeller commission can be important guides in establishing common objectives. The United States should indicate its readiness to join in developing such common goals.

3. *Use existing inter-American institutions to conduct as much of our governmental business with Latin America as possible.*

The OAS and the Inter-American Development Bank are two established organizations in which the United States can place its trust in dealing with the area. Both are staffed with dedicated international civil servants who are seeking to develop the region and who can speak both the language of the United States and that of Latin America. We should make clear our confidence in, and respect for, such inter-American institutions.

4. *Once the United States has agreed to the principle of multilateralism, we should assure that decisions with respect to multilateral aid are truly multilateral.*

As is true with any corporate board of directors, the role of the board of a multinational institution is to set overall standards and leave everyday management to the professional managerial staff. The same should apply in the case of international lending institutions. It would be helpful in this regard if Japan, European countries, and others were to join such institutions as the Inter-American Development Bank in order to assure that they are truly multilateral and not dominated by the political influence, express or implied, of the United States.

5. *Open up the U.S. market to Latin American products to the greatest extent possible and in a way that will truly benefit inter-hemispheric trade.*

One idea worth exploration would be for the United States to allow Latin American products to come in free of all duties and quotas to the extent of the almost $2 billion trade surplus it has with the region. There is no reason why a nation as powerful as the United States must make its mark at the expense of its developing neighbors. To make the formula more acceptable to Congress, the United States could insist that Latin nations reduce their barriers against U.S. exports to the degree they benefit from increased exports to the United States.

6. *Help rekindle the fire of economic integration.*

During the first eight or nine years, regional integration worked well, but it has since been stymied in its growth. Both LAFTA (Latin American Free Trade Association), which includes all of South America plus Mexico, and the Central American Common Market have run into difficult times. At the presidents' summit meeting in April 1967, a Latin American common market was the leading item on the agenda. The United States could help revive interest in it by offering to become a nonreciprocal member—which would open up its markets—but not insist on the same from Latin Americans. A major market outside the area could be the stimulus that regional integration needs to set its export goals high and to develop the way to reach them.

7. *Make clear the nature of the relationship between the U.S. government and Latin American subsidiaries of U.S. parent companies.*

If the U.S. government has a responsibility for helping American companies in conflict with foreign governments, then it must also be prepared to be responsible for companies that conduct themselves badly in a particular country. The United States could insist that American companies follow a specific code of conduct of responsible international companies that would state what rights companies should be able to expect when dealing internationally, and what duties to the host country they have in return. If a U.S. company is wronged under such a code, then the U.S. government could, in good conscience, step in to make this known to an international tribunal, while avoiding any unilateral action.

8. *Accept the idea that Latin American countries—like other countries of the world—have the freedom to determine their own political, social, and economic systems on behalf of Latin Americans and in a Latin American way.*

The United States must learn to understand and accept the fact that differences exist among people and their ways of looking at things. And it must learn to adapt to these systems when they pose no intrinsic danger to the United States, and to avoid hostile kneejerk reaction when disagreement occurs.

There is, of course, no guarantee that such policies will entirely abate hostility and tension. But they could begin to change the climate and move us back to a spirit of cooperation, rather than conflict. The need has never been greater, both in our own interest and in the interest of hemispheric progress and world peace.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

VOTER REGISTRATION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the unfinished business, S. 352, which the clerk will state by title.

The legislative clerk read as follows:

A bill (S. 352) to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Administration for the purpose of administering a voter registration program through the Postal Service.

The Senate resumed the consideration of the bill.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McGEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Helms). Without objection, it is so ordered.

Mr. McGEE. Mr. President, I should like to yield to the distinguished Senator from Nevada (Mr. Bible) for the purpose of propounding a question or two.

Mr. BIBLE. I thank the manager of the bill, the distinguished Senator from Wyoming (Mr. McGee). There are some problems on this particular bill which have been called to my attention by the registrar of voters for Clark County, Nev., Mr. Stanton B. Colton, who has written to me that he is in full agreement with enhancing opportunities for voter registration in Presidential elections but feels that placing the control and management of registration in a Federal agency will be a hindrance rather than an aid to the States' efforts to maintain the integrity of the ballot through purity of registration. Mr. Colton feels that the committee bill will open the door to multiple registrations by individuals throughout the country and thinks the States will need time to develop cooperative efforts to prevent a person registering in more than one place.

Would the Senator from Wyoming comment on this problem which has been called to my attention by the registrar of voters of Clark County, Nev., which, incidentally, has 60 percent of the voting population of the State of Nevada?

Mr. McGEE. The registrar in Clark County raises relevant questions. Many others raise those questions. They have been raised in this body regularly. I believe there should be direct and forthright responses given for the benefit of the registrar of Clark County.

In answer to his first question, that injecting a Federal agency into the process now will tend to confuse and clutter up what is a pretty good operation in his county, let me say, the legislation introduces nothing new for Clark County that does not already exist.

In other words, registration by mail is only supplemental to what is now done. Forty-five days and no later than 30 days before the close of voter registration, registration forms would be mailed out by the Bureau of the Census.

It is that mailing that could conceivably require more manpower for handling in Clark County, but that would depend on how many people are already registered under the regular process. This is simply to add to what is going on. So, except for the unknown of that manpower, I think there would be no additional complication.

The 30-day provision in the bill is taken from the National Voting Rights Act of 1970 that is already on the books for voting for President and Vice President. This would extend the coverage of that same time limit to other Federal offices; namely, Congress and the Senate.

The second question that the registrar from Clark County raises has to do with the possibility of fraud.

Mr. BIBLE. That is right.

Mr. McGEE. Of duplicate registration. Two things: First, the postcard is only an application to the State or county registrar. It is only an application to be registered. The affirmation of that does not take place in Washington or in the Bureau of the Census. It takes place where all the other registrants are now affirmed under the procedures of the bill. This would be accompanied by a second limitation, that is, a very severe penalty in case there would be those who might try to do violence to the intent. There is a $10,000 fine and/or 5 years in prison.

Remembering that our income taxes are collected in this way by mail, without eyeball-to-eyeball confrontation, we think there would be no reasonable incentive to seek to exploit this or to seek any predictable gain.

As the witnesses before the committee testified where this has been tried, Texas is a good case in point, where they have had postcard registration for some time and they found no evidence of fraud in the registration process of the postcard. The fraud encountered came at the ballot box when corrupt officials ran off with the ballot box, or when they stuffed the ballot box. But that is not in the original process. That has been the pattern of our history.

Mr. BIBLE. I do not think the registrar has to direct himself to abuses that probably have happened in every State of the Union during the course of our history. But the problem is, we do not see how, under the use of postcard registration, we can prevent a person from registering in more than one place. I suppose we cannot do that. The answer to that, to prevent anyone from doing that, is the heavy criminal penalty involved.

Mr. McGEE. Yes; the criminial penalty involved, which would be somewhat of an incentive against fraud.

Another point is that the voters still have to be validated, if they are registered by postcard. The same people who validate them under the present registration system—eyeball-to-eyeball will continue to do so.

In any event, it does not win a vote. How we get them to vote is another problem.

Mr. BIBLE. He is not concerned himself with that same problem. I am sure that is a different problem involved in the bill.

The second question Mr. Colton has is that he maintains no method is delineated for the distribution of post card registrations authorized by the bill.

Mr. McGEE. No method delineated for the distribution of it?

Mr. BIBLE. That is right.

Mr. McGEE. It is envisaged in the bill, first of all, that the Bureau of the Census, would simply send out the post cards registration forms between 45 and 30 days before the primary election. The forms would go to every residence in the country.

Mr. BIBLE. That is to be done by whom?

Mr. McGEE. By the Bureau of the Census. But none of the cards come back to the Bureau of the Census.

Mr. BIBLE. They are taken from where the last official census was taken?

Mr. McGEE. The household. Every household gets the card.

Mr. BIBLE. Those are the names now available to the Bureau of the Census.

Mr. McGEE. The cards go to the household not to names.

Mr. BIBLE. I appreciate the comments of the Senator from Wyoming. I shall certainly elicit further suggestions and comments from the registrar of Clark County, Mr. Colton.

Again I thank the Senator from Wyoming very much.

Mr. LONG. Mr. President, will the Senator yield?

Mr. McGEE. I am glad to yield to the distinguished Senator from Louisiana.

Mr. LONG. I would like to get a few things straight in my mind about this matter.

What type information would be on the postcard?

Mr. McGEE. On the postcard of a State would be the relevant questions that State law requires in that State. We make no pretentions here of trying to impose something that would try to tell a State what it had to do. It goes to the States registrar, and the relevant information that State requires would be contained on the postcard.

Mr. LONG. It is my impression that the original, standard size postcard would not be sufficiently large to take care of all the questions that would be on the ballot with respect to the form required by Louisiana, for example. Do I correctly understand that the postcard mailed would be larger than the normal size?

Mr. McGEE. There is nothing that would limit it to the penny postcard, as we used to call it—which does not exist anymore—that one mails to friends when one visits Washington, D.C. But whatever was relevant for that State, in the immediate outlines of this law, would be adjustable, so far as a postal registration authority in the Bureau of the Census is concerned. They are mailers. We have tried not to prescribe what ought to be on that card, because it would vary among the States.

Mr. LONG. It occurs to the Senator from Louisiana that at some point and some time we will need some kind of firm identification for every citizen, for some purpose, and this might be one area in which that might be necessary.

For example, I am sure that we would like to pursue the principle of one man, one vote, not one man, two or three votes. So that if a person were living in Washington, D.C., we would not want him to be casting a ballot in Washington and in Virginia and in Maryland and in Delaware, all on the same day. To avoid that kind of situation, it seems to me it would be desirable to have a central computer somewhere and some registration number or something so that a person could, on behalf of this Nation, check these overlapping registrations if that type situation should develop. Is there any procedure involved here whereby that could take place?

Mr. McGEE. We had a long discussion about whether we ought to lodge that by instruction in this voter registration agency at this time. Our decision was that that would be premature at this moment, at the very beginning, for two reasons. One was that we thought we should not pre-empt that judgment from the voter registration agency before they ever got things put together. Obviously, they are not interested in multiplying votes. We wanted to leave them the latitude of discretion because of the variables among the States.

The second reason is that we insist that the State registrars retain the judgmentary control that this man, indeed, is a verifiable resident who is entitled to vote, and he puts his name on the voter list.

For someone to succeed in doing that in several States at once becomes exceedingly difficult, as under present laws. We have not introduced a new factor that is not already present in terms of validating the voter list.

Therefore, in trying to abide by the initiatives of the States, because they differ, we have preferred to go that route rather than to mandate the States on that kind of procedure due to the variable there.

So that we believe that those two factors—one, the decision by the voters agency and, two, the validation by the individual States according to their rules—would be sufficient check on that.

There is one other, and that is that in our recommendations, without legislating it, because we do not want to tie the hands of the voter registration agency in advance, is the suggestion that some kind of identification would help to tighten the whole operation, requiring a social security number, as an illustration of a type of thing that might be listed there, listing the penalties in front of their eyes as they sign it, with the reminder that if any of this is invalid, it is false, and that they can be fined $10,000, with 5 years in prison, as something of a deterrent to keep it a little under control.

Mr. LONG. Of course, as salutary as a heavy fine or a criminal penalty might be, it really does not mean much until you have made it clear that you are going to enforce it. It is true that in some agencies they do not have much of a budget for enforcement. I have in mind some of the banking agencies, for example, which once in awhile will do a close audit and then, where some prominent person is involved with a bank, indict that person and prosecute him, on the theory that once they prosecute him, anyone else who may be doing it will correct his way of doing it in a hurry. I think that makes good sense. Until such time as you actually have prosecuted somebody and put him in jail for dual registration, it stands to reason that many people might be willing to take liberties with the system.

Mr. McGEE. They might. The difference is, as I see it, upon registration. You count the casting of a ballot, and therefore you are still one step removed from what already exists. Even if they sought to exploit the registration system, they still have to go there in person and pick up a ballot and be verified and checked off. So that there is another check at the ballot box, and I think that difference adds one other ingredient in the restraint.

There still are those who will try to take advantage of it, even if you wrote it in the Lord's garden itself.

But as to the prosecution which takes place now in the event of falsification of ballot results or seizing a ballot box or stuffing it, the same things apply under this proposal, except that this does not cast any ballot. It only registers a name. The crime would still have to be committed at the ballot box.

Mr. LONG. I thank the Senator.

These problems have troubled me. I think the Senator does see that there could be a usefulness in having some type of identification number or some sort of identification that associated a person with his date of birth, place of birth, name, name of parents, so that it could be cross checked at some point. It might be useful particularly in connection with a Federal election.

Mr. McGEE. Suppose we just start with the social security number. Any centralized mechanization in a State, let us say, could expose that in a hurry, if a duplication popped up in two places or several places.

Those are the kinds of things we certainly endorse for cross checking. We thought we ought to let the expertise of the Commission, as it launches this, sort that out, so that we would not be shooting from the hip here on the floor in order to take care of that particular situation in Wyoming and this one in Louisiana and one some place else because of a hodgepodge that would be more difficult to enforce.

Mr. LONG. That raises another point. I believe the Senator knows that the law does not forbid a person to have more than one social security number.

Mr. McGEE. That is true.

Mr. LONG. A person can have two, three, or five. I have some doubt as to the wisdom of that. I believe the incipiency of that provision had to do with a suggestion by organized labor that social security numbers could be used for blacklisting purposes, and they did not want the numbers to be had for that reason. I think it would be far better to have a severe law against using a social security number for blacklisting purposes and to forbid anyone to have more than a single social security number.

Mr. McGEE. I think that has merit, too. That is one of the reasons why we did not seek to prescribe specifically that you had to have, on there, a social security number of the type approach to the postcard form that would be available to those finally required to make the judgment. I think it is a good suggestion.

Mr. LONG. I just hope if we enact this bill we do not open the door to practices we have managed to discard in the past whereby machine politics, particularly competing machines in politics, would take advantage of al! sorts of devices to register people who were not legitimate voters, register them all singly when they came to register, keep the papers, and vote them whether they were there or not.

Mr. McGEE. I do not know all the tricks of the trade, but, again, we found most of those instances centered around the voting of people rather than registering people. We found instances where checks were made at the polls but it still happened.

The other thought is with respect to the experience in Texas in postcard registration, which was testified to in depth before the committee. While they had some mechanical problem they had no problems in regard to fraud. The fraud came in when bad guys stole the ballot box and ran off and hid in the woods, or stuffed the ballot boxes. From New York City the registrar testified that this would make it more difficult for a political boss to whip into line the droves because it bypassed their systematic recording of bodies, and brought in all of those who are interested.

It was testified that, if anything, this would be a restraint to those practices and would complicate the job for the boss who would want to mobilize a vote.

Mr. LONG. I thank the Senator.

CALL OF THE ROLL

Mr. McGEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk called the roll, and the following Senators answered to their names:

[No. 93 Leg.]

Aiken
Allen
Baker
Beall
Bellmon
Bentsen
Byrd,
Harry F., Jr.
Case
Cranston
Domenici
Fong
Hart
Hathaway
Helms
Javits
Kennedy
Long
Mansfield
Mathias
McGee
Roth
Scott, Pa.
Sparkman
Talmadge
Young

The PRESIDING OFFICER. A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the presence of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Abourezk
Bartlett
Bennett
Bible
Biden
Brock
Buckley
Burdick
Byrd, Robert C.
Cannon
Chiles
Church
Clark
Cook
Cotton
Curtis
Dole
Dominick
Eagleton
Eastland
Ervin
Fannin
Fulbright
Gravel
Griffin
Gurney
Hansen
Hartke
Haskell
Hatfield
Hollings
Hruska
Hughes
Humphrey
Inouye
Jackson
Johnston
Magnuson
McClellan
McClure
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nunn
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Scott, Va.
Stafford
Stevens
Stevenson
Symington
Taft
Thurmond
Tower
Weicker
Williams

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Kentucky (Mr. Huddleston), the Senator from Wisconsin (Mr. Nelson), and the Senator from California (Mr. Tunney) are necessarily absent.

I also announce that the Senator from Mississippi (Mr. Stennis) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. Brooke) is absent by leave of the Senate on official business.

The Senator from Oregon (Mr. Packwood) is absent on official business.

The Senator from Arizona (Mr. Goldwater) and the Senator from Ohio (Mr. Saxbe) are necessarily absent.

The PRESIDING OFFICER (Mr. Helms). A quorum is present.

Mr. McGEE. Mr. President, may I ask, what is the parliamentary situation?

The PRESIDING OFFICER. The question is on agreeing to the first committee amendment to S. 35. That is the pending question.

Mr. McGEE. May I ask if it is in order to request adoption of the committee amendments en bloc?

The PRESIDING OFFICER. That would take unanimous consent.

Mr. McGEE. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc.

Mr. ALLEN. Mr. President, reserving the right to object, Senators will recall that on the last legislative day, the distinguished Senator from Alaska (Mr. Stevens) raised the point about a provision in section 404 on page 5 of the printed bill which would add, if adopted, and if unanimous consent were given, a provision that "each State shall provide for the registration or other means of qualification of all residents of such States who apply, not later than thirty days immediately prior to any Federal election, for registration or qualification to vote in such election."

Mr. President, it was pointed out by the distinguished Senator from Arizona that the Supreme Court has held in the Georgia case and in the Arizona case that the State might prescribe a date for closing its books for the removal, 30 days from the election. So if the committee amendments are adopted en bloc, it would rule out the opportunity for the Senator from Alaska (Mr. Stevens) to raise that point. The only way he would have his day in court would be to vote against the amendment when it comes up separately.

Then, too, there are a number of other amendments that should have a yea-and-nay vote and should be voted on separately.

So, for those reasons, Mr. President, I do object to consideration of the committee amendments en bloc.

From time to time I shall, in all likelihood, request the yeas and nays with respect to some of the individual amendments, not having in mind that any amendments to knock out everything after the enacting clause would perfect this bill. Yet, the Senator from Alabama feels that it should be in order to request a yea-and-nay vote on some of the amendments. So I object.

The PRESIDING OFFICER. Objection is heard.

Mr. McGEE. Mr. President, I wonder if I might ask the Senator from Alabama whether the strictly technical amendments, which are rather obvious, among the group of committee amendments might be agreed upon en bloc.

Mr. ALLEN. I think we could get an answer to that by having the clerk state the amendments.

Mr. McGEE. Mr. President, I ask that the clerk read the first of the committee amendments.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 2, line 8, after the word "State", insert a comma and "the Commonwealth of Puerto Rico, the Virgin Islands, Guam,".

Mr. McGEE. Mr. President, I want to say, while we have several Members of the Senate here, that by agreement we have worked out a procedure for this afternoon that will involve calling up, individually and in order, each of the 18 committee amendments, at the request of the Senator from Alabama. On many of them, no yea-and-nay vote is anticipated; that is, they are easily acceptable by voice vote. On several, as Senator Allen has just explained, he would like to have a rollcall vote.

Therefore, because of the procedure, we wanted Members to be on the alert that there certainly will be votes on the committee amendments during the course of the afternoon but that on a number of them there will be no rollcall votes. I cannot promise 18 rollcall votes. It would be a great afternoon's harvest for the Record. But we will proceed in the order of the committee amendments to see what kind of procedure will be most in order.

The issue now is on the first committee amendment, which addresses itself to the meaning of the word "State"; and the committee added, as its amendment, "the Commonwealth of Puerto Rico, the Virgin Islands, Guam," because we wanted no uncertainty about the word "State." It is a clarifying technicality rather than an extension of the meaning of the bill, and I move its adoption.

Mr. KENNEDY. Mr. President, I ask unanimous consent that my aide, Mr. Parker, be permitted access to the floor during action on the voter registration bill and during the rollcall votes.

The PRESIDING OFFICER (Mr. Helms). Without objection, it is so ordered.

The question is on agreeing to the first committee amendment.

Mr. FONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEWIS CARROLL AND RICHARD G. KLEINDIENST: A MEETING OF THE TWAIN

Mr. ROBERT C. BYRD. Mr. President, in the course of our labors here on Capitol Hill we eventually come into contact with every conceivable human situation. In truth, little happens in the way of human conduct and human relations that does not, at one time or other, manifest itself here. Presumably, this is to be expected since however lofty the concept of democratic and representative government may be, it is, in the final analysis, government by people and for people. However, whatever our individual views on the lengths we need to travel in doing the people's business, we are united in one thing: we are in the business of giving people service; not in the service of giving the American people the business.

Mr. President, the Attorney General's extraordinary appearance and even more extraordinary comments yesterday regarding the scope of the so-called executive privilege falls into the second category. In one fairly abbreviated appearance, Mr. Kleindienst—for whose ability I have a high regard—achieved immortality and should forever be enshrined in the Pantheon of such distinguished personalities as Lysenko, Lombroso, and the editor of the Literary Digest.

Lysenko was the Russian geneticist

whose views officially prevailed in the U.S.S.R. until the middle 1950's, who combined genetics and environment in his theories of the development of man in such a way as to render himself a laughing stock among scientists, but to support the Stalinist regime and rationalize its practices.

Lombroso, as Senators will recall, was the Italian sociologist who fallaciously maintained that criminal tendencies could be detected through facial structure and appearance, an obvious contradiction in point being the case of Pretty Boy Floyd.

And the editor of the Literary Digest I have in mind, of course, was the man who vehemently predicted the resounding defeat of Franklin D. Roosevelt by Alf Landon.

Mr. Kleindienst's solo performance yesterday seems to have come full blown from the mind and pen of Lewis Carroll. As I perceive the product of the Attorney General's fertile mind, the words from "Alice's Adventures in Wonderland" flood my memory.

For instance:

> "The time has come," the Walrus said,
> "To talk of many things:
> Of shoes—and ships—
> And sealing-wax—
> Of cabbages—and kings—
> And why the sea is boiling hot—
> And whether pigs have wings."

In addition to the humorous illogic that has captivated untold millions, Alice has fairly good counsel for all of us. One particular passage that should have made—but obviously did not make—an impression upon the Nation's chief legal officer is the following colloquy between Alice and the Mad Hatter:

> "Really, now you ask me," said Alice, very much confused, "I don't think——
>
> "Then you shouldn't talk," said the Hatter.

As he turned the beneficient doctrine of separation of powers on its head to cover potentially politically embarrassing "statecraft," the able and distinguished Attorney General reminded me of the following memorable quotation.

> "You are old, Father William," the young man said,
> "And your hair has become very white;
> And yet you incessantly stand on your head—
> Do you think, at your age, it is right?"

The Attorney General is a very congenial and personable man, and I admire him. However, the Attorney General's undisguised arrogant demeanor in this instance is almost forgotten in the welter of the import of his remarks. In the words of the senior Senator from Maine, the Attorney General's claims are "frightening"—if they could be taken seriously. Frightening because, if widely held, they picture a superarrogation of power by the executive which even the most sensitive of us did not envision. But, I suspect, that his views are singular and are more accurately described in such Carrollian terms as—

> Such epithets, like pepper,
> Give zest to what you write;
> And, if you strew them sparely,
> They whet the appetite:
> But if you lay them on too thick,
> You spoil the matter quite!

However, leaving aside all sense of personal shock and dismay, I commend to the Attorney General and those whom he may represent this parting quotation from Lewis Carroll:

> The Good, the True, the Beautiful—
> Those are the things that pay!

VOTER REGISTRATION ACT

The Senate continued with the consideration of the bill (S. 352) to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Administration for the purpose of administering a voter registration program through the Postal Service.

Mr. McGEE. Mr. President, what is the pending parliamentary situation?

The PRESIDING OFFICER. The question is on agreeing to the first committee amendment.

Mr. McGEE. If there are no other speakers on that amendment, I move the adoption of the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the second committee amendment.

The assistant legislative clerk read as follows:

> In line 12, after the words "Vice President", insert a comma and "an elector for President and Vice President,";

Mr. McGEE. Mr. President, if I may explain this amendment, it was simply to make it more clear that the use of the phrase "Federal office" means the office of the President and the Vice President of the United States, and then we inject "an elector for President and Vice President".

The reason for the addition is purely technical, to make certain that they could not split hairs on whether you were voting for an elector as you voted for President and Vice President. Does the Senator from Alabama wish to raise a question about it?

Mr. ALLEN. Yes, if the Senator will yield the floor.

Mr. McGEE. I move the adoption of the amendment.

Mr. ALLEN. Mr. President, in a moment I shall request the yeas and nays on this amendment.

The distinguished Senator from Hawaii, in his minority views with respect to this bill, covers this amendment. He points out that in yet another way, S. 352 propels the Federal Government into an area heretofore reserved to the States.

Up to now, an elector for President and Vice President has been deemed a State officer. S. 352 would make such electors Federal officials.

It makes electors Federal officials by the amendment itself. The bill as originally introduced did not contain the words "elector for President and Vice President".

Mr. McGEE. Mr. President, if I might respond to my colleague from Alabama, by way of clarification, there was no intention of seizing upon any other individual and trying to hijacking him into the Federal Government as a Federal officeholder. It was an attempt to clarify the impact of the law, and that is that under the law we vote for the electors, which in fact means that we are voting for President and Vice President. That was the only purpose for including that, to attempt to clarify that situation. We did not want that left ambiguous in terms of whether this was a Federal office that was under consideration.

Mr. ALLEN. Mr. President, I appreciate that explanation given by the distinguished Senator from Wyoming, but I should like to point out to him that there is no election for electors or for President that does not also carry an election for Representative. So "Representative" is included in this paragraph, and there is really no need to clutter up the statute books with a recital that an elector is a Federal officer when in fact he is not.

I am wondering whether the distinguished Senator from Wyoming, in order to avoid a rollcall vote on this issue, will not agree that the amendment might be tabled.

Mr. McGEE. The only trouble that that gives me is that it would appear to leave this gap in the procedure that the word "Representative" or the word "Senator" does not encompass, when we are addressing ourselves to the office of President and Vice President.

Mr. ALLEN. Does the Senator think there is any doubt about the meaning of the words "Presidential election"? Is that not an election at which electors from the various States are chosen?

Mr. McGEE. If McGEE were writing the law, that would be easy, but we have lawyers around here who are still quarreling with that. They insist that intent would be clarified by this language. That is the only reason for it. It would be easy for me to accept a much broader interpretation, but it is the legal refinements that give some of the legal counselors some misgivings about this.

Mr. ALLEN. If I might go on, then, with the argument made by the distinguished Senator from Hawaii (Mr. FONG) in his minority report, which I want to adopt as my own views, unless the Senator would be willing to table——

Mr. McGEE. Let me point out that the distinguished Senator from Hawaii is a lawyer.

Mr. ALLEN. Yes, and the Senator is calling attention to the defect in the committee amendment.

Mr. McGEE. That is correct.

Mr. ALLEN. He cites the Constitution itself, article II, section 1, clause 2, which provides:

> Each State shall appoint, in such manner as the legislature may direct, a number of electors . . .

If that would not make him a State officer, I do not know what would. The State does not go around appointing Federal officers, I do not suppose.

Mr. FONG. Mr. President, will the distinguished Senator from Alabama yield?

Mr. ALLEN. I am delighted to yield to the Senator from Hawaii.

Mr. FONG. Mr. President, in Justice Harlan's dissenting opinion—400 U.S. at 211—

> There is substantial authority to the effect that Presidential electors are State rather than Federal offices.

That is substantiated in *In re Green* 134, U.S. 377, 378 and *Ray* v. *Blair* 343 U.S. 214, 224–225.

By this amendment, which makes Presidential electors Federal officers, who are actually changing the officers, who have always been heretofore regarded as State officers, to Federal officers. I will say that this in effect revises the Constitution of the United States without really actually amending it.

Instead of having a constitutional amendment, we are amending the Constitution by this legislation.

Article II, section 1, clause 2, provides:

> Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress . . .

The sole authority of Congress under the Constitution respecting Presidential electors is to—

> Determine the time of choosing the electors, and the day on which they shall give their votes . . .

That is in article II, section 1, clause 4 of the Constitution.

The Constitution does not give Congress the right to determine the manner of selecting Presidential electors, yet that is what we are doing in this bill. It flies in the face of constitutional authority.

We have a publication here in the Senate entitled "Nomination and Election of the President and Vice President of the United States," which was compiled by Richard D. Hupman and Robert L. Thornton under the direction of Francis R. Valeo, the Secretary of the Senate. This was published in January of 1972, in reference to Presidential electors. This document states as follows:

> These electors are State officers, being nominated and elected according to State law and paid some form of compensation, usually only necessary traveling expenses, by the individual States.

So, by this bill, we are changing the Constitution. These people are State officers and not Federal officers.

I therefore believe that the argument made by the distinguished Senator from Alabama (Mr. ALLEN) is quite in order. We have gone far beyond, in this bill, what the Constitution allows by defining a residential elector as a Federal officer.

Mr. McGEE. Mr. President, will the distinguished Senator from Alabama yield that I might get into this colloquy?

Mr. ALLEN. I am delighted to yield to the Senator from Wyoming.

Mr. McGEE. May I ask first, because I am not a lawyer, was the Harlan opinion the Senator from Hawaii just cited a majority opinion of the court or a minority opinion?

Mr. FONG. It was a dissenting opinion, but that was substantiated, as I understand it, by In re Green and Ray versus Blair.

Mr. McGEE. My next question, which is an obvious question, Was the issue stated in the decision the status of an elector?

Mr. FONG. I do not know, because I have not read it.

Mr. McGEE. I am advised by counsel that that was not the issue but a test in the case and, thus, it is not particularly applicable here; but the point is that we are tampering with nothing under the Constitution. What it seeks to do, frankly, is to make sure there is no equivocation at any State level about determination as to whether it is a Federal election or not, because the issues have been raised legally as to whether—where the President's name is not included in the ballot, where only the names of the electors appear, because that is understood, whether there would be opportunity and decision at some State level to rule that this was not a Federal election. Because of that ambiguity, I am advised that it was felt this was a simple refinement of an area where, in the past, there had been some difficulty, even though, hopefully, that has been resolved at the present time. I add that as an addendum to what we were discussing.

Mr. ALLEN. Mr. President, it occurs to me that there is no national election—an election held in November in a Presidential election year—that would not have electors and Representatives elected at the same time and in the same election. So it seems to me that leaving out the definition of electors being a Federal office would not do violence to the thrust of the action itself because a Representative is elected every 2 years, as the distinguished Senator knows, and a President is elected every 4 years. But each time there is a Presidential election, there is also an election for Representative, of necessity. So there is no need to take over the State office of elector and call him a Federal official.

Mr. FONG. Mr. President, will the Senator yield?

Mr. ALLEN. I yield.

Mr. FONG. I have a Senate document which has been published by the Senate, entitled "Nomination and Election of the President and the Vice President of the United States," compiled by Richard D. Hupman and Robert L. Thornton, printed for the use of the Office of the Secretary of the Senate, Mr. Francis R. Valeo, January 1972. The document states:

> These electors are State officers, being nominated and elected according to State law and paid some form of compensation, usually only necessary traveling expenses, by the individual States.

So the authority which came from the U.S. Senate also says that these officers are State officers.

Mr. McGEE. May I say that that is exactly right. I agree, and I would have voted the same way in the decision. The point is that this does not affect that. That is where we disagree.

I respect the Senator's concern on that point very much. I see the point he is getting at. But I would have to insist that that is neither the intent nor the effect of these words that were added simply for clarification, so that there can be no misconstruing by anyone who succeeds those of us in this generation in that responsibility—that this was not intended to let that become an exception.

Mr. ALLEN. It does not matter what the intent is. The very words themselves say that a Federal officer means an elector. That defines an elector as being a Federal officer. No matter how the Senator might feel about it, that is what the words say.

Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were not ordered.

Mr. CURTIS. Mr. President, has the Senator yielded the floor?

Mr. McGEE. Mr. President, I suggest the absence of a quorum, so that we can get the order for the yeas and nays. We will not go to the yeas and nays until the Senator from Nebraska has a chance to speak.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

TRANSFER OF NAVAL RESERVE FUNCTIONS TO NEW ORLEANS

Mr. CURTIS. Mr. President, I rise to serve notice on the Senate, the President of the United States, and the Secretary of Defense that an extremely serious mistake is being made by the U.S. Navy as far as its future is concerned.

Other members of the Nebraska Congressional Delegation have joined me in calling this mistake to the attention of the Secretary of the Navy, and he has ignored our warning.

I am today sending an urgent message to the President and the Secretary of Defense asking them to put a "stop order" on the transfer of a number of Naval Reserve functions and personnel from various locations throughout the United States to a port warehouse area in New Orleans, La., pending a full investigation of the facts and circumstances.

The "stop order" must be imposed immediately if the administration and the Navy are to avoid the pitfalls of a TFX-type scandal involving the consolidation of buildings and functions comparable to the all-purpose airplane fiasco of the Defense Department of the 1960's.

I charge here and now that there is a rotten mess at the bottom of the transfer of various Naval Reserve and other Armed Forces installations and functions from various locations in Nebraska, Illinois, Maryland, Virginia, California, and Washington, D.C., to New Orleans, La.

I charge that the mess involves an attempt by the Navy to cater to the demands and wishes of the House Armed Services Committee chairman, Representative F. EDWARD HÉBERT, into whose congressional district all of these functions and attendant personnel are proposed to be moved.

I chage further that by Representative HÉBERT's own claims and calculations published in the New Orleans Times-Picayune, these various transfers of functions and personnel by the Naval Reserve alone will cost the taxpayers of the United States at least $41,500,000 for construction, travel, and other expenses related to the move.

Let me quote the first paragraph of the lead story on the front page of the New Orleans paper for Sunday, March 11. It states as follows:

> Secretary of the Navy John Warner has signed an order that will result in expenditures of $40 million and the creation of 1,700 military and civilian jobs in New Orleans over the next 2 years.

It goes on to say that most of the work and new jobs will be at the old port of embarkation on Poland Avenue at Danphine Street in New Orleans. It states further that:

> Warner's action was disclosed in a statement by U.S. Representative F. EDWARD HÉBERT of New Orleans, Chairman of the House Armed Services Committee.

Now, let me quote what Representative HÉBERT of New Orleans said. He said it is "Undoubtedly the largest single move made by any branch of the military into the New Orleans area in history." Representative HÉBERT said further that this $40 million expenditure of Federal tax money creating 1,700 new jobs in New Orleans is in addition to the previously announced decision to transfer the Naval Reserve Surface Command from Omaha, Nebr., and the Naval Air Reserve Command from Glenview, Ill., to the same port of embarkation area in New Orleans. The Times-Picayune of November 25, 1972, related that the earlier decision would cost the taxpayers about $1.5 million including $675,000 to prepare the support buildings, plus the transfer of more than 200 military and civilian personnel from Omaha and Glenview to New Orleans. This boosts the total initial outlay to $41,500,000 in Federal tax dollars for moving approximately 2,000 military and civilian personnel to New Orleans from various parts of the country.

All of this now comes to light on the heels of an announcement by then Secretary of Defense Melvin Laird last January that the Navy already was in deep trouble with Congress and administration budget officials because of excessive personnel moving costs.

I quote now from an Associated Press article that appeared in the Omaha World-Herald on Monday, January 8, which reads as follows:

> The Navy has told Congress it illegally went more than $100 million in the red on personnel moving costs and will need money to make up the difference.

The article states that Secretary Laird criticized the violation, saying, and I quote now from Mr. Laird:

> They were caused from mismanagement, poor judgment, inadequate or nonobservance of procedures and controls and personnel turbulence associated with the Southeast Asia conflict.

And it quotes Representative LES ASPIN of Wisconsin as saying:

> The Navy is obviously treating this massive violation with kid gloves and dealing out mild punishment for what may be a criminal act.

Representative ASPIN pointed out that Federal law provides a $5,000 fine and 2 years in jail for officials who willfully overspend Congress' appropriations, but that the Navy has merely written "mild letters of admonition" to two admirals and transferred two civilian employees to other jobs." The overpayments were for moving costs and travel pay and allowances to Navy personnel and their families who were moved from place to place the same way the Navy is now proposing to do with 2,000 personnel from various locations in five States and the District of Columbia to New Orleans.

And what is Representative HÉBERT saying about the proposed movement of all these functions and personnel to New Orleans?

Last November 28 the Omaha World-Herald quoted him as saying the transfer of the Naval Reserve Surface and Air Commands from Omaha and Glenview had been "in the works for a long time," and that "I did not go to the Navy or the Navy Department with the plan."

But on November 25, 3 days earlier, Representative HÉBERT was quoted by the New Orleans Times-Picayune as saying, and I quote verbatim:

> The most important facet of the entire project is that in reality it is only the beginning of what is to come.
>
> As Chairman of the House Armed Services Committee, I am deeply appreciative of the consideration which the Navy has given my efforts to have this vast Reserve program placed in the city of New Orleans, the headquarters of the Eighth Naval District.
>
> When it is realized that for the first time there shall be "one Navy" as related to the so-called brown and black shoe navies, then the magnitude of this decision is something that is really hard to encompass and fully understand as well as the impact it will have on the community, both militarily and economically.

And then Representative HÉBERT declares, and I quote again from the November 25 New Orleans paper:

> All of this means the bringing to New Orleans of hundreds of people from other sections of the country, and the pouring in of millions of dollars of expenditures in the community to add to the $21 million a year which is already being poured in the local coffers by the Eighth Naval District.
>
> Where before we had one admiral, a two-star rear admiral, as commandant of the Eighth Naval District, this move will mean we will have three new admirals, one a three-star vice-admiral, and two two-star rear admirals. This, alone, should indicate how important this move is.

Representative HÉBERT went on to list a number of other military expenditures programed for installations in the New Orleans area, including a new 250-bed hospital at a cost of $11 million and a number of new housing units, after which he said, and again I quote verbatim:

> All of this has been accomplished with the complete cooperation of the Secretary of the Navy, John Warner, and the Chief of Naval Operations, Admiral Elmo Zumwalt, together with our local command, Rear Admiral Emmet Riera, Commandant, Eighth Naval District; Captain Roy Faulk, Commanding Officer, U.S. Naval Air Station, Alvin Callender Field: Rear Admiral John McCubbin, Commandant, Eighth Coast Guard District, and Colonel Heywood Smith, Director of the Eighth Marine District.

And finally Representative HÉBERT served notice that he will continue pushing for more and bigger military build-ups in New Orleans, stating as follows:

> This is merely a capsule resume of what is to be expected in New Orleans in the future. It is my intention to continue pressing for future build-ups of the military in New Orleans which will include complete occupation of the three warehouse buildings at the old Port of Embarkation. This area will be completely reconfigurated and the parking area properly landscaped.

In the Sunday, March 11, Times-Picayune, Representative HÉBERT further delineated the benefits of moving Navy personnel and functions from other parts of the United States to New Orleans, saying, and again I quote verbatim:

> The move is a model example of management of facilities and manpower. The payroll alone will amount to more than $35 million a year, which obviously will bolster local business establishments and the consumer market in the New Orleans area.

Mr. President, I predict the cost by the time all the proposed construction and moves are made would far exceed the $41,500,000 estimated now. I not only personally resent but publicly object to vast amounts of Federal tax dollars being spent to enrich the economy of one city or area of the country at the expense of others. I submit that it is a great mistake for the Navy to give up its visible presence in five other States to consolidate certain functions in one city represented in Congress by the chairman of a committee which has jurisdiction over all Department of Defense activities. I believe the purported Federal savings from the proposed consolidation of Naval Reserve functions are largely imaginary and will not in fact be achieved. I believe further that any estimated savings are false economy in terms of the cost in loss of Navy visibility and consequent loss of enlistments in inland States such as Nebraska.

Finally, I believe it is healthy to have the Naval Reserve commands somewhat removed from regular Navy headquarters, since they represent an arm of service dependent for success on closer contact with civilians from whom they draw their personnel.

I think a thorough investigation needs to be made, and I call for one.

For those interested in more details about the States and installations affected by the proposed changes, I request unanimous consent that the text of the March 11 Times-Picayune lead article together with a list of projects released by Representative HÉBERT in the same issue of the paper be printed in the RECORD at this point.

There being no objection the article was ordered to be printed in the RECORD, as follows:

N.O. ECONOMY IS DUE $40 MILLION BOOST: NAVY PROJECT WILL PROVIDE 1,700 CIVILIAN, MILITARY JOBS

Secretary of the Navy John Warner has signed an order that will result in expenditures of $40 million and the creation of 1,700 military and civilian jobs in New Orleans over the next two years:

Most of the work and new jobs will be at the former Port of Embarkation on Poland Avenue at Dauphine Street.

Warner's action was disclosed in a statement by U.S. Rep. F. Edward Hébert of New

Orleans, chairman of the House Armed Services Committee.

Hébert termed it "undoubtedly the largest single move made by any branch of the military into the New Orleans area in history."

The latest transfer of Navy activities to New Orleans is in addition to the recent establishment of the consolidated Naval Reserve Command, which will also be housed at the former Port of Embarkation.

Once fully operational, the newly announced activities will pump an estimated $35 million a year into the city economy in payroll alone.

The largest single activity included in Warner's order is consolidation of three existing Navy commands into a single multi-million dollar computer facility with a staff of 873 military and civilian personnel. At present the three commands are operating at nine different locations.

Also included in the order is transfer to New Orleans of the Fourth Marine Airwing Headquarters, currently located in Glenview, Ill. Some 169 persons will be involved in this move which will take place at the same time as the new Naval Reserve Command becomes fully operational.

In connection with Warner's order, Rear Adm. Foster Lalor Jr., who is director of Shore Facility Projects Division of the office of Chief of Naval Personnel, will visit New Orleans this week to go over the various projects with local Navy officials. He will be accompanied by a team of Navy construction specialists.

Another project included in the package is the conversion of the middle building at the Port of Embarkation facility into a 1,000-car parking garage with ramps leading from that building to the two buildings on either side.

The Times-Picayune reported last Feb. 10 that it had learned that New Orleans was one of seven cities being considered for location of the computer facility.

Initially the Navy had 21 sites under study. Locations were being considered on the basis of location as well as existing government facilities that could house the combined computer facility.

It is expected it will cost in excess of $10 million to set up the new centralized operation.

The three commands involved are:

The Naval Reserve Personnel Command, a consolidation of activities now located in Omaha Neb., Bainbridge, Md., and Washington, D.C.

The Personnel Management Information Center, with activities now located in Norfolk, Va., San Diego, Calif., and Bainbridge.

The Enlisted Personnel Distribution Office, now located in Norfolk, San Diego, and Washington, D.C.

Hebert's statement detailed the projects included in Warner's order. Not included in that statement, but anticipated in Fiscal Year 1974 are construction of an enlisted men's barracks and mess at the Algiers Naval Support Activity.

The full text of Hebert's statement follows:

"New Orleans today becomes in the words of Secretary of the Navy John Warner the capital of Navy and Marine Reserves in the United States."

"It is with understandable pride and satisfaction that I am able to inform the people of New Orleans that the Secretary of the Navy has signed the necessary order which will result in an estimated expenditure of $40 million in Fiscal Year '73 and '74 and will bring into physical being in the New Orleans area a total of 1,700 personnel—900 military and 800 civilian.

"Of this number 1,130 will be new people to be added to the 400 already here.

"This latest decision by the Navy is over and above the recent establishment of the air and sea Naval Reserve Command in New Orleans under the direction of Vice-Adm. Damon W. Cooper.

"It will be recalled that ceremonies in this connection were recetnly held at the Naval Support Activity in Algiers.

"This newest Navy decision is the result of an extensive, in-depth, nationwide study to eliminate waste, both in money and personnel, and to establish a stronger, concentrated, centralized command for all Naval and Marine Reserve activities, including some support from regular forces.

"The move is a model example of management of facilities and manpower. The payroll alone will amount to more than $35 million a year, which obviously will bolster local business establishments and the consumer market in the New Orleans area.

"It is undoubtedly the largest single move made by any branch of the military into the New Orleans area in history.

"New Orleans presented the ideal location for the consolidation of these forces. It presented the huge complex at the old Port of Embarkation, which the Navy owns, making it possible for the installation to have a single price figure by eliminating the necessity of renting buildings not owned by the government in other areas.

"The available land also allows for the expansion of housing for the military in Algiers and at Alvin Callender Field.

"Included in this new program is an additional 100 units of family housing at a cost of $2.4 million to be added to another 100 units already programmed.

"The figures on economy are obvious. By establishing this huge complex in New Orleans, the Navy will save millions of dollars in yearly leasing and rentals and at the same time get the maximum amount of production out of less personnel.

"In addition to this, the secretary also signed an order to move the 4th Marine Airwing Headquarters from Glenview, Ill., to New Orleans at the same time the Navy consolidation occurs.

"In line with these changes, I am also pleased to announce that the Navy Hospital, which has been authorized and funded, will be increased from a 100-bed facility to 250 beds with an additional appropriation of $3 million to cover the expansion.

"The total cost of the hospital will be $14.8 million.

"As of March 11, bids are 'on the street' for the Armed Forces Recruiting facility, which will cost $273,000, involve 140 personnel, and is scheduled for completion on Oct. 31, 1973; and for work to provide administrative spaces for various Department of Defense agencies at a cost of $208,000, involving 139 personnel, with completion set for Oct. 31, 1973.

"On April 2 bids will be let on contracts to establish the Chief of Naval Reserve headquarters totaling $1,060 million with a completion date of Dec. 31, 1973. Some 367 people are involved.

"Cost have not yet been firmed up for the Marine headquarters, but 169 personnel will be connected with the operation, and it is expected that this project will be completed by July 1, 1974.

"One of the big projects involves work on three existing buildings. It will cost $800,000 and should be completed by the end of the year. (Dec. 31, 1973.)

"Bids went out on March 9 for renovation of the cafeteria at the Naval Station, and this project should be completed by Dec. 31, 1973. This project will cost $280,000.

"For further alteration of the three existing buildings, bids will be let for work costing about $42,000 on June 12, 1973.

"Bids will go out on April 2, 1973 for passenger elevators for the buildings and a ceremony area entrance lobby. This project is estimated to cost $298,000.

"Funds will be requested in the 1974 budget to carry out further projects, but an exact figure has not yet been determined.

"I have notified Mayor Landrieu of this latest development which will contribute so much to the New Orleans area.

"I must also express thanks to the Eighth Naval District, under Admiral Robert Emmet Riera, commandant, for its full cooperation.

"In the ultimate, four other admirals will be assigned to New Orleans.

"There is no doubt about New Orleans traditionally and historically being a Navy town. The magnitude of this project is rather difficult to grasp immediately, but a study of the composition of the project clearly demonstrates that New Orleans, not only in tradition, but in truth, is a Navy town.

"Although this is the greatest contribution the military has made to New Orleans since I became chairman of the Armed Services Committee, I will continue my efforts to convince the military that New Orleans offers many attributes and conditions which can be well utilized by the military interest. "These are and should be the guiding factors in making these decisions."

List Released by Rep. Hebert—Projects on Both East and West Banks

The following is a list of military projects, mostly Navy, either under way or planned for New Orleans, according to information released by U.S. Rep. F. Edward Hebert.

Armed Forces Recruiting headquarters, will cost $273,000 and require 140 personnel. Bids will be advertised for March 11, and completion is expected by Oct. 31.

Administration space for various Department of Defense agencies, $208,000, 139 personnel, bid advertisement March 11; completion by Oct. 31.

Chief of Naval Reserve headquarters, $1,060,000, 267 personnel; bid advertisement April 2; completion by Dec. 31.

Fourth Marine Airwing Headquarters, funding currently being developed, 169 personnel; completion expected about July 1, 1974.

Exterior work on Buildings 601–602–603 at old Port of Embarkation, $600,000, bid let, completion by Dec. 31.

Alteration and improvements to Defense Personnel Support Center, $42,000, bid advertisement April 2; completion by Dec. 31.

Passenger elevators, ceremony area and entrance lobby at Port of Embarkation, $298,000, bid advertisement April 2; completion by Dec. 31.

Naval Personnel Administration and Computer Center, $8,435,000, 873 personnel, anticipate completion by June 30, 1975.

Armed Forces Entrance and Examination Center, no dollar amount available, 115 personnel. No bid information or completion date.

Employe parking at Embarkation facility, estimated at $2.3 million, no bid date or completion date.

On the West Bank:

Improvements to cafeteria at Algiers Naval Station, $260,000, bid let, completion by Dec. 31.

Navy Hospital, 250 beds, $14.8 million, initial bid for demolition work let, completion of hospital anticipated for July 1, 1976.

Family turnkey housing, 100 units, $2,270,000—74 units at Algiers Naval Support Activity and 26 units at Naval Air Station at Belle Chasse; bid advertisement in May, completion hoped by November, 1974.

Upgrading of four Q–6 (Navy Captain) quarters to flag (admiral) quarters, $119,000, no bid or completion information.

Fiscal 1974 Projects at Naval Support Activity include construction of an enlisted men's barracks with mess hall; an additional 100 units of housing, a Navy Exchange, and an addition to the branch commissary store.

ORDER FOR ADJOURNMENT UNTIL 9:30 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the

Senate completes its business today, it stand in adjournment until 9:30 a.m. tomorrow.

The PRESIDING OFFICER (Mr. HELMS). Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the two leaders or their designees have been recognized tomorrow under the standing order, the following Senators be recognized, each for not to exceed 10 minutes, and in the order stated: Mr. MUSKIE, Mr. KENNEDY, Mr. JAVITS, Mr. CRANSTON, Mr. PELL, Mr. ABOUREZK, Mr. HASKELL, Mr. SYMINGTON, Mr. JACKSON, Mr. EAGLETON, Mr. MONDALE, Mr. WILLIAMS, Mr. HATHAWAY, Mr. HUGHES, and Mr. MOSS; and that following those Senators, Mr. GRIFFIN be recognized for not to exceed 15 minutes, the junior Senator from West Virginia then be recognized for not to exceed 15 minutes, and the distinguished majority leader then be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTER REGISTRATION ACT

The Senate continued with the consideration of the bill (S. 352) to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Administration for the purpose of administering a voter registration program through the Postal Service.

Mr. McGEE. Mr. President, I understand the Senator from Alabama (Mr. ALLEN) would like to move to table the amendment.

Mr. ALLEN. Mr. President, that was the intention of the Senator from Alabama, but he understands now the Senator from North Carolina desires to discuss the matter. When all debate has ended on the amendment, prior to a rollcall vote on it, the Senator from Alabama will move to table.

Mr. McGEE. Mr. President, may I ask the Senator from North Carolina, then, if he can give his colleagues some indication of the length of his remarks?

Mr. ERVIN. They will be short.

Mr. McGEE. We are merely trying to give our colleagues some idea whether they should return to their offices or hang around a few minutes.

Mr. ERVIN. As far as the Senator from North Carolina is concerned, they can hang around. [Laughter.]

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. ERVIN. Mr. President, I am opposed to the committee amendment which undertakes to bring under the regulation of this bill the offices of Presidential and Vice Presidential electors.

The Presidential electors are not Federal officials; they are State officers. The Constitution of the United States says, in express terms, that the electors shall be chosen in such a way as the State legislatures may prescribe, and here is an effort on the part of the proponents of this bill to put a State officer under regulation by the Federal Government.

Certainly, the bill is bad enough without that amendment, and we certainly ought not pass a regulation right in the face of the express words of the Constitution to the effect that Presidential electors and Vice-Presidential electors are State officers to be chosen, so the Constitution says, in the precise manner in which the State legislatures of the several States may direct.

Sometimes I wonder whether admonishing the U.S. Senate concerning some of our proposed legislation, such as trying to put under Federal regulation every activity in the Nation, is worthwhile.

I cannot help making one other observation about the bill. I yield to the temptation. But it is a perfect example. We have had it since George Washington took his first oath of office as President of the United States, and even before that, in the Colonies, in the elections that were conducted by local officials.

For the first time in history, we have a proposal that the States be deprived of their power and that it be vested in three Federal officials sitting on the banks of the Potomac River—an administrator and two deputy administrators.

The main symptom of the condition of Potomac fever is that a Senator or Representative comes to the conclusion, after he gets to Washington, that the people who sent him here do not have enough intelligence to manage their own affairs, and that that makes their representives blessed with some kind of bureaucratic guardianship. I am glad to say that the Senator from North Carolina can brag on the fact that he has acquired immunity to Potomac fever.

It grieves me, truly, to see such a distinguished Senator and so good a friend as the able Senator from Wyoming suffering from the throes of that disease. I wish I had some way to vaccinate him, because most of the time the Senator gives the appearance of being a man in his right mind. I do not know of any U.S. Senator who is more frequently clothed in his right mind than my good friend from Wyoming. I wish I had some kind of therapeutic instrument that I could use to get him cured of his attack of Potomac fever.

Mr. McGEE. Mr. President, will my beloved friend from North Carolina yield?

Mr. ERVIN. Yes, I yield.

Mr. McGEE. The Senator's State is well known for some of the very effective shots he has administered. He has administered more needles to me of late; thus he knows how to get a shot injected. But I would say to my friend that if we can go to North Carolina and revel in the marvelous atmosphere there, if we can come to a vote on the bill this afternoon and get it out of the way, I would be glad to take him to Wyoming, not to the Potomac, where we could enjoy the pure air, the great mountains, and the wonders of the scenery.

Mr. ERVIN. There is nothing I would rather do than go to the beautiful State of Wyoming, where the mountains are high, the atmosphere is clear, and where the vision of the people is such that they can see what ought to be done to preserve the system of government as written by the Constitution; namely, the Constitution that was established to compose an indestructible union of indestructible States. It just grieves me that a man who has vision would say that we deserve what is proposed by this bill.

I wish we were in Wyoming; but I also wish we were in North Carolina, where we have those beautiful mountains that immunize a man from such things as Potomac fever.

White lightning, O. B. Jordan, white mule, or moonshine. But the good thing about it is that it has the virtue of curing anybody of that virulent pestilence known as Potomac fever. And I would like to help cure the Senator from Wyoming.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment. On this question the yeas and nays have been ordered.

Mr. ALLEN. Mr. President, I move to lay on the table the committee amendment and ask for the yeas and nays.

The yeas and nays were ordered.

Mr. McGEE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McGEE. Mr. President, as I understand the parliamentary situation—and I need it verified by the Parliamentarian—the motion is to table only the committee amendment that contains the language about electors for Presidents and Vice Presidents—that, and no further than that.

A vote of "aye" would be against the committee amendment. A vote of "nay" would sustain the committee amendment.

The PRESIDING OFFICER. The Senator is correct.

The question is on agreeing to the motion to table the committee amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from South Dakota (Mr. ABOUREZK), the Senator from Indiana (Mr. BAYH), the Senator from Indiana (Mr. HARTKE), the Senator from Kentucky (Mr. HUDDLESTON), and the Senator from Wisconsin (Mr. NELSON) are necessarily absent.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Indiana (Mr. HARTKE) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. BROOKE) is absent by leave of the Senate on official business.

The Senator from Oregon (Mr. PACKWOOD) is absent on official business.

The Senator from New York (Mr. BUCKLEY), the Senator from Arizona (Mr. GOLDWATER), the Senator from Ohio (Mr. SAXBE), and the Senator from Vermont (Mr. STAFFORD) are necessarily absent.

The Senator from Virginia (Mr. SCOTT) is detained on official business, and if present and voting, would vote "yea."

The result was announced—yeas 38, nays 49, as follows:

[No. 94 Leg.]

YEAS—38

Aiken
Allen
Baker
Bartlett
Beall
Bennett
Brock
Byrd, Harry F., Jr.
Byrd, Robert C.
Cook
Cotton
Curtis
Dole
Domenici
Dominick
Eastland
Ervin
Fannin
Fong
Griffin
Gurney
Hansen
Hatfield
Helms
Hruska
Johnston
McClellan
McClure
Nunn
Percy
Roth
Scott, Pa.
Sparkman
Talmadge
Thurmond
Tower
Weicker
Young

NAYS—49

Bellmon
Bentsen
Bible
Biden
Burdick
Cannon
Case
Chiles
Church
Clark
Cranston
Eagleton
Fulbright
Gravel
Hart
Haskell
Hathaway
Hollings
Hughes
Humphrey
Inouye
Jackson
Javits
Kennedy
Long
Magnuson
Mansfield
Mathias
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Pastore
Pearson
Pell
Proxmire
Randolph
Ribicoff
Schweiker
Stevens
Stevenson
Symington
Taft
Tunney
Williams

NOT VOTING—13

Abourezk
Bayh
Brooke
Buckley
Goldwater
Hartke
Huddleston
Nelson
Packwood
Saxbe
Scott, Va.
Stafford
Stennis

So the motion to table the second committee amendment was rejected.

The PRESIDING OFFICER (Mr. HELMS). The question recurs on agreeing to the second committee amendment.

Mr. McGEE. Mr. President, have the yeas and nays been ordered on the amendment?

The PRESIDING OFFICER. They have.

Mr. McGEE. I ask that the Senate proceed with the vote.

The PRESIDING OFFICER. The question is on agreeing to the second committee amendment. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. CANNON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Wisconsin (Mr. NELSON), the Senator from Rhode Island (Mr. PELL), the Senator from Indiana (Mr. HARTKE), the Senator from Idaho (Mr. CHUCRH), and the Senator from Louisiana (Mr. JOHNSTON) are necessarily absent.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Nevada (Mr. CANNON), the Senator from Indiana (Mr. HARTKE), and the Senator from Rhode Island (Mr. PELL) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. BROOKE) is absent by leave of the Senate on official business.

The Senator from Oregon (Mr. PACKWOOD) is absent on official business.

The Senator from New York (Mr. BUCKLEY), the Senator from Arizona (Mr. GOLDWATER), the Senator from Ohio (Mr. SAXBE), and the Senator from Vermont (Mr. STAFFORD) are necessarily absent.

The result was announced—yeas 47, nays 38, as follows:

[No. 95 Leg.]

YEAS—47

Abourezk
Bellmon
Bentsen
Bible
Biden
Burdick
Byrd, Robert C.
Case
Chiles
Church
Clark
Cranston
Eagleton
Gravel
Hart
Haskell
Hathaway
Hollings
Hughes
Humphrey
Inouye
Jackson
Javits
Kennedy
Magnuson
Mansfield
Mathias
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Pastore
Pearson
Proxmire
Randolph
Ribicoff
Schweiker
Stevens
Stevenson
Symington
Tunney
Williams
Young

NAYS—38

Aiken
Allen
Baker
Bartlett
Beall
Bennett
Brock
Byrd, Harry F., Jr.
Cook
Cotton
Curtis
Dole
Domenici
Dominick
Eastland
Ervin
Fannin
Fong
Griffin
Gurney
Hansen
Hatfield
Helms
Hruska
Long
McClellan
McClure
Nunn
Percy
Roth
Scott, Pa.
Scott, Va.
Sparkman
Taft
Talmadge
Thurmond
Tower
Weicker

NOT VOTING—15

Bayh
Brooke
Buckley
Cannon
Fulbright
Goldwater
Hartke
Huddleston
Johnston
Nelson
Packwood
Pell
Saxbe
Stafford
Stennis

So committee amendment No. 2 was agreed to.

Mr. McGEE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PENSION REFORM

Mr. JAVITS. Mr. President, the President has today sent us a message respecting two bills relating to private pension plan reform. These are the Retirement Benefits Tax Act and the Employee Benefits Protection Act.

It is well known that this is a matter which has been of very profound concern to me. Some 5 years ago, I introduced a bill in connection with this subject. I have since joined Senator WILLIAMS, chairman of the Committee on Labor and Public Welfare, in an effort to put together a proper private pension and welfare reform bill. After having had a very bad experience in the last Congress, when the bill was gutted by the Committee on Finance—which, in my judgment, does not have the primary jurisdiction—we went at it again this time; and now the Committee on Labor and Public Welfare has reported a bill—I think a very splendid bill—of enormous importance to the American people, certainly to the 35 million workers who are affected.

I hope very much that we will not tread the thorny path we trod the last time and that we will get action now, as this is probably one of the most highly regarded bills in this country by the rank and file of people who are subject to retirement and by the enormous body of millions of members of trade unions and others who work for corporations which have private pension funds.

Therefore, Mr. President, I welcome very much the fact that the President has submitted to us the administration's ideas for pension reform and indicates that the time has now come when pension reform can become law.

I consider this one of the most vital measures dealing with the morale of the American worker and his belief in the American system, as it will directly make possible decent retirement, when added to social security, of the great many millions of workers; 35 million workers are covered by private pension and welfare plans, with resources of approximately $150 billion, which are increasing at the rate of $10 billion to $12 billion a year. This is a fantastically important measure.

The administration's proposal, which I welcome because it joins the issue and really says the President will sign a bill, has, however, some major defects when compared with S. 4, the Williams-Javits pension bill, which, as I say, has now been reported by the Committee on Labor and Public Welfare. These defects are the following:

First. The vesting proposal. The administration has the so-called "Rule of 50." That is the least equitable and desirable from the viewpoint of the worker. What the "Rule of 50" means is that the combination of the number of years the worker has worked for an employer and his age equal 50 before his pension vests.

Under our bill—the Williams-Javits bill—the pension vests 30 percent at the end of 8 years of work, regardless of the age of the worker, and 10 percent a year for 7 years thereafter, making full vesting after 15 years of work. Also, we look after retrospective pension rights to the worker, regardless of age. So we think the "Rule of 50" is far less effective, because it operates only prospectively, and it does the least for the generation of older workers presently covered by private pension plans and counting on a decent retirement in their older years.

Second. The President's bill provides for some new funding standards. So far, so good. But it fails to provide for a program of planned termination insurance to protect workers in the event of an employer bankruptcy and similar events. That is not the case with us. We have a very comprehensive plan of insurance which will protect workers. The deficiency in the administration bill of the lack of insurance is exacerbated by the fact that the administration is proposing to impose vesting standards on smaller employers who are most likely to encounter financial difficulties in funding a private pension plan. So they need insurance the most.

Third. The administration's funding

standards are minimal and lack an effective enforcement mechanism, and nothing in the bill compels employers to make contributions to pension funds in accordance with the prescribed standards. Our bill contains very sound actuarial provisions which will assure funding to the individual beneficiary.

Fourth. The fiduciary and added disclosure requirements proposed by the administration are comparable to those in the Williams-Javits bill and have been much improved over the last time they were submitted by the administration. Still, a number of important additions in this area made by the Committee on Labor and Public Welfare have been ignored, among them a very important provision to safeguard workers against interference with the exercise of their pension rights. Indeed, we know of situations in which even violence—actual or threatened—was employed in order to intimidate workers from asserting their pension rights.

I am rather keenly disappointed that, as I understand it, the administration chose at the last moment to disregard a more adequate set of proposals respecting planned termination insurance and funding which had already been drafted by the Treasury and the Labor Departments; and I hope that when these Departments testify, we may learn what they really think from their own expertise on these two matters.

I must say, however, that the administration has a strong point which I commend highly, and that is the administration proposals to provide tax reductions for employee contributions to individual retirement savings plans and to employer plans as a means of expanding private pensions for those not covered by private pension plans. However, even here I feel that the administration's proposals can and should be strengthened greatly now by raising the tax deduction limits for employee contributions and providing greater incentives to small businessmen to establish private pension programs.

Mr. President, I conclude as follows: Effective pension reform legislation is one of the most significant measures now pending in Congress. I welcome the administration's improved initiatives in this field even though I disagree with the approach to the pension problems of working men and women, as for example, omissions of insurance. Since both the administration and the Congress are committed to pension reform, it is incumbent on the congressional leadership in both parties to move this legislation ahead toward enactment as expeditiously as possible in order to safeguard fully the vital retirement interests of American workers and to stimulate their confidence in the ability of our economic system to provide adequate economic justice.

I am hopeful that we will have on the floor for consideration within the next 30 days the pension plan reform legislation as reported by the Senate committee. I might report to the Senate that such legislation is also moving in the other body under the chairmanship of Representative DENT of Pennsylvania. Very active work is going on in the subcommittee of the other body on this measure. Whatever we do here will be of great encouragement to them.

There is no single bill pending in this Congress that I know of that has a greater head of steam in the support of millions of people who know about this bill. Very few people generally can identify a bill but they know about this bill. Hopefuly, with the Senate acting on it, we will be able to fulfill a long-felt crying need of the American people for retirement security, as far as it can be afforded under our economic system, and this I emphasize, with no public participation, but all private enterprise.

The outside estimate of the average effect of such a reform measure on payrolls is about 1.5 percent, which is certainly a modest addition, considering the vast benefits which will flow from it to every worker in every wage bracket.

Mr. HUMPHREY. Mr. President, I wish to join the distinguished Senator from New York in his comments relating to the pension reform legislation. First, I wish to say that the distinguished senior Senator from New York has been a leader in this program of pension reform legislation and we are indebted to him. I know he has been cooperating with the chairman of the Committee on Labor and Public Welfare, the distinguished Senator from New Jersey (Mr. WILLIAMS). I have been privileged to join as a cosponsor of this reform legislation.

We have had many instances in my home State of Minnesota in which employees of very fine companies have found themselves without any pensions due to layoffs, due to recession, due to mergers, due to technological and scientific change which may have compelled a business to change its development program, its production program, and thereby to change its employment pattern. All of these instances are filled with heartache and economic tragedy.

In my judgment today one of the most humane acts that could be performed by the Congress of the United States is to adopt legislation that will assure, protect, and guarantee the pension rights of our working people who have lived in the thought and in the belief that they were going to obtain a pension at the time of the twilight of their lives, or establish a number of years of service with a company. All too often these hopes have been dashed. All too often many people have found themselves bitterly destitute after years of faithful working employment.

The legislation that is before the Committee on Labor and Public Welfare is directed toward remedying this situation.

I am pleased that the administration has seen fit to submit its recommendations. I have not had an opportunity to study those recommendations. I am hopeful, however, that as a result of the hearings before the committee of the Senate and the appropriate committee of the House, headed by the distinguished Representative DENT that we will have before us very promptly the legislative program that can give the workers of this country under private pension plans the protection which they fully merit.

I just wanted to join in this discussion today with the Senator from New York because we look to him as we do to the chairman of the committee (Mr. WILLIAMS) for leadership in bringing this legislation to the Calendar of the Senate and then for debate and final passage.

Mr. JAVITS. Mr. President, I thank my distinguished colleague very much for his support and for joining as a cosponsor, and for his voice in the debate and for his influence and great prestige. We know he will be of enormous benefit in getting this law passed for the benefit of millions of Americans.

I thank the Senator very much.

JOHN LORD O'BRIAN

Mr. JAVITS. Mr. President, I note with great regret the passing of John Lord O'Brian, one of our most distinguished lawyers and one who rendered great service to the State of New York and the United States. New Yorkers would, I know, wish me to speak of his career.

Mr. O'Brian was a partner in the Washington law firm of Covington & Burling for the past 28 years and was the dean of the Supreme Court bar. He distinguished himself as a lawyer and humanitarian during the entire 20th century.

Mr. O'Brian was born in Buffalo, N.Y., and obtained his law degree from the University of Buffalo. He served as a State assemblyman from Buffalo, and was also U.S. attorney for the western district of New York. He served the Federal Government in a number of important posts including Assistant Attorney General.

John Lord O'Brian's passing ends one of the most fabulous careers in the legal profession of this country. As Chief Justice Burger has said, his death at age 98 "marks the end of an era."

I ask unanimous consent that the obituary appearing in today's New York Times be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JOHN LORD O'BRIAN DIES AT 98; DEAN OF THE SUPREME COURT BAR

WASHINGTON, April 10—John Lord O'Brian, the distinguished lawyer, died today at the age of 98. Mr. O'Brian, who fell in his apartment last Wednesday and was taken to the George Washington University Hospital, died of heart failure there.

Mr. O'Brian was a partner in Covington & Burling here for 28 years. He was the senior lawyer before the Supreme Court and served as assistant to the Attorney General from 1929 to 1933.

Chief Justice Warren E. Burger said of Mr. O'Brian:

"The death of John Lord O'Brian, the dean of the Supreme Court Bar, at 98, marks the end of an era in a sense. Mr. O'Brian had a remarkable career in public service and in his profession for three quarters of a century. He epitomized the highest standards of the legal profession."

He is survived by 4 daughters, Mrs. Kellogg Mann and Mrs. Winfield L. Butsch, both of Buffalo, Mrs. S. Davis Boylston of Sarasota, Fla., and Mrs. Thurston T. Robinson of Lakeview, N.Y.; 13 grandchildren and 28 great-grandchildren.

A service will be held Thursday at St. John's Church at 2:30 P.M.

Reasoned Liberalism

(By Murray Schumach)

John Lord O'Brian was guided in his careers of law and politics by what he called "reasoned liberalism," a credo that placed fair play before opportunism.

A Republican, he argued hard, but unsuccessfully, in 1920, to prevent disenfranchisement of five Socialists who had been elected to the New York State Legislature. And in 1935, as Special Counsel to the Democratic Administration, he won, in the Supreme Court, the fight to uphold the constitutionality of the Tennessee Valley Authority.

But as the Republican opponent of the late Robert F. Wagner for the United States Senate in 1938, he knowingly weakened his chances by attacking the New Deal for excessive spending, bureaucracy and defeatism. It was during this campaign that Mr. O'Brian discussed his brand of liberalism. He said:

"The true liberal is tolerant of friendly criticism, full discussion and he believes in a government resting upon the power of persuasion and not on compulsion or coercion or other forms of restraint. Those at Washington would reverse the meaning of the word liberal. For in their view a liberal is a yes man, who gives blanket approval to all acts of authority."

This openmindedness and a sense of public obligation brought him posts under Presidents Theodore Roosevelt, Taft, Wilson, Hoover and Franklin D. Roosevelt. He spurred antitrust suits against corporations that were heavy Republican donors. He believed strongly in resisting incursions of civil rights.

Mr. O'Brian was a lawyer's lawyer, more concerned with precedent and logic than with trickery and forensics. Quietly dressed, usually with a white handkerchief protruding from his breast pocket, he spoke deliberately and forcibly.

On April 2, 1962, he received a rare tribute in the United States Supreme Court. As his spare figure rose, Chief Justice Earl Warren looked down upon his lined face and shrewd eyes and said:

"I am told that this is the 50th anniversary of your own admission to the bar of this court."

"That is true, your honor," replied the 87-year-old Mr. O'Brian.

Then Mr. Warren said:

"Few men in history have had a longer or more active practice before the court. During all of these years you have served the court in the highest sense. I wish for you many more years as a member of our bar and with it, continued happiness."

By this time Mr. O'Brian had been an Assemblyman from Buffalo, United States Attorney, head of the War Emergency Division of the Department of Justice in World War I and member of the New York State Board of Regents, received the highest award from the American Bar Foundation and an honorary degree in law from Yale, served as a member of the Board of Overseers of Harvard and been counsel to the War Production Board in World War II.

In the postwar era, when the power of Senator Joseph R. McCarthy of Wisconsin increased and brought with it a wave of loyalty oaths for Federal employes, Mr. O'Brian refused to compromise his own liberal standards and attacked these developments.

And in later years, when he would sometimes recall that he had given J. Edgar Hoover a job as investigator that eventually led him to the Directorship of the Federal Bureau of Investigation, he would add:

"This is something I prefer to whisper in dark corners. It is one of the sins for which I have to atone."

Mr. O'Brian was born in Buffalo Oct. 14, 1874. After attending public schools there, he graduated from Harvard College and obtained a Bachelor of Laws degree from the University of Buffalo and a doctorate in law from Hobart College.

In 1907 he was elected to the State assembly from Buffalo, leaving in 1909 to become United States Attorney of the Western District of New York, the first of a number of Federal appointments.

His honors for public service included the Presidential Medal of Merit and awards from the National Conference of Christians and Jews.

Mr. O'Brien was a Fellow of the American Academy of Arts and Sciences and a member of the American Law Institute, the Washington National Monument Society, the Washington Literary Society and the Century, Harvard, Buffalo, Metropolitan and Alibi and Alfalfa Clubs.

PERSONAL STATEMENT

Mr. **HUMPHREY.** Mr. President, in yesterday's Record, on page 11667, I noted the comments of our worthy and distinguished colleague, the minority leader of the Senate (Mr. Scott) concerning some remarks that I had made earlier yesterday pertaining to the problems of inflation.

I take just a few moments to correct the Record, because I believe it deserves that attention.

First of all, the Senator from Pennsylvania apparently was looking at the wrong clock and the wrong rules. He notes something about a 30-minute speech. That was hardly the case, Mr. President. Not only that; he noted that the request was made for 3 minutes, which is not necessary at the end of the day. There are no rules that limit debate at this hour.

I thought we ought to set that minor little technical detail in proper perspective.

The Senator from Minnesota addressed himself rather briefly to the administration's failures in combating inflation in this country. I repeat once again what I said—that prominent economic journalists, whether they are of liberal persuasion or of the most conservative persuasion, are stating openly that so-called phase 3 is in deep trouble and indeed is not damping down the fires of inflation. I put it more directly—phase 2 is a "bust." It just is not protecting the public interest, and the administration ought to reexamine its premature decision of last January and once again start to restore some order and balance to this economy before it becomes so distorted that a major recession results.

I want to say to my distinguished colleague from Pennsylvania that the problems of inflation are here and that political gamesmanship is not going to erase those problems. I stated facts and figures in my comments of yesterday that were revealed by the Department of Labor. I spoke of the wholesale price index, the price index relating to food, the price index relating to nonfood items, the price index relating to raw materials. The figures are there specifically and accurately. I do not believe the rejoinder of the minority leader in any was able to erase those facts.

Now, the minority leader ended his rather lucid dissertation in economic fiction, by these words: "Meat is high because Congress is loose with money."

I want to say that I hope the administration is not looking to that kind of talk for economic advice. Meat is high because it is in short supply. If anybody does not know that, then he is not very capable or competent to discuss economic issues.

Second, the text of yesterday's Record reads: "Textiles are high because Congress is loose with money."

Well, now, Mr. President, if we were to accept that argument, then we would have to say that when the Congress seemed looser with money a year ago than it is now, textiles should have been higher. The fact of the matter is that statements such as "Textiles are high because Congress is loose with money" is nothing more or less than sheer political poppycock, and may I say poppycock of a substandard quality. It has nothing to do with economic fact.

Finally the statement reads: "Everything is high because Congress is loose with money."

Well, the price of soybeans is high, but not because Congress is loose with money. The price of soybeans is high because soybeans are in short supply, from 10 to 15 percent of the American crop had to be left in the field because of weather conditions.

I say that any Senator who says the prices are high, that everything is high because Congress is loose with money, has failed to understand the basic, elemental facts of economic life.

Of course, wanton, reckless spending on part of both the Congress and the President can be a factor in inflation, but the fact still remains that the Congress has reduced Presidential budget expenditure requests in the last 4 years by some $20 billion. And to make it totally nonpartisan, Congress in the last 26 years has reduced Presidential budget requests every year.

So I am not going to let this country be inundated with a barrage of statements that inflation is due to Congress, that Congress is fiscally irresponsible, and that taxes will have to be raised 15 percent unless we listen to the all-powerful voice at 1600 Pennsylvania Avenue.

There is no evidence presented that is economically sound or acceptable to justify those kinds of propaganda statements, but this administration speaks as if it had a record or a tape recording in every broadcaster, to cite three things—that inflation is here and they have no responsibility for that at all; that the Congress is fiscally irresponsible and cannot be trusted; third, that if we do not listen to the President, our taxes will go up 15 percent—a figure, by the way, picked out of thin air, with no justification presented whatsoever.

Furthermore, may I add that taxes are established by the Congress of the United States, not by Presidential edict.

Everyone has a concern over inflation. It is a nonpartisan matter. Prices affect everybody. The status of our economy and its health is a matter of deep concern for all of us, and it is not sheer partisan talk before this body or any place else to recite the wholesale price index, the Consumer Price Index, the price index on ferrous metals, the price index on soft goods, the price index on nonfood products, the price index on lumber, housing, and rent. Those are facts, and the fact is that the situation is growing worse instead of better. And, for more than 3 months, since the shifting away from phase 2 to phase 3, the economy has been showing signs of getting into deep trouble.

The stock market itself demonstrates this. The market has had precipitous declines. Consumer credit is at an alltime high. And many of the plans of American business for expansion and growth are being suspended pending administration policy on the economic front.

We in the Congress have our responsibility. And I have voted for the Economic Stabilization Act to give the President the tools he needs to do the job. I have voted for the price, wage, profits, and dividends freeze.

I have joined with my distinguished senior colleague, Senator Mondale, today in legislation that would call for a freeze for 60 days on all prices, wages, dividends, profits, and interest rates so that the President and his administration can once again get hold of this economy and put it in some kind of reasonable balance.

No one is happy over inflation. No one is happy over a recession. However, one of the problems when one is in power is that he has to take responsibility. And it does not make any difference which administration or which party. With power comes responsibility.

All that I am asking is that the administration reassess its earlier decision. And I hope that they will not just rebuke us for bringing these matters to public attention, because I repeat that some of the most respected and most enlightened economists, bankers, businessmen, and spokesmen of the financial circles are asking the President of the United States to do exactly what I am saying here today—to stop, look, and listen and to take another hard look at what is happening in this economy before it is too late.

Mr. President, there is a basic vitality to the American system. And we have tremendous resources. We are an anxious and eager people.

I do not underestimate the difficulties that face the President of the United States when he has to make decisions related to price controls, rent controls, and all of the other controls. These are difficult decisions. The most difficult thing of all, however, is to let things drift. There is no indication that things are getting better. But there is every indication that the inflationary pressures are getting worse.

Mr. President, Congress is moving to reform its budget procedures—to better analyze and understand exactly what is taking place in the economy.

Last week the Senate adopted a spending ceiling of $268 billion, $700 million less than the President recommended. But that is only part of the story.

There is also obligational authority in the Presidential budget.

When testifying before the Subcommittee on Budget, Management, and Expenditures of the Government Operations Committee, chaired by the distinguished Senator from Montana (Mr. Metcalf), I brought to the attention of that committee the importance of our getting a proper handle on and control over what we call obligated funds, the so-called authorizations and obligations as well as the budget expenditures.

I am prepared to make my decision to see to it that we act responsibly and sensibly. I am not prepared to stand idly by and have documented evidence discussed in a manner which is frivolous, which is filled wit half truth and innuendo, rather than to have that evidence documented in forthright and factual debate.

Therefore, while my distinguished colleague and friend—and he is my friend—the minority leader is not present in the Chamber, any more than I was as of yesterday, my remarks today are said in a spirit of good debate, honest and frank discussion, and good will. I simply happen to believe that when we discuss matters of the economy, we ought to be a little more precise than to make broadgaged statements that meat is high because Congress is loose with money. Every economist, grocer, butcher, processor, and farmer could do nothing else but laugh at such a statement or feel a sense of pity.

"Textiles are high because Congress is loose with money. Everything is high because Congress is loose with money." So says the distinguished minority leader. The junior Senator from Minnesota says the causes are much deeper than that. I simply say that when we discuss economic matters, we should try to have a little more economic evidence available, rather than an affluence of vocal effervescence.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that tomorrow, following the remarks of the distinguished Senator from Utah (Mr. Moss) under the order previously entered, the distinguished Senator from Oklahoma (Mr. Bartlett) be recognized for not to exceed 10 minutes; that he be followed by the distinguished Senator from Minnesota (Mr. Humphrey) for not to exceed 10 minutes; that he be followed by the distinguished Senator from Alabama (Mr. Allen) for not to exceed 15 minutes; that he be followed by the distinguished Senator from Minnesota (Mr. Humphrey) on another subject for not to exceed 15 minutes, and that he be followed by the Senator from Michigan (Mr. Griffin), the Senator from West Virginia (Mr. Robert C. Byrd), and the Senator from Montana (Mr. Mansfield), each for not to exceed 15 minutes.

TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, an order for the transaction of routine morning business has likewise been entered for tomorrow, has it not?

The PRESIDING OFFICER. No, it has not.

Mr. ROBERT C. BYRD. For a period not to exceed 15 minutes, with statements therein limited to 3 minutes?

The PRESIDING OFFICER. It has not.

Mr. ROBERT C. BYRD. Then I make that unanimous-consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTER REGISTRATION ACT—ORDER FOR RESUMPTION OF THE UNFINISHED BUSINESS (S. 352) TOMORROW

Mr. ROBERT C. BYRD. I ask unanimous consent that at the conclusion of routine morning business tomorrow, the Senate resume the consideration of the unfinished business, S. 352.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS PRIOR TO LAYING BEFORE THE SENATE THE UNFINISHED BUSINESS TOMORROW

Mr. ROBERT C. BYRD. I ask unanimous consent that, notwithstanding the close of the morning hour on tomorrow prior thereto, the various orders for the recognition of Senators and the order for the transaction of routine morning business be permitted to expire prior to the laying before the Senate of the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 9:30 a.m.

After the two leaders or their designees have been recognized under the standing order, the following Senators will be recognized, each for not to exceed 10 minutes and in the order stated: Mr. Muskie, Mr. Kennedy, Mr. Javits, Mr. Cranston, Mr. Pell, Mr. Abourezk, Mr. Haskell, Mr. Symington, Mr. Jackson, Mr. Eagleton, Mr. Mondale, Mr. Williams, Mr. Hathaway, Mr. Hughes, Mr. Moss, Mr. Bartlett, and Mr. Humphrey.

Thereupon, the following Senators will be recognized, each for not to exceed 15 minutes and in the order stated: Mr. Allen, Mr. Humphrey, Mr. Griffin, Mr. Robert C. Byrd, and Mr. Mansfield.

Following the recognition of the aforementioned Senators under the orders entered, there will be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 3 minutes, at the conclusion of which the Senate will resume the consideration of the unfinished business, S. 352, the voter registration measure.

Yea-and-nay votes may occur on that bill. It is possible, if consent is given, that the measure would be temporarily laid aside from time to time and other items on the Calendar could be taken up tomorrow and Friday—but only if unanimous consent is gotten.

With respect to the bill to amend the National Foundation on the Arts and Humanities Act, I do not believe that that bill will be taken up tomorrow. The distinguished author of the bill (Mr. PELL) has requested that the bill be taken up not tomorrow, but either Friday or Monday.

As I say, there may be yea-and-nay votes tomorrow.

The Senate will be in session on Friday.

ORDER FOR ADJOURNMENT FROM TOMORROW UNTIL ON FRIDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, so that Senators will be appropriately alerted, that when the Senate completes its business tomorrow it stand in adjournment until 12 o'clock meridian on Friday.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9:30 a.m. tomorrow.

The motion was agreed to; and at 5:53 p.m. the Senate adjourned until tomorrow, Thursday, April 12, 1973, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 11, 1973:

ADMINISTRATION ON AGING

Arthur S. Flemming, of Virginia, to be Commissioner on Aging, vice John B. Martin, Jr., resigned.

NATIONAL TRANSPORTATION SAFETY BOARD

Timothy J. Murphy, of Massachusetts, to be a member of the National Transportation Safety Board for the term expiring December 31, 1977, vice Francis H. McAdams, term expired.

IN THE COAST GUARD

Harold James Barneson, Jr., of the U.S. Coast Guard Reserve, for promotion to the grade of rear admiral.

IN THE ARMY

The following-named officers to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be lieutenant general

Lt. Gen. Julian Johnson Ewell, [redacted], Army of the United States (major general, U.S. Army).

Lt. Gen. William Raymond Peers, [redacted] Army of the United States (major general, U.S. Army).

Lt. Gen. Willard Pearson, [redacted], Army of the United States (major general, U.S. Army).

Lt. Gen. Richard Thomas Cassidy, [redacted] Army of the United States (major general, U.S. Army).

The following-named officers under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (ae) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. William Robertson Desobry, [redacted] Army of the United States (major general, U.S. Army).

Maj. Gen. Richard Joe Seitz, [redacted], Army of the United States (major general, U.S. Army).

Maj. Gen. Raymond Leroy Shoemaker, [redacted] Army of the United States (major general, U.S. Army).

EXTENSIONS OF REMARKS

TOASTMASTERS INTERNATIONAL—SERIOUS SPEECH CONTEST

HON. DAVID TOWELL

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 11, 1973

Mr. TOWELL of Nevada. Mr. Speaker, recently I had the pleasure of addressing members of Area III, District 36, Toastmasters International, who were assembled in Washington for their annual Serious Speech Contest. I suggested to them that their work toward bettering human communication strengthens their community, their country, and, ultimately, the rapidly shrinking world we live in. As a past governor of Toastmasters International, District 59 in Nevada, I know first-hand of the contribution these men and women are making toward the Toastmaster's goal of "Better Listening, Thinking, and Speaking."

The winning speech of the evening was delivered by Mr. Williamson Day, past president of Capitol Hill Club, Toastmasters International and 1972 Outstanding Toastmaster for District 36. Mr. Day, whose speech was titled "Five Faces of War," brings to his remarks a heritage of service to his country. He is a veteran of Korea, and his forebears have served in every major American war since the Revolution, when Col. Oliver Spencer fought with General Washington. As we look toward the Bicentennial celebration of our country's birth, I am pleased to share with my colleagues Mr. Day's thoughtful comments about his country and his deep commitment to its freedom:

FIVE FACES OF WAR

(By Williamson Day)

Five faces of War . . . five faces to remember.

THE FRENCH AND INDIAN WARS, 1754

A 22-year old colonel of provincial militia stands in a makeshift fort somewhere near the twisting Monongahela. He stands in torrential rain, the end of an ill-conceived and disastrous expedition to attack French-held Fort Duquesne. After seven years, Colonel George Washington's men are rebelling. Without food or ammunition, they break into the last of the supplies: the rum. Washington fits together the words he will use to surrender to the French.

You kneel by the Colonel, holding a wounded soldier. What passes for a surgeon is amputating his leg. You hand the soldier his anesthetic: a wooden block to clench between his teeth. You know he will die, but not quickly or pleasantly.

THE REVOLUTIONARY WAR, 1777

The wind howls down the Schukylkill and across the Valley Forge plateau. It is subzero weather. In weeks past it has snowed, but tonight it is too cold to snow. You are huddled with remnants of the 11th Virginia, Varnum's brigade, and Lee's Dragoons. You sit, swathed in rags, tucking bits of straw and grass into your boots to keep warm.

Near you sits a sentry, a Marylander hoping to be home by spring. He is numb with cold, too weak to stand. An officer limps by, and the sentry, grasping his rifle, stiffens in salute. The next morning, as dawn colors the sky, you find him—frozen in salute.

WORLD WAR I, ARDENNES, FRANCE, 1918

Verdun is to the South, Chateau-Thierry behind, the Meuse-Argonne line ahead. It is Christmas Day. The snow has frozen with mud. Trenches zig-zag across the breast of the earth, scarring the French countryside. You see Americans and Englishmen leave their trenches and meet Germans in no-man's land to exchange chocolates and cigarettes: American Lucky Strikes for German Ecksteins. The soldiers sing, first in German, *Stille Nacht; Heilige Nacht,* then in English, *Silent Night, Holy Night.* They shake hands and thread their way back through the coils of barbed wire to their trenches. Hours later, they meet again, eviscerated, lying lifeless on the wire. In the pockets of the Germans, saved for later, Lucky Strikes; in the tunics of the English, Ecksteins.

WORLD WAR II, 1943

The Marianas, Southwest Pacific. The United States has been at war for two years. You are an American marine, bare to the waist, short on water, testing your condition. You press your tongue to the roof of your mouth and your gums bleed. Now your squad is moving up. Someone's flame-thrower explodes, covering him with jellied gasoline. He crawls grotesquely, screaming, until, charred and burned, he is immolated.

THE VIETNAM WAR, 1972

The United States has been in Indochina for 12 years. Before that, the French had been at war for 10. You are stationed in a military hospital in Denver—in the Burn Ward. You see a lieutenant, 22 years old, the point of his patrol, with second- and third-degree burns on 80 percent of his body. He has turned sour.

"You've got a girl," says a doctor. "Try to think about replying to her letters. She knows you're burned." The lieutenant stares with hollow eyes. "You'll be out of here in no time," the doctor lies. The lieutenant is smarter; for all intents and purposes, he was dead the moment he was hit.

Five faces of war. Five faces that gave us the freedom we enjoy tonight. Five faces that gave us a legacy of peace. Those faces are looking at us tonight, looking into our eyes.

If we fail to keep that peace, dare we look back?

PETER SNOWE, MAINE STATE REPRESENTATIVE, KILLED

HON. WILLIAM S. COHEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 11, 1973

Mr. COHEN. Mr. Speaker, on Tuesday the people of Maine lost one of their most promising young legislators. State Representative Peter Snowe was killed in an auto crash when his car went out of control on the Maine Turnpike. The 30-year-old lawmaker was returning to his home in Auburn after the house session that day.

A young and brilliant legislator, Peter had already begun to make his mark on the legislative process in Maine. A concerned and hardworking party activist, he brought to our political system a vitality and level of integrity rarely seen in politics. He served the people of Maine with honor and distinction and we will long remember his concern for and contributions to our general welfare.

But beyond his professional duties, Peter Snowe was a friend. He could always be counted on for advice, compassion, encouragement, or simply for that warm smile that won the hearts of all of us.

Our sympathy goes out to his young wife, Olympia, and to the rest of his family.

ENERGY SUMMARY—A PRIMER ON ENERGY

HON. PETE V. DOMENICI

OF NEW MEXICO

IN THE SENATE OF THE UNITED STATES

Wednesday, April 11, 1973

Mr. DOMENICI. Mr. President, like every new Member of this body, I feel the need for as much professional advice and expertise as I can muster to my support in this post.

For that reason, I have asked an outstanding group of scientific and technical people, of which my State has an extraordinary number, to serve as a scientific advisory committee to their junior Senator.

They have taken to the task with a vigor and willingness which is outstanding.

One example of their work is an extremely comprehensive summary of the present status of energy resources which they prepared at my request.

I found their summary so helpful to any positions I may take in respect to this complex problem, which must take a high priority in all our minds, that I am moved to share it with all Members of this Congress by asking permission to insert it in the RECORD.

As an American, I feel a sense of urgency about our energy situation; it is not mere journalism to refer to it as a crisis, which, if it is not upon us already, will soon be here. As a representative of a State which offers a maximum number of potential solutions to the problem, I am doubly interested in it.

It is with gratitude to the scientists and technical people who prepared this report, under the chairmanship of R. A. Bice, vice president of Sandia Corp. in Albuquerque, that I urge my fellow Members of Congress to add it to their own background material on energy and to expand their knowledge, as I have mine, by a careful study of it.

Mr. President, I ask unanimous consent that the entire report be entered in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

ENERGY SUMMARY—MARCH 1973

INTRODUCTION

Primitive man needed about 2000 calories of food energy a day to exist reasonably well, with the added energy of a wood fire about 4000 calories all together. In contrast, every citizen of the United States now has the use of 230,000 calories each day. This is the energy equivalent of enough food to support 115 chilly primitives or 71 pounds of coal or 7.4 gallons of gasoline or 270 kilowatt-hours of electricity or a 15 horsepower motor running continuously.

We may be blase enough to see these figures without a small sense of shock. After all, an eightfold doubling of energy used per person over a million year period (a doubling every 125,000 years) seems no more than what is due an increasingly civilized people. But a number of factors make the situation more disturbing:

1. It is not the average doubling time over eons that counts; what matters more is the time between now and the next doubling, and that is now variously estimated between 16 and 30 years. (Use of electrical energy is expected to double in 10 years.) In addition, a doubling process sneaks up on you. For example, suppose the water in a pond doubles in quantity every day in such a way as to completely fill the pond in 30 days. On the 29th day, the pond is only half full. Any exponential growth is intrinsically unstable as soon as it begins to press on capital resources.

2. The pressure on capital resources is now very real. The table below detailing the sources of the energy used by the U.S. in 1970 helps illustrate how real.

	Percent of total
Nuclear Power	0.3
Hydropower	4.2
Natural Gas and Liquid Natural Gas	37.6
Petroleum	37.0
Coal	20.9
Total	100.0

Note that almost 96% of our energy is derived from fossil fuels and that the proportion of power from falling water, the only exception, has probably peaked. Already almost a third of the petroleum we use is imported. As our reserves are used up, that proportion will certainly increase as will its price on the world market. But how long will the world supply last? Good guess: about fifty years, subject to several variables. Coal is apt to last a minimum of six times longer. (See next section for longer estimates.) *

3. Of late, energy is being used in the U.S. less efficiently than ever before and more is going into personal consumption. The proportion of fuels going to personal automobiles and into electrical power for air conditioning and home heating, both relatively inefficient users of energy as well as areas of end consumption, is increasing. Thus the ratio of energy consumption to G.N.P. has risen very rapidly since 1965. The flow chart on the following page nicely summarizes the flow of energy from source to end use in the U.S. in 1970, with relative efficiencies of each major use.

4. As energy usage increases, so does pollution—carbon, sulphur, and nitrogen oxides, heat, etc. The problems are well-publicized and need little discussion here. What is important for this paper is that solving pollution problems which arise from energy production also requires energy. We pay for the solutions in reduced efficiency.

5. An ethical or political problem arises from the fact that the U.S., with 6% of the world's population, is now using 35% of its energy. As other countries, wishing to gather for their peoples the benefits of industrialization, also press for an increasing proportion of limited resources, conflict seems inevitable. The specter of the U.S. fighting a war to protect its right to air conditioning seems a distant but still real possibility unless a fairly rapid shift from fossil fuels to other sources of energy occurs, or we voluntarily choose to restrict our growth.

What follows, then, is a brief discussion of several alternative energy sources, either nonfossil-fuel or more efficient, cleaner, or more flexible uses of fossil fuels. First, however, we discuss fossil fuel reserves and use rates.

FOSSIL FUELS

Coal

Coal is the most abundant fossil fuel energy reserve. Using a coal reserve estimate of 1.6×10^{12} short tons or 42×10^{18} BTU and consumption at the predicted 1985 rate of 25×10^{15} BTU/year there is nearly a 1700 year supply in the country. Some sources, which predicate a heavier than 1985 use-rate, estimate our reserves at 600 years. Presently, 510 million tons are mined for domestic use and 71 million tons for export. In 1985, it is estimated 1000 million tons will be mined for domestic use and 140 million tons for export.

Many people feel, however, that without new technology we cannot use all our reserves without destroying our natural environment (strip mining) or overwhelmingly polluting the air and water. The biggest technological problem is the elimination of sulphur dioxide emissions. The problem is presently under intensive investigation and it appears the solution will be easier for large users than for small users. However, some experts—such as the President's ex-science advisor, Edward David—are gloomy about removal of SO_2 from coal and foresee a constraint on our use of this resource

At the present time many large energy users are given reduced rates for oil and gas if used on an availability basis only. As the price of and demand for oil and gas increases, priority should be given to small convenience users who need a clean fuel, thereby increasing the demand for coal or other cheap energy sources by the large users, who can more efficiently handle the pollution problem from such fuels.

Natural gas

From the testimony before the House Committee on Interior and Insular Affairs, April 1972, and from Figure 1, three conclusions can be made about the natural gas situation in the United States. These conclusions are summarized below and discussed in more detail later.

1. By 1985, the domestic production will account for less than ½ the demand even accounting for potential reserves.

2. There will be a large unsatisfied demand for gas.

3. The United States will rely heavily on foreign sources for natural gas.

Expert testimony indicates that the price for natural gas must be increased to make production from the potential reserves feasible. Until recently, natural gas has been a byproduct of oil exploration and production.

The unsatisfied demand for gas will serve to make it a fuel for clean convenience uses rather than industrial uses.

After 1985 we will rely heavily on foreign gas or synthetic gas. The technology for both is presently available but requires an enormous capital investment. Liquid Natural Gas imports, Alaskan or Canadian pipeline gas, gas from coal or other chemicals are all estimated to cost about $1.00 per million BTU's at the source or port of entry, about four times today's average wellhead price.

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* Estimating how long a given resource will last is a very tricky process. As prices vary, use may shift from one resource to another or one competing use, say plastics from petroleum, may force another out. One method, for example, assumes that an energy source is depleted when the price has doubled. Another estimates reserves in terms of present usage per year only, and so on. Do not expect, therefore, that the literature (nor this summary) will be consistent.

Oil

Dr. McKetta, Chairman of the National Energy Policy Committee, lists the world's recoverable oil reserves as 36.6 billion barrels, a supply for seven years at the 1970 usage rate. The undiscovered world oil potential, not including oil sands or shale reserves, is estimated at 104 billion barrels or a 19.8 years supply based on 1970 use rate. There is some difference of opinion on the reserves with some oilmen estimating much greater supplies if the price is large enough to justify development.

At the present time 21% of our liquid hydrocarbons are imported. It is estimated that 50% of the U.S. oil supply will be imported by 1985, assuming it is available. The U.S. demand for oil will increase about 25% by 1985.

The oil shale reserves of the United States are estimated at 1800 billion barrels and the oil sands reserves at 3 billion barrels. At the present time little progress has been made toward the establishment of an oil shale industry. Problems remain to be solved relating to both the technological and lease development aspect of the situation.

The Bureau of Mines and others have characterized shale oil as being nearly economically competitive with crude oil. Recent changes in the depletion allowance applicable to oil shale additionally enhance the economics of oil shale.

NUCLEAR REACTORS

There is no question that nuclear power is a saving technical development occurring at the right moment to give us a chance to bridge the time-gap between decreasing stores of fossil fuels and the development of new energy sources. But, of course, nuclear fission fuels can also be depleted, and, if present reactor designs are not improved, quite rapidly. Fortunately, breeder reactors are already in the design stage and can extend the amount of power from uranium and thorium reserves by a factor of more than a hundred.

Breeder reactors depend upon the fact that of the three fissile isotopes, uranium-235, uranium-233, and plutonium-239, the latter two can be created artificially by adding, inside the reactor, a neutron to thorium-232 or uranium-239. Th^{232} and U^{238} (making up more than 99% of natural uranium) are therefore called fertile isotopes.

Each fission event in a reactor produces several neutrons, one of which is used to create another fission while the remainder are either lost in nonproductive processes or perhaps absorbed in a fertile atom to convert that atom to a fissile species. In relation to energy needs and available resources, the basic distinction between reactor types is their conversion ratio (CR) which is defined as the number of new fissile atoms produced per fission. Clearly if a $CR > 1$ is possible, all fertile material resources are potentially available for energy production after conversion to fissile species. A breeder reactor is by definition a reactor whose conversion ration is > 1. The CR of a given reactor type is detailed by the neutron economics of that type. Light Water Reactors (LWR) are limited to a CR of $\simeq 0.6$ whereas the CR of High Temperature Gas Cooled Reactors (HTGR) is limited to $\simeq 0.8$. A Light Water Breeder Reactor (LWBR) based on the thorium cycle is under study but its theoretical maximum CR of 1.06 makes it unattractive compared to Liquid Metal Fast Breeder Reactors (LMFBR) or Gas Cooled Fast Breeder Reactors (GCFBR), whose CR's are respectively 1.27 and 1.48 based on oxide fuels and 1.50 and 1.60 when based on carbide fuels. A Molten Salt Breeder Reactor (MSBR) concept under study has a CR of 1.06.

Although many problems exist with LWR's in relation to safety and public acceptance, their development is essentially complete and tion of the energy needs until $\simeq$ 1990. In addition to having a higher CR (0.8 vs 0.6), HTGR's operate much higher temperatures than do LWR's and hence are more efficient in transformation of fission energy to electrical energy. However, the HTGR development, while more advanced than that of the breeder concepts, is considerably behind that of LWR. HTGR's are projected to supply a significant portion of the energy needs by 1990, but they will not have much impact until the early 80's.

Based on a comparison of the potential problems and merits of various breeder concepts, the AEC's Division of Reactor Development (Milton Shaw) has selected the LMFBR as the principal candidate to solve the long term energy needs. The President has endorsed this selection by declaring the LMFBR to be a national goal.

The conversion ratio possible with LWR (a nonbreeder, $CR=0.6$) HTGR (a nonbreeder, $CR=0.8$) systems would still permit respectively energy utilization of approximately 2.5 and 5 times the natural fissile material available. But the GCFBR or the LMFBR systems (both breeder with CR's >1) would permit energy utilization of essentially all available fertile and fissile fuel.

Tables I and II taken from *Scientific American* (September 1971) show the relative prospects of various sources in meeting cumulative and energy needs between now and the year 2000 and the energy requirements in the year 2000.

SYNTHETIC FUELS

As a means of easing the energy crisis—and ultimately surmounting it—synthetic fuels offer considerable merit and hope. Although several alternative types of synthetic fuels—such as gas and liquid hydrocarbons derived from coal and synthetic natural gas derived from petroleum (SNG)—are being given careful attention, some of the more popular current thinking suggests that replacement of fossil fuels by synthetic fuels can take place in roughly two steps: first, by transforming our most abundant fossil fuel, coal, from a solid to an easily transportable, high heat content gas; and second, by passing on to a fuel economy based on hydrogen.

TABLE I

Depletable supply (10^{12} watt-years)	World	United States
Coal	670–1,000	160–230
Petroleum	100–200	20–35
Gas	70–170	20–35
Subtotal	840–1,370	200–300
Nuclear (ordinary reactor)	~3,000	~300
Nuclear (breeder reactor)	~300,000	~30,000
Cumulative demand 1960 to year 2000 (10^{12} watt-years)	350–700	100–140

Note: Economically recoverable fuel supply is an estimate of the quantities available at no more than twice present costs. U.S. reserves of all fossil fuels are slightly less than a 4th of the world total and its reserves of nuclear fuels are only a 10th of the world totals. Fossil-fuel reserves are barely equivalent to twice the cumulative demand for energy between 1960 and 2000. Even nuclear fuel is none too plentiful if one were to use only the ordinary light-water reactors. By employing breeder reactors, however, the nuclear supply can be amplified roughly a hundredfold. (10^{12} watt-years equals 29.9×10^{15} Btu.)

TABLE II

Continuous supply (10^{12} watts)	World: Maximum	World: Possible by 2000	United States: Maximum	United States: Possible by 2000
Solar radiation	28,000		1,600	
Fuel wood	3	1.3	.1	0.05
Farm waste	2	.6	.2	.00
Photosynthesis fuel	8	.01	.5	.001
Hydropower	3	1	.3	.1
Wind power	.1	.01	.01	.001
Direct conversion	(1)	.01	(1)	.001
Space heating	.6	.006	.01	.001

Continuous suppy (10^{12} watts)	World: Maximum	World: Possible by 2000	United States: Maximum	United States: Possible by 2000
Nonsolar:				
Tidal	1	0.06	0.1	0.06
Geothermal	.06	.006	.01	.006
Total	18+	3	1.2	.2
Annual demand year 2000 (10^{12} watts)	~15		~5–6	

[1] Unknown.

Note: Continuous, or renewable, energy supply can be divided into 2 categories: solar and nonsolar. 2 sets of estimates are again presented, 1 for the world and one for the United States alone. The figure for total solar radiation includes only the fraction (about 30 percent) falling on land areas.

If an efficient solar cell existed to convert sunlight directly to electric power, I could think of utilizing solar energy on a large scale. The sunlight that falls on a few percent of the land area of the United States would satisfy most of the energy needs of the country in the year 2000 if converted to electricity at an efficiency of 12 percent.

Coal gasification

The aim of coal gasification is to treat the raw material, being over 75% elemental carbon (C), with water (H_2O) to produce a gas of about 95% methane (CH_4)—natural gas contains the same amount of CH_4—in a manner which uses the coal more efficiently than if the coal were used instead to produce electric power directly. The process is a very complicated one, made even more complex by environmental considerations which strictly limit emission to the atmosphere of solid particulate material and noxious vapors originating from impurities (principally sulphur) in the coal. Several methods of coal gasification have been proposed and are in the development stage, e.g., the Steam-Oxygen Hy-Gas process of the Institute of Gas Technology, the Synthane process of the U.S. Bureau of Mines, the Bi-Gas process of Bituminous Coal Research, Inc., etc.; but only one, the Lurgi process originated in Germany several decades ago, is now being planned for commercial application. This involves the reaction of the coal with water at high temperature and pressure, producing a gas low in methane and heat value. In order to upgrade both of these qualities—to more nearly approach those of natural gas—four more steps are required. The following table gives the gas composition and heat value after each step (the last four steps have not been proven in full scale operation; but only step 4 produces some misgivings, and the process could be stopped after step 3 to yield a low grade but usable fuel).

At present there are plans to install seven similar large coal gasification units in the Four Corners region of New Mexico. The first of these, to be built and operated by El Paso Natural Gas, will use the Lurgi process and other steps outlined on page 11. Scheduled to go on-stream in 1976, it will be situated near a coal field of approximately 100 square miles in an area which will be stripmined to provide the 24,000 tons of coal per day necessary to produce the scheduled output of 250,000,000 standard cubic feet of gas per day. Water used in the methane production is not recoverable (except when the gas is burned). When all seven plants are in operation it is estimated that they will require 70,000 acre-feet of water per year, which represents the entire presently uncommitted portion of the San Juan River flow.

COMPOSITION OF GAS AND HEAT VALUE AFTER THE VARIOUS STAGES OF COAL GASIFICATION AND UPGRADING

[Percent by volume]

Gas species	After Lurgi process	After step 2, H_2 enrichment	After step 3, scrubbing [1]	After step 4, methanation	After step 5, CO_2 removal
CO_2	28.9	38.2	6.0	8.7	2.0
H_2S	.3	.3			
CO	19.6	3.9	16.6	.1	.1
H_2	38.8	46.8	61.2	.7	.8
CH_4	11.1	9.6	15.0	89.4	95.9
Misc	1.2	1.1	.8	1.1	1.2
Heat value (BTU/SCF) [2]	320.0	278.0	415.0	905.0	972.0

[1] This is approximately the composition of town gas, used extensively before natural gas became widely distributed in the 1940's.

[2] British thermal units per standard cubic foot; the heating value of natural gas is approximately 1,000 BTU/SCF.

As an indication of the economical use of coal in this system as compared with that of the present five coal-fired electric power plants in the same area, the following table is instructive.

The output of the coal gasification plants is scheduled to be piped to California. Traditionally, one-half of the gas used in that state is for purposes of generating electric power. In this regard, it is important to point out that in conversion of gas to electricity two-thirds of the energy content of the gas is wasted.

	Capital cost (millions)	Energy output (millions of B.t.u. per hour)	Persons employed	Cost to consumer (per million B.t.u.)
5 coal-fired plants	$250	7,116	532	[1] $6.00
1 gas plant	$350	10,128	941	1.20

[1] At 2¢ per kilowatt-hour.

Finally, it is of interest to compare the cost of the heat measured in dollars per 1,000,000 BTU for fuel gas from various sources:

Source	Dollars per 1,000,000 Btu
Domestic natural gas	0.40—0.60 (current).
Imported liquefied natural gas	0.90-1.10 (projected, 1976).
Coal gasification	1.20 (projected, 1976).

It is expected that by the time coal gasification plants come on-stream costs of domestic natural gas will have risen to the point that gas from all three sources will be competitive.

Hydrogen

Clearly coal gasification, relying as it does upon a finite supply of raw material, offers only an incomplete and interim solution to the transportable fuel problem. Any long-range solution must be divorced from a dependency upon fossil fuels and must instead be based on a conveniently usable fuel derived from a nondepletable source of supply. Such a fuel is hydrogen (H_2), and such a source is water. Moreover, as the product of its combustion with oxygen is water, H_2 carries with it the attractive advantages of being nonpolluting and recyclable. On the other hand, because H_2 must be produced from H_2O with the expenditure of more energy than the burning of H_2 supplies, it cannot be considered a primary fuel; rather it is a carrier of energy, which when compared with natural gas has one-third the heat value on a volume basis but more than three times the heat value on a weight basis.

Currently H_2 is produced by reacting water with natural gas. In 1968 over two trillion cubic feet of H_2 were produced by this method at an approximate cost of $0.25 per thousand cubic feet (m.c.f.). Most of this H_2 is used for industrial processes. In the future water must be used as a raw material and here rests the main problem in the technology of H_2: to obtain H_2 cheaply from H_2O. Electrolysis of water, whereby H_2O is separated by an electric current into H_2 and O_2, costs at present about $0.37 per m.c.f.; although the cost of electricity will certainly rise in the future this may still prove to be the best method. However, other means of H_2 production are being considered, most notably processes involving chemical reaction using proper catalysts and decomposition of H_2O at the very high temperatures furnished by nuclear reactors.

The storage and transportation of H_2 can be accomplished with the fuel either as a gas or as a liquid, the choice depending upon the economics and convenience for a particular use. For liquid H_2 cryogenic (low temperature) techniques are necessary, but experience has already been gained at several installations for storing and handling of the order of millions of gallons of liquid H_2. Gaseous H_2 can be transported through pipelines currently used for natural gas provided some extra care is taken to insure that the lines contain no leaks. Once the H_2 is produced, the cost of transmitting it through pipelines is considerably cheaper than transmitting the equivalent power as electricity in overhead transmission lines. A recent estimate of the costs for transporting natural gas, gaseous H_2, and overhead electricity in dollars per million BTU per 100 miles gives respectively $0.01, $0.02–0.04, and greater than $0.06.

Although several schemes have been proposed for a total energy system involving H_2 as an energy carrier, one of the more realistic involves the following general steps: 1) production of H_2 by electrolysis of desalted sea water with an offshore sited nuclear reactor providing the electricity for electrolysis and heat for desalination; 2) collection and pipeline transport of by-product oxygen to storage at load areas for industrial and municipal use (for example, pure O_2 is desirable for burning H_2, for use in fuel cells—see below—and for purifying polluted water, etc.); 3) collection and pipeline transport of H_2 to storage at load areas for industrial, commercial, residential and transport uses and for electrical generation.

The choice of nuclear reactor type is important. Use of conventional reactors (i.e., those now in operation) are ruled out, as by this method our reserves of uranium would be depleted in 30–40 years; hence this offers no long-range solution to the energy problem. On the other hand, although the breeder reactor would be an appropriate choice, it has not yet been developed to a stage of commercial reliability. Finally, a fusion reactor would be ideal, since in the electrolysis process it would generate some of its own fuel (deuterium); but this development is still more uncertain and farther in the future than the breeder reactor.

Storage of liquid O_2 and H_2 is most convenient; but since considerable energy is required to liquefy the gases, this storage method cannot be universally used. High pressure gas tanks, caves, and empty natural gas wells offer alternatives. Another potentially attractive scheme involves the storage of H_2 as solid metal hydrides—metals such as magnesium, titanium, iron-titanium alloys, etc. react with H_2 under pressure to the extent that the H_2 can be at a density several times the liquid density; release of the pressure releases the H_2.

As a fuel for transport vehicles—air, land, and sea; private and commercial—H_2 burned with pure O_2 is ideal. For example, for use in private automobiles the burning of H_2 in present internal combustion engine models has been accomplished with only slight alteration of carburetion; furthermore, the exhaust emission can easily be made to meet any federal standards likely to be imposed. For supersonic aircraft, liquid H_2 is again ideal, as it can be easily stored and can be used to cool the aircraft skin, thereby allowing lighter and less exotic metals to be used.

As a fuel for space heating and domestic use, H_2 is an altogether suitable substitute for natural gas. When the changeover was made in many locations during the 1940's from "town gas" (about 60% H_2) to natural gas, the only change needed was a slight modification (increase in opening size) of the burner jets; the transition back to H_2 would require merely reducing jet openings to previous size.

As a fuel for electric power generation H_2 could be used again as a substitute for natural gas to run steam turbine systems. However, a far more efficient system for this purpose is the fuel cell. In the H_2-O_2 fuel cell the two gases are catalytically combined to form water and generate electricity—essentially the reverse of the electrolysis process to form H_2 and O_2 from H_2O (other chemicals can also be used in fuel cells). Small H_2-O_2 fuel cells have been effectively used on space-flight missions, and many uses for similar small and medium size plants come readily to mind. Although as yet no large scale fuel cell power plants have been built, it is estimated that with current technology such plants would convert fuel to electricity with nearly a 50% efficiency, as compared with the 33% maximum efficiency for a steam turbine system. The largest effort in fuel cell development presently resides in Pratt & Whitney's TARGET program using natural gas as a source of H_2 for a H_2–O_2 fuel cell.

As a result of the Hindenburg disaster, H_2 has been unjustly stigmatized as a material unsafe for public use. In fact, H_2 is in many ways much safer to use than gasoline; and in addition, safe handling methods have been developed which reduce the risks by a large factor. The public did not balk when "town gas" was used—and this contained the added hazard of about 15% carbon monoxide, a well known deadly poison. With the proper approach and proper educational program the public can learn to respect the potential dangers of H_2 while enjoying the tremendous benefits of a fuel economy based on H_2.

SOLAR ENERGY

Solar energy shares with tidal and wind energy the ultimate advantage of not increasing the heat load on the earth.

The amount of energy available from the sun is large, that falling on an average American roof top during the year being about five times the total amount used in that home. Although the amount of energy is large, it is in too dilute a form to be easily used. It must be collected and somehow concentrated until high temperatures are reached if it is to turn a shaft and do useful work. Devices to collect and concentrate the energy are not cost effective, as yet, and need additional development.

The sun shines brightly only the four hours before and after noon, if no clouds block its rays. Man uses energy at all times of the day and year, so some type of heat storage is also needed, if solar energy systems are to supply energy when man wants it.

Since solar energy is more easily collected and stored at low temperatures than high, special solar compatible equipment is needed. Lower temperature turbines, for generating electricity, and air conditioning equipment, are two examples of this special equipment.

Solar energy systems have been under development for centuries, but by small groups of people with limited funding. The Israelis began a government-sponsored program for solar energy development in the late 1950's. They stopped their sponsorship after the Six-Day War, when cheaper petroleum was available. Until the past few years solar energy development in the United States has been sponsored in the universities, or by private foundations. Federal support has come from the National Science Foundation under its "research applied to national needs" program, or NSF-RANN; totals are FY 71 1.2 million, FY 72 1.6 million, and FY 73 3.8 million. The FY 74 funding will probably increase. Programs sponsored under this program are funded annually, based on proposals submitted to NSF-RANN. NASA Marshall and Lewis Laboratories have started programs, estimated at one to two million dollars in Fiscal 1974.

Solar energy development has been directed toward two areas. At the University of Arizona, the concept of a solar electric power plant on inexpensive land, has been suggested.

A University of Minnesota-Honeywell team is also investigating the central power plant. NASA programs are directed at solar heating and air conditioning for homes, and a prototype electric power plant for a laboratory building. At Sandia Laboratories, systems studies have been directed toward a new approach to use of solar energy, called the "Solar Community" concept. In this concept, a small community of homes and associated service industries would receive their energy from a common solar energy collecting area. This energy would be stored underground, and when used would be converted first to electricity, then the cooled fluid from the turbogenerator would be used to heat or air condition. This "cascading" is an effort to make maximum use of collected energy rather than discard the major portion in the fashion of central power plants. These studies have progressed to the point where a proposal has been drafted for building test hardware.

GEOTHERMAL ENERGY

Natural geothermal steam energy

As long ago is 1904, Italian engineers near Lardarello in Tuscany, Italy, happened on a means of manufacturing cheap electric power which remains a promising reserve of energy for the future. The source of the energy is steam created deep underground by earth heat. Geothermal reservoirs consist of permeable and porous rock in which, by circulation of steam or hot water, a convection system can develop. Ground water, which can percolate down to depths of several miles, is heated directly or indirectly by the underlying magmas, expands, and ascends toward the surface. For this water to form a heat reservoir, a cap or cover of some sort is required, otherwise the heat dissipates. Often this capping is provided by a layer of impervious rock overlying the permeable reservoir rock, as in Wairakei, New Zealand, and Lardarello, Italy. Temperatures in the geothermal reservoirs vary from around 400°to 700°F. Such reservoirs provide sufficient concentrated thermal energy to be suitable for the production of electric power; they are most satisfactory for this purpose when the heat can be tapped within depths of 2000 to 8000 feet. This steam gushes from specially drilled wells and is directed to drive turbine generators. From there it is routed to condensing towers where commercially usable chemicals are recovered.

There is another type of reservoir containing large amounts of water at temperatures ranging from 150° to 200°F at relatively shallow depths. Because of their large areas these basins represent tremendous stores of heat. They are found in the southern part of Russia, in Australia, and along the U.S. Gulf Coast, in addition to several other countries. While not satisfactory for electric power production by current technology, this lower quality heat can be utilized for space heating and other applications.

Throughout the world, the geothermal power capacity has increased steadily since 1904; although it is still, and seems likely to remain, small in comparison with other electrical energy sources. Today generators being driven by steam pressure developed from geothermal heat account for 700,000 kW. Italy has an installed capacity of 400,000 kW, New Zealand has 192,000 kW, and the United States 82,000 kW. In addition, the U.S. has a capacity of 330,000 kW under construction, all in one steam field at the Geysers, California. The ultimate capacity of this steam field has been estimated at from 2 to 5 million kW; it is the largest known dry-steam field in the world. Dry steam has recently been reported from a well drilled in Valles Caldera, Sandoval County, New Mexico, and this may represent the beginning of a second United States dry steam field.

Hot brine with temperatures up to 650° F has been produced at the Salton Sea area in the Imperial Valley of Southern California but technical problems in handling the hot corrosive solution have prevented its use. Mexico is installing a 75,000 kW plant at Cerro Prieto in the southern extension of the Imperial Valley where the mineral concentration in the very hot waters is much less than in the Salton Sea field.

Four hundred residences, several schools, and a number of businesses are using natural hot water at Klamath Falls, Oregon. A large commercial tomato greenhouse is heated this way at Lakeview, Oregon, and at least 200 residences in Boise, Idaho, receive this type of heat.

The construction cost of a geothermal plant is two-thirds to three-fourths of the cost of a comparable fossil fuel plant and less than half that of a nuclear plant. The Geysers plant in California normally operates unattended (but protected by automatic equipment) for 16 hours out of 24, with maintenance personnel on hand only during the day. Only hydropower plants can produce power at lower cost. Geothermal plants require large expenditure for exploration but the reward for success can be substantial. The obvious success of the Geysers field and the improvements in high voltage transmission have greatly increased the attractiveness of geothermal power within the last few years.

Natural steam power plants have very little impact on the environment. Natural steam from the earth is remarkably low in atmospheric pollutants. There are no fly-ash, no nitrogen or sulphur oxides, and no radiation hazard. The only significant environmental hazard in geothermal power production is the effect on water quality of improper control of excess steam condensate.

Donald E. White of the United States Geological Survey has estimated that the stored thermal energy in the world's geothermal areas amounts to about 4 x 10^{20} joules. With a 25% conversion factor, the production of electrical energy would be about 10^{20} joules, or 3 million megawatt years, or enough to supply U.S. energy needs at the 1970 rate for three years.

It is generally conceded that the Russian Tokamak experiment has come closest to meeting the Lawson criterion for a D–T reaction, with ion density of 2.5 x $10^{13}/cm^3$ and confinement time of 0.02 second, giving a product of 5 x 10^{11} ions/sec/cm^3 or a factor of 200 lower than the critical value. In addition, the plasma temperatures were much too low to sustain the reaction. However, several fusion devices, including the Los Alamos Scientific Laboratory's (LASL) Scylla IV experiment, have exceeded fusion ignition temperatures but are farther below the Lawson criterion. Hence feasibility of fusion power has yet to be demonstrated.

Besides the very difficult physical problem of plasma confinement there are some extremely formidable engineering and materials problems associated primarily with the development of cryogenic magnets to achieve confinement, shielding against the extremely high radiation fields produced by the fusion reaction, and conversion of the heat generated by the nuclear reaction into usable energy. Based on past achievements in understanding plasma instabilities and recent experimental progress, confidence in the feasibility of fusion power has increased greatly during the past 5 years. In this country, where all the large-scale fusion experiments are being done under the auspices of the USAEC Division of Controlled Thermonuclear Research (DCTR), feasibility experiments are planned for 1980–1982. Once feasibility is established, several decades may be required to overcome the engineering difficulties standing in the way of commercial power production.

Primary contenders in the U.S. race to demonstrate feasibility are: Oak Ridge National Laboratory and Princeton Plasma Physics Laboratory with Tokamak-type machines, Lawrence Livermore Laboratory (LLL) with a magnetic mirror machine, and LASL with a pulsed θ-pinch machine. These three types of devices represent three different concepts for containment and operation. A late-starter in the race is the laser-fusion concept, whereby a series of small pellets of, say, solid D–T are burned in a thermonuclear reaction by focusing a high energy laser beam successively on the pellets. Work in this area is being carried out at LASL, LLL, and Sandia Laboratories.

The ample supply of deuterium fuel for a fusion reactor will likely come from sea water of which D is a relatively abundant constituent. Furthermore natural lithium (Li) as a mixture of ^6Li and ^7Li is ideal as a breeder of T when used as a molten liquid shield to absorb the neutron energy from the D–T reaction—the liquid Li can then be circulated to a heat exchanger to make steam and the T removed for future injection into the reactor. Such a closed cycle loop could be made fully safe from a radiation hazard point of view and in general entirely nondestructive to the environment.

ADDITIONAL INFORMATION

This summary, design, is incomplete; many issues could only be hinted at. We would recommend for further reading the following:

1. *Scientific American*, Energy and Power Issue, September 1971.

2. Briefings before the Task Force on Energy of the Subcommittee on Science Re-

search and Development of the Committee on Science and Astronautics, U.S. House of Representatives, Ninety Second Congress, Volumes I and II, 1971, Volume III, 1972.

3. *New Energy Technology, Some Facts and Assessments,* H. C. Hottel and J. B. Howard, MIT Press, 1971.

4. *The Limits to Growth,* Dennis L. Meadows and others, New American Library, Inc., 1972.

THE POWER OVER THE PURSE

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 11, 1973

Mr. NIX. Mr. Speaker, the Constitution carefully separates the powers of the three branches of Government. The interpretation of the Constitution 186 years later draws different meanings from the same basic clauses by a Republican President and a Democratic Congress.

The Constitution seems clear enough. It says that Congress "shall have power to lay and collect taxes and provide for the common defense and general welfare of the United States."

The power of Congress to appropriate money and ultimately to control how that money is to be spent is the foundation of all legislative power. Congressional supremacy on fiscal matters is clearly set forth in the Constitution and in the Federal Papers.

In the controversy over the refusal of the executive branch to spend money in the amounts and for the purpose written into law by Congress, the President has made a bold bid for Executive supremacy. In support of this doctrine, the President exploits ambigious precedents and pretends that what is cloudy is actually well defined.

Previous Presidents, going back to the days of Thomas Jefferson, exercised the power to impound funds only in isolated or temporary circumstances. Former Chief Executives were just as jealous of their prerogatives, however, they recognized also that they shared fiscal power with Congress and that comity between two equal branches of Government is furthered only when the responsibilities are shared. Obviously, if a President finds he can administer a program with fewer employees or in a more efficient manner than Congress has contemplated when it approves an appropriation, it would then be absurd of him to spend more money than is needed. However, efficient management is quite different from a decision to kill a program by not spending any money at all.

The President's usurpation of a legislative function by arbitrary veto on virtually any action of Congress by withholding the necessary funds to implement such legislation is dangerous and should be repudiated by those who believe in balance of power. Many years ago former President Rutherford B. Hays had this to say on the economy of the Nation:

> To withhold the means necessary for the performance of a promise is always false economy, and is apt to prove disastrous in its consequences.

A SPECIAL TRIBUTE TO A GRAND LADY, HARRIET NEWHALL

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 11, 1973

Mrs. GRASSO. Mr. Speaker, it is with a deeply saddened heart that I rise to pay tribute to the passing of Harriet Newhall, one of the finest and most beloved deans of the college admissions' world.

For nearly two decades, from 1939 until her retirement in 1958, Miss Newhall was director of admission at Mount Holyoke College in South Hadley, Mass. A 1914 graduate of Mount Holyoke, Harriet Newhall brought to her position a profound respect for the potential of young students, professional expertise, and a devotion to the traditions and academic excellence for which her alma mater is internationally recognized.

Conscientious dedication to her duties, hard work, and resourcefulness earned Harriet Newhall the praise and gratitude, the respect and affection of students, faculty, administrators, and trustees alike.

Many young women who studied at Mount Holyoke College during the years when Miss Newhall was director of admissions came to know this kind, gentle and resourceful woman whose accomplishments gained for her the admiration and respect of all her associates. I am proud to have been among those who knew her in her official role as dean of admissions, and having passed that scrutiny hailed her as friend and counselor.

Harriet Newhall earned high marks for an outstanding performance in establishing and maintaining admission standards of academic superiority, strong personal integrity, and a diverse student body which have made Mount Holyoke a college of superb quality. Her tenure spanned generations of undergraduates and changing administrations. A person for all seasons, her vitality and enthusiasm kindled new accomplishments and achievements in a college in transition.

Harriet Newhall held many postions of prominence during her lifetime. She served as a trustee for the College Entrance Examination Board, assistant director of admissions for Wellesley College, and was a member of the New England Association of Colleges and Secondary Schools, and the League of Women Voters.

Perhaps the greatest memorial to Harriet Newhall will be paid posthumously. In 1972, Mount Holyoke announced the establishment of a Harriet Newhall tuition grant to outstanding graduates of the Holyoke Community College. The first award will be given in September.

I know that all of us who knew Miss Newhall at Mount Holyoke will miss her. We are indebted to Harriet Newhall for the superb qualities which she brought to the decisions governing admission to Mount Holyoke College. Many of us will remember with poignant delight that she possessed the distinctive capacity to recognize and remember every returning alumna and that her greeting was one more special reason for a sentimental journey to South Hadley.

I extend my sincere condolences to the family of Harriet Newhall.

WELFARE SCANDAL—XI

HON. VERNON W. THOMSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 11, 1973

Mr. THOMSON of Wisconsin. Mr. Speaker, we in the Congress who are charged with the responsibility for spending billions of dollars every year for programs of public welfare would do well to remind ourselves that gross mismanagement often frustrates our attempts to provide real assistance to the truly needy. A newspaper series recently run in the Milwaukee Sentinel describes the waste in the Milwaukee County welfare department. I am inserting the 11th segment of this series today. If the frauds and mismanagement found in Milwaukee are repeated in other cities, the Congress cannot continue to ignore the problems implicit in our present welfare system. Action is needed—now.

The article follows:

BILL ERROR BARES INFLATED AID

(By Gene Cunningham and Stuart Wilk)

This is the story of welfare department error, client fraud and a $905 gas bill.

It started with a telephone call to The Milwaukee Sentinel Monday morning from a woman welfare recipient who complained that her gas bill was too high.

She said she was being overbilled.

Indeed she was. The Sentinel learned that the Wisconsin Gas Co.—through computer error—had overbilled the woman by about $645.

The Sentinel then learned that the woman and her family are getting multiple grants under various names from the Milwaukee County Welfare Department.

The department is paying about $130 a month for members of the family already covered under other grants.

The welfare department was not aware of the multiple grants until notified by The Sentinel on Tuesday, although the woman's case records indicate the existence of multiple grants.

"I have no knowledge of this except that we are presently investigating whether it is so," said Arthur Silverman, welfare director.

"There will have to be an investigation. If there is indication of fraud, there will be followup and prosecution for fraud," Silverman said.

All of the grants in this case are being mailed by the department to the same address.

Silverman said that the department does a computer run "from time to time" to cross check grants going to the same address. He said that for the past six months there has been a request at the Department of Administration to program the computer to run off this information "constantly."

The request is "now under consideration," Silverman said.

Monday the woman called The Sentinel complaining that her gas bill had jumped $665 in three months, although she uses gas only for cooking and for a hot water heater.

The Wisconsin Gas Co. told reporters that because a "wrong factor" had been punched into the computer, "the error kept compounding itself."

"It's our fault on the bill," a company spokesman said.

The spokesman said that the woman actually was using only about $12 a month in gas. He said the company would send her a revised bill.

The woman had not paid her gas bill since November, 1971, according to the company.

The welfare department has told reporters repeatedly that a recipient is put on vouchers if he hasn't paid a bill for two months. This woman had not paid her gas bill for more than a year.

[Under, the voucher system, the department sends payments direct to the creditor, instead of to the welfare recipient.]

A spokesman for the welfare department said the woman had not been put on voucher because the department was not aware of the arrearage "until she called on Monday."

In the process of checking the case, The Sentinel learned that the welfare department is paying duplicate grants for the woman's daughter and duplicate grants for the woman's grandchild.

The grants are going out under different names.

The Sheriff's Department Fraud Squad had told The Sentinel that "nine out of ten" persons who try to get aid under more than one name could probably get away with it.

One grant—for $410—is sent to the woman each month under Aid to Families With Dependent Children (AFDC). The grant covers the woman and her six children, according to department records.

Records show that another AFDC grant is being sent for one of the daughters covered in the $410 grant and for the woman's grandchild. That grant is $132 a month.

A third grant is being sent for the same grandchild covered in the second grant. That grant is $50 a month.

Different names are being used for children and the grandchild in the second and third grants.

The daughter is listed under one last name on one grant and another last name on another grant. The first name is the same and so is the birthdate—Aug. 8, 1957.

The grandchild is listed under different first and last names on the two grants that apply to her. On both grants, however, she is listed as having a birthdate of Feb. 28, 1972.

When The Sentinel informed the woman that her gas bill was being corrected she said she was appreciative.

"I take my hat off to you," the woman said.

Asked about the duplicate grants, the woman first said she had no knowledge of duplicate grants and then said:

"I just wanted to get my gas bill checked and the thing backfired."

She declined to comment further and referred all questions to her caseworker.

COMMUNIST NORTH VIETNAMESE TORTURED MICHIGAN FLYER

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 11, 1973

Mr. HUBER. Mr. Speaker, the stories of our returning POWs and how they fared with the North Vietnamese and Viet Cong have shocked and saddened many Americans. How many Americans were duped by the performances, staged in collaboration with the professional groups of anti-Vietnam war people who visited Hanoi, will probably never be known. What should be realized, however, is that what we Americans heard is all part and parcel of the usual Communist behavior in such circumstances. Communist countries care little or nothing about what happens to their own men who are taken prisoner and they view any prisoners they take as political pawns. The history of the statements our men had to sign dates clear back to the patterns of the "forced confessions" extracted from Stalin's enemies in the purge trials of the 1930's. In the conflict in Korea, we had the so-called "germ warfare confessions" and later on with the case of the *Pueblo*, we saw that the Communist rulers of North Korea had not changed. Truth is not important to a Communist nation, only the signature on an official document to give it an air of respectability is the important thing to them, whether it is to prove the *Pueblo* was in North Korean territorial waters or that a captured American flyer can be tortured into speaking against his President. Therefore, I commend the story of Capt. Robert A. Abbott of Deckerville, Mich., as it appeared in the Detroit Sunday News of April 1, 1973, to the attention of my colleagues. The story follows:

STATE POW BLAMES TORTURE ON VISITS BY PEACE GROUPS

(By Edwin G. Pipp)

DECKERVILLE, MICH.—How American prisoners in Hanoi were tortured and beaten into submitting to propaganda pictures and interviews with anti-war groups was described Saturday by a former Vietnam prisoner.

"The stuff that came back with those anti-war people was absolutely staged," said Capt. Robert A. Abbott, a POW for nearly six years.

"Propaganda was 80 percent more important to Hanoi than military information," he said. "They wanted propaganda and would go to any ends to get it. Those anti-war people who came to North Vietnam caused Americans to be tortured."

Abbott, a fighter pilot who was shot down April 30, 1967, was the center of a welcome home celebration Saturday in Deckerville, a thumb area community in Sanilac County, 100 miles north of Detroit.

"It isn't important that I tell you how I was beaten . . . because most of the guys got that," he said.

"I just want to convey to the American people that we resisted to the best of our ability, but if they wanted propaganda—they got it."

Abbott said higher-ranking officers received most of the abuse but he also described how he endured 15 days of torture that prepared him for interviews with a group of correspondents from East Germany.

He said films showing prisoners playing table tennis, basketball and trimming flowers were "one time things."

"They'd open your cell door, you'd bow, and they'd say, 'You come and play Ping-Pong'," he said. "If you didn't go you knew you'd be beaten. They'd break a man down until he would say yes to anything.

"We resisted to the best of our abilities, but when it came to a point that we might die for something we didn't think absolutely necessary, we gave in. It wasn't brainwashing; it was a physical breakdown.

"It's easy to face up to a guy who says, 'I'm goin' to shoot you if you don't do this.' You stand there and he shoots you and it's all over. But if he puts you in chains for a week or 14 days, it is a different story and you do what he wants.

"It's just so important to get the American people to realize that the propaganda they received was staged and the men beaten severely for that propaganda. Those anti-war people who came over there helped the enemy—the Communists—extract this propaganda because that's what they wanted to hear.

"They wanted to hear an American . . . stand up in front of them, or sit down in a chair, all smiles and drink beer while they're condemning the United States and the President.

"This is why we have such animosity against those people. They should have known that if they came over and said they wanted to see a prisoner of war the Communists were going to get a man out there one way or another to tell them what they wanted to hear . . .

"The fear of being beaten again is so bad that you'll go there and smile and give them the party line. That's what they want to hear and that's what the gooks want you to do. And that's the way it came about."

Abbott said his captors began preparing him for an interview shortly after he was captured with 15 days of torture—his captors seeking military information, his biography and a signature on a "confession to criminal acts."

The torture began when he was denied treatment for burns on his wrists and head which he had suffered when his plane was shot down and he refused to answer military questions, he said.

The fighter pilot's voice dropped almost to a whisper as he described how the Communists put irons around his ankles, handcuffed his hands behind him and then ran a rope attached to the handcuffs over his shoulders down to the leg irons and "tightened me down."

"Then they just left you in this contortionist position alone in a cell until you told them what they wanted," he said. "I went through this pressure position four hours the first time for military information.

"They would check about every 15 minutes and pick and bounce me around.

"I refused again on the biography deal and got the same treatment. I didn't last so long then because I didn't think it was too important. It was between my conscience and how long I could resist."

He said his third experience with the irons came when he refused to sign the "confession" and that he had decided to resist as long as possible.

"I was in the irons for six hours and then they took me out of the irons and put me in the solo room," he said.

This was a small cell containing a concrete slab with leg manacles.

"They put my ankles in the manacles and then handcuffs on my wrists nad fastened the handcuffs to the manacles," he said. "I stayed in that position for 36 hours. After 36 hours they had me broke down and that's what they wanted.

"After that they could get anything they wanted."

He said after he signed the "confession" he was put back on the slab for seven days as punishment for not signing earlier.

During this time he was out of the restraints for only five minutes twice-a-day for food, he said, and there was no protection from mosquitoes that swarmed into the room.

At the end of 15 days of torture he was told that he was going to meet with a delegation, and rehearsals started on what he would tell them. This lasted two to three weeks before he met with a group from East Germany.

"I was in a state of shock and broken-down and they told me I would go back into irons if I didn't meet the delegation," Abbott said.

"I met them and answered their questions as I had been coached to do."

At this meeting, which was filmed, there was beer on the table. But Abbott said he didn't drink any.

"I didn't want to appear like I was happy. They wanted you to appear natural but it was a put-up job.

"I've had contacts with the other guys who have been through this and it was a typical procedure all the way along," Abbott said.

His experience with an interview happened early in his six-year captivity, Abbott said, and he does not have first-hand knowledge about how interviews were handled during recent years.

"Ramsey Clark and Jane Fonda talked to people but they talked to the same people," he said. "It was the same eight or ten people and I have my ideas on how that was staged, but won't talk about it because I don't have first-hand knowledge."

After Clark, former U.S. attorney general, visited Hanoi last August for two weeks, he said he talked with 10 prisoners for two hours "on any subject," and reported he found the health of the POW's "better than mine and I am a healthy man."

Miss Fonda visited Hanoi for two weeks last July, talked with about 10 POW's and condemned North Vietnam's enemies over Radio Hanoi.

Despite his experience as a POW, Abbott appeared well and healthy as he described the Communist ways of obtaining propaganda statements.

"It was 13th century torture . . . they had no understanding of anything but brute force . . . they had all the time in the world because there was nobody there who cared," Abbott said.

"We figured that 95 percent of the people there were tortured one time or another through this procedure. Some guys would sit on stools for four or five days and the guards wouldn't let them sleep.

"In Vietnam everybody was beaten and tortured. We expected that for military information. But for propaganda we couldn't understand it. We just couldn't understand why the American people would allow those anti-war people to come to North Vietnam and then believe what they brought back."

FUNDING OF OEO PROGRAMS

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 11, 1973

Mr. HAWKINS. Mr. Speaker, I think it is important and necessary for Congress to understand exactly how much money the President is proposing to cut or shift from programs authorized under the Economic Opportunity Act of 1964 as amended. The following table presents a comparison of funding levels for EOA programs for the fiscal years 1972, 1973, and 1974. Funding levels for fiscal year 1972 are actual outlays or obligations; fiscal year 1973 figures are estimated outlays or obligations; fiscal year 1974 figures are from the President's budget request and other sources as indicated.

It is important to read the notes for explanations of the figures. For example, proposed rescissions are not deducted from the fiscal year 1973 estimated funding outlays and obligations but are included in the notes because Congress has not yet acted on the rescissions.

With the exception of manpower programs, fiscal year 1974 figures do not necessarily represent the actual outlays that would be experienced during fiscal year 1974 because some funds will be expended to meet obligations made in prior years:

FUNDING INFORMATION ON PROGRAMS AUTHORIZED UNDER THE ECONOMIC OPPORTUNITY ACT OF 1964, AS AMENDED: FISCAL YEARS 1972-74

[Dollar amounts in millions]

	Outlays (fiscal year)—		
	1972 (actual)	1973 (est.)	1974 (requested)
1. Neighborhood Youth Corps:			
In-school and summer programs.	$376	[1] $304	Subsumed under MRS.[2]
Out-of-school program	125	[3] 103	Do.

[1] The administration has proposed a rescission (formal reduction) of approximately $246,000,000 for the in-school and summer programs in fiscal year 1973. This would discontinue the summer program beginning in the summer of 1973. The $304,000,000 figure given above does not take the proposed rescission into account.

[2] MRS abbreviates Manpower Revenue Sharing. The summer program of NYC is proposed to be discontinued. It is not proposed to be subsumed under MRS.

[3] The administration has proposed a rescission of approximately $10,100,000 for the out-of-school program in fiscal year 1973. The $103,000,000 figure given above does not take the proposed rescission into account.

Note: The specific amounts of funding (during fiscal year 1974) for the in-school and out-of-school portions of NYC, if MRS is carried through, are not known.

Sources: Special Analysis I of the fiscal 1974 budget; 1973 Proposed Rescission. U.S. Department of Labor, Manpower Administration, Manpower Training Services.

	Outlays (fiscal year)—		
	1972 (actual)	1973 (estimate)	1974 (requested)
2. Operation Mainstream	$75	[1] $82	Subsumed under MRS.

[1] The administration has proposed a rescission of approximately $4,300,000 for Operation Mainstream in fiscal year 1973. The $82,000,000 figure given above does not take the proposed rescission into account.

Source: Special Analysis I of the fiscal year 1974 budget.

Note: The specific amounts of funding (in fiscal year 1974) for the various programs to be subsumed under MRS, if carried through, are not known.

	Outlays (fiscal year)—		
	1972 (actual)	1973 (est.)	1974 (requested)
3. Job Corps	$188	[1] $177	$111

[1] The administration has proposed a recission of approximately $10,000,000 for the Job Corps in fiscal year 1973. The $177,000,000 figure given above does not take the proposed rescission into account.

Sources: Same as those for the Neighborhood Youth Corps figures.

	Outlays (fiscal year)—		
	1972 (actual)	1973 (est.)	1974 (requested)
4. Concentrated employment program	$123	$100	Subsumed under MRS.

[1] The administration has proposed a rescission of approximately $9,900,000 for the CEP in fiscal year 1973. The $100,000,000 figure given above does not take the proposed rescission into account.

Source: Same as those noted for the Neighborhood Youth Corps figures.

Note: See note under Operation Mainstream.

	Outlays (fiscal year)—		
	1972 (actual)	1973 (estimated)	1974 (requested)
5. Job opportunities in the business sector (JOBS)—Basic program only	$127	$92	$96

Source: Same as those noted for the Neighborhood Youth Corps figures.

	Outlays (fiscal year)—		
	1972 (actual)	1973 (est.)	1974 (requested)
6. Public service careers	$117	[1] $80	Subsumed under MRS.

[1] The administration has proposed a rescission of approximately $3,600,000 for the public service careers program in fiscal year 1973. The $80,000,000 figure given above does not take the proposed rescission into account.

Source: Same as those noted for the Neighborhood Youth Corps figures.

Note: See note under Operation Mainstream.

[In millions]

	Obligations (fiscal year)—		
	1792 (actual)	1973 (est.)	1974 (requested)
7. Headstart	$369	$393	[1] $407

[1] Appears to include $15,700,000 to defray administrative costs (previously funded through OEO's CAAS) for operation of Headstart programs.

Sources: Fiscal year 1974 Budget Appendix; "HEW-OEO Program Related Items" supplied by the HEW Budget Office.

	Fiscal year—		
	1972 (comparable appropriation)	1973 (revised request)	1974 (requested)
8. Follow Through[1]	$61.7	$57.7	$41.0

[1] This program is proposed to be phased out beginning in fiscal year 1974 and ending in 1978.

Sources: Department of Health, Education, and Welfare, Office of Education, Budget Division. "Fiscal 1974 Budget Request" and "History of 1973 2d Vetoed Bill and October Supplemental"; Department of Health, Education, and Welfare, Office of the Secretary. "HEW Budget Request for fiscal year 1974."

[In millions]

	Obligations (fiscal year)—		
	1972 (actual)	1973 (est.)	1974 (requested)
9. Legal services program	$67.7	$73.8	[1] $71.5

[1] The $71,500,000 for fiscal year 1974 is requested in the budget for HEW for subsequent assignment to the legal services program as a corporation, if legislation for a corporation is enacted. (As of Apr. 10, the Administration's bill has not been sent over.)

Sources: Fiscal year 1974 Budget Appendix; "Office of Economic Opportunity Programs in fiscal year 1974." Office of Economic Opportunity, Office of the Director. Jan. 29, 1973.

	Obligations (fiscal year)—		
	1972 (actual)	1973 (est.)	1974 (requested)
Community economic development	$26.8	$30.7	[1] $39.3

[1] According to the administration's fiscal year 1974 budget request, no new OEO funding for community economic development activities will be made after fiscal year 1973. However, the Office of Minority Business Enterprise has, included in its fiscal year 1974 request, $39,300,000 to support community development corporations as demonstration projects. New legislation is proposed to be submitted to authorize the OMBE to continue funding of community development corporations (the local grantees of the OEO community economic development program). As of Apr. 10 the administration's bill has not been sent over.

Sources: Same as those noted for the legal services program figures.

	Obli gations (fiscal year)—		
	1972 (actual)	1973 (est.)	1974 (requested)
11. Community Action Agency Assistance (sec. 221)	$298.2	$238.3	(1)

[1] According to the administration's Fiscal Year 1974 budget request, no new funding for Community Action Agency Assistance under sec. 221 of the EOA will be made after Fiscal Year 1973—except in the case of Indian programs, as discussed below. The Fiscal Year 1972 and Fiscal Year 1973 figures include approximately $18,000,000 for program administration.

Sources: Fiscal year 1974 Budget Appendix; Office of the Comptroller, Office of Economic Opportunity.

Note: An additional $3,000,000 (in Fiscal Year 1972 and Fiscal Year 1973) was transferred to the Department of HEW for the national summer youth sports program. Under a delegation agreement with HEW, support for this program will be continued in the summer of 1973. No funds are requested for this activity in Fiscal Year 1974.

	Obligations (fiscal year)—		
	1972 (actual)	1973 (est.)	1974 (requested)
12. Training and technical assistance (Sec. 230)	$11.4	$6	(1)

[1] According to the administration's fiscal year 1974 budget request, no new funding for training and technical assistance under sec. 230 of the EOA will be made after fiscal year 1973.

Sources: Same as those noted for Community Action Agency assistance figures.

	Obligations (fiscal year)—		
	1972 (actual)	1973 (est.)	1974 (requested)
13. Senior opportunities and services	$8.1	$8.0	(1)

[1] According to the administration's fiscal year 1974 budget request, no new funding for senior opportunities and services will be made after fiscal year 1973. However, the administration on aging is anticipated (based on the fiscal year 1974 budget request) to receive a large increase in funding for both its service and nutrition programs for the elderly. This large increase, if enacted, could enable AOA and State agencies, if they so chose, to refund many of the SOS programs formerly funded by OEO.

Source: Same as those noted for Community Action Agency Assistance figures.

	Obligations (fiscal year)—		
	1972 (actual)	1973 (est.)	1974 (requested)
14. State Economic Opportunity Office assistance	$12.1	[1] $12	(2)

[1] Included in the $12,000,000 figure is State Economic Opportunity Office assistance that will extend longer than Dec. 31, 1973 (the general cutoff date for most OEO refunding during fiscal year 1973).

[2] According to the administration's fiscal year 1974 budget request, no new funding for State Economic Opportunity Offices will be made after fiscal year 1973.

Sources: Same as those noted for Community Action Agency assistance figures.

	Obligations (fiscal year)—		
	1972 (actual)	1973 (est.)	1974 (requested)
15. Special Indian programs[1]	[2] $22.2	[3] $22.4	[4] $32.1

[1] The funding listed under this category is also included under other categories. It should not be added to the other categories when computing totals for Fiscal Year 1972 and Fiscal Year 1973. However, it may be added for Fiscal Year 1974.

[2] This figure includes: $17.500,000 in Community Action Agency assistance; $1,500,000 in emergency food and medical services funding; $1,900,000 in alcoholic counseling and recovery funding; $1,000,000 in research and demonstration funding; and $1,000,000 in family planning funding.

[3] This figure includes: $19,000,000 in Community Action Agency assistance; $2,300,000 in emergency food and medical services funding; and $1,100,000 in training and technical assistance funding.

[4] According to the administration's Fiscal Year 1974 budget request, no new OEO funding for special Indian programs will be made after Fiscal Year 1973. However, OEO programs serving Indians will be continued by HEW in Fiscal Year 1974 and converted to a pilot effort funded directly to Indian tribal councils. The $32,100,000 for Fiscal 1974 Year is requested in the HEW budget request for the Office of the Secretary. It includes a portion of funding attributable to program administration. This funding figure is additive.

Source: Same as those noted for Community Action Agency Assistance figures.

	Obligations (fiscal year)—		
	1972 (actual)	1973 (est.)	1974 (requested)
16. Migrant and seasonal farm-worker programs	[1] $36.5	[1] $36.3	[2] $40.0

[1] Includes slightly over $1,000,000 (in each fiscal year) for program administration.

[2] According to the administration's fiscal year 1974 budget request, no new OEO funding for migrant and seasonal farmworker programs will be made after fiscal year 1973. The $40,000,000 for fiscal year 1974 is requested by the Department of Labor. Migrant and seasonal farmworker programs previously funded by OEO will be eligible for continuation under the direction of the Department of Labor after fiscal year 1973. The $40,000,000 requested by the Department of Labor for fiscal year 1974 includes funding attributable to program administration and emergency food and medical services activities. The relationship between the $40,000,000 in former OEO funds and the Department of Labor's own funding for migrant programs in fiscal year 1974 (about $10,000,000 in fiscal year 1973) is uncertain. The Department of Labor has indicated that, tentatively, it plans to spend at least the $40,000,000 but has not reached a decision on: (a) how much of its own funds will be expended on migrant programs in fiscal year 1974; (b) whether its own programs will be lumped together with the former OEO programs and funded at $40,000,000 or some other level; and (c) how much migrant funding might be expended under manpower revenue sharing.

Sources: "Office of Economic Opportunity Programs in fiscal year 1974." Office of Economic Opportunity, Office of the Director. Jan. 29, 1973. Letter dated Feb. 26, 1973; from Paul J. Fasser, Deputy Assistant Secretary for Manpower and Manpower Administration, to Mr. Daniels, Chairman of the Select Subcommittee on Labor, Committee on Education and Labor. Department of Labor, Manpower Budget Office.

	Obligations (fiscal year)		
	1972 (actual)	1973 (est.)	1974 (requested)
17. Rural Loan Program	[1] $3.1	[1] $1.8	[1] $2.5

[1] The rural loan program under the Farmers Home Administration was terminated in 1971. The figures shown for fiscal year 1972 through fiscal year 1974 include administrative costs for outstanding loan service and collection only. Beginning in fiscal year 1974, this funding will be directly appropriated to the Department of Agriculture Farmers Home Administration, according to the fiscal year 1974 Budget Request.

Sources: (a) "Office of Economic Opportunity Programs in Fiscal Year 1974" Office of Economic Opportunity, Office of the Director. Jan. 29, 1973; (b) Fiscal Year 1974 Budget Appendix.

	Obligations (fiscal year)—		
	1972 (actual)	1973 (est.)	1974 (requested)
18. Economic opportunity loans[1]	$71.4	$66.2	$63.0

[1] The figures set forth under this category include obligations for economic opportunity management assistance and costs and obligations for economic opportunity business loans. Appropriations are to the Small Business Administration.

Source: Fiscal year 1974 Budget Appendix.

	Obligations (fiscal year)—		
	1972 (actual)	1973 (est.)	1974 (requested)
Research and demonstration activities	$45.0	$66.7	$77.9

Note: The fiscal year 1974 funding will be requested by the Department of HEW, the Department of Labor, and the Department of Housing and Urban Development: HEW—$59,200,000 to the National Institute of Education, the Office of Child Development, and the Office of the Secretary to carry on specific OEO-initiated projects; DOL—$5,300,000 to continue OEO research in the fields of manpower training and labor force participation; HUD—$13,400.000 to continue efforts to test ways to provide adequate housing for disadvantaged persons.

Sources: (a) Fiscal year 1974 Budget Appendix; (b) "Office of Economic Opportunity Programs in fiscal year 1974." Office of Economic Opportunity, Office of the Director. Jan. 29, 1973.

	Obligations (fiscal year)—		
	1972 (actual)	1973 (est.)	1974 (requested)
20. Comprehensive Health Services	[1] $152.7	[2] $151.5	[3] $168

[1] This figure includes about $106,700,000 obligated by OEO and about $46,000,000 obligated by HEW for transferred projects.

[2] This figure includes about $85,500,000 obligated by OEO and about $66,000,000 obligated by HEW for transferred projects.

[3] This figure includes about $101,000,000 for newly transferred OEO projects and about $66,000,000 for formerly transferred OEO projects. It also includes about $1,000,000 for former OEO Health Manpower activities. It should be noted in all figures for transferred projects are tentative estimates since some former OEO projects have been merged with existing HEW projects.

Note: The fiscal year 1974 funding will be requested by the Department of Health, Education and Welfare to continue OEO activities ($101,000,000 specifically for the activities transferred as of the end of fiscal year 1973—approximately 60 projects). However, it should be remembered that these figures are tentative estimates and that the conditions for refunding former OEO projects out of HEW's Health Services and Mental Health Administration appear to be uncertain. In addition, it appears that about $1,000,000 (over and above the $101,000,000 estimate for transferred Comprehensive Health Services projects) will go for NIH Health Manpower activities. OEO estimates $102,600,000 for 1974 transfers to HEW for CHS and Health Manpower. Other estimates indicate $102,000,000 ($101,000,000 plus $1,000,000).

Sources: Fiscal Year 1974 Budget Appendix. "Office of Economic Opportunity Programs in fiscal year 1974." Office of Economic Opportunity, Office of the Director. Jan. 29, 1973. Office of Economic Opportunity, Office of the Comptroller. "HEW-OEO Program Related Items" supplied by the HEW Budget Office. Budget Offices for HEW, HSMHA and NIH.

	Obligations (fiscal year)—		
	1972 (actual)	1973 (est.)	1974 (requested)
21. Family planning	[1] $33.9	[2] $33.5	[3] $35.5

[1] This figure includes about $23,900,000 obligated by OEO and about $10,000,000 obligated by HEW for transferred projects.

[2] This figure includes about $15,500,000 obligated by OEO and about $20,000,000 obligated by HEW for transferred projects.

[3] This figure includes all funding obligated by HEW for former OEO projects. It, and the earlier figures, are estimates. In addition, it is expected that many OEO transfers will be consolidate with HEW family planning grants. Conditions for refunding former OEO projects appear to be uncertain. Furthermore, there seems to be a question as to whether the fiscal year 1974 figure should be $35,500,000 or $35,600,000.

Source: Same as these noted for Comprehensive Health Services figures.

	Obligations (fiscal year)—		
	1972 (actual)	1973 (est.)	1974 (requested)
22. Drug rehabilitation	$18.1	$23.0	[1] $29.3

[1] The fiscal year 1974 funding will be requested by the Department of HEW. For fiscal year 1974, $29,300,000 is included in the National Institute of Mental Health budget request for continuation of drug rehabilitation activities previously funded by OEO. It does not appear that the fiscal year 1972 to fiscal year 1974 figures given above include any funding for OEO projects transferred earlier than fiscal year 1973. It should be noted that funding for drug abuse community program project grants (to which the majority of OEO funding is being transferred) is proposed to be increased by about $8,000,000, while OEO project funding (as part of the total community grants) is proposed to be increased $5,300,000 from fiscal year 1973 to fiscal year 1974. As a result, it would appear that OEO projects are to receive increased funding while HEW-oriented projects are to receive funding decreased by about $4,500,000 in fiscal year 1974. HEW notes that the funding levels for community grants represent amounts necessary to continue existing projects at their current funding levels.

Source: Same as those noted for Comprehensive Health Service figures.

	Obligations (fiscal year)—		
	1972 (actual)	1973 (est.)	1974 (requested)
23. Alcoholic counseling and recovery programs	[1] $1.9	[2] $14.4	[3] NA

[1] Does not include funding within HEW for alcoholism projects transferred at an earlier date, and as a result is not a strictly comparable figure.

[2] Does not appear to include funding within HEW alcoholism projects transferred at an earlier date. During fiscal year 1973, OEO will transfer $14,400,000 to the HEW National Institute for Alcoholism and Alcohol Abuse, to sustain projects serving low-income persons.

[3] Funds for fiscal year 1974 are requested as part of the HEW budget for NIAA. However, no specific figure is available for funding, under NIAAA's community program project grants, comparable to the fiscal year 1973 estimate of $14,400,000. Overall, NIAAA's community project grant funding is proposed to be reduced by about $4,000,000 in fiscal year 1974. In addition, it is proposed that NIAAA alcoholism project grants be phased out in fiscal year 1974.

Sources: Same as those noted for Comprehensive Health Services figures.

	Obligations (fiscal year)—		
	1972 (actual)	1973 (est.)	1974 (requested)
24. Emergency food and medical services	$3.5	$24	(1)

[1] Fiscal Year 1973 funding is from funds made available during Fiscal Year 1972 (and available for Fiscal Year 1973 utilization). No funds are requested for this program in Fiscal Year 1974—except that projects serving Indians and migrants are proposed to be continued from funds requested for those sets of programs in HEW and the Department of Labor.

Sources: (a) Office of Economic Opportunity Programs in Fiscal Year 1974. Office of Economic Opportunity, Office of the Director. Jan. 29, 1973; (b) Office of Economic Opportunity, Office of the Comptroller.

	Obligations (fiscal year)—		
	1972 (actual)	1973 (est.)	1974 (requested)
25. VISTA[1]	[2] $22.9	$25.2	$22.3

[1] Funds for VISTA fiscal year 1972 through fiscal year 1974) are requested by ACTION. The figures given include funds for training costs but do not include administration costs or funds for the university year for ACTION.

[2] It should be noted that, in fiscal year 1973, OEO transferred about $38,100,000 to ACTION for VISTA operations.

Sources: Fiscal year 1974 Budget, Domestic Programs—Submission to the Congress. ACTION. March 1973.

	Obligations (fiscal year)—		
	1972 (actual)	1973 (est.)	1974 (requested)
26. General administrative support	[1] $18.2	[1] $18.5	[2] $33.0

[1] These figures include funding for general support only. They do not include funding for administrative support that could be specifically attributed to a program areas.

[2] This $33,000,000 is requested by GSA for liquidation of former OEO activities (mainly, Community Action operations). It is generally comparable to the fiscal year 1972 and fiscal year 1973 figures, plus administrative obligations under CAA assistance—about $18,000,000.

Source: Same as those noted for Community Action Agency figures.

WPHS CELEBRATES NINTH BIRTHDAY

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 11, 1973

Mr. HUBER. Mr. Speaker, Michigan's fourth largest city, Warren, has the distinction of being served by Michigan's only vocationally approved high school radio station on the public airways, WPHS.

My constituents in the 18th district and I are proud of the success of this station, and on the occasion of its ninth birthday wish to congratulate those participating in its operation.

Members of the House may find this brief item about WPHS of interest. It appeared in the March 20, 1973, issue of the Macomb Daily:

Warren School's Radio Station Is 9 Years Old

WPHS, the only media radio station in the state's fourth largest city, celebrates nine years of broadcasting today. A number of celebrities from Detroit and area stations are expected to, in person, be here visiting this small, but growing student operated radio outlet.

An open house will also be held from 2 to 7 p.m. today for the public.

The station is currently operating 15½ hours a day and has this year, been vocationally certified by the state of Michigan to teach radio broadcasting and is believed to be the only one in the nation so licensed. The station's format of music and news from 8 a.m. to 11:30 p.m. has given a great opportunity for media people to get established in many stations in many localities.

Students who have graduated from WPHS are now working, or have worked in the following radio stations or TV stations:

Detroit: WDET–FM; WWWW–FM; WJR–AM & FM; WRIF–FM; WDRQ–FM: Columbus, Ohio: WBUK, Birmingham: WHFI—Four working there currently; Ann Arbor: WPAG; Pontiac: WPON–AM; Mount Clemens: WBRB–AM & FM; Dearborn: WKNR–AM & FM.

The Voice of University of Michigan Basketball . . . WTRX, Flint; KRLD—Dallas, Texas—Now play by play football with Dallas Cowboys; KMND AM & FM, Tempe, Arizona; KDKB, Mesa Arizona; KTAR TV in Phoenix, Arizona; Channel 56 & Wayne State University TV.

About 100 students are currently learning the inside and outside of the kind of operation normally carried on by a commercial station. Students from five area high schools are enrolled in the program; the station broadcasts, as a community service, entire proceedings of the Warren City Council Meetings and the Warren Consolidated School Board Meetings in their entirety every other week.

STATEMENT OF REPRESENTATIVE HAROLD V. FROEHLICH BEFORE THE HOUSE COMMITTEE ON PUBLIC WORKS

HON. HAROLD V. FROEHLICH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 11, 1973

Mr. FROEHLICH. Mr. Speaker, I insert in the Record a statement I gave earlier today at hearings on the high water levels in the Great Lakes conducted by the House Committee on Public Works:

Statement of Representative Harold V. Froehlich Before the House Committee on Public Works

Mr. Chairman, on Monday of this week the flood waters of Green Bay lashed northeastern Wisconsin's shoreline and wreaked millions of dollars worth of property damage to the area's homes and businesses. In the City of Green Bay alone six square miles of the city lie under water.

This flooding is a direct result of the unusually high water levels that have prevailed in Green Bay and Lake Michigan for well over a year. The water level is so high that a recurrence of major flooding is but another spring storm away.

Until the water level recedes, thousands of residents of Brown, Oconto, Marinette, Door and Kewaunee Counties in the Eighth Congressional District of Wisconsin face the constant threat of flooding.

Mr. Chairman, I would like to share with you and this committee the background on this problem of high water levels that plagues northeastern Wisconsin and the entire Great Lakes region.

The high water levels are due to unprecedented high precipitation which has occurred over the Great Lakes Basin during the past few years. Green Bay and Lake Michigan levels were higher last year than any year since 1952.

This year the Lake is close to 582 feet above sea level, the all time high it reached back in the 1880's; rainfall was very heavy last summer and we have continued to experience unusual precipitation this winter.

Lake Superior was the first of the Great Lakes to experience the high water levels. At the present time Lake Superior has crested, and earlier this year was only four inches above its long term average, whereas Lake Michigan was at the same time over two feet above its average.

The Army Corps of Engineers informed me last February that Lake Michigan would soon crest and that Lake Erie and Lake Ontario would be the next to experience high water levels. We can see by this week's flooding that Lake Erie and Ontario have in fact been tormented by these high water levels. Lake Michigan has still to crest and suffers a similar plight.

Investigation has shown that there are three steps which, if taken, could significantly lower the water levels in the Great Lakes. I would like to discuss these steps with this committee.

First, the amount of water flowing into the Great Lakes System from the Canadian Hudson Bay watershed must be decreased. Water that otherwise would have flowed into Hudson Bay has for years been diverted into Lake Superior for navigation and power purposes. This practice must be curtailed.

Second, the Lake Superior Board of Control should continue to impound water in Lake Superior. By reducing the flow of water out of Lake Superior, the levels of the other Great Lakes are lowered. In February the U.S.-Canadian International Joint Commission reduced the outflow from Lake Superior by 25 percent. This ordered cutback reduced the present flow from Lake Superior from 71,000 to 55,000 cubic feet per second. This reduction is achieved by reducing the flow for power generation on the U.S. side of the international boundary at Sault St. Marie. This reduction will result in storing one and one-half inches of additional water in Lake Superior. This has a commensurate lowering effect on Lake Michigan.

The reduced rate of flow is due to expire on April 30. I am fearful that the Joint Commission will restore the increased flow of water into the lower lakes on May 1, causing an additional 16,000 cubic feet of water per second to pour out of Lake Superior into Lake Michigan and Lake Huron. This will mean that conditions are going to get much worse in the next few months rather than better.

The third step involves the amount of water which the Chicago Sanitary District can divert from Lake Michigan. This should be increased. A court ruling has restricted the water diversion through the Chicago Ship Canal. I am cosponsoring legislation, H.R. 6673, which would increase the diversion of Lake Michigan water into the Chip Canal and down the Illinois Waterway. This legislation would authorize an additional diversion of water from the lake by 6,800 feet per second. The Corps of Engineers will insure that there would be no excess of water flowing into the canal through the waterway. This additional diversion would be authorized for a five year period and would have to be approved by both the United States and Canada.

These three steps, taken in concert, could lower the water level in Lake Michigan by eight inches in a year's time.

Clearly, the problem requires the establishment of a range of minimum and maximum water levels on the Great Lakes.

Just nine years ago in 1964, Lake Michigan was experiencing all time low water levels which was the reason for the state of Wisconsin, at that time, to seek a court ruling restricting the diversion of Lake Michigan water down the Chicago Sanitary Canal.

We have to even out these extreme fluctuations. But we must remember that water diversion techniques take years to implement. They are indeed the answer, but this provides us little comfort at the present time.

The problem we have today is immediate remedial action that can be taken to reduce the amount of property damage and threat to life resulting from the high water levels.

The Army Corps of Engineers is authorized under P.L. 84–99 to undertake a program of advanced flood emergency measures known as "Operation Foresight." This will provide temporary protection to those areas where high lake levels pose a flooding threat to life and property. It is a joint federal-state-local program with federal know-how and some cash being matched by state coordination through the Division of Emergency Government and knowledge of the terrain and local cooperation in obtaining rights of way, common labor and materials.

Unfortunately, the flood waters hit before the dikes were constructed. In Green Bay, bids will not be opened until April 17, 1973, seven days after the floods swept the city. Completion of the dikes is not expected until June 30. This leaves the area at the mercy of the weather until that time.

Operation Foresight, Great Lakes, is not intended to cope with the immense erosion problems around the lakes.

It is for these reasons that I have co-sponsored four pieces of legislation to provide immediate relief to those areas that are most seriously affected by high water.

The four basic goals of the erosion legislation can be summarized as follows:

1. H.R. 6670, to give the Army Corps of Engineers legal authority to use its experience, expertise and considerable resources in this emergency.

2. H.R. 6671, to allow citizens who have suffered financial loss from this rapid erosion to qualify for disaster relief now only available for other specified 'natural' disasters.

3. H.R. 6672, to allow for reimbursement under the Rivers and Harbors Act for prevention or repair of shore damage caused by erosion attributable to federal navigation structures.

4. H.R. 6674, to authorize a comprehensive study under the Coastal Zone Management Act to determine best ways to combat future erosion on the Lakes.

This legislation will allow the Army Corps of Engineers to use its experience, expertise and considerable resources to combat the present crisis. The Corps is prepared to help if only it is given the authority.

Qualification for low-cost disaster loans and the possibility of eventual reimbursement of expenses are two more aspects of this legislative package that give lakeshore residents hope for the future.

Finally, the study authorized in the fourth piece of legislation will hopefully provide us with the long-range answers as to which method of flood control or water diversion will be in the best interest of all those who share Lake Michigan as their neighbor.

ADMINISTRATIVE OBSTACLES TO VOTING

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 11, 1973

Mr. RANGEL. Mr. Speaker, the League of Women Voters is an organization that we are all familiar with. In communities all across the country, the league is active in voter education and registration. I am sure we all hold the league in highest regard.

In 1972, the elections system project of the League of Women Voters published an informative booklet entitled "Administrative Obstacles to Voting." In clear and explicit terms, the booklet analyzes the disenfranchisement of citizens caused by our system of voter registration. I highly recommend this booklet to all of my colleagues. I now submit relevant excerpts:

A LOOK AT THE PRESENT SYSTEM

During the next six months, much public attention will focus on the principal candidates and issues of the November presidential election. It is doubtful, however, that very much concern will be given to the electoral process itself—that system of registration and voting procedures Americans must use in order to express their choice on the candidates.

Most citizens show little interest in the process not because they dismiss its importance but simply because they do not recognize the extent to which the current election system impairs the right of all Americans to engage in self-government. The public generally believes that the system has worked well for them in the past and that it will work well for the 140 million Americans of voting age in 1972.

Regrettably, the present election system has not worked well. It still bears the mark of forces which originally gave it birth at the turn of the century: fear of the then-widespread corruption and fraud at the polls and a desire to control the voting participation of millions of European immigrants who threatened the political status quo. Although these particular forces have largely ceased to exist, the system remains saddled with many unnecessarily restrictive laws and exclusionary procedures. It has become an administrative maze in which many of the abuses it was designed to prevent can, in fact, be more easily hidden and through which the average citizen must painstakingly grope in order to exercise his fundamental right to the franchise.

Fear of fraud is often advanced in opposition to proposed reforms of the present election system. It could be argued, however, that such abuses are a function of community mores and will exist in some communities no matter what election procedures are established. More noteworthy, it would seem, is the fraud perpetuated on the American people by a system which excludes millions of eligible voters from the electoral process in the name of preventing a few dishonestly cast votes.

Indeed, the system works poorly for *all* Americans. In the case of minorities, the poor, the uneducated and the aged, who are unable to meet its complicated requirements easily, the system naturally imposes more heavily than it does on the average mainstream American. These groups can be even further excluded from the electoral process by the arbitrary and uneven application of administrative procedures which, while legal, can be manipulated to serve the political advantage or philosophy of those who control them.

Such misuse of administrative practices is not new to the institutional life of our society. What is notable about the established election system is the extent to which, barring misuse of any kind, it denies the rights and infringes on the convenience of hundreds of thousands of Americans regardless of their racial or economic background.

In the presidential election of 1968, 73 million Americans or approximately 60% of the total population of voting age actually voted for a candidate of their choice; 47 million or approximately 40% *did not* cast a ballot. Compared with other democratic countries, this voting rate of American citizens is embarrassingly low. For example, the rate at which voters in Italy have participated in elections in the last 10 years has regularly approached 90%. Canada records a voting rate of approximately 75% to 80%, and in the last 25 years, West German citizens have voted at rates which range between 78% and 87%.

It is the contention of this report that millions of American citizens fail to vote not because they are disinterested but because they are disenfranchised by the present election system. Ironically moreover, many of them lose their right to vote not because they are poor, black, uneducated or uninterested, but because they are part of the mainstream of American society. Moving to a better neighborhood, accepting a company transfer, going to college, getting married, serving their country and exercising other rights, freedoms and obligations to their country too often has had the effect of denying citizens their right to vote.

Undoubtedly, the present election system will continue to disenfranchise millions of Americans of every economic and social background unless improvements are made at both the administrative and legislative levels.

SEEKING TO REGISTER AND VOTE: EXPERIENCES OF THE VOTER

Under the system of voter enrollment and participation currently used in the United States, the individual citizen must take the initiative in order to qualify himself as a voter. The preceding discussion has indicated that the law does not require local election officials to take the initiative and that many are unwilling to employ their numerous powers or fully utilize the efforts of citizen volunteers to reach potential voters.

In this context, the experiences of the individual citizen as he seeks to register and vote are extremely important. If the cost in terms of time, energy, inconvenience or personal pride is too high, the individual may choose not to vote. Considering the all too frequent occurrence of complex forms, unhelpful and poorly trained staff, machine breakdowns, and inconveniently located registration and polling places, it is surprising that so many citizens do vote. That the system functions at all is a tribute to the sheer determination of citizens to overcome these inconveniences and obstacles.

Registration is the first step in the voting process and the most crucial. When people register, they usually vote. In the presidential election of 1968, 89% of those persons who were registered actually voted. Observations of registration places and examination of formally stated registration practices provide some dramatic examples of the problems citizens encounter in trying to register.

The first problem that the citizen is likely to encounter will be finding the registration office. He may well have to travel a considerable distance from his home to a central registration office (except perhaps during the last month of registration for a particular election when he is more likely to find facilities in his neighborhood). In 40% of the communities studied, however, no additional registration places were opened even during these rush months. Since 54% of the registration places were not accessible by convenient public transportation, 24% lacked convenient parking, and 52% were not clearly identified as a registration or elections office, the prospective registrant may well be frustrated before he arrives.

TABLE E.—DISTRIBUTION OF REGISTRATION STAFF BEHAVIOR ACCORDING TO SOCIAL CHARACTERISTICS OF REGISTRANTS

Variables	Total samples observed		Registration staff behavior			Registration staff behavior		
	N equals—	Percent	Helpful	Not helpful	Percent	Courteous	Discourteous	Percent
Social class [1]	209	100	48	52	100	62	38	100
Middle	125	60	54	46	100	68	32	100
Working	53	25	42	58	100	58	42	100
Composite	31	15	33	67	100	44	56	100
Race [1]	213	100	49	51	100	63	37	100
White	147	69	52	48	100	67	33	100
Primarily white	46	22	52	48	100	61	39	100
Composite	13	6	17	83	100	50	50	100
Primarily nonwhite	7	3	[2] (1)	(6)	100	12	88	100

[1] These classifications are based upon the judgment of registration observers.

[2] Refers to actual number rather than percentages.

Once he has located the registration office, the prospective registrant may find that it is not open for registration. In 29% of the communities, registration closes more than 30 days prior to an election. Even if he arrives before the registration deadline, the office may be closed since 77% of the communities studied had *no* Saturday registration and 75% of the communities had *no* evening registration during non-election months. While 62% of the communities did have additional registration hours during election months, 30% of these still had no additional Saturday hours and 17% had no additional evening hours.

The persistent citizen who anticipates and copes with the numerous obstacles already mentioned will next find himself confronted with a registration form. If the form is confusing or questions arise concerning his eligibility, he may not find the staff very helpful. Fifty-two percent (52%) of the observers at registration places classified staff as not helpful. Furthermore, in 30% of the places where bilingual staff was needed, it was not found.

There is no way to measure the number of citizens who are discouraged from registering even before they get to the registration office, but observations of 5,750 people attempting to register at approximately 300 registration places showed that 3 out of every 100 qualified people who made the effort and found the registration place still left without being registered.

Casting a ballot at a polling place is the ultimate event in the electoral process for the citizen. Although he has been successfully registered, the potential voter may be frustrated in his attempts to vote. Polling places, though usually located in his precinct, may be poorly marked (as were 38% of the polling place observed) and public transportation and convenient parking may be lacking. Fifty-eight percent (58%) of the places observed lacked convenient public transportation and 11% lacked convenient parking. Since polling places are not opened in the evenings in many states, the potential voter may need to take time from work or rush to the polling place before or after work. If he goes early he may not be able to vote because many polls open later than the hour prescribed by law as happened in 7% of the 484 polls observed. If he goes to the polls following work, he may find that he is refused the right to vote even though he is standing in line at closing time. Such refusals occurred at 19 of the polls observed.

The prospective voter who gets into the polling place will probably confront a poorly trained staff usually selected on the basis of their partisanship. If there are voting machines at his polling place, he may well be delayed in casting a ballot by a machine breakdown since this occurred in one out of every ten places having voting machines. His right to vote may be challenged as were the rights of 419 persons at the observed polls. In the event that he successfully casts a ballot, it must be attributed at least partially to his perseverence.

BUSINESS DEALINGS WITH SOVIETS IS HAIR-PULLING EXPERIENCE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 11, 1973

Mr. DERWINSKI. Mr. Speaker, lest too many well intended, but innocent, U.S. businessmen have ideas of lucrative trade with the Soviet Union, I direct special attention to an article in the Daily Journal, Wheaton, Ill., of March 22, by the distinguished international correspondent of the Copley Press, Dumitru Danielopol, which relates the experiences of the Italians in dealings with the Soviet Union.

The article follows:

WORK WITH SOVIETS IS HAIR-PULLING EPISODE

(By Dumitru Danielopol)

WASHINGTON.—Can the west salvage a bankrupt Soviet economy?

The USSR is shopping for food, modern technology, manufactured goods and money to pay for it. The enthusiasm of American businessmen is almost shocking. It may cool off when they hear what happened to the joint Soviet-Italian venture at the Bolga Togliatti plant built by Fiat.

The $800 million project built by the Italians was supposed to produce 600,000 vehicles a year. Three assembly lines were to produce 2,400 models a day of the Fiat 124. Cheap labor was supposed to result in a car able to compete on world markets.

It didn't work out that way.

The Russians were in a hurry to get the "people's car" on the road and insisted that the entire project be ready within three years from the breaking of ground in January 1967.

The Italians quickly ran into trouble. Because of Russia's bumpy, rutted roads the chassis had to be redesigned to ride 1½ inches higher. In order to survive the Soviet winter, the engine had to be altered to start at 13 degrees below zero.

Then came an endless series of interruptions in the supply of raw materials and parts from the 250 Russian subcontractors.

One month 8 per cent of the total engine output had to be returned because of defective gaskets. The factory had to return over a million unusable gaskets. One Italian estimated that fully half of the parts furnished by the Soviet suppliers had to be refused.

Tires from a factory at Jaroslav wore out after ten miles of testing.

Soviet workers also were nothing to write home about, the Italians say. Commuting by bus from 7 miles away—a trip which took 1½ hours—they never arrived at their work before 10 a.m. In order to be sure to catch their bus home, some left the benches half an hour early.

Maintenance of machinery also was a sore spot with the Italians. One machine that was leaking 40 pounds of oil per day was just left leaking for more than two weeks.

The Togliatti works are now scheduled to reach full capacity in 1975, rather than 1972. The 1971 production was 172,000 cars, instead of the planned 600,000 and 1972 figures are still being juggled.

The cars are reported to be far below standard. Quality is not likely to improve now that the 10,000 Italians who worked on the plant have gone home.

Fiat chairman Giovanni Agnelli has conceded that his company barely broke even on the contract. He said Fiat encountered some $100 million in unexpected expenses during construction.

Fiat's experience will undoubtedly benefit both the Russians and other would-be Western manufacturers. But one point stands out:

It is totally unrealistic to expect a sudden improvement in the Soviet economic system. The sins of 50 years of communism and centuries of illiteracy are not easily washed away. It will take decades before western efficiency is part of Russian life—and it won't come that soon if the commissars continue in power.

JUVENILE JUSTICE: FAILURES IN THE SYSTEM OF DETENTION

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 11, 1973

Mr. RAILSBACK. Mr. Speaker, I include the following, which is the third in a series of excellent publications by the New York Times. I am certain it will be of interest to my colleagues.

JUVENILE JUSTICES FAILURES IN THE SYSTEM OF DETENTION

(By Lesley Oelsner)

In the basement of the jail, in a large if airless gym, 20 boys are lined up for a relay race.

"Run like a cop was chasing you," Frank Sawchuk, director of night services, whispers to one of the youths. The youth, already crouched for the start, turns in surprise.

"Come on," Mr. Sawchuck goes on, grinning now. "Run like a cop is chasing you."

The boy winces. The whistle blows. The boy lopes off, shaking his head.

Upstairs, on the seventh floor, 13 girls are being processed for the night. Several are already dressed for bed in green cotton pajamas; three of these, including one whose pajama top is party open show her pregnant belly, sit in a corner of the dimly lit dayroom, playing jacks.

A fourth girl, 12 years old and plump, and affectionate as a puppy, perches on the corner of the counselor's desk. "Get off my desk," barks the counselor, Mrs. Lottie Cromartie.

A fifth girl lies on her bed, weeping.

A few floors down, in B–1, the dayroom is already darkened; the miniature chairs are pushed neatly into the equally miniature nursery school tables. In an adjacent row of 6-by-9-foot rooms sleep the institution's 14 tiniest inmates, four of them accused of murder.

SYMBOL OF THE NETWORK

This is Spofford, New York City's main maximum security detention center for children, and symbol of the condition of the city's network of supposedly temporary institutions for children.

A five-week study of the juvenile justice system here by The New York Times found that this network—of two jails and several so-called nonsecure shelters—is characterized by high recidivism, homosexuality, inadequate treatment, poorly trained staff and numerous other signs of failure.

The conditions in some of the institutions are so poor that even the city officials in charge—Barbara Blum, the Human Resources Administration's Assistant Administrator/Commissioner of Special Services for Children, and her subordinate, Wayne Mucci, director of the department's institutions—say that the institutions can harm the children who enter them.

"The system is really a very damaging one for most kids who get involved in it," Mr. Mucci concedes. Mrs. Blum, who was put in charge of the institutions (and other services for children) a year and a half ago, says: "We don't have a system that adapts to people in trouble."

Spofford, large and relatively modern, is basically the boys' jail; girls spend only a night or two of "orientation" there before going to a smaller, decrepit institution called Manida, next door to Spofford in the Bronx. Spofford looks the way jails and prisons generally do, solid and austere and replete with thick locked doors, except that there are no uniformed guards, and no obvious bars.

On a recent day, 130 boys and 19 girls were at Spofford and 35 more girls at Manida in the ravaged Hunts Point section of the Bronx. In the course of a year, hundreds more come through, some of them charged with juvenile delinquency (actions which, if committed by adults, would be classified as crimes) and some simply accused of being PINS—"persons in need of supervision" (truants, runaways and children whose parents say they can't control them).

These youngsters—under the age of 16—are held there pending trial in the Family Court of placement in a more appropriate program or home.

THE OTHER SHELTERS

The city's nonsecure shelters, on the other hand, are scattered through the city: Callagy Hall for girls on 12th Street on Manhattan's Lower East Side; Callagy Hall Annex in Far Rockaway, Queens; Jennings Hall for boys in Brooklyn; Children's Center in the Bronx.

The children in the shelters are either PINS cases or youngsters who were taken from their families because of neglect or abuse. Here, as in Spofford and Manida, they are supposed to be held temporarily, pending more appropriate long-term placement elsewhere.

There have been some improvements in the system lately, partly because of Mrs. Blum's administration—the creation of some nonsecure homes in which children charged with juvenile delinquency can be held pending trial, for instance; a marked decrease in the number of children in jails, and a better staff-inmate ratio. Also, a third jail, Zerega, has been closed.

The disciplinary excesses of the past—such as locking an unruly child into a room by himself—have also been curtailed. (Staff members now complain, though, that they have no effective way of disciplining children; they can send a child to Family Court, but, they say, the court will simply send the child back.)

A lawsuit now pending before Federal District Judge Morris E. Lasker is expected to force more change. In the suit, the Legal Aid Society charged that detention of PINS children in jail was unconstitutional.

Judge Lasker didn't go as far as the society wished, but he did rule, last October, that conditions at Manida violated the Eighth Amendment's ban on cruel and unusual punishment, and that the programs at both jails were insufficient for long-term inmates. He is currently working on the final disposition of the case, and is expected to order that Manida be closed eventually.

NEEDLESS DETENTIONS

Yet compared with the problems that remain, the recent changes seem minimal.

Many children are still being detained needlessly. The police bring children to Spofford when Family Court is closed and when they do not think it appropriate to send the child home; as the court has no night or weekend sessions, children are often brought to Spofford late Friday afternoon, and kept through the weekend, only to have their cases thrown out in Family Court on Monday.

Sometimes children are jailed even after the charges against them are dismissed. Jessica, a 13-year-old girl, was delivered by Brooklyn Family Court to Spofford a few nights ago; the following morning in Spofford's girl's dormitory, a counselor reading over the court reports found that the case against Jessica—a PINS charge—had been thrown out the day before.

"Jessica, come here," the counselor demanded. The girl hurried over, her face strained and nervous-looking.

"Jessica, why are you here?" the counselor asked.

"My mother wouldn't take me home," came the answer. The court, it seemed, not knowing what else to do with Jessica, sent her back to jail.

When the court retains jurisdiction, on the other hand, it often takes the child out of detention and sends him or her home, pending disposition of the case—sometimes because the statutory time limit on detention has passed, sometimes because the judge has heard such bad things about the jails.

"If they can go home," Mr. Mucci asks of these children, "why were they put in at all?"

At the same time, though, the jails' lists of inmates are filled with repeaters. One recent night at Spofford, the police brought in a little boy they had just picked up on a delinquency charge; he was wearing blue jeans and an orange T-shirt emblazoned with Spofford's insignia, the clothes he had been issued during his last visit.

A FAMILIAR PLACE

Another youngster, an hour or so later, was signed in by Spofford's admission officer and then directed down a hallway to the next stage of his orientation.

"I know this place by heart," the boy said, his small voice tough and scornful.

"They go out, they come back in, they go out, they come back in," shrugs Dewey Brown, an administrator at Spofford.

The jails also have problems of violence, of children fighting one another or their counselors and throughout the institutions are "panic buttons" to be pressed when more staff members are needed. A growing contributor to the violence—or "tension," as the staff calls it—is the rebirth of gangs in the city.

"You belong to a clique?" Jerry McCarty, an admissions officer, ask two boys who have just been brought to Spofford on charges of possessing knives and a gun.

"Yeh," nods one of the boys, a small but tough-talking 15-year-old sporting a gold earring and a black leather jacket.

"What's its name?" Mr. McCarty asks.

"Dynamite Brothers."

"For your own well being," says Mr. McCarty, "keep your identity to yourself."

"Why?" the youth shoots back. "There Black Spades here? I'll knock them in!"

A CHANGE TO MINORITY

The race issue also creates tension. Most of the children in the jails are either black or Puerto Rican; so are many of the staff members. When white children are brought in, says Marion Miller, a night supervisor at Spofford, they are often "very apprehensive."

"For the first time in their lives, they're in the minority," he says. "They have to be assured that if they're attacked by blacks, they will be protected."

Then too, for many of the children the stays in shelters or jails are far more than temporary—23 days is now the average stay at Spofford, and some children have been there much longer.

One such child is Willy, aged 13, who has been waiting trial in a murder case for four months. Willy is lodged in B–1, the section for very young or undersized boys; he spends his time going to classes, playing games or riding one of B–1's two tiny bicycles through the dormitory. (He can't ride it outside in Spofford's prison-like yards, because, like the other boys, he has no warm clothes.) Notorious of the shelters in that it has been plagued by lesbianism, stealing and girls' sneaking off to work as prostitutes—no one is supposed to stay more than 90 days. But about half the girls now there have already been at Callagy longer than that; some have been there longer than 18 months.

The overlong stays are in themselves illegal, as many judges readily admit. But beyond that, the institutions simply aren't designed or equipped to provide long-term care. Educational programs are inadequate; as Mrs. Blum puts it: "These are street-wise kids, and here they are with primers." Psychiatric services are also inadequate.

"We have psychiatric staff to do evaluations, but not to do treatment," Joseph Morre, Callagy's director of social services, complains. Of the girls who stay long periods, he says, "We don't have facilities for them."

Nor are there treatment programs for the problem of homosexuality, according to Mrs. Blum. So what staff members do is simply try to watch the children as much as possible—locking the dayrooms in Manida while the bedrooms are in use, for example, so that the counselors can watch the girls more easily. At Spofford, bathrooms have large glass windows looking out to the dayrooms through which counselors can look.

The long stays are sometimes due to delays in court action. More often, it is the failure of the Family Court and of Mrs. Blum's department to find any place else for the child—a failure often attributed to selective admission practices of the private (though partly government-financed) child-care agencies, which tend to reject the most difficult children.

Yet as Mrs. Blum concedes, the blame for the situation lies with both public and private sectors—the city administration, for instance, having failed in the past to provide adequate guidelines for or cooperation with the private agencies.

THE DAILY ROUTINE

Whatever the cause of these failures, there is the grim reality of daily life in the institutions.

Wake-up time is 6 A.M.; for some groups, breakfast isn't until 8 A.M. At Spofford, boys on the way to gym or supper or school are ordered to "line up, single file." At Callagy, girls keep toy animals and dolls on their beds; in their bureau drawers, they hide photographs of their babies.

At Manida, the girls go once each week to the basement chamber officially designated the recreation room. They don't call it that, however. It is a large dingy room furnished with washing machines, hair dryers and irons; its nickname is "Spic and Span."

Manida, built in 1904 as a monastery, was recently repainted. But as Judge Lasker noted last fall, Federal authorities determined 10 years ago that it was "unsuitable for the detention care of children, [and] that no remodeling or repair could make it suitable."

There are some classrooms on Manida's first floor. In the home economics class one recent day, four children were listening to the teacher with varying degrees of attentiveness; a fifth child slept with her head on the table. Next door in sewing class, another girl lay sleeping.

MESH ON THE WINDOWS

Upstairs, empty and locked, were the four dormitories—each with a sparsely furnished clubroom, an antiquated bathroom, and a large square room with 10 or 11 beds, some filing cabinets and, in the corner, a desk and chairs for the counselors.

At Manida as at Spofford, windows are covered with what Mrs. Olye Lloyd of Manida's staff terms "psychiatric mesh"—tough and tightly woven screens, locked to the window frames. At Manida as at Spofford, a thick, high wall encloses the institution.

Scheduling is strict in the jails—when the counselors announce bedtime at 9:50 or 10 P.M., bedtime it is. So too with getting up.

At 6:10 A.M. in the girls' section of Spofford, Janie Grey, a counselor, takes a brisk walk down the hallway, opening each bedroom door with the message "Good morning, time to get up," or "Time to get up, wake up," At 6:15 a few girls are still abed; Miss Grey takes another walk.

"Come on, get up," she is saying, tougher now, to each of the lagging youngsters.

At 6:15 a nurse comes in to take urine samples.

At 6:45 another counselor, Mrs. Helena Lyons, calls out: "O.K., girls, get the brooms and sweep."

Shortly after 7, most of the girls are dressed. The counselors on the 7 A.M.-to-3 P.M. shift have arrived. The chores are finished. But breakfast isn't until 8; there are no books about, no magazines even. So the girls sit in the plastic chairs in the dayroom, watching television.

At least they have had their eight hours in bed. At Callagy, things are different.

At 11:50 at night on the third floor, where the "new girls" stay, someone has just put "Step into My World" on the phonograph in the dayroom. Two girls sit at a table playing Monopoly. A 13-year-old named Susan, with a baby's pacifier hung on a cord around her neck, sits in a corner by herself.

At 12:12 A.M. a uniformed guard walks in asking, "How's everything?" of no one in particular. No one answers.

A girl in a pink terry cloth robe begins dancing by herself. Another girl, also in pink terry cloth, joins her. Then another.

LIGHTS OUT AT 2:20

At 12:30 A.M., a counselor calls out "Everyone inside," waving her hand toward the three rooms, each with several beds, where the eight girls assigned to the floor are to sleep.

Two more girls begin dancing.

There is more commotion. Is it because a visitor is present? No, a counselor says, usually it is "worse."

By 2:20, the lights are finally off—until 6:10 A.M., that is, when the girls are awakened. Then, a little girl stumbles out of a bedroom; she is wearing the pacifier that Susan wore a few hours before, given as a tentative offer of friendship by one lonely girl to another.

On her way to the bathroom, she goes by, but does not look at, a brightly lettered poster that reads thus: "A child is innocence meeting the world with a trusting, outstretched hand. . . . A child is Love uplifting the world to a happier higher place."

OUR SIDETRACKED RAILROADS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 11, 1973

Mr. HAMILTON. Mr. Speaker, I include my April 11, 1973, Washington report entitled "Our Sidetracked Railroads."

The report follows:

OUR SIDETRACKED RAILROADS

(By Congressman LEE HAMILTON)

The major railroads in the northeastern United States are running out of steam.

Six of the eleven major railroads with more than 50 percent of the region's trackage in that section of the country are in bankruptcy. A federal judge has threatened one of the lines, Penn Central, with liquidation, and his warning gives new urgency to the Congress and the Administration to find a solution for the ailing railroads.

The difficulties of the railroads should not be exaggerated. Private rail systems are neither dead nor dying, and many rail systems are doing well. Nonetheless, the nation does face at least a short-term crisis in the Northeast.

Some of the problems facing our rail system, especially in the Northeast, but also across the country, are:

1. Bad Management: After WW II, management failed to meet the challenge of superhighways and jets for passengers, or to utilize equipment (boxcars are used more for warehouses than freight movers), or to maintain their tracks and equipment. The average freight car covers only 20,000 miles in revenue service per year, one-third that of a truck.

2. Labor Problems: Unions have fought to maintain job security in the face of the switch to diesel power. The issues of "featherbedding," extra brakemen or firemen, and work rules have plagued the industry for years.

3. Competition: In 1930, railroads carried 75 percent of all intercity freight. Today they carry only 40 percent with buses, trucks, and pipelines muscling in on the business. On short hauls (as in the Northeast), trucking has been especially harmful to the railroad's business.

4. Over-regulation: Government regulations have choked off innovation, and, by one estimate, have cost $5 billion each year.

Although everyone agrees that the nation requires an efficient rail network since railroads move at low cost major portions of raw materials to supply industry and manufactured goods to consumers and are an essential component of the national defense system, there is no agreement as to what should be done. Most everyone wants to avoid outright nationalization of the railroads, but they acknowledge the necessity for decisive action.

The Administration wants to turn the problem over to the "private sector" by establishing a semi-public Federal National Rail Association ("Fannie Rae"), which would oversee reorganization of the rail system in the Northeast, and is empowered to slim down service into a "core" system until a profit begins to show.

This plan counts on government to make changes in the regulations framework of the railroad industry, but rejects any form of direct financial assistance. Profitable lines will be kept, unprofitable lines abandoned, and fewer companies would operate the reduced system.

Another approach would use large amounts of federal subsidies to underwrite losses, assure continuation of services while a reorganization takes place, and upgrade lines, facilities, and equipment.

These approaches suggest the difficult decisions that must be made on what constitutes essential rail service, what kind of structural changes are needed in the industry, what federal assistance, if any, is necessary, what form it should take, what kind of supervision of the railroads is appropriate, and how to best handle the several interests of employees, creditors, and shippers.

I do not support, and I do not believe the Congress will accept, the prospect of endless millions of dollars to bail out the rail system, although some assistance may be necessary. I want to be assured that assistance is being effectively used toward a long-range solution and along these lines:

Maintain essential services but allow abandonment of little-used lines;

Utilize fully rolling stock;

Accelerate research, modernize equipment and apply the techniques of modern management and technology;

Improve railroad safety;

De-regulate the system, including rate-making procedures;

Assure fair treatment of railroad employees.

METHODS OF HANDLING TERRORISM

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 11, 1973

Mr. HOSMER. Mr. Speaker, we face a growing threat to both our internal and international security in the rapid rise of terrorist violence. The perpetrator of terrorism exploits the vulnerability of the modern state and its constituents: He does not attack those who are equipped and ready to defend themselves, but rather uses hapless victims as political hostages to his irresponsible demands.

While we cannot make ourselves completely invulnerable terrorist violence, there are a number of precautionary steps which we can take unilaterally to counteract the terrorist threat.

Dr. Stefan Possony, in a followup article, "Terrorism: A Global Concern," appearing in the February 1973 issue of Defense: Foreign Affairs Digest analyzes methods of handling terrorism. As you will recall, Dr. Possony's first article on terrorism in the January issue of Defense dealt with the structure of modern terrorism and its effects on societies and governments.

I commend to my colleagues Dr. Possony's suggestions to deal with terrorism which read as follows:

TERRORISM: A GLOBAL CONCERN

(By Stefan T. Possony, Ph. D.)

As an increasing number of citizens feel menaced by terrorism, they will sooner or later adopt measures of self-defense. This could have most undesirable consequences. But self-defense is a proper strategy. Not so long ago, Americans and Europeans were going around fully armed, houses were fenced in, and cities had walls and municipal defense forces. The alternative has always been: either the government is willing to potect its citizens, or the citizens protect themselves.

If the government fails in its primary function, which is that of providing safety, the government is in eclipse; and it will be replaced by a new structure which will recreate the security the citizens want and need.

True, democracy is incompatible with vigilantism and police despotism. But it is equally incompatible with terrorism. Accordingly, unless one assumes democracy is capable only of solving easy problems, the task is to find safety methods which fit the rules of constitutional government.

A switch in policy would necessitate modifications in foreign policy, military strategy and legal practices. These subjects will be ignored here, as will the multiple interdependence of drug addiction and psychological warfare with terrorism. Instead, I wish to zero in on security problems posed by *private terrorism* and suggest a few remedies that would be feasible without turning the country upside down.

1. It is out of the question to protect everything and everybody. Yet, increased caution is feasible and won't violate any human rights. For example, it is easy to produce better locks and lock more doors. If the New Orleans terrorist was able to get to the top of the Howard Johnson Motel, the question might be asked, why the roof doors were not locked?

2. Significant targets *can* be provided reasonable protection. We decided that the safety of automobile traffic depends on cops, and there is now one traffic cop for every 100–200 cars (in the United States). At long last the thought is being accepted that if an airport can afford dozens of cops to prevent parking at the entrances, the cost of police protection against hijacking is a legitimate expenditure, too.

Banks always recognize the need for safes and armored cars, yet American banks have yet to learn from European firms that bulletproof glass can protect tellers and that the number of windows from which cash is paid out, can be reduced without delaying business. Banks introduced TV, photographic safety devices, and alert systems. They could strengthen the arrangement by installing metal detectors of the type which ferrets out the weapons hijackers try to smuggle onto planes.

New York has shown that taxi drivers can be mechanically protected against holdups and many American towns found it advisable to change ticketing procedures to prevent hold-ups of bus drivers. Automobile safety could be enhanced by putting on license plates which can be read at high speed and during darkness. Far more automobiles could be equipped with telephones. Drivers with car phones could act as police volunteers and report to traffic control centers.

The number of emergency telephones and alarm boxes along roads and highways could be increased from virtually nil to many millions, and the equipment could be protected against vandalism.

3. House safety can be vastly improved through better doors, windows, locks, and alert systems—yet even the elementary idea of an easily memorized emergency number that can be dialed in darkness (or on a properly lighted telephone) has yet to be adopted by most telephone companies and police departments in the United States. (How dense can bureaucrats be? Department stores and hospitals usually have memorizable telephone numbers.) In Europe, walls with glass on top—and sometimes with self activating firearms—have been quite effective in guarding residences against penetrations, but the solution is hardly applicable in the US. Still, electronic walls are feasible and can be operated in such a way that only an undesired penetrator would trigger alert signals.

4. The protection of pedestrians, especially of the elderly, seems to be infeasible through armed self-defense. But SOS signals could be developed, street lighting improved, volunteer patrols organized, and police patrolling intensified. For decades, residential and industrial areas in Germany have been successfully patrolled by a large private firm.

Safety in the streets could be strengthened if there were less firearms in the wrong hands. It may be impossible to recall rifles and pistols, but sensible controls over new sales are needed in the U.S. Furthermore, there could be tight controls over the fabrication and sale of ammunition; the ammunition could be marked for identification, and its lethality be reduced. Fairly foolproof controls over stored explosives are feasible and should be instituted.

5. Given an alert, how could a speedy reaction be achieved? For example, an attack would activate sensors and SOS signals around the critical location; neighbours, passers-by, and nearby automobilists would receive signals and transmit those to an operational center; and police in patrol cars and helicopters would converge to the point of the suspected crime. The alert could also mobilize volunteer policemen.

Self-defense should not be conceived just as the defense by the assaulted victim. Instead, self-defense should involve the victim who conveys distress, *ad hoc* friends who promptly inform police, and trained and armed volunteer crime fighters who in their immediate neighbourhood work under police orders.

6. The enhancement of police effectiveness and efficiency is the most urgent task. During the Howard Johnson Hotel incident in New Orleans in January this year, the police probably wounded three of their own men, it took six hours to get a helicopter into action, and a wounded victim spent three hours in the swimming pool before he was rescued. A 50-block area was sealed off, yet if there were three gunmen—the police don't know the exact figure—two managed to escape. How much training in anti-terrorist tactics was offered in the New Orleans police department?

The number of terroristic crimes and other crimes remains far too high, the percentage of crime solutions is far too low, and the number of convictions has sunk to the level of national scandal in the US. It is true that the courts have unduly restricted police freedom in collecting evidence, but the police often fails to prepare its cases properly. Police command positions seem to be poorly staffed, and prosecuting attorneys appear to be less skillful and motivated than defense attorneys.

The basic fact is that US police forces are poorly organized. There are, for example, too many "independent" police departments but too few policemen. Most police work is geared to local problems, hence local departments are needed. But these departments have common needs for efficient co-ordination mechanisms and for recruitment, intelligence work, technology, equipment, etc. Moreover, the departments need flows of information from parole officers, psychiatrists, immigration, passport offices, telephone companies, the postal service, and the like. American police forces, as set up today, lack the capability to fight terrorism effectively.

However, this deficiency is not primarily the fault of the police departments. Pressures for constructive approaches must yet be generated by the police departments, but the citizens who feel their taxes, though heavy, do not buy enough safety, must also bestir themselves. The recent growth of private police firms suggests that free enterprise has a major role to play, but demand is largely for spot and special security.

Police modernization must be instituted by political executives on the federal and state levels, in particular the US Department of Justice; and such modernization needs careful intellectual preparations.

Unfortunately, leadership has failed to appear.

REMARKS OF ROBERT W. MESERVE, PRESIDENT OF AMERICAN BAR ASSOCIATION

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 11, 1973

Mrs. HECKLER of Massachusetts. Mr. Speaker, this afternoon, the Capitol Hill Chapter of the Federal Bar Association was fortunate enough to have as its speaker the president of the American Bar Association, Mr. Robert W. Meserve.

Mr. Meserve, a Boston attorney, has had an outstanding tenure as president of the ABA. He has promoted a commitment to social action within the association and has also continued to work to insure that the ABA is dedicated to those principles upon which it was originally founded.

Mr. Meserve gave a most informative review of the history of the ABA, especially as the founding precepts of the organization relate to its work today. I commend his remarks to the attention of my colleagues, whether or not they happen to enjoy the privilege of being members of the legal profession:

REMARKS OF ROBERT W. MESERVE, PRESIDENT, AMERICAN BAR ASSOCIATION

Ladies and gentlemen, it is a great pleasure to have the opportunity of sharing this luncheon with you. I bring you the greetings and best wishes of the more than 160,000 members of the American Bar Association, many of whom, of course, are you. I am especially honored by the gracious introduction given me by Senator Kennedy. Although I am an enthusisastic constituent, I think his preference here is far more as a tribute to you than to avail himself of the wisdom which I shall impart.

A few weeks ago I spoke to the District of Columbia Bar. I remarked that, in the contemporary idiom, Washington is "where the action is." I should, perhaps, have saved that observation for this occasion. In a city whose whole existence is bent to the demanding task of making and administering policy for the greatest democracy on the face of the earth, there is no place closer to the reality of that process than our immediate surroundings. You as lawyers, who are so intimately involved with the machinery which transforms the aspirations of the people into the law of the land, best typify the role played by our profession in the public life of this country.

You are not without experience with ABA presidents. My predecessors have appeared before you as I am now, and many of you have seen us before legislative and administrative bodies, seeking support for the programs of the Association. I think it is appropriate, therefore, to speak not so much about the substance of the immediate concerns which have brought me to Washington on the average of once a week during my term of office, but rather about the nature of the Association itself and why this representation seems to me to be a logical consequence of that nature.

Law, as is well known, is an ancient phenomenon. It is one of the great themes of society and can be traced backward far beyond the point where the custodianship of what we know of civilizations which have preceded ours, passes from the historian to the anthropologist. Our specific legal tradition is easily linked with almost a thousand years of the development of the English

Common law, a development which produced not only much of the substance of our law, but many of the elements which make up the concept "lawyer" as we know it.

The American Bar Association, by contrast, is relatively young, less than 100 years. No institution can survive without changing. War and depression have made enormous and very basic changes in society as a whole in the past one hundred years, and the legal profession and the American Bar Association have changed as well.

The genesis of the Association was with a meeting of one hundred lawyers from twenty-one states which took place in an upstairs courtroom at Saratoga, New York, on August 21, 1878.

The meeting was held in response to a circular letter issued by a committee of the Connecticut Bar Association. A constitution was adopted by the first Saratoga meeting and the purpose of the Association as given was "to advance the science of jurisprudence, promote the administration of justice and uniformity of legislation throughout the union, uphold the honor of the profession of law, and encourage cordial intercourse among members of the American Bar." It may be noted that although subsequent Constitutions have added language to elaborate on these purposes, none of the original language has been deleted.

The decade of the 1870's was an exciting and adventuresome one for many in this country, and for lawyers not least of all. As historians have pointed out, the frontier and westward expansion were major factors throughout the history of 19th century America. After the Civil War, however, a new expansion, a new movement rose to dominate historical processes. The relatively stable pattern of agriculture and small town life came to be uprooted by large scale industrial and commercial growth.

Lawyers were called upon to assist this development. In some respects, the practice of law in the creative sense has been akin to what we now refer to with the rather grandiose term "social engineering." The demand for political and economic independence and a society reflecting a liberal or enlightened philosophical outlook, brought forth a generation of lawyers, including Jefferson, Hamilton and the Adamses.

The Revolution had a profound effect on lawyers themselves and the practice of law While the substance of English law could be easily transported, as indeed Blackstone's Commentaries were, lawyers in the newly independent states were cut off from the institutions which gave organization and definition to the profession and which provided the means of selection and education of new members. The very clear differences between the profession in the United States and in Great Britain today are the result.

Similarly, a hundred years later, lawyers in providing the concepts and the forms for so extensive an economic change as began in the 1870's inevitably were subjected to change themselves. The lawyer practicing along in a small town, whose principal professional concern was with conveying real property, has never completely faded from the scene, but from the point of view of a lawyer in 1878, that kind of life and practice lay behind; in front were giant corporate law firms and a professional life dominated by such initials as I.C.C., I.R.C., N.L.R.B., S.E.C., and eventually E.P.A.

At this time, lawyers, especially in urban centers, began to rediscover a sense of professional pride. A long period of very lax or, in some cases, virtually non-existent standards of admission had produced a bar which was far from uniform in either learning or professional conduct. In many cases, the formation of bar associations during this period was in response to the need of lawyers who wished to be known by their academic accomplishments and their, admittedly self-certified, standard of conduct from the rest of their fellows. In the largest cities, there was also a spirit of civic reform which often figured in the creation of new bar groups.

Early bar associations, including the American Bar Association, had an elitist character. In contrast to today, when membership in the Association is open to all who have been admitted in any jurisdiction, new members are actively solicited, and the 160,000 members constitute roughly half of the profession; membership in the early days was highly selective and restrictive. Twenty-five years after its founding, the Association's members equalled barely 3 percent of the profession; by the outbreak of World War II, the percentage had grown tc only 17.

Today, we would have no difficulty in characterizing the founders of the Associations as conservatives, very much linked with big business. The fact that they may have sincerely regarded themselves as progressives or even liberals embarking on an exciting and revolutionary era of economic expansion, can only be regarded as ironic, although perhaps it may teach us humility. Once again what society demands has changed. We seriously question the desirability of unbounded industrial expansion; we may even be in transition, in the words of the economist Kenneth Boulding, from the cowboy economy to the spaceship economy. Growth, development, increase, all of which a few years ago could have found few detractors, now must share their status and priority with conservation, reuse, and recycling. We have come to recognize that the concentration of economic and material power on the scale which a hundred years ago sent railroads to every corners of the country and today sends rockets to the moon, is not without social consequences which may be highly undesirable. We have come to appreciate that the distribution of the nation's wealth may be as important as its size. The forward looking law students of my generation studied labor law. Today they study, and in some cases make, consumer law and environmental law.

Lawyers in providing both the technical skills and the leadership in bringing about these changes are inevitably changing themselves and what it is to practice law. The public interest law firm is an obvious example of this change, but it can be detected throughout the profession.

What, then, is the American Bar Association today? Like any bar association, it is, in part, a trade association. We are all in one way or another, engaged in earning a living. It is natural that we should share common concerns in that respect. Part of the American Bar Association's total program is directed toward concerns.

As members of the legal profession, however, we have chosen to earn our living in a unique way. In making this choice, we have committed ourselves to unique obligations. Law is a public profession. Those who practice it have unavoidable public responsibilities. The individual lawyer is first obligated to the honest, competent and full representation of his client's cause. This is true whether the lawyer represents a derelict individual wasted by drink or drugs or the full majesty of the United States Government. Beyond that, however, we see now that lawyers, particularly taken collectively, have a responsibility for participating in the public life of our society. Lawyers, collectively, are possessed of talents and knowledge which others may not have. As I have already said, lawyers are often not only the designers, but the builders of social and political reform. The combination of capacity and position establish the collective responsibility which lawyers have, not only with respect to their client's problems, but with respect to those of their town; their State and their country.

I believe without reservation, that the primary goal of the American Bar Association today is to be a vehicle for the discharge of this collective responsibility. In this regard, the Association is fortunate in that among its members are not only very influential men and women, but experts in every conceivable area of the law and legally related problems. We call upon these individuals, and with great regularity they freely (in all senses of that word) assist us in studies and the formation of policy.

The American Bar Association, nor any other bar association, is the final arbiter of what is good for the public in general. That responsibility must rest with our elected governmental officials. But when the Association has, through official action of its governing bodies, adopted a policy position on the grounds that position is supportive of the public interest, the Association brings those positions and the arguments supporting them, to the arena in which public policy is formed. In many instances, of course, that means to Washington, to you. Sometimes we are successful and sometimes we are not. In many struggles, a definitive resolution has not been, and maybe never will be, reached.

Had I not already promised you I wouldn't and if my time were not almost up, I would be tempted to tell you of our struggles to promote a truly independent legal services program for the poor or to secure funding for the CLEO program for the recruitment and financial and academic support of minority group law students. I am proud of these efforts and spend a good part of each day involved in them.

Rather than trespass on your hospitality, let me close by extending an invitation to you. There is often the unfortunate and inaccurate assumption that the American Bar Association is an organization of and for the lawyer in private practice. One often hears this among law professors and judges. You may feel the same way. The American Bar Association is and ought to be the national professional association for all lawyers. At the beginning of my term, I made appointments to the ABA's Special Committee on Lawyers in Government, which I believe will ultimately bring new vitality to that area of the Association's program. What is more important is the contribution which you can make by becoming actively involved in the Association's activities. Your knowledge and experience can immeasurably advance not only a special interest, even our own special interest, but the public interest.

This August, the ABA will hold its Annual meeting here in Washington. I invite you and urge you to attend those sessions which are of special interest to you. More than anything I can say, I think that experience will demonstrate that the Association's efforts are both broad and contemporary.

LEGISLATIVE GOALS—RETIRED FEDERAL EMPLOYEES

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 11, 1973

Mr. PEPPER. Mr. Speaker, I introduced yesterday several bills to provide improved benefits for more than 1 million Federal retireees and survivors who often have their particular needs overlooked when the Congress is considering legislation to provide for our elderly population.

Despite some far-reaching legislative advances benefiting the elderly which have been enacted since the 1971 White House Conference on the Aging, too many millions of senior citizens still are victims of stresses and fears caused by inflation and their diminishing energy, strength, and health. They are by circumstance solely dependent upon the competence and dedication of the Congress, the administration, and the more fortunate senior citizens themselves for the achievement of their legislative goals that will provide a better way of life in our society.

The bills I am introducing are identical to those which have been introduced by several of my very able colleagues in the House, and they would help to carry out the priorities of the legislative program that has been established by the National Association of Retired Federal Employees.

My bill H.R. 6803 would provide for a graduated annuity increase and would establish a minimum annuity level coinciding with the minimum benefit granted under social security; H.R. 6802 would increase the contribution of the Federal Government to the costs of health benefits premiums under the Federal employees health benefits program; H.R. 6806 would permit an exemption of the first $5,000 of retirement income received by a taxpayer under a public retirement system or any other system if the taxpayer is at least 65 years of age; H.R. 6801 would eliminate the survivorship reduction during periods of nonmarriage of certain annuitants, thereby correcting one of the grossest inequities in the present Civil Service retirement law. H.R. 6804 to provide for continual application of current basic pay scales to Federal civil service annuities, was first introduced by my able colleague, Congressman Bill Chappell, Jr., of Florida. I am pleased to join Congressman Chappell in the sponsorship of this legislation which would implement a paramount legislative goal of NARFE.

Mr. Speaker, when we have in the past considered legislation to provide for the needs of senior citizens, I have often recalled an observation of human behavior made by Voltaire in his dialogs. He said:

> Men use thought only as authority for their injustice, and employ speech only to conceal their thoughts.

The recent record in the Congress with respect to the passage of my bill, the Nutrition Program for the Elderly, title VII of the Older Americans Act; the enactment of the recent social security 20-percent increases; and the most recent passage of the Older Americans Comprehensive Services Amendments of 1973, indicates we are overcrowding this frailty. I am hopeful that we may continue in our determination to act on behalf of the older American and that we may give particular and immediate attention to the legislative goals of the retired Federal employees.

JUVENILE DIABETES WEEK IN FLORIDA

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 11, 1973

Mr. LEHMAN. Mr. Speaker, Governor Askew of Florida has declared May 14 through 20 as Juvenile Diabetes Week in Florida to call attention to the excellent program of the Juvenile Diabetes Foundation of Florida in alleviating the distress of young diabetics and their families.

Diabetes is the fifth leading cause of death by disease, reducing life expectancy by approximately 30 percent, and 40,000 Americans die each year from the disease.

Diabetes is also the second leading cause of blindness, and often causes heart attacks, strokes, and kidney failures.

It is significant that new estimates indicate that one child out of every 587 has diabetes, which is a far less conservative estimate than the traditional one out of 2,500. These children confront greater chances of developing blindness, blood vessel or nervous disorders.

I would like to commend the attention of my colleagues to the Governor's Proclamation of May 14 to 20 as Juvenile Diabetes Week, and to this worthwhile and deserving battle against this debilitating disease:

> Proclamation
>
> Whereas, diabetes is the fifth leading cause of death, the leading cause of blindness and the third largest major chronic childhood disease among the citizens of the United States, and
>
> Whereas, medical science possesses the knowledge for early detection and establishment of individual regimens to enable young victims of diabetes to lead active and gainful lives, and
>
> Whereas, the dissemination of this knowledge can save many lives and make many more lives productive and satisfying, and
>
> Whereas, the young diabetic and his family need enlightened encouragement and counseling to adjust to the mechanics of maintaining a daily regimen of exercise, diet and treatment, and
>
> Whereas, the Juvenile Diabetes Foundation was formed in Florida in 1971 to educate and inform the public, to provide family counseling and to fund research in treatment and for an eventual cure, and
>
> Whereas, this Florida organization will join with its counterparts in other states to assault diabetes with coordinated and concerted efforts;
>
> Now, therefore, I, Reubin O'D. Askew, by virtue of the authority vested in me as Governor of the State of Florida, do hereby proclaim the period May 14–20, 1973, as Juvenile Diabetes Week in Florida, and call upon all citizens to support this worthwhile program to alleviate the distress of young diabetics and their families.

THE FUTURE OF NYC-SUMMER

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 11, 1973

Mr. STARK. Mr. Speaker, one of the many fine programs that has been eliminated in Mr. Nixon's economizing drive is the Neighborhood Youth Corps summer project. This program had an established history of success, nevertheless, it was abolished.

NYC-summer attacked the sources of many of the problems of our cities while many other programs merely attacked the results. NYC-summer offered jobs and opportunities to thousands of young people who might otherwise have turned to the streets for their amusement.

It is impossible to calculate the number of youths who have stayed out of trouble because of NYC-summer programs. But it is not impossible to see part of the tremendous impact this program has had on our communities. In Alameda County, Calif. alone over 6,500 youths were involved in the program last summer.

I recently received a letter from the chairman of the Youth Opportunities Board of Alameda County which succintly and forcefully illustrates the impact of one NYC-summer program and the incredible loss and void that will remain if we do not restore its funding. I submit that this letter illustrates the false economy we are sanctioning if we do not force the funding of this program I would like to place it in the Record.

FREE ENTERPRISE CANNOT HIDE ITS LIGHT UNDER A BUSHEL

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 11, 1973

Mr. ROUSSELOT. Mr. Speaker, in his now-famous memorandum to the U.S. Chamber of Commerce, Mr. Lewis F. Powell, Jr., Associate Justice of the Supreme Court of the United States, said:

> The day is long past when the chief executive officer of a major corporation discharges his responsibility by maintaining a satisfactory growth of profits, with due regard to the corporation's public and social responsibilities. If our system is to survive, top management must be equally concerned with protecting and preserving the system itself . . . (It) is essential that spokesmen for the enterprise system—at all levels and at every opportunity—be far more aggressive than in the past . . . There should not be the slightest hesitation to press vigorously in all political arenas for support of the enterprise system. Nor should there be reluctance to penalize politically those who oppose it.

One corporation which has provided invaluable leadership in defense of the free-enterprise system has been the Warner & Swasey Co. of Cleveland, Ohio. Through its weekly advertisements in leading news and business magazines, Warner & Swasey has effectively placed before the American people the message that the free-enterprise system is good for our country and for all of its people, investors and consumers alike.

I should like to call to the attention of my colleagues the excellent Warner and Swasey advertisement which appeared in the March 12, 1973 issue of U.S. News & World Report as it is an example of the kind of effort which business should be willing to put forth in defense of the free-enterprise system.

The advertisement follow:

> If Business "Hides Its Light Under a Bushel" It Can Go Out
>
> In almost any newspaper or TV broadcast there will be one too many cracks at "greedy" business, but never a reply. Yet it is business whose taxes pay a great bulk of the cost of maintaining our government, paying for relief of the poor, supporting hospitals and schools, building our roads. And it is out of business profits that come the pensions to retired workers, the research to fight disease. And even in the recent so-called poor

times, business provided 82 million good jobs and is creating one million more jobs every year.

And it is business in its search for profit that has brought us up and out of the drudgery of our forefathers . . . Anybody want to go back?

A SUMMARY OF MAJOR ENVIRONMENTAL AND NATURAL RESOURCES LEGISLATION OF THE 93D CONGRESS

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 11, 1973

Mr. GIBBONS. Mr. Speaker, under leave to extend my remarks I would like to have printed in the RECORD a summary of major environmental and natural resources legislation of the 93d Congress. The summary was prepared by Mr. Steve Hughes, analyst of the Environmental Policy Division of the Library of Congress, and is dated April 4, 1973. The summary follows:

MAJOR ENVIRONMENTAL AND NATURAL RESOURCES LEGISLATION OF THE 93D CONGRESS

(By Steve Hughes)

LEGISLATIVE ISSUES AND POLICY REPORTS

Legislative activity in the 93rd Congress dealing with the environment and natural resources has been concerned with a variety of issues—many of them interrelated. One set of issues includes the "energy crisis", land use planning, deep water ports, the Trans-Alaska oil pipeline, and powerplant siting. Another set of issues relates the impoundment of funds appropriated for water pollution and agricultural programs to the fiscal 1974 budget and its allocations for such programs as solid waste management, air pollution. environmental education. ocean dumping, and coastal zone management. Other issues that are reflected in new legislation include environmental committees in the Congress, predator control, toxic substances, endangered species, interstate environmental protection (regarding citizen suits and commerce), and water resources development. Some of these issues were addressed in the President's Message on Resources and the Environment of February 15, 1973 (S. Doc. No. 93–5). Generally, the message emphasized the accomplishments toward solving environmental problems and the need for the passage of legislation considered in the previous Congress[1]—including measures for land use planning (with sanctions tied to Federal aid), power plant siting, strip mining, and toxic substances control. Among the new initiatives proposed by the Administration are safe drinking water standards, expanded Federal management of coastal fisheries, and increased wilderness areas in the eastern States.

Several major policy reports were released, or reached the public, since the 93rd Congress convened. The issues analyzed, and for which recommendations have been made, range from tax incentives for recycling solid wastes, to the need to consider the indoor effects of air pollution; as well as to the environmental consequences of commercial SST aircraft. In a report to the Congress and the Environmental Protection Agency (EPA), pursuant to provisions in the Clean Air Amendments of 1970, the National Academy of Sciences evaluated exhaust emissions control technology for automobiles. This analysis indicates that "achievement of the 1975 standards may be technologically feasible and that achievement of the 1976 standards is likely but may not be attainable on the established schedule."[2] The EPA is now conducting hearings to determine if a requested one-year delay in meeting those standards should be granted to automobile manufacturers. Congressional hearings, as well as several policy reports, have addressed the issues regarding deep water ports. The discussion has focused on the environmental (e.g., oil pollution), economic and regulatory implications of such facilities. The related question of oil imports and energy supplies was the subject of hearings early in the 93rd Congress, as fuel shortages were being felt across the country.

LEGISLATIVE ACTIONS

Air Pollution. New authorizing legislation has been introduced for clean air programs which expire tthis year. H.R. 5445, which provides for a one-year extension of the Clean Air Act, has been passed by both Houses (H. Report No. 93–77), and sent to the President for approval.

Energy and Fuels. A considerable amount of legislation has been introduced on energy and fuel resources. The recent shortages of petroleum fuels has prompted a variety of proposals not only to alleviate present shortages, but to ensure adequate supplies of energy resources in the future. The latter problem is being considered in terms of developing a national energy policy, which would be a function of the proposal (S. 70, for example) to create a Council on Energy Policy.

Long term supplies of fuels would be a function, as well, of the numerous proposals to stimulate research and development activities for new sources of energy. Other measures to deal with the short run "energy crisis" include the deregulation of natural gas (to allow price increases as a greater incentive for the exploration of the gas), and change in the Oil Import Quota System (to increase the supply of oil from foreign sources). The expanded effort in energy research and development is also reflected in legislation which would establish a corporation to develop new energy sources. Additional efforts have been proposed for coal gasification projects as well as for producing petroleum from oil shale; both of which would increase the supply of oil without increasing the Nation's dependence on foreign sources—thus avoiding the balance-of-payments implications. At least one measure (H.R. 5750) would allow congressional approval for constructing the Trans-Alaska pipeline following a one-year study by the new Office of Technology Assessment concerning alternate routes for the pipeline.[3]

Environmental/Natural Resources Appropriations (Impoundment of Funds). Over 75 bills have been introduced in connection with the Administration's impoundment of funds for agricultural and water pollution activities. These programs include the Rural Environmental Assistance Program, the Rural Electrification Administration, and the Farmers Home Administration. In general, the legislation would direct reinstatement of funding for these activities; although there has been some legislative support of the impoundment of funds. The House and Senate have passed a bill, H.R. 2107 (House Conference Report 93–101), which would continue the programs related to agriculture and rural development. The Senate version, however, was amended to include water bank funding. In addition, the Senate has passed S. 394 (S. Report 93–20) to direct that REA funds be made available for loans in the fiscal year for which they were appropriated. Another proposal, H. Res. 154, would give standing to Congressmen to sue for programs in their districts which were affected by the impoundment.

Environmental Education and Manpower. Although the current program of environmental education in the Department of Health, Education and Welfare is scheduled to expire in June 1973, there has been legislation introduced to continue that program (H.R. 3927). However, the budget submitted by the President for fiscal year 1974 shows no funds allocated for environmental education, but indicates that the program will be phased out.

Land Use Planning and Coastal Zone Management. Bills have been introduced to establish a National Land Use Planning policy (S. 268, S. 792, and H.R. 91, for example). One such measure passed the Senate in 1972. A policy on land use would encourage and assist the individual States in planning their conservation and/or development of land areas; some States already have begun these programs. S. 792 would amend the water pollution statutes in order to tie sanctions and grants for land use planning to the State's water pollution funding.

A related issue is surface mining. Both Houses of Congress now have bills pending (hearings have been held on S. 425 and S. 923) which would regulate this activity. Powerplant siting legislation is also expected to receive action during the 93rd Congress (cf. H.R. 180 or S. 935). The Federal Lands Protection Act (S. 424) would provide protection for 450 million acres of Federal lands under the jurisdiction of the Bureau of Land Management.

Organization for Environmental Affairs. Numerous bills have been introduced to set up a Joint Committee on the Environment (See H.J. Res. 14) and also a Standing Committee on the Environment (See H. Res. 105). Previous measures to establish a Joint Committee have passed both Houses but have not received final action. Additional reorganizational measures would create a new Department of Natural Resources and Environment (S. 27).

Recycling and Solid Wastes. The Solid Waste Disposal Act, which expires this year, has provided for research and demonstration activities in the fields of recycling and solid waste management programs. The House and Senate have passed and sent to the President a bill, H.R. 5446 (H. Report No. 93–78) to extend the Act for one year. In general, congressional bills would authorize several hundred million dollars for these programs, as compared with the Administration's budget request for FY 1974 expenditures of approximately 5.7 million dollars.

Toxic Chemicals in the Environment. A bill to regulate toxic substances is expected to pass this Congress. Those measures introduced include S. 426 and S. 888, by Senator Magnuson and the Administration, respectively.

Water Resources. The Senate has passed an omnibus bill (S. 606) this session which is identical to the water resources development measure which was vetoed by the President in 1972. Hearings on this subject have been scheduled in the House.

Wildlife and Fisheries, and Predator Control. Legislation is before the 93rd Congress to protect endangered species (H.R. 37), and for predator control (H.R. 38); and both issues are expected to receive much attention during the Congress, with hearings already begun on the latter issue.

AGRICULTURE (GENERAL)

The major agricultural issues facing the 93rd Congress revolve around the Agricultural Act of 1970 which expires in December of this year. Congress may extend the 1970

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[1] For background information, see the committee print, Congress and the Nation's Environment: Environmental and National Resources Affairs of the 92nd Congress, by the Senate Committee on Interior and Insular Affairs.

[2] National Academy of Sciences report on motor vehicle emissions. In remarks of Edmund S. Muskie. CONGRESSIONAL RECORD, vol. 119, Feb. 28, 1973, pp. 5830–5853.

[3] For Background information on energy, see the committee print, "A Review of Energy Policy Activities of the 92d Congress," by the Senate Committee on Interior and Insular Affairs.

Act, revise it, or allow it to expire. If the latter occurs, continuing price support and acreage adjustment legislation for major commodities would again become operative.

The Administration has not submitted a draft bill to Congress. The President stated his goal, however, in his message to Congress on February 15. The Administration wants to allow farmers more freedom in planting, and thus to phase out government income-supplement programs.

Senate hearings on agricultural issues, are concerned with a bill, S. 517 (introduced by Mr. Young), to extend Titles I–VII of the 1970 Act for five years. Three similar bills have been introduced in the House.

S. 517—to extend Titles I–VII of the Agricultural Act of 1970. (H.R. 2643, H.R. 3866, H.R. 5161.)

January 23—introduced.

February 27—amended to cover indemnity payments to beekeepers.

February 27, 28—hearings by Committee on Agriculture and Forestry.

March 1, 2, 8, 9, 13, 14—hearings by Committee on Agriculture and Forestry.

March 29—scheduled hearing for presentation of Administration's recommendations.

Related Bills:

S. 639—to limit subsidy payments (Bayh).

S. 1180—to discontinue farm subsidies beginning with 1974 crop (Ribicoff).

H.R. 4809—to limit subsidy payments (Kemp).

MAJOR ENVIRONMENTAL BILLS (LISTED LEFT TO RIGHT IN ORDER OF IMPORTANCE)

1. Agricultural (General)—See pp. 7–8 of Report.
2. Agricultural Conservation—H.R. 1975.
3. Agricultural Pollution.
4. Air Pollution—H.R. 5445.
5. Energy and Fuels—S. 70, S.1283, H.R. 5750, H.R. 2043, H.R. 2554.
6. Environment (General).
7. Environmental/Natural Resources Appropriations—H.R. 2107, S. 394.
8. Environmental Economics—H.R. 1508, H.R. 635.
9. Environmental Education and Manpower—H.R. 3927.
10. Environmental Enforcement—H. Res. 154.
11. Environmental Impacts—Population—H.R. 1723, S. 1286.
12. Environmental Impacts—Transportation—S. 502, H.R. 1475.
13. Environmental Information Systems—H.R. 36, H.R. 35.
14. Environmental Research and Development—H.R. 1496.
15. Forestry—H.R. 8, H.R. 5744, S. 1033.
16. International Environmental Affairs—H.R. 9, H.R. 5696.
17. Land Use and Coastal Zone Management—S. 268, S. 792, S. 80, H.R. 180, H.R. 91, S. 935, S. 924.
18. Mines and Minerals—S. 425, S. 923, H.R. 1000, H.R. 3.
19. Natural Disasters—S. 269.
20. Natural Resources (General).
21. Organization for Environmental Affairs—S. 27, H.J. Res. 14, H. Res. 105.
22. Parks, Recreation and Wilderness—S. 938, S. 316.
23. Pesticides.
24. Predator Control—H.R. 38, H.R. 4759.
25. Public Domain—S. 424.
26. Radiation Hazards.
27. Recycling and Solid Waste—H.R. 5446, S. 498, H.R. 485, S. 409.
28. Rural Development.
29. Toxic Chemicals in the Environment—S. 426, S. 888, H.R. 5087.
30. Urban Conservation—S. 12.
31. Water Pollution—H.R. 1059, H.R. 5368, H.R. 2011.
32. Water Resources and Waterways—S. 606.
33. Wildlife and Fisheries Conservation—H.R. 37.

FOOD PRICE HEARING

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 11, 1973

Mrs. GRASSO. Mr. Speaker, on March 31, I sponsored a public hearing on food prices in New Britain, Conn. This hearing gave citizens an opportunity to express their views on the crisis in food prices.

Spokesmen included representatives of civic clubs and consumer groups, farmers and poultry breeders, food wholesalers and retailers, the fish and meat packing industries.

The recommendations and observations of the participants were made available to members of the Banking and Currency Committee as they drafted legislation in this area.

For the benefit of all my colleagues, I am inserting in the RECORD today the statements of Edward Ostrowski, president of the Ayo Packing Co.; George Wilbur, president of the Litchfield Farm Bureau; Fred Caracciolo, chairman of the New Britain-Bristol Area UAW CAP Council; Anne-Marie Russo of the Southington Junior Women's Club; Len Dube, president of the Connecticut State UAW CAP Council; and Mary Halloran of the Plainville Junior Women's Council:

STATEMENT BY EDWARD OSTROWSKI, PRESIDENT OF THE AYO PACKING CO., NEW BRITAIN, CONN.

The sausage and ready-to-eat meat products segment of the food industry, of which I am a part, is not a high list wide discount industry. Our segment depends on daily sales of our products at low markups for profit.

Our industry does not react on a daily basis to price fluctuations as does the fresh meat segment. We wait for plateaus at which raw materials stabilize and at that point we adjust our price structure to reflect either the rise or drop in the cost of raw materials. This has been the basis of our problems: we have been chasing raw material costs and have not at this date adjusted our price structure to reflect raw material costs to the extent required to put us in a breakeven position, let alone a profit position.

Our industry is, indeed, in a sad state of affairs when one considers the voluntary closings of many old fine line manufacturers as well as those who have failed or are under reorganization. If you seek the advice of a stock broker as to investment in the meat industry, he will advise you to stay away from it and will point out the long term poor earnings of this industry.

Freezes or ceilings may stabilize prices, but they will not assure a supply of meat. In fact, they will create shortages in areas where a product cannot be processed or manufactured at a profit no matter how small. We have had examples of this in the past two weeks without ceilings. For example, processors are curtailing the production of dry sausage, such as B.C. Salami and Genoa, as well as the many forms of hams. The raw material market is so high and the processing time so long that good business judgment dictates long term risk should not be taken.

It must be remembered that European nations have never been able to produce enough meat to feed their own populations because of a scarcity of land, and have been long term importers of beef, lamb, and veal. As their economy has improved, so have the demands for these products. It has been to the advantage of the various segments of the meat industry to export since the prices realized have been much higher than those in this country.

In my opinion the bulk of beef cattle, hogs and lamb available in this country no longer comes from modest ranches, but from large corporate efforts. Profit is the motivating factor in making ever increasing meat products available. This is as it should be. If the availability of an industry to show profits is negated, then the supply of meat products will shrink. Along with labor, it will move its investment to more profitable areas.

I do not have a solution to propose; the answer will lie in the close cooperation of the industry (rancher processor and retailer) labor and consumer. Government will need to act as arbitrator and not as controller. Otherwise we will end up as a socialistic state.

STATEMENT BY GEORGE WILBUR, PRESIDENT OF THE LITCHFIELD FARM BUREAU, WINSTED, CONN.

It seems that all I hear today from most housewives is "We are being robbed. Food prices keep going up, when are they going to stop? The price of beef is out of sight! Something has to be done. Clamp price ceilings on the farmers and cut the middle man's profits."

Let's explore this problem because it *is* a big problem. Let's find out *why*, because without the answer to this question there is no meaning.

Who is to blame? Is it the farmer or is it the middleman? The answer is neither. The real McCoy is *inflation*. Yes, today's high food prices and high prices in other areas are *the result of inflation not the cause*. It is inflation that has increased consumer demands, an increase which is the result of more people having more money to spend than there are goods to buy.

But what causes inflation? Inflation is caused by excessive deficit spending by the federal government and expansion of the money supply by the federal reserve board.

I agree that food prices are high, but what is not? Have you paid a plumber or electrician lately? Hospital care, clothes or even entertainment? Although food prices rose as much or more than other goods purchased in '72, they have risen less than prices of other things over a long period of years.

In the last 20 years, farm prices of food products are up less than 11% while retail prices are up 46%. Transportation, processing and distribution take 60% of the consumer dollar. Industrial wages have increased during this same period to 129%; food market employees, 148%; semi-private hospital rooms, 370%; doctor's fees, 122%; cigars, 300%.

Meanwhile, all farm costs rose 109% in 20 years and 7½% in 1972. Taxes on the farm increased 297%; labor, 141%; machinery, 100%.

Retail food prices advanced 4.3% while wages of industrial workers increased 6.2%. Farm prices of food increased 8.7%, but despite the improvement in farm income in 1972, the disposable income per farmer is still only 78% of that enjoyed by non-farmers.

Food is a big bargain even today. Twenty years ago, 23% of one's disposable income was spent on food; in 1972, the cost to the consumer is *less* than 16%.

Will food prices go higher? Yes, except for items where production may exceed demand. Reasons for increased food prices include:

1. Bad harvests
2. Heavy feeding
3. Expanding exports
4. Increased consumer demand for certain commodities

Now we know the "why" of high food prices. What can be done?

1. Clamp ceilings on farm products? Not likely. Ceiling on raw food will result in rationing, black market and decreased production.

2. Open the gates on imports. There is little help here since world food production due to bad harvests, rising population and increased consumer buying power in running behind demand. Excessive imports of commodities in world surplus could seriously erode domestic farm income and reduce our producers' ability to gear up for adequate production in the future.

3. Dismantle government farm programs and eliminate subsidies? This is rash treatment but is being discussed, and we farmers must be prepared to do our part in fighting inflation. Pay the fiddler and dance. Stable prices when inflation is harnessed.

We as farmers are doing our best to help solve this problem, but the consumer has to help too, by:

1. Insisting inflation be controlled
2. Resisting wage settlements that exceed increases in productivity.
3. Refusing to support food boycotts (for the dairy and poultry farmers of Connecticut, their price of grain alone has risen 50–80% in 6 months.)
4. Encouraging quick settlement of transportation tie-ups.
5. Avoiding the imposition of unworkable price ceilings on farm products.

Statement By Fred Caracciolo, Chairman of the New Britain-Bristol Area UAW CAP Council

Voluntary meat boycotts by thousands of people who use and purchase meat start next week. These are people who would use and purchase meat during that week because they can still afford it. But a boycott of more than a week has been forced upon a great number of people who are living on wage earnings of less than $3.00 an hour and have already been priced out of their limit. The current administration has effectively controlled wage increases, minimizing increases allowable for people earning only $3.00 an hour, but has failed completely to impose any commensurate control on the prices of necessities, and especially the food that those $3.00 an hour wage earners must purchase.

We wish to congratulate you, Congresswoman, for taking the time to hear from people about their complaints concerning high prices.

Statement By Anne-Marie Russo, Southington Junior Women's Club

I am speaking on behalf of the Southington Junior Women's Club. We are 100% in support of the meat boycott to be held during the first week in April.

Many people must be questionning our motives, now that President Nixon has placed a ceiling on all beef, lamb and pork prices. We are not only fighting to keep prices from rising, but to bring them down to a level where hamburger and chuck, once the backbone of many budgets, are no longer luxury items; back to where round steak, the budget sirloin for many families, is not a penny away from $2.00 a pound; back down to where meat can be placed on the American table as a basic food and not just as a sale item, a one time treat of the week.

We feel there is a strong need to hold prices down on all foods—some of which were once staples but are now out of reach for many families. After all, the cost of a simple green salad is close to $1.50 for a family of four.

We feel that in this country in this day and age, we should not be engaged in an every day struggle to place food on the family table.

Statement by Len Dube, President of Connecticut State UAW CAP Council

According to Thursday night's report to the nation, President Nixon is now freezing meat prices at the highest level within the last 30 days, supposedly to soothe consumer unhappiness over soaring meat prices: specifically, beef, pork and lamb. He stated that the ceiling will remain in effect as long as is necessary to do the job.

Mrs. Grasso, we of the UAW say the job has already been done on the worker, on the low and fixed incomes of the poor and on the senior citizens whose 20% increase that he boasted about in November has now been wiped out. These are the people who have been watering down their milk and substituting chicken, fish and eggs for meat. And these prices will continue to rise because our cries fall on deaf ears in the White House.

Mrs. Grasso, you are our spokesman in Congress and we urge you to motivate your Colleagues and return to us all our purchasing power. We are supporting the Meat Boycott Coalition with Phase 4, buy meat No More.

Statement by Mrs. Mary Halloran, Plainville Junior Women's Club

As a representative of the Plainville Junior Women's Club, I would like to express the housewives' point of view on the escalating prices of food. I think that I would be safe in saying that housewives across the nation are fed up with food costs and meat prices in particular. I know that everytime I go into the grocery store, the cash register receipts go up while the quantity of goods in my shopping bag goes down. I feel that for months housewives have out of necessity been forced to keep a close eye on what they buy.

Although the new price ceiling is good, I feel that it is late in coming. It does nothing to reduce the price of meat from its already too high level. We must concentrate our efforts on a rollback of prices in an attempt to find a permanent solution. If necessary, a Congressional task force should be convened to solve this critical problem. In addition, the administration must continue in their efforts toward unit pricing so that housewives can readily compare the prices of food.

I am heartened by the fact that so many women have joined together in this critical time, and I hope that this appeal will prove to be effective.

GOLDWATER ALARMED BY INCREASING RISK OF MIDAIR AIRCRAFT COLLISIONS

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 11, 1973

Mr. GOLDWATER. Mr. Speaker, during this decade, at the present rate of increasing air traffic density, there is a high probability of some 335 midair aircraft collisions which would result in the loss of nearly 1,000 lives and millions of dollars in property damage.

This would be up from 240 actual midair collisions in the previous decade which resulted in the loss of 615 lives.

However, even this predicted rate of death and destruction may be exceeded. One hundred and fifty-three persons lost their lives in 69 midair collisions in 1970–71.

The National Transportation Safety Board has estimated that some 80 percent may have been avoided if an electronic collision avoidance system had been available.

The state of the art to produce such a system is now here. Before another needless and huge loss of lives occurs, a national standard for aircraft collision avoidance must be set.

THE LAW AND COMMONSENSE

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 11, 1973

Mr. CLAY. Mr. Speaker, an editorial which appeared in the Washington Post, April 9, described the plight of Mrs. Beatrice F. Harris, a District resident who was forced through a court-order auction, to sell half her home in order to repay the debt of another person.

While this may seem unbelievable, it did happen, and should cause us to examine several aspects of the matter.

First, as reported, Mrs. Harris is still another victim of the archaic District of Columbia Code. How much longer are we going to tolerate such injustice in the District. Not only do we deprive them of self-government but we do not even give them reasonable laws with which to operate.

Second, incidents such as this magnify the need for some type of prepaid legal services plan. Many persons do not need legal services very often but cannot afford to be without competent legal counsel during such a crisis.

Finally, Mr. Speaker, is it not long past the time when the question of home rule should be brought to the floor of the House. I, for one, wish to express my opinion by voting on this issue.

I commend this editorial to my colleagues and insert it at this point in the Record:

The Law and Commonsense

"The law is a ass, a idiot," Charles Dickens wrote over 100 years ago, but the United States District Court for the District of Columbia waited until February 1971 to prove it conclusively. That was when Judge Gerhard A. Gesell entered a judgment ordering Mrs. Beatrice F. Harris, an $8,465-a-year clerk with the Equal Employment Opportunity Commission, to pay a debt then amounting to about $8,300. Now there's nothing unusual about a judgment ordering someone to pay a debt: they're entered every day. In this case, however, Mrs. Harris didn't owe anyone any thing and didn't even know the people to whom the debt was to be paid. No matter though; half her house was sold at a court-ordered auction on March 30 in order to satisfy the debt. Mrs. Harris calls the thing a nightmare and is understandably dismayed.

Well, now, all of this probably makes no more sense to you than it does to Mrs. Harris or to us, but we'll run through the facts in any case. Some years ago Mrs. Harris contracted with a home repair man named Tem Herring to do some work on her house. Mrs. Harris was not satisfied with the results so she withheld $600 of the $1,500 price that had been agreed upon. At about the same time, Mr. and Mrs. Andrew McCoy of Seat Pleasant were having similar problems with Mr. Herring and they decided to sue him. They won a judgment against him for about $8,300 and that's when Mrs. Harris' troubles began.

Apparently in a search for assets with which Mr. Herring could satisfy the judgment owed to the McCoys, Mrs. Harris' outstanding obligation of $600 was discovered and she was ordered to come into court to turn over whatever she owed. Mrs. Harris says she went to a lawyer who promised to take care of the matter for her, but who didn't perform. Not being a lawyer herself, the legal papers which came to her baffled her, especially since she did not know the McCoys and couldn't figure out what possible connection she had with their dispute with Mr. Herring.

Unfortunately, she also did not know about a provision in the law that says when a person in Mrs. Harris' position in the McCoy-Herring lawsuit fails to answer the court papers served upon her, a judgment "shall be entered against him for the whole amount of the plaintiff's (the McCoys') claim." Knowing nothing of the intricacies of the law, and having, according to her account, been ill-served by her lawyer, Mrs. Harris did the straight forward, simple thing that she thought would erase her connection with the matter: she dropped her argument with Mr. Herring and paid him the $600.

But that simple act wasn't good enough, for she was by then caught in the iron toils of the law and her relationship with Mr. Herring had been transferred to the court and attached to the McCoys' judgment against Mr. Herring. The next month, a judgment was entered against her as specified by law.

So there you are. Mrs. Harris' house still hasn't been fixed to her satisfaction, but she's paid *all* the money and now she owns only *half* her home. Things may get a little better because she now has a lawyer who is working on the case and perhaps he can get the judgment overturned. But then again, maybe he can't. And, in any event Mrs. Harris is certain to have some very substantial legal expenses before it's all over. One is left with the feeling that some way, somehow, a lawyer or a judge or somebody connected with the case, could have tempered justice, not with mercy, but with common sense and could have spared Mrs. Harris all this trouble. Courthouses and lawyers' offices are adorned with all kinds of noble and fancy phrases which lawyers have dreamt up to dignify their profession. For our part, in this case, we'll just stick with Dickens.

TROOPER OF THE YEAR

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 11, 1973

Mr. BYRON. Mr. Speaker, it is my pleasure to report that Trooper 1/C George H. Davis has received the Trooper of the Year Award from the Maryland State Police Alumni Association at their annual meeting. As you may know, the selection is based on the overall dedication and professionalism shown by the recipient during his career with the Maryland State Police.

Trooper 1/C George Hul Davis was born in 1964 at Cumberland, Md. After graduating from Fort Hill High School, he joined the U.S. Marine Corps in July 1962, and served our country for 4 years. On January 2, 1967, he was selected to enter Maryland State Police Academy after which he was assigned to the Rockville barracks where he performed at a high level of competence. In December 1970, Trooper Davis was promoted to the rank of trooper first class and is presently assigned as a public information officer of the Waldorf barracks.

Trooper 1/C Davis is a pistol expert, qualified radar operator, member of the technical task force, and has just received training as a breathalyzer operator. He is taking a law enforcement course at the Charles County Community College to further his education, and is an officer in the Fraternal Order of Police Lodge. Last year the Greater Waldorf Junior Chamber of Commerce selected him as Trooper of the Year for Charles County.

I know you join with me in extending congratulations to Trooper Davis for a job well done.

WRITER FINDS ETHNIC RICHNESS IN SECOND DISTRICT OF MINNESOTA

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 11, 1973

Mr. NELSEN. Mr. Speaker, to my pleasant surprise and delight, the ethnic richness of our Second Congressional District in Minnesota was discussed by syndicated Columnist Jenkin Lloyd Jones in an article which appeared in the Evening Star and the Washington Daily News on April 7.

Certainly, it is gratifying to note his recognition of the pioneering contributions to America's greatness which the people of our district have made.

Mr. Jones proceeds in his column to contrast the success of our Minnesota melting pot with the more modern, but backward trend, to deliberately foster separatism based upon language within the public school system. I fully share his worries about the wisdom of this course, and can speak to the point from personal experience.

As the son of Danish immigrant parents, I spoke almost no English when I began school in our rural community in Minnesota. But I seriously doubt whether it would have been possible for me to be elected to Congress or to any other public position I have ever held had I not been required to learn the common language of this great country.

I therefore believe Mr. Jones' observations merit the most thoughtful consideration by educators and others in positions of public responsibility. I include his column in full at this point in the RECORD:

IS THE MELTING POT PASSE?

(By Jenkin Lloyd Jones)

In the golden Minnesota spring morning I looked down from the feeder line plane at St. Patrick, New Prague, Le Sueur, Norseland, New Sweden, New Ulm, Cambria and Dundee.

Here in 20 minutes' flying time Irish, Bohemians, French, Norwegians, Swedes, Germans, Welsh and Scots had left their names upon the land.

And that was the way it was—the adventurous pioneer family or two, speaking their Old World tongues, who broke the sod of Minnesota and found it good. The writing back home to entice relatives and friends. The attraction of other like-languaged land-seekers. The building of the church—Irish or German Catholic, German, or Scandinavian Lutheran, Scottish Presbyterian—and the putting upon the place of an Old World name.

Yet today in the schoolyards of these towns and villages you wouldn't be able to distinguish a shade of difference in the English spoken. Although the last names of the children still attest to many national origins, the famed American melting pot has worked splendidly.

But maybe the melting pot is a little out of fashion now. That morning I had been reading a Chicago Tribune story to the effect that there are now some 40,000 Spanish-speaking students in the Chicago public schools who have great difficulty with English, and the Latin community has criticized the school board for not hiring more bilingual teachers to "meet the needs" of Spanish-speaking children.

In the late 18th and early 19th centuries when America was being inundated by vast waves of foreign immigrants, nobody raised the cry that public schools were under obligation to conduct multilingual classes.

Certainly, the youngsters who knew only Italian or Polish or Yiddish or German or Chinese must have had a tough time for a while in school. But, in general, their parents were anxious to have them learn the strange new tongue.

Young minds absorb a language easily if faced with a sink-or-swim situation, and the wonderful thing about those old red-brick public schools in the ghettos of the foreign-born in our great cities was how rapidly they turned out kids who spoke English passably well.

There is a current madness in the world in which minorities are demanding the preservation of cultural differences even against their own self-interest. We have Welsh separatism and Flemish separatism and the foolish drive for Gaelic and the language riots of India.

Yet it ought to be plain that the welfare of minority-language speakers is directly tied to how soon they can master a language that the majority speaks. In the commercial or cultural world there isn't much future for the person who can handle only Tamil or Tagalog. And, in a land where English is the rule, keeping a student in the womb of Spanish narrows his opportunities.

There may be good sense in putting recently arrived Puerto Rican children in crash English courses, and this requires bilingual teachers. But these programs should be short-lived.

A recent non-nonsense English program among Mexican-origin children in the border town of Laredo, Tex., raised reading comprehension 300 percent.

A century and a quarter ago my own Welsh ancestors arrived in America speaking no English. But they demanded no Welsh teachers for their children, and it was lucky they didn't. For within months in the rude frontier school their children were gabbling happily with the Adamses and the Browns.

The fact that we may be going backward from an educational point of view is indicated by a recent study of reading comprehension in the New York City public schools.

Last year 66.2 percent of the students in the second through ninth grades were below the national norms of reading capability. That was up from 54.1 percent in 1954, the first year of citywide testing. Worse, poor readers kept falling farther and farther behind—two months behind the national average at grade 2 and one year, eight months by grade 7.

At the same time, students in the wealthier sections of the city—Forest Hills, Riverdale, Sheepshead Bay and so on—were a year and seven months ahead of the fifth grade norms.

The report spoke of the heavy Puerto Rican population and "poverty and its attendant evils" as the cause for poor reading. But the immigrants of 75 years ago were poor. The tenements were terrible. There were no vast programs of welfare. Most of the families didn't speak any better English than the Puerto Ricans of today. Yet the children learned fast.

Could one cause of the difference be that a quality of performance was demanded than that is not demanded now, and that it was assumed that a facile use of grammatical English was the proper goal for everyone?

If we turn down the heat on the melting pot there are going to be some sad lumps that just keep going around and around—and around.

NIXONOMICS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 11, 1973

Mr. BROWN of California. Mr. Speaker, I believe the other Members of this worthy body will find it as interesting as I have found it to read the following account of "Nixonomics" written by Samuel Bristol of Vista, Calif.:

Nixonomics the Jumbled Science

How free is American "Free Enterprise"? Is the business establishment of the USA, with its administered pricing by monopolists, the authentic heir apparent of the laissez faire doctrines of Adam Smith? Or are these newcomers more opportunists claiming kinship with the free enterprise doctrines which they constantly thwart and undermine? Inasmuch as business seems to hold the balance of power in Washington today, maybe a closer look at that brand of free enterprise is in order.

In chapter 10 of his monumental work "An Inquiry Into The Nature and Causes of the Wealth of Nations", Adam Smith, best known of the classical economists, made a very significant and timely statement—"People of the same trade seldom meet together, even for merriment and diversion, but the conversation ends in a conspiracy against the public or in some contrivance to raise prices."

This was written in 1776, nearly 200 years ago. Yet today the same tendency is evident in the annual meetings of the plumbers, the electricians, the carpenters, the steel workers, the longshoremen and even the medical men. Corporate stockholders reveal similar tendencies. The central theme at these gatherings is always higher prices and more profits. Following this sage comment Smith pointed out the inherent danger in such conspiracies. He showed how any interference with free competition would make it difficult to maintain fair prices. Since buying power lies almost entirely within the bounds of the prime costs of production, any collusion among competitors would create a price structure based upon pure profits and one that would not be matched with purchasing power in the market. What Adam Smith believed and what has been confirmed by later economists was simply this—that pure profits should not be permitted and would not be created in a system that remained competitive, and allowed the play of the market to determine prices.

This, in the opinion of reputable economists, is the cardinal principle of the free economy and its moral justification. Yet any examination of American economic history will show how this principle has been persistently defied. American business has from the beginning been supported by tariffs, patents, embargoes and othed devices all devised to maintain high prices. One of the first acts of the congress of 1789 was a ten percent import tariff designed to "protect our infant industries."

Administered pricing has now become standard practice among most basic industries of the United States. Through corporate mergers and new stock issues American corporations have been dominating business. They have been aided by an ill-controlled flow of fractional reserve checkbook money, usually available in abundance to wealthy borrowers.

New money to facilitate the growth of the nation's economy is not created by Congress, as the constitution provides. It is created by some 14,000 stout-hearted bankers, each armed with a 12 or 14 percent reserve privilege and a fountain pen. Each dollar may thus expand into seven or eight new check book dollars for the customer's use. Furthermore, by the Glass-Steagall Act, the banks now purchase U.S. securities with this kind of "money" and immediately transfer them into the cash account. Thus the operation, like blowing bubbles, can continue ad infinitum. The greedy and inept direction of this limitless flow of credit money by bankers is one of the main factors in the destruction of the free, competitive economy envisioned by the classical economists.

Even our tax laws favor the rich, thus taking buying power away from those most in need of it. How the wealthy folk rail against the graduated income tax, the most equitable tax ever devised. How they love the sales tax, one of the most regressive and inequitable of all taxes. They also hate and fear the cooperatives, the credit unions and all state and municipal enterprises—in a word all those which seek to maintain competitive or yardstick pricing. President Nixon was recently sending out feelers on the possibility of enacting a federal transactions tax, the final step in creating wild, uncontrolled inflation. Yet these same affluent people all claim sponsorship of "The American Way," which with total lack of humor they call "Free Enterprise." Some even try to identify this savage creed with Christianity, which in a Christian nation seems almost sacriligious.

Against this brief background let us consider that set of ideological obsessions held by Richard Nixon, which have come to be known among scholars and news media as "Nixonomies." The President has not acknowledge the existence of this credo, but the elements of his beliefs have appeared in his executive orders, his "game plans," his vetoes and his rare news conferences.

It is no accident that Richard Nixon early became enamored of the American business system which is dominated by corporate monopolies, joined with the privately operated Federal Reserve Banking System, creators of the nation's money supply. The bankers, especially the group which operated in the old 12th congressional district of California, are the men who put Nixon where he is today and are still among his chief supporters. It is a reasonable assumption that the banking group who picked him as their candidate in 1945, a year before the congressional elections, hired his public relations men and paid for his lavish smear campaign against Jerry Voorhis in 1946, represent his most enduring loyalty. He will not abandon them because he dares not do so. They know too much. As one Whittier banker, commenting on the $18,000 secret fund scandal of 1952, remarked, "That was only peanuts compared with the money we shelled out for his campaign."

An opportunity to test this banker tieup came a little more than a year ago, after the country had suffered through two years of Nixon's high-interest depression. The Congress authorized the President to order a reduction in the Federal Reserve's prime interest rate, which at one time had reached 8½ percent (the highest rate in the history of that institution). This, Nixon declared, he would never do. He accompanied his statement with another outburst of Nixonomics theology and a declaration of his unalterable devotion to private banking. Does anyone now doubt where Dick Nixon's heart lies?

Nixon early pledged a balanced national budget, but during his last two years in office, 1971 and 1972, his budgets had deficits of 25 billions and 28 billions. The current '72–'73 budget will undoubtedly be higher with further deficits. Incidentally, current spending has been skillfully distributed with an eye on the votes of defense workers.

Nixon was against inflation but his usury-loving friends, William McChesney Martin and later Dr. Arthur Burns of the F.R. board of governors, by setting exorbitant interest rates, created the phenomenon of national unemployment and uncontrolled inflation simultaneously. Nixon put the wage clamps on working people, while corporate profits in many cases soared to new highs. He became positively niggardly in reducing welfare funds to needy unemployed and school lunch money for hungry children, as well as social security increases for the aged. It was noted, however, that the next social security checks bore the significant statement that the 20-percent increase (which Nixon had vigorously opposed) had just been signed into law by President Nixon.

The president's response to defense department requests was entirely different. Whenever the Pentagon men wanted more billions for "national defense" in southeast Asia more money for planes, bombs, napalm or missiles to lay waste the countryside—the generosity of the president knew no bounds.

President Nixon has offered the American radio and TV audiences his quaint homily about his "work ethic" and the "welfare ethic," the latter term invented to express his opinion of welfare recipients. If I might break in on this bit of presidential sophistry, I would like to ask Mr. Nixon to explain the increase in the nation's unemployment rate from three percent to nearly six percent during his administration.

Nixon's economic convictions, if he ever had any, have changed during the past two years from orthodox to extremely heterodox. Early in 1971 this disciple of frugal laissez faire orthodoxy had apparently become a follower of the tax-and-spend philosophy of David Cushman Coyle. Nobody seems to know where he will eventually land.

I believe the most accurate assessment of Nixon's behavior was made by Jerry Voorhis in his recent book "The Strange Case of Richard Milhous Nixon." Voorhis's quotation follows: "To one practice Richard Milhous Nixon has been faithful. He has done whatever at any given time woud advance his political fortunes. This alone explain the strange gyrations of his strange case."

It is important to remember that America's economic plight is in an area in which Richard Nixon's talents are not notably evident. This nation does not lack productive capacity, a fact which apparently has not been recognized by the president's economic advisers. We suffer from a breakdown of distribution, where deprivation and even hunger exist alongside vast concentrations of wealth. It is becoming increasingly evident that President Nixon has no answers to this problem. He has lost his way. Ending the war in southeast Asia—if indeed the peace endures—will not solve this problem. It may grow worse.

Maldistribution in America is mainly the result of administered pricing by monopolists and the creation of an unscientific and ill-controlled flow of bank credit money through the privately operated Federal Reserve System. Working together in unholy collusion these two giants of American business increase inflation, perpetuate deficit financing and are mainly responsible for an almost incalculable debt. This debt and the accompanying overcapitalization of business have become an increasing burden on the economy, both at home and abroad.

The tragic part of this situation is that it has become almost endemic in the American economy, like a cancerous growth that feeds on its host. The staggering debt of the American people—national, state, and local government, as well as institutional and private debt—constitute a continuing drain on production. Every householder knows that his interest on the home or the business must be paid before he fills that cart at the super market or buys shoes or clothing for the children. Most small businesses expand and grow with borrowed capital. Increased interest charges must be added to their costs and the cycle of inflation rolls on, with sales resistance at home and loss of export sales abroad.

As a result of these forces American producers are faced with a hopeless dilemma.

Without monopoly pricing they can scarcely carry the overhead of debt and high taxes needed to continue welfare for the victims of our folly. If they try to maintain monopoly prices they are automatically priced out of the export market. This is the dilemma of the richest and most powerful nation on earth. Are we going to be content in this situation to be led by politicians who repeat the foolish, outworn cliches of the 18th or 19th century?

This is the paramount issue in the present governmental struggle. Mr. Nixon is disliked by many who regard him as a political delinquent or an unscrupulous partisan. But these are personal judgments often considerably tinged with politics. The real issue with President Nixon, it seems to this writer, is his combination of ruthless, self-seeking power, coupled with Nixonomics, a complex of outdated economic mythology that spells total confusion in the business world of 1973.

SIX YEARS OF THE JUNTA IN GREECE

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 11, 1973

Mr. FORSYTHE. Mr. Speaker, on April 21, 1967, Greece fell victim to a military coup d'etat. Martial law was imposed on the country and civil liberties were suspended. The small band of army colonels overthrew the legal, democratic government of Greece on the grounds that Greece was threatened by a Communist takeover. The junta assured the Greeks that military rule would only be temporary—that its aim was to restore order and create conditions which would set democracy in Greece on a firmer basis.

Six years later, Greece still suffers from a lack of democratic freedoms. To be sure, martial law has been lifted in the countryside and in some cities, but is still in force in the most populous area of Athens and Piraeus. To be sure, the number of political prisoners has gone down from an estimated 6,000 to an estimated 300, but arbitrary arrests continue, prisoners are detained and held incommunicado for long periods of time without charges, and this in direct violation of decrees enacted by the junta itself. To be sure, the junta has drafted a new constitution, which was approved in a nationwide referendum in September 1968, but its most important provisions, those dealing with basic civil liberties, the formation of political parties, the holding of elections, remain in abeyance. Furthermore, the junta has refused to commit itself to a timetable for the implementation of these provisions.

Far from preparing Greece for a return to parliamentary democracy, Prime Minister Papadopoulos has spent the last 6 years consolidating his own power. In addition to the premiership, he has accumulated the duties of regent, defense minister, and foreign minister in his own hands. Today he holds the reins of power, with the help of the army, the police, and a vast network of informers. And he has yet to produce documentary evidence of a Communist threat in 1967.

Mr. Speaker, as friends of Greece we can only deplore the junta's failure to fulfill its own promises. Far from saving democracy in Greece, the junta has stifled it.

HON. SAM GIBBONS' LATEST QUESTIONNAIRE

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 11, 1973

Mr. GIBBONS. Mr. Speaker, from time to time I send out a questionnaire to the residents in my congressional district to ask for their opinions on the various issues which Congress must resolve. Their answers to these questions help me in the important decisionmaking process. I recently sent out the following questionnaire, with multiple choice responses:

CONGRESSMAN SAM GIBBONS ASKS YOUR OPINION

APRIL 1973.

DEAR FRIEND: The 93rd Congress has been in session for several months. We have been deliberating on the President's Budget proposals for quite some time. There are many issues which this Congress must strive to resolve. I am sending this questionnaire to the residents in your area. Your answers to these questions will help me in the important decision-making process.

The responses to these questions might not totally reflect your point of view on each subject. Many of the questions can be answered with more than one selection. Should you have any questions on these issues or any other matter concerning your Federal government, please let me hear from you.

Sincerely,

SAM.

(NOTE.—Provisions for "his" and "her" answers.)

1. Consumer Protection: The consumer needs better protection in the area of—

a. product warranties.
b. false advertising.
c. labeling of products.
d. medical care.
e. door-to-door salesmen.
f. none of the above.

2. Social Security: Would you like to see—

a. better medicare coverage.
b. removal of the earned income limitation.
c. no further changes in the system.
d. allowing those who wish to retire at age 60 with reduced benefits.

3. Clean air and water: Funds for cleaning the environment should come from—

a. those who violate anti-pollution standards.
b. the Federal government.
c. State and local governments.
d. the Federal government and private industry.

4. Vietnam: In dealing with truce violations, the United States should—

a. defer to the four-nation peace-keeping force for policy decisions.
b. withhold all U.S. aid from those who violate the truce.
c. re-enter Vietnam with military forces.

5. Defense spending: Do you think the President's $4.7 billion increase in the defense budget should—

a. be approved by Congress.
b. be reduced, with the savings going to other kinds of Federal programs.
c. be reduced to help balance the budget.

6. National health insurance: The Federal government should institute a program which would—

a. provide coverage for all basic medical needs.
b. provide only for major illnesses or long term treatment of serious illnesses.
c. provide coverage only for hospitalization.
d. set standards for private health insurance companies.

7. Pension plans: To insure that those who contribute to private pension plans receive the benefits they deserve on retirement, Congress should—

a. strengthen Federal regulation of these plans.
b. control inflation better, so that retirement funds are not eaten away by rising prices.
c. take no further action in this area.

8. Education: Public education should be financed—

a. as it is now, largely by local property taxes.
b. with more Federal funds, so that property taxes can be reduced.
c. with more State funds.

9. Inflation: The Federal government should—

a. continue mandatory controls on prices, wages, rents, etc.
b. establish mandatory controls only on large industries and labor unions.
c. establish voluntary controls on the cost of living.
d. take no further action in this area.

10. Deficit spending: The Federal government should—

a. increase Federal taxes to balance the budget.
b. reduce spending wherever possible and avoid further deficit spending.
c. continue deficit spending to stimulate the economy.
d. balance the budget by reordering priorities for Federal spending.

If you have not been receiving my monthly Legislative Reports and would like to receive them, please check. I will be glad to add your name to my mailing list.

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS—TO INCLUDE ELECTED SCHOOL BOARD OFFICIALS

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 11, 1973

Mr. PEPPER. Mr. Speaker, the education of our children and the system of public education should be among the highest priorities in our Nation. Aside from the obvious influences that public education, administered by some 17,500 school boards nationally, has upon 46 million schoolchildren, we must also take into account that the public school system employs 7 percent of the entire work force, and is directly responsible for spending 47 percent of all local revenues, as well as 26 percent of all State revenues. Except for national defense, Mr. Speaker, no other governmental service has a larger impact upon the taxpayer than public education.

I am bringing these facts up in an effort to correct what I feel is a grave mistake made when school board members were omitted from membership on the Advisory Commission on Intergovernmental Relations. This Commission is a coordinating body between Federal, State, and local branches of our Government. But the Commission cannot effectively represent the interrelating bodies of our Government while excluding representation by those most directly concerned with our country's top domestic priority, education. The public school board member is best qualified to act as the spokesman for public education. It is the school board member who sets the policies and handles the financial dealings of the public schools.

I have introduced legislation, H.R. 6263, which I believe will rectify the mistake in the original constitution of the Advisory Commission on Intergovernmental Relations by expanding the membership to include two elected school board members. I believe such legislation will provide the Commission an insight in dealing with matters concernng education that is unavailable to it as presently constituted. I believe the legislation will enable the Commission to confront more effectively the problems of improving the operations of our federal system.

INFLATION

HON. BEN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 11, 1973

Mr. BLACKBURN. Mr. Speaker, recently, I heard an editorial by Louis Rukeyser, ABC News, New York, on the American Information Radio Network with regard to the problem of inflation.

At this time, I would like to share this editorial with my colleagues:

INFLATION

I'm Louis Rukeyser, ABC News, New York, and this is "Rukeyser's World" on the American Information Radio Network.

I'll have a look at talk vs. action on inflation in sixty seconds.

* * * * *

With all the rhetoric about a historic confrontation between the President and Congress, the casual observer might get the impression that the Nixon Administration is finally coming to grips with the basic problem of inflation.

And compared with the reckless attitude of the legislative branch, which has never bothered to assign a single committee to the task of coordinating and controlling the budget, the Executive may indeed appear prudent.

But applause for the Administration still has to be muted for two essential reasons: It has already presided over an irresponsible string of budget deficits so large that their inflationary impact will, in any event, be felt for years. And it continues, through the farce it calls Phase Three, to seek scapegoats in the private economy for the inflationary forces it has helped unleash in Washington.

The latest example of this fuzzing of the realities comes in the assault on banks that raised their prime lending rates from 6¼ to 6¾ per cent.

The banks, to be sure, make an easy target. Attacking them requires about as much political courage as attacking the anopheles mosquito—and Congressmen like Wright Patman have built entire careers on doing so.

But banks do not compete in a vacuum, and their interest rates inevitably are affected by such factors as the cost of money from other sources and the demand for loans—which happens to be quite vigorous now because of the booming economy.

One of the primary factors keeping interest rates high is the expectation that inflation will continue. Lenders demand an extra point or two of protection, and borrowers are willing to give it because they assume they will be repaying the loans with cheaper dollars.

It's a problem that can be solved only by combating inflation at the source—by harnessing the Federal budget and the Federal money supply. Meanwhile, rising rates are simply a way of adjusting the supply to the demand—and blaming the banks for high interest rates is like blaming the thermometer for high temperatures.

I'm Louis Rukeyser, ABC News, New York, and this has been "Rukeyser's World" on the American Information Radio Network.

TERRORISM AND ITS EFFECT ON SOCIETY

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 11, 1973

Mr. HOSMER. Mr. Speaker, terrorism is a problem of growing concern throughout the international community. Indeed, terrorist attacks have ranged from political bombings, skyjackings, attacks on the diplomatic corps and even the mass murder we witnessed at the Munich Olympics.

Within the United States we have seen a small band of otherwise politically impotent radicals attempt to employ terrorist intimidation against the very foundations of representative government. Even the U.S. Capitol has been a target of their attacks. Likewise, any foreign governments are faced with the threat of terrorist subversion.

To prepare ourselves for countering the terrorist menace, we need sound analysis and empirical research at both the national and international level. Dr. Stefan Possony's article, "Terrorism: A Global Concern," which appeared in the January 1973 issue of Defense/Foreign Affairs Digest outlines the structure of modern terrorism and its effects on societies and governments. Dr. Possony's article on terrorism follows:

TERRORISM: A GLOBAL CONCERN

(By Stefan T. Possony, Ph. D.)

Terrorism is as old as war, of which it is a technique, and for which it may be used as a substitute. Its protean manifestations range from mere threats through destructions of assets and symbols, to kidnapping, torture, mutilation, and murder. Terrorism is as complex a phenomenon as any combination of war, revolution, criminality, psychological disturbance, ideological fanaticism, and mental disease could be.

The frequency of terror depends *both* on socio-political conditions and tactical opportunities. The terrorist is by necessity a volunteer. Conditions which induce a person to choose the terrorist avocation exist everywhere and at all times, yet mass self-recruiting of terrorists occurs only during acute crises. But, since terrorist activity depends on practical feasibility, countries with effective security arrangements usually don't suffer from terrorism, regardless of the multiple frustrations they impose upon their citizens.

Thus, high frequency of terrorism may be regarded as an indicator of serious political trouble and of deficient internal security.

Terrorism stimulates the urge to imitate. Hence, unless stopped, terrorism tends to expand. But even if a terrorist wave is broken, terrorist organizations often survive and emerge years later. For example, the history of Irish terrorism can be traced back for more than two centuries.

Terrorism is usually divided into two basic categories of *strategic* and *private* terrorism. In practice, such classifications tend to be blurred, and there are several distinct mixed forms. The planner called upon to devise methods for the prevention or suppression of terroristic acts needs a typology of the different threats so that each can be handled with appropriate measures.

Strategic terrorism is aimed at the persons who keep a state together and who are responsible for its policy, and at additional human targets whose killing would be expected to have strategic consequences. It is directed from a strategic center, e.g. staff headquarters running regular or irregular military organizations, or command posts of "professional" revolutionary parties engaged in insurrection. The terrorists are soldiers of a special kind acting under strict discipline.

By contrast, private terrorism is undertaken by individuals or small independent gangs acting on their own for purposes of private strategy or for no purpose at all beyond self-gratification.

The overall purpose of terrorist strategy is to defeat a hostile state or government. Implementing goals may include the elimination of hostile leaders, the dispersal, weakening, or paralysis of hostile forces, the destruction of symbols, exhibitions of strength, demonstrations of presence ("the enemy in our midst"), armed propaganda, punishment, intimidation, confusion, fear, the incapacitation of administrative machinery, and creation of governmental panic, etc.

Private terrorism is typically a matter of criminality, such as robbery and extortion; or a symptom of mental disease, frustration, and herostratic drives; or a corollary of drug addiction; or the playing-out of revenge, hatred, rage, and sadistic "blood thirstiness". Private terrorists are not soldiers, but "rebels".

Unlike strategic terrorism which concentrates on "choice targets", private terrorism, in the main, is restricted to random targets of opportunity or accessibility.

In the mixed forms of strategic and private terrorism, the criminal or the sadist may want to "embellish" his deeds, for example, by ascribing to them political motivations, such as "protest", "expropriation of the expropriators", or the "execution of tyrants". In other cases strategic terrorists who ran out of weapons or money may resort to holdups and kidnappings against random targets. Extremist groups may want to force the hand of a cautions revolutionary party or expansive foreign power and provoke reluctant friends into large conflagrations.

Or anti-terrorists may mount criminal activities to discredit the terrorist project or cause a shock to strengthen defenses. Sometimes the failure of a strategic undertaking may lead to a spree of murders committed by frustrated terrorists—this is happening today in Northern Ireland.

In all its forms, terrorism requires training, arms, intelligence information, transportation, communications, money, and other logistics like safe houses and forged documents. Terrorist attacks by substantial numbers of fighters, scouts, and assistant, involving substantial logistics and detailed intelligence about targets and timing, and which are executed with considerable skill in planning and tactics, are virtually always commanded from a capable and professional strategic center.

They never result from the improvisation by a few poor and frustrated amateurs.

Terrorism has now reached larger dimensions than ever before in history, especially if it is remembered that mass terror executed "from above" by governments, such as political purges, class liquidations, and genocides are symptoms of the same malignancy of violence.

The conditions which permit the high incidence of strategic and private terrorism include the presence of frustrated and well-trained ex-soldiers and a herd of unemployed semi-intellectuals, the easy availability of weapons and explosives, and the lack of individual self-defense capabilities.

The communist attitude to terrorism has been expressed on several levels.

The official doctrine calls for the liquidation of classes and rejects "individual terror". But even in Lenin's time, the bolsheviks engaged in "expropriations" such as bank holdups (which usually entailed killings), and they took advantage of the terrorism practiced by other revolutionary parties. Furthermore, the communists have conducted numerous guerrilla wars which more often than not were organized as systematic terrorism.

Various secret agencies of CP states, notably the Soviet KGB, have "executed" defectors through fake suicides and seeming heart attacks, but the art of imperceptible murder was also practiced for offensive purposes. Names like Trotsky, Sedow (Trotsky's son), Kutiepov, Tresca, Bandera, Krivitsky, and Bang-Jensen may serve as examples.

The Kremlin criticized Arab terrorism in a mild manner, but has continued to supply Arab terrorist organizations with weapons. Recently IRA "provos" were using Soviet-made bazookas. In the UN, the USSR rejected collaborative measures to suppress international terrorism.

Moscow-oriented CP leaders emphatically condemn "anarchist" terrorism practiced—for example, in Germany—by gangs who advertise themselves as true red communists. CP spokesmen criticize the Weathermen, Meinhof and Feltrinelli gangs, the Tupamoros, and the Red Army of Japan, as "adventurists", ie: utterly undesirable communists. But the CP's have refrained from cutting the links to the New Left groups, many of whom, though under direct or indirect communist control, favor terrorism. The Black September attack during the Olympiad was predicated on collaboration between German "adventurists" with the Arabs. CP *praxis* is pro-terrorist.

The attitude of most western governments has been that it is infeasible to guard most of the likely targets of strategic terrorism and entirely impractical to protect the random targets of private terrorism. Pope Paul VI said on January 10, 1973, that "the entire world is beginning to be shocked by the recrudescence of violence". The shock was very long in coming. As yet it has led to little more than moaning.

It is widely believed that the danger posed by terrorism is minimal. So long as countermeasures prevent the terrorists from moving up to higher levels of violence, the threat may stabilize or recede. Yet present countermeasures are insufficient. Hence, it is likely that terrorism will continue and quite likely that it will rise. Specifically, as private terrorism is not brought under control, the opportunities for strategic terrorism will expand.

Historically, sustained terrorism often resulted in the destruction of established governments.

RAYMOND F. FARRELL COMMENDED

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 11, 1973

Mr. MURPHY of New York. Mr. Speaker, today I would like to commend Raymond F. Farrell who retired on March 31, 1973, from his position as Commissioner of the Immigration and Naturalization Service. Commissioner Farrell served for 11 years in this position after a previous 20 years with the Service.

Mr. Farrell, a graduate of Georgetown University law school, served as a Federal investigator in a variety of assignments throughout the United States, and in 1938 and 1939 he was special counsel to the joint Senate-House committee of Congress for the investigation of the Tennessee Valley Authority. He came to the Immigration and Naturalization Service in 1941.

Commissioner Farrell went on active military duty during World War II in May 1942 and received the Bronze Star for outstanding service in Italy during the Rome-Arno campaign. He was separated from service on November 30, 1945, with the rank of lieutenant colonel.

Upon his return to the Immigration Service following World War II, Mr. Farrell was named chief of investigations at New York City. In 1948, he came to the Central Office of the Service in Washington D.C. as Information Specialist and the following year was made Assistant Commissioner for Investigations in 1952.

In 1958, he was promoted to Associate Commissioner in Charge of Service Operations, coordinating the functions of the investigative, enforcement, and examinations work of the Service, as well as the overseas offices.

He was unanimously confirmed by the United States Senate as Commissioner of Immigration and Naturalization on February 5, 1962.

Mr. Farrell's record as Commissioner since 1962 has been praised for opening a bright new era of compassion and understanding in administering the Nation's immigration and nationality laws.

In a statement from the White House accompanying the 1963 annual report of the Service, President Johnson described Commissioner Farrell's administration as a good example of "government with a heart."

President Johnson explained that "by applying existing immigration laws with humanity, we are demonstrating that compassion and efficient administration go hand in hand."

On February 13, 1973, President Nixon accepted Commissioner Farrell's notification of impending retirement with regret. The President said Mr. Farrell "had served the Nation with the highest distinction" througout his lifelong public career.

The Association of Immigration and Nationality lawyers has honored the Commissioner with its prestigious Founder's Award, and the president of the organization has described him as a "zealous, understanding and fair-minded public official."

WE CALL THIS WAR A CEASE-FIRE

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 11, 1973

Mr. WALDIE. Mr. Speaker, I would like to conclude my remarks on "We Call This War a Cease-Fire" by printing part of the report by the American Friends Service:

REPORT BY THE AMERICAN FRIENDS SERVICE

V. SAIGON'S CIVILIAN PRISONERS

"The term 'civilian internees' is understood to mean all persons who, having in any way contributed to the political and armed struggle between the two parties, have been arrested for that reason and have been kept in detention by either party during the period of hostilities."—Agreement on Cessation of Hostilities in Vietnam, July 20, 1954, now contained in Agreement, Article 7.

Although exchange of military prisoners has proceeded more or less on schedule, progress in terms of exchange and release of civilian prisoners is quite another matter. Saigon claims that the DRV holds nearly 60,000 South Vietnamese civilians, and the DRV and PRG claim up to 300,000 civilians are held by Saigon. The International Red Cross, Amnesty International and other neutral and western observers estimate this number at between 100 and 200 thousand—many of them political opponents of Thieu, many of them students—and many living under conditions of daily torture and beatings.

There has been absolutely no progress in negotiations between the PRG and the GVN over release of these civilian prisoners. On the contrary, there is distressing evidence to support that Thieu is using various means to cut down the number of those currently classified as "detainees" so that he will not have to release them. Both Amnesty International and the PRG have documented, in very detailed accounts, the moving of prisoners—never to be heard from again. Fishermen in the Gulf of Thailand have found bodies floating there, dressed in the clothes of the type worn by Saigon prisoners. On February 5, Saigon claims to have released some 10,000 civilians into the streets of Saigon, announcing that they were "new life cadre" members who had been "rehabilitated". These were not turned over to the PRG as stipulated in the agreement.

Several persons, including two Frenchmen, recently released from Thieu's prisons, have reported that Saigon is forging records and changing classifications—moving persons from prison to prison—so that "civilian detainees" will become common criminals, not subject to the Agreement's provisions. (See Tom Wicker, New York Times, March 11) Adding substance to these bits of evidence is the fact that Saigon has refused to allow any inspection of its prisons by international bodies, as specified in the Agreement, or to provide lists of prisoners. The Canadian Red Cross delegation spent a futile three weeks in Saigon, trying to visit the prisons. They finally gave up.

VI. THE SPIRIT OF THE AGREEMENT

"With a view to ending the war and restoring peace in Vietnam on the basis of respect for the Vietnamese people's fundamental national rights and the South Vietnamese people's right to self-determination . . ." *Agreement*, preamble.

"If a stranger enters your village, shoot him in the head." Nguyen van Thieu, *Time*, 2/5/73.

"The United States will continue to recognize the Government of the Republic of Vietnam as the sole legitimate government of South Vietnam," Richard M. Nixon, 1/25/73.

Peace will never come to Vietnam unless all parties concerned begin to show a conciliatory spirit. The attitudes of the two sides toward this essential "spirit" of the Agreement have been radically divergent, even from the start. The PRG and the DRV have voiced support for the Agreement in its entirety and have urged its implementation. They were the ones who suggested the basic terms of the Agreement as far back as July, 1972. President Thieu, essentially backed by the United States, has made no secret of his unhappiness with it, used his leverage to delay its signing from October to January and maintains his undying resistance to any reconciliation with the "communists."

From the start, the Nixon administration has supported Saigon's belligerence. In October, Nixon used the pretext of Thieu's objectives to the Agreement to pump over 10,000 tons of military equipment into Saigon's arsenal.

Despite the fact the accord recognizes two parties in South Vietnam, and calls for foreign countries not to intervene or support any political tendency in South Vietnam, the U.S. continues to insist that the GVN is the only "legitimate" government there. U.S. aid, direct and indirect, accounted for nearly 90% of Thieu's budget in FY 1973 and requests for FY 1974 show no indication of going down.

None of this has encouraged a peaceful or conciliatory attitude in Saigon. Thieu has urged his people not to confuse "cease-fire" with peace, not to support the military or international commissions, and not to let any "communist" live.

The day before the ceasefire was announced, Thieu issued new decrees to his police: "Detain those persons who are neutralists . . ." and those persons who incite others to "leave those areas controlled by the government in order to go into communist controlled areas or vice versa. If they protest, they will be shot."

The other side's attitudes have been different. In October, the DRV made public the Agreements in order to hasten a ceasefire. Once the Agreements were signed, the DRV and the PRG promptly hailed them as a victory.

Two days after the signing, according to *Le Monde*, the PRG called its forces "to seriously adhere to the ceasefire accords and to treat ARVN troops just like brothers."

Why the opposite attitudes toward the Agreements on the part of the two South Vietnamese parties? The Accords recognize the PRG as a legitimate political force in South Vietnam. In the open political struggle which was supposed to follow the signing, the PRG could take advantage of its years of political organizing. The democratic liberties guaranteed by the Agreement could only help the PRG solidify its strength.

On the other hand, Thieu's power is based on his army and police, and the American dollars which perpetuate the Saigon government. If a real peace were to come, if the 1.1 million Saigon soldiers could go home, if a free political competition were to occur, it would likely be the end of Thieu in Vietnamese politics. Even if this June, Congress cut off the 3 billion dollar a year American subsidy to Saigon, would a real peace among Vietnamese be possible after so many years of fratricidal war? Perhaps it would happen much faster than most would guess. Even now we hear the story of the village of Haut Hanh, where, "there is free movement of goods, people, and money back and forth between the two sides in the kind of live and let live relationship that Saigon insists is unacceptable."

APPENDIX—HARASSMENT OF THE AMERICAN PRESS

The American people have been hampered in getting news about Vietnam by the outrageous way in which the American press has been treated by the Saigon government. With the expulsion of *Newsweek's* Ron Moreau on April 1st, there is now no American correspondent in South Vietnam who is fluent in Vietnamese. The U.S. press is at the mercy of Saigon interpreters and guides.

Almost immediately following the ceasefire repression began as correspondents attempted to get into the field to film alleged violations, and to cover the arrival of Communist truce teams. In early February, it was announced that the same policies applying to South Vietnamese domestic press would begin applying to foreign press: any newsman taking part in "un-Vietnamese" activities would not be allowed to enter South Vietnam and those already in would be expelled. "Un-Vietnamese activities" were defined as "those activities which undermine the security of Vietnam with false and inaccurate reports." In covering post-ceasefire action, CBS and NBC News were physically stopped by Saigon troops and police, and five NBC reporters and cameramen were threatened with a weapon. In an incident retold by both correspondents, Craig Whitney of the *New York Times* and Peter Osnos of the *Washington Post* were traveling together with a cameraman and a driver in a jeep from Quang Tri to Hue. They had just passed and filmed a firefight when they were stopped by the Province Chief and the head of the province police. The film was ripped out of the photographer's camera, the driver's ID card was confiscated, and the tires of the jeep were shot out.

During this period, at least 20 correspondents from various newspapers and press agencies were arrested, detained, harassed, and otherwise prevented from having any contact with DRV and PRG Joint Military Commission members at Camp Davis at Tan Son Nhut Air Base. As Joseph Galloway of UPI put it, "the official American attitude appeared to be one of indifference."

The South Vietnamese crackdown and U.S. indifference resulted in the expulsion of Donald Davis, the Saigon Bureau Chief for UPI, the suspension of action on all other UPI visas, and the expulsion of NBC newsman Ron Nessen. It also resulted in the non renewal of the visas of Jacques Leslie of the *Los Angeles Times*, and Ron Moreau of *Newsweek*, plus a private communique to Agence France Presse that one of their correspondents, out of the country on vacation, would not be allowed back in.

Nor does it appear that coverage of American military presence in Indochina in the post-ceasefire period will be easy. The 100,000 U.S. servicemen remaining in Thailand and off the coast on aircraft carriers will be virtually inaccessible. The new U.S. headquarters, at Nakhon Phanom in Thailand is hundreds of miles from Bangkok, and corerspondents will not be allowed access—even by telephone.

WILL CONGRESS ACT?

HON. WILLIAM L. ARMSTRONG

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 11, 1973

Mr. ARMSTRONG. Mr. Speaker, our national economy is teetering on the brink of disaster.

The critical seriousness of the economic crisis was underscored again last week in the report of the Joint Economic Committee. And from the committee's conclusions one fact emerges clearly:

The Federal Government is spending too much: Not too much for the appetite of program administrators; possibly not too much, or even enough, as measured by the needs of people to be served and value of worthwhile programs—but more than we can continue to spend without ruinous inflation, higher taxes or both—more than we can continue to spend without permanent damage to our national economy. Consider the facts:

First. Even after reductions proposed by President Nixon, next year's Federal funds budget will be nearly $30 billion in the red.

Second. Present and projected deficits have fostered inflation which has eaten away over 27 percent of consumer purchasing power in the last 6 years alone. These deficits, and the resulting inflation, have dislocated the economy and created innumerable hardships for persons on fixed incomes and triggered endless rounds of wage and price increases as consumers, producers, workers, and investors all struggle to stay ahead of rising prices.

Third. Wage-price controls have failed. In the first 3 months of this year consumer prices rose at an annual rate of over 6 percent while wholesale prices soared at an annual rate of 21.5 percent. Predictably, these increases have prompted a clamor for still more stringent controls which will also fail while tempting us still another step toward a totally regimented economy.

Fourth. The world has lost confidence in the dollar. Even after two devaluations in 15 months, the price of gold is double the official rate.

Fifth. Our balance of trade is the worst in 70 years.

These are just symptoms of a basic illness in our country—fiscal irresponsibility. And the symptoms will grow worse until Congress begins to put a lid on Federal spending.

This fact is recognized by the Joint Economic Committee's report which aptly identifies budget reform as a question of "urgency."

The committee's report supports the recommendations of 54 freshman Representatives who have called for a spending ceiling.

The Senate majority leader has eloquently urged a ceiling. So has the House minority leader, the chairman of the Ways and Means Committee, the Appropriations Committee chairman, and many of the most distinguished Members of Congress. In the House alone, over 40 spending ceiling bills have been introduced by more than 100 Members.

With such evident support, and mounting public concern, establishment of a spending ceiling would seem assured.

But will Congress act?

Although the need to restrain spending and establish an overall congressional budget has long been recognized, this decision has been put off over and over again as the Members have given priority to partisan considerations, squabbling with the President, and special interest appropriations.

We must not permit this to happen again. The crisis is too imminent; the consequences are too drastic.

Purely economic aspects of the Federal spending spree are bad enough. But of utmost concern are the ramifications in public opinion.

If we fail to brake Federal spending now, when the need is so urgent and well defined, our national fiscal policy will lose its last shred of credibility. It will confirm everyone's worst suspicion—that Congress lacks the willpower to hold the line.

Such a signal will undoubtedly promote the worst possible inflationary psychology at home and abroad. Business and agriculture are sure to raise prices as rapidly as possible to keep ahead of the tidal wave of rising costs; labor will shoot for the moon in contract negotiations; and how can management hold the line if Congress cannot?

The international consequences are equally predictable: U.S. prestige will drop another notch; there will be more speculation against the dollar; and the world will know America is not what it used to be.

This country is in an economic mess already. And Congress is to blame.

We can still avoid the worst consequences of reckless spending if we act decisively now to balance the budget.

But if we fail to meet this issue head-on, our country faces economic catastrophe.

Will Congress act?

HON. WILLIAM L. HUNGATE DISCLOSES 1972 INCOME

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 11, 1973

Mr. HUNGATE. Mr. Speaker, in accord with my regular practice since coming to Congress, I again disclose my income as shown by my most recent income tax return for the year 1972, due and filed in the year 1973.

My joint personal income tax return, form 1040, line 11, shows my congressional salary of $42,500. Lines 13 and 14 list other income of $3,085 for a total income on line 15 of $45,585. Less line 16, $6,242, consisting of adjustment for allowed congressional living expenses attending Congress in Washington, D.C., $3,000; and congressional expenses from personal funds not reimbursed, $3,242; adjusted gross income, line 17, is $39,343.

Itemized deductions, form 1040, part III, line 52, are $6,537, consisting primarily of State and local taxes, real estate and personal property taxes of $3,351, interest payments of $1,167, and charitable contributions of $1,111.

The total income tax, form 1040, line 18, is $8,095.84, plus $150.90 added on line 21 for self-employment tax. Against this is allowed on line 19, $22.50 credit for contributions to candidates for public office as provided by law. The total net Federal income tax withheld, line 23, form 1040, is $11,118.91.

Total payments are $11,118.91, as indicated on line 27, form 1040. This leaves a total overpayment of tax for the year 1972 of $2,895.67. Since current withholding schedules exceed my tax due and since no additional outside income in excess of 1972 outside income is foreseen for 1973, the overpayment is requested to be refunded.

The principal sources of the $3,085 income aside from congressional salary, were interest on savings and loan deposits, $780; rental income, $293; and lecturer's fees in excess of expenses incurred in connection therewith from engagements at St. Louis, Huntsville, Monroe City, Sikeston, Tokyo, Kansas City, Saint Joseph, Boston, Chicago, Fulton, and Mexico, Mo.

I do not own any stocks or bonds.

In accordance with the Federal Election Campaign Act of 1971 (Public Law 92-225), all receipts and expenditures of campaign funds are handled by the Hungate for Congress Committee, Don Thompson, treasurer, Troy, Mo., and I have no direct control over such funds. Nonpolitical funds for congressional services—and consisting of a total balance of under $2,000 as of this writing—are used for newsletters, questionnaires, and expenses of radio and TV reports.

BOYCOTT MEAT MONTH

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 11, 1973

Mr. ANNUNZIO. Mr. Speaker, over the past weeks we in the Banking and Currency Committee have been taking testimony and preparing a bill to put the Congress on record with proposals to halt, once and for all, the outrageous and disastrous effects of rising prices on the working people of America.

These issues are being debated this week on the floor by the entire House and widespread support in the country at large for a strong stand by the Congress has been generated by leaders on the local level. I was privileged to meet one such leader, Councilman Basil M. Russo, who at 26 is the youngest member ever elected to the Cleveland, Ohio, City Council, and received from him a copy of an emergency resolution passed by the Cleveland City Council. The resolution designates the month of April 1973, as "Boycott Meat Month" in the city of Cleveland and memorializes the Federal Government to take the steps necessary to combat rising meat prices.

The resolution, along with my own letter of appreciation, follow:

AN EMERGENCY RESOLUTION

Designating the month of April, 1973 as "Boycott Meat Month" in the City of Cleveland and memorializing the Federal Government to take the steps necessary to combat rising meat prices.

Whereas, throughout the past year the price of meat has continued to rise unchecked, thereby placing an intolerable hardship on the financial resources of American families; and

Whereas, the Federal Government has not shown to date that it can act in a responsible manner to ensure reasonable meat prices; and

Whereas, the residents of the City of Cleveland will not continue to tolerate this situation without expressing their indignation to both the Federal Government and the meat industry; and

Whereas, this Council wishes to lend its support to the efforts to combat these rising prices; and

Whereas, this resolution constitutes an emergency measure in that it provides for the immediate preservation of the public health, safety and welfare; now, therefore,

Be it resolved, by the council of the city of Cleveland:

Section 1. That the month of April, 1973 be and the same is hereby declared to be "Boycott Meat Month" in the City of Cleveland.

Section 2. That the President and the Congress of the United States be and the same are hereby memorialized to take whatever legislative and administrative action is necessary to force a mandatory rollback in the price of meats.

Section 3. That the Clerk of Council be and she is hereby authorized to transmit a copy of this resolution to the President of the United States and to the leadership of the United States Congress.

Section 4. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council. It shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

APRIL 11, 1973.

To Councilman Basil M. Russo, the city council and the people of Cleveland, Ohio:

DEAR FRIENDS: On Wednesday, April 11, 1973, I was highly honored to receive a copy of the Emergency Resolution 706-73, presented to me by its sponsor, Councilman Basil M. Russo, representing the Cleveland City Council and the citizens of Cleveland, Ohio, which designates the month of April, 1973, as "Boycott Meat Month" and memorializes the Federal Government to take the steps necessary to combat rising meat prices.

The House of Representatives soon will begin its deliberations on the Economic Stabilization Act Amendments of 1973, which include a rollback of prices, interest rates, and rents to January 10, 1973. The rollback provisions of the bill are highly controversial, but whatever the final outcome of this legislation, the no-nonsense stand taken by the City Council and the people of Cleveland vividly demonstrates that the people care and are demanding from the Congress and the President a meaningful solution to this problem.

I am most appreciative of this outpouring of support from Cleveland and pledge my continued efforts to halt this outrageous deterioration in the standard of living of the American people.

Sincerely,

FRANK ANNUNZIO,
Member of Congress.

BUFFALO'S JOHN LORD O'BRIAN DIES AT 98; PUBLIC SERVANT

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 11, 1973

Mr. DULSKI. Mr. Speaker, it is my sad duty to inform my colleagues of the passing of John Lord O'Brian, a distinguished attorney who had an enviable record of public service that spanned the 20th century.

Born in Buffalo, N.Y., in 1874, he had maintained an active law office there until the end of World War II and continued to the end to maintain his close ties with his hometown, although his work had kept him headquartered in Washington for many years.

Few individuals in our Nation's history—and Mr. O'Brian's lifetime extended over half of our country's existence—have had so many opportunities to serve the public interest at local, State, national, and international levels.

John Lord O'Brian accepted each of these challenges as they came along and had a record of public service which is unparalleled.

He was a member of the State assembly for three terms at the beginning of the century and then took on his first Federal responsibility in 1909, when he was named by President Theodore Roosevelt as U.S. district attorney for the western district of New York.

MAN WHO LOOKED AHEAD

Mr. O'Brian was a gracious and modest man, slight in physical stature, but tall in every other respect. He was grateful for the many accolades he received over the years, but he did not dwell on them. His concern was for problems of the day and in contributing further in any way he could to the public interest.

He referred to his role in life as that of "just a busy lawyer." And busy he certainly was— but never too busy to provide requested counsel.

Time after time, regardless of party, Presidents called upon him for help in critical periods. In three wars, he was asked to counsel with regard to our Nation's economy.

His development of war production policies in World War II set a pattern for the Korean war period and future economic crises.

His legacy is great to his alma mater, the Buffalo University School of Law—now the State University of New York at Buffalo School of Laws. Even as a young state assemblyman in 1909, he sponsored legislation to elevate the university's status.

A TRUE PUBLIC SERVANT

Mr. O'Brian served his alma mater—and its State parent—for many years and received all the highest honors.

Perhaps the apex was the action of the State University's board of trustees last November in naming its law building at the new university campus in his honor. Never before had a living person been so honored.

Mr. Speaker, John Lord O'Brian was a true public servant for whom we can be most grateful for his great contributions to the public interest.

He was proud of his Buffalo heritage and Buffalo, in turn, not only was proud of him but is deeply indebted to him for what he did for our Buffalo area, for our State, and for our Nation over the years.

Mr. Speaker, as part of my remarks I include the text of the very complete obituary from the Buffalo Evening News:

Buffalo's John Lord O'Brian Is Dead at 98; Famed Lawyer, Public Servant

Washington.—John Lord O'Brian, 98, who gained international fame as a lawyer and public servant, died today (April 10, 1973) in George Washington University Hospital, Washington, D.C.

He had been admitted to the hospital Wednesday after a fall a day earlier in his apartment in the Sheraton Park Hotel, Washington. It was learned subsequently that he had suffered four fractured ribs.

Mr. O'Brian was a senior partner in the Washington law firm of Covington & Burling. He had gone to his office for a few hours each morning until his fall last week.

Mr. O'Brian, who was born Oct. 14, 1874, at 146 Chicago St. in Buffalo's old First Ward, had served in appointive offices to which he was named by six Presidents.

Mr. O'Brian casually referred to himself as "just a busy lawyer."

But associates and admirers called him "one of the truly great, but though nonprofessional, public servants of this age."

DEEP SENSE OF JUSTICE

In the decades from President Theodore Roosevelt to President Harry S. Truman he earned recognition as a constitutional lawyer and government official with a deep sense of justice transcending partisan interest.

He also was known as a churchman devoted to practical service and a citizen dedicated to civic betterment.

Mr. O'Brian's many tributes from associates in the legal profession were climaxed by recognition in the U.S. Supreme Court chambers on April 2, 1962, the 50th anniversary of his admission to the bar of the court.

Commenting on the anniversary, Chief Justice Warren said to Mr. O'Brian:

"Few men in history have had a longer or more active practice before this court. During all of these years you have served the court in the highest sense."

In 1956 Mr. O'Brian received the Gold Medal Award of the State Bar Association for "distinguished service" and was honored at the annual dinner of the Bar Association of Erie County.

RECEIVED MANY HONORS

Twice he was honored by the National Conference of Christians & Jews.

In 1953, he received a brotherhood citation "for lifelong service in the fields of human relations."

In 1956 he received a National Brotherhood Award for his book "National Security and Individual Freedom."

Mr. O'Brian once told a college audience, "Loyalty to a great idea is the noblest of human achievements."

Friends often commented that his entire career was a demonstration of his own loyalty to his great idea—the idea of public service.

In 1913 he was a candidate for mayor of Buffalo on a combined Progressive and Citizens Parties tickets. Mayor Louis P. Fuhrmann defeated him in a close race.

In 1919 he was considered for nomination as the gubernatorial candidate by the Republican State Convention.

In 1938 he was the unsuccessful Republican candidate for a New York seat in the United States Senate.

NAMED U.S. ATTORNEY

After serving three terms as an assemblyman in Albany, he was appointed United States attorney for the Western District of New York by President Theodore Roosevelt for a term beginning in March 1909.

He was reappointed by President William Howard Taft and served until December 1914. During this period he effectively prosecuted anti-trust cases.

Mr. O'Brien's other presidential appointments were:

By Woodrow Wilson, head of the War Emergency Division, Justice Department, 1917 to 1919.

By Herbert Hoover, first assistant attorney general, in charge of the Anti-Trust division, 1929 to 1933.

By Franklin D. Roosevelt, appointed to defend the constitutionality of the Tennessee Valley Authority before the U.S. Supreme Court.

By Mr. Truman, named chairman of a committee to investigate a strike at the Oak Ridge, Tenn. atomic center in 1948.

Mr. O'Brian's selection to defend the TVA was indicative of his reuputation for freedom from bias and devotion to the public interest. A Republican, he was chosen to defend a major enterprise of a Democratic administration.

WAR PRODUCTION BOARD ROLE

During World War II he was in Washington as general counsel for the Office of Price Management the Supply Priorities & Allocation Board and the War Production Board. He resigned from the WPB in December 1944.

He balanced his Washington activities with a continuing interest and activity in Buffalo.

Growing up in Buffalo, he graduated from School 16 and old Central High School. He earned degrees at Harvard University and the University of Buffalo Law School.

While serving a clerkship in the law office of Joseph H. Morey Sr., he taught evening classes in old Central High School.

He taught insurance law in the UB Law School and lectured on medical jurisprudence in the UB School of Medicine.

Mr. O'Brian was admitted to the bar in 1898 and practiced law in Buffalo until 1945 with the firm of O'Brian, Hellings, Ulsh & Morey.

AIDED ALMA MATER

As an assemblyman in Albany in 1909, Mr. O'Brian sponsored the legislation transforming the University of Buffalo from a stock corporation into an educational institution—a move that raised the status of the college.

He helped persuade Chancellor Charles P. Norton to locate the campus at the Main St. site instead of the 40-acre Rumsey tract on Elmwood Ave. near the old Pierce-Arrow plant.

In 1940 he received the Chancellor's Medal for "distinguished public service" from UB. In 1951, for "notable contributions" to the university, he received the Samuel Paul Capen Alumni Award.

Mr. O'Brian was a regent of the State University of New York from 1931 to 1947, a trustee of the University of Buffalo from 1903 to 1929 and an overseer of Harvard University from 1939 to 1945.

The Law Bldg. on the State University of Buffalo's new campus was named for Mr. O'Brian last November by the State University Board of Trustees.

Manly Fleischmann, Buffalo attorney and university trustee, commented at that time, "Naming a building for a living person is unique, but all the other trustees went along with it enthusiastically."

HARVARD ESTABLISHED CHAIR

He was a fellow of the American Academy of Arts & Sciences.

He was president of the Harvard Alumni Association in 1945. In 1955 the John Lord O'Brian Chair was established at the Harvard University Divinity School.

In 1920 Mr. O'Brian was a leader in opposing the expulsion of Socialist members from the State Assembly.

In 1923 he was counsel for the Amalgamated Clothing Workers of America in anti-injunction and damage suits resulting from a sweatshop strike in Buffalo.

As counsel for the Civil Service Reform Association he was active in this field of enlightened endeavor.

At the 1940 Republican National Convention in Philadelphia he nominated Thomas E. Dewey for the presidency.

Mr. O'Brian was chancellor of the Protestant Episcopal Diocese of Western New York from 1932 to 1946. His home was on West Utica St. for many years and he was a vestryman of St. John's Episcopal Church.

HONORED BY HISTORIANS

In recognition of "a lifetime of continued unbroken devotion" to the program and welfare of the Buffalo & Erie County Historical Society, he was awarded the organization's Red Jacket Medal in 1959.

A member of the Buffalo Club, he was its president in 1940.

In 1946 Mr. O'Brian represented Iran successfully in a dispute with Russia before the United Nations. The next year he was appointed chairman of an Army-Navy Flying Pay Board to study the merits of continuing "hazard pay" allowances to militay personnel.

He was a legal adviser to the Greek delegation to the United Nations. He was recognized by the Belgian government as an officer in the Order of Leopold II.

In 1949 he was counsel for professional baseball in damage suits for more than $3 million brought against the major leagues by Danny Gardella and other players barred after playing in the Mexican League.

MANY HONORS AND DEGREES

He was a director of the Equitable Life Insurance Society and the former Art Metal Construction Co. and a trustee of the Public Administration Clearing House, Chicago.

He was a member of the American Bar

Association, the American Law Institute, Delta Upsilon, Phi Delta Phi and Phi Beta Kappa.

He received honorary degrees from Hobart College, Syracuse University, Brooklyn Polytechnic Institute, Brown University and Harvard University.

He was a member of the Century Club, the Harvard Clubs of New York and Boston and the Metropolitan Club and Chevy Chase Club of Washington.

Mr. O'Brian was an authority on Western New York history. He enjoyed good music. He was an interested reader of the sports pages and was an enthusiastic tennis player for many year.

He married Alma E. White of Buffalo Sept. 17, 1902. Her father was Truman C. White, a Superior Court judge in Erie County who later was appointed a justice of the State Supreme Court when that tribunal was created. Mrs. O'Brian died in 1968.

Surviving are four daughters, Mrs. Kellogg Mann and Mrs. Winfield L. Butsch of Buffalo, Mrs. Thurston Robinson of Lake View, N.Y., and Mrs. Davis Boylston of Sarasota, Fla.

RARICK REPORTS TO HIS PEOPLE: INCOME TAX INEQUITIES

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 11, 1973

Mr. RARICK. Mr. Speaker, recently I reported to the people of my district on the personal income tax dilemma. The text of that message follow:

I came across a cartoon in the paper the other day that expresses the feelings of a great many Americans today. It said: "Just when you've cured yourself of cussing, it's income tax paying time again." Well, it is that time again: when millions of American tax payers become entangled in the redtape of the annual chore of filling out income tax forms, and paying the federal government for their right to be producing citizens. Since income taxes are a subject near to the hearts and pocketbooks of all working Americans, I thought today we'd talk about taxes. It may not be the most pleasant subject. But it's a real education to look at the background of the income tax mess, and the misuse to which your taxes are being put by the federal government.

No American under the age of 60 has lived in a time when there was no income tax in the United States. Some of our younger viewers today may be amazed to learn that there was a time when the government of this country was able to operate efficiently without a personal income tax. But it did. For 137 years our country managed to function, pay the bills, and carry on the business of government without having to resort to draining the incentive of American workers through income taxes. Congress passed an income tax act in 1894, but it was quickly declared un-Constitutional by the Supreme Court. The people simply would not stand for unequal taxes. Americans' opposition to taxation goes way back into our history. It was unfair taxation that finally got the American colonists so fired-up that they declared themselves free of the mother country, and fought the Revolutionary War to preserve that freedom. Thomas Jefferson had quite a bit to say on taxation.

"We must make our election between economy and liberty, or profusion and servitude. If we run into such debts, as that we must be taxed . . . in our labors and . . . our people . . . must give so much of their earnings to the government that they will have no time to think, no means of calling the mismanagers to account . . . private fortunes are destroyed by public as well as by private extravagance. . . ."

If Mr. Jefferson could see the tax system of the US government in operations today, he wouldn't recognize the government he helped found.

How did the federal government operate without revenue derived from personal taxes for 137 years? The answer is that before 1913, when the Sixteenth Amendment was ratified, the government was run in accordance with the Constitution. From the American Revolution to the Civil War, except in periods of war citizens were free of all federal taxes except the tariff on imports. Prior to the tax act, federal revenues collected came from taxes on liquors, tobaccos, from import tariff and sale of public lands. During these years our federal government heeded the warnings of President Jefferson. The emphasis was on less government and more individual responsibility. American enterprise prospered mainly due to the great individual freedom the people enjoyed.

Every time government takes a dollar from its people in taxes, it denies the citizen the freedom to use as he sees fit the earnings of his labor.

There is little doubt that the good men in the Congress and in the State Legislatures who voted to amend the Constitution to allow income taxes had any concept of the monster they were creating. From that little thirty-word statement they added to our Constitution, has come this enormous collection regulations that reach into the private lives of every American citizen: The Internal Revenue Code. It is the most far-reaching group of documents ever placed as a stumbling block to American's freedom. It has led our government into the most inflationary element in the economic system: deficit spending.

With the American taxpayers footing the bill, federal bureaucrats have taken this country on the wildest spending spree in world history. In 1971, our national debt exceeded the combined public debt of every other nation in the world by $87.4 billion. And it continues to grow. Statisticians have calculated that the interest alone on the national debt costs the taxpayer $40,000 per minute.

Even though Congress killed the foreign aid appropriations bill last year, it passed so-called emergency legislation entitled: "Further Continuing Appropriations, 1973." This interim bill allows more than $3.6 billion of your tax money to be spent on foreign aid. That's nearly one half billion dollars above the 1972 level.

It is as unjust as it is irresponsible for the Congress to continue spending programs unauthorized by the Constitution, and which result in huge deficits. No where in the Constitution is there authorization to provide for taxing the American citizens to give aid to foreign nations, international organizations and the United Nations.

It is equally unjust that the American worker, farmer, small businessman and other middle income people carry the greatest financial burden of this country. People with middle income pay upwards to 80% of the personal income taxes. They also pay the great bulk of use, sales, excise, property, and other taxes. While corporation income taxes supplies only 27.5% of the combined total, the average citizen keeps getting hit in the face every April 15th.

There's a growing resentment of inequities in the tax laws by middle income taxpayers. And a glance at headlines from around the country indicates that people are fed up with taxes, taxes, taxes. They've had it with the complexities of the tax laws which allow the rich and the super rich to pay little or no money to support the system that enabled them to make their money—and even worse those who live abroad and make profit from Americans who labor.

There are any number of cases where million dollar corporations pay little or no income taxes on the money they make. There's the celebrated case a billionaire in this country who is reported to have an income from investments totaling one hundred thousand dollars a year. His tax when computed by the method the middle income taxpayer uses would be $75 million a year. Yet he pays only a few thousand dollars, because of loopholes and tax shelters.

The American taxpayer has every right to be up in arms over the inequities in the tax system. When the Internal Revenue Service began collecting personal income taxes in 1913 it imposed a minimum rate of one percent on incomes over $3000 and a maximum of seven percent upon incomes in excess of $500,000. If you look at the tax schedule today, you'll see that citizen who makes only $1,000 must pay 14 percent and the scale goes up to 70 percent on earnings in excess of $200,000.

So far in this session of Congress, I have introduced 28 bills aimed at providing tax benefits for the average workingman, elderly and retired people and small businessmen. Many of my bills have received a geat deal of Congressional support.

Early in this session, I introduced a bill that would allow retired individuals having a gross income of $10,000 or less not to have to file income tax returns. These people who have worked all their lives should be entitled to enjoy a moderate income free of taxation in their retirement years. In the same general area of tax assistance to the elderly, one bill I have introduced would allow any individual who has reached the age of 65 and continues to work to elect to treat services performed by him as noncovered (and exempt from tax) for Social Security purposes. After all, these people have already paid their share of Social Security during the time before they reached age 65.

Another of my tax relief bills that has gained much recognition and support from a wide spectrum of Congress would allow a tax deduction for certain expenses incurred in the adoption of a child. Fifty-five legislators have joined me in this bill so far. Existing tax laws allow for a tax deduction for certain expenses resulting from the birth of a child, and similar consideration should be shown to those people who seek to provide a home for children through legal adoption. Another bill to aid the workingman is to allow an itemized deduction for automobile insurance premiums.

Two more of my tax relief proposals this session would provide help to the average citizen. I propose to increase from $700 to $1,800 the personal income tax exemptions of a taxpayer. This includes the exemption for a spouse, for a dependent, and the additional exemptions for old age and blindness. Another would allow a taxpayer to deduct the expenses incurred in making repairs or improvements to their homes. It would also allow the owners of rental housing to amortize at an accelerated rate the cost of rehabilitating or restoring rental housing. Another bill would allow an income tax deduction for the amount of social security taxes paid by employees and the self-employed.

Last week, I co-authored and introduced along with 13 other Congressmen a bill to allow itemized deductions for individuals who rent their principal residences. Twenty-four Representatives have joined me in introducing to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns. I have two bills related to education. One allows teachers who continue their education to deduct certain related expenses. The other allows parents a tax credit for the money they spend for tuition expenses incurred in providing elementary and secondary education for their children.

More and more legislation is being introduced to provide tax relief for working people, the elderly, veterans, teachers and others who have been forced to carry the tax burden of the country. But to correct the inequities of the tax system is as important as providing tax benefits to middle income people. I have reintroduced bills that would remove the tax-exempt status from foundations engaged in propaganda and politics, and force them to show each source of income, including the money they receive from governmental sources.

These bills and others I have introduced this session would give some measure of tax relief to the average American taxpayer. But they don't provide the full answer to the income tax mess this country is in. The real solution is to repeal the federal personal income tax laws, and require the federal government to obey the Constitution. It would put this area of government back into the jurisdiction of state and local authorities. Here the people have the greatest influence and control over government and a closer chance to watch the spending of their taxes. To this end, I have re-introduced House Joint Resolution 23, known as the Liberty Amendment. This proposed amendment to the Constitution would abolish personal income tax, estate and gift taxes and prohibit the United States Government from engaging in business in competition with its citizens. It has already passed the legislatures of 8 states on its way to adoption.

Adoption of this bill would strengthen and enlarge the free enterprise sector, and restore Constitutional balance between state and federal governments.

The federal government can continue to operate without enslaving the American people to a personal income tax—it worked for 137 years without it. Elimination of unconstitutional federal programs alone would make up the difference. Government can do nothing for people they cannot do better for themselves and that includes spending their money.

SUPPORT FOR REVISION OF TITLE I OF ESEA

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 11, 1973

Mr. QUIE. Mr. Speaker, several weeks ago I introduced H.R. 5163, a bill to amend and extend title I of the Elementary and Secondary Education Act of 1965. Since the introduction of that bill on March 5, I have received a great many letters supporting in whole or in part the legislation. In addition, several days of testimony on H.R. 5163 have been held by the General Education Subcommittee of the Committee on Education and Labor, of which I am ranking minority member. I believe the comments and testimony which have been received are of interest to all Members. I am reproducing below excerpts from meetings and the statements which have been received in the last several weeks:

Lincoln D. Lynch, superintendent of schools, Middleborough Public Schools, Middleboro, Mass., February 21, 1973:

I wish to compliment you on your proposed revision of Title I, ESEA, based on educational disadvantage. I have sent letters home with each of over 3,500 children asking that their parents write to their Congressmen asking for an extension of Title I based on your premise. I have also written to Carl Perkins describing how unfair his proposed extension bill is to children who need help. With his bill we find that because of local geography or having parents over an income guideline, children in need are denied the advantages of our good Title I programs.

My School Committee does not feel we should run programs which discriminate against children with special needs, and with the changing emphasis evidenced in the administration of Title I, we are at the point in time where rather than discriminate, we will locally support very reduced programs but try to help all children who need it.

Dr. Samuel G. Sava, executive director, Institute for the Development of Educational Activities, and vice president, Charles F. Kettering Foundation, Dayton, Ohio, March 28, 1973:

I will conclude with this flat statement: the burden of educational research and experience indicates that homogenized instruction will work well for a minority of scholastically inclined students who have no more control over their aptitudes than they have over the color of their eyes. If we wish to design an education that will serve the rest well, we must go toward individualized instruction—for there is nowhere else to go. As the 19th century philosopher Lichtenberg put it, "I do not know whether, if things change, they will get better; but I do know that if they are to get better, they must change."

Robert G. Scanlon, executive director, Research for Better Schools, Inc., Philadelphia, Pa., March 28, 1973:

House Bill 5163 represents an impressive, innovative approach to Federal assistance for programs to improve the academic proficiency of children who are educationally disadvantaged. The bill provides a much needed revision of the means of allocating funds and strategies for providing quality education to children in educational need. The use of testing to identify educational need is a sound notion and operationally possible with current knowledge in the field of education. Further, the intent to individualize programs for educationally disadvantaged students is a desperately needed step. . . . H.R. 5163 is long overdue and could be the beginning of the institution of major changes in our educational system.

Dr. Joseph Dionne, vice president, McGraw-Hill Book Co., March 29, 1973:

The criterion-referenced testing program called for in H.R. 5163 is well within the state of the art of such tests. With eighteen months in which to develop the tests, the commission will be able to determine the appropriate level of generalization of the objectives and insure that the items are sensitive to instruction. One of the major strengths of criterion-referenced tests is that they make explicit a continuum of objectives. . . . In summary, CTB/McGraw-Hill supports H.R. 5163 as a major development in educational testing and evaluation.

Dr. James Popham, University of California at Los Angeles, March 29, 1973:

Criterion-referenced measures are used to ascertain an individual's status with respect to some criterion, that is, an explicitly described type of learner competence. It is because the individual's performance is compared with an established criterion rather than the performance of other individuals that these measures are described as criterion referenced. The meaningfulness of an individual score is not dependent on comparisons with other individuals who took the test. We want to know what individual can do, not how he stands in comparison with others.

Dr. William J. Early, superintendent of governmental affairs, Flint, Mich., School District, March 28, 1973:

Speaking directly to H.R. 5163, we believe from our experience in Michigan that it does effectively transfer the basic determination of eligibility from the use of census data on income to that of educational deficiency. . . . The legislation also provides flexibility of programing by permitting the funds to follow the child. This is particularly crucial in urban areas where great mobility may exist during the school year.

Dr. John Porter, superintendent of public instruction, State of Michigan, March 26, 1973:

I think that the concept is just absolutely essential, and the concept of moving from where we are today to account for what we do is important enough to set in motion this type of legislation. . . . I think, in my opinion, that it can be done. I think it is important that it be done.

R. M. N. Crosby, M.D., pediatric neurosurgery and neurology, Baltimore, Md., April 6, 1973:

Thank you for the opportunity of commenting on your bill (H.R. 5163). I think this is a good piece of legislation. It is innovative and attacks the problem more directly than has been done previously.

The statements that I make about this bill are my own. As Chairman of the National Advisory Committee on the Education of the Handicapped, I cannot speak for the Committee without consulting directly with them; however, you will find that many of the ideas expressed in your statement in the Congressional Record of Tuesday, March 6, 1973 concerning H.R. 5163, are coincident with many of the recommendations that the National Advisory Committee has made in our Annual Report for 1973.

This bill has the major advantages that it obviates the problem and misdirection of funds under present Title I methods. The determination of educational handicapped, rather than economic disability is much more to the point. The use of criterion referenced testing is an ideal which I have felt for a long time should be the direction in which such legislation goes. This obviates the use of antiquated census figures and disregards economic status in rendering aid to children who really need it.

Jasper Harvery, chairman, Department of Special Education, the University of Texas at Austin, April 9, 1973:

I have read with interest your H.R. 5163, introduced to amend Title I of the Elementary and Secondary Education Act of 1965. . . . It was gratifying to note that this bill would include under those who are eligible children who have deficiencies resulting from a physical or mental handicap.

Although undoubtedly there will be those who will question your innovative formula which eliminates the use of census and AFDC data in computing Title I payments, it is my considered opinion that the criterion referenced test as a substitute will be vastly superior to the census data formula. . . .

I do endorse this bill and I feel that it has far-reaching implications for defining disadvantaged children on a current basis and further that it provides for development of individualized programs.

The Honorable Bruce King, Governor of New Mexico, March 30, 1973:

My staff and I have reviewed and discussed the provisions of H.R. 5163. We have agreed that the bill addressed itself to a critical area of educational need in a manner which we consider an improvement over the present attempt to deal with these problems—at least in some respects.

In capsule form I have outlined below those provisions which strike me as most favorable in our attempts to provide for the needs of these children:

1. The intent of the bill is to serve all children who are in need of developing skills in the basic areas of reading and mathematics;

2. An attempt is made in the bill to use

as current a student count as possible to determine eligibility;

3. The bill allows the states to devise their own definition of disadvantaged;

4. The provisions of the bill call for the states to devise their own distribution formula;

5. The bill calls for a continuation of parental involvement in matters affecting their children.

Henry J. Ferri, project director, board of education, Wethersfield, Conn., March 21, 1973:

I perused your proposal in the Report on Preschool Education, March 7, 1973, concerning the using of criterion referenced testing, individualized teaching and reinforcement variables that have an effect on student productivity.

Many of the conclusions that were stated in the article can be corroborated by a Title III Project that we have been conducting in the Wethersfield School Department in Connecticut.

The Project is studying the use of a comprehensive motivational system. Our first year analysis of statistical data has found that the student achievement is greater when you involve the individualization process in conjunction with positive reinforcement by parents and teachers.

Through the usage of criterion-referenced testing, we diagnose the strength and weakness of students and dwell on those behavioral objectives that students cannot accomplish with at least 80% accuracy.

Cecil D. Hardesty, superintendent of schools, Duval County, Fla.:

Duval County has been dealing with criterion referenced tests and individualized instruction for a considerable period of time. We find ourselves in support of your efforts to place emphasis on reading and mathematics and on individualizing of instructional programs.

Mrs. Latriece Wade, title I coordinator, Jones County schools, Laurel, Miss., April 2, 1973:

We want you to know that we in this office agree wholeheartedly with your recommendations concerning the allocation, distribution, and provisions of Title I funds. In Jones County, Mississippi, this year our project has attempted to provide individualized programs of remediation in reading and mathematics. It would be of great benefit to have funds provided on the basis of educational needs of the children rather than on economic needs. Your plan of parent involvement is an excellent idea, also.

Mr. H. D. Allison, general manager, Educational Products, Birmingham, Ala., March 23, 1973:

I share many of your feelings that Title I should be expanded to include all of the children in the present public school system nationwide. To isolate a child according to his economic and educational level and to deny another child the right to innovative and interesting curriculum because he is somewhat more affluent is futile. A lasting change will never be effected according to the present guidelines of ESEA Title I.

John T. Cicco, superintendent of schools, Catholic School Board, Pittsburgh, Pa., March 23, 1973:

I have had the opportunity to read H.R. 5163 which you introduced in Congress. I also read the Congressional Record, Volume 119 dated Tuesday, March 6, 1973. Obviously, I cannot speak for the United States Catholic Conference or Catholic educators throughout the country, but I do find your Bill to be very interesting. I agree wholeheartedly with your concept that the most equitable method of appropriation is educational deprivation rather than economic deprivation. I also feel that parental involvement such as you described in the Congressional Record would be most beneficial not only to the children but also to the parents.

Warren Pederson, coordinator, title I, ESEA, Department of Public Instruction, State of North Dakota:

One of the urgent changes that was evident from the beginning of Title I, ESEA, was the need for a change in the formula used to distribute Title I funds to the states.

The present method is and has been inequitable from the very beginning and the poverty guidelines eliminate many children from the program who have as great or greater need than those children receiving services.

We in North Dakota, strongly favor your plan of allocating funds on the basis of educational need; rather than on the basis of outdated, inequitable and educationally unsound data.

Approximately 95% of all Title I funds in North Dakota budgeted are spent for instruction and most of our projects are implementing individualized programs of remediation. Naturally, we favor the individualized approach because these programs produce the best results in most cases.

Funds allocated on the basis of a testing program and the flexibility at the State level to allocate the funds, where the greatest need is, will be a great improvement over the present system.

B. G. Williams, associate director for Federal programs, Department of Education, State of Arkansas, April 4, 1973:

After reading the Bill and the comments, I am favorably impressed wtih your Bill and I wholeheartedly support the elimination of census and AFDC data in the computation of Title I payments. As perhaps you know, our State is penalized severely in the distribution formula because of the use of the AFDC factor. The AFDC factor tends to favor the large urban states at the expense of the poor states.

Leslie Brinegar, associate superintendent, Department of Education, State of California, April 4, 1973:

First of all, I want to congratulate you in the inclusion of several new and important concepts which should contribute to a vastly improved piece of legislation for the disadvantaged.

Because I have a primary concern and responsibility for handicapped children and their education, it is gratifying to see the reference to physical or mental handicap in the Declaration of Policy. . . .

Finally, the inclusion of individualized education plans for children is a good move toward the improvement of this important program.

Robert M. Gagne, Center for Advanced Study in the Behavioral Sciences, Stanford, Calif., March 27, 1973:

This seems to me to be a most carefully planned and forward-looking piece of legislation. The idea of basing the determination of disadvantage upon the findings of criterion referenced tests in reading and mathematics is surely an excellent and critical feature of the bill.

I hope the bill will be favorably received and acted upon. I shall certainly give it all the support I can, and ask my colleagues to do likewise.

Mr. L. M. Pennock, National Association of Elementary School Principals, Arlington, Va., March 27, 1973:

The National Association of Elementary School Principals endorses and supports H.R. 5163. We like the citation: "Educationally Disadvantaged Children's Act of 1973." The NAESP endorses your philosophy, found in this bill, which provides money to a state for every student who needs help. We believe this should remove many of the administrative problems that befell the Title I program.

Congratulations are due you for attempting to correct the past formula which used outdated census figures to determine who should receive aid.

Mr. Donald S. Bliss, treasurer and member, executive board, Albuquerque school volunteer program, Albuquerque, N. Mex., March 27, 1973:

It is quite evident that learning problems make little distinction between the economic and social backgrounds of the children who have these problems. To me a learning problem is a problem that needs our attention regardless of where it is found.

Keep up the good work. There are many others who feel as I do and believe that all learning problems need attention, not just those that qualify due to arbitrary restrictions.

TOO MANY LOOPHOLES

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 11, 1973

Mr. NELSEN. Mr. Speaker, Ollie Neudecker of the Sleepy Eye Herald Dispatch in my congressional district in Minnesota recently plugged editorially for the passage of stronger legislation to close loopholes through which criminals have been managing to escape justice. Certainly, many of us here in Washington share his views, and we hope that Congress will act without further delay upon the crime package that has been proposed by Mr. Nixon.

Mr. Neudecker's editorial follows:

TOO MANY LOOPHOLES

Time and again we read about criminals who escape justice because of loopholes in the law.

Others who have been serving time try desperately to have their cases re-heard, hoping that a sympathetic jury will turn them free.

Last month in Washington, D.C. police arrested a self-styled revolutionary and put him in jail. He was carrying a sawed-off .303 rifle . . . the same gun which, it is known, was used to murder at least four innocent victims since the first of the year.

Less than two months before, the selfsame suspect had been arrested, charged with several minor offenses, fined $205 and released after being held less than 20 hours in a detention center.

At the time of his first arrest the suspect who was standing outside of his automobile, made a sudden lunge toward the car, but he was halted when the police drew their guns and ordered him to stop.

Reaching in the car, one of the officers picked up a snubnosed .38 calibre revolver from the floor in front of the driver's seat. The suspect did not have a Washington permit to carry a gun. The gun law carries a heavy penalty, but the suspect was not charged with this crime.

Why?

Because the policeman picked the gun off the floor of the car without a search warrant.

Loopholes. You can say that again!

Five years ago when he ran for presidency Mr. Nixon said that he would correct the imbalance in law which protects criminals at the expense of the innocent.

This is one campaign promise which remains to be fulfilled.

Let's hope Mr. Nixon gets around to it, and quickly.—O.N.

TRADE REFORM ACT OF 1973

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 11, 1973

Mr. FINDLEY. Mr. Speaker, the trade bill introduced yesterday is certainly the most comprehensive and innovative piece of trade legislation ever submitted to Congress. For the first time, a U.S. President has provided for the evolution of a more open system of international trade.

I am especially pleased that the administration has proposed new authority for the expansion of East-West trade. Title V of the trade bill authorizes the President to enter into commercial agreements with Communist countries heretofore denied most-favored-nation treatment and to provide such treatment in the context of and for the duration of such commercial agreements.

For years I have sponsored such legislation in the firm belief that we can and should trade with Communist countries on a basis of reciprocity and mutual advantage.

I first introduced an East-West Trade Relations Act, H.R. 10569, on April 24, 1969. I have reintroduced it in each succeeding Congress. Currently my East-West Trade Relations Act is H.R. 5944, introduced on March 21, 1973.

Viewed as a framework for the reduction of import restrictions on both sides, the legislation proposed by the President is a major step forward toward normalizing trade relations with the state-controlled economies of Eastern Europe and the Soviet Union.

It should be noted that under the bill commercial agreements will not take effect if either House of Congress disapproves of them within 90 days of their submission to Congress.

Commercial agreements made under title V must include certain provisions. In particular, they must be limited to an initial term of not more than 3 years and provide for suspension or termination at any time for national security reasons. Certain provisions may be included in commercial agreements at the discretion of the President, such as satisfactory arrangements for the settlement of commercial disputes and for the protection of U.S. industrial rights and processes in Communist countries. The bill provides for bargaining with respect to most-favored-nation treatment, that is, the removal of discriminatory restrictions on imports in return for a variety of concessions which would considerably ease the position of American firms doing business with Communist state trading agencies.

The bill also repeals the embargo on furs and skins which are the product of the Soviet Union or China, which dates from 1951. Also, the bill would repeal the Johnson Act which prohibits the making of loans to Communist countries and which has inhibited long-term payment arrangements for the sale of U.S. capital goods and equipment. That act is both unnecessary and disruptive of trade and it should be repealed.

All in all the bill provides a new legal framework and a bridge for trade between our market economy and the state-planned systems.

In my view, the new legal framework is appropriate and conforms with a series of steps which the President has taken since assuming office. As one who has urged that these steps be taken, it is with special pride that I commend the President for these initiatives.

The President has lifted the embargo on U.S. trade with China. Now trade with China will be on the same basis as trade with the Soviet Union.

President Nixon has rescinded the requirement that 50 percent of certain grain cargoes to Eastern Europe must be carried in U.S. vessels. He has also rescinded the requirement which prohibits full-cargo grain shipment to Eastern Europe.

In addition, most agricultural exports to Communist countries now require only a general license.

The result of these bold initiatives has been a tremendous expansion of agricultural trade with the Soviet Union, and a modest increase in trade with the Peoples Republic of China, with whom we have had no trade for decades.

In response to a growing clamor from the Russian people for more and better quality food, the Soviet Government has promised them a 25-percent increase in animal protein food over the next 5 years. To do this, the Russian officials must not only increase livestock numbers, they must also greatly increase the amount of feed available within their country. Last year's Russian grain crops were a dismal failure.

Soviet trade teams which came to the United States during those hot, stormy days of last summer promptly bought up over one-fourth of the total U.S. wheat crop. This surely must have been the greatest concentrated buying splurge of agriculture commodities the world has ever seen, and the one most cleverly executed.

I was fortunate to be able to make two trips to Russia last year—one in January long before the great wheat sale, and another in September before the chafe had settled from the sale.

My opinion after I returned from both trips was this: the Soviet Union will be a buyer of American agricultural produce for some time to come. The news of the past 2 days indicating substantial purchases in 1973 reinforces my opinions.

But, of course, there are some obstacles to be overcome before we can classify Russia as a sure-fire customer.

Of primary importance is the tariff discrimination which the United States currently imposes on the products of all but a few Communist countries. For years we have failed to accord them the same tariffs which we charge virtually every other nation in the world. It is time, past time, when this discrimination should be ended. It remains a significant barrier to world trade and will always limit the amount of American goods which Communist countries will be able to purchase from the United States.

This is the reason I have introduced the East-West Trade Relations Act in previous Congresses, and why the President has seen fit to recommend similar language in title V of the Trade Reform Act of 1973.

What are our possibilities of further massive agricultural sales to the Soviet Union? I think they are good, especially if Congress acts on this bill.

When I visited Moscow a year ago January, I was on a soybean sales mission. I carried a suitcase crammed with edible soybean products.

A recent discovery at the University of Illinois of a simple blanching process that removes the painty taste from soybeans offers real possibilities for greatly increasing human use of this protein-rich vegetable. I wanted to give the Russians exposure to these food-use possibilities. While there, I talked to many high-ranking government officials and displayed my wares.

Shortly after I returned to the United States, the Soviets bought 1 million bushels of our soybeans.

And in May, President Nixon visited Moscow, apparently setting the stage for the large-scale resumption of trade.

In September, then Governor Ogilvie asked me to lead Illinois' agriculture trade mission to the Soviet Union. Along with farm leaders from throughout the State, I took part in the first agriculture trade mission representing a State to visit the Soviets.

We showed the Russians we were more than willing to do business with them. We acquainted them with Illinois farm leaders and the products we have to sell. And we made sure they knew that Illinois is the leading agriculture export State in the Union.

While we were there we met and talked with the Russian Minister of Foreign Trade Nikolay Patolichev, perhaps the single most important individual who determines Russian purchases of foreign agricultural products. We also met with Agriculture Minister Vladimir Matskevich, who has since been replaced—apparently because of the failures in Russian grain production.

We also visited Russian markets, cooperative farms, and agricultural research centers. From this experience, we developed a much clearer picture of the status of Russian agriculture, what their needs are, and we let them know what we could supply.

After these two visits, I am convinced that great agricultural trade potential exists now with Russia and will continue to exist for sometime to come.

First, they will continue to have to import grains. And there is no reason it cannot be U.S. grown grain. The Soviet Government is going to push ahead with its protein expansion program. They have many livestock on feed, and they were still expanding their herds when I was there. Complicating this as far as the Russians are concerned is the geography of the Soviet Union. Their growing season is short. Moscow is on a parallel with Labrador, and the Ukraine, the so-called bread basket of Russia, is on the same latitude as central Minnesota.

In short, the Soviet Union is not an ideal country for the production of grain. Even with ideal weather conditions, the Soviets will have to push hard to produce enough grain for only their minimum needs under their great protein expansion program. In addition, we have received preliminary reports that their current winter wheat crop is in some difficulty due to lack of sufficient snow cover this winter.

Second, not only will the Russians be interested in more wheat and feed grains, they are genuinely interested in soybeans. Minister Patolichev told me that he was almost positive they would be purchasing substantial amounts of beans.

Third, the Russians are definitely interested in improving their livestock and poultry lines. Currently, in some lines they have developed, they get, by our standards, poor feed conversion. They know this—but are reluctant to admit it. They may well decide to purchase more of our stock.

Fourth, they are very concerned about their shortage of equipment—tractors, trucks, and other farm implements.

Fifth, they would like to have some of our agricultural technology, from pesticides through fertilizers, including frozen cattle semen.

And, finally, that I consider a vastly important sign, they are willing to exchange ideas.

A word of caution. We undoubtedly cannot expect purchases of the same magnitude as the wheat sales of last year to be made again this year. The Soviets purchased over $1 billion worth of grain from us. This was certainly a tremendous drain on their available funds. Imagine what those purchases did to their balance of trade.

Nevertheless, the demand for U.S. products by the Soviet Union is strong. The need is clear and present. And if we provide the Soviets with the incentive, and the means, to buy U.S. products, we can expect our trade to grow and to prosper.

That is why this Trade Reform Act is so important, and that is why I hope the Congress will give it the most sympathetic attention.

ASSISTANT SECRETARY OF STATE FOR INTER-AMERICAN AFFAIRS CHARLES A. MEYER

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 11, 1973

Mr. WHALEN. Mr. Speaker, Charles A. Meyer, one of our most capable and popular diplomats, has recently terminated his assignment as Assistant Secretary of State for Inter-American Affairs. Since his appointment in 1969, Charlie Meyer has brought to his post a high degree of competence as well as a sensitive perspective of the mutuality of interests that exist between the United States and Latin America.

As the foremost exponent of the "low profile" approach to our relations with Latin America, Secretary Meyer has consistently maintained that Latin nations should seek to mold their futures without American tutelage. During his 4-year tenure, he has attained the respect of my House colleagues as well as Latin diplomats and officials.

I know many of my colleagues join me in wishing him well in the years ahead.

THE BUFFALO EVENING NEWS' INSIGHT INTO OUR FISCAL CRISIS

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 11, 1973

Mr. KEMP. Mr. Speaker, many of my distinguished colleagues in this chamber and in the Senate and I have repeatedly emphasized our conviction that Congress must, in discharging its responsibility to every American man, woman, and child, reform the congressional budget procedure and the process of selecting program priorities.

Individually and collectively, we have become deeply aware of the mandate to enact fiscal reform and to exercise spending disciplines to avoid the threatening plagues of higher taxes, higher prices, and other afflictions of inflation.

Tens of thousands of words have been written about last Tuesday's Senate vote to sustain the President's veto of the inflationary authorization for the Vocational Rehabilitation Act. It has been described as a victory for the administration, identified as a possible turning point in the long campaign to hold a ceiling on the annual budget and the avoiding of the reoccurring temptation to support singular, seductive social proposals which result in irresponsible raids on taxpayers' dollars.

Personally, I perceive the sustaining of the veto and my own support of the less costly alternative authorizing legislation authorized by Mr. ESCH and Mr. ERLENBORN, as a significant advance in our goal to bring new vigor and stability to our country's economy, to strengthen America's position in growing competition among the world's family of nations and, perhaps most important, to restore the people's confidence in the Congress and our ability to act more decisively and more effectively in the interests of all our citizens.

Even considering the ravages of inflation upon the dollar, the pending alternative authorizations of $775 million for fiscal year 1974 and $840 million for fiscal 1975 must be considered as substantive evidence of our concern for the handicapped and disabled especially when we reflect that the outlay for vocational rehabilitation was only $371 million in fiscal 1969 or about 48 percent of what we are proposing for fiscal 1974.

Sometimes, Mr. Speaker, the rushing current of day-to-day events, the chorus of vocal critics and the temptation to attempt to solve serious social ills with short-term, shortsighted, patent remedies obscure our obvious obligations and alternative courses of more responsible action. But, at such times, the built-in diversity and perceptiveness of our legislative system and the American society usually produces not only the flashing light of caution but proposals of more responsible action.

I believe that this latter genus is eloquently manifested in an editorial published Wednesday, April 4, in the Buffalo Evening News, a newspaper which helps to serve the people of my 38th Congressional District and other portions of western New York.

In my view, the editorial not only provides incisive insight into the fiscal crisis but accurately reflects the views of the majority of my constituents who, in recent days, indicated in response to my questionnaire that they support, by an overwhelming 88 percent majority, an annual Federal spending ceiling as a means of combating inflation.

At this point, Mr. Speaker, I include the Buffalo Evening News editorial in the RECORD.

VICTORY FOR FISCAL DISCIPLINE

President Nixon won a significant early-round victory in Washington's battle of the budget when the Senate voted Tuesday to sustain his veto of the $2.6-billion authorization for job rehabilitation programs.

We hope the defeat of the original bill will promptly spur efforts to work out a compromise mutually acceptable to all sides. The justifiably popular vocational rehabilitation program helps thousands of people help themselves through new jobs. Nationally and here in Buffalo, rehabilitation centers have shown they can pay big dividends by training people for work as well as by getting them off the welfare roles. Since neither side in Washington wants the program to end, each should now be willing to arrive quickly at a mutually satisfactory spending level.

This should be particularly true for the Democratic leadership on Capitol Hill that had refused to compromise before, had forced a test-case showdown and has now lost. In the process, the issue changed from job rehabilitation alone to the broader issue of whether Congress would discipline federal spending.

Had Congress legislated a ceiling on all federal outlays for the budget year beginning July 1, this debate would have assumed a far different complexion. Several Democratic leaders have endorsed the Nixon ceiling of $268 billion in principle, but they have not enacted it into law. Long-needed procedures leading to a congressional overview of the total budget haven't even been put in place. Thus it is difficult to argue about priorities within a total when that total itself has not been formally agreed to, and when Congress, unlike the President, persists in considering program areas separately and without relation to the budget as a whole.

When Congress mandates that certain amounts be spent for specific purposes, then the President has the obligation to faithfully execute that mandate. This is precisely the message of a federal appellate court which has just ruled against the impoundment of highway funds by the Nixon administration.

But the Nixon victory on the job rehabilitation bill, on the other hand, should encourage greater effort to compromise on future spending issues than has so far been displayed by Democratic leaders in the Congress.

TO INCORPORATE THE NATIONAL INCONVENIENCED SPORTSMEN'S ASSOCIATION

HON. JOHN BRECKINRIDGE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 11, 1973

Mr. BRECKINRIDGE. Mr. Speaker, yesterday Congress voted to pass into law a minor but highly positive bill, H.R. 4586. In these days of pessimism and doubt, when not only the shape of our economy but the whole shape of our constitutional relationships have been marked by a lack of trust, it is encouraging to do something for those who need the Government merely to help them help themselves.

The National Association of Inconvenienced Sportsmen has asked to be granted, and the House yesterday agreed, that it become a body corporate in the District of Columbia. The corporate powers provide inconvenienced people with opportunities for recreational activities, extending to them the sort of natural sports environment that will have positive therapeutic and psychological effects, creating a nucleus of sports programs, together with instructors for them, and the carrying out of such programs to the inconvenienced throughout the Nation.

Mr. Speaker, such a program will have beneficial effects not only upon the well-being of our returning veterans, to whom all of us owe such a debt of gratitude. It will also greatly aid those who suffer from neurological damages, amputees, those who are blind or are otherwise physically disabled, as well as those who suffer from developmental disabilities such as cerebral palsy.

In my own home community of Lexington, Ky., dedicated people have been struggling with the problems of the cerebral palsied for years. Through the efforts of such perserving leaders as Rabbi Joseph Rosenbloom, Ed Hagan, Dr. Joe Leone, Homer Drew, Caruthers Coleman, and the inspired and the inspiring efforts of Mrs. Rhea Taylor of the United Cerebral Palsy of the Bluegrass, more than could have been imagined has been accomplished.

It is my hope that the incorporation of the National Inconvenienced Sportsmen's Association, under a national charter, will further this and related efforts directed nationally at converting into a reality the dream that all Americans will ultimately be enabled to achieve the development of their fullest capabilities. The Congress, and the House District of Columbia Committee of which I am a member, can take pride in the action they have taken.

LIVE FETUS RESEARCH DEBATED

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 11, 1973

Mr. ZABLOCKI. Mr. Speaker, the controversial and unfortunate January 22 decision of the U.S. Supreme Court legalizing abortion under certain circumstances has raised a myriad of legal, social and scientific problems facing the American people. The basic human right to life is under attack and in serious jeopardy.

In this morning's issue of the Washington Post an article appeared reporting proposals supposedly endorsed by some Federal officials recommending the use of newly delivered human fetuses—products of abortion—for medical research before they die. The underlying assumption by quoted gynecologists in the article is that before abortion the fetus is a tiny growing human being and that only after abortion is the fetus no longer a human being but rather only a piece of tissue available for scientific analysis and experimentation.

That, Mr. Speaker, is exactly one of the primary reasons why I have introduced a resolution calling for a constitutional amendment to safeguard the basic right to life of the unborn by making arbitrary and supposedly convenient decisions to abort illegal in our country.

The recent Supreme Court decision in legalizing abortion could lead to excesses and abuses never intended or foreseen by proponents of this decision. For instance, such erosion for the respect of human life could include justification of Nazi-type experiments on doomed concentration camp inmates in World War II; could encourage "relieving" an elderly person suffering from the pain of a terminal illness; and could lead to ending the lives of the mentally and/or physically retarded or incapacitated.

The need to improve human life through scientific research and experiments is a valid and commendable national policy—but certainly not at the expense of another life. This is not only illogical but immoral and inconsistent with the basic human right to life.

At this time, Mr. Speaker, I would like to insert the text of the April 10 Washington Post article, calling it to the attention of our colleagues:

Live Fetus Research Debated

(By Victor Cohn)

The possibility of using newly delivered human fetuses—products of abortions—for medical research before they die is being strenuously debated by federal health officials.

So is the question of whether or not federal funds ought to be used to support such research in a country where abortion is considered immoral by millions.

A proposal to permit such studies was recommended to the National Institutes of Health 19 months ago, it was disclosed yesterday by a doctors' newspaper, Ob.-Gyn. (Obstetrician-Gynecologist) News.

Officials at NIH, prime source of funds for American research laboratories, differed yesterday on whether the recommendation had at least temporarily become "NIH policy."

But they agreed that NIH is considering the ethics of the matter afresh in the light of last year's revelation of an Alabama syphilis study in which the human subjects were neither informed about their disease nor treated for it.

They also agreed that most scientists feel that it is both moral and important to health progress to use some intact, living fetuses—fetuses too young and too small to live for any amount of time—for medical study.

Most such scientists would apparently agree with the recommendations of still another NIH advisory body—made in September, 1971, but again not disclosed until yesterday—that a fetus used in research must meet at least two out of three criteria: (1) it be no older than 20 weeks; (2) no more than 500 grams (1.1 pounds) in weight; and (3) no longer than 25 centimeters (9.8 inches) from crown to heel.

Such tiny infants if delivered intact, may often live for an hour or so with beating heart after abortion.

They cannot live longer without aid, primarily because their lungs are still unexpanded. But artificial aid—fresh blood and fresh oxygen—might keep them alive for three or four hours.

Scientists in Great Britain and several other countries are regularly doing studies in this way, medical sources said yesterday.

British scientists generally work under a set of strict though unofficial guidelines set last year by a government commission named to end what virtually everyone agreed was an abuse—obtaining months-old fetuses for research and keeping them alive for up to three or four days.

Before permitting research on fetuses said the British commission, a hospital ethics committee must satisfy itself "that the required information cannot be obtained in any other way."

This is often the case, one well-known genetics researcher, Dr. Kurt Hirschhorn of New York's Mount Sinai Hospital and Medical School, said in an interview yesterday. Indeed, he added, some U.S. scientists are going to Sweden or Japan or other countries to do such research and doing so with the help of their NIH funds.

Using the fetus, Hirschhorn said, it may be possible "to learn how differentiation occurs"—the way cells develop into different parts of the body. "We could learn more about inborn anomalies," or birth defects.

"I don't think it's unethical," he said. "It is not possible to make this fetus into a child, therefore we can consider it as nothing more than a piece of tissue. It is the same principle as taking a beating heart from someone and making use of it in another person."

Dr. Andrew Hellegers, professor of obstetrics at Georgetown University and director of the Kennedy Institute for the Study of Human Reproduction and Bioethics, argued with the view at one NIH advisory meeting. "It appears," he said, "that we want to make the chance for survival the reason for the experiment."

"Isn't that the British approach?" another member asked him.

"It was the German approach, 'If it is going to die, you might as well use it,'" Hellegers replied, referring to Nazi experiments on doomed concentration camp inmates during World War II.

Despite some views like his, an NIH Human Embryology and Development Study Section decided in September, 1971, that: "Planned scientific studies of the human fetus must be encouraged if the outlook for maternal and fetal patients is to be improved. Acceptable formats for the conduct of . . . carefully safeguarded, well controlled investigations must be found."

For example, this group warned, "under no circumstances" should attempts be made to keep a fetus alive indefinitely for research.

The study section's recommendations were greatly modified by the National Advisory Child Health and Human Development Council—the advisory group to NIH's National Institute of Child Health and Human Development—in March, 1972.

But this council agreed that "scientific studies of the human fetus are an integral and necessary part of research concerned with the health of women and children." No investigator, it said, should be involved in the decision to end a pregnancy, and "informed consent must be obtained from the appropriate party(ies)"—the mother or parents.

Also, it said, guidelines to protect the rights of minors and "other helpless subjects" should be applicable. For example, one scientist said yesterday , "I don't think we should do anything that might be construed as painful to the fetus, or that might palpably injure it."

A PENNY SAVED

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 11, 1973

Mr. CHAMBERLAIN. Mr. Speaker, the editorial in the April edition of Nation's

Business expressed a simple but solid thought, uncluttered by words, which I would like to call to the attention of my colleagues. I insert the editorial in the RECORD at this point:

A PENNY SAVED

Not being lawyers, we can't judge the constitutional argument over the President's decision not to spend all the money Congress has appropriated.

The Constitution does seem to give Congress the clear right to appropriate the people's money. It exercises that right enthusiastically.

We've looked in vain, however, for any mention in the Constitution of who should save the people's money.

You'd think some of the Founding Fathers—Ben Franklin for example—would have provided for governmental thrift in some way.

It's a shame they didn't.

"DISCONTINUE LOCAL FUNDING TO LSO" SAYS LOCAL JUDGE

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 11, 1973

Mr. LANDGREBE. Mr. Speaker, Judge John L. Niblack of the Marion Circuit Court, 19th Judicial Circuit, State of Indiana, recently wrote two letters to the Indianapolis City-County Councilmen on the topic of funds for the local OEO funded Legal Services Organization.

I would like to share Judge Niblack's thoughts with you since I feel they describe the unfortunate situation that many of the legal services programs are now in.

I include Judge Niblack's two letters to be printed in the RECORD:

FEBRUARY 2, 1973.

Hon. BEURT SERVAAS,
City-County Councilman,
Indianapolis, Ind.

DEAR FRIEND BEURT: The LSO attorneys have been deceiving you and the public when they say they had to shut down their offices and are short-handed because they don't have the extra $200,000, although they have $400,000 for the balance of this year.

Yesterday in Judge Dillin's Court they had a hearing of a case entitled "Inmates of the Jail vs. Lee Eads, Sheriff, Commissioner Robert Heyne, Department of Indiana Corrections, and some others." This suit was brought by the LSO and they had six attorneys there headed by Harold Berk and Solomon Lowensteen. Recently the LSO had seven attorneys present in front of Judge Steckler in the "Corn-cob Curtain" case from Tech.

This case yesterday was based on a 37-page Complaint and they have asked the Defendant Eads to answer 222 Interrogatories, 164 Requests for Admission and two pages of request for Production of Documents. In addition the LSO is trying to take over the jail in this law suit and want to have the County Council appropriate a lot of money for a lot of improvements in the jail. Eads does not have the money to do so.

If Judge Dillin mandates Sheriff Eads to make all those improvements, the Council will have to appropriate the money.

This is the type of case I have been trying to tell you and the Council that the LSO handles. Even if they promise to reform, they will go right ahead. I cannot see why you should give them $200,000 more.

Respectfully yours,
JOHN L. NIBLACK,
Judge, Marion Circuit Court 19th Judicial Circuit.

JANUARY 16, 1973.

MEMBERS OF THE CITY-COUNTY COUNCIL,
Indianapolis, Ind.:

During the recent discussion about the LSO and legal aid to the poor it became evident that the LSO in 1973 will have $400,000 to finance their activities, whatever they may be. In addition, LSO wants this $202,000, making $602,000 total for 1973.

I believe in economy in Government. $400,000 is ample for one year for LSO especially as there is a responsible legal aid for poor persons operating here in duplicate, to-wit: The Indianapolis Legal Aid Society. On a budget of $80,000 a year, it takes care of more indigents than the LSO. About $60,000 of this money is furnished by the United Fund, raised from your money and mine.

If the $202,000 has to be spent in 1974 (being tax payer money) I recommend it be given to the Legal Aid Society under contract. Then the United Fund can use its funds for some other agency where the need is great, such as Boy Scouts for inner city children, or Hawthorne Settlement.

The Court's are 100% in favor of legal aid to the poor people and have been over the years. The Legal Aid Society co-operates with the Court's, but the LSO bucks us all the time. It spends more time in the Federal Courts suing our local judges and courts, the various school boards, prison officials and officers of State Government than it does looking after poor people.

At a meeting yesterday our local civil judges unanimously agreed to recommend to you that you do not award this $202,000 to the LSO.

Respectfully yours,
JOHN L. NIBLACK,
Judge, Marion Circuit Court.

OFF-DUTY POLICEMEN AID SENIOR CITIZENS

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 11, 1973

Mr. MAZZOLI. Mr. Speaker, the Louisville Police Officers Association has voluntarily undertaken to provide a check cashing service to senior citizens in two housing units. The service is performed on off-duty hours by city policemen. I represent these men in Congress and I would like to take note of their laudable concern for the safety and security of their fellow citizens.

I include the following article for the RECORD:

POLICE THWART MUGGERS WHO PICK ON OLD PEOPLE

LOUISVILLE, KY.—Around the first of each month senior citizens throughout the nation receive their Social Security checks in the mail. But many of the recipients never get a chance to spend the money: On the way home from cashing their checks they are mugged.

PRIME TARGETS

"Senior citizens are prime mugging targets," says Maj. Louis G. Schweizer, a Louisville police official, "particularly when they are clustered together in housing projects.

"Muggers know that old people can't put up much resistance. It got so bad here that the robbers would hang around the larger housing projects just waiting for the checks to arrive. We were having 40 to 45 muggings every month at one project alone—all of them of older people."

To combat this, the Louisville Police Officers Association, of which Schweizer is president, has begun a check-cashing service for the elderly residents of two housing projects, and with impressive results: Muggings near the projects have dropped by 90 percent in recent months.

EXPANSION STUDIED

The policemen, who perform this service during off-duty hours, arrive at the project buildings at specified hours, carrying enough cash to cover the checks. The money comes from the Police Association's treasury. When they have finished the officers take the endorsed checks to the Association's bank for deposit. Virtually all of the 1,300 persons living in the two housing projects have begun using the "police bankers," and plans are being studied to expand the service.

The check-cashing program was originated last year after other efforts to protect the elderly failed. "For a while the Louisville Housing Authority tried taking the people to the bank in buses," Schweizer recalls, "but each one wanted to go to a different bank." The idea of opening a branch office of a bank within the housing project was also unworkable—federal banking security regulations ruled it out.

Robert Carter, manager of the 258-unit J. O. Blanton House, says the project's tenants seem "a lot more secure" since the policemen began cashing their checks.

USED TO BE SCARED

"They used to be scared," recalls Carter, a Louisville policeman himself for 24 years until he was shot in the throat while breaking up an armed robbery in 1970.

"The people here, and in other senior citizen apartment houses, used to form groups to walk to the bank. They were too afraid to go alone," says Carter.

Patrolman Bobby Eaton, who coordinates the check cashing, says he is impressed by the senior citizens' honesty.

"Once as we were going out the door, an elderly woman ran after me shouting, 'Officer, officer, you made a big mistake. It seems we had overpaid her a dime. They have yet to let us overpay them."

Eaton said he looks forward to visiting the housing projects each month. "It's one of the best jobs I've had in my 20 years on the force. The senior citizens really appreciate us."

Says the appreciative Mrs. Ada Satterly, a resident of the 700-unit Dosker Manor for three years: "I used to have to take a cab to the bank, which I couldn't afford. Now my worries are over."—L.J.

U.S. NATIONAL SECURITY POLICY BEYOND VIETNAM

HON. ALAN STEELMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 11, 1973

Mr. STEELMAN. Mr. Speaker, on April 5, at the University of Dallas Graduate School of Management in Dallas, Tex., Jerry W. Friedheim, the Acting Assistant Secretary of Defense for Public Affairs, gave what I thought to be an excellent presentation on the role of the United States in promoting a lasting peace throughout the world in the post-Vietnam era.

Speaking before the Management Classics Lecture Series, Mr. Friedheim outlines a policy which I commend to you as both sound and reasonable. To summarize the speech in his own words, Mr. Friedheim tells why "détente without defense is delusion."

The full text of his remarks follows:

U.S. NATIONAL SECURITY POLICY BEYOND VIETNAM—THE PROMOTION OF PEACE

(By Jerry W. Friedheim)

It's a pleasure for me to be here today at the University of Dallas. This first opportunity of mine to visit with you here comes at a time when our nation also has its first opportunity in many years to be freed from the painful challenge of overseas war. We have, in fact, as our President said in his television address to the nation last week: "the magnificent opportunity to play the leading role in bringing down the walls of hostility which divide the people of the world." In fact, we can now look forward to being engaged not in war but in the greater task of building a stable world peace.

As you know, the last four years have been years of transition:

From war to peace;

From a wartime economy to a peacetime economy;

From a federal budget dominated by defense expenditures to one dominated by human resource expenditures;

From arms competition to arms limitation; and

From a draft-dominated military force toward an all-volunteer force.

Now, this transition period is just about over, and we are moving further away from an era of confrontation and further into an era of negotiation. So now our task is to marshal our resources and to help guarantees that world stability and peace—once achieved—can be maintained.

President Nixon has emphasized that the post-World-War-II period of international relations is over. He has made it the task of his Administration to shape a modern foreign policy addressed to the challenges and requirements of a new area—an era of peace, achieved and preserved through the application of U.S. strength, partnership, and a willingness to negotiate.

U.S. involvement in the long and difficult war in Indochina is coming to a close. A quarter-century of mutual isolation and distrust between the U.S. and the Peoples Republic of China is ending. In the past four years, more significant agreements have been reached with the Soviet Union than in all previous years—including the historic arms limitation agreements.

In company with our overseas friends and allies—with whom we share strong convictions about the proper relationships of governments and of men—we are now pursuing the goal of a lasting peace.

We are not abandoning our treaty commitments. But, the meeting of our commitments does not require the United States to play the role of world policeman. Instead, it requires that we have the capacity and the will to contribute to and to help sustain an international structure of security, stability, partnership, and cooperation.

The United States will do everything reasonable to help achieve lasting peace, utilizing our own forces as necessary and exercising our Security Assistance Program to help others help themselves. But our hopes and desires for peace cannot be allowed to obscure our view of a real world that is almost incredibly complex.

It is true that many changes have occurred in the Communist world in recent decades. Its monolithic structure has changed, and nationalism has gained strength. It is quite correct that we take these changes into account in formulating our national security policies. It also is both correct and essential that, in planning our military forces, we have before us a careful, clear calculation of the capabilities of those in this world who may not always wish us well. And. at present, the major nuclear threat still is from the Soviet Union.

Our relations with the USSR do appear promising, and—if we keep our eyes open and our wits about us—the odds are fair that we and they can avoid slipping back into the intense hostility which made the last two decades so dangerous. The Soviets' conclusion of the SALT I agreements confirm that they are interested in considering arms control. Further and more lasting limitations on both U.S. and Soviet strategic, offensive armament may be achieved through SALT II. And, if this arms control momentum can be held, we and the Soviets will have safely put a lid on the Post-World-War-II nuclear arms race.

At the same time, the Soviets have made significant gains in missile and naval power and are continuing to build up their overall military strength. For instance, they are building three new types of intercontinental missiles and two aircraft carriers. While this does not mean that an imminent danger to the United States necessarily is being created, the need for prudence and for attention to real Soviet capabilities is obvious.

The adversary aspects of U.S.-Soviet relations still are very real and can have serious security dimensions.

For example, in some areas of the world, the Soviets are undertaking diplomatic and economic penetration efforts of major proportions. Their purposes probably include attempts to enhance their great-power status, to acquire political influence, to gain improved access to raw materials, and in the longer run to complement their maritime expansion through base and port access overseas.

Furthermore, the Soviets demonstrate few compunctions about creating or capitalizing on international instability when they can do so at low cost and low risk.

So, the physical defense of our nation and our allies must be our highest priority, because destruction or domination would render any of our other values and goals meaningless; and we must also secure the way we live from coercion and from undue, unwanted influence by others.

So my friends, the purpose of our defense forces in the last quarter of the 20th century is more than just the prevention of war: it is the promotion of peace. And the best way to promote peace is to keep our guard up even as we outstretch the hand of cooperation and friendship.

The goal of U.S. foreign policy—supported by the U.S. national security policy of Realistic Deterrence—is to build a framework of peace for the United States and the world. We are not involved in the world because we have overseas interests; rather, we have overseas interests because we are involved in the world. We couldn't be uninvolved even if we wanted to. Neoisolationism is not simply a mistake, it is an impossibility.

It is beyond reality to think that the United States could withdraw from the world, live in isolation, and live in peace. For one thing, the United States is no longer, as it once was, self-sufficient in energy.

At present, the United States consumes over 15 million barrels of oil a day is satisfying about half of our consumer demands for energy. Two-thirds of this 15-million-barrel daily requirement now is produced domestically, and one-third is imported, primarily from Canada and South America. It is estimated that in only a dozen years U.S. oil requirements will expand from today's 15 to about 26 million barrels a day; and we will need to import at least half of it.

The only countries that can produce sufficient oil to meet that demand in 1985 are the countries of the Middle East and North Africa, where we find 70 percent of the world's known petroleum reserves.

Even today, Western Europe is dependent upon Arabian oil for more than 50 percent of its needs in meeting energy requirements. Japan is at least 90 percent dependent on that same source.

These figures highlight only one facet of the world's energy problem, but the strategic, political, economic, and military implications of world petroleum supply and demand are enough—all alone—to indicate that nations are inter-dependently involved in the areas of the world where vital interests are at stake.

By the year 2000, more than half of the raw materials we need will have to come from abroad. How then, can this nation—so dependent on worldwide resources for its economic vitality and strength—disclaim worldwide interests?

The answer is, we cannot.

So the Nixon Doctrine foreign policy and our Realistic Deterrence national security policy are not ways to retreat into isolation. Instead, they are ways we can continue to participate in and to influence world affairs in the 1970s and 1980s without doing all the jobs and paying all the bills and making all the decisions ourselves.

But, let us always remember that the ability of our nation to pursue a generation of peace—through the process of negotiation—depends upon our maintaining strong armed forces.

We are, today, the strongest nation in the world; but, even now it is a world in which we cannot have absolute security. We must live indefinitely with risk. And so the peace we seek is based on the realities of the world.

And let us also remember that a willingness on the part of others to negotiate with us rests on great subtleties. A decision to negotiate takes form largely in the minds of those who might otherwise be contemplating adventurism or aggression. Talks begin only when potential antagonists conclude that any possible avenues of aggression or blackmail are offset by the predictable costs of such activities.

Our national security and foreign policies seek to establish for the United States an international role that encourages an environment in which negotiations really can become the overwhelmingly dominant means of resolving conflicts. But, for such an environment to be viable, a country as powerful as ours must participate actively, must be committed to peaceful resolution of contentious issues among states, and—of critical importance—must have credibility in the international arena.

To establish and maintain such credibility—which is not the same as predictability—the United States must adhere to word and commitment, and must sustain the military capability to backup its negotiating posture.

Especially for a strong nation, willingness to negotiate stems from a conviction that peace is in the best interest of all nations and that the less strong have legitimate rights and claims in the international arena just as do the very powerful. The United States has accepted those kinds of responsibilities. We enter an era of negotiation not expecting that violence has been eradicated, but hoping that conditions can be created where negotiated adjustment of differences will offer more useful solutions than war.

Clearly, we cannot negotiate a significant reduction of world tensions if the United States by any unilateral disarmament creates vacuums in the international structure of security—vacuums that lead to disequilibrium, to a temptation for adversaries to exploit a perceived advantage—vacuums that could lead ultimately to the self-defeat of American objectives.

And so, the free world maintains defense forces to assure that the scales of international ambition are balanced for peaceful competition. The principle is a simple, human one—as applicable on the schoolyard as in the world arena: unbalanced strength is destabilizing. It tempts conflict, and invites intimidation. Balanced strength leaves talk and negotiation the only viable option toward resolving differences.

If the United States expects in our negotiations to be taken seriously by our adversaries and our allies, then we must have strength as we bargain. If we should try to settle differences with other countries under circumstances of military inferiority, we would experience great pressure to reach agreements more favorable to our adversary than to us. It is only by maintaining a strong defense posture that we ensure our interests and objectives will be adequately respected and that we can negotiate by choice, not from coercion.

This military strength of ours must be adequate not only in fact, but it must be perceived as such by friends, neutrals, and potential enemies. Other nations base their policies toward the U.S., at least in part, on their evaluation of our military capabilities. Therefore, we must exhibit continual determination to maintain a sufficient level of modern, capable armed forces.

The question really is: How do you go about promoting peace from where we are now? And, the approach of the United States is that you do it through patient, piece-by-piece negotiations—negotiations for which we are well prepared, knowing where we might compromise and where we dare not compromise. These careful negotiations involve two goals: an attempt to reduce situations of world tension as in Berlin or the Middle East, and an attempt to limit arms as in the SALT talks and the coming talks on possible balanced force reductions in Europe.

And, when we are thinking about how you get there from here, it should be clear that we are dealing in a very tough negotiating situation. Just think for a minute about who the people are who head the governments with which we are negotiating. There is Brezhnev and the members of the Soviet Presidium; there is Mao and Chou En-lai and the other aging leaders of the Peoples Republic of China whose memory, whose active experience, goes back to the Long March. These are people who will not give us anything for nothing. They will not bargain with us unless we have something to bargain with.

Sometimes these days we think wishfully about how much the peoples of the world have in common—human aspirations, human problems, human satisfactions. And we feel that there surely is a goodwill of peoples toward each other. There may be, and if relations between nations really were relations between peoples, then perhaps we already would have worldwide peace.

But the fact is that this is not the way in which relations between nations are conducted. They are relations between governments. So when we bargain with the Soviet Union or the Peoples Republic of China, we are not dealing with 250-million Russians or 800-million Chinese. We are dealing with the handful of very tough-minded individuals who, over a long history, have fought their way to the top of those Communist governmental systems.

You just cannot achieve agreements with such leaders unless you are in a position where you are worth bargaining with. That's what is meant by negotiating from strength. And that is where the role of the U.S. Armed Forces comes in in the pursuit of a generation of peace.

The past year's activities and accomplishments with the Soviet Union and China would not have been possible or sensible if the tough-minded leaders of those nations had perceived the United States as lacking in will or as militarily weak. Nor will our initial agreements stand up any longer than those foreign leaders continue to view our military capability with respect.

The successes thus far achieved through negotiations can be attributed, of course, to a willingness of the negotiating parties to accommodate conflicting interests. But let there be no mistake, such willingness is directly related to the relative bargaining power of the parties concerned. And in those negotiations related to military arms, bargaining strength is synonymous with military strength.

If we expect ongoing arms-limitation and force-reduction talks to be productive, we must maintain our military strength—in combination with our allies where appropriate. We must at all costs avoid unilateral disarmament actions. We must recall that things given as gifts cannot be negotiated.

In this regard, Americans need to remember that our armed forces now are smaller and have less purchasing power in their budgets than at any time for a quarter century. The reordering of our national priorities has placed defense spending below human-resource spending and at the lowest portion of the Gross National Product in 24 years. At the same time that we have achieved these purchasing-power lows, our nation has moved ahead with its desire to try an all-volunteer force of well-paid men and women. We have ended the draft. Military pay and other people costs now take up some 57 percent of the defense budget. And, we have cut out hundreds of ships and closed or reduced hundreds of bases. Not since Harry Truman was President and Louis Johnson was Secretary of Defense has American defense been so austere.

As you know, our President is making a determined effort to reduce federal spending and to hold the federal budget within reasonable and prudent limits. To do this he has had the courage to take a fresh look at some of the outworn and nonproductive domestic programs that have grown up over the years and to place a ceiling on overall federal spending. We in the Department of Defense have contributed to this effort by holding level the purchasing power of the defense budget so that domestic priorities can have a majority share of federal funding. But, we agree fully with the Commander-in-Chief that it would be unsafe for our people to allow further drastic cuts in the defense budget at a time when we are trying hard in many forums to negotiate with potential adversaries from a position of strength.

The point, of course, is that those who clamor to cut billions more dollars from the defense budget, yet who also want the nation to achieve further progress in negotiations, cannot have it both ways. U.S. budget priorities already have been reordered to the domestic side. Further major cuts in defense forces would cut into bone and muscle needed to backup negotiating strength—and needed to assure our nation's security and our peoples' safety if negotiations fail and aggression or international blackmail occur.

The Department of Defense does not underestimate the task before us in maintaining credible, effective forces as we move into a new world era and as we engage that "magnificent opportunity" of which our President spoke.

We understand the difficulties deriving from Vietnam, but we intend to state our case firmly and to move ahead now that our military commitment to that war is virtually ended. We intend to keep our eye not on the past, but on America's Bicentennial and third hundred years.

We know most Americans want a strong country, but we know they also demand and deserve reasons why defense is essential in time of peace—reasons why detente without defense is delusion. We believe that a national concensus on the importance of peacetime deterrent forces is obtainable. And we will do our part to be worthy of public confidence and respect and to vigorously respond to the need and desire of all our citizens to know about our defense activities, programs, and plans.

Because, we cannot achieve a volunteer armed force, and we cannot meet the demands of developing detente unless the American people know, understand, and support our national security policies and—even more important—know, understand, and support the men and women of the Army, Navy, Air Force, and Marines.

It's all about strength, and it's all about peace, and it's all about liberty.

Because, as Emerson once wrote:

> For what avail the plough or sail,
> Or land, or life,
> If freedom fail.

SUN, STAND THOU STILL

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 11, 1973

Mr. BRAY. Mr. Speaker, it was Joshua who commanded it. It is written in the Book of Joshua, X, 12:

> Sun, stand thou still upon Gibeon! . . .

But it was Nicholas Copernicus who demonstrated that the Sun did stand still, and the other planets of the solar system revolved around it. For Copernicus, the Sun was the center of all things, both literally and figuratively. In the first book of "De Revolutionibus Orbium Coelestium"—On the Revolutions of Heavenly Bodies—he wrote:

> In the middle of all sits Sun enthroned. In this most beautiful temple could we place this luminary in any better position from which he can illuminate the whole at once? He is rightly called the Lamp, the Mind, the Ruler of the Universe; Hermes Trismegistus names him the Visible God, Sophocles' Electra calls him the All-Seeing. So the Sun sits as upon a royal throne ruling his children the planets which circles round him.

There are 100 billion stars like the Sun in our galaxy. There are billions of galaxies like our in the universe. A visitor from one of them would not find anything unusual about our Sun at all. Copernicus' words would amuse him.

This visitor would note that the Sun, by our terms, is a dwarf star, of the type spectral G. It weighs an estimated 2 billion billion billion tons, with a pressure of one trillion pounds per square inch at the core. Its radiating surface has a temperature of 10,000 degrees. At the core, it is 25 million degrees.

In colors no eye could stand to behold, with sounds no human ear could hope to register, its nuclear furnaces turn mass into energy. Every second there is the equivalent of the explosion of 100 hydrogen bombs, 657 million tons of hydrogen are converted into 653 million tons of helium with an energy output equal to 380 million billion billion watts. The missing four million tons of mass are thrown off into space as energy. Earth receives ony 2-billionths of this. Yet, in 1 year this would be enough to melt 114 feet of ice over the entire surface of our globe.

The Sun has been doing this for 6 billion years. Still, only 5 percent of its total potential has been spent. For all of this it is quiet and well-behaved when compared to some of its larger and noisier relatives. For instance, its magnetic fields are two orders of magnitude weaker than the smallest fields that can be detected among other stars.

Some stars rotate at 450 kilometers per second; the sun, but 1.9 kilometers per second. The nearest stars similar to the sun in luminosity and size are Epsilon Eridani and Tau Ceti. Both are 11 light-years away—one light-year is six-million million miles.

To the ancients, the Earth was the center of the universe. Copernicus gave this place to the sun. In this he was wrong; our Solar System is not remotely near the center of the universe, nor even of our galaxy. We are in one of our galaxy's spiral arms which is 30,000 light-years from its center. Our solar system revolves around the center at 250 kilometers per second, and it will take it 225 million years to complete the journey.

It was only around 50 years ago that we've discovered where we really belong. In the last 10 years, we've doubled our knowledge of the Sun.

Nicholas Copernicus, whose "De Revolutionibus" is ranked alongside Darwin's "Origin of Species" for its everlasting impact on scientific thought, was born 500 years ago on February 19, 1473. It was a day when, as Charles Whitney describes it so well in his book the Discovery of Our Galaxy:

> ". . . man's view of the universe was still fashioned on the ideas of the ancient Greeks and Egyptians. The sky was a vast machine, a concatenation of shells carrying the sun, the planets, and the stars about the head of man. The universe swam in the breast of God. . . ."

It is, one might say, a tribute of truly cosmic and universal magnitude that 1973, the quincentenary of Copernicus' birth, should be known to science as "The Year of the Sun." When Skylab goes aloft later this year, it will carry the most complex array of solar telescopes ever assembled. From these astronomers hope to find the keys to unlock some of the more baffling and major mysteries of this dwarf star, so insignificant among the billions of its neighbors, yet the source of all energy and life for Earth. The man for whom the Sun was "the Ruler of the Universe" and who put it on a "royal throne" would smile again as he sees his spiritual descendants, the watchers of the skies, prepare for "The Year of the Sun."

Man has always looked to the sky. He has marveled at its mysteries and the process of unlocking the secrets of the heavens began centuries ago. At times he has feared what he beheld and he has seen the faces of his gods looking down upon him.

This had its most striking and significant development in Egypt. It began as early as 1400 B.C. under Amenhotep III. The Sun-god concept expanded. When he died around 1408, his son took the office of high priest of Aton—an ancient name for the physical Sun—and also assumed the title of Great Seer, which was held by the high priest of the old Sun-god Ra at Heliopolis—Sun City.

Amenhotep IV proceeded to develop the new cult. Thebes was renamed City of the Brightness of Aton. Its temple quarter was designated Brightness of Aton the Great. The new Aton sanctuary itself was called Gem-Aton and that term is still undeciphered.

Even the name of the Pharaoh was changed. Amenhotep meant "He is whom Amen is content." He discarded it and took the name Ikhnaton—"Aton is satisfied" or "He in whom Aton is satisfied."

A city was built and consecrated to Aton in each of the three great divisions of his empire: Egypt, Nubia, and Asia. The Egyptian Aton city, constructed on a bay in the Nile cliffs about 60 miles above the Delta and 150 miles below Thebes, was called Akhetaton—"Horizon of Aton". We know it today as Tell-el-Amarna. It became the real capital of the empire. Ikhnaton composed his famous Hymn to the Sun, in part:

Thous shinest so beautifully on the horizon of heaven,
Thou living Sun, who created life.
Thou standest on the eastern horizon
And hast filled all lands with thy splendor.
Thy rays embrace the lands to the very end
Of all thy Creation.
Thou makest the lands subject to thy beloved Son,
Pharaoh Ikhnaton. . . .

The young king failed in his attempt at installing this new religion. He died when he was not yet 30, in part a victim of growing royal intrigues and dissatisfaction among the priests of the old faith and the army. There is mystery about him to this day. It has even been suggested that the body in his royal sepulchre is not his. Curious incident here: the skull found with the body has one of the largest human crania ever recorded. Regardless of all this, his place in the history of Mankind is secure. He has been called the first of the long line of men who revolted against tradition, possibly he was the world's first idealist, first individual and also the earliest monotheist and prophet of internationalism. Indeed, the article on him in the Encyclopedia Britannica, which says all this, concludes by paying him the supreme accolade: ". . . the most remarkable figure of the Ancient World before the Hebrews."

Unusual behavior in the heavens, such as a comet, a ring around the moon or an eclipse of the sun, in particular, was for centuries a sign of divine displeasure. Old Chinese records tell us:

> When an eclipse of the Sun takes place, the Emperor takes no full repast, and has the drums beaten at the altar. All officials lay aside their ceromonial robes; the princes sacrifice pieces of silk; the historian delivers a speech, until the eclipse is over.

Emperor Kuang Wu-ti, who reigned during the first century A.D., took it personally. As the sun struggled with the dragon that was trying to devour it, he made a 5-day retreat to consider his sins and issued a decree:

> It is necessary to repair our errors and thus forestall the evil that Heaven is sending. I for my part can scarcely speak; I am trembling over my misdeeds. I do not wish my subjects to give me the title of Ching. I wish the lords of my court to tell me their opinions bluntly, in secret memoranda.

The court astronomer was blunt about it:

> According to the rules of starcraft eclipses of the Sun ought to take place only on the first day of the month. This eclipse struck upon the last day; that is because the Moon has speeded his course. The Sun is the image of the Emperor, the Moon the image of the subjects. But the faults of the subjects usually have their origin in the faults of the Emperor.

This shows the highly prestigious position court astronomers sometimes enjoyed, but not always. In the third century B.C. the royal astronomers Hi and Ho—oh, yes, those were their names—were busy with the wine jug when an eclipse of the sun began. The emperor hauled them up for trial, for negligence of their duties. The verdict:

> The prayer-drums beat, the mandarins mounted their steeds, the people gathered in clusters. Meanwhile, Hi and Ho, like wooden statutes, saw and heard nothing. Their negligence in calculating and observing the stars is being punished by death.

This did not mean rulers of antiquity expected 100-percent accuracy in predictions beforehand. The Babylonians were undoubtedly the best astronomers of that era, and even they made mistakes. Much has survived on clay tablets, in Babylonian cuneiform. Among them are reports to the King on celestial observations. Some include occasional admissions of failure. One reads:

> As for the eclipse of the Sun, of which my King spoke, it has not taken place. On the twenty-seventh I will again observe and report.
>
> The month of Addaru will have thirty days. On the thirteenth, and during the night from the thirteenth to the fourteenth, we made an observation. On the fifteenth, Sun and Moon were together, but no eclipse took place. Seven times I arose, but no eclipse took place, I will send later the final, decisive report.

The astronomer signed his name: "Tabu-sil-Marduk, nephew of Inlilnasir."

So it was the fault of heaven, not the astronomer. The rules of the heavens deviated, for some reason. And so the King must do penance. After all, what did the heavens mean? At the worst, the King might write to the astronomer, as did one:

> The King is tired of his long fast and asks whether the new Moon has not yet appeared.

The King fasted. There is absolutely no indication that the astronomer did.

Lorenzo to Jessica in "The Merchant of Venice":

How sweet the moonlight sleeps upon this bank!
Here we will sit, and let the sounds of music
Creep in our ears; soft stillness and the night
Become the touches of sweet harmony.
Sit, Jessica. Look how the floor of heaven
Is thick inlaid with patines of bright gold;
There's not the smallest orb which thou behold'st

But in his motion like an angel sings.
Still quiring to the young-ey'd cherubims;
Such harmony is in immortal souls;
But, whilst this muddy vesture of decay
Doth grossly close it in, we cannot hear it.

There must be some sort of order, form, and harmony among the heavens. If it could not be discerned, then the watchers of the skies would describe it to suit themselves.

The Egyptian goddess of the heavens, Nut, arched her star-flecked body over the earth. The ship of the sun glided over her back; when it sank below the horizon it went into the realm of the dead beneath the earth. The next morning, newborn, it began it's journey once more. The myth is almost childlike. Yet, contained in it is the truly permanent and great concept of faith in the resurrection of man.

Babylon was more realistic. The sky was a dome, bell-shaped. It constantly whirled around, covered with stars and enclosed in a shroud of water extending below the earth. These universal waters trickled through the milky way to feed the clouds.

Hebraic tradition took part of this idea. The dome became a "firmament." The Tower of Babel was began in order to bore into the sky and see if it was clay, bronze or iron.

The Greeks saw the sky was a curved and brazen shield. It was surrounded by fire which shone through various holes of differing sizes. Rain came from the clouds, not the sky. The clouds rose from the round disk of ocean, upon which floated the disc of the Earth.

In the sixth century B.C., about the time the Iliad and Odyssey were being written, there arose in Ionia on the Aegean coast a new school of philosophy. For Anaximander, the Sun was a hole in the rim of a huge wheel; the rim in turn was filled with fire and, as it turned, so did the hole. It was the first concept of a mechanical form for the universe. To Anaximander, the stars were fixed like nails into a transparent, crystal sphere. It turned around the Earth. For Xenphanes, the Sun and stars had no permanence; they were cloudy offshoots of the Earth, which had caught fire. The stars burned out at dawn; the Sun was born anew from the sparks.

Into this world was born Pythagoras of Samos. His universe became a spherical ball. The Sun, Moon and planets revolved around it in concentric circles. Their revolution led to a musical sound in the air, each of them on a different pitch, depending on their orbits. As Arthur Koestler put it in "The Sleepwalkers:"

> If Anaximander's universe reminds one of a Picasso painting, the Pythagorean world resembles a cosmic music box playing the same Bach prelude from eternity to eternity.

So the Earth was a sphere. The idea, once advanced, grew from the end of the sixth century on. Philolaus, a pupil of Pythagoras, went one step further: He gave motion to the Earth. Now the sphere was air-borne. Herakleides of Pontus, in the fourth century B.C., is known to have come very close to the modern concept of the solar system. He did maintain some of the planets revolved around the Sun, but it is unknown to this day for certain just how far he went with his idea.

There is no doubt, however, about what Aristarchus believed. The last of the Pythagorean school, he was born, like Pythagoras, on Samos in 310 B.C., the same year Herakleides died. Although Aristarchus' writings are lost, both Archimedes and Plutarch, impeccable sources, comment that he did teach the Sun was the center, and the planets moved around it.

His teachings were the first advancement of the heliocentric theory of the solar system. Then it was forgotten for almost 2,000 years.

The first true astronomer in the modern sense was Hipparchus, a Greek from Nicaea in Asia Minor. Around 150 B.C. (Rome was overthrowing Carthage and Corinth) he saw a star where none had been before. He investigated. A contemporary wrote of him:

> Therefore he began a blasphemous undertaking, namely, to count the stars and measure their positions, so that posterity could determine whether stars are born and pass away.

He devised some precise instruments for his use. With them he found the length of the year, exact to within 6 minutes of the true figure. He calculated the distance from the Earth to the Moon as being 33 earth diameters, which is only 3 too many.

But his real contribution was setting longitude and latitude of 1,080 stars. He also classed their brightness in six different magnitudes. His star tables were so exact and precise that they took only some minor corrections to serve both Columbus and Vasco da Gama as navigational guides.

Three centuries went by. In the Second Century A.D. came the Egyptian, Claudius Ptolemaeus (Ptolemy), said by some to be such a theoretical genius that only Isaac Newton can be ranked ahead of him. His tables for discerning planetary motion were based on Hipparchus. Like Hipparchus, they were precise. But his eventual picture of the universe, summed up in his "Megale Syntaxis tes Astronomias"—the Great System, usually known by its Arabic name as Almagest—which was to be the last word in Greek astronomy, was a confused mess.

He had the planets traveling in loops, around an imaginary point that circled the Earth. The reasons for this point and its circle were unknown. But the point did not make a perfect circle. Its center was yet another imaginary point, near the Earth. This didn't come out to uniform motion, either, so yet a third imaginary point was picked from which motion looked uniform.

Alphonso X of Castile, known to history as the Wise, reigned during the 13th century. He was a pious man and deeply interested in astronomy. After wrestling with the Ptolemaic concept of the heavens, he made his famous remark, the only one remembered of all his many sayings, that "If the Lord Almighty had consulted me before embarking upon the Creation, I should have recommended something simpler."

Unfortunate man; his son took this as blasphemous and used it as an effective lever to force Alphonso from the throne.

At any rate, the Almagest was to be the bible of astronomy for almost 1,300 years. Alfred North Whitehead could write that "In the year 1500 Europe knew less than Archimedes who died in the year 212 B.C."

Then came Niklas Kippernigk, Mikolaj Kopernik or Nicholas Copernicus, as we know him by the Latinization of his name that he adopted. The form makes no difference, for in the 15th century, when he was born, people were careless about spelling names. I was once told there are almost three dozen variations of the name of William Shakespeare.

For a man whose work would begin expansion of the universe toward the infinite, there are curious inconsistencies. He made most of his instruments himself, using directions from the Almagest. These relics of 13 centuries past were less reliable than those used by the ancient Greeks and the Arabs. Yet, there were vastly better tools available. He had a comfortable income and could have afforded them.

Crude—that is the only term that could be applied. He once said he wished he could reduce his errors to 10 minutes arc. This is one-third the apparent width of the full Moon; the astronomers of ancient Alexandria had come much closer than that. It also seems he wasn't particularly entranced with looking at the stars, because over all his entire lifetime he only noted between 60 and 70 observations. He thought of himself more as a philosopher of the skies not an observer. He preferred to use the figures of centuries past. Spica, his base star, was given a position off by almost 40 minutes arc, more than the width of the Moon.

Arthur Koestler says of him:

> Copernicus is perhaps the most colourless figure among those who, by merit or circumstance, shaped mankind's destiny. On the luminous sky of the Renaissance, he appears as one of those dark stars whose existence is only revealed by their powerful radiations.

Born on February 19, 1473, in the Polish city of Torun, he was half out of the old world and half into the new. The printing press with movable type had been invented, but Columbus had not yet sailed.

Nothing is known about him until he reached age 18, save one event. When his father died, Nicholas, his brother and two sisters went into the care of their uncle, Lucas, a future bishop. It was also decisive. Uncle Lucas was fond of his relatives, legitimate and otherwise. The oldest sister became a Mother Superior of a convent; the youngest was married off to a nobleman. An account of the times notes that:

> Philip Teschner, by birth a son-of-a-whore, born to Lucas the Bishop by a pious virgin when Lucas was still a magistrate at Torn, was promoted by the Bishop to the post of mayor of Braunsberg.

Lucas packed him off to the University of Cracow in 1491, when Nicholas was 18. Four years' later he returned. One of Lucas' canons was dying and the ever-thoughtful bishop wanted his own nephew in the post. But the canon died too soon, in September. Canon vacancies in uneven months of the year were filled by the Pope. Nicholas had to wait for 2 years. The next time a vacancy came up was in August. He was named canon and took off for Italy at once for further studies.

Until age 32 Nicholas studied at the Universities of Bologna and Padua. It was the Renaissance. Therefore, he had to take something of everything: philosophy, law, mathematics, medicine, astronomy and Greek. Somewhere in this period he took an active interest in astronomy and discovered the heliocentric theory of the universe of Aristarchus. He never forgot it.

In 1506 now holder of the degree of Doctor of Canon Law, he ended his Italian student days and went home to Prussia to live with Uncle Lucas at Heilsberg castle, residence of the Bishop of Ermland. Technically he was still a canon of Frauenberg Cathedral but was given an indefinite leave of absence to act as physician to Uncle Lucas.

He had studied medicine but his attitude towards it was conservative; there was nothing original. One prescription that he copied out twice survives. It has these ingredients:

> Amenian sponge, cinammon, cedar wood, bloodroot, dittany, red sandalwood, ivory shavings, crocus (or saffron), spodumene, camomil in vinegar, lemon rind, pearls, emerald, red jacinth and sapphires, a deer's heart-bone or pulped heart, beetle, the horn of a unicorn, red coral, gold, silver and sugar.

It was a typical prescription for the day. What it was supposed to cure isn't recorded.

His duties were more diplomatic than medical, however. Ermland—thanks to Bishop Lucas—maintained its independence both from Poland and the Teutonic knights. The knights bitterly hated Lucas and prayed for his death. The walled towns of Ermland were safe from their forays, however. By and large the towns were left alone, but everything else in the countryside in that day and age was fair game: farms, villages, crops, women and whatever else could be stolen, burned, plundered, raped, consumed on the spot or carried away.

The pace of life was slow. He had time for other things, such as preparing his two manuscripts. One that was printed, entitled "Epistles", consisted of translations into Latin of Greek letters of the 7th century A.D. Byzantine historian, Theophylactus Simocatta. This manuscript was Corpernicus' contribution to the literature of the renaissance. It was divided under three different headings: moral, pastoral and amorous. They attracted no one and soon passed into obscurity. The other, unpublished, was called "Commentariolus" or Brief Outline.

Bishop Lucas died suddenly in 1512 of food poisoning. The Teutonic knights, grateful for his death, swore he had been poisoned deliberately. Nicholas soon after left Heilsberg and at last, 15 years after his ordination, took up the responsibilities as a canon of Frauenberg Cathedral.

They were not too heavy. The canons lived like noblemen. Their duties were primarily administrative. Only one had taken higher vows and could serve mass. Around 1530 he completed "De Revolutionibus" and promptly locked it away.

Not until 1540 did a summary of the new Copernican cosmology appear. "Narratio Prima"—First Account—summarized the main features of his work. It had been written and published, with his permission, by his pupil Joachim Rheticus. The response was predictable.

Martin Luther wrote to a friend in 1541: "Der Narr will die ganze Kunst Astronomiae umkehren"—the fool wants to upset the whole art of astronomy.

Philipp Melancthon in that same year used Copernicus' idea to point out how absurd something could be; it is worth repeating in the original, elegant Latin:

> . . . *rem tam absurdam ornare, sicut ille Sarmaticus astronomus qui movet terram et figit Solem.*

Melancthon's jibe was double-edged. He used the term Sarmaticus—Sarmatian—to refer to Copernicus, instead of the technically correct Polonus—Polish. So the translation comes out:

> . . . to adorn such an absurd thing, like that Sarmatian astronomer who moves the earth and stops the sun.

The Sarmatians were nomads, related to the Scythians and first described by Herodotus in the 5th century B.C. They were thought—erroneously—to have been the ancestors of the Poles, but barbarians all the same.

Copernicus answered them with a phrase in his letter to the humanist Alessandro Farnese—Pope Paul III—that: "Mathemata mathematicis scribubuntur"—mathematics is written for mathematicians.

It was Rheticus who urged him to publish his own work, and it was Rheticus who had written the strangely prophetic passage in Narratio Prima:

> Thus the astronomy of my Teacher may rightly be called eternal as the observations of past ages testify and the observations of posterity will doubtless confirm. . . . A boundless Kingdom in astronomy has God granted to my learned Teacher. May he rule, guard and increase it, to the restoration of astronomic truth. Amen.

By August 1541 the 424 pages had been copied out by hand. In May 1542 the printer, Petreius of Nuremberg, started setting up "De Revolutionibus." Almost exactly 1 year later on May 24, 1543, Copernicus died. Bishop Giese of Kulm, Copernicus' friend, wrote to Rheticus a few weeks later:

> For many days he had been deprived of his memory and mental vigour; he only saw his completed book at the last moment, on the day he died.

Koestler says the book was and is an all-time worst seller. Its first edition of 1,000 copies never sold out and in the next 400 years it had but four reprints. It is highly unreadable. Even modern scholars sometimes show they have not read the book as they make errors in their interpretation of what Copernicus did write. It was a disappointment; "Narratio" had stirred up more of a storm. It was not until the beginning of the 17th century that the old astronomy surrendered to the new, with Johannes Kepler.

But, as one writer has said of the man and his work:

> In the Renaissance, society was in motion, its conceptions were in motion, and it became easier for it to see that the universe was also in motion. Copernicus expressed the supreme idea of the age.

EPILOG

There have been periods in mankind's history when knowledge and learning slumber. One might almost say the human intellect has stood still. We cannot really think of these times as wasted, however, for when the mind does move again and our store of knowledge advances, it seems to do so in quantum leaps.

Take quasars—quas-stellar radio sources—first discovered just 12 years ago in 1961. Cited as one of the fundamental astronomical discoveries of the 20th century, they have characteristics unlike anything known in the universe. Their true nature is unknown, but they may be galaxies in an early stage of formation.

Around the first of April of this year it was announced that a quasar more distant than anything previously observed had been discovered. If present techniques used to measure distances to quasars and other remote objects are accurate, then this one lies an incredible 12 billion light-years away. Astronomers believe they have seen the very edge of the universe itself.

That is what I mean by a quantum advancement of knowledge. In the 500 years since Copernicus put our solar system into its proper perspective and laid the foundations for modern astronomy, science has progressed to this point.

Given the estimate that the universe originated 13 billion years ago, then it may honestly be said that in seeing light from a quasar at that distance means coming very close to looking at Creation.

On August 21, 1972, an Atlas-Centaur launch vehicle, 10 feet in diameter and 117 feet high, roared into life at Cape Kennedy. Its mighty engines, capable of generating 400,000 pounds of thrust, lifted off a complex 2,250-kilogram—5,000-pound spacecraft into a 650-kilometer—400-mile—circular Earth orbit.

Its code name is OAO-3—Orbiting Astronomical Observatory No. 3. It is the last in the presently approved OAO program. Its mission: Investigate stellar phenomena, galactic, and intergalactic media.

The spacecraft itself provides power, thermal control and precision pointing for the observatory systems. It is capable of providing data storage, handling, transmission and reception, and is supported by a ground system.

Its complex of astronomical instruments observe the electromagnetic spectrum—ultraviolet and X-ray—from space. They measure the emission of diffuse nebulae, map the form and brightness characteristics of faint nebulae, record the brightness of hot stars, obtain absolute spectrophotometry data, observe the spectra of interstellar gas and dust, and observe X-ray emissions and their absorption in interstellar space.

In layman's language, OAO-3 is gathering data that is changing our view and understanding of the composition of the dense clouds of gas and dust that are the beginnings of stars like our own sun.

It is named "Copernicus."

WILLIAM EDWARD BURGHARDT DU BOIS HONORED

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 11, 1973

Mr. CLAY. Mr. Speaker, as you know, I have been sharing with my colleagues articles from the St. Louis American newspaper, which has spotlighted prominent black Americans in history as part of Afro-American History Week.

This week the newspaper has honored William Edward Burghardt Du Bois.

The article follows:

WILLIAM EDWARD BURGHARDT DUBOIS

(NOTE.—Du Bois was a great man of our time. His deeds of heroic struggle for the liberation of the Negroes and the whole of mankind, his outstanding achievements in academic fields and his sincere friendship toward the Chinese people will forever remain in the memory of the Chinese people.—MAO-TSE-TUNG.)

Dr. William Edward Burghardt (W.E.B.) Du Bois' association with the Chinese people began during a brief tour of China in 1936. He was impressed by the Chinese "will to survive that neither imperial tyranny, nor industrial exploitation, nor famine, starvation and pestilence" could kill. Twenty years later, Communist China invited the famous Black American scholar to return to participate in celebrations marking the 250th Anniversary of the birth of Benjamin Franklin. Other Black Americans had visited Communist China, but Du Bois was perhaps the most famous American to ever receive an invitation. In the United States Du Bois reached the apogee of leadership and influence among Black Americans following the death of Booker T. Washington in 1915 and, although never a leader of the people as Washington, became recognized as America's, and perhaps the world's, most influential Black man.

In 1958 the United States Supreme Court rejected the State Department's restriction on issuance of passports based in alleged Communist affiliations. Du Bois and his wife, author Shirley Graham, immediately obtained passports and left in his fifteenth world tour which would take him to England, Holland, France, Germany, Czechoslovakia, Russia, Sweden, and China. It was during his stay in England that Communist China invited him to Peking and he accepted, deciding to flaunt the restriction of the State Department which had declared his passport invalid for travel to Communist China. During his eight week visit to China, February to April 1959, Du Bois was as lavishly entertained as President Nixon and received an even friendlier reception. In contrast to the widely publicized Nixon visit, the American press ignored the Du Bois trip and it has subsequently disappeared into obscurity. This is not particularly unusual for many of his accomplishments have gone unnoticed or have disappeared into oblivion; his image and cultural contributions in the annals of American history remain a national error.

Three years later, in October 1962, Du Bois returned to Communist China for a brief visit to renew his health and to participate in the Thirteenth Anniversary of the formation of the People's Republic. Of the more than three hundred foreign guests from fifty countries, Du Bois was one of three foreigners, and the *first American ever*, allowed to observe the National Day Parade on October 1 from the central rostrum with Mao Tse-tung, Chou En-lai and other Chinese leaders.

In the evening of October 1, 1962, the group including Du Bois and Mao returned to the central rostrum to watch a fireworks display. After the celebrations and a state banquet with Chou En-lai in early November, Du Bois left China never to return.

Du Bois' visits to Communist China, although now all but forgotten, were and are significant. The trip in 1959 signaled Communist China's desire to establish direct relations with African states. Although contacts between Communist China and Africa can be dated from the First Afro-Asian Conference which met in Bandung, Indonesia in 1955, the African impression of the Communist Chinese was that they were an Asian variant of the Soviet Union. In 1959 China, on the verge of an open split with Russia, was desirous of estabilshing independent friendly relations with African states. His association with the Pan African movement dated from 1900 when he was named Secretary of the First Pan African Conference in England. His involvement continued for the rest of his life and led some to accord him the revered title, "Father of Pan Africa."

As Du Bois' two visits to Communist China were virtually ignored by the American press and government, so was his death. Peking, conversely, immediately sent a message to Mrs. Du Bois conveying its official condolences and then each of the leaders of the Communist Chinese Government sent personal telegrams. Kuo Mo-jo, the Cultural Minister, Chen Yi, the Foreign Minister, and Chou En-lai, the Prime Minister sent separate messages expressing sympathy for Mrs. Du Bois.

FLORIDA EARNS PACESETTER IN DRUG EDUCATION AWARD

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 11, 1973

Mr. ROGERS. Mr. Speaker, for some time now the drug abuse education efforts of various private and governmental agencies have been under fire. The efficacy of these programs has been questioned, and indeed there is evidence that drug abuse education, in its preoccupation with drugs and not the people who use them, has elicited greater, not less drug abuse. The result is a situation so grave that we have recently heard highly-placed recommendations for a complete moratorium on drug-abuse education until we assess the impact of present programs.

In light of these developments, I am greatly encouraged by the drug education project currently being implemented by Florida's Department of Health and Rehabilitative Services. The project's director, David Schmeling, puts the program's goals this way:

> We're trying to make sure people who have drug problems know where they can go for help, and to get everybody to stop thinking of drugs as the problem. Drug misuse is a symptom of people not getting along.

Appropriately, the opening phase of the project consists of six public service television announcements showing individuals helping each other in commonplace situations; for example, an old man helping a little girl get a drink from a high water fountain.

The National Coordinating Council on Drug Education thinks so highly of Florida's project that it has awarded the State its Pacesetter in Drug Education award. The NCCDE is a nonprofit coalition of national professional, government, youth and service groups which regularly recognizes organizations and individuals making unique contributions to the field of drug abuse prevention. According to the Council:

> The program was chosen because they are the first State agency to stop talking about drugs and begin emphasizing personal relationships. By making Florida a recipient of our pacesetter award, we hope to encourage other States to follow Florida's example.

Mr. Speaker, I join the NCCDE in commending the State of Florida for this excellent, innovative work in the field of drug education. At a time when our efforts have lacked direction and are plagued by self-doubt, it is most encouraging to see this display of initiative in seeking a new direction for our drug abuse prevention efforts.

A TASK NOT WORTH DOING

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 11, 1973

Mr. HUNT. Mr. Speaker, on Monday in Ottawa, Canadian External Affairs Minister Mitchell Sharp said that Canada would withdraw from the truce team in June before the situation in Vietnam "improves very substantially." He said Canada would rather leave than risk more Canadians for "a task not worth doing."

It is unfortunate, Mr. Speaker, that a party to the Vietnam peace agreements, the Vietcong, have made three flagrant attacks against peacekeeping helicopters since this past weekend. As we all know, in one of the attacks an ICCS helicopter was downed and nine persons were killed. They included two Americans, a Filipino, a Canadian, an Indonesian, and two Hungarian officers. The other two were Vietcong liaison officers.

Of course, the Vietcong have denied the downings were intentional. That is to be expected. But, Mr. Speaker, there is more than ample proof that the downings were far from accidental; on the contrary they were quite intentional.

There is eyewitness proof that a heat-seeking missile did indeed explode the helicopter, and carry nine to a fiery death.

There is also proof that the second helicopter was hit by sustained fire and forced to land. Now, sustained, to me, Mr. Speaker, means over a long period of time. Again, how could this be unintentional when the truce helicopters are clearly marked for all to see?

In spite of all this, I was relieved somewhat to see President Nixon once again taking a no-nonsense stand. I have great respect for General Haig and am confident that when he returns from his assignment we will get an accurate accounting of the events unfolding in Vietnam and the rest of Southeast Asia.

We have learned a lot about the Vietcong and the North Vietnamese over the last few weeks, and it is my fervent hope that my colleagues will put more stock in what the officials of the United States have to say, rather than to rely on the self-appointed apologists for the Vietcong and the North Vietnamese.

WHY WELFARE COSTS KEEP RISING

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 11, 1973

Mr. ROUSSELOT. Mr. Speaker, HEW Secretary Weinberger was interviewed in the March 19 issue of U.S. News & World Report. I think that his comments on OEO are particularly timely and I insert his remarks concerning OEO in the RECORD at this point:

WHY WELFARE COSTS KEEP RISING

(NOTE.—Interview with Caspar W. Weinberger, 55, was a San Francisco lawyer before becoming California State finance director in 1968. He came to Washington in 1970 as Deputy Director of the Office of Management and Budget, moved up to Director in early 1972, then became Secretary of HEW last February 8.)

Q. Mr. Secretary, now that the Administration is ending war on poverty, what does it intend to put in its place?

A. We are not "ending" the war on poverty. The commitment to try to improve the quality of life for everybody in the country still exists, and we particularly want to improve it for the people who are clearly disadvantaged and have incomes below the poverty level. I know of no weakening of that commitment.

On the other hand, there has been a feeling that much of what the Federal Government is doing has not been effective, and we know we have limited resources. We have to make some hard choices. We can't continue doing everything we've been doing, and therefore we have to stop the things that have been least effective, and try to put some other things in their place.

Q. Are you scrapping completely the Community Action program, which employs 180,000 people?

A. With the Community Action program, which is one of the activities for which we're terminating federal funding, we would hope that the communities that wish to do so will continue it—if that is a high priority with them. A lot of the program activities that have been financed or undertaken by Community Action organizations can be continued under specific grants.

For example, there's a widespread myth around that Head Start has been stopped. It has not. It has been provided with increased funding, and the Department of Health, Education, and Welfare is continuing to operate it. So a lot of these things will continue in one way or another, particularly if there is a desire for them locally.

The best thing that we think can help win the war against poverty is jobs—the policies we're pursuing will increase employment substantially, as they have already. We've managed under these policies to absorb a very large number of people returning from Vietnam as we wound down the war, and ultimately we think that jobs is the final solution to this—the only effective solution.

Meanwhile, we have not phased out or terminated a lot of the activities that we have been funding to help people in the poverty category.

Q. In terms of total spending, will aid to the poor now be more or less?

A. It will be more, even after elimination of the federal funding for Community Action.

Q. With the Office of Economic Opportunity being phased out, a lot of its programs are being taken over by your agency—Health, Education and Welfare. Do you think HEW can do a better job?

A. I think in many cases we can do the job in a more coordinated fashion and eliminate some existing duplication and overlaps.

The principal activity of OEO that is not being transferred is, of course, the Community Action programs. We think that the remaining portions being transferred to HEW fit very well into the other things we're trying to do, and we believe we can do it perhaps more effectively and with less overhead.

Q. When you were Director of the Budget, you played a big part in shaping and cutting many of these programs that are now being transferred to your agency. Do you think that the funds that are in the budget are adequate to do your job in your new capacity?

A. Yes. In many of the OEO programs that are being transferred to HEW, we had provided for increased funding to take care of normal work-load increases that go with our projections of the population affected in this group.

CRIME AND PUNISHMENT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 11, 1973

Mr. RANGEL. Mr. Speaker, one has to be discouraged by President Nixon's recent utterances concerning crime and crime control in America. It is so incredibly easy to gain political points by crying for the electric chair, life imprisonment, and other "get-tough" policies which only serve to play on peoples' emotions and fears.

How much more difficult and nobler it is to speak to the true nature of crime in this country. This important and honorable task is something that has heretofore been ignored by our President. Clearly, the scourge of crime in the United States will remain unsolved until our leader has the guts to honestly face up to it.

New York Times columnist Anthony Lewis wrote about this situation in the April 2 edition of the newspaper. I bring it to the attention of this body:

CRIME AND PUNISHMENT

(By Anthony Lewis)

LONDON.—One of the great mistakes of Richard Nixon's critics over the years has been to regard him as a man without basic beliefs, moved only by opportunism. Of course he has shown that he can bend to the wind. But as President he has surprised us again and again by meaning exactly what he said.

The President's recent words on the subject of crime are a particularly powerful example. When he denounced "soft-headed judges" and said that a "permissive philosophy" had caused the crime wave, he was surely expressing deep personal feelings. And they have been carried out in his legislative proposals for revision of the Federal criminal code.

The authenticity of Mr. Nixon's statements of crime makes them even sadder to read. Their large rhetoric has such small relation to the realities of preventing crime. They promise so much and can deliver so little. And they bespeak an atavism that one simply regrets to see expressed by the President of the United States.

Deterrence is his theme: the argument that harsher penalties will discourage people from committing crimes. If that were so, the problem of crime prevention would be simplified indeed. But alas it is not.

The most respected American criminologists, including men just as hard-nosed as Mr. Nixon could wish, are in broad agreement as the certainty of punishment that deters. The trouble in America, the desperate trouble, is that a man who commits a crime has so small a chance of being arrested for it, much less being sentenced to anything.

One estimate is that when a burglar does a job, the odds are 50 to 1 against his being convicted for it. Changing those odds, increasing police effectiveness and the rate of detection, would have by far the greatest deterrent effect of any imaginable step against crime.

The proposal to restore the death penalty for certain Federal crimes is an example of the gap between Presidential rhetoric and reality. If capital punishment were "a valuable deterrent," as Mr. Nixon said, and nothing else were involved, we might still be hanging men for stealing a loaf of bread. But the deterrent effect has proved to be so doubtful, and the impact on the penal system so corrupting that the penalty has been abolished or left largely unused in every Western industrial country except one. That is South Africa.

Long-fixed minimum terms for narcotics offenders are another example. It is possible that the chance of such a penalty could occasionally scare a drug peddler off. But the trade is so profitable, and the people involved so base, that the deterrent would be marginal at best.

And mandatory sentences have long been known to have a distorting effect on the trial process. They make juries and judges more reluctant to convict. James Q. Wilson of Harvard concludes that "they often strengthen the hand of the criminal."

A third example is the President's proposal that the insanity defense be virtually abolished, with the problem of mental condition being treated instead as a matter for the judge in passing sentence. That shift does have some expert support. But it could have no significant deterrent effect. Most defendants in fact prefer the known of prison to confinement in a mental institution.

No one has a magic cure for crime, but some modest specifics are available. Gun control would save many more innocent lives than threatening capital punishment. However complex the social origins of crime, it would be worth trying to help the most susceptible group, unemployed teenagers. Political leaders could set an example by not condoning lawlessness in their own entourage.

The inescapable conclusion is that President Nixon is less interested in specifics than in mood. He wants America to be tougher, to attack crime as it attacks us, "without pity." That attitude will have its effect, for there is a strain in all of us that would substitute venegeance for justice. But a civilized society does not mimic the savagery of those who attack it.

"The mood and temper of the public in regard to the treatment of crime and criminals is one of the most unfailing tests of the civilization of any country. A calm and dispassionate recognition of the rights of the accused . . . and even of convicted criminals against the state . . ., an unfaltering faith that there is treasure, if only you can find it, in the heart of every man—these are the symbols which . . . measure the stored-up strength of a nation, and are the sign and proof of the living virtue in it."

The words are not those of a soft-headed judge or a permissive professor. They were said on July 20, 1910, in the House of Commons, by the British Home Secretary, Winston Churchill.

"WOMAN EQUALED SECRETARY"—BUT NOT FOR HER

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 11, 1973

Mrs. HECKLER of Massachusetts. Mr. Speaker, too often in the fight for equal rights for women, the so-called horror stories and miscarriages of justice seem to get all the coverage. Today, I am delighted to present an exception.

Mrs. Ann Blackham—and she is "Mrs.", not "Ms."—is a longtime dear friend who tells her side of the equal rights story well and with pride. She is an outstanding example of a parent, wife, and member of the business community. I am delighted to submit for my colleagues' perusal the following eight-column profile of Ann Blackham that appeared in the April 4, 1973, edition of the Boston Globe:

"WOMAN EQUALED SECRETARY"—BUT NOT FOR HER

(By Gwynne Morgan)

Several years ago Ann R. Blackham, founder and president of Ann R. Blackham & Co., Winchester realtors, was named to one of the area's many real estate boards.

"Mrs. Blackham," the male board members queried on the occasion of her first meeting, "would you honor us by becoming secretary?"

"I said no. I told them that I had no secretarial skills and was hoping to make a real contribution to the board. There was," she explains, loosing her great laugh and rolling her blue eyes, "initial shock. But they got used to it. They hired a professional stenographer, who did a fine job, and now they treat me as an equal. They didn't mean any harm. It was a cultural pattern. Woman equaled secretary."

Mrs. Blackham, 46, as a woman in business, a 1969 member of the President's Task Force on Women's Rights and Responsibilities, and current chairman of Governor Sargent's Commission on the Status of Women, has no misconceptions about a woman's place being in the home.

The oldest child of a politically-conscious family (brother Vincent DeCain is assistant deputy chairman-Transportation), she always assumed that she would 1) have a career and 2) be in politics.

Born in New York, raised in Cleveland, Mrs. Blackham attended Ohio Dominican College in Columbus, received her MA from Ohio State and came east to join Wm. Filene & Co. and marry James W. Blackham Jr., an insurance broker. When she left Filene's in 1953 to give birth to her daughter Ann, she was a store manager, a rare accomplishment for a woman in those days.

A son, James W. 3d, now 19, was born the following year.

"I loved retailing," Mrs. Blackham recalled. "I loved the idea of having a product to sell and all that people-contact. But I felt that retailing was too comprehensive a career for a woman with young children. I couldn't guarantee that I would be placed in a store near Winchester, the hours were erratic, and too much can crop up with children."

She set her sights on real estate, because of the selling and the personal interaction, took the brokers' exam, and went to work for a Winchester realtor. Since 1958 too, she's been selling people, working as campaign manager and consultant for various Republican hopefuls. Last year she served as Northeast Regional Director of the Committee to Re-elect the President, Volunteer Division.

"I found that real estate was the perfect spot for me, and also allowed me the flexibility to be active politically," she beamed. It's hard to assign priorities to her vocation and avocation. Even her two-piece suit is red, white, and blue.

Beginning as a broker in a Winchester office, she graduated to sales manager and director of the James T. Trefrey Inc. real estate office. In 1969, after an unsuccessful bid for state legislature on the Republican ticket, she opened her own business at 11 Thompson st. which now employs eight brokers.

"When we first opened, only women brokers would apply," she recalls. "Men would look at the name on the building, see it was a woman's business, and that would be it."

About half of her brokers now are men, she pointed out, "and we have more and more men applying. Each broker has his or her own clients on profile, so that there is no conflict. A person is broker-of-the-day every day and that avoids hassles over new accounts."

While Mrs. Blackham maintains that Winchester is a well-integrated town racially and economically, an incident from several years ago illustrates sexual barriers in real estate transactions.

"The counting-incomes problem came to my attention a couple of years ago when a returning Vietnam veteran and his wife came to me to buy a home. The veteran's wife had a job and he had been hired back by his company, with the promise that he would get his old, better paying job back as soon as a vacancy occurred. I found them a house that suited their needs on the North Shore.

"We went to the bank, and the bank refused the loan, declaring that they couldn't count the woman's income, since she was of childbearing age and could become pregnant. Unless their doctor presented a written statement saying that pregnancy was impossible at the time, the bank refused to lend them the money. I had a fit. The young man was furious. It was an invasion of their privacy. They dropped the issue altogether, where today they probably would have fought it.

"That situation," she continued, "crystallized the issue of women's rights to me. Then, in 1969, I was named to the President's Commission on Women's Rights and Responsibilities. With 12 other Task Force members, I spent about a year in Washington listening to the testimony of housewives, professional and laboring women, students. My eyes were really opened to the inequities a woman faces."

The committee report, "A Matter of Simple Justice," serves as the backbone for the current Equal Rights Amendment before Congress.

Mrs. Blackham is a little discouraged about the prognosis for passage of the amendment she told the Globe. "Some women simply don't understand the proposed legislation," she said. "They blow the draft issue out of proportion and complain that they will be forced out of their homes into jobs against their will. The whole equal rights amendment is not intended to force them into anything, but to give them a choice," she stressed, which is more than women have had in the past. If they and their daughters want equal opportunities in career or education, they can have it. They will be accepted as people, because of their merit, professionally and academically, not because of any quota system."

Looking back, she admits that she never used to think much about discrimination.

"In 1950, when I finished my education, even a college-educated woman had to start out with typing and secretarial work. The first thing the employer asked was whether you had typing and shorthand. I've never learned typing. It was almost a defense. Then, once you were hired for secretarial, if a male co-worker happened to get drafted, maybe you could worm into his job. That was your only hope for advancement. A man, on the other hand, with similar background and experience, was inevitably hired as a management trainee.

"At Filene's, where I was in the executive training program, the pay was generally low—around 45c an hour then. Nobody thought much about salary. Even later on, I know the men made more money than I did, but it was accepted. You might complain to your friends, but you never questioned it. I used to grumble to Bill, before we were married. He'd say, 'That's the way it should be; men have families to support.' Now he's come full cycle."

Mrs. Blackham disdains the term "women's lib," and likes to think of herself as taking "the more establishment approach." But, she admits, "even some of the movement's more radical actions did crystallize the situation to the country."

She commends the Associated Industries of Massachusetts for the "great inroads" they are making on equal opportunity employment. Polaroid is one of the companies she mentioned by name as opening new fields, including mechanics, to women.

"I feel that the association has gone beyond the quota stage, and is now actively recruiting women for what they offer as individuals," she said.

Sexual idiosyncracies still exist, and extend even to the house-hunting process, she notes. "It's funny. You take a couple to view a home. They tour the first floor together, then invariably split. He goes to the basement to check the water pipes, furnace and wiring; she goes upstairs to check the bedrooms and baths."

In the Winchester area, where homes range between $20,000-$150,000, most couples make the buying decision together, often choosing the home by the merits of the school system.

In Winchester, the average mortgage is 80 percent financing, to be paid off during a period of 25 years.

"Usually the family will live in the house about 5 years," Mrs. Blackham has found, "then trade the mortgage onto another bigger house because their tastes or their family size has changed."

While no lower income housing is slated for Winchester, housing for the elderly is upcoming and Mrs. Blackham considers that a good trend.

"I think we need condominiums. People who have lived in this town all of their lives shouldn't have to tear up all their roots because the taxes on their homes are too high to support on retirement. All their living friends are here. Their children are grown and educated. They supported the school system for years. I think there ought to be living situations for them within the town."

THE FBI: PHASE II

HON. HAROLD V. FROEHLICH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 11, 1973

Mr. FROEHLICH. Mr. Speaker, I was very pleased this morning to see that I am not the only one who is disturbed about the recent legislative proposals to establish an independent Federal Bureau of Investigation.

The Washington Post has published a cogent editorial exposing the grave dangers that would exist if the FBI were to be reconstituted as an independent agency outside the Department of Justice. I hope other newspapers will speak out against this ill-considered plan.

I insert in the RECORD this morning's lead editorial in the Washington Post:

THE FBI: PHASE II

Having spearheaded the effort to turn back President Nixon's nomination of L. Patrick Gray III to be director of the FBI, Sen. Robert Byrd (D-W. Va.) has turned his attention to quite serious issues of the governance of the bureau which flow both from J. Edgar Hoover's 48-year tenure in the director's chair and from the Gray hearings. Senator Byrd has introduced a bill which he hopes will improve the bureau and take it out of politics. The central purposes of the bill are to take the bureau out of the Department of Justice and make it an independent agency and to limit the director's term in office to seven years. Sen. Henry Jackson (D-Wash.) is introducing a bill which would give the director a 15-year term with no possibility of reappointment and require that the nominee have at least 10 years experience in the FBI.

There can be little doubt that the issues which these two measures seek to address are extraordinarily important. The dangers of politicizing the FBI or even giving the appearance of doing so have been graphically demonstrated in the last few weeks. It is not simply the distribution of John Ehrlichman's request for information which would be useful in the campaign to FBI field offices last year or even the appearance that Mr. Gray acted at least like a quasi surrogate for the President in the campaign. Those things are bad enough. More to the point is the nightmarish position of a few employees of the Committee for the Reelection of the President who, wanting to discuss matters involved in an FBI investigation freely and out of the presence of their superiors, arrange to do so and then find that their information has made a full circuit right back to the people whose intervention they sought to avoid in the first place. Finally, of course, there is the sad story of Mr. Hoover's ossifying political views and concurrently ossifying control over the FBI in his later years.

Although these two bills attack very real problems, we are not, at least at this juncture, persuaded that the remedies proposed are either appropriate or wise. The establishment of the bureau as an independent agency, while attractive at first blush, might create more problems than it solves. In a very real and substantial sense, the FBI serves as the investigative arm of the federal criminal process. As such, it is imperative that it have the closest and most cooperative relationship with the lawyers who are trying to develop cases and who ultimately will have to try them. During the last years of Mr. Hoover's tenure, that relationship was either nonexistent or constricted and carried out with the greatest difficulty by lawyers within the Justice Department for, although Mr. Hoover was nominally the Attorney General's subordinate, he and the bureau were in a very real sense independent. Sen. Byrd's bill would simply perpetuate that problem.

We have already addressed the fixed term proposals in this space. Sen. Jackson's 15-year idea with the requirement that candidates be drawn from people who had put in at least 10 years in the bureau seems to us unduly restrictive of the President's freedom to choose the best person available, no matter what he or she might be engaged in at the time of the vacancy. Moreover, the trouble with fixed term, whether it be 7 years or 15 or something in between, is that it would prevent the President from firing a person who had turned out to be his or some past President's mistake. Despite the perils of politicization, we think the system can be made to work if the President and his Attorney General are convinced that the Congress actually wants and is prepared to work to achieve a truly non-political and highly professional FBI.

And that, it seems to us, is the healthiest aspect of the Byrd and the Jackson proposals. For Sen. Byrd said some very important things when discussing his reasons for introducing his bill. He said that there was a real need to take a careful look at the FBI after Mr. Hoover's long rule, that he did not want the directorship to become a patronage plum and, most importantly, that he considered his bill a stimulus to congressional oversight and study of this whole matter. That last is the nub of it. If Congress can mount serious and sustained oversight on the problems of the governance of the bureau, all of these problems will be manageable. If it cannot, no gimmicks like fixed terms for the director will work. In providing a stimulus to active congressional participation in the management of the FBI, Sen. Byrd and Sen. Jackson have performed a useful public service.

U.S. POSTAL SERVICE

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 11, 1973

Mrs. GRASSO. Mr. Speaker, all of us have been hearing a rising crescendo of disappointment and frustration from the American people concerning the deterioration of mail service. The House Post Office and Civil Service Subcommittee on Postal Service is currently holding hearings designed to recommend needed changes in U.S. Postal Service operations. These hearings are a very positive development and one which will hopefully bring us closer to the day when our citizens can rely on efficient mail delivery and services.

The Connecticut Western News recently published an article which expresses the concern of local residents about their mail service. For the interest of my colleagues, the article by reporter Lucy Boswell follows:

U.S. POSTAL SERVICE—IS IT KEEPING UP?

(By Lucy Boswell)

"What are you doing here?"

"Didn't you get my letter telling you I was coming? I mailed it a week ago."

"No."

"Your income tax return just got here. You'd better wait until you come home from college to get it. If I send it to you, you may never see it."

"I just got the Christmas card you mailed on Dec. 22. It was postmarked Phoenix, Ariz. What were you doing out there?"

"I wasn't."

Sound familiar? People all over the country are griping about the service they are (or aren't) getting from the post office. Legislators are receiving piles of letters from constituents complaining about mail service and, according to an article in the March 19 issue of U.S. News and World Report, at least 13 Congressmen are sponsoring legislation which would abolish the new independent status of the U.S. Postal Service.

The uproar over services has mostly come about since, in July of 1971, the old post office was reorganized into an independent agency designed to make the postal service more business-like and to speed up deliveries. The Postal Reorganization Act of 1970 requires the Postal Service to pay for itself by mid–1984.

Postmaster General Elmer T. Klassen told the Senate Post Office Committee that the Postal Service was so determined to cut costs toward that end that "we perhaps lost track of service."

U.S. News and World Report quotes Klassen as saying that he was "shocked by individual cases of delays that have come to my attention," but that "complaints are inevitable in such a huge organization." He went on to say that the Postal Service handles about 90 billion pieces of mail, and that if it performed with 99 percent effectiveness, there would still be grounds for 900 million gripes.

Is postal service really worse than it was a few years ago, as the numerous complaints suggest? Or has the post office simply become a new national punching bag, a new pet peeve? In order to get some idea of what the situation is around here, the Western did a little snooping around and experimentation.

Area residents, businesses and postal employees were asked, "Do you think postal service has improved, worsened or stayed the same since the post office has become a public service organization independent from the government?"

The sample was admittedly very small, but the statistics that resulted are nevertheless interesting.

One fifth of the people questioned thought that services have improved. It is interesting to note that of these, all but one were postal employees. Robert Patnoe, the postmaster of Norfolk, said, "I've worked in the post office since 1955 and our delivery is just as good as it ever was. Our percentage of increase is lower than in almost any other business, too."

Douglas Griffiths of the Salisbury Post Office said that he thought services have improved in certain areas, and that "as far as air mail is concerned, we got a package from California overnight recently." If people would get their zip codes right, that would speed things up, he said. "Someone used their phone number instead of a zip code the other day," he added.

Dick Weinstein of the North East Pharmacy in Millerton, was the only non-post worker who thought services have improved. "The only problem we have in this area is that they have a very poor service for mail that goes to Sharon. It's routed through Poughkeepsie first and takes forever. Other than that, I think service is better than it used to be," he commented.

SERVICE "AWFULLY UNEVEN" IN SALISBURY

Approximately one-third of those questioned thought postal service has gotten worse. Mike Holly of the Canaan Post Office said, "It's definitely worsened, but this is a temporary situation. Like anything, when a lot of changes take place, it takes a while to get all the problems ironed out."

Betty Warland of the Sherwood Tree and Nursery Service in Salisbury believes mail service has definitely worsened and related a story to explain why. The nursery needed some information about a plant from another nursery. The decision was finally made to make the more expensive move and telephone the other nursery because, "if we had to depend on the mail we'd never get an answer for two weeks." She added, "It's exactly the same in Winsted where I live."

Mrs. John Minatti of Canaan commented, "It takes so long to get a letter. Do you know that it usually takes six days to get a letter from Florida?"

Mrs. J. M. Currier of Norfolk said that she believes mail service is worse not only because mail is later in getting where it is supposed to go, but also because it gets lost more frequently.

Mrs. Wellesley Smith of Salisbury said she couldn't tell if the overall service was worse or better because "it's awfully uneven here. Sometimes mail comes quickly from a long distance, but takes a long time from just around the corner."

The remainder of those questioned could see no difference in mail service. Typical comments from people in this group were, "I get my mail delivered in my box and that's it. It seems the same to me," and "I haven't had any trouble at all. I don't think service is any better, but it isn't any worse."

There is one conclusion to be drawn from this small survey. Since the post office was reorganized in 1971 to gain more efficiency and speed deliveries, and only one-fifth of those questioned saw an improvement in postal service since the reorganization took place, it can be concluded that, in the eyes of most of the people surveyed in this area, the postal service has not met its goal.

However, there can be a wide difference between what people perceive of a reality and what the reality is. With the purpose of discovering whether people are ignored the facts about the mail service and believing what they want to believe (that service has not improved, that mail is slow, that more letters are getting lost, etc.), the Western ran an experiment with some post cards. The cards were mailed at local post offices (Goshen, Norfolk, Salisbury, Millerton, Canaan and Sheffield) after the last pick-up on Thursday, March 15, so that they would all be in Friday's first pick-up. One card was mailed from each town to four people—one in Stonington, Conn.; one in Concord, Mass.; one in New York City and one in Kenosha, Wisconsin.

Deborah, the Western's Kenosha correspondent, received cards from Canaan, Goshen, Salisbury, and Sheffield on Monday, March 19. Not bad, considering they were picked up on Friday morning. On Tuesday, March 20, she received the cards from Norfolk and Millerton. The Millerton card had apparently been all the way out to Detroit, Michigan, for it bore a Detroit postmark as well as a Millerton one.

Deborah mailed three cards from Kenosha to the Western Tuesday afternoon, March 20. One arrived Thursday, March 22 and others arrived Friday, March 23. She mailed three cards Wednesday afternoon, March 21; all three arrived Saturday, March 24. Getting mail from here to Kenosha and back was generally as fast as could be expected.

THE GREAT POSTCARD EXPERIMENT

The Connecticut Western's girl in scenic Concord, Mass., Kathleen, received her Millerton post card on Saturday, March 17. This St. Patrick's Day delivery set the record for the speediest delivery of out-of-state-mail witnessed in this experiment. The cards from Goshen, Norfolk, Salisbury, Canaan and Sheffield all arrived the following Monday, March 19.

Kath sent a postcard to the Western on Wednesday morning, March 21. This arrived Saturday, March 24. She also sent a letter on Wednesday morning which arrived the next day, Thursday, March 22.

In the quaint coastal village of Stonington, Conn., Linda received postcards from Millerton, Canaan, Sheffield, Norfolk and Goshen on Saturday, March 17—one-day service from pick-up to delivery. The card from Salisbury arrived on Monday, March 19.

Linda mailed a card from Stonington to the Western Wednesday morning, March 21, which arrived the next day, March 22. Service across state was excellent.

Getting mail in and out of New York City was a different story altogether. Laura, our Lady on West 119th Street, received the Goshen, Norfolk and Sheffield postcards Wednesday, March 21, after Deborah in Kenosha had received all of her cards. The card from Salisbury got to Laura on Thursday, March 22. As of this writing (Saturday, March 24), the cards from Millerton and Canaan have not reached Laura. It has been more than a week since they were mailed.

WHO CAN UNDERSTAND?

Laura sent a postcard to the Western on Wednesday afternoon, March 21. It arrived Friday morning, March 23, after a reasonable day-and-a-half interval.

Who can understand why the six post cards, mailed from post offices within 30 miles of each other, mailed at the same time and to the same place, should reach their destination as much as three days apart? Why did the card from Norfolk get to Laura on Wednesday, March 21, while the card from Canaan, 8 miles from Norfolk, is still hanging around in a post office somewhere (Detroit?) and hasn't reached her?

In all fairness, postal service in this experiment was not bad on the whole, just erratic. The only really bad service was to New York. This would lead to the obvious conclusion, which many have made before now, that the New York postal system is at fault. As far as post offices are concerned, bigger does not in any way mean better.

BIGGER IS NOT BETTER

Postmaster General Klassen, in his testimony before the Senate Post Office Committee, said that the Postal Service is in the process of upgrading facilities and completing reorganization, all of which takes time. A network of 21 bulk mail centers around the country is being established to give automated treatment to parcels. However, the Postal Service must pay for itself by mid-1984. In order for this to happen, costs must be cut. According to U.S. News and World Report, the number of postal employees has been cut considerably toward this end.

Whatever improvements in efficiency have been made have probably been stymied by the cutback of workers. Meanwhile, the volume of mail is steadily increasing.

In an age of instant communications and faster and faster transportation, when people expect to get to Europe faster next year than they did last year, any service that does not keep up with the pace of steady improvements may be viewed as "falling behind," rather than remaining the same.

It is difficult to tell whether service is actually worse now than it was a few years ago, but the idea that it probably isn't any better is discouraging. After all, the Postal Reorganization Act of 1970 was meant to improve service.

Perhaps it is too much to expect that the post office can pay for itself without exorbitantly raising rates, and at the same time improve services.

AL-O-MON FOREST NO. 138 HONORS AMERICA

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 11, 1973

Mr. GAYDOS. Mr. Speaker, the return of our servicemen from the prison camps of North Vietnam has rekindled a spirit of patriotism in the hearts of most Americans. For too long the majority of our citizens silently endured the degradation and defilement of our country by a vocal minority.

The return of the POW's and their display of courage, strength, and faith, unleashed the torrent of emotion which our people had kept under control for so long. In city after city, the people unashamedly displayed the love, honor, and respect they have for America, its flag, and the men and women who wear a uniform in its defense.

In McKeesport, Pa., a male chorus, "The Chanters," affiliated with Al-O-Mon Forest No. 138, Tall Cedars of Lebanon, presented a concert of patriotic music. Their songs ranged from George M. Cohan's cocky "Yankee Doodle Dandy" to moving renditions of "God Bless America" and "America The Beautiful."

Each number drew enthusiastic applause from the audience of several hundred people but there is no describing the emotion which filled the room when "The Chanters" paid their tribute to the Nation's Armed Forces. One by one, a representative of each branch of our military services marched beneath an arch of American flags, borne by members of the DeMolay, the Order of Rainbow for Girls and members of Al-O-Mon Forest's color guard, to the rythmic applause of the audience and the lusty singing of their service song by "The Chanters."

I know that Sgt. Kenneth Littlejohn of the Army, Sgt. Nerun R. Karasek of the Air Force, Chief Daniel R. Vaugh of the Coast Guard, Chief Joseph Matta of the Navy, and Sgt. Paul Smith of the Marine Corps will never forget the recognition and admiration given them that evening by the citizens of McKeesport and nearby communities.

Mr. Speaker, it was a program and an evening to remember. America still is the greatest nation on the face of the earth and "The Chanters," directed by Robert Forney, the members of Al-O-Mon Forest No. 138, led by Donald Craven, should be commended for reminding us of it.